O-22- 7

ORDINANCE NO. _____

AN ORDINANCE WAIVING SECTION 9.11 OF THE SUBDIVISON ORDINANCE (ORDINANCE NO. 7946) AND CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR PROPERTY LOCATED AT 8013 AND 8105 HIGHWAY 70 TO ALLOW THE WAIVER OF LANDSCAPE IMPROVEMENTS AND PARKING LOT REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Bear Davidson of Davidson Engineering, 210 West Arch Avenue, Suite D, Searcy, Arkansas 72143, seeking a waiver of landscape improvements restrictions and parking lot requirements for property located at 8013 and 8105 Highway 70 (see letter from Mr. Davidson 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; 2 absent; 1 abstain) at a regularly scheduled meeting thereof held on January 11, 2022; and

WHEREAS, the applicant seeks waiver of Section 9.11 of Ordinance No. 7946 and Sections 5.11.11, 6.2.4.E, 7.2.1, and 7.2.3 of Ordinance No. 9263 for the property located at 8013 and 8105 Highway 70.

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

SECTION 1: That the following Section 9.11 of the Ordinance No. 7946 ("the Subdivision Ordinance") is hereby waived for 8013 and 8105 Highway 70, more particularly described as Lots 1 & 2, R & D Clifton Addition Being a Replat of a portion of tract 30, John S. Braddock's Subdivision of Section 27, T-2-N, R-11-W, Pulaski County, Arkansas:

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.

B. Sidewalks are required on designated collector and arterial streets through industrial zoned areas.

C. Internalized pedestrian circulation system in the form of paved pathways may be substituted for sidewalks along collector and arterial streets upon the

request of the applicant, the recommendations of the Planning Director and the approval of the Planning Commission. Said pathways shall be dimensioned at no lesser standard than ordinary street-side sidewalks.

D. On local streets, a developer may propose locating 6 foot wide sidewalks at the curb.

E. The Planning Commission may, at its option, require wider sidewalks in conjunction with commercial subdivision approvals or in other places of public assembly, or anticipated heavy pedestrian traffic volumes.

F. Sidewalks are not required to be constructed at the same grade of the curb of the street nor are they required to be constructed in a straight line if such straight line construction would damage trees. Sidewalks shall be constructed to permit wheelchair access at street intersections.

G. Sidewalks may be waived on estate residential lots having widths equal or greater than 150 feet.

SECTION 2: That the following Section 5.11.11 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 8013 and 8105 Highway 70.

Section 5.11.11 – Dumpster Enclosures

During the Site Plan Review process, the following standards apply to the placement of any dumpster on a site:

A. Dumpsters shall be located within a rear yard.

B. Dumpsters shall be placed within a solid masonry enclosures with gates composed of solid opaque and durable materials.

C. Dumpsters shall be placed on a concrete pad with a loading zone designed to support a heavy duty vehicle.

D. If visible from a public street, such dumpster shall be screened with an evergreen vegetative planting capable of obscuring view of the dumpster.

SECTION 3: That the following Section 6.2.4.E of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 8013 and 8105 Highway 70.

Section 6.2.4.E – Parking Surface

E. Parking Surface: The minimum pavement requirements shall be designed for intense traffic use with asphaltic concrete hot mix surface, a double surface treatment, or concrete surface. Any off- street parking area, driveway, or vehicle maneuvering area shall be paved as specified above and shall be so

graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of vehicles. Where access by a fire apparatus vehicle is necessary such surfaces shall meet the requirements of the Arkansas Fire Prevention Code, Volume 1, Appendix D, Section D102 or the appropriate amended provision.

SECTION 4: That the following Section 7.2.1 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 8013 and 8105 Highway 70.

Section 7.2.1 – Parking Lot Shading

A. Trees from Table B or C shall be included in all new and expanded parking areas, and trees from Table D shall be used if beneath overhead power lines.

B. Trees shall be planted at one (1) tree per six (6) parking spaces.

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

D. Trees ten (10) feet from the edge of parking area may serve for the parking lot shading requirements, but may not satisfy more than fifty (50) percent of the overall requirement for the parking lot or area.

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

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

G. All trees located within the parking area shall be planted in curbed landscape islands. The minimum size of a curbed landscape island, per tree, shall be at least eight (8) feet wide and at least eighteen (18) feet deep.

SECTION 5: That the following Section 7.2.3 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 8013 and 8105 Highway 70.

Section 7.2.3 – Street Trees

A. Trees from Table B shall be every (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 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 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: ATTEST:

Linda Robinson

Council Member Linda Robinson by AF Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED 10:15 **A.M.** _____ **P.M.**
By A Fields City Atty
DATE 1-18-22

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

RECEIVED BY B Lohn

EXHIBIT A

DAVIDSON ENGINEERING

210 W. Arch Ave., Suite D
Searcy, Arkansas 72143
(501) 388 - 2178

January 13, 2022

North Little Rock City Council
300 Main Street
North Little Rock, AR 72114

RE: Site Plan Waiver Request
8013 & 8105 Highway 70, North Little Rock, Arkansas
Clifton Family LLLP (Norman Clifton)

Councilmembers,

On behalf of Norman Clifton (Clifton Family, LLLP), we would like to request that the attached site plan be submitted to the City Council Meeting on January 24, 2022.

We would like to request the following waivers:

- Waiver of City of North Little Rock Zoning Ordinance Section 6.2.4.E – Parking Surface

  The site plan includes concrete paving at all areas visible to the public, including the entrance driveways, the vehicle maneuvering area in front of the fencing, and the parking areas in front of the fencing. In those areas within the site fencing, and not easily visible to the public, the Owner wishes to utilize gravel surfacing in lieu of concrete or asphalt paving. Using gravel in lieu of hard pavement in this area, will decrease the amount of stormwater runoff on the site. There is very little drainage infrastructure along Highway 70 at the project location. The area is very low and flat and prone to drainage issues. The goal in utilizing gravel surfacing in those areas not visible to the public is to reduce the overall stormwater runoff from the site. It should be noted that these vehicular areas are not accessible to the public and all those areas accessible to the public will include concrete paving.

- Waiver of City of North Little Rock Zoning Ordinance Section 7.2.3 – Street Trees
- Waiver of City of North Little Rock Zoning Ordinance Section 7.2.1 – Parking Lot Shade Trees

  In clearing the subject property, the owner preserved 14 mature shade trees, ranging from 12-36" in diameter (Sugar Maples, American Elms, Willows, and Sugarberries). We request that the Council waive the requirement for street and parking lot shade trees in light of this fact. The Zoning Code calls for a total of 10 trees to satisfy the parking lot and street tree requirements based on our site plan. The existing number of mature trees on site exceeds that amount.

- Waiver of City of North Little Rock Zoning Ordinance Section 7.2.3 – Dumpster Enclosure Material

  The proposed project is within an industrial zone and is of industrial nature. The proposed buildings have no brick masonry included. We request that the Council waive the requirement for a masonry dumpster enclosure and allow the dumpster enclosures to be constructed with 7' wooden privacy fencing.

- Sidewalk Requirement Waiver

  The nearest sidewalks to the west along Highway 70 are 1.47 miles from the project location. There are no sidewalks to the east of the project location along Highway 70 within the North Little Rock city limits. We request that the Council waive the requirement for sidewalks.

DAVIDSON
ENGINEERING

210 W. Arch Ave., Suite D
Searcy, Arkansas 72143
(501) 388 - 2178

If you have any questions, comments, or concerns regarding these waiver requests, please give me a call.

Thank you,
Davidson Engineering, PLLC

Bear Davidson, PE

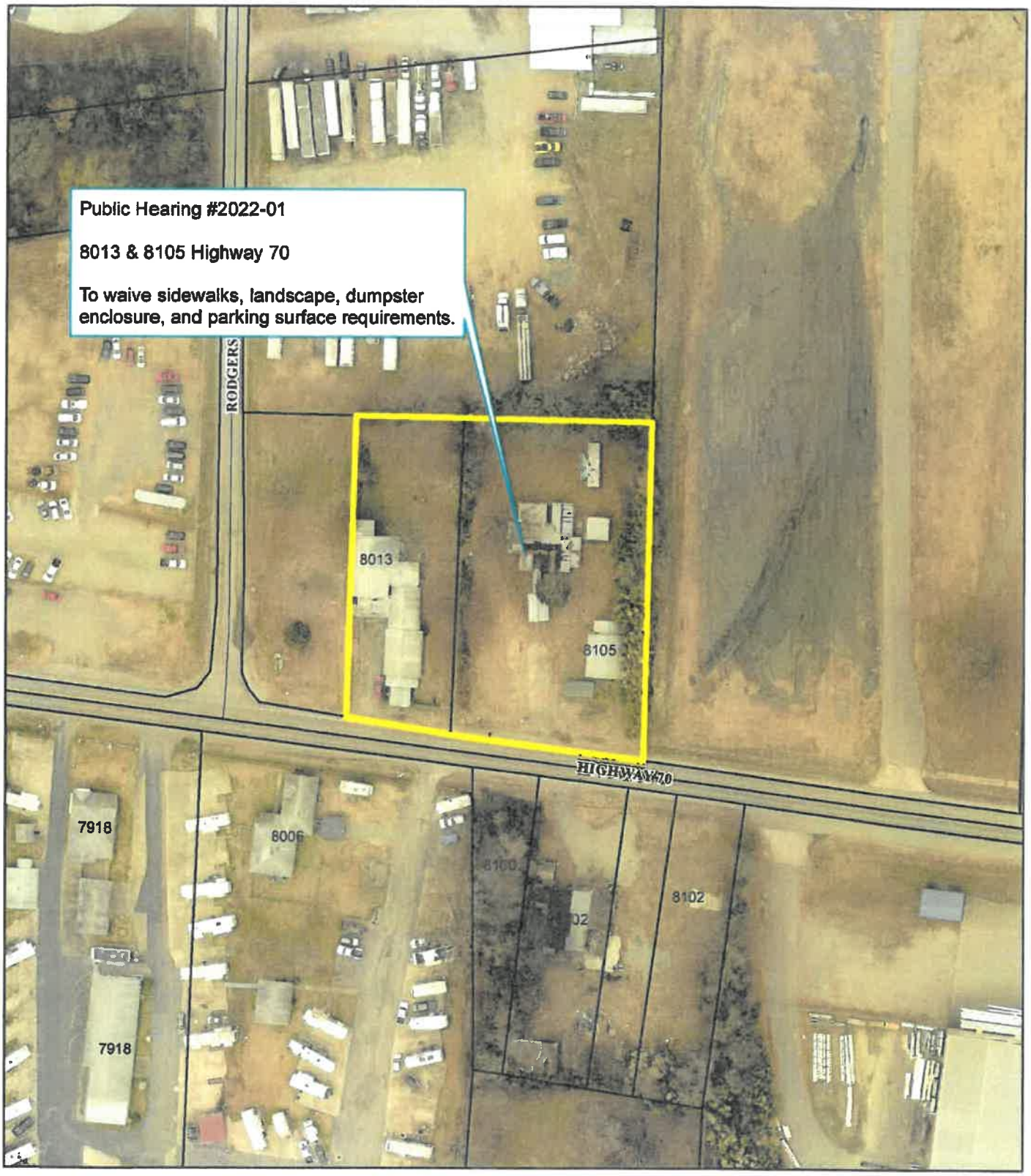
Attached: Site Plan for City Council Waiver Request

EXHIBIT

tabbies

B

Public Hearing Case # 2022-01



Ortho Map

1 inch = 100 feet

0 50 100 200 300 Feet

N W E S

Date: 1/14/2022

LOT 1 & 2, R AND D CLIFTON ADDITION (BEING A REPLAT OF A PORTION OF TRACT 30, JOHN S BRADDOCK'S SUBDIVISION) OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS.

BEING A REPLAT OF

PARCEL A:

ALL THAT PART OF TRACT 30, JOHNS BRADDOCK'S SUBDIVISION OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS LYING NORTH OF U.S. HIGHWAY 70, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 30; THENCE SOUTH 199.4 FEET ALONG THE EAST LINE OF SAID TRACT 30; THENCE SOUTH 89 DEGREES 13 MINUTES WEST 133.5 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 222.7 FEET TO A POINT OF THE NORTH RIGHT OF WAY OF U.S. HIGHWAY 70; THENCE NORTH 84 DEGREES 17 MINUTES WEST ALONG SAID RIGHT OF WAY 80.3 FEET; THENCE NORTH 213.6 FEET; THENCE NORTH 89 DEGREES 13 MINUTES EAST 80 FEET TO THE POINT OF BEGINNING. (SAID LOT BEING SHOWN ON PLAT RECORDED IN PLAT BOOK 1, PAGE 233)(AK/A 8011 HIGHWAY 70, NORTH LITTLE ROCK, OUT TRACT 8)

AND

PARCEL B:

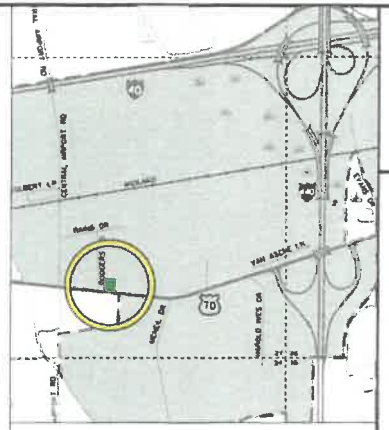
ALL THAT PART OF TRACT 30, JOHNS BRADDOCK'S SUBDIVISION OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS LYING NORTH OF U.S. HIGHWAY 70, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 199.4 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 30; THENCE SOUTH ALONG THE EAST LINE OF SAID TRACT 30 A DISTANCE OF 237.9 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF U.S. HIGHWAY #70, THENCE NORTH 84 DEGREES 17 MINUTES WEST ALONG SAID NORTH RIGHT OF WAY 52 FEET; THENCE NORTH 232 FEET; THENCE NORTH 89 DEGREES 13 MINUTES EAST 51.8 FEET; THENCE NORTH 232 FEET; THENCE NORTH 89 DEGREES 13 MINUTES EAST 51.8 FEET TO THE POINT OF BEGINNING.

AND

PART OF TRACT 30, JOHNS BRADDOCK'S SUBDIVISION OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 11 WEST, IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS LYING NORTH OF U.S. HIGHWAY 70, DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT 30, THENCE SOUTH 199.4 FEET ALONG THE EAST LINE OF SAID TRACT 30; THENCE SOUTH 89 DEGREES 13 MINUTES WEST 51.8 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 232 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF U.S. HIGHWAY #70; THENCE NORTH 84 DEGREES 17 MINUTES WEST ALONG SAID RIGHT OF WAY 82 FEET; THENCE NORTH 222.7 FEET; THENCE NORTH 89 DEGREES 13 MINUTES EAST 81.7 FEET TO THE POINT OF BEGINNING. (AK/A 8105 HWY 70, NORTH LITTLE ROCK, OUT TRACT 7)



NOTES:

1. PROPERTY OWNER & DEVELOPER
   CLIFTON FAMILY LLLP
   1000 CHERRY HILL DR. NLR, AR. 72116
2. PROPERTY ZONED: I-3
3. PER FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 05119C 0368G OF COMMUNITY PANEL NUMBER 050182 0368 DATED JULY 6, 2015 THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD PLAIN.
4. SEWER LINES ARE SEPTIC.
5. FIRE HYDRANT LOCATIONS ARE OFF SITE FOLLOWING:
   - APPROXIMATELY 70' EAST OF THE SE CORNER OF PROPERTY ON SOUTH SIDE OF U.S. HIGHWAY 70
   - APPROXIMATELY 231' WEST OF THE SW CORNER OF THE PROPERTY ON THE SOUTH SIDE OF U.S. HIGHWAY 70
6. PARKING SPACE CALCULATIONS (3 SPACES + 1 FOR EACH 2,000 SF
   - LOT 1 BLDG=1,906 SF/2,000 = 0.95 = 1 SPACE
     1 SPACE +3= 4 TOTAL SPACES
   - LOT 2 BLDG=2,400 SF/2,000 = 1.2 = 1 SPACE
     1 SPACE +3= 4 TOTAL SPACES

ENGINEER
DAVIDSON ENGINEERING
210 W. ARCH STREET, SUITE D
SEARCY, AR 72143

SURVEYOR
THOMAS ENGINEERING
3810 LOOKOUT ROAD
NORTH LITTLE ROCK, AR 72116

OWNER & DEVELOPER
CLIFTON FAMILY LLLP
1000 CHERRY HILL DRIVE
NORTH LITTLE ROCK, ARKANSAS 72116

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 INCH = 20 FT.

DAVIDSON ENGINEERING
210 W. ARCH AVE. STE. D
SEARCY, AR 72143
TEL: 501.368.2176

LOT 1 & 2, R & D CLIFTON ADDITION
BEING A REPLAT OF A PROTION OF TRACT 30, JOHN S BRADDOCK'S SUBDIVISION OF SECTION 27, T-2-N, R-11-W
PULASKI COUNTY, NORTH LITTLE ROCK, ARKANSAS

NO.	DATE	DESCRIPTION
1	10/29/2021	UPDATED FOR SLD PLANNING COMMENTS

CERTIFICATE OF AUTHORIZATION
DAVIDSON ENGINEERING PLLC
No. 3841
ARKANSAS

STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 14000
BRADLEY COLE DAVIDSON
ORIGINAL SIGNATURE ON FILE

SITE PLAN REVIEW

PROJECT MGR: BCD	DRAWN BY: RGB
DATE: OCTOBER 2021	
SCALE: 1" = 20'	JOB NUMBER: DE21-75

C1

\\DA\DISCWorks\21-0021-75 - Hwy 70\DESIGN\21-75 DESIGN.dwg 12/16/21 at 10:45am