O-22- 83

ORDINANCE NO. _____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) REGARDING LANDSCAPING AND PARKING LOT REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED AT 3310 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Norman Clifton, 1000 Cherry Hill, North Little Rock, Arkansas 72116, seeking waiver of landscaping and parking lot requirements for certain real property located at 3310 East Broadway Street (see letter from Mr. Clifton and maps attached hereto respectively as Exhibit A and B); and

WHEREAS, the North Little Rock Planning Commission voted to require the items that were requested to be waived (8 affirmative votes; 1 recused) at a regularly scheduled meeting thereof held on August 9, 2022; and

WHEREAS, the applicant seeks waiver of Sections 7.2.1, 7.2.2 and 7.2.3 of Ordinance No. 9263 for the property located at 3310 East Broadway Street to develop a new building on an existing concrete slab.

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

SECTION 1: That the following Section 7.2.1 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 3310 East Broadway Street, more particularly described as Lot 1 of the East Broadway Addition to the City of North Little Rock, Pulaski County, Arkansas:

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 2: That the following Section 7.2.2 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 3310 East Broadway Street:

Section 7.2.2 – Landscaping Strips

A. Landscape strips shall be required along all front, side, and rear yards adjacent to parking areas, driveways, or vehicle maneuvering areas.

1. Front yard landscape strips shall be at least four (4) feet in width unless facing a street, in which case, the strip shall be at least six (6) feet in width.

2. Side and rear yard landscape strips shall be at least four (4) feet in width unless facing a street, in which case, the strip shall be at least six (6) feet in width.

B. A continuous screen of shrubs shall be required for any landscape strip adjacent to any parking area. Only shrubs from the approved planting list will count toward this requirement, unless approved by the Planning Commission. Shrubs shall be eighteen (18) inches in height at planting and be planted a maximum three (3) feet apart and shall be irrigated by an automatic underground irrigation system.

C. Ground covers from Table J, grass, or mulch of shredded bark or stone shall be applied in all landscaped areas to reduce moisture loss and to improve the appearance of plantings near streets.

SECTION 3: That the following Section 7.2.3 of Ordinance No. 9263 ("the Zoning Ordinance") is hereby waived for 3310 East Broadway 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 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 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 the herein described waivers will not interfere with the continued use of the subject road and electrical easements, and the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth 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 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 11:04 A.M. _____ P.M.

By Amy Fields

DATE 8/4/22

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

RECEIVED BY

EXHIBIT
tabbies
A

RE: Landscape Ordinance Variance
3310 East Broadway NLR
Lot 1 East Broadway Addition
City of NLR, Pulaski County, AR

Mayor Hartwick & NLR City Council Members,

I am respectfully asking the City Council for a variance on the above described property.

This was a previously fully develop 5000 s.f. building on the property at this site.

It is fully and completely filled from side to side and front to back with asphalt and concrete.

The building was destroyed by a storm and has the existing 5000 s.f. building slab and all of the existing plumbing and I am just trying to build back on the existing slab.

I applied for a building permit to install a new building on Lot 06-23-2022.

I am told that due to the widening of East Broadway it needed an 80' ROW. I was then told I would have to put this project into a complete site plan review just like it was a new piece of land needing to be developed.

I had to have a 10' front yard setback variance do to new ROW request, an abandonment of a sewer line easement thru the middle of the property that was never used, but the two properties East and West of me was allowed to build over.

I am now being asked to bulldoze the asphalt and concrete to plant trees over an already developed site.

It would be an extreme hardship to completely tear out the asphalt and concrete, to an already made beautiful sidewalk and front entrance driveway.

Also, I am required to have 17 parking spaces of which I only need six, and if required to have 3 parking lot trees, then I would have to replace 3 parking spaces, therefore not having enough parking spaces as required.

Please view these extenuating circumstances as a severe hardship to develop a vacant and abandoned lot on this new East Broadway corridor.

P.S. This application has been approved unanimously by the NLR Planning Commission.

Thank you,

Norman Clifton

Norman E. Clifton

EXHIBIT B

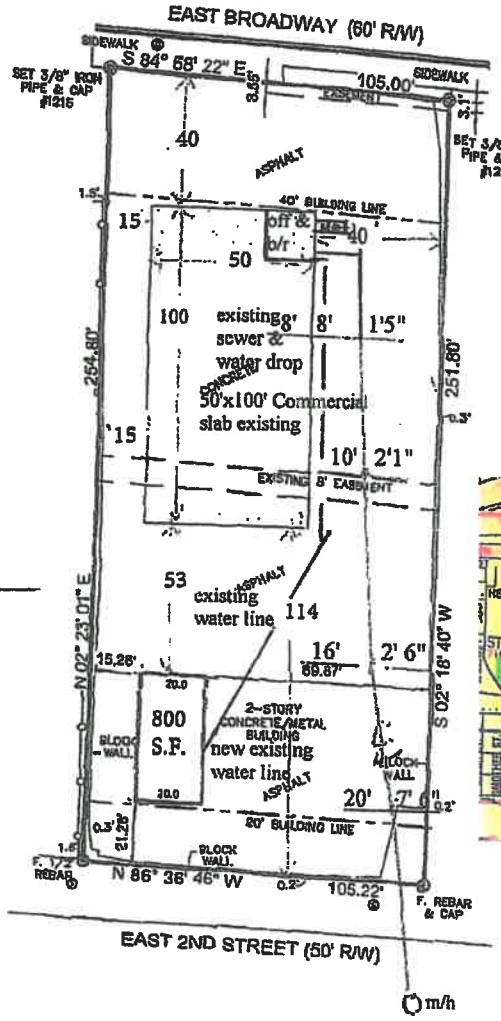
3310 E. Broadway NLR
Norman Clifton
501-681-9816

MEMBER NATIONAL SOCIETY PROFESSIONAL ENGINEERS

THOMAS ENGINEERING COMPANY
8810 LOCKOUT ROAD
NORTH LITTLE ROCK, ARKANSAS 72116
TELE. No. 501-753-4483

CIVIL ENGINEERS–LAND SURVEYORS
LAND PLANNING & DEVELOPMENT
RESIDENTIAL–COMMERCIAL–INDUSTRIAL

1" = 50'



As built 5,000 s.f. slab

Left side # distance from building

Right side # depth of existing sewer line

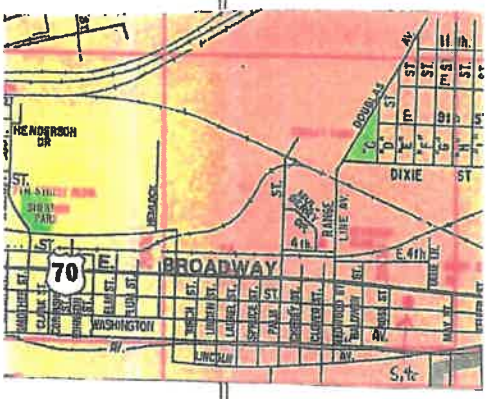
Center line length of line

NOTES:

1. ALL EASEMENTS ARE FOR SEWER UTILITIES & DRAINAGE UNLESS OTHERWISE NOTED.

2. IRON PIPE AND CAP AT ALL PROPERTY CORNERS.

Zoned C-4



LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
NO. 1216
SIGNATURE
JOHN R. POTWALL

SURVEY OF
LOT 1, EAST BROADWAY ADDITION
City of North Little Rock, Pulaski County, Arkansas

This is to certify that the above described land has been surveyed. The corners are marked as shown and are in accordance with existing monuments in the vicinity. This certification is for and limited to the parties shown hereon.
This lot is not shown in the 100 year flood plain as per F.I.R.M. No. 050182 0363 G dated JULY 6, 2016.
DATE: 6/24/2021
SCALE: 1" = 40'
FOR USE & BENEFIT OF: THE CLIFTON FAMILY, LLLP

SITE PLAN---3310 EAST BROADWAY

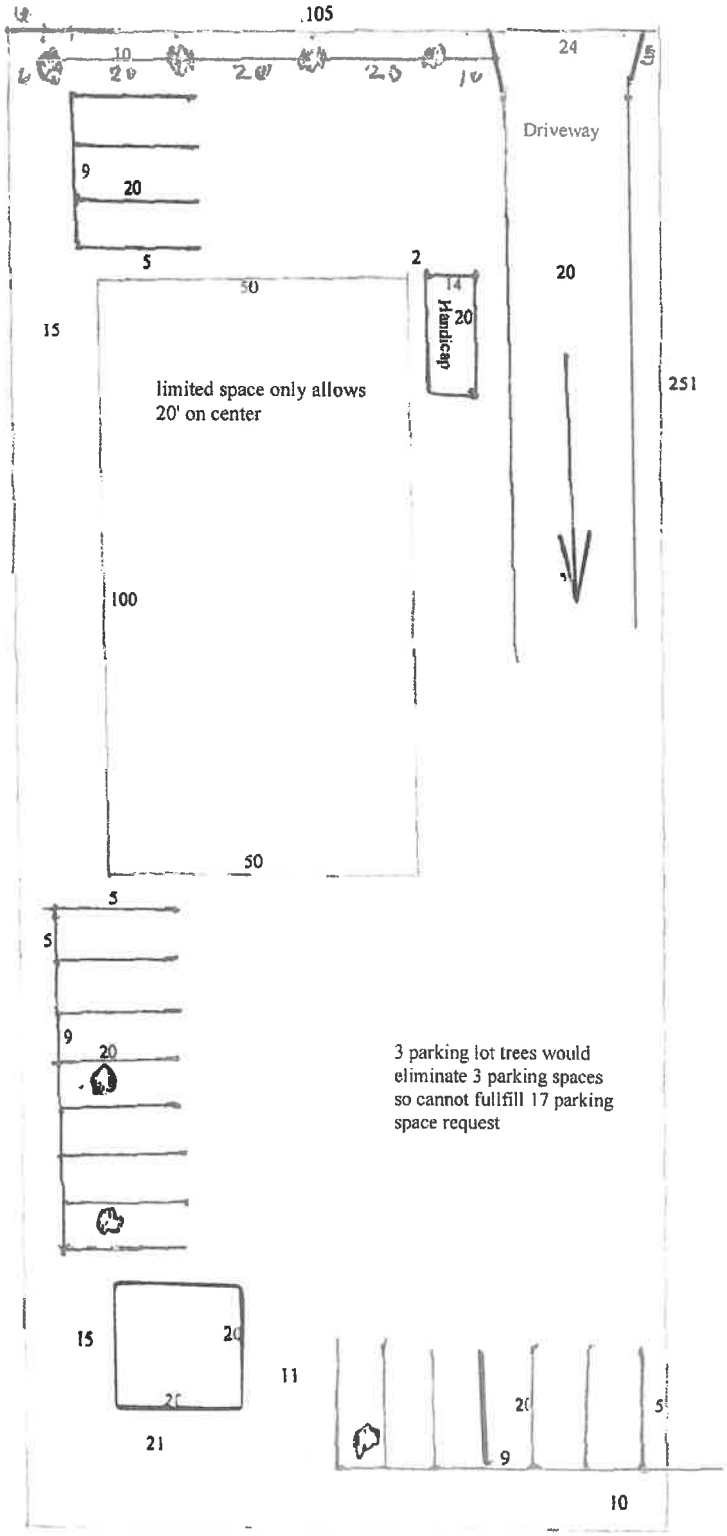
Scale 3/4" = 20'

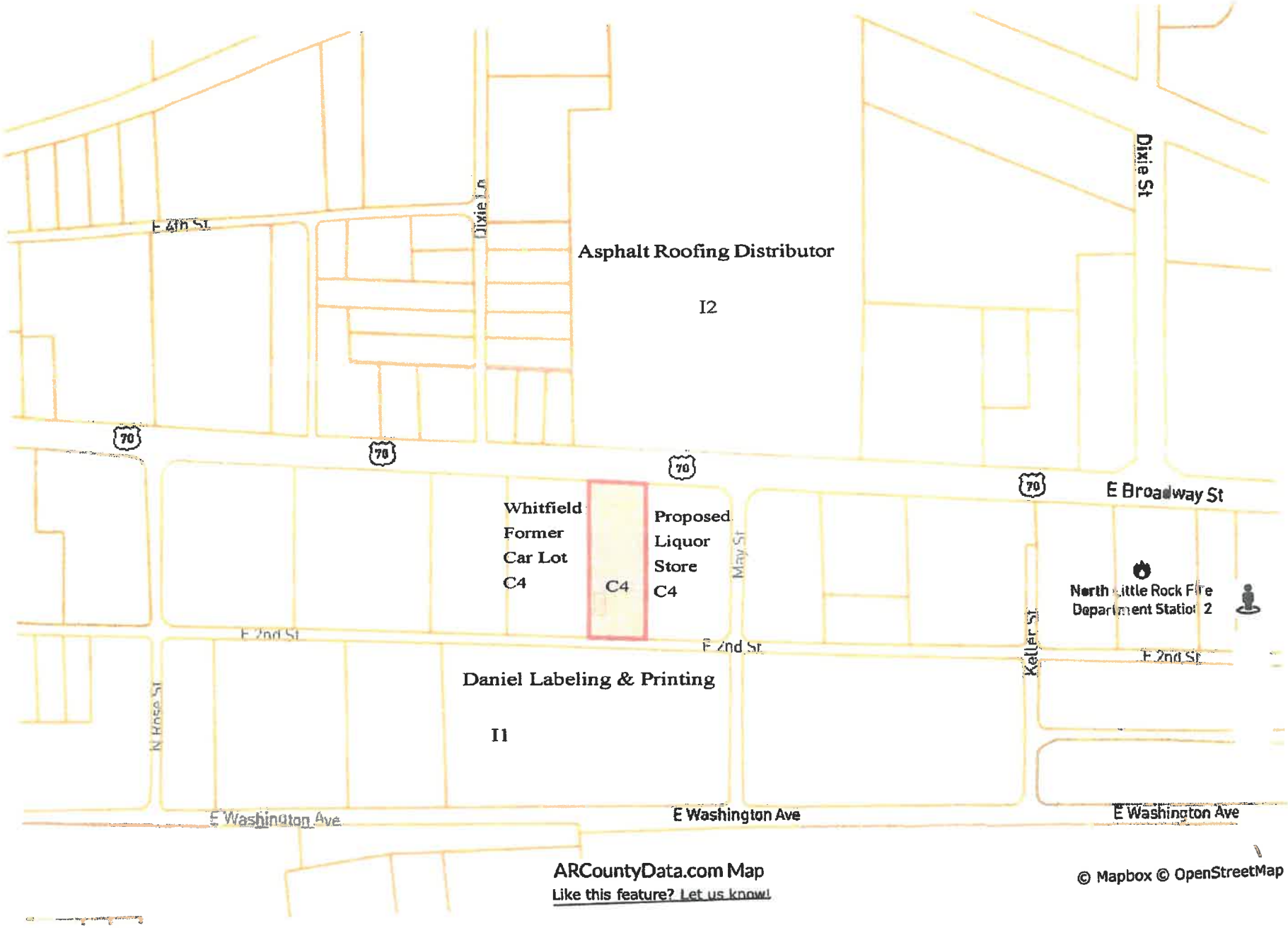
3310 E. Broadway
Norman Clifton

501-681-9816

Parking Diagram

1-Handicap 14x20
16-Parking Spaces 9x20
24' Drive Isles 75'
Turning Radius




Asphalt Roofing Distributor
I2
Dixie St
E 4th St
Dixie Ln
70
E Broadway St
Whitfield
Former
Car Lot
C4
C4
Proposed
Liquor
Store
C4
May St
North Little Rock Fire
Department Station 2
E 2nd St
Keller St
Daniel Labeling & Printing
I1
N Rose St
E Washington Ave
ARCountyData.com Map
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426
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C4
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3401
I2
351
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C4
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3204
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ON-AVE
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