

ORDINANCE NO. _____

AN ORDINANCE WAIVING SECTION 9.11 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR CERTAIN REAL PROPERTY LOCATED AT 7901 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF SIDEWALK REQUIREMENTS; WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ALLOW THE WAIVER OF PARKING REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by The Clifton Family LLLP, seeking a waiver of sidewalk and parking requirements for certain real property located at 7901 Highway 70 (see letter 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; 1 abstention; 2 absent) at a regular meeting thereof held on August 8, 2023.

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

SECTION 1: That the following requirement of Section 9.11 of the Ordinance No. 7946 (“the Subdivision Ordinance”) is hereby waived for 7901 Highway 70, more particularly described as:

PART OF TRACT 31, JOHN S. BRADDOCK'S SUBDIVISION IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 1” PINCH TOP PIPE AT THE NORTHEAST CORNER OF SAID BLOCK 31; THENCE S 02° 19' 03” WEST ALONG THE EAST LINE OF SAID BLOCK 31, WHICH IS ALSO THE WEST RIGHT-OF-WAY LINE OF RODGERS ROAD FOR 345.24 FEET TO A ½” REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 70, ALSO REFERRED TO AS THE NORTH LITTLE ROCK AND GALLOWAY HIGHWAY; THENCE N 82° 36' 58” WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 275.11 FEET TO A 5/8” PIPE; THENCE N 02° 13' 02” EAST FOR 269.79 FEET TO A 5/8” PIPE; THENCE N 81° 45' 43” EAST FOR 279.24 FEET TO THE POINT OF BEGINNING

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 requirement of Section 6.2 of the Ordinance No. 9263 (“the Zoning Ordinance”) is hereby waived for 7901 Highway 70:

Section 6.2.4 - Parking Design and Surface Standards

- 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 3: That the following requirements of Section 7.2 of the Ordinance No. 9263 (“the Zoning Ordinance”) are hereby waived for 7901 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 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 4: 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 provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: 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:

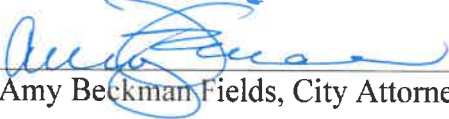
ATTEST:

Maurice Taylor

Council Member Maurice Taylor

Diane Whitbey, City Clerk

APPROVED AS TO FORM:


Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>10:10</u>	A.M.	_____	P.M.
By	<u>Christina Yielding</u>			
DATE	<u>9.5.03</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Ussery</u>			



July 28th, 2023

To: Alderwoman Linda Robinson & Alderman Maurice Taylor

Good morning,

I am asking for your assistance in helping me with a new development I am planning in Rose City.

The location is 7901 Hwy. 70. I have attached a proposed site plan to be approved by Planning Commission and Board of Adjustment previously. The Board of Adjustment, case# 2018-2, was for the fence to remain. The renewed fence waiver request is because of replatting and giving a 10' dedicated right of way to Rodgers Road. The ordinance requires the fence not to be set on the ROW. I am asking for the waiver to leave the existing fence which would be moved if the ROW was ever needed. This provision was provided for at 2201 Rodgers Road on the previous development you helped us with.

This fence was approved by Board of Adjustment, Case #2018-2 and the property is being replatted is the reason we are asking for another fence variance.

This new project replaces an old dilapidated house and a junk yard full of trees, trash, and assorted junk that I purchased in 2017 and cleaned up and refurbished the existing house on the property, to the approval of the existing neighbors.

As the City Council has the only authority to waive any sidewalks, landscaping requirements, and other waivers I am seeking your approval and help in the new project.

1. To waive the sidewalk requirement of section 9.11 as this is in an industrial area and other projects East & West of this property the sidewalks have been waived. The nearest sidewalk to our proposed development is approximately 1.5 miles to the West along Hwy. 70 and is zoned I-3 and is a heavy industrial area with minimal pedestrian traffic.
2. We are requesting the waiver of section 7.2.3 of the street tree regulation and 7.2.1 of the parking lot shade tree regulations to be waived for the reasons as follows:
 - a. As this property is within a heavy industrial area with little or no street trees or parking lot trees at the surrounding properties, and as planting would require street and parking lot shade trees would require a removal of portion of the gravel surface that is already in place. We request that the Council grant us a variance and allow us to construct our development without the addition of any parking lot or street trees.
 - b. Also parking lot shade trees would impede the maneuverability of the delivery trucks to back up to the doors of the warehouse building.
 - c. Street trees planted would not be in conformity with other projects that waivers have been approved on Hwy. 70 and Rodgers Road, such as Seahawk Transportation, Arkansas Custom, Metro Scrap Metals, and The Clifton Family previous projects at 8013 and 8105 Hwy. 70.
3. We are asking for a waiver of zoning 624E being a parking surface. The site plan includes concrete paving including the entrance driveway and parking area in front of the building. In those areas within the site fencing the owner wishes to use gravel surfacing in lieu of concrete or asphalt paving. Using the gravel in lieu of hard pavement in this area, which is low and flat and prone to drainage issues so using gravel surfacing will help reduce the amount of storm-water runoff from the site.

We fully intend to landscape around the building and all parking areas.

The hardship of applying these conditions to this project would be very burdensome, unnecessary to make this project available for occupancy and being in conformity with the new and existing recently developments in this project area that the waivers have been granted previously.

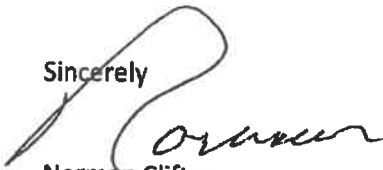
The granting of these waivers will not substantially, prevent or injure the appropriate use of adjacent conforming properties in the subject neighborhood as there are a number of projects located within this neighborhood, with these waivers already permitted.

The approval of these waivers will not adversely affect the public health, safety, or general welfare of the neighborhood.

If you would please review this request and let me know your thoughts asap as this request will need to be submitted before the August 14th, 2023 City Council meeting.

Thank you and I will be glad to meet you at the site or provide any other information you would like or answer and questions you may have.

Sincerely



Norman Clifton
The Clifton Family LLLP

681 9816

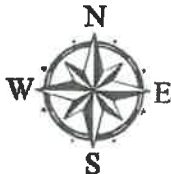
Public Hearing Case # 2023-12

EXHIBIT
tabbies
B



Ortho Map

1 inch = 50 feet



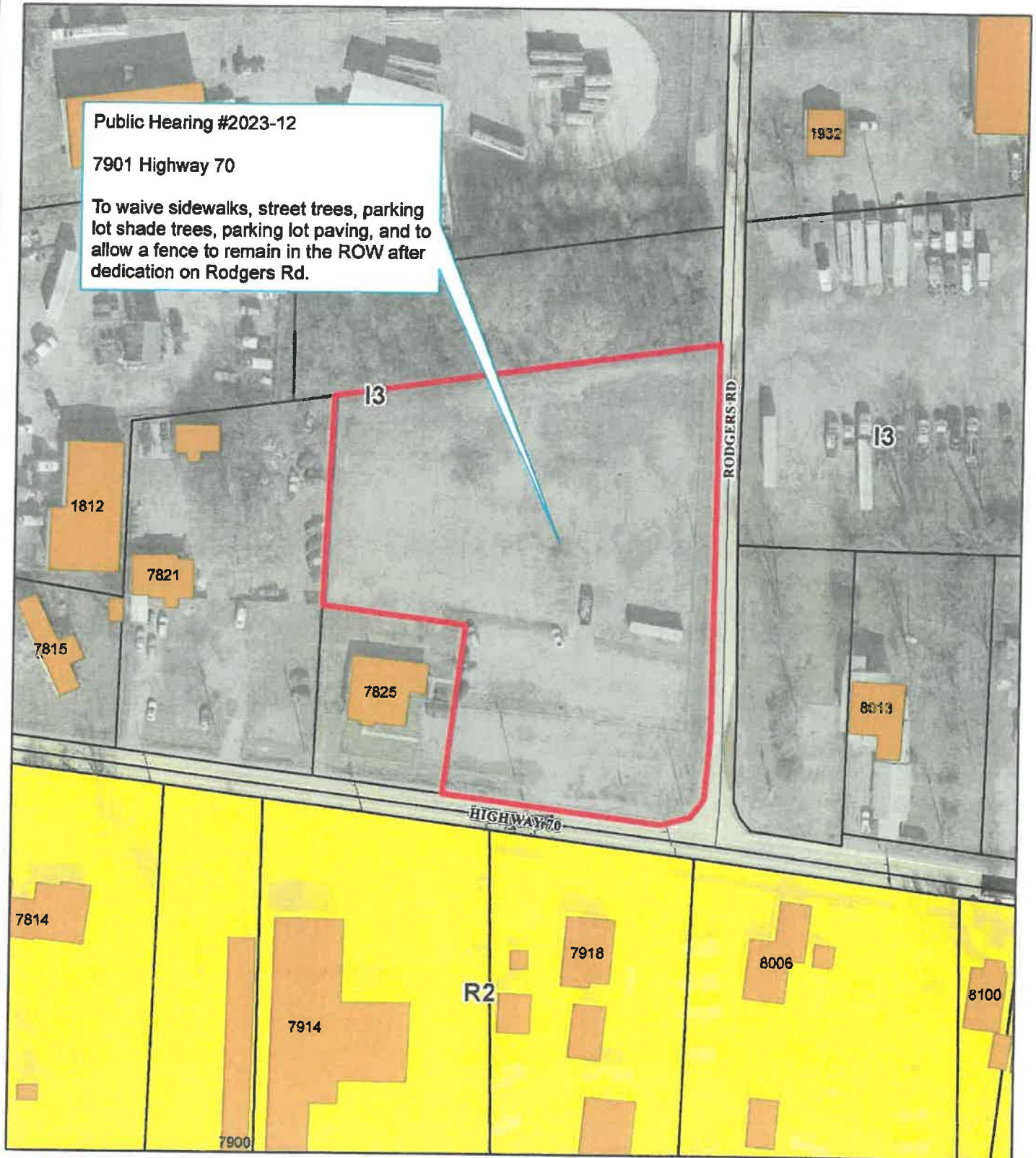
Date: 8/29/2023

Public Hearing Case # 2023-12

Public Hearing #2023-12

7901 Highway 70

To waive sidewalks, street trees, parking lot shade trees, parking lot paving, and to allow a fence to remain in the ROW after dedication on Rodgers Rd.



Zoning Map

1 inch = 100 feet



Date: 8/28/2023