

ORDINANCE NO. _____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR CERTAIN REAL PROPERTY LOCATED AT 5720 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF IMPROVEMENT REQUIREMENTS; WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ALLOW THE WAIVER OF TREE REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Yansi Vasquez of S & J Renovations, LLC, 5700 Dublin Avenue, North Little Rock, Arkansas 72118, seeking a waiver of improvement and tree requirements for certain real property located at 5720 MacArthur Drive (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; 3 absent) at a regular meeting thereof held on July 11, 2023.

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

SECTION 1: That the following requirements of Article 15 of the Ordinance No. 7946 (“the Subdivision Ordinance”) are hereby waived for 5720 MacArthur Drive, more particularly described as Lot 2 of the S & V Renovation Addition to the City of North Little Rock, Pulaski County, Arkansas:

Section 15.1 – Required Improvements

Every developer engaging in the subdividing and development of land as identified in this regulation shall be required to install, at his own expense, or to have installed by the appropriate public utility the following improvements

Section 15.2 – Street Grading

Street grading shall conform to the following:

- A. All streets shall be cleared and graded as approved by the City Engineer. On streets with a right-of-way greater than 100 feet the extent of grading shall be as specified by the Planning Commission and approved by the City Engineer. On such streets, the Planning Commission may consult with the appropriate agency, regarding specifications for grading.

- B. Finished grades shall be at levels approved by the City Engineer or the appropriate agency.

Section 15.3 – Street Paving

Street paving shall conform to the following:

- A. Street paving widths shall be in conformance with the requirements set forth in this regulation, however, no developer shall be required to install a street width of more than 48 feet.
- B. Street pavements shall be installed according to standards adopted by this regulation and by the City Engineer.

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 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 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 15.11 – Street Lights

- A. Residential Streets and Subdivisions - Street lights shall be installed at every intersection and spaced approximately at 200 foot intervals within the block. Street lights shall be installed within the 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 foot 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 the issuance of a final plat.
- D. Relocation – Any relocation of street lights shall be at the cost of the developer.

SECTION 2: That the following requirement of Section 7.2 of the Ordinance No. 9263 (“the Zoning Ordinance”) is hereby waived for 5720 MacArthur Drive:

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 7.2.2 – 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 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 7.2.4 – Buffers Between Dissimilar Uses

Buffers shall be established with new development activity to reduce the impact on existing neighborhoods and uses. The buffer provisions apply: (a) when different land uses or Zoning Districts abut each other, or (b) when different land uses or Zoning Districts are separated by rights-of-way of twenty (20) feet or less. Buffer area dimensional requirements shall be:

- A. Trees two (2) inches or greater caliper, measured three (3) feet from the ground, shall not be removed from a required buffer. These trees shall be protected, and if damaged during development shall be replaced with a Class A – Full Screen type tree.
- B. A required buffer shall not be used for accessory structures, garbage or trash collection, parking, or any other functional use.
- C. The required buffer area depth shall not include any easements.
- D. Each side and rear yard buffer areas shall be five (5) percent of the lot width and depth. Buffer areas shall not be less than six (6) feet or greater than forty (40) feet.
- E. Under certain conditions the Planning Commission shall require, up to a one hundred (100) foot buffer when a new development or expansion of regional shopping center, major activity center or industrial district abuts an existing single-family, residential neighborhood.
- F. A larger buffer area shall be required by the Planning Commission, between residential areas and commercial areas when the commercial development abuts a major roadway to reduce ambient noise levels.

SECTION 3: That the following requirement of Section 7.3.1 of the Ordinance No. 9263 (“the Zoning Ordinance”) is hereby waived for 5720 MacArthur Drive:

Section 7.3.1 – Class A – Full Screens

- A. Trees from Table B or C shall be spaced every twenty (20) feet; or trees from Table E shall be spaced with no visual breaks; or trees from Table D shall be used if beneath overhead power lines and spaced every twenty (20) feet.
- B. Only trees and shrubs from the approved planting list will count toward any requirements unless approved by the Planning Commission.
- C. An eight (8) foot tall, continuous opaque screen shall be provided. An opaque screen may include one (1) of the following: wall, fence, site grading, or plantings. No fence, wall and/or site grading is required with evergreen trees from Table E. The opaque screen must be opaque within 4 seasons.
- D. Trees shall be irrigated by an automatic underground irrigation system.

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:



Council Member Steve Baxter

Diane Whitbey, City Clerk

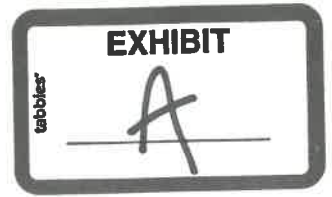
APPROVED AS TO FORM:



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>9.5.23</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Usery</u>			



S & J Renovations, LLC
Yansi Vasquez
5700 Dublin Avenue. NLR, AR 72118

August 23, 2023

Mayor Terry Hartwick and North Little Rock Council Members
300 Main Street
North Little Rock, AR 72114

Dear Mayor and Members of the Council:

I respectfully request a waiver of the Planning Commission's requirement of landscaping and one-half street improvements for the property located at 5720 MacArthur Drive, North Little Rock, AR. My company is proposing construction of a small metal building to house the tools needed by my company for our renovation business. The metal building is proposed 40-feet by 100-feet and will not have plumbing, minimal electrical (lighting and very few outlets) and will be used as storage only.

The Planning Commission in their approval required buffering, installing screening by placing a fence on the property, landscaping within and around the property, street trees and one-half street improvements, which include sidewalk, curb and gutter, streetlights and drainage improvements.

To install these items as required by the Planning Commission will make the construction of my new building cost prohibited. Therefore, I respectfully request a waiver of the items and allow my new building to be placed on the property.

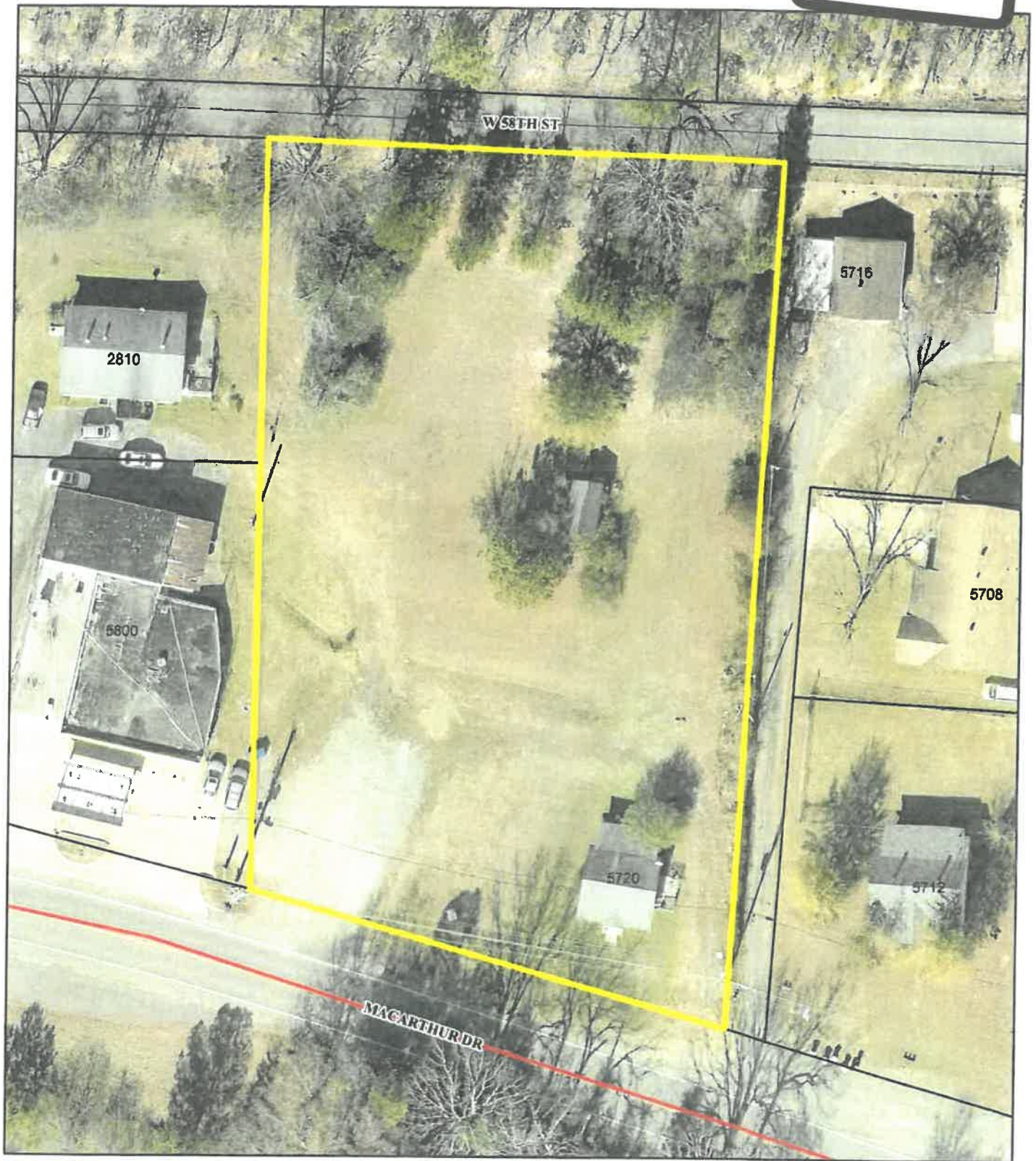
Sincerely,

Yansi Vasquez

Yansi Vasquez
S & J Renovations, LLC

Public Hearing Case # 2023-13

EXHIBIT
B



Ortho Map

1 inch = 50 feet



Date: 8/28/2023

Public Hearing Case # 2023-13

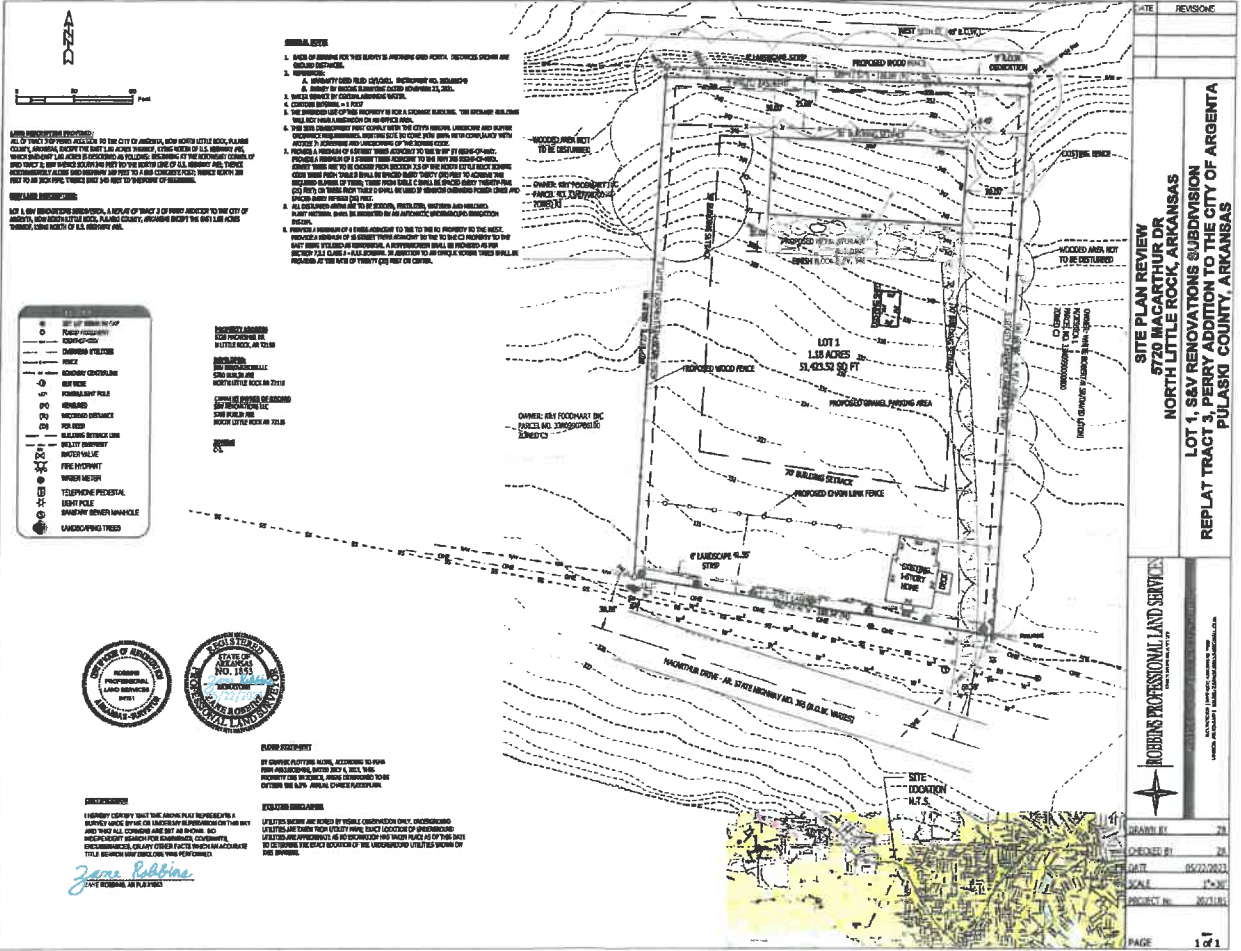


Zoning Map

1 inch = 100 feet



Date: 8/28/2023



- GENERAL NOTES**
1. BASE OF FINISH FOR THIS SUBMITTAL IS FINISH GRADE. FINISHES SHALL BE INDICATED OTHERWISE.
 2. ERECTION:
 - A. SECURITY FENCE SHALL BE INSTALLED WITHIN THE PROPOSED PERMITS AREA.
 - B. FINISH SHALL BE INSTALLED WITHIN THE PROPOSED PERMITS AREA.
 3. THE PROPOSED LOT OF THIS PROPERTY IS FOR A SINGLE-FAMILY, TWO-BEDROOM HOUSEHOLD WITH ONE FULL BATHROOM AND ONE OFFICE AREA.
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James Robbins
JAMES ROBBINS, AS PL 1893

REVISIONS

DATE	REVISIONS

SITE PLAN REVIEW
FOR THE CITY OF ARGENTA
LOT 1, 1.18 ACRES
51,423.50 SQ. FT.
REPLAT TRACT 3, PERRY ADDITION TO THE CITY OF ARGENTA
PULASKI COUNTY, ARKANSAS

ROBBINS PROFESSIONAL LAND SERVICES
 1000 W. STATE STREET, SUITE 100
 LITTLE ROCK, AR 72201
 (501) 325-1111
 www.robbinsland.com

SEARCHED BY: 7/18
 CHECKED BY: 7/18
 DATE: 05/22/2023
 SCALE: 1"=30'
 PROJECT NO.: 05/21/18
 PAGE: 1 of 1