

ORDINANCE NO. _____

AN ORDINANCE WAIVING SECTION 7.2.3 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 7400 INDUSTRY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF STREET TREE REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was made by Learon Dalby on behalf of Today’s Power Inc., 7300 Industry Drive, North Little Rock, Arkansas 72117, seeking a waiver of street tree requirements for certain real property located at 7400 Industry 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 (8 affirmative votes; 1 absent) at a regular meeting thereof held January 10, 2023.

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

SECTION 1: That the Section 7.2.3 of the Ordinance No. 9263 (“the Zoning Ordinance”) are hereby waived for 7400 Industry Drive, more particularly described as:

PT SP GRANT #2497 LYING N RR R/W ALL BEING IN SW SECT 3-1N-11 MPDA COM NE COR LOT 5 PHI NLR I-440 IND PK BEING S'LY R/W IND DR & NLN SP GRANT TH S74*24'34"E AL SD S'LY R/W & NLN SP GRANT 1626.82' S36*01'00"W 1267.52' S22*25'45"W403.85' TO N R/W RR TH N68*12'01"W AL SD N R/W 1149.48' N15*50'23"E 1464.49' TO POB TO THE CITY OF NLR, PULASKI COUNTY, AR.

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SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: 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 4: That it is hereby found and determined that the waiver of the above-described sections 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:

Terry C. Hartwick
Mayor Terry C. Hartwick *by AT*

_____ Diane Whitbey, City Clerk

Linda Robinson
Council Member Linda Robinson *by AT*

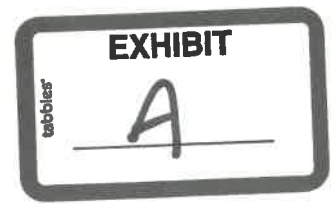
Maurice Taylor
Council Member Maurice Taylor *by AT*

FILED	<u>10:30</u>	A.M.	_____	P.M.
By	<u>A. Fields</u>			
DATE	<u>12.5.23</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Ussery</u>			

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt



Learon Dalby | Chief Operating Officer
7300 Industry Drive | North Little Rock, AR 72117

November 21, 2023

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

Re: Request for Waiver

Mayor Hartwick and North Little Rock City Council Members:

I am writing on behalf of Today's Power, Inc. (TPI) to request a waiver for requirements set forth in the Screening and Landscaping Ordinance formally sent by mail and dated November 15, 2023. The elements of the referenced Ordinance are provided below:

9. **Meet the requirements of the Screening and Landscaping ordinance, including:**
 - a. All disturbed areas are to be sodded, fertilized, watered and mulched.
 - b. Any new site development must comply with the City's minimal landscape and buffer ordinance requirements.
 - c. Provide a minimum of 25 street trees adjacent to the Industry Drive right-of-way.
 - i. Street trees are to be chosen from Section 7.5 of the North Little Rock zoning code. 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.
 - d. Provide plant material legend graphically indicating the different plant materials. Provide plant material list and specifications indicating minimum plant material size at installation.
 - e. Note turf, groundcover, or mulch (species or type) on the development plan
 - i. Ground cover shall be selected from Section 7.5 of the North Little Rock zoning code. Plant materials / turf from Table J, or mulch of shredded bark or stone shall be applied in all landscaped areas.
 - f. Plant material shall be irrigated by an automatic underground irrigation system.

Planting trees at the solar generation site is likely to impact solar production. Planting sod will require additional onsite maintenance which increases the likelihood of damage to the equipment. Both unintended consequences threaten the ultimate value negotiated by North Little Rock Electric Department (NLRED) on behalf of its customers.

TPI proposes that once it has completed the NLRED project, it will seed the site with natural vegetation that will be maintained in a manner that allows for pollinators and wildlife to inhabit the site. This approach has been completed by TPI on over seventy sites, in five states, and is consistent with the bid package originally submitted to NLRED.

We welcome the opportunity to respond to any questions or concerns.

Regards,

Learon Dalby

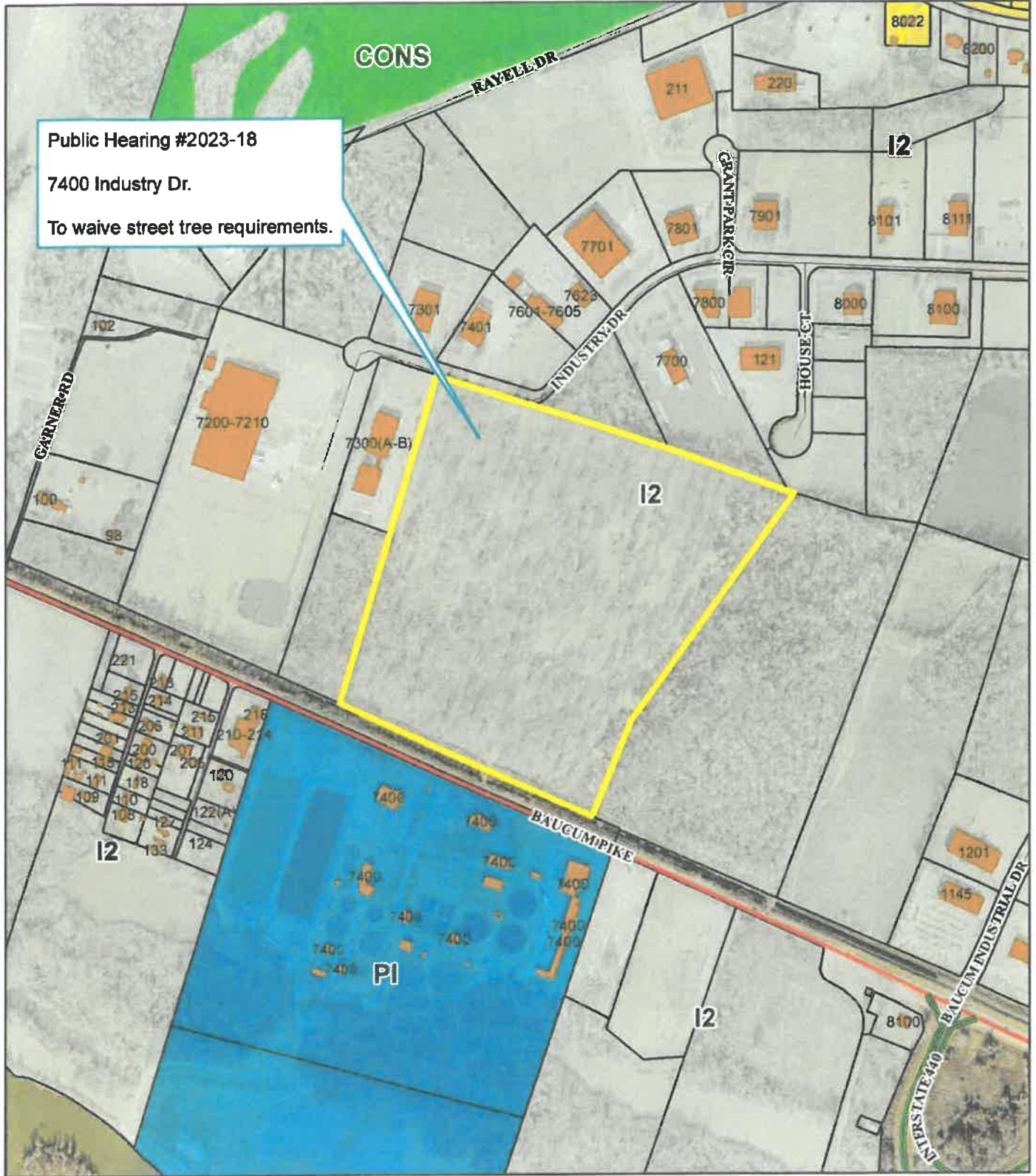
Learon Dalby
Chief Operating Officer
Today's Power, Inc.

Public Hearing Case # 2023-18

Public Hearing #2023-18

7400 Industry Dr.

To waive street tree requirements.



Zoning Map

1 inch = 600 feet



Date: 11/21/2023