

ORDINANCE NO. _____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 8504 MACARTHUR DRIVE WITHIN THE PLANNING JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF OFF-STREET PARKING, SCREENING AND LANDSCAPING REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was made by Brian Fason of Carson Construction, 13203 MacArthur Drive, North Little Rock, Arkansas 72118, seeking a waiver of off-street parking, screening and landscaping requirements for certain real property located at 8504 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 (6 affirmative votes; 3 absent) at a regular meeting thereof held 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 provisions of Section 6.2.4 of the Ordinance No. 9263 (“the Zoning Ordinance”) are hereby waived for 8504 MacArthur Drive, more particularly described as Lot 4R of Sutton’s Addition to Pulaski County, Arkansas.

Section 6.2.4 – Parking Design and Surface Standards

- C. Wheel Stops: Wheel stops shall be required when parking areas abut sidewalks, landscaped areas or pedestrian areas. No portion of a vehicle shall encroach onto a sidewalk, landscaped area or pedestrian area.
- D. Curbs: All parking areas shall utilize concrete curbs or other material approved by the Planning Commission.
- 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 2: That Section 7.2.1 of the Zoning Ordinance is hereby waived for the subject property:

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 3: That the following provision of Section 7.2.2 of the Zoning Ordinance is hereby waived for the subject property:

Section 7.2.2 – Landscaping Requirements

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

SECTION 4: That Section 7.2.3 of the Zoning Ordinance is hereby waived for the subject property:

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 5: That Section 7.2.4 of the Zoning Ordinance is hereby waived for the subject property:

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 6: That Section 7.3.1 of the Zoning Ordinance is hereby waived for the subject property:

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 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 8: 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 9: 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 *3 AF*
FOR CONSIDERATION ONLY

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>10:40</u>	A.M.	_____	P.M.
By	<i>City Atty Amy Fields</i>			
DATE	<u>10-7-24</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<i>K. Thomas</i>			



April 19, 2024

Mayor Terry Hartwick and Council Members

300 Main Street

North Little Rock, AR 72114

Dear Mayor and Council Members,

CFS Technologies is relocating their business operations from Juarez Mexico to North Little Rock, AR. Their new warehouse, located at 8504 MacArthur Drive, is requesting a waiver for the parking design standards and the landscaping requirements set forth by the Planning Commission.

The 50,000 sqft warehouse, being built next to their existing business, is located outside the city limits of North Little Rock but is located within the City's Extraterritorial Planning Jurisdiction. The original site plan submitted to the Planning Commission for review indicated the placement of a gravel parking area and did not include landscaping. We are proposing the new parking and drive to match what's existing and those parking spaces will remain gravel. This specific request is a waiver of Section 6.2.4 of the Zoning Ordinance to keep uniformity with the surrounding area but more importantly offers better options for drainage.

The request also includes a waiver of the requirements for both interior landscaping and parking lot landscaping, both shade trees and shrubs, plus the placement of street trees along MacArthur Drive. These requirements are specified in Sections 7.2 and 7.3 of the Zoning Ordinance. We are asking for these waivers to also keep the outward appearance of the property in line with the existing properties on MacArthur Dr.

Please place this request on an agenda for City Council consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Fason". The signature is stylized and somewhat cursive.

Brian Fason

Owner, Car-son Construction

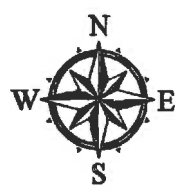
Public Hearing Case # 2024-08

EXHIBIT
B



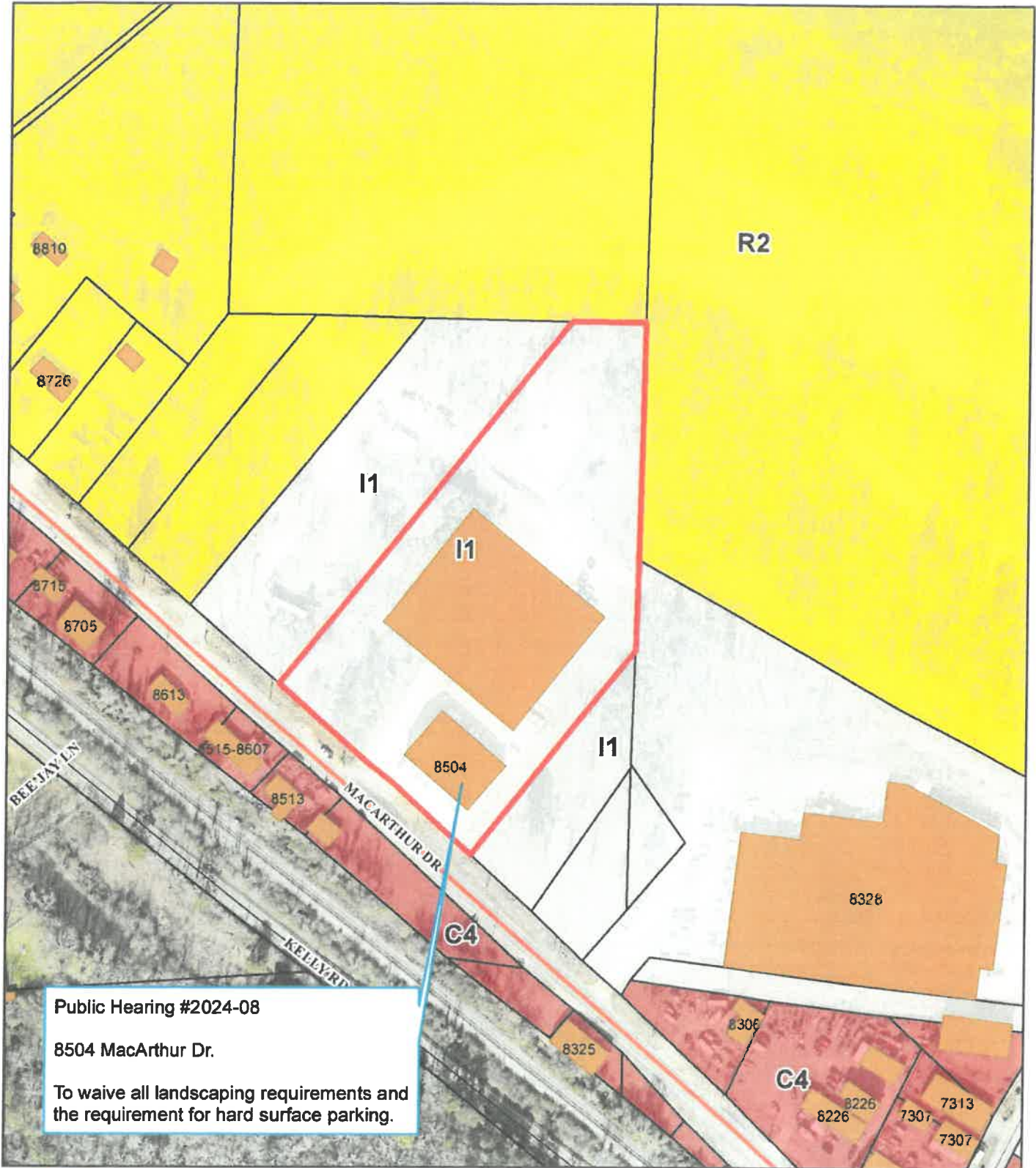
Ortho Map

1 inch = 100 feet



Date: 4/29/2024

Public Hearing Case # 2024-08



Public Hearing #2024-08
8504 MacArthur Dr.
To waive all landscaping requirements and
the requirement for hard surface parking.

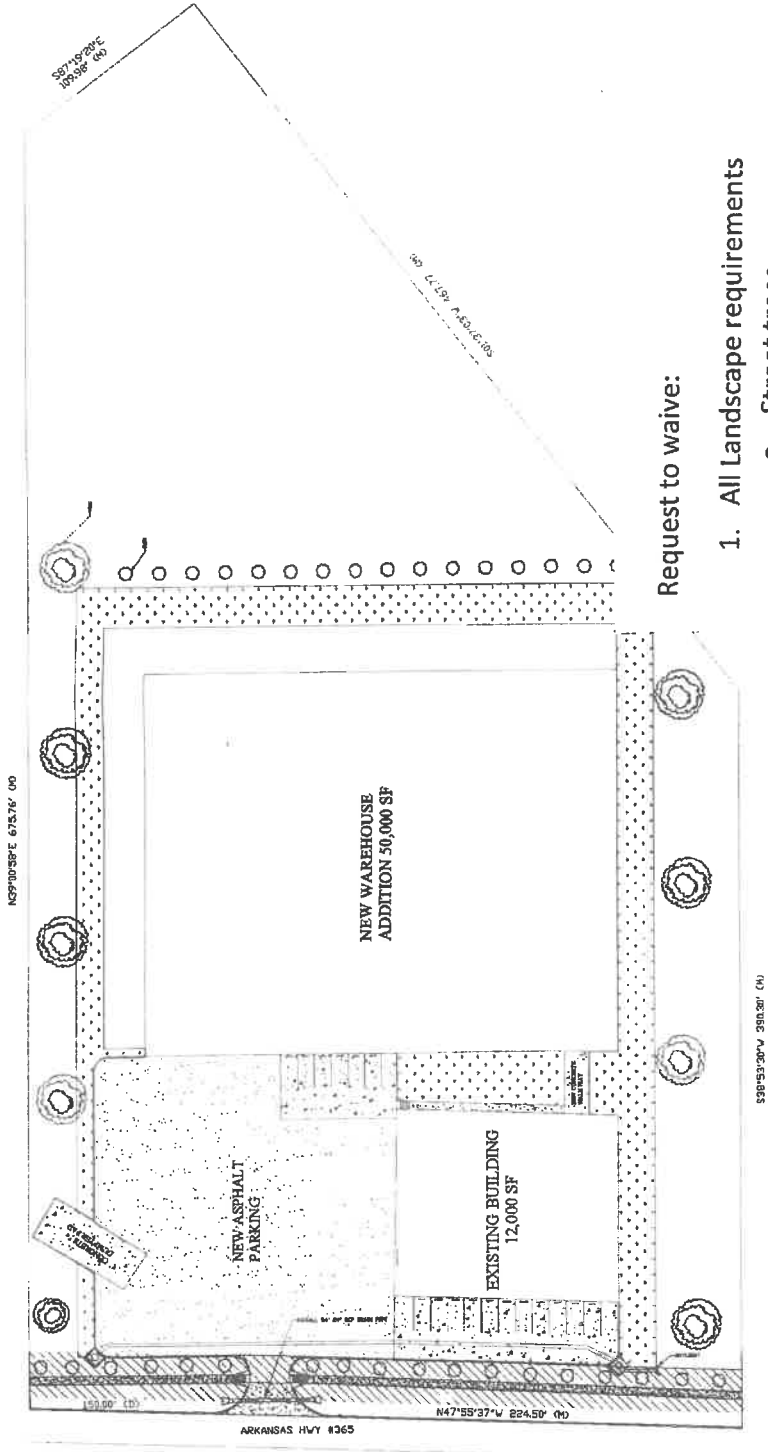


Zoning Map

1 inch = 200 feet



Date: 4/29/2024



Request to waive:

1. All Landscape requirements
 - a. Street trees
 - b. Parking Lot shade trees
 - c. Shrubbery
2. All Paving requirements
 - a. Paved parking surface
 - b. Curb and gutter
 - c. Wheel stops
 - d. Paved enter/exit drive (within property) to keep gravel from tracking onto road
3. All Screening requirements
 - a. Fencing next to residential
 - b. Trees next to residential