

ORDINANCE NO. ____

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 7 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 2625 WEST 58TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO WAIVE LANDSCAPING REQUIREMENTS; WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR THE SUBJECT PROPERTY TO WAIVE HALF-STREET IMPROVEMENT REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was made by James A. Penney of Penney Construction, 29415 Penney Lane, Roland, Arkansas 72135, seeking a waiver of landscaping and half-street requirements for certain real property located at 2625 West 58th Street (see letter and maps attached hereto respectively as Exhibit A and B); and

WHEREAS, the North Little Rock Planning Commission duly considered and required the items as part of the Site Plan Review to allow construction of a fourplex (9 affirmative votes) 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 sections of Article 7 of the Ordinance No. 9263 (“Zoning Ordinance”) are hereby waived for certain real property located at 2625 West 58th Street, more particularly described as follows:

LOT 38 OF THE SKYWAY SUBDIVISION IN 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 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 2: That the following sections of Article 15 of the Ordinance No. 7946 (“Subdivision Ordinance”) is hereby waived for the subject property:

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 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

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: 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:

Ron Harris
Council Member Ron Harris *RAT*

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>11:00</u> A.M. _____ P.M.
By <u>A. Fields</u>
DATE <u>7.16.24</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>S. Usery</u>



Penney Construction
James A. "Butch" Penney, Jr.

29415 Penney Lane
Roland, Arkansas
501-330-2464 - 944-4332
barbarap711@gmail.com

June 28, 2024

Mayor Terry Hartwick
City Council Members

RE: James A. Penney
SD2024-33
2625 West 58th
North Little Rock, AR 72223

This letter is in reference to Case# SD2024-33. The fourplex at 2625 West 58th street is a lot that has been zoned for multi-family for years. It has sewer, water – all utilities. It has had a driveway with a culvert in it for 30 years and we are going to improve it.

In reference to the letter we received we have already completed the following:

1. We have provided a replat and a plot plan. It contains all the utility easements and is coordinated with the electric department. All land and utility easements are shown on the plat.
2. Permit requirements have been approved by the planning commission and the mayor.
3. We have all plans which were submitted and then passed unanimously by the Planning Board. We will adhere to and pay for the permits as required.
4. No fence will be located in front of the building.
5. All exterior lighting will be shielded and not encroach on neighboring properties.
6. Designated parking will all be concreted and separate.
7. All signage will meet requirements.
8. All fire prevention codes, CAW codes, NLR Wastewater, NLR electric will be followed.

We are asking for a waiver for the Master Street Plan requirements and Landscape Requirements in this project.

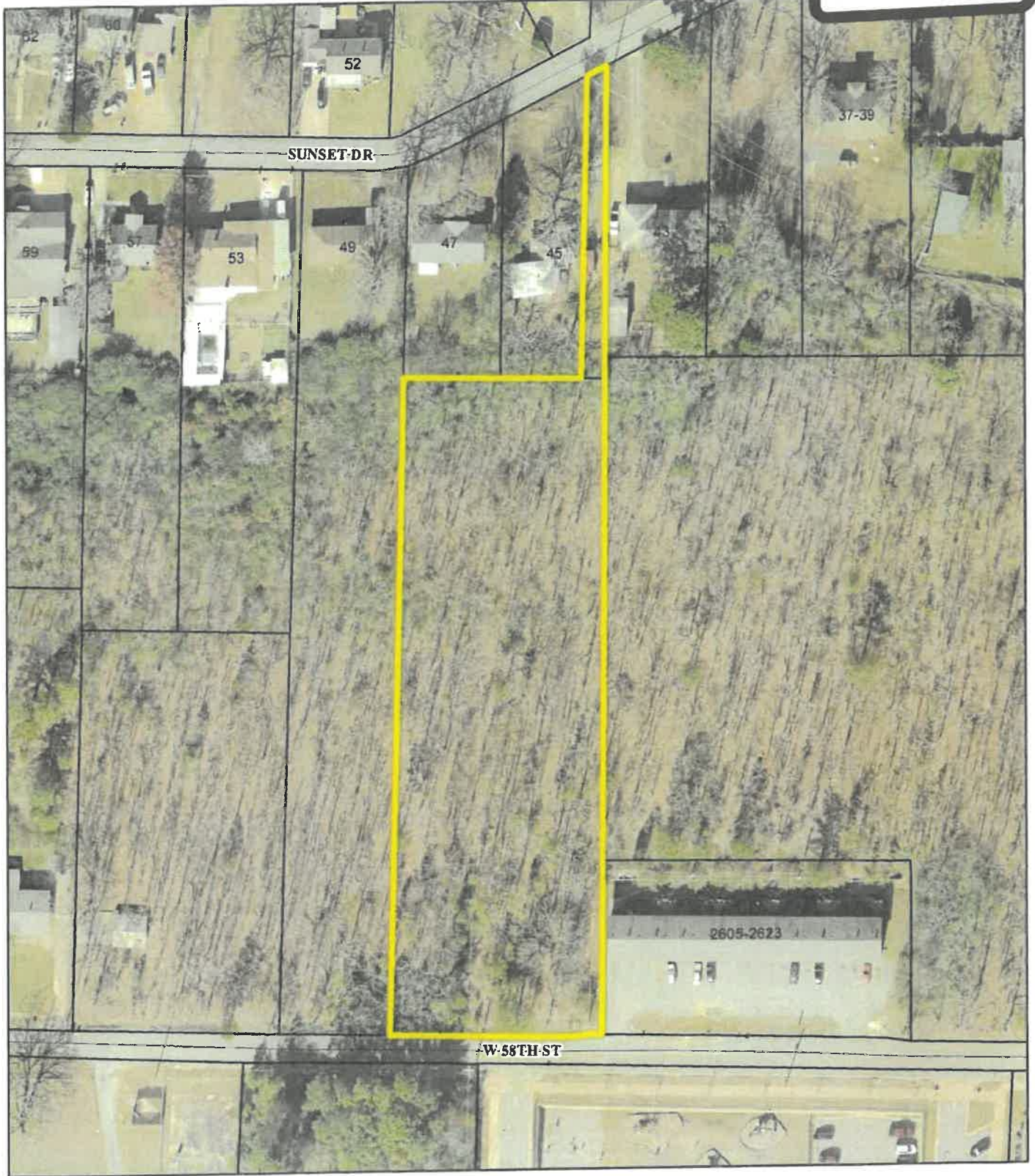
Thank you for your consideration if I may be of further assistance, please do not hesitate to call myself or my daughter, Melissa Goodson.

Sincerely,

James A. Penney
501-944-4332
Melissa Goodson
501-231-4004
Mpgoodson911@gmail.com
Penney Construction
Plumbing & Electrical

Public Hearing Case # 2024-14

tabbies' **EXHIBIT**
B



Ortho Map

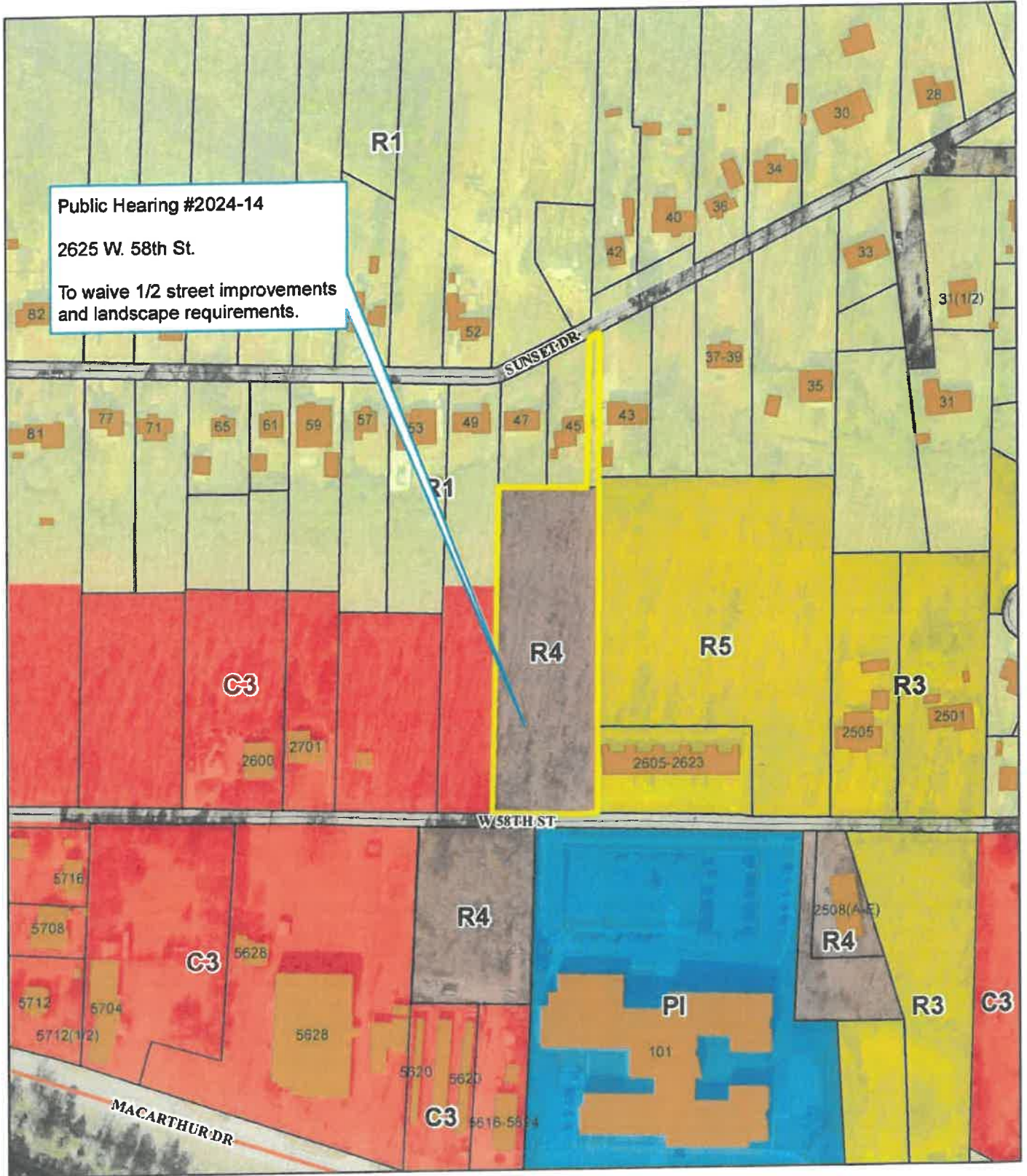
1 inch = 100 feet



Date: 7/12/2024

Public Hearing Case # 2024-14

Public Hearing #2024-14
2625 W. 58th St.
To waive 1/2 street improvements
and landscape requirements.

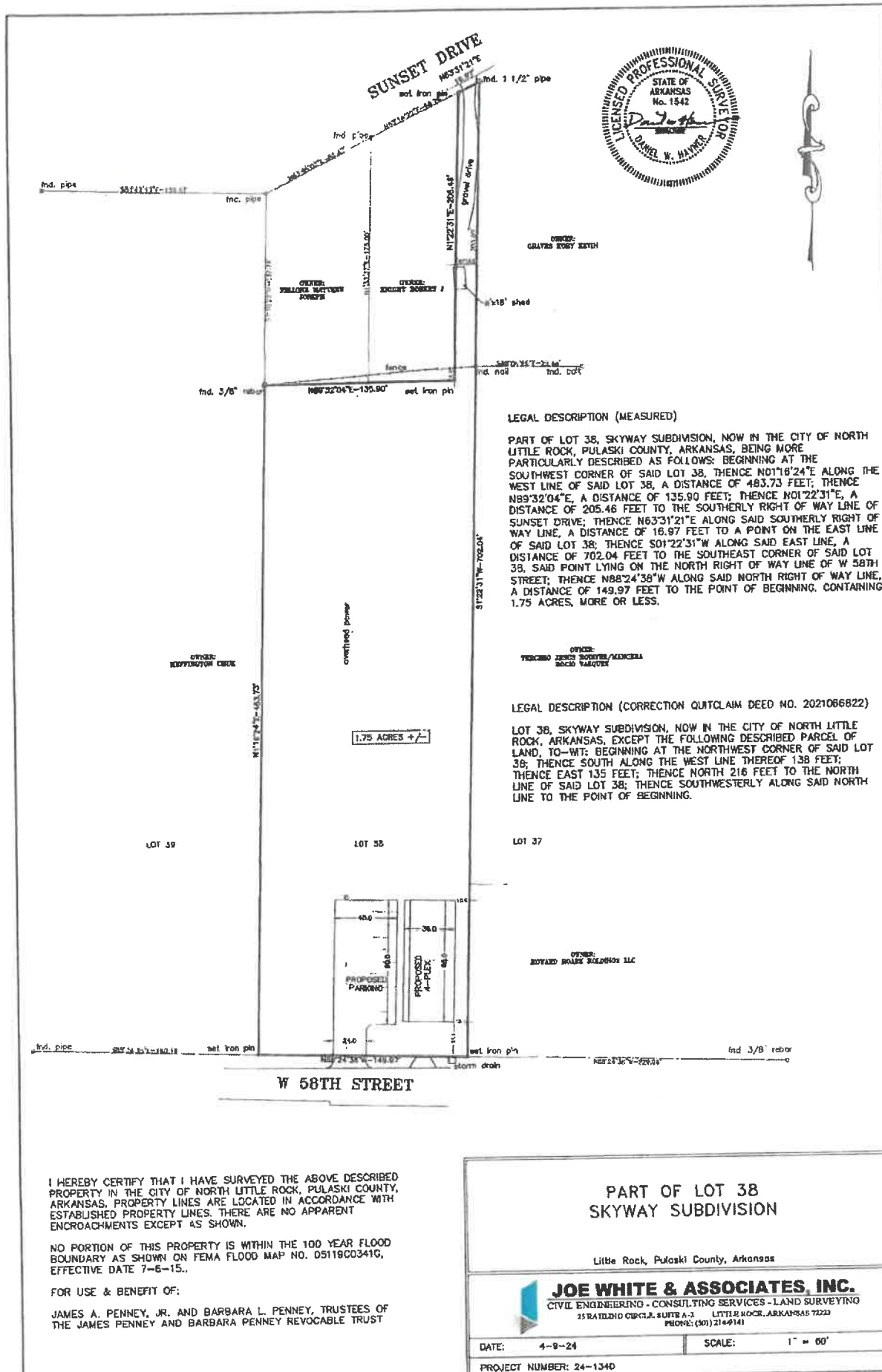


Zoning Map

1 inch = 200 feet



Date: 7/12/2024



LEGAL DESCRIPTION (MEASURED)

PART OF LOT 38, SKYWAY SUBDIVISION, NOW IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 38, THENCE N01°18'24"E ALONG THE WEST LINE OF SAID LOT 38, A DISTANCE OF 483.73 FEET; THENCE N89°32'04"E, A DISTANCE OF 135.90 FEET; THENCE N01°22'31"E, A DISTANCE OF 205.46 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SUNSET DRIVE; THENCE N63°31'21"E ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 16.97 FEET TO A POINT ON THE EAST LINE OF SAID LOT 38; THENCE S01°22'31"W ALONG SAID EAST LINE, A DISTANCE OF 702.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 38, SAID POINT LYING ON THE NORTH RIGHT OF WAY LINE OF W 58TH STREET; THENCE N88°24'38"W ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 149.97 FEET TO THE POINT OF BEGINNING, CONTAINING 1.75 ACRES, MORE OR LESS.

LEGAL DESCRIPTION (CORRECTION QUITCLAIM DEED NO. 2021066822)

LOT 38, SKYWAY SUBDIVISION, NOW IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE SOUTH ALONG THE WEST LINE THEREOF 138 FEET; THENCE EAST 135 FEET; THENCE NORTH 216 FEET TO THE NORTH LINE OF SAID LOT 38; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PROPERTY LINES ARE LOCATED IN ACCORDANCE WITH ESTABLISHED PROPERTY LINES. THERE ARE NO APPARENT ENCROACHMENTS EXCEPT AS SHOWN.

NO PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FLOOD BOUNDARY AS SHOWN ON FEMA FLOOD MAP NO. 05118C0341G, EFFECTIVE DATE 7-6-15.

FOR USE & BENEFIT OF:
 JAMES A. PENNEY, JR. AND BARBARA L. PENNEY, TRUSTEES OF THE JAMES PENNEY AND BARBARA PENNEY REVOCABLE TRUST

**PART OF LOT 38
 SKYWAY SUBDIVISION**

Little Rock, Pulaski County, Arkansas

JOE WHITE & ASSOCIATES, INC.
 CIVIL ENGINEERING - CONSULTING SERVICES - LAND SURVEYING
 25 RAYBOLD CIRCLE, SUITE A-1 LITTLE ROCK, ARKANSAS 72223
 PHONE: (501) 214-9141

DATE: 4-9-24 SCALE: 1" = 60'
 PROJECT NUMBER: 24-134D