

ORDINANCE NO. ____

AN ORDINANCE WAIVING SECTION 7.2.3 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 8900 HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO WAIVE LANDSCAPING REQUIREMENTS; WAIVING SECTION 10.5 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR THE SUBJECT PROPERTY TO WAIVE DETENTION REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was made by Michael Williams Engineering, 1215 East Broadway Street, Morrilton, Arkansas 72110, seeking a waiver of landscaping and detention requirements for certain real property located at 8900 Highway 165 (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 the development of a fueling station (8 affirmative votes; 1 absent) at a regular meeting thereof held July 9, 2024.

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

SECTION 1: That the following Section 7.2.3 of the Ordinance No. 9263 (“Zoning Ordinance”) are hereby waived for certain real property located at 8900 Highway 165, more particularly described as follows:

A PART OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 11 WEST, AND PART OF SPANISH GRANT #2417, ALL LYING IN PULASKI COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SPANISH GRANT #2417; THENCE 501 °10'02"W ALONG THE WEST LINE OF SAID SPANISH GRANT #2417 A DISTANCE OF 1167.00' TO THE SOUTHERLY RIGHT OF WAY OF HIGHWAY 165 BASED ON ARDOT JOB 60027 SEC. 4, SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: S75°04'09"E A DISTANCE OF 24.99'; THENCE S87°08'50"E A DISTANCE OF 203.04'; THENCE 581 °59'04"E A DISTANCE OF 300.02' TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF HIGHWAY 165 BASED ON ARDOT JOB R60059; THENCE LEAVING RIGHT OF WAY JOB 60027 SEC.4 AND ALONG SAID ARDOT JOB R60059 S77°12'08"E A DISTANCE OF 88.33'; THENCE LEAVING SAID RIGHT OF WAYS 01°12'02"W A DISTANCE OF 243.52'; THENCE N86°19'03"W A DISTANCE OF 612.06' TO A POINT ON THE WEST LINE OF SPANISH GRANT #2417; THENCE CONTINUING N86°19'03"W A DISTANCE OF 432.93' TO A POINT ON THE EAST RIGHT OF

WAY INTERSTATE 440 BASED ON ARDOT JOB 60027 SEC.4; THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: N22°45'27"E A DISTANCE OF 54.86'; THENCE N18°22'07"E A DISTANCE OF 275.54'; THENCE N77°16'24"E A DISTANCE OF 62.70'; THENCE S75°04'09"E A DISTANCE OF 277.96' BACK TO THE POINT OF BEGINNING, CONTAINING 6.52 ACRES MORE OR LESS, ALSO SUBJECT TO ANY EASEMENT PRESCRIPTIVE AND NONPRESCRIPTIVE.

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 Section 10.5 of the Ordinance No. 7946 (“Subdivision Ordinance”) is hereby waived for the subject property:

Section 10.5 – On-site Detention

On-site detention facilities or other appropriate and approved means to control the increased runoff from development shall be incorporated in the subdivision drainage plans to accommodate the 25 year storm. Except in single family residential development, on-site detention facilities shall be maintained by the developer, owner of record, or property owners association. Maintenance shall include removal of sediment when the basin's function is impaired, mowing, removal of debris, reseeding or re-sodding. In instances where on-site detention is deemed inappropriate by the City Engineer, based upon submission of proper proof by the engineer of record, due to local topographical or other physical conditions, land area limitations or inaccessibility to an existing drainage system for outlet control; the Planning Commission may allow the developer or owner of the property, as an alternative to on-site detention, to provide payment of a one-time "storm water impact fee" based on a prorated formula of \$5,000 per acre for all multi-family, commercial and industrial development and \$500 per acre for single family residential development. The requirement for detention or "storm water impact fee" shall apply to stage construction and previously approved preliminary plats. In instances where the City Engineer determines that a proposed development will create a flooding problem downstream, the Planning Commission may deny payment of an impact fee and require detention or improvement of the downstream system as a condition for approval of the development. "Storm water impact fees" are to be deposited with the city prior to final plat approval unless otherwise directed by the Planning Commission

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:

Maurice Taylor
Council Member Maurice Taylor

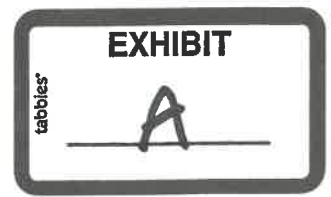
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>10:31</u>	A.M.	_____	P.M.
By	<u>Amy Fields, CA</u>			
DATE	<u>8-19-24</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	_____			



**Michael Williams Engineering
Rosewood Classic Coach
1215 E. Broadway St.
Morrilton AR, 72110**

August 8, 2024

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

Re: Waiver request for street trees and on-site detention

Mayor and City Council,

We respectfully request to be placed on the City Council agenda for consideration of a waiver of the on-site detention and street trees for a proposed project located at 8900 Highway 165. The property is proposed for development of an unmanned fueling station with 3 pump islands. The property is located in close proximity to the Arkansas River therefore we feel on-site detention is not necessary for this proposed development. Based on the use of the property and the location we respectfully request a waiver of the street trees along HWY 165.

Thank you for your assistance in this matter.

Respectfully,

Michael Williams

Michael Williams Engineering
Rosewood Classic Coach
1215 E. Broadway St.
Morrilton AR, 72110
mwilliams@rosewoodclassiccoach.com
www.rosewoodclassiccoach.com

Public Hearing Case # 2024-16

EXHIBIT
B

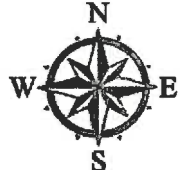


Public Hearing # 2024-16
8900 Highway 165
To waive detention and street trees.



Ortho Map

1 inch = 200 feet



Date: 8/12/2024

