

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE GRANTING A WAIVER OF TREE REQUIREMENTS OF SECTION 15.4 OF THE ZONING ORDINANCE FOR CERTAIN REAL PROPERTY LOCATED AT 2201 RODGERS ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, a request has been made by Davidson Engineering, PLLC, 210 West Arch Avenue, Suite D, Searcy, Arkansas 72143, to waive certain Zoning Ordinance requirements for property located at 2201 Rodgers Road in the City of North Little Rock, Arkansas (See letter from Bear Davidson from Davidson Engineering, PLLC dated March 2, 2020 attached hereto as Exhibit A and survey attached hereto as Exhibit B); and

WHEREAS, the North Little Rock Planning Commission voted to require the items which are requested to be waived (5 affirmative votes, 1 abstaining, 3 absent) at a regularly scheduled meeting thereof held on March 10, 2020; and

WHEREAS, the applicant seeks waiver of the sidewalk requirements of Section 15.4 of Ordinance No. 7697 (the "Zoning Ordinance") to construct the applicant's proposed development without parking lot shade trees and street trees.

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

SECTION 1: That the following section of Ordinance No. 7697 ("the Zoning Ordinance") is hereby waived for 2201 Rodgers Road, more particularly described as 18R-1, John S. Braddock Subdivision, City of North Little Rock, Pulaski County, Arkansas (See map attached hereto as Exhibit C):

**Section 15.4 – Screening and Landscaping: Specific Requirements**

**B. Parking Lot Shading.**

1. Trees from Table B or C shall be included in all new and expanded parking areas, or trees from Table D shall be used if beneath overhead power lines.
2. Trees shall be planted at 1 tree per 6 parking spaces.
3. Trees shall be irrigated.
4. Trees 10 feet from the edge of parking area may serve for the parking shading requirements.
5. Trees shall be 2.5 inch caliper or greater at time of planting.
6. Only trees from the approved planting list will count towards any requirements.

E. Street Trees.

1. Trees from Table B shall be spaced every 40 feet; trees from Table C shall be spaced every 30 feet; or trees from Table D shall be used if beneath overhead power lines and spaced every 20 feet.
2. Trees shall be irrigated.
3. Trees shall be 2.5 inch caliper or greater at time of planting.
4. Only trees from the approved planting list will count towards any requirements, unless an alternate is approved by the Planning Director.

SECTION 2: That 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 above mentioned restrictions for 2201 Rodgers Road are to be waived, and the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth and development of this land and 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 Joe A. Smith

SPONSOR:

ATTEST:

Linda Robinson  
Council Member Linda Robinson

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED	10:00	A.M.	_____	P.M.
By	<u>Amy Fields, cn</u>			
DATE	<u>3/17/20</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>[Signature]</u>			



210 West Arch Avenue, Suite D  
Searcy, Arkansas 72143  
(501) 388 - 2178

March 2, 2020

Ms. Linda Robinson  
North Little Rock City Council  
City of North Little Rock  
300 Main Street  
North Little Rock, Arkansas 72114

**RE: Request for Variance  
Rains Drive and Rodgers Road Development  
Lot 18R-1, John S. Braddock Subdivision  
The Clifton Family LLLP**

Ms. Robinson,

On behalf of The Clifton Family LLLP, we request a number of variances associated with the further development of the Lot 18R-1, John S. Braddock Subdivision in North Little Rock.

Item No. 1 – Sidewalk Variance

Currently, none of the adjacent properties or any of the other developments within the John S. Braddock subdivision have sidewalks along the city streets. The nearest sidewalks to our proposed development are approximately 1.5 miles to the west along Highway 70.

As this property is within a heavy industrial area without much pedestrian traffic, we request that the Council grant a variance and allow us to construct our development without sidewalks.

Item No. 2 – Variance from Street and Parking Lot Shade Tree Requirements

Lot 18R-1 is currently developed to some extent. The property is surrounded by chain-link fence in great condition and the property is covered with a heavy-duty gravel pad for industrial use. The nature of our upcoming project is the addition of a 6000 square foot warehouse facility for dry storage. Our intent is to construct the building for industrial use with minimal changes to the previously developed property.

As this property is within a heavy industrial area with little to no street trees and parking lot trees at surrounding properties, and as planting of street and parking lot shade trees would require removal of a portion of the gravel surface that is already in place, we request that the Council grant a variance and allow us to construct our development without the addition of any parking lot or street trees.





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Item No. 3 – Variance from Concrete Paving for Fire Department Access Drive

The City of North Little Rock Fire Department has requested that we construct an additional drive entrance to the property off Rains Rd for Fire Department Access only. The drive will be directly across from an existing Fire Hydrant. The gate would be fitted with a Knox-Box lock to be accessed by the Fire Department only. As the driveway will not be utilized on a regular basis, we request that the Council grant a variance and allow to the drive to be constructed with compacted gravel to match the remainder of the site. (Note: The primary entrance to the development for every day use is to be constructed with Heavy-Duty Portland Cement Concrete per City of North Little Rock Standard Specifications.

Item No. 4 – Variance to Allow Existing Chain link Fence to Remain in Place

As stated previously, Lot 18R-1 is currently developed to some extent. The property is surrounded by chain-link fence in great condition.

Development of this property triggered the requirement for the property to be Platted. As a result, a 10 ft. Right-of-Way dedication along the northern property line was required to meet the City's Master Street Plan and in order for the Plat to be approved.

We have no concerns with dedicating the additional right of way. We do request however, that the existing fence along the former property line be allowed to remain in place. In order to relocate the fence to the proposed new property line along the dedicated right-of-way, my client would be required to relocate approximately 360 linear feet of fence that is currently in good condition. As the fence currently does not encroach within 10' of the edge of pavement of Rains Road, we request that the Council grant a variance and allow the existing chain link fence to remain in place.

If you have any questions regarding these variance requests, please contact me or Mr. Norman Clifton with The Clifton Family LLLP (501-681-9816).

Thank you,  
Davidson Engineering, PLLC

Bear Davidson, PE

Attached: Site Plan Review Drawing

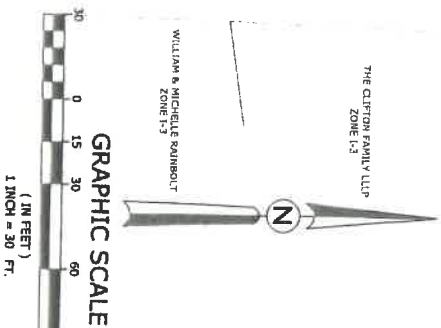
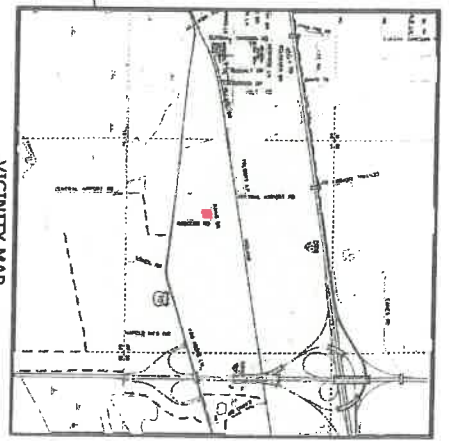
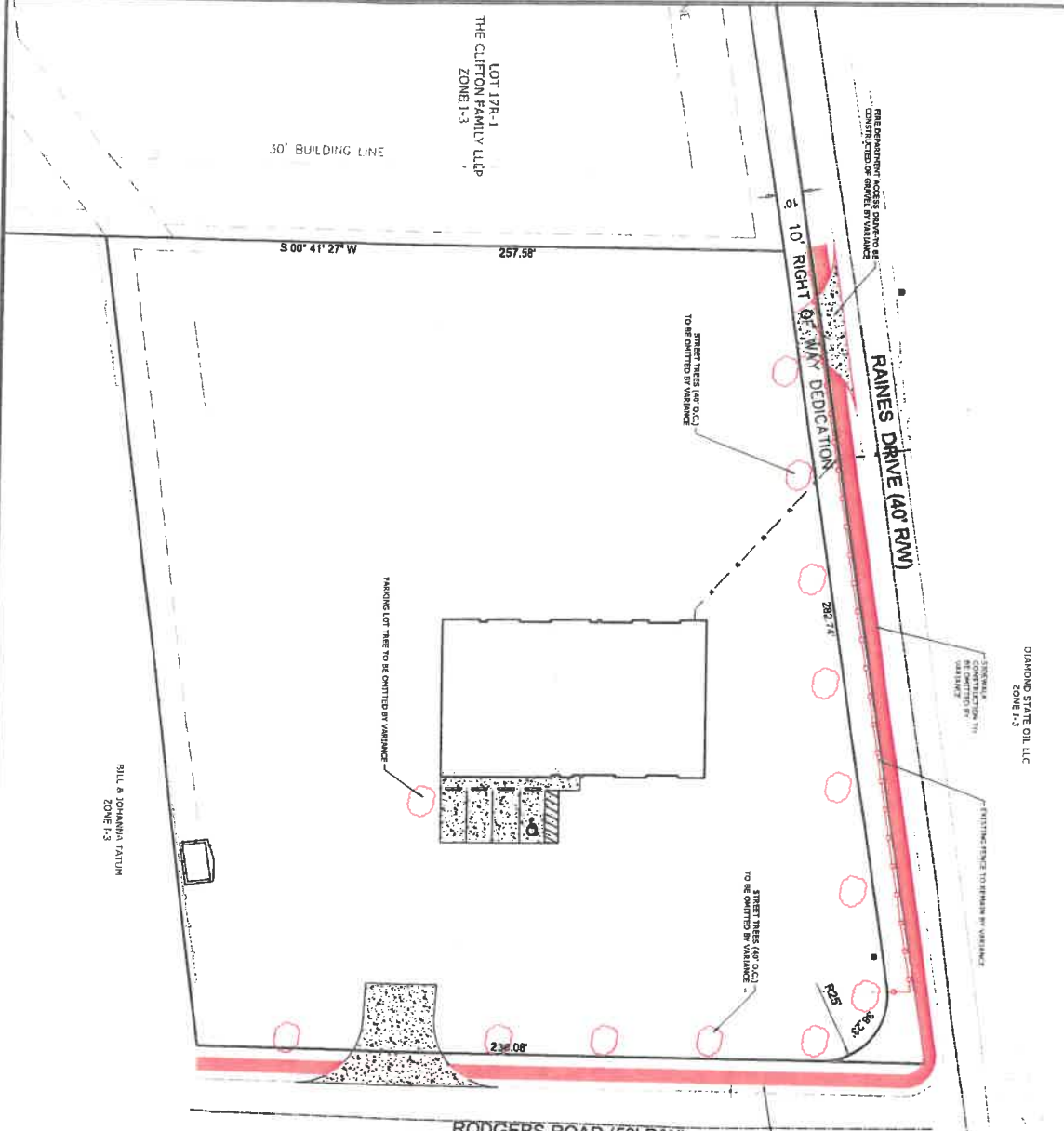
**EXHIBIT**

**B.**

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**PLAN NOTES:**  
 PROPERTY ZONED I-3 INDUSTRIAL PARK.  
 TOTAL LOT AREA IS 1.84 ACRES.  
 ACCORDING TO THE FIRM COMMUNITY PLAN, 05119C 0366 G, DATED JULY 6, 2015,  
 THIS PROPERTY APPEARS TO EXIST IN ZONE "X" AND IS NOT LOCATED IN THE 100 YEAR  
 FLOOD PLAIN.  
 ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND NOT ENCROUGH ONTO NEIGHBORING  
 PROPERTIES.  
 THE PROPOSED WAREHOUSE IS TO BE CONSTRUCTED 6' ABOVE EXISTING GRADE. NO  
 MAJOR SITE GRADING IS TO OCCUR AND EXISTING GRADES SHALL REMAIN.  
 THE NEAREST SEWER TO THE SITE IS APPROXIMATELY 0.61 MILES TO THE NORTHWEST.  
 DEVELOPMENT WILL REQUIRE A SEPTIC SYSTEM TO BE APPROVED BY THE ARKANSAS  
 DEPARTMENT OF HEALTH.  
 TOTAL PARKING SPACES: 4.  
 (240 SQ. FT. OFFICE/250 = 0.96 SPACES, 5760 SQ. FT. OFFICE/2,000 = 2.88 SPACES,  
 3.84 SPACES REQUIRED, 4 PROVIDED)

**LEGAL DESCRIPTION:**  
 LOT 18R-1, JOHN S. BRADDOCK SUBDIVISION,  
 NORTH LITTLE ROCK, ARKANSAS



DEVELOPER AND OWNER  
 THE CLIFTON FAMILY LLP  
 1000 CHERRY HILL  
 NORTH LITTLE ROCK, AR 72116

REVISIONS	
NO.	DESCRIPTION

**LOT 18R-1, JOHN S. BRADDOCK  
 SUBDIVISION**  
 THE CLIFTON FAMILY LLP  
 NORTH LITTLE ROCK, ARKANSAS

**DAVIDSON  
 ENGINEERING**  
 210 W. ARCH AVE., STE. D  
 SEARCY, AR 72143  
 TEL. 501.388.2178

**CERTIFICATE OF REGISTRATION**  
 DAVIDSON ENGINEERING PLLC  
 No. 3841

**REGISTERED PROFESSIONAL ENGINEER**  
 BRADLEY R. DAVIDSON  
 No. 19089

**VARIANCE EXHIBIT**

PROJECT NO: 19-00119-22  
 DATE: 01/19/20  
 SCALE: 1" = 30'

JOB NUMBER: D1919-22

**C1.0**

# Public Hearing Case

EXHIBIT

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C.



Ortho Map

1 inch = 60 feet



Date: 3/12/2020