

O-19-62

ORDINANCE NO. ____

AN ORDINANCE GRANTING A WAIVER OF THE SIDEWALK REQUIREMENT OF SECTION 12.21 OF THE ZONING ORDINANCE FOR A CONNECTING STREET ON CERTAIN REAL PROPERTY LOCATED AT THE NORTH SIDE OF PHASE 25, COUNTRY CLUB OF ARKANSAS TO WHITE OAK CROSSING IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a request has been made by Holloway Engineering, 200 Casey Drive, Maumelle, Arkansas 72113, to waive certain Zoning Ordinance requirements for a connecting street located at the north side of Phase 25, Country Club of Arkansas to White Oak Crossing in the City of North Little Rock, Arkansas (See letter from Mark Redder of Holloway Engineering dated April 9, 2019 attached hereto as Exhibit A and maps attached hereto as Exhibit B); and

WHEREAS, the applicant seeks waiver of the sidewalk requirement of Section 12.21 of the Zoning Code; and

WHEREAS, the applicant appeared before the North Little Rock Planning Commission at a regularly scheduled meeting held on April 9, 2019, and submitted his request of waiver to the Commission; and

WHEREAS, the applicant's sidewalk waiver request was reviewed and denied (6 affirmative votes to require sidewalks; 3 absent) by the Planning Commission at its April 9, 2019 meeting; and

WHEREAS, the applicant is appealing the decision to the City Council and is seeking approval to waive the requirements.

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

SECTION 1: That the following waiver of the Zoning Code is hereby granted for property located at the north side of Phase 25, Country Club of Arkansas to White Oak Crossing in the City of North Little Rock as depicted in Exhibit B attached hereto and incorporated herein by reference:

1. Waiver of required sidewalk requirements – Section 12.21

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 requirement to build a sidewalk at the connecting street at the above mentioned property is 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:

Ron Harris
Council Member Ron Harris

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 10:55 A.M. _____ P.M.

By Amy Fields, CA

DATE 4-20-19

**Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas**

RECEIVED BY [Signature]



HOLLOWAY ENGINEERING
Surveying, & Civil Design, PLLC



April 9, 2019

Mayor Joe Smith
North Little Rock City Council
City Hall
300 Main Street
P.O. Box 5757
North Little Rock, AR 72119

RE: Waiver of Sidewalks for Phase XXV-A, Country Club of Arkansas, North Little Rock, AR

Dear Mayor Smith and City Council Members,

We are asking for a variance of the sidewalk requirement from the north side of Phase 25, Country Club of Arkansas to White Oak Crossing. We are asking for this wavier due to the fact that this is a connecting street from White Oak Crossing to our subdivision. Typically, a subdivision such as this is not burdened with the hardship of constructing a new connector street. The property to the east of this connector street will be a private residential subdivision and will not have access to this connector street. There will be adequate shoulder width to allow pedestrian traffic to reach White Oak Crossing which also has asphalt shoulders.

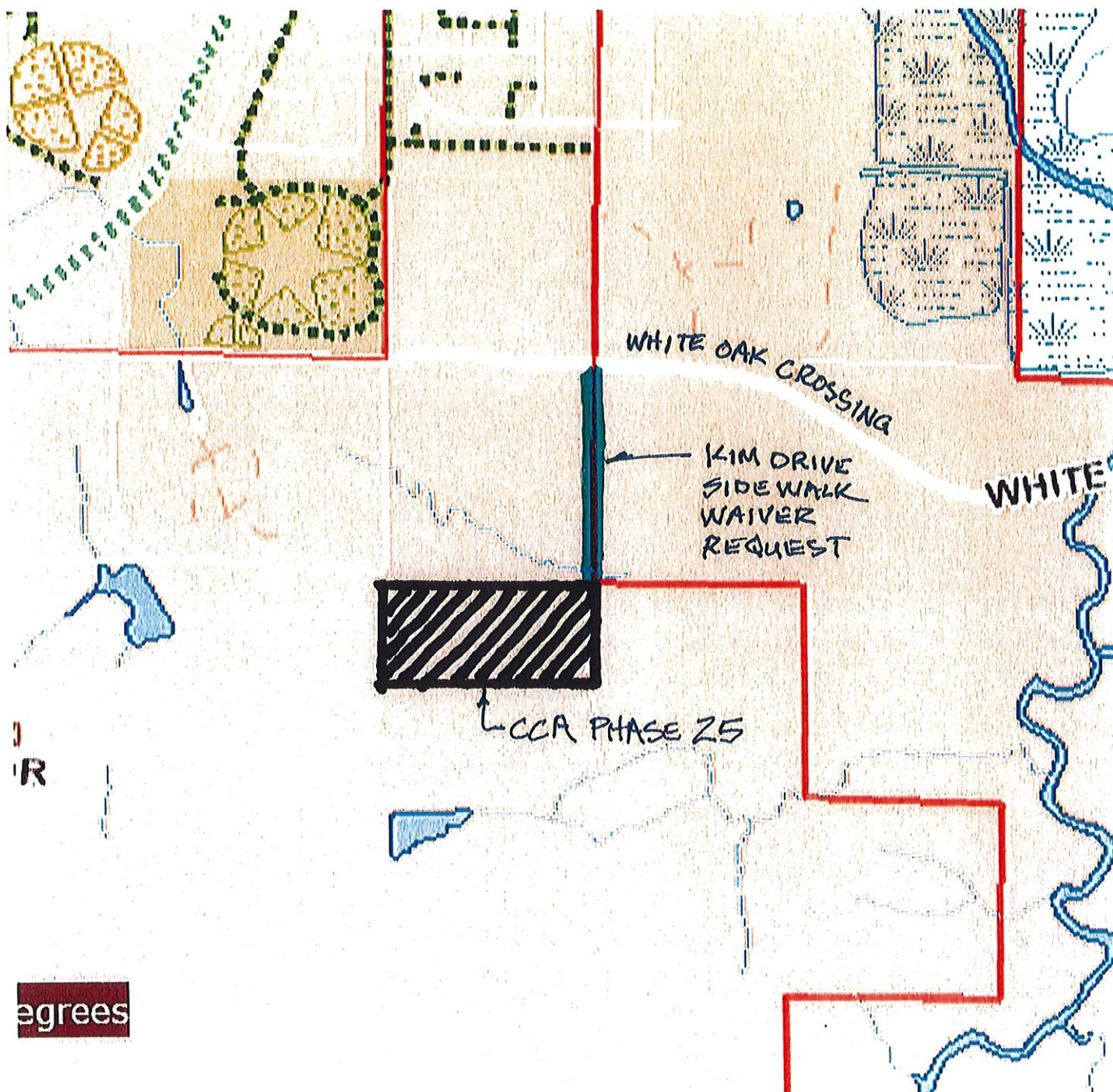
We are proposing that the connector street be built with no curb and gutter but constructed with wide asphalt shoulders. All of the streets within Phase 25-A of Country Club of Arkansas will have sidewalk on both sides of the street and curb and cutter construction. The property to the north of our subdivision is being marketed as commercial and will likely include half street improvements and driveway locations to be determined by the development.

We would like to be placed on the April 22nd City Council Agenda.

If you have any questions please call me at 501-851-3366.

Sincerely,

Mark Redder

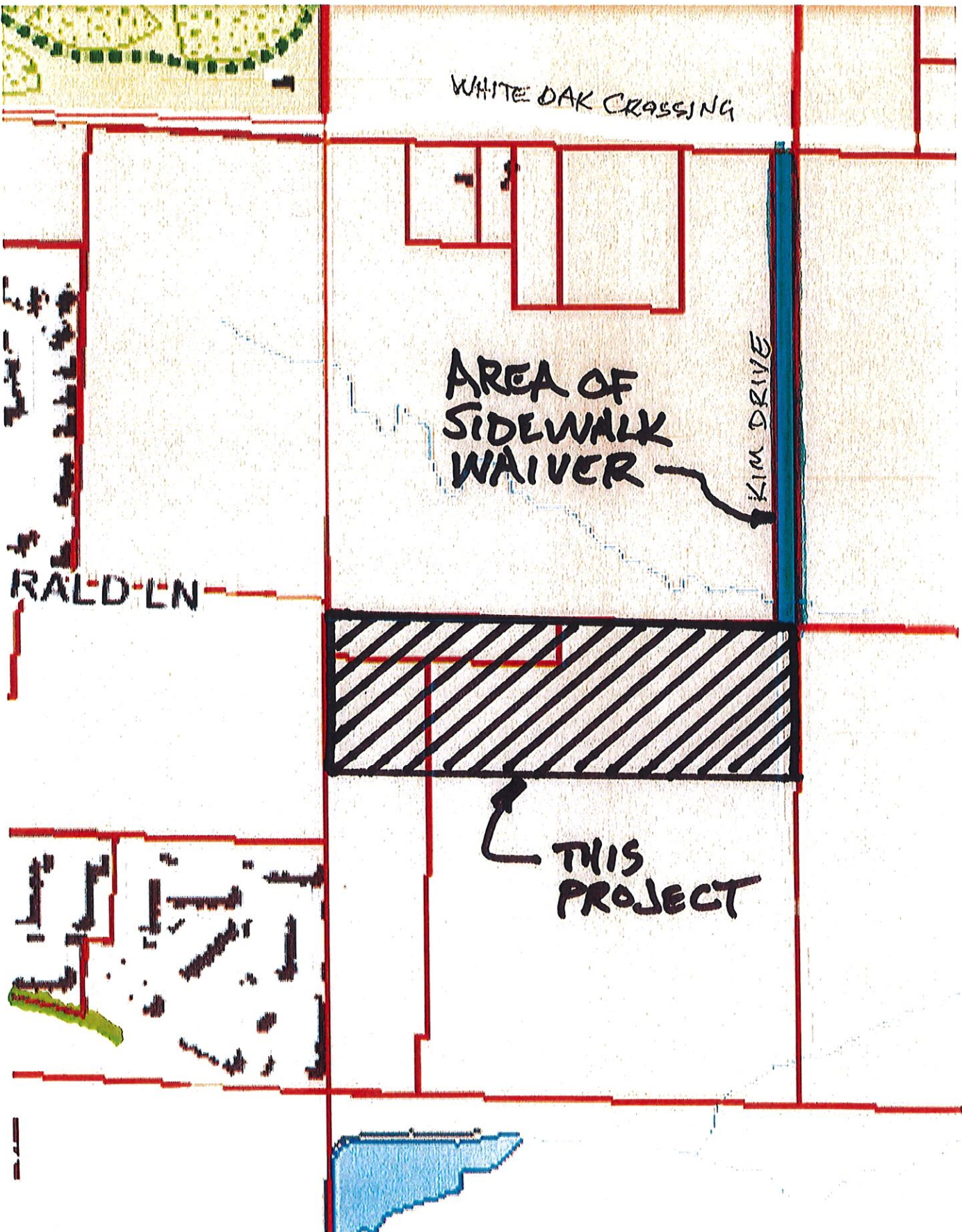


degrees

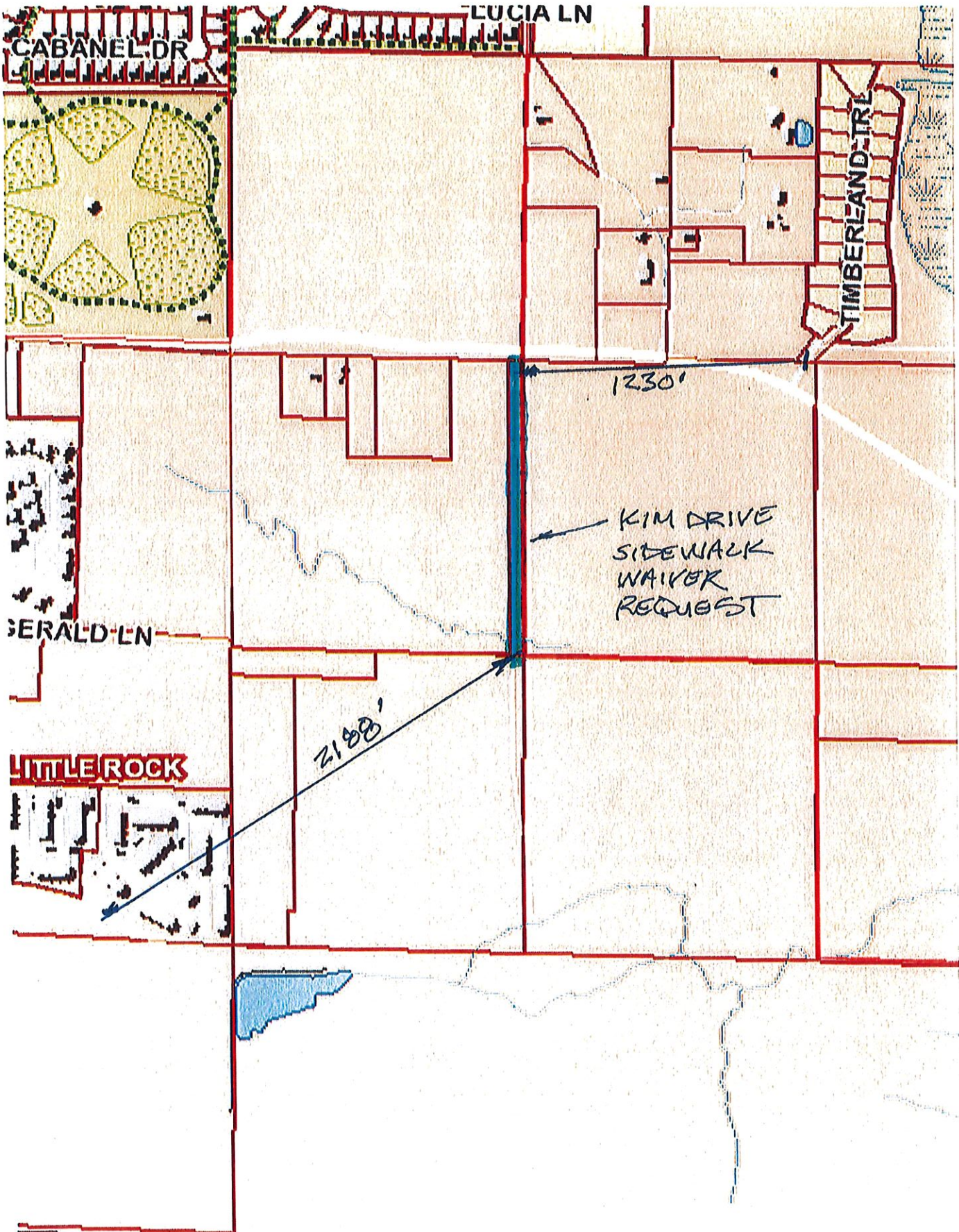
VICINITY MAP

EXHIBIT

B.



SITE PLAN MAP



NEAREST SIDEWALK

Fleming, Camille

From: Reavis, Timothy
Sent: Thursday, April 11, 2019 1:43 PM
To: Fleming, Camille
Subject: RE: Legislation request for Public Hearing #2019-10
Attachments: SD2018-71 (UPDATED) Country Club of Arkansas, PHase XXV-A, Lots 1-17 (pr....pdf)

Yes, that is the section of the zoning ordinance is what they are needing to waive.

As for the legal description, Kim Dr., the road where the sidewalk requirement is up for question, isn't built yet. I only have the legal description for the proposed subdivision the road will lead to, but they aren't legal lots of record yet.

Attached, for your reference (please do not include this drawing in the legislation), is the drawing that's associated with the project. The section of Kim Dr. connecting White Oak Crossing to the subdivision is what is in question.

From: Fleming, Camille
Sent: Thursday, April 11, 2019 12:21 PM
To: Reavis, Timothy <TReavis@nlr.ar.gov>
Subject: RE: Legislation request for Public Hearing #2019-10

More questions, sorry!

Do you have a legal description for this property? Also I'm assuming they are trying to waive Section 12.21 (Sidewalks) of the Zoning Ordinance?

From: Reavis, Timothy
Sent: Wednesday, April 10, 2019 11:25 AM
To: Fleming, Camille <CFleming@nlr.ar.gov>; Fields, Amy <AFields@nlr.ar.gov>; Whitbey, Diane <DWhitbey@nlr.ar.gov>
Cc: Spencer, Shawn <SSpencer@nlr.ar.gov>; Harris, Ron <RonHarris@nlr.ar.gov>
Subject: Legislation request for Public Hearing #2019-10

Councilmember Harris will sponsor the attached Public Hearing request to waive Planning Commission's requirements of sidewalks for Kim Dr. from White Oak Crossing to the Country Club of Arkansas Subdivision. The Planning Commission voted 6 yes, 3 absent to require sidewalks on 03/12/2019.

Tim Reavis, MPA
Assistant Planning Director
North Little Rock
501-975-8871
NLRplanning.com