

ORDINANCE NO. _____

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF GRAHAM AVENUE AND NORTH OF PAGE MILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW THE SALE OF TOPSOIL IN ORDER TO PREPARE LAND FOR ROW CROPS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by David Mitchell, 5816 Petit Jean River Road, North Little Rock, AR 72116, seeking a reclassification and special use of the herein described land to allow the sale of top soil in order to prepare land for row crops, which application was duly considered and approved (7 affirmative votes; 2 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on March 13, 2018.

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

SECTION 1: That Ordinance No. 7697 of the City of North Little Rock, Arkansas is hereby amended by changing the classification of certain lands from R-1 to R-2 classification to allow the sale of top soil in order to prepare land for row crops on said property located east of Graham Avenue and north of Page Mill Road in North Little Rock, Pulaski County, Arkansas, and more particularly described as follows:

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND PART OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 02 NORTH, RANGE 11 WEST, PULASKI COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FRACTIONAL SOUTHWEST QUARTER, THENCE N72°07'42"W FOR A DISTANCE OF 2050.08 FEET, THENCE N00°23'59"E FOR A DISTANCE OF 1106.72 FEET TO THE POINT OF BEGINNING, THENCE N00°23'59"E FOR A DISTANCE OF 94.31 FEET, THENCE N88°37'51"W FOR A DISTANCE OF 22.51 FEET, THENCE N01°33'39"E FOR A DISTANCE OF 667.27 FEET, THENCE S88°28'27"E FOR A DISTANCE OF 663.45 FEET, THENCE S01°13'02"W FOR A DISTANCE OF 665.45 FEET, THENCE S88°37'51"E FOR A DISTANCE OF 1334.88 FEET, THENCE S01°10'20"W FOR A DISTANCE OF 516.60 FEET, THENCE S74°13'58"W FOR A DISTANCE OF 938.21 FEET, THENCE N14°55'46"W FOR A

DISTANCE OF 138.45 FEET, THENCE S78°42'56"W FOR A
DISTANCE OF 131.81 FEET, THENCE N12°33'58"W FOR A
DISTANCE OF 152.06 FEET, THENCE N77°35'28"E FOR A
DISTANCE OF 125.92 FEET, THENCE N00°03'33"E FOR A
DISTANCE OF 213.52 FEET, THENCE N86°48'47"W FOR A
DISTANCE OF 252.94 FEET, THENCE N89°02'44"W FOR A
DISTANCE OF 129.44 FEET, THENCE N75°08'11"W FOR A
DISTANCE OF 121.03 FEET, THENCE N27°30'06"E FOR A
DISTANCE OF 125.00 FEET, THENCE N48°30'27"W FOR A
DISTANCE OF 96.69 FEET, THENCE S55°27'27"W FOR A
DISTANCE OF 176.04 FEET, THENCE N89°31'10"W FOR A
DISTANCE OF 39.41 FEET, THENCE N00°28'50"E FOR A
DISTANCE OF 65.00 FEET, THENCE N89°31'10"W FOR A
DISTANCE OF 125.00 FEET, THENCE N00°28'30"E FOR A
DISTANCE OF 34.14 FEET, THENCE N88°27'43"W FOR A
DISTANCE OF 169.42 FEET, BACK TO THE POINT OF BEGINNING,
SAID PROPERTY CONTAINING 30.002 ACRES, MORE OR LESS.
(See maps attached hereto collectively as Exhibit A).

SECTION 2: That a special use is approved for the sale of topsoil to prepare land for row crops in an R-2 zone for the herein described property subject to the following:

- 1) All work to cease until the City Engineer has given approval.
- 2) Selling of topsoil only allowed for two years from City Council approval.
- 3) Provide the following to the City Engineer:
 - a. Corps of Engineers (COE) 404 Clearance/Permit or documentation that says such permit is not required.
 - b. City of North Little Rock Grading Permit application with grading plans.
 - c. City of North Little Rock Stormwater Permit application with erosion control plan showing silt fence, storm inlet protection and drainage details.
 - d. City of North Little Rock Floodplain Development Permit application.
 - e. Arkansas Department of Environmental Quality (ADEQ) Stormwater Permit
- 4) Applicant to meet the Zoning Ordinance buffer requirements.
- 5) All new construction must go through the Site Plan Review process.
- 6) All public streets may be used for haul trucks but stone tracking pads must be utilized before trucks re-enter streets from construction site to keep streets clear of debris.
- 7) Access to site is to be only via Page Mill Road and Texoma Avenue.
- 8) Any blasting requires permit from the Fire Marshal.
- 9) Hours of Operation 8AM – 5PM.
- 10) Business license to be issued after Planning Staff confirmation of requirements.
- 11) Business license holder understands that failure to comply with these conditions may result in loss of the Special Use.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provisions shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 6: It is hereby found and determined that the City benefits from development within its boundaries, that the rezoning and special use of the above-described land as provided for herein to allow the sale of topsoil to prepare land for row crops will not be detrimental to or interfere with other occupants in the area 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 Joe A. Smith

SPONSOR:

ATTEST:

For Consideration Only



Mayor Joe A. Smith *by AT*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



Amy Beckman Fields, City Attorney

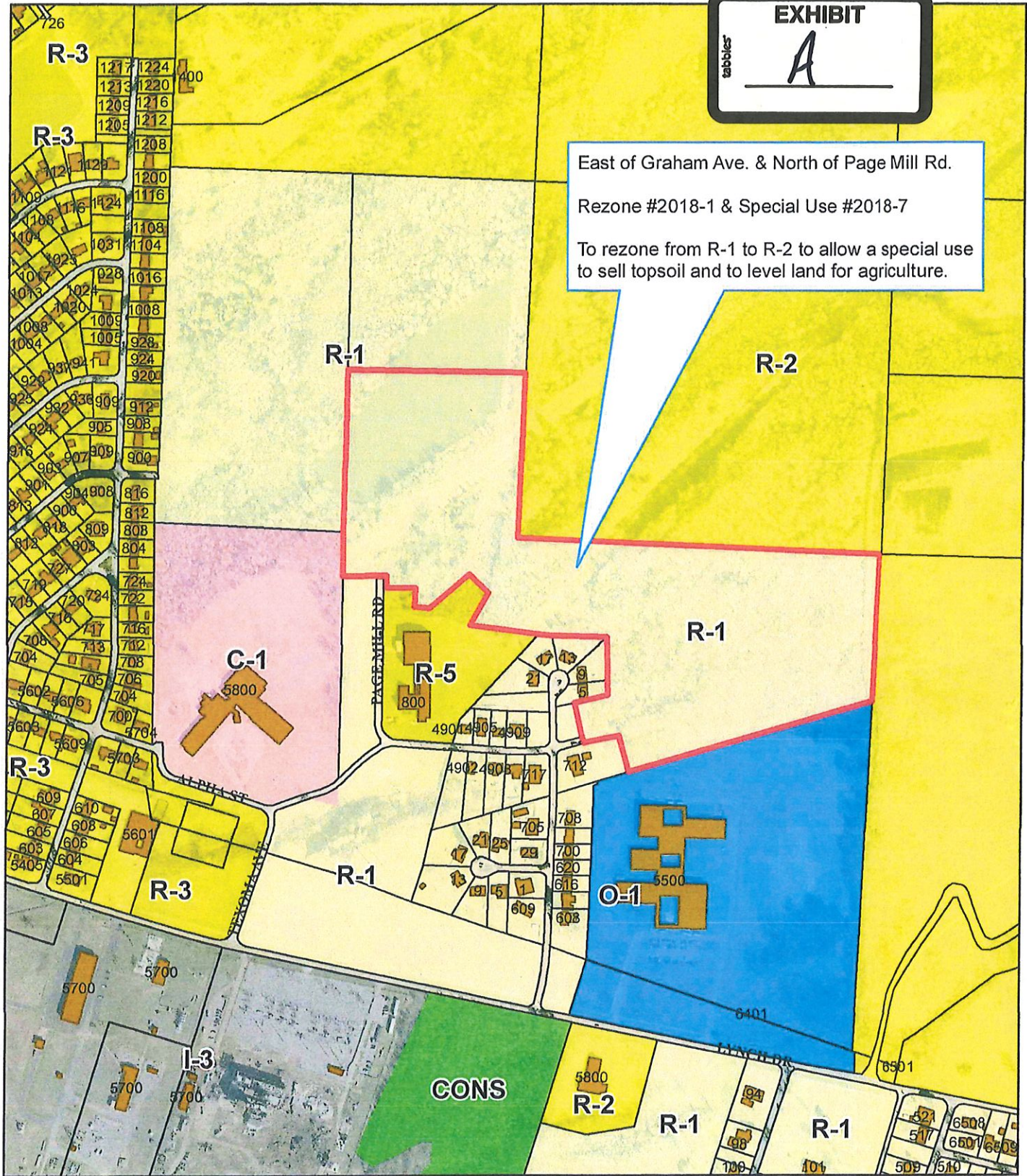
PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kh

FILED <u>10:56</u> A.M. _____ P.M.
By <u>City Atty Amy fields</u>
DATE <u>5-8-18</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>K. Thomas</u>

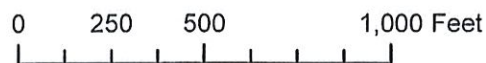
Rezone Case #2018-1 & Special Use #2018-7

EXHIBIT
A

East of Graham Ave. & North of Page Mill Rd.
Rezone #2018-1 & Special Use #2018-7
To rezone from R-1 to R-2 to allow a special use to sell topsoil and to level land for agriculture.



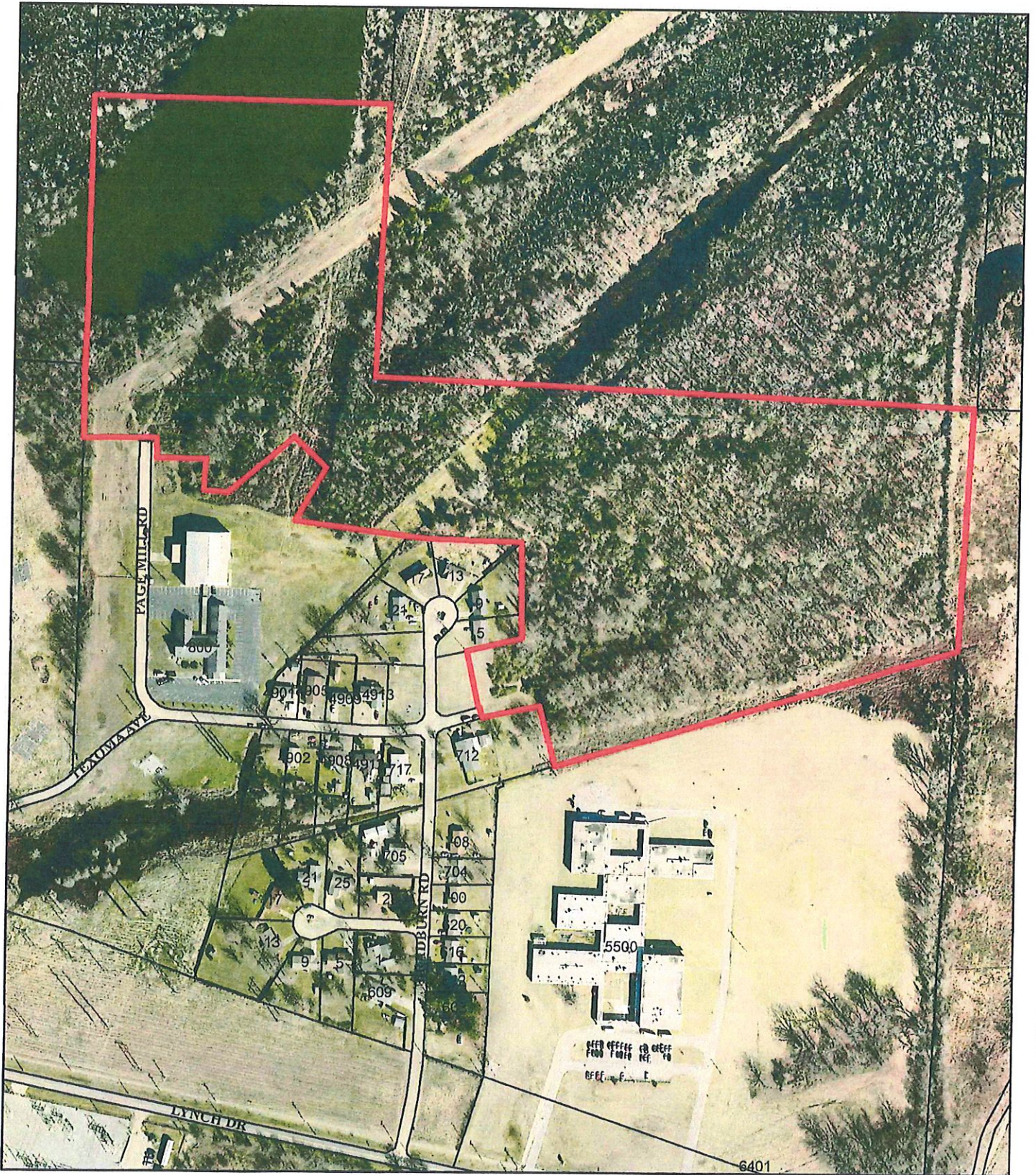
1 inch = 500 feet



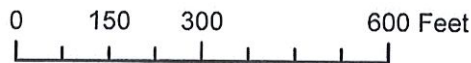
Date: 3/16/2018



Rezone Case #2018-1 & Special Use #2018-7

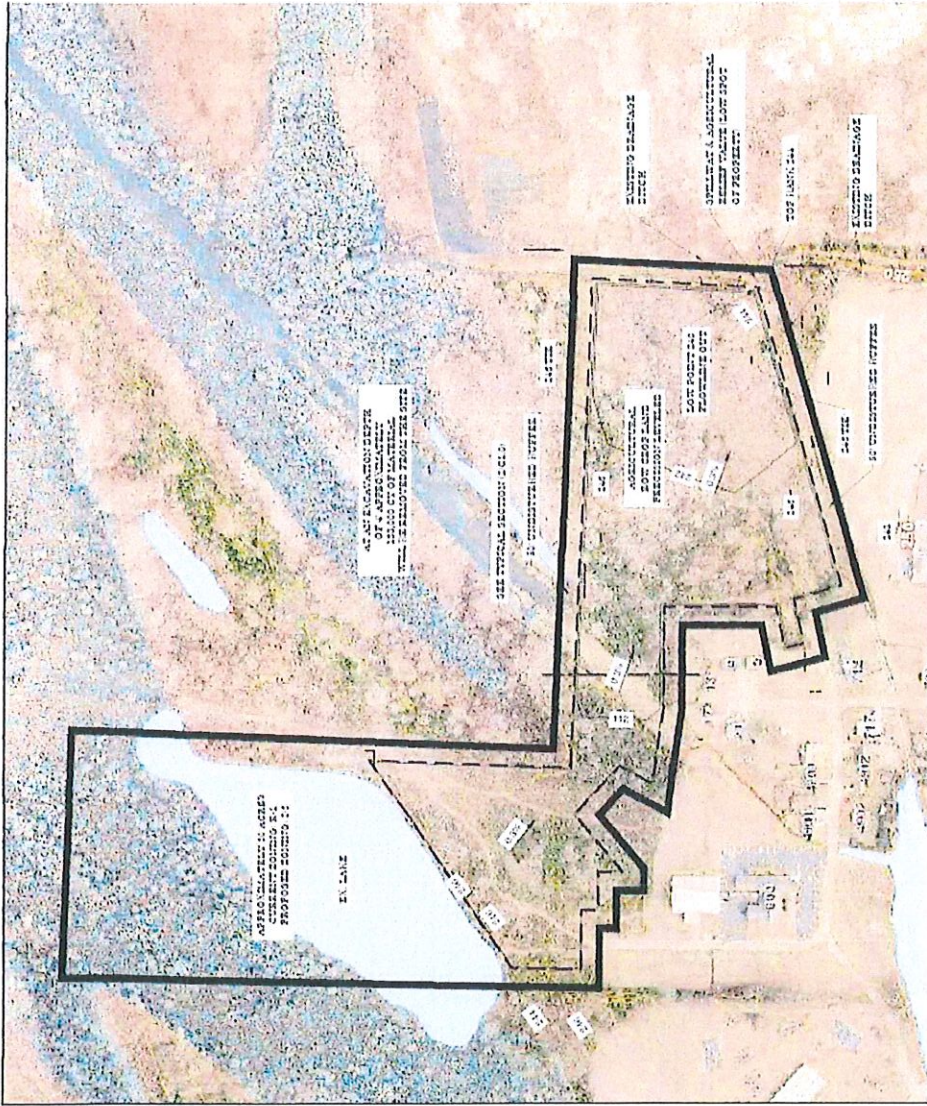


1 inch = 300 feet



OrthoMap

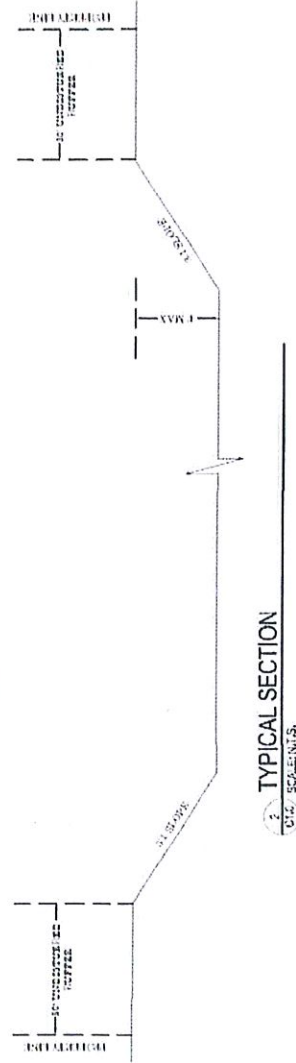
Date: 3/16/2018



RE-ZONE SKETCH



SCALE 1" = 200'



TYPICAL SECTION

C/A: SCALE IN FT.