

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TRUCK SALES AND REPAIR BUSINESS IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3815 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Norman Clifton, 1000 Cherry Hill Drive, North Little Rock, AR 72116, seeking a conditional use of land located at 3815 East Broadway, which application was duly considered and approved (8 affirmative votes; 1 abstain) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on January 13, 2009.

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

SECTION 1: That a conditional use is approved for a truck sales and repair business in a C-4 zone for the subject real property located at 3815 East Broadway in the City of North Little Rock, Pulaski County, Arkansas, being more particularly described as:

A part of the SW ¼ SE ¼, Sec 31, T2N, R11W, in the city of North Little Rock, Pulaski County, Arkansas being more particularly described as follows: Commencing at the NW corner said SW ¼ SE ¼, Sec 31; Thence S00 58'01"W along the W line said SW ¼ SE ¼ for 125.60 feet to the southerly ROW line of the Arkansas Midland Railroad (100' ROW): Thence S65 40'55"E along said southerly ROW line for 313.16 feet to a 5/8" iron pipe and the POB: Thence continue S65 40'55"E along said southerly ROW line for 381.87 feet to a 5/8" iron pipe: Thence S01 09'58"W for 364.41 feet to a 5/8" iron pipe on the northerly ROW line East Broadway (Highway 70): Thence along said ROW line the following courses: N84 10'31"E for 131.53 feet to an AHTD spike & gasket: N84 10'40"W for 165.19 feet to a 5/8" iron pipe: N84 43'54"W for 59.59 feet to a 5/8" iron pipe: Thence leaving said northerly right of way line N01 38'43"E for 486.21 feet to the POB and containing 150.290 square feet, or 3.45 acres, more or less. (See Exhibits "A" and "B" attached hereto.)

SECTION 2: That this conditional use shall be subject to the following:

- (1) Applicant must meet all applicable Federal, State, County and City laws, regulations and requirements;

- (2) Allow a 6-foot chain link fence with no barb or razor wire along the front property line;
- (3) No parking of trailers along the front fence;
- (4) All repairs to be conducted within a building; no outside repair of trailers or vehicles;
- (5) No partial vehicles or partial trailers are to be stored on the property;
- (6) No salvaging of vehicles or trailers;
- (7) Provide a gravel strip 40 feet deep along the front of the property;
- (8) Provide a decorative hedge with trees along the front fence line; and
- (9) A business license will not be issued until the North Little Rock Planning Department has confirmed all requirements have been met.

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: It is hereby found and determined that the conditional use of the above-described lands as provided for herein is immediately necessary in order to insure the proper and orderly growth of this land and the proper and orderly growth 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 Patrick H. Hays

SPONSORS:

Alderman Linda Robinson

ATTEST:

Diane Whitbey, City Clerk

Alderman Maurice Taylor

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b