

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

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW SAND AND GRAVEL MINING AND PROCESSING IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 220 SAND RIVER ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, application was duly made by Desoto Sand, P. O. Box 10064, Ft. Smith, AR 72917, seeking a special use of said land, which application was duly considered and approved (8 affirmative votes; 1 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof, held on April 14, 2009.

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

SECTION 1: That a special use is hereby granted to allow sand and gravel mining and processing in an I-2 zone for the subject real property located at 220 Sand River Road in the City of North Little Rock, being more particularly described as:

Lot 1, Desoto Sand Addition to the City of North Little Rock, Pulaski County, Arkansas. (See Exhibits "A", "B" and "C" attached hereto.)

SECTION 2: That this special use shall be subject to the conditions listed below:

- a) Applicant must meet all applicable Federal, State, County and City requirements;
- b) Loaded trucks are to exit onto Faulkner Lake Road at Brett Road.
- c) Business license to be issued after confirmation by Planning Department Staff that requirements imposed by City Council have been met. .

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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: It is hereby found and determined that the special 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:

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APPROVED:

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Mayor Patrick H. Hays

SPONSOR:

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Mayor Patrick H. Hays

ATTEST:

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Diane Whitbey, City Clerk

APPROVED AS TO FORM:

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C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b