

ORDINANCE NO. _____

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF 9TH STREET AND VESTAL ALONG RIVER ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) TO PLANNED UNIT DEVELOPMENT (PUD) BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, application was duly made by Mr. Greg Joslin, 1701 Centerview Drive, Ste. 201, Little Rock, AR 72211, seeking a rezone of the land described in Section 1 of this Ordinance (the "Subject Property") to allow apartments, which application was duly considered and approved (7 affirmative votes; 1 negative vote; 1 absent) by the North Little Rock Planning Commission at a regular meeting thereof held on September 8, 2009; and

WHEREAS, the Subject Property lies within a district that has been officially designated by City Council as requiring redevelopment; namely, the Lower Baring Cross Neighborhood Redevelopment District #2 as established through the adoption of Ordinance No. 7896 on December 28, 2006; and

WHEREAS, the City of North Little Rock recently applied for federal Neighborhood Stabilization Program (NSP1) funding to assist in redevelopment of properties that are nearby the Subject Property; and

WHEREAS, the current Traditional Neighborhood Development ("TND") zoning classification was established by City Council through the adoption of Ordinance No. 7993 on September 24, 2007 to facilitate redevelopment of the Subject Property in a manner that reflected the desires of the neighborhood, preserved the historic quality of the neighborhood, and improved quality of life; and

WHEREAS, the broad authority granted under the R4 zoning classification is inconsistent with the continual efforts of the City Council to cause the redevelopment of the Subject Property in a manner consistent with the goals and objectives stated for the neighborhood in prior ordinances cited above; and

WHEREAS, the development controls that are available to the City through a Planned Unit Development ("PUD") zoning classification, and by agreement with the developer as stated herein, protect the ongoing efforts of the City Council to cause the redevelopment of the Lower Baring Cross Neighborhood in such a manner as to protect and enforce the goals and objectives stated for the neighborhood in prior ordinances cited above.

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 land from TND to PUD zone for property (13 acres) located southwest of the intersection of 9th Street and Vestal along River Road in North Little Rock, Arkansas, more particularly described as follows: (See Exhibits "A" and "B" attached hereto.)

The legal description of the request is: A tract of land in the SW 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 SW 1/4, NE 1/4 SW 1/4, and the SW 1/4 SW 1/4, Section 34, Township 2 North, Range 12 West, Pulaski County, Arkansas more particularly bounded and described as follows: The W 900 feet, more or less, lying N of the proposed Third Street, consisting of 13 acres, more or less; of the following property: beginning at the calculated W 1/4 Corner Sec. 34, T2N, R12W, thence N 789.44 feet to a calculated point, thence N89°14'51"E 120.01 feet to a calculated point, thence S 355.50 feet to a calculated point, thence N89°14'59"E 644.22 feet to a found 5/8" Pipe, thence S01°03'06"E 154.55 feet to a calculated point, thence S89°29'16"E 349.41 feet to a calculated point, thence S00°37'49"E 209.99 feet to a point which bears N11°43'34"E 0.08' from a found 5/8" Pipe and S39°38'33"E 13.02' from a found 5/8" Pipe, thence S89°29'16"E 310.57 feet to a point which bears N01°31'11"E 3.93 feet from a 1 3/4" Pipe, thence S07°54'59"W 1069.18 feet to a calculated point, thence N82°05'01"W 135.57 feet to a found 5/8" Pipe, thence S12°35'55"W 28.18 feet to a calculated point, thence N72°18'43"W 37.60 feet to a calculated point, thence S07°54'59"W 350.27 feet to a calculated point, on the N ROW of River Road (60' ROW), thence with said ROW, along a curve to the left having a radius of 1736.08 feet and a chord bearing and distance of N55°56'06"W 27.22 feet to a point which bears N57°29'33"E 0.61 feet from a found rebar with cap RLS 1375, thence N 6°23'05"W 288.31 feet to a point which bears N63°42'14"E 0.34 feet from a found rebar with cap RLS 1375, thence along a curve to the right with a radius of 1146.30 feet and a chord bearing and distance of N53°23'20"W 119.82 feet to a point which bears N45°29'37"W 0.27 feet from a found rebar with cap RLS 1375, thence N50°23'35"W 52.11 feet to a calculated point, thence N50°24'01"W 140.10 feet to a calculated point, thence along a curve to the right having a radius of 838.93 feet and a chord bearing and distance of N44°27'11"W 173.85 feet to a calculated point, thence N38°30'20"W 251.46 feet to a calculated point, thence along a curve to the left having a radius of 727.62 feet and a chord bearing and distance of N41°45'50"W 82.71 feet to a calculated point, thence N45°01'20"W 157.03 feet to a calculated point, thence along a curve to the left having a radius of 307.07 feet and a chord bearing and distance of

N52°05'44"W 75.62 feet to a calculated point, thence N59°10'07"W 54.08 feet to a calculated point, thence N 393.19 feet to the POB containing 40.10 acres more or less as surveyed by MCE in December 2005. LESS & EXCEPT. A part of the SW 1/4 NW 1/4, Sec 34, T2N, R12W, Pulaski County, Arkansas, more particularly described as: Commencing at the SW corner of the SW 1/4 NW 1/4 (W 1/4 Corner) of said Sec 34, thence N372.76 feet to a point, thence S60°21'19"E 11.51 to the POB, thence N 422.50 feet to a point, thence N89°14'51"E 110.01 feet to a point, thence S 486.55 feet to a point, thence N60°21'19"W 126.57 feet to the POB containing 1.15 acres more or less..

SECTION 2: The Planned Unit Development shall be constructed according to Exhibit B (Site Plan), Exhibit C (Project Narrative), and the following additional conditions:

- a) The owner or developer shall request a building permit within 12 months from the date this ordinance is approved.
- b) The development shall meet all requirements of the Planning Commission as established through the site plan review process.

SECTION 3: In accordance with Section 10.1 of Ordinance No. 7697 (the "Zoning Ordinance"), failure to comply with the requirements stated in Section 2 will cause the Subject Property to revert to TND zoning classification. Prior to such reversion, a hearing shall be held by City Council after reasonable prior notice to the owner.

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 provision 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 reclassification of the above-described land as provided for herein 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 Patrick H. Hays

SPONSOR:

Alderman Maurice Taylor

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b