

0-10-37

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

**AN ORDINANCE AMENDING THE CONDITIONS OF A SPECIAL USE PERMIT AS ESTABLISHED BY ORDINANCE NO. 8257; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, application was duly made by Mr. Greg Mueller, 2851 Lakewood Village Drive, North Little Rock, AR 72116, seeking a special use of 2655 Pike Avenue in the City of North Little Rock, Arkansas (“the Subject Property”), which was duly considered and approved (7 affirmative votes; 1 negative, 1 absent) by the North Little Rock Planning Commission at a regularly scheduled meeting thereof held on April 13, 2010; and

WHEREAS, during a regularly scheduled meeting on April 26, 2010, the City Council adopted Ordinance No. 8257 approving a Special Use for the Subject Property subject to certain conditions as described within Ordinance No. 8257; and

WHEREAS, the City Council finds that it is just and proper to modify the conditions of the Special Use Permit that was approved by Ordinance No. 8257.

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

SECTION 1: That the conditions of the special use permit established by Ordinance No. 8257, as described in Section 2 thereof, are hereby amended as follows:

- a) Applicant must meet all applicable Federal, State, County and City requirements.
- b) Hours of operation to be Monday-Saturday, 7:00 a.m. – 8:00 p.m.
- c) ~~No vehicles~~ Three (3) vehicles may be stored outside overnight in marked parking spaces on the property.
- d) Business license to be issued after confirmation by Planning Department Staff that requirements imposed by City Council have been met.
- e) Applicant/owner understands that failure to comply with these conditions may result in loss of the Special Use and/or loss of Business License and/or removal of Electric Power Meter.
- f) Applicant to include in lease that “no body work will be done at this location.”
- g) Due to the proximity of residential properties to the subject property, this special use permit is expressly conditional upon compliance with all health, safety and welfare regulations of the City. Conviction of three (3) code violations within one (1) year shall cause ~~this special use permit~~ the business license of the offender to terminate immediately.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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: It is hereby found and determined that the modification of this special use is immediately necessary in order to facilitate commerce on the Subject Property in a harmonious manner with nearby residential owners and 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:

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\_\_\_\_\_  
Mayor Patrick H. Hays


SPONSORS:

ATTEST:

  
Alderman Jimmy Phillips

\_\_\_\_\_  
Diane Whitbey, City Clerk

APPROVED AS TO FORM:

  
C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:39 A.M. \_\_\_\_\_ P.M.

BY City Atty Carter

DATE 5-4-10

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

RECEIVED by 