

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

**AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A RESTAURANT WITH A DRIVE-THRU IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 418 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A LANDSCAPE WAIVER FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, application was duly made by Holloway Engineering, 200 Casey Drive, Maumelle, Arkansas 72113, seeking a conditional use for property located at 418 East Broadway Street to allow a restaurant with a drive-thru, 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 November 12, 2019.

WHEREAS, the applicant seeks waiver of the side yard landscape strip requirements of Section 15.4 of Ordinance No. 7697 (the "Zoning Ordinance") to permit two feet of landscaping on the west side of the development of the subject property (see letter from Holloway Engineering dated, attached hereto as Exhibit A and Area Map attached hereto as Exhibit B), 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 November 12, 2019.

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 restaurant with a drive-thru in a C-6 zone for the subject real property located at 418 East Broadway in the City of North Little Rock, Pulaski County, Arkansas, being more particularly described as follows:

Lot AR, Block 17, Argenta Subdivision, City of North Little Rock, Pulaski County, Arkansas (See maps attached hereto collectively as Exhibit C).

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

1. No indoor seating permitted.
2. Meet the requirements of the site plan review.
3. Applicant must meet all Federal, State, County, and City requirements and codes.
4. Business license to be issued after Planning Staff confirmation of requirements.
5. Applicant/owner understands that failure to comply with these conditions may result in loss of the Conditional Use and/or loss of Business License and/or removal of Electrical Power Meter.

SECTION 3: That the following section of Ordinance No. 7697 ("the Zoning Ordinance") is hereby waived for 418 East Broadway Street to allow two feet of landscaping on the west side of development:

**Section 15.4.D.1 – Specific Requirements for Screening and Landscaping**

**Side Yard Landscaping Strips.**

Landscape strips shall have a minimum width of 4 feet between the side property line and the edge of the parking area and planted with grass, shrubs or trees. Where parking is oriented perpendicular to the landscape strip, wheel stops shall be provided to prevent overhang into the landscape strips or add 2 feet to the width of the strip.

SECTION 4: That all ordinances or parts of ordinance 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 5: It is hereby found and determined that a restaurant with a drive-thru as described herein is compatible with other businesses in the area and that the conditional use and landscape requirement waiver of the above-described land is immediately necessary in order to insure the proper and orderly growth and development 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:

Maurice Taylor  
Council Member Maurice Taylor

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

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED	10:20	A.M.	_____	P.M.
By	A. Fields			
DATE	12-3-19			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	S. Usery			



**HOLLOWAY ENGINEERING**  
**SURVEYING & CIVIL DESIGN**

---

200 Casey Drive, Maumelle, AR 72113 | Work: 501.851.3366

November 27, 2019

City of NLR City Council  
NLR City Hall  
300 Main Street  
North Little Rock, AR 72114

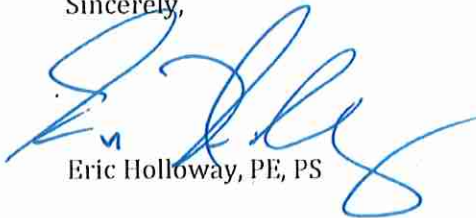
RE: Landscape Waiver for Lot AR, Block 17 Argenta Subdivision, 418 E. Broadway Street,  
Starbucks, North Little Rock, Arkansas

Dear City Council Members,

Please accept this letter to serve as our request to be placed on the December 9<sup>th</sup> City Council Meeting. We are asking for a waiver of the 4ft side yard landscape strip requirement for the west side of the property due to design constraints related to the additional right-of-way requirements that may be needed for the I-30 crossing project that will affect it connecting intersection with Highway 70. Please allow the proposed 2ft side yard landscape strip to suffice. It is adjacent to brick columns and steel fencing on the Simmons Arena property which is full developed. Landscaped areas extend 15 to 20 feet on the arena side of the fence.

If you have any questions please call me at 501-851-3366.

Sincerely,



Eric Holloway, PE, PS

EXHIBIT

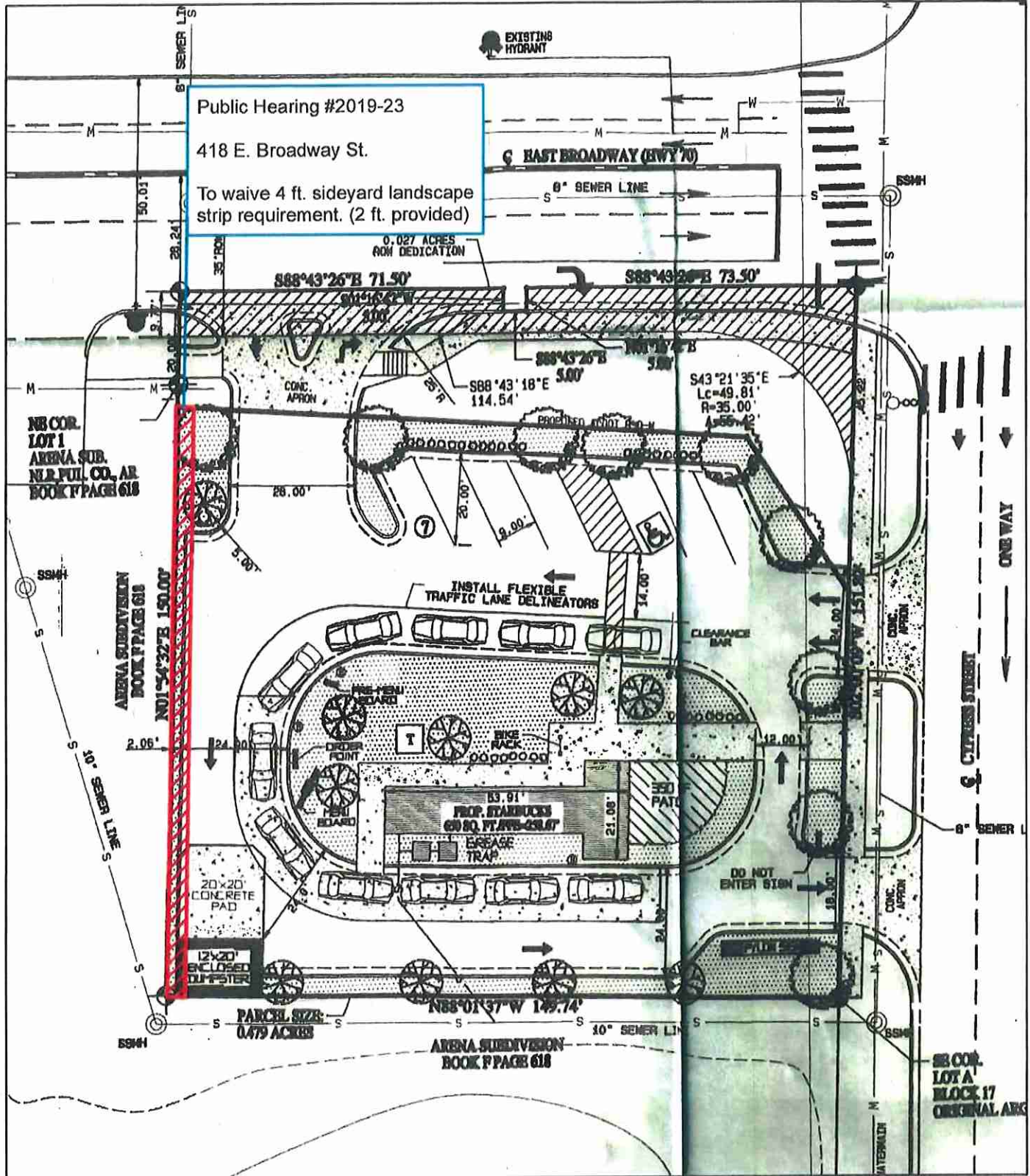
A.

tabbles

# Public Hearing Case # 2019-23

EXHIBIT

B.



Area Map

1 inch = 30 feet



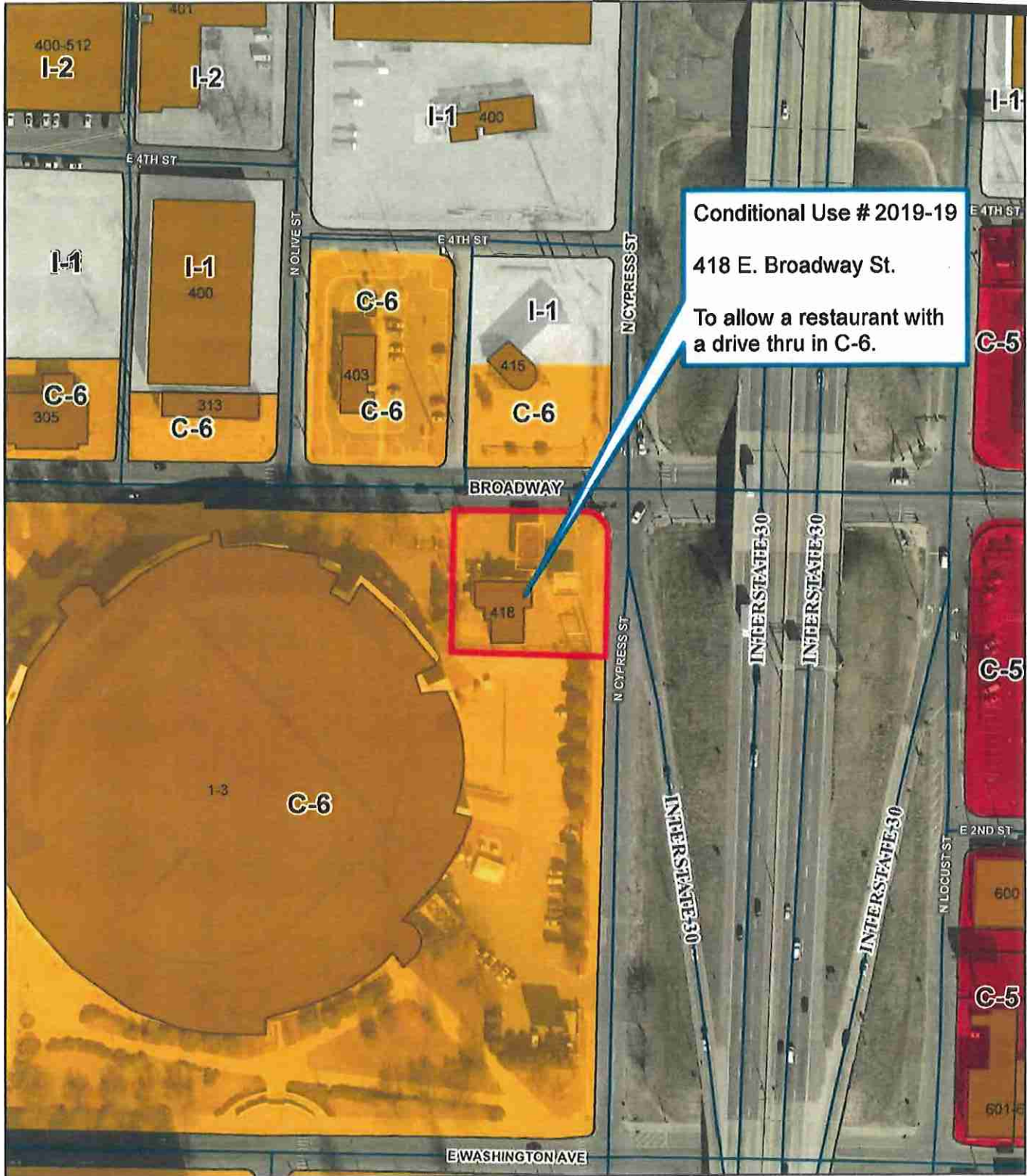
Date: 11/26/2019

# Conditional Use # 2019-19

EXHIBIT

C.

tabbles



Zoning Map

Date: 9/25/2019

1 inch = 150 feet  
0 75 150 300 Feet



Map is not to survey accuracy

# Conditional Use # 2019-19



Ortho Map

1 inch = 30 feet

0 15 30 60 Feet



Date: 9/25/2019

Map is not to survey accuracy