

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

**AN ORDINANCE GRANTING A WAIVER OF THE SIDEWALK REQUIREMENTS OF SECTION 12.21 OF THE ZONING ORDINANCE AND SECTION 9.11 OF THE SUBDIVISION ORDINANCE FOR CERTAIN REAL PROPERTY LOCATED EAST OF MINE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, a request has been made by Halff+Marlar, 5318 John F. Kennedy Boulevard North Little Rock, Arkansas 72116, to waive certain Zoning Ordinance and Subdivision Ordinance requirements for property located east of Mine Road in the City of North Little Rock, Arkansas (See letter from Jason Bouwknecht of Halff+Marlar dated September 11, 2019 attached hereto as Exhibit A and survey attached hereto as Exhibit B); and

WHEREAS, the applicant seeks waiver of the sidewalk requirement of Section 12.21.B.1 of Ordinance No. 7697 (the "Zoning Ordinance") and waiver of the sidewalk requirement of Section 9.11.A of Ordinance No. 7946 (the "Subdivision Ordinance").

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

SECTION 1: That the following section of Ordinance No. 7697 (the "Zoning Ordinance") is hereby waived for Lots 1-6, Hayden Heights Addition, City of North Little Rock, Pulaski County, Arkansas (see map attached hereto as Exhibit C):

**Section 12.21 – Sidewalks**

B. Sidewalks shall be required as follows:

1. Sidewalks are required on both sides of local, collector and arterial streets in commercial and residential areas.

SECTION 2: That the following section of Ordinance No. 7946 (the "Subdivision Ordinance") is hereby waived for Lots 1-6, Hayden Heights Addition, City of North Little Rock, Pulaski County, Arkansas:

**Section 9.11 – Sidewalks**

Sidewalks shall be a minimum of 5 feet wide and shall be installed within the dedicated right-of-way adjacent to the property line. Sidewalks shall be required as follows:

- A. Both sides of local, collector, and arterial streets in commercial and residential areas.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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: That it is hereby found and determined that the above mentioned requirements at property east of Mine Road are to be waived, and the immediate passage of this Ordinance is necessary in order to insure the proper and orderly growth and development of this land and 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:

Charlie Hight  
Council Member Charlie Hight *by AP*

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

Jane Ginn  
Council Member Jane Ginn *by AP*

APPROVED AS TO FORM:

Amy Beckman Fields  
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/cf

FILED <u>10:53</u> A.M. _____ P.M.
By <u>A. Fields</u>
DATE <u>9-17-19</u>
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>
RECEIVED BY <u>S. Usberry</u>



September 11, 2019

Shawn Spencer  
NLR Planning Department  
120 Main Street  
North Little Rock, Arkansas

RE: CITY COUNCIL REQUEST  
LOT 1-6, HAYDEN HEIGHTS ADDITION

Mr. Spencer,

We are transmitting the referenced application to be placed on the Sept. 23, 2019 City Council Agenda. Alderman Charlie Hight has said he would sponsor the waivers for it to be placed on the agenda.

Our clients are requesting the property to be rezoned from C-3 to R-1 except for Lot 3 which is to remain C-3. They would like to request the following waivers:

1. To allow a commercial lot (Lot 3) to have a pipe stem and exceed the 200' minimum requirement. Lot 3 has a pipe stem of 285.24'.
  - The owner of Lot 4 is going to own Lot 3 and wishes to have a portion remain C-3.
  - Since the public part of Mine Road ends before Lot 3, the only way to have it connect to the Right of Way of Mine Road is by having a pipe stem.
2. To all Lots 1, 2 & 5 to exceed the 200' minimum requirement for pipe stem lots.
  - All these lots are for single family houses that the owners plan to build for them.
  - The fire Marshall is good with the entire development.
  - There is a 50' ingress/egress easement from mine road to Lot 1.
  - Lot 1 has a pipe stem of 570.51'.
  - Lot 2 has a pipe stem of 350.25'.
  - Lot 5 has a pipe stem of 204.76'.
3. To waive sidewalks and ½ street improvements along Mine Road.
  - This plat and rezoning is at the end of the public portion of Mine Road.
  - The only sidewalks in the area are in the Village East subdivision.

Sincerely,  
Halff+Marlar

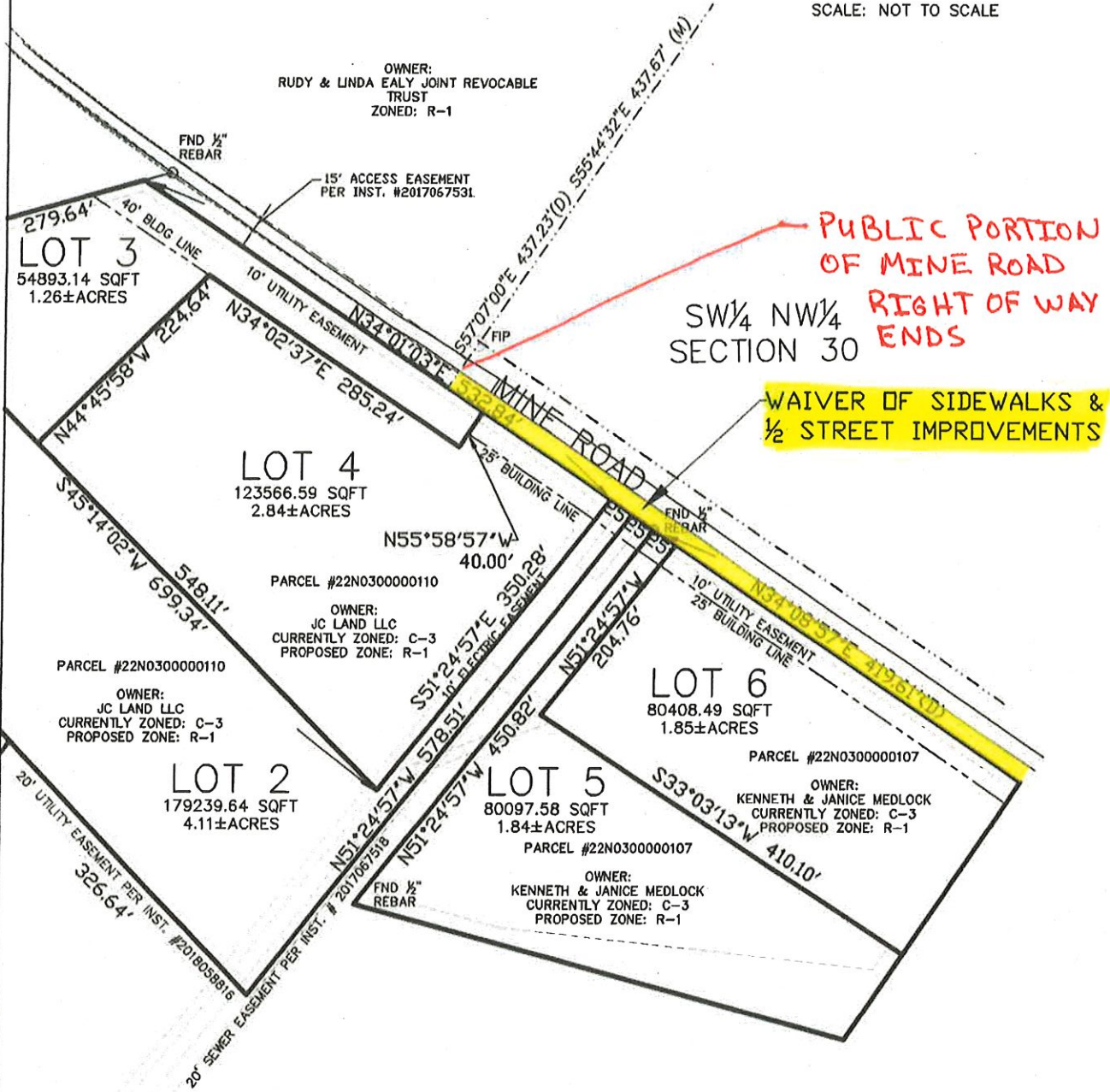
Jason Bouwknecht  
Senior Designer

Enclosures





SCALE: NOT TO SCALE



5318 John F. Kennedy Boulevard  
North Little Rock, Arkansas 72116

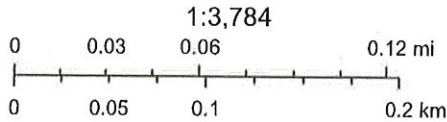
WAIVER REQUEST  
OF SIDEWALKS & 1/2 STREET  
IMPROVEMENTS ON MINE ROAD

# NEAREST SIDEWALKS



September 12, 2019

- AR Highway
- US Highway
- Interstate
- Parcels
- Trail



1:3,784