

ORDINANCE NO. _____

AN ORDINANCE APPROVING A WAIVER REQUEST TO ALLOW AN 8 FOOT CHAIN LINK SECURITY FENCE AROUND CERTAIN REAL PROPERTY LOCATED AT 1400 GREGORY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Zero Mountain, Inc. has acquired property located at 1400 Gregory Street in the City of North Little Rock and plans to begin renovation of the property immediately; and

WHEREAS, a request has been made by Mr. Joseph F. Rumsey, President and CEO of Zero Mountain, Inc., seeking a waiver to allow a 7' chain link fence, with 1 ft. of barbed wire at the top, around the perimeter of the subject property (see letter attached hereto as Exhibit "A") to secure equipment and supplies; and

WHEREAS, Zero Mountain has not submitted the waiver request to the Board of Adjustments as time is an issue, asserting safety concerns; however, notice of the waiver request has been published in a local paper, and a notice sign has been placed on the property site.

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

SECTION 1: That a waiver to allow a 7' chain link fence, with 1' of barbed wire, around the perimeter of industrial zoned property located at 1400 Gregory Street, is hereby approved, said property being more particularly described as follows:

Lot B, Gregory Street Park Addition to the City of North Little Rock, Pulaski County, Arkansas. (See Exhibits "B", "C" and "D" attached hereto.)

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 a security fence will safeguard equipment and supplies stored outside and will provide a measure of safety for the food products located inside the facilities at the subject property; that the waiver of fencing requirements to allow a 7' chain link fence, topped with 1' of barbed wire,

around the perimeter of the property 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:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:



Alderman Debi Ross *DR*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:



C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:52</u> A.M. _____ P.M.
By <u>City Attorney Carter</u>
DATE <u>11/8/16</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>T. McGraw</u>



November 2, 2016

The Honorable Joe Smith
Mayor, North Little Rock
City Hall, 300 Main Street
North Little Rock, AR 72119

RE: Request of North Little Rock Building Code Variance

Dear Mayor Smith,

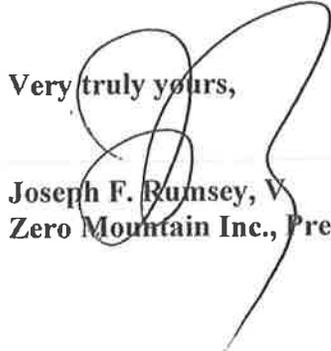
On behalf of Zero Mountain, Inc., I wish to thank you for your interest in Zero Mountain, Inc. expanding to North Little Rock.

Zero Mountain, Inc. respectfully request a variance of the North Little Rock, Arkansas Building Code regarding commercial fencing as it pertains to our 1400 Gregory Street location in North Little Rock. Currently the code holds that the fencing is not allowed above 6 feet on the front and sides. Zero Mountain, Inc.'s plan is to place a 7 ft. chain link fence with 1 ft. of barbed wire to surround the perimeter of the 1400 Gregory Street property.

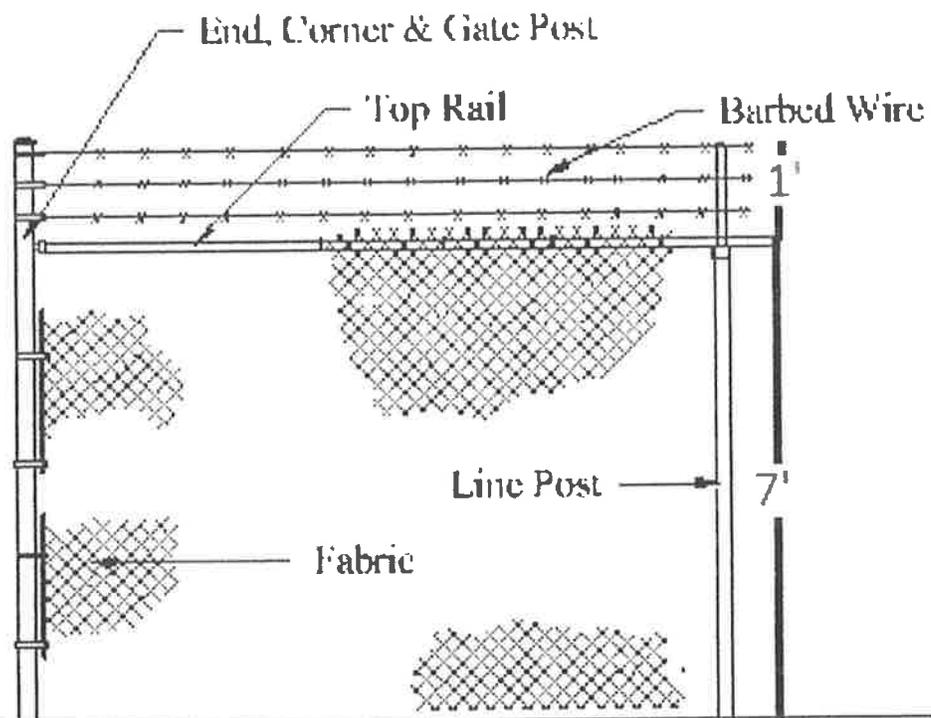
Zero Mountain, Inc. has worked diligently over the past several years with Homeland Security regarding the safety of our nation's food supply. Homeland Security has recognized our nation's food supply as a soft target and has many suggestions for its proper protection that we feel will become regulatory at any time. Therefore, Zero Mountain, Inc. has become pro-active at our other Arkansas facilities by placing fencing to exceed 6 feet height.

We are most grateful for your speedy and thoughtful consideration of our request. Zero Mountain, Inc. plans to begin renovation of the 1400 Gregory Street property immediately. By allowing a variance in the building code, Zero Mountain, Inc. will be able to begin staging supplies and equipment outside the building safely. We can then initiate the renovation, begin hiring employees and open doors for operation sooner rather than later.

Very truly yours,


Joseph F. Rumsey, V
Zero Mountain Inc., President and CEO



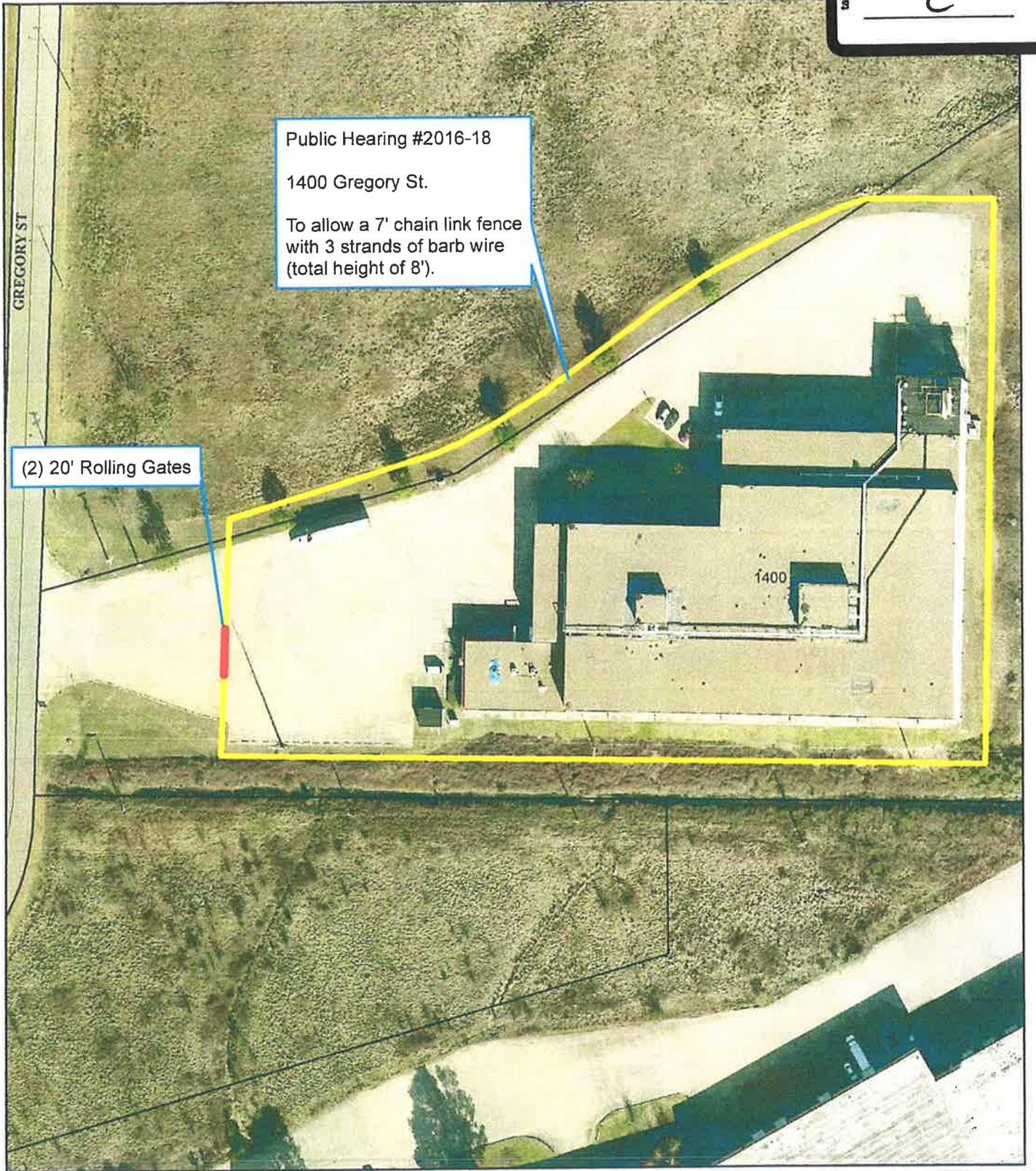


Chain Link Fence with Barbed Wire

EXHIBIT
"B"
tabbies

Public Hearing Case # 2016-18

tabbles' EXHIBIT "e"



Public Hearing #2016-18
1400 Gregory St.
To allow a 7' chain link fence with 3 strands of barb wire (total height of 8').

(2) 20' Rolling Gates



Ortho Map

1 inch = 120 feet



Date: 11/2/2016

