O-15-16

ORDINANCE NO. _____

AN ORDINANCE GRANTING A WAIVER TO ALLOW A FREESTANDING POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 10840 MAUMELLE BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, a request has been made by Ms. Ashley Stepps, attorney for Euro Services, LLC in conjunction with First Win, LLD, 123 Audubon Drive, Suite C, Box 164, Maumelle, AR 72113, seeking certain variances for a pole sign on the herein described land (*see* Exhibit "A" attached hereto); and

WHEREAS, the request has not gone before the Planning Commission, but proper notice for a public hearing at the City Council meeting on February 23, 2015 has been given to property owners within 200 feet of the subject sign location (*see* letter from the owner of the subject property attached hereto as Exhibit "B"); and

WHEREAS, the request seeks a waiver to allow variances of requirements pursuant to Section 14.19 (Electronic Changeable Copy Signs) as follows:

Section 14.19.D.2 – Physical Characteristics.

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c. Electronic changeable copy signs that are located on streets with four vehicular traffic lanes with a median greater than 30 feet in average width.

   (i) Allow a freestanding pole sign (*instead* of a ground mounted monument style sign).
   (ii) Allow a height of 22'8" (*instead* of maximum of 10 feet in height).
   (iii) Allow sign to be 100 square feet (*instead* of maximum of 64 square feet).

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

SECTION 1: That a waiver to allow variances of Sections 14.19.D.2.c.(i), (ii) and (iii) of the North Little Zoning Ordinance for a freestanding pole sign on property located at 10840 Maumelle Boulevard (more particularly described as Lot 3, Cock of the Walk Subdivision in the City of North Little Rock, Pulaski County, Arkansas) is hereby approved as follows:

(a) The prohibition for a freestanding sign (instead of a ground mounted monument style sign) is waived.

(b) The 10-foot maximum height limitation is waived to allow the sign to be 22'8" tall.

(c) The 64 square foot maximum signage size is waived to allow 100 square feet.

See Exhibits "C" (map), "D" (sign elevation) and "E" (site plan) attached hereto and incorporated by reference.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.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 waiver to allow a freestanding pole sign on the subject property in the Maumelle Boulevard corridor will not detract from the aesthetic appearance of and will be consistent with other signage in the area, will afford greater visibility for the location and that 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:

Steve Baxter

Alderman Steve Baxter

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:08 A.M. _____ P.M.

By Deputy City Atty Fleming

DATE 2/17/15

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

RECEIVED BY

Euro Services, LLC

123 West First Street, Suite 675
Casper, WY 82601
Phone: (501) 247-5189
Fax: (866) 551-4938

First Win, LLC

123 Audubon Drive, Suite C, Box 164
Maumelle, AR 72113
Phone: (501) 235-8820
Fax: (509) 562-8980

Euro Services, LLC in conjunction with First Win, LLC (We) are requesting a variance to adjust the current pole sign by increasing the height of the sign in front of our restaurant Nashville Rockin Grill (NRG) located at 10840 Maumelle Blvd, North Little Rock, AR 72113. We are requesting the pole sign be 22' 8" instead of the current 19' 8" and add a LED sign.

We are building a fast casual restaurant directly adjacent to the Shell Station, which has a substantially large pole sign in front of their building.

Additionally, almost every business in the immediate vicinity including McDonalds, Acme Brick, and American Tile Supply across the street have a pole sign taller than our current sign in front of their building.

EXHIBIT
"A"

Because all of the businesses located in the vicinity of our location have pole signs, We believe the current sign is not only getting lost in the drive by traffic, but it will make it difficult for patrons to easily locate the restaurant. This hardship is unique to this property because, unlike other new business there is already a pole sign in place, we would just like to update it. This hardship is also unique to this property because, unlike other areas of Maumelle Boulevard where buildings have monument signs, all of the signs in this area are pole signs.

By being able to update the pole sign at the requested location, the sign will remain in consistency with other signs in the area, thus not changing the character and aesthetic appeal of the businesses along this strip of Maumelle Boulevard.

Thank you for your consideration in this matter,

Ashley Stepps as Attorney for
Euro Services, LLC
First Win, LLC

enclosures:

Janet L. Mitchener Living Trust

1001 East Parkway | Russellville, AR 72801

December 8, 2014

City of North Little Rock
City Council
P.O. Box 5757
North Little Rock, AR 72119-5757

Dear Mr. Mayor & Councilmembers:

I am Janet L. Mitchener, Trustee of the Janet L. Mitchener Living Trust, and the owner of the strip center Maumelle Boulevard located at 10840 Maumelle Boulevard in North Little Rock. Euro Services, LLC is one of my tenants and would like to install an LED sign in the same spot as the current sign that I have out front. It is my understanding that you require my written permission. Please allow this letter to serve as my written permission to Euro Services, LLC to improve the current sign with an LED sign and to pursue a permit through the proper channels.

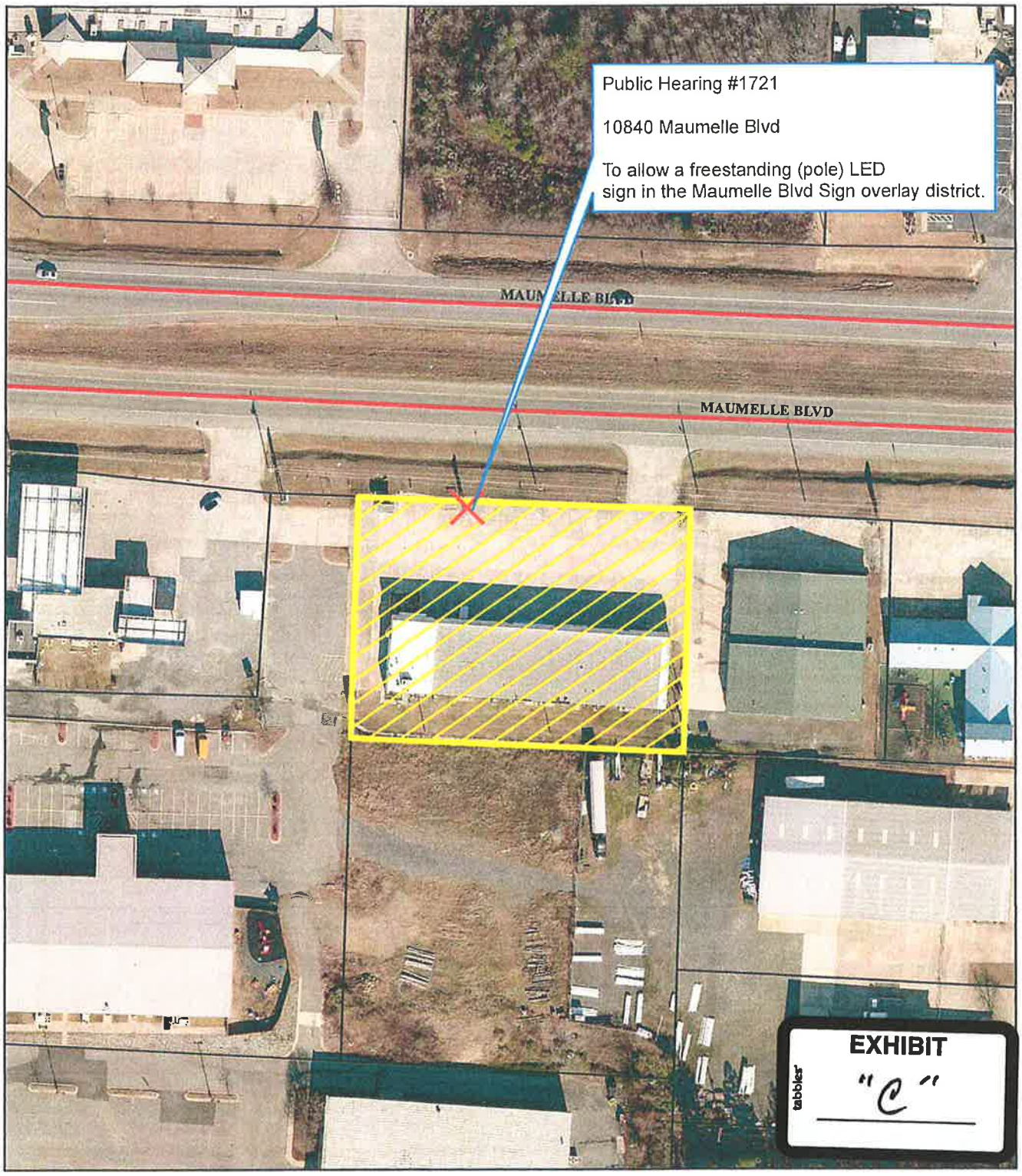
I have no objections because I believe that it will not only benefit myself and my tenants but I also believe it will benefit the city of North Little Rock in that it will help drive local business revenue which in turn will increase tax revenue for the city. If you have any questions please feel free to contact me.

Sincerely,

Janet L. Mitchener, Trustee
Janet L. Mitchener Living Trust

EXHIBIT
"B"

Public Hearing Case # 1721



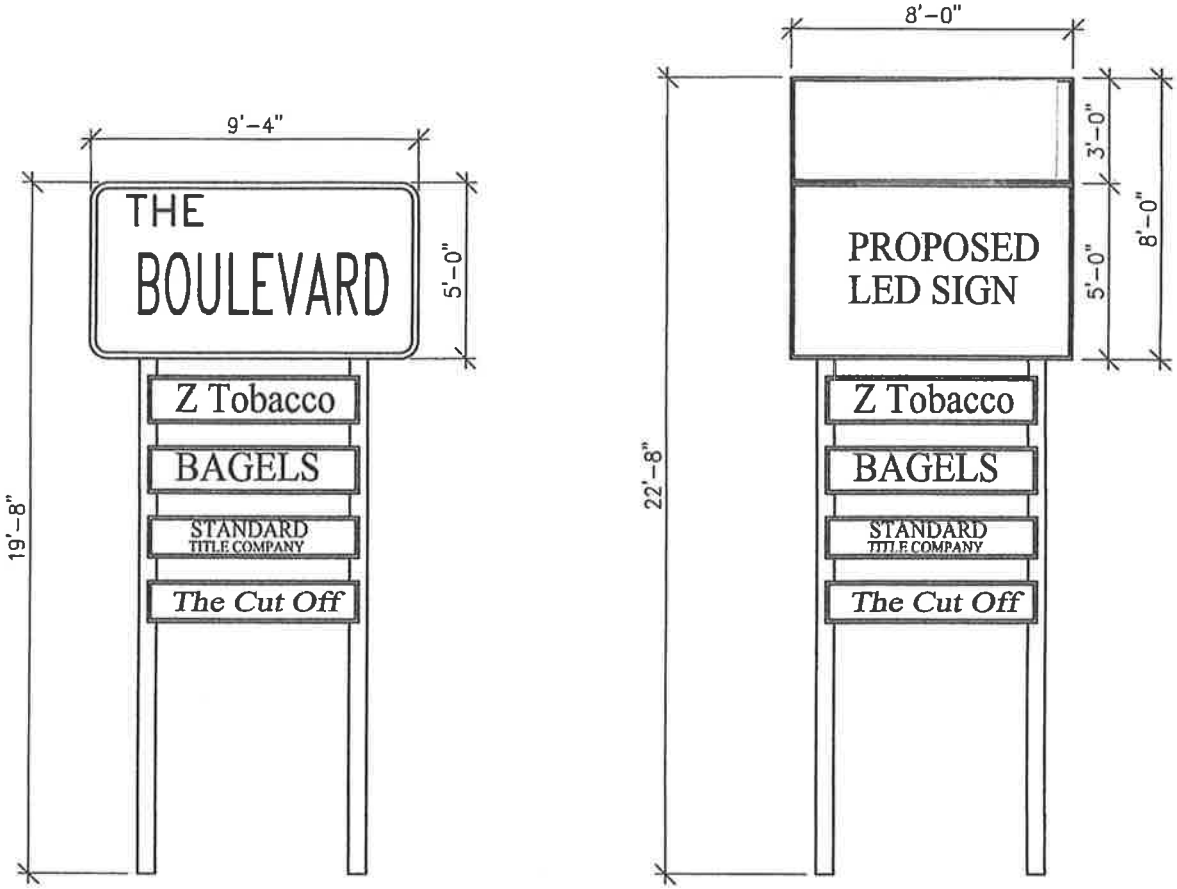
Ortho Map

1 inch = 100 feet

0 50 100 200 300 Feet

N W E S

Date: 1/28/2015

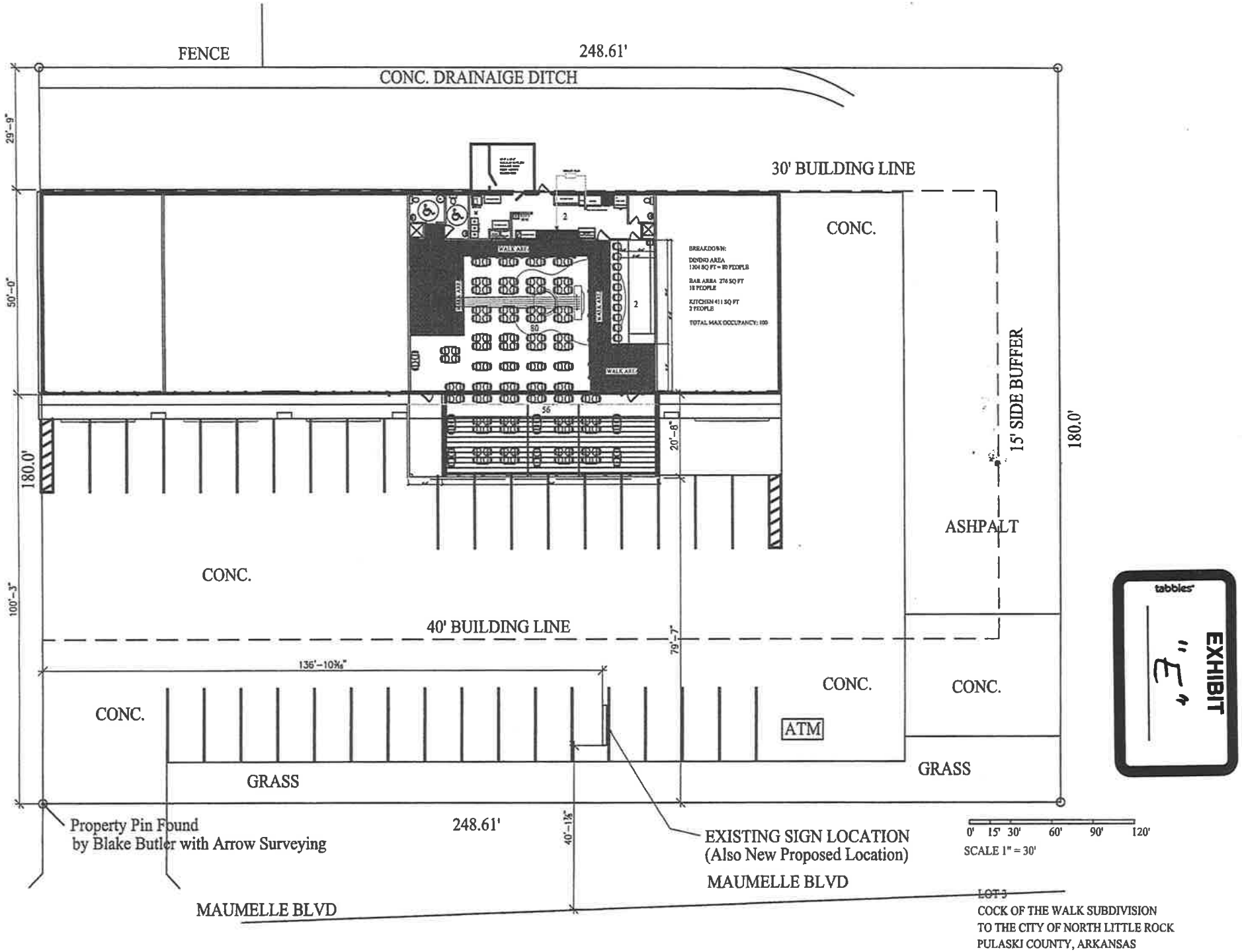


EXISTING PROPOSED

0' 5' 10' 15' 20'

SCALE 1" = 5'

EXHIBIT "D"


FENCE
248.61'
CONC. DRAINAIGE DITCH
29'-9"
50'-0"
180.0'
100'-3"
30' BUILDING LINE
CONC.
15' SIDE BUFFER
180.0'
ASHPALT
CONC.
40' BUILDING LINE
136'-10 3/16"
79'-7"
CONC.
CONC.
CONC.
ATM
GRASS
GRASS
Property Pin Found
by Blake Butler with Arrow Surveying
248.61'
40'-1 3/8"
EXISTING SIGN LOCATION
(Also New Proposed Location)
MAUMELLE BLVD
MAUMELLE BLVD
0' 15' 30' 60' 90' 120'
SCALE 1" = 30'
LOT 3
COCK OF THE WALK SUBDIVISION
TO THE CITY OF NORTH LITTLE ROCK
PULASKI COUNTY, ARKANSAS
EXHIBIT
"E"