

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 14, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM DECEMBER 10, 2013

III. STAFF COMMENTS AND PROCEDURES

1. Preliminary Plat – Leigh Ridge Business Park, Lots 1-3 – Morrison-Shipley Engineers
2. Preliminary Plat – Century Drive Addition, Lots 1-3 – Mickle-Wagner-Coleman
3. Final Plat – Century Drive Addition, Lot 1 – Mickle-Wagner-Coleman
4. A request by Al Prieur, agent for Jeff Fenwick, for a Master Land Use Plan Amendment from General Commercial to Residential Attached located at 4615 Old Greenwood Road. (companion item to items #5 & #6)
5. Rezoning #1-1-14; A request by Al Prieur, agent for Jeff Fenwick, for a zone change from Commercial Heavy Special (C-5-SPL) to Residential Multifamily High Density (RM-4) by Classification located at 4615 Old Greenwood Road. (companion item to items #4 & #6)
6. A request by Al Prieur, agent for Jeff Fenwick, for development plan approval for apartments located at 4615 Old Greenwood Road. (companion item to items #4 & #5)
7. Rezoning #2-1-14; A request by Briana Rogers, agent for Dario Espina and King Realty Group Partners, LLC, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 3900 & 3920 Rogers Avenue.
8. Conditional Use #1-1-14; A request by Dave Reynolds, agent for the City of Fort Smith, for a conditional use for a communications tower located at 1799 South 74th Street.
9. Subdivision Variance #1-1-14; A request by Keith Kestner, agent for R. Scott Hembree, H. Lawson Hembree and Susanna O’Sullivan, for a subdivision variance from private access easement requirements for a driveway located at 3108 & 3112 Park Avenue. (companion item to item #24)

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

10. A request by Dubin Singer P.C., et al, agent for C&C Kelley Properties, LLC and Ninh Nguyen, for development plan approval for a neighborhood store located at 1908 & 1920 Dallas Street (companion item #27)
11. A request by Brandon Woodrome, agent for Ton Hoang Tran, for development plan approval for a multifamily development at 1627 Grand Avenue.
12. A request by Scott Branton, agent for Cancer Support Foundation, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached at 1412 South 34th Street. (companion item to items #13 and #14)
13. Rezoning #3-1-14; A request by Scott Branton, agent for Cancer Support Foundation, for a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-3) by Extension located at 1412 South 34th Street. (companion item to items #12 & #14)
14. A request by Scott Branton, agent for Cancer Support Foundation, for development plan approval for a multifamily development at 1412 South 34th Street. (companion item to items #12 & #13)
15. Rezoning #4-1-14; A request by Travis Brisendine, agent for Leigh Ridge, LLC, for a zone change from Industrial Light (I-1) to Commercial Heavy (C-5) by classification located at 5400, 5401 & 5451 Phoenix Avenue. (companion item to items #16, #17 & #29)
16. A request by Travis Brisendine, agent for Leigh Ridge, LLC, for approval of a development plan for a beer, wine and liquor store located at 5401 Phoenix Avenue. (companion item to items #15, #17 & #29)
17. A request by Travis Brisendine, agent for Leigh Ridge, LLC, for deferral of a development plan located at 5400 & 5451 Phoenix Avenue. (companion item to items #15, #16 & #29)
18. A request by Brett Abbott, agent for Cliff Cabaness, for a Master Land Use Plan Amendment from Open Space to Neighborhood Commercial located at 4401 Massard Road (companion item to items #19 & #20)
19. Rezoning #5-1-14; A request by Brett Abbott, agent for Cliff Cabaness, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD2) to Commercial Light (C-2) by Classification located at 4401 Massard Road. (companion item to items #18 & 20)
20. A request by Brett Abbott, agent for Cliff Cabaness, for deferral of a development plan for a commercial development located at 4401 Massard Road. (companion item to items #18 & #19)

21. Rezoning #6-1-14; A request by Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for a zone change from Not Zoned to Industrial Light (I-1) by Classification at 8201 & 8205 Veterans Avenue (companion item to items #22 & 23)
22. A request by Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for approval of a development plan for a contractor office located at 8201 Veterans Avenue (companion item to items #21 & 23)
23. A request by Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for deferral of a development plan located at 8205 Veterans Avenue. (companion item to items #21 & #22)

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

24. Variance #1-1-14; A request by Keith Kestner, agent for R. Scott Hembree, H. Lawson Hembree and Susanna O'Sullivan, for a variance from 30 feet to 10 feet interior yard setback and from 60 feet to 28.36 feet minimum lot width at building line located at 3108 Park Avenue. (companion item to item #9)
25. Variance #2-1-14; A request by Susan Armbruster, agent for Mike Albanese, for a variance from 120 days to 180 days maximum length of time for a seasonal permit (Section 27-327) located at 1820 Phoenix Avenue.
26. Variance #3-1-14; A request by Ricky Hill, agent for Glicenia Logan, for a variance from 60 feet to 30.94 feet minimum lot width at building line located at 1608 Dallas Street.
27. Variance #4-1-14; A request by Dubin Singer, P.C., et al, agent for C&C Kelley Properties, LLC and Ninh Nguyen, for a variance from 36 to 20 minimum number of required parking spaces and interior landscaping requirements located at 1908 & 1920 Dallas Street. (companion item to item #10)
28. Variance #5-1-14; A request by Brandon Woodrome for a variance from 30 feet to 27 feet interior side-yard setback located at 2910 South 66th Street.
29. Variance #6-1-14; A request by Travis Brisendine, agent for Leigh Ridge, LLC, for a variance from 10 feet to 5 feet minimum width of landscaping and no trees (Sec. 27-602-3(B)(C) located at 5401 Phoenix Avenue. (companion item to items #15, #16 & #17)

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 10, 2013**

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Vicki Newton, Michelle Hood, Bob Cooper, Jr., Richard Spearman and Jennifer Parks. Commissioners Don Keese and Rett Howard were absent.

Chairman Sharpe noted a correction to the minutes. Chairman Sharpe stated that the last sentence on page 5 should read as follows:

The proposed PZD provides for all the minimum standards of the UDO and also establishes higher standards for signage, higher quality of building materials and a larger percentage of high quality building materials, a restriction and limitation on land uses, more parking spaces and prohibiting a driveway access on Fern Street.

Motion was then made by Commissioner Parks, seconded by Commissioner Spearman and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Final Plat – FSRA Business Park – Lot 5 – Morrison Shipley Engineers

Ms. Brenda Andrews read the staff report indicating that this plat is for a commercial development.

Mr. Neal Morrison was present to speak on behalf of the final plat.

No one was present to speak in opposition to the plat.

Motion was then made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder.

Chairman Sharpe then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

2. **Rezoning #19-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 7901 Massard Road. (companion item to items #3 & #7)**
3. **Conditional Use #36-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a conditional use for a church located at 7901 Massard Road. (companion item to items #2 & #7).**
7. **Variance #36-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a variance from 235 feet to 89 feet entry drive distance to intersection located at 7901 Massard Road. (companion item to items #2 & #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the development of a 9,838 square foot church building with future expansions.

Ms. Andrews noted that a neighborhood meeting was held on Monday, December 2, 2013, at 11:00 a.m. at 8100 Dallas Street with no neighboring property owners in attendance.

Mr. Larry Hall was present to speak on behalf of these requests.

No one was present to speak in opposition to the requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items separately.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

7. **Variance #36-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a variance from 235 feet to 89 feet entry drive distance to intersection located at 7901 Massard Road. (companion item to items #2 & #3)**

Motion was made by Commissioner Parks, seconded by Commissioner Cooper and carried unanimously to amend this request to make approval subject to approval by the Chaffee Crossing Design Review Committee.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

- 2. Rezoning #19-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 7901 Massard Road. (companion item to items #3 & #7)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 3. Conditional Use #36-12-13; A request by Larry Hall, agent, for Massard Missionary Baptist Church for a conditional use for a church located at 7901 Massard Road. (companion item to items #2 & #7)**

Motion was made by Commissioner Parks, seconded by Commissioner Hood and carried unanimously to amend this request to make approval subject to the following:

- All construction must comply with the approved development plan.
- Approval by the Chaffee Crossing Design Review Committee.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

- 4. Conditional Use #34-12-13; A request by Jim Tolbert, agent for ACH Central Shopping Center, LLC, for a conditional use for a business professional school located at 1200 Waldron Road.**

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for the remodel of an empty lease space into a Business Professional School offering classes in Medical Assistance, Cosmetology, Business and Information Technology.

Ms. Rice noted that a neighborhood meeting was held on Tuesday, December 3, 2013, at 1200 South Waldron Road with no neighboring property owners in attendance.

Mr. Jim Tolbert was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the following:

- All signage will require a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.
- All requirements must be met before any part of the use can be utilized.
- The conditional use will expire if the project is not started within one (1) year.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

5. Conditional Use #35-12-13; A request by Al Prieur, agent for Mahmud Abdul-Khaliq, for a conditional use for an auto body and paint shop (new parts) located at 1420 North 11th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for the construction of an auto body and paint shop at this location. Ms. Rice stated that the proposed use would be to repair automobiles from simple mechanical repairs to collision damage repairs.

Ms. Rice noted that a neighborhood meeting was held on Monday, December 2, 2013, at 1420 North 11th Street with one neighboring property owner in attendance who raised no objections to the proposed project.

Mr. Al Prieur was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the approved development plan.
- The proposed privacy fence shown on the south side of the property, adjacent to the carwash shall be constructed from the west line of the building to the alley. This shall be constructed at the time of the buildings construction and not in the future.
- Vehicles awaiting repair need to be screened from view from adjoining property and right-of-way.
- All requirements must be met before any part of the use can be utilized.
- The conditional use will expire if the project is not started within one (1) year.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

6. UDO Amendments

Mr. Wally Bailey read the staff report noting the following proposed amendments to the Unified Development Ordinance:

- Prior to the adoption of the Unified Development Ordinance, parallel parking spaces were permitted to count towards the total number of spaces required. However, the UDO does not permit any parallel parking spaces to count toward the required number of parking spaces. This amendment will allow parallel parking spaces to once again count towards the minimum number of parking spaces required.
- Changing the term *multifamily (apartments/condominiums)* to *multifamily development* matches the land uses with the definition section as well as the terms used in the UDO.
- All commercial zoning districts require increased rear and side yard setbacks when adjacent to residential single family property. However, the Commercial Light (C-2) zone does not currently have this requirement. In order to be consistent with all Commercial zones, this amendment would require the enhanced setbacks in the Commercial Light (C-2) zone similar to the other commercial zones.
- This amendment requires multifamily developments to provide screening at the side and rear property lines when adjacent to single family zoned or developed property.

Mr. Al Prieur spoke in support of these amendments to the Unified Development Ordinance.

No one was present to speak in opposition to the proposed amendments.

Chairman Sharpe then called for the vote on the amendments to the Unified Development Ordinance. The vote was 7 in favor and 0 opposed.

Meeting Adjourned!

SUBDIVISION COMMENTS
January 3, 2014

1. Leigh Ridge Business Park, Lots 1-3 - Preliminary Plat – Morrison Shipley Engineers

Proposed Zoning Designation: Commercial Heavy (C-5)

Land Use: Provides locations for retail uses and services that generate moderate to heavy automobile traffic.

Proposed Use: Retail & Commercial Uses

We recommend approval of the preliminary plat with the following comments:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

1A

SUBDIVISION COMMENTS

January 3, 2014

2. Century Drive Addition, Lots 1-3 – Preliminary Plat - Mickle-Wagner-Coleman

Zoning Designation: Commercial Heavy (C-5)

Land Use: Provides locations for retail uses and services that generate moderate to heavy automobile traffic.

Proposed Use: Retail & Commercial Uses

We recommend approval of the preliminary plat with the following comments:

- 3) The developer must agree to meet all franchise and City utility easement requirements.
- 4) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

3. Century Drive Addition, Lot 1 – Final Plat – Mickle-Wagner-Coleman

Zoning Designation: Commercial Heavy (C-5)

Land Use: Provides locations for retail uses and services that generate moderate to heavy automobile traffic.

Proposed Use: Retail & Commercial Uses

We recommend approval of the final plat. After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.

2, 3:

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission
From: Planning Staff
Date: January 2nd, 2014
Re: Proposed Master Land Use Plan Amendment by Al Prieur, agent for Jeff Fenwick, at 4615 Old Greenwood Road from General Commercial to Residential Attached (Companion to items #5 & #6)

ADJACENT LAND USE CLASSIFICATIONS AND USES

The areas to the north and west are classified as General Commercial and are developed as the pavilion shopping center and apartments.

The areas to the south and east are classified as General Commercial and are developed as a bank and the Pavilion shopping center.

The proposed Land Use classification of **Residential Attached** is described as follows:

To provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

Characteristics and Use:

Criteria for Designation:	Compliance Noted
• Land adjacent to/or within regional centers.	YES
• Land within walking distance to commercial, office, low impact industry, regional institutions or parks	YES
• Located on a high volume road	NO
• Planned as part of a mixed-use development	NO

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Old Greenwood Road as Major Arterial.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 4th, 2013 on site. No neighboring property owners were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon the following approval of the companion rezoning and development plan applications.

**PRIEUR ENGINEERING
ALVIN L. PRIEUR, JR., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net**

November 8, 2013

City of Fort Smith
Planning Department
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Mr. Tyler Miller

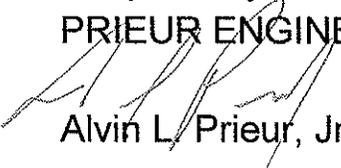
Re: Rezoning, Land Use Change and Development Plan
4615 Old Greenwood Road
Fort Smith, Arkansas

Dear: Mr. Miller:

The neighborhood meeting for the rezoning, land use change, and development plan was held on November 4, 2013 at 2:00 p.m. The meeting started at 2:00 pm and ended at 2:15 pm. The only people at the meeting were M. Bill Striplin representing the city and myself. As of this date, I have not received any calls about this project.

If you have any questions, please call me.

Respectfully,
PRIEUR ENGINEERING


Alvin L. Prieur, Jr., PE

HC

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 4615 Old Greenwood Road

Meeting Time & Date 11-4-2013 @ 2:00 p.m.

Meeting Purpose Discussion of Rezoning & related items

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Al Prieur</u>	<u>P.O. Box 1689 Van Buren, AR 72957</u>	<u>651-7920</u>
2.	<u>Bill Staples</u>		
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Application Type

Minor Amendment
 Standard Amendment
 Major Amendment
(See Section 27-328-5 C. (Criteria))

Request to Amend Map
 Request to Amend Text

Applicant Name: Alvin L. Prieur, Jr., PE	
Firm Name: Prieur Engineering	
Address: P O Box 1689 Van Buren, Arkansas 72957	
Phone # (day): 479-651-7920	Fax #: 479-434-2303
Owner Name: Jeff Fenwick	
Owner Address: 1615 Dodson Ave. Fort Smith, AR 72901	
Phone # (day):	Phone # (cell): Fax #:
Property Address (subject property): 4615 Old Greenwood Road	
Subject Property	
Current Land Use: Mini Storage	
Existing MLUP Classification: General Commercial	
Proposed MLUP Classification: Residential Attached	
Existing Zoning Classification: C - 5 Special	
Proposed Zoning Classification: RM - 4	
Surrounding Property	
Current Land Use: north- Pavilion Shopping Center & Apartments	
south- Bank	
east- Pavilion Shopping Center	
west- Retirement Home & Apartments	
Existing MLUP Classification: north: General Commercial	
south: General Commercial	
east: General Commercial	
west: General Commercial	
Existing Zoning Classification: north: R - 3 - MF & C - 5 Special	
south: C - 2	
east: C - 5 Special	
west: C - 5	
Pre-Application Meeting Date: October 14, 2013	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

4E

a. Describe potential changes to development patterns in terms of local and regional impacts:

- The surrounding area is already developed. The change _____
_____ from mini storage to *apartments* will not cause an _____
_____ impact on the area. _____

b. Describe the consistency in zoning between existing and planned uses:

- The existing zoning will not allow this development. _____
_____ The zoning must be changed to allow the planned use. _____

c. Provide explanation of the need for and demand in the proposed uses:

- This zoning change will allow an improved type of _____
_____ housing for the area. _____

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

This area is developed with uses that should not be subject
to change in the future. The impact on the area from this _____
_____ zoning change will not affect the city or the property owners
in this area. _____

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

1. A legal description of the subject property that is to be amended (reclassified).

Lot 1A – Taco Rio No. 5, ~~Lots 1A & 1B~~

2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. Attached

3. The area dimensions of the property in square feet or acres. 0.62 Acres

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Old Greenwood Road is in good condition.

No roads are required for this development.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

All public utility services exist at this location

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

Zoning will allow 30 du per acre.

This site has 12 du in 0.6 acres.

7. Identify any known or anticipated environmental concerns:

None

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

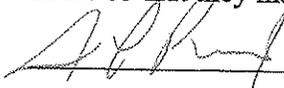
8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

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Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.



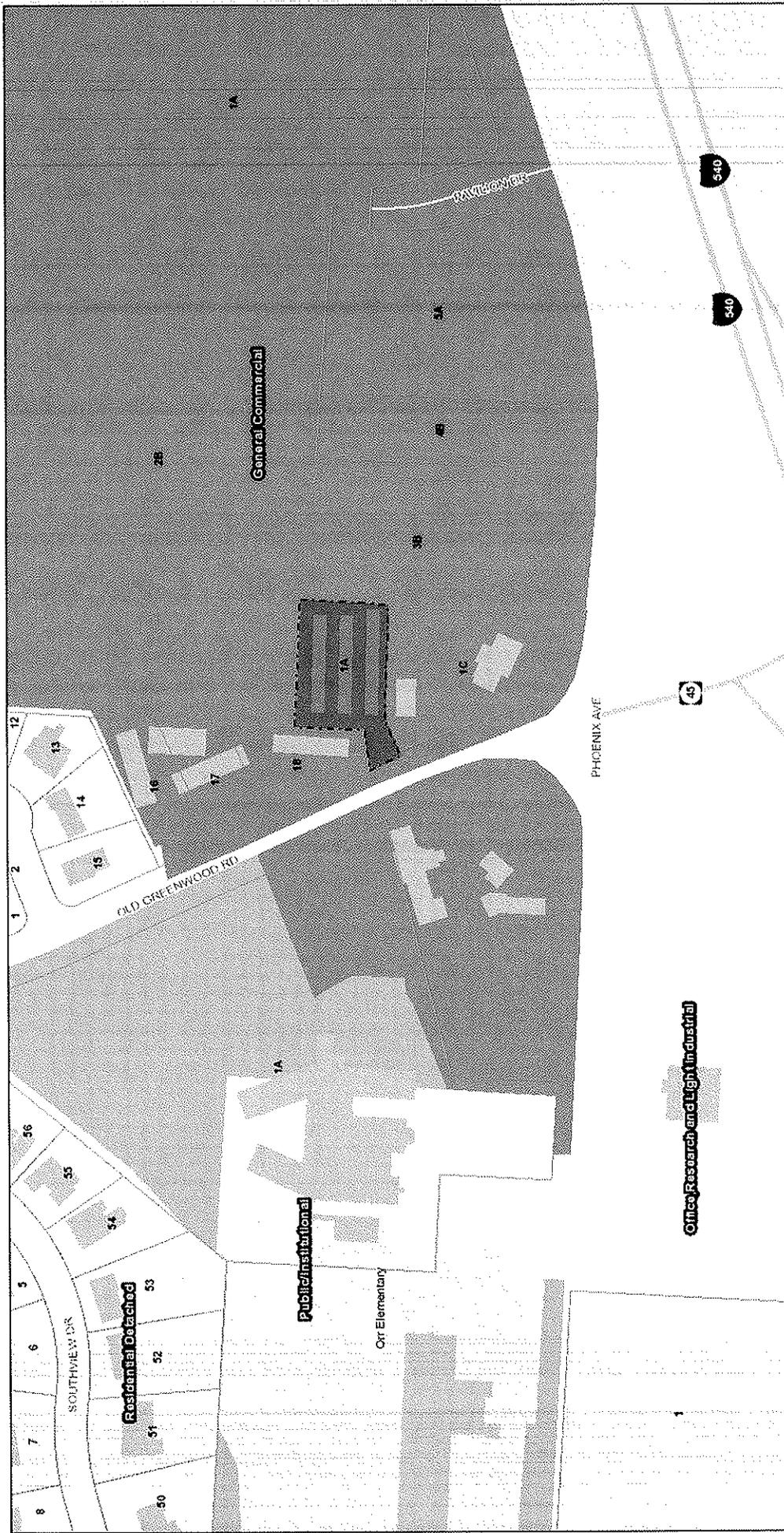
Signature (Agent/~~Owner~~)

10-18-2013

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

Master Land Use Amendment 4615 Old Greenwood Road



December 17, 2013

- Fort Smith City Limits
- Subdivisions
- Building Footprints
- Commercial
- Commercial Neighborhood
- General Commercial
- Industry
- Mixed-Use-E
- Mixed-Use-R
- Office Research
- Open Space
- Public/Institutional
- Regional Center
- Residential Attached
- Residential Detached

FF

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2nd, 2014

Re: Rezoning #1-1-14 - A request by Al Prieur, agent for Jeff Fenwick, for Planning Commission consideration of a zone request from Commercial Heavy Special (C-5-SPL) to Residential Multifamily High Density (RM-4) by classification at 4615 Old Greenwood Road (Companion to items #4 & #6)

LOT LOCATION AND SIZE

The subject property is on the east side of Old Greenwood Road between Phoenix Avenue and Old Greenwood Lane. The tract contains an area of 0.65 acres with approximately 65 feet of street frontage along Old Greenwood Road.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy Special (C-5-SPL).

The special refers to Ordinance 87-88 which was applied during a zone change from commercial light (C-2) to Commercial Heavy (C-5) on October 11th, 1988. The requirements set forth for the zone change restricted certain uses.

Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family developments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

REQUESTED ZONING

The proposed zoning on this tract is Residential Multifamily High Density (RM-4).
Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily developments, community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north and east are zoned Commercial Heavy Special (C-5-SPL) and are developed as the pavilion shopping center.

The area to the south is zoned Commercial Heavy Special (C-5-SPL) and is developed as a bank.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is developed as apartments.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities that meet the consumer needs of the community. Companion item #4 has been submitted to change the Master Land Use Map from General Commercial to Residential Attached. This classification is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance if the Master Land Use application is approved. A companion development application for a multifamily development has been submitted for approval.

PROPOSED ZONING

Approval of the requested zoning will allow a multifamily development consisting of two six unit apartment complexes.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 4th, 2013 on site. No neighboring property owners were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon approval of the companion master land use and development plan applications.

5C

PRIEUR ENGINEERING
ALVIN L. PRIEUR, JR., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

November 8, 2013

City of Fort Smith
Planning Department
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Mr. Tyler Miller

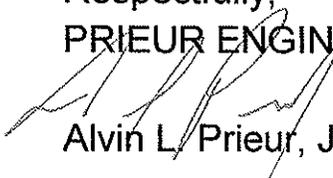
Re: Rezoning, Land Use Change and Development Plan
4615 Old Greenwood Road
Fort Smith, Arkansas

Dear: Mr. Miller:

The neighborhood meeting for the rezoning, land use change, and development plan was held on November 4, 2013 at 2:00 p.m. The meeting started at 2:00 pm and ended at 2:15 pm. The only people at the meeting were M. Bill Striplin representing the city and myself. As of this date, I have not received any calls about this project.

If you have any questions, please call me.

Respectfully,
PRIEUR ENGINEERING


Alvin L. Prieur, Jr., PE

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 4615 Old Greenwood Road

Meeting Time & Date 11-4-2013 @ 2:00 p.m.

Meeting Purpose Discussion of Rezoning & related items

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Al Prieur</u>	<u>P.O. Box 1689 Van Buren, AR 72957</u>	<u>651-7920</u>
2.	<u>Bill Strople</u>		
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

- 1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lot 1A – Taco Rio No.5, ~~Lots 1A & 1B~~

- 2. Address of property: 4615 Old Greenwood Road

- 3. The above described property is now zoned: C – 5 Special

- 4. Application is hereby made to change the zoning classification of the above described property to RM – 4 by Classification
(Extension or classification)

- 5. Why is the zoning change requested?
To allow the property to be changed from mini storage to apartments.

- 6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Alvin L. Prieur, Jr., PE

~~Owner or Agent Name~~
(please print)

**P O Box 1689
Van Buren, Arkansas 72957**

~~Owner or Agent Mailing Address~~

479-651-7920

~~Owner or Agent Phone Number~~

Owner

[Signature]

Agent

Rezoning #1-1-14: From Commercial Heavy Special (C-5 SPL) to Residential Multifamily High Density (RM-4) 4615 Old Greenwood Road



December 17, 2013

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints

1:1,773

0 0.0225 0.045 0.09 ft
0 0.035 0.07 0.14 m

5G

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2nd, 2014

Re: Development Plan Review - A request by Al Prieur, agent for Jeff Fenwick, for Planning Commission consideration of a Development Plan request to develop an apartment complex at 4615 Old Greenwood Road (Companion to items #4 & #5)

LOT LOCATION AND SIZE

The subject property is on the east side of Old Greenwood Road between Phoenix Avenue and Old Greenwood Lane. The tract contains an area of 0.65 acres with approximately 65 feet of street frontage along Old Greenwood Road.

The proposed zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily developments, community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

6A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 30 Dwelling Units/Acre	Maximum Lot Coverage - 70%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Side/Rear adjacent to RS district/development – 40 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north and east are zoned Commercial Heavy Special (C-5-SPL) and are developed as the pavilion shopping center.

The area to the south is zoned Commercial Heavy Special (C-5-SPL) and is developed as a bank.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is developed as apartments.

PROPOSED DEVELOPMENT PLAN

Approval of the development allow a multifamily development consisting of two (2) apartment complexes with six (6) dwelling units in each complex for a total of twelve dwelling units for the project.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on Old Greenwood Road.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – No drainage improvements are shown with the development plan.

Landscaping – The site will contain the ten (10) foot strip of perimeter landscaping, and has provided excess interior landscaping.

Screening – No screening has been proposed for this development. All surrounding properties are commercial or multifamily.

Parking – The submitted parking plan shows 24 parking spaces that comply with the UDO standards.

Signage – The development notes that the apartments will utilize the existing sign and comply with the sign ordinance.

6B

Lighting – A note on the development plan states that site lighting will be designed to no produce light trespass and comply with Section 27-602-5 of the UDO

Architectural features – The development plan shows that the buildings are two story structures with hip roof lines. The submitted elevation drawings depict the exterior building materials as brick, rock, and siding. However, there are no notations on the elevations to confirm the building materials.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 4th, 2013 on site. No neighboring property owners were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

If the Planning Commission is inclined to approve the development staff recommends approval be contingent upon the following:

1. All construction must be built in accordance with the submitted development plan and any amendments put forth by the Planning Commission.
2. Approval of the requested zone change.
3. The specific exterior building materials shall be noted on the elevation drawings. If the materials differ from what are shown on the submitted elevation drawings, planning commission approval of a revised development plan will be required.
4. Storm water management shall conform to the 2011 Storm Drainage Standards.

6C

**PRIEUR ENGINEERING
ALVIN L. PRIEUR, JR., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net**

November 8, 2013

City of Fort Smith
Planning Department
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Mr. Tyler Miller

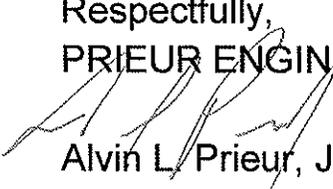
Re: Rezoning, Land Use Change and Development Plan
4615 Old Greenwood Road
Fort Smith, Arkansas

Dear: Mr. Miller:

The neighborhood meeting for the rezoning, land use change, and development plan was held on November 4, 2013 at 2:00 p.m. The meeting started at 2:00 pm and ended at 2:15 pm. The only people at the meeting were M. Bill Striplin representing the city and myself. As of this date, I have not received any calls about this project.

If you have any questions, please call me.

Respectfully,
PRIEUR ENGINEERING


Alvin L. Prieur, Jr., PE

60

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 4615 Old Greenwood Road

Meeting Time & Date 11-4-2013 @ 2:00 p.m.

Meeting Purpose Discussion of Rezoning & related items

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Al Prieur</u>	<u>P.O. Box 1689 Van Buren, AR 72957</u>	<u>651-7920</u>
2.	<u>Bill Stuplos</u>		
3.			
4.			
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DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lot 1A – Taco Rio No.5, Lots 1A & ~~1B~~ ^{Ad}

2. Address of property: 4615 Old Greenwood Road

3. The above described property is now zoned: C – 5 Special

4. Does the development plan include a companion rezoning request?

Yes No

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

RM – 4 by Classification
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

R – 3 – MF, C – 2, C – 5, C – 5 Special
Bank, Apartments, Retirement Home, Shopping Area

8. Total acreage of property 0.62 Acres

6F

Signed:

Alvin L. Prieur, Jr., PE

~~Owner~~ or Agent Name
(please print)

P O Box 1689
Van Buren, Arkansas 72957

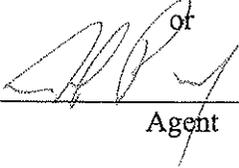
~~Owner~~ or Agent Mailing Address

479-651-7920

~~Owner~~ or Agent Phone Number

Owner

or



Agent

66

Development Plan: Apartments 4615 Old Greenwood Road



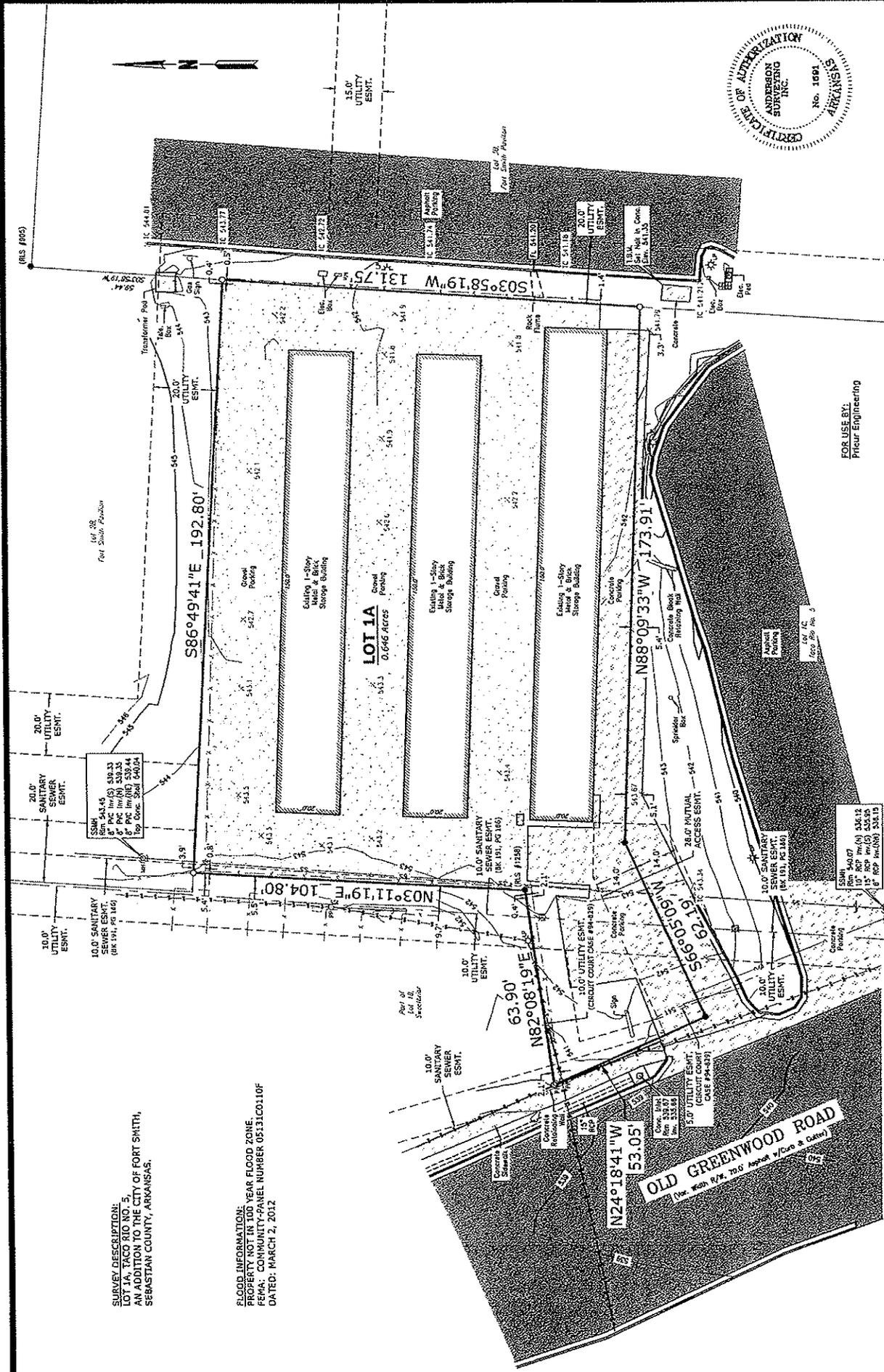
December 17, 2013

- : : Fort Smith City Limits
- : : Zoning
- : : Subdivisions
- : : Building Footprints

6th

SURVEY DESCRIPTION:
 LOT 1A, TACO RIO NO. 5,
 AN ADDITION TO THE CITY OF FORT SMITH,
 SEBASTIAN COUNTY, ARKANSAS.

FLOOD INFORMATION:
 PROPERTY NOT IN 100 YEAR FLOOD ZONE
 FEMA#: COMMUNITY-PANEL NUMBER 05131C0110F
 DATED: MARCH 2, 2012

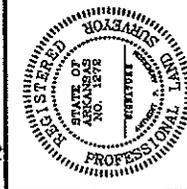


ANDERSON SURVEYING INC.
 Arkansas -- Oklahoma
 P.O. Box 129
 Von Buren, AR 72957
 (479) 474-4247
 Fax (479) 410-5333
 e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
TOPOGRAPHIC SURVEY OF
LOT 1A,
TACO RIO NO. 5
 DATE: 10-18-2013
 JOB NO: 13-10-17
 SCALE: 1"=20'

SURVEYORS CERTIFICATION
 I HEREBY CERTIFY THAT THE HEREON PLATED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ANDERSON SURVEYING INC. THE ACCURACY OF THIS SURVEY IS AS STATED.

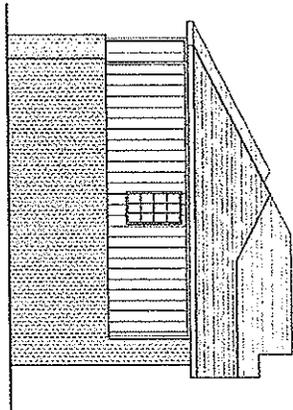
ANTHONY P. ANDERSON AR. PLS. 1272



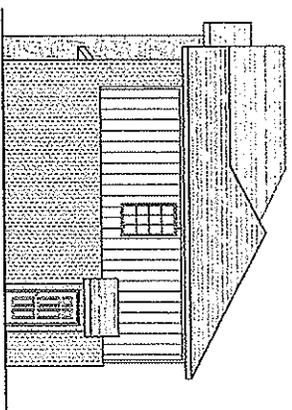
- Legend**
- Set 1/2" Rebar
 - 4" x 4" x 1/2" Sign Pin/Pipe
 - Existing Sign/Spike
 - Existing Sign/Spike
 - Set Nail
 - Existing Nail
 - Power Pole
 - Existing Pole
 - Existing Pole
 - Water Meter
 - Gas Meter
 - Light Pole
 - Man Hole

REVISIONS	DATE

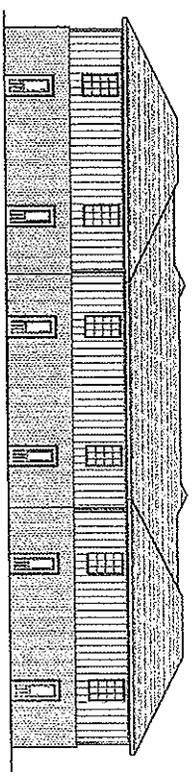
Scale in Feet
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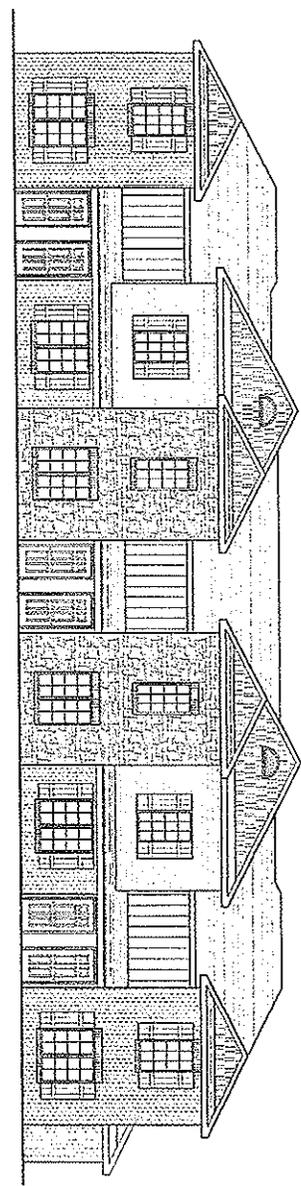
LEFT ELEVATION
SCALE: 3/16" = 1'-0"



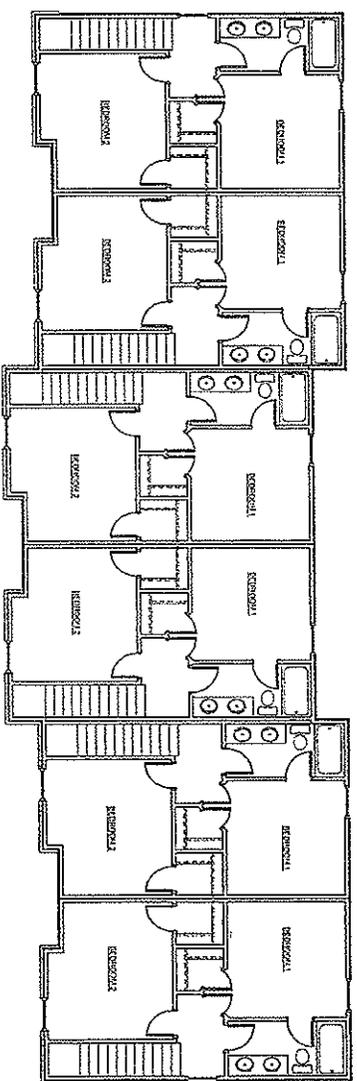
RIGHT ELEVATION
SCALE: 3/16" = 1'-0"



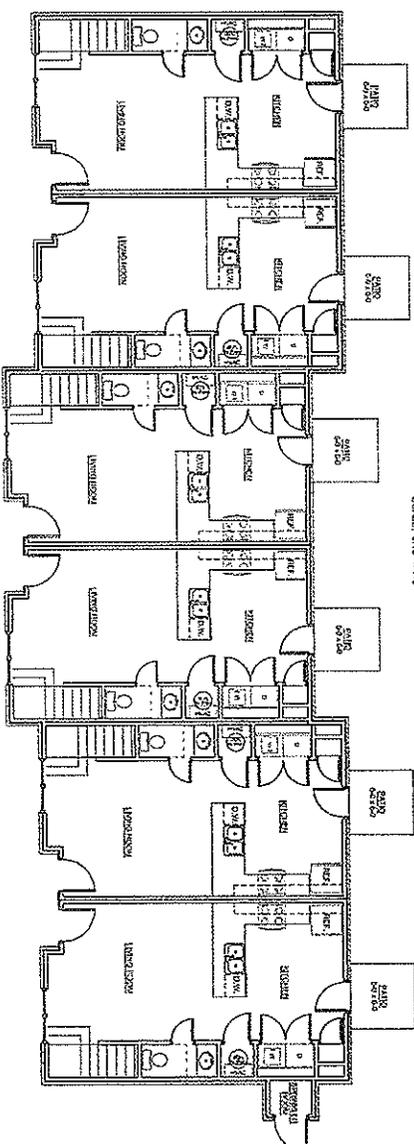
REAR ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



2ND FLOOR PLAN
SCALE: 3/16" = 1'-0"



GROUND FLOOR PLAN
SCALE: 3/16" = 1'-0"

6K

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Rezoning #2-1-14 - A request by Briana Rogers, agent, for Planning Commission consideration of a zone request from Transitional (T) to Commercial Light (C-2) by extension at 3900 & 3920 Rogers Avenue

LOT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue between Hendricks Boulevard and South 40th Street. The tract contains an area of 0.69 acres with approximately 286 feet of street frontage along Rogers Avenue, approximately 115 feet of street frontage along South 40th Street, and approximately 138 feet of street frontage on Wicklow Drive.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

REQUESTED ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family developments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	

7B

Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 10 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Collector or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional and Commercial Light and are developed as a single family residence and offices.

The area to the east is zoned Commercial Light and is developed as a liquor store.

The areas to the south are zoned Residential Single Family-Duplex Low/Medium Density and are developed as a single family residence and a duplex.

The areas to the west are zoned Transitional and Residential Single Family-Duplex Low/Medium Density and are developed as offices, single family residences, and a duplex.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The approval of this rezoning will allow for the operation of a salon & spa in a vacant commercial building at 3900 Rogers Avenue.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, January 3, 2014 at 3:00 p.m. on site at 3900 Rogers Avenue. No neighboring property owners were present at the neighborhood meeting. The request to rezone the property was initiated by Ms. Rogers to allow her to operate a salon and spa and 3900 Rogers Avenue, which is not a permitted use in the Transitional zoning district. Ms. Rogers does not propose any new construction or additions to the existing one-story structure. There is also no new construction or additions proposed for 3920 Rogers Avenue, which is the location of King Realty.

The Master Land Use Plan classifies this property as Commercial Neighborhood, which is an appropriate land use for the requested Commercial Light (C-2) zoning district. Included in the packet is a list of allowed C-2 land uses. Although, no new development is proposed at this time, the C-2 zoning district allows a variety of retail uses that can be incompatible to single-family residential.

7C

1. Staff recommends approval of the zoning request with the condition that Development Plan approval is required by the Planning Commission prior to the issuance of a building permit.

Commercial Light (C-2) Land Uses

Permitted by Right:

- Multifamily dwellings
- Community Residential Facility
- Group Home, Neighborhood
- Accessory Residential Dwelling Unit
- Assisted Living
- Retirement housing
- Bed and Breakfast Inn
- Rooming or Boarding house
- Clothing and Personal Items (repair)
- Electronics and Appliances (new)
- Furniture and Home Furnishings (new)
- Hardware Store (neighborhood)
- Locksmith
- Bookstore
- Bridal Shop
- Sewing Machine Store
- Cameras, photographic supplies and services
- Clothing, jewelry, luggage, shoes, and accessories
- Computer and software shop
- Gift shop
- Sporting goods, toys, and musical instruments
- Beer Wine and Liquor (without drive thru)
- Thrift Store
- Antique Shop
- Art dealers, art studio, galleries, and supplies
- Arts and craft shop
- Florist shop
- Hobby shop
- Tobacco shop
- Bakery and confectionary shop
- Farmer's market
- Fruit and vegetable store
- Grocery store or supermarket
- Neighborhood store
- Cosmetics, beauty supplies, and perfume stores
- Medical Appliance services
- Optical Shop
- Pharmacy or drug store
- Auto Insurance Claims Office
- Automatic Teller Machine
- Bank, Credit Union, or Savings Institution
- Credit and Finance Establishment
- Fund, trust, or other financial establishment
- Insurance Office
- Investment banking, securities, and brokerages
- Consumer Rental Center
- Video, Music, Software

- Abstract Services
- Accounting, tax, bookkeeping, payroll
- Advertising and media services
- Architectural, engineering
- Consulting services
- Graphic, industrial, and interior design
- Legal Services
- Offices, corporate
- Offices, general
- Property Management Services (office only)
- Real Estate Agency
- Travel arrangement and reservation services
- Business support services
- Collection Agency
- Facilities support services
- Office and administrative services
- Catering Service
- Restaurant
- Barber Shop/Salon/Spa/Massage Services
- Laundry and cleaning facilities (self service)
- Laundry, cleaner
- Laundry, cleaner (drop-off station)
- Photocopy Shop
- Photography Studio
- Print Shop
- Shoe Repair Shop
- Tailor Shop
- Tanning Salons
- Weight Loss Centers
- Animal and Pet Services (indoor)
- Veterinary Clinic (no outdoor kennels)
- Parking Lot (off site)
- Carnival or Circus (temporary with permit)
- Amusement Center (indoor)
- Fitness Studio
- Government Office
- Emergency Response Station
- Fire and Rescue Station
- Police Substation (no incarceration)
- Doctor Office and Clinic
- Hospice Residential Care Facility
- Hospital
- Child and Youth Services (office)
- Wedding Chapel
- Monument Sales
- Contractor's Office

Permitted with Conditional Use Approval:

- Orphanage
- Dormitory, Sorority, Fraternity

MF

- Auto Detailing Service
- Auto Parts & Accessories
- Auto glass, muffler, and seat cover shop
- Car wash (self service)
- Lawn and garden supplies
- Bicycle sales and service
- Convenience Store (With Gasoline)
- Bar or Tavern
- Restaurant (with drive-through service)
- Restaurant (with outdoor dining)
- Pet Cemetery
- Pet Shop
- Pet Supply Store
- Courier or Messenger Services
- Mail Services
- Commercial Communication Towers
- Data Processing Facility
- Amateur Radio Transmitting Towers
- Radio, television, and microwave transmitting towers
- Recycling collection station
- Utility Substation
- Museum
- Country Club
- Bowling Alley
- Community Recreation Center
- Golf Course
- Health Club
- Pool Hall
- Swimming Pool
- Park or Playground (public and nonpublic)
- College, University, or Seminary
- Fine art and performance education
- Library or public art complex
- Nursery School
- Preschool
- Primary or Secondary School
- School, business or professional
- Convention Center
- Police Station
- Diagnostic laboratory testing facility
- Mental Health Hospital
- Nursing Home
- Substance Abuse Treatment Facility
- Day care center
- Senior Citizen Center
- Church, synagogue, temple, or mosque
- Rectory, Convent, monastery (Accessory Use)
- Cemetery, mausoleum, crematorium, funeral home, and mortuary
- Lodge or fraternal organization

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
 King Realty Group Partners, LLC DBA Wuchert Realtors,
 King Realty Group 3920 Rogers, Ave.
 Dario Espina
2. Address of property: 3900 Rogers Ave.
3. The above described property is now zoned: T#transitional
4. Application is hereby made to change the zoning classification of the above described property to (C2) by Extension
Commercial Light (Extension or classification)
5. Why is the zoning change requested?
to operate a Salon & Spa which is not allowed in a transitional zone.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Briana Rogers
Owner or Agent Name

(please print)

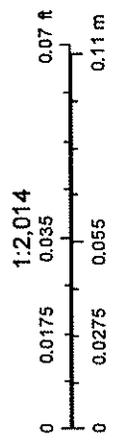
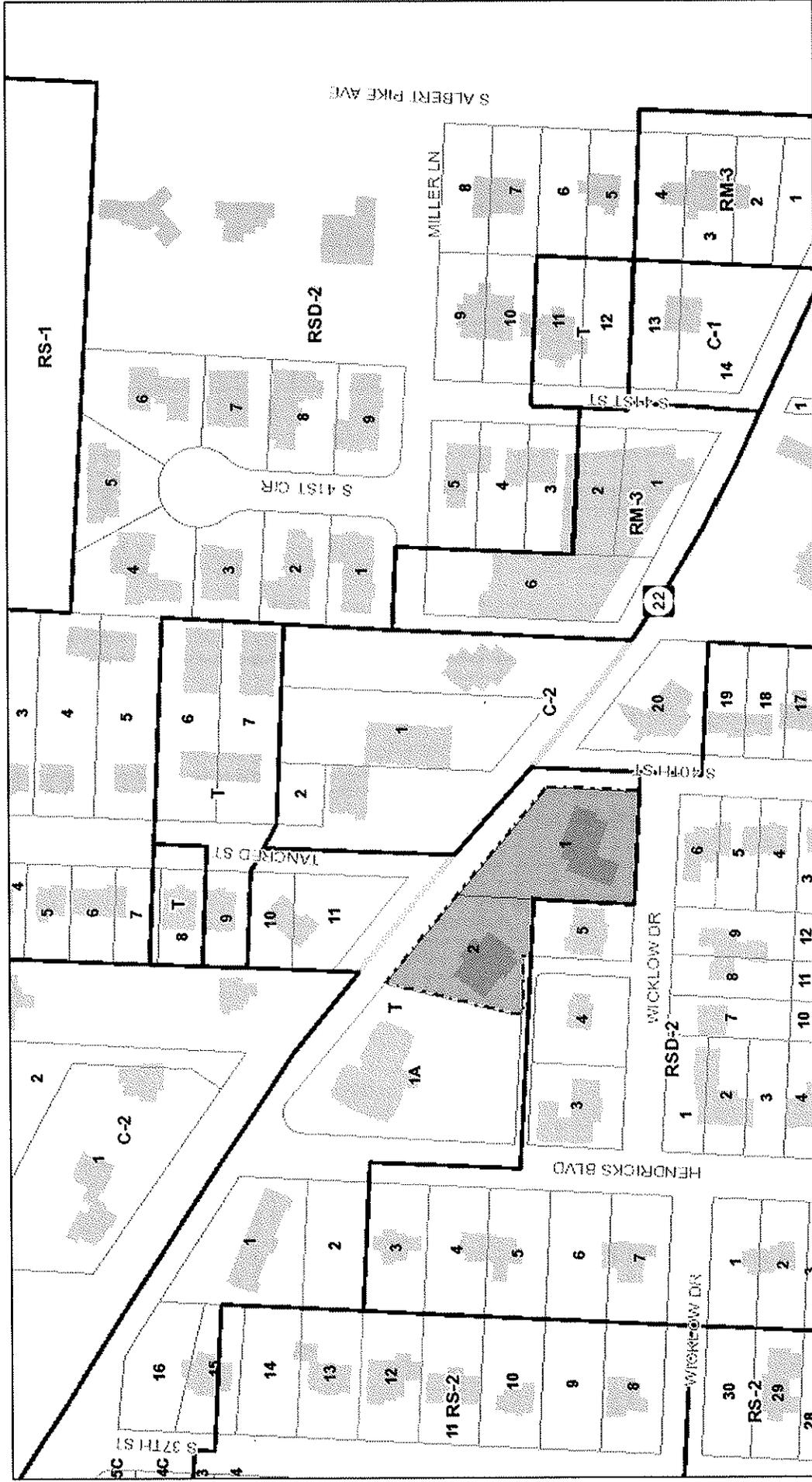
Owner

2411 Skye Rd. Ft. Smith, Ar 72908
Owner or Agent Mailing Address

or
Briana Rogers
Agent

479-719-6717
Owner or Agent Phone Number

Rezoning #2-1-14: From Transitional (T) to Commercial Light (C-2) 3900 & 3920 Rogers Avenue



December 19, 2013

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

77

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Conditional Use #1-1-14 - A request by Dave Reynolds, agent for the City of Fort Smith, for Planning Commission consideration of a Conditional Use request to develop a Commercial Communication Tower at 1799 South 74th Street

LOT LOCATION AND SIZE

The subject property is on the east side of South 74th Street in Carol Ann Cross Park. The proposed site will utilize an area of 65 feet by 65 feet located next to the bathrooms just south of the playground equipment area.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2).

Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 4 Dwelling Units/Acre

Maximum Lot Coverage - 50%

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The area to the north of the park is zoned Residential Estate Three Acres (RE-3) and is undeveloped.

The areas to the east are zoned Residential Multi-family Medium Density (RM-3) and are developed as single family residences.

The areas to the south are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and Transitional and are developed as Bost School and Methodist Village Nursing Home.

The areas to the west are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and are developed as single family residences.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

The Conditional Use will expire if work is not completed within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Park/Open Space/Floodway. This classification is intended to provide for the open space and recreation needs of the region, and protect the region's natural resources, water quality and development investments. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow the construction of a Commercial Communication at the southern end of Carol Ann Cross Park next to the restroom facility and parking location.

SITE DESIGN FEATURES

Landscaping – Twelve trees will be removed and fifteen new trees along with 20 evergreen shrubs will be planted around the sites perimeter.

Screening – The applicant has stated in the application they will install an eight-foot tall wood fence around the site. The development plan shows an eight (8) foot wood fence.

Lighting – No lighting is proposed at this time.

Architectural features – The applicant proposes a 174 foot slick stick flag pole tower. This tower will also allow other carriers to utilize it for co-locations.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, January 3, 2014 at 7804 Rogers Avenue (Woodlands United Methodist Church). Several surrounding property owners were in attendance. An attendance sheet and meeting summary are included in your packet.

A letter from Methodist Health and Rehab opposing the proposed location of the tower has been received and is in your packet.

The Parks Commission met on Friday, January 10th at noon to consider this request. A summary of that meeting will be given during the Planning Commission meeting.

Should the Planning Commission approve the Conditional Use request, staff recommends the approval be contingent upon the following:

1. All construction must be built in accordance with the approved development plan and any Planning Commission amendments.
2. The fence installed around the site shall be opaque and be a minimum of eight (8) feet.
3. No lights, signals or illumination shall be permitted unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other federal, state, or city agency.
3. The tower design shall be of the flag pole design (slick stick) as shown in the plans and shall not be retrofitted in the future with exterior antennas (arms and branches).

8C

Methodist
HEALTH & REHAB

1915 South 74th Street
Fort Smith, AR 72903

January 8, 2014

Fort Smith Planning Commission
Wally Bailey
623 Garrison Avenue
P.O. Box 1908
Fort Smith, AR 72902

Dear Mr. Bailey,

Methodist Health & Rehab would like to express its opposition of the proposed location of the communications tower located at 1799 South 74th Street. We also oppose any future towers at this location and/or outside equipment placement on that tower. Methodist Health & Rehab does not oppose the tower, only its proposed placement within Carol Ann Cross Park.

Methodist Health & Rehab is a 145 bed Skilled Nursing Facility, with an average of 125 residents living here. The proposed location of the tower will impact the current and future views that this campus has had for the last 53 years. Again, we do not oppose the tower; we only request the Council to consider a new placement within the park.

If you have any questions regarding this, please contact me, Dovie Tinsley or the Administrator, Debbie Satterfield at (479) 452-1611.

Sincerely,



Dovie Tinsley,
President

Conditional Use # 1-1-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: The City of Fort Smith, Sebastian County, Arkansas

Name of Authorized Agent (if applicable) Smith Communications, LLC

Legal Description of property included in the conditional use request:

Part of Government Lot 2 of the NW 1/4, Section 19,
Township 8 North, Range 31 West

Street Address of Property:

1799 S. 74th St., Fort Smith, AR 72903

Existing Zoning Classification:

RSD-2

Proposed Zoning Classification (if applicable):

RSD-2

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

See Attached

What amenities are proposed such as landscaping and screening?

We will be removing 12 trees, and re-planting 11 new trees on site,

installing an 8' wooden privacy fence for screening, a retaining wall.

Also, we will be giving a \$2500 payment to the City for mitigation and landscaping
(See attached landscaping plan)

Dave Reynolds
Owner or Agent Name (please print)

Signed:

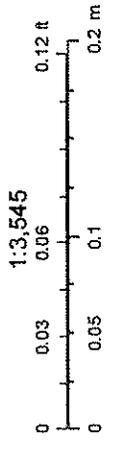
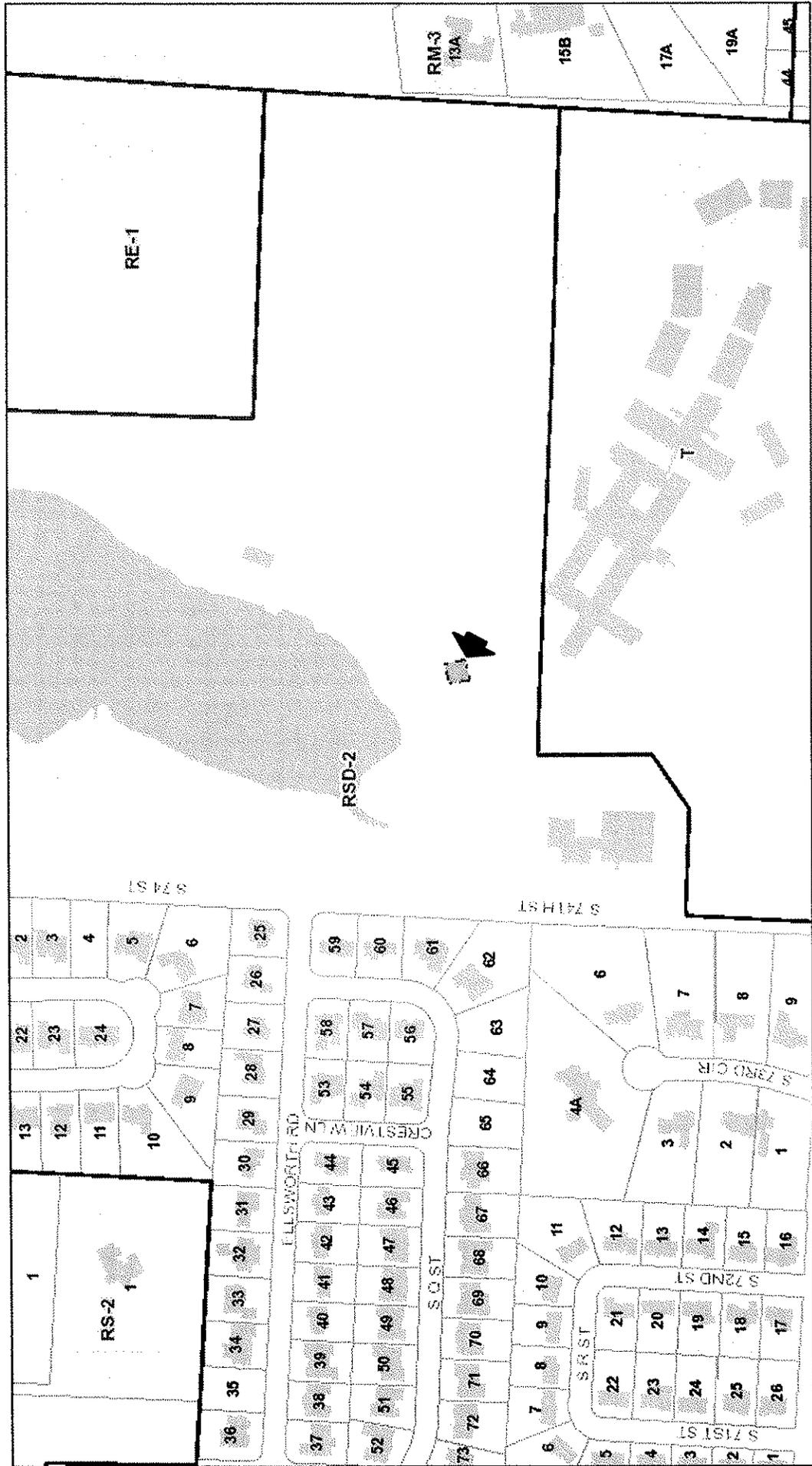
520 N. College Ave., Fayetteville, AR
Owner or Agent Mailing Address

Mike Alsup
Owner

479.443.2222
Owner or Agent Phone Number

[Signature]
Agent

Conditional Use #1-1-14: Communication Tower 1799 South 74th Street



December 19, 2013

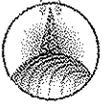
- Fort Smith City Limits
- Zoning
- Building Footprints
- Subdivisions

∞ T

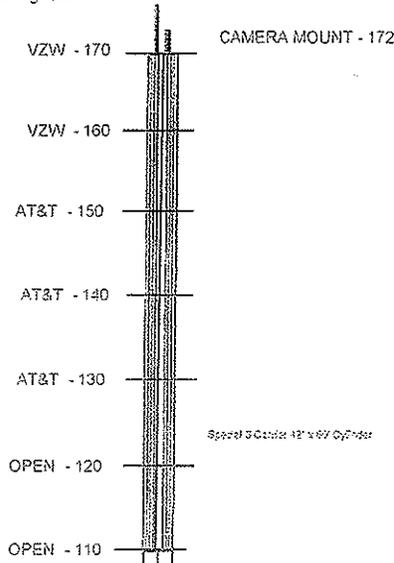
SMITH COMMUNICATION CAROL ANN CROSS
170 FT TOWER with 4ft. Lightning Rod
LANDSCAPING PLAN

1.0	4ft. P. TREE
1.1	6ft. NEW TREE
1.2	15ft. NEW TREE
1.3	NEW SHRUB





Lightning Rod - 174



Designed Appurtenance Loading

Elev	Description	Tx-Line
165	(3) 200 10123s	(9) 1.53'
165	(3) T703-190B111-001s	
155	(3) 200 10123s	(9) 1.53'
155	(3) T703-190B111-001s	
145	(3) 200 10123s	(9) 1.53'
145	(3) T703-190B111-001s	
135	(3) T703-190B111-001s	
135	(3) 200 10123s	(9) 1.53'
125	(3) T703-190B111-001s	
125	(3) 200 10123s	(9) 1.53'
115	(3) 200 10123s	(9) 1.53'
115	(3) T703-190B111-001s	
110	Special Order Carrier 42' x 30' Cylinder	

Load Case Reactions

Description	Axial (lbs)	Shear (lbs)	Moment (ft-lb)	Deflection (ft)	Sway (deg)
3s Gusted Wind	33.3	17.8	1519	1.3	1.45
3s Gusted Wind 0.9 Dead	27.3	17.8	1510	1.6	1.47
3s Gusted Wind/ice	59.9	2.1	159	0.2	0.14
Service Loads	30.1	1.1	593	0.1	0.37

Base Plate Dimensions

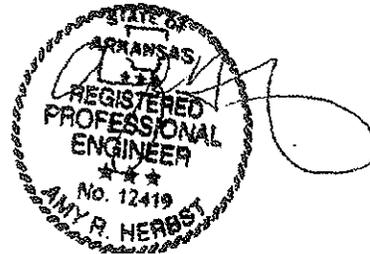
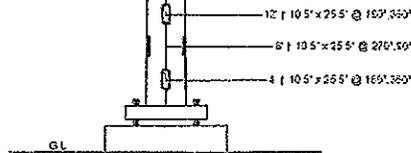
Shape	Width	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Square	61.25"	1.75"	93.75"	8	2.25"

Notes

- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) The Monopole was designed for a basic wind speed of 90 mph with 0' of radial ice, and 30 mph with 1" of radial ice, in accordance with ANS/ISA-222 -G-2 (2008), Structure Class II, Exposure Category C, Topographic Category 1.

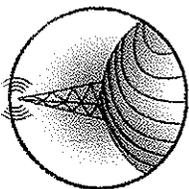
SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN

Section	1	2	3	10	11
Length (ft)	15'-0"	25'-0"	59'-3"	7'-3"	114'-3"
Number Of Slips				10	
Lap Splice (ft)	6'-0"				
Top Diameter (in)	42.00"				
Bottom Diameter (in)	50.00"				
Taper (in/ft)	0.15				
Grade	A572-65				
Weight (lbs)				8030	1240



<p>Sabre Communications Corporation 2101 Murray Street P.O. Box 858 Shreve City, LA 71102-0858 Phone (717) 259-0590 Fax (717) 259-6250</p>	Quote:	14-5362-JAG
	Customer:	SMITH TWO-WAY RADIO INC
	Site Name:	Carol Ann Cross Park, AR
	Description:	170' Slimline
	Date:	12/13/2013 By: TRJ
<small>Information contained herein is the sole property of Sabre Communications Corporation, constitutes a trade secret as defined by Texas Code Ch. 659 and shall not be reproduced, copied or used in whole or part for any purpose whatsoever without the prior written consent of Sabre Communications Corporation.</small>		Page: 1

85



Smith Communications, LLC
Proposed CAROL ANN CROSS
Typical Signage

1X

4 ft

SITE NAME:
Eagelton

FCC REG# 1284531

LEASING 800 695-2322

EMERGENCY 479 443-2222

2 ft

Mounted to Gate

1X

3 ft

NO TRESPASSING!
AUTHORIZED ENTRY ONLY

WARNING
ANTENNAS MAY BE ACTIVE

DO NOT CLIMB TOWER WITHOUT OWNER WRITTEN AUTHORIZATION!

A NOTICE A
SPECIAL USE FOR ANTENNAS IN
MULTI-PURPOSE DEVELOPMENTS
1. The tower shall be maintained in good condition and shall be kept free of any obstructions.
2. The tower shall be painted in accordance with the applicable regulations.
3. The tower shall be marked with the appropriate warning signs.
4. The tower shall be kept clear of any other structures or equipment.
5. The tower shall be kept clear of any power lines or other hazards.
6. The tower shall be kept clear of any other structures or equipment.
7. The tower shall be kept clear of any other structures or equipment.

2 ft

Mounted to Gate

1X

6 in

739 Hwy 270

30 in

4 ft

FCC REG#
1284531

1X

12 in

Mounted to Gate

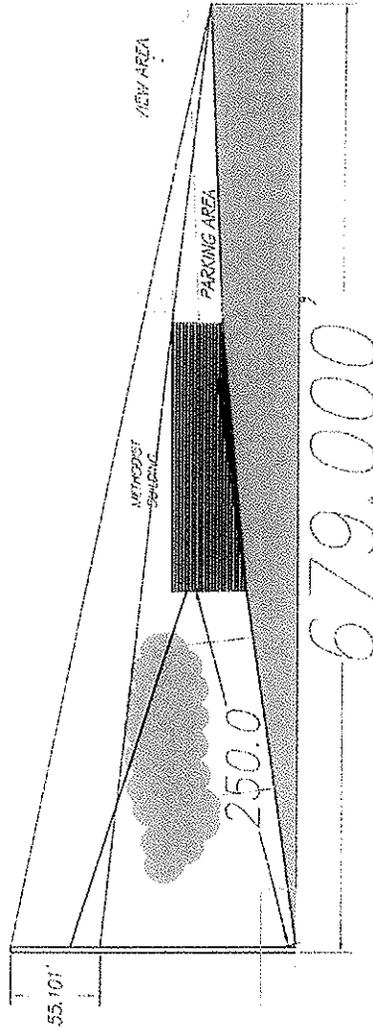
Mounted to Tower

8K

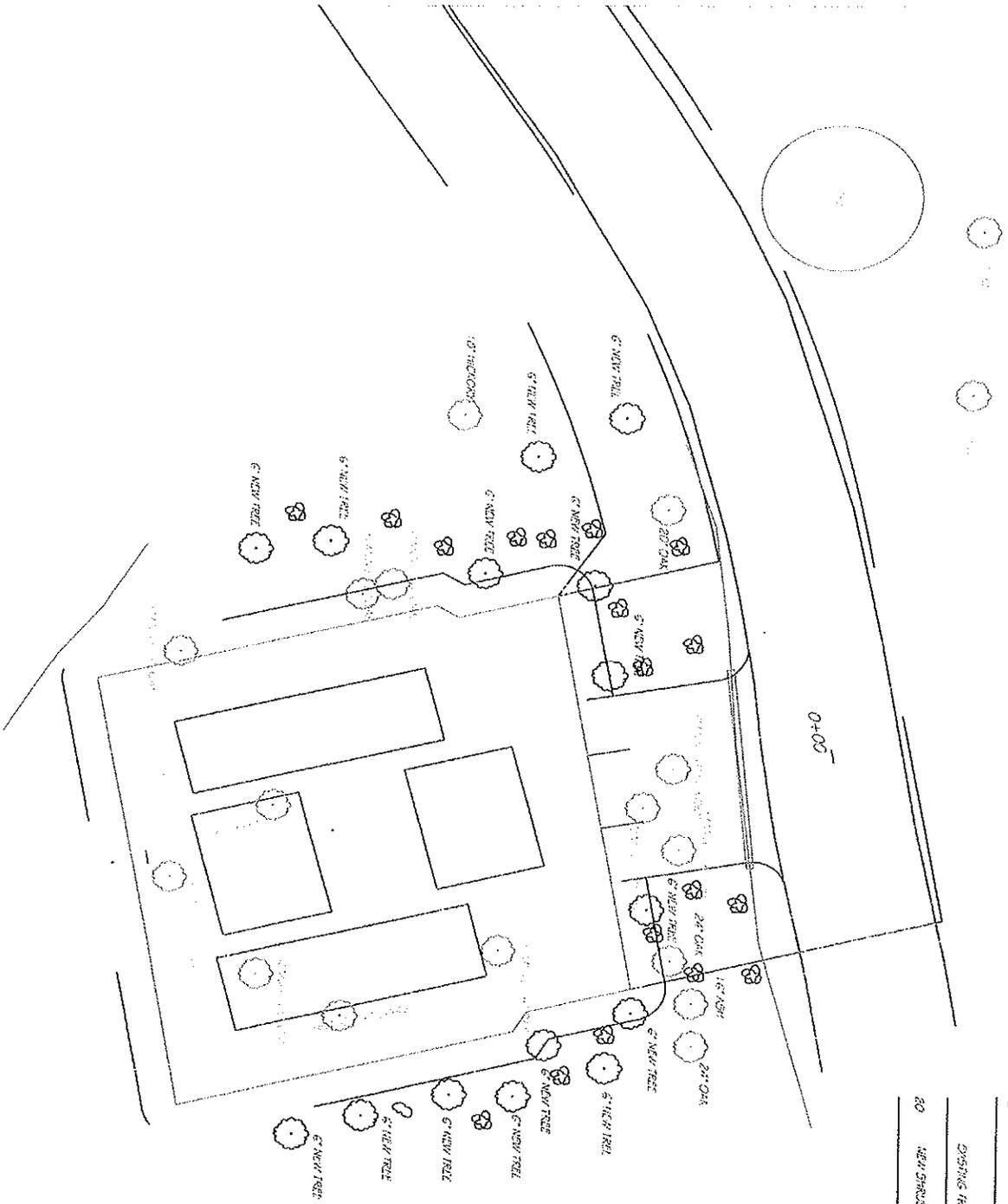
Smith Communications

Site Line Diagram From Methodist Building

SCALE -- 1 Inch = 100Ft.



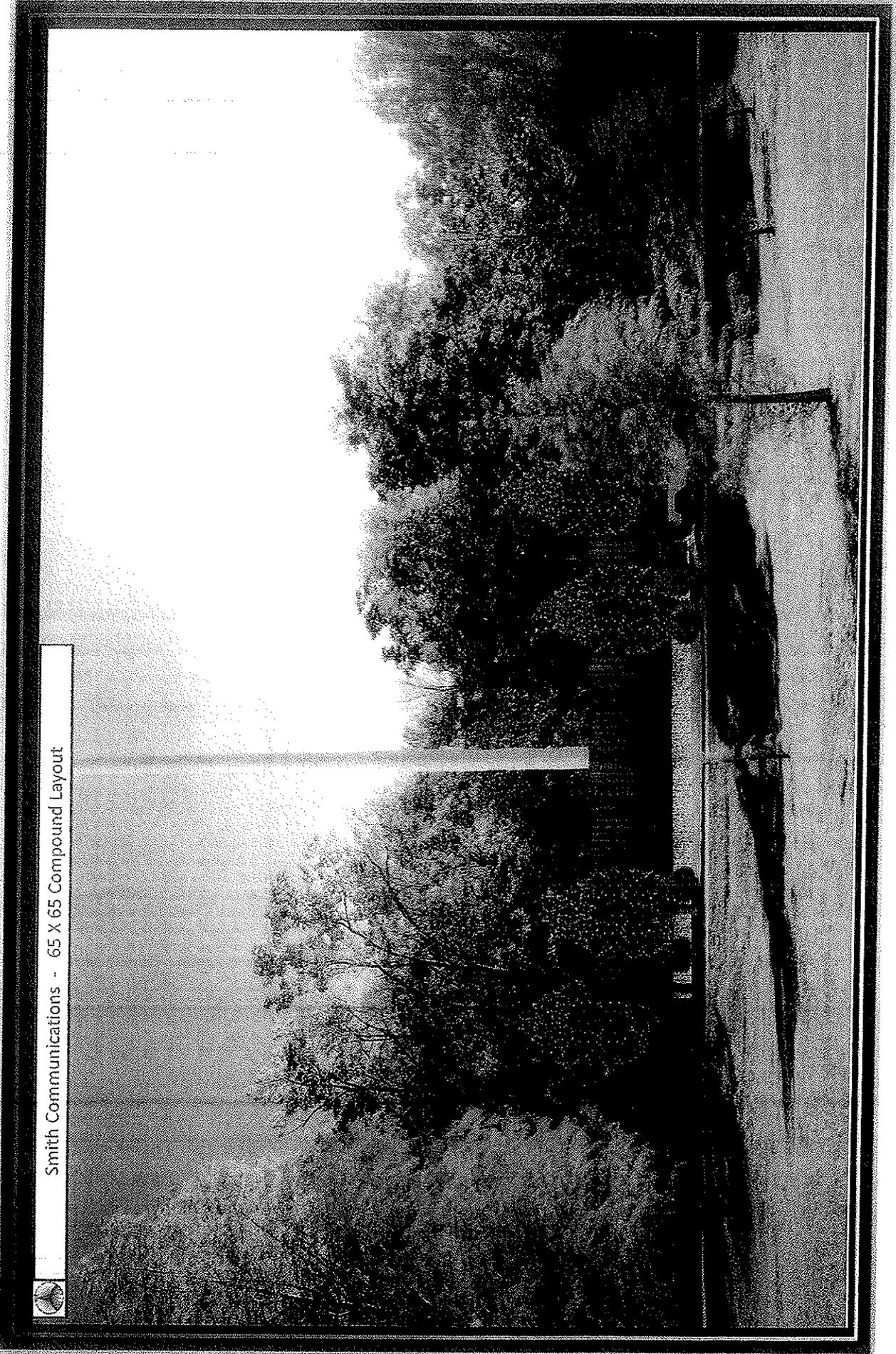
SMITH COMMUNICATION CAROL ANN CROSS
 170 FT TOWER with 4Ft. Lightning Rod
 LANDSCAPING PLAN



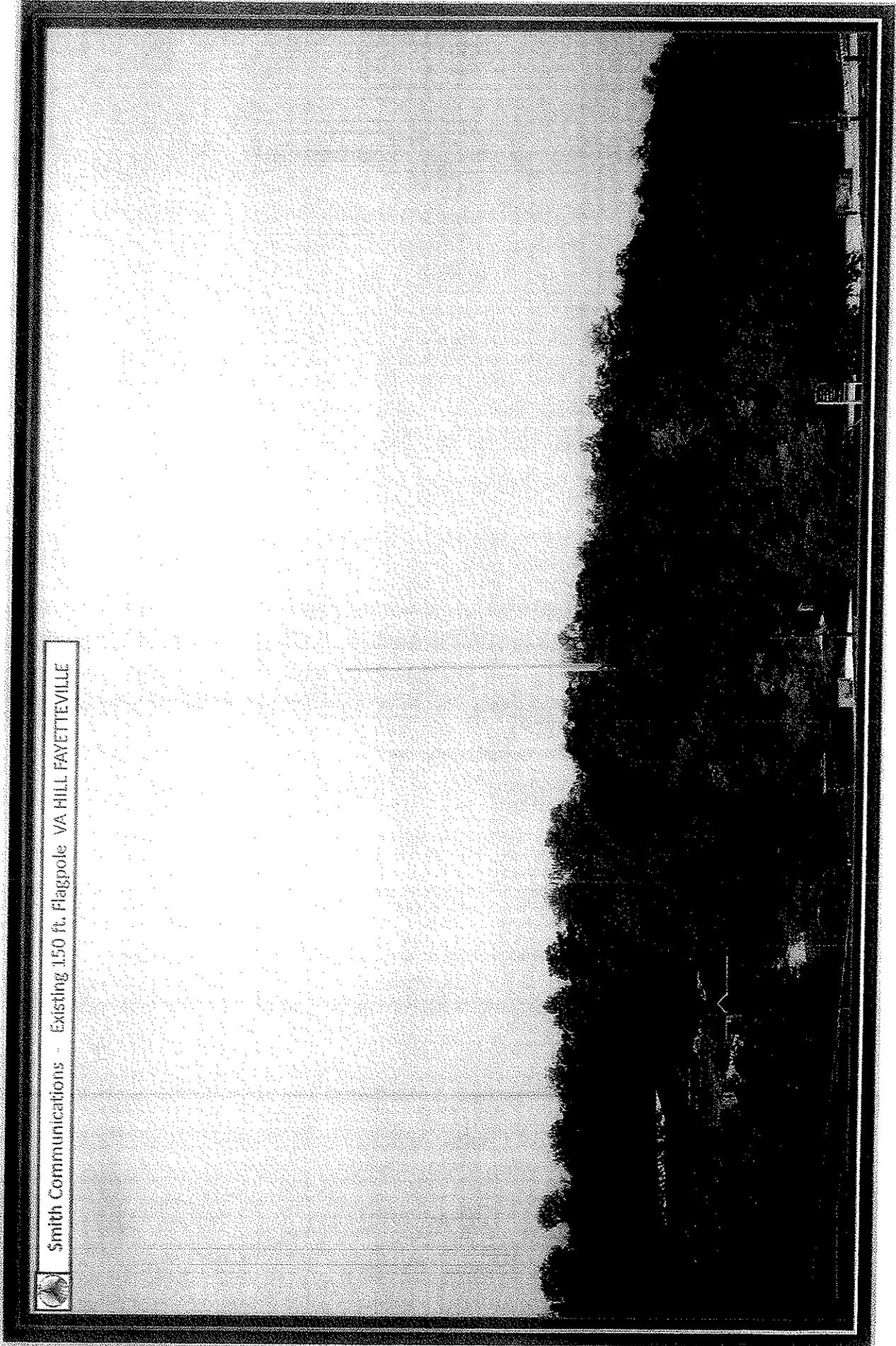
19	6\"/>
20	NEW SPRUCE

SM

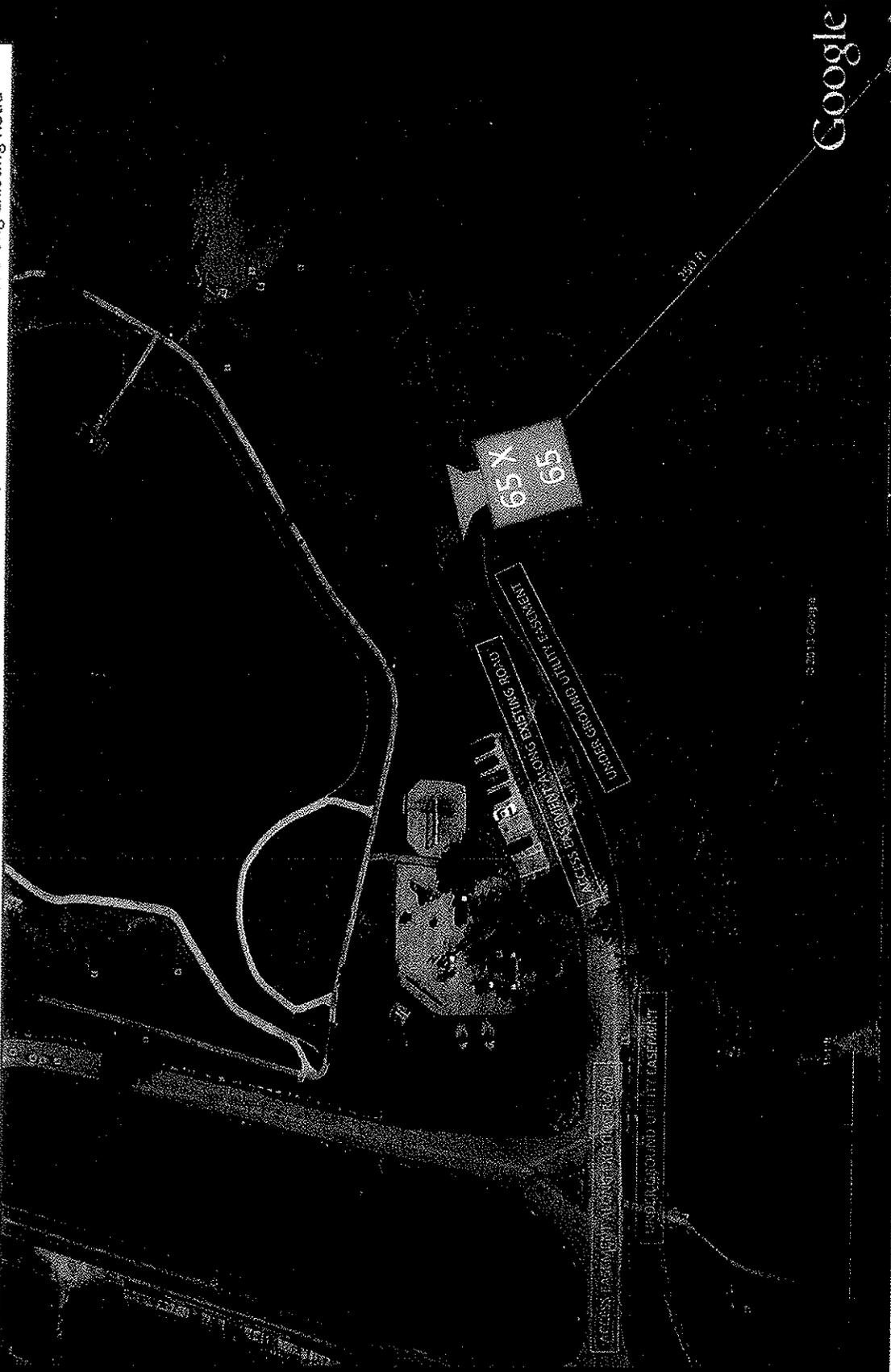
Smith Communications - 65 X 65 Compound Layout



Smith Communications - Existing 150 ft. Flagpole VA Hill FAYETTEVILLE

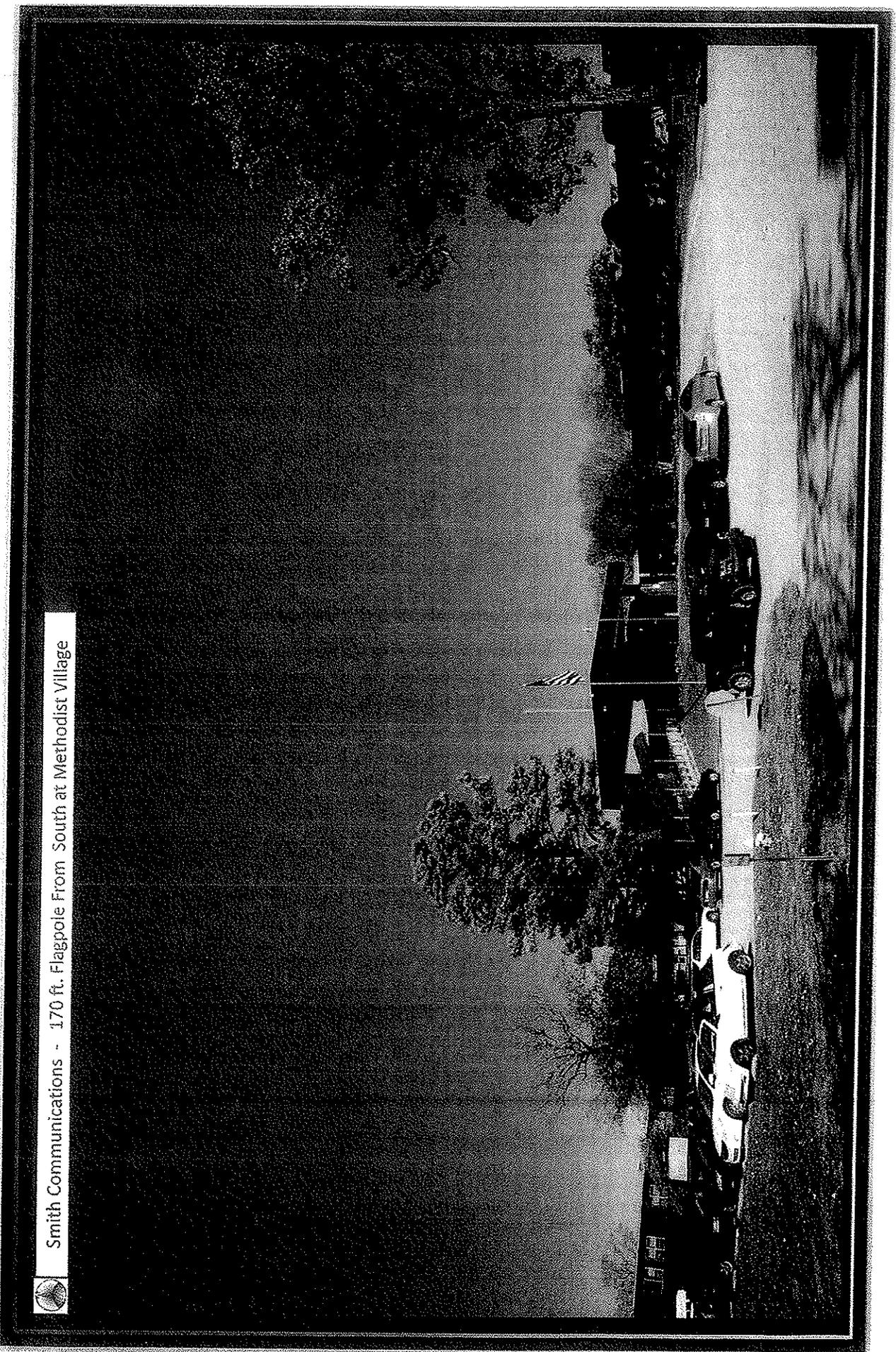


Smith Communications - EXHIBIT 4 & EXHIBIT 5 -- 65 X 65 with Underground Utility Easements and Access along Existing Road



© 2013 Google

Smith Communications - 170 ft. Flagpole From South at Methodist Village



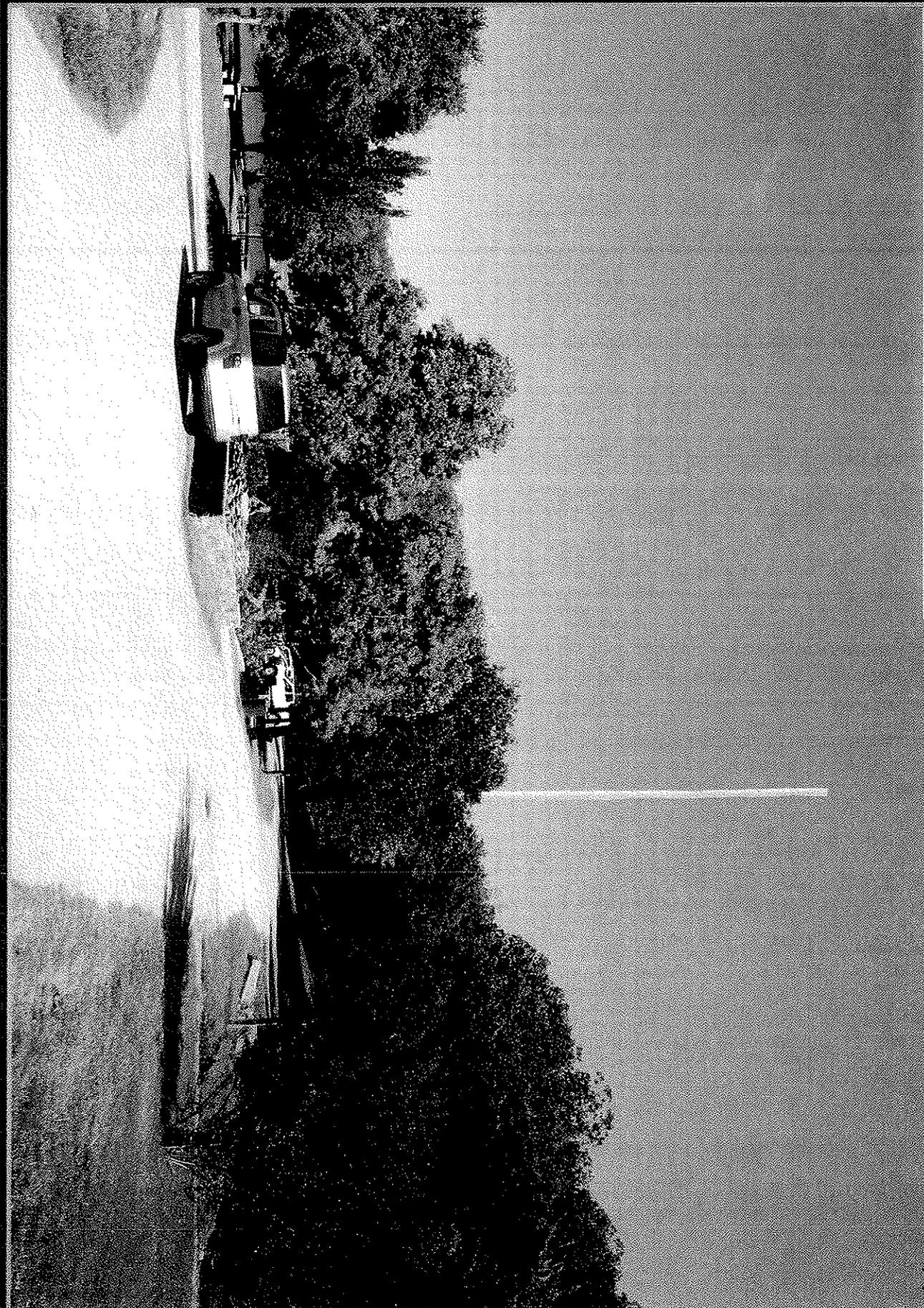
Smith Communications - 65 X 65 Compound Layout



8R



Smith Communications - 170 ft. Flagpole From West / Entrance



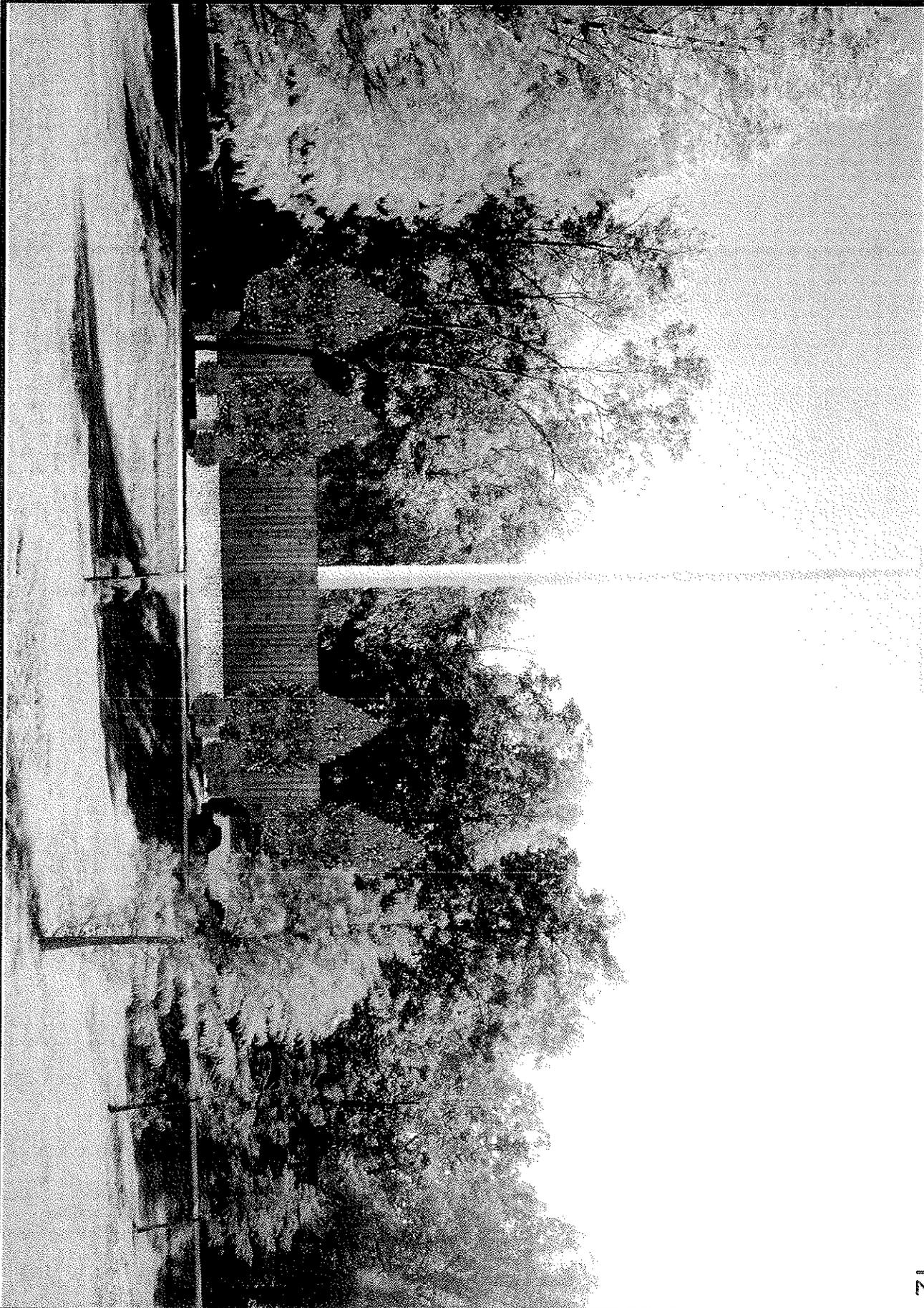
85



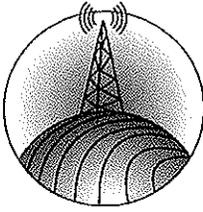
Smith Communications - 170 ft. Flagpole From North



ST



28



Smith Communications, LLC.
520 N College Ave. Fayetteville, AR 72701
Ph. 479-443-2222 Fax. 479-443-5677

January 6, 2014

To: City of Fort Smith Planning Department,

Please see attached meeting sign-in letter and the notes from our Neighborhood Meeting that we had on Friday, January 3, 2014 at 6:30 P.M., in reference to the proposed wireless facility tower located within the Carol Ann Cross Park.

We had a good turnout, with 12 persons, along with a few City Officials attending. We had two members voice their concerns about the project, one member stated that he was a board member of the nearby retirement village, and stated that he was not against the tower but that he did not like the location, and the project should be moved to the South toward 74th Street. Another member of the meeting made the statement -He is against the placement of the tower in the park at all. Several other citizens asked questions over a range of topic: The need for tower lighting and that none will be used, The need for retaining walls a long site perimeter and there height and the if the tower would have external arms and antennas?

Several members of the public came out in support of the project, and it was stated that they are ready to have better cell phone service not only personally, but in emergency situations as well.

For the most part we found that a majority of the residents are for the project in the exact location that we submitted with our application and had positive feedback regarding the type of tower and its placement in the park.

Should you have any questions and/or concerns please don't hesitate to contact me.

Thank You,

Dave Reynolds

8V

MEETING SIGN-IN SHEET

Project: Proposed Carol Ann Cross wireless facility

Meeting Date: January 3, 2014 @ 6:30 P.M.

Facilitator: Smith Communications, LLC / Dave Reynolds

Place/Room: Woodlands United Methodist Church

Name	Address	Phone Number
Shannon Blatt	7101 South Q	479-681-2378
Fred Cousins	1129 S. 74 th	479-452-3846
KENT BLOCHBERGER	3914 S. 33 rd ST	479-646-4588
Matt Horan	1206 Camisun	782-1001
Madeline Marquette	7818 Valley Forge	479-414 6579
Nancy Llewellyn	1174 So. 74 th	452-1586
Mitch Llewellyn	1174 So. 74 th	452-1586
Charlene Cates	1218 S. 74	285 0040
Mike Miller	1200 S. 74	459 9851
Kevin Settle	10904 Cork Court	(479) 648-2872
Andree Good	4716 Mill Pond CT	479-285-4932
Lorice Robertson	3301 S. 96 th ST	479. 452-6985

8W

- What building is that?
Dave showing the survey on the slide indicated that it was the gazebo.
- Where are the restrooms?

- What are the levels + how high is the retaining wall?

- "I will assume that there will be a flashing light?"
Dave - There will be no lights, we have lowered the tower (from the AT+T proposal) by 10 feet, so the FAA would not require lighting.

- "Will the lease provide that there will be no light on the tower?"
- "Will the tower be ~~capable~~ ^{capable} of putting arms if someone bought the tower from Smith Communications?"
- "Color, does it have to be white, a color less intrusive, a more natural color?"

- Shannon Blatt.
If the FAA states that it has to have a light or lower the tower, will it effect services?
Is it set in stone that VZW will be on top ^{the} two + AT+T on bottom?
If one is as good as another why go higher?

Kent - I am on the board for Methodist ~~Center~~^{Village}, we are not anti-tower, but the picture you showed was taken from the front of the facility, not the back, we have plans of re-orienting our view, putting the tower that deep in the park obstructs our view, our Sweet Spot, and our plan for re-orienting will be that we could go out in an area that feels like home, ~~be~~ looking at the park and not see the tower, we will be orienting our view on the back side, we would like for you to move it closer to the street. The proposed is ~~Smack~~^{Smack} dab in the middle of our Sweet Spot.

- Was AT+T proposing a flagpole or one with the arms + branches?
- Will the AT+T site on the South work for the village?
- It is a big deal that the people would see the tower on the back, what is the opposition to moving it closer to 74?
- What is the problem with moving it?
- Prior meetings - visibility issues, too close to the ~~play~~ playground

Planning explained why the tower could not be moved because of the Cup application that was submitted, has to be site specific, this is Smith's meeting, just trying to clarify, feel free to voice whether you for or against.

- "I live 4 blocks, we have 8 grandchildren, the park is a ~~sanctuary~~ Sanctuary for me, "I'm not for it, it's in a bad place!"

"We need to keep value to our park" ~~There are no complaints~~
~~The~~ ^{This} gentleman's wife indicated that they did not get a notice, it is assumed that they do not live within 300' of the proposed site.

* ~~Proposed~~

"Put it where the water tank is!"

It was explained as to why that would not work.

At the end of the meeting I spoke to Nancy Lewellyn, she told me that she's for the tower, she takes her grandchildren there as well, and didn't see a problem of the proposed location.

Memo

To: City Planning Commission
From: Planning Staff
Date: January 2, 2014
Re: Subdivision Variance #1-1-14 - A request by Keith Kestner, agent for R. Scott Hembree, for Planning Commission consideration of a subdivision variance from private access easement requirements for an existing driveway at 3108 & 3112 Park Avenue (Companion to item #24)

LOT LOCATION AND SIZE

The subject property is on the south side of Park Avenue between North 30th Street and Melrose Avenue. The two tracts contain a combined area of 2.3 acres with approximately 196 feet of street frontage along Park Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily developments, community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

9A

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north, west, and east are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences with one duplex to the northeast of the development.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Park Avenue as a Major Collector.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance. A companion variance application has been submitted seeking approval for the minimum lot frontage at building line from 60 feet to 28.36 and from 30 feet to 10 feet interior side yard setback for the existing development.

REQUESTED VARIANCE

Private access easements are required to be a minimum of 24' in width. Approval of the variance will allow an existing 18' wide asphalt driveway to remain, which will facilitate a proposed plat to subdivide the property into three tracts.

APPLICANT HARDSHIP

The applicant states that construction of a 24' wide private drive would result in the removal of several large trees and temporarily prevent vehicle access for the residents.

9B

STAFF COMMENTS

Approval of the variance will allow the existing 18' wide asphalt driveway to continue to serve as an access easement for the existing single family house and multifamily development. In staff's opinion, approval of the variance will have no impact on surrounding property or the neighborhood.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

Owner or Agent Name (please print): Satterfield Land Surveyors (Keith Kestner)

Street Address or Location: 3112 Park Ave Fort Smith, AR, 72903

Legal Description of Property (attach separate sheet if necessary): _____

See Attachments

Zone: RM-3

Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

Article: _____ Section: 27-504.3

The specific request is as follows:

See attachment letter

Satterfield Land Surveyors Signed:

P.O. Box 640 Alma, AR. 72921
Owner or Agent Mailing Address

Owner

648 3850
Owner or Agent Phone Number

Keith Kestner
or
Agent

Variance # _____



Satterfield Land Surveyors, P. A.

Surveying / Engineering

P.O. Box 640 • Alma, Arkansas 72921

Office located at 1928 Highway 71 North

Member: ASPS--OSLS

Alma 479-632-3565 • Fax 479-632-5002 • Fort Smith 479-648-3850

Springdale 479-751-7909 • Web Site: www.slsurveying.com



December 12, 2013

City of Fort Smith
Planning Department
Fort Smith, Arkansas

RE: Driveway Variance Request
Brothers II, Tracts 1, 2 & 3
Park Avenue
Job #38,811C

Planning Director:

This variance request is to keep the existing driveway as is, and to not construct a new driveway to meet the requirements in Section 27-504-3. The existing driveway has concrete curb & gutter with asphalt pavement. The average width is 18 feet; the length of the existing driveway is less than 500 feet. Widening of this driveway would result in the removal of several large trees, temporarily prevent vehicle access for the residents, and would be cost prohibited.

Sincerely,

Keith W. Kestner, P.E.

9E

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Development Plan Review - A request by Dubin Singer P.C., et al, agent for C & C Kelley Properties and Ninh Nguyen, for Planning Commission consideration of a Development Plan request to develop a neighborhood store at 1908 & 1920 Dallas Street (Companion to item #27)

LOT LOCATION AND SIZE

The subject property is on the south west side of the intersection of Dallas Street and Jenny Lind Road. The tract contains an area of 0.41 acres with approximately 100 feet of street frontage along Jenny Lind Road and approximately 179 feet of street frontage along Dallas Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are Commercial Light (C-2) and Transitional (T) and are developed as single family residence, retail and vacant auto repair.

The area to the east is zoned Residential Single Family-Duplex Low/Medium Density (RSD-2) and is developed as Ramsey Junior High School.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a car wash and other retail businesses.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is developed as single family residences.

PROPOSED DEVELOPMENT PLAN

The development if approved will allow for the development of an 8,320 s.f. Family Dollar Store. The proposed project will have 20 parking spaces with parking lot screening and perimeter landscaping. The companion item is a variance request for the minimum number of parking spaces and for the omission of interior landscaping for vehicular use areas.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress will occur from both Dallas Street and Jenny Lind Road.

10B

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – No drainage improvements are shown with the development plan.

Landscaping – The site will contain the ten (10) foot strip of perimeter landscaping, and the required parking lot screening. Additional landscaping is proposed in the 25’ right-of-way dedication adjacent to Jenny Lind Road. Plants will be maintained by an irrigation system. Applicant shall submit the plant list, plant sizes, and irrigation information as required by the UDO, Section 27-602-3.

Screening – A six foot tall wood fence is proposed as screening along the west property line adjacent to a single family residence.

Parking – The submitted parking plan shows 20 parking spaces. A companion item is requests variance from the required number of parking spaces (36).

Signage – The development notes that the project will utilize a monument sign located along Jenny Lind Road. No other information noted about the signage. The monument sign shall comply with the sign ordinance for monument signs.

Lighting – No information is supplied for the project lighting. The lighting shall be designed to not produce light trespass and comply with Section 27-602-5 of the UDO

Architectural features – All four sides of the building are 100 % masonry, which exceeds the UDO Design Standards.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, January 7, 2014 onsite. Two surrounding property owners were in attendance. Neither was opposed to the request; however, one property had concerns relative to lighting and noise during deliveries. Please see the attached letter from David Armbruster. An attendance record and meeting summary are enclosed.

If the Planning Commission is inclined to approve the development staff recommends the approval shall be contingent upon the following.

1. All construction must be built in accordance with the submitted Development Plan with any amendments set forth by the Planning Commission.
2. A final landscape plan shall be submitted for review and comply with the UDO.
3. All site lighting shall be shielded and comply with Section 27-602-5 of the UDO.
4. BZA approval of the companion variance application from 36 parking spaces to 20 and from the requirements of interior landscaping for vehicular use areas.
5. Ground signs shall be limited to the monument sign shown on the submitted development plan.

10C

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

2. Address of property: 1908 and 1920 Dallas Street, Fort Smith, AR

3. The above described property is now zoned: C-5 Commercial Heavy

4. Does the development plan include a companion rezoning request?

Yes _____ No _____

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

_____ by _____.
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

Please see City zoning map and aerials (Ramsey Jr. High to the east; RM-3 residential to the west, north and south, commercial district to the south (Veterinary Clinic, Car Wash).

8. Total acreage of property 0.93 acres

100

Signed:

Owner or Agent Name
(please print)

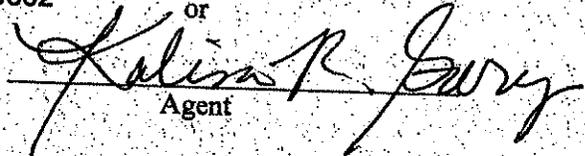
Dubin Singer P.C.
70 W. Madison St., Suite 4500, Chicago, IL 60602

Owner or Agent Mailing Address

312-345-5731
Owner or Agent Phone Number

Owner

or



Agent



December 20, 2013

FD Fort Smith Arkansas Dallas Street LLC
c/o Nicholas Stratigakes
19 S. LaSalle St., Suite 1007
Chicago, IL 60603

RE: Proposed Family Dollar, 1908 and 1920 Dallas Street, Fort Smith, Arkansas

Dear Mr. Stratigakes:

Family Dollar has completed its review of the attached site plan for our prospective store at the location currently known as 1908 and 1920 Dallas Street, Fort Smith, Arkansas. As with many of our stores, we expect that a large portion of customer traffic will be on-foot. As such, we have approved the project with the proposed parking field of 20 spaces as reflected on the approved site plan dated December 19, 2013. A substantial percentage of our stores, totaling more than 7,200 in 46 states, have 25 on-site parking spaces or less. In fact, a number of our stores located in major metropolitan areas have no on-site parking, and have nonetheless been very successful and have not caused an undue burden on traffic patterns and/or been the cause of increased congestion.

Per an internal Family Dollar study conducted over the past several years, Family Dollar has an average of 2,200 customers per week with 60% of business occurring in the mid afternoon and evening. Our customer expenditure is about \$10.00 and the average shop time per customer is 15 minutes. For a 12 hour sales day, this is an average of 26 cars per hour and an average of 6.5 customers in the store at any one time (not to mention that for stores whereby there is a local bus route within walking distance, the average number of customers in the store at any one time would be less). Since our volume of business is 10% greater in the late afternoon than morning or early afternoon, $110\% \text{ of } 6.5 = 7.2$. So, the greatest number of customers in the store at any one time is 7.2 on average. If it is a driving market, that would equal 7.2 cars.

Please feel free to call me at any time with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Landrum".

Evan Landrum
Real Estate Manager Relocations - Family Dollar Stores, Inc.
Office: (704) 708-1767
Cell: (704) 572-8953
E-mail: elandrum@familydollar.com

10F

3201 South 18th Street
Betty Ruth Morris/Represented by David Armbruster
4000 Country Club Ave., Fort Smith, AR

**REQUEST THAT DEVELOPERS/PLANNING COMMISSION
CONSIDER FOLLOWING CONCERNS OF THE PROPERTY
OWNER:**

1. LIGHTING ON REAR OF BUILDING -

**REQUEST THAT LIGHTING ON THE REAR OF THE BUILDING
AND ON THE REAR OF THE LOT BE DIRECTED SO THAT IT
WILL NOT CAST A GLARE ON THE ADJOINING PROPERTY.**

**2. NOISE FROM DELIVERY, SERVICE AND SANITATION
VEHICLES IN THE REAR OF THE BUILDING -**

**REQUEST THAT A 6' 8" FOOT OR HIGHER DECORATIVE
MASONRY FENCE BE ERECTED ACROSS THE REAR OF THE
LOT RATHER THAN THE PROPOSED 6 FOOT WOOD FENCE.**

**THE RECOMMENDED MASONRY FENCE IS A SUPERIOR
SOUND BARRIER AND MORE PERMANENT THAN THE
PROPOSED 6' WOOD FENCE. IT IS REQUESTED THAT IT BE
CONSTRUCTED ON A SPREAD CONCRETE FOOTING AND BE
COATED WITH AN EPOXIC PAINT.**

**A WOOD FENCE HAS A LIFE STAGE OF 10 YEARS OR LESS AND
THE PROPOSED MASONRY FENCE CAN BE EXPECTED TO
HAVE A LIFE STAGE MORE CONSISTENT WITH EXPECTED
LIFE STAGE OF THE PROPOSED BUILDING OF 40 YEARS OR
MORE.**

Also request that sidewalk be extended to west property line

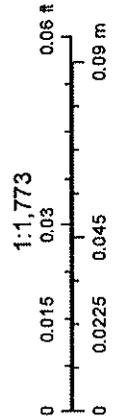
David Armbruster

Development Plan: Neighborhood Store 1908 & 1920 Dallas Street

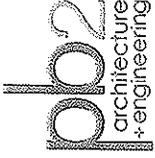


January 10, 2014

- Fort Smith City Limits
- Parcels
- Zoning
- Building Footprints
- Subdivisions



10H



Phone
479.636.3545
Architect of Record
Bradley J. Phillips
BJ.Phillips@pb2ae.com

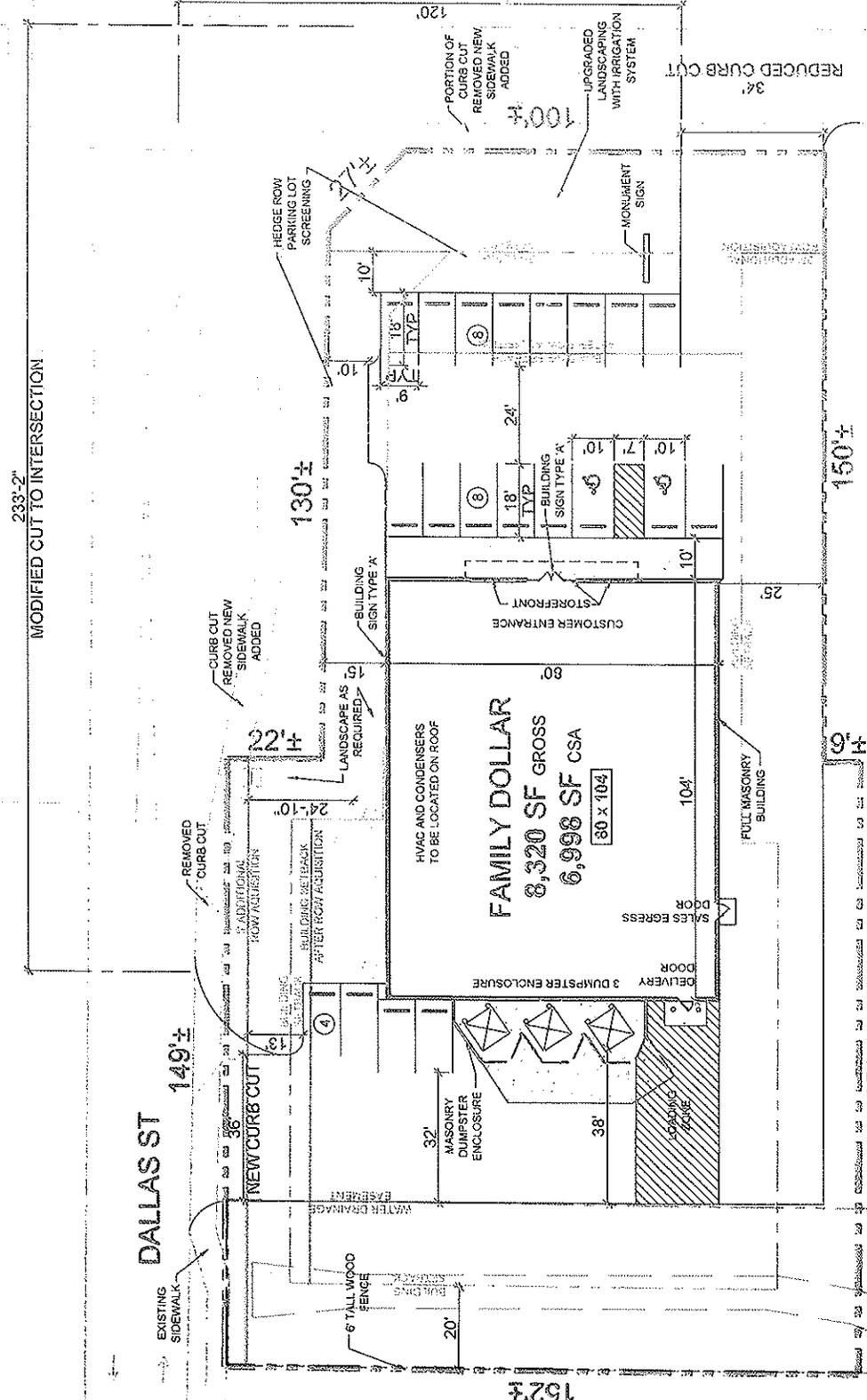
Zoning	Variances Needed
Parking Count	Landscaping
Present: C-5 Commercial Heavy	
Shown: 28	Required: 1/200 SF CSA

FAMILY DOLLAR
Preliminary Site Plan
Project # 708125
1920 Dallas St
Fort Smith, AR

December 19, 2013

JENNY LIND RD

233'-2"
MODIFIED CUT TO INTERSECTION



101



Phone
479.636.3545

Architect of Record
Brodeley J. Phillips

8.J.Phillips@pb2oe.com

Required: 1/200 SF CSA

Shown: 20

Preliminary Site Plan

Project # 708125

December 19, 2013

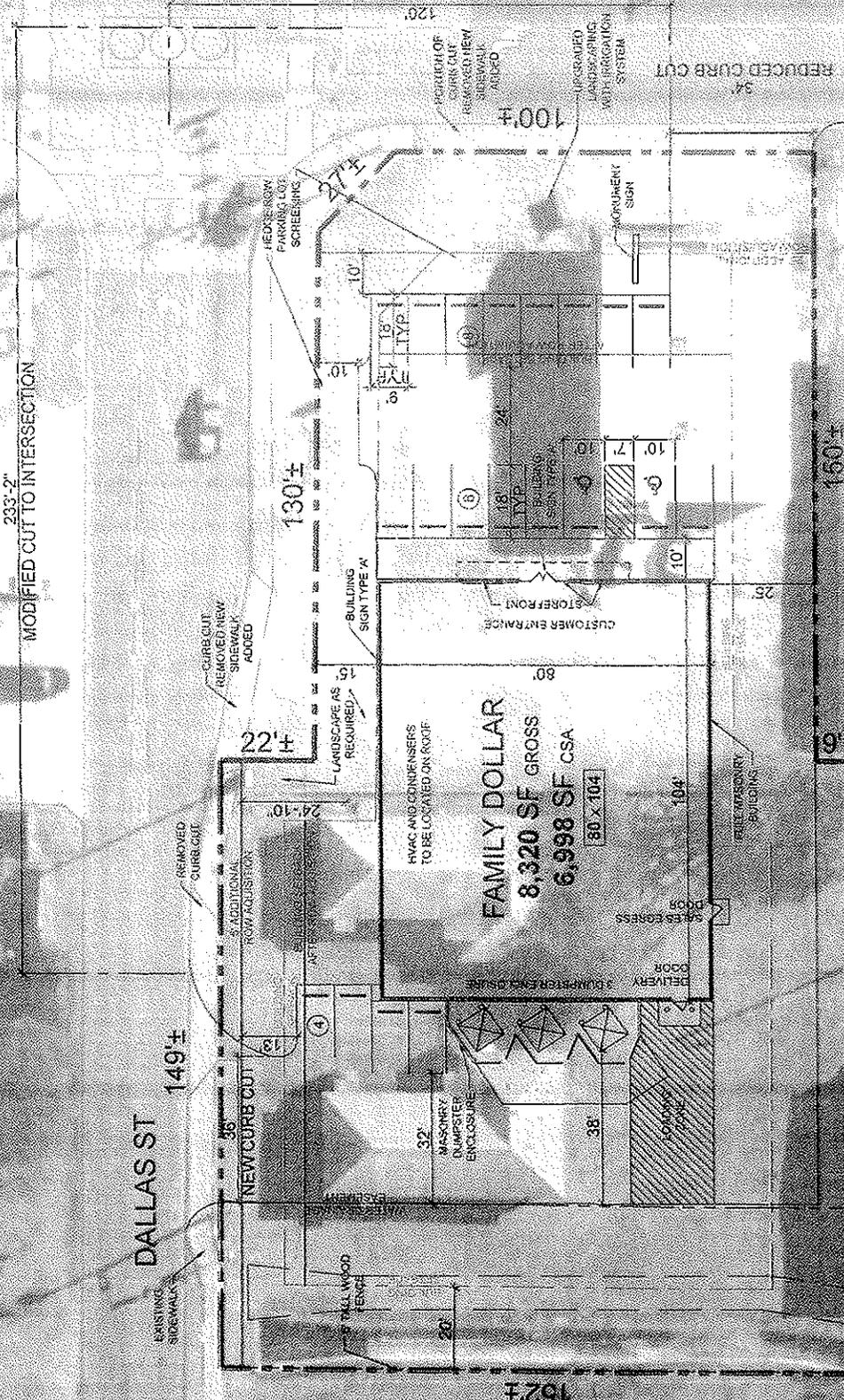
Zoning	Present: C-5
Landscaping	Commercial Heavy
Parking Count	
Parking	
Variances Needed	

Fort Smith, AR
1920 Dallas St

FAMILY DOLLAR

JENNY LIND RD

233'-2"
MODIFIED CUT TO INTERSECTION



10K

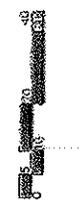
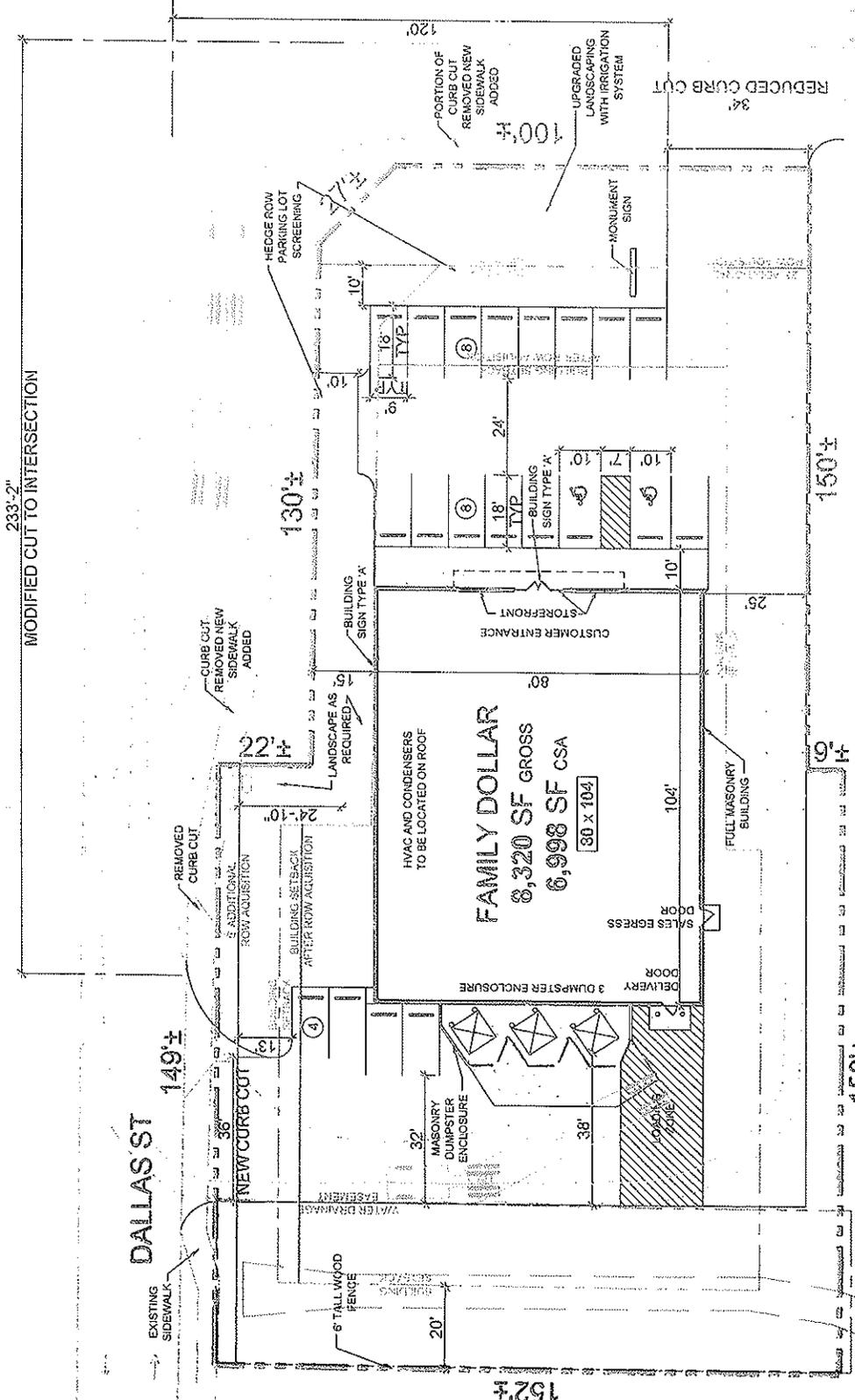


Phone
479.636.3545
Architect of Record
Bradley J. Phillips
B.J.Phillips@pp2ae.com

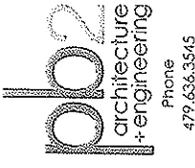
Zoning	Present: C-5 Commercial Heavy
Variances Needed	
Parking Count	Landscaping
Parking	Required: 1/200 SF CSA
Show'n: 20	

FAMILY DOLLAR
Fort Smith, AR
1920 Dallas St
Project # 708125
Preliminary Site Plan

December 19, 2013



701



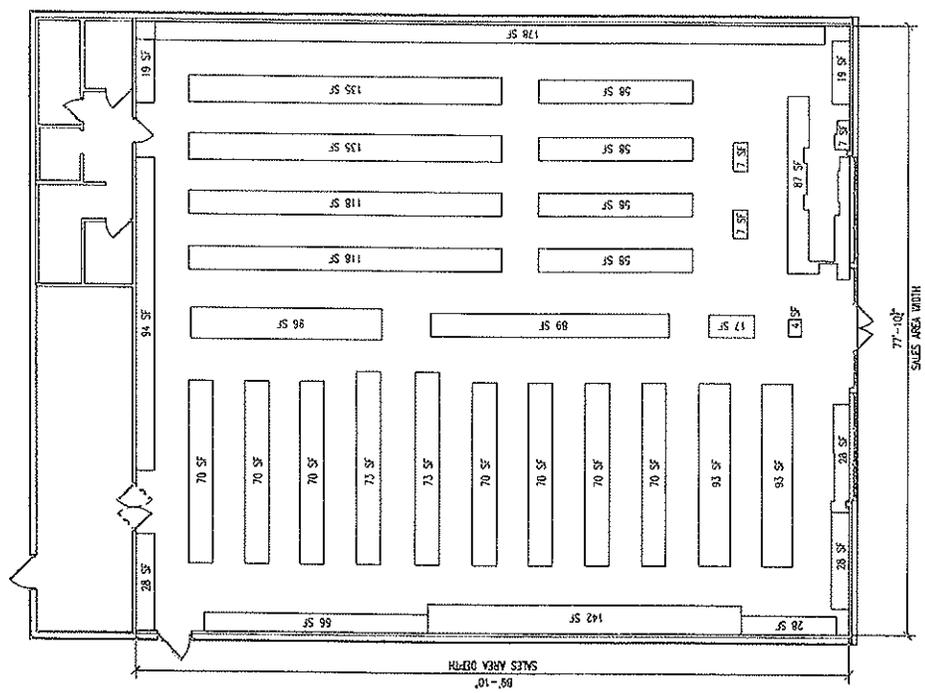
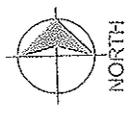
Phone
479.636.3545
Architect of Record
Bradley J. Phillips
B.J.Phillips@pb2ae.com

Zoning	Present: C-5 Commercial Heavy
Variences Needed	
Parking Count	Landscaping
Parking	Required: 1/200 SF CSA

Project #708125
1920 Dallas St
Fort Smith, AR
Preliminary Site Plan
December 19, 2013

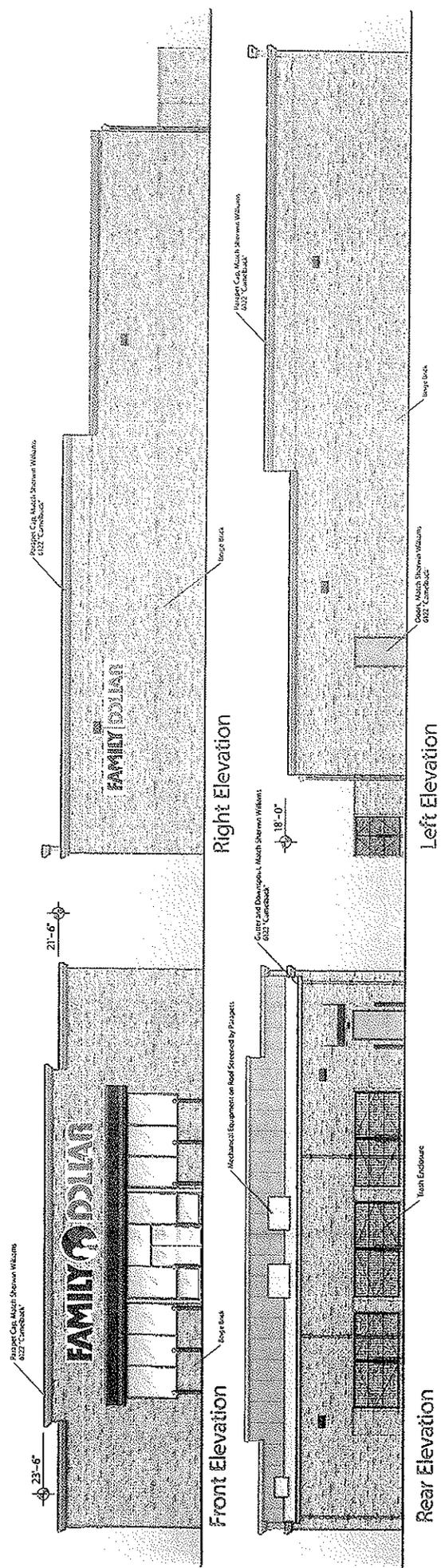
FORT SMITH, AR FAMILY DOLLAR

80 x 104



TOTAL CSA: 6,998 SF
 TOTAL RACK AREA: -2,522 SF
 TOTAL HABITABLE SALES AREA: 4,476 SF

201



Fort Smith, AR
 Color Elevations
 November 14, 2013

FAMILY DOLLAR

1002
 architecture
 + engineering

100

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Development Plan Review - A request by Brandon Woodrome, agent for Hoang Tran, for Planning Commission consideration of a Development Plan request to develop a multifamily development at 1627 Grand Avenue

LOT LOCATION AND SIZE

The subject property is on the north side of Grand Avenue between North 16th Street and North 17th Street. The tract contains an area of 0.58 acres with approximately 200 feet of street frontage along Grand Avenue and 127 feet of street frontage along North 17th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light Special(C-2-SPL). Ordinance #41-04 authorizing the rezoning of this property required planning commission review and approval on any proposed site/development plan prior to the issuance of a building permit.

Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family developments, community residential facility and neighborhood group homes are examples of permitted uses.

11A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and developed as single family residences and duplexes.

The area to the east is zoned Transitional (T) and is developed as a single family residence.

The areas to the south are zoned Transitional (T) and are developed as single family residences.

The area to the west is zoned Transitional (T) and undeveloped.

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will allow a multi-family development consisting of three duplexes.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress for the development will be provided by a proposed 24’ wide driveway on North 17th Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – The current development plan does not show any drainage improvements. All drainage improvements must comply with the city’s Storm Drainage Standards.

11B

Right-of-way dedication – No right-of-way dedication is required.

Landscaping – The development plan shows the required ten foot wide perimeter landscaping and parking lot screening buffer that complies with the UDO landscaping regulations.

Screening – A six foot privacy screening fence will be installed on the north property line adjacent to the alley to screen the adjacent single family residential. Parking lot screening, consisting of a trees and shrubbery will be installed on North 17th Street.

Parking/Maneuvering – The 12 parking spaces shown on the development complies with the UDO off street minimum parking requirements. A 25' wide turnaround space is proposed on the north side of the development. However, relocating the turnaround a few feet to the east or widening it would allow easier maneuvering for the vehicles backing of the parking spaces to the west of the turnaround

Signage – No signage is proposed for the development. Any future signage will require staff review and permitting.

Lighting – No parking lot lighting or site lighting is proposed with this development plan. Any future lighting must comply with the UDO Commercial and Outdoor Lighting requirements.

Architectural features – The development plan shows the duplexes to have an all-brick front façade with a brick wainscot and vinyl siding on the rear and side elevations. Architectural features include porches with columns on the front façade and vinyl shake siding in the front gables. The materials and architectural details comply with the UDO design standards for a multifamily family development.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, January 2, 2014 at 3201 Rogers Avenue. Two residents attended the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the development plan with the following comments:

1. All construction must be built in accordance with the submitted Development Plan with any amendments set forth by the Planning Commission.
2. All site lighting shall be shielded and comply with Section 27-602-5 of the UDO.
3. Any future signage will require staff review and permitting.
4. Modification of the turnaround to provide easier maneuvering.
5. A sidewalk shall be installed on North 17th Street.
6. Drainage plans shall be submitted for engineering department review and approval.

11C

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

2. Address of property: 1627 Grand Ave

3. The above described property is now zoned: C2 Special

4. Does the development plan include a companion rezoning request?

Yes _____ No ✓

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to: N/A

_____ by _____
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

See attached map

8. Total acreage of property 3/4 ac

110

Brandon Woodone

Owner or Agent Name
(Please print)

[Signature]

Owner or Agent
(Please sign)

PO Box 2771 FSAR 72913

Owner or Agent Mailing Address

12/5/13

Date

479-883-0957

Owner or Agent Phone Number

Email

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2012 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE 2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC).

2. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.

4. ALL FINISHES SHALL BE AS NOTED.

5. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.

7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND ADJACENT PROPERTIES AT ALL TIMES.

8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.

10. ALL MATERIALS SHALL BE STORED PROPERLY TO PREVENT DAMAGE.

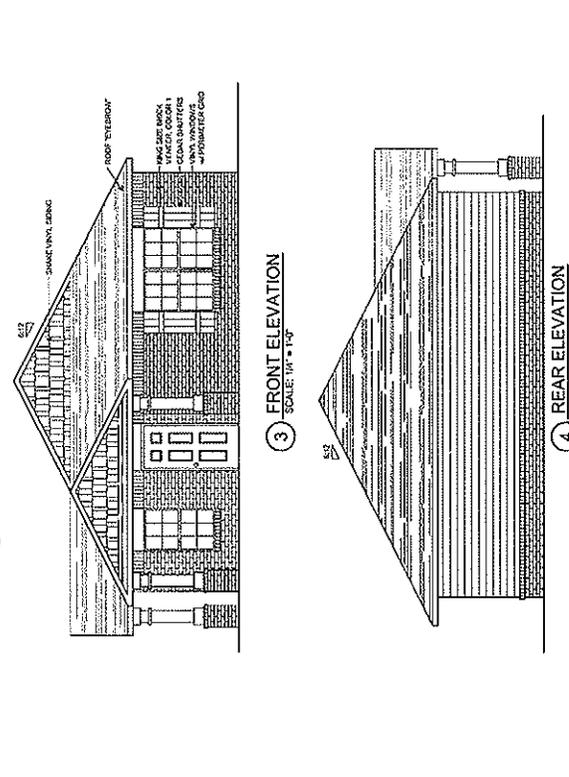
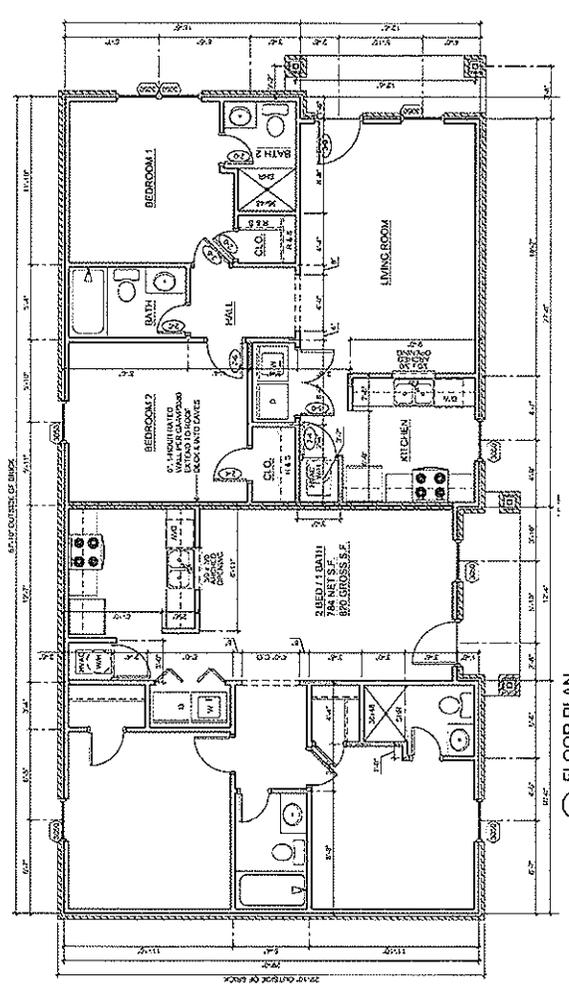
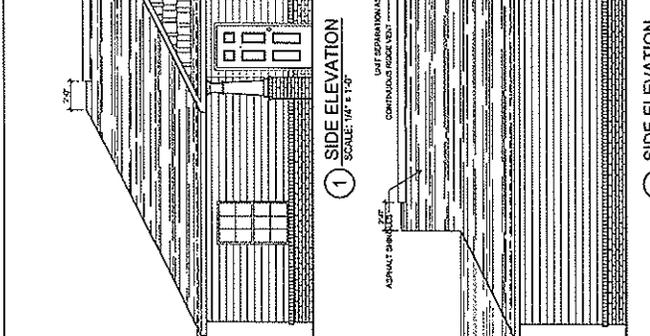
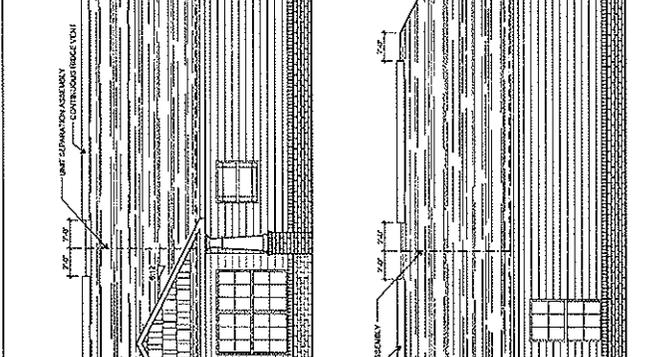
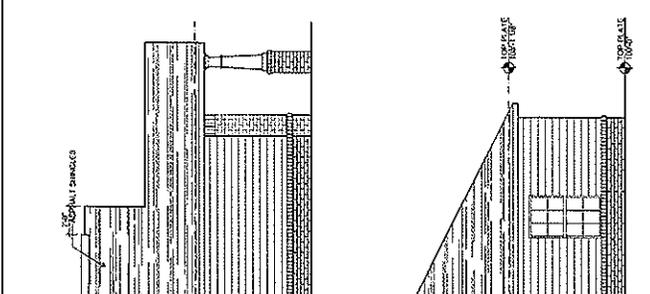
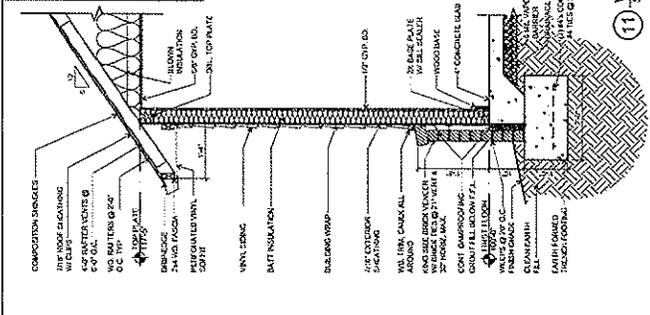
11. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE SPECIFICATIONS AND NOTES.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.

13. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

14. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES AND ADJACENT PROPERTIES AT ALL TIMES.

15. ALL MATERIALS SHALL BE STORED PROPERLY TO PREVENT DAMAGE.



(11) WALL SECTION
 SCALE: 3/4" = 1'-0"

(12) COLUMN DETAIL
 SCALE: 1/2" = 1'-0"

(1) SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

(2) SIDE ELEVATION
 SCALE: 1/4" = 1'-0"

(3) FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

(4) REAR ELEVATION
 SCALE: 1/4" = 1'-0"

(22) FLOOR PLAN
 SCALE: 1/4" = 1'-0"

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Carnegie Room; Fort Smith Public Library

Meeting Time & Date 6:00 pm January 2, 2014

Meeting Purpose Discuss Proposed development of NW Corner of 17th & Grand

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Don Breitenberg</u>	<u>14710 S. W. Street</u>	<u>479-239-8072</u>
2.	<u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2241</u>
3.	<u>Wade Allom</u>	<u>'</u>	<u>479-650-6386</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Summary of Neighborhood Meeting
To Discuss Proposed Development
At the NW Corner of 17th and Grand

Two people showed up to the Neighborhood Meeting from the Neighborhood. The Neighbors had several questions to clarify the project but no concerns. Time was taken with each attendee individually to discuss the request.

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Proposed Master Land Use Plan Amendment by Scott Branton, agent for Cancer Support Foundation, from Residential Detached to Residential Attached located at 1412 South 34th Street (Companion to items #13 & #14)

The Planning Department is in receipt of an application from Scott Branton, agent for the Cancer Support Foundation, to amend the Master Land Use Plan from Residential Detached to Residential Attached to facilitate a proposed gated multifamily development consisting of five (5) duplexes at 1412 South 34th Street. The subject property is on the west side of South 34th Street between South O Street and South M Street. The tract contains an approximate area of 2.5 acres with approximately 311 feet of street frontage along South 34th Street.

The existing zoning of the site is Transitional (T). A companion application proposes a zone change to Residential Multifamily Medium Density (RM-3). The Master Land Use Plan is a guide to zoning and development and must be considered with the companion applications.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Residential Attached and is developed as the Reynolds Cancer Support House.

The area to the south is classified as Residential Attached and is developed as an apartment complex.

The area to the west is classified as Residential Attached and is developed as the Gregory Kistler Treatment Center.

The areas to the east are classified as Residential Attached and Residential Detached and are developed as an apartment complex and a single family home.

12A

The proposed Land Use classification of Residential Attached is described as follows:

Purpose: To provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

Characteristics and Use: Duplex, triplex, fourplex, town-house, single and multiple story apartments and condominiums.

Criteria for Designation:

Compliance Noted

- | | |
|--|-----|
| • Land adjacent to/or within regional centers | Yes |
| • Land within walking distance to commercial, office, low impact Industry, regional institutions or parks. | Yes |
| • Located on a high volume roadway | No |
| • Planned as part of a mixed-use development | No |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 34th Street as a local road.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, January 6, 2014, 6:30 p.m., at the Fort Smith Library, 3201 Rogers Avenue. No neighboring property owners attended the meeting. Please see the attached e-mail from December 4th, 2013. The developer, Rick Griffin, and architect, Scott Branton, met with three surrounding property owners including Mr. and Mrs. Wayne King and David Cravens to discuss the project. These property owners expressed support for the project. Staff has not received any objections from any property owners. Attached is the neighborhood meeting sign-in sheet and an e-mail from the architect regarding the meeting with the Kings and Mr. Cravens.

The Residential Detached area proposed for an amendment is adjacent to large areas of land classified as Residential Attached. Staff recommends approval of the Master Land Use Plan Amendment based on compatibility with adjacent land uses

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Davis Room @ FSM Public Library

Meeting Time & Date January 6, 2014 @ 6:30 pm

Meeting Purpose To inform neighbors of intentions, and answer questions

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Brian duLindas	Fort Smith Planning	784-2216
2.	Allen Spradlin	2806 Towson Ave	726-8565
3.	Lucy Griffin	PO BOX 2209	703-5191
4.	Kevin Griffin	"	"
5.	Quinn Griffin	"	"
6.	Jeremy Spencer	4711 South 28th	918-635-5932
7.	SCOT BRANTON	5200 PROSPERITY	
8.			
9.			
10.			
11.			

Andrews, Brenda

From: Scott [snbranton@gmail.com]
Sent: Tuesday, January 07, 2014 9:21 AM
To: Andrews, Brenda
Subject: Parkview Villa Neighborhood Meeting
Attachments: mtg sign in sheet.PDF

Brenda, attached is the sign-in sheet from the meeting.

I also would like to note that on 12/4/13 Rick Griffin and myself had a meeting with Mr. & Mrs. Wayne King, and David Cravens, who own property in the vicinity of this project. We showed them a site plan, and rendering. They all expressed they liked this project, and that it addressed all their concerns they had with the previous proposal. They all were in support of the project, and said they would attend meetings if necessary in support of the project.

Thanks,

Scott Branton, AIA

scottbranton architect, PLLC

www.scottarch.net

P.O. Box 43

Fort Smith, AR 72902

610 Towson Avenue

Fort Smith, AR 72901

[479.459.7717](tel:479.459.7717)

Application Type

Minor Amendment
 Standard Amendment
 Major Amendment
(See Section 27-328-5 C. (Criteria))

Request to Amend Map
 Request to Amend Text

Applicant Name: Scott Branton	
Firm Name: Scott N Branton Architects	
Address: PO Box 43, FSM, 72902	
Phone # (day): (479)459-7717 Phone # (cell): (479)459-7717 Fax #: 783-8397	
Owner Name: Griffin Properties of Ft. Smith, LLC	
Owner Address: PO Box 2207, FSM, 72902	
Phone # (day): (479)783-5191 Phone # (cell): Fax #:	
Property Address (subject property): 1412 South 34th Street	
Subject Property	
Current Land Use:	
Existing MLUP Classification: residential detached	
Proposed MLUP Classification: residential attached	
Existing Zoning Classification: T-2	
Proposed Zoning Classification: R-3-MF	
Surrounding Property	
Current Land Use: north-	
south-	
east-	
west-	
Existing MLUP Classification: north: residential attached	
south: residential attached	
east: residential attached	
west: residential attached	
Existing Zoning Classification: north: R-2-SF-DP	
south: R-3-MF	
east: R-3-MF	
west: T-3	
Pre-Application Meeting Date:	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

12 E

1. A legal description of the subject property that is to be amended (reclassified).
Lot 1B, Cancer Support Foundation Addition
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

South 34th Street is a 22 foot wide asphalt drive with concrete curb on each side, considered by the MSP to be a local road.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:
there is a 6" water service just to the west of the property, and a 2" water to the east running down N street. An 8" sewer line runs under 34th street. Gas also runs down 34th street, and there is overhead and underground electric surrounding the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

5 duplexes are proposed for the 2.50 acre site
R-3-MF allows for 20 duplexes per acre which equals 50 allowable dwelling units
dwelling units

7. Identify any known or anticipated environmental concerns:
none known

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

12F

a. Describe potential changes to development patterns in terms of local and regional impacts:

b. Describe the consistency in zoning between existing and planned uses:

c. Provide explanation of the need for and demand in the proposed uses:

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

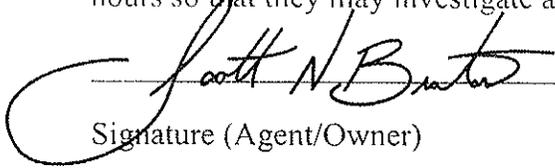
For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.



Signature (Agent/Owner)

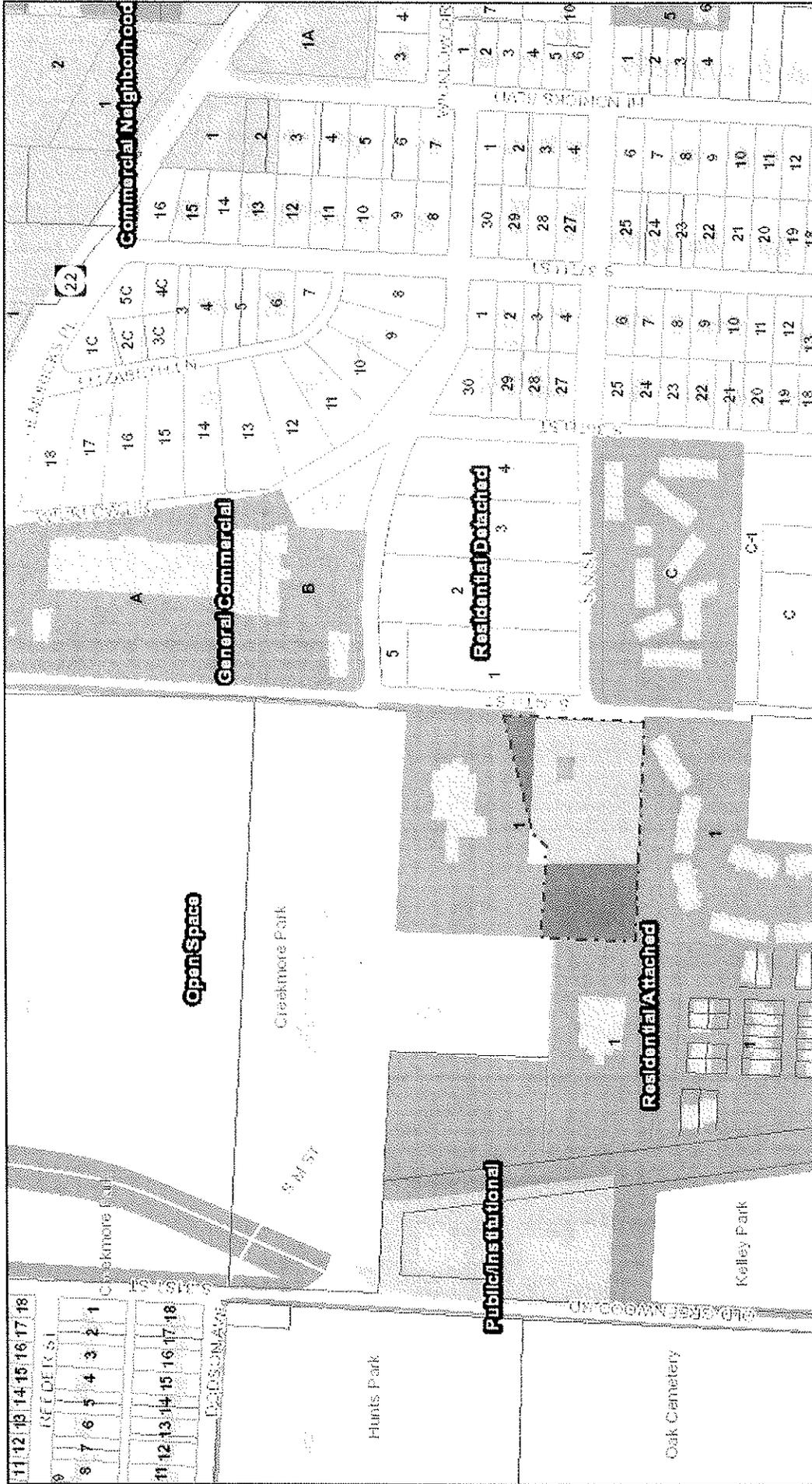
12-20-13

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

12H

Master Land Use Amendment: From Residential Detached to Residential Attached 1412 South 34th Street



December 23, 2013

Fort Smith City Limits

Subdivisions

Parcels

127

Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Rezoning #3-1-14 - A request by Scott Branton, agent for Cancer Support Foundation, for Planning Commission consideration of a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-3) by extension at 1412 South 34th Street (Companion to items #12 & #14)

LOT LOCATION AND SIZE

The subject property is on the west side of South 34th Street between South O Street and South M Street. The tract contains an approximate area of 2.5 acres with approximately 311 feet of street frontage along South 34th Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).

Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

13A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet (1+1)	Maximum Height - 35 feet
Maximum Lot Size – 40,000 square feet 65%	Maximum Lot Coverage -
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

REQUESTED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3).
Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily developments, community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
(1+1)

Maximum Height - 40 feet

Maximum Density – 20 Dwelling Units/Acre
65%

Maximum Lot Coverage -

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Side/Rear adjacent to RS district/development – 30 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and is developed as the Reynolds Cancer Support House.

The areas to the east are zoned Residential Multifamily Medium Density (RM-3) and are developed as apartments and a single family home.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is developed as apartments.

The area to the west is zoned Transitional (T) and is developed as the Gregory Kistler Treatment Center.

MASTER STREET PLAN CLASSIFICATION

The Fort Smith Master Street Plan classifies South 34th Street as a Local Road.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached and Residential Attached. The applicant has submitted a companion application requesting an amendment to change the portion currently classified as Residential Detached to Residential Attached. This classification is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

PROPOSED ZONING

Approval of the proposed Residential Multifamily Medium Density (RM-3) zoning district, Master Land Use Plan amendment and Development Plan will allow the development of a gated multifamily development consisting of five (5) duplexes located at 1412 South 34th Street.

13C

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, January 6, 2014, 6:30 p.m., at the Fort Smith Library, 3201 Rogers Avenue. No neighboring property owners attended the meeting. Based on an e-mail from Scott Branton (See enclosed) on December 4, the developer, Rick Griffin, and architect, Scott Branton, met with three surrounding property owners including Mr. and Mrs. Wayne King and David Cravens to discuss the project. These property owners expressed support for the project. Staff has not received any objections from any property owners. Attached is the neighborhood meeting sign-in sheet and an e-mail from the architect regarding the meeting with the Kings and Mr. Cravens.

Staff recommends approval of the application with the following conditions:

1. Planning Commission approval of the companion Master Land Use Plan amendment.
2. Rezoning approval shall be based upon the approved Development Plan with any Planning Commission amendments.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Davis Room @ FSM Public Library

Meeting Time & Date January 6, 2014 @ 6:30 pm

Meeting Purpose To inform neighbors of intentions, and answer questions

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Brenda Anderson	Fort Smith Planning	784-2216
2.	Alison Spradlin	2806 Towson Ave	726-8565
3.	Yvonne Griffith	PO BOX 3209	783-5191
4.	Jeremy Spencer	"	"
5.	Quinn Griffith	"	"
6.	Jeremy Spencer	4711 South 28th	718-635-5932
7.	SCOT BRANTON	5200 PREEFERRY	
8.			
9.			
10.			
11.			

Andrews, Brenda

From: Scott [snbranton@gmail.com]
Sent: Tuesday, January 07, 2014 9:21 AM
To: Andrews, Brenda
Subject: Parkview Villa Neighborhood Meeting
Attachments: mtg sign in sheet.PDF

Brenda, attached is the sign-in sheet from the meeting.

I also would like to note that on 12/4/13 Rick Griffin and myself had a meeting with Mr. & Mrs. Wayne King, and David Cravens, who own property in the vicinity of this project. We showed them a site plan, and rendering. They all expressed they liked this project, and that it addressed all their concerns they had with the previous proposal. They all were in support of the project, and said they would attend meetings if necessary in support of the project.

Thanks,

Scott Branton, AIA

scottbranton architect, PLLC

www.scotlarch.net

P.O. Box 43

Fort Smith, AR 72902

610 Towson Avenue

Fort Smith, AR 72901

[479.459.7717](tel:479.459.7717)

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

- 1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

see attached property description

- 2. Address of property: 1412 South 34th Street

- 3. The above described property is now zoned: T-2

- 4. Application is hereby made to change the zoning classification of the above described property to R-3-MF by Extension.
(Extension or classification)

- 5. Why is the zoning change requested?

To allow for development of multiple upscale single family attached dwellings
which acts as a transition between R-2-SF-DP to the North & West, and
R-3-MF to the East & South

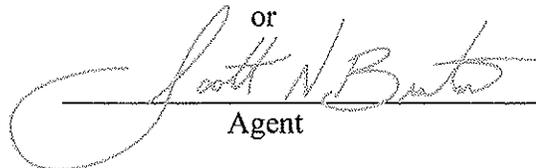
- 6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Scott N. Branton, AIA
 Owner or Agent Name
(please print)

 Owner

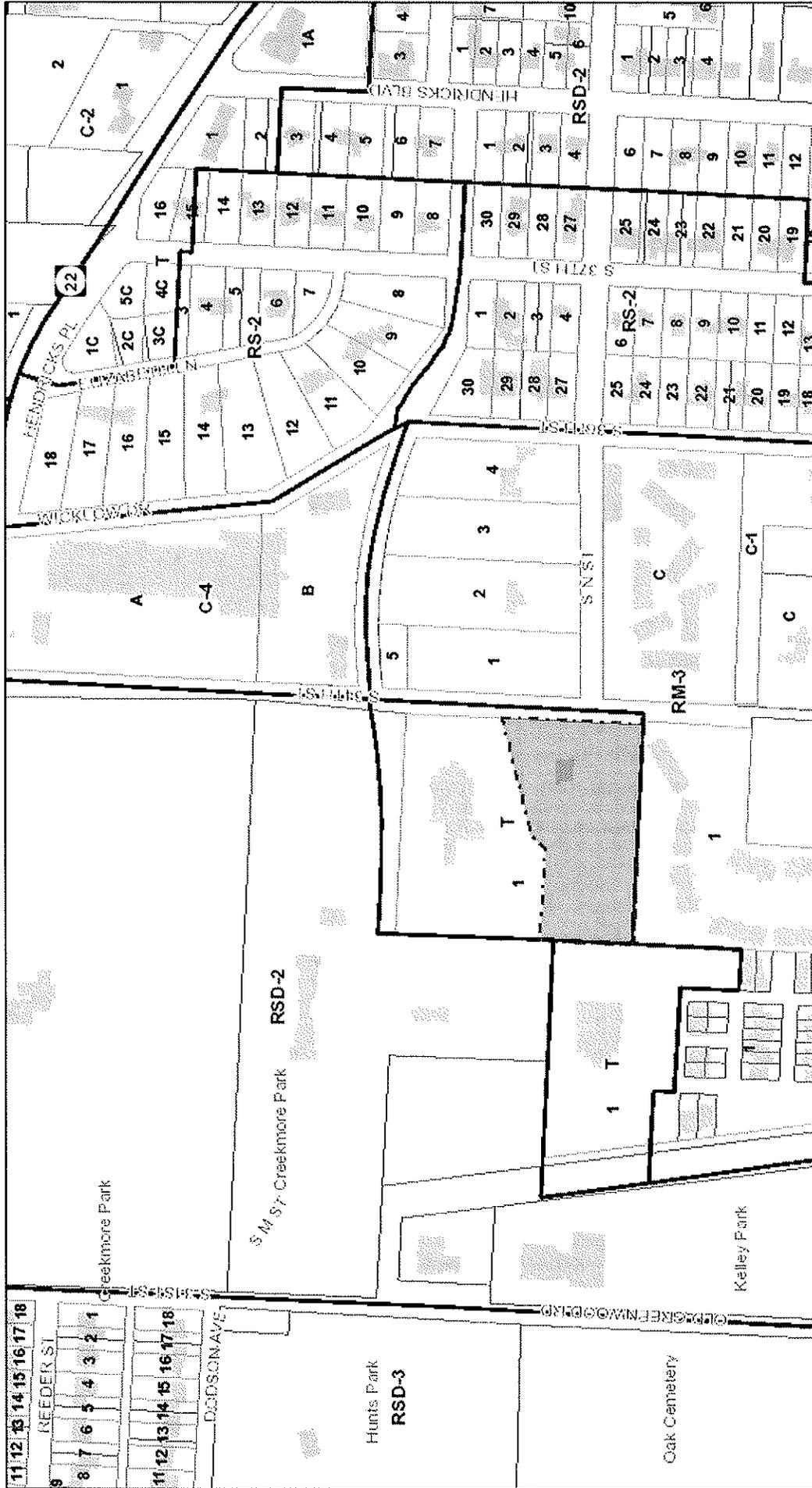
PO Box 43
Ft. Smith, AR 72902
 Owner or Agent Mailing Address

or


 Agent

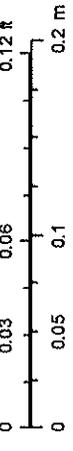
(479) 459-7717
 Owner or Agent Phone Number

Rezoning #3-1-14: From Transitional (T) to Residential Multifamily Medium Density (RM-3) 1412 South 34th Street



December 23, 2013

1:3,545



- Fort Smith City Limits
- Parcels
- Zoning
- Building Footprints
- Subdivisions

BT

Memo

To: City Planning Commission
From: Planning Staff
Date: January 3, 2014
Re: Development Plan Review - A request by Scott Branton, agent for Cancer Support Foundation, for Planning Commission consideration of a Development Plan to build a multifamily development consisting of five (5) duplexes at 1412 South 34th Street (Companion to items #12 & #13)

LOT LOCATION AND SIZE

The subject property is on the west side of South 34th Street between South O Street and South M Street. The tract contains an approximate area of 2.5 acres with approximately 311 feet of street frontage along South 34th Street.

PROPOSED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily developments, community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

14A

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and is developed as the Reynolds Cancer Support House.

The areas to the east are zoned Residential Multifamily Medium Density (RM-3) and are developed as apartments and a single family home.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is developed as apartments.

The area to the west is zoned Transitional (T) and is developed as the Gregory Kistler Treatment Center.

PROPOSED DEVELOPMENT PLAN

Approval of the development plan and companion rezoning and Master Land Use Plan amendment applications will allow the development of a gated multifamily development consisting of five (5) duplexes located at 1412 South 34th Street.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress into the site will be provided by a 36 feet wide divided driveway with median on South 34th Street.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – Stormwater management including detention and water quality treatment will be required and approved by the Engineering Department. A detention pond is proposed on the northwest side of the property.

Right-of-way dedication – No right-of-way dedication is proposed or required at this time.

Architectural features – The facades of the duplexes have brick veneer, stone veneer, cementitious trim, cedar shutters and asphalt shingles, which comply with the UDO Design Standards.

Landscaping – The development plan shows perimeter landscaping consisting of a berm landscaped with the trees and shrubbery. Interior landscaping consisting of green space and plants are shown on the plan and exceed the UDO minimum required square footage. The landscaping will be maintained with an irrigation system.

Parking – The site complies with the minimum parking requirements outlined in the UDO.

Signage – A 24 square-foot monument sign is proposed and complies with the UDO requirements.

Lighting – Outdoor lighting will consist of ceiling mounted light fixtures and will comply with the UDO Outdoor and Commercial Lighting requirements.

Access Management – Access management and preliminary traffic information for the proposed development has been reviewed and accepted by the Engineering Department.

Sidewalks – The applicant has submitted a request to the engineering department to contribute to the sidewalk fund in lieu of constructing a sidewalk adjacent to South 34th Street. The dollar value of the sidewalk improvements must be determined by the project engineer and approved by the City Engineering Department.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, January 6, 2014, 6:30 p.m., at the Fort Smith Library, 3201 Rogers Avenue. No neighboring property owners attended the meeting. On December 4, the developer, Rick Griffin, and architect, Scott Branton, met with three surrounding property owners including Mr. and Mrs. Wayne King and David Cravens to discuss the project. These property owners expressed support for the project. Staff has not received any objections from any property owners. Attached is the neighborhood meeting sign-in sheet and an e-mail from the architect regarding the meeting with the Kings and Mr. Cravens.

Staff recommends approval of the development plan with the following conditions:

1. Planning Commission approval of the companion master land use plan and rezoning applications.
2. Approval shall be based on the submitted development plan and any Planning Commission changes.
3. A perimeter sidewalk shall be placed adjacent to the right-of-way line along South 34th Street or payment in lieu of shall be approved by the Engineering Department.
4. All trash receptacles shall be completely screened in accordance with Section 27-602-4-D (6) of the UDO.

14C

5. Storm water management including detention and water quality treatment and drainage improvements with easement dedication will be required and approved by the City Engineering Department.
6. An upgraded water line extension to 8" shall be installed and approved by the Utility department.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Davis Room @ FSM Public Library

Meeting Time & Date January 6, 2014 @ 6:30 pm

Meeting Purpose To inform neighbors of intentions, and answer questions

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Brenda Anderson	Fort Smith Planning	784-2216
2.	Alison Spradlin	2606 Towson Ave	726-8565
3.	Theresa Griffith	PO BOX 75209	783-5191
4.	Jeremy Griffith	"	"
5.	Quinn Griffith	"	"
6.	Jeremy Spencer	4711 South 28th	718-635-5932
7.	SCOTT BRAWTON	5200 PRICE FERRY	
8.			
9.			
10.			
11.			

Andrews, Brenda

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Sent: Tuesday, January 07, 2014 9:21 AM
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Thanks,

Scott Branton, AIA

scottbranton architect, PLLC

www.scottarch.net
P.O. Box 43
Fort Smith, AR 72902
610 Towson Avenue
Fort Smith, AR 72901
[479.459.7717](tel:479.459.7717)

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
see attached property description

2. Address of property: 1412 South 34th Street

3. The above described property is now zoned: T-2

4. Does the development plan include a companion rezoning request?

Yes X No

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

R-3-MF by Extension
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

see attached

8. Total acreage of property 2.50

14 G

Signed:

Scott N. Branton, AIA

Owner or Agent Name
(please print)

PO Box 43
Ft. Smith, AR 72902

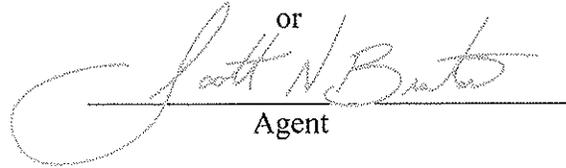
Owner or Agent Mailing Address

(479) 459-7717

Owner or Agent Phone Number

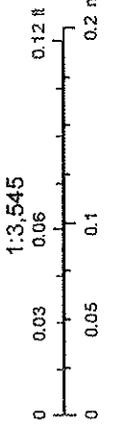
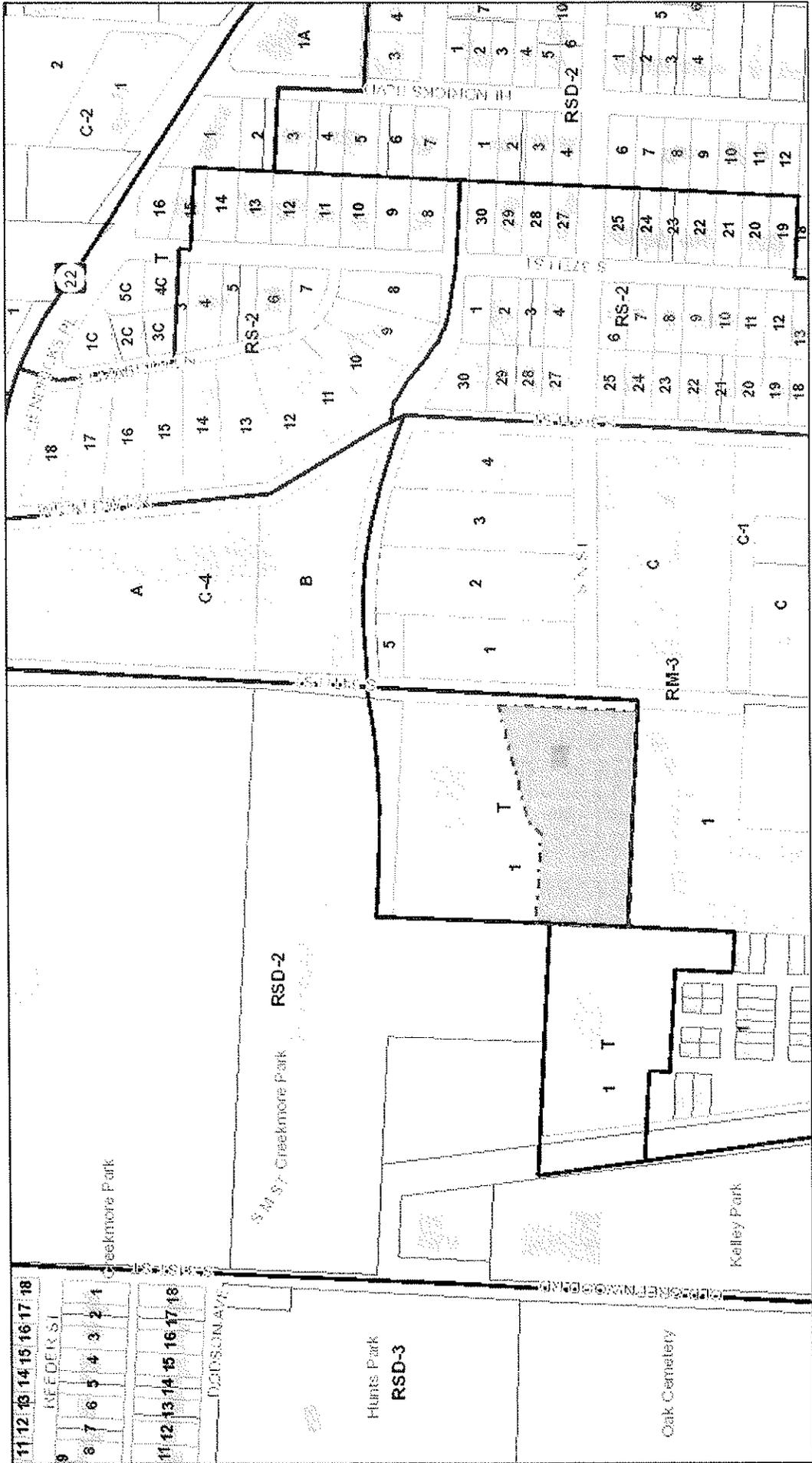
Owner

or



Agent

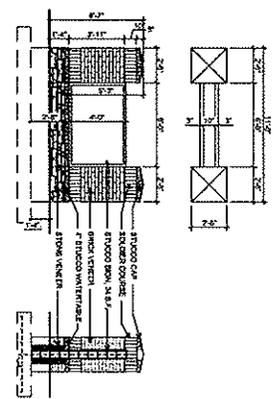
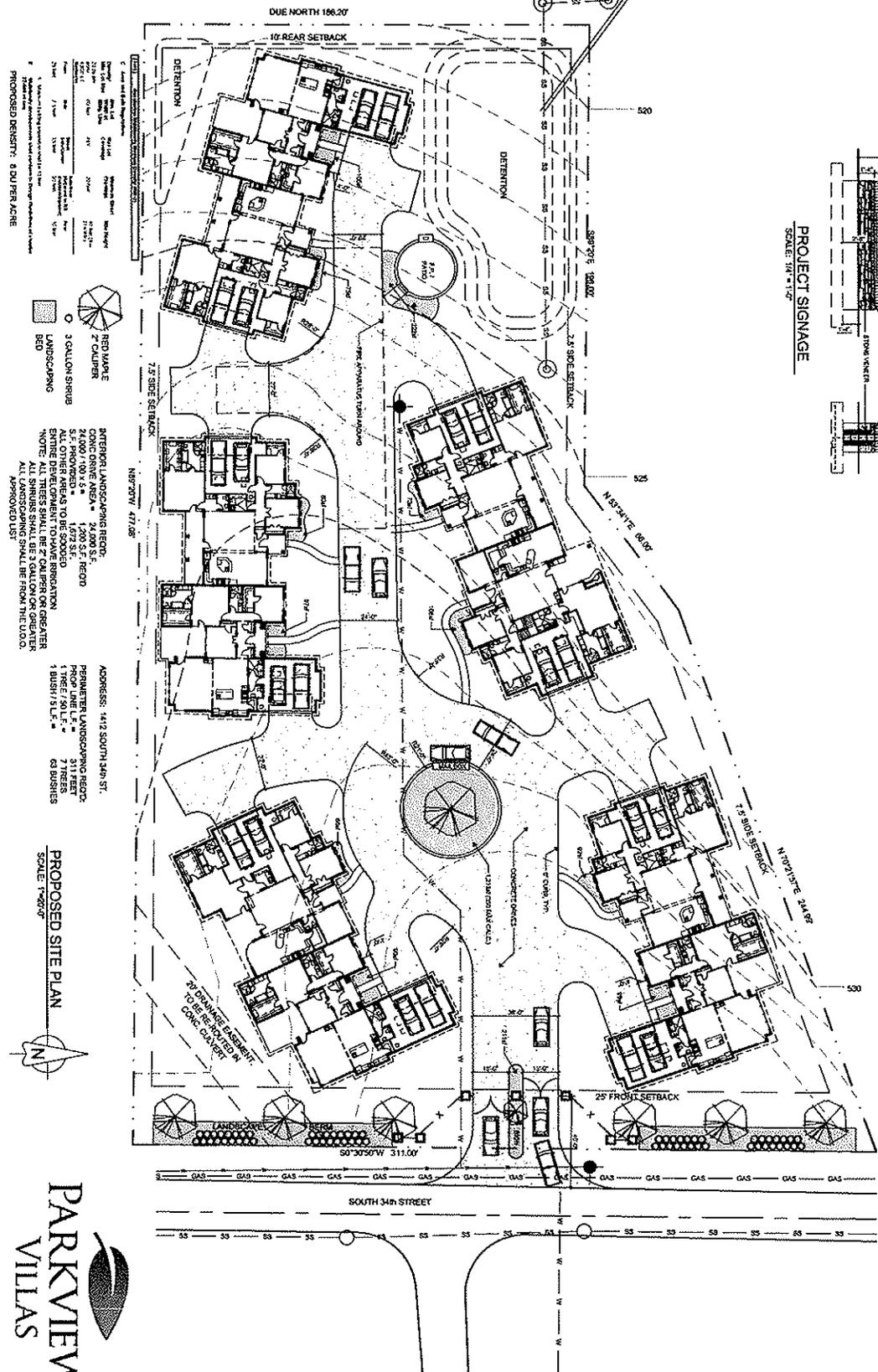
Development Plan: Multifamily Development 1412 South 34th Street



December 23, 2013

- Fort Smith City Limits
- Parcels
- Zoning
- Building Footprints
- Subdivisions

44



PROPOSED DENSITY: 80 PER ACRE

Item	Quantity	Notes
RED MAPLE	2" CALIPER	24,000 S.F.
3' CALIPER SHRUB	LANDSCAPING	1,700 S.F.
LANDSCAPING	BEED	1,700 S.F.

REAR LANDSCAPING REQD.
 CONIC SHRUB AREA = 24,000 S.F.
 24,000 S.F. / 1,700 S.F. = 14.12
 ALL OTHER AREAS TO BE SCOOED
 ENTIRE DEVELOPMENT TO HAVE RENOVATION
 NOTE: ALL TREES SHALL BE 2" CALIPER OR GREATER
 ALL LANDSCAPING SHALL BE FROM THE U.S.O.
 APPROVED LIST

ADDRESS: 1412 SOUTH 34th ST.
 PERMITTED LANDSCAPING REQD.
 PROP. LINE = 311 FEET
 1 TREE / 50 L.F. = 7 TREES
 1 BUSH / 5 L.F. = 63 BUSHES

PROPOSED SITE PLAN
 SCALE 1" = 20'-0"



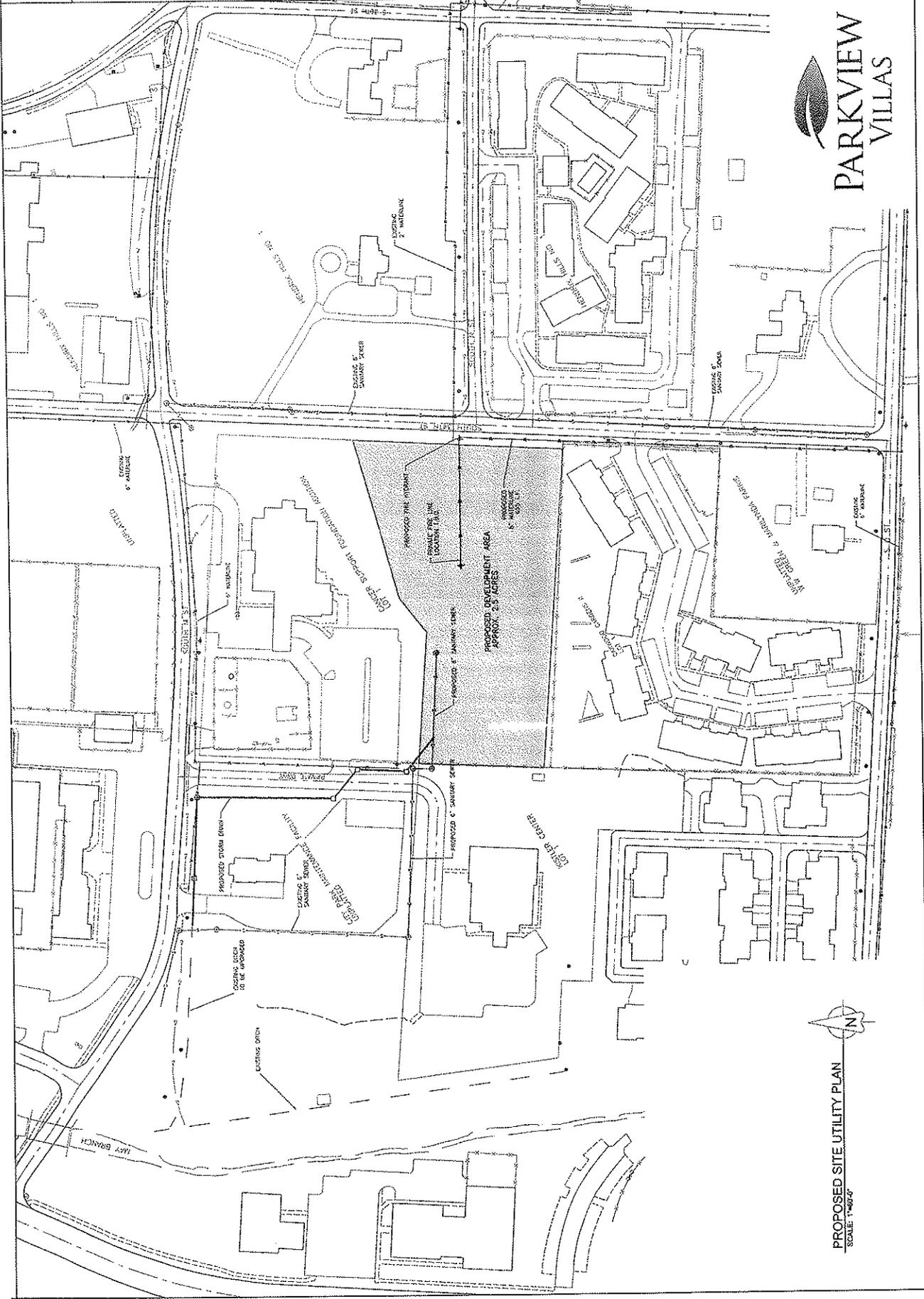
PROPOSED SITE PLAN
 SP-1

13-42
 12/20/13
 scott branton architect, PLLC
 PO BOX 13 | FORT SMITH, AR 72202 | 501.686.2222 | 479.678.7777



145

PARKVIEW VILLAS



PROPOSED SITE UTILITY PLAN
SCALE: 1"=60'-0"

Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Rezoning #4-1-14 - A request by Travis Brisendine, agent, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Commercial Heavy (C-5) by classification at 5400, 5401 & 5451 Phoenix Avenue (Companion to items #16, #17 & #29)

LOT LOCATION AND SIZE

The subject property is on both sides of Phoenix Avenue on the north side of the intersection of Phoenix Avenue and Leigh Avenue. The tract contains an area of 6.5 acres with approximately 976 feet of street frontage along Phoenix Avenue and approximately 233 feet of street frontage along Leigh Avenue.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).
Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling

15A

center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 20,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Arterial or higher

REQUESTED ZONING

The requested zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family developments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%

15B

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily Medium Density (RM-3) and are Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are developed as airport property and vacant land.

The areas to the west are zoned Industrial Light (I-1) and are developed as the ramp onto Interstate 540.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

Approval of the zoning request will allow for the development of a beer, wine and liquor store and other future commercial development.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, January 13, 2014 at 4:30 p.m. at 5704 Euper Lane. The results of the meeting will be presented during the Planning Commission meeting.

Staff recommends approval of the application contingent upon approval of the development plan and variance applications.

15C

4-1-14

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached legal description

5400 & 5401 Phoenix Ave

2. Address of property: Northwest corner of Leigh Avenue and Phoenix Avenue.

3. The above described property is now zoned: I-2

4. Application is hereby made to change the zoning classification of the above described property to C-5 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

To allow commercial lot development.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

TRAVIS BRISZENDINE
Owner or Agent Name
(please print)

Owner

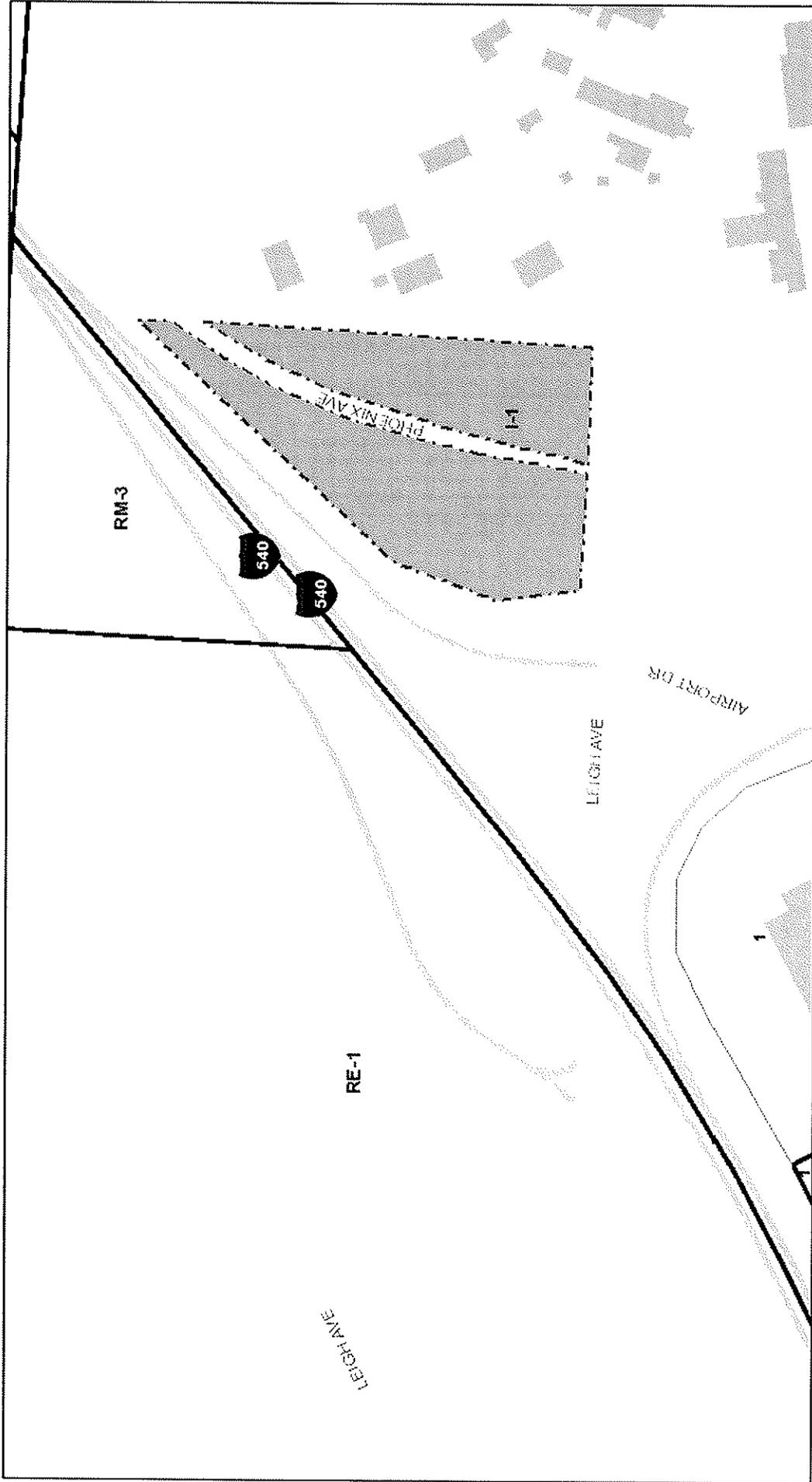
PO Box 10064, 72917
Owner or Agent Mailing Address

or
T. Brizendine
Agent

479-452-1933
Owner or Agent Phone Number

150

Rezoning #4-1-14: From Industrial Light (I-1) to Commercial Heavy (C-5) 5400, 5401 & 5451 Phoenix Avenue



December 26, 2013

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

SE

Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Development Plan Review - A request by Travis Brisendine, agent, for Planning Commission consideration of a Development Plan request to develop a beer, wine and liquor store at 5401 Phoenix Avenue (Companion to items #15, #17 & #29)

LOT LOCATION AND SIZE

The subject property is on northwest side of intersection of Phoenix Avenue and Leigh Avenue. The tract contains an area of 2.0 acres with approximately 294 feet of street frontage along Phoenix Avenue and approximately 233 feet of street frontage along Leigh Avenue.

PROPOSED ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

16A

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily Medium Density (RM-3) and are Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the Air National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are developed as vacant land.

The areas to the west are zoned Industrial Light (I-1) and are developed as the ramp onto Interstate 540.

PROPOSED DEVELOPMENT PLAN

The proposed development would be for a beer, wine and liquor store positioned so that it faces the intersection with parking on three sides and a drive thru window on the other side. Landscaping will be provided where possible. A companion variance request is proposed asking to reduce the required width of the landscaping from 10' to 5' and also to omit the trees.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Driveways will be placed both on Phoenix Avenue and on Leigh Avenue.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – A detention pond is proposed to be located at the intersection of Leigh Avenue and Phoenix Avenue.

Right-of-way dedication – Any right-of-way dedication is being handled by the platting process.

16B

Landscaping – Landscaping is provided. All shrubs being used shall be a minimum of 24” in height at the time of planting. All parking lot screening shall form a solid continuous visual screen. The plants shall be spaced closely enough together so as to create a seamless row of screening/buffering and reach the required height within twenty-four months after initial installation. The perimeter landscaping has a width of 5 feet. A variance request from 10 feet to 5 feet minimum width of landscaping has been submitted.

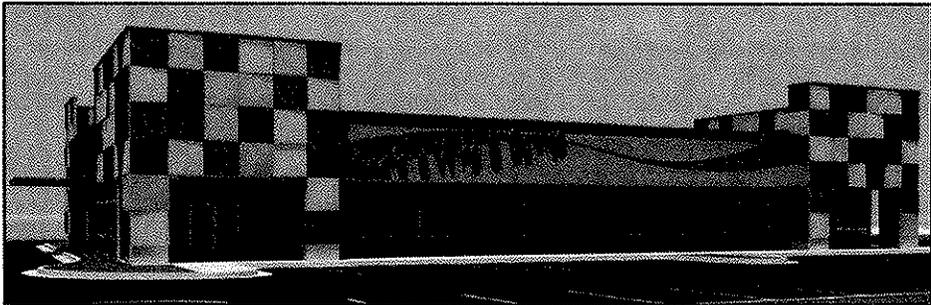
Screening – A concrete block trash enclosure is proposed. Details shall be submitted at the time of plan review. All mechanical equipment, heating/cooling systems and utility boxes shall be completely screened from adjoining properties and street right-of-ways.

Parking – The minimum number of required parking spaces is 36 with 39 spaces shown.

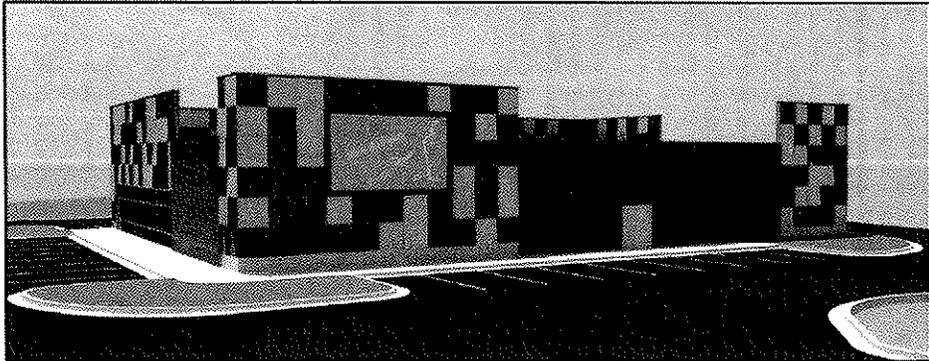
Signage – The site plan notes a monument sign, but no details submitted. All proposed signs shall comply with the Phoenix Avenue Overlay District standards.

Lighting – No information has been provided for the site lighting. All site lighting shall be designed so that they will not produce light trespass and comply with Section 27-602-5 of the UDO.

Architectural features – The elevations will be of a tapered wall panel system along with brick and E.I.F.S. that complies with the UDO design guidelines.

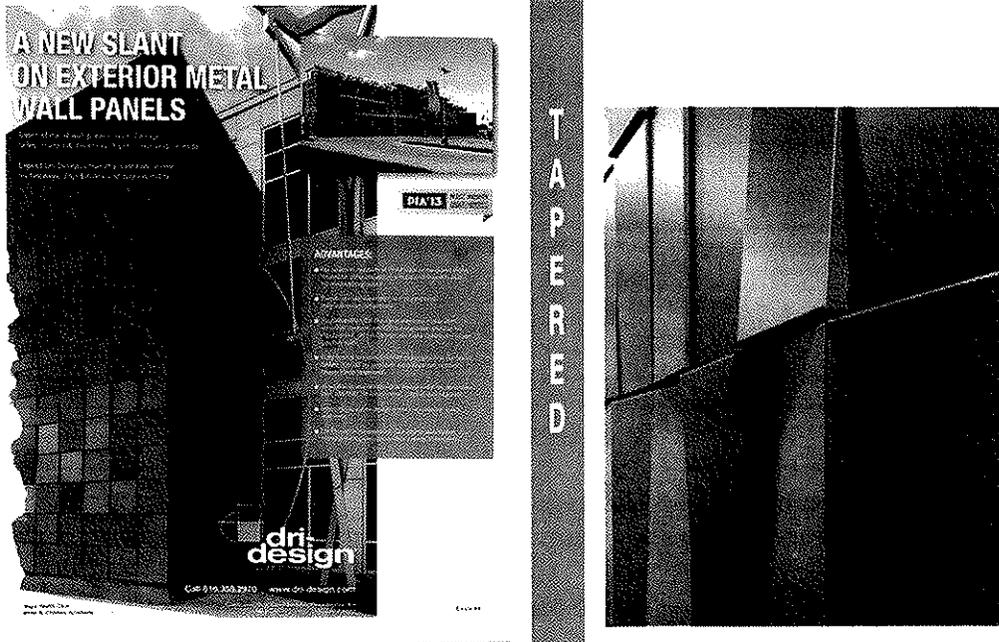


SOUTHWEST VIEW



NORTHEAST VIEW

16C



Height and Area – The building will be 10,000 square feet in area with a height of 26 feet.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, January 13, 2014 at 4:30 p.m. at 5704 Euper Lane. The results of the meeting will be presented during the Planning Commission meeting.

Staff recommends approval of the application contingent upon:

1. All construction must be built in accordance with the submitted development plan and any amendments put forth by the Planning Commission.
2. BZA approval of the companion variance application from 10 feet to 5 feet minimum width of landscaping and no trees.
3. All trash receptacles shall be completely screened in accordance with Section 27-440-H-2(D) of the UDO.
4. All proposed signs shall comply with the Phoenix Avenue Overlay District standards outlined in Section 27-440-B of the UDO
5. All site lighting shall be shielded and comply with Section 27-602-5 of the UDO.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lot 1 - Leigh Avenue Business Park

5401 Phoenix

2. Address of property: NW corner of Leigh Avenue and Phoenix Ave.

3. The above described property is now zoned: I-2

4. Does the development plan include a companion rezoning request?

Yes x No _____

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

C-5 by Classification
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

Surrounding zoning is currently I-2, no driveway cuts exist
near site. Existing structures are present on the Air National
Gaurd Property within the airport boundary.

8. Total acreage of property 2 Acres

16E

Signed:

TRAVIS BRISZARDINE

Owner or Agent Name
(please print)

PO Box 10064 72917
Owner or Agent Mailing Address

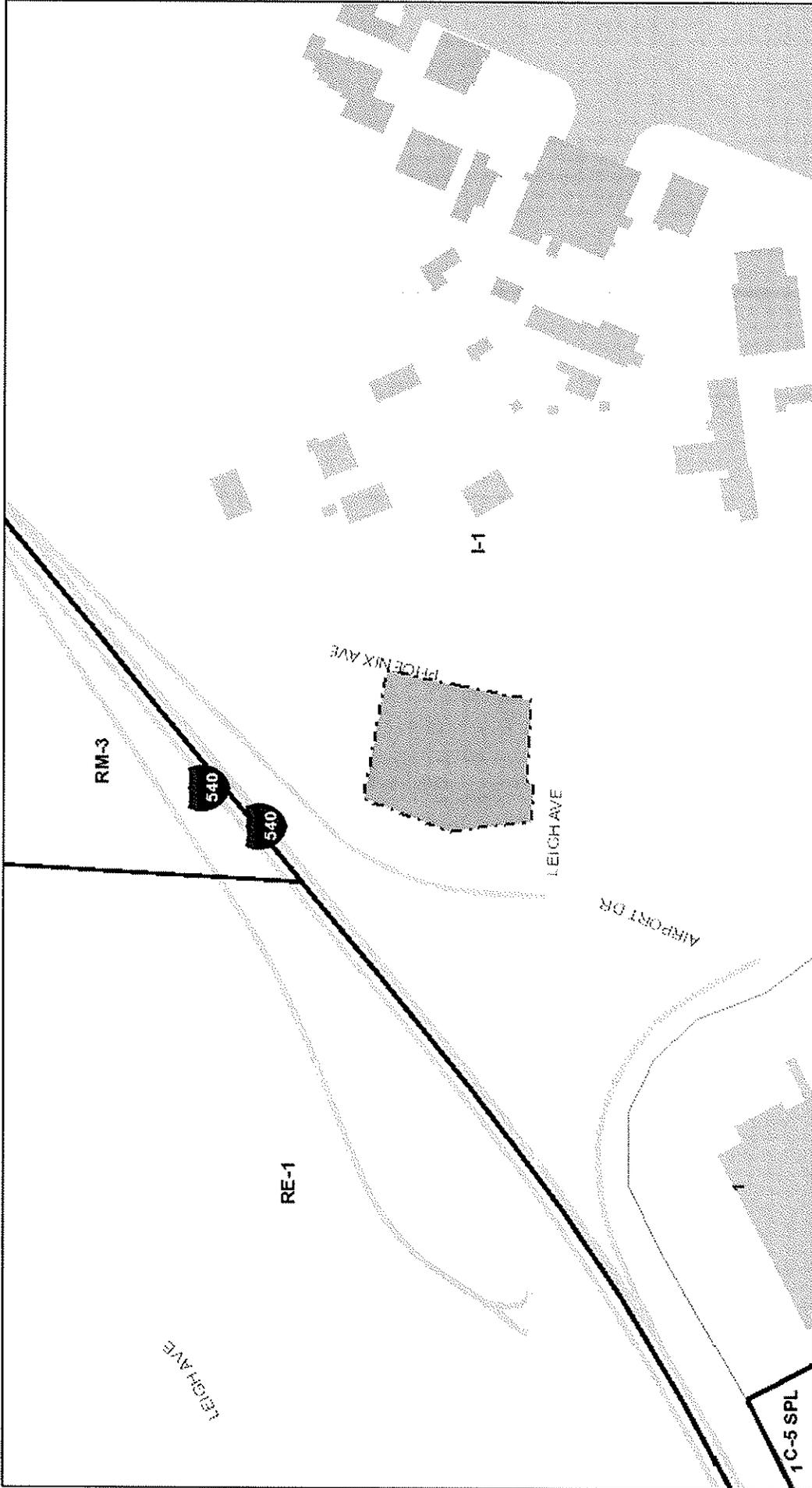
452-1933
Owner or Agent Phone Number

Owner

or

T. Briz
Agent

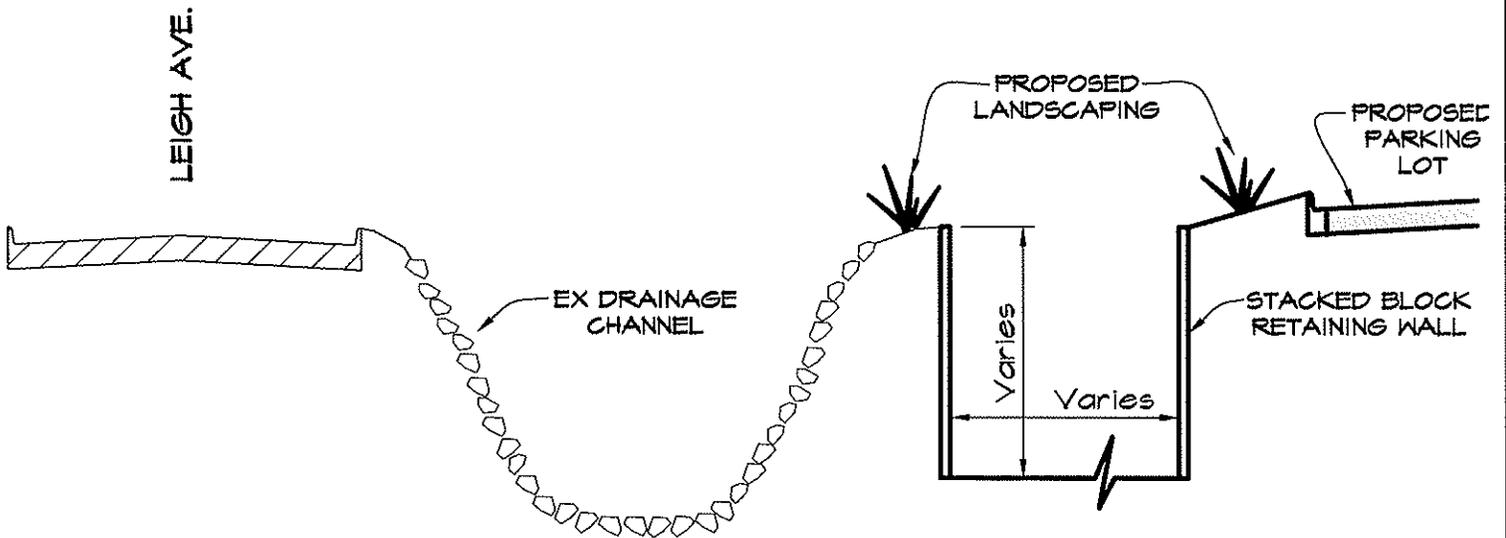
Development Plan: Liquor Store 5401 Phoenix Avenue



December 26, 2013

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

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TYPICAL DETENTION POND CROSS-SECTION

NTS

MORRISON SHIPLEY
ENGINEERS ■ SURVEYORS

P.O. Box 10064 • Fort Smith, AR 72917 • 479.452.1933 • morrisonshiple.com

**LEIGH AVENUE
BUSINESS PARK**

Fort Smith, Sebastian County, Arkansas

Drawn By	JMN
Date	01.10.14
Project No	CLK-01
Drawn By Name	EXPONDWALL

**Development Plan
Deferral Request**

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6, 2014

Subject: Request for Development Plan Deferral –5400 and 5451 Phoenix Avenue

The planning department has received a request from Travis Brisendine, agent, for Planning Commission consideration of a deferral of a development plan for 5400 and 5451 Phoenix Avenue. A requested rezoning #4-1-14 from Industrial Light to Commercial Heavy (C-5) and a development plan for a beer, wine and liquor store have been requested for 5401 Phoenix Avenue. At this time, the developer does not have a defined plan for 5400 and 5451 Phoenix Avenue Lot 2 and Lot 3.

The planning staff recommends approval of the request on the condition that a development plan is submitted and receives Planning Commission approval prior to the issuance of any building permits or land use for both 5400 and 5451 Phoenix Avenue.

17A



MORRISON SHIPLEY

ENGINEERS • SURVEYORS

December 26, 2013

(Via Hand Delivery)

Ms. Brenda Andrews
City of Fort Smith - Planning
P.O. Box 1908
Fort Smith, Arkansas 72902

***RE: Development Plan Deferral – Lot 2 and 3 of
Leigh Avenue Business Park
Fort Smith, AR***

Dear Brenda:

As you are aware we are requesting development plan review and approval for Lot 1 of the proposed Leigh Avenue Business Park. However lots 2 and 3 do not have any plans for development at this time. As such, I am requesting a Development Plan Deferral for Lots 2 (5451 Phoenix Avenue) and Lot 3 (5400 Phoenix Avenue) until such time a potential development is planned for these locations. If you have any questions or require additional information please do not hesitate to call me at 479-452-1933.

Sincerely,
Morrison-Shipley Engineers, Inc.

Travis Brisendine, P.E.

17B

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6, 2014

Re: Proposed Master Land Use Plan Amendment by Brett Abbott, agent, at 4401 Massard Road from Open Space and Residential Detached to Neighborhood Commercial (Companion to items #19 & #20)

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The areas to the north are Residential Detached and are developed as offices and single family and rowhouses.

The areas to the east are Open Space and Residential Detached and are developed as single family residences and vacant land.

The areas to the south are Open Space and are undeveloped.

The areas to the west are Residential Detached and are undeveloped and a dog park.

The proposed Land Use classification of Neighborhood Commercial is described as follows:

To provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

Characteristics and Use:

Criteria for Designation:

- Compatible with and complimentary to surrounding uses.
- Located on high volume arterials and collectors
- Located as a cluster of like services
- Accessible by most modes of transportation

Compliance Noted

NO
YES
NO
YES

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as Major Arterial.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, December 26, 2013 at 3:30 p.m. at Fort Smith Public Library (Dallas Branch). Fourteen neighboring property owners were in attendance at the neighborhood meeting. A meeting summary and attendance record are included in your packet.

We have received two phone calls regarding this application. The summary of those calls is in the packet.

The staff discovered an error in the application. Regrettably and unfortunately we did not discover the mistake until the planning commission study session. The application indicated the existing MLUP classification is open space but it is open space and residential detached (see the attached map). The change to the residential detached area was not shown nor was it advertised as a change to the MLUP map in the required public notices and advertisements.

We recommend a discussion occur on the item to let the applicant have some understanding how the Planning Commission feels about the proposed change to the MLUP map. After discussion and if the Planning Commission wants to consider approval of the MLUP amendment, we suggest this item be tabled so that corrections can be made to the application and the required public notices and advertisements.

Miller, Perry

From: Miller, Perry
Sent: Monday, January 06, 2014 9:53 AM
To: Rice, Maggie; Andrews, Brenda; Bailey, Wally; Striplin, Bill; Monaco, Tom
Subject: REZ, MLUP, DEV, at 4401 Massard Road

Jim Post (479-782-4379) called in objection to the Master Land Use amendment, Rezoning, and Development deferral at 4401 Massard Road.

Jim resides at 5101 Massard road and does not support the application because of the deferral. I will add this e-mail to the files.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Monaco, Tom

From: Rice, Maggie
Sent: Monday, January 06, 2014 1:56 PM
To: Planning Email Group
Subject: 4401 Massard Road

Jerry Horne, resident of Wellington Park, called concerned about drainage at 4401 Massard Road. He said between the existing offices and residences there are four drainage outlets that drain directly on that property and when it rains a lot of water is directed on that property. He will be at the meeting.

Maggie

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location F.S. PUBLIC LIBRARY - DALLAS BRANCH

Meeting Time & Date DEC. 26th - 3:30 P.M.

Meeting Purpose RE-ZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Monette Parrish	4017 Hunter Way St Smith, AR	478 6677
2.	Dave Papish	"	"
3.	Ron Yates	8310 Rosewood Dr. Ft Smith, AR	479-2074
4.	Kayla Moschner	4000 Gascony Way, FSM, AR 72903	806-3753
5.	Colby Curly	"	479-650-620
6.	Glenn Bunnemeyer	2406 So. 88th	479-462-1542
7.	Angel Sanders	4201 South 89th	479-462-1539
8.	JOHN PARKER	FORT SMITH AIRPORT	479-452-7000
9.	Sondra Friend	866 Maelin Ct Fort Smith	479-719-0563
10.	JERRY HORNE	4100 HUNTER WAY	479-452-6998
11.	Brenda Andrews	Fort Smith Planning Dept	479-2216
	Donald Ulmer	8407 HANNAH CT	
	Jean Ulmer	" " "	479-494-8260
	John Bogner for Laura Bogner	8409 Hannah St.	479-452-0385

1. A legal description of the subject property that is to be amended (reclassified). (SEE ATTACHED)
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. (SEE ATTACHED)
3. The area dimensions of the property in square feet or acres. ✓
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

MASSARD RUNS ALONG THE WEST SIDE OF PROPERTY FOR ACCESS. NO NEW ROADS PROPOSED AT THIS TIME.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

- SEWER @ S. OF PROPERTY @ MASSARD
 - POWER, GAS, WATER ALONG MASSARD

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

C-2 - PER V.P.O.

7. Identify any known or anticipated environmental concerns:

NONE

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

a. Describe potential changes to development patterns in terms of local and regional impacts:

NONE

b. Describe the consistency in zoning between existing and planned uses:

- GIVE ABILITY TO DEVELOP PROPERTY TO C-2 USES

c. Provide explanation of the need for and demand in the proposed uses:

SEE ABOVE

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

NONE

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

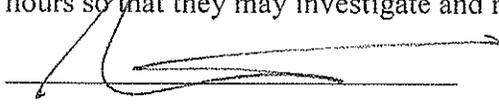
AUTHORIZATION OF AGENT

18H

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

 _____ 12-10-13 _____

Signature (Agent/Owner)

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

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Memo

To: City Planning Commission

From: Planning Staff

Date: January 6, 2014

Re: Rezoning #5-1-14 - A request by Brett Abbott, agent, for Planning Commission consideration of a zone request from Residential Single Family-Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by classification at 4401 Massard Road (Companion to items #18 & #20)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road directly across from Louisville Street. The tract contains an area of 15.3 acres with approximately 1,100 feet of street frontage along Massard Road.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2).

Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

REQUESTED ZONING

The requested zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	

Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 10 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Collector or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light Special (C-2 SPL), Residential Single Family Rowhouse and Zero Lot Line District (RS-5) and Residential Single Family Medium Density (RS-2) and are developed as offices and single family and rowhouses.

The areas to the east are zoned Residential Single Family Medium Density (RS-2) and Residential Single Family – Duplex Low/Medium Density (RSD-2) and are developed as single family residences and vacant land.

The areas to the south are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is vacant land and a few single family residences.

The areas to the west are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and are undeveloped and a dog park.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Open Space and Residential Detached. The classification (Open Space) is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments. The classification (Residential Detached) is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance . (companion item #18 is a Master Land Use Amendment from Open Space and Residential Detached to Neighborhood Commercial and companion item #20 is a deferral of the Development Plan review)

PROPOSED ZONING

The proposed zoning would place Commercial Light (C-2) zoning on the property.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, December 26, 2013 at 3:30 p.m. at Fort Smith Public Library (Dallas Branch). Fourteen neighboring property owners were in attendance at the neighborhood meeting. A meeting summary and attendance record are included in your packet.

We have received two phone calls regarding this application. The summary of those calls is in the packet.

When we originally met with the applicant, they indicated they did not have a specific development plan and the owner was not going to be the developer but wanted to zone the property commercial to sell.

We suggested a Planned Zoning District application might be the best application for this property. A PZD was suggested because of the property's location, size, the Massard Road corridor, and proximity to single family residential.

The applicant did not want to submit a PZD application as they wanted a Commercial Light (C-2) zone. However, ultimately we did receive an application for a PZD. The project booklet is included with this memo as Attachment A. The project booklet did not meet the UDO requirements for a PZD. Therefore, staff asked for additional information. After the staff's request for additional information, e-mails were exchanged (Attachment B) which resulted in the applicant's submittal of the conventional rezoning application and a request to defer all development plans.

Staff believes that a conventional Commercial Light (C-2) zone without a development plan or details that can be elaborated upon in a PZD would not be the best application for a zoning change on this property. Massard Road is a prominent corridor within close proximity to residential neighborhoods. There are several land use classifications allowed in C-2 zoning districts that we believe would be incompatible with the existing single family including but not limited to *multifamily(no density limitations), auto parts & accessory sales, auto detailing, auto glass, muffler, and seat cover shop, carwash, grocery store, convenience store, bar/tavern, restaurant, restaurant with drive-through, restaurant with outdoor dining, commercial communication tower, amateur radio transmitting tower, bowling alley, pool hall, convention center, day care center, hospital, carnival or circus (temporary with permit),* and possibly others. A list of all land uses permitted in the C-2 zoning districts is enclosed. Additionally, the size of the property and the adjacency to single family neighborhoods is of concern without consideration of additional design enhancements to protect the existing neighborhoods.

Staff believes a more appropriate approach to a rezoning application would be a Planned Zoning District (PZD). This process would allow some of the potentially detrimental land uses to be eliminated and allow other concerns to be addressed such as additional buffering next to the neighborhoods, as well as enhanced design along the Massard Road corridor.

TIM A. RISLEY and ASSOCIATES
ARCHITECTS and PLANNERS

December 10th, 2013

RE: Massard and Louisville P.Z.D. Project Booklet

The proposed property will meet or exceed the design requirements and development standards set forth in the Unified Development Ordinance, chapters 27-200, 27-500, 27-600, and 27-700.

- A.) The reason for requesting the zoning change is for the owner to sell and/or develop the property for light commercial (C-2) uses.
- B.) The property is currently owned by Cliff Cabaness – P.O. Box 11655, Fort Smith, AR 72917
- C.) The intent of this proposal is to change the current property zoning from R-2-SF-DP to a Planned Zoning District (PZD) to allow the development of the property to C-2 uses.
- D.) General Project Scope:
 - a. There is no street or lot layout. The ±25 acre portion to the east will remain as R-2-SF-DP and is intended for a private residence. The ±15 acres adjacent to Massard will be rezoned to a PZD for future light commercial uses.
 - b. See attached site plan
 - c. A new 40'-0" wide landscape easement will be established at the north end of the property to screen existing residential development per the U.D.O. See attached drawing.
 - d. Massard Creek adjoins the south of the property and will be utilized for storm water detention and drainage
 - e. There are no undisturbed natural areas on the property
 - f. All existing city utilities are present along Massard Road
 - g. The project will meet or exceed the development and architectural design standards set forth in the U.D.O. section 27-600
 - h. No building elevations at this time
 - i. No proposed signage at this time

TIM A. RISLEY and ASSOCIATES
ARCHITECTS and PLANNERS

- E.) The ±25 acre portion to the east will remain as R-2-SF-DP and is intended for a private residence.
The ±15 acres adjacent to Massard will be rezoned to a PZD for future light commercial uses.
- F.) The current property land use designation is "Open Space"
- G.) Area and Bulk regulations will be per Section 27-423 of the U.D.O. for future development
- H.) The zoning district requirements including land use, setbacks, density, height, intensity, bulk and area regulations will meet or exceed the U.D.O. Section 27-423 for Light Commercial
- I.) The proposed land use is per U.D.O. Section 27-423 for Light Commercial
- J.) The project will meet or exceed the U.D.O. Section 27-500 Subdivision Design and Improvement Standards.
- K.) See attached document from Mickle Wagner Coleman Engineers regarding the traffic impact of the property
- L.) See attached document from Mickle Wagner Coleman Engineers regarding the traffic impact of the property
- M.) All existing city utilities are present along Massard Road

Rice, Maggie

From: Brett Abbott [babbott@risley-associates.com]
Sent: Thursday, December 12, 2013 8:44 AM
To: Bailey, Wally; Rice, Maggie
Subject: RE: Massard PZD Application

Wally/Maggie,

We will go back to a conventional rezoning application with a deferral of the development plan.

I'll get the app in as soon as I can.

Thanks for your help.

Brett Abbott, AIA

Tim A. Risley & Associates | Architects & Planners

6101 S. Phoenix - #1 Con/Arc Place

Fort Smith, AR 72903

p: 479-452-2636

f: 479-452-3925

please consider the environment before printing this email

From: Bailey, Wally [mailto:bailey@FortSmithAR.gov]

Sent: Wednesday, December 11, 2013 5:25 PM

To: Brett Abbott; Rice, Maggie

Subject: RE: Massard PZD Application

Brett,

You have three options for a rezoning application:

1. A conventional rezoning with a deferral of the development plan(s).
2. A conventional rezoning with the submittal of a development plan.
3. A Planned Zoning District (PZD).

From your comments below it seems you are not in a position to submit a rezoning application with the sufficient details to meet the requirements of a conventional rezoning with a development plan or a PZD.

Maggie has suggested the PZD as a possible application process to help alleviate concerns relative to proposed land uses, enhanced design standards, signage, parking, lighting, landscaping, buffering, etc. Based on your comments it seems you cannot offer anything at this time except that it will meet or exceed C2.

Meeting C2 would be the same as a conventional rezoning request. So it appears the conventional rezoning with the deferral of the development plan is the option you are describing that you are wanting to submit.

The application you submit is your choice.

Wally Bailey

Director of Development Services

P.O. Box 1908 (02)

623 Garrison Avenue (01)

Fort Smith, AR 72901

479-784-2216

"He who fails to plan is planning to fail."

Winston Churchill

From: Brett Abbott [mailto:babbott@risley-associates.com]
Sent: Wednesday, December 11, 2013 4:28 PM
To: Rice, Maggie; Bailey, Wally
Subject: RE: Massard PZD Application

Maggie,

From the beginning, we have told you that the purpose of this rezoning is to make the property more appealing to a potential buyer for light commercial use. We don't intend, nor does Cliff want to go any deeper than that. I have no way of knowing what will ultimately get built on this property, therefore as you suggested, PZD is the correct way to go, but all I can tell you right now is that we will meet or exceed C2 requirements of the UDO. If a neighbor or planning commissioner wants any more information than that it's not possible to give at this time. It would be a waste of my office's time to dream up elevations, plans, rules and regulations for this application when the ONLY goal is to give it a commercial zoning for office use for future development. It just takes a step out of the process for a potential buyer and makes it easier for them to build instead of making them rezone each little ½ acre or whatever they end up buying. Like I told you before, I do intend to submit a letter from MWC on the traffic and a letter from the airport about the FAA approval process, but at this point, any question that could be raised would be answered with "We will meet or exceed C2 per the UDO". That's all I can tell you right now.

Brett Abbott, AIA

Tim A. Risley & Associates | Architects & Planners
6101 S. Phoenix - #1 Con/Arc Place
Fort Smith, AR 72903
p: 479-452-2636
f: 479-452-3925

please consider the environment before printing this email

From: Rice, Maggie [mailto:mlewis@FortSmithAR.gov]
Sent: Wednesday, December 11, 2013 3:46 PM
To: Brett Abbott
Subject: RE: Massard PZD Application

Brett:

We're going to need more details. Below is a link to an example of a PZD that was submitted.

www.fortsmithar.gov/downloads/riverfrontpzd.pdf

Once you review, we can talk about it more specifically.

Thanks,

Maggie

From: Brett Abbott [mailto:babbott@risley-associates.com]
Sent: Wednesday, December 11, 2013 11:05 AM
To: Rice, Maggie
Subject: Massard PZD Application

Maggie,

See attached application and site plan.

We still need a couple of signatures from Cliff.

19H

Let me know what we are missing.
THX.

Brett Abbott, AIA

Tim A. Risley & Associates | Architects & Planners

6101 S. Phoenix - #1 Con/Arc Place

Fort Smith, AR 72903

p: 479-452-2636

f: 479-452-3925

please consider the environment before printing this email

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location F.S. PUBLIC LIBRARY - DAVIS BRANCH

Meeting Time & Date DEC. 26th - 3:30 P.M.

Meeting Purpose RE-ZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Monette FARRISH	4017 Hunter Way Ft Smith, AR	478 6677
2.	Dee Pappas	"	"
3.	Ron Yates	8310 Rosewood Dr. Ft Smith, AR	478-0074
4.	Kayla Moschner	4000 Gascony Way, FSM, AR 72903	806-3753
5.	Colby Curly	"	479-650-620
6.	Linda Bunnemeyer	2406 So. 88 th	479-462-1542
7.	Angel Sanders	4201 South 89 th	479-462-1539
8.	JOHN PARKER	FORTSMITH AIRPORT	479-452-7000
9.	Sondra Friend	866 Maclin Ct Fort Smith	479-719-0563
10.	JERRY HORNE	4100 HUNTER WAY	479-452-6998
11.	Brenda Anderson	Ft Smith Planning Dept	784-2216
	Donald Ulmer	8407 HANNAH CT	
	Jean Ulmer	" " "	479-494-8260
	John Bogner for Laura Bogner	8409 Hannah Ct.	479-452-0385

#5-1-14

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

- 1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

* SEE ATTACHED LEGAL DESCRIPTION

- 2. Address of property: SEE LEGAL DESCRIPTION - S.E. CORNER OF MASSARD & LOUISVILLE IS 40 ACRES

- 3. The above described property is now zoned: R-2-SF-DP

- 4. Application is hereby made to change the zoning classification of the above described property to C-2 by _____ (Extension or classification)

- 5. Why is the zoning change requested?

TO GIVE THE OWNER THE ABILITY TO SELL THE PROPERTY
FOR FUTURE LIGHT COMMERCIAL/OFFICE USES.

- 6. Submit any proposed development plans that might help explain the reason for the request.

BRETT ABBOTT, AIA
 Owner or Agent Name
 (please print)

Signed: [Signature]
 Owner

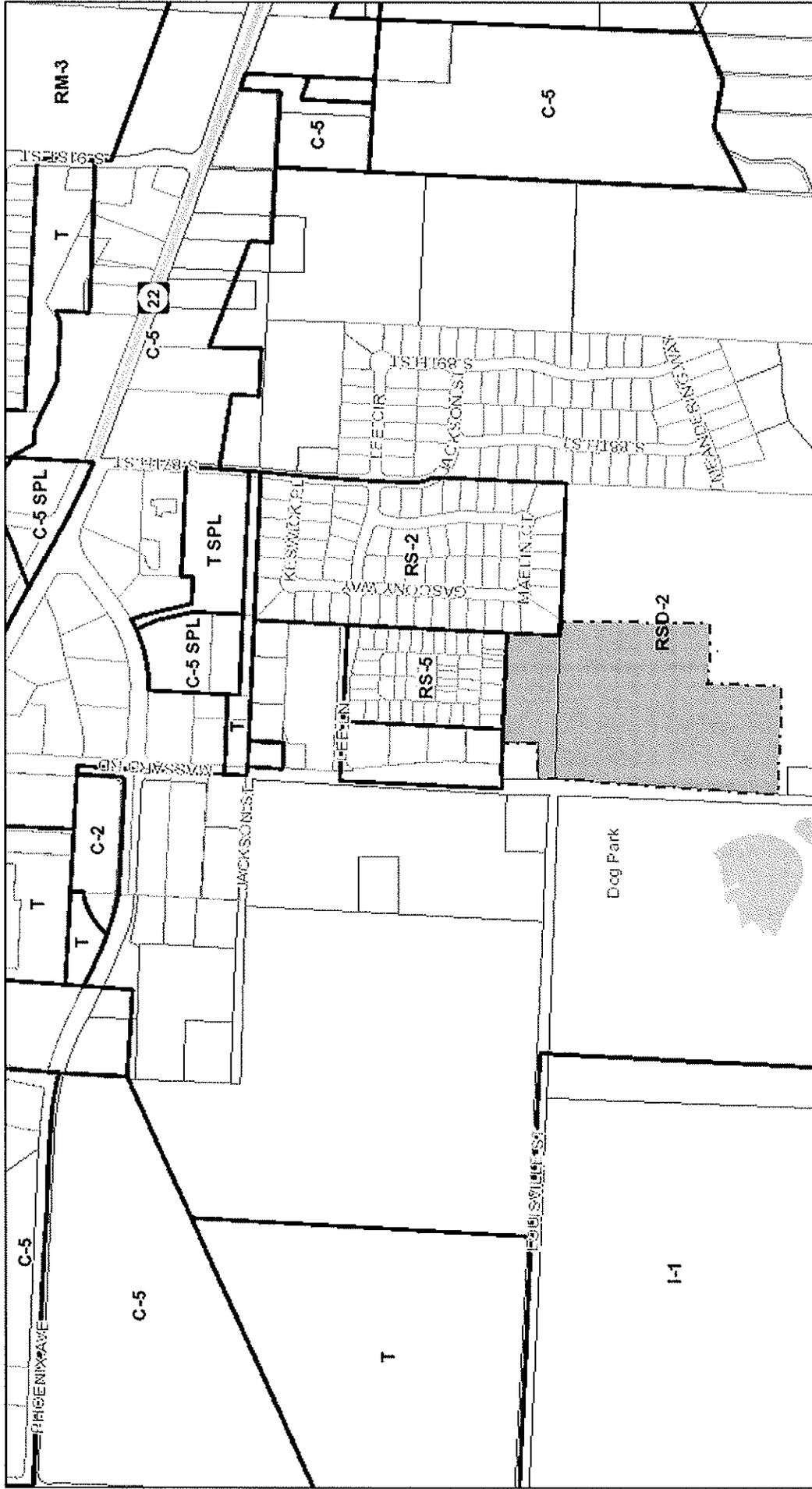
6101 S. PHOENIX - FS-AR 72903
 Owner or Agent Mailing Address

or
[Signature]
 Agent

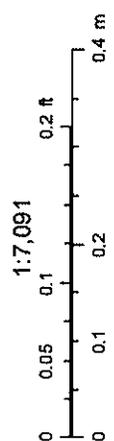
479.452-2636
 Owner or Agent Phone Number

19K

Rezoning #5-1-14: From Residential Single Family - Duplex Low/Medium Density to Commercial Light 4401 Massard Road



December 26, 2013
 [] Fort Smith City Limits [] Parcels
 [] Zoning [] Subdivisions



196

Miller, Perry

From: Miller, Perry
Sent: Monday, January 06, 2014 9:53 AM
To: Rice, Maggie; Andrews, Brenda; Bailey, Wally; Striplin, Bill; Monaco, Tom
Subject: REZ, MLUP, DEV, at 4401 Massard Road

Jim Post (479-782-4379) called in objection to the Master Land Use amendment, Rezoning, and Development deferral at 4401 Massard Road.

Jim resides at 5101 Massard road and does not support the application because of the deferral. I will add this e-mail to the files.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Monaco, Tom

From: Rice, Maggie
Sent: Monday, January 06, 2014 1:56 PM
To: Planning Email Group
Subject: 4401 Massard Road

Jerry Horne, resident of Wellington Park, called concerned about drainage at 4401 Massard Road. He said between the existing offices and residences there are four drainage outlets that drain directly on that property and when it rains a lot of water is directed on that property. He will be at the meeting.

Maggie

Commercial Light (C-2) Land Uses

Permitted by Right:

- Multifamily dwellings
- Community Residential Facility
- Group Home, Neighborhood
- Accessory Residential Dwelling Unit
- Assisted Living
- Retirement housing
- Bed and Breakfast Inn
- Rooming or Boarding house
- Clothing and Personal Items (repair)
- Electronics and Appliances (new)
- Furniture and Home Furnishings (new)
- Hardware Store (neighborhood)
- Locksmith
- Bookstore
- Bridal Shop
- Sewing Machine Store
- Cameras, photographic supplies and services
- Clothing, jewelry, luggage, shoes, and accessories
- Computer and software shop
- Gift shop
- Sporting goods, toys, and musical instruments
- Beer Wine and Liquor (without drive thru)
- Thrift Store
- Antique Shop
- Art dealers, art studio, galleries, and supplies
- Arts and craft shop
- Florist shop
- Hobby shop
- Tobacco shop
- Bakery and confectionary shop
- Farmer's market
- Fruit and vegetable store
- Grocery store or supermarket
- Neighborhood store
- Cosmetics, beauty supplies, and perfume stores
- Medical Appliance services
- Optical Shop
- Pharmacy or drug store
- Auto Insurance Claims Office
- Automatic Teller Machine
- Bank, Credit Union, or Savings Institution
- Credit and Finance Establishment
- Fund, trust, or other financial establishment
- Insurance Office
- Investment banking, securities, and brokerages
- Consumer Rental Center
- Video, Music, Software

- Abstract Services
- Accounting, tax, bookkeeping, payroll
- Advertising and media services
- Architectural, engineering
- Consulting services
- Graphic, industrial, and interior design
- Legal Services
- Offices, corporate
- Offices, general
- Property Management Services (office only)
- Real Estate Agency
- Travel arrangement and reservation services
- Business support services
- Collection Agency
- Facilities support services
- Office and administrative services
- Catering Service
- Restaurant
- Barber Shop/Salon/Spa/Massage Services
- Laundry and cleaning facilities (self service)
- Laundry, cleaner
- Laundry, cleaner (drop-off station)
- Photocopy Shop
- Photography Studio
- Print Shop
- Shoe Repair Shop
- Tailor Shop
- Tanning Salons
- Weight Loss Centers
- Animal and Pet Services (indoor)
- Veterinary Clinic (no outdoor kennels)
- Parking Lot (off site)
- Carnival or Circus (temporary with permit)
- Amusement Center (indoor)
- Fitness Studio
- Government Office
- Emergency Response Station
- Fire and Rescue Station
- Police Substation (no incarceration)
- Doctor Office and Clinic
- Hospice Residential Care Facility
- Hospital
- Child and Youth Services (office)
- Wedding Chapel
- Monument Sales
- Contractor's Office

Permitted with Conditional Use Approval:

- Orphanage
- Dormitory, Sorority, Fraternity

- Auto Detailing Service
- Auto Parts & Accessories
- Auto glass, muffler, and seat cover shop
- Car wash (self service)
- Lawn and garden supplies
- Bicycle sales and service
- Convenience Store (With Gasoline)
- Bar or Tavern
- Restaurant (with drive-through service)
- Restaurant (with outdoor dining)
- Pet Cemetery
- Pet Shop
- Pet Supply Store
- Courier or Messenger Services
- Mail Services
- Commercial Communication Towers
- Data Processing Facility
- Amateur Radio Transmitting Towers
- Radio, television, and microwave transmitting towers
- Recycling collection station
- Utility Substation
- Museum
- Country Club
- Bowling Alley
- Community Recreation Center
- Golf Course
- Health Club
- Pool Hall
- Swimming Pool
- Park or Playground (public and nonpublic)
- College, University, or Seminary
- Fine art and performance education
- Library or public art complex
- Nursery School
- Preschool
- Primary or Secondary School
- School, business or professional
- Convention Center
- Police Station
- Diagnostic laboratory testing facility
- Mental Health Hospital
- Nursing Home
- Substance Abuse Treatment Facility
- Day care center
- Senior Citizen Center
- Church, synagogue, temple, or mosque
- Rectory, Convent, monastery (Accessory Use)
- Cemetery, mausoleum, crematorium, funeral home, and mortuary
- Lodge or fraternal organization

Development Plan Deferral Request

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6, 2014

Subject: Request for Development Plan Deferral – 4401 Massard Road

The planning department has received a request from Brett Abbott with Tim A Risley and Associates, agent for Cliff Cabaness, for Planning Commission consideration of a deferral of a development plan for 4401 Massard Road. A Master Land Use Amendment request from Open Space and Residential Detached to Neighborhood Commercial classification and a requested Rezoning #5-1-14 from Residential Single Family-Duplex Low/Medium Density to Commercial Light (C-2) zoning district have been requested. At this time, the developer does not have a defined plan for this area.

We have received two phone calls regarding this application. The summary of those calls is in the packet.

20A

TIM A. RISLEY and ASSOCIATES
ARCHITECTS and PLANNERS

December 19, 2013

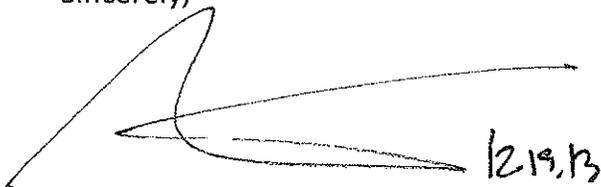
Maggie Rice
623 Garrison Ave.
Fort Smith, AR 72901

RE: Office Park at Massard Crossing

Mrs. Rice,

I am writing this letter to ask for a deferral of the development plan submission for the above referenced project. I am submitting the re-zoning and MLUP applications and request to be put on the agenda for the January Planning Commission meeting set for Tuesday, January 14th, 2013.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brett Abbott', with a date '12.19.13' written to the right of the signature.

Brett Abbott, AIA

20B

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6th, 2014

Re: Rezoning #6-1-14 - A request by Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for Planning Commission consideration of a zone request from Not Zoned to Industrial Light (I-1) by classification at 8201 and 8205 Veterans Avenue (Companion to items #22 & #23)

LOT LOCATION AND SIZE

The subject property is north of Custer Boulevard and between Veterans Avenue and Chad Colley Boulevard. The tract contains an area of 4.98 acres with approximately 373 feet of street frontage along Veterans Avenue and 455 feet of street frontage of Chad Colley Boulevard.

EXISTING ZONING

The property is currently Not Zoned.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Light (I-1).

Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, convenience store with gasoline sales, finance and banking institutions, light manufacturing, and commercial communication towers are examples of permitted uses.

21A

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the east, south, and west are Not Zoned and are undeveloped.

The area to the North is Not Zoned and is developed as a warehouse.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, establish a strong street presence, and promote parking on the sides and rear of the buildings. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A companion development plan for a contractor’s office and a companion item for the deferral of a development have been submitted with this application.

PROPOSED ZONING

Approval of the proposed zoning will facilitate the development of a contractor’s office.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Friday January 3rd, 2014 at 7020 Taylor Boulevard. No neighboring property owners attended the meeting. Staff recommends approval of the rezoning application contingent upon approval of the development plan for contractor’s office and deferral of the development plan for the remainder of the property.

21B

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Part of the Southwest Quarter of the Northwest Quarter of Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at an existing 1/2" rebar with cap stamped PLS 1272 at the Northwest Corner of said Section 8; Thence along the North Line of said Section 8, S86°45'32"E, 740.79 feet to the easterly right-of-way line of Veterans Avenue; Thence along said right-of-way line the following courses: S30°51'41"W, 369.49 feet; 373.84 feet along the arc of a curve to the left, said curve having a radius of 764.68 feet and being subtended by a chord having a bearing of S16°51'21"W and a distance of 370.13 feet; S02°52'50"W, 463.00 feet; S02°17'54"W, 614.11 feet; S04°01'44"W, 238.42 feet to the north line of a 4.89 acre tract as described in Document Number 7064742 filed for record February 8, 2002 and the Point of Beginning; Thence along said north line, S87°13'23"E, 604.85 feet to the westerly right-of-way line of Chad Colley Boulevard; Thence along said westerly right-of-way line, S30°49'29"W, 455.12 feet; Thence N87°26'58"W, 455.07 feet; Thence N10°51'54"E, 175.97 feet; Thence N06°27'27"E, 132.02 feet; Thence N03°38'12"E, 97.51 feet; Thence S87°13'23"E, 29.52 feet to the Point of Beginning. Containing 4.98 acres, more or less.

2. Address of property: 8205 Veterans Avenue
3. The above described property is now zoned: Not Zoned
4. Application is hereby made to change the zoning classification of the above described property to Industrial Light by Classification.
(Extension or classification)
5. Why is the zoning change requested?
To permit construction of an office building.

210

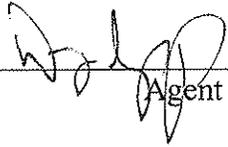
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mickle Wagner Coleman, Inc.
~~Owner or Agent Name~~
(please print)

Owner

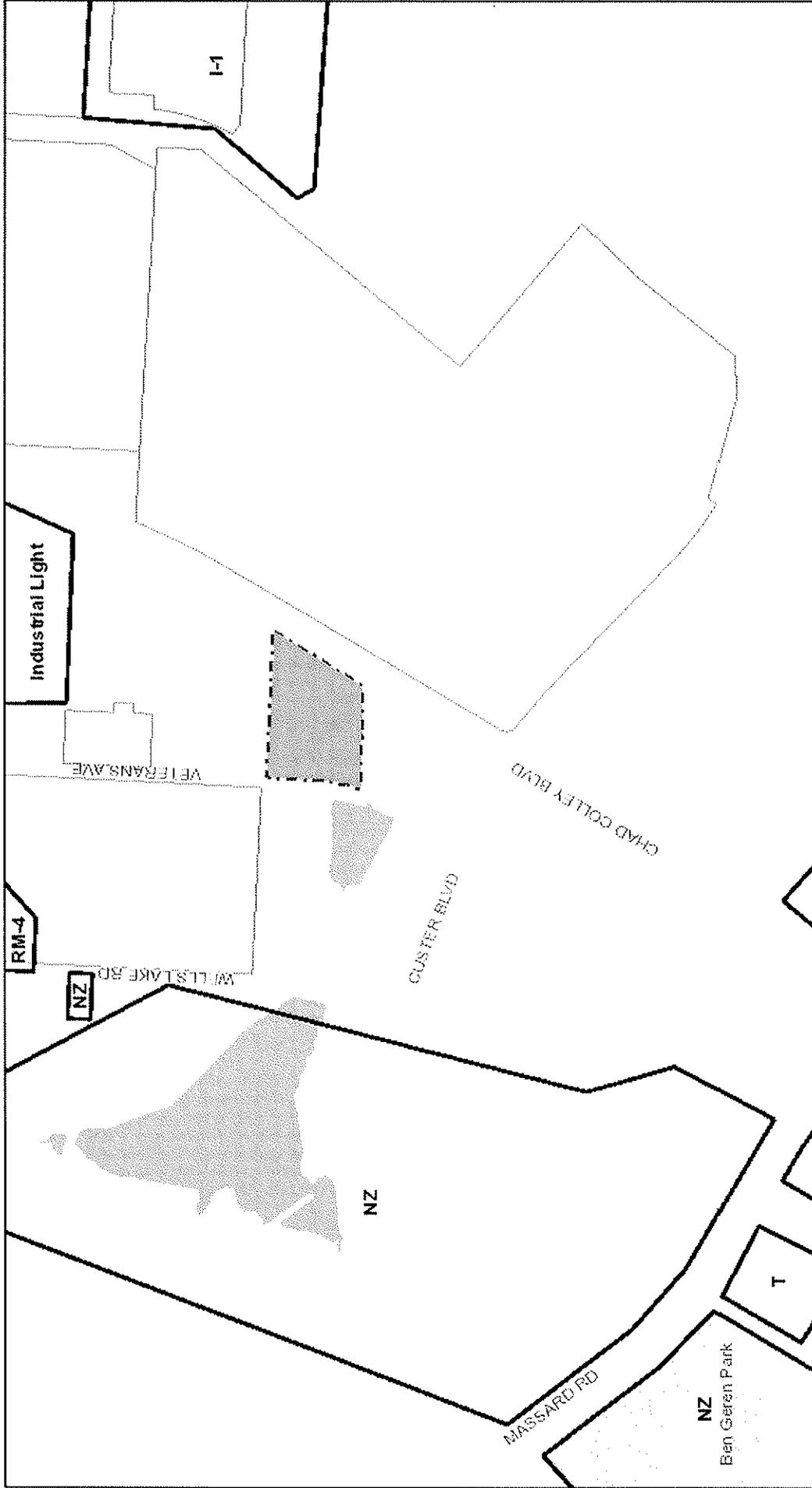
P.O. Box 1507, Fort Smith, AR 72902
~~Owner or Agent Mailing Address~~

or


Agent

479-649-8484
~~Owner or Agent Phone Number~~

Rezoning #6-1-14: From Not Zoned to Industrial Light (I-1) 8201 & 8205 Veterans Avenue



December 27, 2013
 Fort Smith City Limits
 Zoning
 Subdivisions

21 E

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6th, 2014

Re: Development Plan Review - A request by Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for Planning Commission consideration of a Development Plan request for a Contractor's Office at 8201 Veterans Avenue (Companion to items #21 & #23)

LOT LOCATION AND SIZE

The subject property is located on the east side of Veterans Avenue just north Custer Boulevard and south of Free Boulevard. The tract contains an area of 4.98 acres with approximately 373 feet of street frontage along Veterans Avenue.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Light (I-1).

Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan. The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office, which is also an appropriate land use classification for Industrial Light.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, convenience store with gasoline sales, finance and banking institutions, light manufacturing, and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 20,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the east, south, and west are Not Zoned and are undeveloped.

The area to the North is Not Zoned and is developed as a warehouse.

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will allow the development of a contractor’s office.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on Veterans Avenue via a shared driveway.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – No new drainage improvements have been proposed for the site.

Landscaping – The development plan proposes a 20’ wide perimeter landscape buffer planted with trees and shrubbery adjacent to Veterans Boulevard. The perimeter landscape buffer will also screen the parking lot from Veterans Boulevard. Interior landscaping consisting of trees and shrubbery is also provided. The perimeter, parking lot screening and interior landscaping shown complies with the UDO and Chaffee Crossing’s Design Guidelines . The applicant has requested

a variance from Chaffee Crossing's Design Guidelines to eliminate landscaping on the north property line that would screen the parking lot from the adjacent property to the north.

Screening – The site plan shows a screening fence for the mechanical equipment and trash receptacle. The landscape shrubs along Veterans Avenue will provide a screening buffer and be a minimum of 24" at the time of planting.

Parking – The site plan shows that 13 conforming parking spaces will be provided. The parking spaces are located on the sides and rear of the building thus allowing the building to act as a screening buffer for the parking areas.

Signage – No new signage has been proposed. The applicant has indicated the owners have no plans for signs at this time. All signs must comply with the Chaffee Crossings Design Guidelines and the Fort Smith UDO.

Lighting – No site lighting is proposed for the development. The owner plans to utilize the existing site lighting located on the existing warehouse located in the Phase 2 property. Any new lighting must comply with the Chaffee Crossings Design Guidelines and the Fort Smith UDO.

Architectural features – The elevations show elevations with a combination of brick, stone and cementitious siding. The materials meet the UDO requirements for high-quality materials. However, the use of cementitious siding will require a variance from the Chaffee Crossing Design Guideline.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Friday January 3, 2014, 2:00 p.m, at 7020 Taylor Boulevard. No neighboring property owners were present at the neighborhood meeting. There were no objections to the proposed project.

Staff recommends approval of the application contingent upon the following.

1. All construction must be built in accordance with the submitted Development Plan and any Planning Commission amendments.
2. Approval of the companion rezoning and development plan deferral applications.
3. Public water line extension and installation of a fire hydrant along Veterans Avenue beginning at Wildcat Drive shall be required and approved by the City Utility Department and meet the minimum design standards for commercial development.
4. All easement dedication for the sanitary sewer system shall meet the minimum development design standards. The proposed 20 feet sanitary sewer easement must be 25 feet in width and be approved by the City Utility Department.
5. The portion of existing sanitary sewer located under the existing warehouse building shall require relocation and dedication of easement that is approved by the City Utility Department.
6. Variance approval by the Chaffee Design Review Committee to allow the use of cementitious siding and to eliminate the parking lot screening on the northern property line.

22C

7. The shared driveway shall comply with the UDO shared driveway requirements for non-residential uses.
8. Signs shall comply with the Chaffee Crossing Design Guidelines and the Fort Smith Unified Development Ordinance.
9. Outdoor lighting shall comply with the Chaffee Crossing Design Guidelines and the Fort Smith Unified Development Ordinance.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Lot 1 of the Oak Bower Addition, also known as:

Part of the Southwest Quarter of the Northwest Quarter of Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at an existing ½” rebar with cap stamped PLS 1272 at the Northwest Corner of said Section 8; Thence along the North Line of said Section 8, S86°45'32”E, 740.79 feet to the easterly right-of-way line of Veterans Avenue; Thence along said right-of-way line the following courses: S30°51'41”W, 369.49 feet; 373.84 feet along the arc of a curve to the left, said curve having a radius of 764.68 feet and being subtended by a chord having a bearing of S16°51'21”W and a distance of 370.13 feet; S02°52'50”W, 463.00 feet; S02°17'54”W, 614.11 feet; S04°01'44”W, 238.42 feet to the north line of a 4.89 acre tract as described in Document Number 7064742 filed for record February 8, 2002 and the Point of Beginning; Thence along said north line, S87°13'23”E, 262.00 feet; Thence S02°46'31”W, 197.75 feet; Thence N87°27'04”W, 299.51 feet; Thence N06°27'27”E, 101.65 feet; Thence N03°38'12”E, 97.51 feet; Thence 87°13'23”E, 29.51 feet to the Point of Beginning. Containing 1.34 acres, more or less.

2. Address of property: 8201 Veterans Avenue

3. The above described property is now zoned: Not zoned

4. Does the development plan include a companion rezoning request?

Yes X No _____

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

22 E

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

Industrial Light by Classification
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

Existing warehouse on parent lot, existing cellular tower to the west, existing warehouse and secondary buildings to the north; surrounding parcels are I-1, RM-4, or are not currently zoned.

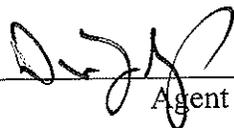
8. Total acreage of property Lot 1 - 1.20 acres; 4.98 acres Total

Signed:

Mickle Wagner Coleman, Inc.
~~Owner or Agent Name~~
(please print)

Owner

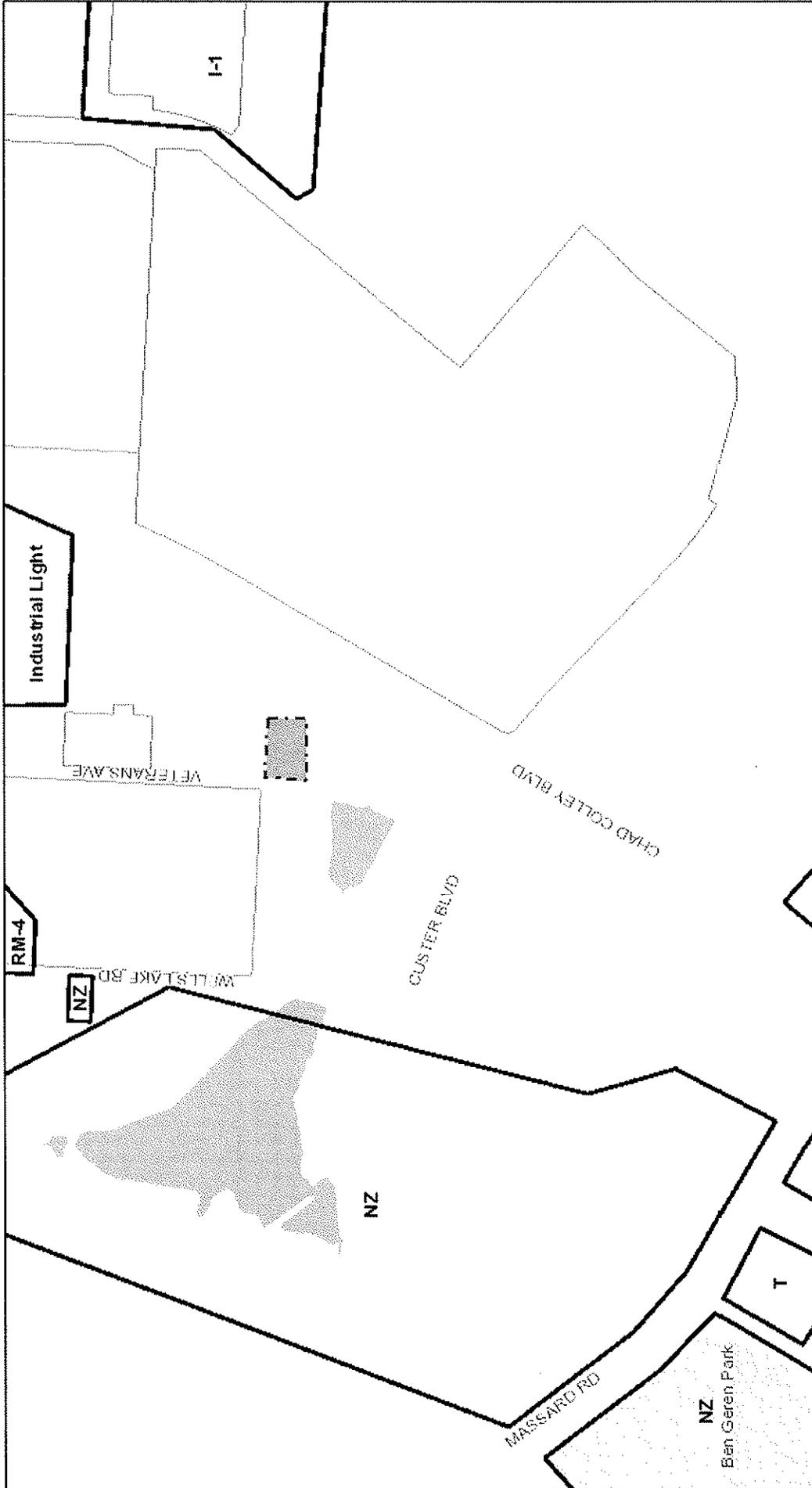
P.O. Box 1507, Fort Smith, AR 72902
~~Owner or Agent Mailing Address~~

or


Agent

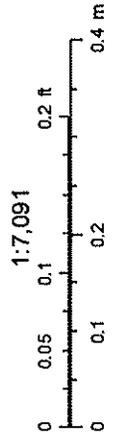
479-649-8484
~~Owner or Agent Phone Number~~

Development Plan: Contractor's Office 8201 Veterans Avenue

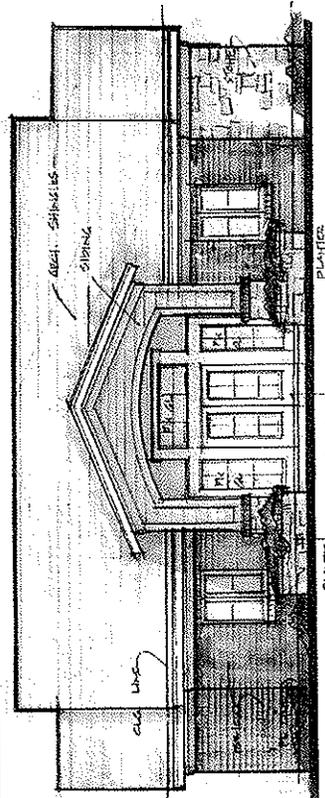


December 27, 2013

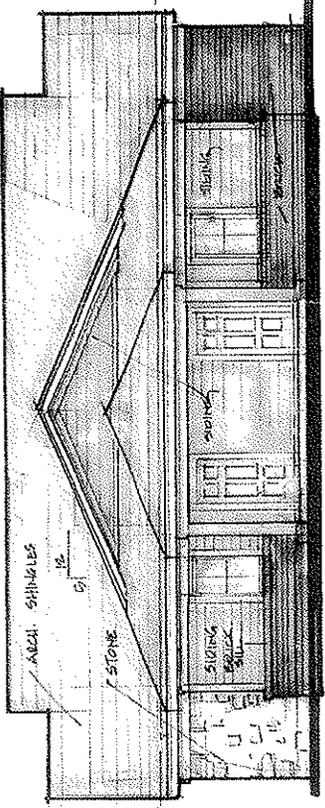
- [-] Fort Smith City Limits
- [] Zoning
- [] Subdivisions



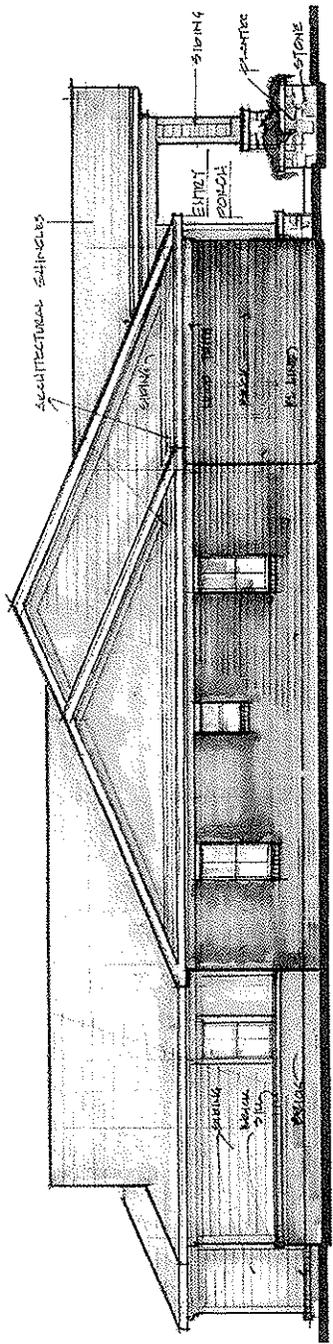
226



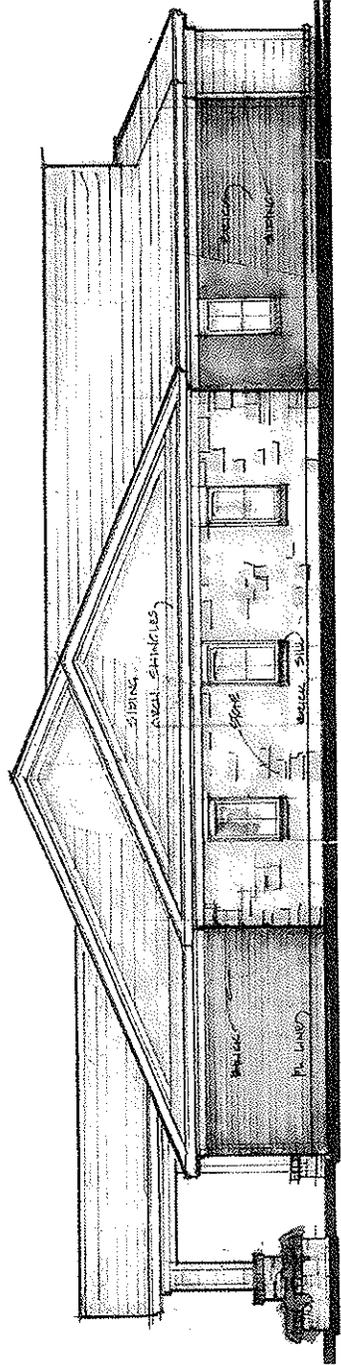
FRONT ELEVATION



REAR ELEVATION



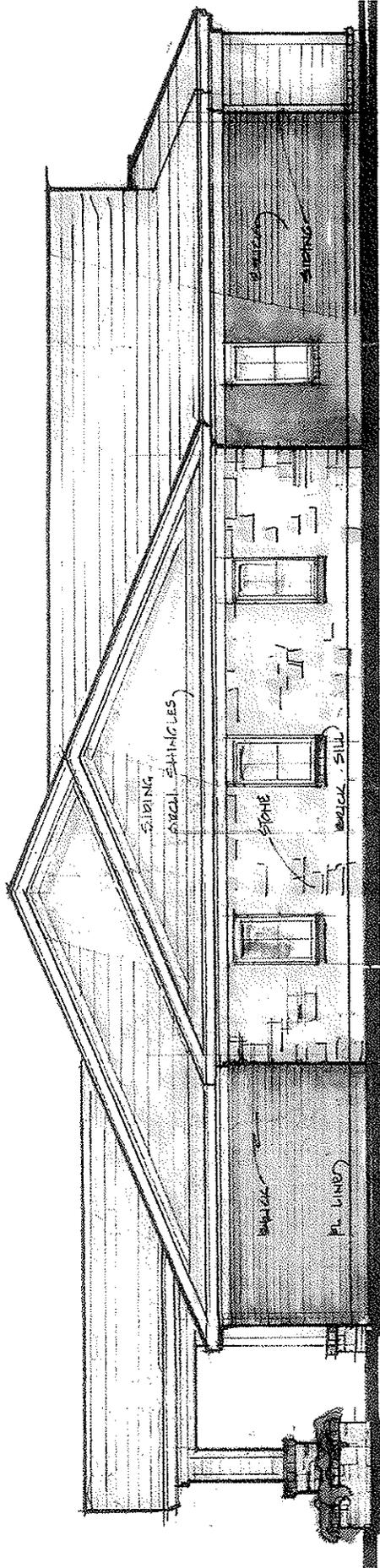
LEFT ELEVATION



RIGHT ELEVATION

(VIEW FROM VETERANS AVENUE RIGHT-OF-WAY)

OAK BOWER ADDITION - LOT 1
ARCHITECTURAL ELEVATIONS
 12/20/2013



RIGHT ELEVATION

OAK BOWER ADDITION - LOT 1
VIEW FROM VETERANS AVENUE RIGHT-OF-WAY
12/20/2013

22 M

Memo

To: City Planning Commission
From: Planning Staff
Date: January 6, 2014
Subject: Request for Development Plan Deferral – 8205 Veterans Avenue

The planning department has received a request from Mickle-Wagner-Coleman, Inc., agent for Brad & Kristi Albert, for Planning Commission consideration of a deferral of a development plan for 8205 Veterans Avenue. A requested rezoning #6-1-14 from Not Zoned to Industrial Light (I-1) and a development plan for a contractor's office have been requested. At this time, the developer does not have a defined plan for Lot 2, which consists of an existing warehouse and 3.78 acres.

The planning staff recommends approval of the request on the condition that a development plan is submitted for Lot 2 and receives Planning Commission approval prior to the issuance of any building permits.



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

December 20th, 2013

Brenda Andrews
City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

Re: Oak Bower Addition
Plat Deferral Request

Mrs. Andrews,

Oak Bower (Justin Green) is purchasing a 4.86 acre tract at Chaffee Crossing. The property has an existing warehouse and the purchaser plans to build an office building in the northwest corner and wants to plat the northwest corner as Lot 1, leaving the balance not platted. We request a deferral for platting the balance of the property (Lot 2).

Respectfully,

A handwritten signature in black ink, appearing to read "Don Ray Sharp". The signature is fluid and cursive.

Don Ray Sharp, P.E.

23B

MICKLE WAGNER COLEMAN, INC.

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Variance #1-1-14 - A request by Keith Kestner, agent for R. Scott Hembree, for Board of Zoning Adjustment consideration of a zoning variance request from 30 feet to 10 feet interior side yard setback and from 60 feet to 28.36 feet minimum lot width at building line located at 3108 Park Avenue (Companion to item # 9)

LOT LOCATION AND SIZE

The subject property is on the south side of Park Avenue between North 30th Street and Melrose Avenue. The two tracts contain a combined area of 2.3 acres with approximately 196 feet of street frontage along Park Avenue.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

24A

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- | | |
|---|--------------------------------|
| Minimum Lot Size – 6,500 square feet | Maximum Height - 40 feet (1+1) |
| Maximum Density – 20 Dwelling Units/Acre | Maximum Lot Coverage - 65% |
| Minimum Lot Width at Building Line – 60 feet | |
| Minimum Street Frontage – 20 feet | |
| Front Yard Setback - 25 feet | |
| Side Yard on Street Side of Corner Lot - 15 feet | |
| Side Yard Setback – 7.5 feet | |
| Rear Yard Setback - 10 feet | |
| Side/Rear adjacent to RS district/development – 30 feet | |
| Minimum building separation – 10 feet | |

SURROUNDING ZONING AND LAND USE

The areas to the north, west, and east are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences with one duplex to the northeast of the development.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Park Avenue as Major Collection.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the *Unified Development Ordinance*. A companion variance application has been submitted seeking approval from Private Easement Requirements – Section 27-504-3.

REQUESTED VARIANCE

Approval of the variance requests from 30 feet to 10 feet interior side yard setback and minimum lot width from 60 feet to 28.36 feet will facilitate the replat of an existing multifamily development and two single family residences into three lots. The property is currently unplatted.

24B

APPLICANT HARDSHIP

The applicant explains that widening of the tract frontage to 60 feet would move the proposed lot line and setbacks too close to the existing house. The setback variance from 30 feet to 10 feet is for an already existing structure that is closer than the 30 feet from the property line.

STAFF COMMENTS AND RECOMMENDATIONS

The existing multifamily development and two single family lots are currently located on unplatted property. A proposed replat will allow the subdivision of the tract into three lots, which will also facilitate the future sale of the properties. The variances will allow the existing developments to remain in place. No new development is proposed.

In staff's opinion, approval of the variances will have no impact on surrounding properties and recommends approval.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Var. #1-1-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 3108, 3112 & 3210 Park Avenue, Existing or ~~Proposed~~

Zoning Classification RM-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback East lot line Tract 2
- 30' - 10' Interior Side Yard Setback
- Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- 60' - 28.36' Minimum Lot Frontage proposed tract 2 (flag lot)
- Maximum Size of a Sign
- 22' - existing Other: keep existing driveway width *See Subdivision variance book*

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20_____.

Signed:

Satterfield Land Surveyors
Owner or Agent Name *(please print)*

Owner

479-632-3850
Owner or Agent Phone Number

or
Keith W. Heston
Agent
Satterfield Land Surveyors

P.O. Box 640, Alma, AR 72921
Owner or Agent Mailing Address

Variance # _____

24E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<u> X </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> X </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> X </u>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter? Proposed Plat provides new easements, Section 27-504-3
<u> X </u>	<u> </u>	Is any part of the lot in a flood plain or flood way? Southwest Portion of property -05131C0020E
<u> X </u>	<u> </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? Proposed tract 2 frontage less than 60'
<u> </u>	<u> X </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> X </u>	<u> </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan? Collector Park Avenue

Explanation of question #4 (if applicable)

The existing property and house does not allow adequate space to meet a 60' frontage for the proposed Tract 2. The side yard setback on the east line of Tract 2 is not adequate to meet 30'.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project: *The widening of Tract 2's frontage to 60'*

would move the proposed lot line and setback to close to the existing house on Tract 1. The existing buildings on Tract 2 are already closer than 30' from the south property line and the east property line/lot line. 1611K

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

Variance #1-1-14: From 30' to 10' interior yard setback, from 60' to 28.36' minimum lot frontage 3108 Park Avenue

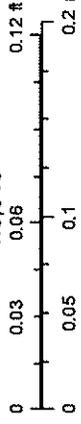


December 27, 2013

- Fort Smith City Limits
- Building Footprints
- Subdivisions
- Parcels

24H

1:3,545



Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Variance #2-1-14 - A request by Susan Armbruster, agent for Mike Albanese, for Board of Zoning Adjustment consideration of a zoning variance request from 120 days to 180 days maximum number of days for a seasonal permit at 1820 Phoenix Avenue

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Phoenix Avenue and Jenny Lind Road. The tract has approximately 420 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is undeveloped.

The areas to the east are zoned Commercial Heavy (C-5) and Residential Multifamily Medium Density (RM-3) and are developed as a convenience store and single family residences.

The area to the south is zoned Commercial Heavy (C-5) and is developed as Yeagers Lumber.

The areas to the west are zoned Commercial Heavy (C-5) and Residential Multifamily Medium Density (RM-3) and are developed as Hardee’s restaurant and single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial and Jenny Lind Road as Minor Arterial.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

REQUESTED VARIANCE

If the variance is approved it would allow the applicant to operate a sno-cone stand at this location for 180 days instead of 120 days as currently permitted.

APPLICANT HARDSHIP

The applicant states there hardship is the 120 day time limit does not cover the whole sno-cone season.

25B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, December 24, 2013 at 1820 Phoenix Avenue. No neighboring property owner's were in attendance.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

25C

Var. #2-1-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 1820 Phoenix Avenue, Existing or Proposed

Zoning Classification C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign

120 days - 180 days Other: section 27327 length of time for a seasonal permit from 120 days to 180 days

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 2013.

Signed:

Susan Ambruster
Owner or Agent Name *(please print)*

Owner

or

479-414-5698
Owner or Agent Phone Number

Susan Ambruster
Agent

30526 190th Ave.
Poteau, OK 74953
Owner or Agent Mailing Address

Variance # _____

25E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	_____✓	Is this variance needed because of previous actions taken by yourself?
_____	_____✓	Is this variance needed because of previous actions taken by a prior owner?
_____	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	_____✓	Is the lot of an odd or unusual shape?
_____	_____✓	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	_____✓	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_____✓	Is any part of the lot in a flood plain or flood way?
_____	_____✓	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	_____✓	Is the lot developed with structures in violation of current zoning requirements?
✓_____	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

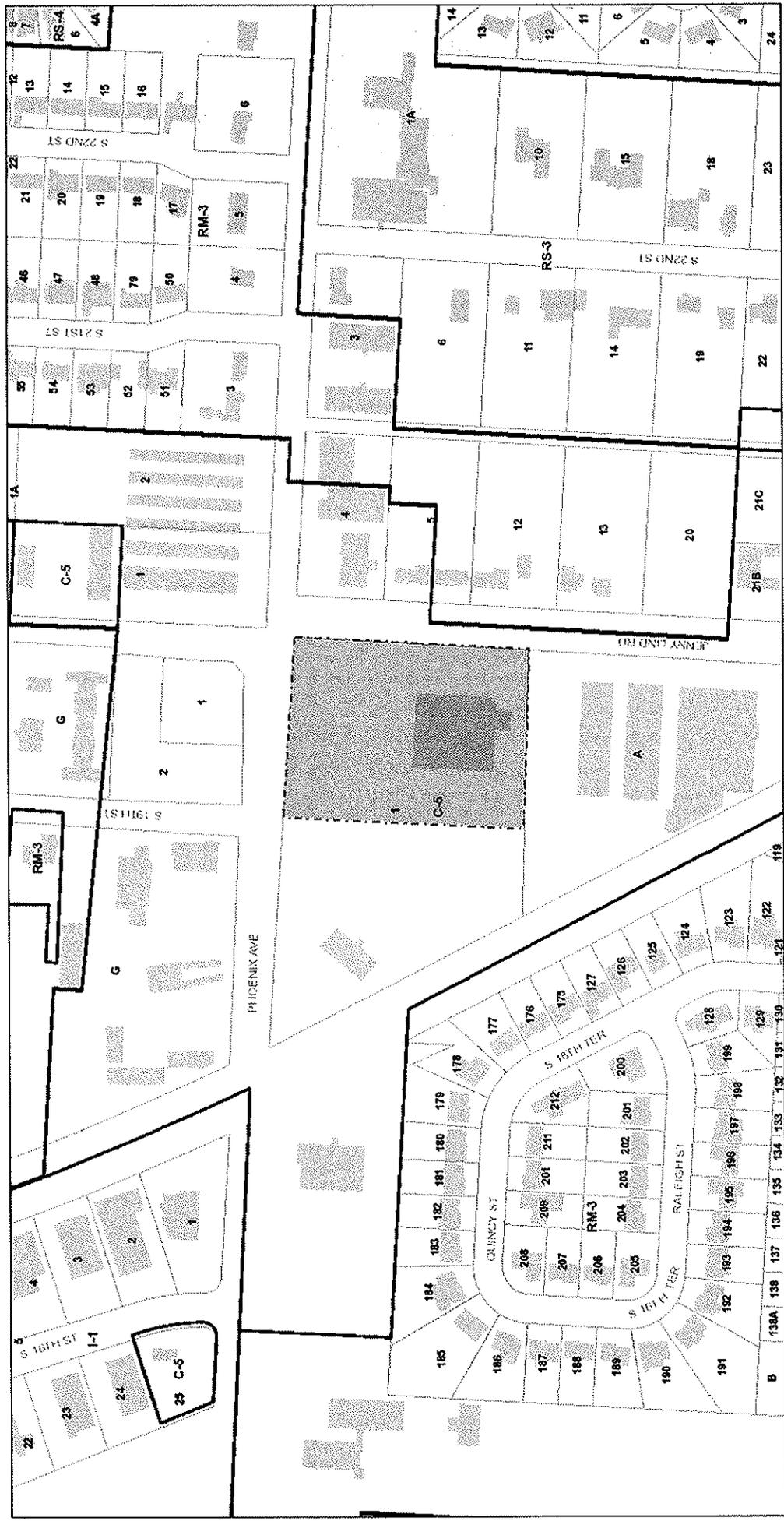
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

120 days does not cover the whole snow cone season

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

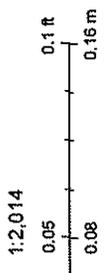
N/A

Variance #2-1-14: From 120 days to 180 days (Section 27-327) 1820 Phoenix Avenue



December 17, 2013

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints



25H

Memo

To: City Planning Commission

From: Planning Staff

Date: January 6, 2014

Re: Variance #3-1-14 - A request by Ricky Hill, agent for Glicenia Logan, for Board of Zoning Adjustment consideration of a zoning variance request from 60 feet to 30.94 feet minimum lot width at building line at 1608 Dallas Street

LOT LOCATION AND SIZE

The subject property is on the south side of Dallas Street between South 16th Street and South 18th Street. The proposed tract (Lot 24B) contains an area of 0.25 acres (10,890 s.f.) with 30.94 feet of street frontage along Dallas Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

26A

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
(1+1)

Maximum Height - 40 feet

Maximum Density – 20 Dwelling Units/Acre
65%

Maximum Lot Coverage -

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Side/Rear adjacent to RS district/development – 30 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The areas to the north and west are zoned Residential Multi-Family Medium Density (RM-3) and are developed as single family residences.

The areas to the south and east are zoned Residential Multi-Family Medium Density (RM-3) and are developed as apartments.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Dallas Street as a local road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

REQUESTED VARIANCE

The variance if approved will facilitate the construction of a duplex by allowing lot split that will create a “flag pole” lot with a minimum lot width of 30.94 feet at the 25 foot setback line instead of the required minimum of 60 feet.

APPLICANT HARDSHIP

The applicant states that there is not 60 feet of property west of the existing house. Without the variance, the lot cannot be subdivided as proposed.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Friday, January 3, 2014 at the Coleman Place Community Center at 1701 Fresno Street. Three neighboring property owners were present at the neighborhood meeting. One neighbor in attendance voiced an objection to the increased density

26B

from the development of the duplex. Letters were submitted by two additional adjacent property owners who object to the variance and construction of the proposed duplex, citing detrimental affects to their property values. A copy of the attendance record, meeting summary, and objection letters are enclosed.

Staff recommends denial of the request. The minimum lot width at the building line is required so that lots have a uniform building width and to eliminate the creation of flagpole lots where they may not be appropriate. Additionally, although the subject property and surrounding areas are zoned as multifamily, Dallas Street is predominantly developed as single family residential.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

26C

Summary of Neighborhood Meeting for property variance
request, located at 1608 Dallas Street, Ft. Smith, Arkansas
Neighborhood Meeting

Meeting Date: 01/03/14

Location: Coleman Square Office, 1701 Fresno Street, Ft. Smith, AR

Time: 11:00 a.m. – 12:00 p.m.

This neighborhood meeting was held for the neighbors of the subject property to voice any concerns or oppositions, with the variance request to the City of Fort Smith, to build a duplex. The interested parties attending were the applicants, Harold Logan and Glicenia Logan, Ricky Hill, surveyor and agent, Brenda Andrews with the city of Fort Smith Planning department, Larry Pruitt, Mike and Shelly Smith.

We discussed the variance application with all parties, having the plat available for reference. Mr. Smith, whose property is located across the street from the Logan's property, was concerned about the density issue. Mr. Pruitt did not voice any opposition. However upon leaving the meeting, Mr. Smith gave me 2 letters, one from Joyce Simpson of 1519 S. Dallas Street and one from Mark Plymale of 1600 S. Dallas Street, both letters stating opposition to the variance. A copy of both letters are attached.

Mr. & Mrs. Logan are trying to construct housing for their daughter and grandchildren at this location. Hopefully, this building setback line variance will be considered.

26E

Var # 3-1-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 1608 Dallas Street, ~~Existing~~ or Proposed

Zoning Classification Rm-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- 60' - 30.94' Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign
- _____ - _____ Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

26 F

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20 ____.

Signed:

Ricky Hill
Owner or Agent Name (please print)

Owner

or

479-648-3850
Owner or Agent Phone Number

Agent

P.O. Box 640, Alma, AR
Owner or Agent Mailing Address 72921

Variance # _____

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VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>X</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>X</u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements? ...
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

26 H

Explanation of question #4 (if applicable)

Because of lot width, there is not 60' west of the current house, 38.44' from House to property line, causing a building setback line width of 30.94'. This allows for a 22' to 27' Driveway to be installed and function

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

City R/W Dedication requirement causes the Front yard setback to encroach into the existing structure.

Variance #3-1-14: 60' to 30.94' Minimum Lot Frontage 1608 Dallas Street



December 23, 2013

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



26J

My Name is Mark S. Plymale.

I reside at 1600 S. Dallas St.
in Ft. Smith, AR. I am the property
owner.

I am against the granting of a
variance for the purpose of
building multi-unit housing at 1608
Dallas.

I believe this would be detrimental
to the neighborhood, and to my
property value.

Mark S. Plymale

My name is Joyce Simpson

I reside at 1519 S. Dallas St.
in Ft. Smith, AR.

I am against the variance to
permit building multi-unit housings at
1608 Dallas St.

I believe it would be detrimental
to the neighborhood and to my
property value.

Joyce Simpson

Memo

To: City Planning Commission

From: Planning Staff

Date: January 2, 2014

Re: Variance #4-1-14 - A request by Dubin Singer P.C., et al, agent for C & C Kelley Properties and Ninh Nguyen, for Planning Commission consideration of a zoning variance request from 36 parking spaces to 20 parking spaces and from the requirements of interior landscaping for vehicular use areas at 1908 & 1920 Dallas Street (Companion to item #10)

LOT LOCATION AND SIZE

The subject property is on the south west side of the intersection of Dallas Street and Jenny Lind Road. The tract contains an area of 0.41 acres with approximately 100 feet of street frontage along Jenny Lind Road and approximately 179 feet of street frontage along Dallas Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station,

27A

utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north Commercial Light (C-2) and are developed as Retail and vacant auto repair.

The area to the east is zoned Residential Single Family-Duplex Low/Medium Density (RSD-2) and is developed as Ramsey Junior High School.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a car wash and other retail businesses.

The area to the west is zoned Commercial Heavy (C-5) and is developed as two duplexes.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Dallas Street as a Local Road and Jenny Lind Road as a Minor Arterial.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance. (A companion item#10 is a Development Plan for the neighborhood store)

REQUESTED VARIANCE

The applicant is requesting a variance from 36 to 20 minimum number of required parking spaces along with a second variance from the requirements of the interior landscaping of vehicular use areas.

APPLICANT HARDSHIP

The applicant cites the existing 40' drainage easement and the requirement to dedicate a 25' wide right-of-way dedication as their hardship. The applicant further states that fewer parking spaces are needed because customers are in the store for ten minute or less and it is rare for Family Dollar Family store parking lots to be fully occupied. See attached Exhibits B, C and D.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, January 7, 2014 onsite. Two surrounding property owners were in attendance. Neither was opposed to the request, however, one had concerns relative to lighting and noise during deliveries. An attendance record and meeting summary are enclosed.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

27C

EXHIBIT B

Explanation of Question #4

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain.

The applicant's initial conceptual site plan approved by prospective tenant Family Dollar had this site in full compliance with all zoning requirements without the need for any variances. However, title and survey review revealed some unanticipated issues requiring adjustments to the property boundaries as well as location of the prospective building, giving rise to the need for a parking count variance from the requirements of Section 27-601-2 of the Unified Development Ordinance, and a variance for landscaping on the interior parking lot as required by Section 27-602-3 of the Unified Development Code.

First, it was discovered that a forty (40) foot wide water drainage easement, which was created in favor of the City of Fort Smith (the "City") and filed on January 23, 1987 at Book 487, Page 1950 with the land records of Sebastian County, Arkansas (the "Land Records"), is located along the westerly property line. Said easement precludes structures within the 0.142 acre (or 6,186 square foot) easement area. The applicant inquired into the possibility of amendment or relocating the water drainage easement. However, whereas it was indicated that all City water and sanitary sewer facilities are located exclusively in the public right of way and not in the water drainage easement area, City official Ron Teeter pointed out that the fully easement area is necessary for drainage purposes and that the only practical possibility for developing within the forty (40) foot wide easement area would be to relocate the easement to a reasonably acceptable alternative location. Applicant has not uncovered any practical alternative to the existing easement area. Therefore, applicant has modified the conceptual site plan to relocate the proposed building to the east of the forty (40) foot wide water drainage easement area.

Next, a Grant of Right of Way Easement, which was created in favor of the City and filed with the Land Records on May 7, 1975 at Book 335, Page 884, required an additional modification to the conceptual site plan by way of a reduction in the originally anticipated usable property area by approximately 0.10 acres (4,356 square feet). The right of way easement area is located along the south line of South Dallas Street and the north property line of that portion of the property referred to as "Tract 2."

Finally, it was necessary to modify the conceptual site plan to accommodate a prospective twenty-five (25) foot right of way dedication in connection with Jenny Lind Road, which is classified as a minor arterial street due to its minimum right of way width of one hundred (100) feet. The project now takes into effect the prospective dedication, with landscaping contemplated thereon and subject to the City's additional input and approval.

27D

properties. Some Family Dollar Stores fare very well even despite a lack of off street parking.

Additionally, the required parking calculation of one parking space per 200 square feet of customer service area includes shelving space. Per site plan Sheet 5 of 5, if we exclude the fixtured rack area of 2,522 square feet, then the total customer service area whereby actual people can walk the floors and shop is 4,476 square feet. $4,476 / 200 = 22$ required parking spaces. Applicant has developed dozens of stores in twenty (20) different states, and many jurisdictions interpret and/or define "customer service area" to exclude rack areas.

EXHIBIT C

Describe how the strict enforcement of the zoning code causes an undue hardship for your project.

In order to afford to provide communities with national brand products such as groceries, health and beauty products, household goods and clothing at a discount, the cost of the land and the cost of development of the land are determinative factors. Family Dollar has set prototype plans to help keep costs at a minimum, and its business model necessitates a gross building area of 8,320 square feet for this site. After conducting market studies of available sites in the City, the applicant, a preferred developer to Family Dollar, selected the subject property as an ideal location on which it could develop an 8,320 square foot building from which Family Dollar would operate. This is a relocation project which will replace and close out the current Family Dollar store at 3900 Towson Avenue. Said store is slated to close in any event due to its poor performance. Unlike the Family Dollar store at 3900 Towson Avenue which has been in existence since 1998, the proposed project will be a brand new store with a 100% exterior masonry façade, a monument sign, a sprinkler / irrigation system, and sufficient exterior landscaping as a condition to the grant of the variances requested herein and to demonstrate that the hardship is not purely economic but, rather, due to the circumstances.

A substantial amount of time and consideration has gone into preparing and revising the site plan for this project to most efficiently and effectively utilize the property. The applicant has made every effort to accommodate all City requirements, but due to the unique circumstances of the property discussed in Exhibit B hereinabove, applicant is unable to meet all of these requirements. The applicant has even considered a reduced building size, but Family Dollar's need to have a gross building area of at least 8,000 square feet only reducing the required number of parking spaces by one space and does not create room for additional parking spaces.

If the variances requested herein are denied, the applicant will not be able to proceed with this proposed project and Family Dollar will not be able to operate at the site. The denial of the requested variances will amount to more than a mere inconvenience to the Family Dollar because Family Dollar will be denied the right to utilize the property for a legally permitted use that is otherwise contemplated by the Uniform Development Code and that is now currently enjoyed by other property owners in the area.

Conversely, if the proposed variances are approved, Family Dollar will be able to proceed with this project, thereby bringing new jobs to the community (this includes approximately 10-12 local subcontractors in addition to the several full and part-time store employees, initiating an additional source of sales and real estate tax revenue, and thereby creating further growth for the City.

Family Dollar has received similar parking count variances at other sites without any hardship or difficulty in the use of the new construction store and its surrounding

EXHIBIT D

List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The three (3) areas on the subject property created for the benefit of the City, as mentioned in Exhibit B above, all significantly impact the site, are unique to this site, have not been created by the applicant, and give rise to the two (2) variances requested herein. As a result of these areas, we have made the necessary adjustments to our site plan. The good news is that the proposed number of twenty (20) parking spaces is sufficient for the needs of Family Dollar, as proven by several of the applicant's recent transactions in numerous other jurisdictions, some of which are still in the due diligence phase (Bald Knob, Arkansas – 17 parking spaces (due diligence phase); Worth, Illinois – 20 parking spaces (acquisition closing phase); Ottertail, Minnesota – 22 parking spaces (acquisition closing phase); Crosby, Minnesota – 20 parking spaces for a 12,000 gross square foot building (fully developed); Hammond, Indiana – 25 parking spaces where 46 were required (under construction); Kansas City, Missouri – 23 parking spaces (fully developed); Odessa, Missouri – 22 parking spaces (fully developed)). The average customer is in the store for ten (10) minutes or less; customers typically park as close to the front entrance as possible, and it is rare for the parking lot to be fully occupied.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Please see Exhibit A attached hereto.

Address of property 1908 and 1920 Dallas Street, Existing or Proposed

Zoning Classification C-5 Commercial Heavy, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

- | <u>FROM</u> | <u>TO</u> |
|--------------------|---|
| _____ - | _____ Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ - | _____ Exterior Side Yard Setback |
| _____ - | _____ Interior Side Yard Setback |
| _____ - | _____ Rear Yard Setback |
| _____ - | _____ Maximum Height of Structure |
| _____ - | _____ Minimum Distance Between Structures on the Same Lot |
| _____ - | _____ Minimum Lot Area (Square Feet) |
| _____ - | _____ Minimum Lot Frontage |
| _____ - | _____ Maximum Size of a Sign |
| <u>36</u> - | <u>20</u> Other: <u>Number of parking spaces (See 27-601-2) and Variance on landscaping requirements (See 27-602-3-E)</u> |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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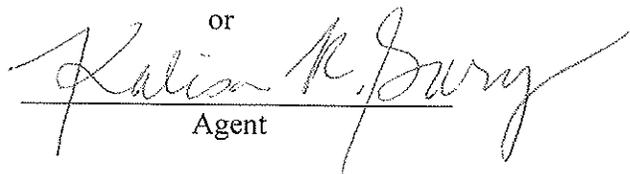
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 20th day of December, 2013.

Signed:

Kalisa R. Gary of Dubin Singer P.C.
Owner or Agent Name *(please print)*

Owner

312-345-5731
Owner or Agent Phone Number

or


Agent

70 W. Madison, Ste 4500
Chicago, IL, 60602
Owner or Agent Mailing Address

Variance # _____

27F



December 20, 2013

FD Fort Smith Arkansas Dallas Street LLC
c/o Nicholas Stratigakes
19 S. LaSalle St., Suite 1007
Chicago, IL 60603

RE: Proposed Family Dollar, 1908 and 1920 Dallas Street, Fort Smith, Arkansas

Dear Mr. Stratigakes:

Family Dollar has completed its review of the attached site plan for our prospective store at the location currently known as 1908 and 1920 Dallas Street, Fort Smith, Arkansas. As with many of our stores, we expect that a large portion of customer traffic will be on-foot. As such, we have approved the project with the proposed parking field of 20 spaces as reflected on the approved site plan dated December 19, 2013. A substantial percentage of our stores, totaling more than 7,200 in 46 states, have 25 on-site parking spaces or less. In fact, a number of our stores located in major metropolitan areas have no on-site parking, and have nonetheless been very successful and have not caused an undue burden on traffic patterns and/or been the cause of increased congestion.

Per an internal Family Dollar study conducted over the past several years, Family Dollar has an average of 2,200 customers per week with 60% of business occurring in the mid afternoon and evening. Our customer expenditure is about \$10.00 and the average shop time per customer is 15 minutes. For a 12 hour sales day, this is an average of 26 cars per hour and an average of 6.5 customers in the store at any one time (not to mention that for stores whereby there is a local bus route within walking distance, the average number of customers in the store at any one time would be less). Since our volume of business is 10% greater in the late afternoon than morning or early afternoon, $110\% \text{ of } 6.5 = 7.2$. So, the greatest number of customers in the store at any one time is 7.2 on average. If it is a driving market, that would equal 7.2 cars.

Please feel free to call me at any time with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Landrum".

Evan Landrum
Real Estate Manager Relocations - Family Dollar Stores, Inc.
Office: (704) 708-1767
Cell: (704) 572-8953
E-mail: elandrum@familydollar.com

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VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

27K

Explanation of question #4 (if applicable)

Please see Exhibit B attached hereto.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Please see Exhibit C attached hereto.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Please see Exhibit D attached hereto.

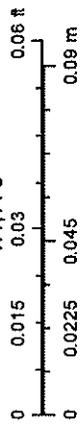
Variance #4-1-14: From 36 to 20 minimum number of parking spaces & interior landscaping requirements 1908 & 1920 Dallas Street



January 10, 2014

- Fort Smith City Limits
- Parcels
- Zoning
- Subdivisions
- Building Footprints

1:1,773



27M

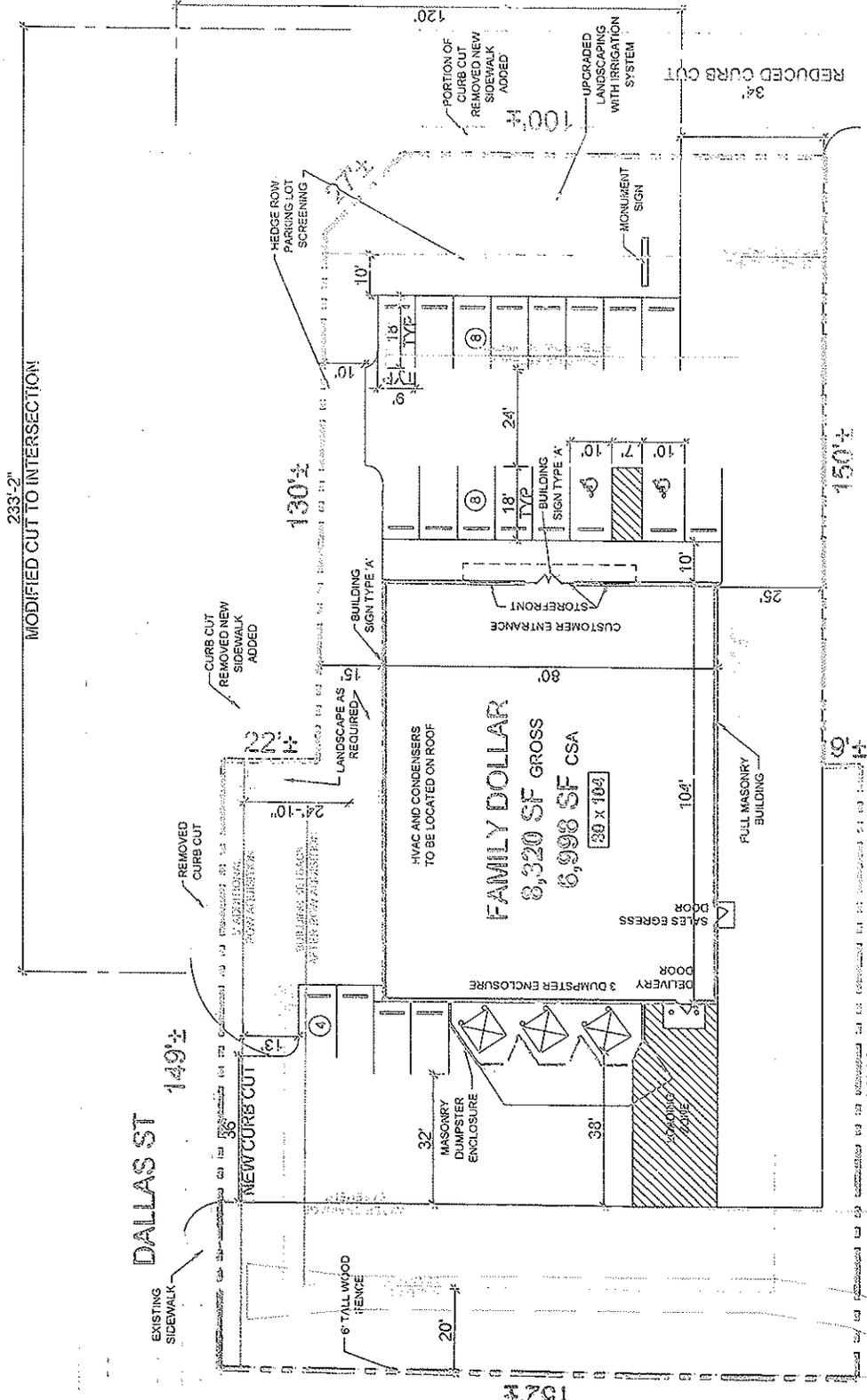


Phone
479.636.3545
Architect of Record
Bradley J. Phillips
8.J.Phillips@pb2ae.com

Project #708125 1920 Dallas St Fort Smith, AR		Preliminary Site Plan	
Present: C-5 Commercial/Heavy		Shown: 26	
Zoning		Required: 1/200 SF CSA	
Variance Needed		Parking	
Landscaping		Parking Count	

December 19, 2013

JENNY LIND RD



N/C

3201 South 18th Street
Betty Ruth Morris/Represented by David Armbruster
4000 Country Club Ave., Fort Smith, AR

**REQUEST THAT DEVELOPERS/PLANNING COMMISSION
CONSIDER FOLLOWING CONCERNS OF THE PROPERTY
OWNER:**

1. LIGHTING ON REAR OF BUILDING -

**REQUEST THAT LIGHTING ON THE REAR OF THE BUILDING
AND ON THE REAR OF THE LOT BE DIRECTED SO THAT IT
WILL NOT CAST A GLARE ON THE ADJOINING PROPERTY.**

**2. NOISE FROM DELIVERY, SERVICE AND SANITATION
VEHICLES IN THE REAR OF THE BUILDING -**

**REQUEST THAT A 6' 8" FOOT OR HIGHER DECORATIVE
MASONRY FENCE BE ERECTED ACROSS THE REAR OF THE
LOT RATHER THAN THE PROPOSED 6 FOOT WOOD FENCE.**

**THE RECOMMENDED MASONRY FENCE IS A SUPERIOR
SOUND BARRIER AND MORE PERMANENT THAN THE
PROPOSED 6' WOOD FENCE. IT IS REQUESTED THAT IT BE
CONSTRUCTED ON A SPREAD CONCRETE FOOTING AND BE
COATED WITH AN EPOXIC PAINT.**

**A WOOD FENCE HAS A LIFE STAGE OF 10 YEARS OR LESS AND
THE PROPOSED MASONRY FENCE CAN BE EXPECTED TO
HAVE A LIFE STAGE MORE CONSISTENT WITH EXPECTED
LIFE STAGE OF THE PROPOSED BUILDING OF 40 YEARS OR
MORE.**

Also request that landscaping be extended to about property line.

David Armbruster

Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Variance #5-1-14 - A request by Brandon Woodrome, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 30 feet to 27 feet interior side-yard setback located at 2910 South 66th Street

LOT LOCATION AND SIZE

The subject property is on the west side of South 66th Street between Boston Street and Rogers Avenue. The tract contains an area of 1.39 acres with approximately 275 feet of street frontage along South 66th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north, west, and south are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

The areas to the east are zoned Commercial Heavy (C-5) and are developed as a salon and retail sales.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 66th Street as a Major Collector.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Attached. This classification is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

REQUESTED VARIANCE

Approval of the variance from 30 feet to 27 feet interior side-yard setback will allow an existing house that is part of an on-going multifamily development to remain at its current location. If the variance is not approved the contractor will be required to adjust the structure to meet the required setback.

APPLICANT HARDSHIP

The applicant states that if the strict enforcement is required he will have to remove three feet of the existing structure, which would be a detriment to the aesthetics of the project.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, January 2, 2014, 7:15p.m., at 3201 Rogers Avenue. Five residents attended the neighborhood meeting. There were no objections to the proposed variance. A copy of the attendance record and meeting summary are enclosed.

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Because the existing single family lot is part of the multifamily development currently under construction, the 30' interior setback is applicable. However, in staff's opinion because the use is still single family, the requested variance from 30' to 27' will have no effect on surrounding property owners.

Staff recommends approval of the variance on the following conditions:

- 1) The structure remains as single family residential
- 2) A 6' foot privacy fence on the west property line to screen the adjacent single family residential.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Carnegie Room; Fort Smith Public Library

Meeting Time & Date 7:15 pm January 2, 2014

Meeting Purpose Discuss proposed variance for structure at 2910 S. 66th Street

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
X1.	<u>Mary Kuni</u>	<u>Lanasa</u>	<u>674-5152</u>
2.	<u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2291</u>
3.	<u>Jany Kuni</u>	<u>Lanasa</u>	<u>674-5152</u>
4.	<u>Gary Reynolds</u>		
5.	<u>Ward Zain</u>	<u>3000 S. 66th</u>	
6.	<u>Janetta Dean</u>		
7.			
8.			
9.			
10.			
11.			

Summary of Neighborhood Meeting
To Discuss Proposed Variance
At 2910 S 66th St

Five people showed up to the Neighborhood Meeting from the Neighborhood. The Neighbors had several questions to clarify the project but no concerns. Time was taken with each attendee individually to discuss the request.

Var. # 5-1-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 2910 S. 66th, Existing or Proposed

Zoning Classification R3-MF, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

<u>FROM</u>		<u>TO</u>	
<u> </u>	-	<u> </u>	Front Yard Setback or Minimum Distance from Right-of-Way
<u> </u>	-	<u> </u>	Exterior Side Yard Setback
<u>30</u>	-	<u>27</u>	Interior Side Yard Setback
<u> </u>	-	<u> </u>	Rear Yard Setback
<u> </u>	-	<u> </u>	Maximum Height of Structure
<u> </u>	-	<u> </u>	Minimum Distance Between Structures on the Same Lot
<u> </u>	-	<u> </u>	Minimum Lot Area (Square Feet)
<u> </u>	-	<u> </u>	Minimum Lot Frontage
<u> </u>	-	<u> </u>	Maximum Size of a Sign
<u> </u>	-	<u> </u>	Other: <u> </u>

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this

28 F

publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 17 day of December, 2013.

Signed:

Brandon Woodrone
Owner or Agent Name (please print)

[Signature]
Owner or Agent (Please Sign)

479-883-0957
Owner or Agent Phone Number

12/17/13
Date

PO Box 2771
Owner or Agent Mailing Address

Email

FS, AR 72913

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

28H

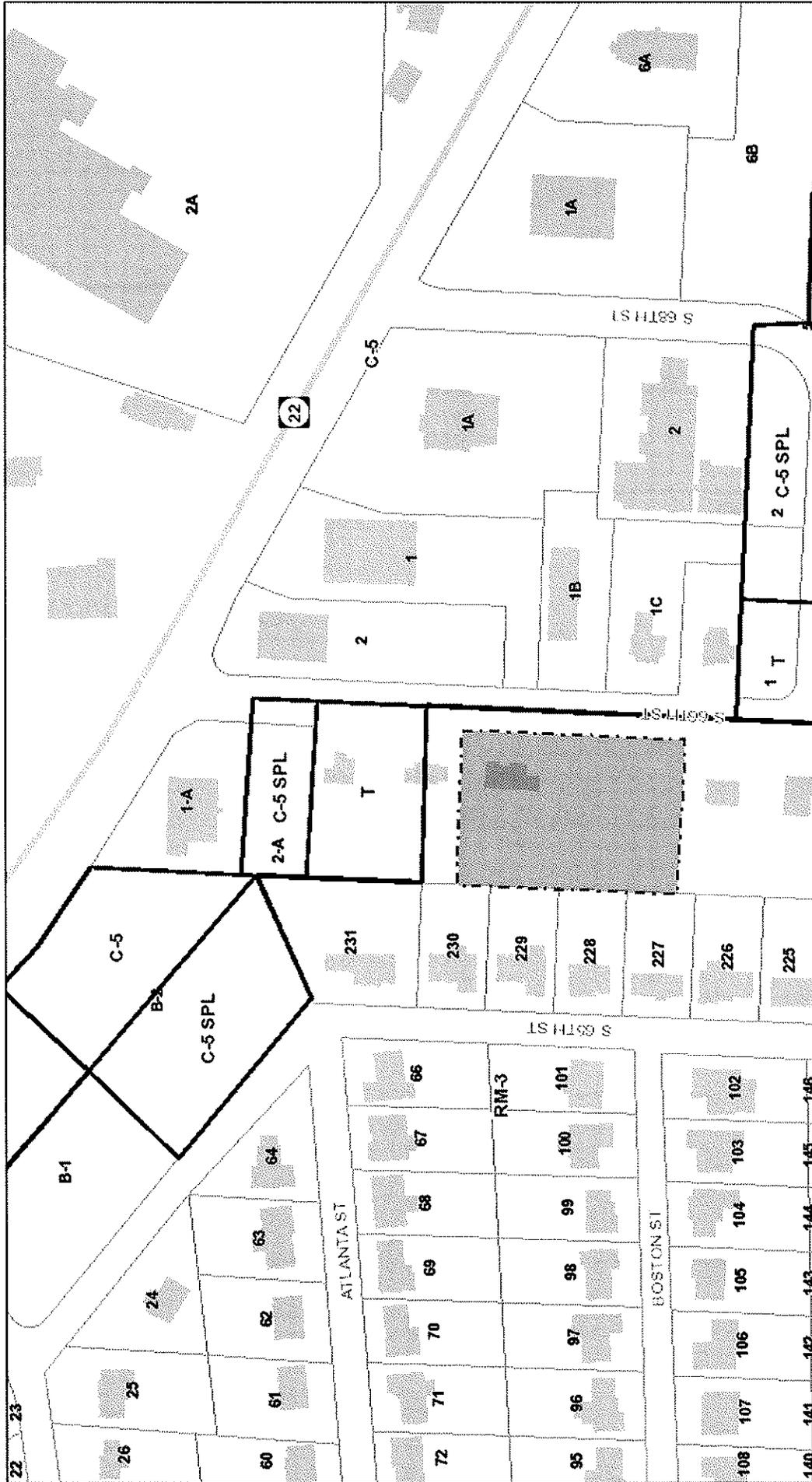
Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The existing structure is non conforming. If code is strictly enforced I would have to cut 3' off the structure which would be a detriment to the aesthetic of my project and of 66th

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

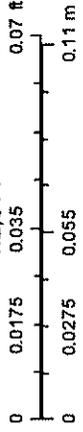
Variance #5-1-14: From 30' to 27' Interior Side Yard Setback 2910 South 66th Street



December 23, 2013

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

1:2,014



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Memo

To: City Planning Commission

From: Planning Staff

Date: January 3, 2014

Re: Variance #6-1-14 - A request by Travis Brisendine, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 10' to 5' width of parking lot screening and from the requirement to install trees at 5401 Phoenix Avenue (Companion to items #15, #16 & #17)

LOT LOCATION AND SIZE

The subject property is on northwest side of intersection of Phoenix Avenue and Leigh Avenue. The tract contains an area of 2.0 acres with approximately 294 feet of street frontage along Phoenix Avenue and approximately 233 feet of street frontage along Leigh Avenue.

PROPOSED ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

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Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily Medium Density (RM-3) and are Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the Air National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are developed as vacant land.

The areas to the west are zoned Industrial Light (I-1) and are developed as the ramp onto Interstate 540.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial and Leigh Avenue as Major Collector.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance. (companion item #15 is a Rezoning request from Industrial Light (I-1) to Commercial Heavy (C-5), companion item #16 is a Development Plan to allow for a beer, wine and liquor store, companion item 17 is a Development Plan Deferral for the undeveloped portion of the property being rezoned.)

REQUESTED VARIANCE

The approval of this variance would allow for the width of the perimeter landscaping to be 5' wide instead of the required 10' wide along with the use of only shrubs and no trees in the perimeter landscaping.

29B

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily Medium Density (RM-3) and are Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the Air National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are developed as vacant land.

The areas to the west are zoned Industrial Light (I-1) and are developed as the ramp onto Interstate 540.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial and Leigh Avenue as Major Collector.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance. (companion item #15 is a Rezoning request from Industrial Light (I-1) to Commercial Heavy (C-5), companion item #16 is a Development Plan to allow for a beer, wine and liquor store, companion item 17 is a Development Plan Deferral for the undeveloped portion of the property being rezoned.)

REQUESTED VARIANCE

The approval of this variance would allow for the width of the perimeter landscaping to be 5' wide instead of the required 10' wide along with the use of only shrubs and no trees in the perimeter landscaping.

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APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 5401 Phoenix Avenue, Existing or Proposed

Zoning Classification requesting C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign
- 10 - 5 Other: Section 27-602-3 (B)(c)

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

TRAVIS BRISINDALE
Owner or Agent Name *(please print)*

Owner

452-1933
Owner or Agent Phone Number

or

Agent

PO Box 10064
Owner or Agent Mailing Address

Variance # _____

29E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>X</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>X</u>	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Existing drainage and utility easements are located along the south and east side of the site.

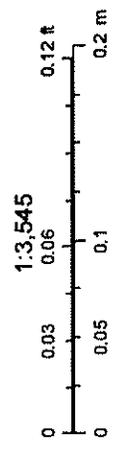
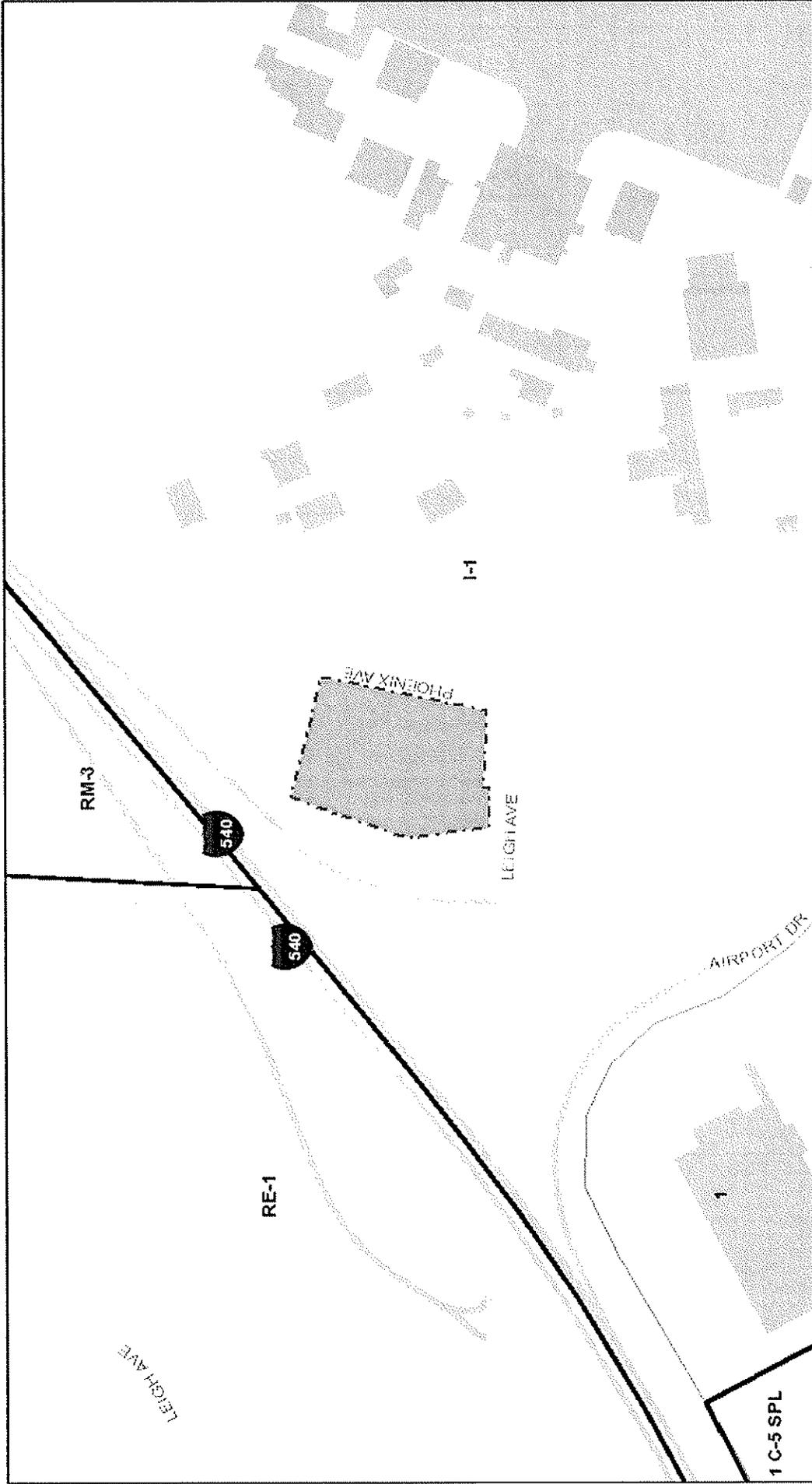
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

We are requesting a variance from the current 10-foot perimeter landscape requirement to a proposed 5-foot strip with only shrubs.

The location of the existing easements previously discussed and the proposed detention pond walls limit the types of plantings in this location.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

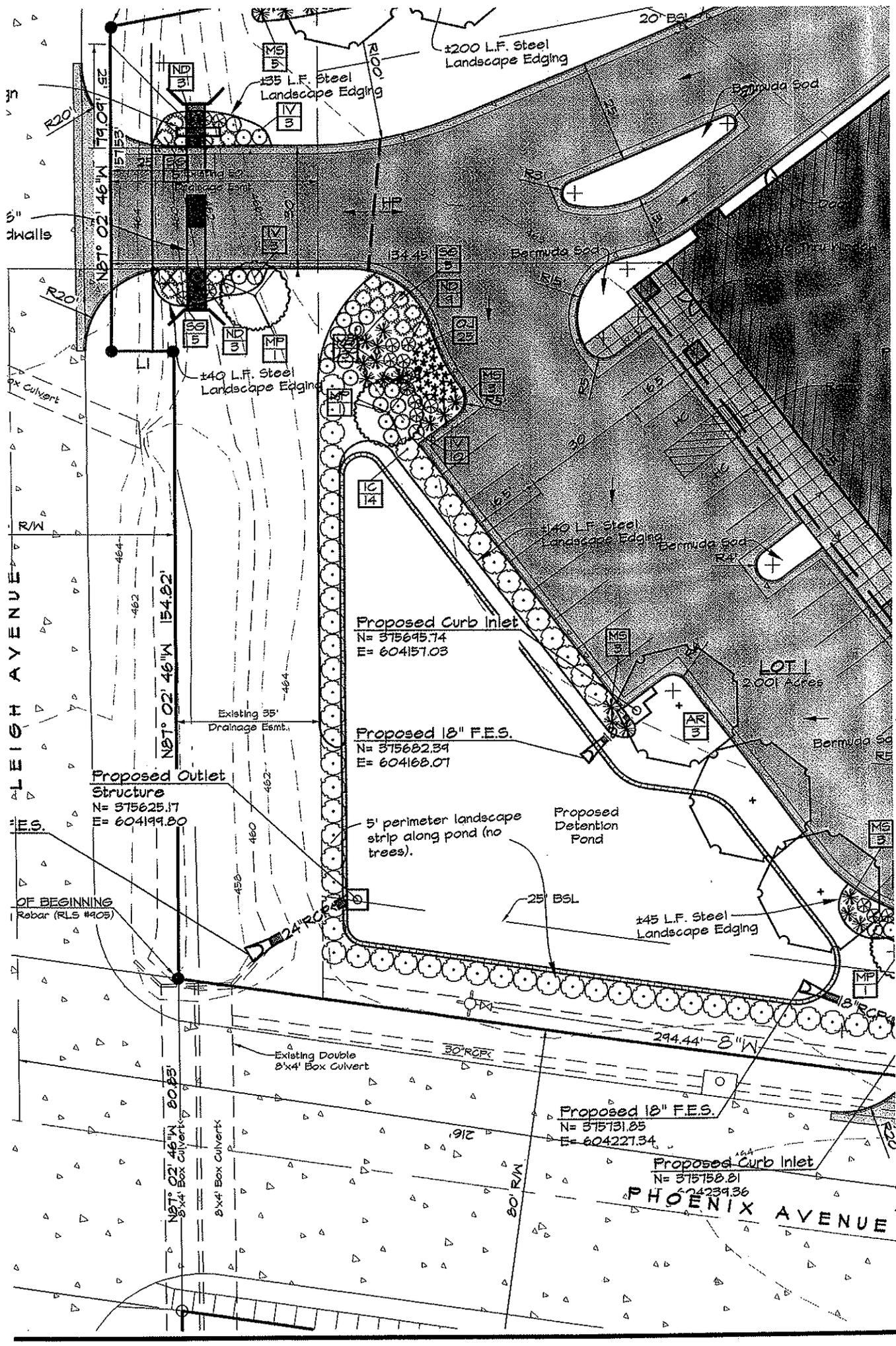
Variance #6-1-14: From 10' to 5' minimum width of landscaping and no trees (Section 27-602-3(B)(C))
 5401 Phoenix Avenue



December 30, 2013

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints

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DALEIGH AVENUE

PHOENIX AVENUE

NBT° 02' 46" W 154.82'

Proposed Outlet Structure
 N= 375625.17
 E= 604199.80

Proposed Curb Inlet
 N= 375695.74
 E= 604157.03

Proposed 18" F.E.S.
 N= 375652.39
 E= 604168.07

Proposed 18" F.E.S.
 N= 375131.85
 E= 604227.34

Proposed Curb Inlet
 N= 375158.81
 E= 604239.36

Existing 35' Drainage Esmt.

5' perimeter landscape strip along pond (no trees).

Proposed Detention Pond

±200 L.F. Steel Landscape Edging

±35 L.F. Steel Landscape Edging

±40 L.F. Steel Landscape Edging

±40 L.F. Steel Landscape Edging

±45 L.F. Steel Landscape Edging

5" walls

R/W

E.S.

OF BEGINNING
 Rebar (RLS #105)

NBT° 02' 45" W 80.83'
 8"x4" Box Culvert

8"x4" Box Culvert

Existing Double 8"x4" Box Culvert

30" ROP

80' R/W

294.44' 8" W

25' BSL

24" ROP

18" ROP

15" ROP

12" ROP

9" ROP

6" ROP

3" ROP

0" ROP

20' BSL

15' BSL

10' BSL

5' BSL

0' BSL

20' BSL

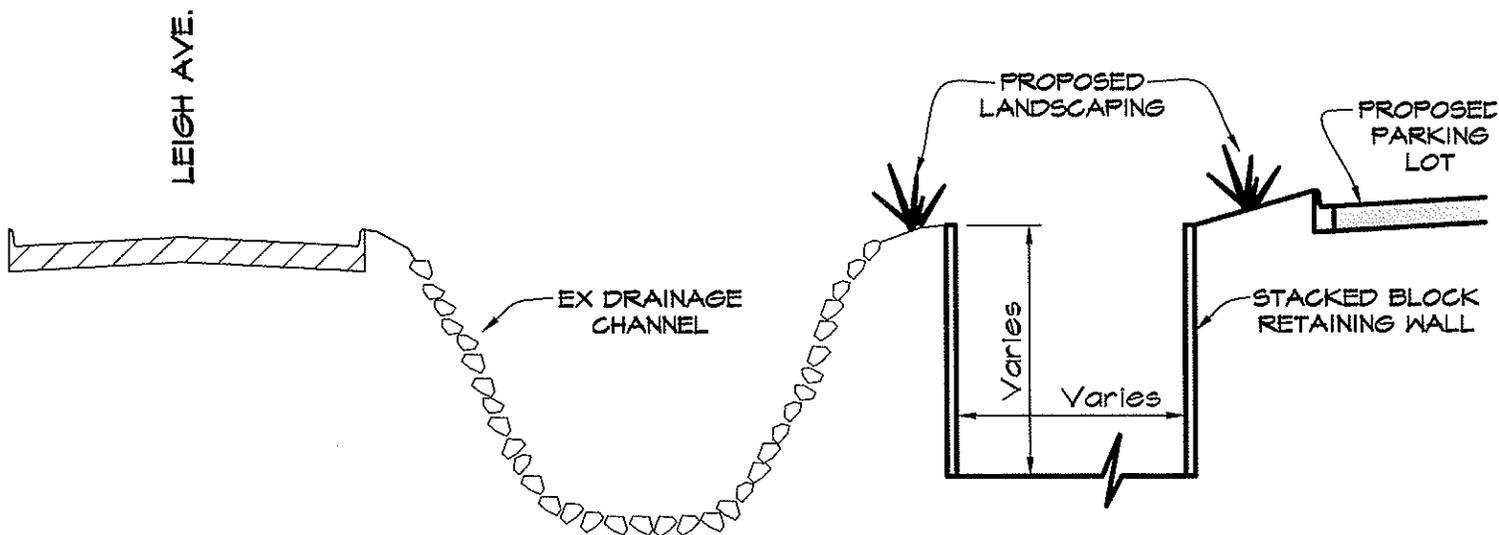
15' BSL

10' BSL

5' BSL

0' BSL

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TYPICAL DETENTION POND CROSS-SECTION

NTS

MORRISON SHIPLEY
ENGINEERS • SURVEYORS

P.O. Box 10064 • Fort Smith, AR 72917 • 479.452.1933 • morrisonshiple.com

**LEIGH AVENUE
BUSINESS PARK**

Fort Smith, Sebastian County, Arkansas

Drawn By:

JMN

Date:

01.10.14

Project No.:

CLK-01

Drawing Name:

EXHPONDWALL