

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JUNE 10, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MAY 13, 2014

III. STAFF COMMENTS AND PROCEDURES

1. Final Plat – Massard Square – Brixey Engineering
2. Rezoning #12-6-14; A request by David Harris, agent for a neighborhood rezoning from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street, 2001-2219 South “W” Street, 2100-2230 South “W” Street, 2400 South 21st Street, 2215 Jenny Lind, 2203 South 21st, 2312-2322 South 23rd, 2222 South 23rd and 2300-2302 South 22nd Street.
3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4 & #4A)
4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)
 - A. A request for development plan deferral located at 6100 and 6200 Massard Road.

5. Rezoning #13-6-14; A request by Gregg Teece, agent for Goddard United Methodist Church, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 1922 Dodson Avenue.
6. A request by Galen Hunter, agent for Joey Cole for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)
7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)
 - A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.
8. A request by Kofi Addo, agent for Wal-Mart Stores, Inc., for development plan approval for a convenience store/gasoline sales located at 8303 Rogers Avenue.
9. Conditional Use #8-6-14; A request by Danny Johnson, agent for the Fort Smith School District for a school addition for Northside High School located at 2225 Rogers Avenue.
10. Home Occupation #5-6-14; A request by Kerry Decker for a home occupation for a hauling and vending machine business located at 600 South 18th Street.

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

11. Variance #19-6-14; A request by Larry Hall, agent for Robert Goldtrap for a variance from 20 feet to 7 feet interior side yard setback located at 8309 Phoenix Avenue.
12. Variance #20-6-14; A request by Woodrow Anderson for the following variances:
 - A. From 25 feet to 18 feet front yard setback and from 6,500 square feet to 6,209 square feet minimum lot area located at 2922 Kinkead.
 - B. From 25 feet to 13 feet front yard setback and from 10 feet to 7.6 feet rear yard setback located at 625 North 30th Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 13, 2014**

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

Chairman Sharpe called for the vote on the minutes from the April 8, 2014, Planning Commission meeting. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

- 1. Preliminary Plat – Chaffin Woods – Lot 1 – Brixey Engineering**
- 2. Final Plat – Chaffin Woods – Lot 1 – Brixey Engineering**

Ms. Brenda Andrews read the staff reports indicating that this would be a multifamily development.

Mr. Ron Brixey was present to speak on behalf of these plats.

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

Chairman Sharpe then called for the vote on the preliminary and final plats for Chaffin Woods – Lot 1.

- 1. Preliminary Plat – Chaffin Woods – Lot 1 – Brixey Engineering**

The vote on the preliminary plat was 9 in favor and 0 opposed. The preliminary plat was approved subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

- 2. Final Plat – Chaffin Woods – Lot 1 – Brixey Engineering**

The vote on the final plat was 9 in favor and 0 opposed. The final plat was approved subject to the following:

- Construction plans for the off-site public improvements being approved by the City and the improvements being bonded or built and accepted by the City prior to the filing of the final plat.
- 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.

3. Rezoning #11-5-14; A request by Mickle-Wagner-Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from:

A. Not Zoned to Industrial-1 by Classification located at 10300 Roberts Boulevard; 12201 Roberts Boulevard and 8201 Flagstone Road and from Not Zoned to Industrial-1 by Extension located at 8100 Chad Colley.

B. Not Zoned to Industrial-2 by Classification located at 8201 Chad Colley.

C. Not Zoned to Industrial-3 by Classification located at 10000 Roberts Boulevard.

Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to establish zoning on property as it is currently developed and to be consistent with the Master Land Use Plan. Mr. Bailey stated that the rezoning includes three (3) existing developments: Graphics Packaging, Inc., Mitsubishi and Mars Petcare and three (3) undeveloped tracts with total acreage of the properties included in the rezoning request being 275.96.

Mr. Bailey noted that the four (4) properties proposed as Industrial Light (I-1) contain an approximate total combined acreage of 145.50 acres.

The property being proposed as Industrial Moderate (I-2) contains an approximate area of 90 acres.

The property being proposed as Industrial Heavy (I-3) contains an approximate area of 40.45 acres.

Mr. Bailey stated that a neighborhood meeting was held on Thursday, May 8, 2014 at 7020 Taylor Avenue (FCRA Offices) with no surrounding property owners in attendance.

Mr. Randy Coleman was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Cooper).

4. Conditional Use #5-5-14; A request by Eloy Tarin & Yolanda Tarin, agent for Dale Allen, for a conditional use for a church located at 821 North 10th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for an existing building to be utilized for a small church. Ms. Rice stated that the church would like to utilize the first floor of the building located at 821 North 10th Street and no exterior changes to the property are being proposed. Ms. Rice also noted that the applicants have stated that any trash they generate would be taken home to be disposed of.

Ms. Rice noted that a neighborhood meeting was held on Saturday, April 26, 2014 on site with one (1) neighbor attending but expressed no objections.

Mr. Eloy Tarin was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the conditional use request. The vote was 9 in favor and 0 opposed.

5. Conditional Use #6-5-14; A request by Tyson Washburn, agent for Jerald Baker & Aaron Littlefield III, for a conditional use for a bus station and terminal located at 3401 Cavanaugh Road.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow a bus station terminal to be incorporated in the existing truck stop (Jam Mart) located at 3401 Cavanaugh Road. Mr. Bailey stated that the changes to the site will be minimal adding a bus loading zone and an outside smoking location.

Mr. Bailey indicated that Jefferson Bus Lines would like to relocate from their existing downtown location and if approved, would occupy a space within the existing convenience store with the only addition to be a small fenced area for smokers.

Mr. Bailey also indicated that a neighborhood meeting was held on Tuesday, April 29, 2014, at the site with no neighboring property owners in attendance.

Mr. Tyson Washburn was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the conditional use request. The vote was 9 in favor and 0 opposed.

6. Conditional Use #7-5-14; A request by James M. Reddick, agent for the Salvation Army, for a conditional use for a private vegetable garden located at 518 North 4th Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the Salvation Army to develop a private fruit/vegetable garden. Ms. Andrews noted that the site would include on-site parking and a storage building.

Mr. James Reddick was present to speak on behalf of this request.

Mr. Bob Faulkner, 501 North 5th Street, also stated that he was in support of this request and felt this type of development with the fencing around it would solve the problem he has had with the homeless walking through his yard.

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

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

- All construction being built in accordance with the approved development plan.
- A building permit is required to be obtained for the storage building, driveway and parking lot.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

7. Home Occupation #4-5-14; A request by Jeremiah James for a home occupation for a custom container gardens business located at 3301 Londonderry Road.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow the applicant to create custom container gardens, including the germination and propagation of plants in an existing 10' x 10' sunroom on the rear of his home.

Ms. Rice noted that two (2) calls had been received opposing this request based on the fact that they were opposed to any home based business in the neighborhood. Ms. Rice also indicated that a letter from the Fianna Hills Architectural Committee had been received indicating that they had met and voted against this home occupation request.

Mr. Jeremiah James was present to speak on behalf of this request.

Ms. Kay Lovell was present to speak in opposition to the request stating that she felt the area should remain a neighborhood with no businesses being allowed.

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

- Compliance with the minimum requirements for Home Occupations.
- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.
- No customers shall come to this location.

Chairman Sharpe then called for the vote on the home occupation request as amended. The vote was 7 in favor and 2 opposed (Sharpe, Newton).

8. Unified Development Ordinance Amendments

Mr. Wally Bailey read the staff report indicating that the purpose of these Unified Development Ordinance amendments is to allow some things that regularly encroach into setbacks without having to request a zoning variance or being in conflict with the code and also to correct references made within the code that are currently incorrect. Mr.

Bailey noted the following proposed amendments to the Unified Development Ordinance:

Page 171 – Item #3 shall read as follows:

The following structures may encroach no more than three feet into the required setbacks if: (1) they are approved by the city building official, and (2) provided that they do not cross property lines or utility easements:

- a. porches, deck landings and stairs, provided they are for single story buildings and are not covered;
- b. play equipment;
- c. clothesline poles if not located in the setbacks adjacent to street right-of-way;
- d. portable yard furniture;
- e. overhangs, coves and cornices as defined in the currently adopted building code may be allowed, provided they do not exceed 3 feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level;
- f. mechanical units;
- g. area and security lighting fixtures and supports (poles);

Page 172 - #8 shall read as follows:

The following structures are exempt from setback regulations as specified below:

- a. patios, terraces, walks and driveways provided they are at grade and do not have enclosed walls or a roof;
- b. ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;
- c. fences

Commissioner Spearman requested the word “and” be added to paragraph a.

Page 191 - #4 Signs – a. Permitted signs - #1 shall read as follows:

Business signs as defined in Section 27-200 shall be permitted in the Historic District. A business sign shall not exceed six (6) square feet in area.

Page 339 – D. Height of Screening shall read as follows:

The height of a screening buffer, except for parking lot screening required by section 27-602-3(C), shall comply with the following

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

Chairman Sharpe then called for the vote on the Unified Development Ordinance Amendments as proposed. The vote was 9 in favor and 0 opposed.

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

- 9. Variance #17-5-14; A request by Jessica Hougen & Blake Vaughn for a variance from 5 feet to 0 feet rear yard setback and from the requirement that accessory structures shall be incidental and subordinate to the principal structure located at 419 North 19th Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of these variance requests is to allow the owners to construct a new garage on the existing slab. Ms. Rice stated that the owners would like to place the new garage on the existing slab to maintain the historic value of the property. Ms. Rice noted that this property had a garage that burned in 2009.

Ms. Rice stated that a neighborhood meeting was held on Sunday, May 4, 2014, at 3:00 p.m. located at 419 North 19th Street with one (1) neighbor in attendance and no concerns were expressed.

Ms. Hougen was present to speak on behalf of this variance request.

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

Chairman Sharpe then called for the vote on the variance request. The vote was 9 in favor and 0 opposed. The variance was approved as per the submitted site plan.

Commissioner Howard substantiated his reasons for approving the variance by stating that he felt this variance would be a good positive growth for the neighborhood.

10. Variance #18-5-14; A request by Andre Good, agent for Lorraine Booker for a variance from 20 feet to 8 feet and from 20 feet to 18 feet front yard setback at 1421 North 21st Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the construction of a covered porch within the front yard setback and recognize the existing encroachment of the house.

Mr. Andre Good was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the variance request. The vote was 9 in favor and 0 opposed. The variance was approved as per the submitted site plan.

Commissioner Howard substantiated his reasons for approving the variance by stating that he felt this variance would be an improvement to the neighborhood.

Meeting Adjourned!

SUBDIVISION COMMENTS

June 10, 2014

1. Massard Square – Final Plat – Brixey Engineering

Zoning Designation:

Planned Zoning District (PZD)

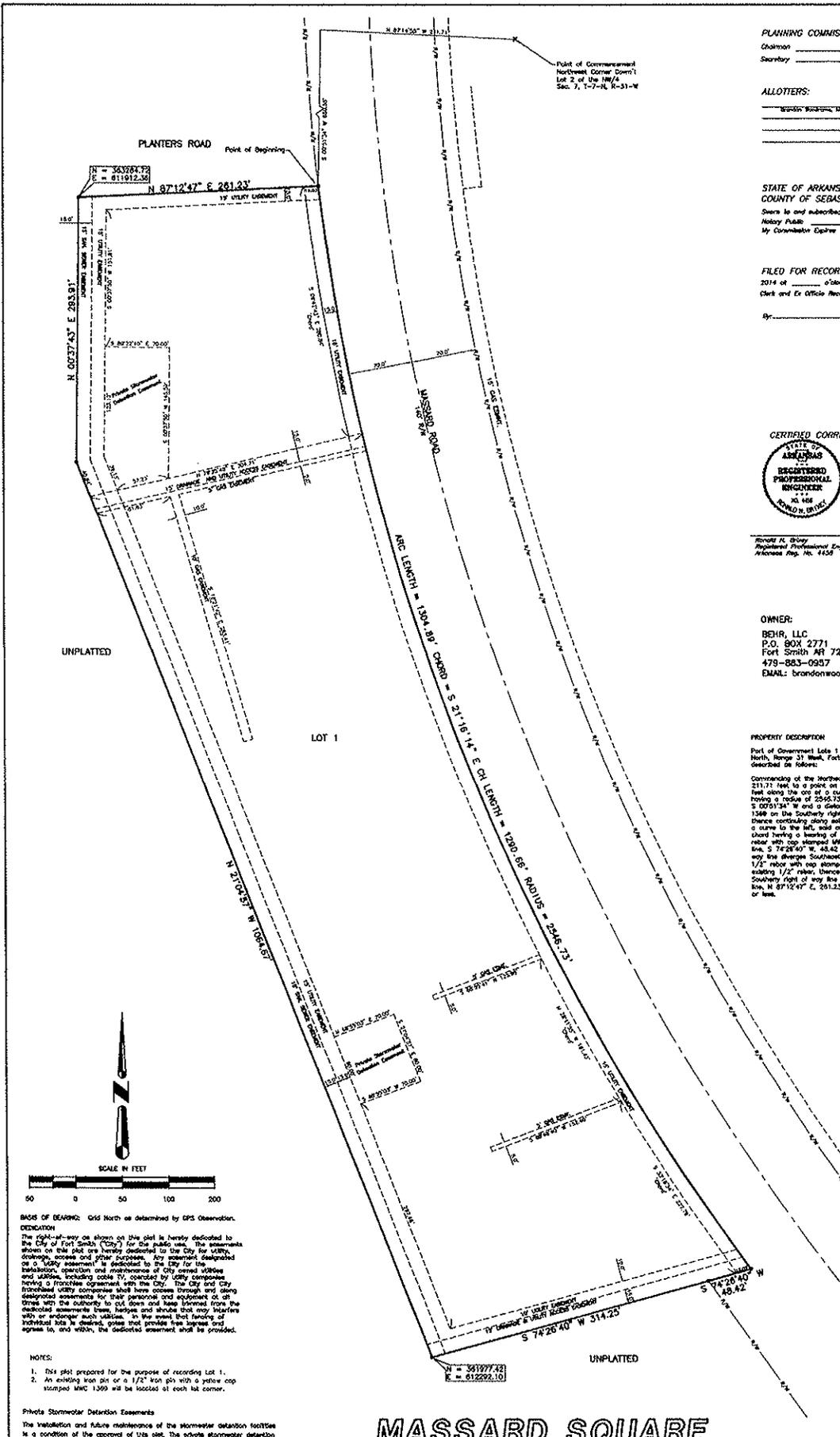
Land Use:

Provides locations for comprehensive & innovative planning and design of diversified yet harmonious developments that are consistent with the comprehensive plan and utilizes design standards greater than the minimum required by the UDO.

Proposed Use:

Commercial Uses and Multi-Family Development

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.



PLANNING COMMISSION APPROVAL

Chairman _____ Date _____
 Secretary _____

ALLOTTERS:
 Brandon Woodrome, Knapley Tower, BEHR, LLC

**STATE OF ARKANSAS
 COUNTY OF SEBASTIAN**

Shewn to and subscribed before me this day _____
 Notary Public
 My Commission Expires _____

FILED FOR RECORD this _____ day of _____
 2014 at _____ o'clock _____ PM
 Clerk and Ex. Office Recorder

CERTIFIED CORRECT:



Ronald K. Gray
 Registered Professional Engineer
 Arkansas Reg. No. 4458

Ronald K. Gray
 Registered Land Surveyor
 Arkansas Reg. No. 2009

OWNER:
 BEHR, LLC
 P.O. BOX 2771
 Fort Smith AR 72913
 479-883-0937
 EMAIL: brandonwoodrome@gmail.com

PROPERTY DESCRIPTION

Part of Government Lots 1 and 2 of the Northwest Quarter of Section 7, Township 7 North, Range 33 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Containing of the Northwest Corner of said Government Lot 2; thence N 87°14'30" W, 211.73 feet to a point on the Westerly right of way line of segment 1309; thence S 62°43' feet along the east of a curve to the left in said Westerly right of way line, said curve having a radius of 2546.73 feet and being subtended by a chord having a bearing of S 02°37'43" E and a distance of 650.28 feet to a 1/2" rebar with top stamped LMC 1388 on the Southern right of way line of Planter's Road and the Point of Beginning; thence continuing along said Westerly right of way line said 1309; thence along the arc of a curve to the left, said curve having a radius of 2546.73 feet and being subtended by a chord having a bearing of S 21°16'14" E and a distance of 1200.55 feet to a 1/2" rebar with top stamped LMC 1388; thence continuing along said Westerly right of way line, S 74°26'40" W, 45.42 feet to an existing 1/2" iron pin, of which point said right of way line changes Southwesterly; thence continuing S 74°26'40" W, 318.25 feet to a 1/2" rebar with top stamped LMC 1388; thence S 74°26'40" W, 1044.87 feet to an existing 1/2" rebar; thence S 02°37'43" E, 583.91 feet to an existing 1/2" rebar on said Southern right of way line of Planter's Road; thence along said Southern right of way line, N 87°12'47" E, 261.25 feet to the Point of Beginning, containing 8.94 Acres, more or less.

BASES OF BEARINGS: Grid North as determined by GPS Observation.

DEDICATION
 The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for the public use, the easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a utility easement is dedicated to the City for the installation, operation and maintenance of city owned water and sewer, including cable TV, operated by utility companies and utilities, and other utility easements. The City and City Residents utility companies shall have access through and along the dedicated easements for their personnel and equipment at all times with the authority to cut down and have removed from the dedicated easements trees, bushes and shrubs that may interfere with or endanger such utilities. In the event that funding of individual bids is desired, copies shall provide free access and agree to, and within, the dedicated easement shall be provided.

- NOTES:**
1. This plat prepared for the purpose of recording Lot 1.
 2. An existing iron pin or a 1/2" iron pin with a yellow cap stamped LMC 1389 will be located at each lot corner.

Private Stormwater Detention Easements
 The installation and future maintenance of the stormwater detention facilities is a condition of this plat. The private stormwater detention easements are perpetual easements for the stormwater detention facilities, and the use of the easement areas is restricted for this purpose, and purpose not inconsistent (as determined by the City) with this purpose. The property owner is obligated to maintain the detention facilities in a fully functional condition. By action of its governing body, the City may modify, release or vacate the owner's obligations and the stormwater detention easements.

MASSARD SQUARE

BEING A PART OF GOVERNMENT LOTS 1 AND 2 OF THE NORTHWEST QUARTER SECTION 7, TOWNSHIP 7 NORTH, RANGE 31 WEST CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

JUNE 2014

BRIDGES ENGINEERING & LAND SURVEYING, INC. 2014
 ALL INFORMATION ON THIS PLAT IS BASED ON THE SURVEY DATA AND RECORDS OF THE SURVEYOR AND THE INFORMATION PROVIDED BY THE ALLOTTERS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PLAT AND HAS FOUND IT TO BE CORRECT AND ACCURATE.



LEGEND
 Red Line Plt
 Blue Line Plt

BRIDGES ENGINEERING & LAND SURVEYING, INC.
 701 West A. Street, Ft. Smith, Arkansas 72901

1B

Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Rezoning #12-6-14 - A request by David Harris, agent, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension at 2001-2127 South "V" Street; 2205-2219 South "V" Street; 2000-2228 South "V" Street; 2001-2219 South "W" Street; 2100-2230 South "W" Street; 2400 South 21st Street, 2215 Jenny Lind Road, 2203 South 21st Street, 2312-2322 South 23rd Street, 2222 South 23rd Street, and 2300-2302 South 22nd Street

PROPOSED ZONING

The proposed Residential Single Family Medium/High Density (RS-3) zone is a corrective rezoning to reflect how the area has developed.

LOT LOCATION AND SIZE

The requested rezoning area is bound by Jenny Lind Road, the alley between South "U" Street and South "V" Street, South 23rd Street and South "X" Street. The area contains approximately 20 acres and has approximately 91 lots.

REQUESTED ZONING

The requested zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family 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 – 6,500 square feet | Maximum Height - 35 feet (1+1) |
| Maximum Density – 6.7 Dwelling Units/Acre | Maximum Lot Coverage - 60% |
| 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 - 25 feet | |
| Side Yard Setback – 7.5 feet | |
| Rear Yard Setback - 10 feet | |
| Minimum building separation – 10 feet | |

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 are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family and duplex residences.

The areas to the east are zoned Residential Single Family Duplex Medium/High Density (RSD-3) and Residential Single Family Medium/High Density (RS-3) and are developed as single family and multifamily residences.

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

The areas to the west are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences and an office.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* 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 zone change will not conflict with the goals and objectives of the Master Land Use Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, May 19, 2014 at Fort Smith Public Library. Twelve (12) people were present at the neighborhood meeting. Two of the property owners in attendance were opposed to the rezoning and their properties were removed from this application. The remaining persons in attendance were there just for information and no objections were voiced. A copy of the attendance record and meeting summary are enclosed.

The proposed rezoning is to exclusively allow single family development.

Based on the predominate single family development of the neighborhood, staff recommends approval.

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

2. Address of property: § 2205 - 2219 South V St
2001 - 2127 South V St, 2000 - 2228 SV St, 2001 - 2219 S W St, 2100 - 223 SW
2400 S 21st St, 2215 Jenny Lind, 2203 S 21st, 2312 - 2322 S 23.
2222 S 23rd St, 2300 - 2302 S 22nd St,

3. The above described property is now zoned: RM-3

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

5. Why is the zoning change requested?

corrective neighborhood rezoning

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

Signed:

David Harris
Owner or Agent Name

(please print)

• Owner

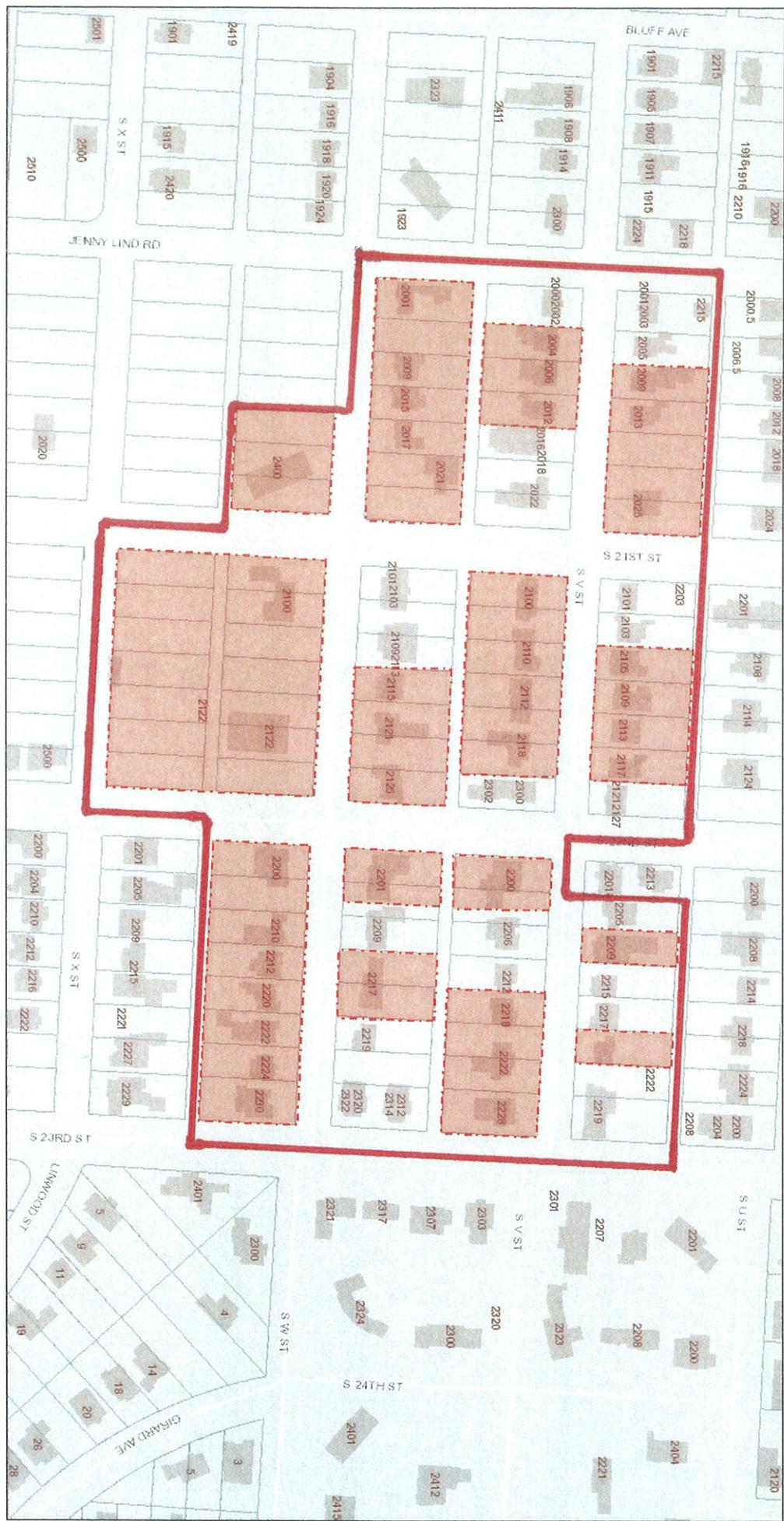
2025 S V St
Owner or Agent Mailing Address

or
David Harris
Agent

479.783.5551
Owner or Agent Phone Number

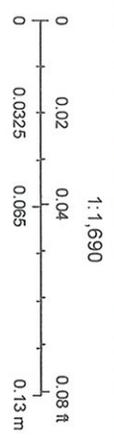
Proposed Neighborhood Rezoning Authorization of Agent

2E



June 5, 2014

Fort Smith City Limits
 Subdivisions
 Building Footprints

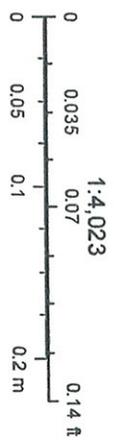


Rezoning #12-6-14: From Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3)

H2



- May 20, 2014
- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location FS PUBLIC LIBRARY

Meeting Time & Date 5:30 P.M. 19 May 2014

Meeting Purpose REZONING

| | <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|-----|----------------------------------|-----------------------------------|------------------------|
| 1. | <u>Doc Hyler</u> | <u>2203 So 21st St</u> | <u>479-719-3216</u> |
| 2. | <u>Wrenette Ritchie</u> | <u>7818 Euper Ln</u> | <u>479-478-0142</u> |
| 3. | <u>Kristin Fowler</u> | <u>2209 So V St.</u> | <u>479-414-6003</u> |
| 4. | <u>Dixie Skinner</u> | <u>2008 So "V" St</u> | <u>479-783-6102</u> |
| 5. | <u>German Kenner</u> | <u>2009 So V St</u> | <u>479-444-5894</u> |
| 6. | <u>Jerry Colman</u> | <u>2013 So V St</u> | <u>479-629-5773</u> |
| 7. | <u>Lavern Craig</u> | <u>2001 So. W St</u> | <u>479-783-1344</u> |
| 8. | <u>Don Baydij</u> | <u>2201 So "V"</u> | <u>479-452-3402</u> |
| 9. | <u>Randall & Sarah Stone</u> | <u>2220 So W</u> | <u>479-459-3486</u> |
| 10. | <u>Earl & Mary</u> | <u>2222 & 2224 So W</u> | <u>479-414-7127</u> |
| 11. | <u>Charles Sedken</u> | <u>2219 So W</u> | <u>242-2344 office</u> |
| 12. | <u>Barbara Deebe</u> | <u>2228 So V St</u> | <u>(479) 782 5519</u> |

Summary of Neighborhood Meeting – On South V Street and South W Street from Jenny Lind Road and South 23rd Street

The meeting was held May 19th at 5:30 p.m. in the main library, 20 people attended, including Maggie Rice with the City. Thirteen of the attendees were homeowners from the proposed rezoning area. The owner and a resident of a duplex adjacent to the area asked how the rezoning would affect them. Owners of four lots on the south side of W street in the 2000 block opposed the rezoning and their property was excluded. The owner of a duplex at the corner of 22nd and V Street also had his property excluded. Meeting adjourned at 6:15 p.m.



David Harris

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: May 29th, 2014

Re: Proposed Master Land Use Plan Amendment by Rob Coleman from unclassified to General Commercial at 6100 and 6200 Massard Road (Companion to item #4 and #4A)

The Planning Department is receipt of an application from Rob Coleman to amend the Master Land Use Map from not classified to General Commercial to accommodate a proposed Commercial Moderate (C-3) zoning request. The subject two (2) lots are on Huntington Circle on the west side of Massard Road.

The property is currently not zoned. A companion zoning application requests a Commercial Moderate (C-3) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

The area to the north is classified as General Commercial and is split as undeveloped, or developed as a gas substation.

The area to the east is not classified and is developed as government offices and storage yard.

The area to the south is classified as General Commercial and is developed as mini-storages.

The area to the west is not classified and is developed as a distribution center.

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

General Commercial

The purpose of the General Commercial land use is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

Characteristics and Use:

Retail sales of all product types requiring transportation of goods; and, professional, technical, and financial services.

3A

Criteria for Designation:

Compliance Noted

- | | |
|--|------------|
| • Compatible with and complimentary to surrounding uses. | YES |
| • Located on high volume arterials and collectors | YES |
| • Located as a cluster of like services | YES |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday June 2nd, 2014 at 813 Fort Street. No surrounding property owners were in attendance.

Based on compliance with the criteria for designation as General Commercial and compatibility with surrounding land uses, staff recommends approval of the application contingent upon approval of the companion applications.

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: | Rob Coleman | | |
| Firm Name: | ERC Land Development Group, LLC | | |
| Address: | 813 Fort Street, Barling, AR 72923 | | |
| Phone # (day): | 479.478.5103 | Phone # (cell): | 479.650.4510 Fax #: 479.452.7252 |
| Owner Name: | ERC Land Development Group, LLC | | |
| Owner Address: | 813 Fort Street, Barling, AR 72923 | | |
| Phone # (day): | 479.478.5103 | Phone # (cell): | 479.650.4510 Fax #: 479.452.7252 |
| Property Address (subject property): 144 & 145, HuntingtonChase, | | | |
| Subject Property | | | |
| Current Land Use: | | | |
| Existing MLUP Classification: | No MLUP | | |
| Proposed MLUP Classification: | General Commercial | | |
| Existing Zoning Classification: | Not Zoned | | |
| Proposed Zoning Classification: | Commercial Moderate (C-3) | | |
| Surrounding Property | | | |
| Current Land Use: north- | | | |
| south- | | | |
| east- | | | |
| west- | | | |
| Existing MLUP Classification: north: | None | | |
| south: | General Commercial | | |
| east: | Chaffee Crossing | | |
| west: | ETJ | | |
| Existing Zoning Classification: north: | Not Zoned | | |
| south: | C-5 | | |
| east: | C-3 | | |
| west: | ETJ 0-1 | | |
| Pre-Application Meeting Date: | 05-09-14 | | |

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:

30

1. A legal description of the subject property that is to be amended (reclassified).
Lot 144 and 145, HuntingtonChase, Fort Smith, Sebastian County, Arkansas, as filed for record December 23, 2008

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.
Lot 144 - 5.49 acres Lot 145 - 1.19 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:

Existing roads of Massard and Huntington Circle are new roads and in excellent condition.

Due to the current conditions of both roads an increase with additional commercial traffic should have a normal impact on future condition.

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 needed utility services and infrastructures are available.

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:

N/A

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:

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

Deferral of review of development plan

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

Deferral of review of development plan

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

Deferral of review of development plan

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:

Deferral of review of development plan

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:

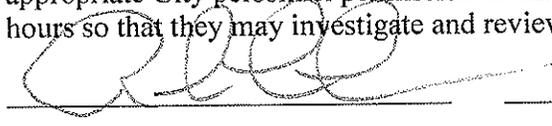
AUTHORIZATION OF AGENT

3E

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.



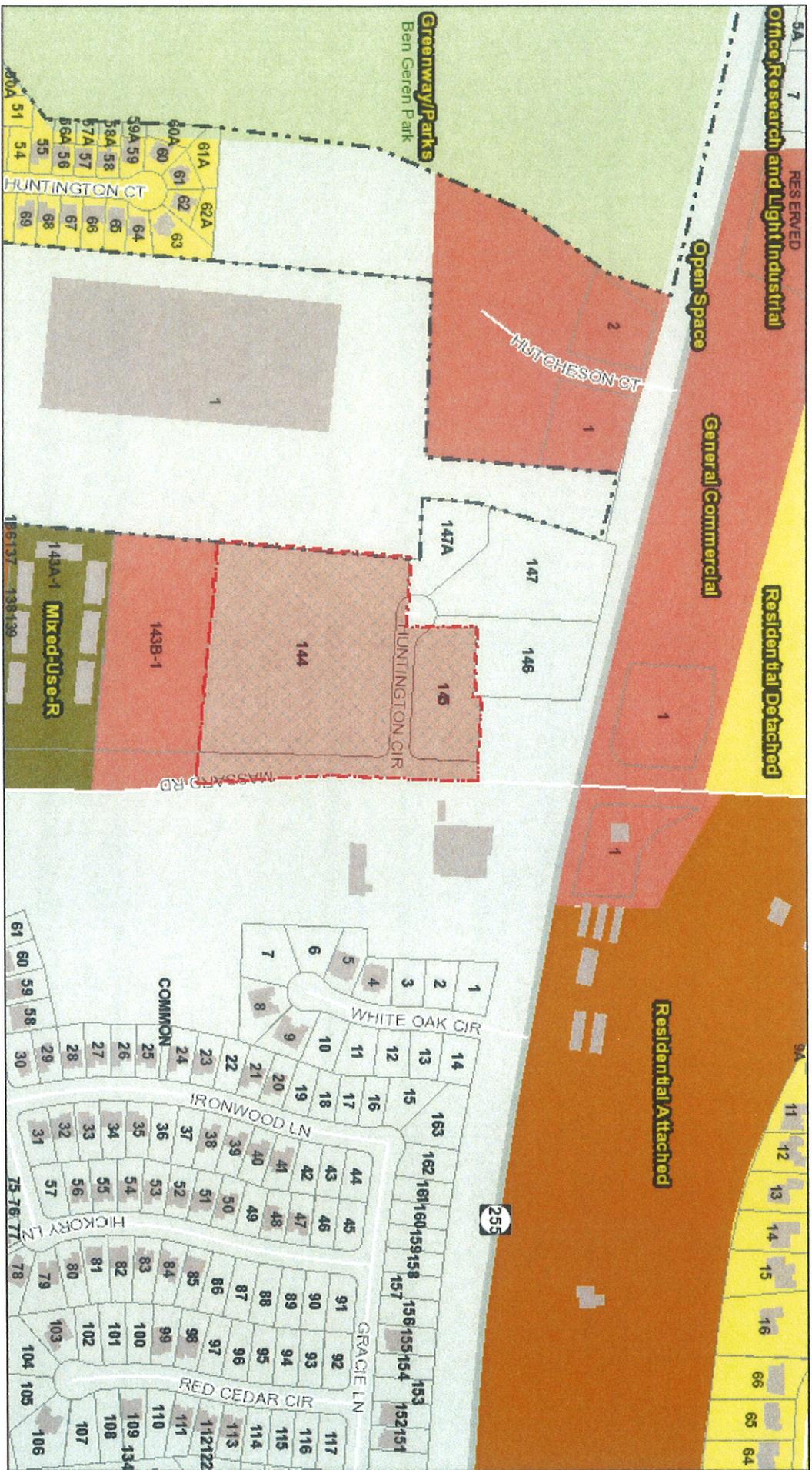
Signature (Agent/Owner)

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: From No MLUP to General Commercial 6100 & 6200 Massard Road

36



Memo

To: City Planning Commission

From: Planning Staff

Date: May 29, 2014

Re: Rezoning #14-6-14 - A request by Rob Coleman for Planning Commission consideration of a zone request from Not Zoned to Commercial Moderate (C-3) by extension at 6100 and 6200 Massard Road (Companion to items #3 & #4A)

PROPOSED ZONING

The rezoning if approved would allow for the site to obtain a zoning that would be compatible to the surrounding and adjacent land uses.

LOT LOCATION AND SIZE

The subject properties are on the west side of Massard Road and on the north and south side of Huntington circle as shown on the map. Both tracts together contain a combined area of 6.68 acres with each tract containing approximately 380 feet of street frontage along Huntington Circle. The north tract contains an approximately 175 feet of street frontage along Massard Road while the South tract contains approximately 480 feet of street frontage along Massard Road.

REQUESTED ZONING

The requested zoning on this tract is Commercial Moderate (C-3). Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the 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-3 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, 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 – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 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
- 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%

EXISTING ZONING

The property is not zoned.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are either undeveloped or developed as a gas substation.

The area to the east is zoned Commercial Moderate (C-3) and is developed as government offices and storage yard.

The area to the south is zoned Commercial Heavy Special (C-5-SPL and is developed as mini-storages.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as a distribution center.

LAND USE PLAN COMPLIANCE

The applicant has submitted a companion Master Land Use Plan Amendment from unclassified to 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 Master Land Use Plan. The applicant has also requested a deferral of the development plan.

MASSARD/ZERO STREET OVERLAY DISTRICT

6100 and 6200 Massard Road are within the Massard/Zero Street Overlay District.

DEVELOPMENT PLAN

The applicant has requested a deferral of the development plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday June 2nd, 2014 at 813 Fort Street. No surrounding property owners were in attendance.

Based on compatibility with surrounding zoning, staff recommends approval of the application contingent upon approval of the companion applications.

HC

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 144 and 145, HuntingtonChase, Fort Smith, Sebastian County, Arkansas, as filed for record December 23, 2008

2. Address of property: Not yet determined

3. The above described property is now zoned: Unzoned

4. Application is hereby made to change the zoning classification of the above described property to C3 by extension.
(Extension or classification)

5. Why is the zoning change requested?

To obtain a zoning classification for the unzoned property that reflects cohesion with surrounding properties.

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

ERC Land Development Group, LLC
Owner or Agent Name
(please print)

Signed: 
Owner

813 Fort Street, Barling, AR 72923
Owner or Agent Mailing Address

or

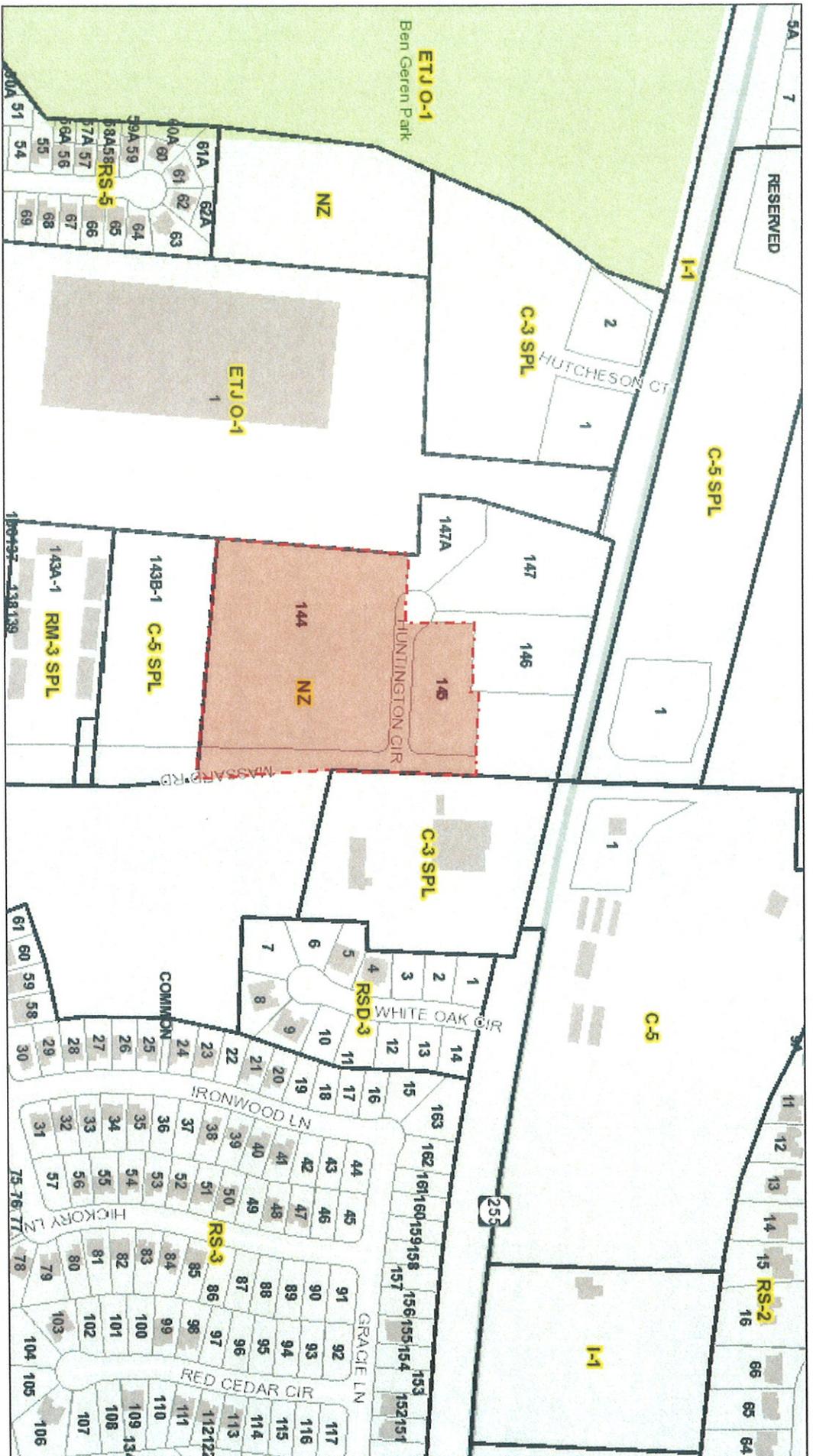
479.478.5103
Owner or Agent Phone Number

Agent

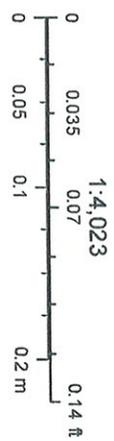
Rezoning #14-6-14: From Not Zoned (NZ) to Commercial Moderate (C-3)

6100 & 6200 Massard Road

147



- May 20, 2014
- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints



Memo

To: City Planning Commission
From: Planning Staff
Date: May 30, 2014
Subject: Request for Development Plan Deferral – 6100 & 6200 Massard Road

The planning department has received a request from Rob Coleman for Planning Commission consideration of a deferral of a development plan for 6100 & 6200 Massard Road. A requested rezoning #14-6-14 from Not Zoned to Commercial Moderate (C-3) has been requested. At this time, the developer does not have a defined plan for Lots.

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.

Memo

To: City Planning Commission
From: Planning Staff
Date: May 30, 2014
Re: Rezoning #13-6-14 - A request by Gregg Teece, agent for Goddard United Methodist Church, for Planning Commission consideration of a zone change from Transitional (T) to Commercial Light (C-2) by extension at 1922 Dodson Avenue

PURPOSE OF REQUESTED ZONING

Approval of the C-2 zoning request is considered a corrective zoning and will place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

LOT LOCATION AND SIZE

The subject property is on the south side of Dodson Avenue between Bluff Avenue and Jenny Lind Road. The tract contains an area of 0.89 acres with approximately 300 feet of street frontage along Dodson Avenue and 130 feet of street frontage along Bluff Avenue and 130 feet of street frontage along Jenny Lind Road.

REQUESTED ZONING

The requested zoning for 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 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%

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. | |

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2) and are developed as a self service car wash and medical laboratory.

The area to the east is zoned Commercial Light (C-2) and is developed as an office.

The area to the south is zoned Transitional (T) and is developed as an extension of the church.

The areas to the west are zoned Commercial Light (C-2) and are developed as single family residences.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as **Institutional**. This classification is intended to provide for needed community services of both a public and quasi-public nature. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, June 9th, 2014 at the church. A copy of the attendance record and meeting summary will be provided to the planning commission at the planning commission meeting.

No new development or expansions are proposed by the church. However, a C-2 zoning will benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Staff has received no objections to the proposed zoning request. Based on the surrounding C-2 zoning, staff recommends approval of the application.

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 and the Alley closed by city ordinance No. 52-95, Block 7, Masons Addition.

- 2. Address of property: 1922 Dodson Ave. Fort Sm. Ark 72901

- 3. The above described property is now zoned: Transitional

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

- 5. Why is the zoning change requested?

We are requesting rezoning from Transitional (T) to Commercial-Light (C-2) is considered a corrective rezoning and will be compatible with the surrounding C-2 zoning to the north, east, and west.

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

Rev. Steve Wings
Owner or Agent Name
(please print)

Signed:
Steve Wings
Owner

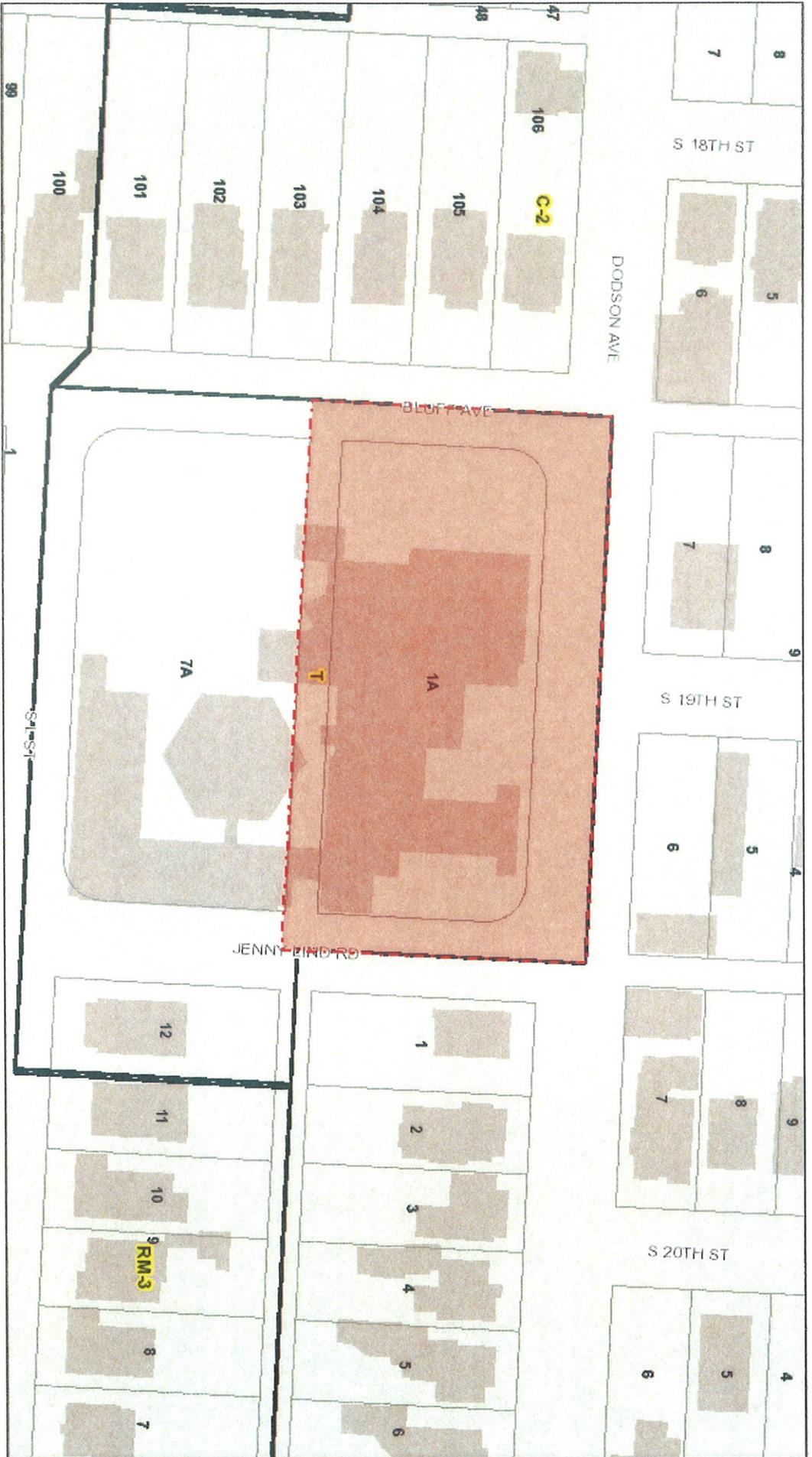
1922 Dodson Ave
Owner or Agent Mailing Address
Fort Smith, AR

or
Greg W. [Signature]
Agent

479-785-1415
Owner or Agent Phone Number

Rezoning #13-6-14: From Transitional (T) to Commercial Light (C-2) 1922 Dodson Avenue

57



- May 19, 2014
- Fort Smith City Limits
 - Zoning
 - Subdivisions
 - Building Footprints

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Proposed Master Land Use Plan Amendment by Galen Hunter, agent, from unclassified to General Commercial at 8210 and 8220 South Zero Street and 8201 Huntington Circle (Companion to item #7 and #7A)

The Planning Department is receipt of an application from Galen Hunter, agent for Joey Cole, to to amend the Master Land Use Map from not classified to General Commercial to accommodate a proposed Commercial Moderate (C-3) zoning request. The subject three (3) lots are on the south side of South Zero Street just west of Massard Road and at the west end of Huntington Circle. All three lots contain an area of 4.1 acres with approximately 401 feet of frontage along South Zero Street and approximately 45 feet of frontage along Huntington Circle.

The property is currently not zoned. A companion zoning application requests a Commercial Moderate (C-3) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

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 General Commercial and is developed as a bank with an area that is undeveloped.

The area to the east is Not Classified and is developed as a gas substation and undeveloped.

The area to the south is Not Classified and is undeveloped.

The area to the west is Not Classified and is developed as a distribution center. Further west, the area is classified as General Commercial and undeveloped.

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

6A

General Commercial

Purpose: The General Commercial land use provides opportunities for business transactions and activities, and meets the consumer needs of the community.

Characteristics and Use: Retail sales of all product types requiring transportation of goods; and, professional, technical, and financial services.

| Criteria for Designation: | Compliance Noted |
|--|-------------------------|
| • Compatible with and complimentary to surrounding uses. | YES |
| • Located on high volume arterials and collectors | YES |
| • Located as a cluster of like services | YES |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South Zero Street as a Major Arterial and Huntington Circle as a Local Road.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, June 5, 201, at 6400 Riley Park Drive. No neighboring property owners attended the meeting.

Based on compliance with the criteria for designation as Commercial General and compatibility with the surrounding land uses, staff recommends approval of the application contingent upon approval of the companion applications.

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: Galen Hunter |
| Firm Name: MAHG Architecture, Inc. |
| Address: 6400 Riley Park Drive, Ft. Smith, AR 72916 |
| Phone # (day): 4797821051 Phone # (cell): Fax #: 479-782-6019 |
| Owner Name: Joey Cole |
| Owner Address: 2500 South Zero, Suite A, Fort Smith, AR 72901 |
| Phone # (day): 4796480062 Phone # (cell): 4794616960 Fax #: |
| Property Address (subject property): 146, 147, 147A Huntington Circle |
| Subject Property |
| Current Land Use: Not Used |
| Existing MLUP Classification: No Classification |
| Proposed MLUP Classification: General Commercial |
| Existing Zoning Classification: Not Zoned |
| Proposed Zoning Classification: C-3 |
| Surrounding Property |
| Current Land Use: north- General Commerical |
| south- Not Used |
| east- Not Used |
| west- Greenway/Parks |
| Existing MLUP Classification: north: General Commercial |
| south: No Classification |
| east: No Classification |
| west: Greenway/Parks |
| Existing Zoning Classification: north: C-5 |
| south: Not Zoned |
| east: Not Zoned |
| west: ETJ O-1 |
| 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:

6C

1. A legal description of the subject property that is to be amended (reclassified).
Lots 146, 147, 147A Huntington Chase

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:
Development will include two entry drives off Zero Street located 200+ feet apart. Development will also include an entry drive off Huntington Circle. Drives will be located far enough away from Massard and Zero intersection so as not to cause turning issues.

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:
Water is available from 8" water line at Huntington Circle.
Sewer is located at both west and north property lines.
Underground electric is available off Huntington Circle.

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:
Development to include a convenience store with multiple fuel islands. Additional retail space will be developed compatible with the surrounding area. Density will relate to parking requirements and the space required to meet these requirements.

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:

6D

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

Land use is consistent with adjacent property uses.
Development will be designed to provide needed
services for growing residential areas in Chaffee
Crossing.

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

Zoning of subject property will be consistent with
adjacent zonings. No zoning currently exists on this
property, but the request is to zone the property by
classification.

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

The growing residential population in Chaffee Crossing
does not yet have access to goods and services
consistent with neighborhood development.

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:

The development of the subject property is consistent
with the development of small neighborhoods or villages
that provide goods and services within short distances
of residential areas. Transportation and infrastructure
to support this development are in place.

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:

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Galen D. Hunter to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Joey Cole

Joey R Cole

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

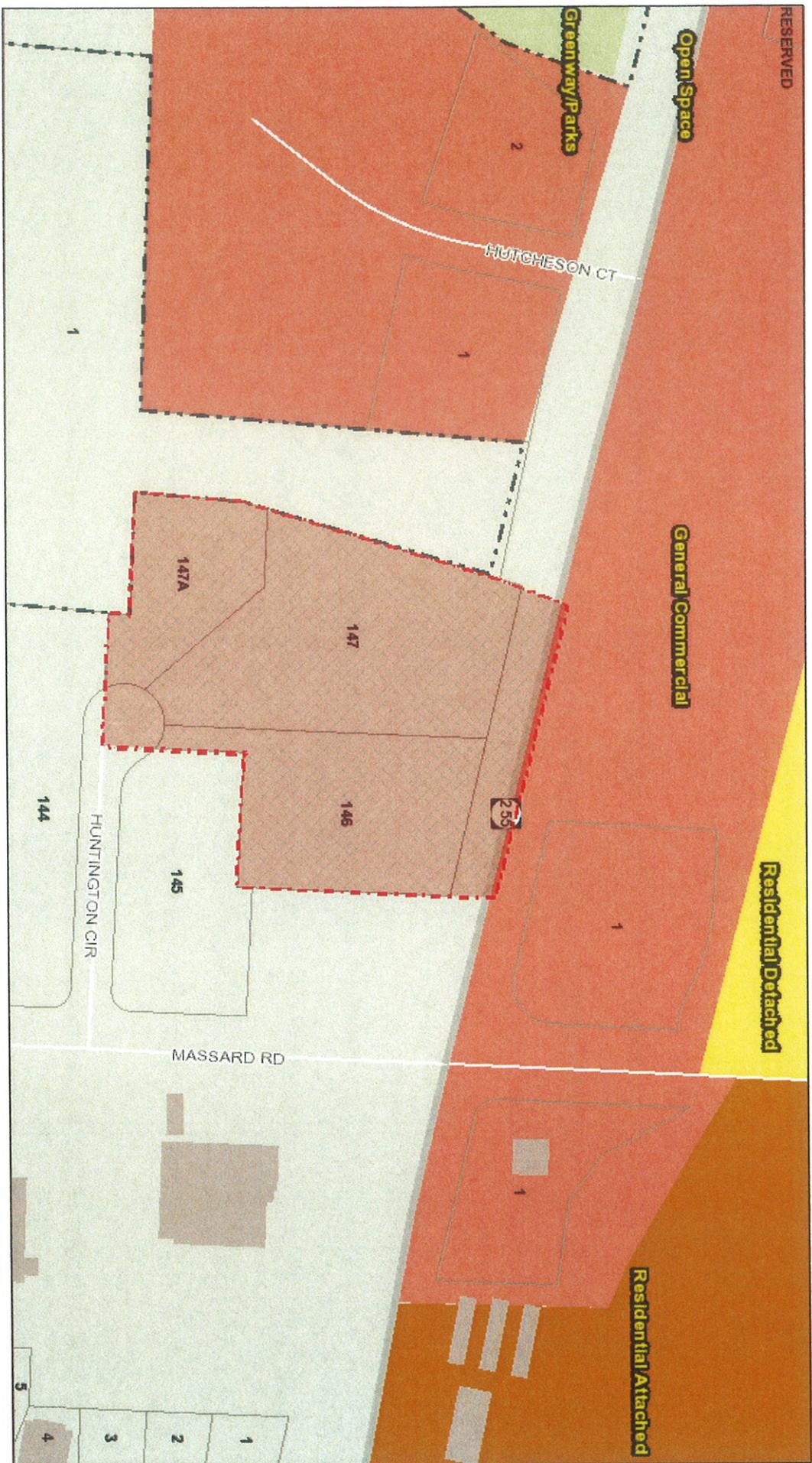
9. _____

10. _____

This form is necessary only when the person representing this request does not own all property.

Master Land Use Amendment: From No Classification to General Commercial 8210 & 8220 South Zero Street and 8201 Huntington Circle

66



- May 20, 2014
- Fort Smith City Limits
- Subdivisions
- Building Footprints



Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Rezoning #15-6-14 - A request by Galen Hunter, agent, for Planning Commission consideration of a zone request from Not Zoned to Commercial Moderate (C-3) by classification at 8210 and 8220 South Zero Street and 8201 Huntington Circle (companion to item #6 and #7A)

PROPOSED ZONING

Approval of this application will allow the future development of a convenience store/gas station and other retail or restaurant development.

LOT LOCATION AND SIZE

The subject properties include Huntington Chase, Lots 146, 147 & 147A, which are located on the south side of South Zero Street just west of Massard Road and Huntington Circle. All three lots contain an area of approximately 4.1 acres with approximately 401 feet of street frontage along South Zero Street and approximately 45 feet of street frontage along Huntington Circle.

REQUESTED ZONING

The requested zoning on this tract is Commercial Moderate (C-3).
Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the 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-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

7A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, 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 – 12,000 square feet | Maximum Height - 35 feet (1+1) |
| Maximum Building Size – 60,000 square feet | Maximum Lot Coverage - 60% |
| Minimum Parcel/Lot Size for Rezoning – 2 acres | |
| Minimum Lot Width – 75 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 | |
| Minimum building separation – to be determined by current City building and fire code. | |
| Required street access – Major Collector or higher | |

EXISTING ZONING

The property is currently not zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is developed as a bank and an undeveloped area.

The area to the east is Not Zoned and is developed as a gas substation and undeveloped area.

The area to the south is Not Zoned and is undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as a distribution center.

LAND USE PLAN COMPLIANCE

The property currently does not have a Master Land Use Classification. The applicant has submitted a companion Master Land Use Plan Amendment requesting the General Commercial land use classification. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zoning request will not conflict with the goals and objectives of the Master Land Use Plan.

MASSARD/ZERO STREET OVERLAY DISTRICT

Lots 146 and 147 are within the Massard/Zero Street Overlay District.

DEVELOPMENT PLAN

The applicant has requested a deferral of the development plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, June 5, 2014 at 6400 Riley Park Drive. No neighboring property owners attended the meeting.

Based on compatibility with the surrounding zoning, recommends approval of the zoning application contingent upon approval of the applicant's companion applications.

70

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) Lots 146, 147, 147A, Huntington Chase Subdivision, an Addition to the City of Fort Smith

2. Address of property: Lots 146, 147, 147A, Huntington Circle

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 C-3 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

Currently, the lots do not have a zoning classification.
Owner request lots be classified the same as C-3 to allow
development of convenience store/gas station and other
future retail or restaurant structures.

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

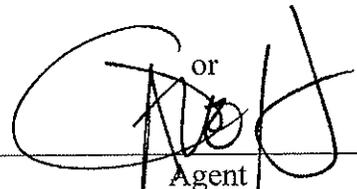
Signed:

GALEN HUNTER

Owner or Agent Name
(please print)

Owner

6400 Riley Park Drive
~~Fort Smith, Arkansas 72916~~
Owner or Agent Mailing Address



Agent

479-782-1051

Owner or Agent Phone Number

Rezoning #15-6-14: Not Zoned to Commercial Moderate (C-3) 8210 & 8220 South Zero Street and 8201 Huntington Circle

BE



- May 20, 2014
- Fort Smith City Limits
 - Building Footprints
 - Zoning
 - Subdivisions



MASSARD CREEK ADDITION
1011



MASSARD ROAD
107 1/2 W



| NO. | DESCRIPTION | AMOUNT |
|-----|-------------|--------|
| 1 | ... | ... |
| 2 | ... | ... |
| 3 | ... | ... |
| 4 | ... | ... |
| 5 | ... | ... |

1. The property shown on this plan is the same as that shown on the plan of the same name filed for record in the office of the County Clerk of this County on the 10th day of May, 1911.

2. The property shown on this plan is the same as that shown on the plan of the same name filed for record in the office of the County Clerk of this County on the 10th day of May, 1911.



**Development Plan
Deferral Request**

Memo

To: City Planning Commission
From: Planning Staff
Date: May 31, 2014

Subject: Request for Development Plan Deferral – 8210 and 8220 South Zero Street and 8201 Huntington Circle

The planning department has received a request from Galen Hunter, agent for Joey Cole, for Planning Commission consideration of a deferral of a development plan for 8210 and 8220 South Zero Street and 8201 Huntington Circle. A proposed zoning #15-6-14 from Not Zoned to Commercial Moderate (C-3) has been requested. At this time, the developer would like to defer the submission of a development plan until plans have been solidified for this project.

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.



5.20.2014

Ms. Brenda Andrews, Senior Planner
City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901

RE: Lots 146, 147, 147A Huntington Circle – Hydration Station
Rezoning Application/Master Land Use Plan Amendment

Dear Brenda:

Attached please find a Conventional Rezoning Application and a Comprehensive Plan & Master Land Use Plan Amendment Application for the property identified above. We anticipate the development of this property will occur in the near future, but would like to request to defer submission of the development plan until plans have been solidified for this project.

If you need any additional information, or have any questions, please do not hesitate to contact me.

Sincerely,

MAHG ARCHITECTURE, INC.

A handwritten signature in black ink, appearing to read "Galen D. Hunter", is written over the printed name. The signature is stylized and includes a large, sweeping flourish that extends to the right.

Galen D. Hunter, AIA

GDH/es

Enc.

Memo

To: City Planning Commission

From: Planning Staff

Date: May 28, 2014

Re: Development Plan Review - A request by Kofi Addo, agent for Wal-Mart Stores, Inc, for Planning Commission consideration of a Development Plan to develop a convenience store (with gasoline sales) at 8303 Rogers Avenue

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will allow a convenience store with gasoline sales. In accordance with Ordinance #38-95, site plan/development plan review and approval by the planning commission is required prior to the issuance of a building permit.

LOT LOCATION AND SIZE

The subject property is on the north side of Rogers Avenue on the corner of Rogers Avenue and Massard Road intersection. The tract contains an area of 1.11 acres with approximately 280 feet of street frontage along Rogers Avenue and 120 feet of street frontage along Massard Road.

EXISTING ZONING

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

*The special denotes site plan/development plan review and approval by the planning commission is required prior to the issuance of a building permit.

Characteristics of the C-5 zoning district 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 area to the north is zoned Commercial Heavy (C-5-SPL) and is developed as Wal-Mart.

The area to the east is zoned Commercial Heavy (C-5-SPL) and is developed as a restaurant with drive through.

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

The area to the west is zoned Commercial Light (C-2) and is developed as a convenient store with gasoline sales.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will take place using the existing driveway on Rogers 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.

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

8B

Landscaping – The development shows perimeter/parking lot screening, and interior landscaping that will comply with the UDO with a few minor changes with shrub spacing and species.

Screening – The parking lot screening landscaping will provide a screening buffer for the vehicles. The trash receptacle is completely screened with materials that match the main structure.

Parking – The required parking and maneuvering aisles exceed the UDO requirements.

Signage – The monument sign for this development complies with the UDO. The plans show an approximate 110 s.f. monument sign.

Lighting – The lighting plan submitted for the building permit complies with the UDO requirements.

Sidewalk – A sidewalk will be required adjacent to Rogers Avenue.

Architectural features – The plans show a 1,200 s.f. building with a brick veneer that exceeds the 51% of high quality material required by the UDO.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval with the following comments:

1. All construction must be built in accordance with the submitted Development Plan.
2. All mechanical equipment shall be completely screened.
3. The landscaping plan shall be modified to comply with the UDO.
4. A sidewalk on Rogers Avenue shall be installed and approved by the engineering department.

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: 8303 Rogers Avenue, Fort Smith, AR 72903

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

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

Yes _____ No X

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:

8. Total acreage of property 1.11

Signed:

KOFI ADDO (AGENT)

Owner or Agent Name
(please print)

Owner

3030 LBJ FREEWAY, STE 100
Owner or Agent Mailing Address DALLAS, TX 75234

or

ank

Agent

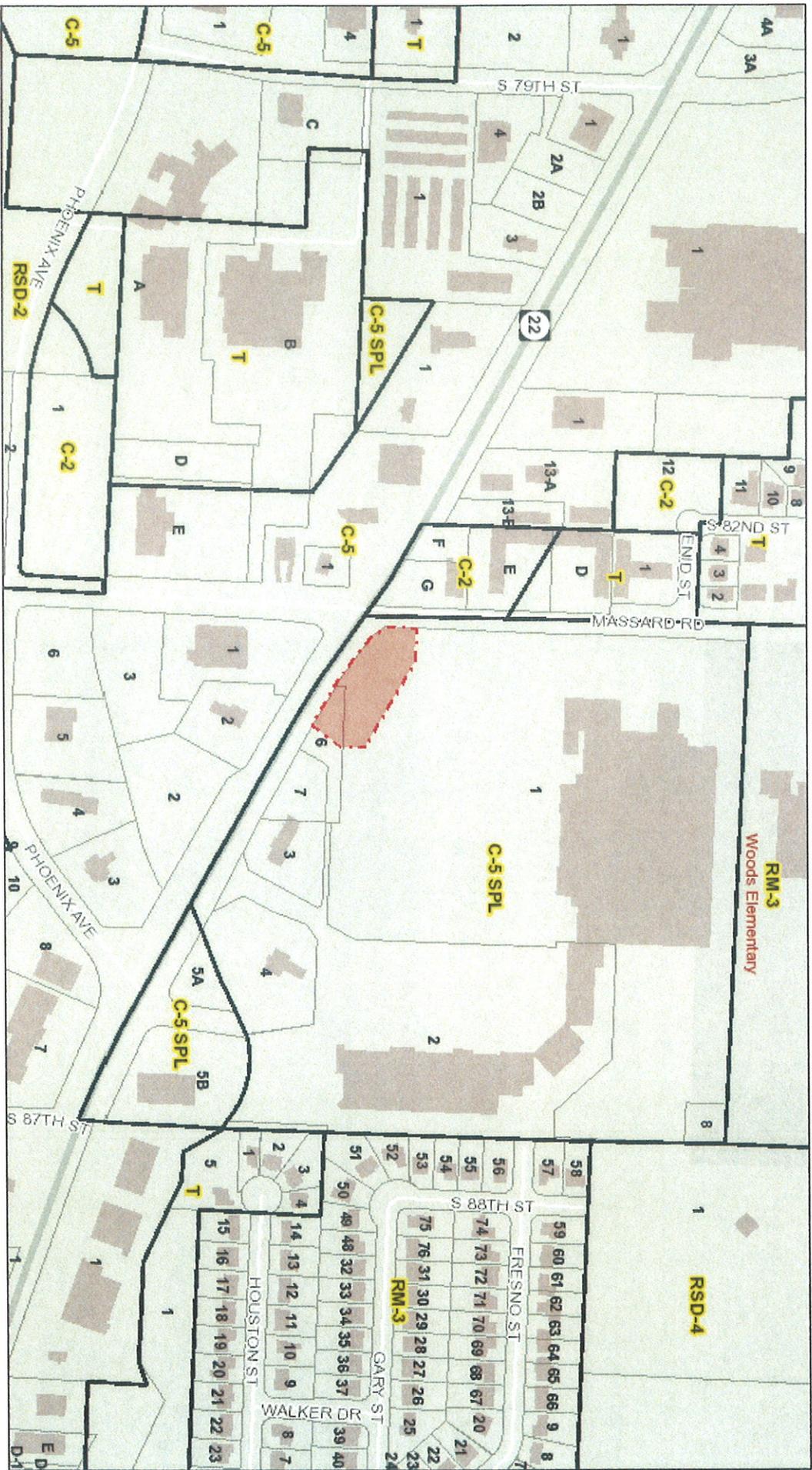
972-488-3737

Owner or Agent Phone Number

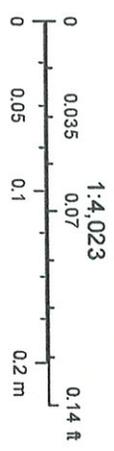
Development Plan Review: Convenience Store/Gasoline Sales

8303 Rogers Avenue

18



- May 20, 2014
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



Memo

To: City Planning Commission
From: Planning Staff
Date: May 31, 2014
Re: Conditional Use #8-6-14 - A request by Danny Johnson, agent, for Planning Commission consideration of a Conditional Use request to develop a school addition at 2225 Rogers Avenue

PROPOSED CONDITIONAL USE

The approval of this Conditional Use will allow Northside High School to expand into a vacant portion of a building adjacent to their school campus.

LOT LOCATION AND SIZE

The subject property is on the north side of Rogers Avenue and the south side of North "B" Street at the intersection of North 23rd Street. The tract contains an area of approximately 0.40 acres with approximately 145 feet of street frontage along Rogers Avenue, approximately 143 feet of street frontage along North "B" Street and approximately 100 feet along North 23rd Street.

EXISTING 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 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 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 area to the north is zoned Commercial Light (C-2) and is developed as Northside High School.

The area to the east is zoned Commercial Light (C-2) and is developed as a dry cleaners.

The area to the south is zoned Commercial Light (C-2) and is developed as a restaurant.

The area to the west is zoned Commercial Light (C-2) and is developed as an office.

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.

Requirements for a Conditional Use must begin to be met 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 *Master Land Use Plan* 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.

SITE DESIGN FEATURES

Landscaping – Landscaping will be provided at the intersection of Rogers Avenue and North 23rd Street.

Parking – All parking is provided off site.

Signage – No signage is noted on the plans.

Lighting – New wall lighting is noted on the plans.

Architectural features – The existing building is brick which will be painted to match the existing wood shop located at the west end of this building. New canopies will be added at the doors. The existing canopy along Rogers Avenue will be modified and shortened. Windows will be enclosed with brick at the base and hardi-board siding above.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, May 30, 2014 at the library of Northside High School. No neighboring property owners were in attendance.

Staff recommends approval of the application contingent upon the following:

1. All construction must be built in accordance with the approved Development Plan.
2. The new canopies shall not extend into the right-of-way.
3. New wall lighting is noted on the plans and shall comply with UDO Section 27-602-5.

90

Conditional Use # 8-6-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Fort Smith School District

Name of Authorized Agent (if applicable) Tim A. Risley and Associates - Danny Johnson

Legal Description of property included in the conditional use request:

See Exhibit "A"

Street Address of Property:

2225 Rogers Ave

Existing Zoning Classification:

C-2

Proposed Zoning Classification (if applicable):

No Change

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

Renovation of 3,000 s.f. space for classrooms and support space.

What amenities are proposed such as landscaping and screening?

Removal of old canopy and addition of landscaping on the corner.

Danny Johnson

Owner or Agent Name (please print)

6101 Phoenix Ave Fort Smith, AR 72903

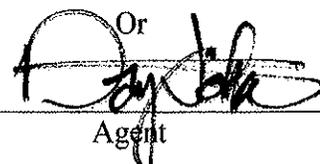
Owner or Agent Mailing Address

479-452-2636

Owner or Agent Phone Number

Signed:

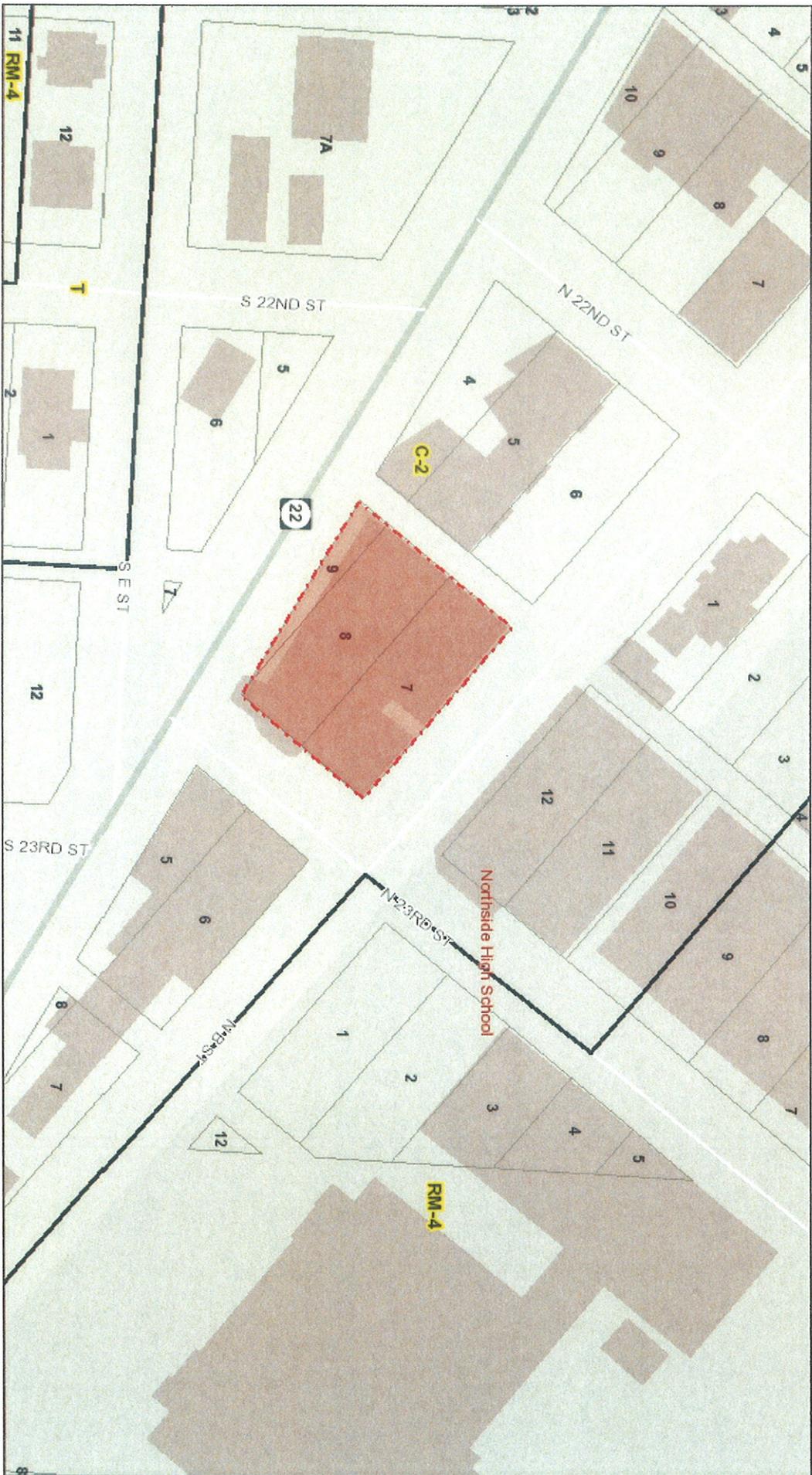
Owner

Or

Agent

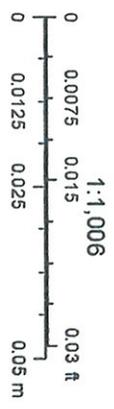
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Conditional Use #8-6-14: Secondary School Addition 2225 Rogers Avenue

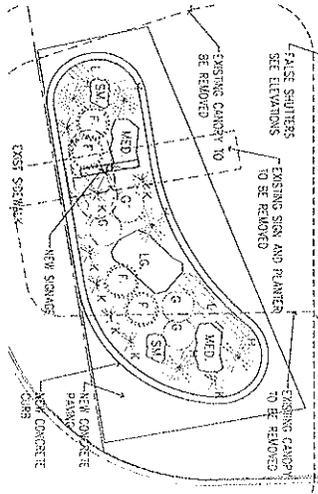
11
6



- May 19, 2014
- Fort Smith City Limits
 - Building Footprints
 - Zoning
 - Subdivisions

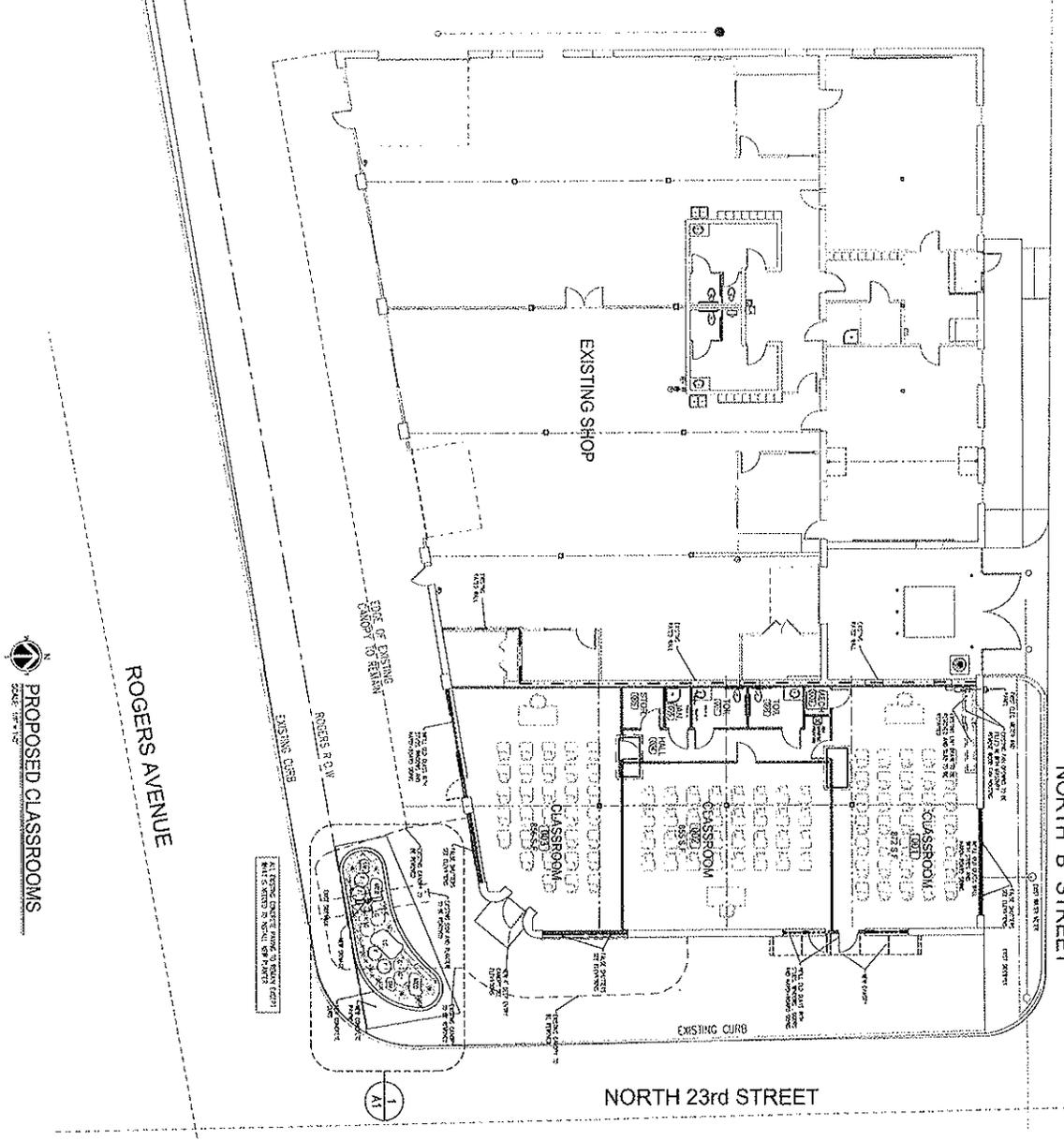


1 ENLARGED LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



PLANT LEGEND

| | |
|--|----------------|
| | 1' WIDE TREE |
| | 2' WIDE TREE |
| | 4' WIDE TREE |
| | 6' WIDE TREE |
| | 8' WIDE TREE |
| | 10' WIDE TREE |
| | 12' WIDE TREE |
| | 14' WIDE TREE |
| | 16' WIDE TREE |
| | 18' WIDE TREE |
| | 20' WIDE TREE |
| | 22' WIDE TREE |
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| | 90' WIDE TREE |
| | 92' WIDE TREE |
| | 94' WIDE TREE |
| | 96' WIDE TREE |
| | 98' WIDE TREE |
| | 100' WIDE TREE |



PROPOSED CLASSROOMS
SCALE: 1/8" = 1'-0"

A1

DATE: 11/11/11
SCALE: 1/8" = 1'-0"



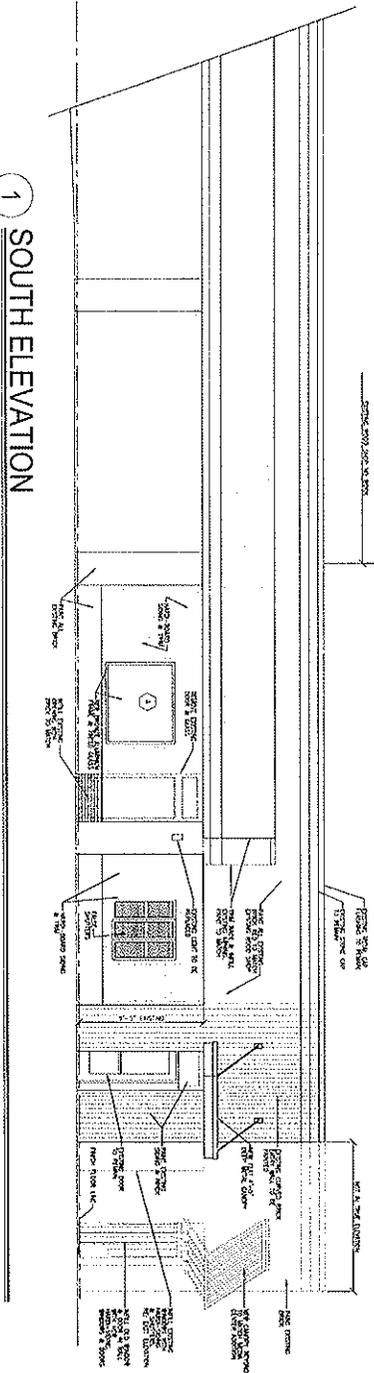
RENOVATION "B" STREET ANNEX
FOR
NORTHSIDE HIGH SCHOOL
FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
81 CONVARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72503
PHONE • 479.452.2030 • FAX • 479.452.2025 • EMAIL • t.a.risley@risleyassociates.com

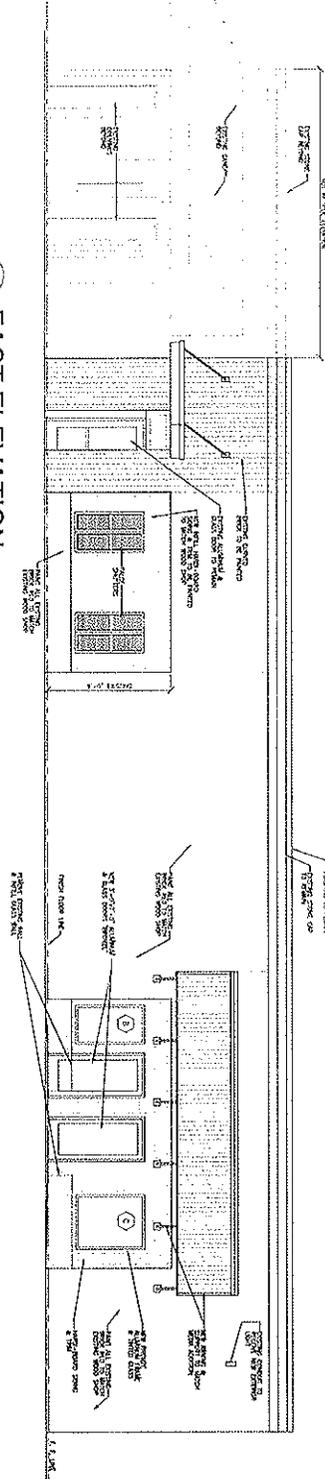


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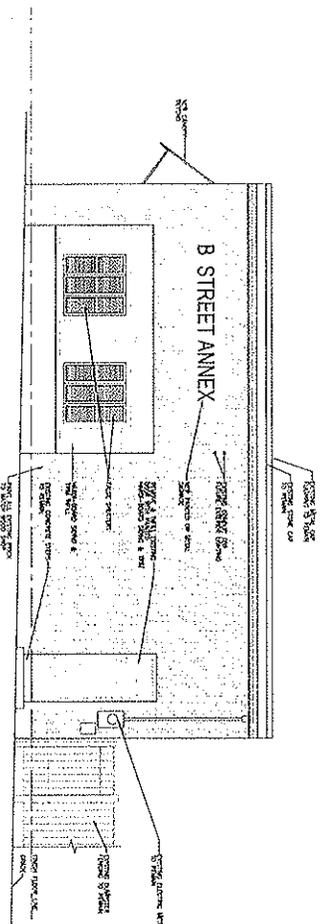
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



RENOVATION "B" STREET ANNEX
FOR
NORTHSIDE HIGH SCHOOL
FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
81 COWLING PLACE • 8101 PINEDALE • FORT SMITH, ARKANSAS 72903
PHONE • 479.652.2636 • FAX • 479.652.3924 • EMAIL • info@risley-associates.com



96

Memo

To: City Planning Commission

From: Planning Staff

Date: June 10, 2014

Re: Home Occupation #5-6-14 - A request by Kerry Decker, owner, for Planning Commission consideration of a hauling and vending machine servicing business in a Residential Multifamily High Density (RM-4) zone at 600 South 18th Street

PROPOSED HOME OCCUPATION

Approval of the application will allow the applicant to haul items for others on a trailer stored off-site and service off-site vending machines.

LOT LOCATION AND SIZE

The subject property is on the west side of South 18th Street at the intersection of South 18th Street and South E Street. The tract contains an area of 7,000 s.f. with approximately 50 feet of street frontage along South 18th Street and 140 feet of frontage along South E Street.

EXISTING ZONING

The existing 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 within the Residential Attached, Mixed Use Residential, or Mixed Use Employment land use categories of the Master Land Use Plan.

Uses:

All general uses, conditional uses and home occupations allowed in RM-4- zones as well as multi-family developments.

Area Regulations:

Lot Area - 5,000 square feet
Front Yard Setback - 20 feet
Side Yard Setback - 5 feet
Side Yard on Street Side of Corner Lot - 15 feet
Rear Yard Setback - 5 feet
Separation of Buildings - 10 feet
Maximum Height - 40 feet

Density Regulations:

Single Family-4 units/acre
Duplex - 30 units/acre
Multi-Family - 24 units/acre

SURROUNDING ZONING AND LAND USE

The surrounding areas are zoned Residential Multi-family High Density (RM-4) and developed as single family to the north, south, and west and multifamily to the east.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan 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 home occupation will not conflict with the goals and objectives of the Master Land Use Plan.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

The home occupation will be operated by the applicant 24/7 as an on-call business. A 40' trailer used exclusively for the hauling business is kept in Van Buren, Arkansas and is never stored at the residence. The applicant does have a 16' trailer at the residence, but it used for personal uses only and will not be used in the hauling or vending business.

10B

On May 12, 2014, Mr. Decker received a variance from the Property Owners Appeals Board to park the 16' utility vehicle in the South "E" Street right-of-way. Enclosed is a copy of the variance approval. Photographs of both trailers are included in the packet.

Approximately half of the detached garage will be used for storage of materials for the vending machine business and one or two machines.

Staff received a phone call from a surrounding property owner opposed to the home occupation, citing opposition to businesses in homes and there were too many vehicles at the applicant's property.

Staff also received a phone call from Illa Davenport, 622 South 18th Street who stated she had no opposition to the home occupation.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
2. The business license cannot be transferred to another residence without a new Home Occupation Application.
3. No commercial trash container will be placed at the residence.
4. No customers shall come to this location.
5. The 40' trailer utilized for the hauling business shall not be stored on-site.
6. The 16' trailer at the residence shall not be used in conjunction with the home occupation.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.

Andrews, Brenda

From: Rice, Maggie
Sent: Wednesday, June 04, 2014 2:07 PM
To: Planning Email Group
Subject: 600 South 18th Street - Home Occupation

A neighbor of Mr. Decker is opposed to the home occupation application. They didn't leave their name but state the house regularly has way too many cars and they want it to remain a house without a business operation.

I'll make a copy for the file.

Maggie

Rice, Maggie

From: Rice, Maggie
Sent: Thursday, June 05, 2014 5:03 PM
To: Planning Email Group
Subject: Home Occupation - 600 South 18th Street

Illa Davenport, 622 South 18th Street, has no objection to Mr. Decker's home occupation request. She will be unable to attend the meeting Tuesday night. There have been several home occupations in this area and they've never been a problem.

Maggie

Utility Trailer that will be used for hauling business.
Trailer is kept in Van Buren at 6th & Webster



Utility Trailer kept at the residence. This trailer is used for personal uses only and will not be used in conjunction with the home occupation.



10H

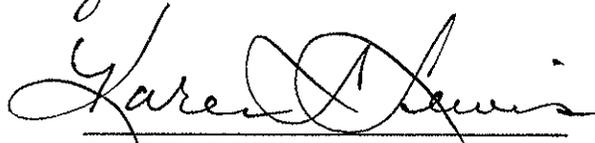
PROPERTY OWNERS APPEALS BOARD DECISION

WHEREAS, on the 12th day of May, 2014, the Fort Smith Property Owners Appeals Board convened to consider a variance request from Kerry T. Decker, property owner of 600 South 18th Street, from Section 14-55 of the Fort Smith Municipal Code – Parking of Recreational and Utility Vehicles on Residential Streets and Properties; and

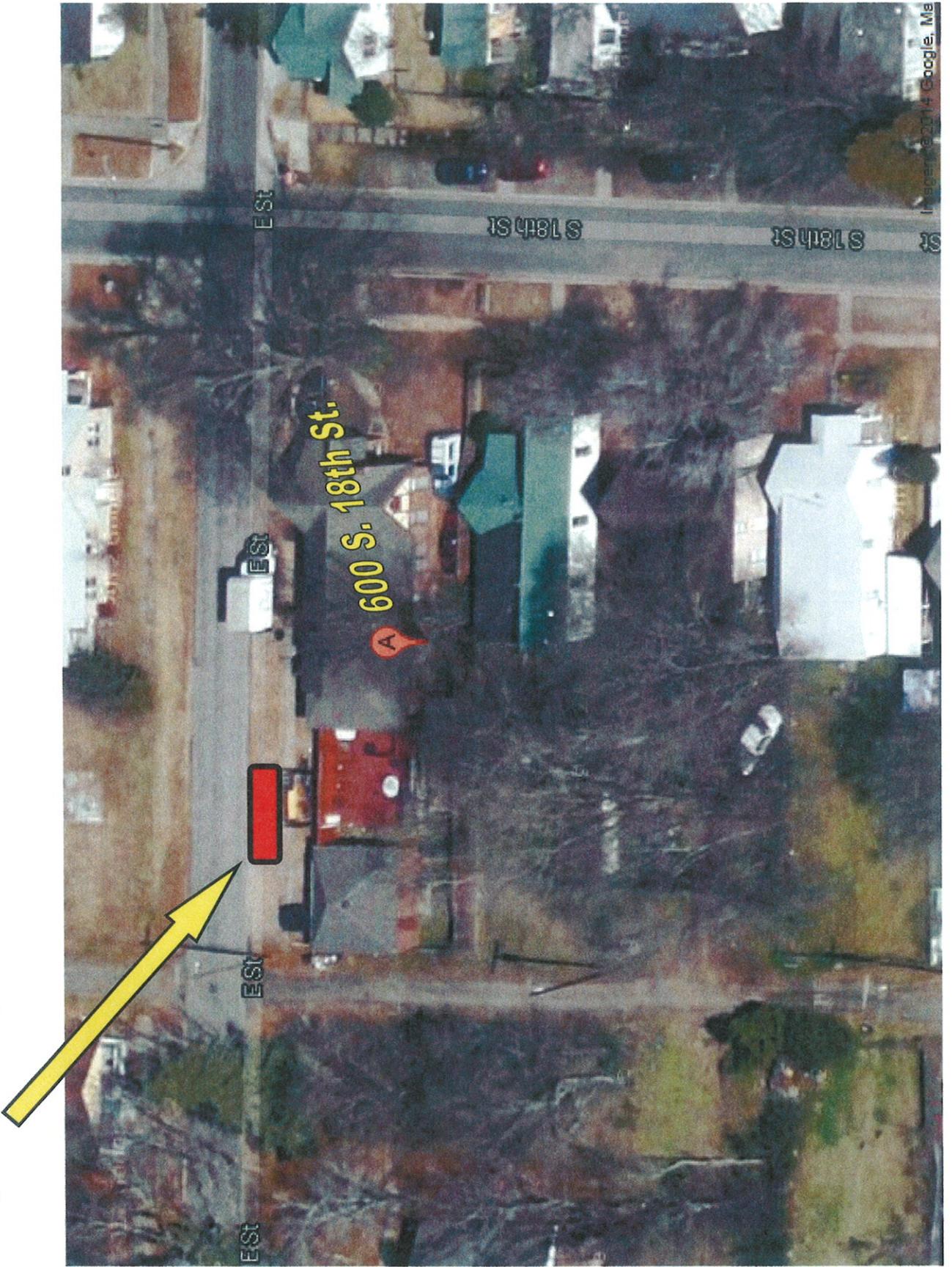
WHEREAS, after hearing the evidence and presentation pertaining to the variance request, the Fort Smith Property Owners Appeals Board grants the variance request and specifically finds as follows:

1. The trailer may be parked in the location discussed at the appeal hearing, which is adjacent to the driveway between the curb and the sidewalk facing the proper direction on South E Street (see attached parking site location).
2. The variance applies only to the trailer discussed at the appeal hearing.
3. This variance remains in effect only during the time of your ownership of the trailer discussed at the appeal hearing.
4. The variance allowing the property owner to park the trailer in the specified area of the right-of-way is not a permanent variance.
5. The variance does not convey any property interest in the right-of-way.
6. The area of the right-of-way approved for parking remains subject to the city's rights relative to rights-of-ways.
7. The approval by the Property Owners Appeal Board does not waive any other laws or regulations regarding the proper parking or use of the trailer. The approval is only in regard to "Section 14-55 – Parking of Recreational and Utility Vehicles on Residential Streets and Properties" of the Fort Smith Municipal Code.

SIGNED THIS 3rd DAY OF June 2014.


KAREN LEWIS, CHAIRPERSON

The red rectangle marks the approved location for parking of the utility trailer.
The space is adjacent to the driveway and between the curb and the sidewalk.



APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Kerry T. Decker

Legal Description of property included in the home occupation request:
Fitzgerald Addition, lot 12
Block 91

Street Address of Property: 600 South 18th Street

Zone Classification: RM-4

Type of Business Requested: Servicing off-site vending machines,
and shipping items on trailer. Trailer used for
shipping is not kept at my residence.

Kerry T. Decker
Applicant's Name (please print)

479-651-6968
Phone Number of Applicant

600 South 18th St
Applicant Mailing Address 72901

Signed:

[Signature]
Applicant

5-15-14

Date

[Signature]
Property Owner

Date

(if rental property)

Home Occ. # 5-6-14

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. TRANSPORTATION /
SENDING ARCADES - Shipping items on trailer
* Trailer is kept in Van Buren.
2. Will this business be completely contained in the residential structure? Yes ___ No X
If no, described location. STORAGE UNIT That I've Rented
3. What percentage of the residential floor area will be required to operate the business?
KITCHEN TABLE 6x15 IN GARAGE
4. Will operation of the business utilize any persons other than members of the immediate household? Yes ___ No X
5. At what hours and days of the week do you plan to operate the business? 24/7 ONCALL APPROX 1HR PER WEEK
6. Will there be any noise NO, odor NO, or other outdoor activity NO associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes X No NO 100 2 ARCADES
8. How much storage will be needed? 1/2 OF GARAGE (1 PARKING SPACE)
INSIDE
9. Will merchandise be sold at this location? Yes ___ No X If yes, explain. _____
10. Will you have any business vehicles? Yes X No ___ If yes, describe below.
Type of Vehicle:
Make CHEVY Model SILVERADO
Color GOLD Length (trailer) 60'
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ___ No X What type? _____
12. Can you operate this business by appointment only? Yes X No ___
Explain: ONCALL / APPOINTMENT ARE AT SHIPPER'S LOCAT

13. Will customers come to this location? Yes _____ No
14. How many customers do you expect to have coming to your home at any one time?
 _____ 0 _____
15. Do you expect any drop-in customers? Yes _____ No
16. How do you plan to provide parking for customers? _____ N/A _____
17. Do you plan to advertise this business? Yes _____ No
 If yes, by what methods? _____
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes No _____
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes No _____
20. Will the Home Occupation require a commercial trash container (dumpster)?
 Yes _____ No
21. Do you own or rent this property? _____ OWN _____
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes No _____
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
 Yes No _____
25. Provide any other information that you feel helpful.

ONLY WORK AT HOME IS PAPERWORK AT KITCHEN
CHANGING COMPUTER BOARDS IN ARCADE GAMES, AND
FIXING MINOR REPAIRS ON TRUCK LIKE MAINTAINING
QUARTERLY AND ANNUALLY. The trailer I use for
my hauling/shipping business is kept in Van Buren
The trailer at my residence is used for
personal use only.

10M

Memo

To: City Planning Commission

From: Planning Staff

Date: May 30, 2014

Re: Variance #19-6-14 - A request by Larry Hall, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 7 feet interior side yard setback at 8309 Phoenix Avenue

REQUESTED VARIANCE

With the approval of this Variance the dentist facilities would be allowed to expand their building to the west.

LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue just east of Massard Road. The tract contains an area of approximately 1.2 acres with approximately 200 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.

11A

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 zoned Commercial Heavy (C-5) and are developed as Little Massard Creek and a bank.

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

The areas to the south are zoned Commercial Heavy (C-5) and are developed as a grocery store and a restaurant.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* 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 Master Land Use Plan.

APPLICANT HARDSHIP

Due to the existing design of the existing building, the owner cannot add on to the east side of the building. He is adding an oral surgeon to the proposed addition. The owner has attempted to buy the adjacent property to the west but was unsuccessful.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, May 29, 2014 at the Dallas Street Branch Library. No neighboring property owners were in attendance.

If the BZA approves this variance, staff requests that it be contingent upon the submitted site plan and 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. # 19-6-14

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 8309 PHOENIX AVE, 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> |
|---|
| |
| |
| |
| |
| |

| <u>FROM</u> | | <u>TO</u> | |
|-------------|---|-----------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| <u>20'</u> | - | <u>7'</u> | 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 |
| _____ | - | _____ | 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

110

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

LARRY B. HALL
Owner or Agent Name (please print)

Owner

or

782-5049
Owner or Agent Phone Number


Agent

305 N. GREENWOOD F.W. 72901
Owner or Agent Mailing Address

Variance # _____

11E

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"/> | Is this variance needed because of previous actions taken by yourself? |
| _____ | <input checked="" type="checkbox"/> | Is this variance needed because of previous actions taken by a prior owner? |
| _____ | <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"/> | 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"/> | Is the lot of an odd or unusual shape? |
| _____ | <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"/> | Does the lot contain required easements other than those that might be located on its perimeter? |
| <input checked="" type="checkbox"/> | _____ | Is any part of the lot in a flood plain or flood way? |
| _____ | <input checked="" type="checkbox"/> | Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? |
| _____ | <input checked="" type="checkbox"/> | Is the lot developed with structures in violation of current zoning requirements? |
| <input checked="" type="checkbox"/> | _____ | Does the lot front any street classified as an arterial or collector on the Master Street Plan? |

11F

Explanation of question #4 (if applicable)

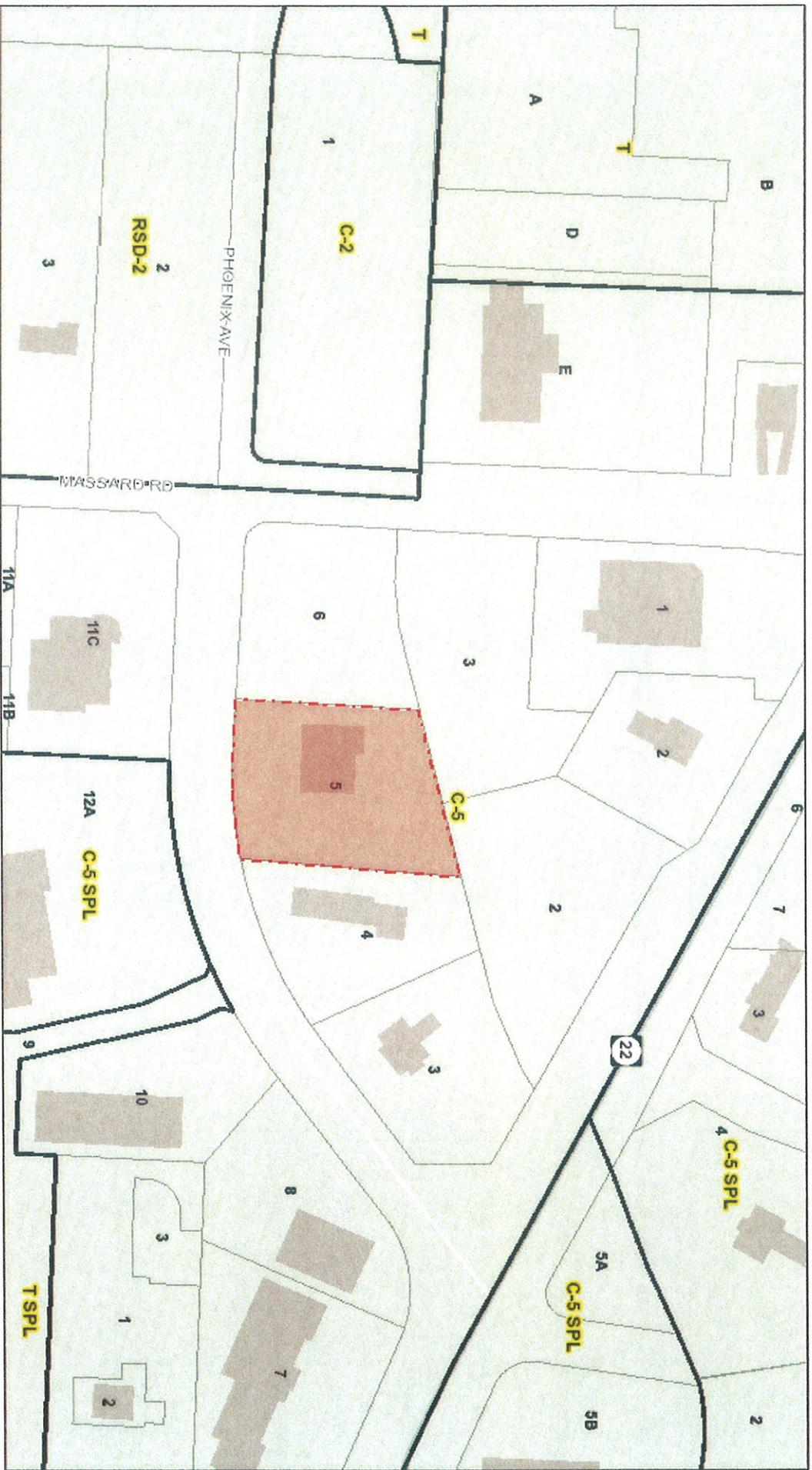
DUE TO THE EXISTING DESIGN OF THE EXISTING BUILDING, THE OWNER CANNOT ADD ON TO THE EAST SIDE OF THE BUILDING. HE IS ADDING AN ORAL SURGEON TO THE PROPOSED ADDITION.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

THE OWNER HAS ATTEMPTED TO BUY THE ADJACENT PROPERTY TO THE WEST BUT WAS UNSUCCESSFUL.

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 #19-6-14: From 20' to 7' interior side yard setback 8309 Phoenix Avenue



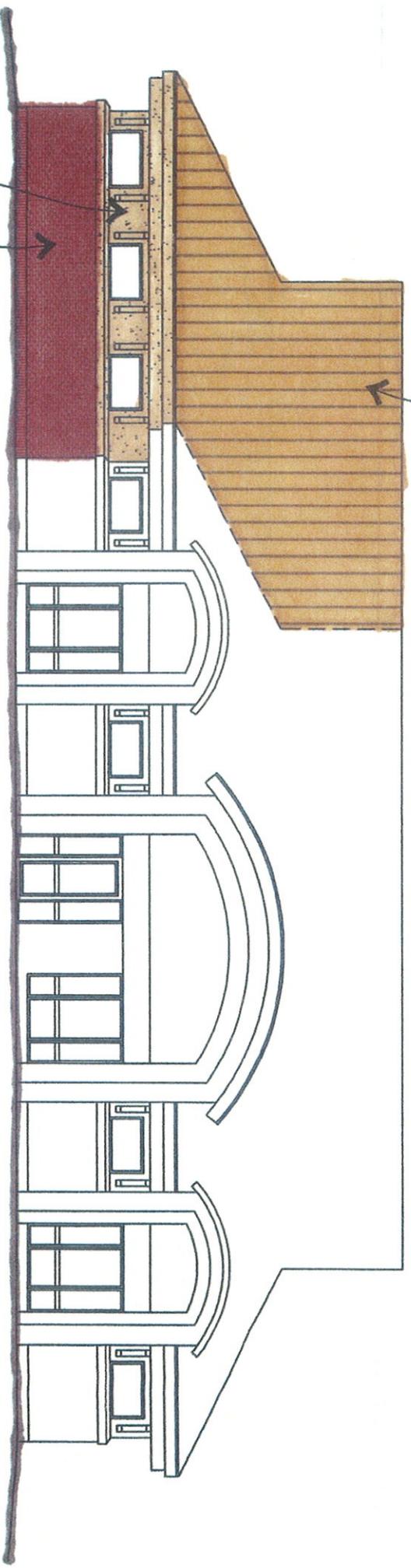
May 19, 2014

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



METAL ROOF TO MATCH EXIST.

BRICK VENEER TO MATCH EXIST.
EIFS FINISH TO MATCH EXIST.



SOUTH ELEVATION

SCALE: NTS

GOLDTRAP DENTAL CLINIC ADDITION

1

11

Memo

To: City Planning Commission

From: Planning Staff

Date: May 29, 2014

Re: Variance #20-6-14 - A request by Woodrow Anderson, owner, for Board of Zoning Adjustment consideration of a zoning variance request from the following: A) From 25 feet to 18 feet front yard setback, and from 6,500 square feet to 6,209 square feet minimum lot area located at 2922 Kinkead Avenue. B) From 25 feet to 13 feet front yard setback, and from 10 feet to 7.6 feet rear yard setback located at 625 North 30th Street

REQUESTED VARIANCE

The variances if approved will allow for two duplexes to be built on individual lots.

LOT LOCATION AND SIZE

The subject property is on the South side of Kinkead Avenue on the northwest corner of North 30th Street and Kinkead Avenue intersection. The tract contains an area of 0.29 acres with approximately 139 feet of street frontage along Kinkead Avenue and 92 feet of street frontage along North 30th 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.

12A

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 are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences and Rogers Elementary School.

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

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

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Kinkead Street as a Residential Collector and North 30th Street as a local road.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* 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 Master Land Use Plan.

APPLICANT HARDSHIP

The applicant did not list any hardship.

12B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held June 6, 2014 at 101 North 11th Street. Two neighboring property owners were in attendance. Both neighbors expressed concerns about the construction of duplexes on the property. A copy of the attendance record and meeting summary are enclosed.

Also, the property owner at 620 Lecta Avenue called and is against the variance because of the she does not want to live next to a duplex and believes it will have the potential to lower her property value.

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.

If the Board of Zoning Adjustment approves the variance staff asks the approval be contingent upon the following:

1. A sidewalk shall be installed on Kinkead Avenue upon construction.
2. The existing driveway accessing the property from Kinkead Avenue shall be removed.

Var #20-6-14

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)

Lot 14 & N 1/2 Lot 13, B1K7, Kinkead

Address of property 2922 Kinkead Ave. & 625 N 30th, 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

25'
25'

18' *
13' *

Front Yard Setback or Minimum Distance from Right-of-Way

Exterior Side Yard Setback

Interior Side Yard Setback

10'

7.6' *

Rear Yard Setback

Maximum Height of Structure

Minimum Distance Between Structures on the Same Lot

6500sf *

6209sf *

Minimum Lot Area (Square Feet)

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

* One lot - 2922 Kinkead

120

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

WOODROW ANDERSON Sr
Owner or Agent Name (please print)

Woodrow Anderson
Owner

479.719-4849
Owner or Agent Phone Number

or
Tony Elkins
Agent

700 Lexington, FSM, 72901
Owner or Agent Mailing Address

Variance # _____

12E

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)

~~XXXXXXXXXX~~ SETBACKS

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

NA

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:

NA

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 101 N. 11th

Meeting Time & Date June 2, 2014 10am

Meeting Purpose Plans to build duplexes @ 2922 Kirkland

| | <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|-----|------------------------|-------------------------------|---------------------|
| 1. | <u>Kris COTHORN</u> | <u>617 LECTA AVE</u> | <u>210 621 3500</u> |
| 2. | <u>Cathy Rodriguez</u> | <u>1020 LECTA AVE.</u> | <u>561-1950</u> |
| 3. | <u>Margie Rice</u> | <u>City of Fort Smith</u> | |
| 4. | <u>Jim Edlin</u> | | |
| 5. | <u>Madeline</u> | <u>Edgewood Downtown Apts</u> | <u>424-7000</u> |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |

WWA PROPERTIES
700 LEXINGTON AVE
FORT SMITH, AR 72901
479-782-2881

SUMMARY OF NEIGHBORHOOD MEETING

June 2, 2014

WWA PROPERTIES held a Neighborhood meeting to announce and discuss plans to build two duplexes at 2922 Kinkead Ave. Fort Smith, AR 72901 on June 2, 2014 at 10:00

We asked for a variance concerning the porch on one unit going into the front yard, as well as a variance for 5% to short on the other unit, neighboring property owners seemed to have no concerns.

Property owners were concerned about the safety of new rental tenants in the neighborhood, what the rental rate would be, and whether or not the listed square footage on the plans would be heated square foot or total square foot, WWA PROPERTIES will provide that information to Maggie Rice with the City of Fort Smith, who will provide to the property owners. Property owners would also like to know if there will be a privacy fence on the alley and backyard sides of the property. They were also concerned about the duplexes being 2 bedrooms 1 bathroom.

Tonya McDowell
WWA PROPERTIES

127

Variance #20-6-14

2922 Kinkead Avenue and 625 North 30th Street

12



May 20, 2014

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

