



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 12, 2016**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM DECEMBER 8, 2015

III. STAFF COMMENTS AND PROCEDURES

1. Final Plat – Hanna Phoenix Addition – Lots 2 thru 5 – Mickle-Wagner-Coleman
2. A request by Manuel Navarro for a zone change from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by Extension located at 1833 North 12th Street.
3. A request by Stuart Ghan for development plan approval for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.

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

4. Variance #2-1-16; A request by Stuart Ghan for a variance from 37 to 26 number of parking spaces for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.

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

5. C.U. #1-1-16; A request by Renea Spoon, for a conditional use for a daycare home with one (1) employee located at 2620 Independence.

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

6. C.U. #2-1-16; A request by Nick Griffin, agent for Bank of the Ozarks, for a conditional use for a new restaurant drive-thru and outdoor dining (Burger King) located at 8201 Phoenix Avenue.

RECESS PLANNING COMMISSION

RECONVENE BOARD OF ZONING ADJUSTMENT

7. Variance #1-1-16; A request by Nick Griffin, agent for Bank of the Ozarks, for a variance from 200 feet to 185 feet minimum driveway spacing for a new restaurant (Burger King) located at 8201 Phoenix Avenue.

RECESS BOARD OF ZONING ADJUSTMENT

RECONVENE PLANNING COMMISSION

8. Subdivision Variance #1-1-16; A request by Pat Mickle, agent for Cliff Drive, LLC, for a subdivision variance to permit driveway access from a single family lot to a street classified as a major collector located at 3801, 3815 & 3901 Leigh Avenue.
9. Discussion of text amendments to the Unified Development Ordinance relating to:
 - A. Microbreweries in commercial zoning districts.
 - B. Specialty manufacturing.
 - C. Neighborhood meeting requirements.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 8, 2015**

On roll call, the following Commissioners were present: Don Keesee, Talicia Richardson, Michael Redd, Sarah Howe, Josh Carson, Bob Cooper, Jr. and Rett Howard.

On roll call, the following Commissioners were not present: Marshall Sharpe and Vicki Newton.

Vice Chairman Keesee called for the vote on the Planning Commission minutes from the November 10, 2015, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried unanimously to approve the minutes as written

Mr. Wally Bailey spoke on the procedures.

- 1. A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer, Beau Sparkman, for a zone change from not Zoned (NZ) to Commercial Moderate (C-3) by Extension located at 9300 Chad Colley Boulevard.**
- 2. A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer, Beau Sparkman, for development plan approval for a dental clinic located at 9300 Chad Colley Boulevard.**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to facilitate the development of a 5,960 square foot dental office with tenant space, 25 parking spaces, landscaping, and architectural features with 100 percent use of high quality materials.

Michael Riley agent for Fort Chaffee Redevelopment Authority, was present to speak on behalf of this request.

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

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those

described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- The Fort Chaffee Redevelopment Authority shall approve the Master Land Use Plan Amendments to the Chaffee Crossing Master Land Use map.
- Any signage in addition to the façade sign shall comply with the Chaffee Crossing Design Guidelines and the UDO. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter.
- All exterior lighting shall comply with the Commercial and Outdoor Lighting requirements.

Vice Chairman Keesee then called for the vote on the rezoning request as amended. The vote was 6 in favor and 1 abstention. (Keesee)

3. A request by Jeremy Jones for a text amendment to the Unified Development Ordinance to add motorcycles or ATV sales and service to the Commercial-4 zoning district as a permitted use.

Mr. Wally Bailey read the staff report indicating the purpose of this request is for a text amendment to the Unified Development Ordinance to allow auto vehicle dealer (indoors) in the Commercial-4, Commercial Heavy (C-5), Industrial Light (I-1), Industrial Moderate (I-2) and Industrial Heavy (I-3) zoning district as a permitted use and a conditional use in the Commercial Downtown (C-6) zoning district. The Planning Commission also approved the following definition created for the City of Fort Smith UDO entitled Auto and vehicle dealer (indoors):

Auto and vehicle dealer (indoors)

Shall mean a climate controlled facility used for the display and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, but not including heavy equipment. All sales, service, storage and display areas shall be indoors. Service and storage areas shall cumulatively be incidental and subordinate to the primary use of sales and displays.

Vice Chairman Keesee then called for the vote on the proposed text amendment. The vote was 7 in favor and 0 opposed.

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

- 4. Variance #37-12-15; A request by Affordable Construction Group, agent Gonzalo and Nely Portillo, for a variance from 20 feet to 0 feet minimum street frontage located at 3305 Newlon Road.**

Ms. Brenda Andrews read the staff report indicating the purpose for the variance will allow Mr. Portillo to build a single family home at this location and utilize utility and access easements for utility installation and access to the property.

Mitch Minnick was present to speak on behalf of this request.

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

Vice Chairman Keesee then called for the vote on the variance.

Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried with a vote of 6 in favor and 1 abstention (Richardson) to approve the development plan subject to the following:

- A plat formally crating the lot shall be submitted for staff review and filing.
- The utility and access easements shall be noted on the plat.
- The development of the property shall be limited to one single family house and any future accessory buildings.

Vice Chairman Keesee then called for the vote on the variance request as amended. The vote was 6 in favor and 1 abstention. (Richardson)

- 5. Variance #38-12-15; A request by Ron Brixey, agent for Delmas Roberts, for a variance from 150 feet to 121.7 feet minimum driveway separation and from 25 feet to 10 feet front yard setback located at 2000 South Savannah Street.**

Ms. Brenda Andrews read the staff report indicating the purpose of this request is to allow the owner to develop a multi-family development consisting of a proposed duplex with an existing single family home.

Mr. Ron Brixey, agent for Delmas Roberts, was present to speak on behalf of this request.

Mr. Don Chavis was present to speak on behalf of the City of Fort Smith Engineering Department.

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

Vice Chairman Keesee then called for the vote on the variance request.

Motion was made by Commissioner Carson, seconded by Commissioner Redd and carried with a vote of 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper) to approve the variance request.

Meeting Adjourned!

SUBDIVISION COMMENTS
JANUARY 12, 2016

1. Hanna Phoenix Addition, Lots 2-5 – Final Plat – Mickle-Wagner-Coleman

Existing Zoning Designation: Commercial Heavy (C-5 SPL)

Land Uses: The C-5 zoning district provides adequate locations for retail uses and services that generate moderate to heavy automobile traffic.

Proposed Land Uses: Commercial Uses

We recommend approval of the final plat with the following comment:

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.

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Rezoning #1-1-16 - A request by Manuel Navarro, owner, for Planning Commission consideration of a rezoning request from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension located at 1833 North 12th Street

PROPOSED ZONING

Approval of the rezoning will allow the owner to construct a single family home.

LOT LOCATION AND SIZE

The subject property is on the north side of North 12th Street between North R Street and North Q Street. The tract contains an area of 0.16 acres with 50 feet of street frontage along North 12th Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

Single-family, duplex dwellings, multifamily (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 Density – 20 Dwelling Units/Acre
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

Maximum Height - 40 feet (1+1)
Maximum Lot Coverage - 65%

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

2B

Area and Bulk Regulations:

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

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

SURROUNDING ZONING AND LAND USE

The areas to the east, west, and south are zoned RM-3 and developed as single family residences.
The area to the north is zoned Commercial Heavy (C-5) and is developed as a motel.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to provide stable neighborhoods, safe and attractive family environments, and protect property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 12th Street as a local road.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday December 16, at 4:30 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Based on the surrounding residential zoning and development, staff recommends approval of the zone change.

20

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 12 Block 2 Fishback Addition

2. Address of property: 1833 No. 12th St. Fort Smith AR 72904

3. The above described property is now zoned: ~~RM-3~~ / C-5

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

5. Why is the zoning change requested?
Would like to build a house.

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

Signed:

Manuel De Jesus Navarro-Pabmino
Owner or Agent Name
(please print)

Manuel Navarro
Owner

505 Chateau Dr
Owner or Agent Mailing Address
Fort Smith AR 72908

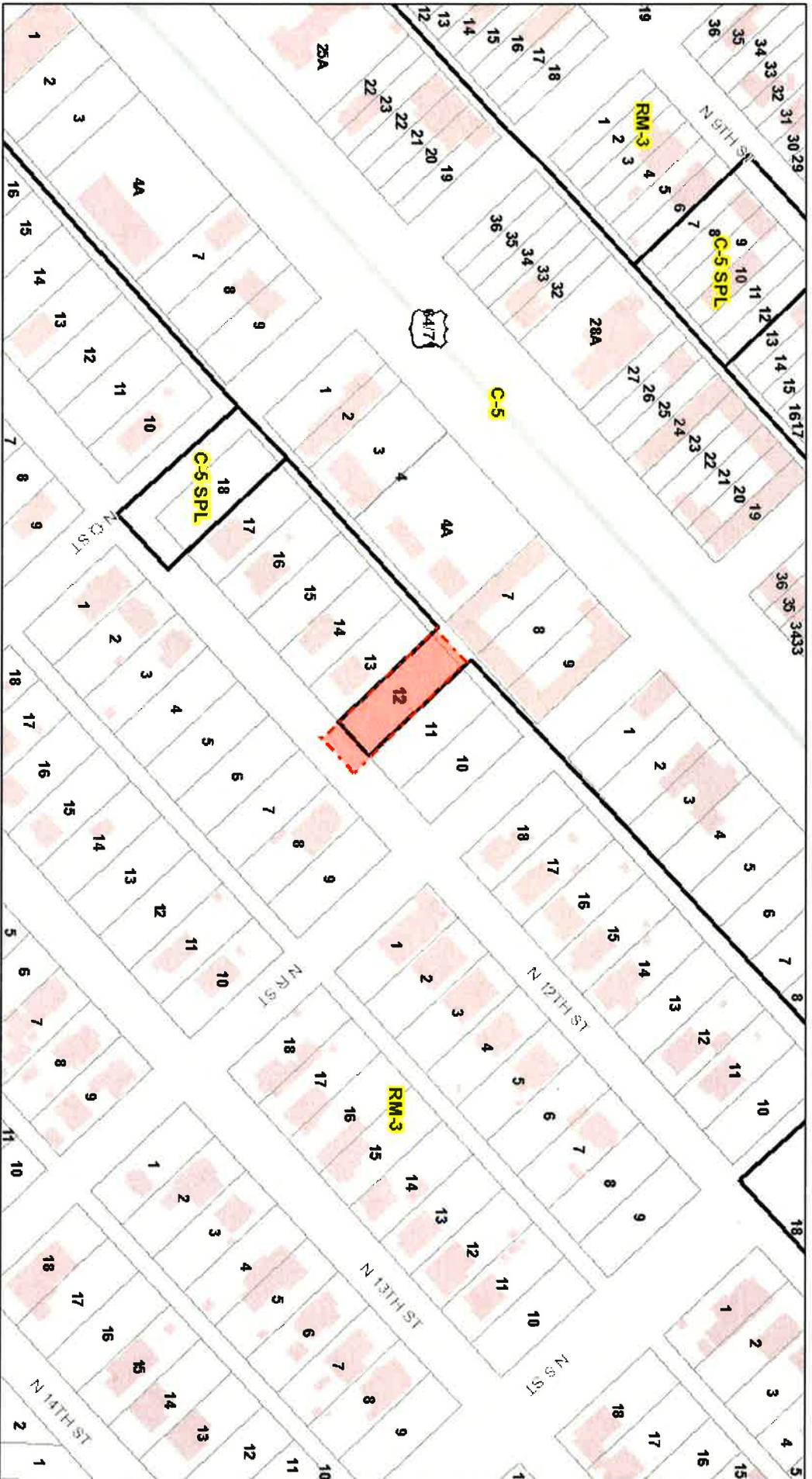
or

Agent

479-459-5044 ✕
Owner or Agent Phone Number
479-459-4044

Rezoning #1-1-16: From Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) 1833 North 12th Street

Handwritten initials: *W* and *CB*



December 15, 2015

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

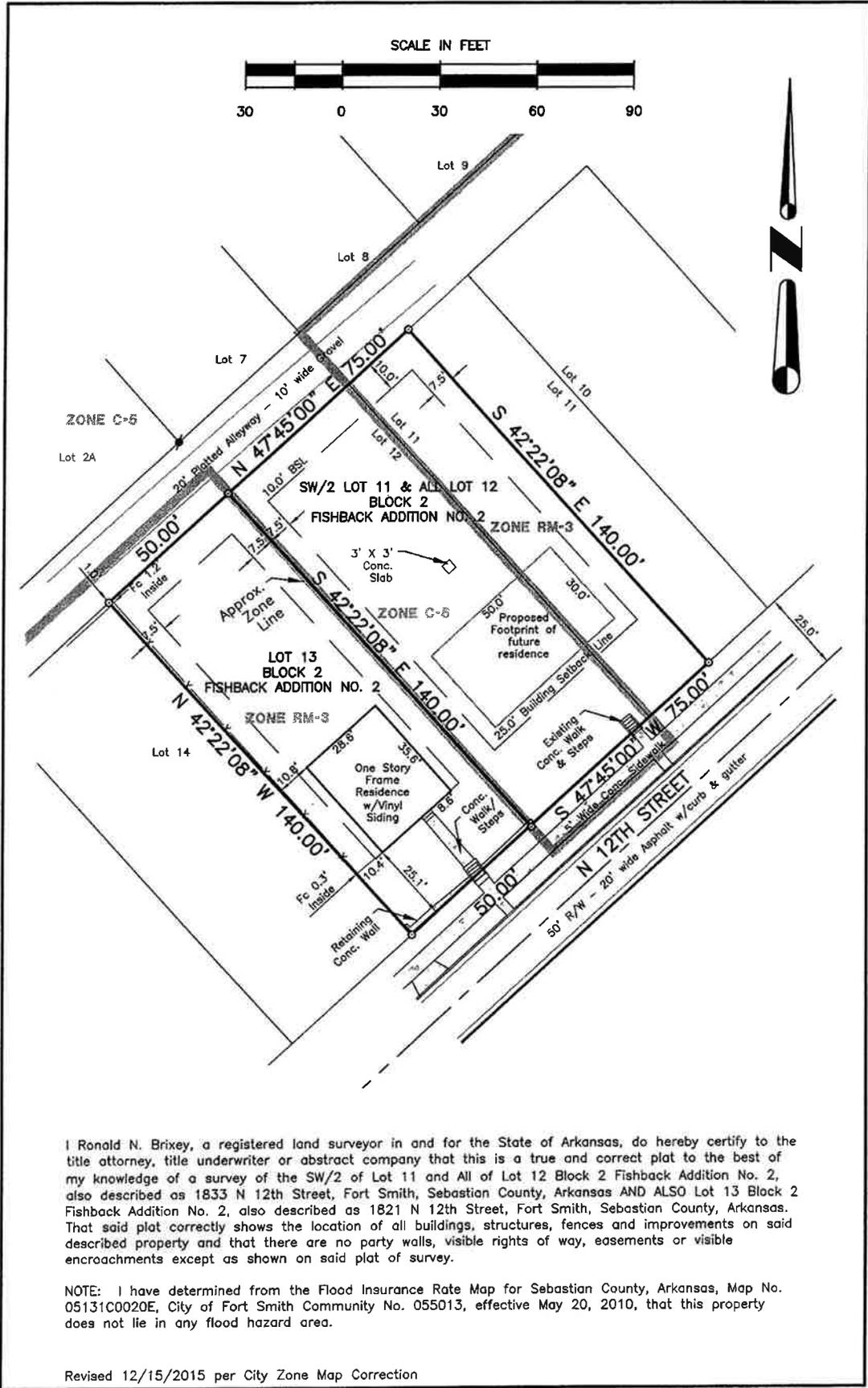
BRIXEY ENGINEERING & LAND SURVEYING, INC.

CONSULTING ENGINEERS - LAND SURVEYORS

5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72906 (479) 646-6364



© BRIXEY ENGINEERING & LAND SURVEYING 2015
 The professional use of this drawing or any part thereof is at the sole risk of the user. Brixey Engineering & Land Surveying, Inc. shall be held harmless and without liability from claims, damages, losses or expenses, including costs of defense, arising from improper use of this drawing or data, or by another party.



I Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of the SW/2 of Lot 11 and All of Lot 12 Block 2 Fishback Addition No. 2, also described as 1833 N 12th Street, Fort Smith, Sebastian County, Arkansas AND ALSO Lot 13 Block 2 Fishback Addition No. 2, also described as 1821 N 12th Street, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

NOTE: I have determined from the Flood Insurance Rate Map for Sebastian County, Arkansas, Map No. 05131C0020E, City of Fort Smith Community No. 055013, effective May 20, 2010, that this property does not lie in any flood hazard area.

Revised 12/15/2015 per City Zone Map Correction

File Name: G:\SURVEY\15-0431\15-0431.dwg

LEGEND

Computed Point	⊙
Set 1/2" Iron Pin	⊙
Exist. 1/2" Iron Pin	⊙
Set R.R. Spike	⊙
Exist. R.R. Spike	⊙
Set Nail	⊙
Exist. Nail	⊙
Exist. Stone	⊙
Exist. Monument	⊙
Exist. Fence	—x—



SITE PLAN

**SW/2 LOT 11, ALL LOT 12 & LOT 13
 BLOCK 2 FISHBACK ADDITION NO. 2
 CITY OF FORT SMITH, ARKANSAS**

Prepared For: Manuel Navarro & Roberto Castillo

Date: 12/10/2015
Drawn By: RJA
Computed by: DPB
Job No. 15-0431

2F

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Re: Development Plan Review - A request by Stuart Ghan, owner, for Planning Commission consideration of a Development Plan request to develop a neighborhood store (Dollar General) located at 1301 Towson Avenue

PROPOSED DEVELOPMENT PLAN

Approval of the development plan and the companion variance application will allow for a 9,100 s.f. retail store (Dollar General), with 26 parking spaces with architectural features and landscaping that comply with the UDO.

LOT LOCATION AND SIZE

The subject property is on the east side of Towson Avenue between South M Street and Dodson Avenue. The tract contains an area of 0.87 acres with approximately 200 feet of street frontage along Towson Avenue.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- 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) and is developed as mini storages.

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

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

The area to the west is zoned Commercial Heavy (C-5) and developed as vacant commercial properties.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Towson Avenue as a Major Arterial.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on the proposed driveway located on Towson Avenue. The applicant has also supplied a truck turn around diagram that shows all truck maneuvering will be on site.

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

Drainage – The current plan does not propose any drainage detention ponds. All drainage will be approved by the City Engineering Department prior to the issuance of a building permit.

Right-of-way dedication – No new R.O.W. dedication is required at this time.

Landscaping – The landscaping proposed complies with the minimum requirements set forth by the UDO.

Screening – A 6 ft. screening fence is proposed for the east property adjacent to the single family residences.

Parking – The site plan proposes 26 parking spaces. The applicant has requested a variance from the minimum required 37 parking spaces to 26 spaces.

Signage – The application proposes a pylon sign to be located south of the driveway along Towson Avenue.

Lighting – All new lighting is required to meet the minimum requirements of the UDO for light trespass and shielded fixtures.

Architectural features – The facades and design of the commercial building complies with the minimum requirements of the UDO with 51% of high quality material consisting of split face block.

Height and Area – The development plan proposes a maximum height of 19 feet.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday January 4th, 2016 at 1:00 P.M. located at 4611 Rogers Avenue. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the required minimum parking space variance.

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) Lots 6, 7, 8, 9, Block A, Sulphur Spring Town

2. Address of property: 1301 Towson Ave

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

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 N/A
(Zoning Classification) (Extension or classification)

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

Car shop to the south, storage
buildings to the north

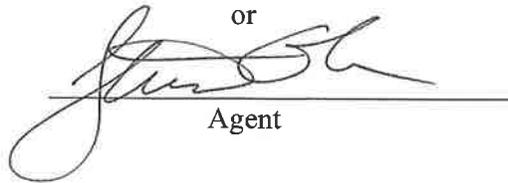
8. Total acreage of property 0.869 acres

Signed:

Stuart Ghan
Owner or Agent Name
(please print)


Owner

4611 Rogers Ave Ste 201
Owner or Agent Mailing Address

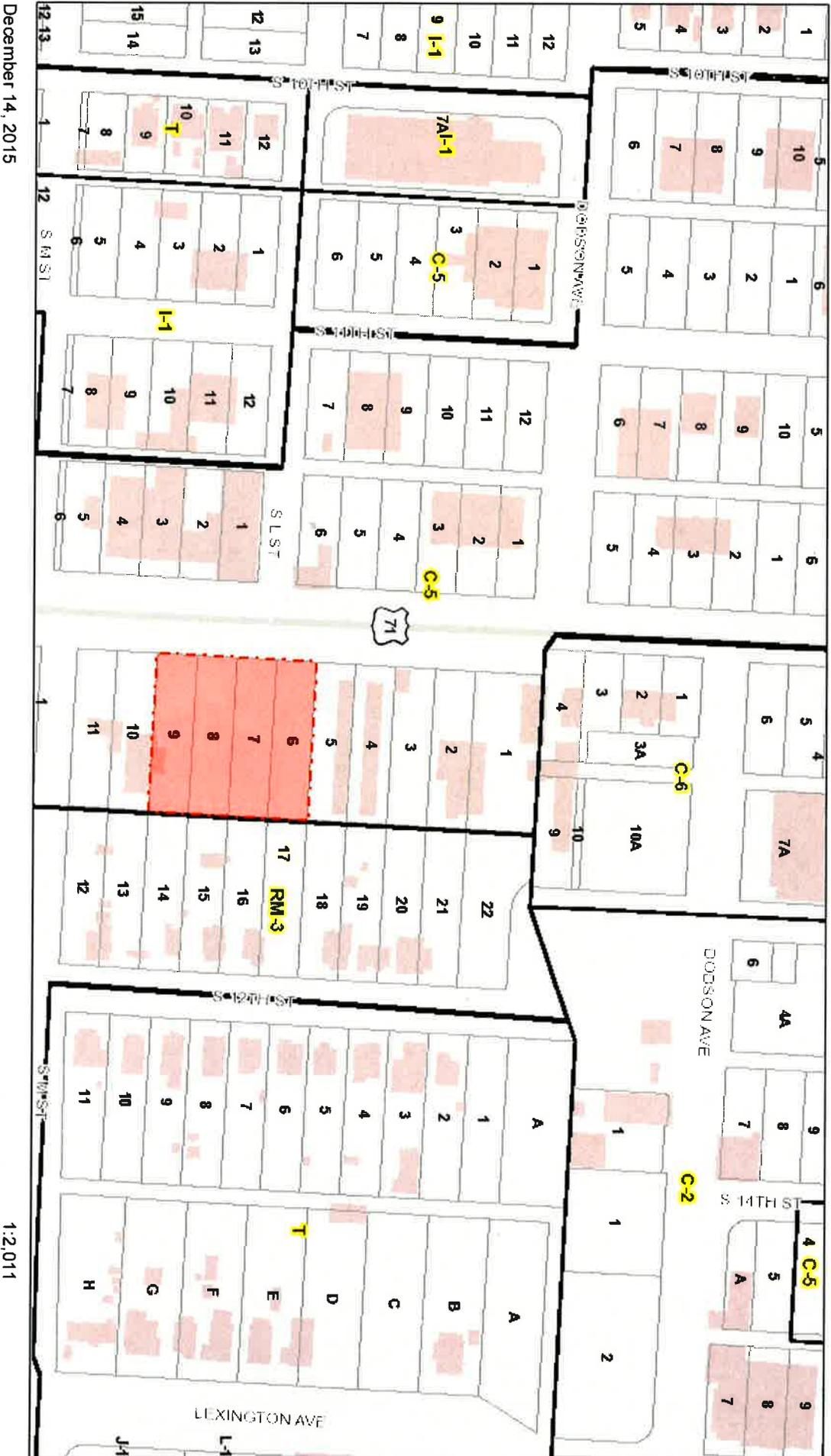
or

Agent

(479) 478-6161
Owner or Agent Phone Number

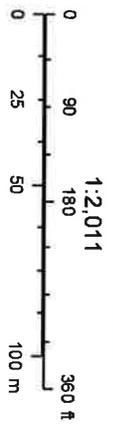
Development Plan Review: New Neighborhood Store (Dollar General)

1301 Towson Avenue

LF
3



- December 14, 2015
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions





FEATURES & SPECIFICATIONS

INTENDED USE — Outdoor storage areas, warehouse and factory perimeters and loading docks.
CONSTRUCTION — Rugged, corrosion-resistant, die-cast aluminum. Corrosion-resistant external hardware includes slotted hex-head fasteners.
Finish — Standard finish is electrostatically-applied, oven-cured, dark bronze (DOB) corrosion-resistant polyester powder paint.

OPTICS — Reflector is specular anodized aluminum. Refractor is prismatic-honeycomb glass which is sealed and gasketed to inhibit the entrance of outside contaminants.

ELECTRICAL — Electrical components are mounted in hinged front cover that includes primary and secondary electrical disconnect.

Ballast — Low pressure sodium: High resistance, high power factor; high pressure sodium: 70-150W is high resistance, high power factor; constant wattage autotransformer for 200-400W. Metal halide: 70-150W is high resistance, high power factor and is standard with pulse-start technology; SCWA not required. Constant wattage autotransformer for 175-400W. Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for metal halide 151-400W (SCWA option) for US shipments only. CSA, NOM or IRTL required for probe start shipments outside of the U.S. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested.

Sockets — Replaceable, horizontally oriented, single-ended bayonet base socket for 35W low pressure sodium; medium base socket for 70-150W; and mogul base socket for 175W and above, with copper alloy, nickel-plated screw shell and center contact. UL listed 1500W, 600V.

INSTALLATION — Back housing is separated from front housing, eliminating ballast weight and promoting easy handling. Top 3/4" threaded wiring access. Back access through removable 3/4" knockout. Feed-thru wiring can be achieved by using a conduit tee. Mount on any vertical surface. **Not recommended in applications where a sprayed stream of water can come in direct contact with glass lens.**

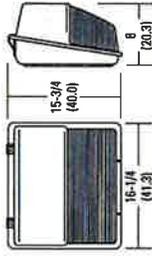
LISTINGS — UL Listed (standard), CSA or NOM Certified (see Options), UL listed for 25°C ambient and suitable for wet locations. 1165 rated (250 watt and below) or IP54 rated (400 watt) in accordance with IEC Standard 529. Note: Specifications subject to change without notice.

Wall Packs

TWH



METAL HALIDE: 70W - 400W
 HIGH PRESSURE SODIUM: 70W - 400W
 LOW PRESSURE SODIUM: 35W
 8" to 25" Mounting



Specifications

Height: 15-3/4 (40.0)
 Width: 16-1/4 (41.3)
 Depth: 8 (20.3)
 *Weight: 29.95 (13.59kg)
 All dimensions are inches (centimeters) unless otherwise indicated.
 *Weight as configured in example below.

Example: TWH 250M TB SCWA LPI

For shortest lead times, configure product using standard options (shown in bold).

Series	Wattage	Voltage	Ballast	Options	Finish ⁹	Lamp ¹⁰
TWH	Low pressure sodium ¹¹ 35L High pressure sodium ¹² 70S 100S 150S ³ 200S 250S 320M ^{4,5} 350M ^{4,5} 400S Ceramic metal halide 70MHC ^{1,3} 100MHC ¹ 150MHC	120 208 ⁶ 240 ⁶ 277 347 480 ⁶ TB ⁷ 230SHZ ⁸	(blank) CWI Magnetic ballast Constant wattage Isolated SCWA Super CWA pulse start ballast Note: For shipments to U.S. territories, SCWA must be specified to comply with EISA.	Shipped installed in fixture SF DF Double fuse (208, 240, 480V) EC Emergency circuit ¹¹ QMS Quartz restrike ¹¹ QRSTD Quartz restrike system with time delay ¹¹ PE Photoelectric cell - button type ¹¹ PER NEMA twist-lock receptacle ¹¹ FS Full shield TP Tamper proof screws CSA Listed and labeled to comply with Canadian Standards NOM NOM Certified ¹⁶ INTL Available for AH probe start shipping outside the U.S. REGCI California Title 20 effective 1/1/2010 Shipped separately ¹⁷ PE1 NEMA twist-lock PE (120V/208V/240V) PE3 NEMA twist-lock PE (347V) PE4 NEMA twist-lock PE (480V) PE7 NEMA twist-lock PE (277V) SC Shooting cap for PER option VG Vandal guard ¹⁴ WG Wire guard ¹⁴	(blank) Dark bronze Natural aluminum DBL Black DMW Medium bronze White CR Enhanced corrosion resistant CCT Non-slip protective coating ¹⁵	LPI Lamp Included L/P Less lamp

Notes
 1 Not available with SCWA.
 2 Operates 55V lamp.
 3 Not available with 480V.
 4 These wattages do not comply with California Title 20 regulations.
 5 These wattages are not available with SCWA.
 6 These wattages require the REGCI option to be chosen for shipments into California for Title 20 compliance. 250M REGCI is not available in 347 or 480V.
 7 Requires 1-1/2" ID or B128 reduced jacket lamp.
 8 Must specify CWI for use in Canada.

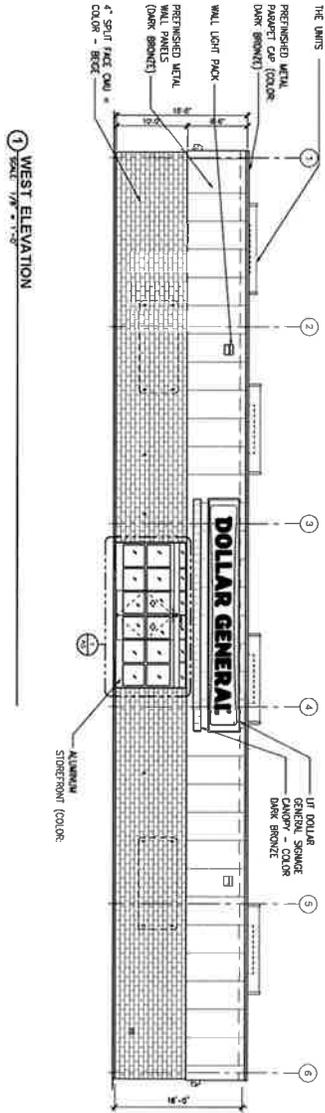
9 Optional multi-clip ballast (120, 208, 240, 277V) in Canada (120, 277, 347V).
 10 Consult factory for available wattages.
 11 Max allowable wattage lamp included.
 12 Photocell not included.
 13 May be ordered as an accessory.
 14 Probe with TWH when ordered as an accessory. Requires field modification.
 15 See www.lithonia.com for additional color options.
 16 Black finish only.
 17 Must be specified. LAF/WA/MHC

OUTDOOR

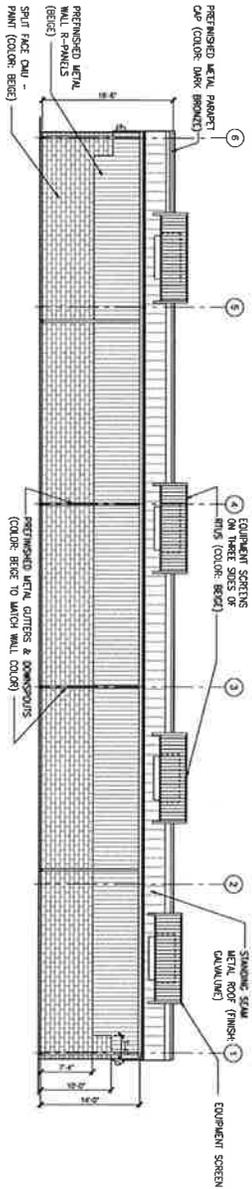
TWH_M_S_1

3G

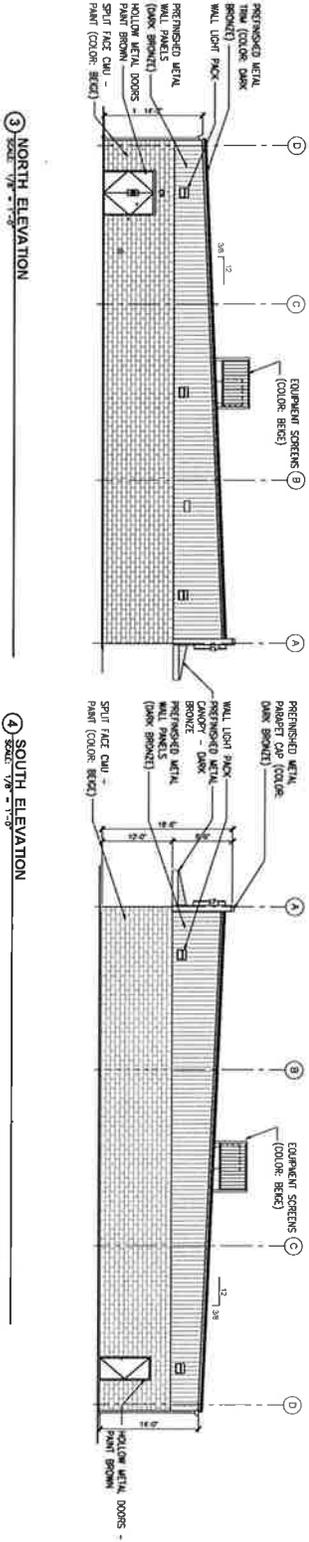
BACK OF EQUIPMENT SCREENS BEYOND (COLOR: BRONZE) PREPARED METAL SCREEN ROOFING UNITS AT THE WEST ELEVATION AS WELL AS CHANGE IN GROUND ELEVATION CHANGE. NO FINISH SPECIFICATIONS IS REQUIRED ON THE WEST SIDE OF THE UNITS.



1 WEST ELEVATION
Scale: 1/8" = 1'-0"



2 EAST ELEVATION
Scale: 1/8" = 1'-0"



3 NORTH ELEVATION
Scale: 1/8" = 1'-0"

4 SOUTH ELEVATION
Scale: 1/8" = 1'-0"

C of FS DESIGN DEVELOPMENT REVIEW



PROJECT: 14-36.05
DATE: 12-11-2015
A2

REVISIONS:

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-6395

WESTBROOK DEVELOPMENT, L.L.C.

BUILDING ELEVATIONS & KEY NOTES

DOLLAR GENERAL

2015 PROTOTYPE PLAN "C" - 8,100 S.F.
TOWSON AVENUE near SOUTH "L" STREET
FORT SMITH, ARKANSAS



3H

LANDOWNER WESTBROOK DEVELOPMENT, LLC	PROJECT - CIVIL MODEL NUMBER: 14-3605	EXISTING ZONING CLASSIFICATION C-1 (COMMERCIAL CENTER)
ARCHITECT ARCHITECTURE PLUS, INC.	PROJECT LOCATION 2015 SOUTH "L" STREET FORT SMITH, ARKANSAS	PROJECT ADDRESS 2015 SOUTH "L" STREET FORT SMITH, ARKANSAS
DATE 12/09/2015	DATE 12/09/2015	DATE 12/09/2015

VARIANCE REQUESTS
NUMBER OF OFF-STREET PARKING SPACES

LANDSCAPE ASSES: Have shown proposed location and size of landscape areas meeting the City of Fort Smith UDO. See separate landscape plan, sheet L1 for detailed Landscape Plan.

UDO = 3 SF OF LANDSCAPE PER EACH 100 SF OF VEHICULAR USE AREA

VEHICULAR USE AREA = 15,875 SF / 100 SF = 158

160 x 3 SF = 480 SF REQUIRED INTERIOR LANDSCAPE

INTERIOR LANDSCAPE ASSES:
100 SF + 222 SF + 302 SF + 302 = 808 SF PROVIDED

3% SF. PROVIDED > 800 SF. REQUIRED

CHART PER 27-391-4 PARAGRAPH X	
1. TOTAL NUMBER OF SHEDDING UNITS	NOT PERMITTED
2. RESIDENTIAL CROWDING & LIGHTS PER CODE	NOT PERMITTED
3. GROSS FLOOR AREA PER FLOOR	9,411 G.S.F.
4. TOTAL AREA IN OPEN SPACE	10'-0" x 14'-0" MAX HEIGHT ALLOWED
5. TOTAL NUMBER OF OFF-STREET PARKING SPACES REQUIRED	158 SPACES PER UDO
6. SOUNDING CAPACITY	NOT PERMITTED
7. USES BY FLOOR	RETAIL, (RESTAURANT AND VARIETY STORE)

27-502-5 COMMERCIAL AND OUTDOOR LIGHTING

SHEDDING SHALL HAVE LIGHT FIXTURES WITH THE REQUIREMENTS PER 27-502-5:

PROHIBITIONS - REQUIREMENTS

- THREE FIXTURES ARE SPECIFIED
- FIXTURES ARE GROUPED WITH ALLOWING THREE FIXTURES TO BE GROUPED TOGETHER ON A HORIZONTAL PLANE
- N/A - NO UPWARD DIRECTIONAL LIGHT FIXTURES
- N/A - NO OUTDOOR LIGHTING TO BE SHIELDED ON SITE
- ALL OUTDOOR LIGHTING ARE SHIELDED LIGHT FIXTURES
- N/A - THERE ARE NO FLOODLIGHT TYPE FIXTURES

REQUIREMENTS - LIGHT FIXTURES

- ILLUMINATION FROM FIXTURES 3'-0" ABOVE PROPERTY LINE DO NOT EXCEED 0.1 FOOT CANDLES IN A VERTICAL PLANE ON REZONING ZONED PROPERTY
- LIGHT FIXTURES TO BE INSTALLED SHALL NOT EXCEED A SOURCE OF DIRECT GLARE VISIBLE TO THE PUBLIC
- LIGHT FIXTURES TO BE INSTALLED SHALL BE SHIELDED TO PREVENT LIGHT INTRUSION

REQUIREMENTS - LIGHT FIXTURES

- ILLUMINATION FROM FIXTURES 3'-0" ABOVE PROPERTY LINE DO NOT EXCEED 0.1 FOOT CANDLES IN A VERTICAL PLANE ON REZONING ZONED PROPERTY
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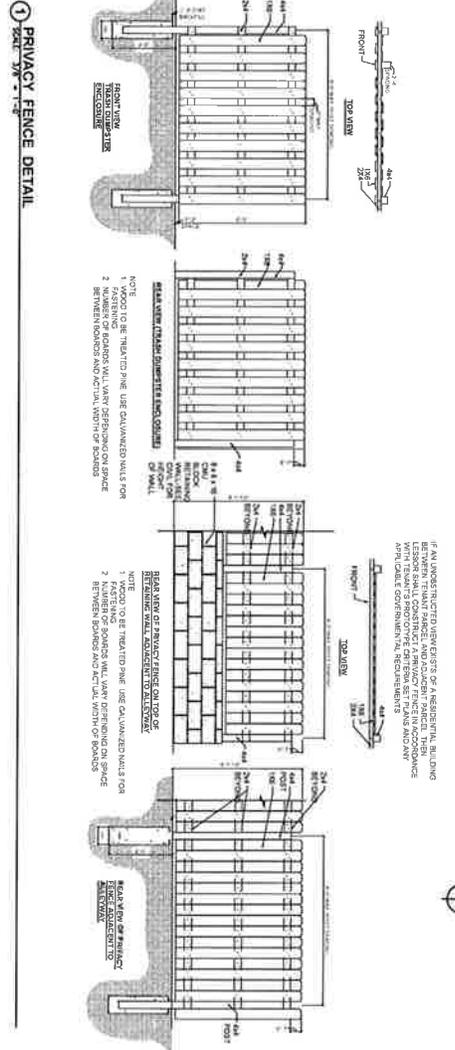
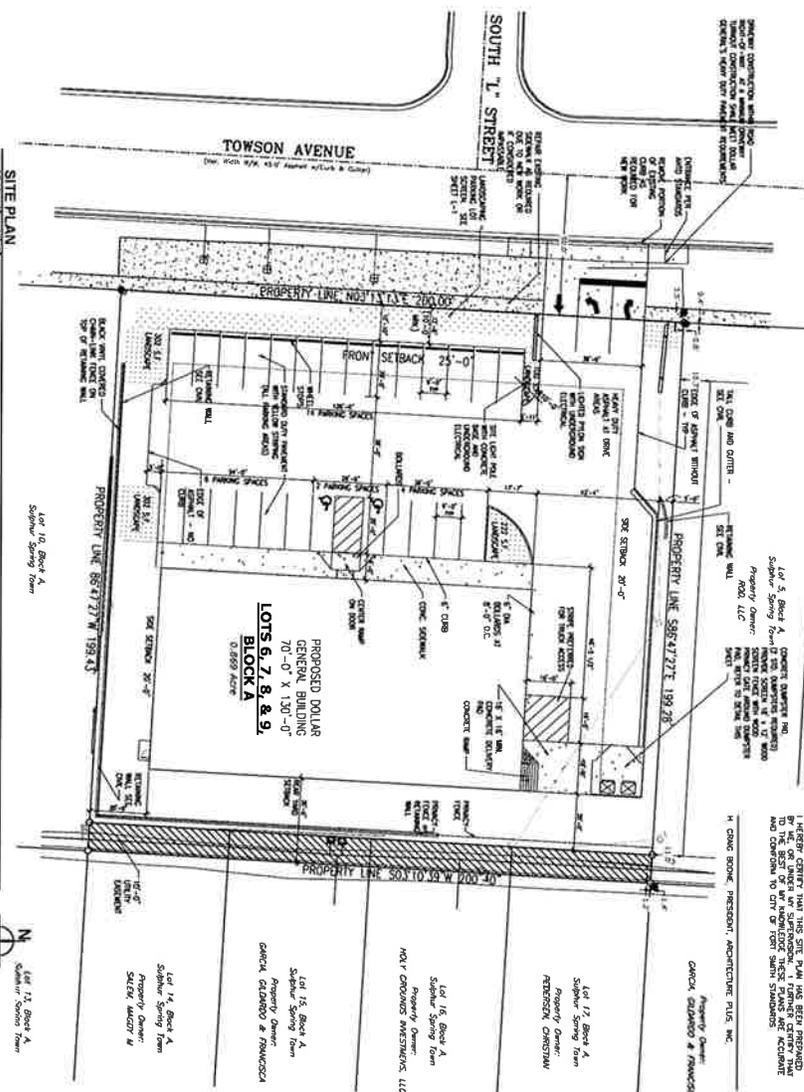
REQUIREMENTS - LIGHT FIXTURES

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- LIGHT FIXTURES TO BE INSTALLED SHALL NOT EXCEED A SOURCE OF DIRECT GLARE VISIBLE TO THE PUBLIC
- LIGHT FIXTURES TO BE INSTALLED SHALL BE SHIELDED TO PREVENT LIGHT INTRUSION

THIS IS THE PRIMARY SIGN FROM FOR ALL LOCATIONS

2 PRIMARY SIGN DETAIL

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



ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/763-8395

WESTBROOK DEVELOPMENT, L.L.C.

DOLLAR GENERAL
2015 PROTOTYPE PLAN "C" 1:500 S.F.
TOWSON AVENUE near SOUTH "L" STREET
FORT SMITH, ARKANSAS

ARCHITECTS - PLANNERS

PROJECT: 14-36 075
DATE: 12-11-2015
C1

REVISIONS:

SITE PLAN, DETAILS & NOTES

37

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Re: Variance #2-1-16 - A request by Stuart Ghan, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 37 to 26 minimum number of required parking spaces located at 1301 Towson Avenue.

REQUESTED VARIANCE

Approval of the development plan and variance applications will allow for a 9,100 s.f. retail store (Dollar General) with 26 parking spaces with architectural features and landscaping that comply with the UDO.

LOT LOCATION AND SIZE

The subject property is on the east side of Towson Avenue between South M Street and Dodson Avenue. The tract contains an area of 0.87 acres with approximately 200 feet of street frontage along Towson Avenue.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- 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) and is developed as mini storages.

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

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

The area to the west is zoned Commercial Heavy (C-5) and developed as vacant commercial properties.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Towson Avenue as a Major Arterial.

APPLICANT HARDSHIP

The applicant states that the minimum required number of parking spaces listed by the UDO over compensates for what is needed for a Dollar General.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday January 4th, 2016 at 1:00 P.M. located at 4611 Rogers Avenue. No neighboring property owners attended the meeting.

4B

STAFF COMMENTS AND RECOMMENDATIONS

To date, three variances from minimum parking requirements have been approved for similar neighborhood stores including the Family Dollar at 3200 Jenny Lind, Dollar General at 1701 Grand Avenue and the General Dollar at 3715 Mussett Road. These types of stores generally require less parking due to the customers spending less time in the store and, in some cases, customers walking to the store.

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 BZA is inclined to approve the variance, staff recommends approval with the following condition:

Approval of the variance is for a retail neighborhood store only. Any future uses different from a retail neighborhood store must comply with the required minimum parking standards for the proposed land use.

Var. # 2-1-16

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)

Lots 6, 7, 8, 9, Block A, Sulphur Spring Town

Address of property 1301 Towson 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>

FROM

TO

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

_____ - _____ Exterior Side Yard Setback

_____ - _____ Interior Side Yard Setback

_____ - _____ Rear Yard Setback

_____ - _____ Maximum Height of Structure

_____ - _____ Minimum Distance Between Structures on the Same Lot

_____ - _____ Minimum Lot Area (Square Feet)

_____ - _____ Minimum Lot Frontage

_____ - _____ Maximum Size of a Sign

37 - 26 Other: Parking Spaces

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

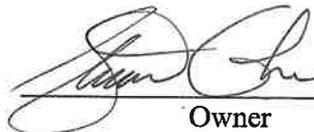
40

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

Signed:

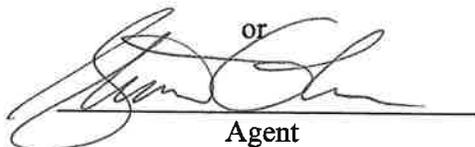
Stuart Ghan

Owner or Agent Name (please print)


Owner

(479) 478-6161

Owner or Agent Phone Number


or
Agent

4611 Rogers Ave

Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<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 (<u>steep</u> , 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)

With size of lot, parking spaces requirement
can't be met, and is also not needed by
Dollar General

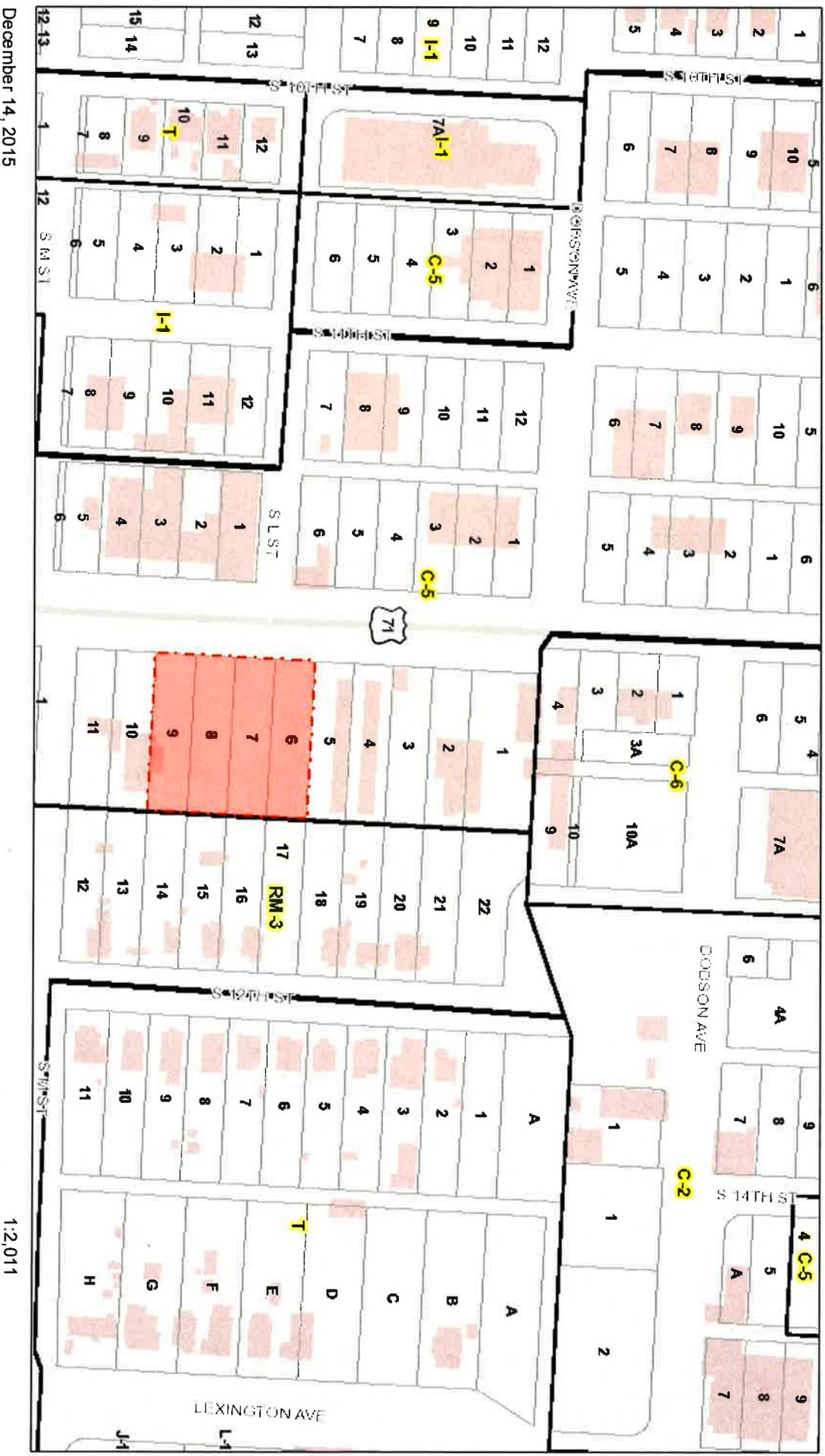
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Required Parking under UDO over compensates
for what is needed for a Dollar General

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 #2-1-16: From 37 to 26 minimum number of parking spaces 13011 Towson Avenue

IT



- December 14, 2015
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



LANDING DEVELOPMENT, LLC	PROJECT - COMMERCIAL	EXISTING ZONING CLASSIFICATION
1500 S. TOWSON AVENUE, FORT SMITH, ARKANSAS 72501	3-1 (LOW CHANGE PROPOSED)	
PROJECT ARCHITECT: ARCHITECTURE PLUS, INC.	PROJECT ADDRESS TO BE OBTAINED AFTER R-C-P-141	
DATE: 12-11-2015	PROPOSED COMMERCIAL USE	
PROJECT NO: 14-36.05	DATE: MAY 2015	

VARIANCE REQUESTS
PROPOSED VARIANCE REQUESTS
NUMBER OF OFF-STREET PARKING SPACES

LANDSCAPE NOTES: Areas shown represent locations and sizes of landscape areas meeting minimum requirements for the site. See separate landscape plan sheet U for detailed landscape plan.

UDO = 5 S.F. OF LANDSCAPING FOR EACH 100 S.F. OF VEHICLE USE AREA

VEHICULAR USE AREA = 15,975 S.F. / 100 S.F. = 160

160 x 5 S.F. = 800 S.F. REQUIRED INTERIOR LANDSCAPE

REQUIRED VEHICLE AREAS:

100 S.F. = 200 S.F. x 50 S.F. x 200 = 800 S.F. PROVIDED

900 S.F. PROVIDED > 800 S.F. REQUIRED

CHART PER 27-331-4 PARAGRAPH X	
1. TOTAL NUMBER OF CHANGING UNITS	NOT APPLICABLE
2. RECREATIONAL CHANGING UNITS PER FLOOR	NOT APPLICABLE
3. CHANGING FLOOR AREA PER FLOOR	9,411.6 S.F.
4. TOTAL AREAS IN OPEN SPACE	18'-0" x 49'-0" MAX HEIGHT ALLOWED
5. TOTAL NUMBER OF OFF-STREET PARKING SPACES REQUIRED	26 SPACES PROVIDED (7,343 S.F. C.S.A.)
6. SEATING CAPACITY	NOT APPLICABLE
7. USES BY FLOOR	RETAIL, FOODSERVICE AND MARKET USES

27-602-5 COMMERCIAL AND OUTDOOR LIGHTING

BUILDING WALL PACK LIGHT FIXTURES MEET THE REQUIREMENTS PER 27-602-5:

PARAGRAPH B. - REQUIREMENTS

1. THESE FIXTURES ARE SHIELDED
2. FIXTURES ARE EQUIPPED WITH AUTOMATIC TRIMMING DEVICES
3. N/A - NO FIXTURES MOUNTED ON A RETAIL RECEIPT OR PLATFORM
4. N/A - NO RECREATIONAL AND SPORTS FACILITY ON SITE
5. N/A - OUTDOOR LIGHTING ARE SHIELDED TO PREVENT EXCESSIVE LIGHT
6. N/A - THESE ARE NO THROUGH THE ROOF FIXTURES

PARAGRAPH C. - LIGHT FIXTURES

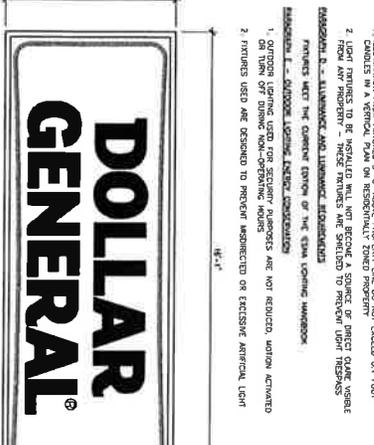
1. ILLUMINATION PROVIDED BY 5'-0" TALL SIGNAGE SHALL NOT EXCEED 0.1 FOOT CANDLES PER A VERTICAL PLANE OR RESPECTIVELY 200 FOOT CANDLE PER HORIZONTAL PLANE
2. LIGHT FIXTURES TO BE INSTALLED WILL NOT BECOME A SOURCE OF DIRECT GLARE VISIBLE FROM ANY PROPERTY - THESE FIXTURES ARE SHIELDED TO PREVENT LIGHT INTERFERENCE

PARAGRAPH D. - SIGNAGE AND LIGHTING REQUIREMENTS

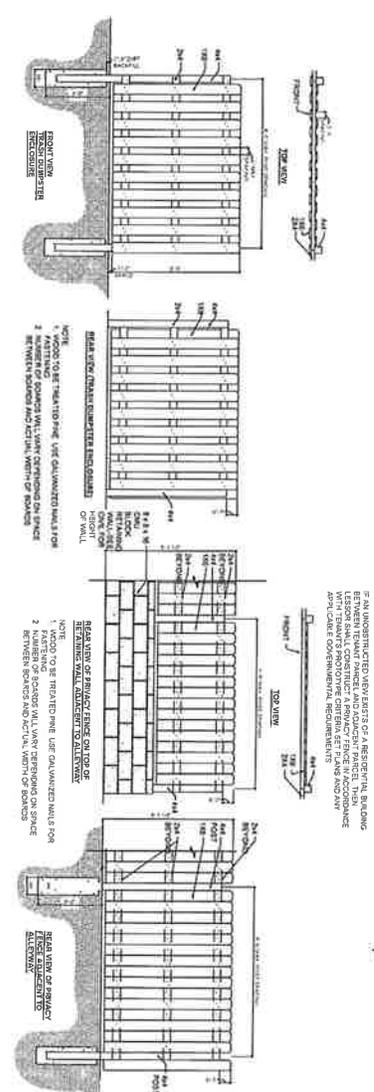
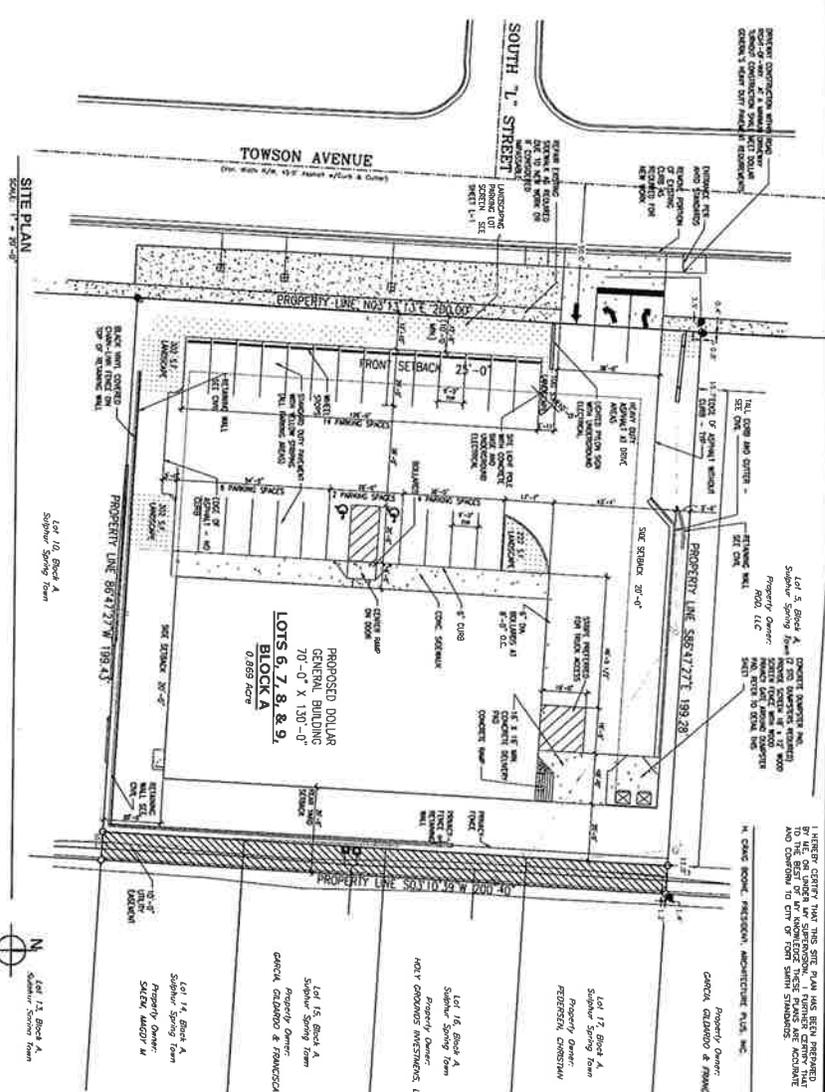
FIXTURES MEET THE CURRENT EDITION OF THE IESNA LIGHTING HANDBOOK

PARAGRAPH E. - OUTDOOR LIGHTING ENERGY CONSERVATION

1. OUTDOOR LIGHTING USED FOR SECURITY PURPOSES ARE NOT REQUIRED, NOTION EXTENDED ON TURN OFF DURING NON-OPERATING HOURS
2. FIXTURES USED ARE DESIGNED TO PREVENT INTERFERENCE OF EXCESSIVE ARTIFICIAL LIGHT



1. THIS IS THE PRIMARY SIGN FOR ALL PRIMARY SIGN DETAIL



1. THIS IS THE PRIMARY FENCE FOR ALL PRIMARY FENCE DETAIL

<p>ARCHITECTURE PLUS, INC. 307 South 21st Street Fort Smith, Arkansas 479/783-8395</p>	<p>WESTBROOK DEVELOPMENT, L.L.C.</p>	<p>DOLLAR GENERAL</p> <p>3015 PROPOSED SITE PLAN - 0' x 100' x 100' S.F. TOWSON AVENUE near SOUTH T STREET FORT SMITH, ARKANSAS</p>	

45

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Re: Conditional Use #1-1-16 - A request by Renea Spoon, agent, for Planning Commission consideration of a Conditional Use request to develop a Daycare Home with one (1) employee at 2620 Independence Street

PROPOSED CONDITIONAL USE

The approval of this Conditional Use application will allow for a daycare home with one employee to occur at this location. The proposed daycare home will have no more than 12 children at any time. The hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday. The parents will be required to park in the driveway for drop off and pick up. The parents will have a staggered drop off and pick up times to ensure that they will not cause traffic congestion.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Independence Street and South 27th Street. The tract contains an area of 0.28 acres with approximately 83 feet of street frontage along Independence Street and approximately 147 feet of street frontage along South 27th Street.

EXISTING ZONING

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

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 50%

SURROUNDING ZONING AND LAND USE

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

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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Independence Street as a Residential Collector and classifies South 27th Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, December 29, 2015 at 5:30 p.m. at 3201 Rogers Avenue in the Davis Room at the Fort Smith Public Library.

One neighboring property attended the meeting, who had concerns about traffic, the possibility of an accident, and was generally opposed to a business in the neighborhood.

Additionally, staff received a phone call from a concerned property owner about the lack of sidewalks in the area. The caller stated there are many kids walking to and from area schools and the extra traffic and cars parked on the street would create a more dangerous situation than already exists. Further, the location is located between two hills with limited sight distance and does not have enough parking to support off street parking for a daycare. An e-mail summarizing the call is enclosed within your packet.

A copy of the attendance record and meeting summary are enclosed.

STAFF COMMENTS AND RECOMMENDATIONS

The city engineering department also noted some concern with the minimal on-street parking due to existing opening ditches in the neighborhood. With the lack of sidewalks and open ditches, it will be necessary for all parking to occur in the driveway as the applicant has stated.

If the planning commission is inclined to approve the application, staff recommends approval with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All parking associated with the home day care shall occur on the driveway. No on street parking is permitted.
3. The Fire Marshal will require an inspection of the premises.
4. The structure and operations shall comply with the Arkansas DHS requirements for a home daycare and any Arkansas Fire Codes that apply for a home daycare.
5. The hours of operation are limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
6. No dumpster shall be allowed.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Library - Rogers Ave (Davis Room)

Meeting Time & Date 5:30 p.m Dec. 29, 2015

Meeting Purpose Conditional Use

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>TAM MONACO</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>Renca Spoon</u>	<u>1221 Mabel Ave</u>	<u>650-7787</u>
3.	<u>B J [Signature]</u>	<u>2601</u>	<u>365-3919</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

December 31, 2015

Summary of the Neighborhood meeting held on December 29, 2015 at the Main Library.

Attendee's Renea Spoon
 Tom Monaco
 Robert (B.J.) Claybaugh

Robert Claybaugh was the only neighbor to attend the meeting. His concerns are heavy traffic, safety of his animals and rezoning of the neighborhood.

After looking into the traffic counts on Independence Street, Jenny Lind Avenue and Old Greenwood Road, the numbers have actually decreased over the last few years.

As far as the safety of his animals, if Mr. Claybaugh would abide by the city ordinances, his animals would be contained within his yard and not roaming freely in the street.

Tom Monaco explained to Mr. Claybaugh that the conditional use permit has absolutely nothing to do with rezoning of the neighborhood.

Renea Spoon
479-650-7787

Monaco, Tom

From: Striplin, Bill
Sent: Monday, December 28, 2015 11:22 AM
To: Miller, Perry; Monaco, Tom; Rice, Maggie; Andrews, Brenda
Subject: 2620 Independence - Day Care

All,

Connie Lea called from 2621 Independence to voice her objection to a daycare being located in that location. She stated that there are no sidewalks there and many kids from area schools walk this street every day. Placing extra traffic and cars parked on the street is going to create a more dangerous situation than already exists. She stated 2620 Independence is located between two hills with limited sight distance and 2620 has not enough parking to support off street parking for a day care. She encourages the Planning commissioners to visit this location and not the hazards before voting on this. I am placing a copy of this email in the file.

Bill Striplin
City Planner
Planning department
Phone: (479) 784-2211
Fax: (479) 784-2462
email: bstriplin@fortsmithar.gov

Conditional Use # 1-1-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Fannie Mae

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

Vantage View Subdivision
27-08-32

Street Address of Property:

2620 Independence St Fort Smith AR 72901

Existing Zoning Classification:

RSV2

Proposed Zoning Classification (if applicable):

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

In-home childcare (day care with 1 employee)

What amenities are proposed such as landscaping and screening?

N/A

Kynea Spoon
Owner or Agent Name (please print)

Signed:

2620 Independence
Owner or Agent Mailing Address

Owner

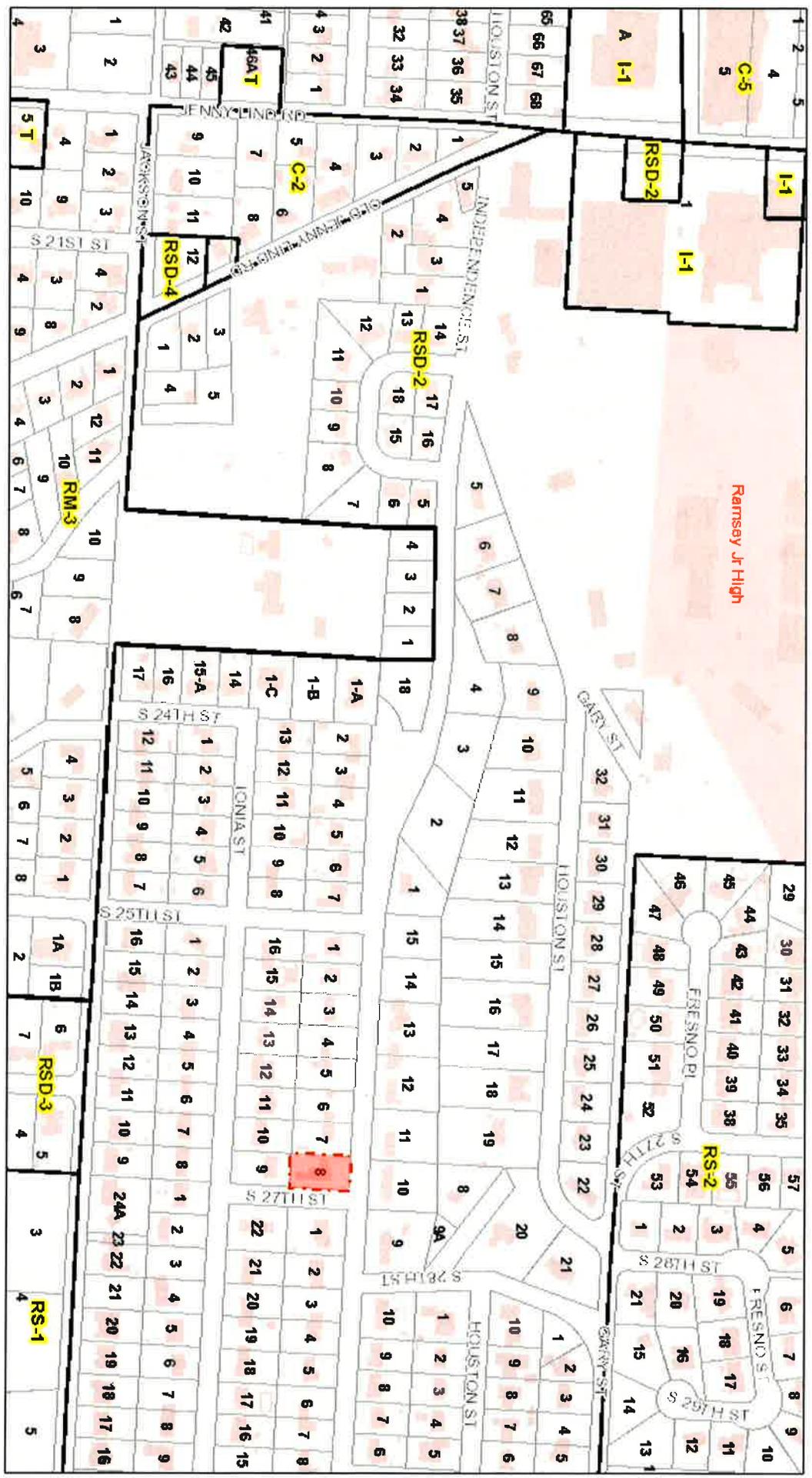
Or

479-648-9658
Owner or Agent Phone Number

Agent

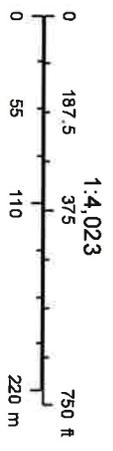
Conditional Use #1-1-16: Daycare Home with one (1) employee 2620 Independence Street

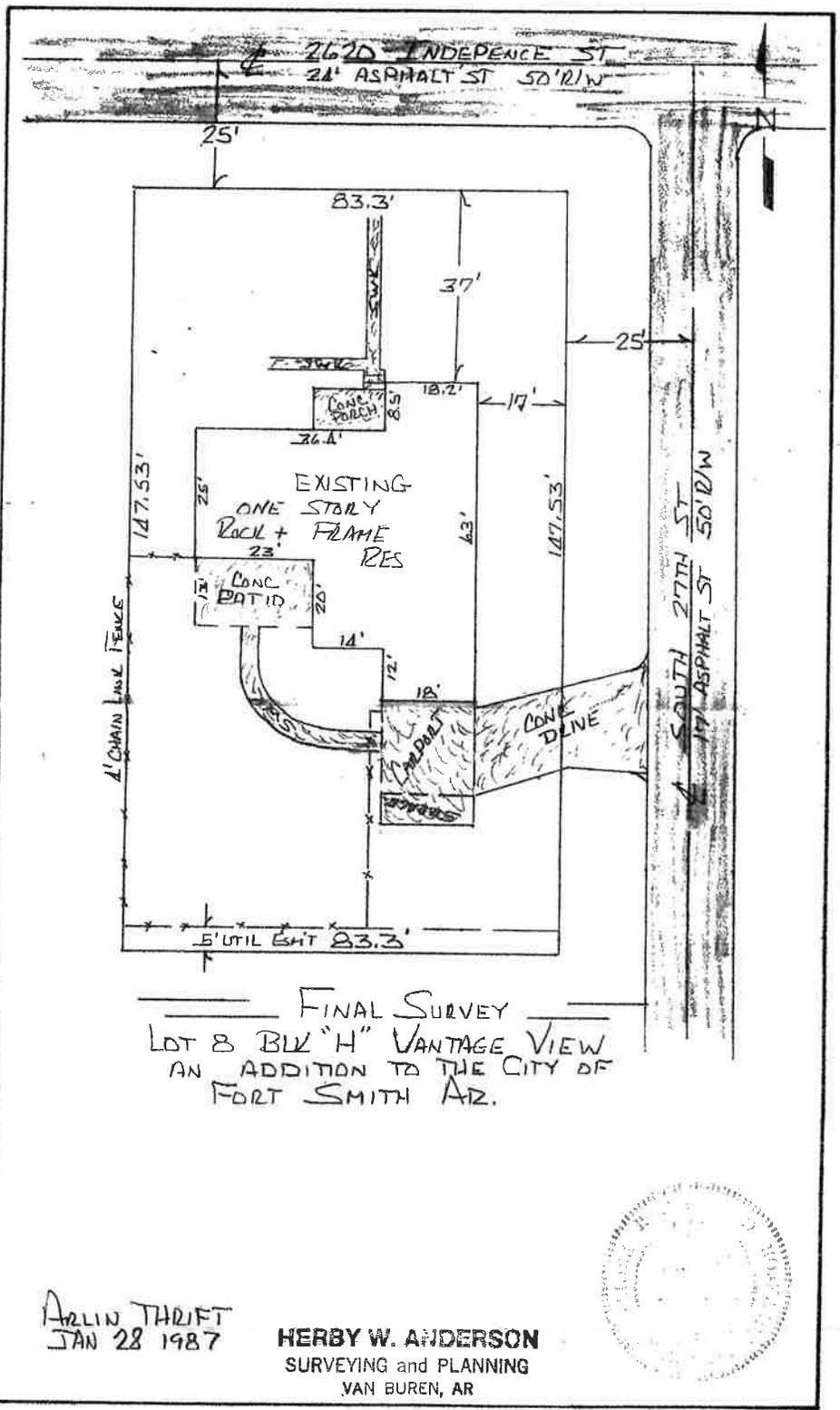
F5



December 14, 2015

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





FINAL SURVEY
 LOT 8 BLK "H" VANTAGE VIEW
 AN ADDITION TO THE CITY OF
 FORT SMITH AR.

ARLIN THRIFT
 JAN 28 1987

HERBY W. ANDERSON
 SURVEYING and PLANNING
 VAN BUREN, AR



Memo

To: City Planning Commission

From: Planning Staff

Date: December 22, 2015

Re: Conditional Use #2-1-16 - A request by Nick Griffin, agent, for Planning Commission consideration of a Conditional Use request to develop a restaurant with drive through and outdoor dining at 8201 Phoenix Avenue

PROPOSED CONDITIONAL USE

The approval of this Conditional Use application will allow for the construction of a 3,059 square foot Burger King restaurant with drive through and outdoor dining for 16 persons.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Phoenix Avenue and Massard Road. The tract contains an area of 2.73 acres with approximately 174 feet of street frontage along Massard Road and approximately 657 feet of street frontage along Phoenix Avenue

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.

6A

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 Transitional (T) and Commercial Heavy (C-5) and developed as a medical complex parking lot and as a restaurant.

The area to the east is zoned Commercial Heavy (C-5) with an undeveloped lot.

The area to the south is zoned Residential Single Family Duplex Low/Medium Density (RSD-2) with an undeveloped lot.

The area to the west is zoned Transitional (T) and developed as a medical complex parking lot.

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.

6B

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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Phoenix Avenue and Massard Road as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Two new driveways will be constructed along Phoenix Avenue. The applicant has submitted a companion variance application requesting a variance from the required minimum driveway separation from 200 feet to 185 feet.

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

Drainage – A detention area is proposed on the western side of the property. The complete drainage plan will be reviewed with the building permit application.

Right-of-way dedication – Not required.

Multi-Use bike path – Not required.

Landscaping – The plan shows perimeter/parking lot screening on Phoenix Avenue and Massard Road as well as interior landscaping for vehicular use areas. The plan shows the trees planted in groups of two and three. The plan shall be revised to show the trees spaced a minimum of 50 feet apart as required by the UDO. Submittal of a final landscape plan will be required to verify compliance with the UDO.

Screening – The plan shows a dumpster west of the building. The dumpster as well as all mechanical equipment, heating/cooling systems, utility boxes, and any ground-mounted equipment shall be completely screened from adjoining properties and adjacent right of way. Any roof top equipment shall also be screened as required.

Parking – The site plan calls for 33 parking spaces. The minimum number of required parking spaces is 29.

Signage – The plans show one monument sign to be located at the intersection of Massard Road and Phoenix Avenue. The sign shown will comply with the Phoenix Avenue Overlay district requirements. Wall signs are limited to 20% of the wall area that the sign is installed on.

6C

Lighting – No lighting is shown on the plans. All exterior building and site lighting shall comply with the UDO requirements.

Setbacks – The building as shown on the site plan meets all the required setbacks.

Architectural features – The building will be constructed of brick along the bottom with EIFS above. There will be a red metal light screen at the roof line.



Height and Area – The restaurant will be 3,059 square feet in area and have a maximum height of 21 feet.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, January 5, 2016 at 3434 Country Club Avenue at the office of Mickle Wagner Coleman, Inc. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the companion driveway separation variance.
3. Submittal of a final landscape plan.
4. Submittal of screening methods for trash enclosure and all mechanical equipment in compliance with the UDO.
5. All exterior building and site lighting shall comply with the UDO requirements.
6. Submittal of a sign permit application for staff review and approval for proposed signage.

Conditional Use # 2-1-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: _____

Name of Authorized Agent (if applicable) Nick Griffin, Mickle Wagner Coleman

Legal Description of property included in the conditional use request:

See survey

Street Address of Property:

8201 Phoenix Avenue

Existing Zoning Classification:

C2

Proposed Zoning Classification (if applicable):

N/A

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

Drive-thru and outdoor dining for new Burger King restaurant

What amenities are proposed such as landscaping and screening?

Interior landscaping & parking lot screening is planned

Nick Griffin

Owner or Agent Name (please print)

P.O. Box 1507

Owner or Agent Mailing Address

479-649-8484

Owner or Agent Phone Number

Signed:

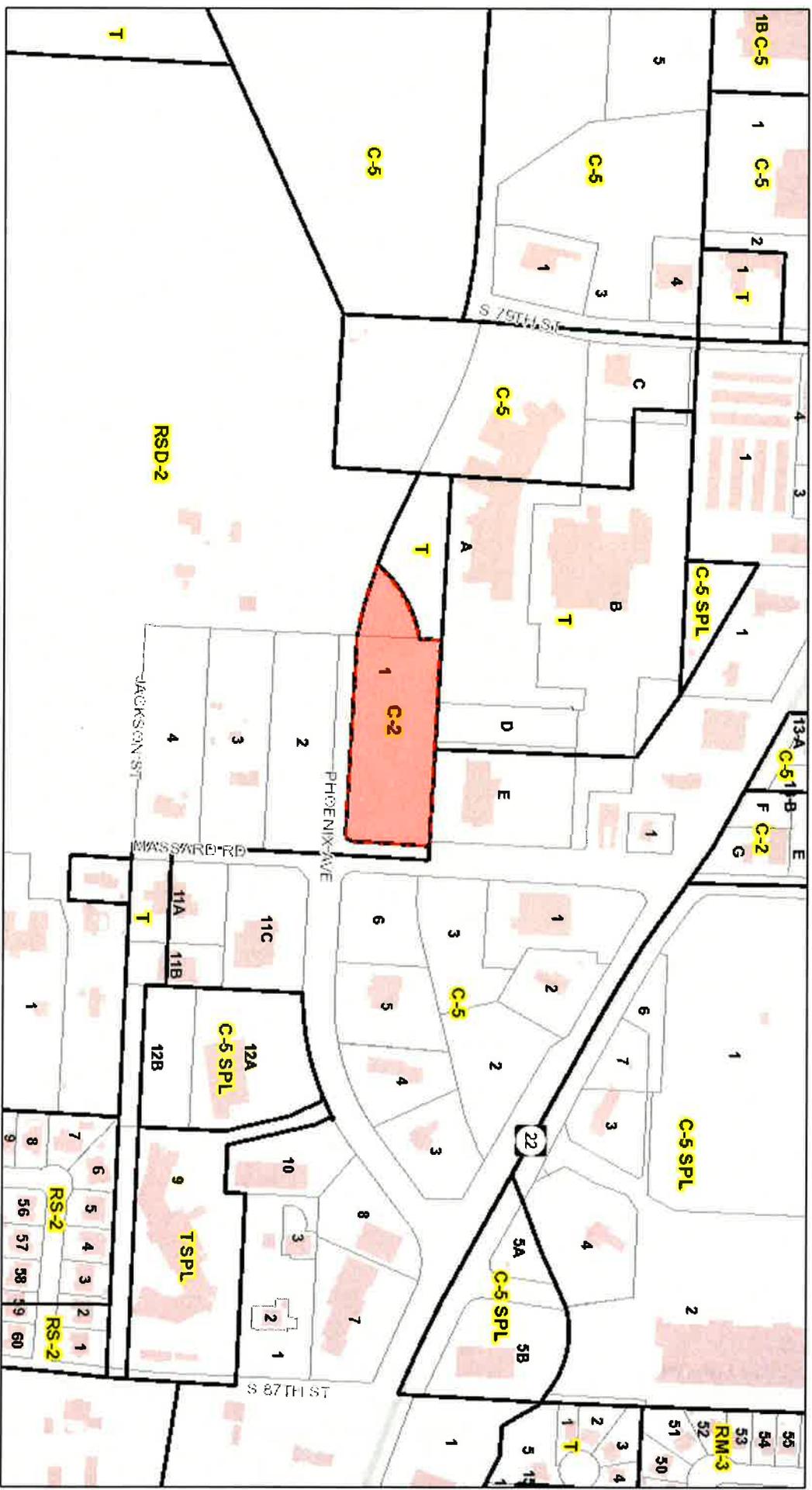
Owner

Or

Agent

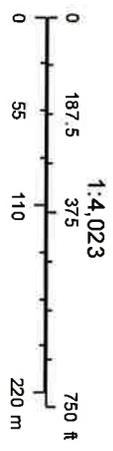
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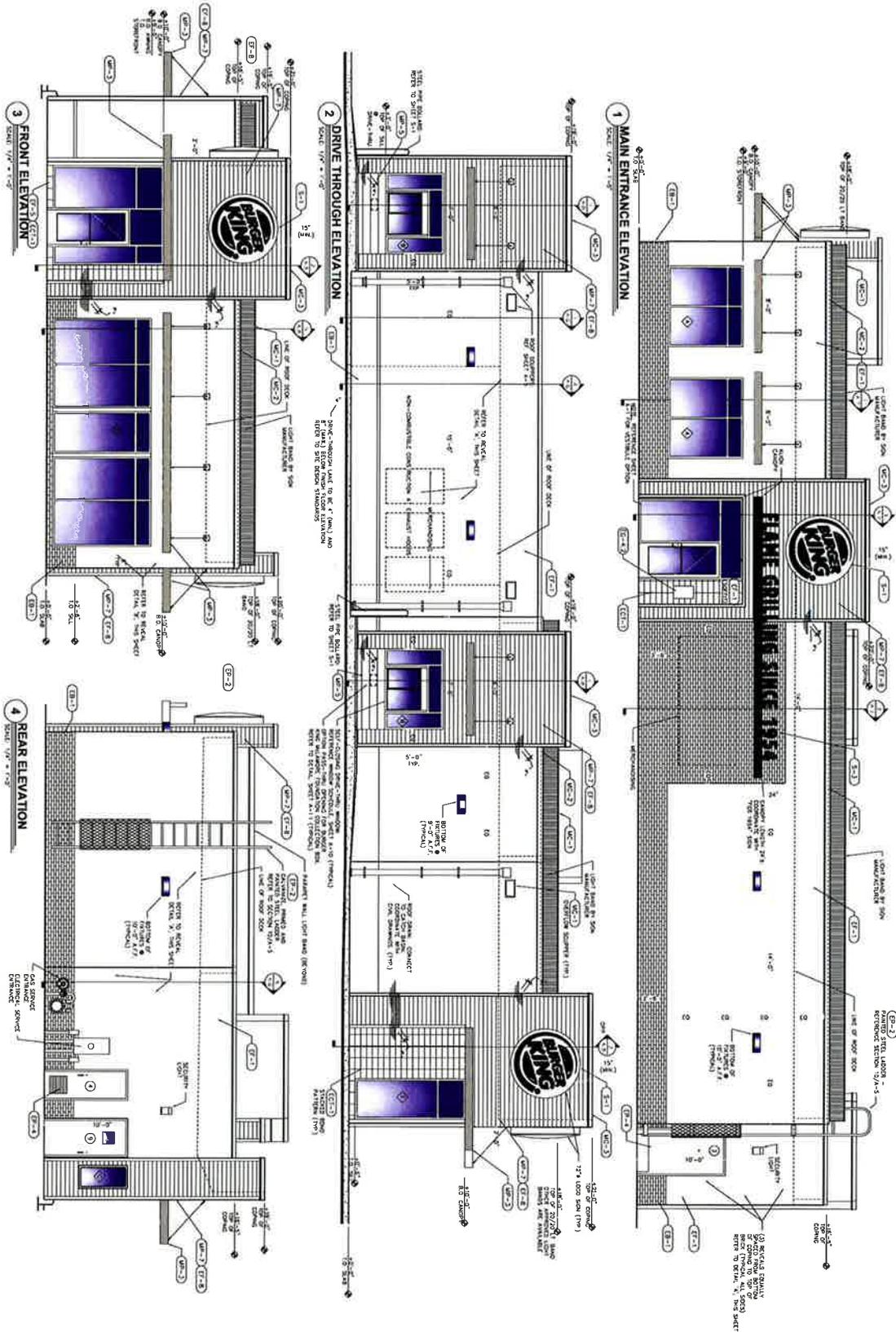
Conditional Use #2-1-16: Restaurant (with drive-through services) and Restaurant (with outdoor dining) 8201 Phoenix Avenue



December 14, 2015

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





Preliminary Not For Construction

DATE	12.11.2015
DATE PROJECT	15-16
DATE	12.11.2015
SHEET NUMBER	A3.1

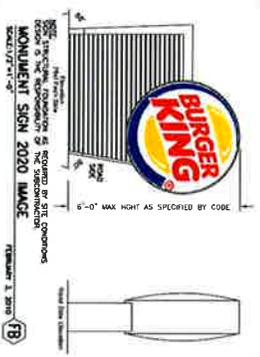
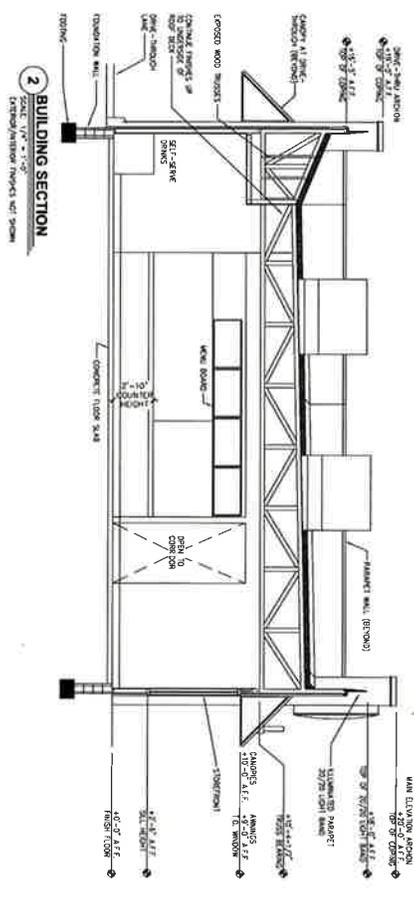
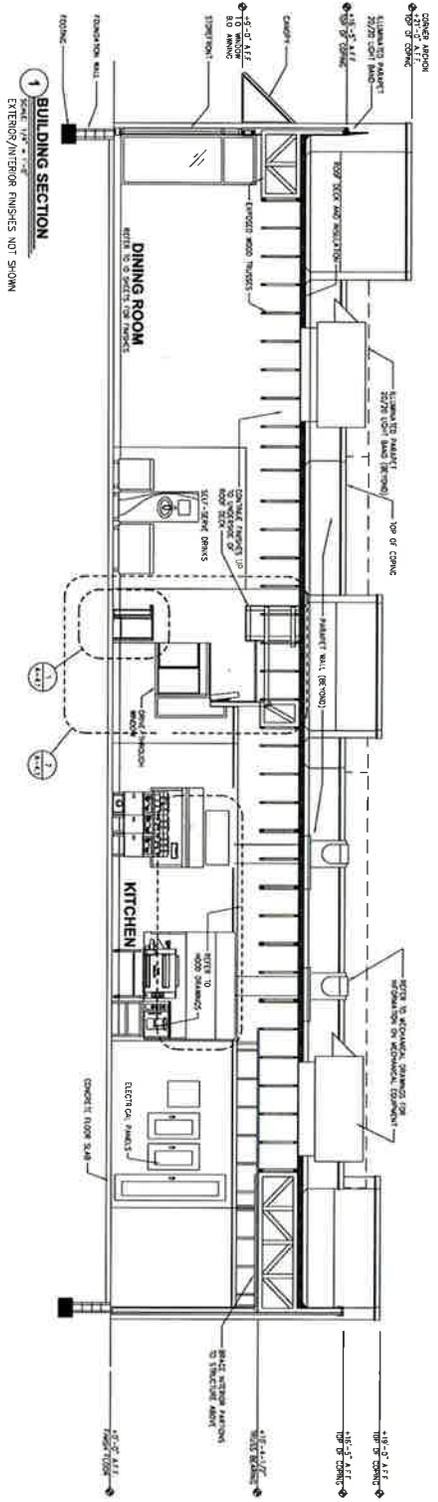


Burger King Restaurant
Phoenix Ave. & Massard Rd.
Fort Smith, Arkansas

mahg
architectural
planning
interiors

6400 Ray, Park Drive
Fort Smith, Arkansas 72516
P: 479.782.1051
F: 479.782.8033
E: mahg@mahg.com

69



MONUMENT SIGN 2020 IMAGE

1

mahg
ARCHITECTURE

architecture
-planning
-interiors

6400 Shaw Park Drive
Fort Smith, Arkansas 72516
P: (479) 782-1051
F: (479) 782-0519
E: mahg@mahgarch.com

BURGER KING

Burger King Restaurant
Phoenix Ave. & Massard Rd.
Fort Smith, Arkansas

REVISIONS
BUILDING SECTIONS & MONUMENT SIGN
DATE: 12/11/2015
SHEET NUMBER: A4.1

6K

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Re: Variance #1-1-16 - A request by Nick Griffin, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 200 feet to 185 feet minimum driveway separation at 8201 Phoenix Avenue

REQUESTED VARIANCE

The approval of this variance will allow for the construction of two new driveways with a separation distance of 185 ft. for a proposed Burger King restaurant. The two new driveways will replace two existing driveways on Phoenix Avenue and move them further away from the Massard Road intersection.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Phoenix Avenue and Massard Road. The tract contains an area of 2.73 acres with approximately 174 feet of street frontage along Massard Road and approximately 657 feet of street frontage along Phoenix Avenue.

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 Transitional (T) and Commercial Heavy (C-5) and developed as a medical complex parking lot and as a restaurant.

The area to the east is zoned Commercial Heavy (C-5) with an undeveloped lot.

The area to the south is zoned Residential Single Family Duplex Low/Medium Density (RSD-2) with an undeveloped lot.

The area to the west is zoned Transitional (T) and developed as a medical complex parking lot.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Phoenix Avenue and Massard Road as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

7B

APPLICANT HARDSHIP

The applicant states that the Little Massard Creek limits the developable area of the lot and that strict enforcement would hinder traffic movements and drive-thru queuing.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, January 5, 2016 at 3434 Country Club Avenue at the office of Mickle Wagner Coleman, Inc. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

The city engineering department has no objections to the driveway variance.

In staff's opinion, the relocating the driveways further away from the Massard Road intersection will be beneficial.

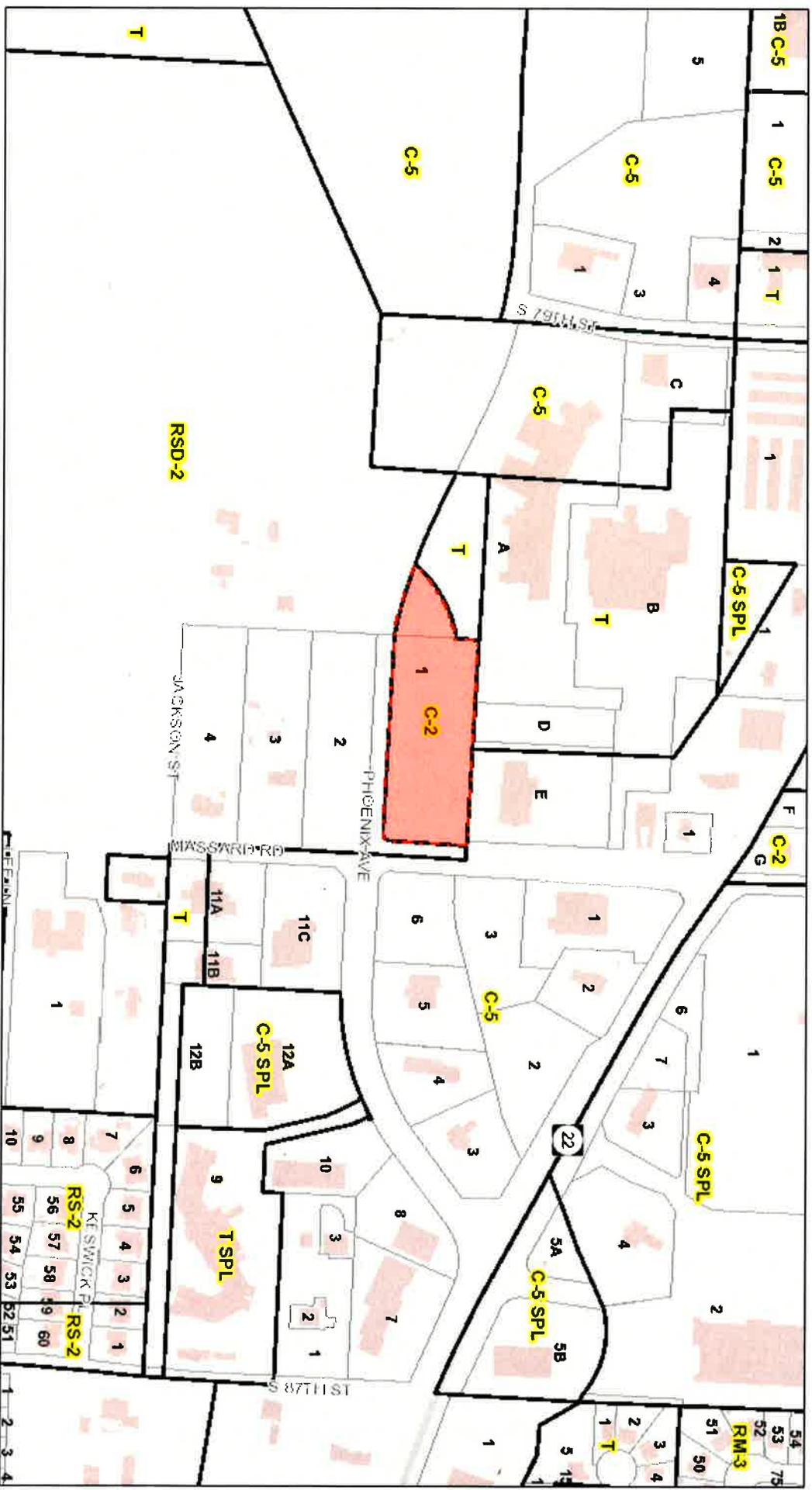
If the BZA is inclined to approve the variance, staff recommends the following comment:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

7C

Variance #1-1-16: From 200' to 185' Minimum Driveway Spacing 8201 Phoenix Avenue

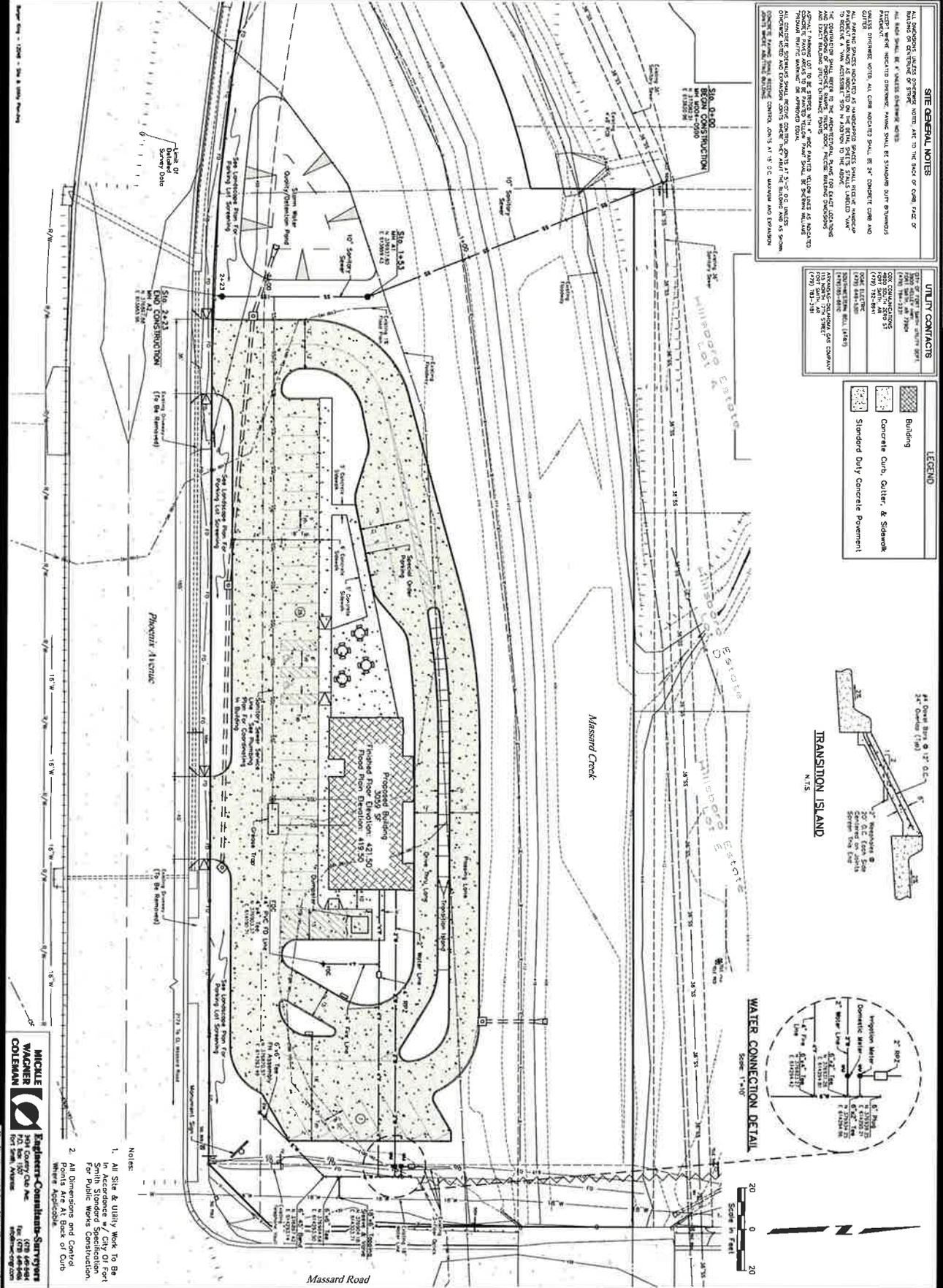
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December 14, 2015

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

Preliminary Not For Construction



SITE GENERAL NOTES

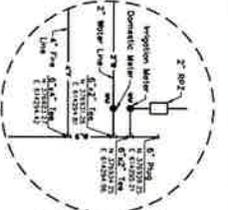
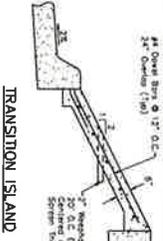
1. ALL DIMENSIONS AND LOCATIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
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 9. ALL DIMENSIONS AND LOCATIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS AND LOCATIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

UTILITY CONTACTS

AT&T	781-535-1234
COX	781-535-1234
DOMESTIC WATER	781-535-1234
SEWER	781-535-1234
GAS	781-535-1234
TELEPHONE	781-535-1234
POWER	781-535-1234

LEGEND

- Building
- Concrete Curb, Gutter, & Sidewalk
- Standard Duty Concrete Pavement



MICHELLE WACNER COLEMAN
 Engineers-Consultants-Surveyors
 101 County Dr. E.
 Fort Smith, Arkansas 72530
 Phone: 479-782-1051
 Fax: 479-782-1052
 www.mwce.com

- Notes:**
- All Site & Utility work to be in accordance w/ City of Fort Smith Standard Specification for Public Works Construction.
 - All Dimensions and Control Points are At Back of Curb Where Applicable.

DATE: 12/24/2015	PROJECT: Burger King Restaurant
DATE: 12/24/2015	PROJECT: Burger King Restaurant
DATE: 12/24/2015	PROJECT: Burger King Restaurant
DATE: 12/24/2015	PROJECT: Burger King Restaurant

Burger King Restaurant
 Phoenix Ave. & Massard Rd.
 Fort Smith, Arkansas

mahg
 architecture - planning - interiors
 6400 Raby Park Drive
 Fort Smith, Arkansas 72516
 P: 479-782-1051
 F: 479-782-1052
 www.mahg.com

C4

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Re: Subdivision Variance #1-1-16 - A request by Pat Mickle, agent, for Cliff Drive, LLC, for Planning Commission consideration of a subdivision variance request from Section 27-503-2(E) prohibiting access for proposed single family residences on a major collector street located at 3801, 3815, 3901 Leigh Avenue.

REQUESTED VARIANCE

Section 27-503-2(E) prohibits access of any single family, row house, or duplex along a Major Arterial Street. Approval of the variance would allow the developer to provide driveways for single family residences on large lots along Leigh Avenue.

LOT LOCATION AND SIZE

The subject properties are on the east side of Leigh Avenue south of Cliff Drive and across from Cherokee Circle. Tract 1 contains an area of 1.8 acres, Tract 2 contains an area of 2.1 acres, and tract 3 contains an area of 1.5 acres with approximately 390 feet of street frontage along Leigh Avenue between the three lots.

EXISTING ZONING

The existing zoning on this tract is Residential Estate One (RE-1). Characteristics of this zone are as follows:

Purpose:

The purpose of the Residential Estate One zoning district is to provide areas for low-density, large lot single family residential development. Property zoned RE-1 should include tracts that abut or are in close proximity to existing or approved large-lot single family development, making RE-1 an appropriate transition between rural and suburban uses.

Where public facilities and services are not yet available, development in this district shall be designed to allow for the future planned expansion of utilities and services where necessary. RE-1 zoning is appropriate in the Residential Detached, Mixed use Residential, and Mixed use Employment future land use classification 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, 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 – 1 acres | Maximum Height - 35 feet (1+1) |
| Maximum Density – 1 Dwelling Units/Acre | Maximum Lot Coverage - 20% |
| Minimum Lot Width of Building Line – 100 feet | |
| Minimum Street Frontage – 50 feet | |
| Front Yard Setback - 40 feet | |
| Side Yard on Street Side of Corner Lot - 40 feet | |
| Side Yard Setback – 15 feet | |
| Rear Yard Setback - 20 feet | |
| Minimum building separation – 15 feet | |

SURROUNDING ZONING AND LAND USE

The areas to the north, east, and south are zoned Residential Estate One (RE-1) and undeveloped.

The area to the west is zoned Residential Single Family Low Density (RS-1), Residential Single Family – Duplex Low/Medium Density (RSD-2), Residential Single Family Medium Density (RS-2) and developed as single-family residential.

MASTER STREET PLAN CLASSIFICATION

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

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant states that the strict enforcement for this zoning on this tract would eliminate the possibility of platting residential lots that face a major collector. If the variance is approved, the applicant states that all lots will have either U-shaped driveways or driveways with a turn-around, which will eliminate any cars from backing into the street.

STAFF COMMENTS AND RECOMMENDATIONS

The city engineering department has no objection to the proposed development for residential lots on the Major Collector street. However, the engineering department recommends that the

8B

access be via driveways with turn-arounds or shared driveways designed so that vehicles do not back into the street. The engineering department recommends against U-shaped driveways because that would increase the number of access points on the street.

If the planning commission is inclined to approve the request, staff recommends approval with the following conditions:

Driveways shall be constructed with turn-arounds or the driveways shall be shared driveways designed so that vehicles do not back into the street. U-shaped driveways are prohibited.

If the Planning Commission approves the variance, staff requests that it substantiate its reason for approval in accordance with Section 27-516-2 of the Unified Development Ordinance, which permits the granting of a subdivision variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the Subdivision Design and Improvement Standards chapter.

**APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN
AND IMPROVEMENT STANDARDS**

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

Street Address or Location: 3801, 3815, & 3901 Leigh Avenue, Fort Smith, AR

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

Proposed Lots 1, 2, & 3, Kelley Ridge Addition, being Part of the West Half of the Southwest Quarter of Section 26, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas and being more particularly described as follows:

Commencing at the Northwest Corner of said Southwest Quarter; Thence along the north line of said Southwest Quarter, S87°12'28"E, 349.99 feet; Thence leaving said north line and along the east right-of-way line extended and the east right-of-way line of Cliff Drive the following courses: S01°05'38"W, 676.92 feet; 235.07 feet along the arc of a curve to the left, said curve having a radius of 651.05 feet and being subtended by a chord having a bearing of S09°15'00"E and a distance of 233.80 feet to the Point of Beginning; Thence leaving said east right-of-way line, N64°56'48"E, 267.94 feet; Thence S82°41'55"E, 226.92 feet; Thence S22°34'35"E, 301.62 feet; Thence S37°00'35"W, 267.89 feet; Thence S26°49'18"E, 66.00 feet; Thence S63°10'42"W, 209.38 feet to a point on said east right-of-way line; Thence along said east right-of-way line the following courses: N27°20'19"W, 34.48 feet; N26°25'15"W, 63.32 feet, N25°42'50"W, 149.41 feet; N24°58'13"W, 68.58 feet; N25°19'11"W, 240.02 feet; 65.05 feet along the arc of a curve to the right, said curve having a radius of 651.05 feet and being subtended by a chord having a bearing of N22°27'10"W and a distance of 65.02 feet to the Point of Beginning. Containing 5.45 acres, more or less.

Zone: Residential Estate - 1, RE-1

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

Article: A. 27-500
B. 27-500

Section: 503-2E
503-11B3

The specific request is as follows:

A) To permit driveway access from a single family lot to a street classified as a major collector.

Signed:

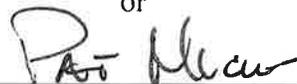
P.O. Box 1507, Fort Smith, AR. 72902

~~Owner~~ or Agent Mailing Address

479-649-8484

~~Owner~~ or Agent Phone Number

Owner
or



Agent

Variance # _____

80

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

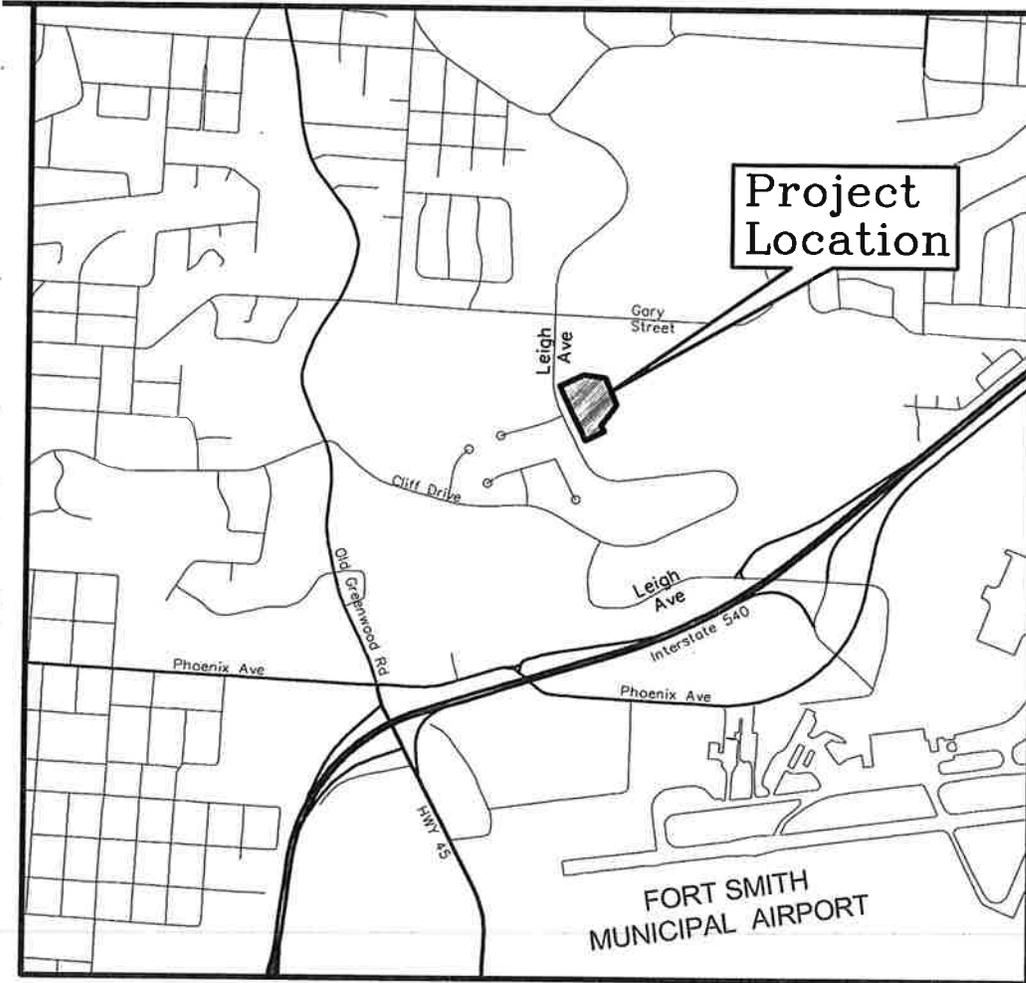
In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

A) Strict enforcement would eliminate the possibility of platting residential lots that face a designated major collector. The buildable property depth beyond is right-of-way is relatively shallow due to a ravine. The site is too shallow for development of a new street parallel to Leigh Avenue with lots on both sides.

2. 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:

A) The proposed lots are generally 200' to 220' wide and thus the number of driveways and volume of traffic entering the street will be only 1/3 to 1/2 the norm for a residential subdivision. All lots will be required to either have U-shaped driveways or driveways with a turnaround, eliminating any cars from backing into the street.



VICINITY MAP

Scale: 1"=2000'

27-301-1 Applicability.

The policies and regulations apply to land use and development. Any person proposing a land use change or new development shall comply with the procedures of this Chapter. Table 27-301.1 (Application Procedures) summarizes the application types, required meetings, acting bodies and public notices involved in the development review process between the applicants and the City. The application procedure is covered in more detail in later sections of this chapter. For procedures regarding neighborhood meeting waivers, refer to Section 27-304 and Section 27-337-5 (zoning variance).

Table 27-301.1—Application Procedures

Actions:

R = Review/Recommendation D = Decision A = Appeal • Required
 ❖ = at the discretion of the Director ■ = as described in section

Acting Bodies:

Staff = Planning and Zoning Department
 PC = Planning Commission
 BD = Board of Directors
 BZA = Board of Zoning Adjustment

Application Type	Preapp Conf.	Neighborhood Meeting	Acting Body				Notices		
			Staff	PC	BD	BZA	Pub.	Mail	Sign
Accessory Residential Use (324)			D	A					
Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
Comp. Plan/Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	❖	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	❖		R	D	A				

shall not be processed until such revisions have been determined to be complete by the Director.

- C. **Processing Complete Applications.** The applicant will be notified that the application is complete and processed in accordance with this Chapter.
- D. **Failure to Act.** If the Director fails to act within three (3) business days, the application shall be deemed complete.
- E. **Revisions Following Determination.** Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.
- F. **Determination Not Substantive.** A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

27-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the costs changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

The Director may waive the requirement for a neighborhood meeting for rezoning, master land use plan amendments, and conditional use applications based on the following criteria:

1. The project will have minimal impact on surrounding properties.
2. The project will have minimal impact on the neighborhood.

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When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property

27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven (7) fourteen (14) days prior to the meeting. The neighborhood meeting should be held at least (6) calendar days prior to the planning commission voting meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department

27-305 Planning Staff Review

27-305-1 Review by Other Departments and Agencies
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NEIGHBORHOOD MEETING ATTENDANCE SUMMARY
2012 THROUGH 2015

YEAR	# NEIGHBORHOOD MEETINGS	% WITH ATTENDANCE	% WITH NO ATTENDANCE	% WITH 3 OR MORE ATTENDANCE
2012	56	61%	39%	32%
2013	62	35%	65%	18%
2014	49	51%	49%	31%
2015	51	41%	59%	18%

Possible Amendments:

Allow Director to consider waivers from neighborhood meeting requirements for rezoning, MLUP, and conditional use applications based on the following criteria: 1) impact of the project on surrounding properties; 2) impact of the project on the neighborhood; 3) the interest expressed by the neighborhood to have a public meeting regarding the project.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project next to a predominantly single family residential area.

The Director may allow applicant to mail letters describing the project to property owners within 300 feet of project in lieu of a neighborhood meeting.

Reduce the number of days that applicant is required to notify surrounding property owners from 14 to 7 days for the neighborhood meeting.

Require that neighborhood meeting be held at least 6 calendar days prior to the planning commission voting meeting.

**Microbreweries, Microwinery, Microdistillery
and
Specialty Manufacturing
Proposed Zoning Recommendations**

	C-2	C-3	C-4	C-5	C-6
Microbrewery, etc.*	Conditional Use	Conditional Use	?	?	P
Specialty Mfg.	Conditional Use	Conditional Use	?	?	Conditional Use

***Use is currently permitted in C-6, I-1, I-2, and I-3**

Definitions

Microbrewery/Microwinery/Microdistillery shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 s.f. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Specialty Manufacturing Comparison Chart

	Neighborhood Zones (Similar to C-1 and T)	Commercial Zones (Similar to C-2 – C-6)	Industrial Zones
Fort Smith	Not Allowed	Not Allowed	Permitted
Bentonville	Not Allowed	Not Allowed	Permitted
Fayetteville	Conditional Use	Permitted	Not Allowed
Little Rock	Not Allowed	Conditional Use – C-2 Permitted – C-3	Conditional Use
Tulsa	Not Allowed	Conditional Use – C-5 & Downtown	Permitted

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

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T

Memo

To: City Planning Commission
From: Planning Staff
Date: January 7, 2016
Subject: Proposed UDO Text Amendment – Microbrewery/Microwinery/Microdistillery and Specialty Manufacturing

In 2015, Quentin Willard of the Fort Smith Brewing company submitted a UDO text amendment request to allow Microbrewery/Microwinery/Microdistillery and Specialty Manufacturing as a permitted use in the C-5 zoning district and a conditional use in C-2, C-3, and C-4 zoning districts. The planning staff recommended that the Microbrewery/Microwinery/Microdistillery be allowed in the C-5 zoning district as a permitted use, but requested additional time to study the other requested amendments. At the November 2015, the Board of Directors approved Microbrewery/Microwinery/Microdistillery as a conditional use in the C-5 zoning district and a permitted use in the C-6, I-1, I-2, and I-3 zoning districts.

Staff has researched how the cities of Bentonville, Fayetteville, Little Rock, and Tulsa classify these types of uses and which zones they are permitted. Generally, the Microbrewery/Microwinery/Microdistillery land use is a permitted in the commercial zones in Fayetteville and Little Rock and allowed as a conditional use in the commercial zones in Tulsa and Bentonville. A comparison chart summarizing this information is enclosed.

We researched the same cities to see how Specialty Manufacturing was classified. Fayetteville allows Specialty Manufacturing as a permitted use in their commercial districts, while Little Rock and Tulsa allows it as a conditional use in selected commercial zones. Bentonville allows Specialty Manufacturing in industrial zones only. A comparison chart summarizing this information is enclosed.

Based on this research and recent discussions with the planning commission, staff recommends the following amendments:

Microbrewery/Microwinery/Microdistillery:

- Allow Microbrewery/Microwinery/Microdistillery as a permitted use in C-4 and C-5 and a conditional use in C-2 and C-3

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Specialty Manufacturing:

- Add definition for Specialty Manufacturing as follows:
Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.
- Allow Specialty Manufacturing as a permitted in C-4 and C-5 and a conditional use in C-2, C-3 and C-6. Staff has previously discussed specialty manufacturing with the Central Business Improvement District members and they prefer that the use be a conditional use in the C-6.

For your reference, we have enclosed the packet of background information on these uses that Mr. Willard provided staff and planning commission previously.

The proposed amendments are attached in legislative format. Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

9H

**Microbreweries, Microwinery, Microdistillery
and
Specialty Manufacturing
Proposed Zoning Recommendations**

	C-2	C-3	C-4	C-5	C-6
Microbrewery, etc.*	Conditional Use	Conditional Use	Permitted	Permitted	Permitted
Specialty Mfg.	Conditional Use	Conditional Use	Permitted	Permitted	Conditional Use

***Use is currently permitted in C-6, I-1, I-2, and I-3 and Conditional Use in C-5**

Definitions

Microbrewery/Microwinery/Microdistillery shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 s.f. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

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Microbreweries, Microwinery, Microdistillery Comparison Chart

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	Neighborhood Zones (Similar to C-1 and T)	Commercial Zones (Similar to C-2 – C-6)	Industrial Zones
Fort Smith	Not Allowed	C/U in C-5 and Permitted in C-6	Permitted
Bentonville	*Conditional Use	*Conditional Use **Conditional Use	*Permitted **Permitted
Fayetteville	Allowed as Conditional Use	Permitted	Not Allowed
Little Rock	N/A	Permitted	N/A
Tulsa	N/A	*Permitted Downtown; Conditional Use in Other Commercial Zones ** Conditional Use	*Conditional Use **Permitted Use

*Microbrewery/Restaurant

** Alcohol Mfg/Distribution Plant/Low Impact Manufacturing

OK

Specialty Manufacturing Comparison Chart

	Neighborhood Zones (Similar to C-1 and T)	Commercial Zones (Similar to C-2 – C-6)	Industrial Zones
Fort Smith	Not Allowed	Not Allowed	Permitted
Bentonville	Not Allowed	Not Allowed	Permitted
Fayetteville	Conditional Use	Permitted	Not Allowed
Little Rock	Not Allowed	Conditional Use – C-2 Permitted – C-3	Conditional Use
Tulsa	Not Allowed	Conditional Use – C-5 & Downtown	Permitted

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Specialty Manufacturing

shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Sports complex or athletic field

shall mean a large open or enclosed space used for games or major events which may be surrounded by tiers of seats for spectators.

Sporting goods stores

shall mean establishments primarily engaged in the retailing of new sporting goods, including bicycles and bicycle parts, camping equipment, fishing and hunting equipment, exercise and fitness equipment, athletic uniforms, athletic apparel for men, women and children, specialty sports footwear and other sporting goods, equipment and accessories.

Stable, private,

shall mean a private accessory building for quartering horses.

Stockyard

shall mean services involving the temporary keeping of livestock for slaughter, market, or shipping.

Stormwater retention basin or pumping station

shall mean a reservoir, lake, pond or area designated for temporary storage of surface water during periods of heavy run-off together with any pumping facilities, tanks, gates or similar structures related to drainage operations.

Story

shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street

shall mean a public maintained right-of-way, other than an alley, which affords a primary means of access to property.

Street frontage

shall mean the distance along a property line that is also the right-of-way line of a public street. It is measured between side lot lines along the front lot line.

Street, limited access

a street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation.

Street, standard

shall mean any existing street whose right-of-way meets the design requirements of the Master Street Plan or the minimum street standards, whichever is greater.

9M

Memo

To: City Planning Commission
From: Planning Staff
Date: January 7, 2016
Subject: Proposed UDO Text Amendment – Neighborhood Meeting Requirements

Staff recently researched and tabulated citizen attendance at required neighborhood meetings held in the last four years (2012-2015). There were a total of 218 meetings held with an average citizen attendance of 47%. On average, 53% of the meetings had no citizen attendance, and on average, 25% had three or more citizens attended the meetings. A summary of the attendance statistics are attached.

Since the adoption of the Unified Development Ordinance in 2009, applicants requesting development approval from the planning commission are required to schedule, host and invite all property owners within 300 feet of the project to a neighborhood meeting. The purpose of the meeting is to give the developer an opportunity to explain the project and request input from the surrounding property owners. The projects can include developments involving zoning changes, conditional uses, master land use amendments, and variances.

The neighborhood meeting is intended to give the developer and property owners a chance to discuss the project with the neighborhood and perhaps resolve any issues before the application is heard by the planning commission.

Prior to the neighborhood meeting requirement, there were instances in which the Board of Directors referred controversial applications back to the planning commission and required the applicant to hold a neighborhood meeting. Staff believes that the neighborhood meeting requirement has merit but based on the attendance records of the past four years, adding an option that would allow the applicant to request a waiver from the neighborhood meeting is reasonable.

Therefore, staff recommends the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments, and conditional use applications based on the following criteria:
 - The project will have minimal impact on surrounding properties
 - The project will have minimal impact on the neighborhood

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2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.
3. The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property.
4. We also propose the following amendments regarding the scheduling of a neighborhood meeting:
 - Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the meeting.
 - The neighborhood meeting should be held at least 6 days prior to the planning commission voting meeting.

A waiver from the neighborhood meeting process is already available in the UDO for variances. Therefore, no amendment is necessary for this type of application.

Requiring applicants to hold neighborhood meetings can still be found in many cities throughout the United States. However, several cities regionally do not have this requirement. For example, Fayetteville, Rogers, Bentonville, and Tulsa do not require applicants to hold neighborhood meetings.

The proposed amendments were sent to several design professionals who have submitted many applications in the past and are familiar with the neighborhood meeting process. Staff has received positive comments regarding the proposed amendments.

The proposed amendments are attached in legislative format. Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

NEIGHBORHOOD MEETING ATTENDANCE SUMMARY
2012 THROUGH 2015

YEAR	# NEIGHBORHOOD MEETINGS	% WITH ATTENDANCE	% WITH NO ATTENDANCE	% WITH 3 OR MORE ATTENDANCE
2012	56	61%	39%	32%
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Possible Amendments:

Allow Director to consider waivers from neighborhood meeting requirements for rezoning, MLUP, and conditional use applications based on the following criteria: 1) impact of the project on surrounding properties; 2) impact of the project on the neighborhood; 3) the interest expressed by the neighborhood to have a public meeting regarding the project.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project next to a predominantly single family residential area.

The Director may allow applicant to mail letters describing the project to property owners within 300 feet of project in lieu of a neighborhood meeting.

Reduce the number of days that applicant is required to notify surrounding property owners from 14 to 7 days for the neighborhood meeting.

Require that neighborhood meeting be held at least 6 calendar days prior to the planning commission voting meeting.

27-301-1 Applicability.

The policies and regulations apply to land use and development. Any person proposing a land use change or new development shall comply with the procedures of this Chapter. Table 27-301.1 (Application Procedures) summarizes the application types, required meetings, acting bodies and public notices involved in the development review process between the applicants and the City. The application procedure is covered in more detail in later sections of this chapter. For procedures regarding neighborhood meeting waivers, refer to Section 27-304 and Section 27-337-5 (zoning variance).

Table 27-301.1—Application Procedures

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R = Review/Recommendation D = Decision A = Appeal • Required
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Application Type	Preapp Conf.	Neighborhood Meeting	Acting Body				Notices		
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Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
Comp. Plan/Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	❖	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	❖		R	D	A				

shall not be processed until such revisions have been determined to be complete by the Director.

- C. Processing Complete Applications.** The applicant will be notified that the application is complete and processed in accordance with this Chapter.
- D. Failure to Act.** If the Director fails to act within three (3) business days, the application shall be deemed complete.
- E. Revisions Following Determination.** Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.
- F. Determination Not Substantive.** A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

27-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the costs changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

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Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven (7) fourteen (14) days prior to the meeting. The neighborhood meeting should be held at least six (6) days prior to the planning commission voting meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department

27-305 Planning Staff Review

27-305-1 Review by Other Departments and Agencies
