



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 13, 2015**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM DECEMBER 9, 2014

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments
2. A request by Bill Browder for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Low Density Residential to Residential Attached located at 8225 and 8227 Texas Road. (companion item to item #3)
3. Rezoning #1-1-15; A request by Bill Browder for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Residential Single Family Duplex Medium/High Density (RSD-3) by Classification located at 8225 and 8227 Texas Road. (companion item to item #2)

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

4. Variance #2-1-15; A request by Lucious Arter for a variance from 30 feet to 2.5 feet exterior side yard setback; from 7.5 feet to 5.8 feet interior side yard setback and from 10 feet to 9 feet rear yard setback located at 1525 North 43rd Street.
5. Variance #3-1-15; A request by Galen Hunter, agent for Fort Smith Public Schools, for a variance from Section 27-602-4 (C) (screening of rooftop mechanical equipment) located at 3415 Newlon Road.

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

6. Variance #4-1-15; A request by Ryan Zaloudik, agent for Clear Channel Outdoor, for a variance from 300 square feet to 378 square feet maximum size of a sign located at 4898 Rogers Avenue (4900 Rogers Avenue).

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 9, 2014**

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

Chairman Sharpe called for the vote on the Planning Commission minutes from the November 13, 2014, meeting. Motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried unanimously to approve the minutes as written

Mr. Wally Bailey spoke on the procedures.

1. Adoption of the City of Fort Smith Comprehensive Plan

Mr. Wally Bailey introduced Mr. Galen Hunter, the co-chairman of the Comprehensive Plan Steering Committee who requested the Planning Commission recommend approval of this document to the City Board of Directors. Mr. Hunter stated that this document is the result of many meetings with the citizens of Fort Smith to obtain their input as to their vision for the future of Fort Smith. Mr. Hunter also stated that this is a document to be used as a framework for decision making by City leaders such as to assist the Planning Commission in decisions relative to land use and zoning issues.

Mr. Bailey stated that this document is a good policy document, not necessarily a regulatory document, but a global policy document that will help guide the city for the next 20 years.

No one was present to speak in opposition to the Comprehensive Plan.

Chairman Sharpe then called for the vote on the Comprehensive Plan. The vote was 9 in favor and 0 opposed.

2. Rezoning #22-12-14; A request by Tim A. Risley & Associates, agent for Thomas H. Webb, Jr., for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7000 Chad Colley Boulevard.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for the development of the Arkansas College of Osteopathic Medicine's future campus and supporting facilities.

Mr. Bailey noted an amendment to page 2R of the Land Use Matrix under Health and Human Services, doctor office and clinic should be changed from a C = Conditional Use to a P = Permitted Use.

Mr. Larry Hall was present to speak on behalf of this request.

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

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

- Compliance with the Project Booklet as submitted.
- Correction of the land use matrix which would allow a doctor office and clinic as a permitted use rather than a conditional use.

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

- 3. A request by Mickle-Wagner-Coleman, Inc., agent for Arvest Bank, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial located at 11808 Highway 71 South. (companion item to item #4)**
- 4. Rezoning #23-12-14; A request by Mickle-Wagner-Coleman, Inc., agent for Arvest Bank, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification located at 11808 Highway 71 South. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate a request by the property owner to annex this property into the City of Fort Smith. Ms. Andrews stated that a neighborhood meeting was held on Monday, December 1, 2014, at Rye Hill Baptist Church (11512 Old Highway 71) with no neighboring property owners in attendance. Ms. Andrews noted that the Fort Smith Fire Department is requiring installation of a fire hydrant as part of the annexation process.

Mr. Pat Mickle was present to speak on behalf of these requests.

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

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

3. **A request by Mickle, Wagner, Coleman, Inc., agent for Arvest Bank, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial located at 11808 Highway 71 South. (companion item to item #4)**

The vote on the Master Land Use Plan was 9 in favor and 0 opposed.

4. **Rezoning #23-12-14; A request by Mickle, Wagner, Coleman, Inc., agent for Arvest Bank, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification located at 11808 Highway 71 South. (companion item to item #3)**

Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to approval by the Board of Directors of the petition to annex this property.

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

5. **A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to Extra Territorial Jurisdiction Light Industrial located at 12934 Old Highway 71 South. (companion item to item #6)**
6. **Rezoning #24-12-14; A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light (ETJ I-1) by Classification located at 12934 Old Highway 71 South. (companion item to item #5)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to reflect how the area has developed. Ms. Rice stated that this property is the location of Beshears Construction and is in use as a contractor's shop and storage yard.

Ms. Rice noted that in 2003, all properties in the ETJ were given an Open-1 zoning district as a placeholder until development occurs that required a zoning change and existing land uses were permitted to continue as nonconforming uses.

Ms. Kelly Wilson was present to speak on behalf of these requests.

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

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

5. **A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to Extra Territorial Jurisdiction Light Industrial located at 12934 Old Highway 71 South. (companion item to item #6)**

The vote on the Master Land Use Plan Amendment was 8 in favor, 0 opposed and 1 abstention (Spearman).

6. **Rezoning #24-12-14; A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light (ETJ I-1) by Classification located at 12934 Old Highway 71 South. (companion item to item #5)**

The vote on the rezoning request was 8 in favor, 0 opposed and 1 abstention (Spearman).

7. **A request by Brandon Woodrome, agent for Ben David, LLC, for a Master Land Use Plan Amendment from Open Space and Office, Research & Light Industrial to Neighborhood Commercial located at 3101-3225 Phoenix Avenue. (companion item to item #8)**
8. **Rezoning #25-12-14; A request by Brandon Woodrome, agent for Ben David, LLC, for a zone change from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification located at 3101-3225 Phoenix Avenue. (companion item to item #7)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow a three-lot development that will include a restaurant, medical clinic, a six-unit strip center and a hair salon. Ms. Andrews noted that the proposed restaurant would be serving breakfast and lunch only.

Ms. Andrews stated that two (2) neighborhood meetings were held. The first meeting was held on Tuesday, September 30, 2014, at 5:30 p.m. at 3201 Rogers Avenue with three (3) neighboring property owners in attendance with one property owner voicing his opinion that he was not in favor of the rezoning and development. Ms. Andrews stated that a letter from that property owner had been received requesting the Planning Commission deny this development.

Ms. Andrews stated that the second neighborhood meeting was held on Thursday, October 9, 2014, at 3201 Rogers Avenue with nine (9) property owners in attendance with no objections being expressed.

Mr. Brandon Woodrome was present to speak on behalf of these requests.

Mr. Jett Harris, 4415 South 31st Street; Mr. Carlos Cruze, 4805 South 27th Street; Mr. Lee Prince, 3023 Memphis; Mr. Bryan White and Ms. Bea White of 4802 South 28th Street and Mr. Ben Richardson, 4906 South 27th Street all spoke in support of these requests. They all acknowledged that they had seen the proposed development plan and feels it would be compatible with and would benefit the surrounding residential area. They all noted that they felt traffic would be less with this proposed development than a multi-family development which could be constructed based on the existing zoning classification.

Mr. Mike Newman, 3024 Osage, and Ms. Mary Karber, 2900 Memphis, were present to speak in opposition to these requests. Mr. Newman stated that he felt this development would be incompatible with the surrounding residential area, would increase traffic and decrease his property values. Ms. Karber agreed with Mr. Newman's concerns relative to this development.

When asked by Commissioner Howard if he would rather see a multi-family development rather than the proposed retail development, Mr. Newman stated that he would rather see a multi-family development constructed rather than the proposed retail development.

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

- 7. A request by Brandon Woodrome, agent for Ben David, LLC for a Master Land Use Plan Amendment from Open Space and Office, Research & Light Industrial to Neighborhood Commercial located at 3101-3225 Phoenix Avenue. (companion item to item #8)**

The vote on the Master Land Use Plan was 9 in favor and 0 opposed.

- 8. Rezoning #25-12-14; A request by Brandon Woodrome, agent for Ben David, LLC, for a zone change from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification located at 3101-3225 Phoenix Avenue. (companion item to item #7)**

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

- A detailed drainage plan shall be submitted for review and approval by the City's Engineering Department prior to development.
- A traffic study shall be submitted to the City's Engineering Department prior to development that encompasses the PZD area as well as the area north of the PZD if future development is planned for that site.

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

9. Conditional Use #34-12-14; A request by Thomas Howard, agent for ACH Central Shopping Center, LLC, for a conditional use for a technical or trade school located at 1200 Waldron Road.

Mr. Wally Bailey read the staff report indicating that the purpose of the conditional use request is to allow for the remodeled empty lease space located at 1200 Waldron Road to be used as a technical or trade school, with all the teaching and training to take place inside the existing building.

Mr. Bailey noted that a neighborhood meeting was held on Thursday, November 20, 2014, on site with three (3) surrounding property owners in attendance who voiced no objections to this proposed project.

Mr. Rett Howard was present to speak on behalf of this request.

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

Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Redd, seconded by Commissioner Parks 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.
- All signage requires a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.
- Any teaching or training on this property will be required to take place inside the building.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Howard).

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

10. Variance #33-12-14; A request by Diana Lopez, agent for Raymundo Lopez Martinez and Teresa Lopez Diaz, for a variance from 5 feet to 2.5 feet interior side yard setback located at 4215 North Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for a storage building to continue encroaching into the setback. Ms. Andrews stated that the building will be placed on an existing slab and foundation from a similar building that was damaged by fire and demolished.

Ms. Andrews noted that a neighborhood meeting was held on Monday, December 1, 2014, on site with no neighboring property owners in attendance.

Ms. Diana Lopez was present to speak on behalf of this request.

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

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

- All construction shall be in compliance with the submitted site plan. Changes or amendments to the submitted development 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.

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

11. Variance #34-12-14; A request by Mickle-Wagner-Coleman, Inc., agent for Rogers Avenue Properties, Inc., for a variance from 20 feet to 0 feet interior side yard setback located at 5721 Rogers Avenue.

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow for an approximate 50,000 square foot Burlington Coat Factory building to have an interior side yard setback of 0 feet to align with the adjacent Staples building.

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

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

- All construction shall be in compliance with the submitted site plan. Changes or amendments to the submitted development 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.

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

Meeting Adjourned!

Memo

To: City Planning Commission
From: Planning Staff
Date: January 9, 2015
Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff is proposing the following two amendments:

- The first is an editorial change correcting the lettering for Section 27-330-7.
- The second amendment allows residential lots platted prior to the effective date of the UDO the option to use the 15' exterior side yard setback. This was the exterior side yard setback for residential lots prior to the adoption of the UDO. Subdivisions platted before the UDO cannot meet the increased exterior side yard setback requirements thus rendering the lots unbuildable without a variance.

All changes are highlighted on the attached pages.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

the criteria established in Section 27-330-6(E) and may take any action consistent with Sections 27-310 and 27-311, including:

1. Approve the application and preliminary plan;
 2. Approve as amended the application and/or preliminary plan; or
 3. Deny the application and preliminary plan.
 4. Where there is new, material evidence presented at the Board of Directors meeting that was not available to the Planning Commission, the Board shall return the application and preliminary plan to the Planning Commission for reconsideration based on the new evidence.
- I. **Appeal.** Appeal of the Board of Director's determination may be made to a court of record having jurisdiction.
- J. **Re-application.** If the Board of Directors denies a proposed preliminary development plan or rezoning application certified to it with the Planning Commission's approval, the applicant shall not be permitted to re-apply for the same or substantially similar request for a period of six (6) months from the date of the action. No such rejected proposal shall be re-submitted, even after the expiration of six months for the consideration of the Board of Directors until it has been resubmitted first to the Planning Commission for consideration.
- K. **Determination of Re-application.** The Director shall determine whether a re-filed application for rezoning meets the requirements of these provisions and whether the new application is the same or substantially similar to the previous application. The Director may consult with other departments, the Planning Commission, or the Board of Directors in making this determination. Appeals of the Director's determination decision may be made to the Planning Commission.

27-330-7 Amendments to Preliminary Development Plans

Once a preliminary plan has been approved, significant changes may be made only after approval of a revised preliminary development plan. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-331-7(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

A B. Criteria. For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following,

provided they are erected in compliance with the provisions of the Fort Smith Sign Regulations.

7. Gasoline sales are permitted under the following conditions:
 - a. Pump islands shall be located a minimum of twenty (20) feet from any public right-of-way.
 - b. Island canopy overhangs shall be located at least ten (10) feet from any public right-of-way and must have a height of at least twelve (12) feet. Supportive posts of canopies shall be located at least twenty (20) feet from any public right-of-way.
8. The following structures are exempt from setback regulations as specified below:
 - a. Patios, terraces, walks, and driveways provided they are at grade, and do not have enclosed walls or a roof;
 - b. Ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;
 - c. Fences;
9. Property platted prior to the effective date (August 12, 2009) of the UDO shall use the 15' exterior side yard setback.

D. Height

1. **Measurement.** Building height is the mean vertical distance from the average ground level at the minimum front setback to the highest permanent part of the building or structure.
2. A structure may not be more than the maximum allowable feet high at the minimum side setback line, but for each addition foot of horizontal setback in excess of the minimum, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.
3. The following structures may be exempted from the height requirements in the various districts if they are not detrimental to neighboring property and are approved by the city building official:
 - a. chimneys;

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: December 16, 2014

Re: Proposed Master Land Use Plan Amendment by Bill Browder, owner, at 8225 and 8227 Texas Road from ETJ Low Density Residential to Residential Attached (Companion to item #2)

The Planning Department is in receipt of an application from Bill Browder, owner, to amend the Master Land Use Plan Map from ETJ Low Density Residential to Residential Attached to accommodate the proposed annexation and zoning request. The subject property is on the east side of Texas Road between Apple Valley Drive and Harvard Way. The tract contains an area of 4.50 acres with approximately 135 feet of street frontage along Texas Road.

The Master Land Use Plan amendment and rezoning requests are being made in conjunction with a petition to annex this property.

The property is currently zoned as ETJ Open-1. A companion zoning application requests a zoning district of Residential Single Family Duplex Medium/High Density (RSD-3). The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as ETJ Industry and is developed as a single family residence.

The area to the east and parts of the area to the north are classified as ETJ Industry and ETJ Low Density Residential and are developed as Weatherford Industry oil and gas drilling company.

The areas to the south and west are classified as Residential Detached and are developed as single family residences.

THE PROPOSED LAND USE CLASSIFICATION OF RESIDENTIAL ATTACHED IS DESCRIBED AS FOLLOWS: The purpose of the Residential Attached Land Use is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

2A

Characteristics and Use:

Duplex, triplex, four-plex, town-house, single and multiple story apartments and condominiums.

Criteria for Designation:

Compliance Noted

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

MASTER LAND USE PLAN COMPLIANCE

The existing Master Land Use Plan classifies the site as ETJ Low Density Residential. This classification is established to be consistent with the comprehensive plan and consistent with adjacent/surrounding uses. It shall be located where public utilities exist or expect to be expanded over the next twenty (20) years. Development of specific sites will depend upon the availability of utilities and the maintenance of an acceptable level of service of roads and other public facilities and services.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Texas Road as a Major Collector.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, January 2nd at 4:00 P.M. on site. Four surrounding property owners were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record is enclosed.

Based on compatibility with surrounding land use classifications and land uses, staff recommends approval of the application contingent upon approval of the companion zoning application and the Board of Director's approval of the petition to annex.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 825 Texas Rd.

Meeting Time & Date 4:00 ~~12-2~~ 1-2-15

Meeting Purpose REZ 3 MLUPA

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Mills</u>	<u>city of Fort Smith</u>	<u>479-784-2241</u>
2.	<u>VANN TINE</u>	<u>611 WINDBROOK</u>	<u>531-9306</u>
3.	<u>Brian Brown</u>	<u>825 TEXAS RD.</u>	<u>479-221-3602</u>
4.	<u>Secretary</u>	<u>716 Windbrook Ct</u>	<u>83-521-7708</u>
5.	<u>Alex Lynch</u>	<u>705 Windbrook Ct.</u>	<u>501-920-0967</u>
6.			
7.			
8.			
9.			
10.			
11.			

THERE WAS FIVE NEIGHBORS ATTENDED THE NEIGHBORHOOD MEETING WITH NO OBJECTIONS

Application Type

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

Request to Amend Map
 Request to Amend Text

Applicant Name:	Bill Browder
Firm Name:	
Address:	8225 TEXAS ROAD
Phone # (day):	Phone # (cell): 479 221-3605 Fax #:
Owner Name:	Bill Browder
Owner Address:	404 JANET LANE POCOSA OK 77902
Phone # (day):	Phone # (cell): 479.221-3605 Fax #:
Property Address (subject property):	8225 TEXAS ROAD
Subject Property	
Current Land Use:	Residential
Existing MLUP Classification:	ETJ LOW DENSITY Residential
Proposed MLUP Classification:	Residential Attached
Existing Zoning Classification:	ETJ 0-1
Proposed Zoning Classification:	RSD-3
Surrounding Property	
Current Land Use:	north- Weatherford & Residential
	south- Single Family
	east- Weatherford
	west- Residential
Existing MLUP Classification:	north: ETJ Industrial
	south: Residential Detached
	east: ETJ Industrial & ETJ LDR
	west: Residential Detached
Existing Zoning Classification:	north: ETJ 1-2 SPL & ETJ 0-1
	south: RS-3
	east: ETJ 1-2 SPL
	west: RS-3
Pre-Application Meeting Date:	

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

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

PRIVATE DRIVE

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

ALL UTILITIES ON SITE

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

NO CHANGE REZONING FOR UTILITIES

7. Identify any known or anticipated environmental concerns:

N-A

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

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

2E

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

NONE

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

SAME

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

UTILITIES

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

STAY THE SAME

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

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

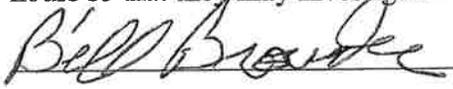
AUTHORIZATION OF AGENT

2F

Certification

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

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



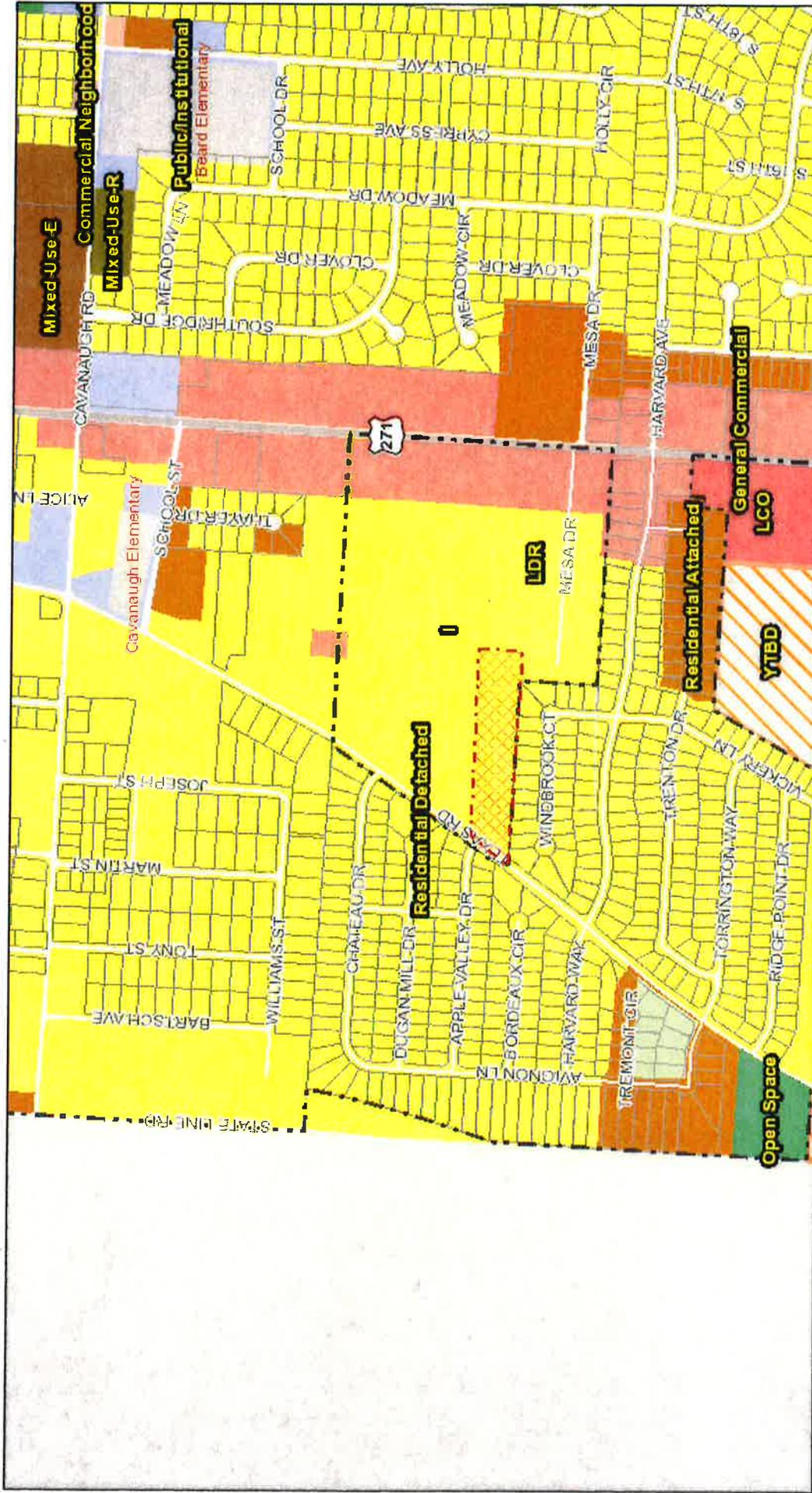
12-11-14

Signature (Agent/Owner)

Date

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

Master Land Use Amendment: From ETJ Low Density Residential to Residential Attached 8225 & 8227 Texas Road



December 16, 2014

Fort Smith City Limits

Subdivisions

Commercial

2H

Memo

To: City Planning Commission

From: Planning Staff

Date: December 16, 2014

Re: Rezoning #1-1-15 - A request by Bill Browder, owner, for Planning Commission consideration of a zone request from ETJ Open-1 to Residential Single Family Duplex Medium/High Density (RSD-3) by classification at 8225 Texas Road (Companion to item #2)

PROPOSED ZONING

The requested zoning will facilitate a request by the property owner to annex the property into the City of Fort Smith.

LOT LOCATION AND SIZE

The subject property is on the east side of Texas Road between Apple Valley Drive and Harvard Way. The tract contains an area of 4.50 acres with approximately 135 feet of street frontage along Texas Road.

REQUESTED ZONING

The proposed zoning on this tract is Residential Single Family Duplex Medium/High Density (RSD-3).

Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached and duplex development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification 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 – 6,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 6.7 Dwelling Units/Acre

Maximum Lot Coverage - 60%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 25 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1). Characteristics of this zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city’s extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction’s population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

SURROUNDING ZONING AND LAND USE

The area to the north is zoned ETJ Open-1 and is developed as a single family residence.

The area to the east and parts of the north are zoned Extraterritorial Jurisdiction Industrial Moderate Special (ETJ-I-2 SPL) and is developed as Weatherford Industry oil and gas drilling company.

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

3B

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as ETJ Low Density Residential. This classification is established to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

The proposed Master Land Use Plan amendment to Residential Attached will facilitate the rezoning request.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, January 2nd at 4:00 P.M. on site. Four surrounding property owners were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record is enclosed.

Based on compatibility with surrounding zoning districts and land uses, staff recommends approval of this request subject to approval of the Master Land Use Plan amendment and the Board of Director's approval of the petition to annex this property.

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHED

2. Address of property: 8225 TEXAS ROAD

3. The above described property is now zoned: ETJ 0-1

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

5. Why is the zoning change requested?
UTILITIES

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

Signed:

BILL BROWDER
Owner or Agent Name
(please print)

Bill Browder
Owner

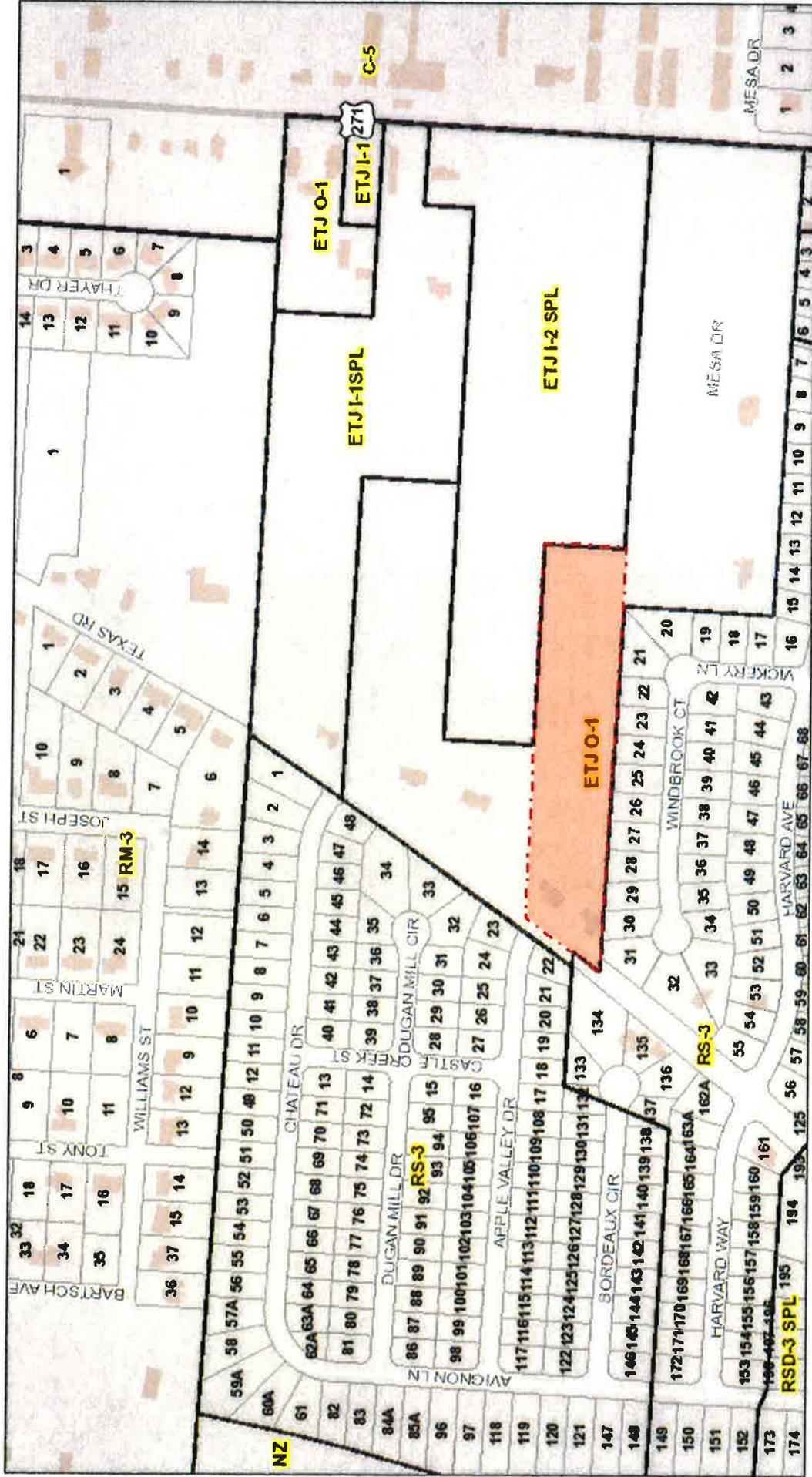
404 JANET LANE
Owner or Agent Mailing Address

POCOLOA OK 74902 or

Agent

PH. 479-221-3602
Owner or Agent Phone Number

Rezoning #1-1-15: From ETJ Open-1 to Residential Single Family-Duplex Medium/High Density (RSD-3) 8225 & 8227 Texas Road

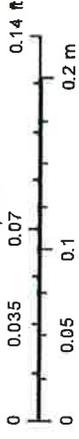


December 16, 2014

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

CF

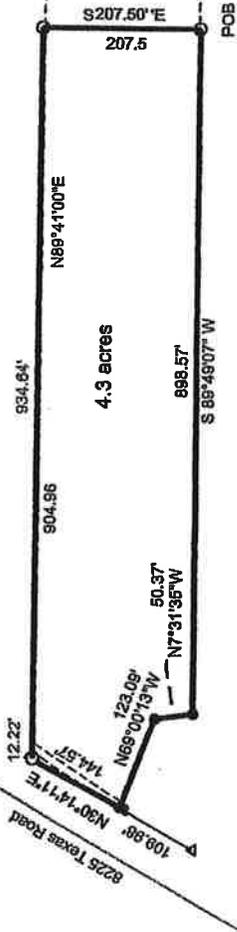
1:4,023



PLAT OF SURVEY

Part of NE1/4 Sec 8 T7N R32W, Sebastian County, AR

PROPERTY DESCRIPTION: Greenwood District, Sebastian County, AR (4.3 acres)
 Beginning at a point 403.5 feet North and 971.03 feet West of the SE corner of the NE1/4 of Section 8, Township 7 North, Range 32 West; thence West 898.57 feet; thence N7°31'35"W a distance of 50.37 feet; thence N89°00'13"W a distance of 123.09 feet; thence N30°14'11"E along the east boundary of Texas Road, a distance of 144.57 feet; thence East 904.96 feet; thence South 207.5 feet to the point of beginning.
LESS AND EXCEPT Part of the NE1/4 of the NE1/4 of Section 8, Township 7 North, Range 32 West, and being more particularly described as follows:
 Commencing at an existing spike marking the NE corner of the NE1/4 NE1/4 of Section 8, S03°20'21"W, a distance of 2052.96 feet; thence leaving said East line, N86°39'39"W a distance of 970.37 feet; thence N86°35'06"W a distance of 934.64 feet to the point of beginning; thence S36°14'09"W a distance of 144.57 feet; thence S37°30'52"W a distance of 4.32 feet; to the South property line; thence N77°14'51"W a distance of 11.95 feet along said South line to the East right of way line of Texas Road; thence leaving South Property line, N36°32'29"E a distance of 147.03 feet along said East right of way line to the North Property line; thence leaving East right of way line, S86°35'06"E a distance of 12.22 feet along said North line to the point of beginning.



SURVEYORS CERTIFICATION, to Billy R Aretta Browder
 This is to certify that this PLAT OF SURVEY represents a careful survey, made by the undersigned, of the property described herein.

Billy R Wilson LS 811 (original signed in blue ink)

SEAL

BILLY R WILSON LLS
 P O Box 208
 Kinta, OK 74552
 (918) 768 3542

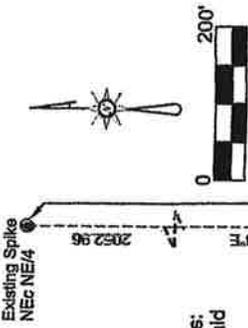
FLOOD ZONE:
 The described property is not in 100 year flood zone, Zone Panel, NO 055013 0015 Dated July 16, 1991.

BASIS OF BEARINGS:
 Bearings are based on record documents on file at the Records Office, Sebastian County, Greenwood District, Arkansas

LEGEND	
○	Found Rebar
●	Set Rebar
⊙	Existing Spike
⊞	Quarter Corner
△	Punch Mark on Metal Storm Drain Grate
•	POINT

Slate Plat Coding
 500-07N-32W-08-100-65-081T

Traverse PC



Existing Spike NEc NE1/4
 S01°23'24"E 2052.96
 M ∠ 321.0 N
 N0°12'34"W 2663.84
 U S Highway 271 South

Sec NE1/4 (calculated)

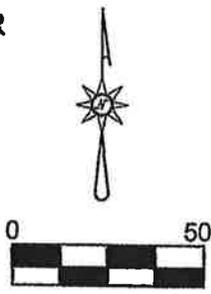
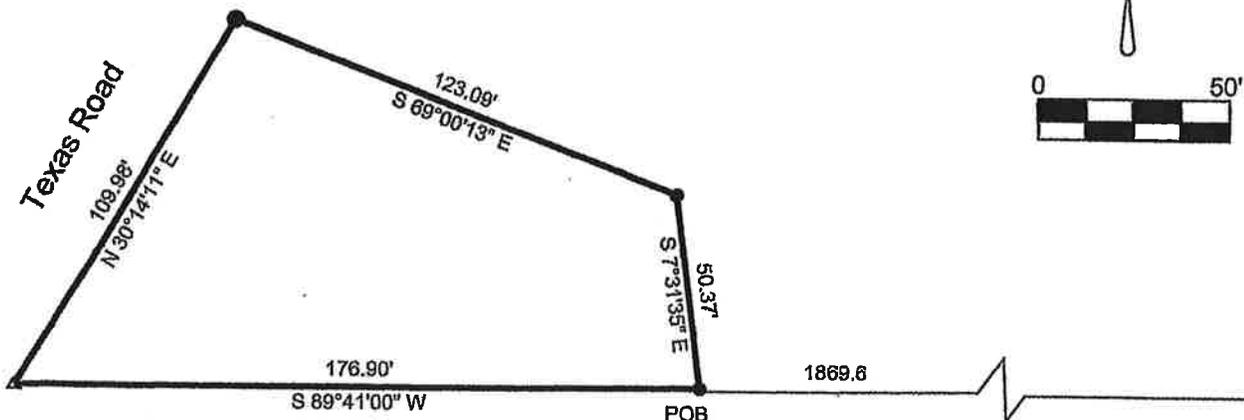
FILE NAME	DATE	DRAWN BY
8-7N32W-BROWDER.TRV	11-11-2014	Bill Wilson
SCALE	REVISION	SHEET
200 F/In	2/1	1/1
JOB	14041	

This map drawn with TRAVERSE PC, Software

3F

PLAT OF SURVEY

Tract in SW/4 NE/4 Sec 8 T7N R32W, Sebastian County, AR



LEGAL DESCRIPTION;

A tract of land lying in the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR: Described as beginning at a point 403.5 feet North and 1869.6 feet West of the Southeast Corner of said Northeast Quarter; thence S89°41'00"W a distance of 176.9 feet; thence N30°14'11"E, along the easterly boundary line of Texas Road, a distance of 109.98 feet; thence S69°00'13"E a distance of 123.09 feet; thence S7°31'35"E a distance of 50.37 feet, to the point of beginning.

SURVEYORS CERTIFICATION, to Bill or Aretta Browder,

This is to certify that this PLAT OF SURVEY represents a careful survey, made by the undersigned, of the property described herein.

Billy R Wilson LS 811

403.5
Section Line (East Boundary Section 8) U. S. Highway 271 South
SEc NE4 Sec 8
T7N R32W

FEMA Flood Information:

The described property does not lie within the 100 year flood zone, Zone Panel, NO 055013 0015 Dated July 16, 1981

BASIS OF BEARINGS;

Astronomical based on record documents on file at the Recorders Office, Sebastian County, Greenwood District, Arkansas

SEAL

BILLY R WILSON LLS
P O Box 208
Kinta, OK 74552
(918) 768 3542

LEGEND

- △ Punch Mark on Metal Storm Drain Grate
- Set Rebar

State Plat Coding

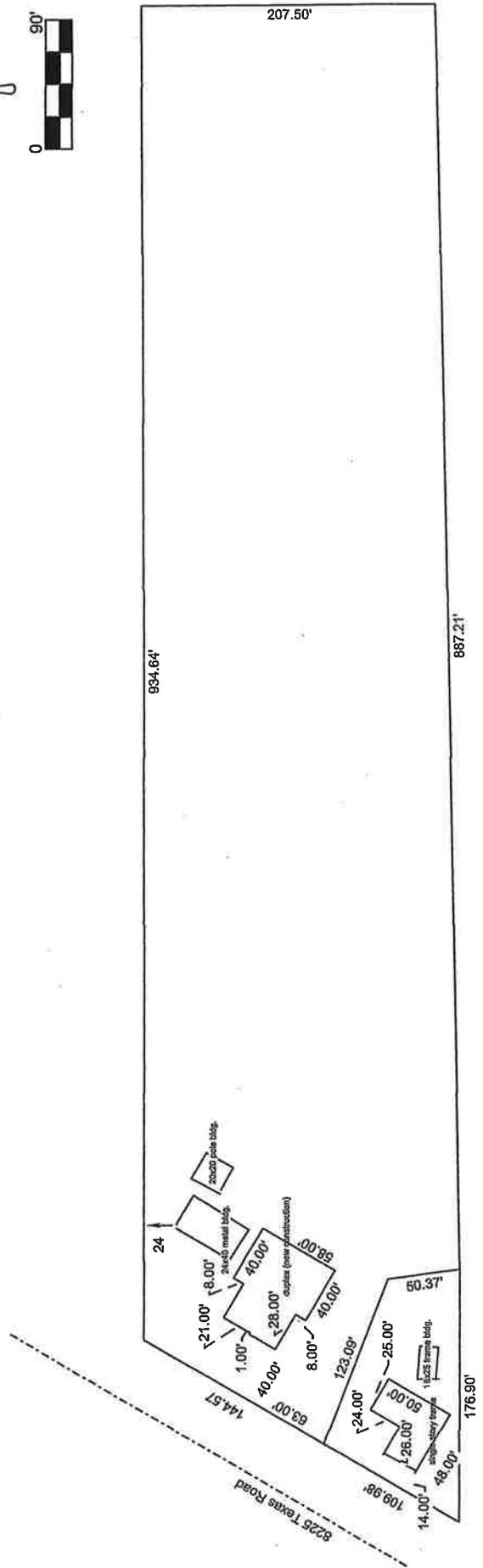
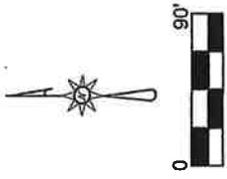
500-07N-32W-0-08-100-65-0811

FILE NAME		
8-7N32W-BROWDER.TRV		
SCALE	DATE	DRAWN BY
50 Ft/In	11-11-2014	Bill Wilson
JOB	REVISION	SHEET
14041	1/1	1/1

This map drawn with TRAVERSE PC, Software

36

Exhibit "A" PLOT PLAN



FILE NAME	DATE	DRAWN BY
8-7N32W-Plot-Plan.TRV	12-9-2014	Bill Wilson
SCALE	REVISION	SHEET
90 Ft/in	1/1	1/1
JOB	This map drawn with TRAVERSE PC, Software	
14042		

Traverse PC

3H

Memo

To: City Planning Commission

From: Planning Staff

Date: January 8, 2015

Re: Variance #2-1-15 - A request by Lucious Arter, owner, for Board of Zoning Adjustment consideration of three zoning variance requests: (1) from 30 feet to 2.5 feet exterior side yard setback; and (2) from 7.5 feet to 5.8 feet interior side yard setback; and (3) from 10 feet to 9 feet rear yard setback at 1525 North 43rd Street

REQUESTED VARIANCE

The requested variance will allow for the future construction of a bedroom addition to the north side of the residence.

The applicant has resolved the setback issues for the detached garage under construction in the backyard. Therefore, the variances (2) and (3) referenced above are not required.

LOT LOCATION AND SIZE

The subject property is on the west side of North 43rd Street at the intersection with North "O" Street. The tract contains an area of 0.26 acres with approximately 80 feet of street frontage along North 43rd Street and approximately 148 feet of street frontage along North "O" 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 Height - 35 feet (1+1)

Maximum Density – 4 Dwelling Units/Acre

Maximum Lot Coverage - 50%

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as Sunnymede Elementary School.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North “O” Street as a Major Collector and North 43rd 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 provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

APPLICANT HARDSHIP

The applicant states his hardship is the configuration of the existing residence. The existing bedrooms are too small and need to be enlarged.

STAFF COMMENTS AND RECOMMENDATIONS

Included in your packet is a memorandum from Stan Snodgrass, director of engineering, regarding the request for the 5’ dedication of right-of-way on North “O” Street.

4B

If the BZA is inclined to approve the variance, staff recommends the following conditions.

1. Construction must comply with the submitted site plan. Changes or amendments to the submitted development 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.

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.

Andrews, Brenda

From: Snodgrass, Stan
Sent: Friday, January 09, 2015 9:55 AM
To: Andrews, Brenda
Subject: Variance - 1523 North 43 Street

Brenda,

North "O" Street is classified as a Major Collector with a 70' right of way. Based on the 70 foot right of way, the proposed variance will allow the addition of the house to be approximately 2.5 feet from this right of way. An additional 5 feet of right of way on the south side of North "O" Street along the subject property is needed to obtain the 70 foot right of way. We would like for the property owner to dedicate this additional right of way at this time. However, we will not require it as a part of the variance.

Our biggest concern is that if the planning commission grants this variance, ultimately the 70 foot right of way will encroach to within 2.5 feet of the proposed house addition. As public sidewalks are typically placed at the right of way, the public sidewalk would be 2.5 feet from the house when this section of North "O" Street is ultimately widened to the 70 foot right of way. We do not currently have this section of North "O" Street for widening on the capital improvement program.

If the additional 5 foot right of way is not dedicated by the property owner at this time, it needs to be clearly conveyed to the current owner, any future owners and the planning commission that the ultimate 70 foot right of way (and likely public sidewalk) will only be an arm's length from the proposed building addition.

Thanks
Stan

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

Signed:

LUCIOUS ARTER
Owner or Agent Name (please print)

Lucious Arter
Owner

or

479 782 2736
Owner or Agent Phone Number

Agent

1525 N 43rd FS 72904
Owner or Agent Mailing Address

Variance # _____

HF

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	_____ ✓	Is this variance needed because of previous actions taken by yourself?
_____	_____ ✓	Is this variance needed because of previous actions taken by a prior owner?
_____	_____ ✓	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____ ✓	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	_____ ✓	Is the lot of an odd or unusual shape?
_____	_____ ✓	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	_____ ✓	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_____ ✓	Is any part of the lot in a flood plain or flood way?
_____	_____ ✓	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	_____ ✓	Is the lot developed with structures in violation of current zoning requirements?
_____ ✓	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

HG

Explanation of question #4 (if applicable)

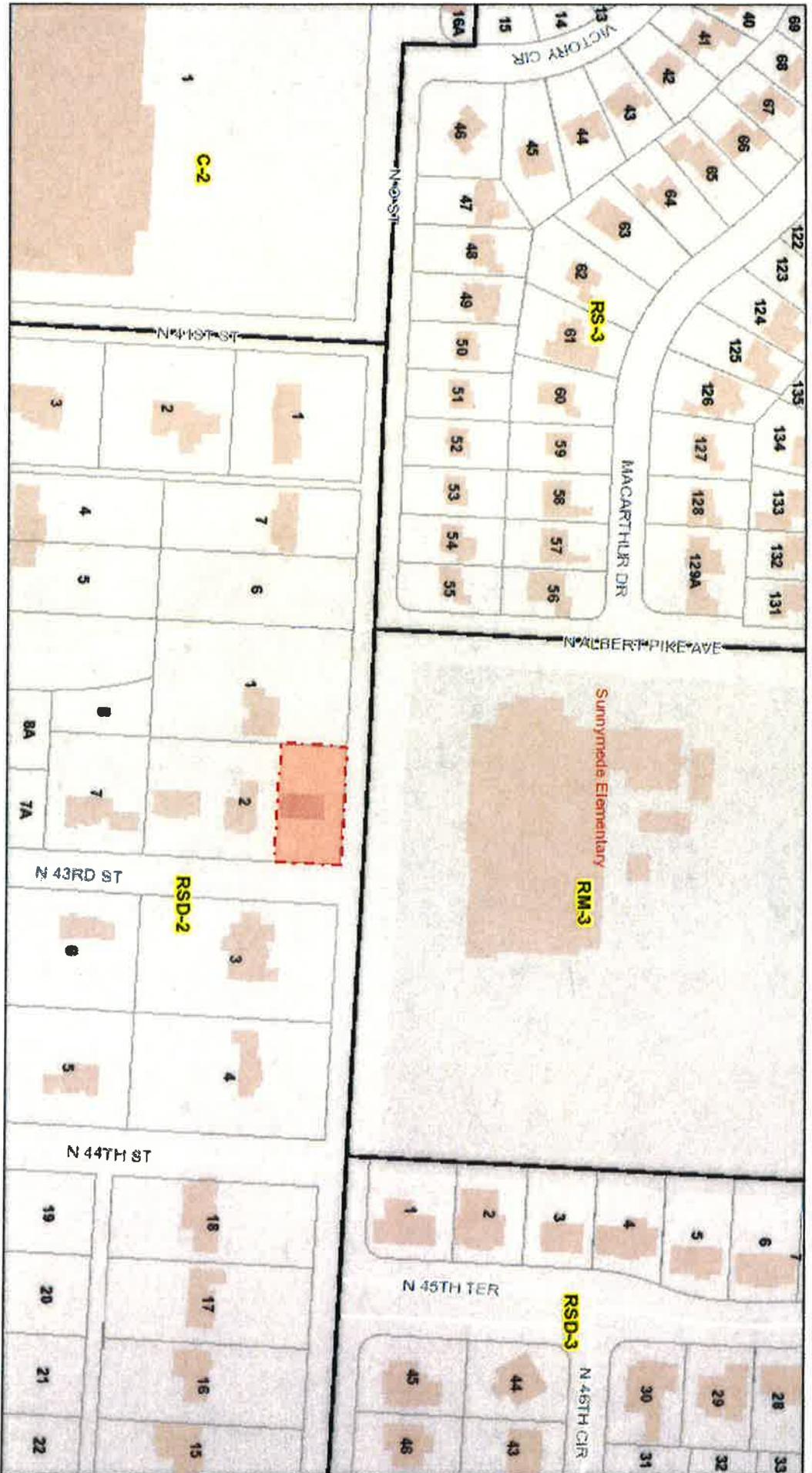
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

BECAUSE THE CONFIGURATION OF MY HOUSE, THIS IS THE BEST PLACE TO ADD ON TO MY EXISTING BEDROOMS THAT ARE REAL SMALL, AT THE PRESENT TIME. WE HAVE GOTTEN OLDER AND WE NEED MORE ROOM

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 #2-1-15: 3 various setback variances 1525 North 43rd Street

HT



December 15, 2014

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



Memo

To: City Planning Commission

From: Planning Staff

Date: January 8, 2015

Re: Variance #3-1-15 - A request by Galen Hunter, agent, for Board of Zoning Adjustment consideration of a zoning variance request from UDO, Section 27-602-4(C)-4(b), rooftop mechanical unit screening at 3415 Newlon Road (Morrison Elementary School)

REQUESTED VARIANCE

The approval of this variance will allow the rooftop mechanical units to be unscreened from adjoining properties and street right-of-way.

LOT LOCATION AND SIZE

The subject property is on the north side of Newlon Road, and west side of Williams Lane. The tract contains an area of 7 acres with approximately 340 feet of street frontage along Newlon Road and 430 feet of street frontage along Williams Lane.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

5B

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
(1+1)

Maximum Height - 45 feet

75%

Maximum Lot Coverage -

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

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

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

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

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as a single family residence.

The areas to the north are zoned Residential Single Family Rowhouse and Zero Lot Line District (RS-5) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Newlon Road as a Residential Collector and Williams Lane as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature

APPLICANT HARDSHIP

The existing building is constructed of precast double-tees which cantilever beyond the masonry bearing walls. The existing roof has no parapet. Most units on this roof are approximately 3'-0" x 5'-0" in size and sit on a roof curb. The units are ducted out of the bottom directly into the building. Only the gas and electrical service to the units are visible. Other than those utilities, the rooftop units are rectangular metal boxes.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
(1+1)

Maximum Height - 45 feet

75%

Maximum Lot Coverage -

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

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

Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

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

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as a single family residence.

The areas to the north are zoned Residential Single Family Rowhouse and Zero Lot Line District (RS-5) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

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APPLICANT HARDSHIP

The existing building is constructed of precast double-tees which cantilever beyond the masonry bearing walls. The existing roof has no parapet. Most units on this roof are approximately 3'-0" x 5'-0" in size and sit on a roof curb. The units are ducted out of the bottom directly into the building. Only the gas and electrical service to the units are visible. Other than those utilities, the rooftop units are rectangular metal boxes.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 3415 Newlon, Existing or Proposed

Zoning Classification I-1 and R-3 MF, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

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
- Other: Mechanical Screens for Rooftop units.

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

SE

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

Signed:

Galen Hunter
Owner or Agent Name (*please print*)

479-782-1051
Owner or Agent Phone Number

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

Owner
or

Agent

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 (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
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_____	<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)

See attached.

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

Cost for mechanical screens on this project exceed \$180,000.00 which is 4% of the overall project cost of \$4,487,000.00. Cost of the screens exceeds the cost to build and outfit a classroom.

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:

This property is located in Zones I-1 and RM3. Other properties in this area are not required to screen their mechanical units because these zoning classifications do not require screens. If a multi-family development or an industrial building were to be built on this same site, screening of mechanical units would not be required.

Attachment

Explanation of Question #4

The variance being requested is for relief from the requirement to screen existing units, which have been in place and visible to adjacent property owners and streets since the school was built in 1975.

The existing building is constructed of precast double-tees which cantilever beyond the masonry bearing walls. The existing roof has no parapet. Most units on this roof are approximately 3'-0" x 5'-0" in size and sit on a roof curb. The units are ducted out of the bottom directly into the building. Only the gas and electrical service to the units are visible. Other than those utilities, the rooftop units are rectangular metal boxes.

A 3'-0" x 5'-0" unit will have a footprint area of 15 square feet and a visual area of 16 lineal feet (add the lengths of all sides). If the unit is screened, with the required minimum 3'-0" clearance on all sides, the footprint will increase to 9'-0" x 11'-0", or 99 square feet with 40 lineal feet of wall. The footprint of the screen is over 6 times larger than the size of the unit and the total length of the screen is almost 3 times the length of the unit. Not only have you made the unit more visible, you have reduced its efficiency and made it more difficult to service.

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Variance #3-1-15: From UDO, Section 27-602-4(C)-4(b) rooftop mechanical screening 3415 Newlon Road



December 15, 2014

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

5

LEGAL DESCRIPTION

Port of Harrison, Inc. and a partnership of Robert Clark, Jr. and Robert Clark, Sr. as tenants in common, by and through their duly authorized agents, do hereby certify that the above described property is the same as that described in the following description: ...

LEGEND

--- PROPERTY LINE
 --- EXISTING CURB
 --- EXISTING DRIVE

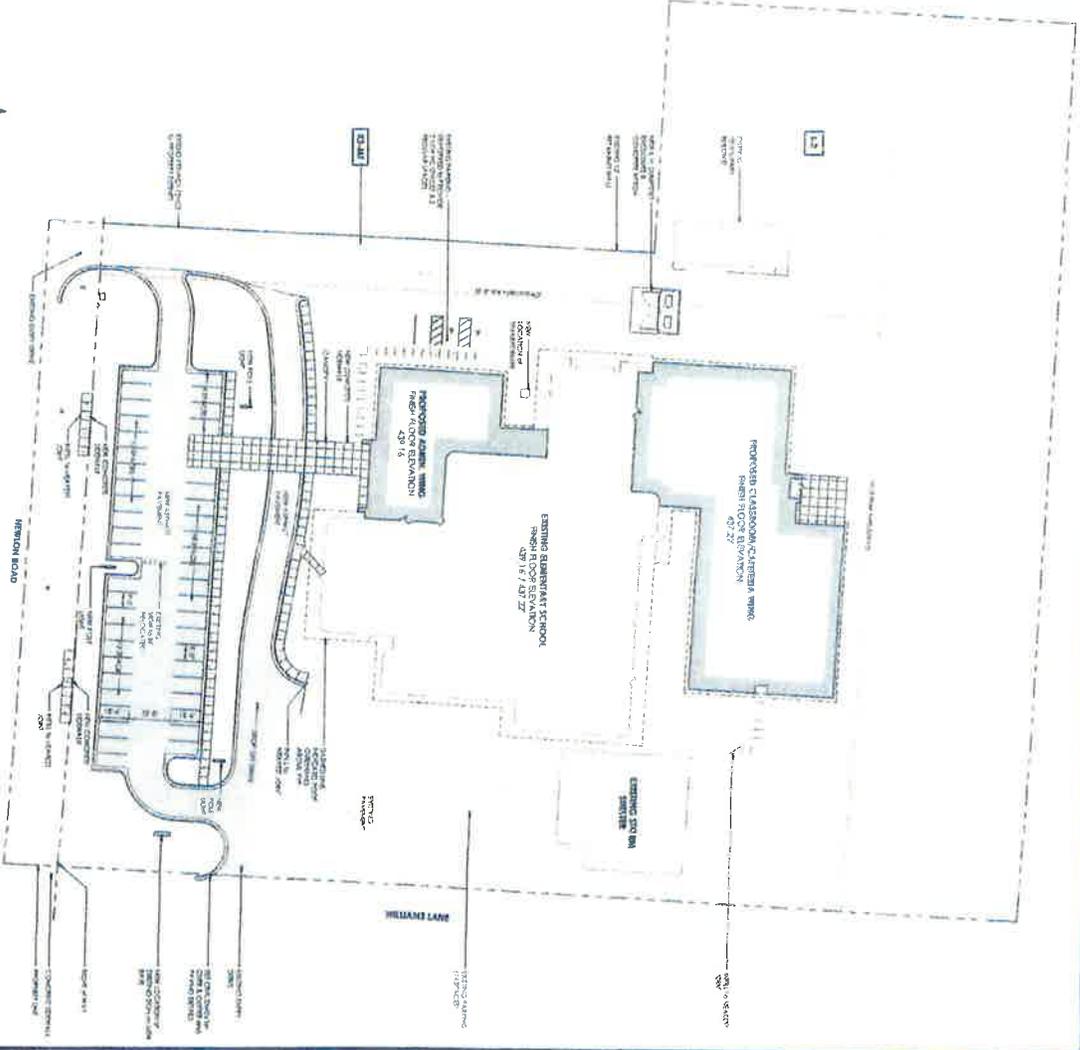
1. PROPOSED ADDITION OF CLASSROOMS AND OFFICE SPACE TO EXISTING SCHOOL BUILDING.
 2. PROPOSED ADDITION OF PLAYGROUND AND RECREATION AREA.
 3. PROPOSED ADDITION OF PARKING LOT AND DRIVEWAY.
 4. ALL EXISTING UTILITIES TO REMAIN UNCHANGED.

VICINITY MAP

Map of the project location showing the intersection of Highway 101 and Highway 102, with the project site highlighted in red.

BUILDING / SITE CHARACTERISTICS

Item	Value
Lot Area	10,000 sq. ft.
Building Area	15,000 sq. ft.
Site Coverage	15%
Height	15 ft.
Setback	5 ft.
Other	See notes



Preliminary / Conditional Use



6000 West Park Drive
 Fort Smith, Arkansas 72906
 P: 479.332.2000
 F: 479.332.2001
 E: info@mangarch.com



Addition and Renovation of:
Morrison Elementary School
 Fort Smith Public Schools



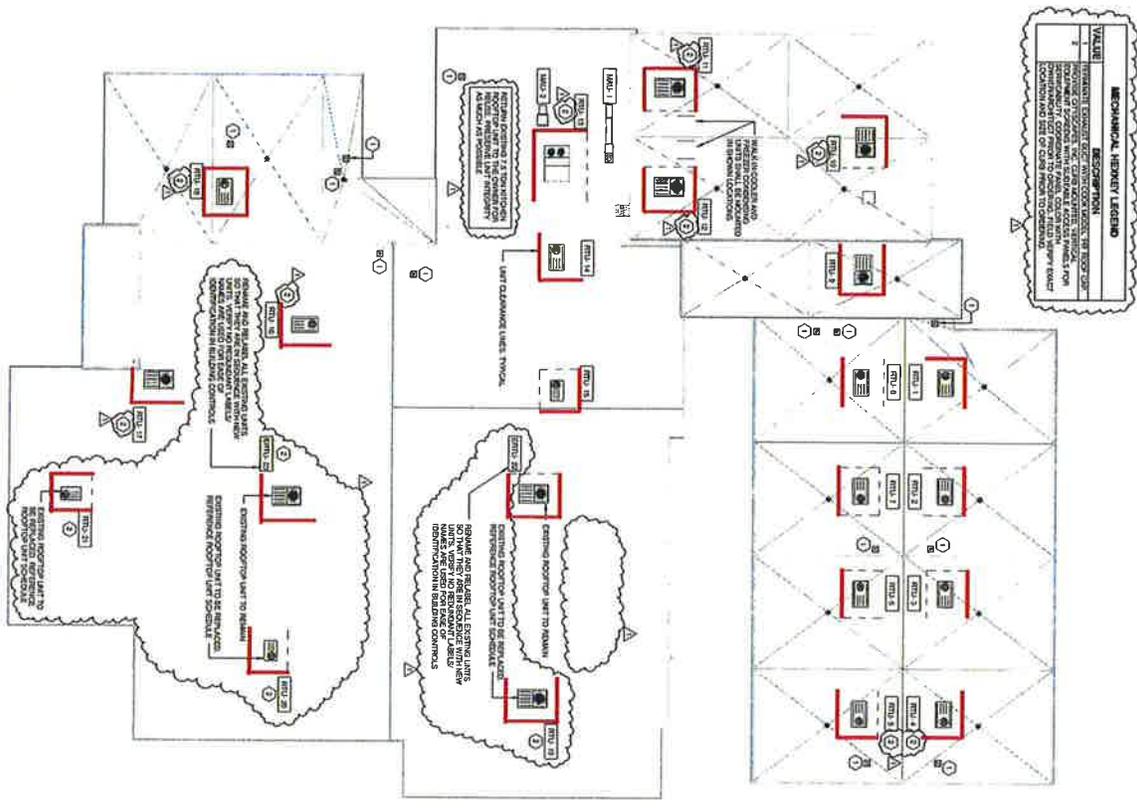
REVISIONS

No.	Description	Date
1	Initial Project	12.02
2	Site Plan	12.14.2014

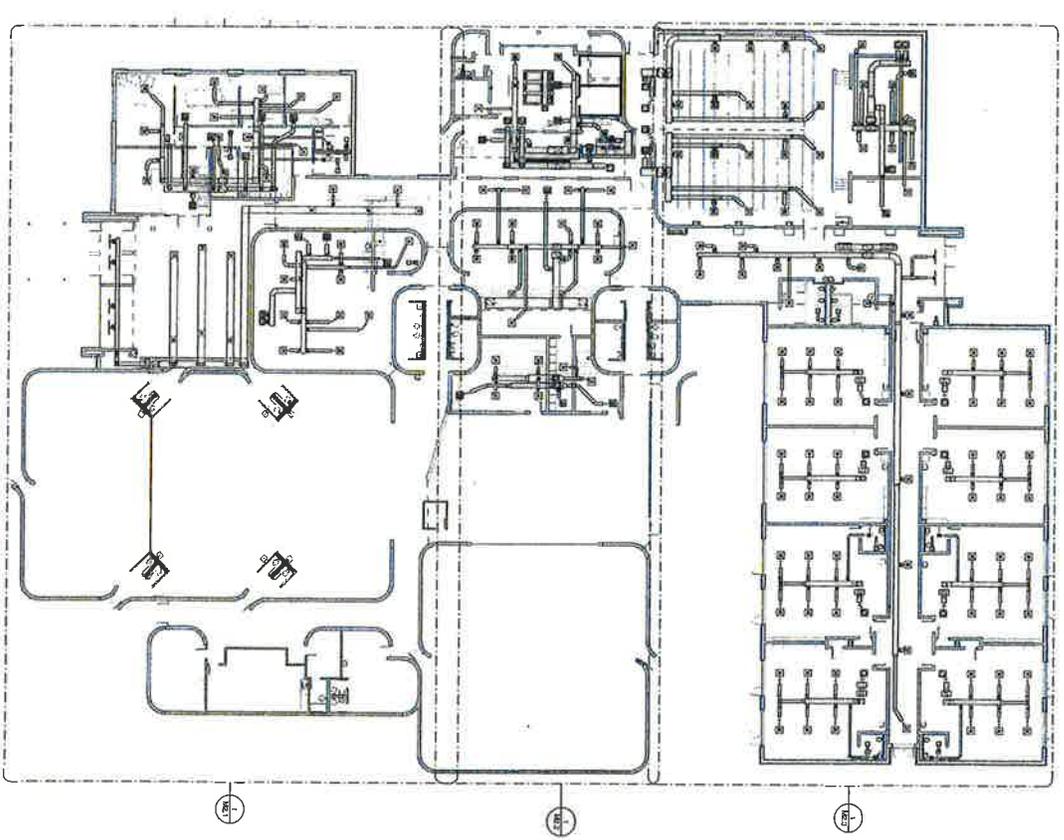
SHEET NUMBER
 A1.1

5K

② OVERALL MECHANICAL ROOF PLAN
TYPE = 1-19



① OVERALL MECHANICAL PLAN
TYPE = 1-19



4400 Rockway Park Drive
Fort Smith, AR 72536
P: 479.782.6019
E: info@mahy.com

ARCHITECTURE
-Interior
-Exterior

PROFESSIONAL ENGINEER
MECHANICAL, ELECTRICAL, PLUMBING
AND REFRIGERATION
STATE OF ARIZONA
LICENSE NO. 10000
ISSUED 01/15/11

PROFESSIONAL ENGINEER
MECHANICAL, ELECTRICAL, PLUMBING
AND REFRIGERATION
STATE OF ARIZONA
LICENSE NO. 10000
ISSUED 01/15/11

PROFESSIONAL ENGINEER
MECHANICAL, ELECTRICAL, PLUMBING
AND REFRIGERATION
STATE OF ARIZONA
LICENSE NO. 10000
ISSUED 01/15/11

Final Construction Documents

M2.0

REVISIONS
MAJOR PROJECT
12-02
DATE
7-30-2014
STREET NUMBER

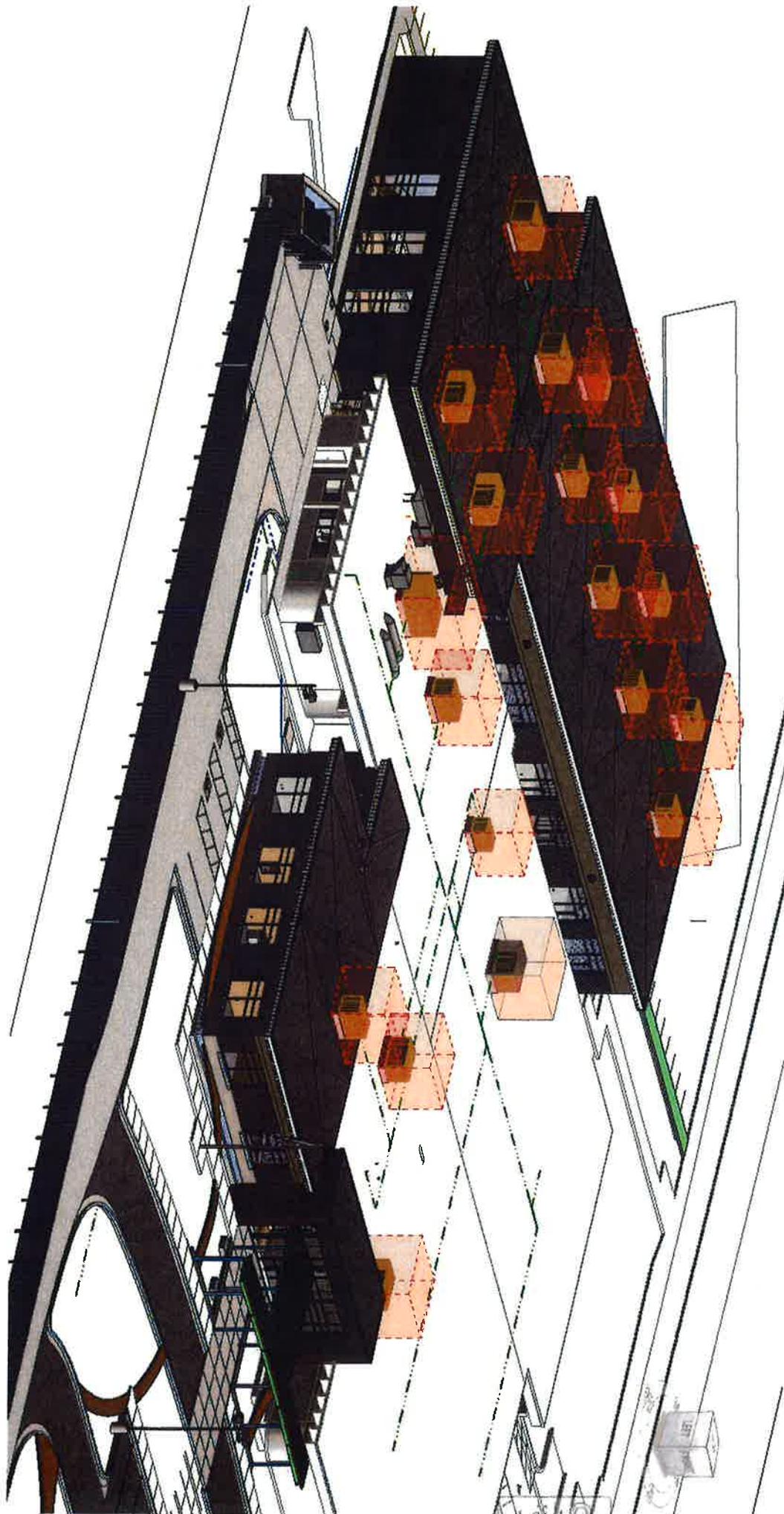


Additions and Renovations to:
Morrison Elementary School
Fort Smith Public Schools

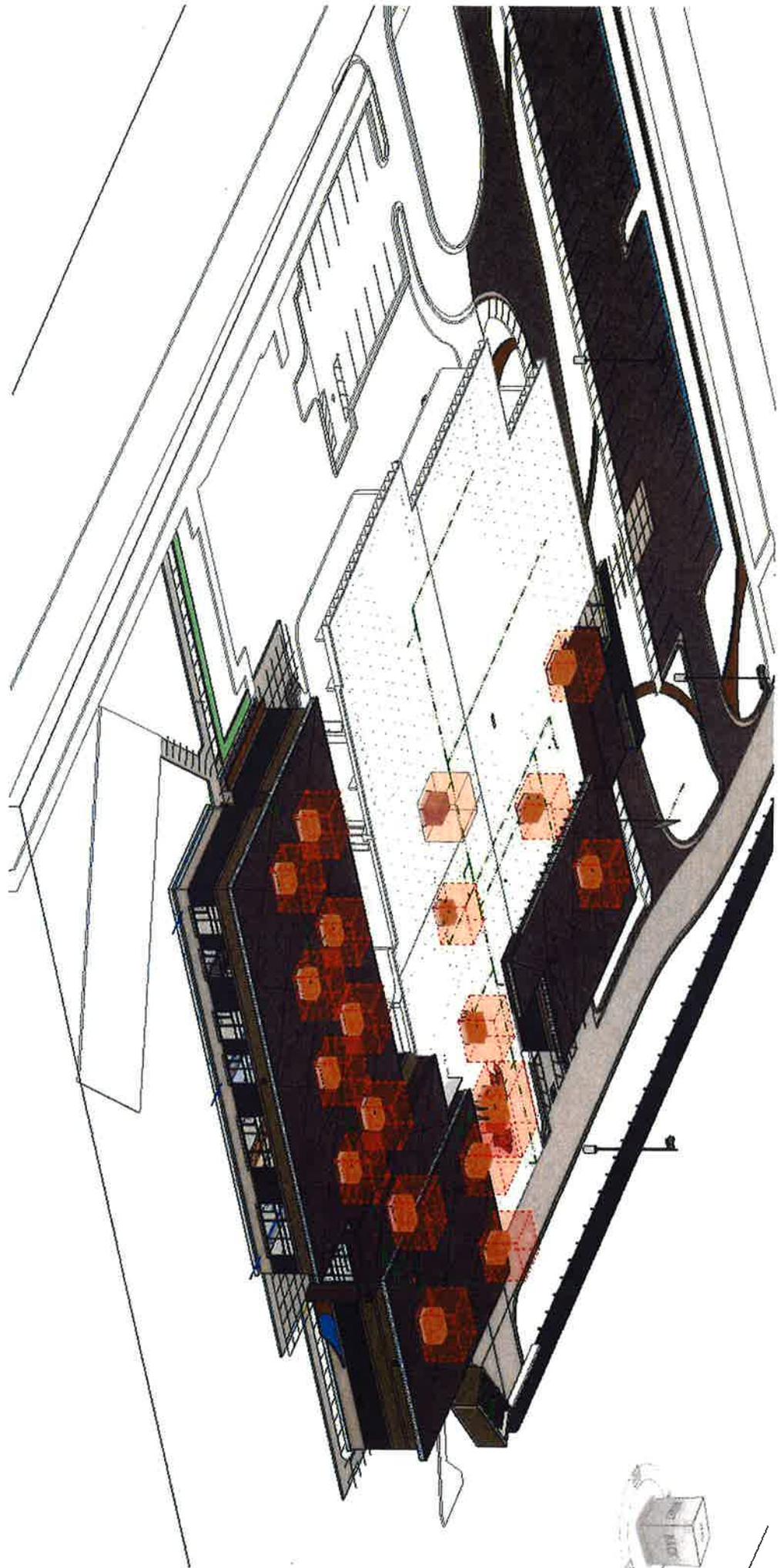
4400 Rockway Park Drive
Fort Smith, AR 72536
P: 479.782.6019
E: info@mahy.com



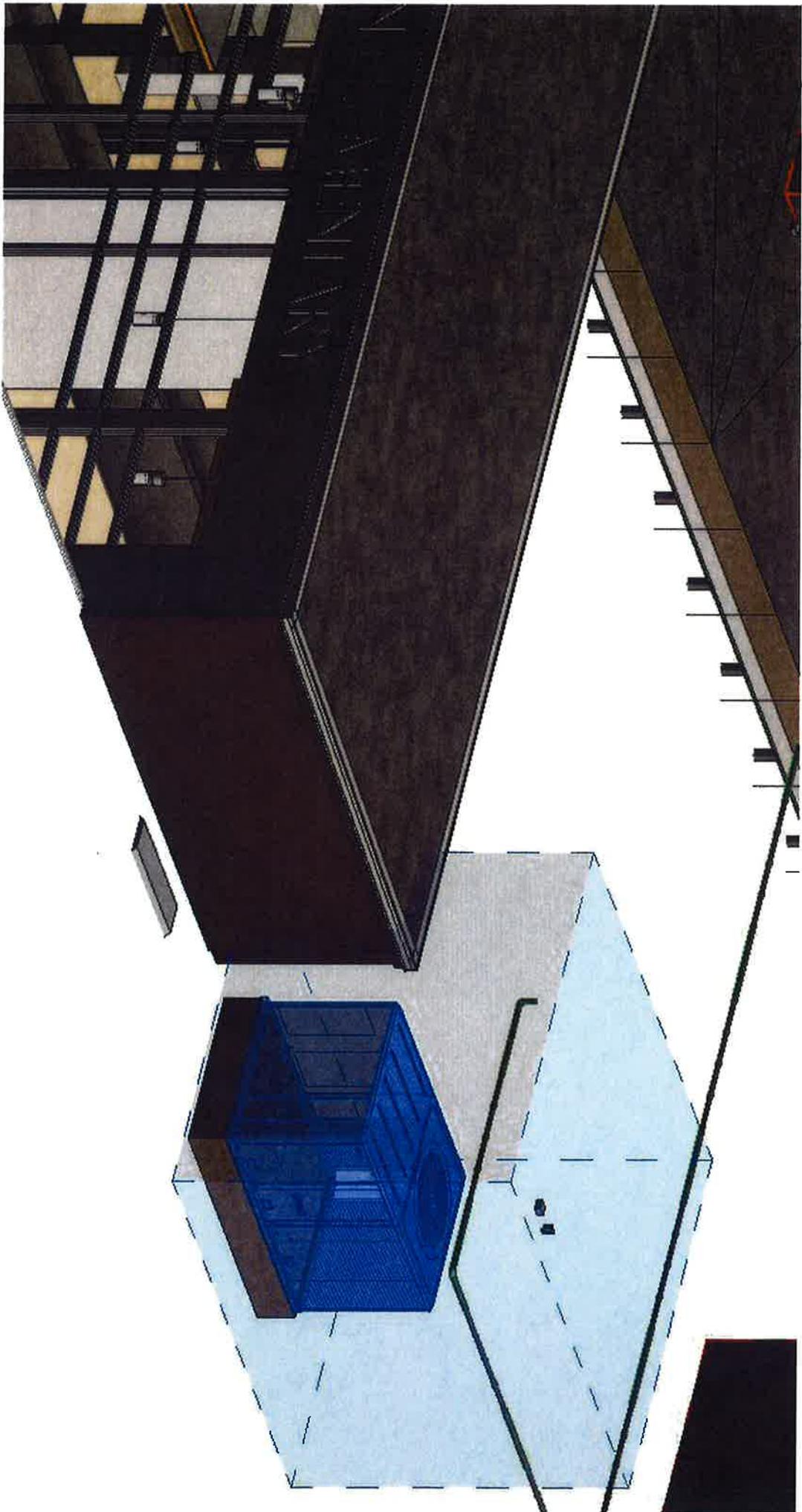
56



5M



5N



Memo

To: City Planning Commission

From: Planning Staff

Date: January 8, 2015

Re: Variance #4-1-15 - A request by Clear Channel Outdoor, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 300 square feet to 378 square feet maximum size of an outdoor advertising sign at 4898 Rogers Avenue (4900 Rogers Avenue)

REQUESTED VARIANCE

Approval of the variance would allow the applicant to increase the size of the west side of an existing static sign face. The east face of the sign received a variance in October 2014 (30-10-14). The proposed larger sign would face west towards the residential area.

LOT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue, across from Central Mall. The tract contains an area of 18.18 acres with approximately 500 feet of street frontage along Rogers 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 areas to the north are zoned Commercial Light (C-2) and are developed as Firestone Tire store.

The areas to the east are zoned Commercial Heavy (C-5) and are developed as Arvest Bank and Arkansas Oklahoma Gas.

The areas to the south are zoned Transitional (T) and are developed as apartments.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue as Major Arterial.

6B

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

APPLICANT HARDSHIP

The applicant states that by requiring that the west side remain smaller than the east side, the skeleton of the sign head will be exposed resulting in an unsightly sign and a devalued ad space.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, January 5, 2015, at 1100 South "D" Street. No neighboring property owners attended the meeting.

The BZA should be aware that a previous sign variance approved October 14, 2014, had a condition placed on the approval. The condition stated, "The digital face shall be limited to the sign that faces east and the west face shall remain static at 300 square feet."

Staff also would recommend verifying if the applicant has other options to cover the back side of the east-facing sign in lieu of increasing the west sign face.

In staff's opinion, approval of this application would alter the requirement of the previous variance. If the BZA is inclined to approve 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.

LC

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)

See Attachment "A"

Address of property 4900 Rogers Ave. Ft Smith 72903, Existing or Proposed

Zoning Classification C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

<u>FROM</u>		<u>TO</u>	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
_____	-	_____	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
<u>300</u>	-	<u>378</u>	Maximum Size of a Sign
_____	-	_____	Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

6D

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

Signed:

Ryan Zaboudek for Clear Channel Outdoor
Owner or Agent Name (please print)

Owner

479.782.8885
Owner or Agent Phone Number

Ryan Zaboudek
or
Agent

1100 S. D St Fort Smith, AR
Owner or Agent Mailing Address 72901

Variance # _____

6E

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>X</u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>X</u>	_____	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>X</u>	_____	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>X</u>	_____	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

6 F

Explanation of question #4 (if applicable)

N/A

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

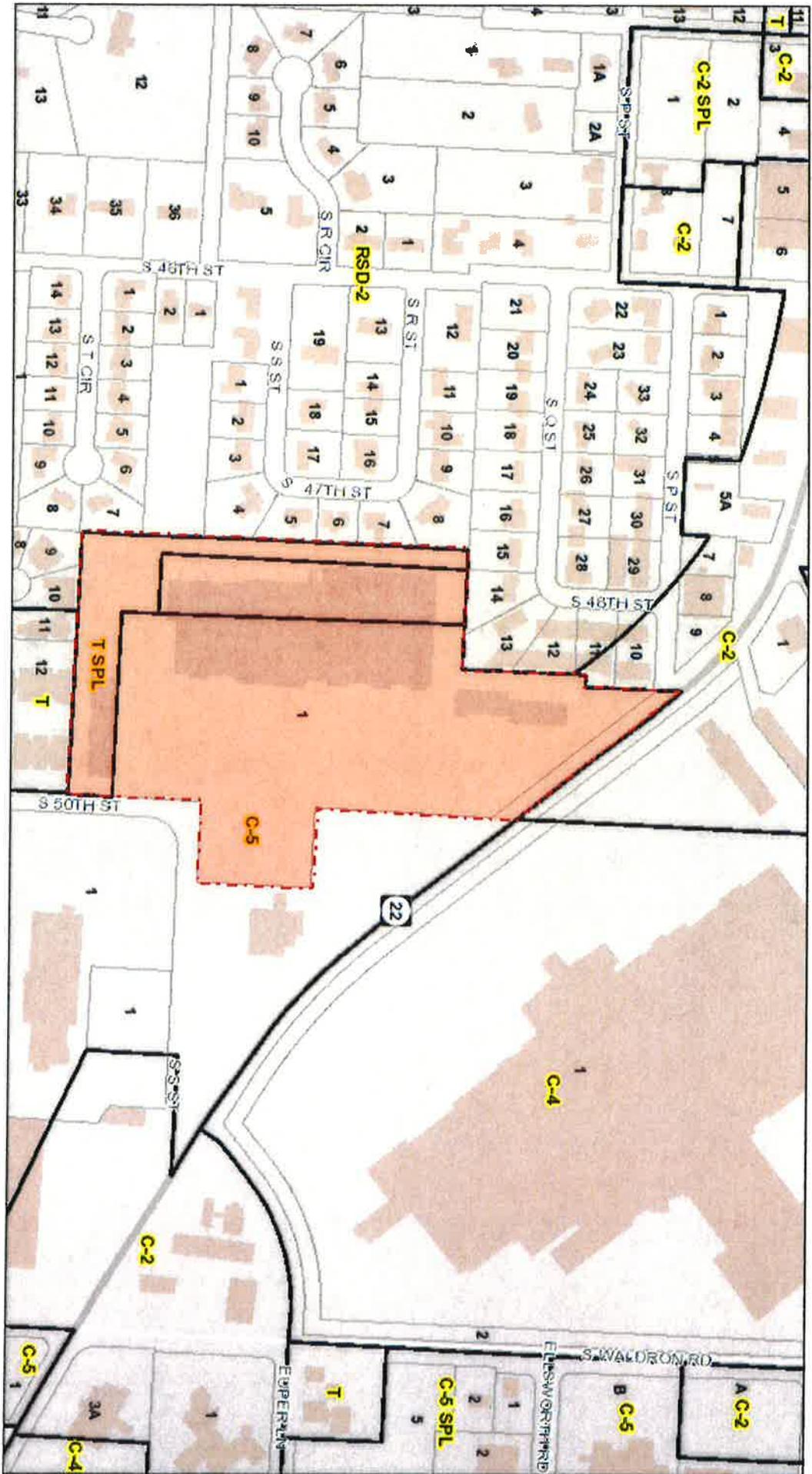
By requiring that the west face of the sign only be 300 square feet the angle iron/skeleton of the sign head will be exposed. This would be unsightly and devalue the ad space.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

Variance #4-1-15: From 300 to 378 maximum square footage of sign
 4898 Rogers Avenue (4900 Rogers Avenue)

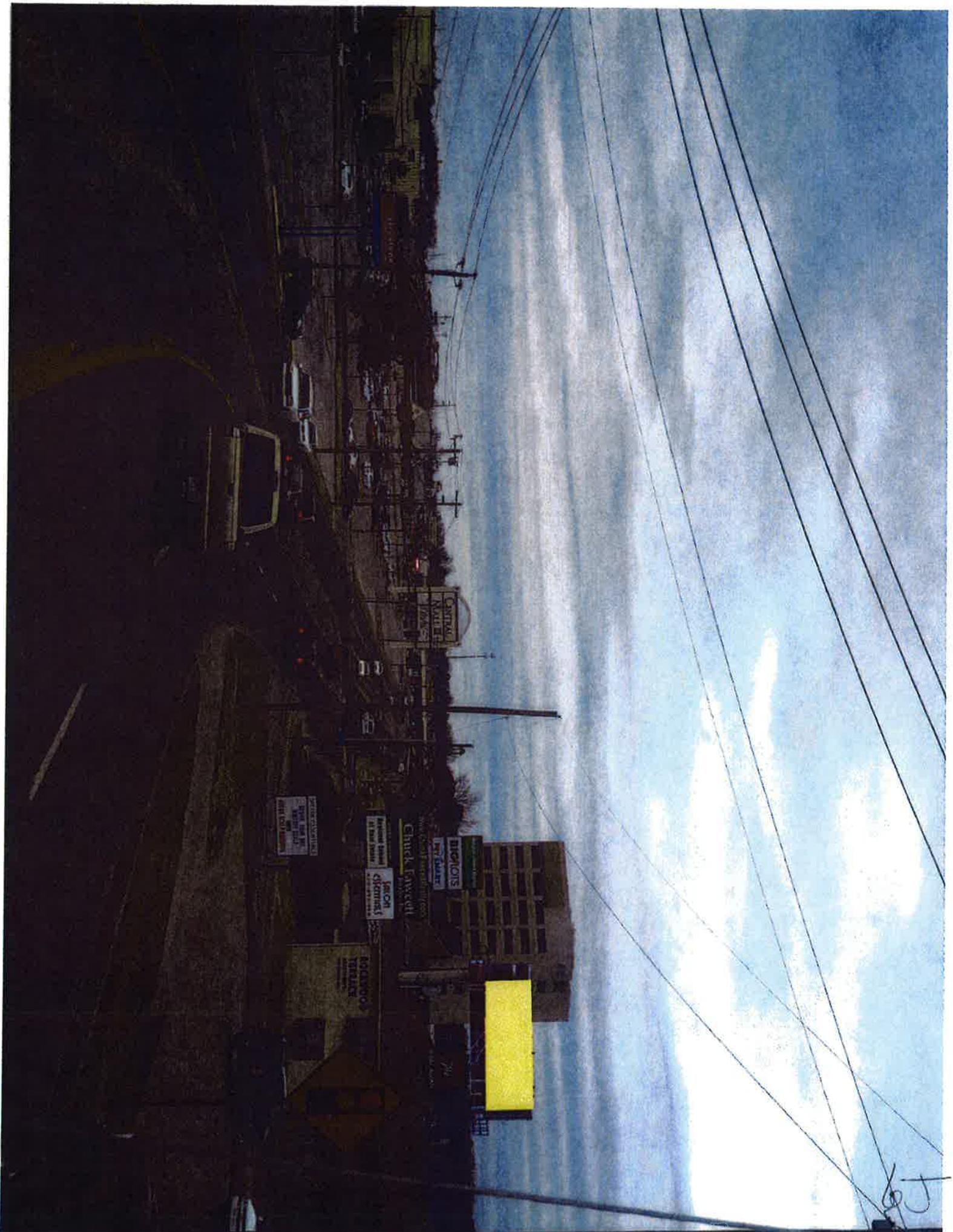
HT



December 16, 2014

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





[Redacted yellow sign]

BICOLORS

Chuck Fawcett

JASON

BOLANCO'S

Signage for 'Bicycle' and 'Chuck Fawcett'.



Handwritten mark or signature in the bottom right corner.