

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MARCH 10, 2015**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM FEBRUARY 10, 2015

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments

2. A request by Dubin Singer, agent for W.W.A. Company, Inc. for a Master Land Use Plan Amendment from Residential Detached to Commercial Neighborhood located at 4100 North "O" Street/1525 North Albert Pike. (companion item to items #3, #4 and #7)
3. Rezoning #2-3-15; A request by Dubin Singer, agent for W.W.A. Company, Inc. for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Extension located at 4100 North "O" Street/1525 North Albert Pike. (companion item to items #2, #4 and #7)
4. A request by Dubin Singer, agent for W.W.A. Company, Inc. for development plan approval for a neighborhood store (Family Dollar) located at 4100 North "O" Street/1525 North Albert Pike. (companion item to items #2, #3 and #7)
5. Conditional Use #2-3-15; A request by Ricky Hill, agent for Lance Beaty and Steve Nelson, for a conditional use for a professional (beauty) school located at 1000 Phoenix Avenue.
6. Home Occupation #1-3-15; A request by Andrea Overall for a home occupation for a bakery for homemade dog treats located at 2814 Osage Street.

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

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

7. Variance #7-3-15; A request by Dubin Singer, agent for W.W.A. Company, Inc. for a variance from 30 feet to 15 feet interior side yard setback located at 4100 North "O" Street/1525 North Albert Pike. (companion item to items #2, #3 & #4)

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

8. Discussion of UDO Amendments (mobile food trucks)

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 10, 2015**

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

Chairman Sharpe called for the vote on the Planning Commission minutes from the January 13, 2015, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Keesee and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on procedures.

- 1. Preliminary Plat - Arkansas Health Education College - Lot 1 - Mickle-Wagner-Coleman.**
- 2. Final Plat – Arkansas Health Education College – Lot 1 – Mickle-Wagner-Coleman.**

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to accommodate the development of the Arkansas College of Osteopathic Medicine, campus facilities and supporting facilities.

No one 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, motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend these request to make approval subject to the following:

- The developer agrees to meet all franchise and City utility easement requirements.
- The preliminary and final plats must comply with the City's Subdivision Design and Improvements Standards and the Standard Specifications for Public Works Construction.
- All required approvals of the final plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county record.

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

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

3. Conditional use # 1-2-15; a request by Danny Johnson, agent for the Fort Smith School District, for a conditional use for a pick-up/drop-off lane with canopy cover at front of Trusty Elementary School located at 3300 Harris Avenue.

5. Variance #6-2-15; A request by Danny Johnson, agent for the Fort Smith School District, for a variance from 25 feet to 8 feet front yard setback located at 3300 Harris Avenue. (Companion item to 3)

Ms. Brenda Andrews read the staff reports indicating that the purpose of these request is to allow for the construction of a pick-up/drop-off lane and canopy cover for Trusty Elementary School.

Tammy Benton, 3505 Harris spoke regarding these requests, noting her concerns relative to traffic congestion.

Danny Johnson spoke on behalf of these request stating that no traffic congestion would occur as a result of this project.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend these requests 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.

Chairman Sharpe then called for the vote on these items as amended.

3. Conditional Use # 1-2-15; A request by Danny Johnson, agent for the Fort Smith School District, for a conditional use for a pick-up/drop-off lane with canopy cover at front of Trusty Elementary School located at 3300 Harris Avenue. (companion item to item #5)

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 (Rett Howard)

**RECESS PLANNING COMMISSION
CONVENE BARD OF ZONING ADJUSTMENTS**

- 5. Variance #6-2-15; A request by Danny Johnson, agent for the Fort Smith School District, for a variance from 25 feet to 8 feet front yard setback located at 3300 Harris Avenue. (companion item to item #3)**

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

- 4. Variance #5-2-15; A request by Terry Burruss agent for Jim Meadows, for a variance from Section 27-704(2)(e) to allow for two (2) fifty (50) square foot signs located at 9505 Chad Colley Boulevard.**

Brenda Andrews read the staff reports indicating that the purpose of this variance request is to allow a single sign to be placed on either side of the entrance of an apartment complex.

Ms. Andrews noted a variance was approved in October 2011 to allow the minimum required square footage of signage to increase from 24 to 100 square feet. The applicant is asking for two (single sided) signs with each sign not exceeding 50 square feet in size. The request will not increase the total square footage of signage that was approved in 2011.

Terry Burruss representing Mr. Jim Meadows was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe called for the vote on this variance request. The vote was 9 in favor, 0 opposed

Meeting adjourned.

Memo

To: City Planning Commission
From: Planning Staff
Date: March 5, 2015
Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff is proposing the following amendment:

- The proposed amendment exempts multifamily developments from screening individual trash cans provided by the Fort Smith Sanitation Department. With the new automated collection it is not possible to screen each can. All multifamily developments with dumpsters will still be required to provide screening.

All changes are highlighted on the attached page.

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

6. All trash receptacles shall be completely screened with a permanent opaque screen fence. Individual trash receptacles provided by the Fort Smith Sanitation Department shall not be required to be screened.
7. Outdoor lighting shall comply with Section 27-602-5.
8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property developed or zoned single family including alleys.

E. Industrial Building Standards The following standards shall apply to industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential districts, and/or those buildings at the perimeter of an industrial subdivision.

1. Each primary entrance for employees or visitors that faces a public street should be emphasized through the use of differing colors or materials, arches, arcades or other architectural treatments.
2. All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or other siding materials as approved by the Director.
3. Facades of the primary structure should incorporate architectural relief through the use of at least two of the following tools: reveals, visible joint patterns, projected sills, belt courses, repeating brick header and stretcher courses, or differing colors and textures.
4. All primary structures with roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.
5. All trash receptacles shall be screened with a permanent opaque screening fence.
6. Outdoor lighting shall comply with Section 27-602-5.
7. Outdoor storage.

a. Industrial-1 (I-1):

1. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2015

Re: Proposed Master Land Use Plan Amendment by Dubin Singer, agent for W.W.A. Company, Inc. at 4100 North O Street/1525 North Albert Pike from Residential Detached to Commercial Neighborhood (Companion to items #3, #4 & #7)

The Planning Department is in receipt of an application from Dubin Singer, agent for W.W.A. Company, Inc. to amend the Master Land Use Plan Map from Residential Detached to Commercial Neighborhood to accommodate a proposed Commercial Light (C-2) zoning request.

The subject property is on the southeast corner of the North O Street and North Albert Pike intersection as shown on the development plan. The tract contains an area of 1.38 acres with approximately 266 feet of street frontage along North Albert Pike, and approximately 313 feet of street frontage along North O Street.

The property is currently zoned Residential Single Family Duplex Low/Medium Density (RSD-2). A companion zoning application requests for a Commercial Light (C-2) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

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

The area to the west is classified as Commercial Neighborhood and is developed as a grocery store, shopping center and existing Family Dollar store.

The area to the northeast is classified as Public/Institutional and is developed as Sunnymede Elementary.

PROPOSED MASTER LAND USE PLAN

The proposed Land Use classification of (Commercial) Neighborhood Compatible is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

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

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. The application proposes to change the land use from Residential Detached to Commercial Neighborhood. The Commercial Neighborhood classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both North "O" Street and North Albert Pike Avenue as Major Collector street classifications.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting is scheduled for Friday, March 6th at 4201 North O Street (Sunnymede Elementary cafeteria) at 4:00 P.M. Staff will provide a summary of the meeting to the planning commission.

Staff recommends the approval be contingent upon the following:

1. Approval of the companion development plan, variance, and rezoning applications with any Planning Commission amendments.

2B

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: FD Fort Smith Arkansas 42nd Street and O Street, LLC	
Firm Name: Dubin Singer P.C.	
Address: 123 North Wacker Drive, Suite 1600, Chicago, IL 60606	
Phone # (day): 312.801.8745	Phone # (cell): Fax #: 312.801.8767
Owner Name: W.W.A. Company Inc.	
Owner Address: 6408 Highway 715, Suite 1, Fort Smith Arkansas 72908	
Phone # (day): 479.646.4700	Phone # (cell): Fax #: 479.646.4700
Property Address (subject property): 4100 North O Street, Fort Smith, Arkansas	
Subject Property	
Current Land Use: Single family residences	
Existing MLUP Classification: Residential Detached	
Proposed MLUP Classification: Commercial Neighborhood	
Existing Zoning Classification: R-2-SF-DP - Residential Detached Residential Single Family Duplex Low/	
Proposed Zoning Classification: C-2 - Commercial Light Medium Density (RSD-2)	
Surrounding Property	
Current Land Use: north- Single family residence	
south- Single family residence	
east- Single family residence	
west- Shopping Center	
Existing MLUP Classification: north: Residential Detached	
south: Residential Detached	
east: Residential Detached	
west: Commercial Neighborhood	
Existing Zoning Classification: north: R-3-SF RS-3	
south: R-2-SF-DP RSD-2	
east: R-2-SF-DP RSD-2	
west: C-2	
Pre-Application Meeting Date: <i>Various dates in 2014</i>	

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:

20

1. A legal description of the subject property that is to be amended (reclassified).
Attached as Exhibit A
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
Attached as Exhibit B
3. The area dimensions of the property in square feet or acres.
Attached as Exhibit B
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:
Attached as Exhibit C

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:
Attached as Exhibit D

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:
Not Applicable

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

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

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

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

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

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

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

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

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

2E

AUTHORIZATION OF AGENT

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

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize * , ** and *** to act as our agent in the matter.

(Print Name of Agent) Dubin Singer P.C.*
SMR Acquisitions Company, LLC**
FD Fort Smith Arkansas 42nd Street and O Street,
LLC***

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. W.W.A. Company Inc.



2.

3.

4.

5.

6.

7.

8.

9.

10.

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

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.

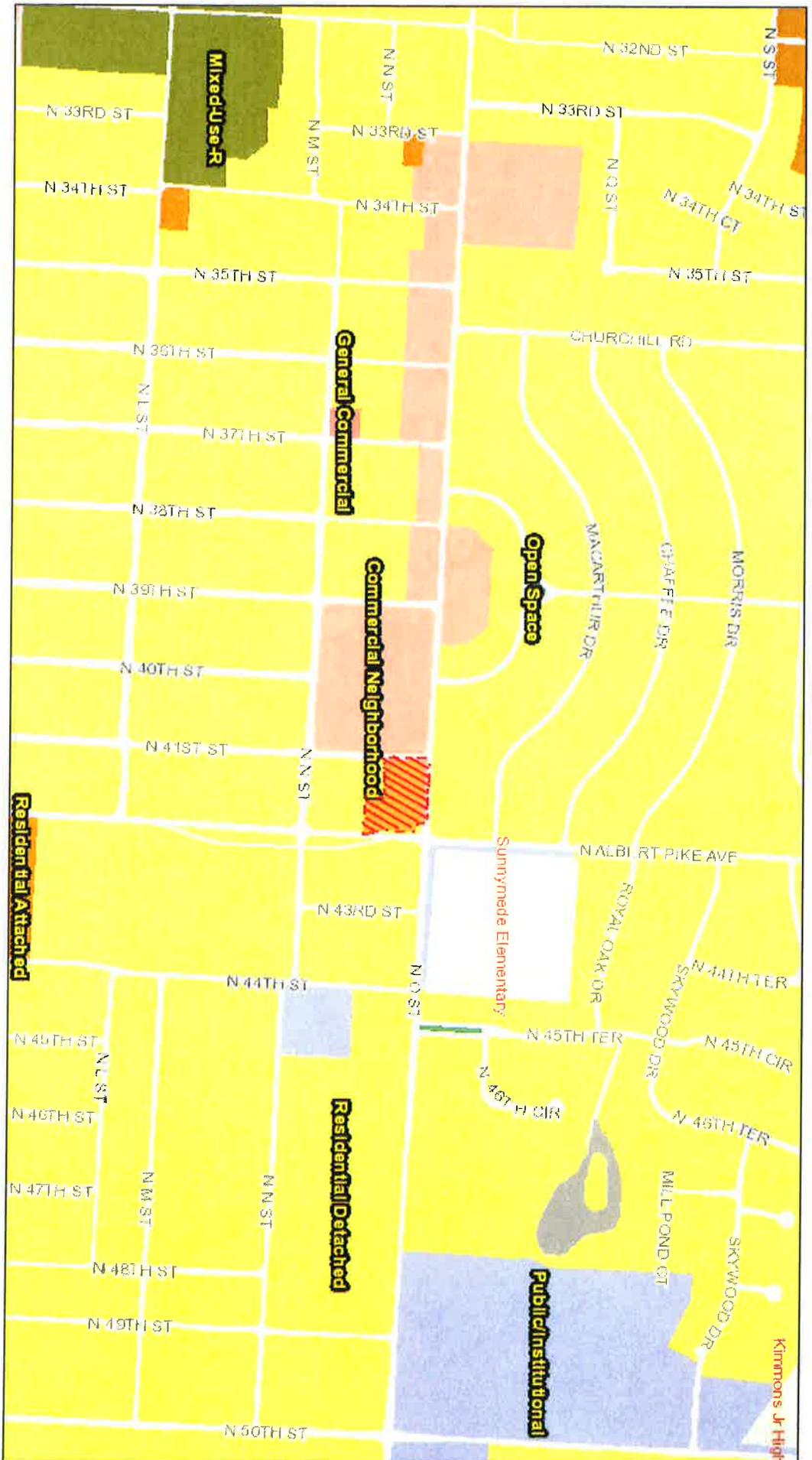
I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this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

DUBLIN SINGER P.C., its Agent
Juliana M. Parry 2/11/2015
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 Residential Detached to Commercial Neighborhood 4100 North "O" Street / 1525 North Albert Pike Avenue

HC



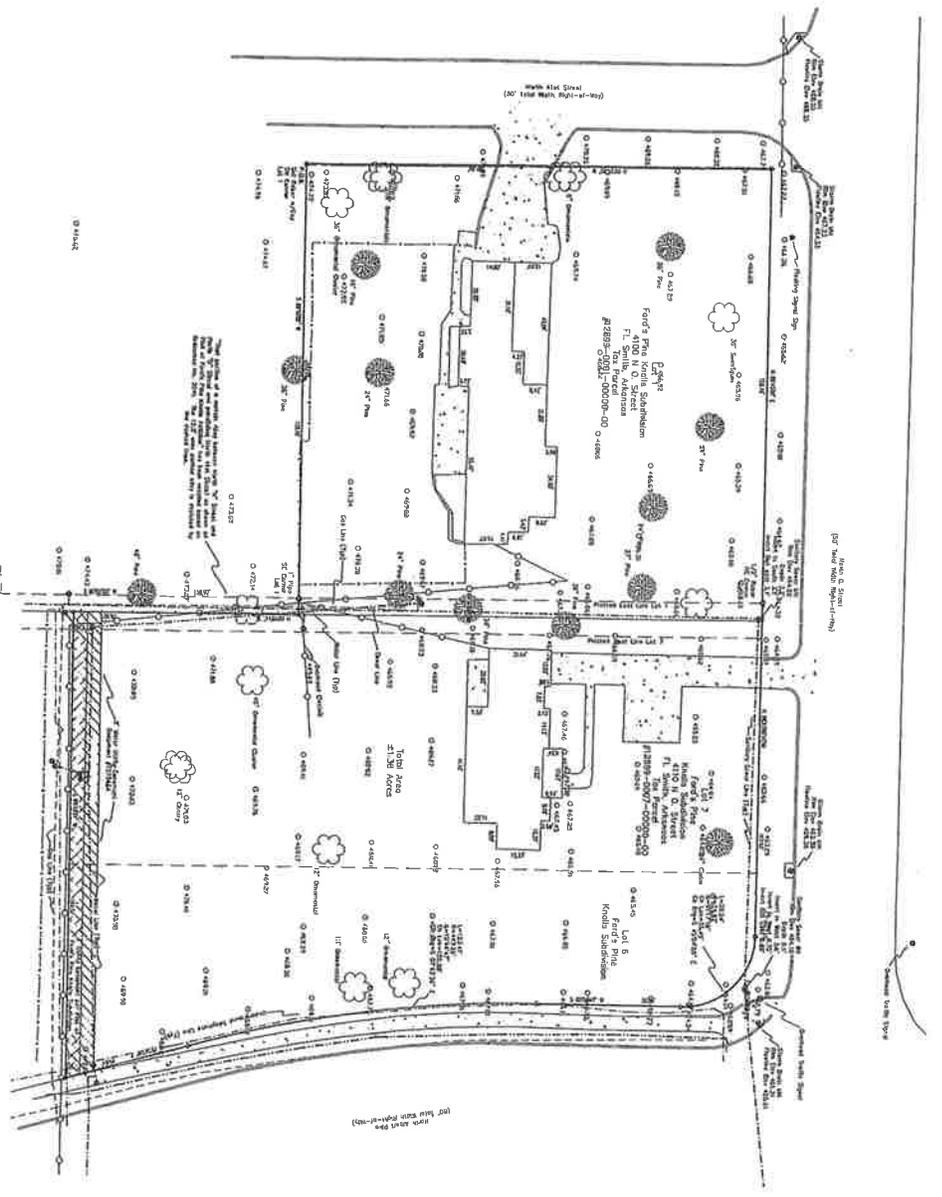
March 5, 2015

Fort Smith City Limits

- Commercial
- Commercial Neighborhood



1:7,081



ATTENTION: SUBMITTER'S NOTICE

1. This plan is submitted for the purpose of obtaining a preliminary plat for the subdivision of land. The submitter warrants that the information provided is true and correct to the best of their knowledge and belief.

2. The submitter warrants that the land is not subject to any other pending or existing subdivision, mortgage, or other encumbrance that would affect the subdivision.

3. The submitter warrants that the land is not subject to any other pending or existing litigation that would affect the subdivision.

4. The submitter warrants that the land is not subject to any other pending or existing environmental or regulatory restrictions that would affect the subdivision.

5. The submitter warrants that the land is not subject to any other pending or existing easements, rights, or interests that would affect the subdivision.

6. The submitter warrants that the land is not subject to any other pending or existing liens, claims, or demands that would affect the subdivision.

7. The submitter warrants that the land is not subject to any other pending or existing taxes, assessments, or charges that would affect the subdivision.

8. The submitter warrants that the land is not subject to any other pending or existing restrictions, covenants, or conditions that would affect the subdivision.

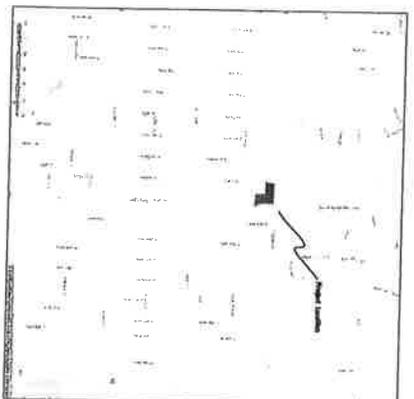
9. The submitter warrants that the land is not subject to any other pending or existing restrictions, covenants, or conditions that would affect the subdivision.

10. The submitter warrants that the land is not subject to any other pending or existing restrictions, covenants, or conditions that would affect the subdivision.

Professional Seal and Signature

22 September 2014

1000



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10. The submitter warrants that the land is not subject to any other pending or existing restrictions, covenants, or conditions that would affect the subdivision.



SMR Acquisitions, LLC

Block Land Services, Inc.

P.O. Box 288, Royal, Arkansas 71968

(501) 622-9859

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2015

Re: Rezoning #2-3-15 - A request by Dubin Singer, agent for W.W.A. Company, Inc., for Planning Commission consideration of a rezoning request from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by extension at 4100 North O Street/1525 North Albert Pike (Companion to items #2,#4 & #7)

PROPOSED ZONING

Approval of the rezoning and other applications will allow for the development of a Family Dollar store on the corner of North "O" Street and North Albert Pike.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the North O Street and North Albert Pike intersection as shown on the development plan. The tract contains an area of 1.38 acres with approximately 266 feet of street frontage along North Albert Pike, and approximately 313 feet of street frontage along North O Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The existing zoning on this tract is 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
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 50%

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

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

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

The area to the west is zoned Commercial Light (C-2) and is developed as a grocery store, shopping center, and existing Family Dollar store.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. A Master Land Use Plan Amendment has been requested with this rezoning application. The application proposes to change the land use from Residential Detached to Commercial Neighborhood. The Commercial Neighborhood classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting is scheduled for Friday, March 6th at 4201 North O Street (Sunnymede Elementary cafeteria) at 4:00 P.M. Staff will provide a summary of the meeting to the planning commission.

Staff recommends the approval be contingent upon the following:

1. Approval of the companion development plan, variance, and master land use plan amendment applications with any Planning Commission amendments.

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)

Please see Exhibit A attached hereto and made a part hereof.

2. Address of property: 4100 North O Street, Fort Smith, AR
3. The above described property is now zoned: Residential Single Family - Duplex Low/Medium Density (RSD-2)
4. Application is hereby made to change the zoning classification of the above described property to Commercial Light (C-2) by Residential Detached Extension .
(Extension or classification)
5. Why is the zoning change requested?
The Applicant cannot make reasonable use of the property with its current
classification.
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Kalisa Gary of Dubin Singer P.C.

Owner or Agent Name

(please print)

123 N. Wacker Dr., Ste. 1600

Chicago, IL 60606

Owner or Agent Mailing Address

312.801.8745

Owner or Agent Phone Number

Owner

DUBIN SINGER P-C-
or
Kalisa Gary
Agent

Rezoning #2-3-15: From Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) at 4100 North "O" Street / 1525 North Albert Pike Avenue

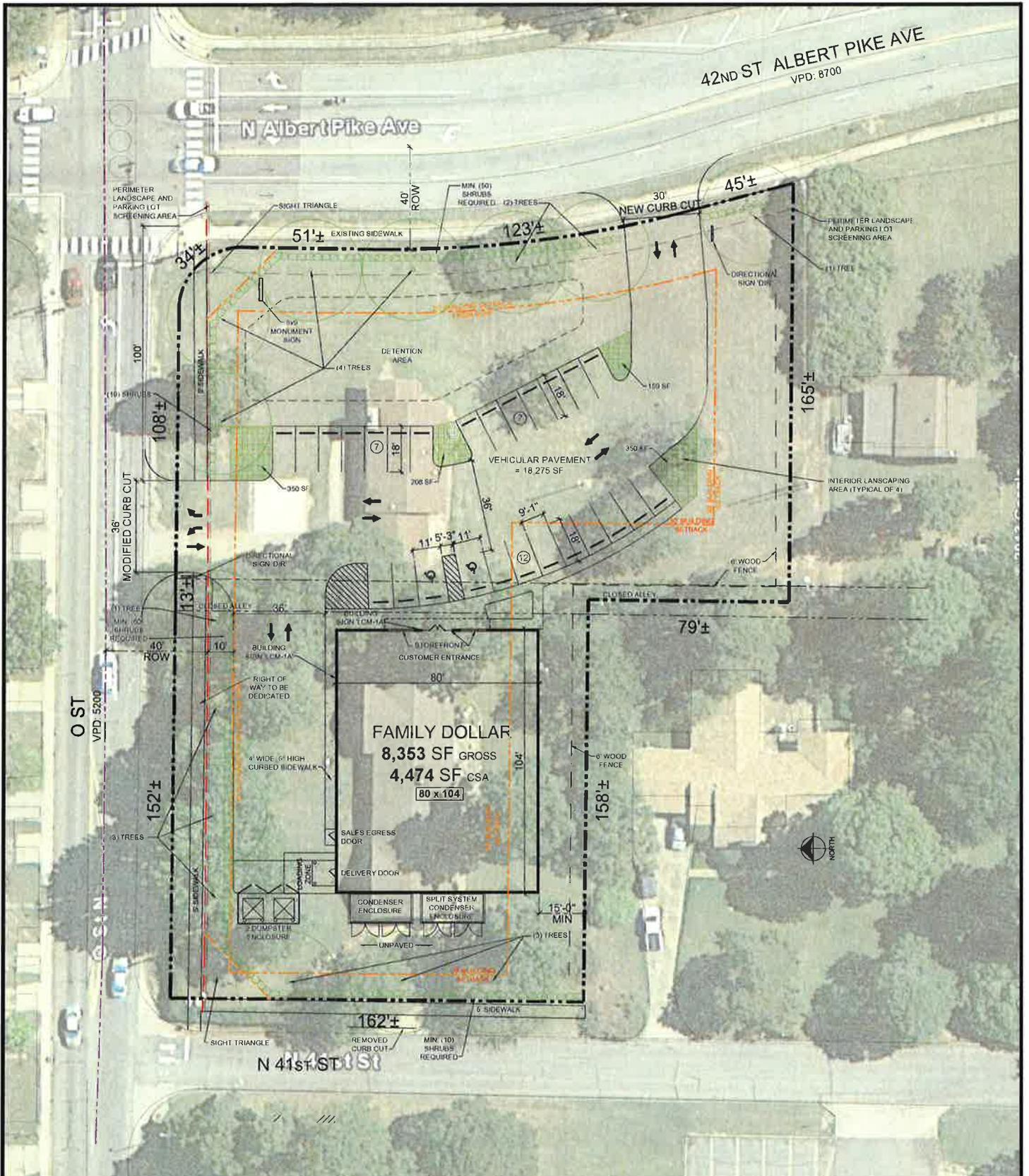
Handwritten initials: *ES*



March 5, 2015

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





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

pb2
 architecture
 +engineering

Atwater
 Group
 Phone 312.332.0690

FAMILY DOLLAR
 Fort Smith, AR
 4100 N. O Street and 4110 N. O Street
 Store #3920 Project #712228
 January 15, 2015
 Preliminary Site Plan

PROPERTY INFORMATION
Present Zoning: Residential
Future Zoning: Light Commercial
Property Size: 1.44 Acres ± 62382 SF ±

VARIANCES NEEDED
30' Setback facing Residential
PARKING COUNT
Shown: 26 Required: 1/200 SF CSA = 23

3F

Memo

To: City Planning Commission

From: Planning Staff

Date: February 26, 2015

Re: Development Plan - A request by Dubin Singer, agent for W.W.A. Company, Inc, for Planning Commission consideration to develop a Family Dollar store located at 4100 North O Street/1525 North Albert Pike (Companion to items #2, #3 & #7)

PROPOSED DEVELOPMENT PLAN

Approval of the development plan and other applications will allow an 8,353 s.f. Family Dollar store with 26 parking spaces, detention pond, and landscaping and screening buffers that comply with the UDO requirements. This project would also include the demolition of two existing single family homes.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the North O Street and North Albert Pike intersection as shown on the development plan. The tract contains an area of 1.38 acres with approximately 266 feet of street frontage along North Albert Pike, and approximately 313 feet of street frontage along North O Street.

PROPOSED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

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

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

The area to the west is zoned Commercial Light (C-2) and is developed as a grocery store, shopping center, and existing family dollar store.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development plan proposes two driveways for ingress and egress. One driveway is proposed on North “O” Street approximately 108 feet from the intersection of North “O” Street and North Albert Pike Avenue. The second drive is proposed on North Albert Pike Avenue approximately 123 feet from the intersection of North “O” Street and

Albert Pike Avenue. The proposed driveway locations comply with the city's Access Management requirements.

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. The Fort Smith Utility department has requested the dedication of a 15' wide sanitary sewer easement centered on the existing sanitary sewer line located in the abandoned alley with a minimum of 24" cover over the line.

Drainage – A proposed detention pond for site is proposed along the frontage of North Albert Pike Avenue behind the proposed landscaping.

Right-of-way dedication – The engineering department has required right-of-way dedication from both North Albert Pike Avenue and North O Street.

Landscaping – The landscaping appears to show perimeter landscaping, parking lot screening, and interior landscaping. The final landscape plan must show the size, quantity, and species of materials being utilized during the building permit review.

Screening – The development plan proposes a six (6) foot screening fence along the south property line to screen the single family residence from the development. The mechanical units and trash receptacle will be screened by the enclosures shown on the site plan and required by the UDO.

Parking – The development plan shows 26 parking spaces. The UDO requires 1 parking space per 200 square feet of customer service area. The customer service area is 4,474 square feet. The UDO requires 22 parking spaces according to the customer service area.

Signage – The development plan shows wall signage along both frontages of North Albert Pike Avenue and North O Street. It also shows a 50 s.f monument sign located on the corner of the intersection and two 2 s.f. directional signs located at the driveway entrances.

Lighting – No site lighting information has been submitted. It appears that wall lights will be utilized on the elevation and must be shielded in accordance with the UDO. All sight lighting fixtures and shielding measures must be submitted during the building permit review.

Architectural features – The development plan and e-mail explain that the architectural features will consist of brick for the quality materials.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting is scheduled for Friday, March 6th at 4201 North O Street (Sunnymede Elementary cafeteria) at 4:00 P.M. Staff will provide a summary of the meeting to the planning commission.

Staff recommends approval of the application with the following conditions:

1. Construction must comply with the submitted development plan and any Planning Commission amendments. Changes or amendments to the submitted development plan

40

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. A fire hydrant must be installed along the Albert Pike frontage as approved by the Fire Department to comply with the Arkansas and City Fire Code.
3. The dedication of a 15' wide sanitary sewer easement centered on the existing sanitary sewer line that is located in the abandoned alley with a minimum of 24" cover over the line as required by the Fort Smith Utilities Department.
4. Approval of the companion rezoning, variance, and master land use applications with any Planning Commission amendments.
5. A separate application and review will be required for any sign proposed. The signage shall be limited to that which is proposed on the approved development plan.
6. A final landscaping plan shall be submitted and must show the correct size, quantity, and species being utilized and must comply with Section 27-602-3 of the UDO Landscaping and Screening requirement.
7. All building exterior lighting and all site lighting shall meet the requirements of the UDO Commercial and Outdoor Lighting requirement.
8. A replat of the property shall be submitted for staff review.

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)

Please see Exhibit A attached hereto and made a part hereof.

2. Address of property: 4100 North O Street, Fort Smith, AR
3. The above described property is now zoned: ~~Residential~~ Residential Single Family Duplex Low/Medium Density (RSD-2)

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

Yes X No _____

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

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

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

Commercial Light (C-2) by ~~Residential Detached~~ Extension.
(Zoning Classification) (Extension) or classification)

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

Please see City zoning map and aerials attached as Exhibit B

8. Total acreage of property 1.44 acres

4E

Signed:

Owner or Agent Name
(please print)

Dubin Singer P.C.
123 N. Wacker St., Suite 1600, Chicago, IL 60606

Owner or Agent Mailing Address

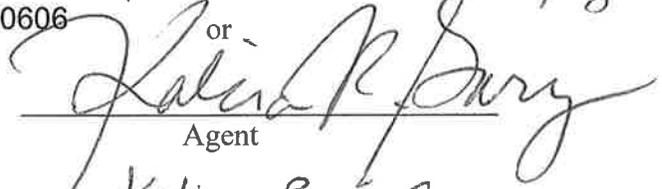
312.801.8745

Owner or Agent Phone Number

Owner

DUBIN SINGER PC, Agent

or



Agent

Kalisa R. Gary

Miller, Perry

From: Kalisa Gary <kgary@dubinsinger.com>
Sent: Thursday, February 26, 2015 1:19 PM
To: Miller, Perry; Monaco, Tom
Cc: Andrews, Brenda
Subject: RE: Legal Descriptions for Family Dollar
Attachments: Nichiha Commercial Catalog.pdf

Hi, Perry! I've confirmed that the building is 23' at its highest point, and that all four sides will be covered by Nichiha panels (please see the attachment). This same material is being used for the Jenny Lind site.

Thanks,

Kalisa R. Gary, Esq.
Dubin Singer P.C.
123 N. Wacker Drive, Suite 1600
Chicago, Illinois 60606
312-801-8745 (direct)
312-801-8777 (main)
312-801-8767 (fax)
kgary@dubinsinger.com

From: Miller, Perry [mailto:PMiller@FortSmithAR.gov]
Sent: Thursday, February 26, 2015 9:54 AM
To: Kalisa Gary; Monaco, Tom
Cc: Andrews, Brenda
Subject: RE: Legal Descriptions for Family Dollar

Kalisa,

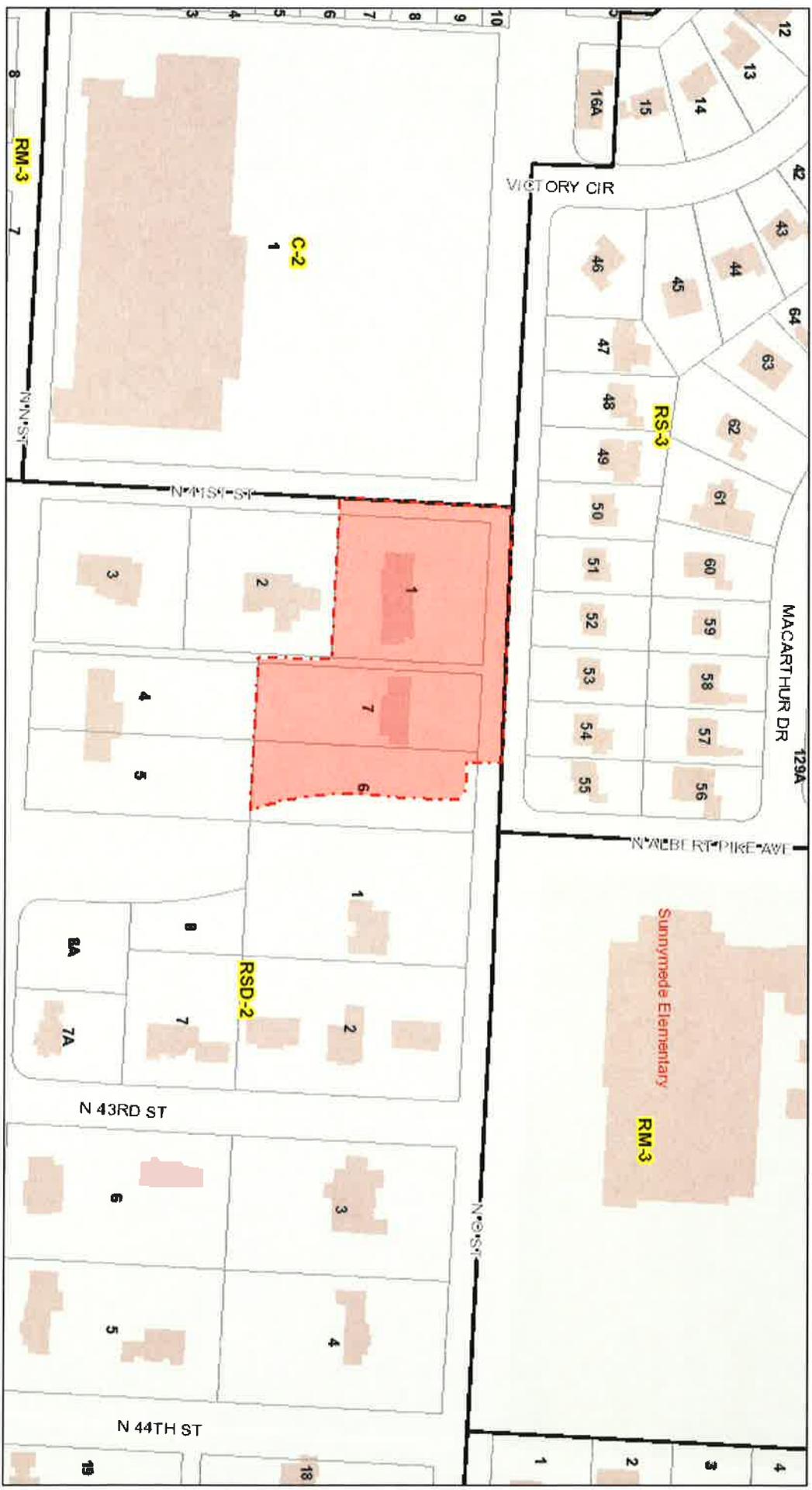
I am working on a Planning Commission report and I noticed the elevations do not show the height of the store, or the materials being utilized for the facades. Could you please confirm the materials are of high quality materials and the height of the building? Please be aware that smoothed faced block is not considered a high quality material.

Thank you,

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

Development Plan Review for a Neighborhood Store 4100 North "O" Street / 1525 North Albert Pike Avenue

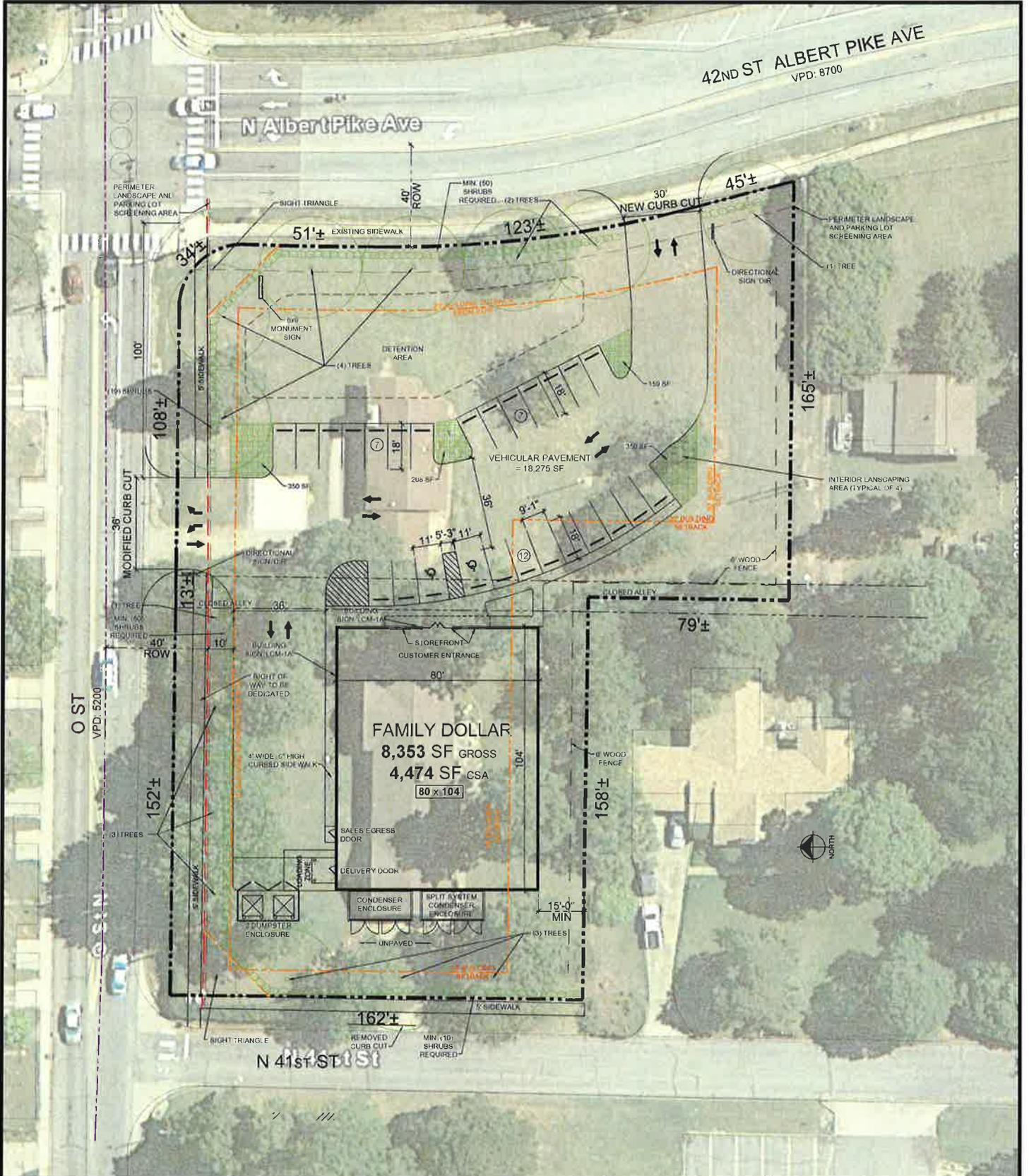
FF



March 5, 2015

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





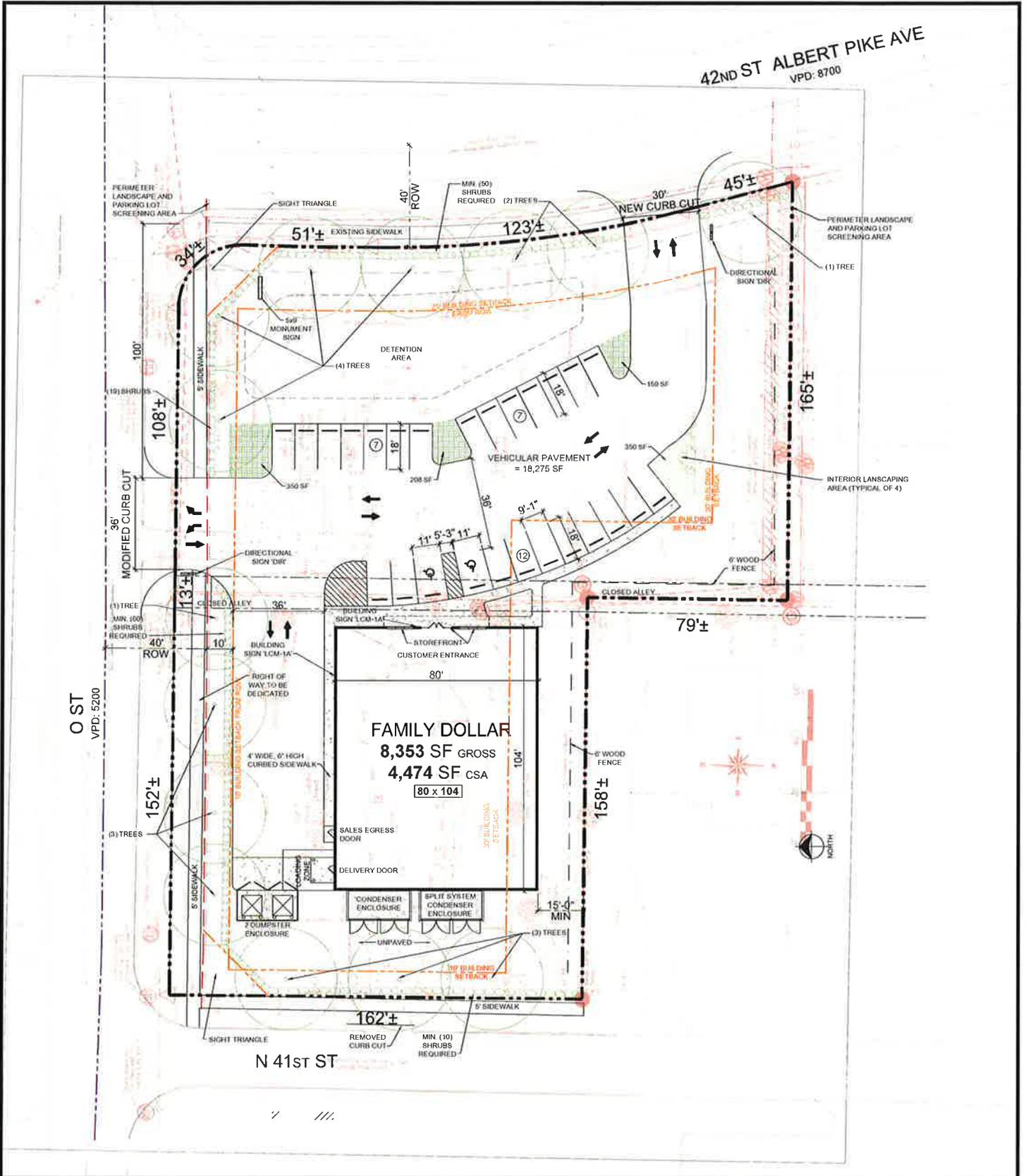
pb2
 architecture
 +engineering
 Phone 479.636.3545
 Architect of Record
 Bradley J. Phillips
 BJ.Phillips@pb2ae.com
Atwater
 Group
 Phone 312.332.0690

FAMILY DOLLAR
 Fort Smith, AR
 4100 N. O Street and 4110 N. O Street
 Store #3920 Project #712228
 January 15, 2015 Preliminary Site Plan

PROPERTY INFORMATION
 Present Zoning:
 Residential
 Future Zoning:
 Light Commercial
 Property Size:
 1.44 Acres ±
 62382 SF ±

VARIANCES NEEDED
 30' Setback facing Residential
PARKING COUNT
 Shown: 26 Required: 1/200 SF CSA = 23

44



pb2
 architecture
 +engineering
 Phone 479.636.3545
 Architect of Record
 Bradley J. Phillips
 BJ.Phillips@pb2ae.com

Atwater
 Group
 Phone 312.332.0690

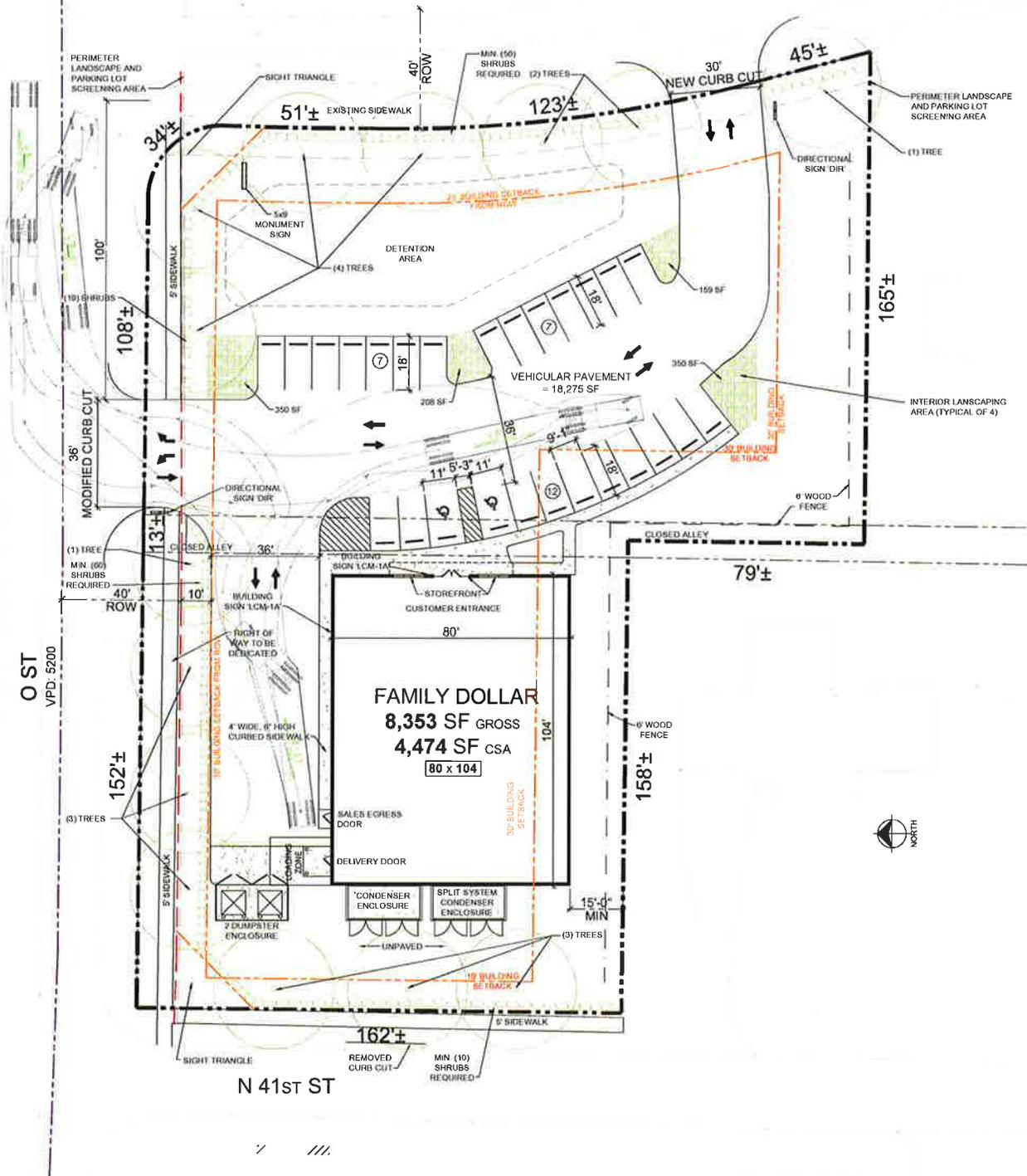
FAMILY DOLLAR
 Fort Smith, AR
 4100 N. O Street and 4110 N. O Street
 Store #3920 Project #712228
 January 15, 2015 Preliminary Site Plan

PROPERTY INFORMATION
Present Zoning: Residential Future Zoning: Light Commercial
Property Size: 1.44 Acres ± 62382 SF ±

VARIANCES NEEDED
30' Setback Facing Residential
PARKING COUNT
Shown: 26 Required: 1/200 SF CSA = 23

45

42ND ST ALBERT PIKE AVE
VPD: 8700




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

 Phone 312.332.0690

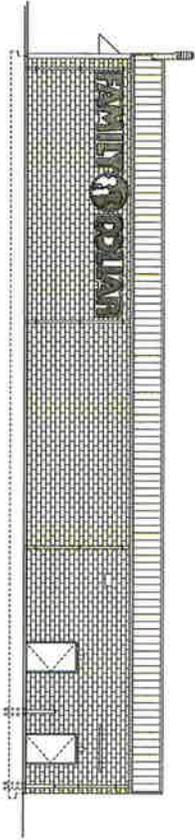

 Fort Smith, AR
 4100 N. O Street and 4110 N. O Street
 Store #3920 Project #712228
 January 15, 2015 Preliminary Site Plan

PROPERTY INFORMATION
Present Zoning: Residential Future Zoning: Light Commercial
Property Size: 1.44 Acres ± 62382 SF ±

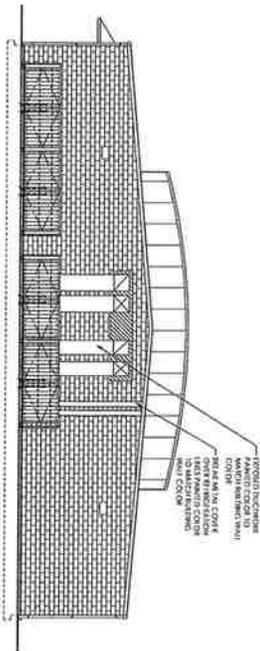
VARIANCES NEEDED
30' Setback facing Residential
PARKING COUNT
Shown: 26 Required: 1/200 SF CSA = 23

46

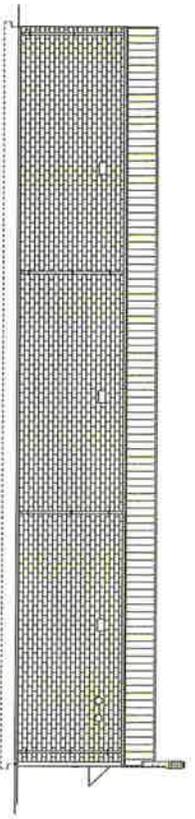
4M



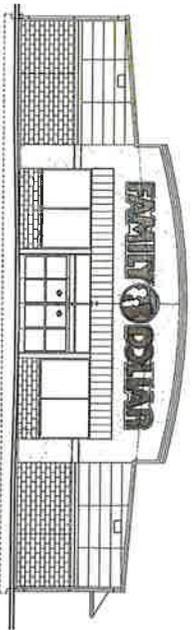
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT ELEVATION

pb2
architecture
+ engineering

2809 N. Main Avenue Suite 100
Spring, Arkansas 72762
Tel: 479.485.1200
Fax: 479.485.1201

PROPOSED ELEVATIONS FOR THE REAR AND LEFT ELEVATIONS OF THE FAMILY DOLLAR STORE AT THE CORNER OF N. O STREET AND N. MAIN STREET IN SPRING, ARKANSAS. PREPARED BY P.B. BROWN ARCHITECTURE + ENGINEERING, INC. FOR THE ARCHITECT, P.B. BROWN ARCHITECTURE + ENGINEERING, INC., 2809 N. MAIN AVENUE, SUITE 100, SPRING, ARKANSAS 72762.

Proposed Elevations

FAMILY DOLLAR
my family, my family dollar.

4100 N. O Street and 4110 N. O Street

Fort Smith, AR

January 19, 2015

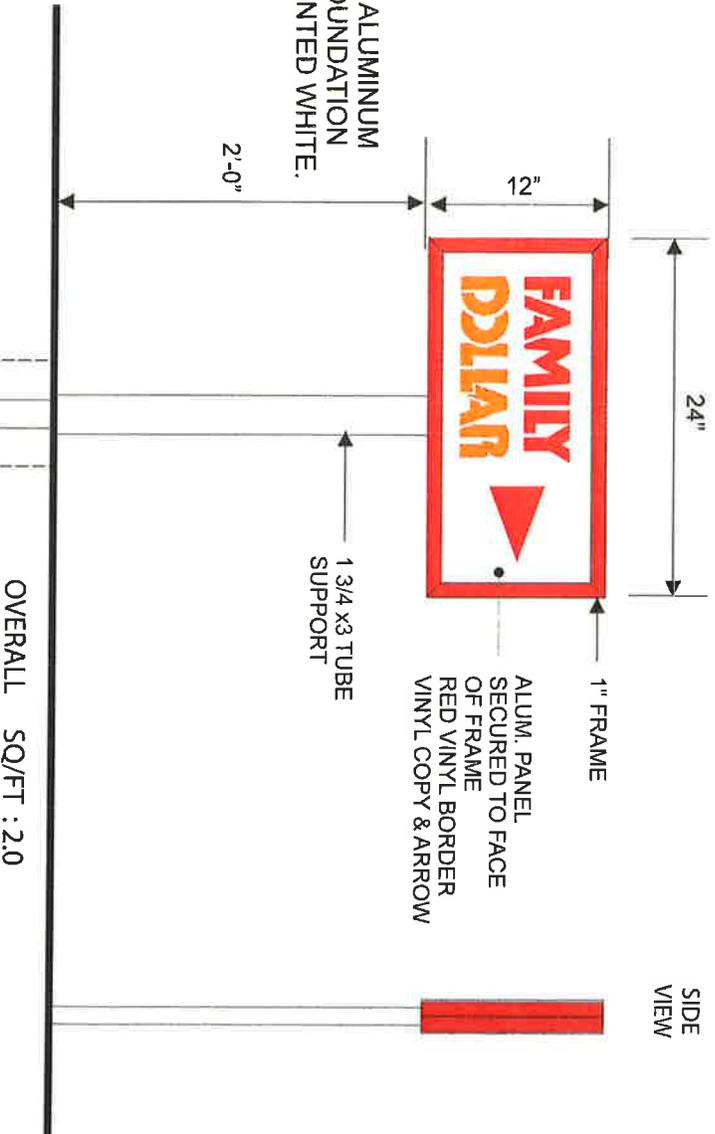


Family Dollar 12 x 24 Directional Sign

FRONT VIEW

ALUMINUM SIGN FACE WITH VINYL GRAPHICS

SIGN IS INSTALLED ON (1) 1 3/4" x 3" X 1/8" SQ. ALUMINUM TUBE SUPPORT EMBEDDED IN CONCRETE FOUNDATION AS PER ENGINEER DATA. SUPPORT TO BE PAINTED WHITE.



COLORS		
	3M 3630-73	Dark Red
	3M 3630-44	Orange
		White

Approved Signature _____

Date _____

FOUNDATION TO BE DETERMINED BY
ENGINEER DATA

OVERALL SQ/FT : 2.0

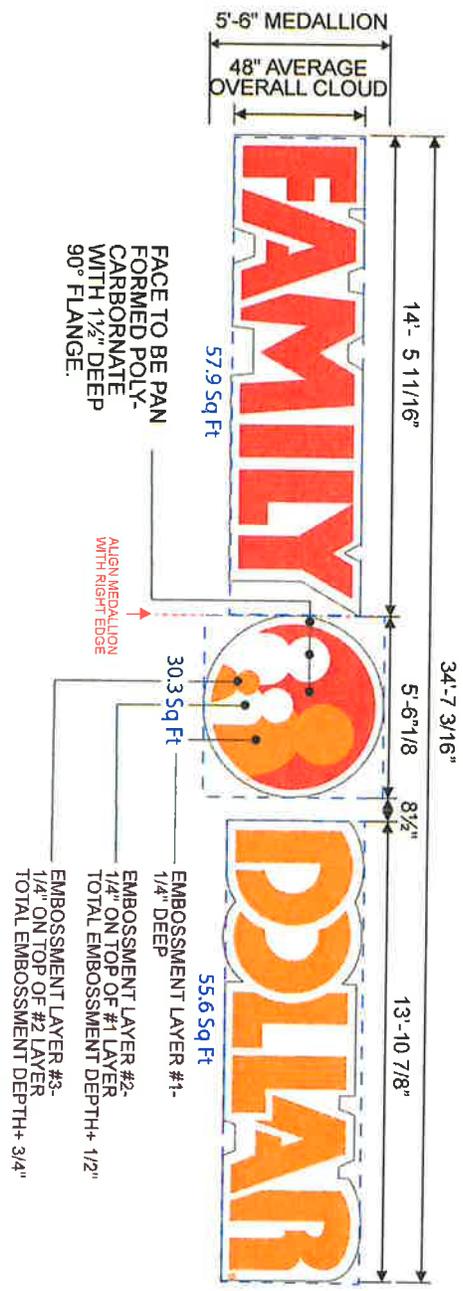


Everbrite

DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use or duplication in any manner without express written permission of Everbrite LLC is prohibited.

07

48" LINEAR CLOUD - MEDALLION



GENERAL SPECIFICATIONS:

- Materials: Extruded aluminum
- Face: 177 SG polycarbonate vacuum formed
- Face Decoration: 2nd surface
- Access: Remove face
- Area Squared: 190.6 Sq. Ft.
- Area Actual: 132.5 Sq. Ft.
- Area Squared Adding Each Element: 143.8 Sq. Ft.
- Weight (Est.):
 - TBE (uncreated)
- Wind Load: 110mph, 43PSI

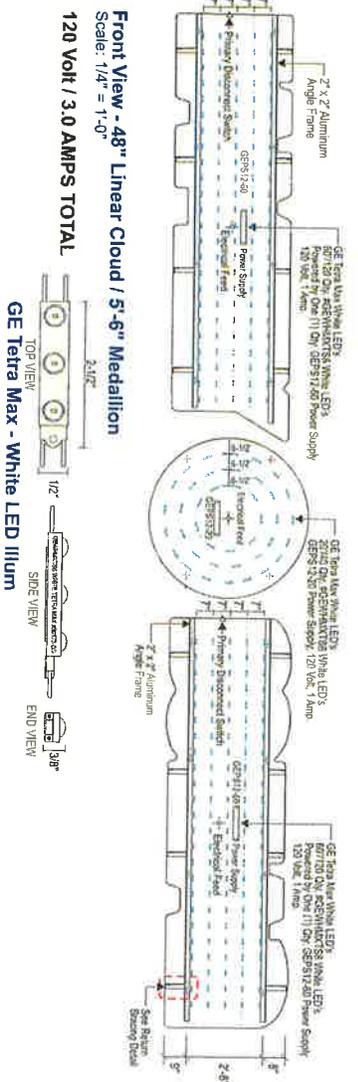
ELECTRICAL

- Illumination:
 - GE Tetra Max White LEDs
- Ballast/Power Supply:
 - (2) GEPS 12-60 Power Supplies
 - (1) GEPS 12-20 Power Supply
- Line Load:
 - 120 Volt / 3 Amps Total Load

COLORS:

- Interior: Ptd. white
- Exterior: BASE, CABINET & RETAINERS - Ptd. AKSO NOBEL (GRIP GUARD PLUS) "Sign20134"
- Raceway: NA
- Face Graphics Color Specifications:
 - "FAMILY" - AKSO NOBEL (GRIP FLEX) "Sign 10399"
 - WHITE, "SIGN 0208 RED"
 - "DOLLAR" - AKSO NOBEL (GRIP FLEX) "Sign 10399"
 - White, "Sign 0209" ORANGE
 - @ SYMBOL - AKSO NOBEL (GRIP FLEX) "Sign 10399"
 - White

Front View - 48" Linear Cloud / 5'-6" Medallion
Scale: 1/4" = 1'-0"



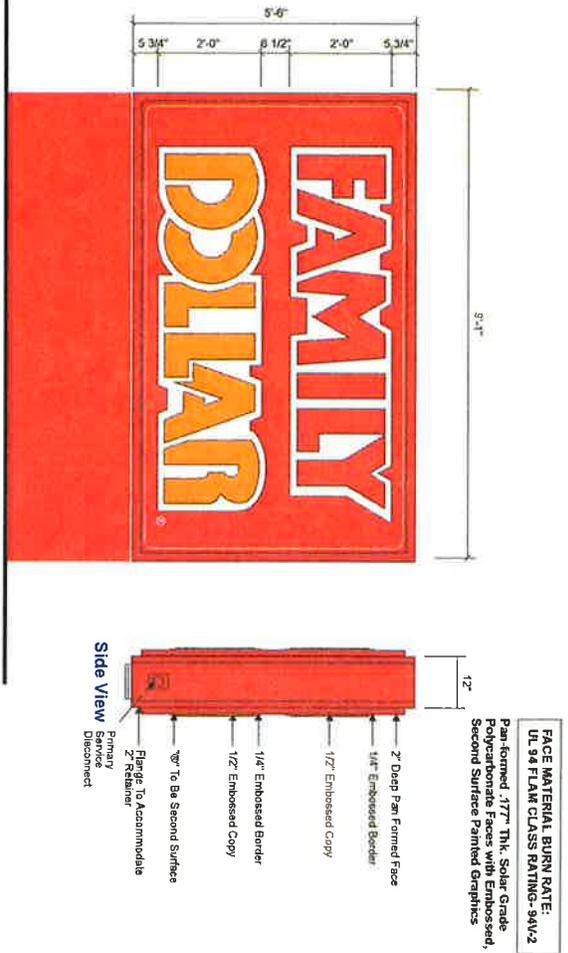
120 Volt / 3.0 AMPS TOTAL
GE Tetra Max - White LED Illum

These product sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express, written permission of Everbrite LLC is prohibited. Changes are to appear, proposed and not intended for actual construction. For more specific manufacturing details, please refer to engineering specifications and final drawings.

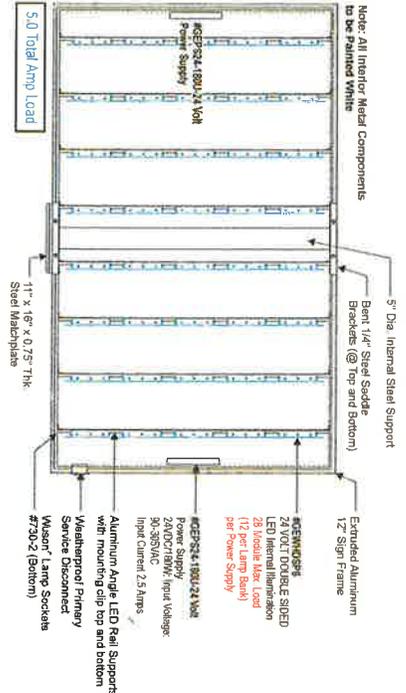
Everbrite LLC
4949 S 110th Street, Greenfield, WI 53220
Phone: 414-529-3500 • Fax: 414-529-7191
Website: www.everbrite.com

Part No: E004890B, E004892B, E004891B
Description: 48" Linear Cloud w/ 66" Medallion
Project No: 296996-3
Date: 12/18/13
Drawn By: DB

5'-6" x 9'-1" LED Illuminated Monument



5'-6" x 9'-1" MONUMENT



GENERAL SPECIFICATIONS:

- Materials: Extruded aluminum
- Face: 150 SG polycarbonate vacuum formed
- Face Decoration: 2nd surface
- Access: Remove face
- Area Squared: 49.95 Sq. Ft.
- Area Actual: 49.95 Sq. Ft.
- Weight (Est.):
 - TBE (crated)
 - 550lbs
- Wind Load: 110MPH & 43PSI

ELECTRICAL

- Illumination:
 - (40)GEWHDSP6 24 Volt Double Sided LED Module
- Ballast/Power Supply:
 - (2) GEPS24-180U-24 Volt Power Supplies

Line Load: .5 Amps @ 120 VAC

COLORS:

- Interior: Ptd. white
- Exterior: BASE, CABINET & RETAINERS - Ptd. AKSO NOBEL (GRIP GUARD PLUS) "Sign20134"
- Raceway: NA
- Face Graphics Color Specifications:
 - "FAMILY" - AKSO NOBEL (GRIP FLEX) "Sign 10399" WHITE,
 - "SIGN 0208 RED"
 - "DOLLAR" - AKSO NOBEL (GRIP FLEX) "Sign 10399" White,
 - "Sign 0209" ORANGE
 - @SYMBOL - AKSO NOBEL (GRIP FLEX) "Sign 10399" White



Everbrite

Everbrite LLC
 4949 S 110th Street, Greenfield, WI 53220
 Phone: 414-529-3500 • Fax: 414-529-7191
 Website: www.everbrite.com

Part No:	Descriptions: 5'-6" x 9'-1" Monument
----------	--------------------------------------

Project No: 318808	Date: 9/3/14
Drawn By: DB	



These printed sheets are the exclusive property of Everbrite LLC. Use of this property in any manner without express written permission of Everbrite LLC is prohibited. Drawings are for graphic purposes only and not intended for actual construction. For more specific manufacturing detail, please refer to corresponding specifications and final drawings.

Handwritten mark resembling the number '7' or a similar symbol.

Memo

To: City Planning Commission

From: Planning Staff

Date: February 24, 2015

Re: Conditional Use #2-3-15 - A request by Ricky Hill, agent, for Planning Commission consideration of a Conditional Use request to develop a professional (beauty) school at 1000 Phoenix Avenue

PROPOSED CONDITIONAL USE

With the approval of this Conditional Use the owner would like to remodel the existing building into a beauty school. The project includes a significant portion of the building to be demolished and the construction of a new parking lot.

LOT LOCATION AND SIZE

The subject property is on the south side of Phoenix Avenue between South 10th Street and Towson Avenue. The tract contains an area of 1.11 acres with approximately 400 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Regional (C-4). Characteristics of this zone are as follows:

Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, 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-4 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 40,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 80%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 3 acres
- Minimum Lot Width – 150 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 20 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet
- 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 north are zoned Commercial Heavy (C-5) and are developed as a parking lot and undeveloped land.

The areas to the east are zoned Commercial Heavy (C-5) and are undeveloped.

The areas to the south are zoned Commercial Regional (C-4) and Residential Multifamily Medium Density (RM-3) and are developed as offices and apartments.

The areas to the west are zoned Commercial Regional (C-4) and are developed as a restaurant supply business.

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 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 – There are three approved existing driveways being used along Phoenix Avenue and one new driveway is proposed on South 10th Street.

Drainage – Drainage shown on the plans have been approved by our Engineering Department.

Right-of-way dedication – A dedication of 5 feet of right-of-way along South 10th Street along South 10th Street because of the current substandard right-of-way.

Landscaping – Landscaping is shown on the plans.

Screening – Screening as shown on the site plan complies with the UDO. A six foot tall wood privacy fence is being installed along the south property line. A new trash enclosure is being placed along the south west side of the property and will be enclosed by a wood fence.

Parking – Sixty four (64) spaces are shown on the site plan. The plans show 10 employees with 75 students. The UDO will require 35 parking spaces.

Signage – No signage information submitted for review at this time. The elevations propose a wall sign that will comply with the UDO. All signage requires a separate permit and must comply with the UDO.

Lighting – Two new parking lot lights are shown on the site plan. No lighting information submitted for review at this time about the fixture being used. All site lighting fixtures and shielding measures must be submitted during the building permit review and must comply with the UDO requirements.

Setbacks – This project will consist of the demolition of part of the existing building and the remodel of the remaining portion. No additions are proposed at this time.

Architectural features – The existing building is constructed of brick and will have a new metal panel fascia system added across the front and sides of the building.

Height and Area – The building has a square footage of 10,484 with a height of approximately seventeen (17) feet.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, March 5, 2015 at 4600 Towson Avenue; Suite 314. A summary and attendance record will be provided at the Planning Commission meeting.

Staff recommends approval of the application contingent upon the following:

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 signs will require a permit and must comply with the UDO.
3. All exterior building and site lighting shall not produce glare, light trespass or unnecessary skyglow. The use of shielded light fixtures is required. At a height of five feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot candles in a vertical plane on residentially zoned property.

Conditional Use # 2-3-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: SBN Properties, LLC

Name of Authorized Agent (if applicable) Ricky Hill, PLS

Legal Description of property included in the conditional use request:

Part of Lots 3 through 5 and part of Lot 31, all in Block 2, Mill Creek to the city of Fort Smith, Sebastian County,
Arkansas.

COMPLETE LEGAL DESCRIPTION IS ATTACHED

Street Address of Property:

1000 Phoenix Avenue Fort Smith AR

Existing Zoning Classification:

C-4

Proposed Zoning Classification (if applicable):

N/A

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

Conditional Use Permit for Beauty School.

What amenities are proposed such as landscaping and screening?

Ricky Hill, agent
Owner or Agent Name (please print)

Signed:

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

Owner

479-632-3565
Owner or Agent Phone Number

Or
Ricky Hill
Agent

5E

Conditional Use #2-3-15: Beauty School 1000 Phoenix Avenue

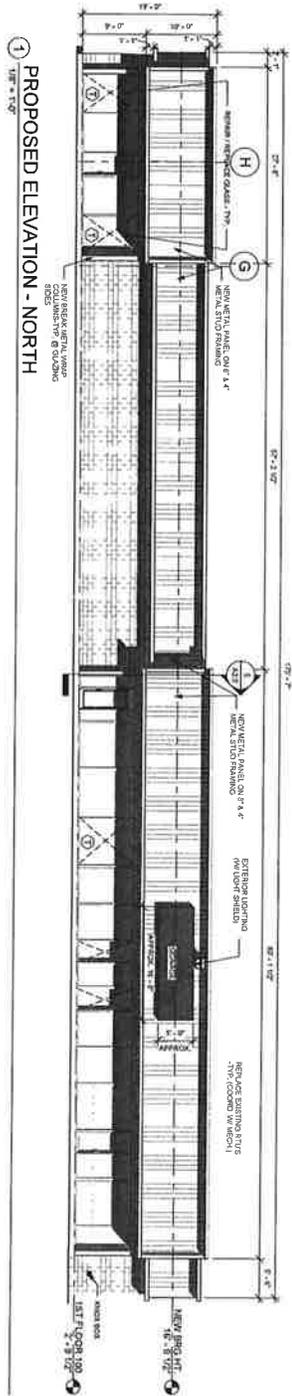
5F



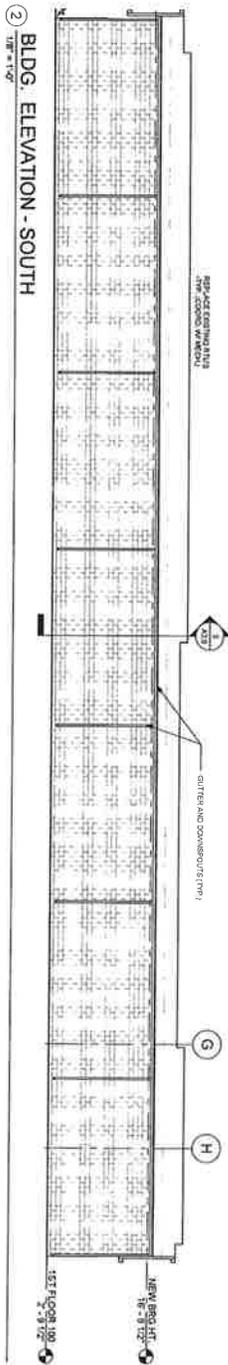
February 17, 2015

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

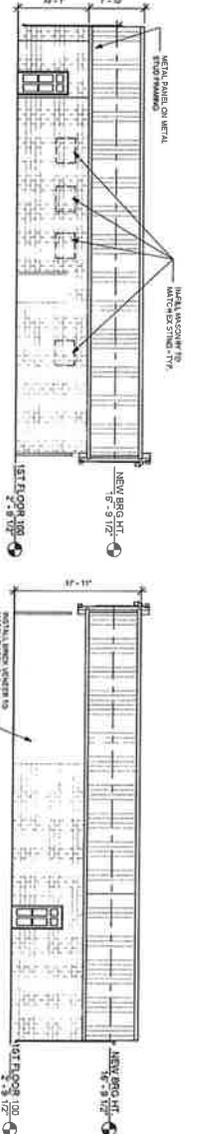




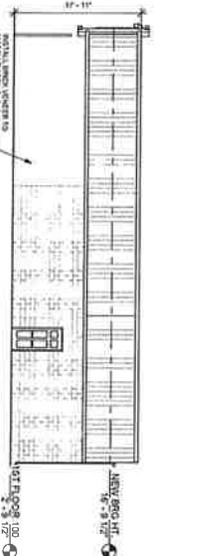
1 PROPOSED ELEVATION - NORTH
1/8" = 1'-0"



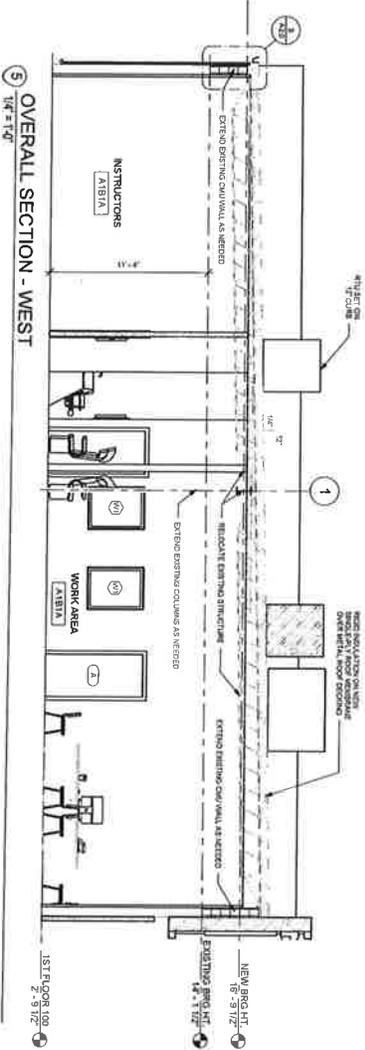
2 BLDG. ELEVATION - SOUTH
1/8" = 1'-0"



3 BLDG. ELEVATION - EAST
1/8" = 1'-0"

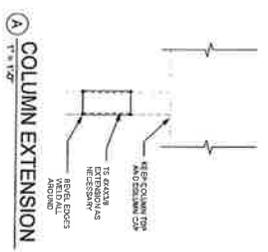


4 BLDG. ELEVATION - WEST
1/8" = 1'-0"

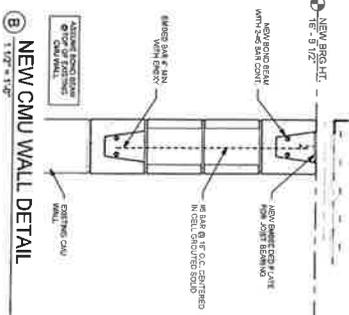


5 OVERALL SECTION - WEST
1/8" = 1'-0"

MATERIAL LEGEND	
NORTH ELEVATION	
HIGH QUALITY	51%
EXISTING BRG. PANEL	2%
BRG. PANEL	2%
METAL WALL PANEL	40%
TOTAL	100%
SOUTH ELEVATION	
HIGH QUALITY	100%
EXISTING BRG. PANEL	0%
TOTAL	100%
EAST ELEVATION	
HIGH QUALITY	54%
EXISTING BRG. PANEL	5%
METAL WALL PANEL	40%
TOTAL	100%
WEST ELEVATION	
HIGH QUALITY	55%
EXISTING BRG. PANEL	5%
METAL WALL PANEL	40%
TOTAL	100%



A COLUMN EXTENSION
1/8" = 1'-0"



B NEW CMU WALL DETAIL
1/8" = 1'-0"

MEGI
MALLETT ENGINEERING GROUP
PROFESSIONAL
ENGINEERS
ARCHITECTS
PLANNERS
INTERIORS
LANDSCAPE ARCHITECTS
ARTISTS
A/E/C GROUP #1700

REVISIONS

#	DATE	COMMENTS
2	02/20/15	BUILDING MODIFICATIONS BLDG. 100

THE HILL FIRM
Architect
PHOENIX VILLAGE - BUILDING #100
BUILDING ELEVATIONS
01/30/15
2014.19
A203

Phoenix Village - Building #100
Fort Smith, Arkansas 72903

Professional Engineer
No. 12345
State of Arkansas
2014

Memo

To: City Planning Commission

From: Planning Staff

Date: February 24, 2015

Re: Home Occupation #1-3-15 - A request by home owner Andrea Overall for Planning Commission consideration of a Bakery (homemade dog treats) in a Residential Single Family Medium/High Density (RS-3) zone at 2814 Osage Street

PROPOSED HOME OCCUPATION

The applicant is requesting to bake homemade dog treats and sell via open markets locally such as the farmer's market. All advertising will be limited to social media and business cards. There will be some home deliveries of baking goods, approximately twice a month. Most of the supplies will be purchased locally.

LOT LOCATION AND SIZE

The subject property is on the South side of Osage Street between South 27th and South 29th Streets. The tract contains an area of 0.18 acres with approximately 65 feet of street frontage along Osage Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

6A

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 Density – 6.7 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 - 25 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 - 60%

SURROUNDING ZONING AND LAND USE

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

The areas to the south are zoned Residential Single Family Medium/High Density (RS-3) and are undeveloped.

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.

PLANNING COMMISSION AUTHORITY

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

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The

LB

Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

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

1. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
2. The business license cannot be transferred to another residence without a new Home Occupation Application.
3. No commercial trash container will be placed at the residence.
4. No sale of any retail or wholesale item or items shall take place on the premises.
5. The Planning Commission must approve the use of delivery services. There will be some home deliveries of baking goods, approximately twice a month. Most of the supplies will be purchased locally.
6. See the attached Home Occupation requirements.

6C

HOME OCCUPATION REQUIREMENTS

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

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

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

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

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Andrea Kaylyn Overall

Legal Description of property included in the home occupation request:

Lot C Old Parcel 15563
Block 8 Legal Description 34-08-32
Subdivision Hildrix Homes
School District 99FS Nbhd Code Resident Market 13825
Lot C + 1/4 Int in lot 1 Blk 8
Street Address of Property: 2814 Osage Street Fort Smith, AR 72901

Zone Classification: RS-3

Type of Business Requested: Homemade dog treats (bakery)

Signed:

Andrea Kaylyn Overall
Applicant's Name (please print)

Andrea Kaylyn Overall
Applicant

479-461-3750
Phone Number of Applicant

2-6-2015
Date

2814 Osage St
Fort Smith, AR 72901
Applicant Mailing Address

Property Owner

Date

(if rental property)

6E

Home Occ. # 1-3-15

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. Bakery for dog treats.

2. Will this business be completely contained in the residential structure? Yes No
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?
Less than 30%
4. Will operation of the business utilize any persons other than members of the immediate household? Yes No
5. At what hours and days of the week do you plan to operate the business? 7 days / week
Based on demand.
6. Will there be any noise no, odor minimal, or other outdoor activity no associated with the business? If yes, explain. odor equivalent to that of baking cookies during the holidays.
7. Will materials or supplies be stored at this location? Yes No
8. How much storage will be needed? Maximum of average pantry in a household.
9. Will merchandise be sold at this location? Yes No If yes, explain. _____

10. Will you have any business vehicles? Yes No If yes, describe below.
Type of Vehicle:
Make _____ Model _____
Color _____ Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes No What type? _____
12. Can you operate this business by appointment only? Yes No

Explain: Customers may meet me for an order (online) at an outside location (NOT my home) such as the farmer's market.

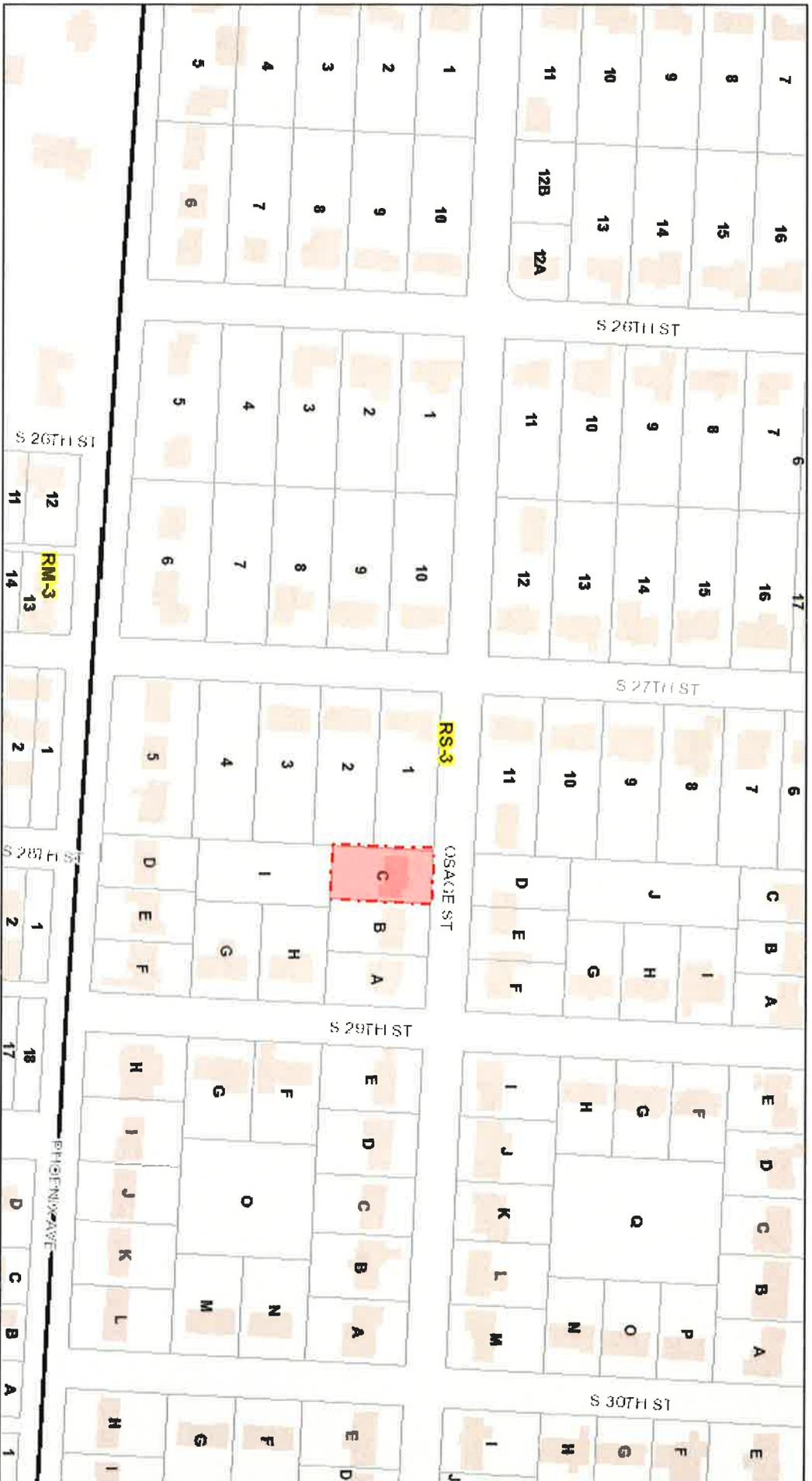
6F

13. Will customers come to this location? Yes ___ No
14. How many customers do you expect to have coming to your home at any one time?
Zero
15. Do you expect any drop-in customers? Yes ___ No
16. How do you plan to provide parking for customers? Not applicable.
17. Do you plan to advertise this business? Yes No ___
If yes, by what methods? Facebook, business cards, farmer's market.
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes No ___
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes No ___
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ___ No
21. Do you own or rent this property? own
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes No ___
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes No ___
25. Provide any other information that you feel helpful.
Homemade dog treats will be baked in a home kitchen privately.
Advertisement will be limited to Facebook, business cards which will be
distributed at open markets locally such as farmer's markets where
permitted. No mention of the address will be made in order to comply
with regulations as well as home privacy.

66

Home Occupation #1-3-15: Bakery for dog treats 2814 Osage Street

F9



February 17, 2015

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



Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2015

Re: Variance #7-3-15 - A request by Dubin Singer, agent for W.W.A. Company, Inc, for Board of Zoning Adjustment consideration of a zoning variance request from 30 feet to 15 feet interior side yard setback located at 4100 North O Street/1525 North Albert Pike (Companion to items #2,#3 & #4)

REQUESTED VARIANCE

Approval of the variance and other applications will allow for the development of a Family Dollar store to be located on the corner of North O Street and Albert Pike.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the North O Street and North Albert Pike intersection as shown on the development plan. The tract contains an area of 1.38 acres with approximately 266 feet of street frontage along North Albert Pike, and approximately 313 feet of street frontage along North O Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

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

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

The area to the west is zoned Commercial Light (C-2) and is developed as a grocery store, shopping center and existing Family Dollar store.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both North O Street and North Albert Pike Avenue as a Major Collector street classifications.

7B

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. A Master Land Use Plan Amendment has been submitted. The application proposes to change the land use from Residential Detached to Commercial Neighborhood. The Commercial Neighborhood classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

APPLICANT HARDSHIP

The applicant states that the need for a variance resulted from several factors outside the applicant's control. First, the unique shape of the parcel creates an obvious restriction on the layout of the building and parking spaces. In addition to the property's unique shape, it also contains a large amount of space reserved as a detention area. Finally, because the property previously consisted of two separate parcels, the applicant must work around a closed alley which previously separated the lots. Please refer to the attached B, C, and D exhibits for a complete explanation of the hardship.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting is scheduled for Friday, March 6th at 4201 North O Street (Sunnymede Elementary cafeteria) at 4:00 P.M. Staff will provide a summary of the meeting to the planning commission.

The setback from 30' to 15' is on the south side of the property and is adjacent to a single family residence. However, one factor to consider is that the proposed south wall of the proposed store shows no openings (doors or windows). Also no mechanical equipment is proposed on the south wall.

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 decides to approve the variance staff recommends the approval be contingent upon the following:

1. Approval of the companion development plan, rezoning, and master land use applications with any Planning Commission amendments.

7C

VAR. # 17-3-15

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 4100 N. O Street, Fort Smith, AR, Existing or Proposed
Residential (existing)

Zoning Classification Commercial - Light (C-2) (proposed), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

<u>FROM</u>		<u>TO</u>	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
<u>30ft</u>	-	<u>15ft</u>	Interior Side Yard Setback
_____	-	_____	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
_____	-	_____	Minimum Lot Area (Square Feet)
_____	-	_____	Minimum Lot Frontage
_____	-	_____	Maximum Size of a Sign
_____	-	_____	Other: _____

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

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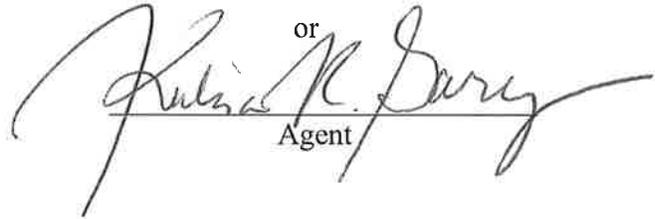
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20 15 .

Signed:

Kalisa R. Gary of Dubin Singer P.C.
Owner or Agent Name (*please print*)

Owner

312.801.8745
Owner or Agent Phone Number

or

Agent

123 N. Wacker, Ste 1600
Chicago, IL 60606
Owner or Agent Mailing Address

Variance # _____

7E

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?

7F

Explanation of question #4 (if applicable)

Please see Exhibit B attached hereto.

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

Please see Exhibit C attached hereto.

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

Please see Exhibit D attached hereto.

EXHIBIT A
Legal Description

The following described land, situated in the County of **Sebastian**, State of **Arkansas**.

TRACT ONE:

LOT 1, FORD'S PINE KNOLLS, A SUBDIVISION OF LOT 4, RECTOR ESTATE, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS.

TRACT TWO:

LOT SEVEN (7), FORD'S PINE KNOLLS, ADDITION TO THE CITY OF FORT SMITH, ARKANSAS.

ALSO:

PART OF LOT 6 FORD'S PINE KNOLLS SUBDIVISION, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest coRNER of said Lot 6: thence North 01 degrees 12 minutes 42 seconds West, 230.11 feet; thence North 89 degrees 02 minutes 00 seconds East, 25.82 feet; thence Southeasterly along the arc of a curve to the right, 39.37 feet, said curve having a central angle of 90 degrees 13 minutes 56 seconds and a radius of 25.00 feet; thence South 00 degrees 44 minutes 04 seconds East, 41.06 feet; thence Southeasterly along the arc of a curve to the left, 103.54 feet, said curve having a central angle of 13 degrees 28 minutes 56 seconds and a radius of 440.00 feet; thence South 14 degrees 13 minutes 00 seconds East, 62.99 feet; thence South 89 degrees 02 minutes 00 seconds West, 75.81 feet to the point of beginning. Less and except public roads and rights of way.

Parcel ID: 12899-0001-00000-00 & 12899-0007-00000-00

Property Address: 4100 N O Street, Fort Smith, AR.

7H

EXHIBIT B
Explanation of Question #4

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain.

The need for a variance resulted from several factors outside the applicant's control. First, the unique shape of the parcel creates an obvious restriction on the layout of the building and parking spaces. In addition to the property's unique shape, it also contains a large amount of space reserved as a detention area. Finally, because the property previously consisted of two separate parcels, the Applicant must work around a closed alley which previously separated the lots.

In addition to these restrictions, the Applicant also had to modify the conceptual site plan to accommodate Fort Smith Unified Development Ordinance restrictions. The standard lot zoned Commercial-Light would require a front setback of 25 feet and a 10 foot setback on the remaining sides. However, the property adjoins a Residential District. This subjects the south side of parcel to a 30 foot side setback instead of the standard 10 foot setback. Additionally, because of the parcel's location on two Major Collectors, both streets actually have a 25 foot setback. The two Major Collectors also restrict the layout of the property by requiring a 95 foot separation between the driveways and streets. The City Engineering Department has also set a 10 foot dedication along both of the Major Collectors. The project now takes into effect the prospective dedication, with landscaping contemplated thereon and subject to the City's additional input and approval.

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EXHIBIT C

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

In order to provide communities with national brand products such as groceries, health and beauty products, household goods and clothing at a discount, the cost of the land and the cost of development of the land are determinative factors. Family Dollar has set prototype plans to help keep costs at a minimum, and its business model necessitates a gross building area of 8,353 square feet for this site. After conducting market studies of available sites in the City, the applicant, a preferred developer to Family Dollar, selected the subject property as an ideal location on which it could develop an 8,353 square foot building from which Family Dollar would operate.

A substantial amount of time and consideration has gone into preparing and revising the site plan for this project to most efficiently and effectively utilize the property. The applicant has made every effort to accommodate all City requirements, but due to the unique circumstances of the property discussed in Exhibit B hereinabove, applicant is unable to meet all of these requirements.

If the variance requested herein is denied, the applicant will not be able to proceed with this proposed project and Family Dollar will not be able to operate at the site. The denial of the requested variance will amount to more than a mere inconvenience to the Family Dollar because Family Dollar will be denied the right to utilize the property for a legally permitted use that is otherwise contemplated by the Uniform Development Code and that is now currently enjoyed by other property owners in the area.

Conversely, if the proposed variance is approved, Family Dollar will be able to proceed with this project. The project will bring new jobs to the community, including approximately 10-12 local subcontractors in addition to the several full and part-time store employees. Additionally, a Family Dollar store will add an additional source of sales and real estate tax revenue, thereby creating further growth for the City.

EXHIBIT D

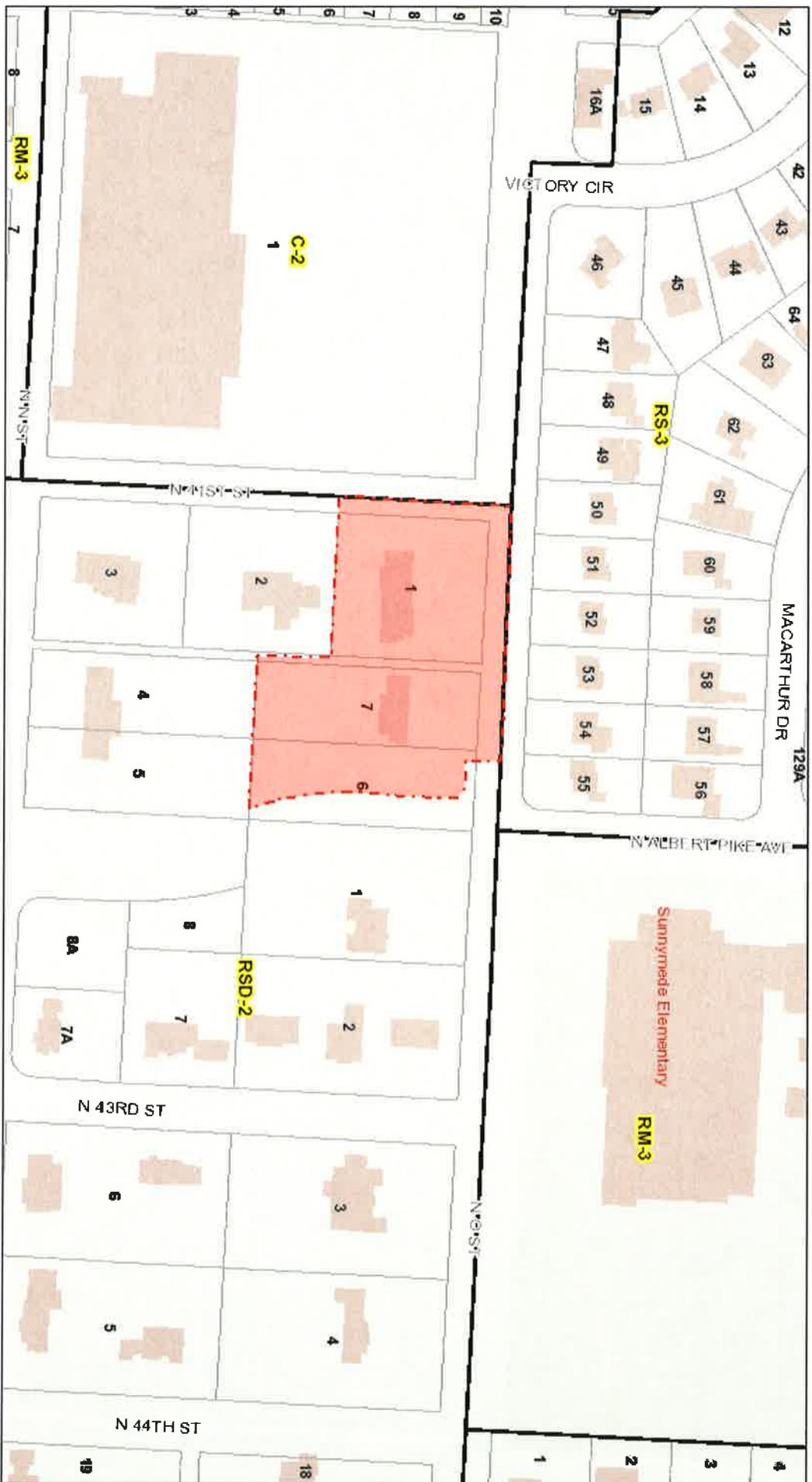
List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The three (3) areas on the subject property created for the benefit of the City, as mentioned in Exhibit B above, all significantly impact the site, are unique to this site, have not been created by the applicant, and give rise to the setback variance requested herein. As a result of these areas, we have made the necessary adjustments to our site plan.

TK

Variance #7-3-15: From 30' to 15' interior side yard setback 4100 North "O" Street / 1525 North Albert Pike Avenue

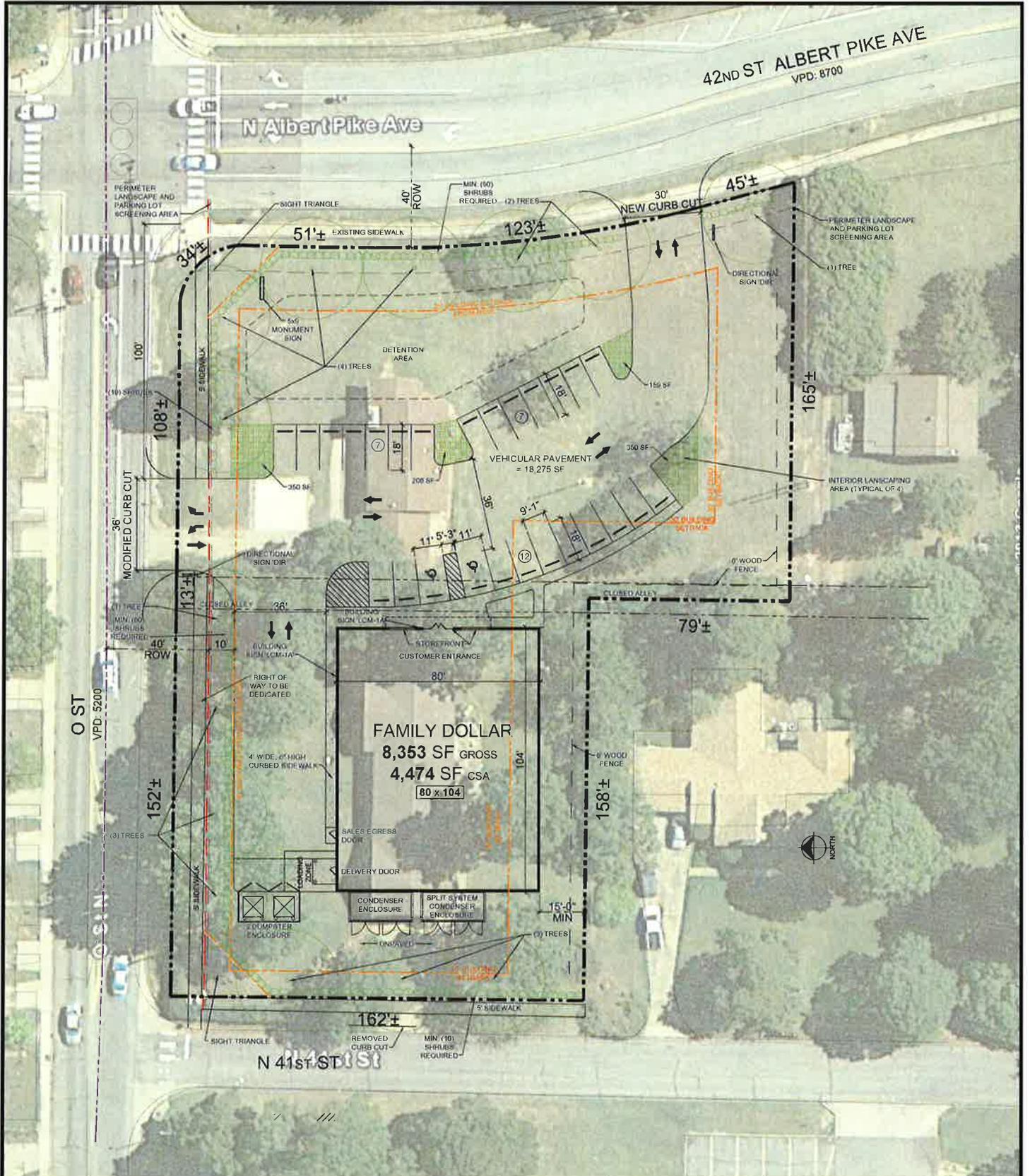
2



March 5, 2015

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






 Phone 479.636.3545
 Architect of Record
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 Fort Smith, AR
 4100 N. O Street and 4110 N. O Street
 Store #3920 Project #712228
 January 15, 2015 Preliminary Site Plan

PROPERTY INFORMATION
Present Zoning: Residential
Future Zoning: Light Commercial
Property Size: 1.44 Acres ± 62382 SF ±

VARIANCES NEEDED
30' Setback facing Residential
PARKING COUNT
Shown: 26 Required: 1/200 SF CSA = 23

7M