AGENDA

FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING

OCTOBER 5, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD

THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE SEPTEMBER 21, 2010 REGULAR MEETING

ITEMS OF BUSINESS:

1. Public hearing and ordinance to close and vacate and abandon a portion of street right-of-way located in Mead's Addition, an addition to the City of Fort Smith, Arkansas

2. Ordinance to rezone property from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial-Light-1 (ETJ I-1) by Classification located at 10818 Old Highway 71 South

3. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith

4. Resolution approving and authorizing implementation of the Five Year (2011-2015) Sales Tax Program for streets, bridges and related drainage improvements and implementation of the 2011 Sidewalk Program

5. Millage Ordinances

A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2010 for general purposes

B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

6. Consent Agenda

A. Ordinance to abandon a portion of a public utility easement located in Hendricks Circle Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas *(3714 - 3716 Hendricks Circle)*

B. Resolution to accept the bids and authorize a contract for the Town Branch storm sewer and manhole cleaning, Project No. 10-06-C ($208,400.00)

C. Resolution authorizing appraisal services agreement for right-of-way acquisitions, Jenny Lind Road and Ingersoll Avenue Widening, AHTD Job No. 040471, City Project No. 07-01-A, 2010 Sales Tax Program ($51,800.00)

D. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for Highway 45 and Zero Street Water and Sewer Relocation ($1,017,190.50)

OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)

A. Mayor

B. Directors

C. City Administrator

EXECUTIVE SESSION

- Transit Advisory Commission Membership
- Appointment of City Clerk

7. Resolution appointing City Clerk for the City of Fort Smith

CITIZENS FORUM ~ presentation of information by citizens ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. ***Presentations are limited to 2 minutes for each citizen***
(Section 2-44(b) of Ordinance No. 24-10)

ADJOURN

1.

ORDINANCE NO. _____

AN ORDINANCE ENTITLED, AN ORDINANCE TO CLOSE AND VACATE AND ABANDON A PORTION OF STREET RIGHT-OF-WAY LOCATED IN MEAD'S ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

WHEREAS, a petition was duly filed with the Board of Directors of the City of Fort Smith, Arkansas, on the 14TH day of September 2010, asking the Board of Directors to vacate and abandon a portion of street right-of-way located in Mead's Addition, an addition to the City of Fort Smith, Arkansas, more particularly described as follows:

> Part of South May Avenue on the west side of Lots 7 and the North Half of Lot 8, Mead's Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:
>
> Beginning at a 1/2 inch existing rebar marking the Northwest Corner of Lot 7. Thence along the west line of Lot 7 and 8, South 00 degrees 02 minutes 10 seconds East, 74.60 feet to a 1/2 inch existing rebar. Thence leaving said west line, North 89 degrees 47 minutes 45 seconds West, 4.75 feet. Thence North 00 degrees 25 minutes 45 seconds West, 74.55 feet. Thence North 89 degrees 34 minutes 15 seconds East, 5.26 feet to the Point of Beginning, containing 373.54 square feet and subject to any Easements of Record.

WHEREAS, after notice as required by law, the Board of Directors has at the time and place mentioned in the notice duly published as required by law, heard all persons as desiring to be heard on the questions, and has ascertained that the said street right-of-way as described above has heretofore been dedicated to the public use as street rights-of-way and at this time is no longer required for the corporate purposes, and that said portion of the street right-of-way is of no practical purpose or general purpose to the citizens of Fort Smith and it is in

Approved as to form
JC
Public Trust

the best interest of the citizens of Fort Smith that the street right-of-way be closed; and that the public interest and welfare will not be adversely affected by the abandonment of the said street right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby releases, vacates and abandons all of its rights, title and interest, together with the right of the public generally, in and to the street right-of-way designated as follows:

Part of South May Avenue on the west side of Lots 7 and the North Half of Lot 8, Mead's Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at a 1/2 inch existing rebar marking the Northwest Corner of Lot 7. Thence along the west line of Lot 7 and 8, South 00 degrees 02 minutes 10 seconds East, 74.60 feet to a 1/2 inch existing rebar. Thence leaving said west line, North 89 degrees 47 minutes 45 seconds West, 4.75 feet. Thence North 00 degrees 25 minutes 45 seconds West, 74.55 feet. Thence North 89 degrees 34 minutes 15 seconds East, 5.26 feet to the Point of Beginning, containing 373.54 square feet and subject to any Easements of Record.

SECTION 2: A copy of this Ordinance duly certified by the City Clerk shall be filed in the Office of the County for the Fort Smith District of Sebastian County, Arkansas, and recorded in the deed records of said county.

SECTION 3: This Ordinance shall take effect and be in effect from and after its passage.

PASSED AND APPROVED THIS _____ DAY OF OCTOBER 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Memo

To: Dennis Kelly, City Administrator

From: Wally Bailey, Director of Development Services

Date: 9/30/2010

Re: Petition to Abandon a Portion of South May Avenue Right-of-Way
Mead's Addition

We have received a petition from Dwayne and Elizabeth Bell of 1108 Adelaide Avenue to abandon an approximate 5' x 75' portion of right-of-way on South May Avenue. The purpose of the request is to allow the construction of a new garage.

The application requesting the abandonment and the survey are enclosed (See Exhibits A and B). The survey shows the area proposed for abandonment and the proposed garage.

On August 10, 2010, the Board of Zoning Adjustment approved a variance application submitted by the Bell's for a rear-yard setback from 10 feet to zero feet. However, the Bell's wish to construct the new garage approximately 2 feet into the current South May right-of-way so that it aligns with their existing garage and a neighbor's garage located at 1112 Adelaide Avenue.

In response to the petition, the Planning Department staff contacted the franchise utility companies, property owners within 300 feet of the proposed abandonment, and appropriate city departments. None of the franchise utility companies object to the proposed abandonment. Also, we have not received any objections from any property owners within 300 feet of the abandonment.

The planning department did, however, receive objections or concerns to the abandonment from the Utility Department and the Street Department. Below is a summary of their concerns:

Utility Department – There are currently no water or sewer lines in the May Avenue right-of-way; however, the Utility Department does not support the proposed abandonment. The existing water lines in this neighborhood are undersized and do not provide the capacity necessary to adequately support fire protection standards. The design of the future water system improvements and the required interconnecting water mains to meet fire flow demands will likely require the use of the May Avenue right-of-

way. The proposed encroachments appear to be avoidable, and if constructed, would result in future increased construction costs.

Street Department - The Master Street Plan classifies South May Avenue as a local street with 50 feet of right-of-way. However, the Mead's Addition plat filed in the early 1900s shows a right-of-way of only 46.5 feet for South May Avenue. Therefore, the existing right-of-way is already insufficient according to the Master Street Plan.

In keeping with the Board's policy, a Memorandum of Understanding (MOU) has been prepared and has been signed by Mrs. Bell. (See Exhibit C.) The MOU stipulates that the applicant or its assigns will not make any claim for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way.

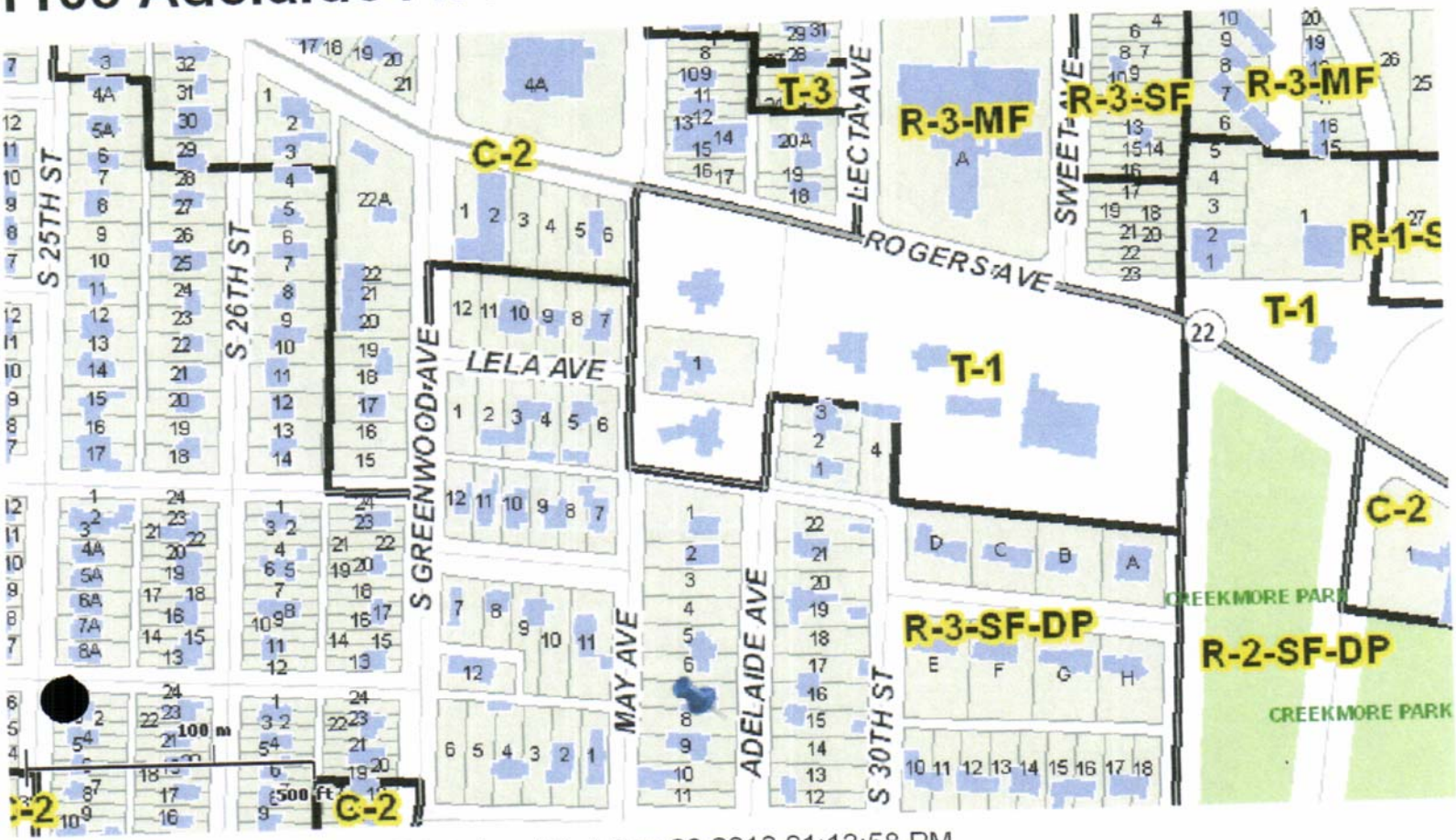
Enclosed for the board's consideration is an ordinance authorizing the abandonment of the street right-of-way.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

VICINITY MAP

1108 Adelaide Avenue



2009 City of Fort Smith, AR. Printed on Wed Sep 29 2010 01:13:58 PM.

City Clerk
FILED 9-14-10
Renter

EXHIBIT A

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, ALLEY OR PUBLIC EASEMENT

APPLICATION:

Indicate one contact person for application: ✓ Applicant _____ Representative

Applicant (owner)

Name: Dwayne Bell

Address: 1108 Adelaide
Ft Smith, AR 72901

Telephone Number: (479) 242-3333

E-Mail: dwayne777@gmail.com

Representative (engineer, attorney, realtor, etc)

Name: _____

Address: _____

Telephone Number: _____

E-Mail: _____

Site Address/Location: 1108 Adelaide, Ft Smith, AR 72901

Legal Description of area to be vacated (attach separate sheet if necessary): See Attached

Assessor's Parcel Number for Subject Property: #15104-0008-0001-00

Reason for Request: All other buildings on this street are on this line and it would look funny for our garage & fence to be different. Also there are no utility reasons not to do it.

Current Status of Right-of-Way Development: Being used.

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. No action will be taken by the Board of Directors on an abandonment request until said easement is on file with the city or until staff and/or franchisees have determined that no utility easement is necessary.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) Billy Dwayne Bell Elizabeth Bell

Signature: D Wayne Bell Elizabeth Bell Date: Sept 9, 2010

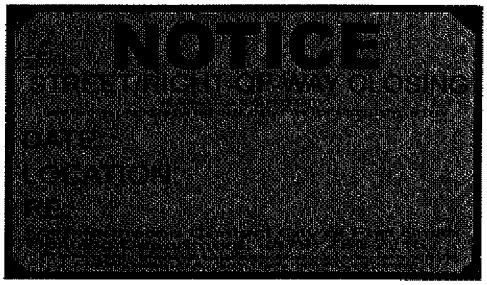
Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

- ☑ A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).***
- N/A ☐ Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- ☐ Petition with signatures of all abutting property owners
- ☑ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word) 9 Sep 2010 Rick Satterfield
- ☑ Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated 9 Sep 2010 R.S.
- ☐ Application Fee of $150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



PETITION TO VACATE

PETITION TO VACATE A PORTION OF SOUTH MAY AVENUE RIGHT-OF-WAY LOCATED IN MEAD'S ADDITION, BLOCK "A", CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TO: Fort Smith Board of Directors

I, the undersigned, being the owner of the real estate abutting the right-of-way herein sought to be abandoned and vacated, lying in Mead's Addition, Block "A", City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate a portion of South May Avenue right-of way which is described as follows:

Part of South May Avenue on the west side of Lots 7 and the North Half of Lot 8, Mead's Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at a 1/2 inch existing rebar marking the Northwest Corner of Lot 7. Thence along the west line of Lot 7 and 8, South 00 degrees 02 minutes 10 seconds East, 74.60 feet to a 1/2 inch existing rebar. Thence leaving said west line, North 89 degrees 47 minutes 45 seconds West, 4.75 feet. Thence North 00 degrees 25 minutes 45 seconds West, 74.55 feet. Thence North 89 degrees 34 minutes 15 seconds East, 5.26 feet to the Point of Beginning, containing 373.54 square feet and subject to any Easements of Record.

That right-of-way has not been used by the public for a period of years, and that the public interest and welfare would not be adversely affected by the abandonment of the above-described right-of-way abandonment.

The petitioner prays that the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that the above-described real estate be used for the respective benefit and purpose as now approved by law.

The petitioner further prays that the above-described real estate be vested in the abutting property owners as provided by law.

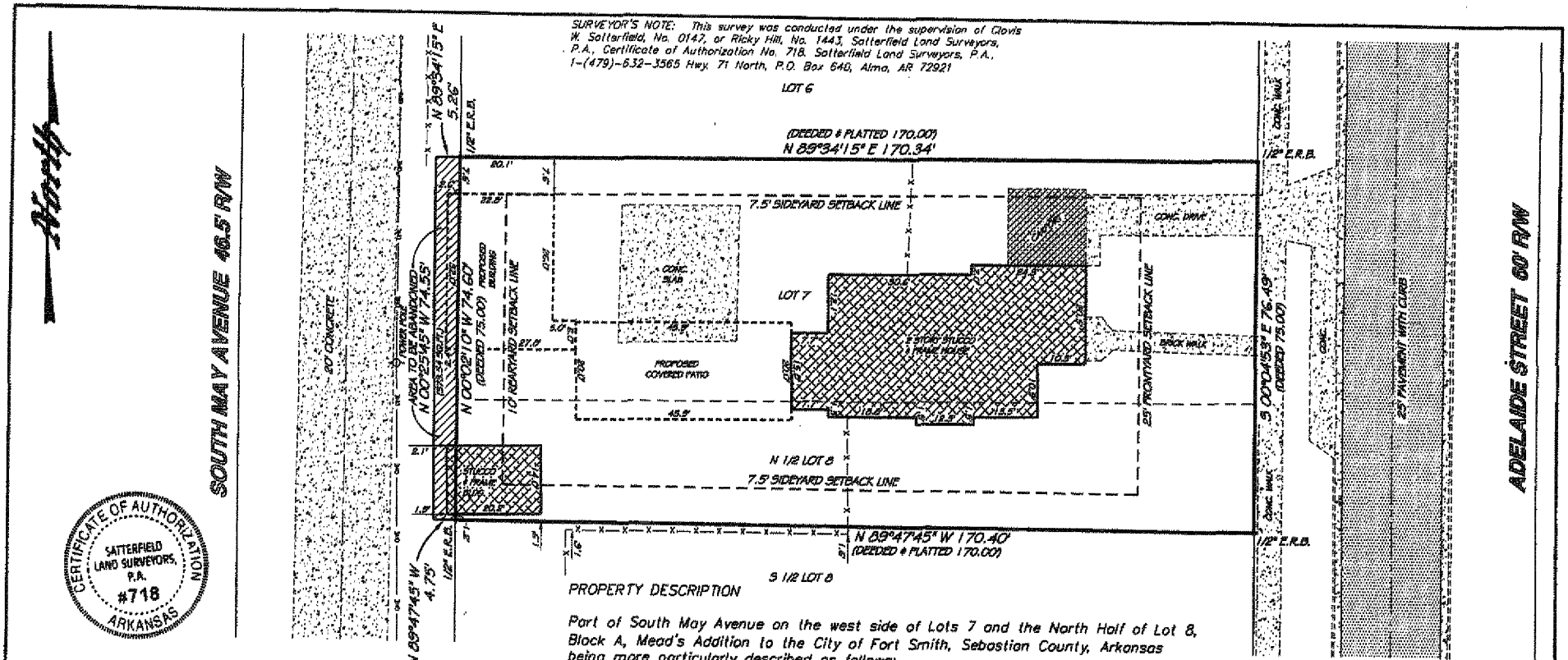
WHEREAS, the undersigned petitioner respectfully prays that the governing body of the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this 9th day of September 2010

ELIZABETH A. BELL, TRUSTEE FOR ELIZABETH A. BELL TRUST
Printed Name

Elizabeth A. Bell
Signature

EXHIBIT B



CERTIFICATE OF AUTHORIZATION
SATTERFIELD LAND SURVEYORS, P.A.
#718
ARKANSAS

PROPERTY DESCRIPTION

Part of South May Avenue on the west side of Lots 7 and the North Half of Lot 8, Block A, Mead's Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:

Beginning at a 1/2 inch existing rebar marking the Northwest Corner of Lot 7. Thence along the west line of Lot 7 and 8, South 00 degrees 02 minutes 10 seconds East, 74.60 feet to a 1/2 inch existing rebar. Thence leaving said west line, North 89 degrees 47 minutes 45 seconds West, 4.75 feet. Thence North 00 degrees 25 minutes 45 seconds West, 74.55 feet. Thence North 89 degrees 34 minutes 15 seconds East, 5.26 feet to the Point of Beginning, containing 373.54 square feet and subject to any Easements of Record.

9/10/10: ADDED AREA OF R/W TO BE RELEASED BY THE CITY OF FORT SMITH, AR.
6/17/10: ADDED PROPOSED COVERED PATIO

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

Satterfield Land Surveyors P.A., Copyright 2010

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A.. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement.

GRAPHIC SCALE 20' 10' 0 20' 40'

REFERENCE DEED

SURVEY REFERENCES

BASIS OF BEARING: ASSUMED N 89°34'15" E ON NORTH LINE OF PROPERTY

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
No. 1443
SIGNATURE
RICKY W. HILL

LEGEND
- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P./P.K. = SET P/K NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- C.R.B. = EXISTING REBAR
- C.I.P. = EXISTING IRON PIN
- E.P./N.N. = EXISTING P/K NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- E.M. = EXISTING MAIL
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/W MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will not be responsible or have any liability to any other person or company who uses this plat without written authorization.

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF

LOT 7 & N 1/2 OF LOT 8, BLOCK A, MEAD'S ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

FOR USE BY: DWAYNE BELL

DRAWN BY:	D.E.R.
SCALE:	1" = 20'
DATE:	6-14-10
JOB NO.	37,337

Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1998 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-3002 - WEBSITE: http://www.slsurveying.com

EXHIBIT C

MEMORANDUM OF UNDERSTANDING

On October 5, 2010, the Board of Directors of the City of Fort Smith passed Ordinance No._____ closing, vacating and abandoning a portion of street right-of-way located in Mead's Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas, more particularly described as follows:

> Part of South May Avenue on the west side of Lots 7 and the North Half of Lot 8, Mead's Addition to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows:
>
> Beginning at a 1/2 inch existing rebar marking the Northwest Corner of Lot 7. Thence along the west line of Lot 7 and 8, South 00 degrees 02 minutes 10 seconds East, 74.60 feet to a 1/2 inch existing rebar. Thence leaving said west line, North 89 degrees 47 minutes 45 seconds West, 4.75 feet. Thence North 00 degrees 25 minutes 45 seconds West, 74.55 feet. Thence North 89 degrees 34 minutes 15 seconds East, 5.26 feet to the Point of Beginning, containing 373.54 square feet and subject to any Easements of Record.

For good and valuable consideration, the receipt of which is hereby acknowledged, Elizabeth A. Bell Living Trust, agree that in the event the City of Fort Smith, condemns all or a portion of the lands and buildings contiguous to said street rights-of-way and owned by Elizabeth A. Bell Living Trust, their successors or assigns, under the power of eminent domain, that the property owners, their successors or assigns, will make no claim to compensation for the value of the abandoned street rights-of-way described above. Nothing contained herein shall preclude Elizabeth A. Bell Living Trust, or their successors or assigns from claiming compensation for improvements situated on the abandoned street right-of-way in the event of condemnation. By way of example, and example only, if the City condemns the Elizabeth A. Bell Living Trust property and the total land condemned is 100,000 square feet and the abandoned street right-of-way constitutes 10,000 square feet of that total, then the value of the land shall be reduced by 10% for condemnation compensation purposes.

This Memorandum of Understanding shall be binding on Elizabeth A. Bell Living Trust, and their successors or assigns.

In witness whereof, this document is executed this 30th day of September, 2010.

ELIZABETH A. BELL TRUST:

Elizabeth A Bell

Elizabeth A. Bell, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this 30 day of SEPTEMBER, 2010, before me, the undersigned notary public, personally appeared, Elizabeth A. Bell, trustee for the Elizabeth A. Bell Trust, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

CANDYCE WATERS No. 12357817 NOTARY PUBLIC EXPIRES 10-25-2016 SEBASTIAN COUNTY - ARKANSAS

My Commission Expires:

10.25.2016

2.

ORDINANCE NO.____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 15-9-10 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 14, 2010, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following property to-wit:

Part of the North Half of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas.

More commonly known as 10818 Old Highway 71 South, should be, and is hereby rezoned from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light-1 (ETJ I-1) by Classification.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS_____DAY OF OCTOBER, 2010.

ATTEST:

_____
City Clerk

APPROVED:

_____
Mayor

Approved as to Form:

_____
City Attorney

Publish 1 time

The City of Fort Smith ARKANSAS

September 28, 2010

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #15-9-10; A request by Eddie Ray for a zone change from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial Light-1 (ETJ I-1) by Classification located at 10818 Old Highway 71 South.

On September 14, 2010, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for commercial and light industrial development as the current ETJ O-1 zone only allows for low density residential, agricultural and recreational land uses. Mr. Bailey stated that the applicant has stated the rezoning is requested for future lease to qualifying occupants. *(The Planning Commission approved a companion conditional use request to allow a portion of the building to be used as a commercial day care operation).*

The ETJ O-1 zoning was placed on all property when the ETJ zoning was initiated in 2002. As development plans are presented, specific zoning applications are presented for consideration. A master land use plan map was prepared for the ETJ to assist with determining proper zoning classifications. This proposed rezoning is in compliance with the ETJ Master Land Use Plan.

Mr. Eddie Ray, #19 Berry Hill, was present to speak on behalf of the requests.

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

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

Copies of the draft minutes and staff report to the Planning Commission are enclosed for your review.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

Printed on 100% Recycled Paper

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

MEMORANDUM

To: Dennis Kelly, City Administrator
From: Wally Bailey, Director of Development Services
Date: October 31, 2010
Subject: 10818 Old Highway 71 South Rezoning Application

The application for this rezoning will be presented to the Board of Directors at their October 5, 2010 meeting. This property is contiguous to the City limits and eligible for annexation.

I visited with Mr. Eddie Ray, owner of the property, about a possible annexation of the property. Mr. Ray is not opposed to annexation at some time in the future but for now it is not feasible for him to pursue. He indicated he already had city water.

However, sewer would have to be extended to his property, he would have to add a fire hydrant, increased property taxes and the timing for his current tenant were impediments for him.

Please contact me if you have any questions.

The City of Fort Smith ARKANSAS

Planning and Zoning

Memo

To: City Planning Commission

From: Senior Planner

Date: September 14, 2010

Subject: Rezoning #15-9-10; A request by Eddie Ray, owner, for Planning Commission consideration of a zoning change from Extraterritorial Jurisdiction Open –1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-Light-1 (ETJ I-1) by classification at 10818 Old Highway 71 South. (Companion item to items # 6 & #11)

LOT LOCATION AND SIZE

The subject property requested to be rezoned is located along the south side of Old Highway 71 South. This location is just east of US Highway 71. The lot size of the property is 1.13 acres with approximately 90 feet of street frontage along Old Highway 71 South.

EXISTING ZONING

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

Purpose: The ETJ O-1 zone is to protect the undeveloped areas within the City's extraterritorial zoning jurisdiction from incompatible land uses.

Permitted Uses: Single family homes, duplexes, nurseries and greenhouses, truck farms, parks, playgrounds and open space.

Conditional Uses: Agricultural uses (limited), churches, public, private and parochial schools and signs for permitted uses.

Accessory Uses: Farm buildings including open and closed storage and guest houses (not including mobile homes)

REQUESTED ZONING

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

5A

Purpose: To provide a mix of light manufacturing uses, office park, research and development, and limited retail/service uses in an attractive, business park setting. Industrial Light may be used as a transition between mixed use or commercial uses and heavier industrial uses.

Uses: General uses permitted in this zone include automobile sales and service, transportation, communication and utilities services and business, professional and technical services. Conditional uses include truck stops, petroleum storage and loading and medical labs.

Area Regulations:

Minimum Lot Area: 2 acres
Minimum Lot Width at Building Line: 100 feet
Maximum Lot Coverage: 75%
Minimum Front Yard: 25 feet
Minimum Side Yard: 10 feet-15 feet
Minimum Rear Yard: 10 feet
Minimum Side/Rear Yard Abutting Residential: 100 feet
Maximum Height at Building Line: 45 feet

SURROUNDING ZONING AND LAND USE

The areas to the south and east are zoned ETJ O-1 while to the north and west it is zoned as City O-1. Development includes the existing Weigh System Services (Light Industrial) office on the subject property, Light Industrial to the north, Single Family Residential to the east and undeveloped to the south and west.

PROPOSED REZONING

The applicant is proposing to rezone the property to allow for commercial and light industrial development as the current ETJ O-1 zone only allows for low density residential, agricultural and recreational land uses. The applicant has stated the rezoning is requested for future lease to qualifying occupants. A companion conditional use request ***(CU #16-9-10)*** is to allow for the use of a portion of the building as a commercial day care operation. A companion variance request ***(Var. #22-9-10)*** is also being applied for as the minimum acreage requirement of 2 acres for rezoning would not be meet with this lot as it is only 1.13 acres in size and a variance from the required street access from major arterial to a local street.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies this site as ETJ Light Industrial. The purpose of the Light Industrial land use classification is to provide opportunities for light manufacturing, processing, storage, wholesaling and distribution. Commercial and service uses in support of industrial uses are also permitted.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Old Highway 71 as a local street.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed rezoning is to allow the existing business and future businesses to operate within the existing building in compliance with the ETJ zoning ordinance. This property was developed prior to the implementation of the ETJ land use plan and the ETJ zoning ordinance. All properties in the ETJ were given an Open-1 zoning district as a placeholder until development occurs that requires a zoning change. The past and present land uses were continuing as nonconforming uses. The proposed daycare is a conditional use and could not be permitted in a nonconforming situation. The proposed rezoning will allow existing and future land uses to comply with the zoning and allow for the conditional use to be considered.

The proposed rezoning is in compliance with the Master Land Use Plan for the ETJ.

Rez. #15-9-10

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:

See Attached #1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
PART of the North half of the Northeast Quarter of Section 23, Township 7 North, Range 32 west, Sebastian County, Arkansas

2. Address of property: 10818 OLD HIGHWAY 71 South

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

4. Application is hereby made to change the zoning classification of the above described property to ETJ I-1 by classification.
(Extension or classification)

5. Why is the zoning change requested?

for future lease to qualifying occupants

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

Signed:

EDDIE RAY
Owner or Agent Name
(please print)

Owner

P.O.B. 180097, Ft. Smith, AR. 72918
Owner or Agent Mailing Address

or

Agent

1-479-646-4200
Owner or Agent Phone Number

5D

Vicinity Map

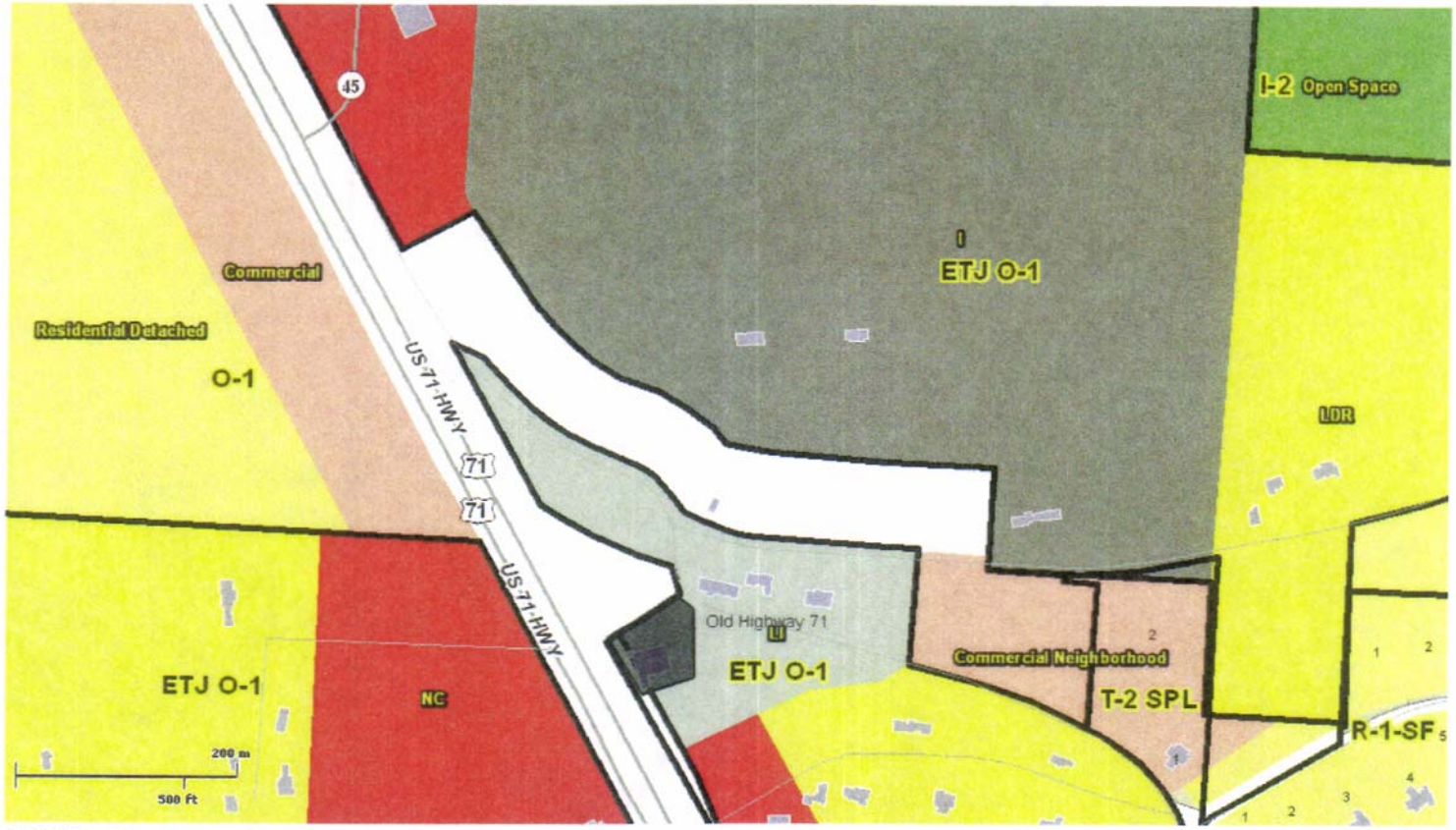
10818 Old Highway 71

2009 City of Fort Smith, AR. Printed on Thu Sep 9 2010 12:02:31 PM.

5E

Master Land Use Map for Rezoning #15-9-10: ETJ Open-1 to Industrial Light (I-1)

10818 Old Highway 71



2009 City of Fort Smith, AR. Printed on Wed Aug 25 2010 04:04:08 PM.

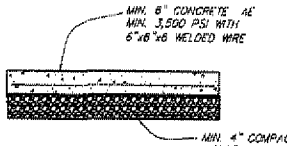
5G

Rezoning #15-9-10: ETJ Open-1 to Industrial Light (I-1)

10818 Old Highway 71

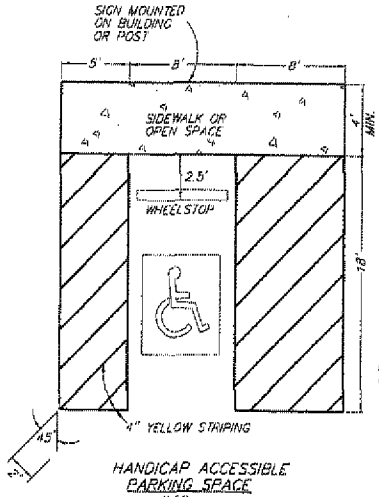
2009 City of Fort Smith, AR. Printed on Wed Aug 25 2010 04:04:49 PM.

5F



CONCRETE PAVEMENT PARKING LOT
N.T.S.

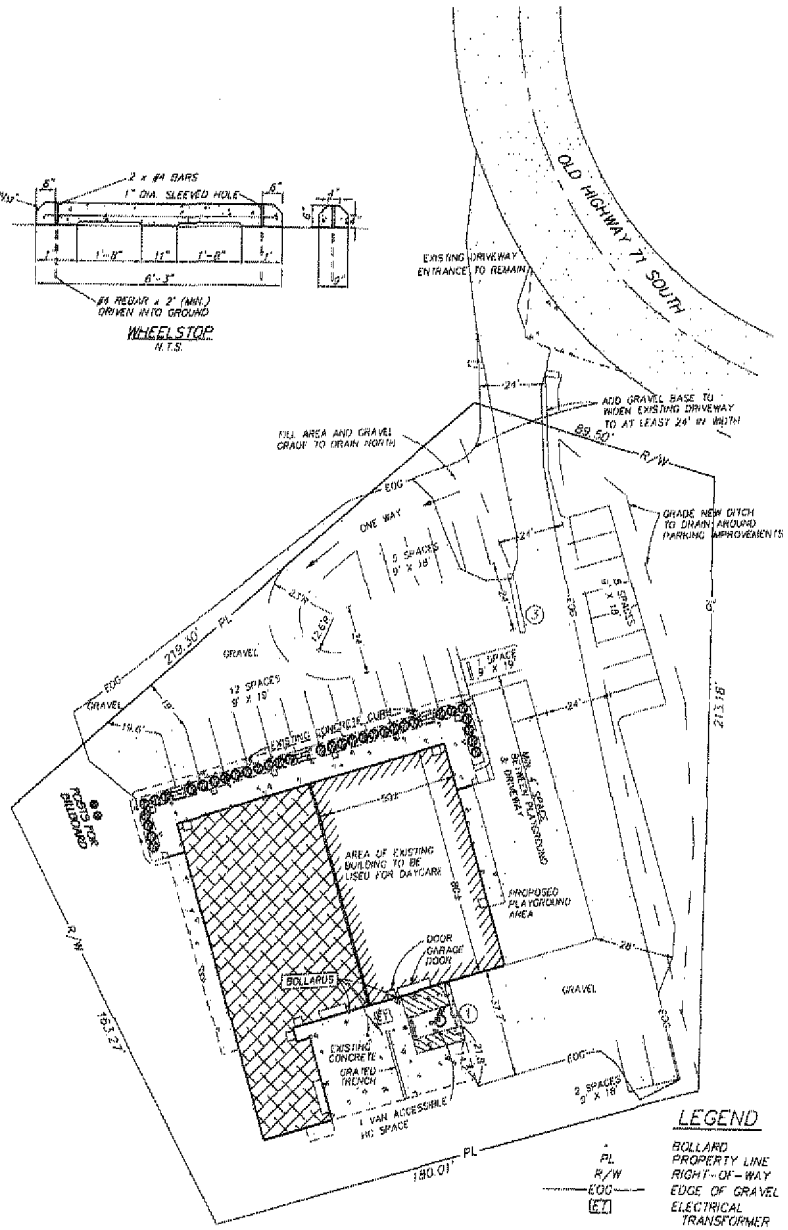
GRAVEL PARKING LOT
N.T.S.



HANDICAP ACCESSIBLE PARKING SPACE
N.T.S.

HANDICAP PARKING SIGN
N.T.S.

WHEELSTOP
N.T.S.



NOTES:

1. CONSTRUCT VAN ACCESSIBLE HANDICAP PARKING SPACE ON THE EXISTING CONCRETE PAVEMENT ADJACENT TO THE REAR ENTRANCE OF THE PROPOSED DAYCARE. HANDICAP ACCESSIBLE RAMP SHOULD NOT BE REQUIRED. IF RAMP IS REQUIRED, THE LENGTH OF THE RAMP SHALL BE SUCH THAT THE SLOPE DOES NOT EXCEED 12:1. CROSS SLOPE OF RAMPS AND SIDEWALKS SHALL NOT EXCEED 1/4" PER FOOT. ALL CONCRETE FOR PAVEMENT, RAMPS AND SIDEWALKS SHALL BE 3500 PSI, AIR-ENTRAINED CONCRETE. THE FINISHED SURFACE TEXTURE SHALL BE BROOM FINISHED.
2. PROVIDE AT LEAST 4' OF CLEAR SPACE BETWEEN THE BUILDING/PLAYGROUND AND THE PARKING SPACE/DRIVEWAY.
3. REMOVE EXISTING DRAINAGE PIPE, FILL AND GRADE OVER TO DRAIN NORTHEAST.
4. THE EXISTING GRAVEL AREA SHALL REMAIN. ADDITIONAL GRAVEL BASE SHALL ADDED TO WIDEN DRIVEWAY AND CONSTRUCT PARKING SPACES WHERE SHOWN.
5. PER OWNER, ONLY APPROXIMATELY ONE-HALF OF THE EXISTING BUILDING TO BE USED FOR THE PROPOSED DAYCARE. PARKING TO MEET CITY OF FORT SMITH REQUIREMENTS.

LEGEND

●	BOLLARD
PL	PROPERTY LINE
R/W	RIGHT-OF-WAY
EOG	EDGE OF GRAVEL
E.T.	ELECTRICAL TRANSFORMER
	FLOWLINE

REVISIONS:
HC Parking Layout 7-29-10 KWK

Satterfield Land Surveyors P.A., Copyright 2010
This drawing is copyright material and is provided solely for the use of the person(s) named on this drawing and may not be used or distributed to any other person(s) or company for their benefit. Any unauthorized use of this drawing or data by others is at the sole risk of the user. Satterfield Land Surveyors, P.A. shall be held harmless and without liability from claims, costs, or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

Satterfield Land Surveyors P.A.
1928 HWY. 71 NORTH, ALMA, ARK
PHONE NO. (479) 632-4985
REG. ARK. & OKLA.

Keith W. Kestner
Professional Engineer
Arkansas Registration
Certificate of Authorization #718

CERTIFICATE OF AUTHORIZATION
ARKANSAS ENGINEERING CORPORATION
PA 718
ARKANSAS - ENGINEER

STATE OF ARKANSAS
REGISTERED
PROFESSIONAL
ENGINEER
No. 9536
KEITH W. KESTNER

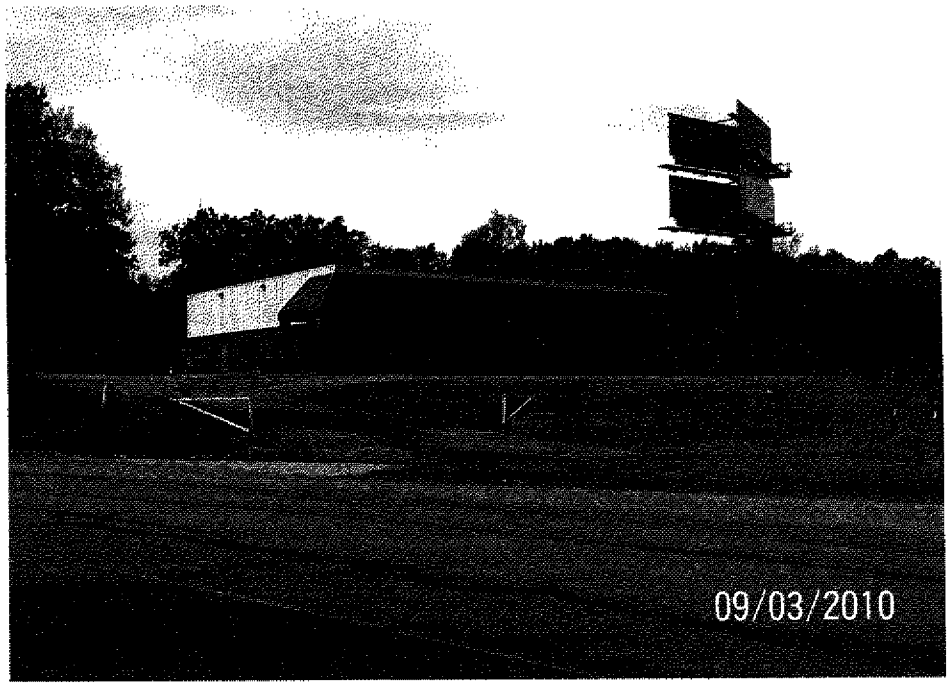
LOCATION: CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

PARKING LOT AND DRIVEWAY IMPROVEMENTS

FOR USE BY DOROTHY BUCHANAN

DATE:	AUG. 2010
DRAFTED BY:	KWK
SCALE:	1" = 20'
JOB NO.	37,479A
DRAWING	PARKING
SHEET:	1 OF 1

5 of 5


09/03/2010

Paul Raymond & Stephanie Sharp
5418 Steep Hill Road
Fort Smith, AR 72901-9370

Mai Thanh & Quy Dinh Nguyen
5404 Steep Hill Road
Fort Smith, AR 72916

Leo & Nancy Ray
2502 South 46th Street
Fort Smith, AR 72903

Leo Edward Ray II
P. O. Box 180097
Fort Smith, AR 72918

BL Gobblers, Inc.
P. O. Box 3068
Fort Smith, AR 72913

BL Gobblers, inc.
P. O. Box 356
Greenwood, AR 72936

City of Fort Smith
Administration Dept.

Stephens Production, Inc.
P. O. Box 2407
Fort Smith, AR 72901

Dr. Kay Johnson
420 North Main
Greenwood, AR 72936

Mr. Charles Mitchael
White Bluff-Rye Hill VFD
12504 White Bluff Road
Fort Smith, AR 72916

DRAFT

4. **Subdivision Variance #2-9-10; A request by Pat Mickle, agent, for a subdivision variance from Section 27-503-10C requiring the construction of a cul-de-sac located at 350 Paddock Lane (Chestnut Court). (companion item to item #3)**

   Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for a proposed two lot subdivision on Paddock Lane with a T-shaped turnaround rather than the required cul-de-sac as per Section 27-503-10(E) of the Uniform Development Regulations.

   Mr. Pat Mickle, P. O. Box 1507, was present to speak on behalf of these requests.

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

3. **Preliminary Plat – Chestnut Court – Lots 6 & 7 (companion item to item #4)**

   Chairman Griffin called for the vote on the preliminary plat. The vote was 8 in favor and 0 opposed to approve the plat subject to the approval of the subdivision variance, the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

4. **Subdivision Variance #2-9-10; A request by Pat Mickle, agent, for a subdivision variance from Section 27-503-10C requiring the construction of a cul-de-sac located at 350 Paddock Lane (Chestnut Court). (companion item to item #3)**

   Chairman Griffin called for the vote on the subdivision variance. The vote was 8 in favor and 0 opposed.

5. **Rezoning #15-9-10; A request by Eddie Ray for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial-1 (ETJ I-1) by Classification located at 10818 Old Highway 71 South. (companion item to items #6 & #11)**

6. **Conditional Use #16-9-10; A request by Dorothy Buchanan, agent, for a conditional use for a daycare center located at 10818 Old Highway 71 South – Suite A. (companion item to items #5 & #11)**

11. **Variance #22-9-10; A request by Eddie Ray for a variance from 2 acres to 1.13 acres minimum lot area and required street access from major arterial or higher to local street located at 10818 Old Highway 71 South. (companion item to items #5 & #6)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for commercial and light industrial development as the current ETJ O-1 zone only allows for low density residential, agricultural and recreational land uses. Mr. Bailey stated that the applicant has stated the rezoning is requested for future lease to qualifying occupants. The companion conditional use request is to allow for the use of a portion of the building as a commercial day care operation and the variance request is to allow for the reduction from the required 2 acre minimum acreage to 1.13 acres which is the current lot size and a variance from the required street access from major arterial to a local street.

Mr. Eddie Ray, #19 Berry Hill, was present to speak on behalf of the requests.

Ms. Dorothy Buchanan, 100 Drake Drive, Muldrow, OK, was present to speak on behalf of the conditional use request. She noted she had no problem with any of the staff comments and recommendations relative to her application. She did question whether the fence could be chainlink. The Commission stated that chainlink fencing would be acceptable.

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

Chairman Griffin then called for the vote on these requests separately.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

11. **Variance #22-9-10; A request by Eddie Ray for a variance from 2 acres to 1.13 acres minimum lot area and required street access from major arterial or higher to local street located at 10818 Old Highway 71 South. (companion item to items #5 & #6)**

    Chairman Griffin called for the vote on the variance request. The vote was 7 in favor and 1 opposed (Weber).

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION

5. **Rezoning #15-9-10; A request by Eddie Ray for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial-1 (ETJ I-1) by Classification located at 10818 Old Highway 71 South. (companion item to items #6 & #11)**

    Chairman Griffin called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

6. **Conditional Use #16-9-10; A request by Dorothy Buchanan, agent, for a conditional use for a daycare center located at 10818 Old Highway 71 South – Suite A. (companion item to items #5 & #11)**

Chairman Griffin called for the vote on the conditional use request. Motion was made by Commissioner Lorenz, seconded by Commissioner Maurras and carried unanimously to amend the request to make approval subject to the following:

- The playground will be required to be screened with a fence.
- Handicapped parking space must be paved and striped per Arkansas Fire Prevention Code, Volume II, Section 1106.5
- The day care development must comply with all Department of Human Services requirements.
- Approval of the conditional use is subject to the approval of the associated rezoning request by the City Board of Directors.
- The conditional use approval is contingent on the site plan submitted by the applicant that shows the parking, driveway, landscaping and other improvements.

Chairman Griffin called for the vote on this request as amended. The vote was 7 in favor and 1 opposed (Weber).

7. **Conditional Use #19-9-10; A request by Leo Anhalt for a conditional use for an indoor pistol range located at 2400 Ingersoll Circle.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this conditional use request is to allow an existing 11,000 square foot warehouse building to be utilized as an indoor pistol range with 10 stations. Ms. Andrews stated that there would also be a 320 square foot classroom, 5540 square foot counter/sales area, 240 square foot business office and handicapped restrooms.

She noted amenities would include two 8'x 2' planter boxes (evergreen hollies) and two large planter pots (pin oak trees) in the front of the building on either side of the front entrance to the building. Additional perimeter landscaping will be provided to screen the 47 space parking lot to the west of the building.

Ms. Andrews stated that a neighborhood meeting was held by Mr. Blakely on Monday, August 30th at 6:30 p.m. at the Wendy's Restaurant at 1924 South Zero Street to discuss the site plan for the pistal range and aside from Planning Department Staff and Officer Kirk Redwine of the Fort Smith Police Department, no neighbors/property owners attended the meeting.

Mr. Leo Anhalt, 934 South 68th Lane and Mr. Ron Blakely, 1217 Phoenix, were present to speak on behalf of this request.

3.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on September 14, 2010, that said changes be made; and,

WHEREAS, three (3) copies of August 2010 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, THAT;

SECTION 1: The August 2010 Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

Approved as to form
JBC
Publish 1 time

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS _____DAY OF _____, 2010.

APPROVED:

_____
MAYOR

ATTEST:

_____
City Clerk

MEMORANDUM

To: Dennis Kelly, City Administrator
From: Wally Bailey, Director of Development Services
Date: September 30, 2010
Subject: Amendments to the Unified Development Ordinance

When the Unified Development Ordinance (UDO) was originally presented to the Board of Directors in April 2009, we indicated it was likely we would have one or more "glitch" ordinances as we began to administer and implement the new code.

Since the effective date of the UDO, we have been maintaining a folder with items that are considered errors and omissions as well as more significant issues that may require further study. The proposed amendments reflect issues that we consider errors and omissions and items requiring immediate correction.

Three copies of the proposed amendments known as the August 2010 Amendments have been on file in the Office of the City Clerk. A copy of the proposed amendments has also been posted on our website. We advertised the Planning Commission public hearing and directly contacted those on our stakeholder list such as architects, engineers, contractors and developers.

A copy of the amendments are attached. The attachment includes only pages from the UDO that have an amendment. Each amendment is highlighted with the new language underlined and deleted language has a strikeout.

The proposed amendments were reviewed by the Planning Commission at their September 8, 2010, study session and their September 14, 2010 regular meeting. The Planning Commission voted to recommend the August 2010 amendments to the Board of Directors for approval.

Some of the most significant amendments include the following:

- ✦Establishing a definition for restaurants with outside dining. Currently these are classified as beer gardens. This provides a more descriptive definition of the land use.

- ✦The addition of a fitness studio to the definition and land use chart. These land uses were in the previous zoning code and need to be added to the UDO.

✦A rewrite of the purpose paragraph for Transitional zones. The current purpose statement does not accurately reflect the use of Transitional zones. This was brought to our attention during the Peachtree Hospice rezoning case.

✦The amendments within the design guidelines chapter help to clarify requirements for modifications to existing buildings and clarify the specific requirements for multifamily, commercial, and industrial projects.

To date, no negative comments regarding the proposed amendments have been received.

Please contact me if you or others have any questions regarding the proposed amendments.

Beer garden

shall mean a ~~restaurant,~~ tavern, private club or similar establishment having ~~an~~ outdoor dining or ~~and~~ drinking area or ~~and may have live or recorded~~ music (live or recorded).

Beer, wine and liquor store

shall mean a facility for the retail sale of beer, wine or liquor not for on premise consumption.

Bicycle sales and service

this class comprises establishments retailing new or used bicycles in combination with repair services and selling replacement parts and accessories.

Bikeway plan

shall mean the official bikeway plan and bikeway plan map of the city.

Bingo parlor

shall mean any building or part thereof utilized for the playing of "bingo" for money and prizes as defined and controlled under state regulations. This shall not be construed to include the use of structures or parts thereof for the playing of "bingo" for prizes only as a function of church, charitable or other nonprofit organizations.

Block

shall mean a parcel of land, intended for urban purposes, which has definite boundaries formed by being surrounded by such features as public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or combinations thereof.

Board of zoning adjustment

An appointed body, whose responsibility is to hear appeals from decisions of the staff and to consider requests for variances from applicable zoning requirements in cases of demonstrated unnecessary hardship or practical difficulty. Also referred to as BZA.

Board of directors

shall mean the governing and legislative body of the City of Fort Smith, Arkansas.

Boat manufacturing

see manufacturing, light

Boat or marine craft dealer

shall mean a facility for display, service and sales of used or new boats or marine craft.

Bookstore

shall mean a facility for the retail sale of items such as books, newspapers, magazines, music, videos, stationery, pens, and ink.

Botanical gardens

Contractor's office
shall mean a room or group of rooms used for conducting business affairs but may not include structures or open storage yards for supplies and operating equipment.

Contractor's shop and storage yard
shall mean a facility for general contractors, including buildings and open storage yards for supplies and operating equipment, but not constituting a junk or salvage yard.

Convenience store (with gasoline sales)
shall mean a facility associated with the sale of petroleum products that also offers for sale pre-packaged food, food items and consumer goods, primarily for self-service by the consumer.

Convent or monastery
shall mean dwelling units of a religious order or congregation for persons under religious vows.

Convention/event center
shall mean facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including but not limited to temporary outdoor displays, food and beverage preparation and parking garages.

Cosmetics, Beauty Supplies, and Perfume Stores
retail establishments known as a cosmetic or perfume store or beauty supply shops primarily engaged in retailing cosmetics, perfumes, toiletries, and personal grooming products.

Country club
shall mean an area containing a clubhouse and recreation facilities restricted to the use of specific membership and which may contain a golf course, tennis court, swimming pool, dining room, social facilities and similar recreation and service facilities.

Courier and messenger services
shall mean establishments that provide air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers. These establishments may form a network including local, and point-to-point pick up and delivery.

Credit and finance establishment
shall mean public or private establishments which extend credit or lend funds.

Crematory
see cemetery.

Criminal justice facility

Fitness Studio

shall mean a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Examples include martial arts, yoga, dance or similar activities but does not include spectator events.

Flea market (indoor)

shall mean a commercial activity conducted, inside a building, with individual spaces for rent to individual sellers for the sale of new or used merchandise. No outdoor storage or display.

Flea market (outdoor)

shall mean a commercial activity conducted outside with individual spaces for rent to individual sellers for the sale of new or used merchandise.

Flood or flooding

shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

a temporary rise in stream level that results in water covering areas not ordinarily covered by water.

Flood insurance rate map (FIRM)

shall mean an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodway (regulatory floodway)

shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area ratio (FAR)

Floor area ratio is measured as the gross floor area of all buildings on a lot or parcel divided by the lot area.

Floor, paint, wall covering, and window treatment store

shall mean a facility for the display and sales of paint, carpeting, rugs, tile, vinyl, wallpaper and/or window treatments and the equipment and supplies for the hand application and maintenance of those things.

Florist shop

shall mean a facility for the retail sales of cut or uncut flowers and ornamental plants and accessory items.

Food and beverage processing

see manufacturing, light

Mental health hospital
shall mean a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Metallic mining
shall mean industries that develop mine sites and mine metallic minerals, and establishments that dress and beneficiate ore, such as by crushing, grinding, washing, drying, sintering, concentrating, calcining, and leaching. Beneficiating may be performed at mills operated with the mines, or at mills operated separately.

Microbrewery
shall mean a small craft brewery which seeks the support of informed beer consumers. A beer maker with limited capacity whose products are typically distributed within a restricted geographic region.

Miniature golf course
shall mean a theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

Mini-storage warehouse
shall mean a complex of small storage units which are rented or leased and which are arranged to be individually accessible to the lessee or renter.

Mobile food services
shall mean a ~~temporary~~ food service establishment that is a vehicle-mounted food service establishment designed to be readily movable.

Mobile home
shall mean any vehicle or similar portable structure having been constructed with wheels, whether or not such wheels have been removed, and having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes. A mobile home shall further mean a dwelling unit constructed in a factory before the enactment of the federal manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401et seq. As it existed on January 1, 1976.

Mobile home lot space
shall mean a plot of ground (lot) within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile home park
shall mean a parcel of land that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

Recycling center

a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated in order to return such products to a condition where they may be reused.

Recycling collection station

shall mean a use that serves a neighborhood drop off point for temporary storage of recyclable materials.

Refinery

shall mean an industrial plant that uses mechanical and chemical means to purify a substance, such as petroleum, chemicals, or sugar, or to convert it to a form that is more useful.

Religious Institution

shall mean a building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational or other uses not normally associated with worship. Includes churches, chapels, cathedrals, mosques, synagogues, temples, and similar designations.

Research and development services

a service that engages in research, or research and development, of innovative ideas in technology-intensive fields.

Restaurant

shall mean an establishment serving food or beverage to the general public in specific, designated dining areas where food is not served to persons by means of a drive-through window.

Restaurant (with drive-in service)

shall mean an establishment designed and constructed to serve food for consumption on the premises in an automobile, which establishment may or may not have on the premises a dining room or service counter.

Restaurant (with drive-through service)

shall mean an establishment serving food to the general public having designated dining areas as well as a drive-through service window.

Restaurant (with outdoor dining)

shall mean an establishment serving food to the general public having a designated dining area as well as a porch, deck, or other area of land used for seated dining only which is not within the interior building walls of a restaurant or eatery that may include music.

Retirement housing

these establishments offer minimal convenience services but focus on attracting elderly residents so as to provide a social support system among the residents.

Rhythm (architecture)

shall mean any kind of movement characterized by the regular occurrence of elements, lines, shapes, and forms.

Right-Of-Way, Public,

7. The names and addresses of all owners of the subject property and/or their agent; and the date that this petition shall be considered by the Board of Zoning Adjustment.

8. Application fee.

B. Notice. This information shall be used by the Director to mail notice to all persons listed in the application to inform them of the public hearing on the variance request, the street address of the property and the reason for the variance request.

27-337-5 Application and Review Procedures

A. Determination of Completeness. Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303.

B. Neighborhood Meeting. The applicant shall comply with the requirements for a neighborhood meeting pursuant to Section 27-304, except the applicant shall notify adjacent and contiguous property owners. The applicant also shall notify any homeowners association, neighborhood association, or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel. The Director may waive the requirement for a neighborhood meeting where:

1. The proposed variance shall allow development in compliance with surrounding land uses.

2. The variance request represents a minor change to the development requirements that shall have little or no effect on surrounding properties.

C. Staff Review. Following a Determination of Completeness, the Staff shall review the application pursuant to Section 27-305.

D. Notice and Public Hearing. Following the completion of Staff review and required neighborhood meetings, the application shall be scheduled for a public hearing before the Board of Zoning Adjustment.

1. Notice shall be provided pursuant to Section 27-308.

27-337-6 Action

A Action. Following the public hearing, the Board of Zoning Adjustment may approve, approve as amended, or deny the application for variance.

B Conditions. The Board of Zoning Adjustment may impose conditions on the granting of a variance to insure compliance and to protect adjacent properties.

District	Density/ Min. Lot Size	Min. Lot Width at Building Line	Min. Street Frontage	Max Lot Coverage	Setbacks					Height
					Front	Side	Street Side	Rear	Side/Rear Adjacent to:	
RESIDENTIAL DISTRICTS										
Residential Estate Three	3 acres	200 feet	50 feet	10%	50	25	50	25		35 feet
Residential Estate One	1 acre	100 feet	50 feet	20%	40	15	40	20		35 feet
SF Low Density	14,000 sf	100 feet	50 feet	30%	30	10	30	10		35 feet
SF Medium Density	10,500 sf	75 feet	22 feet	50%	30	7.5	30	10		35 feet
SF Medium/High Density	6,500 sf	60 feet	22 feet	60%	25	7.5	25	10		35 feet
SF High Density	5,000 sf	50 feet	22 feet	65%	20	5	20	10		35 feet
Residential Mixed Density	Determined base on site plan approval									
MF Low Density	10 du/acre	75 feet	20 feet	60%	30	7.5	15	10	SF 30	35 feet
MF Medium Density	20 du/acre	60 feet	20 feet	65%	25	7.5	15	10	SF 30	40 feet
MF High Density	30 du/acre	50 feet	20 feet	70%	20	5	15	5	SF 40	40 feet
Residential Historic	8.7du/acre	50 feet	20 feet	65%	10	5	10	5		35 feet
Residential Use	Determined base on site plan approval									
COMMERCIAL DISTRICTS										
Neighborhood Compatible	7,000 sf	50 feet	20 feet	60%	25	10	10	10		35 feet
Commercial Light	7,000 sf	50 feet	N/A	60%	25	10	10	10		35 feet
Commercial Moderate	12,000 sf	75 feet	N/A	60%	25	20	15	20	SF 30	35 feet
Commercial Heavy	164,000 sf	100 feet	N/A	75%	25	20	15	20	SF 30	45 feet
Commercial/ Employment Mixed Use	Determined base on site plan approval									
Commercial Regional	40,000	150 feet	N/A	80%	25	20	20	20	SF 100	45 feet
Commercial Downtown	Determined base on site plan approval									
INDUSTRIAL DISTRICTS										
Industrial Light	20,000 sf	100 feet	N/A	75%	25	15	15	10	SF 100	45 feet
Industrial Moderate	20,000 sf	100 feet	N/A	60%	50	25	25	20	SF 100	45 feet
Industrial Heavy	20,000 sf	100 feet	N/A	60%	100	50	50	20	Non-I 100	45 feet

Some building heights may be adjusted based on setback, see districts
Building separation shall be determined by the current City building and fire codes.

B. Lot Area

1. Measurement. Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including right-of-way for streets.

2. Lots With Less Than Minimum Width.

   a. A single- or two-family house may be built on a lot that is smaller than required by the zoning district in which the lot is located, provided that the lot:

      1. Is located in a residential zone that permits the intended use;

      2. Is at least 50 feet wide and 5000 square feet in area; and

3. The boundaries and dimensions were ~~already~~ established by record on the effective date of the Unified Development Ordinance by a recorded plat of a subdivision. ~~or by a conveyance containing a metes and bounds description.~~

4. Shall comply with the residential parking regulations in Section 14-52 of the Fort Smith Municipal Code.

b. On any non-conforming lot that is less than 60 feet wide at the building line or 6,500 square feet in area, new structures must conform to the bulk and area requirements of the residential zone which most nearly corresponds to the minimum lot dimensions of the substandard lot.

3. Utilities. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from the minimum lot area standards.

C. Setbacks

1. Measurement. Setbacks are measured as the unobstructed and unoccupied open area between the minimum setback and the property lines of the lot on which the structure is located, except as modified by the standards of this section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.

2. Along a private street, setback measurement shall start at a point 25 feet from the street centerline.

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

a. patios, terraces, walks, and driveways, provided they are at grade and not covered;

b. porches, decks landings, and stairs, provided they are for single story buildings and are not covered;

c. play equipment;

d. clothesline poles if not located in the setbacks adjacent to street right-of-way;

e. portable yard furniture;

f. fences;

4. The proposed development promotes the opportunity for people to work, meet, shop, and use services in the vicinity of their residences.
5. The proposed development provides opportunities for the development of housing.
6. The proposed development provides opportunities for a mixture of uses within the same building.
7. The proposed development promotes a pedestrian friendly environment.
8. The proposed development facilitates integrated physical designs.
9. The proposed development promotes a high level of design quality in conformance with the Fort Smith Design Guidelines of Section 27-620 et seq.
10. The proposed development encourages the development of flexible space for small and emerging businesses.
11. The proposed development is responsive to current and future market demands and conditions.

Sections 27-418 and 419 are reserved for future use.

TRANSITIONAL DISTRICT

27-4__	Transitional - (T)

A. Purpose. To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. ~~A buffer zone that allows the gradual conversion of from residential on the fringe of a to commercial area into uses that are incidental to the businesses but not harmful to the residential character of the neighborhoods.~~ The transitional zoning district applies to the Residential Detached, Residential Attached, Institutional, ~~and~~ Neighborhood Commercial, and General Commercial categories of the Master Land Use Plan.

B. Land Uses. Permitted, Conditional and Accessory land uses in the Transitional district are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the matrix are subject to classification pursuant to Section 27-336.

C. Area and Bulk Regulations

Min. Lot Size (s.f.)/ /Max Bldg Size	Min. Lot Width at Bldg Line	Max Lot Coverage/Max Bldg (s.f.)	Minimum Street Frontage	Max Height

C. To provide off-street parking and loading facilities for commercial areas; to encourage commercial establishments to concentrate in planned developments to the mutual advantage of both consumers and merchants, to encourage or require common entrances and exits to businesses thereby limiting the number of curb-cuts and promoting shared parking facilities.

D. To protect both commercial developments and nearby residences against congestion by regulating the intensity of commercial developments by restricting those types of establishments which generate heavy traffic.

E. Commercial developments shall conform to Design Guidelines of chapter 27-600 et seq.

Sec. 27-421 Commercial Zones Established

Seven (7) commercial zones are established by this chapter. Their designation is as follows:

A. Neighborhood Compatible (C-1)
B. Commercial Light (C-2)
C. Commercial Moderate (C-3)
D. Commercial Heavy (C-4)
E. Commercial/Employment Mixed Use (CEMU)
F. Commercial Regional (C-5)
G. Commercial Downtown (C-6)

27-422 COMMERCIAL NEIGHBORHOOD COMPATIBLE (C-1)

A. **Purpose.** To provide small scale areas for limited office, professional service, and local retail businesses designed in scale with surrounding residential land uses. The C-1 zoning district encourages the incorporation of compatible neighborhood commercial uses in close proximity to residential uses for easy and convenient accessibility and the promotion of pedestrian-oriented development. C-1 zoning is appropriate in the Commercial Neighborhood and General

Commercial classification of the Master Land Use Plan.

B. Land Uses

Permitted, Conditional and Accessory land uses in the Neighborhood Compatible (C-1) Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

C. Area and Bulk Regulations

Max. Lot Size/Max. Bldg (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height
21,000 lot/ 30,000 bldg.	50 feet	60%	20 feet	35 feet (See 27-404(D))

Setbacks (feet)

Front Setback	Side Setback	Street Side Setback	Rear Setback
25 feet	10 feet	10 feet	10 feet

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to C-1
   a. New District (By Classification): Minimum 7,000 s.f. to a maximum of 2 acres.
   b. Existing district (By Extension): Min. 7,000 s.f. to a maximum of 21,000 s.f.
3. Maximum building total for development -30,000 s.f.; Maximum individual building or unit in multi-unit structure – 5,000 s.f.
4. Required street access: residential collector or higher.

D. District Standards

1. On-street parking may be included to meet as much as 50% of the overall parking requirement with the approval of the Engineering Department.
2. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.

3 No display of merchandise shall be permitted on public sidewalks or rights-of-way.

4. Special sales merchandise may be temporarily displayed outdoors, but not to exceed a period for more than 14 days or no more than two occasions per year (total of 28 days per year) provided:

   a. The display shall be limited to the private walk in front of the store.

   b. No required parking area shall be used as a display or sales area.

27-423 COMMERCIAL LIGHT (C-2)

B. 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 Neighborhood Commercial and General Commercial classification of the Master Land Use Plan.

C. Land Uses. Permitted, Conditional and Accessory land uses in the C-2 Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

D. Area and Bulk Regulations

Min. Lot Size/Max. Bldg (s.f.)	**Min. Lot Width**	**Max Lot Coverage**	**Minimum Street Frontage**	**Max Height** (see 27-404(D))
7,000 lot / 30,000 bldg.	50 feet	60%	20 feet	35 feet

Setbacks (feet)

Front Setback	**Side Setback**	**Street Side Setback**	**Rear Setback**
25 feet	10 feet	10 feet	10 feet

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to C-2

5. There shall be no open display in the first twenty (20) feet of the required front yard setback.

27-427 COMMERCIAL DOWNTOWN (C-6)

A. Purpose To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) Zoning District establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

B. Land Uses. Permitted, Conditional and Accessory land uses in the C-6 District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

C. Area and Bulk Regulations

Max. Lot Size/Max. Bldg (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height
n/a	n/a	100%	n/a	n/a

Setbacks (feet)

Front Setback	Side Setback	Street Side Setback	Rear Setback
n/a	n/a	n/a	n/a

1. Multifamily density: n/a
2. Minimum Parcel/Lot Size for Rezoning to C-6:
   a. There shall be no new C-6 zones created by classification.
   b. Existing District (By Extension): 42,000 s.f. (one lot)

D. District Standards

1. New billboards are not permitted in the C-6 Zoning District.

3. To assist public and private sector entities with long term planning such that the extension and growth of the transportation infrastructure may occur in a manner that is comprehensive in nature and supportive of the public good.

The City Engineer may waive or modify the requirements of either a TIA or TS based on conditions at the time of application submittal and existing traffic at the proposed site.

B. Traffic Impact Analysis Applicability. A Traffic Impact Analysis shall be required when the projected peak hour traffic is 100 trips or greater (200 trips or greater for Single Family Residential development) as determined by the latest Trip Generation Manual published by the Institute of Transportation Engineers. A TIA shall ~~(this could be "may")~~ also be required for any of the following:

1. Any requests for a variance from the access management (See Chapter 27-600) or Streets, Alleys and Easements standards in this Chapter; or

2. All developments entry roads located completely or partially within 500 feet of the intersection of two or more boulevards, freeway frontage road, arterials, or major collectors with an overall developable land area in excess of 5 acres; or

3. new school construction; or

4. any preliminary plat meeting the above criteria if the property has already been rezoned for the proposed use and no traffic impact study has been conducted in the past two years; or

5. any request by the applicant to quantify offsite impacts pursuant to Section 27-511.

A TIA shall be required for a Single Family Residential development when the projected peak hour trips are expected to be 200 trips or greater. When considering a residential development, the entire development should be considered and projected improvements can be phased in by final plat submission.

Following is a table of types of land uses and the projected trips for informational purposes.

Type of Land Use	Size	Projected P.M. Peak Hour Trips
Single Family	200 Units	200 Trips
Multi-Family	150 Units	100 Trips
Shopping Center	7,000 Sq. Ft.	108 Trips

Retail Trade	Off Street Parking	Off Street Loading (27-601-4)
	then 1 per 5,000 sq. ft. plus 1 per 250 sq. ft. sales floor area	
Radio and T.V. sales and/or repair	1 per 200 square feet C.S.A.	
Restaurants (drive-in and drive-up fast food)	1 per 100 square feet C.S.A. plus 1 per 3 employees plus 5 queuing space per drive-up window	A
Restaurants (not drive-in or drive-up)	1 per 3 seats at M.S.C. plus 1 per employee	A
Retail sales not otherwise listed	1 space per 300 square feet GFA	A
Secondhand store	1 space per 500 square feet GFA	
Shopping center	1 per 250 square feet up to 400,000 sq.ft. GFA; 1 per 225 for 400,001 to 600,000 sq. ft. GFA; 1 per 200 sq. ft. over 600,001 sq. ft.	C
Specialty shops (camera, gifts, jewelry, etc.)	4 plus 1 per 200 square feet C.S.A. over 500 square feet	
Speculative buildings	As specified by development plan approval	C
Wholesale establishments	4 plus 1 per employee	

*Note:

C.S.A. = Customer service area
G.F.A. = Gross floor area
M.S.C. = Maximum seating capacity
G.L.A. = Gross leasable area

27-601-3 Minimum Parking Standards For All Uses Not Listed In Section 27-601-2

A. Minimum parking standards for all uses not listed in section 27-601-2 are as follows:

Retail	
For the first 12,000 square feet GLA	~~plus~~ 1 space/200 square feet GLA
From 12,001 to 48,000 square feet GLA	~~plus~~ 1 space/225 square feet GLA
Over 48,000 square feet GLA	~~plus~~ 1 space/250 square feet GLA
Office	
For the first 12,000 square feet GLA	~~plus~~ 1 space/200 square feet GLA
From 12,001 to 48,000 square feet GLA	~~plus~~ 1 space/300 square feet GLA
Over 48,000 square feet GLA	~~plus~~ 1 space/350 square feet GLA

Manufacturing and Industrial	Service, Repair and Shop Areas
For the first 20,000 square feet GFA	~~plus~~ 1 space/400 square feet GFA
Over 20,000 square feet GFA	~~plus~~ 1 space/1,000 square feet GFA

Warehousing and Storage	
For the first 20,000 square feet	~~plus~~ 1 space/1,000 square feet GFA
Over 20,000 square feet GFA	~~plus~~ 1 space/5,000 square feet GFA

B. For mixed land uses containing any combination of retail, office, manufacturing, industrial, or warehousing activity, parking requirements will be tabulated separately for each land use within the development, using the list of specific standards or the tables above. Mixed land uses regulated under separate parking requirements shall not be combined to achieve a larger square footage total that would result in a reduced parking requirement. If any part of a mixed land use is converted to another land use category, the parking requirements shall be re-calculated based on the new square footage figure.

C. Where a manufacturing and industrial land use has more than one (1) working shift of employees, parking facilities shall be adequate to accommodate overlap requirements during transition periods.

D. Where a multiple purpose retail and industrial building is to be occupied by a land use that requires less parking than the standards contained herein, the building official may permit designation of a smaller parking area to meet the estimated need. However, the balance of the land required by these regulations shall be held in reserve to meet future needs generated by an expansion of the business or a change in land use.

E. If a portion of the floor area of a structure is devoted to parking, that area shall be excluded in computing the off-street parking requirements for any land use.

27-601-4 Loading facilities

A. **Off-Street Loading Space Required**. Every industrial, commercial, retail, wholesale, office, and/or civic building erected or expanded shall provide space for loading unloading of vehicles as identified in Section 27-601-2. The number of off-street loading spaces required by this division shall be considered the minimum, and the developer shall evaluate the needs of the development to determine if they are greater than the minimum specified by this division.

27-602 Design Guidelines

27-602-1 Applicability

A. The Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.

B. The Design Guidelines apply to existing multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

C. Rehabilitation projects shall conform to the guidelines to the greatest extent possible. ~~and the applicant. shall provide a written explanation for each area of non-compliance.~~

D. All developments in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the development will be in noncompliance with these regulations.

27-602-2 Site Character

A. Intent. To encourage on-site and off-site compatibility of development while considering the relationship between site design and the existing surrounding environment. Site character includes consideration of: physical and natural features of land; building placement; vehicular access; circulation and parking; pedestrian access; preservation and buffering of views; surrounding development; and community character and aesthetics.

1. The design and style of the development should work with the site.
2. Parking and internal traffic circulation should account for the interaction between pedestrians and vehicles.
3. Building and street layout should define a uniform and cohesive development.

B. Definitions. Design related definitions can be found in Chapter 27-200.

C. Grading and Drainage

2. The Design Guidelines apply to existing multifamily, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible. ~~and shall provide a written explanation for each area of non-compliance.~~

4. Industrial subdivisions are required to provide perimeter landscaping only.

5. Development or properties in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the site will be in noncompliance with these regulations.

C. **Perimeter Landscaping** Perimeter landscaping requirements along public rights-of-way are as follows:

1. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.

2. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.

3. To insure that landscape materials do not constitute a sight hazard, a clear sight visibility triangle shall be observed at all street intersections or intersections of driveways with streets. Within the designated sight visibility triangle, no landscape material exceeding twenty-four (24) inches in height shall be permitted; .provided, trees may be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground and the tree does not otherwise present a traffic visibility hazard. The dimensions of the sight visibility triangle are as indicated in the attached diagram for driveways for street intersections.

D. **Parking Lot Screening**. Visual screening of parking lots shall consist of one (1) or a combination of two (2) or more of the following:

1. A dense vegetative planting buffer incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to from a

Large Trees (greater than 60ft)

Elm (dutch elm disease resistant varieties)
American Sycamore - *Platanus occidentalis*
Baldcypress - *Taxodium distichum*
Bur Oak - *Quercus macrocarpa*
Cherrybark Oak - *Quercus falcata var. Pagodaefolia*
Dawn Redwood - *Metasequoia glyptostroboides*
Ginkgo (male varieties) - *Ginkgo biloba*
Kentucky Coffeetree - *Gymnocladus dioicus*
Live Oak - *Quercus virginiana*
London Plane Tree - *Platanus hybrida occidentalis x orientalis*
Northern Red Oak - *Quercus rubrum*
Pin Oak - *Quercus palustris*
Southern Magnolia - *Magnolia grandiflora*
Southern Red Oak - *Quercus falcata*
Sugar Maple - *Acer saccharum*
Swamp Chestnut Oak - *Quercus michauxii*
Sweetgum (fruitless varieties) - *Liquidambar stryaciflua*
Tulip Tree (Yellow Poplar) - *Liriodendron tulipifera*
Water Oak - *Quercus nigra*
White Oak - *Quercus alba*
Willow Oak - *Quercus phellos*

27-602-4 Architectural Design of Structures

A. Purposes. Design requirements for new construction and additions to existing commercial and office buildings shall be required in order to:

1. Protect and enhance the City of Fort Smith
2. Provide good civic design and arrangement.
3. Preserve property values of surrounding property.

B. Applicability.

1. The Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.

2. The Design Guidelines apply to existing multifamily, commercial and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1)

increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible. ~~and shall provide a written explanation for each area of non-compliance.~~

4. Buildings in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the building will be in noncompliance with these regulations.

C. Transitional and Commercial Building Design Standards.

1. Any development that contains more than one building shall incorporate a recurring, unifying and identifiable theme for the entire development.

2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all commercial buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade. Applicants with commercial development adjacent to residential development may incorporate residential materials on the side of the development that faces the residential development.

3. All facades of a building that are visible from the finished grades of adjoining properties or public streets shall have design characteristics similar to the building's front facade. This shall be implemented by requiring the same treatment as discussed in B.2 above.

4. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.

    a. For ground-mounted equipment, the screening shall consist of a wall or fence, or the equipment must be enclosed within a building.

    b. For roof-mounted equipment, the screening shall be architecturally incorporated into the roof design and shall

consist of materials that are visually compatible with the supporting building.

5. Chain link fencing material is prohibited with the exception of franchise utilities.

6. Barbed wire, sheet metal, wood slat, split log, tarps or other nonconventional fencing material are prohibited.

7. Transitional and Commercial Building Elements

    a. The main entrance of a building should face a pedestrian plaza or space with a direct pedestrian connection to the street.

    b. Buildings should be located in such a manner as to minimize conflicts between pedestrians and automobiles

    c. Buildings should be oriented primarily to the street, with street-oriented retail or service spaces.

    d. Retail shops at street level should have direct access to and from the sidewalk.

    e. Entrances should be easily identifiable as primary points of access to buildings.

    f. Corner buildings at gateways or prominent intersections should be designed to emphasize the gateway or intersection location. This may include major architectural expression in the façade, roof form and/or massing, such as:

        1. larger bulk

        2. tower forms

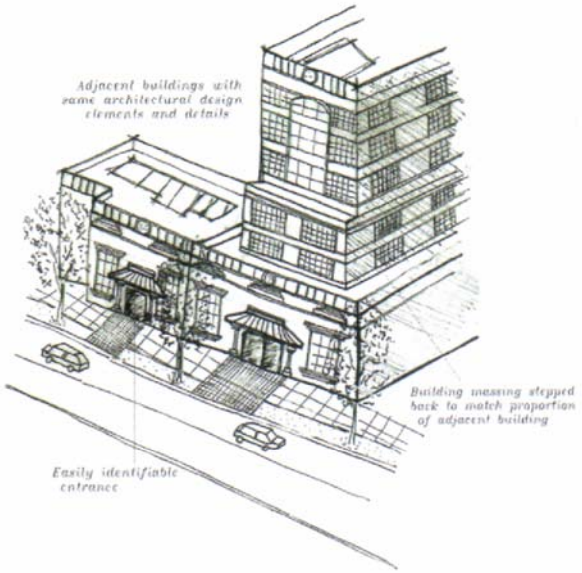
        3. peaked roofs

        4. over-sized windows

        5. sloped parapets and appurtenances

8. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

9. A permanent opaque screening fence, wall or landscape buffer shall be provided along any side or rear adjacent to property zoned for residential purposes including alleys.



Building Element Sketch - Examples

10. Linear or strip development is discouraged, including linear open air centers.

11. Pad sites shall be clustered together to define street edges and entry points or to enclose and create interesting places between buildings, such as public outdoor seating, landscaped areas, or other focal points.

12. Buildings, walls, trees, topography, and other site features shall be oriented and arranged to define circulation areas and lend a human scale to the development.

13. Shared parking agreements between adjacent or closely related developments are strongly encouraged.

D. Multifamily Building Standards. ~~In addition to the other provisions of this section, t~~ The following standards shall apply to multifamily (3 or more units) development, including row house developments:

1. New building design should respect the context of adjacent residential neighborhoods, including the height, scale, mass, form and character of surrounding developments.

2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all multifamily buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other

siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade.

3. Building Orientation. Multi-family residential structures adjacent to a public street should be sited parallel with the street to provide a traditional residential orientation, and should maintain consistent setbacks between the street and residential structures.

    a. Along interior property lines, multifamily structures should be oriented in a more perpendicular direction to adjacent lower-density residential uses or zoning districts, or adjacent commercial or industrial uses or zoning districts. When parallel orientation is necessary, building setback from the adjacent use or district boundary shall be increased by at least 50%.

    b. Primary structures shall be located and designed that residents can easily observe and gain entry to the common open spaces, circulation paths and access points into the development.

    c. Buildings must not have a solid, blank façade facing the street.

4. Mass and Form.

    a. Building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base.

    b. All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes.

    c. The façades of single family attached row homes shall be articulated to differentiate individual units.

5. Architectural Detail.

    a. Individual buildings should have a definitive, consistent style. Various architectural styles should not be mixed in the same building.

    b. All sides of a multifamily building shall display a similar level of quality and architectural interest.

    c. All building entries adjacent to a collector, local residential street, or private drive with on-street parking shall be

3. Covered entrances (i.e, awnings or canopies) shall be provided as protection from bad weather and as a transition from indoor to outdoor.

6. All trash receptacles shall be completely screened with a permanent opaque screen fence.

7. Outdoor lighting shall comply with Section 27-602-5.

E. Industrial Building Standards ~~In addition to the previous provisions of this section,~~. The following standards shall apply to ~~new construction of~~ industrial, storage and distribution buildings when constructed along major ~~thoroughfares~~ arterial streets as classified by the master street plan, or adjacent to residential districts, and/or those buildings at the perimeter of an industrial subdivision. ~~parking area adjacent to an exterior, public road.~~

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), cementious siding (e.g., Hardie Board), or other siding materials as approved by the Director.

~~3. All primary structures with flat roofs shall include a sloped parapet or fascia around all sides of the building.~~

~~4. Walls other than the front façade of a primary building may be clad with architectural metals, but not within forty (40) feet of the front façade of the building.~~

5. Facades of the primary structure ~~shall~~ 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.

6. All primary structures with ~~R~~roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.

7. All trash receptacles shall be screened with a permanent opaque screening fence.

8. Outdoor lighting shall comply with Section 27-602-5.

9. Outdoor storage.

B. The decision of the agent of the City concerning co-location may be appealed to the Planning Commission. Any interested party may file an appeal provided that the appeal is filed with the planning commission by 5:00 p.m. on the tenth calendar day following the date of the decision by the agent. A fee in the amount established by the board of directors is required for filing an appeal.

C. Antennae may be placed wholly within or upon any building located within a commercial or industrial zoning district as permitted in section 27-402, or any publicly owned building, provided any supporting equipment is screened from nearby residential districts. A commercial antenna may be mounted to the exterior of such buildings if integrated into the overall architectural design of the building. Roof mounted antennae may not extend more than twenty (20) feet above the highest point of the roof structure, and provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or to a public building not located in a street right-of-way and owned by a government or public agency, provided that the antennae does not extend more than twenty (20) feet above the height of the structure, provided any supporting equipment is screened from nearby residential districts. At the time a building permit is issued, the Planning and Zoning Department may notify all existing telecommunication providers of the opportunity for co-location. Notice of a desire to co-locate shall be given within sixty (60) days of the receipt of said notice.

D. To further minimize tower proliferation, the city states its intention to consider the providing of properties owned or controlled by the city as sites for co-location of commercial communication towers. Any person desiring to locate a commercial communication tower on property owned or controlled by the city may make application for co-location by submitting the request with the following information to the city administrator, or administrative officials of the city designated by the city administrator.

1. A description of the facility proposed to be located on city-owned or controlled property with all information required by ~~division 7~~ this section of chapter 27 of the Fort Smith Code; and,

2. The identity of city owned or controlled property as to which co-location is required or, in the alternative, a request that the city administrator examine and provide potential co-location sites within any geographically described area by the applicant.

Within forty-five (45) days of receipt of such application, the city administrator, or his designated agent, shall determine the availability of potential co-location sites on city owned or controlled property. The city administrator will make that determination after evaluating the effect that

27-704-3 Permitted signs in open, commercial and industrial zones

The following types of signs are permitted in open, commercial or industrial zones.

(1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.

(2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.

(3) Outdoor advertising signs shall comply with section 27-704-4.

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

27-704-4 Outdoor advertising signs

(a) Outdoor advertising signs are to be considered as a specific use, rather than as an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.

(b) Outdoor advertising signs are permitted in all Industrial zones and in Commercial-4~~-P~~, and Commercial-5 ~~and Commercial-6~~ zones. They may be permitted in Open-1 zones if the planning commission approves the specific location.

(c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) square feet in area) per statute mile are permitted. All measurements shall be made along a line parallel to the street and from the center of the closest support pole.

(d) No outdoor advertising sign shall be permitted to be erected to exceed a sign area of three hundred (300) square feet, except that with special permission of the city planning commission this limit may be extended to six hundred (600) square feet.

Fort Smith Use Matrix	J	K	L	M	N	O					Q	R	S	T	U		W	X	Y	AB	Z	AC	AD	AE	AF
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Size or density restrictions for any use may be noted in the district																									
Residence or Accommodation																									
Private Household																									
Structure: Single Family building																									
Accessory residential dwelling unit																P	P	P	P	P	P	P			
Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Duplex								P	P	P	P	P	P	P	P	P									
Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A									
Manufactured home														P											
Mobile home park														C											
Mobile home subdivision														C											
Row house							P							P											
Zero lot line dwelling unit							P							P											
Multifamily (apartments/condominiums)											P	P	P	P	C			P	P	P	P	P			
Community residential facility												P	P	P				P	P	P	P	P			
Group home, family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Group home, neighborhood											P	P	P	P				P	P	P	P	P			
Homeless shelter																					C	C	C		
Orphanage																		C	C	C	C	C			
Transitional dwelling														P											
Housing for the Elderly																									
Assisted living											C	C	C	C		C		P	P	P	P	P			
Retirement housing											P	P	P	P		P		P	P	P	P	P			
Hotels, Motels, or other Accommodations																									
Bed and breakfast inn											C	C	C	C	C	C	C	P	P	P	P	P			
Dormitory, sorority, fraternity											C	C	C	C				C	C	C	C	C			
Hotel/motel																				P	P	P			
Rooming or boarding house											C	C	C	C				P	P	P	P	P			
General Sales or Services																									
Automobile Sales or Service																									
Auto & vehicle impoundment or holding yard (no salvage)																					C		P	P	P
Auto and vehicle dealer																					P	P	P		
Auto and vehicle towing (wrecker)																					P		P	P	P
Auto auction																							P	P	P
Auto body shop and paint (new parts)																							P	P	P
Auto detailing service																		C	P	P	P	P	P		
Auto glass, muffler, and seatcover shop																		C	C	C	P		P		
Auto parts and accessories sales																			P	P	P	P	P	P	
Auto quick lube																			P	P	P	P	P		
Auto repair																					P		P		
Auto repair or assembly (salvage parts)																									P

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Boat or marine craft dealer																					P		P		
Car wash - full service																					P		P		
Car wash self-service																		C	P	P	P	P	P		
Gasoline service station																				P	P		P	P	P
Motorcycle or ATV sales & service																					P		P		
Tire sales																					P		P		
Truck stop/travel plaza																					C		C	C	
Heavy Consumer Goods Sales or Service																									
Agricultural equipment and supplies (sales & service)																					P	P	P		
Appliance repair - (Large)																					P		P		
Appliance repair (Small)																			P	P	P	P	P		
Bus, truck sales and service																					P		P	P	
Clothing and personal items (repair)																		P	P	P	P	P			
Commercial,industrial machinery & equipment (sales & service)																					P		P	P	
Department store, warehouse club or superstore																				P	P				
Electronics and appliances (new)																		P	P	P	P	P			
Electronics and appliances (used)																					P				
Floor, paint, wall coverings, window treatments																			P	P	P	P	C		
Furniture or home furnishings (new)																		P	P	P	P	P			
Furniture or home furnishings (used)																					P	P			
Furniture repair and upholstery shop																					P		P	P	P
Greenhouse (sales)																				P	P	P	P		
Hardware store																			P	P	P				
Hardware store (neighborhood)																		P				P			
Home improvement center																				P	P				
Lawn and garden supplies																		C	P	P	P	P	P		
Locksmith																	P	P	P	P	P	P	P		
Lumber yard and building materials																							P	P	
Mall or shopping center																				P	P				
Manufactured home and mobile home sales and service																					P		P		
Oil and gas equipment (sales and service)																							P	P	P
Sand, gravel, stone, or earth sales and storage																					C		P	P	
Swimming pool sales and supply store (w/o storage yard)																			P	P	P	P			
Truck or tractor sales and service facility																					P		P	P	
Durable Consumer Goods Sales or Service																									
Bait and tackle shop																			P	P	P	P			
Bicycle sales and service																	C	C	P	P	P	P			
Bookstore															C		P	P	P	P	P	P			
Bridal shop															P	P	P	P	P	P	P	P			
Cameras, photographic supplies and services															P		P	P	P	P	P	P			
Clothing, jewelry, luggage, shoes, accessories															C		P	P	P	P	P	P			
Computer and software shop																	P	P	P	P	P	P			
Gift shop															P		P	P	P	P	P	P			

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Sewing machine store (sales & service)																			P	P	P	P			
Sporting goods, toys, & musical instruments																		P	P	P	P	P			
Thrift store																		P	P	P	P	P			
Consumer Goods, Other																									
Antique shop															P		P	P	P	P	P	P			
Art dealers, art studio, galleries, supplies															C		C	P	P	P	P	P			
Arts and craft shop															P		P	P	P	P	P	P			
Flea market (indoor)																				P	P	P	C		
Flea market (outdoor)															P		P	P	P	P	P	P			
Florist shop																			P	P	P	P	C		
Hobby shop															P		P	P	P	P	P	P			
Office supply store															P		P	P	P	P	P	P	C		
Pawnshop																			P	P	P	P			
Pawnshop (no outside storage)																			P	P	P	P			
Tobacco shop																	P	P	P	P	P	P			
Grocery, Food, Beverage, Dairy																									
Bakery or confectionery shop															P		P	P	P	P	P	P			
Beer, wine and liquor store (with drive-through)																		C	P	P	P	P			
Beer, wine and liquor store (without drive-through)																		C	P	P	P	P			
Convenience store (with gasoline sales)																		P	P	P	P	P	P		
Farmer's market																		C	P	P	P	P	P		
Fruit and vegetable store																			P	P	P	P	P		
Grocery store or supermarket															C		C	P	P	P	P	P			
Neighborhood store																	P	P	P	P	P	P			
Health and Personal Care																		P	P	P	P	P			
Cosmetics, beauty supplies, and perfume stores																	P	P	P	P	P	P			
Medical appliance services																		P	P	P	P	P			
Optical shop																	P	P	P	P	P	P			
Pharmacy or drug store																	P	P	P	P	P	P			
Finance and Insurance																									
Auto insurance claims office																		P	P	P	P		P		
Automatic teller machine																P	P	P	P	P	P	P	P		
Bank, credit union, or savings institution																P	P	P	P	P	P	P	C		
Credit and finance establishment																P	P	P	P	P	P	P	C		
Fund, trust, or other financial establishment															P	P	P	P	P	P	P	P	C		
Insurance office															P	P	P	P	P	P	P	P	C		
Investment banking, securities, and brokerages															P	P	P	P	P	P	P	P	C		
Rental and Leasing																									
Auto (rental and leasing)																					P		P		
Commercial, industrial machinery & equipment																					P		P		
Consumer rental center																		P	P	P	P	P			
Oil and gas field equipment																							P	P	P
Video, music, software																		P	P	P	P	P			

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Business, Professional, Scientific, and Technical Services																									
Professional Services																									
Abstract services															P	P	P	P	P	P	P	P			
Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P			
Advertising and media services															P	P	P	P	P	P	P	P			
Architectural, engineering															P	P	P	P	P	P	P	P			
Carpet and upholstery cleaning																			P	P	P	P	P	P	P
Consulting services															P	P	P	P	P	P	P	P			
Extermination and pest control																					P		P	P	P
Graphic, industrial, interior design															P	P	C	P	P	P	P	P			
Investigation and security services																			P	P	P	P	P	P	
Janitorial services																			P	P	P	P	P	P	
Legal services															P	P	P	P	P	P	P	P			
Medical laboratory																							C	C	C
Medical laboratory (no animal research/testing)																			C	C	C	C	C	C	
Offices, corporate															P	P	P	P	P	P	P	P	P		
Offices, general															P	P	P	P	P	P	P	P	P		
Property management services (office only)																P	P	P	P	P	P	P	P		
Real estate agency																P		P	P	P	P	P			
Travel arrangement and reservation services																P		P	P	P	P	P	P		
Administrative Services																									
Business support services															P	P	P	P	P	P	P	P	P		
Collection agency															P	P	P	P	P	P	P	P			
Employment agency																			P	P	P	P	P		
Employment agency (day labor)																					P		P		
Facilities support services															P	P	P	P	P	P	P	P	P		
Office and administrative services															P	P	P	P	P	P	P	P			
Telemarketer/call center																			P	P	P	P	P		
Food Services																									
Bar or tavern																		C	C	C	P	P			
Beer garden																			C	C	C	P	C		
Catering service																		P	P	P	P	P	P		
Food distribution center																							P	P	
Mobile food services																					P		P	P	
Restaurant															C		C	P	P	P	P	P	P		
Restaurant (with drive-in services)																			P	P	P		P		
Restaurant (with drive-through services)																		C	P	P	P	P	P		
Restaurant (with outdoor dining)																		C	C	C	C	P			
Vending																					P		P	P	
Personal Services																									
Bail bonds office																					P	P	P		
Barber shop/salon/spa/massage services															C		C	P	P	P	P	P			
Laundry (commercial/industrial)																							P	P	

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Laundry and cleaning facilities (self-service)																	P	P	P	P	P				
Laundry, cleaner																		P	P	P	P				
Laundry, cleaner (drop-off station)																	P	P	P	P	P	P			
Photocopy shop																	P	P	P	P	P	P			
Photography studio															C		P	P	P	P	P	P	P		
Print shop																		P	P	P	P	P	P	P	
Shoe repair shop															P		P	P	P	P	P	P			
Tailor shop															P		P	P	P	P	P	P			
Tanning salons															C		C	P	P	P	P	P			
Tattoo/body piercing parlor																		P	P	P	P	P			
Weight loss centers																		P	P	P	P	P			
Pet and animal services																									
Animal and pet services (indoor)																		P	P	P	P	P	P		
Animal and pet services (outdoor)																					P		P		
Animal shelter																							P	P	P
Equestrian facilities																							P	P	P
Kennels																					P		P	P	
Pet cemetery																		C	C	C	C		C		
Pet shop																		C	P	P	P	P			
Pet supply store																		C	P	P	P	P	P		
Veterinary clinic (no outdoor kennels)																		P	P	P	P	P	P	P	
Veterinary clinic (with outdoor kennels)																					P		P	P	
Automobile Parking Facilities																									
Parking garage																			C	C	P	P	P		
Parking lot (commercial)																					P	P	P		
Parking lot (off site)																		P	P	P	P	P	P	P	P
Manufacturing and Wholesale Trade																									
Food, Textiles and Related Products																									
Animal food processing																							C	C	P
Clothing manufacturing																							P	P	P
Food and beverage processing																							P	P	P
Leather and allied products																									P
Textiles																								P	P
Tobacco manufacturing																								P	P
Wood, Paper and Printing Products																									
Cabinet and woodwork shop																							P	P	P
Furniture or home furnishings																								P	P
Paper and printing materials																								P	P
Wood products manufacturing plant																								P	P
Chemicals, Metals, Machinery, and Electronics Mfg.																									
Acid manufacturing																									P
Asphalt or concrete batching plant (permanent)																									P
Chemicals, plastics and rubber industry																									C

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Electrical equipment, applicance and components mfg.																							P	P	P
Explosives manufacturing																									C
Foundary or metal-works facility																								C	P
Machine, welding, or sheet metal shop																							P	P	P
Nonmetallic manufacturing																								C	P
Petroleum and coal products																									C
Pharmaceutical manufacturing																							P	P	P
Refinery																									C
Tire retreading																									P
Miscellaneous Manufacturing																									
Auto manufacturing																								P	P
Barge and ship manufacturing																									P
Boat manufacturing																							P	P	P
Dolls, toys, games, musical instruments																							P	P	P
Jewelry and silverware																							P	P	P
Office supplies																							P	P	C
Wholesale Trade Establishment																									
Durable goods																					P	P	P	P	
Electrical, plumbing, heat & air conditioning																							P	P	P
Nondurable goods																					P	P	P	P	P
Warehouse and Storage Services																									
Auto salvage yard																									P
Building materials salvage yard																								P	P
Bulk petroleum storage																									C
Container storage																					P		P		
Mini storage warehouse																					P		P	P	
Packaging and distribution center																							P	P	P
Petroleum distribution facility																								C	C
Portable storage Unit																					P		P	P	
Vehicle storage yard																					P		P	P	
Warehouse																							P	P	P
Transportation, Communication, Information and Utilities																									
Transportation Services																									
Airport																							P	P	P
Bus station and terminal																					C	C	C		
Courier and messenger services																		C	P	P	P	P	P	P	
Ferry boat facility																							P	P	P
Heliport																			A	A	A	A	P	P	P
Limousine service																					P		P	P	
Mail services																	C	C	P	P	P	P	P	C	
Marina																							P	P	P
Motor freight terminal																							P	P	P
Moving and storage																							P	P	P

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	H	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	T1,2,3			C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Moving company																						P		P	P	
Pipeline transportation																								P	P	P
Port facility																								P	P	P
Rail transportation																							P	P	P	P
Taxicab service																						P		P	P	
Communications and Information																										
Commercial communication towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C	C	P	P	P	C	P	P	P
Data processing facility																			C	P	P	P	P	P	P	P
Motion pictures and sound recording studios																				P	P	P	P	P	P	P
Printing commercial/industrial																				P	P	P	P	P	P	P
Telecommunications and broadcasting studios																				P	P	P	P	P	P	P
Utilities and Utility Services																										
Amateur radio transmitting towers			C	C	C	C	C	C	C	C	C	C	C	C				C	C	P	P	P	C	P	P	P
Electric power plant																								C	C	P
Hazardous waste treatment and disposal																										C
Incinerator																										C
Nuclear power plant																										C
Radio, television, and microwave transmitting towers																										C
Recycling center																			C	P	P	P	C	P	P	P
Recycling collection station																								C	P	P
Sanitary landfill																		C	C	C	C	C	C	P		
Solid waste collection																										P
Utility shop, storage yard or building																										P
Utility substation																						C		P	P	P
Wastewater treatment plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P
Arts, Entertainment, and Recreation																									P	P
Performing Arts or Supporting Establishments																										
Drive-in theater																						C				
Movie theater																						C		C		
Performance theater																					P	P	P			
Carnival or circus (temporary with permit)																C					P	P	P			
Fairground/rodeo ground																			P	P	P	P	P	P	P	
Museums and Other Special Purpose Recreational Institutions																						P		P	P	
Historical or archaeological institution																C							C			
Museum																C							C			
Zoos, botanical gardens, arboreta																C			C	C	C	C	C P			
Amusement, Sports, or Recreation Establishment																						C	C P	C		
Amusement center (indoor)																			P	P	P	P	P			
Amusement center (outdoor)																						C	C	C		
Convention/Event center																			C	C	P	P	P	P		
Bingo parlor																					P	P	P			
Casino gaming business																								C	C	C
Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C				

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Dance hall/night club																				P	P	P			
Private club																				P	P	P			
Race track																								C	C
Fitness, Recreational Sports, Athletic Club																									
Bowling alley																		C	P	P	P	P			
Community recreation center										C	C	C	C	C			C	C	C	C	C	C	C		
Driving range (outdoor)																				C	P	P	C		
Golf course			C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C		C		
Pistol Range (Indoor)																					C	C	C	C	
Health club																		C	C	P	P	P	P		
Fitness studio																		P	P	P	P	P			
Indoor Games Facility																									
Miniature golf course																			P	P	P	P	C		
Pool hall																		C	C	C	P	P	P		
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																		P	P	P	P	P			
Skating rink																				P	P	P			
Sports complex/athletic field																					C	C	C	C	
Swimming pool																		C	C	C	P	C	C		
Water park																					C		C		
Camps, Camping, and Related Establishments																									
Camps, camping, and related establishments																					C		C		
Natural and Other Recreational Parks																									
Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Education, Public Administration, Health Care and Other Institutions																									
Educational Services																									
College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	C	C	C			
Fine art and performance education														C	C	C	C	C	C	C	C	C			
Library or public arts complex			C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C			
Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C			
Preschool	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C			
Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	C	C	C			
School, business professional														C		C	C	C	C	C	C	C			
School, technical or trade																					C	C	C		
Public Administration - Government																									
Criminal justice facility																						C			
Detention facility																						C	C	C	
Government office															P		P	P	P	P	P	P	C		
Public Safety																									
Emergency response station																C	P	P	P	P	P	C	P	P	P
Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P
Police station																	C	C	C	C	C	C		C	C
Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Health and Human Services																									
Community health and welfare clinic																			C	C	C	C			
Diagnostic laboratory testing facility																C		C	C	C	P	C	P		
Doctor office and clinic																P		P	P	P	P	P	P	P	
Hospice residential care facility																P		P	P	P	P	P			
Hospital																C		P	P	P	P	P			
Mental health hospital																C		C	C	C	C	C			
Nursing home																C		C	C	C	C				
Substance abuse treatment facility																C		C	C	C					
Social Assistance, Welfare, and Charitable Services																C									
Child and youth services (office)																	P	P	P	P	P	P			
Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C									
Day care center																		C	C	C	C	C	C	C	
Community food services																					C	C	C		
Emergency and relief services																			P	P	P		P		
Family support services																					P	P			
Senior citizen center											C	C	C	C		C	C	C	C	C	C	C			
Vocational rehabilitation																					C		C	C	
Religious Institutions																									
Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Rectory, convent, monastery											C	C	C	C	C	C	A	A	A	A	A	A	A		
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																									
Wedding chapel															C			P	P	P	P	P			
Death Care Services																									
Cemetery, mausoleum, crematorium, funeral home, & mortuary																		C	C	C	C		C		
Monument (manufacturing)																							P	P	
Monument (sales)																		P	P	P	P				
Associations, Nonprofit Organizations																									
Lodge or fraternal organization															C			C	C	C	C	C	C	C	
Construction-Related Businesses																									
Contractor's office																P	P	P	P	P	P	P	P		
Contractor's shop and storage yard																					C		P	P	P
Glass sales and service																					P		P	P	P
Landscaping contractor																					C		P	P	P
Sign contractor																					C		P	P	P
Mining and Extraction Establishments																									C
Coal mining																								C	P
Metallic mining																								C	P
Non-metallic manufacturing and mining																									
Agriculture, Forestry, Fishing, and Hunting																								C	P
Grain storage and processing																									C
Stockyard																									

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
Commercial grower																							P	P	P
Tanning and Slaughtering of Animals or Fowl																									
Animal slaughter and processing																								C	C
Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits																									
Forestry and Logging																									
Fishing, Hunting and Trapping, Game Preserves																									
Taxidermy shop																					P		P	P	

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING IMPLEMENTATION OF THE FIVE YEAR (2011-2015) SALES TAX PROGRAM FOR STREETS, BRIDGES AND RELATED DRAINAGE IMPROVEMENTS AND IMPLEMENTATION OF THE 2011 SIDEWALK PROGRAM

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The Five Year (2011-2015) Sales Tax Program for streets, bridges and related drainage improvements as identified and specified in the attachment hereto is hereby approved.

SECTION 2: The 2011 Sidewalk Program as identified and specified in the attachment hereto is hereby approved.

SECTION 3: The staff is directed to proceed with implementation of the 2011 Sales Tax Program and 2011 Sidewalk Program.

This Resolution adopted this _____ day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

_____
NPR

MEMORANDUM

To: Dennis Kelly, City Administrator

From: Stan Snodgrass, P.E., Director of Engineering

Subject: Five Year Capital Improvement Program (2011-2015)
Streets, Bridges and Drainage Sales Tax Funds
and 2011 Sidewalk Program

Date: September 29, 2010

Attached is a summary of the 5-Year Capital Improvement Program for the street, bridge and drainage sales tax funds and the 2011 Sidewalk Program. This was reviewed with the Board of Directors at the September 28nd Study Session. The funding for the streets, bridges and drainage program is provided by the one-cent sales tax. Funding for the sidewalk program is generated from building permit assessment fees. Determination of projects is based on numerous factors including citizen input, interdepartmental requests, pavement rating of streets, rating of sidewalks and input from the Board of Directors.

The proposed program includes a combination of neighborhood street improvements, ongoing major street projects, local and basin wide drainage improvements, traffic signals, sidewalks and commitments made to the Fort Chaffee Redevelopment Authority. The program totals $24.8 million for the year 2011 and approximately $116 million for the five year period from 2011 to 2015. Federal and state grants along with private development participation are anticipated to assist in the overall program.

The attached spreadsheet outlines the anticipated revenues and expenditures for the various projects. A narrative description of some of the projects shown on the spreadsheet is included. Project lists and exhibits are included which show the neighborhood street overlay and reconstruction projects, drainage projects, traffic signal projects and sidewalk projects which have been prioritized on a city wide basis.

Attached is a Resolution to approve and implement the 5-year (2011-2015) Sales Tax Program for streets, bridges and related drainage improvements and the 2011 Sidewalk Program. I recommend that the resolution be adopted by the Board at the next regular meeting.

Enclosure

The City of Fort Smith Arkansas
Engineering Department
623 Garrison Avenue • P.O. Box 1908
Fort Smith, Arkansas 72902
Phone: 479-784-2225 • Fax: 479-784-2245

CITY OF FORT SMITH

9/29/10

Five-Year Capital Improvement Program for Streets Bridges and Drainage (2011-2015) and Sidewalk Program (2011)

		2010	2011	2012	2013	2014	2015
	Beginning Balance	19,748,974	8,942,930	3,819,392	6,199,264	806,947	1,367,715
	Current Year Revenues						
	Sales Tax	18,575,000	18,853,625	19,230,698	19,615,311	20,105,694	20,608,337
	Grants/Other Participation	1,176,919	785,000	7,400,000	1,150,000	150,000	150,000
	Interest	28,663	12,750	24,984	17,472	5,423	4,405
	Total - Current Year Revenues	19,780,582	19,651,375	26,655,682	20,782,783	20,261,117	20,762,741
	Total Funds Available	**39,529,556**	**28,594,304**	**30,475,074**	**26,982,047**	**21,068,065**	**22,130,456**
1	Neighborhood Overlays & Reconstruction	11,280,586	8,081,174	7,000,000	7,000,000	7,000,000	7,000,000
2	Neighborhood Drainage Improvements	662,549	2,030,538	870,000	1,000,000	1,000,000	1,000,000
3	Town Branch / Carnall Drainage	559,436	850,000	700,000	0	0	0
4	Mill Creek Drainage / 28th Street	2,757,080	1,000,000	0	0	0	0
5	Intersection and Signal Improvements	229,530	780,000	300,000	300,000	300,000	300,000
6	Hwy 45 - Phoenix to Zero	5,800,000	0	0	0	0	0
7	Jenny Lind - Zero to Cavanaugh	1,000,000	2,000,000	7,000,000	9,600,000	1,500,000	0
8	Greenwood Ave. - Country Club to Midland	1,000,382	0	0	0	0	0
9	Spradling Ave. - Clayton Expwy. eastward	0	0	0	0	500,000	700,000
10	Arterial Street Overlays	875,864	0	1,200,000	1,200,000	1,200,000	1,200,000
11	May Branch Drainage Project	100,000	1,000,000	1,000,000	3,000,000	4,000,000	7,200,000
12	Levee Certification & Repair	391,500	550,000	2,250,000	0	0	0
13	Garrison Avenue Streetscape	145,830	2,500,000	0	0	0	0
14	Texas Road - Cavanaugh to south	1,567,817	0	0	0	0	0
15	North Pointe (FSHA) Street & Drainage	514,497	0	0	0	0	0
16	Overlays by Street Department	150,000	150,000	150,000	150,000	150,000	150,000
17	Traffic Studies	2,306	20,000	20,000	20,000	20,000	20,000
18	Sidewalk Program	1,097,720	341,000	200,000	200,000	200,000	200,000
19	FCRA Development	340,279	3,000,000	1,000,000	1,000,000	1,000,000	1,000,000

CITY OF FORT SMITH

9/29/10

Five-Year Capital Improvement Program for Streets Bridges and Drainage (2011-2015) and Sidewalk Program (2011)

		2010	2011	2012	2013	2014	2015
20	Engineering Dept. and Other Depts.	2,111,250	2,272,200	2,385,810	2,505,100	2,630,350	2,761,860
21	Contingency	0	200,000	200,000	200,000	200,000	200,000
	TOTAL	**30,586,626**	**24,774,912**	**24,275,810**	**26,175,100**	**19,700,350**	**21,731,860**
	Ending Balance	**8,942,930**	**3,819,392**	**6,199,264**	**806,947**	**1,367,715**	**398,596**

Grants/Other Participation

Jenny Lind Road	300,000	300,000	5,300,000	1,000,000	0	0
Texas Road Payback - Developer	123,443	0	0	0	0	0
Garrison Avenue Streetscape	0	0	1,950,000	0	0	0
Car Mart Drainage Culvert	189,476	0	0	0	0	0
CDBG-R Sidewalk - Stimulus	211,943	0	0	0	0	0
Building Permit Fees for Sidewalks	352,057	485,000	150,000	150,000	150,000	150,000
TOTAL	**1,176,919**	**785,000**	**7,400,000**	**1,150,000**	**150,000**	**150,000**

Five Year Capital Improvement Program (2011-2015)
Streets, Bridges and Drainage Sales Tax Funds
and 2011 Sidewalk Program

Descriptions of Selected Projects
September 29, 2010

1. **Overlays and Reconstruction.** The proposed 2011 projects are shown on the attached list and exhibits. The total length of streets to be improved is approximately 11.8 miles. The estimate for the 2011 street overlays and reconstruction projects totals $6.8 million. The total cost shown in 2011 is $8.0 million, which includes $1.2 million in ongoing construction for the 2010 projects. (See pages 4-7)

2. **Drainage Improvements.** The projects identified in the 2011 drainage program include neighborhood drainage improvements in the areas shown on the attached list and exhibits. The total estimated cost for this work is $1,070,000 and includes 5 different locations. The projects are associated with structure flooding or severe maintenance issues. The total cost shown for the neighborhood drainage projects in 2011 is $2.0 million which includes $1.8 million in ongoing construction projects. The design for the 2011 drainage projects will be completed next year followed by construction beginning in late 2011. (See pages 8-10)

3. **Town Branch - Carnall Drainage.** This project is associated with the flooding that occurs in the downtown area and areas just north of downtown. The Town Branch area is a subbasin to the May Branch watershed. In 2010 we are completing a study of the existing storm drainage system and are proposing some solutions to reduce the frequency of flooding in these areas. We anticipate three upcoming projects: heavy cleaning of approximately 1500 feet of storm sewer which will be completed in 2010; relocation of a sanitary sewer line in 2011 which is crossing and causing blockage within the Carnall Avenue storm sewer; and development of stormwater detention basins south of Rogers Avenue in 2011 and 2012 to better utilize the Carnall storm sewer outfall. (See page 11)

4. **Mill Creek Drainage / 28th Street.** This multi-year project includes the rechannelization of Mill Creek from Cavanaugh Road north to South 28th Street. The project also includes replacement of the bridges at both Cavanaugh Road and South 28th Street. South 28th Street is being realigned with Hwy 71 and a traffic signal is being installed at the intersection. Work is ongoing and scheduled for completion in early 2011. (See page 12)

5. **Intersection and Signal Improvements.** The 2011 work includes replacement of the traffic signal poles at the intersections of North 11th Street with both North "A" and "B" Streets. A traffic signal interconnect system is also proposed along Zero Street which will include the intersections of Highway 271, Jenny Lind Road, South 24th, South 31st and the South 36th / I-540 interchange. This will allow coordination of these signals to help improve the traffic flow. (See page 13)

6. **Hwy 45 - Phoenix to Zero.** This project includes widening along Hwy 45 from the Phoenix Avenue intersection to the Zero Street intersection including replacement of the bridge over I-540. The design and construction are by the Arkansas Highway and Transportation Department (AHTD). The estimated project cost is $13.4 million with the City's share at $7.6 million. The AHTD estimates the construction contract will be let in November. The construction is estimated to last 18 to 24 months. (See page 14)

7. **Jenny Lind Road - Zero to Cavanaugh Road.** This project includes improvements to Jenny Lind Road between Zero and Cavanaugh Road. It also includes improvements to Ingersoll Avenue from U.S. Hwy 271 to Jenny Lind and the extension of Ingersoll Avenue from Jenny Lind to U.S. Highway 71B. Preliminary plans are complete and the right of way acquisition process is just beginning. Construction is expected to begin in 2012. Federal funding in the amount of $7.2 million will benefit this project. (See page 15)

10. **Arterial Street Overlays.** This item addresses the resurfacing of some of the major arterial streets. The 2010 projects include the section of Grand Avenue from North 11th Street to just east of North 16th Street which was completed this summer. Also included as a 2010 project is the section of Waldron Road from Rogers Avenue to just north of Gordon Lane. Work on this section is scheduled to begin in the next two to three weeks. Although no arterial street overlays are proposed for 2011, we anticipate additional sections on both Grand Avenue and Waldron Road will require resurfacing in the upcoming years. (See page 16)

11. **May Branch Drainage Project.** This project is to reduce flooding along May Branch from the Arkansas River to Park Avenue. It consists of constructing a drainage channel to replace the existing deteriorated and hydraulically inadequate concrete pipe. The project is currently being designed by the Corps of Engineers. The City is lobbying for federal funding to assist with the project as the total cost is in excess of $30 million. We are currently in communication with the Corps of Engineers to determine if the most downstream section of the project (from approximately N. 7th Street to the river) can be constructed entirely with City funds with the agreement that the City's cost would be credited towards the future cost sharing on the project when federal funds become available. Construction of the lower section would reduce flooding for both the lower May Branch area and the Town Branch sub basin. (See page 11)

12. **Levee Certification and Repair.** This project includes items associated with the levee certification evaluation in accordance with federal design criteria. This includes items to repair the washed out section on the Rice Carden levee, replacement and repair of the floodwall, construction of street closure devices, installation of embankment protection, repair of outlet culverts and pump station repairs. (See page 17)

13. Garrison Avenue Streetscape. This project is continuation of the Garrison Avenue Streetscape along both sides from 9th to Rogers Avenue. It also includes replacement of the traffic signal at Garrison Avenue and Towson Avenue. Construction is expected to begin in early 2011. Federal grants in the amount of $1.95 million will benefit this project. This project will complete the streetscaping along the entire length of Garrison Avenue. (See page 18)

18. Sidewalk Program. The 2011 sidewalk program includes repairing the sidewalks in the locations shown on the attached exhibits. The majority of these locations are in close proximity schools. (See pages 19)

19. FCRA Development. This item includes the extension of Chad Colley Boulevard to Custer Boulevard, associated drainage work and radius improvements at Frontier Road committed as part of the memorandum of agreement for the Mitsubishi Wind Turbine plant. Also proposed is the approximately 2000 foot extension of Chad Colley Boulevard between Custer Boulevard and Massard Road. This final extension will provide a direct route along Chad Colley Boulevard extending over 3 ½ miles from its intersection with Rye Hill Road to Zero Street. (See page 20)

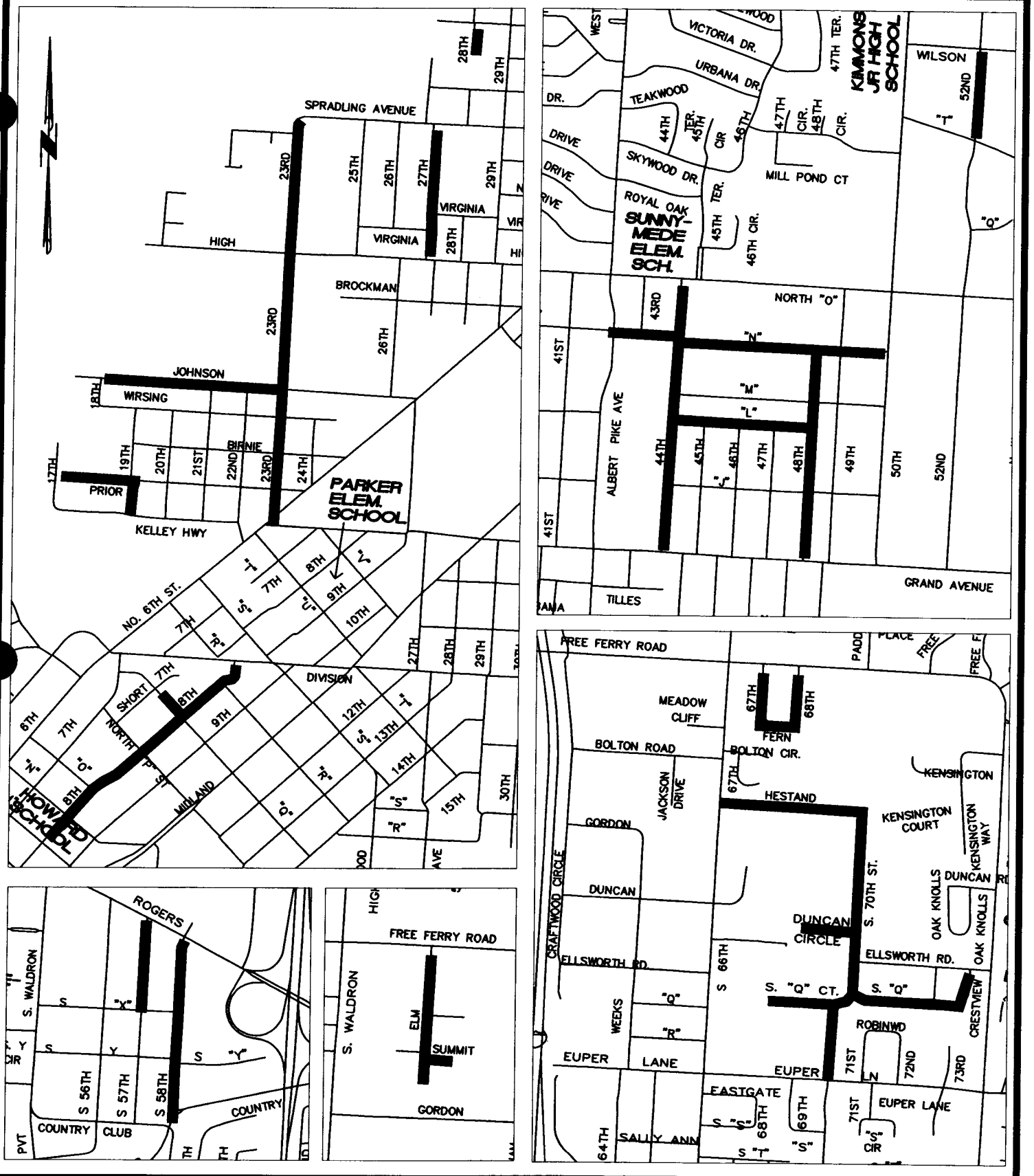
2011 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION

STREET	FROM	TO	LENGTH	COST
19TH ST.	KELLEY HWY.	PRYOR AVE.	334	$30,060.00
PRYOR AVE.	17TH ST.	19TH ST.	700	$59,500.00
28TH ST.	END OF ROAD	NEIS ST.	301	$22,575.00
5TH ST.	SOUTH I ST.	END OF ROAD	597	$59,700.00
SOUTH H ST.	4TH ST.	5TH ST.	341	$27,280.00
ROBERTS BLVD.	AHTD ROW	CEMETERY DRIVEWAY	2505	$375,750.00
JOLIET AVE.	32ND TER.	35TH TER.	1142	$154,170.00
JACKSON ST.	END OF ROAD	MASSARD RD.	550	$74,250.00
BURROUGH RD.	US HWY. 71	ST HWY. 45	2514	$477,660.00
JOHNSON ST.	18TH ST.	23RD ST.	1678	$137,220.00
8TH ST.	NORTH M ST.	DIVISION ST.	2564	$333,765.00
9TH ST.	DODSON AVE.	SOUTH I ST.	920	$73,600.00
23RD ST.	6TH ST.	SPRADLING AVE.	4085	$413,365.00
5TH ST.	SOUTH B ST.	SOUTH E ST.	1051	$110,355.00
67TH LN.	FERN ST.	FREE FERRY RD.	601	$81,135.00
68TH LN.	FERN ST.	FREE FERRY RD.	596	$80,460.00
FERN ST.	67TH LN.	68TH LN.	186	$25,110.00
44TH ST.	GRAND AVE.	NORTH O ST.	2667	$240,030.00
48TH ST.	GRAND AVE.	NORTH N ST.	2067	$180,700.00
NORTH N ST.	ALBERT PIKE AVE.	50TH ST.	2656	$258,720.00
NORTH L ST.	44TH ST.	48TH ST.	1317	$118,530.00
NORTH D ST.	25TH ST.	BELLE AVE.	349	$47,115.00
12TH ST.	DODSON AVE.	SOUTH S ST.	2980	$277,660.00
21ST ST.	PHOENIX AVE.	LOUISVILLE ST.	1311	$137,655.00
SOUTH S ST.	GREENWOOD AVE.	OLD GREENWOOD RD.	1412	$137,280.00
27TH ST.	HIGH ST.	SPRADLING ST.	1327	$119,430.00
32ND ST.	SAVANNAH ST.	QUINCY ST.	597	$65,670.00
SOUTH W ST.	17TH ST.	JENNY LIND RD.	881	$87,225.00
SOUTH X ST.	16TH ST.	JENNY LIND RD.	1227	$110,430.00
SOUTH Y ST.	16TH ST.	17TH ST.	349	$31,410.00
SOUTH Z ST.	16TH ST.	17TH ST.	351	$31,590.00
16TH ST.	BOSTON ST.	SOUTH W ST.	2100	$178,540.00
16TH ST.	DODSON AVE.	SOUTH I ST.	702	$70,200.00
ELM ST.	FREE FERRY RD.	END OF ROAD	1316	$105,280.00
SUMMIT ST.	ELM ST.	END OF ROAD	265	$21,200.00
UTICA ST.	28TH ST.	END OF ROAD	747	$67,230.00
52ND ST.	NORTH T ST.	WILSON RD.	901	$108,120.00
HESTAND LN.	66TH ST.	70TH ST.	1338	$120,420.00
70TH ST.	EUPER LN.	HESTAND LN.	2548	$343,980.00
DUNCAN CR.	70TH ST.	END OF ROAD	536	$72,360.00
SOUTH Q CT.	70TH ST.	END OF ROAD	825	$111,375.00
SOUTH Q ST.	70TH ST.	CRESTVIEW LN.	778	$105,030.00
CRESTVIEW LN.	SOUTH Q ST.	ELLSWORTH RD.	319	$43,065.00
NORTH Q ST.	SHORT 7TH ST.	8TH ST.	352	$24,640.00
57TH ST.	SOUTH X ST.	ROGERS AVE.	899	$80,910.00
58TH ST.	COUNTRY CLUB AVE.	ROGERS AVE.	1796	$232,790.00
KELLEY BALLFIELDS DRIVE	SOUTH O ST.	SOUTH S ST.	1304	$169,520.00
CAVANAUGH RD.	JENNY LIND RD.	US HWY. 71	3769	$433,435.00
41ST ST.	ROGERS AVE.	MILLER LN.	410	$30,750.00
MILLER LN.	ALBERT PIKE AVE.	END OF ROAD	738	$55,350.00
FREE FERRY LN.	ALBERT PIKE AVE.	END OF ROAD	591	$79,785.00

TOTAL FOR 2011 STREET OVERLAYS/RECONSTRUCTION PROGRAM $6,833,380.00

BALANCE OF 2010 PROJECTS CURRENTLY UNDERCONSTRUCTION $1,247,794.00

TOTAL $8,081,174.00



2011 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

Project:	2011 OVERLAYS
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR
Page:	5

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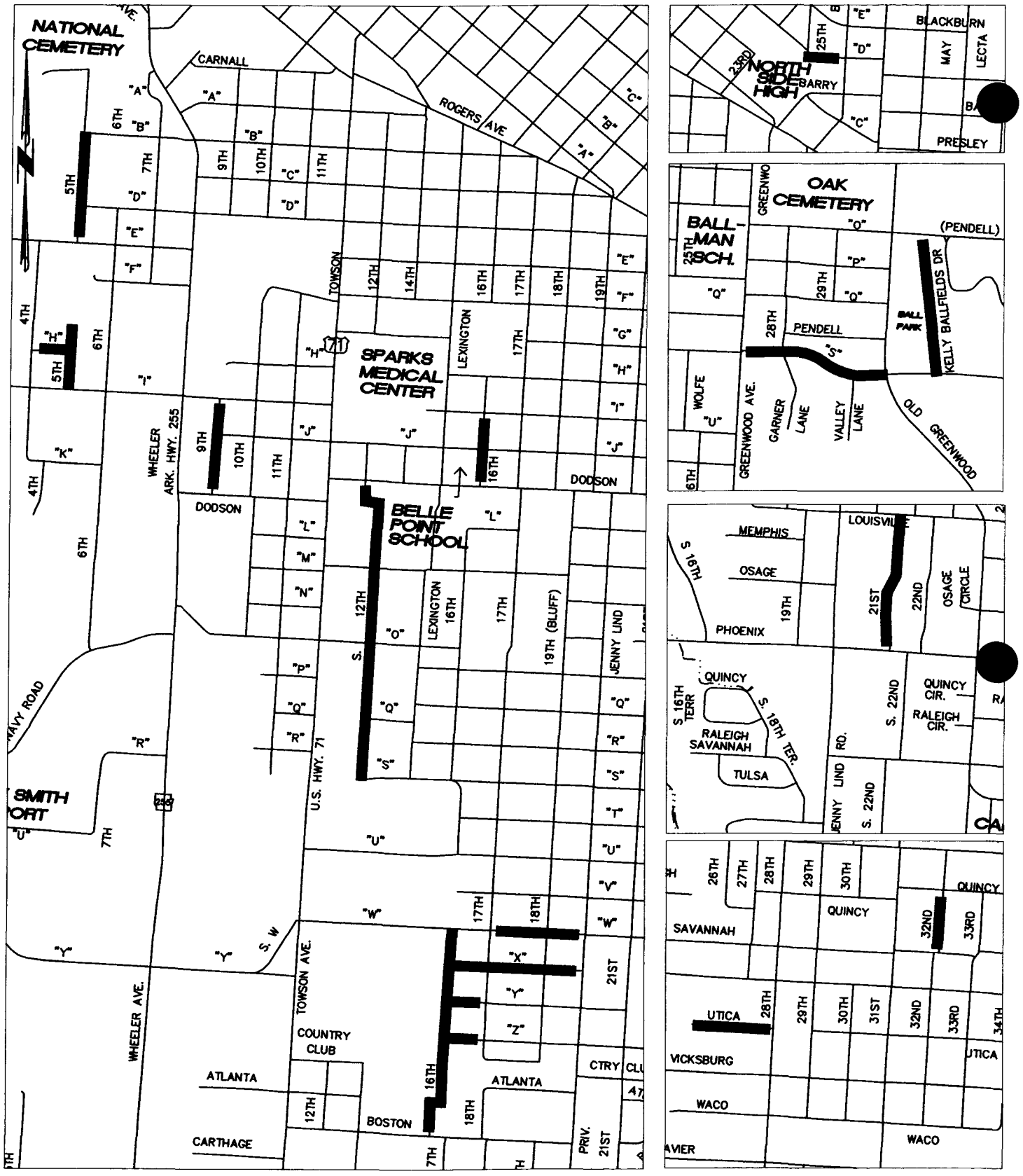

2011 CAPITAL IMPROVEMENTS PROGRAM

STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

Project:	2011 OVERLAYS
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR
Page:	6

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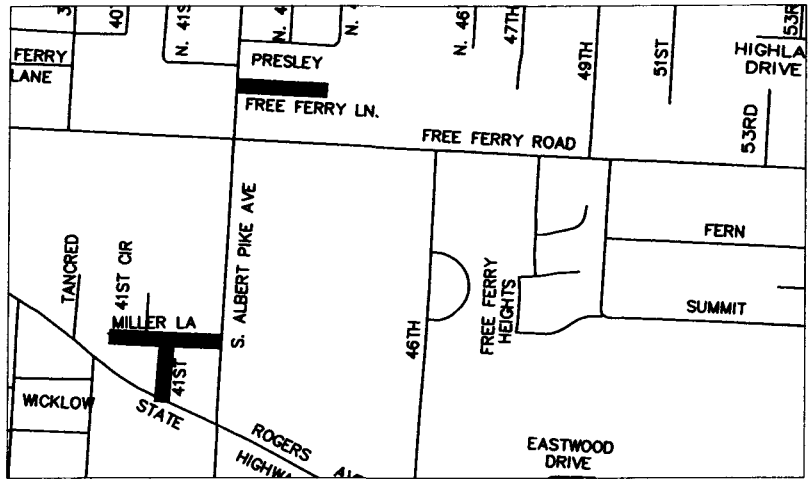
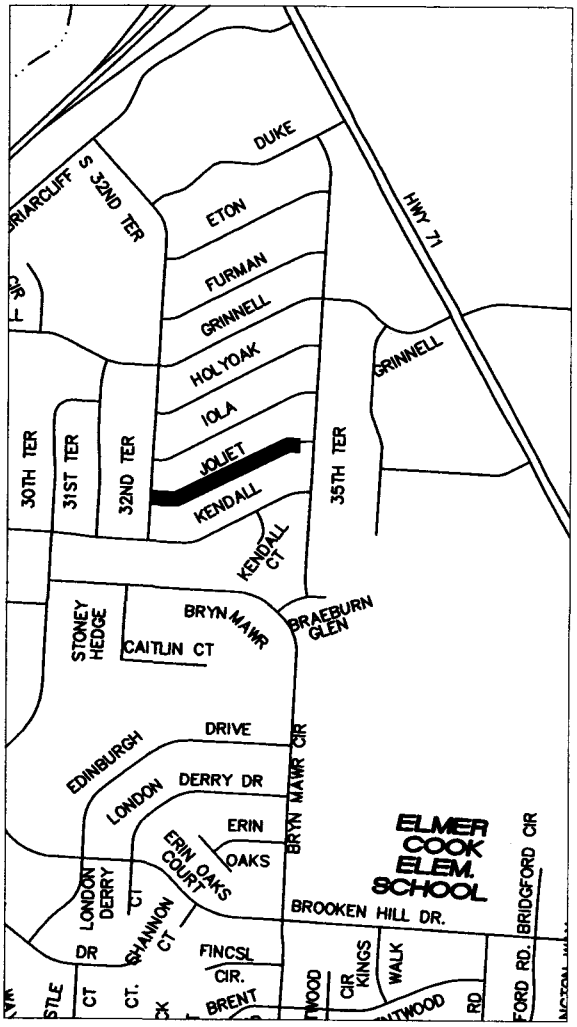
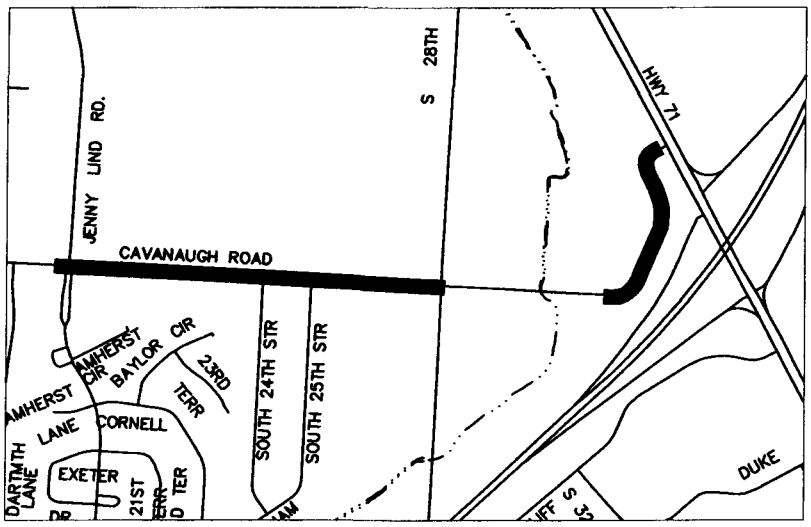
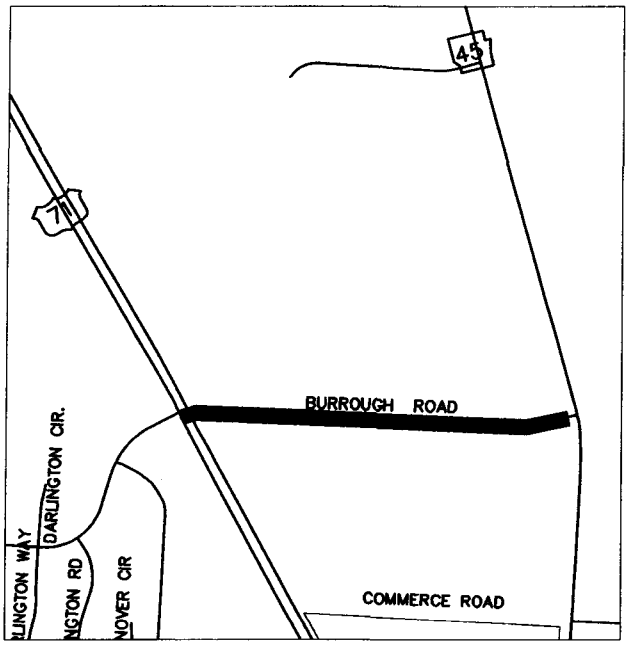
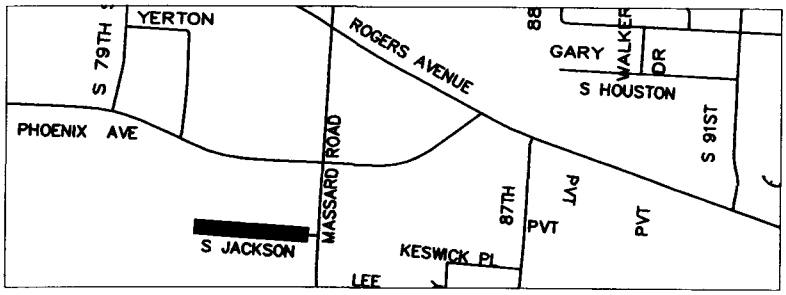
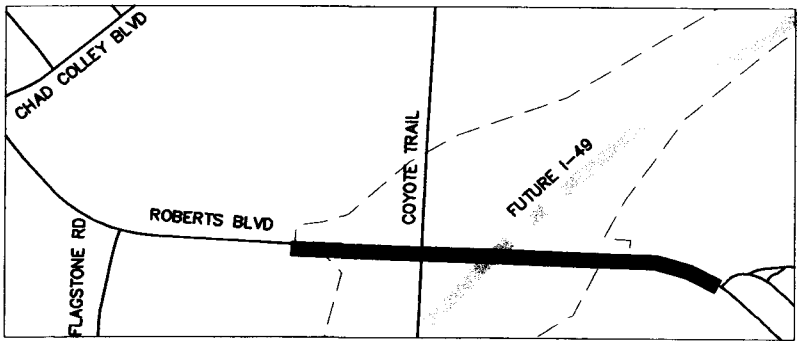












2011 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION

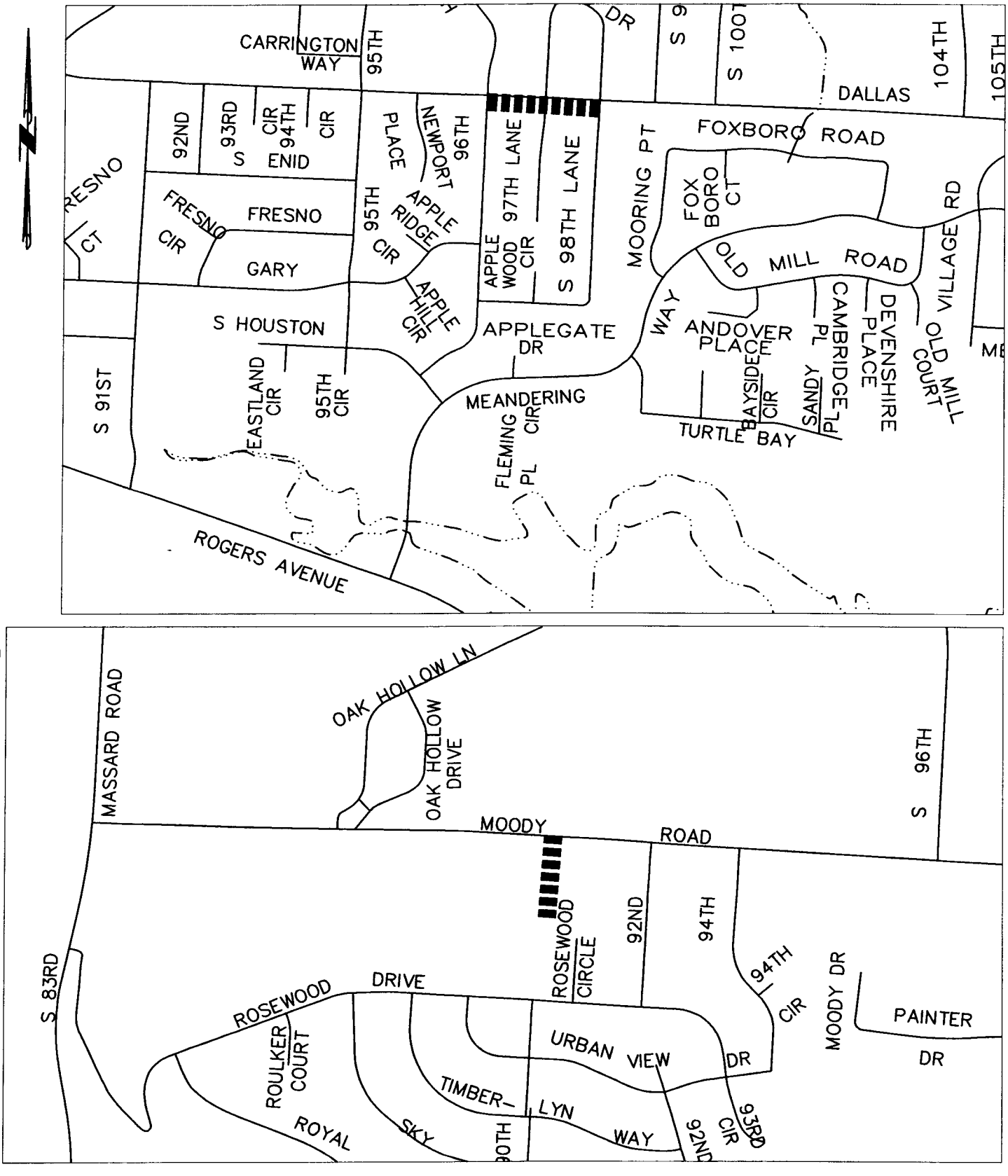
The City of Fort Smith ARKANSAS

Project:	2011 OVERLAYS
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

G:\DRAWINGS\CIP\00-00 CIPALL\2011\CIPALL 2011 OVERALL.DWG 09/23/10-14:33 RBR ST EX3

2011 Neighborhood Drainage Projects

Project		Estimated Cost
South Dallas 96th to 98th Street This project will pipe some large ditches along Dallas Street to fill in the gap left by two other recent projects. The ditches currently hold water and we have received numerous complaints about the deteriorated condition of the ditches.	$	100,000
9014 Moody Road This project will add pipe and a concrete channel to connect a gap between existing public drainage facilities. The residence experiences severe yard flooding and it is a threat to flooding his house.	$	70,000
Channel between Utica and Tulsa Streets This project will replace a badly eroded channel with some box culvert and channel with stabilized sides. Fences and structures along the channel are starting to fall into the channel due to erosion.	$	500,000
Rowe Avenue One house is experiencing flooding and others are threatened by the floodwaters due to an undersized pipe under the railroad tracks. The drainage needs to be diverted to a channel further north down the tracks. In order to build the necessary channel the acquisition of the structure that floods may be necessary.	$	250,000
4201 Windsor Drive The Union Christian Academy school is experiencing flooding in some classrooms. This project will add piping and grading to increase the conveyance to the south.	$	150,000
Total	$	1,070,000



2011 CAPITAL IMPROVEMENTS PROGRAM

DRAINAGE IMPROVEMENTS

The City of Fort Smith ARKANSAS

Project:	2011 DRAINAGE
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR Page: 9

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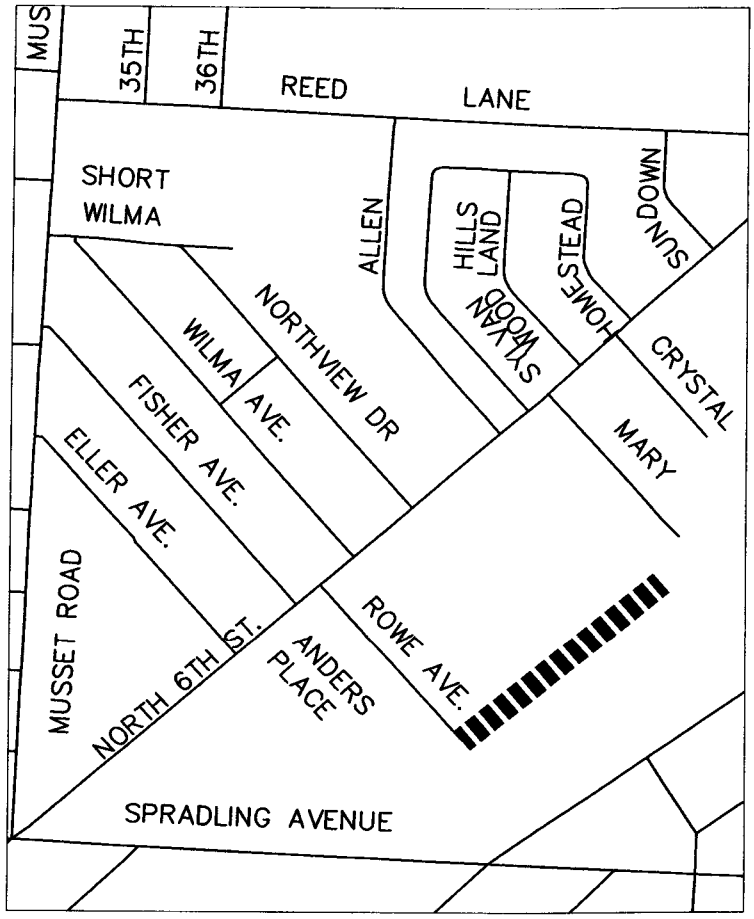

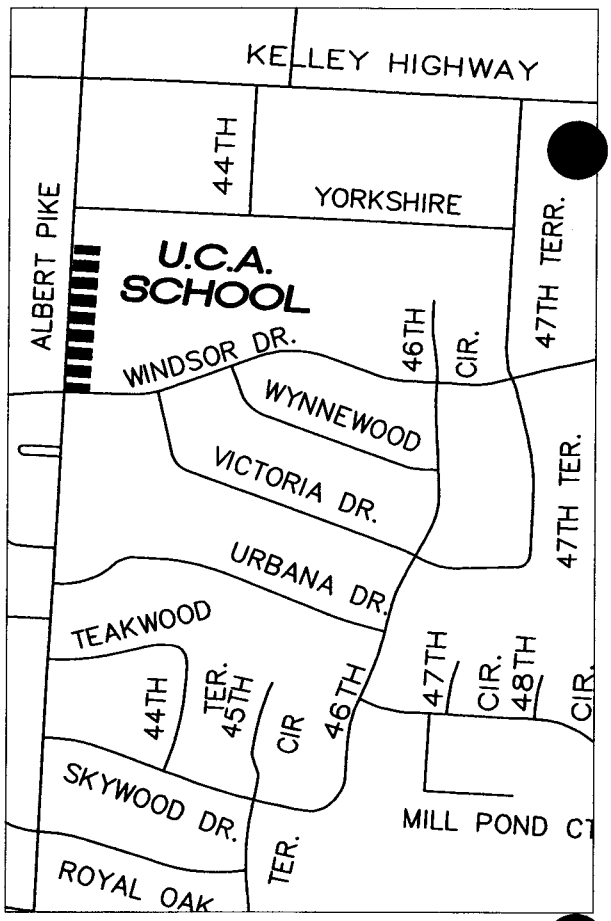

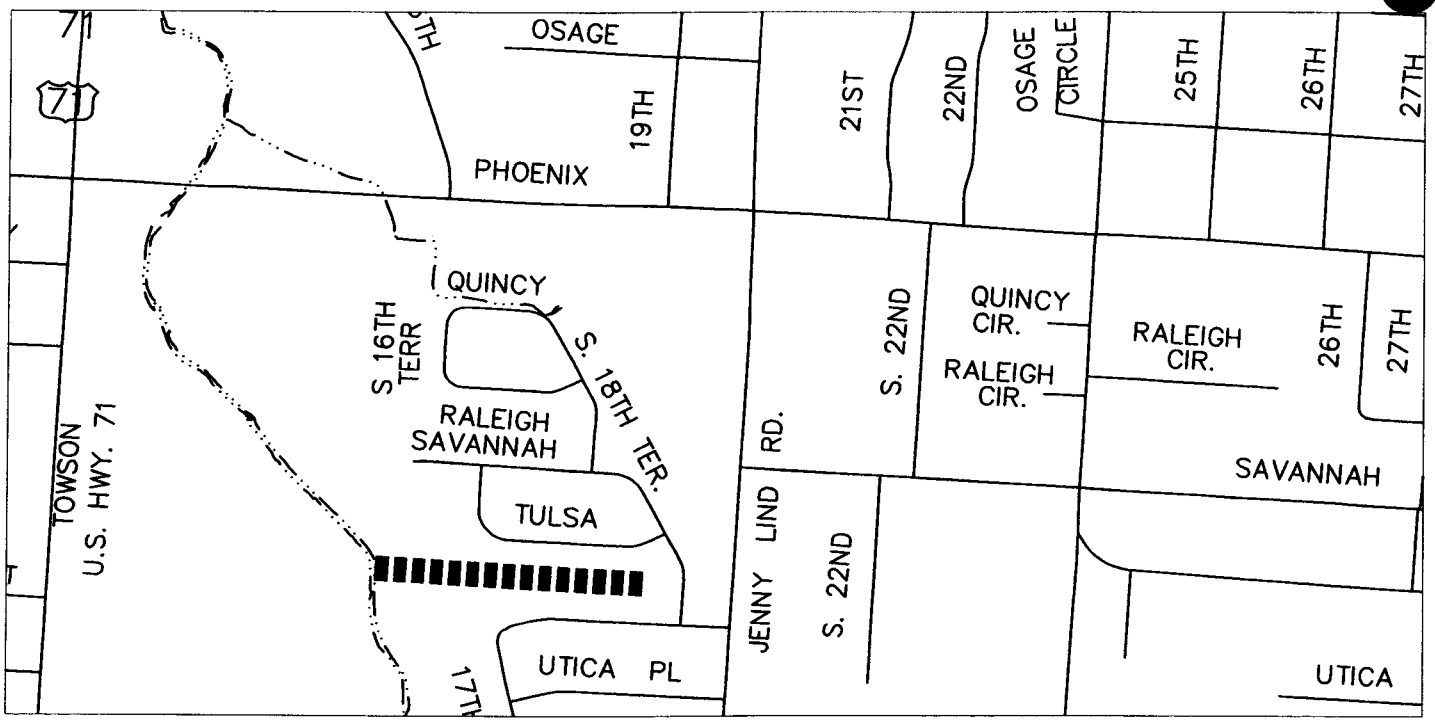

2011 CAPITAL IMPROVEMENTS PROGRAM

DRAINAGE IMPROVEMENTS

The City of Fort Smith ARKANSAS

Project:	2011 DRAINAGE
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

Page: 10

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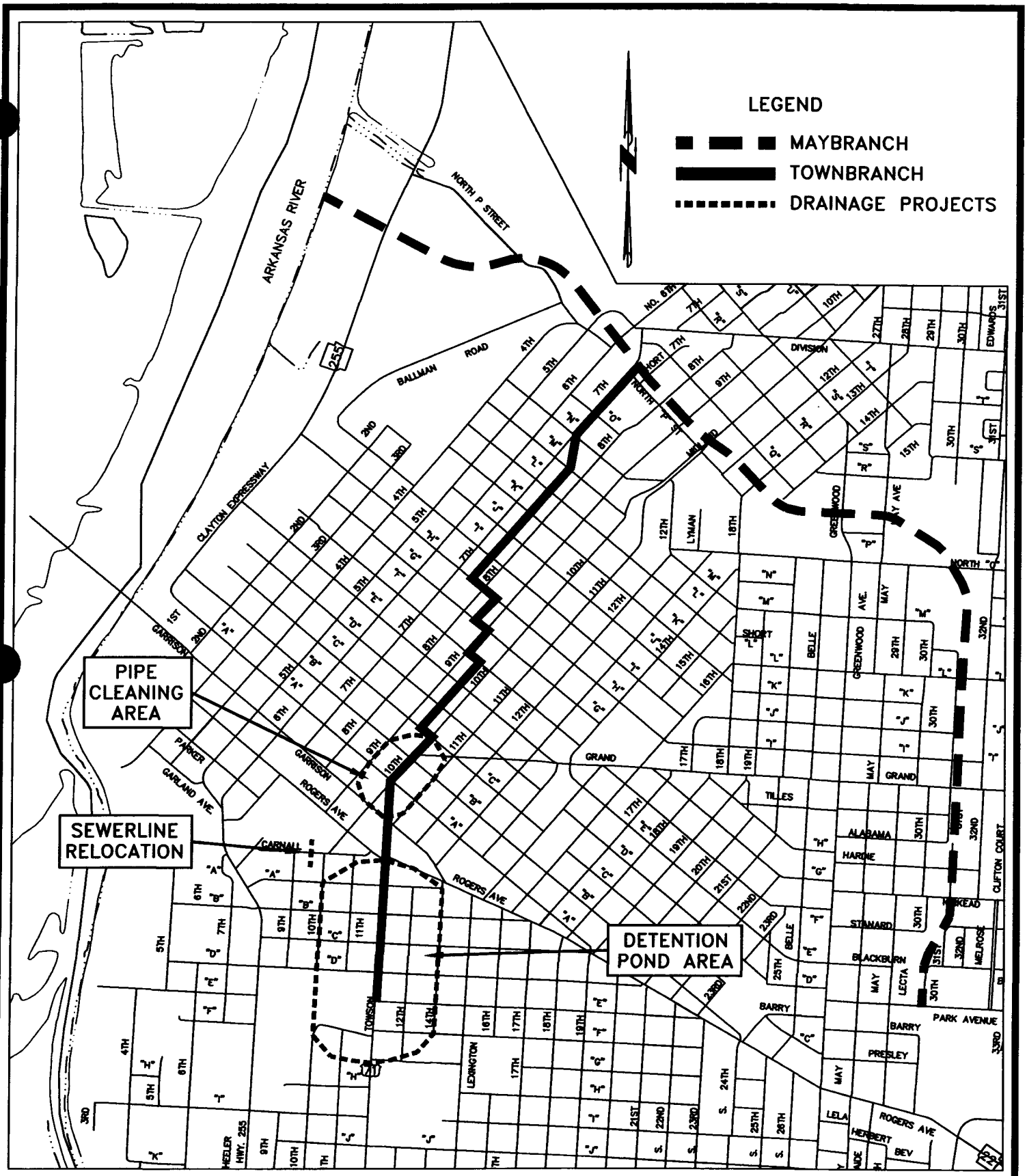

2011 CAPITAL IMPROVEMENTS PROGRAM

DRAINAGE IMPROVEMENTS

MAYBRANCH & TOWN BRANCH

The City of Fort Smith ARKANSAS

Project:	2011 DRAINAGE
Date:	DEC. 2010
Scale:	NONE
Drawn By:	RBR
Page:	11

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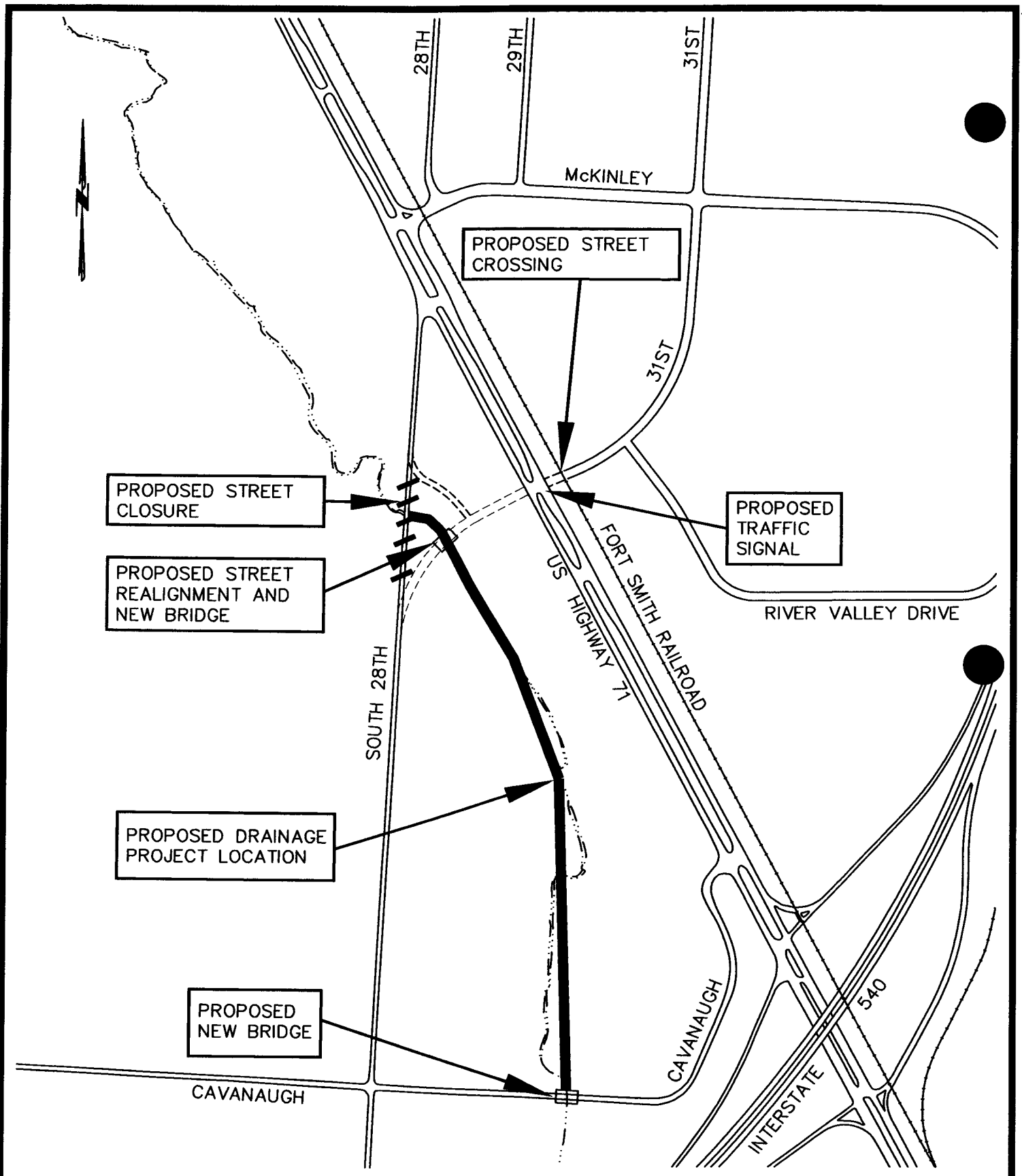

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2011 CAPITAL IMPROVEMENTS PROGRAM

MILL CREEK/28TH ST.

DRAINAGE IMPROVEMENTS

The City of Fort Smith ARKANSAS

Project:	05-06-C
Date:	SEPT. 2010
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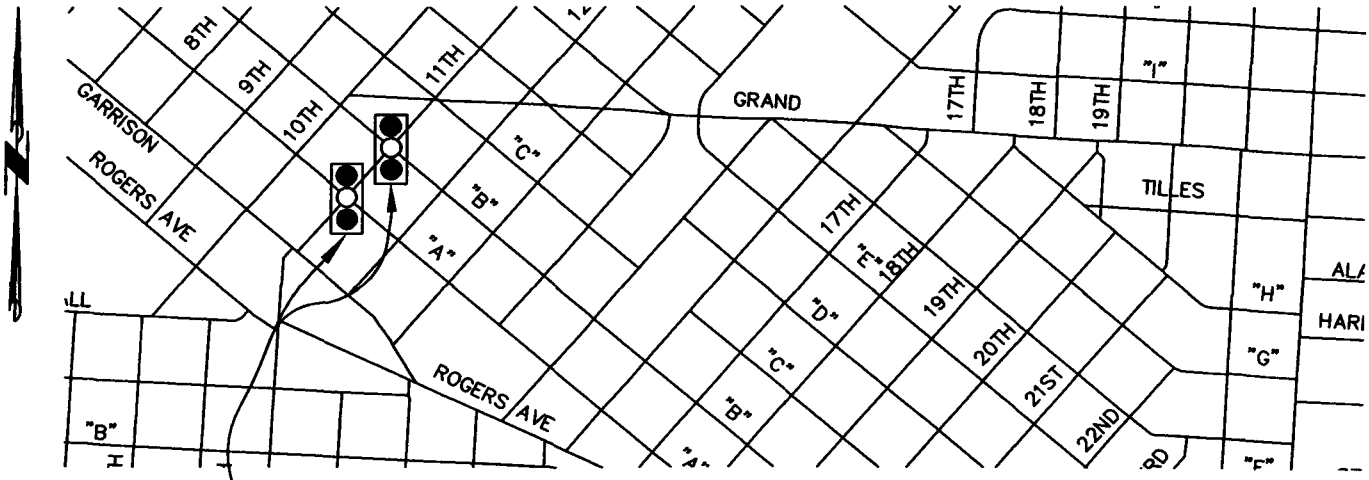
Drawn By:	RBR



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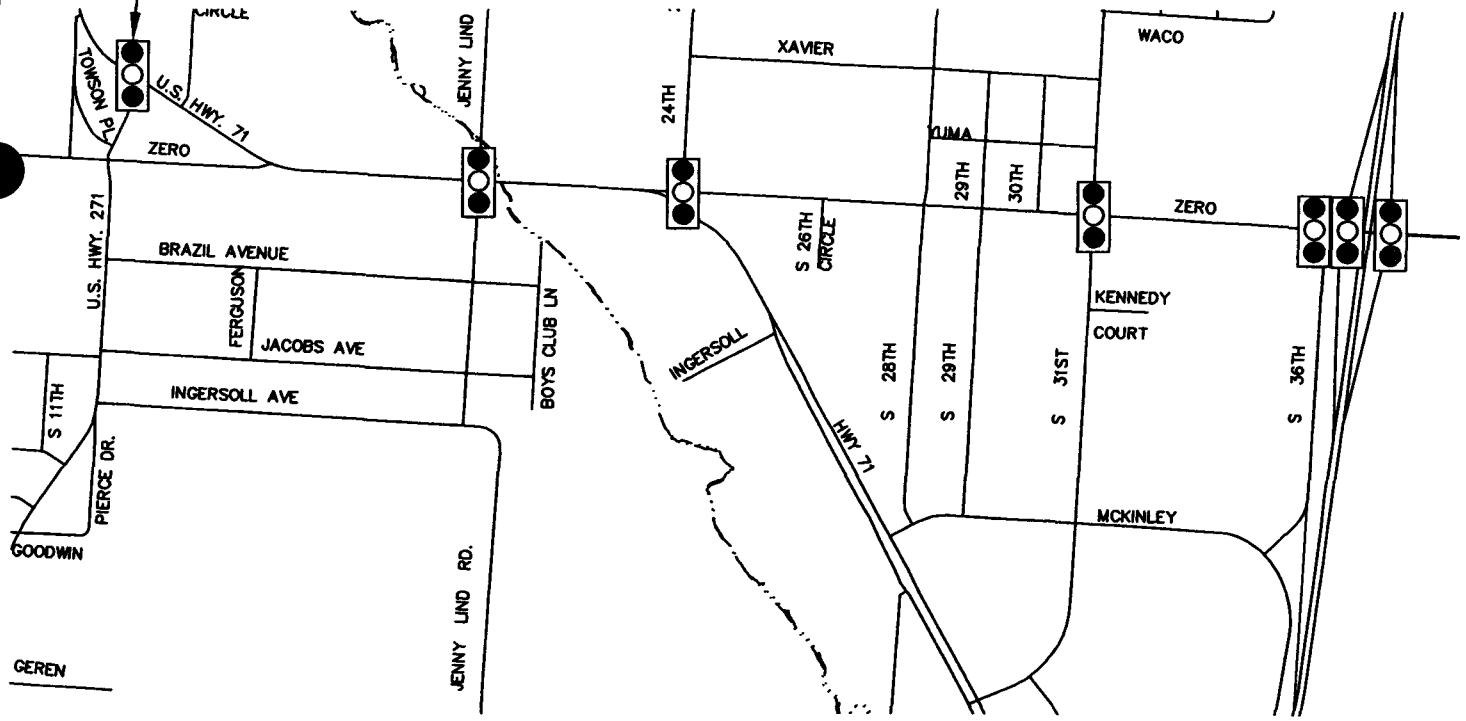

PROPOSED
SIGNAL
INTRECONNECT

2011 CAPITAL IMPROVEMENTS PROGRAM

SIGNAL IMPROVEMENTS

The City of Fort Smith ARKANSAS

Project:	10-09-A
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

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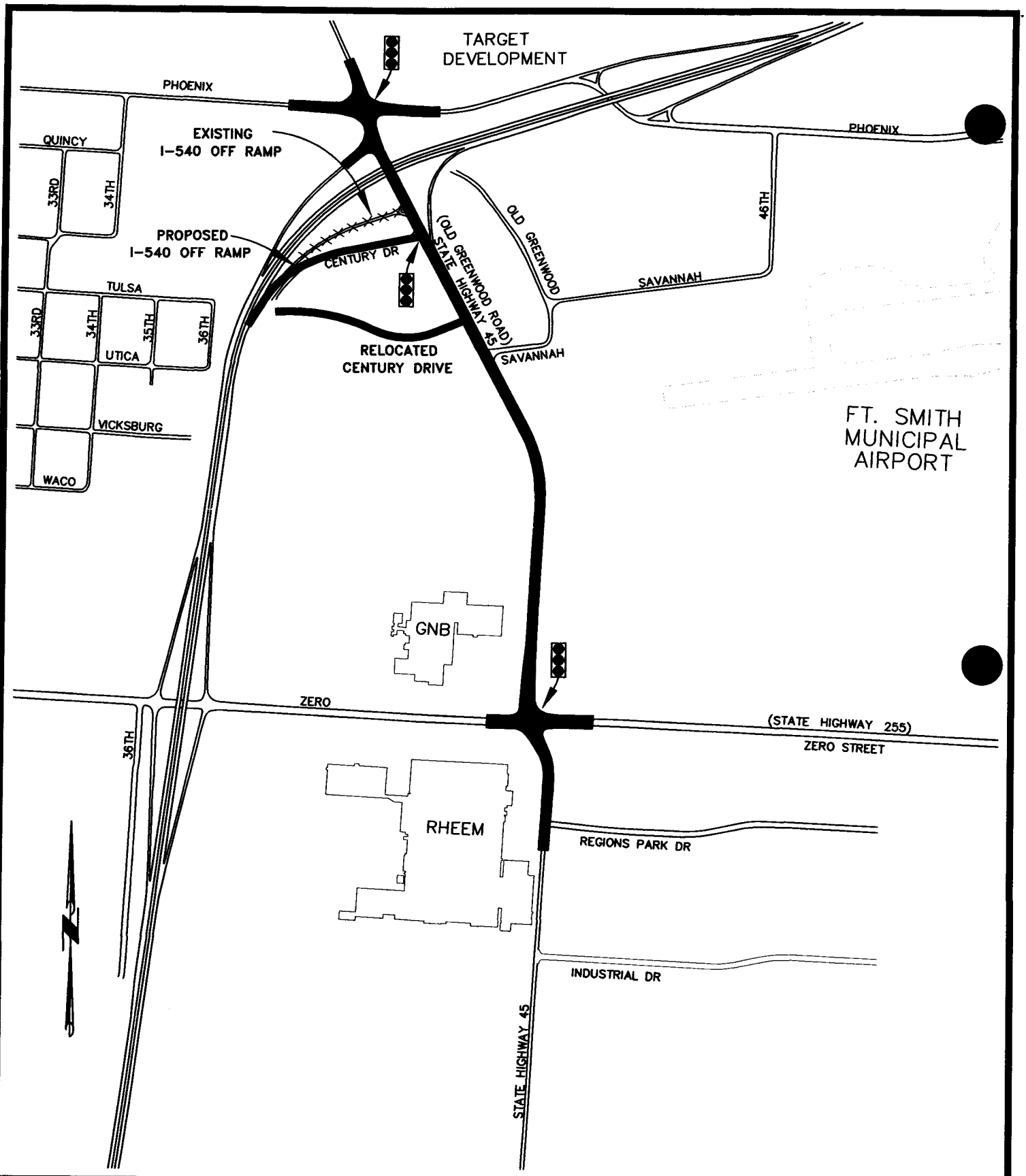

EXHIBIT

RBR

09/23/10-11:09

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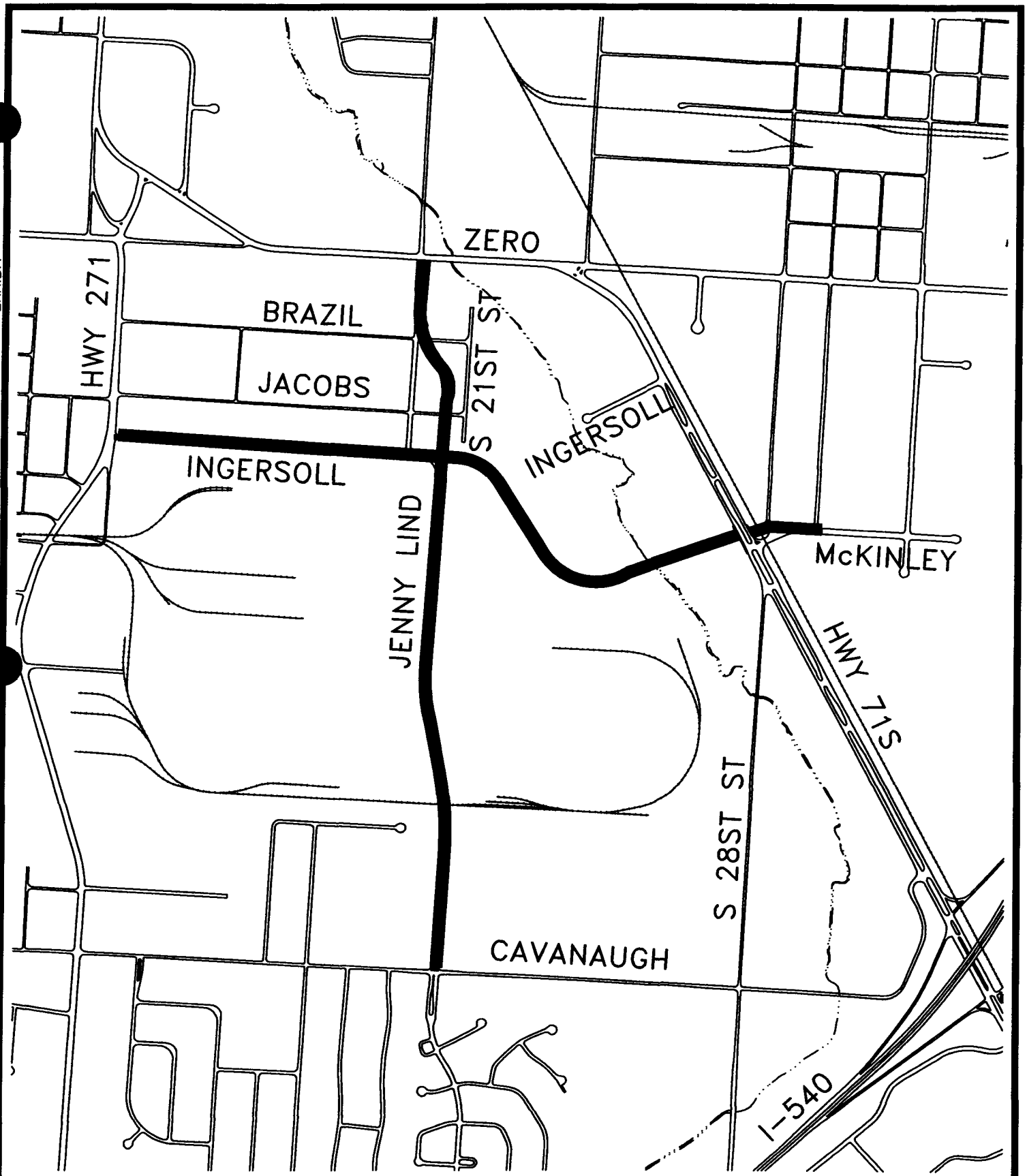
2011 CAPITAL IMPROVEMENTS PROGRAM AHTD PROJECT 040238 ARKANSAS HWY 45 FORT SMITH, ARKANSAS	The City of Fort Smith ARKANSAS

Project:	08-01-A
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR Page: 14



EXHIBIT

RBR

09/23/10-11:08

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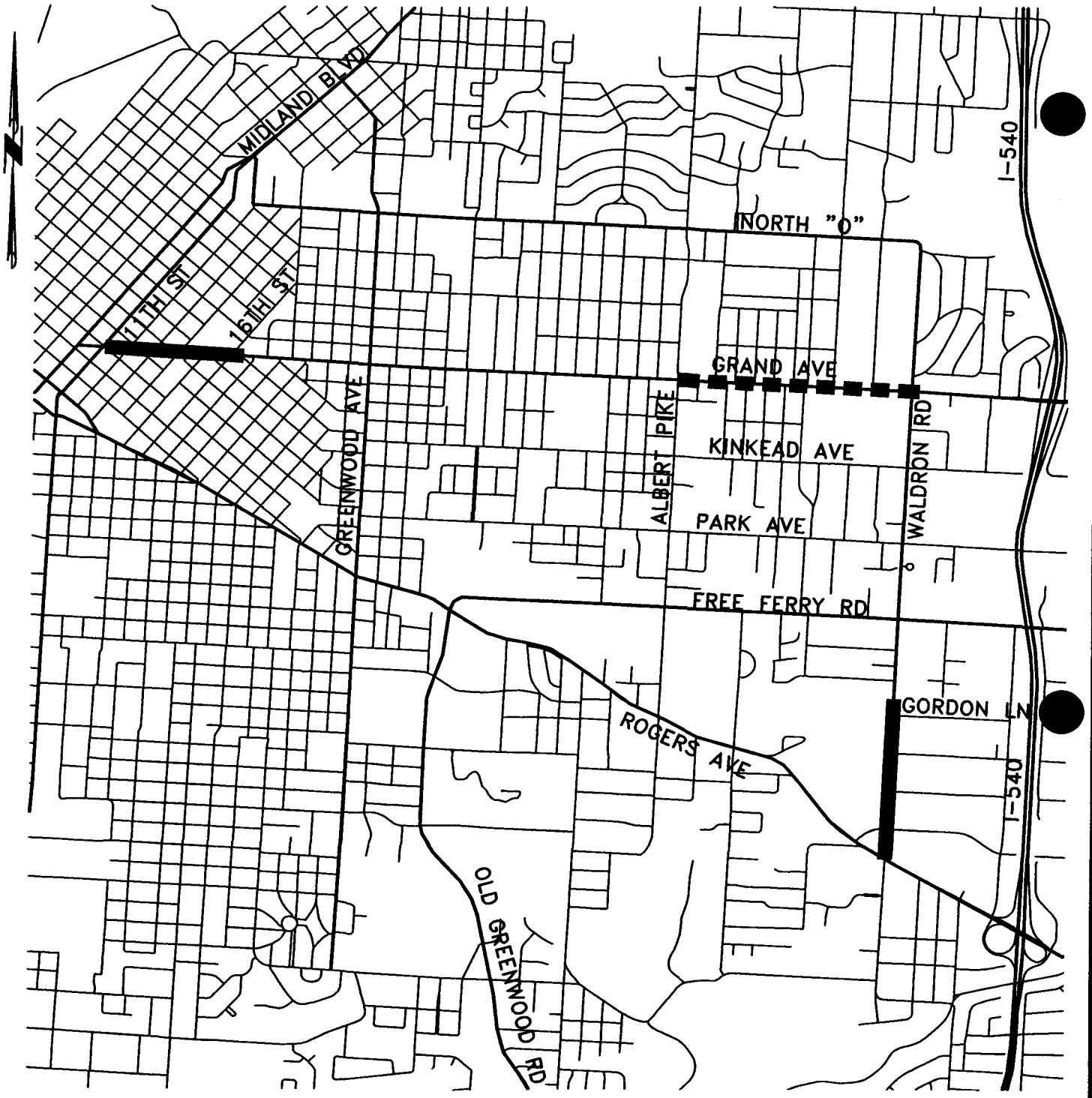
2011 CAPITAL IMPROVEMENTS PROGRAM

JENNY LIND

ZERO STREET TO CAVANAUGH ROAD

The City of Fort Smith ARKANSAS

Project:	
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR PAGE: 15



2011 CAPITAL IMPROVEMENTS PROGRAM

ARTERIAL OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

Project:	
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

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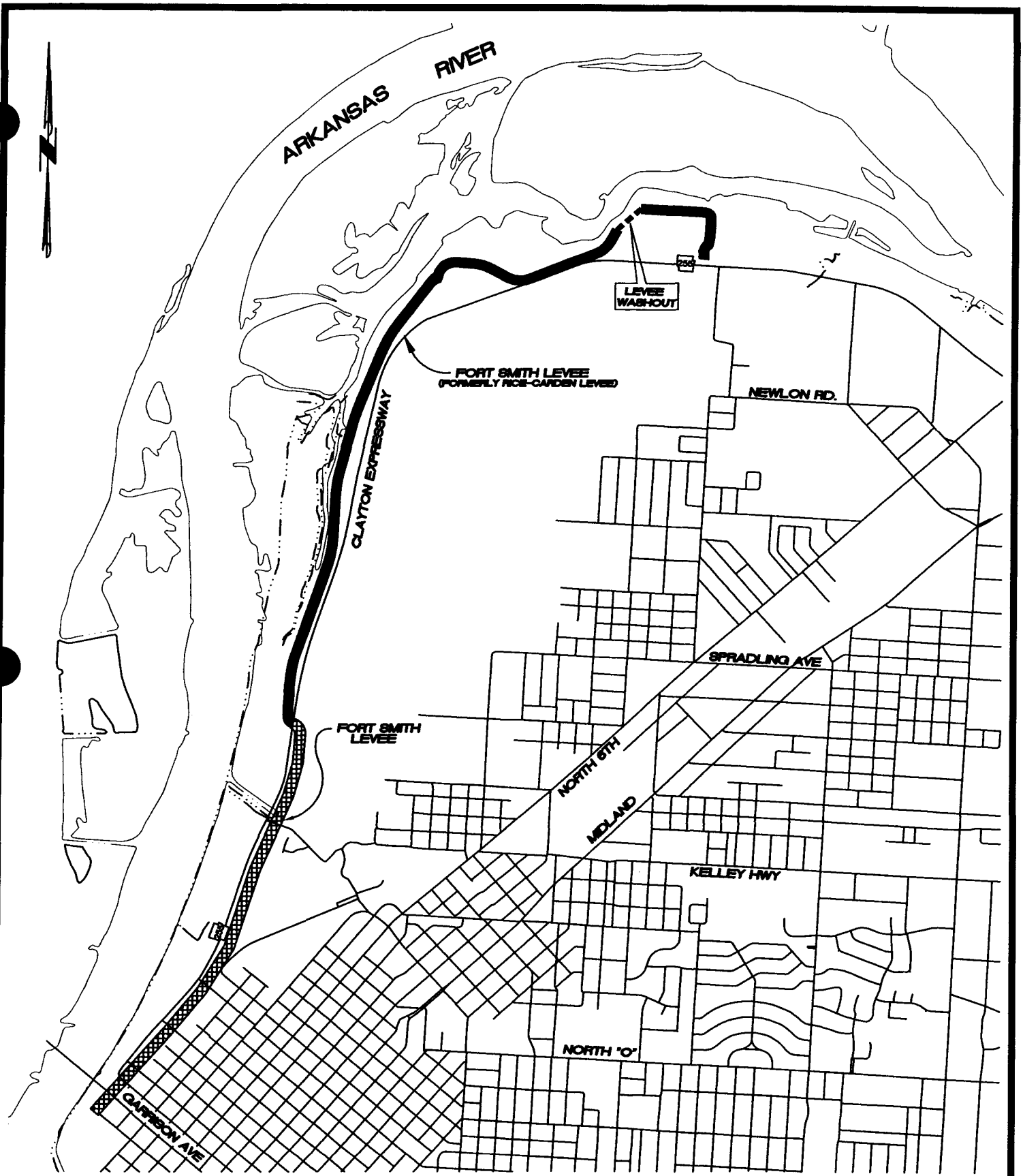

2011 CAPITAL IMPROVEMENTS PROGRAM
LEVEE CERTIFICATION & REPAIR
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR Page: 17

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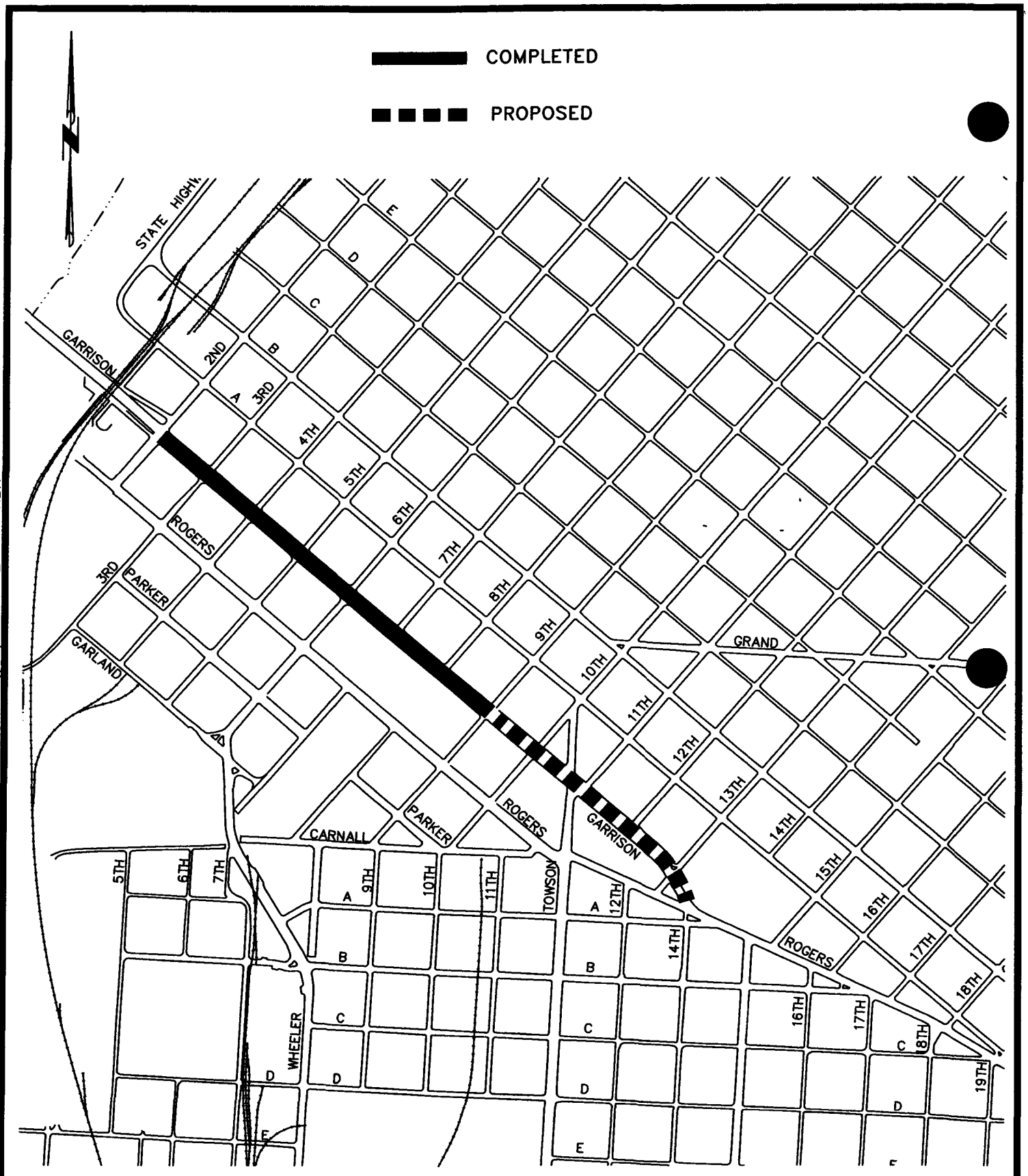

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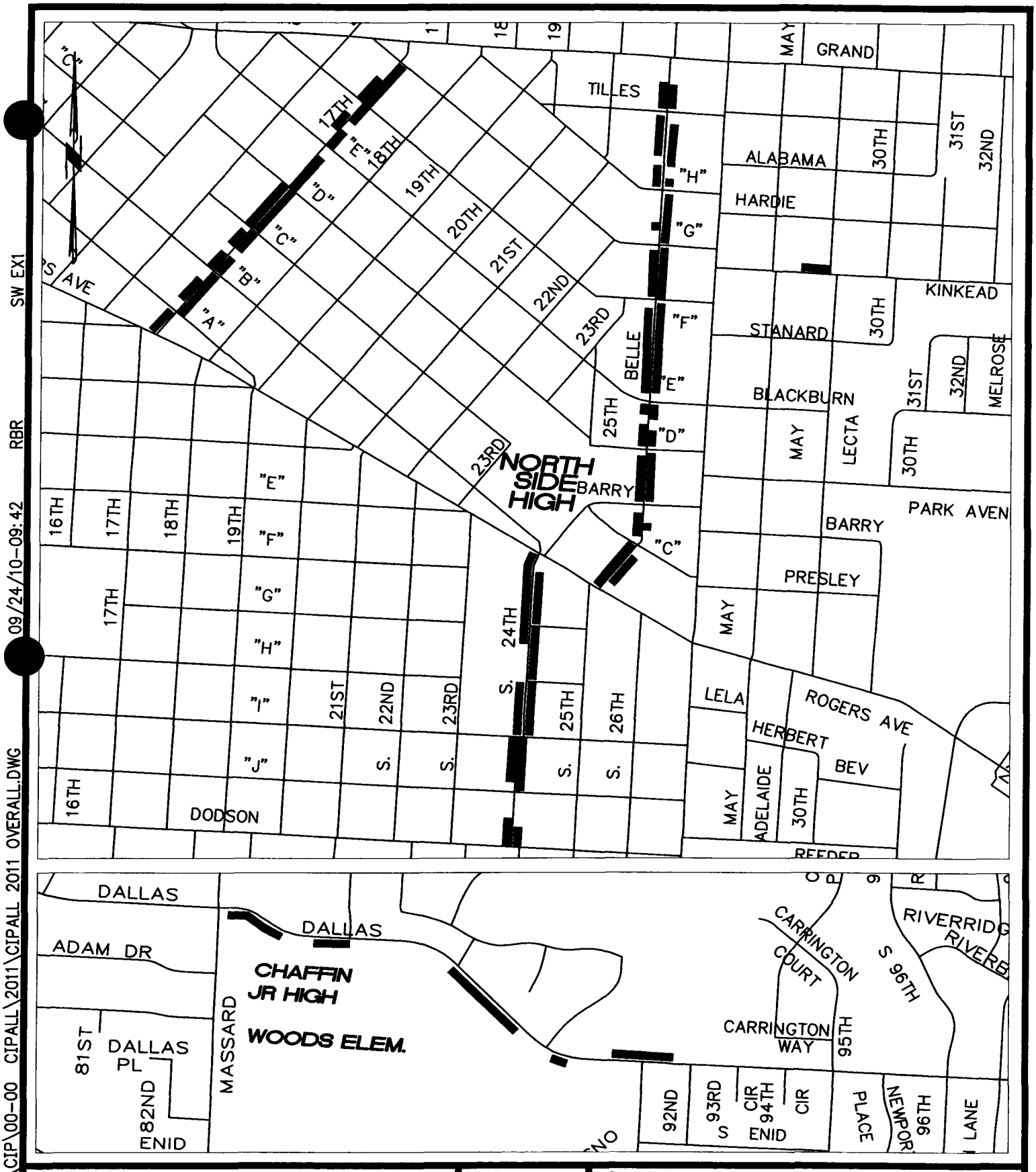
2011 CAPITAL IMPROVEMENTS PROGRAM	Project:
GARRISON STREETSCAPE	Date: SEPT. 2010
FORT SMITH, ARKANSAS	Scale: N/A
The City of Fort Smith ARKANSAS	Drawn By: RBR Page: 18



2011 CAPITAL IMPROVEMENTS PROGRAM

SIDEWALK IMPROVEMENTS

The City of Fort Smith ARKANSAS

Project:	2011 SIDEWALKS
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

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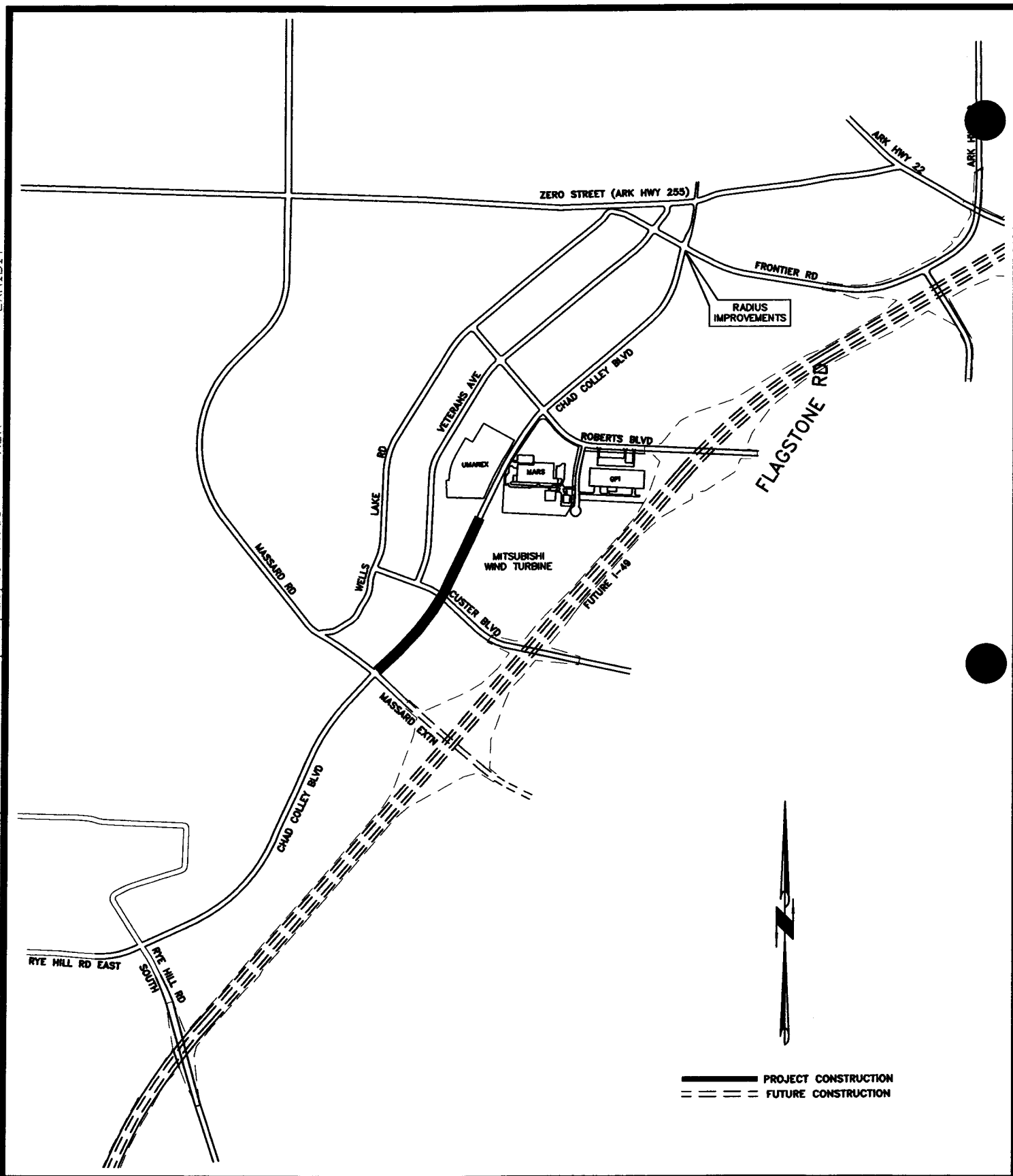

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FCRA DEVELOPMENT
CHAD COLLEY EXTENSION
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	10-00-A
Date:	SEPT 2010
Scale:	NONE
Drawn By:	RBR Page: 20

5A.

ORDINANCE NO. _____

AN ORDINANCE FIXING THE RATE OF AND LEVYING FIVE (5.0) MILLS UPON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF FORT SMITH, ARKANSAS FOR THE YEAR 2010 FOR GENERAL PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The rate of taxation of all real and personal property in the City of Fort Smith, Arkansas, for the year 2010 for general purposes under the authority of Section 4, Article 12 of the Constitution of 1874 of the State of Arkansas is hereby fixed at five (5.0) mills on the dollar of assessed valuation of all taxable real and personal property subject to taxation in the City of Fort Smith, Arkansas.

SECTION 2: The City Clerk is hereby directed to transmit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected as required by law.

PASSED AND APPROVED this 5th day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form
JSC
Publish 1 time

5B.

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY TO BE USED FOR MAINTENANCE OF A PUBLIC-CITY LIBRARY PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 30 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2010 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into a fund to be used for the maintenance of the Fort Smith Public-City Library.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith as are now levied and collected and that the proceeds of such tax shall be segregated by the City Directors and used only for the purpose of maintenance of a Public-City Library.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected together with other taxes.

PASSED AND APPROVED this 5th day of October, 2010.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form
JSC
Publish 1 time

5C.

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR POLICE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2010 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Police Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

PASSED AND APPROVED this 5th day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form
JPC
Publish 1 time

5D.

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR FIRE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2010 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Fire Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

PASSED AND APPROVED this 5th day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form
481
Publish 1 time

MEMORANDUM
September 30, 2010

TO: Dennis Kelly, City Administrator

FROM: Cindy Remler, City Clerk CR

RE: Millage Ordinances

The attached ordinances represent the City's annual levy of eight mills from all taxable real and personal property in Fort Smith for the year 2010 (to be collected in 2011), and are described as follows:

Category	Millage
City General	5
Public Library	1
Fire Retirement & Pension	1
Police Retirement & Pension	1

There are no changes to the current millage rates. Upon approval, the ordinances will be submitted to the Sebastian County Clerk for presenting to the Quorum Court at their November meeting (when millage for all cities in Sebastian County is considered).

If there are any questions, please let me know.

c: Kara Bushkuhl, Director of Finance

6A.

ORDINANCE NO. _____

AN ORDINANCE TO ABANDON A PORTION OF A PUBLIC UTILITY EASEMENT LOCATED IN HENDRICKS CIRCLE ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, THAT:

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to the public utility easement located in the hereinafter described real property:

Part of Lot 6, Hendricks Circle Addition, an Addition to the City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southwest corner of said Lot 6; thence S89° 57' 15" E, along the south line thereof, 25.97 feet; thence N 00° 02' 45"E, leaving said south line of Lot 6, 6.43 feet to the point of beginning; thence N 13° 05' 47" E 3.67 feet; thence S89° 57' 15" E 13.09 feet; thence S 26° 30' 10" E 26.91 feet; thence N 76° 36' 35" W 10.00 feet; thence N 13° 58' 06" E 8.74 feet; thence N 26° 30" 10" W 6.60 feet; thence N 76° 01' 54" W 15.84 feet to the point of beginning, containing 154.55 square feet, more or less, being subject to public road rights-of-way and any easements of record, according to a survey by Anderson Surveying Inc. P.L.S. #1272, Job #10-08-35

The portion of the public utility easement being released, vacated and abandoned is no longer required for municipal corporate purposes.

Approved as to form
JC
No publication required

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS _____ DAY OF OCTOBER 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Memo

To: Denny Kelly, City Administrator

From: Wally Bailey, Director of Development Services

Date: 9/30/2010

Re: Request for Abandonment of Public Utility Easement – 3714-3716 Hendricks Circle

We have received a request from Linsey Yates with Ramona Roberts Realtors. Ms. Yates is a representative for Sherrie Thompson-McAllister, to abandon a portion of a public utility easement at the above-referenced address. Ms. Yates's application requesting the abandonment and a survey showing the area to be abandoned are enclosed. (See Exhibits A and B). The abandonment is requested to facilitate the sale of the residence.

This is an older duplex structure with a portion of it built on a utility easement. This problem was recently discovered as the property was being prepared for sale.

In response to this petition, the Planning Department contacted the franchise utility companies and the appropriate city departments regarding any ongoing or future interests within the easement. No objections were received. OG&E and AT&T have facililities in the easement but do not object to the proposed abandonment.

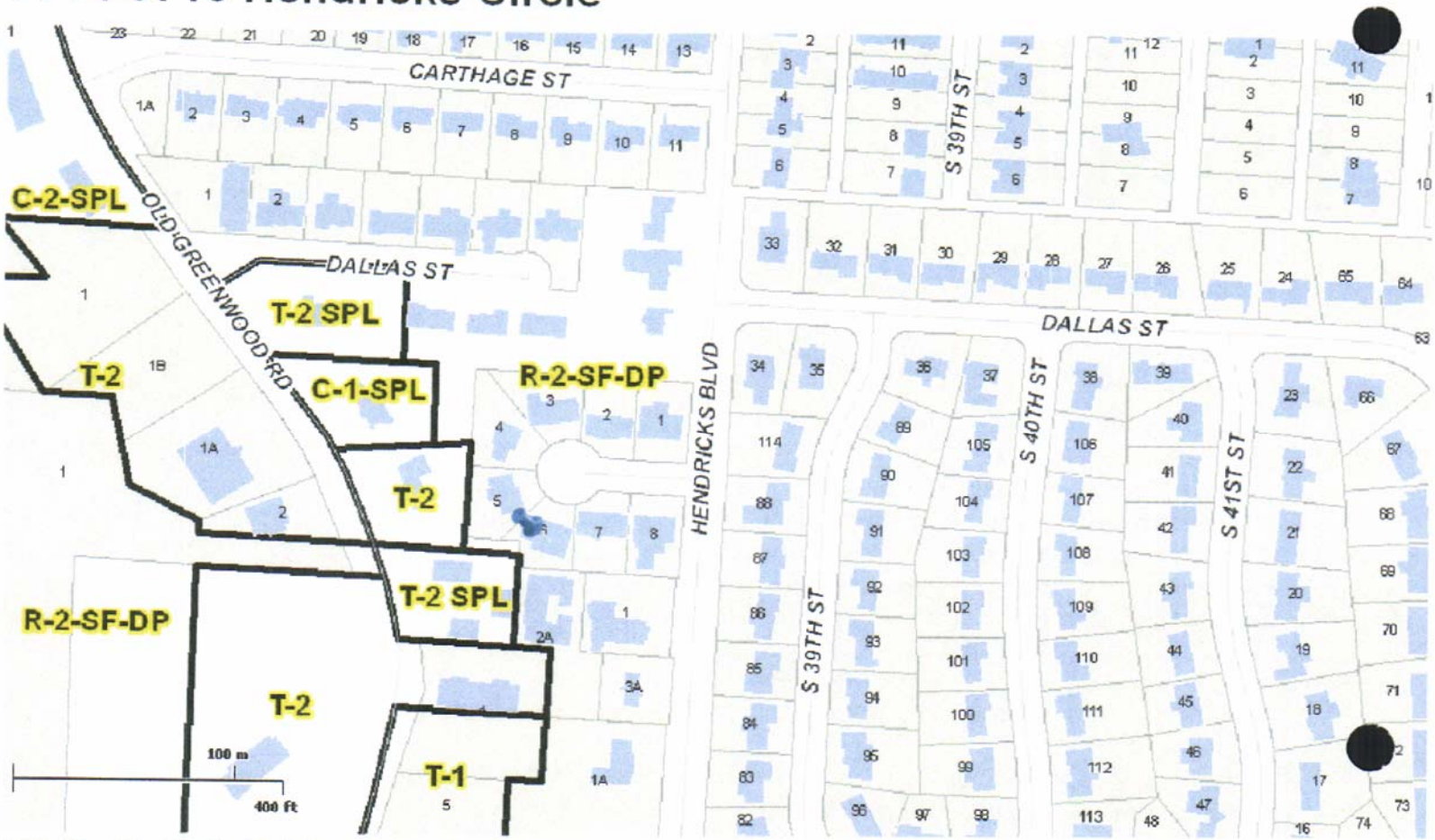
Enclosed for the Board's consideration is an ordinance authorizing the abandonment of a portion of the easement.

If you have any questions regarding this matter, please do not hesitate to contact me.

Enc.

VICINITY MAP

3714-3716 Hendricks Circle



2009 City of Fort Smith, AR. Printed on Wed Sep 29 2010 09:00:49 AM.

City Clerk EXHIBIT A
FILED 9/28/10
S. Gard

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY, ALLEY OR PUBLIC EASEMENT

APPLICATION:

Indicate one contact person for application: _____ Applicant X Representative

Applicant (owner)

Name: STM'Allister Trustee

Address: 1861 E 15 Tulsa OK 74104

Telephone Number: 918 747400

E-Mail: _____

Representative (engineer, attorney, realtor, etc)

Name: LINSEY YATES

Address: 3500 Old Greenwood Rd Fort Smith AR 72903

Telephone Number: 479 648 8000

E-Mail: leyates1@aol.com

Site Address/Location: 3714-3716 HENDRICKS CIRCLE FortSmith AR 72903

Legal Description of area to be vacated (attach separate sheet if necessary): Hendricks Circle, 6 AND E8 LOT 5, LOT 6 AND E8 LOT 5

Assessor's Parcel Number for Subject Property: 13585-0006-00000-00

Reason for Request: 10' UTILITY EASEMENT GOING THROUGH THE STRUCTURE ON THE PROPERT

Current Status of Right-of-Way Development: Easement is utilized by OG&E and AT&T

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

I understand that if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. No action will be taken by the Board of Directors on an abandonment request until said easement is on file with the city or until staff and/or franchisees have determined that no utility easement is necessary.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) STMcAllister

Signature: STMcAllister Date: 9/13/2010

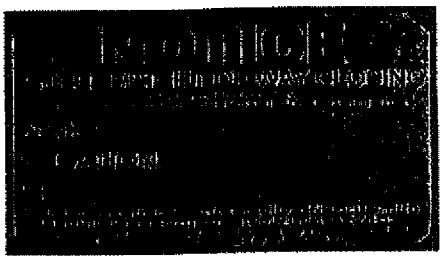
Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

Application Checklist:

- ☐ A list from the Sebastian County Assessor's Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. ***(County Assessor is located in Room 107 of the Sebastian County Courthouse).***
- ☐ Abstractor's Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- ☐ Petition with signatures of all abutting property owners
- ☒ Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- ☒ Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- ☒ Application Fee of $150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



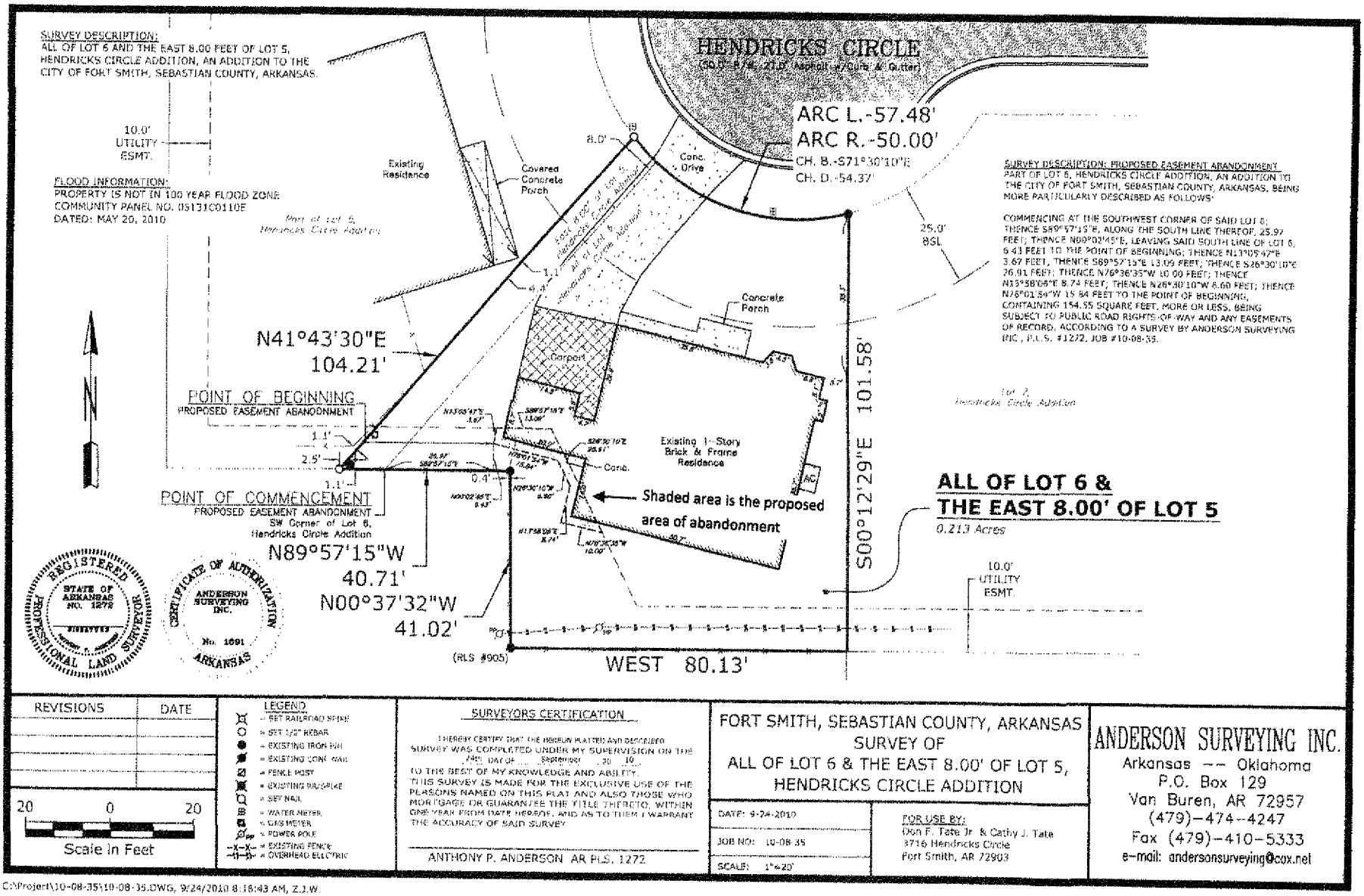
AUTHORIZATION OF AGENT

If an agent 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 LINSEY YATES to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. STM°Allister TRUSTEE 1861 EAST 15th ST TULSA OK 74103	STM°ALLISTER TRUSTEE
2.	
3.	
4.	



REVISIONS	DATE

20 0 20
Scale in Feet

LEGEND
- = SET RAILROAD SPIKE
- = SET 1/2" REBAR
- = EXISTING IRON PIN
- = EXISTING CONC. MAR
- = FENCE POST
- = EXISTING RR SPIKE
- = SET NAIL
- = WATER METER
- = GAS METER
- = POWER POLE
- = EXISTING FENCE
- = OVERHEAD ELECTRIC

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE HEREIN PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 24th DAY OF September, 20 10, TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR P.L.S. 1272

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
ALL OF LOT 6 & THE EAST 8.00' OF LOT 5,
HENDRICKS CIRCLE ADDITION

DATE: 9-24-2010
JOB NO: 10-08-35
SCALE: 1"=20'

FOR USE BY:
Don F. Tate Jr. & Cathy J. Tate
8716 Hendricks Circle
Fort Smith, AR 72903

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

C:\Project\10-08-35\10-08-35.DWG, 9/24/2010 8:18:43 AM, Z.J.W.

EXHIBIT B

6B

RESOLUTION _____

A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE CONTRACT FOR THE TOWN BRANCH STORM SEWER AND MANHOLE CLEANING PROJECT NO. 10-06-C

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Ace Pipe Cleaning, Inc., received September 21, 2010, for the Town Branch Storm Sewer and Manhole Cleaning, Project No. 10-06-C, in the amount of $208,400.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Ace Pipe Cleaning, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

☑ No Publication Required
☐ Publish ____ Times

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: September 28, 2010

SUBJECT: Town Branch Storm Sewer & Manhole Cleaning
Project No. 10-06-C

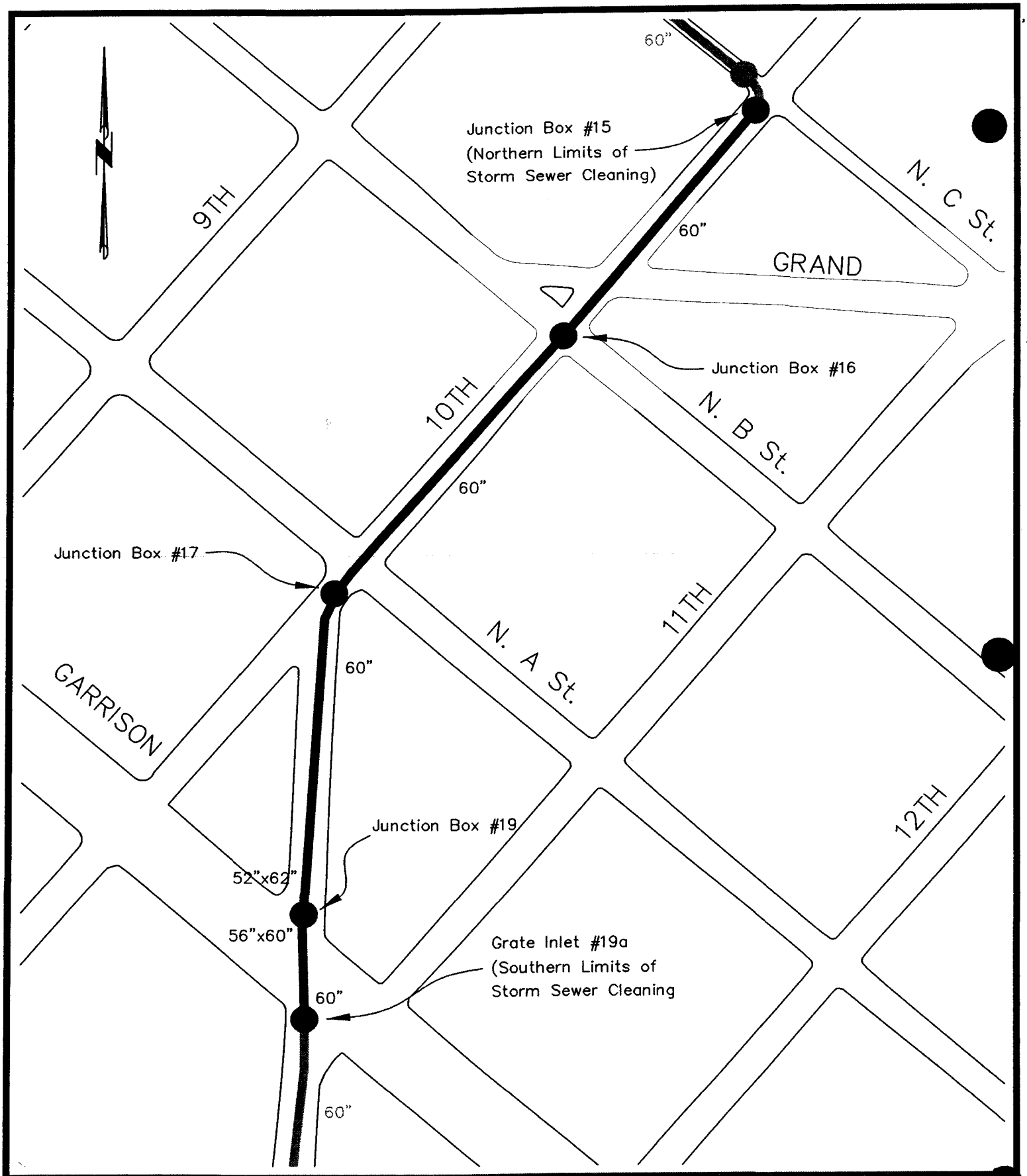
The above subject project includes heavy cleaning of approximately 1,350 linear feet of the Town Branch storm sewer as shown on the attached exhibit. The section of storm sewer to be cleaned was constructed of brick in the 1890's, is approximately 60" in diameter, and has approximately 1/3 to 1/2 of its cross-sectional area blocked by impacted sediment and debris. Cleaning this section of pipe is one of the recommendations made in the Town Branch Drainage Study by Camp, Dresser, & McKee, Inc. (CDM) in order to improve the drainage in the Town Branch watershed.

Construction plans and specifications were prepared by the City of Fort Smith Engineering Department. An advertisement was published and bids were received on September 21, 2010. Five contractors requested plans and specifications and two bids were received which are summarized as follows:

CONTRACTOR	TOTAL AMOUNT
Ace Pipe Cleaning, Inc. Kansas City, MO	$208,490.00
Arkansas Cleaning & Televising, LLC Little Rock, AR	$237,750.00

I recommend that the lowest bid be accepted and that the contract be awarded to Ace Pipe Cleaning, Inc. The estimated notice to proceed date for this contract is November 1, 2010. Based on the contract duration of 30 days, the estimated completion date would be December 1, 2010.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).



TOWN BRANCH STORM SEWER
& MANHOLE CLEANING PROJECT
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	10-06-C
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	MAM

6C

RESOLUTION NO._____

A RESOLUTION AUTHORIZING APPRAISAL SERVICES AGREEMENT FOR RIGHT OF WAY ACQUISITIONS JENNY LIND ROAD & INGERSOLL AVENUE WIDENING AHTD JOB NO. 040471, CITY PROJECT NO. 07-01-A 2010 SALES TAX PROGRAM

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The Mayor is authorized to execute an Appraisal Services Agreement with Artex Appraisal Services for right-of-way acquisition appraisals, Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, in the amount not to exceed $51,800.00.

SECTION 2: Payment for appraisal services authorized by Section 1 is hereby authorized from Sales Tax Fund (1105).

This Resolution adopted this _____ day of October, 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

☐ No Publication Required
☐ Publish ____ Times

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: September 28, 2010

SUBJECT: Jenny Lind Road & Ingersoll Avenue Widening
AHTD Job No. 040471, City Project No. 07-01-A

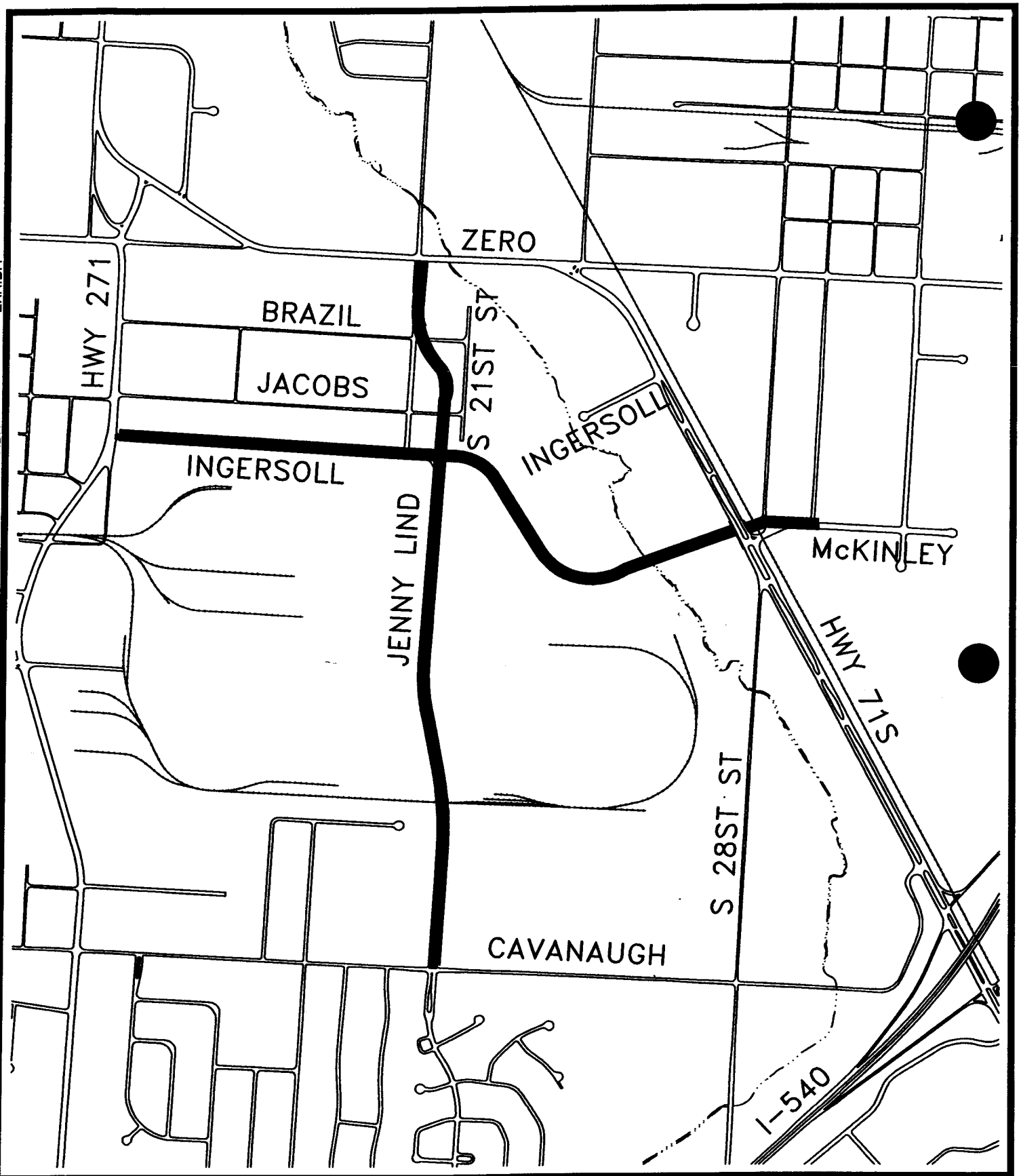
This project includes widening Jenny Lind Road from a 2-lane road to a 5-lane road between Cavanaugh Road and Zero Street. The project also includes widening Ingersoll Avenue from a 2-lane road to a 3-lane road between Highway 271 and Jenny Lind Road and extending Ingersoll Avenue from Jenny Lind Road to Highway 71. The design phase of the project is currently underway with plan reviews and utility design coordination. At this time, right-of-way appraisals are needed to start the acquisition process. We estimate right-of-way acquisition from 61 parcels will be required.

Staff requested appraisal service proposals from the appraisal firms with Statement of Qualifications on file with the City's 2010 Professional Services list. Proposals were received from the following four firms:

APPRAISER	TOTAL AMOUNT
Artex Appraisal Services of Walnut, AR	$51,800
Fidelity Appraisal Services of Springdale, AR	$65,325
CALMO Realty Services, Inc. of Fort Smith, AR	$80,325
RGB Appraisal, LLC of Cabot, AR	$130,400

Staff reviewed the proposals with consideration given to: (1) the fees proposed, (2) the reputation and experience of the company in providing appraisals similar in scope to those proposed, and (3) the ability of the company to complete the project in a timely fashion. Staff recommends that the proposal from Artex Appraisal Services in the amount of $51,800 be accepted.

Funds are available in the Sales Tax Fund (1105) for the agreement. I recommend that the Resolution be accepted by the Board at the next regular meeting.



EXHIBIT

RBR 09/23/10-11:08

C:\City of Ft Smith\Engineering\Snodgrass\Jenny Lind\Zero to Cavanaugh.dwg

2011 CAPITAL IMPROVEMENTS PROGRAM
JENNY LIND
ZERO STREET TO CAVANAUGH ROAD

The City of Fort Smith ARKANSAS

Project:	
Date:	SEPT. 2010
Scale:	NONE
Drawn By:	RBR

6 D

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC., FOR HIGHWAY 45 AND ZERO STREET WATER & SEWER RELOCATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The bid of Forsgren, Inc., for the construction of Highway 45 and Zero Street Water & Sewer Relocation, Project Number 09-13-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc., for an amount of $1,017,190.50, for performing said construction.

This Resolution adopted this _____ day of October 2010.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Dennis Kelly, City Administrator **DATE:** September 28, 2010

FROM: Steve Parke, Director of Utilities

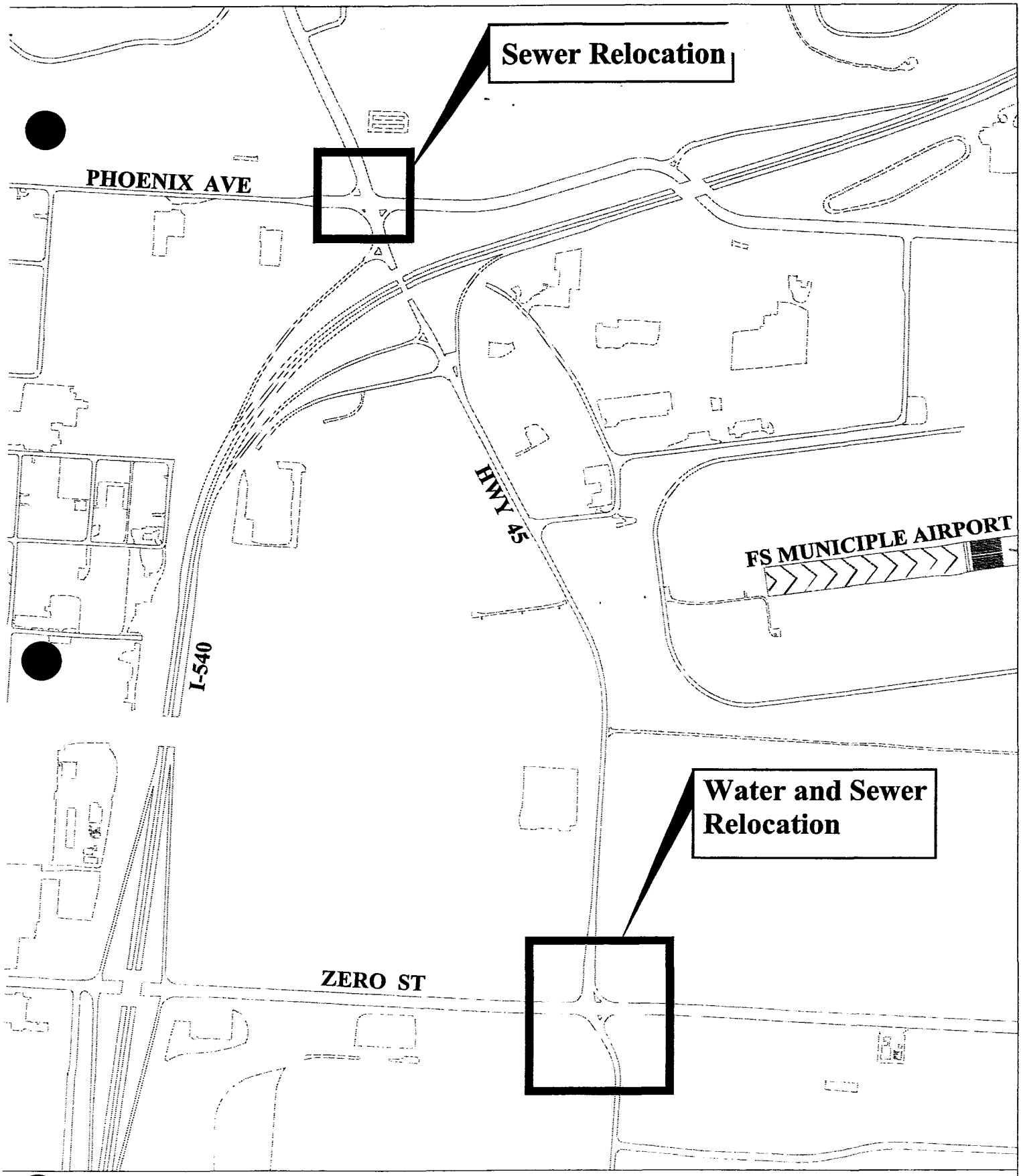
SUBJECT: Highway 45 and Zero Street Water & Sewer Relocation, Project Number 09-13-C1

The Arkansas Highway and Transportation Department (AHTD) is improving Highway 45 from Phoenix Avenue to Zero Street. This project requires the relocating of approximately 1,400 feet of a 20-inch water transmission line and some smaller water and sewer lines. See the attached exhibit for the project location. The project is required in order for the road construction to proceed.

The low bid for the project was submitted by Forsgren, Inc., in the amount of $1,017,190.50. A bid tabulation sheet showing the bidders and their bid amounts is attached. AHTD will reimburse the city for approximately 65% of the project cost. The remainder will be paid for from the city's sales tax program.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment



HIGHWAY 45 & ZERO STREET
WATER & SEWER RELOCATION
PROJECT 09-13-E1

Tabulation of Bids Received

Project Name

Hwy. 45 & Zero Street Water & Sewer Relocation
Project No. 09-13-C1

Bid Opening

September 21, 2010
10:00 A.M.

Bids Received

Forsgren, Inc.
Ft. Smith, AR $ 1,017,190.50

Wilson Brothers Construction Co., Inc.
Alma, AR $ 1,181,780.00

Goodwin & Goodwin
Ft. Smith, AR $ 1,261,650.00

Crawford Construction Co.
Ft. Smith, AR $ 1,337,799.00

7.

RESOLUTION NO. _____

A RESOLUTION APPOINTING CITY CLERK FOR THE CITY OF FORT SMITH

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

The City Administrator's recommendation that _____ be appointed City Clerk for the City of Fort Smith, effective December 1, 2010, at an annual salary of $_____, is hereby confirmed.

This Resolution adopted this _____day of October, 2010.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form
JSL
No publication required