

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA
Fort Smith Board of Directors
Regular Meeting
March 5, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & 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 FEBRUARY 19, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance to prohibit the installation of groundwater wells beneath certain identified lands within the city of Fort Smith, Arkansas; declaring an emergency; and for other purposes ~ *Good/Lorenz placed on agenda at the February 12, 2013 study session* ~ BY UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS, THIS ITEM WAS REMOVED FROM THE AGENDA AND RESCHEDULED FOR CONSIDERATION AT THE MARCH 27, 2013 REGULAR MEETING
2. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - Commercial Neighborhood to General Commercial; Rezoning - Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 2501 North 50th Street*)

3. Ordinance rezoning identified property and amending the zoning map (*Not Zoned to Industrial Moderate (I-2) by classification located at 7712 Taylor Avenue*)
4. Consent Agenda
 - A. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project No. 12-06-A (*\$675,530.85 / Engineering Department / Budgeted – Sales Tax Program*)
 - B. Resolution authorizing the acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, Job 040471 (*\$443,100.00 / Engineering Department / Budgeted – Sales Tax Program*)
 - C. Resolution approving the 2013 supplement to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park
 - D. Resolution authorizing execution space use agreement with the Young Actors Guild for space on the upper level of the Convention Center Annex
 - E. Resolution accepting bids for the purchase of various sanitation containers (*\$411,352.29 / Sanitation Department / Budgeted – Capital Outlay*)
 - F. Resolution authorizing lease agreement with the American National Red Cross
 - G. Resolution authorizing the Mayor to execute Authorization No. 3 to the agreement with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines (*\$231,352.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
 - H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with M. Phillips Construction, Inc. for Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines (*\$4,661,851.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
 - I. Resolution authorizing Amendment No. 1 to Authorization No. 3 with Morrison Shipley Engineers, Inc for engineering services for Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements (*\$33,000.00 / Utility Department / Budgeted – 2010 Sales and Use Tax Bonds*)

- J. Resolution accepting the bid of and authorizing the Mayor to execute a contract with N.E.C., Inc. for River Front Development Water and Sewer Extensions Phase II (\$939,980.00 / *Utility Department / Budgeted – 6505 Capital Improvement Funds*)

- K. Resolution accepting bids and authorizing a contract for the construction of an elevator and associated ADA facility enhancements to the transit facility located at 6821 Jenny Lind Road, Project No. 12-26 (\$412,371.00 / *Transit Department / Budgeted – General Fund & Federal Transit Administration 90% reimbursement*)

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

- Mayor
- Directors
- City Administrator

ADJOURN

MEMORANDUM

TO: Mayor and Board of Directors
FROM: Sherri Gard, City Clerk
DATE: March 1, 2013
RE: Removal of Item from March 5, 2013 Regular Meeting Agenda

Director Keith Lau requested the below noted item be removed from the March 5, 2013 regular meeting agenda and rescheduled for consideration at the March 27, 2013 regular meeting:

- ▶ Ordinance to prohibit the installation of groundwater wells beneath certain identified lands within the city of Fort Smith, Arkansas; declaring an emergency; and for other purposes
~ *Good/Lorenz placed on the March 5, 2013 regular meeting agenda at the February 12, 2013 study session* ~

Section 2-31(4) of the Fort Smith Municipal Code states, *"Any item of business may be denied a place on or removed from the agenda by notice of four (4) directors to the city clerk prior to the date of the meeting of the proposed consideration. The city clerk shall immediately notify the city administrator, the mayor, the directors and other interested persons of such action."*

All remaining directors unanimously consented to the request; therefore, the above noted ordinance has been removed from the March 5, 2013 regular meeting agenda and rescheduled for consideration at the March 27, 2013 regular meeting.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on February 12, 2013, that said change be made; and,

WHEREAS, the Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan.

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 22-9-12 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 12, 2013, 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: The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Commercial Neighborhood to General Commercial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

The southern 175 feet of Lots 24, 25 and 26 less and except previously dedicated right-of-way for Kelley Highway and North 50th Street, all in Block 3, Broadmoor Addition, an addition to the City of Fort Smith, Sebastian County, Arkansas. This property is also defined as that area south of the southern line of Lot 26A, Block 3, Broadmoor Addition and the extension of this defined line west to the western

Lot line of Lot 24, Block 3, Broadmoor Addition containing 49,875 square feet or 1.14 acres more or less.

more commonly known as 2501 North 50th Street.

SECTION 2: The real property described in Section 1 above is hereby rezoned from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification, subject to approval of a development plan by the Planning Commission prior to the issuance of a building permit for any new additions on the property.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

APPROVED:

Mayor

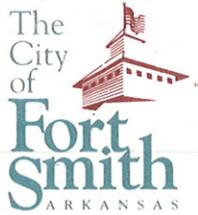
ATTEST:

City Clerk

Approved as to form:



Publish One Time



February 25, 2013

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

Re: A request by Al Prieur, agent, for Mark & Amy Koenigseder, for Planning Commission consideration of a Master Land Use Plan Amendment from Commercial Neighborhood to General Commercial and a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification located at 2501 North 50th Street.

On February 12, 2013, the City Planning Commission held a public hearing to consider the above requests.

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the existing use to be in conformance with the zoning code. Ms. Rice stated that the business has operated at this location as a gasoline service station since the early 1970's and in the 1980's, the business transitioned from a gasoline service station to auto repair.

Ms. Rice noted that a neighborhood meeting was held on September 4, 2012, with a few surrounding property owners in attendance; however, none voiced any concerns over the proposed zone change. Ms. Rice also noted that in 2011, staff sent a series of enforcement letters for the outdoor storage of salvage vehicles and salvage parts.

This master land use plan amendment and rezoning application were discussed and tabled at the planning commission's September 11, 2012 and December 11, 2012 meetings in an attempt to resolve issues.

Ms. Rice stated that a letter from Mr. Prieur has been received outlining a compromise stemming from the December 2012 Planning Commission meeting. Ms. Rice noted that the proposed rezoning will now only include the property being used for auto repair and auto sales.

Mr. Al Prieur was present to speak in support of these requests.

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

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

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

Chairman Griffin called for the vote on the Master Land Use Plan Amendment. Motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- The letter from Mr. Al Prieur, dated January 16, 2013, which requests to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3.
- Any new additions on the property will require development plan approval by the Planning Commission prior to the issuance of a building permit.

Chairman Griffin then called for the vote on the Master Land Use Plan Amendment as amended. The vote was 7 in favor and 0 opposed.

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

- The letter from Mr. Al Prieur, dated January 16, 2013, which requests to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3.
- Any new additions on the property will require development plan approval by the Planning Commission prior to the issuance of a building permit.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed.

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

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: January 29, 2013

Re: Proposed Master Land Use Plan Amendment, at 2501 North 50th Street from Commercial Neighborhood to General Commercial (Companion to items #3 & #10)

The Planning Department is in receipt of an application from Al Prieur, agent for Mark & Amy Koenigseder, to amend the *Master Land Use Plan* from Commercial Neighborhood to General Commercial to accommodate a proposed corrective rezoning to Commercial Heavy (C-5). The subject property is located on the northwest side of the intersection of Kelley Highway and North 50th Street. The site contains approximately 1 acre with 255 feet of frontage on Kelley Highway and 160 feet of frontage on North 50th Street.

The existing zoning of the site is Commercial Regional (C-4). A companion application (item #3) proposes a change in the zoning classification from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The areas to the north are classified as Commercial Neighborhood and are developed as single family residences.

The areas to the south are classified as Commercial Neighborhood and are developed as a pharmacy, medical clinic and a bank.

The area to the west is classified as Commercial Neighborhood and is developed as a funeral home.

The area to the east is classified as Commercial Neighborhood and is developed as a school.

The proposed land use classification of General Commercial is described as follows:

2A

Purpose: To provide opportunities for business transactions and activities, and meet the consumer needs of the community.

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

| Criteria for Designation: | Compliance Noted |
|---------------------------------------------------------------------------------------------------------------------|-------------------------|
| • Compatible with, and complimentary to, surrounding uses | No |
| • Located on high volume arterials and collectors | Yes |
| • Located as a cluster of like services | No |
| • Accessible by most modes of transportation | Yes |
| • Appropriately located, for minimum impact to adjacent uses, and, by volume of activity and trips generated by use | No |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Kelley Highway and North 50th Street as Major Arterials.

STAFF COMMENTS AND RECOMMENDATIONS

This request as well as the companion zoning and variance applications were tabled at the planning commission’s September 11, 2012 and December 11, 2012 meetings.

The applicant is requesting a land use plan change to facilitate a companion rezoning request. A neighborhood meeting was held on September 4, 2012. A few surrounding property owners were in attendance; however, none voiced any concern over the proposed applications. A summary of the meeting is enclosed.

If the Planning Commission is inclined to approve the application staff requests it is contingent upon approval of the rezoning and variance applications.

2B

Application Type

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

Request to Amend Map
 Request to Amend Text

| | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------|
| Applicant Name: Alvin L. Prieur, Jr., PE acting for Mark Koenigseder | |
| Firm Name: Prieur Engineering | |
| Address: P O Box 1689, Van Buren, AR 72957 | |
| Phone # (day): 479-651-7920 | Phone # (cell): Same Fax #: 479-434-2303 |
| Owner Name: Mark J. and Amy Leigh Koenigseder | |
| Owner Address: 2501 North 50 th Street, Fort Smith, AR 72904 | |
| Phone # (day): 479-783-851 | 479-646-8381 Phone # (cell): Fax #: |
| Property Address (subject property): 2501 North 50 th Street, Fort Smith, AR | |
| Subject Property | |
| Current Land Use: Commercial – Auto Repair | |
| Existing MLUP Classification: Commercial - Neighborhood | |
| Proposed MLUP Classification: Heavy Commercial <i>General Commercial</i> | |
| Existing Zoning Classification: Commercial - 4 | |
| Proposed Zoning Classification: Commercial - 5 | |
| Surrounding Property | |
| Current Land Use: north- Residential/Funeral Chapel Drive | |
| south- Medical Clinic | |
| east- School | |
| west- Funeral Chapel | |
| Existing MLUP Classification: north: Commercial - Neighborhood | |
| south: Commercial - Neighborhood | |
| east: Public Education | |
| west: Commercial - Neighborhood | |
| Existing Zoning Classification: north: C – 4 and C - 2 | |
| south: C - 2 | |
| east: R – 3-MF | |
| west: C - 4 | |
| Pre-Application Meeting Date: August 6, 2012 | |

AC

" See Following Page For Answers "

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

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

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

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

7. Identify any known or anticipated environmental concerns:

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

20

1. The South Half (S ½) of Lots 24 thru 26 and Lot 26A, Block 3, Broadmoor Addition, an Addition to the City of Fort Smith, Sebastian County, Arkansas less and except City of Fort Smith obtained rights-of-way.
2. A survey of the property is attached.
3. The area to be reclassified is 1.821 acres.
4. This property has streets on two sides. The streets are Kelley Highway and North 50th Street. Kelley Highway was widen in recent history to 5-lanes and is in good condition. It is classified as a major arterial. North 50th Street has two lanes with a turning lane at the intersection with Kelley Highway. It is in fair condition and is classified as a major arterial. The development covered by this application is for an existing nonconforming use that has been at this location for many years. No new streets are planned.
5. The area being covered by this land use plan amendment is to correct an area that is not classified for the existing use. The change came up when the property owner wanted to add on to his existing building. The existing utilities were improved some when Kelley Highway was improved. This development should have no impact on the public utility services or the infrastructure because there are no changes planned for this property except for a addition to a currently existing building.
6. The property owner currently has only the plan for the one building extension. It is possible that other buildings could be constructed on the property in the future but they will all be related to the current use. This property will never have a high density of buildings.
7. There are no known or anticipated environmental concerns for this property other than those normally related to an auto repair shop. There are no current environmental problems at this location.

2E

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

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

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

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

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

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

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

2F

Master Land Use: From Commercial Neighborhood to General Commercial

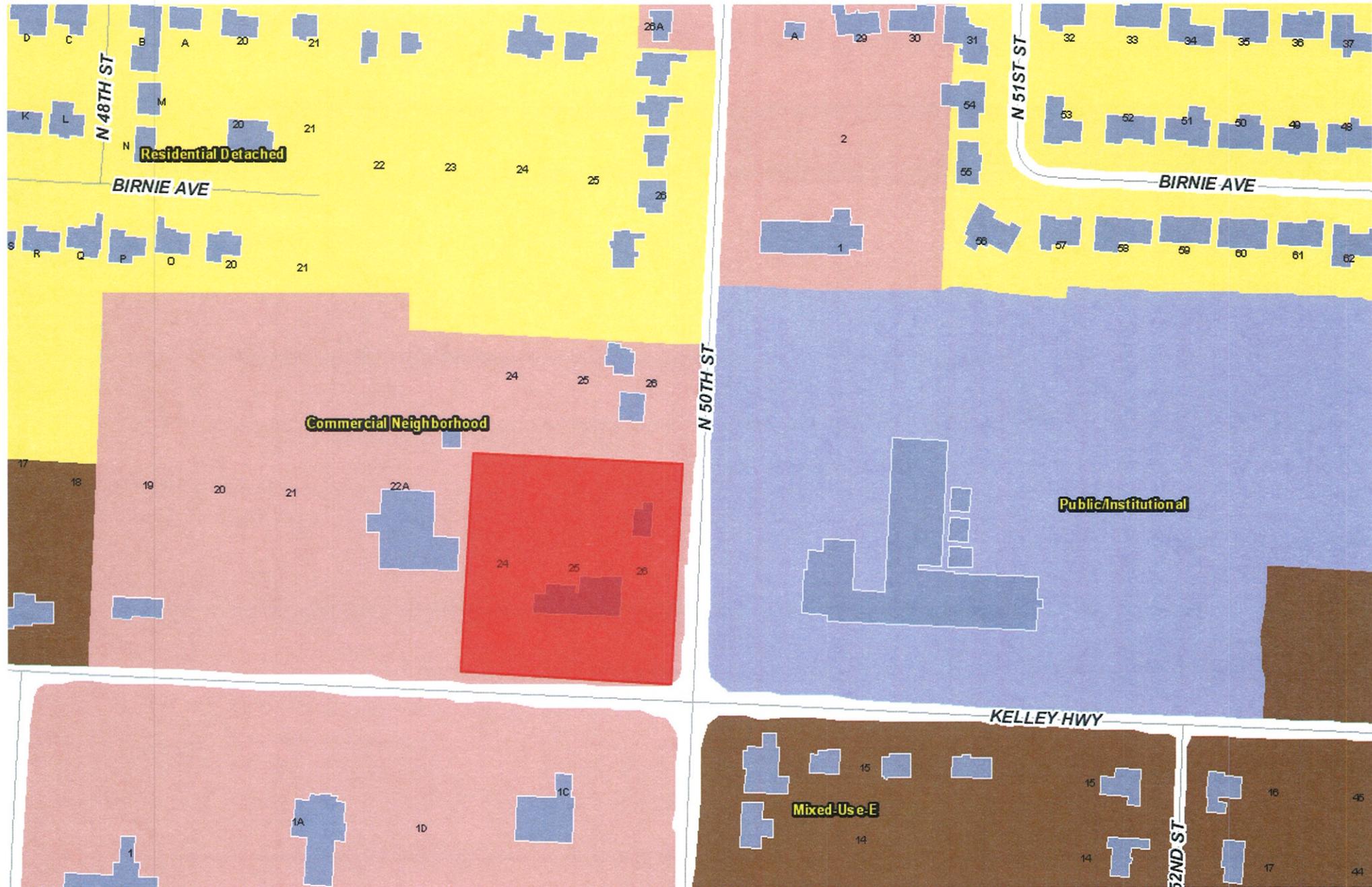
26

2501 North 50th Street



Original Master Land Use Request September 2012: From Commercial Neighborhood to General Commercial

2501 North 50th Street



FLOOD INFORMATION

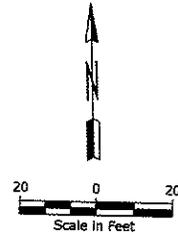
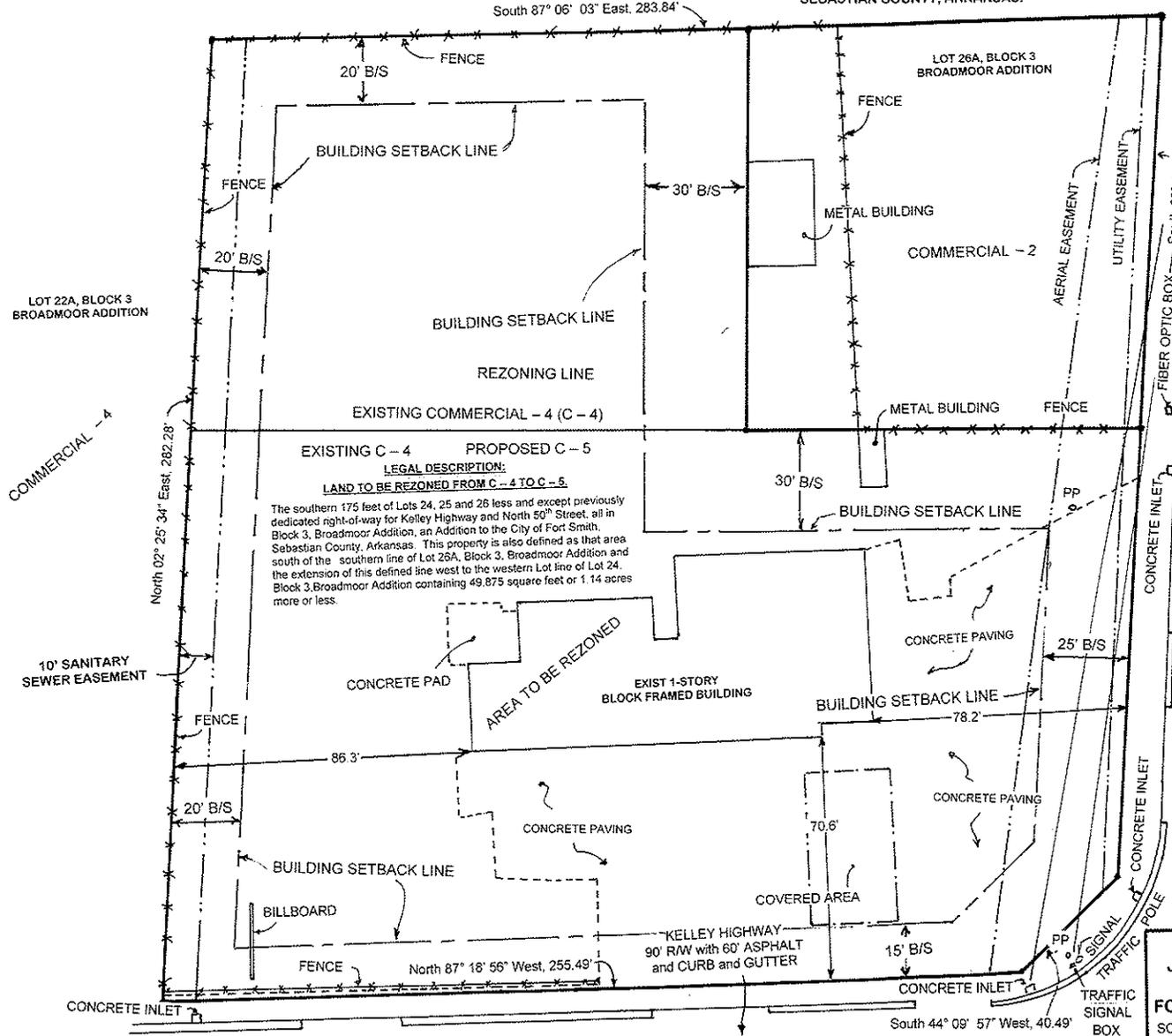
PROPERTY NOT IN 100 YEAR FLOOD ZONE
 FEMA: COMMUNITY-PANEL NUMBER 05131COO20E
 DATED: MAY 20, 2010

SURVEY DESCRIPTION

THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS
 AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY
 FOR KELLEY HIGHWAY AND NORTH 50TH STREET,
 AND LOT 26A, BLOCK 3, BROADMOOR ADDITION,
 AN ADDITION TO THE CITY OF FORT SMITH,
 SEBASTIAN COUNTY, ARKANSAS.

TAKEN (WITH PERMISSION) FROM
 A SURVEY BY ANDERSON SURVEYING, INC.
 DATED 8-23-2012

Handwritten initials: *HF*



NORTH 50TH STREET
 WALDRON ROAD
 60' RAW with var. WIDTH of ASPHALT
 with CURB and GUTTER



Revised N.T. 2-6-2013
 REVISED February 5, 2013

PRIEUR ENGINEERING
 Alvin L. Prieur, Jr., PE
 P. O. BOX 1689
 VAN BUREN, ARKANSAS 72957
 479-651-7920
 aprieur@cox.net

REZONING SITE PLAN
JOHN'S AUTO CENTER, INC.
 2501 NORTH 50TH STREET
 FORT SMITH, ARKANSAS 72904
 SCALE: 1" = 20' DECEMBER 23, 2012

Memo

To: City Planning Commission

From: Planning Staff

Date: January 29, 2013

Re: Rezoning #22-9-12 - A request by Al Prieur, agent, for Mark & Amy Koenigseder, for Planning Commission consideration of a zone request from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification at 2501 North 50th Street. (Companion to items #2 & #10)

LOT LOCATION AND SIZE

The subject property is located on the northwest side of the intersection of Kelley Highway and North 50th Street. The site contains approximately 1 acre with 255 feet of frontage on Kelley Highway and 160 feet of frontage on North 50th Street.

EXISTING ZONING

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

Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-4 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

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

3A

Area and Bulk Regulations:

Minimum Lot Size – 40,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 3 acres
Minimum Lot Width – 150 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

3B

Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light (C-2) and is developed as single family residences.

The area to the south is zoned Commercial Light (C-2) and developed as a pharmacy, medical clinic and a bank.

The area to the west is zoned Commercial Regional (C-4) and Residential Multifamily Medium Density (RM-3) and is developed as a funeral home.

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

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. A companion Master Land Use Plan Amendment application requests a classification change to General Commercial (companion item #2).

PROPOSED ZONING

The request is a corrective rezoning and will allow the existing use to be in conformance with the zoning code.

STAFF COMMENTS AND RECOMMENDATIONS

The Commercial Heavy (C-5) zoning district is proposed to allow the existing business to conform to the zoning code. The business has operated at this location as a gasoline service station since the early 1970's. In the 1980's, the business transitioned from a gasoline service station to auto repair.

Section 27-426 of the Unified Development Ordinance states the purpose of the Commercial Heavy (C-5) zoning district is to provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter.

A neighborhood meeting was held on September 4th, 2012. A few surrounding property owners were in attendance; however, none voiced any concern over the proposed zone change. A summary of the meeting is enclosed.

3C

In 2011, staff sent a series of enforcement letters for the outdoor storage of salvage vehicles and salvage parts. Enclosed in the packet are pictures from September 2012 compared with pictures from December 2012.

Enclosed within your packet is a letter from Mr. Prieur outlining the compromise stemming from the December 2012 Planning Commission meeting. The proposed rezoning only includes the property being used for auto repair and auto sales. Changing of the zoning will allow for a proposed automobile service bay for the repairing of automobiles.

If the Planning Commission is inclined to approve the application, the following condition is recommended:

- A development plan for new additions shall be submitted to the Planning Commission prior to the issuance of a building permit.

3D

SURVEY DESCRIPTION

THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY FOR KELLEY HIGHWAY AND NORTH 50TH STREET, AND LOT 26A, BLOCK 3, BROADMOOR ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

TAKEN (WITH PERMISSION) FROM A SURVEY BY ANDERSON SURVEYING, INC. DATED 8-23-2012

FLOOD INFORMATION

PROPERTY NOT IN 100 YEAR FLOOD ZONE
FEMA: COMMUNITY-PANEL NUMBER 05131C0020E
DATED: MAY 20, 2010

LOT 22A, BLOCK 3
BROADMOOR ADDITION

South 87° 06' 03" East, 283.84'

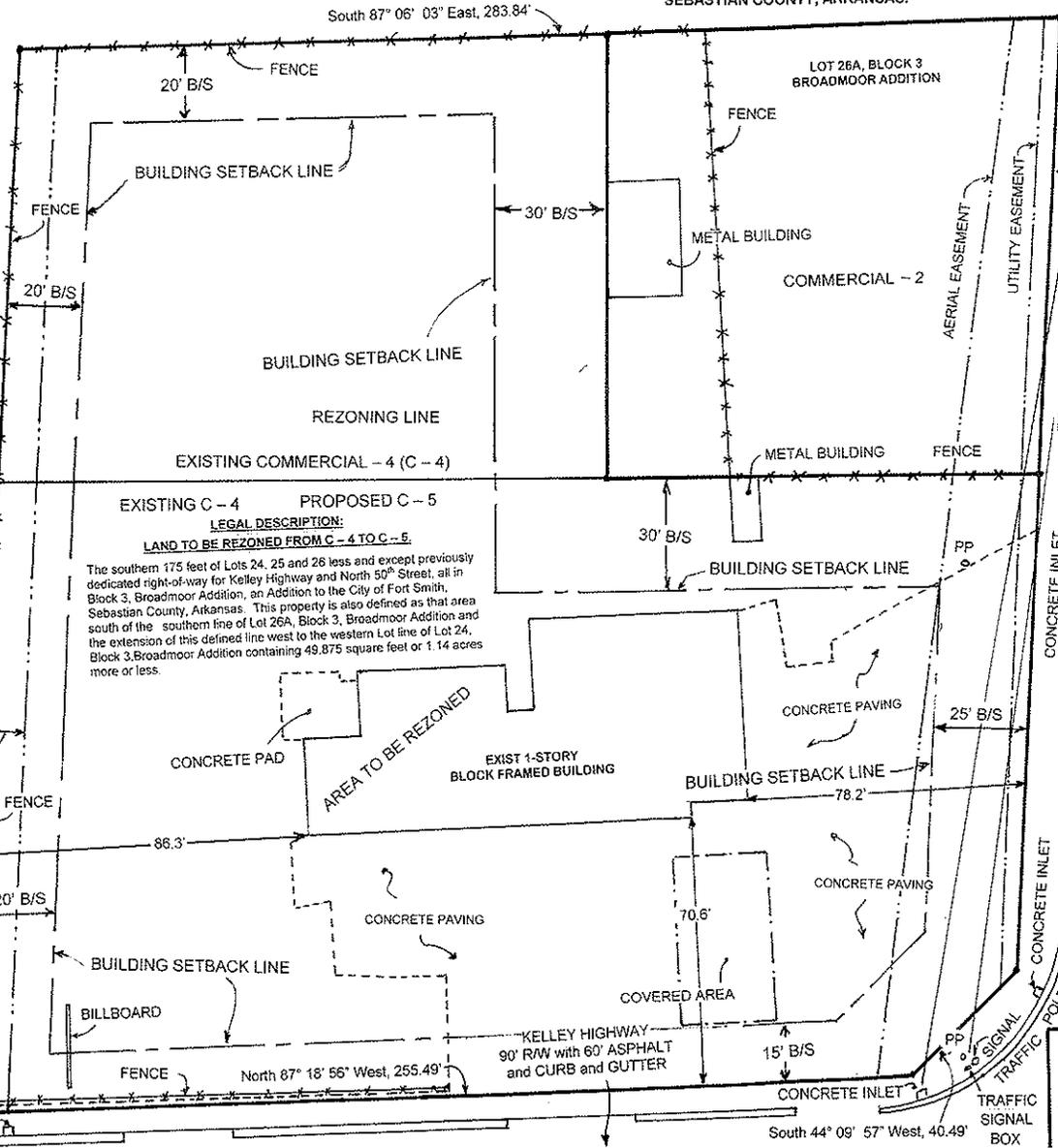
LOT 22A, BLOCK 3
BROADMOOR ADDITION

COMMERCIAL - 4

North 02° 25' 34" East, 282.28'

10' SANITARY
SEWER EASEMENT

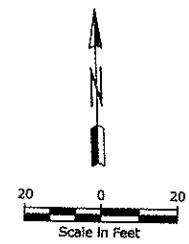
CONCRETE INLET



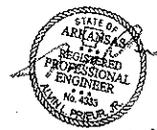
EXISTING C - 4 PROPOSED C - 5
LEGAL DESCRIPTION:
LAND TO BE REZONED FROM C - 4 TO C - 5:

The southern 175 feet of Lots 24, 25 and 26 less and except previously dedicated right-of-way for Kelley Highway and North 50th Street, all in Block 3, Broadmoor Addition, an Addition to the City of Fort Smith, Sebastian County, Arkansas. This property is also defined as that area south of the southern line of Lot 26A, Block 3, Broadmoor Addition and the extension of this defined line west to the western Lot line of Lot 24, Block 3, Broadmoor Addition containing 49,875 square feet or 1.14 acres more or less.

AREA TO BE REZONED



NORTH 50TH STREET
WALDRON ROAD
60' R/W with var. WIDTH of ASPHALT
with CURB and GUTTER



Revised N.A. 2-6-2013
REVISED February 5, 2013

PRIEUR ENGINEERING
Alvin L. Prieur, Jr., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

REZONING SITE PLAN
JOHN'S AUTO CENTER, INC.
2501 NORTH 50TH STREET
FORT SMITH, ARKANSAS 72904
SCALE: 1" = 20' DECEMBER 23, 2012

SEE

PRIEUR ENGINEERING
Alvin L. Prieur, Jr., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

January 16, 2013

City of Fort Smith
Planning Department
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Mr. Wally Bailey
Director of Development Services

Re: Rezoning, Land Use Amendment and Variance
2501 North 50th Street
Fort Smith, Arkansas

Dear Mr. Bailey:

In answer to the tabling of this request about the property at 2501 North 50th, I had a meeting with Ms. Brenda Andrews and Ms. Maggie Rice of your office to try to work out a solution to the request about this property. This letter will outline the proposed solution to the tabled request. The solution is to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3,. This covers an area of just over 1 acre as shown on the attached drawing. This change is acceptable to the property owner in an effort to help resolve this issue.

If you have any questions, please call me.

Respectfully,
PRIEUR ENGINEERING


Alvin L. Prieur, Jr., PE

3 F

Rez. #22-9-12

PETITION FOR CHANGE IN ZONING MAP

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

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

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

description)
**The South F
Broadmoor
County, Ark
of-way.**

SURVEY DESCRIPTION:
THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY FOR KELLEY HIGHWAY AND NORTH 50TH STREET, AND LOT 26A, BLOCK 3, BROADMOOR ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

2. Address of property: 2501 North 50th Street

3. The above described property is now zoned: Commercial - 4 *Commercial - 2*

4. Application is hereby made to change the zoning classification of the above described property to C - 5 by Classification
(Extension or classification)

5. Why is the zoning change requested?

See attached

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

Signed:

Alvin L. Prieur, Jr., PE _____
Agent Name
(please print)

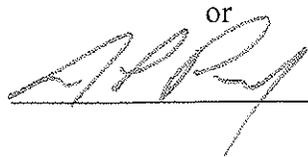
Owner

P O Box 1689 Van Buren, Arkansas 72957

Owner or Agent Mailing Address

479-651-7920

Owner or Agent Phone Number

or


Agent

36

Rezoning #22-9-12: From Commercial Regional (C-4) to Commercial Heavy (C-5)

2501 North 50th Street

3H



Original Rezoning Request September 2012: From Commercial Regional (C-4) to Commercial Heavy (C-5)

2501 North 50th Street



John's DX, Inc.
2501 North 50th Street
Fort Smith, AR 72904

Mark & Amy Leigh Koenigseder
2513 North 50th Street
Fort Smith, AR 72904

Mark & Amy Leigh Koenigseder
4819 Kelley Highway
Fort Smith, AR 72904

Joel Lewis
4817 Kelley Highway
Fort Smith, AR 72904

Marcus & Mary Rowlett
4808 Birnie Avenue
Fort Smith, AR 72904

B & E Investments, Inc.
1031 Fayetteville Road
Van Buren, AR 72956

Arvest Bank
1183 Joyce Boulevard-Suite 2
Fayetteville, AR 72703

Hoa Tran
3901 North "O" Street
Fort Smith, AR 72904

Wanee Phinthusunthorn
2613 North 50th Street
Fort Smith, AR 72904

Phu Van & Nhan Nguyen
3206 South 64th Street
Fort Smith, AR 72903

Inthasone & Pheng Chokbenboon
2713 North 50th Street
Fort Smith, AR 72904

Oscar Herrera
2717 North 50th Street
Fort Smith, AR 72904

Eric & Sandra Segmanivong
Sony Thepouthay
2721 North 50th Street
Fort Smith, AR 72904

Herbert & Micky Willhite
4916 Wirsing Avenue
Fort Smith, AR 72904

Oriental Market Addition
Phaysanh & Phila Khakeo
472759 East 1094 Road
Muldrow, OK 72948

Special School District of Fort Smith
5001 Kelley Highway
Fort Smith, AR 72904

Alan Love
Fort Smith Public Schools
P. O. Box 1948
Fort Smith, AR 72902

Judy Marley
2424 North 50th Street
Fort Smith, AR 72904

Jerry Paul Mantooth
5921 Mohawk Trail
Fort Smith, AR 72904

Javier & Yesenta Araujo
5203 Park Avenue
Fort Smith, AR 72903

Trixie Nguyen
P. O. Box 1521
Fort Smith, AR 72902

William Bates, Jr.
2420 North 50th Street
Fort Smith, AR 72904

Pheth & Nong Arounnothey
1119 South County Line Road
Charleston, AR 72933

Phuong Kim Dong
506 South Dixieland Road
Rogers, AR 72759

Cecil & W. F. Costner
2320 North 50th Street
Fort Smith, AR 72904

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 12, 2013**

On roll call, the following Commissioners were present: Vicki Newton, Brandon Cox, Walton Maurras, Jennifer Parks, Marshall Sharpe, Steve Griffin and Richard Spearman. The following Commissioners were absent: John Huffinan and Rett Howard.

Motion was made by Commissioner Maurras, seconded by Commissioner Sharpe and carried unanimously to approve the minutes of the January 8, 2013, meeting as written.

Mr. Wally Bailey read the staff procedures.

1. Final Plat – Stonebrook at Chaffee Crossing

Ms. Brenda Andrews stated that a request to table this item until the March 2013 Planning Commission meeting had been received by the applicant. Ms. Andrews noted that the request to table this item is being made in order to provide them additional time to complete the maintenance documents for the proposed subdivision.

Motion was then made by Commissioner Parks, seconded by Commissioner Spearman and carried unanimously to table this item until the March 2013 Planning Commission meeting.

- 2. Master Land Use Plan Amendment from Commercial Neighborhood to General Commercial located at 2501 North 50th Street. (companion item to items #3 & #10) (tabled from December 2012)**
- 3. Rezoning #22-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification located at 2501 North 50th Street. (companion item to items #2 & #10) (tabled from December 2012)**
- 10. Variance #27-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder, for a variance from 2 acres to 49,875 square feet minimum lot area located at 2501 North 50th Street. (companion item to items #2 & #3) (tabled from December 2012)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the existing use to be in conformance with the zoning code. Ms. Rice stated that the business has operated at this location as a gasoline service station since the early 1970's and in the 1980's, the business transitioned from a gasoline service station to auto repair.

12/17

Ms. Rice noted that a neighborhood meeting was held on September 4th, 2012, with a few surrounding property owners in attendance; however, none voiced any concerns over the proposed zone change. Ms. Rice also noted that in 2011, staff sent a series of enforcement letters for the outdoor storage of salvage vehicles and salvage parts.

Ms. Rice stated that a letter from Mr. Prieur has been received outlining a compromise stemming from the December 2012 Planning Commission meeting. Ms. Rice noted that the proposed rezoning will now only include the property being used for auto repair and auto sales.

Mr. Al Prieur was present to speak on behalf of these requests.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on these items. Chairman Griffin noted that the variance request would need to be voted on prior to the vote on the Master Land Use Plan Amendment or rezoning request.

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

- 10. Variance #27-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder, for a variance from 2 acres to 49,875 square feet minimum lot area located at 2501 North 50th Street. (companion item to items #2 & #3) (tabled from December 2012)**

Chairman Griffin called for the vote on the variance request. The vote was 7 in favor and 0 opposed.

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

- 2. Master Land Use Plan Amendment from Commercial Neighborhood to General Commercial located at 2501 North 50th Street. (companion item to items #3 & #10) (tabled from December 2012)**

Chairman Griffin called for the vote on the Master Land Use Plan Amendment. Motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- The letter from Mr. Al Prieur, dated January 16, 2013, which requests to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3.
- Any new additions on the property will require development plan approval by the Planning Commission prior to the issuance of a building permit.

Chairman Griffin then called for the vote on the Master Land Use Plan Amendment as amended. The vote was 7 in favor and 0 opposed.

3. **Rezoning #22-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification located at 2501 North 50th Street. (companion item to items #2 & #10) (tabled from December 2012)**

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

- The letter from Mr. Al Prieur, dated January 16, 2013, which requests to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3.
- Any new additions on the property will require development plan approval by the Planning Commission prior to the issuance of a building permit.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed.

4. **A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper for development plan approval for a convenience store with gasoline sales located at 9102 Rogers Avenue. (companion item to item #11) (tabled from January 2013)**

11. **Variance #3-1-13; A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas and Larry & Sandra Roper, for a variance from: 1) 30 feet to 10 feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways; 3) from 200 feet to 132 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue. (companion item to item #4) (tabled from January 2013)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate a convenience store with gasoline sales. Ms. Andrews stated that at the January Planning Commission meeting, the applicant request that these items be tabled until February. Ms. Andrews noted that a neighborhood meeting was held on Thursday, December 27, 2012, at 5:30 p.m. at the Fort Smith Public Library located at 3201 Rogers Avenue with one (1) adjacent property owner in attendance. No objections or concerns were expressed during this meeting. Ms. Andrews stated that staff had received a phone call in August when the project was first proposed from a nearby property owner who had questions about any future expansion of South 91st Street and concerns relative to traffic that would be generated by the proposed convenience store.

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. 2-2-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 12, 2013, 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 properties to-wit:

Part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter of the Northeast Quarter; thence along the North Line of said Northeast Quarter of the Northeast Quarter, N 87°20'37"W, 39.63 feet to the west right-of-way line of Taylor Avenue; thence along said right-of-way line, S 44°06'22"W, 454.81 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; thence continuing along said right-of-way line, S 44°06'22"W, 536.47 feet to a set ½" rebar with cap stamped MWC 1369; thence continuing along said right-of-way line, 47.06 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of S 89°02'55"W and a distance of 42.38 feet to a set ½" rebar with cap stamped MWC 1369 on the north right-of-way line of Darby Avenue; thence along said north right-of-way line, N 46°00'33"W, 270.69 feet to a set ½" rebar with cap stamped MWC 1369; thence N 43°52'42"E, 566.45 feet to a set ½" rebar with cap stamped MWC 1369; thence S 46°00'09"E, 302.88 feet to the Point of Beginning, containing 3.92 acres, more or less.

more commonly known as 7712 Taylor Avenue, should be, and is hereby rezoned from Not Zoned to Industrial Moderate (I-2) by Classification.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

ATTEST:

APPROVED:

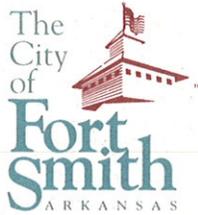
City Clerk

Mayor

Approved as to form:



Publish One Time



February 25, 2013

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

Re: Rezoning #2-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone change from Not Zoned to Industrial Moderate (I-2) by Classification located at 7712 Taylor Avenue.

On February 12, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the development of a chemical manufacturing company.

Ms. Andrews noted that a neighborhood meeting was held on January 31, 2013, at the offices of the Fort Chaffee Redevelopment Authority, 7020 Taylor Avenue with one (1) surrounding property owner in attendance who voiced concerns relative to any odors that might occur during the manufacturing process, proposed truck traffic and the delivery of raw materials. Mr. Coleman advised the property owner that no odors were anticipated and that three (3) to four (4) trucks per week are planned initially for the project and that raw materials would be delivered by rail and the final product transported by trucks.

The FCRA Board has amended the Chaffee Crossing Master Land Use Plan to accommodate this development. The change to Mixed-Use: Industrial/Office allows for the proposed Industrial Moderate (I-2) zoning. The FCRA endorses this rezoning and with their authority to establish land use and zoning the city zoning change to Industrial Moderate is consistent with the actions of the FCRA.

Mr. Randy Coleman with Mickle-Wagner-Coleman was present to speak on behalf of this request. Mr. Coleman advised the Commission that the Fort Chaffee Design Review Board had met and submitted a copy of their approval letter.

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

Chairman Griffin then called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

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

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

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2013

Re: Rezoning #2-2-13 - A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from Not Zoned to Industrial Moderate (I-2) by classification at 7712 Taylor Avenue (Companion to items #6 & #12)

LOT LOCATION AND SIZE

The subject property is on the northwest side of Taylor Avenue between Darby Avenue and Ward Avenue. The tract contains an area of 3.92 acres with approximately 536 feet of street frontage along Taylor Avenue and 270 feet of street frontage along Darby Avenue.

EXISTING ZONING

The property is currently Not Zoned

REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

5A

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station, chemical, plastics, and rubber industry are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet (1+1), 27-431(C)3
Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 50 feet
Side Yard on Street Side of Corner Lot - 50 feet
Side Yard Setback – 25 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and is developed as a warehouse.
The area to the east is Not Zoned and is developed as business offices.
The area to the south is Not Zoned and is developed as a vacant storage shop and storage yard.
The area to the west is Not Zoned and is developed as a warehouse.

MASTER STREET PLAN CLASSIFICATION

The Fort Smith Master Street Plan classifies Taylor Avenue as a Major Collector and Darby as Local Street.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification has been designated to facilitate the creation of industrial developments that are connected to surrounding land uses via a multi-modal transportation network that binds the Chaffee Crossing community. The Mixed-Use: Industrial/Office is an appropriate land use classification for the proposed I-2 zoning district.

5B

PROPOSED ZONING

The proposed I-2 zoning request and the companion conditional use and variance applications will allow the development of a chemical manufacturing company at 7712 Taylor Avenue.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held January 31st, 2013, 2:00 p.m., at the offices of the Fort Chaffee Redevelopment Authority, 7020 Taylor Avenue. One surrounding property owner attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the zoning request with the following comments:

1. Planning Commission approval of the companion Conditional Use Application #4-2-13 to allow a chemical manufacturing company at this site.
2. Board of Zoning Approval of the companion variance #5-2-13 request relating to minimum required street access and minimum parcel size required for the I-2 zoning district.

5C

PETITION FOR CHANGE IN ZONING MAP

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

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

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

See Attached

2. Address of property: 7712 Taylor Avenue

3. The above described property is now zoned: Unzoned

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

5. Why is the zoning change requested?

Currently unzoned

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

Signed:

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

Owner .

P.O. Box 1507, Ft. Smith, AR. 72902
~~Owner~~ or Agent Mailing Address

or
Mickle Wagner Coleman
Agent

479-649-8484
~~Owner~~ or Agent Phone Number

FCRA Affinity Chemical 3.92 Ac

Part of the Northeast Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northeast Corner of said Northeast Quarter of the Northeast Quarter; Thence along the North Line of said Northeast Quarter of the Northeast Quarter, N87°20'37"W, 39.63 feet to the west right-of-way line of Taylor Avenue; Thence along said right-of-way line, S44°06'22"W, 454.81 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing along said right-of-way line, S44°06'22"W, 536.47 feet to a set ½" rebar with cap stamped MWC 1369; Thence continuing along said right-of-way line, 47.06 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of S89°02'55"W and a distance of 42.38 feet to a set ½" rebar with cap stamped MWC 1369 on the north right-of-way line of Darby Avenue; Thence along said north right-of-way line, N46°00'33"W, 270.69 feet to a set ½" rebar with cap stamped MWC 1369; Thence N43°52'42"E, 566.45 feet to a set ½" rebar with cap stamped MWC 1369; Thence S46°00'09"E, 302.88 feet to the Point of Beginning. Containing 3.92 acres, more or less.

Rezoning #2-2-13: From Not Zoned to Industrial Moderate (I-2)

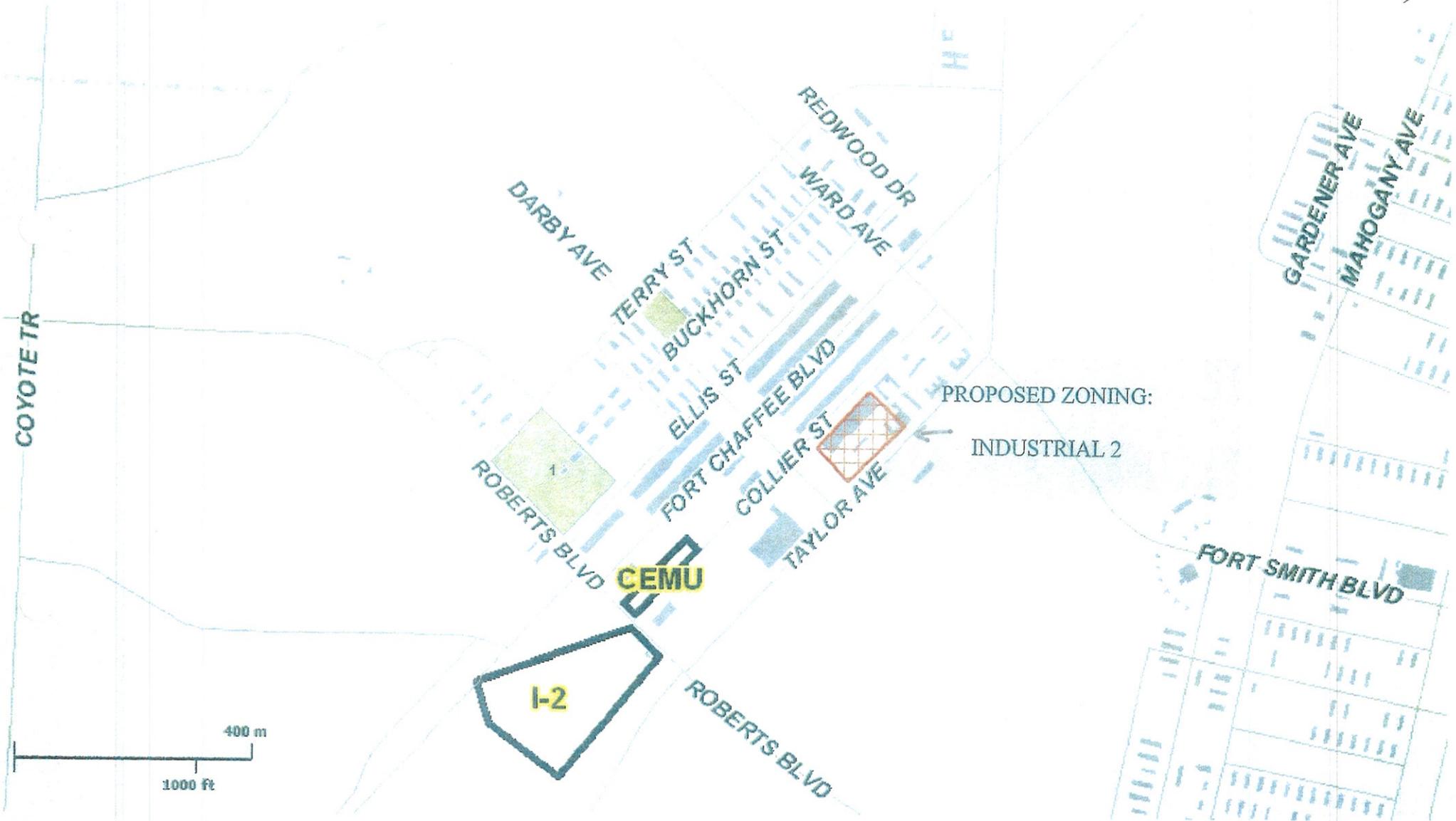
7712 Taylor Avenue



Zoning Map

Affinity Chemical Site - FCRA

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Minutes of Affinity Chemical
Neighborhood Meeting
January 31, 2013
2:00 PM
Fort Chaffee Redevelopment Authority Offices
7020 Taylor Ave

The meeting was held this date at 2:00 PM at Fort Chaffee Redevelopment Authority offices. The list of attendees is attached. We briefly discussed the various aspects of the project. One individual was present from the neighborhood, and we discussed any questions/comments he had. One question was in regard to any odors that would occur. No odors are anticipated. Another question was in regard to traffic. Only 3 to 4 trucks a week are planned initially for this project. Raw materials will come in by rail and final product out by truck. The "fencing" of the site is planned to be 6' painted aluminum. Meeting was adjourned around 2:30.

Randy Coleman, P.E.
Mickle Wagner Coleman, Inc.

F:\doc/misc/ Affinity Chemical neighborhood meeting minutes 13113.doc

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ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location FCRA Office, 7020 Taylor Avenue, Fort Smith, AR 72916

Meeting Time & Date Thursday January 31, 2013 at 2:00 p.m.

Meeting Purpose To discuss proposed Affinity Chemical site on Taylor Avenue

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|------------------|----------------|----------------|
| 1. Randy Coburn | PO Box 1507 | 649-434 |
| 2. Lynn Merschke | PO Box 1603 | 769-0398 |
| 3. TOM MONARD | CITY of F.S. | 784-7018 |
| 4. | | |
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| 10. | | |
| 11. | | |
| 12. | | |



FORT CHAFFEE
REDEVELOPMENT
AUTHORITY

City of Fort Smith Planning and Zoning Department
Attention: Wally Bailey
623 Garrison Avenue, Suite 331
Fort Smith, AR 72901

February 12, 2013

Mr. Bailey:

On February 12, 2013, the Design Review Committee of the Fort Chaffee Redevelopment Authority reviewed the plans of Affinity Chemical, LLC. The plans were approved with the following variances: **accept utilizing the existing 4 foot sidewalk along Taylor Avenue in lieu of a 5 foot sidewalk; approval for building skin to consist of 49% metal and 51% EIFIS; approval that no sidewalk construction will be required along Darby Avenue at this time; approval to waive the requirement of a 50 foot rear yard setback; per the existing Chaffee building covenants; approval of no screening for rooftop plumbing vent; approval to defer to the City of Fort Smith's landscaping requirements; approval to allow black aluminum perimeter fencing on the property.** By that approval, Fort Chaffee Redevelopment Authority gives permission for Affinity Chemical, LLC to move forward in their construction plans.

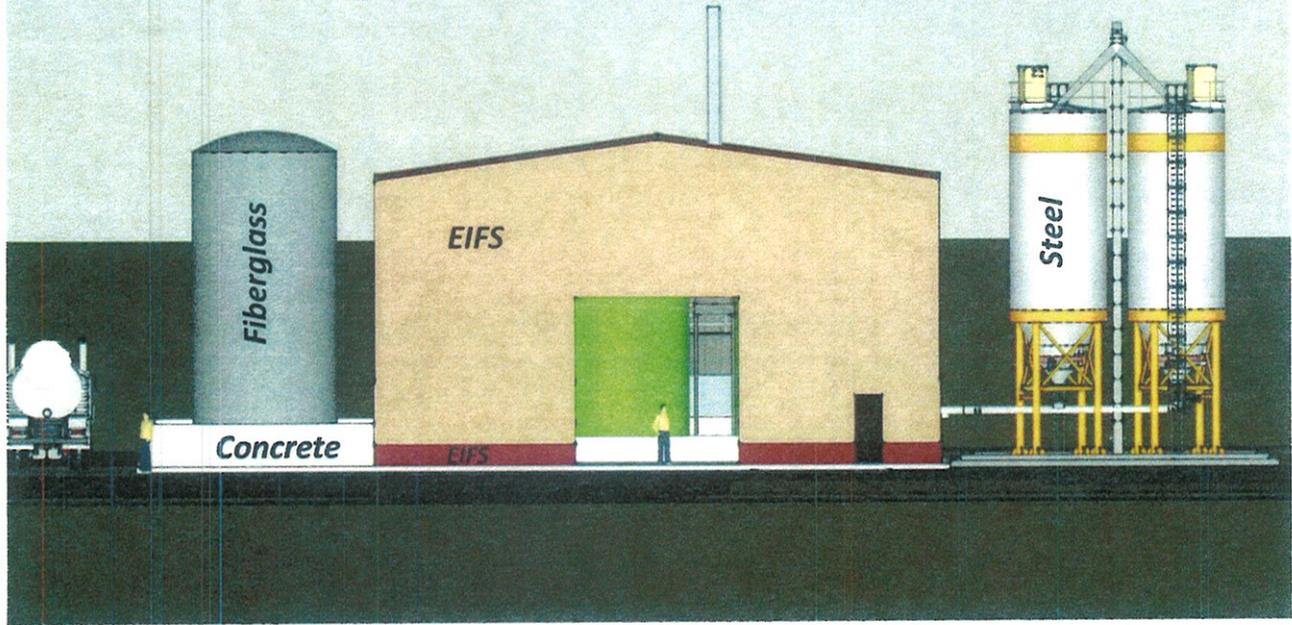
If there are any further questions, please feel free to contact me at (479) 452-4554 or via email at iowen@chaffeecrossing.com.

Best Regards,

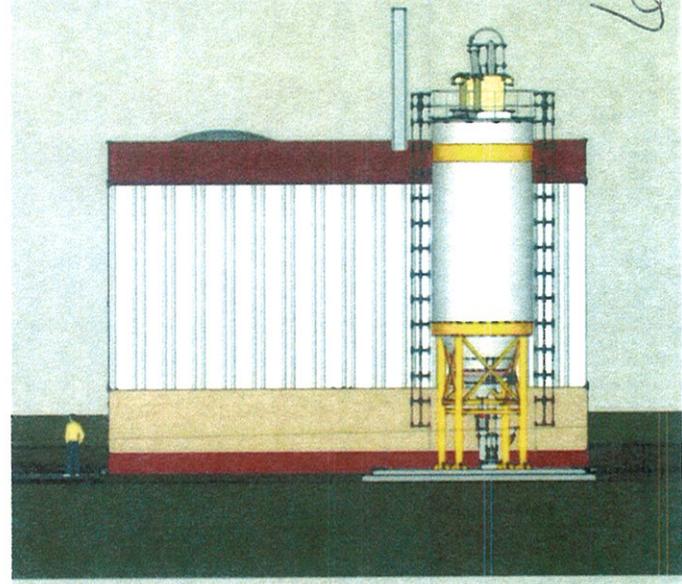
A handwritten signature in black ink, appearing to read "C. Ivy Owen".

C. Ivy Owen,
Executive Director
CIO::ll

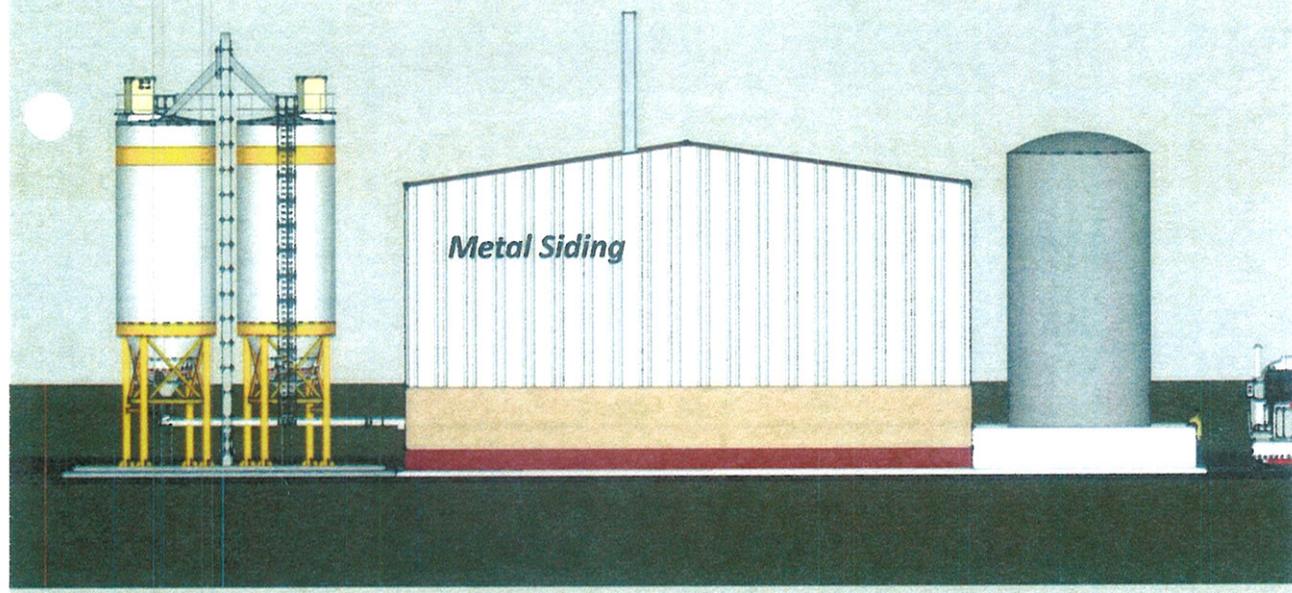
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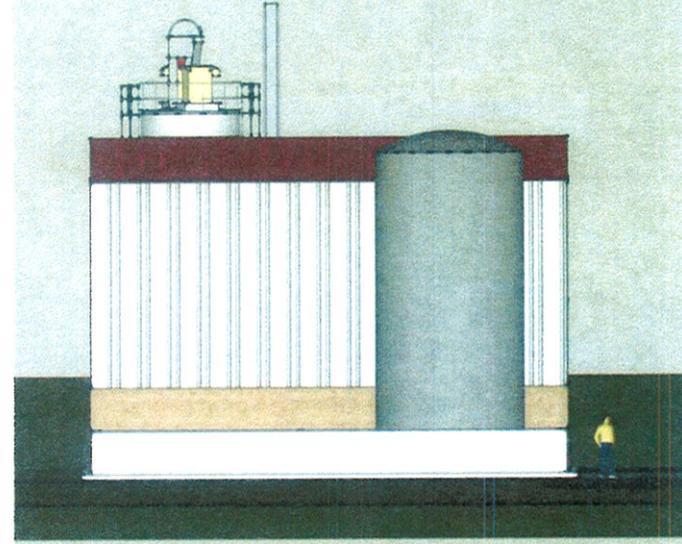
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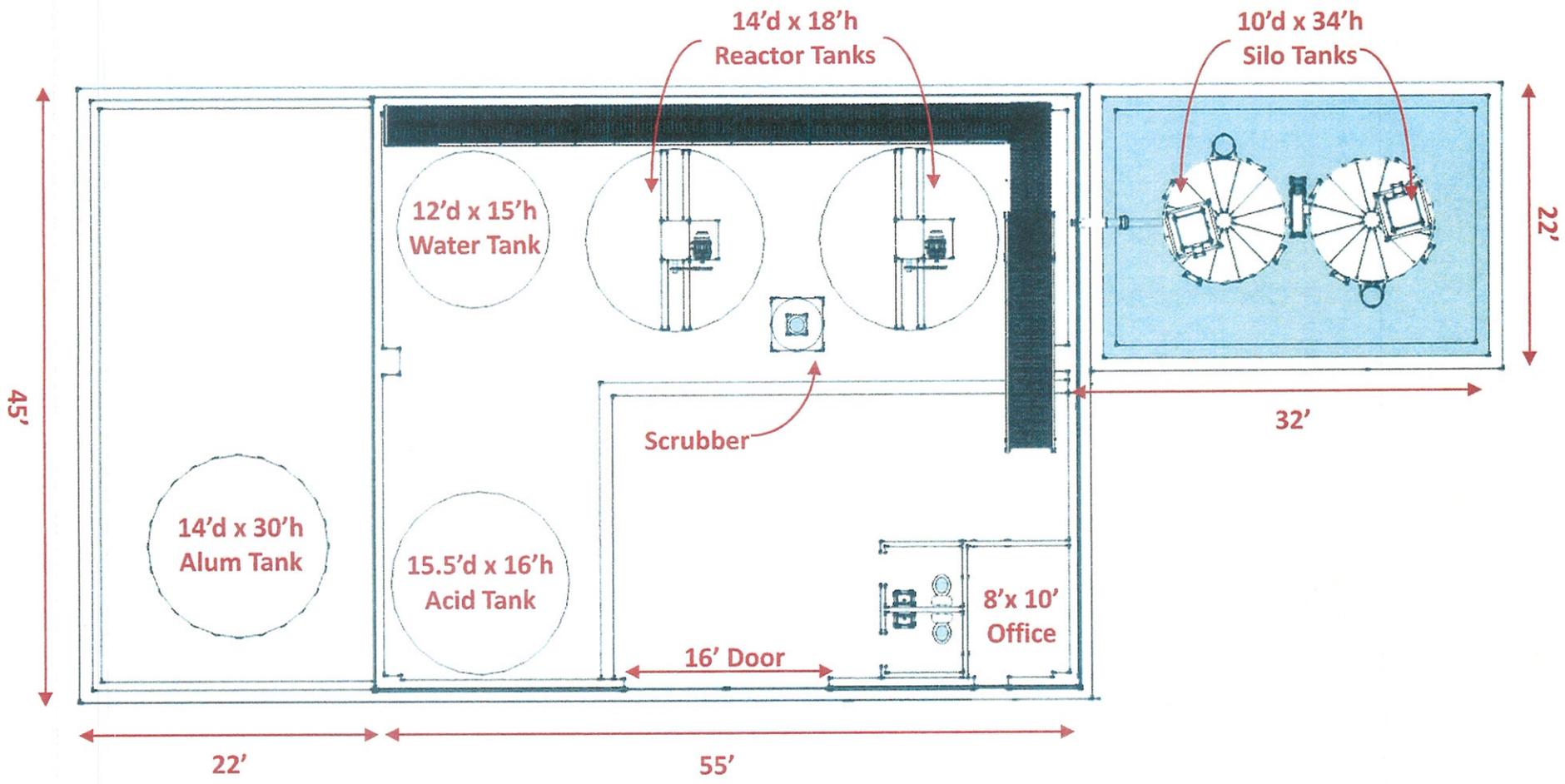
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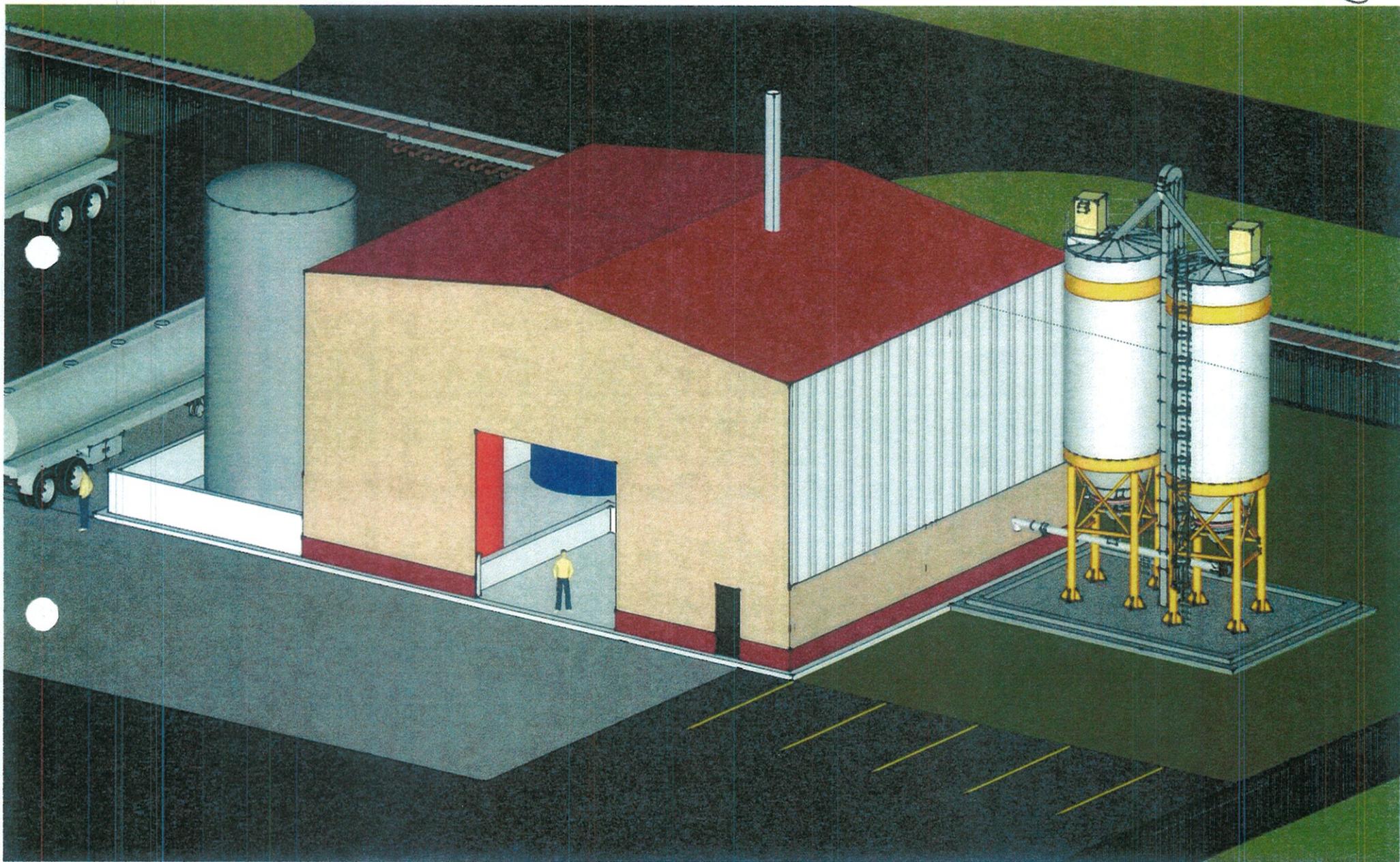
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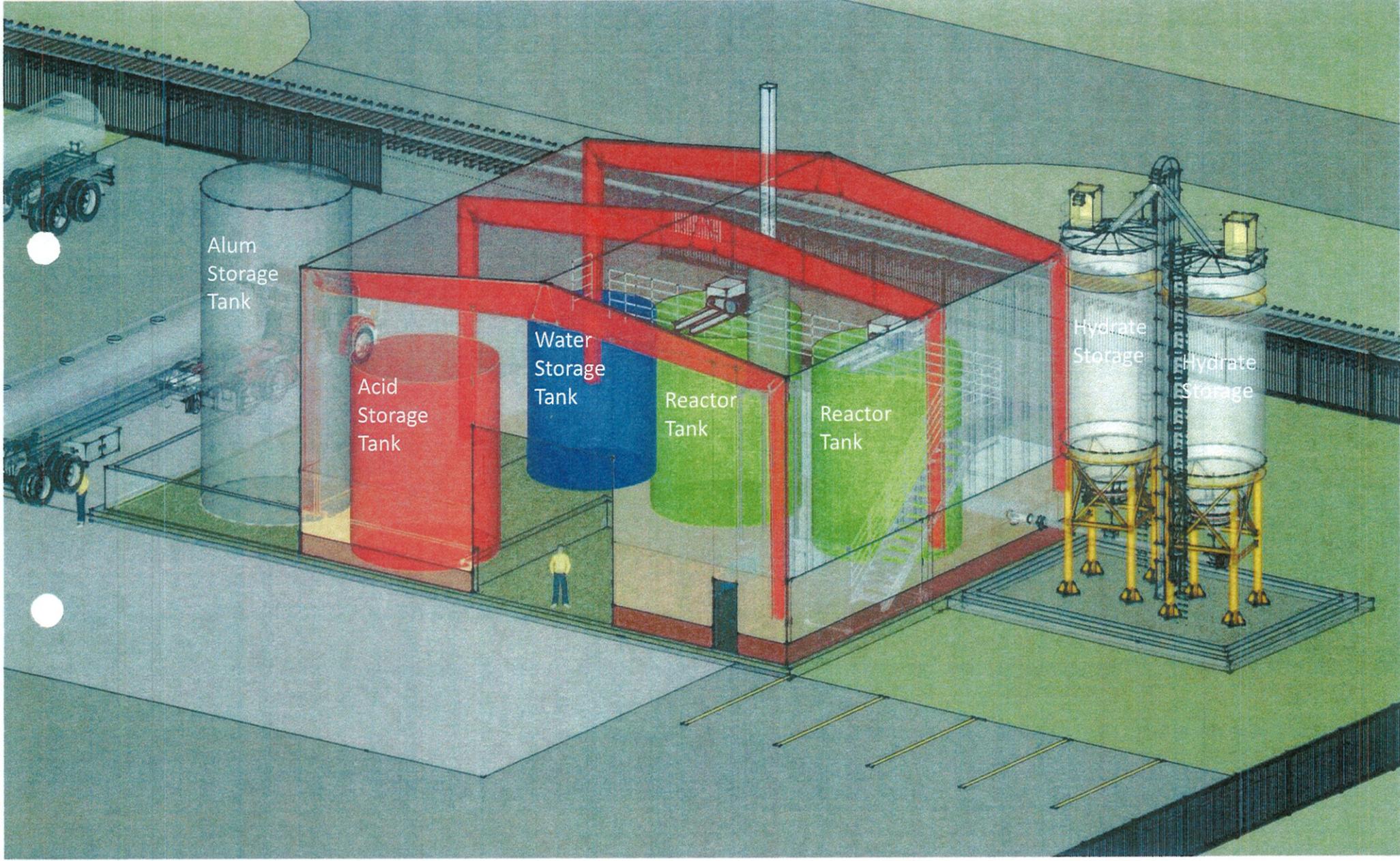


59



6K





Fort Chaffee Redevelopment
Authority
7020 Taylor Avenue
Fort Smith, AR 72916

City of Fort Smith

Richard & Jennifer Millican
8308 Canopy Oaks Drive
Fort Smith, AR 72903

Lynn & Mary Merechka
P. O. Box 1603
Van Buren, AR 72957

5. **Rezoning #2-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Industrial Moderate (I-2) by Classification located at 7712 Taylor Avenue. (companion item to items #6 & #12)**
6. **Conditional Use #4-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a conditional use for a chemical, plastics and rubber industry located at 7712 Taylor Avenue. (companion item to items #5 & #12)**
12. **Variance #5-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority for a variance from 10 acres to 3.92 acres minimum lot area and from major arterial to major collector required street access located at 7712 Taylor Avenue. (companion item to items #5 & #6)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the development of a chemical manufacturing company. Ms. Andrews stated that a neighborhood meeting was held on January 31, 2013, at the offices of the Fort Chaffee Redevelopment Authority, 7020 Taylor Avenue with one (1) surrounding property owner in attendance who voiced concerns relative to any odors that might occur during the manufacturing process, proposed truck traffic and the delivery of raw materials. Mr. Coleman advised the property owner that no odors were anticipated and that three to four trucks per week are planned initially for the project and that raw materials would be delivered by rail and the final product transported by trucks.

Mr. Randy Coleman with Mickle-Wagner-Coleman was present to speak on behalf of these requests. Mr. Coleman advised the Commission that the Fort Chaffee Design Review Board had met and submitted a copy of their approval letter.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on these requests with a vote on the variance request prior to the vote on the rezoning and conditional use requests.

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

12. **Variance #5-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority for a variance from 10 acres to 3.92 acres minimum lot area and from major arterial to major collector required street access located at 7712 Taylor Avenue. (companion item to items #5 & #6)**

Chairman Griffin called for the vote on the variance request. The vote was 7 in favor and 0 opposed.

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

- 5. Rezoning #2-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Industrial Moderate (I-2) by Classification located at 7712 Taylor Avenue. (companion item to items #6 & #12)**

Chairman Griffin called for the vote on the rezoning request. Motion was made by Commissioner Parks, seconded by Commissioner Maurras and carried unanimously to amend this request to make approval subject to approval of the conditional use application to allow a chemical manufacturing company at this site.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 7 in favor and 0 opposed.

- 6. Conditional Use #4-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a conditional use for a chemical, plastics and rubber industry located at 7712 Taylor Avenue. (companion item to items #5 & #12)**

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

- Submittal of a landscaping plan that complies with the Chaffee Crossing Master Design Guidelines landscaping requirements or documentation of an approved variance from the Chaffee Crossing Design Review Committee. The final landscape plan must also address conflicts with existing utilities, drainage and sidewalk.
- Dedication of any required franchise or city easements.
- Compliance with the Chaffee Crossing Master Design Guidelines sign regulations and submittal of a sign permit application for any proposed signage.
- Compliance with Chaffee Crossing Master Design Guidelines lighting requirements.
- Compliance with the Chaffee Crossing Master Design Guidelines architectural or documentation of an approved variance from the Chaffee Crossing Design Review Committee (DRC).

- Construction of a 5' sidewalk adjacent to Darby Avenue or approval from the DRC to delay sidewalk construction until development of the lot adjacent to Darby Avenue.
- Compliance with the City's Storm Drainage Standards.
- All construction must be built in accordance with the submitted development plan and with any Planning Commission amendments.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

- 7. A request by Jerry Morrow and/or Kip Guthrie, agents for A&M Railroad Fort Smith for development plan approval for a warehouse addition located at 1301 North 4th Street. (companion item to item #14)**
- 14. Variance #7-2-13; A request by Jerry Morrow and/or Kip Guthrie, agents for A&M Railroad Fort Smith for a variance from Section 27-602-4(E) Industrial Building Standards located at 1301 North 4th Street. (companion item to item #7)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is for a 60,000 square foot metal building addition with 13 bays located at 1301 North 4th Street and a variance from all of the UDO Industrial design guidelines. Ms. Rice stated that a neighborhood meeting was held on February 4, 2013, at 3:00 p.m. on site and no surrounding property owners were in attendance. Ms. Rice noted that the development plan proposes a 60,000 square foot metal warehouse addition to an existing 40,000 square foot facility. Ms. Rice also noted that the variance application is requesting a waiver from Section 27-602-4 (E) Industrial Building Standards of the UDO which would be applicable to this development.

Mr. Kip Guthrie, representing the Arkansas Missouri Railroad and Mr. Jerry Morrow were present to speak on behalf of these requests. Mr. Guthrie stated that this property is in a flood zone and they are proposing to put in green space and clean up this area.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on these requests with the variance application being voted on prior to the vote on the development plan.

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

- 14. Variance #7-2-13; A request by Jerry Morrow and/or Kip Guthrie, agents for A&M Railroad Fort Smith for a variance from Section 27-602-4(E) Industrial Building Standards located at 1301 North 4th Street.**

RESOLUTION _____

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE
CONTRACT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 12-06-A**

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

SECTION 1: The bid of N.E.C., Inc., received February 26, 2013, for the construction of Drainage Improvements, Project No. 12-06-A, in the amount of \$675,530.85 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with N.E.C., 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 March, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: February 28, 2013

SUBJECT: Drainage Improvements
Project No. 12-06-A

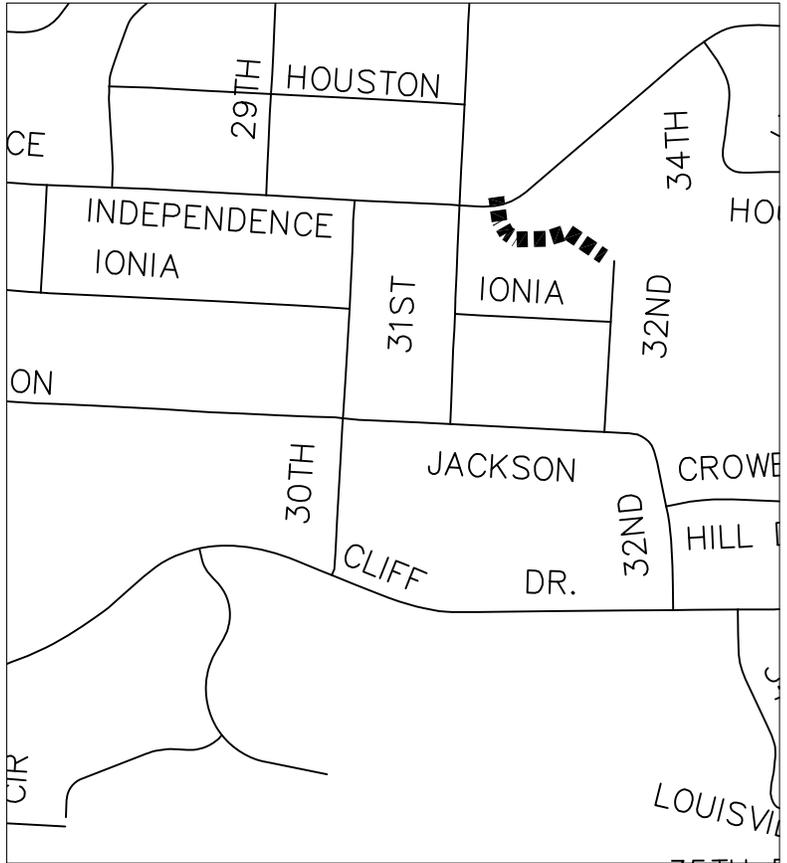
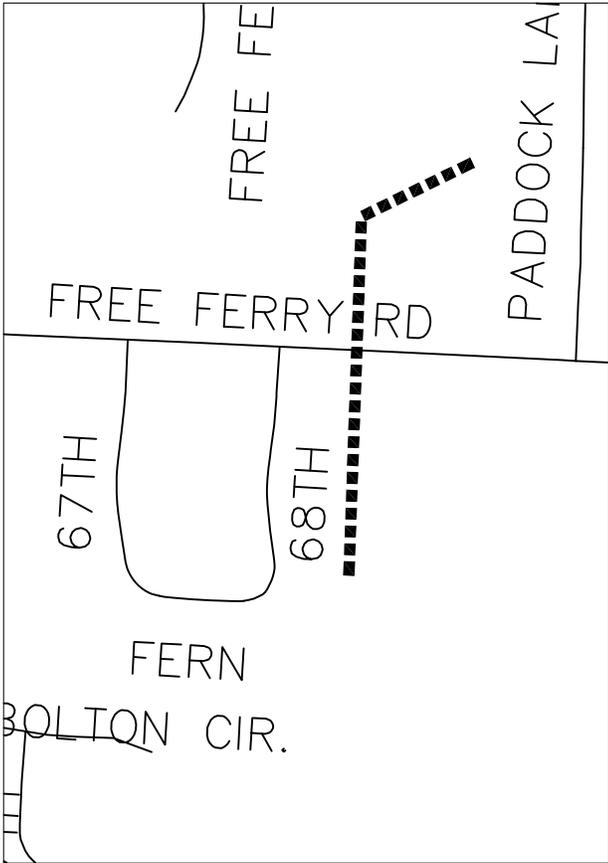
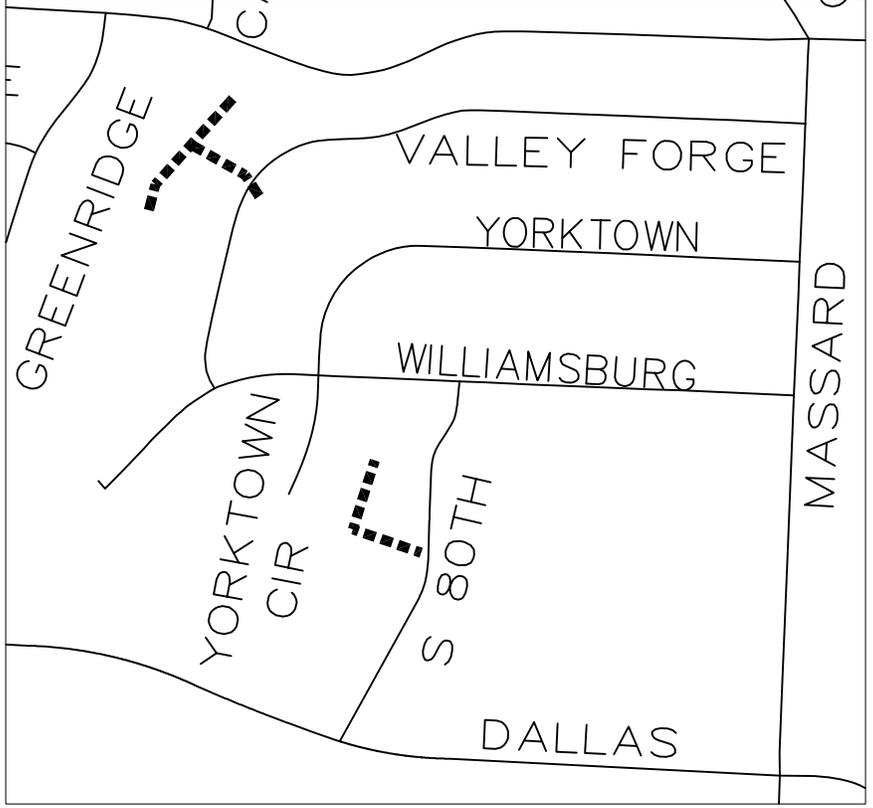
This project consists of drainage improvements to reduce structure flooding that occurred during the heavy rains in spring 2011. The project includes improvements in five areas: Free Ferry Lane, Valley Forge, South 80th Street, Free Ferry Road and Independence Street. The locations of the proposed improvements are shown on the attached exhibit.

Construction plans and specifications were prepared by Atkins Engineering of Barling, Arkansas. An advertisement was published and bids were received on February 26, 2013. Fourteen contractors requested plans and specifications and seven bids were received which are summarized as follows:

| CONTRACTOR | AMOUNT | CONTRACTOR | AMOUNT |
|----------------------------------------------|---------------|-----------------------------------------------|---------------------|
| 1. N.E.C., Inc. Rogers, AR | \$675,530.85 | 5. Crawford Construction Van Buren, AR | \$947,694.00 |
| 2. Forsgren, Inc. Fort Smith, AR | \$749,002.50 | 6. Steve Beam Const. Fort Smith, AR | \$1,005,337.50 |
| 3. Goodwin & Goodwin, Inc. Fort Smith, AR | \$834,762.00 | 7. Township Builders, Inc. Little Rock, AR | \$1,155,810.00 |
| 4. TNT, Inc. Van Buren, AR | \$848,403.50 | <i>Engineer's Estimate</i> | <i>\$860,000.00</i> |

I recommend that the lowest bid be accepted and that the construction contract be awarded to N.E.C., Inc. The estimated notice to proceed date for this contract is April 1, 2013. Based on the contract duration of 270 days, the estimated completion date would be December 26, 2013.

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



2012 CAPITAL IMPROVEMENTS PROGRAM
NEIGHBORHOOD DRAINAGE



| | |
|-----------|-----------|
| Project: | 12-06-A |
| Date: | OCT. 2011 |
| Scale: | NONE |
| Drawn By: | RBR |

RESOLUTION _____

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL
PROPERTY INTERESTS FOR JENNY LIND ROAD AND
INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A, AHTD JOB NO. 040471**

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

SECTION 1: The appraised values for the following tracts required for the Jenny Lind Road & Ingersoll Avenue Widening project are approved and acquisition of the interests for the appraised amounts is hereby authorized:

| <u>TRACT</u> | <u>OWNER</u> | <u>APPRAISED VALUE</u> |
|--------------|-------------------------------|------------------------|
| 36 | Woodrow Anderson, Jr. | \$ 58,200.00 |
| 37 | DSW Properties, LLC | \$ 45,700.00 |
| 41 | Breeden Breeden Robinson, LLC | \$ 40,600.00 |
| 49 | Baldor Electric Company | \$ 21,000.00 |
| 55 | WWA Company | \$277,600.00 |

SECTION 2: The City Administrator, or his designated agents, and the City Attorney are hereby authorized to acquire the required tracts for the above listed appraisal amounts.

SECTION 3: Payment for acquisition of the tracts authorized by Section 2 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of March, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: February 28, 2013

SUBJECT: Jenny Lind Road & Ingersoll Avenue Widening
Project No. 07-01-A, AHTD Job No. 040471
Acquisition on Tracts 36, 37, 41, 49, & 55

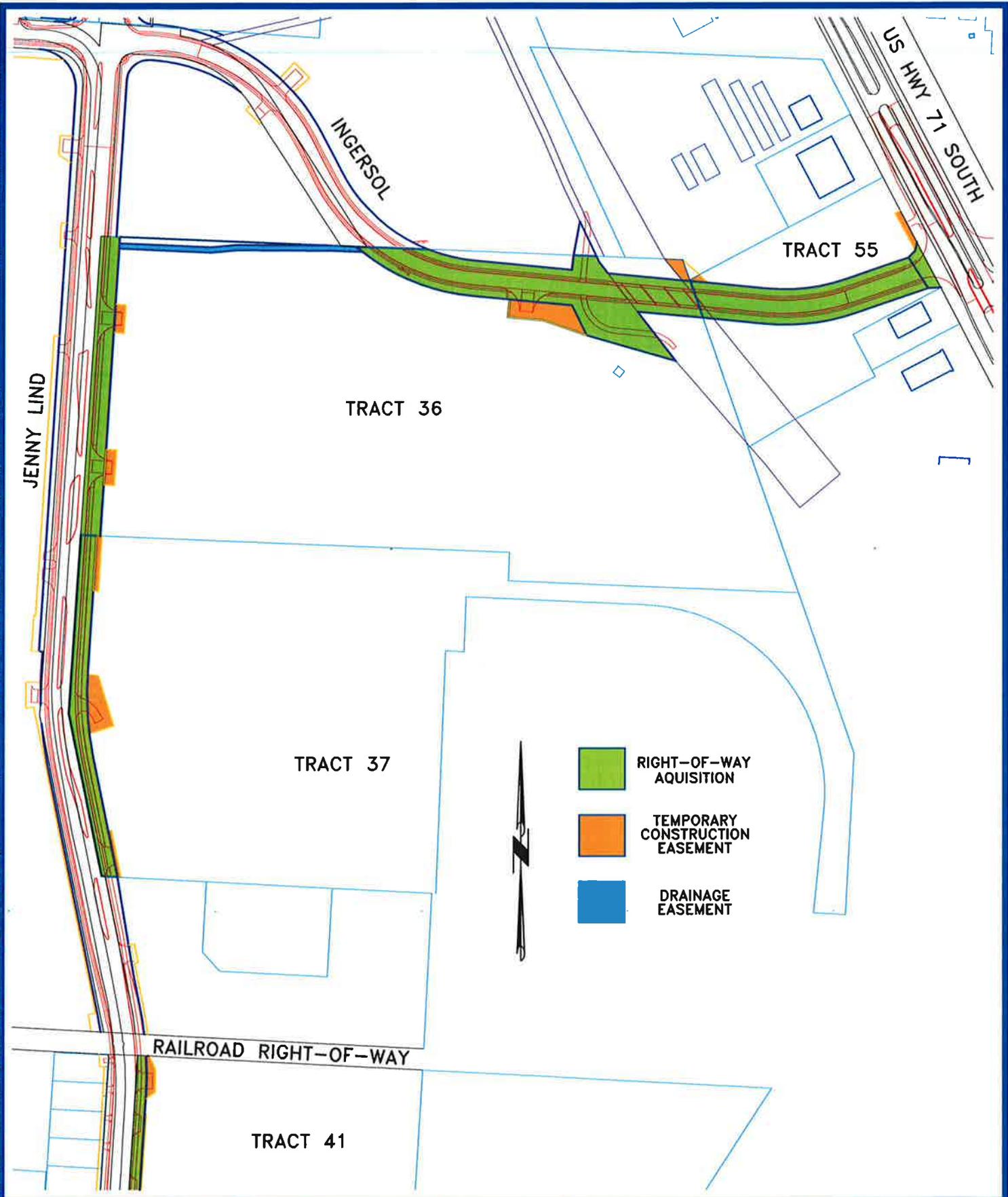
The Jenny Lind Road & Ingersoll Avenue Widening Project includes the re-construction and widening of Jenny Lind Road from Cavanaugh Road to Zero Street, widening of Ingersoll Avenue from Highway 271 to Jenny Lind Road, and the extension of Ingersoll Avenue from Jenny Lind Road to Highway 71. We are currently acquiring right of way for the project and hope to begin construction by the end of 2013.

A City ordinance requires that the acquisition of property in excess of \$20,000 be approved by the Board of Directors before an offer is made. In this Resolution, we are seeking Board approval to make offers on five tracts which exceed \$20,000 based on the appraisals. The appraisals for these tracts were prepared in accordance with Federal and State Appraisal specifications by Matthews Appraisal Service and have been reviewed and approved by the Arkansas State Highway and Transportation Department (AHTD). A location map showing these tracts is attached.

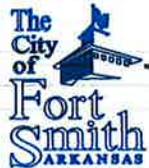
Attached is the Resolution which authorizes the acquisition of the referenced tracts for the appraised amount. Any compensation above the appraised amount will be brought back to the Board of Directors for approval. I recommend the Resolution be adopted by the Board at the next regular meeting.

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

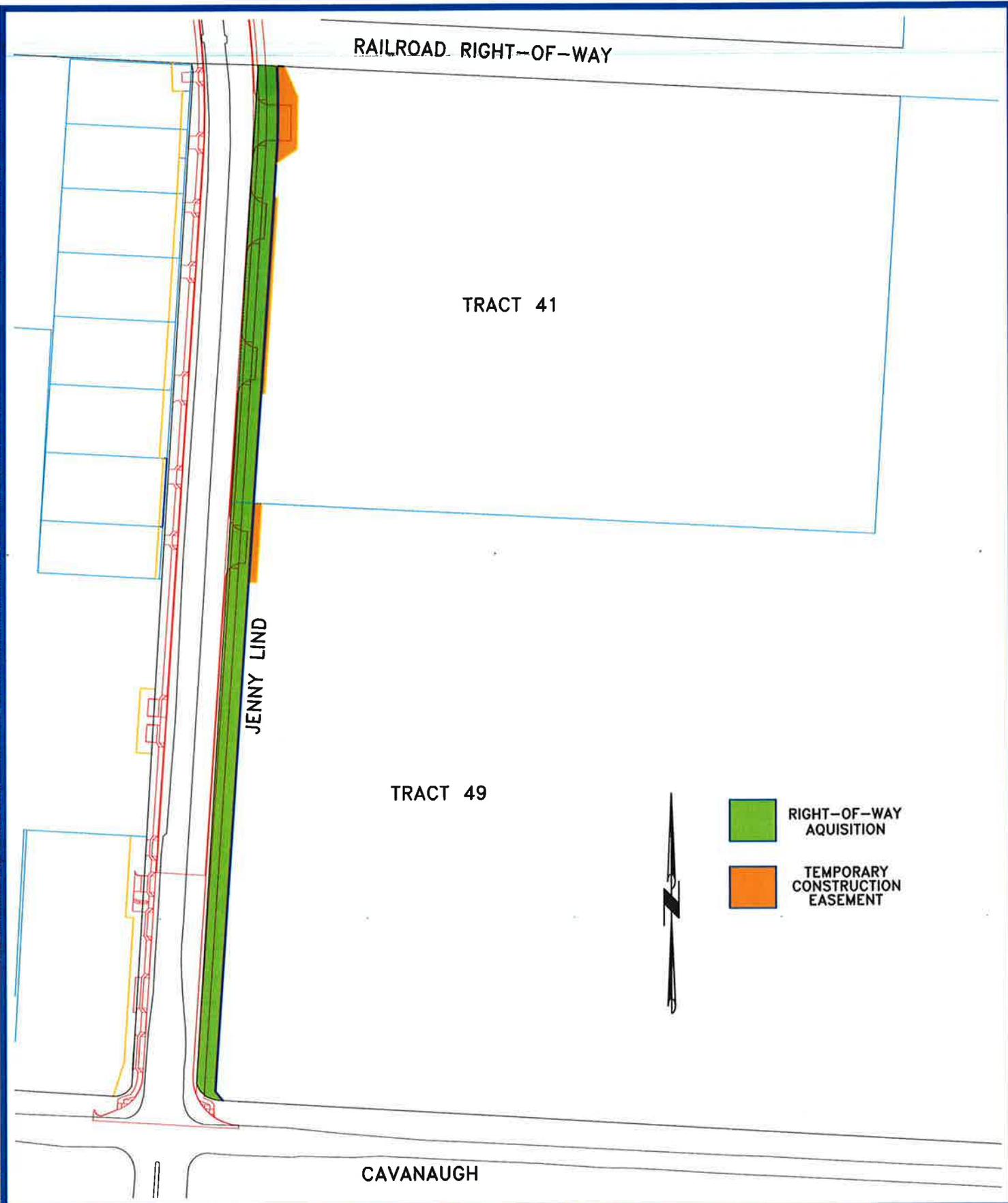


PROPERTY ACQUISITION MAP
 JENNY LIND ROAD RELOCATION
 TRACTS 36, 37 & 55
 FORT SMITH, ARKANSAS



| | |
|-----------|---------------|
| Project: | 07-01-A |
| Date: | FEBRUARY 2013 |
| Scale: | NONE |
| Drawn By: | RBR |

C:\DRAWINGS\CIP\07-01-A JENNY LIND - INGERSOLL\City Board\ JL-Ingersoll Exhibits 6.dwg 02/28/13-11:00 RBR TRACTS 41-49



PROPERTY ACQUISITION MAP
 JENNY LIND ROAD RELOCATION
 TRACTS 41 & 49
 FORT SMITH, ARKANSAS



| | |
|-----------|---------------|
| Project: | 07-01-A |
| Date: | FEBRUARY 2013 |
| Scale: | NONE |
| Drawn By: | RBR |

RESOLUTION NO. _____

A RESOLUTION APPROVING THE 2013 SUPPLEMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to supplement such agreement with additional language related to cost sharing on the aquatics facility in order to ensure that the cost of designing and building the facility are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Supplement to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

THIS RESOLUTION passed this 5th day of March, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney
No Publication Required

2013 SUPPLEMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT
SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

This 2013 Supplement to An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park (2013 Supplement) is made and entered into between Sebastian County, Arkansas (“County”) and the City of Fort Smith, Arkansas (“City”).

WHEREAS, pursuant to authorizations of the governing bodies of the County and the City, the County and the City have previously entered into An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park dated February 16, 2012 (the “Agreement”); and

WHEREAS, the conditions precedent outlined in paragraph 1 of the Agreement whereby the voters of the City of Fort Smith approved the issuance of four million dollars (\$4,000,000) in sales tax bonds and the County has earmarked four million dollars (\$4,000,000) for the construction of an Aquatics Facility have come to pass; and

WHEREAS, the annexation provisions of paragraph 4 of the Agreement have been completed; and

WHEREAS, the County and the City desire to adopt a 2013 Supplement to the Agreement for the purpose of providing additional funding for the Aquatics Facility to be constructed pursuant to the Agreement and make provisions regarding the equalizing of funding by the County and the City of facilities to be constructed pursuant to the Agreement.

NOW, THEREFORE, based on the mutual considerations accruing to the City and the County and their citizens, it is agreed as follows:

1. The recitals set forth in the foregoing whereas clauses are confirmed by the parties and incorporated into this Agreement, and the City and County confirm the continued effectiveness of the Agreement executed on February 16, 2012.

2. To provide additional capital funding and in-kind services with reference to the Aquatics Facility to be constructed pursuant to the Agreement, the County agrees:

a. To provide additional capital funding of \$820,000 for the construction of the Aquatics Facility; and

b. To provide in-kind construction of a parking lot for the Aquatics Facility at an estimated cost of \$450,000.

3. The City agrees to provide in-kind construction of water and sewer facilities for the Aquatics Facility at an estimated cost of \$135,000 and to provide a coordinated traffic light on Zero Street for ingress and egress into Ben Geren Park in support of the Aquatics Facility at an estimated cost of \$200,000.

4. Considering the funding and in-kind costs incurred by the County and by the City as recognized in Sections 2 and 3, and based on the parties' agreed equal sharing of the funding for the Aquatics Facility, the County will have provided \$467,500 in funding in excess of the funding provided by the City. In order to equalize the City's share of the funding of the Aquatics Facility, the City agrees to provide funding from City sources of an amount of at least \$100,000 as a cash payment to the County in each of the years 2014, 2015 and 2016 on or before October 1 of each year. By January 31, 2017, from a funding source determined by the City, the City will pay to the County a sum which is the difference between \$467,500 and the sum of the payments provided by the City to the County in operating years 2014, 2015 and 2016 (each year's payment to be at least \$100,000).

5. The sums identified in Sections 2 through 4 of this Agreement are current estimates. In the event the parties' estimates as compared to actual costs vary, the parties agree to adjust the figures set forth in this 2013 Supplement to reflect the actual figures determined by the construction and design activities. All sums shall be paid and received without interest.

6. Except as supplemented by this 2013 Supplement, the parties' Agreement shall continue in full force and effect according to the terms of the Agreement.

This 2013 Supplement is executed on behalf of the County by the County Judge thereof and on behalf of the City by the Mayor thereof on this ____ day of _____, 2013.

Sebastian County:

County Judge

ATTEST:

County Clerk

City of Fort Smith, Arkansas:

Mayor

ATTEST:

City Clerk

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 3/1/2013
Re: Supplement to Agreement with Sebastian County

An agreement with Sebastian County related to the aquatics center and softball field projects at Ben Geren Regional Park was adopted in January, 2012 by Resolution No. R-8-12. Among other things, the agreement specifically spelled out cost-sharing between the city and the county in the design, construction and operation of an aquatics facility based on the presumed \$8 million project.

As recent discussions and public input have indicated that the resulting preliminary design of the facility did not include desired amenities, the county and the city have explored ways to add amenities to the preliminary design while recognizing the city's restriction to the \$4 Million approved by the voters for the capital cost of designing and building the aquatics facility. The attached Supplement to the January, 2012 agreement was developed in order to meet this objective, and to ensure equitable cost-sharing in the project between Sebastian County and the City of Fort Smith.

The Supplement to the agreement spells out that that County would contribute its original \$4 million, and an additional \$820,000 to the initial design & construction of the aquatics facility, as well as specific in-kind services valued at \$450,000.

The City would contribute its original \$4 million share, plus specific in-kind services valued at \$335,000, and agree to pay the County an estimated \$467,500 over a four year period as reimbursement for city's share of the additional design/construction funding fronted by the county, and the difference in the value of in-kind services provided. The \$467,500 would be funded by the 1/8-cent sales tax for park operations & improvements. This will likely result in a slight delay of some parks capital projects, but only by a matter of a few months. The re-designed project incorporating the additional amenities would still come before the board for approval before the design is considered final.

The objective of the Supplement to the Agreement is to meet the public's expectations in the resulting aquatics facility, and to ensure that the city and county equally share in the cost of building and operating the facility. Upon the Board's approval of the Supplement to the Agreement at the March 5 regular meeting, it will be forwarded to the Quorum Court for its consideration on March 19.

Please contact me if you have questions regarding this agenda item.

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION SPACE USE AGREEMENT WITH YOUNG ACTORS GUILD FOR SPACE ON THE UPPER LEVEL OF THE CONVENTION CENTER ANNEX

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

The Mayor is authorized to execute the attached space use agreement with the Young Actors Guild for a portion of the upper level of the Convention Center Annex, located at 801 Carnall Avenue, Fort Smith, AR 72901. The space to be used shall be utilized for program preparation, auditions, and rehearsals for the Young Actors Guild for the period of March 1st, 2013 through December 31st, 2013.

THIS RESOLUTION ADOPTED this _____ day of March, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



NPR

Memorandum

To: Ray Gosack, City Administrator
From: Russell Gibson, Director, Information and Technology Systems
Date: February 25, 2013
Re: Young Actors Guild Space Use Agreement

Ray,

Attached in PDF format please find a Resolution and Space Use Agreement between the City of Fort Smith and Young Actors Guild for a portion of the upper-level of the Convention Center Annex (old downtown library) located at 801 Carnall Avenue. The space will be utilized for meetings, rehearsals, auditions, and preparations for activities directly related to the Young Actors Guild. Use of the space is being provided to YAG at no-cost and the Agreement will be in effect from March 1st, 2013 through December 31st, 2013.

The Young Actors Guild reaches 300-400 area youth, which range in age from 6-19. This Space Use Agreement is an opportunity to support these young people in our community while also supporting a highly-successful performing arts program operating on a limited budget.

Please contact me if you have any questions or would like additional information.

Best regards,



Russell Gibson
Director, Information and Technology Systems
479-788-8919
rgibson@fortsmithar.gov

SPACE USE AGREEMENT

This SPACE USE AGREEMENT executed on this _____ day of March, 2013, between the City of Fort Smith, Arkansas, ("CITY"), and The Young Actors Guild, P.O. Box 180983, Fort Smith, AR 72918, ("YAG"), witness:

1. The primary term of this Agreement shall be for a period of ten (10) consecutive months, commencing effective March 1st, 2013, and continuing through December 31st, 2013.

2. The CITY will make available to YAG throughout the term of this Agreement space located on the second (2nd) floor of the Convention Center Annex ("PREMISES"), located at 801 Carnall Ave, Fort Smith, AR 72901. The CITY retains all property rights and interests in and to the PREMISES.

3. YAG shall use said PREMISES solely for program preparations, auditions, rehearsals, meetings, and other activities directly related to operations of YAG.

4. The CITY agrees to provide the main, open space located on the second (2nd) floor and shared use of the meeting room located off the main, open space. CITY shall provide all utilities, excepting telephone and Internet services. YAG will provide and pay for its own telephone and Internet service. YAG will keep the PREMISES free from hazards at all times. In particular, entrances to and passageways through the PREMISES will be maintained free of obstacles or debris that could impede emergency access to, and egress from, the area. The installation of permanent fixtures or modifications to the interior or exterior of the PREMISES is not permitted by this Agreement. YAG shall, at its expense, maintain the PREMISES in good and reasonable repair, ordinary wear and tear excepted. YAG may not alter the PREMISES or place signs on or in the PREMISES unless approved by the CITY in advance in writing by the City Administrator. In the use of the PREMISES, YAG will comply with all laws, codes, and regulations, including requirements of state and local fire safety codes or ordinances applicable to the PREMISES.

5. YAG hereby releases the CITY from all liability which might arise out of its use of the said premises and hereby agrees to indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on the civil rights and anti-discrimination statutes of the United States and the State of Arkansas), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property, and the cost of liabilities (including the City's cost with respect to its employees and of defending any and all such actions and proceedings described herein) arising out of or pertaining to the use of the PREMISES or the providing of services hereunder by YAG.

6. YAG shall not sub-lease said property.

7. It is agreed by YAG that the CITY shall have the right, at all reasonable times, to inspect the facilities and programs being provided to YAG under this Agreement. After inspection or investigation,

the CITY shall have the right to notify YAG, in writing, of any deficiencies in facilities provided under this Agreement, and, if such deficiencies are not cured to CITY's sole satisfaction within thirty (30) calendar days from the date of such written notice, CITY shall have the absolute right to terminate this Agreement immediately. Furthermore, the CITY in its sole discretion shall have the right to cancel this Agreement upon the happening of any of the following:

- a. Any substantial damage to or destruction of the PREMISES by fire, wind, or other casualty; or
- b. A determination by the City Administrator of the City of Fort Smith that the purpose for which the facility was provided by YAG is no longer being adhered to; or
- c. A determination by the City Administrator that YAG, its employees or agents, in the use of the PREMISES, have violated the CITY's policy against discrimination on the basis of age, sex, religion, national origin, political affiliation, handicap, veteran status, or have violated the CITY's policy in favor of a drug-free work place.

Termination or cancellation of this Agreement by the CITY prior to the end of the term of the Agreement shall require the approval of the City Administrator of the City of Fort Smith.

8. YAG may cancel this Agreement upon thirty (30) days written notice to CITY.

IN WITNESS WHEREOF, the parties have duly executed this agreement on the date first set forth above.

YOUNG ACTOR'S GUILD

By: _____

Title: _____

By: _____

Title: _____

CITY OF FORT SMITH, ARKANSAS

Mayor

RESOLUTION NO. _____

RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF
VARIOUS SANITATION CONTAINERS

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

The bids, as indicated by enclosure for the purchase of various sanitation
containers from Wastequip for \$411,352.29, are accepted.

This Resolution adopted this _____ day of March, 2013.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: Purchase of Sanitation Containers

DATE: February 14, 2013



The 2013 Budget earmarked funding for the purchase of containers of various sizes for both the Commercial Collection (Program 6303) and Sanitation Roll-Off Collection (Program 6307) Divisions of the Sanitation Department.

In 2009, bids were solicited and awarded per Resolution No. R-50-09 for the purchase of these containers with the stipulation that the City could exercise an option to renew the contract for four (4) consecutive one (1) year periods after the initial award. The renewal was contingent upon on a mutual agreement between the City and the successful bidder, Wastequip. Additionally, the bidder was advised that price adjustments were allowed subject to approval by the City. With the moderate price increases due to the rising cost in steel, the submitted quotes (attached) are acceptable.

Funding for this purchase is available and has been appropriated for in the 2013 Budget, Capital Outlay accounts as outlined below:

- 6303-302 \$95,000 4yd Front End Load Containers
- 6303-303 \$130,000 8yd Front Load Containers
- 6303-304 \$70,000 8yd Front Load Cardboard Containers
- 6303-305 \$60,000 6yd Front Load Containers
- 6307-303 \$20,000 20yd Open Top Containers
- 6307-304 \$22,500 30yd Open Top Containers
- 6307-305 \$25,000 40yd Open Top Containers

I recommend that the bids noted by enclosure be accepted.

Please let me know should you have any questions



MEMORANDUM

February 27, 2013

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director 

Subject: Commercial Front Load Container and Industrial Roll Off Container Purchases

We currently have a large inventory of commercial and industrial stationary containers that are old and rusted, with many we are unable to repair or refurbish. We are requesting authorization from the Board of Directors to purchase new containers. The new containers will be added to the inventory of commercial and industrial solid waste collection containers to better facilitate maintenance and repair, and accommodate new customers. Many of the industrial containers in our inventory are 10 to 18 years beyond their service age. The sides of many of the containers are bowing out due to metal fatigue to welds, hinges, and seams. This results in potential safety issues while the containers are being hauled through the city.

Our request for commercial containers will allow us to maintain our replacement schedule and help us to accelerate our transition to “stab service” (forks). For many years, the Department of Sanitation has utilized an “A-frame” hook-up attachment on our front-load trucks and containers. The A-frame hook-up attachment is an antiquated technology in the solid waste collection industry with no solid waste haulers utilizing this method nationwide. Additionally, there are no remaining commercial container manufacturers that supply the A-frame containers. To overcome this issue, in 2008, we began ordering our containers with the side pockets option in order to transition to “stab service” in the future. Once we can fully transition to stab service, we will be able to purchase front load containers in all sizes, and in lightweight materials such as plastic and aluminum, which will result in more cost savings.

The 2013 Budget earmarked funding for the purchase of various sized front load and roll off containers for the Commercial Collections (program 6303) and Industrial Collections (program 6307) Divisions.

Please contact me should you have any questions or would like additional information regarding this request.



Accurate • Galbreath • Mt. Tarp • Parts Place • Pioneer • Toter

QUOTE

Wastequip
P O Box 1029 - Beeville, TX 78104 -
Phone: 469-853-7729 - Fax:
Email: shurttt@wastequip.com

| | |
|----------|-----------|
| Date | Quote # |
| 02/12/13 | SYNHQ4744 |

Sold To: City Of Fort Smith - Department of S
Blake Kendrick
5900 Commerce Rd
Fort Smith, AR 72916-8370
USA

Phone: 479-784-2434
Fax: 479-646-2255

Ship To:

Phone:
Fax:

QUOTE GOOD FOR 21 DAYS
FREIGHT TO BE CHARGE AT RATE AT TIME OF SHIPMENT

6303

| | | | |
|-------|-------------|-------------|----------|
| Terms | Rep | P.O. Number | Ship Via |
| | Steve Hurtt | | |

| Ln # | Qty | Description | Unit Price | Ext. Price |
|-------|-----|--------------------------------------------------------------|------------------|---------------------|
| 302 1 | 90 | 4 Cu Yd Flat Top Front Load With 2-Piece Poly Lids w/ aframe | \$857.00 | \$77,130.00 |
| 305 2 | 50 | 6 Cu Yd Flat Top Front Load With 2-Piece Poly Lids w/aframe | \$1,035.00 | \$51,750.00 |
| 303 3 | 90 | 8 Cu Yd Flat Top Front Load With 2-Piece Poly Lids w/aframe | \$1,175.00 | \$105,750.00 |
| 304 4 | 50 | 8 CU YD Flat Top FEL w / aframe RECYCLE | \$1,256.00 | \$62,800.00 |
| 5 | 1 | | \$0.00 | \$0.00 |
| 6 | 1 | | \$0.00 | \$0.00 |
| 7 | 1 | | \$0.00 | \$0.00 |
| | | | SubTotal | \$297,430.00 |
| | | | Sales Tax | \$27,512.28 |
| | | | Shipping | \$21,200.00 |
| | | | Total | \$346,142.28 |

plus freight and any applicable taxes



Accurate • Galbreath • Mt. Tarp • Parts Place • Pioneer • Toter

QUOTE

Wastequip
P O Box 1029 - Beeville, TX 78104 -
Phone: 469-853-7729 - Fax:
Email: shurt@wastequip.com

| | |
|----------|-----------|
| Date | Quote # |
| 02/12/13 | SYNHQ4743 |

Sold To: City Of Fort Smith - Department of S
Blake Kendrick
5900 Commerce Rd
Fort Smith, AR 72916-8370
USA

Phone: 479-784-2434
Fax: 479-646-2255

Ship To:

Phone:
Fax:

QUOTE GOOD FOR 21 DAYS
FREIGHT TO BE CHARGE AT RATE AT TIME OF SHIPMENT

6307

| | | | |
|-------|-------------|-------------|----------|
| Terms | Rep | P.O. Number | Ship Via |
| | Steve Hurtt | | |

| Ln # | Qty | Description | Unit Price | Ext. Price |
|-------|-----|---------------------------------------------------|--------------|--------------------|
| 1 | 1 | | \$0.00 | \$0.00 |
| 303 2 | 4 | 20 Cu Yd Standard Open Top Rectangular Container, | \$3,678.00 | \$14,712.00 |
| 304 3 | 5 | 30 Cu Yd Standard Open Top Rectangular Container, | \$3,996.00 | \$19,980.00 |
| 305 4 | 5 | 40 Cu Yd Standard Open Top Rectangular Container, | \$4,560.00 | \$22,800.00 |
| 5 | 1 | | \$0.00 | \$0.00 |
| 6 | 1 | | \$0.00 | \$0.00 |
| | | | SubTotal | \$57,492.00 |
| | | | Sales Tax | \$5,318.01 |
| | | | Shipping | \$2,400.00 |
| | | | Total | \$65,210.01 |

plus freight and any applicable taxes

4F

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Alie Bahsoon, Purchasing Manager 
SUBJECT: Request for Removal of Consent
Agenda Item 4F
DATE: March 1, 2013



I am requesting that item 4F (*Resolution authorizing lease agreement with the American National Red Cross*) be removed from the consent agenda for the Board meeting scheduled for Tuesday, March 5, 2013.

Changes were made by our legal counsel to the proposed lease agreement which is now pending review and approval by the Risk Management Department and Counsel of the American National Red Cross. I was told this would be approximately a two week process. The resolution will be presented to the board at such time.

Please let me know should you have any questions or need additional information.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER THREE TO THE AGREEMENT WITH MICKLE WAGNER COLEMAN, INC., FOR ENGINEERING SERVICES FOR THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: Authorization Number Three with Mickle Wagner Coleman, Inc., for engineering construction phase services associated with Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-EC2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Three in the amount of \$231,352.00, for performance of said services.

This Resolution adopted this _____ day of March 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION NO. _____

4 H

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH M. PHILLIPS CONSTRUCTION, INC., FOR THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - GEREN ROAD AND MASSARD ROAD WATER LINES

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

SECTION 1: The bid of M. Phillips Construction, Inc., for the construction of the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-C2, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with M. Phillips Construction, Inc., for an amount of \$4,661,851.00, for performing said construction.

This Resolution adopted this _____ day of March 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: February 25, 2013

FROM: Steve Parke,  Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements -
Geren Road and Massard Road Water Lines
Project Number 12-04

On February 25th we received and opened seven bids for construction of the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines, Project Number 12-04-C2. The low bid was submitted by M. Phillips Construction, Inc., in the amount of \$4,661,851.00. A bid tabulation sheet is attached for your information.

This project is the second of four being designed by Mickle Wagner Coleman, Inc., under the engineering agreement authorized by the Board for the purpose of providing water system improvements needed to support growth in the Chaffee Crossing and southeastern area of Fort Smith. This project includes the construction of 15,000 linear feet of 24-inch water line along Geren Road and through Ben Geren Park from Highway 45 to Massard Road and construction of 9,700 linear feet of 30-inch water line along Massard Road. An exhibit showing the project location is attached.

A Resolution authorizing contract award to M. Phillips Construction, Inc., in the amount of \$4,661,851.00 is attached. Also attached is a Resolution approving Authorization Number Three to the Agreement with Mickle Wagner Coleman, Inc., in the amount of \$231,352.00 to provide contract administration and construction observation services. Funding for this project is part of the 2012 sales tax and use tax bonds issued for water transmission system improvements.

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

attachment

pc: Jeff Dingman

Bid Tabulation Sheet

Project Name

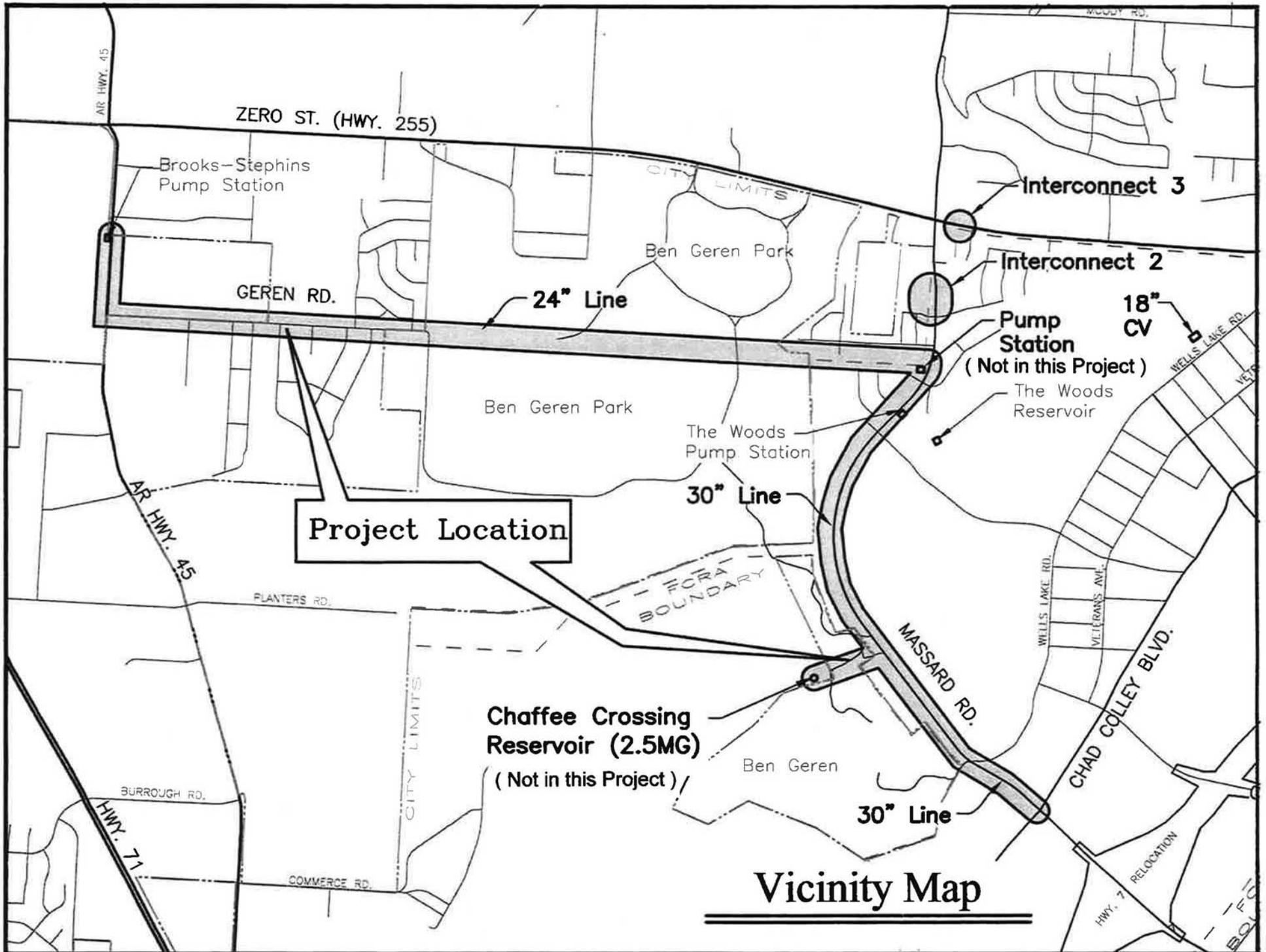
Chaffee Crossing Water Supply Improvements -
Geren Road & Massard Road Water Lines
Project Number 12-04-C2

Bid Opening

February 25, 2013
2:00 P.M.

Bids Received

| | |
|------------------------------------------------------|------------------------|
| M. Phillips Construction, Inc. Magazine, Arkansas | <u>\$ 4,661,851.00</u> |
| Forsgren, Inc. Fort Smith, Arkansas | <u>\$ 4,837,290.65</u> |
| Garney Companies Inc. Kansas City, Missouri | <u>\$ 4,846,626.50</u> |
| Hargan Construction, Inc. Desha, Arkansas | <u>\$ 4,981,385.00</u> |
| Crawford Construction Co. Fort Smith, Arkansas | <u>\$ 5,532,594.25</u> |
| Goodwin & Goodwin, Inc. Fort Smith, Arkansas | <u>\$5,795,215.00</u> |
| S & J Construction Jacksonville, Arkansas | <u>\$ 6,929,464.04</u> |



RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER THREE WITH MORRISON SHIPLEY ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE SUNNYMEDE BASIN NEIGHBORHOOD AND RAMSEY TRIBUTARY SEWER IMPROVEMENTS

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

SECTION 1: Amendment Number One to Authorization Number Three under the Agreement with Morrison Shipley Engineers, Inc., to provide engineering services associated with the Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements, Project Number 09-04-E3, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$33,000.00, for performance of design service, adjusting Authorization Number Three to the amount of \$153,930.00.

This Resolution adopted this _____ day of March 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: February 26, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements
Project Number 09-04-E3

This project is replacing about 10,260 feet of 8 to 10-inch sanitary sewer lines within the Sunnymede sewer basin. The attached map shows the locations of the improvements. The Board awarded the construction contract to Forsgren, Inc., in June 2012 with a contract time of 180 days.

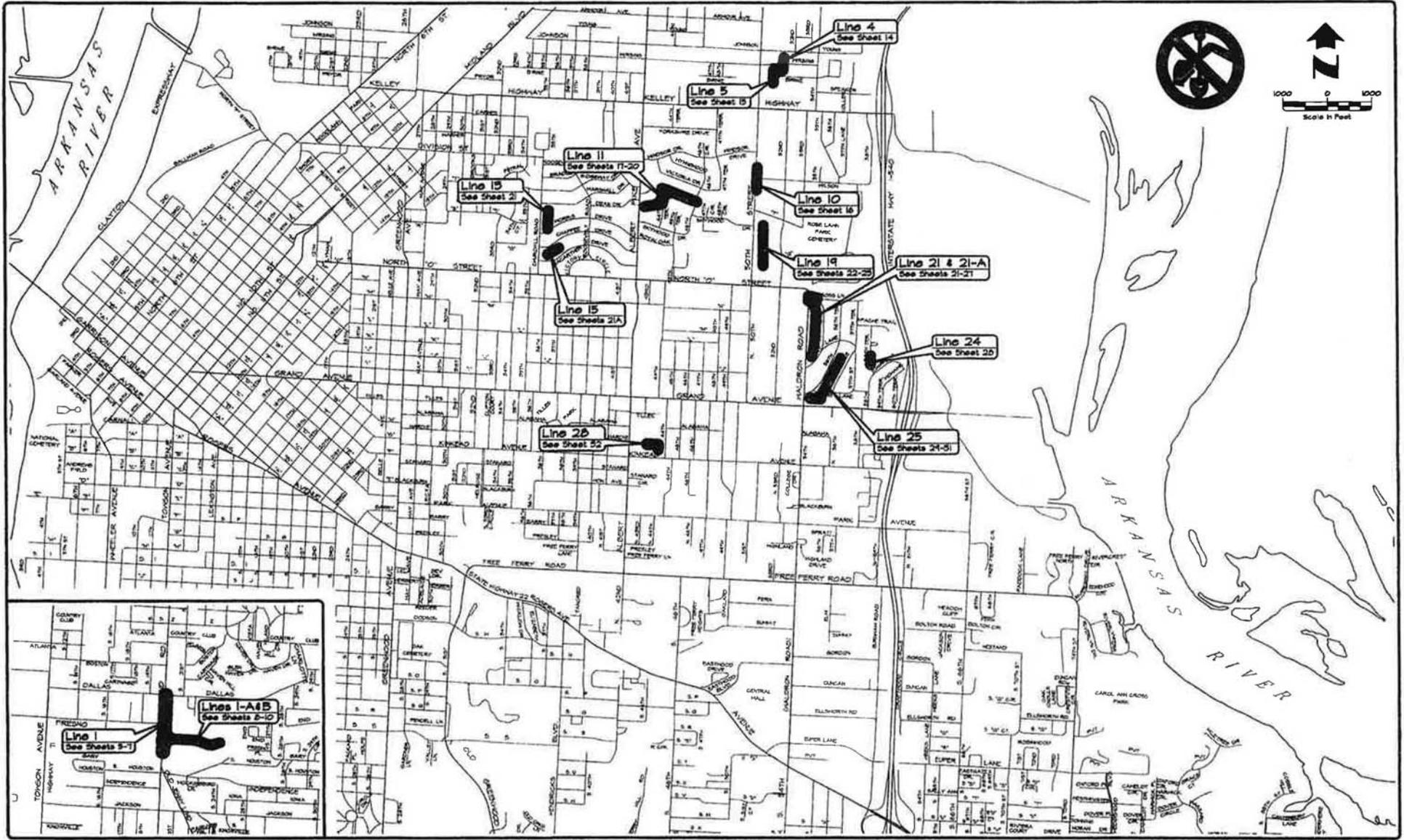
In August 2012 the Board approved Change Order Two to the contract adding 30 days to the contract time to add the Old Dominion Sanitary Sewer Improvements to this project. Morrison Shipley Engineers' construction observation fee was based on the original construction time of 180 days which has now expired. An adjustment to their fee is required to cover the time that the Old Dominion sewer relocation imposed on the project as well as the time now estimated for the contractor to complete the remaining work of the original contract.

Attached is a Resolution authorizing the Mayor to execute Amendment Number One to Authorization Number Three to the Agreement for engineering services with Morrison Shipley Engineers for an amount of \$33,000.00 for additional construction observation, adjusting the amount of the Agreement to \$153,930.00.

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

attachment

pc: Jeff Dingman



| Sheet | No. | Date |
|-------|-----|------|
| | | |
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| | | |
| | | |
| | | |

MORRISON SHIPLEY
 ENGINEERS • SURVEYORS
 8704 Roper Lane, Suite 200 • Fort Smith, AR 72808 • 479-651-1883 • msh@msshipley.com



| | |
|-----------------------|--------------------------------|
| Drawn By DNC | Vertical Scale As Shown |
| Approved By BSM | Horizontal Scale 1" = 1000' |
| Date 5.22.12 | Plotting Scale 1" |
| Project No. FSU-10 | Drawing Name KEY MAP |

**SUNNYMEDE BASIN
 NEIGHBORHOOD SEWER
 IMPROVEMENTS - PHASE 2**
 Fort Smith Project No. 09-04-C3

PROJECT AREA MAP
 Issued for Bidding - Not Construction

Sheet No.
3
35

RESOLUTION NO. _____

4 J

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH N.E.C., INC., FOR THE RIVER FRONT DEVELOPMENT WATER AND SEWER EXTENSIONS PHASE II

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

SECTION 1: The bid of N.E.C., Inc., for the construction of the River Front Development Water and Sewer Extensions Phase II, Project Number 11-08-C2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute a contract with N. E. C., Inc., for an amount of \$939,980.00, for performing said construction.

This Resolution adopted this _____ day of March 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: February 25, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: River Front Development Water and Sewer Extensions Phase II
Project Number 11-08-C2

Over the past several years the Board has identified goals to stimulate development along the city's downtown river frontage which includes phased extensions of water and wastewater utilities. The specific area of attention is the land along River Front Drive between North "A" Street and North "P" Street. The extensions are being accomplished in two phases. Phase I provided water and sewer services to the Marshals Museum site. Phase II is from North "H" street to North "P" Street and covers the remainder of the identified development area. The attached exhibit shows the locations of the Phase II improvements.

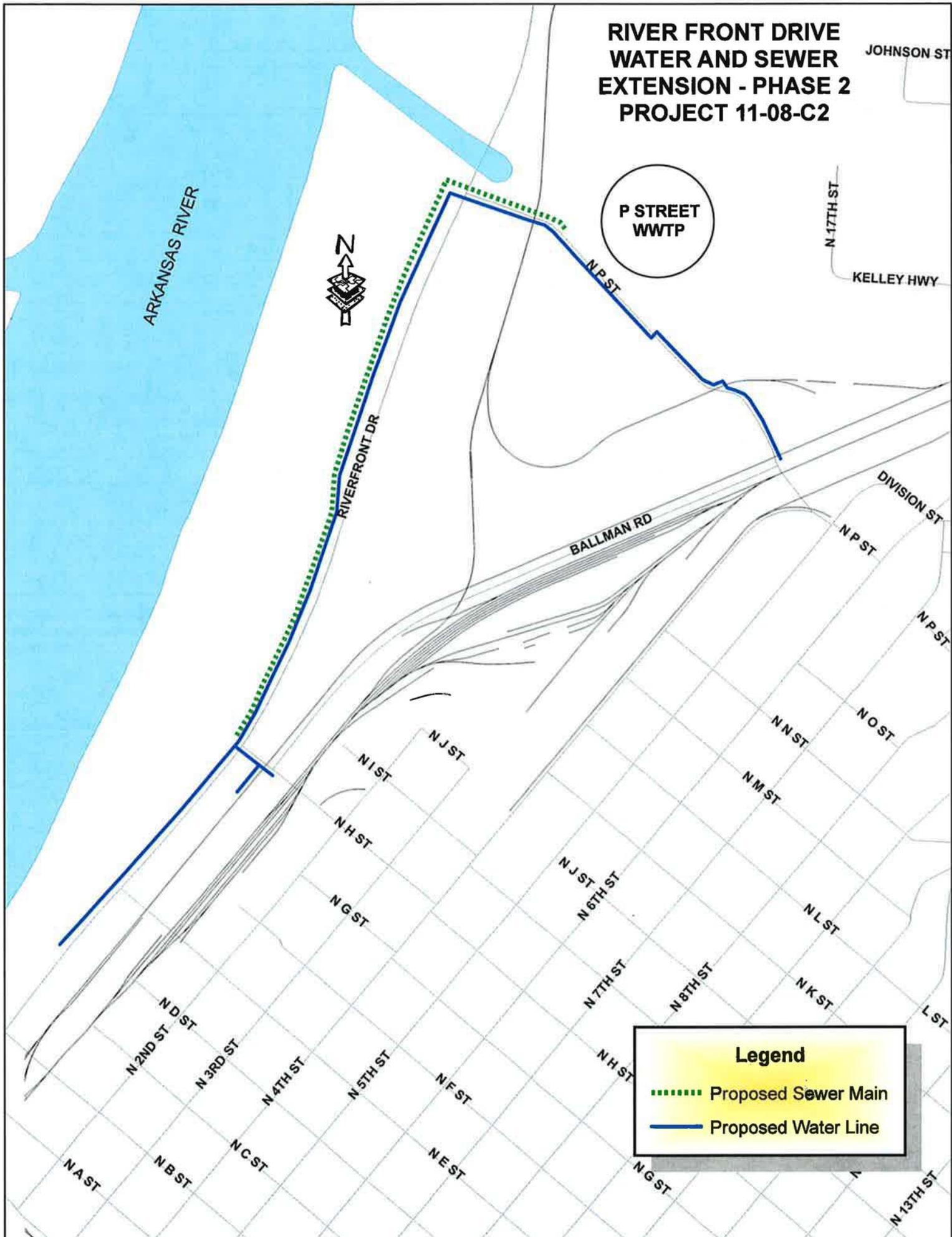
The low bid for River Front Development Water and Sewer Extensions Phase II was submitted by N. E. C., Inc., in the amount of \$939,980.00. A bid tabulation sheet showing the bidders and their bid amounts is attached. I have also attached a Resolution accepting the bid and authorizing a contract with N. E. C., Inc. Funding for the construction of Phase II water and wastewater extensions is identified within the Water and Sewer Capital Improvement Fund.

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

attachment

pc: Jeff Dingman

RIVER FRONT DRIVE WATER AND SEWER EXTENSION - PHASE 2 PROJECT 11-08-C2



Legend

- Proposed Sewer Main
- Proposed Water Line

Bid Tabulation Sheet

Project Name

River Front Development Water and Sewer Extension Phase II
Project Number 11-08-C2

Bid Opening

February 26, 2013
2:00 P.M.

Bids Received

NEC, Inc.

Rogers, Arkansas \$ 939,980.00 _____

Kraus Construction

Fort Smith, Arkansas \$ 951,406.00 _____

Forsgren, Inc.

Fort Smith, Arkansas \$ 1,004,356.75 _____

Goodwin & Goodwin

Fort Smith, Arkansas \$ 1,053,017.10 _____

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING BIDS AND AUTHORIZING A CONTRACT FOR THE
CONSTRUCTION OF AN ELEVATOR AND ASSOCIATED ADA FACILITY
ENHANCEMENTS TO THE TRANSIT FACILITY LOCATED AT
6821 JENNY LIND ROAD
PROJECT NO. 12-26**

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

SECTION 1: The bid of Heckathorn Construction received February 28, 2013, for the renovation and additions to transit facilities, Project No. 12-26, in the amount of \$412,371 be accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Heckathorn Construction, subject to the terms set forth in Section 1 above.

This resolution adopted this ____ day of March, 2013.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



NPR



MEMORANDUM
February 28, 2013

To: Ray Gosack, City Administrator
From: Ken Savage, Transit Director
Subject: Elevator Installation and ADA Enhancements to the Transit Facility

Attached is a resolution accepting bids and authorizing a contract for the installation of an elevator and construction of associated ADA enhancements to the transit facilities on Jenny Lind Road. Also attached is the bid tabulation in which Heckathorn Construction with a base bid of \$412,371 was the low bid out of seven bids received.

The project's major undertaking includes the installation of an elevator. ADA enhancements include relocating the public entryway from the north side of the building to the south side in order to improve public access to the elevator. A receptionist office will be constructed near the entryway and modifications will be made to the restrooms on both floors to accommodate ADA access. A few modifications will be done to the site to improve traffic flow for bus navigation and parking for clients arriving by car. The renovations and additions will enhance security, improve operating efficiencies and preserve the useful life of the facility.

Funds for the project are included in the General Fund from the 2013 budget. The renovations and additions have been approved by the Federal Transit Administration as viable projects for ADA enhancement and are reimbursable by 90%. If the Board approves the project, the next step would involve a notice to proceed. The project completion is specified for 210 days.

Please feel free to contact me for further information.

BID TAB SHEET

Project:

Elevator and ADA Renovation
 City of Fort Smith Transit
 6821 Jenny Lind Rd.
 Fort Smith, Arkansas
 Project No.: 12-26

Owner

City of Fort Smith
 PO Box 1908
 Fort Smith, AR 72902

Architect

Architecture Plus, Inc.
 907 South 21st Street
 Fort Smith, AR 72901
 T: 479-783-8395; F: 479-783-0935

Bid Date & Time: February 28, 2013 at 2:00 p.m.

Bid Location: City of Fort Smith Transit Authority, 6821 Jenny Lind Rd, Fort Smith, Arkansas

| Contractor Name & License No. | Bid Bond | Addendum | | Bidders Affidavit of Compliance | BASE BID | Unit Price: Excavating, Filling, Compacting | Alternate Bid - Add New Roof Scuttle and Ladder | Alternate Bid - Add Clenaing and Painting all Exterior Metal Wall Panels | Alternate Bid - Add Servicing of Existing Diesel Operated Generator | List of Subcontractors & License No. Is project over \$20,000.00? Mark <u>Y</u> or <u>N</u> for each subcontractor. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|-----------------|---------------------------------|--------------|---------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | No. 1, 02-22-13 | No. 2, 02-26-13 | | | | | | | |
| Benchmark Construction 333 W. Poplar, Suite A Fayetteville, AR 72703 T: (479) 251-1316 F: (479) 251-1319 Lic. No.: 0033500413 | X | X | X | X | \$469,000.00 | \$ 19.50/C.Y. | \$4,600 | \$11,300 | \$4,900 | Plumbing: ___Y, ___X_N / Lic. No.: _____ S & G Plumbing 0056930413 HVAC: ___Y, ___X_N / Lic. No.: _____ Martins Heating and Air 0190510313 Electrical: ___X_Y, ___N / Lic. No.: _____ Trotter Electric 0027850313 Roofing & Sheet Metal: ___X_Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |
| Circle M Construction 12712 N. State Hwy 23 Ratcliff, AR 72951 Tel: (479) 635-5301 Fax: (479) 635-2123 Lic. No.: 0135800413 | X | X | X | X | \$528,021 | \$25.00/C.Y. | \$6,089 | \$18,275 | \$2,240 | Plumbing: ___Y, ___X_N / Lic. No.: _____ Blaylock Plumbing 0007900413 HVAC: ___Y, ___X_N / Lic. No.: _____ Martins Heating and Air 0190510313 Electrical: ___Y, ___X_N / Lic. No.: _____ AB Electric 0019020413 Roofing & Sheet Metal: ___Y, ___X_N / Lic. No.: _____ Dale Crampton 0036790713 |
| Crawford Construction 1103 South 28th Street Van Buren, Arkansas 72956 T: (479) 474-9955 F: (479) 474-2390 Lic. No.: 0012410214 | X | X | X | X | \$524,500 | \$16.00/C.Y. | \$5,352.30 | \$17,413.50 | \$1,710 | Plumbing: ___Y, ___X_N / Lic. No.: _____ Blaylock Plumbing 0007900413 HVAC: ___Y, ___X_N / Lic. No.: _____ Wilson's Heating and Air 0040250413 Electrical: ___Y, ___X_N / Lic. No.: _____ AB Electric 0019020413 Roofing & Sheet Metal: ___X_Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |

| Contractor Name & License No. | Bid Bond | Addendum | | Bidders Affidavit of Compliance | BASE BID | Unit Price: Excavating, Filling, Compacting | Alternate Bid - Add New Roof Scuttle and Ladder | Alternate Bid - Add Clenaing and Painting all Exterior Metal Wall Panels | Alternate Bid - Add Servicing of Existing Diesel Operated Generator | List of Subcontractors & License No. Is project over \$20,000.00? Mark <u>Y</u> or <u>N</u> for each subcontractor. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|-----------------|---------------------------------|-----------|---------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | No. 1, 02-22-13 | No. 2, 02-26-13 | | | | | | | |
| Heckathorn Construction 1880 Birch Ave Fayetteville, AR 72703 T: (479) 442-5386 F: (479) 442-7385 Lic. No.: 0023780413 | X | X | X | X | \$412,371 | \$35.00/C.Y. | \$4,400 | \$10,500 | \$2,000 | Plumbing: ___Y, ___X ___N / Lic. No.: _____ AJ Greenwood Plumbing 0184450313 HVAC: ___Y, ___X ___N / Lic. No.: _____ Martin's Heating and Air 0190510313 Electrical: ___Y, ___X ___N / Lic. No.: _____ AB Electric 0019020413 Roofing & Sheet Metal: ___X ___Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |
| LJB Construction 423 Rogers Ave, Suite 103-A Fort Smith, AR 72901 T: (479) 242-4581 F: (479) 242-0311 Lic. No.: 0179360313 | X | X | X | X | \$447,737 | \$20.00/C.Y. | \$5,000 | \$12,000 | \$5,500 | Plumbing: ___Y, ___X ___N / Lic. No.: _____ HVAC: ___Y, ___X ___N / Lic. No.: _____ Electrical: X Y, ___N / Lic. No.: _____ Trotter Electric 0027850313 Roofing & Sheet Metal: ___X ___Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |
| Steve Beam Construction 7201 South 28th St Fort Smith, AR 72908 T: (479) 484-1634 F: (479) 484-1657 Lic. No.: 0066101013 | X | X | X | X | \$561,000 | \$30.00/C.Y. | \$6,245 | \$12,448 | \$5,495 | Plumbing: ___Y, ___X ___N / Lic. No.: _____ AJ Greenwood Plumbing 0184450313 HVAC: ___Y, ___X ___N / Lic. No.: _____ Martin's Heating and Air 0190510313 Electrical: X Y, ___N / Lic. No.: _____ Trotter Electric 0027850313 Roofing & Sheet Metal: ___X ___Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |
| Turn Key Const. Mgmt. PO Box 11124 Fort Smith, AR 72917 T: (479) 709-0044 F: (479) 709-9269 Lic. No.: 0186310413 | X | X | X | X | \$452,100 | \$16.00/C.Y. | \$5,011.81 | \$6,184.98 | \$4,970.16 | Plumbing: ___Y, ___X ___N / Lic. No.: _____ Advanced 0140410313 HVAC: ___Y, ___X ___N / Lic. No.: _____ Martin's Heating and Air 0190510313 Electrical: ___Y, ___X ___N / Lic. No.: _____ Trotter Electric 0027850313 Roofing & Sheet Metal: ___X ___Y, ___N / Lic. No.: _____ Dale Crampton 0036790713 |