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
June 4, 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 MAY 21, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Items relative to an appeal of the Planning Commission's decision affirming the Planning Department's administrative determination regarding request for outdoor advertising signs *(Appeal of RAM Outdoor Advertising)*

   A. Resolution approving an appeal of an administrative determination regarding Section 27-704-4 of the Unified Development Ordinance

   B. Resolution affirming the action of the Planning Commission denying the appeal of an administrative determination regarding Section 27-704-4 of the Unified Development Ordinance

2. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Industrial Light (I-1) by classification located at 7700 Chad Colley Boulevard)*

3. Ordinance rezoning identified property and amending the zoning map *(from Transitional (T) to Commercial Heavy (C-5) by extension located at 8100 Rogers Avenue)*

4. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(administrative and editorial changes)*

5. Consent Agenda

   A. Resolution accepting special warranty deeds from Sebastian County for property associated with the aquatics and softball field projects at Ben Geren Regional Park

   B. Resolution authorizing execution of amendment to donation agreement *(Harry E. Kelly Park)*

   C. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements *($117,987.29 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

6. Resolution amending Resolution No. R-149-10 regarding the issuance of Industrial Development Revenue Bonds for Gerber Products Company

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

ADJOURN

1A

RESOLUTION NO._____

A RESOLUTION APPROVING AN APPEAL OF AN ADMINISTRATIVE DETERMINATION REGARDING SECTION 27-704-4 OF THE UNIFIED DEVELOPMENT ORDINANCE

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

The Board of Directors hereby approves the appeal of RAM Outdoor Advertising of an administrative determination denying applications for sign permits for 5700 Rogers Avenue and 7310 Rogers Avenue pursuant to Section 27-704-4 of the Unified Development Ordinance.

THIS RESOLUTION ADOPTED THIS_____DAY OF_____, 2013.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

No Publication Required

1B

RESOLUTION NO._____

A RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION DENYING THE APPEAL OF AN ADMINISTRATIVE DETERMINATION REGARDING SECTION 27-704-4 OF THE UNIFIED DEVELOPMENT ORDINANCE

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

The Board of Directors hereby affirms the action of the Planning Commission which denied the appeal of RAM Outdoor Advertising of an administrative determination of the Planning staff denying applications for sign permits for 5700 Rogers Avenue and 7310 Rogers Avenue pursuant to Section 27-704-4 of the Unified Development Ordinance.

THIS RESOLUTION ADOPTED THIS_____DAY OF_____, 2013.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

No Publication Required

May 29, 2013

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

Re: Appeal of Administrative Determination regarding denial of permits for Outdoor Advertising Signs located at 5700 & 7310 Rogers Avenue

Mr. Wally Bailey read the staff report indicating that an appeal had been received from Mr. Troy Gaston on behalf of RAM Outdoor Advertising relative to an interpretation of Section 27-704-4 (C) of the Unified Development Ordinance regarding outdoor advertising signs. Mr. Bailey stated that irrespective of this appeal concerning the language of the ordinance, staff contends that the proposed sign at 5700 Rogers Avenue is not allowed due to the fact that there are already four (4) signs on the same side of the street and the proposed sign is within 1,000 feet of an existing off site sign.

Mr. Troy Gaston, representing RAM Outdoor Advertising, was present to speak on behalf of this appeal. Mr. Gaston stated that the Ordinance specifically states that all measurements are to be made along a line parallel to the street and from the center of the closest support pole. He noted that this method of measurement necessarily excludes signs on the opposite side of the street. Mr. Gaston noted that the sign applications were incorrectly denied as there are not four (4) outdoor advertising signs within a mile along a line parallel to the street measured from the center pole of the proposed locations. Mr. Gaston stated that the Calico County sign faces South 56th Street and not Rogers Avenue which is a State Highway and under the jurisdiction of the Arkansas Highway Commission. Mr. Gaston also stated that any sign that is on a State highway must be permitted by the State Highway Commission and the Calico County sign was not permitted by the State. Mr. Bailey noted that according to the State Highway Department they did in fact permit the Calico County sign. Mr. Gaston also noted that to the extend the city contends that the "statute mile" measurement specified by the Ordinance includes outdoor advertising signs on either side of the street from the proposed location in the applications, RAM believes that the Ordinance as written is unconstitutionally vague; specifically, the Ordinance's language on the measurement of the statute mile.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on this appeal. Commissioner Maurras questioned how this vote should be done. Mr. Bailey stated that if a

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

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Commissioner votes yes, they would be voting in support of the appeal and if they were to vote no, they would not be supporting the appeal.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

WALTERS, GASTON, ALLISON & PARKER
Attorneys at Law
Highway 10 Spur West
1405 W. Center, 3rd FL
Greenwood, AR 72936
E-mail: WaltLaw@waltlaw.net
**Also licensed in Oklahoma and Missouri*

City Clerk
FILED 5/8/2013
S Gard

Bill Walters (1943-2013)
Troy Gaston*
Derick Allison
Wayland A. Parker, II
Michael N. Harry

Telephone 479-996-2100
Fax 479-996-2565

Wednesday, May 08, 2013

City of Fort Smith
Sherri Gard, City Clerk
P.O. Box 1908
Fort Smith, Arkansas 72902

Dear Board of Directors,

This letter ("Notice Of Appeals") serves to notify you pursuant The City of Fort Smith, Arkansas Unified Development Code ("Code) that RAM Outdoor Advertising ("RAM") appeals the denial of its applications for construction of new off-site advertising signs at 5700 and 7310 Rogers Avenue ("Applications") as set forth in the letter from Wally Bailey, City of Fort Smith, Planner, dated on or about April 11, 2013 ("Denial Letter")(attached as Exhibit No. 1). This appeal is filed with your office as being an "Appeal to the Board of Directors" of th Denial Letter as provided by § 27-337-1. Also, Mr. Wally Bailey has instructed my office to provide this notice to you.

RAM contends that the alleged basis for the Denial Letter is in contravention of the plain language of the ordinance.

Section 27-704-4 states as follows:

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

The ordinance specifically states that all measurements are to be made along a line parallel to the street and from the center of the closest support pole. This method of

measurement necessarily excludes signs on the opposite side of the street. The plain meaning of the word "parallel" means "extending in the same direction, everywhere equidistant, and not meeting." MERRIAM-WEBSTER'S DICTIONARY (2013). Moreover, the express language of the ordinance itself limits the measurement to a single line from the center of the closest support pole. Given these parameters, it is clear that the statute mile measurement is necessarily limited to the same side of the street as the proposed outdoor advertising sign location. Otherwise, the measurement would then be made along multiple lines that are either perpendicular or diagonal to the street from the center of the closest support pole or from multiple parallel lines, which is prohibited by the express and plain language of the ordinance. Therefore, the Applications were incorrectly denied as there are not 4 outdoor advertising signs within a mile along a line parallel to the street measured from the center pole of the proposed locations.

To the extent the city contends that the "statute mile" measurement specified by the ordinance includes outdoor advertising signs on either side of the street from the proposed location in the Applications, RAM asserts that the ordinance as written is unconstitutionally vague. Specifically, the ordinance's language on the measurement of the statute mile is written in such a manner that people of common intelligence must necessarily guess at its meaning and differ as to whether it applies to outdoor advertising on the both sides of the street.

Finally, the Commissioners verbally stated that a sign on another street but visible from Rogers Avenue is grounds for denying the appeal. In doing so the Commissioners acknowledged the use of a subjective and arbitrary standard of "do we think there is clutter" as ground for permit denial.

Accordingly, RAM respectfully requests that the Board of Director reverse the decision as set forth in the Denial Letter and approve the Applications.

Please provide me notice of the meeting when this matter will be on the agenda.

Sincerely,

Troy Gaston

TG:dd
cc: Craig Roberts

CCC 4-19-13DD

The City of Fort Smith

April 11, 2013

Mr. Troy Gaston
Attorney at Law
Highway 10 Spur West
1405 W. Center, 3rd Floor
Greenwood, AR 72936

Dear Mr. Gaston:

The Planning Commission denied the appeal of administrative determination regarding denial of permits for Outdoor Advertising Signs located at 5700 & 7310 Rogers Avenue at their April 9, 2013, meeting.

If you have any questions concerning this matter, you may contact the Planning Department at 784-2216.

Sincerely,

Wally Bailey
Director of Development
Services

lp

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

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EXHIBIT
1

- Submittal of a sign permit application for staff review of any new signage.
- The altered existing driveway shall remain as a one way "entry only" driveway.

Chairman Griffin then called for the vote on the conditional use as amended. The vote was 8 in favor and 0 opposed.

9. Appeal of Administrative Determination regarding denial of permits for Outdoor Advertising Signs located at 5700 & 7310 Rogers Avenue.

Mr. Wally Bailey read the staff report indicating that an appeal had been received from Mr. Troy Gaston on behalf of RAM Outdoor Advertising relative to an interpretation of Section 27-704-4 (C) of the Unified Development Ordinance regarding outdoor advertising signs. Mr. Bailey stated that irrespective of this appeal concerning the language of the ordinance, staff contends that the proposed sign at 5700 Rogers Avenue is not allowed due to the fact that there are already four (4) signs on the same side of the street and the proposed sign is within 1,000 feet of an existing off site sign.

Mr. Troy Gaston, representing RAM Outdoor Advertising, was present to speak on behalf of this appeal. Mr. Gaston stated that the Ordinance specifically states that all measurements are to be made along a line parallel to the street and from the center of the closest support pole. He noted that this method of measurement necessarily excludes signs on the opposite side of the street. Mr. Gaston noted that the sign applications were incorrectly denied as there are not four (4) outdoor advertising signs within a mile along a line parallel to the street measured from the center pole of the proposed locations. Mr. Gaston stated that the Calico County sign faces South 56th Street and not Rogers Avenue which is a State Highway and under the jurisdiction of the Arkansas Highway Commission. Mr. Gaston also stated that any sign that is on a State Highway must be permitted by the State Highway Commission and the Calico County sign was not permitted by the State. Mr. Bailey noted that according to the State Highway Department they did in fact permit the Calico County sign. Mr. Gaston also noted that to the extent the city contends that the "statute mile" measurement specified by the Ordinance includes outdoor advertising signs on either side of the street from the proposed location in the applications, RAM believes that the Ordinance as written is unconstitutionally vague; specifically, the Ordinance's language on the measurement of the statute mile.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on this appeal. Commissioner Maurras questioned how this vote should be done. Mr. Bailey stated that if a Commissioner votes yes, they would be voting in support of the appeal and if they were to vote no, they would not be supporting the appeal.

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

RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT

11. **Variance #13-4-13; A request by Alvin Bradley for a variance from 25 feet to 7 feet front yard setback located at 5109 Lovett Lane.**

    Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the applicant to construct a carport to the front of his residence. Ms. Andrews noted that the carport would be constructed of wood to resemble the home.

    Mr. Alvin Bradley, 5109 Lovett Lane, was present to speak on behalf of this request.

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

    Chairman Griffin then called for the vote on the variance request. Motion was made by Commissioner Maurras, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the carport following the roofline and architecture of the existing home.

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

12. **Variance #15-4-13; A request by Bart Petray, agent for Sally Parker, for a variance from 25 feet to 15 feet front yard setback located at 5610 South Enid Street. (patio cover)**

    Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the applicant to add a cover over an existing patio to the side of the house which would be constructed of wood to resemble the house.

    Mr. Bart Petray was present to speak on behalf of this request.

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: April 4, 2013

Subject: Appeal of Administrative Determination – Unified Development Ordinance – Section 27-704-4 (C)

The Planning Department received an appeal from Mr. Troy Gaston on behalf of RAM Outdoor Advertising. According to the UDO, any person not in agreement with the decision made by the Director may appeal the decision within thirty (30) days to the Planning Commission. The appeal concerns the interpretation of Section 27-704-4(C) of the Unified Development Ordinance regarding outdoor advertising signs.

Enclosed are copies of the letter requesting the appeal from Mr. Gaston as well as the response from Mr. Wally Bailey.

Irrespective of the appeal concerning the language of the ordinance, we contend the proposed sign at 5700 Rogers Avenue is not allowed. There are already four (4) signs on the same side of the street and the proposed sign is within 1,000 feet of an existing off site sign.

We have enclosed a map showing the existing and proposed signs and information from the 2001 ordinance amendments.

If you have any questions please do not hesitate to ask.

9A

WALTERS, GASTON, ALLISON & PARKER

Attorneys at Law

Highway 10 Spur West
1405 W. Center, 3rd FL
Greenwood, AR 72936
E-mail: WaltLaw@waltlaw.net
**Also licensed in Oklahoma and Missouri*

Bill Walters
Troy Gaston*
Derick Allison
Michael Harry
Wayland A. Parker, II

Telephone 479-996-2100
Fax 479-996-2565

Friday, March 1, 2013

Mr. Wally Bailey
623 Garrison Ave.
Room 331
Fort Smith, Arkansas 72901

Dear Mr. Bailey,

This letter serves to notify you pursuant to section 27-337-1 of the City of Fort Smith, Arkansas Unified Development Code ("Code) that RAM Outdoor Advertising ("RAM") appeals the denial of its applications for construction of new off-site advertising signs at 5700 and 7310 Rogers Avenue ("Applications")(attached as Exhibit No. 1) as set forth in the letter from Bill Striplin, City of Fort Smith, Planner, dated on or about February 7, 2013 ("Denial Letter")(attached as Exhibit No. 2). This appeal is filed with your office within 30 days of the Denial Letter as provided by § 27-337-1. Also, the appeal of fee of $75 is enclosed with this letter.

RAM's Applications were improperly denied based on an incorrect application of section 27-404-4 of the Code. The Denial Letter specifically states the Applications "were denied due to there already [*sic*] being 4 or more offsite advertising signs within a mile at those locations. (see section 27-704-4(c))." RAM contends that the alleged basis for the Denial Letter is in contravention of the plain language of the ordinance.

Section 27-404-4 states as follows:

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

9B

The ordinance specifically states that all measurements are to be made along a line parallel to the street and from the center of the closest support pole. This method of measurement necessarily excludes signs on the opposite side of the street. The plain meaning of the word "parallel" means "extending in the same direction, everywhere equidistant, and not meeting." MERRIAM-WEBSTER'S DICTIONARY (2013). Moreover, the express language of the ordinance itself limits the measurement to a single line from the center of the closest support pole. Given these parameters, it is clear that the statute mile measurement is necessarily limited to the same side of the street as the proposed outdoor advertising sign location. Otherwise, the measurement would then be made along multiple lines that are either perpendicular or diagonal to the street from the center of the closest support pole or from multiple parallel lines, which is prohibited by the express and plain language of the ordinance. Therefore, the Applications were incorrectly denied as there are not 4 outdoor advertising signs within a mile along a line parallel to the street measured from the center pole of the proposed locations.

To the extent the city contends that the "statute mile" measurement specified by the ordinance includes outdoor advertising signs on either side of the street from the proposed location in the Applications, RAM asserts that the ordinance as written is unconstitutionally vague. Specifically, the ordinance's language on the measurement of the statute mile is written in such a manner that people of common intelligence must necessarily guess at its meaning and differ as to whether it applies to outdoor advertising on the both sides of the street.

Accordingly, RAM respectfully requests that the Planning Commission reverse the decision as set forth in the Denial Letter and approve the Applications.

Pursuant to Sec. 27-337-1, please forward this notice of appeal to the Planning Commission, and please provide me with notice of the hearing on RAM's appeal of the Denial Letter (c) before the Planning Commission at your earliest convenience.

Sincerely,

Troy Gaston

Troy Gaston

TG:dd
cc: Craig Roberts

9C

The City of Fort Smith
ARKANSAS

March 15, 2013

Mr. Troy Gaston
Walters, Gaston, Allison & Parker
Highway 10 Spur West
1405 W. Center, 3rd Floor
Greenwood, AR 72936

Re: Appeal Letter Dated March 1, 2013

Dear Mr. Gaston:

This letter acknowledges receipt of your letter of March 1, 2013, purporting to provide notice of an appeal pursuant to Section 27-337-1 of the Fort Smith Municipal Code. The appeal purports to be from the administrative action of the City of Fort Smith represented by the February 7, 2013, letter of Bill Striplin denying applications filed by RAM Outdoor Advertising for new signs at 5700 Rogers Avenue and 7310 Rogers Avenue based on the provisions of Fort Smith Municipal Code Section 27-704-4(c). We note that your letter incorrectly identifies the substantive Code provision as Section 27-404-4.

If allowed by the Planning Commission, the appeal will be on the agenda of and heard by the Planning Commission on April 9, 2013, at 5:30 p.m. in the Rose Room of the Creekmore Park Community Center located at 3001 South "M" Street. A Planning Commission study session will be held on Tuesday, April 2, 2013, at 11:30 a.m. at the same location.

The City of Fort Smith disagrees with the assertions of your letter of March 1, 2013, that the administrative decision is in contravention of the language of controlling substantive provision. The City of Fort Smith also disagrees with your assertion that the substantive provision is unconstitutionally vague.

With reference to the applications here, the controlling substantive provision is set forth in the second sentence of Fort Smith Municipal Code Section 27-404-4(c), which provides:

> No more than four (4) outdoor advertising sign structures (over thirty-five (35) square feet in area) per statute mile are permitted.

The language is not limited to one side of the affected street. Likewise, the measurement provision of the third sentence of the Section does not restrict the application of the second sentence to one side of the street. The third sentence describing measurement provides that

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9D

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measurement of the statute mile is to be made "along a line parallel to the street and from the center of the closest support pole." Read together, the provision prohibits installation of a new sign in those situations where, within a statute mile along a street, there are at least four existing sign structures when the statute mile is measured along a line parallel to the street. There is nothing in that language which limits the application of the Section to one side of the street.

Moreover, the clear intent of the Section is established by the legislative history of the Section. The previous Fort Smith Code Section (27-360(e)) contained a distance limitation which was applicable "on the same side of the road as measured along a line parallel to such road . . . ." Language referring to "the same side of the road" was deleted from the current provision, and the second and third sentences of Section 27-404-4(c) were substituted. Additional legislative history, including a Interoffice Memo dated March 30, 2001, reflects an intentional adoption of the limit to four of the number of billboards which may exist along any street per statute mile (5,280 feet). The City of Fort Smith has consistently applied the limitation since the adoption of Ordinance No. 32-01 on June 5, 2001.

Thank you for your attention to this matter.

Very truly yours,

Wally Bailey/lp

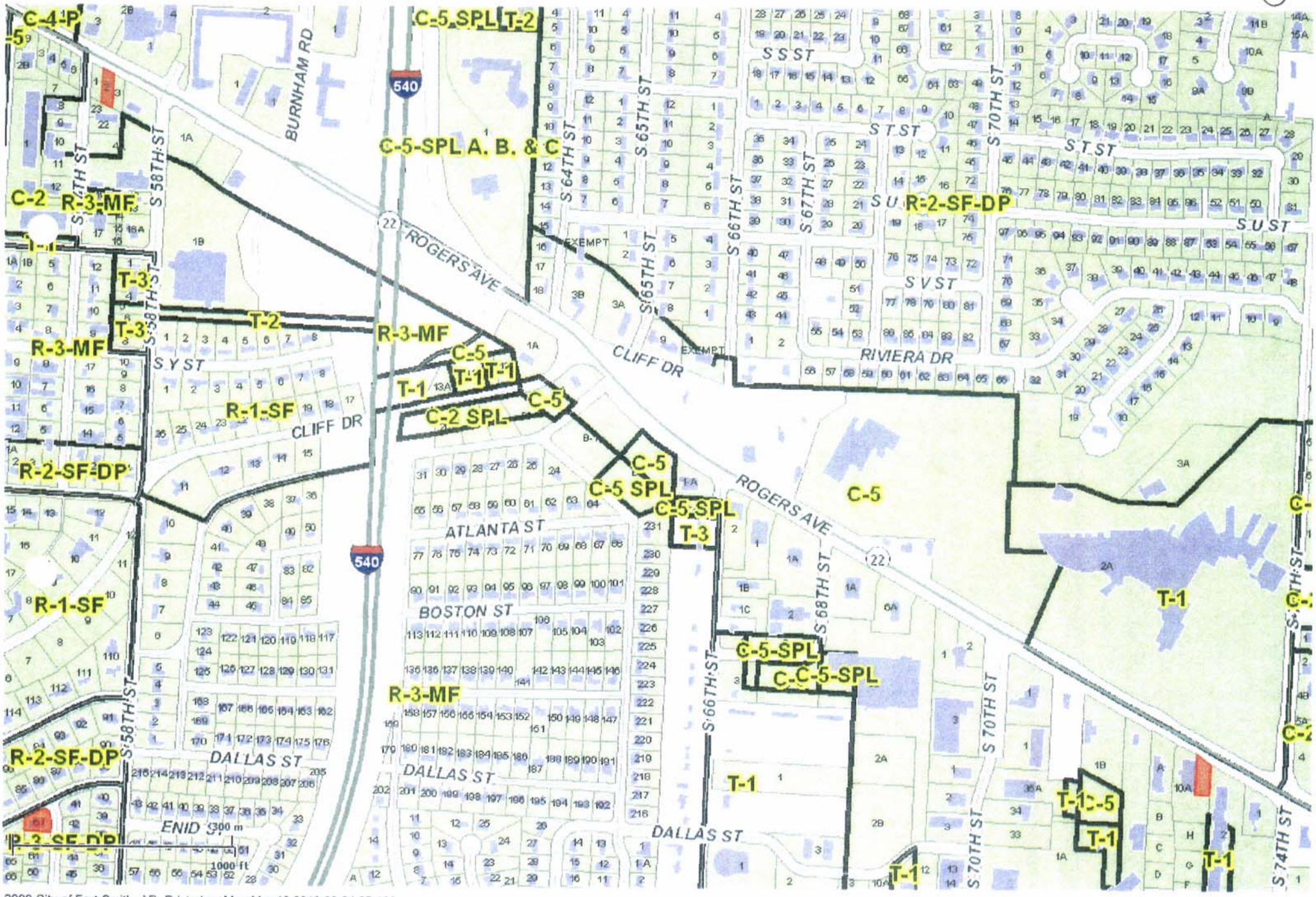
Wally Bailey
Director of Development
Services

WB/lp

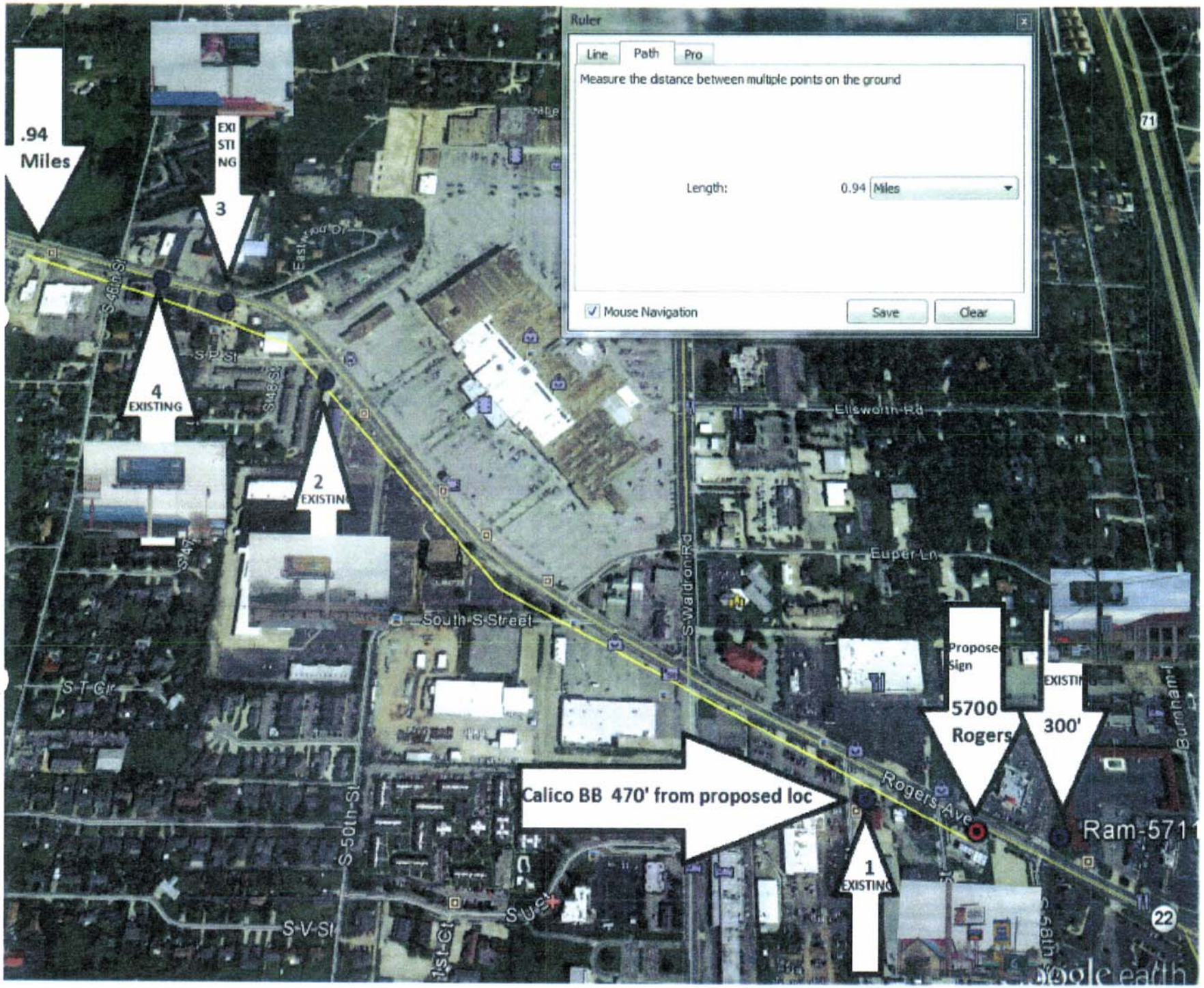
9E

Appeal to the installation of 2 billboards

5700 & 7310 Rogers Avenue



2009 City of Fort Smith, AR. Printed on Mon Mar 18 2013 09:24:35 AM.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S-50th-St
S-V-St
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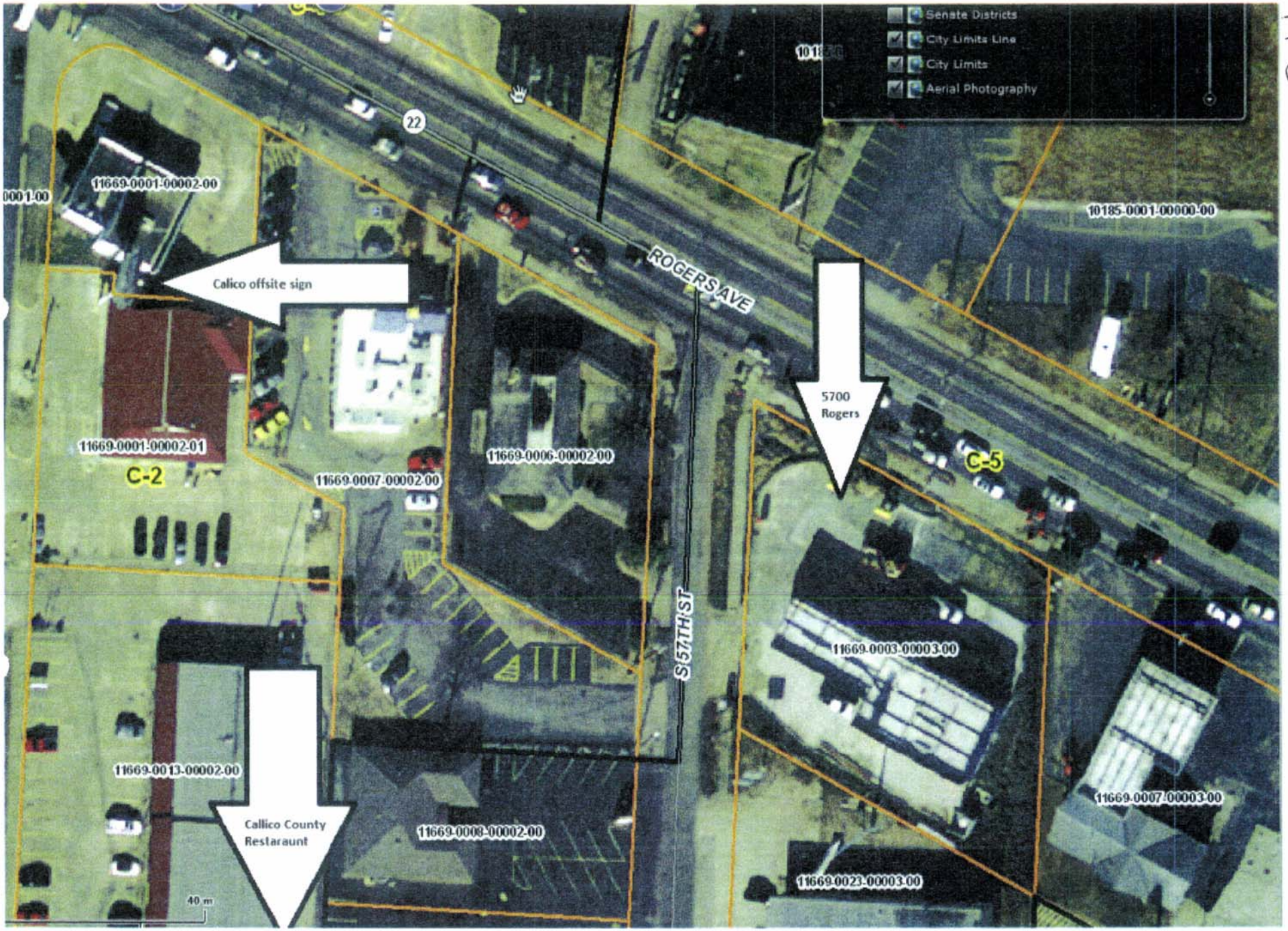
Senate Districts
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City Limits
Aerial Photography
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Calico offsite sign
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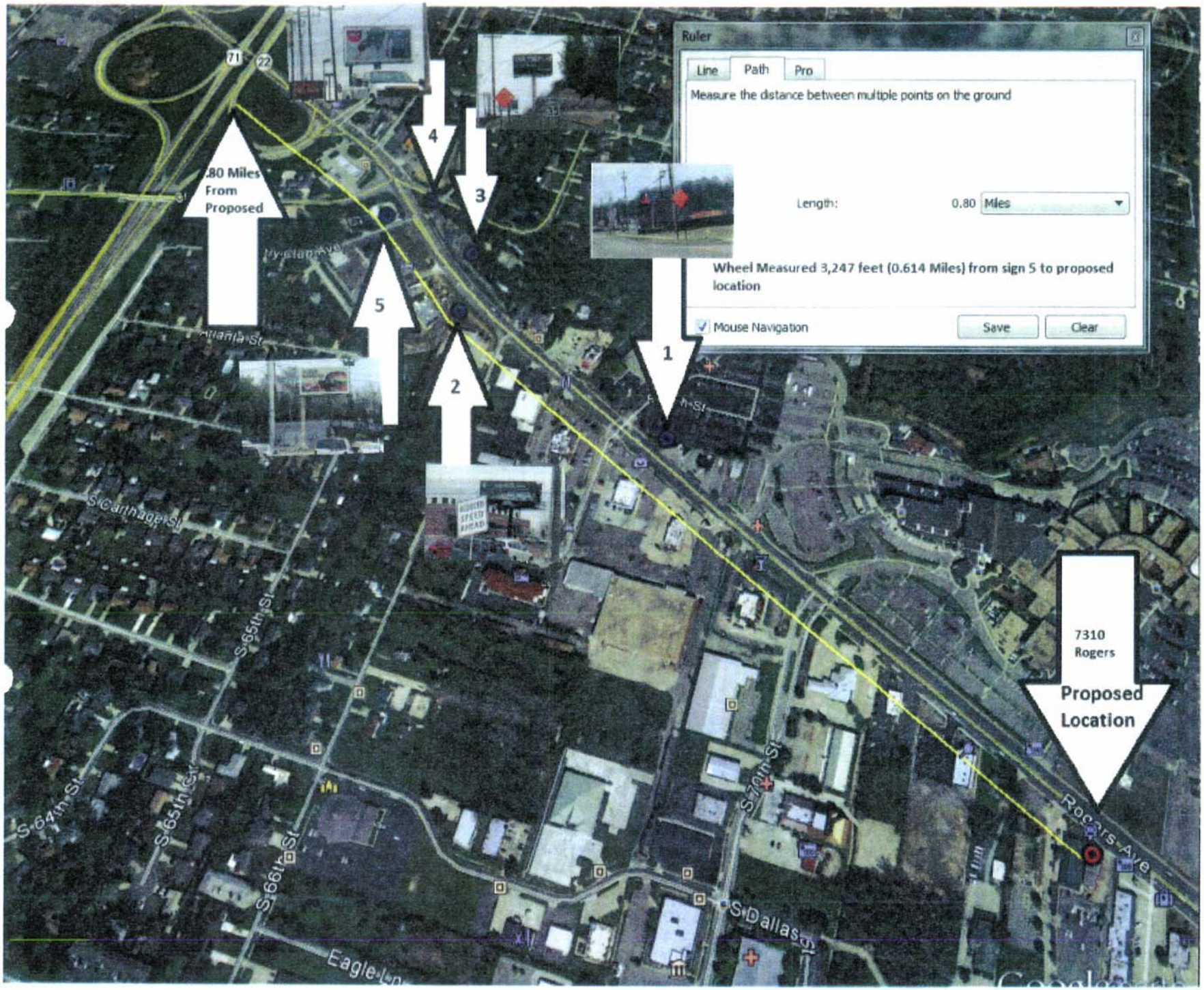
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7310 Rogers
Proposed Location
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S Carthage St
S 64th St
S 65th St
S 66th St
S 70th St
S Dallas St
Eagle Ln
Atlanta St

3.

ORDINANCE NO. 32-01

AN ORDINANCE AMENDING SECTION 27-360 OUTDOOR ADVERTISING SIGNS OF THE FORT SMITH ZONING ORDINANCE

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

SECTION 1: Section 27-360 (b) and (c) of the Fort Smith Municipal Code is hereby amended to read as follows:

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

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

SECTION 2: There is hereby added to Section 27-360 of the Fort Smith Municipal Code the following subsection (f):

(f) V-type outdoor advertising signs are not permitted.

SECTION 3: EMERGENCY CLAUSE: It is hereby found and determined that the adoption of the amendments to the outdoor sign regulations of the Fort Smith Zoning Ordinance of the City of Fort Smith, Arkansas, is necessary for the proper regulation of uses of property within the City of Fort Smith, so that an emergency is declared to exist requiring that additional density restrictions must be placed in immediate effect to protect the health, safety and welfare of

Approved as to form & effectiveness
JSC
Publish / time

the inhabitants of the City. Therefore, the provisions of this Ordinance are hereby made immediately effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 5th DAY OF JUNE, 2001.

APPROVED:

Mayor

ATTEST:

City Clerk

INTER-OFFICE Memo

To: Bill Harding, City Administrator
From: Wally E. Bailey, Director of Development & Construction
Date: May 31, 2001
Subject: Zoning Ordinance Amendments

On Tuesday, May 8, 2001, the Planning Commission voted unanimously to recommend amendments to Section 27-360 (Outdoor Advertising Signs) of the Fort Smith Zoning Code. Before the Planning Commissioners voted at the May 8th, meeting the Planning Commission discussed the proposed amendments at two study sessions on April 4, 2001 and May 2, 2001. We also had two public hearings on April 10, 2001 and May 8, 2001.

The Board of Directors passed and approved Ordinance No. 17-01 that established a temporary moratorium on the acceptance of billboard construction permits. The purpose of the moratorium was because of the noticeable increase in permit applications the staff requested some time to review our current regulations concerning the placement of billboards in the City. The moratorium was used to prevent a rush on permits that might take place while we were reviewing the current Ordinance.

Representatives from several outdoor advertising companies were at the public hearings and gave the Planning Commission input concerning the proposed regulations. Some companies commented that we should not use the 1,000 feet distance between signs. They recommended we use the 500 feet distance between signs since the State of Arkansas uses this dimension on State Highways.

The Planning Commission decided to continue with the 1,000 feet distance on all roads, streets and highways except interstate highways. The current ordinance has a paragraph that mirrors the Arkansas Highway Department requirements. The Planning Commission decided to not amend that section of the Ordinance but to continue to allow signs along the interstate highways to comply with the 500 feet spacing. Section 27-360(e) of the existing ordinance governs signs on interstate highways.

The following items represent a summary of the proposed amendments:

Minutes

- Prohibition on new outdoor advertising signs in Commercial-2 zones.
- Increase the spacing between billboards from 300 feet to 1,000 feet between outdoor advertising signs.
- No more than four (4) outdoor advertising signs per statute mile are permitted.
- Prohibition on V-type outdoor advertising signs.

I have enclosed the March 30, 2001, memorandum I sent to the Planning Commission, a copy of the existing ordinance, a copy of the April 10th public hearing minutes, and a copy of the May 8th public hearing minutes. The Planning Commissioners has not approved the May 8th minutes and will not be reviewed until the Planning Commission meeting on June 12, 2001.

Please let me know if you need more information or if we need to discuss this matter.

INTER-OFFICE Memo

To: Planning Commission
From: Wally E. Bailey
Date: March 30, 2001
Subject: Outdoor Advertising Signs (Billboards)
Zoning Code Amendments

The Planning Department staff has become aware of a potential proliferation of outdoor advertising signs (billboards) in the City. Because of changes in the ownership of local billboard companies and a noticeable increase in permit applications, we are proposing a review of our current Ordinance requirements to provide some additional restrictions on the number of billboards and zoning districts in which we allow them.

We have asked the Board of Directors to pass an Ordinance that will establish a moratorium on permits for billboard construction for a two-month period. During the moratorium period, the Planning Commission and staff will be conducting public hearing(s) to develop a recommendation that will be forwarded to the Board of Directors.

Our proposed amendments *(which are attached)* are a result of a meeting the staff had with Bob Sadler of Eller Media. Jerry Canfield, City Attorney, has reviewed the proposed amendments. The significant changes include the increase of separation between billboards from three hundred 300 feet *(a typical city block)* to one thousand (1,000) feet; a limit of four (4) billboards per statute mile *(5,280 feet)*; remove the Commercial-2 zones from the list of approved zones for billboards; establish a method for measuring the distances between billboards; and prohibit V-type billboards.

We are proposing the removal of Commercial-2 zones from the list of approved zones because these zones are established for business activities that are found at the edge of residential areas. In these zones it is important that development be separated as much as possible visually and physically from nearby residential zones. The following list shows the more significant blocks of Commercial-2 zoning in the City:

◆Dodson Avenue	South 12th to South Greenwood Avenue
◆North A and North B	North 13th to North 23rd
◆Rogers Avenue	North 13th to May Avenue
◆Greenwood Avenue	North L to Dodson Avenue
◆Grand Avenue	North 21st to North 42nd
◆North O Street	North 33rd to North 41st

◆Many spot zones throughout the City

11B

The current method of measuring the separation between signs says that the required separation shall be on the same side of the road as measured along a line parallel to the road. This wording allows billboards to be closer than the current three (300) feet if the billboards are on opposite sides of a road.

The best example I can give you to see the need for us to modify the current Ordinance is for you to look at how the Ordinance currently allows billboards for Dodson Avenue. The current Ordinance will allow a billboard every three hundred (300) feet or every block and you can put billboards on both sides of the street that could be sixty (60) feet apart. *(The right of way width for most of Dodson Avenue is sixty (60) feet.)*

Please let me know if you have any questions or comments on this item.

11C

Proposed Amendments to Section 27-360 (Outdoor Advertising Signs) of the Fort Smith Zoning Code

The underlined words are new text and the strike through words represent deleted text.

(b) Outdoor advertising signs are permitted in all Industrial zones and in Commercial-4-P, Commercial-5 and Commercial-6 zones. ~~They are also permitted in Commercial-2 zones provided that such Commercial-2 zones border on major arterial streets as designated on the master street plan of the City of Fort Smith.~~ They may be permitted in Open-1 zones if the Planning Commission approves the specific location.

(c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than ~~three hundred (300) feet~~ one thousand (1,000) feet ~~to~~ from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. ~~on the same side of the road as measured along a line parallel to such road, except back to back signs.~~ No more than four (4) outdoor advertising sign structures (over 35 square feet in area) per statute mile are permitted. All measurements shall be made along a line parallel to the street and from the center of the closest support pole.

(f) V-type outdoor advertising signs are not permitted.

110

11. Public Hearing - Zoning Ordinance Amendments - Outdoor Advertising

Wally Bailey noted that several weeks ago, the Planning Department staff became aware of a potential proliferation of outdoor advertising signs or billboards that could occur within the city limits. This apparently has been brought about because of the changes in the ownership of the local billboard company. Due to the fact that a noticeable increase in permit applications for billboards has occurred, the City is proposing a review of the current Ordinance requirements to provide some additional restrictions on the number of billboards and on the zoning districts in which billboards are allowed. The City Board of Directors has agreed with the staff's concerns relative to this issue and has passed an Ordinance establishing a moratorium on permits for billboards for a two (2) month period until the Planning Commission could hold a public hearing and develop a recommendation to them concerning this issue.

Mr. Bailey stated that the proposed amendments are a result of a meeting the staff had with Bob Sadler of Eller Media. These amendments were also reviewed and approved by the City Attorney, Mr. Jerry Canfield. The significant changes include the increase of a separation between billboards from 300 feet, which is a typical City block, to 1,000 feet. It limits the number of billboards per statute mile, which is 5,280 feet, to four (4) billboards. It would remove the Commercial-2 zones from the list of approved zones for billboards and it would establish a method for measuring the distances between billboards. This would disallow the installation of billboards on both sides of a street or highway. It also prohibits V-type billboards.

Mr. Bailey stated that the removal of Commercial-2 zones from the list of approved zones because these zones are established for business activities that are found at the edge or on the fringe of a residential area. In these zones, it is important that development be separated as much as possible, both visually and physically, from nearby residential zones. Commercial-2 zones are also commonly referred to as a "neighborhood zone." Some of the areas which would be included in this proposal would be Dodson Avenue from South 12th Street to South Greenwood; North "A" and "B" Streets from North 13th Street to North 23rd Street; Greenwood Avenue from North "L" to Dodson.

Mr. Bailey also stated that in measuring a separation between signs, the point that needs to

11E

be made clear is that the required separation in the existing Ordinance actually allows billboards to be placed on both sides of the street and the distance is measured parallel to the road. The proposed Ordinance does not allow this.

Mr. Bailey noted that probably the best example he could provide to show the need for this Ordinance to be modified is to use Dodson Avenue as an example. The current Ordinance would allow a billboard every three hundred (300) feet, or every City block, and billboards could be placed on both sides of the street that could be essentially sixty (6) feet apart, which is the typical right-of-way width of Dodson Avenue. For these and other reasons, the City feels that it is necessary to begin to address this issue of billboards.

Mr. Bailey brought to the attention of the Planning Commission and audience that paragraph (e) pertaining to outdoor advertising signs along an interstate highway would continue to allow billboards to be installed no closer than five hundred (500) feet to any other similar type sign structure on the same side of the right-of-way. Mr. Bailey noted that this is the Arkansas Highway Department's regulations for spacing for billboards and that is why it is in the Ordinance. That is not to say that after the public hearing, if you so desired, this could be increased to 1,000 feet.

Mr. Gary Johnson of Nation Outdoor Advertising, a Tulsa-based company, objected to the 1,000 foot spacing between outdoor signs that is part of the amended ordinance. Mr. Johnson stated that the 500-foot limit that currently applies to signs on state and interstate highways is sufficient for a selective program of enforcement. Mr. Johnson noted that doubling the limit would virtually stop all of it.

Mr. Johnson, whose company has secured permits for a number of billboards in the City, but so far erected none, said all of those approved would meet the state requirements of 500 feet and several of those he planned to erect would be less than 1,000 feet apart. It was noted that the proposed changes would not apply to billboards already erected or permitted under existing rules.

Mr. Johnson stated that the regulations were drafted with input by a representative of Eller Media, a locally-based billboard company that had its origins as Donrey Outdoor Advertising. He noted that Eller has tons of billboards in Fort Smith and suggested they were proposed in order to keep us from building other structures in the City.

Chairman Mulson noted that the regulations were proposed because of the increased activity and because of a general dislike of billboards in the City.

Mr. Bailey noted that it was because of the marked increase in permit requests.

Mr. Bob Sadler stated that he came to the City with suggested changes in regulations after a legal fight over billboards in Bentonville resulted in a plan under which the signs will be

11F

reduced to 120 square feet over a four year period. This would put us all out of business. He also stated that the Van Buren City Council is considering a similar type Ordinance and he felt some regulation would be a lot better than becoming virtually eliminated in a four-year period. He noted that under the restrictions of the new ordinance, Eller Media would be living with the same restrictions as others.

Mr. Joe Garner, Vice-President and Southwest region general manager for Bressler Outdoor of Frisco, Texas, was also present to voice his opinions relative to this issue. He agreed that the City should use State standards in its sign spacing.

Mr. David Harris, 2025 South "V" Street, also spoke in opposition to the proposed changes in the Ordinance. Mr. Harris stated that he felt that Commission would be attempting to regulate free enterprise, as these billboards are educational and spur the economy. Mr. Harris also noted that he has trouble in remembering when the last time was that the Commission denied any sign variances in the past.

Following a discussion by the Commission, they suggested ordinances and regulations from other cities comparable to Fort Smith be examined to determine how they regulate billboards. They also requested the billboard company officials assist the City in gathering this information.

Mr. Bailey noted that another hearing on this issue would be held once this information is received. He stated that the City's 60 day moratorium on issuing sign permits leaves the Commission a compressed schedule in which to operate and noted that a hearing might be held before the next regularly scheduled Planning Commission meeting.

Meeting Adjourned!

11G

Sec. 27-360. Outdoor advertising signs.

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

(b) Outdoor advertising signs are permitted in all industrial zones and in C-4P, C-5 and C-6 zones. They are also permitted in C-2 zones provided that such C-2 zones border on major arterial streets as designated on the master street plan of the city of Fort Smith. They may be permitted in open-1 zones if the planning commission approves the specific location.

(c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than three hundred (300) feet to an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in area on the same side of the road as measured along a line parallel to such road, except back-to-back signs.

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

(e) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, except back-to-back signs.
(Ord. No. 3391, as amended, § 10-10(E); 11-1-76)

11H

11. Public Hearing - Zoning Ordinance Amendments - Outdoor Advertising Signs (Billboards)

Mr. Cathcart stated that this is the Commission's second public hearing on the proposed new billboard regulations.

Mr. Cathcart noted that the items that were addressed at last month's Public Hearing included disallowing outdoor advertising signs in Commercial-2 zones; increasing the distance between billboards from 300 feet to 1,000 feet; changing the way distances are measured to prohibit billboards along both sides of a street and to prohibit V-type billboards.

Some of the additional issues discussed earlier by the Commission in their study session were amortization and phasing out billboards now located in C-2 zones, illumination restrictions and a requirement that billboards be erected on a single pole.

Mr. Cathcart noted that although Commission members had discussed possibly placing additional regulations on signs, city staff is recommending moving forward on what was originally proposed due to the fact that the City Directors have adopted a 60-day moratorium on accepting billboard applications which will expire on June 4th. Mr. Cathcart stated that something needed to go to the Board prior to this expiration date. He noted that if the Commission wishes to address additional items, an extension could be requested.

Commissioner Mulson stated that he was in favor of forwarding to the Board of Directors what was originally proposed and revisiting the additional amendments that have been discussed at a later Planning Commission meeting.

Vice-Chairperson Bridges stated that he felt the Commission needed to take action as soon as possible so people can be allowed to continue their businesses and operate. This may not be as exact as we would make it if we had six months to work on it, but the basic proposals are not detrimental and contain the spirit of what we are working toward.

Mr. David Vandergriff, an attorney representing Nation Outdoor Advertising and Bressler Outdoor Advertising stated that the proposed changes would grant a monopoly to Eller Media, the outdoor advertising company that recently acquired Donrey Outdoor Advertising. Mr. Vandergriff also noted that increasing the minimum distance between billboards would restrict the ability of numerous property owners to lease their land to companies trying to enter the market.

Following further discussion by the Commission, motion was made by Commissioner Mulson, seconded by Commissioner Armbruster and carried uanimously to forward the following proposal to the City Board of Directors for final action:

- Prohibit new billboards in Commercial-2 zones
- Increase from 300 feet to 1,000 feet the space between billboards
- Change the way distances are measured to prohibit billboards along both sides of a street.
- Prohibit V-type billboards
- No more than four (4) outdoor advertising sign structures (over 35 square feet in area) per statute mile are permitted.

Meeting Adjourned!

2

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 15-5-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on May 14, 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:

Umarex Addition, Lot 1

more commonly known as 7700 Chad Colley Boulevard, should be, and is hereby rezoned from Not Zoned to Industrial Light (I-1) by Classification.

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

PASSED AND APPROVED THIS_____DAY OF _____, 2013.

ATTEST:

_____

City Clerk

APPROVED:

_____

Mayor

Approved as to form:

_____

Publish One Time

May 29, 2013

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

Re: A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard.

On May 14, 2013, the City Planning Commission held a public hearing to consider the above requests.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for an expansion of the existing Umarex USA facility and an increase in parking spaces for the employee parking lot. Mr. Rice stated that a neighborhood meeting was held on Thursday, May 9, 2013, at 7700 Chad Colley Boulevard with the applicant and city staff being the only persons in attendance.

Mr. Travis Brisendine was present to speak on behalf of this request.

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

Chairman Sharpe called for the vote on the rezoning request. Motion was made by Commissioner Spearman, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the development plan as submitted.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 8 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

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: April 30, 2013

Re: Rezoning #5-5-13 - A request by Travis Brisendine, agent for Umarex USA, for Planning Commission consideration of a zone request from Not Zoned to Industrial Light (I-1) by classification at 7700 Chad Colley Boulevard (Companion to item # 3)

LOT LOCATION AND SIZE

The subject property is located on the west side of Chad Colley Boulevard between Roberts Boulevard and Custer Boulevard. The tract contains an area of 27 acres with approximately 1,332 feet of street frontage along Chad Colley Boulevard.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Light (I-1).

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling

2A

center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

Maximum Height - 45 feet

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and is undeveloped.

The area to the east is not zoned and is developed as an animal food processing plant.

The area to the south is not zoned and is undeveloped.

The area to the west is zoned Residential Single Family High Density (RS-4) and is undeveloped.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification is intended to guide the appropriate development of non residential uses with a larger community context, establish a strong street presence, and promote parking on the sides and rear of the buildings. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

PROPOSED ZONING

The current subject property was not zoned during the initial development. The requested zoning will allow for an expansion of the existing facility and an increase in parking spaces for the employee parking lot.

2B

STAFF COMMENTS AND RECOMMENDATIONS

The Industrial Light (I-1) zoning district is proposed to allow the existing business to conform to the zoning code.

Section 27-430 of the Unified Development Ordinance states the purpose of the Industrial Light (I-1) zoning district is to provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting.

A neighborhood meeting was held Thursday May 9th, 2013 at 7700 Chad Colley Blvd. The applicant and city staff were the only persons in attendance. A copy of the attendance record and meeting summary are enclosed.

If the Planning Commission is inclined to approve the application, we recommend a condition that all construction must be built in accordance with the submitted Development Plan.

2C

Rez#5-5-13

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)

2. Address of property: 7700 Chad Colley Boulevard

3. The above described property is now zoned: Not zoned

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

5. Why is the zoning change requested?

Property is Chaffee Crossing and was not zoned during the initial site development.

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

Signed:

TRAVIS BRISENDINE
Owner or Agent Name
(please print)

PO Box 10064
Owner or Agent Mailing Address

452-1933
Owner or Agent Phone Number

Owner

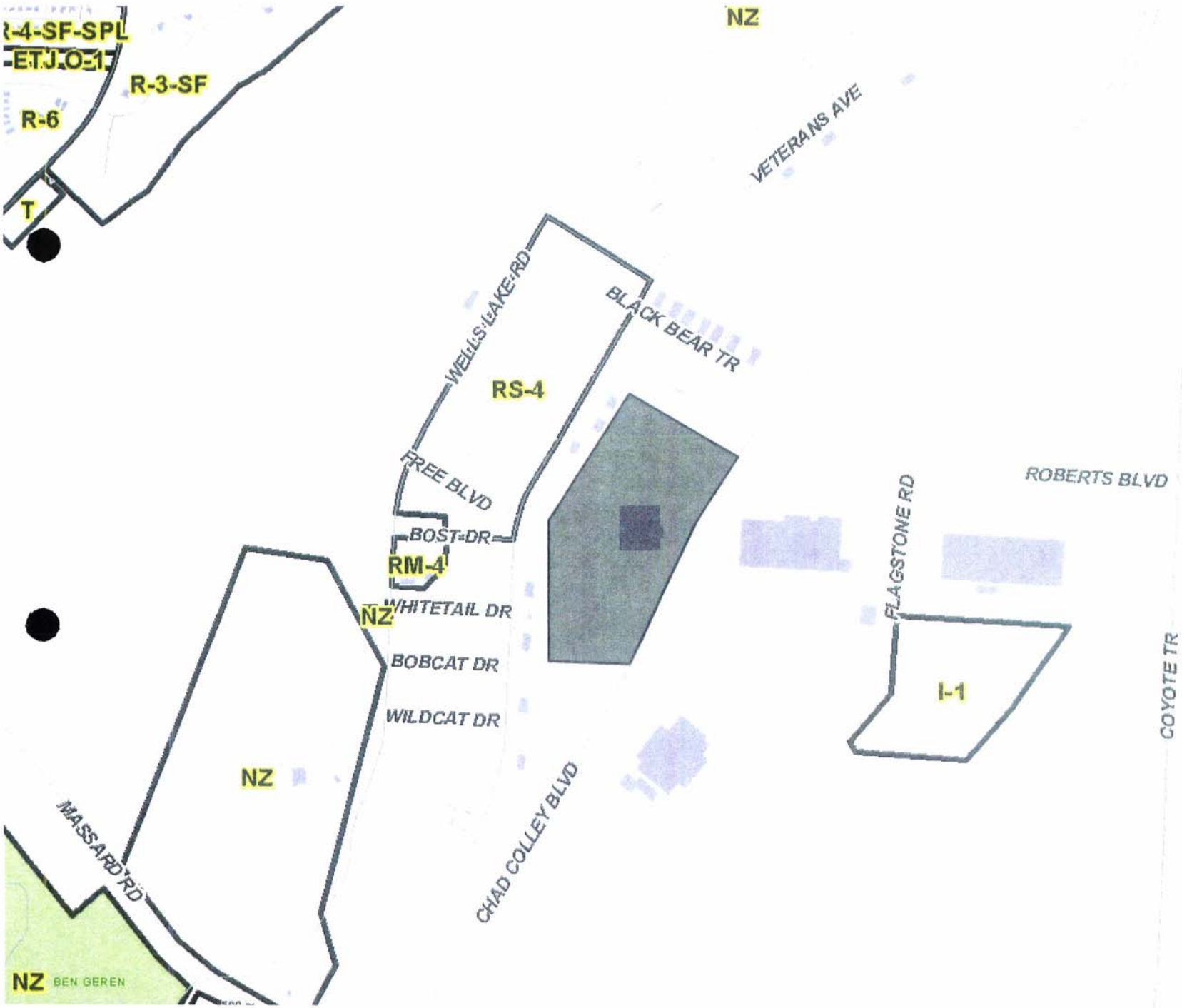
or

Agent

2D

Rezoning #5-5-13: From Not Zoned to Industrial Light (I-1)

7700 Chad Colley Boulevard



RE

Development Plan: Umarex Expansion

7700 Chad Colley Boulevard

3F

35

Exterior Rendering

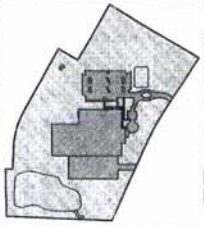
HIGHT - JACKSON
ASSOCIATES . PA

UMBREXUSA®
Fort Smith, Arkansas

PROJECT NUMBER
1171

DATE
01/21/13

SITE AREA CALCULATIONS



Total Site Area: 1,175,931 S.F. (27 Acres)

Proposed Impervious Area: 298,294*
Proposed Impervious Percentage: 25.4%*

Total Building Area: 142,100 S.F.*
Building Area Percentage: 12.1%*

Proposed New Vehicular Pavement Area: 62,406 S.F.

Proposed Interior Island Landscaping: 3,403 S.F.
(3,130 S.F. Req.)

* Includes Exist./Proposed Improvements

Impervious Areas

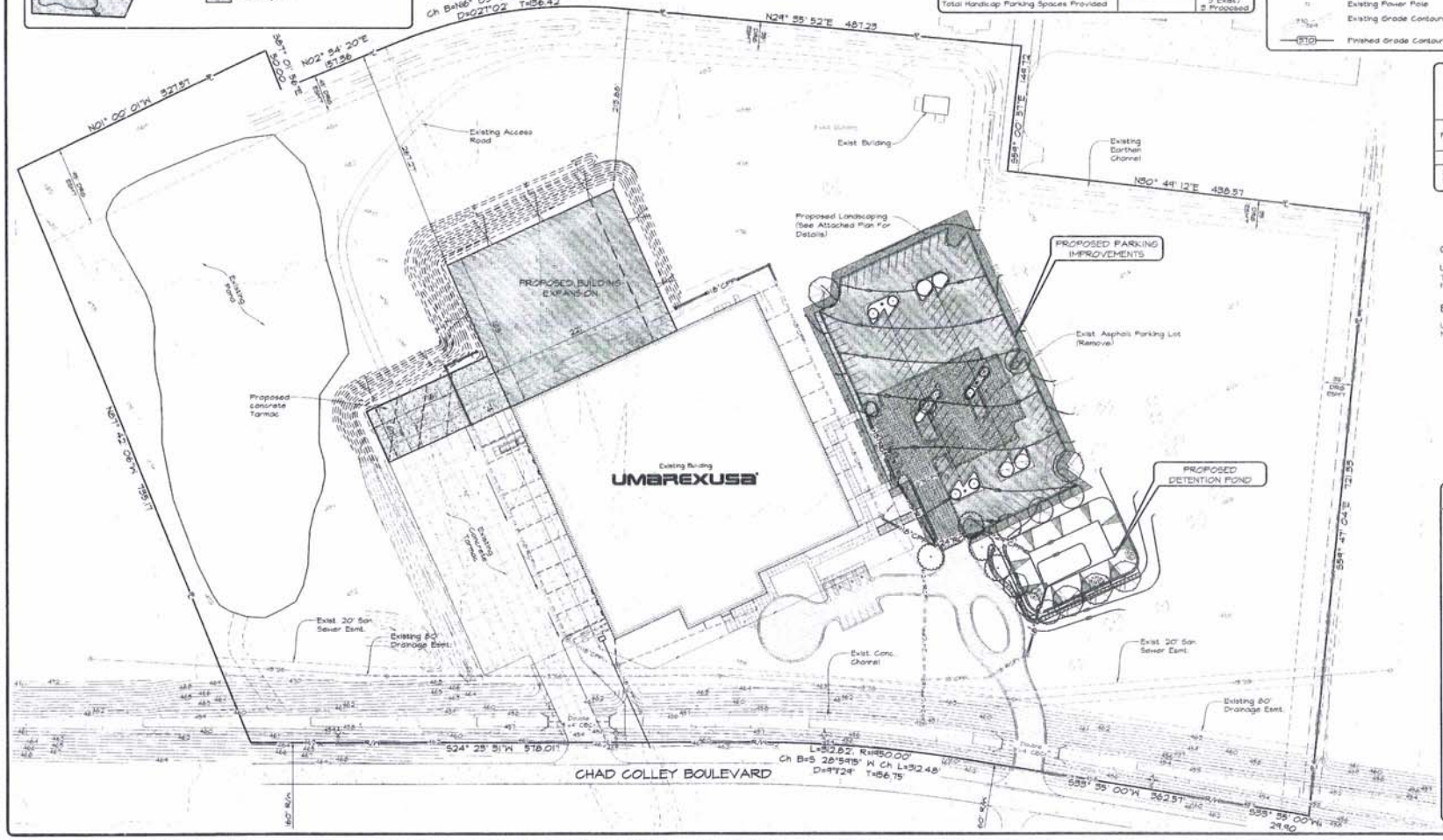
Green Space

PARKING SUMMARY

DESCRIPTION	PARKING REQUIREMENTS	NUMBER OF SPACES
OFFICE (10,418 S.F.)		
First 12,000 S.F.	1/200	52
WAREHOUSING & STORAGE (100,346 S.F.)		
First 20,000 S.F.	1/1,000	20
Over 20,000 S.F.	1/5,000	16
MANUFACTURING & INDUSTRIAL (33,124 S.F.)		
First 20,000 S.F.	1/400	50
Over 20,000 S.F.	1/1,000	14
Total Parking Spaces Required		152
Total Parking Spaces Provided		158
Total Handicap Parking Spaces Required		6
Total Handicap Parking Spaces Provided		3 Exist./ 3 Proposed

LEGEND

- Property Line
- Easement
- Right-of-Way
- Existing Asphalt Pavement
- Existing Storm Drain W/Size & Type
- Existing Storm Drain Inlet/Junction Box
- Existing Fire Line W/Size
- Existing Fire Hydrant
- Existing Power Pole
- Existing Grade Contours
- Finished Grade Contours
- Existing Tree (To Be Removed)
- Existing Pavement to be Removed
- Standard Duty Asphalt Pavement
- Concrete Sidewalk
- Concrete Curb & Gutter
- Proposed Reinforced Concrete Pipe Storm Drain W/Size
- Proposed Corrugated Plastic Pipe Storm Drain W/Size
- Proposed 4" Underdrain



SITE ZONING: I-1 (INDUSTRIAL LIGHT DISTRICT)

I-1 Minimum Setback Requirements (Ft.)

FRONT	SIDE	STREET SIDE	SIDE/REAR (ADJOINING SF RES. DIST./ DEVELOPMENT)	REAR
25	10	15	30	10

Max. Building Height - 45'
Max. Lot Coverage - 75%

OWNER & DEVELOPER

UMAREXUSA
7700 Chad Colley Boulevard
Fort Smith, AR 72916

BOUNDARY DESCRIPTION

Umarex Addition, Lot 1 Filed May 1, 2004

CERTIFICATE OF AUTHORIZATION — MORRISON-SHIPLEY ENGINEERS, INC. No. 281 — ARKANSAS

LICENSED PROFESSIONAL ENGINEER — STATE OF ARKANSAS — 4-19-15

VICINITY MAP

Revision	By	Date

MORRISON SHIPLEY
ENGINEERS • SURVEYORS
P.O. Box 10064 • Fort Smith, AR 72917 • 479.452.1933 • morrisonshipley.com

STATE OF ARKANSAS — LICENSED PROFESSIONAL ENGINEER — No. 10420 — 4-19-15 — BRIAN K. BRESSINE

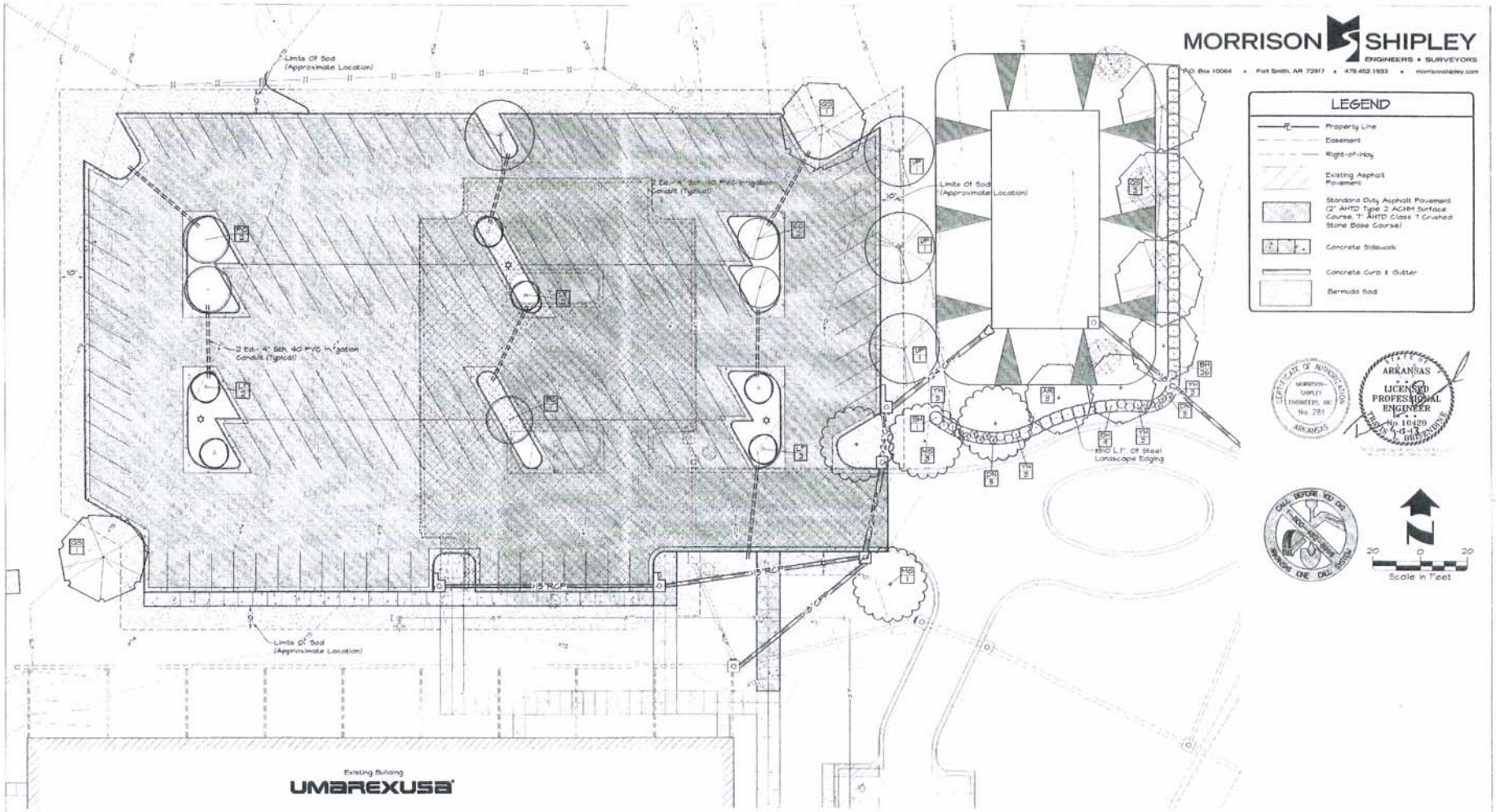
Drawn By:	DRC
Approved By:	TLB
Date:	4.14.15
Project No:	R.UA-26
Vertical Scale:	-
Horizontal Scale:	1"=60'
Plotting Scale:	1
Drawing Name:	PLAN DEV

UMAREXUSA®
Fort Smith, Arkansas

DEVELOPMENT PLAN
for
BUILDING/PARKING EXPANSION

Issued for Review

Sheet No: 1 of 1



Landscape Plan General Notes:

1. The Contractor Shall Furnish All Labor, Materials, Tools, Equipment, And Related Items Required For The Complete Installation Of Landscape.

2. All Plant Materials Shall Be Nursery Grown. Plant Material Sizes And Grading Shall Comply With The Latest Edition Of American Standards For Nursery Stock, Published By The American Nursery And Landscape Association.

3. All Plant Materials Shall Be Healthy And Free From All Visible Signs Of Disease Or Pest Infestation.

4. Contractor Shall Ascertain Location Of All Utilities Prior To Excavation. Prior To Commencing With Any Work, Contact The State One-call.

5. No Changes To Approved Plant Schedule Will Be Allowed Without The Approval Of The Owner's Representative.

6. All Trees Shall Be Installed, Mulched, Guyed, And Staked Per The Details. All Shrubs Shall Be Installed And Mulched Per The Details.

7. Hardwood Mulch, A Minimum Of 2" Depth, Shall Be Applied To All Planting Beds Shown On This Plan.

8. The Contractor Shall Provide A One Year Minimum Warranty For All Plant Materials And Installation From The Date Of Acceptance.

9. The Contractor Shall Spoil Any Excess Topsoil Located On The Site That Is Not Required To Perform Landscape Operations. If Sufficient Topsoil Is Not Present On Site, The Contractor Shall Import Topsoil To The Site In Order To Complete The Landscape Operations. The Contractor Shall Perform A Soil Test On The Existing And Imported Topsoil And Apply Lime And Fertilizer As Recommended By The Testing Agency.

10. In All Planting Beds, Sod Shall Be Removed Entirely And Soil Shall Be Amended With Twelve Inches Of Topsoil And A Minimum Of Six Inches Of Compost Tilled Into The Beds.

11. The Irrigation System Shall Be Designed By The Landscaping Contractor Under The General Contractor's Contract. Provide Irrigation To All Landscaping And Landscaped Islands. The New Irrigation Shall Be Designed To Tie Into Existing Irrigation System.

Sod Sodding Note:
All Areas To Be Sodded (As Shown On This Plan) Shall Be Topsoiled To A Minimum Depth Of 4", Fertilized At A Rate Of 250 Pounds Per Acre, And Sodded With Bermuda Grass. If Located On Slopes 3:1 Or Greater, The Corners Of The Sod Must Be Pinned. The Contractor Shall Water And Maintain The Grass Until A Healthy Permanent Stand Is Established.

Site Seeding Note:
All Disturbed Areas Not To Be Paved, Landscape Beds, Or Sodded Shall Be Topsoiled To A Minimum Depth Of 4", Fertilized At A Rate Of 250 Pounds Per Acre, And Seeded With Annual Rye Grass At A Rate Of 3-4 Pounds Per 1000 S.F. And Bermuda Grass At A Rate Of 6 Pounds Per 1000 S.F. The Area Must Also Be Mulched. If The Seeded Areas Are 20% Or Greater Slope, Erosion Control Mat Shall Be Installed. The Contractor Shall Water And Maintain The Grass Until A Healthy Permanent Stand Is Established.

PLANT SCHEDULE

Key	COMMON NAME	Botanical Name	Size	Spacing	Quantity
DN	DWARF NANDINA	Nandina domestica 'Compacta'	5 Gallon	4' O.C.	10
YH	DWARF YAUPON HOLLY	Ilex vomitoria 'Nana'	5 Gallon	4' O.C.	12
BH	DWARF BURFORD HOLLY	Ilex cornuta 'Dwarf Burford'	5 Gallon	5' O.C.	36
CC	OKLAHOMA REDBUD	Cercis canadensis 'Oklahoma'	2" Cal. B&B	As Shown	2
PC	CHINESE PISTACHE	Pistachia chinensis	2-1/2" Cal. B&B	As Shown	3
LT	STANARD RED CRAPEMYRTLE	Lagerstromia X 'Tuscarora'	6'-8' B&B	As Shown	4
MS	SOUTHERN MAGNOLIA	Magnolia grandiflora 'Bracken's Brown Beauty'	2-1/2" Cal. B&B	As Shown	4
UP	CHINESE (LACEBARK) ELM	Ulmus parvifolia	2-1/2" Cal. B&B	As Shown	4
AR	OCTOBER GLORY RED MAPLE	Acer rubrum 'October Glory'	2-1/2" Cal. B&B	As Shown	3
QS	SHUMARD OAK	Quercus shumardii	2-1/2" Cal. B&B	As Shown	5

HIGHT - JACKSON ASSOCIATES, P.A.

UMaREXUSA®

PARKING LOT IMPROVEMENTS

Fort Smith, Arkansas

LANDSCAPE PLAN and DETAILS

DRAWN BY: JMN

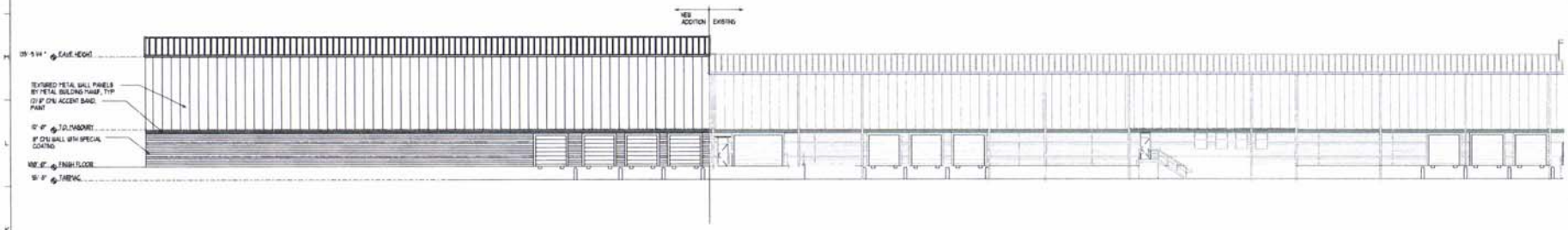
CHECKED BY: TLB

ISSUE DATE: 04/15/2013

PROJECT NO. HJA-28

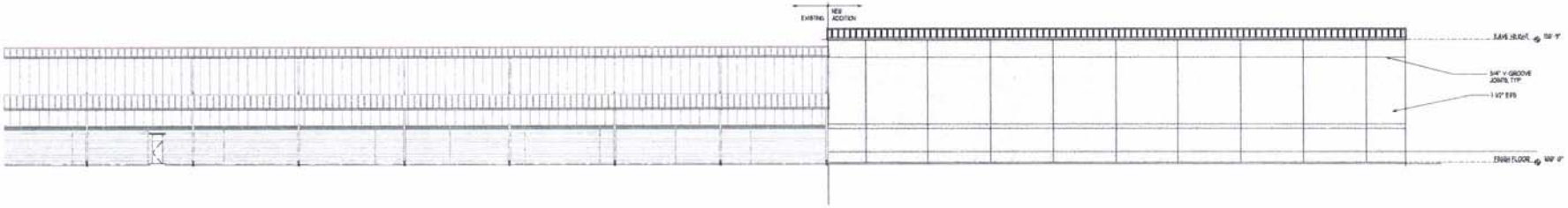
SHEET C.4

COPYRIGHT 2013



K14 South Elevation
1/16" = 1'-0" Ref: A.X.X/A.X.X

F14 West Elevation
1/16" = 1'-0" Ref: A.X.X/A.X.X



B14 North Elevation
1/16" = 1'-0" Ref: A.X.X/A.X.X

HIGHT - JACKSON ASSOCIATES, PA

PHASE 2- AN ADDITION FOR
UMBREXUSA®
Fort Smith, Arkansas

FILE NO
DRAWN BY TS
CHECKED BY CM/JMH
ISSUE DATE 03/25/2013
PROJECT NO. 1171.1
REVISION DATE 04/01/2013
SHEET A4.1

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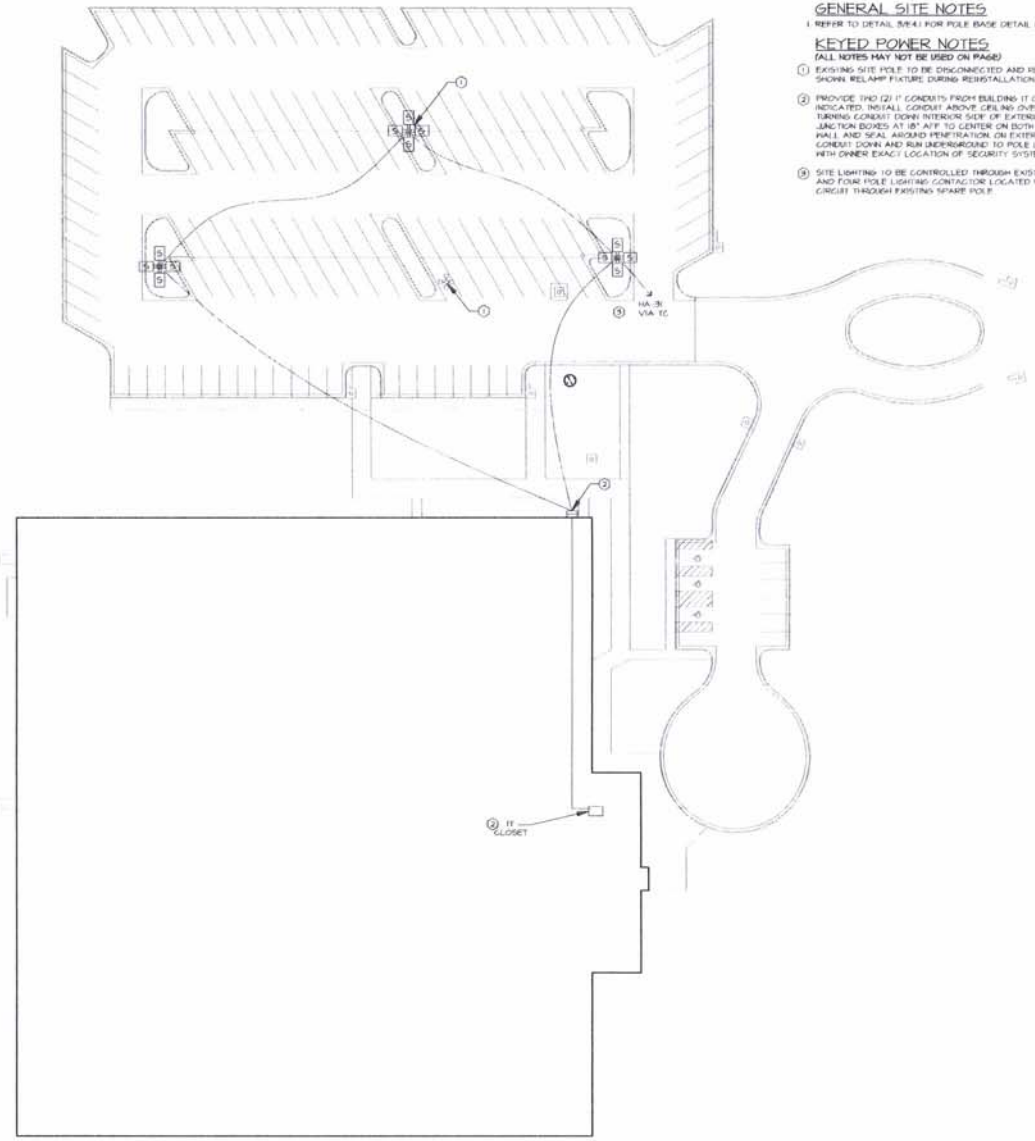

GENERAL SITE NOTES

1. REFER TO DETAIL 3/E4.1 FOR POLE BASE DETAIL WITH DIVIDED JUNCTION BOX.

KEYED POWER NOTES

(ALL NOTES MAY NOT BE USED ON PAGE)

1. EXISTING SITE POLE TO BE DISCONNECTED AND RELOCATED TO LOCATION SHOWN. RELAMP FIXTURE DURING REINSTALLATION.
2. PROVIDE TWO (2) 1" CONDUITS FROM BUILDING IT CLOSET TO EACH LIGHT POLE INDICATED. INSTALL CONDUIT ABOVE CEILING OVERH TO NORTH HALL BEFORE TURNING CONDUIT DOWN INTERIOR SIDE OF EXTERIOR WALL. PROVIDE 12"X12" JUNCTION BOXES AT 18" AFF TO CENTER ON BOTH INTERIOR AND EXTERIOR OF WALL AND SEAL AROUND PENETRATION ON EXTERIOR OF BUILDING. TURN CONDUIT DOWN AND RUN UNDERGROUND TO POLE LOCATIONS. COORDINATE WITH OWNER EXACT LOCATION OF SECURITY SYSTEM PANEL.
3. SITE LIGHTING TO BE CONTROLLED THROUGH EXISTING EXTERIOR TIME CLOCK AND FOUR POLE LIGHTING CONTACTOR LOCATED NEXT TO PANEL HA. ROUTE CIRCUIT THROUGH EXISTING SPARE POLE.

1 ELECTRICAL SITE PLAN
1"=30'-0"

NORTH

HSA ENGINEERING CONSULTING SERVICES, INC.
QUALITY CONTROL
BY: _____
COMPLETE

HIGHT - JACKSON ASSOCIATES PA
ARCHITECTS AND PLANNERS

PHASE 1-
AN ADDITION AND PARKING LOT IMPROVEMENTS FOR
UMAREXUSA
Fort Smith, Arkansas

DRAWN BY
EMH
DESIGN BY
RC
ISSUE DATE
03/25/2013
PROJECT NO.
1171
REVISION DATE
04/15/2013
SHEET
ES1.1

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HSAEngineering
479 / 452 / 8922 office
5701 Euper Lane, Ste A
Fort Smith, AR 72903
HSAConsultants.com

Memorandum

To: Project File

CC: City of Fort Smith Planning Dept., Clay McGill

From: Travis Brisendine, P.E.

Date: May 9, 2013 (4:00 P.M. at Project Site)

Re: Neighborhood Meeting

In Attendance:

Morrison-Shipley Engineers

Travis Brisendine

City of Fort Smith Planning

Tom Monaco

Citizens

None

Meeting Summary:

Notices were sent to all adjacent and contiguous landowners during the application process. No citizens attended the meeting.

NOTE: Morrison-Shipley did NOT receive any phone calls regarding the project following the mailing of notices to adjacent landowners.

2F

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7700 Chad Colley

Meeting Time & Date 4:00 5/9/13

Meeting Purpose Rezone & Development Plan

	NAME	ADDRESS	PHONE #
1.	Travis Briscendine	PO Box 10064, 72917	883-4028
2.	Tom Manrico	City	784-0218
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

2G

Mars Petcare US
315 Cool Springs Blvd.
Franklin, TN 37067

BK Electric
P. O. Box 10567
Fort Smith, AR 72917

Bellweather Industries
11318 Highway 71 South
Fort Smith, AR 72916

possibly streamlining the appeal process for temporary use permits and the recommendation will be brought back to the Planning Commission when research is complete.

- Currently, the Industrial Design Standards apply to projects on major arterial streets only. Staff is proposing to add boulevards, the only additional street classification higher than a major arterial to this requirement. The appearance of major arterials and boulevards is important as mentioned within the Comprehensive Plan as these streets are typically highly visible and traveled frequently.

- The appeal process within the Appeals of Administrative Decisions section of the code needs further clarification and staff has utilized the same language that is present in other development applications.

- The appeal/vested rights section of Appendix B, the fee chart, needed further clarification.

No one was present to speak either in favor or in opposition to the Unified Development Ordinance Amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance amendments. The vote was 8 in favor and 0 opposed.

2. **Rezoning #5-5-13; A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard. (companion item to item #3)**

3. **A request by Travis Brisendine, agent for Umarex USA, for development plan approval of an expansion to the Umarex USA headquarters located at 7700 Chad Colley Boulevard. (companion item to item #2)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an expansion of the existing facility and an increase in parking spaces for the

employee parking lot. Ms. Rice stated that a neighborhood meeting was held on Thursday, May 9, 2013, at 7700 Chad Colley Boulevard with the applicant and city staff being the only persons in attendance.
Mr. Travis Brisendine was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on these requests.

2. **Rezoning #5-5-13; A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard. (companion item to item #3)**

Motion was made by Commissioner Spearman, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the development plan as submitted.

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

3. **A request by Travis Brisendine, agent for Umarex USA, for development plan approval of an expansion to the Umarex USA headquarters located at 7700 Chad Colley Boulevard. (companion item to item #2)**

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

- All construction must be approved by the Chaffee Crossing – Design Review Committee

- All construction must be built in accordance with the submitted development plan.

- The conceptual development plan that has been submitted will be further reviewed for all codes and ordinances when a more detailed plan is submitted for a building permit. The Planning Commission approval of the development plan does not waive or provide any variances for any codes or standards required for development.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

4. **Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension, located at 8100 Rogers Avenue. (companion item to item #5)**

5. **A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for development plan approval of a retail development located at 8100 Rogers Avenue. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the entire property to be developed in a consistent manner. Ms. Rice stated that a neighborhood meeting was held on Monday, May 13, 2013, onsite.

Mr. Kevin Barnes with Quattro Development was present to speak on behalf of these requests. Mr. Barnes stated that they would comply with all issues relative to this project. Mr. Barnes noted that he had met with the Engineering Department and the current site plan as submitted is 99.9% accurate with the exception of possibly have to relocate some landscaping.

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

Commissioner Howard questioned Mr. Barnes as to the possible tenants that would be occupying this facility. Mr. Barnes stated that there would be a Popeye's restaurant, a mattress company, Cox, as well as Aspen Dental.

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

4. **Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension located at 8100 Rogers Avenue. (companion item to item #5)**

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

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. 6-5-13 to rezone certain properties hereinafter described, and, having considered said request, recommended on May 14, 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:

A part of the Southeast Quarter of the Northwest Quarter of Section 30, Township 8 North, Range 31 West, Sebastian County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point which is N 87◦16'30"W, 434.60' from the Southeast corner of said forty acre tract, said point being a set iron pin and running thence N 87◦16'30"W 335.40' to a set iron pin, thence N 02◦44'30"E, 188.90', thence S 58◦47'54"E, 381.50', thence S 02◦43'30"W, 7.00' to the point of beginning, containing 0.75 acres, more or less.

more commonly known as 8100 Rogers Avenue, should be, and is hereby rezoned from Transitional (T) to Commercial Heavy (C-5) by Extension, subject to the development plan approved by the Planning Commission May 14, 2013.

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

PASSED AND APPROVED THIS_____DAY OF _____, 2013.

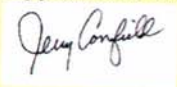
ATTEST:

APPROVED:

_____
City Clerk

_____
Mayor

Approved as to form:



_____
Publish One Time

May 29, 2013

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

Re: Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension located at 8100 Rogers Avenue.

On May 14, 2013, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow the entire property to be developed in a consistent manner.

Mr. Kevin Barnes with Quattro Development was present to speak on behalf of this request. Mr. Barnes stated that they would comply with all issues relative to this project.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 8 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

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: April 30, 2013

Re: Rezoning #6-5-13 - A request by Mike Liyeos, agent, for Planning Commission consideration of a zone request from Transitional (T) to Commercial Heavy (C-5) by extension at 8100 Rogers Avenue Companion to item #5

LOT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue, west of Massard Road. The tract contains an area of 2.46 acres with approximately 367 feet of street frontage along Rogers Avenue.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

4A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet
Maximum Lot Size – 40,000 square feet
Minimum Lot Width at Building Line – 50 feet
Minimum Street Frontage – 50 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 65%

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

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet

4B

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

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as Lowes and Aaron's Sales & Lease.

The area to the east is zoned Commercial Heavy (C-5) and is developed as AT & T.

The area to the south is zoned Transitional (T) and is developed as Mercy Clinic.

The areas to the west are zoned Commercial Heavy (C-5) and are developed as a furniture store and Taco Bell.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The majority of the property is zoned Commercial Heavy (C-5) while the remainder is zoned Transitional (T). Rezoning the Transitional area to Commercial Heavy will allow the entire property to be developed in a consistent manner.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, May 13, 2013 onsite. A summary of that neighborhood meeting will be given at the Planning Commission meeting.

Staff recommends approval of the rezoning contingent upon approval of the companion development plan.

4C

Rez. # 6-5-13

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: 8100 Rogers Avenue

3. The above described property is now zoned: T

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?

   The majority of the property is zoned C-5 while the remainder is zoned T. Rezoning the T area to C-5 will allow the entire property to be developed in a consistent manner.

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

Quattro Development, LLC
Attn: Mike Liyeos
Kevin Barnes
630-891-6476
Owner or Agent Name
(please print)

1100 Jorie Blvd, Suite 238
Oak Brook, IL 60523
Owner or Agent Mailing Address

(630) 891-6473
Owner or Agent Phone Number

Signed:

Owner

or

Agent

4D

Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

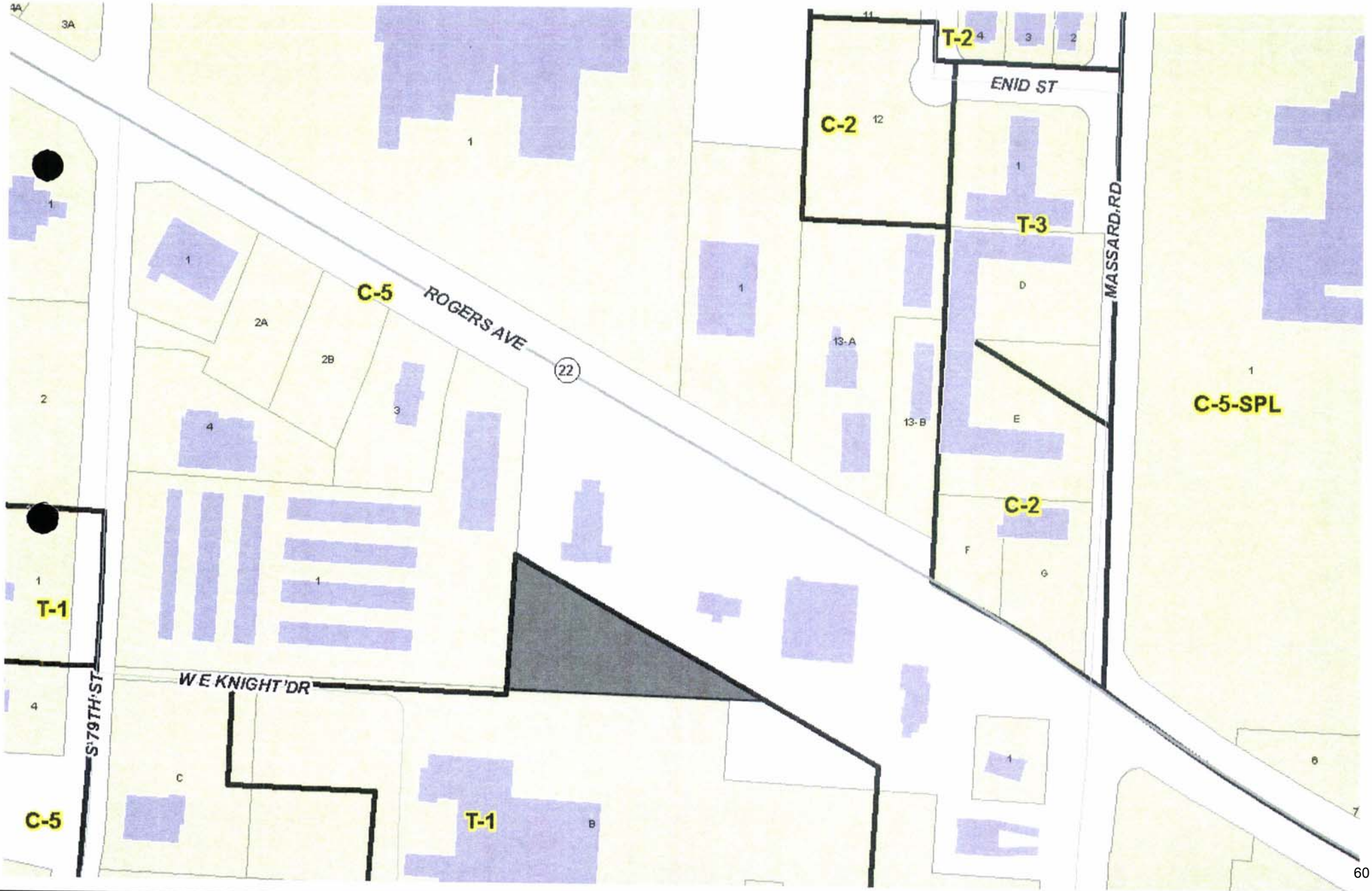
524 W. Sycamore Street Suite #4 Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
http://www.blewinc.com

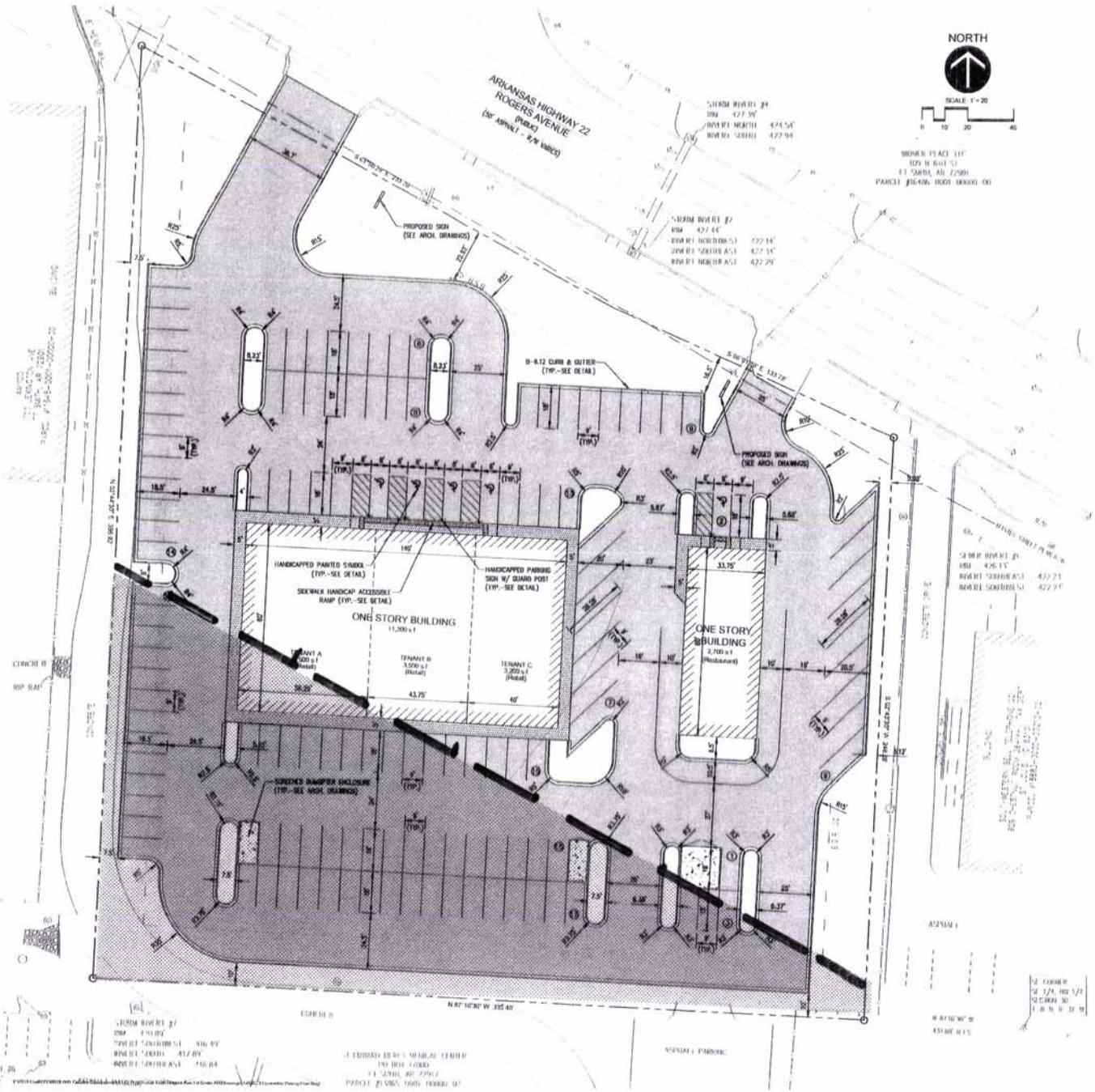
T-1 ZONING DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 31 WEST, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°16'30"W 434.60' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N87°16'30"W 335.40' TO A SET IRON PIN, THENCE N02°44'30"E 188.90', THENCE S58°47'54"E 381.50', THENCE S02°43'30"W 7.00' TO THE POINT OF BEGINNING. CONTAINING 0.75 ACRES, MORE OR LESS.

Rezoning #6-5-13: From Transitional (T) to Commercial Heavy (C-5)

8100 Rogers Avenue





PROJECT CONTACTS:

Owner/Developer
Kevin Barnes
Quattro Development, LLC
1100 Jorie Boulevard, Suite 238
Oak Brook, IL 60523
Tel. 630.891.6470
Fax. 866.832.0578
Email: kevin@quattrodevelopment.com

Engineer
Brett J. Dahlman, P.E.
Larson Engineering, Inc.
1488 Bond Street
Naperville, IL 60563
Tel. 630.357.0540
Fax. 630.357.0104
Email: bdahlman@larsonengr.com

Architect
Jay Johnson
Excel Engineering, Inc.
100 Capitol Drive
Fond Du Lac, WI 54935
Tel. 920.926.9800
Fax. 920.926.9801
Email: jay.j@excelengineer.com

Surveyor
Buckley D. Blew, P.L.S.
Blew & Associates
524 W. Sycamore Street, #4
Fayetteville, AR 72703
Tel. 479.443.4506
Fax. 479.582.1993
Email: buckley@blewinc.com

SITE DATA

Zoning: C-5 (Commercial Heavy)
Site Area: 2.48 Acres
Proposed Building #1: 11,200 S.F. (One-Story, 3-Tenant Retail)
Proposed Building #2: 2,700 S.F. (One-Story, Restaurant)

Parking:
Retail: 1 / 200 S.F. of G.F.A.
Restaurant: 1 / 100 S.F. of G.F.A. + 1 / 3 Employees
80 Parking Spaces Required
134 Parking Spaces Provided
(Including 4 Accessible Parking Spaces)

Setbacks:
Front Yard: 25'-0"
Side Yard: 20'-0"
Rear Yard: 20'-0"
Buildings Front on Rogers Avenue

PAVEMENT NOTES

1. SEE ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
2. ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR PROPERTY LINE UNLESS OTHERWISE NOTED.
3. ALL PARKING STALL STRIPING TO BE 4" WIDE YELLOW OR WHITE PAINT, MEETING ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT SPECIFICATIONS.
4. ALL NON PAVED AREAS DISTURBED OR REGRADED SHALL BE BACKFILLED WITH A MINIMUM OF 6" TOPSOIL AND SEEDED, FERTILIZED AND MULCHED.
5. TIE NEW CURB TO EXISTING CURB WITH 2-#4 REBARS (24" LONG, 12" ON OTHER SIDE) EPOXIED INTO EXISTING.

SURFACE LEGEND

ASPHALT PAVEMENT
1.5" HOT MIX ASPHALT SURFACE COURSE
2.25" HOT MIX ASPHALT BINDER COURSE
8" AGGREGATE BASE COURSE

CONCRETE SIDEWALK
5" P.C. CONCRETE
4" AGGREGATE BASE COURSE

CONCRETE PAVEMENT
8" P.C. CONCRETE
8" AGGREGATE BASE COURSE

Larson Engineering, Inc.
1488 Bond Street, Suite 100
Naperville, IL 60563
630.357.0540 (f) 630.357.0164
www.larsonengr.com
ILLINOIS LICENSE NO. 184-001442

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Client
QUATTRO DEVELOPMENT, LLC
1100 JORIE BOULEVARD, SUITE 238
OAK BROOK, IL 60523

Project Title
PROPOSED RETAIL DEVELOPMENT
8100 ROGERS AVENUE
FORT SMITH, AR

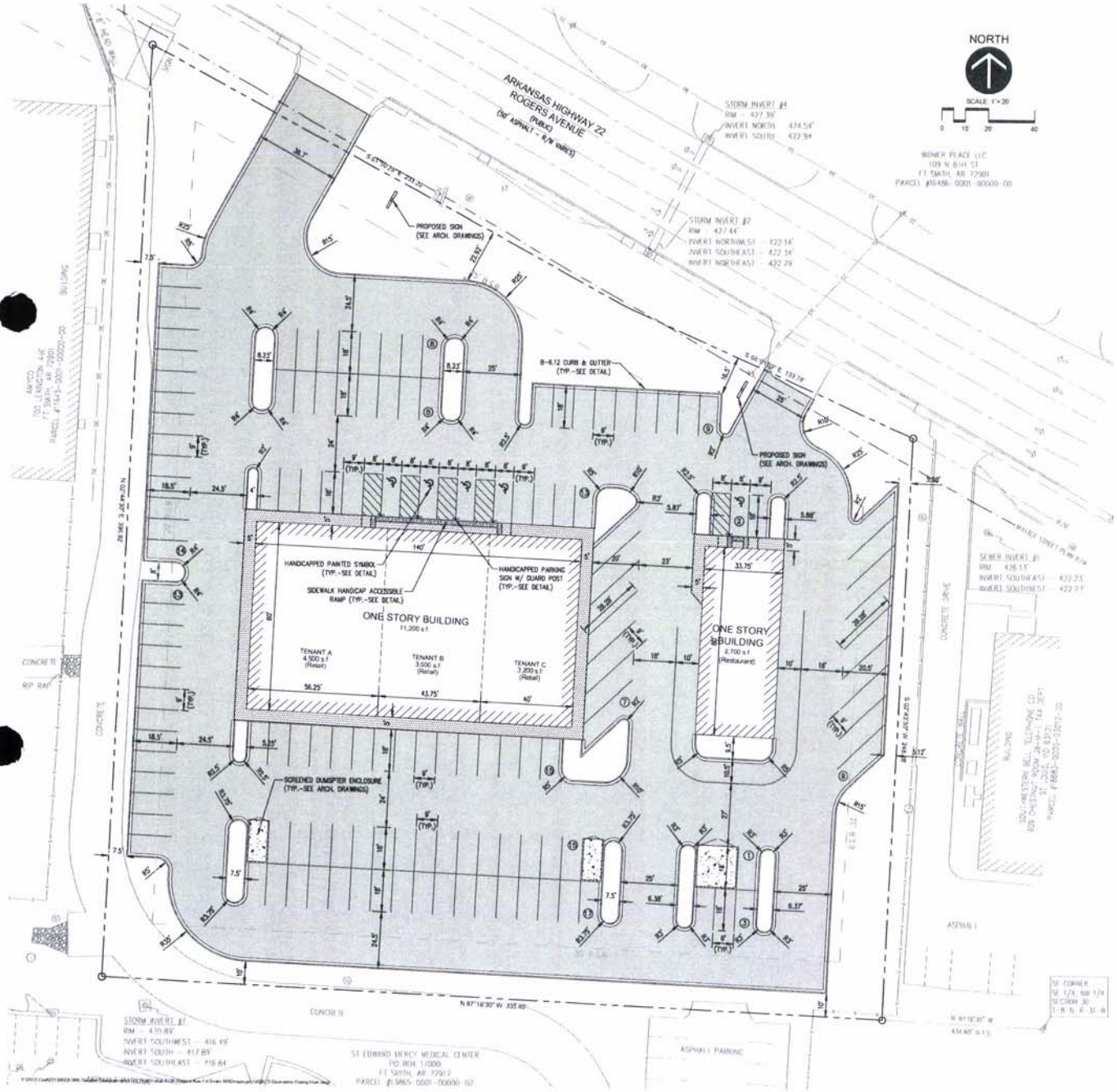
Seal
PRELIMINARY-NOT FOR CONSTRUCTION
Date: April 19, 2013
Expires: December 31, 2013

Rev	Date	Description

Project # 22130038.000
Drawn By: BJD
Checked By: JBT
Issue Date: 04.19.13
Sheet Title
GEOMETRIC PAVING PLAN

C3.0

Sheet 3 of 8



PROJECT CONTACTS:

Owner/Developer
Kevin Barnes
Quattro Development, LLC
1100 Jorie Boulevard, Suite 238
Oak Brook, IL 60523
Tel: 630.891.6478
Fax: 866.832.0578
Email: kevin@quattrodevelopment.com

Engineer
Brett J. Dahlman, P.E.
Larson Engineering, Inc.
1488 Bond Street
Naperville, IL 60563
Tel: 630.357.0540
Fax: 630.357.0164
Email: bdahlman@larsonengr.com

Architect
Jay Johnson
Excel Engineering, Inc
100 Camelot Drive
Fond Du Lac, WI 54935
Tel: 920.926.9800
Fax: 920.926.9801
Email: jay.j@excelengineer.com

Surveyor
Buckley D. Blew, P.L.S.
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86 Parking Spaces Required
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1. SEE ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
2. ALL DIMENSIONS ARE FROM BACK OF CURB TO BACK OF CURB OR PROPERTY LINE UNLESS OTHERWISE NOTED.
3. ALL PARKING STALL STRIPING TO BE 4" WIDE YELLOW OR WHITE PAINT, MEETING ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT SPECIFICATIONS.
4. ALL NON PAVED AREAS DISTURBED OR REGRADED SHALL BE BACKFILLED WITH A MINIMUM OF 6" TOPSOIL AND SEEDED, FERTILIZED AND MULCHED.
5. TIE NEW CURB TO EXISTING CURB WITH 2-#4 REBARS (24" LONG, 12" ON OTHER SIDE) EPOXIED INTO EXISTING.

SURFACE LEGEND

ASPHALT PAVEMENT
1.5" HOT MIX ASPHALT SURFACE COURSE
2.25" HOT MIX ASPHALT BINDER COURSE
8" AGGREGATE BASE COURSE

CONCRETE SIDEWALK
5" P.C. CONCRETE
4" AGGREGATE BASE COURSE

CONCRETE PAVEMENT
8" P.C. CONCRETE
8" AGGREGATE BASE COURSE

Larson Engineering, Inc.
1488 Bond Street, Suite 100
Naperville, IL 60563-6503
630.357.0540 (f) 630.357.0164
www.larsonengr.com
ILLINOIS LICENSE NO. 184-001442

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Client
QUATTRO DEVELOPMENT, LLC
1100 JORIE BOULEVARD, SUITE 238
OAK BROOK, IL 60523

Project Title
PROPOSED RETAIL DEVELOPMENT
8100 ROGERS AVENUE
FORT SMITH, AR

Seal
PRELIMINARY-
NOT FOR
CONSTRUCTION

Date: April 19, 2013
Expires: December 31, 2013

Rev	Date	Description

Project # 22130038.000
Drawn By BJO
Checked By JBT
Issue Date 04.19.13

Sheet Title
GEOMETRIC PAVING PLAN

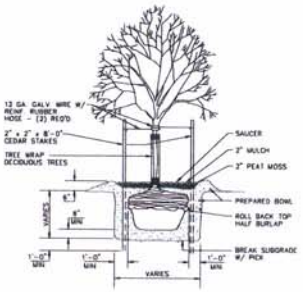
C3.0

Sheet 3 of 8

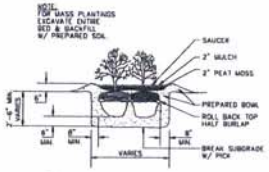
MARK	COMMON NAME	BOTANICAL NAME	PLANTED SIZE	SYMBOL & QUANTITY
		CANOPY TREES		
HL	Honey Locust	Gleditsia triacanthos	2" cal	(Q) Qty=17
CS	Crabapple	Malus 'Spring Snow'	2" cal	(Q) Qty=11
		SHRUBS		
MO	Mock Orange	Philadelphus 'Snowcone'	3 Gal	(B) Qty=133
YU	Yaupon Holly	Ilex Vomitoria	3 Gal	(Y) Qty=133

NOTES:

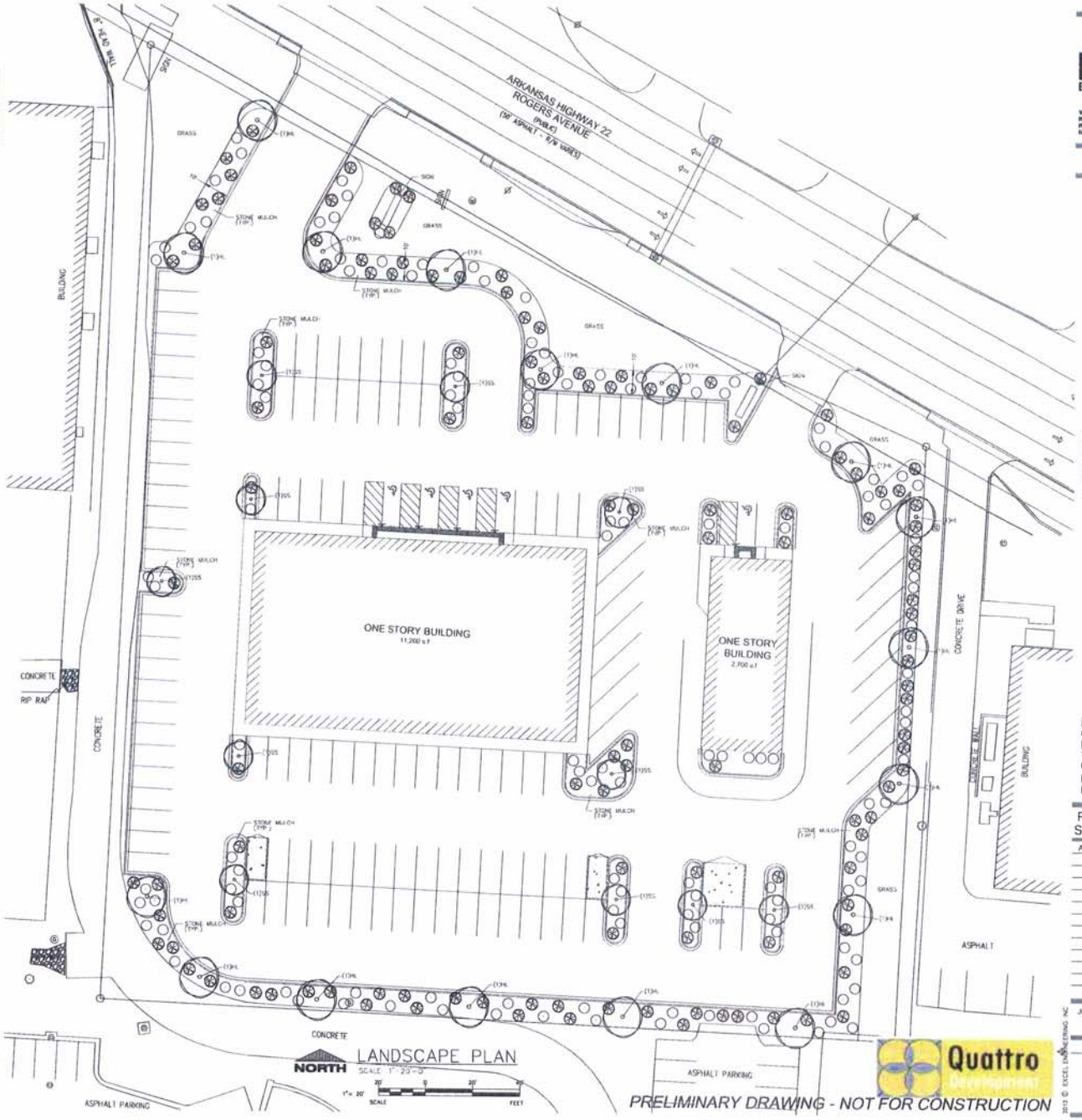
1. LANDSCAPE CONTRACTOR TO PROVIDE DESIGN & INSTALLATION OF A LANDSCAPE IRRIGATION SYSTEM.
2. ALL DISTURBED AREAS NOT SCHEDULED FOR TREES OR SHRUBS SHALL RECEIVE SODDED LAWN.
3. STONE MULCH AT ALL PLANTING AREAS.
4. ALL LANDSCAPING EDGING TO BE COMMERCIAL GRADE BLACK PLASTIC.



TREE PLANTING DETAIL
NO SCALE



SHRUB PLANTING DETAIL
NO SCALE



PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

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OWNER:
QUATTRO DEVELOPMENT, LLC
1100 JORIE BLVD
SUITE 238
OAK BROOK, IL 60523

PROJECT:
PROPOSED RETAIL DEVELOPMENT FOR
QUATTRO DEVELOPMENT, LLC
8100 ROGERS AVENUE
FORT SMITH, AR 72903

PRELIMINARY SHEET DATES:
APRIL 18, 2013

JOB NUMBER
1305300

SHEET
L1.0

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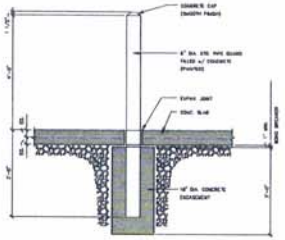
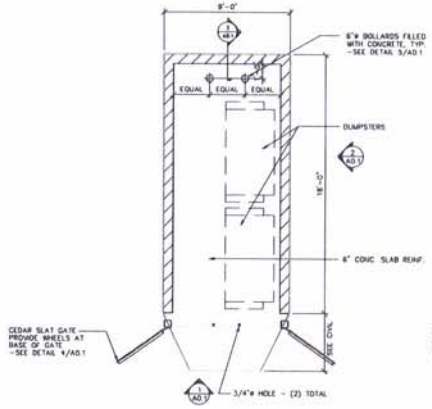
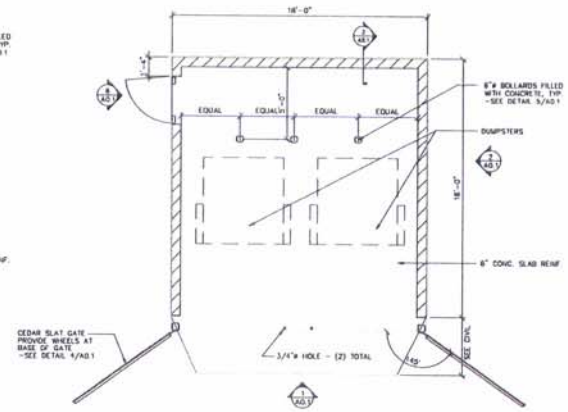


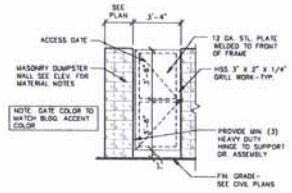
5 / A0.1 PIPE BOLLARD DETAIL
1/2"=1'-0"



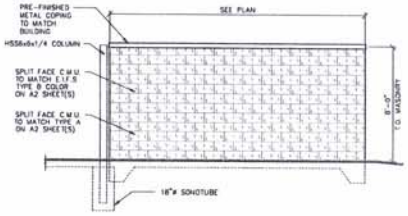
DUMPSTER ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



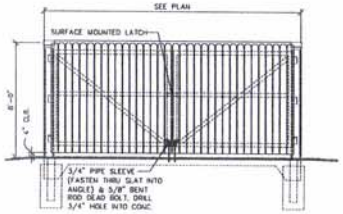
DUMPSTER ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"



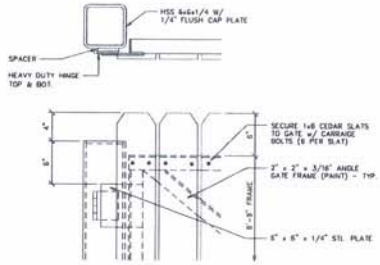
6 / A0.1 SIDE GATE ELEVATION
1/4"=1'-0"



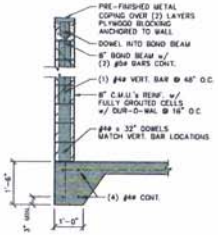
2 / A0.1 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



1 / A0.1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



4 / A0.1 GATE DETAIL
SCALE: 1 1/2" = 1'-0"



3 / A0.1 WALL DETAIL
SCALE: 1/2" = 1'-0"

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

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1100 JORIE BLVD
SUITE 238
OAK BROOK, IL 60523

PROJECT:
PROPOSED RETAIL DEVELOPMENT FOR:
QUATTRO DEVELOPMENT, LLC
8100 ROGERS AVENUE
FORT SMITH, AR 72903

PRELIMINARY SHEET DATES:
APRIL 18, 2013

JOB NUMBER:
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SHEET
A0.1

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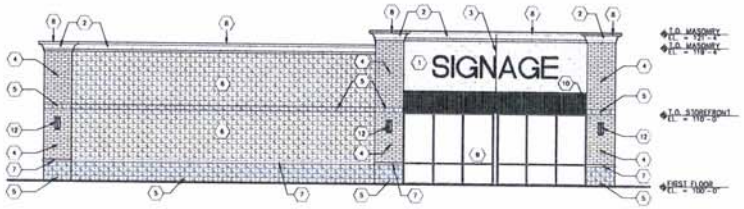
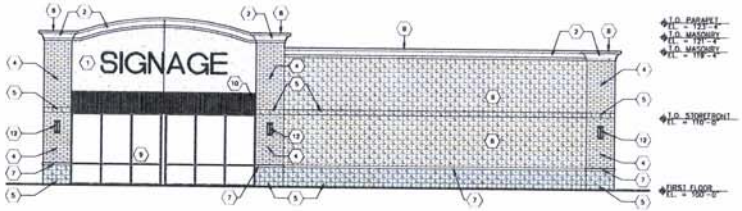
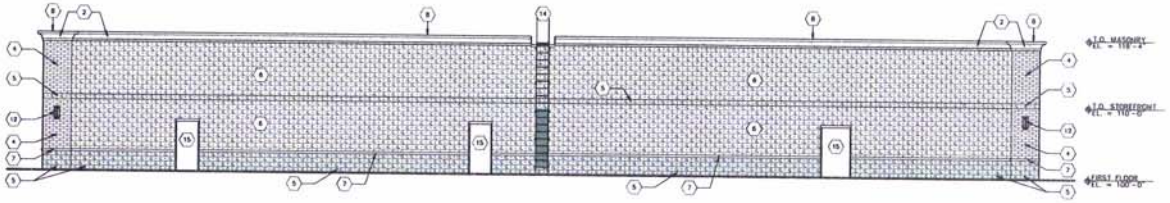






EXTERIOR FINISH KEYNOTES:

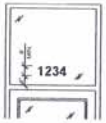
1. E.I.F.S. TYPE A (CORNICE) "DRYVIT - OUTSULATION PLUS" (OR APPROVED EQUAL) COLOR: #443A CANVAS
2. E.I.F.S. TYPE B "DRYVIT - OUTSULATION PLUS" (OR APPROVED EQUAL) COLOR: #117 COLONIAL TAN
3. E.I.F.S. SCORED REVEAL -SEE DETAIL 1/A2.0
4. HARVARD BRICK NORTHFIELD BLOCK CO. (OR EQUIVALENT) COLOR: MONTGOMERY
5. SPLIT FACE C.M.U. TYPE A (ACCENT COLOR) NORTHFIELD BLOCK CO. (OR EQUIVALENT) COLOR: OAK #21
6. SPLIT FACE C.M.U. TYPE B NORTHFIELD BLOCK CO. (OR EQUIVALENT) COLOR: LOCUST #53 (FIELD COLOR)
7. CAST STONE SILL NOSE ROCKCAST (OR EQUIVALENT) COLOR: WHEATSTONE
8. PRE-FINISHED METAL COPING SYSTEM "PAC-CLAD" (OR APPROVED EQUAL) COLOR: SIERRA TAN
9. THERMALLY BROKEN ALUMINUM FRAMES W/ LOW-E CLEAR INSULATED GLAZING -SEE A8.0 SHEET FOR SPECS.
10. FABRIC AWNING SYSTEM BY TENANT "SUNBRELLA" (OR APPROVED EQUAL) COLOR: BLACK #4608 (OWNER APPROVAL REQUIRED FOR COLORS)
11. EXTERIOR WALL PACK LIGHT FIXTURE -SEE ELECTRICAL PLANS
12. EXTERIOR WALL SCONCE LIGHT FIXTURE -SEE ELECTRICAL PLANS
13. ROOF TOP UNIT - SEE MECH. FOR LOCATION
14. EXTERIOR METAL LADDER PRIME & PAINT COLOR: MATCH ADJACENT WALL COLOR
15. HOLLOW METAL DOOR & FRAME PRIME & PAINT COLOR: TO MATCH C.M.U. TYPE B
16. GAS METERS
17. ELECTRIC METERS

EXTERIOR SIGNAGE

ALL EXTERIOR SIGNAGE IS BY TENANT AT TIME OF TENANT BUILD-OUT.

COORDINATE SIGNAGE LOCATION w/ SIGNAGE SUPPLIER.

1 A2.0 EFIS SCORE
SCALE: 3" = 1'-0"



MINIMUM ADDRESS LETTERING SIZE FOR SIZE AND TEXT STYLE TO MEET ALL REQUIREMENTS OF LOCAL AND STATE CODES

2 A2.0 ADDRESS DETAIL
SCALE: NONE

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FORT SMITH, AR 72903

PRELIMINARY SHEET DATES:
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SHEET
A2.0

Quattro Development

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION

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Aaron Rents
8117 Rogers Avenue
Fort Smith, AR 72903

Anderson's Plaza Shopping Center
8201 Rogers Avenue
Fort Smith, AR 72903

Massard Shell
8239 Rogers Avenue
Fort Smith, AR 72903

Express Lube
3500 Massard Road
Fort Smith, AR 72903

Wendy's
8210 Rogers Avenue
Fort Smith, AR 72903

Alltel
8200 Rogers Avenue
Fort Smith, AR 72903

Ryan's Steakhouse
3600 Massard Road
Fort Smith, AR 72903

Mercy Clinic
3501 W.E. Knight Drive
Fort Smith, AR 72903

Rogers Avenue Storage
7912 Rogers Avenue
Fort Smith, AR 72903

Taco Bell
7910 Rogers Avenue
Fort Smith, AR 72903

Sweet Bay Coffee Company
7908 Rogers Avenue
Fort Smith, AR 72903

Geno's Pizza
7906 Rogers Avenue
Fort Smith, AR 72903

DRAFT

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

4. **Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension, located at 8100 Rogers Avenue. (companion item to item #5)**

5. **A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for development plan approval of a retail development located at 8100 Rogers Avenue. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the entire property to be developed in a consistent manner. Ms. Rice stated that a neighborhood meeting was held on Monday, May 13, 2013, onsite.

Mr. Kevin Barnes with Quattro Development was present to speak on behalf of these requests. Mr. Barnes stated that they would comply with all issues relative to this project. Mr. Barnes noted that he had met with the Engineering Department and the current site plan as submitted is 99.9% accurate with the exception of possibly have to relocate some landscaping.

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

Commissioner Howard questioned Mr. Barnes as to the possible tenants that would be occupying this facility. Mr. Barnes stated that there would be a Popeye's restaurant, a mattress company, Cox, as well as Aspen Dental.

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

4. **Rezoning #6-5-13; A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for a zone change from Transitional (T) to Commercial Heavy (C-5) by Extension located at 8100 Rogers Avenue. (companion item to item #5)**

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

5. **A request by Mike Liyeos, agent for SB Bonner Trustee, et al, for development plan approval of a retail development located at 8100 Rogers Avenue. (companion item to item #4)**

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

- All construction must be built in accordance with the development plan as submitted. The conceptual development plan submitted will be further reviewed for all codes and ordinances when a more detailed plan is submitted for a building permit. The Planning Commission approval of the development plan does not waive or provide any variances for any codes or standards required for development.

- Platting is required. The plat shall be filed prior to the issuance of a building permit.

- A certified survey of the property shall be submitted at the time of building permit review.

- The proposed drive through window requires five queuing spaces and shall be shown and dimensioned on the site plan at the time of building permit review.

- The required width of the queuing aisle is twelve feet wide and shall be dimensioned on the site plan at the time of building permit review.

- No barrier shall be located between the queuing lane and the drive aisle. A passing aisle of twelve feet in width is required to be located adjacent to the queuing lane. This shall be shown on the site plan at the time of building permit review.

- All mechanical equipment, heating/cooling systems and utility boxes shall be completely screened from adjoining properties and street right-of-way. Ground mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building. Roof-mounted equipment, the screening shall be architecturally incorporated into the roof design and shall consist of materials that are visually compatible with the supporting building.

- The ten foot wide parking lot screening along Rogers Avenue shall be relocated to be adjacent to the right-of-way.

- The square footage of the paved surface area along with the square footage of each landscaped area not along property line to verify the interior landscaping requirement shall be submitted. This will be verified at the time of building permit review.

- All site and exterior building lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified at the time of building permit review.

- No sign information was shown with the development plan. Separate sign permits shall be required.

- The parking spaces for the site shall comply with the UDO. No specific information was submitted concerning restaurant seating or retail space that would allow for a correct determination of the parking.

- All Engineering Department comments shall be addressed.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

6. **Conditional Use #11-5-13; A request by Mike Alsup, Director of Parks and Recreation for the City of Fort Smith, for a conditional use for an athletic field located at 7200 Zero Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is for approval of the construction of two (2) softball fields, a concession stand with restrooms and parking.

Mr. Mike Alsup with the City Parks Department was present to speak on behalf of this request.

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

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

- All construction must be built in accordance with the submitted site plan.

ORDINANCE NO._____

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

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

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

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on May 14, 2013, that said changes be made; and,

WHEREAS, three (3) copies of June 2013 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The June 2013 Amendments to the Unified Development Ordinance is hereby adopted.

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

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF _____, 2013.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

Publish One Time

May 29, 2013

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

Re: Unified Development Ordinance Amendments

On May 14, 2013, the City Planning Commission held a public hearing to consider amendments to the Unified Development Ordinance.

Ms. Maggie Rice read the staff report noting that after the approval of the Planned Zoning District amendment, staff began working on a series of editorial amendments to incorporate the Planned Zoning District into the code. Ms. Rice stated that these proposed amendments include adding the Planned Zoning District to the Table of Contents, as well as various charts throughout the code. Ms. Rice also noted the following amendments for Planning Commission consideration:

- Administrative and editorial amendments related to the new Planned Zoning District.

- For clarification, staff is recommending adding the definition of multifamily development.

- The two references to Temporary Use Permits within the two different charts do not accurately reflect the code. The temporary use permit appeal process is multi-faceted and too complicated to accurately reflect in these charts, so staff believes that for now the best approach is to remove the temporary use permit process from the charts. The requirements are still in the specific sections of the code and staff will work with the city attorney about developing a resolution and possibly streamlining the appeal process for temporary use permits and the recommendation will be brought back to the Planning Commission when research is complete.

- Currently, the Industrial Design Standards apply to projects on major arterial streets only. Staff is proposing to add boulevards, the only additional street classification greater than a major arterial to this requirement. The appearance of major arterials and boulevards is important as mentioned within the Comprehensive Plan as these streets are typically highly visible and traveled frequently.

- The appeal process within the Appeals of Administrative Decisions Section 27-337-1 of the code needs further clarification and staff has utilized the same language that is present in other development applications.

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

- The appeal/vested rights section of Appendix B, the fee chart, needed further clarification.

No one was present to speak on behalf or in opposition to these proposed amendments.

Chairman Sharpe called for the vote on the Unified Development Ordinance Amendments. The vote was 8 in favor and 0 opposed.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: May 3, 2013

Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff has prepared several amendments for your consideration:

- After the approval of the Planned Zoning District amendment, Planning staff began working on a series of editorial amendments to incorporate the PZD into the code. These proposed amendments include adding the PZD to the Table of Contents as well as various charts throughout the code.
- For clarification, staff recommends adding the definition of *multifamily development*.
- The two references to Temporary Use Permits within the two different charts do not accurately reflect the code. The temporary use permit appeal process is multi-faceted and too complicated to accurately reflect in these charts, we believe that for now the best approach is to remove the temporary use permit process from the charts. The requirements are still in the specific sections of the code. The staff will work with the city attorney about developing a resolution and possibly streamlining the appeal process for temporary use permits. We will bring the recommendation back to the Planning commission when our research is complete.
- Currently, the Industrial Design Standards apply to projects on major arterial streets only. Staff is proposing to add boulevards, the only additional street classification higher than a major arterial, to this requirement. The appearance of major arterials and boulevards is important as mentioned within the Comprehensive Plan. These streets are typically highly visible and traveled frequently.
- The appeal process within the Appeals of Administrative Decisions section of the code needed further clarification. Staff utilized the same language that is present in other development applications.
- The appeal/vested rights section of Appendix B, the fee chart, needed further clarification.

All changes are highlighted on the attached page.

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

1A

JUNE 2013

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

27-327 Temporary Use Permits
27-328 Comprehensive Plan and Master Land Use Plan Amendment
27-329 Rezoning – Planned Development District
27-330 Rezoning – Conventional District
27-331 Development Plan
27-332 Conditional Use Permit
27-333 Subdivision – Major
27-334 Subdivision – Minor
27-335 Commercial Subdivision – Limited Frontage
27-336 Written Interpretations
27-337 Appeals and Variances
27-338 Home Occupations
27-339 Vested Rights Determination
27-340 Amendments to the text of the Unified Development Ordinance
27-341 Planned Zoning District
Appendix B Fee Schedule

Chapter 27-400 Zoning Districts

27-401 Comprehensive Plan and Zoning District Conversion Chart
27-402 Zoning Map
27-403 Land Use Regulations Table
27-404 Lot Dimension Standards
27-405 Street Hierarchy
27-406 Residential Estate Three (RE-3)
27-407 Residential Estate One (RE-1)
27-408 Residential Single Family Low Density (RS-1)
27-409 Residential Single Family Medium Density (RS-2)
27-410 Residential Single Family Medium/High Density (RS-3)
27-411 Residential Single Family High Density (RS-4)
27-4__ Residential Single Family Rowhouse and Zero Lot Line District (RS-5)
27-4__ Residential Single Family-Duplex Low/Medium Density(RSD-2)
27-4__ Residential Single Family-Duplex Medium/High Density(RSD-3)
27-4__ Residential Single Family-Duplex High Density(RSD-4)
27-412 Residential Multifamily Low Density (RM-2)
27-413 Residential Multifamily Medium Density (RM-3)
27-414 Residential Multifamily High Density (RM-4)
27-415 Residential Mixed Density (RMD)
27-416 Residential Historic (RH)
27-417 Residential/Commercial Employment Mixed Use (RMU/CEMU)

1B

Pet cemetery
shall mean a parcel of land, buildings, and/or structures used for the interring of animal remains.

Pet shop
shall mean a facility for the display and sale of small animals, dogs, cats, fish and birds without involving commercial boarding or treating of any animal, fish or bird.

Pet supply store
shall mean stores which retail pets, pet foods, and other pet supplies.

Petroleum and coal products
shall mean businesses which manufacture petroleum and coal products by transforming crude petroleum and coal into usable products. The dominant process is petroleum refinement: the separation of crude petroleum into component products through techniques such as cracking and distillation.

Petroleum distribution facility
shall mean a facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

Pharmaceutical manufacturing
see manufacturing, light.

Pharmacy or drug store
shall mean a facility for preparing, preserving, compounding and dispensing of drugs and medicines.

Photocopy shop
a facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments, or similar large-scale operations.

Photography studio
shall mean a facility for taking and processing photographs, not a bulk processing plant.

Pipeline transportation
establishments in pipeline transportation use transmission pipelines to transport products, such as crude oil, natural gas, refined petroleum products, and slurry.

Pistol Range (indoor)
shall mean an indoor facility designed and constructed for the practice and teaching of marksmanship with handguns.

Planned zoning district
shall mean a zoning district that allows for comprehensively planned developments for either single use or mixed use and permits development and zoning review as a simultaneous process.

Planning commission
shall mean the Planning Commission of the City of Fort Smith, Arkansas.

Plat, final

1C

327 Temporary Use Permits

III. Development Applications

328 Comprehensive Plan and Master Land Use Plan Amendment
329 Rezoning – Planned Development District
330 Rezoning – Conventional District
331 Development Plan
332 Conditional Use Permit
333 Subdivision – Major
334 Subdivision – Minor
335 Commercial Subdivision – Limited Frontage
336 Written Interpretations
337 Appeals and Variances
338 Home Occupations
339 Vested Rights Determination
340 Amendment to the Text of the Unified Development Ordinance
341 Planned Zoning District

10

Minor (334)									
Commercial Subdivision (335)	●		R	D	A				
Written Interpretations (336)			D	A	A				
Appeals (337)						D		●	
Zoning Variance (337)	●	●	R			D		●	
Subdivision Variance (516)	●	❖	R	D	A				
Home Occupations (338)	●		R	D	A			●	●
Vested Rights (339)	●		R	D	A		●		
Text Amendment (340)			R	R	D		●		
Planned Zoning District (341)	●	●	R	D	A				

27 301-2

The board of directors may supplement, change, or amend the zoning map and the zoning regulations in the manner prescribed by A.C.A. SS 14-56-423.

27-302 Pre-Application Conference

27-302-1 When Required

A pre-application conference with the Planning and Zoning Department is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated by the individual application type sections below. The purpose of the meeting is to:

A. Review the requirements of the Unified Development Ordinance;
B. Review the requirements of the Fort Smith Comprehensive Plan;
C. Discuss the nature and design of the proposed development; and
D. Discuss the development application review and approval process.

27-302-2 Timing

The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director. Applications must be submitted within six months of the conference date or a new conference shall be required.

27-302-3 Additional Parties

As necessary, the Planning and Zoning Department may include representatives of other departments or agencies at the pre-application conference.

1E

Motor freight terminals
shall mean a facility for freight loading and freight storage.

Motor vehicle
shall mean any self propelled vehicle designed primarily for the transportation of persons or goods along public streets or alleys or other public ways.

Motorcycle sales and service
see auto and vehicle dealer

Movie theater (indoor)
shall mean a building including a stage or screen for the projection of motion pictures to the public.

Moving and storage
shall mean a facility for warehousing, transferring or keeping of goods.

Moving company
shall mean a company that moves the possessions of a family or business from one site to another.

Multifamily (apartments or condominiums)
a building on a single lot that has three or more attached independent dwelling units.

Multifamily development
a single lot that has three or more independent dwelling units.

Multistoried parking structure
shall mean a parking structure which is designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

Museum
shall mean a building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Mutual access easement
shall mean a permit or license (easement) from the owner of a tract of real property authorizing the use of a described portion or all of the owned tract of real property for ingress and egress to one or more other tracts of real property (dominant estates) for the mutual benefit of the dominant estates individually or collectively. A mutual access easement in favor of public utility companies shall authorize mutual access and ingress to described public utility facilities in favor of the public utility companies individually or collectively.

Neighborhood store

1F

I. General Requirements

27-301 General Requirements

27-301-1 Applicability.

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

Table 27-301.1—Application Procedures

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

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

Application Type	Preapp Conf.	Neigh-borhood Meeting	Acting Body				Notices		
			Staff	PC	BD	BZA	Pub.	Mail	Sign
Accessory Residential Use (324)			D	A					
Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
~~Temporary Use Permit (327)~~			~~D~~	~~A~~					
Comp. Plan/Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	❖	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	❖		R	D	A				
Subdivision –			D	A					

1G

27-340-5 Application Appeals Chart

Application	Appeal Entity		
	Planning Commission	Board of Directors	Court of Jurisdiction
Rezoning		X	X
Comp Plan & Master Land Use Amendment		X	X
Conditional Use		X	X
Home Occupation		X	X
Accessory Residential Use	X	X	X
Zoning Variance			X
Subdivision Variance		X	
Driveway Variance		X	
Preliminary Development Plan Amendment - Major			X
Preliminary Development Plan Amendment - Minor	X		X
Development Plan Review	X	X	X
Subdivision Plat – Major			X
Subdivision Plat – Minor	X		X
Text Amendment		X	X
~~Temporary Use Permits~~	~~X~~		~~X~~
Written Interpretation of UDO	X	X	X
Vested Rights		X	X

111

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

1. Each primary entrance for employees or visitors that faces a public street should be emphasized through the use of differing colors or materials, arches, arcades or other architectural treatments.

2. All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementious siding (e.g., Hardie Board), or other siding materials as approved by the Director.

3. Facades of the primary structure should incorporate architectural relief through the use of at least two of the following tools: reveals, visible joint patterns, projected sills, belt courses, repeating brick header and stretcher courses, or differing colors and textures.

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

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

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

7. Outdoor storage.

    a. Industrial-1 (I-1):

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

        2. Buffering, landscape, and fence screening shall be required when abutting residentially zoned properties. The minimum buffering requirements shall consist of a six-foot high screen fence, landscaping (trees, shrubs, and groundcover,) or a berm. All buffer areas shall be a minimum of ten (10) feet in width. The Planning and Zoning Department shall approve location, size, plant species, and number. The buffering shall be in addition to minimum open space requirements.

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

17

D. Action. In exercising its powers, the Planning Commission, in conformity with the provisions of law, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination.

E. Appeal. ~~Appeal to the Board of Directors.~~ The decision of the Planning Commission concerning an appeal of administrative determinations request may be appealed to the Board of Directors. Any interested party may file an appeal provided that it is filed with the City Clerk by 5:00 p.m. on the tenth calendar day following the date of the Planning Commission decision. A fee in an amount established by the Board of Directors is required for filing an appeal.

27-337-2 Variances

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

27-337-3 Board of Zoning Adjustment Procedures

The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum in procedure, and keep a public record of all findings and decisions. The public meeting requires a notice of the meeting date and agenda to be published in a newspaper of general circulation in the City of Fort Smith at least one (1) time seven (7) days prior to the meeting.

27-337-4 Submission Requirements

The Director shall prepare an application form specifying the information to be submitted.

A. Application. The applications shall contain at least the following information:

1. The legal description of the subject property;

2. The street address of the subject property;

IJ

6. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the planning commission.

Appendix B

Planning and Zoning Department Fee Schedule

Application Type	Fee
Accessory Residential Use	$ 35
Rezoning or Zoning Text Amendment	$ 350
Development Plan Review	$ 300 $ 100 when submitted with another application
Conditional Use Permit	$ 350
Subdivision-Major	$ 200 + $4 per lot; $ 600 maximum
Subdivision-Minor	$ 125
Appeals/Vested Rights to Planning Commission or Board of Directors	$ 75
Variances (Zoning, Driveway, or Subdivision)	$ 250
Home Occupations	$ 150
Comprehensive Plan/Master Land Use Plan Amendment	$ 350 $ 100 when submitted with a rezoning application
Annexation	$ 350
Temporary Revocable License	$ 150
Street/Right-of-way/Easement Closing	$ 150

1K

DRAFT

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 14, 2013

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

Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes of the April 9, 2013, meeting and the May 7, 2013, special meeting as written.

Ms. Maggie Rice welcomed new Commissioners Don Keesee and Bob Cooper, Jr.

Ms. Maggie Rice spoke on the procedures.

1. **Unified Development Ordinance**

   Ms. Maggie Rice read the staff report noting that after the approval of the Planned Zoning District amendment, staff began working on a series of editorial amendments to incorporate the Planned Zoning District into the code. Ms. Rice stated that these proposed amendments include adding the Planned Zoning District to the Table of Contents, as well as various charts throughout the code. Ms. Rice also noted the following amendments for Planning Commission consideration:

   - For clarification, staff is recommending adding the definition of multifamily development.

   - The two references to Temporary Use Permits within the two different charts do not accurately reflect the code. The temporary use permit appeal process is multi-faceted and too complicated to accurately reflect in these charts, so staff believes that for now the best approach is to remove the temporary use permit process from the charts. The requirements are still in the specific sections of the code and staff will work with the city attorney about developing a resolution and

possibly streamlining the appeal process for temporary use permits and the recommendation will be brought back to the Planning Commission when research is complete.

- Currently, the Industrial Design Standards apply to projects on major arterial streets only. Staff is proposing to add boulevards, the only additional street classification higher than a major arterial to this requirement. The appearance of major arterials and boulevards is important as mentioned within the Comprehensive Plan as these streets are typically highly visible and traveled frequently.

- The appeal process within the Appeals of Administrative Decisions section of the code needs further clarification and staff has utilized the same language that is present in other development applications.

- The appeal/vested rights section of Appendix B, the fee chart, needed further clarification.

No one was present to speak either in favor or in opposition to the Unified Development Ordinance Amendments.

Chairman Sharpe then called for the vote on the Unified Development Ordinance amendments. The vote was 8 in favor and 0 opposed.

2. **Rezoning #5-5-13; A request by Travis Brisendine, agent for Umarex USA, for a zone change from Not Zoned to Industrial Light (I-1) by Classification located at 7700 Chad Colley Boulevard. (companion item to item #3)**

3. **A request by Travis Brisendine, agent for Umarex USA, for development plan approval of an expansion to the Umarex USA headquarters located at 7700 Chad Colley Boulevard. (companion item to item #2)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an expansion of the existing facility and an increase in parking spaces for the employee parking lot. Ms. Rice stated that a neighborhood meeting was held on Thursday, May 9, 2013, at 7700 Chad Colley Boulevard with the applicant and city staff being the only persons in attendance.

5A

RESOLUTION NO. _____

A RESOLUTION ACCEPTING SPECIAL WARRANTY DEEDS FROM SEBASTIAN COUNTY FOR PROPERTY ASSOCIATED WITH THE AQUATICS AND SOFTBALL FIELD PROJECTS AT BEN GEREN REGIONAL PARK

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

SECTION 1: The special warranty deed, including reservations and restrictions, executed by the Sebastian County Judge in favor of the City of Fort Smith conveying a one-half ownership interest in described real property to be utilized for Aquatics Center project at Ben Geren Regional Park, attached hereto as Exhibit "A," is hereby accepted. The City Administrator is authorized to take any and all necessary action to record said special warranty deed.

SECTION 2: The special warranty deed, including reservations and restrictions, executed by the Sebastian County Judge in favor of the City of Fort Smith conveying a one-half ownership interest in described real property to be utilized for Softball Field project at Ben Geren Regional Park, attached hereto as Exhibit "B," is hereby accepted. The City Administrator is authorized to take any and all necessary action to record said special warranty deed.

This Resolution adopted this 4th day of June, 2013.

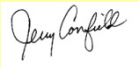
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____
City Attorney (no publication required)

2013F-08212 5
2013F-08212
Certificate of Record
FORT SMITH DISTRICT
SEBASTIAN COUNTY, ARKANSAS
SHARON BROOKS, CO CLERK & RECORDER
05/28/2013 04:49:05PM
Fee: 0.00 Pages: 5

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument."

Sherri Gard
Grantee or Grantee's Agent

623 Garrison Avenue
Fort Smith, AR 72901
Grantee's Address*

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Sebastian County, Arkansas, GRANTOR, for and in consideration of ten dollars ($10.00) and other good and valuable consideration exchanged, does hereby grant, bargain, sell and convey unto the City of Fort Smith, Arkansas, a municipal corporation, GRANTEE, and unto its successors and assigns forever, an undivided one-half (½) interest in and to the following described real estate lying in the County of Sebastian, State of Arkansas, to-wit:

SEE EXHIBIT "A"

SUBJECT, however, to any and all easements, servitudes, reservations, restrictions, licenses, and agreements and rights of others, whether of record or not, zoning ordinances, and laws and those matters which would be disclosed by an accurate survey or inspection of the property that is described on Exhibit "A."

This conveyance is made pursuant to that certain agreement between the Grantor and Grantee regarding Ben Geren Regional Park, duly authorized by Resolution R-33-12 of the Board of Directors of the City of Fort Smith, Arkansas, and Order CCO-2012-139 of the County Court of Sebastian County.

Grantor and Grantee both agree that the property conveyed is to be used for the construction and operation of an aquatic center and for associated parking and other facilities. If

the grantor and grantee cease to use the property for the stated purposes at a time when the Grantee is no longer obligated for the payment of bonds issued to pay for the aquatic center project, then the Grantee's ownership shall automatically revert to the Grantor.

Grantee's interest, or any fraction thereof, may not be conveyed to a third party without the written consent of the duly elected County Judge, however such consent shall not be unreasonably withheld.

TO HAVE AND TO HOLD, the same unto the Grantee, and unto its successors and assigns forever, subject to the reservations, restrictions, and conditions provided herein, together with all and singular the tenements, appurtenances and hereditaments thereunto belonging or in any wise appertaining.

AND, the Grantor, hereby covenants with Grantee that it will warrant and defend the title to the lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor, Sebastian County, Arkansas has caused these presents to be executed by its County Judge, David Hudson, and County Clerk, Sharon Brooks, being duly authorized on this 22ND day of May 2013.

GRANTOR:

SEBASTIAN COUNTY, ARKANSAS

By: David Hudson County Judge

County Judge

ATTEST:

By: Sharon Brooks

County Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)

)SS.

COUNTY OF SEBASTIAN)

On this 22nd day of May, 2013, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named David Hudson, to me personally well known, who stated that he is the County Judge of Sebastian County, Arkansas, and further stated that he had so signed, executed and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 22nd day of May, 2013.

Jean R Wright

Notary Public

My Commission Expires:

05/22/2022

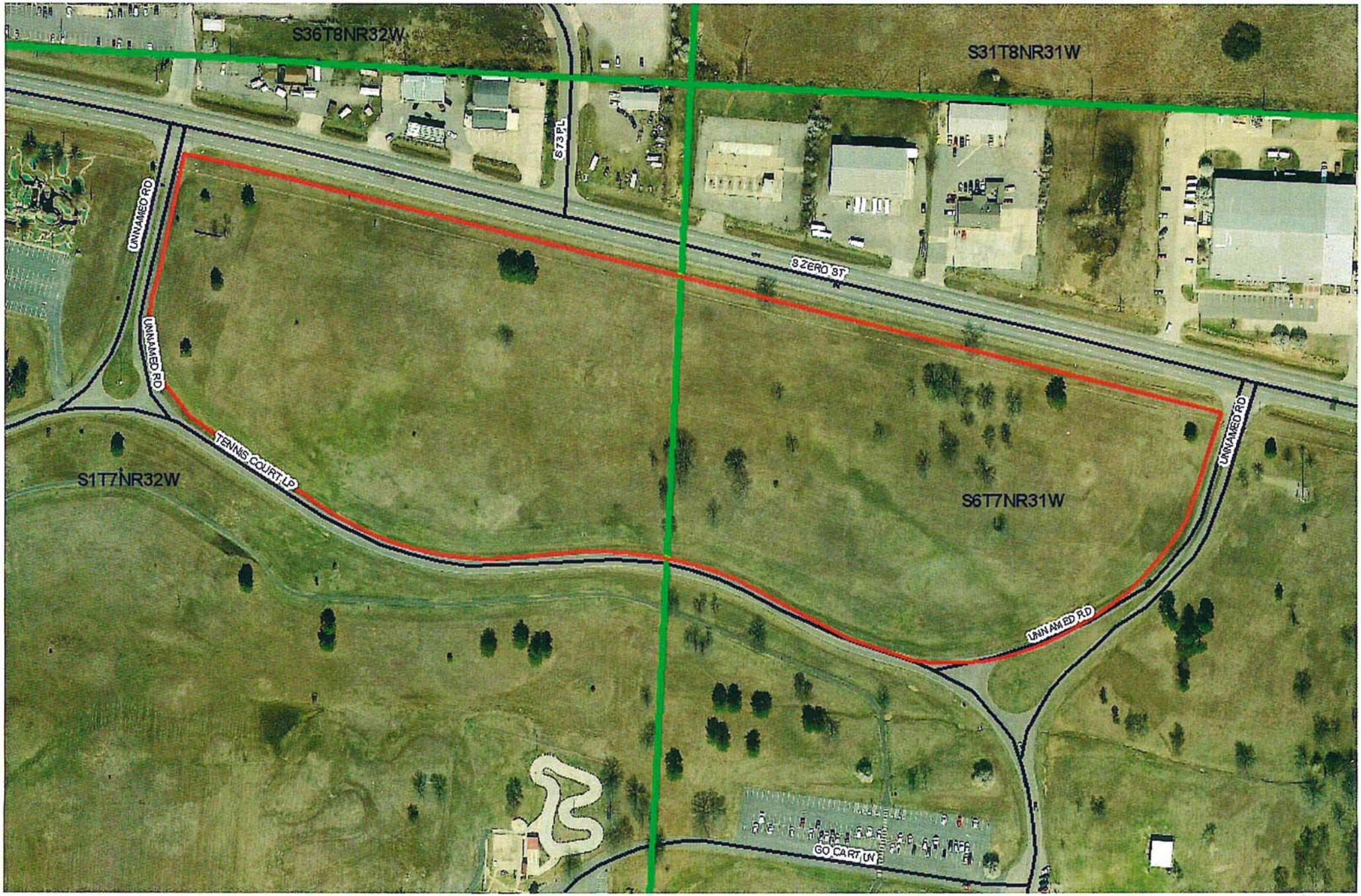
JEAN R. WRIGHT
Notary Public-Arkansas
Sebastian County
My Commission Expires 05-22-2022
Commission # 12388134

Document prepared by:
C. Michael Daily
Daily & Woods, P.L.L.C.
P.O. Box 1446
Fort Smith, AR 72902-1446

Exhibit A

Part of Government Lot 2 of the Northwest Quarter of Section 6, Township 7 North, Range 31 West, part of Government Lots 1 and 2 of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 1, Township 7 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northwest Corner of said Section 6; Thence along the West Line of said Section 6, S02°44'07"W, 329.53 feet to the southerly right-of-way of Arkansas Highway 255 (Zero Street); Thence along said right-of-way, S76°34'08"E, 1014.66 feet; Thence S18°28'41"W, 196.59 feet; Thence 296.12 feet along the arc of a curve to the right, said curve having a radius of 476.35 feet and being subtended by a chord having a bearing of S47°37'27"W and a distance of 291.38 feet; Thence 270.78 feet along the arc of a curve to the right, said curve having a radius of 409.78 feet and being subtended by a chord having a bearing of S80°29'14"W and a distance of 265.88 feet; Thence N72°43'59"W, 122.26 feet; Thence N62°56'17W, 216.51 feet; Thence 283.44 feet along the arc of a curve to the left, said curve having a radius of 664.39 feet and being subtended by a chord having a bearing of N80°38'09"W and a distance of 281.30; Thence S85°51'29"W, 156.20 feet; Thence 306.17 feet along the arc of a curve to the right, said curve having a radius of 539.66 feet and subtended by a chord having a bearing of N73°31'20"W and a distance of 302.08 feet; Thence N56°50'45"W, 281.99 feet; Thence N39°5'52"W 66.15 feet; Thence 196.42 feet along the arc of a curve to the right, said curve having a radius of 217.50 feet and being subtended by a chord having a bearing of N05°00'59W and a distance of 189.81feet; Thence N12°21'14"E, 221.71 feet to said southerly right-of-way of Arkansas Highway 255; Thence along said right-of-way, 202.90 feet along the arc of a curve to the right, said curve having a radius of 11409.16 feet and being subtended by a chord having a bearing of S77°04'41"E and a distance of 202.90 feet; Thence continuing along said right-of-way, S76°34'08"E, 1662.69 to the Point of Beginning.


S36T8NR32W
S31T8NR31W
S73 PL
8 ZERO ST
UNNAMED RD
UNNAMED RD
TENNIS COURT LP
S1T7NR32W
S6T7NR31W
UNNAMED RD
UNNAMED RD
GO CART LN

RESOLUTION EXHIBIT "B"

2013F-08213 5
2013F-08213
Certificate of Record
FORT SMITH DISTRICT
SEBASTIAN COUNTY, ARKANSAS
SHARON BROOKS, CO CLERK & RECORDER
05/28/2013 04:49:06PM
Fee: 0.00 Pages: 5

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument."

Sherri Gard
Grantee or Grantee's Agent

623 Garrison Avenue
Fort Smith, AR 72902
Grantee's Address*

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Sebastian County, Arkansas, GRANTOR, for and in consideration of ten dollars ($10.00) and other good and valuable consideration exchanged, does hereby grant, bargain, sell and convey unto the City of Fort Smith, Arkansas, a municipal corporation, GRANTEE, and unto its successors and assigns forever, an undivided one-half (½) interest in and to the following described real estate lying in the County of Sebastian, State of Arkansas, to-wit:

SEE EXHIBIT "A"

SUBJECT, however, to any and all easements, servitudes, reservations, restrictions, licenses, and agreements and rights of others, whether of record or not, zoning ordinances, and laws and those matters which would be disclosed by an accurate survey or inspection of the property that is described on Exhibit "A."

This conveyance is made pursuant to that certain agreement between the Grantor and Grantee regarding Ben Geren Regional Park, duly authorized by Resolution R-33-12 of the Board of Directors of the City of Fort Smith, Arkansas, and Order CCO-2012-139 of the County Court of Sebastian County.

Grantor and Grantee both agree that the property conveyed is to be used for the construction and operation of softball fields and for associated parking and other facilities. If the

5/NC

grantor and grantee cease to use the property for the stated purposes, then the Grantee's ownership shall automatically revert to the Grantor.

Grantee's interest, or any fraction thereof, may not be conveyed to a third party without the written consent of the duly elected County Judge, however such consent shall not be unreasonably withheld.

TO HAVE AND TO HOLD, the same unto the Grantee, and unto its successors and assigns forever, subject to the reservations, restrictions, and conditions provided herein, together with all and singular the tenements, appurtenances and hereditaments thereunto belonging or in any wise appertaining.

AND, the Grantor, hereby covenants with Grantee that it will warrant and defend the title to the lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor, Sebastian County, Arkansas has caused these presents to be executed by its County Judge, David Hudson, and County Clerk, Sharon Brooks, being duly authorized on this 22ND day of MAY 2013.

GRANTOR:

SEBASTIAN COUNTY, ARKANSAS

By: David Hudson County Judge

County Judge

ATTEST:

By: Sharon Brooks

County Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)

)SS.

COUNTY OF SEBASTIAN)

On this 22nd day of May, 2013, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within-named David Hudson, to me personally well known, who stated that he is the County Judge of Sebastian County, Arkansas, and further stated that he had so signed, executed and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have set my hand and official seal this 22nd day of May, 2013.

Jean R Wright

Notary Public

My Commission Expires:

05/22/2022

JEAN R. WRIGHT
Notary Public-Arkansas
Sebastian County
My Commission Expires 05-22-2022
Commission # 12388134

Document prepared by:
C. Michael Daily
Daily & Woods, P.L.L.C.
P.O. Box 1446
Fort Smith, AR 72902-1446

JEAN R. WRIGHT NOTARY PUBLIC SEBASTIAN COUNTY, ARKANSAS

TENNIS COURT LP
S1T7NR32W

Exhibit A

Part of Government Lot 2 of the Northwest Quarter of Section 6, Township 7 North, Range 31 West, part of Government Lots 1 and 2 of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 1, Township 7 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northwest Corner of said Section 6; Thence along the West Line of said Section 6, S02°44'07"W, 329.53 feet to the southerly right-of-way of Arkansas Highway 255 (Zero Street); Thence along said right-of-way, S76°34'08"E, 1014.66 feet; Thence S18°28'41"W, 196.59 feet; Thence 296.12 feet along the arc of a curve to the right, said curve having a radius of 476.35 feet and being subtended by a chord having a bearing of S47°37'27"W and a distance of 291.38 feet; Thence 270.78 feet along the arc of a curve to the right, said curve having a radius of 409.78 feet and being subtended by a chord having a bearing of S80°29'14"W and a distance of 265.88 feet; Thence N72°43'59"W, 122.26 feet; Thence N62°56'17W, 216.51 feet; Thence 283.44 feet along the arc of a curve to the left, said curve having a radius of 664.39 feet and being subtended by a chord having a bearing of N80°38'09"W and a distance of 281.30; Thence S85°51'29"W, 156.20 feet; Thence 306.17 feet along the arc of a curve to the right, said curve having a radius of 539.66 feet and subtended by a chord having a bearing of N73°31'20"W and a distance of 302.08 feet; Thence N56°50'45"W, 281.99 feet; Thence 123.73 feet along the arc of a curve to the right, said curve having a radius of 363.35 feet and being subtended by a chord having a bearing of S86°08'55W and a distance of 123.13 feet; Thence 138.70 along the arc of a curve to the left, said curve having a radius of 333.65 feet and being subtended by a chord having a bearing of S83°59'32W and a distance of 137.70 feet; Thence S67°15'10"W, 121.40 feet; Thence 291.34 feet along the arc of a curve to the left, said curve having a radius of 258.02 feet and being subtended by a chord having a bearing of S28°56'40"W and a distance of 276.11; Thence S00°44'58"W, 421.02 feet; Thence 547.00 feet along the arc of a curve to the right, said curve having a radius of 522.05 feet and being subtended by a chord having a bearing of S31°55'33"W and a distance of 522.32 feet; Thence S62°18'14"W, 384.20 feet; Thence 176.37 feet along the arc of a curve to the left, said curve having a radius of 429.76 feet and being subtended by a chord having a bearing of S46°11'42"W and a distance of 175.14 feet; Thence S36°28'08"W, 402.87 feet to the Point of Beginning; Thence S66°13'48 E, 257.42 feet; Thence 65.09 feet along the arc of a curve to the left, said curve having a radius of 310.13 feet and being subtended by a chord having a bearing of S15°37'14W and distance of 64.97 feet; Thence S23°32'32"W, 483.24; Thence N87°33'56"W, 210.24feet; Thence N01°26'41"E,445.37 feet; Thence N35°49'13"E, 222.18 Thence S60°18'11"E 50.05 feet to the Point of Beginning.

Memo

To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 5/31/2013

Re: Acceptance of Deeds for ½ ownership interest in properties at Ben Geren Park

---

In order for the City to spend city funds on projects at Ben Geren Park, the city needs to have an ownership interest in the real property. There are two parcels, one each for the aquatics project and the softball fields project. Both were annexed into the city limits earlier this year.

Attached for the Board's consideration at its June 4 regular meeting is a Resolution accepting two Special Warranty Deeds granting a ½ ownership interest from Sebastian County to the City of Fort Smith for the specific purpose of accomplishing these projects.

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

RESOLUTION NO. _____ 5B

RESOLUTION AUTHORIZING EXECUTION
OF AMENDMENT TO DONATION AGREEMENT

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

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached 2013 Amendment to the Donation Agreement of December 20, 1983, previously amended on December 20, 1994, making certain supplemental provisions regarding the use of the Harry E. Kelley Park.

This Resolution adopted this _____ day of June, 2012.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

No publication required

Memorandum

Date: **May 23, 2013**

To: **Ray Gosack, City Administrator**

From: **Jayne Hughes, Downtown Development Coordinator-CBID**

RE: **Harry E. Kelly Park**

As you know I have been working with Mr. Chris Weeks and Mr. Matthew Scott, heirs of Ms. Gordon Kelly, to allow additional use of the stage area located on the donated land provided for in 1983 by the now deceased Ms. Gordon Kelly.

The original resolution which allowed the city to accept the donated land required certain things that the now heirs would like to change. During several discussions with Mr. Chris Weeks and Mr. Matthew Scott referencing the current growth of Downtown Fort Smith, they feel they can assist in furthering economic development in the area by releasing some of those previous requirements to allow for better utilization of the donated land.

You will see in this new amendment that this mutual agreement will more clearly define the parties' intentions regarding the use of the property.

1. There will be no restrictions to the number of days in which the City can lease Harry E. Kelly Park. (We were limited to 21 calendar days.)
2. The City will be allowed to lease Harry E. Kelly Park to "for" profit promoters. (The City was only allowed to lease the area to nonprofit organizations.)
3. Alcohol sales and consumption will be allowed within the Harry E. Kelly Park boundary. (Previously the organization leasing the property for an event was limited to certain areas north of the Harry E. Kelly boundary or more plainly the first sidewalk north of the stage)

In working with Mr. Jerry Canfield on this matter we are including his letter which states further the legal notation on the changes to the original amendment. Please see his attached memorandum.

We are very grateful for the original donation as it has allowed us to bring entertainment to many families in the region. We also appreciate Ms. Kelly's heirs who are mindful of ways they can add to the economic development growth in the area.

If you have further questions please give me a call. 784-1001 or cell 650-7001.

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. †
C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.

† Also Licensed in Oklahoma
● Also Licensed in Wyoming & North Dakota

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

WRITER'S E-MAIL ADDRESS
JCanfield@DailyWoods.com

JAMES E. WEST
PHILLIP E. NORVELL †

OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

May 31, 2013

Mr. Ray Gosack
City Administrator
623 Garrison Avenue, 3rd Floor
Fort Smith, AR 72901

Ms. Jayne Hughes
Downtown Development
623 Garrison Avenue, 5th Floor
Fort Smith, AR 72901

Re: Harry E. Kelley Park

Dear Mr. Gosack and Ms. Hughes:

As you know, certain amendments are proposed to the donation Agreement with reference to the Harry E. Kelley Park property. The subject property was donated to the City pursuant to a donation Agreement by Ms. Gordon Kelley in 1983, and the donation was subsequently amended by an agreement between Ms. Kelley and the City in 1994. Ms. Kelley is now deceased.

The current proposal for amendments is anticipated to be executed by the heirs at law of Ms. Kelley (five members of the family) and the City. We have considered and done some research with reference to the ability to amend the donation Agreement, persons who might have standing to challenge a use of the property as being in violation of the original donation Agreement, or the first amendment thereto, and similar matters. The law is not well settled, varies from one jurisdiction to another and varies regarding numerous factors including the reservation by the original grantor of the right to object to an unauthorized use of the donated property (which Ms. Kelley did in her original agreement).

We believe that the current proposed amendment, if agreed to by all of the heirs at law of Ms. Kelley, reasonably complies with what we anticipate the courts would find to be Arkansas law. We note, nevertheless, that a taxpayer or the Attorney General of the State of Arkansas might be found to have standing to object to a use permitted by the amendment which is supplemental to or contrary to the free family picnic park designation in the original agreement as supplemented by limited non-profit use authorized by the 1994 amendment.

Thank you for your attention to this matter.

Very truly yours,

Jerry L. Canfield
JLC/cmm

2013 AMENDMENT TO DONATION AGREEMENT

This Amendment to Donation Agreement of December 20, 1983, as previously amended on December 20, 1994, is made and entered into this _____day of June, 2013, by and between the heirs of Ms. Gordon Kelley, hereinafter collectively referred to as "Grantor", and the City of Fort Smith, Arkansas, hereinafter referred to as "City".

WHEREAS, an original donation Agreement was extended to the City by Ms. Gordon Kelley and accepted by the City pursuant to Resolution Number R-138-83 adopted on December 20th, 1983; and,

WHEREAS, the original donation Agreement was amended by agreement of Ms. Gordon Kelley and the City pursuant to Resolution Number R-190-94 adopted on December 20, 1994; and,

WHEREAS, the heirs of the donor, Ms. Gordon Kelley, and the City desire to further amend the donation Agreement to more clearly state the donor's intention regarding the use of the donated property; and,

WHEREAS, the parties desire that the donation Agreement be continued in effect subject to the amendments expressed herein;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The donated property continues to be the same property as described in the original Agreement, which property is hereinafter referred to as the "donated property." The phrase "Grantor" shall hereinafter refer to the heirs at law of Ms. Gordon Kelley at the time of any subsequent action by said heirs.

2. The Park located on the donated property continues to be named the Harry E. Kelley Park. Adjacent property named Fort Smith Riverfront Park or more commonly called Riverpark will continue so named without the addition of additional names without written approval by the Grantor. For marketing purposes, when both parks are utilized for an event, the City will utilize the phrase "Harry E. Kelley and Riverfront Park. "

3. A three person committee consisting of the City's Director of Parks, the City's Director of Downtown Development and a designee of the Grantor shall approve or disapprove applicants for use of the donated property by a majority vote. A vacancy in the designation by the Grantor shall not prevent action by the remaining members of the committee. In the event either identified City position no longer exists, the City Administrator of the City of Fort Smith shall designate a replacement member of the committee. This committee shall supersede the function of the committee identified in paragraph 1 of the December 20, 1994 amendment to the donation Agreement, which committee shall no longer exist.

4. The authorization contained in paragraph 1 of the amendment to donation Agreement adopted on December 20, 1994 is hereby expanded so that there shall be no restriction on the number of days the City is allowed to authorize the use of the donated property by “non-profit” organizations and no restriction on the City’s authorization of use by “profit” promoters. With reference to each “non-profit” organization permitted by the City to utilize the donated property, the City will require the organization to supply to the City a financial report describing the amount of funds and the subsequent use of the funds which were raised during the event held by the organization on the donated property. In the event the City allows a “profit” promoter to utilize the donated property, the City shall require a reasonable fee for the use of the property and all proceeds from such fees will be accounted for by the City and utilized for the maintenance or improvements of the donated property and the Fort Smith Riverfront Park except as further authorized by this paragraph. Within 45 days of the end of each calendar year, the City will provide to the Grantor a financial report for the donated property and Fort Smith Riverfront Park identifying all funds received by the City from the use of the donated property and Fort Smith Riverfront Park together with a description of the disbursement of such funds. If proceeds during any calendar year exceed the funds needed for maintenance and improvements for the donated property and Fort Smith Riverfront Park, the City may use the excess fee proceeds for the improvement and maintenance of other City of Fort Smith park facilities within the Central Business Improvement District upon written consent of the designee of the Grantor serving on the committee identified in paragraph 3 above.

5. The sale and consumption of beer and wine is allowed on the donated property with the approval of the Fort Smith Parks Department and compliance with the laws and regulations of the State and City.

6. Subject to reasonable restrictions on hours of operation and in emergency events, the donated property will be maintained by the City open to the public as a free family park at all times the donated property is not leased by the City for other non-profit or profit use pursuant to the terms of this Agreement.

7. No additional permanent structures will be placed on the donated property without the written consent of the Grantor.

8. The modifications to the original donation Agreement, as amended by the December 20, 1994 amendment, expressed in this 2013 Amendment shall continue in effect until May 1, 2018. Unless Grantor and City agree in writing to the contrary, the modifications of this Amendment shall expire on that date and the City shall continue to use the donated property pursuant to the original Agreement dated December 20, 1983, as previously amended on December 20, 1994.

9. This 2013 Amendment to the donation Agreement contains the entire understanding of the parties with respect to the subject matter of this Amendment and is subject to the laws of the State of Arkansas. The original donation Agreement of 1983 and the 1994 amendment thereto continue in effect subject to the modifications made by this Amendment.

IN WITNESS WHEREOF, the parties to this Agreement have affixed their signatures as of the date first set forth above.

Donor – Heirs of Gordon Kelley

_____
Chrisopher A. Weeks

_____
Katherine A. Weeks

_____
Julie E. Weeks

_____
Emily L. Scott

_____
Matthew H. Scott

City of Fort Smith

By: _____
Mr. Sandy Sanders, Mayor

ATTEST:

_____
Sherri Gard
City Clerk

RESOLUTION NO._____ 5 C

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., 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: The construction of Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements, Project Number 09-04-C3, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of $117,987.29, is hereby approved.

This Resolution adopted this _____ day of June 2013.

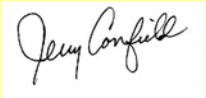
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 28, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements, Project Number 09-04-C3

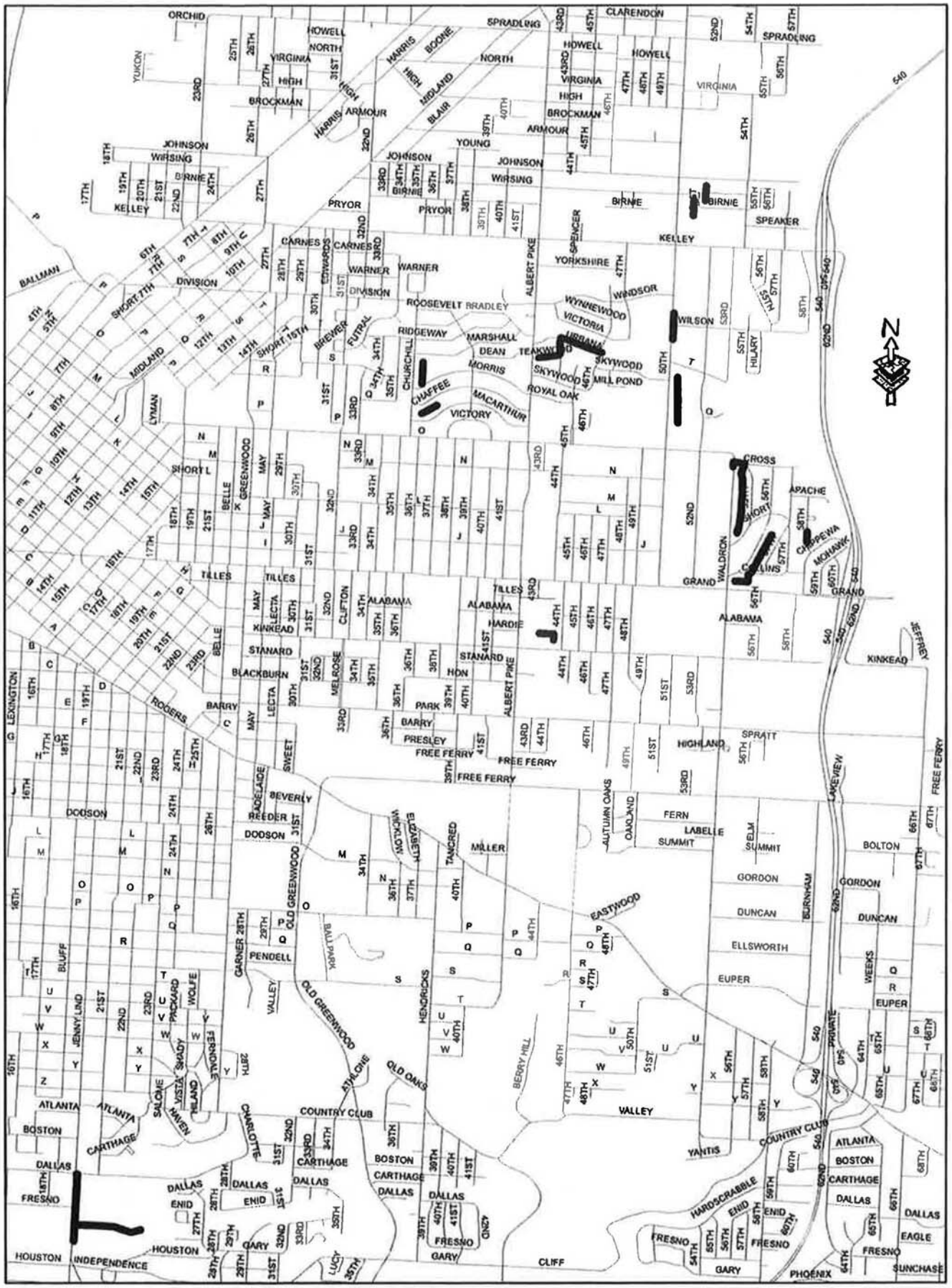
This project replaced 10,256 feet of 8- and 10-inch diameter sanitary sewer lines within the Sunnymede and Ramsey Tributary sewer basins. The contract was awarded to Forsgren, Inc., in a contract amount of $2,187,107.50. The attached exhibit shows the areas where that work for that project was performed.

Forsgren, Inc., has completed the project within the contract time and under the overall contract budget by $158,517.37. This underrun is attributed to a reduced amount of street repair. The attached Resolution accepts the project as complete and authorized final payment in the amount of $117,987.29.

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

attachment

pc: Jeff Dingman



SUNNYMEDE BASIN
NEIGHBORHOOD SEWER IMPROVEMENTS PHASE 2
PROJECT NUMBER 09-04-C3

Project Summary

Project status: Complete

Project name: Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements

Today's date: May 28, 2013

Project number: 09-04-C3

Staff contact name: Steve Parke

Project engineer: Morrison Shipley Engineers

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc .

Notice to proceed issued: June 19, 2012

Completion date: April 29, 2013

	Dollar Amount		Contract Time (Days)
Original contract	$2,187,107.50		200
Change orders:	$0.00		30
Total change orders	$0.00		30
Adjusted contract	$2,187,107.50		230
Payments to date (as negative):	$-1,910,602.84	87.4%	
Amount of this payment (as negative)	$-117,987.29	5.4%	
Retainage held	$0.00		
Contract balance remaining (underrun)	$158,517.37	7.2%	
Amount under as a percentage	-7.2%		

Final comments:

A no cost change order added 30 days to contract period to allow contractor to divert one construction crew to undertake the construction of the sanitary sewer relocation as part of the Old Dominion Freight Line industrial development incentive.

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. R-149-10 REGARDING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR GERBER PRODUCTS COMPANY

WHEREAS, by the passage and approval of Resolution No. R-149-10, the board of directors stated its intent to issue approximately $90,000,000 in industrial development revenue bonds for a Project by Gerber Products Company as described in that Resolution; and

WHEREAS, the Company's investment in the Project has grown from approximately $90,000,000 to approximately $150,000,000;

NOW, THEREFORE, BE IT RESOLVED by the board of directors of the City of Fort Smith, Arkansas that:

SECTION 1: Section 1 of Resolution No. R-149-10 is hereby amended to adjust the amount of industrial development revenue bonds to be issued for the Project from approximately $90,000,000 to approximately $150,000,000. All other provisions of Resolution No. R-149-10 shall remain in full force and effect.

SECTION 2: This Resolution shall be in full force and effect from and after its adoption.

This Resolution passed this _____ day of June, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
No Publication Required

MEMORANDUM

May 31, 2013

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Gerber Products - Industrial Revenue Bonds

Gerber Products is nearing completion of adding a cereal manufacturing line to its Fort Smith plant. In 2010, the board passed a resolution of intent (copy attached) to issue industrial revenue bonds for this project. At that time, the project was estimated to cost $90 million and create 50 new jobs. Gerber now expects to invest $150 million in the project and has added 90 new jobs. Attached is resolution amending the 2010 resolution which reflects this increased investment.

The principal advantage of industrial revenue bonds is reduced property taxes. The payment in lieu of taxes will be 35% of the normal property taxes for 12 years.

Issuance of the bonds will require approval of an ordinance by the board at the time the bond issuance is ready to proceed. Gerber will be solely responsible for the debt service payments on the bonds. The city has no obligation to make the bond payments.

The staff recommends approval of the attached resolution. The investment will support one of the board's top goals: economic development and job retention/creation.

Attachments

cc: Paul Banrooij, Gerber Plant Manager
Ken Kovitch, Gerber Plant Operations Manager
Tim Selgelid, Gerber Plant Controller
Tim Allen, Fort Smith Regional Chamber of Commerce
Dr. Benny Gooden, Fort Smith Public Schools
David Hudson, Sebastian County Judge

RESOLUTION NO. R-149-10

A RESOLUTION OF INTENT OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS REGARDING THE ISSUANCE OF BONDS FOR THE PURPOSE OF ASSISTING IN THE FINANCING OF AN INDUSTRIAL FACILITY EXPANSION TO BE LOCATED WITHIN THE CITY.

WHEREAS, the City of Fort Smith, Arkansas (the "City") is authorized under the provisions of the Municipalities and Counties Industrial Development Revenue Bond Law, Arkansas Code Annotated §§14-164-201 *et seq.* (1998 Repl. & 2009 Supp.) (the "Act"), to own, acquire, construct, reconstruct, improve, equip and lease facilities to secure and develop industry and to assist in the financing thereof by the issuance of bonds payable from the revenues derived from such facilities; and

WHEREAS, Gerber Products Company, a Michigan corporation (the "Company") engaged in the business of manufacturing and packaging infant and toddler food products, has evidenced its interest in acquiring, constructing and equipping additional manufacturing facilities (the "Project") to be located at its existing facility at 4301 Harriet Lane within the corporate boundaries of the City if permanent financing for the Project can be provided through the issuance of revenue bonds under the authority of the Act; and

WHEREAS, the City has previously assisted the Company in the expansion of its packaging facilities through the issuance of the City's Not to Exceed $65,000,000 Taxable Industrial Development Revenue Bonds (Gerber Products Company Project), Series 2004; and

WHEREAS, the City desires to provide additional assistance to the Company in order to secure and develop industry within the City, and to aid in the financing of the Project under the provisions of the Act;

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

Section 1. It is the City's present intention to assist the Company in the financing of the proposed Project through the issuance of industrial development revenue bonds under the authority of the Act. It is presently estimated by the Company that bonds in the aggregate principal amount of approximately $90,000,000 would be required for this purpose. However, the City's intent is to issue the bonds from time to time, pursuant to the terms of the Act, in such amount as shall be requested by the Company for accomplishing all or any part of the Project, whether or not such amount is more or less than the above estimate and whether or not the facilities and improvements finally acquired, constructed and equipped are identical to or different from the facilities presently expected to constitute the Project.

Section 2. In conjunction with any issuance of bonds to assist in the financing of the Project, the City states its intention to enter into an agreement with the Company providing for annual payments by the Company in lieu of ad valorem taxes in an amount equal to thirty-five percent (35%) of the aggregate amount of ad valorem taxes that would otherwise be due with respect to the Project facilities but for the City's issuance of the bonds. It is the City's present

intention that the bond financing and the agreement for payments in lieu of ad valorem taxes would have a term of approximately twelve years. Any payment made in lieu of ad valorem taxes would be distributed to the political subdivisions which would have received ad valorem tax payments with respect to the Project facilities in the proportion that the millage levied by each affected political subdivision bears to the total millage levied by all affected political subdivisions.

Section 3. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict, particularly Resolution No. R-169-09

Section 4. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 3rd day of August, 2010.

By: _____
Mayor

ATTEST:

By: _____
City Clerk

(SEAL)

4835-9381-2742.1

June 2013

June 2013

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
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16	17	18	19	20	21	22
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30						

July 2013

Su	Mo	Tu	We	Th	Fr	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 26 - Jun 1	**May 26**	**27**	**28**	**29**	**30**	**31**	**Jun 1**
Jun 2 - 8	**2**	**3**	**4** 11:30am Planning Com. S.S. (Creekmore) 6:00pm Board of Directors (FSM Public Schools)	**5**	**6** 12:00pm Housing Asst. Bd. (Main Library)	**7**	**8**
Jun 9 - 15	**9**	**10**	**11** 12:00pm Bd. Study Session (Main Library) 5:30pm Planning Com. (Creekmore)	**12** 11:30am Parks Com. (Creekmore)	**13** 12:00pm Oak Cemetery Com. (Creekmore)	**14**	**15**
Jun 16 - 22	**16**	**17**	**18** 4:30pm Library Bd. (Windsor Branch Library) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)	**19**	**20** 5:30pm Comp. Plan Mtg. (Elm Grove Com. Cntr.)	**21**	**22**
Jun 23 - 29	**23**	**24**	**25** NO STUDY SESSION 4:00pm A & P Com. (Miss Laura's) 5:30pm Airport Com. (Airport - Adm. Office Conf. Rm)	**26**	**27** 5:00pm Historic Dist. S.S. (220 North 7 Street)	**28**	**29**
Jun 30 - Jul 6	**30**	**Jul 1**	**2**	**3**	**4**	**5**	**6**