



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 – Tracy Pennartz  
At Large Position 6 – Kevin Settle  
At Large Position 7 – Don Hutchings

**AGENDA**  
**Fort Smith Board of Directors**  
**REGULAR MEETING**  
**January 6, 2015 ~ 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 214 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**OATH OF OFFICE CEREMONY FOR INCOMING DIRECTORS**

**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 DECEMBER 16, 2014 REGULAR MEETING**

**ITEMS OF BUSINESS:**

1. Presentation: Girl Scout Diamonds of Arkansas, Oklahoma and Texas
2. Ordinance establishing prices and fees for grave spaces and services at Oak Cemetery ~ *Discussed at the November 25, 2014 budget hearing / First reading at the December 16, 2014 regular meeting ~ \*\* SECOND READING \*\**
3. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 7000 Chad Colley Boulevard*) (*Arkansas College of Osteopathic Medicine*)

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to Extra-Territorial Jurisdiction Light Industrial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Extra-Territorial Jurisdiction Industrial Light (ETJ I-1) by classification located at 12934 Old Highway 71 South*) (*Beshears Construction*)
5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Open Space and Office, Research & Light Industrial to Neighborhood Commercial / Rezoning: from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by classification located at 3101-3225 Phoenix Avenue*)
6. Items relative to property located at 11808 Highway 71 South (*Arvest Bank*):
  - A. Resolution approving a pre-annexation agreement for Superior Federal Tract 1 *11808 Highway 71 South*
  - B. Ordinance accepting certain territory into the City of Fort Smith, Arkansas (*3.5 acres*)
  - C. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to General Commercial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11808 Highway 71 South*)
7. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*ArcBest Corporation*)
8. Consent Agenda
  - A. Resolution authorizing an engineering services agreement for the design of a project in the 2015 Sales Tax Program, Project No. 15-01-A (*\$827,381.25 / Engineering Department / Budgeted – Sales Tax Program Fund*)
  - B. Ordinance authorizing the Mayor to execute a services agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the city of Fort Smith
  - C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2015 (*Annual bid / Various Departments / Budgeted – Various Departments*)

- D. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir (\$91,032.00 / Utility Department / Budgeted – Water & Sewer Operating Budget)

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

- Mayor
- Directors
- City Administrator

**EXECUTIVE SESSION**

Appointments: Advertising and Promotion Commission (1), Audit Committee (1), Fort Smith Housing Authority (1), Sebastian County Regional Solid Waste District Management Board (2) and Vice-Mayor (1)

**ADJOURN**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING PRICES AND FEES FOR  
GRAVE SPACES AND SERVICES AT OAK CEMETERY

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

SECTION 1: The following prices for grave spaces and fees for services  
are hereby established for Oak Cemetery:

- (a) The price of all grave spaces in Oak Cemetery shall be \$550.00 per space.
- (b) The fee for making a grave space opening and closing shall be the sum of \$550.00 on any weekday, Monday through Friday, and shall be the sum of \$700.00 on Saturday, Sunday, or holiday observed by the City of Fort Smith.
- (c) The fee for making an inurnment of niches shall be the sum of \$200.00 on any weekday, Monday through Friday, and shall be the sum of \$300.00 on Saturday, Sunday, or holiday observed by the City of Fort Smith.
- (d) The fee for making a grave space opening and closing for cremated remains and for infants shall be the sum of \$200.00 on any weekday, Monday through Friday, and shall be the sum of \$300.00 on Saturday, Sunday or holiday observed by the City of Fort Smith.
- (e) The fee for the disinterment of any person shall be the sum of \$1,000.00 and any additional costs directly related to the disinterment. The fee for the disinurnment of any cremains shall be the sum of \$300.00 and any additional costs directly related to the disinurnment. The fee for

the disinterment of any infant shall be the sum of \$300.00 and any additional costs directly related to the disinterment.

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of Section 1 of this Ordinance are repealed.

SECTION 3: Although referred to by Fort Smith Municipal Code Section 7-30(a), the codifier of the Fort Smith Code shall not codify the prices and fees established by Section 1 of this Ordinance. The codifier shall delete the provision of Section 7-30(b) from the Fort Smith Municipal Code.

SECTION 4: This Ordinance, not being of a general or permanent nature, shall be of full force and effect from its passage and approval.

Passed and approved this \_\_\_\_ day of December, 2014.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:



\_\_\_\_\_  
City Attorney

No Publication Required



## Memo:

December 12, 2014

To: Ray Gosack, City Administrator  
 From: Jeff Dingman, Deputy City Administrator *jud*  
 Re: Oak Cemetery proposed rate increase

In response to the Board of Directors' discussion of cemetery rates as additional revenue to augment the FY2015 city budget, the attached ordinance increases the Oak Cemetery rates to the level recommended by the Oak Cemetery Commission in February 2013. The Oak Cemetery Commission recommend increases in rates for grave spaces, opening and closing graves, inurnment of cremains, and disinterments. In a survey of cemetery rates done in 2013 in Fort Smith, we found that the cemeteries in the city had raised their rates since our last survey and rate increase of 2004.

	Proposed Rate	Current Rate	Comparable Rates
Grave Space	550	400	750
Opening/Closing	550	400	675
Weekend & Holiday	700	600	775
Opening/Closing Infants, Cremains	200	100	275
Weekend & Holiday	300	200	375
Inurnment	200	100	Not Provided
Weekend & Holiday	300	200	Not Provided
Disinterment	1,000	600	Not Provided
Disinterment - Cremains	300	200	Not Provided
Disinterment – Infant	300	100	Not Provided

In the six (6) years prior to 2010, the revenues accounted for an average of thirty percent (30%) of the budgeted expenses. From 2010 to 2012, revenues accounted for an average of forty-six percent (46%). Increased revenues may have been a reaction to increased rates charged at other Fort Smith cemeteries. Oak Cemetery's rates are lower than the other cemeteries.

<b>Summary</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Spaces and Niches Sold</b>	122	104	110	126
<b>Interments, Inurnments</b>	71	64	70	77
<b>Revenue</b>	\$80,712	\$60,600	\$65,494	\$59,474
<b>Expense</b>	\$146,132	\$135,895	\$154,174	\$139,304
	55.23%	44.59%	42.48%	42.69%

<b>Comparison using proposed increase of \$550</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>
<b>Spaces and Niches Sold, \$550</b>	67,100	57,200	60,500	69,300
<b>Interments, Inurnments, \$550</b>	39,050	35,200	38,500	42,350
<b>Revenue</b>	106,150	92,400	99,000	111,650
	72.63%	67.99%	64.21%	80.14%

Please call if you have any questions regarding the proposed rate increase.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING IDENTIFIED PROPERTY  
AND AMENDING THE ZONING MAP**

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**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No. 22-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on December 9, 2014, that said change be made;

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

**SECTION 1:** That the following properties to-wit:

Part of the Southwest Quarter, and part of the East Half of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5, said corner being marked with an existing ½” rebar with cap stamped PLS 1272; Thence along the West Line of said Section 5, N02°38’35”E, 1568.71 feet; Thence leaving said West Line, N90°00’00”E, 1776.18 feet to the westerly line of Phoenix Metals, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record July 5, 2013 as plat 1930; Thence along said westerly line, N50°24’51”E, 393.82 feet to the northwesterly corner of said Lot 1, said corner being marked with an existing concrete nail; Thence along the northerly line of said Lot 1, S39°33’58”E, 307.02 feet to the Point of Beginning, said point being marked with a set ½” rebar with cap stamped MWC 1369; Thence leaving said northerly line, N50°25’50”E, 1218.11 feet to a set ½” rebar with cap stamped MWC 1369; Thence S39°33’09”E, 43.13 feet to an existing ½” rebar; Thence N50°23’58”E, 308.08 feet to a set ½” rebar with cap stamped MWC 1369; Thence N39°32’37”W, 586.06 feet to the easterly right-of-way line of the future realigned Wells Lake Road and a set ½” rebar with cap stamped MWC 1369; Thence along said right-of-way line the following courses: 1087.67 feet along the arc of a curve to the left, said curve having a radius of 1150.00 feet and being subtended by a chord having a bearing of N48°41’35”E and a distance of 1047.58 feet to a set ½” rebar with cap stamped MWC 1369; N21°35’52”E, 619.57 feet to a set ½” rebar with cap stamped MWC 1369; 72.16 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of N67°32’06”E and a distance of 64.67 feet to the southerly right-of-way line of Frontier Road and a set ½” rebar with cap stamped MWC 1369; Thence along said southerly right-of-way line the following courses: 66.34 feet along the arc of a curve to the right, said curve having a radius of 2950.00 feet and being subtended by a chord having a bearing of S65°53’02”E and a distance of

66.34 feet to a set ½” rebar with cap stamped MWC 1369; S60°31’14”E, 983.66 feet to the westerly right-of-way line of Chad Colley Boulevard and a set ½” rebar with cap stamped MWC 1369; Thence along said westerly right-of-way line the following courses: 62.02 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of S21°02’06”E and a distance of 57.23 feet to a set ½” rebar with cap stamped MWC 1369; 346.64 feet along the arc of a curve to the left, said curve having a radius of 2166.50 feet and being subtended by a chord having a bearing of S13°52’02”W and a distance of 346.27 feet to a set ½” rebar with cap stamped MWC 1369; 1392.34 feet along the arc of a curve to the right, said curve having a radius of 1941.50 feet and being subtended by a chord having a bearing of S29°49’42”W and a distance of 1362.70 feet to a set ½” rebar with cap stamped MWC 1369; S50°22’23”W, 1987.45 feet to an existing nail at the northeast corner of said Phoenix Metals, Lot 1; Thence along said northerly line of Lot 1, N39°33’58”W, 865.50 feet to the Point of Beginning. Containing 86.75 acres, more or less.

more commonly known as 7000 Chad Colley Boulevard, should be, and is hereby rezoned from Not Zoned to a Planned Zoning District by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**ATTEST:**

**APPROVED:**

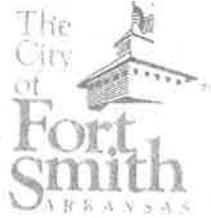
\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



December 29, 2014

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

Re: A request by Tim Risley & Associates, agent, for Planning Commission consideration of a zone change request from Not Zoned to Planned Zoning District (PZD) by Classification located at 7000 Chad Colley Boulevard.

On December 9, 2014, the City Planning Commission held a public hearing to consider the above request.

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

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

The development appears to support the following policies of the comprehensive plan:

Policy ED 1.2 – Support programs and efforts that increase opportunities for growth in medical and higher education sectors.

Policy ED 8 - Encourage new development in targeted growth centers and make strategic public investments.

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

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

- Compliance with the Project Booklet as submitted.

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(479) 785-2801  
Administrative Offices FAX (479) 784-2430

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

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

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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 24, 2014

**Re:** Rezoning #22-12-14 - A request by Tim Risley and Associates, agent, for Planning Commission consideration of a zone change request from Not Zoned to Planned Zoning District (PZD) by classification at 7000 Chad Colley Boulevard

## PROPOSED ZONING

A change in zoning is needed to allow for the development of the Arkansas College of Osteopathic Medicine's future campus and supporting facilities.

## LOT LOCATION AND SIZE

The subject property is located on Chad Colley Boulevard between Roberts Boulevard and Fort Smith Boulevard. The tract contains an area of 86.75 acres with approximately 3,410 feet of street frontage along Chad Colley Boulevard and approximately 1,117 feet of street frontage along Frontier.

## REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

Developments that utilize design standards greater than the minimum required by the UDO.

2A

## EXISTING ZONING

The property is currently Not Zoned.

## SURROUNDING ZONING AND LAND USE

The areas to the north and east are not zoned and are undeveloped.

The area to the south is zoned Industrial Light (I-1) and is developed as Phoenix Metals.

The areas to the west are not zoned and are developed as a warehouse, gymnasium and undeveloped.

## MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies this site as Institutional: Technical/Education. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

## PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes, the site plan details the building locations along with proposed parking lots and areas of existing trees to be saved. Driveways are also defined on the site plan.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes, all traffic will enter and exit the site primarily from Chad Colley Boulevard and Veteran's Avenue. Additional street layout on the west end of the property is unknown at this time.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines that the architectural design standards will comply with the requirements of the UDO and FCRA design guidelines.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The overall plan will be consistent with the design patterns for the Master Street Plan, and Comprehensive Plan and Master Land Use Plan. .**

2B

- F. The required right-of-way dedication has been identified by the City Engineering Department? **Yes, the right of way dedication if any will be acquired during the platting process.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes, this will be determined during the platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The project is located within a large undeveloped area other than a few small facilities along the west and south side. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to a new internal drive loop. Chad Colley Boulevard and Roberts Boulevard are both classified as Boulevard Streets. No traffic study was required.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the project will meet or exceed the UDO and FCRA requirements by having the following: The buffer areas, screening and landscaping areas. The buildings will increase high quality materials from 51% to 100%. More restrictive land uses than the C-2 zone.**

### SITE DESIGN FEATURES

**Ingress/egress/traffic circulation** – The property is accessible from Chad Colley Boulevard and from Veteran's Avenue.

**Right-of-way dedication** – If any right-of-way dedication is proposed or required it will be resolved with the platting of the property.

**Drainage** – An extensive drainage plan is included with this submittal. It shows multiple detention ponds and underground piping. The drainage plan shall be approved by the city engineering department during building permit review.

**Landscaping & Screening** – The submitted booklet states that the buffer areas, screening and landscaping areas will meet or exceed the City of Fort Smith UDO and FCRA requirements. No plan to review at this time.

**Parking** – The proposed site plan has 434 parking spaces. Not enough information submitted to verify the parking meets or exceeds the minimum parking requirements.

**Signage** – The PZD states that signage will be per City ordinance in general but customized to prohibit highway type billboards and flashing or blinking electronic signage of any type or size. Ground mounted monument signs either back lighted or flooded are encouraged. Façade signage to be per UDO and FCRA guidelines . Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties. Pole signs are prohibited.

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**Sidewalks** – FCRA requires both sides of all streets to have sidewalks. The plan notes a sidewalk along Chad Colley Boulevard. The engineering department will determine if any more side walk construction will be required during the building permit review.

### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses will be compatible with the nearby properties.**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **A traffic study was not required to be submitted. The streets surrounding this property are classified as Boulevard streets and are built for large amounts of traffic.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **The City of Fort Smith is currently extending water and sewer to the property along Chad Colley Boulevard.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO and the FCRA requirements.**

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, December 1, 2014 at the Dallas Street Branch of the Fort Smith Public Library at 8100 Dallas Street. No surrounding property owners were in attendance

Staff recommends approval of this Rezoning based on compliance with the submitted booklet which is enclosed.

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**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE PZD  
7000 CHAD COLLEY BOULEVARD  
CHAFFEE CROSSING  
FORT SMITH, ARKANSAS 72916**

**NOVEMBER 14, 2014**

**OWNER:  
THE DEGEN FOUNDATION  
6101 PHOENIX #4  
FORT SMITH, ARKANSAS 72903**

**REPRESENTATIVE:  
TIM A. RISLEY & ASSOCIATES  
#1 CON/ARC PLACE  
6101 PHOENIX  
FORT SMITH, ARKANSAS 72903**

QE

**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE  
PZD APPLICATION  
PROJECT BOOKLET**

3a. The subject property is currently not zoned. A change in zoning is needed to allow for the development of the Arkansas College of Osteopathic Medicine, future campus facilities and supporting facilities associated with the campus. A planned zoned district will allow the campus flexibility to accommodate a mixture of buildings/uses. It will allow the development to utilize design standards which meet or exceed the minimum standards required by the UDO and FCRA design guidelines.

<b>3b.</b>	<b>Owner</b>	<b>Representative</b>
	The Degen Foundation 6101 Phoenix Avenue, #4 Fort Smith, AR 72903	Tim A. Risley & Associates Architects & Planners #1 Con/Arc Place 6101 Phoenix Avenue Fort Smith, AR 72903

3c. The PZD will include an area of approximately 86.75 acres located on the northwest side of Chad Colley Boulevard between Roberts Boulevard and Frontier Road in Chaffee Crossing. Proposed uses include medical college buildings, medical clinics, office building and other supporting facilities. The proposed PZD will meet or exceed the design requirements and development standards set forth in the United Development Ordinance, chapters 27-200, 27-500, 27-600 and 27-700 for light commercial zoning and FCRA design guidelines.

**3d. General Project Scope**

- i. Street and lot layout:  
See attached development plan. The primary access to the site is via Chad Colley Blvd. and Veteran's Avenue. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to the new internal ARCOM drive loop. Additional street layout on the west end of the property is unknown at this time.
- ii. Site plan showing improvements  
See attached site plan sheets C1, C2 and colored site plan.
- iii. Buffer areas, screening and landscaping areas  
All items will meet or exceed City UDO and FCRA requirements.
- iv. Storm water detention areas and drainage  
All detention and drainage will comply with UDO requirements. Detention areas are shown on attached sheets C3, C8.
- v. Undisturbed natural areas  
Several areas shown on the site plan are noted as "existing trees to remain" that wrap around the campus areas. Additional new trees will be added at new parking medians and islands. See attached photo of site work.

2F

- vi. Existing and proposed utility connections and extensions
  - a. New electrical service is to be brought to the site by OG & E.
  - b. The City of Fort Smith will be extending the 12" water and sewer mains along Chad Colley Blvd.
  - c. See Utility Sheet C6.
- vii. Development and architectural design standards
  - a. Design standards are to comply with UDO and FCRA design guidelines subject to approval by authorities to use materials such as integral colored split-face and polished-face CMU units, precast concrete wall panels and architectural metal wall panels (not industrial type).
  - b. All dumpsters will be screened with split face CMU, brick veneer or other acceptable masonry units with opaque wood or metal gates.
  - c. Landscape materials and types will meet the requirements of the UDO and FCRA architectural standards: All buildings in the PZD shall meet the commercial standards of the UDO and FCRA with the following upgraded enhancements.
  - d. 100% of the exterior facades to be of high quality materials.
  - e. Façade elevations regarding massing elements to meet UDO.
  - f. Site/parking area light fixtures to be consistent with those of the College, utilizing poles no higher than 30' and must meet UDO and FCRA lighting guidelines.
  - g. All future building will require the design approval of the Foundation Board.
- viii. Building elevations
  - a. See colored perspectives.
  - b. Future buildings will comply with UDO and FCRA design guidelines.
- ix. Proposed signage (Type and size)
  - a. Signage for the PZD will be per City ordinance in general but customized to prohibit highway type billboards and flashing or blinking electronic signage of any type or size only. Ground mounted monument signs are permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per UDO and FCRA guidelines. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties.
  - b. Pole signs are prohibited.
  - c. Directional signage is allowed but will not count towards allowed signage square footage.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed in three phases.

Phase I: Rough grading and dirt work has already started. Building construction is to start March 1, 2015 and be completed August 1, 2016.

Phase II: Rough grading and dirt work for the building pads has already started. Hopefully the first building of the remaining three will start May 1, 2016. The other buildings are unknown at this time.

Phase III: Unknown at this time.

3f. Identify land use designations  
See attached Exhibit "A".

3g. Identify area and bulk regulations for PZD

- a. Minimum lot size: 1 acre.
- b. Minimum lot width at BSL: 150'.
- c. Maximum lot coverage: 60%.
- d. Maximum height: 55'.
- e. Additional height: Per UDO code.
- f. setbacks:
  - Front: 25'.
  - Side: 10'.
  - Street side/corner: 25'.
  - Rear: 10'.
  - Minimum street frontage: 50'.
  - Minimum building separation: To be determined by current building and fire code.

3h. Comparison chart between the proposed PZD and the Fort Smith C-2 zone.

	<u>Proposed PZD</u>	<u>C-2</u>
• Minimum lot size	1 acre	7,000
• Minimum lot width	150'	50'
• Maximum lot coverage	60%	60%
• Maximum lot height	55'	35'
• Additional height	Per UDO	Per UDO
• Setbacks		
Front	25'	25'
Side	10'	10'
Street side/corner	25'	10'
Rear	10'	10'
Minimum street frontage	50'	30'
Minimum building separation	To be determined by current Building and fire code	

3i. The proposed PZD is much more restrictive than the C-2 zone. It will not allow in general housing of any type, hotels, motels, automotive sales or service, retail/consumer sales or goods, limiting office type and pet or animal services, personal

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services, transportation services, amusement or recreational, public safety services and religious institutions. See attached chart showing items allowed in C-2 zone but not PZD.

- 3j. A chart articulating how the project exceeds the UDO requirements.
- The project will exceed the UDO requirements as follows:
    1. Increase high quality materials from 51% per UDO to 100%.
    2. More restrictive land uses.
    3. Increase of minimum lot size.
    4. Added signage restrictions.
    5. Landscaping.

- 3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance.

The surrounding area is presently undeveloped. By establishing this PZD zone, we will start with a building of high quality and spacious lots and maintain that image throughout the PZD.

- 3l. Traffic study not required.

- 3m. 12" diameter water and sewer mains are being brought to the site by the City of Fort Smith and will run along Chad Colley Blvd. the entire length of the PZD.



Appendix A

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

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Fort Smith  
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Use Matrix

Appendix A

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

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Use Matrix

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	Proposed PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																											
	Auto (rental and leasing)																										
	Commercial, industrial machinery & equipment																										
	Consumer rental center																										
	Oil and gas field equipment																										
	Video, music, software																										
<b>Business, Professional, Scientific, and Technical Services</b>																											
	<b>Professional Services</b>																										
	Abstract services																P	P	P	P	P	P	P				P
	Accounting, tax, bookkeeping, payroll																P	P	P	P	P	P	P				P
	Advertising and media services																P	P	P	P	P	P	P				P
	Architectural, engineering																P	P	P	P	P	P	P				P
	Carpet and upholstery cleaning																										
	Consulting services																P	P	P	P	P	P	P				P
	Extermination and pest control																										
	Graphic, industrial, interior design																P	P	C	P	P	P	P				P
	Investigation and security services																										
	Janitorial services																										
	Legal services																P	P	P	P	P	P	P				P
	Medical laboratory																										P
	Medical laboratory (no animal research/testing)																										P
	Offices, corporate																P	P	P	P	P	P	P				P
	Offices, general																P	P	P	P	P	P	P				P
	Property management services (office only)																P	P	P	P	P	P	P				P
	Real estate agency																P	P		P	P	P	P				P
	Travel arrangement and reservation services																P	P		P	P	P	P				P
	<b>Administrative Services</b>																										
	Business support services																P	P	P	P	P	P	P				P
	Collection agency																P	P	P	P	P	P	P				P
	Employment agency																										
	Employment agency (day labor)																										
	Facilities support services																P	P	P	P	P	P	P				P
	Office and administrative services																P	P	P	P	P	P	P				P
	Telemarketer/call center																										
	<b>Food Services</b>																										
	Bar or tavern																										
	Beer garden																										
	Catering service																										
	Food distribution center																										
	Mobile food services																										
	Restaurant																P										
	Restaurant (with drive-in services)																										

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Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4										T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
	Restaurant (with drive-through services)																		C	C	P	P	P	P			
	Restaurant (with outdoor dining)																		C	C	C	C	P	P			
	Vending																					P	P	P			
	<b>Personal Services</b>																										
	Bail bonds office																					P	P	P			
	Barber shop/salon/spa/massage services															P		C	P	P	P	P	P				
	Laundry (commercial/industrial)																					P	P				
	Laundry and cleaning facilities (self-service)																		P	P	P	P	P			P	
	Laundry, cleaner																		P	P	P	P	P				
	Laundry, cleaner (drop-off station)																		P	P	P	P	P				
	Photocopy shop																		P	P	P	P	P				
	Photography studio																P		P	P	P	P	P				
	Print shop																		P	P	P	P	P		P		
	Shoe repair shop																		P	P	P	P	P				
	Tailor shop																		P	P	P	P	P				
	Tanning salons																		C	P	P	P	P				
	Tattoo/body piercing parlor																				P	P	P				
	Weight loss centers																			P	P	P	P				
	<b>Pet and animal services</b>																										
	Animal and pet services (indoor)																			P	P	P	P		P	P	
	Animal and pet services (outdoor)																					P			P	P	
	Animal shelter																							P	P	P	
	Equestrian facilities																					P			P	P	
	Kennels																							P	P	P	
	Pet cemetery																			C	C	C	C		C	C	
	Pet shop																			C	P	P	P	P			
	Pet supply store																			C	P	P	P	P		P	
	Veterinary clinic (no outdoor kennels)																			P	P	P	P	P		P	
	Veterinary clinic (with outdoor kennels)																					P			P	P	
	<b>Automobile Parking Facilities</b>																										
	Parking garage																				C	C	P	P		P	P
	Parking lot (commercial)																					P	P			P	P
	Parking lot (off site) (See Section 27-601-11)																					P	P			P	P
	<b>Manufacturing and Wholesale Trade</b>																		C								
	<b>Food, Textiles and Related Products</b>																										
	Animal food processing																								C	C	P
	Clothing manufacturing																							P	P	P	
	Food and beverage processing																							P	P	P	
	Leather and allied products																									P	
	Textiles																									P	P
	Tobacco manufacturing																									P	P

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Use Matrix

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	Proposed PZD				
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																															
<b>Wood, Paper and Printing Products</b>																															
	Cabinet and woodwork shop																								P	P	P				
	Furniture or home furnishings																									P	P	P			
	Manufacturing, boxes/containers/corrugated																								P	P	P				
	Manufacturing, packaging material																								P	P	P				
	Paper and printing materials																								P	P	P				
	Wood products manufacturing plant																									P	P				
<b>Chemicals, Metals, Machinery, and Electronics Mfg.</b>																															
	Acid manufacturing																											P			
	Asphalt or concrete batching plant (permanent)																											P	P		
	Chemicals, plastics and rubber industry																											P	P		
	Electrical equipment, appliance and components mfg.																								P	P	P	P			
	Explosives manufacturing																												C		
	Foundary or metal-works facility																										P	P	P		
	Laboratory (manufacturing)																									P	P	P	P		
	Machine, welding, or sheet metal shop																								P	P	P	P			
	Nonmetallic manufacturing																											C	P		
	Petroleum and coal products																												C		
	Pharmaceutical manufacturing																												C		
	Refinery																								P	P	P	P			
	Tire retreading																												C		
<b>Miscellaneous Manufacturing</b>																															
	Auto manufacturing																											P	P		
	Barge and ship manufacturing																												P	P	
	Boat manufacturing																								P	P	P	P			
	Dolls, toys, games, musical instruments																								P	P	P	P			
	Jewelry and silverware																								P	P	P	P			
	Manufacturing, batteries																								P	P	P	P			
	Manufacturing, fiberglass																											P	P		
	Manufacturing, foam products																											P	P		
	Manufacturing, heavy																											P	P		
	Manufacturing, light																											P	P		
	Manufacturing, medium																								P	P	P	P			
	Manufacturing, motors, drives, and generators																											P	P		
	Office supplies																								P	P	P	P			
<b>Wholesale Trade Establishment</b>																															
	Durable goods																											P	P	P	
	Electrical, plumbing, heat & air conditioning																											P	P	P	
	Nondurable goods																											P	P	P	
<b>Warehouse and Storage Services</b>																															
	Auto salvage yard																												P		

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Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	Proposed PZD	
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
	Building materials salvage yard																									P	P	
	Bulk petroleum storage																										P	
	Container storage																										P	
	Mini storage warehouse																						P			P	P	
	Packaging and distribution center																									P	P	
	Petroleum distribution facility																								P	P	P	
	Portable storage Unit																						P			P	P	
	Vehicle storage yard																						P			P	P	
	Warehouse																								P	P	P	
<b>Transportation, Communication, Information and Utilities</b>																												
<b>Transportation Services</b>																												
	Airport																								P	P	P	
	Bus station and terminal																						C	C	C	C	C	
	Courier and messenger services																			C	P	P	P	P	P	P	P	C
	Ferry boat facility																								P	P	P	
	Heliport																								P	P	P	
	Limousine service																								P	P	P	
	Mail services																		C	C	P	P	P	P	P	P	P	C
	Marina																								P	P	P	
	Motor freight terminal																								P	P	P	
	Moving and storage																								P	P	P	
	Moving company																						P		P	P	P	
	Pipeline transportation																									P	P	
	Port facility																									P	P	
	Rail transportation																							P	P	P	P	
	Taxicab service																						P		P	P	P	
<b>Communications and Information</b>																												
	Commercial communication towers		C	C	C	C	C	C	C	C	C	C	C	C	C				C	C	P	P	P	C	P	P	P	
	Data processing facility																			C	P	P	P	P	P	P	P	P
	Motion pictures and sound recording studios																				P	P	P	P	P	P	P	
	Printing commercial/industrial																									P	P	
	Telecommunications and broadcasting studios																					P	P	P	P	P	P	
<b>Utilities and Utility Services</b>																												
	Amateur radio transmitting towers			C	C	C	C	C	C	C	C	C	C	C					C	C	P	P	P	C	P	P	P	
	Electric power plant																								C	C	P	
	Hazardous waste treatment and disposal																											C
	Incinerator																											P
	Nuclear power plant																											P
	Radio, television, and microwave transmitting towers																				C	P	P	C	P	P	P	P
	Recycling center																								C	C	P	P
	Recycling collection station																				C	C	C	C	C	P	P	P

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Use Matrix

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																											
	Sanitary landfill																										P
	Solid waste collection																									P	P
	Utility shop, storage yard or building																									P	P
	Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P
	Wastewater treatment plant																									P	P
<b>Arts, Entertainment, and Recreation</b>																											
<b>Performing Arts or Supporting Establishments</b>																											
	Drive-in theater																								C		
	Movie theater																				P	P	P				
	Performance theater															P					P	P	P				
	Carnival or circus (temporary with permit)																		P	P	P	P	P	P	P	P	
	Fairground/rodeo ground																					P		P	P		
<b>Museums and Other Special Purpose Recreational Institutions</b>																											
	Historical or archaeological institution																P							C			
	Museum															P			C	C	C	C	C	P			
	Zoos, botanical gardens, arboreta																						C	P	C	C	
<b>Amusement, Sports, or Recreation Establishment</b>																											
	Amusement center (indoor)																		P	P	P	P	P	P	P	C	
	Amusement center (outdoor)																								C	C	
	Convention/Event center																		C	C	P	P	P	P	P		
	Bingo parlor																					P	P	P			
	Casino gaming business																								C	C	C
	Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
	Dance hall/night club																					P	P	P	P		
	Private club																					P	P	P			
	Race track																								P	C	C
<b>Fitness, Recreational Sports, Athletic Club</b>																											
	Bowling alley																			C	P	P	P	P	P		
	Community recreation center																		C	C	C	C	C	C	P	P	
	Driving range (outdoor)																									P	P
	Golf course				C	C	C	C	C	C	C	C	C	C	C				C	C	C	C	C	C	C	C	C
	Pistol Range (Indoor)																								C	C	C
	Health club																P								P	P	
	Fitness studio																P								P	P	
<b>Indoor Games Facility</b>																											
	Miniature golf course																								P	P	
	Pool hall																								P	P	
	Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																									P	P
	Skating rink																								P		
	Sports complex/athletic field																								C	C	
	Swimming pool																								C	C	

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	H	RH	T	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD		
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																															
Water park																															
<b>Camps, Camping, and Related Establishments</b>																															
Camps, camping, and related establishments																															
<b>Natural and Other Recreational Parks</b>																															
Park or playground (public and nonpublic)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
<b>Education, Public Administration, Health Care and Other Institutions</b>																															
<b>Educational Services</b>																															
College, university, or seminary		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Fine art and performance education																															
Library or public arts complex				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Nursery school		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Preschool		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Primary and secondary school		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School, business professional																															
School, technical or trade																															
<b>Public Administration - Government</b>																															
Criminal justice facility																															
Detention facility																															
Government office																					P	P	P	P	P	P	P	P	P	P	P
<b>Public Safety</b>																															
Emergency response station																															
Fire and rescue station		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Police station																					C	C	C	C	C	C	C	C	C	C	C
Police substation (no incarceration)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
<b>Health and Human Services</b>																															
Community health and welfare clinic																															
Diagnostic laboratory testing facility																															
Doctor office and clinic																					P	P	P	P	P	P	P	P	P	P	P
Hospice residential care facility																															
Hospital																					P	P	P	P	P	P	P	P	P	P	P
Mental health hospital																					C	C	C	C	C	C	C	C	C	C	C
Nursing home																					C	C	C	C	C	C	C	C	C	C	C
Substance abuse treatment facility																					C	C	C	C	C	C	C	C	C	C	C
<b>Social Assistance, Welfare, and Charitable Services</b>																															
Child and youth services (office)																															
Day care Home (12 or less)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Day care center																															
Community food services																															
Emergency and relief services																															
Family support services																															
Senior citizen center																															

ER

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD	
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																												
	Vocational rehabilitation			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
<b>Religious Institutions</b>																												
	Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Rectory, convent, monastery											C	C	C	C	C	C	A	A	A	A	A	A	A			A	
<b>Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership</b>																												
	Wedding chapel															P			P	P	P	P	P					
<b>Death Care Services</b>																												
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																							C				
	Monument (manufacturing)																							P	P			
	Monument (sales)																		P	P	P	P		P	P			
<b>Associations, Nonprofit Organizations</b>																												
	Lodge or fraternal organization															C			C	C	C	C	C	P	P			
<b>Construction-Related Businesses</b>																												
	Contractor's office																P	P	P	P	P	P	P	P	P	P		
	Contractor's shop and storage yard																					C	P	P	P	P		
	Glass sales and service																					P	P	P	P			
	Landscaping contractor																					C	P	P	P	P		
	Sign contractor																					C	P	P	P	P		
<b>Mining and Extraction Establishments</b>																												
	Coal mining																										C	
	Metallic mining																								C	P		
	Non-metallic manufacturing and mining																								C	P		
<b>Agriculture, Forestry, Fishing, and Hunting</b>																												
	Grain storage and processing																									C	P	
	Livestock yard, feed lot, holding pens, and auction facility																								C	C		
	Commercial grower																							P	P	P		
<b>Tanning and Slaughtering of Animals or Fowl</b>																												
	Animal slaughter and processing																								C	C		
<b>Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits</b>																												
<b>Forestry and Logging</b>																												
<b>Fishing, Hunting and Trapping, Game Preserves</b>																												
	Taxidermy shop																					P	P	P				

Rez. #22-1214

**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 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: 7000 Chad Colley Chaffee Crossing, Fort Smith, AR

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 a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

Property is not zoned. Property needs to be zoned for new Osteopathic College and surrounding future development.

Signed:

Tim A. Risley and Associates  
Owner or Agent Name  
(please print)

6101 Phoenix Ave  
#1 Con/Arc Place  
Fort Smith, AR 72903  
Owner or Agent Mailing Address

\_\_\_\_\_  
Owner  
  
or  
Sam B. Hall  
Agent

21

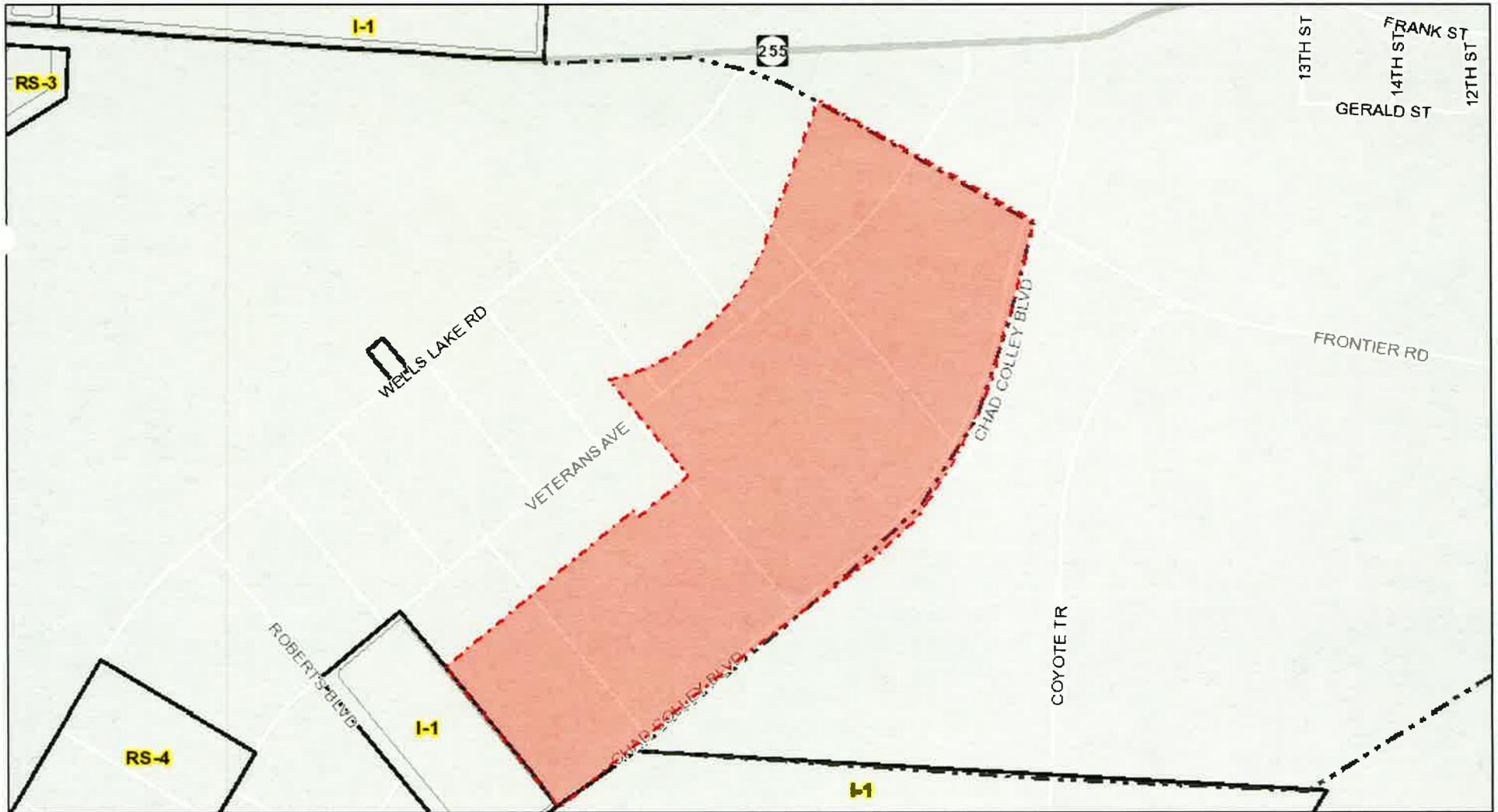
## BOUNDARY DESCRIPTION - TRACT A

Part of the Southwest Quarter, and part of the East Half of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5, said corner being marked with an existing  $\frac{1}{2}$ " rebar with cap stamped PLS 1272; Thence along the West Line of said Section 5, N02°38'35"E, 1568.71 feet; Thence leaving said West Line, N90°00'00"E, 1776.18 feet to the westerly line of Phoenix Metals, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record July 5, 2013 as plat 1930; Thence along said westerly line, N50°24'51"E, 393.82 feet to the northwesterly corner of said Lot 1, said corner being marked with an existing concrete nail; Thence along the northerly line of said Lot 1, S39°33'58"E, 307.02 feet to the Point of Beginning, said point being marked with a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence leaving said northerly line, N50°25'50"E, 1218.11 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence S39°33'09"E, 43.13 feet to an existing  $\frac{1}{2}$ " rebar; Thence N50°23'58"E, 308.08 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence N39°32'37"W, 586.06 feet to the easterly right-of-way line of the future realigned Wells Lake Road and a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence along said right-of-way line the following courses: 1087.67 feet along the arc of a curve to the left, said curve having a radius of 1150.00 feet and being subtended by a chord having a bearing of N48°41'35"E and a distance of 1047.58 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; N21°35'52"E, 619.57 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; 72.16 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of N67°32'06"E and a distance of 64.67 feet to the southerly right-of-way line of Frontier Road and a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence along said southerly right-of-way line the following courses: 66.34 feet along the arc of a curve to the right, said curve having a radius of 2950.00 feet and being subtended by a chord having a bearing of S65°53'02"E and a distance of 66.34 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; S60°31'14"E, 983.66 feet to the westerly right-of-way line of Chad Colley Boulevard and a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; Thence along said westerly right-of-way line the following courses: 62.02 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of S21°02'06"E and a distance of 57.23 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; 346.64 feet along the arc of a curve to the left, said curve having a radius of 2166.50 feet and being subtended by a chord having a bearing of S13°52'02"W and a distance of 346.27 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; 1392.34 feet along the arc of a curve to the right, said curve having a radius of 1941.50 feet and being subtended by a chord having a bearing of S29°49'42"W and a distance of 1362.70 feet to a set  $\frac{1}{2}$ " rebar with cap stamped MWC 1369; S50°22'23"W, 1987.45 feet to an existing nail at the northeast corner of said Phoenix Metals, Lot 1; Thence along said northerly line of Lot 1, N39°33'58"W, 865.50 feet to the Point of Beginning. Containing 86.75 acres, more or less.

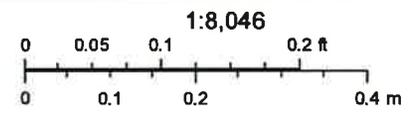
# Rezoning #22-12-14: From Not Zoned to Planned Zoning District (PZD) 7000 Chad Colley Boulevard

20



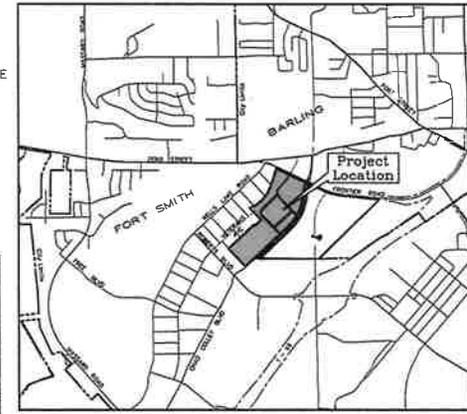
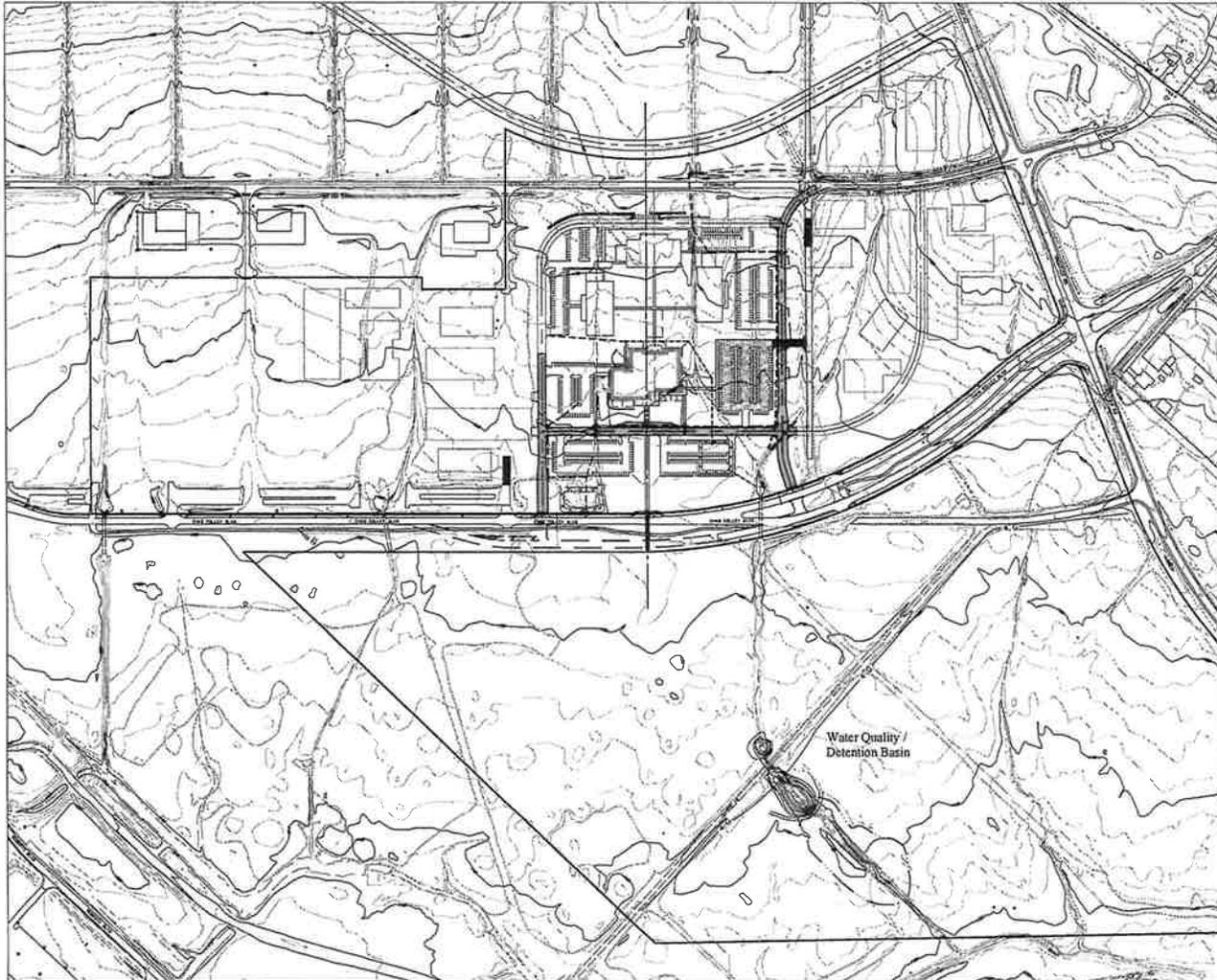
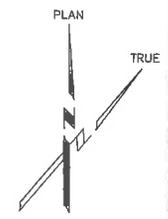
November 19, 2014

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



City of Fort Smith GIS  
Copyright 2013, City of Fort Smith

NE



Vicinity Map  
Scale 1"=2000'

**PRELIMINARY**  
NOT FOR CONSTRUCTION

**INDEX**

- C1. Vicinity Map & Index
- C2. Overall Layout
- C3. Erosion Control Layout
- C4. Erosion Control Details
- C5. Horizontal Control
- C6. Utility Layout
- C7. Sewer Profile; Water & Sewer Details
- C8. Overall Grading
- C9. Campus Grading Plan North
- C10. Campus Grading Plan South
- C11. Street & Drainage Layout - South
- C12. Street & Drainage Layout - North
- C13. Storm Drain A & B Profiles
- C14. Storm Drain C & D Profiles
- C15. Detention Basin Plan & Cross Sections
- C16. Detention Basin Structure
- C17. Outlet Structure Details
- C18. Road Sections
- C19. Road A & Road C Profiles
- C20. Road B Profile
- C21. Striping & Signage Plan
- C22. Bus Stop Layout & Details
- C23. Drop Off Lane
- C24. Intersection Detail - Roads A & B At Chad Colley
- C25. General Details
- C26. Drainage Area Map

MICKLE  
WACNER  
COLEMAN  
Engineers - Quantity Surveyors

TIM A. RISLEY & ASSOCIATES  
ARCHITECTS AND PLANNERS

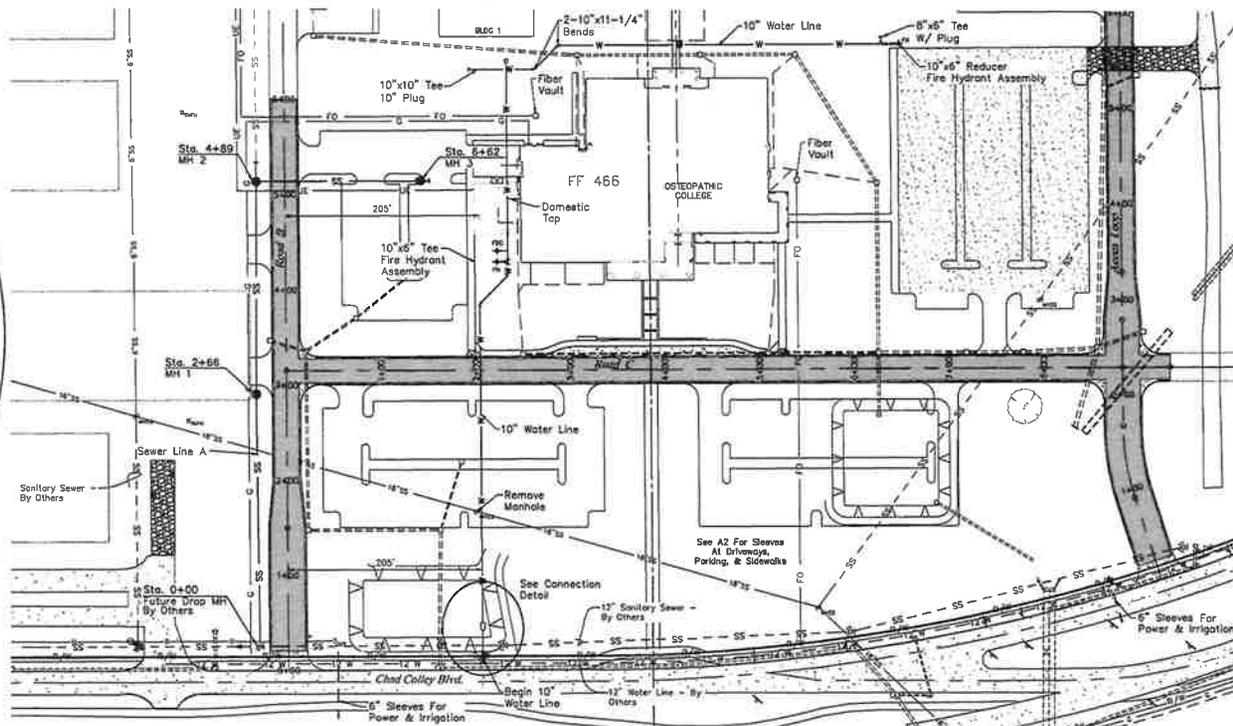
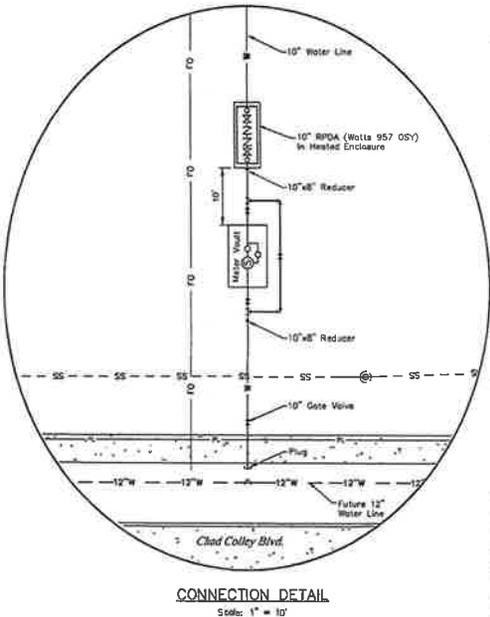
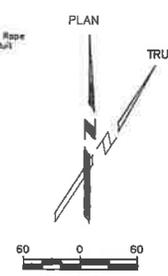
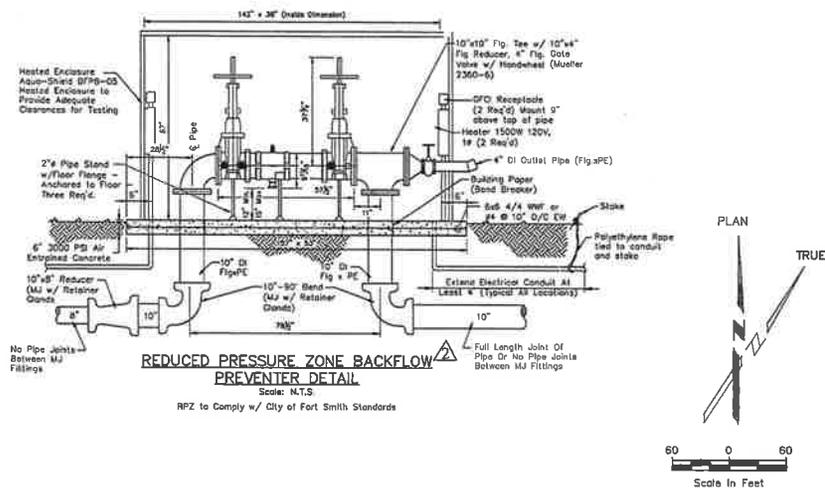
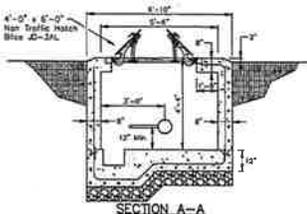
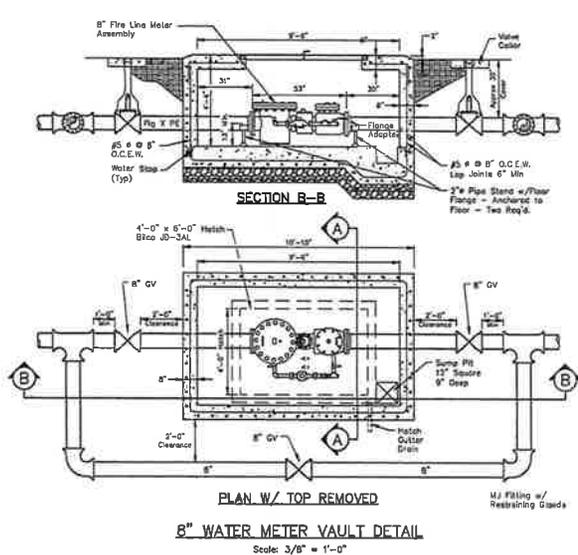
VICINITY MAP & INDEX  
ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE  
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

Author:  
Drawn by: J. MOLES

C1

S:\Projects\2014\Projects\College of Osteopathic Medicine - Chaffee Crossing\Drawings\Site\2014-06-23\2014-06-23-01.dwg

MW



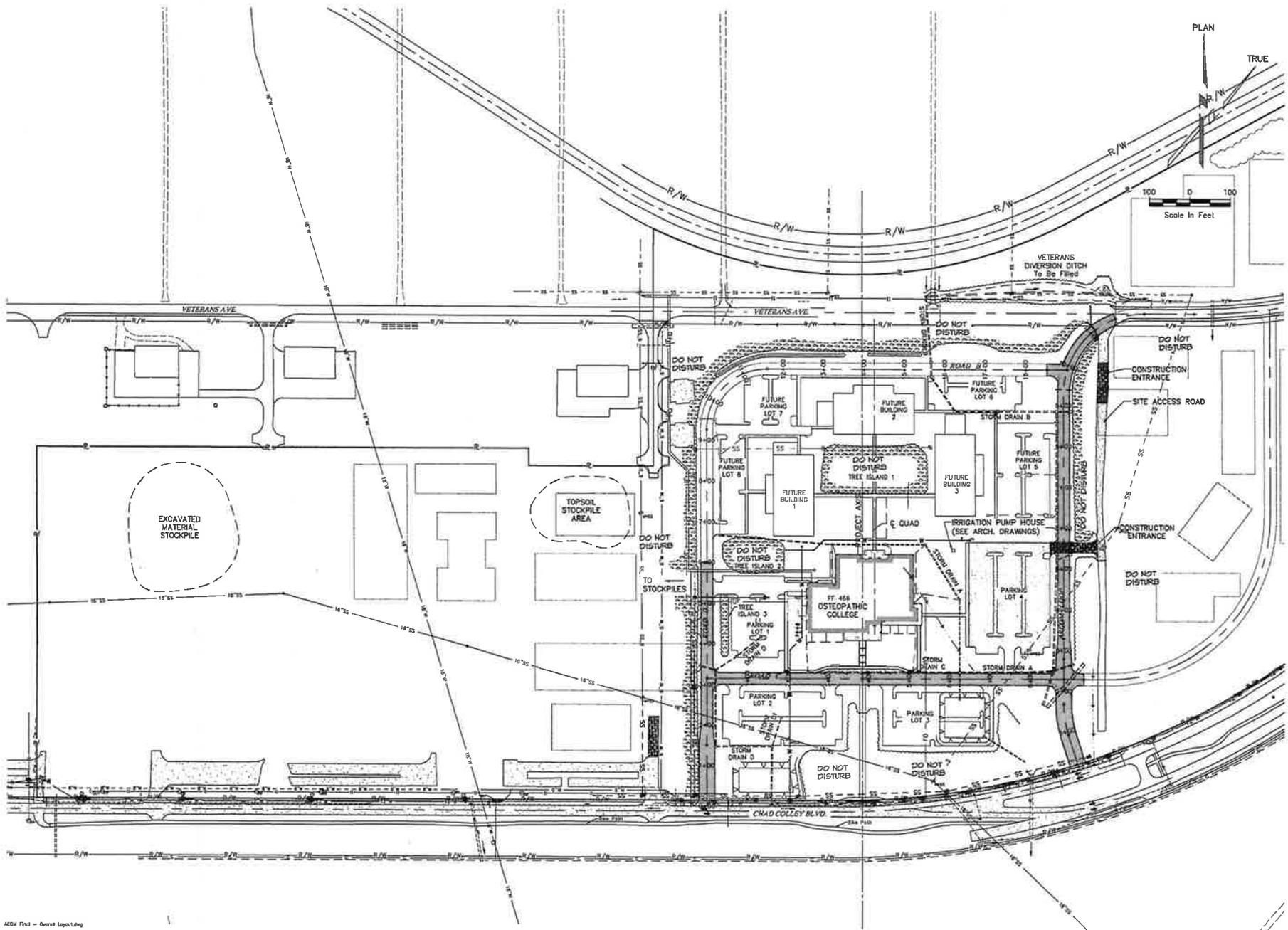
MICHAEL WACNER COLEMAN  
Engineers-Construction Administrators

TIM A. RISLEY & ASSOCIATES  
ARCHITECTS AND PLANNERS

UTILITY LAYOUT  
ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE  
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

Author: J. ADLER

C6



MICHAEL  
 WACHNER  
 COLEMAN  
 ENGINEERS-PLANNERS-ARCHITECTS-INTERIORS

TIM A. RISLEY & ASSOCIATES  
 ARCHITECTS AND PLANNERS  
 1110 W. MAIN ST. SUITE 1000  
 FORT SMITH, ARKANSAS 72901  
 PHONE: (479) 653-3333 FAX: (479) 653-3333

**OVERALL LAYOUT**  
**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE**  
 CHAFFEE CROSSING, FORT SMITH, ARKANSAS

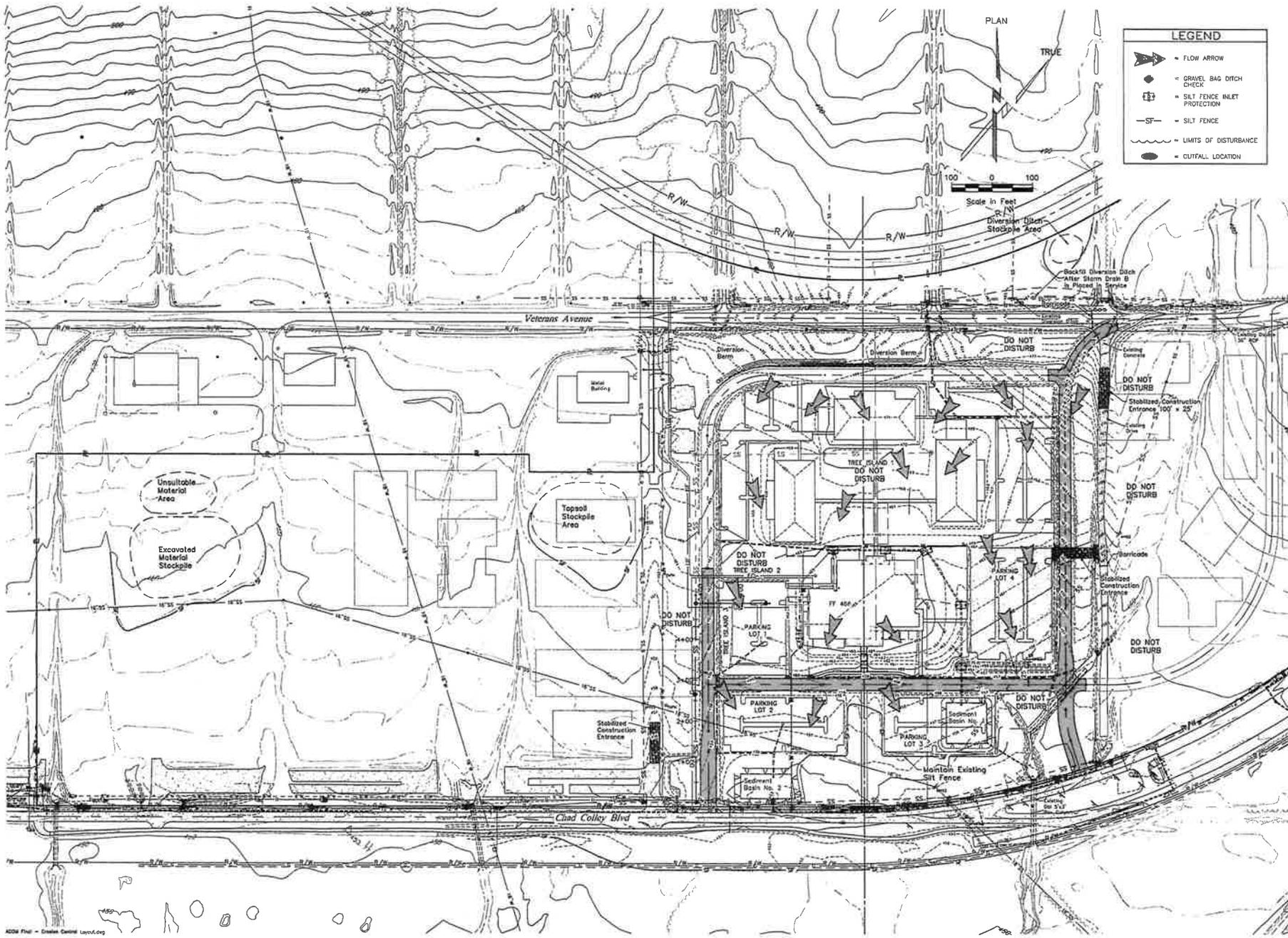
Drawn by: J. MOLEN

12  
 21  
 2015  
 11-20  
 Sheet 23 of 35  
**C2**

ACDM Final - Overall Layout.dwg



22



**LEGEND**

- FLOW ARROW
- GRAVEL BAG DITCH CHECK
- SILT FENCE INLET PROTECTION
- SILT FENCE
- LIMITS OF DISTURBANCE
- CUTFALL LOCATION

3400 SHELBY DR. IN  
FORT SMITH, ARKANSAS  
783-844-1111  
www.mcclellan.com

**MCCLELLAN  
WACHEN  
COLEMAN**

Engineers-Architects-Planners

**T.M.A. RISLEY & ASSOCIATES  
ARCHITECTS AND PLANNERS**

1110 COMMERCIAL BLVD. - 1ST FLOOR - FORT SMITH, ARKANSAS 72301  
PHONE: (479) 233-1111 FAX: (479) 233-1112 WWW: www.tmarisley.com

**EROSION CONTROL LAYOUT**

**ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE**

CHARLEB CROSSING, FORT SMITH, ARKANSAS

Scale: 1" = 100'

Date: 1/6/15

Project: 15-001

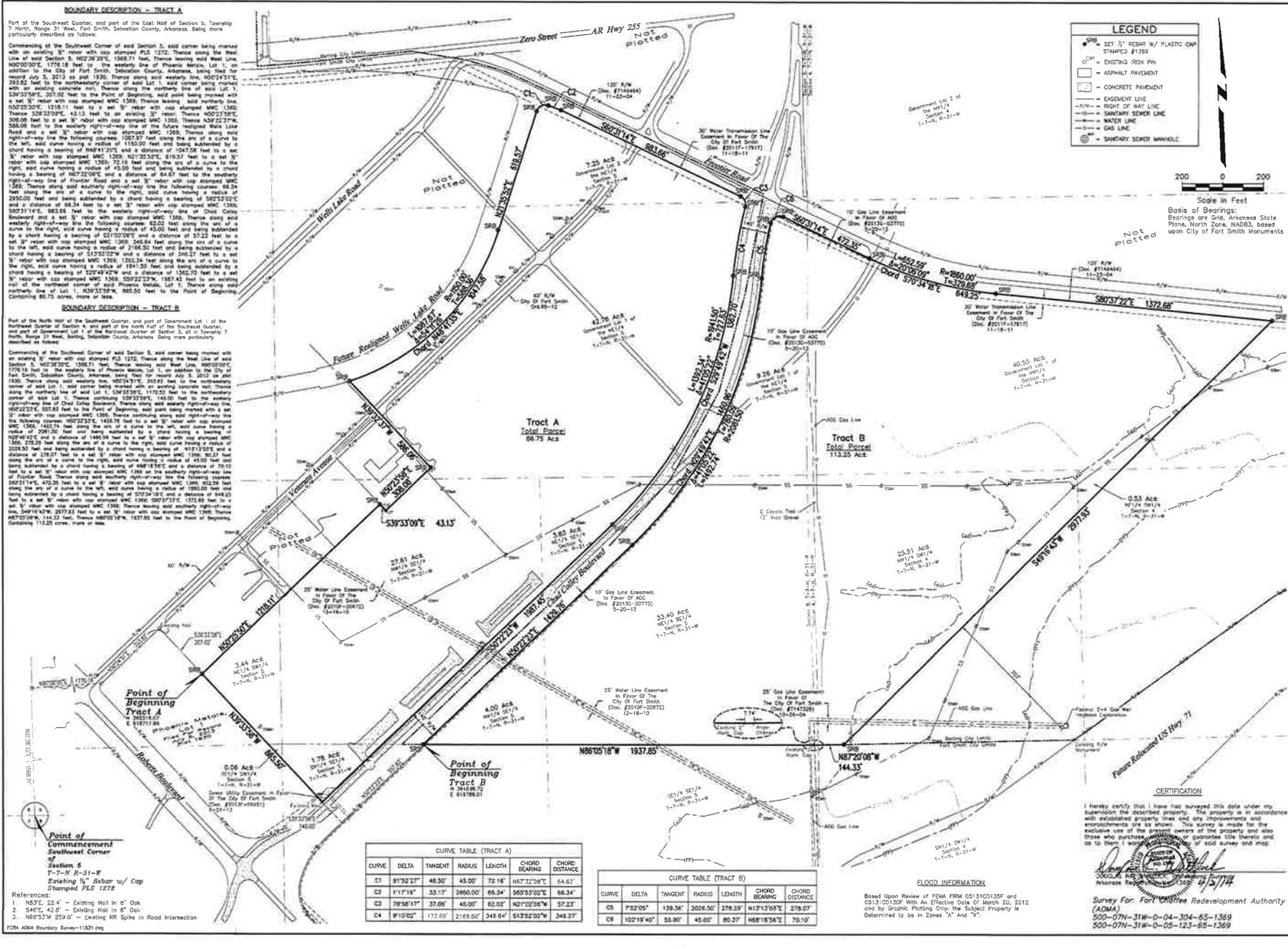
Sheet: 33 of 33

**C3**

S:\Information\Projects\15-001\15-001-001\15-001-001-001.dwg 1/6/15 11:00 AM

AK208 Plot - Create Control Layout.dwg

22-1



**LEGEND**

- SET 3" REBAR W/ PLASTIC CAP STAMPED #1360
- EXISTING IRON PIN
- ▭ ASPHALT PAVEMENT
- ▭ CONCRETE PAVEMENT
- EASEMENT LINE
- - - RIGHT OF WAY LINE
- WATER LINE
- GAS LINE
- ⊗ SANITARY SEWER MANHOLE

Scale in Feet  
0 100 200

Basis of Bearings:  
Bearings are Grid, Arkansas State Plane, North Zone, NAD83, based upon City of Fort Smith Monuments

**BOUNDARY SURVEY**

Part of the W 1/2 of Section 4, Part of the SW 1/4, & Part of the E 1/2 of Section 5, All in Township 7 North, Range 31 West

**SEBASTIAN COUNTY, ARKANSAS**

**MICKLE WAGNER COLEMAN**  
Engineers-Consultants-Surveyors  
(479) 646-9484  
P.O. Box 157  
Fort Smith, Arkansas  
mwc@mw-eng.com

**CERTIFICATION**

I hereby certify that I have had surveyed this data under my supervision the described property. The property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and who those who purchase hereafter shall guarantee title thereto and as to the validity of said survey and map.

**FLOOD INFORMATION**

Based Upon Review of FEMA Form 0513(01)35F and 0513(01)30F With An Effective Date of March 20, 2012 and by Graphic Notation Only, the Subject Property is Determined to be in Zones "A" and "X".

Survey For: Fort Charles Redevelopment Authority (ADMA)  
500-07N-31W-0-04-304-85-1359  
500-07N-31W-0-05-123-85-1369

DATE: \_\_\_\_\_ BY: \_\_\_\_\_ REVISION: \_\_\_\_\_

SHEET 1 OF 1

**CURVE TABLE (TRACT A)**

CURVE	DELTA	TANGENT	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	81°32'27"	48.50'	45.00'	72.18'	N67°32'08"E	64.67'
C2	1°17'18"	33.17'	2960.00'	66.54'	S69°33'02"E	66.34'
C3	78°38'13"	37.06'	45.00'	62.02'	N2°10'56"W	57.23'
C4	81°02'25"	173.69'	2189.50'	349.84'	S13°52'02"W	348.27'

**CURVE TABLE (TRACT B)**

CURVE	DELTA	TANGENT	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C5	7°32'09"	139.34'	2026.50'	278.33'	N13°13'03"E	278.03'
C6	102°18'40"	55.90'	45.00'	80.37'	N68°18'56"E	76.10'

References:  
1. N63°2' 22" - Existing N61 in 8" Oak  
2. S46°1' 42" - Existing N61 in 8" Oak  
3. N66°53'W 259.0' - Existing RR Spike in Road Intersection

FOR ADMA Boundary Survey-11831.dwg

22-2





22-4



225



22-6





BCD Properties, LLC  
1122 South 23<sup>rd</sup> Street  
Fort Smith, AR 72901

Fort Chaffee Redevelopment  
P. O. Box 11165  
Fort Smith, AR 72917

Phoenix Corporation  
4685 Buford Hwy.  
Norcross, GA 30071

The Degen Foundation  
P. O. Box 10366  
Fort Smith, AR 72917

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

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

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

Mr. Wally Bailey spoke on the procedures.

**1. Adoption of the City of Fort Smith Comprehensive Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND  
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

---

**WHEREAS**, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on December 9, 2014, that said change be made; and,

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 23-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on December 9, 2014, that said change be made;

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

**SECTION 1:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Extra Territorial Jurisdiction Neighborhood Commercial to Extra Territorial Jurisdiction Light Industrial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Lot 1 of Triangle Park more commonly known as 12934 Old Highway 71 South.

**SECTION 2:** The real property described in Section 1 above is hereby rezoned from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light (ETJ I-1) by Classification.

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

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

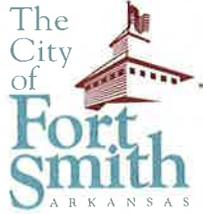
**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



December 29, 2014

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

Re: A request by Kelly Wilson, agent for Eddy & Kathryn Beshears, for Planning Commission consideration of a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to Extra Territorial Jurisdiction Light Industrial and a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light (ETJ I-1) by Classification located at 12934 Old Highway 71 South.

On December 9, 2014, the City Planning Commission held a public hearing to consider the above requests.

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

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

The zoning of land in the ETJ complies with the Comprehensive Plan Policy 1.3.1 – "Exercise the City's extraterritorial jurisdiction over land in Sebastian County."

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

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

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

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

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

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

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

A handwritten signature in black ink that reads "Marshall L. Sharpe". The signature is written in a cursive style with a large initial 'M'.

Marshall Sharpe, Chairman

MS/lp

cc: File  
City Administrator

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Proposed Master Land Use Plan Amendment by Kelly Wilson, agent, at 12934 Old Highway 71 from ETJ Neighborhood Commercial to ETJ Light Industrial (companion to item #6)

The Planning Department is in receipt of an application from Kelly Wilson, agent, to amend the ETJ Master Land Use Map from ETJ Commercial Neighborhood to ETJ Light Industrial to accommodate a proposed zoning. The subject property is on Old Highway 71 just south of the intersection of Mine 18 Road. The tract contains an area of 3 acres with approximately 194 feet of street frontage along Old Highway 71 and approximately 249 feet of street frontage along Mine 18 Road.

The property is currently zoned ETJ Open-1. A companion zoning application requests an ETJ Industrial Light zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The areas to the north are zoned Neighborhood Commercial and are developed as a warehouse and undeveloped property.

The areas to the east are zoned Neighborhood Commercial and are undeveloped.

The areas to the south are zoned Neighborhood Commercial and are undeveloped.

The areas to the west are zoned Low Density Residential and are developed as single family residences.

### PROPOSED LAND USE

The proposed Master Land Use classification of ETJ Light Industrial is described as follows:

5A

This zone is established to provide light manufacturing, research technology, processing, storage, wholesaling and distribution under high environmental performance standards. Commercial and service uses in support of industrial uses are also permitted.

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

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

**EXISTING MASTER LAND USE**

The ETJ Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides for areas in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application.

The property is part of a subdivision known as Triangle Park. This development is more an industrial park than neighborhood services.

5B



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

NO CHANGE TO EXIST'G ROADS

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

NO CHANGE TO EXIST'G UTILITIES  
FS WATER, AOG, PARK VALLEY ELECTRIC, SEPTIC SYSTEM

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

NO CHANGE TO EXIST'G

7. Identify any known or anticipated environmental concerns:

NONE KNOWN

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

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

50

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

NO POTENTIAL CHANGES

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

NO CHANGES IN USE

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

NO CHANGES IN USE, JUST CHANGE IN ZONING REQUESTED.

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

NO CHANGES FORESEEN BY OWNER, PLAN ON USING PROPERTY FOR SAME USE IN FUTURE.

N/A

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

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

**AUTHORIZATION OF AGENT**

SE

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

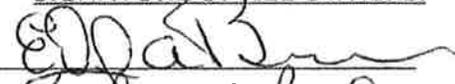
We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize KELLY WILSON to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. EDDY BESHEARS

  
Kathryn A Beshears

2. KATHRYN BESHEARS

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

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

5F

Certification

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

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

Kelly Wilson

11/12/2014

Signature (Agent/Owner)

Date

---

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

---

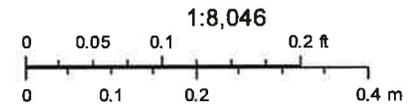
# Master Land Use: From ETJ Neighborhood Commercial to ETJ Light Industrial 12934 Old Highway 71



November 19, 2014

[ ] Fort Smith City Limits

- Commercial
- Commercial Neighborhood



51

PLAT CERTIFIED CORRECT:

Neal B. Wagner  
Reg. Professional Land Surveyor  
Arkansas No. 154

PLANNING COMMISSION APPROVAL

Date  
Chairman  
Secretary

FILED FOR RECORD this . . . . Day of  
19 . . . at . . . O'clock . . . M.  
Clerk and Ex-Officio Recorder  
by . . . . .

THIS PLAT FILED for the purpose of placing on record  
Old Highway 71 Addition, Lots 1 thru 5

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for Utility, drainage, access and other purposes. Any easement designated as a utility easement is dedicated to the City for the installation, operation and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed from the dedicated easements trees, hedges and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

ALLOTTERS: John Williams & Eddie Beshears

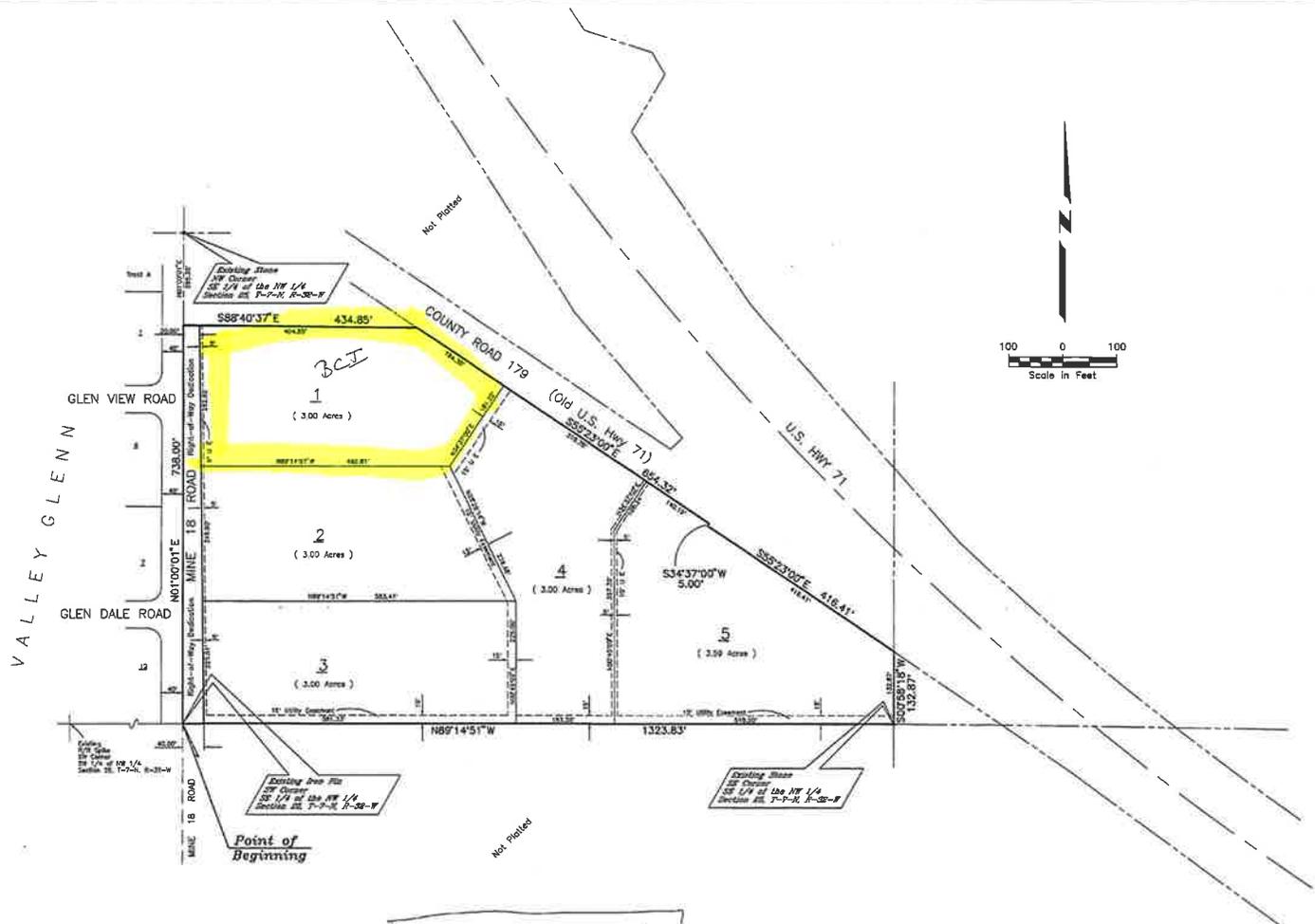
STATE OF ARKANSAS  
COUNTY OF SEBASTIAN: Sworn and subscribed by me  
this . . . . . Day of . . . . .  
Notary Public  
My Commission Expires . . . . .

**LEGEND**

BSL	Building Setback Line	-----
UE	Utility Easement	-----
Drg Eas't	Drainage Easement	-----
S.S. Eas't	Sanitary Sewer Easement	-----
R/W	Right-of-Way	-----

- NOTES: 1. 1/2" Iron Pins Set At Property Corners.  
2. All Right of Way Return Road 25.0'.  
3. All Distances along Curves are Chord Distances Unless Otherwise Noted.

**Boundary Description**  
As Permitted  
A part of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 25, Township-7-North, Range-32-West, Sebastian County, Arkansas. More particularly described as follows:  
Beginning at the Southwest Corner of said East Half (E 1/2) of the Northwest Quarter (NW 1/4), said point being an existing iron pin; thence S 89°20'1" E, 728.00 feet along the West line of said E 1/2 of the NW 1/4, to an existing iron pin; thence S 88°42'3" E, 434.85 feet to an existing iron pin and the Southern Right-of-Way of Old U.S. Highway 71; thence S 52°23'00" E, 104.32 feet along said Southern Right-of-Way, thence S 34°31'00" N, 3.00 feet; thence S 52°23'00" E, 418.41 feet to the East line of said SE 1/4 of the NW 1/4 and a set iron pin; thence S 02°25'15" N, 132.87 feet along said East line to the Southeast Corner of said SE 1/4 of the NW 1/4 and an existing stone; thence N 89°14'51" W, 1323.83 feet to the Point of Beginning. Lane and Except public road right-of-way, containing a gross area of 18.20 acres more or less.



TRIANGLE PARK

# OLD HIGHWAY 71 ADDITION

A part of the SE 1/4 of the NW 1/4 of Section 25, T-7-N, R-32-W  
Fort Smith, Sebastian County, Arkansas

PLOTTED MAR 0-5 1997

MICKLE-WAGNER-COLEMAN, INC.  
Engineers Surveyors Consultants  
P.O. Box 1507 Fort Smith, Arkansas  
Scale: 1" = 100' February, 1997

Owner and Developer  
JOHN WILLIAMS  
8220 Hwy 271 South  
Fort Smith, Arkansas 72903

Owner  
EDDIE BESHEARS  
5028 South 36th Street  
Fort Smith, Arkansas 72903

C:\WORK\1997\map71.dwg Plot Date: 02/18/97 09:37:1997 LP

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #24-12-14 - A request by Kelly Wilson, agent, for Planning Commission consideration of a zone request from ETJ Open-1 to ETJ Industrial Light (I-1) by classification at 12934 Old Highway 71 (Companion to item #5)

## PROPOSED ZONING

The owners are requesting to rezone the property to reflect how the area developed. This property is the location of Beshears Construction and is in use as a contractor's shop and storage yard.

## LOT LOCATION AND SIZE

The subject property is on Old Highway 71 just south of the intersection of Mine 18 Road. The tract contains an area of 3 acres with approximately 194 feet of street frontage along Old Highway 71 and approximately 249 feet of street frontage along Mine 18 Road.

## REQUESTED ZONING

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

### Purpose:

To provide for a mix of light manufacturing uses, office park, research and development, and limited retail/service uses in an attractive, business park setting. Industrial light may be used as a transition between mixed use or commercial uses and heavier industrial uses. I-1 zoning is appropriate in the light industrial classification of the ETJ land use map.

### Permitted Uses:

Car wash, various auto related businesses, convenience store, agricultural equipment, hardware, home centers, lawn and garden, lumber yard and building materials, heating and plumbing equipment, grocery store and financial institutions are examples of permitted uses.

6A

**Conditional Uses:**

Automobile storage, truck stop, medical laboratory, snack or nonalcoholic bar, café, automobile parking, recycling drop-off, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

**Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet
Minimum Lot Width at Setback Line – 100 feet	Maximum Lot Coverage - 75%
Minimum parcel/lot size – 2 acres	
Minimum Street Frontage – N/A	
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 Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Required street access: Major Arterial or higher	

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned ETJ Open-1 and are developed as a warehouse and undeveloped property.

LB

The areas to the east are zoned ETJ Open-1 and are undeveloped.

The areas to the south are zoned ETJ Open-1 and are undeveloped.

The areas to the west are zoned ETJ Open-1 and are developed as single family residences.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The land use classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas. A companion Master Land Use Plan application requests to change the Master Land Use from ETJ Neighborhood Commercial to ETJ Light Industrial.

### **STAFF COMMENTS AND RECOMMENDATIONS**

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

Staff recommends approval of this request contingent upon the approval of the companion Master Land Use Plan Amendment.

6C

Rez. # 24-12-14

**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)

Lot 1 of Triangle Park

- 2. Address of property: 12934 Old Highway 71 South, Fort Smith, AR 72916

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

- 4. Application is hereby made to change the zoning classification of the above described property to ~~ETJ~~ Industrial Light I1 by ETJ Classification.  
(Extension or classification)

- 5. Why is the zoning change requested?

Anticipating annexation into City of Fort Smith, business operates as a construction firm with a yard.

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

Signed:

KELLY WILSON  
Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

PO Box 6299, Fort Smith, AR  
Owner or Agent Mailing Address

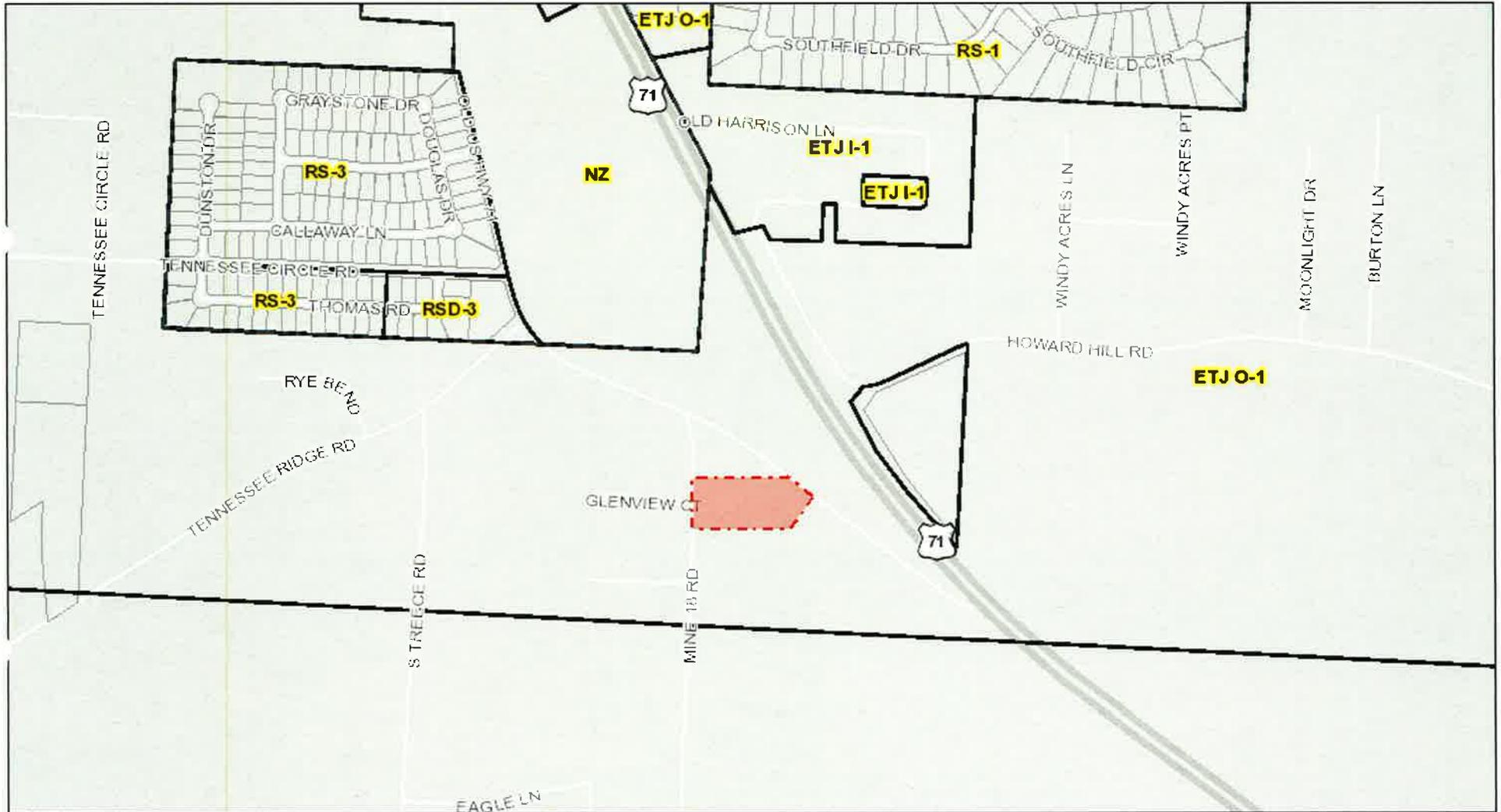
or  
Kelly Wilson  
Agent

479-646-0846  
Owner or Agent Phone Number

60

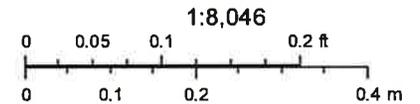
# Rezoning #24-12-14: From ETJ Open-1 to ETJ Light Industrial (ETJ I-1) 12934 Old Highway 71

6E  
79



November 19, 2014

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



City of Fort Smith GIS  
Copyright 2013, City of Fort Smith

PLAT CERTIFIED CORRECT:

Neal B. Wagner  
Reg. Professional Land Surveyor  
Arkansas No. 134

PLANNING COMMISSION APPROVAL

Date  
Chairman  
Secretary

FILED FOR RECORD this Day of  
19 at O'clock  
Clerk and Ex-Officio Recorder  
by

THIS PLAT FILED for the purpose of placing on record  
Old Highway 71 Addition, Lots 1 thru 5

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and sand trimmed from the dedicated easements trees, hedges and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

ALLOTTERS: John Williams & Eddie Beshears

STATE OF ARKANSAS  
COUNTY OF SEBASTIAN: Sworn and subscribed by me  
this Day of  
Notary Public  
My Commission Expires

LEGEND

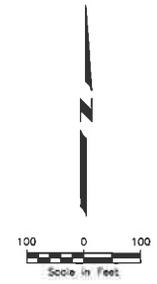
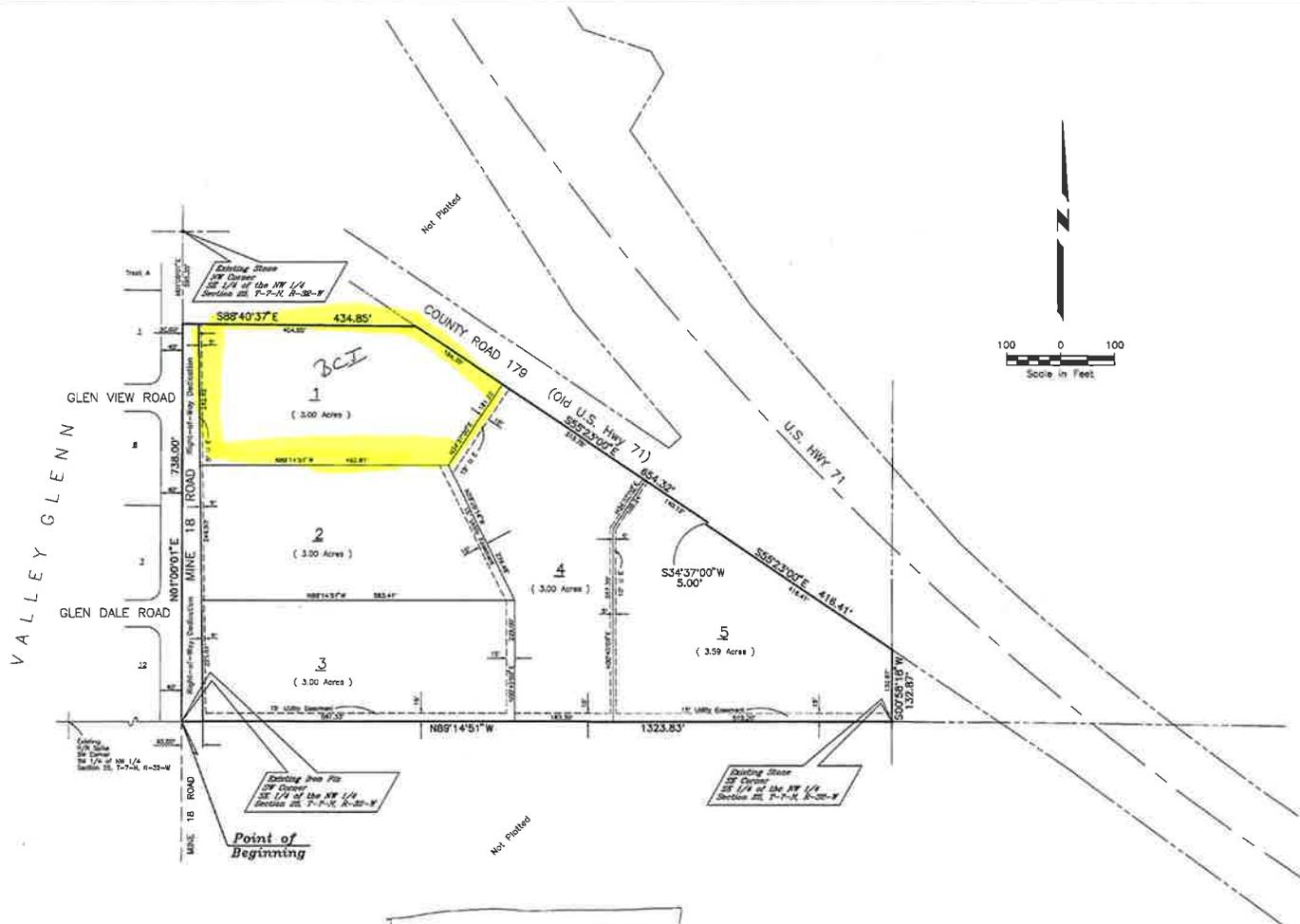
BSL	Balancing Setback Line	-----
UC	Utility Easement	-----
Dr Eas't	Drainage Easement	-----
S.S. Eas't	Sanitary Sewer Easement	-----
R/W	Right-of-Way	----- R/W -----

- NOTES:
- 1/2" Iron Pins Set At Property Corners.
  - All Right of Way Return Road 25.07'.
  - All Distances along Curves are Chord Distances Unless Otherwise Noted.

Boundary Description  
As Surveyed

A part of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 25, Township-7-North, Range-32-West, Sebastian County, Arkansas. More particularly described as follows:

Beginning at the Southwest Corner of said East Half (E 1/2) of the Northwest Quarter (NW 1/4), and said point being an existing iron pin, thence N 01°00'00" E, 238.00 feet along the West line of said E 1/2 of the NW 1/4 to an existing iron pin and the Southern Right-of-Way of Old U.S. Highway 71; thence S 89°43'00" E, 434.85 feet to an existing iron pin and the Southern Right-of-Way of Old U.S. Highway 71; thence S 22°23'00" E, 654.52 feet along said Southern Right-of-Way; thence S 34°23'00" W, 3.00 feet; thence S 82°20'00" E, 416.41 feet to the East line of said SE 1/4 of the NW 1/4 and a set iron pin; thence S 00°58'15" W, 132.87 feet, along said East line to the Southeast Corner of said SE 1/4 of the NW 1/4 and an existing stake; thence N 89°14'51" W, 1323.83 feet to the Point of Beginning. Less and Except public road right-of-way. Containing a gross area of 16.20 acres more or less.



TRIANGLE PARK

# OLD HIGHWAY 71 ADDITION

A part of the SE 1/4 of the NW 1/4 of Section 25, T-7-N, R-32-W  
Fort Smith, Sebastian County, Arkansas

MICKLE-WAGNER-COLEMAN, INC.  
Engineers Surveyors Consultants  
P.O. Box 1507 Fort Smith, Arkansas  
Scale: 1" = 100' February, 1997

Owner and Developer  
**JOHN WILLIAMS**  
8220 Hwy 271 South  
Fort Smith, Arkansas 72903

Owner  
**EDDIE BESHEARS**  
502B South 36th Street  
Fort Smith, Arkansas 72903

PLOTTED MAR 0-5 1997

CHW71AD.DWG

C:\WORK\Kung\71ad.dwg Plot Date: 05/10/97 09:37:1997

Jimmy Sisco & Cathy Barton  
6101 Glenview Court  
Fort Smith, AR 72916

Robert Ross  
3014 Southridge Estates  
Fort Smith, AR 72916

Thomas & Geraldine Ross  
2213 South 66<sup>th</sup> Street  
Fort Smith, AR 72903

Arkansas Triangle Park Properties, LLC  
505 W. 21<sup>st</sup> Street  
Georgetown, TX 78626

Eddy & Kathryn Beshears  
P. O. Box 6299  
Fort Smith, AR 72916

Terry & Janet Smith  
13104 Mine 18 Road  
Fort Smith, AR 72901

Waldron Franks  
6101 Glendale Terrace  
Fort Smith, AR 72901

Kelly Buerger  
13010 Mine Road  
Fort Smith, AR 72901

William & Sharon Ginger  
6313 Howard Hill Road  
Fort Smith, AR 72916

**Planning Commission Meeting Minutes  
December 9, 2014**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ORDINANCE NO. \_\_\_\_\_**

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

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**WHEREAS**, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on December 9, 2014, that said change be made; and,

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 25-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on December 9, 2014, that said change be made;

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

**SECTION 1:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Open Space and Office, Research & Light Industrial to Neighborhood Commercial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 34, Township 8 North, Range 32 West, City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing rebar marking the northwest corner of said NE ¼ NW ¼; thence S 03°11'08"W, along the West line of said NE ¼ NW ¼, 283.87 feet to a set iron

pin; thence S 87°25'37"E, leaving said West line of NE ¼ NW ¼, 21.35 feet to a set iron pin marking the point of beginning; thence S 87°25'06"E, 231.80 feet; thence S 03°16'04"W, 18.72 feet; S 86°52'23" E, 447.58 feet; thence S 03°16'06" W, 260.00 feet to a point along the northerly right-of-way line of Phoenix Avenue; thence N 86°52'23" W, along said northerly right-of-way line, 656.55 feet; thence N 35°16'41" W, 23.56 feet to a set iron pin on the easterly right-of-way line of South 31<sup>st</sup> Street; thence N 03°26'10"W along said easterly right-of-way line of South 31<sup>st</sup> Street, 51.87 feet to a set iron pin; thence N 02°41'26" E continuing along said easterly right-of-way line of South 31<sup>st</sup> Street, 206.53 feet to the point of beginning containing 4.13 acres, more or less, being subject to public road rights-of-way and any easements of record.

more commonly known as 3101-3225 Phoenix Avenue, subject to a drainage plan and a traffic study being submitted and approved prior to any development.

**SECTION 2:** The real property described in Section 1 is hereby rezoned from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**ATTEST:**

**APPROVED:**

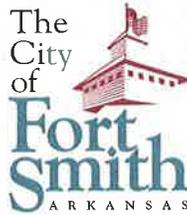
\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



December 29, 2014

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

Re: A request by Brandon Woodrome, agent, for Planning Commission consideration of a Master Land Use Plan Amendment from Open Space and Office, Research & Light Industrial to Neighborhood Commercial and a zone change from Residential Multi-Family Medium Density (RM-3) to a Planned Zoning District (PZD) located at 3101-3225 Phoenix Avenue.

On December 9, 2014, the City Planning Commission held a public hearing to consider the above requests.

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow a three-lot development that will include a restaurant, medical clinic, a six-unit strip center and a hair salon. Ms. Andrews noted that the proposed restaurant would be serving breakfast and lunch only. Ms. Andrews also noted that the City Engineering Department has reviewed this development and will be requiring submittal and approval of a drainage plan as well as a traffic study.

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

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

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

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

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

which could be constructed based on the existing zoning classification. Mr. Mike Newman, 3024 Osage and Ms. Mary Karber, 2900 Memphis, were present to speak in opposition to these requests. Mr. Newman stated that he felt this development would be incompatible with the surrounding residential area, would increase traffic and decrease his property values. Mr. Newman also stated that he would rather see a multi-family development constructed rather than the proposed retail development. Ms. Karber agreed with Mr. Newman's concerns relative to this development.

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

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 9 in favor and 0 opposed.

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

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

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

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

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

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

The Planning Department is in receipt of an application to amend the Master Land Use Map from Open Space and Office, Research & Light Industrial to Neighborhood Commercial to accommodate a proposed Planned Zoning District (PZD) zoning request. The subject property is on the north side of Phoenix Avenue between South 31<sup>st</sup> Street and South 34<sup>th</sup> Street. The tract contains an area of 4.13 acres with approximately 700 feet of street frontage along Phoenix Avenue and 530 feet of street frontage along South 31<sup>st</sup> Street.

The property is currently zoned Residential Multi-Family Medium Density (RM-3). A companion zoning application requests a Planned Zoning District. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as Office, Research and Light Industrial and is the undeveloped.

The area to the east is classified as Office, Research and Light Industrial and is developed as General Office for the Arkansas Oil and Gas Commission.

The area to the south is classified as Open Space and is developed as single family residences.

The area to the west is classified as Open Space and Residential Detached and is developed as single family residences.

7A

**The proposed Land Use classification of Neighborhood Commercial is described as follows:**

The *Neighborhood Commercial* land use classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

**Characteristics and Use:**

These areas are small in scale and designed to meet the immediate needs of people living or working within a half-mile radius. Ice cream, coffee shops, movie rentals, specialty retail, small grocery, drug store, and personal & professional services are appropriate. Parking is limited, and drive-thru is prohibited.

**Criteria for Designation:**

**Compliance Noted**

- |  |            |
|--|------------|
| • Located on a collector or arterial   | <b>YES</b> |
| • Land area generally surrounded by residential type uses, but may occur within large employers or students  | <b>YES</b> |
| • Parcels of less than an acre would not be classified as NC unless designed as a complex of compatible goods and services for a pedestrian environment. | <b>YES</b> |

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Phoenix Avenue as a Major Arterial and South 31<sup>st</sup> Street as a local road.

**STAFF COMMENTS AND RECOMMENDATIONS**

The applicant has held two neighborhood meetings. The first meeting was held on Tuesday, September 30<sup>th</sup> at 5:30 P.M. at 3201 Rogers Avenue with three neighboring property owners in attendance. One property owner voiced his opinion that he was not in favor of the proposed change. A letter from that property owner requesting that the planning commission deny the companion rezoning is enclosed.

The second neighborhood meeting was held on Thursday October 9, 2014 at 3201 Rogers Avenue. This meeting was attended by nine property owners. No objections were expressed at this meeting. A copy of the attendance records and meeting summaries are enclosed.

Additionally if the Planning Commission is inclined to approve this change Staff recommends the approval be contingent upon the following:

1. Approval of the companion rezoning application and any Planning Commission amendments.

7B

## Application Type

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

Request to Amend Map       
 Request to Amend Text   

Applicant Name: <u>Brandon Woodrome</u>		
Firm Name: <u>Behr, LLC</u>		
Address: <u>PO Box 2771</u>		
Phone # (day): <u>479-242-4663</u> Phone # (cell): <u>479-883-0957</u> Fax #: <u>479-242-0735</u>		
Owner Name: <u>Ben David</u>		
Owner Address:		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property): <u>NE corner S. 31<sup>st</sup> + Phoenix Ave.</u>		
<b>Subject Property</b>		
Current Land Use: <del>vacant</del> - <u>gas well / vacant</u>		
Existing MLUP Classification: <u>Open Space - Office, Research + Light Industrial</u>		
Proposed MLUP Classification: <u>Neighborhood Commercial</u>		
Existing Zoning Classification: <u>RM-3</u>		
Proposed Zoning Classification: <u>P2D</u>		
<b>Surrounding Property</b>		
Current Land Use: north- <u>Vacant</u>		
south- <u>Single + Multi-family dwellings</u>		
east- <u>Oil + Gas Commission</u>		
west- <u>Single family dwellings</u>		
Existing MLUP Classification: north: <u>Residential Detached + Research + Light Industrial</u>		
south: <u>Open space + Residential <del>Detached</del> Attached</u>		
east: <u>Open Space + Research + Light Industrial</u>		
west: <u>Open space + Residential Detached</u>		
Existing Zoning Classification: north: <u>RS-2 + RS-3</u>		
south: <u>RM-3</u>		
east: <u>T</u>		
west: <u>RS-3</u>		
Pre-Application Meeting Date:		

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

7C

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

see plan + PZD Booklet

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

see plan + PZD Booklet

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

see PZD Booklet

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7. Identify any known or anticipated environmental concerns:

None to my knowledge

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

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

7D

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

N/A

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

N/A

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

N/A

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

N/A

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

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

**AUTHORIZATION OF AGENT**

7E

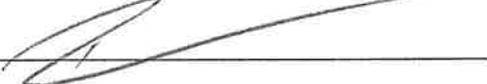
If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Brandon Woodrome to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Ben David 
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

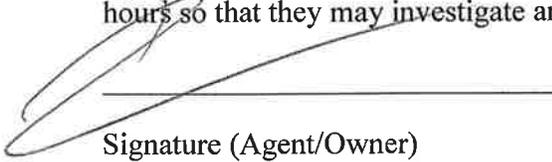
*This form is necessary only when the person representing this request does not own all property.*

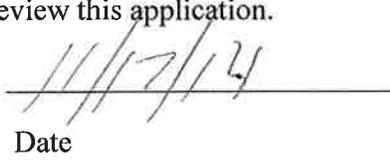
7F

Certification

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

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

  
\_\_\_\_\_  
Signature (Agent/Owner)

  
\_\_\_\_\_  
Date

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

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# Master Land Use: From Open Space & Office, Research & Light Industrial to Neighborhood Commercial

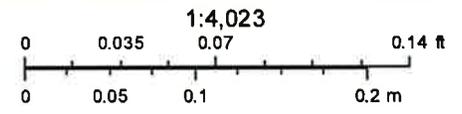
## 4613 South 31st Street & 3101, 3201 and 3225 Phoenix Avenue

HC



November 19, 2014

-  Fort Smith City Limits
-  Building Footprints
-  Commercial



City of Fort Smith GIS  
Copyright 2013, City of Fort Smith

3024 Osage St.  
Fort Smith, AR 72901  
Cell: 479-831-9400  
December 1, 2014

Fort Smith Planning Commission  
c/o Wally Bailey, Director of Planning/Zoning  
623 Garrison Avenue  
Fort Smith, AR 72901

**RE: Strip Mall Rezoning at W. Phoenix & 31st Street**

Dear Members of the Planning Commission:

I am writing to ask that you reject the requested rezoning of the property at W. Phoenix Ave. and 31st Street from residential to commercial (via planned zoning district) for the construction of a dry-cleaning strip mall and restaurant.

Allowing the commercial development of a dry-cleaning strip mall and restaurant in the middle of our well-established residential neighborhood is completely unnecessary and would have a very negative impact on the hundreds of Fort Smith residents who live in our neighborhood.

Please reject this inappropriate request for a rezoning to put a restaurant and strip mall in our neighborhood. Thank you.



Mike Newman



9.11.2014

BEHR LLC  
PO Box 2771  
Fort smith, AR 72913

RE: Rezoning Part of the NE1/4 of the NW1/4 of Section 34,  
Township 8 North, Range 32 West, Fort Smith, Sebastian County Arkansas.

Dear Property Owner:

We are planning to get the South Half of the above property rezoned to a Planned Zoning District (PZD) to allow for the new construction of a Restaurant, Strip Mall, Hair Salon, and Clinic located to the NE of the intersection of South 31<sup>st</sup> Street and Phoenix Ave. The North half will remain RM-3.

In order to better inform surrounding property owners of the plans to rezone this property, and to answer any questions regarding the rezoning of this property, a meeting has been scheduled for 5:30 p.m. to 6:30 p.m. Tuesday, September 30, 2014, in the Community Room located on the first floor of the Fort Smith Public Library located at 3201 Rogers Ave., Fort Smith, AR 72903.

Sincerely,

BEHR LLC

A handwritten signature in black ink, appearing to read "Brandon Woodrome", written over a horizontal line.

Brandon Woodrome

## Neighborhood Meeting Summaries

### September 30<sup>th</sup>

On September 30th a neighborhood meeting was held to discuss the proposed zone change at 31st and Pheonix acreage. At the meeting Mike Newman of the attendees was the only one to speak. He expressed concern that the property would "ruin" the neighborhood. To try to find some common ground I arranged to have second meeting to try to accomodate his concerns.

### October 9<sup>th</sup>

The follow up meeting was held on Oct 9th. While Mike Newman did not show to further discuss, several other residents did. There were no concerns expressed just clarifying questions about the development.

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

Meeting Location Fort Smith Public Library

Meeting Time & Date 5:30 Sept 30<sup>th</sup>

Meeting Purpose Neighborhood meeting

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Mike Newman	3024 Osage St,	479-831-9400 (M)
2.	Tyler Miller	City of Fort Smith	479-789-2241
3.	Hien phung		479-719/1481
4.	Huy Phung		
5.			
6.			
7.			
8.			
9.			
10.			
11.			

76

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Public Library

Meeting Time & Date 4pm 10/9

Meeting Purpose Neighborhood meeting #2

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Ben Anderson</u>	<u>4906 S. 27<sup>th</sup> St.</u>	<u>479.652.7490</u>
2.	<u>Lee Prince</u>	<u>3023 Memphis St.</u>	<u>479 522-1197</u>
3.	<u>Heath Woodruff</u>	<u>4110 Seminole Circle</u>	<u>479.883.1430</u>
4.	<u>Daytona Richardson</u>	<u>4906 S. 27<sup>th</sup> St.</u>	<u>479.652.7560</u>
5.	<u>Bey Harris</u>	<u>4301 50 31<sup>st</sup></u>	<u>479 353 2900</u>
6.	<u>Don Harris</u>	<u>4301 50 31<sup>st</sup></u>	<u>479 353 2901</u>
7.	<u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>479.784.2241</u>
8.	<u>Carlos Cruz</u>	<u>4805 S. 27<sup>th</sup></u>	<u>479-926.2124</u>
9.	<u>Ashley Cruz</u>	<u>4805 S. 27<sup>th</sup></u>	<u>479-926.6687</u>
10.	<u>Lorrie Robinson</u>	<u>5009 S. 30<sup>th</sup></u>	<u>479-926.0100</u>
11.	_____	_____	_____

TM

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #25-12-14 - A request by Brandon Woodrome, agent for Ben David, LLC, for Planning Commission consideration of a zone request from Residential Multi-Family Medium Density (RM-3) to a Planned Zoning District (PZD) located at 3101-3225 Phoenix Avenue.

## PROPOSED ZONING

The proposed Planned Zoning District will allow a three-lot development that will include a restaurant, medical clinic, a six-unit strip center, and hair salon.

## LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue between South 31<sup>st</sup> Street and South 34<sup>th</sup> Street. The tract contains an area of 4.13 acres with approximately 700 feet of street frontage along Phoenix Avenue and 530 feet of street frontage along South 31<sup>st</sup> Street.

## REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

8A

## SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multi-family Medium Density (RM-3) and is the undeveloped.

The area to the east is zoned Transitional (T) and is developed as General Office for the Arkansas Oil and Gas Commission.

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and is developed as single family residences.

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

## MASTER LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as *Open Space and Office, Research & Light Industrial*. The Open space classification is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments.

The *Office, Research & Light Industrial* classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

A companion Master Land Use Plan amendment to change the land use to *Commercial Neighborhood Compatible* has been submitted in conjunction with the rezoning request. The commercial neighborhood classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

## PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes. The site plan provides the parking space calculations in compliance with the proposed land uses. Internal drives shown provide accessibility to all parking areas. Green space consisting of islands and open areas placed throughout the site plan.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Two ingress and egress points will be located on Phoenix Avenue which is classified as a Major Arterial with a third drive located on South 31<sup>st</sup> Street.**

8B

- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines on page 3 Section 3D (vii) that the architectural design standards will exceed the requirements set forth by the UDO Section 27-602-4(C) of the design standards for Transitional and Commercial buildings.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No right-of-way dedication is required for the PZD.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **All easements to accommodate city requirements as well as franchise utilities will be reviewed during the platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the Project Booklet's traffic information – item 3L. The Engineering Department has determined that a traffic study must be submitted that encompasses the PZD area, as well as the area to the north if development is planned for that site. The traffic study must be submitted to the city's engineering for review and approval prior to development.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) . **Please refer to item 3j of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The development will include two proposed driveways on Phoenix Avenue and one proposed driveway on South 31<sup>st</sup> Street.

**Right-of-way dedication** – No new right-of-way dedication is proposed or required at this time.

**Drainage** – The site plan shows a note for a detention pond located toward the center of the development adjacent to Phoenix Avenue. The basin shall be approved by the city engineering department prior to building permit submittal. A detailed drainage plan shall be submitted for review and approval by the engineering department prior to development.

**Landscaping & Screening** – The project booklet states that all landscaping and screening requirements will comply with the Unified Development Ordinance.

8C

**Parking** – The proposed site plan has 140 parking spaces and exceeds the UDO requirements for minimum parking spaces.

**Signage** – The project booklet states that all wall signs and the two monument signs shown on the submitted site plan adjacent to Phoenix Avenue will comply with the Transitional Zoning District signage regulations. Additionally, the project booklet states that no illuminated signage will face South 31<sup>st</sup> Street.

**Sidewalks** – Phoenix Avenue and part of South 31<sup>st</sup> Street have existing sidewalks. Continuation of the sidewalk on South 31<sup>st</sup> Street adjacent to the PZD is required

**FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan and Comprehensive Plan. If the Planning Commission is inclined to approve the PZD and Master Land Use Plan Amendment then the use will be compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed development is compatible with the surrounding neighborhood.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The proposed permitted uses will allow such uses as restaurant, medical clinic, and a variety of neighborhood retail uses. Please refer to the PZD’s proposed land uses in the project booklet – Appendix A. It is noted that Appendix A proposes “day care center” and churches, synagogue, temple, mosque” as permitted uses in the PZD. Both of these uses are allowed as conditional uses in the zoning districts in which they are allowed due to potential impacts to surrounding properties (noise and parking space demands).**
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **The PZD has a section of traffic information provided showing that the proposed development will increase the traffic on Phoenix Avenue moderately. This information has been reviewed by the city’s engineering department. A traffic study must be submitted to the engineering department prior to development that encompasses the PZD as well as the area north of the PZD if future development is planned for that site.**
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that

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would mitigate these adverse impacts. **The existing utilities and services are within the facilities vicinity to accommodate the uses.**

- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with all Unified Development Ordinance requirements in Sections 27-200, 27-500, 27-600 and 27-700 as outlined in the project booklet.**

### **STAFF COMMENTS AND RECOMMENDATIONS**

The applicant has held two neighborhood meetings. The first meeting was held on Tuesday September 30, 5:30 P.M. at 3201 Rogers Avenue with three neighboring property owners in attendance. One property owner voiced his opinion that he was not in favor of the rezoning and development. A letter from that property owner requesting that the planning commission deny the rezoning is enclosed.

The second neighborhood meeting was held on Thursday October 9, 2014 at 3201 Rogers Avenue. This meeting was attended by nine property owners. No objections were expressed at this meeting. A copy of the attendance records and meeting summaries are enclosed.

The enclosed project booklet appears to comply with the minimum requirements of the UDO. If the Planning Commission is inclined to approve the PZD, staff recommends the approval be contingent upon the following:

1. Approval of the companion rezoning application and any Planning Commission amendments.
2. A detailed drainage plan shall be submitted for review and approval by the city's Engineering Department prior to development.
3. A traffic study shall be submitted to the city's Engineering Department prior to development that encompasses the PZD area as well as the area north of the PZD if future development is planned for that site.

8E

RE # 25-12-14

**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 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: \_\_\_\_\_

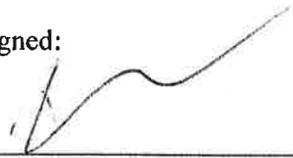
3. The above described property is now zoned: RM-3

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

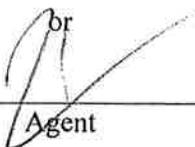
5. Explain why the Planned Zoning District is requested?

To allow the development of a site that features a  
restaurant, a medical clinic, commercial retail.

Brandon Woodrome  
Owner or Agent Name  
(please print)

Signed:   
Owner

5311 South 28th St. Fort Smith  
Owner or Agent Mailing Address

  
Agent

8F

SURVEY DESCRIPTION:

PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 32 WEST, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID NE ¼ NW ¼; THENCE S 03°11'08" W, ALONG THE WEST LINE OF SAID NE ¼ NW ¼, 283.87 FEET TO A SET IRON PIN; THENCE S 87°25'37" E LEAVING SAID WEST LINE OF NE ¼ NW ¼ 21.35 FEET TO A SET IRON PIN MARKING THE POINT OF BEGINNING; THENCE S 87°25'06" E, 231.80 FEET; THENCE S 03°16'04" W 18.72 FEET; S 86°52'23" E, 447.58 FEET; THENCE S 03°16'06" W, 260.00 FEET TO A POINT ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PHOENIX AVENUE; THENCE N 86°52'23" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 656.55 FEET; THENCE N 35°16'41" W, 23.56 FEET TO A SET IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET; THENCE N 03°26'10" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET, 51.87 FEET TO A SET IRON PIN; THENCE N 02°41'26" E CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SOUTH 31<sup>st</sup> STREET, 206.53 FEET TO THE POINT OF BEGINNING CONTAINING 4.13 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD.

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**SHEEPS GATE  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: SHEEPS GATE  
AN ADDITION TO THE CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: PART OF THE NE/4 OF THE NW/4 OF  
SECTION 34, TOWNSHIP 8 NORTH, RANGE 32 WEST  
SEBASTIAN COUNTY, ARKANSAS**

**DEVELOPER: BEHR, LLC  
5311 SOUTH 28<sup>TH</sup> STREET  
FORT SMITH, ARKANSAS 72901  
PHONE: 479-883-0957**

**SUBMITTED TO: CITY OF FORT SMITH  
623 GARRISON AVENUE  
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.  
P.O. BOX 6180  
FORT SMITH, ARKANSAS 72906**

**NOVEMBER, 2014**

8H

**SHEEPS GATE  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.**

The subject property is currently zoned RM-3. A change in zoning is needed to allow the development of a site that features a restaurant, a medical clinic, commercial retail, and services that may be accommodated in multi-use structures. A Planned Zoning District will allow flexibility in standards to accommodate a mixed use development rather than suburban style patterns. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

**3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.**

Ben David, LLC

**3c. Summary description of the scope, nature, and intent of the proposal.**

The PZD will include an area of approximately 4.13 acres located on the northern side of Phoenix Avenue and the eastern side of south 31<sup>st</sup> Street. The adjoining property to the north will remain RM-3. The property to the east is the Oil and Gas Commission. The property to the west and south are residential homes. The intent is to provide a site that features a restaurant, a medical clinic, commercial retail, and services that may be accommodated in multi-use structures.

**3d. General project scope:**

i. Street and lot layout

See attached Development Plan.

The primary access to the site is Phoenix Avenue which is classified by the Master Street Plan as a major arterial. It is currently four lanes with a center turning/merging lane.

Three entrances will be provided to the site:

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31<sup>st</sup> Street.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow City UDO requirements. A copy of the Landscape Management Plan is included in this booklet.

#### PZD Landscaping

Perimeter landscaping, parking lot screening, and landscaping for vehicular use areas will comply with UDO landscaping requirements. The parking lot screening/perimeter landscaping will also consist of flowers in addition to the required plant materials.

#### iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

#### v. Undisturbed natural areas

No undisturbed natural areas are proposed.

#### vi. Existing and proposed utility connections and extensions

See Site Plan for proposed locations to tie into existing utilities.

#### vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines.

#### viii. Building elevations

All buildings adjacent to Phoenix Avenue will face Phoenix Avenue. Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards".

100% high-quality materials will be used on the front and sides, with 65% high-quality on the rear facades.

#### ix. Proposed signage (type and size)

All stand-alone signage will be monument signage and will comply with the monument sign requirements for the Transitional zoning district in Section 27-704-2 of the UDO.

Wall signage will comply with the wall signage requirements for the Transitional zoning district in Section 27-704-2 of the UDO.

Billboards are prohibited.

Illuminated signage facing South 31<sup>st</sup> Street is prohibited.

**3e. Proposed development phasing and timeframe**

The development is proposed to be constructed in four Lots as shown on the Development Plan drawing.

Lot one construction is to begin January 1, 2015 and be completed by August 1, 2015.

Lot two construction is to begin November 1, 2015 and be completed by July 1, 2016.

Lot three construction is to begin May 1, 2016 and be completed by January 1, 2017.

Lot four construction is to begin January 1, 2017 and be completed by September 1, 2017.

All dates are approximate.

**3f. Identify land use designations**

The current land use is “Open Space”, and “Office, Research and Light Industrial.” See attached Master Land Use Plan Amendment Application.

**3g. Identify area and bulk regulations**

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	0.89 acres
Min. Lot Width at BSL	150 feet
Max. Lot Coverage	60%
Max. Height	55 feet
Addnl. Height	see 27-404 D. of the UDO

**Setbacks**

Front	25 feet
Side	10 feet
Street side/corner	30 feet
Rear	30 feet
Minimum Street Frontage	150 feet
Minimum Bldg. Separation	comply with City building and fire code.

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**3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Comparison is between the proposed PZD restrictions and the RM-3 restrictions.

	PZD	RM-3
Density	12 DU/Acre	20 DU/Acre
Min. Lot Size	0.89 acres	6,500 sq. ft.
Min. Lot Width at BSL	150 feet	60 feet
Max. Lot Coverage	60%	65%
Max. Height	55 feet	40 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO
 Setbacks		
Front	25 feet	25 feet
Side	10 feet	7.5 feet
Street side/corner	30 feet	15 feet
Back	30 feet	30 feet
Minimum Street Frontage	150 feet	20 feet
Minimum Bldg. Separation	comply with City building and fire code.	

**3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See attached - PZD Permitted Land Uses vs. Existing Zone Designations.

**3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

1. Landscaping

- The perimeter landscaping strip across the front will be 10 feet wide
- UDO requires 10 feet wide
- Perimeter landscaping will include one tree and 10 shrubs every 40 feet -
- UDO requires one tree and 10 shrubs every 50 feet
- Building landscaping will include 3 trees per acre in addition to parking & perimeter landscaping
- UDO does not require building landscaping
- Parking Lot Screening and Landscaping will comply with UDO section 27-602-3, with additional flowers

UDO does not require flowers

2. Setbacks will be as follows:

Front	25 feet
Side	10 feet
Street side/corner	30 feet
Rear	30 feet
Minimum Street Frontage	150 feet
Minimum Bldg. Separation	comply with City building and fire code.

UDO setbacks vary with the several zoning designations. The proposed setbacks meet or exceed the required setbacks for most zoning designations.

3. Exterior building materials

100% high-quality materials will be used on the front and sides, with 65% high-quality on the rear facades.

UDO requires only 51% high-quality materials.

4. The PZD has limited potential land uses that are compatible with the surrounding area; therefore, the PZD exceeds the UDO requirements by setting new limitations for land use that would otherwise be permissible under the current zoning restrictions.

**3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The residential property to the north will retain a natural vegetation buffer. To our knowledge, this approximate 30 foot deep tree line will remain unchanged, meaning it will remain as is. The vegetation buffer is contingent, engineering requirements may alter the existing buffer; however, no such alterations are expected at this time.

The property to the east is the location of the Oil and Gas Commission, variations in architectural design and materials should not result in an objectionably conflicting appearance. There should be no conflicts in regard to signage. Oil and Gas Commission traffic peaks will not coincide with daily traffic peaks from the development.

Phoenix Avenue (approximately 70 foot wide right of way) separates the Site from the property to the south which consist of single and multi-family dwellings. With all structures complying with City of Fort Smith design guidelines with respect to architectural design and materials, there should not be any noticeably objectionable conflicts in appearance. There should be no conflicts in regard to signage due to the fact that the development signs will be on the opposite site of Phoenix Avenue. Residential traffic peaks will not coincide with daily traffic peaks from the development.

South 31<sup>st</sup> Street separates the Site from the property to the west which consist of single and dwellings. With all structures complying with City of Fort Smith design guidelines with respect to architectural design and materials, there should not be any noticeably objectionable conflicts in appearance. Residential traffic peaks will not coincide with daily traffic peaks from the development.

**31. A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The primary access to the site is Phoenix Avenue which is classified by the Master Street Plan as a major arterial. It is currently four lanes with a center turning/merging lane. Three entrances will be provided to the site:

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31<sup>st</sup> Street.

Trip Generation Rates from the ITE 8<sup>th</sup> Addition Trip Generation Report

Shopping Center - Proposed Use

Average Daily Traffic - 429 trips  
PM Peak - 34 trips  
PM in - 17 trips  
PM out - 17 trips

Clinic - Proposed Use

Average Daily Traffic - 189 trips  
PM Peak - 31 trips  
PM in - 0 trips  
PM out - N/A trips

Restaurant - Proposed Use

Average Daily Traffic - 405 trips  
PM Peak - 34 trips  
PM in - 23 trips  
PM out - 11 trips

Total Increase in Traffic

Average Daily Traffic - 1,023 trips  
PM Peak - 99 trips  
PM in - 40 trips  
PM out - 28 trips

The proposed development will moderately increase the traffic on Phoenix Avenue.

**3m. Statement of availability of water and sewer (state size of lines)**

There is existing 8" water and 8" sewer services located on site. See Site plan for further detail.

## LANDSCAPE MANAGEMENT SCHEDULE

### January:

- Prune any tree branches that interfere with public safety or sight lines. Prune all street trees yearly to encourage strong upward growth. Do not top trees.
- Mulch mow all turf areas once per month. (Use mulching mower that chops clippings finely and blows mulch down into turf to decompose and feed soil.)

### February:

- Apply granular fertilizer around trees or shrubs in late February. Make application prior to a moderate rainfall so the rain will wash the fertilizer in. Do not fertilize swale plantings. (See "Fertilization" section for recommended products.)
- Mulch mow all turf areas once per month.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.

### March:

- Mulch mow all turf areas twice per month.

### April:

- Mulch mow all turf areas weekly.
- Fertilize all landscape areas except for swale. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.

### May:

- Mulch mow all turf areas weekly.
- Water Landscaped areas weekly.

### June:

- Mulch mow all turf areas weekly.
- Prune spring & winter-flowering shrubs as needed to maintain proper shape (natural, touching, not hedged or topiary except where specified by owner).
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.
- Prune perennial bulbs back to ground level as soon as leaf blades yellow and wilt (June-Oct. depending on bulb type).
- Water Landscaped areas biweekly.

### July:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12 feet above street level).

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- Water Landscaped areas biweekly.

**August:**

- Mulch mow all turf areas weekly.
- Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

**September:**

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12').
- Fertilize all landscape areas except for swale in September or early October. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Prune perennial bulbs back to ground level as soon as leaf blades yellow and wilt (from June through October, depending on bulb type). Maintain 2 inches of mulch on ground surface over bulbs to insulate from cold and prevent winter weed growth.

**October:**

- Mulch mow all turf areas twice per month.
- Add new mulch to planters and swale where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch additions are not required where shrubs or groundcover completely hide the soil surface from view.

**November:**

- Mulch mow all turf areas twice per month.

**December:**

- Mulch mow all turf areas once per month.
- Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly as needed to remove dead and crossing branches and to encourage spreading and upward growth that fits the available space. Do not top trees.
- Prune summer and fall-blooming shrubs as needed to maintain proper shape.

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Appendix A

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

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R  
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Fort Smith

Use Matrix

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T 1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
	Car wash self-service																		C		P	P						
	Gasoline service station																											
	Motorcycle or ATV sales & service																											
	Tire sales																											
	Truck stop/travel plaza																											
	<b>Heavy Consumer Goods Sales or Service</b>																											
	Agricultural equipment and supplies (sales & service)																											
	Appliance repair - (Large)																											
	Appliance repair (Small)																											
	Bus, truck sales and service																											
	Clothing and personal items (repair)																		P	P	P	P						
	Commercial, industrial machinery & equipment (sales & service)																											
	Department store, warehouse club or superstore																											
	Computer and software shop																		P	P	P	P	P					P
	Electronics and appliances (new)																		P	P	P	P	P					P
	Electronics and appliances (used)																											
	Floor, paint, wall coverings, window treatments																			P	P	P	P	P				
	Furniture or home furnishings (new)																		P	P	P	P	P					P
	Furniture or home furnishings (used)																											
	Furniture repair and upholstery shop																											
	Greenhouse (sales)																											
	Hardware store																											
	Hardware store (neighborhood)																											
	Home improvement center																											
	Lawn and garden supplies																											
	Locksmith																											
	Lumber yard and building materials																											
	Mall or shopping center																											
	Manufactured home and mobile home sales and service																											
	Oil and gas equipment (sales and service)																											
	Sand, gravel, stone, or earth sales and storage																											
	Swimming pool sales and supply store (w/o storage yard)																											
	Truck or tractor sales and service facility																											
	<b>Durable Consumer Goods Sales or Service</b>																											
	Bait and tackle shop (No outside storage)																											
	Bicycle sales and service																											
	Bicycle sales and service (no outside storage)																											
	Bookstore																											
	Bridal shop																											
	Cameras, photographic supplies and services																											
	Clothing, jewelry, luggage, shoes, accessories																											
	Gift shop																											
	Sewing machine store (sales & service)																											
	Sporting goods, toys, & musical instruments																											

SS

Fort Smith  
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Use Matrix

Appendix A

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

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Fort Smith  
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Use Matrix

Appendix A

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

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Use Matrix

Appendix A

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3							I-1,2	I-3	I-4	PZD	
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																											
Photography studio																	P	P	P	P	P	P	P				P
Print shop																	P	P	P	P	P	P	P				P
Shoe repair shop																	P	P	P	P	P	P					
Tailor shop																	P	P	P	P	P	P					
Tanning salons																	P	P	P	P	P	P					
Tattoo/body piercing parlor																	C	P	P	P	P	P					P
Weight loss centers																		P	P	P	P	P					
<b>Pet and animal services</b>																											
Animal and pet services (indoor)																		P	P	P	P	P	P	P	P	P	P
Animal and pet services (outdoor)																					P	P	P	P	P	P	P
Animal shelter																						P	P	P	P	P	P
Equestrian facilities																						P	P	P	P	P	P
Kennels																						P	P	P	P	P	P
Pet cemetery																		C	C	C	C	C	C	C	C	C	C
Pet shop																		C	C	P	P	P	P	P	P	P	P
Pet supply store																		C	P	P	P	P	P	P	P	P	P
Veterinary clinic (no outdoor kennels)																		P	P	P	P	P	P	P	P	P	P
Veterinary clinic (with outdoor kennels)																					P	P	P	P	P	P	P
<b>Automobile Parking Facilities</b>																											
Parking garage																				C	C	P	P	P	P	P	P
Parking lot (commercial)																						P	P	P	P	P	P
Parking lot (off site) (See Section 27-601-11)																	C	C	P	P	P	P	P	P	P	P	P
<b>Manufacturing and Wholesale Trade</b>																											
<b>Food, Textiles and Related Products</b>																											
Animal food processing																							C	C	P	P	
Clothing manufacturing																							P	P	P	P	P
Food and beverage processing																							P	P	P	P	P
Leather and allied products																											P
Textiles																								P	P	P	P
Tobacco manufacturing																								P	P	P	P
<b>Wood, Paper and Printing Products</b>																											
Cabinet and woodwork shop																							P	P	P	P	P
Furniture or home furnishings																								P	P	P	P
Manufacturing, boxes/containers/corrugated																							P	P	P	P	P
Manufacturing, packaging material																							P	P	P	P	P
Paper and printing materials																							P	P	P	P	P
Wood products manufacturing plant																							P	P	P	P	P
<b>Chemicals, Metals, Machinery, and Electronics Mfg.</b>																											
Acid manufacturing																											P
Asphalt or concrete batching plant (permanent)																											P
Chemicals, plastics and rubber industry																											P
Electrical equipment, appliance and components mfg.																							P	C	P	P	P
Explosives manufacturing																											C
Foundry or metal-works facility																								P	P	P	P

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Use Matrix

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T 1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD	
	Laboratory (manufacturing)																											
	Machine, welding, or sheet metal shop																								P	P	P	P
	Nonmetallic manufacturing																											
	Petroleum and coal products																											
	Pharmaceutical manufacturing																							P	P	P	C	C
	Refinery																											
	Tire retreading																											
	<b>Miscellaneous Manufacturing</b>																											
	Auto manufacturing																									P	P	P
	Barge and ship manufacturing																											
	Boat manufacturing																							P	P	P	P	P
	Dolls, toys, games, musical instruments																							P	P	P	P	P
	Jewelry and silverware																							P	P	P	P	P
	Manufacturing, batteries																							P	P	P	P	P
	Manufacturing, fiberglass																								P	P	P	P
	Manufacturing, foam products																								P	P	P	P
	Manufacturing, heavy																								P	P	P	P
	Manufacturing, light																							P	P	P	P	P
	Manufacturing, medium																								P	P	P	P
	Manufacturing, motors, drives, and generators																								P	P	P	P
	Office supplies																							P	P	P	P	P
	<b>Wholesale Trade Establishment</b>																											
	Durable goods																						P	P	P	P	P	P
	Electrical, plumbing, heat & air conditioning																								P	P	P	P
	Nondurable goods																						P	P	P	P	P	P
	<b>Warehouse and Storage Services</b>																											
	Auto salvage yard																											P
	Building materials salvage yard																									P	P	P
	Bulk petroleum storage																											
	Container storage																						P	P	P	P	P	P
	Mini storage warehouse																						P	P	P	P	P	P
	Packaging and distribution center																								P	P	P	P
	Petroleum distribution facility																								C	P	P	P
	Portable storage Unit																						P	P	P	P	P	P
	Vehicle storage yard																						P	P	P	P	P	P
	Warehouse																							P	P	P	P	P
	<b>Transportation, Communication, Information and Utilities</b>																											
	<b>Transportation Services</b>																											
	Airport																								P	P	P	P
	Bus station and terminal																								C	C	C	C
	Courier and messenger services																		C	P	P				P	P	P	P
	Ferry boat facility																								P	P	P	P
	Heliport																								P	P	P	P
	Limousine service																								P	P	P	P

MS

Appendix A

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

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Fort Smith

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Use Matrix

Appendix A

		Districts							RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
											R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	1,2,3										
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																																		
	Bingo parlor																																	
	Casino gaming business																																	
	Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Dance hall/night club																																	
	Private club																																	
	Race track																																	
	<b>Fitness, Recreational Sports, Athletic Club</b>																																	
	Bowling alley																																	
	Community recreation center																																	
	Driving range (outdoor)																																	
	Golf course																																	
	Pistol Range (Indoor)																																	
	Health club																																	
	Fitness studio																																	
	<b>Indoor Games Facility</b>																																	
	Miniature golf course																																	
	Pool hall																																	
	Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																																	
	Skating rink																																	
	Sports complex/athletic field																																	
	Swimming pool																																	
	Water park																																	
	<b>Camps, Camping, and Related Establishments</b>																																	
	Camps, camping, and related establishments																																	
	<b>Natural and Other Recreational Parks</b>																																	
	Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	<b>Education, Public Administration, Health Care and Other Institutions</b>																																	
	<b>Educational Services</b>																																	
	College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Fine art and performance education																																	
	Library or public arts complex																																	
	Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Preschool	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	School, business professional																																	
	School, technical or trade																																	
	<b>Public Administration - Government</b>																																	
	Criminal justice facility																																	
	Detention facility																																	
	Government office																																	
	<b>Public Safety</b>																																	
	Emergency response station																																	
	Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Police station																																	

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Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T,1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
	Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	P
	<b>Health and Human Services</b>																										
	Community health and welfare clinic																		C	C	C	C	C	C			
	Diagnostic laboratory testing facility																		C	C	C	C	C	C			
	Doctor office and clinic															P		P	P	P	P	P	P	P	P		
	Hospice residential care facility																	P	P	P	P	P	P	P			
	Hospital																	C	C	C	C	C	C	C			
	Mental health hospital																	C	C	C	C	C	C	C			
	Nursing home																	C	C	C	C	C	C	C			
	Substance abuse treatment facility																	C	C	C	C	C	C				
	<b>Social Assistance, Welfare, and Charitable Services</b>																										
	Child and youth services (office)																		P	P	P	P	P	P			
	Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C										
	Day care center															C			C	C	C	C	C	C	C		
	Community food services																										
	Emergency and relief services																			P	P	P	P	P	P		
	Family support services																										
	Senior citizen center																	C	C	C	C	C	C	C			
	Vocational rehabilitation																	C	C	C	C	C	C	C	C		
	<b>Religious Institutions</b>																										
	Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	Rectory, convent, monastery																	C	A	A	A	A	A	A	A		
	<b>Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership</b>																										
	Wedding chapel																P		P	P	P	P	P				
	<b>Death Care Services</b>																										
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																										
	Monument (manufacturing)																										
	Monument (sales)																										
	<b>Associations, Nonprofit Organizations</b>																										
	Lodge or fraternal organization																C		C	C	C	C	C	C	P	P	
	<b>Construction-Related Businesses</b>																										
	Contractor's office																	P	P	P	P	P	P	P	P	P	
	Contractor's shop and storage yard																										
	Glass sales and service																										
	Landscaping contractor																										
	Sign contractor																										
	<b>Mining and Extraction Establishments</b>																										
	Coal mining																										
	Metallic mining																										
	Non-metallic manufacturing and mining																										
	<b>Agriculture, Forestry, Fishing, and Hunting</b>																										
	Grain storage and processing																										
	Livestock yard, feed lot, holding pens, and auction facility																										

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Use Matrix

Appendix A

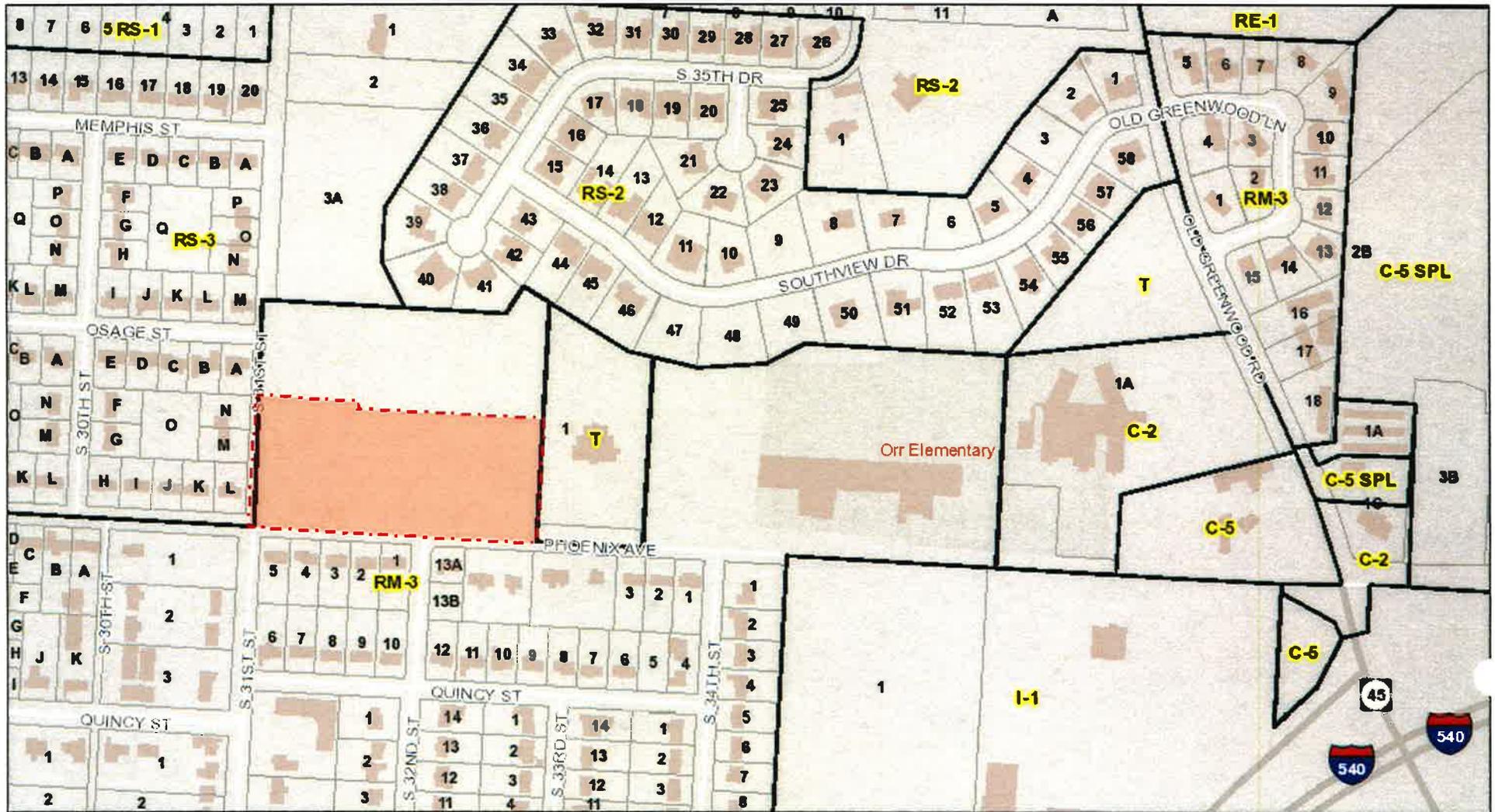
	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	H	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5			T 1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD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

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Fort Smith  
10

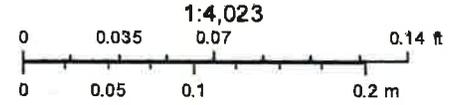
Use Matrix

# Rezoning #25-12-14: From Residential Multifamily Medium Density (RM-3) to PZD 4613 South 31st Street & 3101, 3201 and 3225 Phoenix Avenue



November 19, 2014

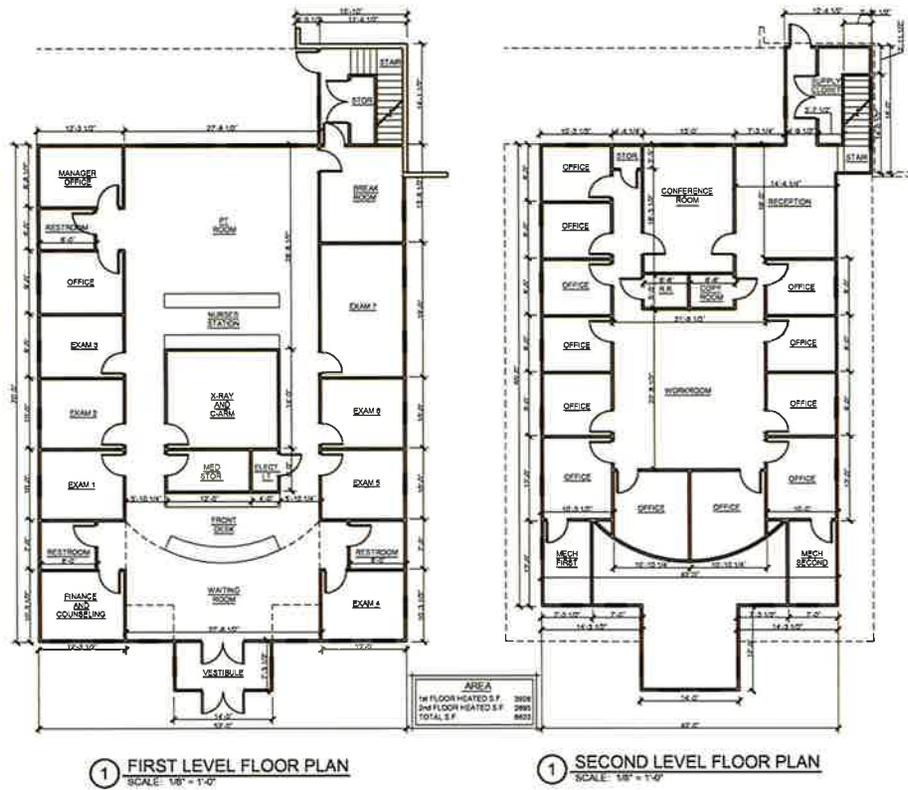
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



82-2

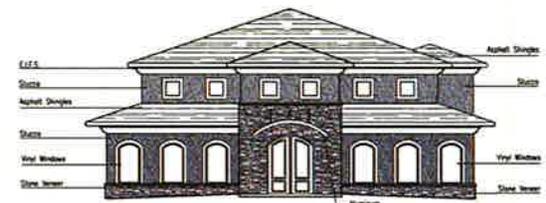


h-28

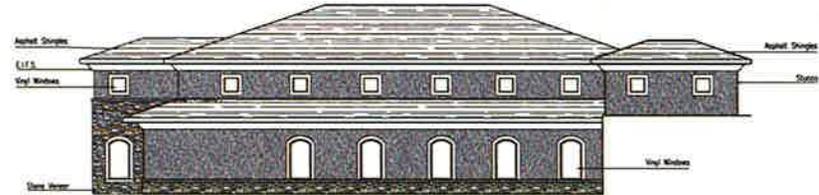


1 FIRST LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"

1 SECOND LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"



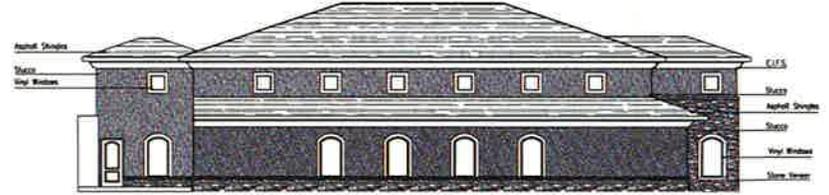
1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



2 EAST SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



3 BACK ELEVATION  
SCALE: 1/8" = 1'-0"



4 WEST SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

Presented by  
**Fort Smith Neuropathy Clinic**  
FT. SMITH, ARKANSAS

**scott branton**  
**architects**  
1000 N. UNIVERSITY AVENUE, SUITE 100  
FORT SMITH, ARKANSAS 72530

REV. NO. DATE  
14-07 07/24/14

FLOOR PLAN  
ELEVATIONS

A.10

Steven & Julie Stec  
2405 Brigadoon  
Fort Smith, AR 72908

Jon Clayton & Stephanie Morris  
3020 Osage Street  
Fort Smith, AR 72901

Christa Robison  
3307 S. Quincy Street  
Fort Smith, AR 72903

Eddie & Donna Kemp  
4615 South 30<sup>th</sup> Street  
Fort Smith, AR 72901

Rogne Family Trust  
3117 Quincy Street  
Fort Smith, AR 72903

Guyer Enterprises, LLC  
3001 Royal Scots Way  
Fort Smith, AR 72908

William & Mary Eden  
3312 Southview Drive  
Fort Smith, AR 72903

Michael Newman  
3024 S. Osage Street  
Fort Smith, AR 72903

Liem Phung  
3103 S. Quincy Street  
Fort Smith, AR 72903

C & M Rentals, LLC  
3229 Cliff Drive  
Fort Smith, AR 72903

Steven & Douglas Hancox  
4716 South 31<sup>st</sup> Street  
Fort Smith, AR 72901

Rex & Shirley Mathews  
3028 S. Osage  
Fort Smith, AR 72901

Peggy David & Loren Schmidt  
Darrell & Betty Gillilan  
3208 Phoenix  
Fort Smith, AR 72901

Arkansas Oil & Gas Commission  
3309 S. Phoenix  
Fort Smith, AR 72903

Alycia Hart  
3006 Osage Street  
Fort Smith, AR 72901

Joyce Family Trust  
P. O. Box 2354  
Alma, AR 72921

Ft. Smith Special/Orr Elementary  
P. O. Box 1948  
Fort Smith, AR 72902

Lee & Christina Vincent  
4610 South 31<sup>st</sup> Street  
Fort Smith, AR 72901

Mario Pineda  
3107 Quincy Street  
Fort Smith, AR 72903

Charles & Billie Webb  
4428 South 31<sup>st</sup> Street  
Fort Smith, AR 72901

Stracener Holdings, LLC  
4316 South 16<sup>th</sup> Street  
Fort Smith, AR 72901

J. Vincent Narisi Company  
1010 North 59<sup>th</sup> Terrace  
Fort Smith, AR 72904

Stanley Sharp  
3301 S. Quincy  
Fort Smith, AR 72903

Tuan Le & Mai Lguyen  
7305 Millennium Drive  
Fort Smith, AR 72916

Greater Southwestern Corporation  
1010 North 59<sup>th</sup> Terrace  
Fort Smith, AR 72904

Stacy Mullenix  
3119 S. Quincy  
Fort Smith, AR 72903

Maurice Mock  
P. O. Box 11078  
Fort Smith, AR 72917

Kola Fortune  
4500 South 35<sup>th</sup> Street  
Fort Smith, AR 72903

Steven & April Huffman  
3300 Southview Drive  
Fort Smith, AR 72903

James & Connie Alexander  
3217 S. Quincy  
Fort Smith, AR 72903

Roger & Kathy Baker  
3201 S. Quincy  
Fort Smith, AR 72903

Greater Southwestern Corporation  
3100 S. Phoenix  
Fort Smith, AR 72903

Heather & Alene Nicholson  
3019 S. Osage  
Fort Smith, AR 72901

Harold & Bonnie Yates  
4712 S. 31<sup>st</sup> Street  
Fort Smith, AR 72901

Bruce & Mitchell Riley  
3207 S. Quincy  
Fort Smith, AR 72903

Mary Ellen Thompson Trust  
4423 S. 35<sup>th</sup> Street  
Fort Smith, AR 72903

Price Family Trust  
3210 Grand Avenue  
Fort Smith, AR 72903

William Newbold Living Trust  
12001 Mathews Lane  
Fort Smith, AR 72916

Beverly Cates  
3011 S. Phoenix  
Fort Smith, AR 72901

Beverly Cates  
2516 Riviera Court  
Fort Smith, AR 72903

Wilksvalley, LLC  
3165 Osprey Drive  
Greenwood, AR 72936

Pruitt Family Trust  
4501 South 35<sup>th</sup> Drive  
Fort Smith, AR 72903

Larry & Mary Neighbors  
4019 South 18<sup>th</sup> Street  
Fort Smith, AR 72901

Lewis & Lady Eady  
3404 South 29<sup>th</sup> Circle  
Fort Smith, AR 72901

George & Lisa Crowden  
3306 Southview Drive  
Fort Smith, AR 72903

Van Do  
3316 S. Phoenix  
Fort Smith, AR 72901

Rex & Shirley Mathews  
3028 S. Osage  
Fort Smith, AR 72901

Ronald Taber  
3113 S. Quincy  
Fort Smith, AR 72903

Dan & Amy Smith  
3023 Osage Street  
Fort Smith, AR 72901

Barbara Davidson  
4715 South 30<sup>th</sup> Street  
Fort Smith, AR 72901

Jett & Chrissey Harris  
4415 South 31<sup>st</sup> Street  
Fort Smith, AR 72901

# DRAFT

## Planning Commission Meeting Minutes December 9, 2014

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

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

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

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

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

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

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

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

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

# DRAFT

- A detailed drainage plan shall be submitted for review and approval by the City's Engineering Department prior to development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All signage requires a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.
- Any teaching or training on this property will be required to take place inside the building.

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

## RECESS PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A PRE-ANNEXATION AGREEMENT  
FOR SUPERIOR FEDERAL TRACT 1**

---

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the Mayor and City Clerk are hereby authorized to execute a pre-annexation agreement with Arvest Bank.

**THIS RESOLUTION APPROVED THIS \_\_\_\_ DAY OF JANUARY, 2015.**

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**Approved as to form:**



\_\_\_\_\_  
**No publication required**



# Memorandum

---

**To:** Ray Gosack, City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** December 30, 2014  
**Subject:** Arvest Bank Annexation Request

Arvest Bank has requested the City of Fort Smith consider annexation of their property located at 11808 Highway 71 South. The property is currently developed as an Arvest Bank branch. The property is contiguous to the existing city limits boundary and is currently within the City's extra territorial jurisdiction and planning area.

The proposed annexation is 3.5 acres on the west side of U.S. Highway 71 South. The legal description of the property is Tract 1 of Superior Federal Tracts 1 and 2 as filed for record on August 12, 1999.

In accordance with Arkansas law, a petition for the annexation was filed at the County Court of Sebastian County. The Court found that the petition had been properly prepared and filed. The Sebastian County Court issued a Decree of Annexation on October 20, 2014.

The next step in the annexation process is for the Board of Directors to consider the annexation request. The city staff has been meeting and discussing the proposed annexation with the Arvest Bank agent, Mr. Pat Mickle.

During the discussions, the city staff identified some issues to be addressed with the annexation of the property. The issues have been identified in a pre-annexation agreement. The issues include establishing a master land use plan designation and zoning on the subject property; the installation of a fire hydrant; an understanding that Marion Lane is a private road and that the City shall not be responsible for maintenance and the dedication of drainage easement(s) per the 2011 Storm Drainage Standards.

The aforementioned issues are all identified in a pre-annexation agreement which Arvest Bank has signed. A resolution authorizing the Mayor to execute the agreement on behalf of the City will accompany the ordinance to annex the property.

The board agenda will include three items regarding this matter which are (1) The resolution concerning the pre-annexation agreement; (2) the ordinance annexing the property; (3) and the ordinance establishing the master land use plan designation and the zoning for the property.

The annexation of the Arvest property is in agreement with the Comprehensive Plan. The vision statement refers to promoting sound growth and development and Policy FLU 1.3 is about the coordination and planning of future development (FLU 1.3).

Please contact me if you have any questions.

## PRE-ANNEXATION AGREEMENT

This Agreement made and entered into this 26 day of December, 2014, by and between Arvest Bank and the City of Fort Smith, Arkansas.

In exchange of the mutual covenants set forth herein, which the parties acknowledge to be good and sufficient consideration for the commitments made by this Agreement, the parties agree as follows:

1. The real property to which this Pre-Annexation Agreement applies is referred to herein as the "subject property." The subject property is depicted on the map attached as Exhibit "A" and is identified thereon as the property proposed for annexation. The legal description of the subject property is attached as Exhibit "B."

2. Arvest Bank proposes the annexation of the subject property as indicated herein. Arvest Bank has submitted a petition to the governing body of the City to accept the annexation of the subject property. Arvest Bank shall perform the hereinafter described activities regarding the subject property in the event that the City accepts the annexation of the subject property to the City of Fort Smith.

3. Zoning. Arvest Bank acknowledges that the planning commission and the governing body of the City retain all authority to review and approve master land use plan amendments and zoning for the subject property. The parties acknowledge that Arvest Bank has applied for a master land use plan amendment and zoning for the subject property identified on the attached Exhibits "C" and "D" which will facilitate the annexation of the property as identified on said Exhibit "B".

4. Fire Hydrant Installation Provision. Arvest Bank agrees to install a fire hydrant located on the bank's property as shown on Exhibit "E".

5. Marion Lane. The subject property has an existing 50' Road Easement along its northern boundary. A private gravel road known as Marion Lane exists within this easement. Arvest Bank acknowledges that the City of Fort Smith shall not be responsible for maintenance of this road.

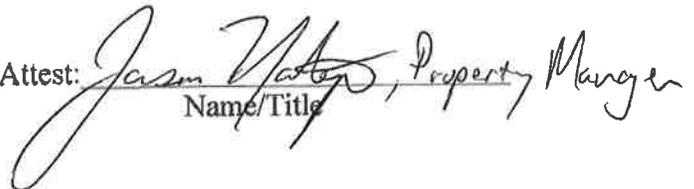
6. Drainage Improvements. Arvest Bank agrees to provide a detailed evaluation of the existing drainage channels and dedicate drainage easements(s) of the dimension required by the City of Fort Smith's 2011 Storm Drainage Standards. The parties acknowledge that no stormwater detention, water quality treatment or drainage improvements are required at this time for the existing facilities.

7. This Agreement sets forth the full understanding of the parties. All negotiations are merged herein, and no amendment or alteration of any provision of this Agreement shall be effective unless based in writing and executed by the parties.

Executed as of the date first stated above by representatives of the parties who, by their execution of the Agreement, acknowledge that they have the authority to bind the party on whose behalf they execute the Agreement.

ARVEST BANK

By:   
Name/Title

Attest: , Property Manager  
Name/Title

CITY OF FORT SMITH, ARKANSAS

By: \_\_\_\_\_  
Mayor Sandy Sanders

Attest: \_\_\_\_\_  
Sherri Gard, City Clerk

K:\Work Orders\Arvest Bank - 11878\Drafting\Exhibits\Arvest Aerial Exhibit.dwg, Layout1, 11/14/2014 11:03:17 AM, Letter



Property Proposed for Annexation

Vicinity Map  
**ARVEST BANK**  
Scale 1"=200'

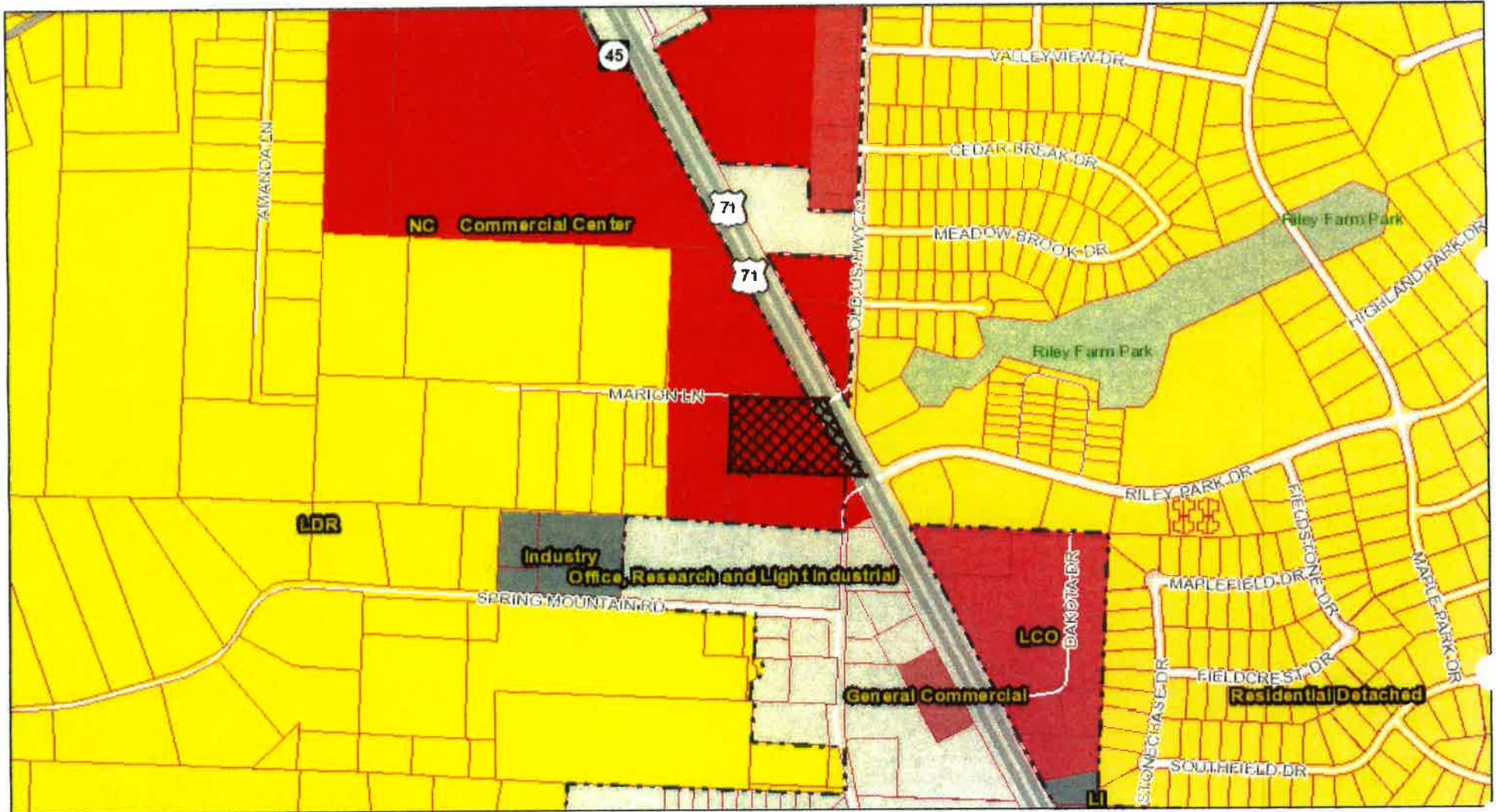
EXHIBIT A

ARVEST BANK  
PROPOSED ANNEXATION

LEGAL DESCRIPTION

Tract 1 of Superior Federal Tracts 1 & 2, per plat filed for record August 12, 1999; same being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas.

# Master Land Use: From ETJ Neighborhood Commercial to General Commercial 11808 US Highway 71



November 19, 2014

-  Fort Smith City Limits
-  Parcels
-  Commercial

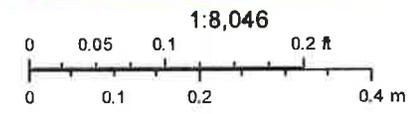


EXHIBIT C

City of Fort Smith GIS  
Copyright 2013, City of Fort Smith





EXHIBIT E

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ACCEPTING CERTAIN TERRITORY INTO  
THE CITY OF FORT SMITH, ARKANSAS**

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

**WHEREAS**, on the 20<sup>th</sup> day of October, 2014, the County Court of Sebastian County, Arkansas, Greenwood District, there came to be heard a Petition, in proper form and substance, executed by all of the real estate owners in the territory to be annexed;

**WHEREAS**, the property desired to be annexed was described accurately as follows:

Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999.

**WHEREAS**, the County Court for Sebastian County, Arkansas, Greenwood District approved the Petition and ordered the annexation of the described property.

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

The territory above described be accepted into the City of Fort Smith, Arkansas, annexed to the City of Fort Smith, Arkansas, and made a part thereof for all purposes as provided by law.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF JANUARY 2015.**

**APPROVED:**

---

**Mayor**

**ATTEST:**

---

**City Clerk**

**Approved as to form:**



---

**Publish One Time**

**IN THE COUNTY COURT  
OF  
SEBASTIAN COUNTY, ARKANSAS**

**FILED**  
OCT 20 2014  
SHARON BROOKS  
County Clerk & Recorder  
BY pl

**IN THE MATTER OF ANNEXING TO THE CITY  
OF FORT SMITH, ARKANSAS, CERTAIN REAL  
PROPERTY CONTIGUOUS TO THE SAID CITY OF  
FORT SMITH, ARKANSAS; REGARDING PETITION FOR  
ANNEXATION NO. CC-2014-1-G**

**DECREE OF ANNEXATION**

On this regular day of a regular term of the County Court of Sebastian County, Arkansas, there is presented to the Court by Patrick J. Mickle, P.E., agent of the Petitioner, Arvest Bank, a petition for annexation of certain real estate territory, hereinafter more particularly described, to the City of Fort Smith, Arkansas, and the Court being fully advised of the facts and the law, does hereby find, adjudge and decree as follows:

1. The Court finds that the Petition (No. CC-2014-1-G) was filed more than thirty (30) days prior to this date, and that in said Petition the said Patrick J. Mickle was appointed by the Petitioner to act on its behalf in filing and presenting the Petition.

Further, the Court finds that the signature of the property owner upon the Petition satisfies the requirements of A.C.A. § 14-40-601.

2. The Court finds that notice of the hearing on this matter was published one (1) time a week for three (3) consecutive weeks, as required by A.C.A. § 14-40-602.

3. The Court finds that the Petitioner is the sole owner of the particular real estate territory to be annexed and that it owns all of the acreage affected thereby.

Therefore, Petitioner meets the statutory requirement of A.C.A. § 14-40-601 that a

RECEIVED OCT 20 2014

majority of the total number of real estate owners in the area affected by the Petition have signed such Petition, and that such majority owns more than one-half of the acreage affected.

4. The Court further finds that the real estate territory to be annexed is accurately described in the aforesaid Petition, and that such real estate is contiguous to the boundaries of the City of Fort Smith, Arkansas.

5. Having reviewed same, the Court further finds that attached to and made a part of the Petition is an accurate map (i.e., plat) of the real estate territory sought to be annexed to the City of Fort Smith, Arkansas.

6. Based upon the evidence presented and the facts before the Court, the Court finds that the prayer of the Petition is right and proper.

7. Therefore, pursuant to A.C.A. § 14-40-603, the Court does hereby ORDER, ADJUDGE and DECREE that the following described real estate territory be and that the same is hereby annexed to and made a part of the City of Fort Smith, Arkansas, to wit:

Tract 1 of Superior Federal Tracts 1 & 2, per plat filed for record August 12, 1999; same being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas.

8. The Court further orders that the original papers in this cause be delivered to the Clerk of Sebastian County, Arkansas, same to be properly recorded upon the records of Sebastian County, Arkansas, and the Clerk, after properly recording and filing the original papers, prepare transcripts of same; that one of the certified transcripts be delivered to the City of Fort Smith, Arkansas, one copy to the Secretary of State and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

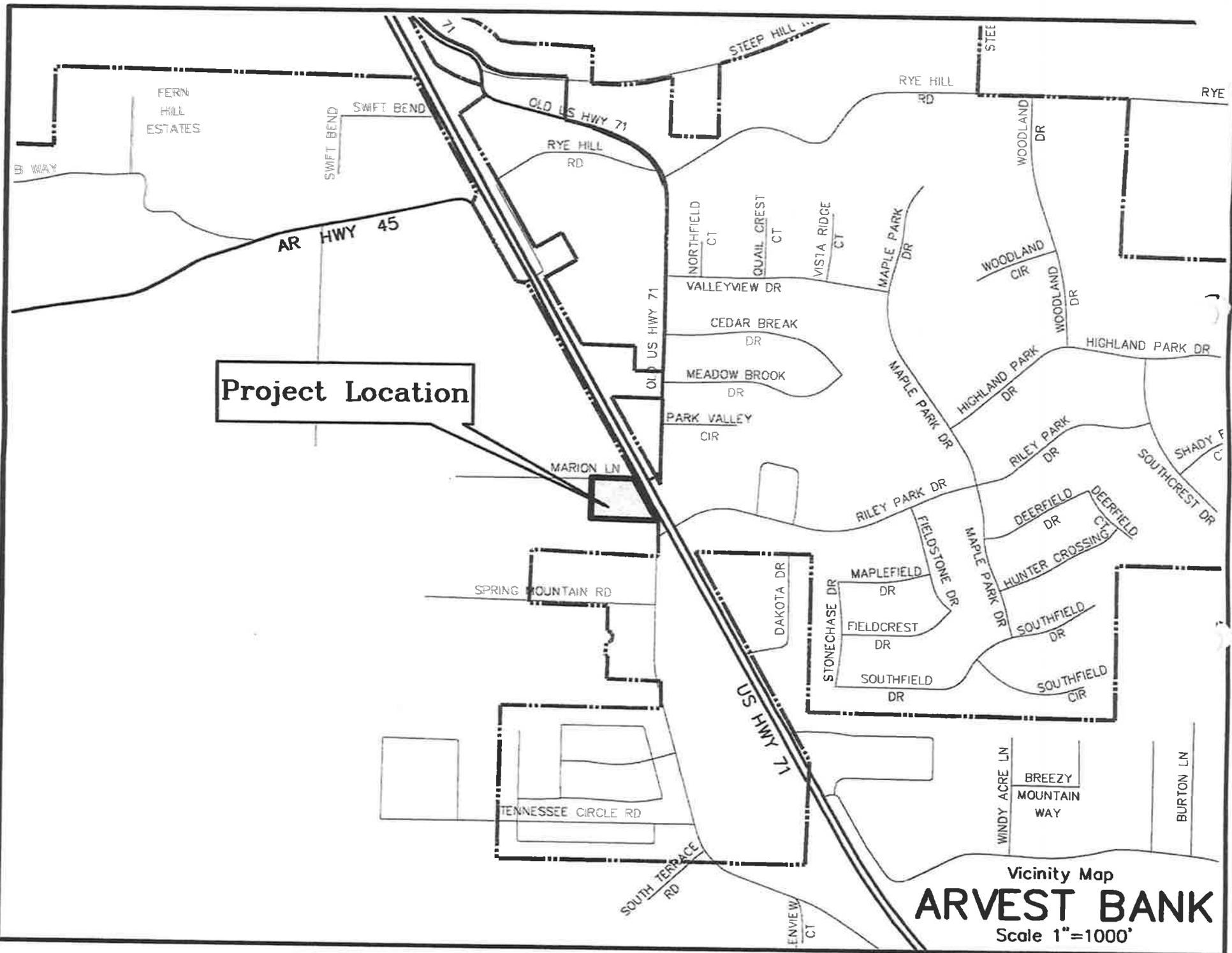
It is so ORDERED, ADJUDGED and DECREED this 20<sup>th</sup> day of October, 2014.



---

Hon. David Hudson  
Sebastian County Judge





Project Location

Vicinity Map  
**ARVEST BANK**  
 Scale 1"=1000'

IN THE COUNTY COURT OF SEBASTIAN COUNTY, ARKANSAS  
IN THE MATTER OF ANNEXING TO  
THE CITY OF FORT SMITH, ARKANSAS,  
CERTAIN REAL PROPERTY CONTIGUOUS TO THE SAID  
CITY OF FORT SMITH, ARKANSAS

FILED

2014 SEP -9 AM 11:42

SHARON BROOKS  
SEBASTIAN CO. CLERK

BY DN

CC-2014-1-G7

PETITION

Comes now Arvest Bank, and for its Petition for annexation, pursuant to A.C.A. §  
14-40-601 *et. seq.*, states:

1. The undersigned, as property owner of the following described area and  
does hereby petition the County Court of Sebastian County, Arkansas, to annex the  
following described real estate territory to the City of Fort Smith, Arkansas. The  
undersigned further states that the Petition is signed by the only real estate owner of the  
area to be annexed, and that it owns all of the acreage affected thereby.

2. The undersigned further, by its petition, appoints Patrick J. Mickle, P.E.,  
of the firm of Mickle Wagner Coleman, Engineers -- Surveyors, Fort Smith, Arkansas, to  
act on its behalf in presenting this matter to the Court.

3. The description of the area to be annexed to the City of Fort Smith,  
Arkansas is as follows:

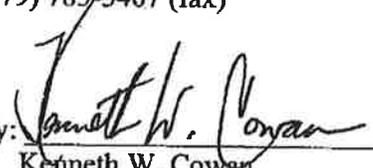
Tract 1 of Superior Federal Tracts 1 & 2, per plat filed for record August 12, 1999; same  
being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7  
North, Range 32 West, Sebastian County, Arkansas.

4. Petitioner states that the real estate territory described above and sought to  
be annexed to the City of Fort Smith, Arkansas is contiguous to and adjoins the City of  
Fort Smith, Arkansas. A copy of the plat of the property sought to be annexed is attached  
hereto as Exhibit "A".

Wherefore, the undersigned Petitioner prays that upon the filing of this Petition, the Court set a date for hearing on the Petition which is not less than thirty (30) days after the filing of the Petition; that Notice of such hearing be published or posted as provided by law; that after such hearing, the Court determine that the prayer of the Petitioner is right and proper, and enter its Decree granting the Petition for annexation into the City of Fort Smith, Arkansas; and that it be granted all other proper relief to which it is entitled.

Respectfully submitted,

Kenneth W. Cowan, PLC  
Attorney for Petitioner  
P.O. Box 1443  
Fort Smith, AR 72902-1443  
(479) 785-3756 (tel)  
(479) 785-5407 (fax)

By: 

Kenneth W. Cowan  
AR Bar No. 83044

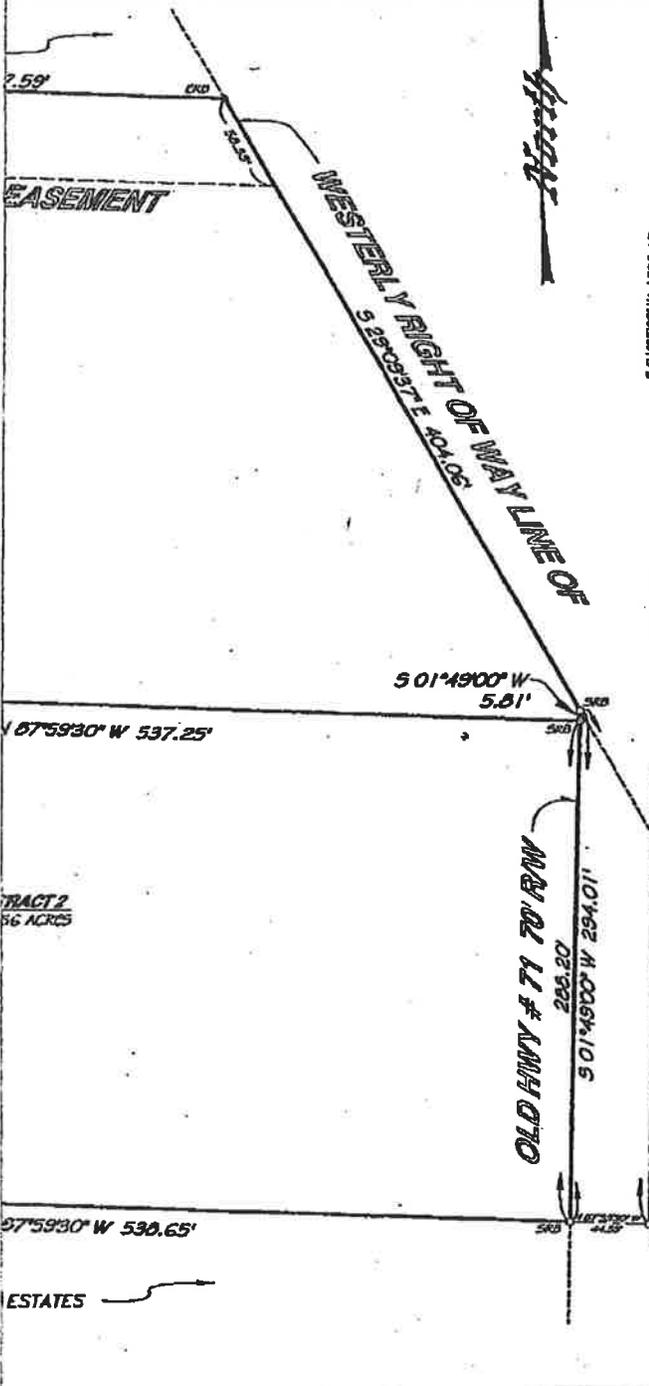




Arrest P  
- Hwy 71  
Aurecator

**TRACTS 1 & 2**

SECTION 23, T-7-N, R-32-W



NE CORNER  
NE 1/4 SE 1/4,  
SECTION 23,  
T-7-N, R-32-W

**PROPERTY DESCRIPTION**

Superior Federal Tracts 1 & 2 being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the Southeast Quarter. Thence along the South line of said Forty, South 87 degrees 59 minutes 30 seconds East, 738.00 feet to a set rebar and the Point of Beginning. Thence leaving said South line, North 02 degrees 05 minutes 37 seconds East, 638.78 feet. Thence South 88 degrees 09 minutes 39 seconds East, 327.59 feet to an existing rebar on the Westerly right of way line of U.S. Highway 71 South. Thence along said right of way line, South 29 degrees 09 minutes 37 seconds East, 404.06 feet to a set rebar. Thence along Old Highway 71 right of way line, South 01 degree 49 minutes 00 seconds West, 294.01 feet to a set rebar on the South line of the Northeast Quarter of the Southeast Quarter and the North line of Rye Hill Estates. Thence leaving said right of way line and along the South line of said Forty, and the North line of Rye Hill Estates, North 87 degrees 59 minutes 30 seconds West, 538.65 feet to the Point of Beginning, containing 7.06 acres and subject to Easements of Record.

GREENWOOD DISTRICT  
CLERK  
1999 AUG 12 PM 4:33  
CIR. CLERK SEB. CO.

**EXHIBIT "A"**  
(2 of 2)

**CERTIFICATION**  
HEREON PLATTED AND DESCRIBED SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION ON THE 28th DAY OF June 1999 AT THAT CORNERS WERE SET, AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND ABILITY.  
FOR THE EXCLUSIVE USE OF THE PERSONS NAMED HEREON WHO MORTGAGE OR GUARANTEE THE TITLE HEREON ON THE DATE HEREOF, AND AS TO THEM AND THEIR SUCCESSORS.  
BY: [Signature] 7/17 ARK. 8/10 OKLA.



SCALE: 1" = 60'  
DATE: 6-28-99  
JOB NO. 25,277

OWNER: SUPERIOR FEDERAL  
5000 ROGERS AVE.  
P.O. BOX 17012  
FORT SMITH, ARKANSAS  
TELEPHONE: (501) 404-4371

**Satterfield Land Surveyors P.A.**  
2020 HWY. 71 NORTH, ALMA, ARK.  
PHONE No. (501) 632-3565  
REG. ARK. & OKLA.



103  
1594R

plat cabinet B 358

**ORDINANCE NO. \_\_\_\_\_**

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

---

**WHEREAS**, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on December 9, 2014, that said change be made; and,

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 23-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on December 9, 2014, that said change be made;

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

**SECTION 1:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999 more commonly known as 11808 Highway 71 South.

**SECTION 2:** The real property described in Section 1 above is hereby rezoned from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification, subject to annexation approval

by the City of Fort Smith Board of Directors.

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

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

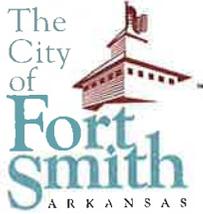
**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



December 29, 2014

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

Re: A request by Patrick Mickle, agent for Arvest Bank, for Planning Commission consideration of a Master Land Use Plan Amendment from Extra Territorial Jurisdiction Neighborhood Commercial to General Commercial and a zone change from Extra Territorial Jurisdiction Open-1 to Commercial Moderate (C-3) by Classification located at 11808 Highway 71 South.

On December 9, 2014, the City Planning Commission held a public hearing to consider the above requests.

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

The annexation and zoning of the Arvest property is in agreement with the Comprehensive Plan. The vision statement refers to promoting sound growth and development and Policy FLU 1.3 is about the coordination and planning of future development (FLU 1.3).

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

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

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

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 9 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to approval of the petition to annex this property by the Board of Directors

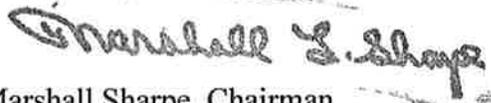
623 Garrison Avenue  
P.O. Box 1908  
FORT SMITH, ARKANSAS 72902  
(479) 784-2216  
FAX (479) 784-2462

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 9 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

A handwritten signature in dark ink that reads "Marshall S. Sharpe". The signature is written in a cursive style and is positioned above the printed name.

Marshall Sharpe, Chairman

MS/lp

cc: File  
City Administrator

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Proposed Master Land Use Plan Amendment by Patrick Mickle, agent for Arvest Bank, at 11808 US Highway 71 from ETJ Neighborhood Commercial to General Commercial (Companion to item #4)

The Planning Department is in receipt of an application from Patrick Mickle, agent, to amend the Master Land Use Map from ETJ Neighborhood Commercial to General Commercial to accommodate a proposed zoning request #23-12-14. The subject property is on the west side of US Highway 71 at the intersection with Marion Lane (private road). The tract contains an area of 3.50 acres with approximately 404 feet of street frontage along US Highway 71 and approximately 357 feet of street frontage along Marion Lane.

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

The property is currently zoned as ETJ Open-1. A companion zoning application requests a zoning district of Commercial Moderate (C-3). The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as ETJ Neighborhood Commercial and is developed as a mobile home sales business.

The area to the east is classified as Residential Detached and is developed as a commercial.

The area to the south is classified as ETJ Neighborhood Commercial and is undeveloped.

The area to the west is classified as ETJ Neighborhood Commercial and is undeveloped.

### PROPOSED LAND USE

The proposed Land Use classification of General Commercial is described as follows:

3A

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

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

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

**MASTER LAND USE PLAN COMPLIANCE**

The existing Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification provides for areas in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies US Highway 71 as a Boulevard.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday December 1, 2014 at Rye Hill Baptist Church (11512 Old Highway 71). No neighboring property owners attended the meeting.

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

3B

**Application Type**

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

**Request to Amend Map**       **Request to Amend Text**

Applicant Name: Patrick Mickle, P.E.

Firm Name: Mickle Wagner Coleman, Inc.

Address: P.O. Box 1507, Fort Smith, AR 72902

Phone # (day): 479-649-8484      Phone # (cell):      Fax #: 479-649-8486

Owner Name: Arvest Bank

Owner Address: 5000 Rogers Avenue, Fort Smith, AR 72902

Phone # (day):      Phone # (cell):      Fax #:

Property Address (subject property): 11808 Hwy 71 South

**Subject Property**

Current Land Use: Branch Bank

Existing MLUP Classification: ETJ Neighborhood Commercial

Proposed MLUP Classification: General Commercial

Existing Zoning Classification: ETJ Open-1

Proposed Zoning Classification: Commercial Moderate (C-3)

**Surrounding Property**

Current Land Use: north- Mobile Home Sales

south- Vacant

east- Commercial

west- Residential

Existing MLUP Classification: north: ETJ Neighborhood Commercial

south: ETJ Neighborhood Commercial

east: Residential Detached

west: ETJ Neighborhood Commercial

Existing Zoning Classification: north: ETJ O-1

south: ETJ O-1

east: Commercial-5

west: ETJ O-1

Pre-Application Meeting Date: October 30, 2014

30

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

1. A legal description of the subject property that is to be amended (reclassified).  
Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See property exhibit.
3. The area dimensions of the property in square feet or acres. 3.50 acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Property is developed as a branch bank. The property fronts on US Hwy 71 which is a four lane divided highway. There is a gravel private drive along the northern side of the property. No new roads are proposed.

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

A City of Fort Smith 12" water line and 10" sewer line exists along the property frontage. A petition for annexation into the Fort Smith has been filed. Police & fire will be by City of Fort Smith.

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

The property is developed as a branch bank.

7. Identify any known or anticipated environmental concerns:

Annexing into the City will enable connection to the City's sewer system. This will enable retirement of the current private sewer treatment facility.

30

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

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of: None – property is already developed.

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

None anticipated. Property is on a major highway with commercial development to the north, east, and south.

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

The Fort Smith zoning to the east is Commercial-5. This use will be less intense. Property to the north is zoned ETJ O-1, is being utilized as a mobile home sales facility, and is in a Neighborhood Commercial Land Use designation. Property to the south and west are zoned ETJ O-1 but have a Neighborhood Commercial Land Use designation.

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

This is an existing use – a branch bank.

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

With Hwy 71 as a major entry corridor into Fort Smith, commercial development will continue. Traffic may decrease in the near future with the opening of I-49, but will rebound both from commuter traffic and the highway's access to Fort Smith; southern industrial use.

3E

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

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

3F

Certification

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

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

Pamela Mea  
Signature (Agent/Owner)

11-14-14  
Date

---

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

---

**AUTHORIZATION OF AGENT**

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

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>ARVEST BANK</u>	<u><i>Patrick Mickle, President</i></u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

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

3H

**AUTHORIZATION OF AGENT**

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

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

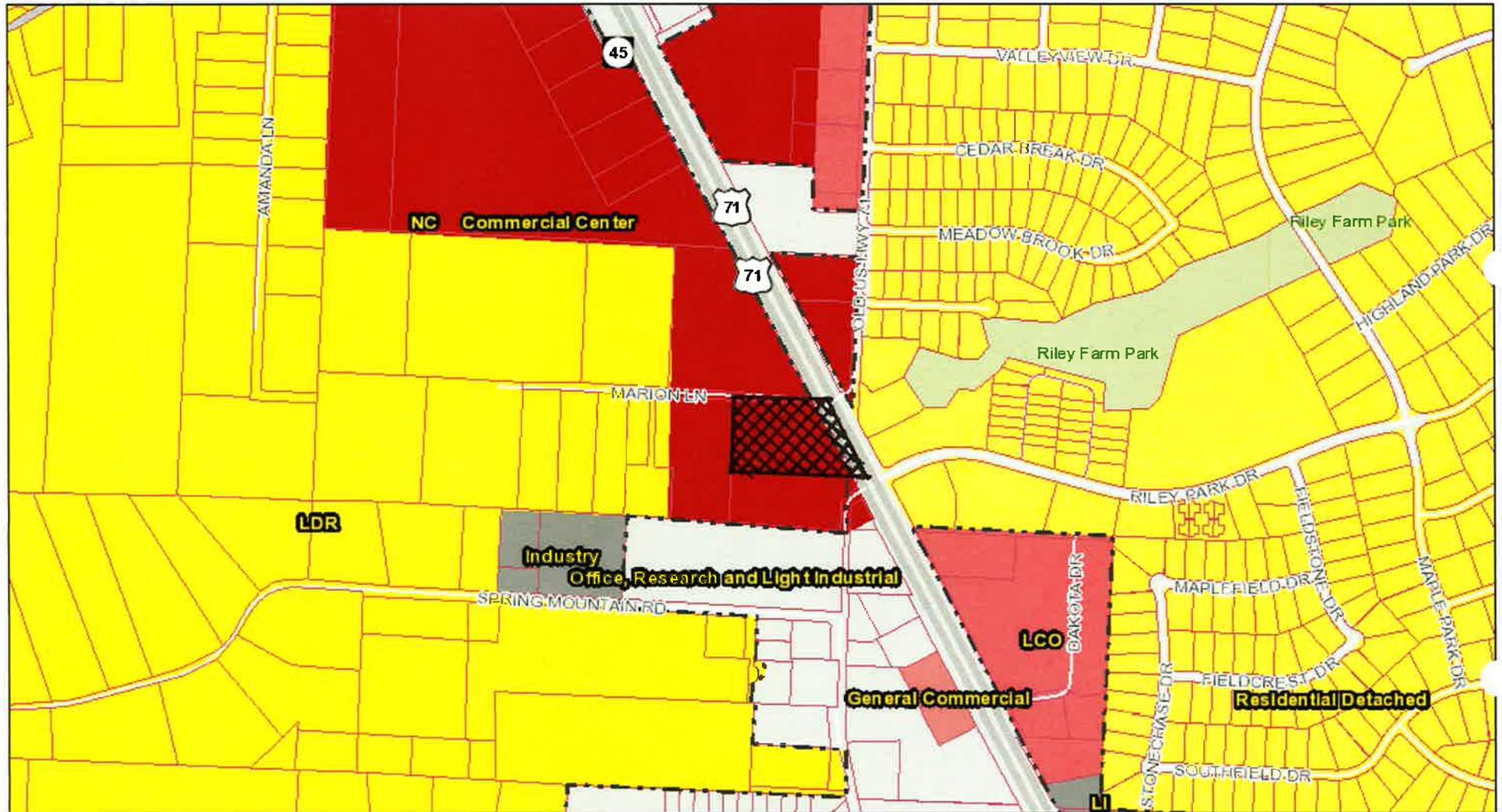
(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>ARVEST BANK</u>	<u><i>Patrick Mickle, President</i></u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

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

31

# Master Land Use: From ETJ Neighborhood Commercial to General Commercial 11808 US Highway 71



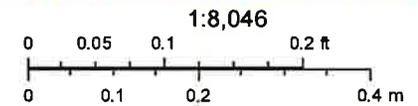
November 19, 2014

Fort Smith City Limits

Parcels

Commercial

35



City of Fort Smith GIS  
 Copyright 2013, City of Fort Smith

K:\Work Orders\Arvest Bank - 11878\Drafting\Exhibits\Arvest Aerial Exhibit.dwg, Layout1, 1/17/2014 11:03:17 AM, Letter



ARVEST BANK

Vicinity Map  
**ARVEST BANK**  
Scale 1"=200'



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 20, 2014

**Re:** Rezoning #23-12-14 - A request by Patrick Mickle, agent for Arvest Bank, for Planning Commission consideration of a zone request from ETJ Open-1 to Commercial Moderate (C-3) by classification at 11808 US Highway 71 (Companion to item #3)

## PROPOSED ZONING

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

## LOT LOCATION AND SIZE

The subject property is on the west side of US Highway 71 at the intersection with Marion Lane (private road). The tract contains an area of 3.50 acres with approximately 404 feet of street frontage along US Highway 71 and approximately 357 feet of street frontage along Marion Lane (private road).

## REQUESTED ZONING

The proposed zoning on this tract is Commercial Moderate (C-3). Characteristics of this zone are as follows:

### Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

### Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

4A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned ETJ Open-1 and developed as commercial.

The area to the east are zoned Commercial Heavy (C-5) and are developed as commercial.

The area to the south is zoned ETJ Open-1 and undeveloped.

The area to the west is zoned ETJ Open-1 and undeveloped.

4B

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial. This classification is established to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The classification is intended to be located within small districts located within walking distance from the edge of surrounding residential areas.

The proposed Master Land Use Plan amendment to General Commercial will facilitate the rezoning request.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, December 1, 2014 at Rye Hill Baptist Church (11512 Old Highway 71). No neighboring property owners attended the meeting

The Fort Smith Fire Department requires installation of a fire hydrant as part of the annexation process.

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

4C

PETITION FOR CHANGE IN ZONING MAP

Rez #23-12-14

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)

Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999

2. Address of property: 11808 Hwy 71 South

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

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

- 5. Why is the zoning change requested?

The property is being annexed and thus needs a zone designation.

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

Signed:

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

\_\_\_\_\_  
Owner

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

or  
Paru Mena  
Agent

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

40

**AUTHORIZATION OF AGENT**

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

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize PATRICK MICKLE to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

**NAMES OF ALL OWNERS.**

**SIGNATURE OF ALL OWNERS.**

- 1. ARVEST BANK
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_
- 10. \_\_\_\_\_

*Patrick Mickle, President*

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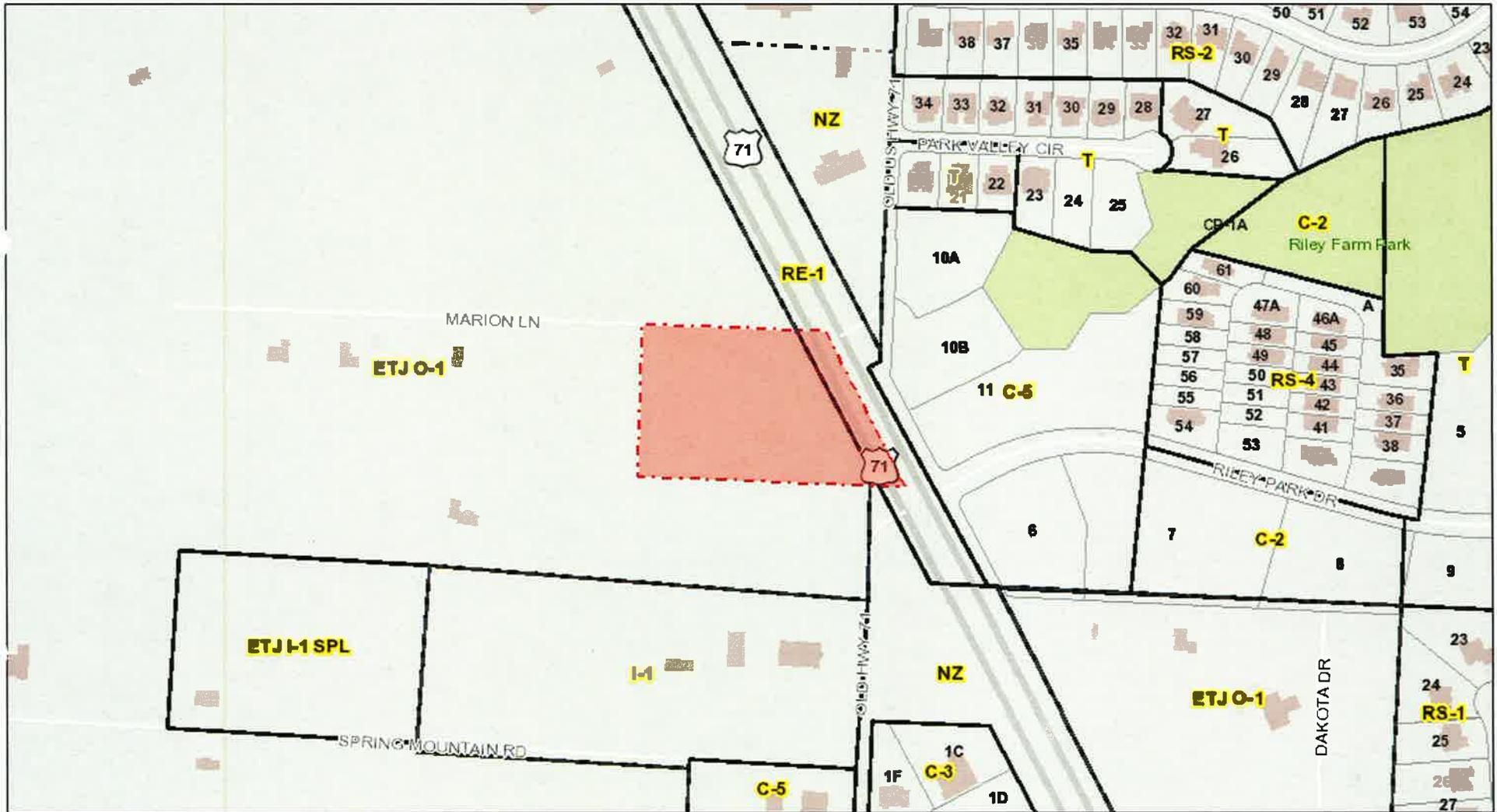
*This form is necessary only when the person representing this request does not own all property.*

4E



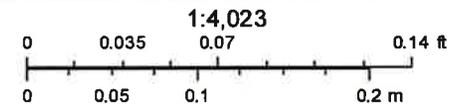
# Rezoning #23-12-14: From ETJ Open-1 to Commercial Moderate (C-3) 11808 US Highway 71

HF



November 19, 2014

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



City of Fort Smith GIS  
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Superior Federal Bank  
1183 Joyce Blvd.  
Fayetteville, AR 72703

Miller Invest Group LT  
11414 S. Hwy. 71  
Fort Smith, AR 72916

William White  
8401 Rosewood Drive  
Fort Smith, AR 72903

Corbin Properties, Inc.  
3300 South 70<sup>th</sup> Street  
Fort Smith, AR 72903

Johnson Real Estate, LLC  
9207 Hwy. 71 South-Suite 9  
Fort Smith, AR 72916

BancorpSouth  
P. O. Box 789  
Tupelo, MI 38802

Norma & James Vandermillion  
12021 S. Hwy. 71  
Fort Smith, AR 72916

Beau Harlan  
5611 Tennessee Ridge Road  
Fort Smith, AR 72916

KMW Properties  
P. O. Box 1356  
Fort Smith, AR 72901

Betty Rye Moody  
5508 Marion Lane  
Fort Smith, AR 72916

KMJ Enterprises Ashley, LLC  
610 Newport Center Drive  
Newport Beach, CA 92660

Debbie Byerly  
5508 Marion Lane  
Fort Smith, AR 72916

Riley Farm Property Owners Assoc.  
P. O. Box 180626  
Fort Smith, AR 72918

**Planning Commission Meeting Minutes  
December 9, 2014**

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

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

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

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

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

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

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

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

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate a request by the property owner to annex this property into the City of Fort Smith. Ms. Andrews stated that a neighborhood meeting was held on Monday, December 1, 2014, at Rye Hill Baptist Church (11512 Old Highway 71) with no

neighboring property owners in attendance. Ms. Andrews noted that the Fort Smith Fire Department is requiring installation of a fire hydrant as part of the annexation process.

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

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

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

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

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

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

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

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

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

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

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

**Tax Back**  
**Resolution**



RESOLUTION No. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).**

**WHEREAS**, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

**WHEREAS**, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

**WHEREAS**, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

**WHEREAS**, ArcBest Corporation of Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

**WHEREAS**, ArcBest Corporation has agreed to furnish the local government all necessary information for compliance.

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

1. ArcBest Corporation be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
- 2. The Department of Finance and Administration is authorized to refund local sales and use taxes to ArcBest Corporation.**
3. This resolution shall take effect immediately.

\_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
NPR



# Memo

**To:** Ray Gosack, City Administrator  
**From:** Jeff Dingman, Deputy City Administrator  
**Date:** 12/31/2014  
**Re:** Tax Back Endorsement: **ArcBest Corporation**

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The City has received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the state "Tax Back" program authorized by the Consolidated Incentive Act of 2003 on behalf of **ArcBest Corporation**. This program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion.

The current request is on behalf of **ArcBest Corporation**, who is investing \$45,715,000 in facilities and equipment at their new corporate headquarters facility being built at Chaffee Crossing in Fort Smith and at their existing building located at 3801 Old Greenwood Road in Fort Smith. This investment in facilities and equipment will support the addition of 975 new employees (a 71% increase for the corporation's Fort Smith facilities) making an average hourly wage of \$26.07 over a ten year period.

The Tax Back program is a state and local sales tax refund incentive to attract business growth or expansion to Arkansas. The incentive applies to capital purchases associated with construction of new facilities or expansion of existing facilities (such as equipment or building materials) and does not apply to ongoing purchases. The majority of the incentive will be derived from the state sales tax rate. However, in order to participate in the program, the local governments must also agree to the sales tax refund.

Attached is a resolution supporting the participation of **ArcBest Corporation** in the "Tax Back" program, and the staff recommends approval. The resolution requires approval of an emergency clause as it declares that it is effective immediately upon approval. This action will support the board's stated goal of pursuing economic development and job creation.

This action helps to grow the employment base in the city and helps to retain one of our significant employment anchors. Therefore, it supports Goal ED-3 of the Future Fort Smith Comprehensive Plan. Please contact me if you have questions regarding this agenda item.

 This item supports the following goal(s) or policies of the Future Fort Smith Comprehensive Plan: ED-3

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING AN ENGINEERING SERVICES  
AGREEMENT FOR THE DESIGN OF A PROJECT IN THE  
2015 SALES TAX PROGRAM**

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

SECTION 1: The Mayor is authorized to execute the engineering services agreement for the design of the following project in the 2015 Sales Tax Program utilizing the one cent sales tax proceeds.

Project No.	Description	Engineering Firm	Maximum Fee
15-01-A	Kelley Highway Extension – Midland Boulevard to Riverfront Drive	Morrison Shipley Engineers	\$827,381.25

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

This Resolution adopted this \_\_\_\_\_ day of January, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form



\_\_\_\_\_  
No Publication Required



# Memorandum

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**TO:** Ray Gosack, City Administrator

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

**DATE:** December 30, 2014

**SUBJECT:** Kelley Highway Extension – Midland Boulevard to Riverfront Drive  
Project No. 15-01-A

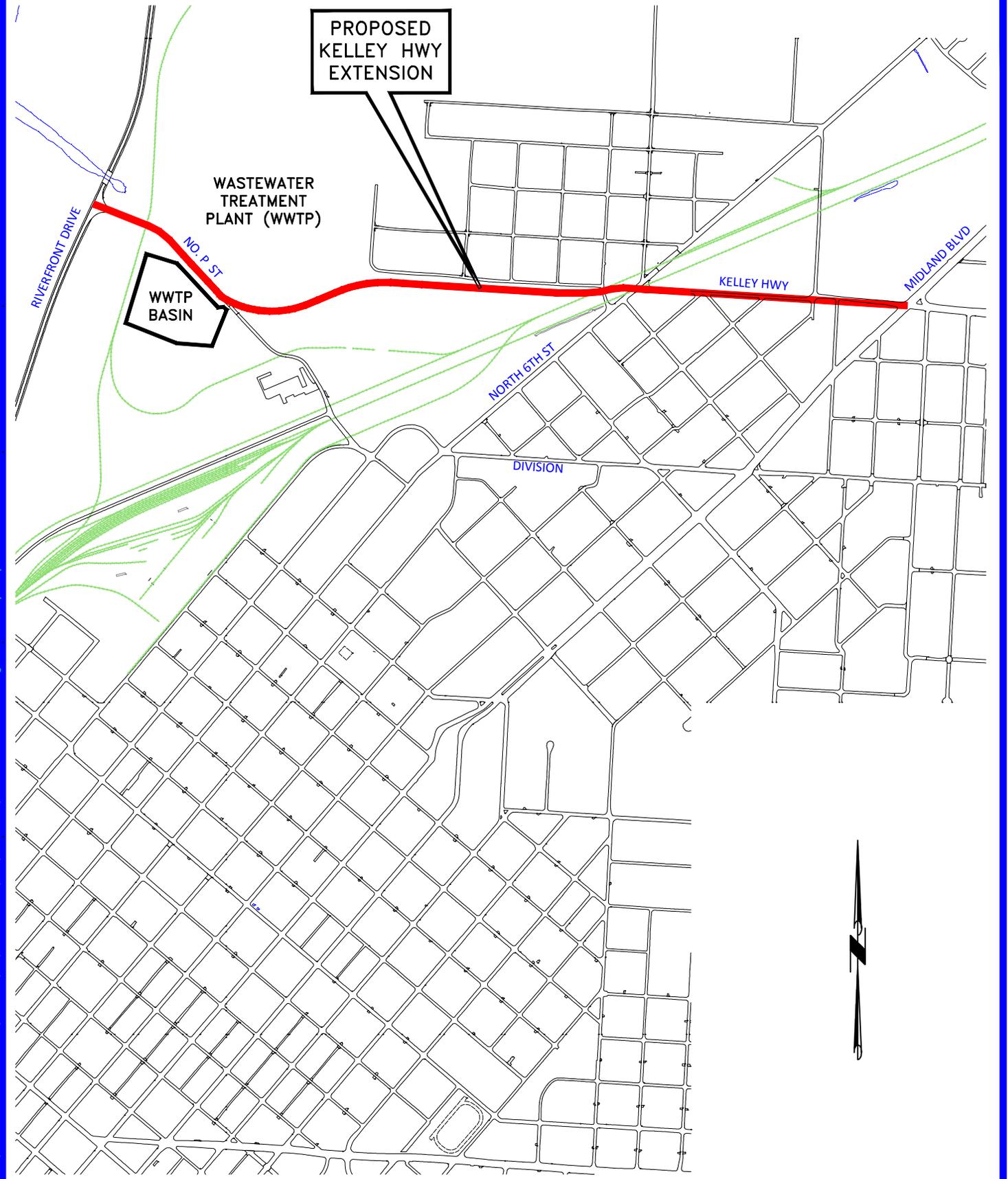
This project includes the design for the construction and widening of Kelley Highway from Midland Boulevard to Riverfront Drive as shown on the attached exhibit. The length of the project is approximately 7,000 feet and the street will be widened to a three lane major collector road section. The preliminary estimated cost is \$8.5 million. A multiuse path will be constructed on one side of the street with a sidewalk on the other side. The conceptual design will consider two different alignment options at the west end of the project. One alignment option will generally follow the section of “P” Street adjacent to the wastewater treatment plant while the second alignment option is further south adjacent to and on the south side of the WWTP equalization basin.

The professional services qualifications on file were reviewed and the firm of Morrison Shipley Engineers, Inc. was selected for the design contract. A copy of the consultant selection form is attached. The Engineering Department has negotiated an engineering services contract with Morrison Shipley Engineers, Inc. for a maximum not to exceed fee of \$827,381.25. Payment for the engineering services will be based on hourly rates for the actual hours worked on the project plus direct costs. The design work should take approximately 18 months followed by acquisition of the necessary right of way. Construction is currently scheduled to begin in 2018.

This extension of Kelley Highway will serve as a major route connecting I-540 to the riverfront area. The extension is also in alignment with the goals of the comprehensive plan actions FLU-2.1.1 (Improve access in an effort to incentivize development in areas along the riverfront) and TI-1.1.2 (Create an I-540 Downtown/Riverfront Loop that would offer direct access to the riverfront and downtown area from Kelley Highway and Grand Avenue).

Attached is a Resolution to authorize the Mayor to execute the engineering services contract. I recommend that the Resolution be adopted by the Board of Directors at the next regular meeting.

Enclosures



2015 CAPITAL IMPROVEMENTS PROGRAM  
 KELLEY HWY EXTENSION



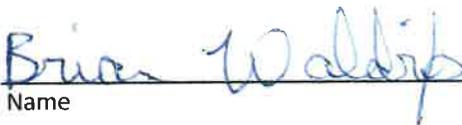
Project:	15-01-A
Date:	DEC. 2014
Scale:	NONE
Drawn By:	RBR

ENGINEERING CONSULTANT SELECTION - 2015 CAPITAL IMPROVEMENTS PROGRAM

Project No.	Description	Selected Firm	Qualified Firm	Qualified Firm
15-01-A	Kelley Highway Extension to Riverfront Drive	Morrison Shipley	Hawkins Weir	Mickle Wagner Coleman

Determination of the selected firm based upon review of consultant qualifications statements on file in the City Clerk's office, considering experience with respect to the type of services required, capacity and capability to perform the work, past record of performance and familiarity with the area in which the project is located.

  
Name

  
Name

  
Name

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
WITH THE U. S. MARSHALS MUSEUM, INC. FOR  
CERTAIN SERVICES FOR INHABITANTS OF THE CITY OF FORT SMITH

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, that certain agreement with the U. S. Marshals Museum, Inc. providing for the payment by the City to the U. S. Marshals Museum, Inc. up to a maximum of **\$50,000** during calendar year 2015 for services provided to the City that shall consist of maintaining the national fundraising campaign which facilitates the continued planning, design, and construction of the U. S. Marshals Museum on the Arkansas riverfront in downtown Fort Smith.

SECTION 2: It is hereby declared and determined by the Board of Directors that the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreement.

Passed and approved this \_\_\_\_\_ day of January, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM



\_\_\_\_\_  
No Publication Required



## MEMORANDUM

December 19, 2014

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** U.S. Marshals Museum - Services Agreement

The 2015 budget includes funding of \$50,000 for a services agreement with the U.S. Marshals Museum, Inc. The agreement is attached for the board's consideration. It requires the museum to maintain its national fundraising campaign for planning, design and construction of the museum on the riverfront in downtown Fort Smith. Payments will be made quarterly in equal amounts of \$12,500 each.

Attached is an ordinance which approves the agreement with the U.S. Marshals Museum, Inc. The museum will support the board's strategic priority of riverfront development and policies of the city's comprehensive plan including:

- ▶ *Encourage a mix of housing, retail, and entertainment attractions along the City's waterfront (FLU-2.1)*
- ▶ *Promote historically significant landmarks and cultural assets (NCR-3.2)*



The staff recommends approval of the agreement with the U.S. Marshals Museum, Inc.

Attachments

cc: Jim Dunn, U.S. Marshals Museum, Inc.

A handwritten signature in black ink that reads "Ray".

## AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of January, 2015, by and between the City of Fort Smith, Arkansas (“City”), and the U. S. Marshals Museum, Inc. a national, non-sectarian, incorporated, organization with the local social, cultural, and economic development benefits to the city, state, region, and nation.

### WITNESSETH:

WHEREAS, the U.S. Marshals Museum, Inc. has possession and control of physical facilities suitable for providing to the City’s residents certain services, as enumerated in paragraph one (1) below, which services fulfill a governmental function to provide for the health, safety, and welfare of the City’s inhabitants; and

WHEREAS, the parties desire to provide a program of such services and facilities for the City’s inhabitants;

NOW, THEREFORE, it is agreed by the parties that in exchange for the mutual covenants and agreements set forth below;

1. The U. S. Marshals Museum, Inc. will provide to the City and its inhabitants, for the year 2015, services which will enhance the health and welfare of the City and its inhabitants. The service shall consist of maintaining the national fundraising campaign which facilitates the continued planning, design, and construction of the United States Marshals Museum on the Arkansas riverfront in downtown Fort Smith.

2. In consideration for the providing of the services described in the preceding paragraph, the City agrees to pay the U.S. Marshals Museum, Inc. the total sum of \$50,000 in equal quarterly installments of \$12,500 each on or before February 15, May 15, August 15 and November 15, 2015.

3. It is agreed by the U.S. Marshals Museum, Inc. that the City shall have the right, at all reasonable times, to inspect the facilities and programs being provided by the U.S. Marshals Museum, Inc. under this Agreement, and shall have the right, at all reasonable times, to inspect the financial and other records of the U.S. Marshals Museum, Inc.. After inspection or investigation, the City shall have the right to notify the U.S. Marshals Museum, Inc., in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured within thirty (30) calendar days from the date of such written notice, the City shall have the absolute right to terminate this Agreement and not make any further payment. To assist the City in monitoring its activities, the U.S. Marshals Museum, Inc. shall, on a quarterly or more frequent basis, provide to the City Administrator, or his/her designated agent, a report of the U.S. Marshals Museum, Inc. financial and service activities during the period preceding such report.

4. Furthermore, the City shall have the right to cancel this Agreement and not make any further payment upon the happening of any of the following:

- a. Any substantial damage to or destruction of the U.S. Marshals Museum, Inc. facilities within the City by fire, wind, or other casualty; or

b. A determination by the Board of Directors that the services provided hereunder are no longer needed as a governmental function, or, otherwise, a determination by the Board of Directors that the City, for whatever reason, no longer desires to have such services provided by the U.S. Marshals Museum, Inc.; or

c. A determination by the Board of Directors that the U.S. Marshals Museum, Inc. its employees, or agents, in the providing of the services hereunder, have violated the City's policy against discrimination on the basis of age, sex, religion, race, color, national origin, political affiliation, handicap, veteran status, or have violated the City's policy in favor of a drug-free work place.

In addition to any of the other rights of cancellation stated herein, either party shall have the right to cancel this Agreement because of the breach by the other party of that party's obligations hereunder, such cancellation to be effective as of the date of the breach. Failure by either party immediately to declare the contract canceled by reason of a particular breach shall not preclude a party from raising that breach subsequently as a reason for cancellation. Should the Agreement be canceled, for any reason, the U.S. Marshals Museum, Inc. understands and agrees that the City shall immediately cease paying any further monies under this Agreement, and agrees additionally the U.S. Marshals Museum, Inc. will refund to the City, on a pro-rated basis, monies paid by the City for services not rendered by the U.S. Marshals Museum, Inc.

5. The U.S. Marshals Museum, Inc. shall indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on 42 U.S.C. section 1982), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property), cost of liabilities (including the City's cost with respect to its employees and cost of defending any and all such actions and proceedings described herein), arising out of or pertaining to the providing of services hereunder by the U.S. Marshals Museum, Inc.

6. It is agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

7. The parties to this Agreement agree that it is not a contract of employment, but is, instead, a contract to fulfill a specific governmental purpose. Accordingly, in the performance of this Agreement, the U.S. Marshals Museum, Inc. shall be considered an independent agent, and neither it nor its employees or agents shall be considered employees or agents of the City.

8. Because the U.S. Marshals Museum, Inc. will be receiving monies from the City under this Agreement, the U.S. Marshals Museum, Inc. understands that its records and meetings may become subject to the provisions of the Arkansas Freedom of Information Act.

9. It is understood and agreed by the parties that, if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of Arkansas, the entire Agreement shall be null and void.

10. This Agreement shall not be specifically enforceable in equity, by either party; nor shall any injunction be applied for or issued at the instigation of either party in case of dispute or alleged breach of this Agreement.

11. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

12. This Agreement is executed on the City's behalf by its officials as set forth below pursuant to Ordinance No. \_\_\_\_\_ adopted on January 6, 2015.

13. This Agreement is executed on behalf of the U.S. Marshals Museum, Inc. by its authorized representative set forth below who represents that he has full legal authority to bind the U.S. Marshals Museum, Inc.

IN WITNESS WHEREOF, the parties have set their hands and seals this \_\_\_\_ day of January, 2015.

City of Fort Smith

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

U. S. Marshals Museum, Inc.

By: \_\_\_\_\_  
President and CEO

Attest: \_\_\_\_\_  
Secretary

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF  
AGGREGATES, SAND, CONCRETE, AND ASPHALT CONCRETE  
PRODUCTS FOR 2015**

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

The Bids, as indicated by enclosure on the attached Bid Tabulation  
**12-30-14BA** for the purchase of concrete, asphalt, and other materials for 2015, are  
accepted.

This Resolution adopted this \_\_\_\_\_ day of January, 2015.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:



\_\_\_\_\_  
 No Publication Required

## Interoffice Memorandum

**TO:** Ray Gosack, City Administrator  
**FROM:** Alie Bahsoon, Purchasing Manager   
**SUBJECT:** 2015 Sand, Concrete & Asphalt Bid Tabulation  
**DATE:** December 30, 2014  
**BID TAB:** 12-30-14BA



---

Attached you will find the 2015 bid tabulations for Aggregates, Sand, Concrete, and Asphalt Concrete Materials. These items will be used by various City departments and will remain in effect for all of 2015.

Please note that there was an average of \$4.12 increase in the price of concrete from last year. These materials have been budgeted for accordingly in the 2015 budget. For your convenience, I have attached a copy of the 2014 bid tabulation for comparison purposes.

I recommend that the bids noted by enclosure on the attached tabulation be accepted. Please let me know if you should have any questions.

Tabulation of Bids for Concrete and Sand for **2015**

Bid Tab: 12-30-14BA

Description	APAC-Central, Inc. (Arkholia)					Mid-Continent					Bid Item #		
	Ft. Smith, AR					Ft. Smith, AR							
	At Plant *		At Plant **		At Plant		Delivered		At Plant			Delivered	
Crushed Stone (Aggregate Base)	\$11.55	✓	\$11.80	✓	N/A		N/A		N/A		N/A	2	
3/4" to 1 1/2" Concrete Rock	\$12.70	✓	\$13.45	✓	N/A		N/A		N/A		N/A	3	
Rip Rap	\$17.00	✓	\$17.00	✓	N/A		N/A		N/A		N/A	4	
Gabion Stone	N/A		\$13.75	✓	N/A		N/A		N/A		N/A	5	
Concrete Class AAA/4000 PSI	N/A		N/A		\$81.00		\$93.00		\$75.00	✓	\$87.00	✓	6a
Concrete Class AAA (AE)/4000 PSI	N/A		N/A		\$81.00		\$93.00		\$75.00	✓	\$87.00	✓	6b
Concrete Class AAA (AE)(HES)/4000 PSI	N/A		N/A		\$94.00		\$108.00		\$88.00	✓	\$102.00	✓	6c
Concrete Class AA/3500 PSI	N/A		N/A		\$78.00		\$91.00		\$74.00	✓	\$85.00	✓	6d
Concrete Class AA AE/3500 PSI	N/A		N/A		\$78.00		\$91.00		\$74.00	✓	\$85.00	✓	6e
Concrete Class AA AE HES/3500 PSI	N/A		N/A		\$94.00		\$108.00		\$87.00	✓	\$100.00	✓	6f
Concrete Class A/3000 PSI	N/A		N/A		\$74.50		\$88.00		\$73.00	✓	\$84.00	✓	6g
Concrete Class A (AE)/3000 PSI	N/A		N/A		\$74.50		\$88.00		\$73.00	✓	\$84.00	✓	6h
Concrete Class A (AE)(HES)/3000 PSI	N/A		N/A		\$92.50		\$108.00		\$86.00	✓	\$100.00	✓	6i
Concrete Class B/2500 PSI	N/A		N/A		\$74.50		\$106.00		\$71.00	✓	\$83.00	✓	6j
Concrete Class B (HES)/2500 PSI	N/A		N/A		\$90.50		\$106.00		\$85.00	✓	\$99.00	✓	6k
Utility Backfill (Slurry)	N/A		N/A		\$56.00		\$66.00		\$55.00	✓	\$65.00	✓	7
Sand	N/A		N/A		\$8.65	✓	N/A		N/A		N/A		8
Stone Chips	N/A		N/A		\$15.00	✓	N/A		N/A		N/A		12

**Optional Items**

Calcium Chloride – 1% (Per Cubic Yard)					\$3.00				\$3.00		N/A
Calcium Chloride – 2% (Per Cubic Yard)					\$6.00				\$6.00		N/A
Fiber (Per Bag)					\$6.00				\$6.00		N/A

**All Prices Firm for 2015**

- ✓ Awarded Bid
- \* Preston Plant
- \*\* Jenny Lind Plant

Tabulation of Bids for Concrete and Sand for **2015**

Bid Tab: 12-30-14BA

Description

**Arkhola Sand & Gravel  
Ft. Smith, AR**

**JOB Construction  
Poteau, OK**

- Asphalt Concrete Hot Mix Surface Course (II)
- Asphalt Concrete Cold Plant Mix
- Asphalt Concrete High Performance Cold Mix
- Asphaltic Concrete Hot Mix Binder Course
- Asphaltic Concrete Hot Mix Surface Course
- Asphaltic Concrete Hot Mix Surface Course-AHTD 12.5 mm
- Asphaltic Concrete Hot Mix Surface Course-AHTD 9.5 mm

At Plant	
<b>\$73.00</b>	✓
<b>\$95.00</b>	✓
N/A	
<b>\$68.00</b>	✓
<b>\$73.00</b>	✓
<b>\$82.00</b>	✓
<b>\$84.00</b>	✓

At Plant		Bid Item #
N/A		9
N/A		10
<b>\$108.00</b>	✓	11
N/A		13
N/A		14
N/A		15
N/A		16

**All Prices Firm for 2015**

✓ Awarded Bid

Tabulation of Bids for Concrete and Sand for **2014**

Bid Tab: 12-20-13BA

**Description**

Crushed Stone (Aggregate Base)  
 3/4" to 1 1/2" Concrete Rock  
 Rip Rap  
 Gabion Stone  
 Concrete Class AAA/4000 PSI  
 Concrete Class AAA (AE)/4000 PSI  
 Concrete Class AAA (AE)(HES)/4000 PSI  
 Concrete Class AA/3500 PSI  
 Concrete Class AA AE/3500 PSI  
 Concrete Class AA AE HES/3500 PSI  
 Concrete Class A/3000 PSI  
 Concrete Class A (AE)/3000 PSI  
 Concrete Class A (AE)(HES)/3000 PSI  
 Concrete Class B/2500 PSI  
 Concrete Class B (HES)/2500 PSI  
 Utility Backfill (Slurry)  
 Sand  
 Stone Chips

APAC-Central, Inc. (Arkholia)						Mid-Continent				Bid Item #
Ft. Smith, AR						Ft. Smith, AR				
At Plant *		At Plant **		At Plant	Delivered	At Plant		Delivered		
\$11.55	✓	\$11.80	✓	N/A	N/A	N/A		N/A	2	
\$12.70	✓	\$13.45	✓	N/A	N/A	N/A		N/A	3	
\$17.00	✓	\$17.00	✓	N/A	N/A	N/A		N/A	4	
\$13.74	✓	\$13.75	✓	N/A	N/A	N/A		N/A	5	
N/A		N/A		\$81.00	\$93.00	\$70.00	✓	\$84.00	✓ 6a	
N/A		N/A		\$81.00	\$93.00	\$70.00	✓	\$84.00	✓ 6b	
N/A		N/A		\$94.00	\$108.00	\$86.00	✓	\$97.00	✓ 6c	
N/A		N/A		\$76.50	\$90.00	\$69.00	✓	\$80.00	✓ 6d	
N/A		N/A		\$76.50	\$90.00	\$69.00	✓	\$80.00	✓ 6e	
N/A		N/A		\$92.00	\$106.00	\$85.00	✓	\$96.00	✓ 6f	
N/A		N/A		\$74.50	\$88.00	\$68.00	✓	\$80.00	✓ 6g	
N/A		N/A		\$74.50	\$88.00	\$68.00	✓	\$80.00	✓ 6h	
N/A		N/A		\$90.50	\$106.00	\$84.00	✓	\$95.00	✓ 6i	
N/A		N/A		\$74.50	\$106.00	\$67.00	✓	\$78.00	✓ 6j	
N/A		N/A		\$90.50	\$106.00	\$83.00	✓	\$94.00	✓ 6k	
N/A		N/A		\$56.00	\$66.00	\$52.00	✓	\$59.00	✓ 7	
N/A		N/A		\$8.65	✓ N/A	No Bid		No Bid	8	
N/A		N/A		\$15.00	✓ N/A	No Bid		No Bid	12	

**All Prices Firm for 2014**

- ✓ Awarded Bid
- \* Preston Plant
- \*\* Jenny Lind Plant

Tabulation of Bids for Concrete and Sand for **2014**  
Bid Tab: 12-20-13BA

**Description**

**Arkholia Sand & Gravel  
Ft. Smith, AR**

**JOB Construction  
Poteau, OK**

Asphalt Concrete Hot Mix Surface Course (II)  
 Asphalt Concrete Cold Plant Mix  
 Asphalt Concrete High Performance Cold Mix  
 Asphaltic Concrete Hot Mix Binder Course  
 Asphaltic Concrete Hot Mix Surface Course  
 Asphaltic Concrete Hot Mix Surface Course-AHTD 12.5 mm  
 Asphaltic Concrete Hot Mix Surface Course-AHTD 9.5 mm

At Plant	
<b>\$73.00</b>	✓
<b>\$95.00</b>	✓
N/A	✓
<b>\$68.00</b>	✓
<b>\$73.00</b>	✓
<b>\$82.00</b>	✓
<b>\$84.00</b>	✓

At Plant		Bid Item #
N/A	✓	9
N/A	✓	10
<b>No Bid</b>	✓	11
N/A	✓	13
N/A	✓	14
N/A	✓	15
N/A	✓	16

**All Prices Firm for 2014**

✓ Awarded Bid

RESOLUTION NO. \_\_\_\_\_

8D

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHANNON & WILSON, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH YEAR 2015 POST CONSTRUCTION MONITORING AND INSPECTION OF THE LAKE FORT SMITH DAM AND RESERVOIR

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

SECTION 1: An Agreement with Shannon & Wilson, Inc, for providing engineering services associated with Year 2015 Post Construction Monitoring and Inspection of the Lake Fort Smith Dam and Reservoir, Project Number 15-02-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for an amount of \$91,032.00, for performance of said services.

This Resolution adopted this \_\_\_\_\_ day of January 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
npr

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator

**DATE:** December 22, 2014

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Lake Fort Smith Dam and Reservoir  
Year 2015 Post Construction Monitoring

For the past six years the city has contracted with Shannon & Wilson to provide post construction monitoring of the Lake Fort Smith dam and reservoir. Post construction monitoring provides insight about the embankments's movement due to internal stress, verifies that the structure is performing as anticipated by its designers, and that desired factors of safety are met for the protection of downstream life and property. To date, the monitoring and inspection reports show that the embankment and structures are performing well.

Shannon & Wilson have submitted a proposal for providing post construction monitoring services and a comprehensive on-site inspection of the dam and reservoir for Year 2015. Under this proposal, Mickle Wagner Coleman will provide quarterly instrumentation readings and surveys which will be analyzed by Shannon & Wilson and documented in quarterly reports. In early 2016, Shannon & Wilson will provide an annual summary report of all data gathered in 2015. In addition, with assistance from Burns & McDonnell, Shannon & Wilson will preform a comprehensive inspection of the dam and reservoir, including the intake tower and outlet tunnel, and prepare a report documenting the condition of the structure. As in past years, these reports will be submitted to the Arkansas Natural Resources Commission. The total fee for providing the year 2015 services includes the sub-consultants services of Mickle Wagner Coleman and Burrns & McDonnell for an amount of \$91,032.00

A Resolution authorizing an agreement with Shannon & Wilson for providing post construction monitoring and the comprehensive on-site inspection for year 2015 is attached. Funds for this service are available from the water & sewer operations budget.

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

attachment

pc: Jeff Dingman



## EXECUTIVE SESSION

# MEMORANDUM

December 29, 2014

**TO:** Mayor and Board of Directors

**FROM:** Ray Gosack, City Administrator

**SUBJECT:** Appointments of Board Members

The beginning of a new term of the board of directors necessitates certain appointments. These appointments are for positions which are filled by members of the board of directors. The January 6, 2015 board meeting agenda includes 5 appointments. Attached is a list of all positions filled by board members. Below is a discussion of the appointments needed at the January 6<sup>th</sup> meeting.

**Vice Mayor.** Every two years, the board elects a vice mayor. The vice mayor presides at board meetings when the mayor is absent, signs ordinances and resolutions in the mayor's absence, and provides greetings and proclamations at the mayor's request. Any director is eligible to be elected vice mayor. The term will expire on December 31, 2016.

**Audit Committee.** Three of the positions on the 7-member audit committee are filled by members of the board of directors. The audit committee works with the city's internal and external auditors to review the city's financial reports and practices.

Directors Settle and Lorenz serve on the audit committee. Pam Weber was serving in the third position. The needed appointment will be for a term expiring November 30, 2015.

**Solid Waste District Board.** The city board designates two of its members to serve on the Sebastian County Regional Solid Waste Management District board. The solid waste district is responsible for the proper planning of solid waste disposal and recycling in the district.

Mayor Sanders and Director Lau currently serve on the solid waste district board. Mayor Sanders' term expires January 21, 2015. He doesn't wish to be re-appointed. The term of the new appointment will expire January 21, 2018 (a 3-year term).

Director Lau's term expires January 21, 2016. He would like to be replaced for the remainder of his term.

**Advertising and Promotion Commission.** State law requires that two members of the A & P Commission be from the board of directors. The A & P Commission oversees tourism marketing and operates the convention center and the visitors center.

Mayor Sanders and Director Good currently serve on the A & P Commission. These terms are indefinite. Mayor Sanders desires to continue; Director Good would like to be replaced.

Please let me know if you need any more information about these appointments.

A handwritten signature in black ink on a white rectangular background. The signature appears to be "Ray" with a horizontal line to the left of the first letter.

Attachment

**BOARD MEMBER APPOINTMENTS  
EFFECTIVE DURING 2014**

*Vice Mayor*

Kevin Settle

*Solid Waste District*

Sandy Sanders & Keith Lau

*Audit Committee*

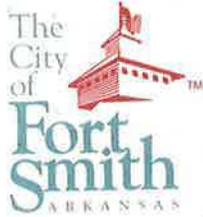
Kevin Settle & Mike Lorenz

*A & P Commission*

Sandy Sanders & Andre' Good

*Western Arkansas Planning  
and Development Dist.*

Sandy Sanders & Kevin Settle



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Mathis, Administrative Assistant  
DATE: December 29th, 2014  
SUBJECT: Housing Authority

The term of Rex Terry of the Housing Authority will expire March 3, 2015.

There are no other applicants available at this time.

Appointments are **by the Housing Authority Commission confirmed by the Board of Directors**, one appointment is needed. The term will expire March 3<sup>rd</sup>, 2020.

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

***Fort Smith Housing Authority***

2100 North 31<sup>st</sup> Street

Fort Smith, Arkansas 72904

(479) 782-4991 FAX (479) 782-0120

www.fortsmithhousing.org

December 19, 2014

Ms. Sherri Gard  
Office of the City Clerk  
623 Garrison Avenue, Suite 303  
Fort Smith, AR 72901

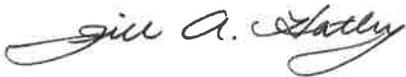
Re: Reappointment of FSHA Commissioner Rex Terry

Dear Ms. Gard:

Enclosed is FSHA Resolution 1084, which reappoints Rex Terry as a Fort Smith Housing Authority commissioner for a five-year term. Please add this to the agenda for the January 6 board meeting.

Thank you for your assistance. Feel free to let me know if you need anything further.

Sincerely,



Jill A. Hatley  
Administrative Assistant

Enclosure

## RESOLUTION 1084

### RESOLUTION TO REAPPOINT REX TERRY TO THE BOARD OF COMMISSIONERS OF THE FORT SMITH HOUSING AUTHORITY

**WHEREAS**, the term of Rex Terry as a member of the Board of Commissioners of the Fort Smith Housing Authority, expires on March 3, 2015; and

**WHEREAS**, Act No. 77 of the Acts of Arkansas of 1943, approved on February 19, 1943, provided that the commissioners of the municipal housing authority shall designate a successor to fill any vacancy occurring on the board of a municipal housing authority subject to approval and confirmation by the municipal governing body of said city; and

**WHEREAS**, the Board of Commissioners of the Fort Smith Housing Authority wishes to reappoint Rex Terry for a period of five (5) years in accordance with Act No. 77 of the Acts of Arkansas of 1943;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Fort Smith Housing Authority that Rex Terry is hereby reappointed to the Board of Commissioners of the Fort Smith Housing Authority, subject to approval and confirmation by the Board of Directors of the City of Fort Smith, Arkansas, to hold office for a period of five (5) years or until a successor has been designated by the Board of Commissioners of the Fort Smith Housing Authority. The Chairman and Secretary-Treasurer of the Fort Smith Housing Authority are hereby directed to execute and file with the City Clerk of Fort Smith, Arkansas, a certificate showing the reappointment of Rex Terry as a member of the Board of Commissioners of the Fort Smith Housing Authority.

  
Richard B. Griffin, Chairman

  
Kenneth L. Pyle, Secretary-Treasurer

12/18/2014  
Date



HOUSING AUTHORITY

The Housing Authority is authorized to provide low-income housing assistance to residents of the City and the County. Vacancies on the Housing Authority shall be filled by the remaining members of the Housing Authority subject to confirmation by the Board of Directors serving a 5 year term. The Housing Authority meets at 11:30 a.m. on the last Thursday of each month at the Beckman Center.

	<u>DATE APPOINTED</u>	<u>TERM EXPIRES</u>
Rex Terry 2714 Yorktown Circle (03) 452-2200	02/16/10	03/03/15
Linda Edwards Resident Commissioner 30 Nelson Hall Homes (04)	11/21/06	03/03/16
Richard B. Griffin, Chairman P.O. Box 2207 (02) 783-5191 (w)	10/20/92	03/03/17
Rick Foti 7810 Dover Circle (03) 452-3028	12/16/97	03/03/18
Barbara Webster Meadows 1801 North 13 Street (04) 452-6976	01/07/97	03/03/19



December 16, 2014

TO: Members of the Board of Directors  
Members of the Library Board of Trustees

RE: Appointments:

Mr. Ben Carroll of the Library Board of Trustees has resigned his position on December 12<sup>th</sup>, 2014. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on January 13<sup>th</sup>, 2015. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to [www.fortsmithar.gov](http://www.fortsmithar.gov) and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack".

Ray Gosack  
City Administrator

623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, Arkansas 72902  
(479) 785-2801  
Administrative Offices FAX (479) 784-2430