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
July 7, 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

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 JUNE 16, 2015 REGULAR MEETING AND JUNE 23, 2015 SPECIAL MEETING

ITEMS OF BUSINESS:

1. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to a Planned Zoning District by classification located at 8401 McClure Drive)*

2. Ordinance rezoning identified property and amending the zoning map *(from Commercial Regional (C-4) to Commercial Heavy (C-5) by extension located at 1200 South "U" Street)*

3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes *(608 North 16th Street & two rear buildings and 1732 North 12th Street)*

4. Ordinance amending the 2015 Budget

5. Consent Agenda

A. Ordinance authorizing a contract with Playcore Wisconsin, Inc. doing business as GameTime for the development of neighborhood parks on Fianna Way and Texas Road and declaring exceptional situations and waiving the requirements of competitive bidding *($158,589.55 / Parks Department / Budgeted – 1/8% Sales and Use Tax)* ♦ *~ Tabled at the June 16, 2015 regular meeting ~*

B. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the South 46th Street Rogers Avenue Sewer Replacement *($223,079.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds)*

C. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the construction of the 3571 Gary Street Sewer Repair *($28,945.50 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

D. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the 3571 Gary Street Sewer Repair *($158,486.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Hudson Excavation, Inc. for the Lee Creek Reservoir Buoy Line Replacement *($53,187.00 / Utility Department / Budgeted – Water & Sewer Operating Budget)*

F. Resolution authorizing the City Administrator to enter into an office space lease with Stephens Media, LLC at 3600 Wheeler Avenue *($7,061.83 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)*

G. Resolution accepting the bid for the purchase of a wheel loader *($239,900.00 / Sanitation Department / Budgeted – Sanitation Sinking Fund)*

H. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

I. Resolution authorizing the City Administrator to execute and deliver a consent to assignment of lease with Spirit Master Funding VI, LLC to use a portion of North 31st Street right-of-way *(Harps Marketplace, 3100 Grand Avenue)*

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Performance evaluation – City Administrator *~requested by Administrator Gosack~*

ADJOURN

1.

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 6-6-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 9, 2015, 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 Southeast Quarter of Section 6, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at an existing ½" rebar with cap stamped PLS 1272 at the Southeast Corner of said Section 6; Thence along the south line of said Southeast Quarter of Section 6, N87°14'55"W, 992.76 feet; Thence S00°00'00"E, 29.74 feet; Thence N86°54'42"W, 414.63 feet; Thence 671.39 feet along the arc of a curve to the right, said curve having a radius of 1035.00 feet and being subtended by a chord having a bearing of N68°19'41"W and a distance of 659.68 feet; Thence N49°44'40"W, 204.05 feet; Thence 57.34 feet along the arc of a curve to the left, said curve having a radius of 965.00 feet and being subtended by a chord having a bearing of N51°26'48"W and a distance of 57.33 feet; Thence N53°08'55"W, 4.48 feet; Thence N40°30'48"E, 70.14 feet to the Point of Beginning and a set 1/2" rebar with cap stamped MWC 1369; Thence N53°08'55"W, 288.03 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N36°51'05"E, 63.48 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N32°44'57"W, 105.46 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N17°05'56"E, 206.66 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N66°40'59"W, 20.51 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N20°48'19"E, 173.51 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N00°58'20"W, 217.61 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N25°09'18"W, 99.28 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence N25°53'57"W, 105.39 feet to a set 1/2" rebar with cap stamped MWC 1369 on the southeasterly line of the Sebastian County Bike Trail Parcel; Thence along said southeasterly line the following courses: N48°31'29"E, 403.12 feet to a set 1/2" rebar with cap stamped MWC

1369; N40°37’28”E, 268.41 feet to a set 1/2" rebar with cap stamped MWC 1369; N58°28’39”E, 209.30 feet to a set 1/2" rebar with cap stamped MWC 1369; N39°51’14”E, 261.60 feet to a set 1/2" rebar with cap stamped MWC 1369; N46°26’37”E, 21.74 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said southeasterly line, S51°50’04”E, 714.08 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence 76.04 feet along the arc of a curve to the left, said curve having a radius of 50.00 feet and being subtended by a chord having a bearing of S05°55’00”E and a distance of 68.92 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence S40°30’48”W, 1799.98 feet to the Point of Beginning. Containing 30.00 acres, more or less.

more commonly known as 8401 McClure Drive, 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:

_____

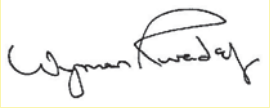
City Clerk

APPROVED:

_____

Mayor

Approved as to form:



_____

Publish One Time

June 29, 2015

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

Re: A request by Mickle-Wagner-Coleman, agent for ArcBest Corporation, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 8401 McClure Drive.

On June 9, 2015, the City Planning Commission held a public hearing to consider the above request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the construction of the new ArcBest Corporate Headquarters.

Mr. Walter Echols was present to speak on behalf of this request.

At the Planning Commission meeting, no one was present to speak in opposition to the request. A neighborhood meeting was held where some neighboring property owners expressed their concerns. A copy of the neighborhood meeting minutes are enclosed.

Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Printed on 100% Recycled Paper

Rezoning - PZD

Memo

To: City Planning Commission

From: Planning Staff

Date: June 4, 2015

Re: Rezoning #6-6-15 - A request by Mickle Wagner Coleman, Inc., agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District by classification at 8401 McClure Drive

PROPOSED ZONING

The approval of this zoning will allow for the construction of the new ArcBest Corporate Headquarters.

LOT LOCATION AND SIZE

The subject property is on the north side of McClure Drive just east of Massard Road. The tract contains an area of 30.00 acres with approximately 288 feet of street frontage along McClure Drive.

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.

3A

EXISTING ZONING

The property currently is Not Zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family Medium/High Density (RS-3) and developed as single-family residences. Another area to the north is not zoned and developed as the McClure Amphitheater and an elevated storage tank.

The area to the west is not zoned and is developed as the Janet Huckabee Arkansas River Valley Nature Center.

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

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies the site as Commercial/Office. 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 location along with proposed parking lots and areas of existing trees to remain. 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 McClure Drive and the future R.A Young Jr. Drive.**

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.**

3B

F. The required right-of-way dedication has been identified by the City Engineering Department? **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? **All easements and utilities will comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction and will be verified during platting process.**

H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The city in partnership with the FCRA is constructing two 38' wide streets: McClure and R.A. Young Jr. Drive. These street extensions will serve this property and future development in the surrounding areas. McClure Drive will link Massard Road with Wells Lake Road. The future R.A. Young Jr. Drive will provide access from Wells Lake Road to the northern portions of this site as well as future residential development to the north.**

I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The project booklet states that the project will meet or exceed the UDO in the following areas: 1) landscaping; 2) the building will consist of 100% exterior high-quality materials.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The property is accessible from McClure Drive and the future R.A. Young Jr. Drive

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 – The site plan shows multiple detention ponds. 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.

Parking – The project booklet indicates that 1,200 parking spaces are proposed

Signage – The PZD states that all signs will be monument style. Signage for McClure Drive will have a maximum height of 15' and a maximum area of 125 square feet. Signage for R.A. Young Jr. Drive will have a maximum height of 15' and a maximum area of 75 square feet.

Sidewalks –Sidewalks will be constructed on both sides of the McClure Drive Extension and the future R.A. Young Jr. Drive.

3C

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 development is in compliance with the applicable plans.**

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 are 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 by the city's engineering department due to the proposed construction of two new 38' wide streets, including the McClure Drive extension and R. A. Young Jr., Drive.**

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. **There is an existing 12" water line that will serve the site. A proposed 8" sanitary sewer will be extended to the site by the FCRA. All franchise utilities will be extended to the site.**

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 requirements.**

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, May 12, 2015, at the Chaffee Crossing Media Center. Four neighboring property owners attended the meeting as well as representatives from ArcBest, City of Fort Smith, Nabholz Construction and Mickle Wagner Coleman. There were concerns about drainage, traffic, privacy and colors of the building. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet.

3D

Neighborhood Meeting Minutes
ArcBest Corporate Headquarters at Chaffee Crossing
May 12, 2015 5:30 PM
Chaffee Crossing Media Center
7801 Ellis Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the ArcBest Corporate Headquarters development at Chaffee Crossing was held Tuesday, May 12, 2015 at 5:30 p.m. at the Chaffee Crossing Media Center, 7801 Ellis Street, Fort Smith, Arkansas. Walter Echols of ArcBest, Pat Mickle and Nick Griffin of Mickle Wagner Colman, Rob Dodd of Nabholz Construction, Tyler Miller of the City of Fort Smith Planning Department, and 6 homeowners, all from Reata Subdivision, attended the meeting. The attendance list is attached.

Mr. Echols and Mr. Mickle conducted the meeting. Mr. Echols explained the scope of the project (4-story Office Building with 1200 space parking lot). A homeowner expressed concern regarding existing drainage problems in the Reata Subdivision. Mr. Echols and Mr. Mickle explained that the majority of the ArcBest Property drains to the east away from the Reata Subdivision. They explained that the portion of the site that drains west toward Reata will remain natural vegetation. Mr. Miller also commented that the City of Fort Smith Engineering Department will review the plans to ensure that the development does not create any drainage issues for neighboring properties.

Another property owner asked about potential traffic issues. Mr. Mickle explained that two street extensions are being constructed in conjunction with the project. A new street will extend from Wells Lake Road to the northern portion of the site. McClure Drive will be extended from its current terminus near the McClure Amphitheater to Wells Lake Road to serve the southern portion of the site. He also noted that sometime in the future, Massard Road's southbound boulevard lanes will be completed to handle increased traffic. Mr. Echols added that the eventual Interstate 49 completion will facilitate more access from the east.

Reata property owners were also concerned about privacy and that back yards in Reata may be visible from the upper floors of the building. Mr. Echols spoke about the natural buffers that exist between the houses at Reata and the building. This included the terrain (the lots are situated at the base of the ridge which is generally 100' lower than the top of the ridge), the bike trail, and the existing vegetation (dense hardwood trees). The closest houses in Reata are approximately 500' from the proposed ArcBest building.

3E

Another concern from a property owner was the building color. The renderings show the concrete façade portions of the building are white. Mr. Echols explained that ArcBest has not yet finalized the color scheme.

There being no further questions, the meeting adjourned at 6:00 p.m.

-Nicholas J. Griffin, P.E.

f:\doc\misc\Neighborhood Meeting Minutes – ArcBest at Chaffee Crossing.doc

3F

Rez #6-6-15

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: 8401 McClure Drive

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?

   The project would require variances to utilize applicable conventional zoning.

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

Agent

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

3G

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME	ADDRESS
1. ArcBest Corporation	3801 Old Greenwood Rd, Ft Smith, AR 72903
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

3H

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Chaffee Crossing Media Center

Meeting Time & Date May 12, 2015, 5:30 p.m.

Meeting Purpose Discuss ArcBest Corporate Headquarters development

NAME	ADDRESS	PHONE #
1. Tyler Miller	City of Fort Smith	479-784-2241
2. [illegible]	Arc Best	479-785-8701
3. Mike + Rhonda Grisson	Reata	461-7823
4. Stacy Wright	REATA	650-1669
5. David Smith	Reata	739-7398
6. Donna Beallis	Reata	806-0647
7. Rob Dodd	Nabholz Construction	479-586-7926
8. Nick Griffin	MWL	479-649-6484
9. Pat Mickle	-MWL - Ft. Smith	649-8484
10.		
11.		

f:\doc\forms\CFS Forms-Applications\ArcBest 2015 Planned Zoning District.doc

3I

Neighborhood Meeting Minutes
ArcBest Corporate Headquarters at Chaffee Crossing
May 12, 2015 5:30 PM
Chaffee Crossing Media Center
7801 Ellis Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the ArcBest Corporate Headquarters development at Chaffee Crossing was held Tuesday, May 12, 2015 at 5:30 p.m. at the Chaffee Crossing Media Center, 7801 Ellis Street, Fort Smith, Arkansas. Walter Echols of ArcBest, Pat Mickle and Nick Griffin of Mickle Wagner Colman, Rob Dodd of Nabholz Construction, Tyler Miller of the City of Fort Smith Planning Department, and 6 homeowners, all from Reata Subdivision, attended the meeting. The attendance list is attached.

Mr. Echols and Mr. Mickle conducted the meeting. Mr. Echols explained the scope of the project (4-story Office Building with 1200 space parking lot). A homeowner expressed concern regarding existing drainage problems in the Reata Subdivision. Mr. Echols and Mr. Mickle explained that the majority of the ArcBest Property drains to the east away from the Reata Subdivision. They explained that the portion of the site that drains west toward Reata will remain natural vegetation. Mr. Miller also commented that the City of Fort Smith Engineering Department will review the plans to ensure that the development does not create any drainage issues for neighboring properties.

Another property owner asked about potential traffic issues. Mr. Mickle explained that two street extensions are being constructed in conjunction with the project. A new street will extend from Wells Lake Road to the northern portion of the site. McClure Drive will be extended from its current terminus near the McClure Amphitheater to Wells Lake Road to serve the southern portion of the site. He also noted that sometime in the future, Massard Road's southbound boulevard lanes will be completed to handle increased traffic. Mr. Echols added that the eventual Interstate 49 completion will facilitate more access from the east.

Reata property owners were also concerned about privacy and that back yards in Reata may be visible from the upper floors of the building. Mr. Echols spoke about the natural buffers that exist between the houses at Reata and the building. This included the terrain (the lots are situated at the base of the ridge which is generally 100' lower than the top of the ridge), the bike trail, and the existing vegetation (dense hardwood trees). The closest houses in Reata are approximately 500' from the proposed ArcBest building.

3J

Another concern from a property owner was the building color. The renderings show the concrete façade portions of the building are white. Mr. Echols explained that ArcBest has not yet finalized the color scheme.

There being no further questions, the meeting adjourned at 6:00 p.m.

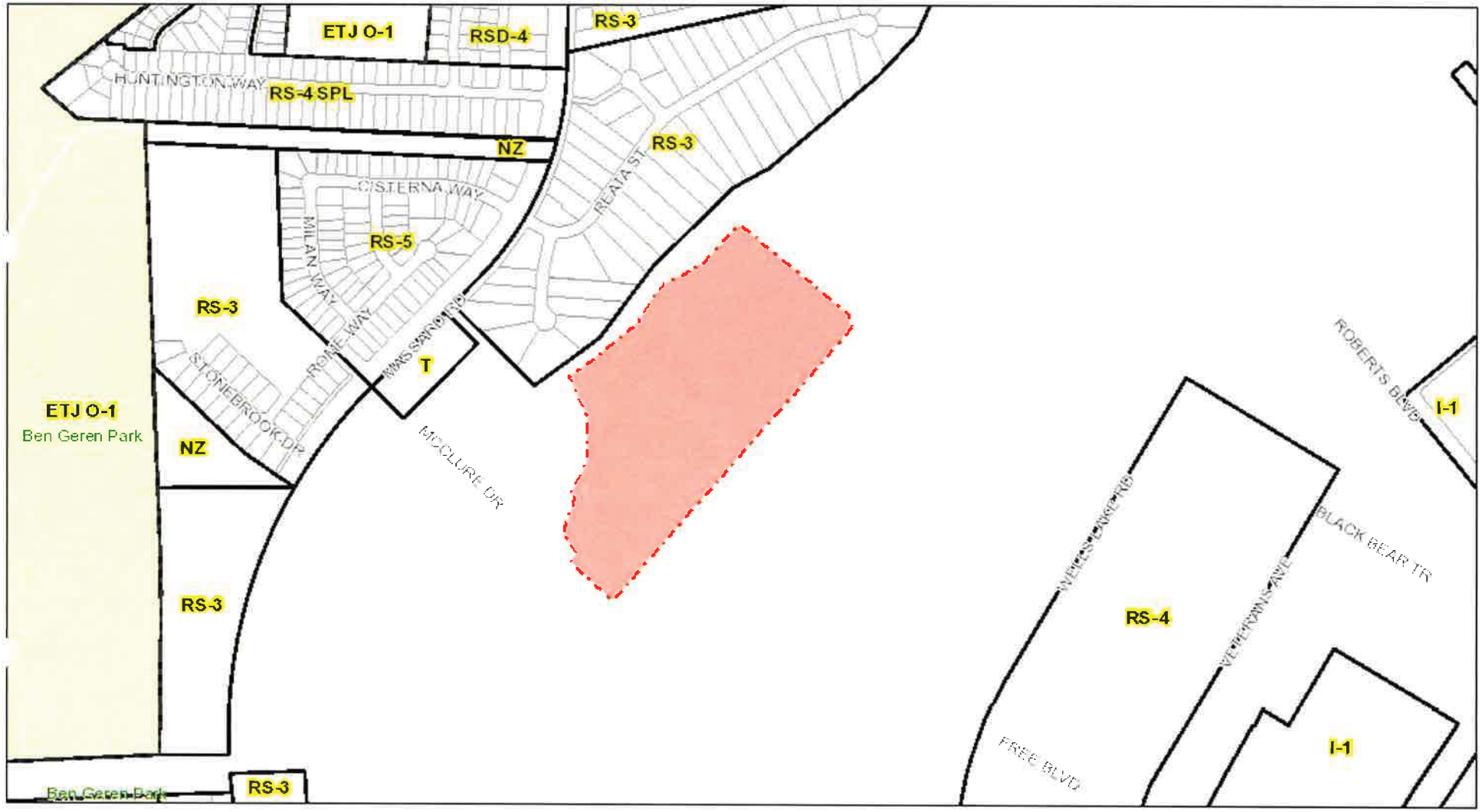
-Nicholas J. Griffin, P.E.

f:\doc\misc\Neighborhood Meeting Minutes – ArcBest at Chaffee Crossing.doc

3K

Rezoning #6-6-15: From Not Zoned to Planned Zoning District (PZD)
8401 McClure Drive

3L



May 20, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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

Norman & Dao Ward
8615 Reata Street
Fort Smith, AR 72916

Michael & Kelly Jacimore
8627 Reata Street
Fort Smith, AR 72916

Steven & Nancy Owens
8701 Reata Street
Fort Smith, AR 72916

Lindsay Owens
8711 Reata Street
Fort Smith, AR 72916

Donald & Elena Miller
8717 Reata Street
Fort Smith, AR 72916

Grissom Family Trust
8723 Reata Street
Fort Smith, AR 72916

Benjamin & Katie Smith
8801 Reata Street
Fort Smith, AR 72916

Kurt & Melinda Hirsch
8421 Reata Street
Fort Smith, AR 72916

Thien C. Nguyen
8415 Reata Street
Fort Smith, AR 72916

Richard Miles
8403 Reata Street
Fort Smith, AR 72916

Maxie D. Crouch
8329 Reata Street
Fort Smith, AR 72916

Christopher Akkineni
6908 Wood Haven Circle
Fort Smith, AR 72916

Nghia Dac Tran & Ngoc Tranh Nguyen
6900 Wood Haven Circle
Fort Smith, AR 72916

Timothy & Diana Thorne
6914 Wood Haven Circle
Fort Smith, AR 72916

Richard & Rachel Frazier
8517 Reata Street
Fort Smith, AR 72916

William & Carole Craig
6600 Timber Ridge Court
Fort Smith, AR 72916

Richard & Jeanette Falkner
6607 Timber Ridge Court
Fort Smith, AR 72916

Brandon & Dawn Jones
8301 Reata Street
Fort Smith, AR 72916

Michelle Turk Living Trust
8800 Reata Street
Fort Smith, AR 72916

Trent & Shayla Johnson
8537 Reata Street
Fort Smith, AR 72916

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

Greenwood School Board
Attn: Dr. Kay Johnson
420 North Main
Greenwood, AR 72936

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Brad Peterson was present to speak on behalf of Crafton Tull.

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

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

3. **Rezoning #6-6-15; A request by Mickle-Wagner-Coleman, agent for ArcBest Corporation, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 8401 McClure Drive.**

Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of the new ArcBest Corporate Headquarters.

Walter Echols was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the rezoning request.

Motion was made by Commissioner Newton, seconded by Howard and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

4. **Rezoning #7-6-15; A request by Carlos Vizarra, agent for John Canterbury (Living Trust), for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Extension located at 1200 South U Street. (companion item to #5)**

5. **Variance #11-6-15; A request by Carlos Vizcarra, agent for John Canterbury (Living Trust), for a variance from minor arterial to major collector minimum required street access located at 1200 South U Street. (companion item to item #4).**

ARCBEST CORPORATE HEADQUARTERS
PLANNED ZONING DISTRICT APPLICATION
PROJECT BOOKLET

Revised Copy

ARCBEST CORPORATE HEADQUARTERS
PLANNED ZONING DISTRICT APPLICATION
PROJECT BOOKLET

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

The property for the ArcBest Corporate Headquarters is not currently zoned. Variances would be required for the project if conventional zoning is utilized. Thus, a Planned Zoning District (PZD) is proposed for this project. A PZD It will allow the development to utilize design standards which meet or exceed the minimum standards required by the Fort Smith Unified Development Ordinance (UDO) and the Fort Chaffee Redevelopment Authority (FCRA) design guidelines.

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

OWNER	**REPRESENTATIVE**
ArcBest Corporation	Mickle Wagner Coleman, Inc.
3801 Old Greenwood Road	3434 Country Club Avenue
Fort Smith, AR 72903	Fort Smith, AR 72903

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

The PZD will include an area of 30.0 acres located northeast of the McClure Amphitheater. The proposed use is a 200,000 sq.ft., 4-story office building and a 1,200 space parking area. A vicinity map and development plan is included in Appendix B.

3d. **General Project Scope.**

i. Street and lot layout:
See attached development plan. Access to the site is via the proposed extension of McClure Drive and proposed R.A. Young Jr. Drive.

ii. Site plan showing improvements:
See attached Development Plan.

iii. Buffer areas, screening and landscaping areas:
All items will meet or exceed City UDO requirements. Landscaping meets FCRA requirements with the exception of the variances approved by the FCRA. The Variances are detailed in paragraph 3j below.

iv. Storm water detention areas and drainage:
All detention and drainage will comply with The City of Fort Smith's 2011 Storm Drainage Standards. Detention areas are shown on attached Development Plan.

v. Undisturbed natural areas:
The western edge of the property is a ridge that contains good quality hardwood trees that will remain as a buffer to the bike trail and the Reata Subdivision that bounds the west side of the property.

vi. Existing and proposed utility connections and extensions:
a. An existing 12" water line will serve the site
b. A proposed 8" Sanitary Sewer will be extended to the Site by FCRA
c. Franchise Utilities will be extended to the site

vii. Development and architectural design standards:
a. Architectural Design standards will meet or exceed the Fort Smith UDO requirements and FCRA design guidelines.
b. Exterior lighting will meet or exceed the Fort Smith UDO requirements and FCRA design guidelines.
c. Landscape materials and types will meet or exceed the Fort Smith UDO requirements and FCRA design guidelines.

viii. Building elevations:
a. See attached renderings

ix. Proposed signage (Type and Size):
a. Signs will be monument style
b. Signage for McClure Drive will have a maximum height of 15' and a maximum area of 125 sq.ft.
c. Signage for R.A. Young Jr. Drive will have a maximum height of 15' and a maximum area of 75 sq.ft.

3e. **Proposed Development Phasing and Time Frame**

The development is proposed to be constructed between August, 2015 to February, 2017.

3f. **Identify land use designations**

The property is designated as "Commercial/Office" according to the Chaffee Crossing Master Land Use plan.

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

a. Minimum lot size: 2 acres.
b. Minimum lot width at BSL: 150'.
c. Maximum lot coverage: 60%.
d. Maximum height: 75'.
e. Additional height: Per UDO code Section 27-404(d)
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. **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.)**

Not Applicable; Currently the Property is not zoned.

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

See Appendix A.

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

The building architecture will meet and exceed UDO requirements and FCRA design guidelines. Architectural Renderings are included in Appendix C. The building will utilize 100% high quality materials: brick, semi reflective glass with low 'E' coating in exposed areas, contrasting less reflective Low 'E' coating glass in recessed areas, glass framing system will be clear anodized and charcoal framing finishes, fiber cement rain screen material accents, accents in the "picture frame" area is a composite rain screen product that is mostly a phenolic core with thin wood finish (called Prodema), and ACM (aluminum composite material) for some fascia areas.

Landscaping will meet or exceed UDO requirements. The landscaping will meet FCRA requirements with the exception of the following variances approved by the FCRA Design Review Committee:

Building Landscaping: Only required on the Front (East) side of the Building

Parking Areas: One tree per endcap island for parking areas

Perimeter Landscaping: Perimeter landscaping only required along McClure Drive Frontage.

Parking Lot Screening: Parking lot screening shall be as follows:

Adjacent to McClure Amphitheater: Natural vegetation, existing topography (or earthen berm), and/or landscaping will be used to screen the parking along the west property line near the McClure Amphitheater.

Adjacent to the Bike Trail along Northwest Property Line: The parking lot along the northwestern property line is approximately 100' horizontally and 10' vertically (higher) than the existing the bike trail. Additionally, the area between the parking lot and the bike trail is composed of dense vegetation. The terrain and existing vegetation will be used as parking lot screening in this location.

Northeastern and Southeastern Property Lines: The owner has the option to purchase additional property (30 acres total) adjacent to the existing northeast and southeast property lines within 24 months (October 2016). When the additional acreage is purchased, the northeastern boundary will move 200'+ northeast and the southeastern boundary will move 600'+ southeast. The owner has already purchased the 10-acre parcel along McClure Drive just to the west of this 30-acre parcel.

The parking lot screening requirements in the 30-acre option areas will be delayed until the additional property is purchased. After the additional property is purchased, parking lot screening may be required along the new property lines. If the owner does not exercise the option to purchase the adjacent 30-acres within 24 months, parking lot screening will be added in these areas as required. Landscaping requirements adjacent to the 10-acre parcel will be delayed until the 10-acre parcel is developed.

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

This first-class building and development will serve as ArcBest's global corporate headquarters. Much of the surrounding property is undeveloped with the exception of the Reata Subdivision to the West (which is buffered by the bike trail, ridge line, and dense vegetation). This development will set the standard for the future development of the ArcBest Campus on the 30-acre option property and ArcBest's 10-acre commercial development. This project will attract high quality development in the area including a planned residential subdivision to the north. This project will continue the trend of upscale development along Massard Road in Chaffee Crossing.

The City of Fort Smith (in partnership with FCRA) is constructing two 38' wide streets: McClure Drive Extension and R.A. Young Jr Drive. These street extensions will serve this property and future development in the surrounding area. McClure drive will link Massard Road with Wells Lake Road. R.A. Young Jr Drive will provide access from Wells Lake Road to the northern portions of this site as well as the future residential development to the north.

Monument style signs will be used and will met or exceed Fort Smith UDO requirements and FCRA design guidelines

3l. **A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The City has determined that a traffic study is not required for this project.

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

An existing 12-inch water line runs across the southwest corner of the site from the Woods Elevated Storage tank to the south side of McClure Drive. The Fort Chaffee Redevelopment Authority currently has a sewer project scheduled for completion in the summer of 2015. This project will extend a 12-inch sanitary sewer line along the McClure Valley and includes an 8-inch sanitary sewer extension to the ArcBest Site.

f:\doc\forms\CFS Forms-Applications\ARCBEST HEADQUARTERS PZD booklet.docx

APPENDIX A

Land Use Chart

Fort Smith Use Matrix

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

Fort Smith
1

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

Fort Smith
2

Use Matrix

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
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				
Sporting goods, toys, & musical instruments																		P	P	P	P	P				
Thrift store																		P	P	P	P	P	P			
Consumer Goods, Other																										
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	P			
Flea market (outdoor)																							C			
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	P			
Pawnshop																					P		P			
Pawnshop (no outside storage)																			P	P	P	P	P			
Tobacco shop																	P	P	P	P	P	P				
Grocery, Food, Beverage, Dairy																										
Bakery or confectionery shop															P		P	P	P	P	P	P				
Beer, wine and liquor store (with drive-through)																		C	P	P	P	P				
Beer, wine and liquor store (without drive-through)																		P	P	P	P	P				
Convenience store (with gasoline sales)																		C	P	P	P	P	P			
Farmer's market																		P	P	P	P	P	P			A
Fruit and vegetable store															P		C	P	P	P	P	P	P			
Grocery store or supermarket															P		P	P	P	P	P	P	P			
Neighborhood store															P			P	P	P	P	P				
Health and Personal Care																										
Cosmetics, beauty supplies, and perfume stores																	P	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	P				
Finance and Insurance																										
Auto insurance claims office																		P	P	P	P		P			
Automatic teller machine																P	P	P	P	P	P	P	P			P
Bank, credit union, or savings institution																P	P	P	P	P	P	P	P			P
Credit and finance establishment																P	P	P	P	P	P	P	P			P
Fund, trust, or other financial establishment															P	P	P	P	P	P	P	P	P			
Insurance office															P	P	P	P	P	P	P	P	P			
Investment banking, securities, and brokerages															P	P	P	P	P	P	P	P	P			
Rental and Leasing																										
Auto (rental and leasing)																					P		P	P	P	
Commercial, industrial machinery & equipment																					P		P	P	P	

Fort Smith
3

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Consumer rental center																		P	P	P	P	P	P			
Oil and gas field equipment																							P	P	P	
Video, music, software																		P	P	P	P	P				
Business, Professional, Scientific, and Technical Services																										
Professional Services																										
Abstract services															P	P	P	P	P	P	P	P	P			
Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P	P			
Advertising and media services															P	P	P	P	P	P	P	P	P			
Architectural, engineering															P	P	P	P	P	P	P	P	P			
Carpet and upholstery cleaning																			P	P	P	P	P	P	P	
Consulting services															P	P	P	P	P	P	P	P	P			A
Extermination and pest control																					P		P	P	P	
Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P			
Investigation and security services																			P	P	P	P	P	P		
Janitorial services																			P	P	P	P	P	P		
Legal services															P	P	P	P	P	P	P	P	P			
Medical laboratory																							P	P	P	
Medical laboratory (no animal research/testing)																			C	C	C	C	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	P
Property management services (office only)															P	P	P	P	P	P	P	P	P			
Real estate agency															P	P		P	P	P	P	P	P			
Travel arrangement and reservation services															P	P		P	P	P	P	P	P			A
Administrative Services																										
Business support services															P	P	P	P	P	P	P	P	P			A
Collection agency															P	P	P	P	P	P	P	P	P			
Employment agency																			P	P	P	P	P			
Employment agency (day labor)																					P		P			
Facilities support services															P	P	P	P	P	P	P	P	P			
Office and administrative services															P	P	P	P	P	P	P	P	P			
Telemarketer/call center																			P	P	P	P	P			A
Food Services																										
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		
Outdoor Mobile Food Vending as described in Section 27-327-6																										P
Mobile food services																					P		P	P		
Restaurant															P		C	P	P	P	P	P	P			A
Restaurant (with drive-in services)																			P	P	P		P			
Restaurant (with drive-through services)																		C	P	P	P	P	P			
Restaurant (with outdoor dining)																		C	C	C	C	P	C			A

Fort Smith
4

Use Matrix

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Vending																					P		P	P		
Personal Services																										
Bail bonds office																					P	P	P	P		
Barber shop/salon/spa/massage services															P		C	P	P	P	P	P				
Laundry (commercial/industrial)																							P	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	P	P			A
Photocopy shop																	P	P	P	P	P	P	P			
Photography studio															P		P	P	P	P	P	P	P			
Print shop																		P	P	P	P	P	P	P		
Shoe repair shop															P		P	P	P	P	P	P				
Tailor shop															P		P	P	P	P	P	P				
Tanning salons															P		C	P	P	P	P	P				
Tattoo/body piercing parlor																			P	P	P	P				
Weight loss centers																		P	P	P	P	P				
Pet and animal services																										
Animal and pet services (indoor)																		P	P	P	P	P	P	P	P	
Animal and pet services (outdoor)																					P		P	P	P	
Animal shelter																							P	P	P	
Equestrian facilities																							P	P	P	
Kennels																					P		P	P	P	
Pet cemetery																		C	C	C	C		C	C	C	
Pet shop																		C	P	P	P	P	P			
Pet supply store																		C	P	P	P	P	P	P	P	
Veterinary clinic (no outdoor kennels)																		P	P	P	P	P	P	P	P	
Veterinary clinic (with outdoor kennels)																					P		P	P	P	
Automobile Parking Facilities																										
Parking garage																			C	C	P	P	P	P	P	
Parking lot (commercial)																					P	P	P	P	P	
Parking lot (off site)																C	C	P	P	P	P	P	P	P	P	
Manufacturing and Wholesale Trade																										
Food, Textiles and Related Products																										
Animal food processing																							C	C	P	
Clothing manufacturing																							P	P	P	
Food and beverage processing																							P	P	P	
Leather and allied products																									P	
Textiles																								P	P	
Tobacco manufacturing																								P	P	
Wood, Paper and Printing Products																										
Cabinet and woodwork shop																							P	P	P	
Furniture or home furnishings																								P	P	

Fort Smith
5

Use Matrix

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
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	
Chemicals, Metals, Machinery, and Electronics Mfg.																										
Acid manufacturing																									P	
Asphalt or concrete batching plant (permanent)																									P	
Chemicals, plastics and rubber industry																								C	P	
Electrical equipment, applicance and components mfg.																							P	P	P	
Explosives manufacturing																									C	
Foundary or metal-works facility																								P	P	
Laboratory (manufacturing)																							P	P	P	
Machine, welding, or sheet metal shop																							P	P	P	
Nonmetallic manufacturing																								C	P	
Petroleum and coal products																									C	
Pharmaceutical manufacturing																							P	P	P	
Refinery																									C	
Tire retreading																									P	
Miscellaneous Manufacturing																										
Auto manufacturing																								P	P	
Barge and ship manufacturing																									P	
Boat manufacturing																							P	P	P	
Dolls, toys, games, musical instruments																							P	P	P	
Jewelry and silverware																							P	P	P	
Manufacturing, batteries																							P	P	P	
Manufacturing, fibergass																								P	P	
Manufacturing, foam products																								P	P	
Manufacturing, heavy																									P	
Manufacturing, light																							P	P	P	
Manufacturing, medium																								P	P	
Manufacturing, motors, drives, and generators																								P	P	
Office supplies																							P	P	P	
Wholesale Trade Establishment																										
Durable goods																					P	P	P	P	P	
Electrical, plumbing, heat & air conditioning																							P	P	P	
Nondurable goods																					P	P	P	P	P	
Warehouse and Storage Services																										
Auto salvage yard																									P	
Building materials salvage yard																								P	P	
Bulk petroleum storage																									P	
Container storage																					P		P	P	P	
Mini storage warehouse																					P		P	P	P	

Fort Smith
6

Use Matrix

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Packaging and distribution center																							P	P	P	
Petroleum distribution facility																							C	P	P	
Portable storage Unit																					P		P	P	P	
Vehicle storage yard																					P		P	P	P	
Warehouse																							P	P	P	
Transportation, Communication, Information and Utilities																										
Transportation Services																										
Airport																							P	P	P	
Bus station and terminal																					C	C	C	C	C	
Courier and messenger services																		C	P	P	P	P	P	P	P	
Ferry boat facility																							P	P	P	
Heliport																			A	A	A	A	P	P	P	
Limousine service																					P	C	P	P	P	
Mail services																	C	C	P	P	P	P	P	P	P	
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	
Communications and Information																										
Commercial communication towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	P	P	P	C	P	P	P	
Data processing facility																		C	P	P	P	P	P			P
Motion pictures and sound recording studios																			P	P	P	P	P	P	P	
Printing commercial/industrial																							P	P	P	
Telecommunications and broadcasting studios																			P	P	P	P	P	P	P	
Utilities and Utility Services																										
Amateur radio transmitting towers			C	C	C	C	C	C	C	C	C	C	C	C			C	C	P	P	P	C	P	P	P	
Electric power plant																							C	C	P	
Hazardous waste treatment and disposal																									C	
Incinerator																									P	
Nuclear power plant																									C	
Radio, television, and microwave transmitting towers																		C	P	P	P	C	P	P	P	A
Recycling center																							C	P	P	
Recycling collection station																		C	C	C	C	C	P	P	P	
Sanitary landfill																									P	
Solid waste collection																								P	P	
Utility shop, storage yard or building																					C		P	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	
Wastewater treatment plant																								P	P	

Fort Smith
7

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Arts, Entertainment, and Recreation																										
Performing Arts or Supporting Establishments																										
Drive-in theater																					C		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		
Fairground/rodeo ground																					P		P	P		
Museums and Other Special Purpose Recreational Institutions																										
Historical or archaeological institution															P							C				
Museum															P			C	C	C	C	P				
Zoos, botanical gardens, arboreta																					C	P	C	C		
Amusement, Sports, or Recreation Establishment																										
Amusement center (indoor)																		P	P	P	P	P	P			
Amusement center (outdoor)																					C	C	C	C		
Convention/Event center																		C	C	P	P	P	P			
Bingo parlor																				P	P	P				
Casino gaming business																							C	C	C	
Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
Dance hall/night club																				P	P	P	P			
Private club																				P	P	P	P			
Race track																								C	C	
Fitness, Recreational Sports, Athletic Club																										
Bowling alley																		C	P	P	P	P	P			
Community recreation center										C	C	C	C	C			C	C	C	C	C	C	C			
Driving range (outdoor)																				C	P	P	P	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	C	C	
Health club															P			C	C	P	P	P	P	P		
Fitness studio															P			P	P	P	P	P	P			
Indoor Games Facility																										
Miniature golf course																			P	P	P	P	P			
Pool hall																		C	C	C	P	P	P			
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																					P			P	P	
Skating rink																				P	P	P	P			
Sports complex/athletic field																					C	C	C	C		
Swimming pool																		C	C	C	P	C	C			
Water park																					C		C			
Camps, Camping, and Related Establishments																										
Camps, camping, and related establishments																					C		P	P		
Natural and Other Recreational Parks																										
Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Education, Public Administration, Health Care and Other Institutions																										

Fort Smith
8

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Educational Services																										
College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	C	C	C	C			
Fine art and performance education														C	C	C	C	C	C	C	C	C	C			
Library or public arts complex			C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	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			
Preschool	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			
School, business professional														C	C	C	C	C	C	C	C	C	C			
School, technical or trade																					C	C	C	C		
Public Administration - Government																										
Criminal justice facility																						C	C	C		
Detention facility																						C	C	C		
Government office															P		P	P	P	P	P	P	P			
Public Safety																										
Emergency response station																C	P	P	P	P	P	C	P	P	P	
Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	
Police station																	C	C	C	C	C	C	C	C	C	
Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	
Health and Human Services																										
Community health and welfare clinic																			C	C	C	C	C			
Diagnostic laboratory testing facility																C		C	C	C	P	C	P			
Doctor office and clinic															P	P		P	P	P	P	P	P	P		A
Hospice residential care facility																P		P	P	P	P	P				
Hospital																C		P	P	P	P	P				
Mental health hospital																C		C	C	C	C	C				
Nursing home																C		C	C	C	C					
Substance abuse treatment facility																C		C	C	C	C					
Social Assistance, Welfare, and Charitable Services																C										
Child and youth services (office)																	P	P	P	P	P	P				
Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C										
Day care center															C			C	C	C	C	C	C	C		A
Community food services																					C	C	C			
Emergency and relief services																			P	P	P		P			
Family support services																					P	P	P			
Senior citizen center											C	C	C	C	C	C	C	C	C	C	C	C	P			
Vocational rehabilitation																					C		C	C		
Religious Institutions																										
Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Rectory, convent, monastery											C	C	C	C	C	C	A	A	A	A	A	A	A			
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																										
Wedding chapel															P			P	P	P	P	P				

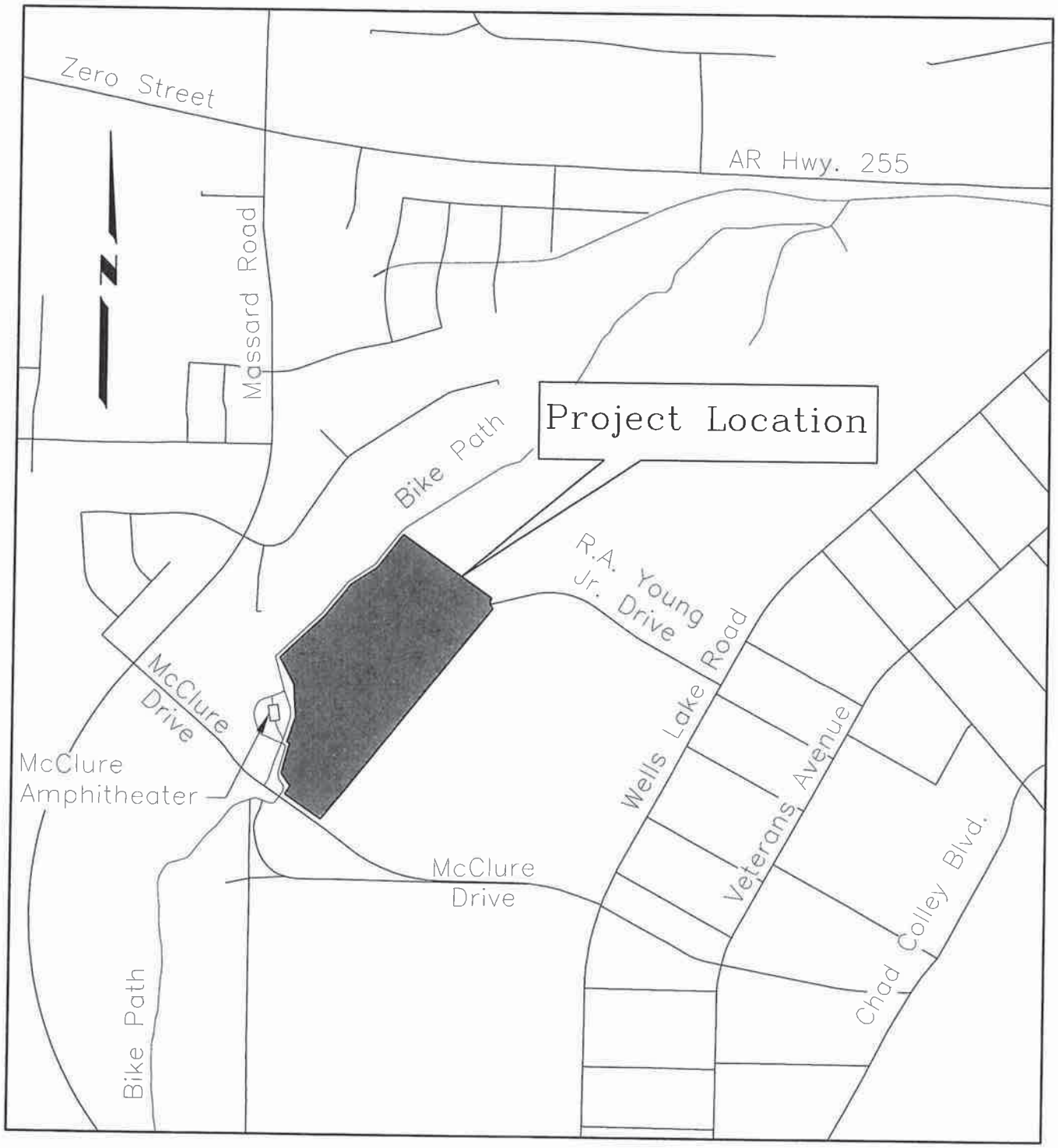
Fort Smith
9

Use Matrix

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	Prposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Death Care Services																										
Cemetery, mausoleum, crematorium, funeral home, & mortuary																		C	C	C	C		C			
Monument (manufacturing)																							P	P		
Monument (sales)																		P	P	P	P		P	P		
Associations, Nonprofit Organizations																										
Lodge or fraternal organization															C			C	C	C	C	C	P	P		
Construction-Related Businesses																										
Contractor's office																P	P	P	P	P	P	P	P	P	P	
Contractor's shop and storage yard																					C		P	P	P	
Glass sales and service																					P		P	P	P	
Landscaping contractor																					C		P	P	P	
Sign contractor																					C		P	P	P	
Mining and Extraction Establishments																										
Coal mining																									C	
Metallic mining																								C	P	
Non-metallic manufacturing and mining																								C	P	
Agriculture, Forestry, Fishing, and Hunting																										
Grain storage and processing																								C	P	
Livestock yard, feed lot, holding pens, and auction facility																								C	C	
Commercial grower																							P	P	P	
Tanning and Slaughtering of Animals or Fowl																										
Animal slaughter and processing																								C	C	
Note: Section 4-5 of the Fort Smith Municipal Code prohibits																										
the collection or keeping of hogs or swine within the																										
Fort Smith city limits																										
Forestry and Logging																										
Fishing, Hunting and Trapping, Game Preserves																										
Taxidermy shop																					P		P	P		

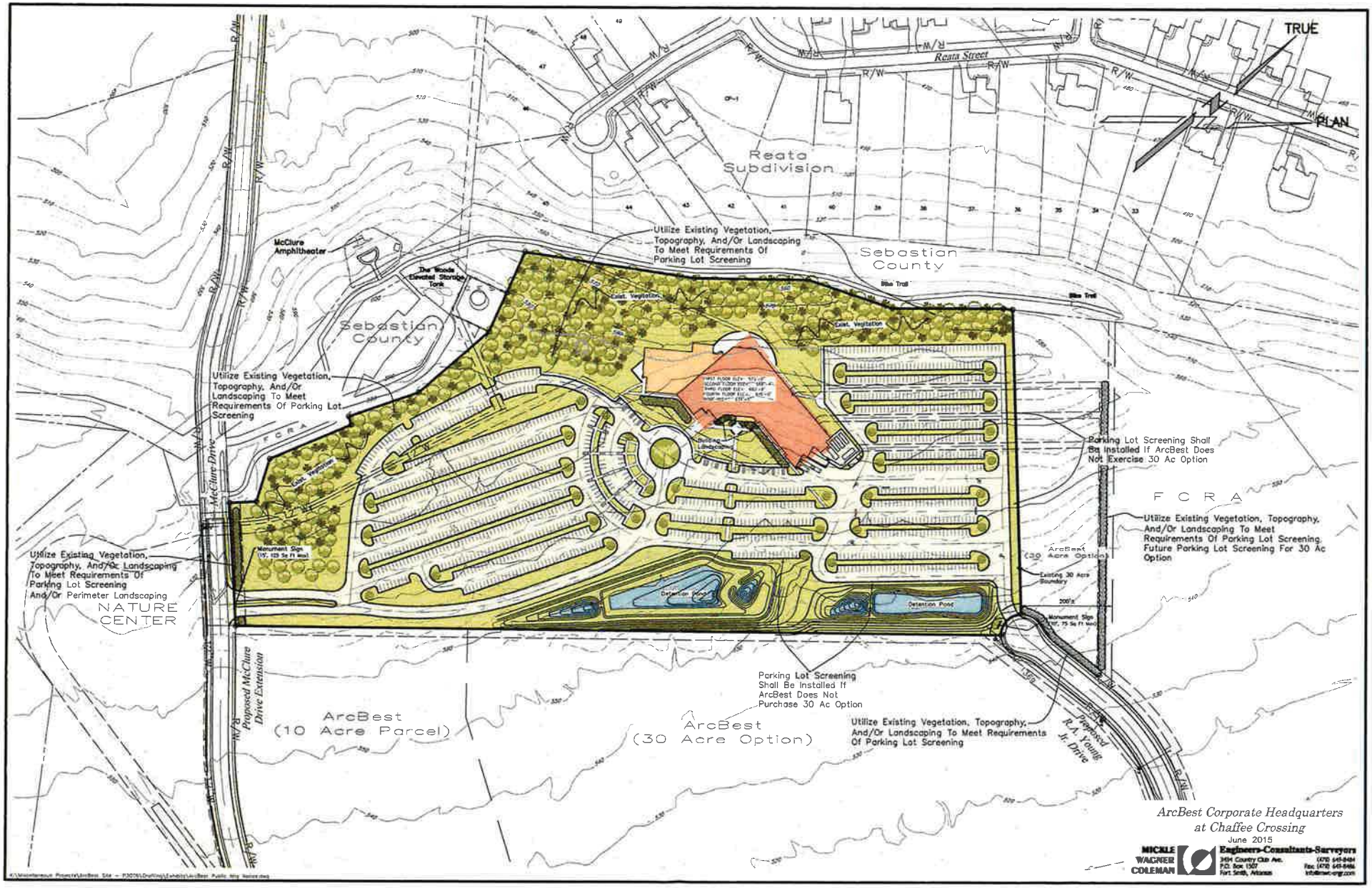
APPENDIX B

Vicinity Map
Development Plan



Vicinity Map

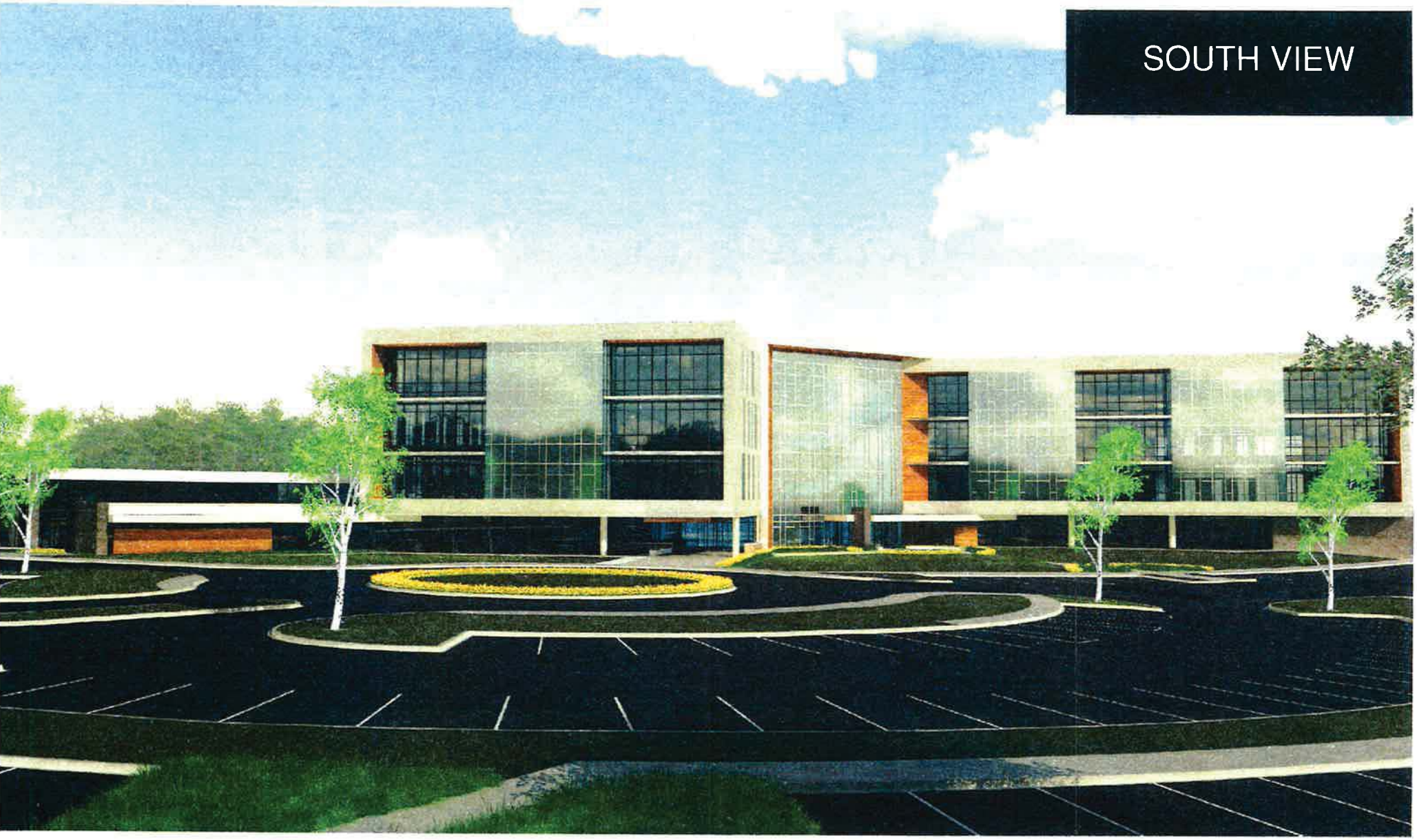
Scale 1" = 1000'



K:\Miscellaneous Projects\ArcBest Site - P3016\Drafting\Exhibits\ArcBest Public Mtg Notice.dwg, 6/1/2015 11:51:24 AM, brandon, 1:1

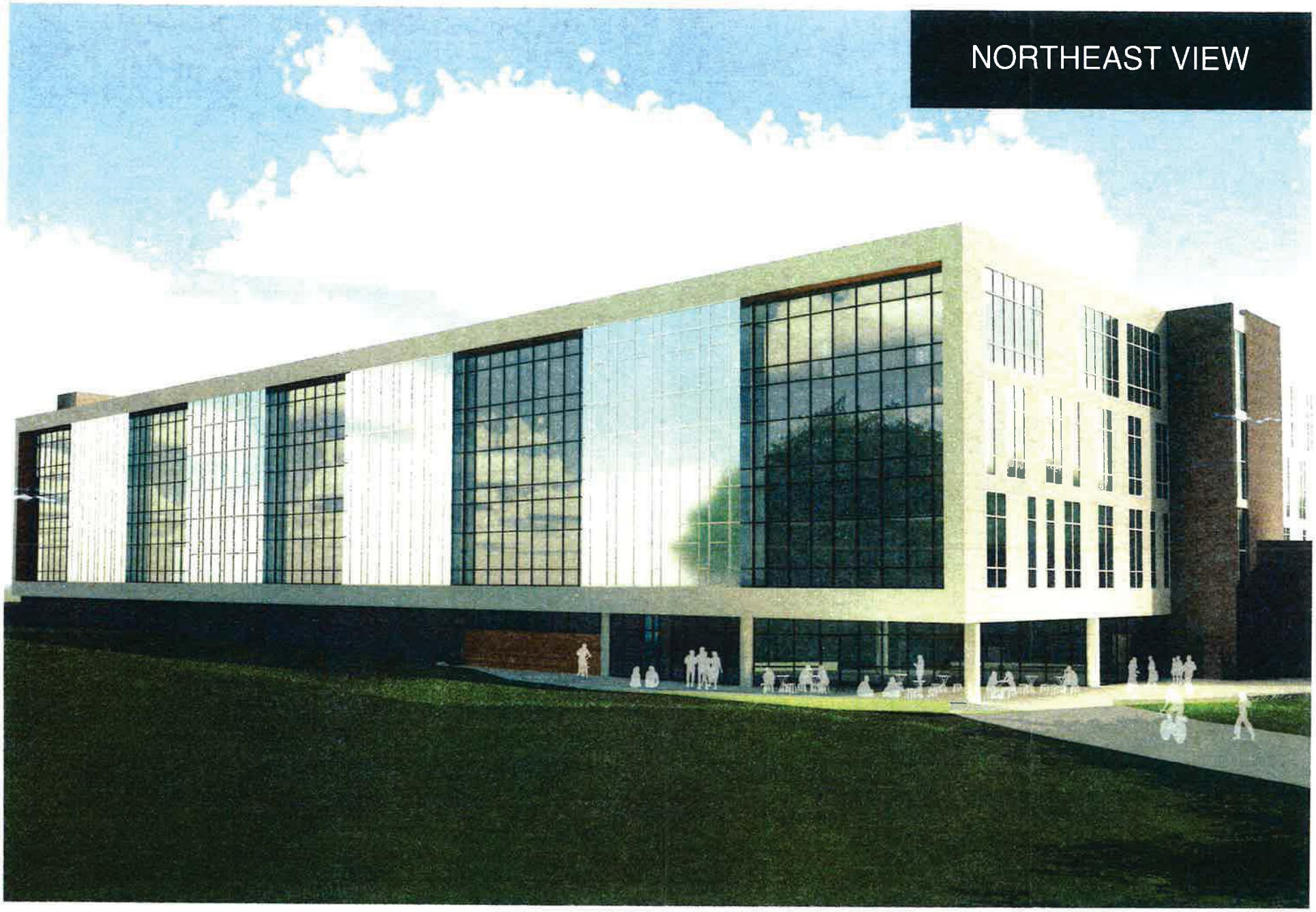
APPENDIX C

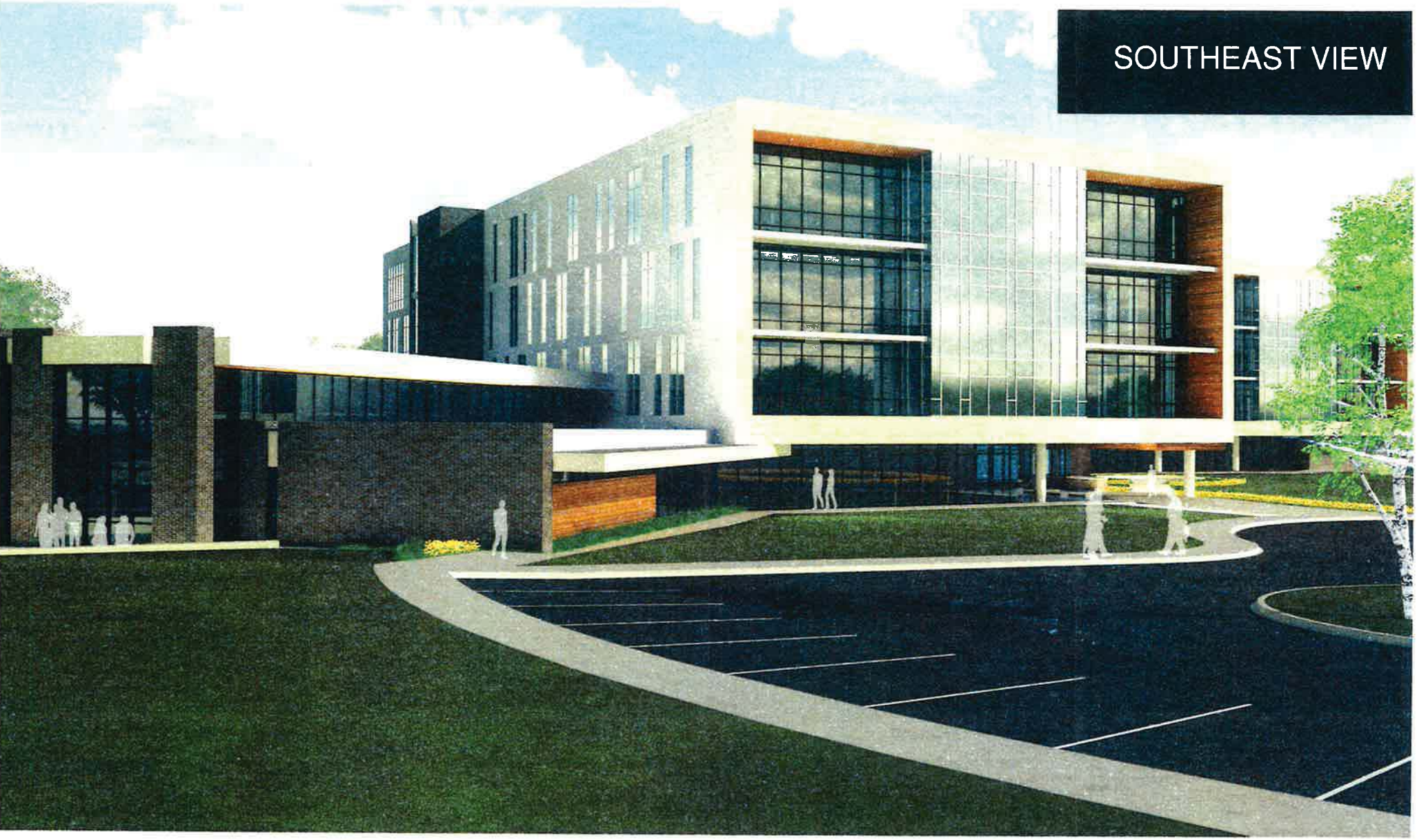
Architectural Renderings


SOUTH VIEW

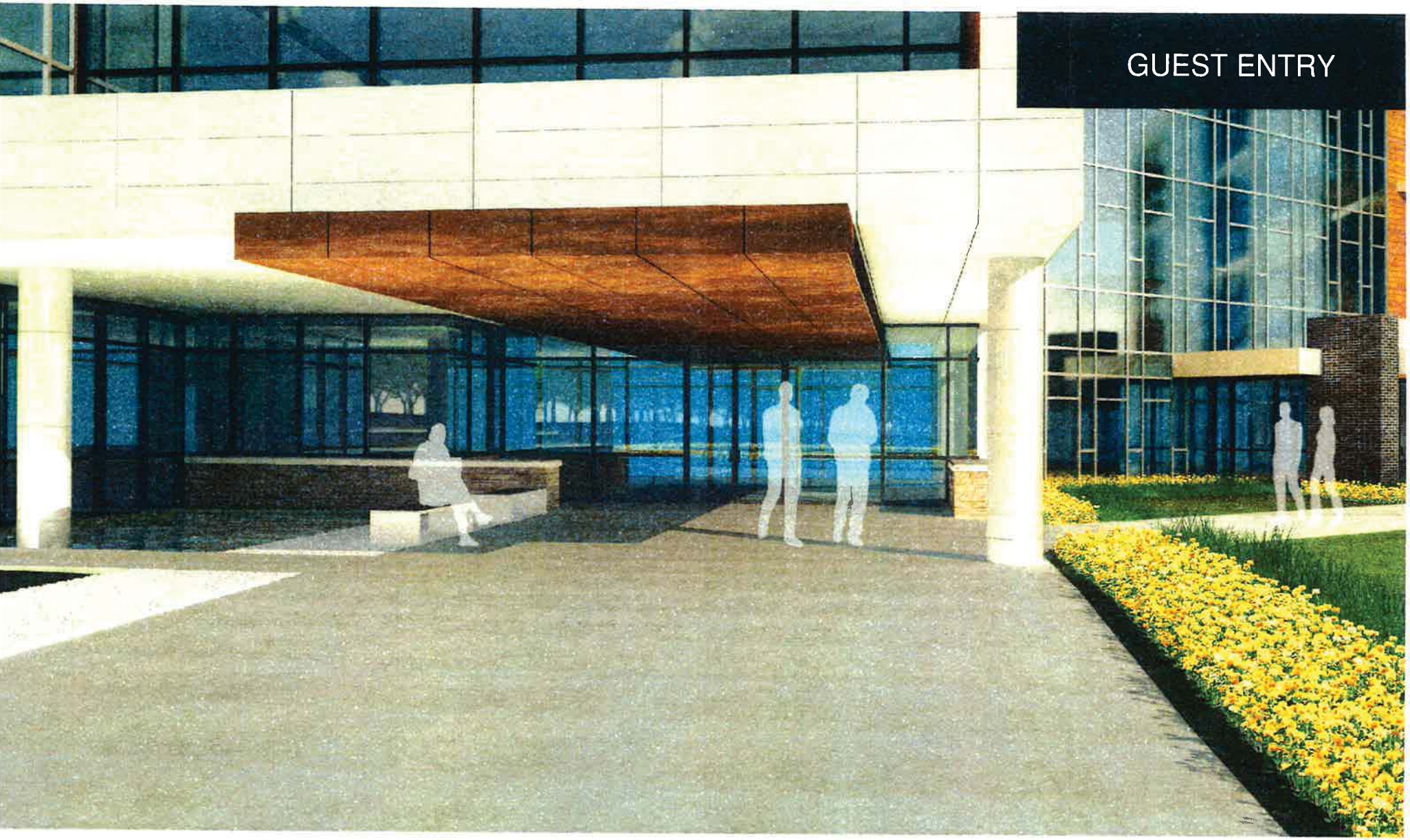
SOUTHWEST VIEW

NORTHWEST VIEW


NORTHEAST VIEW


SOUTHEAST VIEW

EMPLOYEE ENTRY


GUEST ENTRY

2.

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 7-6-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 9, 2015, that said change be made;

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

SECTION 1: That the following properties to-wit:

A part of the South Half of the Northwest Quarter of the Southwest Quarter of Section 21, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, as follows: Starting at the Northwest Corner of said South Half of the Northwest Quarter of the Southwest Quarter; thence East 35.00 feet to a point on the East right-of-way line of Towson Avenue or U.S. Highway 71 and 271; thence South 14.00 feet; thence North 89 degrees 59 minutes East, 315.00 feet along a line which is the South right-of-way line of South "U" Street to the point of beginning; thence North 89 degrees 59 minutes East along said South line of South "U" Street, a distance of 300.00 feet; thence South and parallel to the East boundary line of said South Half of the Northwest Quarter of the Southwest Quarter, a distance of 306.00 feet; thence South 89 degrees 59 minutes West and parallel with said South line of South "U" Street, a distance of 300.00 feet; thence North 306.00 feet to the point of beginning, less and except public roads and rights of way.

more commonly known as 1200 South "U" Street, should be, and is hereby rezoned from Commercial Regional (C-4) to Commercial Heavy (C-5) by Extension.

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

PASSED AND APPROVED THIS_____DAY OF_____, 2015.

APPROVED:

_____

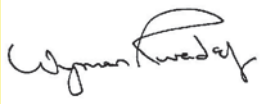
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



_____

Publish One Time

June 29, 2015

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

Re: A request by Carlos Vizcarra, agent for John Canterbury, for Planning Commission consideration of a rezoning request from Commercial Regional (C-4) to Commercial Heavy (C-5) by Extension located at 1200 South "U" Street.

On June 9, 2015, the City Planning Commission held a public hearing to consider the above request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility similar to the U-Haul mini storages adjacent to the site.

This property is contiguous to the existing U-Haul facility at Towson Avenue and South "U" Street. The property has previously been used as a bowling alley and an indoor soccer and paintball facility.

Mr. Ken Vadnis was present to speak on behalf of this request.

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Printed on 100% Recycled Paper

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: May 27, 2015

Re: Rezoning #7-6-15 - A request by Carlos Vizcarra, agent for John Canterbury, for Planning Commission consideration of a zone request from Commercial Regional (C-4) to Commercial Heavy (C-5) by extension at 1200 South U Street (Companion to item #5)

PROPOSED ZONING

The rezoning and variance if approved will allow for the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility. The facility will have 2 floors and be operated similar to the U-Haul mini storages adjacent to the site.

LOT LOCATION AND SIZE

The subject property is on the south side of U Street between Towson Avenue and South 16th Street. The tract contains an area of 2.11 acres with approximately 299 feet of street frontage along South U Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

4A

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

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

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

4B

Area and Bulk Regulations:

Minimum Lot Size – 40,000 square feet

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 80%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 3 acres

Minimum Lot Width – 150 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as the Brownwood Life Care Center.

The area to the east is zoned Commercial Heavy (C-5) and is currently and empty parking lot.

The area to the south is zoned Commercial Regional (C-4) and is developed as a hotel.

The area to the west is zoned Commercial Heavy (C-5) and is developed as a U-Haul truck rental center and mini storage facility.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Wednesday May 27, 2015 at 4:00 P.M. at 2205 Towson Avenue. No neighboring property owners attended the meeting.

The proposed zone change is considered a corrective rezoning to reflect how the area has developed. No exterior changes to the property are proposed with the rezoning.

Staff recommends approval of the rezoning contingent upon approval of the companion variance.

4C

Rez. #7-6-15

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) 18883-0000-00784-00
Please see attached survey

2. Address of property: 1200 S. U Street; Fort Smith, AR

3. The above described property is now zoned: C4 commercial Regional

4. Application is hereby made to change the zoning classification of the above described property to C5 commercial heavy by Extension.
(Extension or classification)

5. Why is the zoning change requested?

To propose an adaptive re-use for the vacant building located at 1200 S. U Street and convert it into self-storage.

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

Signed:

Amerco Real Estate Company
Owner or Agent Name
(please print)

_____
Owner

or

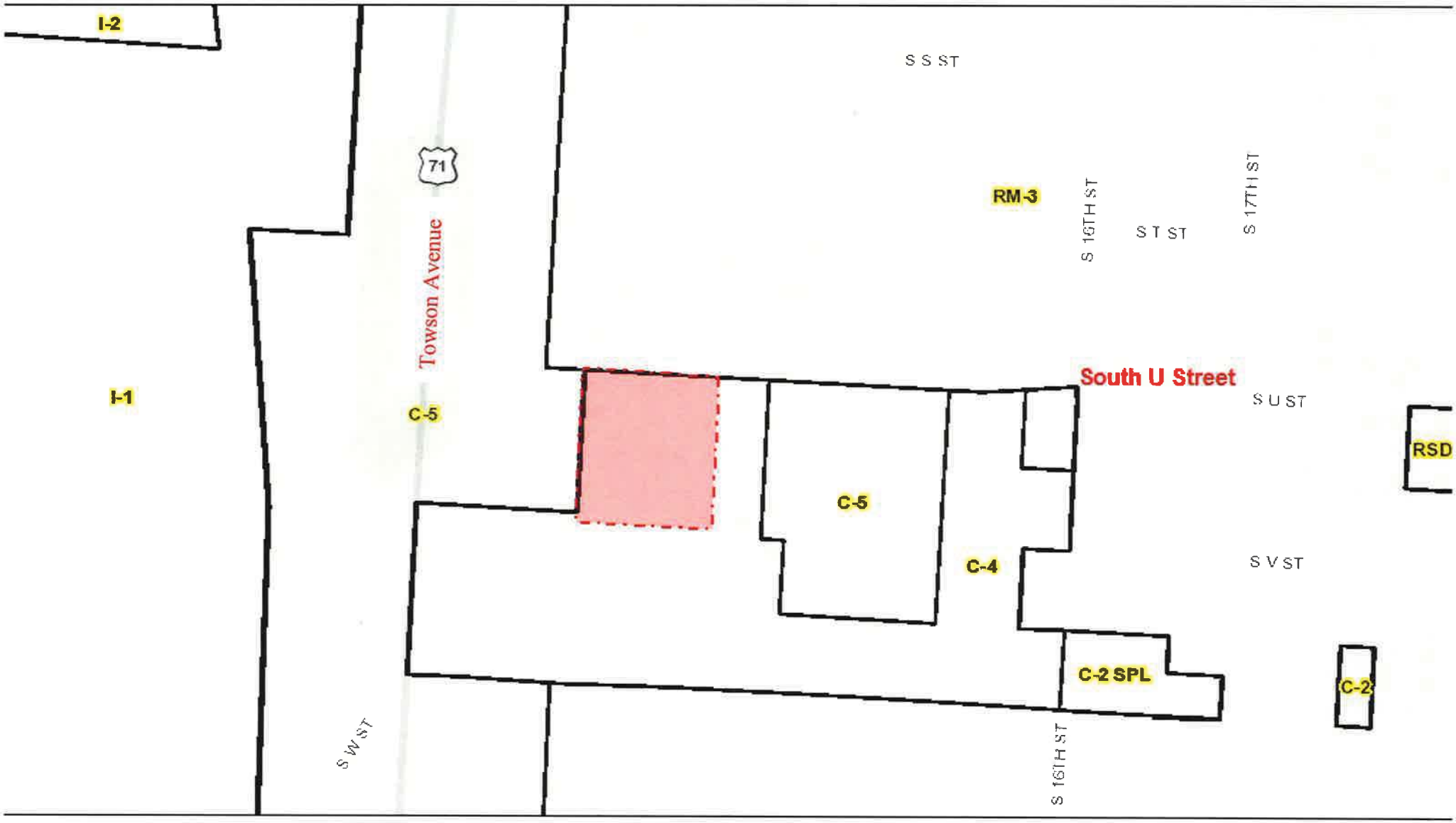
_____
Agent
Carlos Vizcarra, President

2727 N. Central Ave., Ste. 500
Owner or Agent Mailing Address
Phoenix, AZ 85004

(602) 263-6555
Owner or Agent Phone Number
(Contact Name: Parul Butala
Parula@uhaul.com)

4D

Rezoning #7-6-15: From Commercial Regional (C-4) to Commercial Heavy (C-5)
1200 South "U" Street



ly 2, 2015

Fort Smith City Limts

Zoning

1:3,570

0 0.03 0.06 0.12 ft

0 0.05 0.1 0.2 m

City of Fort Smith
Copyright 2013, City of Fort S

Rezoning #7-6-15: From Commercial Regional (C-4) to Commercial Heavy (C-5)
1200 South "U" Street

July 2, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:1,770

0 0.015 0.03 0.06 ft

0 0.0225 0.045 0.09 m

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

AREC 13 LLC
2727 North Central Avenue
Phoenix, AZ 85004

John Canterbury Living Trust
319 South 18th Street
Fort Smith, AR 72901

Harbor House, Inc.
4901 St. Andrews Way
Fort Smith, AR 72903

Franklin Dale Pollard
1215 South "W" Street
Fort Smith, AR 72901

Brownwood Life Care Center, Inc.
2121 Towson Avenue
Fort Smith, AR 72901

Superior Hotel Properties, Inc.
2222 W. Skelly Drive
Tulsa, OK 74107

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

Greenwood School Board
Attn: Dr. Kay Johnson
420 North Main
Greenwood, AR 72936

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Brad Peterson was present to speak on behalf of Crafton Tull.

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

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

3. **Rezoning #6-6-15; A request by Mickle-Wagner-Coleman, agent for ArcBest Corporation, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 8401 McClure Drive.**

Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of the new ArcBest Corporate Headquarters.

Walter Echols was present to speak on behalf of this request.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the rezoning request.

Motion was made by Commissioner Newton, seconded by Howard and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

4. **Rezoning #7-6-15; A request by Carlos Vizarra, agent for John Canterbury (Living Trust), for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Extension located at 1200 South U Street. (companion item to #5)**

5. **Variance #11-6-15; A request by Carlos Vizcarra, agent for John Canterbury (Living Trust), for a variance from minor arterial to major collector minimum required street access located at 1200 South U Street. (companion item to item #4).**

Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility. The facility will have floors and be operated similar to the U-Haul mini storages adjacent to the site.

Ken Vadnis was present to speak on behalf of this request.

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

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

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

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION

6. **Development Plan; A request by Rodney Ghan for a doctor's office/clinic located at 6100 Massard Road. (companion item to item #7)**

Maggie Rice read the staff report indicating that the purpose of this development plan is to allow for a 6,600 s.f. doctor's office and clinic with 59 parking spaces, a covered drop-off lane, and landscaping.

Rodney Ghan was present to speak on behalf of this request

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

Chairman Sharpe then called for the vote on the development plan.

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

- Construction must comply with the submitted development plan. Change or amendments to the submitted development plans 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 site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements.

3

ORDINANCE NO._____

AN ORDINANCE ORDERING THE OWNERS OF CERTAIN DILAPIDATED AND SUBSTANDARD STRUCTURES TO DEMOLISH SAME, AUTHORIZING THE CITY ADMINISTRATOR TO CAUSE THE DEMOLITION OF SUCH STRUCTURES TO OCCUR, AND FOR OTHER PURPOSES.

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

SECTION 1: It is hereby determined by the Board of Directors that the hereinafter described tract of real property, and the improvements located there, are dilapidated, unsafe and otherwise detrimental to the public health and constitute structural, fire and health hazards:

Street Address: **608 NORTH 16TH STREET & 2 REAR STRUCTURES-N 35' OF LOT 2 & S 30' OF LOT 3, BLOCK 34; FITZGERALD ADDITION**

1732 NORTH 12TH STREET-LOT 9, BLOCK 8; FISHBACK #2 ADDITION

SECTION 2: The owners of the tract of real property described in Section 1 are hereby ordered to remove or raze the improvements located on the said tract of property and to remedy the unsightly and unsanitary conditions otherwise located on said tract of real property within thirty (30) days from the date of this ordinance.

SECTION 3: With reference to any tract identified in Section 1 as to which compliance with the direction of Section 2 has not occurred within thirty (30) calendar days from the date of passage of this ordinance, the City Administrator is hereby authorized to execute a contract, based on the bid(s) accepted on the date of this action or at a later date, for the removal or razing of the described improvements on the tract of real property.

SECTION 4: The provisions of this ordinance are hereby declared to be severable to the extent that a decision by any court of competent jurisdiction determining that any portion of this ordinance or any application thereof is unconstitutional, invalid or otherwise illegal shall not affect the constitutionality, validity or legality of the other provisions and/or applications of the ordinance.

SECTION 5: Emergency Clause. It is hereby found and declared by the Board of Directors that the dilapidated, unsanitary condition of the tracts of real property and improvements described herein constitute an

immediate menace to the health, welfare and safety of the citizens of the City so that an emergency is hereby declared and that this ordinance shall be effective from and after the date of its passage.

This Ordinance adopted this _____day of_____2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____

To: Ray Gosack, City Administrator

From: Jimmie Deer, Building Official

Date: June 30, 2015

Subject: Unsafe Structures

The following structures have been damaged and/or deteriorated to a condition that has caused the Building Safety Division to post them as unsafe structures. The property and the improvements, thereon are now, and for several months prior hereto, have been dilapidated, unsafe, unsightly, unsanitary, obnoxious and detrimental to the public welfare and are found to be in violation of the Ordinances of the City of Fort Smith.

The property descriptions and owner are:

608 N. 16th Street & 2 Rear Structures – N. 35' of Lot 2 & S. 30' of Lot 3, Blk 34, Fitzgerald Addition

Owners: Steve J. & Joni M Johnson and Ben Edwards
P.O. Box 949
Burnsville, MN 55337

Bank of the Ozarks
P. O. Box 3008
Fort Smith, AR 72913

1732 N. 12th Street – Lot 9, Block 8; Fishback #2 addition

Owners: Trina & Raymond Swinton
3019 Walnut Knoll way
Houston, TX 77084

The owners of these properties have been notified according to the procedures outlined in Section 16-88 of the Fort Smith Municipal Code. The property owners were notified by certified mail and posting the same letters on the buildings. The letter or notice contains information concerning the appeal procedure outlined in Section 16-91 of the Fort Smith Municipal Code. The Code specifies that they must file any appeals within fifteen (15) days from the date of service. The owner(s) of the subject properties did not file an appeal within the fifteen (15) day period nor have they requested an appeal hearing since that dead line has passed.

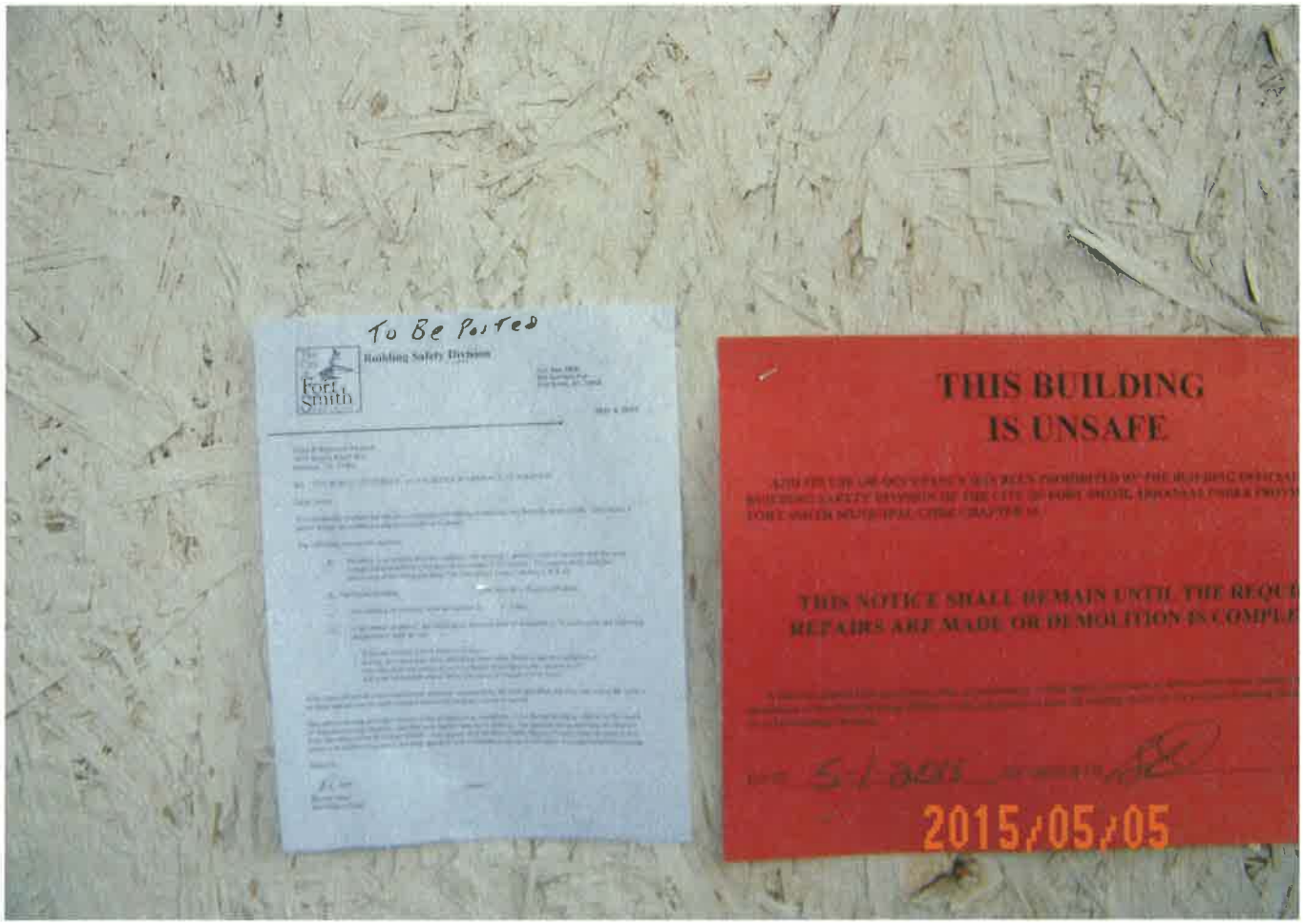
608 N. 16th Street and 2 rear structures – The structure burnt on December 17, 2014 and has been without water since 2012. There currently is clean-up liens in the amount of $516.49 on the property. The structure is close to Darby Junior High and First Baptist Church and staff has received concerns about the condition of the property from the surrounding neighborhoods. Staff started trying to contact the owner and Mortgage Company about repairs or demolition on January 2, 2015 by regular and certified mail. Due to the condition of the structures and no action by the owners or Mortgage Company unsafe notices were posted and letters sent out on May 4, 2015 and the Mortgage Company signed for the notice and the owner letter came back unclaimed. As of today the owners have taken no action to obtain permits or demolish the structure.

1732 N. 12th Street – The Structure has been without water since 2006. City staff has had an open Property Maintenance file on this location for several years and working with the owners in getting the structure repaired or demolished. The owners live out of State and staff has spoken with then several times but have been unable to get anything done with structure. There currently is liens on the property for clean-up in the amount of $221.01. Due to the condition of the structure and concerns from the surrounding neighborhood unsafe notices were posted and letters sent out on May 4, 2015 and were signed for. Staff recently contacted the owners again in regard to the condition of the structure but as of today nothing has been done to repair or demolish the structure.

Therefore, I am recommending this matter be referred to the Board of Directors for their review. An Ordinance will be prepared that will order the property owners to demolish or repair the buildings within thirty (30) calendar days and if such work has not occurred, the staff will be authorized to have the structures removed.

Please contact me if you have any questions or if we need to discuss this matter in more detail.

Public GIS Viewer
City of Fort Smith GIS



1732 N. 12th St.

1732 N 12th

05/01/2015

05/01/2015

05/01/2015

05/01/2015

05/01/2015

01/22/2015

01/22/2015

01/22/2015

01/22/2015

01/22/2015

01/22/2015

Public GIS Viewer
City of Fort Smith GIS

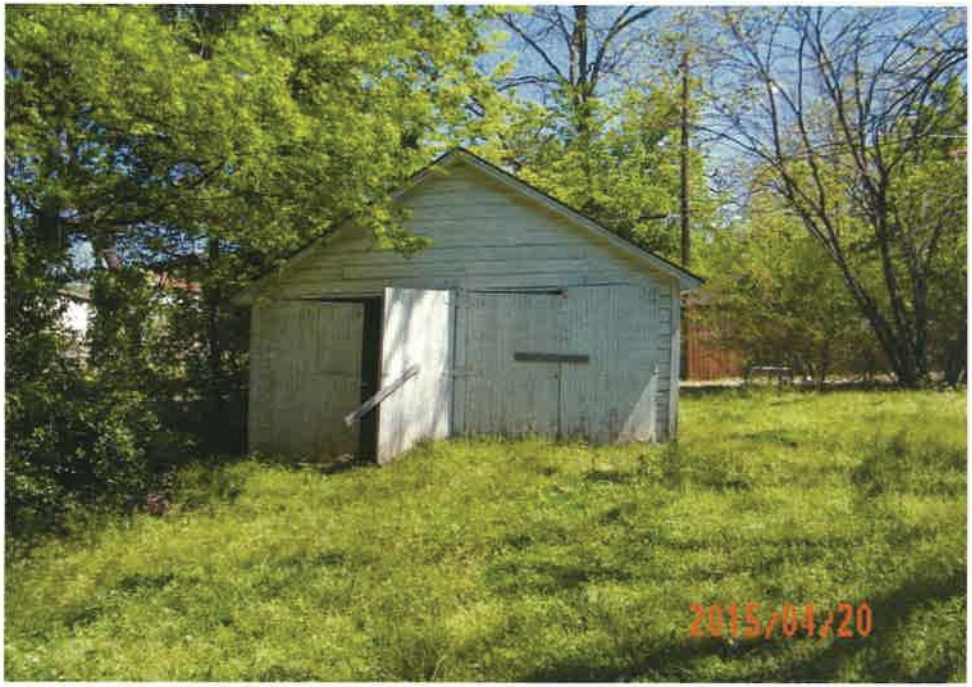
To Be Posted
THIS BUILDING
IS UNSAFE
4-20-15
To Be Posted
2015/05/05

2015/05/05

608 N. 16th St.

2015/04/20

2014/12/18


2015/04/20

2014/12/18

2015/04/20

2015/04/20

2015/04/20

2015/04/20

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

2014/12/18

ORDINANCE NO. _____ 4

AN ORDINANCE AMENDING THE 2015 BUDGET

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

There is hereby authorized an appropriation of $85,000 from the unobligated balance of the Street Maintenance Fund (1101) to the Street Equipment Reserve (6641-000-1101) for capital purchases in 2015.

THIS ORDINANCE ADOPTED THIS _____ DAY OF_____, 2015.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM

_____

No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Greg Riley, Director of Street/Traffic Control

SUBJECT: FEMA Money

DATE: June 4, 2015

The ice storm we had in 2013 was declared a federal disaster for Sebastian County. As a result, the Street Department was reimbursed for expenses incurred in cleaning up debris and operations during the storm. This resulted in a reimbursement of $100,741.86 that was credited to the Street Maintenance Fund in March 2015.

Since this was reimbursement for work done in 2013 that has already been paid for out of the Street Maintenance Fund it becomes additional money in the 2015 year.

Because this money came as a result of a winter storm, we believe it would be appropriate to use the money to further bolster our initiative to provide better response to winter storm events. Therefore, I am recommending the following purchases be made with this money to complete our efforts to be fully equipped for winter storms with both liquid and granular deicing capabilities.

1. One granular spreader with pre-wet capabilities. This is something that we planned to purchase in 2016 to go with the 4th fully outfitted truck that was purchased as part of the 2015 budget. This truck will be delivered this summer so it will be helpful to have the spreader here for the next winter season. $25,000
2. A brine making machine that will produce salt brine for liquid pre-treatment and de-icing. This has been proven to be a very effective material for attacking ice and snow and is in use in the area by AHTD and most cities in Northwest Arkansas. $25,000
3. A tank to store and mix brine/beet juice. $5,000.
4. Two liquid only spreaders for pre-treatment of streets and liquid application in icing situations. With the completion of item one in this list we will have 4 fully outfitted plow trucks with automated pre-wet granular spreaders. These tanks would be put in the two older plow trucks we own to allow for pre-treatment and deicing efforts on streets with liquid salt brine mixed with beet juice. 2 @ $15,000 or a total of $30,000.

This would put the City in a better position to handle winter events, using the latest technology and techniques to fight the storms. Any remainders from this money and a future expected reimbursement from the state should be added to the sinking fund for future equipment replacements.

5A

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A CONTRACT WITH PLAYCORE WISCONSIN, INC. DOING BUSINESS AS GAMETIME FOR THE DEVELOPMENT OF NEIGHBORHOOD PARKS ON FIANNA WAY AND TEXAS ROAD AND DECLARING EXCEPTIONAL SITUATIONS AND WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING

_____

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

SECTION 1: The Mayor, his signature acknowledged by the City Clerk, is hereby authorized to execute a contract with Playcore Wisconsin, Inc., doing business as GameTime, for an amount not to exceed $158,589.55 for performing the Fianna Way Park – Phase 1 Program and the Texas Road Park – Phase 1 Program.

SECTION 2: Based on the mutual membership of the City and Playcore Wisconsin, Inc., doing business as GameTime, in the U.S. Communities Government Purchasing Alliance, and pursuant to the purchasing procedures authorized by A.C.A. § 19-11-249 and Ordinance 93-05, the contract authorized by Section 1 is confirmed. It is hereby determined that an exceptional situation exists which makes any further requirement of competitive bidding to be not feasible so that further competitive bidding requirements, if any, are hereby waived.

PASSED AND APPROVED THIS _____ DAY OF JULY, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM

_____npr

PARKS RECREATION
FORT SMITH

Memo:

July 2, 2015

To: Ray Gosack, City Administrator
From: Doug Reinert, Director of Parks and Recreation DSR
Re: Development of neighborhood parks on Fianna Way and Texas Road

We have two neighborhood parks to be developed this year; one located on Fianna Way (Imani Park) that is 2.6 acres and one on Texas Road (Stage Coach Park) that is 4.8 acres. The design of these parks was developed by LandPlan Consultants out of Tulsa, Oklahoma. These parks are planned to include handicapped accessible parking areas, playgrounds with swing sets, picnic shelters, half-court basketball courts, walking trails, picnic tables, benches, bike racks and trash receptacles. The trail from the parking area around the playground will be a concrete path allowing for easy access for people with special needs. The park on Fianna Way will have a post and rail fence to serve as a buffer from Highway 253. The amenities of each park were developed from comments received at two public meetings. The complete master plan of both parks is attached.

The engineer's original estimate for development of both parks was $507,177.14; however the total budget for both parks was $300,000. We have made several cuts from the master plan for each park such as removing enhanced lighting, trees, concrete trails, interpretive signs, etc. Lighting is an important factor, but can be done with the local electric company rather than using more decorative poles and lamps. Staff will plant trees in the winter at both of these parks using our operating budget. We have also received a $5,000 donation from the Fianna Hills Property Owners Association for the park. These funds are being used for picnic tables, benches and a trash receptacle. After the amount spent on the playground unit for Fianna Way $108,897.50 that was approved in December 2014 and the landscape architect fees $32,775 are deducted from the project budget, and the recommended development being proposed today is $158,589.55

This cost for Phase I for both parks will include earthwork, installation of playground equipment and surfacing, picnic tables, bicycle racks, and ADA parking. Phase II of these parks will be completed in future years.

Attached for your approval is an ordinance authorizing the execution of a contract with Playcore Wisconsin, Inc. doing business as GameTime for $158,589.55 for the development of both neighborhood parks. In December of 2005, the Board of Directors approved Ordinance 93-05, thereby authorizing the city to participate in the State Cooperative Purchasing program. This process has enabled us to take advantage of other negotiated contracts that the State of Arkansas currently participates in.

One of these contracts is the US Communities Government Purchasing Alliance, a national organization for local government agencies to assist them in making better use of their collective purchasing powers and improving their overall purchasing effectiveness.

GameTime is a member of this alliance. Because of their contract, local governments nationwide are permitted to purchase through their cooperative purchasing program. The State of Arkansas has executed an "Inter-local Contract" with GameTime through the US Communities Government Purchasing Alliance.

Using this alliance will allow us to complete the project in a timelier manner. Upon execution of the contract it is expected that the project will be completed in approximately 60 calendar days.

This project is in alignment with the goals of the Comprehensive Plan policy NCR-1.3. I recommend approval of the ordinance allowing the development of these neighborhood parks. If you have any questions regarding these neighborhood parks please feel free to contact me.

Fianna Way & Texas Road Neighborhood Parks

Fianna Way

	Amount Budgeted	Spent	Phase 1
Fianna Way	150,000		
Donation from Fianna POA - Picnic Tables, Benches & Receptacle	5,000		
Fianna Way Playground Unit Already Purchased		108,897.50	
LandPlan Agreement		16,387.50	
Fianna Phase 1			22,867.13
Fianna Alternate - Fence			14,800.00
Total	155,000	125,285.00	37,667.13

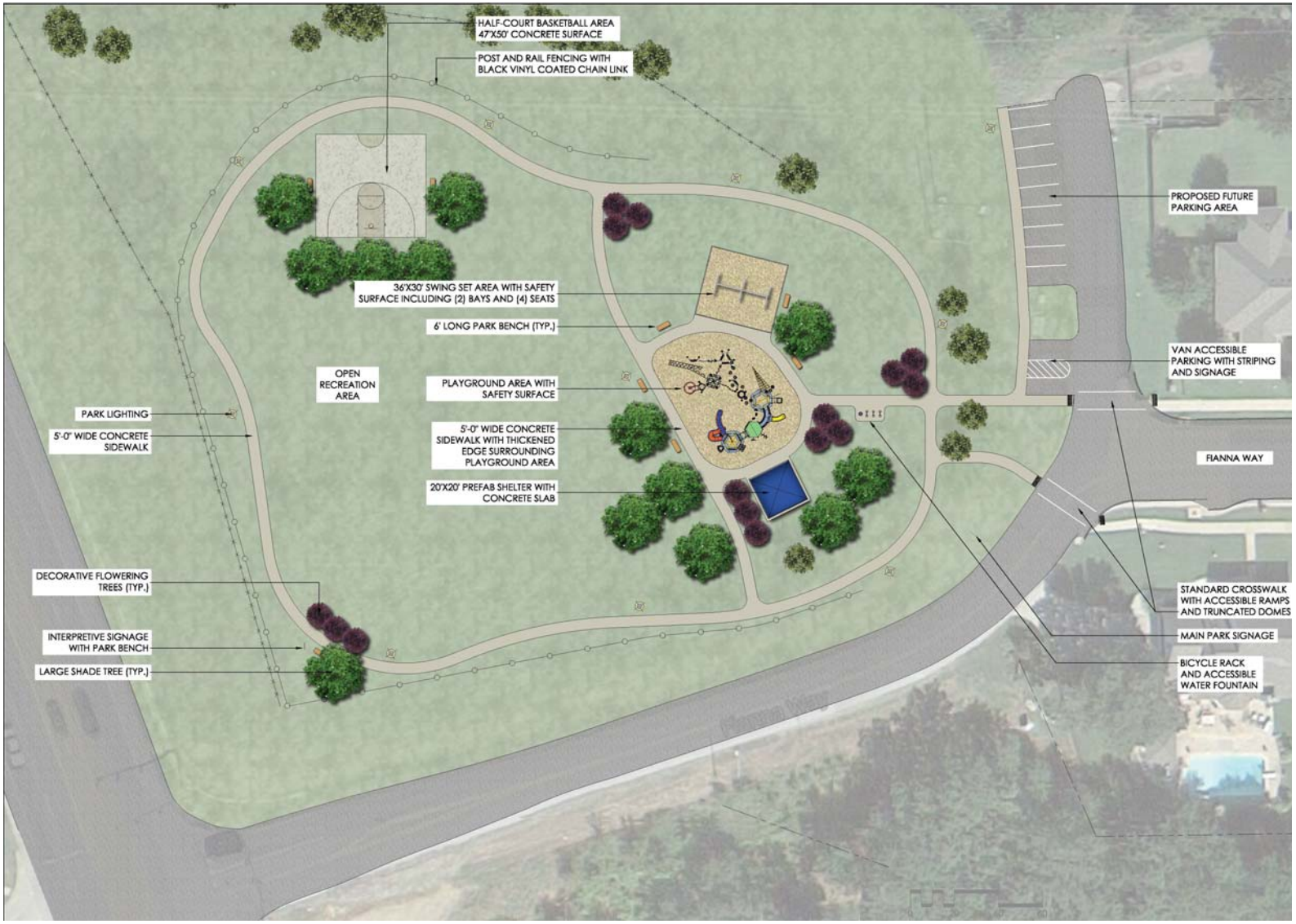
Phase 1 & Fencing	37,667.13
Funds Spent to Date	125,285.00
Total Current Project Cost	162,952.13
Amount budgeted	155,000.00
Difference Between Cost & Amount Budgeted	-7,952.13
Budget Adjustment	7,952.13
Amount Remaining	0.00

Texas Road

	Amount Budgeted	Spent	Phase 1
Texas Road	150,000		
LandPlan Agreement		16,387.50	
Texas Road Phase 1			120,922.42
Total	150,000	16,387.50	120,922.42

Phase 1	120,922.42
Funds Spent to Date	16,387.50
Total Current Project Cost	137,309.92
Amount Budgeted	150,000.00
Difference Between Cost & Amount Budgeted	12,690.08
Budget Adjustment	7,952.13
Amount Remaining	4,737.95

	Total Cost	Total Spent
Fianna	162,952.13	125,285.00
Texas Road	137,309.92	16,387.50
	300,262.05	141,672.50
Amount Requested		**158,589.55**



FIANNA WAY NEIGHBORHOOD PARK

OVERALL MASTER PLAN

LANDPLAN CONSULTANTS INCORPORATED
1110 West 23rd
Tulsa, OK 74107
(918) 584-6464

Texas Road Park
Overall Master Plan

APRIL 2015

LANDPLAN CONSULTANTS INCORPORATED

RESOLUTION NO._____ 5 B

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH GOODWIN & GOODWIN, INC., FOR THE SOUTH 46TH STREET AND ROGERS AVENUE SEWER REPLACEMENT

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

SECTION 1: The bid of Goodwin & Goodwin, Inc., for the construction of the South 46th Street and Rogers Avenue Sewer Replacement, Project Number 15-20-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Goodwin & Goodwin, Inc., for an amount of $223,079.00, for performing said construction.

This Resolution adopted this _____ day of July 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** June 26, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: South 46th Street and Rogers Avenue Sewer Replacement
Project Number 15-20

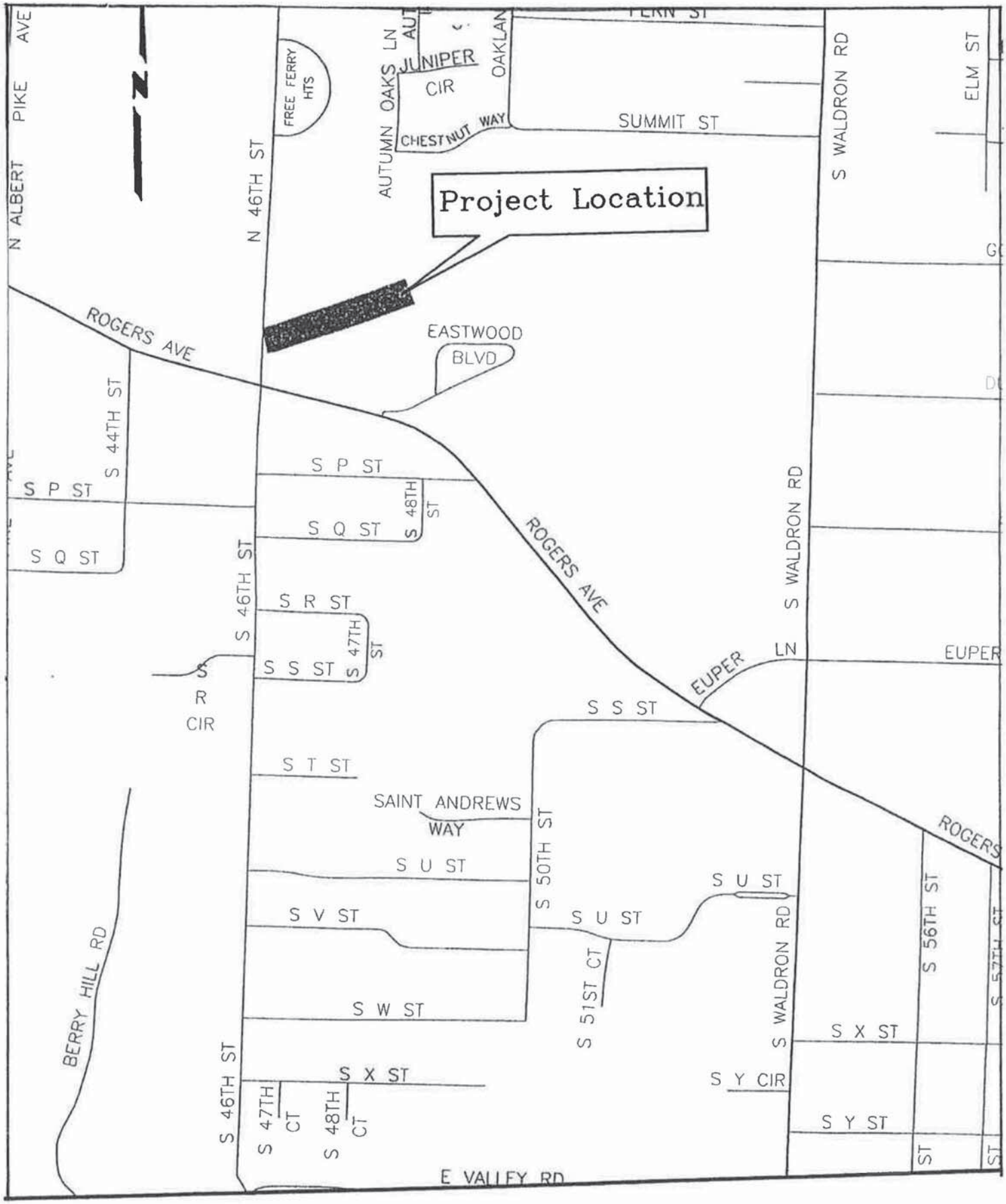
This project consists of the replacement and realignment of approximately 700 linear feet of 10-inch sanitary sewer main and four manholes. The existing 10-inch sewer main is highly degraded and one manhole has partially fallen in creating a void that threatens a nearby building which is built over a portion of the sewer main. An exhibit showing the project location is attached.

The low bid for the project was submitted by Goodwin & Goodwin, Inc., in the amount of $223,079.00. A bid tabulation showing the bidders and their bid amounts is attached along with a Resolution accepting the bid of and authorizing a contract with Goodwin & Goodwin. Funds are available for this project from the 2014 sales and use tax bonds issued for continuation of wet weather improvements.

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

attachment

pc: Jeff Dingman



South 46th Street & Rogers Avenue Sewer Replacement
Project 15-20-C1

Bid Tabulation Sheet

Project Name
South 46th Street & Rogers Avenue Sewer Replacement
Project Number 15-20-C1

Bid Opening
July 2, 2015
10:00 A.M.

Bids Received

Goodwin & Goodwin, Inc. Fort Smith, Arkansas	$ 223,079.00
Forsgren, Inc. Fort Smith, Arkansas	$ 341,375.56

RESOLUTION NO._____ 5 C

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH FORSGREN, INC., FOR THE CONSTRUCTION OF THE 3571 GARY STREET SEWER REPAIR

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

Change Order Number One in the amount of $28,945.50, adjusting the final contract amount to $158,486.00, and adding 12 calendar days to the contract with Forsgren, Inc., for the 3571 Gary Street Sewer Repair, Project Number 15-09-C1, is hereby approved.

This Resolution adopted this _____ day of July 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

RESOLUTION NO._____ 5 D

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO FORSGREN, INC., FOR CONSTRUCTION OF THE 3571 GARY STREET SEWER REPAIR

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

SECTION 1: The construction of the 3571 Gary Street Sewer Repair, Project Number 15-09-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of $158,486.00, is hereby approved.

This Resolution adopted this _____ day of July 2015.

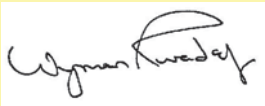
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** June 26, 2015

FROM: Steve Parker, Director of Utilities

SUBJECT: 3571 Gary Street Sewer Repair
Project 15-09

The Gary Street sewer repair project replaced approximately 268 linear feet of 8-inch sanitary sewer main which passes under Gary Street with a 10-inch main. The project included pipe bursting 108 linear feet passing under Gary Street, open cutting an additional 160 linear feet and installing a manhole. The main had collapsed, creating backups and overflows during heavy rain events. An exhibit showing the project area is attached.

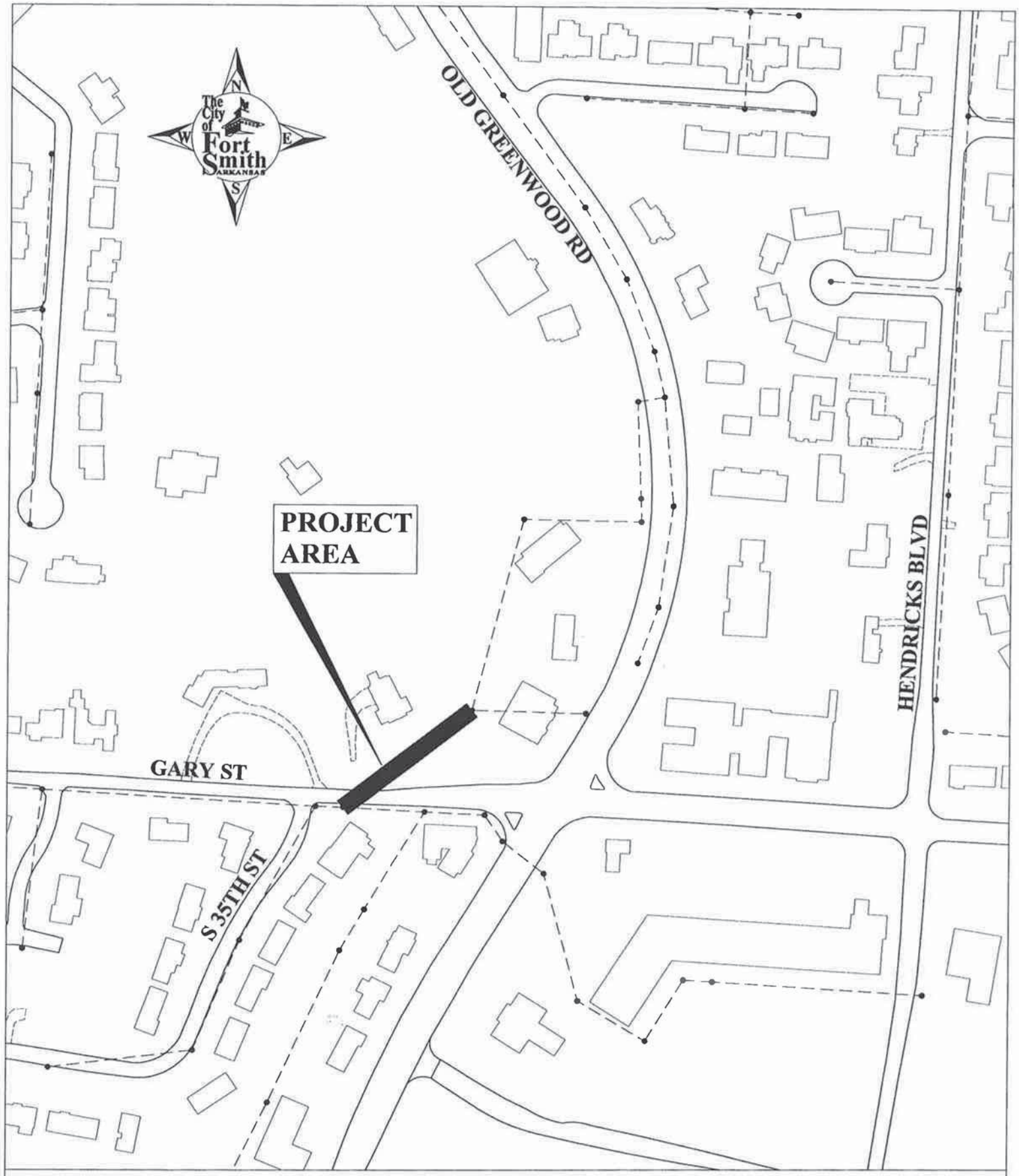
Forsgren, Inc., has submitted final pay request in the amount of $158,486.00 for work completed on Gary Street. The project cost exceeded the contract amount by $28,945.50. The overrun consists of additional days of bypass pumping required due to the 19-inches of rain in May that delayed the contractor's efforts to complete the project. The remainder of the overrun cost was due to unforeseen soil conditions for the sewer line trench excavations. The rubble and fill material used to build up the property to provide a level building site continually broke away during excavation. The poor soil conditions added time and cost to the construction effort due to the need for larger quantities of material to be removed from the site and suitable replacement fill material delivered to restore the area following construction completion. A project summary sheet is attached for your information.

A Resolution approving Change Order Number One in the amount of $28,945.50 and adding 12 calendar days to the contract time, and a Resolution accepting the project as complete and authorizing final payment in the amount of $158,486.00, are attached. It is my recommendation that the project be accepted as complete.

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

attachment

pc: Jeff Dingman



3571 GARY STREET
SEWER REPAIR
PROJECT 15-09

Project Summary

Project status: Complete

Project name: 3571 Gary Street Sewer Repair

Today's date: June 26, 2015

Project number: 15-09-C1

Staff contact name: Steve Parke

Project engineer: RJN, Inc.

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc.

Notice to proceed issued: May 4, 2015

Completion date: June 4, 2015

	Dollar Amount	Contract Time (Days)
Original contract	$129,540.50	21
Change orders:		
Change Order No. 1	$28,945.50	12
Total change orders	$28,945.50	
Adjusted contract	$158,486.00	33
Payments to date (as negative):	$0.00	
Amount of this payment	$158,486.00	
Retainage held	$0.00	
Contract balance remaining	$0.00	
Amount over original as a percentage	22.3%	

Final comments:
Unforeseen soil conditions and heavy rains resulted in increased quantity requirements.

RESOLUTION NO._____ 5 E

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH HUDSON EXCAVATION, INC., FOR THE LEE CREEK RESERVOIR BUOY LINE REPLACEMENT

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

SECTION 1: The bid of Hudson Excavation, Inc., for the construction of the Lee Creek Reservoir Buoy Line Replacement, Project Number 15-18-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Hudson Excavation, Inc., for an amount of $53,187.00, for performing said construction.

This Resolution adopted this _____ day of July 2015.

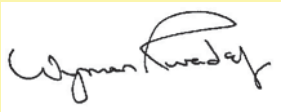
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** June 26, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Lee Creek Reservoir Buoy Line Replacement
Project 15-18

The buoy line installed approximately 600 feet upstream of the Lee Creek dam was broken due to the accumulation of increased amounts of floating debris washed into the reservoir during the first major rain event in May. The buoy line stretches across the lake and is required to keep boaters away from the intake zone for the water treatment plant and turbine generator and protects against boats being swept over the dam. The buoy line is approximately 1,700 feet long with 79 orange barrier floats and 15 with warning buoys. The lake must be closed to boaters until the replacement is complete.

The low bid for the project was submitted by Hudson Excavation, Inc., in the amount of $53,187.00. A bid tabulation sheet showing the bidders and their bid amounts is attached. A Resolution accepting the bid of and authorizing the Mayor to execute a contract with Hudson Excavation, Inc., for installation of a new buoy line in the amount of $53,187.00 is also attached. Funds are available for this project from the water and sewer operations budget.

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

attachment

pc: Jeff Dingman

Bid Tabulation Sheet

Project Name
Lee Creek Reservoir Buoy Replacement
Project Number 15-18-C1

Bid Opening
June 23, 2015
2:00 P.M.

Bids Received

Hudson Excavation Van Buren, Arkansas	$ 53,187.00
Goodwin & Goodwin Fort Smith, Arkansas	$ 62,182.00
Dixon Contracting Fort Smith, Arkansas	$ 67,353.00

RESOLUTION NO. _____ 5 F

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR
TO ENTER INTO AN OFFICE SPACE LEASE WITH
STEPHENS MEDIA, LLC, AT 3600 WHEELER AVENUE

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

The City Administrator is authorized to enter a lease agreement on behalf of the City of Fort Smith for office space at 3600 Wheeler Avenue with Stephens Media, LLC, for an amount of $7,061.83 monthly for the purpose of providing interim office space for the Utility Department's use related to performing the requirements of the Consent Decree entered in U.S. District Court Case No. 2:14-cv-002266-PKH.

This Resolution adopted this _____ day of July 2015.

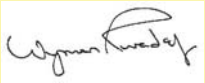
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** July 1, 2015

FROM: Steve Parke, Director of Utilities

SUBJECT: Office Space Lease
3600 Wheeler Avenue

The utility department hiring plan presentation to address the staffing required to meet the ongoing requirements of the Consent Decree included a discussion about temporary office needs. That plan included the retrofitting and conversion of the former library building owned by the city into office space. Those offices would be utilized by both city personnel and those of CDM Smith who have been retained to provide the Consent Decree program management functions.

The retrofitting and conversion of the former library building is expected to take four to five months to complete. Staff has contacted the lease management agent for Stephens Media, LLC, to inquire if Stephens would consider a base term six-month office space lease within their building at 3600 Wheeler Avenue, generally known as the Times Record building, during this interim period. There is available floor space, furnishings and parking which readily meets the city's needs. Stephens has agreed to accept a base term six-month lease. The building is essentially available for the city's immediate use, allowing for a week or two to provide for cleaning and reassembling cubicle workstations.

The lease cost is $7,061.83 per month and includes the office space, furnishings, utilities and janitorial service. The attached Resolution authorizes the city administrator to enter into a lease with Stephens Media, LLC, for the purpose of providing interim office space for the utility department related to performing the requirements of the Consent Decree. Funding for this lease period is available from the 2014 sales and use tax bonds.

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

attachment

pc: Jeff Dingman

5G

RESOLUTION NO. _____

RESOLUTION ACCEPTING BID FOR THE PURCHASE OF A WHEEL LOADER

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

The bid, as indicated by enclosure on the attached Bid Tabulation **6305-SF-BA** for the purchase of a wheel loader from Stribling Equipment for $239,900, is accepted.

This Resolution adopted this _____ day of July, 2015.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
No Publication Required

5G

Inter office Memorandum

TO: Ray Gosack, City Administrator

COPY TO: Baridi Nkokheli, Director of Sanitation

FROM: Alie Bahsoon, Purchasing Manager AB

SUBJECT: Purchase of Wheel Loader

DATE: July 1, 2015

BID TAB: 6305-SF-BA

Attached you will find the bid tabulation for the purchase of a wheel loader truck for use by the Department of Sanitation, Sanitary Landfill Division.

As indicated in the enclosed memorandum from Mr. Nkokheli, this loader will be a replacement of Asset 016, a 1997 Caterpillar 950F loader which was destroyed by fire on March 22, 2014.

Funding for this loader has been appropriated for in the 2015 Budget in the "Reserve for Sanitation Equipment-Sinking Fund Account" in the amount of $294,490.

This purchase fulfils all of the purchasing obligations as mandated by both state and local purchasing requirements and I am therefore recommending that the bid noted by enclosure on the attached bid tabulation, be accepted and approved by the Board.

Please let me know if you should have any questions.

5G

Tabulation of Bids - City of Fort Smith WHEEL LOADER - Bid Tab #6305-SF-BA					
Vendor	**A**	**B**	**C**	**D**	
Description					
Year	2015	2015	2015	2015	
Make	Doosan	Volvo	John Deere	Caterpillar	
Model	DL300-5	L110H	644K	950M	
Cost					
GP Bucket	$9.950.00	$14,220.00	$6,864.00	$10,300.00	
WC Bucket	$15,950.00	$33,314.00	$13,472.00	$21,156.00	
LR Bucket	$19,288.42	$14,207.00	$18,052.00	$19,974.00	
Wheel Loader	$172,734.22	$184,949.00	$201,512.00	$238,164.00	
Freight/Other	n/a	n/a	n/a	n/a	
Total price	$217,922.64 *	$246,690.00	$239,900 ✓	$289,594.00	
Delivery terms	120 days	90 days	60 days	90 days	

A: Alma Tractor (Alma, AR) * *Does not meet bid specifications*
B: Hugg & Hall (Ft. Smith, AR)
C: Stribling Equipment (Ft. Smith, AR) ✓
D: JA Riggs (Ft. Smith, AR)
✓ Recommended bid award

5G

Responsible Environmental Management

Fort Smith Department of Sanitation

MEMORANDUM

July 2, 2015

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director

Subject: Wheel Loader Purchase for Program 6305

In March 2014, our 1997 CAT 950F wheel loader (asset 16) caught fire during daily operations. There were no injuries; however, the machine was a total loss. The landfill division has since been utilizing a rented wheel loader. The wheel loader is used daily in the composting facility to load yard waste, trees, grindings, and compostable material into the grinder or screener and create the static piles and windrows. This machine is vital to our overall landfill operations and assists us in maintaining compliance with state regulations and our landfill permit.

The 2015 Budget earmarks funding for a new wheel loader in our sanitary landfill division (program 6305) in the amount of $294,490. Bids were recently solicited by the Purchasing Department with Stribling Equipment providing the lowest qualified bid ($239,900) which meets or exceeds the required minimum specification.

Alma Tractor's loader does not meet all of the specifications on the bid sheet.

- Alma Tractor's loader is 120 working days out, whereas the Stribling Equipment loader is 60 working days out, which will increase the rental fee by approximately $16,000 decreasing the total cost difference.

- The unit also utilizes a power drive system (engine) which reduces overall operating cost and provides cleaner emissions (meets U. S. EPA Tier 5F, or final, refers to the NSPS emissions standards). Tier 5F represents the highest level of clean air regulations to date.

- The 130-amp vs 100-amp alternator is required to allow for the 25-amp converter for installation of the 12-volt two-way radio, cooling fans and strobe lights. This increase in amperage also allows for the outfitting of different types attachments to improve the machine's versatility such as front forks and grapples, and other various hydraulic-driven attachments. These attachments will allow the equipment to perform a broad range of tasks increasing the amount of time an operator can spend using the wheel loader productively.

- Alma Tractor's is three inches shorter than specifications. The operator would not be able to tilt the bucket up, over and down to unload into the grinder, screener and dump trucks.

The additional 3inches that the Stribling Equipment loader provides meets the required height/clearance to dump into the equipment without affecting the pivot points, joints and hydraulics. In addition, we need to allow for normal tire wear and tire size differential between equipment.

Staff recommends the bid be awarded to Stribling Equipment and the resolution presented by the Purchasing Department be approved.

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

5G

RESOLUTION NO._____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, REGARDING THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program between the two parties.

Section 2. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED THIS _____DAY OF _____, 2015.

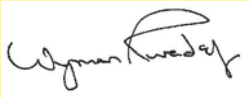
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



_____npr
City Attorney

INTERDEPARTMENTAL MEMORANDUM

To: **Ray Gosack City Administrator**

From: **Kevin Lindsey, Chief of Police**

Subject: **FY 2015 Edward Byrne Memorial Justice Assistance Grant Program**

Date: **July 1, 2015**

The Fort Smith Police Department has been invited to apply for the 2015 JAG Grant in the amount of $54,631.00. This is the regular solicitation of this annual grant. With this current grant the City of Fort Smith and Sebastian County are considered disparate agencies and thus must execute a Memorandum of Understanding (MoU). The primary purpose of this document is to delineate the amount that each government agency will receive.

After meeting with officials for the Sebastian County Sheriff's Office, it was determined that their portion of the 2015 JAG Grant will be in the amount of $38,241.70. The Sebastian County Sheriff's Office will use their portion of this grant to purchase 3 Samsung Smart PCs (tablets) with accessories and keyboards, 4 RFID Scanners (Bluebirds), 7 Motorola Radios and accessories, 29 Body-worn Cameras and 10 L-3 Transmitters. The acquisition of this equipment will greatly enhance their ability to serve our citizens, safeguard their inmates, increase officer safety and provide evidence of their interactions with the public.

The Fort Smith Police Department anticipates using our portion of 2014 JAG funds, in the amount of $16,389.30 for purchase of 16 new cameras, reconfiguring 16 existing cameras, software and training for new Avigilon Security system in the police department. This expenditure will update the police headquarter's camera surveillance system. The total expenditure for this new system is $41,985.61 plus tax. The balance of funding after exhausting the Grant funds will be comprised of funds from the Department's operating fund and asset forfeiture accounts.

Please contact me if you have any questions.

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, CONCERNING THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

This Agreement is made and entered into this _____ day of _____, 2015, by and between the County of Sebastian, acting by and through it governing body, the Quorum Court, hereinafter referred to as "COUNTY", and the City of Fort Smith, acting by and through its governing body, the board of Directors, hereinafter referred to as "CITY", both of Sebastian County, State of Arkansas, witnesseth:

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and,

WHEREAS, this Agreement is made necessary to comply with applicable grant requirements; and,

WHEREAS, the CITY will be designated as the fiscal agent for the program and as such will be responsible for required financial and program reporting; and,

WHEREAS, the COUNTY shall receive $38,241.70 and the CITY shall receive $16,389.30 of the awarded 2015 JAG Fund,

NOW, THEREFORE, the CITY and COUNTY agree as follows:

Section 1

COUNTY agrees the CITY shall receive $16,389.30 and the CITY agrees the COUNTY shall receive $38,,241.70 of the awarded 2015 JAG funds, anticipated to be $54,631.00.

Section 2

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from furnishing of the services by the other party.

Section 3

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 4

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any part not a signatory hereto.

CITY of Fort Smith, Arkansas	COUNTY of Sebastian, Arkansas
_____	_____
Sandy Sanders Mayor	David Hudson County Judge

5l.

RESOLUTION NO._____

A RESOLUTION AUTHORIZING THE CITY ADMININSTRATOR TO EXECUTE AND DELIVER A CONSENT TO ASSIGNMENT OF LEASE WITH SPIRIT MASTER FUNDING VI, LLC, TO USE A PORTION OF NORTH 31ST STREET RIGHT-OF-WAY

WHEREAS, on May 18, 1993, the City of Fort Smith entered a lease agreement with TFJ Nominee Trust (lessee) to allow the lessee to utilize a portion of North 31st Street as parking associated with the Harp's Grocery Store located at 3100 Grand Avenue, and;

WHEREAS, the lessee has sold the grocery store to Spirit Master Funding VI, LLC, and in compliance with the terms of the lease agreement requests an assignment of the lease, and;

WHEREAS, Judith J. Scherer, as Trustee of the TFJ Nominee Trust, and James Family Properties, LLLP, has requested that the City of Fort Smith consent to the proposed assignment to Spirit Master Funding VI, LLC, a Delaware limited liability company.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The City Administrator is hereby authorized to execute and deliver a consent to assignment of the lease with Spirit Master Funding VI, LLC.

This Resolution passed this _____ day of July 2015.

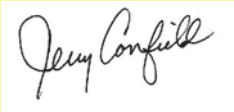
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM



_____npr

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 7/2/2015

Re: Request to Approve Lease Assignment with Spirit Master Funding VI, LLC to utilize portion of North 31st Street Right-of-Way

The City is in receipt of a request to approve a lease assignment with Spirit Master Funding VI, LLC to use a 6,800 s.f area of right-of-way on North 31st Street as parking in conjunction with the Harp's Grocery Store at 3100 Grand Avenue. (Please see Attachment A). The location of the lease area is shown on Attachments B-1 and B-2. The lease agreement was originally entered into between the City and TFJ Nominee Trust on May 18, 1993. (Please see Attachment C). The lessee pays an annual payment of $100 for the use of the leased area.

TFJ Nominee Trust has sold the grocery store to Spirit Master Funding VI, LLC. The lease agreement requires the lessee to obtain city approval prior to assigning or subletting the leased premises. The primary term of the lease was for a period of twenty-five years. In addition to the primary term, the agreement states that the lease may be extended for two additional five-year terms. If the assignment is approved, the lessee will have the use of the lease area until 2018 with the option of utilizing it ten more years or until 2028.

Staff also notes that the proposed May Branch Channel, as designed, would be within the leased area. However, there is currently no time frame for construction of the channel that would be next to the Harp's Grocery Store. In consulting with Stan Snodgrass, Director of Engineering, he indicated that construction of this section could be many years out and has no concerns about the lease assignment or the terms of the agreement. Additionally, paragraph 11 of the agreement states, "The city reserves the right to use, without payment of compensation or obligation to repair or restore, the leased premises for City and public utility purposes and for drainage purposes during the term of the lease. The City will use reasonable efforts so as not to unreasonably interfere with the Lessee's use and enjoyment of the leased premises."

Enclosed for the Board's consideration is a Resolution authorizing the you to execute and deliver a consent of assignment of lease with Spirit master Funding VI, LLC.

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

Enc.

ASSIGNMENT

For value received, the receipt and adequacy of which are hereby acknowledged, Judith J. Scherer, as Trustee of the TFJ Nominee Trust, and James Family Properties, LLLP, Assignors, subject to Landlord's consent hereinafter provided, hereby assign to Spirit Master Funding VI, LLC, a Delaware limited liability company, all Assignors' interest in a lease dated May 18, 1993, between the City of Fort Smith, Arkansas, as Lessor, and originally with the TFJ Nominee Trust, as Lessee (the "Lease"), and covering the following described property lying in the City of Fort Smith, Sebastian County, Arkansas:

Portions of the public right of way known as North 31st Street adjoining and immediately west of:

(a) Lots 19 through 23 and the northern seven and one-half (7 1/2) feet of Lot 18 of Mores Addition to the City, all containing 5,500 square feet, more or less; and

(b) Lots 15 through 16 and the southern forty-two and one-half (42 1/2) feet of Lot 17 of Mores Addition to the City and the former right of way of Tilles Street lying between Lots 16 and 17 of said Addition, which right of way was abandoned by Ordinance No. 2121 of the City, all containing 6,850 square feet, more or less.

The Assignment, the Assumption and the Consent to Assignment may be executed in counterpart but shall collectively comprise one agreement.

EXECUTED this _____ day of _____, 2015.

TFJ Nominee Trust

By_____
Judith J. Scherer
Trustee

P03858

James Family Properties, LLLP
By Thomas F. James Properties,
LLC, its general partner

By_____
Judith J. Scherer, Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF FAULKNER

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting Judith J. Scherer, to me well known as the person whose signature is affixed to the foregoing instrument, and stated that she is the Trustee of the TFJ Nominee Trust and the Manager of Thomas F. James Properties, LLC, the General Partner for James Family Properties, LLLP, the Assignors herein, and acknowledged that she had executed, signed and delivered the same in her capacities as Trustee and Manager, for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 2015.

_____
Notary Public

ASSUMPTION

For value received, the receipt and adequacy of which are hereby acknowledged, Spirit Master Funding VI, LLC, a Delaware limited liability company, agrees to assume all obligations of Assignors pursuant to the terms of the foregoing Lease as of the date hereof or the date of the Consent to Assignment hereinafter provided, whichever is later, and further agrees to hold the Assignors harmless from any claims arising therefrom as of the date hereof or the date of the Consent to Assignment hereinafter provided, whichever is later.

The Assignment, the Assumption and the Consent to Assignment may be executed in counterpart but shall collectively comprise one agreement.

EXECUTED this _____ day of _____, 2015.

Spirit Master Funding VI, LLC
By Spirit SPE Manager, LLC
Its manager

By_____
Name:
Title:

ACKNOWLEDGMENT

STATE OF ARIZONA)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2015, by _____, as _____ of Spirit SPE Manager, LLC, a Delaware limited liability company, Manager of Spirit Master Funding VI, LLC, a Delaware limited liability company, on behalf of said entity.

_____
Notary Public
Personally Known: _____
Produced Identification: _____
Type: _____

(SEAL)

My Commission Expires: _____

CONSENT TO ASSIGNMENT

The City of Fort Smith, Arkansas, hereby consents to the assignment of the foregoing Lease.

The Assignment, the Assumption and the Consent to Assignment may be executed in counterpart but shall collectively comprise one agreement.

EXECUTED this _____ day of _____, 2015.

City of Fort Smith, Arkansas

By_____
City Administrator

ATTEST:

_____
City Clerk

LESSOR

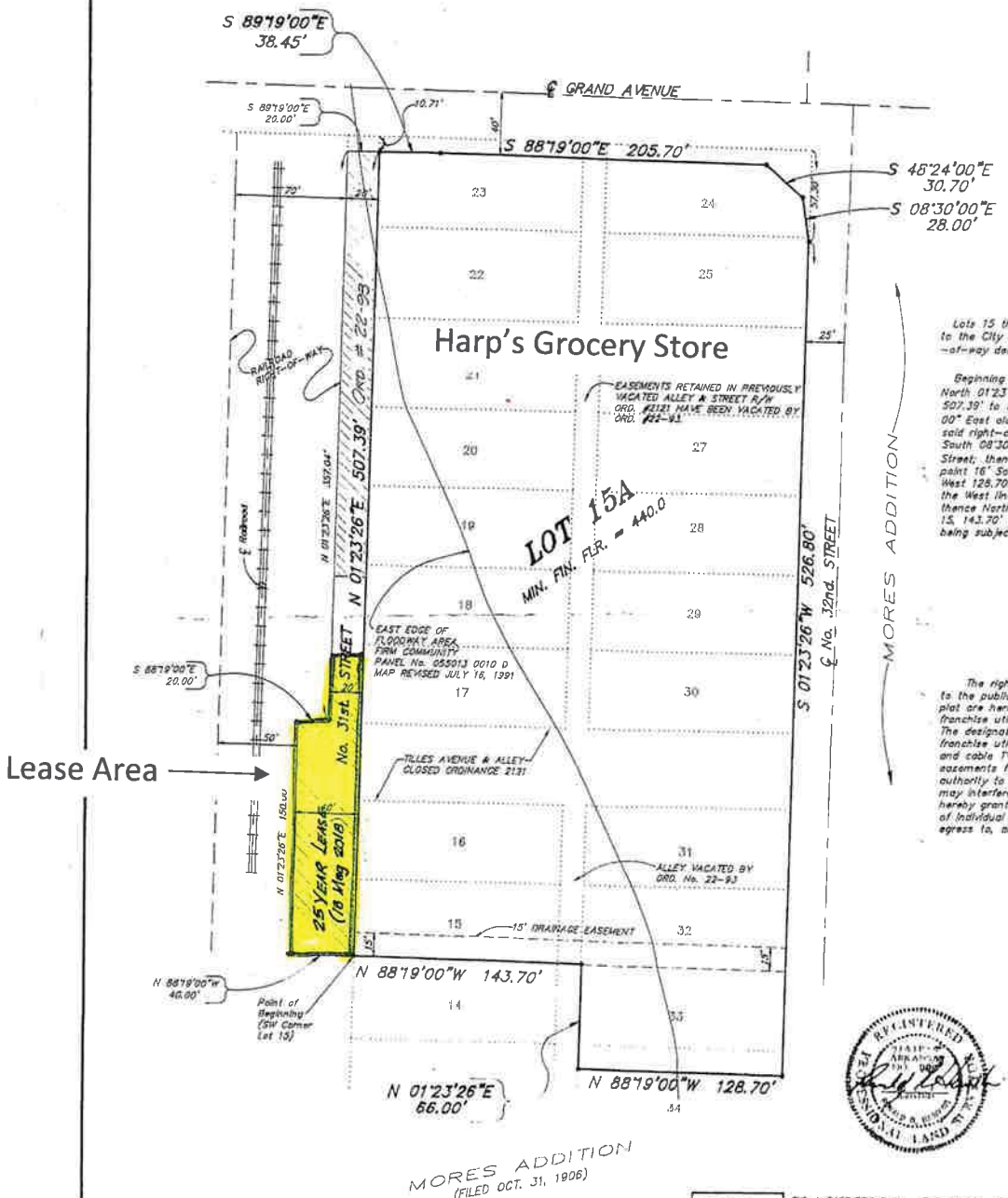
ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF SEBASTIAN

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting _____ and _____, to me well known as the persons whose signatures are affixed to the foregoing instrument, who stated that they were the City Administrator and City Clerk of the City of Fort Smith, Arkansas, a municipal corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and on behalf of the corporation, and further stated and acknowledged that they had so signed, executed, and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 2015.

_____
Notary Public



FT. SMITH DIST.
'93 AUG 5 PM 1 20
CIR. CLERK SEB. CO.

N

50 25 0 50 100 150
SCALE IN FEET

PLANNING COMMISSION APPROVAL:
Chairman
Date 8-3-93
Secretary

FILED FOR RECORD

This 5 day of Aug. 1993 at 1:20 O'Clock P.M.
Peggy Watson Clerk and Ex-Officio Recorder.
By: Margaret Nardin

ALLOTTERS: TFJ NOMINEE TRUST
1900 No. BRYANT
LITTLE ROCK, ARKANSAS
Judith J. Ackerer, Cotrustee

STATE OF ARKANSAS
COUNTY OF Pulaski

Sworn and subscribed before me this day 26-July-93
Notary Public Margaret E. Wheeler
My commission expires 01-01-93

LEGAL DESCRIPTION

Lots 15 through 33 and the North 16' (sixteen feet) of Lot 34 Mores to the City of Fort Smith, Sebastian County, Arkansas, less and except right-of-way dedications, being more particularly described as follows, to wit:

Beginning at the Southwest corner of Lot 15, said Mores Addition; thence North 01°23'26" East along the East right-of-way line of South 31st Street 507.39' to the South right-of-way line of Grand Avenue; thence South 89°19'00" East along said right-of-way, 38.45'; thence South 88°19'00" East along said right-of-way, 205.70'; thence South 48°24'00" East 30.70'; thence South 08°30'00" East 28.00' to the West right-of-way line of North 32nd Street; thence South 01°23'26" West along said right-of-way 526.80' to a point 16' South of the Northeast corner of Lot 34; thence North 88°19'00" West 128.70' to the West line of Lot 34; thence North 01°23'26" East along the West line of Lots 33 & 34, 66.00' to the Northwest corner of Lot 33; thence North 88°19'00" West across an alley and along the South line of Lot 15, 143.70' to the Point of Beginning, containing 3.36 acres more or less, being subject to any easements of record.

The right-of-way as shown on this plat is hereby dedicated to the public for public use. The easements as shown on this plat are hereby provided by the property owner for public utilities, franchise utilities, cable TV, drainage, access and other purposes. The designation, utility easement, shall include public utilities, franchise utilities and cable TV. The respective utility companies and cable TV shall have access through and along their designated easements for their personnel and equipment at all times. The authority to cut down and keep trimmed trees, hedges, shrubs that may interfere with or endanger such utilities and cable TV is hereby granted by the property owner. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within the dedicated easements, shall be provided.

NOTES:
1. Bearing system based on the right-of-way plans for the Grand Avenue street widening project.
2. Property corners have been staked in field.

MORES ADDITION – LOT 15A

Being a Replat of Lots 15 thru 33, & North 16' of Lot 34 Mores Addition, to the City of Fort Smith, Sebastian County, Arkansas

Date: May, 1993

Scale: 1"= 50'

REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS

HAWKINS-WEIR ENGINEERS, INC.
Engineers – Surveyors – Consultants
1019 Pointer Trail East
Van Buren, Arkansas 72956
(501) 474-1227

JOB NO.: FS-90-84

ATTACHMENT B-1

1244

Lease Area Location
North 31st Street

ATTACHMENT B-2

July 2, 2015

1:1,424

: : Fort Smith City Limts

0 0.015 0.03 0.06 ft

0 0.025 0.05 0.1 m

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

EXHIBIT "A"

LEASE AGREEMENT

This Lease Agreement made and entered into this 18 day of May, 1993, by and between the City of Fort Smith, Arkansas, hereinafter called "City," and the TFJ Nominee Trust, hereinafter called "Lessee."

WITNESSETH:

In consideration of the covenants made each to the other, as herein set forth, the parties agree as follows:

1. The property to which this lease applies is described in Exhibit "A" attached hereto and made a part hereof. The City does hereby rent and let the leased premises to the Lessee and the Lessee does hereby hire and take the leased premises from the City.

2. The primary term of this lease shall be a period of twenty-five (25) years commencing on the date of execution of this agreement. In addition to said primary term, the City agrees that the term of this lease may be extended for two (2) additional five (5) year terms unless the Lessee gives written notice to terminate the lease to the City not less than thirty (30) days prior to the expiration of the primary term and of each additional term. Any extension of this lease shall be upon all the same terms, provisions, and conditions set forth in this lease.

3. Lessee shall pay as rental for the leased premises an annual rental in the amount of $100.00. The annual rental shall be payable to the City in care of the City Administrator (or other principal administrative official) of the City, at the City's usual business address in one (1) installment due ten (10) days after

execution of this agreement, and thereafter each year within ten (10) days after the anniversary date of this agreement. Lessee agrees that Lessee will well and truly pay the said rent at the time and place above stated. Lessee agrees that any failure to pay the rent on time, or default by Lessee of the performance of any of the agreements contained herein to be kept by Lessee will serve as a basis of a forfeiture of Lessee's rights under this lease agreement and will create the right of the City to demand immediate possession of the leased premises.

4. Lessee shall not, without the prior written consent of the City Administrator (or other principal administrative official) of the City, assign this lease or sublet the leased premises or any part thereof, which consent will not be unreasonably withheld.

5. Lessee agrees that this is a non-residential lease only, that there are no residential structures located on the leased premises, and that no residential structures of any kind shall be placed on the leased premises. Lessee takes the leased premises "as is." The City makes no warranties with reference to the premises being leased to the Lessee and the Lessee expressly acknowledges that there are no implied warranties of habitability or fitness for Lessee's purpose, or otherwise by reason of the City's lease of these premises to the Lessee.

6. Lessee shall not construct any buildings or signs (other than traffic control signs) on the leased premises without the prior written consent of the City Administrator (or other principal administrative official) of the City.

7. Subject to the rights reserved by the City, Lessee shall have the right of possession of the leased premises for access (including the right of the public to traverse the length of the leased premises) and vehicle parking purposes and agrees to maintain the premises in good condition for such purposes.

8. Lessee shall not keep or have on the leased premises any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the leased premises or to nearby property that may be considered hazardous or extra-hazardous by any responsible insurance company.

9. Lessee shall be responsible for arranging for and paying for any utility services required on the premises; provided, however, that no utility services may be connected by Lessee without the prior written consent of the City Administrator (or other principal administrative official) of the City.

10. Lessee does hereby agree to hold the City harmless and to indemnify the City against any and all claims, actions, and liabilities, including any expenses for legal services incurred by the City, arising from the activities of the Lessee conducted on the leased premises.

11. The City reserves the right to use, without payment of compensation or obligation to repair or restore, the leased premises for City and public utility purposes and for drainage purposes during the term of the lease. The City will use reasonable efforts so as not to unreasonably interfere with the Lessee's use and enjoyment of the leased premises.

12. The covenants and conditions herein contained shall apply to and bind the legal representatives, successors, and assigns of the parties hereto, and all covenants are to be construed as conditions of this lease. Time is of the essence as to all provisions of this lease.

13. The parties acknowledge that the entirety of their understanding regarding this lease agreement is stated in writing herein and that all negotiations preceding such agreement are hereby merged in the express terms of this written lease agreement. This agreement shall not be subject to oral modification, but may only be modified in writing executed by the authorized representatives of both parties.

WITNESS our hands and seals on the date first set forth above.

CITY OF FORT SMITH, ARKANSAS

By: S P Boynton
City Administrator

ATTEST:

Cindy Remler
City Clerk

TFJ NOMINEE TRUST

By: Thomas F. James
Thomas F. James, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
County of Sebastian)

On this 18 day of May, 1993, before me, the undersigned, a Notary Public, duly commissioned, qualified, and acting within and for said County and State, appeared in person the within named SP Boynton and Cindy Reuter, to me personally well known, who stated that they were the City Administrator and City Clerk of the City of Fort Smith, Arkansas, a municipal corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in behalf of said corporation, and further stated and acknowledged that they had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

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

Anita L. Hughes
Notary Public

ANITA L. HUGHES NOTARY PUBLIC SEBASTIAN COUNTY, ARKANSAS

My Commission Expires:
3/24/03

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
County of Sebastian)

On this 4 day of August, 1993, before me, the undersigned, a Notary Public, duly commissioned, qualified, and acting within and for said County and State, appeared in person the within named Thomas F. James, to me personally well known, who stated that he is the Trustee of the TFJ Nominee Trust, and is duly authorized to execute the foregoing instrument for and in behalf of said Trust, and further stated and acknowledged that he had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

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

Marjorie E. Wheeler
Notary Public

My Commission Expires:

1-1-2003

EXHIBIT "A"

Portions of the public right-of-way known as North 31st Street adjoining and immediately west of:

(a) Lots 19 through 23 and the Northern seven and one-half (7 1/2) feet of Lot 18 of Mores Addition to the City, all containing 5,500 square feet, more or less; and,

(b) Lots 15 through 16 and the Southern forty-two and one-half (42 1/2) feet of Lot 17 of Mores Addition to the City and the former right-of-way of Tilles Street lying between Lots 16 and 17 of said Addition, which right-of-way was abandoned by Ordinance No. 2121 of the City, all containing 6,850 square feet, more or less.

The City of Fort Smith ARKANSAS

June 18, 2015

TO: Members of the Board of Directors
Members of the Parks and Recreation Commission

RE: Appointments:

The term of Ms. Madeline Marquette of the Parks and Recreation Commission will expire August 31st, 2015. 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 July 14th, 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 and click on boards and commissions.

Sincerely,

Ray Gosack

Ray Gosack
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

Printed on 100% Recycled Paper

July 2015

July 2015

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2015

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 28 - Jul 4	**Jun 28**	**29**	**30**	**Jul 1**	**2**	**3**	**4**
				12:00pm Parks Commission (Creekmore)	6:00pm Historic District Com. (220 North 7 Street)	8:00am 5:00pm INDEPENDENCE DAY (CITY OFFICES CLOSED)	
Jul 5 - 11	**5**	**6**	**7**	**8**	**9**	**10**	**11**
			11:30am Planning Com. S. S. (Creekmore) 6:00pm Board of Directors (FSM Public Schools)	12:00pm Parks Com. (Creekmore)	12:15pm Oak Cemetery Com. (Creekmore)		
Jul 12 - 18	**12**	**13**	**14**	**15**	**16**	**17**	**18**
		11:00am Property Owners Appeal Bd (Planning Conf.)	12:00pm Bd. of Directors S.S. (Public Library) 5:30pm Planning Commission (Creekmore)		6:00pm Ward 3 Neighborhood Mtg. (2700 Cavanaugh Rd.)		
Jul 19 - 25	**19**	**20**	**21**	**22**	**23**	**24**	**25**
			9:30am CBID (Area Agency) 4:30pm Library Bd. of Trustees (Main Library) 6:00pm Board of Directors (FSM Public Schools Serv. Cntr.)				
Jul 26 - Aug 1	**26**	**27**	**28**	**29**	**30**	**31**	**Aug 1**
			12:00pm Bd. of Directors S.S. (Public Library) 4:00pm A & P Com. (Miss Laura's) 5:00pm Airport Com. (Airport - Adm. Office Conf. Rm.)		11:30am Housing Authority (Beckman Center) 5:30pm Historic Dist. S. S. (220 North 7 Street)		