



AGENDA

**FORT SMITH BOARD OF DIRECTORS
REGULAR MEETING**

November 1, 2011 ~ 6:00 P.M.

**FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD**

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

INVOCATION & 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 OCTOBER 18, 2011 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation of proposed 2012 City Budget
2. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Multi-Family Medium Density (RM-3) by classification located at 9505 Chad Colley Boulevard)*
3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan from Residential Attached to General Commercial and rezoning from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 1520 South "U" Street)*
4. Ordinance rezoning identified property and amending the zoning map *(from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by classification located at 10220 Highway 71 South)*

5. Ordinance establishing the policy and fee for scattering of cremated human remains at Oak Cemetery
6. Consent Agenda
 - A. Resolution to accept the bids and authorize a contract for the construction of Garrison Avenue Streetscape, North 9th Street to North 13th Street, Project No. 09-90-B, Job 040545 (\$2,439,405.90 / Engineering Department / Budgeted - 80% Federal-Aid and 20% Sales Tax Fund)
 - B. Resolution authorizing engineering services agreements for the design of projects in the 2012 Sales Tax Program (\$819,354.00 / Engineering Department / Budgeted – Sales Tax Fund)
 - C. Resolution rescinding Resolution No. R-134-02 and approving a lease agreement with Fort Smith Church Baseball League, Inc. for Kelley Park
 - D. Resolution authorizing the Mayor to execute Authorization Number Two with Philip J. Leraris, P.E., L.S. for providing engineering services associated with the Consolidation of Lift Stations 7 & 14 Project (\$98,120.00 / Utility Department / Budgeted - 2008 Revenue Bonds)
 - E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Consolidation of the Lift Stations 7 & 14 Project (\$956,899.00 / Utility Department / Budgeted - 2008 Revenue Bonds)

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

- A. Mayor
- B. Directors
- C. City Administrator

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

ADJOURN



MEMORANDUM

October 28, 2011

TO: Ray Gosack, City Administrator

FROM : Kara Bushkuhl, Director of Finance 

SUBJECT: 2012 Proposed Budget & Supplement

Copies of the 2012 Proposed Budget and Supplement will be distributed at the Board meeting Tuesday, November 2nd.

Should you have any questions, please contact me.

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. 30-10-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 11, 2011, that said change be made;

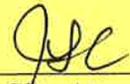
NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following properties to-wit:

Part of the Northwest Quarter of the Northwest Quarter and part of the Southwest Quarter of the Northwest Quarter of Section 17, part of the Southeast Quarter of the Northeast Quarter, part of the Northwest Quarter of the Northeast Quarter, and part of the Northeast Quarter of the Northeast Quarter of Section 18, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly as follows:

Commencing at the Northeast Corner of said Northeast Quarter of the Northeast Quarter of Section 18; Thence along the north line of said Northeast Quarter of the Northeast Quarter, N87°12'44"W, 854.56 feet to the easterly right-of-way line of Chad Colley Boulevard; Thence S42°01'30"W, 38.44 feet along said easterly right-of-way line to an existing 1/2" rebar with cap stamped MWC 1369; Thence continuing along said easterly right-of-way line, 33.67 feet along the arc of a curve to the left to an existing 1/2" rebar with cap stamped MWC 1369 and the Point of Beginning, said curve having a radius of 4430.00 feet and being subtended by a chord having a bearing of S41°48'26"W and a distance of 33.67 feet; Thence leaving said easterly right-of-way line, S47°56'00"E, 1455.00 feet to an existing 1/2" rebar with cap stamped MWC 1369 on the westerly right-of-way line of the relocated U.S. Highway 71; Thence along said westerly right-of-way line of U.S. Highway 71, S19°49'15"W, 837.94 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence continuing along said westerly right-of-way line, S31°39'59"W, 307.76 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said westerly right-of-way line, N47°56'00"W, 1664.53 feet to a set 1/2" rebar with cap stamped MWC 1369 on said easterly right-of-way line of Chad Colley Boulevard; Thence along said

Approved as to Form:



City Attorney
Paulish

easterly right-of-way line the following bearings and distances: N27°24'14"E, 23.80 feet to a set ½" rebar with cap stamped MWC 1369; N62°55'16"W, 20.00 feet to a set ½" rebar with cap stamped MWC 1369; 708.49 feet along the arc of a curve to the right, said curve having a radius of 4430.00 feet and being subtended by a chord having a bearing of N32°18'27"E and a distance of 707.73 feet to a set ½" rebar with cap stamped MWC 1369; S53°06'40"E, 20.00 feet to a set ½" rebar with cap stamped MWC 1369; N37°12'27"E, 49.00 feet to a set ½" rebar with cap stamped MWC 1369; N52°21'00"W, 20.00 feet to a set ½" rebar with cap stamped MWC 1369; 314.21 feet along the arc of a curve to the right to the Point of Beginning, said curve having a radius of 4430.00 feet and being subtended by a chord having a bearing of N39°33'27"E, 314.15 feet. Containing 40.00 acres, more or less, LESS & EXCEPT:

Commencing at the Northeast Corner of said Northeast Quarter of the Northeast Quarter of Section 18; Thence along the north line of said Northeast Quarter of the Northeast Quarter, N87°12'44"W, 854.56 feet to the easterly right-of-way line of Chad Colley Boulevard; Thence S42°01'30"W, 38.44 feet along said easterly right-of-way line to an existing ½" rebar with cap stamped MWC 1369; Thence continuing along said easterly right-of-way line, 33.67 feet along the arc of a curve to the left to an existing ½" rebar with cap stamped MWC 1369, said curve having a radius of 4430.00 feet and being subtended by a chord having a bearing of S41°48'26"W and a distance of 33.67 feet; Thence leaving said easterly right-of-way line, S47°56'00"E, 1455.00 feet to an existing ½" rebar with cap stamped MWC 1369 on the westerly right-of-way line of the relocated U.S. Highway 71; Thence along said westerly right-of-way line of U.S. Highway 71, S19°49'15"W, 837.94 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing along said westerly right-of-way line, S31°39'59"W, 307.76 feet to a set ½" rebar with cap stamped MWC 1369; Thence leaving said westerly right-of-way line, N47°56'00"W, 287.81 feet; Thence N31°39'59"E, 307.76 feet; Thence S47°56'00"E, 287.81 feet to the Point of Beginning. The exception containing 2.00 acres, more or less.

Containing, in aggregate, 38.0 acres, more or less.

more commonly known as 9505 Chad Colley Boulevard, should be, and is hereby rezoned from Not Zoned to Residential Multi-Family Medium Density (RM-3) by Classification, subject to the development plan approved by the Planning Commission on October 11, 2011.

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

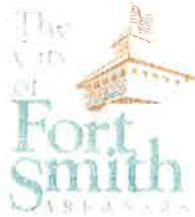
~~PASSED AND APPROVED THIS~~ _____ ~~DAY OF~~ _____, 2011.

APPROVED:

Mayor

ATTEST:

City Clerk



October 24, 2011

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

Re: Rezoning #30-10-11; A request by Pat Mickle, agent, for a zone change from Not Zoned to Residential Multi-Family Medium Density (RM-3) (Parcel A) by Classification located at 9505 Chad Colley Boulevard.

On October 11, 2011, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. Wally Bailey read the staff reports indicating that the purpose of this request is to allow for the construction of a multi-family development and a billboard. Mr. Bailey noted that the applicant has requested the withdrawal of the Commercial Heavy (C-5) zone for Parcel B and has requested that the two (2) acres in this parcel remain not zoned. Mr. Bailey stated that a neighborhood meeting was held on Tuesday, September 27th at 4:30 p.m. at 3434 Country Club with no neighboring property owners in attendance.

A preliminary development plan was submitted with the zoning application. The development plans show the development to have will facilitate the development of 484-unit multi-family development consisting of 2 – 1 bedroom 8 plexes; 9 - 2 bedroom 8 plexes; 8-1 bedroom 16 plexes; 15-2 bedroom 16 plexes; and 7 townhome buildings with 1 & 2 bedrooms. All buildings are two-story. The development will be constructed in four phases with the final phase estimated to be complete by July 2017. A complete description of the development plan is enclosed.

The development will also include an office/clubhouse, pool, basketball court, play and open areas. Two mini storages buildings and a graveled area are proposed at the rear of the site. These facilities will be for tenants only. The mini storages and graveled area will be constructed during Phase 3 or Phase 4.

Mr. Pat Mickle was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on the rezoning request. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

A copy of the draft minutes and staff report to the Planning Commission is enclosed for your review.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/

cc: File
City Administrator

Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2011

Subject: Rezoning #30-10-11; a request by Pat Mickle, agent, for MR Capital Partners, LLC, for Planning Commission consideration of a zone change from Not Zoned to Residential Multifamily Medium Density (RM-3) (Parcel A) by classification at 9505 Chad Colley Boulevard and Commercial Heavy (C-5) (Parcel B)

LOT LOCATION AND SIZE

The requested rezoning area is on the east side of Chad Colley Boulevard just south of Massard Road. The lot contains approximately a total of 40 acres and has approximately 1,100 feet of frontage on Chad Colley Boulevard. Parcel A contains 38 acres. Parcel B contains 2 acres and is located in the southeast corner to the property.

EXISTING ZONING

The property is currently Not Zoned.

REQUESTED ZONING – (Parcel A)

The requested zoning on this tract is Residential Medium Density Multi-Family (RM-3). Characteristics of this zone are as follows:

Purpose: To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future.

Uses: Permitted uses include detached and duplex dwellings, row houses, zero lot line dwelling units, multi-family apartments/condominiums, family group home, neighborhood group home and community residential facility.

Area Regulations:

Lot Area - 6,500 square feet
Front Yard Setback - 25 feet
Side Yard Setback - 7.5 feet

Density Requirements:

20 dwelling units per acre

8A

Side Yard on Street Side of Corner Lot - 15 feet
Side Yard (adjacent to RS Dist/Development) - 30 feet
Rear Yard Setback - 10 feet
Separation of Buildings - 10 feet
Maximum Height - 40 feet

REQUESTED ZONING – (Parcel B)

The requested zoning Parcel B is Commercial Heavy (C-5).

Characteristics of the C-5 zone are as follows:

Purpose:

To provide for 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 classification of the Master Land Use Plan.

Permitted Uses:

Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

Conditional Uses:

Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

Bulk & Area Regulations:

Minimum Lot Size – 14,000 square feet.
Minimum Lot Width – 100 feet
Maximum Lot Coverage – 75%
Maximum Height – 45 feet (1 + 1)
Front Yard Setback – 25 feet
Side Yard Setback – 20 feet
Side Yard on Street Side of Corner Lot – 15 feet
Rear Yard Setback – 20 feet
Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Moderate (C-3), areas to the east, south and west are all Not Zoned. All surrounding properties are undeveloped.

PROPOSED REZONING

The requested (RM-3) zone will allow for the development of a 484 unit apartment complex. The requested (C-5) zone will allow for the construction of an outdoor billboard sign along the proposed I-49.

LAND USE PLAN COMPLIANCE

The Chaffee Crossing Redevelopment Plan currently classifies this property as Mixed-Use: Residential/Commercial/Office.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley Boulevard as a Boulevard Street.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, September 27 at 4:30 p.m. at 3434 Country Club Avenue. There were no neighboring property owners in attendance.

The applicant has requested the withdrawal for the Commercial Heavy (C-5) zone for Parcel B and has requested that the two (2) acres in Parcel B remain not zoned. The applicant does, however, wish to continue with the RM-3 rezoning request for the remaining 38 acres.

Staff recommends approval of the amended rezoning request to rezone only the 38 acres to RM-3. This approval is contingent upon approval of the Preliminary Development Plan, Variance applications, and submittal of a Final Development Plan.



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

October 6, 2011

Mr. Wally Bailey
City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

Re: Reserve at Chaffee Crossing
Rezoning Application

Dear Mr. Bailey:

Please accept this letter as our request to remove, from the Planning Commission's October 11, 2011 agenda, the request to rezone the two acre area at Reserve at Chaffee Crossing to C-5. This is Parcel B in the application. We wish to leave this parcel unzoned at this time. We do, however, wish to continue with the rezoning of the 38.0 acres to RM-3.

If you have any questions please don't hesitate to call.

Sincerely,

A handwritten signature in blue ink that reads "Pat Mickle".

Patrick J. Mickle, P.E.

f:\doc\letters\reserveatcaffeecrossing-c-5 rezoning removal

MICKLE WAGNER COLEMAN, INC.

3434 Country Club Avenue 72903 • P O Box 1507 72902 • Fort Smith, Arkansas • (479) 649-8484 • Fax (479) 649-8486
info@mwc-engr.com

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PETITION FOR CHANGE IN ZONING MAP

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

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

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

See Attached Legals for Parcel A (Not Zoned to RM-3) and Parcel B (Not Zoned to C-5)

2. Address of property: 9505 Chad Colley Boulevard

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

4. Application is hereby made to change the zoning classification of the above described property to RM-3 (Parcel A) & C-5 (Parcel B) by Classification.
(Extension or classification)

5. Why is the zoning change requested?

To allow development of a 500 unit apartment project, and construction of a billboard.

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

Signed:

Mickle Wagner Coleman, Inc.

~~Owner~~ or Agent Name
(please print)

Owner .

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

~~Owner~~ or Agent Mailing Address

Pat Mickle
or

Agent

649-8484

~~Owner~~ or Agent Phone Number

Legal Description
Reserve at Chaffee Crossing

PARCEL A

Part of the Northwest Quarter of the Northwest Quarter and part of the Southwest Quarter of the Northwest Quarter of Section 17, part of the Southeast Quarter of the Northeast Quarter, part of the Northwest Quarter of the Northeast Quarter, and part of the Northeast Quarter of the Northeast Quarter of Section 18, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly as follows:

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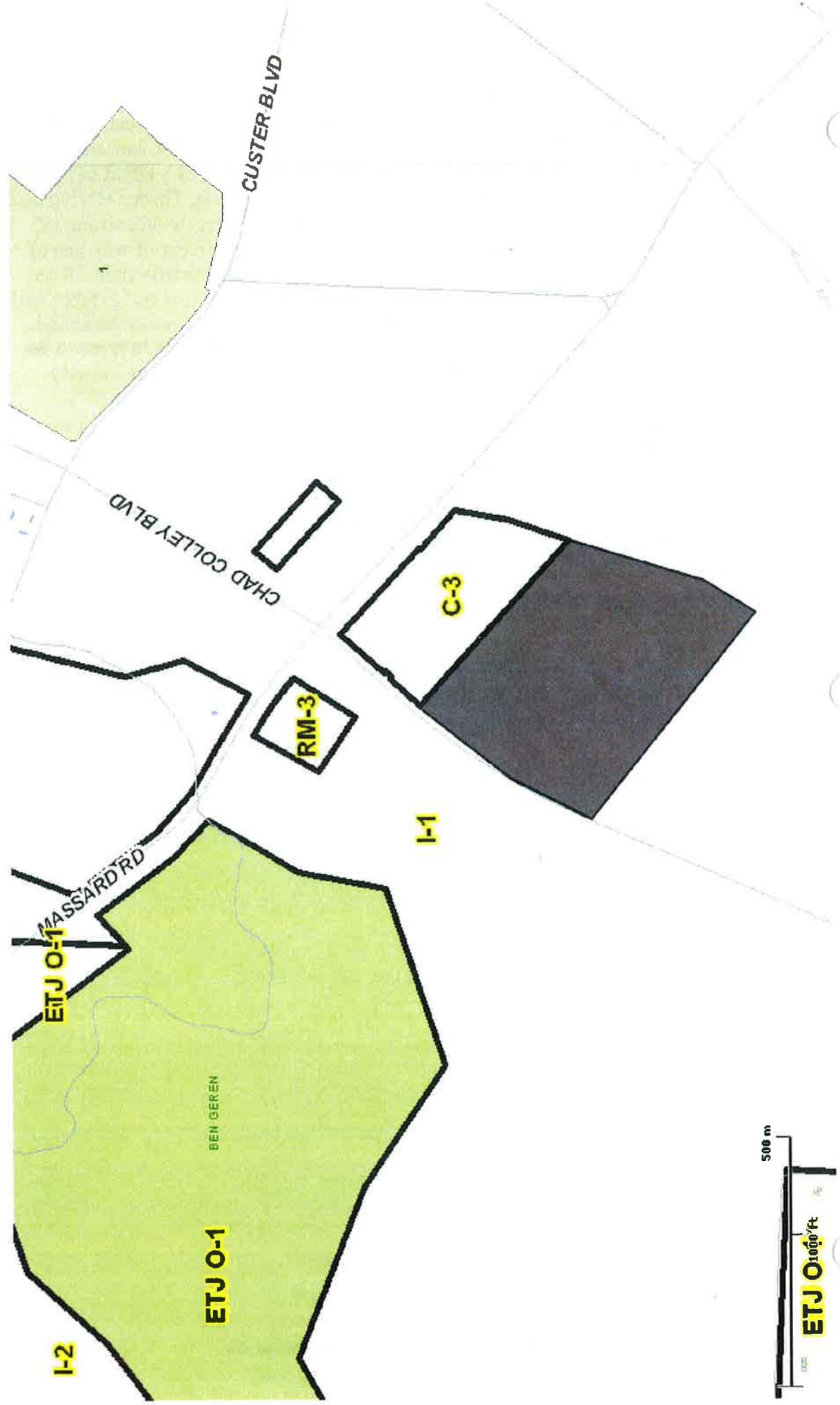
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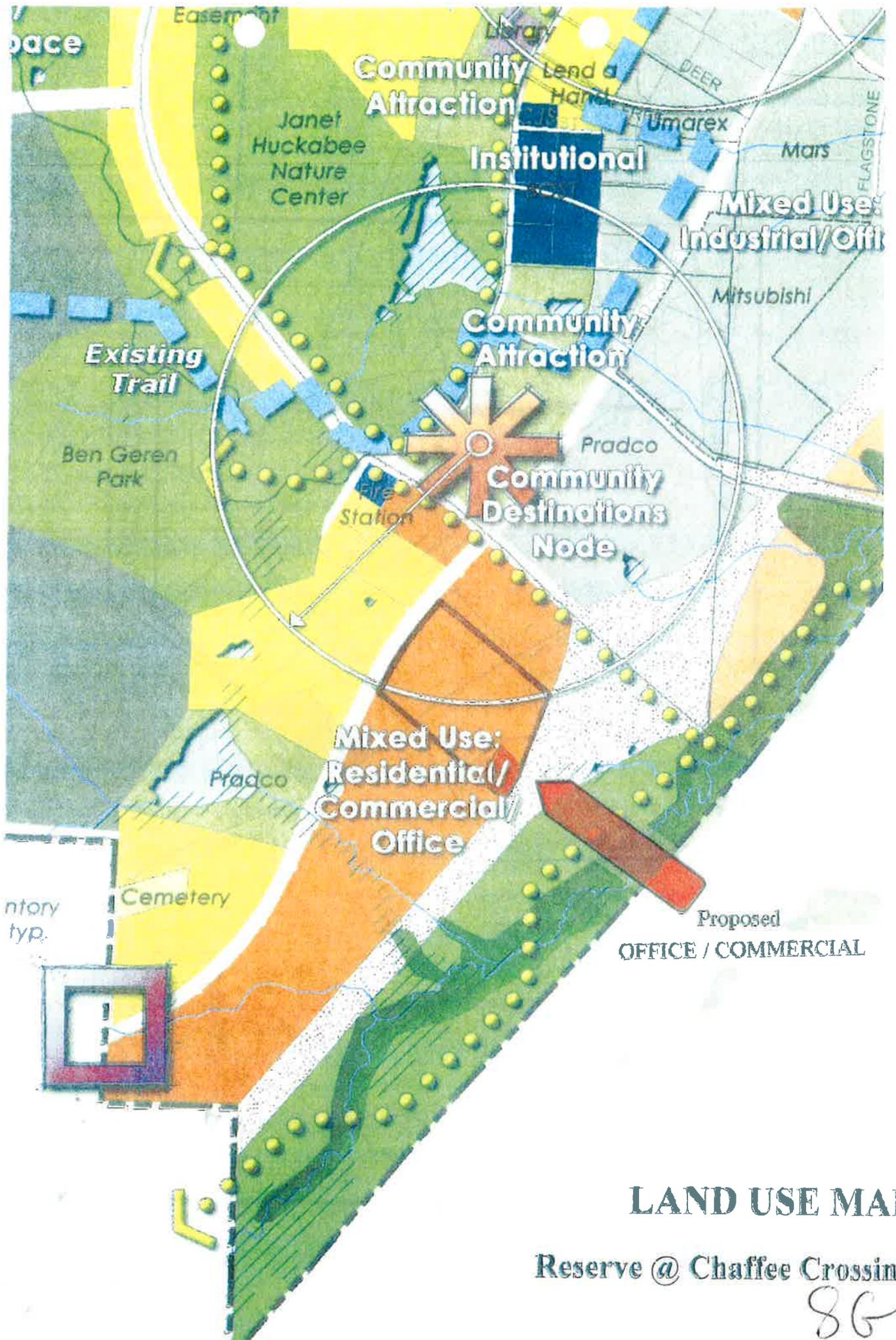
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Containing, in aggregate, 38.0 acres, more or less.

Rezoning #30-10-11: From Not Zoned to Residential Multifamily Medium Density (RM-3)

9505 Chad Colley Boulevard

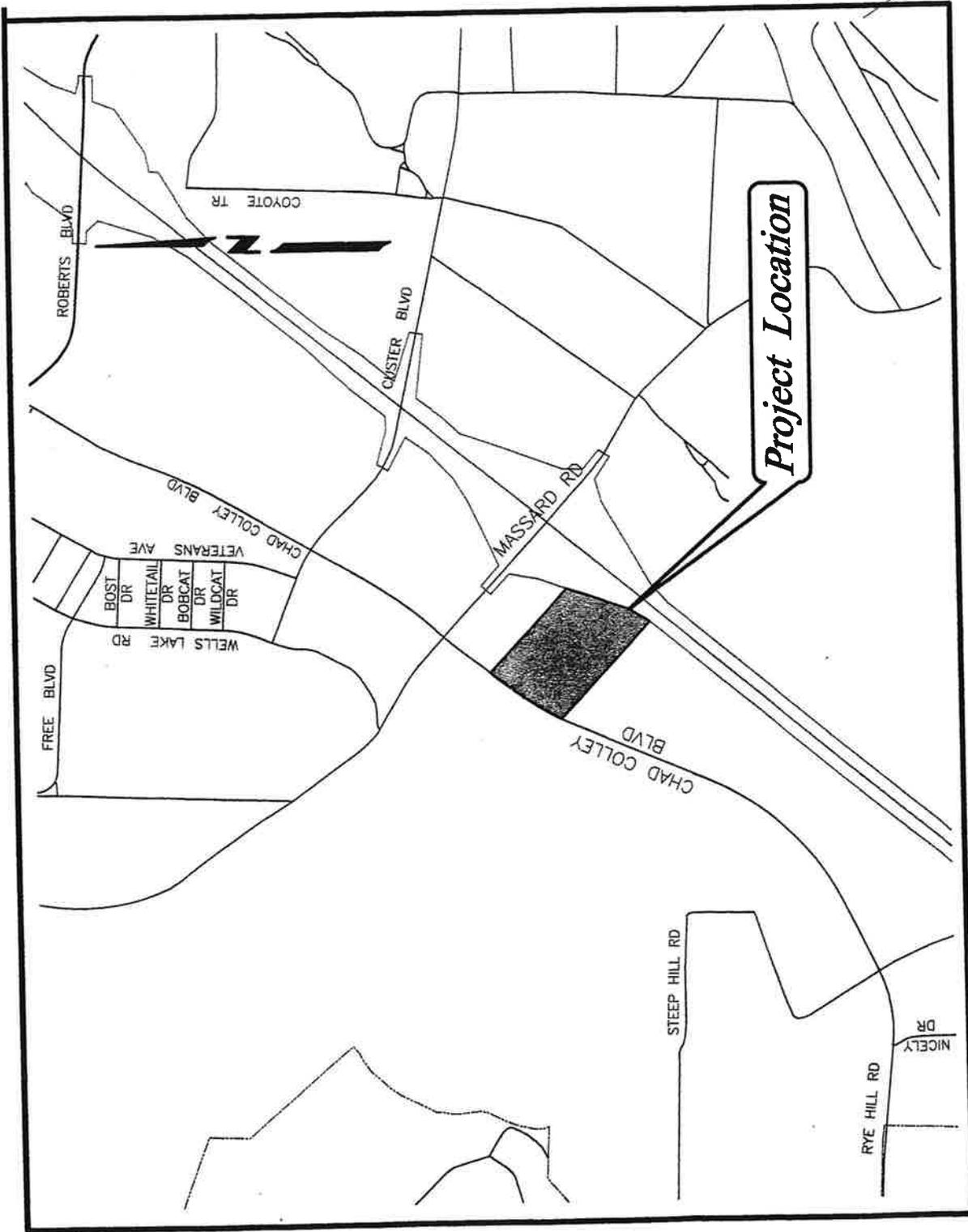




LAND USE MAP

Reserve @ Chaffee Crossing

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VICINITY MAP

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8H

MEMO

To: City Planning Commission
From: Planning Staff
Date: October 5, 2011
Subject: Preliminary Development Plan – 9505 Chad Colley Boulevard

The Planning Department is in receipt of a preliminary development plan from Pat Mickle, agent, for MR Capital Partners, LLC, for a proposed multi-family development at 9505 Chad Colley Boulevard (Companion item to items #7, #8, and #17)

TRACT LOCATION AND SIZE

The subject property is within Chaffee Crossing and is located on the east side of Chad Colley Boulevard just south of Massard Road. The lot contains 40 acres and has approximately 1,100 feet of frontage on Chad Colley Boulevard. Parcel A, contains 38 acres, Parcel B contains 2 acres and is located in the southeast corner to the property.

EXISTING ZONING/PROPOSED ZONING

The property is currently unzoned. A companion zoning application requests a zoning designation of Residential Multi-Family Medium Density (RM-3) and Commercial Heavy (C-5) for the purpose of a proposed billboard. Please refer to Rezoning #30-10-11 for characteristics and permitted uses of the RM-3 and C-5 zoning districts.

CHAFFEE CROSSING

The site is within Chaffee Crossing and must comply with all design standards in the Chaffee Crossing Master Development Guidelines as well as the Unified Development Ordinance.

PROPOSED DEVELOPMENT PLAN

The preliminary development plan, companion zoning and variance applications will facilitate the development of 484-unit multi-family development consisting of 2 – 1 bedroom 8 plexes; 9 - 2 bedroom 8 plexes; 8-1 bedroom 16 plexes; 15-2 bedroom 16 plexes; and 7 townhome buildings with 1 & 2 bedrooms. All buildings are two-story. The development will be constructed in four phases with the final phase estimated to be complete by July 2017.

The development will also include an office/clubhouse, pool, basketball court, play and open areas. Two mini storages buildings and a graveled area are proposed at the rear of the site. These facilities will be for tenants only.

The mini storages and graveled area will be constructed during Phase 3 or Phase 4. Until these phases are under construction, the developer proposes to construct a temporary gravel area within the Phase 2 area for the storage of tenant trailers and vehicles. Once Phase 2 is developed, the graveled area would be temporarily relocated to the Phase 3 area.

LOT SIZE FOR BUILDINGS/PARKING/DRIVE AREAS

The proposed lot size of the development is 40 acres. The proposed site is capable of providing the required area for buildings, parking, and drives areas. The site plan also complies with the RM-3 density, maximum lot coverage, and setback requirements.

INGRESS/EGRESS/TRAFFIC CIRCULATION

Ingress and egress into the site will be provided with three driveways on Chad Colley Boulevard. A center driveway is proposed to have access to a future median crossing. A traffic information statement was submitted and approved by the Engineering. A copy of the Traffic Information Statement is enclosed.

EASEMENTS/UTILITIES

The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction

RIGHT-OF-WAY DEDICATION

No additional right-of-way dedication is required for the proposed development.

SITE DESIGN

Landscaping – The preliminary development shows perimeter landscaping adjacent to the Chad Colley right-of-way, along the rear of the property adjacent to the I-49 right-of-way, and interior landscaping within the parking areas.

A companion variance application requests a variance from the landscaping requirements for the landscaping at the rear of the property adjacent to the I-49 right-of-way. The variance application requests approval to locate the 10-foot landscaping strip on the interior side of an existing 70' wide easement for sanitary sewer and gas, and to plant only crepe myrtle trees and no shrubs.

The final landscaping plan will be reviewed by planning staff prior to the issuance of a building permit to ensure compliance with all landscaping requirements in Section 27-602-3 of the Unified Development Ordinance (UDO).

Sidewalks – The engineering department has determined that a sidewalk along the east side of Chad Colley Boulevard is not required with this development. The city will

construct a sidewalk with the future roadway lane addition. Payment in lieu of sidewalk installation will, however, be required.

Parking – Nine hundred ninety-three (993) parking spaces are provided for the site including 20 accessible spaces. The proposed number of parking spaces more than meets the minimum 892 minimum spaces required by the UDO for multi-family developments.

Signage – A one hundred (100) square foot monument sign is proposed adjacent to the Chad Colley Boulevard. Multi-family developments are permitted one (1) sign per frontage not to exceed twenty-four (24) square feet per each sign. A companion variance application requests a sign variance from the maximum twenty-four (24) square feet allowed to 100 square feet. The Chaffee Crossing Design Review Committee has reviewed the proposed monument sign and is agreeable to a sign that is no taller than ten (10) feet. The sign will be reviewed for compliance with the UDO and Chaffee Crossing signage regulations prior to issuance of a sign permit.

Lighting – The development plan did not provide details on exterior lighting. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 *Commercial and Outdoor Lighting* requirements.

Mechanical Equipment and Dumpster Screening – A screened dumpster station is proposed at the southwest corner of the site. No details were provided regarding mechanical equipment screening. The final development plan will be reviewed for compliance with the Unified Development Ordinance regarding mechanical equipment and dumpster screening.

Architectural Features – The proposed two-story multi-family buildings project a traditional architectural style with gabled rooflines and symmetrically entrance features. Exterior building materials consist of cementitious horizontal siding and brick wainscoting with accents of stone, vertical siding, and fishscale siding.

The exterior finishes and architectural features meet the UDO *Multifamily Building Standards* with the exception of two issues: 1) the standards require multifamily building elevations to contain windows, except when necessary to assure privacy for adjacent property owners; and 2) structures shall be designed to avoid any continuous roof line longer than 65 feet. Rooflines longer than 65 feet shall include at least one vertical elevation change of at least three (3) feet.

A companion application requests a variance from the requirements regarding windows and rooflines. Regarding the window variance, the applicant requests a waiver from installing windows on the end walls (side elevations). The developer does, however, propose to place windows in the end walls (side elevations) of the buildings and town homes that have exposure to Chad Colley Boulevard, which would include building #'s 1000, 4400, 1100, 1500, 4600, 4700, 4800, and 4900.

The buildings that do not comply with the roofline requirement include all of the 2 bedroom 16-plexes and the townhomes. The variance involves 19 buildings including building #'s: 1100, 1200, 1400, 1700, 2200, 2400, 2500, 2700, 3200, 3300, 3400, 3500, 3600, 4000, 4300, 4600, 4700, 4800, and 4900.

STAFF COMMENTS

Staff recommends approval of the preliminary development plan with the following recommendations:

- 1) Approval of variance application with staff recommendations regarding landscaping, signage, and multifamily building standards.
- 2) Approval of the development plan by the Fort Chaffee Redevelopment Authority Design Review Committee.
- 3) Submittal of separate development plan for tenant mini storage buildings and tenant vehicle storage area for review and approval by Planning Commission.



**FORT CHAFFEE
REDEVELOPMENT
AUTHORITY**

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

October 11, 2011

Dear Mr. Bailey:

On October 4, 2011, the Design Review Committee of the Fort Chaffee Redevelopment Authority reviewed and approved the plans for **The Reserve at Chaffee Crossing**. A variance request for The Reserve's entrance monument sign to meet the City of Fort Smith's Commercial/Office Requirements was also approved. The developer will abide by the City of Fort Smith's landscape requirements as well as sidewalk specifications.

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

Best Regards,

A handwritten signature in black ink that reads 'Larry E. Evans'.

Larry E. Evans,
Director of Operations
Fort Chaffee Redevelopment Authority

LEE:II

September 19, 2011

**Traffic Information Statement
Reserve at Chaffee Crossing**

- The Reserve at Chaffee Crossing is located on the easterly side of Chad Colley Boulevard about 1000 feet south of its intersection with Massard Road. See the Vicinity Map, Exhibit A. The site contains forty acres which are to be developed into a 484 unit apartment complex. The site has 1080 feet of frontage.
- Chad Colley is classified as a Major Arterial on the City's Master Street Plan. It is being developed in phases as a boulevard. Currently the first two lanes, serving two way traffic, have been constructed. Timing of the completion of the boulevard's northbound lanes is undetermined but felt to be several years out.
- The City is currently developing a policy on the location of future median openings. Initial conversations indicate a spacing of 1000 feet to 1320 feet.
- This project is proposing ultimately three driveway accesses onto Chad Colley. See Exhibit B. The center drive will be three lanes; two outbound and one inbound. The other two driveways will be located 450 feet south and 530 feet north of the center drive and will each have two lanes of two way traffic. It is anticipated that the center drive will align with a future median crossing. This crossing will be 1300 feet south of the Massard Road intersection.
- The project will be built in phases. The first phase will have 120 dwelling units. The subsequent three phases will have 136, 120, and 108 dwelling units respectively. Both the center drive and eastern driveway will be constructed with the first phase, and will also provide the site access drive for the second phase. The third driveway will be constructed with the third phase, but will only provide construction access. Phase three non-construction traffic will use the initial two driveways. With the completion of phase four in 2017, all three driveways will provide access for the site traffic.
- When Chad Colley is improved to include the two northbound lanes, it is anticipated a median opening will be constructed opposite the middle driveway. With construction of the median, all outbound left turn traffic and all inbound left turn traffic will utilize this center driveway.

- Exhibit C is a table of the Projected Site Generated Trip Volumes. Values were derived from the Institute of Traffic Engineers (ITE) "Trip Generation Handbook". The average daily trip ends, as well as, the AM and PM peak hour volumes are shown. The peak hour volumes have been further allocated to inbound and outbound movements. The data is broken down by phases.
- In Exhibit D we have further broken down the Peak Hour Inbound and Outbound traffic by estimating the north-south distribution. Inbound left turn movements, i.e. southbound lefts, have the highest potential for impeding traffic on Chad Colley. Note that AM Peak Hour inbound left turns range from seven in phase one to 28 in phase four. PM inbound left turns are significantly higher, increasing from 32 vph in phase one to 128 vph in phase 4. Until the northbound lanes are added to Chad Colley, two driveways are available to handle this left turn movement through phase three (99 turns), and all three driveways are available at full development. With these multiple driveways, the impact of the left turn is lessened. However, when the northbound lanes are added on Chad Colley, the median will limit left turn movement to the center driveway only. The 128 peak hour turns will likely merit installation of a left turn lane when the median is built.

EXHIBIT A
Vicinity Map

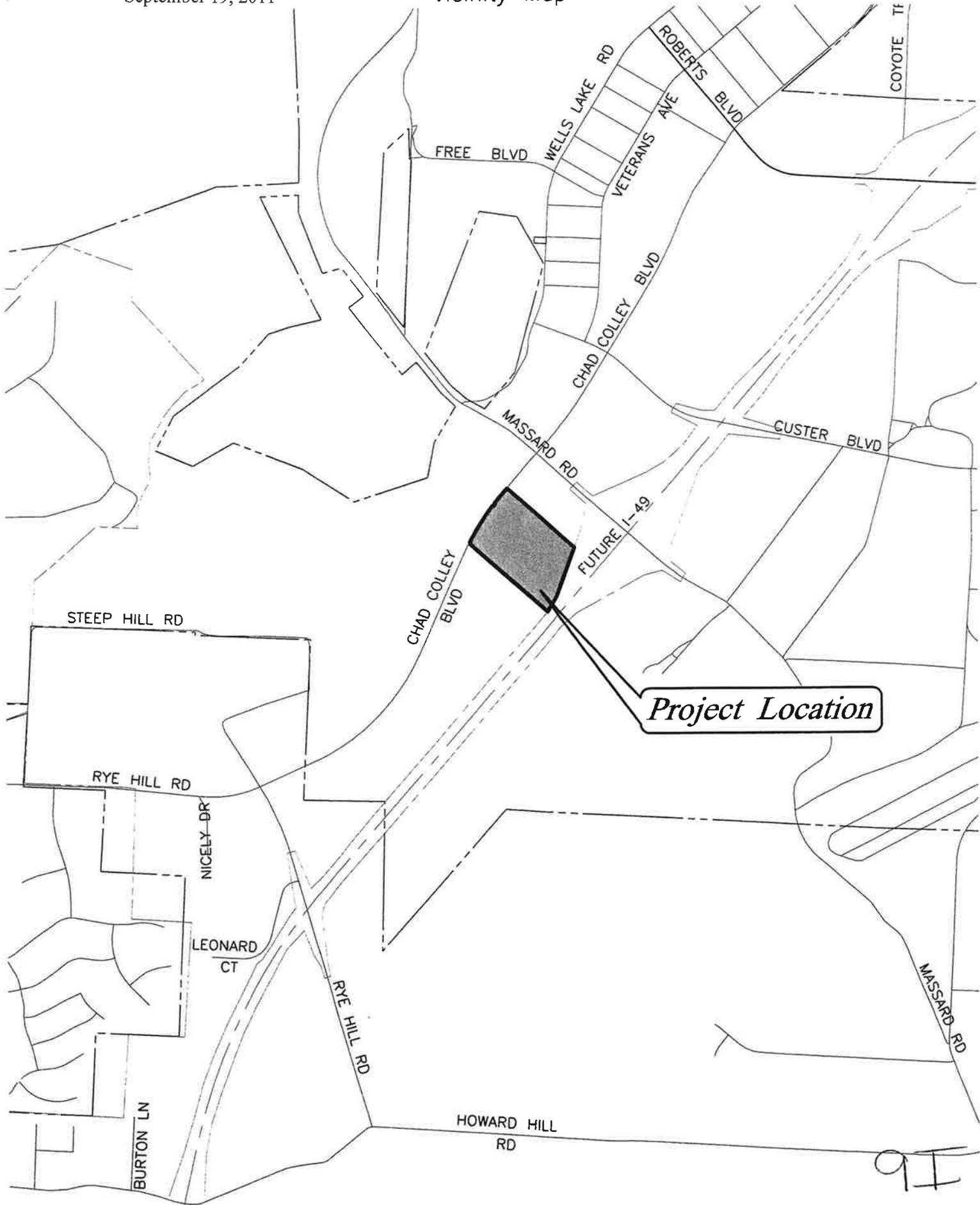


EXHIBIT B

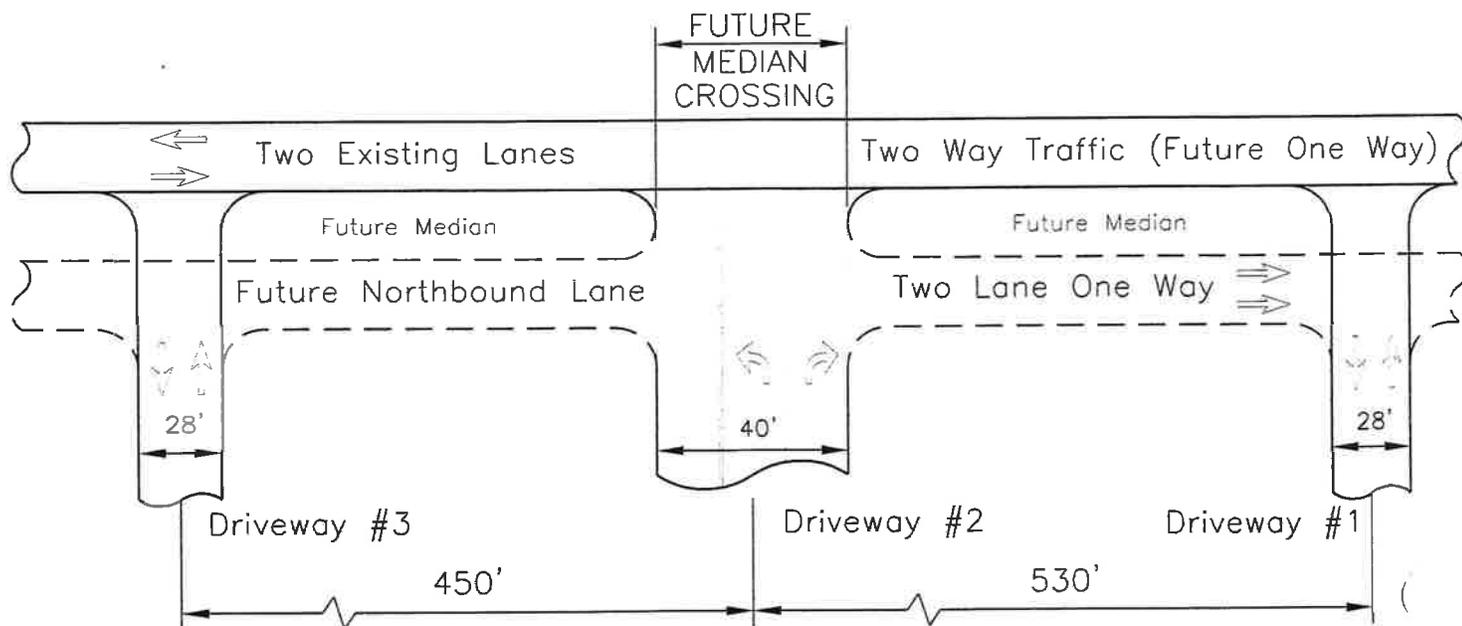


EXHIBIT C

Projected Site Generated Trip Volumes

Land Use	Dwelling Units	Average Weekday Trip Ends			Average AM Peak Hour		Average PM Peak Hour	
		Per Day Vpd	Peak Hour vph		Directional Distribution		Directional Distribution	
(221) Low Rise Apartments	484		AM	PM	In	Out	In	Out
Rate per Unit		6.6	0.46	0.58				
Distribution					0.21	0.79	0.65	0.35
		vpd	vph	vph	vph	vph	vph	vph
Phase 1	120	792	55	70	12	43	46	24
Phases 1 - 2	256	1690	118	148	25	93	96	52
Phases 1 - 3	376	2482	173	218	36	137	142	76
Phases 1 - 4	484	3194	223	281	47	176	183	98

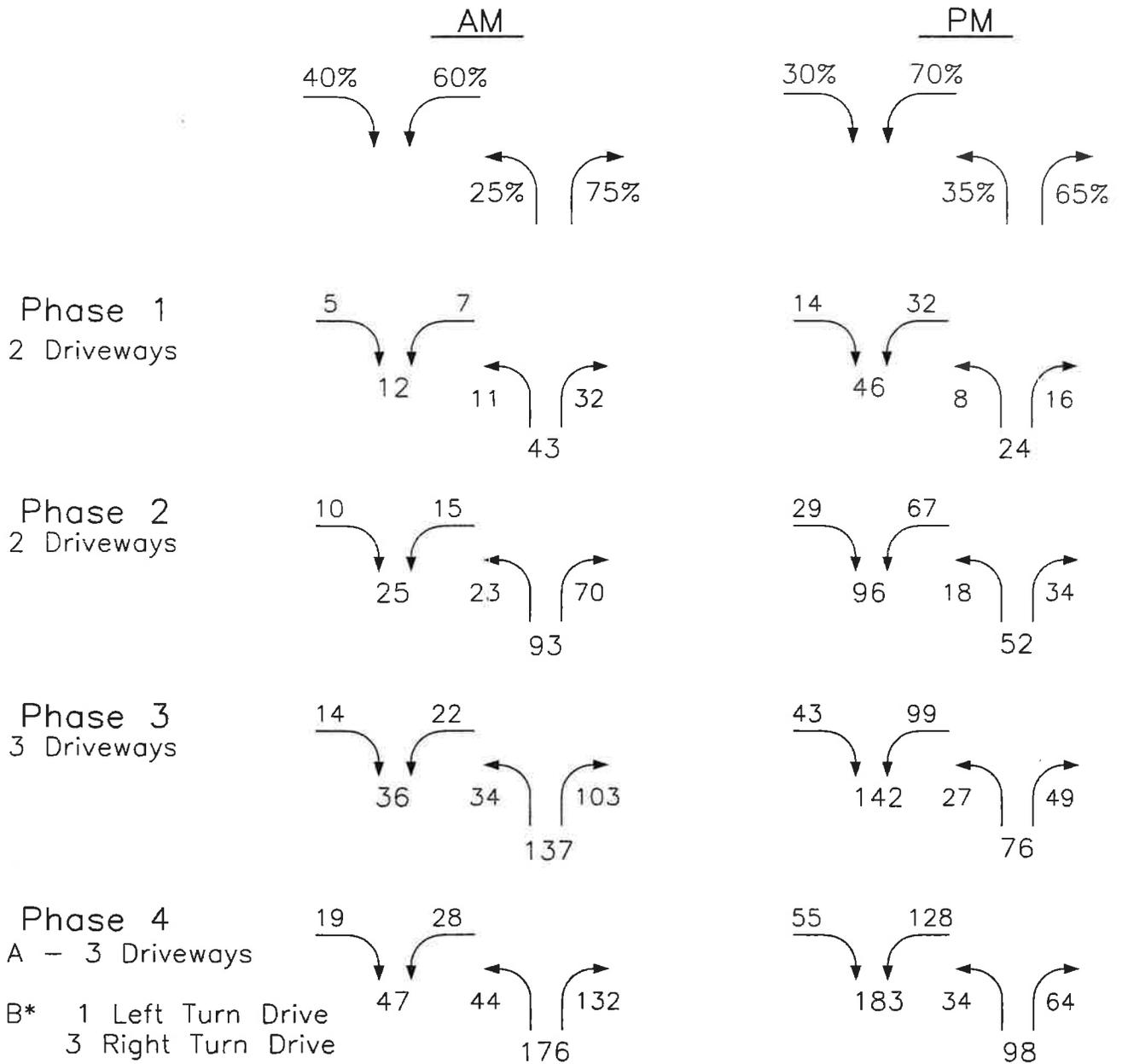
September, 2011 Chad Colley ADT = 3664

f:\doc\misc\traffic impact stmt - reserve@chaffeecrossing.doc

9K

EXHIBIT D

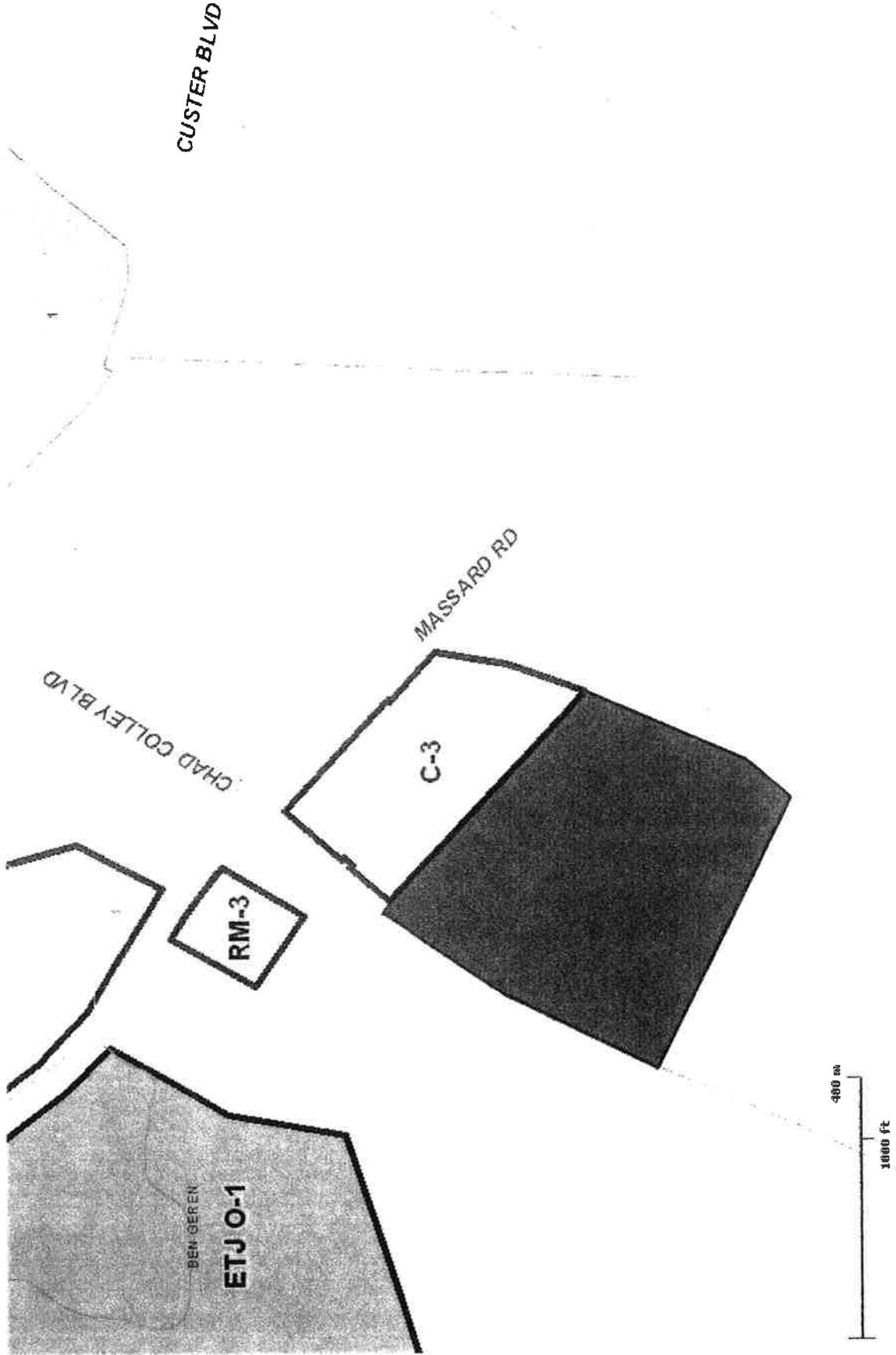
North - South Distribution
PEAK HOUR SITE GENERATED TRIPS

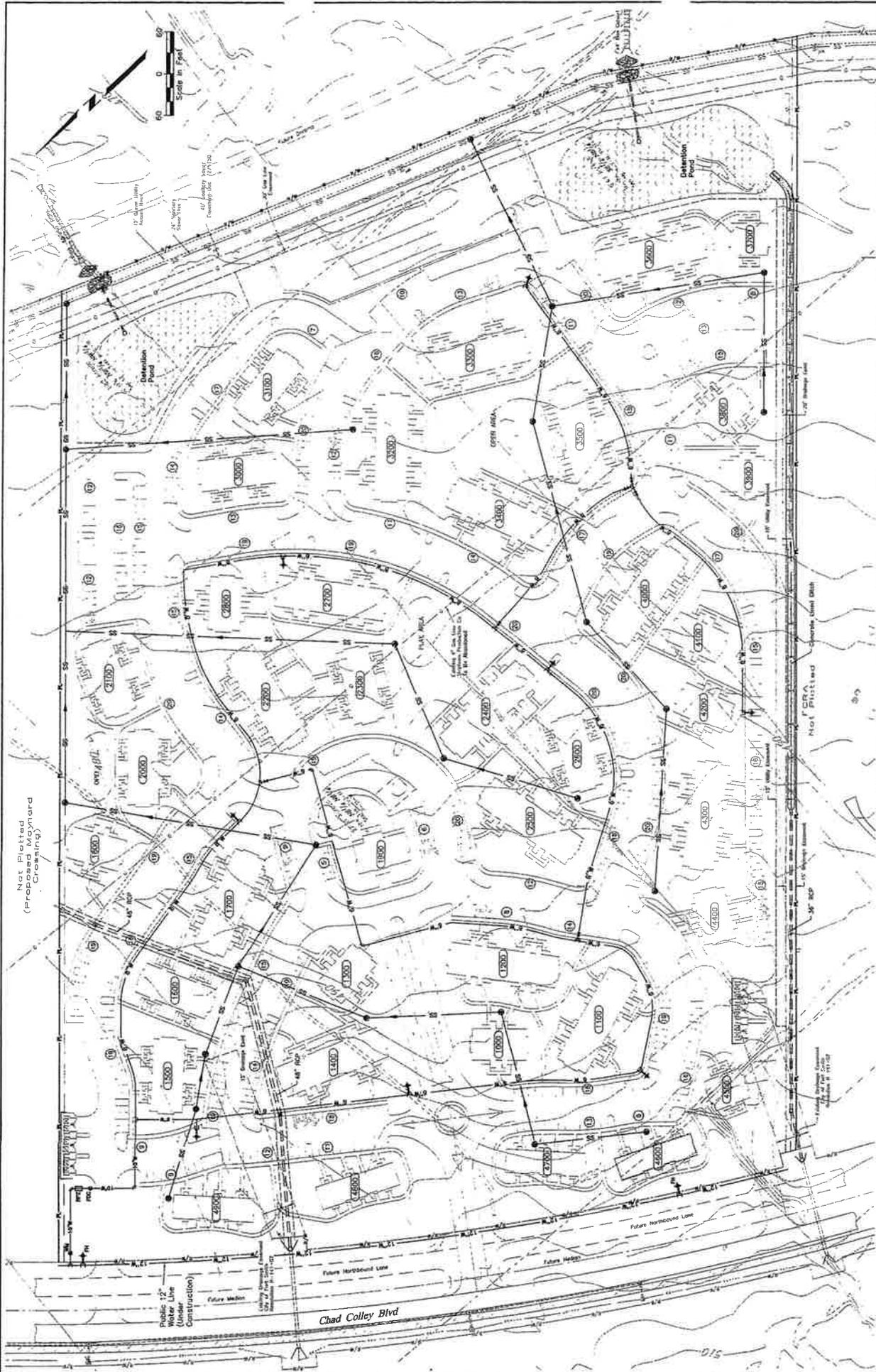


*Median and Northbound Lanes Constructed

Development Plan Review: 484 unit apartment complex and a billboard

9505 Chad Colley Boulevard





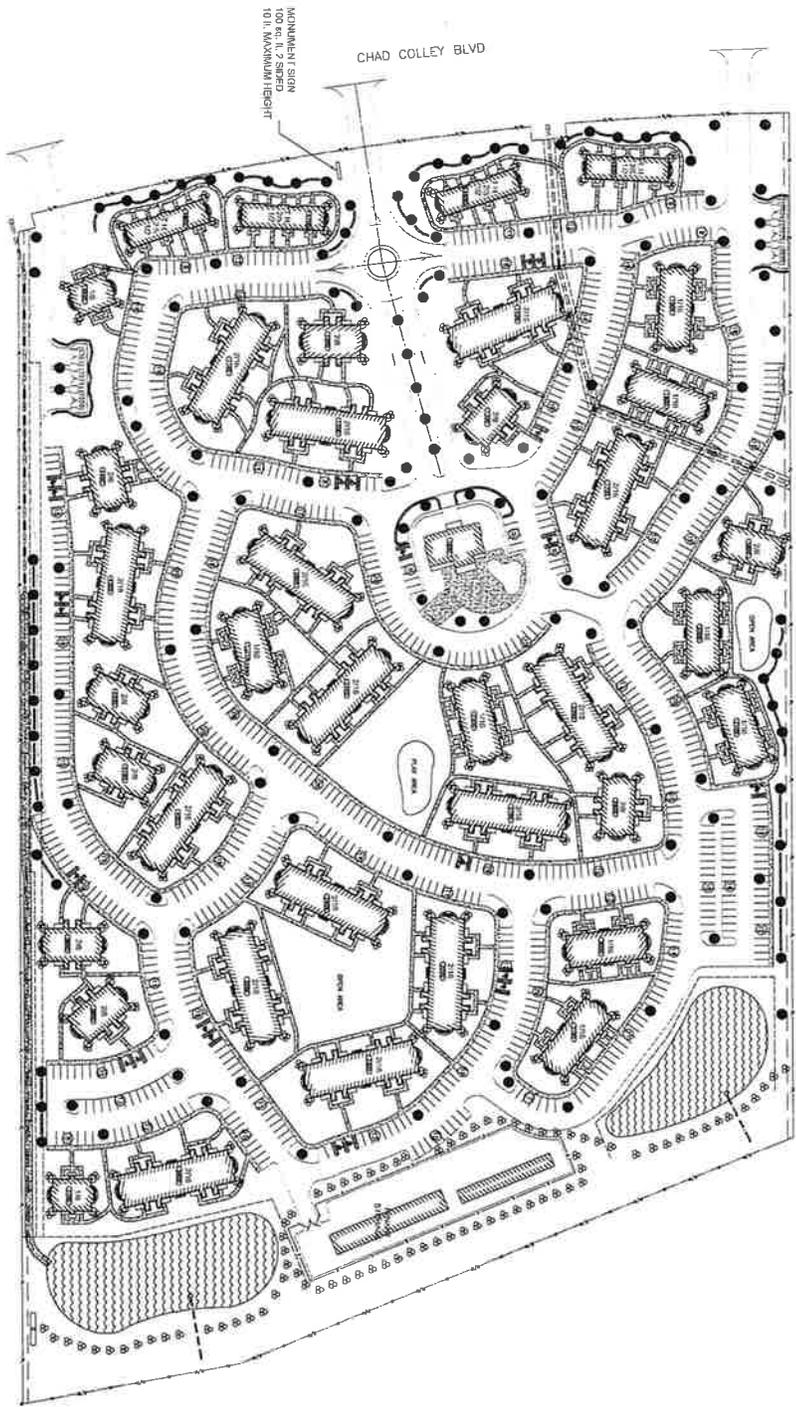
PRELIMINARY UTILITY & DRAINAGE PLAN
RESERVE at CHAFFEE CROSSING
 FOOT SOUTH, SEMINOLE COUNTY, ARIZONA

Engineers, Consultants, Surveyors MICHAEL WAGNER COLEMAN	DATE 	REVISION 	BY
344 North Chaffee Ave. PO Box 1117 Tulsa, Oklahoma 74101 Tel: (918) 482-1117 Fax: (918) 482-1118 www.mwce.com			

10151.
 All sewer lines & water lines are private

SHEET 4 OF 5

Q



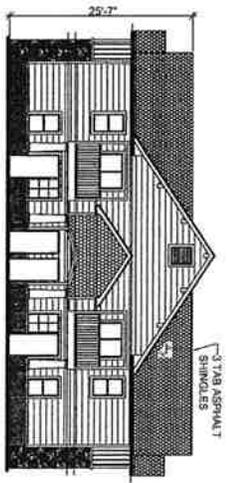
LANDSCAPE PLAN

SCALE: 1" = 80'-0"

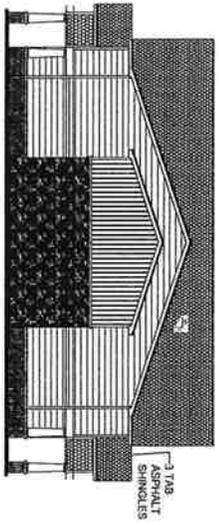
- NOTES:
1. All disturbed areas to receive bermuda/rye seed mix.
 2. Provide automatic irrigation system.
 3. Owner may substitute plants within approved plant list.
 4. Edge plant beds - sprig w/ Asian Jasmine, and provide bark chip.

151.0 REV. 10/07/11	PROPOSED SITE PLAN FOR RESERVE @ CHAFFEE CROSSING	LANDSCAPE PLAN		COPYRIGHT TBA
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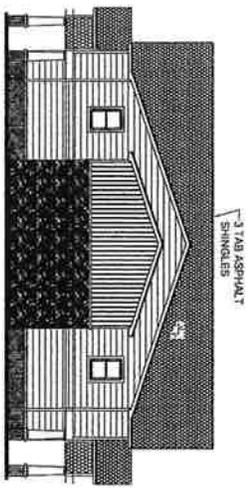
AR



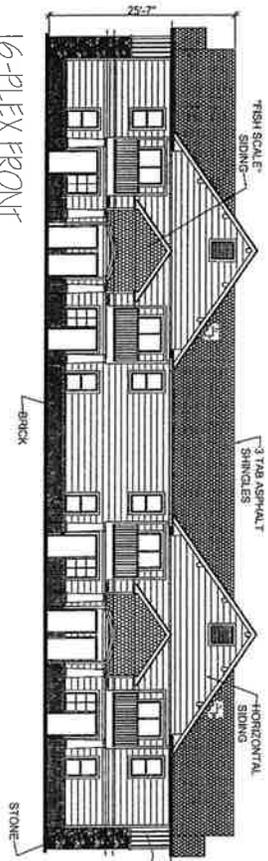
8-PLEX FRONT
ELEVATION — SCALE: 1/8" = 1'-0"



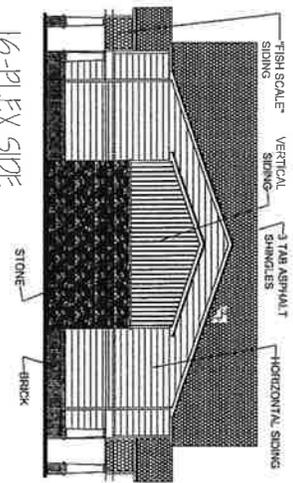
8-PLEX SIDE
ELEVATION — SCALE: 1/8" = 1'-0"



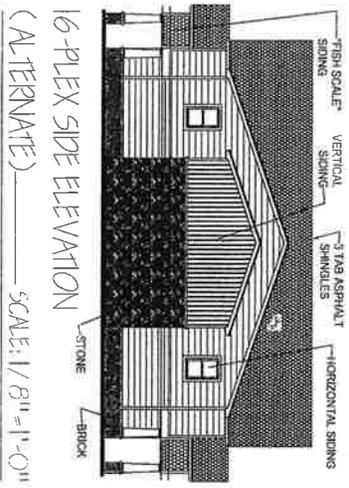
8-PLEX SIDE ELEVATION
(ALTERNATE) — SCALE: 1/8" = 1'-0"



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

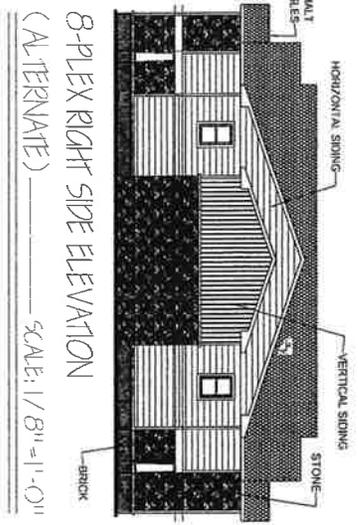
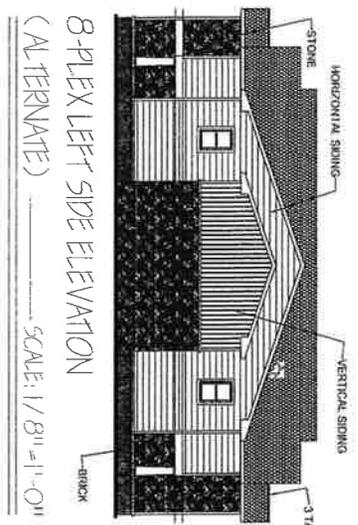
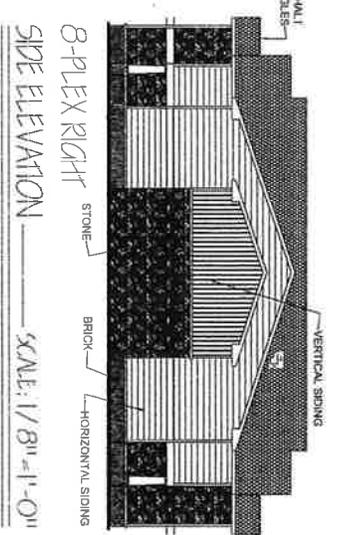
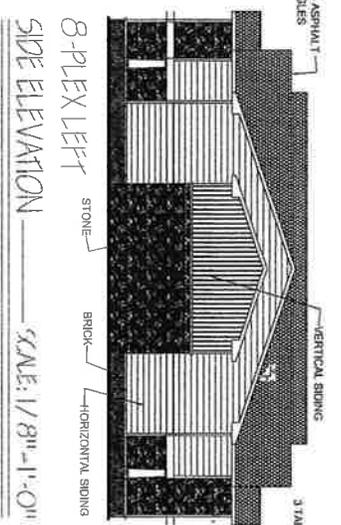


16-PLEX SIDE
ELEVATION — SCALE: 1/8" = 1'-0"

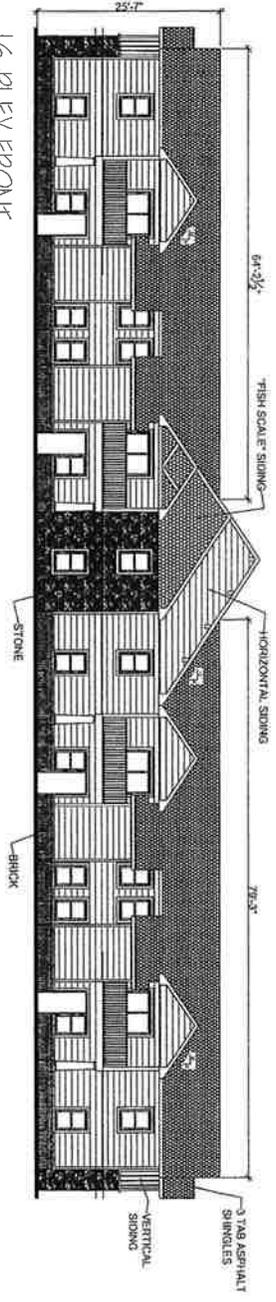


16-PLEX SIDE ELEVATION
(ALTERNATE) — SCALE: 1/8" = 1'-0"

65

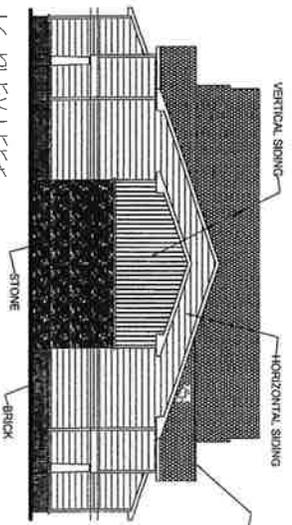


19



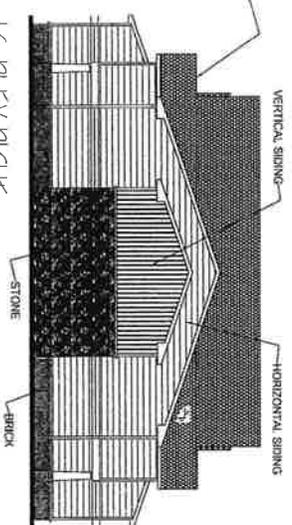
16-PLEX FRONT ELEVATION

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



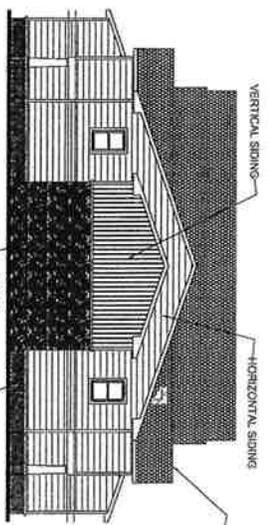
16-PLEX LEFT SIDE ELEVATION

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



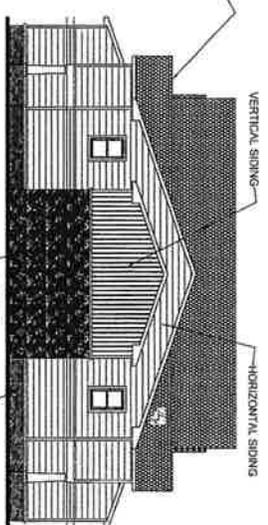
16-PLEX RIGHT SIDE ELEVATION

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



16-PLEX LEFT SIDE ELEVATION (ALTERNATE)

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



16-PLEX RIGHT SIDE ELEVATION (ALTERNATE)

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

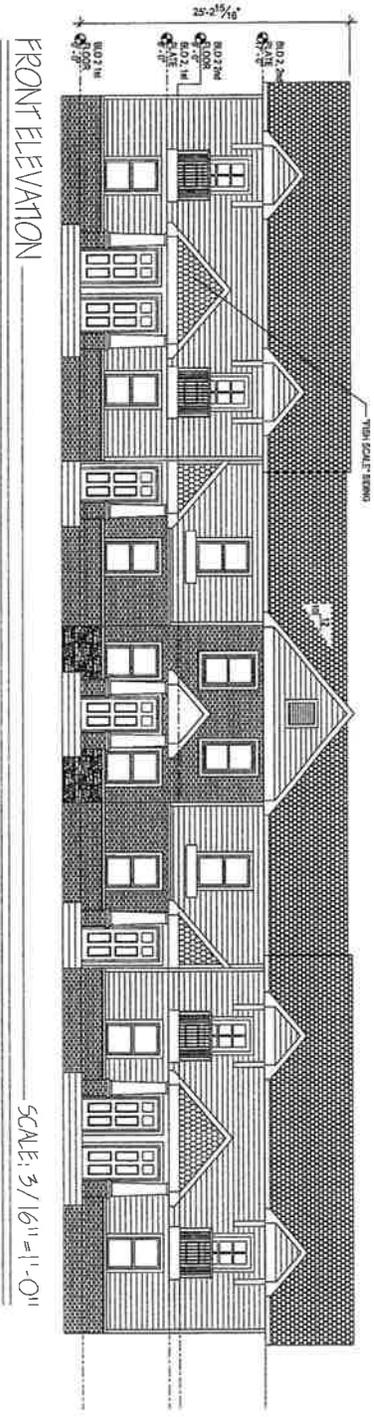
COPYRIGHT, TBA

2 ELEVATIONS w/ ALTERNATE

RESERVE @ CHAFFEE CROSSING

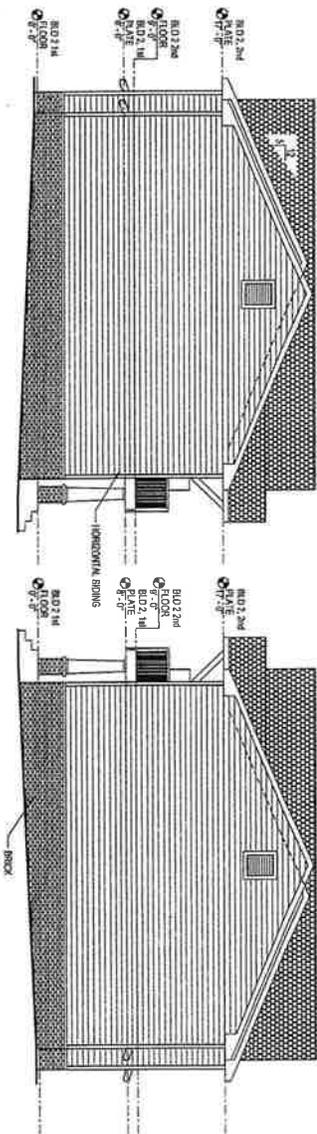
A2.2

90



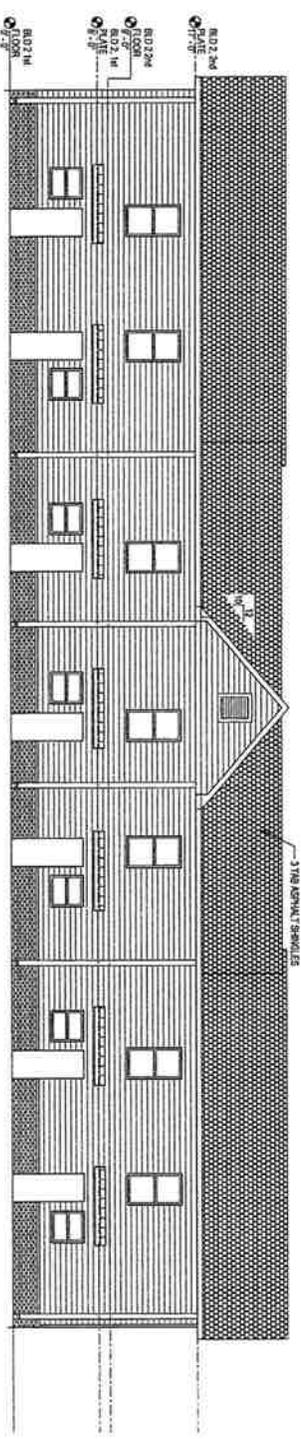
FRONT ELEVATION

SCALE: 3/16" = 1'-0"



SIDE ELEVATIONS

SCALE: 3/16" = 1'-0"

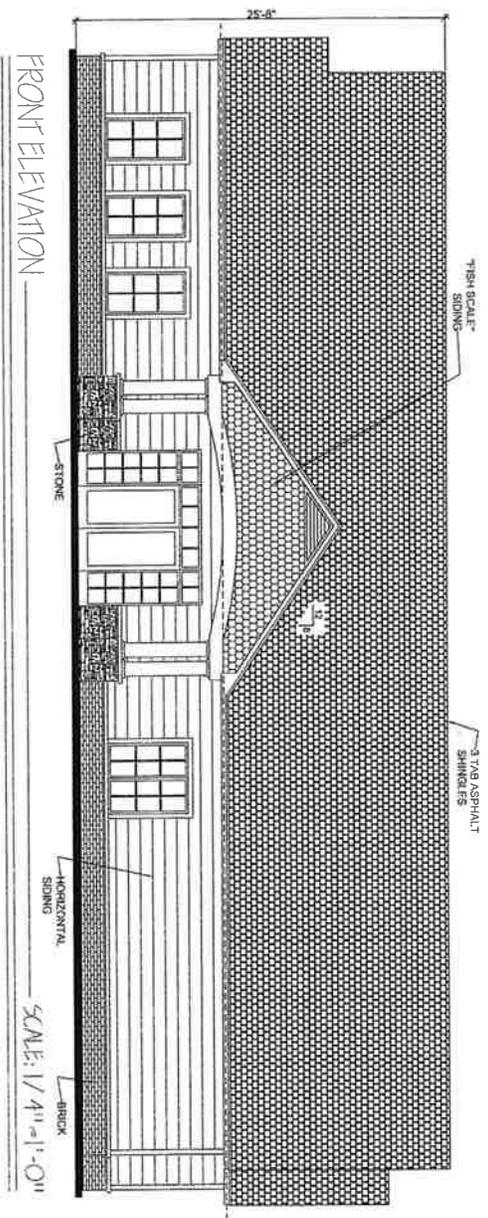


REAR ELEVATION

SCALE: 3/16" = 1'-0"

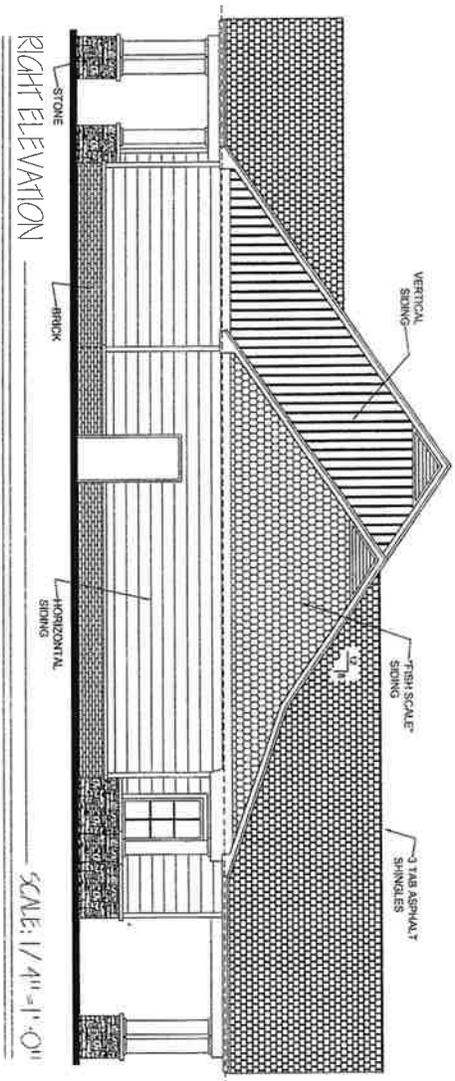
A 2.3	PROPOSED DEVELOPMENT FOR RESERVE @ CHAPPEE CROSSING	ELEVATIONS - TOWN HOMES		10/10/2014 10/10/2014 10/10/2014
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9v



FRONT ELEVATION

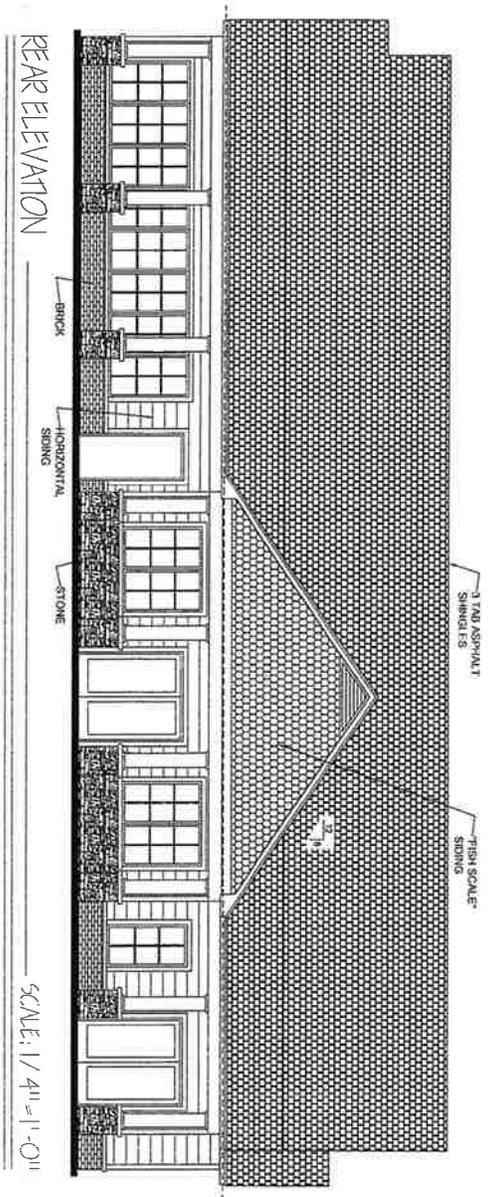
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

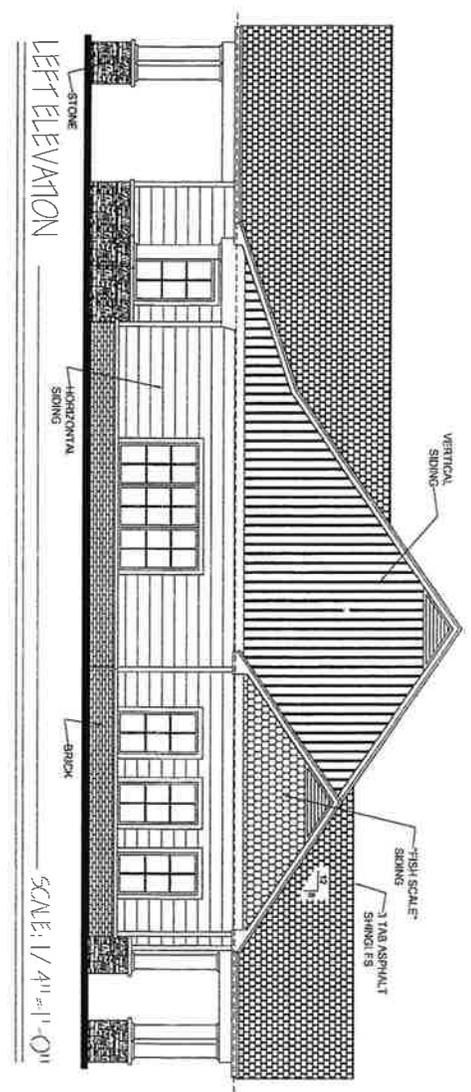
SCALE: 1/4" = 1'-0"

9W



REAR ELEVATION

SCALE: 1/4" = 1'-0"

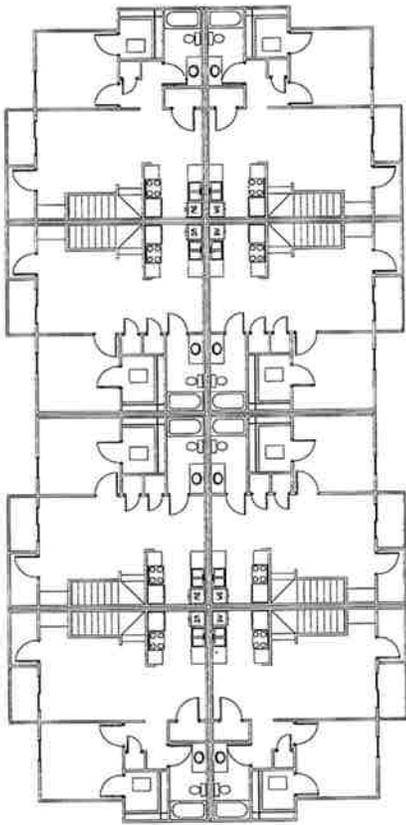


LEFT ELEVATION

SCALE: 1/4" = 1'-0"

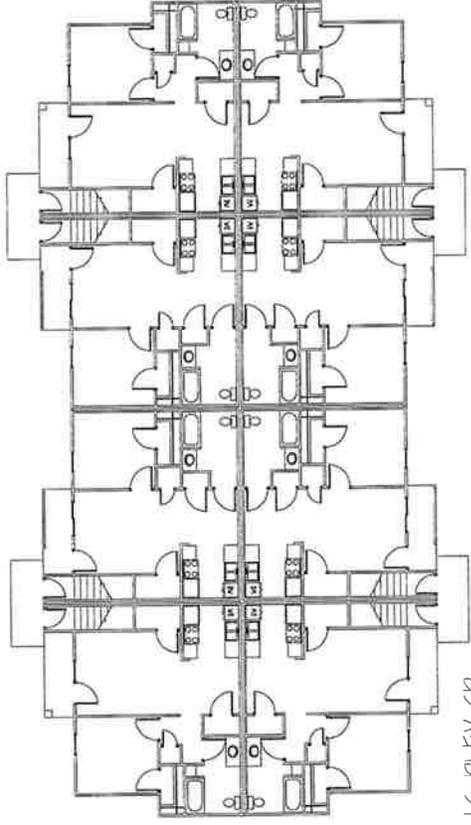
<p>COPYRIGHT: TBA</p>		<p>COMMUNITY BUILDING ELEVATIONS</p>	<p>RESERVE @ CHAFFEE CROSSING</p>	<p>A 2.5</p>
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9X



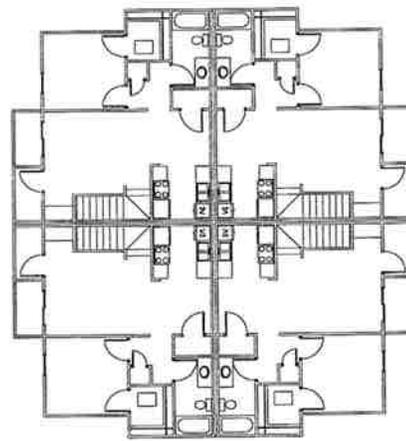
6-PLEX 2nd
FLOOR PLAN

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



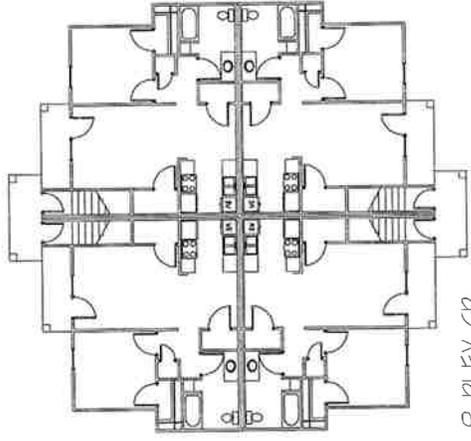
6-PLEX GR.
FLOOR PLAN

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



8-PLEX 2nd
FLOOR PLAN

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



8-PLEX GR.
FLOOR PLAN

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

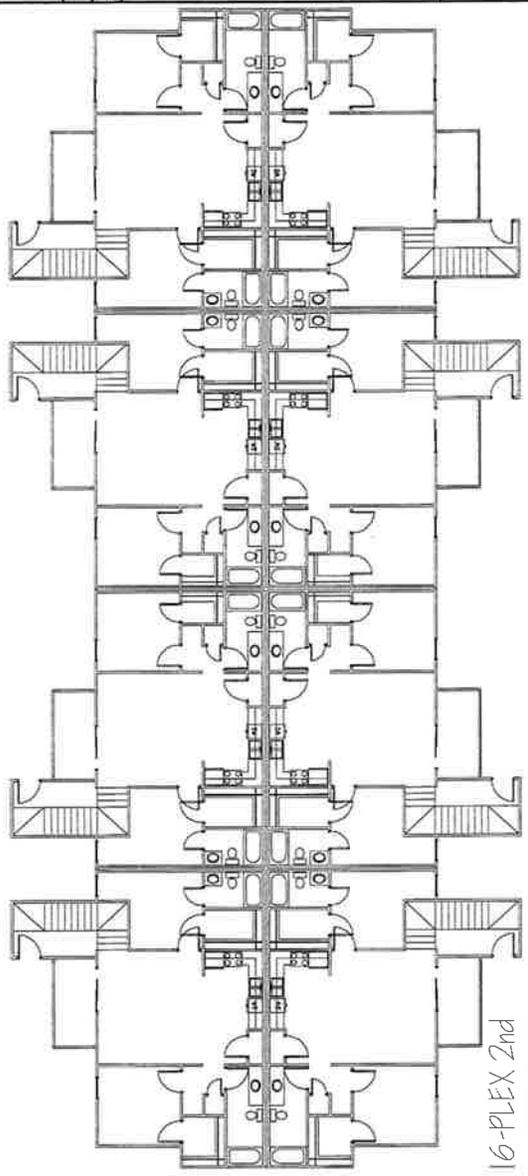
COPYRIGHT, TBA



2 BR FLOOR PLANS

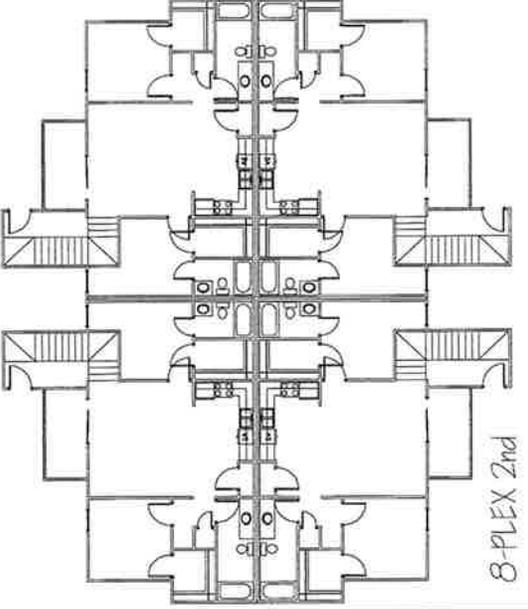
RESERVE @ CHAFFS CROSSINGS

A.I.I.



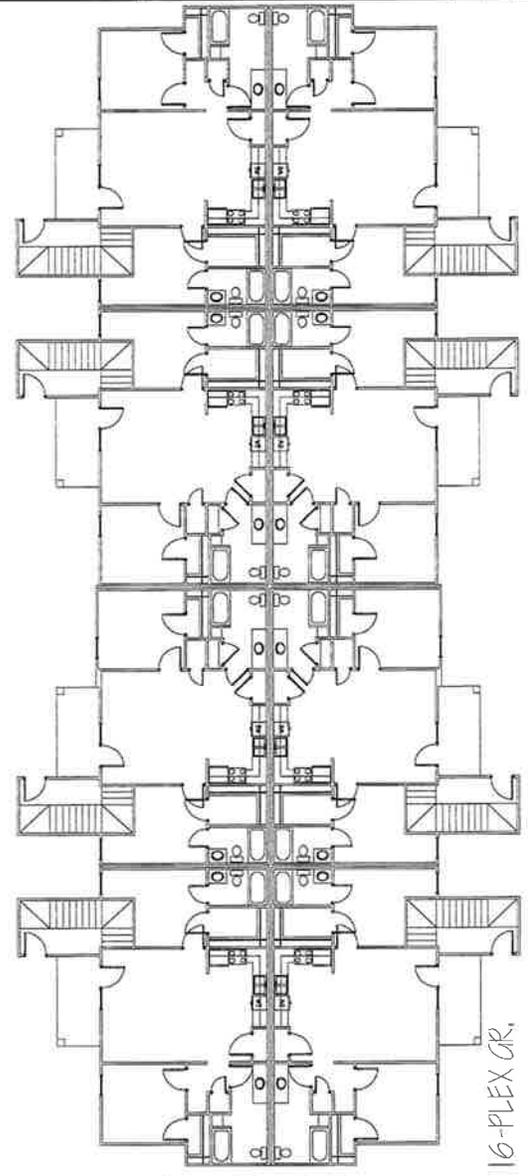
6-PLEX 2nd FLOOR PLAN

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



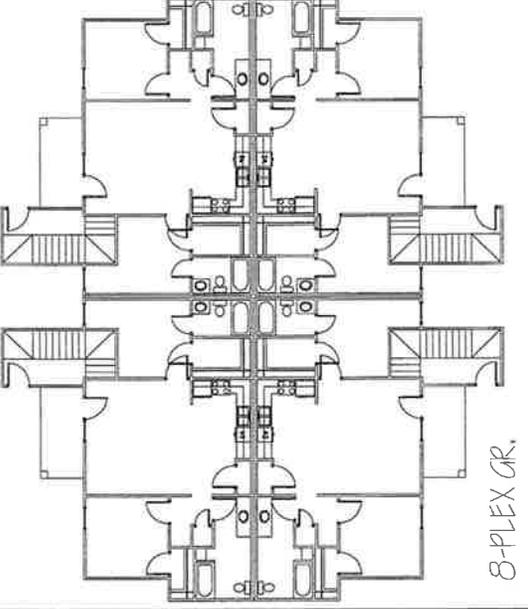
8-PLEX 2nd FLOOR PLAN

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



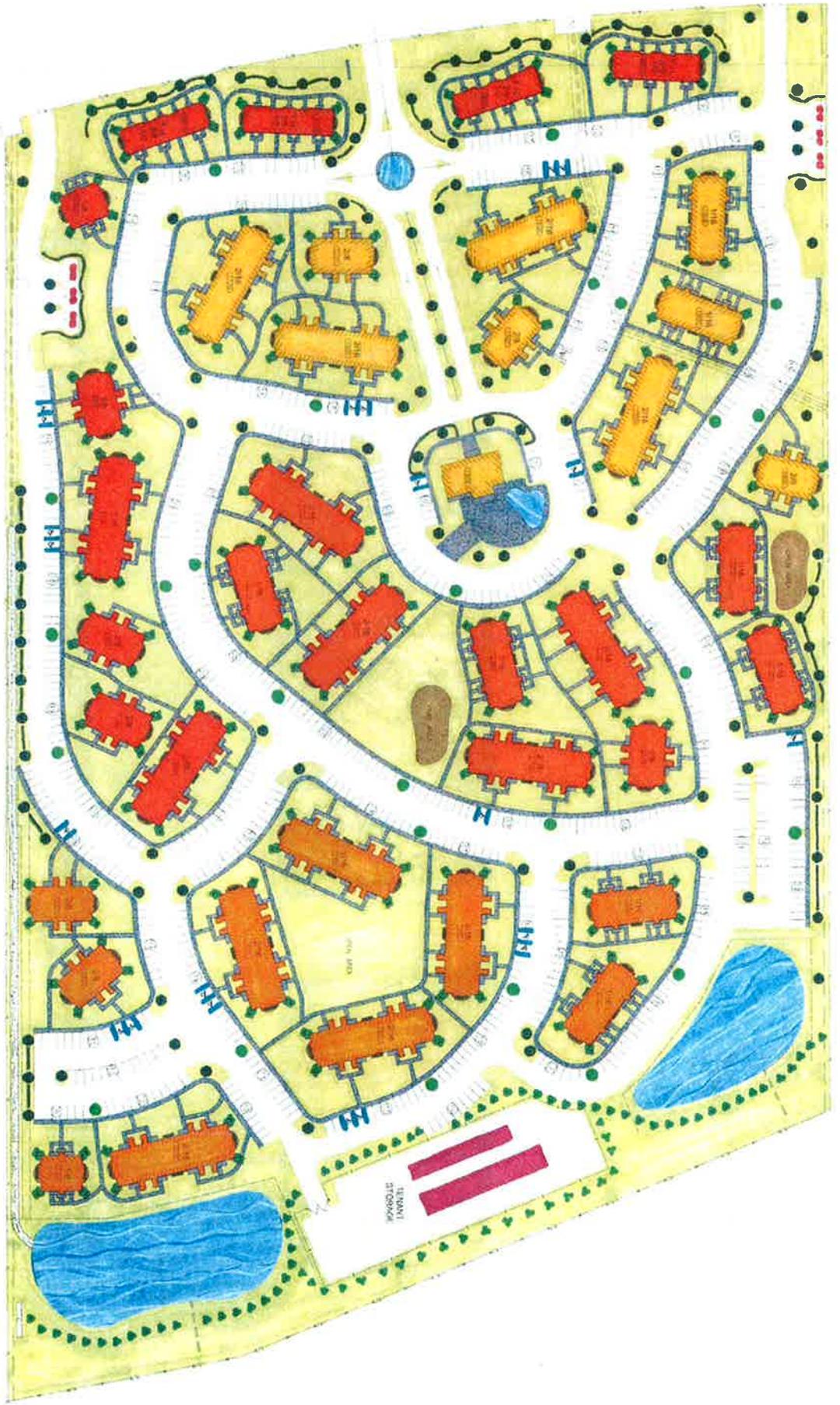
16-PLEX GR. FLOOR PLAN

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



8-PLEX GR. FLOOR PLAN

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



SITE PLAN

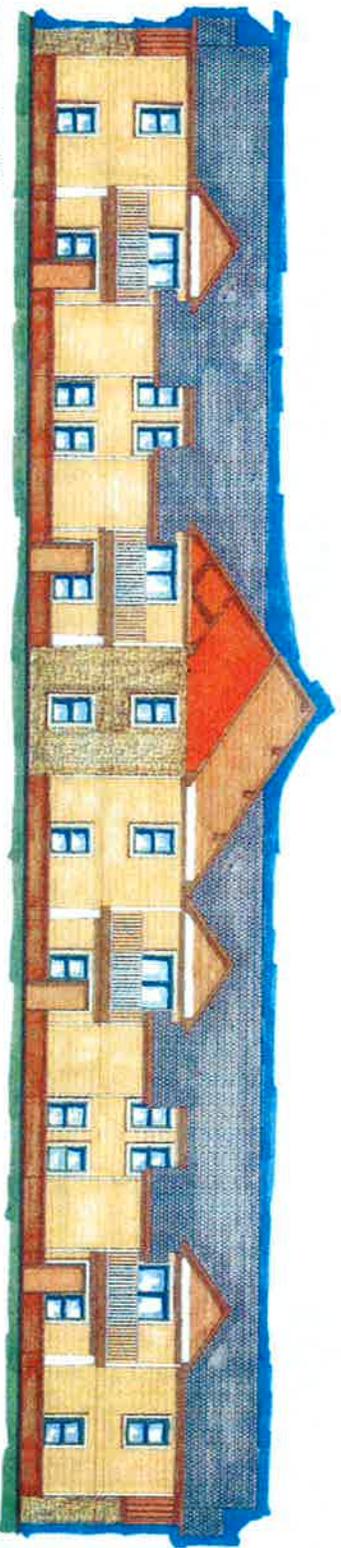
SCALE 1" = 50'-0"

RESERVE AT CHAFFEE CROSSING

FORT SMITH, AR

TERRY BURRUSS, ARCHITECT

MICKLE WAGNER COLEMAN, ENGINEERS



2 BEDROOM 6 PLEX ELEVATION

SCALE 3/8"=1'-0"



10 UNIT PLEX ELEVATIONS



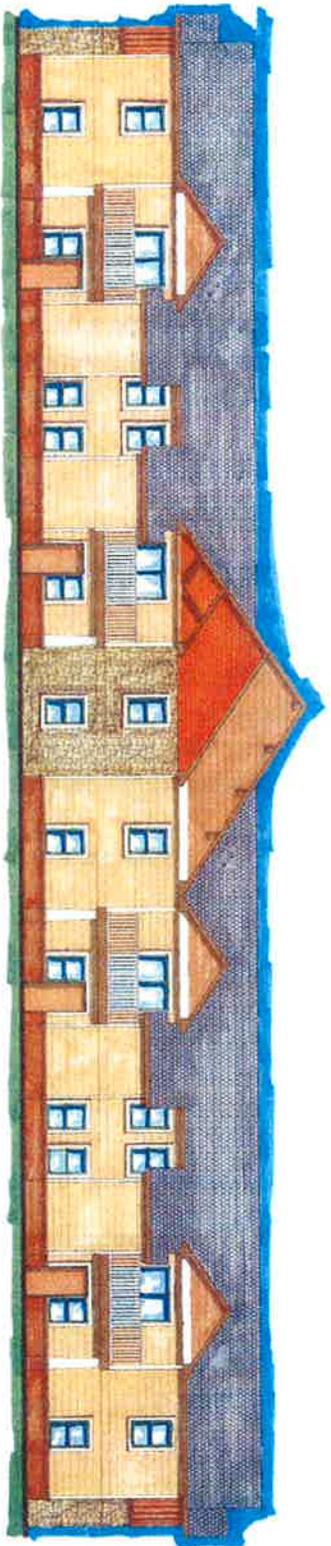
SCALE 3/8"=1'-0"

RESERVE AT CHAFFEE CROSSING

TERRY BURRUSS, ARCHITECT

FORT SMITH, AR

MICKLE WAGNER COLEMAN, ENGINEERS

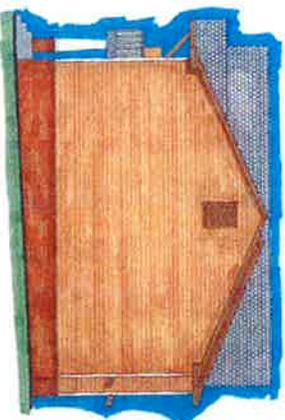


2 BEDROOM 1 1/2 BATH ELEVATION

SCALE 1/8" = 1'-0"



TOWNHOUSE ELEVATIONS



SCALE 1/8" = 1'-0"



RESERVE AT CHAFFEE CROSSING

TERRY BURRUSS, ARCHITECT

FORT SMITH, AR

MICKLE WAGNER COLEMAN, ENGINEERS



Patrick J. Mickle, P.E.
Neal B. Wagner, PLS
Randell C. Coleman, P.E.
Andrew J. Dibble, P.E.

October 6, 2011

Mr. Wally Bailey
City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

Re: Reserve at Chaffee Crossing
Rezoning Application

Dear Mr. Bailey:

Please accept this letter as our request to remove, from the Planning Commission's October 11, 2011 agenda, the request to rezone the two acre area at Reserve at Chaffee Crossing to C-5. This is Parcel B in the application. We wish to leave this parcel unzoned at this time. We do, however, wish to continue with the rezoning of the 38.0 acres to RM-3.

If you have any questions please don't hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pat Mickle".

Patrick J. Mickle, P.E.

f:\doc\letters\reserveatchaffeecrossing-c-5 rezoning removal

MICKLE WAGNER COLEMAN, INC.

3434 Country Club Avenue 72903 • P O Box 1507 72902 • Fort Smith, Arkansas • (479) 649-8484 • Fax (479) 649-8486
info@mwc-engr.com

Fort Chaffee Redevelopment
7020 Taylor Avenue
Fort Smith, AR 72916

AHTD District 4 Engineer
P. O. Box 1424
Fort Smith, AR 72902

Massard I-49 Properties, LLC
c/o Hospice Home Care, Inc.
3955 Central Ave.-Suite 6
Hot Springs, AR 71913

**Planning Commission Meeting Minutes
October 11, 2011**

- 7. Preliminary Plat – Reserve at Chaffee Crossing – Lot 1 – Mickle-Wagner-Coleman (companion item to items #8, #9 & #17)**
- 8. Rezoning #30-10-11; A request by Pat Mickle, agent, for a zone change from Not Zoned to Residential Multi-Family medium Density (RM-3) (Parcel A) & Commercial-5 (Parcel B) by Classification located at 9505 Chad Colley Boulevard. (companion item to items #7, #9 & #17)**
- 9. Development Plan Approval for a multi-family development located at 9505 Chad Colley Boulevard. (companion item to items #7, #8, & #17)**
- 17. Variance #35-10-11; A request by Pat Mickle, agent, for four (4) variances located at 9505 Chad Colley Boulevard as follows: (companion item to items #7, #8 & #9)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the construction of a multi-family development and a billboard. Mr. Bailey noted that the applicant has requested the withdrawal of the Commercial Heavy (C-5) zone for Parcel B and has requested that the two (2) acres in this parcel remain not zoned. Mr. Bailey stated that a neighborhood meeting was held on Tuesday, September 27th at 4:30 p.m. at 3434 Country Club with no neighboring property owners in attendance.

Mr. Bailey noted a companion variance application request from the requirement regarding windows and rooflines. He stated that in reference to the window variance, the applicant is requesting a waiver from installing windows on the end walls (side elevations). However, the developer is proposing to place windows in the end walls (side elevations) of the buildings and town homes that have exposure to Chad Colley Boulevard, which would include building #'s 1000, 4400, 1100, 1500, 4600, 4700, 4800 and 4900. Mr. Bailey stated that the buildings that do not comply with the roofline requirement include all of the 2 bedroom 16-plexes and the townhomes. The variance involves 19 buildings including building #'s: 1100, 1200, 1400, 1700, 2200, 2400, 2500, 2700, 3200, 3300, 3400, 3500, 3600, 4000, 4300, 4600, 4700, 4800 and 4900.

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

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

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

- 7. Preliminary Plat – Reserve at Chaffee Crossing – Lot 1 – Mickle-Wagner-Coleman (companion item to items #8, #9 & #17)**

Chairman Griffin called for the vote on the preliminary plat. Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

Chairman Griffin then called for the vote on this item as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 8. Rezoning #30-10-11; A request by Pat Mickle, agent, for a zone change from not Zoned to Residential Multi-Family Medium Density (RM-3) (Parcel A) & Commercial-5 (Parcel B) by Classification located at 9505 Chad Colley Boulevard. (companion item to items #7, #9 & #17)**

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

- Rezoning of only the 38 acres to RM-3.
- Approval of the preliminary development plan, variance application and submittal of a final development plan.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 9. Development Plan Approval for a multi-family development located at 9505 Chad Colley Boulevard. (companion item to items #7, #8 & #17)**

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

- Approval of the variance application with staff recommendations regarding landscaping, signage and multi-family building standards.
- Submittal of a separate development plan for tenant mini-storage buildings and tenant vehicle storage area for review and approval by the Planning Commission.

Chairman Griffin then called for the vote on the development plan as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

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

17. Variance #35-10-11; A request by Pat Mickle, agent, for four (4) variances located at 9505 Chad Colley Boulevard as follows: (companion item to items #7, #8 & #9)

- A. From 24 square feet to 100 square feet maximum size of a sign**
- B. From the multi-family design guidelines relative to walls with exterior windows**
- C. Roof design of multi-family design guidelines, and**
- D. To modify perimeter landscaping requirements along I-49 right-of-way**

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

- The proposed monument sign shall be 10' x 10'
- In addition to the buildings proposed by the developer to have end wall windows, the following buildings shall also have windows in the end walls: Buildings #1000, #4500 and #1400 (north side only).
- The 10 foot landscaping strip shall be placed between the storage buildings and the interstate and planted with trees that provide year round screening, such as Green Giant Arborvitae or Nelly Stevens Holly planted at 15 feet on center. Trees shall be 6-8 feet at the time of planting.

Chairman Griffin then called for the vote on the variance request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

Chairman Griffin commended the City staff, developers, architects and engineers in working together on this project.

10. Rezoning #31-10-11; A request by John Paul Dean for:

- A) A zone change from Commercial-2 to Commercial-5 by Classification located at 10220 Highway 71 South.**
- B) A request to defer the requirement for a development plan at 10220 Highway 71 South.**

Ms. Maggie Rice read the staff report indicating that the purpose of these requests is to permit the future construction of commercial development. Ms. Rice stated that a neighborhood meeting was held on Friday, September 16th at 2:00 p.m. at the Dallas Branch of the Fort Smith Public Library with two neighboring property owners in attendance who did not raise any concerns. Ms. Rice noted that the Utilities Department has stated that there is no sanitary sewer available to the property and upon development either the public sanitary sewer will have to be extended or a private sanitary sewer system will need to be installed. Ms. Rice stated that the applicant does not have

ORDINANCE NO. _____

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

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on October 11, 2011, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 26-9-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 11, 2011, that said change be made;

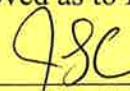
NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

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

Lots 5 & 6, Block 59, Bailey Hill Addition
more commonly known as 1520 South "U" Street.

SECTION 2: The hereinafter described property is hereby rezoned from Commercial

Approved as to Form:



City Attorney
Publsh 1 time

Regional (C-4) to Commercial Heavy (C-5) by Classification, subject to the development plan approved by the Planning Commission on October 11, 2011:

Lots 5 & 6, Block 59, Bailey Hill Addition
more commonly known as 1520 South "U" Street.

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

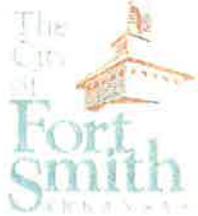
PASSED AND APPROVED THIS ____ DAY OF _____, 2011.

ATTEST:

APPROVED:

City Clerk

Mayor



October 24, 2011

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

Re: Master Land Use Plan Amendment from Residential Attached to General Commercial and Rezoning #26-9-11; A request by Scott Branton, agent for Woodrome Construction Services, for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification located at 1520 South "U" Street.

On October 11, 2011, the City Planning Commission held a public hearing to consider the above requests.

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to facilitate a mini-storage development. Ms. Rice stated that a neighborhood meeting was held on September 8th at 5:30 p.m. at 5311 South 28th Street, Suite C with no property owners in attendance. Ms. Rice also stated that on December 2010, a request to rezone this property to Residential Multi-Family Medium Density was denied by the Planning Commission. At that time, the applicant requested the zone change to allow for the construction of a duplex and during that meeting, a neighboring property owner commented that she would rather see a shopping center constructed than a duplex. Ms. Rice noted that a companion variance request from minimum lot size, required street access and minimum lot frontage for this property has also been submitted.

Mr. Scott Branton was present to speak on behalf of these requests.

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

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

Chairman Griffin called for the vote on the Master Land Use Plan Amendment, rezoning request and the development plan. The vote on all three of these items was 8 in favor and 0 opposed.

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

A copy of the draft minutes and staff report to the Planning Commission is enclosed for your review.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2011

Subject: Proposed Master Land Use Plan Amendment at 1520 South "U" Street from Residential Attached to General Commercial (companion item to items #5, #6, and #16)

The Planning Department is in receipt of an application from Scott Branton, agent, for Woodrome Construction Services, to amend the *Master Land Use Plan* from Residential Attached to General Commercial to facilitate a mini-storage development at 1520 South "U" Street. The subject property is located on at the southwest intersection of South "U" Street and South 16th Street. The tract contains 10,372.60 s.f. (.24) acres and has approximately 74 feet of street frontage on South "U" Street.

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

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as Residential Detached and developed as single-family residential.

The area to the south and west are classified as Residential Attached and undeveloped.

The area to the east is classified as Residential Attached and is developed as duplexes.

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

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

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

Criteria for Designation:

Compliance Noted

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

MASTER STREET PLAN CLASSIFICATIONS

The Fort Smith Master Street Plan classifies South "U" Street as a Major Collector and South 16th Street as a local Street.

STAFF COMMENTS

A neighborhood meeting was held on September 8, 5:30 p.m., at 5311 South 28th Street, Suite "C". No property owners attended the meeting.

If the Planning Commission is inclined to approve the application staff requests it be contingent upon the approval of companion Variance and Rezoning applications.

Application Type

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

Request to Amend Map
 Request to Amend Text

Applicant Name: <i>SCOTT BRANTON</i>	
Firm Name: <i>SCOTT N BRANTON ARCHITECT, PULL</i>	
Address: <i>PO BOX 43, F.S. AR 72902</i>	
Phone # (day): <i>459-7717</i> Phone # (cell): <i>459-7717</i> Fax #:	
Owner Name: <i>Woodrume's Construction Services, LLC</i>	
Owner Address: <i>PO BOX 2771 FORTSMITH AR 72113</i>	
Phone # (day): Phone # (cell): <i>883-0957</i> Fax #: <i>242-0735</i>	
Property Address (subject property): <i>1520 South U Street</i>	
Subject Property	
Current Land Use: <i>NONE - VACANT</i>	
Existing MLUP Classification: <i>RESIDENTIAL ATTACHED</i>	
Proposed MLUP Classification: <i>GENERAL COMMERCIAL</i>	
Existing Zoning Classification: <i>C-4-P</i>	
Proposed Zoning Classification: <i>C-5</i>	
Surrounding Property	
Current Land Use: north- <i>RESIDENTIAL DETACHED</i>	
south- <i>RESIDENTIAL ATTACHED</i>	
east- <i>RESIDENTIAL ATTACHED</i>	
west- <i>RESIDENTIAL ATTACHED</i>	
Existing MLUP Classification: north:	
south:	
east:	
west:	
Existing Zoning Classification: north: <i>R-3-MF</i>	
south: <i>C-4-P</i>	
east: <i>R-3-MF</i>	
west: <i>C-4-P</i>	
Pre-Application Meeting Date:	

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

4C

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

THERE WILL BE LITTLE TO ZERO EFFECT ON
ROADS + TRAFFIC PATTERNS BECAUSE OF THE
SMALL NUMBER OF UNITS

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

ELECTRIC IS LOCATED IN THE BACK ALLEY
AND WILL BE THE ONLY UTILITY USED.

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

7. Identify any known or anticipated environmental concerns:

NONE

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

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

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

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

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

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

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

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

AUTHORIZATION OF AGENT

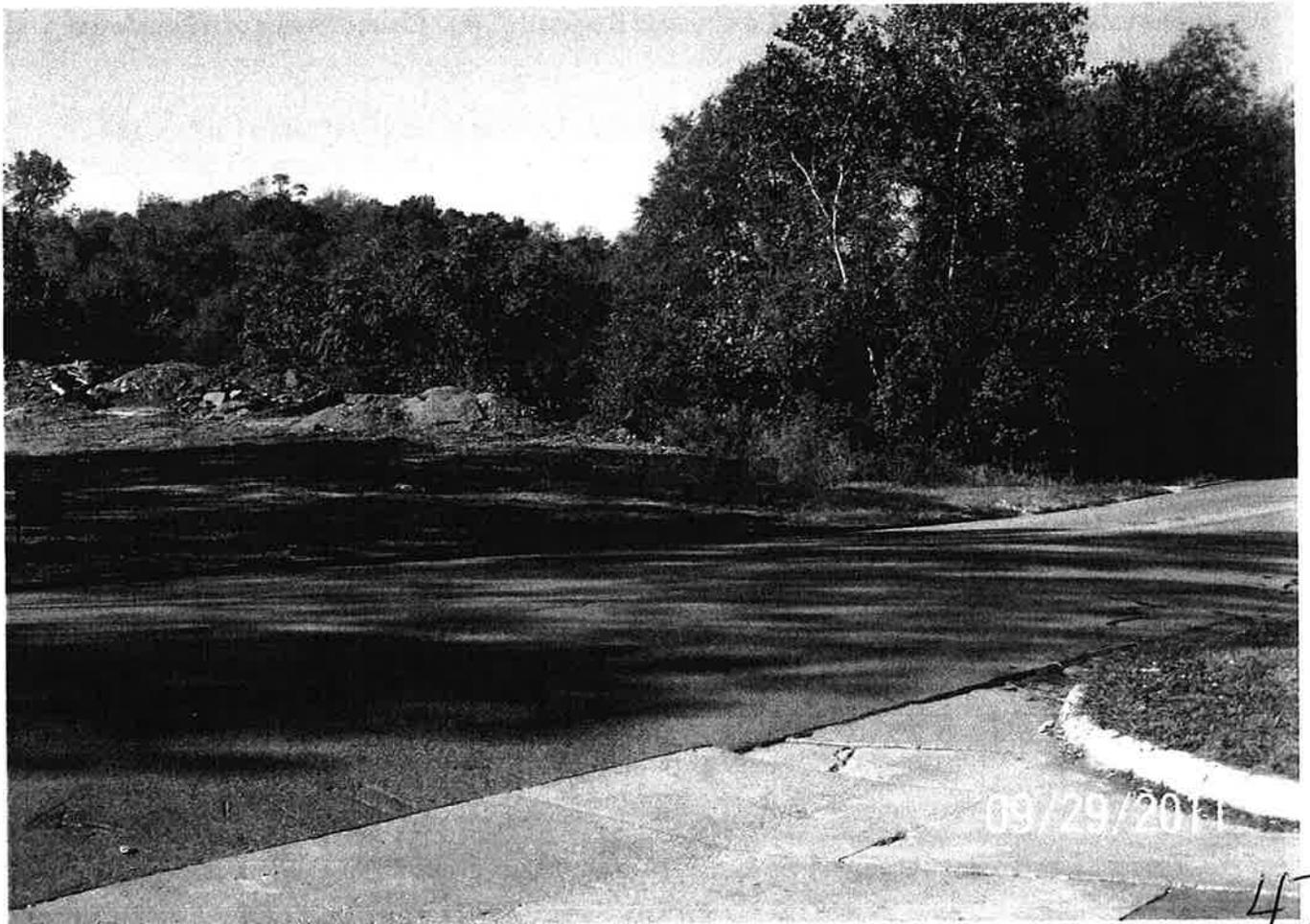
4E

Master Land Use: From Residential Attached to General Commercial

1520 South "U" Street



HF



47

Memo

To: City Planning Commission
From: Planning Staff
Date: September 30, 2011
Re: Rezoning # 26-9-11; a request by Scott Branton, agent, for Woodrome Construction Services, for consideration of a zoning change from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification at 1520 South "U" Street (Companion item to items #4, #6, and #16)

LOT LOCATION AND SIZE

The proposed rezoning site is located at the southwest intersection of South "U" Street and South 16th Street. The subject property is 10,372.60 square feet (.24 acres) in size and has approximately 74 feet of street frontage on South "U" Street.

EXISTING ZONING

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

The C-4 zone was established to provide for the development of 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.

Permitted Uses: A wide variety of retail uses including malls, shopping centers, home improvement centers, and hardware stores. Commercial-4 zones also permit multi-family apartments.

Area Regulations:

Minimum Lot Size – 40,000 square feet Maximum Lot Coverage - 80%
Minimum Lot Width – 150 feet
Front Yard Setback - 25 feet
Interior Side Yard Setback - 20 feet (100 ft. if adjoining residential dist. /development)
Exterior Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet (100 ft. if adjoining residential dist. /development)
Separation of Buildings – Determined by current city building and fire code
Maximum Height – 45 feet (1+1)

REQUESTED ZONING

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

5A

Purpose: To provide for 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 classification of the Master Land Use Plan.

Permitted Uses: Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

Conditional Uses: Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

Bulk & Area Regulations:

Minimum Lot Size – 14,000 s.f.

Minimum Lot Width – 100 feet

Maximum Lot Coverage – 75%

Maximum Height – 45 feet (1 + 1)

Front Yard Setback – 25 feet

Side Yard Setback – 20 feet

Side Yard on Street Side of Corner Lot – 15 feet

Rear Yard Setback – 20 feet

Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

SURROUNDING ZONING AND LAND USE

The property to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

The properties to the south and west are zoned Commercial Regional (C-4) and are undeveloped.

The property to the east is zoned Residential Multifamily Medium Density (RM-3) and is developed as duplexes.

PROPOSED ZONING CHANGE

The applicant has requested rezoning the property to Commercial Heavy (C-5) to allow the construction of mini-storage units.

LAND USE COMPLIANCE

The Master Land Use Plan classifies this development as Residential Attached. This classification provides for diverse populations and households, by supporting a variety of options in living environments, and housing, while protecting and improving property values. A companion application has been submitted by the applicant requesting a Master Land Use Plan map amendment for this site from Residential Attached to General Commercial.

STREET CLASSIFICATION

The Master Street Plan classifies South "U" Street as a Major Collector and South 16th Street as a Local Street.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on September 8, 5:30 p.m., at 5311 South 28th Street, Suite "C". No property owners attended the meeting.

In December 2010 a request to zone this property to Residential Multifamily Medium Density was denied by the Planning Commission. At that time, the applicant requested the zone change to allow for the construction of a duplex. During the Planning Commission meeting, a neighboring property owner commented she would rather see a shopping center constructed rather than a duplex. A copy of the minutes from that meeting is enclosed.

The applicant has submitted companion Variance and Master Land Use Plan applications. Approval of the requested zone will require approval of the Master Land Use Plan amendment and a variance for minimum lot size, required street access, and minimum lot frontage.

Further, if the Planning Commission is inclined to approve the application staff requests it is contingent upon approval of the development plan and any changes to the development plan will require Planning Commission approval.

3. Rezoning #23-12-10; A request by John Alan Lewis, agent, for a zone change from Commercial-2 to Commercial-5 by Extension located at 7601 Rogers Avenue. (companion item to item #4)

The vote on the rezoning request as amended was 6 in favor, 0 opposed and 1 abstention (Lau).

4. Development Plan – Movie Theater & Restaurant – 7601 Rogers Avenue. (companion item to item #3)

The vote on this development plan as amended was 6 in favor, 0 opposed and 1 abstention (Lau).

5. Rezoning #24-12-10; A request by Roger Winton, agent, for a zone change from Commercial-4 to RM-3 by Extension located at 1516 South “U” Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to allow the construction of a duplex on the property.

Ms. Andrews noted an e-mail from a property owner indicating that they were not notified by letter of this rezoning request. However, it was determined that this property owner did not receive a letter of notification due to the fact that he was outside the 300 feet area.

Mr. Roger Winton, 1715 South 23rd Street, was present to speak on behalf of this request.

During discussion of this item, Commissioner Maurras questioned the applicant as to whether he would be agreeable to limiting the construction to a single story duplex. Mr. Winton noted that he would have no problem with that condition being placed on the rezoning request.

Ms. Dorothy Chambers, 1623 South “U” Street, spoke in opposition to this request citing her concerns relative to the impact it would have in the neighborhood with issues such as increased crime and traffic concerns. She noted that the neighborhood is currently over 63% rental property and those problems currently exist. Ms. Chambers submitted several letters from her neighbors in opposition to this request.

Chairman Griffin asked for a show of hands of all persons in the audience who were opposed to this request. There were 4 property owners in attendance.

Commissioner Sharpe asked Ms. Chambers what type of development she would like to see in this area and Ms. Chambers stated that she would rather see a shopping center than a duplex.

Mr. Bailey noted that under the current zoning of Commercial-4, it would allow a shopping center and apartments without a zoning change, but it does not permit single family homes or duplexes.

Following a discussion by the Commission, Chairman Griffin called for the vote on this rezoning request. The vote was 3 in favor (Lau, Sharpe, Lorenz) and 4 opposed. The rezoning request was denied.

- 6. Rezoning #25-12-10; A request by Nick Glidewell, agent, for a zone change from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial-2 (ETJ I-2) by Classification located at 5705 Steephill Road. (companion item to item #12)**

- 12. Variance #33-12-10; A request by Nick Glidewell, agent, for a variance from the required street access of a major arterial or higher to local street access located at 5705 Steephill Road. (companion item to item #6)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the existing business to operate in compliance with the ETJ zoning ordinance. Ms. Rice stated that the property was developed prior to the implementation of the ETJ land use plan and the ETJ zoning ordinance. All properties in the ETJ were given an Open-1 zoning district as a placeholder until development occurs that requires a zoning change. Therefore, the proposed rezoning would allow the existing land use and the proposed new building to comply with the ETJ zoning.

Ms. Rice noted that the purpose of the variance request is to allow a required street access from major arterial or higher to a local road.

Mr. Nick Glidewell, 9916 Wellington Way, was present to speak on behalf of these requests.

Ms. Byrd, the property owner across the street from this development, questioned the applicant as to how the development would impact her property. Mr. Glidewell stated that the proposed warehouse would accommodate his overflow inventory and would not impact her property.

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

Chairman Griffin then called for the vote on these requests.

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

- 12. Variance #33-12-10; A request by Nick Glidewell, agent, for a variance from the required street access of a major arterial or higher to local street access located at 5705 Steephill Road. (companion item to item #6)**

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)

LOTS 5 + 6, BLOCK 59, BAILEY HILL ADDITION

2. Address of property: 1520 South U Street "

3. The above described property is now zoned: C-4-P

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

- 5. Why is the zoning change requested?

A MINIMUM ZONING C-5 IS REQUIRED TO
ALLOW MINI-STORAGE FOR PUBLIC USE.

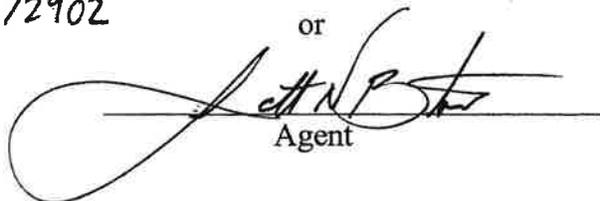
- 6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

SCOTT BRANTON
Owner or Agent Name
(please print)

Owner

PO Box 43, Fort Smith, AR. 72902
Owner or Agent Mailing Address

or

Agent

479-459-7717
Owner or Agent Phone Number

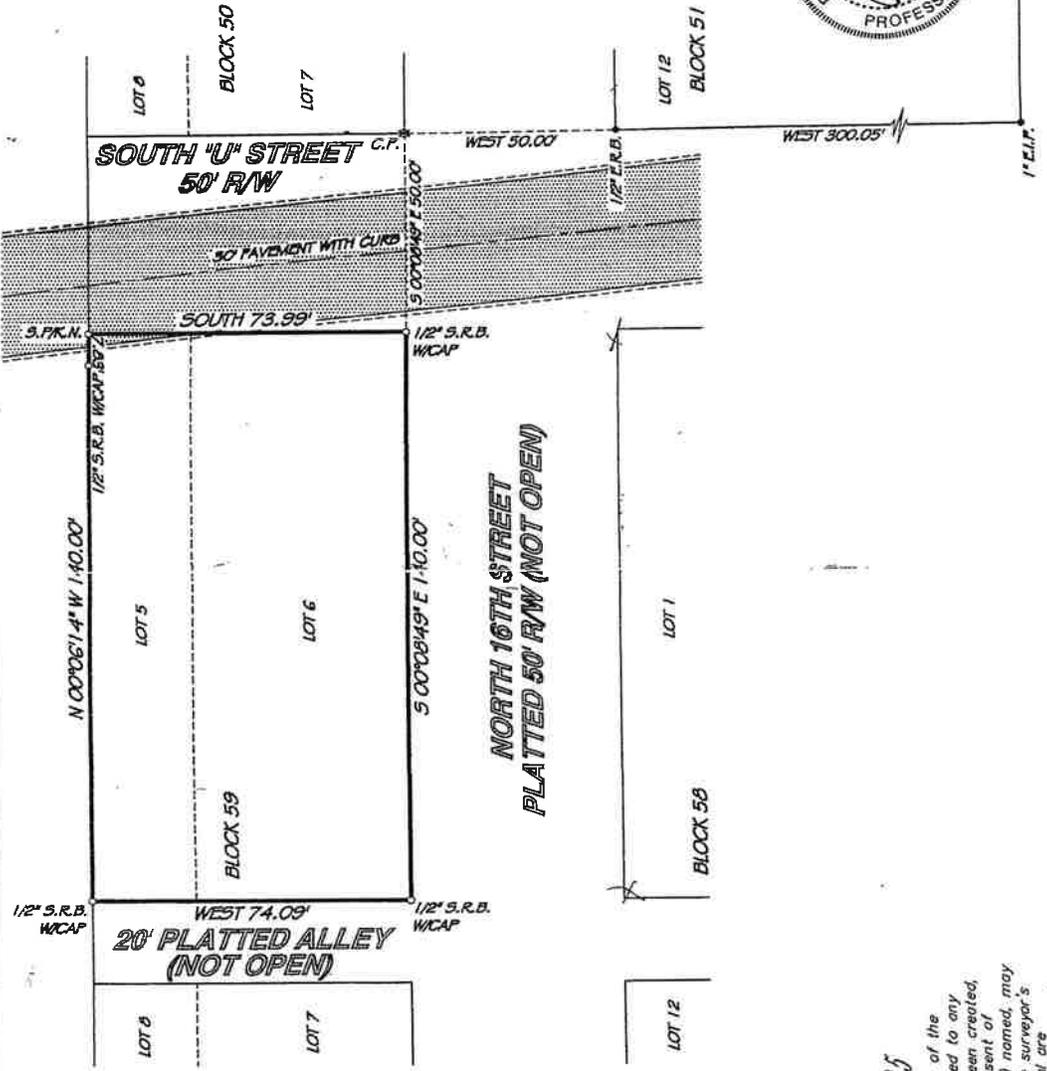
Rezoning #26-9-11: From Commercial Regional (C-4) to Commercial Heavy (C-5)

1520 South "U" Street



5.6

North



34'

9 000049° E 289.23'

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF

LOTS 5 & 6, BLOCK 59, BAILEY HILL ADDITION
TO THE CITY OF FORT SMITH, ARKANSAS

FOR USE BY: EDDIE BLACK

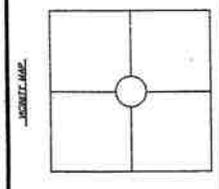
Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1828 HWY. 71 NORTH, ALVA, ARK. - PHONE NO. (479) 635-3565
FAX (479) 633-5002 - WEBSITE: <http://www.satterfieldpa.com>

DETERM BY: D.E.R.
SCALE: 1" = 30'
DATE: 8-22-05
JOB NO. 32,547

SURVEYORS DISCLAIMER AND STATEMENT OF USE

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

- LEGEND**
- S.R.B. = SET 1/2" REBAR W/ CAP
 - SP/AN = SET P/R NAIL
 - S/RES = SET RAILROAD SPIRE
 - E.P.B. = EXISTING REBAR
 - E.P./AN = EXISTING NAIL
 - E.P./AN = EXISTING ROW RW
 - E.P./AN = EXISTING P/R NAIL
 - E.P./AN = EXISTING ROAD SPIRE
 - E.P./AN = EXISTING NAIL
 - EXISTING GOVERNMENT MONUMENT
 - EXISTING STONE
 - ▲ EXISTING STATE MONUMENT
 - ⊙ EXISTING SURVEY MARK
 - ⊙ COMPLETED POINT
 - ⊙ P.C. = PIVOT CORNER



ASSUMED WEST ON SOUTH LINE OF
BLOCK 51, BAILEY HILL ADDITION

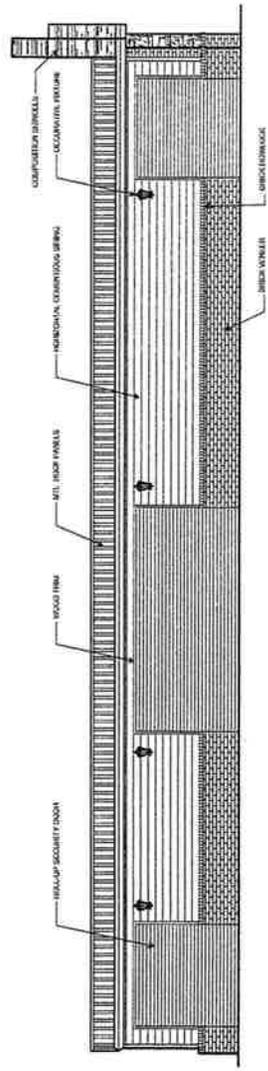
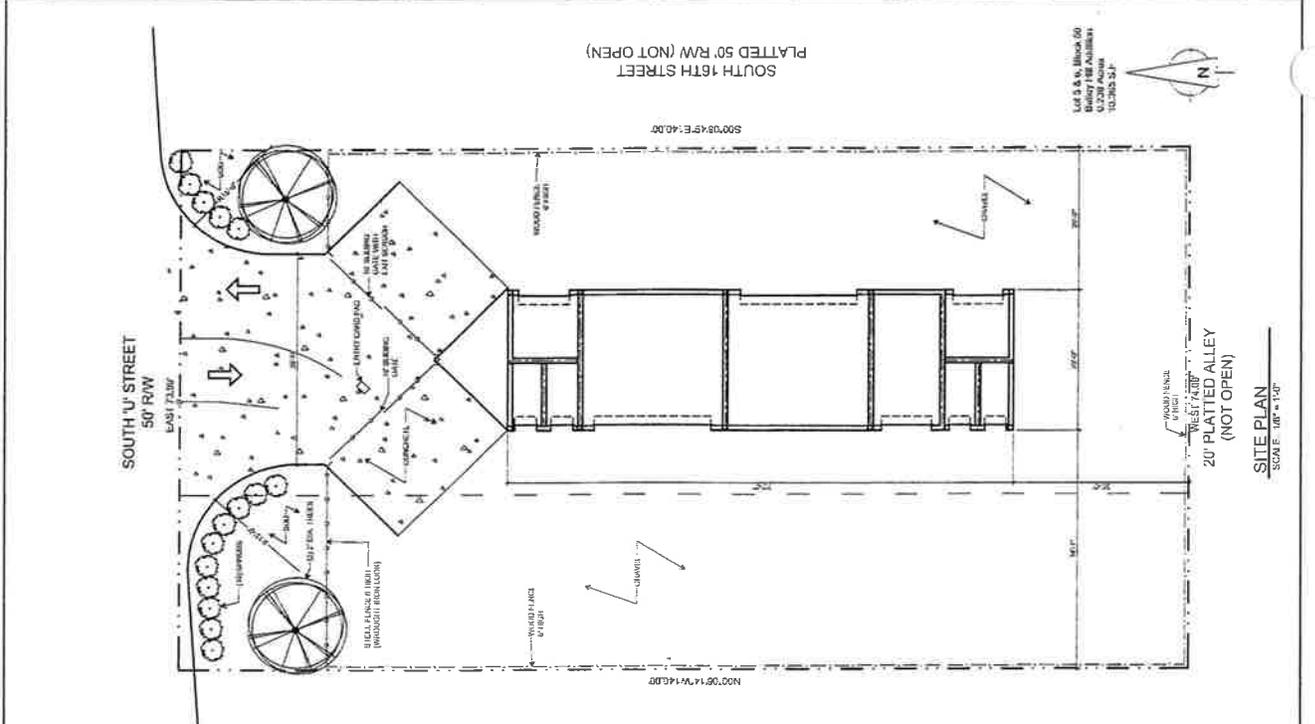
SURVEYOR'S NOTE: All building, surface and subsurface, improvements on and adjacent to the site are not necessarily shown. The location and/or existence of utility service lines to the property surveyed are unknown and are not shown. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose.

Satterfield Land Surveyors P.A., Copyright 2005
This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, pressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A.. No one including the person(s) named, may produce this plat. Only authentic copies that appear with the surveyor's name and date of issue may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement.

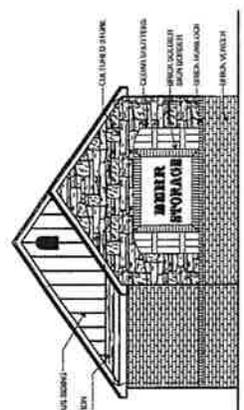
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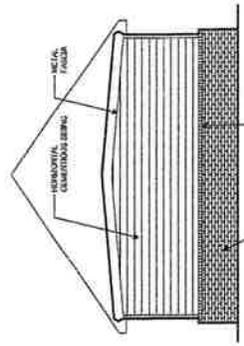
SP1



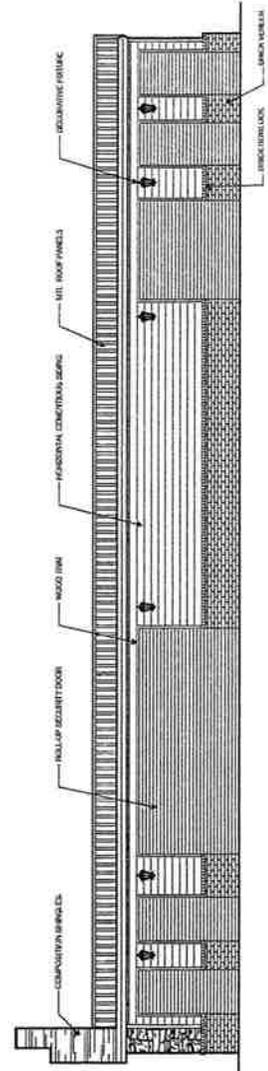
LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



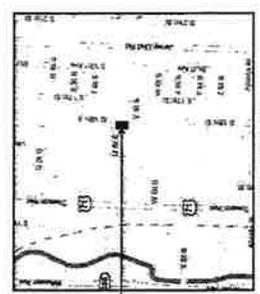
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



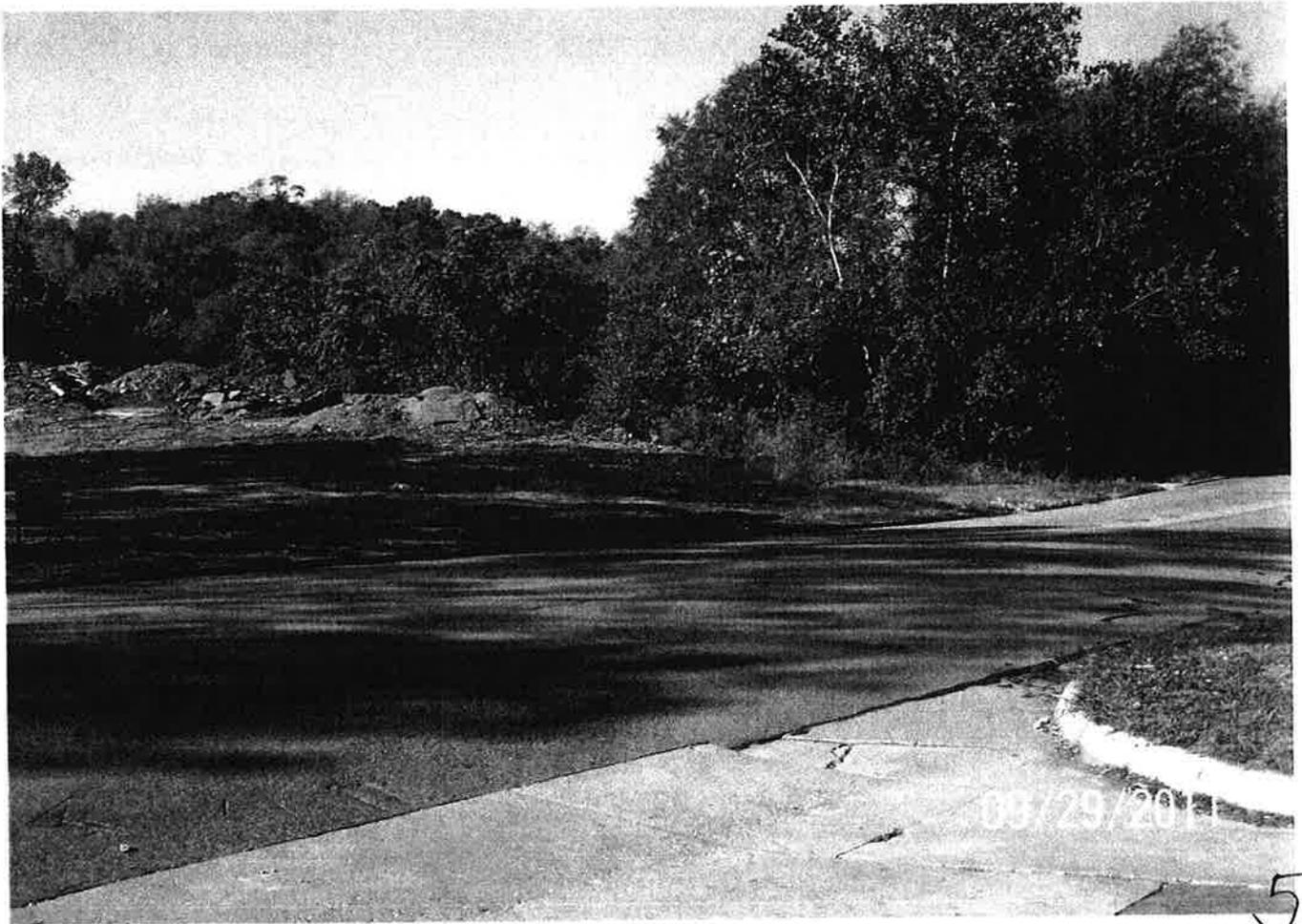
REAR ELEVATION
SCALE: 1/4" = 1'-0"



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



5F



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

Tom & Ann Raymond living Trust
2320 South "O" Street
Fort Smith, AR 72901

Lester Beckham
1704 River Ridge Road
Van Buren, AR 72956

Grover Lomon Family Trust
3215 Kendall Avenue
Fort Smith, AR 72908

James Ibison
3026 South 33rd Street
Fort Smith, AR 72901

Woodrome's Construction
P. O. Box 2771
Fort Smith, AR 72913

Orville & Gloria Johnson
16452 South Henry
Escolan, CA 95320

Sherri Drzewiecki
1600 South "V" Street
Fort Smith, AR 72901

Abundant Properties Group
P. O. Box 11301
Fort Smith, AR 72917

Charles Castleberry
8223 Colony Lane
Fort Smith, AR 72903

Varian Berry
P. O. Box 224
Van Buren, AR 72956

Myra Dalton
4610 South "V" Street
Fort Smith, AR 72903

Robert Bateman Living Trust
P. O. Box 893
Fort Smith, AR 72902

Tom Black
7703 N. Orchard Road
Peoria, IL 61615

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

Eddie & Casey Hicks
477494 E 1084 Road
Roland, OK 74954

WEL, LLC
P. O. Box 3949
Fort Smith, AR 72913

Housing & Urban Dev.
c/o Michaelson, Connor
Oklahoma City, OK 73108

Dorothy Chambers
1623 South "U" Street
Fort Smith, AR 72901

Janet & Kellier Hodgins
P. O. Box 6012
Fort Smith, AR 72906

George & Wanda Prewett
P. O. Box 837
Muldrow, OK 74948

Four Star Construction
Route 4, Box 210-1
Muldrow, OK 74940

Four Plex Property, LLC
5625 Collins Lane
Fort Smith, AR 72904

Jeffrey & Amber Basham
1611 South "V" Street
Fort Smith, AR 72901

**Planning Commission Meeting Minutes
October 11, 2011**

Chairman Griffin called for the vote on the preliminary plat. Motion was made by Commissioner Maurras, seconded by Commissioner Lorenz and carried unanimously approve the preliminary plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. Chairman Griffin then called for the vote on the preliminary plat as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 4. Master Land Use Plan Amendment from Residential Attached to General Commercial located at 1520 South "U" Street. (tabled from September) (companion item to items #5, #6 & #16)**
- 5. Rezoning #26-9-11; A request by Scott Branton, agent, for a zone change from Commercial-4-P (C-4-P) to Commercial Heavy (C-5) by Extension located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #6 & #16)**
- 6. Development Plan Approval for a mini-storage facility located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #5 & #16)**
- 16. Variance #34-10-11; A request by Scott Branton, agent, for three (3) variances located at 1520 South "U" Street as follows: (companion item to items #4, #5 & #6)**
 - A. From 2 acres to 10,373 square feet minimum lot area**
 - B. From 100 feet to 73.99 feet minimum lot frontage**
 - C. From a minor arterial to major collector minimum street access**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to facilitate a mini-storage development. Ms. Rice stated that a neighborhood meeting was held on September 8th at 5:30 p.m. at 5311 South 28th Street, Suite C with no property owners in attendance. Ms. Rice also stated that in December 2010 a request to rezone this property to Residential Multi-Family Medium Density was denied by the Planning Commission. At that time, the applicant requested the zone change to allow for the construction of a duplex and during that meeting, a neighboring property owner commented that she would rather see a shopping center constructed rather than a duplex. Ms. Rice noted that a companion variance request from minimum lot size, required street access and minimum lot frontage for this property has also been submitted.

Mr. Scott Branton was present to speak on behalf of these requests.

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

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

Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval contingent upon the approval of the companion variance and rezoning applications.

Chairman Griffin then called for the vote on the Master Land Use Plan Amendment as amended. The vote was 8 in favor and 0 opposed.

- 5. Rezoning #26-9-11; A request by Scott Branton, agent, for a zone change from Commercial-4-P (C-4-P) to Commercial Heavy (C-5) by Extension located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #6 & #16)**

Chairman Griffin then called for the vote on the rezoning request. Motion was made by Commissioner Maurras, seconded by Commissioner Sharpe and carried unanimously to amend this request to make approval contingent upon approval of the development plan with any changes to the development plan requiring Planning Commission approval and contingent upon approval of the associated variance requests.

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

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

- 16. Variance #34-10-11; A request by Scott Branton, agent, for three (3) variances located at 1520 South "U" Street as follows: (companion item to items #4, #5 & #6)**

Chairman Griffin called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval contingent upon approval of the Master Land Use Plan Amendment and the rezoning request by the Board of Directors. Chairman Griffin then called for the vote on the variance request as amended. The vote was 8 in favor and 0 opposed.

RECESS BOARD OF ZONING ADJUSTMENT RECONVENE PLANNING COMMISSION

- 6. Development Plan Approval for a mini-storage facility located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #5 & #16)**

Chairman Griffin called for the vote on the development plan. Motion was made by Commissioner Maurras, seconded by Commissioner Salamone and carried unanimously to amend this request to make approval contingent upon approval by the Board of Directors of the Master Land Use Plan Amendment and the rezoning request. Chairman Griffin called for the vote on this item as amended. The vote was 8 in favor and 0 opposed.

ORDINANCE NO. _____

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

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 31-10-11 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 11, 2011, 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:

Lot 1A, Dean Addition

more commonly known as 10220 Highway 71 South, should be, and is hereby rezoned from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by Classification, subject to a development plan being submitted and approved by the Planning Commission prior to the issuance of any building permits.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2011.

APPROVED:

Mayor

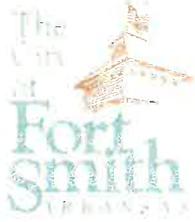
ATTEST:

City Clerk

Approved as to Form:

JSL

City Attorney
Public 1 time



October 24, 2011

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

Re: Rezoning #31-10-11; A request by John Paul Dean for a zone change from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by Classification located at 10220 Highway 71 South.

On October 11, 2011, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to permit the future construction of commercial development. Ms. Rice stated that a neighborhood meeting was held on Friday, September 16th at 2:00 p.m. at the Dallas Branch of the Fort Smith Public Library with two neighboring property owners in attendance who did not raise any concerns. Ms. Rice noted that the Utilities Department has stated that there is no sanitary sewer available to the property and upon development either the public sanitary sewer will have to be extended or a private sanitary sewer system will need to be installed. Ms. Rice stated that the applicant does not have immediate plans for development of this property and has requested the development plan be deferred.

Mr. John Paul Dean was present to speak on behalf of this request.

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

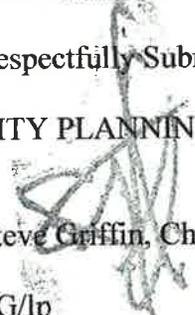
Following a discussion by the Commission, Chairman Griffin called for the vote on the rezoning request and the request to defer the requirement for a development plan. The vote was 8 in favor and 0 opposed.

A copy of the draft minutes and staff report to the Planning Commission is enclosed for your review.

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

Respectfully Submitted,

CITY PLANNING COMMISSION


Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2301
Administrative Offices FAX (479) 784-2470

Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2011

Subject: Rezoning #31-10-11 A; a request by John Paul Dean, owner, for Planning Commission consideration of a zone change from Commercial Light Special (C-2 Special) to Commercial Heavy (C-5) by classification at 10220 Highway 71 South. (Companion Item to Item #10 B)

LOT LOCATION AND SIZE

The requested rezoning area is on the west side of Highway 71 South between Burrough Road and Highway 45. The lot contains approximately 2 acres.

EXISTING ZONING

The existing zoning on this tract is Commercial Light Special (C-2 Special). Characteristics of this zone are as follows:

The C-2 Special zone was established for business activities located at the edge of residential areas but which serve an area larger than adjacent neighborhoods.

Permitted Uses: A wide variety of retail uses including clothing stores, restaurants, grocery stores and specialty shops. Commercial-2 zones also allow professional offices and multi-family apartments.

Conditional uses allowed in C-2 zones include churches, schools, day care centers and taverns.

Area Regulations:

Minimum Lot Size - 7,000 square feet

Street Right-of-Way Setback - 25 feet

Interior Side Yard Setback - 10 feet

Rear Yard Setback - 10 feet

Separation of Buildings determined by current City building and fire codes

Maximum Height - 35 feet

Density Regulations:

Maximum Lot Coverage - 60%

10A-1

REQUESTED ZONING

The existing 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.

Uses: Retail sales and outside storage, offices and other high volume activities.

Area Regulations:

Lot Area - 14,000 square feet

Front Yard Setback - 25 feet

Side Yard Setback - 20 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side/Rear Yard Setback (adjoining single family) - 30 feet

Rear Yard Setback - 20 feet

Separation of Buildings - Per current City Building/Fire Code

Maximum Height - 45 feet (1 + 1)

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Estate One Acre (RE-1) and is developed as a greenhouse and nursery business.

The area to the east is zoned Extraterritorial Jurisdiction Open -1 and is undeveloped.

The area to the south is zoned Residential Estate One Acre (RE-1) and is undeveloped.

The area to the west is zoned Commercial Light (C-2) and is developed as Columbus Acres.

PROPOSED REZONING

The applicant states the requested zone will permit future construction of commercial development.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classification is General Commercial. Approval of the rezoning will not conflict with the Master Land Use Plan.

MASTER STREET PLAN CLASSIFICATION

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

10A-2

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 16th at 2:00 p.m. at the Dallas Branch of the Fort Smith Public Library. The two neighboring property owners in attendance did not raise any concerns. Included in the packet is a copy of the minutes from the meeting, the sign in sheet, and a narrative from the applicant.

Also, the Utilities Department notes that there is no sanitary sewer available to the property and upon development either the public sanitary sewer will have to be extended or a private sanitary sewer system will need to be installed.

The applicant does not have immediate plans for development of this property and has requested the development plan be deferred. Should the Planning Commission agree with and approve the request for deferral we recommend the approval be amended to require the development plan be subject to Planning Commission approval.

Staff recommends approval of the requested rezoning contingent upon the statement above.

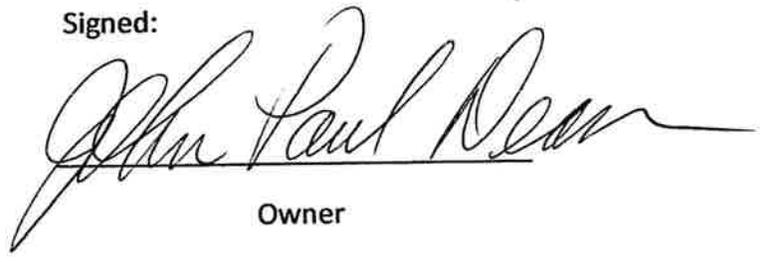
PETITION FOR CHANGE IN ZONING MAP

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

The undersigned, as owner 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, represents to the Planning Commission as follows:

1. The applicant is the owner of real estate situated in the City of Fort Smith, Sebastian County, and Arkansas, described as follows: *Lot A*, Dean Addition
2. Address of property: 10,220 Hwy 71 South, Fort Smith, Ar 72916
3. The above described property is now zoned: C-2
4. Application is hereby made to change the zoning classification of the above described property to: C-5 by classification.
5. Why is the zone change requested? To permit the future construction of commercial development.
6. We propose to request of approval by the planning commission to postpone the requirement for a development plan for the site.

Signed:



Owner

John Paul Dean

Owner

2905 Lakeview Point Fort Smith, Ar 72903

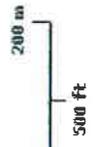
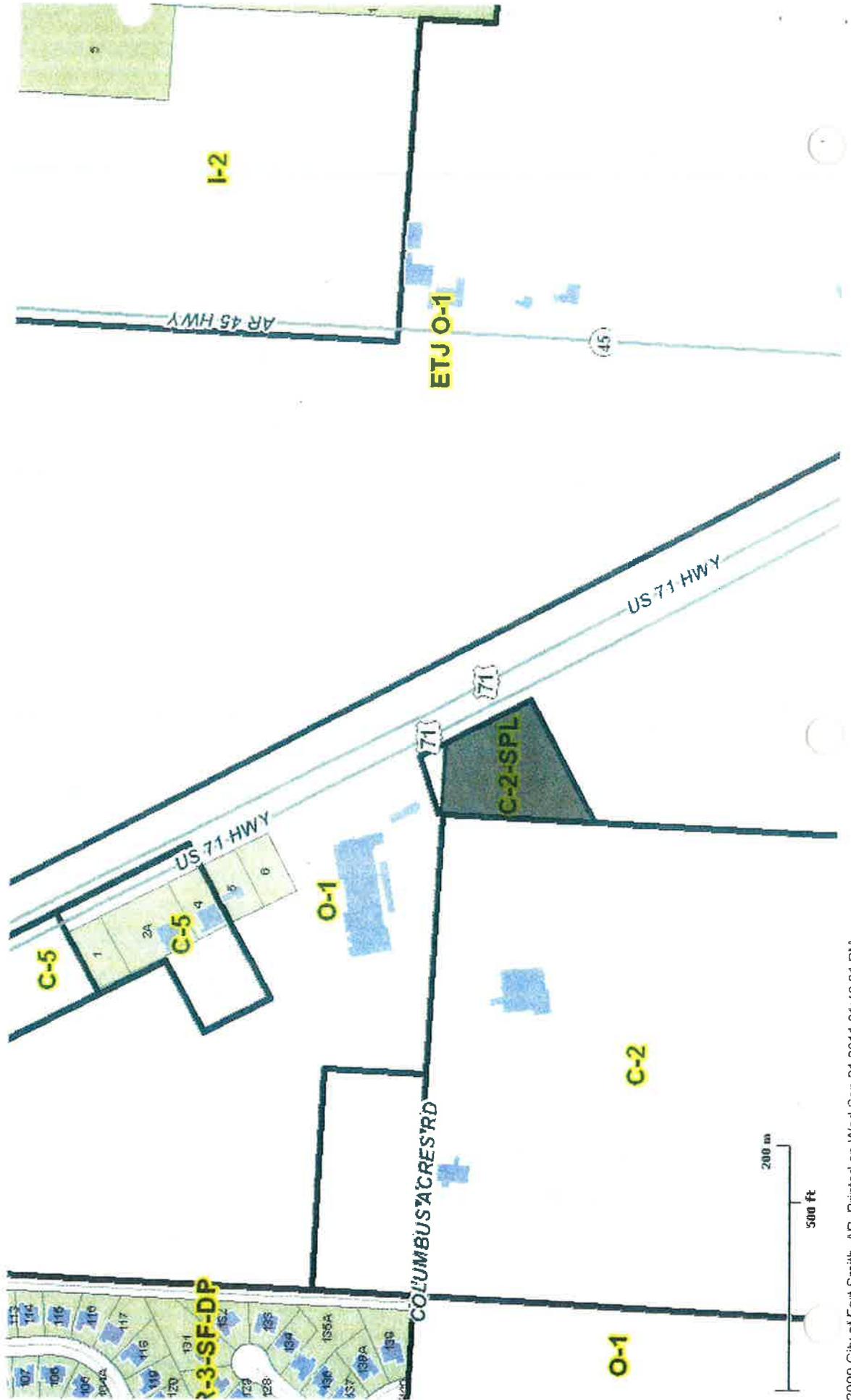
Owner's Mailing Address

(479) 785-4161

Owner's Phone Number

Rezoning #31-10-11: From Commercial Light (C-2) to Commercial Heavy (C-5)

10220 US Highway 71





10A-6

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Library, DALLAS BRANCH

Meeting Time & Date 2:00 pm 9/16/2011

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>ART SELLERS</u>	<u>10003 COLUMBUS LAKE</u>	<u>4797199031</u>
2.	<u>Gary Barker</u>	PO Box 180367	<u>479-719-3442</u>
3.		<u>PO Box 180367-7778</u>	
4.		<u>Fsm 72918-0307</u>	
5.	<u>Brenda Andrew</u>	<u>Fort Smith Planning Dept</u>	<u>784-2216</u>
6.	<u>John Paul Ren</u>	<u>2905 LAUREVIEW PT FORT SMITH</u>	<u>680-4161</u>
7.			
8.			
9.			
10.			
11.			

Date: September 17, 2011

From: John Paul Dean
~~2905 Lakeview Point~~
Fort Smith, Ark 72903
Office: 785-4161
Cell: 650-4161
email: jdean46109@aol.com

TO: Brenda Andrews
Fort Smith Planning Department

Subject: Summary of neighborhood meeting regarding the rezoning of property at 10,220 Hwy 71 South

A neighborhood meeting for the owners within 300 feet of the proposed property to be rezoned at 10,220 Highway 71 South was held at the Dallas Branch of the Fort Smith Library at 2:00 pm Friday September 16th, 2011.

The meeting was attended by the following:

- 1) Brenda Andrews with the Fort Smith Planning Department
- 2) Art Sellers with Columbus Acres
- 3) Gary Barleau with Columbus Acres
- 4) John Paul Dean

It was explained that a petition would be presented to the Fort Smith planning commission that would change the zoning of 10,220 Highway 71 South from C-2 to C-5. No objections were raised.

~~John Paul Dean~~

10A-8

Date: October 5th, 2011

To: Fort Smith Planning Commission

Subject: Rezoning of Lot1A, Dean Addition from C-2 to C-5

Good morning, my name is John Dean and I am the owner of Dean's Carpets. I am here to request that you rezone my 2 acre tract of land on Hiway 71 South from C-2 to C-5. I bought this property in 2003 or about eight years ago. I have not fully developed this property because of over restrictive zoning. I would not have bought the land if I had known that I could not have had it zoned C-5.

Please refer to the drawings that I have distributed to you. You will notice that all of the land just north of I-540 and 71 is zoned C-5. You will notice that all of the land between my two acre tract and I-540 is either C-5 or I-1.

The property north my tract is owned by Sharum's Garden Center and General Pallet. Sharum's is zoned O-1 but the property immediately north of it is zoned C-5. General Pallet is not in the city limits but it is certainly industrial.

Most of the property south of my tract is zone O-1 and is undeveloped. It includes a power station and several gas wells.

Farther down Hiway 71 you will see Economy Feed, Jon's Auto repair, and mobile home sales. On the other side you see the Hyundai car dealership. The entrance to Riley Farm is zoned C-5.

It is reasonable to request my tract be zoned C-5 because most all of the land south of I-540 and on Highway 71 is either C-5 or I-1.

My tract of land is located near Sharum's Garden Center and General Pallet. During the summer, the easement access is dirty and creates an extreme environmental problem. Dusty and dirt is blown on to my property and is clearly not acceptable as an office complex or small shopping center. During the winter and rainy season, large amounts of water is washed onto the easement and creates a terrible situation.

Also, the Didier Road access is not a street but an easement for me and General Pallet. It is not maintained but I have spend over \$50,000 to get it acceptable. It is a real problem for me or any anyone else who would want it to be an office or shopping center.

My tract of land does not have public sewer. Public sewer is 1500 feet away and is uneconomical to bring sewer to the property. The land does not percolate and will require a holding tank. This means development would be limited to something with very few employees.

In summary, Lot1A, Dean Addition should be rezoned from C-2 to C-5 to accommodate future development.

10A-9

City of Fort Smith

Online GIS Map

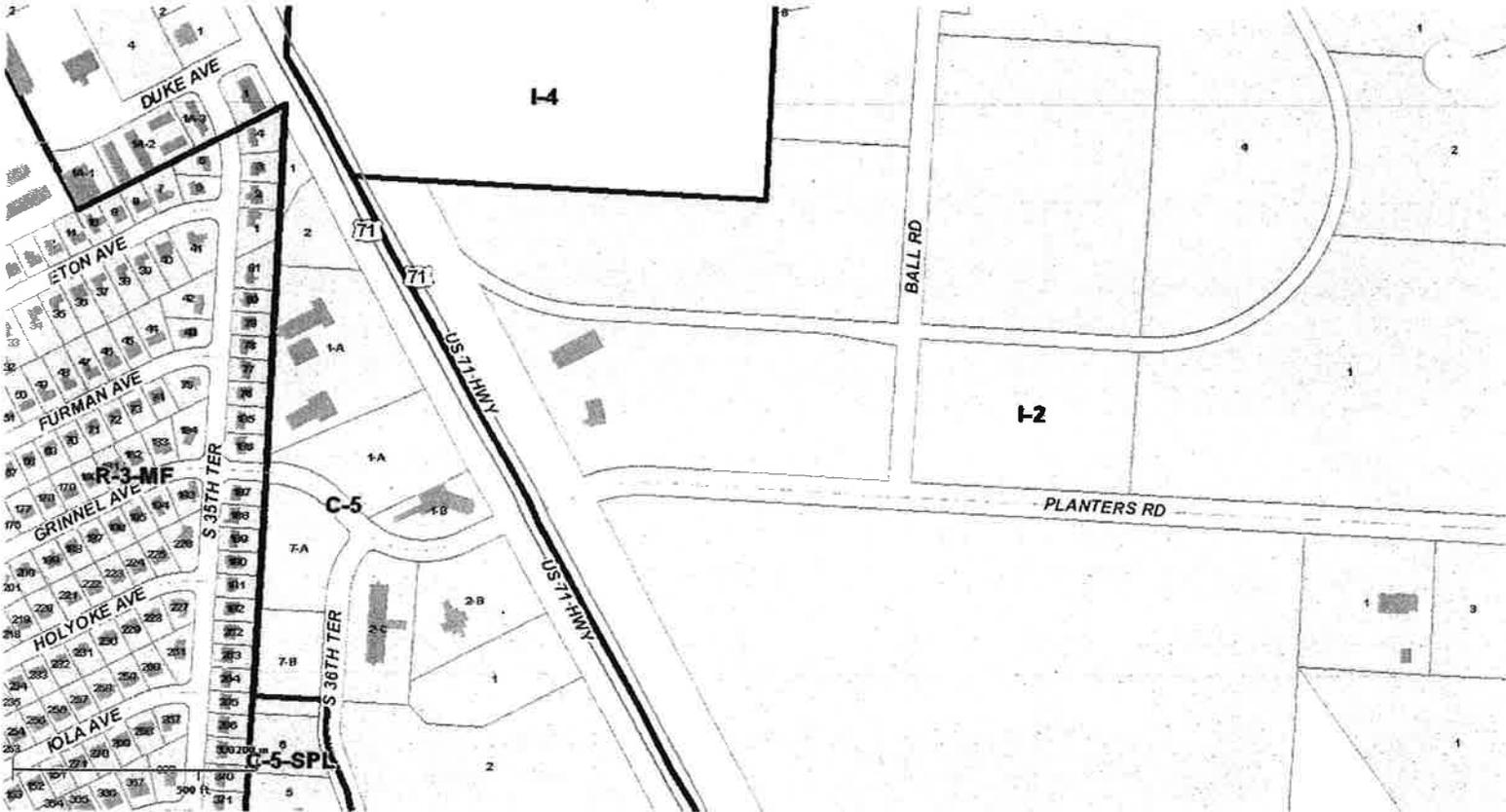


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10A-10

City of Fort Smith

Online GIS Map

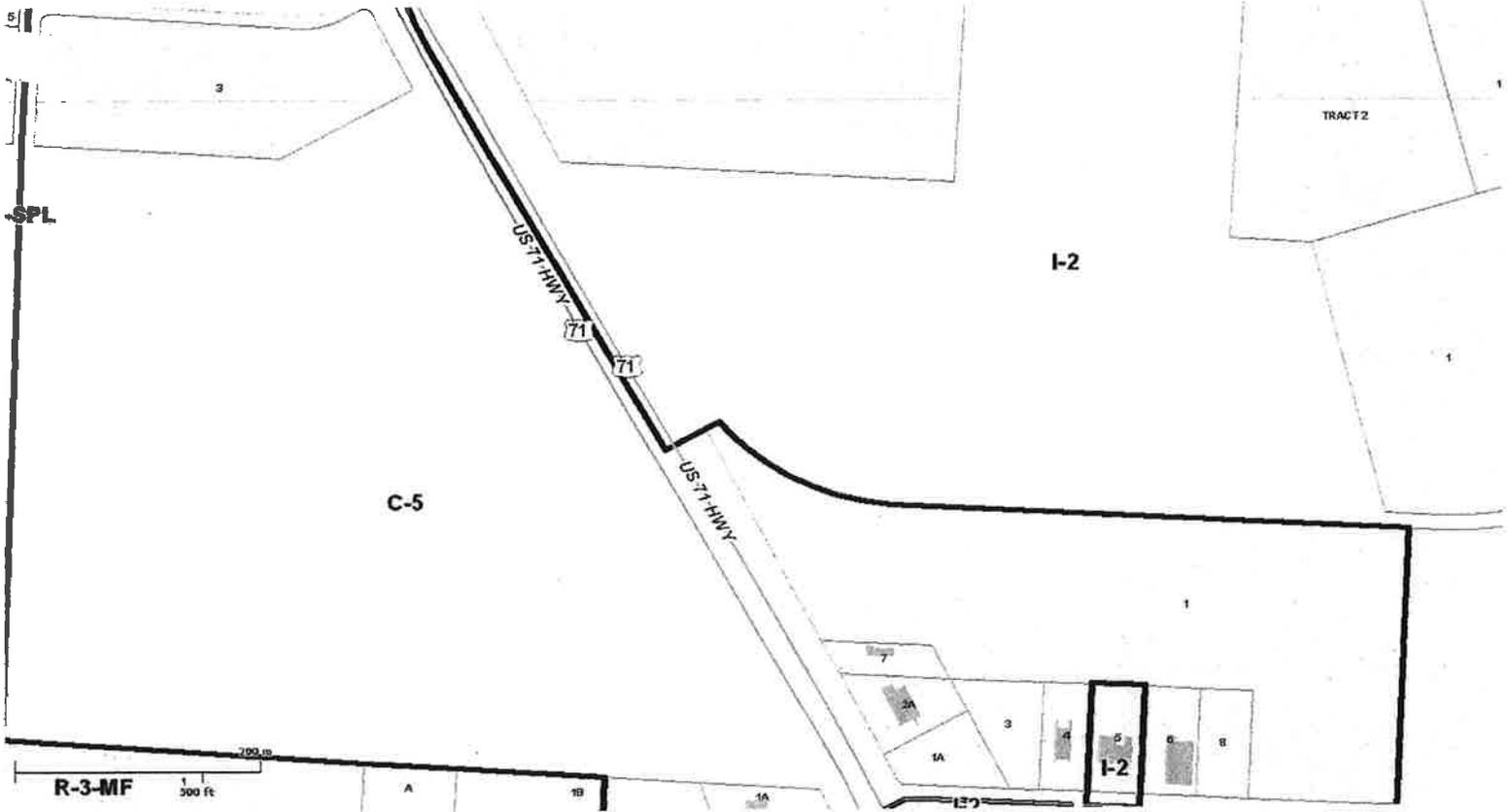


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10-A-11

City of Fort Smith

Online GIS Map

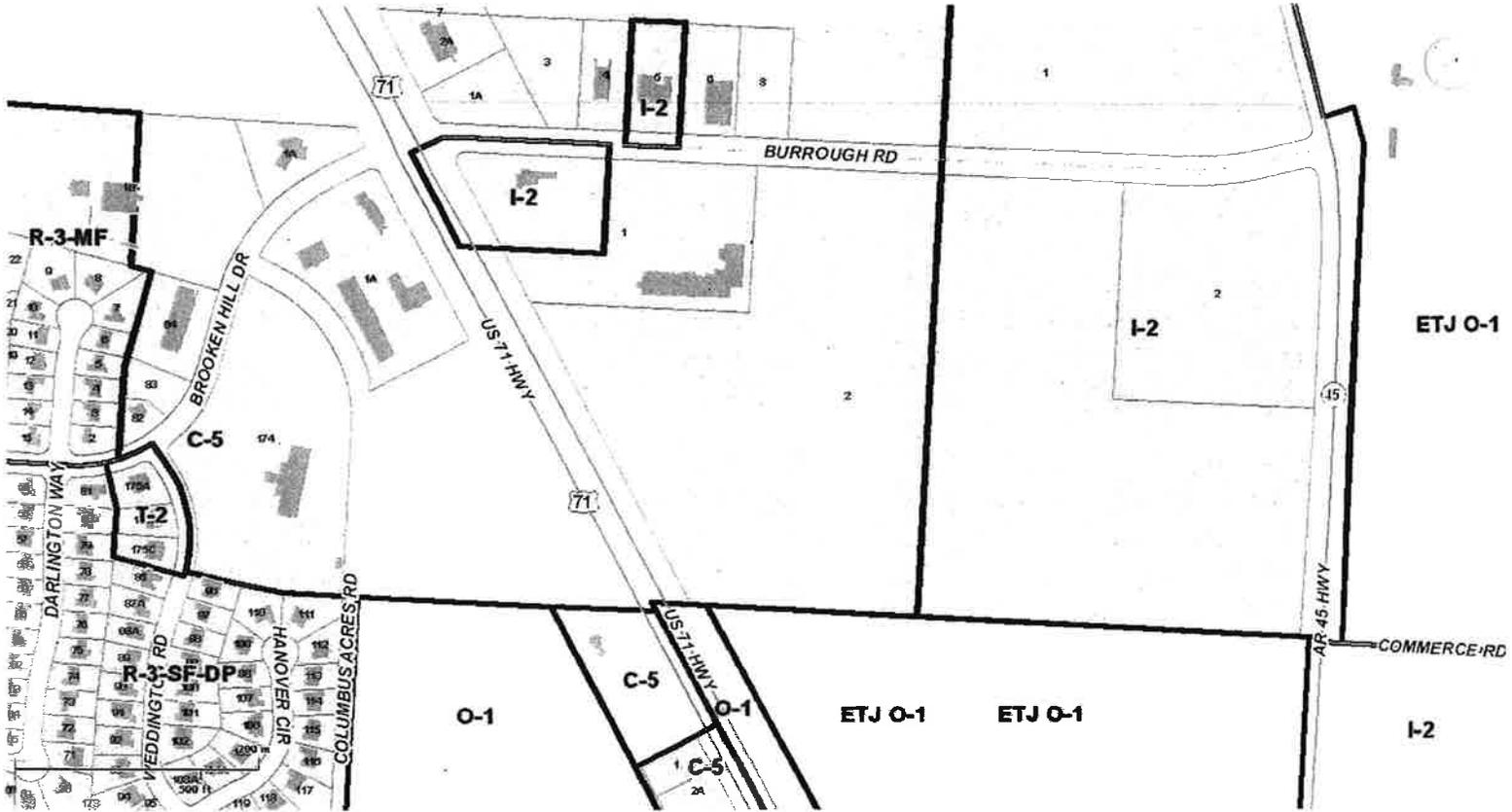


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10A-12

City of Fort Smith

Online GIS Map

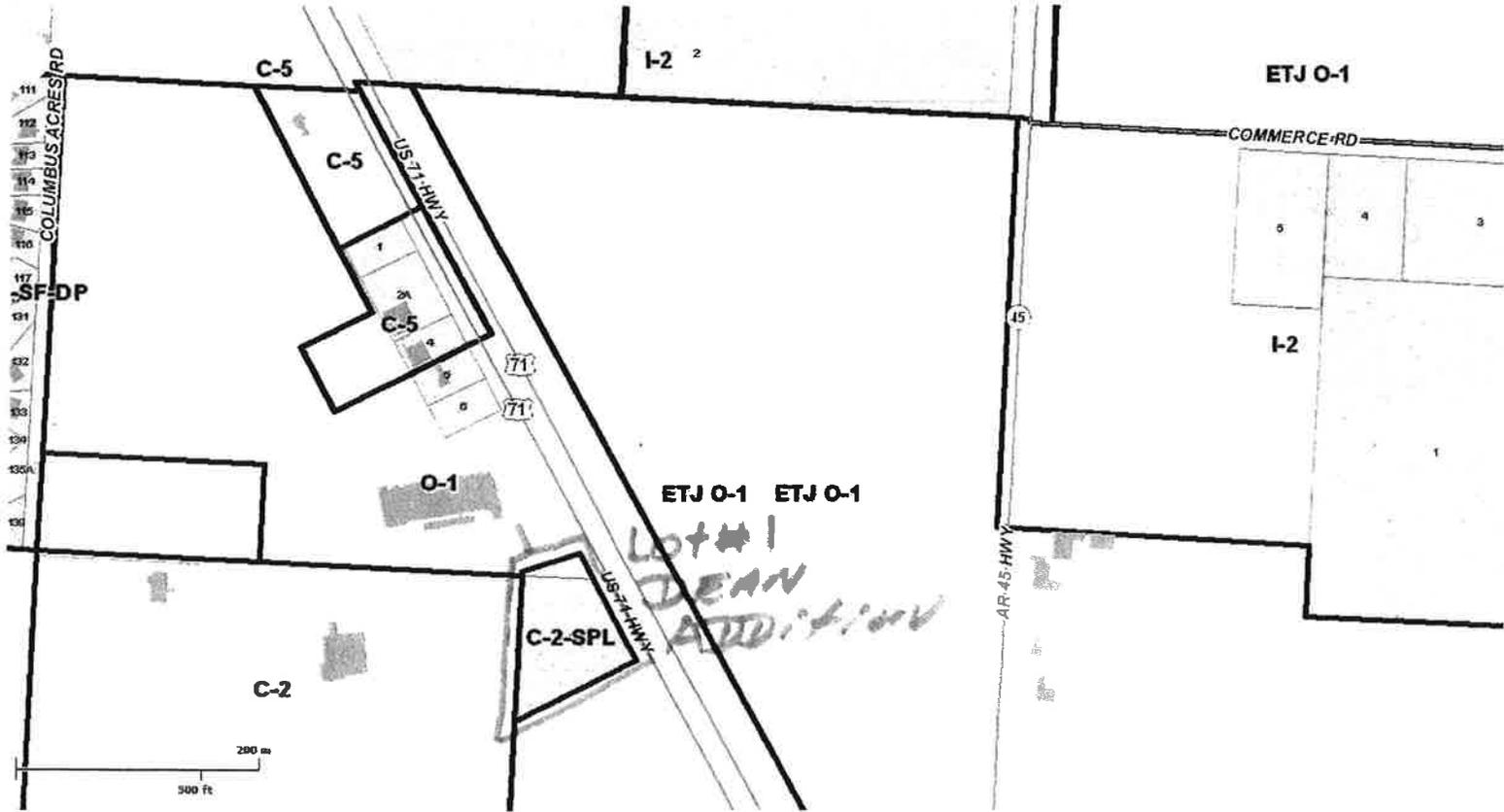


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10A-13

City of Fort Smith

Online GIS Map

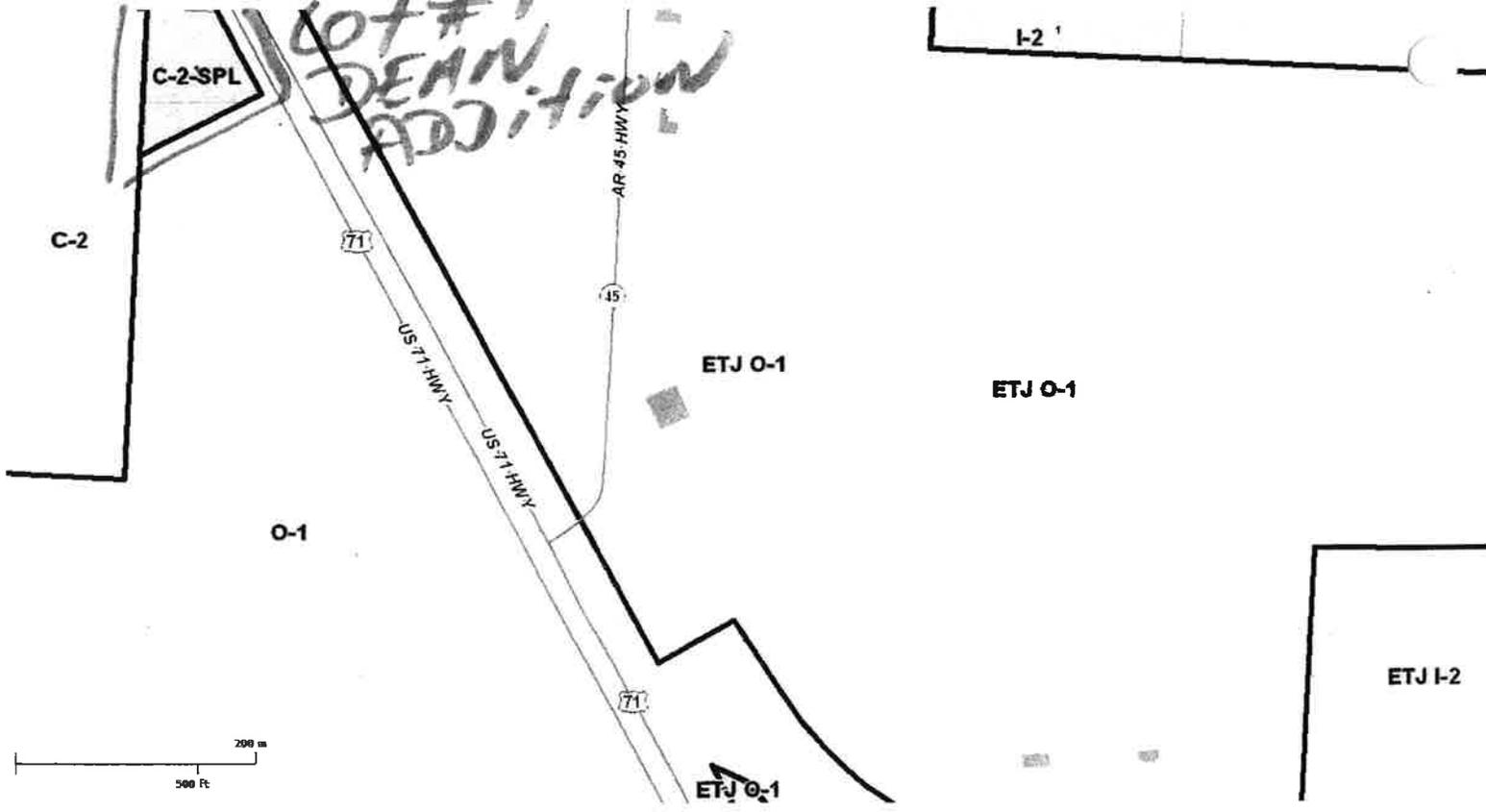


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10A-14

City of Fort Smith

Online GIS Map

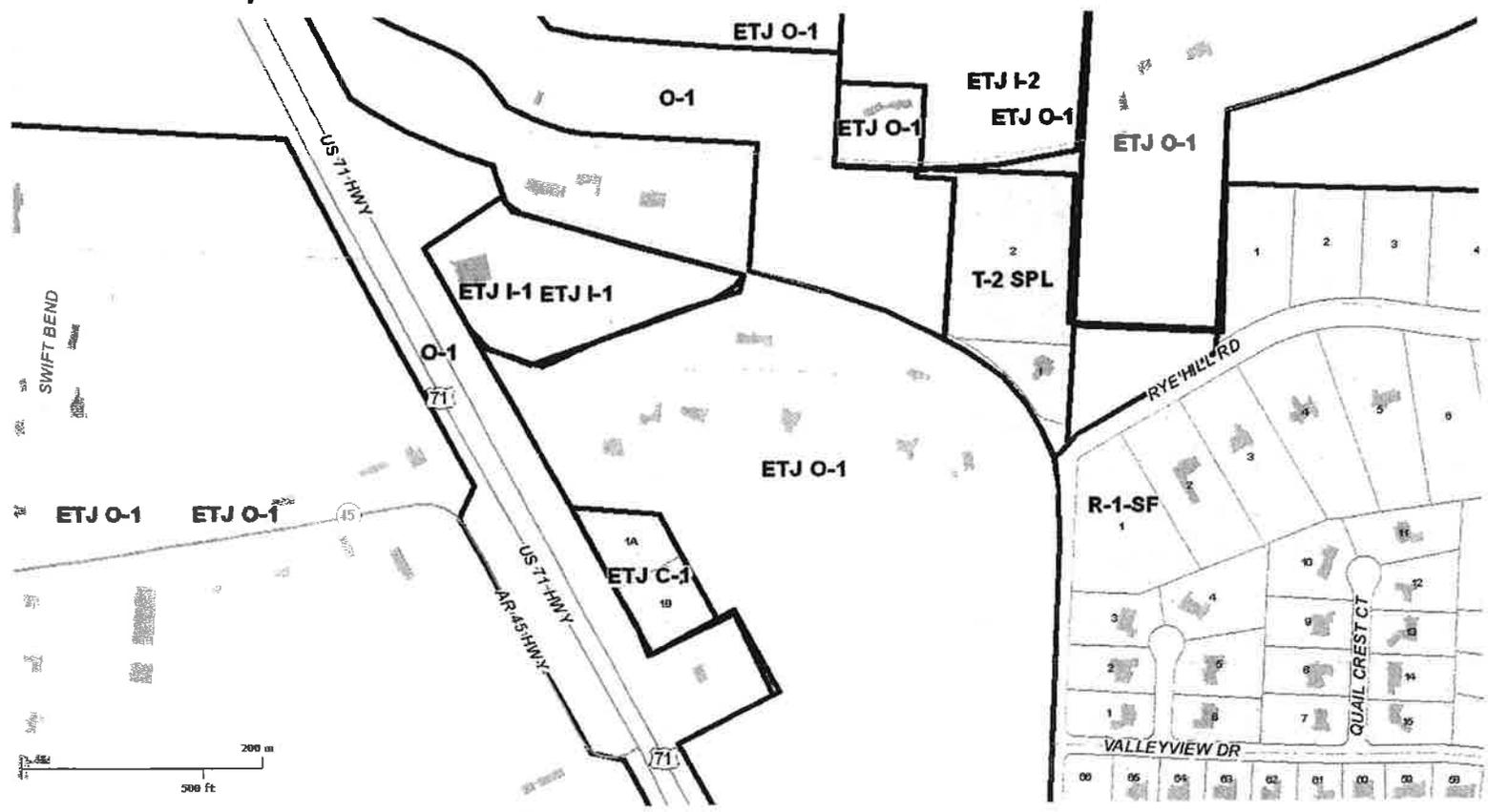


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10A-15

City of Fort Smith

Online GIS Map

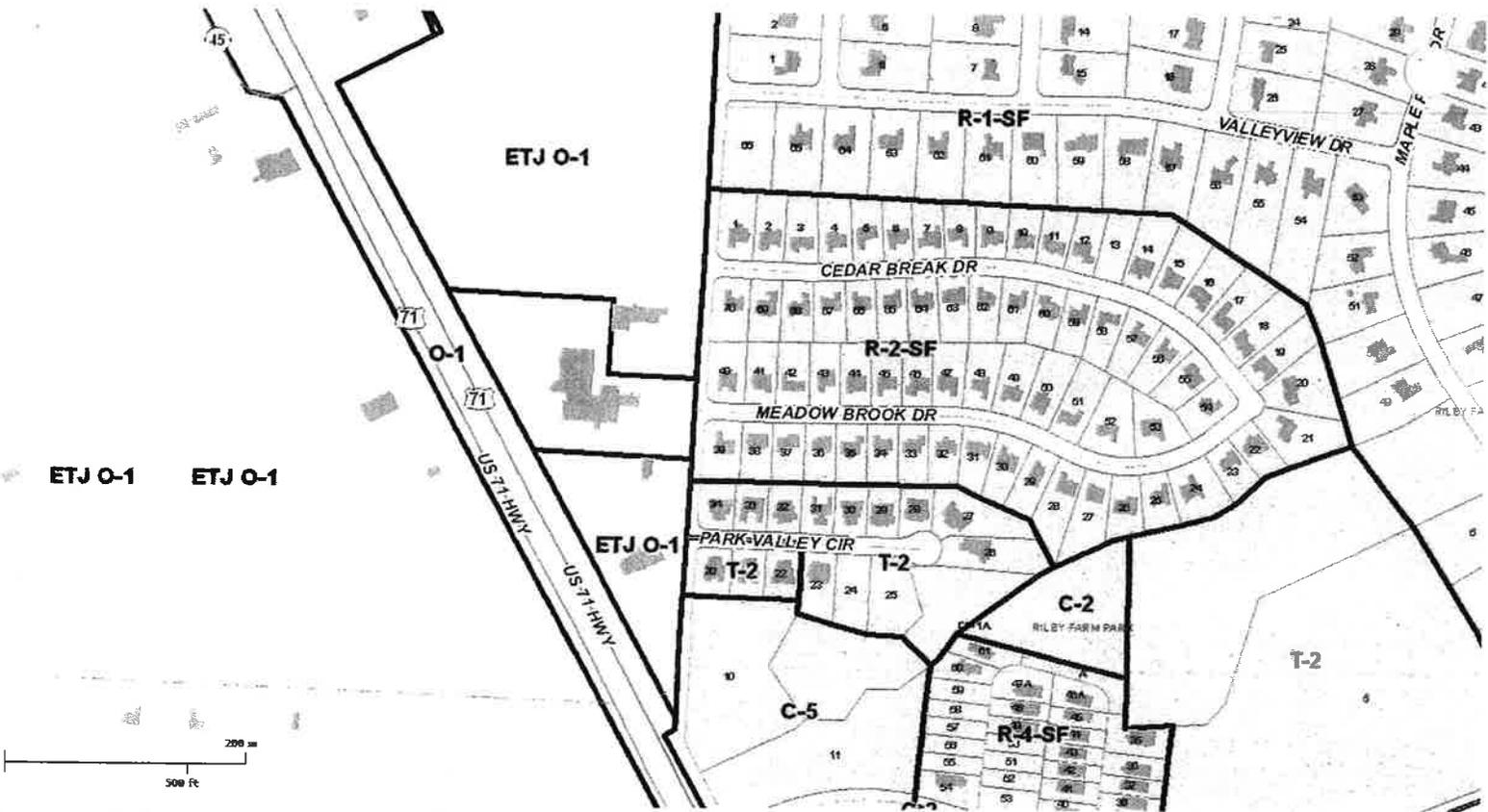


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10A-16

City of Fort Smith

Online GIS Map



2009 City of Fort Smith, AR. Printed on Mon Oct 3 2011 09:48:51 AM.

10A-17



PLANNING COMMISSION APPROVAL
 Date _____
 Chairman _____
 Secretary _____

FILED FOR RECORD THIS _____ DAY OF _____
 20____ at _____ Clerk and Ex-officio Recorder
 by _____

THIS REPLAT FILED for the purpose of adding additional property to plat 1 and posting on record
Dean Addition Lot 1A

The right-of-way on this plat is hereby dedicated to the City of Fort Smith (City) for public use. The concrete drainage, streets and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, maintenance and use of utility lines, including cable TV, owned by utility companies having agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for the installation, maintenance and use of utility lines, including cables, pipes, conduits, and other appurtenances, and the authority to cut down and keep trimmed from the designated easements trees, bushes and shrubs that may interfere with or obstruct the use of such utility lines. The City and City franchised utility companies shall have the authority to install and maintain any easement that provides for the installation and use of utility lines, including cables, pipes, conduits, and other appurtenances, and the authority to cut down and keep trimmed from the designated easements trees, bushes and shrubs that may interfere with or obstruct the use of such utility lines. The City and City franchised utility companies shall have the authority to install and maintain any easement that provides for the installation and use of utility lines, including cables, pipes, conduits, and other appurtenances, and the authority to cut down and keep trimmed from the designated easements trees, bushes and shrubs that may interfere with or obstruct the use of such utility lines.

ALLOTTORS
John Dean
 John Dean

STATE OF ARKANSAS
 County of Sebastian
 Notary Public: *Flora A. Baker*
 My Commission Expires 3-30-11



LEGEND

RL	Building Setback Line
UL	Utility Easement
S.E.	Subsidiary Sewer Easement
R/W	Right-of-Way

- NOTES:
- 1/2" Iron Ties Set at Property Corners
 - All Right of Way, Right of Way, and Right of Way
 - Utility Easements are shown as per the Plat of Dean Addition, Section 14, T-7-N, R-32-W, 17623.
 - Lot 1, Plat for Record June 26, 2006, Plat 17623.

Boundary Description

Lot 1, Dean Addition, filed for record June 26, 2006 as plat 17623 and containing 1.00 acre of land, more or less, in the Southeast Quarter (SW1/4) and a part of the Southeast Quarter (SE1/4) of Section 14, Township 7 North, Range 17 West, Fort Smith, Sebastian County, Arkansas. More particularly described as follows:
 Beginning at the Northwest (NW) corner of said Lot 1, area being the NW corner of said NE1/4 of the SW1/4 of Section 14, T-7-N, R-32-W, (N01°42'13"E, 15.00 feet; thence S88°17'47"E, 50.00 feet to a point on the southeast right of way of U.S. Highway 71; thence S29°45'53"E, 268.88 feet along the right of way of U.S. Highway 71; thence N00°22'16"E, 408.03 feet to the southwest corner of said Lot 1, said point being on the west line of said NE1/4 of the SW1/4, thence N00°22'16"E, 408.03 feet to the southwest corner of said Lot 1, said point being on the west line of said NE1/4 of the SW1/4, thence S87°51'2" equare feet or 2.018 acres more or less.



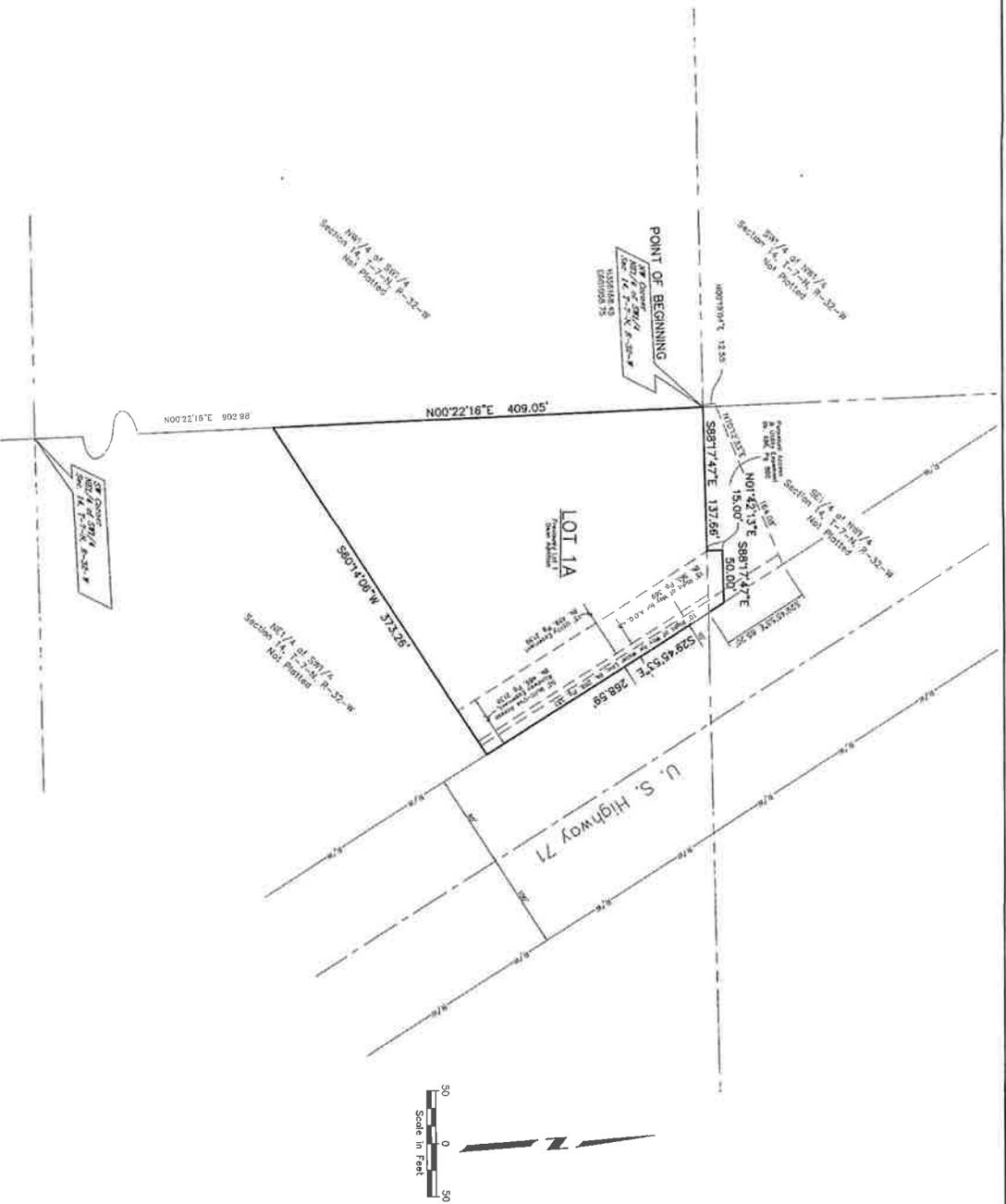
MICKLE-WAGNER-COLEMAN, INC.
 ENGINEERS SURVEYORS CONSULTANTS
 4200 Kelley Highway
 Fort Smith, Arkansas 72504
 Scale: 1" = 50'
 September 2011

DEAN ADDITION - LOT 1A

Being a Replat of Lot 1, Dean Addition

A part of the NE 1/4 of the SW 1/4 of Section 14, T-7-N, R-32-W Fort Smith, Sebastian County, Arkansas

Owner & Developer
John Dean
 4200 Kelley Highway
 Fort Smith, Arkansas 72504



Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2011

Subject: Rezoning #31-10-11 B; A request by John Paul Dean, owner, for Planning Commission consideration of a waiver from the development plan requirement for 10220 Highway 71 South. The applicant does not have immediate plans for development. Should the Planning Commission agree with and approve the deferral, we recommend the development plan be submitted and approved by the Planning Commission prior to any building permits being issued for the property. (Companion Item to #10A).

Stephens Production
P. O. Box 2407
Fort Smith, AR 72902

Columbus Club of Fort Smith
10203 Columbus Acres Road
Fort Smith, AR 72908

Laylyn Properties
P. O. Box 6524
Fort Smith, AR 72906

DRAFT

Planning Commission Meeting Minutes
October 11, 2011

17. Variance #35-10-11; A request by Pat Mickle, agent, for four (4) variances located at 9505 Chad Colley Boulevard as follows: (companion item to items #7, #8 & #9)

- A. From 24 square feet to 100 square feet maximum size of a sign**
- B. From the multi-family design guidelines relative to walls with exterior windows**
- C. Roof design of multi-family design guidelines, and**
- D. To modify perimeter landscaping requirements along I-49 right-of-way**

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

- The proposed monument sign shall be 10' x 10'
- In addition to the buildings proposed by the developer to have end wall windows, the following buildings shall also have windows in the end walls: Buildings #1000, #4500 and #1400 (north side only).
- The 10 foot landscaping strip shall be placed between the storage buildings and the interstate and planted with trees that provide year round screening, such as Green Giant Arborvitae or Nelly Stevens Holly planted at 15 feet on center. Trees shall be 6-8 feet at the time of planting.

Chairman Griffin then called for the vote on the variance request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

Chairman Griffin commended the City staff, developers, architects and engineers in working together on this project.

10. Rezoning #31-10-11; A request by John Paul Dean for:

- A) A zone change from Commercial-2 to Commercial-5 by Classification located at 10220 Highway 71 South.**
- B) A request to defer the requirement for a development plan at 10220 Highway 71 South.**

Ms. Maggie Rice read the staff report indicating that the purpose of these requests is to permit the future construction of commercial development. Ms. Rice stated that a neighborhood meeting was held on Friday, September 16th at 2:00 p.m. at the Dallas Branch of the Fort Smith Public Library with two neighboring property owners in attendance who did not raise any concerns. Ms. Rice noted that the Utilities Department has stated that there is no sanitary sewer available to the property and upon development

DE/ST

either the public sanitary sewer will have to be extended or a private sanitary sewer system will need to be installed. Ms. Rice stated that the applicant does not have immediate plans for development of this property and has requested the development plan be deferred.

Mr. John Paul Dean was present to speak on behalf of this request.

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

Chairman Griffin then called for the vote on these items.

Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to a development plan being submitted and approved by the Planning Commission prior to any building permits being issued for the property.

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

11. Conditional Use #27-10-11; A request by B.K. Thompson III, agent, for a conditional use to allow a Limousine service located at 410 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the reuse of the vacant retail business as a limousine service.

Mr. B.K. Thompson III was present to speak on behalf of this request.

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

Following a discussion by the Commission, motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend the request to make approval contingent upon all vehicle maintenance activities being limited to the limousine service vehicles and to the types of maintenance activities described in the applicant's letter dated October 6, 2011.

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

12. Conditional Use #28-10-11; A request by Belva Ross, agent, for a conditional use to allow a church located at 4402 Kelley Highway.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the reuse of the vacant Dollar General store into a church. Ms. Rice noted that the structure would be utilized as is with no structural changes and that the applicant has indicated that they do plan to remove the existing Dollar General sign.

AN ORDINANCE ESTABLISHING THE POLICY AND FEE FOR
SCATTERING OF CREMATED HUMAN REMAINS AT OAK CEMETERY

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

SECTION 1: The purpose of the scattering policy at Oak Cemetery is to establish appropriate guidelines for the scattering of cremated human remains in Oak Cemetery. The City of Fort Smith allows the scattering of legally cremated human remains (cremains) with a permit at family owned grave spaces and in the scattering garden. The scattering of cremains is only allowed with a permit and will be recorded in the City's official Oak Cemetery records. The rules and regulations of the Arkansas State Board of Embalmers and Funeral Directors must be followed.

SECTION 2: General guidelines for scattering cremains at Oak Cemetery shall be as follows:

1. A permit, as described in the following guidelines, is required to scatter cremains in Oak Cemetery.
2. The permit will designate the time of the scattering ceremony. Only one scattering ceremony will be permitted at a time unless a request is made in writing for permission to include more than one scattering ceremony at one time.
3. The time will be limited to one hour.
4. The permit holder shall have the permit in his/her possession when scattering cremated remains and shall show the permit to Oak Cemetery staff upon request.
5. Cremains must be fully refined, reduced to a particle size of one-eighth (1/8) inch or less, with no detectable remains.
6. Scattering must result in complete dispersal of cremains and must be sufficiently scattered to not be readily visible by others. Cremains may not be piled in one location or buried.
7. City Code Section 7-28(f) will be followed concerning grave markers.
8. Cremated remains of animals are not allowed in Oak Cemetery. City Code 7-27 (1) requires that Oak Cemetery be used only for human remains.

SECTION 3: Grave space scattering guidelines shall be as follows:

1. The scattering of cremains at a purchased grave space is allowed with a permit from the City of Fort Smith, City Clerk's office.

2. Written permission by the owner of the grave space or person appointed by the owner to represent the owner must be presented to the City Clerk to receive a permit.
3. A recording fee of \$25 is required.

SECTION 4: Scattering garden guidelines shall be as follows:

1. The scattering of cremains in the scattering garden is allowed with a permit from the City of Fort Smith, City Clerk's office.
2. A maintenance and recording fee of \$50 is required.
3. A community marker is provided where the name, date of birth, and date of death of the decedent may be remembered. The engraving is provided through an engraver under the supervision of the City of Fort Smith. The cost of engraving will be paid by the person or family requesting the engraving or by any person appointed by the decedent.
4. No memorials, plaques, containers, markers, flowers or other ceremonial materials of any kind shall be left on site after the completion of the scattering process. Digging, planting, trimming, mowing, or modifying garden features in any way by anyone other than cemetery personnel is prohibited.

SECTION 2: Emergency Clause. An emergency is hereby declared to exist relating to the appropriateness of fees for identified services at Oak Cemetery so that the immediate effectiveness of this Ordinance is needed to adequately provide for the health, safety and welfare of the inhabitants of the City of Fort Smith. Therefore, this Ordinance shall be in full force and effect upon and after its date of passage.

SECTION 3: The codifier of the City's Ordinance may exercise the codifier's discretion in determining whether to codify the provisions of this Ordinance in Section 7-30, or other section, of the Fort Smith Municipal Code.

PASSED AND APPROVED THIS _____ DAY OF _____, 2011.

APPROVED:

ATTEST:

Mayor

City Clerk

*Approved as to form
Wynne
Publish 1 Time*



Memo:

October 26, 2011

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Oak Cemetery, Scattering Cremated Remains Policy

The Oak Cemetery Commission recommends that the Board of Directors approve the proposed scattering of human cremated remains (cremains) policy. Cremation continues to increase in popularity as the method of choice for the disposition of the body after death. Options for the cremains include placing the urn in a columbarium, scattering the cremains, and keeping the urn in the home or other location.

Recently the first reported scattering of cremains took place at a family owned grave space in Oak Cemetery. There is a need for a policy regarding this matter. State law allows the scattering of cremains with restrictions. Cremains are considered to be the last disposition of the body.

The recommendation is to allow scattering at a grave space with permission of the owner of the space or at a scattering garden currently being planned by staff and the Commission. A permit is required and a fee charged. The fee recommended is a \$25 recording fee at a grave space and a \$50 recording and maintenance fee at the scattering garden. The name of the deceased will be recorded in the City's official Oak Cemetery record.

If you have any questions, please call me.

RESOLUTION NO. ____

A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE CONTRACT FOR THE CONSTRUCTION OF GARRISON AVENUE STREETScape 9TH ST. – 13TH ST. (GARRISON AVENUE) (FT. SMITH) (S) F.A.P. STP – TCSP-9150 (23) PROJECT NO. 09-90-B, JOB 040545

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

SECTION 1: Subject to concurrence by the Arkansas State Highway Department, the bid of Forsgren, Inc., received September 20, 2011, for the construction of Garrison Avenue Streetscape, 9th St. - 13th St. (Garrison Ave., Ft. Smith) (S), F.A.P. STP - TCSP-9150(23), Project No. 09-90-B, Job 040545, in the amount of \$2,439,405.50 is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the contract with Forsgren, Inc. for Project No. 09-90-B, Job 040545, subject to the terms set forth in Section 1 above. The Mayor is authorized to execute additional documents with reference to the contract including, without limitation, the attached "concurrence" letter.

SECTION 3: Payment for construction contracted pursuant to Sections 1 and 2 is hereby authorized from the Sales Tax Fund (1105).

THIS RESOLUTION ADOPTED this ____ day of _____, 2011.

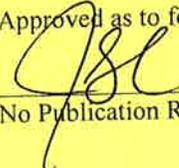
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: October 25, 2011

SUBJECT: Garrison Avenue Streetscape,
9th St. - 13th St. (Garrison Ave.)
(Ft. Smith) (S), F.A.P. STP - TCSP-9150(23)
City Project No. 09-90-B, Job 040545

This project is a continuation of streetscaping along both sides of Garrison Avenue from 9th Street to 13th Street. The project includes reconstruction of sidewalk with a brick paver accent, replacement of handicap access ramps, installation of pedestrian lighting, construction of planter knuckles and tree planter wells, landscaping, irrigation and minor storm drainage improvements. The traffic signal poles at Garrison Avenue and Towson Avenue will also be replaced. Both the pedestrian light poles and the traffic signal poles will be the green fluted ornamental type to match the remainder of those along Garrison Avenue. Also included with this project is the milling and asphalt resurfacing of the travel lanes along Garrison Avenue from 2nd Street to Rogers Avenue. The locations of the improvements are shown on the attached map.

Federal grants up to a maximum of \$1.95 million will benefit this project. The project will be funded 80% from the federal grants with the remaining 20% match funded through the one cent street and drainage sales tax fund.

Construction plans and specifications were prepared by Mickle-Wagner-Coleman, Inc., Fort Smith, Arkansas. An advertisement was published and bids were received on September 20, 2011. Fifteen contractors requested plans and specifications and five bids were received which are summarized as follows:

CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Steve Beam Construction Fort Smith, AR	\$2,277,144.00 (Bid Rejected)	4. Township Builders, Inc. Little Rock, AR	\$2,744,962.00
2. Forsgren, Inc. Fort Smith, AR	\$2,439,405.50	5. Goodwin & Goodwin Fort Smith, AR	\$2,829,150.00
3. T-N-T, Inc. Van Buren, AR	\$2,676,491.00 (Bid Rejected)	Engineer's Estimate	\$2,944,000.00

One requirement of the federal grants for this project was the goal of obtaining Disadvantage Business Enterprise (DBE) participation in the amount of 8.5% of the total bid amount. The DBE participation is a federal requirement to help small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, in participating in contracting opportunities created by federal financial assistance programs.

Ray Gosack
October 25, 2011
Page 2

The apparent low bidder (Steve Beam Construction) submitted with his bid a "good faith effort" that he was unable to obtain the DBE participation requirement for the project. This "good faith effort" was reviewed by the Arkansas State Highway and Transportation Department and denied. In order for the City to receive the federal aid, this bid must be rejected. (See attached letter from the AHTD). Also, the third lowest bidder (T-N-T, Inc.) did not submit any of the DBE documentation and their bid must also be rejected. The second lowest bidder (Forsgren, Inc.) submitted documentation with their bid that they will be using DBE suppliers and sub-contractors in the amount of \$207,970.00 in order to meet the 8.5% DBE participation for the project. The AHTD has reviewed this information and concurs that it will meet the DBE requirements.

In order to keep the federal aid for this project, I recommend that the bid of Steve Beam Construction be rejected and the next lowest bid be accepted and the construction contract awarded to Forsgren, Inc. The estimated notice to proceed date for this contract is January 9, 2012. Based on the contract duration of 360 days, the estimated completion date would be January 2, 2013.

Attached is a Resolution to accept the bid and authorize the contract upon receiving concurrence from the AHTD. Funds are available in the Sales Tax Program (1105) for the construction.

Enclosures

COMPLETED
 GARRISON STREETScape PROJECT

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GARRISON STREETScape
FORT SMITH, ARKANSAS



Project:	09-09-B
Date:	OCT. 2011
Scale:	N/A
Drawn By:	RBR

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

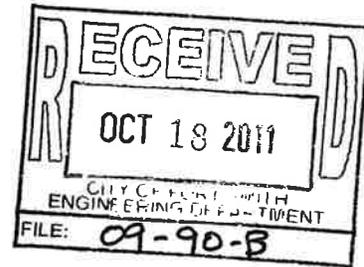
Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

October 14, 2011

Mr. Stan Snodgrass
Director of Engineering
City of Fort Smith
623 Garrison Ave., Room 409
Fort Smith, AR 72901



Re: Job 040545
F.A.P. STP-TCSP-9150(23)
9th St.-13th St. (Garrison Ave.)
(Ft. Smith) (S)
Sebastian County

Dear Mr. Snodgrass:

Reference is made to Matt Meeker's email to Steve Morgan transmitting Steve Beam Construction's (Beam) request to the City to appeal the recommendation of the Good Faith Efforts Review Committee that the bid submitted by Beam be considered irregular and that it be rejected.

In accordance with the Department's Standard Specifications for Highway Construction, Edition of 2003, Subsection 103.08(d)(1) requires that each bidder provide one of the following as part of the bid proposal:

- a. The required DBE Participation,
- b. Documentation of good faith efforts, or
- c. An irrevocable certification that the required DBE participation will be submitted within ten (10) business days following conditional award of the project.

Beam elected to provide documentation of good faith efforts with no commitment for DBE participation. Subsection 103.08(d)(4) of the Standard Specifications states "Only those efforts made by the bidder to obtain DBE participation prior to the letting will be considered in the evaluation of good faith efforts." After the City's letting on September 20, 2011, Beam determined that Forsgren, Inc.'s subcontractor bid included a DBE subcontract, which would have helped Beam to meet the 8.5% DBE goal. However, this does not meet the requirements of Subsection 103.08(d)(4) of the Standard Specifications for Highway Construction.

Mr. Stan Snodgrass
Director of Engineering
October 14, 2011
Page Two

Beam submitted copies of invitations to bid that were sent to DBE subcontractors on September 14, 2011. Subsection 103.08(d)(4)(a) of the Standard Specifications requires that the bidder solicit participation from DBE subcontractors at least two weeks prior to the letting. This requirement was not met because the DBEs were given less than one week.

The invitations to bid did not identify specific items of work that DBEs may be interested in bidding. Subsection 103.08(d)(4)(b) of the Standard Specifications requires that the bidder break out contract work items into economically feasible units to facilitate DBE participation. This requirement was not met.

Beam submitted a comparison of bids between a DBE, Advanced Work Zone Services, LLC, for \$98,800.00 to a non-DBE, Time Striping, Inc. for \$62,282.00 for signing and pavement marking work and a comparison of bids between a DBE, Hy Road Construction, Inc. for \$363,175.00 to Beam for \$344,450.00 for concrete work. While the price quoted by the DBE is higher in both comparisons, the price difference is not considered to be excessive or unreasonable.

Beam's appeal of the recommendation of the Good Faith Efforts Review Committee is denied. The bid submitted by Beam must be considered irregular, and it should be rejected in order for the City to receive Federal-aid for this construction.

Sincerely,



Frank Vozel
Deputy Director and
Chief Engineer

UNITED PARCEL SERVICE
Confirmation of Delivery Requested

c: Commissioner Dick Trammel
Director
Assistant to the Director
Assistant Chief Engineer-Planning
Assistant Chief Engineer-Operations
Legal
Construction
Programs and Contracts
Planning and Research
District 4
EEO/DBE Section
Job 040545 'B' File
Ray Gosack, Fort Smith City Administrator



November 1, 2011

Mr. Frank Vozel
Deputy Director and Chief Engineer
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203

RE: Garrison Avenue Streetscape
Project No. 09-90-B, Job 040545
9th St.-13th St. (Garrison Ave.)
(Ft. Smith) (S)
F.A.P. STP-TCSP-9150(23)

Dear Mr. Vozel:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. A check in the amount of \$1,000 for the AHTD administration costs.

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the City Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to Forsgren, Inc. is requested.

Sincerely,

Sandy Sanders
Mayor

Jerry Canfield
City Attorney

Enclosures

cc: Ray Gosack
Stan Snodgrass

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2407

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ENGINEERING SERVICES AGREEMENTS FOR THE DESIGN OF PROJECTS IN THE 2012 SALES TAX PROGRAM

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

SECTION 1: The Mayor is authorized to execute engineering services agreements for the design of the following projects in the 2012 Sales Tax Program utilizing the one cent sales tax proceeds.

Project No.	Description	Engineering Firm	Maximum Fee
12-00-A	McClure Amphitheater Road	Mickle-Wagner-Coleman Fort Smith, AR	\$49,000.00
12-03-A	Street Overlays / Reconstruction, Phase A	McGuire Engineering Fort Smith, AR	\$77,200.00
12-03-B	Street Overlays / Reconstruction, Phase B	Hawkins-Weir Engineers Van Buren, AR	\$85,000.00
12-03-C	Street Overlays / Reconstruction, Phase C	Brixey Engineering Fort Smith, AR	\$59,600.00
12-06-A	Neighborhood Drainage - Phase "A"	Atkins Engineering, Inc. Barling, AR	\$73,600.00
12-06-B	Neighborhood Drainage - Phase "B"	Morrison Shipley Engineers Fort Smith, AR	\$147,090.00
12-06-C	Neighborhood Drainage - Phase "C"	Phil Leraris, PE, LS Fort Smith, AR	\$85,460.00
12-06-D	Neighborhood Drainage - Phase "D"	Morrison Shipley Engineers Fort Smith, AR	\$70,740.00
12-06-E	May Branch Outfall Culvert Replacement	Mickle-Wagner-Coleman Fort Smith, AR	\$130,500.00
12-90-A	Towson Avenue Streetscape Project	Hawkins-Weir Engineers Van Buren, AR	\$41,164.00

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

This Resolution adopted this _____ day of November, 2011.

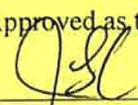
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



NPR

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

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

DATE: October 27, 2011

SUBJECT: 2012 Sales Tax Program
Engineering Services Agreements

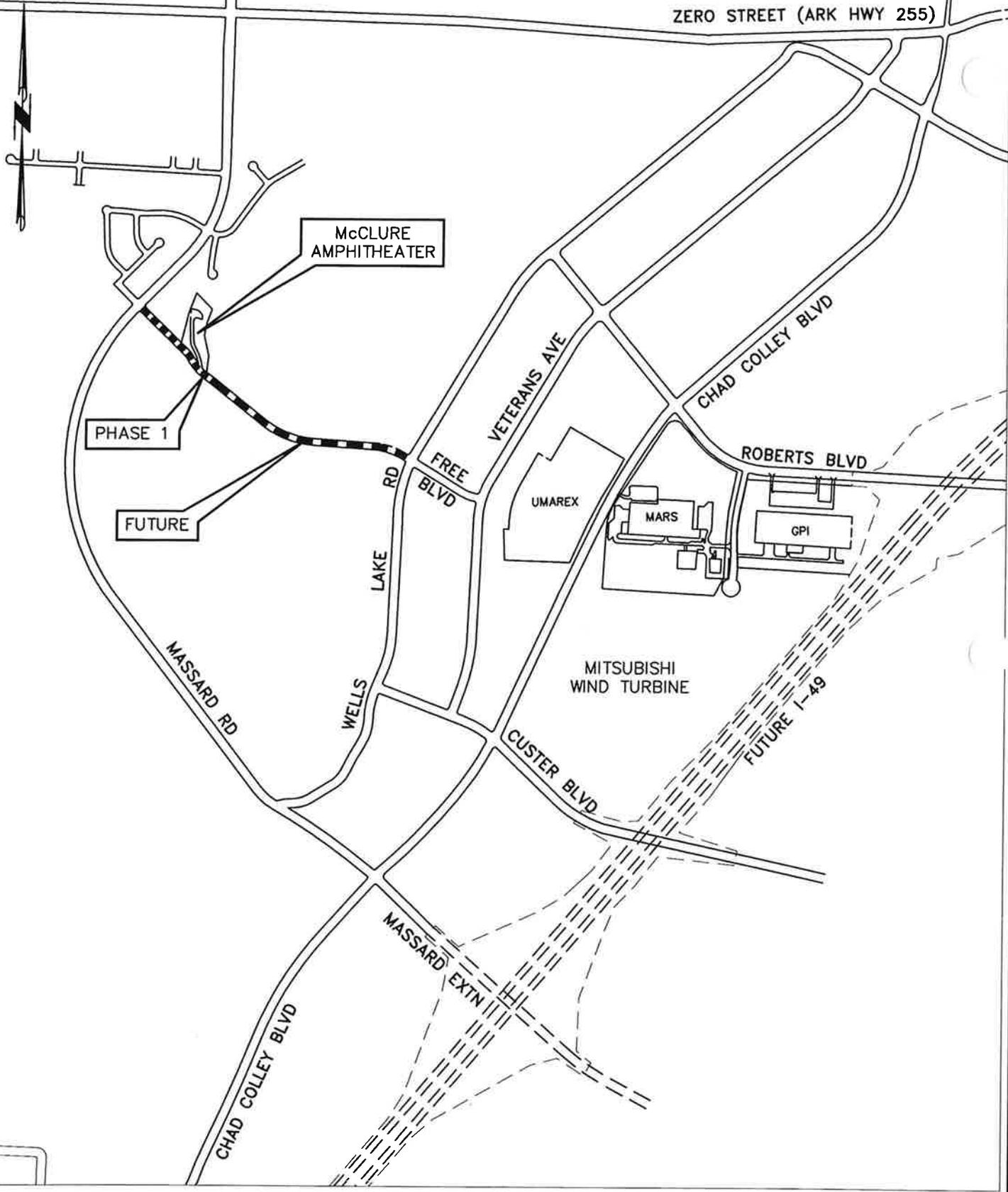
The attached Resolution authorizes the Mayor to execute engineering services agreements for projects in the 2012 Sales Tax Program for streets, bridges and related drainage improvements. The locations of these projects are shown on the attached exhibits.

The professional services qualifications on file were reviewed and a summary of the selected firms is attached. The cost for the engineering services is set at a maximum not to exceed fee as noted on the resolution.

I recommend that the Resolution be adopted by the Board at the next regular meeting.

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ZERO STREET (ARK HWY 255)



2012 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project:	12-00-A
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR

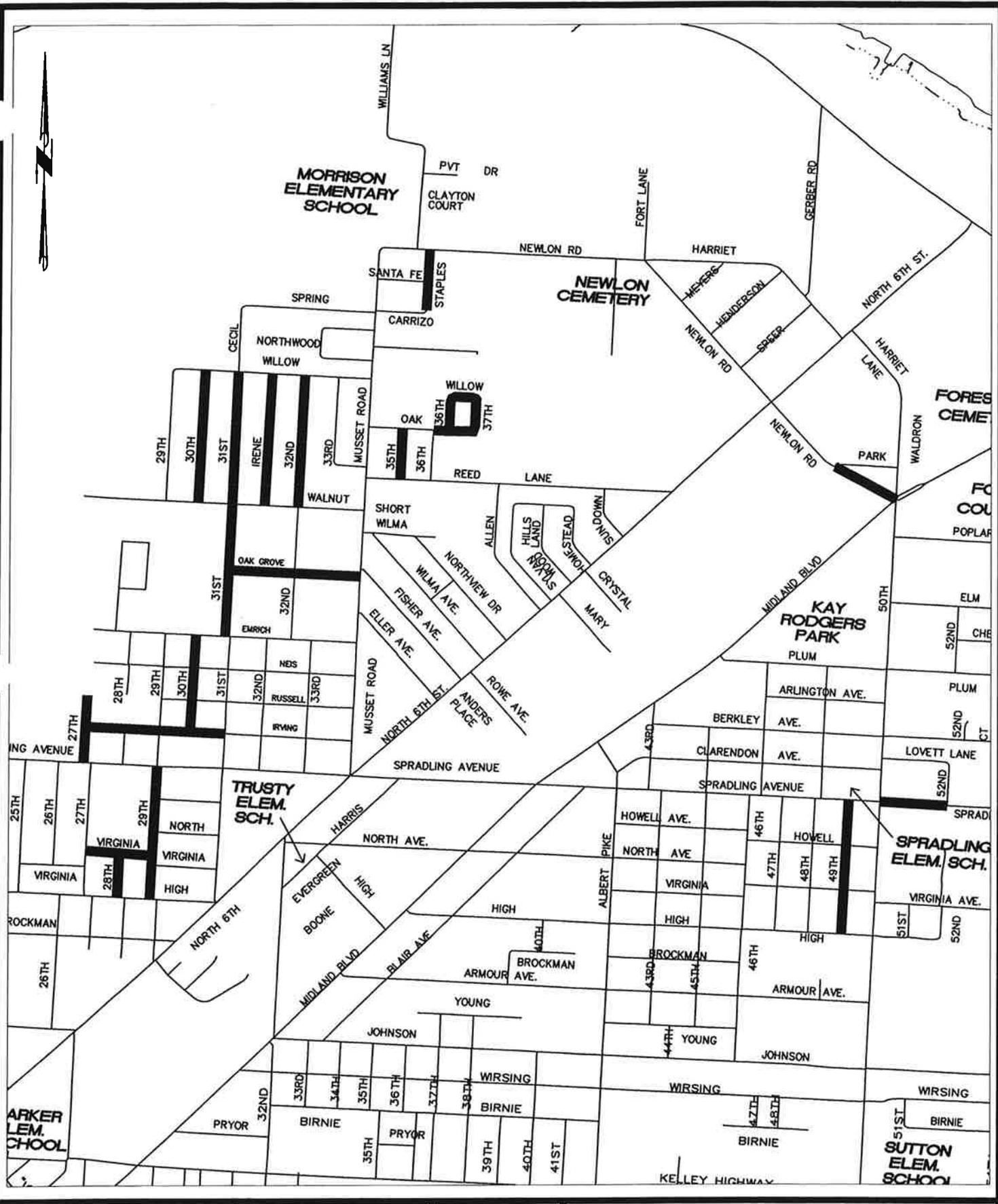
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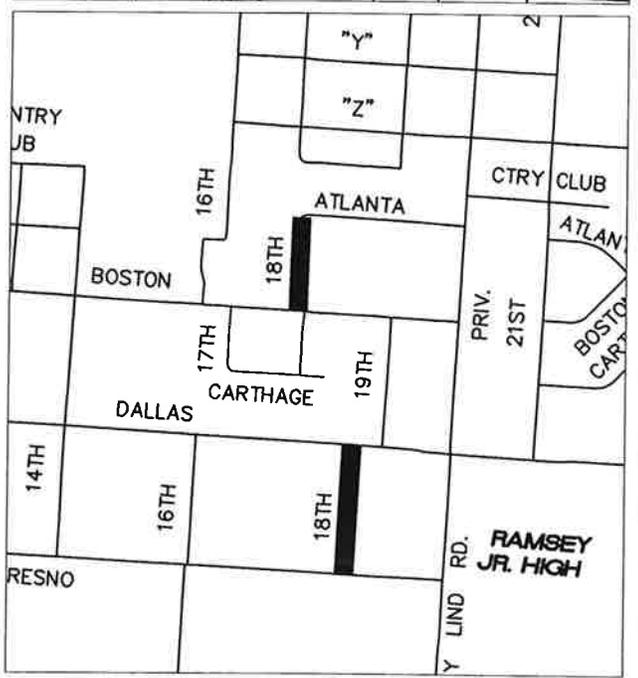
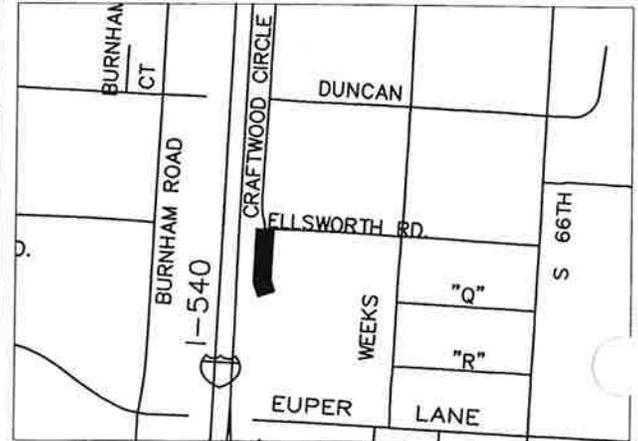
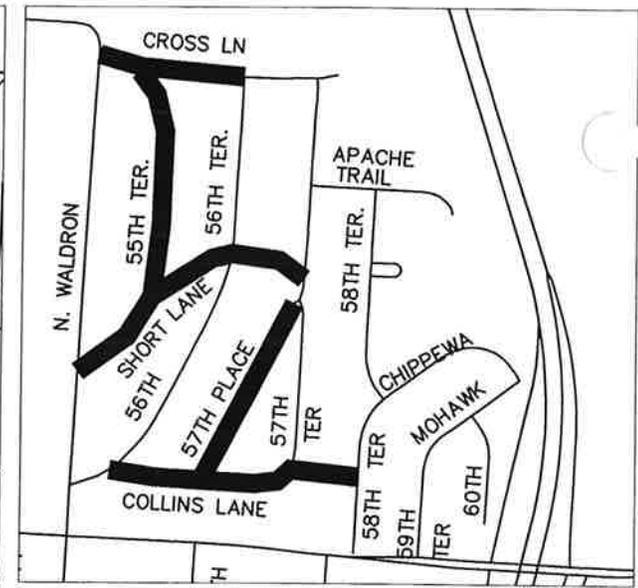
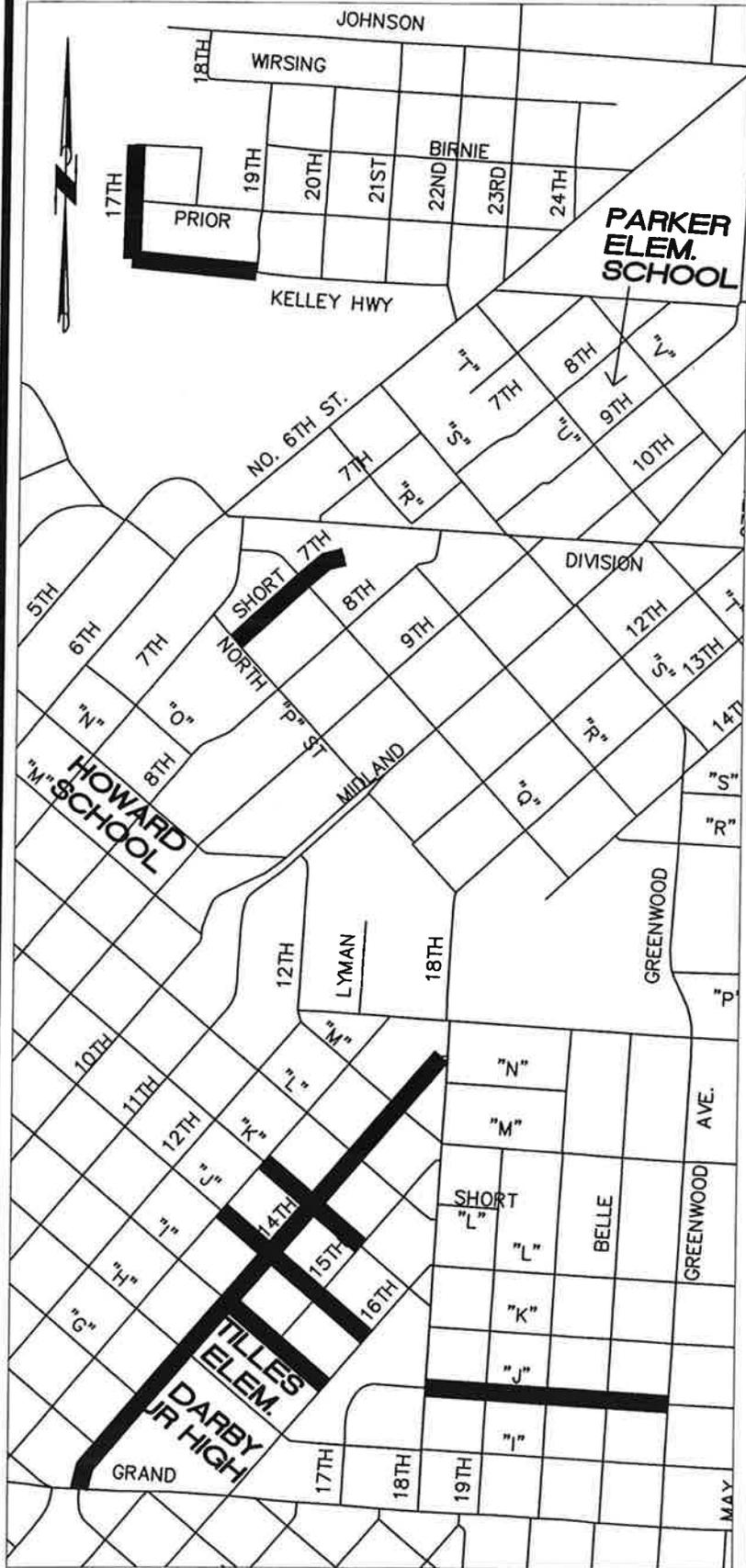
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2012 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project:	12-03-A
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR



2012 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



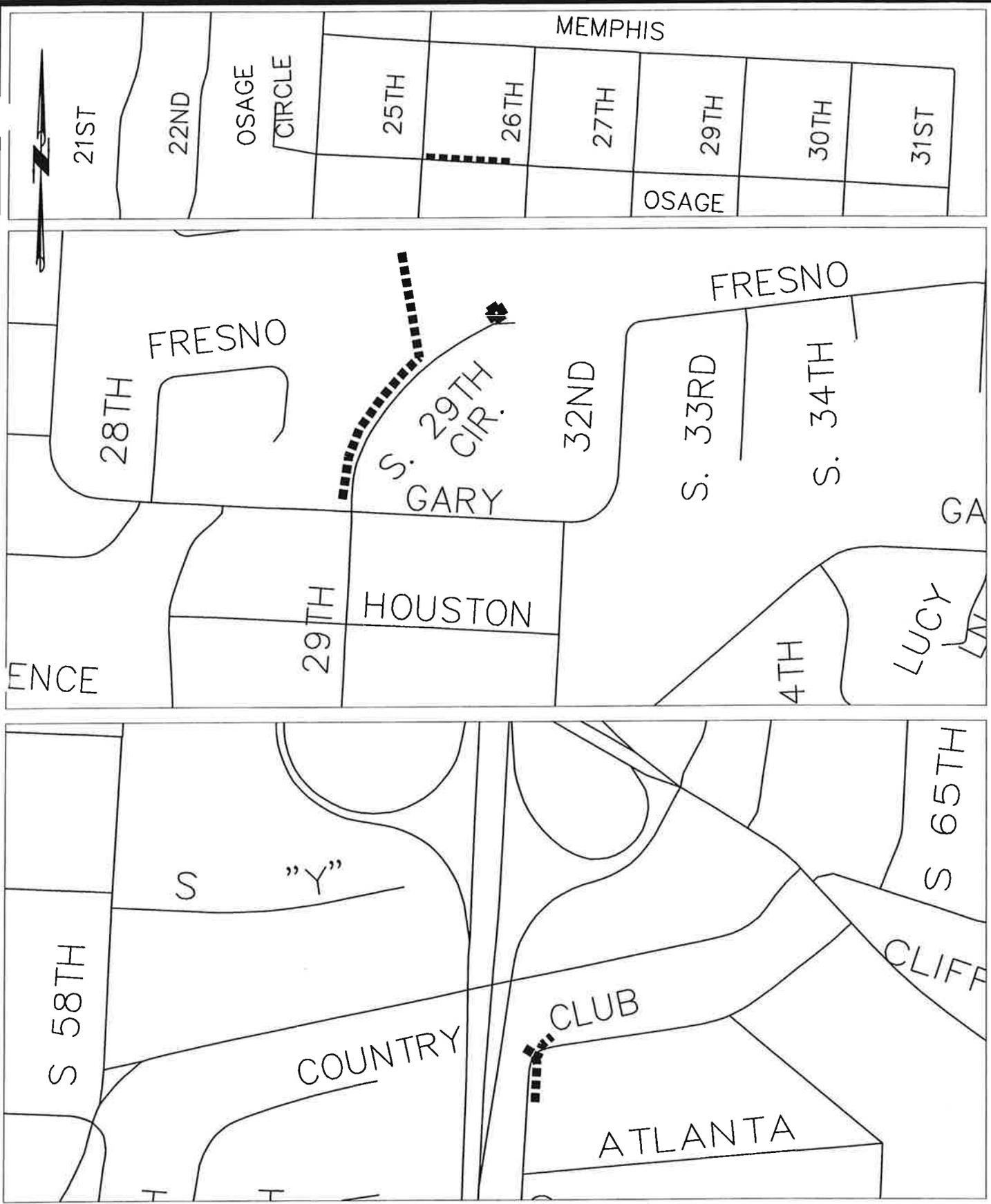
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Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR

12-03-B (DRNG)

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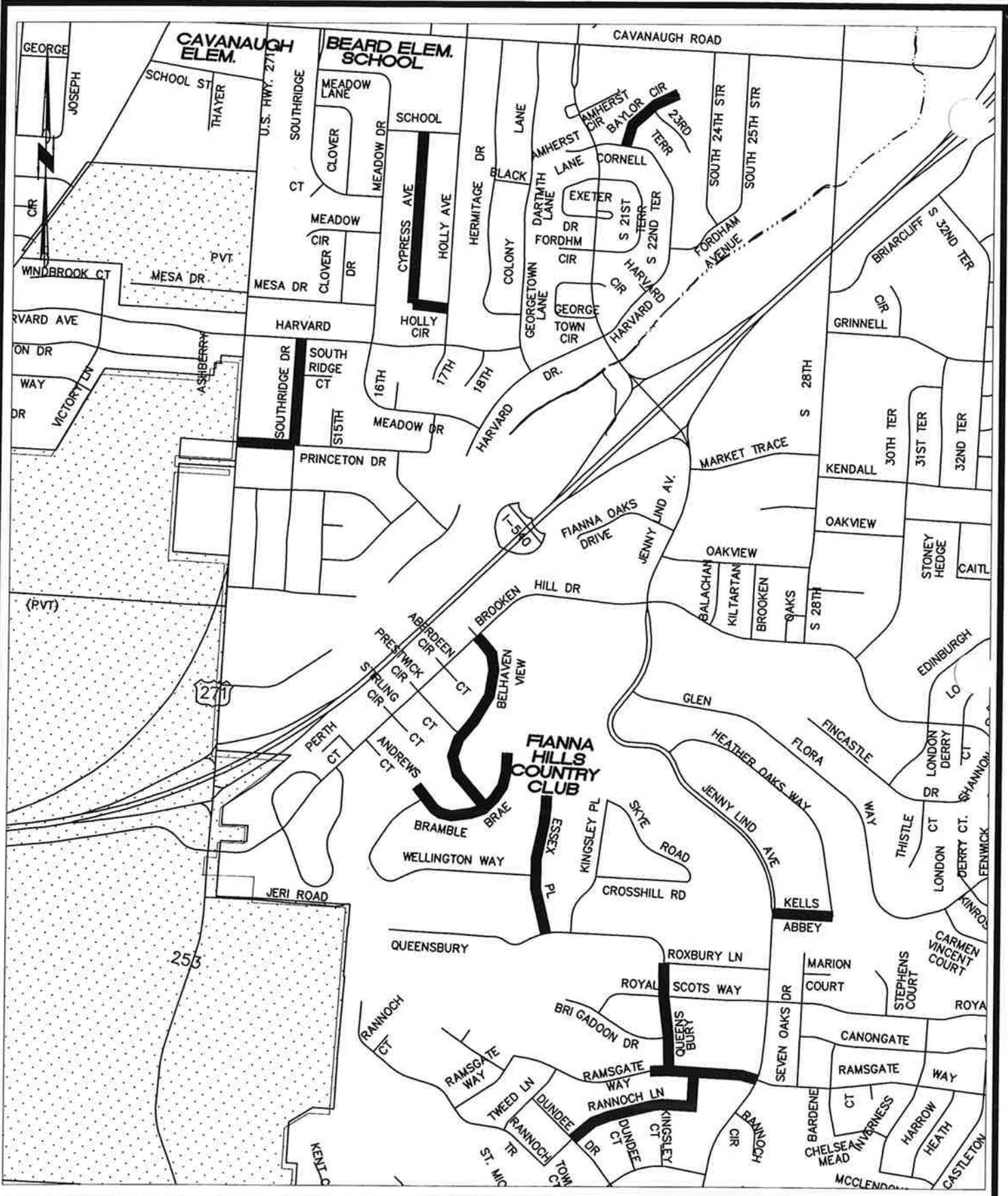


2012 CAPITAL IMPROVEMENTS PROGRAM
 STREET OVERLAYS/RECONSTRUCTION
 DRAINAGE AREAS



Project:	12-03-B
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR

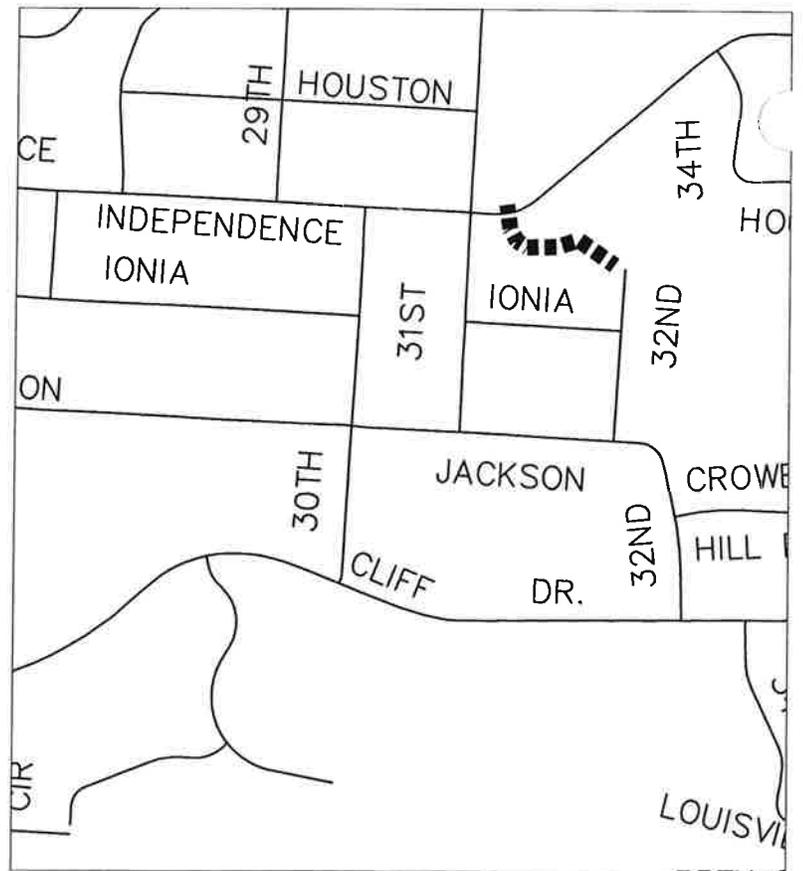
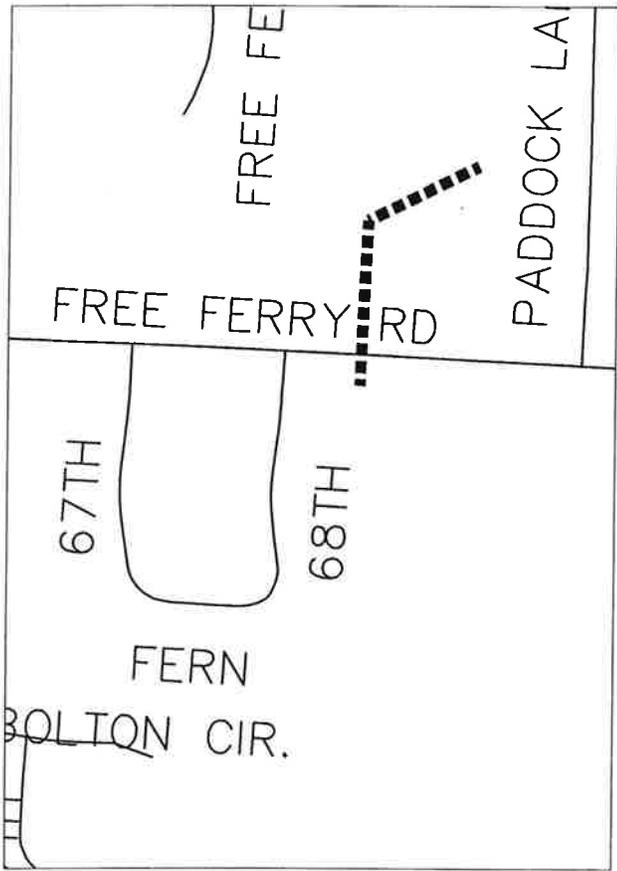
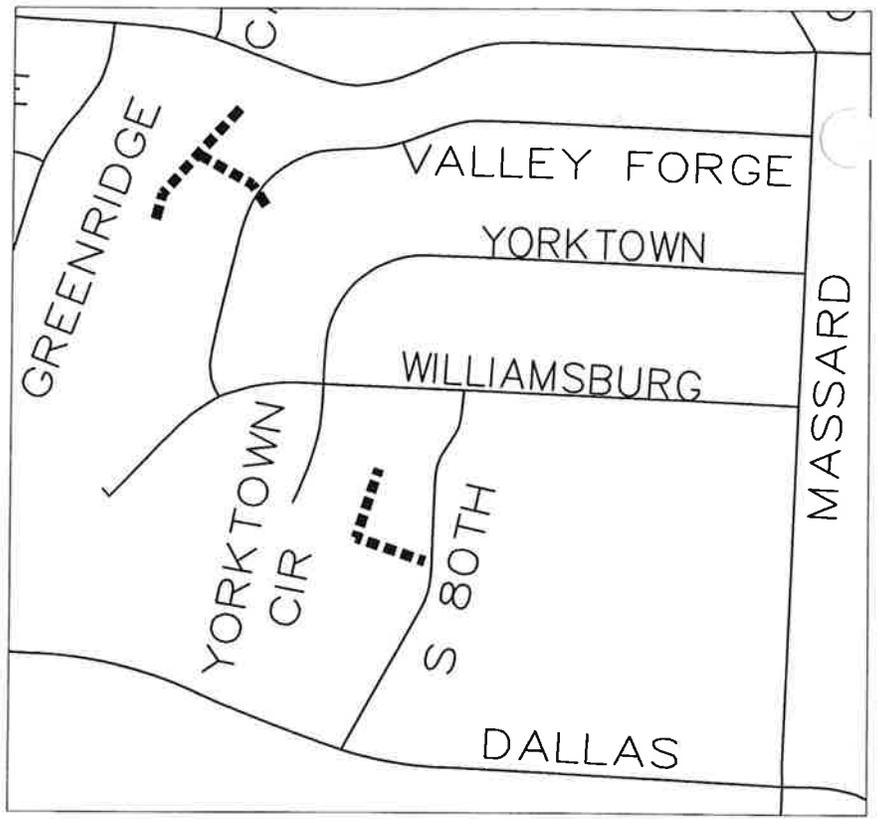
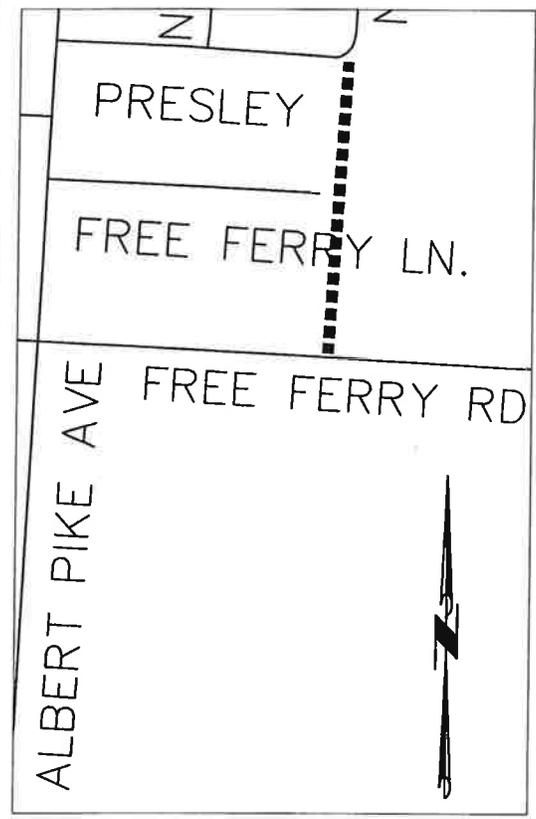
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2012 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project:	12-03-C
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR



2012 CAPITAL IMPROVEMENTS PROGRAM
NEIGHBORHOOD DRAINAGE



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

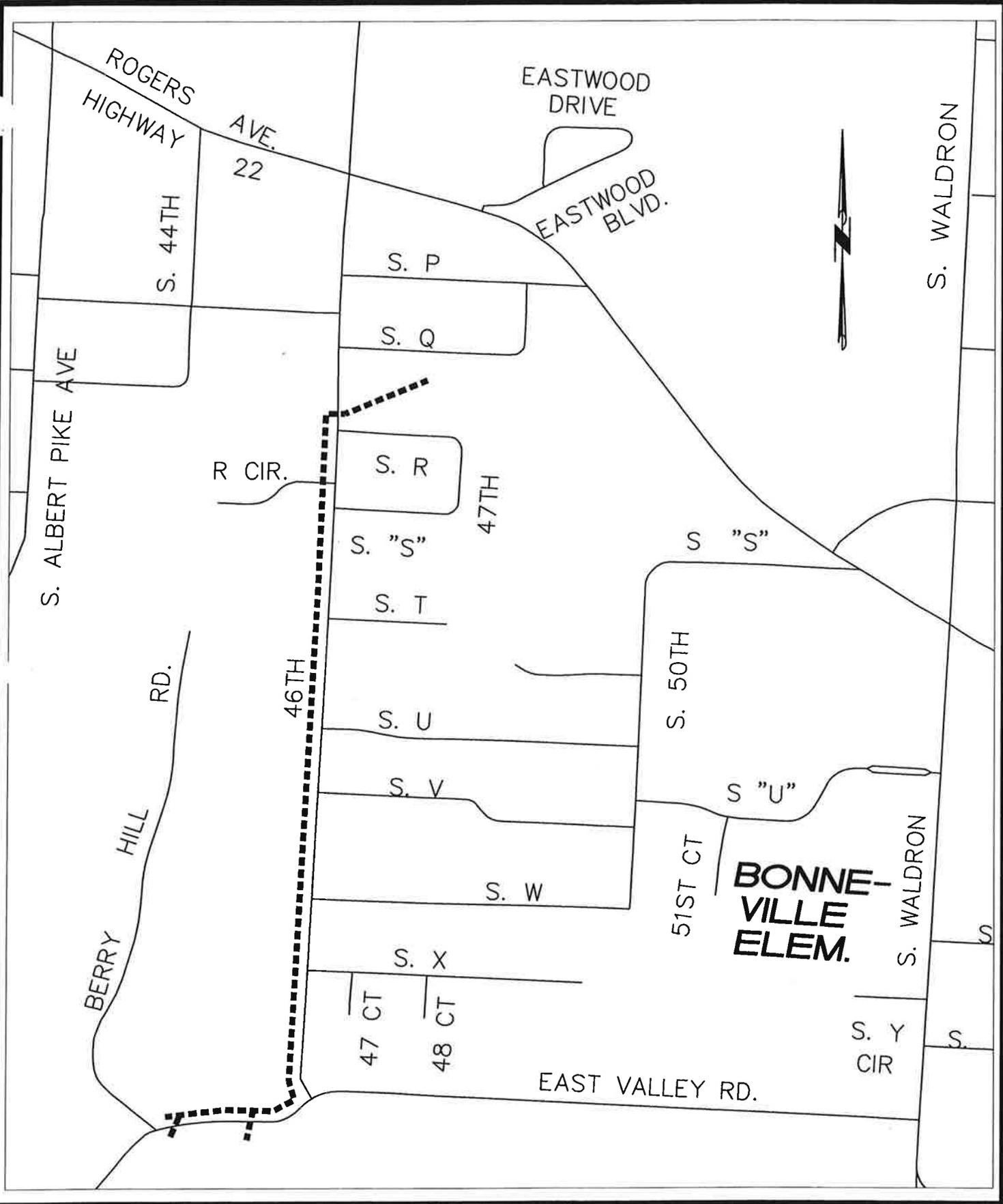
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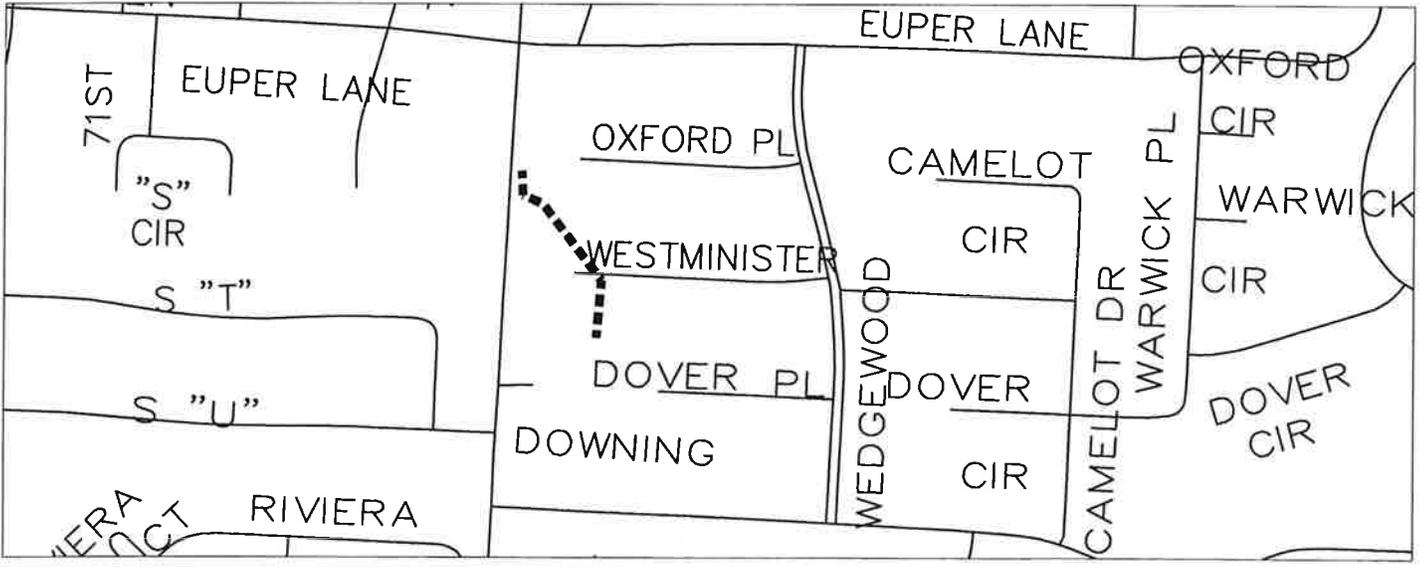
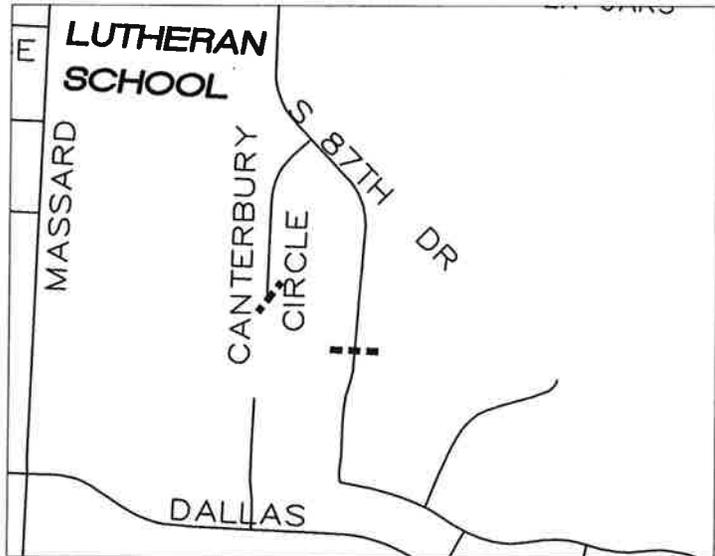
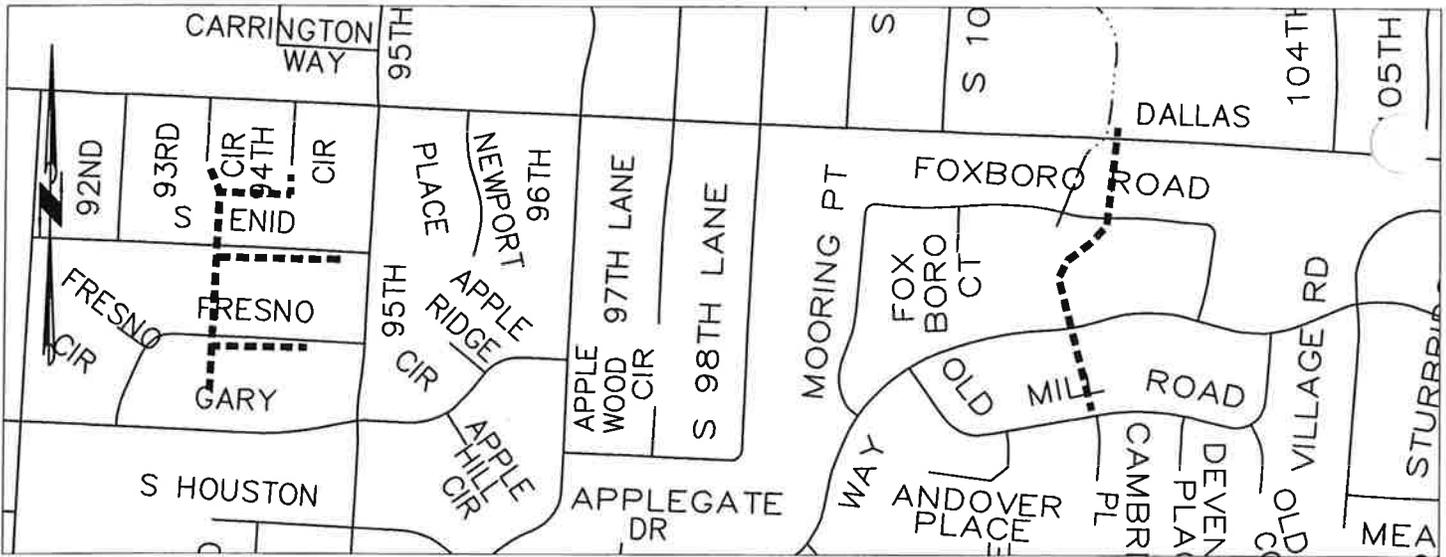
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2012 CAPITAL IMPROVEMENTS PROGRAM
NEIGHBORHOOD DRAINAGE



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

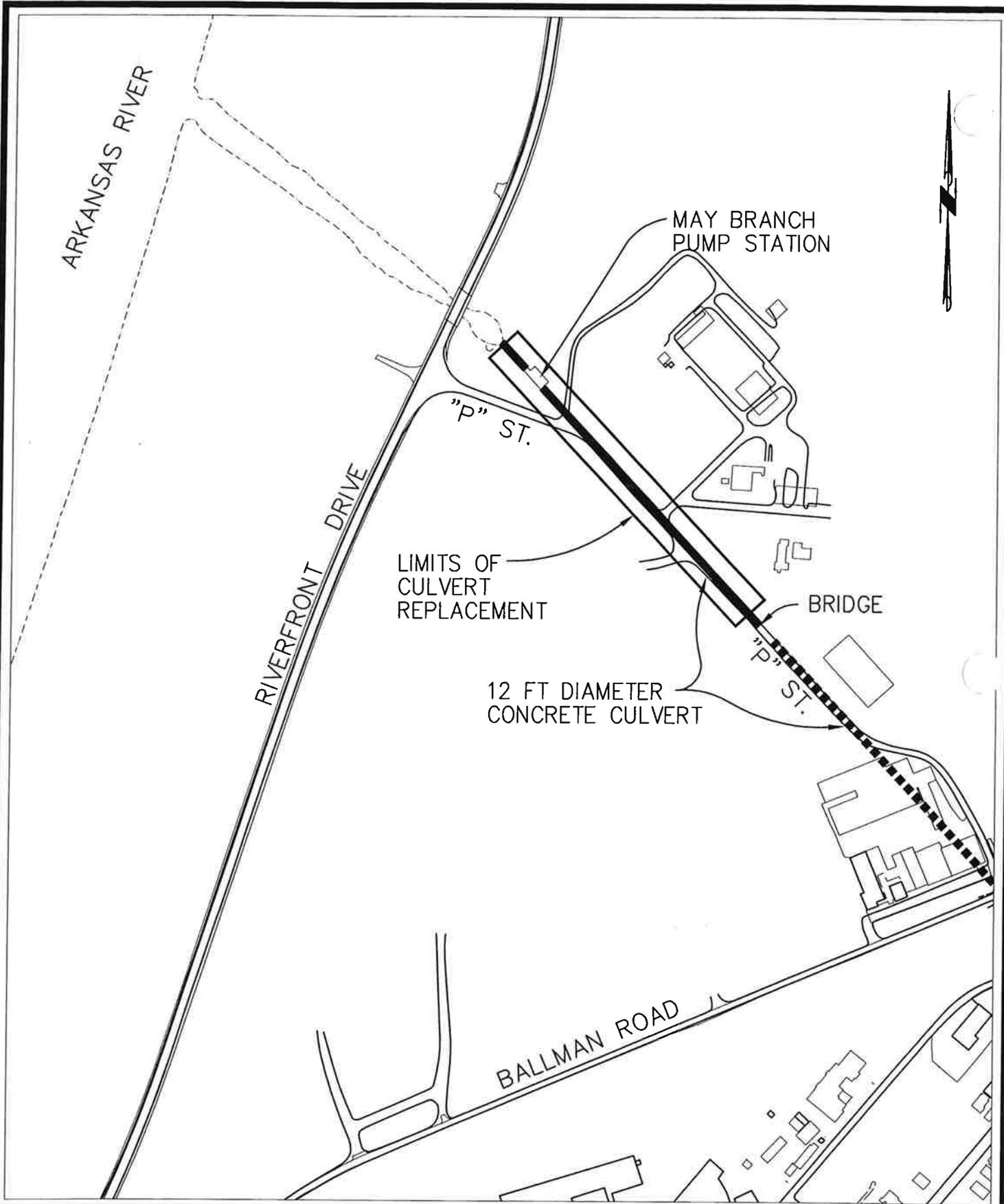


2012 CAPITAL IMPROVEMENTS PROGRAM
NEIGHBORHOOD DRAINAGE



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

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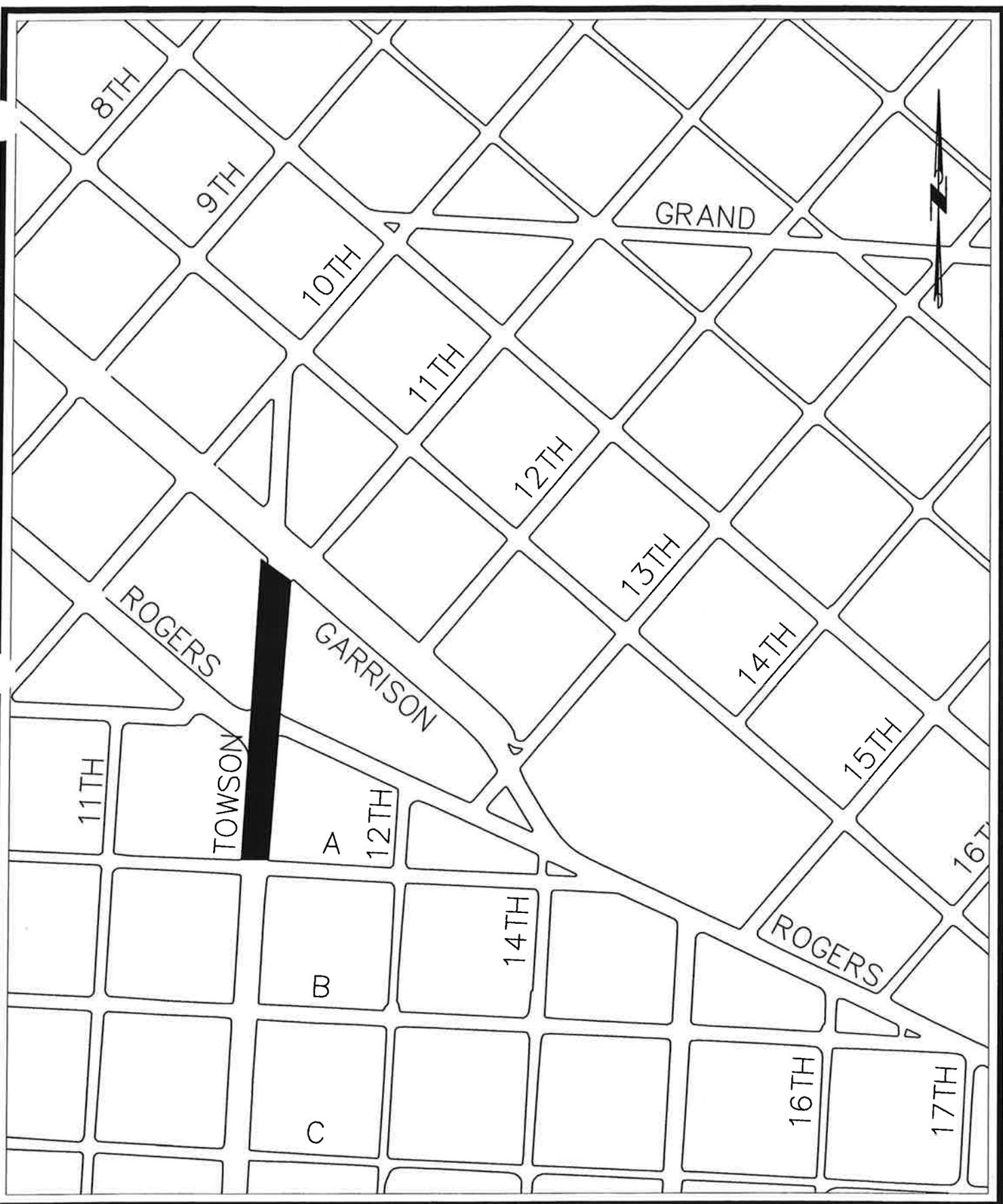


2012 CAPITAL IMPROVEMENTS PROGRAM
 MAYBRANCH OUTFALL CULVERT REPLACEMENT
 DRAINAGE IMPROVEMENTS



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

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2012 CAPITAL IMPROVEMENTS PROGRAM
TOWSON AVENUE STREETScape

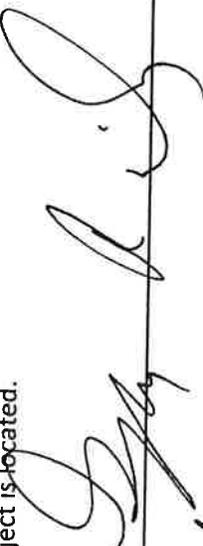


Project:	12-90-A
Date:	OCT. 2011
Scale:	NONE
Drawn By:	RBR

ENGINEERING CONSULTANT SELECTION - 2012 CAPITAL IMPROVEMENTS PROGRAM

Project No.	Description	Selected Firm	Qualified Firm	Qualified Firm
12-00-A	McClure Amphitheater Road	Mickle Wagner Coleman	Hawkins Weir	Morrison Shipley
12-03-A	Street Overlays / Reconstruction, Phase A	McGuire	Brixey	Hawkins Weir
12-03-B	Street Overlays / Reconstruction, Phase B	Hawkins Weir	McGuire	Brixey
12-03-C	Street Overlays / Reconstruction, Phase C	Brixey	Hawkins Weir	McGuire
12-06-A	Neighborhood Drainage - Phase "A"	Atkins	Leraris	Morrison Shipley
12-06-B	Neighborhood Drainage - Phase "B"	Morrison Shipley	Mickle Wagner Coleman	Leraris
12-06-C	Neighborhood Drainage - Phase "C"	Leraris	Atkins	Mickle Wagner Coleman
12-06-D	Neighborhood Drainage - Phase "D"	Morrison Shipley	Mickle Wagner Coleman	Atkins
12-06-E	May Branch Outfall Culvert Replacement	Mickle Wagner Coleman	Morrison Shipley	Leraris
12-90-A	Towson Avenue Streetscape Project	Hawkins Weir	Mickle Wagner Coleman	Morrison Shipley

Determination of the selected firm based upon review of consultant qualifications statements on file in the City Clerk's office, considering experience with respect to the type of services required, capacity and capability to perform the work, past record of performance and familiarity with the area in which the project is located.

Name 

Name 

Name 

RESOLUTION NO. _____

A RESOLUTION RESCINDING RESOLUTION NO. R-134-02
AND APPROVING A LEASE AGREEMENT WITH FORT SMITH
CHURCH BASEBALL LEAGUE, INC. FOR KELLEY PARK

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

Resolution No. 124-02 is hereby rescinded and the Mayor and City Clerk are
hereby authorized to execute a lease agreement with Fort Smith Church Baseball
League, Inc., for the league's use of Kelley Park. The lease agreement shall be
substantially in the same form as attached hereto as Exhibit "A."

This Resolution passed this _____ day of November, 2011.

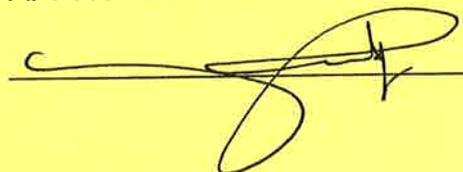
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

 npr



Memo:

October 26, 2011

To: Ray Gosack, City Administrator
From: Mike Alsup, Director of Parks and Recreation *Mike Alsup*
Re: Fort Smith Church Baseball League Lease Agreement

The Parks and Recreation Commission recommends that the Board of Directors approve a ten year lease with the Fort Smith Church Baseball League (FSCBL). The resolution rescinds the acting agreement which expires in May and approves the new ten year agreement beginning January 1, 2012. January is a better start date for the agreement than May during baseball season.

FSCBL operates the youth baseball league under a lease agreement with the City at Kelley Ball Fields on Greenwood Avenue. This property was donated to the City of Fort Smith by the Kelley family as a public park.

The League has raised funds and made many capital improvements to the facility including new bleachers, shade structures, and sidewalks; a batting cage; and improvements to the concession stands, restrooms, and ball fields. This year the summer league was made up of 80 teams and the fall league has 36 teams. Together the League serves over 1,400 players and their families. The League also held three tournaments in which a total of 53 teams from other cities participated. FSCBL is committed to providing recreation services to our children and improving the facilities.

The Commission and staff recommend approval of a ten year lease with FSCBL. Please call me if you have any questions.

Kelley Ballpark

City of Fort Smith, AR				Value with changes as of 02-01-09		Renewal Values 2010-11		Blanket & Specific %0%		Colost \$23,000 Ded								
2008-09 Item #	2009-10 Item #	Item / Occupancy	Location Address	City	Bldg Values	Pars Prop	Bldg Value	Pars Prop	Const	PC	SQ. Ft.	Year Built	ITV	RC / FRC	Bkt/ Spc	Rec'd Appr.		
CHURCH LEAGUE FIELDS																		
PENDERGRAFT FIELD																		
001-174		Dugouts - 2	Kelley Park - Pendergraft Field	Fort Smith	12,600	0	12,600		MNC	2	na	1981		RC	Bkt	X		
001-175		Bleachers - 1	Kelley Park - Pendergraft Field	Fort Smith	8,300	0	14,138		MNC	2	na	1981		RC	Bkt	X		
001-176		Fencing - 350'	Kelley Park - Pendergraft Field	Fort Smith	9,300	0	16,300		MNC	2	na	2003		RC	Bkt	X		
021-001		Scoreboard/Sign	Kelley Park - Pendergraft Field	Fort Smith	2,000	0	3,172		MNC	2	na	2006		RC	Spc	X		
001-177		Lights	Kelley Park - Pendergraft Field	Fort Smith	31,300	0	31,300		MNC	2	na	1981		RC	Bkt	X		
001-178		Bases 1 set	Kelley Park - Pendergraft Field	Fort Smith	361	0	361		MNC	2	na	1981		RC	Bkt	X		
PARKER FIELD																		
001-179		Dugouts 2	Kelley Park - Parker Field	Fort Smith	13,000	0	13,000		MNC	2	na	1981		RC	Bkt	X		
001-180		Bleachers - 1	Kelley Park - Parker Field	Fort Smith	25,700	0	25,700		MNC	2	na	1981		RC	Bkt	X		
001-181		Fencing - 350'	Kelley Park - Parker Field	Fort Smith	7,000	0	14,300		MNC	2	na	1995		RC	Bkt	X		
001-182		Scoreboard 1	Kelley Park - Parker Field	Fort Smith	2,900	0	4,600		MNC	2	na	1995		RC	Bkt	X		
001-183		Lights 3 poles 3 fixtures	Kelley Park - Parker Field	Fort Smith	12,500	0	12,500		MNC	2	na	1980		RC	Bkt	X		
001-184		Bases 1 set	Kelley Park - Parker Field	Fort Smith	361	0	361		MNC	2	na	1995		RC	Bkt	X		
KELLEY FIELD																		
001-185		Dugouts 2	Kelley Park - Kelley Field	Fort Smith	14,300	0	14,300		MNC	2	na	2004		RC	Bkt	X		
001-186		Bleachers - 1	Kelley Park - Kelley Field	Fort Smith	27,200	0	27,200		MNC	2	na	1950		RC	Bkt	X		
001-187		Fencing - 550'	Kelley Park - Kelley Field	Fort Smith	9,600	0	23,800		MNC	2	na	1993		RC	Bkt	X		
001-188		Scoreboard/Sign	Kelley Park - Kelley Field	Fort Smith	4,900	0	4,600		MNC	2	na	2006		RC	Bkt	X		
001-189		Lights 3 poles 20 fixtures	Kelley Park - Kelley Field	Fort Smith	32,700	0	32,700		MNC	2	na	1950		RC	Bkt	X		
001-190		Bases	Kelley Park - Kelley Field	Fort Smith	361	0	361		MNC	2	na	1950		RC	Bkt	X		
001-191		Storage Building / Scorer Booth	Kelley Park - Kelley Field	Fort Smith	36,310	0	36,310		MNC	2	216	1953		RC	Bkt	X		
001-192		Restrooms - REMOVED - 2003	Kelley Park - Kelley Field	Fort Smith	15,480	0	15,450		MNC	2		1972		RC	Bkt	X		
001-193		Scorer Booth - Same as 001-191	Kelley Park - Kelley Field	Fort Smith	12,000	0	12,000		MNC	2	na	1993		RC	Bkt	X		
KUYKENDAL FIELD																		
001-194		Dugouts 2	Kelley Park - Kuykendal Field	Fort Smith	14,100	0	14,100		MNC	2	na	2003		RC	Bkt	X		
001-195		Bleachers	Kelley Park - Kuykendal Field	Fort Smith	9,200	0	11,138		MNC	2	na	2009		RC	Bkt	X		
001-196		Fencing with Mesh - 510'	Kelley Park - Kuykendal Field	Fort Smith	10,300	0	29,750		MNC	2	na	1998		RC	Bkt	X		
001-197		Scoreboard/Sign	Kelley Park - Kuykendal Field	Fort Smith	2,900	0	4,600		MNC	2	na	2004		RC	Bkt	X		
001-198		Lights 6 poles, 18 fixtures	Kelley Park - Kuykendal Field	Fort Smith	41,100	0	41,100		MNC	2	na	1954		RC	Bkt	X		
001-199		Bases 1 set	Kelley Park - Kuykendal Field	Fort Smith	361	0	361		MNC	2	na	1983		RC	Bkt	X		
HIGGINS FIELD																		
001-200		Dugouts 2	Kelley Park - Higgins Field	Fort Smith	14,200	0	14,200		MNC	2	na	2003		RC	Bkt	X		
001-201		Bleachers - 2	Kelley Park - Higgins Field	Fort Smith	14,500	0	25,513		MNC	2	na	2004		RC	Bkt	X		
001-202		Fencing with Mesh - 920'	Kelley Park - Higgins Field	Fort Smith	16,600	0	16,600		MNC	2	na	2002		RC	Bkt	X		
001-203		Scoreboard/Sign	Kelley Park - Higgins Field	Fort Smith	4,600	0	4,600		MNC	2	na	2008		RC	Bkt	X		
001-204		Lights 3 poles, 17 fixtures	Kelley Park - Higgins Field	Fort Smith	54,700	0	64,732		MNC	2	na	1953		RC	Bkt	X		
001-205		Bases 1 set	Kelley Park - Higgins Field	Fort Smith	361	0	361		MNC	2	na	1998		RC	Bkt	X		
SKOKOS FIELD																		
001-206		Dugouts 2	Kelley Park - Skokos Field	Fort Smith	14,200	0	14,200		MNC	2	na	2003		RC	Bkt	X		
001-207		Bleachers - 2	Kelley Park - Skokos Field	Fort Smith	14,600	0	25,513		MNC	2	na	2004		RC	Bkt	X		
001-208		Fencing with Mesh - 980'	Kelley Park - Skokos Field	Fort Smith	16,200	0	29,300		MNC	2	na	2002		RC	Bkt	X		
001-209		Scoreboard/Sign	Kelley Park - Skokos Field	Fort Smith	4,200	0	4,600		MNC	2	na	2004		RC	Bkt	X		
001-210		Lights 3 poles, 17 fixtures	Kelley Park - Skokos Field	Fort Smith	72,200	0	72,200		MNC	2	na	1953		RC	Bkt	X		
001-211		Bases 1 set	Kelley Park - Skokos Field	Fort Smith	361	0	361		MNC	2	na	1959		RC	Bkt	X		
001-212		Storage-Bunkies SAME AS 001-214	Kelley Park - Skokos Field	Fort Smith	4,400	0	0		MNC	2	na	1950		RC	Bkt	X		
001-213		Restrooms / Electrical / Storage Bldg	Kelley Park - Skokos Field	Fort Smith	51,500	0	103,800		MNC	2	424	2009		RC	Bkt	X		
001-214		Scorer Booth / Storage Building	Kelley Park - Skokos Field	Fort Smith	12,350	0	18,310		MNC	2	260	1993		RC	Bkt	X		
		Skokos-Higgins Shade Structure	Kelley Park - Skokos Field	Fort Smith		0	20,856					2008						
FLOCKS FIELD																		
001-215		Dugouts 2	Kelley Park - Flocks Field	Fort Smith	15,200	0	15,200		MNC	2	na	2001		RC	Bkt	X		
001-216		Bleachers - 2	Kelley Park - Flocks Field	Fort Smith	5,000	0	25,513		MNC	2	na	2009		RC	Bkt	X		
001-217		Fencing with Mesh - 850'	Kelley Park - Flocks Field	Fort Smith	20,300	0	22,900		MNC	2	na	1985		RC	Bkt	X		
001-218		Scoreboard/Sign	Kelley Park - Flocks Field	Fort Smith	8,500	0	5,300		MNC	2	na	2000		RC	Bkt	X		
001-219		Lights 8 poles, 23 fixtures	Kelley Park - Flocks Field	Fort Smith	74,100	0	74,100		MNC	2	na	1983		RC	Bkt	X		
001-220		Bases 1 set	Kelley Park - Flocks Field	Fort Smith	361	0	361		MNC	2	na	1986		RC	Bkt	X		
001-221		Restrooms	Kelley Park - Flocks Field	Fort Smith	30,700	0	49,500		MNC	2	300	1985		RC	Bkt	X		
001-222		Scorer Booth	Kelley Park - Flocks Field	Fort Smith	6,700	0	7,400		MNC	2	62	2001		RC	Bkt	X		
		Retaining Wall - Outlets	Kelley Park - Flocks Field	Fort Smith		0	26,685					2008						
HERMREICH FIELD																		
001-223		Dugouts 2	Kelley Park - Hermreich Field	Fort Smith	23,200	0	23,200		MNC	2	na	2001		RC	Bkt	X		
001-224		Bleachers - 2	Kelley Park - Hermreich Field	Fort Smith	6,100	0	23,511		MNC	2	na	2009		RC	Bkt	X		
001-225		Fencing with Mesh - 1100'	Kelley Park - Hermreich Field	Fort Smith	46,600	0	101,540		MNC	2	na	2000		RC	Bkt	X		
001-226		Scoreboard/Sign	Kelley Park - Hermreich Field	Fort Smith	8,000	0	13,100		MNC	2	na	1982		RC	Bkt	X		
001-227		Lights	Kelley Park - Hermreich Field	Fort Smith	97,100	0	121,000		MNC	2	na	2001		RC	Bkt	X		
001-228		Bases 1 set	Kelley Park - Hermreich Field	Fort Smith	361	0	361		MNC	2	na	1985		RC	Bkt	X		
001-229		Batting Cage	Kelley Park - Hermreich Field	Fort Smith	23,200	0	23,200		MNC	2	na	1985		RC	Bkt	X		
001-230		Scorer Booth	Kelley Park - Hermreich Field	Fort Smith	7,200	0	7,400		MNC	2	68	2003		RC	Bkt	X		
001-232		Hermreich Concession/Restroom/Umbrn Room(s)	3100 South O' Street	Fort Smith	150,000	0	179,200		MNC	2	1536	1965		RC	Bkt	X		
PARKWIDE OR OTHER																		
001-231		Busban (Miami Concession)	1601 Old Greenwood Road	Fort Smith	17,200	0	140,700		MNC	2	938	1970		RC	Bkt	X		
001-233		Washing Room - PART OF 001-232	Kelley Park - Other or Parkwide	Fort Smith	25,000	0	0		MNC	2		1970		RC	Bkt	X		
001-234		Men's 2	Kelley Park - Other or Parkwide	Fort Smith	15,450	0	15,450		MNC	2	na	1985		RC	Bkt	X		
001-235		Men's 3	Kelley Park - Other or Parkwide	Fort Smith	15,450	0	15,450		MNC	2	na	2001		RC	Bkt	X		
001-236		Men's 3	Kelley Park - Other or Parkwide	Fort Smith	2,575	0	2,575		MNC	2	na	2000		RC	Bkt	X		
001-237		Flag Poles 2	Kelley Park - Other or Parkwide	Fort Smith	2,100	0	2,100		MNC	2	na	1955		RC	Bkt	X		
001-238		Rayno's (Coca Concession)	1823 Old Greenwood Road	Fort Smith	51,500	0	174,000		MNC	2	1475	2000		RC	Bkt	X		
		Pony Riding Cage	Kelley Park - Other or Parkwide	Fort Smith	41,200	0	41,200					3200						
		Playground	Kelley Park - Other or Parkwide	Fort Smith	67,360	0	67,360					2005						
		Safety/Instructor Fencing - 2680'	Kelley Park - Other or Parkwide	Fort Smith	38,200	0	38,200					2000-2003						

52065504

Jobs - Kelley Ballpark Field
 and other nearby parks, etc

ASSET VALUES
 as of Feb, 2010

FIN98BallChurch LeagueMiscellaneousAsset Values - Kelley Ballfield 2-18-10.xls

Research Sheet

2010 & 2011 Improvements \$82,200

TOTAL - Oct, 2011 2,147,200

LEASE AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 2011, by and between the City of Fort Smith, Arkansas, hereinafter "City" and the Fort Smith Church Baseball League, Inc., hereinafter "League."

W I T N E S S E T H

WHEREAS, the City is the owner of the real property described in paragraph 1 of this Agreement having received ownership of Tract 1 of the subject property by gift from Leigh Kelley and Fay Kelley for the use of the subject property as a "public park"; and,

WHEREAS, the parties desire that the subject property continue to be used, in part, for the public youth athletic activities supervised by the League (primarily baseball and softball activities); and,

WHEREAS, the parties desire to place in writing the terms of their agreement regarding the lease of the described real properties and use of the described personal properties by the League; NOW, THEREFORE:

In exchange of the mutual terms and conditions set forth herein, which are acknowledged by the parties to be sufficient to support the obligations set forth herein, the parties agrees as follows:

1. Leased property. The City hereby leases to the League for an annual payment of \$10.00 due on or before January 31st of each year and the League hereby takes from the City, under the terms and conditions set forth herein, the hereinafter described tracts of real property located in the Fort Smith District of the County of Sebastian, State of Arkansas, to wit:

Tract 1

That part of the Southeast Quarter of the Northwest quarter of Section 22, Township 8 North, Range 32 West, Lying west of the right-of-way of the Fort Smith Suburban Railroad (said railroad right-of-way owned by the City of Fort Smith and which right-of-way is not included within the leased premises.)

Tract 2

The South 490 feet of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) lying West of an existing railroad right-of-way, Section 22, Township 8 North, Range 32 West of the Fifth Principal Meridian, Fort Smith, Sebastian County, Arkansas, less and except public rights-of-way.

2. The League shall use the leased property solely for the conducting of the League's scheduled youth activity programs, primarily including baseball and softball leagues for the public park benefit of the citizens of the City of Fort Smith. The League shall have the right to schedule the use of the athletic fields on the subject properties; provided, at any time that any portion of the park property is not in use for a scheduled league activities, the property shall be subject to use by members of the public for park purposes consistent with the further provisions of this Agreement and the park rules and regulations developed by the City of Fort Smith. The League shall have exclusive use of the property Monday – Saturday from February 1 to October 31 of each year. The League shall submit a schedule of its planned uses to the City's director of parks and recreation monthly. The list shall be submitted by the 20th of the month proceeding the month of the schedule. The City may then schedule other public uses of the park during times when the League isn't using the property. The League may schedule use of the property at other times by submitting a request to the City's director of parks and recreation. Such requests shall be approved by the City provided a conflicting use has not been scheduled by the City. All of the leased property shall be available for public park uses by the citizens of the City of Fort Smith at all times not scheduled for League activities. The City reserves the right to schedule and utilize the leased property, including structures and other facilities, for park uses at all times not scheduled by the League. The League shall have the right to control use of personal property and equipment owned by the League and stored in the structures located on the leased property. All improvements and structures on the leased property shall become a part of the leased property. All personal property and equipment of the League shall remain the personal property of the League and shall be removed from the leased property within seven (7) days of any cancellation of this Lease.

3. The City shall maintain fire, storm and other casualty insurance on the improvements located on the leased premises in minimum amounts set forth in the scheduled attached as Exhibit "A" to this Agreement. Any such insurance policy shall designate the City and the League as the insureds under the policy "as their interests may appear." All insurance proceeds shall be utilized to repair or replace damaged improvements, unless a different use for the proceeds is designated, in the City's sole discretion, by the City Administrator of the City.

4. The League shall indemnify and hold the City harmless from all claims, liens, actions, and judgments, including reasonable legal fees and costs incurred with reference thereto, arising from the activities of the League under this Lease Agreement.

5. The scheduled activities of the League shall be for public park purposes open to participation by all Fort Smith citizens, subject to the right of the League to impose reasonable rules on participants in League scheduled activities.

6. The leased property shall be subject to the park rules of the City of Fort Smith codified in Article III of Chapter 18 of the Fort Smith Code. The City reserves the right to adopt and implement additional park rules and regulations at any time during the term of this lease.

7. The League shall charge no admission fee for any regularly scheduled games during the League's season. The League shall have the right to charge persons 18 years of age and older admission for baseball-related special events or tournaments for no more than 21 days during each calendar year. Requests for special event or tournament days over 21 days in any calendar year shall be made in writing to the City of Fort Smith parks and recreation commission for approval. The parks and recreations commission shall develop guidelines for approval of special tournaments and events. Proceeds from admission charges shall be used by the League for maintenance of and improvements to Kelley Park. By January 31st of each year, the League shall provide the City and Kelley Realty Company, P. O. Box 1551, Fort Smith, Arkansas 72902 with a written annual report for the preceding calendar year. Such report shall include a summary of all concession revenues received and how they were expended for the year, the number of days admissions were charged, revenues received from admissions, and how the admission proceeds were expended. This rule does not prohibit the making of reasonable charges for foodstuffs sold in concession stands, nor does this provision prohibit the league from charging participants in activities reasonable fees for League expenses.

8. The League shall maintain the leased properties and the improvements located thereon so as to return same to the City at the end of the leased term in the same condition as they now exist subject to ordinary wear and tear. The League's maintenance obligation includes the obligation to clean and maintain public restrooms during times scheduled by the League. Specifically, it shall be the obligation of the League to maintain the leased premises in conformance with all relevant codes and ordinances of the City, including the Clean-up of Lands Ordinance and applicable Health Codes. Inspection of facilities will be made by League and City representatives immediately prior to February 20 and immediately following October 31 of each year.

9. The League shall have the right to construct additional improvements or to remodel or rehabilitate the current improvements after first obtaining the written approval of the City Administrator, obtained after review by the Director of Parks and Recreation. All such construction activities shall be in conformance with all applicable codes and regulations.

10. The City shall provide public utilities (water and electricity) for uses of the park by the League and by the public generally.

11. It is acknowledged by the League that all employees, agents and volunteers of the League are not employees or agents of the City.

12. The League shall allow participation in its recreational, park activities on a non-discriminatory basis. The League shall not permit discrimination based on race, national origin, religion, disability or gender. The provisions of this paragraph shall not prevent the League from establishing recreational activities according to the ages of the participants in the activities.

13. This Agreement shall have a term of ten (10) years beginning January 1, 2012 and ending December 31, 2021.

14. Any notice required or permitted to be given pursuant to this Lease Agreement shall be provided to the other party at the addresses indicated:

City of Fort Smith
Office of City Administrator
P.O. Box 1908
Fort Smith, Arkansas 72902

Fort Smith Church Baseball League, Inc.
Attn: Mr. Don Eveld
6401 Carthage
Fort Smith, Arkansas 72903

15. Either party to this Agreement may provide notice to the other at the addresses indicated in paragraph 14 above, that the party deems the other party to the Agreement to be in violation of the Agreement.

(a) The notice shall specify the nature of the alleged violation and the corresponding provision in this Agreement. Within seven (7) days, the other party shall respond in writing regarding the allegations of violation of the Agreement. If the alleged violations have been cured, the response shall so note. If after the exchange of notice of violation and response, either party considers the issue to not be resolved, that party shall notify the other of the date, time and place of a meeting (to be held within the City of Fort Smith and not sooner than seven (7) days from the date of said notice of meeting and not more than fourteen (14) days subsequent to the date of said notice of meeting) at which representatives of the parties shall discuss the alleged violation and the response thereto.

(b) Irrespective of the foregoing, in the event the City determines that any condition on the leased premises constitutes an immediate health hazard to the members of the public, the City shall have the right to immediately take action to correct said condition. In that situation, the City shall notify the representative of the League identified in paragraph 14 above, by telephone, facsimile transmission or other method designed to provide the most expedient notice to the League. If the League does not subsequently agree to pay the expense of such curative action, the City has the right under this Agreement to petition a court of competent jurisdiction to declare the rights of the parties and, if it is declared that the expense was the obligation of the League under this Agreement, the League shall immediately pay the expense to the City after exhausting judicial remedies regarding that issue. Any failure of the League to comply with the provisions of this paragraph shall be a basis for the City, in its sole discretion to terminate this Lease Agreement on seven (7) days notice of termination.

(c) In the event the meeting of the parties pursuant to the procedures in subparagraph (a) above does not resolve the alleged violation, either party may pursue any available judicial remedy. Upon final determination that the other party is in violation of this Agreement, either party shall have the right to terminate this Agreement on seven (7) days notice to the other.

THIS AGREEMENT EXECUTED as of the date first set forth above by the Mayor and the City Clerk of the City of Fort Smith pursuant to Resolution No. _____ of the Fort Smith Board of Directors and the President and Secretary of the League pursuant to resolution adopted by the Board of Directors of the League.

CITY OF FORT SMITH, ARKANSAS

By: _____
Mayor

ATTESTED:

City Clerk

FORT SMITH CHURCH BASEBALL LEAGUE, INC.

By: _____
President

ATTESTED:

Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this _____ day of _____, 2011, before me personally appeared Sandy Sanders, personally known to me to be the individual who executed the within and foregoing instrument, and he acknowledged that he signed the same as the duly authorized agent of the City of Fort Smith, and that the same is the free and voluntary act and deed of the City of Fort Smith, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 2011.

Notary Public

My Commission Expires:

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this _____ day of _____, 2011, before me personally appeared _____, personally known to me to be the President of the Fort Smith Church Baseball League, Inc. and he signed the above and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

Given under my hand and official seal this _____ day of _____, 2011.

Notary Public

My Commission Expires:

Because of the interest of and as an accommodation to the heirs of Leigh Kelley and Fay Kelley, the parties have caused this Agreement to be reviewed by the heirs who, by their signatures, note their concurrence in the Lease Agreement between the City and the League regarding the use of the subject park property.

PENDERGRAFT FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 48' Long	9,000
Fencing	350'	3,000
Scoreboard/Sign	1	3,500
Lights	5 Poles, 12 Fixtures	35,000
Bases	1 set	350
Storage Building		
Restrooms		
Batting Cage		
Scorer Booth		
		TOTAL 67,850

PARKER FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	10 Rows x 36' Long	10,000
Fencing	360'	3,000
Scoreboard/Sign	1	3,500
Lights	2 Poles, 5 Fixtures	20,000
Bases	1 set	350
Storage Building		
Restrooms		
Batting Cage		
Scorer Booth		
		TOTAL 53,850

KELLEY FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 45' Long Covered	35,000
Fencing	800'	7,800
Scoreboard/Sign	1	3,500
Lights	5 Poles, 23 Fixtures	65,000
Bases	1 set	350
Storage Building	1	6,000
Restrooms	1 Mens, 1 Womens	15,000
Batting Cage		
Scorer Booth	1	12,000
		TOTAL 161,650
		PAGE TOTAL 283,350

KUYKENDAL FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 48' Long	9,000
Fencing with mesh	550'	5,800
Scoreboard/Sign	1	3,500
Lights	5 Poles, 18 Fixtures	55,000
Bases	1 set	350
Storage Building		
Restrooms		
Batting Cage		
Scorer Booth		
		TOTAL 90,650

HIGGINS FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 48' Long, 4 sets Portable 5 Rows x 25'	25,000
Fencing with mesh	750'	11,000
Scoreboard/Sign	1	3,500
Lights	8 Poles, 17 Fixtures	60,000
Bases	1 set	350
Storage Building		
Restrooms		
Batting Cage		
Scorer Booth		
		TOTAL 116,850

SKOKOS FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 48' Long, 4 sets Portable 5 Rows x 25'	25,000
Fencing with mesh	750'	11,000
Scoreboard/Sign	1	3,500
Lights	8 Poles, 17 Fixtures	60,000
Bases	1 set	350
Storage Building	1	6,000
Restrooms	2 Hole, Male & Female	50,000
Batting Cage		
Scorer Booth	1	12,000
		TOTAL 184,850
		PAGE TOTAL 392,350

FLOCKS FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	17,000
Bleachers	6 Rows x 50' Long	10,000
Fencing with mesh	1,100'	13,500
Scoreboard/Sign	1	3,500
Lights	8 Poles, 28 Fixtures	65,000
Bases	1 set	350
Storage Building		
Restrooms	3 Hole Men, 2 Hole Women	50,000
Batting Cage		
Scorer Booth	1	6,000
		TOTAL 165,350

HERNREICH FIELD

<u>ITEM</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Dugouts	2	18,000
Bleachers	6 Rows x 50' Long	18,000
Fencing with mesh		65,000
Scoreboard/Sign	1	5,000
Lights	6 Poles, 28 Fixtures	85,000
Bases	1 set	350
Storage Building		
Restrooms		
Batting Cage	1	13,500
Scorer Booth	1	6,000
		TOTAL 210,850
		PAGE TOTAL 376,200

<u>BUILDING</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Main Concession	1	115,000
Herrreich Concession	1	150,000
Old Concession	1	50,000
Umpire Room/Elect. Room		25,000

<u>OTHER</u>	<u>QUANTITY/SIZE</u>	<u>REPLACEMENT COST</u>
Marquee	2	15,000
Bridges	5	15,000
Ticket Booths	5	2,500
Flag Poles	2	2,000
		TOTAL 374,500

GRAND TOTAL 1,426,400

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO WITH PHILIP J. LERARIS, P.E., L.S., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH THE CONSOLIDATION OF LIFT STATIONS 7 & 14

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

SECTION 1: Authorization Number Two to the Agreement with Philip J. Leraris, P.E., L.S., for construction phase engineering services associated with the Consolidation of Lift Stations 7 & 14, Project Number 09-12-E2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$98,120.00, for performance of construction phase engineering services.

This Resolution adopted this ____ day of November 2011.

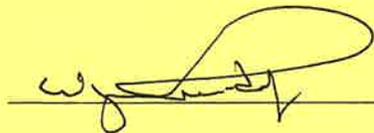
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


_____ npr

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH GOODWIN & GOODWIN, INC.,
FOR THE CONSOLIDATION OF LIFT STATIONS 7 & 14

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
Consolidation of Lift Stations 7 & 14, Project Number 09-12-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Goodwin &
Goodwin, Inc., for an amount of \$956,899.00, for performing said construction.

This Resolution adopted this _____ day of November 2011.

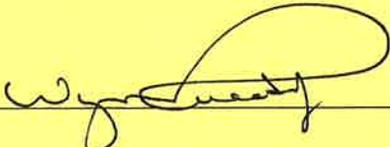
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: October 25, 2011

FROM: Steve Parke, Director of Utilities

SUBJECT: Replacement/Consolidation of Lift Stations 7 & 14
Project Number 09-12-C1

Sewer lift stations number 7 and 14 located off the east ends of Spradling and Poplar Streets are currently located within the designated floodway of the Arkansas River. Station number 7 was constructed in the mid-1960s before the lock and dam navigation improvements were completed on the river. The closure of the locks caused portions of the gravity sewer flowing to station 7 to be below the water table of the raised navigation pool. This resulted in several sewer line failures as the then saturated soils were unable to support them. Sewer lift station number 14 was constructed in the late 1960s to replace the gravity sewers in the problem area and transfer sewer flows to station 7 by a force main which could be placed above the water table. This resulted in a partial solution to the sewer failures, however, there have been at least three additional failures related to the raised water table conditions since that time.

The lower land areas intended to be served by the gravity sewers before the establishment of the river's floodway will now remain undeveloped. This will allow the current two lift stations to be consolidated back into one station located out of the flood plain and the lowest portions of the gravity sewers which are no longer required for service to be abandoned. This would preclude future sewer line failures related to the lack of supporting soils and the elimination of the annual operation and maintenance costs for one lift station.

This project will redirect the gravity sewer flow to existing stations 7 and 14 to a new lift station to be built on higher ground at the end of Plum Street. The project includes the construction of 1,475 feet of force main, 10,295 feet of gravity sewer lines, a new lift station and abandonment of lift stations 7 and 14. The low bid for the project was submitted by Goodwin & Goodwin, Inc., in the amount of \$956,899.00. A bid tabulation sheet and exhibit showing project's configuration are attached for your information.

A Resolution accepting the bid of and authorizing a contract with Goodwin & Goodwin, Inc., in the amount of \$956,899.00 is attached. Also attached is a Resolution authorizing the Mayor to execute Authorization Number Two to the Agreement with Philip J. Leraris, P.E., L.S., for engineering construction phase services in the amount of \$98,120.00. Funding for this project is available from the 2008 water and sewer revenue bonds.

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

attachment

pc: Jeff Dingman

Tabulation of Bids Received

Page 1 of 1

Project Name

Consolidation of Lift Stations 7 & 14
Project No. 09-12-C1

Bid Opening

Ocothber 5, 2011
10:00 A.M.

Bids Received

Goodwin & Goodwin, Inc. Fort Smith, Arkansas	\$ <u>956,899.00</u>
Forsgren, Inc. Fort Smith, Arkansas	\$ <u>1,198,551.00</u>
T-N-T, Inc. Van Buren, Arkansas	\$ <u>1,398,384.00</u>

AGENDA ~ *Summary*

FORT SMITH BOARD OF DIRECTORS REGULAR MEETING

November 1, 2011 ~ 6:00 P.M.

**FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD**

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

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

All present

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)

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

APPROVE MINUTES OF THE OCTOBER 18, 2011 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation of proposed 2012 City Budget
Presentation only
2. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Residential Multi-Family Medium Density (RM-3) by classification located at 9505 Chad Colley Boulevard)*
Approved 7 in favor, 0 opposed / Ordinance No. 87-11
3. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan from Residential*

Attached to General Commercial and rezoning from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 1520 South "U" Street)
Approved 7 in favor, 0 opposed / Ordinance No. 88-11

4. Ordinance rezoning identified property and amending the zoning map (from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by classification located at 10220 Highway 71 South)
Approved 7 in favor, 0 opposed / Ordinance No. 89-11
5. Ordinance establishing the policy and fee for scattering of cremated human remains at Oak Cemetery
Approved 5 in favor, 2 opposed (Catsavis & Weber) / Ordinance No. 90-11
6. Consent Agenda
 - A. Resolution to accept the bids and authorize a contract for the construction of Garrison Avenue Streetscape, North 9th Street to North 13th Street, Project No. 09-90-B, Job 040545 (\$2,439,405.90 / Engineering Department / Budgeted - 80% Federal-Aid and 20% Sales Tax Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-199-11
 - B. Resolution authorizing engineering services agreements for the design of projects in the 2012 Sales Tax Program (\$819,354.00 / Engineering Department / Budgeted – Sales Tax Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-200-11
 - C. Resolution rescinding Resolution No. R-134-02 and approving a lease agreement with Fort Smith Church Baseball League, Inc. for Kelley Park
Approved as revised 7 in favor, 0 opposed / Resolution No. R-201-11 ~ revised to correct typographical error ~
 - D. Resolution authorizing the Mayor to execute Authorization Number Two with Philip J. Leraris, P.E., L.S. for providing engineering services associated with the Consolidation of Lift Stations 7 & 14 Project (\$98,120.00 / Utility Department / Budgeted - 2008 Revenue Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-202-11
 - E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Consolidation of the Lift Stations 7 & 14 Project (\$956,899.00 / Utility Department / Budgeted - 2008 Revenue Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-203-11

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

- A. Mayor
- B. Directors
- C. City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

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

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

ADJOURN

6:47 P.M.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 1, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the October 18, 2011 regular meeting were presented for approval. Settle, seconded by Tyler, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the citizens forum.

Item No. 1 was presentation of the proposed 2012 City Budget

Deputy Administrator Ray Gosack advised that copies of the proposed budget had been provided to the Mayor and Board prior to the meeting. The budget review sessions are scheduled for November 10 and 17 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

November 1, 2011 Regular Meeting

Director of Finance Kara Bushkuhl advised the proposed budget will be available for viewing on the City's website by the end of the work day Wednesday, November 2, 2011.

The following individual was present to address the Board:

- Elizabeth Mayo
Fort Smith, Arkansas

Re: Questioned if the proposed budget includes expenditures for operation of The Park at West End, alleging an annual loss of \$23,000 for 2011. She further inquired if the proposed budget takes into account the uncashed checks from Van Buren for water usage, alleging such consists of \$5 million.

Regarding The Park at West End, Administrator Gosack confirmed operation costs are included in the 2012 Budget. The estimated loss for 2011 is not \$23,000 as alleged, but such is anticipated to be less than \$1,000. Regardless, any loss is covered by the Central Business Improvement District (CBID); therefore, any loss will not impact the City's budget.

With regard to Van Buren water usage, Mr. Gosack clarified the uncashed checks from Van Buren total \$161,000, not \$5 million as alleged.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to Residential Multi-Family Medium Density (RM-3) by classification located at 9505 Chad Colley Boulevard*).

Senior Planner Brenda Andrews briefed the Board on the item advising such is per the request of Pat Mickle, agent for MR Capital Partners, LLC. The purpose of the rezoning is to allow for the construction of a 484-unit, multi-family development and a billboard. The preliminary development plan indicates all structures within the development

November 1, 2011 Regular Meeting

will be two-story and will be constructed in four (4) phases, with the final phase estimated to be complete by July 2017. The proposed development will also include an office/clubhouse, pool, basketball court, play and open area. Two (2) mini-storage buildings and a graveled area are also proposed at the rear of the site and will be for tenants only. Such is anticipated to be constructed in Phase 3 or 4. A neighborhood meeting was held on Tuesday, September 27, 2011 with no neighboring property owners in attendance. The Planning Commission held a public hearing on October 11, 2011 with no individual present to speak in opposition. The Planning Commission approved the rezoning by a vote of seven (7) in favor, zero (0) opposed and one (1) abstention (Griffin).

Hutchings, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 87-11.

Item No. 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan from Residential Attached to General Commercial and rezoning from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 1520 South "U" Street*).

Ms. Andrews briefed the Board on the item advising such is per the request of Scott Branton, agent for Woodrome Construction Services. The purpose of the rezoning is to facilitate a small mini-storage development at the southwest intersection of South "U" Street and South 16th Street. A neighborhood meeting was held on September 8, 2011

November 1, 2011 Regular Meeting

with no property owners in attendance. The Planning Commission held a public hearing on October 11, 2011 with no individual present to speak in opposition. The Planning Commission approved both the Master Land Use Plan amendment and rezoning request by a vote of eight (8) in favor, zero (0) opposed. A companion variance request was submitted to the Planning Commission whereby such was also approved.

Director Hutchings questioned the purpose of the variance whereby Ms. Andrews advised such was merely to address lot size requirements.

Director Settle inquired if the Planning Commission approved the development plan for the project.

Ms. Andrews confirmed such and clarified no changes may be made to the development plan without Planning Commission approval.

Good, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 88-11.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*from Commercial Light Special (C-2-SPL) to Commercial Heavy (C-5) by classification located at 10220 Highway 71 South*).

Ms. Andrews briefed the Board on the item advising such is per the request of John Paul Dean. The purpose of the rezoning is to permit the future construction of commercial development. A neighborhood meeting was held on Friday, September 16 with two (2)

November 1, 2011 Regular Meeting

neighboring property owners in attendance, but neither conveyed any concerns. The subject property maintains no sanitary sewer; therefore, upon development, the public sanitary sewer will need to be extended or a private sanitary sewer system installed. The Planning Commission held a public hearing with no individual present to speak in opposition. The applicant provided no development plan and requested such be deferred to a later date. The Planning Commission approved the rezoning request by a vote of eight (8) in favor and zero (0) opposed, subject to a development plan being submitted and approved by the Planning Commission prior to issuance of any building permit.

Settle, seconded by Merry, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 89-11.

Item No. 5 was an ordinance establishing the policy and fee for scattering of cremated human remains at Oak Cemetery.

Director of Parks and Recreation Mike Alsup briefed the Board on the item. Cremation continues to increase in popularity and although a recent scattering ceremony took place in Oak Cemetery, the City maintains no formal policy for such. The proposed ordinance authorizes the scattering of cremated human remains on either a private grave space or at the scattering garden upon permit issued by the City Clerk. The Oak Cemetery Commission reviewed the proposed policy and recommend approval.

The following individual was present to address the Board:

November 1, 2011 Regular Meeting

- Elizabeth Mayo
Fort Smith, Arkansas

Re: Spoke in opposition to the ordinance, specifically the proposed fees alleging such is merely "another tax" assessed by the City.

Director Catsavis questioned the recommended fees and requested a brief explanation.

Mr. Alsup advised if an individual wishes to scatter cremated human remains at a private grave space, a \$25.00 recording fee will be assessed. Such also requires the written permission of the grave space owner. If cremains are scattered in the scattering garden, a \$50.00 maintenance and recording fee will be assessed.

Administrator Gosack clarified the policy is to ensure a record of all interments in Oak Cemetery is recorded and maintained. Such will benefit many generations to come, specifically for those searching for genealogical information.

Director Tyler noted the fees are very minimal and inquired how the fees were determined whereby Mr. Alsup noted such were recommended by the Oak Cemetery Commission.

Director Settle questioned the size of the scattering garden.

Mr. Alsup advised the actual dimensions have not yet been determined; however, the location within the cemetery originally reserved for a mausoleum is the anticipated site for the scattering garden.

In order to assure family members of those currently interred or those who own grave spaces in Oak Cemetery, Director Hutchings clarified that random scattering of cremated human remains is prohibited. As alleged by Ms. Mayo, he further noted the

November 1, 2011 Regular Meeting

proposed fees are not “another tax”, but merely a recording fee to ensure proper record-keeping of all remains placed within the cemetery.

Hutchings, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members voted as follows: ayes - Tyler, Good, Hutchings, Settle and Merry; nays - Catsavis and Weber. The Mayor declared the motion carried. Good, seconded by Tyler, moved adoption of Section 2 the emergency clause. The members voted as follows: ayes - Tyler, Good, Hutchings, Settle and Merry; nays - Catsavis and Weber. The Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 90-11.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize a contract for the construction of Garrison Avenue Streetscape, North 9th Street to North 13th Street, Project No. 09-90-B, Job 040545 (\$2,439,405.90 / Engineering Department / Budgeted - 80% Federal-Aid and 20% Sales Tax Fund)
- B. Resolution authorizing engineering services agreements for the design of projects in the 2012 Sales Tax Program (\$819,354.00 / Engineering Department / Budgeted - Sales Tax Fund)
- C. Resolution rescinding Resolution No. R-134-02 and approving a lease agreement with Fort Smith Church Baseball League, Inc. for Kelley Park
- D. Resolution authorizing the Mayor to execute Authorization Number Two with Philip J. Leraris, P.E., L.S. for providing engineering services associated with the Consolidation of Lift Stations 7 & 14 Project (\$98,120.00 / Utility Department / Budgeted - 2008 Revenue Bonds)

November 1, 2011 Regular Meeting

- E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the Consolidation of the Lift Stations 7 & 14 Project (\$956,899.00 / Utility Department / Budgeted - 2008 Revenue Bonds)

Administrator Gosack advised Item No. 6C has been revised to correct a typographical error; therefore, the motion to adopt the consent agenda needs to include "as revised".

Regarding Item No. 6A, Director Catsavis questioned if Forsgren will be able to meet the Disadvantage Business Enterprise (DBE) requirement of 8.5% of the total bid amount.

Director of Engineering Stan Snodgrass conveyed much assurance that Forsgren will meet the requirement by utilizing several DBE companies as suppliers for the project.

Weber, seconded by Settle, moved adoption of all consent agenda items including the aforementioned revision to Item No. 6C. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-199-11 through R-203-11 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

► Mayor Sanders

- Re:
1. Regarding the recent announcement of the closing of Whirlpool, he conceded such is a challenge; however, he conveyed much confidence the City will move forward and every effort will be made to attract another company to takes its place.
 2. Announced Fort Smith will soon be recognized and presented the "2011 Volunteer Community of the Year Award".

November 1, 2011 Regular Meeting

3. Regarding the upcoming special election on Tuesday, November 8, he advised early voting started today and urged support for both issues on the ballot.

▶ Director Settle

Re: Regarding the 1% prepared food tax on the upcoming special election ballot and regardless of the outcome, he commented the city needs to “move forward together” for the betterment of the city for future generations.

▶ Director Merry

- Re:
1. Regarding the recent announcement about the sale of OK Foods, he conveyed much gratitude to OK Industries management for their efforts to ensure over 4,000 jobs will remain in Fort Smith.
 2. Advised of the upcoming Christmas Honors event at the National Cemetery, which will take place on December 9 and 10. He further noted that in 2010, such resulted in 1,762 volunteer hours.

▶ Administrator Gosack

- Re:
1. Extended congratulations to Travis Joiner of 777 Productions, who produces the live telecast of Board meetings, for his upcoming marriage on November 11.
 2. Announced many City departments have initiated multiple cost saving measures and such are noted on the City of Fort Smith Facebook page.
 3. Regarding the proposed reapportionment of city ward boundaries, he advised the map indicating the proposed changes and staff report are available for public inspection, review and comment in the Fort Smith City Clerk’s Office, as well as the City of Fort Smith website, www.fortsmithar.gov.

November 1, 2011 Regular Meeting

Mayor Sanders then opened the Citizens Forum with the following individuals present to address the Board:

- Carolyn Plank, President Neighborhood Coalition
Fort Smith, Arkansas

Re: Spoke in opposition to the automated sanitation pickup in the Park Hill area alleging no notification was forwarded to residents; therefore, she requested such be delayed pending formal notification and neighborhood discussion.

- Anna Raymond
Fort Smith, Arkansas

Re: Reiterated Ms. Plank's comments and urged the Board to reconsider curbside collection in the Park Hill area. She also presented a folder of information to each member of the Board, which consisted of written information and pictures of the neighborhood.

- Thomas H. Raymond
Fort Smith, Arkansas

Re: Merely reiterated the comments of Ms. Raymond.

- Elizabeth Mayo
Fort Smith, Arkansas

Re: Expressed discontent with recent Board actions governing animal regulations and the prepared food tax.

- Rosemary Wingfield
Fort Smith, Arkansas

Re: 1. Expressed discontent with curbside collection in the Park Hill area and requested such be returned to the alleyway.

2. Advised of multiple parking violations (parking in yards) after 5:00 p.m.; therefore, she requested Neighborhood Services personnel be available after hours for inspection and violation enforcement.

November 1, 2011 Regular Meeting

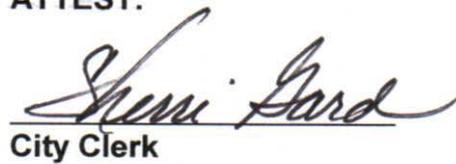
There being no further business to come before the Board, Tyler moved that the meeting adjourn. The motion was seconded by Settle, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:47 p.m.

APPROVED:



Mayor

ATTEST:



City Clerk