

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors

REGULAR MEETING

July 1, 2014 ~ 6:00 P.M.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE JUNE 17, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Recognition to Andrea Beckman, recipient of the Lodestar Award *(presented by the Keep Arkansas Beautiful Commission)*
2. Ordinance rezoning identified property and amending the zoning map *(from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street; 2001-2219 South “W” Street; 2100-2230 South “W” Street; 2400 South 21st Street, 2215 Jenny Lind; 2203 South 21st Street; 2312-2322 South 23rd Street; 2222 South 23rd Street and 2300-2302 South 22nd Street)*
3. Ordinance rezoning identified property and amending the zoning map *(from Transitional (T) to Commercial Light (C-2) by extension located at 1922 Dodson Avenue)*

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Unzoned to Commercial-3 by extension located at 6100 and 6200 Massard Road*)
5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Not Zoned to Commercial-3 by classification located at 8210 and 8220 South Zero Street, and 8201 Huntington Circle*)
6. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*River Bend Industries, LLC*)
7. Consent Agenda
 - A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 7230 Stonebrook Drive (*\$482.50 / Building Department / Not Budgeted – General Fund*)
 - B. Resolution stating the City of Fort Smith’s desire to be selected by AT&T to participate in the U-verse with GigaPower Initiative
 - C. Resolution authorizing execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
 - D. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with RJN Group, Inc. for engineering services for the Sub-Basin P007 and S004 Wastewater Collection System Improvements (*\$454,065.15 / Utility Department / Budgeted – 2012 Sales and Use Tax Bond Funds*)
 - E. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Brixey Engineering & Land Surveying, Inc. for the design of Neighborhood Water System Improvements – Reduced Service Area (*\$32,000.00 / Utility Department / Budgeted – 2008 Revenue Bonds*)

- F. Resolution authorizing the use of the unobligated balance of the Water and Sewer Fund to provide self-funded, supplemental automobile insurance coverage required by private roadway and crossing agreements with Arkansas and Missouri Railroad Company *(not to exceed \$1,000,000.00 / Utility Department / Not Budgeted – Appropriated funds from Unobligated Water and Sewer Operating Funds)*

- G. Resolution authorizing the Mayor to execute an easement with Oklahoma Gas & Electric Company *(Lake Fort Smith)*

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor

- Directors

- City Administrator

ADJOURN

ANDREA BECKMAN

FORT SMITH

Andrea Beckman is a woman of action, who lets nothing stand in her way.

“Our environment can’t take care of itself, so it’s up to us. Arkansans should volunteer with Keep Arkansas Beautiful because we have such a beautiful state and it is our job to keep it pristine, preserved and welcoming,” she encourages.

Beckman has been actively inspiring Fort Smith residents to keep their hometown beautiful. That’s why she’s been chosen as one of Keep Arkansas Beautiful’s Lodestars. A lodestar is someone who serves as an inspiration, model or guide. Keep Arkansas Beautiful recognizes these individuals for guiding their neighborhoods and communities in an effort to keep Arkansas clean, green and free of litter.

“I see the need for this everyday,” she says. “I think the residents of Fort Smith see the positive changes we’re making as a good thing and, with our volunteer base increasing, they want to help with those positive changes.”

Beckman has volunteered with Keep Arkansas Beautiful for nearly three years and has helped coordinate hundreds of events, although her Arbor Day event with the Fort Smith Public Schools stands out as one of her favorites.

“We secured a \$1,500 grant from the Arkansas Flower and Garden Club and were able to plant 20 young oak trees on three of the school’s campuses,” Beckman explains. “We worked with several of the teachers to provide in-class education and



a hands-on learning experience planting the trees.”

It’s so easy for Arkansans to participate in all sorts of volunteer activities. “There is always room for improvement whether I notice July 1, 2014 regular meeting

a beautification opportunity, litter along our roadways and waterways, or a need for additional recycling.”

Beckman currently organizes annual events such as Fort Smith’s

Great American Cleanup in Arkansas each spring and Great Arkansas Cleanup each fall, which brings together hundreds of Fort Smith volunteers to keep their city vibrant.

1.

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. 12-6-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 10, 2014, that said change be made;

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

SECTION 1: That the following properties to-wit:

Lots 8-14, Block 29, Park Hill
Lots 8-14, Block 30, Park Hill
Lots 9-15, Block 31, Park Hill
Lots 1-16, Block 32, Park Hill
Lots 1-14, Block 33, Park Hill
Lots 1-14, Block 34, Park Hill
Lots 5-7, Block 35, Park Hill
Lots 1-14, Block 36, Park Hill
Lots 1-8, Block 37, Park Hill

more commonly known as 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street; 2001-2219 South “W” Street; 2100-2230 South “W” Street; 2400 South 21st Street; 2215 Jenny Lind Road; 2312-2322 South 23rd Street; 2222 South 23rd Street and 2300-2302 South 22nd Street, should be, and is hereby rezoned from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED:

ATTEST:

Mayor

City Clerk

Approved as to form:



Publish One Time

Memo

To: Ray Gosack, City Administrator
From: Maggie Rice, Senior Planner
Wally Bailey, Director of Development Services
Date: June 25, 2014
Re: Neighborhood Rezoning on South “V” Street and South “W” Street

Following the Planning Commission meeting, Dr. Sam Koenig requested his property be removed from the rezoning area. He owns three duplexes and one four-plex within the area proposed for rezoning. In the attached letter, he explains the location of the properties and the reasons he would like for the property to be removed.

The preliminary planning meeting mentioned in the letter was the neighborhood meeting. Letters and notices were sent to all property owners based on the information provided by the County Assessor’s office.

If the rezoning was approved as recommended by the Planning Commission, Dr. Koenig’s property would become a legal nonconforming use. A nonconforming structure that has been damaged by fire or natural causes does not necessarily have to be completely removed.

There are some conditions for the reconstruction of a nonconforming use that has been damaged by more than 50%. The benchmark for determining the 50% damage is the value of the structure after repair. Structural damage that is less than 50% does not require any special conditions and can be repaired by obtaining the required building permit. A copy of the UDO section 27-118-2 (F) regarding the reconstruction of a structure housing a nonconforming use is attached.

The request to remove the property has been made following the Planning Commission’s recommendation. The PC’s recommendation is reflected in the Ordinance. Should the Board agree with the request, the Ordinance should be amended to reflect the removal of Dr. Koenig’s properties from the rezoning action.

Koenig and Sons, LLC

PO Box 999

Fort Smith, AR 72110

501-727-6395 sam.koenig3@gmail.com

www.KoenigSonsProperties.com

June 13, 2014

Board of Directors
City of Fort Smith, Arkansas
623 Garrison Ave
Fort Smith, AR 72901

Maggie Rice, Senior Planner
Department of Zoning & Planning
City of Fort Smith
623 Garrison Ave
Fort Smith, AR 72901

Dear Sirs and Madams,

I am writing to request the exclusion of the four below named properties which we own in a recently rezoned section of the Park Hill neighborhood from RM-3 to RS-3. This action was taken by you at your meeting on June 10, 2014. I am advised these properties would have been removed had the request been made at the preliminary planning meeting for this rezoning. Unfortunately we did not receive notice of this meeting. For reasons I and the city cannot explain, notice was sent to a mailing address for these properties that became inactive in 2009. I was unaware of this problem with the city records and I have continued to receive Real Estate Tax Assessments at the correct address above. The properties I am requesting be excluded from the new zone are:

1. 2101-2103 South W Street (duplex)
2. 2107-2113 South W Street (4-plex)
3. 2312-2314 South 23rd Street (duplex)
4. 2320-2322 South 23rd Street (duplex)

All of these structures were constructed in the late 40s and early 50s predating zoning laws in Fort Smith. Our significant concerns are twofold. First, even though the structures would be allowed to remain in the new zone since they predated its creation, it will significantly and adversely affect the potential sale value of the properties. Second, in the event of damage, e.g. fire, I am advised that repair costs in excess of half the value of the property will require complete removal of the structure. No one has been able to explain who or how this determination is made. In addition, this restriction may significantly and adversely affect potential adequate insurance coverage on the properties. Both of these scenarios have the potential to cause significant financial harm to our family LLC. You may view the properties on our website.

I am advised by Ms Maggie Rice this request will be presented at your next Planning Commission Study Session on July 1, 2014. I will be present at that meeting to answer any questions you may have. I look forward to seeing you then and pray for your positive response to this request.

Sincerely yours,

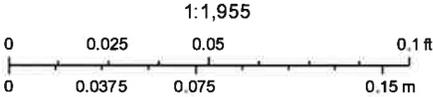


Dr. Sam Koenig
Managing Partner
Koenig and Sons, LLC

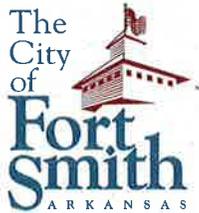
Rezoning with Koenig Properties Removed



June 25, 2014
 : : Fort Smith City Limits
 : : Subdivisions
 = Building Footprints



- F. A structure housing a nonconforming use that is destroyed or damaged to the extent that the cost of repair is more than fifty (50) percent of the value of the structure after repair shall not be replaced unless all of the following conditions are met:
1. A conditional use application is presented to the Planning Commission in accordance with section 27-332 of this chapter;
 2. The conditional use is approved by the planning commission;
 3. Construction is completed within one (1) year from the date of the loss; the determination of "cost of repair" shall be based on the anticipated cost of a repair performed by a contractor in the ordinary course of the construction industry, and the determination of the "value of the structure after repair" shall not include real property value. Both determinations shall be made by the Director;
 4. The structure shall be adapted for the same use as the previous structure; and
 5. The structure as built shall not exceed the bulk and area characteristics of the previous structure;
 6. Provided, a maximum time extension not to exceed sixty (60) calendar days may be granted upon written application of the owner to the Director, provided substantial progress has been made to repair the structure.



June 25, 2014

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

Re: Rezoning #12-6-14; A request by David Harris, agent for Planning Commission consideration of a zone change from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2001-2127 South "V" Street; 2205-2219 South "V" Street; 2000-2228 South "V" Street; 2001-2219 South "W" Street; 2100-2230 South "W" Street; 2400 South 21st Street; 2215 Jenny Lind Road; 2312-2322 South 23rd Street; 2222 South 23rd Street and 2300-2302 South 22nd Street.

On June 10, 2014, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. David Harris, 2025 South "V" Street, Mr. Don Lumpkin, 2117 South "V" Street, Ms. Fran Hall, 2125 South "W" Street, Ms. Tracy Hamilton, 2108 South "T" Street and Mr. Scott Chapman, 2222 South "X" Street were present to voice their support for this rezoning request.

No one was present to speak in opposition to this request; however a representative of Koenig properties addressed the Commission with a request for a letter from the City stating that existing multi-family development land uses would be allowed to continue.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

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

Respectfully Submitted,

CITY PLANNING COMMISSION


Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Rezoning #12-6-14 - A request by David Harris, agent, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension at 2001-2127 South "V" Street; 2205-2219 South "V" Street; 2000-2228 South "V" Street; 2001-2219 South "W" Street; 2100-2230 South "W" Street; 2400 South 21st Street, 2215 Jenny Lind Road, 2203 South 21st Street, 2312-2322 South 23rd Street, 2222 South 23rd Street, and 2300-2302 South 22nd Street

PROPOSED ZONING

The proposed Residential Single Family Medium/High Density (RS-3) zone is a corrective rezoning to reflect how the area has developed.

LOT LOCATION AND SIZE

The requested rezoning area is bound by Jenny Lind Road, the alley between South "U" Street and South "V" Street, South 23rd Street and South "X" Street. The area contains approximately 20 acres and has approximately 91 lots.

REQUESTED ZONING

The requested zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

2A

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 6.7 Dwelling Units/Acre

Maximum Lot Coverage - 60%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 25 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (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. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

2B

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

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

The areas to the east are zoned Residential Single Family Duplex Medium/High Density (RSD-3) and Residential Single Family Medium/High Density (RS-3) and are developed as single family and multifamily residences.

The areas to the south are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

The areas to the west are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences and an office.

LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, May 19, 2014 at Fort Smith Public Library. Twelve (12) people were present at the neighborhood meeting. Two of the property owners in attendance were opposed to the rezoning and their properties were removed from this application. The remaining persons in attendance were there just for information and no objections were voiced. A copy of the attendance record and meeting summary are enclosed.

The proposed rezoning is to exclusively allow single family development.

Based on the predominate single family development of the neighborhood, staff recommends approval.

20

PETITION FOR CHANGE IN ZONING MAP

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

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

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

see attached

2. Address of property: 2001-2127 South V St, 2000-2228 SV St, 2001-2219 S W St, 2100-2230 SWS
2400 S 21st St, 2215 Jenny Lind, 2203 S 21st, 2312-2322 SWS
2222 S 23rd St, 2300-2302 S 22nd St, 2323 SWS
3. The above described property is now zoned: RM-3

4. Application is hereby made to change the zoning classification of the above described property to RS-3 by extension.
(Extension or classification)

5. Why is the zoning change requested?

corrective neighborhood rezoning

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

David Harris
Owner or Agent Name
(please print)

Signed:

• Owner

2025 S V St
Owner or Agent Mailing Address

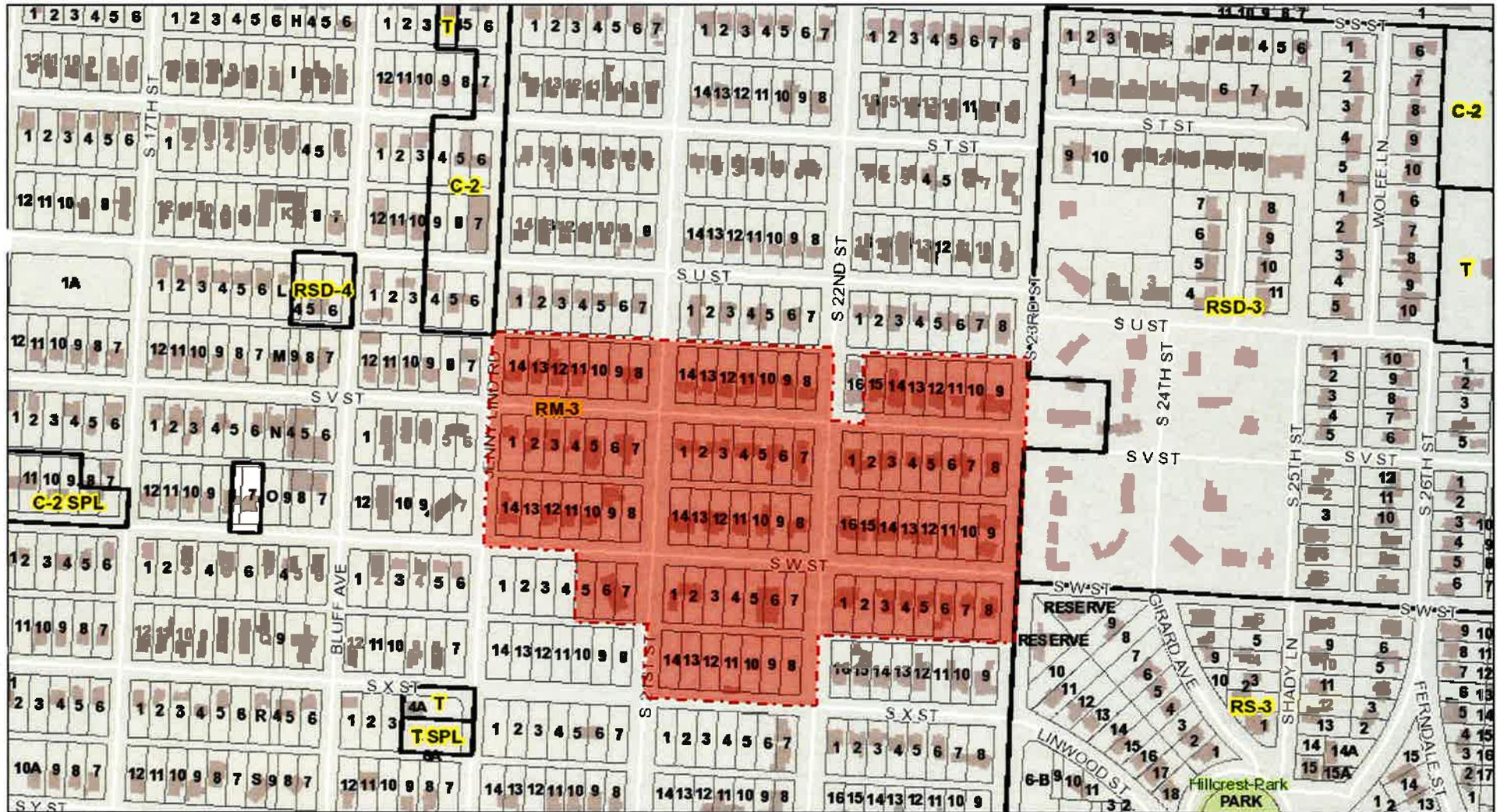
or
David Harris
Agent

479.783.5551
Owner or Agent Phone Number

20

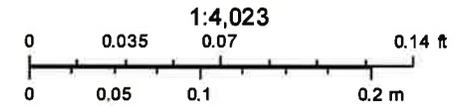
Rezoning #12-6-14: From Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3)

L
8



May 20, 2014

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



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

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location FS PUBLIC LIBRARY

Meeting Time & Date 5:30 p.m. 19 May 2014

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Sue Hyler</u>	<u>2203 So 21st St</u>	<u>479-719-3216</u>
2.	<u>Wrenette Ritchie</u>	<u>7818 Euper Ln</u>	<u>479-478-0142</u>
3.	<u>Kristin Fowler</u>	<u>2209 So V St.</u>	<u>479-414-6003</u>
4.	<u>Sue Schneider</u>	<u>2008 So. "V" St</u>	<u>479-783-6102</u>
5.	<u>Yerman Kenner</u>	<u>2009 So V St</u>	<u>479-445894</u>
6.	<u>Larry Adanson</u>	<u>2013 So V St</u>	<u>479-629-5773</u>
7.	<u>Larson Craig</u>	<u>2001 So. W St</u>	<u>479-783-1344</u>
8.	<u>Don Bandy</u>	<u>2201 So. "V"</u>	<u>479-452-3402</u>
9.	<u>Randall & Sarah Stone</u>	<u>2220 So "W"</u>	<u>479-459-3486</u>
10.	<u>Earl & Mary</u>	<u>2222 & 2224 So "W"</u>	<u>479-414-7127</u>
11.	<u>Charles Sedken</u>	<u>2219 So W</u>	<u>242-2344 office</u>
12.	<u>Barbara Debe</u>	<u>2228 So. "V" St</u>	<u>(479) 782 5519</u>

Summary of Neighborhood Meeting – On South V Street and South W Street from Jenny Lind Road and South 23rd Street

The meeting was held May 19th at 5:30 p.m. in the main library, 20 people attended, including Maggie Rice with the City. Thirteen of the attendees were homeowners from the proposed rezoning area. The owner and a resident of a duplex adjacent to the area asked how the rezoning would affect them. Owners of four lots on the south side of W street in the 2000 block opposed the rezoning and their property was excluded. The owner of a duplex at the corner of 22nd and V Street also had his property excluded. Meeting adjourned at 6:15 p.m.



David Harris

2H

W/in

Kyle Johnson
2212 South "V" Street
Fort Smith, AR 72901

HAKR Properties LLC
2300 South 57th Street
Fort Smith, AR 72903

John Jacob Martin
2113 South "V" Street
Fort Smith, AR 72901

~~Swilling Construction LLC
400 Rogers Avenue
Fort Smith, AR 72902~~

David Harris
2025 South "V" Street
Fort Smith, AR 72901

Thomas Stiga
2100 South "V" Street
Fort Smith, AR 72901

William & Karen Roe
2100 South "W" Street
Fort Smith, AR 72903

Rebecca & Randy Cordell
2230 South "W" Street
Fort Smith, AR 72901

Emery Lundquist Revocable Trust
2015 South "W" Street
Fort Smith, AR 72901

Barbara Dalke Moore Trust
2228 South "V" Street
Fort Smith, AR 72901

Deck Realty, LLC
1249 N Waldron Road
Fort Smith, AR 72904

Jimmie Gayle Rice
2004 South "V"
Fort Smith, AR 72901

Woodrow & Beverly Hogan
2118 South "V" Street
Fort Smith, AR 72901

Charles Chambers
2217 South "W"
Fort Smith, AR 72901

Ryanne Harper
2219 South "V"
Fort Smith, AR 72901

Michael Cowart
2121 South "V"
Fort Smith, AR 72901

Jaime Garvey
2009 South "W"
Fort Smith, AR 72901

William & Janet Loyd
2201 South "W"
Fort Smith, AR 72901

Eugenia Smith
2121 South "W"
Fort Smith, AR 72901

Sue Carol Schneider
2008 South "V"
Fort Smith, AR 72901

Earl & Mary Palmer
2222 South "W"
Fort Smith, AR 72901

Jenkins Family Limited Partnership
2005 South Greenwood
Fort Smith, AR 72901

Kristina Fowler
2209 South "V"
Fort Smith, AR 72901

Emma Campbell
2021 South "W" Street
Fort Smith, AR 72901

Juan Carlos Gonzalez
2109 South "V"
Fort Smith, AR 72901

Teri & Earl Smith
2218 South "V"
Fort Smith, AR 72901

Koenig & Sons, LLC
4000 Free Ferry
Fort Smith, AR 72903

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

Nathan Redford
2210 South "W"
Fort Smith, AR 72901

Jesse & Stephanie Bailey
2200 South "V"
Fort Smith, AR 72901

Bobby & Edith Cross
1823 Heritage Drive
Van Buren, AR 72956

Matthew Hendrix & Gerri Runion
2105 South "V"
Fort Smith, AR 72901

Bayview Financial Property Trust
3422 Midland Blvd.
Fort Smith, AR 72904

Celina Bonilla
507 Bear Track Drive
Van Buren, AR 72956

Stacey Riggs
2212 South "W"
Fort Smith, AR 72901

Majestic Properties, LLC
P. O. Box 180922
Fort Smith, AR 72918

Christina Robben
2217 South "V"
Fort Smith, AR 72901

American Home Investors
1223 Viewpoint Drive
Fayetteville, AR 72701

Donald & Hazel Lumpkin
2117 South "V"
Fort Smith, AR 72901

Tanya Bateman Living Trust
2400 South 21st Street
Fort Smith, AR 72901

Nora Molinero
2115 South "W"
Fort Smith, AR 72901

Rosario Nolasco-Bell
2012 South "V"
Fort Smith, AR 72901

Jerry Adamson
2013 South "V"
Fort Smith, AR 72901

Clint Wood
2122 South "W"
Fort Smith, AR 72901

Mary Helen Bradney
2110 South "V"
Fort Smith, AR 72901

Mary Palmer O'Neal
P. O. Box 8102
Fort Smith, AR 72902

Virginia Elsken
2205 South "V"
Fort Smith, AR 72901

Jonathan Lyon
2017 South "W"
Fort Smith, AR 72901

Norman & Elizabeth Kennon
2009 South "V"
Fort Smith, AR 72901

Nancy Clark
2112 South "V"
Fort Smith, AR 72901

William & Rebecca Hook
2200 South "W"
Fort Smith, AR 72901

Sallie Ann Grigsby
2222 South 23rd Street
Fort Smith, AR 72901

~~Bandy Family Revocable Trust
501 North 65th Street
Fort Smith, AR 72903~~

Lavern Craig
2001 South "W"
Fort Smith, AR 72901

Craig & Cynthia Cunningham
3700 Old Oaks Lane
Fort Smith, AR 72903

Mark Bateman
810 South 25th Street
Fort Smith, AR 72901

Francis Hall & S. Nunley
2125 South "W"
Fort Smith, AR 72901

Randall Stone
2220 South "W" Street
Fort Smith, AR 72901

Mark Bateman
810 South 25th Street
Fort Smith, AR 72901

Pamela Galloway
2215 South "V"
Fort Smith, AR 72901

Bob Bateman
P. O. Box 893
Fort Smith, AR 72902

Kyle Johnson
P. O. Box 461
Hackett, AR 72937

Koenig & Sons
P. O. Box 999
Fort Smith, AR 72902

Christopher Flynn
2501 Bluff Avenue
Fort Smith, AR 72901

Kenneth & Rebekah Taylor
2122 South 23rd Street
Fort Smith, AR 72901

John Lange
#5 Wynona Drive
Fort Smith, AR 72901

Oscar & Lorena Guillen
1908 South "V" Street
Fort Smith, AR 72901

Glenda McLaughlin
1915 South "V"
Fort Smith, AR 72901

Ronald & Dorothy Fenwick
907 Skyline Drive
Van Buren, AR 72956

Mutual Properties LLC
2219 South 2nd Street
Fort Smith, AR 72901

Charlotte Sheraden-Baker
P. O. Box 1626
Fort Smith, AR 72902

Grady & Bessie Richison
775 N Hoover Road
Wichita, KS 67212-2756

Roger McElroy
2520 South 21st Street
Fort Smith, AR 72901

Danny Cox
2209 South "Y" Street
Fort Smith, AR 72901

Eleanor Genhousky
2012 South "U"
Fort Smith, AR 72901

Joe Parker Living Trust
2224 South "U" Street
Fort Smith, AR 72901

Wrenetta Ritchie Living Trust
7818 Euper Lane
Fort Smith, AR 72903

John Mays
2216 South "X"
Fort Smith, AR 72901

Tillman Neal, Jr.
2216 Bluff Avenue
Fort Smith, AR 72901

Vickie May
2200 South 24th
Fort Smith, AR 72901

Larry Porter Living Trust
2205 South "X"
Fort Smith, AR 72901

Hairbenders, Inc.
2200 Jenny Lind
Fort Smith, AR 72901

Jacqueline Lovett
2015 South "Y"
Fort Smith, AR 72901

Megan Renee Lawson
2204 South "X"
Fort Smith, AR 72901

Jonathan Coomer
4019 Bonanza Road
Fort Smith, AR 72916

Steven & Julianne Stec
2405 Brigadoon
Fort Smith, AR 72908

Timothy Dillon
5019 South 22nd Street
Fort Smith, AR 72903

David & Carrie Wilson
2215 South "U"
Fort Smith, AR 72901

Richard & Brenda Walden
2300 Jenny Lind
Fort Smith, AR 72901

Robbins Family Trust
2520 South 22nd Street
Fort Smith, AR 72901

Teresa Westbrook
704 SE 12th Street
Muldrow, OK 74948

Michael Cruthird
1916 South "W"
Fort Smith, AR 72901

J & J Investments, LLC
P. O. Box 823
Van Buren, AR 72956

Rebecca Weatherton
2208 South "U"
Fort Smith, AR 72901

Polly Preston
2201 South "U"
Fort Smith, AR 72901

Matthew & Samantha Sayers
14 Girard Street
Fort Smith, AR 72901

Jessica Jones-Swilling
2300 South 24th Street
Fort Smith, AR 72901

Mark Berry
1909 South "U"
Fort Smith, AR 72901

Timothy Neufell
1906 South "U"
Fort Smith, AR 72901

Larry James Willis
2221 South "X"
Fort Smith, AR 72901

Eldon & Debra Bushong
2201 South 23rd Street
Fort Smith, AR 72901

Jonathan & Sarah Thompson
2021 South "U"
Fort Smith, AR 72901

John & Holly Davis
3401 South 79th
Fort Smith, AR 72903

Calvin & Judy Honeycutt Living Trust
2317 South 23rd
Fort Smith, AR 72901

Dusti Standridge
P. O. Box 5485
Fort Smith, AR 72913

Kralicek & Flusche LLC
2300 South 57th
Fort Smith, AR 72903

John Lange
5 Wynona Drive
Fort Smith, AR 72901

K Terry Wright Living Trust
2323 Bluff Avenue
Fort Smith, AR 72901

Sandra Terwilliger
2117 South "U"
Fort Smith, AR 72901

Matthew Holland
2020 South "X"
Fort Smith, AR 72901

Chandler Garrett
2207 South 23rd
Fort Smith, AR 72901

Terry Campbell & Dorothy Highley
1812 S "X"
Fort Smith, AR 72901

Jennifer Lockwood
2011 South "Y"
Fort Smith, AR 72901

Rainwater Real Estate LLC
2923 South 59th Street
Fort Smith, AR 72903

Susan & Blaine Phillips
4 Girard Street
Fort Smith, AR 72901

Paul & Anna Scott
2121 South 23rd
Fort Smith, AR 72901

Scott & Dusti Standridge
6201 Ellsworth Road
Fort Smith, AR 72903

Donald Cotner
2201 South "X"
Fort Smith, AR 72901

Barbara Thomas
2009 South "U"
Fort Smith, AR 72901

Guy & Agnes Lamb
1810 South "W"
Fort Smith, AR 72901

Donald Reynolds Living Trust
2817 Cliff Drive
Fort Smith, AR 72901

Gentry Family Trust
1906 South "V"
Fort Smith, AR 72901

Ann Cannon
2508 South 22nd Street
Fort Smith, AR 72901

The Tillman Theodore Neal, Jr. Living Trust
2215 Bluff
Fort Smith, AR 72901

Fannie Pearl Gartrell, et al
1919 South "Y"
Fort Smith, AR 72901

Valerie & Jeffrey Scott
109 North 6th Street
Fort Smith, AR 72901

Cromer 2007 Joint Trust
2901 Carrington Point Road
Fort Smith, AR 72903

Karen Bogner
2023 South "Y"
Fort Smith, AR 72901

KTB Management LLC
5409 Remington Way
Fort Smith, AR 72916

Orban Turner
2519 South 22nd Street
Fort Smith, AR 72901

Kralicek Investments LLC
Stark, Otto & McAlister IDA
2300 South 57th-#4
Fort Smith, AR 72903

James & Judith Kelley
10615 Hwy. 253
Fort Smith, AR 72916

Emily Lodes
7800 Highland Park Drive
Fort Smith, AR 72916

Shirley Wade
2229 South "X"
Fort Smith, AR 72901

Thad & Shannon Cutsinger
2004 South "Y"
Fort Smith, AR 72901

Christopher Roberts
2210 South "X"
Fort Smith, AR 72901

GE & Veronica Bryant
2221 South "U"
Fort Smith, AR 72901

Dilbert Bonilla
811 North 13th Street
Fort Smith, AR 72901

Khaiq Do & Vant Vu
9504 Bridgeford Road
Fort Smith, AR 72908

Fuel Investments, LLC
P. O. Box 1325
Alma, AR 72921

Alta Osborne
1915 South "X"
Fort Smith, AR 72901

Stephen Jackson
2214 South "U"
Fort Smith, AR 72901

Calvin Moye Living Trust
P. O. Box 3162
Fort Smith, AR 72913

Jaime Gross
2227 South "X"
Fort Smith, AR 72901

Scott Davidson
8206 Holly
Fort Smith, AR 72908

Steven Stumbaugh
2017 S "U"
Fort Smith, AR 72901

Mitchell Harper
5422 Euper Lane
Fort Smith, AR 72903

William & Debra Frye
4507 W Highway 10
Greenwood, AR 72936

Joyce Essman
1906 S "Y"
Fort Smith, AR 72901

David & Hernandez Fox
1914 S "V"
Fort Smith, AR 72901

Jan Nordin
4319 South 35th Drive
Fort Smith, AR 72903

Paul Peacock
1805 S "Y"
Fort Smith, AR 72901

Betty Sue Cox
1920 S "W"
Fort Smith, AR 72901

Cromer 2007 Joint Trust
2901 Carrington Point Road
Fort Smith, AR 72903

David & Helen Neal
1904 S "W"
Fort Smith, AR 72901

Stacy Calderera
2215 S "Y"
Fort Smith, AR 72901

Burt Stover
1710 S "W"
Fort Smith, AR 72901

John & Julie Hagen
9900 Essex Place
Fort Smith, AR 72903

Ryan Henry
2005 S "Y"
Fort Smith, AR 72903

Diana Lee
2315 S "U"
Fort Smith, AR 72901

Gioi Van Nguyen
200 North 20th Street
Fort Smith, AR 72901

Katherine Boulden
2109 South 23rd
Fort Smith, AR 72901

Scott Chapman
3716 South 87th Street
Fort Smith, AR 72903

John Lane & Leah Clemmons
2300 S "W"
Fort Smith, AR 72901

Zemra Grimm Living Trust
2208 South 24th Street
Fort Smith, AR 72901

Daniel & Lynnette Lott
2200 S "X"
Fort Smith, AR 72901

Barbara Carter
2019 S "Y" Street
Fort Smith, AR 72901

Shepherd Family Trust
2005 South "U"
Fort Smith, AR 72901

Mark Byrd
2324 South 24th Street
Fort Smith, AR 72901

Robert & Deborah Crawford
2224 Jenny Lind
Fort Smith, AR 72901

Julie McFarland-Ordonez
1021 South 17th Street
Fort Smith, AR 72901

Bluff Avenue Baptist Church
1900 S "V"
Fort Smith, AR 72901

Katy Avlos, et al
5 Linwood Street
Fort Smith, AR 72901

Steven & Julianne Stec
2405 Brigadoon
Fort Smith, AR 72908

Stacy Taff
1918 S "W"
Fort Smith, AR 72901

Danny & Laquetia Hollis
7701 Bartsch
Fort Smith, AR 72908

Kenny & Sharyl Gourley
1200 Cultivar
Alma, AR 72921

Kristen & Janet Procell
2200 South "U"
Fort Smith, AR 72901

Roddy & Rebecca Sue Yates
2230 S "X"
Fort Smith, AR 72901

James & Carol Williams
1911 S "V"
Fort Smith, AR 72901

Lyndell Foster
2323 South "V"
Fort Smith, AR 72901

Gilbreath Family Revocable Trust
2401 South 23rd Street
Fort Smith, AR 72901

Julie Karen Sexton, et al
1901 S "Y" Street
Fort Smith, AR 72901

Thad & Shannon Cutsinger
2004 S "Y"
Fort Smith, AR 72901

John & Cynthia Vozel
2212 S "X"
Fort Smith, AR 72901

Thuat Xuan Pham
2420 S Bluff Avenue
Fort Smith, AR 72901

Darren & Amy Ellingson
P. O. Box 1582
Fort Smith, AR 72902

Carol Justice
2009 S "Y"
Fort Smith, AR 72901

Jemn Properties, LLC
525 Duchess Drive
Sierra Vista, AZ 85635

Nancy Dover
10 Linwood Street
Fort Smith, AR 72901

Anthony & Desiree Williamson
1923 S "W"
Fort Smith, AR 72901

Jackie Freeman
2420 Jenny Lind
Fort Smith, AR 72901

Gina Smith
2121 S "U" Street
Fort Smith, AR 72901

Austin & Candi Freeman
817 Segan Street
Van Buren, AR 72956

Matthew Holland
2020 S "X"
Fort Smith, AR 72901

Alice Roberts
2008 S "U"
Fort Smith, AR 72901

Zemira Grimm Living Trust
1103 South 23rd Street
Fort Smith, AR 72901

David & Patricia King
2218 S "U"
Fort Smith, AR 72901

Lori Layne
P. O. Box 1595
Alma, AR 72921

Robert & Kristie Rogne
2307 S 23rd Street
Fort Smith, AR 72901

The Tillman Theodore Neal, Jr. Living
Trust
2215 Bluff
Fort Smith, AR 72901

Mallory Thompson
2209 S "X"
Fort Smith, AR 72901

Michael Moody
11 Linwood Street
Fort Smith, AR 72901

Marguerite Carney Trust
P. O. Box 3908
Fort Smith, AR 72913

William & Shirley Moates
2323 S "U" Street
Fort Smith, AR 72901

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JUNE 10, 2014**

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

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

Mr. Wally Bailey spoke on the procedures.

1. Final Plat – Massard Square – Brixey Engineering

Ms. Brenda Andrews read the staff report indicating that this would be a commercial and multi-family development.

Mr. Ron Brixey was present to speak on behalf of this plat.

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

Chairman Sharpe then called for the vote on the final plat. Motion was then made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this plat to make approval subject to all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

2. Rezoning #12-6-14; A request by David Harris, agent for a neighborhood rezoning from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street; 2001-2219 South “W” Street; 2100-2230 South “W” Street; 2400 South 21st Street; 2215 Jenny Lind; 2203

South 21st Street; 2312-2322 South 23rd Street, 2222 South 23rd Street and 2300-2302 South 22nd Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow exclusively single family homes and would be a corrective rezoning to reflect how the area has developed.

Ms. Rice stated that a neighborhood meeting was held on Monday, May 19, 2014, at the Fort Smith Public Library with twelve (12) people in attendance. Ms. Rice stated that two (2) of the property owners in attendance were opposed to the rezoning and their properties were removed from this application. Ms. Rice noted that the remaining persons in attendance were there just for information and no objections were voiced.

Mr. David Harris, 2025 South “V” Street, Mr. Don Lumpkin, 2117 South “V” Street, Ms. Fran Hall, 2125 South “W” Street, Ms. Tracy Hamilton, 2108 South “T” Street and Mr. Scott Chapman, 2222 South “X” Street were present to voice their support for this rezoning request.

A representative of Koenig properties addressed the Commission with a request for a letter from the City stating that existing multi-family development land uses would be allowed to continue.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4)**
- 4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)**
 - A. A request for development plan deferral located at 6100 and 6200 Massard Road.**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the site to be compatible to the surrounding and adjacent land uses. Ms. Rice noted that the applicant is also requesting a development plan deferral due to the fact that the developer does not have a defined plan for the lots at this time.



3.

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. 13-6-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 10, 2014, that said change be made;

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

SECTION 1: That the following properties to-wit:

Lot 1A and the alley closed by City Ordinance No. 52-95, Block 7, Masons Addition more commonly known as 1922 Dodson Avenue, should be, and is hereby rezoned from Transitional (T) to Commercial Light (C-2) by Extension.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

APPROVED:

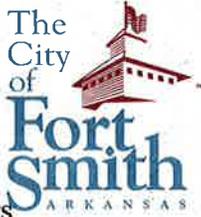
ATTEST:

Mayor

City Clerk

Approved as to form:

Publish One Time



June 25, 2014

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

Re: Rezoning #13-6-14; A request by Gregg Teece, agent for Goddard United Methodist Church, for Planning Commission consideration of a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 1922 Dodson Avenue.

On June 10, 2014, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is for a corrective rezoning which would place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 9, 2014, at the church with two (2) property owners attending the meeting with questions relative to how the proposed zoning would affect their property. Ms. Andrews noted that after their questions were answered, the property owners indicated that they had no concerns with the proposed rezoning. Ms. Andrews stated that the request would follow the existing Commercial-2 zoning line along Dodson Avenue and would be compatible with the Dodson Avenue Corridor. Ms. Andrews also stated that no new development or expansions are being proposed by the church; however, a Commercial-2 zoning would benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Mr. Gregg Teece was present to speak on behalf of this request.

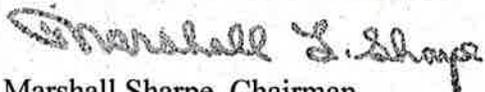
No one was present to speak in opposition to this request.

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION



Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Memo

To: City Planning Commission

From: Planning Staff

Date: May 30, 2014

Re: Rezoning #13-6-14 - A request by Gregg Teece, agent for Goddard United Methodist Church, for Planning Commission consideration of a zone change from Transitional (T) to Commercial Light (C-2) by extension at 1922 Dodson Avenue

PURPOSE OF REQUESTED ZONING

Approval of the C-2 zoning request is considered a corrective zoning and will place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

LOT LOCATION AND SIZE

The subject property is on the south side of Dodson Avenue between Bluff Avenue and Jenny Lind Road. The tract contains an area of 0.89 acres with approximately 300 feet of street frontage along Dodson Avenue and 130 feet of street frontage along Bluff Avenue and 130 feet of street frontage along Jenny Lind Road.

REQUESTED ZONING

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

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

5A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

5B

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2) and are developed as a self service car wash and medical laboratory.

The area to the east is zoned Commercial Light (C-2) and is developed as an office.

The area to the south is zoned Transitional (T) and is developed as an extension of the church.

The areas to the west are zoned Commercial Light (C-2) and are developed as single family residences.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as **Institutional**. This classification is intended to provide for needed community services of both a public and quasi-public nature. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, June 9th, 2014 at the church. Two property owners attended the meeting and had questions about how the proposed zoning would affect their property. After Gregg Teece with Goddard Church and Brenda Andrews addressed their questions, the property owners indicated they had no concerns with the proposed rezoning. A copy of the attendance record and meeting summary are enclosed.

The request will follow the existing C-2 zoning line along the Dodson Avenue and will be compatible with the Dodson Avenue Corridor.

No new development or expansions are proposed by the church. However, a C-2 zoning will benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Staff has received no objections to the proposed zoning request. Based on the surrounding C-2 zoning, staff recommends approval of the application.

5c

PETITION FOR CHANGE IN ZONING MAP

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

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

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

Lot 1A and the Alley closed by city ordinance No. 52-95, Block 7, Masons Addition.

- 2. Address of property: 1922 Dodson Ave. Fort Sm. Ark AR 72901

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

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

- 5. Why is the zoning change requested?

We are requesting rezoning from Transitional (T) to Commercial-Light (C-2) is considered a corrective rezoning and will be compatible with the surrounding C-2 zoning to the north, east, and west.

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

Signed:

Rev. Steve Wings
Owner or Agent Name
(please print)

Steve Wings
Owner

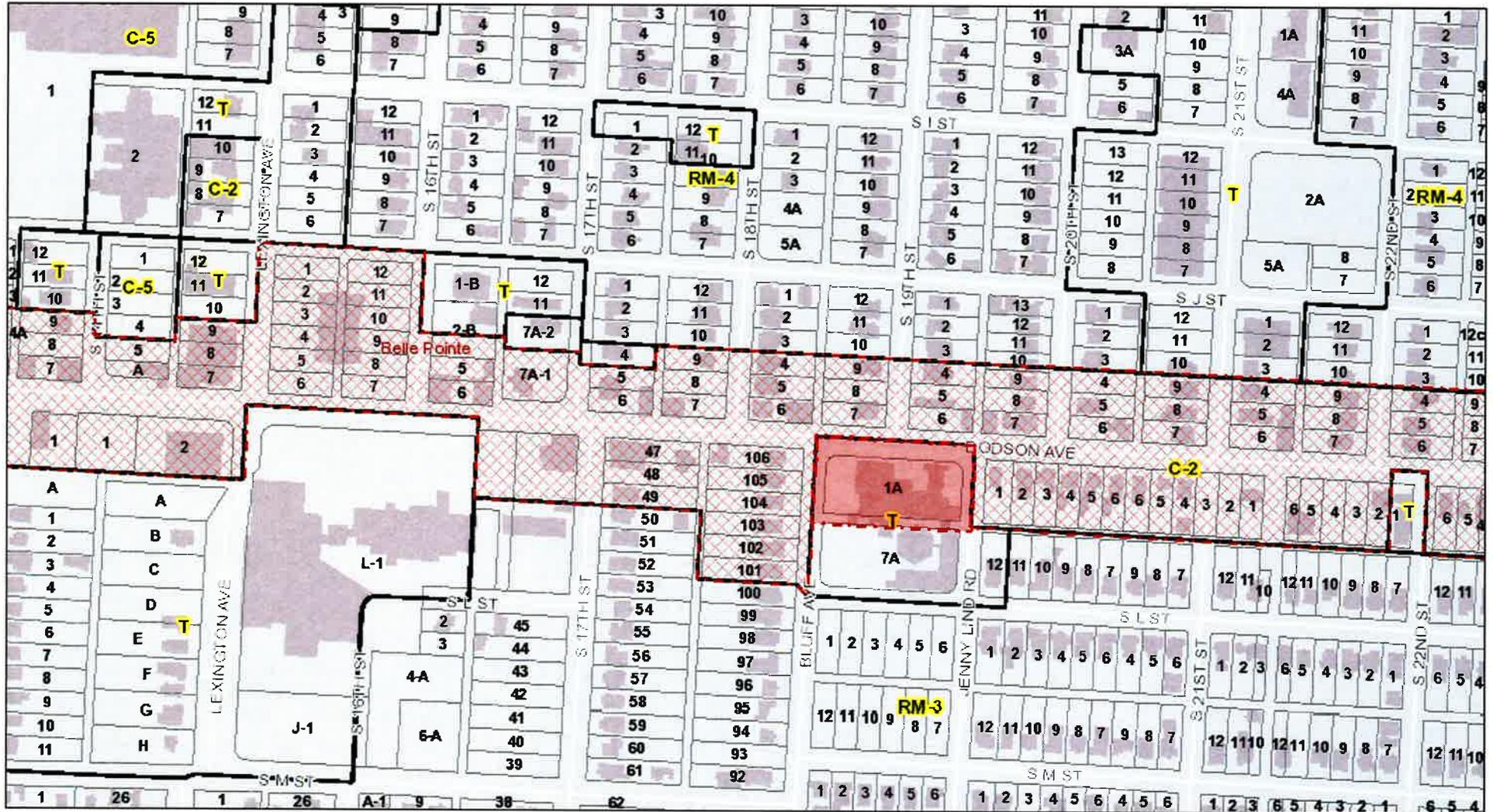
or

1922 Dodson Ave
Owner or Agent Mailing Address
Fort Sm. Ark AR

[Signature]
Agent

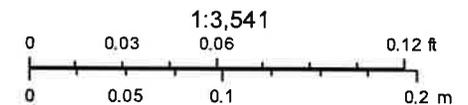
479-1785-1415
Owner or Agent Phone Number

Rezoning #13-6-14: From Transitional (T) to Commercial Light (C-2) 1922 Dodson Avenue



June 10, 2014

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



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

Carl & Elizabeth Rose
2200 South "T" Street
Fort Smith, AR 72901

Goddard United Methodist Church
1922 Dodson Avenue
Fort Smith, AR 72901

Fabio Garcia
309 North 20th Street
Fort Smith, AR 72901

Vuong & Lien Luu & Mie Nguyen
1301 South 17th Street
Fort Smith, AR 72901

Lucile Caldwell
1714 Dodson
Fort Smith, AR 72901

Melissa Roberts
1210 Bluff Avenue
Fort Smith, AR 72901

Alva & Kristen Beasley
13820 Heritage Place
Fort Smith, AR 72916

Van Tran
9712 Weddington Road
Fort Smith, AR 72903

Rusty Butler
2013 South "L" Street
Fort Smith, AR 72901

John & Kathleen Townshend
P. O. Box 11851
Fort Smith, AR 72917

Norman Wilkinson
P. O. Box 954
Fort Smith, AR 72902

Robert Kahler
1108 South 20th Street #A
Fort Smith, AR 72901

Carolyn Bull
2319 Lakeside Drive
Greenwood, AR 72936

American Home Investors, Inc.
1223 Viewpoint Drive
Fayetteville, AR 72701

Ruth Whitaker
P. O. Box 349
Cedarville, AR 72932

Tran Living Trust
1804 Fianna Way
Fort Smith, AR 72903

Richard & Carolyn Ward
2001 Dodson
Fort Smith, AR 72901

Richard Goodrum
1114 South 19th Street
Fort Smith, AR 72901

James & Deanna Carty
2228 South "T" Street
Fort Smith, AR 72901

Antonio & Cynthia Jones
1216 South Bluff
Fort Smith, AR 72901

Larry Grace
P. O. Box 1944
Fort Smith, AR 72902

Russell & Sharon Duncan
7101 Ellsworth
Fort Smith, AR 72903

Vickie Santikos & Melinda Auten
1116 South 20th Street
Fort Smith, AR 72901

Stephen & Hong Edwards
1100 South 23rd
Fort Smith, AR 72901

Alice Brooks
1300 Bluff
Fort Smith, AR 72901

Trung & Huong Le
1213 South 17th
Fort Smith, AR 72901

William & Kim Sahlin
2001 South "M" Street
Fort Smith, AR 72901

James & Susan McCoy
3209 South 97th Street
Fort Smith, AR 72903

Verlon & Roberta McKay
2405 South "M" Street
Fort Smith, AR 72901

Everett & Ruby Tolton
2009 South "L" Street
Fort Smith, AR 72901

Robert & Sheri Saunders
1907 Redbrown Place
Greenwood, AR 72936

Cynthia & Bradley Myers
18747 Cowshed Crossing Road
Spiro, OK 74959

Teresa Bowers
2000 South "L" Street
Fort Smith, AR 72901

Rainwater Real Estate
2923 South 59th Street
Fort Smith, AR 72903

Dien & Hoa Pham
6906 Red Bud Drive
Fort Smith, AR 72916

Thai Quach
7000 Millennium Drive
Fort Smith, AR 72916

Black Diamond, LLC
P. O. Drawer 400
Mulberry, AR 72947

John Richard & Loyce Goodrum
4612 South 29th Street
Fort Smith, AR 72901

Donald Kremers
2016 Dodson
Fort Smith, AR 72901

Angel Crosby
2012 South "L" Street
Fort Smith, AR 72901

Christine Lairamore
2011 South "M" Street
Fort Smith, AR 72901

Cheryl Bridges
1308 Bluff Avenue
Fort Smith, AR 72901

Chris Cooper
8606 S. Florence Avenue
Tulsa, OK 74137

JB Properties of Van Buren, LLC
Malani Shawn
2115 Liberty Lane
Van Buren, AR 72956

Sandra Moreno
1109 South 18th Street
Fort Smith, AR 72901

Sandra Moreno
1109 South 18th Street
Fort Smith, AR 72901

Kenneth Overbey
1116 South 20th Street
Fort Smith, AR 72901

Everett & Ruby Tolton
2003-05 South "L" Street
Fort Smith, AR 72901

Teresa Spaulding & Teresa Brunk
2016 South "L" Street
Fort Smith, AR 72901

Robert Hartmeier
2005 South "M" Street
Fort Smith, AR 72901

Charles Porter
1304 South Bluff Avenue
Fort Smith, AR 72901

Dong & Kim Vo
2700 Carrington Pointe
Fort Smith, AR 72903

Frank & Rose Miller
1918 North 46th Terrace
Fort Smith, AR 72904

Ellen Wilkinson
2004 South "L" Street
Fort Smith, AR 72901

Jacqueline Williams
1112 South 18th
Fort Smith, AR 72901

Daniel & Jaquita O'Mahoney
3609 Fairhaven Cove
Greenwood, AR 72936

Media Geren
1316 Bluff Avenue
Fort Smith, AR 72901

Clarissa Uerling
2901 Enid Street
Fort Smith, AR 72901

Richard Goodrum
4612 South 29th Street
Fort Smith, AR 72901

Dennis & Michelle Russell
2017 South "L" Street
Fort Smith, AR 72901

**Planning Commission Meeting Minutes
June 10, 2014**

5. Rezoning #13-6-14; A request by Gregg Teece, agent for Goddard United Methodist Church, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 1922 Dodson Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to correct a zoning and will place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 9, 2014, at the church with two (2) property owners attending the meeting with questions about how the proposed zoning would affect their property. Ms. Andrews noted that after their question was addressed the property owners indicated that they had no concerns with the proposed rezoning. Ms. Andrews stated that the request would follow the existing C-2 zoning line along Dodson Avenue and will be compatible with the Dodson Avenue Corridor. Ms. Andrews also stated that no new development or expansions are being proposed by the church; however, a Commercial-2 zoning would benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Mr. Gregg Teece 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 Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

6. A request by Galen Hunter, agent for Joey Cole for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)

7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)

7A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.

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 June 10, 2014, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 14-6-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 10, 2014, that said change be made;

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

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

Lots 144 and 145, Huntington Chase, Fort Smith, Sebastian County, Arkansas, as filed for record December 23, 2008

more commonly known as 6100 and 6200 Massard Road.

SECTION 2: The real property described in Section 1 is hereby rezoned from Not Zoned to Commercial Moderate (C-3) by Extension, subject to Planning Commission approval of a development plan prior to the issuance of a building permit.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time



June 25, 2014

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

Re: A request by Rob Coleman for Planning Commission consideration of a Master Land Use Plan Amendment from Unclassified to General Commercial and a zone change from Not Zoned to Commercial Moderate (C-3) by Extension located at 6100 and 6200 Massard Road.

On June 10, 2014, the City Planning Commission held a public hearing to consider the above requests and a request for a development plan deferral.

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the site to be compatible to the surrounding and adjacent land uses. Ms. Rice noted that the applicant is also requesting a development plan deferral due to the fact that the developer does not have a defined plan for the lots at this time.

Mr. Rob Coleman and Mr. Chuck Fawcett was present to speak on behalf of these requests.

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

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

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

Chairman Sharpe then called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

Chairman Sharpe then called for the vote on the request for a development plan deferral. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit. Chairman Sharpe then called

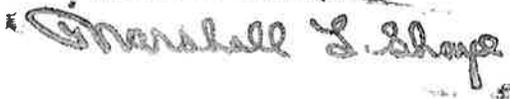
623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

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

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: May 29th, 2014

Re: Proposed Master Land Use Plan Amendment by Rob Coleman from unclassified to General Commercial at 6100 and 6200 Massard Road (Companion to item #4 and #4A)

The Planning Department is receipt of an application from Rob Coleman to amend the Master Land Use Map from not classified to General Commercial to accommodate a proposed Commercial Moderate (C-3) zoning request. The subject two (2) lots are on Huntington Circle on the west side of Massard Road.

The property is currently not zoned. A companion zoning application requests a Commercial Moderate (C-3) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

The area to the north is classified as General Commercial and is split as undeveloped, or developed as a gas substation.

The area to the east is not classified and is developed as government offices and storage yard.

The area to the south is classified as General Commercial and is developed as mini-storages.

The area to the west is not classified and is developed as a distribution center.

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

General Commercial

The purpose of the General Commercial land use is 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.

3A

Criteria for Designation:

Compliance Noted

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday June 2nd, 2014 at 813 Fort Street. No surrounding property owners were in attendance.

Based on compliance with the criteria for designation as General Commercial and compatibility with surrounding land uses, staff recommends approval of the application contingent upon approval of the companion applications.

3B

Application Type

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

Request to Amend Map

 Request to Amend Text

Applicant Name:	Rob Coleman		
Firm Name:	ERC Land Development Group, LLC		
Address:	813 Fort Street, Barling, AR 72923		
Phone # (day):	479.478.5103	Phone # (cell):	479.650.4510 Fax #: 479.452.7252
Owner Name:	ERC Land Development Group, LLC		
Owner Address:	813 Fort Street, Barling, AR 72923		
Phone # (day):	479.478.5103	Phone # (cell):	479.650.4510 Fax #: 479.452.7252
Property Address (subject property): 144 & 145, HuntingtonChase,			
Subject Property			
Current Land Use:			
Existing MLUP Classification:	No MLUP		
Proposed MLUP Classification:	General Commercial		
Existing Zoning Classification:	Not Zoned		
Proposed Zoning Classification:	Commercial Moderate (C-3)		
Surrounding Property			
Current Land Use: north-			
south-			
east-			
west-			
Existing MLUP Classification: north:	None		
	south:	General Commercial	
	east:	Chaffee Crossing	
	west:	ETJ	
Existing Zoning Classification: north:	Not Zoned		
	south:	C-5	
	east:	C-3	
	west:	ETJ 0-1	
Pre-Application Meeting Date:	05-09-14		

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:

3C

1. A legal description of the subject property that is to be amended (reclassified).
Lot 144 and 145, HuntingtonChase, Fort Smith, Sebastian County, Arkansas, as filed for record December 23, 2008

2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
See attached.

3. The area dimensions of the property in square feet or acres.
Lot 144 - 5.49 acres Lot 145 - 1.19 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:

Existing roads of Massard and Huntington Circle are new roads and in excellent condition.

Due to the current conditions of both roads an increase with additional commercial traffic should have a normal impact on future condition.

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:

All needed utility services and infrastructures are available.

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:

N/A

7. Identify any known or anticipated environmental concerns:

None known.

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

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

30

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

Deferral of review of development plan

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

Deferral of review of development plan

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

Deferral of review of development plan

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:

Deferral of review of development plan

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:

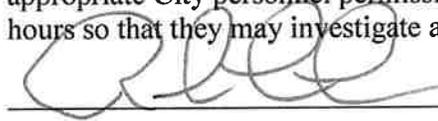
AUTHORIZATION OF AGENT

3E

Certification

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

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

 _____

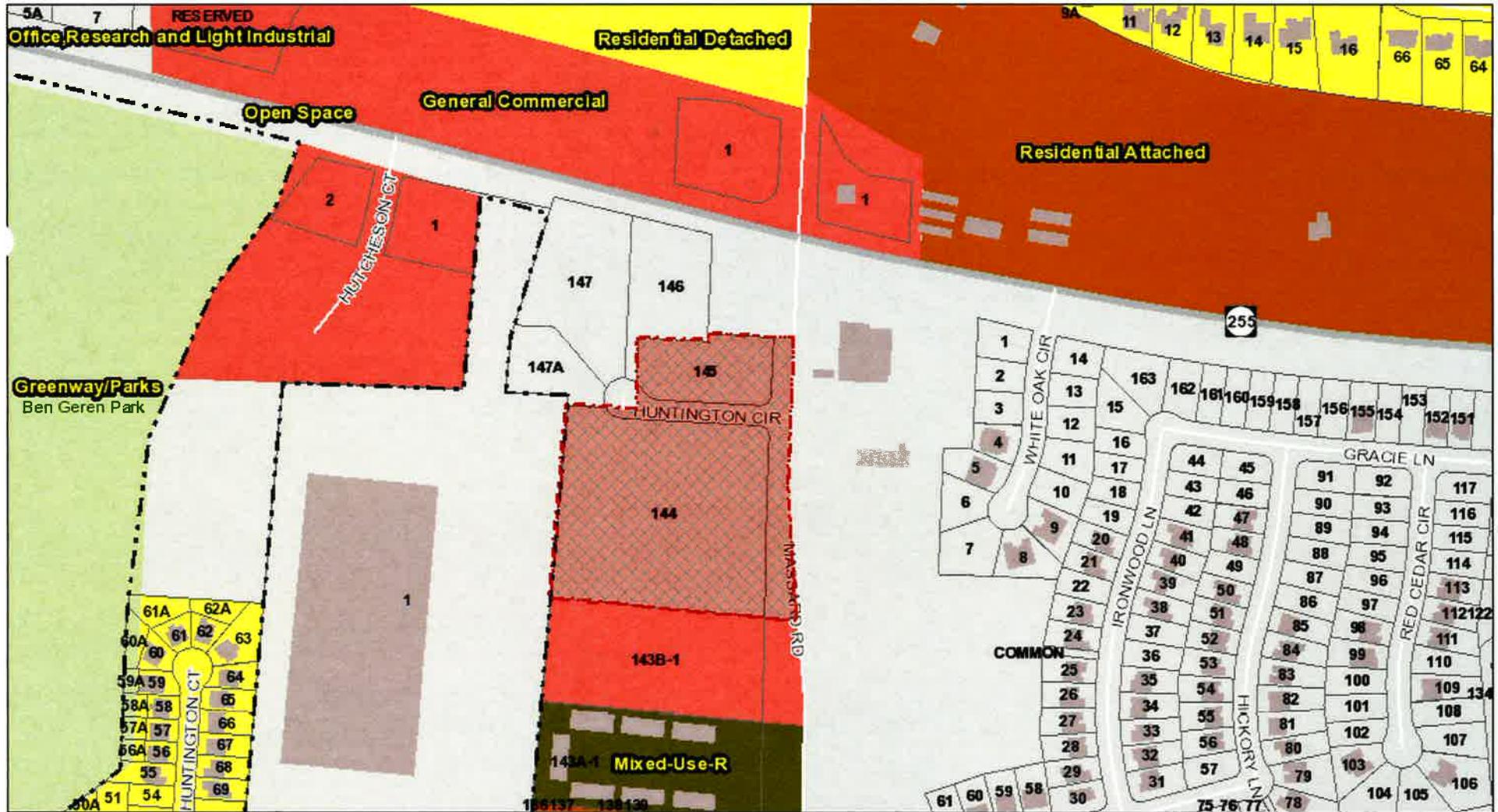
Signature (Agent/Owner)

Date

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

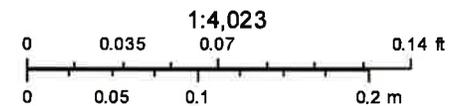
Master Land Use Amendment: From No MLUP to General Commercial 6100 & 6200 Massard Road

36



May 20, 2014

- Fort Smith City Limits
- Subdivisions
- Building Footprints



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

Memo

To: City Planning Commission

From: Planning Staff

Date: May 29, 2014

Re: Rezoning #14-6-14 - A request by Rob Coleman for Planning Commission consideration of a zone request from Not Zoned to Commercial Moderate (C-3) by extension at 6100 and 6200 Massard Road (Companion to items #3 & #4A)

PROPOSED ZONING

The rezoning if approved would allow for the site to obtain a zoning that would be compatible to the surrounding and adjacent land uses.

LOT LOCATION AND SIZE

The subject properties are on the west side of Massard Road and on the north and south side of Huntington circle as shown on the map. Both tracts together contain a combined area of 6.68 acres with each tract containing approximately 380 feet of street frontage along Huntington Circle. The north tract contains an approximately 175 feet of street frontage along Massard Road while the South tract contains approximately 480 feet of street frontage along Massard Road.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

4A

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The property is not zoned.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are either undeveloped or developed as a gas substation.

The area to the east is zoned Commercial Moderate (C-3) and is developed as government offices and storage yard.

The area to the south is zoned Commercial Heavy Special (C-5-SPL and is developed as mini-storages.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as a distribution center.

LAND USE PLAN COMPLIANCE

The applicant has submitted a companion Master Land Use Plan Amendment from unclassified to General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan. The applicant has also requested a deferral of the development plan.

4B

MASSARD/ZERO STREET OVERLAY DISTRICT

6100 and 6200 Massard Road are within the Massard/Zero Street Overlay District.

DEVELOPMENT PLAN

The applicant has requested a deferral of the development plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday June 2nd, 2014 at 813 Fort Street. No surrounding property owners were in attendance.

Based on compatibility with surrounding zoning, staff recommends approval of the application contingent upon approval of the companion applications.

4C

PETITION FOR CHANGE IN ZONING MAP

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

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

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

Lot 144 and 145, HuntingtonChase, Fort Smith, Sebastian County, Arkansas, as filed for record December 23, 2008

- 2. Address of property: Not yet determined

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

- 4. Application is hereby made to change the zoning classification of the above described property to C3 by extension.
(Extension or classification)

- 5. Why is the zoning change requested?

To obtain a zoning classification for the unzoned property that reflects cohesion with surrounding properties.

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

ERC Land Development Group, LLC
 Owner or Agent Name
(please print)

Signed: 

 Owner

813 Fort Street, Barling, AR 72923
 Owner or Agent Mailing Address

or

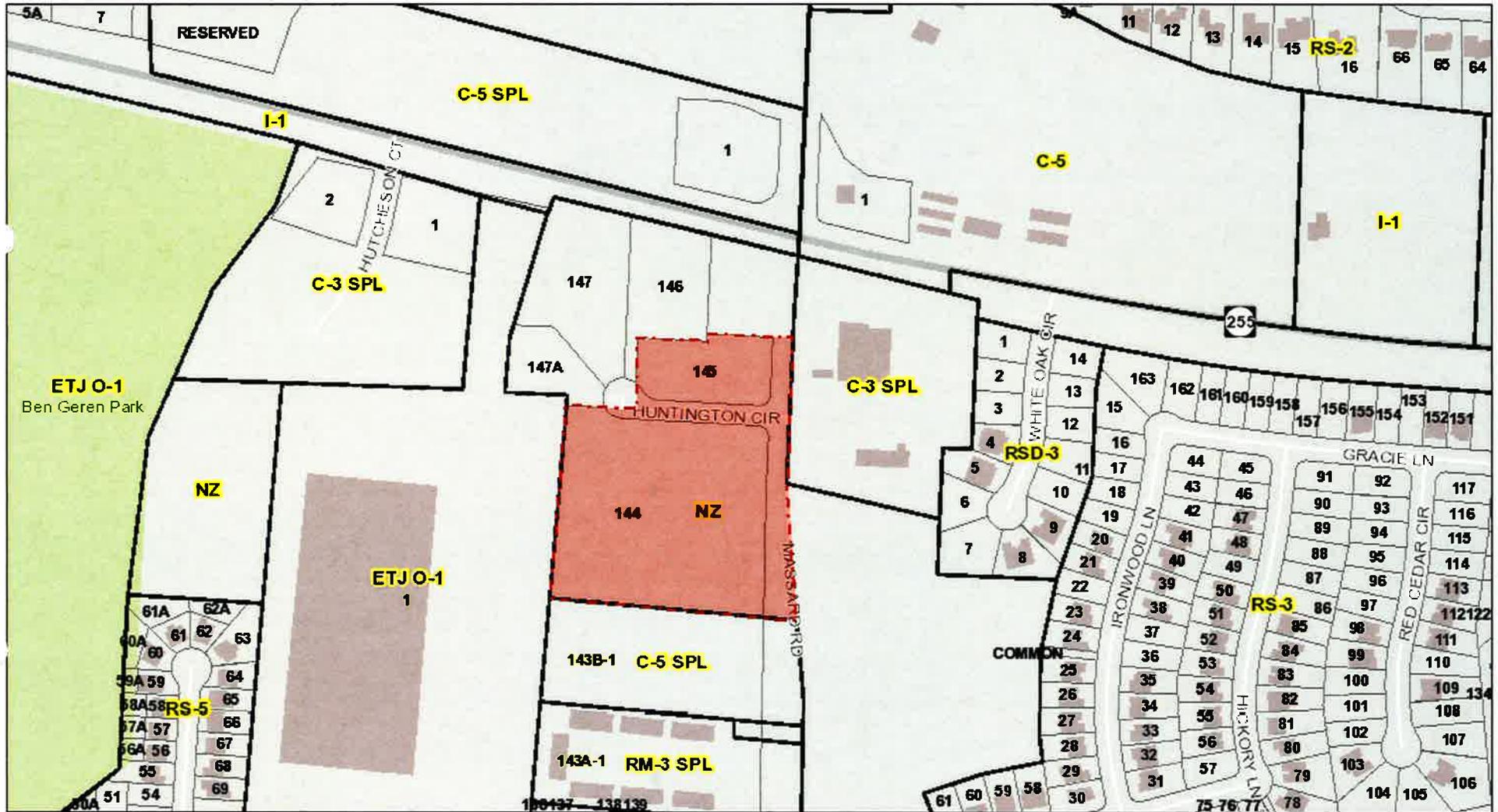
 Agent

479.478.5103
 Owner or Agent Phone Number

40

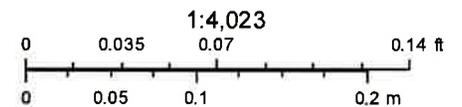
Rezoning #14-6-14: From Not Zoned (NZ) to Commercial Moderate (C-3) 6100 & 6200 Massard Road

HE
H



May 20, 2014

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



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

Memo

To: City Planning Commission
From: Planning Staff
Date: May 30, 2014
Subject: Request for Development Plan Deferral – 6100 & 6200 Massard Road

The planning department has received a request from Rob Coleman for Planning Commission consideration of a deferral of a development plan for 6100 & 6200 Massard Road. A requested rezoning #14-6-14 from Not Zoned to Commercial Moderate (C-3) has been requested. At this time, the developer does not have a defined plan for lots 144 & 145 Huntington Chase.

The following comments were received with regard to the development of the property:

- Fire protection will have to be installed upon development of the land
- Storm water management and detention of water quality treatment standards are required
- Preliminary traffic information is required
- Sidewalks or payment in lieu of sidewalks on Massard Road is required
- Driveway locations on Massard Road will have to meet the Massard Overlay District requirements.

The planning staff recommends approval of the request on the condition that a development plan is submitted and receives Planning Commission approval prior to the issuance of any building permits.

4A

AOG
115 North 12th Street
Fort Smith, AR 72902

Sebastian County
35 South 6th Street
Fort Smith, AR 72901

Chuck Fawcett Development, LLC
4720 Rogers
Fort Smith, AR 72903

Debra McClanahan Trustee
1525 Ranger Road
Fallsbrook, CA 92028

H & H Investments
P. O. Box 520
Van Buren, AR 72956

F & T Land & Cattle Co., LLC
4720 Rogers
Fort Smith, AR 72903

B & J Cole Food Store
2500 South Zero
Fort Smith, AR 72901

ERC Land Development Group, LLC
813 Fort Street
Barling, AR 72923

Walmart Properties, Inc.
P. O. Box 8050
MS 0555
Bentonville, AR 72712-8050

Planning Commission Meeting Minutes June 10, 2014

South 21st Street; 2312-2322 South 23rd Street, 2222 South 23rd Street and 2300-2302 South 22nd Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow exclusively single family homes and would be a corrective rezoning to reflect how the area has developed.

Ms. Rice stated that a neighborhood meeting was held on Monday, May 19, 2014, at the Fort Smith Public Library with twelve (12) people in attendance. Ms. Rice stated that two (2) of the property owners in attendance were opposed to the rezoning and their properties were removed from this application. Ms. Rice noted that the remaining persons in attendance were there just for information and no objections were voiced.

Mr. David Harris, 2025 South “V” Street, Mr. Don Lumpkin, 2117 South “V” Street, Ms. Fran Hall, 2125 South “W” Street, Ms. Tracy Hamilton, 2108 South “T” Street and Mr. Scott Chapman, 2222 South “X” Street were present to voice their support for this rezoning request.

A representative of Koenig properties addressed the Commission with a request for a letter from the City stating that existing multi-family development land uses would be allowed to continue.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4)**
- 4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)**
 - A. A request for development plan deferral located at 6100 and 6200 Massard Road.**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the site to be compatible to the surrounding and adjacent land uses. Ms. Rice noted that the applicant is also requesting a development plan deferral due to the fact that the developer does not have a defined plan for the lots at this time.

Ms. Rice stated that a neighborhood meeting was held on Monday, June 2, 2014 at 813 Fort Street with no surrounding property owners in attendance.

Mr. Bailey noted that an additional map had been included in the packet which shows the property that was annexed 10 years ago with no zoning being placed on the property since the annexation.

Mr. Rob Coleman and Chuck Fawcett 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 Sharpe called for the vote on these items.

- 3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4 & #4A)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 4A. A request for development plan deferral located at 6100 and 6200 Massard Road.**

Chairman Sharpe called for the vote on this request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit. Chairman Sharpe then called for the vote on this request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

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 June 10, 2014, that said change be made; and,

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

WHEREAS, the City Planning Commission has heretofore held a public hearing to consider request No. 15-6-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on June 10, 2014, that said change be made;

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

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

Lots 146, 147, 147A, Huntington Chase, an addition to the City of Fort Smith more commonly known as 8210 and 8220 South Zero Street and 8201 Huntington Circle.

SECTION 2: The real property described in Section 1 is hereby rezoned from Not Zoned to Commercial Moderate (C-3) by Classification, subject to Planning Commission approval of a development plan prior to the issuance of a building permit.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time



June 25, 2014

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

Re: A request by Galen Hunter, agent, for Planning Commission consideration of a Master Land Use Plan Amendment from Unclassified to General Commercial and a zone change from Not Zoned to Commercial Moderate (C-3) by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.

On June 10, 2014, the City Planning Commission held a public hearing to consider the above requests and a request for a development plan deferral.

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the future development of a convenience store/gas station and other retail or restaurant development. Mr. Bailey noted that the applicant is also requesting a deferral of a development plan until plans have been solidified for this project.

Mr. Galen Hunter was present to speak on behalf of these requests.

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

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

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

Chairman Sharpe then called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

Chairman Sharpe then called for the vote on the request for a development plan deferral. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit. Chairman Sharpe then called

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

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in dark ink that reads "Marshall S. Sharpe". The signature is written in a cursive style and is positioned to the right of the typed name.

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Proposed Master Land Use Plan Amendment by Galen Hunter, agent, from unclassified to General Commercial at 8210 and 8220 South Zero Street and 8201 Huntington Circle (Companion to item #7 and #7A)

The Planning Department is receipt of an application from Galen Hunter, agent for Joey Cole, to amend the Master Land Use Map from not classified to General Commercial to accommodate a proposed Commercial Moderate (C-3) zoning request. The subject three (3) lots are on the south side of South Zero Street just west of Massard Road and at the west end of Huntington Circle. All three lots contain an area of 4.1 acres with approximately 401 feet of frontage along South Zero Street and approximately 45 feet of frontage along Huntington Circle.

The property is currently not zoned. A companion zoning application requests a Commercial Moderate (C-3) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as General Commercial and is developed as a bank with an area that is undeveloped.

The area to the east is Not Classified and is developed as a gas substation and undeveloped.

The area to the south is Not Classified and is undeveloped.

The area to the west is Not Classified and is developed as a distribution center. Further west, the area is classified as General Commercial and undeveloped.

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

6A

General Commercial

Purpose: The General Commercial land use provides opportunities for business transactions and activities, and meets 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 | YES |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South Zero Street as a Major Arterial and Huntington Circle as a Local Road.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, June 5, 2014, at 6400 Riley Park Drive. No neighboring property owners attended the meeting.

Based on compliance with the criteria for designation as Commercial General and compatibility with the surrounding land uses, staff recommends approval of the application contingent upon approval of the companion 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:	Galen Hunter		
Firm Name:	MAHG Architecture, Inc.		
Address:	6400 Riley Park Drive, Ft. Smith, AR 72916		
Phone # (day):	4797821051	Phone # (cell):	Fax #: 479-782-6019
Owner Name:	Joey Cole		
Owner Address:	2500 South Zero, Suite A, Fort Smith, AR 72901		
Phone # (day):	4796480062	Phone # (cell):	4794616960
Property Address (subject property):	146, 147, 147A Huntington Circle		
Subject Property			
Current Land Use:	Not Used		
Existing MLUP Classification:	No Classification		
Proposed MLUP Classification:	General Commercial		
Existing Zoning Classification:	Not Zoned		
Proposed Zoning Classification:	C-3		
Surrounding Property			
Current Land Use:	north-	General Commerical	
	south-	Not Used	
	east-	Not Used	
	west-	Greenway/Parks	
Existing MLUP Classification:	north:	General Commercial	
	south:	No Classification	
	east:	No Classification	
	west:	Greenway/Parks	
Existing Zoning Classification:	north:	C-5	
	south:	Not Zoned	
	east:	Not Zoned	
	west:	ETJ O-1	
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:

6C

1. A legal description of the subject property that is to be amended (reclassified).
Lots 146, 147, 147A Huntington Chase
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:
Development will include two entry drives off Zero Street located 200+ feet apart. Development will also include an entry drive off Huntington Circle. Drives will be located far enough away from Massard and Zero intersection so as not to cause turning issues.

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:
Water is available from 8" water line at Huntington Circle. Sewer is located at both west and north property lines. Underground electric is available off Huntington Circle.

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:
Development to include a convenience store with multiple fuel islands. Additional retail space will be developed compatible with the surrounding area. Density will relate to parking requirements and the space required to meet these requirements.

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:

6D

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

Land use is consistent with adjacent property uses.

Development will be designed to provide needed services for growing residential areas in Chaffee Crossing.

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

Zoning of subject property will be consistent with adjacent zonings. No zoning currently exists on this property, but the request is to zone the property by classification.

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

The growing residential population in Chaffee Crossing does not yet have access to goods and services consistent with neighborhood development.

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:

The development of the subject property is consistent with the development of small neighborhoods or villages that provide goods and services within short distances of residential areas. Transportation and infrastructure to support this development are in place.

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

6E

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Joey Cole

Joey R Cole

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

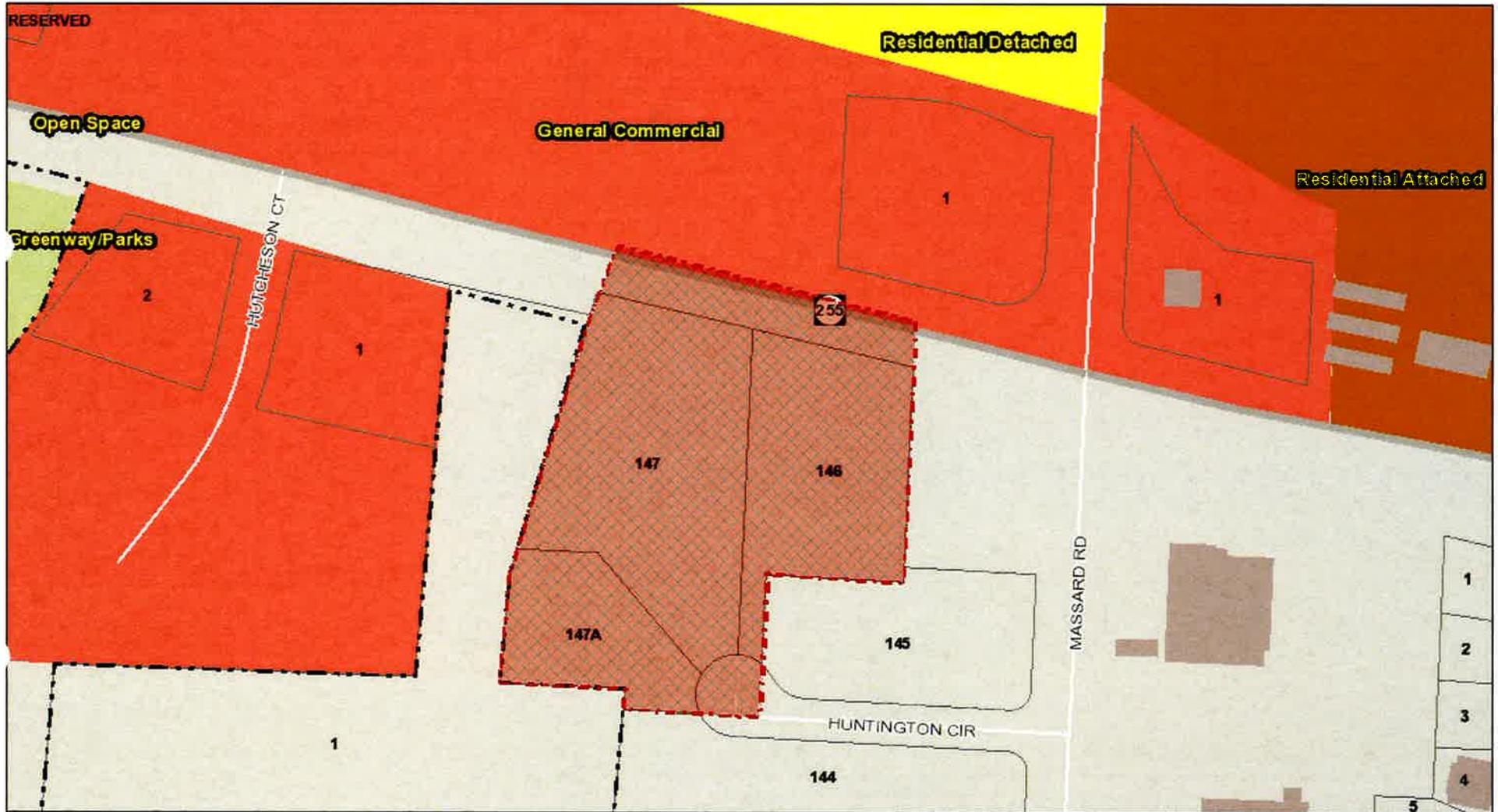
10. _____

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

6 F

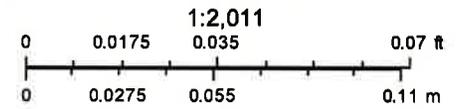
Master Land Use Amendment: From No Classification to General Commercial 8210 & 8220 South Zero Street and 8201 Huntington Circle

66



May 20, 2014

-  Fort Smith City Limits
-  Subdivisions
-  Building Footprints



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

Memo

To: City Planning Commission

From: Planning Staff

Date: May 31, 2014

Re: Rezoning #15-6-14 - A request by Galen Hunter, agent, for Planning Commission consideration of a zone request from Not Zoned to Commercial Moderate (C-3) by classification at 8210 and 8220 South Zero Street and 8201 Huntington Circle (companion to item #6 and #7A)

PROPOSED ZONING

Approval of this application will allow the future development of a convenience store/gas station and other retail or restaurant development.

LOT LOCATION AND SIZE

The subject properties include Huntington Chase, Lots 146, 147 & 147A, which are located on the south side of South Zero Street just west of Massard Road and Huntington Circle. All three lots contain an area of approximately 4.1 acres with approximately 401 feet of street frontage along South Zero Street and approximately 45 feet of street frontage along Huntington Circle.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

7A

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The property is currently not zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is developed as a bank and an undeveloped area.

The area to the east is Not Zoned and is developed as a gas substation and undeveloped area.

The area to the south is Not Zoned and is undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as a distribution center.

LAND USE PLAN COMPLIANCE

The property currently does not have a Master Land Use Classification. The applicant has submitted a companion Master Land Use Plan Amendment requesting the General Commercial land use classification. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zoning request will not conflict with the goals and objectives of the Master Land Use Plan.

MASSARD/ZERO STREET OVERLAY DISTRICT

Lots 146 and 147 are within the Massard/Zero Street Overlay District.

7B

DEVELOPMENT PLAN

The applicant has requested a deferral of the development plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, June 5, 2014 at 6400 Riley Park Drive. No neighboring property owners attended the meeting.

Based on compatibility with the surrounding zoning, recommends approval of the zoning application contingent upon approval of the applicant's companion applications.

nc

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 146, 147, 147A, Huntington Chase Subdivision, an Addition to the City of Fort Smith

2. Address of property: Lots 146, 147, 147A, Huntington Circle

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 C-3 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

Currently, the lots do not have a zoning classification.
Owner request lots be classified the same as C-3 to allow
development of convenience store/gas station and other
future retail or restaurant structures.

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

Signed:

GALEN HUNTER

Owner or Agent Name
(please print)

6400 Riley Park Drive
~~Fort Smith, Arkansas 72916~~
Owner or Agent Mailing Address

479-782-1051

Owner or Agent Phone Number

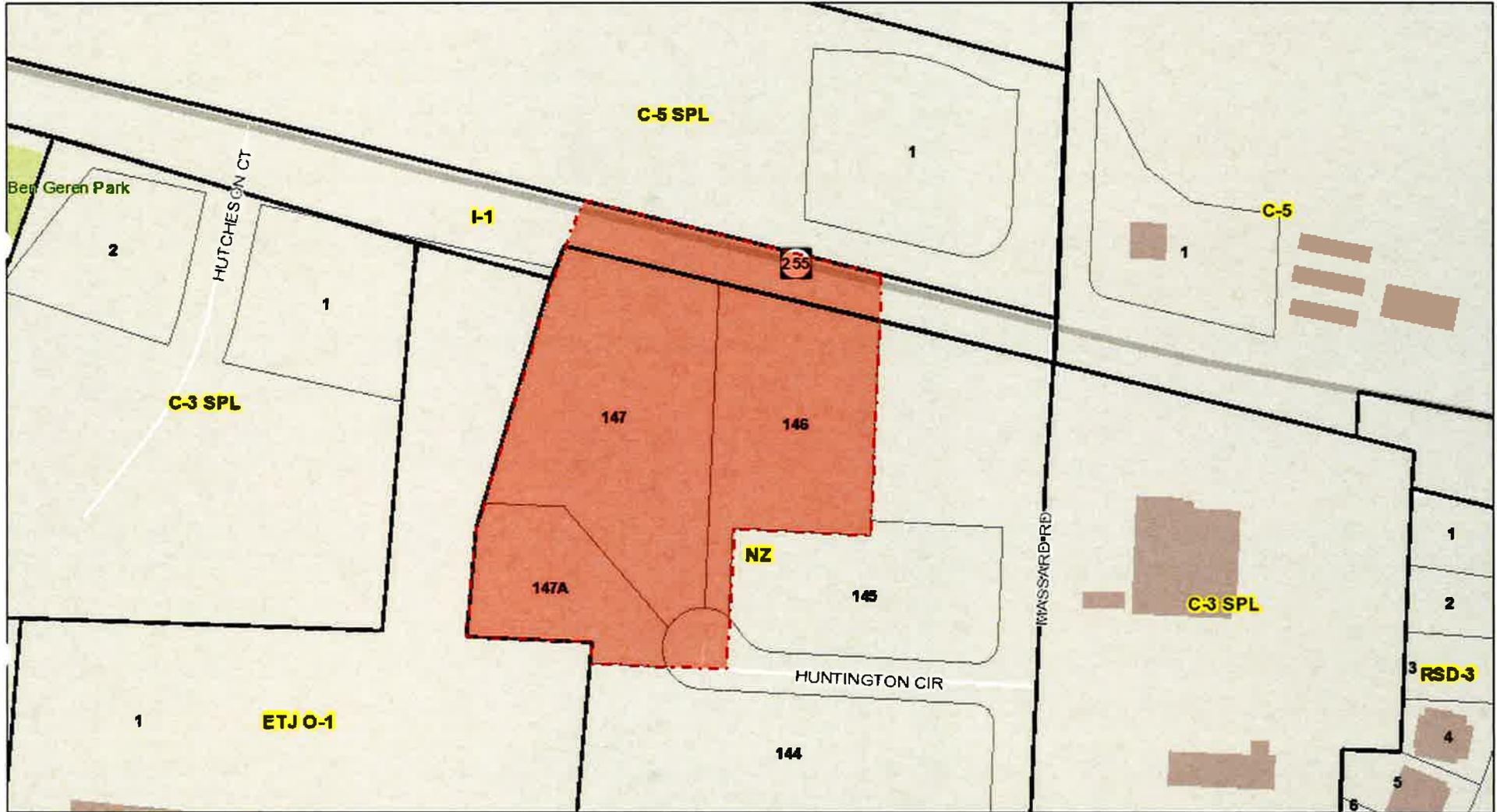
Owner

[Signature]
or
Agent

70

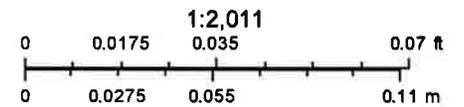
Rezoning #15-6-14: Not Zoned to Commercial Moderate (C-3) 8210 & 8220 South Zero Street and 8201 Huntington Circle

7E

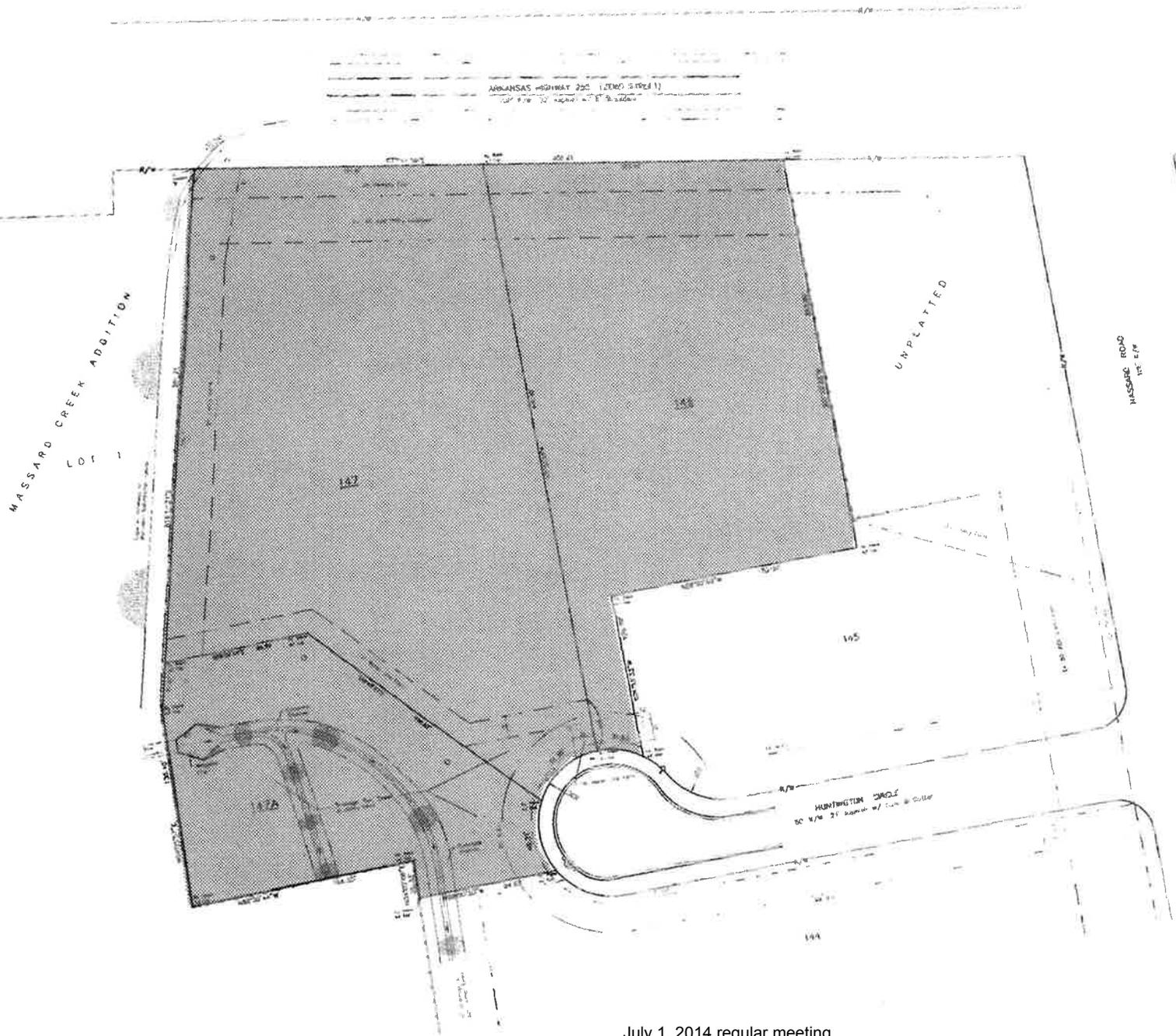


May 20, 2014

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



City of Fort Smith GIS
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LEGEND
 ○ Easement
 □ Boundary
 --- Mass Creek

NOTE: SEE EXHIBIT
 1993 AND 2000 PLATS
 RECONSTRUCTION OF LOT 142
 PER 2007 DEVELOPMENT ORDER #1000000

- NOTES
1. The property shown is for the use of the City of Fayetteville.
 2. The plat of Huntington Circle, Fayetteville, Arkansas, 2014, is to be recorded and shall be subject to the provisions of the original plat of Huntington Circle, Fayetteville, Arkansas, 2014, and shall be subject to the same terms and conditions as the original plat.
 3. The plat of Huntington Circle, Fayetteville, Arkansas, 2014, is to be recorded and shall be subject to the same terms and conditions as the original plat.



PROPERTY SEARCH	
SEARCHED	INDEXED
SERIALIZED	FILED
JUL 1 2014	
FAYETTEVILLE, ARKANSAS	
PLANNING COMMISSION	

**Development Plan
Deferral Request**

Memo

To: City Planning Commission
From: Planning Staff
Date: May 31, 2014

Subject: Request for Development Plan Deferral – 8210 and 8220 South Zero Street and 8201 Huntington Circle (Lots 146, 147 & 147A Huntington Chase)

The planning department has received a request from Galen Hunter, agent for Joey Cole, for Planning Commission consideration of a deferral of a development plan for 8210 and 8220 South Zero Street and 8201 Huntington Circle. A proposed zoning #15-6-14 from Not Zoned to Commercial Moderate (C-3) has been requested. At this time, the developer would like to defer the submission of a development plan until plans have been solidified for this project.

The planning staff recommends approval of the request on the condition that a development plan is submitted and receives Planning Commission approval prior to the issuance of any building permits.



5.20.2014

Ms. Brenda Andrews, Senior Planner
City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901

RE: Lots 146, 147, 147A Huntington Circle – Hydration Station
Rezoning Application/Master Land Use Plan Amendment

Dear Brenda:

Attached please find a Conventional Rezoning Application and a Comprehensive Plan & Master Land Use Plan Amendment Application for the property identified above. We anticipate the development of this property will occur in the near future, but would like to request to defer submission of the development plan until plans have been solidified for this project.

If you need any additional information, or have any questions, please do not hesitate to contact me.

Sincerely,

MAHG ARCHITECTURE, INC.

A handwritten signature in black ink, appearing to read "Galen D. Hunter", is written over the typed name. The signature is fluid and cursive, with a large initial "G" and "H".

Galen D. Hunter, AIA

GDH/es

Enc.

7A-2

First National Bank of Fort Smith
P. O. Box 7
Fort Smith, AR 72902

Roger & Dorothy Day
2718 County Road 2201
Hartman, AR 72840

AOG
P. O. Box 17004
Fort Smith, AR 72917

Wal-Mart Properties, Inc.
P. O. Box 8050
MS 0555
Bentonville, AR 72712-8050

Sebastian County
35 South 6th Street
Fort Smith, AR 72901

ERC Land Development Group, LLC
P. O. Box 10178
Fort Smith, AR 72917

Planning Commission Meeting Minutes June 10, 2014

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to correct a zoning and will place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 9, 2014, at the church with two (2) property owners attending the meeting with questions about how the proposed zoning would affect their property. Ms. Andrews noted that after their question was addressed the property owners indicated that they had no concerns with the proposed rezoning. Ms. Andrews stated that the request would follow the existing C-2 zoning line along Dodson Avenue and will be compatible with the Dodson Avenue Corridor. Ms. Andrews also stated that no new development or expansions are being proposed by the church; however, a Commercial-2 zoning would benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Mr. Gregg Teece 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 Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 6. A request by Galen Hunter, agent for Joey Cole for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)**
- 7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)**
- 7A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow the future development of a convenience store/gas station and other retail or restaurant development. Mr. Bailey noted that the applicant is requesting a deferral of a development plan until plans have been solidified for this project.

Mr. Bailey stated that a neighborhood meeting was held on Thursday, June 5, 2014, at 6400 Riley Park Drive with no neighboring property owners in attendance.

Mr. Galen Hunter was present to speak on behalf of these requests.

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

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

- 6. A request by Galen Hunter, agent for Joey Cole, for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)**

Chairman Sharpe called for the vote on the master land use plan amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 7A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.**

Chairman Sharpe called for the vote on the development plan deferral request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit.

Chairman Sharpe then called for the vote on this request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 8. A request by Kofi Addo, agent for Wal-Mart Stores, Inc., for development plan approval for a convenience store/gasoline sales located at 8303 Rogers Avenue.**

Tax Back

Resolution



RESOLUTION No. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, River Bend Industries, LLC, located at 3730 Wheeler Rd, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, River Bend Industries, LLC has agreed to furnish the local government all necessary information for compliance.

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

1. River Bend Industries, LLC be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. **The Department of Finance and Administration is authorized to refund local sales and use taxes to River Bend Industries, LLC.**
3. This resolution shall take effect immediately.

Date Passed: _____

Attest: _____
City Clerk

Mayor

Approved as to form:


City Attorney npr

Memo

To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 6/26/2014
Re: Tax Back Endorsement: **River Bend Industries, LLC**

The City has received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the state "Tax Back" program authorized by the Consolidated Incentive Act of 2003 on behalf of **River Bend Industries, LLC**. This program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion.

The current request is on behalf of **River Bend Industries, LLC**, who plans to expand its current custom injection molding facility located in Fort Smith at 3730 Wheeler Avenue by investing \$227,593 in new equipment and renovations to existing buildings. This expansion will add 35 new jobs to the region, increasing River Bend Industries employment count by 56%.

The Tax Back program is a state and local sales tax refund incentive to attract business growth or expansion to Arkansas. The incentive applies to capital purchases associated with construction of new facilities or expansion of existing facilities (such as equipment or building materials) and does not apply to ongoing purchases. The majority of the incentive will be derived from the state sales tax rate. However, in order to participate in the program, the local governments must also agree to the sales tax refund.

Attached is a resolution supporting the participation of **River Bend Industries, LLC** in the "Tax Back" program, and the staff recommends approval. The resolution requires approval of an emergency clause as it declares that it is effective immediately upon approval. This action will support the board's stated goal of pursuing economic development and job creation.

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

RESOLUTION _____

A RESOLUTION AUTHORIZING THE WAIVER AND REIMBURSEMENT OF BUILDING PERMIT FEES FOR THE GREATER FORT SMITH ASSOCIATION OF HOME BUILDERS SHOWCASE HOME AT 7230 STONEBROOK DRIVE

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

The building permit fees for the Showcase Home being built at 7230 Stone Brook Drive, in the amount of \$482.50 are hereby waived and the City Administrator is authorized to reimburse the Greater Fort Smith Association of Home Builders for the building permit fees.

This resolution adopted this _____ day of July, 2014.

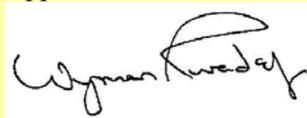
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

MEMORANDUM

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: June 25, 2014
Subject: Building Permit Fees for Show Case Home

The Greater Fort Smith Association of Home Builders (GFSAHB) has submitted a request for the City of Fort Smith to donate or waive the building permit fees for the construction of the Show Case Home being constructed at 7230 Stone Brook Drive.

The show case home is constructed largely from contributions from contractors and suppliers. The proceeds from the sale of the home are used to promote residential construction in the greater Fort Smith area and to provide scholarships to area students.

The supervising builder for the Show Case Home is Carrington Creek Homes, LLC. Carrington Creek previously obtained a building permit and paid the building permit fees in the amount of \$482.50. Carrington Creek then invoiced the GFSAHB for the building permit fees.

To accomplish the request of the GFSAHB, the Board of Directors will need to approve a resolution approving the donation/waiver of the building permit fees and the reimbursement of the previously paid building permit fees.

A resolution has been prepared for the Board of Director's consideration.

Please contact me if you have any questions.



June 18, 2014

City of Fort Smith
Building Permit
P.O. Box 1908
Fort Smith, AR 72902

To whom it may concern:

The Greater Fort Smith Association of Home Builders' 25th annual Show Case Home is currently under construction. In efforts to control costs, to further promote residential construction in the greater Fort Smith area and provide scholarships to area students; we are requesting a donation of the building permit cost in the amount of 482.50. We appreciate your generous contribution to our organization and our efforts.

Respectfully,

Stephanie Stipins

Stephanie Stipins
Executive Director

City of Fort Smith Building Permit

823 Garrison Avenue Suite 405 P.O. Box 1908 Fort Smith, AR 72902 (479)784-2206 Fax - (479)784-1030

PERMIT #	PROJECT ADDRESS	DATE ISSUED	ISSUED BY
BR-14-00581	7230 Stonebrook Dr	04/17/2014	Kelly

OWNER INFORMATION	
Name <u>Carrington Creek Homes, Llc</u>	Home Phone <u>479 806 7474</u>
Mailing Address <u>Po Box 10176</u>	<u>Fort Smith AR 72917-0176</u>

CONTRACTOR INFORMATION	
Company Name <u>Carrington Creek Homes, Llc</u>	Daytime phone # <u>479 806 7474</u>
Contractor Name <u>Carrington Creek Homes, Llc</u>	P.O. Box <u>10176</u>
Mailing Address <u>Po Box 10176</u>	<u>Fort Smith AR 72917-0176</u>

SUB CONTRACTOR INFORMATION	
Electrical <u>Total Electric Inc.</u>	Plumber <u>Progressive Plumbing Co.</u>
Mechanical <u>Holsted Heatn & Air</u>	

CHARACTERISTICS OF WORK			
Work Class <u>New Construction</u>	Occupancy Type <u>R-3 Residential, one- and two-family</u>	Occupancy Use <u>Single Family</u>	Construction Type <u>VB</u>
Zoning Classification <u>RS-3</u>	Number of Parking Spaces <u>0</u>	Flood Zone?	
Number of Units <u>0</u>	Number of Stories <u>0</u>	Total Finished (Heated) Floor Area <u>2127</u> Sq. Ft.	Full Estimated Value <u>\$ 231740.00</u>

FEES	
Total Fees	<u>\$482.50</u>

PROPERTY LEGAL DESCRIPTION	
Lot <u>9</u>	Block _____
Subdivision <u>Stonebrook at Chaffee Crossing</u>	

DESCRIPTION OF WORK
<u>Now Single Family</u>



NOTICE
Separate permits are required for electrical, plumbing, mechanical, and signs.

I understand that this permit is conditioned upon the correctness of the information I have supplied and may be revoked upon a finding by the Chief Inspection Officer that any relevant item of information is substantially incorrect. This permit becomes null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 1 year at any time after work is commenced.

Notwithstanding to the extent that compliance with the Arkansas Energy Code is required and it is the responsibility of the applicant to certify compliance.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work shall be complied with whether specified herein or not. The granting of a permit does not presume to give authority or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of owner, contractor or authorized agent _____	Date <u>4-7-14</u>
Signature of owner, contractor or authorized agent _____	Date _____

G. E. [Signature] _____ 4-7-14
Signature of owner, contractor or authorized agent Date

RESOLUTION NO. _____

**A RESOLUTION STATING THE CITY OF FORT SMITH'S DESIRE TO BE SELECTED BY AT&T
TO PARTICIPATE IN THE U-verse with GigaPower INITIATIVE**

WHEREAS, in April, 2014 AT&T announced a major initiative to expand its ultra-fast fiber network to up to 100 candidate cities and municipalities nationwide, including 21 new major metropolitan areas; AND,

WHEREAS, the fiber network will deliver AT&T U-verse® with GigaPower service, which can deliver broadband speeds up to 1 Gigabit per second and AT&T's most advanced TV services, to consumers and businesses. The planned expanded availability of U-verse with GigaPower is part of AT&T's Project Velocity IP (VIP) investment plan to expand and enhance its wireless and wireline IP broadband networks; AND,

WHEREAS, AT&T has stated that "communities that have suitable network facilities, and show the strongest investment cases based on anticipated demand and the most receptive policies will influence these future selections and coverage maps within selected areas." AND has stated that they are "...interested in working with communities that appreciate the value of the most advanced technologies and are willing to encourage investment by offering solid investment cases and policies." The City of Fort Smith strongly believes that it meets these criteria by having in place right-of-way use policies for utilities that are conducive to expansion and growth of utility services; AND,

WHEREAS, being selected by AT&T to participate in the U-verse with GigaPower initiative would help support the Fort Smith Board of Directors ongoing commitment to economic development via advanced technologies and infrastructure which help bring jobs to the Fort Smith community; AND,

WHEREAS, the City of Fort Smith desires to continue its strong relationship with AT&T during which the City of Fort Smith has historically been an early adopter of AT&Ts

advanced technologies such as Customized Switched Metro Ethernet (CSME), Voice-over-IP (VOIP), and most-recently AT&T's IP Flexible Reach/SIP Trunking Network Solution; AND,

WHEREAS, the City of Fort Smith has historically provided an exceptional environment for AT&T to conduct and promote business and will continue to do so with recently-announced economic projects such as the \$30 million ArcBest Office Expansion (900+ new jobs) and the proposed \$58 million Osteopathic Medical College.

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

The City of Fort Smith hereby embraces and supports AT&T's ultra-fast fiber network expansion project and respectfully requests that AT&T consider Fort Smith for participation in the "U-Verse with GigaPower" initiative

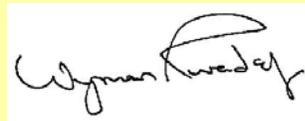
This Resolution passed this _____ day of July, 2014.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



No Publication Required

Memorandum

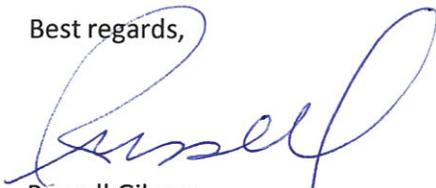
To: Ray Gosack, City Administrator
From: Russell Gibson, Director, Information and Technology Services
Date: 06/26/2014
Re: AT&T U-verse with GigaPower Resolution

Ray,

Attached in PDF format please find a Resolution for approval by the City of Fort Smith Board of Directors which formally states support of and petitions for inclusion in AT&T's U-verse with GigaPower expansion initiative. Announced in April, 2014, the expansion initiative will provide to selected communities broadband speeds up to 1 Gigabit per second and AT&T's most advanced TV services to consumers and businesses. The planned expanded availability of U-verse with GigaPower is part of AT&T's Project Velocity IP (VIP) investment plan to expand and enhance its wireless and wireline IP broadband networks. We believe Fort Smith is ideally positioned for serious consideration due to a strong, existing relationship with AT&T and right-of-way policies in place which are conducive for utilities to expand and grow their business services.

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

Best regards,



Russell Gibson
Director, Information and Technology Services

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, REGARDING THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program between the two parties.

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

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____, 2014.

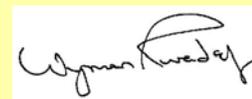
APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



City Attorney

npr

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH,
ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, CONCERNING THE 2014
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM**

This Agreement is made and entered into this _____ day of _____, 2014, by and between the County of Sebastian, acting by and through its governing body, the Quorum Court, hereinafter referred to as "COUNTY", and the City of Fort Smith, acting by and through its governing body, the board of Directors, hereinafter referred to as "CITY", both of Sebastian County, State of Arkansas, witnesseth:

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

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

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

WHEREAS, the COUNTY shall receive \$15,566.25 and the CITY shall receive \$46,698.75 of the awarded 2014 JAG Fund,

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

Section 1

COUNTY agrees the CITY shall receive \$46,698.75 and the CITY agrees the COUNTY shall receive \$15,566.25 of the awarded 2014 JAG funds, anticipated to be \$62,265.00.

Section 2

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

Section 3

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

Section 4

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

CITY of Fort Smith, Arkansas

COUNTY of Sebastian, Arkansas

Sandy Sanders
Mayor

A handwritten signature in blue ink, appearing to read "David Hudson County Judge", written over a horizontal line.

David Hudson
County Judge



Fort Smith Police Department
Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: Ray Gosack City Administrator

From: Kevin Lindsey, Chief of Police

Subject: FY 2014 Edward Byrne Memorial Justice Assistance Grant Program

Date: June 23, 2014

The Fort Smith Police Department has been invited to apply for the 2014 JAG Grant in the amount of \$62,265.00. This is the regular solicitation of this annual grant. With this current grant the City of Fort Smith and Sebastian County are considered disparate agencies and thus must execute a Memorandum of Understanding (MoU). The primary purpose of this document is to delineate the amount that each government agency will receive.

After meeting with officials for the Sebastian County Sheriff's Office, it was determined that their portion of the 2014 JAG Grant will be in the amount of \$15,566.25. The Sebastian County Sheriff's Office will use their portion of this grant to purchase 12 hand-held radios, with accessories such as batteries, belt clips, and speaker microphones. These hand-held radios are for the new deputies to be hired in July that will be assigned to work at the Detention Center.

The Fort Smith Police Department anticipates using our portion of 2014 JAG funds, in the amount of \$46,698.75 for basic search and rescue equipment, interactive projectors to be used at the Training Center, and IT upgrades.

Please contact me if you have any questions.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH RJN GROUP, INC., FOR ENGINEERING SERVICES FOR THE SUB-BASIN P007 AND S004 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: An Agreement and Authorization Number One with RJN Group, Inc., for engineering services for the Sub-Basin P007 and S004 Wastewater Collection System Improvements, Project Number 14-06-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization Number One in the amount of \$454,065.15, for performance of said services.

This Resolution adopted this _____ day of July 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: June 19, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Sub-Basin P007 and S004 Wastewater Collection System Improvements
Project Number 14-06-ED1

As part of our ongoing effort to identify wastewater collection system defects that contribute to manhole overflows during periods of heavy rainfall, we recently completed flow monitoring within a large portion of the wastewater collection system. Two sub-basins within the areas monitored (Sub-basins P007 and S004) have known reoccurring manhole overflow points that must be eliminated. The next step in addressing this problem is to conduct a complete sewer system evaluation within these two sub-basins. Once the assessment is completed and remedial measures identified, the design and construction of the necessary improvements can begin.

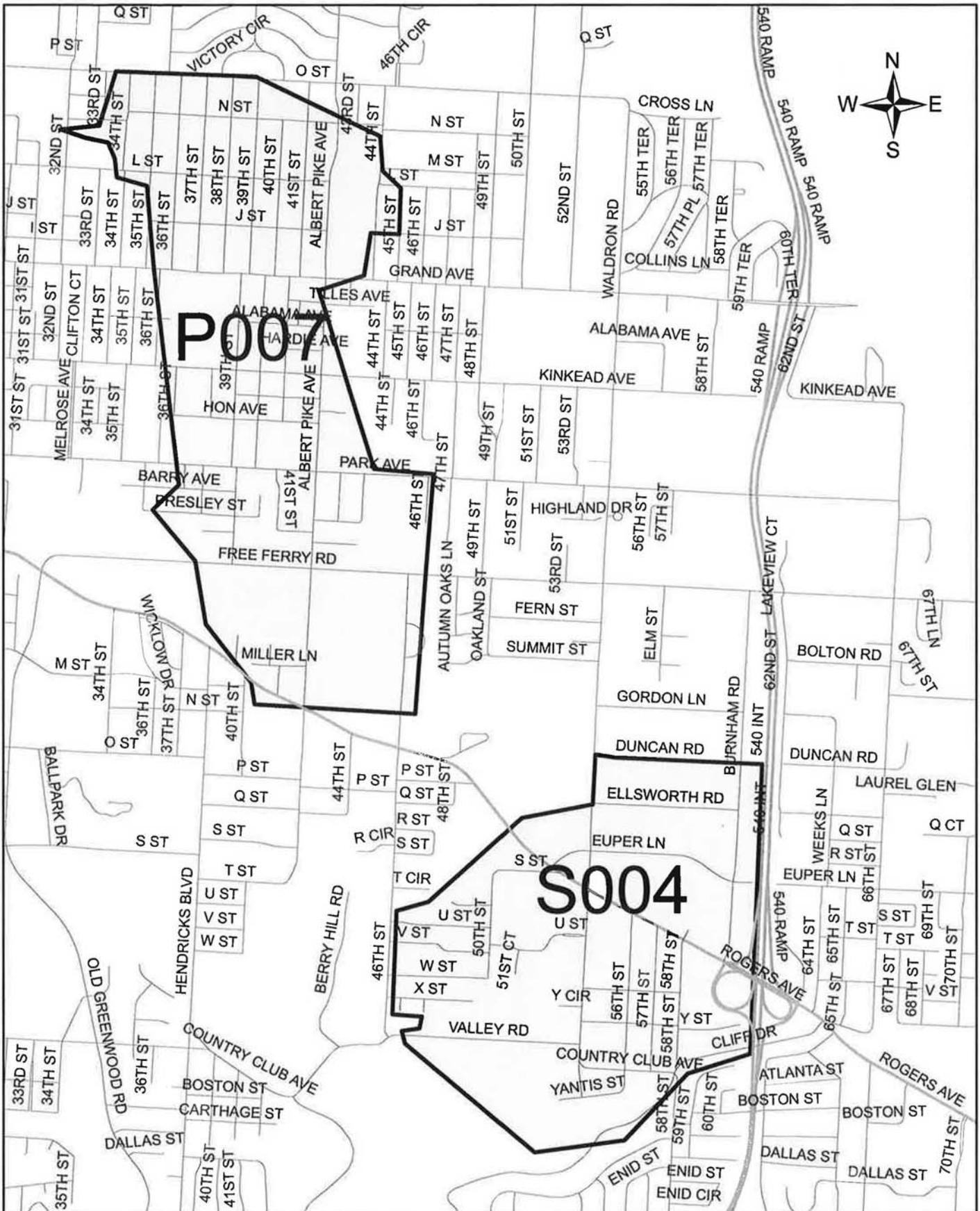
The Utility Department has received a proposal from RJN Group, Inc., for conducting the wastewater collection system assessment within Sub-basins P007 and S004. The assessment will include inspection and structural rating of 443 manholes and 98,344 linear feet of gravity sewer. Inspection of the gravity sewer lines includes smoke testing of all lines, dyed water testing of selected lines, and CCTV inspection of all nonplastic lines (approximately 84,900 LF) and all plastic lines for which visual inspection or smoke testing reveal defects. A final report summarizing all findings will be utilized to prepare a remediation plan for these sub-basins.

A Resolution authorizing an Agreement and Authorization Number One with RJN Group, Inc., to provide engineering services for an amount of \$454,065.15 is attached. I have also attached an exhibit showing the location of these sub-basins. Funds for this work are available from the 2012 sales and use tax bonds issued for continuation of wet weather sewer improvements.

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

attachment

pc: Jeff Dingman



Sub-Basin P007 & S004
Wastewater Collection System Improvements
Project Location

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH BRIXEY ENGINEERING & LAND SURVEYING, INC., FOR THE DESIGN OF THE NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS - REDUCED SERVICE AREA

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

SECTION 1: An Agreement and Authorization Number One with Brixey Engineering & Land Surveying, Inc., for design services for the Neighborhood Water System Improvements - Reduced Service Area, Project Number 14-04-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization Number One in the amount of \$32,000.00, for performance of said services.

This Resolution adopted this _____ day of July 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: June 19, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Neighborhood Water System Improvements - Reduced Service Area
Project Number 14-04-ED1

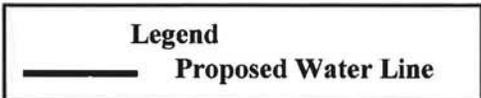
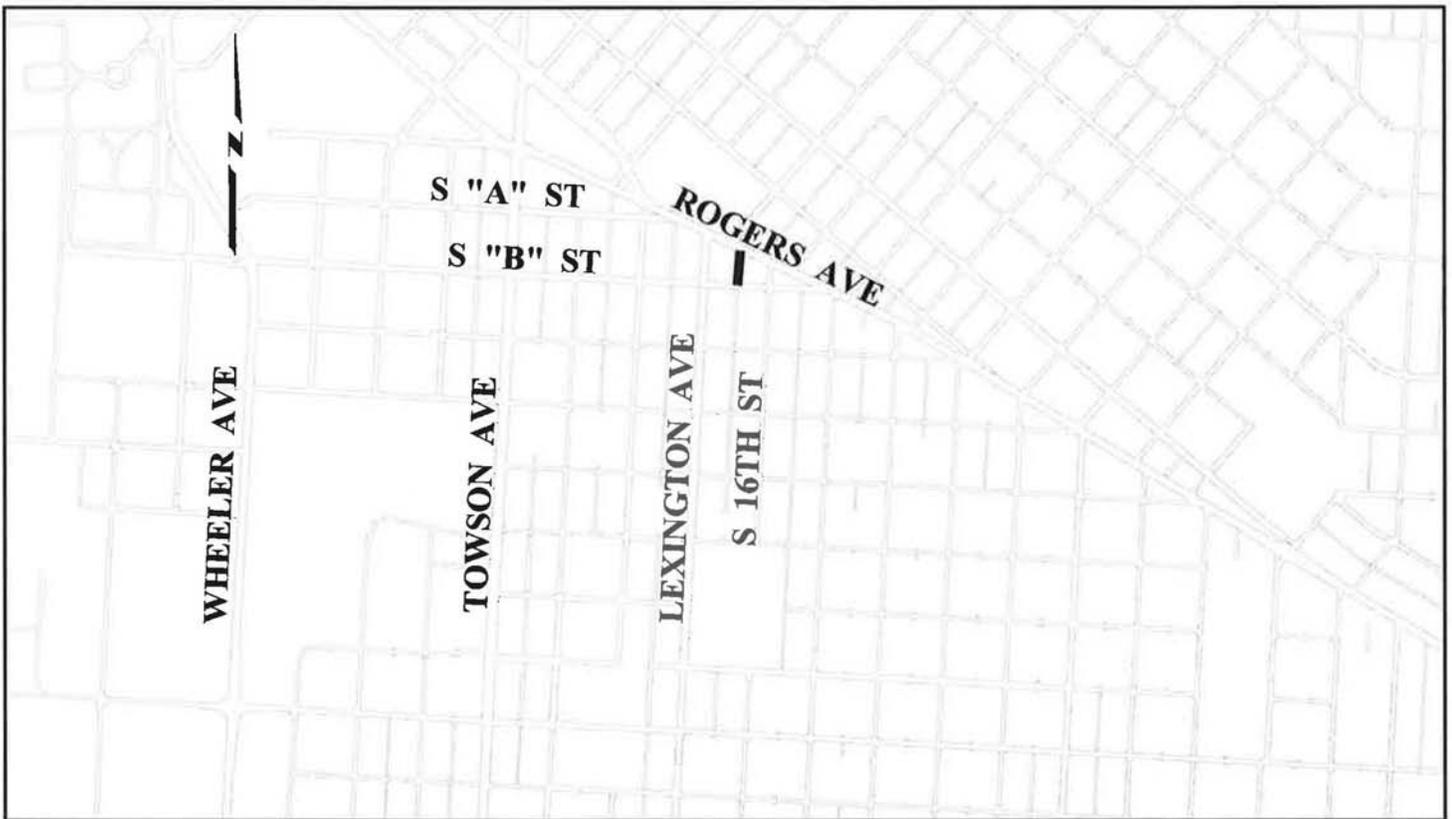
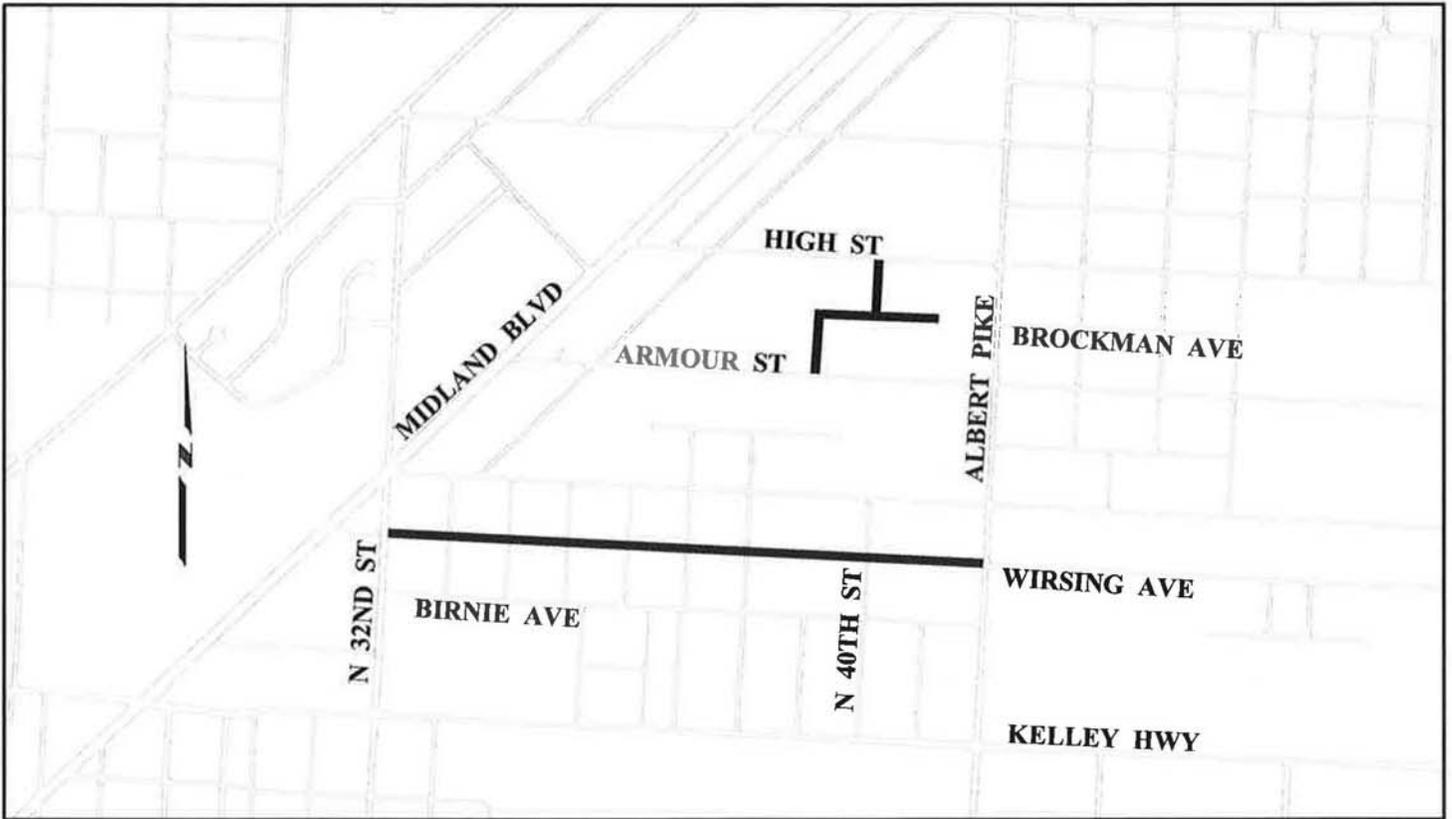
This project consists of designing approximately 5,580 feet of new 6-inch water mains to replace old 2-inch galvanized water lines for improved service and water quality. The project will also provide better fire protection in these areas. The attached exhibit shows the service area locations for these improvements.

For this project, staff selected Brixey Engineering & Land Surveying, Inc. A Resolution authorizing the Mayor to execute an Agreement and Authorization Number One for professional engineering services in the amount of \$32,000.00 is attached. Funds for this project are available from the 2008 Revenue Bonds.

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

attachment

pc: Jeff Dingman



**NEIGHBORHOOD WATER IMPROVEMENTS
 REDUCED SERVICE AREA
 PROJECT NO. 14-04
 PROJECT VICINITY MAP**

RESOLUTION AUTHORIZING THE USE OF THE UNOBLIGATED BALANCE OF THE WATER AND SEWER FUND TO PROVIDE SELF-FUNDED SUPPLEMENTAL AUTOMOBILE INSURANCE COVERAGE REQUIRED BY PRIVATE ROADWAY AND CROSSING AGREEMENTS WITH THE ARKANSAS AND MISSOURI RAILROAD COMPANY

Whereas, the construction of the Lake Fort Smith water transmission line requires the City to enter into Private Roadway and Crossing Agreements with the Arkansas and Missouri Railroad for identified locations in order to provide City maintenance and operations personnel and vehicles access to portions of the water transmission line; and,

Whereas, the automobile insurance coverage required by said Private Roadway and Crossing Agreements exceeds the limits of the automobile insurance coverage normally carried by the City.

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

It is hereby determined that the unobligated balance of the Water and Sewer Fund is sufficient to provide self funded automobile insurance coverage of \$1,000,000.00 for the limited purpose of meeting the insurance requirements of the Private Roadway and Crossing Agreements with the Arkansas and Missouri Railroad Company ("Agreements") necessary to provide personnel and vehicle access to Lake Fort Smith water transmission lines. The City Administrator and his authorized agents are hereby authorized to take all actions necessary to satisfy the insurance requirements of the Agreements by assuring the City's self insurance of not more than \$1,000,000.00 utilizing the unobligated balance of the Water and Sewer Fund.

This Resolution adopted this ____ day of July 2014.

APPROVED:

ATTEST:

APPROVED AS TO FORM:



_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: June 27, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: 48-Inch Lake Fort Smith Water Transmission Line

The project to construct the first approximate 6.5 miles of the 48-inch Lake Fort Smith water transmission line is ready to begin its bidding phase. One of the items remaining before the project bidding may occur is meeting the insurance requirements of the Arkansas and Missouri Railroad Company's (A&M) private roadway and crossing permits needed for the city's maintenance vehicles. The transmission line crosses the A&M tracks several times along the route from the treatment plant on its way south and this first phase of the construction requires the provision of six private vehicle crossings. Three of these crossings will be new locations and three will be repurposed existing farm equipment crossings for the city's use. The exhibits which will be part of the individual permits are attached.

The A&M private roadway and crossing permits require that the city's vehicle insurance coverage provide for a combined single limit of at least \$1,000,000 per occurrence. The city used to carry this vehicle coverage limit but recently changed to a lesser amount. In order to provide commercial insurance coverage, the utility department would have to segregate any vehicle that may travel over these crossings during maintenance or future repair from its current policy to a separate policy with an adjusted premium. This would also require the listing and tracking of each vehicle and driver. Another method would be for the city to provide the A&M evidence that it is self-insuring the difference between its commercial auto liability limit and the limit required by the permits. This would be both the lowest cost and surest way to be sure that any city vehicle that may use these crossing locations was adequately insured. The self-insured coverage is limited to these six crossings within the A&M right-of-way. The unobligated balance of the Water and Sewer Fund is adequate for this purpose.

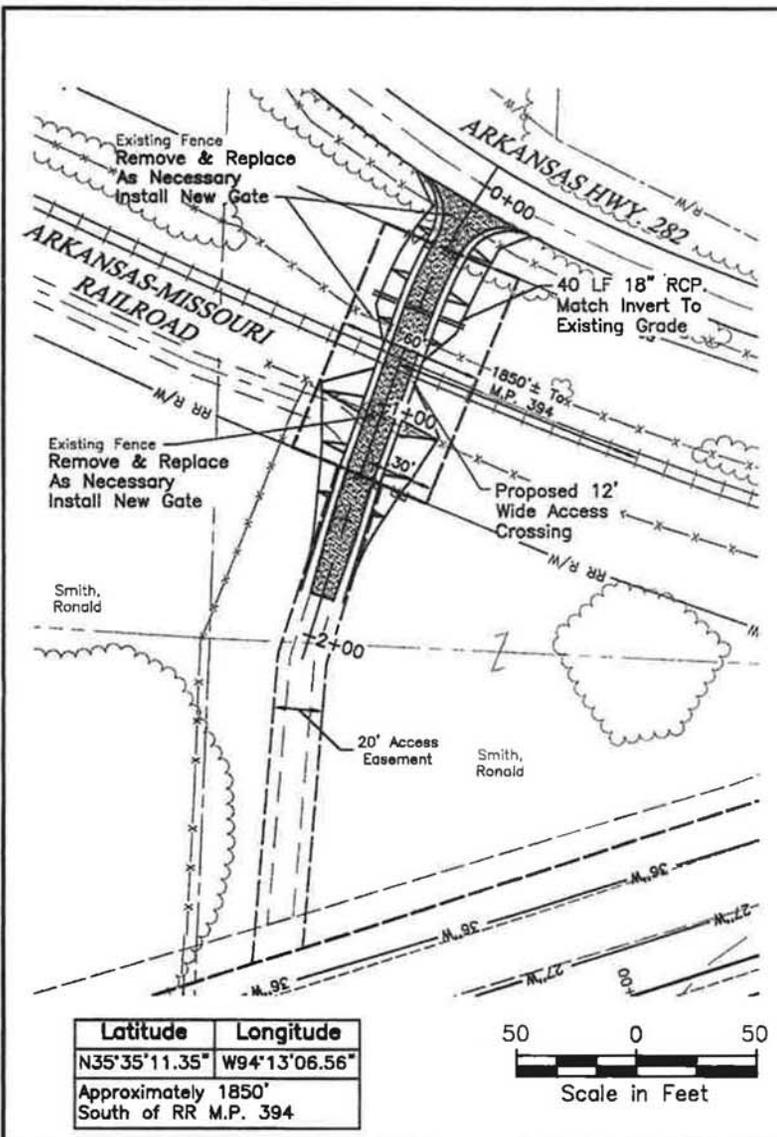
A Resolution authorizing the use of the unobligated balance of the Water and Sewer Fund for the purpose of satisfying the insurance requirements of the A&M is attached. Staff recommends this method of providing the required vehicle insurance.

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

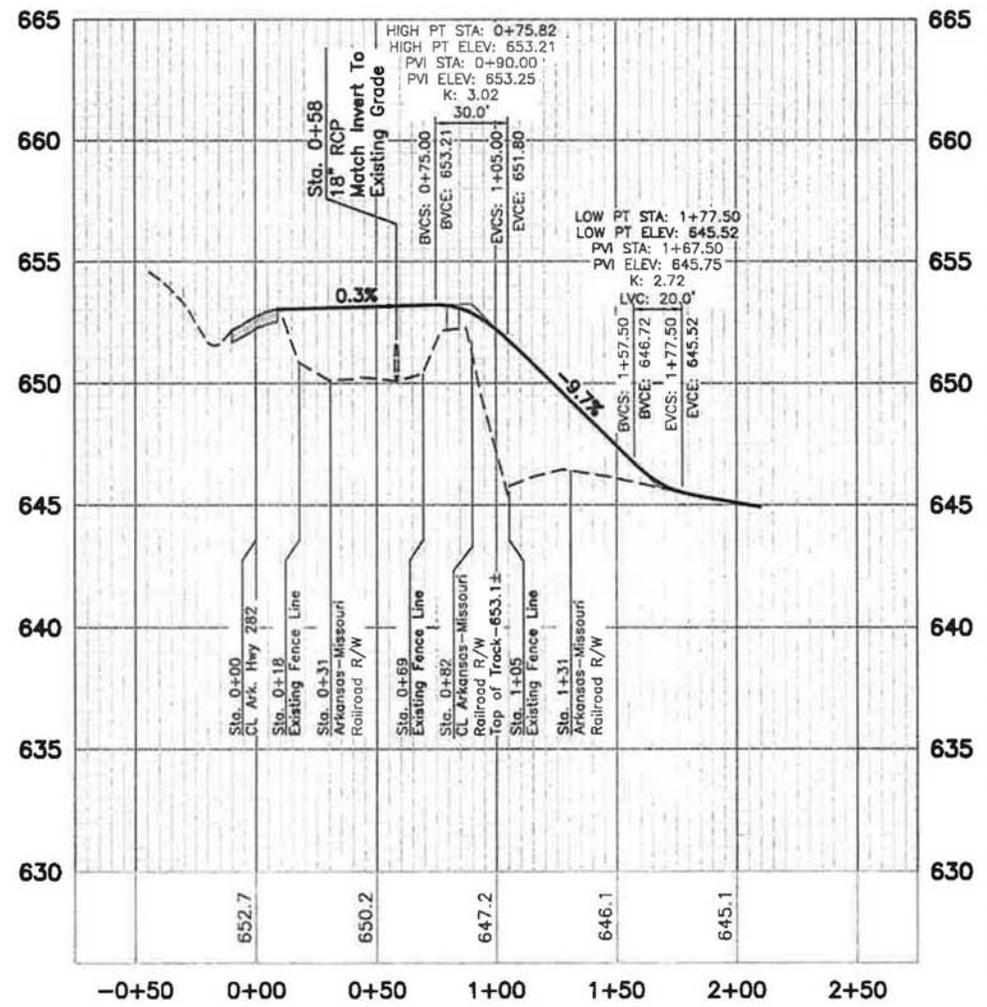
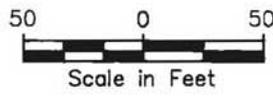
attachment

pc: Jeff Dingman

K:\Vol 5\Smith\CFS TRANSMISSION LINE\PI\INSE\1\dwg\Ark-MO Railroad Access Permits-P1.dwg, 4/7/2014 12:12:48 PM, Delby, IL



Latitude	Longitude
N35°35'11.35"	W94°13'06.56"
Approximately 1850' South of RR M.P. 394	



**City of Fort Smith
Special Access Crossing Permit
Crossing #6: Proposed Access Crossing**

DATE	REVISION
 MICKIE WAGNER COLEMAN Engineers-Consultants-Surveyors 394 County, Ok. Ave. P.O. Box 157 Fort Smith, Arkansas (501) 646-6666 info@mwc-eng.com	
RAILROAD PLAN & PROFILE LAKE FORT SMITH WATER TRANSMISSION LINE PROJECT #06-07-C1 FORT SMITH, SEBERIAN COUNTY, ARKANSAS	
SHEET 7 OF 12	

RESOLUTION NO. _____

7 G

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN EASEMENT WITH OKLAHOMA GAS & ELECTRIC COMPANY

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

The Mayor is hereby authorized to execute an easement to the Oklahoma Gas & Electric
Company for the installation of a pad mount transformer adjacent to an existing overhead
electric line on city owned property at Lake Fort Smith, said property located at 17714 Highway
71 North, Mountainburg, Arkansas.

This Resolution adopted this _____ day of July 2014.

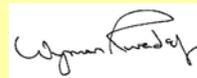
APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: June 23, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Easement to Oklahoma Gas & Electric Company

Oklahoma Gas & Electric Company is planning to install a new pad mount electric transformer on city owned property along Highway 71 North of Mountainburg, Arkansas. The transformer is needed in order to supply more power to its customers north of Lake Fort Smith.

Oklahoma Gas & Electric Company requires an easement for the installation of the transformer and is requesting the city to execute an easement for the project. A copy of the easement and exhibit drawing depicting the 100 square foot easement area are attached. Staff recommends the granting of the easement.

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

attachment

pc: Jeff Dingman

THIS INSTRUMENT WAS PREPARED BY
LAND MANAGEMENT
AFTER RECORDING RETURN TO SAME @:
OG&E ELECTRIC SERVICES
ATTN: RIGHT OF WAY DEPT. - M/C AF90
7200 HIGHWAY 45
FORT SMITH, ARKANSAS 72916

EASEMENT

Work Order # 7930211

KNOW ALL MEN BY THESE PRESENTS:

THAT **THE CITY OF FORT SMITH**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Crawford County, State of Arkansas, to wit:

Part of the **Northeast Quarter of the Northeast Quarter of Section 26, Township 12 North, Range 30 West, Crawford County, Arkansas**, being more particularly described as follows: Commencing at an existing stone marking the Southwest corner of the Northeast Quarter of the Northeast Quarter; thence along the South line of said Forty, South 85 deg. 36' 08" East 315.02 feet to the Easterly right of way of Highway 71 North,; thence along said right of way North 06 deg. 19' 10" West 87.94 feet to a set rebar and the point of beginning; thence continuing along said right of way North 06 deg. 19' 10" West 10.00 feet to a set rebar; thence leaving said right of way North 83 deg. 40' 50" East 10.00 feet to a set rebar; thence South 06 deg. 19' 10" East 10.00 feet to a set rebar; thence South 83 deg. 40' 50" West 10.00 feet to the point of beginning. And as shown on the attached EASEMENT SKETCH.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of Ark. Code 14-271-101 et seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee

remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2014

THE CITY OF FORT SMITH

By: _____
SANDY SANDERS, MAYOR

STATE OF _____ }

ACKNOWLEDGMENT

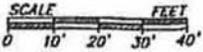
COUNTY OF _____ }

Before me, the undersigned, a Notary Public, in and for Said County and State, on this _____ day of _____, 2014, personally appeared SANDY SANDERS, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its MAYOR and acknowledged to me that he executed the same as his free and voluntary act and deed of same, for the uses and purposes therein set forth.

My Commission Expires:

Notary Public

(Draft No. _____) R/W File No. 7930211
Form 468 (Rev 7/2003) ARK_OH-C2.DOT Atlas Sheet No. RG



EASEMENT SKETCH



EASEMENT DESCRIPTION

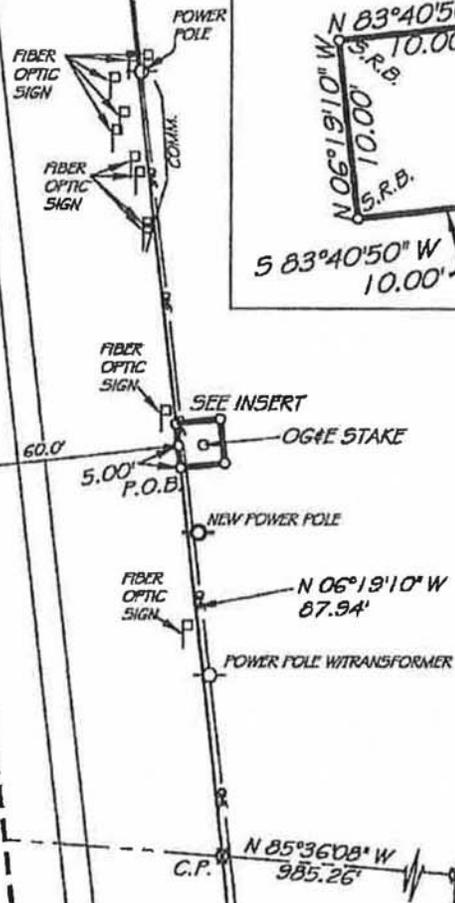
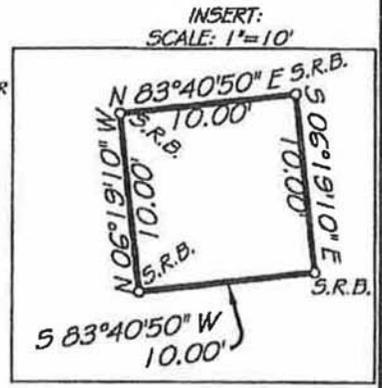
Part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 12 North, Range 30 West, Crawford County, Arkansas, being more particularly described as follows:

Commencing at an existing stone marking the Southwest corner of the Northeast Quarter of the Northeast Quarter. Thence along the South line of said Forty, South 85 degrees 36 minutes 08 seconds East, 315.02 feet to the Easterly Right of Way of Highway 71 North. Thence along said Right of Way, North 06 degrees 19 minutes 10 seconds West, 87.94 feet to a set rebar and the Point of Beginning. Thence continuing along said Right of way, North 06 degrees 19 minutes 10 seconds West, 10.00 feet to a set rebar. Thence leaving said Right of Way, North 83 degrees 40 minutes 50 seconds East, 10.00 feet to a set rebar. Thence South 06 degrees 19 minutes 10 seconds East, 10.00 feet to a set rebar. Thence South 83 degrees 40 minutes 50 seconds West, 10.00 feet to the Point of Beginning, containing 0.00 acres and subject to Road Rights of Way and any Easements of Record.

HIGHWAY 71 NORTH 120' RW

SW CORNER
NE 1/4 NE 1/4,
SECTION 26,
T-12-N, R-30-W

EX. STONE $S 85^{\circ}36'08'' E 315.02'$



SE CORNER
NE 1/4 NE 1/4,
SECTION 26,
T-12-N, R-30-W

NOTE:
FORTY CORNER TIE TAKEN FROM
PREVIOUS S.L.S. SURVEY JOB #
31,255 DATED: 7/19/04.

OKLAHOMA GAS AND ELECTRIC COMPANY

SATTERFIELD LAND SURVEYORS, P.A. 1928 HWY. 71 NORTH, ALMA, AR. PH: (479) 632-3565 FAX: (479) 632-5002		OG&E EASEMENT SKETCH WO# 7930211 PART OF NE 1/4 NE 1/4, SECTION 26, T-12-N, R-30-W, CRAWFORD COUNTY, ARKANSAS	
DRAWN BY: J.D.B.D.	DATE: 6/16/14	FILE #: 40188.DWG	DATE: 6/16/14
APPROVED BY: R.L.H.	DATE: 6/16/14	DRWG #: 40,188	DATE: 6/16/14
		SCALE: 1" = 40'	
		SHEET 1 OF 1	



June 20, 2014

TO: Members of the Board of Directors
Members of the Mechanical Board of Adjustments and Appeals

RE: Appointments:

The terms of Alan P. Wright and Andy Brown of the Mechanical Board of Adjustments and Appeals will expire July 31, 2014. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on July 9th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack". The signature is written in a cursive style.

Ray Gosack
City Administrator

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



June 20, 2014

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

RE: Appointments:

The terms of Casey Millspough and Chris Chaney of the Parks and Recreation Commission will expire August 31, 2014. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on July 9th, 2014. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

A handwritten signature in blue ink that reads "Ray Gosack".

Ray Gosack
City Administrator

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

Parks and Recreation Commission

The Parks and Recreation Commission acts in an advisory capacity to the Board of Directors of the City of Fort Smith and Director of Parks & Recreation in the promotion, planning, maintenance, development and operation of all recreation areas and facilities owned, controlled or leased by the City. The members of the Parks and Recreations Commission shall be qualified electors of the City. Members are appointed by the Board of Directors for five year terms. The commission meets at 11:30 on the second Wednesday of each month at the Creekmore Community Center.

	<u>Date Appointed</u>	<u>Term Expires</u>
Casey Millspough 2511 Oakview Road #10 (817) 676-4104 (h) 459-4017 (w) cmillspough@ups.com	10/15/13	08/31/14
Chris Chaney 1306A Jacobs Avenue (08) 653-1792 (c) iamfortsmith@yahoo.com	08/18/09	08/31/14
Madeline Marquette 7818 Valley Forge Rd (03) 478-7021 (h) 414-6579 (w) madgs@sbcglobal.net	07/20/10	08/31/15
Billy Bob Williams Self Employed 9701 Painter Dr (03) 452-4133 (h)	07/22/03	08/31/16
Bryan Merry 2636 Enid Place (01) 926-0423 (h) Bryanmerry2013@gmail.com	07/19/11	08/31/16
Lorie Robertson Marketing Executive 3301 South 96 Street (03) 452-6985 (h) 242-2167 (w) lorie@rightmindads.com	07/17/12	08/31/17

Sherry Toliver
Executive Director
3201 South 93rd Circle (03)
434-4854 (h)
420-1162 (w)
stoliv44@gmail.com

07/16/13

08/31/18

July 2014

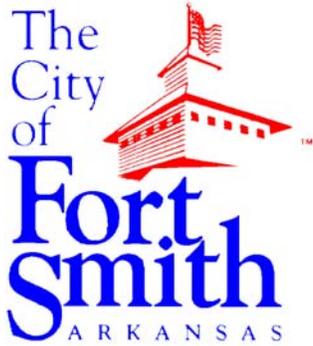
July 2014

August 2014

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

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 29	30	Jul 1	2	3	4	5
		11:30am Planning Com. S.S. (Creekmore) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)		12:00pm Housing Assistance Bd. (Main Library)	8:00am CITY OFFICES CLOSED (4TH OF JULY)	
6	7	8	9	10	11	12
		5:30pm Planning Commission (Creekmore) 6:00pm Bd. Study Session (FSM Senior Activity Cntr.)	12:00pm Parks Commission (Creekmore)	12:00pm Oak Cemetery Com. (Creekmore)		
13	14	15	16	17	18	19
	11:30am Property Owners Appeal Bd. (Planning Conf. Rm.)	4:30pm Library Board of Trustees (Main Library) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)		6:00pm Ward 3 Meeting (4600 Towson, Suite 136)		
20	21	22	23	24	25	26
		12:00pm 12:30pm Bd. Study Session (Main Library) 4:00pm A & P Com. (Miss Laura's) 5:30pm Airport Com. (Airport Com./Adm. Con				
27	28	29	30	31	Aug 1	2
		12:00pm Bd. Study Session (Main Library/TENTATIVE)		11:30am Housing Authority Com. (Beckman Cntr.) 5:30pm Historic District S.S. (220 North 7 Street)		



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau

Ward 2 – Andre’ Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

AGENDA ~ Summary

Fort Smith Board of Directors

REGULAR MEETING

July 1, 2014 ~ 6:00 P.M.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Sandy Sanders

ROLL CALL

- All present
- Mayor Sandy Sanders presiding

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 214 or City website

APPROVE MINUTES OF THE JUNE 17, 2014 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation: Recognition to Andrea Beckman, recipient of the Lodestar Award *(presented by the Keep Arkansas Beautiful Commission)*
2. Ordinance rezoning identified property and amending the zoning map *(from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street; 2001-2219 South “W” Street; 2100-2230 South “W” Street; 2400 South 21st Street, 2215 Jenny Lind; 2203 South 21st Street; 2312-2322 South 23rd Street; 2222 South 23rd Street and 2300-2302 South 22nd Street)*

Approved 7 in favor, 0 opposed as amended to remove 2101-2103 & 2107-2113 South "W" Street and 2312-2314 & 2320-2322 South 23rd Street / Ordinance No. 32-14

3. Ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Commercial Light (C-2) by extension located at 1922 Dodson Avenue*)
Approved 7 in favor, 0 opposed / Ordinance No. 33-14
4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Unzoned to Commercial-3 by extension located at 6100 and 6200 Massard Road*)
Approved 7 in favor, 0 opposed / Ordinance No. 34-14
5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Not Zoned to Commercial-3 by classification located at 8210 and 8220 South Zero Street, and 8201 Huntington Circle*)
Approved 7 in favor, 0 opposed / Ordinance No. 35-14
6. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*River Bend Industries, LLC*)
Approved 7 in favor, 0 opposed / Resolution No. R-73-14
7. Consent Agenda
 - A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 7230 Stonebrook Drive (\$482.50 / Building Department / Not Budgeted – General Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-74-14
 - B. Resolution stating the City of Fort Smith's desire to be selected by AT&T to participate in the U-verse with GigaPower Initiative
Approved 6 in favor, 0 opposed, 1 abstention (Settle) / Resolution No. R-75-14
 - C. Resolution authorizing execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
Approved 7 in favor, 0 opposed / Resolution No. R-76-14

- D. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with RJN Group, Inc. for engineering services for the Sub-Basin P007 and S004 Wastewater Collection System Improvements (\$454,065.15 / Utility Department / Budgeted – 2012 Sales and Use Tax Bond Funds)
[Approved 7 in favor, 0 opposed / Resolution No. R-77-14](#)
- E. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Brixey Engineering & Land Surveying, Inc. for the design of Neighborhood Water System Improvements – Reduced Service Area (\$32,000.00 / Utility Department / Budgeted – 2008 Revenue Bonds)
[Approved 7 in favor, 0 opposed / Resolution No. R-78-14](#)
- F. Resolution authorizing the use of the unobligated balance of the Water and Sewer Fund to provide self-funded, supplemental automobile insurance coverage required by private roadway and crossing agreements with Arkansas and Missouri Railroad Company (*not to exceed \$1,000,000.00 / Utility Department / Not Budgeted – Appropriated funds from Unobligated Water and Sewer Operating Funds*)
[Approved 7 in favor, 0 opposed / Resolution No. R-79-14](#)
- G. Resolution authorizing the Mayor to execute an easement with Oklahoma Gas & Electric Company (*Lake Fort Smith*)
[Approved 7 in favor, 0 opposed / Resolution No. R-80-14](#)

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

- Mayor
- Directors
- City Administrator

[Information available by viewing rebroadcast of the meeting on the City Access Channel 214 or City website](#)

ADJOURN
[6:46 p.m.](#)

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JULY 1, 2014 ~ 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 Mayor Sandy Sanders, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Philip 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 June 17, 2014 regular meeting were presented for approval. Catsavis, seconded by Merry, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders, along with the Board and Administration, recognized Andrea Beckman, who is the recent recipient of Keep Arkansas Beautiful's Loadstar Award. A loadstar is someone who serves as an inspiration, model or guide and Keep Arkansas Beautiful recognizes these individuals for guiding their neighborhoods and communities in an effort to keep Arkansas clean, green and free of litter. (Item No. 1)

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by extension located at 2001-2127 South "V" Street; 2205-2219 South "V" Street; 2000-2228 South "V" Street; 2001-2219 South "W" Street; 2100-2230 South "W" Street; 2400 South 21st Street, 2215 Jenny Lind; 2203 South 21st Street; 2312-2322 South 23rd Street; 2222 South 23rd Street and 2300-2302 South 22nd Street*).

July 1, 2014 Regular Meeting

Director of Development Services Wally Bailey briefed the board on the item advising such is per the request of David Harris, agent for multiple property owners relative to the area. The proposed is a corrective rezoning to reflect how the area has developed. The requested rezoning contains approximately twenty (20) acres and has approximately ninety-one (91) lots. A neighborhood meeting was held on May 19, 2014 with twenty (20) people in attendance with thirteen (13) being home owners from the proposed rezoning area. Owners of four (4) lots on the south side of "W" Street in the 2000 block and the owner of a duplex at the corner of 22nd and "V" Street opposed the rezoning and their properties were excluded. The Planning Commission held a public hearing on June 10, 2014 with five (5) individuals present to support the item and no one was present to speak in opposition; however, a representative of Koenig Properties merely submitted a request for a letter from the City stating that existing multi-family development land uses would be allowed to continue. The Planning Commission approved the rezoning with (7) in favor, zero (0) opposed. After the June 10, 2014 Planning Commission meeting, staff received a letter from Dr. Sam Koenig requesting the below properties be removed from the rezoning area citing potential adverse effects on the sale value of the properties, as well as potential issues with reconstruction because of the nonconforming use if the property is ever damaged by more the 50% of the property value.

- 2101-2103 South "W" Street (duplex)
- 2107-2113 South "W" Street (4-plex)
- 2312-2314 South 23rd Street (duplex)
- 2320-2322 South 23rd Street (duplex)

Because the request to remove the properties was made following the Planning Commission's approval, if the Board agrees with the request to remove the said properties the proposed ordinance would need to be amended to reflect such.

July 1, 2014 Regular Meeting

The following individuals were present to address the Board:

- David Harris, agent
Re: Spoke in favor of the item citing the proposed rezoning is intended for the preservation of the neighborhood, which is one of the goals provided in the Comprehensive Plan.

- Dr. Sam Koenig
Re: Conveyed no opposition to the rezoning; however, he requested his properties be removed from the rezoning citing devaluation of his property, hinder obtaining adequate insurance on the structures, and the potential cost to repair said structures. If they're damaged and repairs are estimated to be more than 50% of the value of the structure, the repairs to ensure compliance with existing codes would be financially unfeasible.

Due to Dr. Koenig's concerns with regard to repairs, Director Weber requested a brief explanation. She further inquired what percentage of the neighborhood signed the petition to rezone and if the Planning Commission was aware of Dr. Koenig's request to remove the properties.

Mr. Bailey advised there would be no issues with Dr. Koenig's properties for routine maintenance; however, if a structure is destroyed or damaged by more the 50% of the value of the structure and the owner desires to reconstruct, such would require a conditional use permit from the Planning Commission. A neighborhood rezoning petition must contain at least fifty percent (50%) of the property owners. The subject rezoning contains ninety-one (91) properties and seventy (70) residents signed the petition. The Planning Commission was not aware of Dr. Koenig's desire/request to remove his properties from the rezoning; therefore, he reiterated that if the Board opts to remove his properties, the ordinance must be amended to reflect such.

July 1, 2014 Regular Meeting

Upon approval as proposed, Director Settle inquired if Dr. Koenig could make application to rezone his properties back to the original zoning classification whereby Mr. Bailey responded "yes."

Director Good sympathized with Dr. Koenig's concerns regarding devaluation of property, etc.; however, he expressed concern with the potential use of the structures if the properties are sold and do not maintain the same zoning classification as the surrounding properties.

At the request of Director Good, Mr. Harris again addressed the Board citing Dr. Koenig maintains his properties very well; however, he too conveyed concern that in the event Dr. Koenig sells the properties, the new owners will not do the same. Due to such, he urged the Board to adopt the ordinance as originally proposed.

Director Merry noted he would not want to deter a property owner from upgrading or improving their property in the event of damage to the structure; therefore, he conveyed no objection to the removal of Dr. Koenig's properties.

Director Lau commended the neighborhood for taking action to better their neighborhood; however, if the ordinance is approved as proposed, he alleged Dr. Koenig will have less property rights and decreased value of the properties.

Lau, seconded by Merry, moved to amend the ordinance to remove Dr. Koenig's properties as requested, i.e. 2101-2103 & 2107-2113 South "W" and 2312-2314 & 2320-2322 South 23rd.

Prior to the vote, Director Settle conveyed his objection to the proposed amendment reiterating Dr. Koenig may petition the Planning Commission to rezone the property back to their original zoning classification.

July 1, 2014 Regular Meeting

The motion to amend remaining on the floor, the members voted as follows: ayes – Lau, Good, Lorenz, Catsavis and Merry; nays – Weber and Settle. The Mayor declared the motion carried.

Lau, seconded by Catsavis, moved adoption of the ordinance as amended. The motion included suspending the rule to allow the three (3) full reading 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 Ordinance No. 32-14.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Commercial Light (C-2) by extension located at 1922 Dodson Avenue*)

Mr. Baily briefed the Board on the item advising such is per the request of Gregg Teece, agent for Goddard United Methodist Church. The proposed is a corrective rezoning which would place the same zoning on this property as the properties to the north, east and west on Dodson Avenue. Such rezoning would allow the church to utilize the commercial signage regulations for future signage. A neighborhood meeting was held on June 9, 2014 with two (2) property owners in attendance with questions relative to how the proposed zoning would affect their property. After their questions were answered, they maintained no opposition to the proposed rezoning. The Planning Commission held a public hearing on June 10, 2014 with no individual present to speak in opposition. The Planning Commission approved the proposed rezoning by a vote of seven (7) in favor, zero (0) opposed.

Lorenz, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full reading of the ordinance to be by

July 1, 2014 Regular Meeting

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 Ordinance No. 33-14.

Item No. 4 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Unzoned to Commercial-3 by extension located at 6100 and 6200 Massard Road*).

Mr. Baily briefed the Board on the item advising such is per the request of Rob Coleman. The purpose of the request is to allow for the site to be compatible to the surrounding and adjacent land uses. The applicant also requested a development plan deferral because the developer does not have a defined plan for the lots. The Planning Commission held a public hearing on June 10, 2014 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment and proposed rezoning by a vote of six (6) in favor, zero (0) opposed and one (1) abstention (Cooper). The Planning Commission unanimously amended the request for the development plan deferral making approval subject to the Planning Commission approval of a development plan prior to the issuance of a building permit. The requested amendment was approved by the Planning Commission by a vote of six (6) in favor, zero (0) opposed and one (1) abstention (Cooper).

Good, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full reading 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 Ordinance No. 34-14.

July 1, 2014 Regular Meeting

Item No. 5 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Unclassified to General Commercial / Rezoning: from Not Zoned to Commercial-3 by classification located at 8210 and 8220 South Zero Street, and 8201 Huntington Circle*).

Mr. Baily briefed the Board on the item advising such is per the request of Galen Hunter, agent for Joey Cole. The purpose of the request is to allow for future development of a convenience store/gas station and other retail or restaurant development. The applicant also requested a deferral of a development plan until plans have been solidified for the project. The Planning Commission held a public hearing on June 10, 2014 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment and proposed rezoning by a vote of six (6) in favor, zero (0) opposed and one (1) abstention (Cooper). The Planning Commission unanimously amended the request for the development plan deferral making approval subject to the Planning Commission approval of a development plan prior to the issuance of a building permit. The requested amendment was approved by the Planning Commission by a vote of six (6) in favor, zero (0) opposed and one (1) abstention (Cooper).

Settle, seconded by Lau, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full reading 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 Ordinance No. 35-14.

Item No. 6 was a resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back

July 1, 2014 Regular Meeting

Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*River Bend Industries, LLC*).

Deputy City Administrator Jeff Dingman briefed the Board on the item advising such is per the request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce on behalf of River Bend Industries, LLC, who plans to expand its current custom injection molding facility. The expansion is a \$227,593.00 investment and will add thirty-five (35) new jobs to the region. Participation in the Tax Back Program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion, and requires governmental endorsement. Participation requires approval from the governing body; therefore, he recommended approval.

Good, seconded by Lorenz, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-73-14.

The Consent Agenda (Item No. 7) was introduced for consideration, the items being as follows:

- A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 7230 Stonebrook Drive (\$482.50 / *Building Department / Not Budgeted – General Fund*)
- B. Resolution stating the City of Fort Smith's desire to be selected by AT&T to participate in the U-verse with GigaPower Initiative
- C. Resolution authorizing execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
- D. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with RJN Group, Inc. for engineering services

July 1, 2014 Regular Meeting

for the Sub-Basin P007 and S004 Wastewater Collection System Improvements (*\$454,065.15 / Utility Department / Budgeted – 2012 Sales and Use Tax Bond Funds*)

- E. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Brixey Engineering & Land Surveying, Inc. for the design of Neighborhood Water System Improvements – Reduced Service Area (*\$32,000.00 / Utility Department / Budgeted – 2008 Revenue Bonds*)
- F. Resolution authorizing the use of the unobligated balance of the Water and Sewer Fund to provide self-funded, supplemental automobile insurance coverage required by private roadway and crossing agreements with Arkansas and Missouri Railroad Company (*not to exceed \$1,000,000.00 / Utility Department / Not Budgeted – Appropriated funds from Unobligated Water and Sewer Operating Funds*)
- G. Resolution authorizing the Mayor to execute an easement with Oklahoma Gas & Electric Company (*Lake Fort Smith*)

Regarding Item No. 7B, Director Settle advised his brother works for AT&T; therefore, announced his intent to abstain from voting on the item.

Catsavis, seconded by Weber, moved adoption of all consent agenda items. The members all voting affirmatively, with the exception of Item No.7B whereby Director Settle abstained, the Mayor declared the resolutions were adopted and numbered R-74-14 through R-80-14, respectively.

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

➤ Mayor Sanders

- Re:
- 1. Invited all to attend the Mayor's Annual Fourth of July Celebration at Harry E. Kelley Park. Live music begins at 7:00 p.m. and fireworks is scheduled for approximately 9:30 p.m.
 - 2. Announced the monthly Town Hall Meeting will be held immediately following adjournment and encouraged those wishing to speak to sign-in at the City Clerk's desk.

July 1, 2014 Regular Meeting

➤ Director Weber

- Re: 1. Regarding a beautification project at the corner of Old Greenwood Road and Phoenix Avenue, she extended much appreciation to Nancy Smreker, the committee involved and nearby property owners; Matt Cobb, Bennie Westphal and Roger Meek.
2. Announced another beautification project is forthcoming at Interstate 49 and Rogers Avenue.
3. Offered a motion to repeal Section 2-31(4) of the Fort Smith Municipal Code. Such requires concurrence of two (2) directors to place an item on a future agenda; therefore, Merry seconded the motion. Due to such, Mayor Sanders announced an ordinance authorizing same will be placed on the July 15, 2014 regular meeting agenda for consideration.

➤ Director Settle

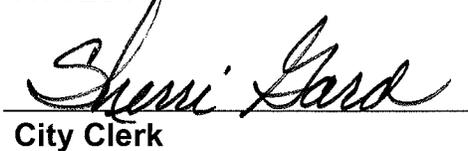
- Re: Regarding the July 8, 2014 study session, he reminded all of the time and location change whereby such will be held at 6:00 p.m., Fort Smith Senior Activity Center, 2700 Cavanaugh Road. The Board will be provided an update regarding the Whirlpool TCE remediation.

There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:46 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk