Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA

Fort Smith Board of Directors
REGULAR MEETING
January 6, 2015 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

INVOCATION & PLEDGE OF ALLEGIANCE

OATH OF OFFICE CEREMONY FOR INCOMING DIRECTORS

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE DECEMBER 16, 2014 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentation: Girl Scout Diamonds of Arkansas, Oklahoma and Texas

2. Ordinance establishing prices and fees for grave spaces and services at Oak Cemetery *~ Discussed at the November 25, 2014 budget hearing / First reading at the December 16, 2014 regular meeting ~* **** SECOND READING ****

3. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to a Planned Zoning District by classification located at 7000 Chad Colley Boulevard) (Arkansas College of Osteopathic Medicine)*

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to Extra-Territorial Jurisdiction Light Industrial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Extra-Territorial Jurisdiction Industrial Light (ETJ I-1) by classification located at 12934 Old Highway 71 South) (Beshears Construction)*

5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Open Space and Office, Research & Light Industrial to Neighborhood Commercial / Rezoning: from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by classification located at 3101-3225 Phoenix Avenue)*

6. Items relative to property located at 11808 Highway 71 South *(Arvest Bank)*:

   A. Resolution approving a pre-annexation agreement for Superior Federal Tract 1 *11808 Highway 71 South*

   B. Ordinance accepting certain territory into the City of Fort Smith, Arkansas *(3.5 acres)*

   C. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to General Commercial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11808 Highway 71 South)*

7. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) *(ArcBest Corporation)*

8. Consent Agenda

   A. Resolution authorizing an engineering services agreement for the design of a project in the 2015 Sales Tax Program, Project No. 15-01-A *($827,381.25 / Engineering Department / Budgeted – Sales Tax Program Fund)*

   B. Ordinance authorizing the Mayor to execute a services agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the city of Fort Smith

   C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2015 *(Annual bid / Various Departments / Budgeted – Various Departments)*

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

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

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

ADJOURN

2

ORDINANCE NO. _____

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

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

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

(a) The price of all grave spaces in Oak Cemetery shall be $550.00 per space.

(b) The fee for making a grave space opening and closing shall be the sum of $550.00 on any weekday, Monday through Friday, and shall be the sum of $700.00 on Saturday, Sunday, or holiday observed by the City of Fort Smith.

(c) The fee for making an inurnment of niches shall be the sum of $200.00 on any weekday, Monday through Friday, and shall be the sum of $300.00 on Saturday, Sunday, or holiday observed by the City of Fort Smith.

(d) The fee for making a grave space opening and closing for cremated remains and for infants shall be the sum of $200.00 on any weekday, Monday through Friday, and shall be the sum of $300.00 on Saturday, Sunday or holiday observed by the City of Fort Smith.

(e) The fee for the disinterment of any person shall be the sum of $1,000.00 and any additional costs directly related to the disinterment. The fee for the disinurnment of any cremains shall be the sum of $300.00 and any additional costs directly related to the disinurnment. The fee for

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

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

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

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

Passed and approved this _____day of December, 2014.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
City Attorney
No Publication Required

PARKS RECREATION
FORT SMITH

Memo:

December 12, 2014

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

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

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

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

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

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

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

#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. 22-12-14 to rezone certain properties hereinafter described, and, having considered said request, recommended on December 9, 2014, that said change be made;

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

SECTION 1: That the following properties to-wit:

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

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

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

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

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

PASSED AND APPROVED THIS_____DAY OF_____, 2015.

ATTEST:

_____
City Clerk

APPROVED:

_____
Mayor

Approved as to form:

_____
Publish One Time

December 29, 2014

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

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

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

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

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

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

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

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

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

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

- Compliance with the Project Booklet as submitted.

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

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

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: November 24, 2014

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

PROPOSED ZONING

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

LOT LOCATION AND SIZE

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

REQUESTED ZONING

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

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

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

2A

EXISTING ZONING

The property is currently Not Zoned.

SURROUNDING ZONING AND LAND USE

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

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

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

MASTER LAND USE PLAN COMPLIANCE

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

PROJECT BOOKLET

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

A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes, the site plan details the building locations along with proposed parking lots and areas of existing trees to be saved. Driveways are also defined on the site plan.**

B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes, all traffic will enter and exit the site primarily from Chad Colley Boulevard and Veteran's Avenue. Additional street layout on the west end of the property is unknown at this time.**

C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**

D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines that the architectural design standards will comply with the requirements of the UDO and FCRA design guidelines.**

E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The overall plan will be consistent with the design patterns for the Master Street Plan, and Comprehensive Plan and Master Land Use Plan. .**

2B

F. The required right-of-way dedication has been identified by the City Engineering Department? **Yes, the right of way dedication if any will be acquired during the platting process.**

G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes, this will be determined during the platting process.**

H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The project is located within a large undeveloped area other than a few small facilities along the west and south side. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to a new internal drive loop. Chad Colley Boulevard and Roberts Boulevard are both classified as Boulevard Streets. No traffic study was required.**

I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the project will meet or exceed the UDO and FCRA requirements by having the following: The buffer areas, screening and landscaping areas. The buildings will increase high quality materials from 51% to 100%. More restrictive land uses than the C-2 zone.**

SITE DESIGN FEATURES

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

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

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

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

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

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

2C

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

FACTORS TO BE CONSIDERED

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

A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan.**

B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**

C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses will be compatible with the nearby properties.**

D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **A traffic study was not required to be submitted. The streets surrounding this property are classified as Boulevard streets and are built for large amounts of traffic.**

E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **The City of Fort Smith is currently extending water and sewer to the property along Chad Colley Boulevard.**

F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO and the FCRA requirements.**

STAFF COMMENTS AND RECOMMENDATIONS

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

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

20

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

NOVEMBER 14, 2014

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

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

2E

ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE
PZD APPLICATION
PROJECT BOOKLET

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

3b.

Owner
The Degen Foundation
6101 Phoenix Avenue, #4
Fort Smith, AR 72903

Representative
Tim A. Risley & Associates
Architects & Planners
#1 Con/Arc Place
6101 Phoenix Avenue
Fort Smith, AR 72903

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

3d. General Project Scope

i. Street and lot layout:
See attached development plan. The primary access to the site is via Chad Colley Blvd. and Veteran's Avenue. The City of Fort Smith will be improving Veteran's Avenue from Frontier Road to the new internal ARCOM drive loop. Additional street layout on the west end of the property is unknown at this time.

ii. Site plan showing improvements
See attached site plan sheets C1, C2 and colored site plan.

iii. Buffer areas, screening and landscaping areas
All items will meet or exceed City UDO and FCRA requirements.

iv. Storm water detention areas and drainage
All detention and drainage will comply with UDO requirements. Detention areas are shown on attached sheets C3, C8.

v. Undisturbed natural areas
Several areas shown on the site plan are noted as "existing trees to remain" that wrap around the campus areas. Additional new trees will be added at new parking medians and islands. See attached photo of site work.

2F

vi. Existing and proposed utility connections and extensions

a. New electrical service is to be brought to the site by OG & E.

b. The City of Fort Smith will be extending the 12" water and sewer mains along Chad Colley Blvd.

c. See Utility Sheet C6.

vii. Development and architectural design standards

a. Design standards are to comply with UDO and FCRA design guidelines subject to approval by authorities to use materials such as integral colored split-face and polished-face CMU units, precast concrete wall panels and architectural metal wall panels (not industrial type).

b. All dumpsters will be screened with split face CMU, brick veneer or other acceptable masonry units with opaque wood or metal gates.

c. Landscape materials and types will meet the requirements of the UDO and FCRA architectural standards: All buildings in the PZD shall meet the commercial standards of the UDO and FCRA with the following upgraded enhancements.

d. 100% of the exterior facades to be of high quality materials.

e. Façade elevations regarding massing elements to meet UDO.

f. Site/parking area light fixtures to be consistent with those of the College, utilizing poles no higher than 30' and must meet UDO and FCRA lighting guidelines.

g. All future building will require the design approval of the Foundation Board.

viii. Building elevations

a. See colored perspectives.

b. Future buildings will comply with UDO and FCRA design guidelines.

ix. Proposed signage (Type and size)

a. Signage for the PZD will be per City ordinance in general but customized to prohibit highway type billboards and flashing or blinking electronic signage of any type or size only. Ground mounted monument signs are permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per UDO and FCRA guidelines. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties.

b. Pole signs are prohibited.

c. Directional signage is allowed but will not count towards allowed signage square footage.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed in three phases.

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

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

Phase III: Unknown at this time.

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

3g. Identify area and bulk regulations for PZD

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

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

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

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

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

3j. A chart articulating how the project exceeds the UDO requirements.

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

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

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

3l. Traffic study not required.

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

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

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Cameras, photographic supplies and services															P		P	P	P	P	P	P				
Clothing, jewelry, luggage, shoes, accessories															C		P	P	P	P	P	P				
Gift shop															P		P	P	P	P	P	P				
Sewing machine store (sales & service)																		P	P	P	P	P				
Sporting goods, toys, & musical instruments																		P	P	P	P	P				
Thrift store																		P	P	P	P	P	P			
Consumer Goods, Other																										
Antique shop															P		P	P	P	P	P	P				
Art dealers, art studio, galleries, supplies															P		C	P	P	P	P	P				
Arts and craft shop															P		P	P	P	P	P	P				
Flea market (indoor)																					P	P	P			
Flea market (outdoor)																							C			
Florist shop															P		P	P	P	P	P	P				
Hobby shop															P		P	P	P	P	P	P				
Office supply store																			P	P	P	P	P			
Pawnshop																					P		P			
Pawnshop (no outside storage)																			P	P	P	P	P			
Tobacco shop																	P	P	P	P	P	P				
Grocery, Food, Beverage, Dairy																										
Bakery or confectionery shop															P		P	P	P	P	P	P				
Beer, wine and liquor store (with drive-through)																		C	P	P	P	P				
Beer, wine and liquor store (without drive-through)																		P	P	P	P	P				
Convenience store (with gasoline sales)																		C	P	P	P	P	P			
Farmer's market																		P	P	P	P	P	P			
Fruit and vegetable store															P		C	P	P	P	P	P	P			
Grocery store or supermarket															P		P	P	P	P	P	P	P			
Neighborhood store															P			P	P	P	P	P				
Health and Personal Care																										
Cosmetics, beauty supplies, and perfume stores																	P	P	P	P	P	P				
Medical appliance services																		P	P	P	P	P	P			P
Optical shop																	P	P	P	P	P	P				P
Pharmacy or drug store																	P	P	P	P	P	P				
Finance and Insurance																										
Auto insurance claims office																		P	P	P	P		P			P
Automatic teller machine																P	P	P	P	P	P	P	P			P
Bank, credit union, or savings institution																P	P	P	P	P	P	P	P			P
Credit and finance establishment																P	P	P	P	P	P	P	P			P
Fund, trust, or other financial establishment															P	P	P	P	P	P	P	P	P			P
Insurance office															P	P	P	P	P	P	P	P	P			P
Investment banking, securities, and brokerages															P	P	P	P	P	P	P	P	P			P
Rental and Leasing																										

Fort Smith
3

Use Matrix

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Auto (rental and leasing)																					P		P	P	P	
Commercial, industrial machinery & equipment																					P		P	P	P	
Consumer rental center																		P	P	P	P	P	P			
Oil and gas field equipment																							P	P	P	
Video, music, software																		P	P	P	P	P				
Business, Professional, Scientific, and Technical Services																										
Professional Services																										
Abstract services															P	P	P	P	P	P	P	P	P			P
Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P	P			P
Advertising and media services															P	P	P	P	P	P	P	P	P			P
Architectural, engineering															P	P	P	P	P	P	P	P	P			P
Carpet and upholstery cleaning																			P	P	P	P	P	P	P	
Consulting services															P	P	P	P	P	P	P	P	P			P
Extermination and pest control																					P		P	P	P	
Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P			P
Investigation and security services																			P	P	P	P	P	P		
Janitorial services																			P	P	P	P	P	P		
Legal services															P	P	P	P	P	P	P	P	P			P
Medical laboratory																							P	P	P	P
Medical laboratory (no animal research/testing)																			C	C	C	C	P	P		P
Offices, corporate															P	P	P	P	P	P	P	P	P			P
Offices, general															P	P	P	P	P	P	P	P	P	P	P	P
Property management services (office only)															P	P	P	P	P	P	P	P	P			P
Real estate agency															P	P		P	P	P	P	P	P			P
Travel arrangement and reservation services															P	P		P	P	P	P	P	P			P
Administrative Services																										
Business support services															P	P	P	P	P	P	P	P	P			P
Collection agency															P	P	P	P	P	P	P	P	P			P
Employment agency																			P	P	P	P	P			
Employment agency (day labor)																					P		P			
Facilities support services															P	P	P	P	P	P	P	P	P			P
Office and administrative services															P	P	P	P	P	P	P	P	P			P
Telemarketer/call center																			P	P	P	P	P			
Food Services																										
Bar or tavern																		C	C	C	P	P	P			
Beer garden																			C	C	C	P	C			
Catering service																		P	P	P	P	P	P			
Food distribution center																							P	P		
Mobile food services																					P		P	P		
Restaurant															P		C	P	P	P	P	P	P			
Restaurant (with drive-in services)																			P	P	P		P			

Fort Smith
4

Use Matrix

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Wood, Paper and Printing Products																										
Cabinet and woodwork shop																							P	P	P	
Furniture or home furnishings																								P	P	
Manufacturing, boxes/containers/corrugated																							P	P	P	
Manufacturing, packaging material																							P	P	P	
Paper and printing materials																							P	P	P	
Wood products manufacturing plant																								P	P	
Chemicals, Metals, Machinery, and Electronics Mfg.																										
Acid manufacturing																									P	
Asphalt or concrete batching plant (permanent)																									P	
Chemicals, plastics and rubber industry																								C	P	
Electrical equipment, applicance and components mfg.																							P	P	P	
Explosives manufacturing																									C	
Foundary or metal-works facility																								P	P	
Laboratory (manufacturing)																							P	P	P	
Machine, welding, or sheet metal shop																							P	P	P	
Nonmetallic manufacturing																								C	P	
Petroleum and coal products																									C	
Pharmaceutical manufacturing																							P	P	P	
Refinery																									C	
Tire retreading																									P	
Miscellaneous Manufacturing																										
Auto manufacturing																								P	P	
Barge and ship manufacturing																									P	
Boat manufacturing																							P	P	P	
Dolls, toys, games, musical instruments																							P	P	P	
Jewelry and silverware																							P	P	P	
Manufacturing, batteries																							P	P	P	
Manufacturing, fibergass																								P	P	
Manufacturing, foam products																								P	P	
Manufacturing, heavy																									P	
Manufacturing, light																							P	P	P	
Manufacturing, medium																								P	P	
Manufacturing, motors, drives, and generators																								P	P	
Office supplies																							P	P	P	
Wholesale Trade Establishment																										
Durable goods																					P	P	P	P	P	
Electrical, plumbing, heat & air conditioning																							P	P	P	
Nondurable goods																					P	P	P	P	P	
Warehouse and Storage Services																										
Auto salvage yard																									P	

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	Proposed PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Sanitary landfill																									P	
Solid waste collection																								P	P	
Utility shop, storage yard or building																					C		P	P	P	
Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	
Wastewater treatment plant																								P	P	
Arts, Entertainment, and Recreation																										
Performing Arts or Supporting Establishments																										
Drive-in theater																					C		C			
Movie theater																				P	P	P				
Performance theater															P					P	P	P				
Carnival or circus (temporary with permit)																		P	P	P	P	P	P	P		
Fairground/rodeo ground																					P		P	P		
Museums and Other Special Purpose Recreational Institutions																										
Historical or archaeological institution															P							C				
Museum															P			C	C	C	C	P				
Zoos, botanical gardens, arboreta																					C	P	C	C		
Amusement, Sports, or Recreation Establishment																										
Amusement center (indoor)																		P	P	P	P	P	P			
Amusement center (outdoor)																					C	C	C	C		
Convention/Event center																		C	C	P	P	P	P			
Bingo parlor																				P	P	P				
Casino gaming business																							C	C	C	
Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
Dance hall/night club																				P	P	P	P			
Private club																				P	P	P	P			
Race track																								C	C	
Fitness, Recreational Sports, Athletic Club																										
Bowling alley																		C	P	P	P	P	P			
Community recreation center										C	C	C	C	C			C	C	C	C	C	C	C			
Driving range (outdoor)																				C	P	P	P	P	P	
Golf course			C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C		C	C	C	
Pistol Range (Indoor)																					C	C	C	C	C	
Health club															P			C	C	P	P	P	P	P		
Fitness studio															P			P	P	P	P	P	P			
Indoor Games Facility																										
Miniature golf course																			P	P	P	P	P			
Pool hall																		C	C	C	P	P	P			
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																					P			P	P	
Skating rink																				P	P	P	P			
Sports complex/athletic field																					C	C	C	C		
Swimming pool																		C	C	C	P	C	C			

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

Fort Smith
9

Use Matrix

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

Rez. #22-12-14

PETITION FOR CHANGE IN ZONING MAP

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

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

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

2. Address of property: 7000 Chad Colley Chaffee Crossing, Fort Smith, AR

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

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

5. Explain why the Planned Zoning District is requested?

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

Signed:

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

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

_____
Owner

or

Larry R. Hall
Agent

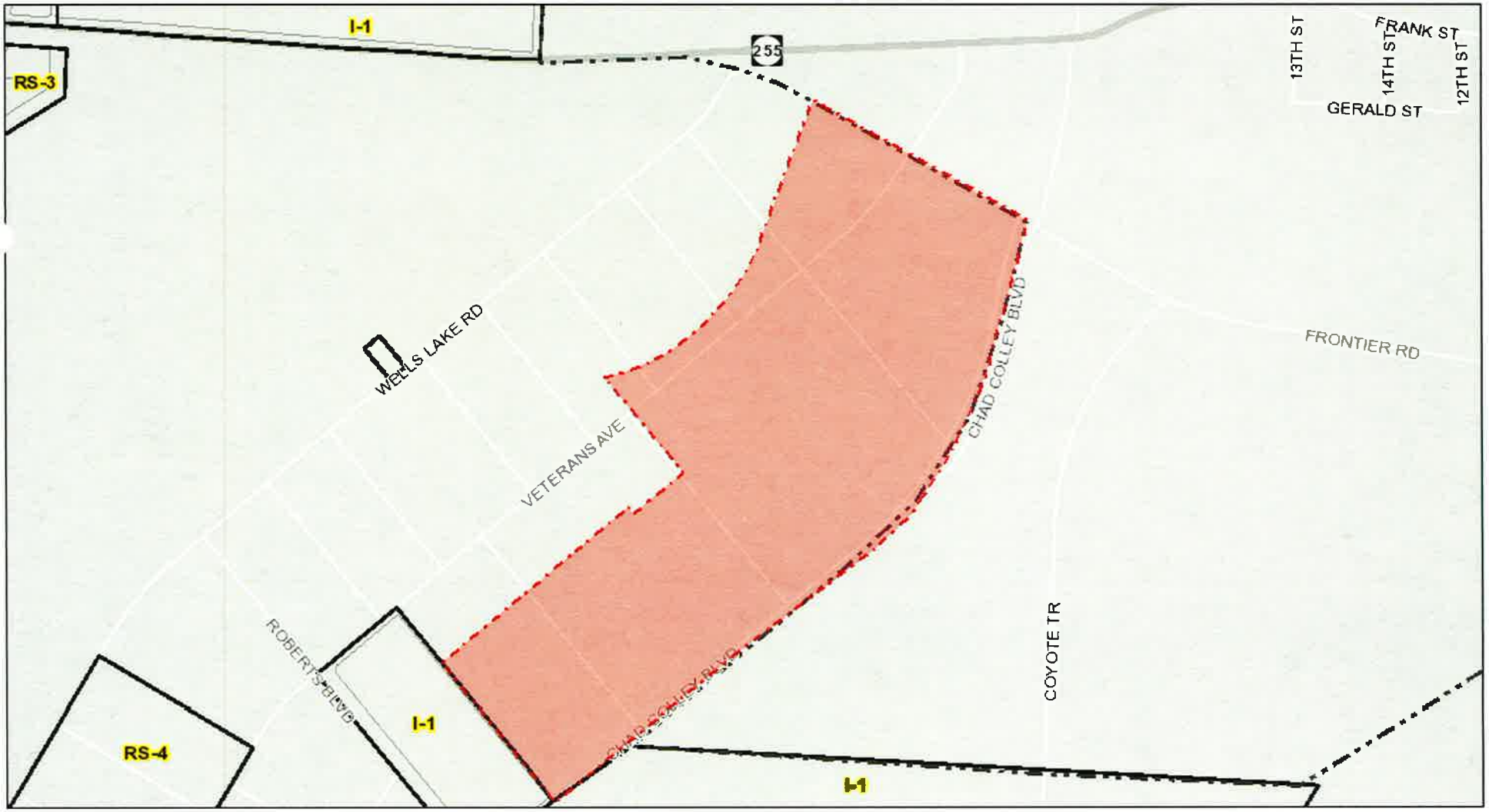
2T

BOUNDARY DESCRIPTION – TRACT A

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

Commencing at the Southwest Corner of said Section 5, said corner being marked with an existing ½" rebar with cap stamped PLS 1272; Thence along the West Line of said Section 5, N02°38'35"E, 1568.71 feet; Thence leaving said West Line, N90°00'00"E, 1776.18 feet to the westerly line of Phoenix Metals, Lot 1, an addition to the City of Fort Smith, Sebastian County, Arkansas, being filed for record July 5, 2013 as plat 1930; Thence along said westerly line, N50°24'51"E, 393.82 feet to the northwesterly corner of said Lot 1, said corner being marked with an existing concrete nail; Thence along the northerly line of said Lot 1, S39°33'58"E, 307.02 feet to the Point of Beginning, said point being marked with a set ½" rebar with cap stamped MWC 1369; Thence leaving said northerly line, N50°25'50"E, 1218.11 feet to a set ½" rebar with cap stamped MWC 1369; Thence S39°33'09"E, 43.13 feet to an existing ½" rebar; Thence N50°23'58"E, 308.08 feet to a set ½" rebar with cap stamped MWC 1369; Thence N39°32'37"W, 586.06 feet to the easterly right–of–way line of the future realigned Wells Lake Road and a set ½" rebar with cap stamped MWC 1369; Thence along said right–of–way line the following courses: 1087.67 feet along the arc of a curve to the left, said curve having a radius of 1150.00 feet and being subtended by a chord having a bearing of N48°41'35"E and a distance of 1047.58 feet to a set ½" rebar with cap stamped MWC 1369; N21°35'52"E, 619.57 feet to a set ½" rebar with cap stamped MWC 1369; 72.16 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of N67°32'06"E and a distance of 64.67 feet to the southerly right–of–way line of Frontier Road and a set ½" rebar with cap stamped MWC 1369; Thence along said southerly right–of–way line the following courses: 66.34 feet along the arc of a curve to the right, said curve having a radius of 2950.00 feet and being subtended by a chord having a bearing of S65°53'02"E and a distance of 66.34 feet to a set ½" rebar with cap stamped MWC 1369; S60°31'14"E, 983.66 feet to the westerly right–of–way line of Chad Colley Boulevard and a set ½" rebar with cap stamped MWC 1369; Thence along said westerly right–of–way line the following courses: 62.02 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet and being subtended by a chord having a bearing of S21°02'06"E and a distance of 57.23 feet to a set ½" rebar with cap stamped MWC 1369; 346.64 feet along the arc of a curve to the left, said curve having a radius of 2166.50 feet and being subtended by a chord having a bearing of S13°52'02"W and a distance of 346.27 feet to a set ½" rebar with cap stamped MWC 1369; 1392.34 feet along the arc of a curve to the right, said curve having a radius of 1941.50 feet and being subtended by a chord having a bearing of S29°49'42"W and a distance of 1362.70 feet to a set ½" rebar with cap stamped MWC 1369; S50°22'23"W, 1987.45 feet to an existing nail at the northeast corner of said Phoenix Metals, Lot 1; Thence along said northerly line of Lot 1, N39°33'58"W, 865.50 feet to the Point of Beginning. Containing 86.75 acres, more or less.

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



November 19, 2014

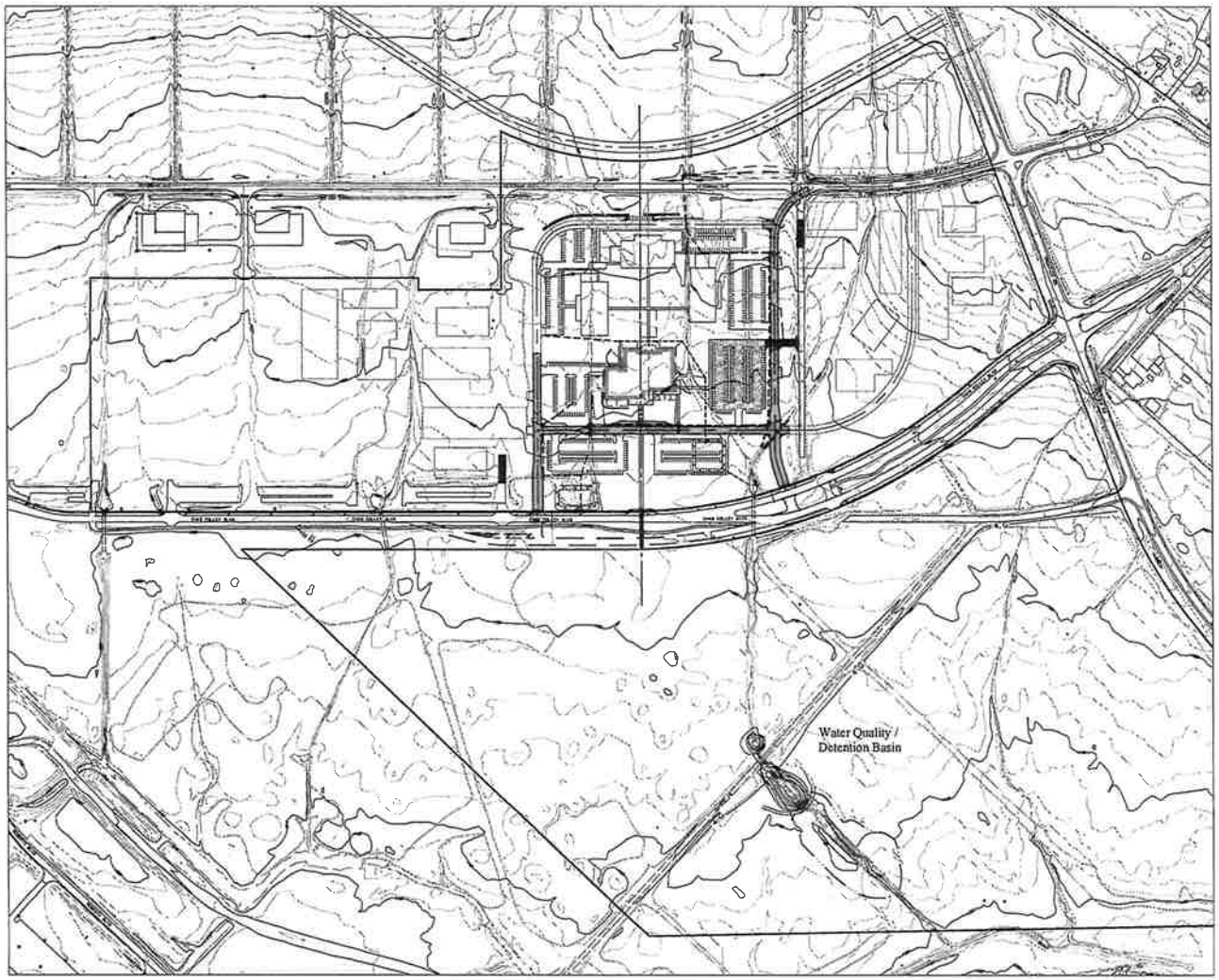
- Fort Smith City Limts
- Zoning
- Subdivisions

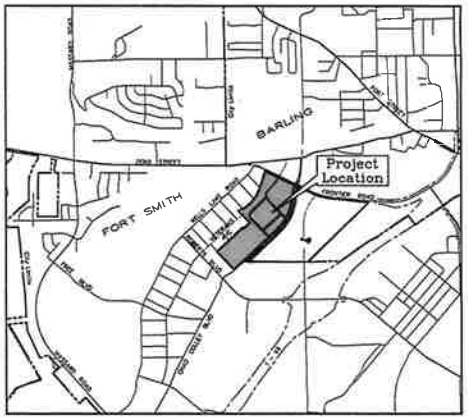
1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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





Vicinity Map
Scale 1"=2000'

PRELIMINARY
NOT FOR CONSTRUCTION

INDEX

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

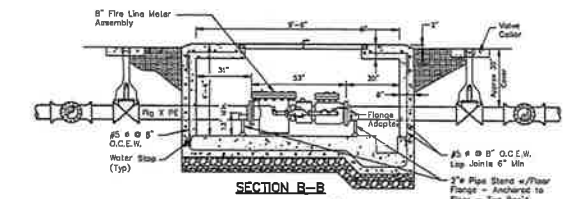
MICHLE WAGNER COLEMAN
Engineers • Consultants • Surveyors

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

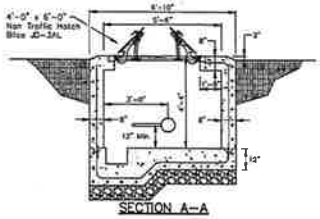
VICINITY MAP & INDEX
ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

Drawn By: J. NOLEN

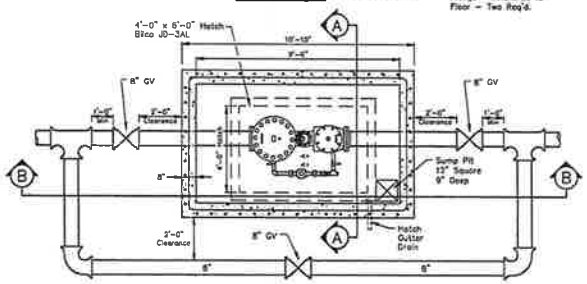
C1



SECTION B-B



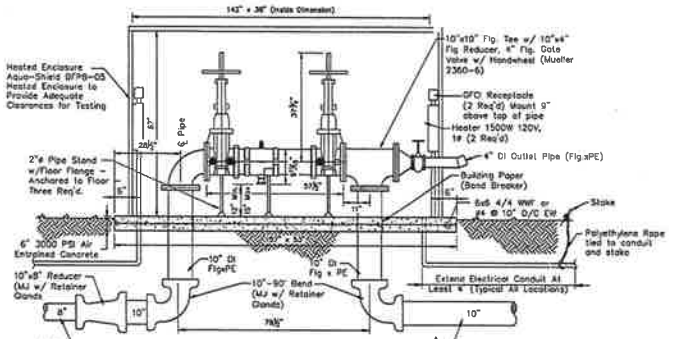
SECTION A-A



PLAN W/ TOP REMOVED

8" WATER METER VAULT DETAIL

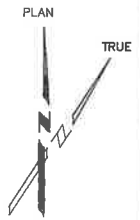
Scale: 3/8" = 1'-0"



REDUCED PRESSURE ZONE BACKFLOW PREVENTER DETAIL

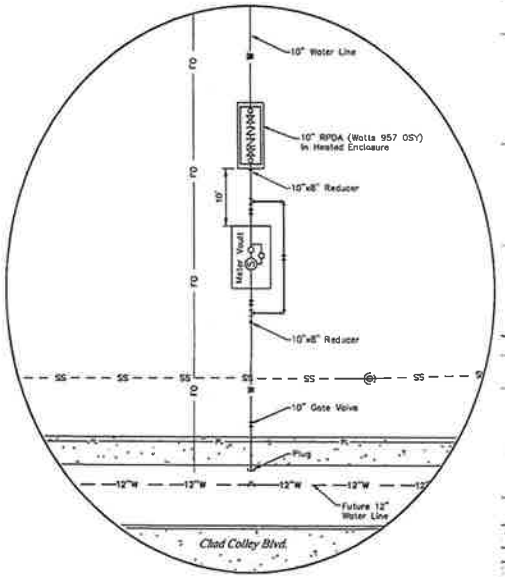
Scale: N.T.S.

RPZ to Comply w/ City of Fort Smith Standards



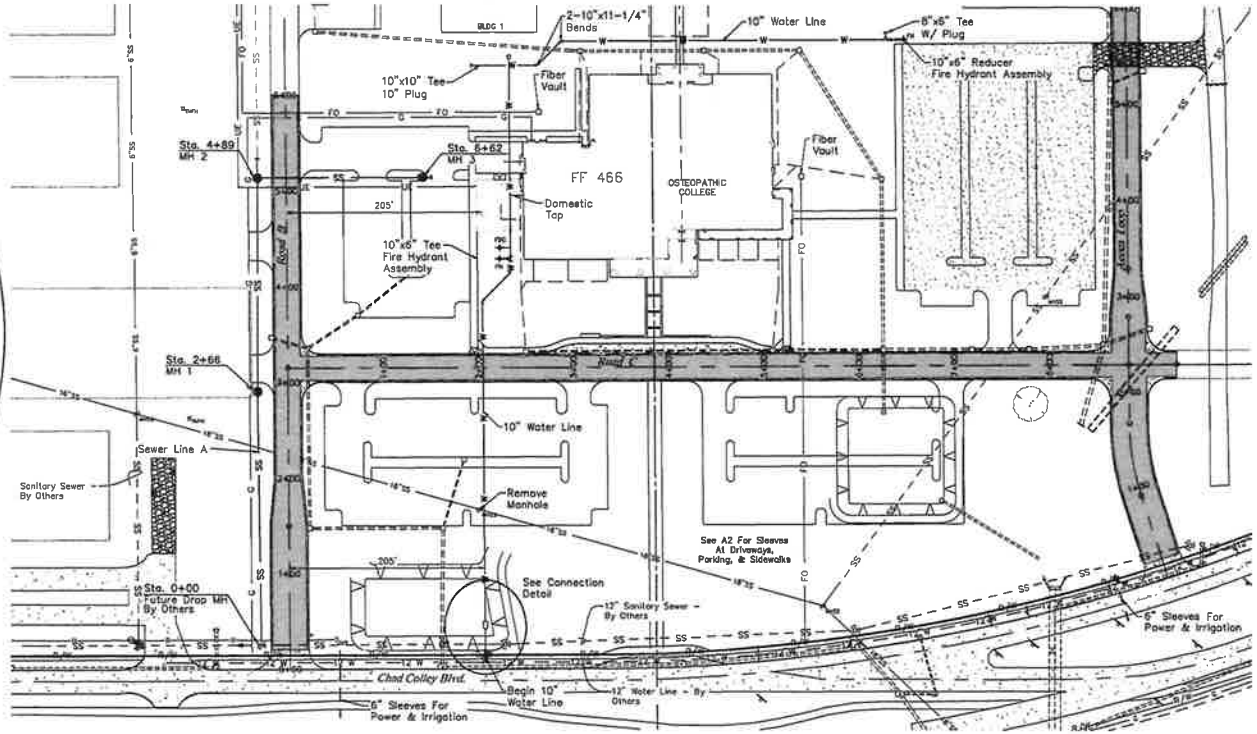
60 0 60

Scale In Feet



CONNECTION DETAIL

Scale: 1" = 10'



MICHELLE WAGNER COLEMAN
Engineers-Consultants-Surveyors

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

UTILITY LAYOUT

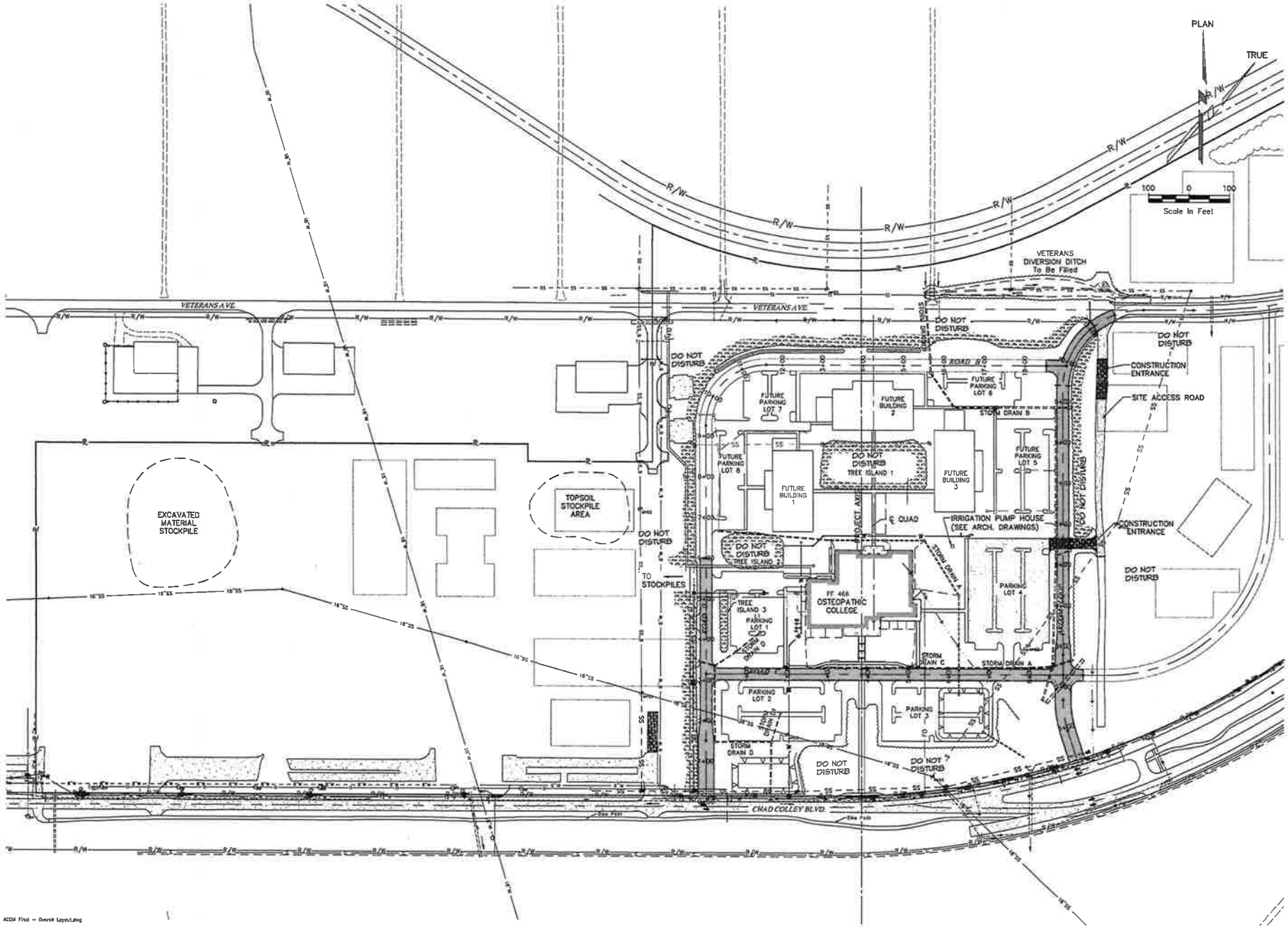
ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE

CHAFFEE CROSSING, FORT SMITH, ARKANSAS

Drawn By J. NOLEN

C6

ADDM Final – Utility Layout.dwg



MICKLE WAGNER COLEMAN
Engineers • Surveyors

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

OVERALL LAYOUT
ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

J. HOLEN

C2

MICHLE WACKER COLEMAN
Engineers—Consultants—Surveyors

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

OVERALL GRADING
ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

C8

MICKLE WAGNER COLEMAN
Engineers—Consultants—Surveyors

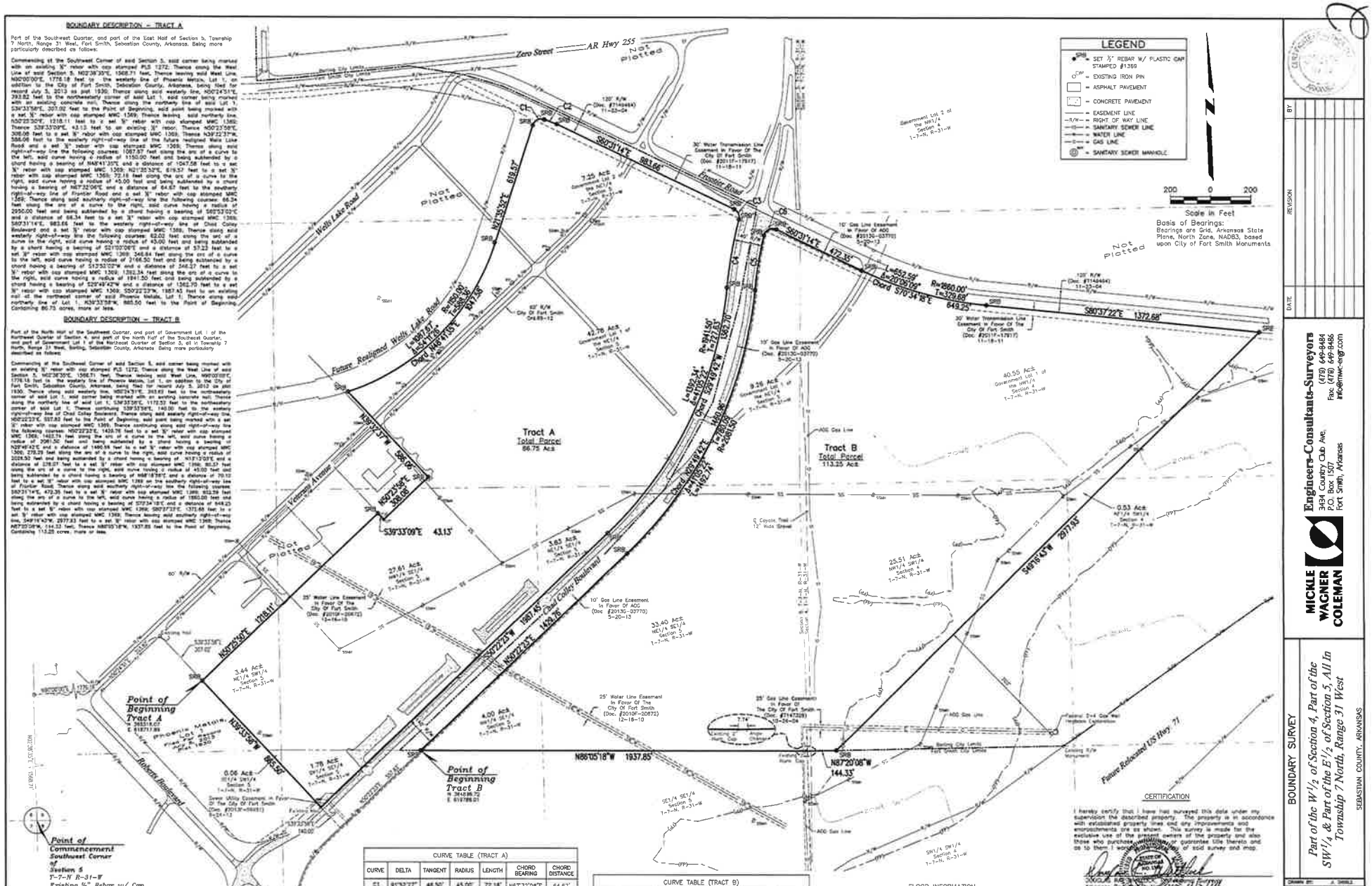
TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

EROSION CONTROL LAYOUT

ARKANSAS COLLEGE of OSTEOPATHIC MEDICINE

CHAFFEE CROSSING, FORT SMITH, ARKANSAS

C3


BOUNDARY DESCRIPTION – TRACT A
Part of the Southwest Quarter, and part of the East Half of Section 5, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:
BOUNDARY DESCRIPTION – TRACT B
Part of the North Half of the Southwest Quarter, and part of Government Lot 1 of the Northwest Quarter of Section 4, and part of the North Half of the Southeast Quarter, and part of Government Lot 1 of the Northeast Quarter of Section 5, all in Township 7 North, Range 31 West, Sebastian County, Arkansas. Being more particularly described as follows:
LEGEND
SET ½" REBAR W/ PLASTIC CAP STAMPED #1359
EXISTING IRON PIN
ASPHALT PAVEMENT
CONCRETE PAVEMENT
EASEMENT LINE
RIGHT OF WAY LINE
SANITARY SEWER LINE
WATER LINE
GAS LINE
SANITARY SEWER MANHOLE
Scale in Feet
Basis of Bearings:
Bearings are Grid, Arkansas State Plane, North Zone, NAD83, based upon City of Fort Smith Monuments
Zero Street
AR Hwy 255
Not Platted
Wells Lake Road
Frontier Road
Future Realigned Wells Lake Road
Veterans Avenue
Chad Colley Boulevard
Roberts Boulevard
Future Relocated US Hwy 71
Tract A
Total Parcel
86.75 Ac±
Tract B
Total Parcel
113.25 Ac±
Point of Beginning
Tract A
N 365518.67
E 618711.89
Point of Beginning
Tract B
N 364586.72
E 619786.01
Point of Commencement
Southwest Corner of
Section 5
T-7-N R-31-W
Existing ½" Rebar w/ Cap
Stamped PLS 1272
References:
1. N53°E, 22.4' – Existing Nail in 8" Oak
2. S46°E, 42.6' – Existing Nail in 6" Oak
3. N86°53'W 259.0' – Existing RR Spike in Road Intersection
CURVE TABLE (TRACT A)
CURVE | DELTA | TANGENT | RADIUS | LENGTH | CHORD BEARING | CHORD DISTANCE
C1 | 91°32'27" | 46.50' | 45.00' | 72.18' | N67°32'08"E | 64.67'
C2 | 1°17'19" | 33.17' | 2950.00' | 66.34' | S69°53'02"E | 66.34'
C3 | 78°58'17" | 37.06' | 45.00' | 62.02' | N21°02'06"W | 57.23'
C4 | 9°10'02" | 173.69' | 2168.50' | 346.64' | S13°52'02"W | 346.23'
CURVE TABLE (TRACT B)
CURVE | DELTA | TANGENT | RADIUS | LENGTH | CHORD BEARING | CHORD DISTANCE
C5 | 7°32'05" | 139.36' | 2026.50' | 278.29' | N13°13'03"E | 278.07'
C6 | 102°19'40" | 55.90' | 45.00' | 80.37' | N68°18'56"E | 70.10'
FLOOD INFORMATION
Based Upon Review of FEMA FIRM 05131C0135F and 05131C0130F With An Effective Date Of March 20, 2012 and by Graphic Plotting Only, the Subject Property Is Determined to be in Zones "A" And "X".
CERTIFICATION
I hereby certify that I have had surveyed this date under my supervision the described property. This property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage or guarantee title thereto and as to them I warrant the accuracy of said survey and map.
Survey For: Fort Chaffee Redevelopment Authority (ADMA)
500-07N-31W-0-04-304-65-1369
500-07N-31W-0-05-123-65-1369
Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-9484
Fax: (479) 649-9486
info@mwc-engr.com
MICKLE WAGNER COLEMAN
BOUNDARY SURVEY
Part of the W½ of Section 4, Part of the SW¼ & Part of the E½ of Section 5, All In Township 7 North, Range 31 West
SEBASTIAN COUNTY, ARKANSAS
REVISION
BY
DATE
SHEET 1 OF 1
03631

22-2

CHAD COLLEY BLVD
CAMPUS SITE PLAN
SCALE: 1" = 60'-0"
PHASE I
TOTAL PARKING = 434 CARS
ARKANSAS COLLEGE of
OSTEOPATHIC MEDICINE
CHAFFEE CROSSING, FORT SMITH, ARKANSAS
TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS

BCD Properties, LLC
1122 South 23rd Street
Fort Smith, AR 72901

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

Phoenix Corporation
4685 Buford Hwy.
Norcross, GA 30071

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

DRAFT

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

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

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

Mr. Wally Bailey spoke on the procedures.

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

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

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

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

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

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

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

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

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

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

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

- Compliance with the Project Booklet as submitted.

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

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

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

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

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

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

#4

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED THIS____DAY OF_____, 2015.

APPROVED:

_____

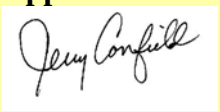
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



_____

Publish One Time

December 29, 2014

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

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

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

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

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

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

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

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

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

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

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

Printed on 100% Recycled Paper

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

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

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

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

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

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

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

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

PROPOSED LAND USE

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

5A

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

Characteristics and Use:

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

EXISTING MASTER LAND USE

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

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application.

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

5B

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:	BESHEARS CONSTRUCTION
Firm Name:	BESHEARS CONSTRUCTION
Address:	12934 Old Hwy 71 S.
Phone # (day): 479-646-0846	Phone # (cell): 479-926-8305 Fax #: 479-646-7120
Owner Name:	EDDY & KATHRYN BESHEARS LIVING TRUST
Owner Address:	12934 old Hwy. 71S.
Phone # (day): 479-646-0846	Phone # (cell): 479-926-8305 Fax #: 479-646-7120
Property Address (subject property):	12934 old Hwy. 71S.
Subject Property	
Current Land Use:	CONTRACTOR SHOP
Existing MLUP Classification:	ETJ NEIGHBORHOOD COMMERCIAL
Proposed MLUP Classification:	ETJ LIGHT INDUSTRIAL
Existing Zoning Classification:	ETJ OPEN 1
Proposed Zoning Classification:	ETJ INDUSTRIAL LIGHT
Surrounding Property	
Current Land Use: north-	CONTRACTOR SHOP
south-	VACANT / UNDEVELOPED
east-	VACANT / UNDEVELOPED
west-	RESIDENTIAL
Existing MLUP Classification: north:	ETJ NEIGHBORHOOD COMMERCIAL
south:	ETJ " "
east:	ETJ " "
west:	ETJ LOW DENSITY RESIDENTIAL
Existing Zoning Classification: north:	ETJ OPEN 1
south:	ETJ OPEN 1
east:	ETJ OPEN 1
west:	ETJ OPEN 1
Pre-Application Meeting Date:	11/5/2014 via Phone w/ M. RICE

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:

5C

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

   NO CHANGE TO EXIST'G ROADS

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

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

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

   NO CHANGE TO EXIST'G

7. Identify any known or anticipated environmental concerns:

   NONE KNOWN

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

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

5D

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

NO POTENTIAL CHANGES

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

NO CHANGE IN USE

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

NO CHANGES IN USE, JUST CHANGE IN ZONING REQUESTED.

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

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

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

N/A

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.

2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

AUTHORIZATION OF AGENT

SE

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. EDDY BESHEARS	
2. KATHRYN BESHEARS	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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

5F

Certification

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

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

Kelly Wilson 11/12/2014

Signature (Agent/Owner) Date

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

5G

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

November 19, 2014

Fort Smith City Limts

1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

Commercial

Commercial Neighborhood

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

5I

PLAT CERTIFIED CORRECT:

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

PLANNING COMMISSION APPROVAL
Date . . . . . .

Chairman . . . . . .

Secretary . . . . . .

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

by . . . . . .

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

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

ALLOTTERS: John Williams & Eddie Beshears

. . . . . .

. . . . . .

. . . . . .

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

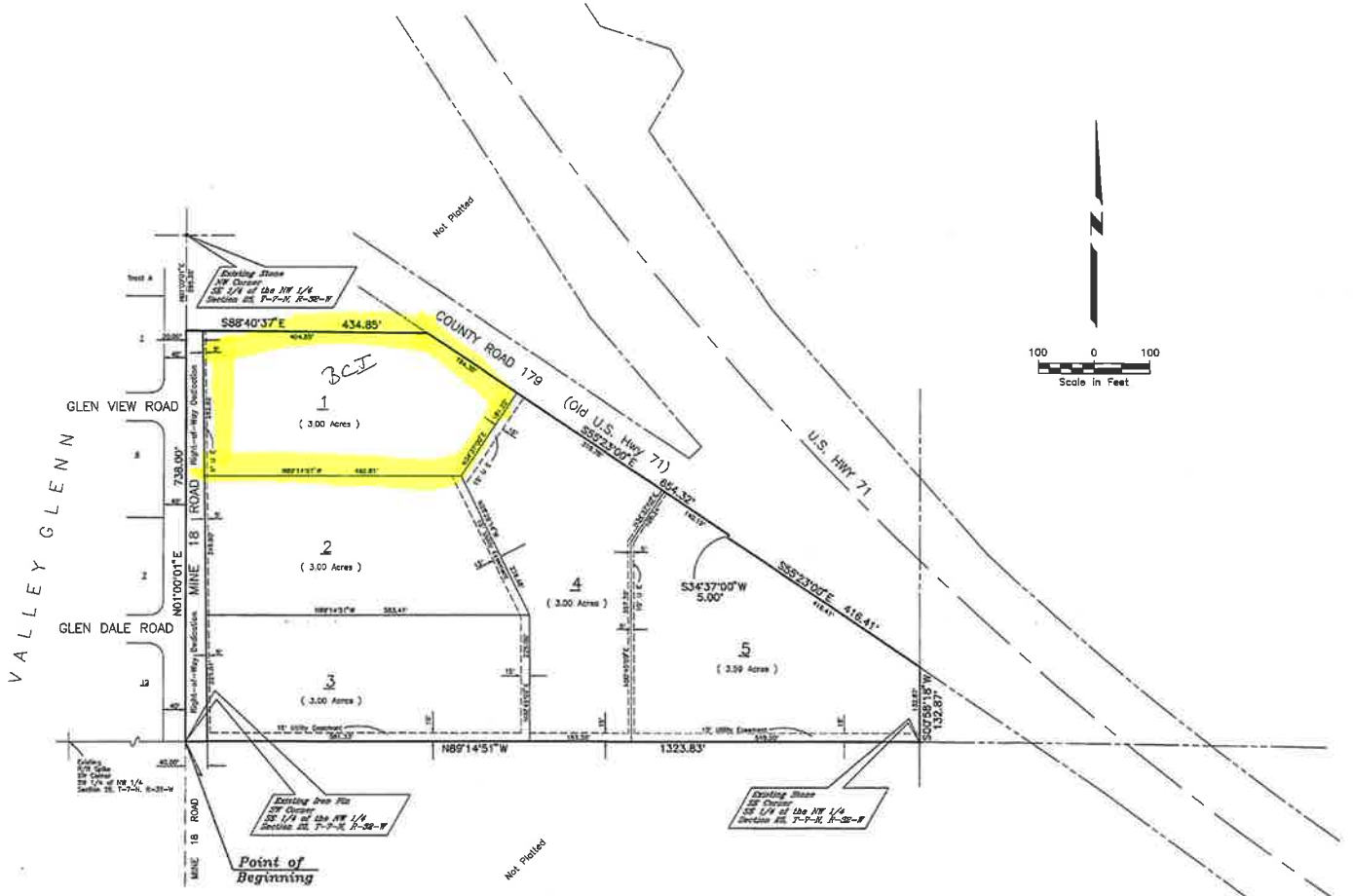
LEGEND

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

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

Boundary Description
As Surveyed

A part of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 25, Township-7-North, Range-32-West, Sebastian County, Arkansas. More particularly described as follows:
Beginning at the Southwest Corner of said East Half (E 1/2) of the Northwest Quarter (NW 1/4), said point being an existing iron pin; thence N 01°00'01" E, 738.00 feet along the West line of said E 1/2 of the NW 1/4 to an existing iron pin; thence S 88°40'37" E, 434.85 feet to an existing iron pin and the Southerly Right-of-way of Old U.S. Highway 71; thence S 55°23'00" E, 654.32 feet along said Southerly Right-of-way; thence S 34°37'00" W, 5.00 feet; thence S 55°23'00" E, 416.41 feet to the East line of said SE 1/4 of the NW 1/4 and a set iron pin; thence S 00°58'18" W, 132.87 feet along said East line to the Southeast Corner of said SE 1/4 of the NW 1/4 and an existing stone; thence N 89°14'51" W, 1323.83 feet to the Point of Beginning.
Less and Except public road rights-of-way. Containing a gross area of 16.20 acres more or less.



TRIANGLE PARK

OLD HIGHWAY 71 ADDITION

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

PLOTTED MAR 0 5 1997

OHWY71AD.DWG

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

Bearings based on AHTD plans

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

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

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

PROPOSED ZONING

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

LOT LOCATION AND SIZE

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

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

6A

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Minimum Lot Width at Setback Line – 100 feet
Minimum parcel/lot size – 2 acres
Minimum Street Frontage – N/A
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Maximum Height - 45 feet
Maximum Lot Coverage - 75%
Side/Rear Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Required street access: Major Arterial or higher

EXISTING ZONING

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

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to t he health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

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

Conditional Uses:

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

SURROUNDING ZONING AND LAND USE

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

6B

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

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

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

MASTER LAND USE PLAN COMPLIANCE

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

STAFF COMMENTS AND RECOMMENDATIONS

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

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

6C

Rez. # 24-12-14

PETITION FOR CHANGE IN ZONING MAP

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

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

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

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

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

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

5. Why is the zoning change requested?
   Anticipating annexation into City of Fort Smith, business operates as a construction firm with a yard.

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

Signed:

KELLY WILSON
Owner or Agent Name
(please print)

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

479-646-0846
Owner or Agent Phone Number

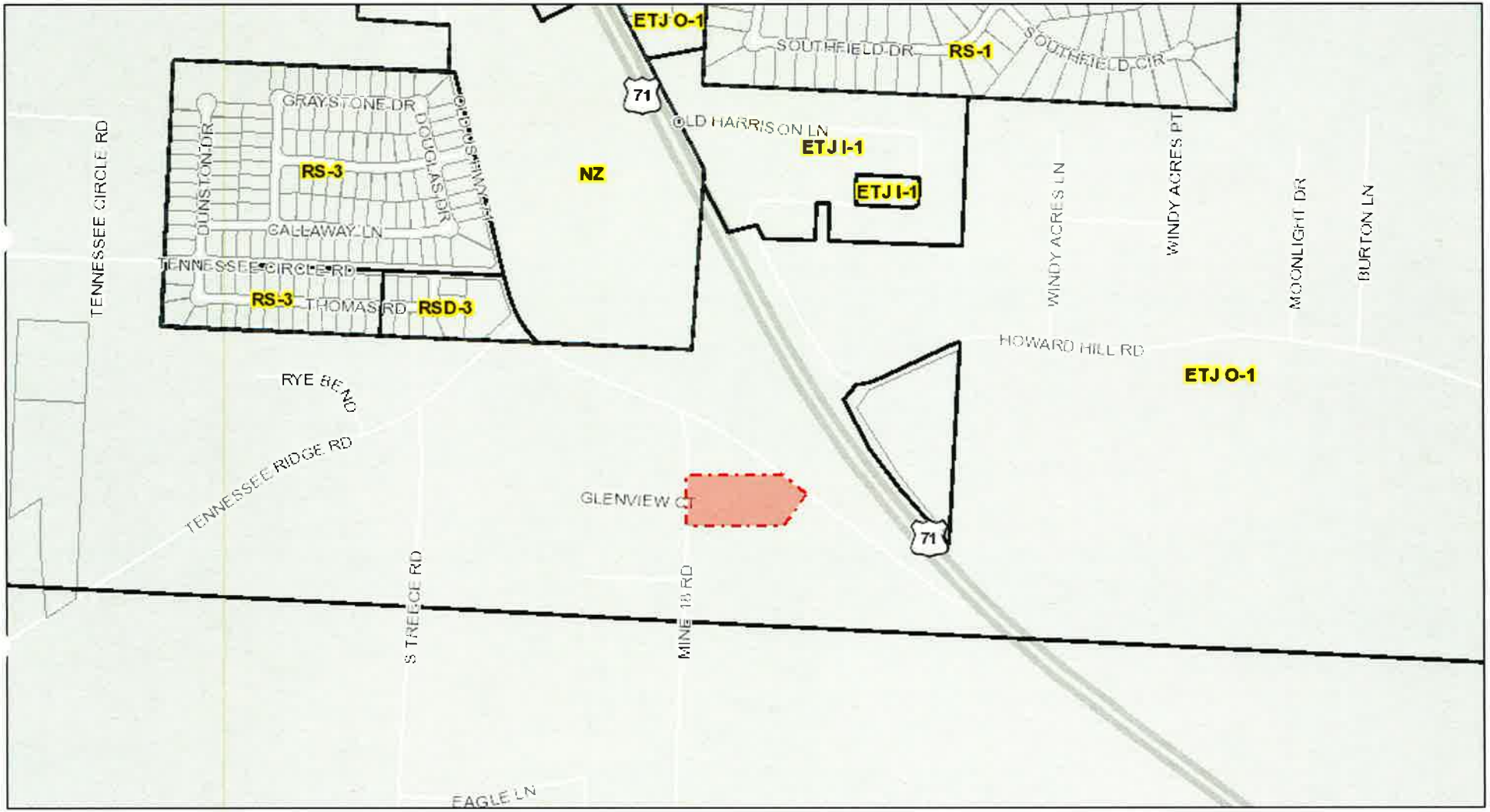
Owner

or

Agent

6D

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



November 19, 2014

Fort Smith City Limts

Zoning

Subdivisions

1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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

6F

PLAT CERTIFIED CORRECT:

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

PLANNING COMMISSION APPROVAL
Date . . . . . .

Chairman . . . . . .

Secretary . . . . . .

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

by . . . . . .

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

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

ALLOTTERS: John Williams & Eddie Beshears

. . . . . .

. . . . . .

. . . . . .

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

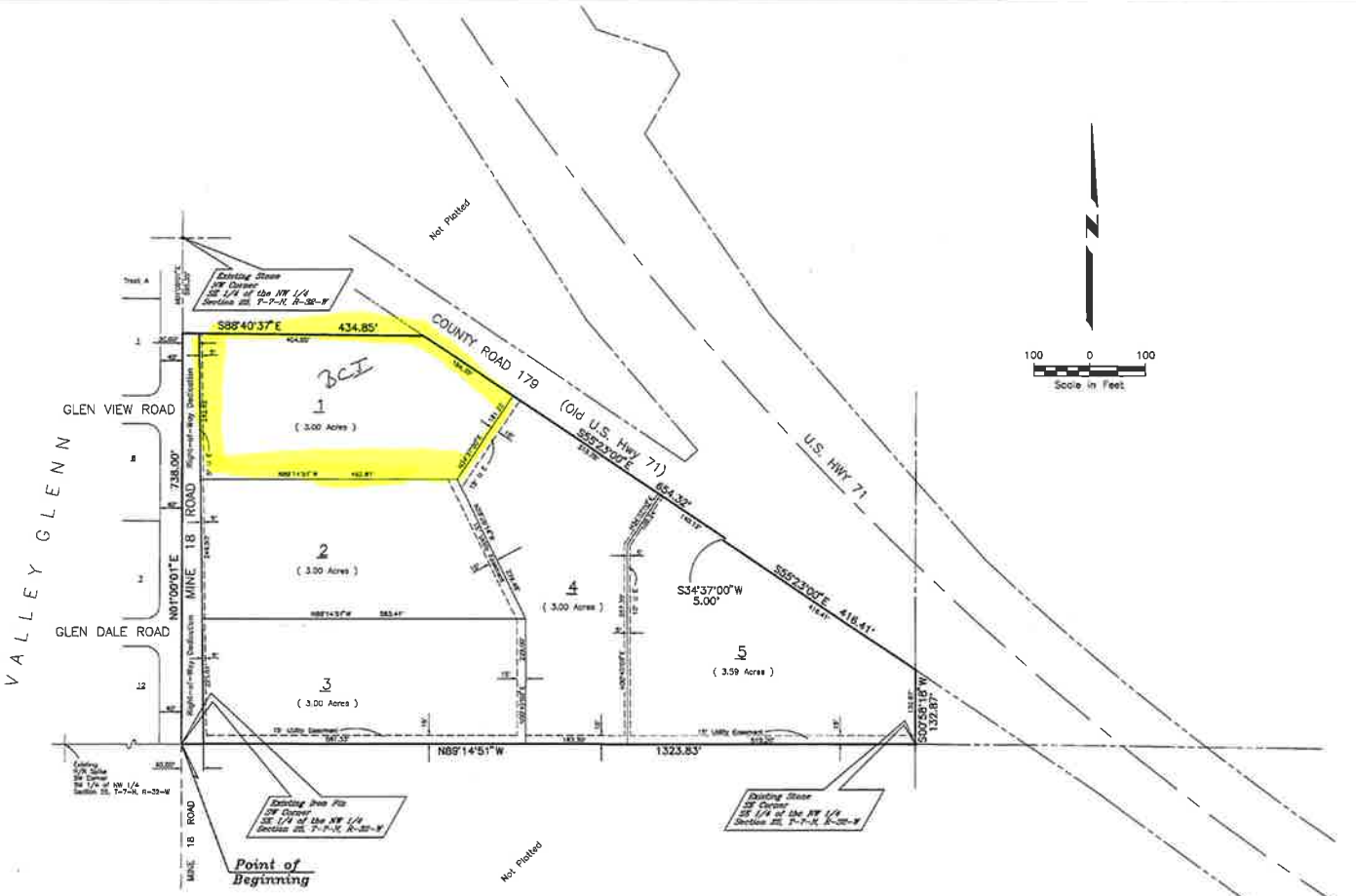
LEGEND

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

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

Boundary Description
As Surveyed

A part of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 25, Township-7-North, Range-32-West, Sebastian County, Arkansas. More particularly described as follows:
Beginning at the Southwest Corner of said East Half (E 1/2) of the Northwest Quarter (NW 1/4), said point being an existing iron pin; thence N 01°00'01" E, 738.00 feet along the West line of said E 1/2 of the NW 1/4 to an existing iron pin; thence S 88°40'37" E, 434.85 feet to an existing iron pin and the Southerly Right-of-way of Old U.S. Highway 71; thence S 55°23'00" E, 654.32 feet along said Southerly Right-of-way; thence S 34°37'00" W, 5.00 feet; thence S 55°23'00" E, 416.41 feet to the East line of said SE 1/4 of the NW 1/4 and a set iron pin; thence S 00°58'15" W, 132.87 feet along said East line to the Southeast Corner of said SE 1/4 of the NW 1/4 and an existing stone; thence N 89°14'51" W, 1323.83 feet to the Point of Beginning.
Less and Except public road rights-of-way. Containing a gross area of 16.20 acres more or less.



TRIANGLE PARK

OLD HIGHWAY 71 ADDITION

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

PLOTTED MAR 0 5 1997

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

Bearings based on AHTD plans

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

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

OHWY71AD.DWG

G:\ARCHIVE\Hwy71ad Mon Mar 05 10:50:37 1997 GF

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

Robert Ross
3014 Southridge Estates
Fort Smith, AR 72916

Thomas & Geraldine Ross
2213 South 66th Street
Fort Smith, AR 72903

Arkansas Triangle Park Properties, LLC
505 W. 21st Street
Georgetown, TX 78626

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

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

Waldron Franks
6101 Glendale Terrace
Fort Smith, AR 72901

Kelly Buergler
13010 Mine Road
Fort Smith, AR 72901

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#5

ORDINANCE NO. _____

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

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

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

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

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

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

> Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 34, Township 8 North, Range 32 West, City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:
>
> Commencing at an existing rebar marking the northwest corner of said NE ¼ NW ¼; thence S 03◦11’08”W, along the West line of said NE ¼ NW ¼, 283.87 feet to a set iron

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

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

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

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

PASSED AND APPROVED THIS_____DAY OF _____, 2015.

ATTEST:

_____
City Clerk

APPROVED:

_____
Mayor

Approved as to form:

_____
Publish One Time

December 29, 2014

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

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

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

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

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

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

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

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

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

Printed on 100% Recycled Paper

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

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

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

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

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

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

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

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

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

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

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

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

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

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

7A

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

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

Characteristics and Use:

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

Criteria for Designation:	**Compliance Noted**
• Located on a collector or arterial	**YES**
• Land area generally surrounded by residential type uses, but may occur within large employers or students	**YES**
• Parcels of less than an acre would not be classified as NC unless designed as a complex of compatible goods and services for a pedestrian environment.	**YES**

MASTER STREET PLAN CLASSIFICATION

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

STAFF COMMENTS AND RECOMMENDATIONS

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

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

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

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

NB

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:	Brandon Woodrome
Firm Name:	Behr, LLC
Address:	PO Box 2771
Phone # (day): 479-242-4663	Phone # (cell): 479-883-0957 Fax #: 479-242-0735
Owner Name:	Ben David
Owner Address:	
Phone # (day):	Phone # (cell): Fax #:
Property Address (subject property):	NE corner S. 31st & Phoenix Ave.
Subject Property	
Current Land Use:	[redacted] - gas well / Vacant
Existing MLUP Classification:	Open Space - Office, Research & Light Industrial
Proposed MLUP Classification:	Neighborhood Commercial
Existing Zoning Classification:	RM-3
Proposed Zoning Classification:	PZD
Surrounding Property	
Current Land Use: north-	Vacant
south-	Single & Multi-family dwellings
east-	Oil & Gas Commision
west-	Single family dwellings
Existing MLUP Classification: north:	Residential Detached & Research & Light Industrial
south:	Open space & Residential [redacted] Attached
east:	Open Space & Research & Light Industrial
west:	Open Space & Residential Detached
Existing Zoning Classification: north:	RS-2 & RS-3
south:	RM-3
east:	T
west:	RS-3
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:

1. A legal description of the subject property that is to be amended (reclassified).

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

3. The area dimensions of the property in square feet or acres.

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:
   See Plan & PZD Booklet

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

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

7. Identify any known or anticipated environmental concerns:
   None to my knowledge

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

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

7D

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

N/A

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

N/A

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

N/A

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

N/A

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

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.

2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

AUTHORIZATION OF AGENT

7E

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. Ben David	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

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

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: From Open Space & Office, Research & Light Industrial to Neighborhood Commercial
4613 South 31st Street & 3101, 3201 and 3225 Phoenix Avenue

November 19, 2014

Fort Smith City Limts

Building Footprints

Commercial

1:4,023

0 0.035 0.07 0.14 ft

0 0.05 0.1 0.2 m

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

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

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

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

Dear Members of the Planning Commission:

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

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

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

Mike Newman

7I

BEHR

9.11.2014

BEHR LLC
PO Box 2771
Fort smith, AR 72913

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

Dear Property Owner:

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

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

Sincerely,

BEHR LLC

Brandon Woodrome

P O Box 2771 • Fort Smith, AR 72913 • Office 479-242-4663 • Fax 479-242-0735

75

Neighborhood Meeting Summaries

September 30th

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

October 9th

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

7K

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Public Library

Meeting Time & Date 5:30 Sept 30th

Meeting Purpose Neighborhood meeting

	NAME	ADDRESS	PHONE #
1.	Mike Newman	3024 Osage St.	479-831-9400 (M)
2.	Tyler Miller	City of Fort Smith	479-784-2841
3.	Liem phung		479-719-6481
4.	Huy Phung		
5.			
6.			
7.			
8.			
9.			
10.			
11.			

76

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Public Library

Meeting Time & Date 4pm 10/9

Meeting Purpose Neighborhood meeting #2

	NAME	ADDRESS	PHONE #
1.	Ben Richardson	4906 S. 27th St.	479.652.7490
2.	Lee Prince	3023 Memphis st.	479 522-1197
3.	Heather Woodrome	4110 Seminole Circle	479.883.1430
4.	Daytona Richardson	4906 S. 27th st.	479.652.7560
5.	Becy Harris	4301 So 31st	479 353 2900
6.	Don Harris	4301 So 31st	479 353 2901
7.	Tyler Miller	city of Fort Smith	479-784-2241
8.	Carlos Cruz	4805 S. 27th	479-926-2124
9.	Ashley Cruz	4805 S. 27th	479-926-6687
10.	Lorrie Robinson	5009 S. 30th	479-926-0100
11.			

TM

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

PROPOSED ZONING

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

LOT LOCATION AND SIZE

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

REQUESTED ZONING

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

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

8A

SURROUNDING ZONING AND LAND USE

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

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

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

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

MASTER LAND USE PLAN COMPLIANCE

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

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

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

PROJECT BOOKLET

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

A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes. The site plan provides the parking space calculations in compliance with the proposed land uses. Internal drives shown provide accessibility to all parking areas. Green space consisting of islands and open areas placed throughout the site plan.**

B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Two ingress and egress points will be located on Phoenix Avenue which is classified as a Major Arterial with a third drive located on South 31st Street.**

8B

C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**

D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD booklet outlines on page 3 Section 3D (vii) that the architectural design standards will exceed the requirements set forth by the UDO Section 27-602-4(C) of the design standards for Transitional and Commercial buildings.**

E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes.**

F. The required right-of-way dedication has been identified by the City Engineering Department? **No right-of-way dedication is required for the PZD.**

G. All easements and utilities shall meet the requirements of the approving departments and agencies? **All easements to accommodate city requirements as well as franchise utilities will be reviewed during the platting process.**

H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the Project Booklet's traffic information – item 3L. The Engineering Department has determined that a traffic study must be submitted that encompasses the PZD area, as well as the area to the north if development is planned for that site. The traffic study must be submitted to the city's engineering for review and approval prior to development.**

I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) . **Please refer to item 3j of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

SITE DESIGN FEATURES

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

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

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

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

8C

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

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

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

FACTORS TO BE CONSIDERED

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

A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with the Master Street Plan and Comprehensive Plan. If the Planning Commission is inclined to approve the PZD and Master Land Use Plan Amendment then the use will be compatible with adopted plans.**

B. Compatibility of the proposed development with the character of the neighborhood. **The proposed development is compatible with the surrounding neighborhood.**

C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The proposed permitted uses will allow such uses as restaurant, medical clinic, and a variety of neighborhood retail uses. Please refer to the PZD's proposed land uses in the project booklet – Appendix A. It is noted that Appendix A proposes "day care center" and churches, synagogue, temple, mosque" as permitted uses in the PZD. Both of these uses are allowed as conditional uses in the zoning districts in which they are allowed due to potential impacts to surrounding properties (noise and parking space demands).**

D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **The PZD has a section of traffic information provided showing that the proposed development will increase the traffic on Phoenix Avenue moderately. This information has been reviewed by the city's engineering department. A traffic study must be submitted to the engineering department prior to development that encompasses the PZD as well as the area north of the PZD if future development is planned for that site.**

E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that

80

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

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

STAFF COMMENTS AND RECOMMENDATIONS

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

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

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

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

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

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

8E

RE # 25-12-14

PETITION FOR CHANGE IN ZONING MAP

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

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

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

   See attached.

2. Address of property: _____

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

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

5. Explain why the Planned Zoning District is requested?

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

Brandon Woodrome
Owner or Agent Name
(please print)

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

Signed:

Owner

or

Agent

8F

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

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

8G

SHEEPS GATE
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION

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

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

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

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

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

NOVEMBER, 2014

8H

SHEEPS GATE
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION

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

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

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

Ben David, LLC

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

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

3d. General project scope:

i. Street and lot layout

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

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31st Street.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

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

PZD Landscaping

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

iv. Storm water detention areas and drainage

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

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

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

vii. Development and architectural design standards

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

viii. Building elevations

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

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

ix. Proposed signage (type and size)

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

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

Billboards are prohibited.

Illuminated signage facing South 31st Street is prohibited.

3e. Proposed development phasing and timeframe

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

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

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

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

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

All dates are approximate.

3f. Identify land use designations

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

3g. Identify area and bulk regulations

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

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

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

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

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

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

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

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

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

The project will exceed the UDO requirements as follows:

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

SL

UDO does not require flowers

2. Setbacks will be as follows:

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

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

3. Exterior building materials
   100% high-quality materials will be used on the front and sides, with 65% high-quality on the rear facades.
   UDO requires only 51% high-quality materials.

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

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

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

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

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

8M

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

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

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

1. Phoenix Avenue.
2. Phoenix Avenue.
3. South 31st Street.

Trip Generation Rates from the ITE 8th Addition Trip Generation Report

Shopping Center - Proposed Use
Average Daily Traffic - 429 trips
PM Peak - 34 trips
PM in - 17 trips
PM out - 17 trips

Clinic - Proposed Use
Average Daily Traffic - 189 trips
PM Peak - 31 trips
PM in - 0 trips
PM out – N/A trips

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

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

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

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

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

LANDSCAPE MANAGEMENT SCHEDULE

January:

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

February:

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

March:

- Mulch mow all turf areas twice per month.

April:

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

May:

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

June:

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

July:

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

8P

- Water Landscaped areas biweekly.

August:

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

September:

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

October:

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

November:

- Mulch mow all turf areas twice per month.

December:

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

8Q

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Car wash self-service																		C	P	P	P	P	P			
Gasoline service station																				P	P		P	P	P	
Motorcycle or ATV sales & service																					P		P	P	P	
Tire sales																					P		P	P	P	
Truck stop/travel plaza																					C		C	C		
Heavy Consumer Goods Sales or Service																										
Agricultural equipment and supplies (sales & service)																					P	P	P	P	P	
Appliance repair - (Large)																					P		P	P	P	
Appliance repair (Small)																			P	P	P	P	P	P	P	
Bus, truck sales and service																					P		P	P	P	
Clothing and personal items (repair)																		P	P	P	P	P				
Commercial,industrial machinery & equipment (sales & service)																					P		P	P	P	
Department store, warehouse club or superstore																				P	P					
Computer and software shop																	P	P	P	P	P	P	P			P
Electronics and appliances (new)																		P	P	P	P	P	P			P
Electronics and appliances (used)																					P		P			
Floor, paint, wall coverings, window treatments																			P	P	P	P	P			
Furniture or home furnishings (new)																		P	P	P	P	P	P			P
Furniture or home furnishings (used)																					P	P	P			
Furniture repair and upholstery shop																					P		P	P	P	
Greenhouse (sales)																				P	P	P	P			
Hardware store																			P	P	P		P			
Hardware store (neighborhood)																		P				P	P			P
Home improvement center																				P	P		P			
Lawn and garden supplies																		C	P	P	P	P	P			
Locksmith																	P	P	P	P	P	P	P			P
Lumber yard and building materials																							P	P	P	
Mall or shopping center																				P	P					
Manufactured home and mobile home sales and service																					P		P	P	P	
Oil and gas equipment (sales and service)																							P	P	P	
Sand, gravel, stone, or earth sales and storage																					C		P	P	P	
Swimming pool sales and supply store (w/o storage yard)																			P	P	P	P	P			
Truck or tractor sales and service facility																					P		P	P	P	
Durable Consumer Goods Sales or Service																										
Bait and tackle shop (No outside storage)																			P	P	P	P	P			P
Bicycle sales and service																	C	C	P	P	P	P	P			
Bicycle sales and service (no outside storage)																	P	P	P	P	P	P	P			
Bookstore															P		P	P	P	P	P	P				P
Bridal shop															P	P	P	P	P	P	P	P				P
Cameras, photographic supplies and services															P		P	P	P	P	P	P				P
Clothing, jewelry, luggage, shoes, accessories															C		P	P	P	P	P	P				P
Gift shop															P		P	P	P	P	P	P				P
Sewing machine store (sales & service)																		P	P	P	P	P				P
Sporting goods, toys, & musical instruments																		P	P	P	P	P				P

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P	P			P
Advertising and media services															P	P	P	P	P	P	P	P	P			P
Architectural, engineering															P	P	P	P	P	P	P	P	P			P
Carpet and upholstery cleaning																			P	P	P	P	P	P	P	
Consulting services															P	P	P	P	P	P	P	P	P			
Extermination and pest control (No outside storage)																					P		P	P	P	
Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P			P
Investigation and security services																			P	P	P	P	P	P		
Janitorial services																			P	P	P	P	P	P		
Legal services															P	P	P	P	P	P	P	P	P			P
Medical laboratory																							P	P	P	
Medical laboratory (no animal research/testing)																			C	C	C	C	P	P		
Offices, corporate															P	P	P	P	P	P	P	P	P			P
Offices, general															P	P	P	P	P	P	P	P	P	P	P	P
Property management services (office only)															P	P	P	P	P	P	P	P	P			P
Real estate agency															P	P		P	P	P	P	P	P			P
Travel arrangement and reservation services															P	P		P	P	P	P	P	P			P
Administrative Services																										
Business support services															P	P	P	P	P	P	P	P	P			
Collection agency															P	P	P	P	P	P	P	P	P			
Employment agency																			P	P	P	P	P			
Employment agency (day labor)																					P		P			
Facilities support services															P	P	P	P	P	P	P	P	P			
Office and administrative services															P	P	P	P	P	P	P	P	P			
Telemarketer/call center																			P	P	P	P	P			
Food Services																										
Bar or tavern																		C	C	C	P	P	P			
Beer garden																			C	C	C	P	C			
Catering service																		P	P	P	P	P	P			
Food distribution center																							P	P		
Mobile food services																					P		P	P		
Restaurant (Breakfast and Lunch only)															P		C	P	P	P	P	P	P			P
Restaurant (with drive-in services)																			P	P	P		P			
Restaurant (with drive-through services) (Breakfast and Lunch only)																		C	P	P	P	P	P			C
Restaurant (with outdoor dining)																		C	C	C	C	P	C			
Vending																					P		P	P		
Personal Services																										
Bail bonds office																					P	P	P	P		
Barber shop/salon/spa/massage services															P		C	P	P	P	P	P				P
Laundry (commercial/industrial)																							P	P	P	
Laundry and cleaning facilities (self-service)																	P	P	P	P	P		P			
Laundry, cleaner																		P	P	P	P		P			P
Laundry, cleaner (drop-off station)																	P	P	P	P	P	P	P			P
Photocopy shop																	P	P	P	P	P	P	P			P

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

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Laboratory (manufacturing)																							P	P	P	
Machine, welding, or sheet metal shop																							P	P	P	
Nonmetallic manufacturing																								C	P	
Petroleum and coal products																									C	
Pharmaceutical manufacturing																							P	P	P	
Refinery																									C	
Tire retreading																									P	
Miscellaneous Manufacturing																										
Auto manufacturing																								P	P	
Barge and ship manufacturing																									P	
Boat manufacturing																							P	P	P	
Dolls, toys, games, musical instruments																							P	P	P	
Jewelry and silverware																							P	P	P	
Manufacturing, batteries																							P	P	P	
Manufacturing, fibergass																								P	P	
Manufacturing, foam products																								P	P	
Manufacturing, heavy																									P	
Manufacturing, light																							P	P	P	
Manufacturing, medium																								P	P	
Manufacturing, motors, drives, and generators																								P	P	
Office supplies																							P	P	P	
Wholesale Trade Establishment																										
Durable goods																					P	P	P	P	P	
Electrical, plumbing, heat & air conditioning																							P	P	P	
Nondurable goods																					P	P	P	P	P	
Warehouse and Storage Services																										
Auto salvage yard																									P	
Building materials salvage yard																								P	P	
Bulk petroleum storage																									P	
Container storage																					P		P	P	P	
Mini storage warehouse																					P		P	P	P	
Packaging and distribution center																							P	P	P	
Petroleum distribution facility																							C	P	P	
Portable storage Unit																					P		P	P	P	
Vehicle storage yard																					P		P	P	P	
Warehouse																							P	P	P	
Transportation, Communication, Information and Utilities																										
Transportation Services																										
Airport																							P	P	P	
Bus station and terminal																					C	C	C	C	C	
Courier and messenger services																		C	P	P	P	P	P	P	P	
Ferry boat facility																							P	P	P	
Heliport																			A	A	A	A	P	P	P	
Limousine service																					P	C	P	P	P	

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Mail services																	C	C	P	P	P	P	P	P	P	
Marina																							P	P	P	
Motor freight terminal																							P	P	P	
Moving and storage																							P	P	P	
Moving company																					P		P	P	P	
Pipeline transportation																								P	P	
Port facility																								P	P	
Rail transportation																						P	P	P	P	
Taxicab service																					P		P	P	P	
Communications and Information																										
Commercial communication towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	P	P	P	C	P	P	P	
Data processing facility																		C	P	P	P	P	P			
Motion pictures and sound recording studios																			P	P	P	P	P	P	P	
Printing commercial/industrial																							P	P	P	
Telecommunications and broadcasting studios																			P	P	P	P	P	P	P	
Utilities and Utility Services																										
Amateur radio transmitting towers			C	C	C	C	C	C	C	C	C	C	C	C			C	C	P	P	P	C	P	P	P	
Electric power plant																							C	C	P	
Hazardous waste treatment and disposal																									C	
Incinerator																									P	
Nuclear power plant																									C	
Radio, television, and microwave transmitting towers																		C	P	P	P	C	P	P	P	
Recycling center																							C	P	P	
Recycling collection station																		C	C	C	C	C	P	P	P	
Sanitary landfill																									P	
Solid waste collection																								P	P	
Utility shop, storage yard or building																					C		P	P	P	
Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	
Wastewater treatment plant																								P	P	
Arts, Entertainment, and Recreation																										
Performing Arts or Supporting Establishments																										
Drive-in theater																					C		C			
Movie theater																				P	P	P				
Performance theater															P					P	P	P				
Carnival or circus (temporary with permit)																		P	P	P	P	P	P	P		
Fairground/rodeo ground																					P		P	P		
Museums and Other Special Purpose Recreational Institutions																										
Historical or archaeological institution															P							C				
Museum															P			C	C	C	C	P				
Zoos, botanical gardens, arboreta																					C	P	C	C		
Amusement, Sports, or Recreation Establishment																										
Amusement center (indoor)																		P	P	P	P	P	P			
Amusement center (outdoor)																					C	C	C	C		
Convention/Event center																		C	C	P	P	P	P			

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Bingo parlor																				P	P	P				
Casino gaming business																							C	C	C	
Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
Dance hall/night club																				P	P	P	P			
Private club																				P	P	P	P			
Race track																								C	C	
Fitness, Recreational Sports, Athletic Club																										
Bowling alley																		C	P	P	P	P	P			
Community recreation center										C	C	C	C	C			C	C	C	C	C	C	C			
Driving range (outdoor)																				C	P	P	P	P	P	
Golf course			C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C		C	C	C	
Pistol Range (Indoor)																					C	C	C	C	C	
Health club															P			C	C	P	P	P	P	P		
Fitness studio															P			P	P	P	P	P	P			P
Indoor Games Facility																										
Miniature golf course																			P	P	P	P	P			
Pool hall																		C	C	C	P	P	P			
Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																					P			P	P	
Skating rink																				P	P	P	P			
Sports complex/athletic field																					C	C	C	C		
Swimming pool																		C	C	C	P	C	C			
Water park																					C		C			
Camps, Camping, and Related Establishments																										
Camps, camping, and related establishments																					C		P	P		
Natural and Other Recreational Parks																										
Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Education, Public Administration, Health Care and Other Institutions																										
Educational Services																										
College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	C	C	C	C	C			
Fine art and performance education														C	C	C	C	C	C	C	C	C	C			
Library or public arts complex			C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C			
Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Preschool	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C			
School, business professional														C	C	C	C	C	C	C	C	C	C			
School, technical or trade																					C	C	C	C		
Public Administration - Government																										
Criminal justice facility																						C	C	C		
Detention facility																						C	C	C		
Government office															P		P	P	P	P	P	P	P			
Public Safety																										
Emergency response station																C	P	P	P	P	P	C	P	P	P	
Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	
Police station																	C	C	C	C	C	C	C	C	C	

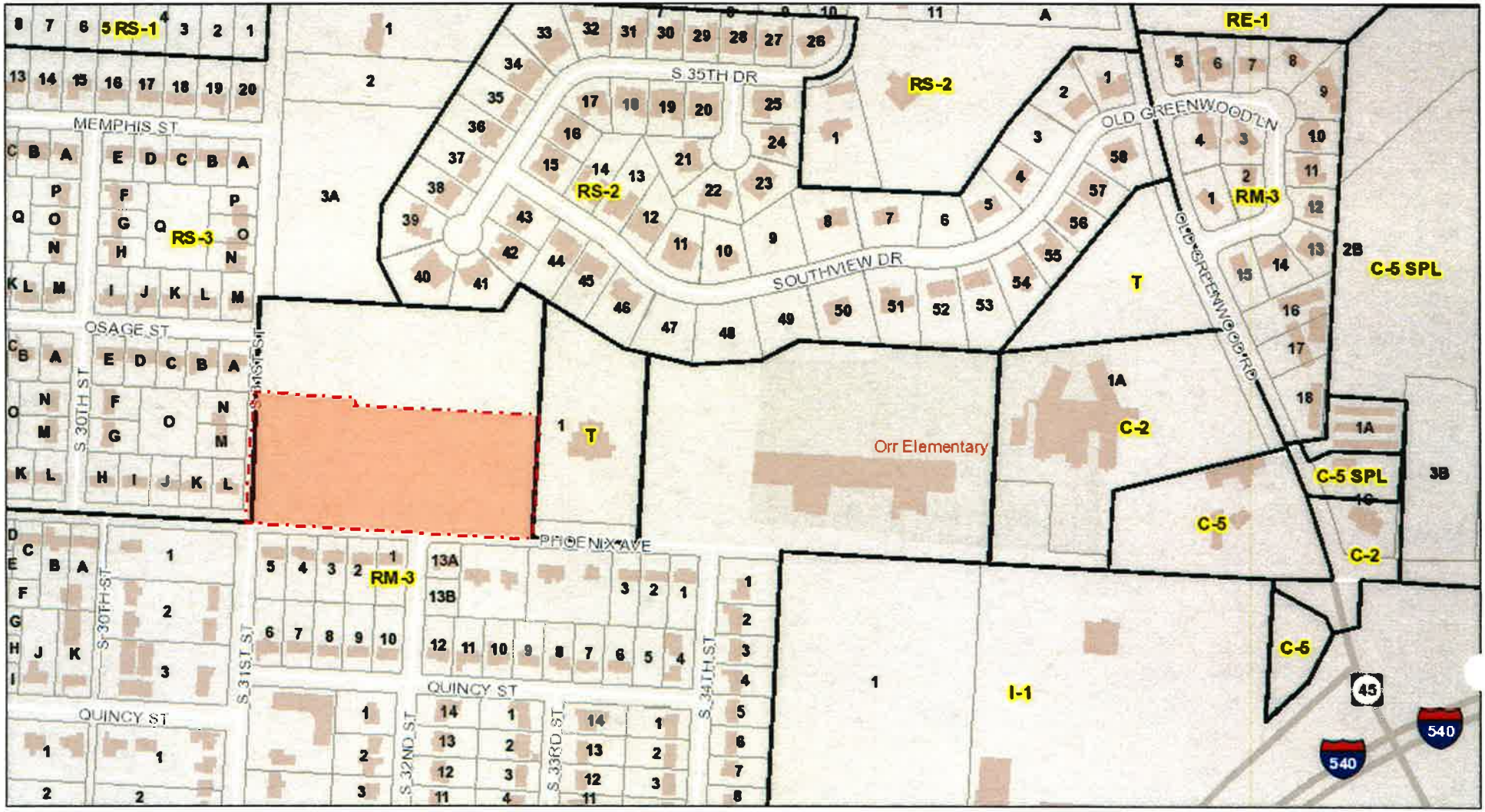
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	
Health and Human Services																										
Community health and welfare clinic																			C	C	C	C	C			
Diagnostic laboratory testing facility																C		C	C	C	P	C	P			
Doctor office and clinic															P	P		P	P	P	P	P	P	P		P
Hospice residential care facility																P		P	P	P	P	P				P
Hospital																C		P	P	P	P	P				
Mental health hospital																C		C	C	C	C	C				
Nursing home																C		C	C	C	C					
Substance abuse treatment facility																C		C	C	C	C					
Social Assistance, Welfare, and Charitable Services																C										
Child and youth services (office)																	P	P	P	P	P	P				
Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C										
Day care center															C			C	C	C	C	C	C	C		P
Community food services																					C	C	C			
Emergency and relief services																			P	P	P		P			
Family support services																					P	P	P			
Senior citizen center											C	C	C	C	C	C	C	C	C	C	C	C	P			
Vocational rehabilitation																					C		C	C		
Religious Institutions																										
Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			P
Rectory, convent, monastery											C	C	C	C	C	C	A	A	A	A	A	A	A			
Note: educational/hospital facilities owned or run by																										
religious institutions are classified by use not ownership																										
Wedding chapel															P			P	P	P	P	P				P
Death Care Services																										
Cemetery, mausoleum, crematorium, funeral home, & mortuary																		C	C	C	C		C			
Monument (manufacturing)																							P	P		
Monument (sales)																		P	P	P	P		P	P		
Associations, Nonprofit Organizations																										
Lodge or fraternal organization															C			C	C	C	C	C	P	P		
Construction-Related Businesses																										
Contractor's office																P	P	P	P	P	P	P	P	P	P	P
Contractor's shop and storage yard																					C		P	P	P	
Glass sales and service																					P		P	P	P	
Landscaping contractor																					C		P	P	P	
Sign contractor																					C		P	P	P	
Mining and Extraction Establishments																										
Coal mining																									C	
Metallic mining																								C	P	
Non-metallic manufacturing and mining																								C	P	
Agriculture, Forestry, Fishing, and Hunting																										
Grain storage and processing																								C	P	
Livestock yard, feed lot, holding pens, and auction facility																								C	C	

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
Commercial grower																							P	P	P	
Tanning and Slaughtering of Animals or Fowl																										
Animal slaughter and processing																								C	C	
Note: Section 4-5 of the Fort Smith Municipal Code prohibits																										
the collection or keeping of hogs or swine within the																										
Fort Smith city limits																										
Forestry and Logging																										
Fishing, Hunting and Trapping, Game Preserves																										
Taxidermy shop																					P		P	P		

1-28

Use Matrix

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



November 19, 2014

Fort Smith City Limts

Zoning

Subdivisions

Building Footprints

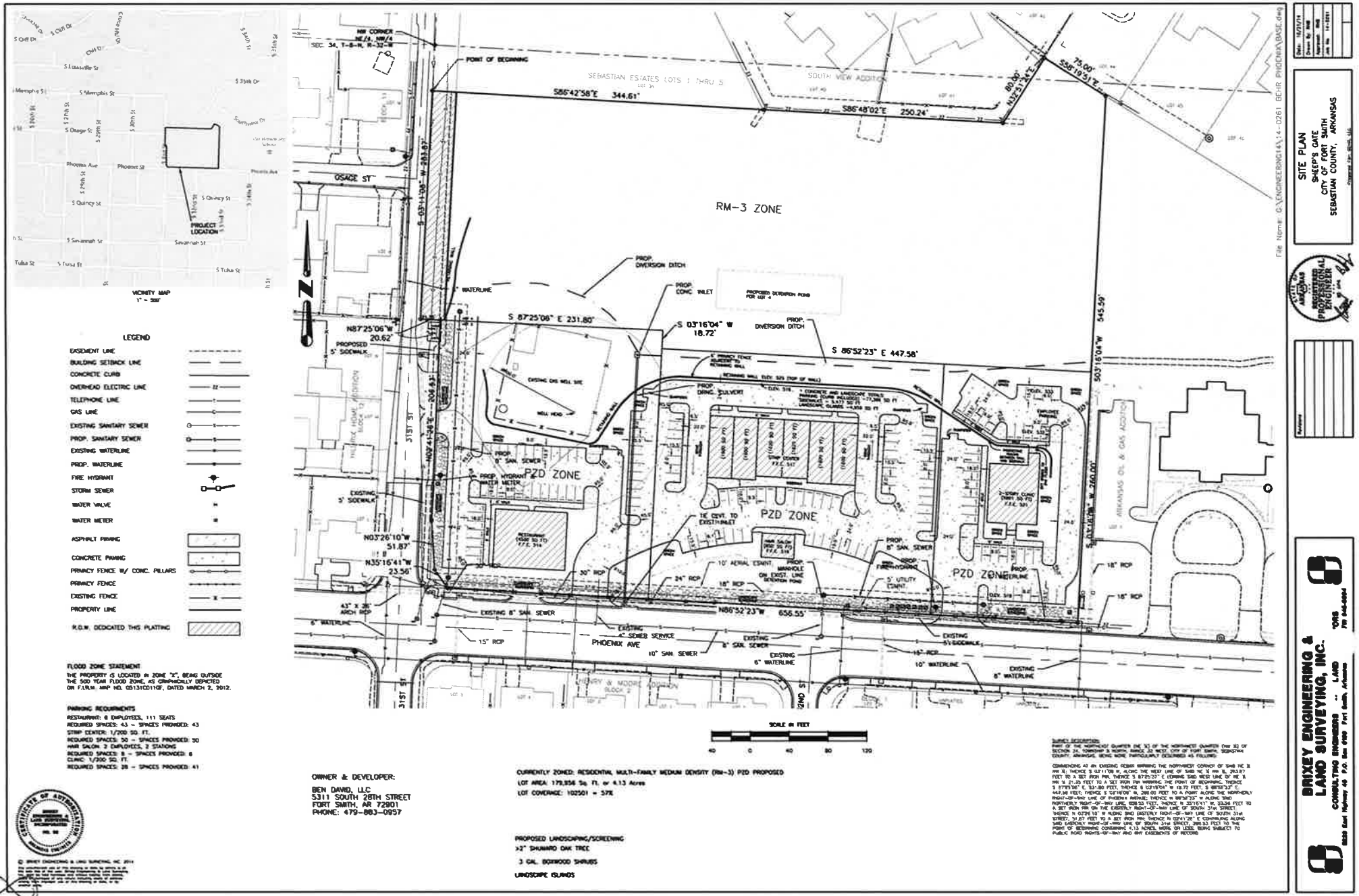
1:4,023

0 0.035 0.07 0.14 ft

0 0.05 0.1 0.2 m

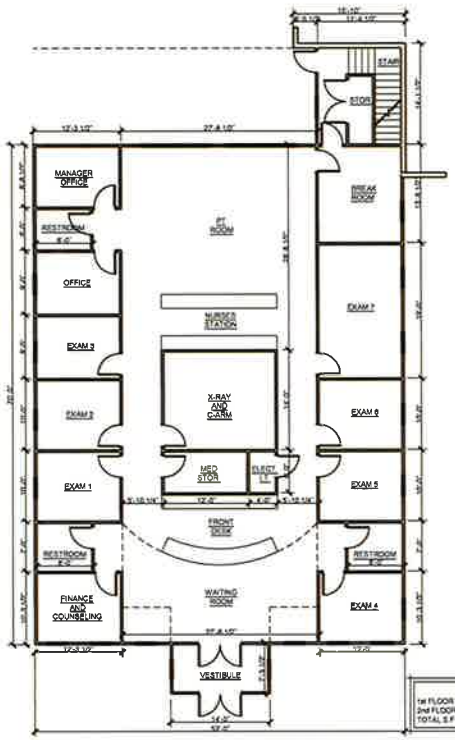
City of Fort Smith GIS
Copyright 2013, City of Fort Smith

E-28

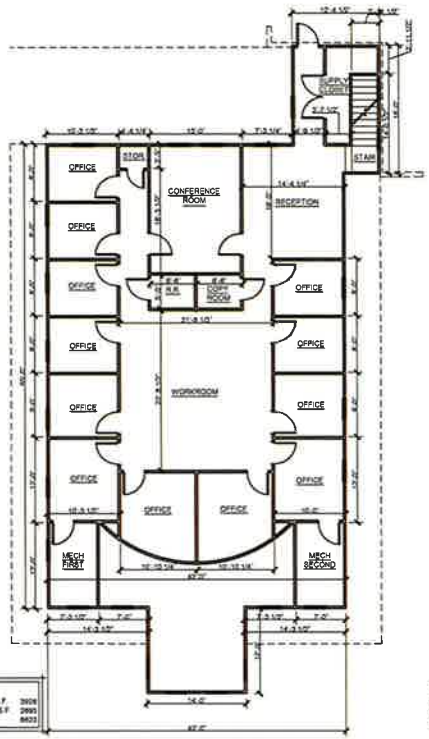


VICINITY MAP
1" = 500'
PROJECT LOCATION
LEGEND
EASEMENT LINE
BUILDING SETBACK LINE
CONCRETE CURB
OVERHEAD ELECTRIC LINE
TELEPHONE LINE
GAS LINE
EXISTING SANITARY SEWER
PROP. SANITARY SEWER
EXISTING WATERLINE
PROP. WATERLINE
FIRE HYDRANT
STORM SEWER
WATER VALVE
WATER METER
ASPHALT PAVING
CONCRETE PAVING
PRIVACY FENCE W/ CONC. PILLARS
PRIVACY FENCE
EXISTING FENCE
PROPERTY LINE
R.O.W. DEDICATED THIS PLATTING
FLOOD ZONE STATEMENT
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 05131C0110F, DATED MARCH 2, 2012.
PARKING REQUIREMENTS
RESTAURANT: 6 EMPLOYEES, 111 SEATS
REQUIRED SPACES: 43 - SPACES PROVIDED: 43
STRIP CENTER: 1/200 SQ. FT.
REQUIRED SPACES: 50 - SPACES PROVIDED: 50
HAIR SALON: 2 EMPLOYEES, 2 STATIONS
REQUIRED SPACES: 8 - SPACES PROVIDED: 8
CLINIC: 1/200 SQ. FT.
REQUIRED SPACES: 28 - SPACES PROVIDED: 41
OWNER & DEVELOPER:
BEN DAVID, LLC
5311 SOUTH 28TH STREET
FORT SMITH, AR 72901
PHONE: 479-883-0957
CURRENTLY ZONED: RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY (RM-3) PZD PROPOSED
LOT AREA: 179,856 Sq. Ft. or 4.13 Acres
LOT COVERAGE: 102501 = 57%
PROPOSED LANDSCAPING/SCREENING
>2" SHUMARD OAK TREE
3 GAL. BOXWOOD SHRUBS
LANDSCAPE ISLANDS
SCALE IN FEET
40 0 40 80 120
RM-3 ZONE
PZD ZONE
PZD ZONE
PZD ZONE
PHOENIX AVE
OSAGE ST
SEBASTIAN ESTATES LOTS 1 THRU 5
SOUTH VIEW ADDITION
S 86°42'58"E 344.61'
S86°48'02"E 250.24'
S 87°25'06" E 231.80'
S 03°16'04" W 18.72'
S 86°52'23" E 447.58'
N86°52'23"W 656.55'
N87°25'06"W 20.62'
N03°26'10"W 51.87'
N35°16'41"W 23.56'
SITE PLAN
SHEEP'S GATE
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS .. LAND

82-3

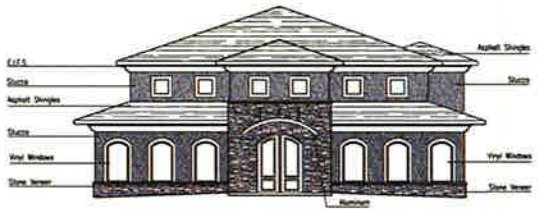


1 FIRST LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

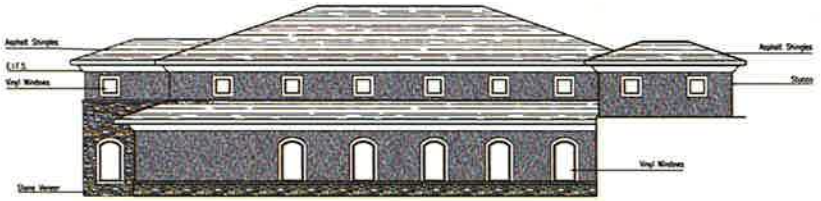


AREA
1st FLOOR HEATED S.F. 3926
2nd FLOOR HEATED S.F. 2695
TOTAL S.F. 6622

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

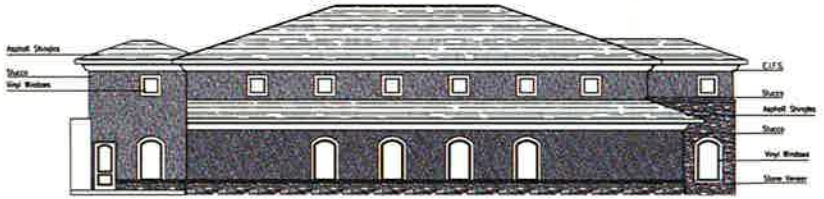


1 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



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

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



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

Phoenix and 31ST
Fort Smith Neuropathy Clinic
FT. SMITH, ARKANSAS
SEBASTI

scottbranton architect, PLLC
PO BOX ... FORT SMITH, AR 72902 | scottbranton@gmail.com

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

FLOOR PLAN ELEVATIONS

SHEET A1.0

82-4

Steven & Julie Stec
2405 Brigadoon
Fort Smith, AR 72908

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

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

Eddie & Donna Kemp
4615 South 30th Street
Fort Smith, AR 72901

Rogne Family Trust
3117 Quincy Street
Fort Smith, AR 72903

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

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

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

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

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

Steven & Douglas Hancox
4716 South 31st Street
Fort Smith, AR 72901

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

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

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

Alycia Hart
3006 Osage Street
Fort Smith, AR 72901

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

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

Lee & Christina Vincent
4610 South 31st Street
Fort Smith, AR 72901

Mario Pineda
3107 Quincy Street
Fort Smith, AR 72903

Charles & Billie Webb
4428 South 31st Street
Fort Smith, AR 72901

Stracener Holdings, LLC
4316 South 16th Street
Fort Smith, AR 72901

J. Vincent Narisi Company
1010 North 59th Terrace
Fort Smith, AR 72904

Stanley Sharp
3301 S. Quincy
Fort Smith, AR 72903

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

Greater Southwestern Corporation
1010 North 59th Terrace
Fort Smith, AR 72904

Stacy Mullenix
3119 S. Quincy
Fort Smith, AR 72903

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

Kola Fortune
4500 South 35th Street
Fort Smith, AR 72903

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

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

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

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

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

Harold & Bonnie Yates
4712 S. 31st Street
Fort Smith, AR 72901

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

Mary Ellen Thompson Trust
4423 S. 35th Street
Fort Smith, AR 72903

Price Family Trust
3210 Grand Avenue
Fort Smith, AR 72903

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

Beverly Cates
3011 S. Phoenix
Fort Smith, AR 72901

Beverly Cates
2516 Riviera Court
Fort Smith, AR 72903

Wilksvalley, LLC
3165 Osprey Drive
Greenwood, AR 72936

Pruitt Family Trust
4501 South 35th Drive
Fort Smith, AR 72903

Larry & Mary Neighbors
4019 South 18th Street
Fort Smith, AR 72901

Lewis & Lady Eady
3404 South 29th Circle
Fort Smith, AR 72901

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

Van Do
3316 S. Phoenix
Fort Smith, AR 72901

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

Ronald Taber
3113 S. Quincy
Fort Smith, AR 72903

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

Barbara Davidson
4715 South 30th Street
Fort Smith, AR 72901

Jett & Chrissey Harris
4415 South 31st Street
Fort Smith, AR 72901

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- All signage requires a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.

- Any teaching or training on this property will be required to take place inside the building.

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

RECESS PLANNING COMMISSION

#6A

RESOLUTION NO._____

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

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

THIS RESOLUTION APPROVED THIS____DAY OF JANUARY, 2015.

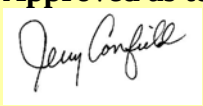
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
No publication required

Memorandum

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

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

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

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

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

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

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

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

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

Please contact me if you have any questions.

PRE-ANNEXATION AGREEMENT

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

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

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

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

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

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

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

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

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

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

ARVEST BANK

By: _____
Name/Title

Attest: _____
Name/Title

CITY OF FORT SMITH, ARKANSAS

By: _____
Mayor Sandy Sanders

Attest: _____
Sherri Gard, City Clerk

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

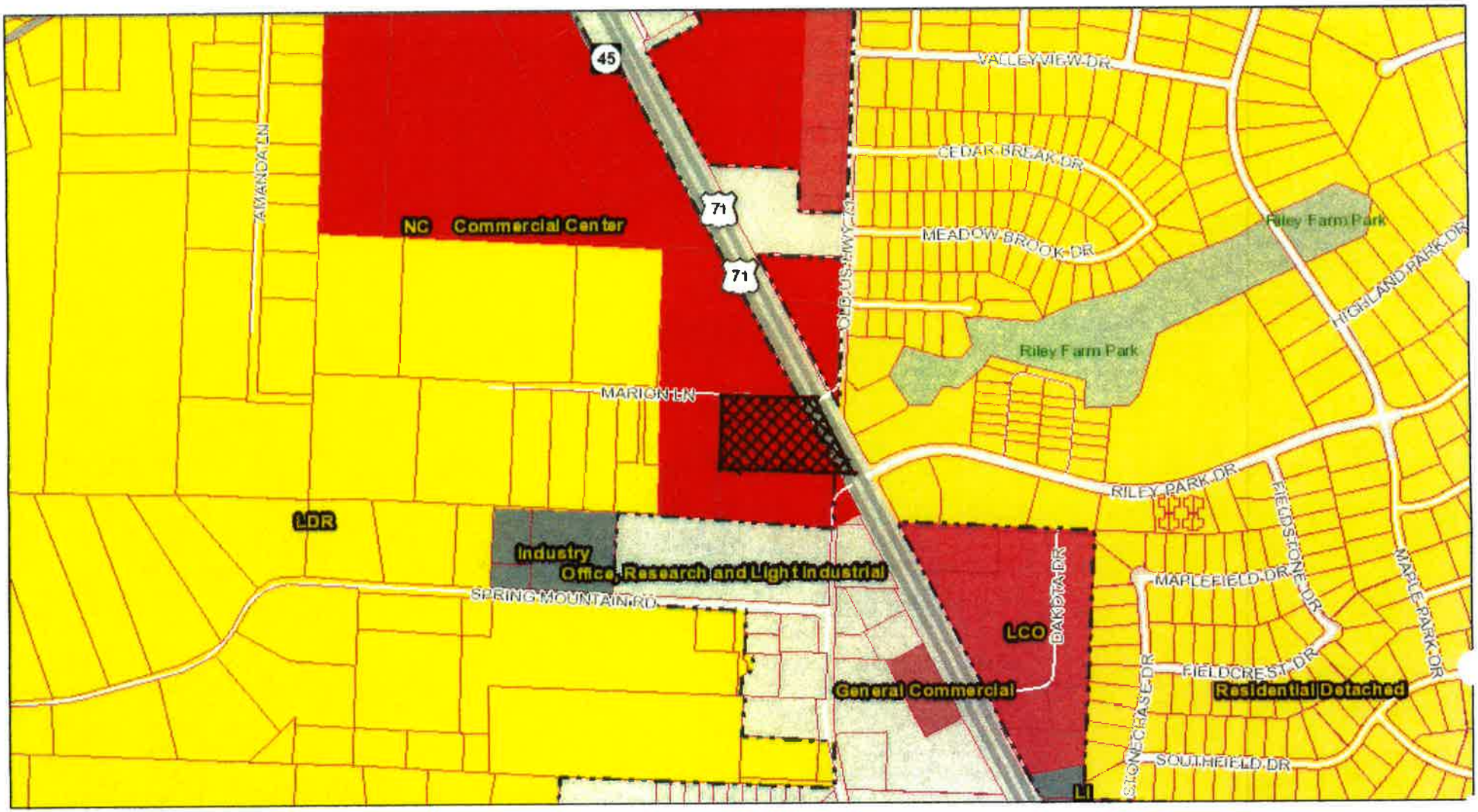
EXHIBIT B

ARVEST BANK
PROPOSED ANNEXATION

LEGAL DESCRIPTION

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

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



November 19, 2014

Fort Smith City Limts

Parcels

Commercial

1:8,046

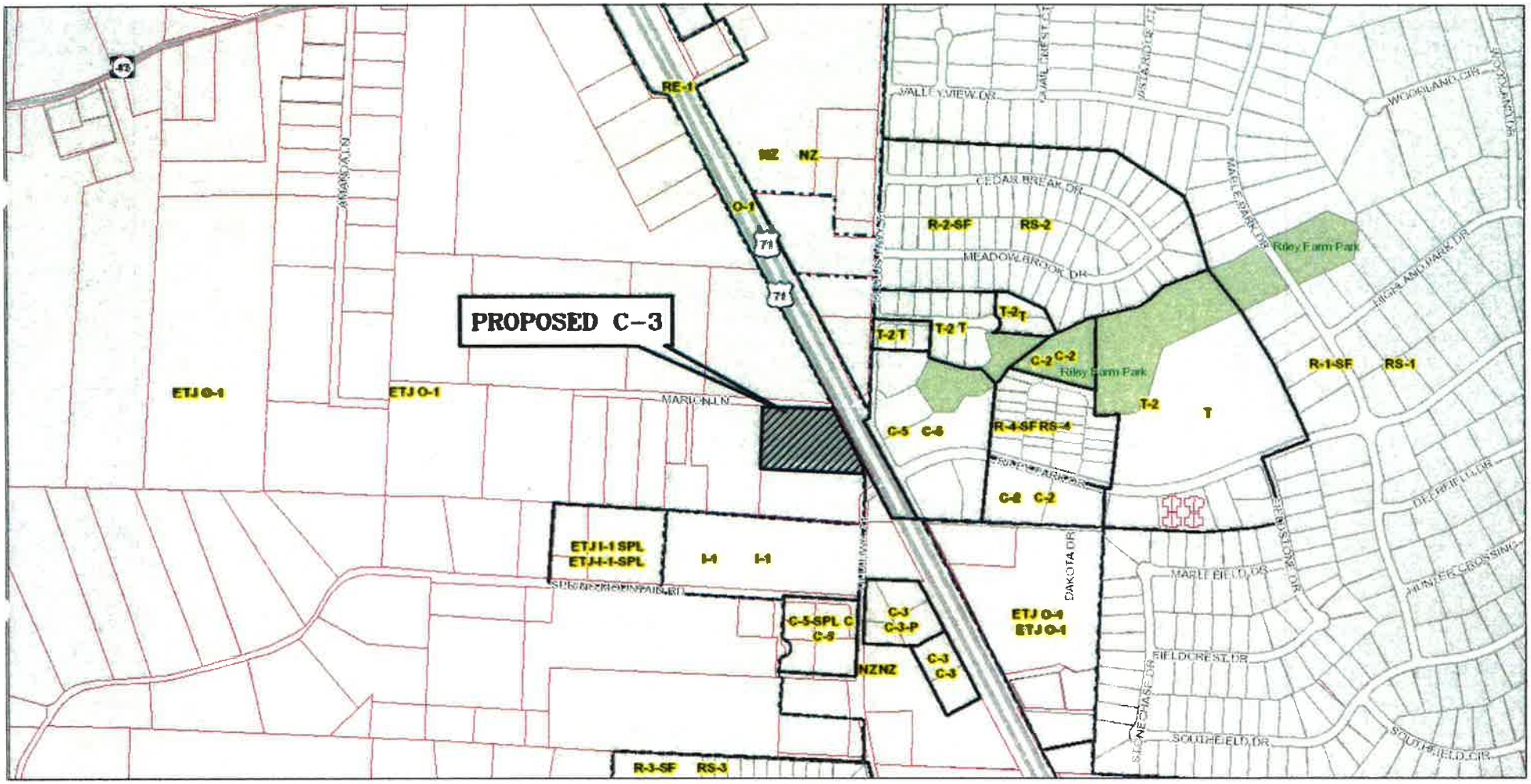
0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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

EXHIBIT C

ARVEST BANK
ZONING MAP



November 14, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions
- Parcels

1:6,351

0 0.075 0.15 0.3 ft

0 0.125 0.25 0.5 m

EXHIBIT D

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

K:\Work Orders\Arvest Bank - 118780\Drafting\Exhibits\Arvest Zoning Map.dwg, Model, 11/14/2014 10:42:25 AM, Letter

Mobile Home Sales
Car Lot
Duplexes
Riley Farm
New Fire Hydrant
Marion Lane
FH
Dollar General
Single Family (Gated)
Johnson Clinic
Residential
ARVEST BANK
US Hwy 71
Riley Park Drive
Branch Bank
Riley Farm
Exist FH
SnoCone
Old Hwy 71
Residential
Light Industrial
Fire Hydrant Exhibit
Vicinity Map with Aerial
ARVEST BANK
Scale 1"=200'

EXHIBIT E

#6B

ORDINANCE NO._____

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

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

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

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

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

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

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

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

PASSED AND APPROVED THIS_____DAY OF JANUARY 2015.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

Publish One Time

CCO - 2014 - 148

FILED
OCT 20 2014
SHARON BROOKS
County Clerk & Recorder
BY

IN THE COUNTY COURT

OF

SEBASTIAN COUNTY, ARKANSAS

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

DECREE OF ANNEXATION

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

1. The Court finds that the Petition (No. CC-2014-1-G) was filed more than thirty (30) days prior to this date, and that in said Petition the said Patrick J. Mickle was appointed by the Petitioner to act on its behalf in filing and presenting the Petition. Further, the Court finds that the signature of the property owner upon the Petition satisfies the requirements of A.C.A. § 14-40-601.

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

3. The Court finds that the Petitioner is the sole owner of the particular real estate territory to be annexed and that it owns all of the acreage affected thereby. Therefore, Petitioner meets the statutory requirement of A.C.A. § 14-40-601 that a

RECEIVED OCT 20 2014

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

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

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

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

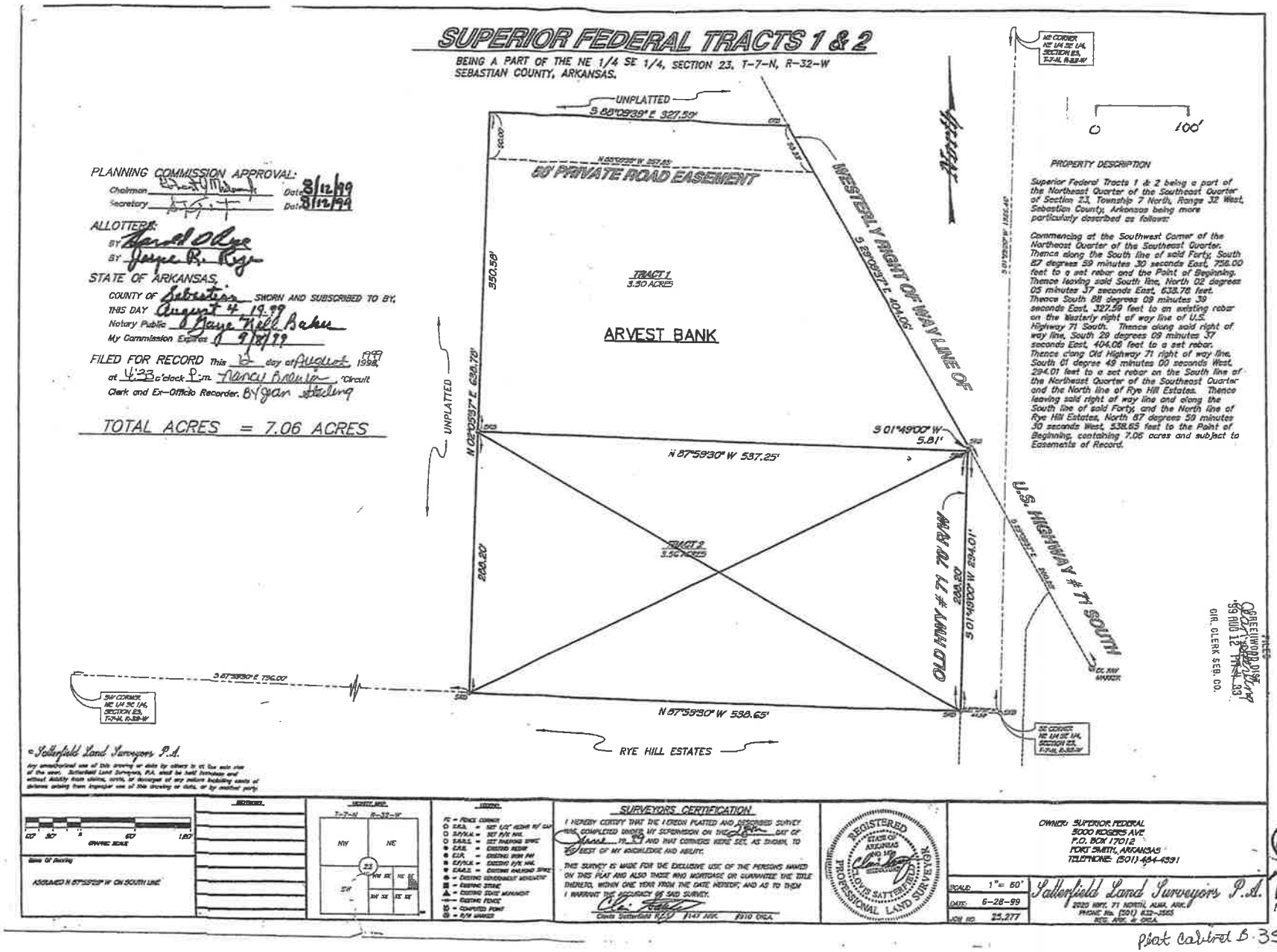
7. Therefore, pursuant to A.C.A. § 14-40-603, the Court does hereby ORDER, ADJUDGE and DECREE that the following described real estate territory be and that the same is hereby annexed to and made a part of the City of Fort Smith, Arkansas, to wit:

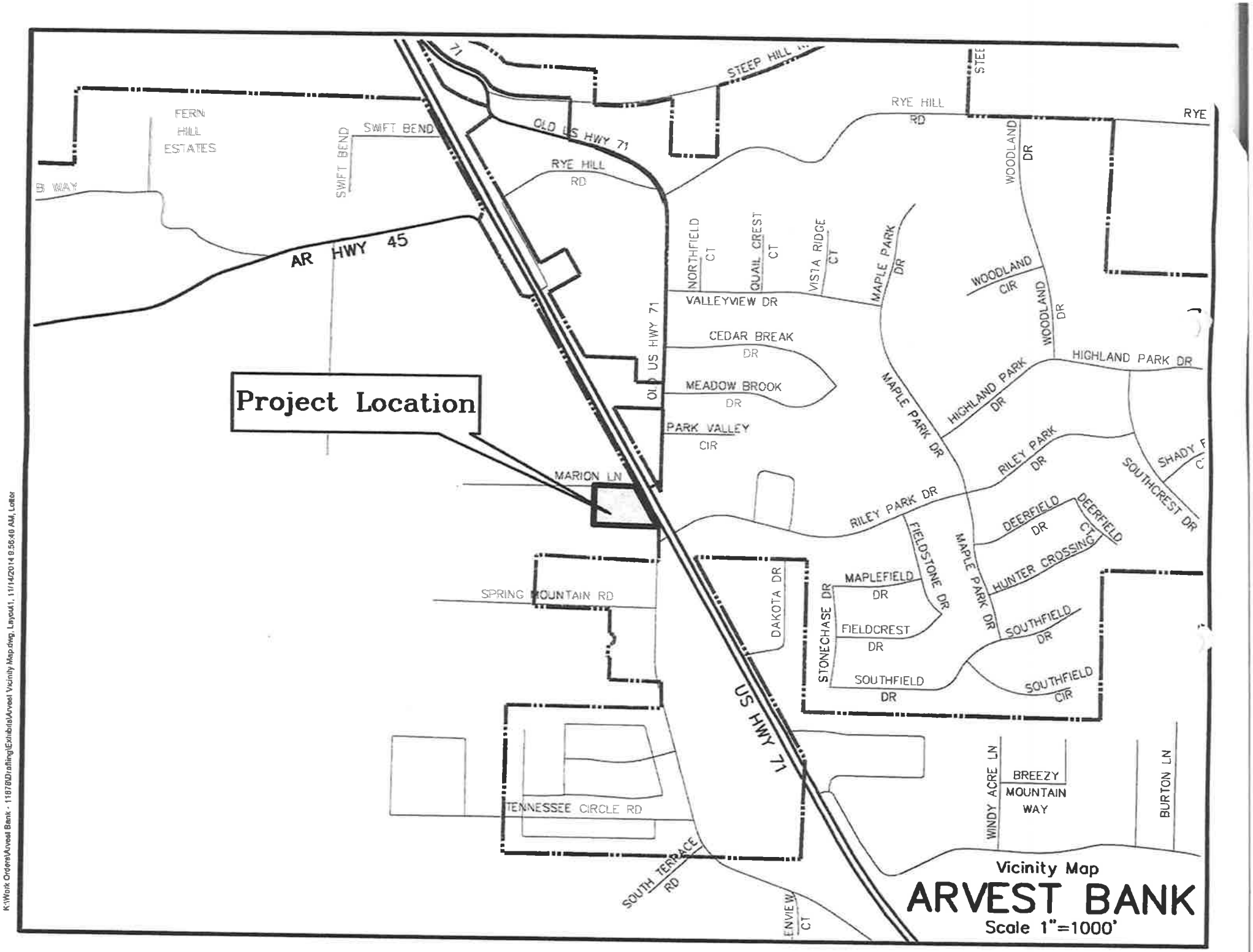
Tract 1 of Superior Federal Tracts 1 & 2, per plat filed for record August 12, 1999; same being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas.

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

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

Hon. David Hudson
Sebastian County Judge


SUPERIOR FEDERAL TRACTS 1 & 2
BEING A PART OF THE NE 1/4 SE 1/4, SECTION 23, T-7-N, R-32-W
SEBASTIAN COUNTY, ARKANSAS.
PLANNING COMMISSION APPROVAL:
Chairman Date 8/12/99
Secretary Date 8/12/99
ALLOTTERS:
BY Harold O Rye
BY Joyce B. Rye
STATE OF ARKANSAS,
COUNTY OF Sebastian SWORN AND SUBSCRIBED TO BY,
THIS DAY August 4 19 99
Notary Public Jane Hill Baker
My Commission Expires 9/8/99
FILED FOR RECORD This 12 day of August 1999
at 4:23 o'clock P.m. Nancy Bradley Circuit
Clerk and Ex-Officio Recorder. By Jan Sterling
TOTAL ACRES = 7.06 ACRES
UNPLATTED
S 88°09'39" E 327.59'
60' PRIVATE ROAD EASEMENT
N 88°09'39" W 327.59'
WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY # 71 SOUTH
S 29°09'37" E 404.06'
TRACT 1
3.30 ACRES
ARVEST BANK
N 02°09'37" E 638.78'
350.59'
UNPLATTED
N 87°59'30" W 537.25'
S 01°49'00" W 5.81'
TRACT 2
3.50 ACRES
200.20'
OLD HWY 71 & HWY 71
S 29°09'37" E 294.01'
S 87°59'30" E 736.00'
N 87°59'30" W 538.65'
RYE HILL ESTATES
NE CORNER NE 1/4 SE 1/4, SECTION 23, T-7-N, R-32-W
SW CORNER NE 1/4 SE 1/4, SECTION 23, T-7-N, R-32-W
SE CORNER NE 1/4 SE 1/4, SECTION 23, T-7-N, R-32-W
PROPERTY DESCRIPTION
Superior Federal Tracts 1 & 2 being a part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:
Commencing at the Southwest Corner of the Northeast Quarter of the Southeast Quarter. Thence along the South line of said Forty South 87 degrees 59 minutes 30 seconds East, 736.00 feet to a set rebar and the Point of Beginning. Thence leaving said South line, North 02 degrees 05 minutes 37 seconds East, 638.78 feet. Thence South 88 degrees 09 minutes 39 seconds East, 327.59 feet to an existing rebar on the Westerly right of way line of U.S. Highway 71 South. Thence along said right of way line, South 29 degrees 09 minutes 37 seconds East, 404.06 feet to a set rebar. Thence along Old Highway 71 right of way line, South 01 degree 49 minutes 00 seconds West, 294.01 feet to a set rebar on the South line of the Northeast Quarter of the Southeast Quarter and the North line of Rye Hill Estates. Thence leaving said right of way line and along the South line of said Forty, and the North line of Rye Hill Estates, North 87 degrees 59 minutes 30 seconds West, 538.65 feet to the Point of Beginning, containing 7.06 acres and subject to Easements of Record.
FILED
GREENWOOD DIST. '99 AUG 12 PM 4:23
CIR. CLERK SEB. CO.
© Sellerfield Land Surveyors P.A.
Any unauthorized use of this drawing or data by others in it's sole use of the same. Sellerfield Land Surveyors, P.A. shall be held harmless and without liability from claims, suits, or damages of any nature including costs of defense, arising from improper use of this drawing or data, or by unaltered party.
SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THE LOCATION PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THIS 28th DAY OF June, 19 99 AND THAT CORNERS WERE SET, AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND ABILITY.
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THEREIN, WITHIN ONE YEAR FROM THE DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.
Clovis Satterfield R.P.S. #1143 ARK. #910 OKLA.
REGISTERED ARKANSAS AND OKLAHOMA CLOVIS SATTERFIELD 1143 PROFESSIONAL LAND SURVEYOR
OWNER: SUPERIOR FEDERAL
3000 ROGERS AVE
P.O. BOX 17012
FORT SMITH, ARKANSAS
TELEPHONE: (501) 484-4391
SCALE 1" = 60'
DATE: 6-28-99
JOB NO. 25,277
Sellerfield Land Surveyors P.A.
3025 HWY. 71 NORTH, ALMA, ARK.
PHONE No. (501) 632-3565
REG. ARK. & OKLA.
FILE COPY
10.
1594
Plat Cabinet B-358



K:\Work Orders\Arvest Bank - 11878\Drafting\Exhibits\Arvest Vicinity Map.dwg, Layout1, 11/14/2014 8:56:40 AM, Letter

FILED
2014 SEP -9 AM 11:42
SHARON BROOKS
SEBASTIAN CO. CLERK
BY
CC-2014-1-G

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

PETITION

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

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

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

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

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

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

12/31/2014 11:51 SEB CO CLERK GREENWOOD (FAX)4799964165 P.002/009

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

Respectfully submitted,

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

By: _____
Kenneth W. Cowan
AR Bar No. 83044

12/31/2014 11:51 SEB CO CLERK GREENWOOD (FAX)4799964165 P.003/009

VERIFICATION

The Petitioner, Arvest Bank, acting by its authorized officer named below, hereby states upon oath that the foregoing Petition for annexation is true and correct to the best of its knowledge, information and belief.

Arvest Bank

By: _____
Rodney Shepard
President/CEO
Arvest Bank of Fort Smith

STATE OF ARKANSAS)
) ss.
COUNTY OF SEBASTIAN)

Sworn to and subscribed to before me this 5 day of September, 2014.

_____
Notary Public

My Commission Expires:

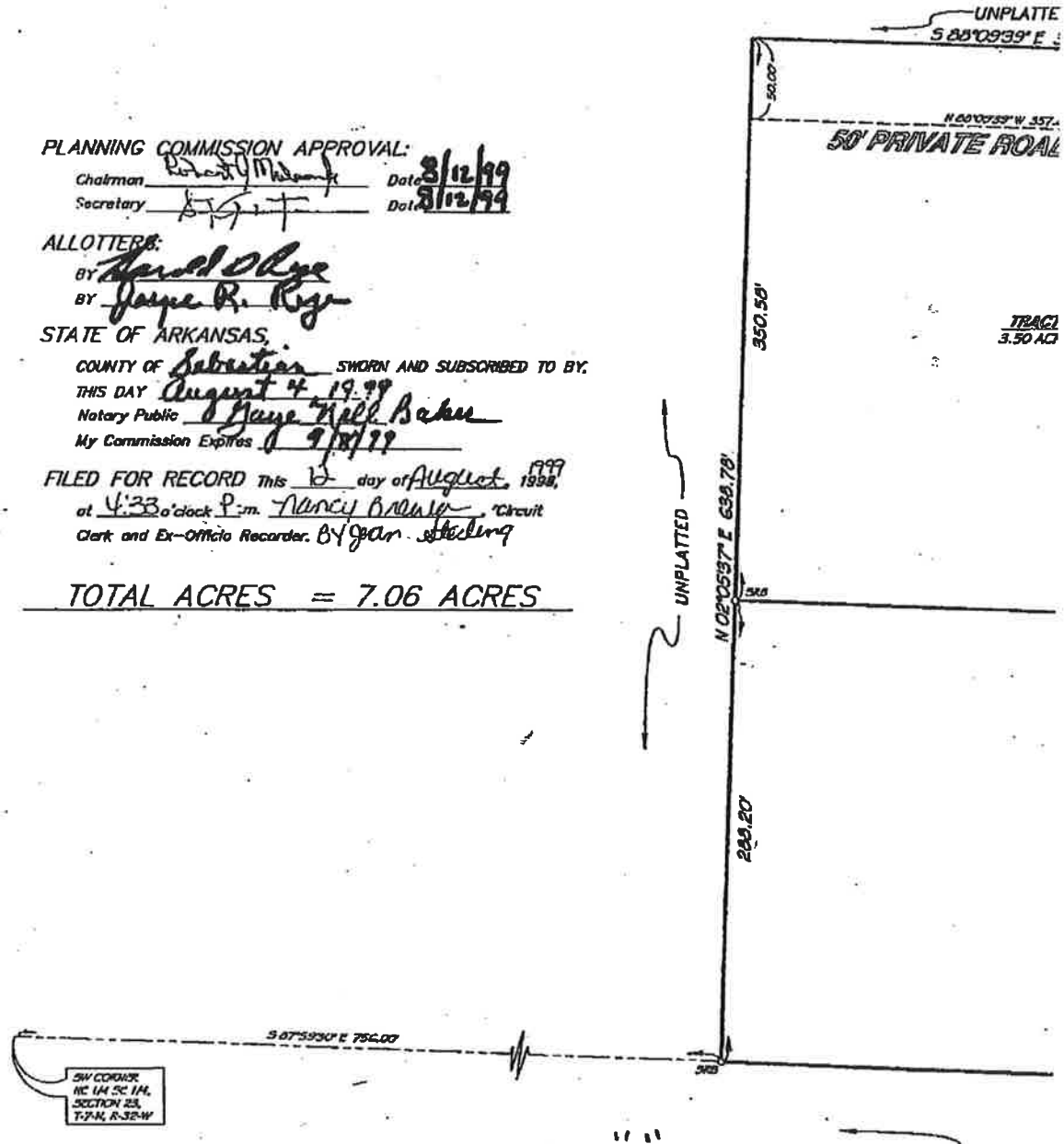
3-28-23

JOAN E SMITH
Arkansas - Sebastian County
Notary Public - Comm# 12392413
My Commission Expires Mar 28, 2023

12/31/2014 11:51 SEB CO CLERK GREENWOOD (FAX)4799964165 P.004/009

SUPERIOR FEDER

BEING A PART OF THE NE 1/4 SE 1/4,
SEBASTIAN COUNTY, ARKANSAS.



PLANNING COMMISSION APPROVAL:
Chairman Robert Malone Date 8/12/99
Secretary [illegible] Date 8/12/99

ALLOTTERS:
BY Harold Rye
BY Jayce R. Rye

STATE OF ARKANSAS,
COUNTY OF Sebastian SWORN AND SUBSCRIBED TO BY:
THIS DAY August 4 19 99
Notary Public Gaye Nell Baker
My Commission Expires 8/8/99

FILED FOR RECORD This 10 day of August, 1999,
at 4:33 o'clock P.m. Nancy Brewer, Circuit
Clerk and Ex-Officio Recorder. BY Jan Sterling

TOTAL ACRES = 7.06 ACRES

© Sutterfield Land Surveyors P.A.

Any unauthorized use of this drawing or data by others is at the sole risk of the user. Sutterfield Land Surveyors, P.A. shall be held harmless and without liability from claims, costs, or damages of any nature resulting costs or defense arising from improper use of this drawing or data, or by another party.

EXHIBIT "A"
(1 of 2)

GRAPHIC SCALE: 60' 30' 0 60' 120'

Basis Of Bearing
ASSUMED N 87°59'37" W ON SOUTH LINE

REVISIONS

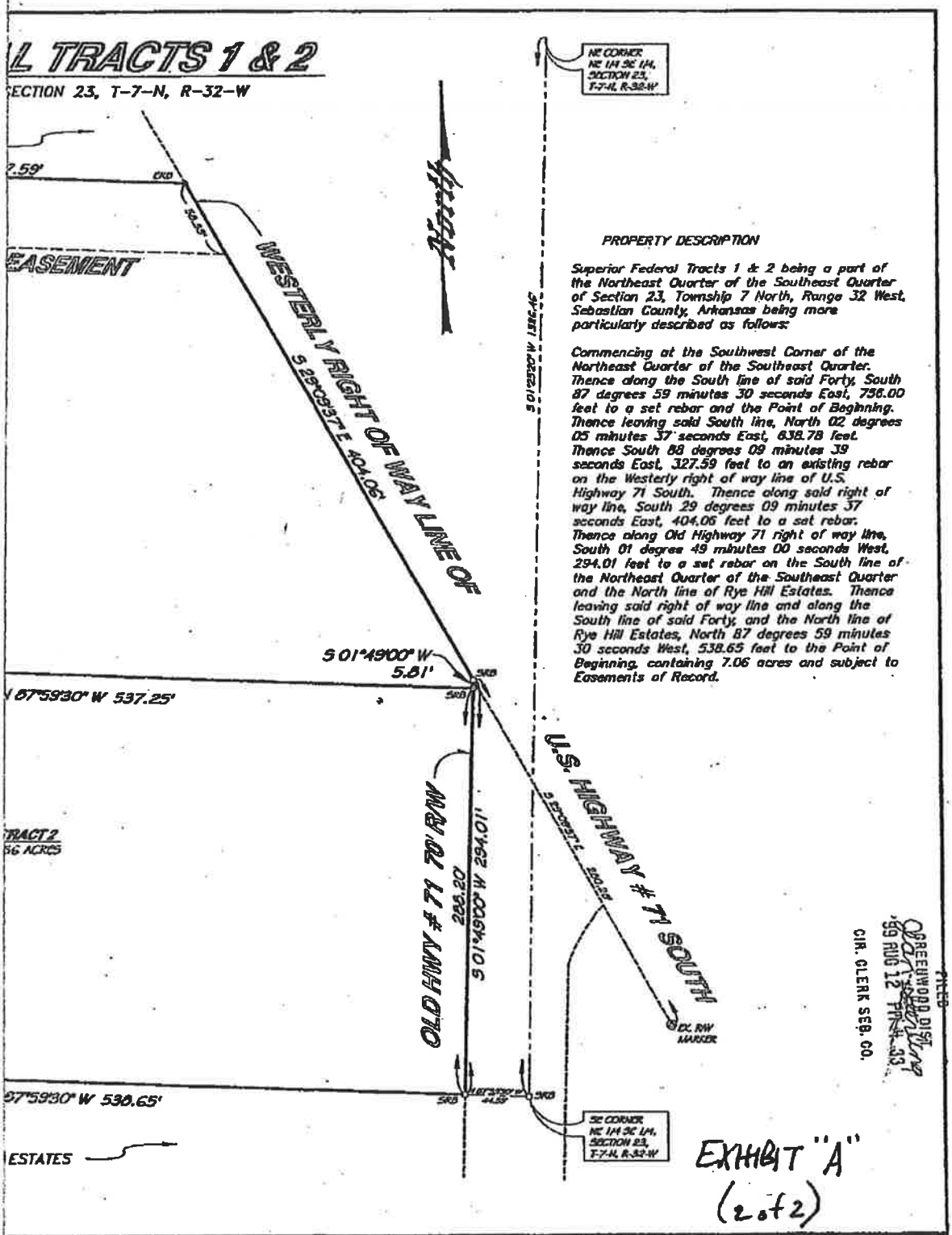
VICINITY MAP
T-7-N R-32-W
NW NE
23
SW
NW SE NE SE
SW SE SE SE

LEGEND
PC = PONCE CORNER
S.R.B. = SET 1/2" REBAR W/ CAP
S.P.P.M. = SET P/K NAIL
S.R.R.S. = SET RAILROAD SPIKE
E.R.B. = EXISTING REBAR
E.I.R. = EXISTING IRON PIN
E.P.P.M. = EXISTING P/K NAIL
E.R.R.S. = EXISTING RAILROAD SPIKE
= EXISTING GOVERNMENT MONUMENT
= EXISTING STONE
= EXISTING STATE MONUMENT
= EXISTING FENCE
= COMPUTED POINT
= R/W MARKER

SURVEY
I HEREBY CERTIFY THAT TH
WAS COMPLETED UNDER MY
[illegible] 19 99 AN
THE BEST OF MY KNOWLEDG
THIS SURVEY IS MADE FOR
ON THIS PLAT AND ALSO TI
THERETO, WITHIN ONE YEAR
I WARRANT THE ACCURACY
Clovis Satterfield

12/31/2014 11:51 SEB CO CLERK GREENWOOD (FAX)4799964165 P.005/009

Arvest Bo
– Hwy 71
Annexation



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1594R
plat Cabinet B 358

12/31/2014 11:52 SEB CO CLERK GREENWOOD (FAX)4799964165 P.006/009

#6C

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

by the City of Fort Smith Board of Directors.

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

PASSED AND APPROVED THIS____DAY OF_____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

December 29, 2014

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

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

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

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

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

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

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

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

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

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

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

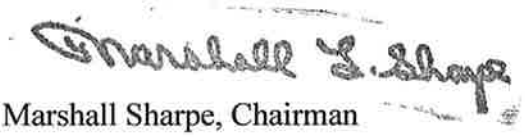
Printed on 100% Recycled Paper

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION



Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

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

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

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

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

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

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

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

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

PROPOSED LAND USE

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

3A

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

Characteristics and Use:

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

MASTER LAND USE PLAN COMPLIANCE

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

MASTER STREET PLAN CLASSIFICATION

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

STAFF COMMENTS AND RECOMMENDATIONS

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

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

3B

Application Type

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

Request to Amend Map ☑ **Request to Amend Text** ☐

Applicant Name: Patrick Mickle, P.E.

Firm Name: Mickle Wagner Coleman, Inc.

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

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

Owner Name: Arvest Bank

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

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

Property Address (subject property): 11808 Hwy 71 South

Subject Property

Current Land Use: Branch Bank

Existing MLUP Classification: ETJ Neighborhood Commercial

Proposed MLUP Classification: General Commercial

Existing Zoning Classification: ETJ Open-1

Proposed Zoning Classification: Commercial Moderate (C-3)

Surrounding Property

Current Land Use: north- Mobile Home Sales
south- Vacant
east- Commercial
west- Residential

Existing MLUP Classification: north: ETJ Neighborhood Commercial
south: ETJ Neighborhood Commercial
east: Residential Detached
west: ETJ Neighborhood Commercial

Existing Zoning Classification: north: ETJ O-1
south: ETJ O-1
east: Commercial-5
west: ETJ O-1

Pre-Application Meeting Date: October 30, 2014

3C

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

1. A legal description of the subject property that is to be amended (reclassified).
Tract 1 of Superior Federal Tracts 1 & 2, as filed for record August 12, 1999
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See property exhibit.

3. The area dimensions of the property in square feet or acres. 3.50 acres

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

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

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

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

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

The property is developed as a branch bank.

7. Identify any known or anticipated environmental concerns:

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

3D

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

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

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

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

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

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

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

This is an existing use – a branch bank.

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

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

3E

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

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format. N/A

2. A description of the reasons supporting the amendment and the special circumstances requiring the change: N/A

3F

Certification

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

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

Patrick Mac — 11-14-14

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.

f:\doc\forms\CFS Forms-Applications\Arvest Bank Hwy 71 South - Master Land Use & Comp Plan Amendment – Nov 2014.doc

3G

AUTHORIZATION OF AGENT

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. ARVEST BANK	[signature], President
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This form is necessary only when the person representing this request does not own all property.

3H

AUTHORIZATION OF AGENT

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. ARVEST BANK	Richard Lynch, President
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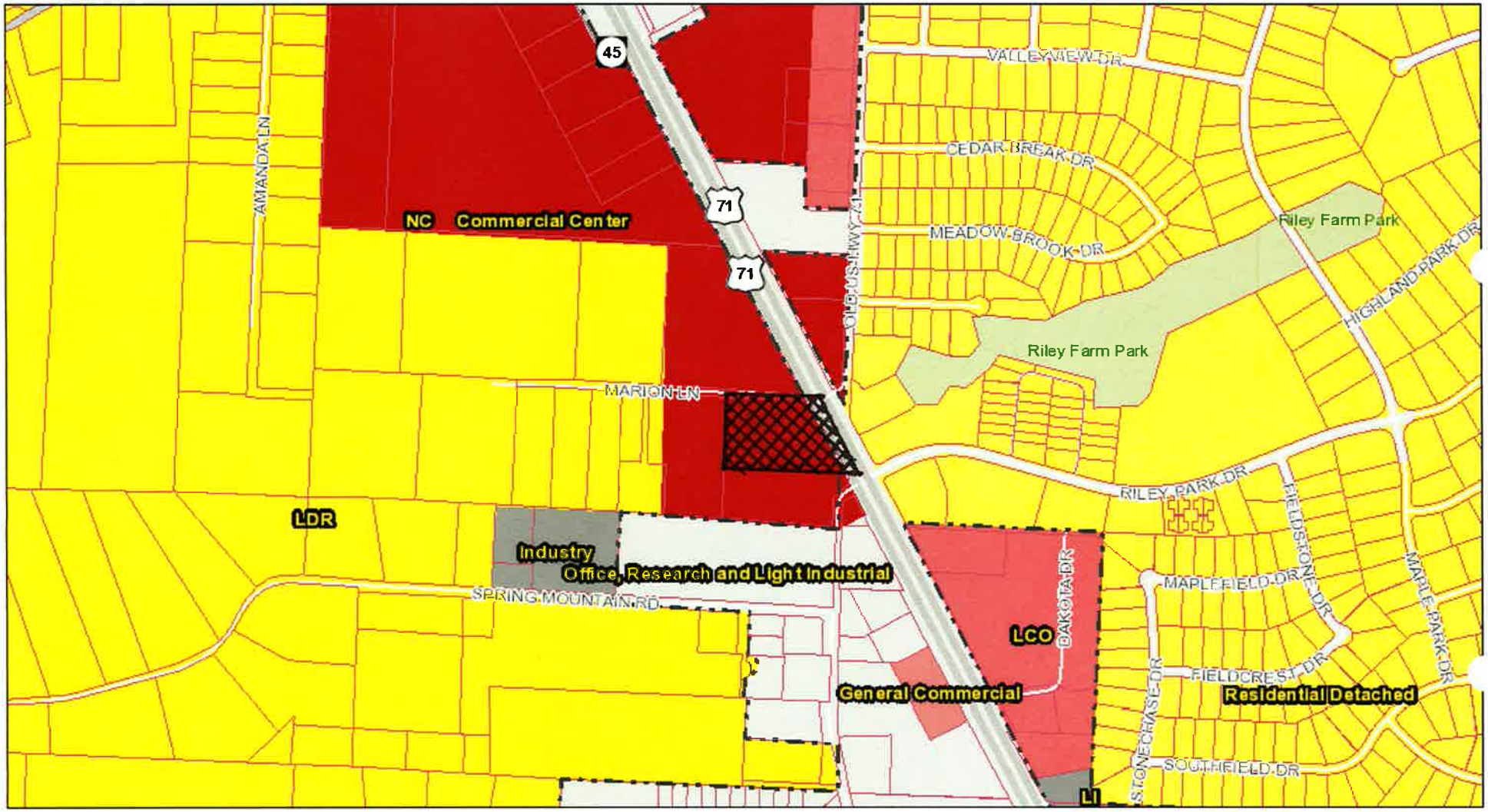
This form is necessary only when the person representing this request does not own all property.

3I

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



November 19, 2014

Fort Smith City Limts

Parcels

Commercial

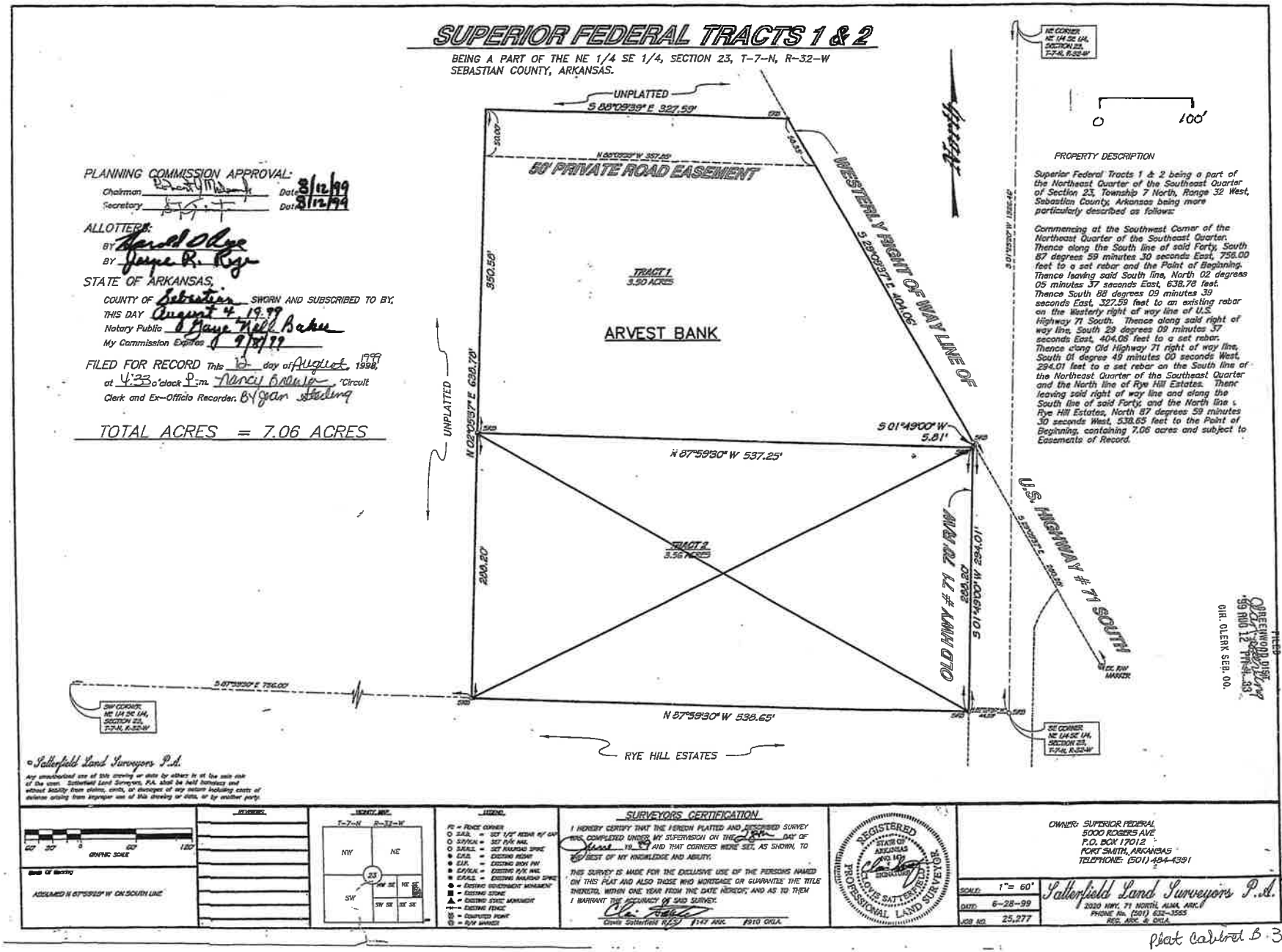
1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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

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



Plat Cabinet B 352

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Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: November 20, 2014

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

PROPOSED ZONING

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

LOT LOCATION AND SIZE

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

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

4A

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

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

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to t he health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

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

Conditional Uses:

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

SURROUNDING ZONING AND LAND USE

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

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

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

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

4B

MASTER LAND USE PLAN COMPLIANCE

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

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

STAFF COMMENTS AND RECOMMENDATIONS

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

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

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

4C

Rez. #23-12-14

PETITION FOR CHANGE IN ZONING MAP

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

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

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

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

2. Address of property: 11808 Hwy 71 South

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

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

5. Why is the zoning change requested?

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

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

Signed:

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

_____
~~Owner~~

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

or

_____
Agent

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

4D

AUTHORIZATION OF AGENT

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

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

(Type or clearly print)

NAMES OF ALL OWNERS.	SIGNATURE OF ALL OWNERS.
1. ARVEST BANK	Vice President
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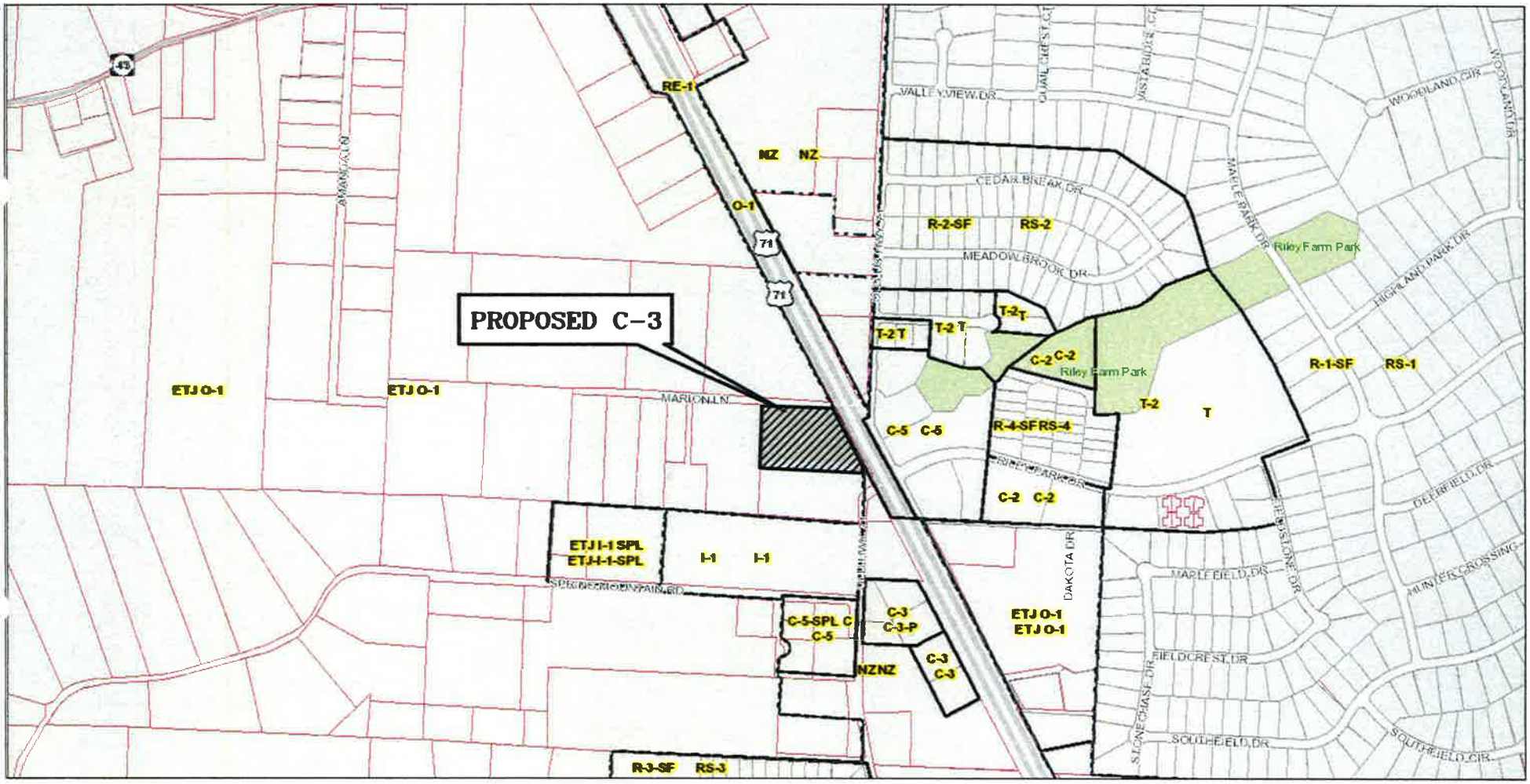
This form is necessary only when the person representing this request does not own all property.

4E

4G

ARVEST BANK
ZONING MAP



November 14, 2014

Fort Smith City Limits

Zoning

Subdivisions

Parcels

1:6,351

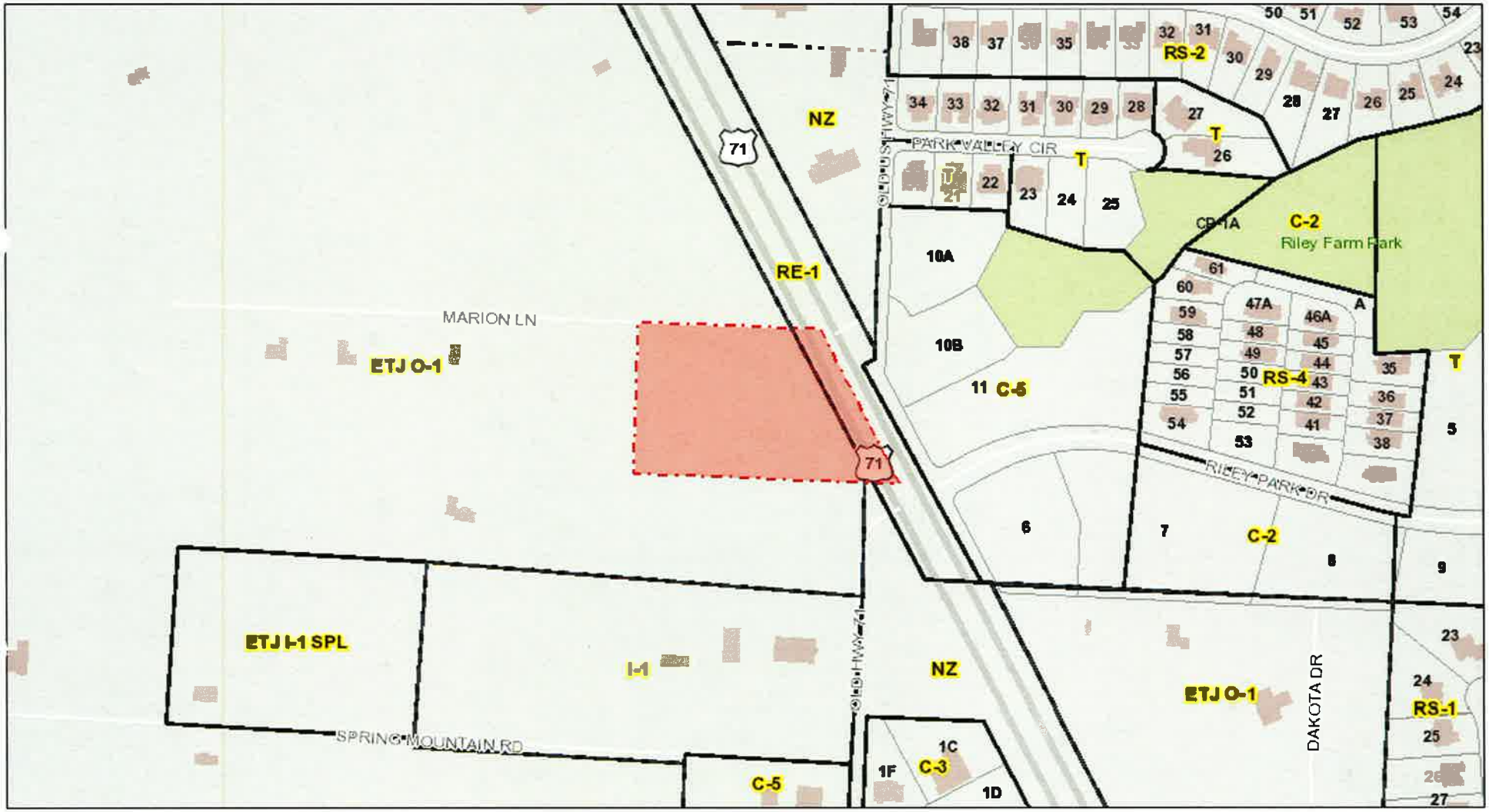
0 0.075 0.15 0.3 ft

0 0.125 0.25 0.5 m

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

K:\Work Orders\Arvest Bank - 11878\Drafting\Exhibits\Arvest Zoning Map.dwg Model 11/14/2014 10:42:25 AM Letter

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



November 19, 2014

Fort Smith City Limts
Building Footprints
Zoning
Subdivisions

1:4,023
0 0.035 0.07 0.14 ft
0 0.05 0.1 0.2 m

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

Superior Federal Bank
1183 Joyce Blvd.
Fayetteville, AR 72703

Miller Invest Group LT
11414 S. Hwy. 71
Fort Smith, AR 72916

William White
8401 Rosewood Drive
Fort Smith, AR 72903

Corbin Properties, Inc.
3300 South 70th Street
Fort Smith, AR 72903

Johnson Real Estate, LLC
9207 Hwy. 71 South-Suite 9
Fort Smith, AR 72916

BancorpSouth
P. O. Box 789
Tupelo, MI 38802

Norma & James Vandermillion
12021 S. Hwy. 71
Fort Smith, AR 72916

Beau Harlan
5611 Tennessee Ridge Road
Fort Smith, AR 72916

KMW Properties
P. O. Box 1356
Fort Smith, AR 72901

Betty Rye Moody
5508 Marion Lane
Fort Smith, AR 72916

KMJ Enterprises Ashley, LLC
610 Newport Center Drive
Newport Beach, CA 92660

Debbie Byerly
5508 Marion Lane
Fort Smith, AR 72916

Riley Farm Property Owners Assoc.
P. O. Box 180626
Fort Smith, AR 72918

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

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

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

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

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

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

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

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

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

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate a request by the property owner to annex this property into the City of Fort Smith. Ms. Andrews stated that a neighborhood meeting was held on Monday, December 1, 2014, at Rye Hill Baptist Church (11512 Old Highway 71) with no

neighboring property owners in attendance. Ms. Andrews noted that the Fort Smith Fire Department is requiring installation of a fire hydrant as part of the annexation process.

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

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

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

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

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

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

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

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

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

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

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

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

Tax Back

Resolution

RESOLUTION No. _____

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

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

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

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

WHEREAS, ArcBest Corporation of Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, ArcBest Corporation has agreed to furnish the local government all necessary information for compliance.

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

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

_____
Mayor

Date Passed: _____

Attest: _____
City Clerk

Approved as to form:

_____NPR

Memo

To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 12/31/2014

Re: Tax Back Endorsement: **ArcBest Corporation**

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

The current request is on behalf of **ArcBest Corporation,** who is investing $45,715,000 in facilities and equipment at their new corporate headquarters facility being built at Chaffee Crossing in Fort Smith and at their existing building located at 3801 Old Greenwood Road in Fort Smith. This investment in facilities and equipment will support the addition of 975 new employees (a 71% increase for the corporation's Fort Smith facilities) making an average hourly wage of $26.07 over a ten year period.

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

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

This action helps to grow the employment base in the city and helps to retain one of our significant employment anchors. Therefore, it supports Goal ED-3 of the Future Fort Smith Comprehensive Plan. Please contact me if you have questions regarding this agenda item.

This item supports the following goal(s) or policies of the Future Fort Smith Comprehensive Plan: ED-3

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING AN ENGINEERING SERVICES AGREEMENT FOR THE DESIGN OF A PROJECT IN THE 2015 SALES TAX PROGRAM

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

SECTION 1: The Mayor is authorized to execute the engineering services agreement for the design of the following project in the 2015 Sales Tax Program utilizing the one cent sales tax proceeds.

Project No.	Description	Engineering Firm	Maximum Fee
15-01-A	Kelley Highway Extension – Midland Boulevard to Riverfront Drive	Morrison Shipley Engineers	$827,381.25

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

This Resolution adopted this _____ day of January, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

_____
No Publication Required

Memorandum

TO: Ray Gosack, City Administrator

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

DATE: December 30, 2014

SUBJECT: Kelley Highway Extension – Midland Boulevard to Riverfront Drive
Project No. 15-01-A

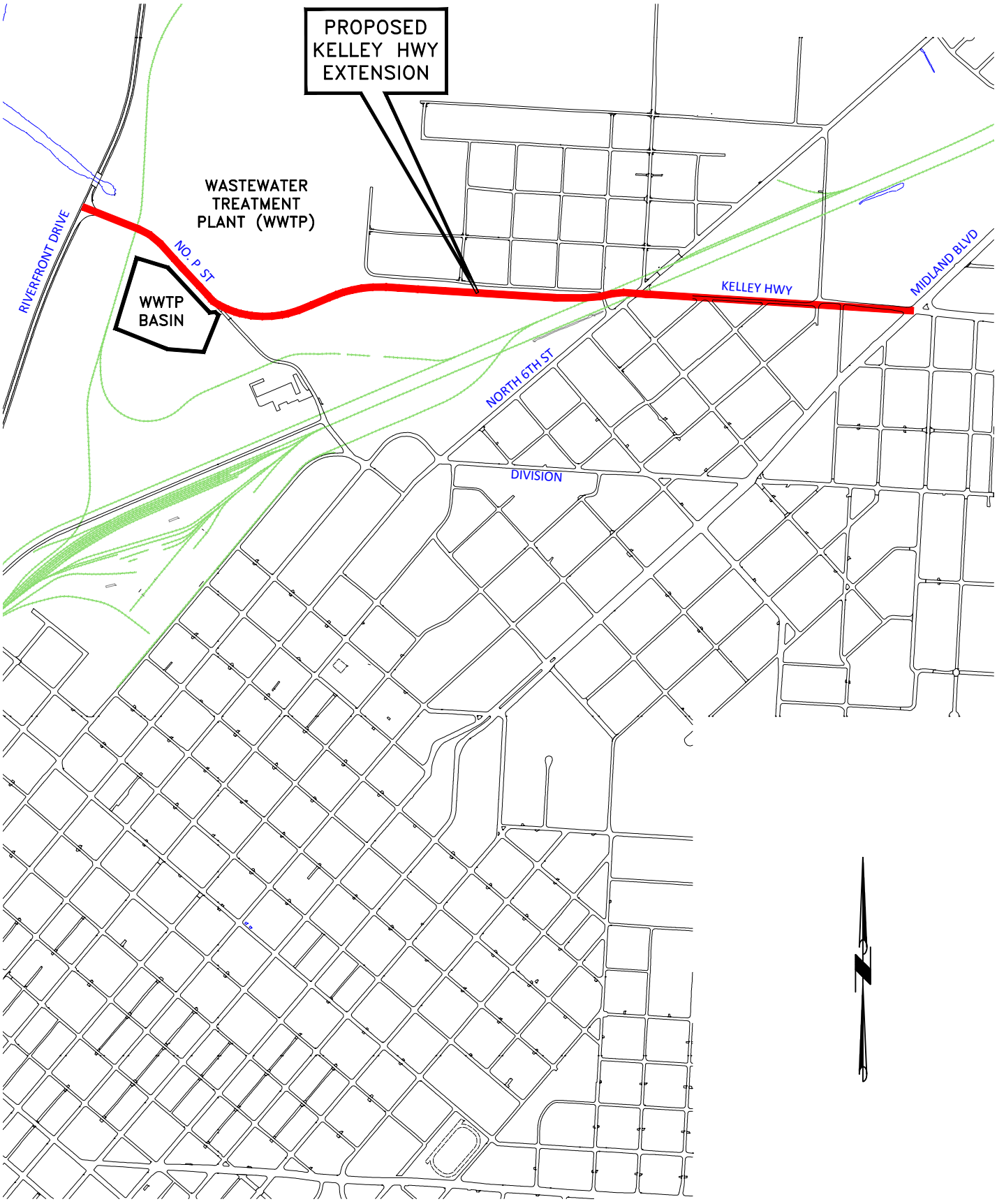
This project includes the design for the construction and widening of Kelley Highway from Midland Boulevard to Riverfront Drive as shown on the attached exhibit. The length of the project is approximately 7,000 feet and the street will be widened to a three lane major collector road section. The preliminary estimated cost is $8.5 million. A multiuse path will be constructed on one side of the street with a sidewalk on the other side. The conceptual design will consider two different alignment options at the west end of the project. One alignment option will generally follow the section of "P" Street adjacent to the wastewater treatment plant while the second alignment option is further south adjacent to and on the south side of the WWTP equalization basin.

The professional services qualifications on file were reviewed and the firm of Morrison Shipley Engineers, Inc. was selected for the design contract. A copy of the consultant selection form is attached. The Engineering Department has negotiated an engineering services contract with Morrison Shipley Engineers, Inc. for a maximum not to exceed fee of $827,381.25. Payment for the engineering services will be based on hourly rates for the actual hours worked on the project plus direct costs. The design work should take approximately 18 months followed by acquisition of the necessary right of way. Construction is currently scheduled to begin in 2018.

This extension of Kelley Highway will serve as a major route connecting I-540 to the riverfront area. The extension is also in alignment with the goals of the comprehensive plan actions FLU-2.1.1 (Improve access in an effort to incentivize development in areas along the riverfront) and TI-1.1.2 (Create an I-540 Downtown/Riverfront Loop that would offer direct access to the riverfront and downtown area from Kelley Highway and Grand Avenue).

Attached is a Resolution to authorize the Mayor to execute the engineering services contract. I recommend that the Resolution be adopted by the Board of Directors at the next regular meeting.

Enclosures



EXHIBIT

RBR

12/31/14-08:28

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2015 CAPITAL IMPROVEMENTS PROGRAM

KELLEY HWY EXTENSION

The City of Fort Smith ARKANSAS

Project:	15-01-A
Date:	DEC. 2014
Scale:	NONE
Drawn By:	RBR

ENGINEERING CONSULTANT SELECTION - 2015 CAPITAL IMPROVEMENTS PROGRAM

Project No.	Description	Selected Firm	Qualified Firm	Qualified Firm
15-01-A	Kelley Highway Extension to Riverfront Drive	Morrison Shipley	Hawkins Weir	Mickle Wagner Coleman

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

Name

Name

Name

ORDINANCE NO._____

AN ORDINANCE
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH THE U. S. MARSHALS MUSEUM, INC. FOR
CERTAIN SERVICES FOR INHABITANTS OF THE CITY OF FORT SMITH

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, that certain agreement with the U. S. Marshals Museum, Inc. providing for the payment by the City to the U. S. Marshals Museum, Inc. up to a maximum of **$50,000** during calendar year 2015 for services provided to the City that shall consist of maintaining the national fundraising campaign which facilitates the continued planning, design, and construction of the U. S. Marshals Museum on the Arkansas riverfront in downtown Fort Smith.

SECTION 2: It is hereby declared and determined by the Board of Directors that the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreement.

Passed and approved this _____ day of January, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM

_____
No Publication Required

MEMORANDUM

December 19, 2014

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: U.S. Marshals Museum – Services Agreement

The 2015 budget includes funding of $50,000 for a services agreement with the U.S. Marshals Museum, Inc. The agreement is attached for the board's consideration. It requires the museum to maintain its national fundraising campaign for planning, design and construction of the museum on the riverfront in downtown Fort Smith. Payments will be made quarterly in equal amounts of $12,500 each.

Attached is an ordinance which approves the agreement with the U.S. Marshals Museum, Inc. The museum will support the board's strategic priority of riverfront development and policies of the city's comprehensive plan including:

- *Encourage a mix of housing, retail, and entertainment attractions along the City's waterfront (FLU-2.1)*
- *Promote historically significant landmarks and cultural assets (NCR-3.2)*

The staff recommends approval of the agreement with the U.S. Marshals Museum, Inc.

- Ray

Attachments

cc: Jim Dunn, U.S. Marshals Museum, Inc.

AGREEMENT

THIS AGREEMENT made and entered into this _____day of January, 2015, by and between the City of Fort Smith, Arkansas ("City"), and the U. S. Marshals Museum, Inc. a national, non-sectarian, incorporated, organization with the local social, cultural, and economic development benefits to the city, state, region, and nation.

WITNESSETH:

WHEREAS, the U.S. Marshals Museum, Inc. has possession and control of physical facilities suitable for providing to the City's residents certain services, as enumerated in paragraph one (1) below, which services fulfill a governmental function to provide for the health, safety, and welfare of the City's inhabitants; and

WHEREAS, the parties desire to provide a program of such services and facilities for the City's inhabitants;

NOW, THEREFORE, it is agreed by the parties that in exchange for the mutual covenants and agreements set forth below;

1. The U. S. Marshals Museum, Inc. will provide to the City and its inhabitants, for the year 2015, services which will enhance the health and welfare of the City and its inhabitants. The service shall consist of maintaining the national fundraising campaign which facilitates the continued planning, design, and construction of the United States Marshals Museum on the Arkansas riverfront in downtown Fort Smith.

2. In consideration for the providing of the services described in the preceding paragraph, the City agrees to pay the U.S. Marshals Museum, Inc. the total sum of $50,000 in equal quarterly installments of $12,500 each on or before February 15, May 15, August 15 and November 15, 2015.

3. It is agreed by the U.S. Marshals Museum, Inc. that the City shall have the right, at all reasonable times, to inspect the facilities and programs being provided by the U.S. Marshals Museum, Inc. under this Agreement, and shall have the right, at all reasonable times, to inspect the financial and other records of the U.S. Marshals Museum, Inc.. After inspection or investigation, the City shall have the right to notify the U.S. Marshals Museum, Inc., in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured within thirty (30) calendar days from the date of such written notice, the City shall have the absolute right to terminate this Agreement and not make any further payment. To assist the City in monitoring its activities, the U.S. Marshals Museum, Inc. shall, on a quarterly or more frequent basis, provide to the City Administrator, or his/her designated agent, a report of the U.S. Marshals Museum, Inc. financial and service activities during the period preceding such report.

4. Furthermore, the City shall have the right to cancel this Agreement and not make any further payment upon the happening of any of the following:

a. Any substantial damage to or destruction of the U.S. Marshals Museum, Inc. facilities within the City by fire, wind, or other casualty; or

b. A determination by the Board of Directors that the services provided hereunder are no longer needed as a governmental function, or, otherwise, a determination by the Board of Directors that the City, for whatever reason, no longer desires to have such services provided by the U.S. Marshals Museum, Inc.; or

c. A determination by the Board of Directors that the U.S. Marshals Museum, Inc. its employees, or agents, in the providing of the services hereunder, have violated the City's policy against discrimination on the basis of age, sex, religion, race, color, national origin, political affiliation, handicap, veteran status, or have violated the City's policy in favor of a drug-free work place.

In addition to any of the other rights of cancellation stated herein, either party shall have the right to cancel this Agreement because of the breach by the other party of that party's obligations hereunder, such cancellation to be effective as of the date of the breach. Failure by either party immediately to declare the contract canceled by reason of a particular breach shall not preclude a party from raising that breach subsequently as a reason for cancellation. Should the Agreement be canceled, for any reason, the U.S. Marshals Museum, Inc. understands and agrees that the City shall immediately cease paying any further monies under this Agreement, and agrees additionally the U.S. Marshals Museum, Inc. will refund to the City, on a pro-rated basis, monies paid by the City for services not rendered by the U.S. Marshals Museum, Inc.

5. The U.S. Marshals Museum, Inc. shall indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on 42 U.S.C. section 1982), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property), cost of liabilities (including the City's cost with respect to its employees and cost of defending any and all such actions and proceedings described herein), arising out of or pertaining to the providing of services hereunder by the U.S. Marshals Museum, Inc.

6. It is agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

7. The parties to this Agreement agree that it is not a contract of employment, but is, instead, a contract to fulfill a specific governmental purpose. Accordingly, in the performance of this Agreement, the U.S. Marshals Museum, Inc. shall be considered an independent agent, and neither it nor its employees or agents shall be considered employees or agents of the City.

8. Because the U.S. Marshals Museum, Inc. will be receiving monies from the City under this Agreement, the U.S. Marshals Museum, Inc. understands that its records and meetings may become subject to the provisions of the Arkansas Freedom of Information Act.

9. It is understood and agreed by the parties that, if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of Arkansas, the entire Agreement shall by null and void.

10. This Agreement shall not be specifically enforceable in equity, by either party; nor shall any injunction be applied for or issued at the instigation of either party in case of dispute or alleged breach of this Agreement.

11. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

12. This Agreement is executed on the City's behalf by its officials as set forth below pursuant to Ordinance No. _____adopted on January 6, 2015.

13. This Agreement is executed on behalf of the U.S. Marshals Museum, Inc. by its authorized representative set forth below who represents that he has full legal authority to bind the U.S. Marshals Museum, Inc.

IN WITNESS WHEREOF, the parties have set their hands and seals this ____day of January, 2015.

City of Fort Smith

By:_____
Mayor

Attest:

_____
City Clerk

U. S. Marshals Museum, Inc.

By:_____
President and CEO

Attest:_____
Secretary

8C

RESOLUTION NO._____

RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF AGGREGATES, SAND, CONCRETE, AND ASPHALT CONCRETE PRODUCTS FOR 2015

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

The Bids, as indicated by enclosure on the attached Bid Tabulation **12-30-14BA** for the purchase of concrete, asphalt, and other materials for 2015, are accepted.

This Resolution adopted this _____ day of January, 2015.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
□ No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: 2015 Sand, Concrete & Asphalt Bid Tabulation

DATE: December 30, 2014

BID TAB: 12-30-14BA

Attached you will find the 2015 bid tabulations for **Aggregates, Sand, Concrete, and Asphalt Concrete Materials.** These items will be used by various City departments and will remain in effect for all of 2015.

Please note that there was an average of $4.12 increase in the price of concrete from last year. These materials have been budgeted for accordingly in the 2015 budget. For your convenience, I have attached a copy of the 2014 bid tabulation for comparison purposes.

I recommend that the bids noted by enclosure on the attached tabulation be accepted. Please let me know if you should have any questions.

Tabulation of Bids for Concrete and Sand for **2015**

Bid Tab: 12-30-14BA

Description	APAC-Central, Inc. (Arkhola) Ft. Smith, AR							Mid-Continent Ft. Smith, AR				Bid Item #
	At Plant *		At Plant **		At Plant		Delivered	At Plant		Delivered		
Crushed Stone (Aggregate Base)	$11.55	✓	$11.80	✓	N/A		N/A	N/A		N/A		2
3/4" to 1 1/2" Concrete Rock	$12.70	✓	$13.45	✓	N/A		N/A	N/A		N/A		3
Rip Rap	$17.00	✓	$17.00	✓	N/A		N/A	N/A		N/A		4
Gabion Stone	N/A		$13.75	✓	N/A		N/A	N/A		N/A		5
Concrete Class AAA/4000 PSI	N/A		N/A		$81.00		$93.00	$75.00	✓	$87.00	✓	6a
Concrete Class AAA (AE)/4000 PSI	N/A		N/A		$81.00		$93.00	$75.00	✓	$87.00	✓	6b
Concrete Class AAA (AE)(HES)/4000 PSI	N/A		N/A		$94.00		$108.00	$88.00	✓	$102.00	✓	6c
Concrete Class AA/3500 PSI	N/A		N/A		$78.00		$91.00	$74.00	✓	$85.00	✓	6d
Concrete Class AA AE/3500 PSI	N/A		N/A		$78.00		$91.00	$74.00	✓	$85.00	✓	6e
Concrete Class AA AE HES/3500 PSI	N/A		N/A		$94.00		$108.00	$87.00	✓	$100.00	✓	6f
Concrete Class A/3000 PSI	N/A		N/A		$74.50		$88.00	$73.00	✓	$84.00	✓	6g
Concrete Class A (AE)/3000 PSI	N/A		N/A		$74.50		$88.00	$73.00	✓	$84.00	✓	6h
Concrete Class A (AE)(HES)/3000 PSI	N/A		N/A		$92.50		$108.00	$86.00	✓	$100.00	✓	6i
Concrete Class B/2500 PSI	N/A		N/A		$74.50		$106.00	$71.00	✓	$83.00	✓	6j
Concrete Class B (HES)/2500 PSI	N/A		N/A		$90.50		$106.00	$85.00	✓	$99.00	✓	6k
Utility Backfill (Slurry)	N/A		N/A		$56.00		$66.00	$55.00	✓	$65.00	✓	7
Sand	N/A		N/A		$8.65	✓	N/A	N/A		N/A		8
Stone Chips	N/A		N/A		$15.00	✓	N/A	N/A		N/A		12

Optional Items

Calcium Chloride – 1% (Per Cubic Yard)							$3.00			$3.00		N/A
Calcium Chloride – 2% (Per Cubic Yard)							$6.00			$6.00		N/A
Fiber (Per Bag)							$6.00			$6.00		N/A

All Prices Firm for 2015

✓ Awarded Bid

* Preston Plant

** Jenny Lind Plant

2015 Bid Tabulation

Tabulation of Bids for Concrete and Sand for **2015**

Bid Tab: 12-30-14BA

Description	Arkhola Sand & Gravel Ft. Smith, AR		JOB Construction Poteau, OK		Bid Item #
	At Plant		At Plant		
Asphalt Concrete Hot Mix Surface Course (II)	$73.00	✓	N/A		9
Asphalt Concrete Cold Plant Mix	$95.00	✓	N/A		10
Asphalt Concrete High Performance Cold Mix	N/A		$108.00	✓	11
Asphaltic Concrete Hot Mix Binder Course	$68.00	✓	N/A		13
Asphaltic Concrete Hot Mix Surface Course	$73.00	✓	N/A		14
Asphaltic Concrete Hot Mix Surface Course-AHTD 12.5 mm	$82.00	✓	N/A		15
Asphaltic Concrete Hot Mix Surface Course-AHTD 9.5 mm	$84.00	✓	N/A		16

All Prices Firm for 2015

✓ Awarded Bid

2015 Bid Tabulation

Tabulation of Bids for Concrete and Sand for **2014**

Bid Tab: 12-20-13BA

Description	APAC-Central, Inc. (Arkhola) Ft. Smith, AR						Mid-Continent Ft. Smith, AR				Bid Item #
	At Plant *		At Plant **		At Plant	Delivered	At Plant		Delivered		
Crushed Stone (Aggregate Base)	$11.55	✓	$11.80	✓	N/A	N/A	N/A		N/A		2
3/4" to 1 1/2" Concrete Rock	$12.70	✓	$13.45	✓	N/A	N/A	N/A		N/A		3
Rip Rap	$17.00	✓	$17.00	✓	N/A	N/A	N/A		N/A		4
Gabion Stone	$13.74	✓	$13.75	✓	N/A	N/A	N/A		N/A		5
Concrete Class AAA/4000 PSI	N/A		N/A		$81.00	$93.00	$70.00	✓	$84.00	✓	6a
Concrete Class AAA (AE)/4000 PSI	N/A		N/A		$81.00	$93.00	$70.00	✓	$84.00	✓	6b
Concrete Class AAA (AE)(HES)/4000 PSI	N/A		N/A		$94.00	$108.00	$86.00	✓	$97.00	✓	6c
Concrete Class AA/3500 PSI	N/A		N/A		$76.50	$90.00	$69.00	✓	$80.00	✓	6d
Concrete Class AA AE/3500 PSI	N/A		N/A		$76.50	$90.00	$69.00	✓	$80.00	✓	6e
Concrete Class AA AE HES/3500 PSI	N/A		N/A		$92.00	$106.00	$85.00	✓	$96.00	✓	6f
Concrete Class A/3000 PSI	N/A		N/A		$74.50	$88.00	$68.00	✓	$80.00	✓	6g
Concrete Class A (AE)/3000 PSI	N/A		N/A		$74.50	$88.00	$68.00	✓	$80.00	✓	6h
Concrete Class A (AE)(HES)/3000 PSI	N/A		N/A		$90.50	$106.00	$84.00	✓	$95.00	✓	6i
Concrete Class B/2500 PSI	N/A		N/A		$74.50	$106.00	$67.00	✓	$78.00	✓	6j
Concrete Class B (HES)/2500 PSI	N/A		N/A		$90.50	$106.00	$83.00	✓	$94.00	✓	6k
Utility Backfill (Slurry)	N/A		N/A		$56.00	$66.00	$52.00	✓	$59.00	✓	7
Sand	N/A		N/A		$8.65	N/A	No Bid		No Bid		8
Stone Chips	N/A		N/A		$15.00	N/A	No Bid		No Bid		12

All Prices Firm for 2014

✓ Awarded Bid

* Preston Plant

** Jenny Lind Plant

Tabulation of Bids for Concrete and Sand for **2014**

Bid Tab: 12-20-13BA

Description	**Arkhola Sand & Gravel Ft. Smith, AR**		**JOB Construction Poteau, OK**		**Bid Item #**
	At Plant		**At Plant**		
Asphalt Concrete Hot Mix Surface Course (II)	**$73.00**	✓	N/A		9
Asphalt Concrete Cold Plant Mix	**$95.00**	✓	N/A		10
Asphalt Concrete High Performance Cold Mix	N/A		**No Bid**		11
Asphaltic Concrete Hot Mix Binder Course	**$68.00**	✓	N/A		13
Asphaltic Concrete Hot Mix Surface Course	**$73.00**	✓	N/A		14
Asphaltic Concrete Hot Mix Surface Course-AHTD 12.5 mm	**$82.00**	✓	N/A		15
Asphaltic Concrete Hot Mix Surface Course-AHTD 9.5 mm	**$84.00**	✓	N/A		16

All Prices Firm for 2014

✓ Awarded Bid

RESOLUTION NO. _____ 8D

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHANNON & WILSON, INC., FOR PROVIDING ENGINEERING SERVICES ASSOCIATED WITH YEAR 2015 POST CONSTRUCTION MONITORING AND INSPECTION OF THE LAKE FORT SMITH DAM AND RESERVOIR

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

SECTION 1: An Agreement with Shannon & Wilson, Inc, for providing engineering services associated with Year 2015 Post Construction Monitoring and Inspection of the Lake Fort Smith Dam and Reservoir, Project Number 15-02-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for an amount of $91,032.00, for performance of said services.

This Resolution adopted this _____ day of January 2015.

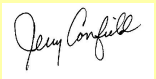
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** December 22, 2014

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith Dam and Reservoir
Year 2015 Post Construction Monitoring

For the past six years the city has contracted with Shannon & Wilson to provide post construction monitoring of the Lake Fort Smith dam and reservoir. Post construction monitoring provides insight about the embankments's movement due to internal stress, verifies that the structure is performing as anticipated by its designers, and that desired factors of safety are met for the protection of downstream life and property. To date, the monitoring and inspection reports show that the embankment and structures are performing well.

Shannon & Wilson have submitted a proposal for providing post construction monitoring services and a comprehensive on-site inspection of the dam and reservoir for Year 2015. Under this proposal, Mickle Wagner Coleman will provide quarterly instrumentation readings and surveys which will be analyzed by Shannon & Wilson and documented in quarterly reports. In early 2016, Shannon & Wilson will provide an annual summary report of all data gathered in 2015. In addition, with assistance from Burns & McDonnell, Shannon & Wilson will preform a comprehensive inspection of the dam and reservoir, including the intake tower and outlet tunnel, and prepare a report documenting the condition of the structure. As in past years, these reports will be submitted to the Arkansas Natural Resources Commission. The total fee for providing the year 2015 services includes the sub-consultants services of Mickle Wagner Coleman and Burrns & McDonnell for an amount of $91,032.00

A Resolution authorizing an agreement with Shannon & Wilson for providing post construction monitoring and the comprehensive on-site inspection for year 2015 is attached. Funds for this service are available from the water & sewer operations budget.

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

attachment

pc: Jeff Dingman

EXECUTIVE SESSION

MEMORANDUM

December 29, 2014

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Appointments of Board Members

The beginning of a new term of the board of directors necessitates certain appointments. These appointments are for positions which are filled by members of the board of directors. The January 6, 2015 board meeting agenda includes 5 appointments. Attached is a list of all positions filled by board members. Below is a discussion of the appointments needed at the January 6th meeting.

Vice Mayor. Every two years, the board elects a vice mayor. The vice mayor presides at board meetings when the mayor is absent, signs ordinances and resolutions in the mayor's absence, and provides greetings and proclamations at the mayor's request. Any director is eligible to be elected vice mayor. The term will expire on December 31, 2016.

Audit Committee. Three of the positions on the 7-member audit committee are filled by members of the board of directors. The audit committee works with the city's internal and external auditors to review the city's financial reports and practices.

Directors Settle and Lorenz serve on the audit committee. Pam Weber was serving in the third position. The needed appointment will be for a term expiring November 30, 2015.

Solid Waste District Board. The city board designates two of its members to serve on the Sebastian County Regional Solid Waste Management District board. The solid waste district is responsible for the proper planning of solid waste disposal and recycling in the district.

Mayor Sanders and Director Lau currently serve on the solid waste district board. Mayor Sanders' term expires January 21, 2015. He doesn't wish to be re-appointed. The term of the new appointment will expire January 21, 2018 (a 3-year term).

Director Lau's term expires January 21, 2016. He would like to be replaced for the remainder of his term.

Advertising and Promotion Commission. State law requires that two members of the A & P Commission be from the board of directors. The A & P Commission oversees tourism marketing and operates the convention center and the visitors center.

Mayor Sanders and Director Good currently serve on the A & P Commission. These terms are indefinite. Mayor Sanders desires to continue; Director Good would like to be replaced.

Please let me know if you need any more information about these appointments.

Attachment

BOARD MEMBER APPOINTMENTS
EFFECTIVE DURING 2014

Vice Mayor	Kevin Settle
Solid Waste District	Sandy Sanders & Keith Lau
Audit Committee	Kevin Settle & Mike Lorenz
A & P Commission	Sandy Sanders & Andre' Good
Western Arkansas Planning and Development Dist.	Sandy Sanders & Kevin Settle

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: December 29th, 2014

SUBJECT: Housing Authority

The term of Rex Terry of the Housing Authority will expire March 3, 2015.

There are no other applicants available at this time.

Appointments are **by the Housing Authority Commission confirmed by the Board of Directors,** one appointment is needed. The term will expire March 3rd, 2020.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(501) 785-2801
Administrative Offices FAX (501) 784-2407

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Fort Smith Housing Authority

2100 North 31st Street
Fort Smith, Arkansas 72904
(479) 782-4991 FAX (479) 782-0120
www.fortsmithhousing.org

December 19, 2014

Ms. Sherri Gard
Office of the City Clerk
623 Garrison Avenue, Suite 303
Fort Smith, AR 72901

Re: Reappointment of FSHA Commissioner Rex Terry

Dear Ms. Gard:

Enclosed is FSHA Resolution 1084, which reappoints Rex Terry as a Fort Smith Housing Authority commissioner for a five-year term. Please add this to the agenda for the January 6 board meeting.

Thank you for your assistance. Feel free to let me know if you need anything further.

Sincerely,

Jill A. Hatley

Jill A. Hatley
Administrative Assistant

Enclosure

RESOLUTION 1084

RESOLUTION TO REAPPOINT REX TERRY TO THE BOARD OF COMMISSIONERS OF THE FORT SMITH HOUSING AUTHORITY

WHEREAS, the term of Rex Terry as a member of the Board of Commissioners of the Fort Smith Housing Authority, expires on March 3, 2015; and

WHEREAS, Act No. 77 of the Acts of Arkansas of 1943, approved on February 19, 1943, provided that the commissioners of the municipal housing authority shall designate a successor to fill any vacancy occurring on the board of a municipal housing authority subject to approval and confirmation by the municipal governing body of said city; and

WHEREAS, the Board of Commissioners of the Fort Smith Housing Authority wishes to reappoint Rex Terry for a period of five (5) years in accordance with Act No. 77 of the Acts of Arkansas of 1943;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Fort Smith Housing Authority that Rex Terry is hereby reappointed to the Board of Commissioners of the Fort Smith Housing Authority, subject to approval and confirmation by the Board of Directors of the City of Fort Smith, Arkansas, to hold office for a period of five (5) years or until a successor has been designated by the Board of Commissioners of the Fort Smith Housing Authority. The Chairman and Secretary-Treasurer of the Fort Smith Housing Authority are hereby directed to execute and file with the City Clerk of Fort Smith, Arkansas, a certificate showing the reappointment of Rex Terry as a member of the Board of Commissioners of the Fort Smith Housing Authority.

Richard B. Griffin, Chairman

Kenneth L. Pyle, Secretary-Treasurer

12/18/2014
Date

OATH OF COMMISSIONER OF THE FORT SMITH HOUSING AUTHORITY

I, Rex Terry, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of Commissioner of the Fort Smith Housing Authority.

Rex Terry

COUNTY OF SEBASTIAN)
) ss
STATE OF ARKANSAS)

Before me, the undersigned, a Notary Public duly commissioned, qualified, and acting within and for the County of Sebastian and State of Arkansas, appeared Rex Terry, known by me to be one of the Commissioners of the Fort Smith Housing Authority, this 18th day of December, 2014, and made the above oath.

Jill A. Hatley
Notary Public

My commission expires:

7-23-20

JILL A. HATLEY NOTARY PUBLIC ARKANSAS SEBASTIAN COUNTY 12377686 EXPIRES 7-23-2020

HOUSING AUTHORITY

The Housing Authority is authorized to provide low-income housing assistance to residents of the City and the County. Vacancies on the Housing Authority shall be filled by the remaining members of the Housing Authority subject to confirmation by the Board of Directors serving a 5 year term. The Housing Authority meets at 11:30 a.m. on the last Thursday of each month at the Beckman Center.

	DATE APPOINTED	TERM EXPIRES
Rex Terry 2714 Yorktown Circle (03) 452-2200	02/16/10	03/03/15
Linda Edwards Resident Commissioner 30 Nelson Hall Homes (04)	11/21/06	03/03/16
Richard B. Griffin, Chairman P.O. Box 2207 (02) 783-5191 (w)	10/20/92	03/03/17
Rick Foti 7810 Dover Circle (03) 452-3028	12/16/97	03/03/18
Barbara Webster Meadows 1801 North 13 Street (04) 452-6976	01/07/97	03/03/19

December 16, 2014

TO: Members of the Board of Directors
Members of the Library Board of Trustees

RE: Appointments:

Mr. Ben Carroll of the Library Board of Trustees has resigned his position on December 12th, 2014. In accordance with Ordinance No. 2926 applications for this prospective vacancy are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on January 13th, 2015. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Ray Gosack
City Administrator

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

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Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors
Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ Summary

Fort Smith Board of Directors
REGULAR MEETING
January 6, 2015 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 214 AND ONLINE AT http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

INVOCATION & PLEDGE OF ALLEGIANCE

OATH OF OFFICE CEREMONY FOR INCOMING DIRECTORS

ROLL CALL
- 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, the City website or http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

APPROVE MINUTES OF THE DECEMBER 16, 2014 REGULAR MEETING
Approved as written

ITEMS OF BUSINESS:

1. Presentation: Girl Scout Diamonds of Arkansas, Oklahoma and Texas

2. Ordinance establishing prices and fees for grave spaces and services at Oak Cemetery *~ Discussed at the November 25, 2014 budget hearing / First reading at the December 16, 2014 regular meeting ~* **** SECOND READING ****
   Defeated 2 in favor (Good & Hutchings), 5 opposed (Lau, Lorenz, Catsavis, Pennartz & Settle)

3. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to a Planned Zoning District by classification located at 7000 Chad Colley Boulevard) (Arkansas College of Osteopathic Medicine)*
Approved 7 in favor, 0 opposed / Ordinance No. 1-15

4. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to Extra-Territorial Jurisdiction Light Industrial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Extra-Territorial Jurisdiction Industrial Light (ETJ I-1) by classification located at 12934 Old Highway 71 South) (Beshears Construction)*
Approved 7 in favor, 0 opposed / Ordinance No. 2-15

5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Open Space and Office, Research & Light Industrial to Neighborhood Commercial / Rezoning: from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by classification located at 3101-3225 Phoenix Avenue)*
Approved 7 in favor, 0 opposed / Ordinance No. 3-15

6. Items relative to property located at 11808 Highway 71 South *(Arvest Bank)*:

   A. Resolution approving a pre-annexation agreement for Superior Federal Tract 1 *11808 Highway 71 South*
   Approved 7 in favor, 0 opposed / Resolution No. R-1-15

   B. Ordinance accepting certain territory into the City of Fort Smith, Arkansas *(3.5 acres)*
   Approved 7 in favor, 0 opposed / Ordinance No. 4-15

   C. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to General Commercial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11808 Highway 71 South)*
   Approved 7 in favor, 0 opposed / Ordinance No. 5-15

7. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) *(ArcBest Corporation)*
Approved 7 in favor, 0 opposed / Resolution No. R-2-15

8. Consent Agenda

A. Resolution authorizing an engineering services agreement for the design of a project in the 2015 Sales Tax Program, Project No. 15-01-A *($827,381.25 / Engineering Department / Budgeted – Sales Tax Program Fund)*
Approved 7 in favor, 0 opposed / Resolution No. R-3-15

B. Ordinance authorizing the Mayor to execute a services agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the city of Fort Smith
Approved 7 in favor, 0 opposed / Ordinance No. 6-15

C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2015 *(Annual bid / Various Departments / Budgeted – Various Departments)*
Approved 7 in favor, 0 opposed / Resolution No. R-4-15

D. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir *($91,032.00 / Utility Department / Budgeted – Water & Sewer Operating Budget)*
Approved 7 in favor, 0 opposed / Resolution No. R-5-15

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, the City website or http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings

EXECUTIVE SESSION (approximately 6:41 p.m.)

Appointments:

ADVERTISING AND PROMOTION COMMISSION
Director Don Hutchings
Term is indefinite

AUDIT COMMITTEE
Director Keith Lau
(to fill the unexpired term of former Director Pam Weber)
Term expires November 30, 2015

FORT SMITH HOUSING AUTHORITY
Rex Terry
Term expires March 3, 2020

SEBASTIAN COUNTY REGIONAL SOLID WASTE DISTRICT MANAGEMENT BOARD
Director Mike Lorenz
Term expires January January 21, 2016

Director Andre' Good
Term expires January 21, 2018

VICE-MAYOR
Director Kevin Settle
Term expires December 31, 2016

ADJOURN
6:57 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 6, 2015 ~ 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 Pastor Greg Woolf of Cliff Terrace Assembly of God Church, followed by the Pledge of Allegiance.

Fort Smith District Judge David Saxon administered the Oaths of Office to Mayor Sanders and Directors-at-Large Tracy Pennartz, Kevin Settle and Don Hutchings for the term of January 1, 2015 - December 31, 2018.

On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings. The Mayor declared a quorum present.

Mayor Sanders 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 December 16, 2014 regular meeting were presented for approval. Settle, seconded by Lau, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 2 was a presentation by the Girl Scout Diamonds of Arkansas, Oklahoma and Texas. Girl Scout Troop Leader Leigh Norton, Troop 4383 at St. Boniface Catholic School, addressed the Board advising cookie sales will begin January 10, 2015. Cookies will be $4.00 per box and ordered will arrive on February 14, 2015. Booth sales will begin February 21, 2015.

January 6, 2015 Regular Meeting

Girl Scout Jordan Geoates addressed the Board advising how funds will be utilized while Girl Scouts Katherine Kaelin and Caroline Thomas, presented boxes of cookies to the Mayor, each member of the Board and Administration, and served cookies to all those in attendance.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 2 was an ordinance establishing prices and fees for grave spaces and services at Oak Cemetery ~ *Discussed at the November 25, 2014 budget hearing / First reading at the December 16, 2014 regular meeting* ~ ** SECOND READING **

Mayor Sanders announced such is merely to accommodate the second reading of the ordinance.

Lau, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the second and third readings of the ordinance to be by caption and for the readings to occur on the same date. The members voted as follows: ayes - Good & Hutchings; nays - Lau, Lorenz, Catsavis, Pennartz & Settle. The Mayor declared the ordinance defeated on its second reading.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned to a Planned Zoning District by classification located at 7000 Chad Colley Boulevard) (Arkansas College of Osteopathic Medicine).*

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Time Risley & Associates, agent for The Degen

Foundation. The purpose of the rezoning is to allow for the development of the Arkansas College of Osteopathic Medicine's future campus and supporting facilities. The development appears to support multiple policies of the Comprehensive Plan. The Planning Commission held a public hearing on December 9, 2014 with no individual present to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

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

The Planning Commission approved the amended request by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention.

Hutchings, seconded by Pennartz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) readings of the ordinance to be by caption and for the readings to occur on the same date. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 1-15.

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 Extra-Territorial Jurisdiction Neighborhood Commercial to Extra-Territorial Jurisdiction Light Industrial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Extra-Territorial Jurisdiction Industrial Light (ETJ I-1) by classification located at 12934 Old Highway 71 South) (Beshears Construction).*

January 6, 2015 Regular Meeting

Mr. Bailey briefed the Board on the item advising such is per the request of Kelly Wilson, agent for Eddy & Kathryn Beshears. The purpose of the proposed amendments is to better reflect how the area has developed, which is currently used as a contractor's shop and storage yard for Beshears Construction. The subject area is located in the Extra-Territorial Jurisdiction (ETJ) area, which in 2003 all ETJ areas were given and Open-1 zoning district as a placeholder until development occurred that required a zoning change and existing land uses were permitted to continue as nonconforming uses. The zoning of land in the ETJ area complies with the Comprehensive Plan Policy 1.3.1 - *"Exercise the City's extra-territorial jurisdiction over land in Sebastian County."* The Planning Commission held a public hearing on December 9, 2014 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan and rezoning amendments with eight (8) in favor, zero (0) opposed and one (1) abstention.

Director Pennartz questioned if residential properties are located near the subject area and if the proposed amendments could affect property values of said structures.

Mr. Bailey advised residential structures are located across the street and in the general vicinity. In order to determine the affect on property values, such would require appraisals; however, he clarified the main purpose of the proposed amendments is merely to allow an addition to the existing structure.

Catsavis, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) readings of the ordinance to be by caption and for the readings to occur on the same date. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and

given Ordinance No. 2-15.

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 Open Space and Office, Research & Light Industrial to Neighborhood Commercial / Rezoning: from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by classification located at 3101-3225 Phoenix Avenue).*

Mr. Bailey briefed the Board on the item advising such is per the request of Brandon Woodrome, agent for Ben David, LLC. The purpose of the requests is to allow a three-lot development that will include a restaurant (breakfast & lunch only), medical clinic, a six-unit strip center and a hair salon. Neighborhood meetings were held on September 30 and October 9, 2014. A total of twelve (12) property owners attended the neighborhood meetings with only one (1) conveying opposition to the proposed development. The Planning Commission held a public hearing on December 9, 2014 with six (6) property owners in attendance speaking in support of the development. Two (2) individuals were also in attendance to speak in opposition alleging the development is incompatible with the surrounding residential area and expressing concern relative to traffic and potential property devaluation. The Planning Commission approved the Master Land Use Plan amendment with nine (9) in favor and zero (0) opposed. Regarding the proposed rezoning, the Planning Commission voted unanimously to amend the request to make approval subject to the following:

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

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

The Planning Commission approved the amended rezoning request with nine (9) in favor and zero (0) opposed.

The following individuals were present to address the Board:

- Beatrice White
  Fort Smith, AR

  Re: Spoke in favor of the proposed item citing the proposed development will be a "nice improvement", enhance the existing appearance of the area and increase property values of surrounding residences.

- Bryan White
  Fort Smith, AR

  Re: Also spoke in favor of the item advising such is positive step forward the neighborhood. He further expressed concern that the existing zoning classification would allow a multi-family development, which is adamantly opposed.

- Mary Karber
  Fort Smith, AR

  Re: Spoke in opposition to the citing a medical clinic or restaurant does not need to be located in such close proximity to a residential neighborhood. She further expressed concern that the proposed development will create a drainage issues for the surrounding residences; therefore, recommended the development be relocated to an area along Towson Avenue, Jenny Lind Road or Phoenix Avenue.

Director Good conveyed much assurance the City is aware of the alleged drainage issues and questioned if the area currently maintains adequate drainage facilities.

Director of Engineering Stan Snodgrass advised of no existing drainage issues in the area and conveyed much assurance that all drainage issues, potentially created by the proposed development, must be adequately addressed prior to issuance of building permits.

Good, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) readings of the ordinance to be by caption and for the readings to occur on the same date. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 3-15.

Item No. 6 consisted of the following items relative to property located at 11808 Highway 71 South *(Arvest Bank)*:

A. Resolution approving a pre-annexation agreement for Superior Federal Tract 1 *(11808 Highway 71 South)*

B. Ordinance accepting certain territory into the City of Fort Smith, Arkansas *(3.5 acres)*

C. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: from Extra-Territorial Jurisdiction Neighborhood Commercial to General Commercial / Rezoning: from Extra-Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by classification located at 11808 Highway 71 South)*

Mr. Bailey briefed the Board on the items advising such is per the request of Arvest Bank. Item No. 6A authorizes execution of a pre-annexation agreement, which specifically identifies issues to be addressed such as establishing master land use designations, zoning of the subject property (3.5 acres); installation of a fire hydrant (required by the Fort

Smith Fire Department); understanding that Marion Lane is a private road and that the City shall not be responsible for maintenance; and the dedication of drainage easements per the 2011 Storm Drainage Standards.

Item No. 6B accepts the subject property into the corporate limits of the City of Fort Smith. The petition for annexation was filed with Sebastian County on September 9, 2014 and the Decree of Annexation duly filed with Sebastian County on October 20, 2014.

Item No. 6C accomplishes the required master land use designation and zoning classification and is per the request of Patrick Mickle, agent for Arvest Bank. A neighborhood meeting was held on December 1, 2014 with no neighboring property owners in attendance. The Planning Commission held a public hearing on December 9, 2014 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment with nine (9) in favor and zero (0) opposed. The rezoning request was unanimously amended to make approval subject to approval of the annexation by the Fort Smith Board of Directors. The Planning Commission approved the amended rezoning request by a vote of nine (9) in favor and zero (0) opposed.

Director Pennartz inquired of the purpose for the annexation.

Mr. Bailey advised of no other or additional commercial purpose than it's current use; however, such is merely to allow Arvest Bank to connect to the City of Fort Smith's sewer system.

Settle, seconded by Lau, moved adoption of Item No. 6A. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-1-15.

Settle, seconded by Lau, moved adoption of Item No. 6B. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 4-15.

Settle, seconded by Catsavis, moved adoption of Item No. 6C. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 5-15.

Item No. 7 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 Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) *(ArcBest Corporation).*

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 ArcBest Corporation, who is investing $45,715,000 in facilities and equipment at their new corporate headquarters being constructed at Chaffee Crossing and their existing building at 3801 Old Greenwood Road. The investment will support the addition of 975 new employees (a 71% increase for the corporation's Fort Smith facilities) making an average hourly wage of $26.07 over a ten year period. 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 and supports Goal ED-3 of the Fort Smith Comprehensive Plan; therefore, he recommended approval.

Settle, seconded by Pennartz, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Lorenz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-2-15.

The Consent Agenda (Item No. 8) was introduced for consideration, the items being as follows:

A. Resolution authorizing an engineering services agreement for the design of a project in the 2015 Sales Tax Program, Project No. 15-01-A *($827,381.25 / Engineering Department / Budgeted - Sales Tax Program Fund)*

B. Ordinance authorizing the Mayor to execute a services agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the city of Fort Smith

C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2015 *(Annual bid / Various Departments / Budgeted - Various Departments)*

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

Catsavis, seconded by Good, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the ordinances and resolutions were adopted with the ordinance given Ordinance No. 6-15 and the resolutions given Resolution No. R-3-15 through R-5-15 respectively.

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

- Mayor Sanders

  Re: 1. Extended much appreciation to the Fort Smith Parks and Recreation Department for the Christmas lights and Holiday Express at Creekmore Park during the 2014 holiday season.

  2. Conveyed gratitude to the Fort Smith Convention Center staff and all those involved in making the Mayor's New Year's Eve Celebration at a great success.

  3. Extended much appreciation to the Fort Smith Police and Fire Departments and all others who worked during the holidays to ensure the safety of Fort Smith residents.

- Director Settle

  Re: 1. Congratulated Northside High School on their recent success at the Coke Classic.

  2. Encouraged attendance at the University of Arkansas Fort Smith upcoming conference games.

The Board entered into executive session at approximately 6:41 p.m. and after reconvening, the Mayor announced the following appointment nominations:

ADVERTISING AND PROMOTION COMMISSION
Director Don Hutchings
Term is indefinite

AUDIT COMMITTEE
Director Keith Lau
(to fill the unexpired term of former director Pam Weber)
Term expires November 30, 2015

FORT SMITH HOUSING AUTHORITY
Rex Terry (reappointment)
Term expires March 3, 2020

SEBASTIAN COUNTY REGIONAL SOLID WASTE DISTRICT MANAGEMENT BOARD
Director Mike Lorenz
Term expires January 21, 2016

Director Andre' Good
Term expires January 21, 2018

VICE-MAYOR
Director Kevin Settle (reappointment)
Term expires December 31, 2016

Lau, seconded by Hutchings, moved acceptance of the above named nominations. The members all voting aye, the Mayor declared the motion carried.

Lau, seconded by Settle, moved to place the following items on a future study session:

- Review fiscal policies of the City of Fort Smith in advance of the FY2016 budget process
- Discuss the LOPFI multiplier and the city's contributions to the police & fire pension program

Mayor Sanders noted placement of items an a future agenda merely requires concurrence of two (2) members of the Board; therefore, he announced the above items will be placed on a future study session agenda.

There being no further business to come before the Board, Hutchings 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 6:57 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK