Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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
November 3, 2015 ~ 6:00 p.m.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

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

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

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

APPROVE MINUTES OF THE OCTOBER 20, 2015 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance to amend Chapter 25, Article II of the Fort Smith Municipal Code to amend billing utilities procedures ~ *Pennartz/Lau placed on agenda at the September 8, 2015 study session / First reading at the October 6, 2015 regular meeting / Second reading at the October 20, 2015 regular meeting /* ***THIRD & FINAL READING*** ~

2. Presentation of proposed 2016 Budget

3. Items relative to an appeal of the Planning Commission's denial of a requested amendment to the 2009 Unified Development Ordinance *(appeal of Jeremy Jones / River City Cycles)*

   A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use)*

B. Resolution affirming the action of the Planning Commission denying the appeal for a text amendment to the 2009 Unified Development Ordinance to add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use

4. Items regarding an appeal of the Planning Commission's denial of a conditional use permit *(appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin)*

   A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

   B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

5. Ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8009 Steep Hill Road)*

6. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: Residential Detached to Residential Attached / Rezoning: Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension located at 3321 Utica Street)*

7. Ordinance rezoning identified property and amending the zoning map *(Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 7001 Wells Lake Road)*

8. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbrewery / microwinery / microdistillery)*

9. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(auto body shops in the ETJ Industrial Light zoning district)*

10. Resolution authorizing the hiring of one internal auditor for Utility ~ *Lau/Settle placed on agenda at the October 20, 2015 regular meeting* ~

11. Ordinance authorizing the appropriation of funds from the Landfill Operating Fund, and accepting the bid of and authorizing the Mayor to execute a contract with Forsgren Inc. for the Landfill Road Reconstruction Project *($1,393,424.20 / Sanitation Department / Budgeted - Sinking Fund ~ Landfill Construction)*

12. Consent Agenda

   A. Resolution to accept the bid and authorize a contract for the construction of street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996

($2,161,727.73 / Engineering Department / Budgeted – Sales Tax Program Fund, EDA Grant, Degen Foundation) ♦

B. Resolution accepting Change Order No. 2 with Dixon Contracting, Inc. for the construction of the Greg Smith Riverwalk (West River Front Trail) *($8,500.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax)*

C. Resolution authorizing the execution of a memorandum of agreement between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, concerning the administration and funding for the Fiscal Year 2015 Homeland Security Grant Program

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

1

As Amended

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 25, ARTICLE II, OF THE FORT SMITH MUNICIPAL CODE TO AMEND BILLING UTILITIES PROCEDURES

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

Section 1: Sections 25-43 and 25-45 of the Fort Smith Municipal Code are amended to read as follows:

Section 25-43. When payment due.

All bills for utility services furnished by the city shall be due and payable prior to midnight of the twentieth (20th) day following the date of such bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the city, then such bill shall be due and payable by midnight of the following business day.

Sec. 25-45. - Disconnection for nonpayment.

In the event bills for utility services shall not be paid when the same become due, the city shall have the right to disconnect and discontinue all utility services furnished by the city to the consumer so in arrears. Disconnection shall occur on the thirtieth (30th) day following the date of the bill; provided, however, that if such due date shall fall on a Sunday or a legal holiday observed by the city, then such disconnection shall occur on the following business day.

Section 2: This ordinance shall become effective January 1, 2016.

PASSED AND APPROVED THIS _____ DAY OF _____, 2015.

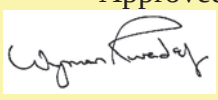
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
City Attorney

Publish 1 time

1

AS AMENDED

MEMORANDUM

October 14, 2015

TO: Jeff Dingman, Acting City Administrator

FROM: Jennifer Walker, Deputy Finance Director

SUBJECT: Ordinance Amending Utility Billing Procedures – Second Reading

An ordinance amending utility billing procedures is enclosed for the Board's consideration. This amendment will adjust billing action dates and follow-up procedures in the event of non-payment for residential services. A schedule of current cycle dates and proposed dates is included in Attachment #1. An example using Cycle 1 dates is included below for reference. Note, this example reduces the collection process from 63 days to 35 days (slightly more than 30 days due to weekends). Most collection days under the proposed rule will range from 30-34 days, depending on the cycle.

Cycle 1 Example:	Current Rule	Proposed Rule
Billing statement date	Monday, October 12, 2015	Monday, October 12, 2015
Penalty Date	Friday, November 06, 2015	Monday, November 02, 2015
Statement Turnoff Date	Monday, December 07, 2015	Thursday, November 12, 2015
Actual Turnoff Date	Monday, December 14, 2015	Monday, November 16, 2015
Total Days outstanding	**63**	**35**

The attached ordinance has been amended to include an effective date of January 1, 2016 as approved by the Board of Directors at the Board Meeting on October 6, 2015.

Jennifer Walker

2

MEMORANDUM

October 30, 2015

TO: Jeff Dingman, Acting City Administrator

FROM: Jennifer Walker, Deputy Finance Director

SUBJECT: Presentation of 2016 Budget

Please find enclosed a summary budget document for the 2016 Fiscal Year. Relevant Budget notes and a summary of operating funds is included as an attachment.

This information and the budget document will be reviewed during the budget hearings scheduled for Thursday, November 12th, 2015 and Monday, November 16th, 2015.

The budget document will be available for download on the City's Website before 7pm tonight (Friday, October 30th). We will email a link once the document is uploaded. Alternatively, you can navigate to the document by visiting the City's website. Please click Government / City Departments / Finance / Documents.

Hard copies of the budget presentation will be available on Monday at 2pm for Board members and administrative staff, although all information will be included at the link on the website. Other interested parties should reference the electronic document.

The budget packet is organized as follows:

1. Budget Notes
2. Summary Schedules, including Fund Balances
3. The Budget Supplement with individual program details

Please note that the summary schedules and budget supplement will be in one document during the budget hearings phase for ease of reference.

Please let me know if you have any questions.

2016 PROPOSED BUDGET NOTES

Key Details of the 2016 Budget Plan

- No use of Fund Balance for Operations; primary goal achieved in General, Water, and Sanitation Fund
- General Fund Balance Contingency Reserve at 12.9%; substantial progress made toward 15% fund balance goal without service elimination and limited service reductions.
- General Fund Expenditures down $3,207,377 (6.5%); $46,207,868 in 2016 vs. $49,415,245 in 2015 original budget.

Steps Taken to Achieve 2016 Budget Plan

- No new personnel requests are included in the Budget Plan. All new personnel requests are presented in a separate personnel schedule for consideration.
- Most General Fund capital requests were eliminated from the Budget Plan. All capital requests are presented in a separate capital schedule for consideration. General Fund capital requests were removed from the budget plan, with the exception of Transit, Grant Funded, and Sales Tax Funded capital. Streets Maintenance, Water / Sewer, and Sanitation capital is included in the Budget Plan.
- Retirement is reduced to a **5%** contribution by the City to employee 401(a) retirement accounts. This is a 50% reduction over 2015 contributions, resulting in a savings of $432,000 to the General Fund.
- Insurance Costs are budgeted flat from 2015 because insurance plan selection for 2016 is not yet final. However, City administration is certain that the plan chosen for 2016 will be the same or less than 2015 costs.
- Personnel Reductions; the Budget Plan includes a reduction of 13 patrol officers and 1 vacant Sr. Clerk position in the Police Department. Parks department reduced seasonal and maintenance personnel by 2.75 FTE's. Finance eliminated the Deputy Finance Director position.
- Transfers to LOPFI; the Budget Plan does not include any transfers to the LOPFI fund in its current condition.
- Funding for ERP Project; City Administration plans to present a proposal in 2016 to implement an ERP project. The Budget Plan does not include any reserve for such a project.

Jennifer Walker, Finance Director
P.O. Box 1908
Fort Smith, AR 72902
Email: JWalker@FortSmithAR.gov
Phone (479) 784-2490
Fax (479) 784-2484

Estimated Fund Balance/Working Capital 10/27/2015
Operating Funds
2016 Budget

	Total	General Fund	Street Maintenance Fund	W/S Fund	Sanitation Fund
Estimated Revenues 2016	120,445,924	47,005,163	7,959,922	51,550,800	13,930,039
Estimated Expenditures/Expenses 2016	108,028,644	46,207,868	8,082,731	40,415,995	13,322,050
Transfer to LOPFI Fund	-	-	-	-	-
Net Revenues and Expenditures	12,417,280	797,295	(122,809)	11,134,805	607,989
FUND BALANCE					
Beginning Balance 01/01/16	$ 15,915,500	$ 5,183,412	$ 1,570,208	$ 6,032,004	$ 3,129,876
Net Revenues and Expenditures	12,417,280	797,295	(122,809)	11,134,805	607,989
Ending Balance 12/31/16	$ 28,332,780	$ 5,980,707	$ 1,447,399	$ 17,166,809	$ 3,737,865
CIP Transfers	1,150,000	-	-	450,000	700,000
Estimated Contingency/Reserve (excluding CIP transfers)	26.23%	12.94%	17.91%	42.48%	28.06%
Required Contingency/Reserve @ 15%		6,931,180	1,212,410	8,083,199	1,998,308
Required Reductions to 15% Fund Balance		950,473	-	-	-
Each 1% Reserve Requirement		462,079	80,827	404,160	133,221

3A.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on October 13, 2015, that said changes not be made; and,

WHEREAS, an appeal has been filed requesting the Board of Directors approve the amendment; and,

WHEREAS, three (3) copies of the November 2015 Amendments to the Unified Development Ordinance allowing motorcycle or ATV sales and service in a Commercial-6 zone have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The November 2015 Amendments to the Unified Development Ordinance allowing motorcycle or ATV sales and service in a Commercial-6 zone are hereby adopted.

SECTION 2: The codifier shall amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF _____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

NOVEMBER 2015 – MOTORCYCLE OR ATV SALES & SERVICE IN C-6 ZONES

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

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
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
Car wash - full service																					P		P		
Car wash self-service																		C	P	P	P	C	P		
Gasoline service station																				P	P		P	P	P
Motorcycle or ATV sales & service																					P		P	P	P
Motorcycle or ATV sales & service (no outdoor storage)																						C			
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		
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	C	P		
Bicycle sales and service (no outside storage)																	P	P	P	P	P	P	P		
Bookstore															P		P	P	P	P	P	P			
Bridal shop															P	P	P	P	P	P	P	P			
Cameras, photographic supplies and services															P		P	P	P	P	P	P			
Clothing, jewelry, luggage, shoes, accessories															C		P	P	P	P	P	P			

3B.

RESOLUTION NO._____

A RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION DENYING THE APPEAL FOR A TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ADD MOTORCYCLE OR ATV SALES AND SERVICE TO THE COMMERCIAL-6 ZONING DISTRICT AS A CONDITIONAL USE

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

The Board of Directors hereby affirms the action of the Planning Commission which denied the appeal for a text amendment to the Unified Development Ordinance to add motorcycle or ATV sales and service to the Commercial-6 zoning district as a conditional use.

THIS RESOLUTION ADOPTED THIS_____DAY OF_____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____NPR

MEMORANDUM

TO: Jeff Dingman, Acting City Administrator

From: Wally Bailey, Director of Development Services

Date: October 29, 2015

Subject: Appeal of Planning Commission Decision

At the October 13, 2015, Planning Commission meeting, the Planning Commission reviewed a text amendment to the Unified Development Ordinance which would add motorcycle or ATV sales and service to the Commercial-6 zoning district as a conditional use. The Planning Commission denied this request by a vote of 4 in favor and 5 opposed.

I have enclosed the summary of the meeting, a copy of information regarding the appeal and information from the planning commission packet.

This appeal will be on the Board of Directors November 3, 2015, regular meeting agenda. We will present two (2) Resolutions to the Board for their consideration.

Approval of Ordinance, item A, will overturn the Planning Commission's decision and approve the text amendment which will allow the addition of motorcycles or ATV sales and service to a Commercial-6 zoning district as a conditional use.

Approval of the Resolution, item B, will affirm the Planning Commission's decision which denied the text amendment.

The planning commission's denial of the text amendment was primarily due to testimony by Richard Griffin, chair of the Central Business Improvement District Commission. Mr. Griffin told the planning commission that when the CBID reviewed the text amendment request on September 15, 2015, it was his understanding that the CBID recommended approval to the planning commission as long as there was no outside storage or display of motorcycles or ATV's. However, the applicant submitting the request, Jeremy Jones, told the planning commission that while he did plan to have outside storage, it was his understanding that the CBID had no objection to outside display of motorcycles or ATV's.

Due to the confusion regarding the issue of outdoor display, the CBID reviewed the text amendment again at their October 20, 2015, meeting. After reviewing the issues, the CBID voted unanimously to recommend the text amendment with the understanding that the issue of outdoor display would discussed as part of the conditional use application review. At that same

meeting the CBID reviewed Mr. Jones' conditional use application for a motorcycle or ATV sales at 201 Towson Avenue and recommended approval to the planning commission provided outside display is during business hours only and in the area south of the building as specified in the application.

Based on the clarification concerning outside display, the applicant has appealed to the Board of Directors to approve the text amendment.

Please contact me if you have any questions.

Enc.

City Clerk
FILED 10-20-15
HI

Jeremy Jones
River City Cycles
3510 Grand Avenue
Fort Smith, Arkansas 72904

October 20, 2015

The Honorable Sandy Sanders, Mayor of Fort Smith
and Members of the Fort Smith Board of Directors
623 Garrison Avenue
Fort Smith, Arkansas 72901

REFERENCE: Planning Commission and Board of Zoning Adjustment Meeting
October 13, 2015

SPECIFIC: Staff Comments and Procedures
Item 12. A request by Jeremy Jones, River City Cycles, for a text amendment to the Unified Development Ordinance.
Vote: For: 4 Against: 5

By way of this letter, we respectfully appeal the decision of the Planning Commission denying a requested text amendment to add Motorcycle or ATV Sales and Service to the C-6 zoning district as a Conditional Use. There appeared to be misunderstanding of the general purpose of the text amendment, prompted by comments from members of the CBID designating a specific property as the point of focus for this item.

The CBID again reviewed this request at their October 20th meeting. Wally Bailey of the City of Fort Smith Planning Department presented complete clarification as to the generalized purpose of the text amendment. Based on that clarification, the CBID voted in favor of allowing the text amendment and encouraged our appeal be granted.

Your consideration of this request is appreciated. Please feel free to contact me with any questions or to advise of your decision. I can be contacted at 918-618-2262.

Jeremy Jones

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 29, 2015

Subject: Proposed UDO Text Amendment in the Commercial Downtown (C-6) Zoning District

Jeremy Jones of River City Cycles has submitted a request for a text amendment to allow "Motorcycle or ATV Sales and Service" in the Commercial Downtown (C-6) zoning district as a conditional use.

The UDO defines Motorcycle or ATV Sales and Service as follows:

> Shall mean a facility for display, service and sales or motorcycles and ATV's.

Currently, Motorcycle or ATV Sales and Service businesses are permitted in the Commercial Heavy (C-5), Industrial Light (I-1), Industrial Moderate (I-2), and Industrial Heavy (I-3) zoning districts.

The proposed amendment was presented to the Central Business Improvement District board on September 15, 2015, for its input. The CBID recommended that the planning commission approve the text amendment to allow Motorcycle or ATV sales in the C-6 zoning district as a conditional use provided that no outside storage is permitted. Enclosed are the draft CBID minutes relating to the text amendment.

If the text amendment is recommended for approval, Mr. Jones intends to submit a conditional use application for a Motorcycle and ATV Sales or Service business at 201 Towson Avenue.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

12A

Jeremy Jones
River City Cycles
3510 Grand Avenue
Fort Smith, Arkansas 72904

September 9, 2015

City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

RE: Text Amendment
C-6 Zoning District

Please accept this letter as request to obtain a Text Amendment to the Unified Development Ordinance of the City of Fort Smith. Specifically, to add Motorcycle or ATV Sales and Service to the C-6 zoning district as a Conditional Use.

Attached please find Page 2 from the Land Use Matrix, noting our request for the Conditional Use legend to be placed on the Matrix in the C-6 column.

Please place this request on the agenda for the first available Planning Commission Study Session.

Your consideration in this matter is appreciated. If you have any questions or need further information, please contact me at 918-618-2262.

Jeremy Jones

12B

11. A request by Quentin Willard, Fort Smith Brewing Company, for a text amendment to the Unified Development Ordinance.

Wally Bailey read the staff report indicating that the purpose of the text amendment is to add the following land uses to the UDO Land Use Matrix.

1. Small Scale Production.
2. Microbrewery/micro winery/micro distillery
3. Specialty Manufacturing

The applicant has requested that the above uses be permitted it the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3), and Commercial Regional (C-4) zoning districts.

Quentin Williams was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the UDO Amendment.
Motion was made by Commissioner Howard, seconded by Newton and carried with a vote of 9 in favor and 0 opposed to make approval subject to the following:

- Amend the UDO Land Use Chart to add Microbrewery/microwinery as a permitted land use in the Comercial-5 zoning district; and
- Amend Chapter 27-200 to delete the current definition of Microbrewery and replace with the applicant's definition for Microbrewery/microwinery/microdistillery.

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

12. A request by Jeremy Jones, River City Cycles, for a text amendment to the Unified Development Ordinances.

Wally Bailey read the staff reports indicating that the purpose of the text amendment to allow "Motorcycles or ATV Sales and Service" in the Commercial Downtown (C-6) zoning district as a conditional use.

Jeremy Jones was present to speak on behalf of this request.

Richard Griffin with (CBID) was present to speak in opposition to this request.

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, September 15, 2015
Area Agency on Aging, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room

Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, September 15, 2015 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas

The meeting was called to order by Mr. Richard Griffin, Chairperson, at approximately 9:33 a.m. and a quorum was noted present. Also in attendance were commissioners Phil White, Jeff Pryor, Bill Hanna, Sam Sicard, Steve Clark, and Rodney Ghan. Commissioner Lee Ann Vick was absent. Others in attendance included Jeff Dingman and Doug Reinert of the City of Fort Smith.

Mr. Hanna moved approval of the minutes of the August 18, 2015 regular meeting. Mr. Vick seconded and the motion carried by unanimous vote.

Mr. Sicard delivered the Treasurer's reports for the month of August, 2015, such documents being previously provided for the commissioners' review. As of August 31, 2015 the Total Cash-on-Hand for the CBID amounted to $172,353.66. Restricted funds comprise $6,000 of that total, so the total cash net of restricted funds amounted to $166,353.66. Mr. Pryor moved approval of the Treasurer's Report. Mr. Hanna seconded and the motion carried by unanimous vote.

Mr. White asked for the City Report. Mr. Dingman noted that five CBID commissioners (Griffin, White, Ghan, Sicard, and L. Vick) were appointed to six-year terms by the City's Board of Directors at their September 1 meeting. Also that the September 1 meeting, the city's Board approved the proposed amendments to the conditional uses permitted in the C-6 Zoning District, as was previously discussed and recommended by the CBID. Mr. Reinert updated the Commission on the status of the Greg Smith Riverwalk, currently under construction, noting that the spring weather caused significant delays in construction, so the original mid-September completion date will be pushed back an estimated 35-40 days. The addition of a kitchen and storage area to the River Park Pavilion is complete and the final walkthrough and payment will be completed soon.

The discussion turned to a potential shade structure at the newly opened splash pad at Compass Park. Mr. Griffin distributed architectural renderings showing one concept for a shade structure and seating area located in the center of the Compass Park compass rose. Mr. Ghan and Mr. Griffin collaborated with the architect to create the rendering. The concept of the renderings was well received, but the discussion turned to the appropriate placement of such structures in order to provide suitable shade closer to the splash pad. It was also noted that the proposed rendering, which included three coordinating structures, would likely cost about $18,000 to complete. Aside from the location of shade closer to the splash pad, some commissioners indicated they liked the idea of reserving the center of that patio area for public art instead of filling it with seating and shade structures. Mr. Ghan said that he would coordinate with the architect to consider shade closer to the splash pad, on both the east and west side, as well has have a more formal budget estimate within the next 30 days.

Mr. Griffin made note of The Unexpected mural project that occurred in Fort Smith the week of September 4 through September 13 through the initiative of CBID commissioner Steve Clark and Downtown 64.6. Mr. Clark provided a recap of the week, indicating that the several internationally renowned muralists that were in town for the event left with a very positive image of Fort Smith based on how they were treated and how the community was accepting of their work. Mr. Clark noted that there was lots of positive energy

created downtown for the event, which is the type of thing that is needed to show that Fort Smith is a progressive and livable city. The artists that participated travel the world, and will speak well of Fort Smith over the next year, so that there should be an opportunity to do a similar project again next year. Mr. John McIntosh, who helped promote and organize the event, indicated that it was an emotional experience, and a very good community event that Fort Smith did for itself. Mr. Clark added that citizens are "hungry" for this type of artistic experience, as well as appreciative of an event that uniquely belongs to Fort Smith. As for lessons learned, there was discussion of perhaps adding viewing stations where people could sit and watch the artists at work, as well as better efforts to coordinate with food truck vendors to help create the walkable atmosphere at the event. At the end of the discussion, Mr. Hanna moved that the CBID appropriate $5,000 for the continued support of The Unexpected project in preparation for the event in 2016. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Clark added that efforts to be more aggressive with vacant buildings and absentee owners in the downtown district will help create a better atmosphere for this type of event, and for the downtown in general. Mr. Clark said that the CBID needs to use its influence as appropriate to be protective of what happens in the district, specifically on Garrison Avenue.

Mr. Sicard noted that the master plan initiative was ongoing, and recapped the presentation of Stephen Luoni from the University of Arkansas Community Design Center. Mr. Sicard is still in the fact finding mode, exploring options that would provide for a suitable downtown master plan at minimal cost, noting that the cost would likely have to come from private or other sources as the city does not have funding to put toward this project.

Mr. Griffin introduced the first item of business for considering a recommendation regarding a conditional use application to allow an auto and vehicle dealer business at 500 Towson Avenue. Mr. Al Prieur spoke on behalf of his client, who recently purchased the property with the intent of relocating a used car dealership from another location (outside of the CBID) to this location. The client intends to use the building as is, with some minor upgrade work inside, and provide landscape islands along the Towson Avenue right-of-way. Mr. Ghan spoke in opposition to the project as being detrimental to the CBID by adding an additional car lot to the area. Mr. White agreed, and Mr. White moved that the CBID recommend that the Planning Commission deny the request for this conditional use. Mr. Ghan seconded, and the motion carried by unanimous vote.

Mr. Griffin introduced the second item of business, to discuss a proposed text amendment to the Unified Development Ordinance that would allow Motorcycle and ATV Sales and Service in the C-6 Zoning District as a Conditional Use. The UDO already allows for motor vehicle sales and service by conditional use, but does not specify that motorcycles or ATV sales and service is allowed. The proponent of the text amendment, Mr. Jeremy Jones, operates River City Cycles on Grand Avenue and has outgrown their space. They have located and propose to lease property at 201 Towson Avenue, within the CBID, that would allow for interior storage and showing of their products, which included motor scooters, ATV's and power sports equipment. Mr. White asked for clarification that all activity would be conducted inside, and that there would be no outside storage or display. Mr. Jones indicated that was correct. Mr. Dingman clarified that the CBID was not considering Mr. Jones' application for conditional use at this time, merely a text amendment that would allow Mr. Jones to subsequently apply for such conditional use. Mr. Ghan moved that the CBID recommend approval of such text amendment, provided that it require no outside storage or display as part of the text amendment. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Griffin asked for other comments from the commissioners. Mr. White noted that the nearly-complete project by Griffin on the 400 block of Garrison Avenue is very nice and a positive contribution to the Avenue and downtown in general. The inclusion of the US Marshal photograph is well done. Mr. Griffin thanked him for the comments, and noted that a family meeting in the breezeway at the property recently was often interrupted by loud truck noise, which is a downtown issue still seeking resolution.

Mr. White indicated that Michael LeJong of MAHG Architects has been in contact with him recently about the potential project to add accent lighting to the Garrison Avenue bridge. This project has been discussed

before, but had fallen off in recent months. Mr. LeJong intends to meet with representatives of Philips Lighting to continue discussion on possibilities for this effort. Mr. White added that this type of project could be folded into the discussion regarding the downtown master plan.

Mr. Hanna reported that he recently received confirmation of a private contribution to build trails projects in the city in the amount of $300,000. The donor wasn't made public yet, but a public announcement would be forthcoming.

Mr. Pryor reported that he should be ready to provide a report on his project to examine operations of the Farmers Market on behalf of the CBID at the October meeting.

Mr. Hanna noted that the "Hell on the Border" Arkansas State Criterion Championship bicycle race was held in downtown on Sunday, September 13. The event coordinated well with the final day of mural festival, and a lot of people came downtown that weekend. The race was a great success, with over 180 racers, a 50% increase from the previous year when the State Criterion Championship was held in Little Rock. There were a lot of positive comments from the racers, their families, and spectators about the energy and excitement downtown.

There being no additional business before the Commission, the meeting adjourned at approximately 11:15 a.m. The next regular meeting will be tentatively set for October 20, 2015.

Respectfully submitted,

Jeff Dingman
Acting City Administrator

Chairman Sharpe then called for the vote on the text amendment request.
The vote was 4 in favor (Howe, Redd, Sharp, Howard) and 5 opposed.

13. A request by Chris Adams Sharp, C Sharp Restorations, for a text amendment to the Unified Development Ordinance.

Wally Bailey read the staff reports indicating that the purpose of the text amendment to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district as a permitted use.

Chris Sharp was present to speak on behalf of this request.

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

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

- Amend the UDO to allow Auto Body shops in the ETJ Industrial Light (ETJI-L) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

The vote was 9 in favor 0 opposed.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

14. Variance #31-10-15; A request by Tim Risley, agent for Ronnie Risley, for a variance from 100 feet to 59 feet minimum separation between driveways and from 150 feet to 5 feet 4 inches minimum separation between driveways and street intersection located at 6101 Phoenix Avenue, Suite 3.

Brenda Andrews read the staff report indicating the purpose of this variance is to allow for the construction of a carport in the front yard and a covered area in the rear yard.

Tim Risley was present to speak on behalf of this request.

No one was present to speak on behalf of this request.

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

- Design input from the City Engineering Department that would include a right turn only

4A.

RESOLUTION NO._____

A RESOLUTION APPROVING AN APPEAL OF CONDITIONAL USE #19-10-15 FOR AN AUTO AND VEHICLE DEALER SALES LOCATED AT 500 TOWSON AVENUE

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

The Board of Directors hereby approves the appeal of Conditional Use #19-10-15 for an Auto and Vehicle Dealer Sales located at 500 Towson Avenue including the conditions of the approval established in Attachment "A" hereto attached.

THIS RESOLUTION ADOPTED THIS_____DAY OF_____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____NPR

4B.

RESOLUTION NO._____

A RESOLUTION AFFIRMING THE ACTION OF THE PLANNING COMMISSION DENYING CONDITIONAL USE #19-10-15 FOR AN AUTO AND VEHICLE DEALER SALES LOCATED AT 500 TOWSON AVENUE

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

The Board of Directors hereby affirms the action of the Planning Commission which denied the conditional use request for an Auto and Vehicle Dealer Sales located at 500 Towson Avenue.

THIS RESOLUTION ADOPTED THIS_____DAY OF_____, 2015.

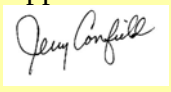
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____NPR

ATTACHMENT A

1. 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.

2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.

3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.

4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.

5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.

6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.

7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.

8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.

9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

MEMORANDUM

TO: Jeff Dingman, Acting City Administrator

From: Wally Bailey, Director of Development Services

Date: October 29, 2015

Subject: 500 Towson Avenue
Appeal of Planning Commission Denial of a Conditional Use Application

At the October 13, 2015, Planning Commission meeting, the Planning Commission reviewed a conditional use application that would allow an Auto and Vehicle Dealer Sales at 500 Towson Avenue. The Planning Commission denied the application by a vote of 3 in favor and 6 opposed.

I have enclosed the summary of the meeting, a copy of information regarding the appeal and information from the planning commission packet.

This appeal will be on the Board of Directors November 3, 2015, regular meeting agenda. We will present two (2) Resolutions to the Board for their consideration.

Approval of Resolution A will affirm the Planning Commission's decision which denied the conditional use application.

Approval of Resolution B will overturn the Planning Commission's decision and approve the conditional use application which will allow the Auto and Vehicle Dealer Sales lot to locate at 500 Towson Avenue. Additionally, Resolution B includes an Attachment A that enumerates nine (9) conditions the staff recommended for the conditional use approval. The staff felt these conditions would help mitigate any appearance concerns related to the auto sales lot. The applicant had indicated they had no problem complying with these items.

On September 1, 2015, the Board of Directors adopted Ordinance #60-15 approving a UDO Text Amendment request by Rodney Ghan, General Partner of Ghan Properties, LLP. Mr. Ghan's text amendment requested that Auto and Vehicle Dealer Sales as well as eight other uses in the Commercial Downtown (C-6) zoning district be changed from permitted land uses to conditional uses.

The UDO defines conditional uses as follows: "Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties."

There have been questions about the historical use of the property. Based on resources available to staff, below is an approximate summary of the land uses that have occurred on the property in the last 30 years.

1999 – 2013 Midwest Pool and Spa

1991 – 1998 Fort Smith Glass

? – 1986 Car Dealership

Mr. Al Prieur spoke on behalf of Mr. Mike Yasin. Mr. Prieur indicated they could comply with the staff recommendations. Also, this property had been used as an auto sales lot in the past.

During the Planning Commission meeting Mr. Rodney Ghan, Mr. Richard Griffin, and Jeremy Drinkwitz, COO of Sparks Health System, spoke against the conditional use. The comments were about the vision and future appearance of Towson Avenue / CBID and that it would be better if this property were developed with offices, medical clinic and some residential. Mr. Ghan submitted photographs and a concept plan for development of the property. A copy of this information is enclosed.

Please contact me if you have any questions.

Enc.

Summary of Planning Commission Item #7 – Conditional Use #19-10-15; A request by Al Prieur, agent for Mike Yasin, for a conditional use for an auto and vehicle dealer located at 500 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this conditional use request is to allow for the use of the existing building and site as an auto and vehicle dealer.

Mr. Al Prieur, agent for the owner Mr. Mike Yasin, was present to speak on behalf of this request. Mr. Prieur stated that his client does own this building and if he had purchased this property a little earlier prior to Mr. Ghan requesting the UDO amendment which would require conditional use approval for a car lot they would not be before the Planning Commission.

Mr. Prieur also noted that this location use to be a car lot and the owner wants to utilize this building once again for a car lot. Mr. Prieur stated that is an existing building that needs to be used.

Mr. Rodney Ghan spoke in opposition to this request. Mr. Ghan stated that about a month ago he submitted a request for a UDO text amendment in a C-6/CBID district in an attempt to eliminate some of the car lots in this area. Mr. Ghan stated that as a citizen he considers this as a challenge to clean up the downtown area and increase property values in the downtown area and car lots along Towson avenue will not do that.

Mr. Ghan submitted an example to the Planning Commission of a potential prospect he was trying to develop at one time which included a clinic and a second story apartment with parking underneath.

Commissioner asked Mr. Ghan if he had tried to purchase this property and he noted that he had tried to purchase the property with his offer going in at the same time as the current property owners. Mr. Ghan also stated that when he found out it was going to be bought and used as a car lot, he actually contacted Mr. Jimmie Taylor, the agent who represented the seller, and offered him $350,000.00 which was more than he had paid for the property in an attempt to at some point try to develop this property.

Mr. Richard Griffin, representing the CBID Commission as well as being a property owner in the downtown area, was present to speak in opposition to this request. Mr. Griffin noted that his family is currently renovating a building on the same side of the street as his office on Towson Avenue and right up the street from this location for Sparks Hospital to be utilized as a physical therapy clinic. He asked the Commission to deny this request in an attempt to help clean up the downtown area and increase property values by not allowing more undesirable uses in this area.

Mr. Jeremy Drinkwitz, COO of Sparks Health System, also spoke in opposition to this request. He noted that Sparks Hospital is one of the largest employers in the area. He stated that they are currently renting and renovating a building from Mr. Griffin for a physical therapy clinic. He also noted that they are somewhat landlocked in their ability to expand and need this ability in order to attract doctors to

this area and serve a underserved area along Towson Avenue. He stated that they need good space for clinics to be located near their facility and this would be a good potential site to put a nice clinic.

Following a discussion by the Commission, Chairman Sharpe then called for the vote on the conditional use request. The vote was 3 in favor (Howe, Howard, Redd) and 6 opposed.

A & R Auto Sales
221 Towson Ave

Midway Auto Sales
323 Towson Ave

& H Auto Sales
501 Towson Ave

asin's Used Cars
300 Towson Ave

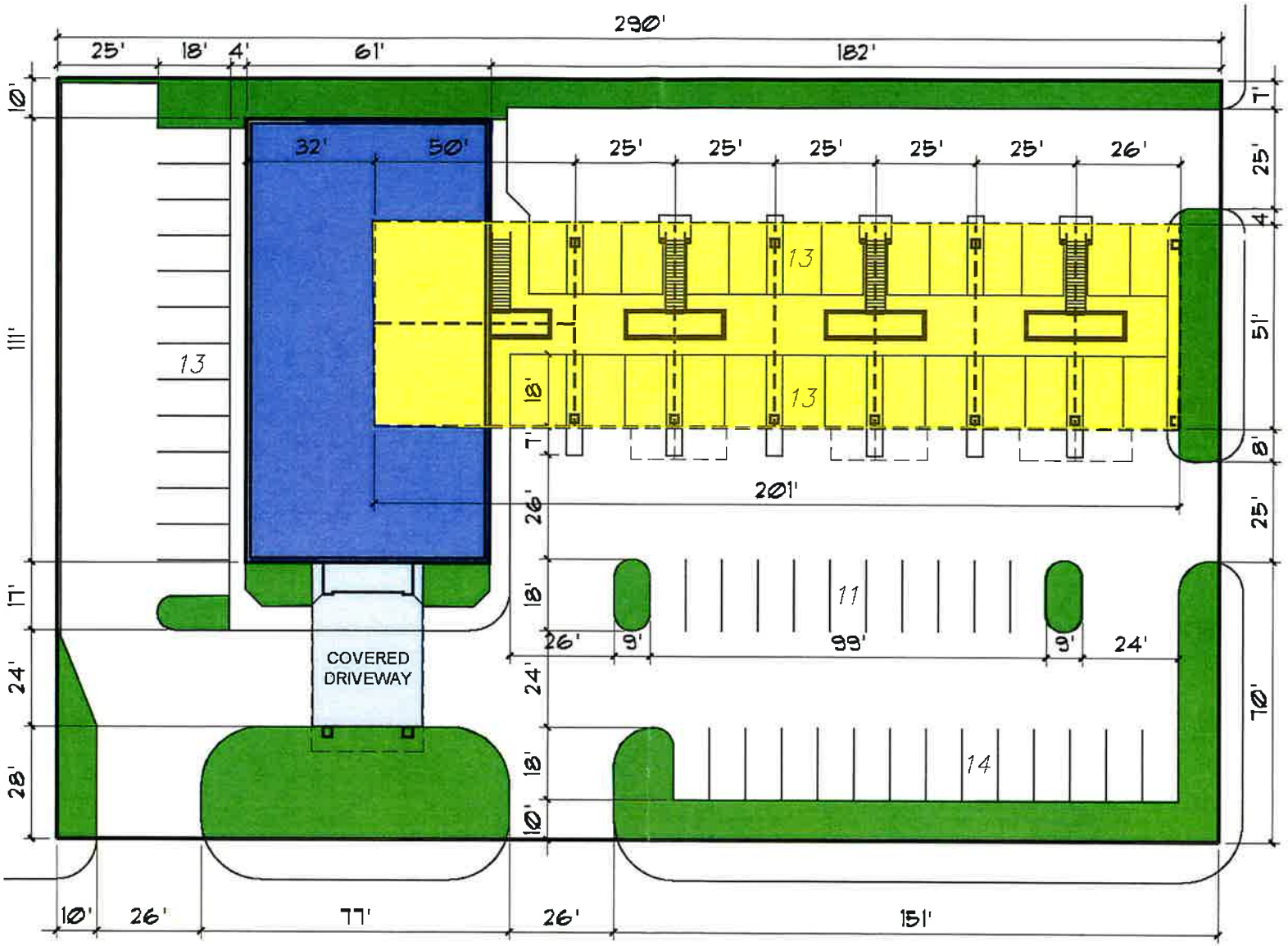
Wilson's Used Cars
900 Towson Ave

Brand Name Auto Sales
1410 Towson Ave

All red boxes are existing used auto sales

The blue box is the proposed site

North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99'
9'
24'
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14
COVERED
DRIVEWAY
10'
26'
77'
26'
151'

ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

City Clerk
FILED 10/22/15
S. Gard

October 22, 2015

City of Fort Smith
Administration
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Ms. Sherri Gard, CMC
City Clerk

Re: Appeal

Dear Ms. Gard:

As the representative of Mr. Mahmoud "Mike" Yasin the property owner that requested the Conditional Use for his auto sales lot, I am requesting that our appeal be heard by the City of Fort Smith Board of Directors. We are appealing the denial of a conditional use request for an auto vehicle dealer sales lot be located at 500 Towson Avenue. This is the site original used for auto sales. The Conditional Use number is 19-10-15. It is my understanding that the hearing will be November 3, 2015 at 6:00 pm in Building "B" at the Fort Smith School Service Center at 3205 Jenny Lind Road. The fee of $75.00 is included.

If you have any questions, please call me.

Respectfully submitted,

Alvin L. Prieur, Jr., PE
Consulting Engineer

ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

October 30, 2015

City of Fort Smith Board of Directors

I have filed an appeal of the Planning Commission denial of the Conditional Use request for the property at 500 Towson Avenue. The property own of the property is Mr. Mahmoud "Mike" Yasin. Mr. Yasin wanted to turn the property back into an auto sales lot. Mr. Yasin currently owns a auto sales lot at 1818 Towson Avenue that would be relocated to this location.

Mr. Ysain made an offer on the property in July 2015. The use of the property was discussed with the Fort Smith Planning Department and the double zoning was confirmed to be C-6 and I-1. At this time, the C-6 had this use as permitted. It is my understanding that another offer had been made on this property after Mr. Yasin offer had been accepted.

In July 2015 a request was made by Ghan Properties to do a text amendment to the Unified Development Ordinance on the C-6 zoning uses and change some from Permitted to Conditional. This change was presented and approved by the Planning Commission in August, 2015. The Board of Directors approved this in September 2015.

This approval happen a few days before the sale of the property was finalized. As a result I began the preparation of a Conditional Use application. This was presented to the CBID for review in September as was rejected because there were to many auto sales lots in the area. In October this went before the Planning Commission, at the study session there were very few questions. At the voting session, Mr. Gahn presented his objections to the request. It showed pictures of other lots and his ideas of how the

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property should be developed. He had others with him that objected to the request.

This property was for sale for sale many months before Mr. Yasin purchased the property. I have been told that he wanted the property but at a reduced price. In the Conditional Request forms the purpose is listed as help keep potential harmful effects that some uses can cause to nearby property. This is understandable but this property was a auto sales lot originally. My thought on the Zoning use change was to reduce the development of small lots in to sales areas for 5 to 10 cars which I see could be a problem for the CBID but this is a large lot and will have nice cars.

I do feel that the objections to this request had some personal feeling over and above the actual request and the hope the owner would have to sell the property because he could not use it.

Respectfully submitted,

Alvin L. Prieur, Jr., PE

Consulting Engineer

The City of Fort Smith ARKANSAS

October 14, 2015

Mr. Al Prieur
P. O. Box 1689
Van Buren, AR 72957

Dear Al:

The Planning Commission denied the conditional use request for an auto and vehicle dealer business located at 500 Towson Avenue at their October 13, 2015, meeting, based on the testimony provided by Mr. Rodney Ghan and Mr. Richard Griffin, members of the Central Business Improvement District (CBID), and also Mr. Jeremy Drinkwitz, representing Sparks Hospital.

The Planning Commission's action on this conditional use request can be appealed to the City Board of Directors. Any appeal must be filed in writing with the City Clerk's Office by 5:00 p.m. on Friday, October 23, 2015. The fee for filing an appeal is $75.00. If appealed, this request will be scheduled to be heard by the City Board of Directors at their November 3, 2015, meeting at 6:00 p.m. in Building "B" of the Fort Smith School Service Center located at 3205 Jenny Lind Road.

If you have any questions concerning this matter, you may contact the Planning Department at 784-2216.

Sincerely,

Wally Bailey
Director of Development
Services

lp

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

October 29, 2015

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

Re: Conditional Use #19-10-15; A request by Al Prieur, agent for Mike Yasin, for a conditional use for an auto and vehicle dealer business located at 500 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this conditional use is to allow for the use of the existing building and site as an auto and vehicle dealer.

Mr. Al Prieur and Mr. Mike Yasin were present to speak on behalf of this reqauest.

Mr. Rodney Ghan, Mr. Richard Griffin, members of the Central Business Improvement District (CBID) and also Jeremy Drinkwitz, representing Sparks Hospital, were present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe then called for the vote on the conditional use request.

The vote was 3 in favor (Commissioner Howe, Howard and Redd) and 6 opposed.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2015

Re: Conditional Use #19-10-15 - A request by Al Prieur, agent for Mike Yasin, for Planning Commission consideration of a Conditional Use request to establish an Auto & Vehicle Dealer business at 500 Towson Avenue

PROPOSED CONDITIONAL USE

The approval of this Conditional Use would allow for the use of the existing building and site as an Auto and Vehicle Dealer.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Towson Avenue and South D Street. The tract contains an area of 1.2 acres with approximately 193 feet of street frontage along Towson Avenue and approximately 291 feet of street frontage along South D Street.

PROPOSED ZONING

The proposed zoning on this tract is Commercial Downtown (C-6). Characteristics of this zone are as follows:

Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

7A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A
Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet
Minimum Lot Width – N/A
Front Yard Setback – N/A
Side Yard on Street Side of Corner Lot – N/A
Side Yard Setback – N/A
Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Downtown (C-6) and is developed with commercial property currently vacant.

The area to the east is zoned Commercial Downtown (C-6) and is developed with commercial properties, including motorcycle sales, painting contractor office, and photography studio. The remaining commercial properties to the north are vacant.

The area to the south is zoned Commercial Downtown (C-6) and is developed as a pawn shop.

The area to the west is zoned Industrial Light (I-1) and developed as an office.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

NB

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Towson Avenue as a Major Arterial and South D as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The proposed Master Land Use Plan classifies the site as Mixed Use Employment. This classification provides for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress to the site will be provided by two driveways on Towson Avenue. The driveways will be delineated with perimeter landscape islands.

Landscaping – The submitted landscape plan shows one interior landscape island and four perimeter landscape islands adjacent to Towson Avenue. The islands vary in size, ranging from 162 s.f. to 360 s.f. Each island is shown planted with one tree and several shrubs. Perimeter landscaping adjacent to South D Street is not possible because the building is built up to the property line.

Screening – No trash enclosure is shown on the plans. If a trash receptacle is proposed, it shall be completely screened from adjoining property owners and the public right-of-way.

Parking – The C-6 zoning district has no minimum parking requirements. However, the existing parking spaces comply with the UDO's minimum parking spaces for automobile sales.

Signage – No signage is shown on the plans. All signage shall require submittal of a sign permit application for staff review and compliance with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.

Lighting – No lighting is shown on the plans. If any exterior building and site lighting is proposed, it shall comply with the UDO Outdoor Commercial and Outdoor Lighting requirements.

STAFF COMMENTS AND RECOMMENDATIONS

The conditional use application was presented to the Central Business Improvement District board on September 15, 2015, for its input. The CBID was not in favor of the proposed use because it would add an additional car lot to the area and be detrimental to the CBID. The CBID recommended that the planning commission deny the conditional use request. Enclosed are the CBID draft minutes relating to the conditional use request.

A neighborhood meeting was held September 29, 2015, 10 a.m., on site. One neighboring property attended the meeting and had no objections to the proposed conditional use application. A copy of the attendance record and meeting summary are enclosed.

Should the planning commission consider approval of the request, staff recommends the following conditions:

1. 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.

2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.

3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.

4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.

5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.

6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.

7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.

8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.

9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

7D

Conditional Use # 19-10-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Mahmoud "Mike" Yasin dba MJM Used Cars #2 (1813 Towson)

Name of Authorized Agent (if applicable) Alvin L. Prieur, Jr. P.E.

Legal Description of property included in the conditional use request:

See legal description attached.

Street Address of Property:

500 Towson Avenue Fort Smith AR

Existing Zoning Classification:

Commercial-6 (C-6) and Industrial-1 (I-1)

Proposed Zoning Classification (if applicable):

No change.

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

See #1 attached.

What amenities are proposed such as landscaping and screening?

See #2 attached.

Alvin L. Prieur, Jr P.E.
~~Owner or~~ Agent Name (please print)

Signed:

P.O. Box 1689, Van Buren, AR 72957
~~Owner or~~ Agent Mailing Address

~~Owner~~

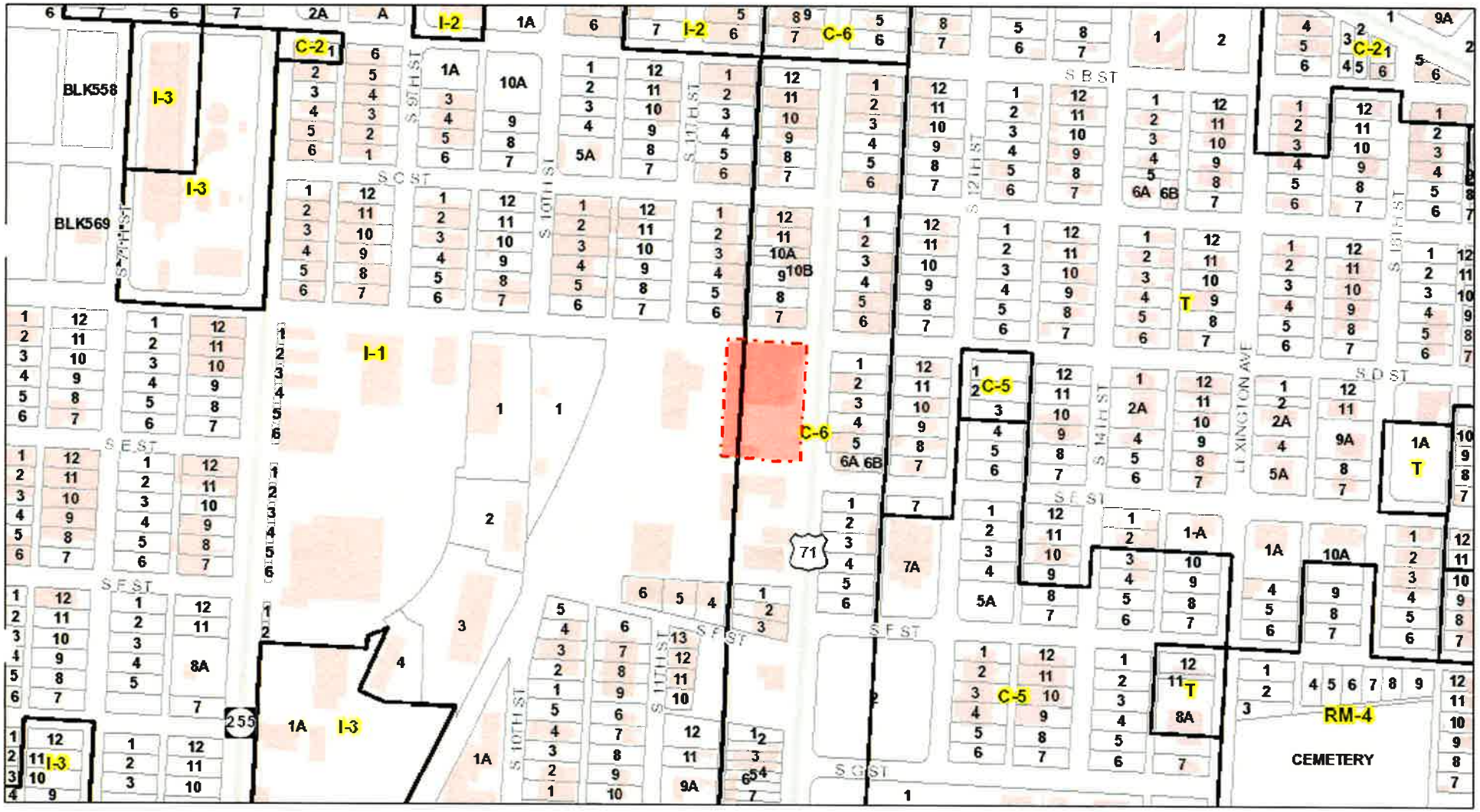
479-651-7920
~~Owner or~~ Agent Phone Number

Or

Agent

NE

Conditional Use #19-10-15: Auto and Vehicle Dealer
500 Towson Avenue



September 21, 2015

Fort Smith City Limts

Zoning

Subdivisions

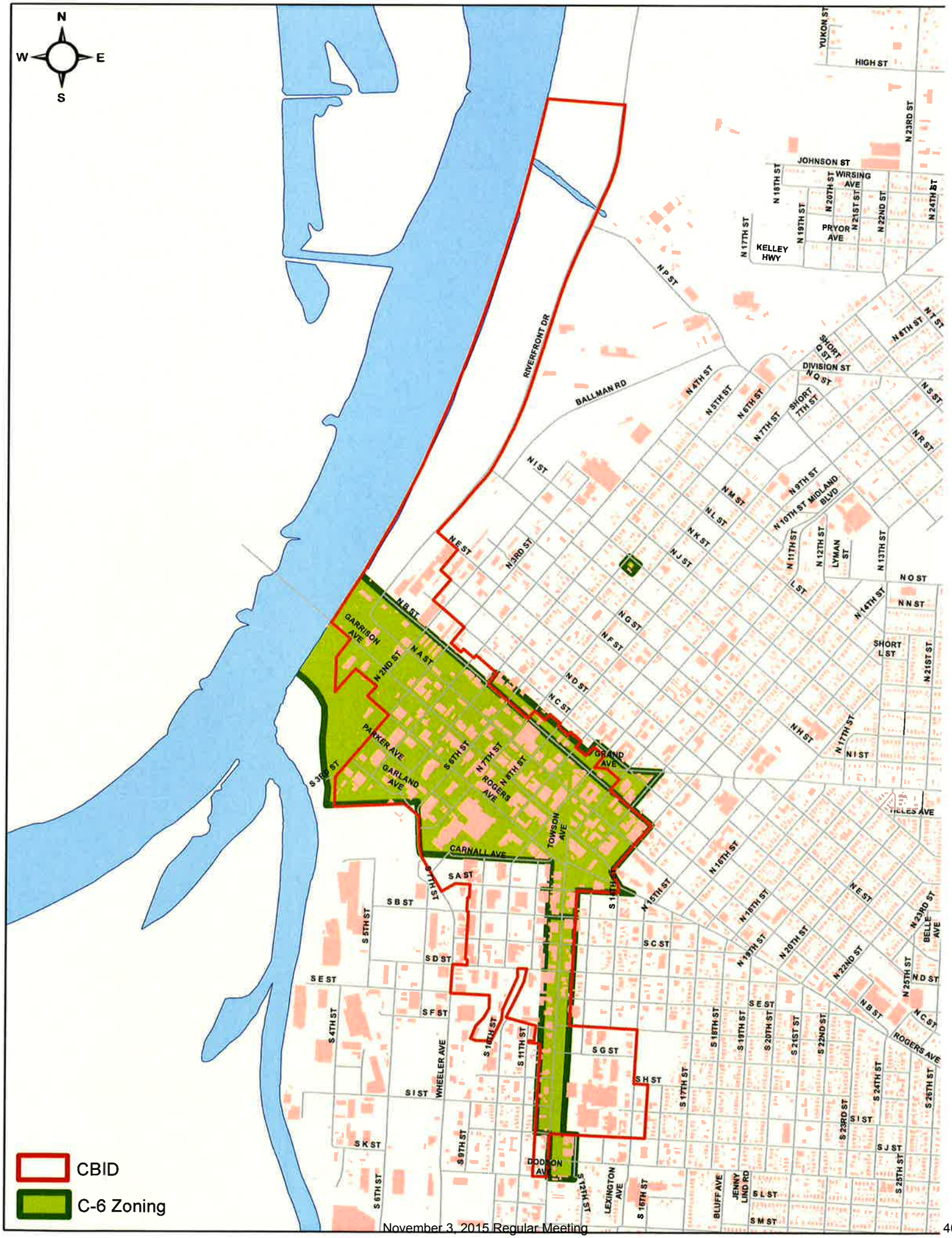
Building Footprints

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


N
W
E
S
CBID
C-6 Zoning
RIVERFRONT DR
BALLMAN RD
DIVISION ST
JOHNSON ST
HIGH ST
YUKON ST
WIRSING AVE
PRYOR AVE
KELLEY HWY
MIDLAND BLVD
LYMAN ST
GARRISON AVE
PARKER AVE
GARLAND AVE
ROGERS AVE
TOWSON AVE
GRAND AVE
CARNALL AVE
DODSON AVE
WHEELER AVE
LEXINGTON AVE
BLUFF AVE
JENNY LIND RD
BELLE AVE
TILLES AVE
SHORT L ST
SHORT 7TH ST
SHORT D ST
N P ST
N Q ST
N S ST
N R ST
N O ST
N N ST
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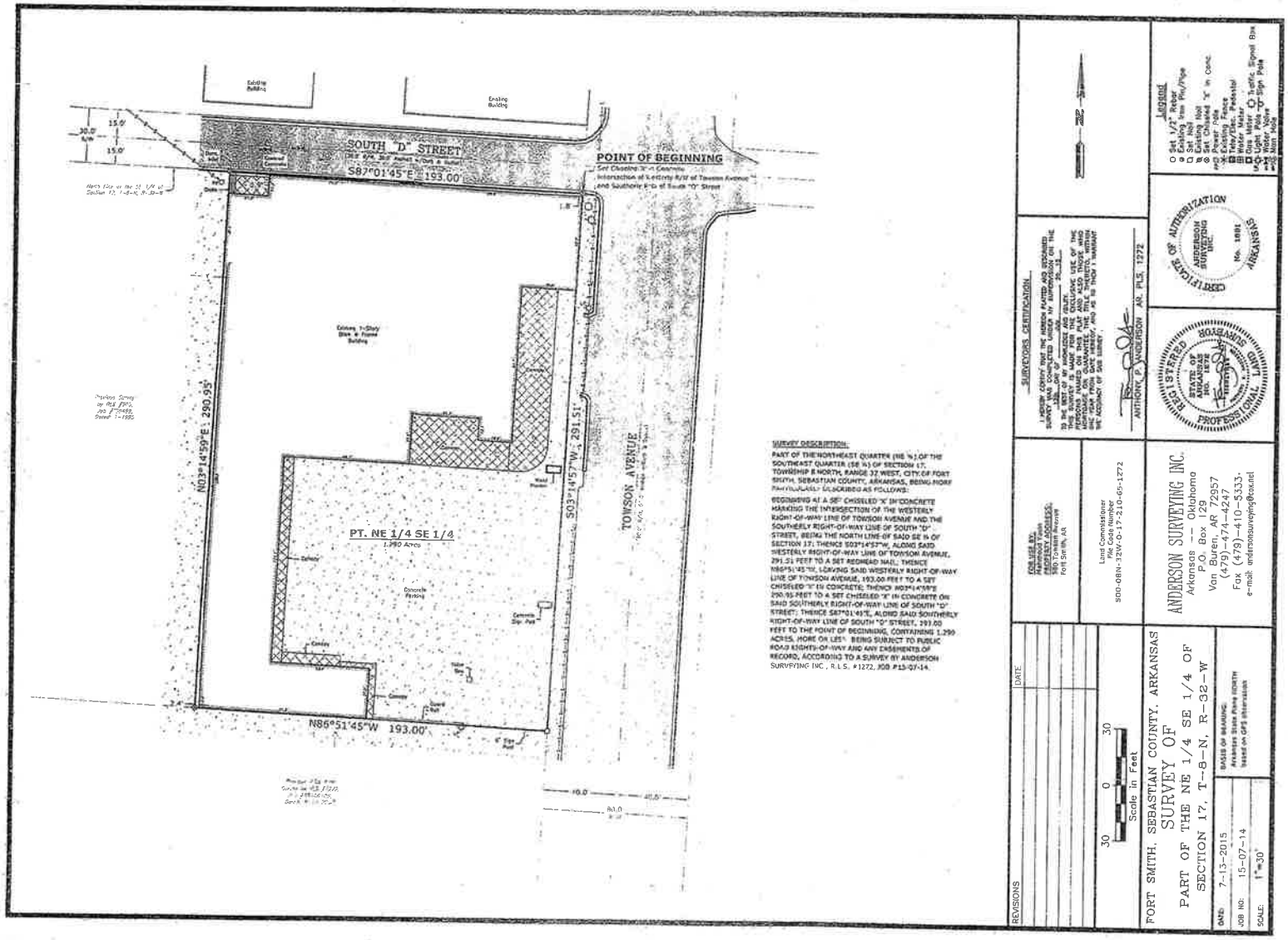

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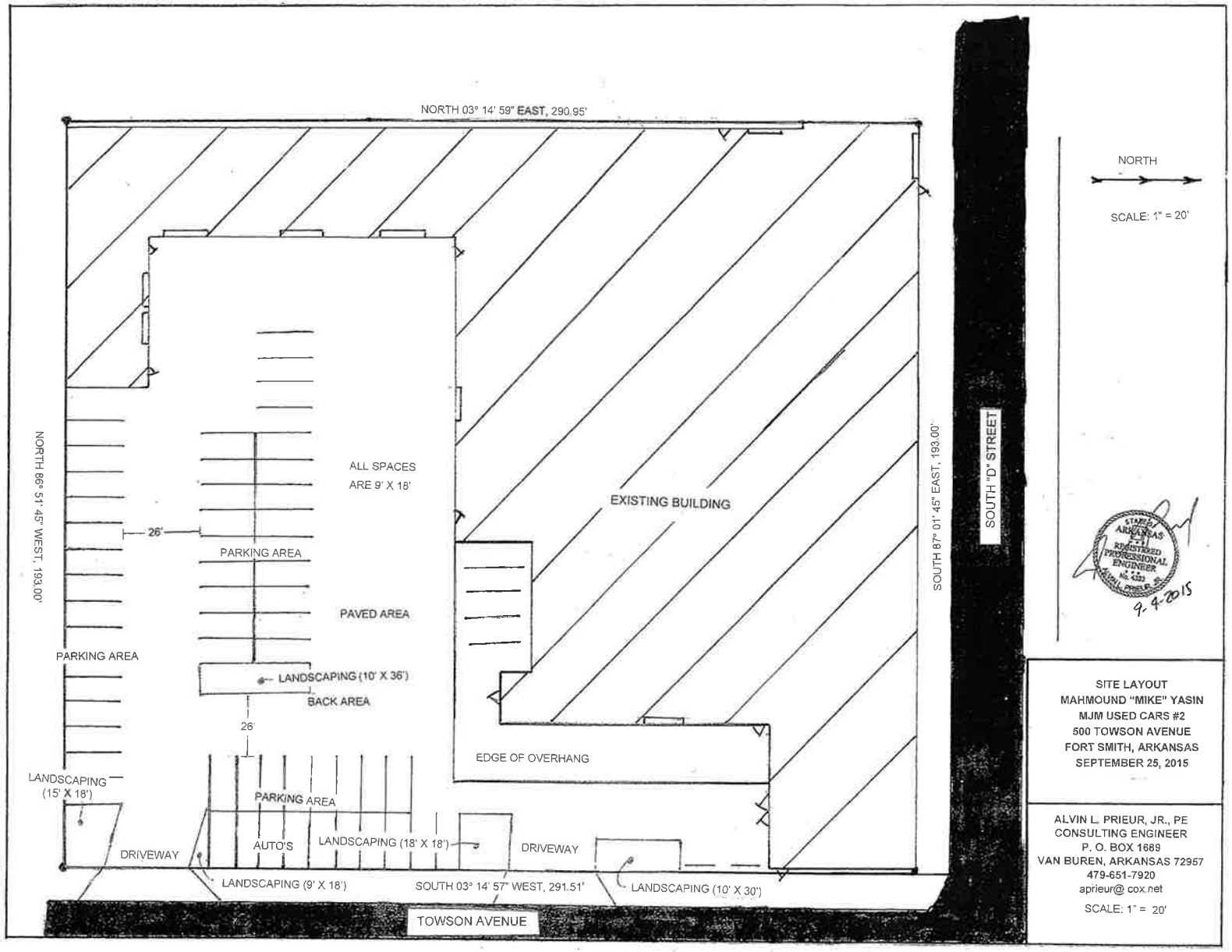
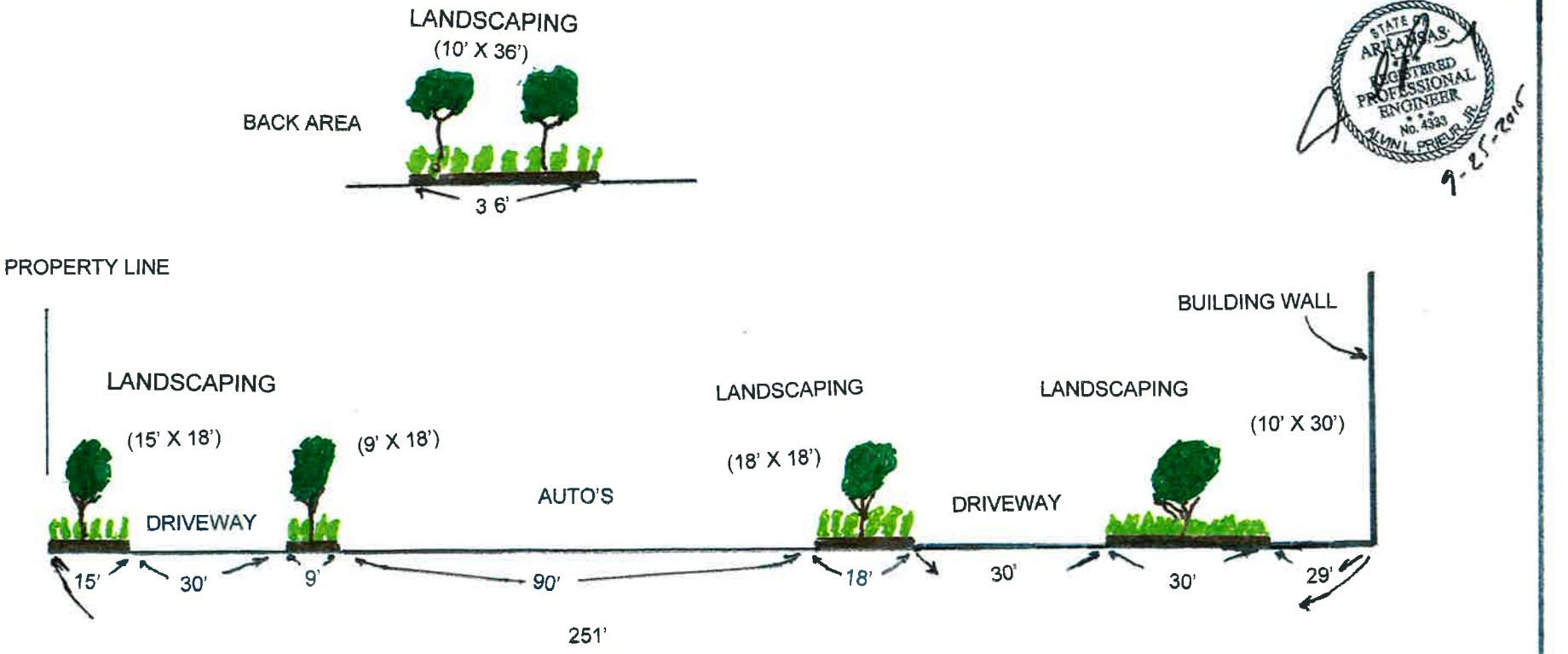

NORTH 03° 14' 59" EAST, 290.95'
NORTH 86° 51' 45" WEST, 193.00'
SOUTH 87° 01' 45" EAST, 193.00'
SOUTH "D" STREET
ALL SPACES
ARE 9' X 18'
EXISTING BUILDING
26'
PARKING AREA
PAVED AREA
PARKING AREA
LANDSCAPING (10' X 36')
BACK AREA
26'
EDGE OF OVERHANG
LANDSCAPING
(15' X 18')
PARKING AREA
DRIVEWAY
AUTO'S
LANDSCAPING (18' X 18')
DRIVEWAY
LANDSCAPING (9' X 18')
SOUTH 03° 14' 57" WEST, 291.51'
LANDSCAPING (10' X 30')
TOWSON AVENUE
NORTH
SCALE: 1" = 20'
STANLEY ARKANSAS REGISTERED PROFESSIONAL ENGINEER
9-4-2015
SITE LAYOUT
MAHMOUND "MIKE" YASIN
MJM USED CARS #2
500 TOWSON AVENUE
FORT SMITH, ARKANSAS
SEPTEMBER 25, 2015
ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@ cox.net
SCALE: 1" = 20'

LANDSCAPING
MAHMOUD "MIKE" YASIN
MJM USED CARS #2
500 TOWSON AVENUE
FORT SMITH, ARKANSAS
SEPTEMBER 25, 2015

ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

SCALE: 1" = 20'

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 4333
ALVIN L. PRIEUR, JR.
9-25-2015



ALVIN L. PRIEUR, JR., PE
CONSULTING ENGINEER
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

October 2, 2015

City of Fort Smith
Planning Department
P O Box 1908
Fort Smith, Arkansas 72902

Attn: Tom Monaco

Re: Conditional Use
500 Towson Avenue
Fort Smith, Arkansas

Dear Tom:

The neighborhood meeting for the above referenced conditional use request was held on September 30, 2015 at 10:00 a.m. Attached is the list of the attendance at that meeting.
One property owner from the area was at the meeting. Mr. Tim Brown owner of two buildings across Towson Avenue from the building in question was present. He said he had no objection to the request and in fact he was glad to see the building being used. In the question about it being a car lot, he said that the site was built for car sales and he felt that this would be the best use. There was no one else at the meeting. There were no phone calls about the meeting.
If you have any questions, please contact me.

Respectfully submitted,

Alvin L. Prieur, Jr., PE - Consulting Engineer

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 4333
ALVIN L. PRIEUR, JR.

10-2-2015

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location On-site 500 Towson Avenue

Meeting Time & Date September 30, 2015 @ 10:00 a.m.

Meeting Purpose To discuss request

	NAME	ADDRESS	PHONE #
1.	Al Prieur	P.O. Box 1685 VB 72957	479-651-7920
2.	Mahmoud Yasin	1818 Towson Ave Ft. Smith	479 883-8668
3.	Tom Brown	P.O. Box 1735	479-883-9515
4.	Tom Monaco	City	784-2218
5.			
6.			
7.			
8.			
9.			
10.			
11.			

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, September 15, 2015
Area Agency on Aging, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room

Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, September 15, 2015 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas

The meeting was called to order by Mr. Richard Griffin, Chairperson, at approximately 9:33 a.m. and a quorum was noted present. Also in attendance were commissioners Phil White, Jeff Pryor, Bill Hanna, Sam Sicard, Steve Clark, and Rodney Ghan. Commissioner Lee Ann Vick was absent. Others in attendance included Jeff Dingman and Doug Reinert of the City of Fort Smith.

Mr. Hanna moved approval of the minutes of the August 18, 2015 regular meeting. Mr. Vick seconded and the motion carried by unanimous vote.

Mr. Sicard delivered the Treasurer's reports for the month of August, 2015, such documents being previously provided for the commissioners' review. As of August 31, 2015 the Total Cash-on-Hand for the CBID amounted to $172,353.66. Restricted funds comprise $6,000 of that total, so the total cash net of restricted funds amounted to $166,353.66. Mr. Pryor moved approval of the Treasurer's Report. Mr. Hanna seconded and the motion carried by unanimous vote.

Mr. White asked for the City Report. Mr. Dingman noted that five CBID commissioners (Griffin, White, Ghan, Sicard, and L. Vick) were appointed to six-year terms by the City's Board of Directors at their September 1 meeting. Also that the September 1 meeting, the city's Board approved the proposed amendments to the conditional uses permitted in the C-6 Zoning District, as was previously discussed and recommended by the CBID. Mr. Reinert updated the Commission on the status of the Greg Smith Riverwalk, currently under construction, noting that the spring weather caused significant delays in construction, so the original mid-September completion date will be pushed back an estimated 35-40 days. The addition of a kitchen and storage area to the River Park Pavilion is complete and the final walkthrough and payment will be completed soon.

The discussion turned to a potential shade structure at the newly opened splash pad at Compass Park. Mr. Griffin distributed architectural renderings showing one concept for a shade structure and seating area located in the center of the Compass Park compass rose. Mr. Ghan and Mr. Griffin collaborated with the architect to create the rendering. The concept of the renderings was well received, but the discussion turned to the appropriate placement of such structures in order to provide suitable shade closer to the splash pad. It was also noted that the proposed rendering, which included three coordinating structures, would likely cost about $18,000 to complete. Aside from the location of shade closer to the splash pad, some commissioners indicated they liked the idea of reserving the center of that patio area for public art instead of filling it with seating and shade structures. Mr. Ghan said that he would coordinate with the architect to consider shade closer to the splash pad, on both the east and west side, as well has have a more formal budget estimate within the next 30 days.

Mr. Griffin made note of The Unexpected mural project that occurred in Fort Smith the week of September 4 through September 13 through the initiative of CBID commissioner Steve Clark and Downtown 64.6. Mr. Clark provided a recap of the week, indicating that the several internationally renowned muralists that were in town for the event left with a very positive image of Fort Smith based on how they were treated and how the community was accepting of their work. Mr. Clark noted that there was lots of positive energy

created downtown for the event, which is the type of thing that is needed to show that Fort Smith is a progressive and livable city. The artists that participated travel the world, and will speak well of Fort Smith over the next year, so that there should be an opportunity to do a similar project again next year. Mr. John McIntosh, who helped promote and organize the event, indicated that it was an emotional experience, and a very good community event that Fort Smith did for itself. Mr. Clark added that citizens are "hungry" for this type of artistic experience, as well as appreciative of an event that uniquely belongs to Fort Smith. As for lessons learned, there was discussion of perhaps adding viewing stations where people could sit and watch the artists at work, as well as better efforts to coordinate with food truck vendors to help create the walkable atmosphere at the event. At the end of the discussion, Mr. Hanna moved that the CBID appropriate $5,000 for the continued support of The Unexpected project in preparation for the event in 2016. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Clark added that efforts to be more aggressive with vacant buildings and absentee owners in the downtown district will help create a better atmosphere for this type of event, and for the downtown in general. Mr. Clark said that the CBID needs to use its influence as appropriate to be protective of what happens in the district, specifically on Garrison Avenue.

Mr. Sicard noted that the master plan initiative was ongoing, and recapped the presentation of Stephen Luoni from the University of Arkansas Community Design Center. Mr. Sicard is still in the fact finding mode, exploring options that would provide for a suitable downtown master plan at minimal cost, noting that the cost would likely have to come from private or other sources as the city does not have funding to put toward this project.

Mr. Griffin introduced the first item of business for considering a recommendation regarding a conditional use application to allow an auto and vehicle dealer business at 500 Towson Avenue. Mr. Al Prieur spoke on behalf of his client, who recently purchased the property with the intent of relocating a used car dealership from another location (outside of the CBID) to this location. The client intends to use the building as is, with some minor upgrade work inside, and provide landscape islands along the Towson Avenue right-of-way. Mr. Ghan spoke in opposition to the project as being detrimental to the CBID by adding an additional car lot to the area. Mr. White agreed, and Mr. White moved that the CBID recommend that the Planning Commission deny the request for this conditional use. Mr. Ghan seconded, and the motion carried by unanimous vote.

Mr. Griffin introduced the second item of business, to discuss a proposed text amendment to the Unified Development Ordinance that would allow Motorcycle and ATV Sales and Service in the C-6 Zoning District as a Conditional Use. The UDO already allows for motor vehicle sales and service by conditional use, but does not specify that motorcycles or ATV sales and service is allowed. The proponent of the text amendment, Mr. Jeremy Jones, operates River City Cycles on Grand Avenue and has outgrown their space. They have located and propose to lease property at 201 Towson Avenue, within the CBID, that would allow for interior storage and showing of their products, which included motor scooters, ATV's and power sports equipment. Mr. White asked for clarification that all activity would be conducted inside, and that there would be no outside storage or display. Mr. Jones indicated that was correct. Mr. Dingman clarified that the CBID was not considering Mr. Jones' application for conditional use at this time, merely a text amendment that would allow Mr. Jones to subsequently apply for such conditional use. Mr. Ghan moved that the CBID recommend approval of such text amendment, provided that it require no outside storage or display as part of the text amendment. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Griffin asked for other comments from the commissioners. Mr. White noted that the nearly-complete project by Griffin on the 400 block of Garrison Avenue is very nice and a positive contribution to the Avenue and downtown in general. The inclusion of the US Marshal photograph is well done. Mr. Griffin thanked him for the comments, and noted that a family meeting in the breezeway at the property recently was often interrupted by loud truck noise, which is a downtown issue still seeking resolution.

Mr. White indicated that Michael LeJong of MAHG Architects has been in contact with him recently about the potential project to add accent lighting to the Garrison Avenue bridge. This project has been discussed

before, but had fallen off in recent months. Mr. LeJong intends to meet with representatives of Philips Lighting to continue discussion on possibilities for this effort. Mr. White added that this type of project could be folded into the discussion regarding the downtown master plan.

Mr. Hanna reported that he recently received confirmation of a private contribution to build trails projects in the city in the amount of $300,000. The donor wasn't made public yet, but a public announcement would be forthcoming.

Mr. Pryor reported that he should be ready to provide a report on his project to examine operations of the Farmers Market on behalf of the CBID at the October meeting.

Mr. Hanna noted that the "Hell on the Border" Arkansas State Criterion Championship bicycle race was held in downtown on Sunday, September 13. The event coordinated well with the final day of mural festival, and a lot of people came downtown that weekend. The race was a great success, with over 180 racers, a 50% increase from the previous year when the State Criterion Championship was held in Little Rock. There were a lot of positive comments from the racers, their families, and spectators about the energy and excitement downtown.

There being no additional business before the Commission, the meeting adjourned at approximately 11:15 a.m. The next regular meeting will be tentatively set for October 20, 2015.

Respectfully submitted,

Jeff Dingman
Acting City Administrator

5.

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. 15-10-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 13, 2015, that said change be made;

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

SECTION 1: That the following properties to-wit:

Part of Government Lot 1 of the Southwest Quarter of Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the Northwest Corner of said Government Lot 1, said corner being marked with an existing brass cap stamped Fort Chaffee Monument #178; thence along the north line of said Government Lot 1, S 87◦31'09"E, 559.35 feet to a set ½" rebar with plastic cap stamped MWC 1369; thence leaving said north line, S 02◦48'55"W, 293.27 feet to a ½" rebar with plastic cap stamped MWC 1369; thence S 73◦33'03"W, 592.52 feet to the west line of said Government Lot 1 and a set ½" rebar with plastic cap stamped MWC 1369; thence along said west line, N02◦48'55"E, 485.50 feet to the Point of Beginning. Containing 5.0 acres, more or less. Less and except minerals and mineral rights.

more commonly known as 8009 Steep Hill Road, should be, and is hereby rezoned from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8009 Steep Hill Road.

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

October 29, 2015

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

Re: A request by Arkansas Valley Electric, owner, for Planning Commission consideration of a zoning request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8009 Steep Hill Road.

On October 13, 2015, the City Planning Commission held a public hearing to consider the above request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to facilitate the development of a new utility substation.

Mr. Fred Phillips, representing Arkansas Valley Electric, was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed. The Planning Commission unanimously approved a conditional use for the utility substation contingent on the Board of Directors approval of the rezoning.

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Rezoning #15-10-15 - A request by Arkansas Valley Electric, owner, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification at 8009 Steep Hill Road (Companion to item #2)

PROPOSED ZONING

The approval of this rezoning will facilitate the development of a new utility substation.

LOT LOCATION AND SIZE

The subject property is on the east side of Steep Hill Road just north of the cemetery. The tract contains an area of 5.0 acres with approximately 485 feet of street frontage along Steep Hill Road.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

1A

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 6.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

EXISTING ZONING

The property current has no zoning.

SURROUNDING ZONING AND LAND USE

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

The area to the south is not zoned and is developed as a cemetery.

The area to the west is zoned ETJ Open-1and developed as a single family residence and a business facility.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Steep Hill Road as Local Road.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Single Family Residential. This classification provides for standard residential lots or zero lot-line lots in attractive, interconnected neighborhoods. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, October 5, 2015, at the Chaffee Crossing Media Center. No neighboring property owners attended the meeting.

Based on the existing *Single Family Residential* land use classification, staff recommends approval of the requested zoning district.

1B

Rez. #15-10-15

PETITION FOR CHANGE IN ZONING MAP

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

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

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

   See Attached

2. Address of property: 8009 Steep Hill Rd. 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 R-S-3 by _____.
   (Extension or (classification))

5. Why is the zoning change requested?

   not zoned

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

Signed:

Arkansas Valley Electric Co-op.
Owner or Agent Name
(please print)

William H. Peters
Owner

P.O. Box 47 Ozark, AR. 72949
Owner or Agent Mailing Address

or

_____
Agent

479-667-2176
Owner or Agent Phone Number

1C

EXHIBIT "A"

REAL PROPERTY DESCRIPTION

Part of Government Lot 1 of the Southwest Quarter of Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Beginning at the Northwest Corner of said Government Lot 1, said corner being marked with an existing brass cap stamped Fort Chaffee Monument #178; Thence along the north line of said Government Lot 1, S87°31'09"E, 559.35 feet to a set 1/2" rebar with plastic cap stamped MWC 1369; Thence leaving said north line, S02°48'55"W, 293.27 feet to a 1/2" rebar with plastic cap stamped MWC 1369; Thence S73°33'03"W, 592.52 feet to the west line of said Government Lot 1 and a set 1/2" rebar with plastic cap stamped MWC 1369; Thence along said west line, N02°48'55"E, 485.50 feet to the Point of Beginning. Containing 5.0 acres, more or less. Less and except minerals and mineral rights.

Rezoning #15-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3)
8009 Steep Hill Road

October 7, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:4,023

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0 0.05 0.1 0.2 m

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

STEEP HILL CEMETERY
OPAL HARRIS
12909 HWY 45
FORT SMITH, AR 72901

STEEP HILL CEMETERY CHARITABLE
OPAL HARRIS
12909 HWY 45
FT SMITH AR 72916

STEVE AND NANCY FOOT
7916 STEEP HILL ROAD
FORT SMITH, AR 72916

MCCAIN, WILLIAM & BRIAN
7720 STEEP HILL ROAD
FORT SMITH, AR 72916

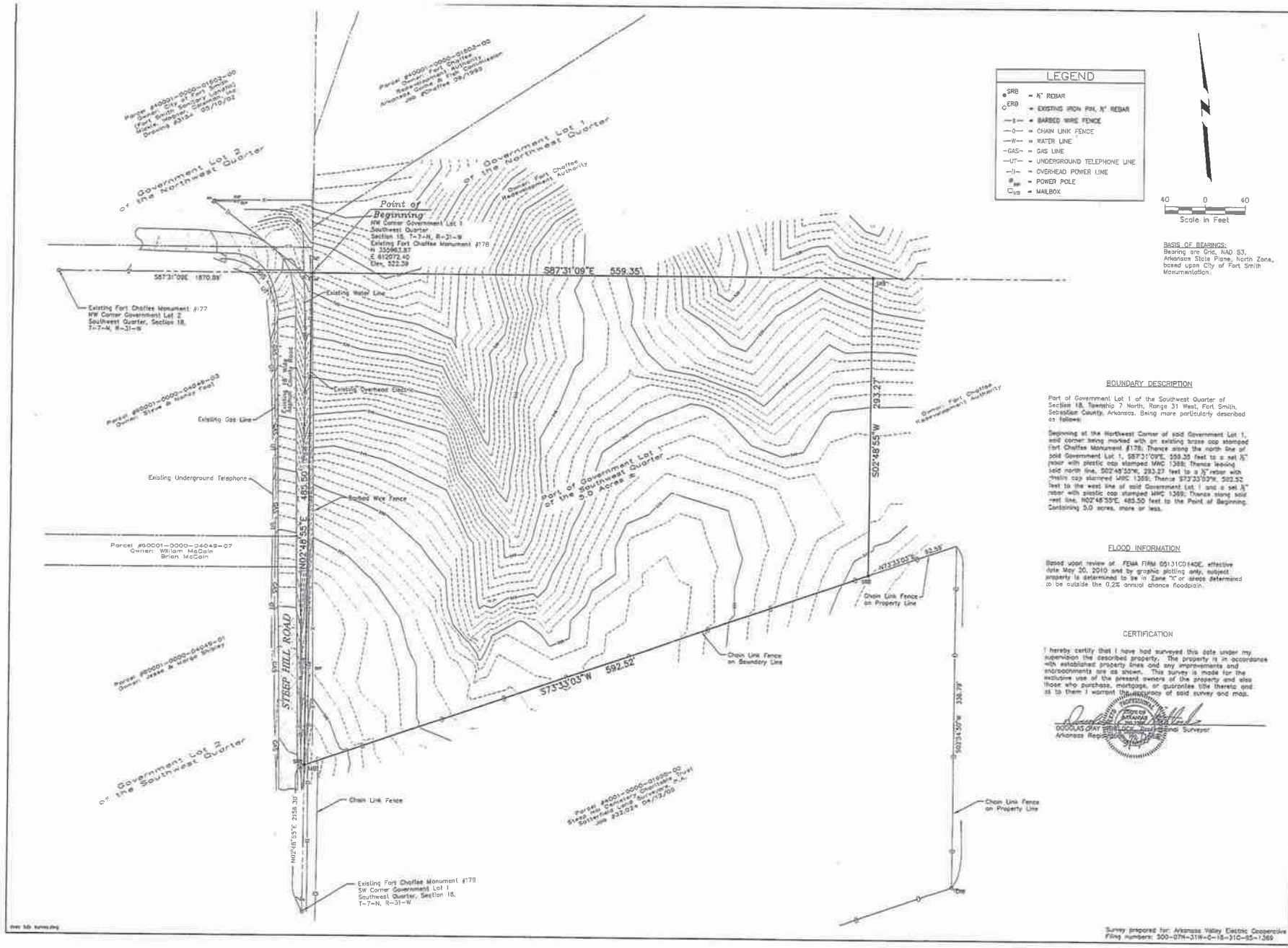
MCCAIN CONSTRUCTION CO, INC
7804 STEEP HILL ROAD
FORT SMITH, AR 72916

SEBASTIAN COUNTY
35 S 6TH STREET
FORT SMITH, AR 72901

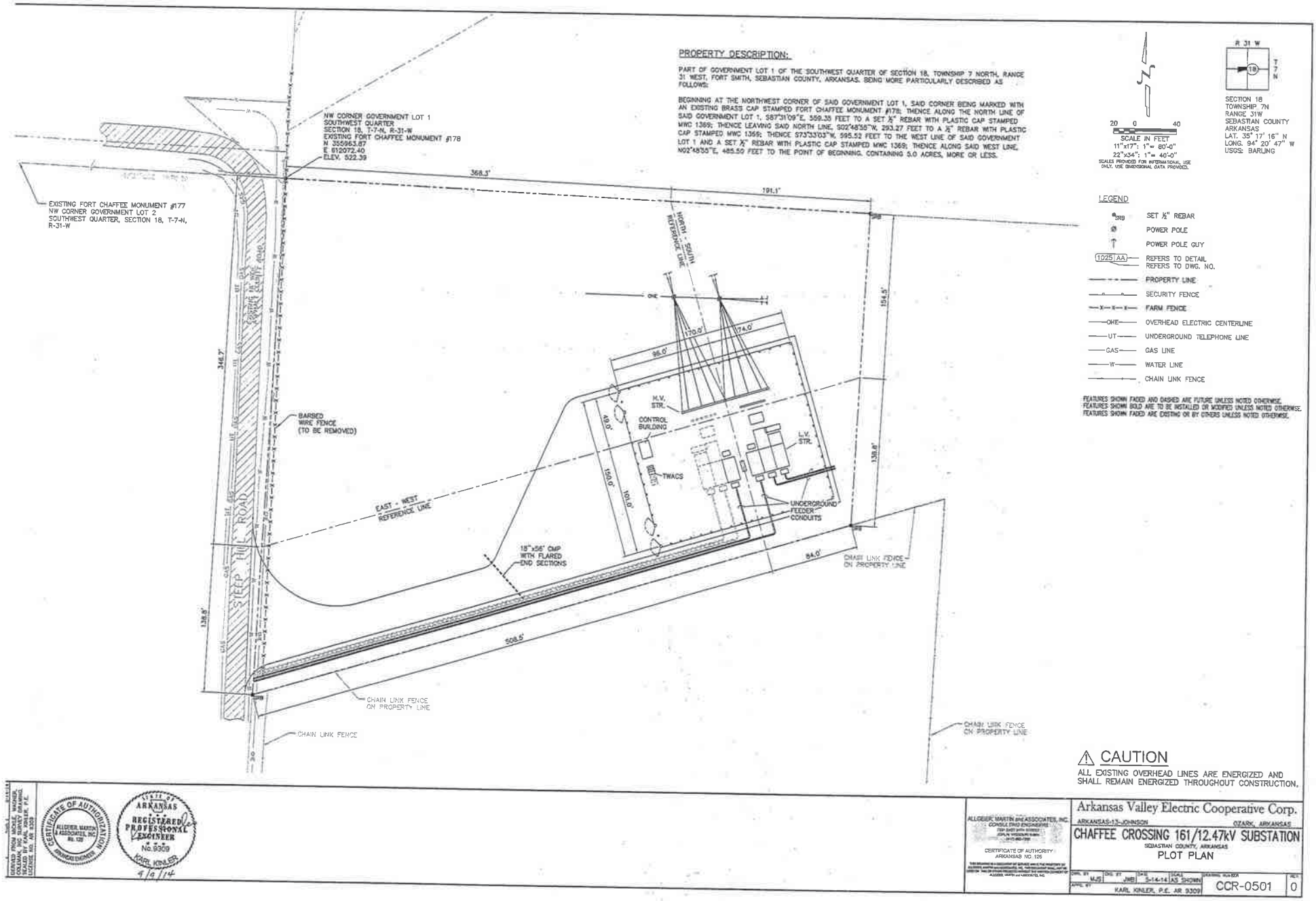
FORT CHAFFEE REDEVELOPMENT TRUST
7020 TAYLOR STREET
FORT SMITH, AR 72917

FORT CHAFEE REDEVELOPMENT AUTHORITY
PO BOX 11165
FORT SMITH, AR 72917

ARKANSAS VALLEY ELECTRIC COOP.
PO BOX 47
OZARK, AR 72949


LEGEND
SRB = ½" REBAR
ERB = EXISTING IRON PIN, ½" REBAR
BARBED WIRE FENCE
CHAIN LINK FENCE
WATER LINE
GAS LINE
UNDERGROUND TELEPHONE LINE
OVERHEAD POWER LINE
POWER POLE
MAILBOX
Scale in Feet
BASIS OF BEARINGS:
Bearing are Grid, NAD 83, Arkansas State Plane, North Zone, based upon City of Fort Smith Monumentation.
Point of Beginning
NW Corner Government Lot 1 Southwest Quarter Section 18, T-7-N, R-31-W
Existing Fort Chaffee Monument #178
N 355962.80
E 612072.40
Elev. 522.39
S87°31'09"E 559.35'
S87°31'09E 1870.88'
Existing Fort Chaffee Monument #177
NW Corner Government Lot 2
Southwest Quarter, Section 18,
T-7-N, R-31-W
Existing Water Line
Existing Overhead Electric
Existing Gas Line
Existing Underground Telephone
Barbed Wire Fence
Parcel #60001-0000-04048-07
Owner: William McCain
Brian McCain
N02°48'55"E 485.50'
STEEP HILL ROAD
Existing 18' Wide Asphalt County Road
Part of Government Lot 1 of the Southwest Quarter 5.0 Acres ±
S02°48'55"W 293.27'
S73°33'03"W 83.58'
Chain Link Fence on Property Line
Chain Link Fence on Boundary Line
S73°33'03"W 592.52'
S03°34'50"W 338.79'
Chain Link Fence
Chain Link Fence on Property Line
N02°40'55"E 2156.30'
Existing Fort Chaffee Monument #179
SW Corner Government Lot 1
Southwest Quarter, Section 18,
T-7-N, R-31-W
Government Lot 2 of the Northwest Quarter
Government Lot 1 of the Northwest Quarter
Owner: Fort Chaffee Redevelopment Authority
Parcel #60001-0000-04048-03
Owner: Steve & Renee Teel
Parcel #60001-0000-04046-01
Owner: Jesse & Margo Shipley
Parcel #60001-0000-01600-00
Steele and Carolyn Chastain et al
Butterfield Land Company
Job #22.03a 04/13/05
BOUNDARY DESCRIPTION
Part of Government Lot 1 of the Southwest Quarter of Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:
Beginning at the Northwest Corner of said Government Lot 1, said corner being marked with an existing brass cap stamped Fort Chaffee Monument #178; Thence along the north line of said Government Lot 1, S87°31'09"E, 559.35 feet to a set ½" rebar with plastic cap stamped MWC 1369; Thence leaving said north line, S02°48'55"W, 293.27 feet to a ½" rebar with plastic cap stamped MWC 1369; Thence S73°33'03"W, 592.52 feet to the west line of said Government Lot 1 and a set ½" rebar with plastic cap stamped MWC 1369; Thence along said west line, N02°48'55"E, 485.50 feet to the Point of Beginning. Containing 5.0 acres, more or less.
FLOOD INFORMATION
Based upon review of FEMA FIRM 05131C0140E, effective date May 20, 2010 and by graphic plotting only, subject property is determined to be in Zone "X" or areas determined to be outside the 0.2% annual chance floodplain.
CERTIFICATION
I hereby certify that I have had surveyed this date under my supervision the described property. The property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage, or guarantee title thereto and as to them I warrant the accuracy of said survey and map.
DOUGLAS GRAY
Arkansas Registered Land Surveyor
Survey prepared for: Arkansas Valley Electric Cooperative
Filing numbers: 300-07N-31W-C-18-31C-05-1369
Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-8484
Fax (479) 649-8486
info@mwc-engr.com
MICKLE WAGNER COLEMAN
BOUNDARY AND TOPOGRAPHIC SURVEY
Part of Government Lot 1 of the SW 1/4
Section 18, Township 7 North, Range 31 West
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SHEET 1 OF 1
SEP 16 2015

26


PROPERTY DESCRIPTION:
PART OF GOVERNMENT LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 7 NORTH, RANGE 31 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1, SAID CORNER BEING MARKED WITH AN EXISTING BRASS CAP STAMPED FORT CHAFFEE MONUMENT #178; THENCE ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1, S87°31'09"E, 559.35 FEET TO A SET ½" REBAR WITH PLASTIC CAP STAMPED MWC 1369; THENCE LEAVING SAID NORTH LINE, S02°48'55"W, 293.27 FEET TO A ½" REBAR WITH PLASTIC CAP STAMPED MWC 1369; THENCE S73°33'03"W, 595.52 FEET TO THE WEST LINE OF SAID GOVERNMENT LOT 1 AND A SET ½" REBAR WITH PLASTIC CAP STAMPED MWC 1369; THENCE ALONG SAID WEST LINE, N02°48'55"E, 485.50 FEET TO THE POINT OF BEGINNING. CONTAINING 5.0 ACRES, MORE OR LESS.
NW CORNER GOVERNMENT LOT 1
SOUTHWEST QUARTER
SECTION 18, T-7-N, R-31-W
EXISTING FORT CHAFFEE MONUMENT #178
N 355963.87
E 612072.40
ELEV. 522.39
EXISTING FORT CHAFFEE MONUMENT #177
NW CORNER GOVERNMENT LOT 2
SOUTHWEST QUARTER, SECTION 18, T-7-N, R-31-W
368.3'
191.1'
NORTH - SOUTH REFERENCE LINE
154.5'
170.0'
174.0'
96.0'
H.V. STR.
CONTROL BUILDING
L.V. STR.
TWACS
49.0'
150.0'
101.0'
138.8'
UNDERGROUND FEEDER CONDUITS
BARBED WIRE FENCE (TO BE REMOVED)
EAST - WEST REFERENCE LINE
18"x56' CMP WITH FLARED END SECTIONS
84.0'
CHAIN LINK FENCE ON PROPERTY LINE
508.5'
346.7'
138.8'
STEEP HILL ROAD
CHAIN LINK FENCE ON PROPERTY LINE
CHAIN LINK FENCE
CHAIN LINK FENCE ON PROPERTY LINE
20 0 40
SCALE IN FEET
11"x17": 1"= 80'-0"
22"x34": 1"= 40'-0"
SCALES PROVIDED FOR INFORMATIONAL USE ONLY. USE DIMENSIONAL DATA PROVIDED.
R 31 W
T 7 N
18
SECTION 18
TOWNSHIP 7N
RANGE 31W
SEBASTIAN COUNTY
ARKANSAS
LAT. 35° 17' 16" N
LONG. 94° 20' 47" W
USGS: BARLING
LEGEND
SRB SET ½" REBAR
POWER POLE
POWER POLE GUY
1025 AA REFERS TO DETAIL
REFERS TO DWG. NO.
PROPERTY LINE
SECURITY FENCE
FARM FENCE
OHE OVERHEAD ELECTRIC CENTERLINE
UT UNDERGROUND TELEPHONE LINE
GAS GAS LINE
W WATER LINE
CHAIN LINK FENCE
FEATURES SHOWN FADED AND DASHED ARE FUTURE UNLESS NOTED OTHERWISE.
FEATURES SHOWN BOLD ARE TO BE INSTALLED OR MODIFIED UNLESS NOTED OTHERWISE.
FEATURES SHOWN FADED ARE EXISTING OR BY OTHERS UNLESS NOTED OTHERWISE.
CAUTION
ALL EXISTING OVERHEAD LINES ARE ENERGIZED AND SHALL REMAIN ENERGIZED THROUGHOUT CONSTRUCTION.
CERTIFICATE OF AUTHORITY
ALLGEIER, MARTIN & ASSOCIATES, INC.
No. 126
ORIGINAL ENGINEER
STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9309
KARL KINLER
4/9/14
ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS
CERTIFICATE OF AUTHORITY
ARKANSAS NO. 126
Arkansas Valley Electric Cooperative Corp.
ARKANSAS-13-JOHNSON
OZARK, ARKANSAS
CHAFFEE CROSSING 161/12.47kV SUBSTATION
SEBASTIAN COUNTY, ARKANSAS
PLOT PLAN
DWN. BY MJS
CHK. BY JWB
DATE 5-14-14
SCALE AS SHOWN
DRAWING NUMBER CCR-0501
REV. 0
APPR. BY KARL KINLER, P.E. AR 9309

DRAFT

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 13, 2015

On roll call, the following Commissioners were present: Don Keesee, Talicia Richardson, Michael Redd, Vicki Newton, Sarah Howe, Rett Howard, Marshall Sharpe, Josh Carson and Bob Cooper, Jr.

Chairman Sharpe then called for the vote on the Planning Commission minutes from the September 9, 2015, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Richardson and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. **Rezoning #15-10-15; A request by Arkansas Valley Electric Co-op for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8009 Steep Hill Road.**

   Brenda Andrews read the staff report indicating the approval of this rezoning will facilitate the development of a new utility substation.

   Fred Phillips was present to speak on behalf of Arkansas Valley Electric.

   No one present to speak in opposition.

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

   The rezoning was approved by a vote of 9 in favor 0 opposed.

2. **Conditional Use #18-10-15; A request by Arkansas Valley Electric Co-op for a conditional use for a utility substation located at 8009 Steep Hill Road.**

   Brenda Andrews read staff report indicating the approval of this conditional use will allow for the development on a new utility substation.

   Fred Phillips was present to speak on behalf of Arkansas Valley Electric.

   No one was present to speak in opposition.

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

- Approval of the rezoning application by the City Board of Directors.
- 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.
- The project shall comply with the Chaffee Crossing Design Guidelines. The applicant shall submit an approval from the Chaffee Crossing Design Review Committee prior to the issuance of the building permit.
- All fences shall comply with the requirements of the UDO and Chaffee Crossing Design Guidelines.
- All lighting shall be shielded and comply with the city's Commercial and Outdoor Lighting regulations.
- All signage requires a separate applications and review process.
- Upon completion of the project, staff will review the site to determine if any new trees are necessary for additional screening to the substation.
- Five sets of complete construction plans shall be submitted to the Building Department for plan review.

Chairman Sharpe then called for the vote on the conditional use as amended. The conditional use was approved by a vote of 9 in favor 0 opposed.

3. **A request by Ron Brixey, agent for Justin Green Custom Homes, Inc., for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 3321 Utica Street.**

Brenda Andrews read staff reports indicating the purpose for the master land use will facilitate the construction of two duplexes on separate lots.

No one was present to speak in favor.

No one present to speak in opposition.

Chairman Sharpe called for a vote on the Master Land Use Plan Amendment.

The vote was 9 in favor and 0 opposed.

6.

ORDINANCE NO. _____

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

WHEREAS, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on October 13, 2015, 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. 16-10-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 13, 2015, that said change be made;

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

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

Falconers Addition – Block 7 – Lot 9A

more commonly known as 3321 Utica Street.

SECTION 2: The hereinafter described property is hereby rezoned from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by Extension, subject to the submitted development plan.

Falconers Addition – Block 7 – Lot 9A

more commonly known as 3321 Utica Street.

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

October 29, 2015

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

Re: A request by Ron Brixey, agent for Justin Green Custom Homes, Inc. for a Master land Use Plan Amendment from Residential Detached to Residential Attached and a zone change from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by Extension located at 3321 Utica Street.

On October 13, 2015, 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 for the construction of two (2) duplexes on separate lots.

No one was present to speak on behalf of these requests.

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

Chairman Sharpe then 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. The vote was 9 in favor and 0 opposed. These requests were approved subject to the submitted development plan.

Respectfully Submitted,

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

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

Printed on 100% Recycled Paper

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: August 31, 2015

Re: Proposed Master Land Use Plan Amendment by Ron Brixey, agent for Justin Green Custom Homes, Inc., for Planning Commission consideration of an amendment to the Master Land Use Plan Map from Residential Detached to Residential Attached by classification at 3321 Utica Street (Companion to item #3)

The Planning Department is in receipt of an application from Ron Brixey, agent, to amend the Master Land Use Plan Map from Residential Detached to Residential Attached to accommodate a proposed Residential Multifamily Medium Density (RM-3) zoning request.

The subject property is on the northwest corner of the intersection of Utica Street and South 34th Street. The tract contains an area of 0.48 acres with approximately 150 feet of street frontage along South 34th Street and 140 feet of street frontage along Utica Street.

The property is currently zoned Industrial Light (I-1). The proposed Master Land Use Plan Map amendment and companion rezoning application will facilitate the construction of two duplexes on separate lots. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion rezoning 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, east and west are classified as Residential Detached and developed as single family residences.

The area to the south is classified as General Commercial and is partly undeveloped with a portion developed as a contractor shop and storage yard.

Characteristics and Use:

Criteria for Designation:	**Compliance Noted**
• Land adjacent to/or within regional centers	Yes
• Land within walking distance to commercial, office, low	

3A

Impact industry, regional institutions or parks	Yes
• Located as a cluster of like services	Yes
• Located on high volume roadway	No
• Planned as part of a mixed-use development	No

MASTER LAND USE PLAN COMPLIANCE

The current Master Land Use Plan classifies the site as Residential Detached. This classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protection of property values.

The proposed Land Use classification of Residential Attached is described as follows:

To provide for diverse populations and households, by supporting variety and option in living environments and housing, while protecting and improving property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Utica Street and South 34th Street as Local Roads.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 25, 2015, on site. Three neighboring property owners were in attendance with no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application.

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:	Ron Brixey
Firm Name:	Brixey Engineering & Land Surveying, Inc.
Address:	5223 East Highway 45, Fort Smith, Ark. 72916
Phone # (day):	479-646-6394 Phone # (cell): 479-650-3400 Fax #: 479-646-6721
Owner Name:	Justin Green Custom Homes, Inc.
Owner Address:	P.O. Box 10660, Fort Smith, Ark. 72917
Phone # (day):	Phone # (cell): 479-650-5114 Fax #:
Property Address (subject property):	3321 Utica Street
Subject Property	
Current Land Use:	Vacant
Existing MLUP Classification:	Residential Detached
Proposed MLUP Classification:	Residential Attached
Existing Zoning Classification:	I-1 (Industrial Light)
Proposed Zoning Classification:	RM-3
Surrounding Property	
Current Land Use: north-	Single Family
south-	Commercial Warehouse
east-	Single Family
west-	Single Family
Existing MLUP Classification: north:	Residential Detached
south:	General Commercial
east:	Residential Detached
west:	Residential Detached
Existing Zoning Classification: north:	RM-3
south:	I-1
east:	RS-4
west:	RM-3
Pre-Application Meeting Date:	9/08/2015

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

3C

1. A legal description of the subject property that is to be amended (reclassified).
   Falconers Addition - Block 7 - Lot 9A
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
   Map Attached
3. The area dimensions of the property in square feet or acres.
   20832.9 S.F. or 0.48 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:
   Utica Street on the South and South 34th Street on the East are Asphalt streets with ditches (no curb). Both streets are in good condition. The development should have no adverse effects on street condition or traffic loading. No new streets 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:
   An 8 inch Sanitary sewer line runs along the alley on the west side of the property. A 6 inch waterline runs along the east side of S. 34th Street. A fire hydrant is located at the southeast quadrant of the intersection of Utica and S. 34th. No additional infrastructure should be required.

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:
   Proposed build out density is 8.33 units per acre

   Permitted density is 20 units per acre

7. Identify any known or anticipated environmental concerns:
   None

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

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

3D

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

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

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

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

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

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

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

AUTHORIZATION OF AGENT

3E

Certification

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

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

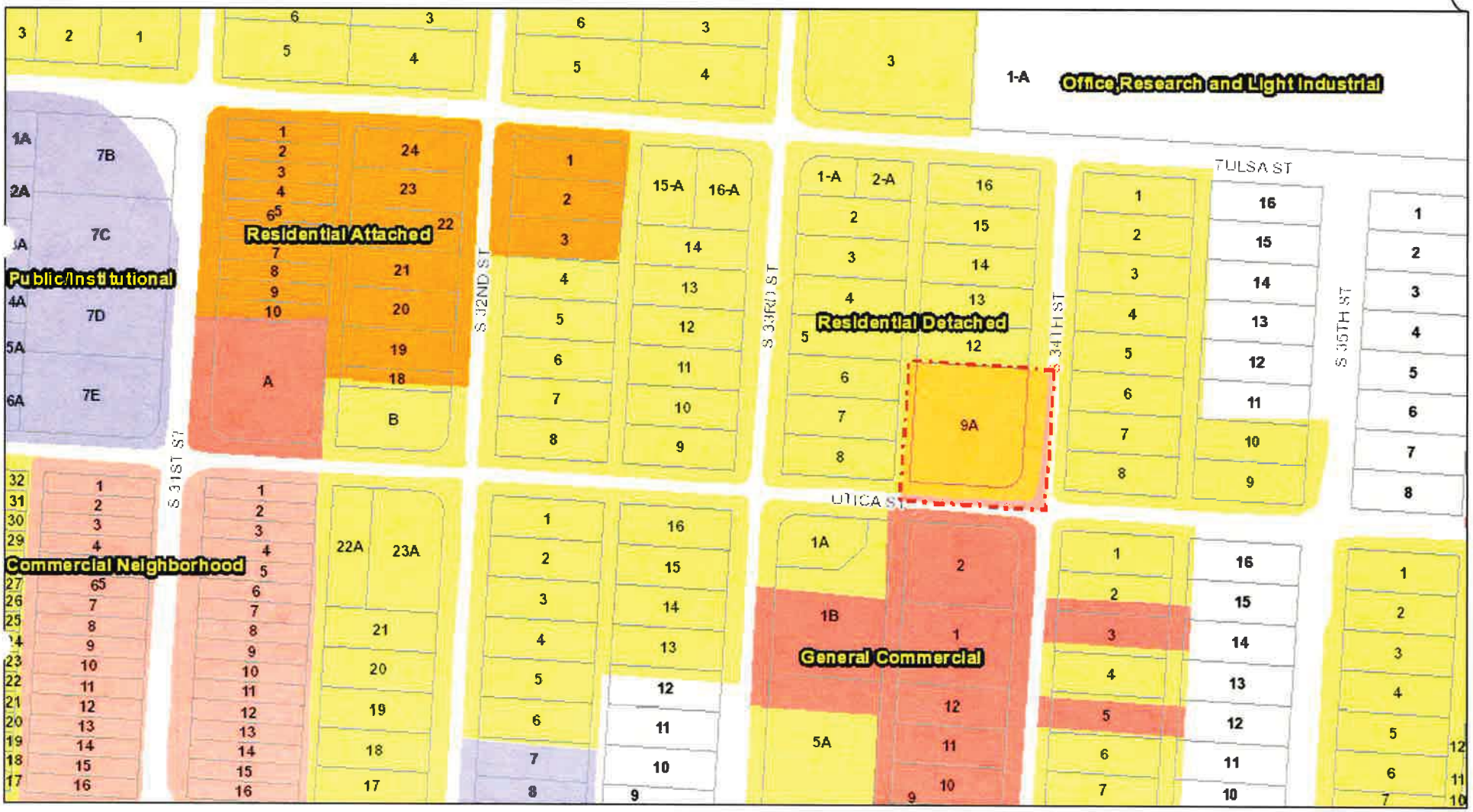
Ron Bilyeu 9/10/15

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.

3F

Master Land Use Plan Amendment: From Residential Detached to Residential Attached
3321 Utica Street



October 7, 2015

Fort Smith City Limts

Subdivisions

Commercial

1:2,011

0 0.0175 0.035 0.07 ft

0 0.0275 0.055 0.11 m

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

MINUTES OF NEIGHBORHOOD MEETING - 3321 UTICA STREET, FORT SMITH, AR.

MEETING LOCATION
The meeting was held at the site, 3321 Utica Street, Fort Smith, Arkansas.

MEETING TIME
The meeting was conducted 4:30 PM on Friday, September 25, 2015.

PURPOSE:
Allow the members of the neighborhood the opportunity to ask questions and to comment on the following proposals.

1. Revise Master Land Use Plan from Residential Detached to Residential Attached.

2. Revise Zoning designation from I-1 to RM-3.

3. Develop the lot by constructing two duplex structures facing South 34th Street.

ATTENDEES

1. Linda Wilkes
2. Travis Wilkes
3. Lois Tuck
4. Brenda Andrews - City Planning Dept.
5. Ron Brixey - Project Engineer
6. Justin Green - Owner of subject property

WHAT WAS DISCUSSED
Linda Wilkes requested that the fence along the South side of her property (North side of the subject property) not be extended to the East, toward South 34th Street. Mr. Green stated that the fence would not be extended.
Travis Wilkes requested that a tree on the subject property near the Northwest corner remain in place if possible and that limbs stretching across the fence be trimmed. Mr. Green stated that the tree would remain and be trimmed.
Lois Tuck along with the Wilkes' all agreed that they would be happy to have the lot cleaned up.

3H

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3721 UTICA STREET

Meeting Time & Date 4:30 PM, 9/25/15

Meeting Purpose ZONE CHANGE & LANDUSE CHANGE

	NAME	ADDRESS	PHONE #
1.	LINDA Wilkes	5014 S. 34th	216-1803
2.	Trayis Wilkes	" "	" "
3.	Lois Luck	5025 So. 34th	646-5625
4.	LOIS TUCK		
5.	Brenda Andrews	Fort Smith Planning Dept	
6.	RON BRIXEY	BRIXEY ENGINEERING	
7.			
8.			
9.			
10.			
11.			

3I

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Rezoning #16-10-15 - A request by Ron Brixey, agent for Justin Green Custom Homes, Inc., for Planning Commission consideration of a rezoning request from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension at 3321 Utica Street (Companion to item #3)

PROPOSED ZONING

Approval of this rezoning will facilitate the platting of the property into two lots for the purpose of constructing a duplex on each lot.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Utica Street and South 34th Street. The tract contains an area of 0.48 acres with approximately 150 feet of street frontage along South 34th Street and 140 feet of street frontage along Utica Street.

EXISTING ZONING

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

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

4A

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

REQUESTED ZONING

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

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

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

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary

4B

schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

The area to the east is zoned Residential Single Family High Density (RS-4) and developed as single family residences.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped. A portion of this area is also zoned Industrial Light (I-1) and developed as a contractor shop and storage yard.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached. This classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protection of property values. The applicant has submitted an application to amend the Master Land Use Plan Map from Residential Detached to Residential Detached.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 25, 2015, on site. Three neighboring property owners were in attendance with no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Within the area, there are six duplexes on Tulsa and South 34th Street and an apartment complex at Tulsa and South 32nd Street. Based on compatibility with the surrounding zoning and development, staff recommends approval of the application with the following comment:

> Construction must comply with the submitted development plan and any Planning Commission amendments. Changes or amendments to the submitted development 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.

4C

Rez. #16-10-15

PETITION FOR CHANGE IN ZONING MAP

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

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

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

   Falconers Addition – Block 7 – Lot 9A

2. Address of property: 3321 Utica Street

3. The above described property is now zoned: I-1 (Industrial Light)

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

5. Why is the zoning change requested?

   Request is made in order to allow development of the property with duplex residential units

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

Signed:

Ron Brixey
Owner or Agent Name
(please print)

_____
Owner

5523 East Highway 45, Fort Smith AR 72916
Owner or Agent Mailing Address

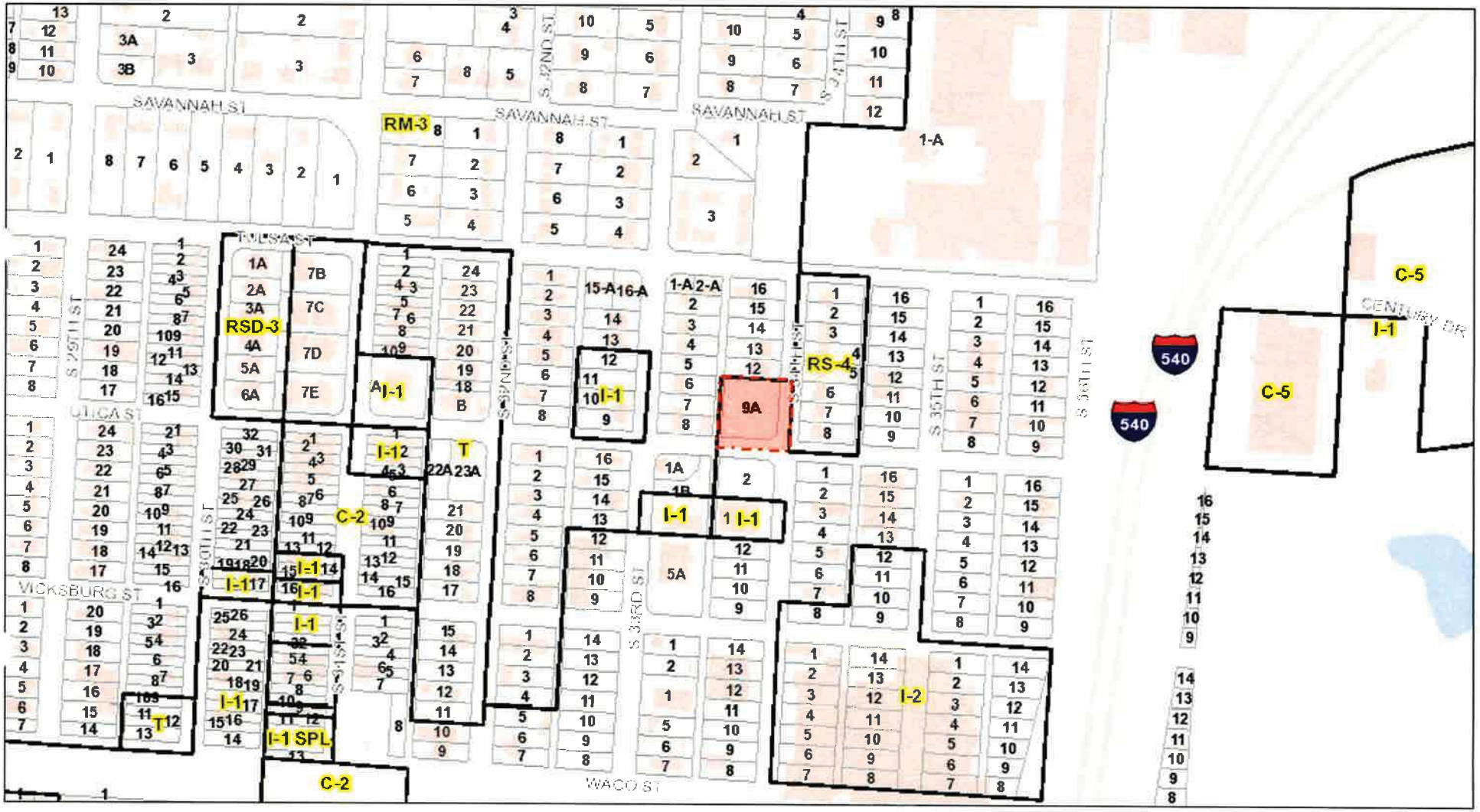
or

Ron Brixey
Agent

479-646-6394
Owner or Agent Phone Number

40

Rezoning #16-10-15: From Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3)
3321 Utica Street



September 21, 2015

Fort Smith City Limts

Building Footprints

Zoning

Subdivisions

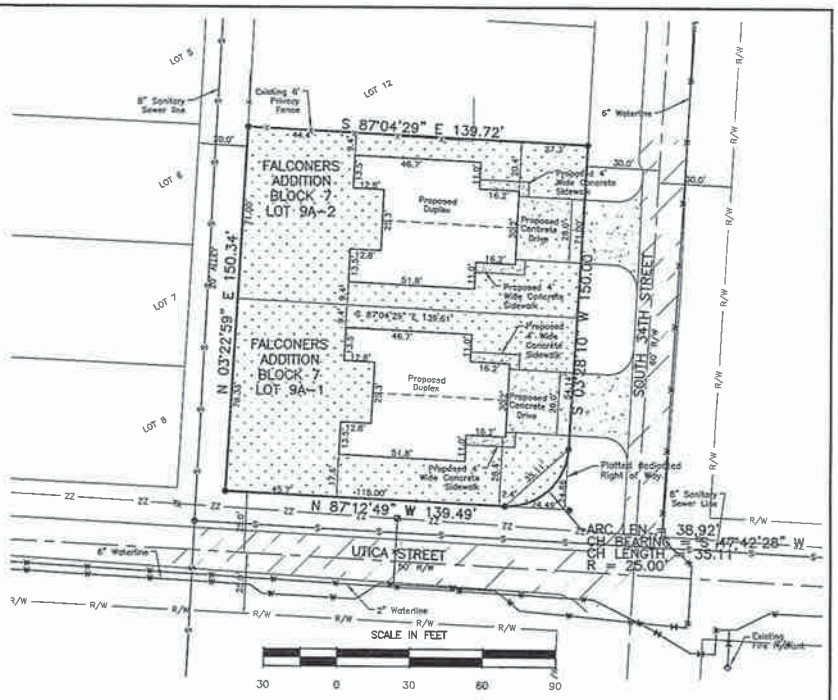
1:4,023

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

VICINITY MAP
SCALE: 1"=500'



LEGEND

EXISTING WATERLINE
EXISTING SEWERLINE
EXISTING MANHOLE
PROPERTY LINE
CENTERLINE STREET
EXISTING OVERHEAD ELECTRIC
EXISTING FENCE
EXISTING WATER METER
EXISTING TELEPHONE PEDESTAL
EXISTING POWER POLE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
EXISTING ASPHALT
PROPOSED GRASS
PROPOSED CONCRETE

© BRIXEY ENGINEERING & LAND SURVEYING, INC. 2015
Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey Engineering & Land Surveying, Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

CURRENT ZONING: I-1
PROPOSED ZONING: RM-3
TOTAL AREA: 20,832.9 S.F = 0.48 ACRES

NOTE:

EACH UNIT PROVIDES TWO (2) PARKING SPACES, ONE IN GARAGE AND ONE IN DRIVEWAY.

COVERAGE IN FRONT YARD: LOT 9A-1 – TOTAL: 1943 SQ.FT. COVERAGE: 732 SQ. FT OR 38%
LOT 9A-2 – TOTAL: 1913 SQ.FT. COVERAGE: 750 SQ.FT OR 39%

AREA OF GREEN SPACE: LOT 9A-1 – TOTAL: 7180 SQ.FT. OR 66%
LOT 9A-2 – TOTAL: 6162 SQ.FT. OR 62%

OWNER & DEVELOPER:

JUSTIN GREEN CUSTOM HOMES, INC.
P.O. BOX 10660
FORT SMITH, AR 72917

SURVEY DESCRIPTION LOT 9A-1:

Being a part of Lot 9A, Block 7, Falconers Addition to the city of Fort Smith, Sebastian County, Arkansas as filed for record October 10, 1997 being more particularly described as follows:

Beginning at an existing iron pin marking the Southwest Corner of said Lot 9A; thence N 03°22'59" E, 79.33 feet along the West line of said Lot 9A; thence S 87°04'29" E, 138.61 feet to the East line of said Lot 9A; thence S 03°28'10" W, 54.14 feet along said East line to an existing iron pin; thence 38.92 feet along the Arc of a curve to the right with a radius of 25.00' and a chord bearing S 17°42'28" W, 35.11 feet to an existing iron pin; thence N 87°12'49" W, 139.49 feet along the South line of said Lot 9A to the point of beginning.

SURVEY DESCRIPTION LOT 9A-2:

Being a part of Lot 9A, Block 7, Falconers Addition to the city of Fort Smith, Sebastian County, Arkansas as filed for record October 10, 1997 being more particularly described as follows:

Commencing at an existing iron pin marking the Southwest Corner of said Lot 9A; thence N 03°22'59" E, 79.33 feet along the West line of said Lot 9A to the Point of Beginning; thence continuing along said West line N 03°22'59" E, 71.00 feet to an existing iron pin; thence S 87°04'29" E, 139.72 feet along the North line of said Lot 9A to an existing iron pin; thence S 03°28'10" W, 71.00 feet along the East line of said Lot 9A; thence N 87°04'29" W 138.61 feet to the point of beginning.

CERTIFICATE OF AUTHORIZATION — BRIXEY ENGINEERING & LAND SURVEYING INCORPORATED — NO. 98 — ARKANSAS ENGINEER

BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS -- LAND SURVEYORS
5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72908 (479) 846-8394

LEGEND
Computed Point
Set 1/2" Iron Pin
Exist. 1/2" Iron Pin
Set R.R. Spike
Exist. R.R. Spike
Set Nail
Exist. Nail
Exist. Stone
Exist. Monument
Exist. Fence

Revisions:

REGISTERED PROFESSIONAL ENGINEER — STATE OF ARKANSAS NO. 908 — DONALD N. BRIXEY

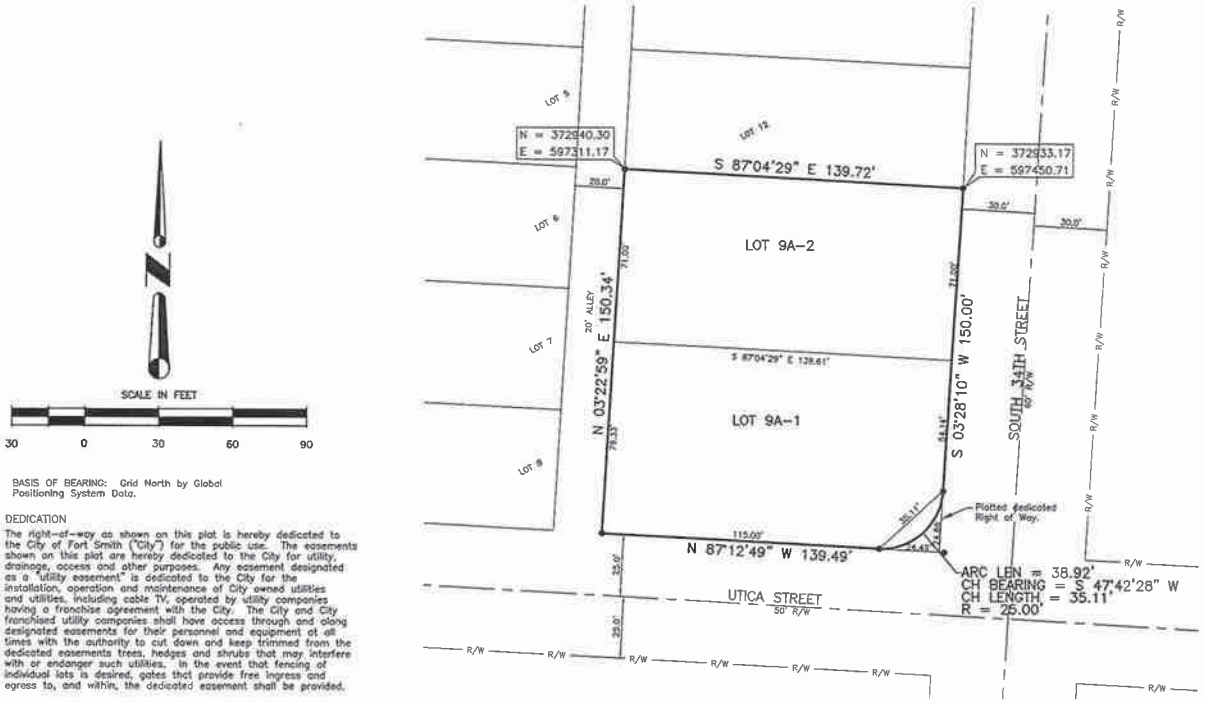
File Name: O:\SURVEYS\15-0227\15-0227.dwg

SITE PLAN

LOTS 9A-1 & 9A-2 BLOCK 7
FALCONERS ADDITION
SEBASTIAN COUNTY, ARKANSAS

Prepared For: Justin Green Custom Homes, Inc.

Date: 08/28/2015
Drawn By: TMC
Computed By: DPB
Job No. 15-0227
Sheet 1 of 1
Revised:



BASIS OF BEARING: Grid North by Global Positioning System Data.

DEDICATION

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for the 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.

NOTES:

1. This plat prepared for the purpose of placing on record Lots 9A-1 and 9A-2.
2. A 1/2" iron pin with a yellow cap stamped LS 988 will be set at each lot corner.
3. All dimensions along curves are chord distances.

BRIZEY ENGINEERING & LAND SURVEYING, INCORPORATED — No. 98 — STATE OF ARKANSAS

LEGEND

Set Iron Pin	○
Exist. Iron Pin	●

© BRIZEY ENGINEERING & LAND SURVEYING, INC. 2015
Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brizey Engineering & Land Surveying, Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

PLANNING COMMISSION APPROVAL

Chairman _____ Date _____

Secretary _____

ALLOTTERS:

_____

Justin Green

STATE OF ARKANSAS
COUNTY OF SEBASTIAN

Sworn to and subscribed before me this day _____

Notary Public _____

My Commission Expires _____

FILED FOR RECORD this _____ day of _____ 20___ at _____ o'clock ___ .m.

Clerk and Ex Officio Recorder

By: _____

CERTIFIED CORRECT:

STATE OF ARKANSAS — REGISTERED PROFESSIONAL ENGINEER — NO. 4456 — RONALD N. BRIZEY

Ronald N. Brizey
Registered Professional Engineer
Arkansas Reg. No. 4456

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS NO. 988 — RONALD N. BRIZEY

Ronald N. Brizey
Registered Land Surveyor
Arkansas Reg. No. 988

FALCONER'S ADDITION

BLOCK 7 - LOTS 9A-1 & 9A-2

BEING A REPLAT OF FALCONERS ADDITION – BLOCK 7 – LOT 9A
AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY ARKANSAS

OCTOBER 2015

OWNER & DEVELOPER:

JUSTIN GREEN CUSTOM HOMES, INC.
P.O. BOX 10660
FORT SMITH, AR 72917

SURVEY DESCRIPTION:

Lot 9A, Block 7, Falconers Addition to the city of Fort Smith, Sebastion County, Arkansas as filed for record October 10, 1997.

Brizey Engineering & Land Surveying, Inc.
Land Surveyors – Consulting Engineers
P.O. Box 6180 Ft. Smith, AR. 72906 (479)646-4284

File Name: O:\SURV\2015\15-0227\15-0227.dwg

HG

MINUTES OF NEIGHBORHOOD MEETING - 3321 UTICA STREET, FORT SMITH, AR.

MEETING LOCATION
The meeting was held at the site, 3321 Utica Street, Fort Smith, Arkansas.

MEETING TIME
The meeting was conducted 4:30 PM on Friday, September 25, 2015.

PURPOSE:
Allow the members of the neighborhood the opportunity to ask questions and to comment on the following proposals.

1. Revise Master Land Use Plan from Residential Detached to Residential Attached.

2. Revise Zoning designation from I-1 to RM-3.

3. Develop the lot by constructing two duplex structures facing South 34th Street.

ATTENDEES

1. Linda Wilkes
2. Travis Wilkes
3. Lois Tuck
4. Brenda Andrews - City Planning Dept.
5. Ron Brixey - Project Engineer
6. Justin Green - Owner of subject property

WHAT WAS DISCUSSED
Linda Wilkes requested that the fence along the South side of her property (North side of the subject property) not be extended to the East, toward South 34th Street. Mr. Green stated that the fence would not be extended.
Travis Wilkes requested that a tree on the subject property near the Northwest corner remain in place if possible and that limbs stretching across the fence be trimmed. Mr. Green stated that the tree would remain and be trimmed.
Lois Tuck along with the Wilkes' all agreed that they would be happy to have the lot cleaned up.

44

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3321 UTICA STREET

Meeting Time & Date 4:30 PM, 9/25/15

Meeting Purpose ZONE CHANGE & LANDUSE CHANGE

	NAME	ADDRESS	PHONE #
1.	LINDA Wilkes	5014 S. 34th	216-1803
2.	Trayis Wilkes	" "	" "
3.	Lois Luck	5025 So. 34th	646-5625
4.	LOIS TUCK		
5.	Brenda Andrews	Fort Smith Planning Dept	
6.	RON BRIXEY	BRIXEY ENGINEERING	
7.			
8.			
9.			
10.			
11.			

4I

GREG MARTIN
3214 S TULSA STREET
FORT SMITH, AR 72903

JOHNNY & CHAU NGUYEN
7207 BLACKJACK DRIVE
FORT SMITH, AR 72916

JORGE FERNANDEZ
5038 S 33RD STREET
FORT SMITH, AR 72903

JOSEPH & PATRICIA TEMPLE
5460 ANNIE OAKLEY DRIVE
LAS VEGAS NV 89120

MONTA & CHARLIE MCGEHEE
PO BOX 483010 W HWY 255
LAVACA, AR 72941

BULIUS & HAZEL WILLIAMS
5115 S 32ND STREET
FORT SMITH, AR 72903

WILLIAM & MAXINE BROWN
2 HAVEN DRIVE
FORT SMITH, AR 72901

GARY & EDA STAMPS
3917 MARSHALL DRIVE
FORT SMITH, AR 72904

LINDA FRANCE
1602 GREGORY AVENUE
POCOLA, OK 74902

SHANON & ELIZABETH NELKE
5017 S 33RD STREET
FORT SMITH, AR 72903

RICHARD HOBBS
5123 S 33RD STREET
FORT SMITH AR 72903

CLARENCE & SCOTTIE SCHNEIDER
5115 S 33RD STREET
FORT SMITH, AR 72903

KEVIN DANG
501 TWO SISTERS CT
FORT SMITH, AR 72916

RAMONA HIGHTOWER
3300 TULSA STREET
FORT SMITH, AR 72903

ANH VAN NGUYEN
3301 TULSA STREET
FORT SMITH, AR 72903

KRISTY THOMPSON
3324 S TULSA STREET
FORT SMITH, AR 72903

JAY NOTLE
5010 S 34TH STREET
FORT SMITH, AR 72903

LINDA WILKES
5014 S 34TH STREET
FORT SMITH, AR 72903

BREEDEN ROBINSON, LLC
PO BOX 664
VAN BUREN, AR 72957

THOMAS BROWN AND MAXINE
BIRDSONG
2 HAVEN DRIVE
FORT SMITH, AR 72901

JIMMIE & JUDITH PRATT
3705 MAYBRANCH LANE
FORT SMITH, AR 72903

MARTIN & KIMBERLY BUFORD
4015 S T
FORT SMITH, AR 72903

BOWMAN PATTERN WORKS INC
5103 S 34TH STREET
FORT SMITH, AR 72903

PAUL & IMOGENE GRAY
6200 EAGLE LANE
FORT SMITH, AR 72903

LOIS TUCK
5025 S 34TH STREET
FORT SMITH, AR 72903

ALLEN & ALICIA HALEY
5023 S 34TH STREET
FORT SMITH, AR 72903

ROSE LEE BYRAM ROBERSON
5119 2 34TH STREET
FORT SMITH, AR 72903

ROBERT & NORMA QUINALTY
5015 S 34TH STREET
FORT SMITH, AR 72903

P&J PROPERTY RENTAL
5600 COUNTRY CLUB AVENUE
FORT SMITH, AR 72903

VINCE & ANTOINETTE ZEPP
3400 TULSA STREET
FORT SMITH, AR 72903

SOUTHERN STEEL & WIRE CO
PO BOX 6537
FORT SMITH, AR 72906

THE SHOUP GROUP LLC
PO BOX 3506
FORT SMITH, 72913

FIRST ASSET HOLDINGS
PO BOX 7
FORT SMITH, AR 72902

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

- Approval of the rezoning application by the City Board of Directors.
- 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.
- The project shall comply with the Chaffee Crossing Design Guidelines. The applicant shall submit an approval from the Chaffee Crossing Design Review Committee prior to the issuance of the building permit.
- All fences shall comply with the requirements of the UDO and Chaffee Crossing Design Guidelines.
- All lighting shall be shielded and comply with the city's Commercial and Outdoor Lighting regulations.
- All signage requires a separate applications and review process.
- Upon completion of the project, staff will review the site to determine if any new trees are necessary for additional screening to the substation.
- Five sets of complete construction plans shall be submitted to the Building Department for plan review.

Chairman Sharpe then called for the vote on the conditional use as amended. The conditional use was approved by a vote of 9 in favor 0 opposed.

3. **A request by Ron Brixey, agent for Justin Green Custom Homes, Inc., for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 3321 Utica Street.**

Brenda Andrews read staff reports indicating the purpose for the master land use will facilitate the construction of two duplexes on separate lots.

No one was present to speak in favor.

No one present to speak in opposition.

Chairman Sharpe called for a vote on the Master Land Use Plan Amendment.

The vote was 9 in favor and 0 opposed.

DRAFT

4. **Rezoning #16-10-15; A request by Ron Brixey, agent to Justin Green Custom Homes, Inc., for a zone change from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by Extension located at 3321 Utica Street.**

   Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of two duplexes.

   No one was present to speak on behalf of this request.

   No one was present to speak in opposition.

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

   The vote was 9 in favor and 0 opposed.

5. **Preliminary Plat- Highland Crossing- Crafton Tull**

   Brenda Andrews read staff report indicating the approval of this preliminary plat would allow for Single-family dwellings.

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

   No one was present to speak in opposition.

   Chairman Sharpe then called for a vote on the preliminary plat. Motion was made by Commissioner Howard seconded by Newton and carried unanimously to amend this request to make approval subject to the following:

   - Developer agreeing to meet all franchise and City utility easement requirements.
   - Compliance with the City's Subdivision Design and Improvements Standards and the Standard Specifications for Public Works Construction.
   - All Landscaping along street right-of-ways shall comply with both the Chaffee Crossing Design Guidelines and the Unified Development Ordinance requirements. Landscaping in easements shall be coordinated with all agencies that have improvements with the easements.

   Chairman Sharpe then called for the vote on the preliminary plat as amended.
   The vote was 8 in favor, 0 opposed and 1 abstention (Commissioner Cooper).

6. **Rezoning #17-10-15; A request by Crafton Tull & Associates. Agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzone to Residential Single Family Medium/High Density (RS-3) by Classification located at 7001 Wells Lake Road.**

7.

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. 17-10-15 to rezone certain properties hereinafter described, and, having considered said request, recommended on October 13, 2015, that said change be made;

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

SECTION 1: That the following properties to-wit:

Part of the Southwest Quarter 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, 1504.51 feet; Thence leaving said West Line, N90°00'00"E 572.15 feet to set 1/2" rebar with cap stamped MWC 1369 on the easterly right-of-way line of Wells Lake Road and the Point of Beginning; Thence along said easterly right-of-way line the following courses: N30°52'08"E, 179.99 feet to a set 1/2" rebar with cap stamped MWC 1369; 593.21 feet along the arc of a curve to the right, said curve having a radius of 1636.96 feet and being subtended by a chord having a bearing of N41°15'02"E and a distance of 589.97 feet to a set 1/2" rebar with cap stamped MWC 1369; 17.77 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N68°35'57"E and distance of 17.51 feet to a set 1/2" rebar with cap stamped MWC 1369 on the southerly line of a Magellan Pipeline Easement, being filed for record June 30, 2015 as Document No. 2015F-09014; Thence along said southerly line the following courses: S09°56'31"E, 69.60 feet to a set 1/2" rebar with cap stamped MWC 1369; S39°56'31"E, 748.04 feet to a set 1/2" rebar with cap stamped MWC 1369 on the westerly right-of-way line of Veterans Avenue; Thence leaving said southerly line and along said westerly right-of-way line the following courses: 313.51 feet along the arc of a curve to the left, said curve having a radius of 928.11 feet and being subtended by a chord having a bearing of S40°32'18"W and a distance of 312.02 feet to a set 1/2" rebar with cap stamped MWC 1369; S30°51'41"W,

108.79 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence leaving said westerly right-of-way line, N63°16’45”W, 818.75 feet to the Point of Beginning. Containing 11.06 acres, more or less.

more commonly known as 7001 Wells Lake Road, should be, and is hereby rezoned from

Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification.

PASSED AND APPROVED THIS_____DAY OF_____, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
Publish One Time

October 29, 2015

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

Re: A request by Crafton Tull & Associates, agent, for Planning Commission consideration of a zoning request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 7001 Wells Lake Road.

On October 13, 2015, the City Planning Commission held a public hearing to consider the above request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the development of 32 single family residential lots.

Mr. Brad Peterson with Crafton Tull & Associates was present to speak on behalf of this request.

No one was present to speak in opposition to this request. Although not opposing the request, Adam Witt, Operations Manager for Phoenix Metals located at 9701 Roberts Boulevard attended the neighborhood meeting. Mr. Witt stated that Phoenix Metals operates 24 hours a day with activities associated with noise including cutting metals and loading trucks. Mr. Witt also stated that the company plans to expand the building and operations.

Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to approval by the Fort Chaffee Redevelopment Authority of the property's Chaffee Crossing Land Use Plan Classification from Mixed Use: Neighborhood Commercial/Office to Single Family Residential.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe, Chairman

MS/lp

cc: File

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

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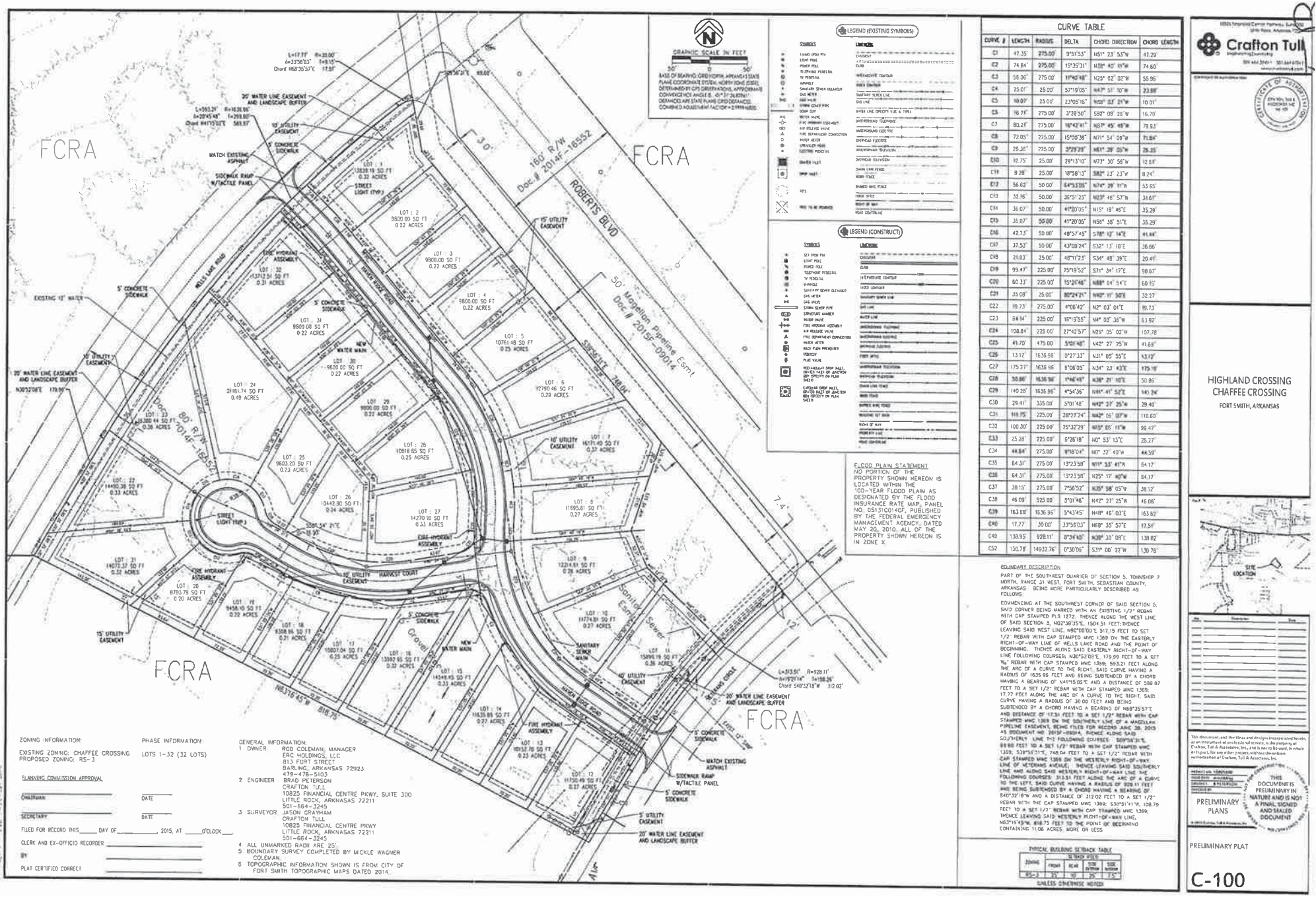

GRAPHIC SCALE IN FEET
LEGEND (EXISTING SYMBOLS)
LEGEND (CONSTRUCT)
CURVE TABLE
Crafton Tull
HIGHLAND CROSSING
CHAFFEE CROSSING
FORT SMITH, ARKANSAS
FCRA
ROBERTS BLVD
160' R/W
Doc.# 2014F-16552
50' Magellan Pipeline Esmt
Doc.# 2015F-09014
80' R/W
Doc.# 2014F-13554
WELLS LAKE ROAD
HARVEST COURT
HARVEST CIRCLE
Sanitary Sewer Esmt
Gravel Drive
NEW WATER MAIN
EXISTING 12" WATER
20' WATER LINE EASEMENT AND LANDSCAPE BUFFER
10' UTILITY EASEMENT
15' UTILITY EASEMENT
5' CONCRETE SIDEWALK
SIDEWALK RAMP W/TACTILE PANEL
MATCH EXISTING ASPHALT
FIRE HYDRANT ASSEMBLY
STREET LIGHT (TYP.)
FLOOD PLAIN STATEMENT
NO PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS DESIGNATED BY THE FLOOD INSURANCE RATE MAP, PANEL NO. 05133C0014F, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DATED MAY 20, 2010. ALL OF THE PROPERTY SHOWN HEREON IS IN ZONE X
BOUNDARY DESCRIPTION
PART OF THE SOUTHWEST QUARTER 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 1/2" REBAR WITH CAP STAMPED PLS 1272, THENCE ALONG THE WEST LINE OF SAID SECTION 5, N02°38'35"E, 1504.51 FEET; THENCE LEAVING SAID WEST LINE, N90°00'00"E, 517.15 FEET TO SET 1/2" REBAR WITH CAP STAMPED MWC 1369 ON THE EASTERLY RIGHT-OF-WAY LINE OF WELLS LAKE ROAD AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOLLOWING COURSES: N30°52'08"E, 179.99 FEET TO A SET 5/8" REBAR WITH CAP STAMPED MWC 1369; 593.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1635.95 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF N41°15'02"E AND A DISTANCE OF 588.97 FEET TO A SET 1/2" REBAR WITH CAP STAMPED MWC 1369; 17.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF N68°35'57"E AND DISTANCE OF 17.51 FEET TO A SET 1/2" REBAR WITH CAP STAMPED MWC 1369 ON THE SOUTHERLY LINE OF A MAGELLAN PIPELINE EASEMENT, BEING FILED FOR RECORD JUNE 20, 2015 AS DOCUMENT NO. 2015F-09014, THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES: S09°58'26"E, 69.66 FEET TO A SET 1/2" REBAR WITH CAP STAMPED MWC 1369; S39°56'31"E, 748.04 FEET TO A SET 1/2" REBAR WITH CAP STAMPED MWC 1369 ON THE WESTERLY RIGHT-OF-WAY LINE OF VETERANS AVENUE; THENCE LEAVING SAID SOUTHERLY LINE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES: 313.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 928.11 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF S40°32'18"W AND A DISTANCE OF 312.02 FEET; TO A SET 1/2" REBAR WITH THE CAP STAMPED MWC 1369; S30°55'41"W, 108.79 FEET TO A SET 1/2" REBAR WITH CAP STAMPED MWC 1369; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N63°16'45"W, 818.75 FEET TO THE POINT OF BEGINNING CONTAINING 11.06 ACRES, MORE OR LESS.
TYPICAL BUILDING SETBACK TABLE
ZONING
SETBACK WIDTH
FRONT
REAR
SIDE EXTERIOR
SIDE INTERIOR
RS-3
25'
10'
25'
7.5'
UNLESS OTHERWISE NOTED
ZONING INFORMATION:
EXISTING ZONING: CHAFFEE CROSSING
PROPOSED ZONING: RS-3
PHASE INFORMATION:
LOTS 1-32 (32 LOTS)
PLANNING COMMISSION APPROVAL
CHAIRMAN
SECRETARY
DATE
FILED FOR RECORD THIS _____ DAY OF _____, 2015, AT _____ O'CLOCK ___
CLERK AND EX-OFFICIO RECORDER
BY
PLAT CERTIFIED CORRECT
GENERAL INFORMATION:
1 OWNER ROD COLEMAN, MANAGER
ERC HOLDINGS, LLC
813 FORT STREET
BARLING, ARKANSAS 72923
479-478-5103
2 ENGINEER BRAD PETERSON
CRAFTON TULL
10825 FINANCIAL CENTRE PKWY, SUITE 300
LITTLE ROCK, ARKANSAS 72211
501-664-3245
3 SURVEYOR JASON GRAYHAM
CRAFTON TULL
10825 FINANCIAL CENTRE PKWY
LITTLE ROCK, ARKANSAS 72211
501-664-3245
4 ALL UNMARKED RADII ARE 25'.
5 BOUNDARY SURVEY COMPLETED BY MICKLE WAGNER COLEMAN.
6 TOPOGRAPHIC INFORMATION SHOWN IS FROM CITY OF FORT SMITH TOPOGRAPHIC MAPS DATED 2014.
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT
PRELIMINARY PLANS
PRELIMINARY PLAT
C-100

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Zoning #17-10-15 - A request by Crafton Tull & Associates, agent, for Planning Commission consideration of a zoning request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification at 7001 Wells Lake Road

PROPOSED ZONING

The approval of this rezoning will allow for the development of 32 single-family residential lots.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Wells Lake Road and Roberts Boulevard. The tract contains an area of 11 acres with approximately 708 feet of street frontage along Wells Lake Road and approximately 386 feet of street frontage along Veterans Avenue.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

6A

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 6.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

EXISTING ZONING

The property currently has no zoning.

SURROUNDING ZONING AND LAND USE

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

The areas to the east include property not zoned and undeveloped and developed as warehouses and property zoned Industrial Light (I-1) developed as Phoenix Metals.

The area to the south is zoned Residential Single Family High Density (RS-4) and undeveloped.

The areas to the west are not zoned and undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Wells Lake Road as Future Major Collector and Roberts Boulevard as a Boulevard Street and Veterans Avenue as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Neighborhood Commercial/Office. This classification is intended for 70% Neighborhood Commercial; 25% Neighborhood Office; and 5% Institutional. An amendment to the Chaffee Crossing Land Use Plan Map to single family residential will be required to accommodate the proposed RS-3 zoning district.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, October 6, 2015, at 4107 Massard Road. A representative from neighboring property owner Phoenix Metals located at 9701 Roberts

6B

Boulevard attended the meeting. Adam Witt, Operations with Phoenix Metals, stated that Phoenix Metals operates 24 hours a day with activities including cutting metals and loading trucks. Mr. Witt also stated that the company plans to expand the building and operations. No other property owners attended the meeting.

Should the planning commission consider approval of the request, staff recommends the following condition:

> Fort Chaffee Redevelopment Authority approval of the property's Chaffee Crossing Land Use Plan classification from Mixed Use: Neighborhood Commercial/Office to Single Family Residential.

6C

Crafton Tull
architecture | engineering | surveying

10825 Financial Centre Pkwy, Suite 300
Little Rock, AR 72211
501.664.3245 / 501.664.6704
www.craftontull.com

Meeting Notes

Date: October 6, 2015

Subject: Neighborhood Meeting Request - Highland Crossing Rezoning Request

Present: See attached attendance list

Distribution: Brenda Andrews, Fort Smith Planning & Zoning
Tom Monaco, Fort Smith Planning & Zoning

The following items were discussed:

1. Phoenix Metals, which is located diagonally across the Veterans Avenue and Roberts Boulevard, was represented at the meeting by Mr. Adam Witt.

2. Mr. Witt stated that Phoenix Metals performs cutting, loading, and shipping of metals from the facility. Currently, Phoenix Metals operates 24 hours a day. Overnight and early morning activities include cutting metals and loading trucks.

3. Mr. Witt stated that Phoenix Metals abides by the set noise ordinances, but they would like potential home buyers to be aware of their current operation.

4. Phoenix Metals has the desire to expand their operation on the adjacent property. The expansion would include a building addition to the northwest portion of their property, according to Mr. Witt.

This comprises our notes taken at the meeting. Please let us know if there are any additions or modifications that should be called to the attention of those on the distribution list.

Attachments: Attendance List

Report by: BAP

AFR Form 1/14/02

1992

6D

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4107 MASSARO

Meeting Time & Date OCT 16 @ 5:30

Meeting Purpose REZONING

	NAME	ADDRESS	PHONE #
1.	TOM MONACO	CITY	784-6218
2.	Adam Witt	9701 Roberts Blvd.	479-452-3802
3.	Rod Coleman	9701 Massaro	478-5103
4.	Brad Peterson	10825 Financial Cntr, Ste 340 Little Rock AR 72211	(501)664-3345
5.			
6.			
7.			
8.			
9.			
10.			
11.			

6E

Rez#17-10-15

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHMENT

2. Address of property: 7001 Wells Lake Rd SE Corner Wells Lake Road and Roberts Blvd

3. The above described property is now zoned: Unzoned

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

5. Why is the zoning change requested?

Redevelopment of Fort Chaffee

*See the attached with application The Highlands at Chaffee Crossing Preliminary Plat

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

Signed:

Crafton Tull & Associates
Owner or Agent Name
(please print)

Owner

10825 Financial Centre Pkwy
Suite 300 Little Rock, AR 72211
Owner or Agent Mailing Address

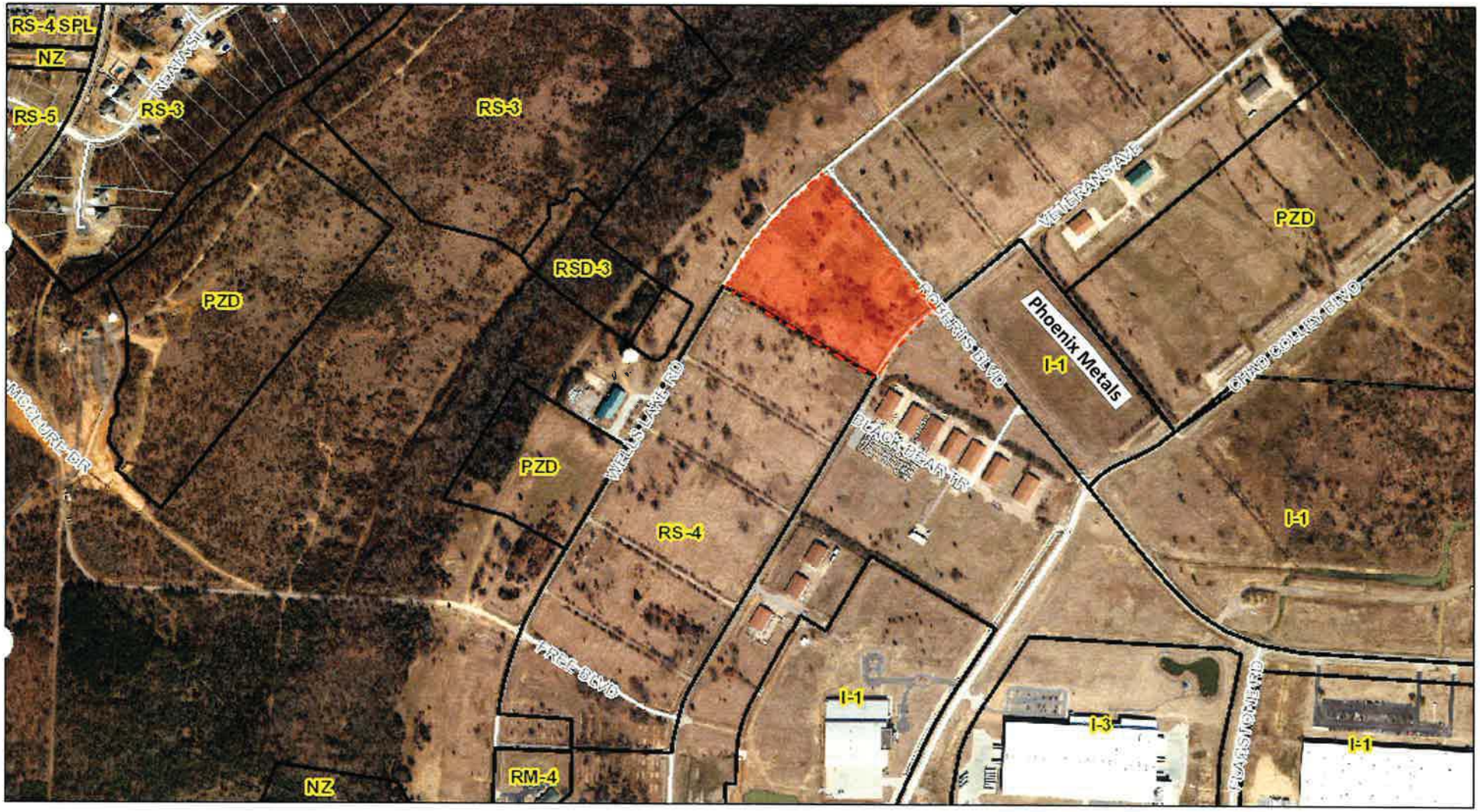
or

By APW
Agent

501-664-3245
Owner or Agent Phone Number

6F

Rezoning #17-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3)
7001 Wells Lake Road



October 7, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:8,046

0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

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

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4107 MASSARD

Meeting Time & Date OCT 16 @ 5:30

Meeting Purpose REZONING

	NAME	ADDRESS	PHONE #
1.	TOM MONACO	CITY	784-7218
2.	Adam Witt	9701 Roberts Blvd.	479-452-3802
3.	Rod Coleman	4701 Massard	478-5103
4.	Brad Peterson	10825 Financial Cntr., Ste 300 Little Rock AR 72113	(501)664-3345
5.			
6.			
7.			
8.			
9.			
10.			
11.			

6H

PHOENIX CORPORATION
4685 BUFORD HWY
NORCROSS GA 30071

MMR HOLDINGS, LLC
5108 S U STREET
FORT STITH, AR 72903

FORT CHAFFEE REDEVELOPMENT
TRUST
PO BOX 11165
FORT SMITH, AR 72917

PHOENIX CORPORATION
4685 BUFORD HWY
NORCROSS GA 30071

MMR HOLDINGS, LLC
5108 S U STREET
FORT STITH, AR 72903

FORT CHAFFEE REDEVELOPMENT
TRUST
PO BOX 11165
FORT SMITH, AR 72917

6. **Rezoning #17-10-15; A request by Crafton Tull & Associates. Agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzone to Residential Single Family Medium/High Density (RS-3) by Classification located at 7001 Wells Lake Road.**

Brenda Andrews read the staff report indicating that the purpose of these request is to allow for rezoning for the development of 32 single-family residential lots.

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

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

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

Approval by the Fort Chaffee Redevelopment Authority of the property's Chaffee Crossing Land Use Plan classification from Mixed Use: Neighborhood Commercial/Office to Single Family Residential.

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

7. **Conditional Use #19-10-15; A request by Al Prieur, agent for Mike Yasin, for a conditional use for an auto and vehicle dealer located at 500 Towson Avenue.**

Brenda Andrews read the staff report indicating that the purpose of this conditional use would allow for the use of the existing building and site as an Auto and Vehicle Dealer.

Al Prieur, agent and Mike Yasin owner were present to speak on behalf of this request

Mr. Rodney Ghan, Mr. Richard Griffin, members of the Central Business Improvements District (CBID) and also Jeremy Drinkwitz representing Sparks Hospital were present to speak in opposition to this request.

Chairman Sharpe then called for the vote on the conditional use request.

The vote was 3 in favor (Commissioner Howe, Howard and Rett) and 6 opposed.

8.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on October 13, 2015, that said changes be made; and,

WHEREAS, three (3) copies of the November 2015 Amendments to the Unified Development Ordinance concerning microbrewery/microwinery/microdistillery have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The November 2015 Amendments to the Unified Development Ordinance concerning the definition and allowed use of microbrewery/microwinery/microdistillery are hereby adopted.

SECTION 2: The codifier shall amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS_____DAY OF _____, 2015.

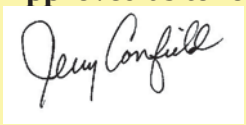
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
Publish One Time

NOVEMBER 2015 – MICROBREWERIES IN COMMERCIAL-5 ZONES

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

seated in chairs or at work stations in that room when the chairs or work stations are placed according to building or fire codes or according to acceptable architectural practice.

Medical and diagnostic laboratories
shall mean laboratories that provide analytic or diagnostic services, and other services, such as medical imaging, and forensics.

Medical appliance services
shall mean a medical supplier who provides orthopedic appliances and prosthetic appliances.

Medical laboratory,
shall mean a facility for testing and analyzing problems of public or private health.

Medical/pharmaceutical
see manufacturing, light

Mental health hospital
shall mean a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Metallic mining
shall mean industries that develop mine sites and mine metallic minerals, and establishments that dress and beneficiate ore, such as by crushing, grinding, washing, drying, sintering, concentrating, calcining, and leaching. Beneficiating may be performed at mills operated with the mines, or at mills operated separately.

~~***Microbrewery***~~
~~shall mean a small craft brewery which seeks the support of informed beer consumers. A beer maker with limited capacity whose products are typically distributed within a restricted geographic region.~~

Microbrewery/microwinery/microdistillery
shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Miniature golf course
shall mean a theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

Mini-storage warehouse

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
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
Video, music, software																		P	P	P	P	P			
Business, Professional, Scientific, and Technical Services																									
Professional Services																									
Abstract services															P	P	P	P	P	P	P	P	P		
Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P	P		
Advertising and media services															P	P	P	P	P	P	P	P	P		
Architectural, engineering															P	P	P	P	P	P	P	P	P		
Carpet and upholstery cleaning																			P	P	P	P	P	P	P
Consulting services															P	P	P	P	P	P	P	P	P		
Extermination and pest control																					P		P	P	P
Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P		
Investigation and security services																			P	P	P	P	P	P	
Janitorial services																			P	P	P	P	P	P	
Legal services															P	P	P	P	P	P	P	P	P		
Medical laboratory																							P	P	P
Medical laboratory (no animal research/testing)																			C	C	C	C	P	P	
Offices, corporate															P	P	P	P	P	P	P	P	P		
Offices, general															P	P	P	P	P	P	P	P	P	P	P
Property management services (office only)															P	P	P	P	P	P	P	P	P		
Real estate agency															P	P		P	P	P	P	P	P		
Travel arrangement and reservation services															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	
Microbrewery/microwinery/microdistillery																					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		
Restaurant (with drive-through services)																		C	P	P	P	P	P		
Restaurant (with outdoor dining)																		C	C	C	C	P	C		
Vending																					P		P	P	
Personal Services																									
Bail bonds office																					P	P	P	P	

October 29, 2015

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

Re: Unified Development Ordinance Amendments

On October 13, 2015, the City Planning Commission held a public hearing to consider text amendments to the Unified Development Ordinance.

Brenda Andrews read the staff report noting that the purpose of this text amendment is to add the following land uses to the UDO Land Use Matrix.

1. Small Scale Production
2. Microbrewery/microwinery/microdistillery
3. Specialty Manufacturing

Ms. Andrews stated that the applicant has requested that the above uses be permitted in the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3) and Commercial Regional (C-4) zoning districts. Ms. Andrews stated that staff believes that the applicant's amendments have merit and would encourage more small craft businesses in Fort Smith. She stated, however, that staff has concerns about the proposed land uses as conditional uses in the C-2, C-3 and C-4 zoning districts and would like to further study the amendments in these zoning districts to evaluate potential impacts.

Mr. Quentin Williams was present to speak on behalf of this proposed amendment.

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

Chairman Sharpe then called for the vote on the UDO amendment. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 9 in favor and 0 opposed to make approval subject to the following:

- Amend the UDO Land Use Chart to add microbrewery/microwinery as a permitted land use in the Commercial-5 zoning district; and
- Amend Chapter 27-200 to delete the current definition of microbrewery and replace with the applicant's definition for microbrewery/microwinery/microdistillery.

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 this request as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Cooper).

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 29, 2015

Subject: Proposed UDO Text Amendment - Small Scale Production, Microbrewery/microwinery/microdistillery, and Specialty Manufacturing

Quentin Willard of the Fort Smith Brewing Company has submitted a request for text amendments to add the following land uses to the UDO Land Use Matrix:

1) Small Scale Production;
2) Microbrewery/microwinery/microdistillery;
3) Specialty Manufacturing

The applicant has requested that the above uses be permitted in the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3), and Commercial Regional (C-4) zoning districts.

Mr. Willard also requests to amend Chapter 27-200 to include the following definitions:

> **Small Scale Production** shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other crafts.
>
> **Microbrewery/microwinery/microdistillery** shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 s.f. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.
>
> **Specialty manufacturing** shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 s.f. of gross floor area.

11A

Chapter 27-200 currently includes the following definition for microbrewery:

Microbrewery shall mean a small craft brewery which seeks the support of informed beer consumers. A beer maker with limited capacity whose products are typically distributed within a restricted geographic region.

We have also included in your packet additional background information on microbreweries that Mr. Willard has submitted with his application.

Staff believes that the applicant's amendments have merit and would encourage more small craft businesses in Fort Smith. However, staff has concerns about the proposed land uses as conditional uses in the C-2, C-3 and C-4 zoning districts and would like to further study the amendments in these zoning districts to evaluate potential impacts.

We do believe that the proposed definition for Microbrewery/microwinery/microdistillery as a permitted use the C-5 zoning district would be beneficial and have minimal impacts to surrounding land uses.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO to amend the UDO Land Use Matrix and Chapter 27-200 as follows:

1. Amend the UDO Land Use Chart to add Microbrewery/microwinery/microdistillery as a permitted land use in the C-5 zoning district ; and

2. Amend Chapter 27-200 to delete the current definition of Microbrewery and replace with the applicant's definition for Microbrewery/microwinery/microdistillery.

11B

Quentin Willard
Fort Smith Brewing Company
9304 Fresno Street
Fort Smith, Arkansas 72903

September 18, 2015

City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

Re: Text Amendment
C-2 Zoning District
C-3 Zoning District
C-4 Zoning District
C-5 Zoning District

Please accept this letter as request to obtain a Text Amendment to the Unified Development Ordinance of the City of Fort Smith. Specifically, to add Small Scale Production, Microbrewery/microwinery/microdistillery, and Specialty Manufacturing to the C-2, C-3, and C-4 zoning districts as a conditional use and C-5 zoning district as a permitted use. Additionally we propose the addition of the following definitions to Chapter 27-200:

- **Small Scale Production**, shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.
- **Microbrewery/microwinery/microdistillery** shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.
- **Specialty manufacturing** shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq.ft. of gross floor area.

Attached please find Appendix A, Fort Smith Use Matrix, and Chapter 27-200, Definitions, noting our request for the conditional and permitted uses legend to be placed on Appendix A in the respective columns and definitions updated in Chapter 27-200.

Please place this request on the agenda for the first available Planning Commission Study Session.

Your consideration in this matter is appreciated. If you have any questions or need further information please contact me at 401-572-9856.

Quentin Willard

11C

THE PROPOSED AMENDMENT TO THE FORT SMITH UNIFIED DEVELOPMENT ORDINANCE FOR ALLOWANCE OF SMALL MANUFACTURERS IN COMMERCIALLY ZONED DISTRICTS AS PRESENTED BY FORT SMITH BREWING COMPANY.

PROJECT SYNOPSIS:

We propose the following code changes:

- Create a new Use for small-scale commercial production that is limited in size.
- The new Use includes uses such as boutique/specialty manufacturing(microbreweries, specialty food manufacturers, cabinet shop, etc.).
- These type of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size, they do not pose compatibility issues.
- The uses in the new Use would generate similar land use impacts as a restaurant or general commercial use. The new Use is allowed in the same zoning districts as a restaurant or general commercial use.
- Incorporating the new Use into several zoning districts introduces additional variety of non-residential uses throughout the city; encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed zoning amendments are a result of changing market conditions and will encourage economic development.

DISCUSSION:

Over the past several years the city has seen an influx of smaller start-up businesses operating out of residences, small building leases, and adaptation of existing vacant buildings for a variety of non-residential uses. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in a commercial building or been forced to an undesirable industrial area or a different community altogether. A demand for small, light manufacturing space has increased, including uses such as microbreweries.

To address these issues, we propose the following changes to the Fort Smith Unified Development Ordinance. As described in the Project Synopsis, these changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size, these uses are appropriate and desired in more areas of the non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

These same changes were recommended to and accepted by the Fayetteville Planning Commission in January 2015 in accordance with the Fayetteville Zoning Districts.

The changes are proposed as follows:

11D

1. Appendix A Fort Smith Use Matrix. Create a new Use, ***Small Scale Production***, under Residence or Accommodation. The use includes the following:
    - **Microbrewery/microwinery/microdistillery**
    - **Specialty manufacturing**
    - Appropriate permitted or conditional use in the following zoning districts:

Conditional Use	**Permitted Use**
C-2, Commercial Light	C-5, Commercial Heavy
C-3, Commercial Moderate	
C-4, Commercial Regional	

2. Chapter 27-200 Definitions. Add definitions for "**Small Scale Production**," "**Microbrewery/microwinery/microdistillery**" and "**Boutique/specialty manufacturing**".
    - **Small Scale Production**, shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.
    - **Microbrewery/microwinery/microdistillery** shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.
    - **Specialty manufacturing** shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq.ft. of gross floor area.

ATTACHMENTS:

- Proposed code changes to UDO Appendix A (Fort Smith Use Matrix), Chapter 27-200 (Definitions).
- Summary of interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division, as provided by Fayetteville City Planners.
- Definitions of microbrewery from American Brewer's Association and Arkansas Alcoholic Beverage Control Division

11E

P = Permitted Use, C = Conditional Use, A = Accessory Use	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
				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
Business, Professional, Scientific, and Technical Services																										
	Professional Services																									
	Abstract services															P	P	P	P	P	P	P	P	P		
	Accounting, tax, bookkeeping,payroll															P	P	P	P	P	P	P	P	P		
	Advertising and media services															P	P	P	P	P	P	P	P	P		
	Architectural, engineering															P	P	P	P	P	P	P	P	P		
	Carpet and upholstery cleaning																			P	P	P	P	P	P	P
	Consulting services															P	P	P	P	P	P	P	P	P		
	Extermination and pest control																					P		P	P	P
	Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P		
	Investigation and security services																			P	P	P	P	P	P	
	Janitorial services																			P	P	P	P	P	P	
	Legal services															P	P	P	P	P	P	P	P	P		
	Medical laboratory																							P	P	P
	Medical laboratory (no animal research/testing)																			C	C	C	C	P	P	
	Offices, corporate															P	P	P	P	P	P	P	P	P		
	Offices, general															P	P	P	P	P	P	P	P	P	P	P
	Property management services (office only)															P	P	P	P	P	P	P	P	P		
	Real estate agency															P	P		P	P	P	P	P	P		
	Travel arrangement and reservation services															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															P		C	P	P	P	P	P	P		
	Restaurant (with drive-in services)																			P	P	P		P		
	Restaurant (with drive-through services)																		C	P	P	P	P	P		
	Restaurant (with outdoor dining)																		C	C	C	C	P	C		
	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	P	
	Laundry (commercial/industrial)																							P	P	P

Fort Smith

Small Scale Production
Microbrewery/microwinery/microdistillery
Boutique/specialty manufacturing

C C C P
C C C P

FORT SMITH UNIFIED DEVELOPMENT ORDINANCE

Chapter 27-200: DEFINITIONS

CHAPTER 27-201: General Definitions

Small Scale Production

shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.

Microbrewery/microwinery/microdistillery

shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Specialty manufacturing

shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq. ft. of gross floor area.

11. A request by Quentin Willard, Fort Smith Brewing Company, for a text amendment to the Unified Development Ordinance.

Wally Bailey read the staff report indicating that the purpose of the text amendment is to add the following land uses to the UDO Land Use Matrix.

1. Small Scale Production.
2. Microbrewery/micro winery/micro distillery
3. Specialty Manufacturing

The applicant has requested that the above uses be permitted it the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3), and Commercial Regional (C-4) zoning districts.

Quentin Williams was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the UDO Amendment.
Motion was made by Commissioner Howard, seconded by Newton and carried with a vote of 9 in favor and 0 opposed to make approval subject to the following:

- Amend the UDO Land Use Chart to add Microbrewery/microwinery as a permitted land use in the Comercial-5 zoning district; and
- Amend Chapter 27-200 to delete the current definition of Microbrewery and replace with the applicant's definition for Microbrewery/microwinery/microdistillery.

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

12. A request by Jeremy Jones, River City Cycles, for a text amendment to the Unified Development Ordinances.

Wally Bailey read the staff reports indicating that the purpose of the text amendment to allow "Motorcycles or ATV Sales and Service" in the Commercial Downtown (C-6) zoning district as a conditional use.

Jeremy Jones was present to speak on behalf of this request.

Richard Griffin with (CBID) was present to speak in opposition to this request.

ADDITIONAL BACKGROUND INFORMATION

ZONING AMENDMENT REQUEST

FROM FORT SMITH BREWING CO

DATED SEPTEMBER 18, 2015

October 2014
Saddlebock Brewery
18244 Habberton Road
Springdale, AR 72764
479.419.9969
Owner: Steve
Steve's cell: 479.422.1797
steve@saddlebock.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?
A barrel is 31 gallons, we're growing a lot and our numbers are changing month by month. In the 3rd quarter of this year we reported 700-800 barrels, we will probably have around 2,000 barrels for the year. We did 1,000 barrels in 2013.

What is the total square footage of your facility?
Our building was built to be a brewery so it is much more efficient that if someone were leasing a facility. We have 5,000 sq. ft. in the 'barn' on three floors. The barn is a structure that we built specifically for our brewing facility. As part of the conditional use permit through the county for our business the structure was intended to look like a barn to fit in to the rural setting of the area. Across the street from the barn we have a warehouse for storage and cold storage which is about 10,000 sq. ft. for a total of 15,000 sq. ft.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:
We get some sort of truck traffic in every day. Today we only had one UPS truck delivering a package. Our biggest deliveries are grain, usually 2-3 deliveries per week with a full size semi-truck. We buy from the pallet and load from a lift gate onto a dock. We buy glasswear bottles, glasses, and kegs. We have about 22 employees (part and full-time) including drivers and others offsite including sales guys in Little Rock and elsewhere. We have some part-time girls that do serving in the tasting room. We are looking to expand with a restaurant in the future.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?
Never had any complaints from any neighbors. When we asked for a conditional use permit for outdoor music one of the neighbors was opposed to the request and he lived about a mile away. Microbreweries have a tasting room which is basically a small bar. The products produced from these types of facilities is typically a higher quality and more expensive product than you would see in a regular bar. We do not see the types of college-age bar crowd that are looking for cheap beer in these types of facilities so it is usually pretty calm and quiet. We close the tasting room at 9 p.m.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?
Water usage and wastewater usage can be a problem. To produce 1 gallon of beer requires 4-6 gallons of water. We fall under ADEQ for rinsing down tanks. ADEQ classified me as industrial. If ADEQ classified me as commercial we could put our waste underground (in their septic system). I have to have all of my

wash down water and other water carted offsite at a high expense because it cannot be put underground into our septic system and there is not a sewer system out here (in unincorporated county). You have to use cooling water in the brewing process and we keep that water and store it in an insulated tank for re-use. At Tim's on the square they will run their water off into the street (the cooling water and wastewater) which I believe is against the law and in the winter the wastewater has formed ice on the sidewalk and street where they dump it which has been a problem.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?
If the brewers are too big it can be pretty unsightly if it is a 20,000 sq. ft. facility without any windows or doors in a downtown area. A general number of around 5,000 barrels should be sufficient.

Do you have any other recommendations or comments?
In general these types of facilities will be really popular and people will want to come and see the facilities, try the product, and hang out. They are great for tourism.

He also discussed legislative changes related to alcoholic beverages that will likely be upcoming in the next session and he is involved an some sort of committee at the state level for these changes.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-20-2014
Phone Interview with Ozark Brewing Company
Ozark Beer Co.
1700 s. 1st St.
Rogers, AR 72756
479.636.2337
Lacie Bray, Director
lacie@ozarkbeercompany.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?
-1,400 barrels this year; 3,500 barrels hopefully next year.
-We have a 15 barrel brewhouse and W. Mountain Brewery has a 3 barrel brewhouse.
-Once you hit 10,000 barrels you will hit a different level of facility where you have to have a much larger number of employees, a human resources department to manage employees, etc.

What is the total square footage of your facility?
About 7,000 sq. ft. which will allow expansion of our current production.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:
A truck coming every couple of weeks to deliver grain. We have about 5 full-time employees and some part-time staff in the tasting room.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?
No, not really. Most of the time when breweries are a large size they are in industrial areas. Some people complain about the smell of brewing, some people like the smell.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?
Smell of brewing is an issue to some people

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?
No

Do you have any other recommendations or comments?
Look at the City of Denver and the City of Boulder

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-27-2014
Core Brewing and Distilling Co.
2470 N. Lowell Rd.
Springdale, AR 72764
479.372.4300
Interview/tour and site visit with Jesse Core, CEO

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?
3,000 now, but we are expanding rapidly and our current facility has a capability of 20,000 max. production.

What is the total square footage of your facility?
20,000 sq. ft. We started with 5,000 sq. ft. in 2010 with only one suite, and have continued to expand over the last four years.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:
24 employees. Large semi-trucks come in several times a week to drop off grain and supplies and other trucks come in and out to haul off the used grain and distribute products. We are the largest micro-brewery in Arkansas or Oklahoma right now.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?
No complaints. We are well liked by the neighbors and the community. There hasn't been any issues here. Employees from businesses in the area enjoy coming down and hanging out, enjoying a beer. There shouldn't be any problems with the facility with proper planning such as enough parking and loading areas.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?
No problems. Microbreweries are very unique and different than other industries that create a lot of impacts. They are huge for the advertising and promotion of a community. The impacts of these types of facilities are minimal, different than other heavy industry. The general public are invited, and they love to come in and see the facilities, talk to the brewers, and enjoy a craft product. They are great for a community.

One potential issue is that if the waste products (used grains) are not disposed of quickly it can start to stink. This can be handled with basic good management. After we use our grains in the brewing process we have farmers lined up that come pick it up and use it for compost on the farms. It is a sustainable process. However, I could see it being a problem if it is a hot summer day and used grain sits outside and the farmer forgets to come pick it up. If a restaurant were immediately downwind they might not like the smell.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?
Open it up, don't put specific limitations on them because they will be great for your community.

Do you have any other recommendations or comments?
It would be appropriate when these types of facilities are in a commercial area that the street façade be required to look nice. That is typically what these types of facilities will do anyway because they are cool buildings that invite the public in.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?
yes

10-20-2014
Apple Blossom Brewing Company
1550 East Zion Road. Suite 1
479.287.4344
Ching Mong, owner/partner
appleblossombrewingco@gmail.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?
Not sure, they only sell their product on site and in growlers at this point but would like to expand.

What is the total square footage of your facility?
Restaurant, brewhouse, and patio is a total 11,000 sq. ft.; brewhouse is about 1,500 sq. ft.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:
No different than a restaurant at this point because they do not sell or distribute beer offsite.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?
No complaints. He discussed that complaints from the brewer, or about the brewing operation, would vary depending on the volume you produce. Right now we are only in-house, we don't sell out of house and don't have any issues.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?
Easy access in and out of the facility especial if it is a large volume brewer.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?
No

Do you have any other recommendations or comments?
It would be a good idea to make it easier for microbreweries to be located in commercial areas without having to have additional special permits or zoning changes.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?
Yes

10-??-2014
Phone Interview with **Fossil Cove Brewing Co.**
1946 N. Birch Ave.
Fayetteville, AR 72703
479.445.6050

Interview by Andrew Garner, City Planning Director
(left messages, calls not returned)

How many barrels per year do you produce?

What is the total square footage of your facility?
3,600 sq. ft. (from business license)

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

Do you have any other recommendations or comments?

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-20-2014
Phone Interview with
Arkansas Department of Finance and Administration - Alcoholic Beverage Control Division
Michael Langley, Director
Interview by Andrew Garner, City Planning Director

Definition of microbrewery

Mr. Langley described the threshold for microbreweries as currently regulated by the state:

1. Microbrewery/restaurant allows for production of less than 5,000 barrels per year but the product must be sold at the restaurant in a retail, not wholesale, setting.
2. Small brewer allows for production of less than 20,000 barrels per year for wholesale.

The state will likely change these definitions in the next legislative session. These definitions appear to be fairly outdated for current practices. These definitions were approved when there were very few small brewers/microbreweries in the state. The American Brewer's Association defines a microbrewery as allowing production of less than 15,000 barrels per year, different than the state, that does not specifically define a microbrewery like the ABA.

Land use impacts

Mr. Langley discussed the impact and complaints/issues that ABC has had with these types of uses. In general the smaller brewers are very compatible in commercial and restaurant settings. They very rarely, if ever, receive complaints from any neighbors. The types of complaints for microbrewies have been limited to noise associated with people in the restaurant/bar setting. Problems encountered with microbreweries have not been associated with the land use or impact of the breweries, but centered around the businesses not complying with environmental regulations and asking for forgiveness instead of permission. In general he was supportive of code changes to allow microbreweries in commercially zoned areas and feels that the impact is no more than that of a typical restaurant. He also discussed the positive effect on tourism in a community that microbreweries can bring, which is a major benefit to a community that should be considered.

11-07-14

Fayetteville Visitor's Bureau
Jessie Leonard, Communications Manager
Fayetteville Ale Trail
jleonard@experiencefayetteville.com

Interview with Andrew Garner, City Planning Director

Tell me about the Fayetteville Ale Trail?
It is a tour of local breweries. We have created a passport with the breweries on the passport and customers go around to each brewery to have their passport stamped. Six are on the tour now, one more in Bentonville opening very soon so there will be seven.

How many visitor's per year are attributed to the Fayetteville Alt Trail or breweries in general?
We launched the program last August. We have printed over 20,000 passports, given out about 19,500 passports since we started the program and are starting to print more. We can't sell anything related to it. But, we have a little incentive if each brewery has stamped the passport we will give the customers a little bottle opener, etc. We get requests all the time from people all of the country for the passports.

What are some of the benefits of micro-breweries?
It is a big up and coming trend in the tourism industry. We found we were having so many visitors requesting the information on local breweries that we started the Ale Trail program. It is a unique attraction because you are meeting the brewer, taking a tour, and sampling the product. They are great assets to the community. All of the local brewers we work with are all super-involved in the community. For example the employees at Fossil Cove all go down the trails on Friday and pick up trash. From our perspective it is a great benefit.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?
yes

STATISTICS

CRAFT BEER INDUSTRY MARKET SEGMENTS

There are four distinct craft beer industry market segments: brewpubs, microbreweries, regional craft breweries and contract brewing companies.

Microbrewery

A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

View list of U.S. Microbreweries

Brewpub

A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off site accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75 percent.

View list of U.S. Brewpubs

Contract Brewing Company

A business that hires another brewery to produce its beer. It can also be a brewery that hires another brewery to produce additional beer. The contract brewing company handles marketing, sales and distribution of its beer, while generally leaving the brewing and packaging to its producer-brewery (which, confusingly, is also sometimes referred to as a contract brewery).

Regional Craft Brewery

An independent regional brewery with a majority of volume in "traditional" or "innovative" beer(s).

Regional Brewery

A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

View list of U.S. Regional Breweries

Large Brewery

A brewery with an annual beer production over 6,000,000 barrels.

View list of U.S. Large Breweries

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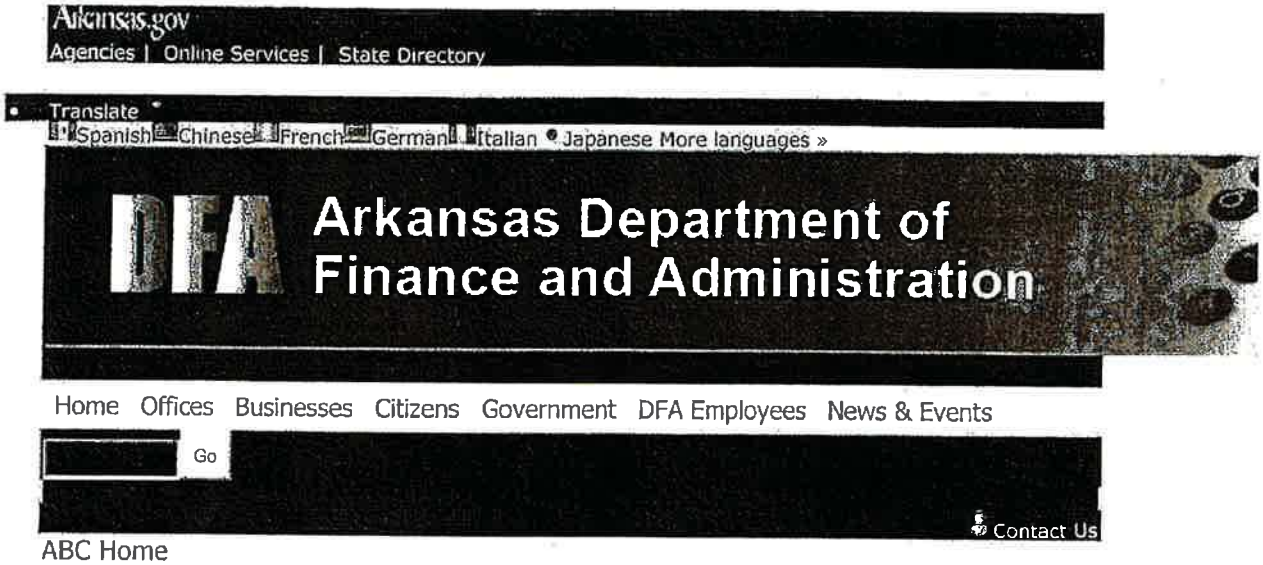

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Title 2, Subtitle B | Definitions

Section 2.5.1

"Microbrewery-Restaurant" means any establishment in which beer is both brewed and sold at retail in a restaurant setting under the same ownership in the same building or attached buildings. The operation of the microbrewery-restaurant shall be a limited exception to the three-tier system as defined in other parts of these Regulations. A microbrewery-restaurant establishment shall be allowed to brew beer or other malt beverage products, as defined in ACA § 3-5-1202, and such beer or malt beverage products may be brewed in one or more varieties to be served in the restaurant operated at the same premises. The microbrewery-restaurant shall be limited to a production of 5000 barrels of malt beverage products per year, with each barrel having a volume of thirty-one (31) gallons. The beer or malt beverage brewed at the microbrewery operation shall only be sold at the restaurant maintained at the same premises, as defined in Act 611 of 1991 and shall be dispensed at such restaurant for on premises consumption only. The restaurant may purchase beer from other

manufacturers of beer as set forth in that Act for sale and dispensing at the restaurant operation. (Amended 8-15-01)

Section 2.5.2

"Arkansas Native Brewer" means any small brewery or microbrewery-restaurant permitted under the provisions of Act 1805 of 2003, as amended. A small brewery permitted under this law shall have the authority to manufacture and sell beer and malt beverages not to exceed an aggregate quantity of 30,000 barrels per year. The small brewery may sell to wholesalers, to retail license holders and other small brewery license holders, or to the consumer at the brewery facility. In addition, under the provisions of Act 1459 of 2009 the operator of a small brewery may serve complimentary samples of beer produced by the small brewery or by another licensed small brewery and may sell at retail by the drink or by the package beer produced by the small brewery or produced by another small brewery if all sales occur in a wet territory. Authorized sales as described above may occur at the small brewery location property, any small brewery – off premise retail site or at fairs and food and beer festivals as described in Act 1459. If the small brewery determines that it wishes to sell its own products to another small brewery, or to retail license holder it shall obtain a small brewery wholesale permit. A microbrewery-restaurant operator who operates under the Arkansas native brewer permit may manufacture beer and malt beverages in an aggregate quantity not to exceed 5000 barrels per year. The microbrewery-restaurant may sell to wholesalers, to other retail dealers or to the consumer at the microbrewery-restaurant for consumption either on or off the premises. The microbrewery restaurant must obtain a separate retail permit that authorizes the sale of wine for on premises consumption at the property. Off premises sales are limited to those brand name products which are produced at the permitted facility. Native brewer permittees may sell their beer and malt beverage products for on or off premises consumption during all legal operating hours of the business in which the business is normally and legally conducted, on any day of the week, unless otherwise prohibited by law, if the native brewer provides tours and provides that only sealed containers are removed from the premises. (Amended 8-19-09)

http://www.dfa.arkansas.gov/offices/abc/rules/Pages/title2SubtitleB.aspx

accessed 10/20/2014

SMALL BREWERY INFORMATION

Required brewing equipment:

	Average Sizes:			
	5bbl	10bbl	15bbl	20bbl
Brewing Kettle	33sqft	72sqft	108sqft	150sqft
Fermenters	13sqft	17sqft	22sqft	28sqft
Brite Tanks	13sqft	21sqft	30sqft	42sqft
Hot/Cold Liquor Tank	------	33sqft	50sqft	100sqft
Kegs	2.25sqft	same size for all brewing systems		
Walk-in Freezer for Storage	100sqft	same size for all brewing systems		

Space away from walls should be at least 2sqft each
A walk way between sets of tanks should be at least 120sqft
A storage area for grains, supplies etc should be at least 200sqft
A small canning or bottling line should be at least 120sqft
A keg system/cleaner should be at least 150 sqft
Keg, bottle, or can storage should be at least 400sqft
Research Brewing System should be at least 100sqft
Minimum total of space needed for non-brewing equipment: 1400sqft
These barrel sizes are assuming high ceilings. Many small commercial locations will have lower ceilings resulting in higher square footage taken up for shorter, fatter brewing equipment.

A Barrel(bbl) of beer is equal to 2 kegs or 250 pints on average
There are two types of beer: Ales & Lagers
Ales typically take 2 weeks to ferment and Lagers typically take 3-4 weeks to ferment
See exhibit below on Page 2 for calculations and examples of yearly production.
See the exhibits below on Page 3 for maximum yearly production based on barrel system and beers brewed per week.

Given the size of brewing equipment, nearly all microbreweries will not have anything larger than a 20 barrel system in 5000 square feet unless the location has ceiling heights in excess of 14 feet.
Brewing 5000 barrels in a year on a 20 barrel system with 6 beers on tap would require 10 fermenters and 6 brite tanks if all beers were ales. This would require a minimum of 1900 square feet. 2600 square feet would be more likely for this much equipment. Even more fermenters would be required if lagers are being brewed since they take longer to ferment. And even more space would be required assuming the ceilings are no higher than 10 or 12 feet as the larger brewing equipment tends to be short and wide under those ceiling heights. This is the bare minimum square footage and would not allow for tours; which are required to be provided according to certain brewing permits from the Arkansas Alcohol Beverage Control Administration.

With this knowledge, you can see that it is impossible to create a truly industrial facility with the amendment we are proposing. This amendment would allow for a unique business to be located in an area much more attractive to customers and tourists than an ugly industrial zoned warehouse district. By approving the amendment, the City of Fort Smith would be advancing economic development and offering small businesses, that manufacture and retail on-site, the opportunity to reach more customers and grow into community businesses.

Calculation of Annual Production

System Size (Brewhouse Size) x Number of brews per week x 50 weeks per year = Annual Production

Example :10 Barrels (bbls) x 3 brews/week x 50 weeks/year = 1500 bbls/year

Calculation of No. of Fermenters Required

Desired Annual Production = No. of Fermenters (to meet desired annual production)
(Brewhouse Size x Vessel Cycles/year)

Sizing for a Brewpub – Example

Parameters:
"1000 barrels per year; 75% Ales, 25% Lagers"
50 brewing weeks / year
14 Day Ales / 28 Day Lagers with full fermentation in fermenters
Ales – 25 cycles / fermenter / year (50 brewing weeks / 2 week fermentation)
Lagers – 12.5 cycles / fermenter / year (50 brewing weeks / 4 week fermentation)
6 beers on tap

Calculate system size and number of fermenters

For example
3.5 barrel system 1000 barrels / year / 3.5 barrel system / 50 brewing weeks/year = 5.8 brews per week
7 barrel system 1000 barrels / year / 7 barrel system / 50 brewing weeks/year = 2.9 brews per week
10 barrel system 1000 barrels / year / 10 barrel system / 50 brewing weeks/year = 2 brews per week
15 barrel system 1000 barrels / year / 15 barrel system / 50 brewing weeks/year = 1.3 brews per week

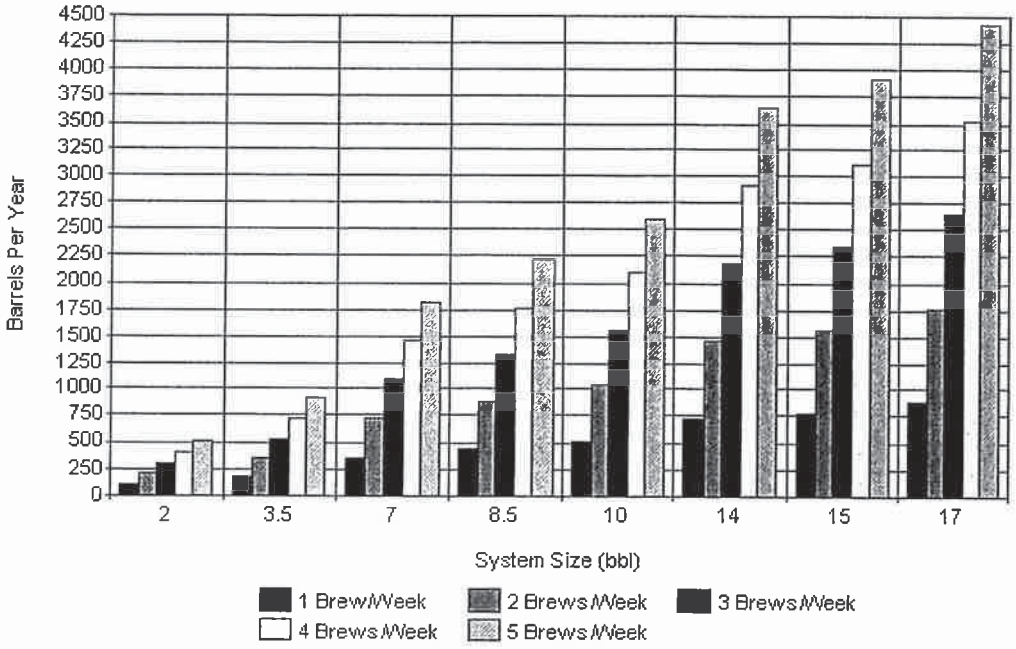
Comment – One must look at the labor component in selecting a system size.
Most properly sized brewpubs brew 2 – 3 times per week in their first couple of years of operation.
"For this example, either the 7 or 10 barrel system is recommended."

Number of fermenters required
Projected: 750 bbls Ales (75%) & 250 bbls Lagers (25%)

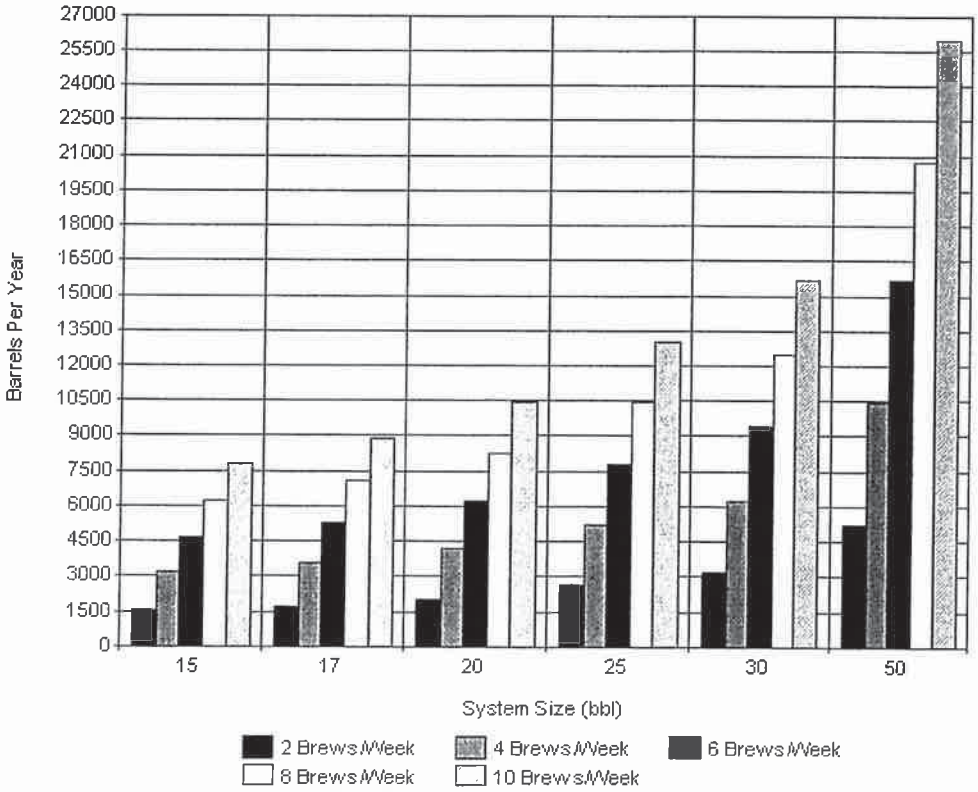
For 7 barrel system
Ales ——> 750 bbls / year / (7 bbls x 25 cycles/year) = 4.2 = 5 Fermenters
Lagers —> 250 bbls / year / (7 bbls x 12.5 cycles/year) = 2.8 = 3 Fermenters
Total ——> 7 – 8 Fermenters to produce 750 bbls Ales and 250 bbls Lagers

For 10 barrel system
Ales ——> 750 bbls / year / (10 bbls x 25 cycles/year) = 3 Fermenters
Lagers —> 250 bbls / year / (10 bbls x 12.5 cycles/year) = 2 Fermenters
Total ——> 5 Fermenters to produce 750 bbls Ales and 250 bbls Lagers

BREWPUB ANNUAL PRODUCTION RANGE



MICROBREWERY ANNUAL PRODUCTION RANGE



To use this chart pick the size of brewery you are looking for then choose how many brews per week you wish to do and correspond that with the barrels per year on the left hand side of the chart.

ORDINANCE NO. 5735

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS.

WHEREAS, City of Fayetteville Planning Staff has identified a need for a new use unit to allow for small scale specialty manufacturing; and

WHEREAS, recent trends in the manufacturing of handmade and craft products are directed towards smaller scale and locally produced products; and

WHEREAS, the current zoning and development code does not currently specifically address these types of small scale operations; and

WHEREAS, Planning Staff has determined that these types of uses, if scaled appropriately, are compatible with neighborhood land uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of Fayetteville, Arkansas hereby adds the following definitions to Chapter 151: Definitions:

Coffee roasting facility. A facility in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. An establishment for the manufacture, blending, fermentation, processing and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Section 2: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Conditional Use in the following Zoning Districts:

161.16 NS, Neighborhood Services
161.17 R-O, Residential Office

Section 3: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Permitted Use in the following Zoning Districts:

161.18 C-1, Neighborhood Commercial
161.19 CS, Community Services
161.20 C-2, Thoroughfare Commercial
161.21 UT, Urban Thoroughfare
161.22 C-3, Central Commercial
161.23 DC, Downtown Core
161.24 MSC, Main Street Center
161.25 DG, Downtown General

Section 4: That the City Council of Fayetteville, Arkansas hereby amends Chapter 162: Use Units by inserting Use Unit 45, Small Scale Production as shown on Exhibit "A" attached hereto and made a part hereof.

Section 5: That the City Council of Fayetteville, Arkansas hereby amends Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:

§166.25(B) *Applicability*. These design and development standards apply to commercial developments, office developments, Small Scale Production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

PASSED and **APPROVED** this 20th day of January, 2015.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

ADM 14-4896
EXHIBIT "A"

§162.01 (SS) Unit 45. Small scale production

(1) Description. Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) Included uses.

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323

Text File

File Number: 2014-0576

Agenda Date: 1/20/2015 **Version:** 1 **Status:** Passed

In Control: City Council **File Type:** Ordinance

Agenda Number: B. 2

AMEND CHAPTERS 151, 161, 162 and 166 (ADM 14-4896 UDC AMENDMENT SMALL-SCALE PRODUCTION):

AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS

WHEREAS, City of Fayetteville Planning Staff has identified a need for a new use unit to allow for small scale specialty manufacturing; and

WHEREAS, recent trends in the manufacturing of handmade and craft products are directed towards smaller scale and locally produced products; and

WHEREAS, the current zoning and development code does not currently specifically address these types of small scale operations; and

WHEREAS, Planning Staff has determined that these types of uses, if scaled appropriately, are compatible with neighborhood land uses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of Fayetteville, Arkansas hereby adds the following definitions to Chapter 151: Definitions:

Coffee roasting facility. A facility in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. An establishment for the manufacture, blending, fermentation, processing and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Section 2: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Conditional Use in the following

Zoning Districts:

161.16 NS, Neighborhood Services
161.17 R-O, Residential Office

Section 3: That the City Council of Fayetteville, Arkansas hereby amends **Chapter 161: Zoning Regulations by inserting Use Unit 45,** Small Scale Production as a Permitted Use in the following Zoning Districts:

161.18 C-1, Neighborhood Commercial
161.19 CS, Community Services
161.20 C-2, Thoroughfare Commercial
161.21 UT, Urban Thoroughfare
161.22 C-3, Central Commercial
161.23 DC, Downtown Core
161.24 MSC, Main Street Center
161.25 DG, Downtown General

Section 4: That the City Council of Fayetteville, Arkansas hereby amends **Chapter 162: Use Units by inserting Use Unit 45, S**mall Scale Production as shown on Exhibit "A" attached hereto and made a part hereof.

Section 5: That the City Council of Fayetteville, Arkansas hereby amends **Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:**

§166.25(B) *Applicability*. These design and development standards apply to commercial developments, office developments, Small Scale Production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

City of Fayetteville Staff Review Form

2014-0576

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate	12/19/2014	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	$ -
		Funds Obligated	$ -
		Current Balance	$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date: 1-20-15

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Andrew Garner, City Planning Director

DATE: December 19, 2014

SUBJECT: **ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

RECOMMENDATION:
Staff and the Planning Commission recommend approval of an ordinance to create a new use unit for small scale production including boutique/specialty manufacturing.

BACKGROUND:

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.

- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

These changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

DISCUSSION:
On December 8, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0. Several local microbreweries and the Fayetteville Chamber of Commerce are in favor of the ordinance change.

BUDGET/STAFF IMPACT:
None

Attachments:
- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- December 8, 2014 Planning Commission staff report (including interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division).

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: December 8, 2014 (Updated December 9, 2014)

SUBJECT: **ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss and table **ADM 14-4896** until the January 12, 2015 meeting.

PROJECT SYNOPSIS:

Staff proposes the following code changes:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.
- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

DISCUSSION:

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or

been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code. As described in the Project Synopsis, these changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

The changes are proposed as follows:

1. Chapter 162 Use Units. Created a new *Use Unit 45, Small scale production.* The use unit includes the following.
    - All uses within Use Unit 42, Clean Technologies are included but they are limited by size to a maximum of 5,000 sq. ft. of gross floor area.
        - Use Unit 42 includes high tech research and development, and fabrication of alternative energy products.
    - Microbrewery/microwinery/microdistillery are allowable with a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels per year[1]. Staff reseach and site visits indicate that microbreweries are very different than a typical manufacturing facility, with minimal impact to neighbors. Several local microbreweries are in facilities greater than 5,000 sq. ft. but less than 10,000 sq. ft. and are typically located in industrial areas or associated with a restaurant.
    - Boutique/specialty manufacturing limited by size to a maximum of 5,000 sq. ft. of gross floor area. This includes specialty food manufacturers with or without a retail store front, a coffee roasting facility, or other specialty manufacturers with minimal impacts to adjoining properties.

2. Chapter 151 Definitions. Add definitions for 'coffee roasting facility' and 'microbrewery'.

3. Chapter 166.25 Commercial, Office and Mixed Use Design and Development Standards. Added a requirement that non-residential developements classified as Use Unit 45 shall be subject to these standards. The types of uses allowed under Use Unit 45 are often associated with blank industrial buildings that would not be appropriate or compatible in a commercial setting.

[1] The American Brewer's Association definition of microbrewery

4. Chapter 161 Zoning.
    - Added Use Unit 45 as permitted or conditional use in the following zoning districts:

Conditional Use	Permitted Use
NS, Neighborhood Services	C-1, Neighborhood Commercial
R-O, Residential Office	CS, Community Services
	C-2, Thoroughfare Commercial
	UT, Urban Thoroughfare
	C-3, Central Commercial
	DC, Downtown Core
	MSC, Main Street Center
	DG, Downtown General

RECOMMENDATION:

Staff recommends that the proposed code changes be discussed and tabled until the next Planning Commission meeting, January 12, 2015. There is a relatively large volume of information to cover and staff wants to make sure all of the commissioners have had adequate time to review the proposal.

Planning Commission Action: ☐ **Tabled** ☒ **Forwarded** ☐ **Denied**

Meeting Date: December 8, 2014
Motion: Winston
Second: Cook
Vote: 6-0-0

Note: Forwarded with a recommendation for approval as proposed by staff.

BUDGET/STAFF IMPACT:
None

Attachments:

- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- Summary of interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division
- Definitions of microbrewery from American Brewer's Association and Arkansas Alcoholic Beverage Control Division
- Public comment

CHAPTER 151: DEFINITIONS

Coffee roasting facility. A facility in which unprocessed, green, coffee may be sorted, roasted and processed, or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. A establishment for the manufacture, blending, fermentation, processing, and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 161: ZONING REGULATIONS

161.01 APPLICATION OF DISTRICT REGULATIONS 3

161.02 ZONING COMPLIANCE AND BUSINESS LICENSE 3

161.03 DISTRICT R-A, RESIDENTIAL-AGRICULTURAL 4

161.04 DISTRICT RSF-.5, RESIDENTIAL SINGLE-FAMILY – ONE HALF UNIT PER ACRE 5

161.05 DISTRICT RSF-1, RESIDENTIAL SINGLE-FAMILY – ONE UNIT PER ACRE 5

161.06 DISTRICT RSF-2, RESIDENTIAL SINGLE-FAMILY – TWO UNITS PER ACRE 6

161.07 DISTRICT RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR UNITS PER ACRE 6

161.08 DISTRICT RSF-7, RESIDENTIAL SINGLE-FAMILY – SEVEN UNITS PER ACRE 7

161.09 DISTRICT RSF-8, RESIDENTIAL SINGLE-FAMILY – 8 UNITS PER ACRE 8

161.10 DISTRICT RT-12, RESIDENTIAL TWO AND THREE FAMILY 8

161.11 DISTRICT RMF-6, RESIDENTIAL MULTI-FAMILY – SIX UNITS PER ACRE 9

161.12 DISTRICT RMF-12, RESIDENTIAL MULTI-FAMILY – TWELVE UNITS PER ACRE 10

161.13 DISTRICT RMF-18, RESIDENTIAL MULTI-FAMILY – EIGHTEEN UNITS PER ACRE 11

161.14 DISTRICT RMF-24, RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR UNITS PER ACRE 12

161.15 DISTRICT RMF-40, RESIDENTIAL MULTI-FAMILY – FORTY UNITS PER ACRE 13

161.16 NEIGHBORHOOD SERVICES 14

161.17 DISTRICT R-O, RESIDENTIAL OFFICE 15

161.18 DISTRICT C-1, NEIGHBORHOOD COMMERCIAL 16

161.19 COMMUNITY SERVICES 16

161.20 DISTRICT C-2, THOROUGHFARE COMMERCIAL 17

161.21 URBAN THOROUGHFARE 18

161.22 DISTRICT C-3, CENTRAL COMMERCIAL 19

161.23 DOWNTOWN CORE 19

161.24 MAIN STREET/CENTER 20

161.25 DOWNTOWN GENERAL 21

161.26 NEIGHBORHOOD CONSERVATION 22

161.27 DISTRICT I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL 22
161.28 DISTRICT I-2, GENERAL INDUSTRIAL 23
161.29 DISTRICT P-1, INSTITUTIONAL.....24
161.30 DISTRICT E-1, EXTRACTION.....24
161.31 RESERVED.....24
161.32 PLANNED ZONING DISTRICT 25
161.33-161.99 RESERVED 26

Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional uses

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.

Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*

*Any building which exceeds the height of 20 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*

*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional uses

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*

*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum street height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/168 ft.*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center.* The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation.* Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center.* The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall

need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/84 ft.*

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.25 Downtown General

(A) *Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density. None*

(D) *Bulk and area regulations.*

TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 162: USE UNITS

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CHAPTER 162: USE UNITS

162.01 Establishment/Listing

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. The asterisk (*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Transportation Trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 37	Manufactured homes
Unit 38	Mini-storage units
Unit 39	Auto salvage and junk yards
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(A) *Unit 1. City-wide uses by right.*

(1) *Description.* Unit 1 consists of public uses, essential services, agricultural uses, open land uses, and similar uses which are subject to other public controls or which do not have significantly adverse effects on other permitted uses and are, therefore, permitted as uses of right in all districts.

(2) *Included uses.* Public facilities of the types embraced within the recommendations of the Comprehensive Land Use Plan.

Agricultural, forestry, and fishery:	•Field crop farms •Fishery •Forest •Fruit, tree, and vegetable farm
Essential services located in public right-of-way:	•Fire alarm box •Fire hydrant •Passenger stop for bus •Police alarm box •Sidewalk •Street, highway, and other thoroughfare •Street signs, traffic signs, and signals •Utility mainline, local transformer and station, and similar facilities customarily located in public right-of-way
Recreation and related use:	•Arboretum •Historical marker •Park area •Parkway •Wildlife preserve
Water facilities:	•Reservoir, open •Watershed •Conservation or flood control project

(B) *Unit 2. City-wide uses by conditional use permit.*

(1) *Description.* Unit 2 consists of uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all districts.

(2) *Included uses.*

Public and private facilities:	•Airport, flying fields and heliport •Bed and breakfast facilities* •Campground • Community Recycling Drop-off Facility •Plant nursery •RV sewage disposal facility •Solid waste disposal facility

(RR) Unit 44. Cottage Housing Development.

(1) *Description.* Unit 44 is provided in order that cottage housing developments are permitted by right in multi-family zoning districts and by Conditional Use Permit in single family zoning districts.

(2) *Included uses.*

Cottage Housing Developments

(SS) Unit 45. Small scale production

(1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator

(Code 1965, App. A., Art. 6 (A), (F); Ord. No. 329, 10-1-85; Ord. No. 3165, 2-4-86; Ord. No. 3341, 3-15-88; Ord. No. 1747, 6-29-70; Code 1991, §§118.01, 160.055; Ord. No. 3546, 4-19-91; Ord. No. 3792, §§2, 3, 5-17-94; Ord. No. 3870, §1 (Ex. A), 2-21-95; Ord. No. 3909, §1, 7-18-95; Ord. No. 3971, §§3, 4, 5-21-96; Ord. No. 4024, §3, 3-18-97; Ord. No. 4034, §§1, 2, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4376, §5 (Ex. E), §6 (Ex. F), 3-5-02; Ord. No. 4423, §1 (Ex. A), 10-02-02, Ord. 4728, 7-19-05; Ord. 4913, 8-15-06; Ord. No. 4919, 09-05-06; Ord. 4930, 10-03-06; Ord. 4946, 11-21-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5203, 12-2-08; Ord. 5195, 11-6-08; Ord. 5226, 3-3-09; Ord. 5238, 5-5-09; Ord. 5312, 4-20-10; Ord. 5312, 4-20-10; Ord. 5338, 8-3-10; Ord. 5339, 8-3-10; Ord. 5352, 9-7-10; Ord. 5462, 12-6-11, Ord. 5668, 3-18-14)

Cross reference(s)--Use Conditions, Ch. 163; Supplementary District Regulations, Ch. 164.

162.02 Interpretation

(A) In each use unit division, permitted uses are set forth in the division entitled "Included uses." In the event of a conflict between such divisions and the "description" divisions, the former shall prevail.

(B) In any case where there is a question as to whether or not a particular use is included in a particular use unit, the Zoning and Development Administrator shall decide. A use shall not be interpreted as being in any use unit if it is specifically listed in another unit in this chapter.

(Code 1965, App. A., Art. 6(B); Ord. No. 1747, 6-29-70; Ord. No. 2181, 1-6-76; Code 1991, §160.056; Ord. No. 4100, §2 (Ex. A), 6-16-98)

162.03 Conditions Of Use

(A) A use shall be subject to the provisions of the district in which the use is permitted. Certain uses shall be subject to additional conditions set forth separately herein. Reference will be made in the chapter to conditions applicable to a particular use in the unit where the use is listed.

(B) Uses which are permitted both as principal and accessory uses shall be subject to the conditions set forth for the use as a principal use.

(Code 1965, App. A., Art. 6 (C); Ord. No. 1747, 6-29-70; Code 1991, §160.057; Ord. No. 4034, §6, 4-14-97; Ord. No. 4100, §2 (Ex. A) 6-16-98)

162.04 Enclosure Of Uses

Where so specified in a use unit listing, a use shall be operated only within a fully enclosed structure. The excepting of certain districts from this requirement with respect to certain uses does not indicate that such uses are necessarily permitted in such districts. In districts where enclosure of use is required,

166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.

(3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.

(4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.

(5) To address the issues of traffic, safety, and crime prevention.

(6) To preserve property values of surrounding property.

(7) To provide good civic design and arrangement.

(B) *Applicability.* These design and development standards apply to commercial developments, office developments, developments classified as Use Unit 45, Small scale production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

(C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

(1) The elements to avoid or minimize include:

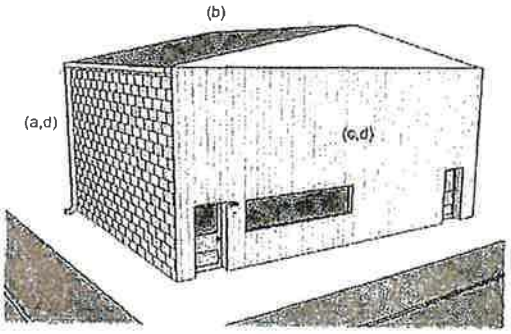
(a) Unpainted concrete precision block walls;

(b) Square "boxlike" structures;

(c) Metal siding which dominates the principal facade;

(d) Large blank, unarticulated wall surfaces;

Elements to Avoid



(2) A development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.

(3) A development should provide compatibility and transition between adjoining developments.

9.

ORDINANCE NO._____

AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on October 13, 2015, that said changes be made; and,

WHEREAS, three (3) copies of the November 2015 Amendments to the Unified Development Ordinance allowing an auto body shop in Extraterritorial Jurisdiction Industrial Light (ETJ I-1) zones have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

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

SECTION 1: The November 2015 Amendments to the Unified Development Ordinance allowing an auto body shop in Extraterritorial Jurisdiction Industrial Light (ETJ I-1) zones are hereby adopted.

SECTION 2: The codifier shall amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS____DAY OF_____, 2015.

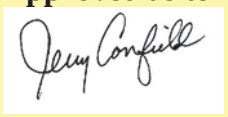
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
Publish One Time

NOVEMBER 2015 – AUTOMOBILE BODY SHOP IN ETJ I-1 ZONES

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE

		Inn									
		1320 Rooming and boarding						P	P		
		S1320 Dormitory, sorority, fraternity						C	C		
		1330 Hotel, motel or tourist court									
2000 General sales or services											
General sales or service	S2000 Commercial buildings and other specialized structures										
	2000 General sales or services										
	2100 Retail sales										
	2110 Automobile sales or service										
		2110 Body shop								P	
		2110 Body shop (contiguous to residentially zoned or developed property)								C	
			Car wash - full service							P	
			Car wash self-service						C	P	
			Detailing service						P	P	
			Engine repair							P	
			Other repair							P	
			Paint							P	
			Quick lube						P		
		2111 Car dealer								P	

October 29, 2015

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

Re: Unified Development Ordinance Amendments

On October 13, 2015, the City Planning Commission held a public hearing to consider text amendments to the Unified Development Ordinance.

Mr. Wally Bailey read the staff report noting that the purpose of this text amendment is to allow auto body shops in the ETJ Industrial Light (I-1) zoning district as a permitted use. Mr. Bailey recommended the proposal be amended to require a conditional use when the body shop is located contiguous to residentially zoned or developed property.

Mr. Chris Sharp was present to speak on behalf of this request.

No one was present to speak in opposition to the proposed UDO amendments.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed Unified Development Ordinance amendment. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Amend the UDO to allow auto body shops in the ETJ Industrial Light (ETJ I-1) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall Sharpe, Chairman

MS/lp

cc: File
City Administrator

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

Printed on 100% Recycled Paper

ETJ I-1 Zone

September 15, 2015

City of Fort Smith
Planning & Zoning Department
623 Garrison Avenue
Fort Smith, Ar 72901

UDO Text Amendment to Allow Auto Body Shop in ETJ I-1 Zone

To Whom It May Concern:

I would like to request a text amendment to the unified development ordinance of the City of Fort Smith, specifically to the permitted uses in zoning ETJ I-1 zoning.

Attached to this letter is a redlined land use chart for ETJ I-1 zoning. I ask that you consider changing the highlighted items to permitted use.

Thank you for your consideration. If you have any questions or would like to discuss this request in further detail, you may contact me at (479) 285-4154 or chrisadamsharp@aol.com

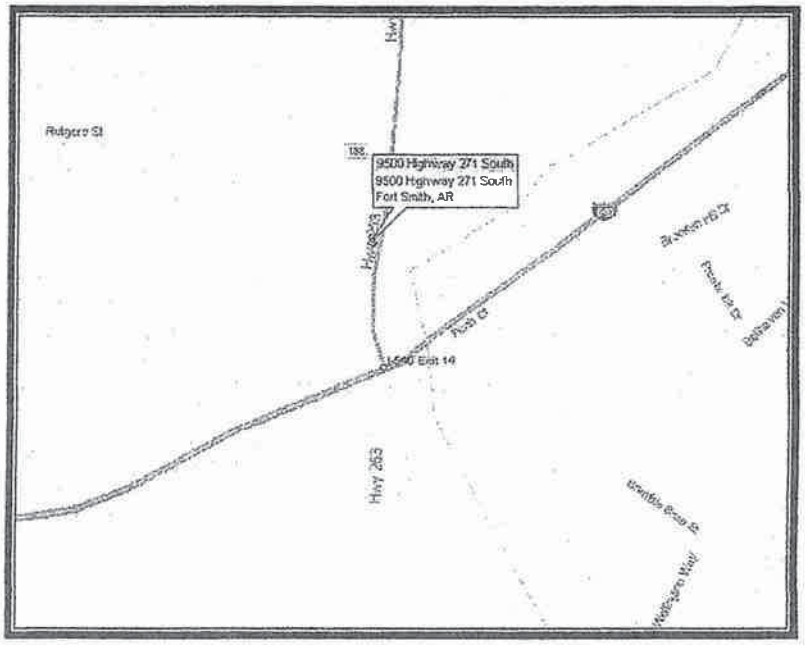
Sincerely,

Chris Adam Sharp of C Sharp Restorations

479-285-4154
2010 S. "2"

13B

Exhibit 2-1 [Neighborhood Map]



North 73 degrees 39 minutes west 249.21 feet to a point on the east line of Highway 271; thence along said Highway 271 northeasterly on a curve to the left North 27 degrees 19 minutes 10 seconds east a chord distance of 183.48 feet; thence South 88 degrees east 152.90 feet to the point and place of beginning, containing 0.915 acres and being subject to any easements of record.

And,

A part of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), Township Seven (7) North of Range Thirty Two (32) West, as follows:

Beginning at a point 40 feet west and 56 feet south of said NE NE; thence South 508 feet; thence West 183 feet to the east side of the road; thence northeasterly along said road to the point of beginning a distance of 542 feet, containing .59 acres more or less.

NEIGHBORHOOD ANALYSIS

Neighborhood Service Providers

The majority of neighborhood services are:

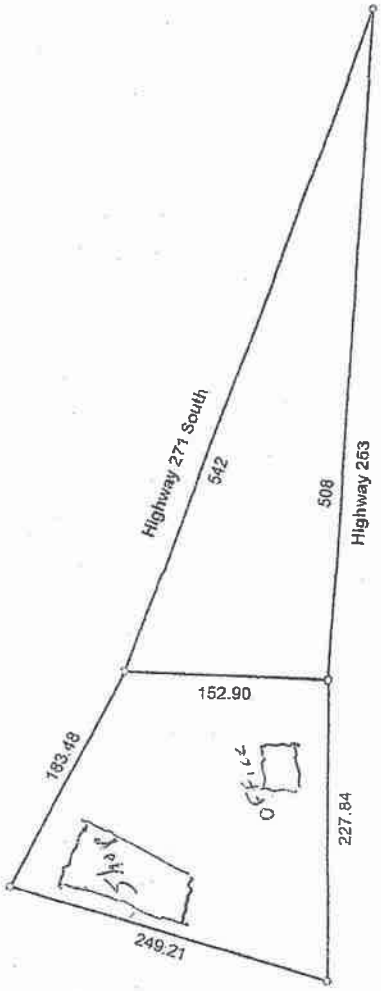
- Police protection.....Sebastian County Sheriff's Office
- Fire protection .....City of Fort Smith Fire Department[1]
- Electricity.....Arkansas Oklahoma Electric
- Natural Gas.....Arkansas Oklahoma Gas Corp.
- Local Telephone.....Southwestern Bell
- Television Cable.....TCA

Legal Description

Part of the NE/4 NE/4 of Section 17, Township 7 North, Range 32 West, described as follows:

Commencing at the NE corner of said NE/4 NE/4, Section 17, Township 7 North, Range 32 West, thence South 0 degrees 32 minutes east 564 feet; thence North 88 degrees west 70.1 feet to a point on the west line of Highway 253 and the point of beginning and running thence along the west line of said Highway 253 South 0 degrees 32 minutes east 227.84 feet, thence

Exhibit 2-2 [Site Outline]



[1] Fort Smith fire protection is provided only by contract and an annual fee is assessed. In some cases the decrease in insurance premium justifies the payment of the additional fees.

13C

		Inn										
		1320 Rooming and boarding						P	P			
		S1320 Dormitory, sorority, fraternity						C	C			
		1330 Hotel, motel or tourist court										
2000 General sales or services												
General sales or service	S2000 Commercial buildings and other specialized structures											
	2000 General sales or services											
	2100 Retail sales											
	2110 Automobile sales or service											
		2110 Body shop									P	
		Car wash - full service									P	
		Car wash self-service							C	P		
		Detailing service							P	P		
		Engine repair								P		
		Other repair								P		
		Paint								P		
		Quick lube							P			
		2111 Car dealer								P		
		2112 Bus, truck, mobile homes, or large vehicles								P	P	
		2113 Bicycle, motorcycle,								P		

130

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: September 29, 2015

Subject: Proposed UDO Text Amendment in the ETJ Industrial Light (I-1) Zoning District

Chris Adam Sharp of C Sharp Restorations has submitted a request for a text amendment to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district as a permitted use.

Currently, Auto Body Shops are not permitted in any ETJ zoning districts. In the Fort Smith city limits, Auto Body and Paint shops are permitted in the Industrial Light (I-1), Industrial Moderate (I-2), and Industrial Heavy (I-3) zoning districts and allowed as a conditional use in the Commercial Heavy (C-5) zoning district.

For informational purposes, Auto Paint Shops are permitted in the ETJ Industrial Light (I-1) zoning district.

Staff does have a concern allowing Auto Body Shops in the ETJ Industrial Light (I-1) zoning district when residential development is adjacent. An example, of ETJ Industrial Light adjacent to residential development is the property located at Old Harrison Lane, which is adjacent to Riley Farm. Allowing the use as a conditional use instead of a permitted use in the ETJ I-1 may help avoid future incompatible land uses.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

13A

13. A request by Chris Adams Sharp, C Sharp Restorations, for a text amendment to the Unified Development Ordinance.

Wally Bailey read the staff reports indicating that the purpose of the text amendment to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district as a permitted use.

Chris Sharp was present to speak on behalf of this request.

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

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

- Amend the UDO to allow Auto Body shops in the ETJ Industrial Light (ETJI-L) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

The vote was 9 in favor 0 opposed.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

14. Variance #31-10-15; A request by Tim Risley, agent for Ronnie Risley, for a variance from 100 feet to 59 feet minimum separation between driveways and from 150 feet to 5 feet 4 inches minimum separation between driveways and street intersection located at 6101 Phoenix Avenue, Suite 3.

Brenda Andrews read the staff report indicating the purpose of this variance is to allow for the construction of a carport in the front yard and a covered area in the rear yard.

Tim Risley was present to speak on behalf of this request.

No one was present to speak on behalf of this request.

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

- Design input from the City Engineering Department that would include a right turn only

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE HIRING OF ONE INTERNAL AUDITOR FOR UTILITIES

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

WHEREAS, the 2016 Budget should include funds for one Internal Utilities Auditor who will report to the City Internal Auditor; and,

WHEREAS, Director Keith Lau specifically requested the creation of this position at the October 20, 2015 Board of Directors meeting,

NOW, THEREFORE, be it Resolved by the Board of Directors of the City of Fort Smith that: one (1) Internal Utilities Auditor position is approved for hire during 2016.

THIS RESOLUTION ADOPTED THIS _____ day of _____, 2015.

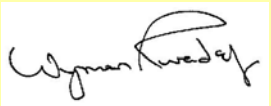
Approved

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



_____
No Publication Required

Memo

To: Jeff Dingman, Acting City Administrator

From: Tracey Shockley, Deputy City Administrator

Date: 10/30/2015

Re: Internal Utilities Auditor

Director Lau on October 20, 2015 requested for an Internal Utilities Auditor to be added on the agenda for the next Board meeting. The Internal Utilities Auditor will report to the City Internal Auditor who reports functionally to the Board. The Internal Utilities Auditor will perform test on the water and sewer areas based upon the Consent Decree.

11

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE LANDFILL OPERATING FUND, AND ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC. FOR THE LANDFILL ROAD RECONSTRUCTION PROJECT

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

SECTION 1: There is hereby appropriated $38,424.20 from the Landfill Operating Fund (6305-203) to the Landfill Construction Sinking Fund.

SECTION 2: The bid of Forsgren, Inc. for the Landfill Road Reconstruction Project (Methane Lane and Compost Drive) is hereby accepted.

SECTION 3: The Mayor is hereby authorized to execute a contract with Forsgren, Inc. in the amount of $1,393,424.20-for performing said reconstruction.

This Ordinance adopted on this _____day of November 2015.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
No Publication Required

Responsible Environmental Management

Fort Smith Department of Sanitation

11

MEMORANDUM

October 30, 2015

To: Jeff Dingman, Acting City Administrator

From: T. Baridi Nkokheli, Director

Subject: Landfill Road Reconstruction Project Bid

In September 2013, a comprehensive environmental audit was completed on the Fort Smith Regional Sanitary Landfill. The results of the audit indicated that the existing 28-acre active landfill area, developed from 1993 through 2009 (Phase A, Areas 1-4), was largely underutilized.

Plans were developed to integrate the current 12-acre disposal site (Phase A, Area 5) with the 28-acre site allowing for additional usage estimated at nearly 14 years. The plans were developed with the assumption that the 20+ year old improved (concrete) landfill roads (Methane Lane and Compost Drive) would be rebuilt and operations would migrate back to the 28-acre active area rather than developing Area 6. These roads (Methane Lane and Compost Drive) were the primary access roads until they were semi-closed in 2005 due to their poor condition. The condition has deteriorated severely making it unsuitable to support the large/heavy commercial, industrial and residential solid waste collection vehicles as well as all other (250-300) vehicles that access the landfill six-days a week, three-hundred and fourteen days a year.

The poor condition of the roads also inhibits compliance to the Arkansas Pollution Control and Ecology Commission's Regulation 22, specifically 22.417(c), which requires an "all weather roads" be available to "allow easy access in all weather conditions to all portions of the active disposal site and to other operational areas where all weather access is necessary to achieve timely compliance with permit requirements". When the roads are rebuilt, they will be the primary access road to the disposal site once again resulting in our compliance with Regulation 22. Upon completion of the proposed Methane Lane rebuild it will be 26 feet wide, 3,000 linear feet long and it will have a minimum thickness of 14-inches of concrete. The numbers are similar for Compost Drive with the exception of the 450 linear feet length. Construction is scheduled to begin in December with a six-month completion date, which will put completion around June of 2016. The completion date will heavily depend on the weather. The design was based on a 20-year life expectancy.

Submitted for Board consideration is a bid from Forsgren Incorporated for $1,393,424.20 to provide the construction for the landfill road(s) project. The funding for the project is available in the amount of $1,355,000 within the landfill sinking fund so the remaining $38,424.20 will be transferred from the Landfill Operating Fund (6305-203 Fuel Oil & Lube) to accommodate the difference. Staff is recommending that the bid be accepted and approved by Resolution.

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

Tabulation of Bids
Methane Lane and Compost Drive Reconstruction Project

Contractor	Bid Amount
Forsgren, Inc.*	$1,393,424.20
AJ Greenwood	$1,501,507.20
Steve Beam Construction	$1,639,828.79

Date Advertised October 4 & October 11, 2015
Bid Opening Date October 20, 2015 at 10:00 am
*denotes bid award recommendation

MORRISON SHIPLEY

ENGINEERS • SURVEYORS

October 21, 2015

Mr. Alan Spangler
Landfill Division Manager
Fort Smith Sanitation Department
5900 Commerce Road
Fort Smith, Arkansas 72916

RE: Recommendation of Contract Award
Methane Lane and Compost Drive Reconstruction
(Fort Smith Landfill)

Dear Alan:

Construction bids were received yesterday from three (3) contractors for the above referenced project. The bids received ranged from $1,393,424.20 to $1,639,828.79 with the Engineer's cost opinion being $1,506,898.00. A Bid Tabulation detailing each unit price bid is attached herewith for reference.

Based on our review of the bids, we have concluded that the lowest responsive bid of $1,393,424.20 was received from Forsgren, Inc. of Fort Smith, Arkansas. As such, we recommend a construction contract be awarded to Forsgren, Inc. in the amount of $1,393,424.20 pursuant to the terms of the Contract Documents and contingent upon the Sanitation Department's available funding.

Please feel free to contact me if you should have any questions.

Sincerely,
Morrison-Shipley Engineers, Inc.

Brian S. Maurer, P.E.

Attachment: Bid Tabulation dated October 20, 2015

5704 Euper Lane • Suite 200
Fort Smith, AR • 72903
P.O. Box 10064 • 72917
479.452.1933 • Fax 479.452.1939
morrisonshipley.com

BID TABULATION
Methane Lane and Compost Drive Reconstruction
Fort Smith Sanitation Department
Bids Received Tuesday, October 20, 2015, 10:00 AM CDT

							1		2		3	
Bid Item	Spec. No.	Description	Units	QTY	Engineer's Opinion Unit $	Engineer's Opinion Total $	Forsgren, Inc. Unit $	Forsgren, Inc. Total $	AJ Greenwood Unit $	AJ Greenwood Total $	Steve Beam Const. Unit $	Steve Beam Const. Total $
1.	120.01	Maintenance of Traffic and Traffic Control	LS	1	$10,000.00	$10,000.00	$6,600.00	$6,600.00	$20,000.00	$20,000.00	$5,000.00	$5,000.00
2.	141.00	Construction Erosion Control	LS	1	$20,000.00	$20,000.00	$17,500.00	$17,500.00	$23,150.00	$23,150.00	$12,000.00	$12,000.00
3.	201.01	Site Preparation	LS	1	$75,000.00	$75,000.00	$115,000.00	$115,000.00	$30,000.00	$30,000.00	$100,723.80	$100,723.80
4.	201.02	Removal & Disposal of Concrete Pavement	SY	2,600	$12.00	$31,200.00	$13.50	$35,100.00	$22.50	$58,500.00	$11.00	$28,600.00
5.	201.03	Removal & Disposal of Asphalt Pavement	SY	8,109	$15.00	$121,635.00	$2.00	$16,218.00	$9.00	$72,981.00	$4.40	$35,679.60
6.	203.03	Unclassified Excavation	CY	3,491	$8.00	$27,928.00	$14.50	$50,619.50	$8.00	$27,928.00	$6.05	$21,120.55
7.	203.05	Undercut Excavation and Backfill (Select Material)	CY	10,000	$18.00	$180,000.00	$14.50	$145,000.00	$26.00	$260,000.00	$19.80	$198,000.00
8.	203.06	Undercut Excavation and Backfill (Oversized Rock)	CY	2,000	$28.00	$56,000.00	$20.00	$40,000.00	$38.00	$76,000.00	$44.00	$88,000.00
9.	205.061	Pipe Casing - Up to 6" Dia. (Sch. 40 PVC)	LF	140	$16.00	$2,240.00	$20.00	$2,800.00	$32.00	$4,480.00	$11.00	$1,540.00
10.	206.01	Flowable Fill	CY	50	$95.00	$4,750.00	$88.00	$4,400.00	$100.00	$5,000.00	$100.00	$5,000.00
11.	290.02	Seeding, Fertilizing and Mulching	AC	2.0	$2,000.00	$4,000.00	$1,500.00	$3,000.00	$3,200.00	$6,400.00	$2,000.00	$4,000.00
12.	305.02	Aggregate Base Course	CY	1,878	$42.00	$78,876.00	$39.50	$74,181.00	$59.00	$110,802.00	$58.58	$110,013.24
13.	330.05	ACHM Surface Course (Type 3)	Ton	10	$200.00	$2,000.00	$165.00	$1,650.00	$345.00	$3,450.00	$330.00	$3,300.00
14.	350.10	P.C. Concrete Pavement - Class "P" (14" Thickness)	SY	10,492	$77.00	$807,884.00	$76.35	$801,064.20	$68.60	$719,751.20	$90.30	$947,427.60
15.	840.01	Traffic Paint Pavement Marking (White 4")	LF	7,000	$1.00	$7,000.00	$0.85	$5,950.00	$0.85	$5,950.00	$0.83	$5,810.00
16.	840.05	Traffic Paint Pavement Marking (White 24")	LF	35	$6.00	$210.00	$22.00	$770.00	$23.00	$805.00	$22.00	$770.00
17.	840.10	Traffic Paint Pavement Marking (Yellow 4")	LF	7,000	$1.00	$7,000.00	$0.85	$5,950.00	$0.85	$5,950.00	$0.83	$5,810.00
18.	850.03	Raised Pvmt Marker (AHTD Type II, 2-Way, Clear/Clear)	EA	180	$15.00	$2,700.00	$7.70	$1,386.00	$8.00	$1,440.00	$7.70	$1,386.00
19.	850.04	Raised Pvmt Marker (AHTD Type II, 2-Way, Yellow/Yellow)	EA	115	$15.00	$1,725.00	$7.70	$885.50	$8.00	$920.00	$7.70	$885.50
20.	905.01	Guard Rail	LF	200	$40.00	$8,000.00	$33.00	$6,600.00	$34.50	$6,900.00	$33.00	$6,600.00
21.	905.SP	Guard Rail Reconstruction	LF	2,350	$25.00	$58,750.00	$25.00	$58,750.00	$26.00	$61,100.00	$24.75	$58,162.50
		Total Amount Bid (Items 1-21):				**$1,506,898.00**		**$1,393,424.20**		**$1,501,507.20**		**$1,639,828.79**

Morrison-Shipley Engineers, Inc. hereby certifies that to the best of our knowledge and belief, this Bid Tabulation is a true and accurate representation of the bids submitted on October 20, 2015.

Brian S. Maurer, P.E.
Morrison-Shipley Engineers, Inc.

RESOLUTION _____

A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF STREET AND PARKING LOT IMPROVEMENTS SERVING THE ARKANSAS COLLEGE OF OSTEOPATHIC MEDICINE
PROJECT NO. 15-90-A, EDA AWARD No. 08-79-04996

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

SECTION 1: Subject to concurrence by the Economic Development Administration and The Degen Foundation, the bid of Steve Beam Construction, Inc., received October 27, 2015, for the construction of the street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996 in the amount of $2,161,727.73 is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the contract with Steve Beam Construction, Inc. for Project No. 15-90-A, EDA Award No. 08-79-04996, subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction contract pursuant to Sections 1 and 2 is hereby authorized from the Sales Tax Fund (1105) and contributions from the EDA Grant and The Degen Foundation.

This resolution adopted this _____ day of November, 2015.

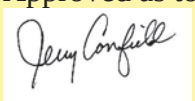
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
No Publication Required

Memorandum

TO: Jeff Dingman, Acting City Administrator

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

DATE: October 29, 2015

SUBJECT: Contract 2, Street and Parking Lot Improvements to serve the Arkansas College of Osteopathic Medicine
Project No. 15-90-A, EDA Award No. 08-79-04996

This project includes the construction of street and parking lot improvements in the vicinity of the Arkansas College of Osteopathic Medicine (ACOM). Contract 2 includes improvements to Veterans Avenue, Chad Colley Boulevard and construction of campus parking lots on the ACOM. Last year the City applied for an Economic Development (EDA) grant for infrastructure improvements to support The Degen Foundation with its plans to develop ACOM. As part of the local match for the EDA grant, the City is constructing public water line improvements, sewer improvements and street improvements to Veterans Avenue both north and south of the campus as shown on the attached exhibit. Contract 1, which includes the water and sewer work, is under construction with scheduled completion in January 2016.

The total local match of $1,864,000 includes $1,505,000 by the City and $359,000 by The Degen Foundation. The EDA awarded a maximum federal share of $1,200,000 for infrastructure improvements at the medical school. The EDA federal share and The Degen Foundation contribution will be utilized to construct parking lots on the campus and to widen Chad Colley Boulevard adjacent to the campus to add two additional lanes.

Construction plans and specifications for Contract 2 were prepared by Mickle Wagner Coleman, Inc. of Fort Smith. An advertisement was published and bids were received on October 27, 2015. Seven contractors requested plans and specifications, and three bids were received which are summarized as follows:

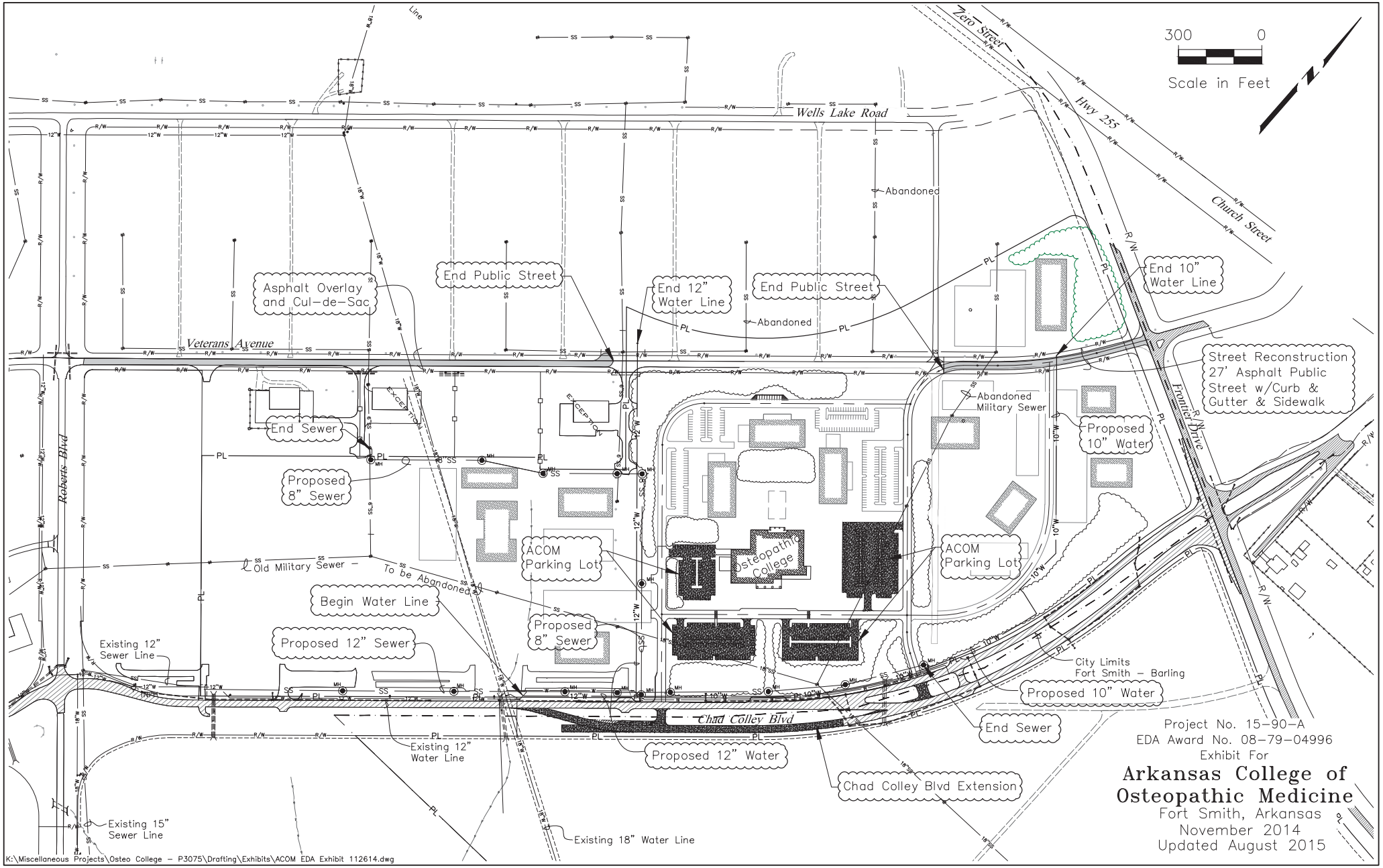
CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Steve Beam Construction, Inc. Fort Smith, AR	$2,161,727.73	3. Forsgren, Inc. Fort Smith, AR	$2,376,060.30
2. A.J. Greenwood Plumbing & Excavation, Van Buren, AR	$2,221,882.18	*Engineer's Estimate*	*$1,974,304.00*

I recommend that the lowest bid be accepted and that the construction contract be awarded to Steve Beam Construction. The estimated notice to proceed date for this contract is November 16, 2015. Based on the contract duration of 250 days, the estimated completion date would be July 22, 2016.

This project is also in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems), TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs), and PFS-4.2 (Provide new facilities in a manner that protects investments in existing facilities and promotes orderly growth).

Attached is a Resolution to accomplish the above recommendation.

Attachments


300 0
Scale in Feet
Wells Lake Road
Zero Street
Hwy 255
Church Street
Veterans Avenue
Roberts Blvd
Frontier Drive
Chad Colley Blvd
Asphalt Overlay and Cul-de-Sac
End Public Street
End 12" Water Line
End Public Street
Abandoned
Abandoned
End 10" Water Line
Street Reconstruction 27' Asphalt Public Street w/Curb & Gutter & Sidewalk
Abandoned Military Sewer
Proposed 10" Water
End Sewer
Proposed 8" Sewer
ACOM Parking Lot
Osteopathic College
ACOM Parking Lot
Old Military Sewer - To be Abandoned
Begin Water Line
Proposed 8" Sewer
Proposed 12" Sewer
Existing 12" Sewer Line
City Limits Fort Smith - Barling
Proposed 10" Water
End Sewer
Existing 12" Water Line
Proposed 12" Water
Chad Colley Blvd Extension
Existing 15" Sewer Line
Existing 18" Water Line
Project No. 15-90-A
EDA Award No. 08-79-04996
Exhibit For
Arkansas College of Osteopathic Medicine
Fort Smith, Arkansas
November 2014
Updated August 2015
K:\Miscellaneous Projects\Osteo College - P3075\Drafting\Exhibits\ACOM EDA Exhibit 112614.dwg

12B

RESOLUTION NO. _____

RESOLUTION ACCEPTING CHANGE ORDER NUMBER TWO
WITH DIXON CONTRACTING INC. FOR THE CONSTRUCTION
OF THE GREG SMITH RIVERWALK (WEST RIVER FRONT TRAIL)

_____

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

The Mayor is hereby authorized to execute Change Order No. 2 with Dixon Contracting, Inc., increasing the contract amount by $8,500.00 and extending the contract time by 10 calendar days.

This Resolution adopted this _____ day of November, 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM

_____npr

PARKS RECREATION
FORT SMITH

Memo:

October 30, 2015

To: Jeff Dingman, City Administrator
From: Doug Reinert, Director of Parks and Recreatic DSR
Re: Change order number two for the Greg Smith River Walk

As construction of the Greg Smith River Walk draws closer to completion cleanup outside the scope of work in the original contract must be completed to enhance the aesthetics of the original intent of the trail. The spring flooding has not only slowed the construction of the project but created additional challenges along the way. During the flood riverbanks were washed away, debris washed ashore and overgrowth of weeds and voluntary trees have gotten out of control.

As the project draws to a close I asked the principle to get a cost estimate to clean up the sides of the riverbank ravished by the flood. The contractor on site has the equipment in place to accomplish this task in a timely manner making this cleanup a cost effective opportunity with a high level of impact for the completed construction. Once the cleanup is done we will be able to enjoy the view of the Arkansas River the entire length of the Greg Smith River Walk. The additional work will extend the contract by ten (10) days making the completion date December 29, 2015. I recommend accepting this change order for $8,500 for tree trimming and dead wood removal.

If you have any further questions feel free to contact me.

attachment

Project Summary

Project Status:	In Progress	Project name:	West River Front Trail / Greg Smith Riverwalk
Today's Date:	October 30, 2015	Project contractor:	Dixon Contracting, Inc.
Staff contact name:	Doug Reinert		
Staff contact phone:	(479) 784-1006		
Notice to proceed issued:	March 24, 2015		

	Dollar Amount	Contract Time (Days)
Original bid award	1,893,210.00	180
Change Order No. 1	0.00	91
Change Order No. 2	8,500.00	10
Total change orders	8,500.00	101
Adjusted contract amount	1,901,710.00	281
Payments to date (as negative):	-1,339,658.08	
Amount of this payment (as negative)	0.00	
Retainage held	0.10	
Contract balance remaining	562,051.92	
Amount over (under) as a percentage	0.45%	

Final Comments:

FRONTIER
ENGINEERING, INC.
CIVIL ENGINEERS · CONSULTANTS
P.O. BOX 11988 • FORT SMITH, AR 72917

October 28, 2015

Mr. Doug Reinert, Director
Fort Smith Parks and Recreation
3301 South "M" Street
Fort Smith, Arkansas 72903

Re: West River Front Trail
Change Order No. 2 Request

Dear Mr. Reinert

Per our conversations and request by Dixon Contracting, please find enclosed Change Order Request No. 2 for the West River Front Trail project. The request is to approve additional work not included in the original construction Contract. The additional work entails pruning and trimming trees and limbs along the river side of the trail and clearing brush and understory within the driplines of the trees. The area of rip-rap between the Events Building and the river will also be cleared of debris, brush, and understory.

In an effort to visualize the completed additional work, the Contractor performed the trimming and understory clearing at the pavilion on the north side of the bridge (Event Node No. 7). Included within are four sets of "before and after" photographs for your use and consideration.

Dixon Contracting proposes to perform the additional work for an all-inclusive price of $8,500 and requests 10 additional days be added to the Contract. Should you have any questions regarding this matter, please let us know.

Sincerely,

Bobby Aldridge, P.E.

PHONE: (479)414.1013 EMAIL: BOBBY.FRONTIERENG@GMAIL.COM

WEST RIVER FRONT TRAIL

CHANGE ORDER NO. 2

October 28, 2015

OWNER:
City of Fort Smith
Parks and Recreation Department
Fort Smith, Arkansas

PROJECT: West River Front Trail
Greg Smith River Walk
Fort Smith, Arkansas
CFS Project No. R-172-14

ENGINEER:
Frontier Engineering Inc.
P.O. Box 11988
Fort Smith, AR 72917

CONTRACTOR:
Dixon Contracting, Inc.
P.O. Box 10917
Fort Smith, AR 72917

WEST RIVER FRONT TRAIL
Notice to Proceed: March 24, 2015
Scheduled Completion Date: December 19, 2015
Original Contract Amount: $ 1,893,210.00

Description of Change Order:
Per discussions and request by the City Parks Department, the Contractor requests additional money and time to perform tree limb removal (pruning) of all trees on the river side of the trail from the Events Building to approximately Station 71+00. Limb removal will extend to 10' above the ground. All dead limbs, small trees, brush and understory will be removed within the driplines of the trees. Additionally, the area of rip-rap between the Events Building and the river will be cleared of all trash, dead limbs, small trees, brush and understory.

Additional/~~Deductive~~ Costs of Change Order: $ 8,500.00
Additional/~~Deductive~~ Calendar Days: 10 Days
Revised Completion Date: December 29, 2015

CONTRACTOR	_____	October 28, 2015
	Dixon Contracting, Inc.	Date
ENGINEER	_____ P.E.	October 28, 2015
	Frontier Engineering, Inc.	Date
OWNER	_____	_____
	City of Fort Smith	Date

Before

After

Before

After

Before

After

Before

After

Dixon Contracting, Inc.
P.O. Box 10917
Fort Smith, AR 72917

10/25/15

Change Order Proposal

Fort Smith Parks and Recreation
Fort Smith, AR

Re: West Riverfront Trail
Tree Trimming

On river side of Trail we propose to remove the lower limbs of the trees, approximately 10 ft. off the ground and remove the dead wood on the ground from the trees within their drip line. Beginning behind the Riverfront main building by node 1, down to station 71.
If accepted we would ask for 10 days to be added to the Contract to complete the work.

$8,500.00

Thanks,

Morlin Dixon

Status Photos - Node 7 Fishing Point

Node 7 Pedestrian Bridge

Looking North to Node 2

Looking South to Events Building

RESOLUTION _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, CONCERNING THE ADMINISTRATION AND FUNDING FOR THE FY 2015 HOMELAND SECURITY GRANT PROGRAM.

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

Section 1: The Memorandum of Agreement between the City of Fort Smith, Arkansas, and Sebastian County, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual agreements for the administration of the FY2015 Homeland Security Grants funds awarded to Fort Smith Police Department SWAT in the amount of $59,883.00.

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

THIS RESOLUTION ADOPTED this _____ day of November 2015.

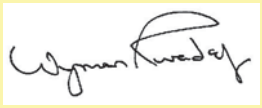
APPROVED:

_____

Mayor

ATTEST:

Approved as to form



_____
City Clerk

_____
City Attorney
npr

Sebastian County & Team Project Sub-Award

FY 2015 Homeland Security Grant Program

MEMORANDUM OF AGREEMENT

An agreement entered into the _____ day of November, 2015 by and between Sebastian County and the City of Fort Smith Police Department, whose identified team, for the purposes of the above mentioned grant will provide preparedness and response capability for terrorism/weapons of mass destruction (WMD) and other catastrophic incidents.

I. PREAMBLE

The Arkansas Department of Emergency Management (ADEM) is the designated agency for the administration of the Department of Homeland Security Grant Programs. Homeland Security grants provides funds to the State, whom then sub awards a portion of these funds to local jurisdictions for the specific purpose of purchasing equipment to be used in prevention of or a response to terrorism/WMD and other catastrophic incidents. ADEM, has identified Sebastian County as one of the recipients, whom in turn, has identified the City of Fort Smith Police Department as a recipient of a portion of these funds for selected equipment, planning, training, exercises as outlined by projects that fall within the scope of the Arkansas State Homeland Security Strategy.

II. PURPOSE

The purpose of this Memorandum of Agreement (MOA) is to establish mutually accepted procedures and guidelines concerning the use of this Department of Homeland Security FEMA grant funding and equipment in preparation for, prevention of or in response to terrorism/WMD and other catastrophic incidents.

III. CONCEPT

Sebastian County is recognized by appropriate statutes of the State of Arkansas. In recognition of this fact, along with the current high level of response capability that currently exists within the jurisdiction of the County involving several first responder elements, ADEM has encouraged the jurisdiction to further develop their local response capability for weapons of mass destruction/terrorism incidents, of which the County has identified the City of Fort Smith Police Department to assist with these efforts. It is understood that significant effort will be required on the part of the County, City of Fort smith Police Department, et al., to develop the necessary partnerships with local police, medical, and law enforcement services. It is further understood that the response focus for WMD/terrorism incidents is not only the jurisdictional area of the City of Fort Smith Police Department and/or Sebastian County but may go beyond the local/county jurisdictional areas and even state jurisdiction. Therefore use of the equipment and response focus is not intended to be limited by jurisdictional boundaries.

IV. MISSION

As a recipient of the grants and equipment referred to in Section II, Sebastian County and the City of Fort Smith Police Department agree that the general mission within the context of this MOA is as follows:

- The mission, as it relates narrowly to the equipment, planning, training, and exercise is to prepare for, prevent where possible and be capable of responding to and recovering from a terrorism/WMD event or catastrophic incident whether within or near Arkansas or nationally if requested.
- Coordinate with appropriate local emergency service providers, including emergency management, Police, law enforcement,

medical, and others deemed necessary to establish a credible terrorism/WMD capability and response.

- Appropriate level training is current or will be in place for those persons designated to respond at a certain level and are in receipt of specialized equipment.
-

V. EQUIPMENT ACCOUNTABILITY/REPLACEMENT

The special equipment funded by these grants is accountable and will be safeguarded and insured to the same degree as other equipment belonging to the County and the City of Fort Smith Police Department.

Equipment purchased with these HSGP grant funds will remain in good repair so as to be available for a terrorism/WMD and catastrophic incident.

VI. INVENTORY

Upon receipt of and/or change in equipment purchased through HSGP, the City of Fort Smith Police Department will notify the County to ensure that the Point(s) of contact (POC) designated by the County will have the required information needed to update the HSGP online inventory for ADEM regarding the purchase, condition and disposition of equipment funded by these grants.

If for any reason, this online inventory report is not updated, ALL grant funds will be withheld until the inventory report is updated & ADEM is notified.

VII. FUNDS

All funds must be expended in accordance with guidance provided by ADEM to the recipient that will include priorities and requirements provided either from DHS/FEMA or through the Arkansas Homeland Security Advisory Group (ARHSAG), Arkansas Homeland Security Executive Committee (ARHSEC) and approved by the Governor. Purchases with sub awarded funds will be coordinated with the County and will be in accordance to the ADEM/HSPG approved budget.

VIII. SPECIAL CONDITIONS

Departments/Team Projects in receipt of HSGP funded equipment, planning, training & exercise from the HSGP sub-awarded jurisdiction must:

1. Cooperate with any compliance review or complaint investigation conducted by ADEM/HSGP and/or DHS.

2. Give ADEM/HSGP and/or DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.

3. Submit timely, complete, and accurate reports to ADEM/HSGP as requested and maintain appropriate backup documentation to support the reports.

4. Comply with all other specific reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. Provide a list of all proceedings, pending, or completed, including outcome and copies of settlement agreements to the jurisdiction and ADEM/HSGP, if, during the past three years, the department has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status.

6. Forward a copy of the complaint and findings to the jurisdiction and ADEM/HSGP, in the event any court or other administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient or the department settles a case or matter alleging such discrimination.

7. Ensure all revisions to the ADEM/HSGP approved budgets for this award are coordinated with the County and the department must receive prior written approval from ADEM/HSGP prior to expenditure.

Article XXXVIII – Disposition of Equipment Acquired Under Federal Award
When the original or replacement equipment acquired under this award by the sub-recipient is no longer needed for the original project or for other activities currently or previously supported by ADEM & DHS/FEMA, you must request instructions from ADEM/HSGP to make proper disposition of the equipment pursuant to 2CFR § 200.313.

IX. EXERCISE

To ensure efficiency and effectiveness, the City of fort Smith Police Department agrees to conduct at least one exercise per year utilizing equipment acquired with FY15 HSGP funds. All exercises will be in

accordance with the Homeland Security Exercise & Evaluation Program (HSEEP) requirements.

X. RECORDS

The City of Fort Smith Police Department agrees to maintain completed records and cost/financial documents for at least three years from the date these grants are officially closed by DHS. All grants are subject to state and federal audit reviews.

_____ _____

The Honorable David Hudson Date

County Judge, Sebastian County

_____ _____

Sandy Sanders Date

Mayor, City of Fort Smith

_____ _____

Kevin Lindsey Date

Chief of Police

Fort Smith, AR

Fort Smith Police Department

Kevin Lindsey, Chief of Police

INTERDEPARTMENTAL MEMORANDUM

To: **Jeff Dingman, Acting City Administrator**

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

Subject: **RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, CONCERNING THE ADMINISTRATION AND FUNDING FOR THE 2015 HOMELAND SECURITY GRANT PROGRAM**

Date: **October 26, 2015**

The purpose of this memorandum is to provide information to you and the Board of Directors regarding the awarding of Homeland Security Grant monies to the Fort Smith Police Department SWAT Unit in the amount of $59,883.00 and to respectfully request approval of the accompanying Resolution.

The application for funds was made through the Sebastian County Office of EmergencyManagement. Major Dean Pitts, SWAT Unit Commander, was asked to submit equipment requests for the grant funding. The County was eligible for and awarded $324,426 from the FY15 Homeland Security programs. The total awarded to Law Enforcement Terrorism Prevention Activities was $146,120 which was divided between Sebastian County $86,237 and Fort Smith Police Department SWAT $59,883. The items approved for funding are 6 Individual Night Vision, 8 IR Illuminators, 1 Long Range thermal Optic, 1 Long Range Thermal Optic, and 7 Tactical Headsets. The Sebastian County Office of Emergency Management will administer the grant and all required reporting. There is no match required of recipient agencies.

The requested project will enhance the mission capabilities of the Fort Smith Police Department SWAT Unit by lessening officer safety concerns through improvements in the Unit's tactical night-time responses to high risk situations. The project will also support overall preparation of the Unit's ability to provide enhanced security and stabilize weapons of mass destruction incidents.

Please contact me if you have questions or need additional information.

November 2015

November 2015

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

December 2015

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 1	2	3 11:30am Planning Com. Study Ses. (Creekmore) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)	4	5 6:00pm Historic District Com. (220 North 7 Street)	6	7
8	9 11:00am Property Owners Appeal Board (Planning Conf. Rm. (TENTATIVE))	10 12:00pm Bd. Study Session (FSM Public Library) 5:30pm Planning Commission (Creekmore)	11 CITY OFFICES CLOSED (IN OBSERVANCE OF VETERANS DAY)	12 12:15pm Oak Cemetery Com. (Creekmore) 6:00pm Budget Hearings (Police Dept. Bartlett Com. Rm.)	13 12:00pm Parks Commission (Creekmore)	14
15	16 6:00pm Budget Hearings (Police Dept. Bartlett Com. Rm.)	17 9:30am CBID (Area Agency) 4:30pm Library Bd. of Trustees (Main Library) 6:00pm Bd. of Directors (FSM Public Schools Serv. Cntr.)	18	19	20	21
22	23	24 12:00pm NO STUDY SESSION 4:00pm A & P Commission (Convention Center) 5:30pm Airport Commission (Airport)	25	26 CITY OFFICES CLOSED (IN OBSERVANCE OF THANKSGIVING)	27 CITY OFFICES CLOSED (IN OBSERVANCE OF THANKSGIVING)	28
29	30	Dec 1	2	3	4	5

Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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
November 3, 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
Youth Pastor Matt Stevenson, Evangel Temple

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 OCTOBER 20, 2015 REGULAR MEETING
APPROVED as written

ITEMS OF BUSINESS:

1. Ordinance to amend Chapter 25, Article II of the Fort Smith Municipal Code to amend billing utilities procedures ~ *Pennartz/Lau placed on agenda at the September 8, 2015 study session / First reading at the October 6, 2015 regular meeting / Second reading at the October 20, 2015 regular meeting* ~ **THIRD & FINAL READING**
   Third & final reading / Ordinance No. 71-15

2. Presentation of proposed 2016 Budget
Presentation only

3. Items relative to an appeal of the Planning Commission's denial of a requested amendment to the 2009 Unified Development Ordinance *(appeal of Jeremy Jones / River City Cycles)*

   A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use)*
   APPROVED 7 in favor, 0 opposed / Ordinance No. 72-15

   B. Resolution affirming the action of the Planning Commission denying the appeal for a text amendment to the 2009 Unified Development Ordinance to add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use
   No action taken due to adoption of Item No. 3A

4. Items regarding an appeal of the Planning Commission's denial of a conditional use permit *(appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin)*
TABLED for sixty (60) days 7 in favor, 0 opposed

   A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

   B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

5. Ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8009 Steep Hill Road)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 73-15

6. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: Residential Detached to Residential Attached / Rezoning: Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension located at 3321 Utica Street)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 74-15

7. Ordinance rezoning identified property and amending the zoning map *(Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 7001 Wells Lake Road)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 75-15

8. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbrewery / microwinery / microdistillery)*
APPROVED 4 in favor (Good, Pennartz, Settle & Hutchings), 0 opposed (Lau, Lorenz and Catsavis) as amended to only allow in Commercial-6 and Industrial

zoning districts as a permitted use. This ordinance did not obtain five (5) affirmative votes required for passage on its first reading. The second reading is scheduled to occur at the November 17, 2015 regular meeting.

9. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(auto body shops in the ETJ Industrial Light zoning district)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 76-15

10. Resolution authorizing the hiring of one internal auditor for Utility ~ *Lau/Settle placed on agenda at the October 20, 2015 regular meeting* ~
APPROVED 5 in favor (Lau, Good, Lorenz, Pennartz & Settle), 1 opposed (Hutchings) and 1 abstention (Catsavis) / Resolution No. R-200-15

11. Ordinance authorizing the appropriation of funds from the Landfill Operating Fund, and accepting the bid of and authorizing the Mayor to execute a contract with Forsgren Inc. for the Landfill Road Reconstruction Project *($1,393,424.20 / Sanitation Department / Budgeted - Sinking Fund ~ Landfill Construction)*
APPROVED 7 in favor, 0 opposed / Ordinance No. 77-15

12. Consent Agenda

A. Resolution to accept the bid and authorize a contract for the construction of street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996 *($2,161,727.73 / Engineering Department / Budgeted – Sales Tax Program Fund, EDA Grant, Degen Foundation)* ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-201-15

B. Resolution accepting Change Order No. 2 with Dixon Contracting, Inc. for the construction of the Greg Smith Riverwalk (West River Front Trail) *($8,500.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax)*
APPROVED 7 in favor, 0 opposed / Resolution No. R-202-15

C. Resolution authorizing the execution of a memorandum of agreement between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, concerning the administration and funding for the Fiscal Year 2015 Homeland Security Grant Program
APPROVED 7 in favor, 0 opposed / Resolution No. R-203-15

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

ADJOURN
8:27 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 3, 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 Matt Stevenson of Evangel Temple Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, 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 October 20, 2015 regular meeting was presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized Aaron Shaw with Boy Scout Pack 7, who was in attendance to earn his Building a Better World Badge.

Item No. 1 was an ordinance to amend Chapter 25, Article II of the Fort Smith Municipal Code to amend billing utilities procedures ~ *Pennartz/Lau placed on agenda at the September 8, 2015 study session / First reading at the October 6, 2015 regular meeting / Second reading at the October 20, 2015 regular meeting* ~ **THIRD & FINAL READING**

Acting City Administrator Jeff Dingman briefed the Board on the item advising the ordinance was adopted at the October 6, 2015 regular meeting; however, such did not obtain the five (5) affirmative votes required for passage on its first reading. The

ordinance must be read in its entirety on three (3) separate dates. The first reading was accomplished at the October 6, 2015 regular meeting. The second reading was accomplished at the October 20, 2015 regular meeting. The City Clerk read the ordinance in its entirety for its third and final reading; therefore, the Mayor declared the ordinance was adopted and given Ordinance No. 71-15.

Item No. 2 was a presentation of proposed 2016 Budget.

Director of Finance Jennifer Walker advised the copies of the proposed budget had been provided to the Mayor and Board prior to the meeting. The budget review sessions are scheduled for November 12 & 16 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

Mayor Sanders noted the fund balance is lower than anticipated due to the prior year's operation fund balance not being accounted for and inquired why such method was used.

Mr. Dingman simply advised staff determined such was an appropriate approach to prepare the 2016 budget.

Item No. 3 consisted of the following two (2) options for consideration regarding an appeal of the Planning Commission's denial of a requested amendment to the 2009 Unified Development Ordinance *(appeal of Jeremy Jones / River City Cycles)*:

A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(add motorcycle or ATV sales and service to the Commercial 6 zoning district as a conditional use)*

B. Resolution affirming the action of the Planning Commission denying the appeal for a text amendment to the 2009 Unified Development Ordinance to add motorcycle or ATV sales and

service to the Commercial 6 zoning district as a conditional use

Director of Development Services Wally Bailey briefed the Board on the item advising such is an appeal by Jeremy Jones, River City Cycles of the Planning Commission's denial of a requested amendment to the 2009 Unified Development Ordinance (UDO).

The initial request was submitted on September 9, 2015 by Mr. Jeremy Jones, who operates River City Cycles on Grand Avenue. The business has overgrown their current location, and have located and propose to lease a property at 201 Towson Avenue, which is located within the Central Business Improvement District (CBID). The purpose of the request is to allow motorcycle or ATV sales and service in the Commercial Downtown (C-6) zoning district as a conditional use. Currently, motorcycle or ATV sales and service businesses are permitted only in Commercial Heavy (C-5), Industrial Light (I-1), Industrial Moderate (I-2), and Industrial Heavy (I-3) zoning districts. The Central Business Improvement District (CBID) reviewed the request at their September 15, 2015 meeting and unanimously recommended the requested text amendment, provided that no outside storage or display will be permitted. The Planning Commission reviewed the request at their October 13, 2015 meeting with Mr. Richard Griffin present to speak in opposition to the request. Mr. Griffin advised the Planning Commission that when the CBID reviewed the text amendment request on September 15, 2015, it was his understanding that the CBID recommended approval to the Planning Commission as long as there was no outside storage or display of motorcycles or ATV's. Mr. Jones responded citing that while he did plan to have outside storage, it

was his understanding that the CBID had no objection to outside display of motorcycles or ATV's. The Planning Commission denied the request by a vote of four (4) in favor and five (5) opposed.

Due to confusion regarding the issue of the outdoor display, the CBID again reviewed the text amendment on October 20, 2015. After reviewing the issues, the CBID voted unanimously to recommend the text amendment with the understanding that the issue of outdoor display would be discussed as part of the conditional use application review. Based on the clarification concerning outside display, the applicant filed an appeal with the City Clerk's Office on October 20, 2015 to allow consideration by the Board of Directors.

Approval of Item No. 3A will overturn the Planning Commission's decision and approve the text amendment which will allow the addition of motorcycles or ATV sales and service in the Commercial 6 (C-6) zoning district as a conditional use. Approval of Item No. 3B will affirm the Planning Commission's decision thereby denying the requested text amendment.

Mr. Bailey further conveyed that subsequently all misunderstandings have been cleared up and all parties support approval of Item No. 3A.

The following individuals were present to address the Board:

- Rodney H. Ghan
  Fort Smith, AR

  Re: Spoke in favor of Item 3A. Indicating as all misunderstandings have been clarified all parties support the outside display and sale of goods during business hours noting such does align with the desire for additional retail downtown.

Director Pennartz requested clarification that approval of Item 3A would allow outside display and sales of goods during business hours whereby Mr. Baily responded affirmatively.

If the misunderstanding had not occurred, Director Settle inquired if such would most likely have been approved by the Planning Commission.

Mr. Baily advised from his interaction with the Planning Commission prior to resolving the misunderstanding, it was his conclusion that approval of Item 3A is supported by the Planning Commission.

Pennartz, seconded by Catsavis, moved adoption of Item No. 3A. 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. Hutchings, seconded by Pennartz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No.72-15.

Items No 4. was an appeal of the Planning Commission's denial of a conditional use permit *(appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin)*

A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue

Mayor Sander's advised that the petitioner Al Prieur has requested the submitted appeal be tabled for sixty (60) days.

Settle, seconded by Pennartz moved to table the item for 60 days the members all voting affirmatively, the Mayor declared the motion carried and the item is tabled for 60 days.

Item No. 5 was an ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8009 Steep Hill Road).*

Mr. Bailey briefed the Board on the item advising such is per the request of Arkansas Valley Electric. The purpose of the rezoning request is to facilitate the development of a new utility substation. The subject property is on the east side of Steep Hill Road. The tract contains five (5) acres with approximately four hundred eighty five (485) feet of street frontage along Steep Hill Road. The property currently has no zoning. The Chaffee Crossing Redevelopment Plan currently classifies the site as Single Family Residential. The classification provides for standard residential lots or zero lot-line lots in attractive, interconnected neighborhoods. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A neighborhood meeting was held on October 5, 2015 with no neighboring property owners in attendance to speak in opposition. The Planning Commission held a public hearing on October 13, 2015. Mr. Fred Phillips was present to speak on behalf of Arkansas Valley Electric; however, no one present to speak in opposition. The Planning Commission amended the conditional use request to make approval of subject to the following:

- Approval of the rezoning application by the City Board of Directors.

- 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 changed greater than those described in this section will require Planning Commission approval.

- The project shall comply with the Chaffee Crossing Design Guidelines. The applicant shall submit an approval from the Chaffee Crossing Design Review Committee prior to the issuance of the building permit.

- All fences shall comply with the requirements of the UDO and Chaffee Crossing Design Guidelines.

- All lighting shall be shielded and comply with the city's Commercial and Outdoor Lighting regulations.

- All signage requires a separate applications and review process.

- Upon completion of the project, staff will review the site to determine if any new trees are necessary for additional screening to the substation.

- Five sets of complete construction plans shall be submitted to the Building Department for plan review.

The Planning Commission approved the conditional use by a vote of nine (9) in favor and zero (0) opposed.

Good, seconded by Settle moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No.73-15.

Item No. 6 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan: Residential Detached to Residential Attached / Rezoning: Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension located at 3321 Utica Street).*

Mr. Bailey briefed the Board on the item advising such is per the request of Ron Brixey, agent for Justin Green Custom Homes, Inc. The purpose of the request is to allow for the construction of two (2) duplexes on separate lots. A neighborhood meeting was held on September 25, 2015 with three (3) neighboring property owners in attendance, but no objections to the proposed project were conveyed. The Planning Commission held a public hearing on October 13, 2015 with no individual present to speak in opposition to the request. The Planning Commission approved the Master Land Use Plan amendment by a vote of nine (9) in favor and zero (0) opposed. The Planning Commission approved the rezoning request by a vote of nine (9) in favor and zero (0) opposed.

Director Settle questioned that if the development plan changes, such would require additional approval by the Planning Commission whereby Mr. Bailey responded *"yes."*

Catsavis, seconded by Hutchings moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No.74-15.

Item No. 7 was an ordinance rezoning identified property and amending the zoning map *(Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 7001 Wells Lake Road).*

Mr. Bailey briefed the Board on the item advising such is per the request of Crafton Tull & Associates. The purpose of the request is to allow for the development of thirty-two (32) single family, residential lots. A neighborhood meeting was held on October 6, 2015. Mr. Adam Witt, Operations Manager for Phoenix Metals (a neighboring property), was in attendance and conveyed no opposition to the request, but merely wished to advise that Phoenix Metals operates twenty-four (24) hours a day with activities including cutting metals and loading trucks. He further advised the company plans to expand the building and operations. No other property owners attended the neighborhood meeting. The Planning Commission held a public hearing on October 13, 2015 with no individual present to speak in opposition. The Planning Commission voted unanimously to amend the requested to make approval subject to the following:

- Approval by the Fort Chaffee Redevelopment Authority (FCRA) of the property's Chaffee Crossing Land Use Plan classification from Mixed Use: Neighborhood Commercial/Office to Single Family Residential.

The Planning Commission approved the amended request by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention.

Director Hutchings inquired where the future development of Phoenix Metal would be in consideration of this new development.

Mr. Bailey advised his understanding is the future expansion of Phoenix Metal will extend toward the subject development.

To ensure there is no issue in the future, Director Settle inquired how potential property owners considering purchase of residential lots within the subject development can be aware of the future Phoenix Metal expansion.

Mr. Bailey advised prior notification is difficult and ultimately is up to the potential buyer to be informed of the existing zoning of the property, as well as the surrounding property, prior to purchase.

Mayor Sanders questioned if any of the issues have been discussed at the Fort Chaffee Redevelopment Authority's Design Review Committee meetings.

Mr. Bailey advised the FCRA Design Review Committee reviews the property after the real-estate purchase has already been made.

Director Lau inquired if a Property Owners Association (POA) would be established for the proposed development and if something could be included in the bills of disclosure regarding the potential noise issue due to the adjacent business (Phoenix Metal).

At the request of Driector Lau, the following individual addressed the Board:

- Brad Peterson, agent with Crafton Tull & Associates
  Fort Smith, Arkansas

  Re: He conveyed uncertainty regarding the establishment of a POA for this development; however, the development does not offer any amenities to prompt the need for such. He then provided an in-depth description of Crafton Tull's considerations of the many different aspects in regard to Phoenix Metal expansion to address any future issue citing the inclusion of fencing, landscape buffers, easements, detention pond and structure placements all with the intent to create a great deal of distance and buffer's between the development and Phoenix Metal.

Director Pennartz inquired as to the range of value of the projected homes whereby Mr. Peterson advised property values are estimated to be $200,000 and $225,000.

Director Settle reiterated the potential concerns with the proposed residential development being located near a commercial development; therefore, he requested Crafton Tull take necessary steps to mitigate any foreseeable issues with potential property owners.

Lau, seconded by Settle moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No.75-15.

Item No. 8 wan an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbrewery / microwinery / microdistillery).*

Mr. Bailey briefed the Board on the item advising such is per the request of Mr. Quentin Willard of the Fort Smith Brewing Company. The purpose of the text amendment is to add the following land uses to the UDO Land Use Matrix:

1. Small Scale Production
2. Microbrewer/microwinery/microdistillery
3. Specialty Manufacturing

The applicant requests the above noted uses be permitted in the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3) and Commercial Regional (C-4) zoning districts. The Planning Commission held a public hearing on October 13, 2015 with no individual

present to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

- Amend the UDO Land Use Chart to add microbrewery/microwinery as a permitted land use in the Commercial-5 zoning district.
- Amend Chapter 27-200 to delete the current definition of microbrewery and replace with the applicant's definition for microbrewery/microwinery/microdistillery.

The Planning Commission approved the amended request by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention.

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.

The following individuals were present to address the Board:

- Quentin Willard, applicant
  Van Buren, AR

  Re: Spoke in favor of item advising he not only represents Fort Smith Brewing Company, but all craft beverage consumers and entrepreneur's in the industry. The intent behind the amendment as proposed is due to obtained knowledge that the University of Arkansas at Fort Smith (UAFS) is going to establish a Brewing Degree Program, which will train master brewers thereby increasing the potential for similar businesses to develop and open locally, and boosting the local economy.

- Kenneth Lyon
  Fort Smith, AR

  Re: Spoke in favor of the item alleging that as of 2014, the brewing industry generated $19.6 billion in taxable revenue and such is growing a double-digit rate each year.

Projection suggests that by year 2020, it will take twenty percent (20%) of the beer market at large. He further alleged the forthcoming Brewing Degree Program at UAFS is extremely rare, and if the city positions themselves to allow these educated brewers to open there businesses locally, such would be a huge bonus for the city of Fort Smith.

- Matthew Liebal
  Fort Smith, AR

  Re: Spoke in favor of the item advising he's a member of the Army and has lived in eight (8) different states, all of which have had local microbrewerys. Over the last ten (10) years, he has seen the industry expand and can attest to how they boost the economy by creating jobs and attracting tourism.

- George Willis, Jr., Ninth Street Baptist Church
  Fort Smith, AR

  Re: Spoke in opposition to the item citing such is due to the suggested area the amendment will effect, specifically the area of North 9th and "H" Streets.

- Rev. Ulysses C. Washington, Mission United Methodist Church
  Fort Smith, AR

  Re: Spoke in opposition to the item reiterating the comments conveyed by Mr. Willis. He conveyed concern regarding existing parking and residential zoning issues. Further concern was expressed that many elderly live in the area, a local park and multiple churches are also located in close proximity to the recommended site. He advised if the amendment is approved, such would be an ethical and moral breach to all those in which the church serves.

- Jonathan Seubould
  Fort Smith, AR

  Re: Spoke in favor of the item, advising he is a licensed professional counselor and was is attendance if there were any questions in regard to the addictive properties of alcohol and its effects on mental health.

There was very lengthy discussion among the Board with each director, except Hutchings, conveying support of a microbrewery business in Fort Smith, but also expressing concern with the prospective location at North 9th and "H" Street. The directors also conveyed multiple inquires regarding inclusion of the other zoning classifications.

Due to the various issues regarding the prospective site, Mr. Bailey clarified the existing zoning currently allows for a bar to be established at the same site without necessity of approval; therefore, the conveyed assurance that the proposed business would be less intrusive on the neighborhood.

Mr. Willard responded to each inquiry and clarified that although the area of North 9th and "H" Streets is a prospective site, the proposed item does not address a specific location. The prospective site is ideal for their business plan and he clarified they do not desire to be located in the bar district as such is not the nature of their business. The nature of a microbrewery business is not for people to congregate and drink all night, but such is more of a tasting environment. The patrons, estimated to range from ten (10) to thirty (30) individuals at a time, typically taste and then leave the premises. For clarification, no food is offered at a microbrewery to keep patrons there for an extended time.

At the request of Director Lau, Mr. Bailey explained that upon approval, a conditional use permit would still require Planning Commission approval and that conditional uses are utilized to mitigate concerns when the desired use of a property has negative impacts on surrounding property owners.

Lau, seconded by Lorenz, moved to amend the ordinance by permitting microbrewery/microwinery/microdistillery in all commercial zoning classifications as a conditional use and as a permitted use in all industrial zones. Prior to the vote, there was continued discussion, which led to the legitimacy of the offered motion because the proposed amendment had not been reviewed by the Planning Commission.

City Attorney Jerry Canfield advised zoning regulations state that a governing body may amend an ordinance by the same procedure as they were adopted as long the proper public notice requirements are met "or" by a vote of the Board of Directors. If the Board finds it prudent to amend the zoning ordinance and because such is germane to the proposed ordinance, such is a lawful action to take if the Board so desires.

Due to the perpetual discussion, Mayor Sanders he did not accept the previous motion and opened the floor for a new motion regarding the matter.

Lau, seconded by Lorenz moved to amend the ordinance by permitting microbrewery/microwinery/microdistillery in all commercial zones as a conditional use and as a permitted use in C-6 and industrial zones. The members voted as follows: ayes – Lau and Lorenz; nays – Good, Catsavis, Pennartz, Settle and Hutchings. The Mayor declared the motion defeated.

Good, seconded by Pennartz, moved to amend the ordinance to permit microbrewery/microwinery/microdistillery in C-6 and industrial zones 1, 2 & 3 as a permitted use.

Prior to the vote, Director Settle requested Mr. Richard Griffin, Chairman of the CBID, to convey his thoughts regarding the CBID's position on the matter.

Mr. Griffin simply advised he cannot speak for the CBID since the matter has not been presented for review.

There was continued discussion whereby Director Pennartz called the question.

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

Pennartz, seconded by Settle, moved adoption of the ordinance as amended. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members voted as follows: ayes - Good, Pennartz, Settle and Hutchings; nays – Lau, Lorenz and Catsavis. The Mayor declared the motion carried, but noted the motion did not obtain the five (5) affirmative votes for passage on its first reading. Due to such, the City Clerk read the ordinance, as amended, in its entirety for its first reading. The Mayor noted the ordinance will be placed on the November 17, 2015 regular meeting to accomplish its second reading.

Director Pennartz requested the Planning Commission review if conditional uses are suitable as it pertains to permitting microbrewery/microwinery/microdistillery in the remaining C-1 through C-5 zoning districts.

Director Good also requested the Planning Commission review current C-5 zoning in the North 9th Street corridor.

Director Lau encouraged staff to inform residents within the North 9th Street corridor how they can address zoning issues in their neighborhood whereby Mr. Bailey affirmed staff will proceed with such.

Item No. 9 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(auto body shops in the ETJ Industrial Light zoning district)*

Mr. Bailey briefed the Board on the item advising such is per the request of Chris Adam Sharp of C. Sharp Restorations. The purpose of the proposed amendments is to allow auto body shops in the Extra Territorial Jurisdiction (ETJ) Industrial Light (I-1) zoning district as a permitted use. The Planning Commission held a public hearing on October 13, 2015 with no individual present to speak in opposition. The Planning Commission unanimously amended the request to make approval subject to the following:

- Amend the UDO to allow auto body shops in the ETJ Industrial Light (ETJ I-1) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

The Planning Commission approved the amended request by a vote of nine (9) in favor and zero (0) opposed.

Hutchings, seconded by Lorenz moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Settle, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No.76-15.

Item No. 10 was a resolution authorizing the hiring of one internal auditor for Utility Department ~ *Lau/Settle placed on agenda at the October 20, 2015 regular meeting* ~

Mr. Dingman briefed the Board on the item advising such is per the request of Director Lau at the October 20, 2015 regular meeting. The Internal Utilities Auditor will perform test on the water and sewer areas based upon the Consent Decree.

Director Catsavis expressed concern with the item and inquired what kind of experience the subject position would need to be most efficient and requested a brief explanation of the position.

Internal Auditor Tracey Shockley advised that upon approval, the individual hired in the subject position would report their findings to the Internal Auditor, who would then review the findings and report such to the Audit Committee and the Board of Directors. Another alternative would be to hire a consultant whose objective would be to ensure cost savings for the city. The person would need utility engineering auditing experience, which would involve things such as inventory control, ensuring billing and work is being done correctly according to what is in the contracts, etc. She further advised focus on operations and compliance audits, and current work load would have to be scaled back and discussed with the Audit Committee, as well as her ability to incorporate such responsibilities onto her position.

Director Hutchings questioned the necessity of the proposed position and the estimated salary range. Regardless, he conveyed much concern with the matter citing such is not the time to be adding personnel when the City may have to consider

freezing other positions. If the Board opts to move forward, he requested assurance that the position will result in a cost savings.

Director Lau indicated such is good business practice and when dealing with the estimated $480 million projects and if you can save one percent (1%) by utilizing the position, such will result in a cost savings of $4.8 million over a twelve (12) year period. Such is external control and making sure the Board is aware of what's going on. He further advised that the Board needs to take necessary steps to ensure the citizens are not having to pay any more than absolutely necessary.

Mrs. Shockley advised such person would need to have at least three (3) to five (5) years of experience in utility engineering auditing, and based upon research the median pay is around $45,000 annually; however and in order to attract the person with the expertise needed, she recommended an estimated $55,000 to $60,000 annually.

Director Lorenz spoke in favor of the proposed item alleging the new position could result in significant cost savings; however, he encouraged any potential candidate must be advised they will be hired with a great expectation to perform. Due to such, he recommended the position be required to provide extensive and frequent reports on findings and cost savings.

Director Pennartz noted concurrence with Directors Lau and Lorenz citing projects of such magnitude associated with consent decrees typically utilize an auditor to ensure accurate results. She also requested Mrs. Shockley work up a job description for the proposed position.

Director Settle conveyed much support of the item citing cost savings is the determining factor.

Catsavis, seconded by Hutchings, moved to table the item for thirty (30) days and the members voted as follows: ayes – Catsavis and Hutchings; nays – Lau, Good, Lorenz, Pennartz and Settle. The Mayor declared the motion defeated.

Lau, seconded by Lorenz, moved adoption of the resolution. Prior to the vote, Director Pennartz inquired if such position could be included in the 2016 budget review process, thus allowing Mrs. Shockley the time to obtain the additional information regarding the salary and provide the requested job description whereby Mrs. Shockley advised she'll provide the requested information at the budget review hearings.

Director Hutchings requested Acting City Administrator Jeff Dingmans to convey his opinion on the matter.

Mr. Dingman advised an auditor to review contracts, review materials used and ensure proper payment and order of things when dealing with a project of such magnitude is certainly beneficial. Regarding capital projects, evaluation of contracts and performance of such along the way as well as fixed asset monitoring and other things mentioned are already evaluated not only within the Utility Department, but also city wide. He advised when presented with the magnitude of the projects the consent decree will require, it is quite obvious that all of such cannot be absorbed by one (1) position and further advised if the Board sees an additional position as prudent such position will certainly be utilized.

The motion remaining on the floor, the members voted as follows: ayes – Lau, Good, Lorenz, Pennartz and Settle; nays – Hutchings; abstention – Catsavis. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-200-15.

Item No. 11 was an ordinance authorizing the appropriation of funds from the Landfill Operating Fund, and accepting the bid of and authorizing the Mayor to execute a contract with Forsgren Inc. for the Landfill Road Reconstruction Project *($1,393,424.20 / Sanitation Department / Budgeted - Sinking Fund ~ Landfill Construction)*

Director of Sanitation Baridi Nkokheli advised that in September 2013, a comprehensive environmental audit was completed on the Fort Smith Regional Sanitary Landfill. The results of the audit indicated that the existing 28-acre active landfill area, developed from 1993 through 2009 (Phase A, Areas 1-4), was largely underutilized. Plans were developed to integrate the current 12-acre disposal site (Phase A, Area 5) with the 28-acre site allowing for additional usage estimated at nearly fourteen (14) years. The plans were developed with the assumption that the 20+ year old improved (concrete) landfill roads (Methane Lane and Compost Drive) would be rebuilt and operations would migrate back to the 28-acre active area rather than developing Area 6. These roads (Methane Lane and Compost Drive) were the primary access roads until they were semi-closed in 2005 due to their poor condition. The condition has deteriorated severely making it unsuitable to support the large/heavy commercial, industrial and residential solid waste collection vehicles as well as all other (250-300) vehicles that access the landfill six-days a week, three-hundred and fourteen days a year. The proposed item authorized a contract with Forsgren, Inc. for the landfill road(s) project. The funding for the project is available in the amount of $1,355,000 within the landfill sinking fund so the remaining $38,424.20 will be transferred from the Landfill Operating Fund (6305-203 Fuel Oil & Lube) to accommodate the difference. Upon

approval, such will allow "easy access in all weather conditions to all portions of the active disposal site and to other operational areas where access is necessary to achieve timely compliance with permit requirements" and achieve compliance with the Arkansas Pollution Control and Ecology Commission's Regulation 22.417(c).

Hutchings, seconded by Good, moved adoption of the ordinance the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 77-15.

The Consent Agenda (Item No. 12) was introduced for consideration, the items being as follows:

A. Resolution to accept the bid and authorize a contract for the construction of street and parking lot improvements serving the Arkansas College of Osteopathic Medicine, Project No. 15-90-A, EDA Award No. 08-79-04996 *($2,161,727.73 / Engineering Department / Budgeted – Sales Tax Program Fund, EDA Grant, Degen Foundation)* ♦

B. Resolution accepting Change Order No. 2 with Dixon Contracting, Inc. for the construction of the Greg Smith Riverwalk (West River Front Trail) *($8,500.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax)*

C. Resolution authorizing the execution of a memorandum of agreement between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, concerning the administration and funding for the Fiscal Year 2015 Homeland Security Grant Program

Settle, seconded by Hutchings, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-201-15 through R-203-15, respectively.

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

- Mayor Sanders

  Re: 1. Expressed gratitude to merchants and citizens who participated in the Ghouls on Garrison event on October 31st.

  2. Conveyed appreciation to recently retired Fire Chief Mike Richards for his service to the Fort Smith Fire Department.

  3. Reminded all of the Veterans Day event at 11:00 a.m., November 11th at the National Cemetery and the Veterans Day Parade scheduled for 12:00 Noon on Saturday, November 14th at Chaffee Crossing.

  4. Announced the Department of Human Services Division of Community Service & Nonprofit Support nominated Charolette Tidwell as a final honoree for the 39th annual Arkansas Community Service Award in 2016.

- Director Settle

  Re: 1. Announced at 4:00 p.m. on November 14 the University of Arkansas at Fort Smith will host the Mens Metro State Top 10 Division II basketball team and encouraged all to "get involved" and support the local college.

  2. After the budget hearings, he would like a report on what consultants the City utilizes and alleged the consultants utilized by the Human Resources Department did not contact Don Zimmerman in the recent health insurance discussions; therefore, he requested a true cost service comparison.

  3. Advised of a Waters of United States Rule Stay issued to the State of Arkansas along with eleven (11) others by the Attorney General and noted concern with the dry weather issued as indicated in the consent decree.

There being no further business to come before the Board, Pennartz moved that the meeting adjourn. The motion was seconded by Lorenz, and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 8:27 p.m.

APPROVED

MAYOR

ATTEST

CITY CLERK