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
February 2, 2016 ~ 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 JANUARY 19, 2016 REGULAR MEETING

ITEMS OF BUSINESS:

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

2. Ordinance rezoning identified property and amending the zoning map *(from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension located at 1833 North 12th Street)*

3. Items regarding amendments to the Unified Development Ordinance:

   A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbreweries in commercial zoning districts)* ♦

   B. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(specialty manufacturing)* ♦

   C. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(neighborhood meeting requirements)*

4. Ordinance authorizing the Mayor to execute an agreement for certain services for inhabitants of the city of Fort Smith *~ Fort Smith Museum of History agreement tabled at the January 19, 2016 regular meeting ~*

5. Ordinance amending the 2016 Budget

6. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Wheeler Avenue Sanitary Sewer Replacement *($582,357.00 / Utilities Department / Budgeted – 2015 Revenue Bonds)* ♦

OFFICIALS FORUM ~ presentation of information requiring no official action

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

- Mayor
- Directors
- City Administrator

ADJOURN

2.

ORDINANCE NO._____

AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 1-1-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on January 12, 2016, that said change be made;

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

SECTION 1: That the following properties to-wit:

Lot 12, Block 2, Fishback Addition

more commonly known as 1833 North 12th Street, should be, and is hereby rezoned from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by Extension.

PASSED AND APPROVED THIS_____DAY OF_____, 2016.

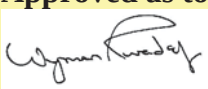
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____
Publish One Time

The City of Fort Smith
ARKANSAS

January 27, 2016

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

Re: A request by Manuel Navarro for Planning Commission consideration of a zone change from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by Extension located at 1833 North 12th Street.

On January 12, 2016, the City Planning Commission held a public hearing to consider the above request.

Ms. Maggie Rice read the staff report indicating that the purpose of the rezoning request is to allow the owner to construct a single family home.

Mr. Manuel Navarro was present to speak on behalf of this request.

Ms. Zue Gray, 1915 North 12th Street, was present to request clarification relative to the RM-3 zoning classification.

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

Respectfully Submitted,

CITY PLANNING COMMISSION

Marshall L. Sharpe

Marshall Sharpe
Chairman

MS/lp

cc: File
City Administrator

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

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: December 21, 2015

Rezoning #1-1-16 - A request by Manuel Navarro, owner, for Planning Commission consideration of a rezoning request from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension located at 1833 North 12th Street

PROPOSED ZONING

Approval of the rezoning will allow the owner to construct a single family home.

LOT LOCATION AND SIZE

The subject property is on the north side of North 12th Street between North R Street and North Q Street. The tract contains an area of 0.16 acres with 50 feet of street frontage along North 12th Street.

REQUESTED ZONING

The requested 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.

2A

Conditional Uses:

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

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%

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

2B

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

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

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

SURROUNDING ZONING AND LAND USE

The areas to the east, west, and south are zoned RM-3 and developed as single family residences.

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

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to provide stable neighborhoods, safe and attractive family environments, and protect property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 12th Street as a local road.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday December 16, at 4:30 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Based on the surrounding residential zoning and development, staff recommends approval of the zone change.

2C

Rez. #1-1-16

PETITION FOR CHANGE IN ZONING MAP

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

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

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) LOT 12 Block 2 Fishback Addition

2. Address of property: 1833 No. 12th St. Fort Smith AR 72904

3. The above described property is now zoned: ~~RM-3~~ / C-5

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?
Would like to build a house.

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

Signed:

Manuel De Jesus Navarro-Palomino
Owner or Agent Name
(please print)

Manuel Navarro
Owner

or

Agent

505 Chateau Dr
Owner or Agent Mailing Address
Fort Smith AR 72908

479-459-5044
Owner or Agent Phone Number
479-459-4044

2D

Rezoning #1-1-16: From Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3)
1833 North 12th Street

III
8

December 15, 2015

Fort Smith City Limts

Zoning

Subdivisions

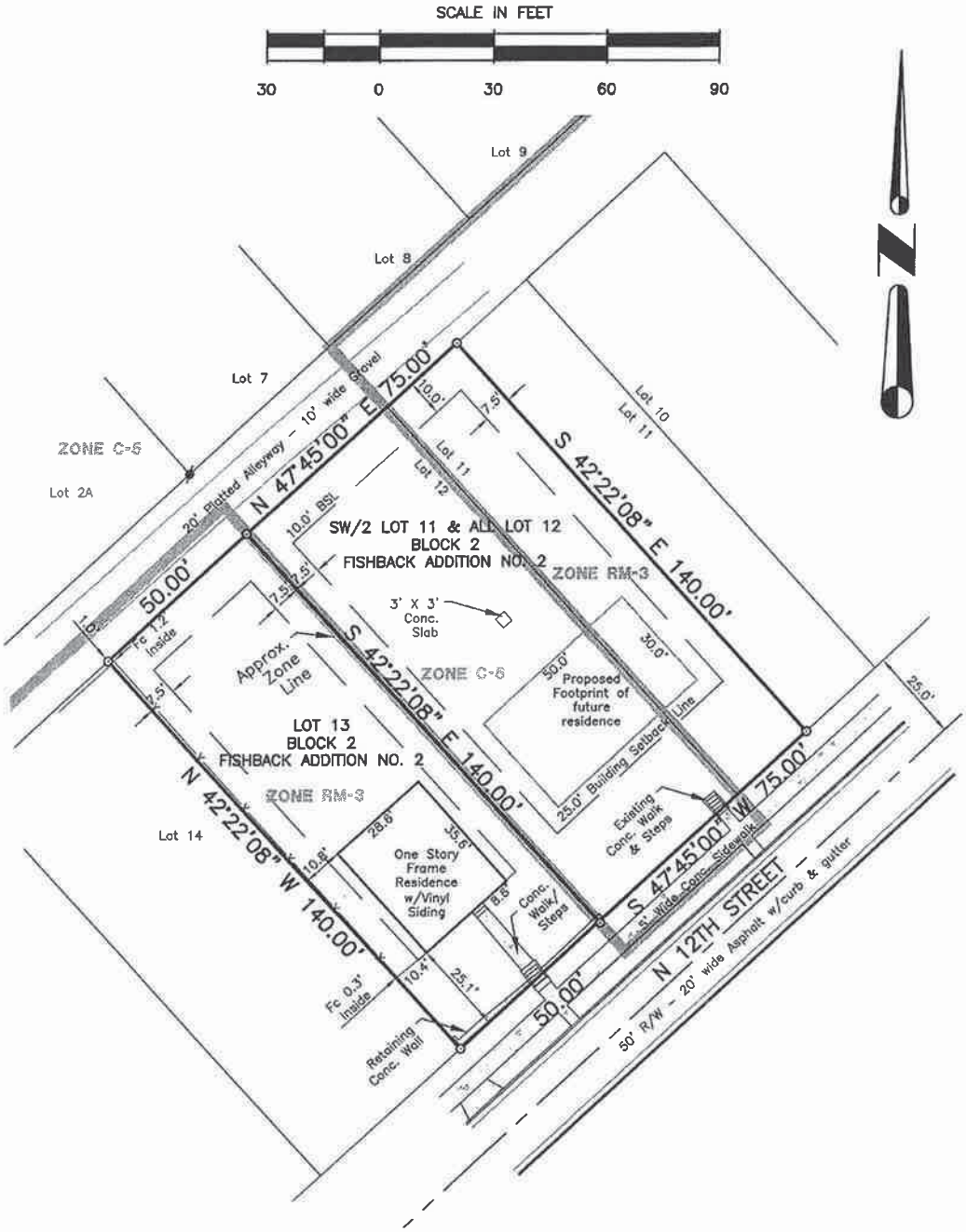
Building Footprints

1:1,770

0 80 160 320 ft

0 25 50 100 m

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



I Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of the SW/2 of Lot 11 and All of Lot 12 Block 2 Fishback Addition No. 2, also described as 1833 N 12th Street, Fort Smith, Sebastian County, Arkansas AND ALSO Lot 13 Block 2 Fishback Addition No. 2, also described as 1821 N 12th Street, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

NOTE: I have determined from the Flood Insurance Rate Map for Sebastian County, Arkansas, Map No. 05131C0020E, City of Fort Smith Community No. 055013, effective May 20, 2010, that this property does not lie in any flood hazard area.

Revised 12/15/2015 per City Zone Map Correction

File Name: G:\SURVEY15\15-0431\15-0431.dwg

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 —x—

REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO. 988 SIGNATURE RONALD N. BRIXEY

SITE PLAN

SW/2 LOT 11, ALL LOT 12 & LOT 13
BLOCK 2 FISHBACK ADDITION NO. 2
CITY OF FORT SMITH, ARKANSAS

Prepared For: Manuel Navarro & Roberto Castillo

Date: 12/10/2015
Drawn By: RJA
Computed by: DPB
Job No. 15-0431

BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS — LAND SURVEYORS
5223 East Highway 45 P.O. Box 8180 Fort Smith, Arkansas 72906 (479) 646-6394

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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.

2F

Shashikant & Renukaben Bhakta
1833 Midland
Fort Smith, AR 72904

BR West Properties, LLC
9514 Moody Road
Fort Smith, AR 72903

Tin Trung Huynh & Tam Nguyen
3209 Irving Street
Fort Smith, AR 72904

Tranh Bai & Tan Cac Dai
2513 South 87th Street
Fort Smith, AR 72903

Sports & Imports, Inc.
2701 Towson Avenue
Fort Smith, AR 72901

Tam Dai Bauer
2513 South 87th Street
Fort Smith, AR 72903

Rigoberto Manjarrez
4401 Victoria Drive
Fort Smith, AR 72904

Nirvana Properties, LLC
2409 North Robin Court
Fayetteville, AR 72703

Juana, Carmen & Jorge Guzman
1800 North 12th Street
Fort Smith, AR 72901

James & Augustine Dawson
1806 North 12th Street
Fort Smith, AR 72901

Carroll Williams
6607 Khilling Road
Lavaca, AR 72921

Jose & Saundra Palafox
4619 Mussett Road
Fort Smith, AR 72904

Angela Bowen
1912 North 12th Street
Fort Smith, AR 72901

Fort Smith Housing Authority
2100 North 31st Street
Fort Smith, AR 72904

Heath & Jennifer Sharp
1820 Midland
Fort Smith, AR 72904

Manish Patel
1822 Midland
Fort Smith, AR 72904

Earl & Bonnie Jones
4121 Dean Drive
Fort Smith, AR 72904

Eric Burnett
1835 North 13th Street
Fort Smith, AR 72901

Ismael & Maria Cerda
429 Lecta
Fort Smith, AR 72901

Juan Gonzalez
5401 South 29th Street
Fort Smith, AR 72901

Manuel Navarro et al
505 Chateau Drive
Fort Smith, AR 72908

Elizabeth Thompson
1824 North 9th Street
Fort Smith, AR 72901

Roberto Castillo
3218 North 28th Street
Fort Smith, AR 72904

Robert Shopshire
1824 North 9th Street
Fort Smith, AR 72901

Arkansas Valley Habitat for Humanity
P. O. Box 754
Fort Smith, AR 72902

Mae Jackson Life Estate
1915 North 12th Street
Fort Smith, AR 72901

David & Bernice Mounsey
4507 North "O" Street
Fort Smith, AR 72904

Florine Hardwicke
1907 North 12th Street
Fort Smith, AR 72901

RA Investments No. 4, LLC
P. O. Box 6664
Fort Smith, AR 72906

James Cox
1811 North 13th Street
Fort Smith, AR 72901

Atenedoro Sanchez
1805 North 12th Street
Fort Smith, AR 72904

Frances Longley
1905 North 12th Street
Fort Smith, AR 72901

Johnny & Doris Dixon
109 North 6th Street
Fort Smith, AR 72901

Marina Flores
1901 North 12th Street
Fort Smith, AR

Lorenzo & Shirley Lee
1903 North 13th Street
Fort Smith, AR 72904

DRAFT

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 12, 2016

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

Chairman Sharpe called for the vote on the Planning Commission minutes from the December 8, 2015, meeting. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to approve the minutes as written

Mr. Wally Bailey spoke on the procedures.

1. **Final Plat – Hanna Phoenix Addition – Lots 2 thru 5 – Mickle-Wagner-Coleman**

   Ms. Brenda Andrews read the staff report indicating that the purpose of this plat is to allow for commercial uses.

   Pat Mickle 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 final plat.

   The vote was 7 in favor and 0 opposed.

2. **A request by Manuel Navarro for a zone change from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by Extension located at 1833 North 12th Street.**

   Ms. Maggie Rice read the staff report indicating that the purpose of this rezoning request is to allow the owner to construct a single family home.

   Manuel Navarro was present to speak on behalf of this request.

Zue Gray, 1915 North 12th Street, was present to request clarification relative to the RM-3 zoning classification.

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

The vote was 7 in favor and 0 opposed.

3. **A request by Stuart Ghan for development plan approval for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.**

Ms. Maggie Rice read the staff report indicating the purpose of this request is to allow for the construction of a 9,100 square foot retail store (Dollar General).

Stuart Ghan was present to speak on behalf of this request.

Sandy See, 3209 Stanard Avenue, was present to speak on behalf the request.

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

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

Motion was made by Commissioner Newton, seconded by Commissioner Carson and carried with a vote of 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper) to approve the development plan subject to the following:

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

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

The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

4. **Variance #2-1-16; A request by Stuart Ghan for a variance from 37 to 26 number of parking spaces for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.**

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 January 12, 2016, that said changes be made; and,

WHEREAS, three (3) copies of February 2016 Amendments to the Unified Development Ordinance (microbreweries in commercial zoning districts) 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 February 2016 Amendments to the Unified Development Ordinance (microbreweries in commercial zoning districts) is 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 _____, 2016.

APPROVED:

_____

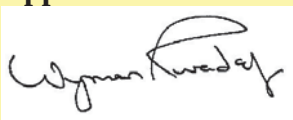
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



_____

Publish One Time

FEBRUARY 2016

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (MICROBREWERIES IN COMMERCIAL ZONING DISTRICTS)

Appendix A

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
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
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																		C	C	P	~~C~~P	P	P	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		
Specialty Manufacturing																		C	C	P	P	C			
Vending																					P		P	P	
Personal Services																									
Bail bonds office																					P	P	P	P	

Fort Smith
4

Use Matrix

Memorandum

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: January 23, 2016
Subject: Microbreweries/Microwinery/Microdistillery

In October 2015, Quentin Willard of the Fort Smith Brewing company submitted a UDO text amendment request to allow Microbrewery/Microwinery/Microdistillery and Specialty Manufacturing as a permitted use in the Commercial-5 zoning district and a conditional use in Commercial-2, Commercial-3, and Commercial-4 zoning districts.

The planning staff recommended that the Microbrewery, et.al. be allowed in the C-5 zoning district as a permitted use, but requested additional time to further study the additional requests included within Mr. Willard's text amendment application. The Planning Commission discussed the request at their October 13, 2015, meeting and recommended to the Board of Directors that the Microbrewery land use be included as a permitted land use in Commercial-5 zoning districts. On November 3, 2015, the Board of Directors approved Microbrewery, et.al. as a conditional use in the C-5 zoning districts and a permitted use in the C-6, I-1, I-2, and I-3 zoning districts.

Staff has researched how the cities of Bentonville, Fayetteville, Little Rock, and Tulsa classify these types of uses and which zones they are permitted. Generally, the Microbrewery, et.al. land use is a permitted use in the commercial zones in Fayetteville and Little Rock and allowed as a conditional use in the commercial zones in Tulsa and Bentonville. A comparison chart summarizing this information is enclosed.

Following the November 3, 2015 Board of Directors meeting the planning staff and Planning Commission have been reviewing the additional requests including in Mr. Willard's application and furthering the study and discussion of the Microbrewery land use. At the January 12, 2016, Planning Commission meeting, the Commission made the recommendation to allow the land use Microbrewery/Microwinery/Microdistillery as a permitted use in Commercial-4 and Commercial-5 zoning districts and a conditional use in Commercial-2 and Commercial-3 zoning districts.

For your reference, we have enclosed the packet of background information on these uses that Mr. Willard provided staff and planning commission previously.

Additionally, I have enclosed a petition supporting microbreweries in all commercial and industrial zones as a permitted use. The petition includes comments from some individuals and a few comments have been redacted because of the nature of the language.

The proposed amendments are attached in legislative format.

The Board's initial discussion of the Microbrewery land use led to a significant discussion regarding the existing zoning of property along a portion of the North 9th street corridor, specifically in the area of North 9th and North H streets. On November 23, 2015, Brenda Andrews and myself met with a small group for the purpose of discussing their efforts to submit a neighborhood rezoning for the area. An application has not been submitted for a neighborhood rezoning.

A neighborhood rezoning application has not been submitted. The planning staff is proceeding with an analysis of the zoning for the area. On Tuesday, January 26, 2016, we met with ten (10) property owners that represented multiple tracts of land within the area currently zoned Commercial-5 and Transitional. Those in attendance would like to see the property within the mapped area be zoned Residential and not Commercial. Additionally, those in attendance commented that they would like for the City to initiate the rezoning of the neighborhood. We are continuing our efforts to make contact with as many property owners as possible.

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

Microbreweries, Microwinery, Microdistillery Comparison Chart

	Neighborhood Zones (Similar to C-1 and T)	Commercial Zones (Similar to C-2 – C-6)	Industrial Zones
Fort Smith	Not Allowed	C/U in C-5 and Permitted in C-6	Permitted
Bentonville	*Conditional Use	*Conditional Use **Conditional Use	*Permitted **Permitted
Fayetteville	Allowed as Conditional Use	Permitted	Not Allowed
Little Rock	N/A	Permitted	N/A
Tulsa	N/A	*Permitted Downtown; Conditional Use in Other Commercial Zones ** Conditional Use	*Conditional Use **Permitted Use

***Microbrewery/Restaurant**

**** Alcohol Mfg/Distribution Plant/Low Impact Manufacturing**

Microbreweries, Microwinery, Microdistillery
Proposed Zoning Recommendations

	C-2	C-3	C-4	C-5	C-6
Microbrewery, etc.*	Conditional Use	Conditional Use	Permitted	Permitted	Permitted

***Use is currently permitted in C-6, I-1, I-2, and I-3 and Conditional Use in C-5**

Definition

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.

APPLICABLE SECTIONS FROM THE COMPREHENSIVE PLAN

uture Land Use

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
FLU-1	Achieve a successful and market-driven balance of future land uses consistent with the Preferred Future	FLU-1.1	Promote commercial development and future economic growth in centers and corridors designated in the Preferred Future in close proximity to existing infrastructure, schools, parks, and jobs.	FLU-1.1.1	Attract anchors in all Preferred Future centers to encourage complementary development, particularly for the Downtown Riverfront.	Number of new businesses opening in neighborhoods	Long	Fort Smith CBID; Chamber; Fort Smith Board of Realtors
				FLU-1.1.2	Update and implement the UDO (Unified Development Ordinance) and Master Land Use Map based on the Preferred Future.	Updated UDO and Master Land Use Map	Short	Planning & Zoning
				FLU-1.1.3	Review and adjust zoning classifications for consistency with the Preferred Future.	Zoning changes made, or finding of consistency reached	Short	Planning & Zoning
				FLU-1.1.4	Create an inventory of existing businesses and develop a plan to attract a wider variety of businesses currently not available to the community.	Increase in business diversity	Short	Chamber; Administration; Fort Smith Board of Realtors
				FLU-1.1.5	Create incentive programs, such as a Small Businesses Development Program.	Number of new businesses connected to development programs	Mid	Chamber; UAFS
		FLU-1.2	Ensure that sufficient, well designed and convenient on street and off street parking is provided to serve land uses.	FLU-1.2.1	Conduct an assessment of existing parking supply and demand and forecast future needs.	Assessment completion	Mid	Planning and Zoning; Engineering; Police; Parking Authority; Operations
				FLU-1.2.2	Based on the parking assessment, review the parking ratios and related regulations in the UDO and create a parking management plan for on street and off street parking near major activity centers.	The number of requested variances received by the Planning Dept.	Mid	Planning and Zoning; Engineering; Police; Operations
		FLU-1.3	Coordinate and plan future development with neighboring jurisdictions and the City of Fort Smith.	FLU-1.3.1	Exercise the City's extra-territorial jurisdiction over land in Sebastian County.		Mid	Planning & Zoning; Engineering; Utility Department
				FLU-1.3.2	Ensure that the subdivision of land within the allowable Planning Area will comply with City subdivision and infrastructure requirements, as amended, to address rural and estate development.	Subdivision compliance met	Long	Planning & Zoning; Engineering; Utility Dept; Fire Dept; Police

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		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.	FLU-1.4.1	Conduct an assessment of current service boundaries and create regulations to guide the expansion of services.	Needs assessment and regulations created	Mid	Planning & Zoning; Utility Department; Fire Department; Engineering; Police Department; Operations
				FLU-1.4.2	Encourage development near community facilities and services (e.g., schools, recreation centers, health facilities) to fully utilize existing services and limit duplication.	Percent of new development within 1/4 mile of existing community facilities	Mid	Planning & Zoning; Utility Department; Engineering, Chamber, Fort Smith Homebuilders Association
		FLU-1.5	Provide opportunities for mixed-use development to occur in Downtown Fort Smith and identified emerging centers in order to provide access to a variety of uses; promote walkable, pedestrian friendly development; and encourage physical activity.	FLU-1.5.1	Locate mixed-use and commercial development near employment centers and higher density residential centers to provide options for convenience retail and restaurants close to where people live and work.	Percent of new development in targeted growth areas	Mid	Planning & Zoning; Fort Smith CBID; Chamber; Administration
		FLU-1.6	Create opportunities for the mixing of land uses to occur within single buildings and within emerging centers identified in the Preferred Future.	FLU-1.6.1	Develop corridor and area plans that address access management, land use, design, internal parking, and circulation.	Number of plans completed (3 Corridor Typologies Identified in CSS Element)	Long	Planning & Zoning; Engineering; AHTD
				FLU-1.6.2	Publicize new mixed use areas within the development and real estate community.	Percent of new development that incorporates mixing of uses	Long	Planning & Zoning, Fort Smith Homebuilder Association, Fort Smith Board of Realtors; Chamber
FLU-2	Activate Fort Smith's scenic riverfront	FLU-2.1	Encourage a mix of housing, retail, and entertainment attractions along the City's waterfront that support day and nighttime activity and a vibrant urban lifestyle.	FLU-2.1.1	Improve access in an effort to incentivize development in areas along the riverfront.	Increase in number of access points and type of access (bike, ped, transit)	Mid	Fort Smith Residents, Planning & Zoning; Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Engineering
				FLU-2.1.2	Ensure that land development within the river district reflects uses appropriate to the 100-year flood plain and adjacency to the downtown and residential neighborhoods.	Amount of compatible new development	Long	Planning & Zoning; Fort Smith CBID; Engineering; Land Owners

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		FLU-3.4	Develop and promote niche markets that distinguish the downtown from other retail and entertainment options, and reinforces downtown's position as a destination.	FLU-3.4.1	Promote the Farmer's Market and encourage more participation by providing shade.	Number of visitors to the Farmer's Market	Short	Fort Smith Residents, Local Business Owners, Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Advertising and Promotion Commission; Parks Department
				FLU-3.4.2	Build Maybranch bike trail for connectivity.	The completion of the Maybranch bike trail	Long	Parks & Recreation; Engineering
		FLU-3.5	Locate future cultural activities, entertainment options, service-oriented businesses, and public, private, or institutional programs in downtown.	FLU-3.5.1	Identify potential key locations for cultural and institutional programs and uses downtown and the riverfront.	Number of new cultural and institutional programs Downtown and in the Riverfront area.	Mid	Fort Smith CBID; Greater Fort Smith Chamber of Commerce; Tourism; Convention Center; Parks; Advertising and Promotion Commission
Economic Development								
ED-1	Broaden employment sectors that will drive the City's economy	ED-1.1	Encourage and support start up companies and small businesses.	ED-1.1.1	Provide regulatory and financial incentives for small businesses (including food trucks, etc).	Number of new small businesses	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration; Planning and Zoning; Building Safety
				ED-1.1.2	Work with successful local businesses to develop business 'boot camps' for new entrepreneurs.	Successful boot camp program complete	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration
				ED-1.1.3	Expand and promote the small business development center that would connect businesses to SBA grants and programs, like the Microloan Program, facilitate a mentoring program for young entrepreneurs, and provide other business counseling services.	Number of businesses connected to SBA grants and programs	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; Administration; UAFS; ATU
				ED-1.1.4	Support development of a "small business web portal" to streamline the City's permitting and licensing processes.	The completion of the web portal	Mid	Information & Technology; Finance; Planning and Zoning

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
				ED-1.1.5	Promote green building practices to help small businesses save on energy and operating costs.	Number of small businesses participating in energy conservation	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; UAFS Sustainable Conservation House; Building Safety; Franchise Utilities
		ED-1.2	Support programs and efforts that increase opportunities for growth in medical and higher education sectors.	ED-1.2.1	Identify strategies to retain talent in the medical profession with a focus on underserved areas.	Increase in the number of people employed in the medical sector	Long	College Students, Fort Smith Residents, Medical Industry Partners, Greater Fort Smith Chamber of Commerce;
		ED-1.3	Support business expansion and new business development in sectors identified as experiencing leakage.	ED-1.3.1	Explore market feasibility of an outlet mall.	Completion of a market feasibility study for an Outlet Mall	Mid	Greater Fort Smith Chamber of Commerce; Administration
				ED-1.3.2	Expand shop local campaign and shop local campaign online.	Number of businesses participating in the shop local campaign	Short	Local Business Owners; Fort Smith Residents; Greater Fort Smith Chamber of Commerce; Information & Technology; Administration
		ED-1.4	Capitalize on Fort Smith's strategic position at the crossroads of multiple modes of transportation to increase the city's employment base and regional economic impact.	ED-1.4.1	Attract employers to Fort Smith by advertising the city's proximity to key transportation infrastructure (rail, MCKARNS water way, I-49).	Number of new employers attracted to Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Fort Chaffee Redevelopment Authority; RITA; WAPDD; Port Authority
				ED-1.4.2	Partner with trade schools and colleges to prepare the city's workforce for transportation and logistics related jobs.	Number of local graduates from the transportation and logistics sector	Long	Greater Fort Smith Chamber of Commerce; UAFS; ATU; Fort Smith School District
		ED-1.5	Identify and develop collaborations to fill gaps in the capital market that fund business start-up, retention and expansion.	ED-1.5.1	Evaluate private and public financing entities' ability to provide seed capital for new business ventures.	Evaluation complete	Long	Local Business Owners; Capital Market Representatives; Fort Smith Chamber of Commerce
				ED-1.5.2	Explore the feasibility of creating "lending pools" for new business investment.	Completion of a feasibility study	Long	Greater Fort Smith Chamber of Commerce; Local Banks

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		ED-4.2	Support all economic efforts operating under a well-coordinated organizational structure led by the Chamber of Commerce.	ED-4.2.1	Establish economic development incentive policies that measure the performance of City investments with a cost/benefit analysis of the long-term economic and quality-of-life benefits to the region.	Creation of a cost/benefit analysis	Short	Administration; Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance; Internal Auditor
				ED-4.2.2	Support Chamber and AEDC in their efforts to increase jobs in the area.	Number of new jobs created in Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Arkansas Economic Development Commission; Administration; Local Business Owners
ED-5	Diversify the local economic base and strengthen and stabilize the tax base to maintain viability during fluctuating economic cycles	ED-5.1	Identify industries which are growing in the region (and nationally) for which Fort Smith might provide a good fit.	ED-5.1.1	Conduct target industry analyses to determine existing and future industry concentrations and potential market segments for future retention and recruitment efforts.	Completion of a target industry analysis	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
		ED-5.2	Encourage a full-service array of retail and service opportunities, thus limiting the necessity by residents and employees to leave the community to purchase goods and services (i.e. leakage).	ED-5.2.1	Periodically monitor the retail expenditures from Fort Smith and identify categories for which leakage can be reversed.	Leakage analysis updated	Short	Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance
				ED-5.2.2	Work with the Chamber of Commerce to tailor retail economic development efforts to attract retailers who can complement, rather than compete with, Fort Smith's existing retail base.	Number of new retailers providing new goods or services	Short	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
ED-6	Create a quality working environment that fosters an attractive sense of place	ED-6.1	Ensure that economic development objectives are included in the evaluation of all future City infrastructure projects, including parks and recreation facilities.	ED-6.1.1	Invest in beautification of major transportation corridors; the provision of trails, open lands, and public gathering spaces; innovative architectural and site design; and alternative transportation choices to all business areas.	Percent increase in funding for beautification in the targeted growth areas	Mid	Administration; Planning and Zoning Department; Parks & Recreation; Engineering; Transit; Sanitation; Beautify Fort Smith

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		ED-8.4	Create and implement an Economic Development Strategy that provides key stakeholders with a common action plan.			Completion of the Economic Development Strategy	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
Housing & Neighborhoods								
HN-1	Preserve, protect, and revitalize Fort Smith's neighborhoods	HN-1.1	Improve and encourage maintenance of structures, prevent vagrancy, structural damage, theft, and fire hazards.	HN-1.1.1	Provide education,and programs for structural maintenance, particularly in identified growth centers.	Decreases in maintenance-related code violations in targeted growth centers	Short	Neighborhood Services, Volunteers, CDBG
		HN-1.2	Limit high costs associated with building new infrastructure.	HN-1.2.1	Use a cost/benefit analysis to guide decisions when conducting development approvals.	Number of development approvals that include a cost benefit analysis related to infrastructure	Mid	All departments
				HN-1.2.2	Encourage redevelopment and infill development in identified growth centers.	Percent new building permits in identified growth centers	Mid	Planning & Zoning; Fort Smith CBID; Engineering; Utility Department; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors; Fort Smith Homebuilders Association
		HN-1.3	Promote private investment in identified growth centers.	HN-1.3.1	Seek out investors for the North side of the City (Midland/Towson) to reduce blight and increase market potential.	Number of new investors in targeted growth centers	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners; Fort Smith Board of Realtors; Fort Smith Homebuilders Association
		HN-1.4	Encourage adaptive reuse of historic buildings.	HN-1.4.1	Encourage revitalization of the Belle Grove Historic District and downtown historic buildings.		Short	Belle Grove Historic District; Administration; Planning & Zoning; Fort Smith CBID
				HN-1.4.2	Promote existing tax credits for restorations in historic areas.	Number of restorations in historic areas	Long	Planning & Zoning; Administration; Historic District Commission; Fort Smith CBID; Fort Smith Board of Realtors
		HN-1.5	Prevent long-term vacancy by ensuring continuous use of buildings and quick transitions between uses.	HN-1.5.1	Develop a "greyfield" plan that would provide guidance on replacing businesses that vacate a building.	Decrease in the number of empty buildings	Short	Planning & Zoning

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 7 in favor and 0 opposed to approve the subdivision variance subject to the following:

- Driveway shall be constructed with turn-arounds or the driveways shall be shared driveways designed so that vehicles do not back in to the street. U-shaped driveways are prohibited.

Chairman Sharpe then called for the vote on the subdivision variance as amended.

The vote was 7 in favor 0 opposed.

9. Discussion of text amendments to the Unified Development Ordinance relating to:
A. Microbreweries in commercial zoning districts.
B. Specialty manufacturing.
C. Neighborhood meeting requirements.

Mr. Bailey noted the following recommended amendments to the Unified Development Ordinance. In relation to the definition of microbreweries in commercial zoning districts it was noted that this shall mean a small business which seeks the support of informed craft beverage consumers. It shall be limited to a maximum gross floor area of 10,000 square feet 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.

In relation to the definition of specialty manufacturing, it was noted that this shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

In relation to the neighborhood meeting requirements, it was noted that staff is recommending the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments and conditional use applications based on the following criteria:

- The project will have minimal impact on surrounding properties
- The project will have minimal impact on the neighborhood

2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

3. The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property.

4. The scheduling of a neighborhood meeting shall be as follows:

    - Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the meeting.

    - The neighborhood meeting should be held at least 6 days prior to the planning commission voting meeting.

Mr. Bailey stated that a waiver from the neighborhood meeting process is already available in the UDO for variances so no amendment is necessary for this type of application.

Mr. Bailey also noted that several cities regionally (Fayetteville, Rogers, Bentonville and Tulsa) do not require applicants to hold neighborhood meetings.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed UDO amendments separately.

A. Microbreweries in commercial zoning districts.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

B. Specialty manufacturing.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

C. Neighborhood meeting requirements.

Chairman Sharpe called for the vote on this proposed text amendment with the revision that neighborhood meetings will not be waived for non-residential or multifamily projects next to single family developed property or property zoned single family.

The vote was 7 in favor 0 opposed.

Meeting adjourned!

change.org

Recipient: City Directors

Letter: Greetings,

Allow micro breweries in all commercial and industrial zones within Fort Smith city limits

Comments

Name	Location	Date	Comment
Junior Sanchez	Fort Smith, AR	2015-11-16	We need a change in Fort Smith.
Luke Tia	Gainesville, FL	2015-11-16	I have been breweries in other communities turn into great additions to the economy and community, creating spaces for all types of people, including children to gather and organize.
Maegan Chitwood	Fort Smith, AR	2015-11-16	Fort Smith is aching for growth and change. Raise your voice and be heard!
Quentin Willard	Fort Smith, AR	2015-11-16	Equal opportunities for microbreweries as restaurants and bars currently have.
Matthew Hines	Cabot, AR	2015-11-16	Micro breweries could provide some much needed diversity that could attract tourism to the area. Also, there is no reasonable justification to prevent microbreweries from operating in Fort Smith while allowing bars to operate normally.
Andrea Palmer	Tulsa, OK	2015-11-16	We love our microbreweries in Oklahoma! Allowing them in commercial areas in Fort Smith will be a great draw for people like me to drive less than 2 hours for a fun out-of-town weekend. Fort Smith will gain tons of road trip tourism by broadening their urban spectrum. As a wise man once said, "If you build it, they will come."
Michael prall	Fort Smith, AR	2015-11-16	I'm aiming because I believe this course of action will help benefit an economical impact on our city.
Megan Steidley	Fort Smith, AR	2015-11-16	I support growth in the Fort Smith area.
Megan Raynor	Fort Smith, AR	2015-11-16	I'm signing because I support the growth of my city.
Amber Ruckman	Van Buren, AR	2015-11-16	We need microbreweries in Fort Smith and anywhere that there is land available
Amber Ruckman	Van Buren, AR	2015-11-16	I'm signing because we need growth in Fort Smith and surrounding areas.. And we need the tourism to help this town grow and add more jobs for the people that live in the area.
Anna McCauley	Van Buren, AR	2015-11-16	I support growth in Fort Smith.
Kevin McFerran	Lavaca, AR	2015-11-16	I support progress in my hometown, small business, and craft beer.
Sarah Wall	Coweta, OK	2015-11-16	Microbreweries should have the same zoning rights as a restaurant or bar who serves alcohol. In addition, this will create jobs and increase tourism which in turns generates tax revenue for your town.
Rose lowery	Fort Smith, AR	2015-11-16	Fort Smith needs growth!
Rachel Wallace	Tulsa, OK	2015-11-16	I visit FS and would enjoy a microbrewery there.
Daniel Reynolds	Fort Smith, AR	2015-11-16	I'm signing because the voice of two religious figures should not outweigh the overall good of the community. Especially when those religious leaders have offered no factual evidence to support their implications of damage caused to their "communities of faith."
Julie Martin	Fort Smith, AR	2015-11-16	This will help business and recreation in the city of Fort Smith.
beth stephens	ft smith, AR	2015-11-16	we need the jobs
KIM WHITSON	Fort Smith, AR	2015-11-16	I believe the board erred and should reverse it's decision in this matter.
KIM WHITSON	Fort Smith, AR	2015-11-16	The board made a mistake in its ruling and should reconsider it's decision in light of true public opinion.
KIM WHITSON	Fort Smith, AR	2015-11-16	The board made a mistake in its ruling and should reconsider it's decision in light of true public opinion.

Name	Location	Date	Comment
Tyler Hudgens	Fort Smith, AR	2015-11-16	I'm signing because I'm a young professional who works in Fort Smith, and I want to see the city grow so that my career can flourish here.
Don Anderson	Fort Smith, AR	2015-11-16	Because the Marine Corps was born in Tun Tavern. Tun is another name for keg. What do you keep in a keg? Beer of course. Do you think I'm going somewhere with this? Your [redacted] right! Patriots drink beer. You want more patriots in your city, right?
Ruth Brewer	Barling, AR	2015-11-16	Think we should encourage small businesses and diversity in our economy
Max Rodriguez	Fort Smith, AR	2015-11-16	I want to see continued positive growth in the Fort Smith community and feel this would be an excellent benefit for our city.
Shael McDonald	Fort Smith, AR	2015-11-17	I'm signing because it will bring some much needed jobs and growth to Fort Smith.
Spencer Kinsey	Fort Smith, AR	2015-11-17	Because two pastors shouldn't be allowed to determine whether a business is allowed or disallowed.
Kim Prall	Fort Smith, AR	2015-11-17	This city needs more local businesses
Kathie Smith	Barling, AR	2015-11-17	I'm signing because I work in Fort Smith and this is a chance to have another tourist attraction. People love to go on tours of breweries. This can grow revenues in Fort Smith. Why is a "novelty" shop (you know what I'm talking about) a good business to allow but not a creative business that can actually create jobs and add to tourism. This is a no brainier ... You are either for progress or you aren't ... But this city needs people who are FOR progress. Let's get with it.
Anna Booth	Van Buren, AR	2015-11-17	I would rather spend my money locally. Supporting small business is not a sin!
Duayne Alley	Fort Smith, AR	2015-11-17	turning it down initially made no sense. no arguments against it were based in fact
Nancy Pollan	Fort Smith, AR	2015-11-17	I
Dawson Meadows	Fort Smith, AR	2015-11-17	Because just like my stache, these micro-breweries are for you! (And better our economy, and seriously, it's ridiculous to block a business plan that has a proven track record of success.) Let 'em brew, folks. It's not rocket science. IT'S BEER
Yvette Johnson	Fort Smith, AR	2015-11-17	We need jobs and to be progressive!
David Langford	Boise City, OK	2015-11-17	It will create jobs
Todd Timmons	Fort Smith, AR	2015-11-17	Microbreweries are just one characteristic of a vibrant city young people will want to be.
Sam Winterberg	Fort Smith, AR	2015-11-17	Beer is great but local beer is even better
Lindsy Lawrence	Fort Smith, AR	2015-11-17	It'll attract the artisanal kind of upscale businesses downtown desperately needs to revitalize. You want local businesses and this is one of the largest growing industries.
Tim Chilcott	Fort Smith, AR	2015-11-17	Codes in Fort Smith need to be less restrictive, this change will be a boost to Fort Smith's economy.
Adam Moon	Norfolk, VA	2015-11-17	I want to see more diversity in Fort Smith and I believe bringing a micro brewery here is a good start.
Clay Mitchell	Fort Smith, AR	2015-11-17	I agree with this.
SUSIE POE	ft. smith, AR	2015-11-17	Fort Smith needs a new progressive attitude towards business!!
Christy Koprovic	Fort Smith, AR	2015-11-17	I support growth in Fort Smith!
Michael Cady	Van Buren, AR	2015-11-17	The entire area needs more opportunity for local business
Joseph Adair	Fort Smith, AR	2015-11-17	It could benefit someone needing work.

Name	Location	Date	Comment
Brian Newman	fort smith, AR	2015-11-17	Common sense...which some people do not have !
Ryan Feero	Fort Smith, AR	2015-11-17	Any person coming to Fort Smith with the hopes of investing time, money, and energy into promoting economic growth, jobs, and etc should have the full support of the city. There is absolutely no reason they shouldn't be allowed to create a brewery in the same sector of town that already allows a BAR. That is absurd. Quit stopping further Fort Smith development.
Shauna Vo Pulayya	Fayetteville, AR	2015-11-17	I believe allowing micro breweries in all commercial zones in Fort Smith will improve the economy greatly. The area is not like it used to be with all of the industrial manufacturers that were there before. It really needs things like this to keep the economy going, bring more culture and create jobs.
Justin Wade	fort smith, AR	2015-11-17	Stop sending business away!
Kirby Cockrum	Fort Smith, AR	2015-11-17	It will be great for the economy and diversity of Fort Smith.
Alyssa Lawrence	Van Buren, AR	2015-11-17	As a non-drinker, I support microbreweries in Fort Smith. I don't care about the beer.... I care about supporting local businesses and attracting a younger crowd to spend money in Fort Smith by giving things to do.
chris johnson	fort smith, AR	2015-11-17	I want more jobs in this city that aren't banks. I want more reasons for people to visit Downtown. I want [redacted] growth in this city.
Jared Purdom	Fort Smith, AR	2015-11-17	Chasing investors away from downtown is completely ridiculous.
Justin Gasparotto	Van Buren, AR	2015-11-17	Fort Smith, Australian for mostly backwards thinking. I wonder what the world's most interesting man would say about this. You would think they wouldn't screw things up once in a blue moon. Couldn't even fix a flat tire. [Insert additional Beer punnery here]...
Patrick Charlton	Fort Smith, AR	2015-11-18	To save Fort Smith through radical change!
Colby Jacobs	Fort Smith, AR	2015-11-18	Another step for Fort Smith in a positive direction
Alex Johnson	Fort Smith, AR	2015-11-18	New business is better than no business.
Joshua Brown	Wappingers Falls, NY	2015-11-18	I'm a native of Fort Smith, and would love to return home one day if the city wasn't dying. You need these jobs!
Alex Gavin	Fort Smith, AR	2015-11-18	I believe small business's help the growth of a city's economy
Garrett Mcpeak	Roland, OK	2015-11-18	More jobs and better beer
Arthur Green	Fort Smith, AR	2015-11-18	Our town should be more business friendly and is due for more change.
Randy McIntosh	Fort Smith, AR	2015-11-18	This will be FAIR business practices.
Scott Sharpe	Fort Smith, AR	2015-11-19	I am in favor of this 100%. This will fit in with what the city has done with the paintings and improving the bike trails. Keep up the good work!
Nic Brown	Fort Smith, AR	2015-11-20	It's about what's best for our city.
Anthony Davis	Springdale, AR	2015-11-20	Why not....let em brew.
Kathleen Ory	Fort Smith, AR	2015-11-20	Breweries will bring Fort Smith to life!
Cynthia Smith	Fort Smith, AR	2015-11-23	Fort Smith needs to move forward
megan ratliff	White Plains, NY	2015-11-28	I'm signing BC I want more jobs for those that live here and I'd like to see Fort Smith grow.

Name	Location	Date	Comment
Michelle Cernak	Fort Smith, AR	2015-11-29	I AM small business in Fort Smith. Never turn down opportunity. Never turn down growth. I moved here from Phoenix, Arizona 16 years ago and feel like this area has potential to be appealing for all ages. Why turn away growth? Rent a bike on the trails, grab and Icecream cone at the museum of history, go to a jazz concert then hit the brewery. Sounds good to me!
Tim McNally	Fort Smith, AR	2015-11-29	It's good for Fort Smith
Chuck Brotton	Fort Smith, AR	2015-11-30	I support personal and economic freedom. Although I do not personally drink alcoholic beverages, I respect the rights of those who choose to. I also support economic development here in Fort Smith
cynthia stoughton	Fort Smith, AR	2015-11-30	Im signing because fort smith board needs to hear the peoples voice. #letusbrew
Sebastian Clemmons	Fort Smith, AR	2015-11-30	Fort Smith desperately needs growth.
Danielle Scantling	Fort Smith, AR	2015-11-30	We need more jobs!
kalon tuck	Hackett, AR	2015-11-30	I care
Jaymz Vance	Poteau, OK	2015-11-30	I support expanding industry and cultural enrichment in my community.

To: The Mayor and City Directors of Fort Smith Arkansas

Petition Summary - Micro Brewery and Distillery Zoning Change Request

Action Petitioned For - We, the undersigned, are concerned citizens who urge our leaders to act now and allow micro breweries and distilleries in all commercial and industrial zones within Fort Smith, Arkansas city limits.

Principal Petitioner Casey Millspaugh, 408 Apple Valley Rd. Fort Smith Arkansas

NAME	ADDRESS	SIGNATURE
Glenda Musset	2915 So. 33rd Ft. Smith	Glenda Musset
~~[illegible]~~	~~[illegible] Micro Stores~~	~~[illegible]~~
Brandon Cox	1305 Ellsworth Rd	Brandon Cox
Chance Crockett	2610 Dodson Ave.	Chance Crockett
Michael Coleman	9500 Meandering Way #15	[illegible]
Tasha Shepherd	4004 Carthage FSM	Tasha Shepherd
Michael Shepherd	4004 Carthage FSM	[illegible]
Sarah Sosa	2504 Willow VB, AR	[illegible]
Nam Sosa	2504 Willow St VB AR	[illegible]
Judy Priest	2024 So. M St - F.S.	Judy R. Priest
Britney Taake	6805 Red Pine Drive FSM, AR	Britney T[illegible]
Katherine Cross	2400 S.Q 72901	[illegible]
Donnie Starks	3107 North Pointe	[illegible]
Lindsay Miller	1510 S R St. 72901	[illegible]
Brett Grubb	—	[illegible]
Janelle Buie	4215 Cherokee Circle	Janelle Buie
James H. Buie	4215 Cherokee Circle	[illegible]
Jane Buie	4215 Cherokee Circle	[illegible]
Kristoffer Swendger	1500 S Albert Pike #34	[illegible]
Kyle Richardson	2410 S. M. St	[illegible]
April Stec	9101 Canopy Oaks Dr	[illegible]
[illegible] Black	2300 South M	[illegible] Black
Tom L. Squire	2500 S. 68th 72903	Tom L. Squire
Debbie C. Hardgrave	2500 South 68th 72903	Debbie C. Hardgrave
Captilles A Vick	6404 Fallstone Rd 72916	[illegible]
Harney Linimon	4118 north 50 ft Smith AR 72901	Harney Linimon

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NAME	ADDRESS	SIGNATURE
Kerri Taake	2932 Cliff Drive FS	Kerri Taake
Donald Lowry	1801 Garner Ln. F.S.	Donald Lowry
Judy Coleman	3705 Sandy Point FS.	Judy Coleman
Amanda Baker	2300 South S St F.S.	Amanda Baker
Donna Winton	7401 Oxford Pl. FS	Donna Winton
Jeff Taake	2932 Cliff Drive, FS	Jeff Taake
Phillip Dyer	1511 S. 12th St. FS	Phillip Dyer
Jacob Johnson	13 Eastwood Dr. FS 72903	[illegible]
Danny Woodcock	5966 Kinkead FS 72903	[illegible]
Mike Gilbreth	1112 Autumn OAKS FS 72903	[illegible]
Brian Nicely	3915 South N Street F.S.	[illegible]
Melissa Kelly	1409 D St Barling, AR 72923	[illegible]
Barky Poinduxter	2518 S. O St. Fort Smith 72901	[illegible]
Tarker Winter	3413 Village Rd Fort Smith 72903	[illegible]
Aaron Dobbins	2308 South P St.	[illegible]
Jeff Ladd	5709 Hardscrabble Way Ft Smith	[illegible]
Brian Ahlers	1721 South Albert Pike	[illegible]
Kenneth Pearson	353 N Albert Pike	Kenneth Pearson
Jose Galvan	2721 N. I 72901	[illegible]
Andrew Valenti	1417 So 17th F.S	[illegible]
Alex Thomas	2604 S. M Street Ft Smith 72901	Alex [illegible]
Kalen Tobey	2614 S 57th St Fort Smith 72903	[illegible]
Emily Cox	2614 S. 57th ST Fort Smith 72903	[illegible]
Joanne Schwab	101 541-S-4575 RD Vian OK	[illegible]
Emilie Leake	2932 Cliff DR FS, CR 72903	Emilie Leake
Kelly Hanssen	4701 E. Valley Rd FS, AR 72903	Kelly Hanssen

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NAME	ADDRESS	SIGNATURE
Loy J. Rush	3508 Royal Scots Wy	Loy J. Rush
John Casey	2716 Reeder FSM AR 01	John Casey
Pat Flen	6907 Naples Way	Pat Flen
Mel Harshbarger	3210 Fairway Dr Alma	M. Harshbarger
Cecelia Stephen	PO Box 554 Rolandok	[illegible]
GARY CLARK	PO Box 3921 FS. 72913	Gary Clark
THOMAS CAMP	7310 RIVIERA DR. FS 72903	Thomas Camp
Holly Henson	3118 Breezy Lane Greenwood 72936	Holly Henson
MARSHALL YANTS	4400 GRUGE Hill	FORT SMITH, AR
Holly Maestri	3218 Carthage St 72903	Holly Maestri
Mistii Elmore	712 Harvard Avenue, 72908	Mistii Elmore
Tyler Elmster	2108 Westhills Dr Lavaca 72903	[illegible]
JOHN DROS	6608 HIGLAND PARK DR	[illegible]
Rick Oberste	2701 Towson Ft Smith	
Bart LaTorre	8407 Meadow Oaks Ln, FS	Bart LaTorre
[illegible]	2205 [illegible] Circle	
Richard King	9701 Belhaven Vien FS.	Richard D. King
Christina Morris	2818 So. 18th Ft Smith, AR	[illegible]
Justin Morris	2818 So. 18th Ft Smith AR	Justin Morris
Thomas Cole	4119 S. P Ft. Smith	[illegible]
Jaime Ortiz	910 S 10 st Ft smith AR	[illegible]
Kayla Stem	9904 Tensley Ln Ft. Smith AR	[illegible]
L. Nathaniel Stem	9904 Tensley Ln Ft. Smith AR	[illegible]
Averi Childers	9704 Tensley Ln Ft. Smith AR	[illegible]
Melinda Weiler	1515 Quebec DR Ft. Smith	Melinda Weiler
Stacey Weiler	1515 Quebec DR. Ft Smith	Stacey Weiler

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Petition Summary - Micro Brewery and Distillery Zoning Change Request

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Principal Petitioner Casey Millspaugh, 408 Apple Valley Rd. Fort Smith Arkansas

NAME	ADDRESS	SIGNATURE
Kali Singer	2004 S M St Fort Smith, AR 72901	
Kim Singer	3718 E Hwy 45 Ft. Smith 72916	
Kevin Crawford	P.O. Box 789 Ft Smith, AR	
Chris Beal	1700 Rogers Ave. Ft Smith	
Griffin Hanna	4719 Saint Andrews, Ft. Smith AR	
Spencer Kinsey	1523 South S Street FSM AR	
Casey Millspaugh	408 Apple Valley Rd	
Eric Oliver	475912 E. 1052 Rd	
Janis D White	6101 Prairie Dr	Janis D. White
Don H Miller	PO Box 336 Hackett	
PAULA LINDER	7100 RIVIERA FT. SMITH	Paula Ann Linder
Liz Armstrong	212 N. 51st FSA	
Meter Smith	1002 S. 26th FSA 72901	
DREW LINDER	7100 RIVIERA DR. FT SMITH	
Brittany Pelayo	422 Prairie St. Charleston AR	
Craig Adams	2915 Reedee St.	
Brandon Parker	2412 Fianna Way	
Nick Bellin	1608 S 16th Street	
Melanie Keith	7635 Hwy 217 Charleston, AR	
Gabriel Garcia	2013 South P Street	
Barbara Bothell	1407 So Dogwood, Muldrow OK	
Beth Greenfield	5200 North O Street	
Rikki Hobbs	2058 Xavier St. #314 72901	
Robert Halliburton	1011 Hillcrest Greenwood AR	
Mary Ladue	1100 S. 26th St. Fort Smith AR	

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Principal Petitioner Casey Millspaugh, 408 Apple Valley Rd. Fort Smith Arkansas

NAME	ADDRESS	SIGNATURE
Sam Horne	301 N 5th St Ft. Smith	Sam Horne
Shannon Smith	1909 S 70th Street FS AR 72903	Shannon Smith
Hank Fawcett	2600 Rogers Ave FSM, AR	[illegible]
Richard Morris	1117 N. 6th Street, Fort Smith, AR	[illegible]
Melissa Bandy	2105 Rannoch Trace, FS 72908	Melissa Bandy
Larry Bandy	2105 Rannoch Trace, FSM 72908	[illegible]
Amy Mancisin	3215 S 28th St FS, AR 72901	[illegible]
Damon Mancisin	3215 S 28th FS AR 72901	[illegible]
Joseph H. Luebke	5917 Chippewa Trail FS AR 72904	[illegible]
Robyn Fowler	6023 N. 20th St, Fort Smith 72901	[illegible]
Chase Campbell	3320 Blackburn St.	[illegible]
Chris Johnson	2815 Park Av, Fort Smith, AR 72904	[illegible]
Kim Prall	5414 Free Ferry rd.	[illegible]
JARED BURDOM	3608 Chaffee Dr Ft. Smith AR 72904	[illegible]
Abby Johnson	1309 Burnham Rd. FS. AR 72903	[illegible]
Brooke Ann Johnson	2418 S. Greenwood Ave. Ft. Smith AR, 72901	Brooke Johnson
Steve Core	6911 Southfield Dr. Ft. Smith, AR	[illegible]

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Principal Petitioner Casey Millspaugh, 408 Apple Valley Rd. Fort Smith Arkansas

NAME	ADDRESS	SIGNATURE
Jeff Adams	6900 Riviera Dr Ft Smith	[illegible]
Zachary Vann	728 S River Rd, Dyer	[illegible]
[redacted]		
Cynthia Harrison	25808 River Ridge Circle, Ft Smith	[illegible]
Rachel Putman	8305 N Hwy 59	[illegible]
Brian Willis	903 F St Barling AR	[illegible]
Jerry [illegible]	3319 S. 39th St. Ft. Smith, AR	[illegible]
Keith Lux	2003 Sitka Lane Barling, AR	Keith R. Lux
Robert W. Donald	5601 Graystone Dr. Ft. Smith	Robert W Donald
Roger Donald	6500 Fieldcrest Dr. Ft. Smith	Roger Donald
JIMMIE DONALD	5909 Remington CIR	[illegible]
Kandalla Black	3114 Tennessee Rd FSA	[illegible]
Jerrold Blansett	3114 Tennessee Rd FSA	[illegible]
~~Pat Stone~~	~~3102 Tennessee Rd. F.S. AR~~	~~[illegible]~~
PAT STONE	3102 TENN. Rdg Rd F.S. AR	Pat Stone
ARNOLD MURRAY	3102 TENN Ridg Rd. Ft Smith	Arnold Murray

Name	City	State	Postal Cod	Country	Signed On
Casey Millspaugh				United States	11/16/2015
Alyssa McPeak	Van Buren	Arkansas	72956	United States	11/16/2015
Molly Hudson	Fort Smith	Arkansas	72903	United States	11/16/2015
Junior Sanchez	Fort Smith	Arkansas	72903	United States	11/16/2015
Jill Harrison	Dallas	Texas	75206	United States	11/16/2015
Barbara Pirpich	Fort Smith	Arkansas	72904	United States	11/16/2015
Luke Tia	Gainesville	Florida	32653	United States	11/16/2015
Maegan Chitwood	Fort Smith	Arkansas	72904	United States	11/16/2015
Marcus Johnson	Fort Smith	Arkansas	72904	United States	11/16/2015
Jill Guerra	Fort Smith	Arkansas	72913	United States	11/16/2015
Matthew Farrar	Fort Smith	Arkansas	72901	United States	11/16/2015
Dana Teague	Fort Smith	Arkansas	72901	United States	11/16/2015
Brian Pillar	Fort Smith	Arkansas	72901	United States	11/16/2015
Quentin Willard	Fort Smith	Arkansas	72903	United States	11/16/2015
Billy Fleming	Philadelphia	Pennsylvania	19146	United States	11/16/2015
Matthew Hines	Van Buren	Arkansas	72956	United States	11/16/2015
Andrea Palmer	Tulsa	Oklahoma	74133	United States	11/16/2015
Michael prall	Fort Smith	Arkansas	72904	United States	11/16/2015
Megan Steidley	Fort Smith	Arkansas	72903	United States	11/16/2015
Kenneth Lyon	Fort Smith	Arkansas	72903	United States	11/16/2015
Beth Templeton	Fort Smith	Arkansas	72901	United States	11/16/2015
Jason Haberer	Van Buren	Arkansas	72956	United States	11/16/2015
Wesley Terry	Fort Smith	Arkansas	72908	United States	11/16/2015
Kayla Turner	Fort Smith	Arkansas	72903	United States	11/16/2015
Megan Raynor	Fort Smith	Arkansas	72901	United States	11/16/2015
Amber Ruckman	Van Buren	Arkansas	72956	United States	11/16/2015
Kristen Lovvorn	Van Buren	Arkansas	72956	United States	11/16/2015
Anna McCauley	Van Buren	Arkansas	72956	United States	11/16/2015
Shawn Williams	Greenwood	Arkansas	72936	United States	11/16/2015
Jennifer Soultaire	Fort Smith	Arkansas	72908	United States	11/16/2015
Kelsey K	Fort Smith	Arkansas	72916	United States	11/16/2015
Kevin Dorey	Fort Smith	Arkansas	72901	United States	11/16/2015
Kris Wein	Lavaca	Arkansas	72941	United States	11/16/2015
Shannon Stoddard	Fort Smith	Arkansas	72908	United States	11/16/2015
Kevin McFerran	Lavaca	Arkansas	72941	United States	11/16/2015
Sarah Wall	Tulsa	Oklahoma	74134	United States	11/16/2015
Rose lowery	Fort Smith	Arkansas	72901	United States	11/16/2015
Rachel Wallace	Tulsa	Oklahoma	74136	United States	11/16/2015
Paula Glidewell	Fort Smith	Arkansas	72918	United States	11/16/2015
Bryson Carl	Englewood	Colorado	80111	United States	11/16/2015
Daniel Reynolds	Fort Smith	Arkansas	72908	United States	11/16/2015
keith lau	Fort Smith	Arkansas	72901	United States	11/16/2015
Julie Martin	Fort Smith	Arkansas	72904	United States	11/16/2015
beth stephens stephens	Fort Smith	Arkansas	72903	United States	11/16/2015
Kim Alan Whitson	Fort Smith	Arkansas	72908	United States	11/16/2015
Curtis Duff	Fort Smith	Arkansas	72903	United States	11/16/2015

Jeff Goins	Fort Smith	Arkansas	72916	United States	11/16/2015
Patrick Jacobs	Fort Smith	Arkansas	72901	United States	11/16/2015
Tyler Hudgens	Fort Smith	Arkansas	72901	United States	11/16/2015
Anne Henson	Fort Smith	Arkansas	72903	United States	11/16/2015
Randi Wheeler	Fort Smith	Arkansas	72908	United States	11/16/2015
Sandra Kaundart	Fort Smith	Arkansas	72903	United States	11/16/2015
James McCauley	Nashville	Tennessee	37219	United States	11/16/2015
William Anderson	Fort Smith	Arkansas	72903	United States	11/16/2015
Charles Alley	Fort Smith	Arkansas	72916	United States	11/16/2015
Don Anderson	Fort Smith	Arkansas	72908	United States	11/16/2015
Ruth Brewer	Fort Smith	Arkansas	72901	United States	11/16/2015
Max Rodriguez	Fort Smith	Arkansas	72904	United States	11/16/2015
Michele Alley	Fort Smith	Arkansas	72916	United States	11/16/2015
Robbie Wilson	Fort Smith	Arkansas	72901	United States	11/16/2015
Todd Jeffery	Fort Smith	Arkansas	72908	United States	11/16/2015
George R Watson	Fort Smith	Arkansas	72908	United States	11/16/2015
Earl Fears	Fort Smith	Arkansas	72903	United States	11/16/2015
chris weeks	Fort Smith	Arkansas	72901	United States	11/16/2015
Kandice Poirier	Fort Smith	Arkansas	72901	United States	11/16/2015
Nikki Whiteaker	Fort Smith	Arkansas	72908	United States	11/16/2015
Elizabeth Gist	Fort Smith	Arkansas	72901	United States	11/16/2015
Cindy Gilmer	Fort Smith	Arkansas	72901	United States	11/16/2015
Libby Meyer	Fort Smith	Arkansas	72908	United States	11/16/2015
Wesley Musgrove	Fort Smith	Arkansas	72908	United States	11/17/2015
Kristie Eckelhoff	Fort Smith	Arkansas	72903	United States	11/17/2015
Shael McDonald	Fort Smith	Arkansas	72901	United States	11/17/2015
Melissa Olcott	Fort Smith	Arkansas	72903	United States	11/17/2015
Larry meyer	Fort Smith	Arkansas	72908	United States	11/17/2015
Janie Lewis	Fort Smith	Arkansas	72904	United States	11/17/2015
Sharon Ash	Berryville	Arkansas	72616	United States	11/17/2015
Melody Strassmann	Fort Smith	Arkansas	72901	United States	11/17/2015
Irvin Martinez	Fort Smith	Arkansas	72903	United States	11/17/2015
Spencer Kinsey	Fort Smith	Arkansas	72901	United States	11/17/2015
Adrianne Johnson	Fort Smith	Arkansas	72903	United States	11/17/2015
Kim Prall	Fort Smith	Arkansas	72901	United States	11/17/2015
Courtney Mcdowell	Fort Smith	Arkansas	72903	United States	11/17/2015
Toni white	Fort Smith	Arkansas	72904	United States	11/17/2015
JACOB HACKETT	Fort Smith	Arkansas	72901	United States	11/17/2015
melenna Kaundart	Fort Smith	Arkansas	72916	United States	11/17/2015
John Townsend	Fort Smith	Arkansas	72908	United States	11/17/2015
Ashley Morris	Fort Smith	Arkansas	72903	United States	11/17/2015
Kathie Smith	Barling	Arkansas	72923	United States	11/17/2015
Jay Burris	Van Buren	Arkansas	72956	United States	11/17/2015
Anna Booth	Van Buren	Arkansas	72956	United States	11/17/2015
Jessica Prater	Fort Smith	Arkansas	72904	United States	11/17/2015
Michael Engel	Fort Smith	Arkansas	72901	United States	11/17/2015
lisa owens	Fort Smith	Arkansas	72901	United States	11/17/2015

Amanda Grist	Fort Smith	Arkansas	72908	United States	11/17/2015
Duayne Alley	Fort Smith	Arkansas	72901	United States	11/17/2015
Richard Sutterfield	Fort Smith	Arkansas	72903	United States	11/17/2015
John McIntosh	Fort Smith	Arkansas	72901	United States	11/17/2015
Janice Keating	Fort Smith	Arkansas	72903	United States	11/17/2015
Karen Grist	Van Buren	Arkansas	72956	United States	11/17/2015
Leslie Harris	Fort Smith	Arkansas	72903	United States	11/17/2015
Rick Goins	Fort Smith	Arkansas	72903	United States	11/17/2015
Vicki Chamlee	Fort Smith	Arkansas	72903	United States	11/17/2015
Ken Kupchick	Fort Smith	Arkansas	72901	United States	11/17/2015
Nancy Pollan	Fort Smith	Arkansas	72903	United States	11/17/2015
Dawson Meadows	Fort Smith	Arkansas	72903	United States	11/17/2015
Yvette Johnson	Fort Smith	Arkansas	72901	United States	11/17/2015
Tom Heins	Clarence	New York	14031	United States	11/17/2015
david Langford	Charleston	Arkansas	72933	United States	11/17/2015
Todd Timmons	Fort Smith	Arkansas	72908	United States	11/17/2015
Mason Kesner	Fort Smith	Arkansas	72916	United States	11/17/2015
Scott David	Fort Smith	Arkansas	72916	United States	11/17/2015
Sarah Winterberg	Fort Smith	Arkansas	72908	United States	11/17/2015
Sam Winterberg	Fort Smith	Arkansas	72908	United States	11/17/2015
Lindsy Lawrence	Fort Smith	Arkansas	72901	United States	11/17/2015
Norma Gomez	Fort Smith	Arkansas	72908	United States	11/17/2015
Deidra Gomez	Fort Smith	Arkansas	72916	United States	11/17/2015
Tim Chilcott	Fort Smith	Arkansas	72903	United States	11/17/2015
jim arnold	Fort Smith	Arkansas	72903	United States	11/17/2015
Stanley Soultaire	Fort Smith	Arkansas	72908	United States	11/17/2015
Joseph Cernak	Mulberry	Arkansas	72947	United States	11/17/2015
Kenneth Moon	Fort Smith	Arkansas	72903	United States	11/17/2015
Logan Ferstl	Fort Smith	Arkansas	72903	United States	11/17/2015
Clay Mitchell	Fort Smith	Arkansas	72901	United States	11/17/2015
Suzanne Poe	Fort Smith	Arkansas	72903	United States	11/17/2015
Sarah Hale	Fort Smith	Arkansas	72901	United States	11/17/2015
Carol Bellew	Fort Smith	Arkansas	72903	United States	11/17/2015
Paul Brandt	Fort Smith	Arkansas	72902	United States	11/17/2015
Christy Koprovic	Fort Smith	Arkansas	72903	United States	11/17/2015
Dustin Lerch	Roland	Oklahoma	74954	United States	11/17/2015
Chris Foster	Atlanta	Georgia	30303	United States	11/17/2015
Gina Sly	Fort Smith	Arkansas	72903	United States	11/17/2015
Carrie Feero	Fort Smith	Arkansas	72901	United States	11/17/2015
Mike Cady	Van Buren	Arkansas	72956	United States	11/17/2015
Dana Loux	Fort Smith	Arkansas	72916	United States	11/17/2015
Leigh McDougal	Greenwood	Arkansas	72936	United States	11/17/2015
Lynnette Qualls	Fort Smith	Arkansas	72901	United States	11/17/2015
Andrew Deal	Fort Smith	Arkansas	72901	United States	11/17/2015
Joseph Adair	Fort Smith	Arkansas	72903	United States	11/17/2015
danielle noyes	Tulsa	Oklahoma	74115-684	United States	11/17/2015
Suzanne Neal	Hackett	Arkansas	72937	United States	11/17/2015

Amanda Pereira	Fort Smith	Arkansas	72903	United States	11/17/2015
Vivian Groman	Fort Smith	Arkansas	72901	United States	11/17/2015
Brian Newman	Fort Smith	Arkansas	72903	United States	11/17/2015
Tyler Armstrong	Fort Smith	Arkansas	72903	United States	11/17/2015
Ryan Feero	Fort Smith	Arkansas	72901	United States	11/17/2015
Evan Hefley	Alma	Arkansas	72921	United States	11/17/2015
Jordan Travis	Fort Smith	Arkansas	72904	United States	11/17/2015
Shauna Vo Pulayya	Fayetteville	Arkansas	72704	United States	11/17/2015
Justin Wade	Fort Smith	Arkansas	72903	United States	11/17/2015
Randy Pulayya	Fayetteville	Arkansas	72704	United States	11/17/2015
Kirby Cockrum	Fort Smith	Arkansas	72903	United States	11/17/2015
David Creel	Fort Smith	Arkansas	72901	United States	11/17/2015
Ryanne Harper	Fort Smith	Arkansas	72903	United States	11/17/2015
Chris Johnson	Fort Smith	Arkansas	72901	United States	11/17/2015
Kasey Loman	Fayetteville	Arkansas	72703	United States	11/17/2015
Carter Bradley	Van Buren	Arkansas	72956	United States	11/17/2015
Jennifer Garcia	Van Buren	Arkansas	72956	United States	11/17/2015
Trenton Powell	Fort Smith	Arkansas	72901	United States	11/17/2015
Sylvia Hickey	Fort Smith	Arkansas	72903	United States	11/17/2015
Natalie Peterson	Fort Smith	Arkansas	72908	United States	11/17/2015
Anna Reed	Chicago	Illinois	60647	United States	11/17/2015
Jared Purdom	Fort Smith	Arkansas	72904	United States	11/17/2015
Nicholas Huisman	Fort Smith	Arkansas	72908	United States	11/17/2015
Justin Gasparotto	Van Buren	Arkansas	72956	United States	11/17/2015
Tim Gunter	Fort Smith	Arkansas	72901	United States	11/18/2015
Jen Williams	Muldrow	Oklahoma	74948	United States	11/18/2015
Patrick Charlton	Fort Smith	Arkansas	72903	United States	11/18/2015
Dustin Smith	Fort Smith	Arkansas	72901	United States	11/18/2015
Colby Jacobs	Fort Smith	Arkansas	72916	United States	11/18/2015
Ryan Gasparotto	Fort Smith	Arkansas	72904	United States	11/18/2015
Kathryn Pledger	Fort Smith	Arkansas	72916	United States	11/18/2015
Alex Johnson	Fort Smith	Arkansas	72904	United States	11/18/2015
Brayden Whalen	Fort Smith	Arkansas	72908	United States	11/18/2015
Terri Hargrove	Fort Smith	Arkansas	72908	United States	11/18/2015
Joshua Brown	Wappingers Falls	New York	12590	United States	11/18/2015
Jonathan Seubold	Fort Smith	Arkansas	72916	United States	11/18/2015
Vic Emery	Fort Smith	Arkansas	72903	United States	11/18/2015
Peyton Trentham	Van Buren	Arkansas	72956	United States	11/18/2015
Alex Gavin	Fort Smith	Arkansas	72903	United States	11/18/2015
Yvonne Lancaster	Van Buren	Arkansas	72956	United States	11/18/2015
Joshua Carroll	Tulsa	Oklahoma	74172	United States	11/18/2015
Tasha Ghan	Fort Smith	Arkansas	72903	United States	11/18/2015
Garrett Mcpeak	Roland	Oklahoma	74954	United States	11/18/2015
Andrew Cox	Fort Smith	Arkansas	72903	United States	11/18/2015
Michael Bradley	Van Buren	Arkansas	72956	United States	11/18/2015
Arthur Green	Fort Smith	Arkansas	72903	United States	11/18/2015
Randy McIntosh	Fort Smith	Arkansas	72903	United States	11/18/2015

Beth Presley	Fort Smith	Arkansas	72916	United States	11/19/2015
Scott Sharpe	Fort Smith	Arkansas	72901	United States	11/19/2015
Colton Clark	Fort Smith	Arkansas	72903	United States	11/19/2015
Chad Miller	Alma	Arkansas	72921	United States	11/19/2015
Andrea Beckman	Fort Smith	Arkansas	72904	United States	11/19/2015
Joel Gasaway	Little Rock	Arkansas	72211	United States	11/20/2015
Nic Brown	Fort Smith	Arkansas	72916	United States	11/20/2015
Anthony Davis	Springdale	Arkansas	72762	United States	11/20/2015
Miranda Adamson	Fort Smith	Arkansas	72916	United States	11/20/2015
Kaylea Young	Van Buren	Arkansas	72956	United States	11/20/2015
Kathleen Ory	Fort Smith	Arkansas	72903	United States	11/20/2015
Bo Evans	Fort Smith	Arkansas	72908	United States	11/21/2015
Nicole Melendez	Fort Smith	Arkansas	72901	United States	11/23/2015
Cynthia Smith	Fort Smith	Arkansas	72901	United States	11/23/2015
Kelly Price	Alma	Arkansas	72921	United States	11/25/2015
amber tyndal	Fort Smith	Arkansas	72903	United States	11/25/2015
Megan Ratliff	Fort Smith	Arkansas	72903	United States	11/28/2015
Michelle Cernak	Fort Smith	Arkansas	72903	United States	11/29/2015
Brittney Wilbanks	Fort Smith	Arkansas	72901	United States	11/29/2015
Angie Meyer	Greenwood	Arkansas	72936	United States	11/29/2015
Kristin Ahlert	Fort Smith	Arkansas	72903	United States	11/29/2015
Erin Wilson	Fort Smith	Arkansas	72901	United States	11/29/2015
Nancy Pryor	Fort Smith	Arkansas	72908	United States	11/29/2015
Sam Terry	Fort Smith	Arkansas	72901	United States	11/29/2015
Tim McNally	Fort Smith	Arkansas	72903	United States	11/29/2015
Linda Udouj	Fort Smith	Arkansas	72903	United States	11/30/2015
Sarah Scott	Fort Smith	Arkansas	72904	United States	11/30/2015
Chuck Brotton	Fort Smith	Arkansas	72901	United States	11/30/2015
Adam Spradlin	Fort Smith	Arkansas	72901	United States	11/30/2015
cynthia stoughton	Fort Smith	Arkansas	72903	United States	11/30/2015
Sebastian Clemmons	Fort Smith	Arkansas	72916	United States	11/30/2015
Danielle Scantling	Fort Smith	Arkansas	72901	United States	11/30/2015
kalon tuck	Hackett	Arkansas	72937	United States	11/30/2015
Jaymz Vance	Fort Smith	Arkansas	72908	United States	11/30/2015
Taylor Lunsford	Greenwood	Arkansas	72936	United States	11/30/2015
Dale DeCamp	Broken Arrow	Oklahoma	74012	United States	11/30/2015
Ron Ward	Pocola	Oklahoma	74902	United States	12/1/2015

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

© 2014 BREWERS ASSOCIATION

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

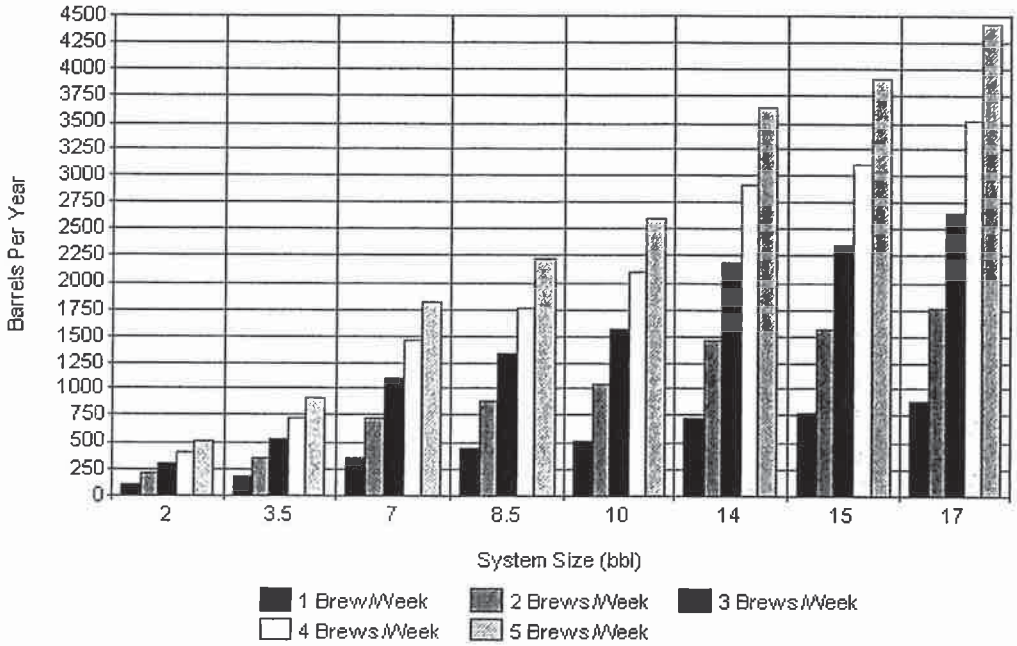
Comment – One must look at the labor component in selecting a system size.
Most properly sized brewpubs brew 2 – 3 times per week in their first couple of years of operation.
"For this example, either the 7 or 10 barrel system is recommended."

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

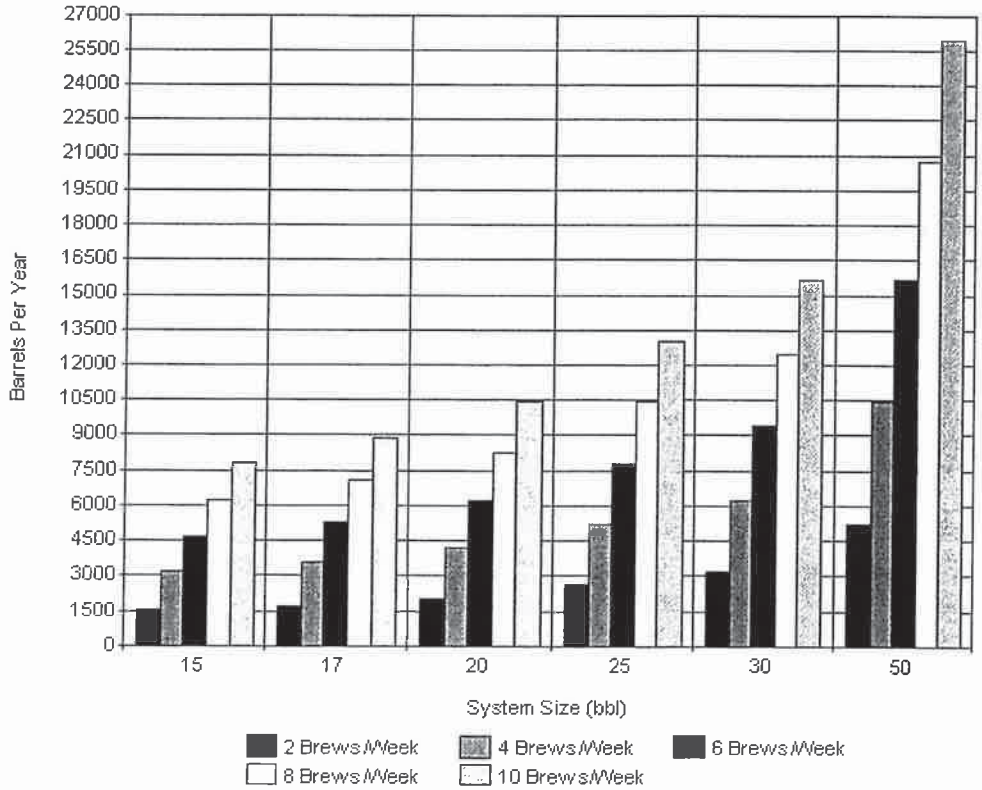
For 7 barrel system
Ales ——> 750 bbls / year / (7 bbls x 25 cycles/year) = 4.2 = 5 Fermenters
Lagers —> 250 bbls / year / (7 bbls x 12.5 cycles/year) = 2.8 = 3 Fermenters
Total —> 7 – 8 Fermenters to produce 750 bbls Ales and 250 bbls Lagers

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: Lionel Jordan
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, 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.

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
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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 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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162.02 INTERPRETATION 12

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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:

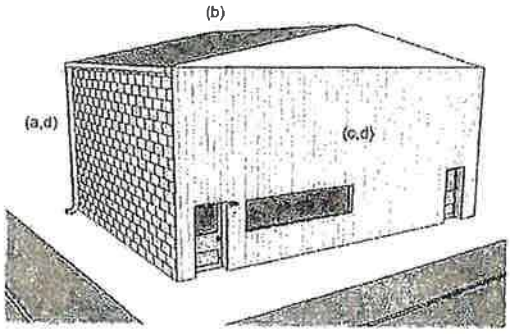
(a) Unpainted concrete precision block walls;

(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.

3B.

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 January 12, 2016, that said changes be made; and,

WHEREAS, three (3) copies of February 2016 Amendments to the Unified Development Ordinance (specialty manufacturing) 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 February 2016 Amendments to the Unified Development Ordinance (specialty manufacturing) is 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 _____, 2016.

APPROVED:

_____

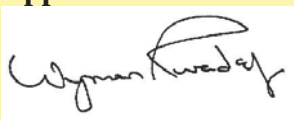
Mayor

ATTEST:

_____

City Clerk

Approved as to form:



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Publish One Time

FEBRUARY 2016

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (SPECIALTY MANUFACTURING)

Specialty Manufacturing

shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Sports complex or athletic field

shall mean a large open or enclosed space used for games or major events which may be surrounded by tiers of seats for spectators.

Sporting goods stores

shall mean establishments primarily engaged in the retailing of new sporting goods, including bicycles and bicycle parts, camping equipment, fishing and hunting equipment, exercise and fitness equipment, athletic uniforms, athletic apparel for men, women and children, specialty sports footwear and other sporting goods, equipment and accessories.

Stable, private,

shall mean a private accessory building for quartering horses.

Stockyard

shall mean services involving the temporary keeping of livestock for slaughter, market, or shipping.

Stormwater retention basin or pumping station

shall mean a reservoir, lake, pond or area designated for temporary storage of surface water during periods of heavy run-off together with any pumping facilities, tanks, gates or similar structures related to drainage operations.

Story

shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street

shall mean a public maintained right-of-way, other than an alley, which affords a primary means of access to property.

Street frontage

shall mean the distance along a property line that is also the right-of-way line of a public street. It is measured between side lot lines along the front lot line.

Street, limited access

a street which allows only indirect access to abutting properties primarily by distributing traffic to intersecting lesser volume streets or some other means as needed to allow for efficient local circulation.

Street, standard

shall mean any existing street whose right-of-way meets the design requirements of the Master Street Plan or the minimum street standards, whichever is greater.

Structural alterations

Appendix A

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
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
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																					C	P	P	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		
Specialty Manufacturing																		C	C	P	P	C			
Vending																					P		P	P	
Personal Services																									
Bail bonds office																					P	P	P	P	

Fort Smith
4

Use Matrix

Memorandum

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: January 23, 2016
Subject: Specialty Manufacturing

In October 2015, Quentin Willard of the Fort Smith Brewing company submitted a UDO text amendment request that would allow Microbrewery/Microwinery/Microdistillery and Specialty Manufacturing as a permitted use in the Commercial-5 zoning districts and a conditional use in Commercial-2, Commercial-3, and Commercial-4 zoning districts.

The purpose of this report is to address the portion of Mr. Willard's request concerning specialty manufacturing and the planning commission's recommendation.

Specialty Manufacturing is limited in size with little or no impacts to adjoining properties (*see proposed definition).* Many start up or small businesses that are currently considered industrial uses are directed to industrial zones. However, many of these businesses do not require a large building but require 2,000 to 4,000 square feet which are more available at commercially zoned properties where vacant buildings and tenant spaces exist along commercial corridors. The impact of these small, boutique/light manufacturing uses generate similar land use impacts as a restaurant or other general commercial uses and often the impacts are less.

This proposal would accomplish a number of policy's or actions from the comprehensive plan including the following:

* create opportunities for the mixing of land uses to occur within single buildings and within emerging centers identified in the preferred future.
* encourage and support start-up companies and small businesses.
* prevent long-term vacancy by ensuring continuous use of buildings and quicker transitions between uses.

Specific excerpts from the comprehensive plan are enclosed.

We researched some regional cities to determine how Specialty Manufacturing was addressed in their zoning regulations. Fayetteville allows Specialty Manufacturing as a permitted use in their commercial districts, while Little Rock and Tulsa allows it as a conditional use in selected commercial zones. Bentonville allows Specialty Manufacturing in industrial zones only. A comparison chart summarizing this information is enclosed.

Based on this research and discussions with the planning commission, the following recommendations are presented to the Board of Directors as proposed amendments to the Unified Development Ordinance:

- *Add definition for Specialty Manufacturing as follows:*
  Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

- Allow Specialty Manufacturing as a permitted use in C-4 and C-5 and a conditional use in C-2, C-3 and C-6. Staff has previously discussed specialty manufacturing with the Central Business Improvement District members and they prefer specialty manufacturing be listed a conditional use in the C-6 district.

The proposed amendments are attached in legislative format.

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

Specialty Manufacturing
Comparison Chart

	Neighborhood Zones (Similar to C-1 and T)	Commercial Zones (Similar to C-2 – C-6)	Industrial Zones
Fort Smith	Not Allowed	Not Allowed	Permitted
Bentonville	Not Allowed	Not Allowed	Permitted
Fayetteville	Conditional Use	Permitted	Not Allowed
Little Rock	Not Allowed	Conditional Use – C-2 Permitted – C-3(C-5)	Conditional Use
Tulsa	Not Allowed	Conditional Use – C-5 & Downtown	Permitted

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

Specialty Manufacturing
Proposed Zoning Recommendations

	C-2	C-3	C-4	C-5	C-6
Specialty Mfg.	Conditional Use	Conditional Use	Permitted	Permitted	Conditional Use

Definition

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 s.f. of gross floor area and shall be operated only within a fully enclosed structure.

APPLICABLE SECTIONS FROM THE COMPREHENSIVE PLAN

uture Land Use

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
FLU-1	Achieve a successful and market-driven balance of future land uses consistent with the Preferred Future	FLU-1.1	Promote commercial development and future economic growth in centers and corridors designated in the Preferred Future in close proximity to existing infrastructure, schools, parks, and jobs.	FLU-1.1.1	Attract anchors in all Preferred Future centers to encourage complementary development, particularly for the Downtown Riverfront.	Number of new businesses opening in neighborhoods	Long	Fort Smith CBID; Chamber; Fort Smith Board of Realtors
				FLU-1.1.2	Update and implement the UDO (Unified Development Ordinance) and Master Land Use Map based on the Preferred Future.	Updated UDO and Master Land Use Map	Short	Planning & Zoning
				FLU-1.1.3	Review and adjust zoning classifications for consistency with the Preferred Future.	Zoning changes made, or finding of consistency reached	Short	Planning & Zoning
				FLU-1.1.4	Create an inventory of existing businesses and develop a plan to attract a wider variety of businesses currently not available to the community.	Increase in business diversity	Short	Chamber; Administration; Fort Smith Board of Realtors
				FLU-1.1.5	Create incentive programs, such as a Small Businesses Development Program.	Number of new businesses connected to development programs	Mid	Chamber; UAFS
		FLU-1.2	Ensure that sufficient, well designed and convenient on street and off street parking is provided to serve land uses.	FLU-1.2.1	Conduct an assessment of existing parking supply and demand and forecast future needs.	Assessment completion	Mid	Planning and Zoning; Engineering; Police; Parking Authority; Operations
				FLU-1.2.2	Based on the parking assessment, review the parking ratios and related regulations in the UDO and create a parking management plan for on street and off street parking near major activity centers.	The number of requested variances received by the Planning Dept.	Mid	Planning and Zoning; Engineering; Police; Operations
		FLU-1.3	Coordinate and plan future development with neighboring jurisdictions and the City of Fort Smith.	FLU-1.3.1	Exercise the City's extra-territorial jurisdiction over land in Sebastian County.		Mid	Planning & Zoning; Engineering; Utility Department
				FLU-1.3.2	Ensure that the subdivision of land within the allowable Planning Area will comply with City subdivision and infrastructure requirements, as amended, to address rural and estate development.	Subdivision compliance met	Long	Planning & Zoning; Engineering; Utility Dept; Fire Dept; Police

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		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.	FLU-1.4.1	Conduct an assessment of current service boundaries and create regulations to guide the expansion of services.	Needs assessment and regulations created	Mid	Planning & Zoning; Utility Department; Fire Department; Engineering; Police Department; Operations
				FLU-1.4.2	Encourage development near community facilities and services (e.g., schools, recreation centers, health facilities) to fully utilize existing services and limit duplication.	Percent of new development within 1/4 mile of existing community facilities	Mid	Planning & Zoning; Utility Department; Engineering, Chamber, Fort Smith Homebuilders Association
		FLU-1.5	Provide opportunities for mixed-use development to occur in Downtown Fort Smith and identified emerging centers in order to provide access to a variety of uses; promote walkable, pedestrian friendly development; and encourage physical activity.	FLU-1.5.1	Locate mixed-use and commercial development near employment centers and higher density residential centers to provide options for convenience retail and restaurants close to where people live and work.	Percent of new development in targeted growth areas	Mid	Planning & Zoning; Fort Smith CBID; Chamber; Administration
		FLU-1.6	Create opportunities for the mixing of land uses to occur within single buildings and within emerging centers identified in the Preferred Future.	FLU-1.6.1	Develop corridor and area plans that address access management, land use, design, internal parking, and circulation.	Number of plans completed (3 Corridor Typologies Identified in CSS Element)	Long	Planning & Zoning; Engineering; AHTD
				FLU-1.6.2	Publicize new mixed use areas within the development and real estate community.	Percent of new development that incorporates mixing of uses	Long	Planning & Zoning, Fort Smith Homebuilder Association, Fort Smith Board of Realtors; Chamber
FLU-2	Activate Fort Smith's scenic riverfront	FLU-2.1	Encourage a mix of housing, retail, and entertainment attractions along the City's waterfront that support day and nighttime activity and a vibrant urban lifestyle.	FLU-2.1.1	Improve access in an effort to incentivize development in areas along the riverfront.	Increase in number of access points and type of access (bike, ped, transit)	Mid	Fort Smith Residents, Planning & Zoning; Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Engineering
				FLU-2.1.2	Ensure that land development within the river district reflects uses appropriate to the 100-year flood plain and adjacency to the downtown and residential neighborhoods.	Amount of compatible new development	Long	Planning & Zoning; Fort Smith CBID; Engineering; Land Owners

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		FLU-3.4	Develop and promote niche markets that distinguish the downtown from other retail and entertainment options, and reinforces downtown's position as a destination.	FLU-3.4.1	Promote the Farmer's Market and encourage more participation by providing shade.	Number of visitors to the Farmer's Market	Short	Fort Smith Residents, Local Business Owners, Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Advertising and Promotion Commission; Parks Department
				FLU-3.4.2	Build Maybranch bike trail for connectivity.	The completion of the Maybranch bike trail	Long	Parks & Recreation; Engineering
		FLU-3.5	Locate future cultural activities, entertainment options, service-oriented businesses, and public, private, or institutional programs in downtown.	FLU-3.5.1	Identify potential key locations for cultural and institutional programs and uses downtown and the riverfront.	Number of new cultural and institutional programs Downtown and in the Riverfront area.	Mid	Fort Smith CBID; Greater Fort Smith Chamber of Commerce; Tourism; Convention Center; Parks; Advertising and Promotion Commission
Economic Development								
...-1	Broaden employment sectors that will drive the City's economy	ED-1.1	Encourage and support start up companies and small businesses.	ED-1.1.1	Provide regulatory and financial incentives for small businesses (including food trucks, etc).	Number of new small businesses	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration; Planning and Zoning; Building Safety
				ED-1.1.2	Work with successful local businesses to develop business 'boot camps' for new entrepreneurs.	Successful boot camp program complete	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration
				ED-1.1.3	Expand and promote the small business development center that would connect businesses to SBA grants and programs, like the Microloan Program, facilitate a mentoring program for young entrepreneurs, and provide other business counseling services.	Number of businesses connected to SBA grants and programs	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; Administration; UAFS; ATU
				ED-1.1.4	Support development of a "small business web portal" to streamline the City's permitting and licensing processes.	The completion of the web portal	Mid	Information & Technology; Finance; Planning and Zoning

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
				ED-1.1.5	Promote green building practices to help small businesses save on energy and operating costs.	Number of small businesses participating in energy conservation	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; UAFS Sustainable Conservation House; Building Safety; Franchise Utilities
		ED-1.2	Support programs and efforts that increase opportunities for growth in medical and higher education sectors.	ED-1.2.1	Identify strategies to retain talent in the medical profession with a focus on underserved areas.	Increase in the number of people employed in the medical sector	Long	College Students, Fort Smith Residents, Medical Industry Partners, Greater Fort Smith Chamber of Commerce;
		ED-1.3	Support business expansion and new business development in sectors identified as experiencing leakage.	ED-1.3.1	Explore market feasibility of an outlet mall.	Completion of a market feasibility study for an Outlet Mall	Mid	Greater Fort Smith Chamber of Commerce; Administration
				ED-1.3.2	Expand shop local campaign and shop local campaign online.	Number of businesses participating in the shop local campaign	Short	Local Business Owners; Fort Smith Residents; Greater Fort Smith Chamber of Commerce; Information & Technology; Administration
		ED-1.4	Capitalize on Fort Smith's strategic position at the crossroads of multiple modes of transportation to increase the city's employment base and regional economic impact.	ED-1.4.1	Attract employers to Fort Smith by advertising the city's proximity to key transportation infrastructure (rail, MCKARNS water way, I-49).	Number of new employers attracted to Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Fort Chaffee Redevelopment Authority; RITA; WAPDD; Port Authority
				ED-1.4.2	Partner with trade schools and colleges to prepare the city's workforce for transportation and logistics related jobs.	Number of local graduates from the transportation and logistics sector	Long	Greater Fort Smith Chamber of Commerce; UAFS; ATU; Fort Smith School District
		ED-1.5	Identify and develop collaborations to fill gaps in the capital market that fund business start-up, retention and expansion.	ED-1.5.1	Evaluate private and public financing entities' ability to provide seed capital for new business ventures.	Evaluation complete	Long	Local Business Owners; Capital Market Representatives; Fort Smith Chamber of Commerce
				ED-1.5.2	Explore the feasibility of creating "lending pools" for new business investment.	Completion of a feasibility study	Long	Greater Fort Smith Chamber of Commerce; Local Banks

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		ED-4.2	Support all economic efforts operating under a well-coordinated organizational structure led by the Chamber of Commerce.	ED-4.2.1	Establish economic development incentive policies that measure the performance of City investments with a cost/benefit analysis of the long-term economic and quality-of-life benefits to the region.	Creation of a cost/benefit analysis	Short	Administration; Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance; Internal Auditor
				ED-4.2.2	Support Chamber and AEDC in their efforts to increase jobs in the area.	Number of new jobs created in Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Arkansas Economic Development Commission; Administration; Local Business Owners
ED-5	Diversify the local economic base and strengthen and stabilize the tax base to maintain viability during fluctuating economic cycles	ED-5.1	Identify industries which are growing in the region (and nationally) for which Fort Smith might provide a good fit.	ED-5.1.1	Conduct target industry analyses to determine existing and future industry concentrations and potential market segments for future retention and recruitment efforts.	Completion of a target industry analysis	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
		ED-5.2	Encourage a full-service array of retail and service opportunities, thus limiting the necessity by residents and employees to leave the community to purchase goods and services (i.e. leakage).	ED-5.2.1	Periodically monitor the retail expenditures from Fort Smith and identify categories for which leakage can be reversed.	Leakage analysis updated	Short	Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance
				ED-5.2.2	Work with the Chamber of Commerce to tailor retail economic development efforts to attract retailers who can complement, rather than compete with, Fort Smith's existing retail base.	Number of new retailers providing new goods or services	Short	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
ED-6	Create a quality working environment that fosters an attractive sense of place	ED-6.1	Ensure that economic development objectives are included in the evaluation of all future City infrastructure projects, including parks and recreation facilities.	ED-6.1.1	Invest in beautification of major transportation corridors; the provision of trails, open lands, and public gathering spaces; innovative architectural and site design; and alternative transportation choices to all business areas.	Percent increase in funding for beautification in the targeted growth areas	Mid	Administration; Planning and Zoning Department; Parks & Recreation; Engineering; Transit; Sanitation; Beautify Fort Smith

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		ED-8.4	Create and implement an Economic Development Strategy that provides key stakeholders with a common action plan.			Completion of the Economic Development Strategy	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
Housing & Neighborhoods								
HN-1	Preserve, protect, and revitalize Fort Smith's neighborhoods	HN-1.1	Improve and encourage maintenance of structures, prevent vagrancy, structural damage, theft, and fire hazards.	HN-1.1.1	Provide education,and programs for structural maintenance, particularly in identified growth centers.	Decreases in maintenance-related code violations in targeted growth centers	Short	Neighborhood Services, Volunteers, CDBG
		HN-1.2	Limit high costs associated with building new infrastructure.	HN-1.2.1	Use a cost/benefit analysis to guide decisions when conducting development approvals.	Number of development approvals that include a cost benefit analysis related to infrastructure	Mid	All departments
				HN-1.2.2	Encourage redevelopment and infill development in identified growth centers.	Percent new building permits in identified growth centers	Mid	Planning & Zoning; Fort Smith CBID; Engineering; Utility Department; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors; Fort Smith Homebuilders Association
		HN-1.3	Promote private investment in identified growth centers.	HN-1.3.1	Seek out investors for the North side of the City (Midland/Towson) to reduce blight and increase market potential.	Number of new investors in targeted growth centers	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners; Fort Smith Board of Realtors; Fort Smith Homebuilders Association
		HN-1.4	Encourage adaptive reuse of historic buildings.	HN-1.4.1	Encourage revitalization of the Belle Grove Historic District and downtown historic buildings.		Short	Belle Grove Historic District; Administration; Planning & Zoning; Fort Smith CBID
				HN-1.4.2	Promote existing tax credits for restorations in historic areas.	Number of restorations in historic areas	Long	Planning & Zoning; Administration; Historic District Commission; Fort Smith CBID; Fort Smith Board of Realtors
		HN-1.5	Prevent long-term vacancy by ensuring continuous use of buildings and quick transitions between uses.	HN-1.5.1	Develop a "greyfield" plan that would provide guidance on replacing businesses that vacate a building.	Decrease in the number of empty buildings	Short	Planning & Zoning

DRAFT

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 7 in favor and 0 opposed to approve the subdivision variance subject to the following:

- Driveway shall be constructed with turn-arounds or the driveways shall be shared driveways designed so that vehicles do not back in to the street. U-shaped driveways are prohibited.

Chairman Sharpe then called for the vote on the subdivision variance as amended.

The vote was 7 in favor 0 opposed.

9. Discussion of text amendments to the Unified Development Ordinance relating to:
A. Microbreweries in commercial zoning districts.
B. Specialty manufacturing.
C. Neighborhood meeting requirements.

Mr. Bailey noted the following recommended amendments to the Unified Development Ordinance. In relation to the definition of microbreweries in commercial zoning districts it was noted that this shall mean a small business which seeks the support of informed craft beverage consumers. It shall be limited to a maximum gross floor area of 10,000 square feet 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.

In relation to the definition of specialty manufacturing, it was noted that this shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

In relation to the neighborhood meeting requirements, it was noted that staff is recommending the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments and conditional use applications based on the following criteria:

- The project will have minimal impact on surrounding properties
- The project will have minimal impact on the neighborhood

2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

3. The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property.

4. The scheduling of a neighborhood meeting shall be as follows:

    - Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the meeting.

    - The neighborhood meeting should be held at least 6 days prior to the planning commission voting meeting.

Mr. Bailey stated that a waiver from the neighborhood meeting process is already available in the UDO for variances so no amendment is necessary for this type of application.

Mr. Bailey also noted that several cities regionally (Fayetteville, Rogers, Bentonville and Tulsa) do not require applicants to hold neighborhood meetings.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed UDO amendments separately.

A. Microbreweries in commercial zoning districts.

Chairman Sharpe called for the vote on this proposed text amendment.

DRAFT

The vote was 7 in favor 0 opposed.

B. Specialty manufacturing.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

C. Neighborhood meeting requirements.

Chairman Sharpe called for the vote on this proposed text amendment with the revision that neighborhood meetings will not be waived for non-residential or multifamily projects next to single family developed property or property zoned single family.

The vote was 7 in favor 0 opposed.

Meeting adjourned!

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 January 12, 2016, that said changes be made; and,

WHEREAS, three (3) copies of February 2016 Amendments to the Unified Development Ordinance (neighborhood meeting requirements) 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 February 2016 Amendments to the Unified Development Ordinance (neighborhood meeting requirements) is 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 _____, 2016.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

Publish One Time

FEBRUARY 2016

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (NEIGHBORHOOD MEETING REQUIREMENTS)

I. General Requirements

27-301 General Requirements

27-301-1 Applicability.

The policies and regulations apply to land use and development. Any person proposing a land use change or new development shall comply with the procedures of this Chapter. Table 27-301.1 (Application Procedures) summarizes the application types, required meetings, acting bodies and public notices involved in the development review process between the applicants and the City. The application procedure is covered in more detail in later sections of this chapter. For procedures regarding neighborhood meeting waivers, refer to Section 27-304 and Section 27-337-5 (zoning variance).

Table 27-301.1—Application Procedures

Actions:
R = Review/Recommendation D = Decision A = Appeal • Required
❖= at the discretion of the Director ■ = as described in section

Acting Bodies:
Staff = Planning and Zoning Department
PC = Planning Commission
BD = Board of Directors
BZA = Board of Zoning Adjustment

Application Type	Preapp Conf.	Neigh-borhood Meeting	Acting Body				Notices		
			Staff	PC	BD	BZA	Pub.	Mail	Sign
Accessory Residential Use (324)			D	A					
Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
Comp. Plan/Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	❖	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	❖		R	D	A				

shall not be processed until such revisions have been determined to be complete by the Director.

C. **Processing Complete Applications**. The applicant will be notified that the application is complete and processed in accordance with this Chapter.

D. **Failure to Act.** If the Director fails to act within three (3) business days, the application shall be deemed complete.

E. **Revisions Following Determination**. Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.

F. **Determination Not Substantive**. A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

27-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the costs changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

The Director may waive the requirement for a neighborhood meeting for rezoning, master land use plan amendments, and conditional use applications based on the following criteria:

1. The project will have minimal impact on surrounding properties.
2. The project will have minimal impact on the neighborhood.

When a neighborhood meeting is waived by the Director, the applicant shall mail letters to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family zoned or developed property.

27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven (7) ~~fourteen (14)~~ days prior to the meeting. The neighborhood meeting should be held at least six (6) days prior to the planning commission voting meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department

Memorandum

To: Jeff Dingman, Acting City Administrator
From: Wally Bailey, Director of Development Services
Date: January 23, 2016
Subject: Proposed UDO Text Amendment – Neighborhood Meetings

Since the adoption of the Unified Development Ordinance in 2009, applicants requesting development approvals from the planning commission are required to schedule, invite and host a neighborhood meeting for all property owners within 300 feet of the project to a neighborhood meeting. *(This is in addition to the formal public meetings of the Planning Commission).* The projects can include development applications for zoning changes, conditional use applications, master land use plan amendments, and variances.

The neighborhood meeting is intended to give the developer and property owners a chance to discuss the project and perhaps resolve any concerns before the application is heard by the planning commission. A Planning Department staff member is also required to attend the meeting to help with questions related to the City codes and processes.

A number of meetings have been held with no one in attendance except for the applicant and city staff. The applicant may have the expense of scheduling and renting a facility for the meeting but to have no one attend. Often the property identified in the application is located where there are no residential neighborhoods contiguous to or near the property identified in the application.

We researched and tabulated citizen attendance at required neighborhood meetings held in the last four years (2012-2015). There were a total of 218 meetings held, with an average citizen attendance of 47%. On average, 53% of the meetings had no citizen attendance, and on average, 25% had three or more citizens attending. A summary of the attendance statistics are attached.

We believe the neighborhood meeting requirement continues to have merit. A neighborhood meeting can, in some instances, expedite an approval process for applicants. Prior to the neighborhood meeting requirement, there were instances where the Planning Commission or the Board of Directors would table applications and instruct the applicant to hold a neighborhood meeting for the purpose of resolving concerns.

However, based on our experiences and the attendance records of the past four years, adding an option that would allow the applicant to request a waiver from the neighborhood meeting requirement is a reasonable consideration. A waiver from the neighborhood meeting process is already available for variance applications but the waiver does not exist for rezoning applications, master land use plan amendments and conditional use applications.

Another issue with the neighborhood meeting is the timeliness of the meeting. Currently the UDO requires a fourteen (14) day advance notice of the neighborhood meeting. At times the meetings are not held far enough in advance of the Planning Commission meeting to allow the staff to include the neighborhood meeting results in the staff reports.

After reviewing this subject with the Planning Commission, the Commission voted unanimously to recommend the following amendments to the Unified Development Ordinance:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments, and conditional use applications. The Director shall review the request based on the following criteria:

   A. The project will have little or no impact on surrounding properties.
   B. The project will have little or no impact on a residential neighborhood.

2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to all property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

3. The requirement for the neighborhood meeting will not be waived for a non-residential or a multifamily project where the proposal is next to single family developed or zoned property.

4. Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the scheduled neighborhood meeting.

   The neighborhood meeting must be held at least 6 calendar days prior to the planning commission voting meeting.

When developing the proposed amendments we sent the suggestions to several design professionals who have submitted a number of applications and are experienced with the neighborhood meeting process. We received positive comments and suggestions regarding the proposed amendments.

Of the 218 required neighborhood meetings that were held in the last four years, approximately 83 or 38% of those meetings would have met criteria for a waiver of the mandatory neighborhood meeting.

The Planning Commission or the Board of Directors will still have the ability to table an application and require an applicant to have a neighborhood meeting.

The proposed amendments are attached in legislative format.

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

NEIGHBORHOOD MEETING ATTENDANCE SUMMARY
2012 THROUGH 2015

YEAR	# NEIGHBORHOOD MEETINGS	% WITH ATTENDANCE	% WITH NO ATTENDANCE	% WITH 3 OR MORE ATTENDANCE
2012	56	61%	39%	32%
2013	62	35%	65%	18%
2014	49	51%	49%	31%
2015	51	41%	59%	18%

Possible Amendments:
Allow Director to consider waivers from neighborhood meeting requirements for rezoning, MLUP, and conditional use applications based on the following criteria: 1) impact of the project on surrounding properties; 2) impact of the project on the neighborhood; 3) the interest expressed by the neighborhood to have a public meeting regarding the project.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project next to a predominantly single family residential area.

The Director may allow applicant to mail letters describing the project to property owners within 300 feet of project in lieu of a neighborhood meeting.

Reduce the number of days that applicant is required to notify surrounding property owners from 14 to 7 days for the neighborhood meeting.

Require that neighborhood meeting be held at least 6 calendar days prior to the planning commission voting meeting.

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 7 in favor and 0 opposed to approve the subdivision variance subject to the following:

- Driveway shall be constructed with turn-arounds or the driveways shall be shared driveways designed so that vehicles do not back in to the street. U-shaped driveways are prohibited.

Chairman Sharpe then called for the vote on the subdivision variance as amended.

The vote was 7 in favor 0 opposed.

9. Discussion of text amendments to the Unified Development Ordinance relating to:
A. Microbreweries in commercial zoning districts.
B. Specialty manufacturing.
C. Neighborhood meeting requirements.

Mr. Bailey noted the following recommended amendments to the Unified Development Ordinance. In relation to the definition of microbreweries in commercial zoning districts it was noted that this shall mean a small business which seeks the support of informed craft beverage consumers. It shall be limited to a maximum gross floor area of 10,000 square feet 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.

In relation to the definition of specialty manufacturing, it was noted that this shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

In relation to the neighborhood meeting requirements, it was noted that staff is recommending the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments and conditional use applications based on the following criteria:

- The project will have minimal impact on surrounding properties
- The project will have minimal impact on the neighborhood

2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

3. The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property.

4. The scheduling of a neighborhood meeting shall be as follows:

    - Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the meeting.

    - The neighborhood meeting should be held at least 6 days prior to the planning commission voting meeting.

Mr. Bailey stated that a waiver from the neighborhood meeting process is already available in the UDO for variances so no amendment is necessary for this type of application.

Mr. Bailey also noted that several cities regionally (Fayetteville, Rogers, Bentonville and Tulsa) do not require applicants to hold neighborhood meetings.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed UDO amendments separately.

A. Microbreweries in commercial zoning districts.

Chairman Sharpe called for the vote on this proposed text amendment.

DRAFT

The vote was 7 in favor 0 opposed.

B. Specialty manufacturing.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

C. Neighborhood meeting requirements.

Chairman Sharpe called for the vote on this proposed text amendment with the revision that neighborhood meetings will not be waived for non-residential or multifamily projects next to single family developed property or property zoned single family.

The vote was 7 in favor 0 opposed.

Meeting adjourned!

4

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS FOR CERTAIN SERVICES FOR INHABITANTS OF THE CITY OF FORT SMITH

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

SECTION 1: The Mayor is hereby authorized to execute that certain agreement with the **Fort Smith Museum of History** providing for the payment by the City to the Fort Smith Museum of History in the amount of the actual utility expenses (water, sewer, sanitation, gas and electric expense) incurred in the operation of the Fort Smith Museum of History up to a maximum of **$20,000** during calendar year 2016 for services provided to the City and its inhabitants, which services include the providing of facilities and programs for cultural and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2016.

SECTION 2: It is hereby declared and determined by the Board of Directors that the subject matter of the agreement authorized by Section 1 above deals with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreements.

SECTION 3: The authorizations set forth in Section 1 above is deemed and declared to be severable. Any invalidity of one or more of the separate sections shall not affect the validity of the other sections of this Ordinance.

PASSED AND APPROVED this 2nd day of February, 2016.

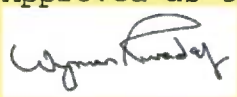
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:



_____NPR

MEMORANDUM

February 2, 2016

TO: Jeff Dingman, Acting City Administrator

FROM : Christy Deuster, Office & Budget Coordinator-Finance Department

Christy

SUBJECT: Agreement with FS Museum of History for Utility Reimbursement

The following funding recommendation was approved by the Board in conjunction with the 2016 Budget providing for reimbursement of utilities costs for the calendar year 2016.

Fort Smith Museum of History	$20,000

Prior to disbursing, the City attorney has advised that an agreement be executed with the oganization which states the services to be provided in 2016. The agreement requires the organization's books and records to be open to the public and allow review of financial statements and records by the City as necessary during the year.

Attached for the Board of Directors consideration is an ordinance authorizing the Mayor to execute the agreement for 2016 with the FS Museum of History. Upon execution by the Mayor, on the City's behalf, the organization will execute their agreement.

If you have any questions or require further information, please let me know.

Attachments

pc: Jennifer Walker, Director of Finance

AGREEMENT

THIS AGREEMENT made and entered into this 2nd day of February, 2016, by and between the City of Fort Smith, Arkansas ("City"), and the **Fort Smith Museum of History**, a city wide, non-sectarian, incorporated, community organization ("The Community Organization"),

WITNESSETH:

WHEREAS, The Community Organization has possession and control of physical facilities suitable for providing to the City's residents certain services, as enumerated in paragraph one (1) below, which services fulfill a governmental function to provide for the health, safety, and welfare of the City's inhabitants; and

WHEREAS, the parties desire to provide a program of such services and facilities for the City's inhabitants;

NOW, THEREFORE, it is agreed by the parties that in exchange for the mutual covenants and agreements set forth below;

1. The Community Organization will provide to the City and its inhabitants, for the year 2016, a service which will provide facilities and programs as identified in its 2016 Budget application package on file in the City Clerk's office.

2. In consideration for the providing of the services described in the preceding paragraph, the City agrees to pay The Community Organization the sum of **$20,000** in installments as follows: **Reimbursement Upon Presentation of Paid Utility Bills.** The Community Organization shall provide to the City a six month Use of Funds Summary and a yearend Use of Funds Summary accounting how funds received were spent to benefit the City and its inhabitants.

13. It is agreed by The Community Organization that the City shall have the right, at all reasonable times, to inspect the facilities and programs being provided by The Community Organization under this Agreement, and shall have the right, at all reasonable times, to inspect the financial and other records of The Community Organization. After inspection or investigation, the City shall have the right to notify The Community Organization, in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured within thirty (130) calendar days from the date of such written notice, the City shall have the absolute right to terminate this Agreement. To assist the City in monitoring its activities, The Community Organization shall, on a quarterly or more frequent basis, provide to the City Administrator, or his/her designated agent, a report of The Community Organization's financial and service activities during the period preceding such report.

4. Furthermore, the City shall have the right to cancel this Agreement upon the happening of any of the following:

a. Any substantial damage to or destruction of The Community Organization's facilities within the City by fire, wind, or other casualty; or

b. A determination by the Board of Directors that the services provided hereunder are no longer needed as a governmental function, or, otherwise, a determination by the Board of Directors that the City, for whatever reason, no longer desires to have such services provided by The Community Organization; or

c. A determination by the Board of Directors that The Community Organization, its employees, or agents, in the providing of the services hereunder, have violated the City's policy against discrimination on the basis of age, sex, religion, race, national origin, political affiliation, handicap, veteran status, or have violated the City's policy in favor of a drug-free work place.

In addition to any of the other rights of cancellation stated herein, either party shall have the right to cancel this Agreement because of the breach by the other party of that party's obligations hereunder, such cancellation to be effective as of the date of the breach. Failure by either party immediately to declare the contract canceled by reason of a particular breach shall not preclude a party from raising that breach subsequently as a reason for cancellation. Should the Agreement be canceled, for any reason, The Community Organization understands and agrees that the City shall immediately cease paying any further monies under this Agreement, and agrees additionally The Community Organization will refund to the City, on a pro-rated basis, monies paid by the City for services not rendered by The Community Organization.

5. The Community Organization shall indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on 42 U.S.C. subsection 19813), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property), cost of liabilities (including the City's cost with respect to its employees and cost of defending any and all such actions and proceedings described herein), arising out of or pertaining to the providing of services hereunder by The Community Organization.

6. It is agreed by the parties that there will be no assignment or transfer of this Agreement, nor of any interest in this Agreement.

7. The parties to this Agreement agree that it is not a contract of employment, but is, instead, a contract to fulfill a specific governmental purpose. Accordingly, in the performance of this Agreement, The Community Organization shall be considered an independent agent, and neither it nor its employees or agents shall be considered employees or agents of the City.

8. Because The Community Organization will be receiving monies from the City under this Agreement, The Community Organization understands that its records and meetings may become subject to the provisions of the Arkansas Freedom of Information Act.

9. It is understood and agreed by the parties that, if any part, term, or provision of this Agreement is held by The courts to be illegal or in conflict with any law of Arkansas, the entire Agreement shall by null and void.

10. This Agreement shall not be specifically enforceable in equity, by either party; nor shall any injunction be applied for or issued at the instigation of either party in case of dispute or alleged breach of this Agreement.

11. This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties.

12. This Agreement is executed on the City's behalf by its officials as set forth below pursuant to Ordinance No. ____ adopted on February 2, 2016.

113. This Agreement is executed on behalf of The Community Organization by its authorized representatives set forth below pursuant to authorization contained in a resolution of the board of directors of The Community Organization, dated the ____ day of 20__.

IN WITNESS WHEREOF, the parties have set their hands and seals this 2nd day of February 2016.

City of Fort Smith

By:_____
Mayor

Attest:

_____
City Clerk

_____
Name of Community Organization

By:_____

President

Attest:_____
Secretary

5

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2016 BUDGET

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE

CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby authorized the following appropriations, ($650,998) attached as Exhibit 1 from the Sanitation Fund 6680-000-2104 (Transfer to the Sanitation Sinking Fund) to 3724-002-1118 Transfer From Other Funds (Sinking Account Reserve).

THIS ORDINANCE ADOPTED THIS _____DAY OF_____,2016.

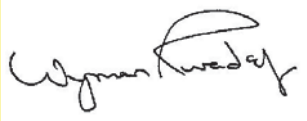
APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Approved as to form:



_____NPR

5

MEMORANDUM

January 28, 2016

TO: Jeff Dingman, Acting City Administrator

FROM: Jennifer Walker, Finance Director

SUBJECT: Sanitation 2016 Operating Budget Reduction

The attached ordinance reduces the Sanitation Operating budget by $650,998. Those funds will be transferred to the Sanitation Sinking fund to be held in reserve for future needs.

Finance has reviewed the attached proposal in detail and recommends approval of this ordinance. The savings achieved through this plan represent a 6% reduction in Sanitation's operating budget. This plan includes the following items for consideration:

- Exhibit 5-A: Summary of proposed revisions by Program
- Exhibit 5-B: Program budget revision details
- Exhibit 5-C: Personnel requests – Six full time positions; three part time or seasonal positions.

Jennifer Walker

5

Responsible Environmental Management

Fort Smith Department of Sanitation

MEMORANDUM

January 21, 2016

To: Jeff Dingman, Acting City Administrator

From: Doug Reinert, Interim Director DSR

Subject: Budget Reductions

Mr. Dingman,

Since my appointment of Interim Director, I have continuously been evaluating the operational and financial environment of the Department of Sanitation.

As part of the process, I initiated in ongoing discussions with the administrative staff. Once I gained a better understanding of where the Department is, I developed and communicated a platform for where we needed to be and how we are going to get there. Learning how landfill/collections operates and comparing those operations with expenditures I concluded there is an imbalance of efficiency.

With the aid of my Parks Staff, a line-item-by-line-item review of the 2016 Sanitation Operating Budget was conducted. I tasked my staff with compiling sufficient data to identify unnecessary expenses in order to establish a starting point for reducing the amount of outgoing cash flow.

To ensure the change is successful, I placed controls on spending by implementing an accountability system for all purchases. This is accomplished through the process of requiring each invoice to be stamped and authorized by the Program Supervisor. This process not only achieves accountability, but also transparency within the department. This procedure keeps administrative staff accountable for adhering to the financial constraints of their Board-approved budget.

With careful consideration, we are proposing an amendment to the 2016 Sanitation Operating Budget that presents the City with a major cost savings. The most notable cost savings measure is in the elimination of the use of a Temporary Staffing Agency. The use of these employees was evaluated from both a financial and operations efficiency standpoint. As the analyses included will support, it is both a more cost effective and efficient solution for the City to add the proposed additional personnel as opposed to using a temporary agency.

A brief summary of cost savings we discovered is included to develop an understanding of our goals for the Department of Sanitation.

The total cost savings presented for Board consideration is $650,998. This savings will be placed into the Sanitation Sinking Fund for purposes of replacing aging fleet, future expansion of the landfill, expanding collections and ensuring the Department of Sanitation is in compliance the Arkansas Department of Environmental Quality (ADEQ) and United States Environmental Protection Agency (EPA) regulations applicable to the landfill.

If you have any questions feel free to contact me.

MEMORANDUM

January 21, 2016

TO: Doug Reinert, Director of Parks & Recreation

FROM: Sara Deuster, Recreation Programmer

SUBJECT: 2016 Budget Amendment – Sanitation Operating Fund

Per your directive as Interim Director of Sanitation, we have completed a financial review of the 2016 Sanitation Operating Budget. Proposed reductions to individual programs totaling $650,998 are detailed as an attachment to this memo.

The proposed ordinance amends the 2016 Sanitation Operating Fund expense budget and reductions are to be transferred to the Sanitation Sinking Fund for future equipment replacement.

Should you have any questions or require more information, please let me know.

Exhibit
5-A

Summary of Proposed Reductions by Program

Program 6301
Administration

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	465,178	(26,200)	438,978
Operating	144,700	(57,420)	87,280
Capital	0	0	0
Total	609,878	(83,620)	526,258

Program 6302
Residential Collection

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	1,350,104	(24,525)	1,325,579
Operating	725,280	(135,520)	589,760
Capital	598,300	0	589,760
Total	2,673,684	(160,045)	2,505,099

Program 6303
Commercial Collection

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	562,036	(900)	561,136
Operating	504,530	(129,500)	375,030
Capital	1,541,566	(60,000)	415,000
Total	2,608,132	(190,400)	1,351,166

Program 6304
Fleet and Grounds Maintenance

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	638,430	25,551	663,981
Operating	252,090	(48,000)	204,090
Capital	0	0	0
Total	890,520	(22,449)	868,071

Program 6305
Sanitary Landfill

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	1,025,211	(19,424)	1,005,787
Operating	2,055,950	(105,200)	1,950,750
Capital	0	0	0
Total	3,081,161	(124,624)	2,956,537

Program 6307
Sanitary Industrial Collection

	Budget FY16	Amount to Adjust	Amended FY16
Personnel	559,900	0	559,900
Operating	367,700	(56,360)	311,340
Capital	138,500	(13,500)	125,000
Total	1,066,100	(69,860)	996,240

Summary of Proposed Reductions

Program	Amount to Adjust
6301 Administration	(83,620)
6302 Residential Collection	(160,045)
6303 Commercial Collection	(190,400)
6304 Fleet and Grounds Maintenance	(22,449)
6305 Sanitary Landfill	(124,624)
6307 Sanitary Industrial Collection	(69,860)
Total	(650,998)

Exhibit 5-B

ADMINISTRATION PROGRAM 6301

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
PERSONNEL						
101	Regular Salaries	326,360	314,468	321,160	0	321,160
102	Overtime	10,200	14,820	15,000	(10,000)	5,000
103	Retirement	35,520	30,937	17,820	0	17,820
104	Social Security	23,440	25,242	26,320	0	26,320
105	Insurance	59,620	59,620	53,658	0	53,658
106	Longevity	610	603	790	0	790
108	Other (Temporary Customer Service Labor)	5,400	15,350	15,000	(15,000)	0
109	Employee Allowances	0	2,318	2,200	(1,200)	1,000
111	Workers' Compensation	9,480	9,480	13,230	0	13,230
Total		470,630	472,838	465,178	(26,200)	438,978
OPERATING						
201	Office Supplies	7,000	9,277	7,000	(2,000)	5,000
202	Small Equipment	5,000	1,743	5,000	(3,500)	1,500
203	Fuel, Oil, Lube	1,590	666	1,000	(250)	750
204	Clothing	4,500	8,811	4,000	(4,000)	0
205	Custodial Equipment and Supplies	1,510	2,689	4,500	3,500	8,000
206	Materials	0	181	0	0	0
207	Repair of Equipment	2,000	3,944	3,500	(2,750)	750
208	Repair of Buildings (Note 1)	9,000	4,033	9,000	(2,000)	7,000
210	Communications	4,380	7,023	4,380	0	4,380
211	Utilities	18,000	21,802	25,000	(2,000)	23,000
212	Bonds, Insurance, Licenses	4,480	4,615	4,480	0	4,480
213	Postage	200	250	200	0	200
214	Advertising Printing, Photo	20,000	43,239	35,000	(25,000)	10,000
215	Training & Travel	9,000	17,591	18,000	(18,000)	0
216	Education, Memberships, Subscriptions	1,920	3,540	1,920	(1,420)	500
217	Lease, Rent, Taxes	26,520	28,538	21,720	0	21,720
230	Beautify Fort Smith	50,000	56,250	0	0	0
		165,100	214,191	144,700	(57,420)	87,280
CAPITAL OUTLAY		0	0	0	0	0
ADMINISTRATION TOTAL		635,730	687,029	609,878	(83,620)	526,258
Sinking Fund Depreciation				5,361	0	5,361
Planned Purchases 2016:						
Self Supported Radio Tower				83,500	0	83,500

Note 1: This amount includes the replacement of a broken air conditioning unit.

ADMINISTRATION PROGRAM 6301
(continued)

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Director of Sanitation	22	1	1	1
Superintendent	17	1	1	1
Administrative Coordinator	9	1	1	1
Accounting Technician	6	2	2	2
Dispatcher	6	1	1	1
Beautification/Recycling Coordinator	3	0.5	0	0
EMPLOYEE POSITIONS		6.5	6	6

Note 1: Account Codes 215 and 216: Decrease eliminates travel to conferences. Memberships to SWANA will remain funded.
Note 2: Account Code 210: For FY16 includes Motorola lease.
Note 3: FY16 funding for Beautify Fort Smith was re-allocated to the Street Maintenance Fund per Board directive.

Funding Allocation:
100% Sanitation Operating Fund

RESIDENTIAL COLLECTION PROGRAM 6302

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
Personnel						
101	Regular Salaries	827,450	818,989	865,490	53,706	919,196
102	Overtime	72,700	55,097	65,360	(7,360)	58,000
103	Retirement	90,330	76,808	46,710	2,685	49,395
104	Social Security	69,380	63,175	71,810	4,463	76,273
105	Insurance	172,360	172,360	155,124	11,201	166,325
106	Longevity	3,010	2,649	3,310	0	3,310
107	Medical Expenses	2,050	2,955	2,050	0	2,050
108	Other (Temporary Staffing)	93,270	90,039	93,000	(93,000)	0
109	Employee Allowances	0	0	0	0	0
111	Workers' Compensation	52,130	52,130	47,250	3,780	51,030
		1,382,680	1,334,202	1,350,104	(24,525)	1,325,579
Operating						
202	Small Equipment	4,510	5,364	5,000	(500)	4,500
203	Fuel, Oil, Lube	351,000	177,943	300,000	(100,000)	200,000
204	Clothing	30,000	27,909	33,000	0	33,000
205	Custodial Equipment and Supplies	8,000	13,868	11,200	800	12,000
206	Materials	2,130	5,348	2,130	(630)	1,500
207	Repair of Equipment	262,487	309,974	300,000	(25,000)	275,000
208	Repair of Buildings	2,500	8,149	6,000	(3,500)	2,500
210	Communications	3,450	5,900	24,750	0	24,750
211	Utilities	1,500	866	1,300	(100)	1,200
212	Bonds, Insurance, Licenses	20,130	22,320	23,810	0	23,810
213	Postage	1,000	0	500	0	500
214	Advertising Printing, Photo	7,000	7,065	10,000	0	10,000
215	Training & Travel	0	3,509	6,000	(6,000)	0
216	Education, Memberships, Subscriptions	2,800	704	1,090	(590)	500
217	Lease, Rent, Taxes	0	613	0	0	0
218	Claims	500	0	500	0	500
Total		697,007	589,532	725,280	(135,520)	589,760
CAPITAL OUTLAY		303,000	303,000			
301	Automated Refuse Carts-65Gal			4,900	0	4,900
302	Automated Refuse Carts-96Gal			80,400	0	80,400
303	Automated Sideloader (1)(Replacement 2008 Model)			278,000	0	278,000
304	Rearloader (1)(Replacement 2002 Model)			235,000	0	235,000
Total				598,300	0	598,300
RESIDENTIAL COLLECTION TOTAL		2,382,687	2,226,734	2,673,684	(160,045)	2,513,639

RESIDENTIAL COLLECTION PROGRAM 6302
(continued)

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Residential Supervisor	11	1	1	1
Residential Foreperson	8	1	1	1
Equipment Operator III	5	13	13	13
Equipment Operator II	4	10	10	12
Seasonal Laborer	1	0	0	0.25
EMPLOYEE POSITIONS		25	25	27.25

Note 1: Account Code 210 for FY16 includes service and license fee for Fleetmind GPS-Dispatch System.

COMMERCIAL COLLECTION PROGRAM 6303

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
Personnel						
101	Regular Salaries	369,530	307,819	362,450	0	362,450
102	Overtime	63,280	63,000	46,000	0	46,000
103	Retirement	43,500	31,430	20,560	0	20,560
104	Social Security	33,430	24,147	31,560	0	31,560
105	Insurance	87,640	87,640	78,876	0	78,876
106	Longevity	2,110	1,292	1,690	0	1,690
107	Medical Expenses	0	713	1,000	0	1,000
108	Other	0	0	0	0	0
109	Employee Allowances	0	981	1,000	(900)	100
111	Workers' Compensation	10,060	10,060	18,900	0	18,900
		609,550	527,082	562,036	(900)	561,136
Operating						
202	Small Equipment	3,000	6,480	3,000	0	3,000
203	Fuel, Oil, Lube	199,320	92,114	185,000	(75,000)	110,000
204	Clothing	9,880	13,984	13,530	0	13,530
205	Custodial Equipment and Supplies	3,250	6,578	6,000	(1,500)	4,500
206	Materials	1,500	7,000	3,000	0	3,000
207	Repair of Equipment	120,000	239,810	250,000	(35,000)	215,000
208	Repair of Buildings	2,500	9,000	5,000	(2,500)	2,500
210	Communications	6,690	1,790	5,000	0	5,000
211	Utilities	1,000	343	500	0	500
212	Bonds, Insurance, Licenses	12,250	13,557	14,000	0	14,000
214	Advertising Printing, Photo	3,380	6,285	10,000	(8,500)	1,500
215	Training & Travel	0	3,509	6,000	(6,000)	0
216	Education, Memberships, Subscriptions	1,000	441	1,500	(1,000)	500
217	Lease, Rent, Taxes	0	168	0	0	0
218	Claims	2,000	0	2,000	0	2,000
		365,770	401,059	504,530	(129,500)	375,030
CAPITAL OUTLAY		475,000	475,000			
301	2yd Rear Load Containers			110,000	(20,000)	90,000
302	4yd Front Load Containers			95,000	(20,000)	75,000
303	8yd Front Load Containers			130,000	(20,000)	110,000
304	8yd Frontload Cardboard Containers			70,000	0	70,000
305	6yd Front Load Containers			60,000	0	60,000
306	Office Recycle Containers			10,000	0	10,000
Total Capital Outlay				475,000	(60,000)	415,000
COMMERCIAL COLLECTION TOTAL		1,450,320	1,403,141	1,541,566	(190,400)	1,351,166

COMMERCIAL COLLECTION PROGRAM 6303
(continued)

Sinking Fund Depreciation	210,426	210,426

No Planned Purchases for 2016.

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Commercial Supervisor (Note 1)	11	1	1	1
Equipment Operator III	5	5	5	5
Equipment Operator II	4	4	4	4
EMPLOYEE POSITIONS		10	10	10

Note 1: This position also supervises Program 6307 Roll-Off Collection.
Note 2: The need for a language incentive is deemed unnecessary by the Program Supervisor.
Note 3: Account Code 214 Reduction: Planned media packets will be produced in-house rather than by a vendor.

Funding Allocation:
100% Sanitation Operating Fund

FLEET AND GROUNDS MAINTENANCE PROGRAM 6304

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
Personnel						
101	Regular Salaries	384,500	380,783	392,510	61,512	454,022
102	Overtime	52,380	37,879	46,000	(11,000)	35,000
103	Retirement	43,800	36,715	21,975	1,576	23,551
104	Social Security	33,630	29,609	33,720	4,706	38,426
105	Insurance	92,950	92,950	83,655	6,867	90,522
106	Longevity	1,090	960	970	0	970
107	Medical Expenses	650	660	700	0	700
108	Other	15,000	39,861	40,000	(40,000)	0
111	Workers' Compensation	14,680	14,680	18,900	1,890	20,790
Total		638,680	634,097	638,430	25,551	663,981
Operating						
202	Small Equipment	2,000	13,976	12,900	100	13,000
203	Fuel, Oil, Lube	65,940	48,642	59,000	(14,000)	45,000
204	Clothing	14,000	15,538	16,250	0	16,250
205	Custodial Equipment and Supplies	25,000	9,087	10,000	(2,500)	7,500
206	Materials	15,000	22,111	15,000	(7,000)	8,000
207	Repair of Equipment	35,000	53,343	50,000	0	50,000
208	Repair of Buildings	30,505	14,960	30,000	(15,000)	15,000
210	Communications	3,600	3,867	5,630	0	5,630
211	Utilities	20,000	25,296	30,000	(2,000)	28,000
212	Bonds, Insurance, Licenses	16,560	13,145	9,710	0	9,710
213	Postage	0	0	0	0	0
214	Advertising Printing, Photo	500	1,770	500	(500)	0
215	Training & Travel	0	3,771	3,600	(3,600)	0
216	Education, Memberships, Subscriptions	2,800	150	1,000	(1,000)	0
217	Lease, Rent, Taxes	9,200	7,288	8,500	(2,500)	6,000
Total		240,105	232,944	252,090	(48,000)	204,090
CAPITAL OUTLAY		41,291	41,291	0	0	0
FLEET AND GROUNDS MAINTENANCE TOTAL		920,076	908,332	890,520	(22,449)	868,071

Note 1: The additional requested amount is personnel is supplemented by both the reduction in operating costs for this Program as well as a reduction in Repair of Equipment for the entire Department.

FLEET AND GROUNDS MAINTENANCE PROGRAM 6304
(continued)

Sinking Fund Depreciation	55,372	0	55,372

No Planned Purchases for 2016.

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Fleet Maintenance Supervisor	11	1	1	1
Foreperson	8	1	1	1
Heavy Equipment Mechanic II	6	6	6	7
Senior Maintenance Person	5	1	1	1
Maintenance Person	3	1	1	1
Part-Time Laborer	2	0	0	0.75
Seasonal Laborer	1	0	0	1
EMPLOYEE POSITIONS		10	10	12.75

Funding Allocation:
100% Sanitation Operating Fund

SANITARY LANDFILL PROGRAM 6305

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
PERSONNEL						
101	Regular Salaries	586,650	564,417	568,220	73,549	641,769
102	Overtime	84,060	121,994	101,570	(21,570)	80,000
103	Retirement	67,210	60,732	33,550	3,677	37,227
104	Social Security	51,610	50,560	51,570	3,930	55,500
105	Insurance	143,290	143,290	128,961	20,320	149,281
106	Longevity	1,270	1,175	1,210	0	1,210
107	Medical Expenses	4,380	1,658	3,000	0	3,000
108	Other	27,340	103,253	105,000	(105,000)	0
109	Employee Allowances	0	1,054	0	0	0
111	Workers' Compensation	13,940	13,940	32,130	5,670	37,800
Total		979,750	1,062,073	1,025,211	(19,424)	1,005,787
OPERATING						
202	Small Equipment	20,620	20,085	15,000	0	15,000
203	Fuel, Oil, Lube	453,370	263,078	260,000	0	260,000
204	Clothing	20,000	21,083	25,000	0	25,000
205	Custodial Equipment and Supplies	8,000	13,352	10,000	0	10,000
206	Materials	150,125	211,973	95,000	0	95,000
207	Repair of Equipment	405,906	471,071	500,000	(40,000)	460,000
208	Repair of Buildings	66,704	78,223	42,300	(7,300)	35,000
210	Communications	3,000	2,005	2,000	0	2,000
211	Utilities	40,780	43,424	45,000	0	45,000
212	Bonds, Insurance, Licenses	60,960	49,089	35,000	0	35,000
214	Advertising Printing, Photo	2,000	4,706	2,000	0	2,000
215	Training & Travel	4,500	10,247	8,000	(3,000)	5,000
216	Education, Memberships, Subscriptions	5,000	887	5,000	(3,250)	1,750
217	Lease, Rent, Taxes	49,048	241,140	251,650	(51,650)	200,000
219	Other-Letter of Credit Fees	167,600	34,073	40,000	0	40,000
230	Landfill Fees-ADEQ/SCRSWMD	1,008,000	819,918	500,000	0	500,000
231	Monitoring, Testing & Permit Fees	0	62,021	200,000	0	200,000
239	Fort Chaffee Agreement	20,000	20,000	20,000	0	20,000
Total		2,485,613	2,366,375	2,055,950	(105,200)	1,950,750
CAPITAL OUTLAY		0	0	0	0	0
SANITARY LANDFILL TOTAL		3,465,363	3,428,448	3,081,161	(124,624)	2,956,537

SANITARY LANDFILL PROGRAM 6305
(continued)

Sinking Fund Depreciation-Equipment	477,331	0	477,331
Sinking Fund Depreciation-Convenience Center	0	0	0
Planned Purchases for 2016			
Dozer (1) (Replacement 2004 Model)	735,000	(735,000)	0
Lease of Equipment	0	735,000	735,000
Total Planned Purchases/Leases			735,000

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Landfill Supervisor	11	1	1	1
Foreperson	8	1	1	1
Landfill Attendant	6	2	2	2
Equipment Operator III	5	13	13	14
Sanitation Worker I	2	0	0	2
EMPLOYEE POSITIONS		17	17	20

Funding Allocation
100% Sanitation Operating Fund

INDUSTRIAL COLLECTION PROGRAM 6307

		Budget FY 15	Estimated FY 15	Budget FY 16	Proposed Adjustment	Amended FY 16
Personnel						
101	Regular Salaries	365,060	341,980	354,580	0	354,580
102	Overtime	50,530	65,921	60,000	0	60,000
103	Retirement	41,770	35,235	20,800	0	20,800
104	Social Security	32,080	29,705	31,940	0	31,940
105	Insurance	79,100	79,100	71,190	0	71,190
106	Longevity	2,050	1,376	1,390	0	1,390
107	Medical Expenses	900	1,605	1,100	0	1,100
111	Workers' Compensation	11,080	11,080	18,900	0	18,900
Total		582,570	566,002	559,900	0	559,900
Operating						
202	Small Equipment	3,000	2,205	3,000	0	3,000
203	Fuel, Oil, Lube	231,310	121,348	178,660	(48,660)	130,000
204	Clothing	10,730	13,382	14,000	0	14,000
205	Custodial Equipment and Supplies	3,200	5,518	3,200	800	4,000
206	Materials	2,000	5,718	2,000	0	2,000
207	Repair of Equipment	100,000	237,729	130,000	0	130,000
208	Repair of Buildings	1,000	4,829	1,000	0	1,000
210	Communications	0	117	13,200	0	13,200
211	Utilities	1,500	343	1,500	(500)	1,000
212	Bonds, Insurance, Licenses	12,250	16,640	11,640	0	11,640
214	Advertising Printing, Photo	2,000	1,546	8,000	(8,000)	0
216	Education, Memberships, Subscriptions	0	0	0	0	0
218	Claims	1,500	0	1,500	0	1,500
Total		368,490	409,375	367,700	(56,360)	311,340
CAPITAL OUTLAY		138,500	138,500			
301	2yd Compactors			17,500	0	17,500
302	4yd Compactors			27,000	0	27,000
303	20yd Open Top Containers			24,000	(4,000)	20,000
304	30yd Open Top Containers			27,000	(4,500)	22,500
305	40yd Open Top Containers			30,000	(5,000)	25,000
306	40yd Compactor Containers			13,000	0	13,000
Total Capital Outlay				138,500	(13,500)	125,000
INDUSTRIAL COLLECTION TOTAL		1,089,560	1,113,877	1,066,100	(69,860)	996,240

SANITATION INDUSTRIAL COLLECTION PROGRAM 6307
(continued)

No Planned Purchases for 2016.

SCHEDULE OF PERSONNEL	PAY GRADE	FY15	FY16	FY16*
Equipment Operator III (Note 1)	5	10	10	10
EMPLOYEE POSITIONS		10	10	10

Note 1: Account Code 210 for FY16 includes service and license for Fleetmind GPS-Dispatch System.
Note 2: Account Code 214: Planned media packets will be produced in-house rather than by a vendor.

Funding Allocation:
100% Sanitation Operating Fund

Exhibit
5-C

MEMORANDUM

January 13, 2016

TO: Doug Reinert, Director of Parks & Recreation

FROM: Sara Deuster, Recreation Programmer

SUBJECT: 2016 Budget – Sanitation Personnel Requests

As part of a review of the Sanitation Department's 2016 Budget, it was determined to be both more efficient to daily operations and cost-effective to eliminate temporary staffing and propose the attached additional personnel requests. The approval of these requests will allow the Department to eliminate all Temporary Staffing ($253,000). Please note, the elimination of temporary staffing provides a cost savings of $18,398 in personnel costs and $65,000 in operating expenses, totaling $83,398; contingent on Board approval of the attached proposed personnel requests. Should the Board elect to defer addition of the proposed staff, the $253,000 in Temporary Staffing and $65,000 in Repair of Equipment, totaling $318,000, will remain as stated in the approved 2016 Budget for the Sanitation Operating Fund.

There are three (3) Programs within the Department where additional personnel would benefit department operations and allow elimination of all temporary staffing:

- Program 6302: Residential Collection
  - Two (2) full-time Equipment Operator II positions.

- Program 6304: Fleet and Grounds Maintenance
  - One (1) full-time Heavy Mechanic II position.
  - One (1) Part-time Laborer equivalent to 0.75 FTE.
  - Two (2) Seasonal Laborers equivalent to 1 FTE.

- Program 6305: Sanitary Landfill
  - One (1) full-time Equipment Operator III position.
  - Two (2) full-time Sanitation Worker I positions.

Attached for your review are cost analysis justifications for the additional personnel requested as well as memo's from Supervisors in each Program affirming the need for the proposed additional personnel.

Should you have any questions or require more information, please let me know.

Program 6302: Residential Collection Additional Personnel Requests Cost Analysis

Request: Two (2) full-time Equipment Operator II positions (Grade 4).
Two (2) Seasonal Laborers, equivalent to 0.25FTE (Grade 1).

Purpose for Request: Temporary employees are restricted from operating trash trucks. Therefore, three employees (1 full-time and 2 temporary) are being utilized for each truck. The addition of these employees will make operations more efficient by utilizing a two-man collection crew. These additional positions will also help supplement new developments under our jurisdiction, such as the Chaffee Crossing addition. Seasonal Laborers will be hired to assist with the Spring/Fall City-wide cleanups.

101 Regular Salaries

Job Title	Pay Grade	Hourly Rate	Annual Salary
Equipment Operator II	4	$ 12.91	$ 26,852.80
Equipment Operator II	4	$ 12.91	$ 26,852.80
Seasonal Laborer	1	$ 8.50	$ 4,630.00
			$ 53,705.60

Budget FY16	Proposed Adjustment	Amended FY16
865,490	53,706	919,196

102 Overtime

Job Title	Overtime
All Employees	$ 58,000

Budget FY16	Proposed Adjustment	Amended FY16
65,360	(7,360)	58,000

103 Retirement

Job Title	Retirement
Equipment Operator II	$ 1,342.64
Equipment Operator II	$ 1,342.64
	$ 2,685.28

Budget FY16	Proposed Adjustment	Amended FY16
46,710	2,685	49,395

104 Social Security

Job Title	Social Security
Equipment Operator II	$ 2,054.24
Equipment Operator II	$ 2,054.24
Seasonal Laborer	$ 354.20
	$ 4,462.67

Budget FY16	Proposed Adjustment	Amended FY16
71,810	4,463	76,273

105 Insurance

Job Title	Insurance
Equipment Operator II	$ 5,600.52
Equipment Operator II	$ 5,600.52
	$ 11,201.04

Budget FY16	Adjusted FY16	Amended FY16
155,124	11,201	166,325

108 Temporary Staffing

Job Title	Total
TRAC Employee	$ -

Budget FY16	Proposed Adjustment	Amended FY16
93,000	(93,000)	0

111 Workers Compensation

Job Title	Workers Comp
Equipment Operator II	$ 1,890.00
Equipment Operator II	$ 1,890.00
	$ 3,780.00

Budget FY16	Proposed Adjustment	Amended FY16
47,250	3,780	51,030

PERSONNEL SUMMARY

Total Additional Personnel Request:	$ 75,834.59
Current Temporary Staffing Request:	$ 93,000.00

Adjusted Amount for Additional Personel: $ (17,165.41)
*This amount is in addition to a $7,360 reduction in Overtime.

Budget FY16	Proposed Adjustment	Amended FY16
1,350,104	**(24,525)**	**1,325,579**

The total reduction in Personnel for Program:
$ 24,525

January 11, 2016

To: Sara Deuster
From: Payroll
Re: Salary package for Grade 4 Sanitation Worker

Yearly Salary	$12.91 Entry Level	$26,852.80
FICA paid by City (7.65%)		$2,054.24

	Monthly Cost to the City	Yearly Cost
Long Term Disability	$14.40	$172.80
Additional Life (4 times)	$27.00	$324.00
Medical Benefits	$367.86	$4,414.32
Dental Benefits	$45.82	$549.84
Vision Benefits	$8.93	$107.16
Basic Life Insurance	$2.70	$32.40
Wellness Program	$0.00	$0.00
TOTAL	$466.71	$5,600.52

Worker's Compensation	$1,890.00
Retirement (5% of total wages)	$1,342.64
TOTAL PACKAGE	$37,740.20

Program 6304: Fleet and Grounds Maintenance Additional Personnel Requests Cost Analysis

Request: One (1) Heavy Mechanic II (Grade 6).
One (1) Part-Time Laborer (Grade 2), equivalent to 0.75FTE.
One (1) FTE Seasonal Laborer (Grade 1).

Purpose for Request: The addition of a Heavy Mechanic II will eliminate the expense of sending fleet out for routine preventative maintenance work. While this position does increase the overall Personnel requests for the program, the savings realized from this position are reflected in the operating expenses under the "Repair of Equipment" line-item for all Programs. The addition of the Part-Time and Seasonal Laborers is more cost effective than using temporary employment agencies is the elimination of associated overhead costs to the temporary agency.

101 Regular Salaries

Job Title	Pay Grade	Hourly Rate	Annual Salary
Heavy Equipment Mechanic II	6	$ 15.15	$ 31,512.00
Custodial Person	2	$ 8.50	$ 13,000.00
Seasonal Laborer	1	$ 8.50	$ 17,000.00
			$ 61,512.00

Budget FY16	Proposed Adjustment	Amended FY16
392,510	61,512	454,022

102 Overtime

Job Title	Overtime
All Employees	$ 35,000

Budget FY16	Proposed Adjustment	Amended FY16
46,000	(11,000)	35,000

103 Retirement

Job Title	Retirement
Heavy Equipment Mechanic II	$ 1,575.60

Budget FY16	Proposed Adjustment	Amended FY16
21,975	1,576	23,551

104 Social Security

Job Title	Social Security
Heavy Equipment Mechanic II	$ 2,410.67
Part-Time	$ 994.50
Seasonal Laborer	$ 1,300.50
	$ 4,705.67

Budget FY16	Proposed Adjustment	Amended FY16
33,720	4,706	38,426

105 Insurance

Job Title	Insurance
Heavy Equipment Mechanic II	$ 6,867.36

Budget FY16	Proposed Adjustment	Amended FY16
83,655	6,867	90,522

108 Temporary Staffing

Job Title	Total
TRAC Employee	$ -

Budget FY16	Proposed Adjustment	Amended FY16
40,000	(40,000)	0

111 Workers Compensation

Job Title	Workers Comp
Heavy Equipment Mechanic II	$ 1,890.00

Budget FY16	Proposed Adjustment	Amended FY16
18,900	1,890	20,790

PERSONNEL SUMMARY

Total Additional Personnel Request:	$ 76,550.63
Current Temporary Staffing Request:	40,000
Adjusted Amount for Additional Personnel:	$ 36,550.63

*This amount is in addition to an $11,000 reduction in Overtime.

Budget FY16	Proposed Adjustment	Amended FY16
638,430	**25,551**	**663,981**

The total adjustment in Personnel for Program:
$ 25,551

Heavy Equipment Mechanic II Position

January 13, 2016

To: Sara Deuster
From: Payroll
Re: Salary package for a Grade 6 Sanitation-Heavy Mechanic II

Yearly Salary	$15.15 Entry Level	$31,512.00
FICA paid by City (7.65%)		$2,410.67

	Monthly Cost to the City	Yearly Cost
Long Term Disability	$14.40	$172.80
Additional Life (4 times)	$31.75	$381.00
Medical Benefits	$468.18	$5,618.16
Dental Benefits	$45.82	$549.84
Vision Benefits	$8.93	$107.16
Basic Life Insurance	$3.20	$38.40
Wellness Program	$0.00	$0.00
TOTAL	$572.28	$6,867.36

Worker's Compensation	$1,890.00
Retirement (5% of total wages)	$1,575.60
TOTAL PACKAGE	$44,255.63

Program 6305: Sanitary Landfill Additional Personnel Requests Cost Analysis

Request: One (1) Equipment Operator III (Grade 5).
Two (2) full-time Sanitation Worker I positions (Grade 2).

Purpose for Request: An onsite Equipment Operator is required at all times during hours of operation. The addition of an Equipment Operator III will allow staff to adjust schedules decreasing overtime and pickup duties currently being executed by temporary staffing. In addition to this position, the proposed Sanitation Worker I positions will allow the program to eliminate all temporary staffing. The proposed two positions duties will be; de-bag compost, perform landscape maintenance, and provide customer service to guests.

101 Regular Salaries

Job Title	Pay Grade	Hourly Rate	Salary	Budget FY16	Proposed Adjustment	Amended FY16
Equipment Operator III	5	$ 14.04	$ 29,203.04	568,220	73,549	641,769
Sanitation Worker I	2	$ 10.66	$ 22,172.80			
Sanitation Worker I	2	$ 10.66	$ 22,172.80			
			$ 73,548.64			

102 Overtime

Job Title	Overtime	Budget FY16	Proposed Adjustment	Amended FY16
All Employees	$ 80,000	101,570	(21,570)	80,000

103 Retirement

Job Title	Retirement	Budget FY16	Proposed Adjustment	Amended FY16
Equipment Operator III	$ 1,460.16	33,550	3,677	37,227
Sanitation Worker I	$ 1,108.64			
Sanitation Worker I	$ 1,108.64			
	$ 3,677.44			

104 Social Security

Job Title	Annual Salary	Social Security	Budget FY16	Proposed Adjustment	Amended FY16
Equipment Operator III	$ 29,203.04	$ 2,234.03	51,570	3,930	55,500
Sanitation Worker I	$ 22,172.80	$ 1,696.22			
Sanitation Worker I	$ 22,172.80	$ 1,696.22			
		$ 3,930.25			

105 Insurance

Job Title	Insurance	Budget FY16	Proposed Adjustment	Amended FY16
Equipment Operator III	$ 6,834.96	128,961	20,320	149,281
Sanitation Worker I	$ 6,742.56			
Sanitation Worker I	$ 6,742.56			
	$ 20,320.08			

108 Temporary Staffing

Job Title	Total	Budget FY16	Proposed Adjustment	Amended FY16
TRAC Employee	$ -	105,000	(105,000)	0

111 Workers Compensation

Job Title	Workers Comp	Budget FY16	Proposed Adjustment	Amended FY16
Equipment Operator III	$ 1,890.00	32,130	5,670	37,800
Sanitation Worker I	$ 1,890.00			
Sanitation Worker I	$ 1,890.00			
	$ 5,670.00			

PERSONNEL SUMMARY

Total Additional Personnel Request:	$ 107,146
Current Temporary Staffing Request:	105,000

Adjusted Amount for Additional Person $ 2,146.41

*This amount is in addition to a $21,570 reduction in Overtime.

Budget FY16	Proposed Adjustment	Amended FY16
1,025,211	**(19,424)**	**1,005,787**

The total reduction in Personnel for program:

$ 19,424

January 11, 2016

To: Sara Deuster
From: Payroll
Re: Salary package for a Grade 2 Sanitation Worker

Yearly Salary	$10.66 Entry Level	$22,172.80
FICA paid by City (7.65%)		$1,696.22

	Monthly Cost to the City	Yearly Cost
Long Term Disability	$14.40	$172.80
Additional Life (4 times)	$22.25	$267.00
Medical Benefits	$468.18	$5,618.16
Dental Benefits	$45.82	$549.84
Vision Benefits	$8.93	$107.16
Basic Life Insurance	$2.30	$27.60
Wellness Program	$0.00	$0.00
TOTAL	$561.88	$6,742.56

Worker's Compensation	$1,890.00
Retirement (5% of total wages)	$1,108.64
TOTAL PACKAGE	$33,610.22

January 11, 2016

To: Sara Deuster
From: Payroll
Re: Salary and Benefits package for Grade 5 Sanitation Worker

Yearly Salary	$14.04 Entry Level	$29,203.20
FICA paid by City (7.65%)		$2,234.04

	Monthly Cost to the City	Yearly Cost
Long Term Disability	$14.40	$172.80
Additional Life (4 times)	$29.25	$351.00
Medical Benefits	$468.18	$5,618.16
Dental Benefits	$45.82	$549.84
Vision Benefits	$8.93	$107.16
Basic Life Insurance	$3.00	$36.00
Wellness Program	$0.00	$0.00
TOTAL	$569.58	$6,834.96

Worker's Compensation	$1,890.00
Retirement (5% of total wages)	$1,460.16
TOTAL PACKAGE	$41,622.36

Responsible Environmental Management

Fort Smith Department of Sanitation

MEMORANDUM

January 11, 2016

To: Doug Reinert, Interim Director-Sanitation

From: Mitchell Parker, Residential Collection Supervisor

Subject: 2016 Budget – Additional Personnel (2 Full-Time EOIIs, Pay Grade 4, and 0.25 Seasonal Laborers, Pay Grade 1) for Program 6302

Our residential collections division (program 6302) has absorbed several new/expanded housing developments over the past 5 years including; Texas Addition, Williamson Place, North Point Addition, Chaffee Crossing, Rye Hill, Chad Colley, Wells Lake, and Steep Hill) in South Fort Smith placing an increased strain on productivity.

The minimum staffing required for each manual collection crew are: two (2) full-time employees trained as both a driver and collector capacity OR one (1) full-time employee with three (3) temporary employees, with a more limited skillset. Workers provided by the temporary agency are unable to drive a City vehicle as they are not City employees.

Our rate of attrition has been offset by the continued use of the "One Truck, Three Waste Streams" collection method for recyclables, yard-trimmings and sometimes garbage collection (requiring multiple passes for residents to receive the variety of collection services provided) by the two-vehicles, three-person fully automated collection crew. We have found that utilizing temporary staffing affects customer service levels due to a lack of sustained training and/or adherence to city policy.

We are respectfully requesting the addition of two (2) additional Equipment Operator II positions and a Seasonal Laborer position equivalent to 0.25 FTE. The requested full-time positions will be utilized on a two person, manual collection crew. The Seasonal Laborer position will be used for the annual Spring and Fall Citywide Cleanup. The estimated cost for the positions is $75,834. This request will be offset by the elimination of all temporary staffing currently in the 2016 Budget ($93,000), making the addition of the personnel the most cost effective and will improve customer service due to consistent, trained personnel.

If you have any questions or would like additional information regarding this request, please don't hesitate to contact me.

Responsible Environmental Management

Fort Smith Department of Sanitation

MEMORANDUM

January11, 2016

To: Doug Reinert, Interim Director

From: Terry Rankin, Fleet and Grounds Maintenance Manager

Subject: 2016 Budget –Additional Personnel (1 Full-Time Heavy Equipment Mechanic II, Pay Grade 6, 0.75 FTE Part-Time Laborer, Pay Grade 2, and 1 FTE Seasonal Laborer, Pay Grade 1)

Due to recent expansion in services, the Fleet and Grounds Maintenance division (program 6304) has taken on the addition of two buildings and an increase in fleet maintenance. The current staffing levels are not sufficient to absorb the added workload. I am respectfully submitting for consideration the addition of one (1) Heavy Equipment Mechanic II, one (1) Part-Time laborer, equivalent to 0.75 FTE, and one (1) Seasonal Laborer position. The estimated cost for the additional personnel is $76,551.

There are currently two (2) Heavy Equipment Mechanic II employees in the Program. Due to insufficient staffing, outside vendors are being utilized to perform a significant amount of preventative maintenance services for the Department's fleet, which could be completed in-house with the additional personnel. Performing the services in-house would be both a timely and cost effective option. The additional HEMII will allow our staff to perform major maintenance in-house such as repairs to walking beams and grabber arms on the automated trucks. By doing so we will be able to perform the repairs for cost of materials only without the labor charges vendors would apply.

The addition of the Part-Time Laborer (0.75 FTE) will assist in the maintenance of the buildings and grounds. The addition of a new scale house, restroom facility, additional landscaping, and the maintenance of all buildings and landscaping has created a need for an additional Part-Time Laborer in order to properly maintain the facility. Currently, a temporary employee is used the majority of the year in order to adequately maintain the new comfort station and scale house as well as helping reduce the amount of overtime for current Maintenance Staff. The addition of this position will allow the elimination of contracting with the temporary staffing company currently being utilized; and providing a more cost effective method of maintaining the facility.

We are also requesting a Seasonal Laborer (1 FTE) for the "mowing season". The additional position will allow us to hire two (2) employees during the months of late March to early October, which is the height of mowing season. The current method of utilizing temporary staffing is less cost effective for the department.

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

Responsible Environmental Management

Fort Smith Department of Sanitation

MEMORANDUM

January 11, 2016

To: Doug Reinert, Interim Director

From: Jimmy Reed, Landfill Foreperson

Subject: 2016 Budget – Additional Personnel (1 Full-Time Equipment Operator III (Grade 5) and 2 Full-Time Sanitation Worker I (Grade 2) positions)

Our landfill division (program 6305) has faced great challenges over the past 5 years. In response to these trials, we are requesting three additional personnel to assist with daily operations and to maintain staffing levels within the landfill division. Our division is currently comprised of a Supervisor, Foreperson, two (2) Landfill Attendants, and thirteen (13) Equipment Operator III's.

The division has been operating with the same number of employees for at least the last five (5) years. However, our daily operations, regulations and tonnages have increased. Also, staffing levels have not been consistent due to vacations, illness, injuries and vacancies resulting in an increase in overtime and the use of temporary employees. As a result, we have been utilizing temporary staffing to supplement operations. However, these employees are expensive and are limited in their capacity to serve our division.

Another effect of inconsistent staffing levels is the increase in overtime hours. While overtime is not a financially feasible alternative, it has been deemed unavoidable over the past several years in order to keep the Landfill in operation and compliance with local/state mandated regulations.

Therefore, we are respectfully requesting three additional positions for 2016 (Two Sanitation Workers and one Equipment Operator III). The estimated cost for the three positions is $107,146. Funding for these positions is available with funds budgeted in the 2016 budget for temporary staffing and a reduction to overtime. These positions will allow us to reduce our overtime by $21,570.

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

RESOLUTION NO_____ 6

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC., FOR THE WHEELER AVENUE SANITARY SEWER REPLACEMENT

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

SECTION 1: The bid of Forsgren, Inc., for the construction of the Wheeler Avenue Sanitary Sewer Replacement, Project Number 15-15-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc., for an amount of $582,357.00, for performing said construction.

This Resolution adopted this _____ day of February 2016.

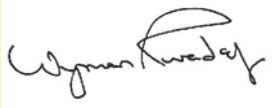
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Jeff Dingman, Acting City Administrator **DATE:** January 26, 2016

FROM: Steve Parke, Director of Utilities

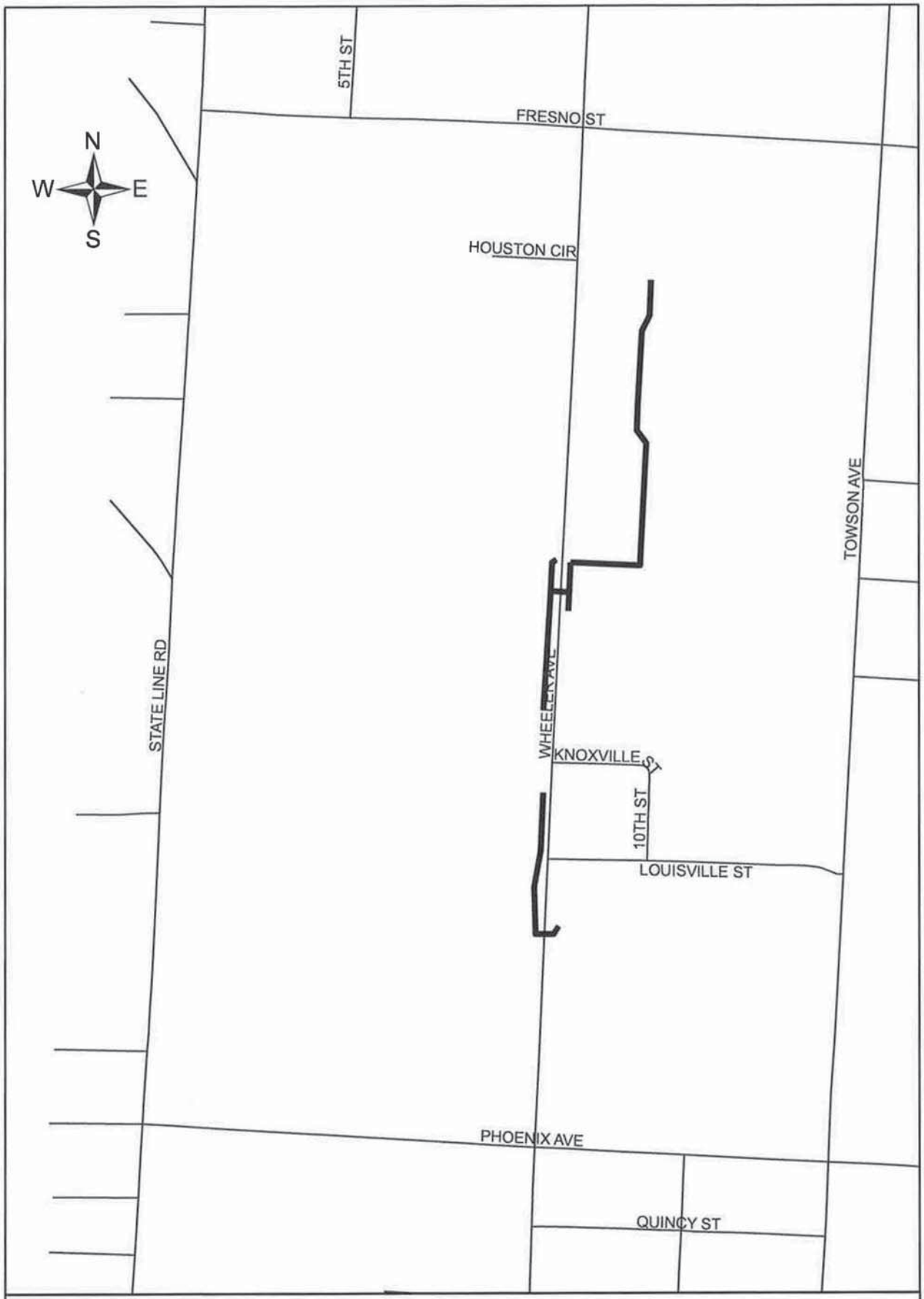
SUBJECT: Wheeler Avenue Sanitary Sewer Replacement
Project Number 15-15-C1

In mid-2015 the sewer line maintenance crews found a length of 8-inch diameter sewer main along Wheeler Avenue between Fresno Street and Phoenix Avenue to be in extremely poor condition. The sewer main had been subject to acidic industrial discharges which had severely damaged the pipe and eroded away the bottom portion in some areas. Of the approximate 3,850 feet of sewer main requiring replacement, about one-half of its length is located within the pavement of Wheeler Avenue with other areas having buildings constructed over the main. This project is to replace the sewer main and to relocate it out of the Wheeler Avenue right-of-way and around the existing structures. An exhibit of the project area is attached.

The low bid for the project was submitted by Forsgren, Inc., in the amount of $582,357.00. A bid tabulation showing the bidders and their bid amounts is attached. Funding for this work is available from the 2015 revenue bonds issued for the continuation of sewer system improvements.

A Resolution authorizing the Mayor to execute a contract with Forsgren, Inc., in the amount of their bid is attached. Should you or members of the Board have any questions or desire additional information, please let me know.

attachment



WHEELER AVENUE
SANITARY SEWER REPLACEMENT
PROJECT NO. 15-15

Bid Tabulation Sheet

Project Name
Wheeler Avenue Sanitary Sewer Replacement
Project Number 15-15-C1

Bid Opening
January 19, 2016
10:00 A.M.

Bids Received

Forsgren, Inc. Fort Smith, Arkansas	$582,357.00
Crawford Construction Fort Smith, Arkansas	$660,870.00
Brothers Construction Van Buren, Arkansas	$669,980.00
Goodwin & Goodwin Fort Smith, Arkansas	$697,460.00
KAJACS Poplar Bluff, Missouri	$788,525.00
A.J. Owens Van Buren, Arkansas	$817,744.00
Kraus Construction Fort Smith, Arkansas	$1,045,550.00

Comprehensive Plan Goal Supported
By Wastewater Projects

- Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision. (FLU-1.4)

- 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-5.1)

- Implement an infrastructure Asset Management Program as a tool for management of the utility department's water and sewer systems and to track, manage, and schedule necessary facility upgrades and improvements. (TI-5.1.1)

- Ensure that utility and infrastructure systems can meet the city's long-term needs. (TI-5.2)

- Coordinate land use planning and capital programming to ensure infrastructure improvements and extensions are phased to support the future land use pattern. (TI-5.2.1)

- Adopt criteria for prioritizing funding to infrastructure-related capital improvement projects. (TI-5.2.4)

- Provide new facilities in a manner that protects investments in existing facilities and promotes orderly growth. (PFS-4.2)

The City of Fort Smith ARKANSAS

January 25, 2016

TO: Members of the Board of Directors
Members of the Housing Assistance Board

RE: Appointments:

The terms of Ms. Karen Wuthrich, Mr. Jim Harris, and Ms. Sara Edmiston of the Housing Assistance Board will expire April 30th, 2016. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on February 25th, 2016. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Jeff Dingman
Acting City Administrator

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

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The City of Fort Smith ARKANSAS

January 27, 2016

TO: Members of the Board of Directors
Members of the Planning Commission

RE: Appointments:

The terms of Mr. Marshall Sharpe, Mr. Robert Cooper Jr., and Mr. Don Keesee of the Planning Commission will expire April 30th, 2016. In accordance with Ordinance No. 2926 applications for these prospective vacancies are now being received. Applicants must be residents and registered voters in the City of Fort Smith.

Please submit applications to the city administrator's office no later than the close of business on February 25th, 2016. A list will be compiled for review by the Board of Directors. Applications are available on the City of Fort Smith website. Go to www.fortsmithar.gov and click on boards and commissions.

Sincerely,

Jeff Dingman
Acting City Administrator

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

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February 2016

February 2016

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					

March 2016

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20	21	22	23	24	25	26
27	28	29	30	31		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 31	Feb 1	2 11:30am Planning Com. S.S. (Creekmore) 6:00pm Bd. of Directors (FSM Public Schools)	3	4 6:00pm Historic District Com. (220 North 7 Street)	5	6
7	8 11:00am Property Owners Appeal Bd. (Planning Conf. Room)	9 12:00pm Board of Directors S.S. (Library) 5:30pm Planning Com. (Creekmore) 6:00pm Ward 1 Neighborhood Mtg. (Elm	10 12:00pm Parks Com. (Creekmore)	11 12:15pm Oak Cemetery Com. (Creekmore)	12	13
14	15	16 9:30am CBID (Area Agency) 6:00pm Bd. of Directors (FSM Public Schools Service Cntr.)	17	18	19	20
21	22	23 12:00pm Board of Directors S.S. (Library) 4:00pm A & P (Convention Center) 4:30pm Library Board (Main 5:30pm Airport Com.	24	25 5:30pm Historic District S.S. (220 North 7 Street)	26	27
28	29	Mar 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
February 2, 2016 ~ 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
Reverend Ngoc Quan Ha, Gospel Baptist Church

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-ofdirectors-meetings

APPROVE MINUTES OF THE JANUARY 19, 2016 REGULAR MEETING
APPROVED as revised (Page 10 – revise Steve Clark to Scott Clark)

ITEMS OF BUSINESS:

1. Presentation by Girl Scout Diamonds of Arkansas, Oklahoma and Texas
   No Girl Scouts in attendance; therefore, such will be rescheduled for a later date.

2. Ordinance rezoning identified property and amending the zoning map *(from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension located at 1833 North 12th Street)*
   APPROVED 7 in favor, 0 opposed / Ordinance No. 8-16

3. Items regarding amendments to the Unified Development Ordinance:

   A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbreweries in commercial zoning districts)* ♦
   APPROVED 7 in favor, 0 opposed / Ordinance No. 9-16

   B. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(specialty manufacturing)* ♦
   APPROVED 7 in favor, 0 opposed / Ordinance No. 10-16

   C. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(neighborhood meeting requirements)*
   APPROVED 7 in favor, 0 opposed / Ordinance No. 11-16

4. Ordinance authorizing the Mayor to execute an agreement for certain services for inhabitants of the city of Fort Smith *~ Fort Smith Museum of History agreement tabled at the January 19, 2016 regular meeting ~*
   APPROVED 7 in favor, 0 opposed / Ordinance No. 12-16

5. Ordinance amending the 2016 Budget
   APPROVED 7 in favor, 0 opposed / Ordinance No. 13-16

6. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Wheeler Avenue Sanitary Sewer Replacement *($582,357.00 / Utilities Department / Budgeted – 2015 Revenue Bonds)* ♦
   APPROVED 7 in favor, 0 opposed / Resolution No. R-12-16

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-ofdirectors-meetings

ADJOURN

7:19 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ FEBRUARY 2, 2016 ~ 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 Reverend Ngoc Quan Ha of Gospel Baptist 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 non presented.

The minutes of the January 19, 2016 regular meeting were presented for approval. Mayor Sanders announced page 10 had been revised as originally provided to correct "Steve Clark" to "Scott Clark". Pennartz, seconded by Hutchings, moved approval of the minutes as revised. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 1 was presentation by Girl Scout Diamonds of Arkansas, Oklahoma and Texas.

Mayor Sanders announced that Girl Scouts were not in attendance as of yet; therefore and providing the Board concurs, presentation will proceed upon their arrival. *Note: This presentation did not occur; therefore, such will be rescheduled for a future meeting.*

February 2, 2016 Regular Meeting

Item No. 2 was an ordinance rezoning identified property and amending the zoning map *(from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by extension located at 1833 North 12th Street).*

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Manuel Navarro. The purpose of the rezoning is to allow the owner to construct a single family home. The Planning Commission held a public hearing on January 12, 2016 with no individual present to speak in opposition; however, one (1) nearby resident was in attendance to merely request clarification of the proposed zoning classification. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

Settle, seconded by Pennartz, 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.

There being no Director wishing to comment on the item and the motion remaining on the floor, the City Clerk read the ordinance for its readings. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 8-16.

Item No. 3 consisted of the following regarding amendments to the Unified Development Ordinance:

A. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(microbreweries in commercial zoning districts)* ♦ *Future Fort Smith item*

B. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(specialty manufacturing)* ♦ *Future Fort Smith item*

February 2, 2016 Regular Meeting

C. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(neighborhood meeting requirements)*

Regarding Item No. 3A, Mr. Bailey briefed the Board on the item advising such is related to the October 2015 request of Mr. Quentin Willard to allow microbrewery/microwinery/microdistillery and specialty manufacturing as permitted use in the Commercial-5 zoning district and as conditional use in Commercial-2, Commercial-3 and Commercial-4 zoning districts. At the November 3, 2015 regular meeting of the Board of Directors, the Board amended the request and approved microbrewery, et. al. as conditional use in the Commercial-5 zoning district and as permitted use in Commercial-6, Industrial-1, Industrial-2 and Industrial-3 zoning districts. Planning staff has researched how other cities classify said types of uses and what zones such are permitted. Since the November 3, 2015, the Planning staff and Planning Commission have reviewed additional requests. At the January 12, 2016 Planning Commission meeting, the proposed ordinance was recommended to be presented to the Board for consideration. A petition has been submitted by multiple residents to allow microbreweries in all commercial districts as a permitted use. The proposed ordinance is more restrictive than the State requirement regarding mircrobreweries as the proposed limits the production to 15,000 barrels whereby the State allows up to 60,000 barrels, and a building size of no more than 10,000 square feet. There are no distance requirements associated with mircrobreweries with regard to churches and schools.

For additional purposes, he noted initial discussion regarding the microbrewery land use led to a significant discussion regarding the existing zoning of property along a portion of the North 9th Street corridor, specifically in the area of North 9th and "H" Street. A

neighborhood meeting was held on November 23, 2015 for the purpose of discussing property owners efforts to submit a neighborhood rezoning application. Said application has not yet been received; however, on January 26, 2016, Planning staff met with a group of ten (10) property owners that represent multiple tracts of land within the subject area currently zoned Commercial-5 and Transitional. Those in attendance indicated they would like to see the area be zoned residential, not commercial. Planning staff is continuing efforts to make contact with as many property owners as possible and will provide a report on the matter in the next couple of weeks.

Lorenz, seconded by Lau, 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.

Director Settle questioned why the Planning Commission recommends microbreweries be allowed in Commercial-5 zones as a permitted use rather than as a conditional use. He expressed concern with alcoves of commercial zoning being located in residential areas.

Mr. Bailey advised larger businesses such as restaurants, privates clubs, etc. are allowed in Commercial-5 zones and after reviewing regulations of the Alcohol Beverage Control (ABC), it was determined that a microbrewery is no greater use than the existing uses already allowed in the Commercial-5 zoning district.

Director Pennartz questioned if the difference between City of Fort Smith and State of Arkansas regulations is due to the volume of beverage produced. She further inquired if the wastewater being discharged at the facility is a concern.

Mr. Bailey noted the differences are due to delivery of supplies to and shipping of the product from the subject location, i.e. traffic and its impact on utility facilities. With regard to wastewater discharge, such depends on the amount of discharge going into the City's system. If such over 25,000 gallons of water per day, such would require a wastewater contribution permit under the City's Pre-Treatment Program.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Catsavis, 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. 9-16.

With regard to Item No. 3B, Mr. Bailey advised Mr. Quentin Willard of the Fort Smith Brewing Company submitted a UDO text amendment request in October 2015 that would allow Microbrewery/Microwinery/Microdistillery and Specialty Manufacturing as a permitted use in the Commercial-5 zoning districts and a conditional use in Commercial-2, Commercial-3, and Commercial-4 zoning districts. The proposed addresses the portion of Mr. Willard's request concerning specialty manufacturing. Specialty Manufacturing is limited in size with little or no impacts to adjoining properties. Many start up or small businesses that are currently considered industrial uses are directed to industrial zones; however, many of the businesses do not require a large building, but require 2,000 to 4,000 square feet which are more available at commercially zoned properties where vacant buildings and tenant spaces exist along commercial corridors. The impact of these small, boutique/light manufacturing uses generate similar land use impacts as a restaurant or other general commercial uses and often the impacts are less. Based on staff research

and Planning Commission recommendation, the proposed will accomplish the following:

- Add definition for Specialty Manufacturing as follows:

  Specialty Manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

- Allow Specialty Manufacturing as a permitted use in C-4 and C-5 and a conditional use in C-2, C-3 and C-6.

  Staff has previously discussed specialty manufacturing with the Central Business Improvement District members and they prefer specialty manufacturing be listed a conditional use in the C-6 district.

Pennartz, seconded by Good, moved adoption of Item No. 3B. 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.

Director Settle questioned why the building size was limited to 4,000 square feet.

Mr. Bailey noted such is because the subject locations are intended to be used for startup spaces with hopes that the business will be successful and then move to a larger facility.

Director Pennartz expressed interest in the concept of a Grayfield Plan and inquired if the City will work with the potential property owners.

Mr. Bailey confirmed that upon development of a Grayfield Plan, staff will certainly work with property owners to help facilitate use of a vacant commercial properties. The matter will be reviewed with the Planning Commission and others to determine the best course of action.

The motion remaining on the floor, the City Clerk read the ordinance for its readings. The members all voting affirmatively, the Mayor declared the motion carried. Settle, 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. 10-16.

With regard to Item No. 3C, Mr. Bailey noted that since adoption of the Unified Development Ordinance in 2009, applicants requesting development approvals from the Planning Commission are required to schedule, invite and host a neighborhood meeting for all property owners within 300 feet of the project to a neighborhood meeting. (This is in addition to the formal public meetings of the Planning Commission). The projects can include development applications for zoning changes, conditional use applications, Master Land Use Plan amendments, and variances. A number of meetings have been held with no one in attendance except for the applicant and city staff. The applicant may have the expense of scheduling and renting a facility for the meeting but to have no one attend. Often the property identified in the application is located where there are no residential neighborhoods contiguous to or near the property identified in the application. Based on experience and the attendance records of the past four (4) years, adding an option that would allow the applicant to request a waiver from the neighborhood meeting requirement is recommended. A waiver from the neighborhood meeting process is already available for variance applications; however, such is not afforded for rezoning applications, Master Land Use Plan amendments and conditional use applications. Another issue with the neighborhood meeting is the timeliness of the meeting. Currently, the UDO requires a fourteen (14) day advance notice of the neighborhood meeting. At times the meetings are

not held far enough in advance of the Planning Commission meeting to allow the staff to include the neighborhood meeting results in the staff reports. The Planning Commission voted unanimously to recommend the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, Master Land Use Plan amendments, and conditional use applications. The Director shall review the request based on the following criteria:

    A. The project will have little or no impact on surrounding properties.

    B. The project will have little or no impact on a residential neighborhood.

2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to all property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the Planning Department and a written summary of any responses from property owners.

3. The requirement for the neighborhood meeting will not be waived for a nonresidential or a multifamily project where the proposal is next to single family developed or zoned property.

4. Instead of a fourteen (14) day notice, the applicant must provide notice to the Planning Department and residents at least seven (7) days prior to the scheduled neighborhood meeting. The neighborhood meeting must be held at least six (6) calendar days prior to the Planning Commission voting meeting.

The Planning Commission or the Board of Directors will still have the ability to table an application and require an applicant to have a neighborhood meeting.

Hutchings, seconded by Lau, moved adoption of Item No. 3C. 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.

Director Good made note of the aforementioned information regarding a neighborhood meeting associated with the rezoning of the North 9th Street corridor and requested a brief update.

Mr. Bailey reiterated that another meeting will be held in the near future and he will prepare a report to the Board regarding such soon thereafter.

Director Lorenz spoke in favor of the item citing such will save not only actual expenses associated with holding a neighborhood meeting, but City staff time and resources.

Since there were twenty-eight (28) meetings in which no resident attended and only City staff was present, Director Hutchings requested information how much such would have saved the City if said meeting had not been required.

Mr. Bailey confirmed that the proposed does not only address "City" neighborhood meetings, but also neighborhood meetings required by developers. There have been instances where developers have paid to rent a location and refreshments and no individual was present; therefore, such will not only save City resources, but will be a cost savings to developers as well.

Upon approval, Director Pennartz requested confirmation that such will not hinder a residents ability to comment on the subject matters whereby Mr. Bailey confirmed.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Lorenz, 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. 11-16.

Item No. 4 was an ordinance authorizing the Mayor to execute an agreement for certain services for inhabitants of the city of Fort Smith *~ Fort Smith Museum of History agreement tabled at the January 19, 2016 regular meeting ~*

Acting Administrator Dingman briefed the Board on the item as presented at the January 19, 2016 regular meeting in which the ordinance was tabled pending further review. The subject funding for the Fort Smith Museum of History (FSMH) was approved by the Board in conjunction with the 2016 Budget providing for reimbursement of utilities costs up to $20,000 for the calendar year 2016. Prior to disbursing, the City attorney has advised that an agreement be executed with the organization which states the services to be provided in 2016. The agreement requires the organization's books and records to be open to the public and allow review of financial statements and records by the City as necessary during the year.

The following individuals were present to address the Board:

- Leisa Gamlich, FSMH Executive Director
  Fort Smith, Arkansas

  Re: Extended much appreciation to the Board for its past support of the FSMH and provided a brief history of the organization and its value to the city of Fort Smith. She read an affidavit from 1982 whereby several ladies signed stating the City of Fort Smith agreed to provide utility costs for the facility. The $20,000 does not cover the actual utility costs, but FSMH has completed multiple efforts of energy efficiency whereby such as resulted in decreased utility costs.

- Stephen Young, FSMH Board of Trustees President
  Fort Smith, Arkansas

Re: Spoke in favor of the ordinance citing if funding is not approved, such will be detrimental to the FSMH and will require several existing programs to be cut.

- Phil White
  Fort Smith, Arkansas

  Re: Advised the FSMH is not a charitable, non-profit organization, but an educational institution. Such contains the history of Fort Smith, which has been and will continue to be an asset to the many school children who are brought to the FSMH. He simply urged the Board to approve the proposed ordinance.

- Drew Linder, FSMH Board of Trustees Treasurer and Past President
  Fort Smith, Arkansas

  Re: Provided FSMH attendance statistics and expressed concern with the possibility of lost funding with no advance notice. He further noted that if the funding is not approved, such *"will be tragic"* when in 2017, the city will be celebrating is bicentennial.

Settle, seconded by Lorenz, moved adoption of the ordinance.

Director Lau inquired if the contract noted by Ms. Gamlich is "valid" and if the City of Fort Smith owns the property.

Mr. Dingman noted the proposed agreement includes language that such *"supercedes prior agreements."* With regard to ownership, the City of Fort Smith does not own the FSMH property.

Director Pennartz inquired of the average charge of admission, the FSMH annual budget and the number of FSMH personnel. She further commented that being new to the Board, she was unaware of the vast history of the FSMH funding; however, she felt the inquiry regarding such funding was warranted especially due to the recent and ongoing City of Fort Smith budgetary concerns citing the Board fiduciary responsibility. Regardless, she

noted agreement that such is *"based on history"* and not associated with the recently omitted non-profit funding.

Mr. Linder advised that in order to meet budget shortfalls, the admission charge was recently raised from $5.00 to $7.00. The FSMH maintains an approximate annual budget of $225,000. The FSMH maintains five (5) staff, i.e. one (1) full time and four (4) part-time, and numerous volunteers.

Director Hutchings spoke in favor the proposed item citing the Board should honor the agreement of the past.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 12-16

Item No. 5 was an ordinance amending the 2016 Budget.

Director of Finance Jennifer Walker briefed the Board on the item advising the proposed budget amendment will reduce the Sanitation Operating budget by $650,998.00. Per the directive of Interim Director of Sanitation Doug Reinert, an extensive line-item by line-item review of the 2016 Sanitation Operating Budget was conducted by Parks and Recreation staff and such resulted in the proposed 6% reduction. Cost savings are recommended to be transferred to the Sanitation Sinking Fund and held in reserve to replace aging fleet, future expansion of the landfill, expand collections and ensure compliance with Arkansas Department of Environmental Quality (ADEQ) and United States Environmental Protection Agency (EPA) regulations applicable to the landfill. Schedules and reports to support the various reductions have been provided. The largest cost savings will be the elimination of temporary staffing as it was determined that employing additional

personnel is more cost effective and efficient solution. The Finance Department thorough reviewed the proposal and recommend approval.

Lau, seconded by Good, moved adoption of the ordinance.

Director Catsavis requested clarification the $650,998.00 savings will support the Sinking Fund deficiencies.

Ms. Walker confirmed the proposed amendment will get the Sinking Fund balance to a level that provides for the much-needed replacement of equipment.

Director Lau conveyed much gratitude to Director of Parks and Recreation / Acting Director of Sanitation Doug Reinert for initiating the review, which has resulted in the proposed cost savings. He further inquired if the process used in such review could be utilized in all the departments budget review to better identify cost savings.

Mrs. Walker also commended Mr. Reinert and his staff for taking on the bulk of the work in the review process. With regard to performing the subject analysis on other departments, there are some major challenges with the current financial reporting system that make it very difficult to accommodate such especially if performed on a regular basis. Due to such, since the City is currently in the process of selection and ultimate transition to a new financial reporting system, she recommended the requested analysis be performed once the new system is in place.

Directors Pennartz, Good, Lorenz and Settle also conveyed much appreciation to Mr. Reinert for his efforts.

Mr. Reinert addressed the Board and specifically identified multiple Parks and Recreation personnel that assisted in the review. He further expressed much appreciation to several employees of the Sanitation Department, who was very accommodating and

"done a great job" at answering all of his questions.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 13-16.

Item No. 6 was a resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Wheeler Avenue Sanitary Sewer Replacement *($582,357.00 / Utilities Department / Budgeted - 2015 Revenue Bonds)* ♦ *Future Fort Smith item*

Director of Utilities Steve Parke briefed the Board on the item advising such is a result of the sewer line maintenance crews identifying a length of 8-inch diameters sewer main along Wheeler Avenue between Fresno Street and Phoenix Avenue to be in extremely poor condition. The sewer main had been subject to acidic industrial discharges which had severely damaged the pipe and eroded away the bottom portion in some areas. About half of the damaged main is located within the pavement of Wheeler Avenue with other areas having buildings constructed over the main. This project will replace the sewer main and relocate such out of the Wheeler Avenue right-of-way and around the existing structures. Funding for the project is available from the 2015 revenue bonds issued for the continuation of sewer system improvements.

Hutchings, seconded by Good, moved adoption of the resolution.

There being no Director wishing to comment on the item and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-12-16.

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

February 2, 2016 Regular Meeting

- Mayor Sanders

  Re: 1. Noted the convention center, hotels and restaurants were was full this past weekend due to a volleyball competition and such will continue next weekend as well.

  2. Reminded all fo the upcoming Ward 1 Neighborhood Meeting scheduled for 6:00 p.m., Tuesday, February 9, Elm Grove Community Center at Martin Luther King Jr. Park.

- Director Hutchings

  Re: Last week, approximately twenty (20) members of the Grand Avenue Baptist Church went out and painted houses, cleaned yards, cleaned at the Sebastian County Humane Society and built handicap ramps; therefore, he extended much appreciation for their service to the community.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Settle, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:19 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK