



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 ~Revised~***  
**Fort Smith Board of Directors**  
**REGULAR MEETING**  
**March 1, 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 FEBRUARY 16, 2016 REGULAR MEETING AND THE FEBRUARY 18, 2016 SPECIAL MEETING**

**ITEMS OF BUSINESS:**

1. Items relative to economic development (*Glatfelter Advanced Materials N.A., Inc.*):
  - A. Resolution of intent to issue Industrial Development Revenue Bonds
  - B. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003)
  - C. Resolution authorizing the Mayor to execute a letter of termination regarding the local incentives definitive agreement authorizing the Mayor to execute all documents necessary from the City to facilitate the conveyance of property at 8201 Chad Colley Boulevard

*The agenda has been revised to include the above resolutions, which were not initially provided in the board packet distributed on Friday, February 26, 2016 pending a public announcement regarding same.*

2. One-year report regarding implementation of the Comprehensive Plan ♦
3. Ordinance amending the Fort Smith Trails and Greenways Master Plan
4. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Open Space / Residential Detached to Office Research Light Industrial (ORLI) / Rezoning: from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification located at 5500 Massard Road*)
5. Items regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*)  
~ Tabled for sixty (60) days at the November 3, 2015 regular meeting / Tabled for additional sixty (60) days at the January 5, 2016 regular meeting ~
  - A. Resolution approving an appeal of Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue
  - B. Resolution affirming the action of the Planning Commission denying Conditional Use No. 19-10-15 for an auto and vehicle dealer sales located at 500 Towson Avenue
6. Ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification located at 7821 Texas Road*)
7. Ordinance rezoning identified property and amending the zoning map (*from Commercial Light (C-2) and Commercial Heavy (C-5) to Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue*)
8. Ordinance rezoning identified property and amending the zoning map (*from Commercial-5-Special (C-5-SPL) to Commercial-5-Special (C-5-SPL) located at 4501 & 4801 Phoenix Avenue*)
9. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Residential Detached to Residential Attached / Rezoning: from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification located at 2511 Spradling Avenue*)
10. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification located at 10001 Chad Colley Boulevard*)

11. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for Consent Decree Program Management Services (\$8,514,088.00 / Utility Department / Budgeted – Water and Sewer Operating Revenue Funds) ♦ ● ~ Tabled for two (2) weeks at the February 16, 2016 regular meeting ~
12. Resolution accepting the bids and authorizing contracts for the renovation and furnishings for the Library Annex Building for use as office space (\$1,125,075.48 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ ●
13. Consent Agenda
  - A. Resolution granting a temporary revocable license for the placement of a monument sign in a public right-of-way and authorizing the Mayor to execute agreement (8999 Massard Road)
  - B. Resolution granting a temporary revocable license for the placement of landscaping in a right-of-way and authorizing the Mayor to execute agreement (74 South 4<sup>th</sup> Street)

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

- Mayor
- Directors
- City Administrator

**ADJOURN**

# Memo



**To:** Honorable Mayor & Members of the Board of Directors  
**From:** Jeff Dingman, Acting City Administrator  
**Date:** 2/24/2016  
**Re:** Economic Development Project

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Your agenda for the March 1, 2016 regular meeting includes a placeholder for consideration of items related to an Economic Development Project. This particular project will be announced publicly at a Chamber of Commerce event scheduled for earlier in the day, 11am Tuesday, March 1 at the Chamber of Commerce office located at 612 Garrison Avenue. Please attend as you are able.

Once the announcement is made public, I will forward you documents and background information related to the project for your consideration, and of course will be available to discuss any questions you may have prior to the meeting.

Rest assured, this is a significant and exciting project, one that certainly meets the economy development and job creation objectives set forth in the City of Fort Smith's Comprehensive Plan.

**Note:** See Next page for updated memo

# Memo



**To:** Honorable Mayor & Members of the Board of Directors  
**From:** Jeff Dingman, Acting City Administrator  
**Date:** March 1, 2016  
**Re:** Economic Development Project Stork – Glatfelter Advanced Materials N.A., Inc.

Your agenda for the March 1, 2016 regular meeting includes a placeholder for consideration of items related to an Economic Development Project. Project Stork was announced earlier today, and involves the sale of the Mitsubishi property to a company looking to build a manufacturing facility for its fibrous paper material products. Glatfelter Advanced Materials N.A., Inc. plans to invest \$75 million in the project to purchase and outfit the facility for their needs. This investment will generate 83 jobs with an average wage of \$25 per hour within three years.

There are three items related to this project that warrant action of the Board on March 1, as follows:

- A. A Resolution declaring the City's intent to issue Industrial Development Revenue Bonds as authorized by Arkansas law in support of this Project. It is estimated that bonds in the approximate principal amount of \$75 million will be issued to finance the Project. These bonds will be special obligations of the City, but the City's revenues and credit are not pledged to the payment of the bonds. At some future date (estimated 60 to 90 days), the company's Bond Counsel will present a Bond Ordinance, a Lease Agreement, and a Payment-In-Lieu-of-Taxes (PILOT) Agreement to the City, among possibly other documents, for the issuance of the bonds to finance the Project. The competitive nature of this Project recruitment process required maximum effort on the part of Governor Hutchinson's office, the Arkansas Economic Development Commission, the Chamber of Commerce, and the City. As such, the proposed PILOT agreement stipulates that the company will realize 65% in property tax savings through the use of this economic development mechanism.
- B. A Resolution endorsing Glatfelter Advanced Materials N.A., Inc.'s participation in the Tax Back Program as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003. The Tax Back Program is an economic incentive program offered to new or expanding businesses in the state that allows businesses to receive rebates on sales taxes paid on purchasing equipment or building materials used in the development or expansion of industry in the State of Arkansas. As noted above, this project creates 83 jobs with an average wage of \$25 per hour.
- C. A Resolution authorizing the Mayor to execute a Termination Letter releasing Mitsubishi Hitachi Power Systems Americas, Inc. from the Local Incentives Definitive Agreement authorized by Resolution No. R-108-10 on June 15, 2010. Also, this Resolution authorizes the Mayor to execute any documents necessary from the city in order to facilitate the conveyance of the property at 8201 Chad Colley Boulevard from Mitsubishi to Glatfelter Advanced Materials N.A., Inc. The Termination Letter becomes effective upon successful conveyance of the property, and has been signed by all other signatories to the Agreement, including Sebastian County, the Fort Chaffee Redevelopment Authority, and the Fort Smith Regional Chamber of Commerce. Approval by the Board and then the Mayor's signature is the final step of approval.

Rest assured, this is a significant and exciting project, one that certainly meets the economic development and job creation objectives set forth in the City of Fort Smith's Comprehensive Plan.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF INTENT TO ISSUE  
INDUSTRIAL DEVELOPMENT REVENUE BONDS

WHEREAS, the City of Fort Smith, Arkansas (the "City") is authorized by the laws of the State of Arkansas, including particularly Title 14, Chapter 164, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Act"), to issue revenue bonds for financing the costs of acquiring, constructing and equipping industrial facilities; and

WHEREAS, it is proposed that the City issue its revenue bonds under the Act for the purpose of financing an industrial project located in the City (the "Project") for use by Glatfelter Advanced Materials, N.A., Inc., a Delaware corporation (the "Company"), and/or any affiliate designated by the Company; and

WHEREAS, the Project will generally consist of the acquisition and renovation of an existing facility located at 8201 Chad Colley Blvd., Fort Smith, Arkansas 72902, together with the acquisition and installation of various machinery, equipment and other personal property, to be used for the manufacture of paper products; and

WHEREAS, in order to secure and develop industry in furtherance of the public purpose of the Act, the City is willing to proceed with the issuance of the bonds as and when requested by the Company involved, subject to compliance with all conditions set forth in the Act;

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

Section 1. The City hereby states its intention to assist in the accomplishment of the Project and at such time as it may be properly called upon to do so to issue its revenue bonds to finance the same, subject to the following:

(a) It is estimated at this time that revenue bonds in the approximate principal amount of \$75,000,000 will be issued to finance the Project. However, the City's commitment is to issue revenue bonds under the Act in such amount for accomplishing all or any part of the Project, whether that amount is more or less than the above estimate.

(b) The bonds will be special obligations of the City, and in no event will they constitute an indebtedness for which the faith and credit of the City or any of its revenues are pledged.

(c) The City will not be called upon to pay any costs or expenses incurred in connection with the authorization and issuance of the bonds, and all such costs and expenses will be paid out of the proceeds of the bonds or by the Company involved.

Section 2. The City is informed and understands that the properties comprising the Project may be exempt from ad valorem taxes. In such case, the City desires to enter into an agreement for the Company involved to make payments in lieu of taxes. The amount and other details concerning such payments will be embodied in an appropriate agreement which is mutually acceptable to the Company and the City.

Section 3. This Resolution shall be effective immediately upon its passage.

PASSED: \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

Approved as to form:



\_\_\_\_\_  
City Attorney  
No Publication Required

CERTIFICATE

The undersigned, City Clerk of the City of Fort Smith, Arkansas, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular session of the Board of Directors of the City of Fort Smith, Arkansas, held at the regular meeting place of the Board at : o'clock p.m., on the \_\_\_\_\_ day of \_\_\_\_\_, 2016. The Resolution appears in the official minutes of the meeting which are in my custody.

CERTIFIED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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City Clerk

(SEAL)

**Tax Back  
Resolution**



RESOLUTION No. \_\_\_\_\_

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

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

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

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

**WHEREAS**, Glatfelter Advanced Materials N.A., Inc., located at 8201 Chad Colley Boulevard, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

**WHEREAS**, Glatfelter Advanced Materials N.A., Inc. has agreed to furnish the local government all necessary information for compliance.

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

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

\_\_\_\_\_  
Mayor

Date Passed: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney  
Approved as to Form



# Memo

**To:** Honorable Mayor and Members of the Board of Directors  
**From:** Jeff Dingman, Acting City Administrator  
**Date:** 2/29/2016  
**Re:** Tax Back Endorsement: **Glatfelter Advanced Materials N.A., Inc.**

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

The current request is on behalf of **Glatfelter Advanced Materials N.A., Inc.**, who plans to acquire, renovate, and modify an existing facility located in Fort Smith at 8201 Chad Colley Boulevard by investing \$75 million in acquisition, renovations, and industrial equipment. This new investment will allow for the creation of 83 new jobs to the region with an average wage of \$25/hour within the next three years.

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

Attached is a resolution supporting the participation of **Glatfelter Advanced Materials N.A., Inc.** in the "Tax Back" program, and the staff recommends approval. The resolution requires approval of an emergency clause as it declares that it is effective immediately upon approval. This action will support the board's stated goal of pursuing economic development and job creation. By helping to grow the employment base in the city and retain one of our significant employment anchors, this action supports Goal ED-3 of the Future Fort Smith Comprehensive Plan.

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

## RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF TERMINATION REGARDING THE LOCAL INCENTIVES DEFINITIVE AGREEMENT AUTHORIZED BY RESOLUTION NO. R-108-10; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY FROM THE CITY TO FACILITATE THE CONVEYANCE OF PROPERTY AT 8201 CHAD COLLEY BOULEVARD

WHEREAS, the City of Fort Smith, Arkansas is party to a Local Incentives Definitive Agreement (the "Agreement"), as authorized by Resolution No. R-108-10 on June 15, 2010; and

WHEREAS, such Agreement enumerated specific obligations on behalf of the parties to the Agreement, which include the City of Fort Smith, the Fort Chaffee Redevelopment Authority, Sebastian County, the Fort Smith Regional Chamber of Commerce, and Mitsubishi Power Systems Americas, Inc. ("MHPSA"), related to an economic development project at 8201 Chad Colley Boulevard in Fort Smith, Arkansas, a property more particularly described on Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City of Fort Smith, as per its obligations under the Agreement, participated as Issuer in Act 9 Financing resulting in the issuance of Industrial Development Revenue Bonds (the "Bonds") to facilitate the economic development project, and

WHEREAS, as per the process of the Act 9 Financing, the City took legal ownership of the property until such time as the Bonds are satisfied per the terms of the associated Lease Agreement and PILOT Agreement; and

WHEREAS, the terms of the Lease Agreement and PILOT Agreement related to the Act 9 Financing were satisfied with Mitsubishi Power Systems Americas, Inc. payment of the Bonds on February 29, 2016; and

WHEREAS, although the project never fully developed as intended by the parties, all parties to the Agreement have cooperated to recruit a new project to the facility that will make use of the constructed facility, will create new jobs in Fort Smith, and will have a positive impact on the economies of Fort Smith, Sebastian County, and the State of Arkansas.

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

Section 1. Upon verification of successful conveyance of the property located at 8201 Chad Colley Boulevard to a third party purchaser, the Mayor is hereby authorized to execute the Termination Letter, attached hereto and incorporated by reference, agreeing to the termination of the Local Incentives Definitive Agreement authorized by Resolution No. R-108-10 on June 15, 2010 and the termination of the PILOT Agreement entered into for purposes of Act 9 Financing; and

Section 2. The Mayor is hereby authorized to execute any documents as may be required of the city in order to facilitate the conveyance of property at 8201 Chad Colley Boulevard in Fort Smith, more particularly described on Exhibit "A" attached hereto and incorporated herein; and

Section 3. This Resolution shall be effective immediately upon its passage.

ADOPTED by the Board of Directors of the City of Fort Smith on this 1<sup>st</sup> day of March, 2016.

APPROVED:

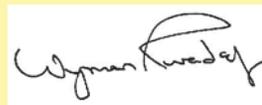
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

Approved as to form:



\_\_\_\_\_  
City Attorney

No publication required

**EXHIBIT "A"**

**Lot 1, Mitsubishi Addition to the City of Fort Smith, Sebastian County, Arkansas according to plat filed February 11, 2011, being more particularly described as follows: Part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Northeast Quarter of the Southwest Quarter, part of the Northwest Quarter of the Southwest Quarter and part of the Southwest Quarter of the Northwest Quarter, all in Section 8, Township 7 North, Range 31 West, Fort Smith District of Sebastian County, Arkansas, being more particularly described as follows: Commencing at the Northwest Corner of said Southeast Quarter of the Northwest Quarter; thence South 86 degrees 47 minutes 18 seconds East, 213.99 feet along the North line of said Southeast Quarter of the Northwest Quarter; thence South 03 degrees 12 minutes 42 seconds West, 72.92 feet to the point of beginning. Thence South 86 degrees 49 minutes 41 seconds East, 308.90 feet to the Southwest Corner of Lot 1, Mars Petcare at Chaffee Crossing; thence continuing South 86 degrees 49 minutes 41 seconds East, 1230.08 feet along the South line of said Lot 1 to the Southeast Corner of said Lot 1; thence continuing South 86 degrees 49 minutes 41 seconds East, 97.22 feet; thence South 02 degrees 36 minutes 14 seconds West, 188.11 feet; thence South 40 degrees 11 minutes 50 seconds West, 1463.50 feet; thence South 49 degrees 48 minutes 10 seconds East, 814.44 feet to a point on the Westerly right of way of the relocated Highway 71; thence South 44 degrees 33 minutes 17 seconds West, 337.13 feet along said Westerly right of way; thence South 39 degrees 07 minutes 26 seconds West, 533.84 feet along said right of way; thence South 88 degrees 06 minutes 21 seconds West, 185.43 feet along said right of way; thence North 74 degrees 47 minutes 45 seconds West, 455.62 feet along said right of way; thence South 30 degrees 50 minutes 16 seconds West, 43.78 feet along said right of way to a point on the Northerly right of way of Custer Boulevard; thence 315.17 feet along the arc of a curve to the right in said Northerly right of way, said curve having a radius of 1410.00 feet and being subtended by a chord having a bearing of North 52 degrees 39 minutes 49 seconds West and a distance of 314.52 feet; thence North 46 degrees 15 minutes 36 seconds West, 779.44 feet along said right of way; thence 206.94 feet along the arc of a curve to the left in said right of way, said curve having a radius of 1740.00 feet and being subtended by a chord having a bearing of North 49 degrees 40 minutes 02 seconds West and a distance of 206.81 feet; thence 73.22 feet along the arc of a curve to the right in said right of way, said curve having a radius of 50.00 feet and being subtended by a chord having a bearing of North 11 degrees 07 minutes 29 seconds West and a distance of 66.85 feet to a point on the Easterly right of way of Chad Colley Boulevard; thence North 30 degrees 49 minutes 29 seconds East, 1365.98 feet along said Easterly right of way; thence 345.80 feet along the arc of a curve to the left in said right of way, said curve having a radius of 3080.00 feet and being subtended by a chord having a bearing of North 27 degrees 36 minutes 30 seconds East and a distance of 345.62 feet; thence North 24 degrees 23 minutes 31 seconds East, 101.23 feet along said right of way to the point of beginning according to survey by Global Surveying Consultants, Inc. dated February 25, 2016**

March 1, 2016

City of Fort Smith, Arkansas  
The Stephens Building  
623 North Garrison  
Fort Smith, Arkansas 72901

Attention: \_\_\_\_\_

**DRAFT**  
Subject: Local Incentives Definitive Agreement and  
Payment in Lieu of Taxes Agreement

Dear \_\_\_\_\_:

Reference is made to (a) the Local Incentives Definitive Agreement dated as of June 17, 2010, by and among Mitsubishi Hitachi Power Systems Americas, Inc., as successor in interest to Mitsubishi Power Systems Americas, Inc. ("MHPSA"), the City of Fort Smith (the "City"), Sebastian County, the Fort Chaffee Redevelopment Authority, and the Fort Smith Regional Chamber of Commerce (the "Agreement"), and (b) the related Payment in Lieu of Taxes Agreement dated as of September 30, 2010, between the City and MHPSA (the "PILOT Agreement").

The purpose of this letter is to confirm the understanding and agreement of the City and MHPSA that with respect to the City and MHPSA the Agreement and the PILOT Agreement are both terminated, and that neither the City nor MHPSA have any further liability or obligation to the other under the Agreement or the PILOT Agreement, other than with respect to (a) the payment required to be paid by MHPSA to the City for the 2015 tax year pursuant to the PILOT Agreement, and (b) the payment required to be paid by MHPSA to the City pursuant to Section 5 of the PILOT Agreement for the portion of the 2016 tax year ending as of the date hereof.

The termination of the Agreement and PILOT Agreement between the City and MHPSA is contingent upon the successful conveyance of MHPSA's facility located at 8201 Chad Colley Boulevard, Fort Smith, Arkansas to a third party purchaser. In addition, this letter does not change the any property tax liability related to the subject property as addressed in the PILOT Agreement as acknowledged above.

If the foregoing reflects your understanding and agreement, please execute a copy of this letter and return it to the undersigned.

Sincerely,

Mitsubishi Hitachi Power Systems Americas, Inc.

By: \_\_\_\_\_  
[insert name, title]

**Error! Unknown document property name.**

Acknowledged and agreed  
as of March 1, 2016.

City of Fort Smith, Arkansas

By: \_\_\_\_\_  
Sandy Sanders, Mayor

1A

RESOLUTION NO.

R-108-10

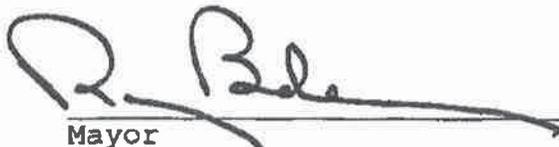
**A RESOLUTION AUTHORIZING THE EXECUTION OF A  
LOCAL INCENTIVES DEFINITIVE AGREEMENT REGARDING  
AN ECONOMIC DEVELOPMENT PROJECT AT CHAFFEE CROSSING**

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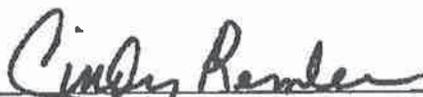
BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The Mayor and City Clerk are hereby authorized to execute a Local Incentives Definitive Agreement with Mitsubishi Power Systems Americas, Sebastian County, the Fort Chaffee Redevelopment Authority Public Trust, and the Fort Smith Regional Chamber of Commerce for the development of new manufacturing facilities at Chaffee Crossing.

This Resolution passed this 15<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
No Publication Required

R-108-10

**LOCAL INCENTIVES  
DEFINITIVE AGREEMENT**

THIS LOCAL INCENTIVES DEFINITIVE AGREEMENT ("Agreement") is made and entered into this 17th day of June, 2010, by and between Mitsubishi Power Systems Americas, Inc. ("Company"), with a Headquarters address of 100 Colonial Center Parkway, Lake Mary, Florida 32746 and with the address for the Renewable Energy offices of 100 Bayview Circle, Newport Beach, California 92660; the City of Fort Smith, Arkansas ("City"), with an address of 623 Garrison Avenue, Fort Smith, Arkansas 72901; Sebastian County ("County") with an address of 35 South Sixth Street, Fort Smith, Arkansas 72901; the Fort Chaffee Redevelopment Authority ("FCRA"), with an address of 7020 Taylor Avenue, Fort Smith, Arkansas 72916; and the Fort Smith Regional Chamber of Commerce ("Chamber"), with an address of 612 Garrison Avenue, Fort Smith, Arkansas 72901. The Company, the City, the County, the FCRA, and the Chamber may be referred to, collectively, as the "Parties". The City, the County, the FCRA, and the Chamber may be referred to, collectively, as the "Agencies".

**WITNESSETH:**

**WHEREAS**, the Parties to this Agreement desire that the Company locate and operate a turbine nacelle assembly and manufacturing facility, more particularly described in Section IV. below ("Project"), on certain real property located at 8201 Chad Colley Boulevard, Fort Smith, Sebastian County, Arkansas 72916, and generally depicted and described on Exhibit A ("Property"); and

**WHEREAS**, the Company has requested the Agencies to make certain financial, tax and other commitments for the benefit of the Project, which commitments are more particularly described in Section V of this Agreement ("Incentives"); and

1485032.7

**WHEREAS, the Agencies have requested the Company to make certain job creation and capital investment commitments to proceed with this Project; and**

**WHEREAS, the Agencies are authorized to enter into this Agreement pursuant to applicable state laws and governance requirements, and the Company is authorized to enter into this Agreement pursuant to normal and customary business governance requirements.**

**NOW, THEREFORE, for and in consideration of mutual benefits and the public interest and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows, intending to be legally bound:**

**AGREEMENT:**

**I. Recitals.** The foregoing recitations are true and correct and are incorporated herein by reference. All exhibits to this Agreement are hereby deemed a part hereof.

**II. Agreement.**

The purpose of this Agreement is to establish the material terms of the Project and the related Incentives. This Agreement shall be deemed to create legally binding obligations on the Parties subject to completion of the Company's continued due diligence with respect to the Project site (e.g. flood, wetlands, survey, title, environmental, etc.) (the "Site Review").

**III. Authority.**

The Agencies have entered into this Agreement under the authority of their general powers, including, without limitation, those conferred upon cities, counties, and redevelopment authority public trusts by statute and otherwise. Each agency acknowledges that it possesses all the requisite power and authority or will take all such action necessary to deliver all of the terms and conditions in this Agreement, including the Incentives for the Project to the Company. Each Agency represents and warrants that the Incentives offered by it hereunder have been approved and, except as

contemplated by this Agreement, require no further vote or decision by any legislative body or authority.

**IV. Property Ownership and Development.** A. Company acknowledges and represents to the Agencies that it will be either the owner or the lessee of the Property, that it is empowered to enter into this Agreement, and that the Company approves moving forward with the Project, subject to the Company's Site Review. Company shall provide to the Agencies a resolution adopted by the Company's Board that approves moving forward with the Project pursuant to the terms and conditions herein with regard to the Project.

B. If the Company chooses to finance the Project through an issuance of revenue bonds (the "Bonds") under Arkansas Code Title 14, Chapter 164, Subchapter 2 ("Act 9 Financing"), as further discussed below, then the City, as issuer of the Bonds, will acquire the Property from FCRA together with any buildings and equipment, if desired by the Company, constructed or placed thereon ("Project Assets") (and upon the satisfaction of the Bonds, convey ownership to the Company) and, for the term of the Bonds, will lease the Project Assets to the Company under one or more leases; provided that all obligations of the Company under this Agreement shall remain the sole and absolute obligations of the Company, and further provided that the Company may grant a security interest in the Project Assets as security for its obligations related to the Bonds. Upon the conclusion of the lease term, the City will convey the Project Assets and the Property to the Company at no cost, which shall be more particularly set forth in the lease agreement. Any conveyance of the Property shall be by special warranty deed. If the Company chooses to forego the Act 9 Financing, then the Company will become the owner of all the Project Assets, and the Property shall be transferred to the Company at no cost; provided that the Company may

further assign such Project Assets if required by the Company's lenders for the purpose of facilitating the Company's financing of the Project, provided that all obligations of the Company under this Agreement shall remain the sole and absolute obligations of the Company and shall not be assigned.

C. The FCRA is currently the owner of the Property (See definition of Property in Article V, A, 1.).

D. In order to allow the Company to begin construction and development of the Project, the FCRA, the City and the Company will, among other things, proceed so that the City obtains title to the Property, if the Company elects, in its sole discretion, to proceed with Act 9 Financing. Otherwise, the FCRA shall convey title to the Property directly to the Company, and the Company may further assign an interest in the Property as may be required by the Company's lenders for the purpose of facilitating the Company's financing of the Project, as set forth in Section IV (B) above.

V. Project Description.

Subject to Company's Site Review, the Company will:

A. Construct and operate a wind energy nacelle manufacturing facility in an approximately 200,000 square foot building to be constructed on the Property, a site of approximately ninety (90) acres, with facility expansion capabilities thereafter if the Company so desires.

B. Expend, as presently contemplated and estimated, approximately Forty-One Million Dollars (\$41,000,000) in buildings and leasehold improvements and Twenty-Two Million Dollars (\$22,000,000) in equipment that will comprise the Project Assets, including,

but not limited to, an overhead crane, by no later than June 30, 2012. Other future facility and equipment additions may be considered thereafter.

C. Employ approximately three hundred thirty five (335) but no less than three hundred (300) net, new, full-time permanent employees (as defined in Ark. Code Ann. § 15-4-2703(20)(A) and (B) as now in effect) in the Project as defined in the State of Arkansas Consolidated Incentive Act ("Project Employees"), who earn an average hourly wage including overtime pay of not less than Eighteen Dollars (\$18) per hour, by December 31, 2014 or four (4) years from the date on which product is first produced for sale at the Project, whichever occurs first.

**VI. Obligations of the Agencies; Incentives.**

**A. FCRA.**

1. As set forth in Sections IV (B) through (D) above, FCRA will deed the Property to the Company (or its designee for financing purposes) or the City, as applicable, at no cost to the Company.

2. FCRA will provide the Company with an ALTA survey and legal description of the Property at FCRA's cost (the "Survey"), which shall be used in the Company's Site Review process.

3. FCRA will provide the Company with an extended coverage lessee's title insurance policy, with such exceptions as the Company shall approve, insuring title to the Property in the amount of \$25,000 per acre, which policy shall be provided at FCRA's cost; provided, that if the Company takes ownership of the Property, rather than leasing the same, then such policy shall be an owner's policy (the "Title Policy").

4. The Property will not be encumbered by any liens or encumbrances not identified in the Survey and Title Policy and approved by the Company, nor any liens or encumbrances that would affect the intended use by the Company, and the Property shall be appropriately zoned for the Company's intended use.

In addition, FCRA will abandon any street rights of way that have been platted but not constructed across the Property, and will abandon any easements and execute or issue any necessary easements, right of way agreements, licenses, permits or other documents necessary to ensure that the Company can at all times operate the Project in a competitive, cost-efficient manner. FCRA will (a) execute such amendments to the Bill of Assurances and Protective Covenants of Fort Chaffee Industrial Park No. 1 and to all other documents or restrictions filed of record and that impact the Property and (b) approve any and all variances granted by the Architectural Control Committee from any restrictions filed of record which burden or affect the Property, and reverse any denials of variances that would restrict the Company from operating the Project or any aspect thereof (and all ancillary support functions associated therewith) in a competitive, cost-efficient manner. The intent of this provision is to ensure that the FCRA will enable the Company to develop, operate and maintain the Project on the Property and enable the Company to fully utilize all roadways, utility corridors and other services or facilities associated with the Property now or in the future. With respect to the granting of permits or variances, this provision shall be given the widest, most liberal interpretation possible and the Bill of Assurances and Protective Covenants shall be presumptively construed in favor of the Company.

5. FCRA shall provide the Company with a current Phase I environmental report on the Property, together with such other existing environmental and subsurface reports (including unexploded ordinance) as may be available, including without limitation, all environmental assessments, evaluations, surveys, analyses, studies, sampling and testing concerning, or that might reasonably be anticipated to be a concern and which shall include, but is not limited to, a determination as to whether any portion of the Property constitutes a "wetlands" under applicable state or federal laws. FCRA shall indemnify and hold the Company harmless from any and all environmental or wetlands liabilities on the Property deemed to have existed on or prior to the date the Company takes title to or leases the Property, including, but not limited to, all surface, subsurface, and unexploded ordinance issues.

6. The FCRA agrees to provide dirt and shale to the Company from time to time to assist in its site development efforts.

7. The FCRA agrees to relocate the drainage canal at the Southern end of the Property to be aligned along the Southern boundary parallel to Custer Boulevard. The FCRA agrees to commence relocation upon written notice from the Company that development of the Southern area of the property is imminent and to indemnify and hold the Company, its contractors, sub-contractors and all agents acting on behalf of them harmless from and against any liability, claim, expense, fine or cost associated with such actions.

8. FCRA and the Company reserve the right to designate certain portions of the Property to be used for rail and road rights of way in order to accommodate future transportation needs of the Company and adjacent industrial prospects.

B. City.

1. The City agrees to extend Chad Colley Boulevard to Custer Boulevard, following a mutually agreed upon path, and make turning radius improvements at the intersection of Chad Colley Boulevard and Frontier Avenue, and to complete said road construction by August 31, 2011 at its cost.

2. The City agrees to extend the water and sewer mains to the site boundary of the Project by October 31, 2010 at its cost.

3. The City will waive all building permit fees, inspection fees and water and sewer connection fees for the Project.

4. The City will provide an endorsement resolution to provide a refund of local sales and use taxes for eligible construction costs of the Project. Specific terms and conditions of the eligibility issues are contained within the Tax Back Program legislation.

5. The City agrees to participate as issuer in Act 9 Financing, subject to bond counsel approval, in an amount not to exceed Seventy-Five Million Dollars (\$75,000,000) for this Project, provided that the Company chooses to proceed with such financing. It is contemplated that the Act 9 Financing would occur at the time or before the Company is ready to begin operations at the Project. The City and the Company will enter into an agreement that will provide the general terms of the Act 9 Financing, including the negotiated terms of the Payment in Lieu of Taxes

**(“PILOT”) Agreement. The PILOT Agreement will provide, among other things, for payments in lieu of property taxes representing a fifty percent (50%) reduction in all applicable property taxes for a twelve (12) year period for equipment related expenditures and a twenty (20) year period for permanent improvement related expenditures, from the date of issuance of the Bonds or until the Company ceases to occupy the Property, whichever occurs first. The City will obtain from the City’s Board of Directors a resolution expressing the City’s intent to issue the Bonds and to approve the PILOT Agreement and the lease agreement between the City and the Company or the Company’s designee, as applicable, prior to the time the Company begins developing the Project, although the PILOT Agreement and the lease agreement will not take effect until the Act 9 Financing is completed and the title to the Project Assets are transferred to the City. At the appropriate time, the City will also obtain from the City’s Board of Directors an ordinance authorizing the issuance of the Bonds.**

**D. County.**

**1. The County will provide an endorsement resolution to provide a refund of applicable local sales and use taxes for eligible construction costs of the Project. Specific terms and conditions of the eligibility issues are contained within the Tax Back Program legislation.**

**2. The County will designate its entire \$3,700,000 volume cap allocation for federal recovery zone facility bonds to the Company for use in the Act 9 Financing, and the Company has made the appropriate state agencies aware of its election to so designate its allocated portion of the recovery zone facility volume cap.**

E. Chamber.

1. The Chamber will provide an economic development grant to the Company in the amount of \$500,000 for eligible costs and expenditures as follows:

(a) \$166,667 upon groundbreaking;

(b) \$166,667 upon "ribbon cutting" or opening of the manufacturing facility located on the Property; and

(c) \$166,666 upon reaching Full Employment of at least 300 employees as set forth in Subsection IV (C) above.

2. The Chamber will provide a grant to the Company in the amount of \$85,000 to be utilized as follows, with such Incentives being provided by individual members of the Chamber and payments for such Incentives being made directly from the Chamber to such members:

(a) Temporary/short-term office space for key employees to begin typical start-up activities for the Project;

(b) Temporary housing for key employees for re-location; and

(c) Corporate Hardscrabble Country Club membership for one year.

All obligations of the Agencies to provide the Incentives are contingent upon the Company's compliance with the Project requirements set forth in Article V above.

**VII. Rights And Remedies With Respect To Non-Compliance.**

In the event the Company has failed to meet its obligations under this Agreement, the Agencies will be entitled to a return of any cash Incentives received from the Agencies. In the event that the Company has met its obligations under this Agreement and any Agency fails to honor its

respective obligations under this Agreement and the Company has notified the relevant Agency of the material breach and such breach has not been cured within thirty (30) days of receipt of such notice, then the Company may pursue all rights and remedies at law or in equity against the breaching Agency, as it deems necessary.

No party shall be liable to any other for special, indirect, compensatory, special, punitive, or consequential damages resulting from or arising out of this Agreement, including but not limited to strict liability, negligence, contract or tort, law or equity, including, without limitation, loss of opportunity, however same may be caused.

**VIII. Assignment Provision By The Company.**

None of the Parties may assign this Agreement, or any rights, interests or obligations hereunder, without the prior written consent of all the other Parties; provided, however, that the Company shall be entitled to assign its interest in the Property or the Project Assets as it deems necessary to facilitate financing of the Project; provided further that all obligations of the Company under this Agreement shall remain the sole and absolute obligations of the Company and shall not be assigned. Subject to the foregoing, this Agreement shall be binding upon, and inure to the benefit of the Parties hereto and their respective successors, administrators, trustees, and assigns.

**IX. Amendments.**

No provision of this Agreement may be amended without the prior written consent of the Parties described in or affected by the provision to be changed.

**X. Notices.**

Any notices required for this Agreement shall be given in writing, and shall be deemed delivered when received by U.S. certified mail, United Parcel Service, or Federal Express, at the

following addresses (telephone numbers are listed for convenience purposes; not for notice purposes):

- If to the City
  - City Administrator, City of Fort Smith  
623 Garrison Ave. Suite 315, P.O. Box 1908  
Fort Smith, AR 72902  
(P) 479-784-2201
  
- If to the FCRA
  - Executive Director  
Fort Chafee Redevelopment Authority  
P.O. Box 11165  
Fort Smith, AR 72917  
(P) 479-452-4554
  
- If to the County
  - County Judge, Sebastian County  
35 South Sixth Street  
Fort Smith, AR 72901  
(P) 479-783-6139
  
- If to the Chamber
  - President and CEO  
Fort Smith Regional Chamber of Commerce  
Paul H. Harvel  
612 Garrison Ave.  
Fort Smith, AR 72901  
(P) 479-783-3111
  
- If to the Company
  - Tsuneo Nakano  
Senior Vice President  
Mitsubishi Power Systems Americas, Inc.  
100 Bayview Circle, Suite 6000  
Newport Beach, CA 92660  
(P) (949) 856-8400
  
- With a copy to
  - General Counsel  
Mitsubishi Power Systems Americas, Inc.  
100 Bayview Circle, Suite 6000  
Newport Beach, CA 92660  
(P) (949) 856-8400

**XI. Entire Agreement.**

This Agreement, including Exhibits, and the resolutions adopted by governmental authorities, contain all agreements and obligations among the Parties and each Party hereto represents and warrants that it has the authority to enter in this Agreement.

**XII. Headings and Construction.**

The headings used for the Articles, Sections, and Paragraphs of this Agreement are for convenience and reference purposes only and shall not affect the meaning or interpretation of any provision hereunder. This Agreement has been reviewed and negotiated by the Parties and shall not be interpreted more strongly for or against any Party based upon the source of draftsmanship. All Dollar (\$) amounts listed in this Agreement are in U.S. Dollars.

**XIII. Counterparts.**

This Agreement may be executed by facsimile or electronically exchanged signature pages and/or in any number of counterparts, each of which when so executed shall be deemed an original, but all of which together shall constitute one and the same instrument.

**XIV. Severability.**

In the event that any clause, sentence, paragraph or provision of this Agreement shall be determined to be voidable, void or unenforceable, such voidableness, voidness or unenforceability shall not affect the validity or enforceability of the remainder of this Agreement. The Parties shall make a good faith effort to replace any such provisions with a valid one to reflect the original intent of the Parties.

**XV. Choice of Law.**

This Agreement shall be governed by and construed in accordance with the substantive laws of the state of Arkansas, without regard to its conflict of laws principles.

**[Remainder of page intentionally left blank]**

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth:

THE COMPANY:

**MITSUBISHI POWER SYSTEMS AMERICAS, INC.**  
a Delaware corporation

By:   
Name: Tsuneo Nakano  
Title: Senior Vice President

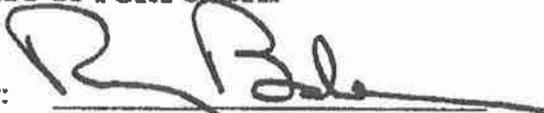
Date: June 19, 2010

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth:

THE CITY:

CITY OF FORT SMITH

By:

  
C. Ray Baker, Jr. Mayor

Date:

June 16, 2010

ATTEST:

  
Cindy Remler, City Clerk

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth:

THE FCRA:

FORT CHAFFEE REDEVELOPMENT AUTHORITY

By: Ivy Owen  
Ivy Owen, Executive Director

Date: 6/17, 2010

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth:

THE COUNTY:

SEBASTIAN COUNTY, ARKANSAS

By: David Hudson County Judge  
David Hudson, County Judge

Date: 4/15/2010, 2010

ATTEST:

David M. Sate  
County Clerk

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth:

THE CHAMBER:

FORT SMITH REGIONAL CHAMBER OF COMMERCE

By: Paul N. Harvel  
Paul Harvel, Executive Director and CEO

Date: 6-17-10

## Exhibits

Exhibit	Identification
A	Property Legal Description

1485032.7

**EXHIBIT A-1**

**PROPERTY LEGAL DESCRIPTION**

Part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter; part of the Northeast Quarter of the Southwest Quarter, part of the Northwest Quarter of the Southwest Quarter, and part of the Southwest Quarter of the Northwest Quarter, all in Section 8, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northwest Corner of said Southeast Quarter of the Northwest Quarter; Thence S86°47'18"E, 213.99 feet along the North Line of said Southeast Quarter of the Northwest Quarter, Thence S03°12'42"W, 72.92 feet to the Point of Beginning; Thence S86°49'41"E, 308.90 feet to the southwest corner of Lot 1, Mars Petcare at Chaffee Crossing; Thence continuing S86°49'41"E, 1230.08 feet along the south line of said Lot 1 to the southeast corner of said Lot 1; Thence continuing S86°49'41"E, 97.22 feet; Thence S02°36'14"W, 188.11 feet; Thence S40°11'50"W, 1463.50 feet; Thence S49°48'10"E, 814.44 feet to a point on the westerly right of way of the relocated Highway 71; Thence S44°33'17"W, 337.13 feet along said westerly right of way; Thence S39°07'26"W, 533.84 feet along said right of way; Thence S88°06'21"W, 185.43 feet along said right of way; Thence N74°47'45"W, 455.62 feet along said right of way; Thence S30°50'16"W, 43.78 feet along said right of way to a point on the northerly right of way of Custer Boulevard; Thence 315.17 feet along the arc of a curve to the right in said northerly right of way, said curve having a radius of 1410.00 feet and being subtended by a chord having a bearing of N52°39'49"W and a distance of 314.52 feet; Thence N46°15'36"W, 779.44 feet along said right of way; Thence 206.94 feet along the arc of a curve to the left in said right of way, said curve having a radius of 1740.00 feet and being subtended by a chord having a bearing of N49°40'02"W and a distance of 206.81 feet; Thence 73.22 feet along the arc of a curve to the right in said right of way, said curve having a radius of 50.00 feet and being subtended by a chord having a bearing of N11°07'29"W and a distance of 66.85 feet to a point on the easterly right of way of Chad Colley Boulevard; Thence N30°49'29"E, 1365.98 feet along said easterly right of way; Thence 345.80 feet along the arc of a curve to the left in said right of way, said curve having a radius of 3050.00 feet and being subtended by a chord having a bearing of N27°36'30"E and a distance of 345.62 feet; Thence N24°23'31"E, 101.23 feet along said right of way to the Point of Beginning, containing 90.0 acres, more or less.

**EXHIBIT A-2**  
**PROPERTY DEPICTION**

Attached.

1485032.7

# Memo



To: Jeff Dingman, Acting City Administrator  
From: John Cooley, Chairman, Comprehensive Plan Implementation Committee  
Date: 2/22/2016  
Re: Inaugural Future Fort Smith Report

This is the inaugural report of the Future Fort Smith Comprehensive Plan. The report covers the progress made on implementation since the adoption of the plan on December 16, 2014 through the end of December 2015. Any items accomplished since December 2015 will be included in a future report. This report is developed in two parts, Part 1 is a summary of the activity that has taken place and includes recommendations on furthering the implementation process. Part 2 is the attached implementation matrix with a status column.

The following is a summary of the implementation measures through 2015:

1. After adoption of the Plan, the document was printed and copies were distributed to the Board of Directors, Planning Commission, and City departments. Additionally, the document was placed on the city's website.
2. On April 21<sup>st</sup>, the Board of Directors appointed the Comprehensive Plan Implementation Committee (CPIC) consisting of 11 members, including one member from the Planning Commission and one member from the Parks Commission. The CPIC has met three times (June 22<sup>nd</sup>, July 20<sup>th</sup>, and November 16<sup>th</sup>). They have decided to meet quarterly and have formed subcommittees which meet as necessary. At their meetings, a guest speaker briefs them on the work of their department or group in relation to the Comprehensive Plan. For example, John McIntosh, with 64/6 Downtown, briefed the CPIC on the successes the group has had with downtown projects.
3. The CPIC has requested they be informed of any Planning Commission or Board of Director agenda items related to the Comprehensive Plan.
4. Attached is the Comprehensive Plan Implementation Matrix with a status column showing the standing of the goals, policies, and actions listed in the plan. Input from our partners listed in the responsible party column is included.

Recommendations to continue the momentum of implementing the Comprehensive Plan include:

1. Continue quarterly meetings with the CPIC and inform them of applicable Board of Director and Planning Commission agenda items.
2. Continue the identification of Future Fort Smith items on the Board of Director's agenda with a blue diamond.
3. All Board's and Commission's should identify Future Fort Smith items on their respective agendas.
4. The CPIC would like to schedule individual meetings with the partners and members of the Technical Review Team (TRT) listed in the responsible party column.
5. City staff should schedule semiannual meetings with the TRT for progress updates. The TRT is comprised of city department heads and applicable staff. It was formed when the Comprehensive Plan was in process.
6. Publicize goals, policies, and actions in progress through the use of social media, email, and signage on projects.

Some of the accomplishments to date include the amendments to the mobile food truck ordinance, completion of the Compass Park splash pad, Imani Park, and Stagecoach Park, and adoption of the consent decree.

This does not require action by the Board of Director it is a report summarizing the progress made in 2015.

Attached is the Comprehensive Plan matrix with a status column outlining the progress made on the Goals, Policies, and Actions in 2015.

Legend for status column:

*Italic Font - In progress*

Normal Font - Passed by the Board

Underlined - Accomplished by our partners

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
					Short Term, Mid, Long	Party	
Future Land Use							
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	Ongoing; PZD at South 31st and Phoenix Avenue and <i>ACHE PZD in Chaffee Crossing</i> ; <u><a href="#">In partnership with the City of Fort Smith, The Fort Smith Regional Chamber continues to be actively engaged in economic development. This includes identifying viable locations for new businesses coming to the community and working together to retain existing businesses in the region.</a></u>
			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, to attract small businesses to vacant storefronts.	Decrease in number of vacant storefronts	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	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			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	Ongoing; Projects include: Consent Decree, Street Sales Tax in Support of Streets and Drainage, Geren Road Reconstruction, Wastewater projects, Riverlyn wastewater pump station improvements, library annex renovations for office space, Lake Fort Smith trasmission line, Mill Creek Interceptor Improvements, street improvements for ARCOM, 2013 and 2015 Drainage Improvements, Street overlays/reconstruction, Fort Smith Levee Improvements, Town Branch Drainage Improvements, Neighborhood Drainage Improvements, Traffic Signal Improvements, McClure Drive Extension , Design of P Street Basin Interceptor Improvements, 2015 sewer system assessments, Riverfront development water and sewer extensions
		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; Enginnering; Utility Dept; Fire Dept; Police	
		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	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status	
			Encourage development near community facilities and services (e.g., schools, recreation centers, health facilities) to fully utilize existing services and limit duplication	FLU-1.4.2	Percent of new development within 1/4 mile of existing community facilities	Mid	Planning & Zoning; Utility Department; Engineering, Chamber, Fort Smith Homebuilders Association	
		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	FLU-1.5.1	Percent of new development in targeted growth areas	Mid	Planning & Zoning; Fort Smith CBID; Chamber; Administration
		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.	FLU-1.6.1	Number of plans completed (3 Corridor Typologies Identified in CSS Element)	Long	Planning & Zoning; Engineering; AHTD
			Publicize new mixed use areas within the development and real estate community.	FLU-1.6.2	Percent of new development that incorporates mixing of uses	Long	Planning & Zoning, Fort Smith Homebuilder Association, Fort Smith Board of Realtors; Chamber	

Ongoing; PZD at South 31st and Phoenix Avenue; in partnership with the City of Fort Smith, The Fort Smith Regional Chamber continues to be actively engaged in economic development. This includes identifying viable locations for new businesses coming to the community and working together to retain existing businesses in the region.

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
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	Ongoing; Marshal's Museum Service Agreement, Kelley Highway extension
				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	
				FLU-2.1.3	Incorporate a variety of venues that accommodate the interests of diverse demographic groups to develop an appropriate balance of day and nighttime businesses and activities.	Number of venue types	Mid	Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Parks Department	
				FLU-2.1.4	Leverage special events to reinvigorate the riverfront district.	Number of special events held in the riverfront district, and the number of residents in attendance	Short	Fort Smith Residents, Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Parks Department; Advertising and Promotions Commission	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			Collaborate with the Fort Smith Convention and Visitors Bureau, tourism agencies and event organizers to promote the Downtown Riverfront district amenities in a coordinated branding and marketing campaign.	Completion of a coordinated branding and marketing campaign	Short	Fort Smith CBID; Greater Fort Smith Chamber of Commerce; Tourism; Convention Center; Advertising & Promotions Commission	Completed
			Integrate unified design and construction standards that complement Downtown and city design elements, yet provide a symbolic language distinct to the riverfront.	Completion of unified standards	Mid	Planning & Zoning; Fort Smith CBID	
		FLU-2.2	Comprehensively plan access and development along Riverfront Drive to reflect passive and active recreation, pedestrian, bicycle, and tourist activities.	Completion of a comprehensive access management plan for Riverfront Drive	Long	Fort Smith CBID; Engineering; Parks	
		FLU-2.3	Provide recreation activities and access to the Arkansas River while preserving and protecting the natural environment, watershed, and critical wildlife habitats.	Consider an adventure park on the riverfront (UAFS Leadership Class concept).	Long	Parks & Recreation; UAFS Leadership Class; Fort Smith CBID; Advertising and Promotions Commission	
			Complete planned splash pad area.	Opening of the splash pad	Short	Parks & Recreation; Fort Smith CBID	
FLU-3	Revitalize downtown into a multipurpose activity center	FLU-3.1	Increase the number and type of residential opportunities in and around downtown.	FLU-3.1.1 Support rehabilitation and adaptive reuse of buildings for housing and promote infill development of vacant land downtown.	Number of rehabilitated and buildings adaptively reused	Mid	
						Ongoing; Compass Park Splash Pad, Greg Smith Riverfront Trail, Arkansas Recreation Trails Program Funding. <a href="#">Local Property Owners - Rehabilitation of 400 block of Garrison Avenue and Friedman Mincer building</a>	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status	
		FLU-3.2	Improve the accessibility of Downtown.	FLU-3.2.1	Increase public transit access and frequency between Downtown and key destinations and throughout the city.	Decrease in headways	Long	Transit
				FLU-3.2.2	Implement an efficient parking plan that accommodates visitors while not detracting from the character of downtown.	Completion of a parking plan	Mid	Fort Smith CBID; Engineering; Police; Planning and Zoning; Operations
				FLU-3.2.3	Create safe and attractive pedestrian and bicycle connections within downtown and riverfront, and between adjacent neighborhoods (bike lanes, trails, and complete sidewalks).	Completion of the Trails and Greenways Masterplan in the Downtown	Mid	Fort Smith CBID; Engineering; Parks; Police; Operations
				FLU-3.2.4	Reduce the impact of "dead zones" caused by vacant properties by installing pedestrian-level lighting, filling empty storefronts, improving empty facades and strategically positioning kiosks and vendors to guide pedestrian flow, increasing "eyes on the street."	Number of dead zones eliminated Downtown	Mid	Local Business Owners; Planning & Zoning; Engineering; Advertising and Promotions Commission; Fort Smith CBID; Parks; Franchise Utilities
		FLU-3.3	Concentrate available resources to retain existing jobs and encourage job creation and population growth in the downtown and riverfront.	FLU-3.3.1	Developing strategies that support existing businesses, and direct economic development actions to Downtown.	Percent of Chamber of Commerce economic development actions focused on the Downtown	Long	Greater Fort Smith Chamber of Commerce; Fort Smith CBID
				FLU-3.3.2	Encourage existing downtown businesses to improve the look of their buildings to be more in line with current code requirements and embrace a more "original" look.	Number of existing buildings that have improved their storefronts	Mid	Planning & Zoning, Local Business Owners, Fort Smith CBID

The Chamber leverages resources for the downtown and riverfront as well as our entire region.

Ongoing; Local Property Owners - Rehabilitation of 400 block of Garrison Avenue and Friedman Mincer building

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
		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	Ongoing; Farmer's Market featured on "Experience FSM" mobile app
			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							

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
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	Ongoing; Outdoor Mobile Food Vending Ordinance <i>Also working on amendments such as microwbrewery and specialty manufacturing; <u>The Chamber actively supports small businesses. A couple of years ago, the Chamber implemented the "Shop Local" campaign. This is a partnership with small, locally owned businesses in which we promote their business and drive traffic to their location(s). Additionally, the Fort Smith Regional Chamber in partnership with the Arkansas Economic Development Commission provides assistance to small business in our region.</u></i>
				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	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			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	<u>UAFS mentor program (2015-2016) has 35 students in the program, 35 young alumni, and 35 executive professionals (for a total of 105 participants). The young alumni and executive professionals represent local employers in our industry workforce. UAFS Babb Center for Student Professional Development 2013-2014: 115 students (Business majors) 2014-2015: 240 students (Business majors) 2015-2016: 485 students (STEM and Business)</u>
			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	
			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	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
		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;	<p><u>Chamber - Our geographic location and the multiple modes of transportation are used as a selling point when recruiting new industries to our region; FCRA - Submitted a list of 114 businesses that have opened in the last 5 years.</u></p>
		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	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
		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	
ED-2	Develop a world class workforce by making accessible opportunities for life-long learning	ED-2.1	Leverage research and brainpower of UAFS.	ED-2.1.1	Partner with UAFS to set up a career connection service, internships, and community partnerships that helps all recent graduates (regardless of schooling location) find jobs or internships at local employers.	Creation of a Career Connection Service	Mid	Administration; Fort Smith School District; UAFS; Greater Fort Smith Chamber of Commerce;	

UAFS mentor program (2015-2016) has 35 students in the program, 35 young alumni, and 35 executive professionals (for a total of 105 participants). The young alumni and executive professionals represent local employers in our industry workforce. UAFS Babb Center for Student Professional Development 2013-2014: 115 students (Business majors) 2014-2015: 240 students (Business majors) 2015-2016: 485 students (STEM and Business); The Chamber actively leverages UAFS in projects. Last year, Leadership Fort Smith was moved from UAFS to the Chamber.

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
		ED-2.2	Promote trade schools as an option for job skills training.	ED-2.2.1	Partner with local high schools to promote job skills training programs.	Number of participants in job skills training programs	Mid	Fort Smith School District; Fort Smith Chamber of Commerce; UAFS; WATTC	<p><u>Program</u>  <a href="http://uafs.edu/news/4418">http://uafs.edu/news/4418</a>;  The Fort Smith Regional Chamber is launching the "Junior Leadership Academy", also referred to as "JLA" in Spring 2016. This is a program that will be offered to high school juniors in which they will be exposed to Fort Smith's corporate city for future career opportunities that will be available to them after graduation.</p> <p>In addition to JLA, the Fort Smith Chamber manages and operates the Leadership Fort Smith Program (LFS). LFS began under the direction of UAFS and was moved to the Chamber in 2015. LFS consists of approximate 25 individuals from diverse backgrounds. Throughout the class, they are exposed to various fields including law enforcement, manufacturing, education,</p>

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			ED-2.2.2 Work with city employers to set up mentoring/apprenticeship programs for high school students.	Number of students participating in mentorship programs	Mid	Fort Smith School District; Fort Smith Chamber of Commerce; Local Business Owners; High School Students; UAFS	<a href="#">UAFS mentor program (2015-2016) has 35 students in the program, 35 young alumni, and 35 executive professionals (for a total of 105 participants). The young alumni and executive professionals represent local employers in our industry workforce. UAFS Babb Center for Student Professional Development 2013-2014: 115 students (Business majors) 2014-2015: 240 students (Business majors) 2015-2016: 485 students (STEM and Business)</a>
			ED-2.2.3 Promote the development of job training programs at area colleges.	Number of job training programs at area colleges	Mid	UAFS; College Students; Local Business Owners; Fort Smith Residents	
			ED-2.2.4 Expand and promote the linking of local high school curricula with technical and industrial training programs at UAFS.	Curricula link complete	Mid	UAFS; Fort Smith School District; High School Students; College Students	
		ED-2.3 Focus on increasing student performance.	ED-2.3.1 Support programs in existing public and private schools to increase student performance and consider all opportunities to improve educational outcomes for all students.	Improved student performance	Long	Fort Smith Students; Fort Smith School District; Fort Smith Residents; Administration	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			ED-2.3.2 Capitalize on the existing dual enrollment program for high school students to prepare students for college and/or careers.	Number of students participating in dual enrollment programs	Mid	Fort Smith Students; Fort Smith School District; Local Business Owners; UAFS; Greater Fort Smith Chamber of Commerce	<a href="http://academics.uafs.edu/watc/watc-home">UAFS - Western Arkansas Technical Center http://academics.uafs.edu/watc/watc-home</a>
		ED-2.4 Help prepare children to perform at higher levels by ensuring access to high-quality early childhood education.	ED-2.4.1 Link local businesses, employers, and institutions to provide early childhood education, child care, and after school programs.	Number of children enrolled in early childhood education	Short	Western Arkansas Technical Center (UAFS Early Childhood Education Program); Local Business Owners; Fort Smith Residents; Early Education Providers	
		ED-2.5 Nurture the next generation of leaders.	ED-2.5.1 Create a youth leadership training program.	Number of youth participating in a leadership program	Mid	Fort Smith Youth; Fort Smith Residents; Local Business Leaders; Administration; Greater Fort Smith Chamber of Commerce; Local Teachers	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
				ED-2.5.2 Encourage local businesses to create a fund to expand teacher training for STEM.	Amount STEM training funds provided to teachers	Local Business Owners; Greater Fort Smith Chamber of Commerce; Fort Smith Residents; Fort Smith School District; Local Teachers	
		ED-2.6 Focus on retention of students in the area.	ED-2.6.1 Focus on building stronger ties between UAFS and local employers to help graduates, particularly non-natives, learn about local job opportunities and form networks in the city and region.	Number of UAFS graduates who stay to work in Fort Smith	Long	UAFS; College Students; Local Business Owners; Fort Smith Residents	<p><u>UAFS mentor program (2015-2016) has 35 students in the program, 35 young alumni, and 35 executive professionals (for a total of 105 participants). The young alumni and executive professionals represent local employers in our industry workforce. UAFS Babb Center for Student Professional Development 2013-2014: 115 students (Business majors) 2014-2015: 240 students (Business majors) 2015-2016: 485 students (STEM and Business)</u></p>

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
					ED-2.6.2 Encourage UAFS and employers to expand the use of internship and cooperative learning opportunities.	Number of students participating in internship and cooperative learning	Long	UAFS; College Students; Local Business Owners; Fort Smith Residents	UAFS mentor program (2015-2016) has 35 students in the program, 35 young alumni, and 35 executive professionals (for a total of 105 participants). The young alumni and executive professionals represent local employers in our industry workforce. UAFS Babb Center for Student Professional Development 2013-2014: 115 students (Business majors) 2014-2015: 240 students (Business majors) 2015-2016: 485 students (STEM and Business)
					ED-2.6.3 Research the potential of workforce or business tax credits, which are designed to attract and retain recent college graduates (from any degree or from specific ones).	Completion of a Workforce and Business Tax Credit Analysis	Mid	Administration; UAFS; Greater Fort Smith Chamber of Commerce; Local Business Owners	
					ED-2.6.4 Consider creating a "Stay Work Play" promotional program in collaboration with UAFS and other institutions, to market to graduating students the city's job opportunities, affordable cost of living, unique neighborhoods and lifestyle options.	Implementation of a retention program	Mid	Administration; UAFS; Greater Fort Smith Chamber of Commerce; Local Business Owners	
ED-3	Grow the employment base and retain existing employment anchors	ED-3.1	Retain Fort Smith's traditional manufacturing base, while encouraging growth in technology and knowledge based areas.	ED-3.1.1	Work with regional agencies to boost higher paying jobs and increase number of jobs.	Number of new high wage jobs	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners	Ongoing; Tax Back Program for ArcBest and Tax Back endorsement for Mars Petcare

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			ED-3.1.2 Partner with job skills training programs to ensure that the city's workforce is trained.	Number of trained residents in the workforce	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners; Job Skills Training Providers	
			ED-3.1.3 Attract new employers through incentives (tax abatements and public infrastructure, etc).	Number of new employers attracted to Fort Smith	Mid	Greater Fort Smith Chamber of Commerce; Administration; State of Arkansas Economic Development Commission	
			ED-3.1.4 Consider implementing a city-wide fiber optic network.	Completion of a feasibility study	Long	Administration; Greater Fort Smith Chamber of Commerce; Local Residents; Information and Technology	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
					Promote the development of technology centers for youth to build technology knowledge/skills (particularly in underserved neighborhoods).	Opening of technology centers in underserved neighborhoods	Long	Local Business Owners; UAFS; Fort Smith School District	<u>Ongoing; Fort Smith School District - Partnerships exist between the community and the Construction Technology Classes at Northside and the Fort Smith Area Home Builders Association for example. Also, the conversation is starting about ways the community and school district may collaborate to enhance the instruction provided in ETE (Engineering and Technology Education) Classes in the junior high schools.</u>
					Create an "Innovation District," by forging partnerships, identifying potential locations such as underutilized industrial land, considering necessary infrastructure improvements (particularly transit access and wire-readiness), and reviewing potential regulatory amendments to facilitate.	Creation of an Innovation District	Long	Administration; Planning and Zoning Department; Greater Fort Smith Chamber of Commerce; Local Residents; Transit; UAFS; Engineering; Utility Department	
ED-4	Develop a partnership to coordinate City economic development policies with the Fort Smith Regional Chamber of Commerce	ED-4.1	Ensure that planning processes reflect how businesses plan for future expansion/growth	ED-4.1.1	Establish a framework to keep the business community fully engaged in the city's ongoing planning and budgeting efforts, maintain an open and consistent dialogue to equip businesses with the information they need to plan for future growth and expansion.	Number of representatives of local businesses participating in the City's planning and budgeting	Short	Administration; Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance; All departments;	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
		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	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
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	Ongoing; Street Sales Tax - in support of streets and drainage, McClure Drive extension; Landscape Improvements for Ms. Laura's and the River Front Glass Pavilion, <a href="#">Beautify Fort Smith Landscaping and maintenance of I-540/Rogers interchange, Landscaping and maintenance of I-540/Old Greenwood Road/Phoenix, Landscaping and maintenance of I-540/Jenny Lind Road, Landscaping of Old Greenwood Road/Phoenix Avenue with trees and flowerbeds, Planting of 40 trees around the city, Maintenance of key interchanges and underpasses</a>
		ED-6.2	Promote higher density mixed-use development in order to create vibrant live-work-play activity centers in key commercial corridors.	ED-6.2.1	Identify strategic locations (vacant land, publicly owned, etc) for mixed-use development along key corridors.	Number of vacant sites identified for mixed-use development along key corridors	Mid	Planning and Zoning Department; Administration; Greater Fort Smith Chamber of Commerce	Ongoing; PZD at South 31st and Phoenix Avenue, Compass Park Splash Pad
ED-7	Ensure that a broad range of housing alternatives are available for employers and employees	ED-7.1	Promote a comprehensive incentive program that fosters investment and reinvestment in Fort Smith's housing stock.			Completion of incentive program	Mid	Planning & Zoning; Administration; Fort Smith Homebuilder Association; Fort Smith Board of Realtors	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Encourage the development of housing product types which help to diversify Fort Smith's existing housing stock.			Increase in the overall diversity of housing available in Fort Smith	Long	Planning & Zoning; Administration; Fort Smith Homebuilder Association; Fort Smith Board of Realtors	<u>Ongoing; FCRA - Chaffee has a current diversity of housing types now from multi-family to single family residential. Our land use plan provides for more diversity as we continue to expand and grow.</u>
ED-8	Aggressively encourage new development and redevelopment in targeted growth centers and make strategic public investments to leverage private investment and reinvestment in residential, commercial and mixed-use developments	ED-8.1	Focus economic development efforts at strategic locations within the City's identified growth centers.			Number of economic development initiatives that focus on targeted growth areas	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners	Ongoing; Tax Back Program for ArcBest and Tax Back endorsement for Mars Petcare
		ED-8.2	Prepare detailed marketing materials which describe and quantify opportunities for new development/redevelopment within these areas.			Completion and distribution of marketing materials	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Property Owners	
		ED-8.3	Identify sources of financial gaps for financing new projects and renovations (both debt and equity) and then fill those gaps with a variety of financial incentives.	ED-8.3.1	Consider the use of a wide variety of financial incentives to encourage private investment and help to offset the economic "gaps" for new projects.	Completion of gap analysis	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Property Owners	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status	
		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	Ongoing; see attached Neighborhood Services statistics	
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		Ongoing; UDO amendments regarding parking and specialty manufacturing
		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		

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
		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.		Belle Grove Historic District; Administration; Planning & Zoning; Fort Smith CBID	Ongoing; currently property owners are using tax credits on several buildings along Garrison Avenue and within the Belle Grove Historic District <i>Ongoing; amendments to the land use chart to allow uses such as specialty manufacturing</i>	
				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
				HN-1.5.2	Promote redevelopment of underutilized and/or abandoned land and facilities through public/private underwriting.	Decrease in the number of vacant/abandoned lots in the targeted growth area	Long		Planning & Zoning; Fort Smith Board of Realtors; Greater Fort Smith Chamber of Commerce
				HN-1.5.3	Evaluate rezoning requests based on other available land within that zoning classification.	Number of rezoning requests that determined availability of land within the zoning category	Long		Planning & Zoning; ITS; GIS
		HN-1.6	Improve public participation in the revitalization process of Fort Smith neighborhoods.	HN-1.6.1	Encourage neighborhood associations and other organizations that will work in conjunction with schools, churches, and other organizations.	Number of residents participating in revitalization efforts	Short		Fort Smith Residents; Neighborhood Associations; Planning & Zoning
		HN-1.7	Provide convenient, safe connections between neighborhoods and important destinations, such as downtown, employment centers, schools, parks, shopping areas, and neighborhood services.	HN-1.7.1	As appropriate based on long term growth forecasts, require new subdivisions to develop through public streets and tie in with existing or proposed bikeways and sidewalks to promote connectivity.	Percent of through-streets in new development within the targeted growth areas	Long		Planning & Zoning; Engineering; Parks and Recreation
									Ongoing; Geren Road Reconstruction

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Reduce non-compatible land uses by mitigating any negative impacts and revising zoning language and map designations as necessary.	HN1-8	Continue to rezone existing, predominantly, single-family residential neighborhoods where the historic zoning pattern does not reflect the predominant built pattern with a priority to focus on targeted growth areas and areas where stability and character are threatened.	Increase (percent or acreage) in the amount of land zoned consistently with the predominant land use.	Mid	Planning & Zoning	
HN-2	Encourage a diverse range of housing options	HN-2.1	Plan for and accommodate senior housing and other special needs populations as well as housing choices for young adults and families.	HN-2.1.1	Locate diverse housing opportunities accessible to shopping, parks, recreation centers, schools, medical care, and public transit.	Number of new housing units developed in the targeted growth areas	Long	Planning & Zoning; Fort Smith Homebuilders Association; Fort Smith Board of Realtors; Transit	
		HN-2.2	Maintain housing opportunities in urban areas.	HN-2.2.1	Support the renovation and revitalization of existing housing and promote infill development of vacant land within the corporate limits.	Decrease in the amount of vacant and abandoned property in the targeted growth areas	Long	All departments; Housing Authority; Fort Smith Homebuilders Association; Fort Smith Board of Realtors	
		HN-2.3	Promote the development of a mix of housing types, including single family detached, single family attached, accessory apartments, and multi-family units.	HN-2.3.1	Review and revise regulations that create unintended impediments to new or innovative types of desirable housing.	Review potential options and make recommendation	Mid	All departments	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless individuals and families.		Continue to support, in accordance with the recommendations made by the Homelessness Task Force and adopted by the City Board, the creation and implementation of the campus concept to consolidate existing homeless and social services south of Garrison Avenue.	Opening of the campus	Short	Administration; Housing Authority; Fort Smith Homebuilders Association; Old Fort Homeless Coalition; CDBG	Ongoing; CDBG Funding, limiting funding for homeless providers to those in the Hope Campus, vacating an easement for the Hope campus
HN-3	Foster regional housing strategies to benefit Fort Smith and surrounding communities	HN-3.1	Provide leadership in addressing housing as a regional issue.	HN-3.1.1	Work closely with appropriate agencies or entities involved in regional housing initiatives.	Number of partnerships on regional housing initiatives	Mid	Administration; Housing Authority; Fort Smith Homebuilders Association; Fort Smith Board of Realtors; CDBG	Ongoing; CDBG Funding. <u>The Housing Authority is in discussion with CSCDC about a partnership where the Housing Authority acts as builder and real estate broker for the projects CSCDC undertakes.</u>
				HN-3.1.2	Work with communities in the region who have targeted housing programs to develop common program guidelines and program requirements to create administrative efficiency.	Creation of a set of common program guidelines	Mid	Administration; Housing Authority; Fort Smith Homebuilders Association; CDBG; CSCDC; Fort Smith Board of Realtors; Regional Communities	
		HN-3.2	Utilize the City's zoning and subdivision regulations to promote the construction of a variety of housing sizes and types.			Number of new housing types developed in the targeted growth areas	Long	All departments; Fort Smith Homebuilders Association; Fort Smith Board of Realtors	Ongoing; <u>FCRA -Chaffee Crossing has 643 single family homes built or planned; 178 Duplexes; 36 Townhouses; and 730 Multi-family units planned or built. Our mixed use land use plans allows for an entire range of housing types.</u>

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Encourage a variety of housing close to downtown and emerging centers.		Explore public/private partnerships and financial incentives that could be made available to support the efforts of housing developers.	Number of new partnerships or financial incentives	Mid	Planning & Zoning; Fort Smith Homebuilders Association; CDBG; Fort Smith Board of Realtors; Fort Smith CBID	Ongoing; CDBG Funding
		HN-3.3							
			Encourage a variety of housing close to downtown and emerging centers.		Explore public/private partnerships and financial incentives that could be made available to support the efforts of housing developers.	Number of new partnerships or financial incentives	Mid	Planning & Zoning; Fort Smith Homebuilders Association; CDBG; Fort Smith Board of Realtors; Fort Smith CBID	
		HN-3.3							
HN-4	Identify potential redevelopment areas/sites that could provide a mix of housing and other uses		Evaluate potential areas within the City for redevelopment.		Establish criteria for redevelopment potential (e.g., property value, availability of infrastructure, utilization, tax base, etc.).	Creation of the criteria	Short	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce	Ongoing; CDBG Funding
		HN-4.1							
			Evaluate potential areas within the City for redevelopment.		Establish criteria for redevelopment potential (e.g., property value, availability of infrastructure, utilization, tax base, etc.).	Creation of the criteria	Short	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce	
		HN-4.1							
			Explore potential partnerships with non-profit and private sector developers to redevelop sites for mixed-use.			Number of new partnerships	Mid	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors	Ongoing; CDBG Funding
		HN-4.2							
			Explore potential partnerships with non-profit and private sector developers to redevelop sites for mixed-use.			Number of new partnerships	Mid	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors	
		HN-4.2							
			Identify incentives that would be appropriate to encourage the redevelopment of key sites.			Incentives identified	Mid	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors	Ongoing; CDBG Funding
		HN-4.3							
			Identify incentives that would be appropriate to encourage the redevelopment of key sites.			Incentives identified	Mid	All departments; Fort Smith Homebuilders Association; Greater Fort Smith Chamber of Commerce; Fort Smith Board of Realtors	
		HN-4.3							
Community Character & Design									

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
CCD-1	Improve the function and aesthetics of key corridors and centers in Fort Smith	CCD-1.1 Support beautification efforts along key corridors, at gateways, and in growth centers identified in the Preferred Future.	CCD-1.1.1 Ensure "Beautify Fort Smith" is moving forward and gaining momentum.	Number of landscaping projects and percent increase in tree canopy	Short	Sanitation; Parks & Recreation	Ongoing; Completion of Compass Splash Pad and landscape improvements to the Riverfront Pavilion and Ms. Laura's, <u>Beautify FS has planted 370 trees and given away 100 trees to volunteers, placement of "Welcome to Fort Smith" signs on Rogers Avenue, Midland Blvd, and Old Greenwood Road.</u>
			CCD-1.1.2 Develop a plan to move, relocate, consolidate, or bury utility lines on major roads.	Utility line strategy adopted	Long	Engineering; Administration; Franchise Utilities	
			CCD-1.1.3 Develop new focal points and reinforce the character of gateways into Fort Smith by making them more attractive with new signage, landscaping, and other beautification measures.	Projects completed at focal points and key gateways in the targeted growth areas	Long	Planning & Zoning; Engineering; Parks and Recreation; Beautify Fort Smith; Sanitation	<u>Beautify Fort Smith has placed "Welcome to Fort Smith" signs on Rogers Avenue, Midland Blvd, and Old Greenwood Road</u>
			CCD-1.1.4 Update and improve the look and lighting of the Garrison Avenue bridge (and other key gateways) including LED lights, improved fixtures, etc.	Lighting improvements completed	Mid	Fort Smith CBID; AHTD; Operations; Army Corp of Engineers;	
			CCD-1.1.5 Encourage the State to improve upkeep and mowing grass areas on I-540.	Maintenance quality improvements	Mid	Administration; AHTD;	
			CCD-1.1.6 Standardize and improve sign ordinance to reduce visual clutter.	Updated sign ordinance	Mid	Planning & Zoning	Ongoing; signs in the ROW regulations, <i>working on brightness regulations for digital signage</i>
			CCD-1.1.7 Consider extending Grand Avenue from 10th Street to the riverfront to create a Grand Entrance to the Riverfront and Downtown.	Grand Avenue Extension feasibility study completed	Long	Engineering; Fort Smith CBID; Administration	
			CCD-1.1.8 Analyze the impact of decreasing the threshold that requires property owners to incorporate landscape and design improvements.	Threshold decrease impact analysis complete	Short	Planning & Zoning	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status	
		CCD-1.2	Integrate existing commercial activities within residential neighborhoods.	CCD-1.2.1	Enforce quality urban design, and prohibit further industrial uses in neighborhoods.	Number of new developments in the targeted growth area that meet compatibility thresholds	Long	Planning & Zoning		
CCD-2	Increase local community identity within the City	CCD-2.1	Support efforts within the city to increase citywide awareness of local neighborhood character, culture and history.	CCD-2.1.1	Work with neighborhood groups to develop brands for areas/neighborhoods of the City to increase community identity.	Number of new neighborhood identities created	Mid	Fort Smith Residents, Local Neighborhood Associations; Planning & Zoning		
				CCD-2.1.2	Develop a "Downtown Square" as a park/open space where the city could hold a farmer's market, festivals, art walks, shops, and food trucks.	Development of a Downtown Square	Long	Administration; Parks and Recreation; Fort Smith CBID		
		CCD-2.2	Encourage volunteerism to boost a sense of community in Fort Smith.	CCD-2.2.1	Create a clearinghouse of volunteer opportunities linking faith-based organizations and local social service institutions and charitable organizations.	Clearinghouse created	Mid	Administration; Community Foundation		
CCD-3	Project a positive image for the City of Fort Smith	CCD-3.1	Promote the identity of the City throughout the region, and nationally.	CCD-3.1.1	Improve the City's approach to public relations to promote what there is to do in Fort Smith.	Number of tourists Percent increase in event attendance Citizen feedback Percent growth in population	Mid	Greater Fort Smith Chamber of Commerce; Administration; Advertising and Promotions Commission		
				CCD-3.1.2	Consider creation of a publicly generated slogan to improve how citizens think of their city.	Completion of a rebranding campaign	Mid	Administration		
Transportation & Infrastructure										
TI-1	Improve access and connectivity through enhancements to all modes of transportation	TI-1.1	Promote better connections between downtown, the riverfront, historic sites, and the Belle Grove Historic District, particularly from I-40 to 540.	TI-1.1.1	Improve the availability of parking in downtown Fort Smith.	Improved parking availability	Mid	Planning & Zoning; Fort Smith CBID; Administration; Engineering		Ongoing; Street Sales Tax - in support of streets and drainage
				TI-1.1.2	Create an I-540 Downtown/Riverfront Loop that would offer direct access to the riverfront and downtown area from Kelley Highway and Grand Avenue.	Increased access to the riverfront from Kelley Highway and Grand Avenue	Mid	Fort Smith CBID; Engineering; Operations		Ongoing; Kelley Highway Extension

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
		TI-1.2	Make major destinations highly accessible by all modes of transportation.	TI-1.2.1	Design and adopt an all-mode circulation plan for major centers identified in the Preferred Future.	All mode circulation plans completed for all centers	Long	Fort Smith CBID; Operations; Engineering; Transit; Parks and Recreation	Ongoing; Geren Road Reconstruction
		TI-1.3	Address improvements to the existing street network by first optimizing access and circulation through better design and utilization of existing rights-of-way, in cooperation with property owners.	TI-1.3.1	Evaluate ways to improve access to the Riverfront.	Increase in the number of and type of access points to the Riverfront	Mid	Engineering; Parks and Recreation	Ongoing; Street Sales Tax - in support of streets and drainage
		TI-1.4	Protect residential neighborhoods from excessive through traffic.	TI-1.4.1	Consider traffic calming techniques (roadway narrowing, chicanes, bump-out curbs, raised intersections, etc) in residential neighborhoods impacted by through-traffic.	Number of traffic calming efforts implemented in residential neighborhoods	Short	Engineering; Operations; EMS; Fire; Police	Ongoing; Policy on traffic calming on residential streets
				TI-1.4.2	Improve connectivity throughout the City's roadway network to increase access and eliminate high volumes of traffic in residential thoroughfares. - Identify the major destination areas in town - Evaluate how cars travel from major roads to the destination areas - Improve these access routes to minimize travel through neighborhoods.	Number of intersections per acre	Long	Engineering; Operations	
		TI-1.5	Improve traffic flow and integrate safe pedestrian and bicycle travel into the transportation network, particularly at key intersections of high commercial and employment activity.	TI-1.5.1	Identify problematic roadways that create a hazardous environment for pedestrians and infill sidewalks where gaps exist in the network.	Reduction in the number of pedestrian-related accidents on roadways	Mid	Engineering; Police; Operations; Parks	
		TI-1.6	Improve physical connections between and within neighborhoods through road extensions or improvements, bicycle lanes and trails, and a connected sidewalk network.	TI-1.6.1	Identify and designate key pedestrian and bicycle routes for improvements to neighborhood connectivity and walkability, including access to service areas.	Identification and designation of key routes	Mid	Parks & Recreation; Engineering; Operations	Ongoing; Street Sales Tax - in support of streets and drainage
		TI-1.7	Reduce traffic congestion and improve emergency circulation by redesigning major corridors to include safe walking, biking, transit, and driving options and incorporating those elements into initial design concepts through final design documents.	TI-1.7.1	Utilize a "Complete Streets" approach to ensure that all new projects are planned and designed to meet the needs of every community member, regardless of their age, ability, or how they travel.	Adoption of a Complete Streets Policy	Mid	Planning & Zoning; Parks & Recreation; Engineering; Operations; Transit	Ongoing; Street Sales Tax - in support of streets and drainage

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
TI-2	Capitalize on Fort Smith's Location	TI-2.1	Ensure that business and industry have sufficient transportation infrastructure to support freight operations and business communications, including rail, air, highways, telecommunications, and pipelines.	TI-2.1.1	Speed up work plan / completion of I-49 from Highway 22 to I-40 in collaboration with other communities and regions.	Completion of I-49	Long	Administration; Regional Council; MPO	Ongoing; Street Sales Tax - in support of streets and drainage
				TI-2.1.2	Focus efforts on increasing the river channel's depth from nine feet to twelve feet to increase the capacity of the Kerr-McClellan Arkansas River Navigation System (MCKARNS) Waterway Route.	Percent increase in freight capacity	Long	Administration; RITA	Ongoing; Street Sales Tax - in support of streets and drainage
				TI-2.1.3	Relocate the train switch station from downtown.	Relocation of the Train Switch	Long	Administration; Fort Smith CBID	
				TI-2.1.4	Improve vehicular access to the riverfront.	Increased number of access points to the riverfront	Mid	Fort Smith CBID; Engineering; Operations	
		TI-2.2	Provide convenient, reliable connections between industrial zones and regional highways to facilitate truck traffic that also minimize noise and traffic conflicts with other uses.	TI-2.2.1	Plan for development along the I-49 corridor to accommodate freight transportation and growth.	Growth in freight transportation industry jobs	Long	Greater Fort Smith Chamber of Commerce; Engineering; Planning & Zoning;	
				TI-2.2.2	Reroute truck traffic from key streets targeted for streetscape and pedestrian improvements (Garrison Avenue, A Street, B Street, and Riverfront Drive) to I-540 and other highways to reduce truck traffic downtown and on the riverfront.	Reduction in the number of trucks on key streets targeted for pedestrian improvements	Long	Engineering; Police; Fort Smith CBID	
				TI-2.2.3	Update the Truck Route street plan in accordance with the Preferred Future.	Completion of the truck route street plan update	Long	Engineering; Police; Fort Smith CBID	
		TI-2.3	Remain committed to supporting the air travel industry so that passenger service continues for the foreseeable future by enhancing the air transportation system at the Fort Smith Regional Airport, while protecting the public from airport related noise and safety hazards.				Long	Administration; Fort Smith Regional Airport;	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
		TI-2.4	Fully support the railroad industry and encourage growth through the City and the region.				Long	Administration; Greater Fort Smith Chamber of Commerce	
		TI-2.5	Fully support the continued improvements to the Port of Fort Smith.						
		TI-2.6	Support the development of the Van Buren Regional Intermodal Facility.				Long	Administration; Greater Fort Smith Chamber of Commerce; Port Authority; RITA	
		TI-2.7	Continue to balance water and port activities with environmental improvements in full cooperation with the Corps of Engineers.				Long	Administration; Greater Fort Smith Chamber of Commerce; Port Authority; Army Corps of Engineers; RITA	
TI-3	Provide and enhance non-vehicular access for residents	TI-3.1	Review and encourage implementation of existing bike and greenway plan that will interconnect neighborhoods and provide access to both neighborhood and city-wide destinations.				Mid	Parks & Recreation; Engineering	
		TI-3.2	Support pedestrian access throughout the city, with a focus on attractive, safe, and contiguous sidewalk connections between destinations.	TI-3.2.1	Continue infill sidewalk program to safely connect schools, residential areas, and commercial district.	Number of new sidewalks in the targeted growth areas	Long	Engineering; Operations	
		TI-3.3	Connect new development through bike and pedestrian paths to provide a variety of options for traveling, including walking, biking, transit, and vehicle travel.	TI-3.3.1	Develop a local Complete Streets policy that prioritizes improvements for pedestrians, bicyclists, and motorists on key corridors (i.e. Garrison Avenue).	Adoption of a Complete Streets Policy	Mid	Engineering; Parks & Recreation; Operations	
TI-4	Improve public transportation	TI-4.1	Market public transportation in Fort Smith.			Increase in ridership	Short	Transit Department; Transit Advisory Commission; Administration	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
		TI-4.2	Promote and maintain a public transit system that is safe, efficient, cost-effective and responsive to the needs of residents.	TI-4.2.1	Expand fixed-route system to ensure access to a majority of shopping/service areas.	Increase in ridership	Mid	Transit Department; Transit Advisory Commission; Administration	
TI-5	Incorporate the Future Land Use Map in the strategic planning of future utility and infrastructure expansions	TI-5.1	Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems.	TI-5.1.1	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.	Completion of the infrastructure asset management program	Mid	Administration; Utility Department; Engineering; Operations; Sanitation; Parks and Recreation; Finance	Ongoing; Projects include: Consent Decree, Street Sales Tax in Support of Streets and Drainage, Geren Road Reconstruction, Wastewater projects, Riverlyn wastewater pump station improvements, library annex renovations for office space, Lake Fort Smith trasmission line, Mill Creek Interceptor Improvements, street improvements for ARCOM, 2013 and 2015 Drainage Improvements, Street overlays/reconstruction, Fort Smith Levee Improvements, Town Branch Drainage Improvements, Neighborhood Drainage Improvements, Traffic Signal Improvements, Design of P Street Basin Interceptor Improvements, 2015 sewer system assessments, Riverfront development water and sewer extensions

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
		TI-5.2	Ensure that utility and infrastructure systems can meet the city's long-term needs.	TI-5.2.1	Coordinate land use planning and capital programming to ensure infrastructure improvements and extensions are phased to support the future land use pattern.	Capital programming that references the Comprehensive Plan	Mid	Administration; Department Heads	Ongoing; Projects include: Consent Decree, Street Sales Tax in Support of Streets and Drainage, Geren Road Reconstruction, Wastewater pump station improvements, library annex renovations for office space, Lake Fort Smith trasmission line, Mill Creek Interceptor Improvements, street improvements for ARCOM, 2013 and 2015 Drainage Improvements, Street overlays/reconstruction, Fort Smith Levee Improvements, Town Branch Drainage Improvements, Neighborhood Drainage Improvements, Traffic Signal Improvements, Design of P Street Basin Interceptor Improvements, 2015 sewer system assessments, Riverfront development water and sewer extensions
				TI-5.2.2	Maintain updated infrastructure master plans.	Infrastructure Master Plan maintained	Mid	Engineering; Operations; Utility Department; Parks & Recreation	
				TI-5.2.3	Regularly review Level or Service (LOS) standards for infrastructure systems.	LOS standards reviewed and updated	Mid	Engineering; Parks & Recreation; Operations	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status
			Adopt criteria for prioritizing funding to infrastructure-related capital improvement projects.	Criteria adopted	Mid	Parks & Recreation; Utility Department; Engineering; Operations	Ongoing; Wastewater projects, Riverlyn wastewater pump station improvements, library annex renovations for office space, Lake Fort Smith transmission line, Mill Creek Interceptor Improvements, Design of P Street Basin Interceptor Improvements, 2015 sewer system assessments, Riverfront development water and sewer extensions
			Use the future land use framework to identify opportunities to expand the city's green infrastructure and open space network to increase the city's ability to manage stormwater and limit the need for additional grey infrastructure.	Number of green infrastructure-related improvements in the targeted growth areas	Mid	Parks & Recreation; Utility Department; Engineering	
Public Facilities & Services							
PFS-1	Promote a business-friendly and citizen-friendly government	PFS-1.1	Maintain fair and transparent codes and regulations.	Work with groups in authority (Chamber, City Board, CBID, Chaffee Crossing, County, etc) to improve communication and coordination.	Number of leaders participating in city forums	Fort Smith Residents; Greater Fort Smith Chamber of Commerce; Chaffee Crossing Redevelopment Authority; Administration; Department Heads	Ongoing; Topic area groups are formed for UDO amendments as well as annual meetings with developers and design professionals. <u>FCRA - Chaffee Crossing plans to have a staff member attend each Board Study Session and any appropriate other Boards or Committee meetings from which we may be affected.</u>
				Revise development regulations to improve user friendliness (e.g., create an interactive on-line code).	Revised code	Planning & Zoning; ITS; All departments	
		PFS-1.2	Monitor the City's return on investment by measuring municipal expenditures against property and sales tax revenues.	Identify opportunities to reduce the City's cost burden by establishing public/private partnerships on significant revitalization projects.	Number of public private partnerships	Administration	Ongoing; working on this through the Technology Plan as well as the ERP system

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
PFS-2	Build consistency and trust with the public	PFS-2.1	Ensure that the City's planning and implementation process is transparent.			Transparency maintained	Short	All departments	Ongoing; annual Ward meetings
		PFS-2.2	Maintain a clear line of communication between the City, the business community, and residents that establishes expectations and allows the progress of the City's commitments to be measured and evaluated.	PFS-2.2.1	Set up ongoing communication with other groups in the City (CBID, School Board, Chaffee Crossing, Planning Commission, CEO Group, Chamber, etc) to ensure that all organizations maintain consistent goals and objectives with each group focusing on the responsibilities best suited for them.	Communication framework established	Short	All departments; All Boards and Commissions	
		PFS-2.3	Promote public awareness and participation by holding open Town Hall events modeled after the Future Fort Smith Community Forums.			Number of Community Forum Series events	Short	Fort Smith Residents; Local Business Owners; Administration;	
PFS-3	Promote civic identity and pride	PFS-3.1	Capitalize on the City's municipal presence Downtown.	PFS-3.1.1	Build support for a City Hall building.	Increase in support	Long	Fort Smith Residents; Local Business Owners; Administration; Greater Fort Smith Chamber of Commerce	
		PFS-3.2	Develop community pride by promoting a culture of inclusion and consideration of positive change.	PFS-3.2.1	Promote existing community service efforts and identify partnership opportunities to expand regularly scheduled community service days.	Increase in the number of community service days	Short	Fort Smith Residents; Local Business Owners; Administration	
				PFS-3.2.2	Identify Comprehensive Plan elements (goals, policies, and actions) that will require citizen support to accomplish, and continue to communicate the importance of resident input and participation in monitoring the progress and ongoing updates to the plan.	"What can I do" identified for each plan element and residents identified as responsible party	Short	Administration; Planning & Zoning; All Boards and Commissions	
PFS-4	Prevent wasteful use of public resources and services	PFS-4.1	Seek opportunities to co-locate future community facilities to maximize efficiencies in service provision and reduce capital and operating costs.			Number of future facilities co-located	Long	All departments; Administration; Board of Directors	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Provide new facilities in a manner that protects investments in existing facilities and promotes orderly growth.	PFS-4.2	Evaluate existing water conservation policies and goals for residential, commercial, and industrial uses to identify opportunities for additional reductions.	Evaluation complete	Mid	Parks & Recreation; Utility Department; UAFS	Ongoing; Wastewater projects, Riverlyn wastewater pump station improvements, library annex renovations for office space, Lake Fort Smith transmission line, Mill Creek Interceptor Improvements, street improvements for ARCOM, Design of P Street Basin Interceptor Improvements, 2015 sewer system assessments, Riverfront development water and sewer extensions
PFS-5	Improve the health and well-being of Fort Smith residents	PFS-5.1	Increase access to healthcare, reduce preventable disease, and educate the community about leading a healthy lifestyle.	PFS-5.1.1	Encourage local employers to adopt wellness programs (e.g., sponsor health cooking demonstrations, complementary gym memberships, etc).	Number of wellness programs adopted	Mid	Local Employers; Administration; Healthcare Providers; Greater Fort Smith Chamber of Commerce	<u>Ongoing; The Chamber has implemented a program which incents companies to encourage a healthy workplace. Awards are given to those that experience success and they are recognized at the Annual Healthcare Reception; FCRA - it's time to produce a Master Trail Plan for Chaffee Crossing in conjunction with the Parks Commission and Trails Committee that shows connection to existing and future Ben Geren and Medical School/ArcBest Trails</u>
				PFS-5.1.2	Develop a healthy living campaign and create marketing materials that communicate the benefits of active living, recreation, and healthy foods.	Healthy Living Campaign launched	Mid	Local Employers; Administration; Healthcare Providers; Greater Fort Smith Chamber of Commerce	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status	
					PFS-5.1.3 Promote use of existing and future trail systems for exercise as part of a healthy living campaign.	Increase in number of users of the trail system	Mid	Parks & Recreation; Fort Smith Residents	Ongoing; Fianna Way (Imani Park) and Texas Road (Stagecoach Park) Parks  Ongoing; Greg Smith River Walk Trail progress, Arkansas Recreation Trails Program Funding	
Natural & Cultural Resources										
NCR-1	Expand city parkland and recreational programming to reflect or exceed national standards	NCR-1.1	Increase the amount of open space and opportunities for recreation throughout the City by supporting the dedication of land and resources for the creation of parks and open space.	NCR-1.1.1	Establish green space requirements for new development.	New requirements established	Mid	Parks & Recreation, Planning & Zoning		
				NCR-1.1.2	Incorporate regional park planning in ETJ plan.	Park planning completed	Long	Parks & Recreation; Planning & Zoning		
		NCR-1.2	Promote and establish regional support for Fort Smith Parks and Recreation through agreements, user fees, programs, and grant applications with counties and neighboring towns.	NCR-1.2.1	Form regional and corporate partnerships for regional sports facilities.	Regional partnership formed	Mid	Parks & Recreation		
		NCR-1.3	Develop neighborhood parks amenities within walking distance to residents.			Residents within 10-minute walk of a park	Long	Parks & Recreation; Planning & Zoning		
		NCR-1.4	Develop greenways and trails that serve to connect the City.	NCR-1.4.1	Focus on completing the river trail development to enhance the City's downtown and riverfront economic development efforts.	River Trail completed	Long	Parks & Recreation; Engineering; Fort Smith CBID		
				NCR-1.4.2	Implement the City's greenway plan.	Greenway Plan completed	Long	Parks & Recreation; Planning & Zoning		
		NCR-1.5	Plan recreation facility land, space, and programming needs with other service providers in order to meet community needs and national standards.			National standards met	Long	Parks & Recreation		

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Encourage multi-use public spaces that can function in a variety of ways to serve the recreation needs of the surrounding neighborhoods (e.g., park space, community events, etc).		Partner with local schools and athletic associations for joint use of recreational fields and facilities.	Number of multi-use public spaces	Long	Parks & Recreation; Fort Smith School District; UAFS; Sebastian County	Ongoing : <a href="#">Fort Smith School District - The Northside High School Softball Fields at Martin Luther King, Jr. Park</a> are one <a href="#">example about ways the community, District and City of Fort Smith are collaborating in the use of green space in Fort Smith.</a>
NCR-2	Protect natural resources and reduce their waste and overuse	NCR-2.1	Develop and manage watershed programs to minimize pollution from stormwater runoff and other sources.	NCR-2.1.1	Utilize "Green Infrastructure," a network of open space and natural areas that connect the natural and built environments and provide multiple benefits for people and ecosystems, wherever possible to increase the City's ability to manage stormwater.	Number of green infrastructure-related improvements in the targeted growth areas	Mid	Engineering; Operations; Parks & Recreation; Utility Department	
		NCR-2.2	Preserve wildlife habitats.			Amount of wildlife habitat preserved	Long	Parks & Recreation; Army Corps of Engineers	
		NCR-2.3	Improve air quality.	NCR-2.3.1	Encourage responsible industry practices and reduce other mobile sources of air pollution.	Reduction in air pollution	Long	Sanitation; Planning & Zoning; Greater Fort Smith Chamber of Commerce	
				NCR-2.3.2	Minimize growth in vehicle miles traveled (VMT) as the City grows through a variety of locational and programmatic measures.	Identify a baseline for the City's existing VMT and establish a goal consistent with projected growth that results in a reduction of per capita VMT	Short	All departments with vehicles	
		NCR-2.4	Enhance and promote Fort Smith's recycling and reuse programs.	NCR-2.4.1	Establish and publicize city recycling goals for household hazardous waste, and business, industry, government, and residential regular programs.	Recycling goals established and met by residents	Mid	Fort Smith Residents; Local Business Owners; Sanitation;	

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
			Implement programs to enhance landscaping and tree conservation.			Initiation of a landscape conservation program	Mid	Fort Smith Residents; Local Business Owners; Parks & Recreation; Planning & Zoning; Beautify Fort Smith	Ongoing; UDO requires landscaping and trees be installed <u>Beautify FS has joined Keep America Beautiful and will enact a landscape conservation program in 2016.</u>
		NCR-2.6	Reduce stormwater runoff and flooding.	NCR-2.6.1	Support green infrastructure improvements and enhanced green space.	Number of green infrastructure-related improvements in the targeted growth areas	Mid	Planning & Zoning; Parks & Recreation; Utility Department; Engineering; Operations	Ongoing; Street Sales Tax - in support of streets and drainage, 2013 and 2015 Drainage Improvements, Street Overlays/Reconstruction, Fort Smith Levee Improvements, Town Branch and Neighborhood Drainage Improvements,
		NCR-2.7	Avoid development in flood-prone areas to increase resiliency to storms and maintain sensitive environmental features.	NCR-2.7.1	Establish a comprehensive development and building permit review checklist that addresses environmental concerns.	Checklist created	Short	Planning & Zoning; Engineering	
NCR-3	Retain the historic heritage and cultural identity of Fort Smith	NCR-3.1	Protect neighborhoods that are culturally or historically significant.	NCR-3.1.1	Ensure that regulations preserve existing historic districts.	Review potential conflicts and make recommendation	Short	Planning & Zoning, Belle Grove Historic District; Fort Smith CBID; Neighborhoods	
		NCR-3.2	Promote historically significant landmarks and cultural assets.	NCR-3.2.1	Develop partnerships with local museums (U.S. Marshals Museum, the Fort Smith Museum of History, etc).	Partnerships created	Mid	Planning & Zoning, Belle Grove Historic District; Museum Representatives	Ongoing; Marshal's Museum Service Agreement

Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
		NCR-3.3	Support festivals and special events that highlight what makes Fort Smith unique.			Number of festivals and special events unique to Fort Smith	Short	Fort Smith Residents; Community Leaders; Local Businesses; Convention Center; Tourism; Greater Fort Smith Chamber of Commerce	Ongoing; Five new events held in downtown area in 2015, three of the four are unique to FSM  Ongoing; through October, the National Historic Site attendance is up 26.5%
		NCR-3.4	Increase public awareness, education, and knowledge of the historic district and historic architecture throughout the City.			Number of visitors to the city's historic sites	Mid	Fort Smith Residents; Advertising and Promotions Commission; Tourism; Planning & Zoning; Fort Smith CBID; Belle Grove Historic Dirtrict	
		NCR-3.5	Preserve and protect Fort Smith's historic and architectural resources.			Number of visitors to the city's historic sites	Mid	Fort Smith Residents; Planning & Zoning, Belle Grove Historic District; Fort Smith CBID;	
		NCR-3.6	Encourage the inclusion of public art and plazas with new public facilities and major private development.			Number of new public art installations	Long	Local Artists; RAM; Administration; Parks and Recreation	

Element	Goal	Policy	Action	Metric	Timeframe	Responsible	Status		
		NCR-3.7	Enlist the vision and support of the arts community and seek partnerships with UAFS, the convention center, and other interest groups to advance opportunities for museums and visual and performing arts within the region.	NCR-3.7.1	Identify partnerships and potential locations to establish an interactive children's museum.	Feasibility study for museum completed	Mid	Greater Fort Smith Chamber of Commerce; UAFS; Convention Center; Advertising and Promotions Commission	<u>The Chamber - Both "Leadership Fort Smith" and "JLA" are exposed to the arts community during their session. The 2016 Chamber Directory will have the Windgate Art building on its cover. This directory is provided to 1200+ members.</u>
NCR-4	Expand the role of parks and open space in the promotion of healthy communities	NCR-4.1	Increase the use of parks, open space, and recreational programming to improve the health of Fort Smith residents.	NCR-4.1.1	Partner with the Fort Smith School District and independent schools to increase educational programming and recreation in parks and open spaces throughout the City.	Number of new educational and recreation programs in parks and open spaces	Mid	Fort Smith School District; Local Schools; Parks & Recreation; Fort Smith Youth; UAFS	<u>Ongoing: Fort Smith School District - An example regarding the use of public spaces to improve educational programming is in the partnership that is developing between the Young Actors Guild (YAG), the District, the Boys &amp; Girls Club, Girls, Inc. and other school. YAG is developing and presenting programs on theatre and acting to young people who attend the mentioned schools and agencies. They are then conducting acting and theatre workshops at some of the same schools to develop and interest and potentially a greater number of participants in YAG shows. The City of Fort Smith Parks Department generously donates the use of particular venues for YAG rehearsals and performances throughout the year.</u>
				NCR-4.1.2	Develop a marketing campaign to communicate the value of active recreation in maintaining a healthy lifestyle.	Marketing campaign complete	Mid	Parks & Recreation; Administration	
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Element	Goal		Policy		Action	Metric	Timeframe	Responsible	Status
Normal Font - Passed by the Board									
<u>Underlined - Accomplished by our partners</u>									

Attached is a spreadsheet identifying all of the 2015 Board of Director action items related to the Comprehensive Plan

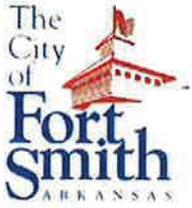
Board of Director Date	Item	Item Description	Comp Plan Element	Policy and Action			
12/16/2014		Beautify Fort Smith Agreement	CCD	1.1.1 added			
12/16/2014		Infrastructure Improvements for ARCOM	ED	1.2 added			
12/16/2014		Infrastructure Improvements for ARCOM	ED	8 added			
12/16/2014		Consent Decree	FLU	1.4 added			
12/16/2014		West Riverfront Trail	FLU	3.2.3 added			
12/16/2014		Compass Park Splash Pad	FLU	3.2.3 added			
12/16/2014		Consent Decree	NCR	2.1 added			
12/16/2014		West Riverfront Trail	NCR	1.4.1 added			
12/16/2014		Consent Decree	TI	5.1 added			
12/16/2014		Consent Decree	TI	5.2 added			
1/6/2015		PZD for ARCOM	ED	1.2 added			
1/6/2015		Tax Back Program for ArcBest	ED	3 added			
1/6/2015		PZD for ARCOM	ED	8 added			
1/6/2015		PZD at S 31st and Phoenix	ED	6.2.1 added			
1/6/2015		PZD at S 31st and Phoenix	FLU	1.5 added			
1/6/2015		Marshals Museum Service Agreement	FLU	2.1 added			
1/6/2015		Kelley Highway Extension	FLU	2.1.1 added			
1/6/2015		PZD at S 31st and Phoenix	FLU	1.1 added			
1/6/2015		Marshals Museum Service Agreement	NCR	3.2 added			
1/6/2015		Kelley Highway Extension	TI	1.1.2 added			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	ED	6.1 added			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	FLU	1.4 added			
1/20/2015	5C	2013 Drainage Improvements	FLU	1.41 added			
1/20/2015	1B	Street Sales Tax - In support of Trails and Bikeways	FLU	1.5 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	FLU	<del>2.2</del>			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	FLU	<del>3.2</del>			
1/20/2015	1A	<del>Street Sales Tax - In support of Steets and Drainage</del>	HN	<del>1.7</del>			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	HN	<del>1.7</del>			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	NCR	<del>1.4</del>			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	NCR	2.6 added			
1/20/2015	5C	2013 Drainage Improvements	NCR	2.6 added			
1/20/2015		4 Steel Horse Rally Funding - did not fund out of General fund but CBID funded	NCR	3.3 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	NCR	<del>4.1</del>			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	1.1 added			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	1.3 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	TI	<del>1.5</del>			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	1.6 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	TI	<del>1.6</del>			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	1.7 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	TI	<del>1.7</del>			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	2.1 added			
1/20/2015	1A	Street Sales Tax - In support of Steets and Drainage	TI	2.2 added			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	TI	<del>3.1</del>			
1/20/2015	1B	<del>Street Sales Tax - In support of Trails and Bikeways</del>	TI	<del>3.3</del>			
1/20/2015	5C	2013 Drainage Improvements	TI	5.2 added			
1/20/2015	5C	2013 Drainage Improvements	TI	5.1 added			

Board of Director Date	Item	Item Description	Comp Plan Element	Policy and Action			
1/20/2015	5M	P Street Basin Interceptor Improvements - Design Only					added to all GPA's with Mill Creek
1/27/2015	2	Whirlpool TCE Remediation Report	HN		2.2	added	
1/27/2015	3	Policy on traffic calming on residential streets	TI		1.4	added	
2/3/2015	4D	Greg Smith Riverwalk Trail Easements	FLU	3.2.3		added	
2/3/2015	4D	Greg Smith Riverwalk Trail Easements	NCR	1.4.1		added	
2/3/2015	4A	<del>Resolution Authorizing the installation of speed tables on cliff drive</del>	TI		1.4		
2/3/2015	4G	2015 sewer system assessments					added to all GPA's with Mill Creek
2/10/2015	3	Discuss creation of CPIC					added in text
2/17/2015	3	Tax Back Endorsement for Mars Petcare	ED		3	added	
2/17/2015	5D	Street Overlays/Reconstruction	FLU		1.41	added	
2/17/2015	5F	Fort Smith Levee Improvements	FLU		1.41	added	
2/17/2015	5D	Street Overlays/Reconstruction	NCR		2.6	added	
2/17/2015	5F	Fort Smith Levee Improvements	NCR		2.6	added	
2/17/2015	5D	Street Overlays/Reconstruction	TI		5.2	added	
2/17/2015	5F	Fort Smith Levee Improvements	TI		5.2	added	
2/17/2015	5D	Street Overlays/Reconstruction	TI		5.1	added	
2/17/2015	5F	Fort Smith Levee Improvements	TI		5.1	added	
2/17/2015	5A	Resolution establishing CPIC					added in text
3/3/2015	3A	2015 Drainage Improvements Phase A	FLU		1.41	added	
3/3/2015	3A	2015 Drainage Improvements Phase A	NCR		2.6	added	
3/3/2015	3A	2015 Drainage Improvements Phase A	TI		5.2	added	
3/3/2015	3A	2015 Drainage Improvements Phase A	TI		5.1	added	
3/17/2015	5C	Landscape improvements at River Park Glass Pavilion and Miss Laura's	CCD		1.1.1	added	
3/17/2015	5C	Landscape improvements at River Park Glass Pavilion and Miss Laura's	ED		6.1.1	added	
3/17/2015	5D	Arkansas Recreational Trails Program Funding	FLU	3.2.3		added	
3/17/2015	1	CDBG Funding - Year 41	HN	2.4.1		added	
3/17/2015	1	CDBG Funding - Year 41	HN	3.1.1		added	
3/17/2015	1	CDBG Funding - Year 41	HN	3.3.1		added	
3/17/2015	5D	Arkansas Recreational Trails Program Funding	NCR	1.4.1		added	
3/17/2015	5G	Riverfront Development Water and Sewer Extensions					added to all GPA's with Mill Creek
3/17/2015	5I	Capacity Management Operations Plan - Consent Decree					included as "consent decree"
3/17/2015	5J	Updating the wastewater collection system hydraulic model - Consent Decree					included as "consent decree"
4/7/2015	5D	Geran Road Reconstruction	FLU		1.4	added	
4/7/2015	5B	Town Branch Drainage Improvements	FLU		1.41	added	
4/7/2015	5C	Traffic signal improvements	FLU		1.41	added	
4/7/2015	5D	Geran Road Reconstruction	HN		1.7	added	
4/7/2015	5B	Town Branch Drainage Improvements	NCR		2.6	added	
4/7/2015	5D	Geran Road Reconstruction	TI		1.2	added	
4/7/2015	5B	Town Branch Drainage Improvements	TI		5.2	added	
4/7/2015	5C	Traffic signal improvements	TI		5.2	added	
4/7/2015	5B	Town Branch Drainage Improvements	TI		5.1	added	
4/7/2015	4F and 4G	Neighborhood Water System Improvements				added	
4/21/2015	3A and 3B	Neighborhood Drainage Improvements	FLU		1.41	added	
4/21/2015	3D	River Park Pavilion Addition	FLU	2.1.4		added	
4/21/2015	3A and 3B	Neighborhood Drainage Improvements	NCR		2.6	added	
4/21/2015	3A and 3B	Neighborhood Drainage Improvements	TI		5.2	added	

Board of Director Date	Item	Item Description	Comp Plan Element	Policy and Action			
4/21/2015	3A and 3B	Neighborhood Drainage Improvements	TI		5.1	added	
5/19/2015	5E	McClure Drive Extension	ED		6.1	added	
5/19/2015	2	Outdoor Mobile Food Vending	ED		1.1.1	added	
5/19/2015	5C and 5D	Neighborhood Drainage Improvements	FLU		1.41	added	
5/19/2015	5E	McClure Drive Extension	FLU		1.4	added	
5/19/2015	5C and 5D	Neighborhood Drainage Improvements	NCR		2.6	added	
5/19/2015	5C and 5D	Neighborhood Drainage Improvements	TI		5.2	added	
5/19/2015	5C and 5D	Neighborhood Drainage Improvements	TI		5.1	added	
5/19/2015	4A and 4B	Supplemental staffing for utility dept - Consent decree					included as "consent decree"
6/2/2015	6A	Landscape improvements at River Park Glass Pavilion and Miss Laura's (same as 3/17/15)	CCD		1.1.1	added	
6/2/2015	6A	Landscape improvements at River Park Glass Pavilion and Miss Laura's (same as 3/17/15)	ED		6.1.1	added	
6/2/2015	6B	River Park Pavilion Addition - same as 4/21/15	FLU	2.1.4		added	
6/2/2015	4	Funding for Homeless providers - limiting to those participating in the campus	HN	2.4.1		added	
6/16/2015	5D and 5E	Appropriation of money for Fianna Way & Texas Road	NCR		1.3	added	
6/16/2015	3	Renaming Texas Road park Stagecoach Park				added	
6/16/2015	4	Renaming Fianna Way park Imani Park				added	
6/16/2015	5C	Donation of land for street ROW and drainage improvements for ARCOM					
7/21/2015	6F and 6G	Wastewater Projects	FLU		1.4	added	
7/21/2015	6F and 6G	Wastewater Projects	PFS		4.2	added	
7/21/2015	6F and 6G	Wastewater Projects	TI		5.1	added	
7/21/2015	6F and 6G	Wastewater Projects	TI		5.2	added	
7/21/2015	6F and 6G	Wastewater Projects	TI	5.2.1		added	
7/21/2015	6F and 6G	Wastewater Projects	TI	5.2.4		added	
7/21/2015	6F and 6G	Wastewater Projects	TI	5.1.1		added	
8/4/2015	6F and 6G	Change order for Compass Park Splash Pad	CCD		1.1.1	added	
8/4/2015	6F and 6G	Change order for Compass Park Splash Pad	ED		6.1.1	added	
8/4/2015	6F and 6G	Change order for Compass Park Splash Pad	ED		6.2.1	added	
8/4/2015	6F and 6G	Change order for Compass Park Splash Pad	FLU	2.3.2		added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	FLU		1.4	added	
8/18/2015	3J	Library Annex Renovations for office space	FLU		1.4	added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	PFS		4.2	added	
8/18/2015	3J	Library Annex Renovations for office space	PFS		4.2	added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	TI		5.1	added	
8/18/2015	3J	Library Annex Renovations for office space	TI		5.1	added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	TI		5.2	added	
8/18/2015	3J	Library Annex Renovations for office space	TI		5.2	added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	TI	5.2.1		added	
8/18/2015	3J	Library Annex Renovations for office space	TI	5.2.1		added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	TI	5.2.4		added	
8/18/2015	3J	Library Annex Renovations for office space	TI	5.2.4		added	
8/18/2015	3I	Riverlyn Wastewater Pump Station Improvements	TI	5.1.1		added	
8/18/2015	3J	Library Annex Renovations for office space	TI	5.1.1		added	
9/1/2015	5A	Easement vacation for Hope Campus	HN	2.4.1		added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	FLU		1.4	added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	FLU		1.4	added	
10/6/2015	9A	Street Overlays/Reconstruction	FLU		1.41	added	

Board of Director Date	Item	Item Description	Comp Plan Element	Policy and Action			
10/6/2015	9B	Traffic signal improvements	FLU	1.41	added		
10/6/2015	9C and 9D	River Park Pavilion Additions	FLU	2.1.4	added		
10/6/2015	9A	Street Overlays/Reconstruction	NCR		2.6	added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	PFS		4.2	added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	PFS		4.2	added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	TI		5.1	added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	TI		5.1	added	
10/6/2015	9A	Street Overlays/Reconstruction	TI		5.2	added	
10/6/2015	9B	Traffic signal improvements	TI		5.2	added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	TI		5.2	added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	TI		5.2	added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	TI	5.1.1		added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	TI	5.2.1		added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	TI	5.2.1		added	
10/6/2015	9H and 9I	Lake Fort Smith Transmission Line	TI	5.2.4		added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	TI	5.2.4		added	
10/6/2015	9A	Street Overlays/Reconstruction	TI		5.1	added	
10/6/2015	9K and 9L	Mill Creek Interceptor Improvements	TI	5.1.1		added	
10/20/2015	5C	Traffic signal improvements	FLU		1.41	added	
10/20/2015	5C	Traffic signal improvements	TI		5.2	added	
11/3/2015	12A	Street and driveway improvements for ARCOM	FLU		1.4	added	
11/3/2015	12A	Street and driveway improvements for ARCOM	PFS		4.2	added	
11/3/2015	12A	Street and driveway improvements for ARCOM	TI		5.1	added	
11/3/2015	12A	Street and driveway improvements for ARCOM	TI		5.2	added	
12/1/2015	4	<del>Resolution regarding moving of a Community Food Services Establishment</del>	HN	2.4.1			
12/1/2015	4B	<del>Resolution regarding moving of a Community Food Services Establishment</del>	HN	2.4.1			
12/1/2015	9G and 9H	Replacement of Lift Stations	FLU		1.4	included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	PFS		4.2	included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	TI		5.1	included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	TI		5.2	included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	TI	5.2.1		included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	TI	5.2.4		included as "wastewater projects"	
12/1/2015	9G and 9H	Replacement of Lift Stations	TI	5.1.1		included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	FLU		1.4	included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	PFS		4.2	included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	TI		5.1	included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	TI		5.2	included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	TI	5.2.1		included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	TI	5.2.4		included as "wastewater projects"	
12/15/2015	3	Engineering fees associated with wastewater/force main evaluations	TI	5.1.1		included as "wastewater projects"	
12/15/2015	4	Replacement of Lift Stations - same item as 9H on 12/1 but was approved on 12/15	see 12/1	see 12/1		included as "wastewater projects"	

Attached are the 2015 statistics for the Neighborhood Services Division as referenced in the status column for Action HN 1.1.1



# MEMORANDUM

*Neighborhood Services Division*

To: Jeff Dingman, Acting City Administrator  
 From: Jimmie Deer, Building Official  
 Date: January 4, 2016  
 Subject: Neighborhood Services Division

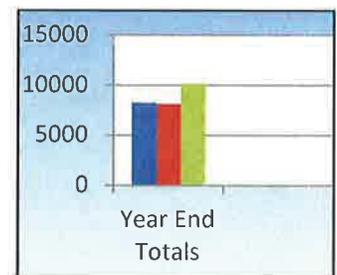
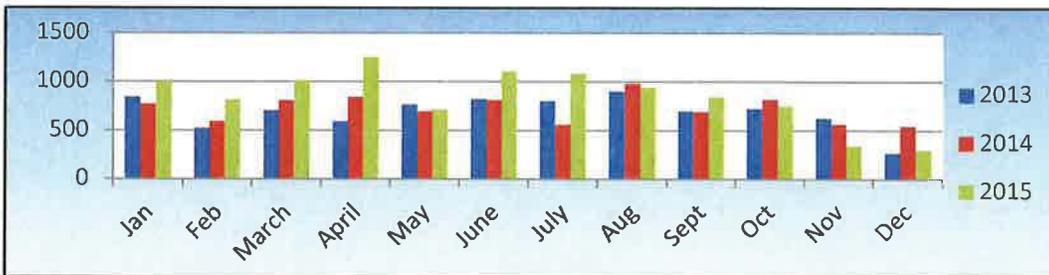
The charts below represent the progress the Neighborhood Services Division has made in recent months. For comparison purposes, the numbers for 2014 are also included.

### Environmental Code Violations

	2014			2015		
	Inspections	Warnings	Assigned to Contractor	Inspections	Warnings	Assigned to Contractor
<b>January</b>	773	762	6	<b>1004</b>	<b>991</b>	<b>0</b>
<b>February</b>	594	582	20	<b>819</b>	<b>800</b>	<b>24</b>
<b>March</b>	808	783	34	<b>1015</b>	<b>996</b>	<b>31</b>
<b>April</b>	845	812	59	<b>1255</b>	<b>1210</b>	<b>42</b>
<b>May</b>	695	638	79	<b>717</b>	<b>668</b>	<b>97</b>
<b>June</b>	811	743	117	<b>1108</b>	<b>1064</b>	<b>123</b>
<b>July</b>	562	481	109	<b>1088</b>	<b>1020</b>	<b>146</b>
<b>August</b>	983	922	113	<b>940</b>	<b>899</b>	<b>123</b>
<b>September</b>	693	628	106	<b>848</b>	<b>803</b>	<b>150</b>
<b>October</b>	818	781	104	<b>753</b>	<b>734</b>	<b>79</b>
<b>November</b>	564	530	36	<b>344</b>	<b>326</b>	<b>52</b>
<b>December</b>	<b>546</b>	<b>521</b>	<b>18</b>	<b>304</b>	<b>293</b>	<b>13</b>
<b>YTD Totals:</b>						
<b>Year End Total</b>	<b>8692</b>	<b>8183</b>	<b>801</b>	<b>10195</b>	<b>9804</b>	<b>880</b>

The chart above is representative of the following violations: inoperable vehicles, graffiti, overgrowth, trash/debris, blind corners, indoor furniture, appliances, and dead limbs.

### Environmental Comparison Charts



### Parking Ordinances

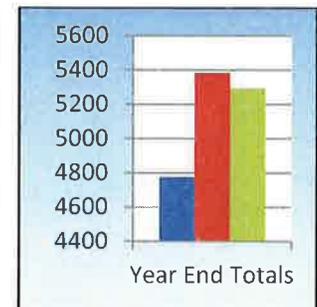
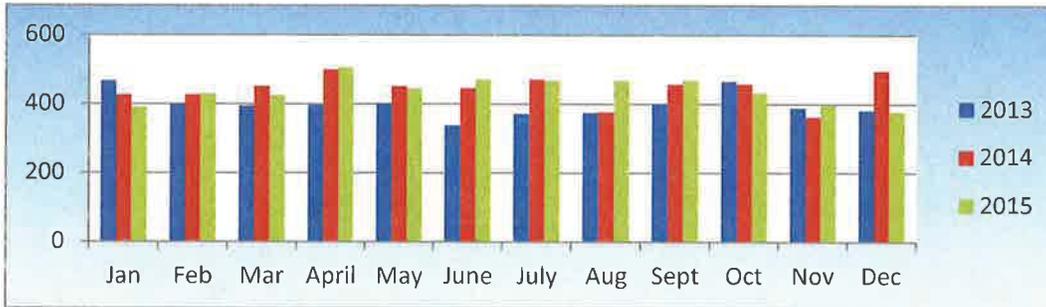
Year	Commercial Vehicles		Recreation and Utility Vehicles		General Parking	
	2014	2015	2014	2015	2014	2015
<b>December</b>	1	<b>0</b>	1	<b>4</b>	12	<b>4</b>
<b>Year to date</b>	22	<b>28</b>	98	<b>89</b>	178	<b>189</b>

## Property Maintenance Code Enforcement

	2014				2015			
	New Cases	Active Cases	Inspections	Court	New Cases	Active Cases	Inspections	Court
January	20	371	427	21	21	410	391	21
February	16	368	427	25	17	412	430	21
March	24	373	452	12	12	398	425	0
April	33	386	500	12	19	401	506	23
May	14	376	452	13	15	400	446	16
June	10	368	446	30	29	418	471	6
July	26	371	471	29	44	435	468	14
August	24	377	434	37	15	419	468	16
September	54	411	457	22	17	411	469	9
October	16	409	458	8	19	393	433	20
November	11	407	363	19	11	378	398	0
December	11	398	496	20	16	377	391	22
Year To Date								
Year End	259	398	5383	248	235	378	5296	168

The chart above is representative of the following violations but not limited to: Exterior: Roof damage, siding, windows, painting, accessory structures, fences, doors, porches, and unsecured structures. Interior: Mold, sanitary conditions, plumbing, electrical, mechanical and infestation of insects and rodents.

### Property Maintenance Comparison Charts



	2014		2015	
	Court Fines	Overcrowding Complaints	Court Fines	Overcrowding Complaints
January	1150.00	0	1050.00	0
February	150.00	0	50.00	0
March	650.00	0	0	0
April	150.00	0	825.00	0
May	750.00	0	900.00	1
June	900.00	0	0	1
July	850.00	0	50.00	0
August	1550.00	1	1550.00	0
September	2250.00	0	600.00	0
October	150.00	0	400.00	0
November	400.00	0	0	0
December	250.00	0	550.00	0
Year To Date	9200.00	1	5975.00	2

Please contact me if you have any questions.  
CC: Wally Bailey

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE  
FORT SMITH TRAILS & GREENWAYS MASTER PLAN

---

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

WHEREAS the Board of Directors of the City of Fort Smith approved the Trails and Greenways Master Plan in 2004 and recognize the need for trails and sharrows in the City of Fort Smith and;

WHEREAS the Parks and Recreation Commission and Trails and Greenways Committee have reviewed the current plan and recommend the attached revised map and;

WHEREAS the Board of Directors recognizes that the overall trails map is evolving and may change to reflect future changes due to community growth, community needs, increased traffic patterns, and the input of the citizens of Fort Smith.

NOW, THEREFORE, the Board of Directors hereby adopts the attached map as the revised map for the Trails and Greenways Master Plan.

Passed and approved this \_\_\_\_\_ day of March, 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM



\_\_\_\_\_  
npr



## Memo:

February 26, 2016

To: Jeff Dingman, Acting City Administrator  
From: Doug Reinert, Director of Parks and Recreation *DSR*  
Re: Adopting the 2016 Trails and Greenways Master Plan for the City of Fort Smith

Since 2004, the Trails and Greenways Committee, the Parks and Recreation Commission and the Parks Department have been working on a Trails and Greenways Master Plan. Over the years the original document has been through several changes. The changes presented today have been identified by City leaders and volunteers discussing each and every route and the feasibility for whom they serve. As you will see, separated trails have been identified and the priority in which recommendations for construction should progress. Additionally you will see routes of sharrows throughout the City of Fort Smith and the intended routes envisioned by the Trails and Greenways Committee. The purpose of the sharrows are to identify routes for bicyclist to cut through city streets in a manner with identified markings, making motorist more aware of cyclist traffic. The purpose of trails are to provide a safe alternative to vehicle traffic to get from place to place that is continuous and connected throughout our great city. Trails also provide passive recreation, opportunities to walk, run, recreate and commute through non-motorized corridors.

This updated master plan has been well thought out and researched. It sets a strategic direction for the City of Fort Smith to move forward. It is important to know, although the trails and sharrows have been identified, all parties involved have come to the understanding this is a working document, and a flexible plan that may reflect future changes due to community growth, community needs, increased traffic patterns and the input of the citizens of Fort Smith.

I recommend adopting this Trails and Greenways Master Plan as the most current, fluid and working document.

If you have any further questions feel free to contact me.

# Proposed Map

## TRAIL NAME KEY

- 1A River Front West - 4.5 Miles
- 1B Chaffee Crossing Loop - 6.6 Miles
- 3 Mill Creek North - 5.5 Miles
- 4 Landfill Loop - 4.0 Miles
- 5 Old Railroad Trail - 2.9 Miles
- 6 Massard Creek Greenway North - 2.9 Miles
- 7 Massard Creek Greenway South - 1.1 Miles
- 8 Mill Creek South - 2.1 Miles
- 9 Fianna South Loop - 1.8 Miles
- 10 River Front East - 3.8 Miles
- 11 Fianna South Loop Spur - 1.5 Miles

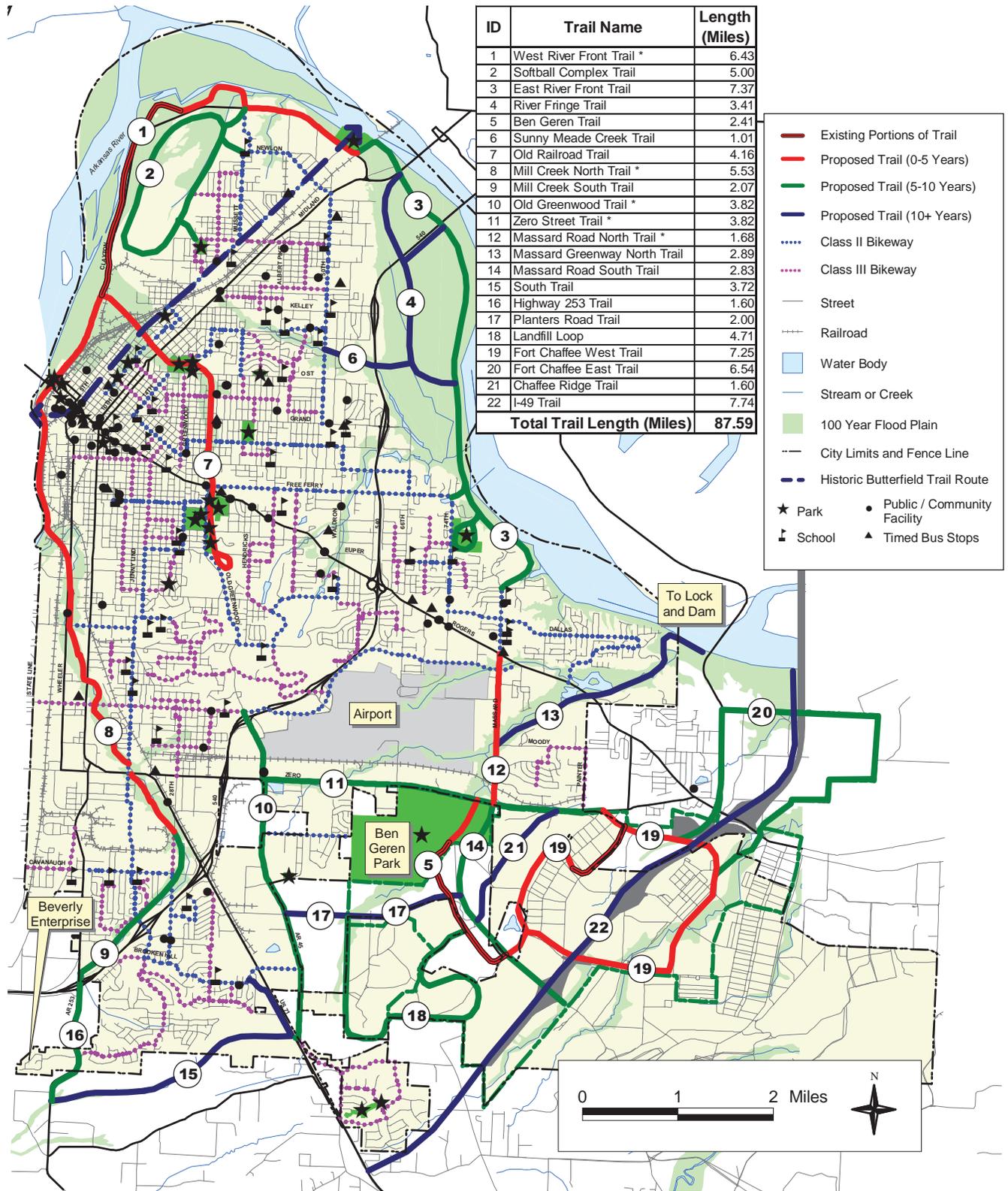
**Total Mileage All Trails: 36.7 Miles**

## Legend

-  Existing Paved Multi-use Trail
-  Proposed Bike Lane
-  Proposed Sharrow
-  Proposed Paved Multi-use Trail
-  Public School Areas
-  Public Park
-  Hospital
-  Public Library



City of Fort Smith  
**Trails Plan**  
 February, 2016



# Fort Smith Trails and Greenways Plan

## Trail Phasing Plan



prepared for  
**City of Fort Smith, Arkansas**  
 5/26/04

Map 7.1

**ORDINANCE NO. \_\_\_\_\_**

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

---

**WHEREAS**, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on February 9, 2016, that said change be made; and,

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 3-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Open Space and Residential Detached to Office, Research and Light Industrial and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 31, TOWNSHIP 8 NORTH, RANGE 31 WEST, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF SAID SE ¼ SW ¼; THENCE N87°16'45"W, ALONG THE NORTH LINE OF SAID SE ¼ SW ¼, 164.87 FEET TO A SET ½" REBAR ON THE WESTERLY RIGHT-OF-WAY LINE MASSARD ROAD FOR A POINT OF BEGINNING; THENCE, LEAVING SAID NORTH LINE OF SE ¼ SW ¼ AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MASSARD ROAD, THE FOLLOWING BEARINGS AND DISTANCES: 142.15 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1380.00 FEET AND A CHORD BEARING AND DISTANCE OF S06°56'52"E 142.09 FEET, S09°53'55"E 196.76 FEET, 129.24 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2360.00 FEET AND A CHORD BEARING AND DISTANCE OF S08°19'47"E 129.23 FEET TO A SET MAG NAIL; THENCE N87°16'45"W, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF MASSARD ROAD, 422.73 FEET TO AN EXISTING REBAR; THENCE S02°13'11"W 121.99 FEET TO AN EXISTING REBAR; THENCE N87°16'45"W 850.91 FEET TO THE WEST LINE OF SAID SE ¼ SW ¼; THENCE N02°25'43"E, ALONG SAID WEST LINE OF SE ¼ SW ¼, 580.90 FEET TO AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID SE ¼ SW ¼; THENCE S87°16'45"E, ALONG THE NORTH LINE OF SAID SE ¼ SW ¼, 1183.92 FEET TO THE POINT OF BEGINNING, CONTAINING 15.309 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING INC., R.L.S. #1272, JOB #15-09-24.

more commonly known as 5500 Massard Road.

**SECTION 2:** The hereinafter described property is hereby rezoned from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification:

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 31, TOWNSHIP 8 NORTH, RANGE 31 WEST, CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF SAID SE ¼ SW ¼; THENCE N87°16'45"W, ALONG THE NORTH LINE OF SAID SE ¼ SW ¼, 164.87 FEET TO A SET ½" REBAR ON THE WESTERLY RIGHT-OF-WAY LINE MASSARD ROAD FOR A POINT OF BEGINNING; THENCE, LEAVING SAID NORTH LINE OF SE ¼ SW ¼ AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MASSARD ROAD, THE FOLLOWING BEARINGS AND DISTANCES: 142.15 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1380.00 FEET AND A CHORD BEARING AND DISTANCE OF S06°56'52"E 142.09 FEET, S09°53'55"E 196.76 FEET, 129.24 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2360.00 FEET AND A CHORD BEARING AND DISTANCE OF S08°19'47"E 129.23 FEET TO A SET MAG NAIL; THENCE N87°16'45"W, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF MASSARD ROAD, 422.73 FEET TO AN EXISTING REBAR; THENCE S02°13'11"W 121.99 FEET TO AN EXISTING REBAR; THENCE N87°16'45"W 850.91 FEET TO THE WEST LINE OF SAID SE ¼ SW ¼; THENCE N02°25'43"E, ALONG SAID WEST LINE OF SE ¼ SW ¼, 580.90 FEET TO AN EXISTING REBAR MARKING

THE NORTHWEST CORNER OF SAID SE ¼ SW ¼; THENCE S87°16'45"E, ALONG THE NORTH LINE OF SAID SE ¼ SW ¼, 1183.92 FEET TO THE POINT OF BEGINNING, CONTAINING 15.309 ACRES, MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING INC., R.L.S. #1272, JOB #15-09-24.

more commonly known as 5500 Massard Road. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the Office of the City Clerk.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**City Clerk**

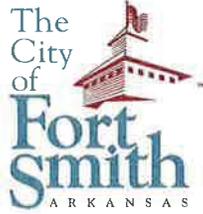
\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**

February 23, 2016



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

Re: A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a Master Land Use Plan Amendment from Open Space/Residential Detached to Office Research Light Industrial (ORLI) and a zone change from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification located at 5500 Massard Road.

On February 9, 2016, the City Planning Commission held a public hearing to consider the above requests.

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage building and covered RV parking in the future.

Mr. Jeff Lee was present to speak on behalf of these requests.

Mr. Ron Yates, 8310 Rosewood Drive, was present to speak in opposition to these requests citing his concerns relative to security lighting, property devaluations and the fact that tenants will have 24 hour access to the facility.

Ms. Andrews also referenced an e-mail from Mr. Jim Post who noted his opposition to these requests as being property devaluation and traffic hazards.

Chairman Sharpe then called for the vote on the Master Land Use Plan amendment. The vote was 7 in favor and 1 opposed . (Howe)

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 1 opposed. (Howe)

Motion was made by Commissioner Howard, seconded by Commissioner Redd and carried to approve these requests subject to the following:

- 1) The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
- 2) The rooftops for the new storage buildings in Phase I shall consist of a muted color.
- 3) The rooftop equipment on the existing building shall be screened from the right-of-way.

Respectfully Submitted,

A handwritten signature in dark ink that reads "Marshall Sharpe".

Marshall Sharpe, Chairman

MS/lp

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

**From:** Jim Post [<mailto:jimpost@southernextrusion.com>]  
**Sent:** Monday, February 01, 2016 12:29 PM  
**To:** Planning Email Group  
**Subject:** Meeting

The areas surrounding this property are principally residential. To allow light industrial would devalue existing residential areas and begin a succession of property devaluations along the entire corridor.

I would encourage you to leave the area as residential.

The area asking for a PZD are located where ease of entrance and exit are difficult at best. To allow further development in this area may create traffic hazards in an area where sight is limited and traffic is prone to speeding. I encourage you to leave the property as is.

Jim Post  
5101 Massard Rd.

3 F

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 26, 2016

**Re:** Proposed Master Land Use Plan Amendment by Jeff Lee, agent for John Goodson, et al, at 5500 Massard Road from Open Space and Residential Detached to Office, Research and Light Industrial

The Planning Department is in receipt of an application from Jeff Lee, agent, to amend the Master Land Use Map from Open Space and Residential Detached to Office, Research and Light Industrial to accommodate a proposed Planned Zoning District (PZD) zoning request. The subject property is on the west side of Massard Road, north of Canopy Oaks Drive. The tract contains an area of 15.30 acres with approximately 459 feet of street frontage along Massard Road.

The property is currently zoned Commercial Light (C-2). A companion zoning application requests a Planned Zoning District (PZD) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as Open Space and Residential Detached and is undeveloped.

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

The area to the south is classified as Open Space and Residential Detached and is developed as residential and the Elks Lodge.

The area to the west is classified as Public Institutional and Office, Research and Light Industrial and is undeveloped.

The proposed Land Use classification of Office, Research and Light Industrial is described as follows:

2A

Provides opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

- |  |     |
|--|-----|
| • Located on primary arterial or along active rail line.                         | Yes |
| • Central water and sewer with sufficient capacity                               | Yes |
| • Sufficient land area for activities and potential expansion                    | Yes |
| • Not located within environmentally sensitive areas, or those prone to flooding | No* |
| • Maybe located with other mixed uses  | Yes |

**\*A sizeable portion of this property is located within the FEMA 100 and 500 Year Plain, and Floodway.**

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Open Space and Residential Detached. This classification is to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments and to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Massard Road as Major Arterial.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Thursday, January 28, 2016 at 7613 Rogers Avenue (Goody's Frozen Yogurt).

Three neighboring property owners attended the meeting and had concerns about exterior lighting and appearance of the proposed buildings. Staff also received an e-mail from Jim Post at 5101 Massard Road who is opposed to the proposed Master Land Use Plan amendment and rezoning. A copy of Mr. Post's e-mail is enclosed.

A copy of the attendance record is enclosed. At the time the planning commission packet was completed, Mr. Lee had not submitted a meeting summary. We hope to have the summary for you prior to the planning commission meeting.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the application with the following comment:

1. Planning Commission approval of the companion rezoning application.

2B

**From:** Jim Post [<mailto:jimpost@southernextrusion.com>]  
**Sent:** Monday, February 01, 2016 12:29 PM  
**To:** Planning Email Group  
**Subject:** Meeting

The areas surrounding this property are principally residential. To allow light industrial would devalue existing residential areas and begin a succession of property devaluations along the entire corridor.

I would encourage you to leave the area as residential.

The area asking for a PZD are located where ease of entrance and exit are difficult at best. To allow further development in this area may create traffic hazards in an area where sight is limited and traffic is prone to speeding. I encourage you to leave the property as is.

Jim Post  
5101 Massard Rd.

20

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodie's on Rogers

Meeting Time & Date 1-28-16 @ 12:15

Meeting Purpose 5580 MASSARD RD.  
REZONING & LAND USE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>TOM MONACO</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>MARK GAYSON</u>	<u>1100 Wheeler Ave</u>	<u>806-6805</u>
3.	<u>Ron Yates</u>	<u>8310 Rosewood Dr.</u>	<u>452-3676</u>
4.	<u>Jeff</u>	<u>PJLarchitect</u>	<u>452-9226</u>
5.	<u>Ross &amp; Frances Willis</u>	<u>8321 Rosewood</u>	<u>452-8041</u>
6.			
7.			
8.			
9.			
10.			
11.			

20



1. A legal description of the subject property that is to be amended (reclassified).  
Part SE 1/4 OF THE SW 1/4 OF SECTION 31, T-8-N, R-31-W
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres. 15,309 acres

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

The eastern portion of the site has a paved parking lot & access road to Massard Rd. The western portion is undeveloped. A bridge may be built in the future to connect the eastern & western portions across Massard creek.

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

All utilities are present on site & are adequate for extension in the future to the undeveloped portion of the site when required

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

75% lot coverage

7. Identify any known or anticipated environmental concerns:

The western undeveloped portion of the site, west of Massard Creek, is below the floodway elevation. Consequently 12"-18" of fill dirt will be added (future).

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

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

2F

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

The new PZD will allow I.1 type development of mini-storage buildings & RV parking only. This will lessen negative impacts of its current C-2 zone & adjacent I.2 zones

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

The PZD parameters are based on I.1 uses; the adjacent properties are zoned I.2.

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

The current occupancy rate of Fort Smith mini-storage developments indicates a need for many more units in the area.

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

The property will be developed in two phases. Phase 1 is the location of 5 buildings near the existing vacant building, plus inside climate controlled units in the existing building, within one year. Phase two, including units and a bridge across Massard Creek, will be built out in 5-10 years. Minimal impact along the arterial street is anticipated.

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

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

AUTHORIZATION OF AGENT

Certification

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

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

P. Jeffrey Lee

1-14-16

Signature (Agent/Owner)

Date

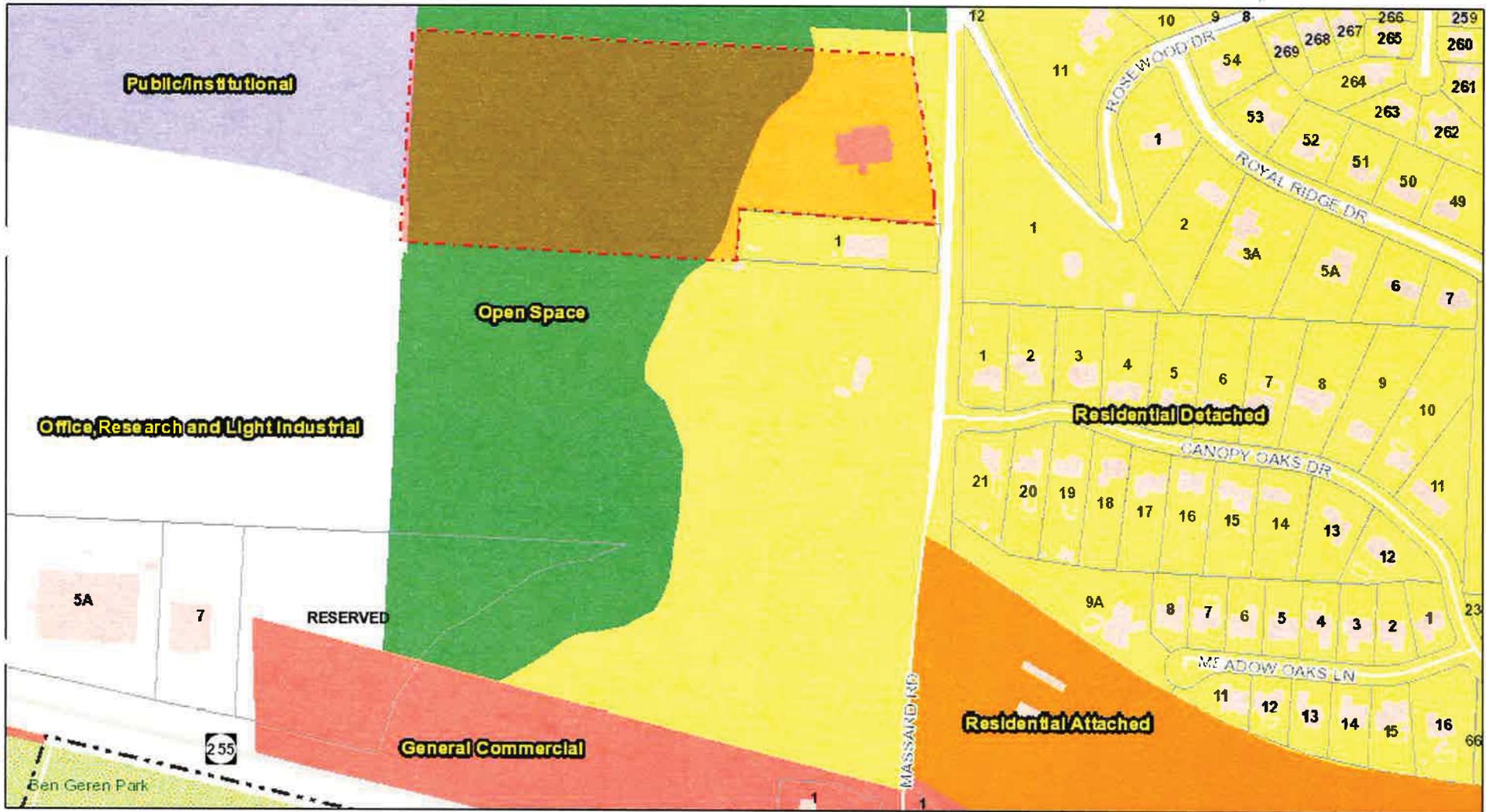
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The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

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2H

# Master Land Use: From Open Space & Residential Detached to Office, Research and Light Industrial 5500 Massard Road



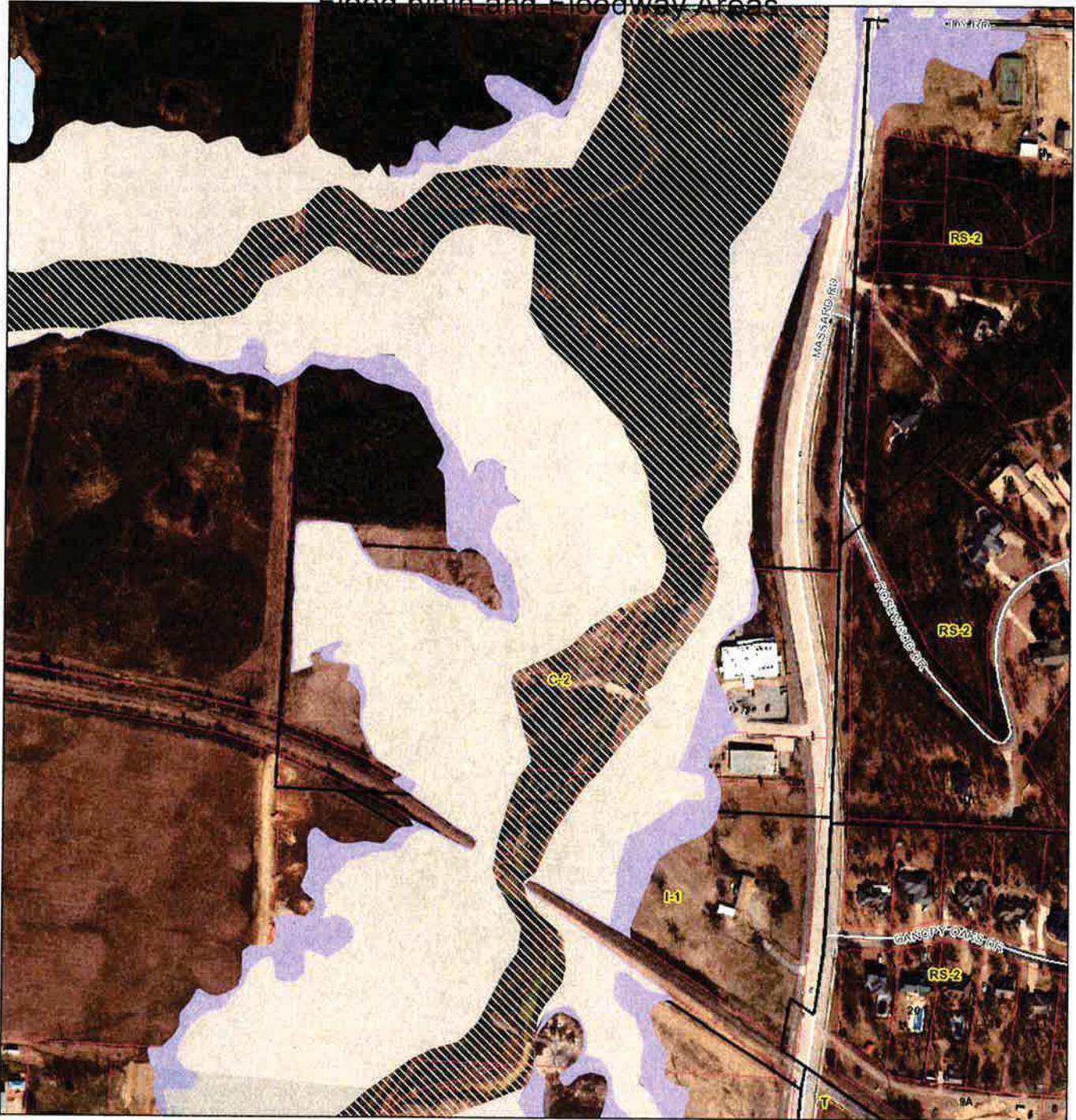
January 20, 2016

-  Fort Smith City Limits
-  Subdivisions
-  Building Footprints

Land Use

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

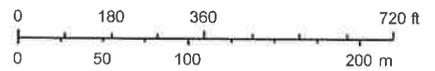
5500 Massard Road  
Flood plain and Floodway Areas



**FEMA Map Legend**

-  Base Flood Elevation
-  Zone X (500 year)
-  Zone A or AE - SFHA (100 year)
-  Floodway

1:2,848



25

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 26, 2016

**Re:** Rezoning #3-2-16 - A request by Jeff Lee, agent for John Goodson, et al, for Planning Commission consideration of a zone request from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification at 5500 Massard Road

## PROPOSED ZONING

The approval of this rezoning request would allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage buildings and covered RV and boat storage in the future.

## LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road north of Canopy Oaks Drive. The tract contains an area of 15.30 acres with approximately 459 feet of street frontage along Massard Road.

## REQUESTED ZONING

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

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

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned Industrial Light (I-1) and are undeveloped.

3B

The areas to the east are zoned Residential Single Family Medium Density and are developed as single family residential.

The areas to the south are zoned Industrial Light (I-1) & Commercial Light (C-2) and developed as the Elks Lodge and a single family house.

The areas to the west are zoned Industrial Light (I-1) and are undeveloped.

#### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Massard Road as a Major Arterial.

#### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Detached and Open Space. The Residential Detached land use classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protects property values.

The Open Space land use classification provides for the open space and recreational needs of the region and protects the region's natural resources, water quality and development investments. A companion application for a Master Land Use Amendment changing the land use classification to Office, Research and Industrial has been submitted by the applicant.

#### **PROJECT BOOKLET**

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

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **Not required**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**

3C

- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The proposed use will generate less peak hour traffic than other uses, such as retail or multifamily, that are permitted uses with the current Commercial Light (C-2) zoning district.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The building exteriors will require more high quality materials than the UDO's minimum requirements. The allowable land uses will be limited to mini-storage and RV/Boat storage only. More trees will be planted than required by the UDO and the PZD will include sign restrictions.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The proposal is to use the one existing driveway.

**Right-of-way dedication** – Not required.

**Drainage** – Not required at this time.

**Landscaping & Screening** – The proposed PZD will comply with the UDO Landscaping Requirements for the Industrial Building Standards, but will require one tree per 30 feet of street frontage instead of every 50 feet as required by the UDO. The landscaping will be installed on the applicant's property adjacent to the existing multi-use trail so that the landscaping will be visible.

**Parking** – The PZD Booklet indicates that the project will comply with Chapter 27-600, which includes compliance with the UDO Off-Street Parking and Loading requirements.

**Signage** – The PZD Booklet indicates that signage requirements will prohibit highway type billboards and flashing or blinking electronic signage of any type or size. Ground mounted monument signs will be permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per the UDO requirements. Pole signage will not be used. Instructional and directional signage are allowed but will not count towards allowed signage square footage.

**Sidewalks** – An existing multi-use trail is located on the west side of Massard Road and the applicant's property.

### **FACTORS TO BE CONSIDERED**

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

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.

- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Thursday, January 28, 2016 at 7613 Rogers Avenue (Goody's Frozen Yogurt).

Three neighboring property owners attended the meeting and had concerns about exterior lighting and appearance of the proposed buildings. Staff also received an e-mail from Jim Post at 5101 Massard Road who is opposed to the proposed Master Land Use Plan amendment and rezoning. A copy of Mr. Post's e-mail is enclosed.

The attendance record and meeting summary are enclosed.

### **STAFF RECOMMENDATIONS**

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet and with the following recommendations:

1. The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
2. The roof tops for the new storage buildings in Phase I shall consist of a muted color.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodie's on Rogers

Meeting Time & Date 1-28-16 @ 12:15

Meeting Purpose 5500 MASSARD RD.  
REZONING & LAND USE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tom Monaco</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>MARK Goulson</u>	<u>1100 Wheeler Ave</u>	<u>806-6805</u>
3.	<u>Ron Yates</u>	<u>8310 Rosewood Dr.</u>	<u>452-3676</u>
4.	<u>Jeff</u>	<u>PJLarchitect</u>	<u>452-9226</u>
5.	<u>Ross Frances Willis</u>	<u>8321 Rosewood</u>	<u>452-8041</u>
6.			
7.			
8.			
9.			
10.			
11.			

36

## Oaks Mini-Storage

### Jan. 28, 2016 Neighborhood Meeting Summary

The meeting was held at 12:15 at Goody's on Rogers Ave. In attendance were Jeff Lee, architect, Mark Goodson, owner, Tom Monaco, city staff and three people from the community who live within 300 ft. of the proposed PZD property (see meeting attendance list).

Jeff Lee started the meeting by giving a narrative explaining the scope of the project; he then asked for questions or concerns from the attendees. The main question concerned the appearance of the future buildings, as all attendees have property that looks out over the property in question in a direction toward the airport. Jeff explained that the fronts, and 50 ft. down the sides, of the buildings which faced their property would be constructed of a "high quality material", most likely colored split-faced textured concrete block, although no preliminary design work had been done at this time. It was also noted that the roof color would be of a nature to blend in, rather than stand out, since most of them would mainly see the roofs of the future buildings because of the elevation difference.

Further discussion involved lighting and their concern that this property would bleed too much light and be distracting. They were assured that although the facility needs to be well lighted to ensure maximum security to the tenants, every effort would be made to make sure the light would be directed downward and not allowed to spill up into the night sky. This will be required by the airport commission as well.

Next followed an explanation of what a PZD is. It was explained that this PZD would only allow the construction of mini-storage buildings and covered RV/boat parking, designed to I-1 standards. It was discussed how none of the less desirable types of uses allowed in the property's current zone C-2 would be allowed if the PZD was approved. This seemed to ease some of their concerns.

The meeting was very amicable and none of the attendees expressed a firm displeasure of the proposed PZD zoning change.

Jeff Lee, AIA

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

**PART SE1/4 OF THE SW1/4 OF SECTION 31, T-8-N, R-31-W**

- 2. Address of property: 5500 MASSARD RD

- 3. The above described property is now zoned: C-2

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

- 5. Explain why the Planned Zoning District is requested?

TO ALLOW CONSTRUCTION OF MINI-STORAGE & COVERED RV/BOAT PARKING BUILDINGS

Signed:

**JEFF LEE**

Owner or Agent Name  
(please print)

Owner

3409 Village Rd 72903  
Owner or Agent Mailing Address

or

Jeff Lee  
Agent

314

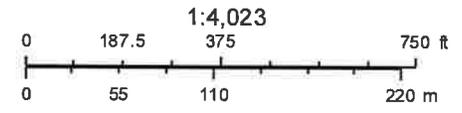
# Rezoning #3-2-16: From Commercial Light (C-2) to PZD 5500 Massard Road

31



January 20, 2016

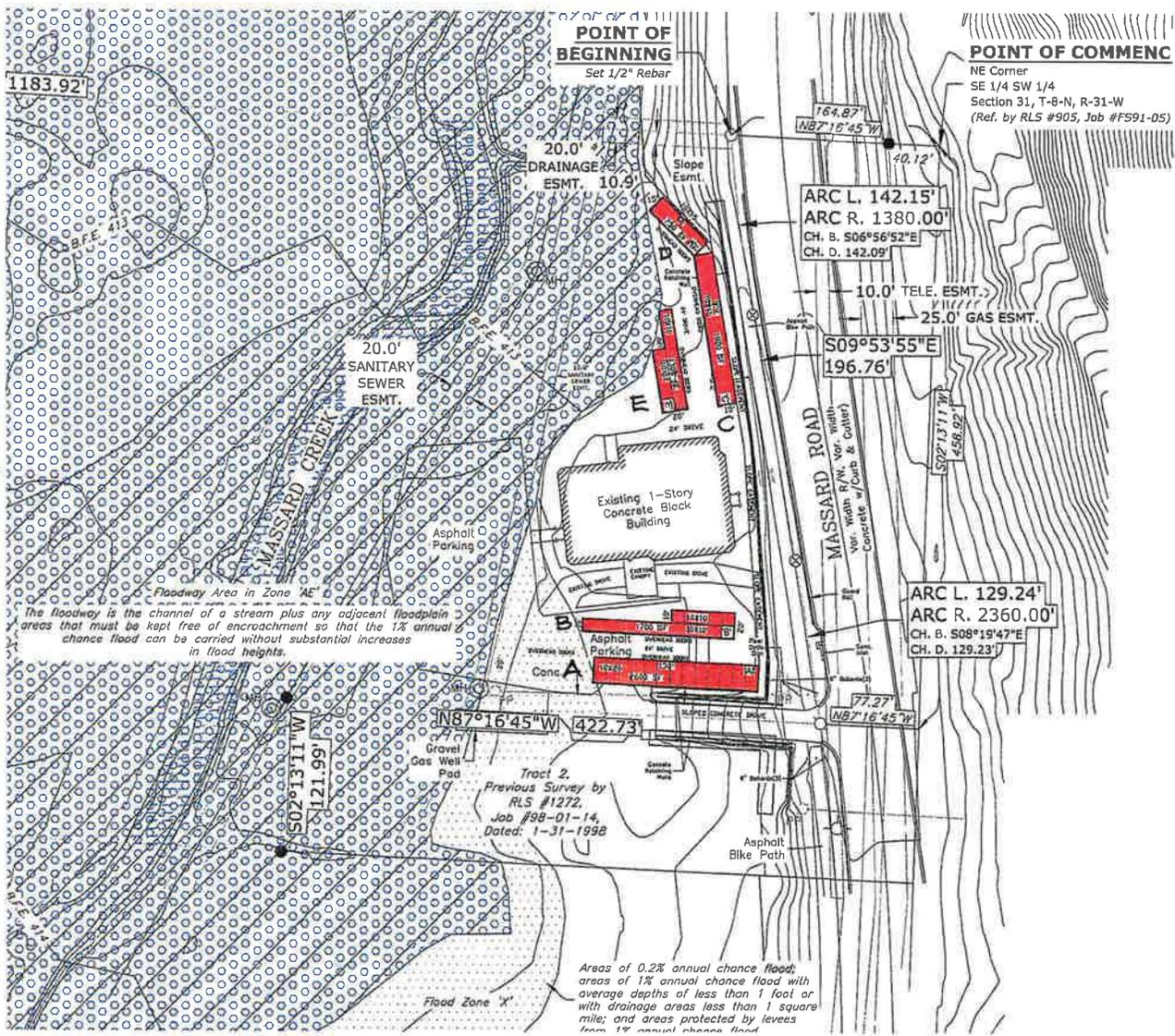
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



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

NEW STORAGE BLDGS.		
13	A	2,600 SF
18	B	1,700 SF
12	C	1,800 SF
6	D	750 SF
12	E	1,300 SF
51	TOTAL	8,150 SF

↳ PRELIMINARY



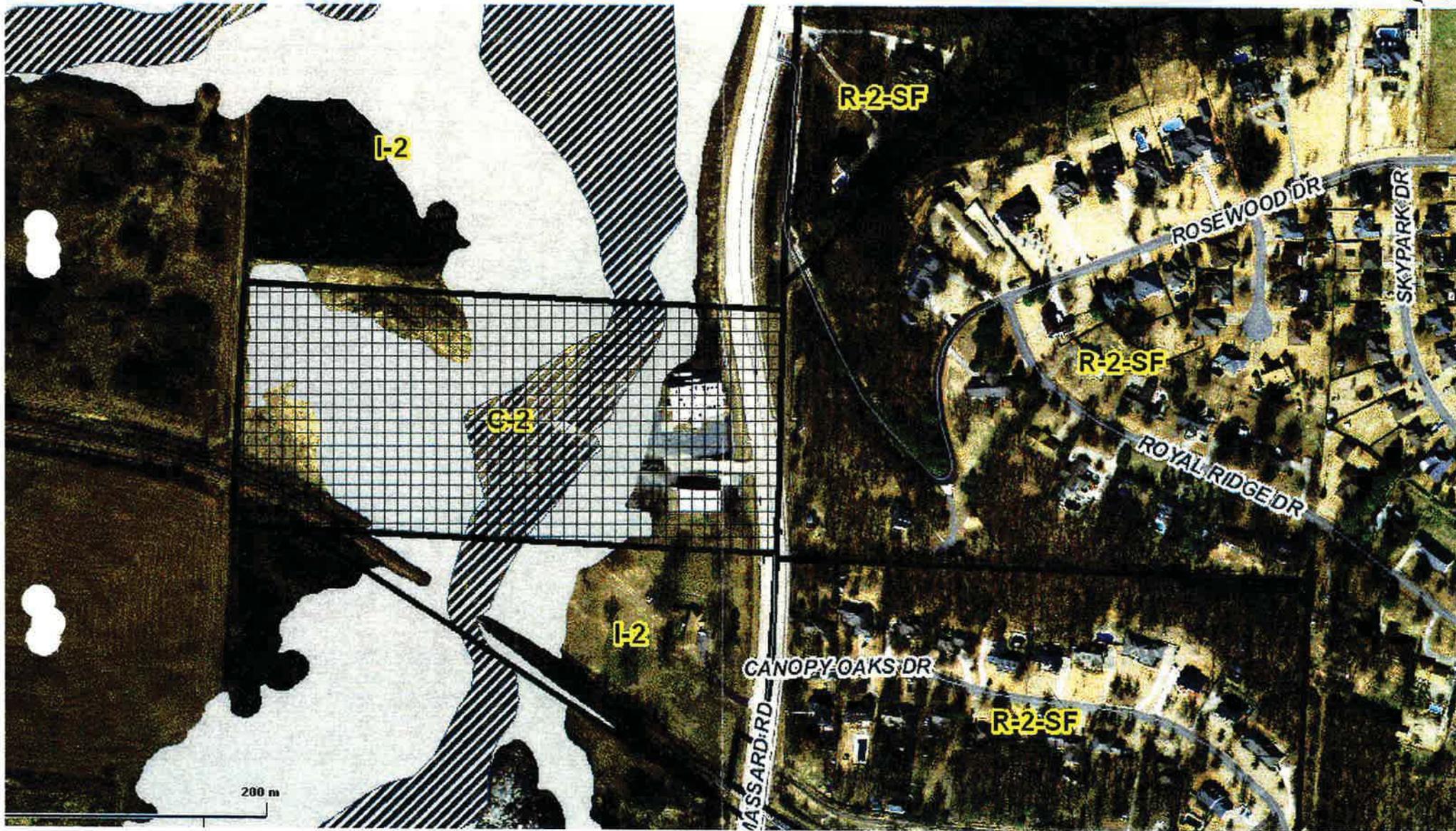
**PHASE 1**  
**1** PRELIMINARY SITE PLAN  
 SCALE: GRAPHIC

PRELIMINARY DRAWING - NOT FOR CONSTRUCTION OR REGULATORY APPROVAL	
Donald Jones Consulting 10521 Bear Creek Trail Fort Worth, Texas 76244	
MASSARD ROAD SELF STORAGE MASSARD ROAD FORT SMITH, ARKANSAS	
DATE	
REVISIONS:	
NO.	DESCRIPTION
DATE:	10/22/2015
SHEET TITLE: ARCHITECTURAL SITE PLAN	
SHEET NUMBER: <b>C1a</b>	

PRELIMINARY

# 5500 Massard Road

3K



PLANNED ZONING DISTRICT  
CERTIFICATION STATEMENT

John P. Goodson, Bequita Goodson, Mark Goodson, Janice M. Goodson, Kevin Goodson and Patti Goodson, owners of the property located at 5500 Massard Road, do hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signatures:

<u>John Goodson</u>	<u>2/17/16</u> Date
<u>Kevin Goodson</u>	<u>2-17-16</u> Date
<u>Mark Goodson</u>	<u>2-18-16</u> Date
<u>Janice Goodson</u>	<u>2-18-16</u> Date
<u>Patti Goodson</u>	<u>2-18-16</u> Date
<u>Bequita Goodson</u>	<u>2-18-16</u> Date

**OAKS MINI STORAGE  
PZD APPLICATION  
PROJECT BOOKLET**

3a. The subject property is currently zoned C2. A change in zoning is needed to allow for the development of mini-storage facilities, both inside the existing building and new structures on the property, as well as covered RV/boat storage structures. A planned zoned district will restrict the site to accommodate these uses only. It will allow the development to utilize design standards common to I-1 zone, and will meet or exceed the minimum standards required by the UDO Industrial Building Design Standards.

3b. **Owner**

Mark Goodson  
POBox 238  
Ratcliff, AR 72951

**Representative**

Jeff Lee  
3409 Village Rd.  
Fort Smith, AR 72903

3c. The PZD will include an area of approximately 15.30 acres located on the sparsely populated western side of Massard Road just north of Zero Avenue. Proposed uses include climate controlled indoor and exterior mini storage buildings as well as covered RV/boat storage structures. The proposed PZD will meet or exceed the design requirements and development standards set forth in the United Development Ordinance, chapters 27-200, 27-500, 27-600 and 27-700 for I-1 light industrial zoning guidelines.

3d. General Project Scope

i. Street and lot layout:

See attached development plan. The primary access to the site is via Massard Road. Additional access may be pursued off of Zero Avenue.

ii. Site Plan showing improvements

See attached site plan sheets C1a and C2.

iii. Buffer areas, screening and landscaping areas

All items will meet or exceed City UDO requirements.

iv. Storm water detention areas and drainage

All detention and drainage will comply with UDO requirements. Detention areas will be determined when existing grading and actual mini-storage building layouts are determined.

v. Undisturbed natural areas

A 300 foot wide swath of green space will divide the property and Phase 1 from phase 2, on a north/south line with Massard Creek and its floodway left untouched, except for a future bridge and roadway across the creek.

vi. Existing and proposed utility connections and extensions

1. All utilities are existing at Phase 1 site.
2. Fire Service line, domestic water and sewer will be extended to Phase 2 site in the future

vii. Development and architectural design standards

1. Design standards will comply with UDO Industrial Building Design Standards subject to approval by authorities to use materials such as integral colored split-face CMU units where quality materials are required.
2. All dumpsters will be screened with split-face CMU, brick veneer or other acceptable masonry units with opaque wood or metal gates.
3. Landscape material and types will meet the requirements of the UDO landscaping standards. New fast growing trees will be planted in the green space at the top of the concrete retaining wall along Massard at a rate of 1/30 ft.
4. All building in the PZD shall meet the UDO Industrial Building Design Standards.
5. The proposed pole barn structures for RV and boat storage shall be limited to the location at the rear of the property as shown in the PZD booklet.
6. The rooftops for the new storage buildings in Phase I shall consist of a muted color.
7. The rooftop equipment on the existing building shall be screened from the right-of-way.

viii. Building elevations

1. The front facades of all new construction facing Massard will contain 100% colored split-faced CMU, as well as the sides of the buildings to a point 50' away from the front wall.
2. Future buildings will comply with UDO Industrial Building Design Standards.

ix. Proposed signage (Type and size)

1. Signage for the PZD will be per City ordinance 27-704-3 in general but customized to prohibit highway type billboards and flashing or blinking electronic signage or any type or size only. Ground mounted monument signs are permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per UDO. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties.
2. Pole signs will not be used.
3. Instructional and directional signage are allowed but will not count towards allowed signage square footage.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed in two phases.

Phase 1: Rough grading and dirt work Spring 2016.

Building Construction Summer/Fall 2016.

Phase 2: Future, unknown at this time.

3f. Identify land use designations.

See attached **Exhibit A**.

3g. Identify area and bulk regulations for PZD.

- a. Minimum lot size: 1 acre
- b. Minimum lot width at BSL: 100'
- c. Maximum lot coverage: 75%
- d. Maximum height: 45'
- e. Additional height: Per UDO code
- f. Setbacks:
  - Front: 25'
  - Side: 15'
  - Street side/corner: 15'
  - Rear: 10'
  - Minimum street frontage: 100'
  - Minimum building separation: To be determined by current building and fire code.

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

	<u>Proposed PZD</u>	<u>C-2</u>
• Minimum lot size	1 Acre	7,000
• Minimum lot width	100'	50'
• Maximum lot coverage	75%	60%
• Maximum lot height	45'	35'
• Additional height	Per UDO	Per UDO
• Setbacks		
Front	25'	25'
Side	15'	10'
Street side/corner	15'	10'
Rear	10'	10'
Minimum Street frontage	100'	30'
Minimum building separation	To be determined by current Building and fire code	

3i. The proposed PZD is much more restrictive than the C-2 zone. It will not allow any use currently allowed by Zone C-2 nor any use in I-1, after which it is modeled, except mini-storage buildings, interior storage and an accessory office area for the mini-storage business and covered outdoor storage or RVs and boats.

3j. Industrial Standards

The project will exceed the UDO requirements as follows:

1. Increase high quality materials
2. Restrict land use to mini-storage only
3. Increase of minimum lot size to 1 acre
4. Added signage restrictions
5. Planting more trees than required by UDO

3k. The surrounding area is presently undeveloped. By establishing the PZD zone, modeled after an I-1 zone, but only allowing the construction of mini-storage buildings and interior climate controlled storage in the existing structure, and RV/boat covered parking, the property will not be developed as any of the less desirable potential uses currently allowed in the C-2 zone. It will also restrict the development of this site to only mini-storage type I-1 development.

3l. Traffic study not required.

3m. Water and Sewer utilities are currently available along Massard Road and on the property.



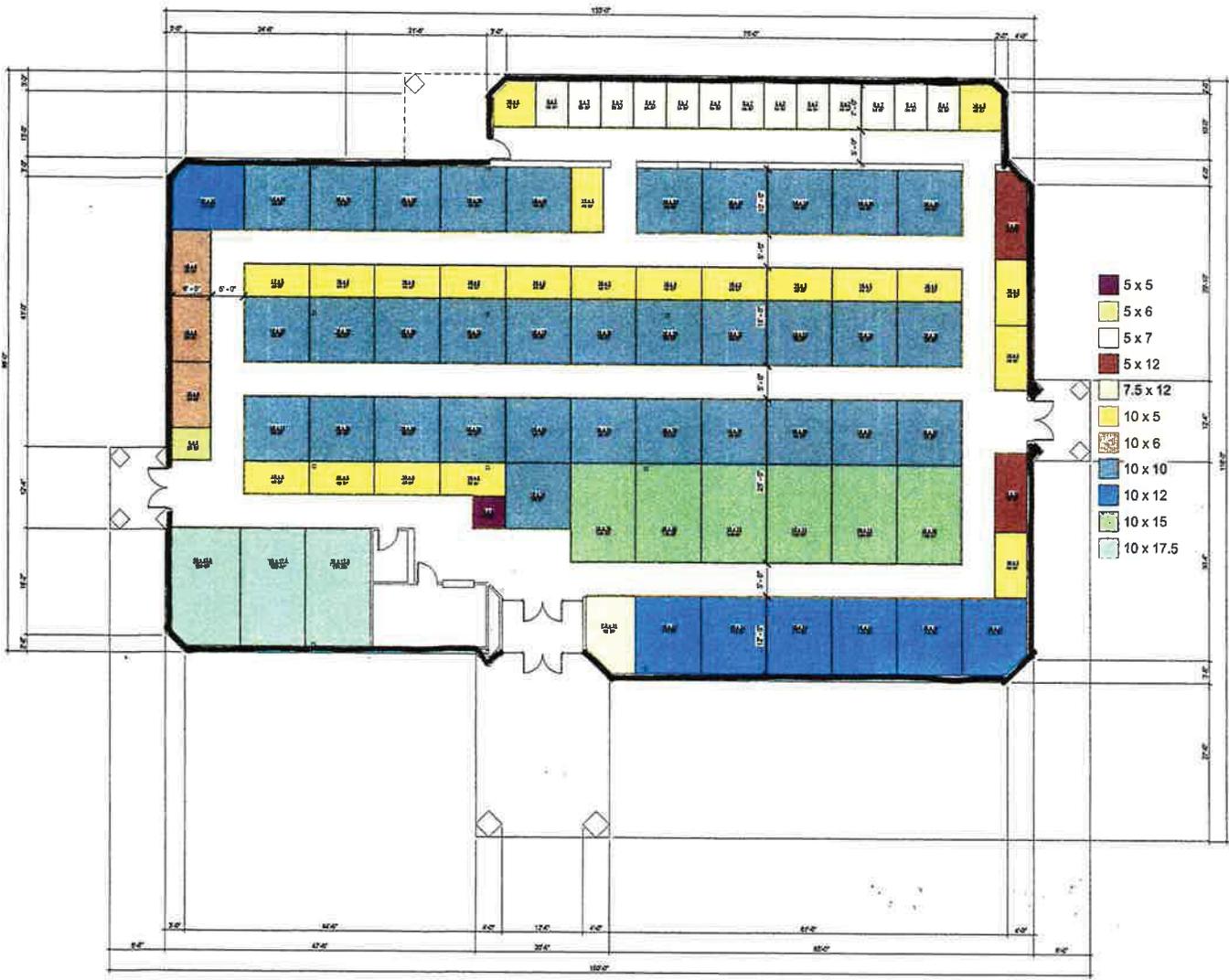


**JANUS**  
INTERNATIONAL

134 East Lake Road  
Tempe, Georgia 30179  
(866) 563-5300 Toll-Free  
(770) 562-6066  
www.janusintl.com

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Drawn For **Donald Jones Consulting**  
**Fort Smith, AR**  
**Massard Mini Storage**



- 5 x 5
- 5 x 6
- 5 x 7
- 5 x 12
- 7.5 x 12
- 10 x 5
- 10 x 6
- 10 x 10
- 10 x 12
- 10 x 15
- 10 x 17.5

**PHASE 1**  
**INTERIOR CLIMATE CONTROLLED**  
**STORAGE UNITS**

1st Unit Mix Schedule			
Count	Name	Rent As	%
1	5 x 5	25	1%
1	5 x 6	30	1%
13	5 x 7	455	14%
2	5 x 12	120	2%
1	7.5 x 12	90	1%
21	10 x 5	1050	23%
3	10 x 6	180	3%
33	10 x 10	3300	36%
7	10 x 12	840	8%
6	10 x 15	900	7%
3	10 x 17.5	525	3%
<b>91</b>		<b>7515</b>	<b>100%</b>

Project #  
**20009**

Rev #	Date

Drawn On 02.10.15  
Drawn By B. Johnson  
Checked By M. Hodges

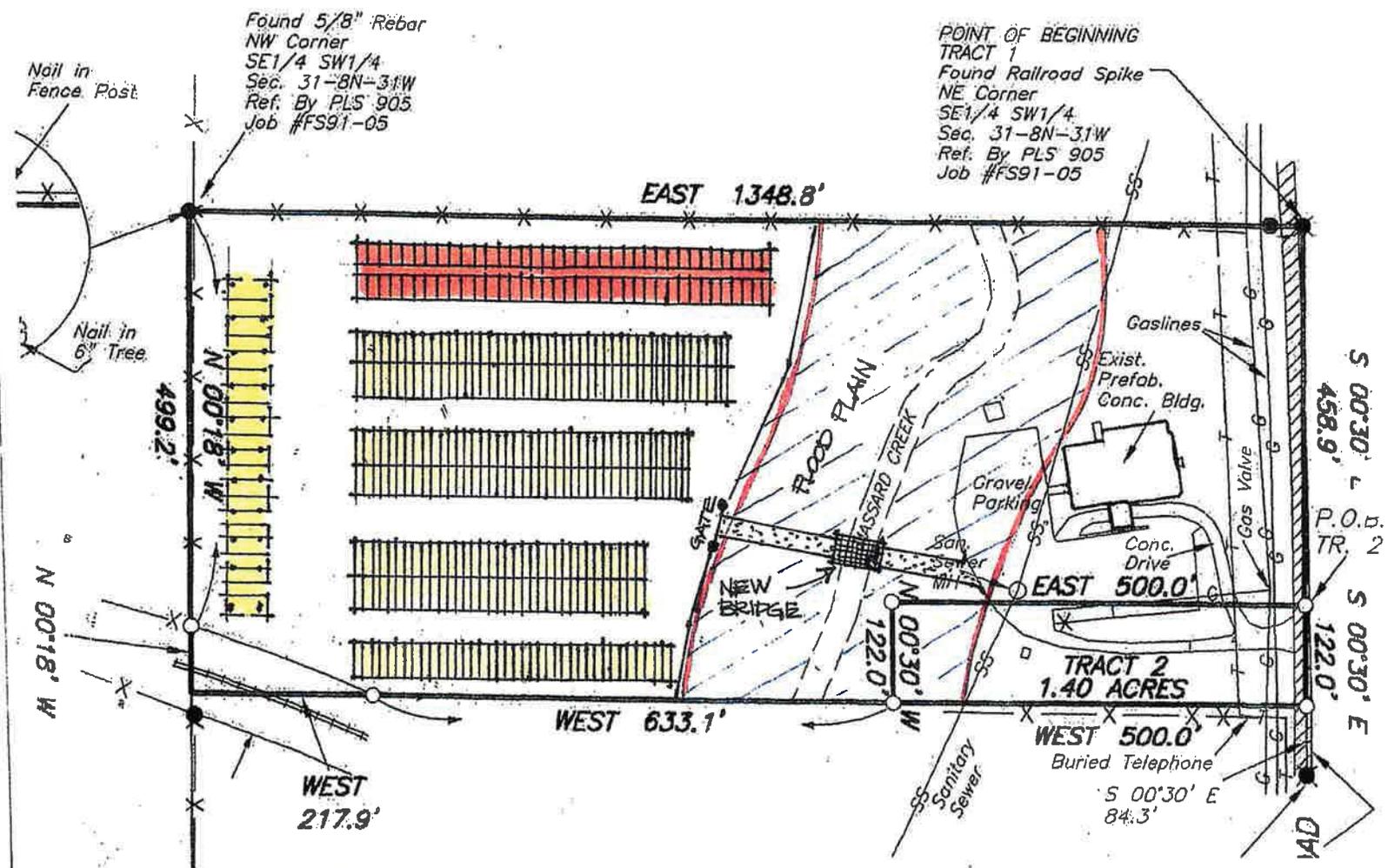
**J101**

First Floor

**C1b**

Copyright © 2010, Janus International Corporation.

WR

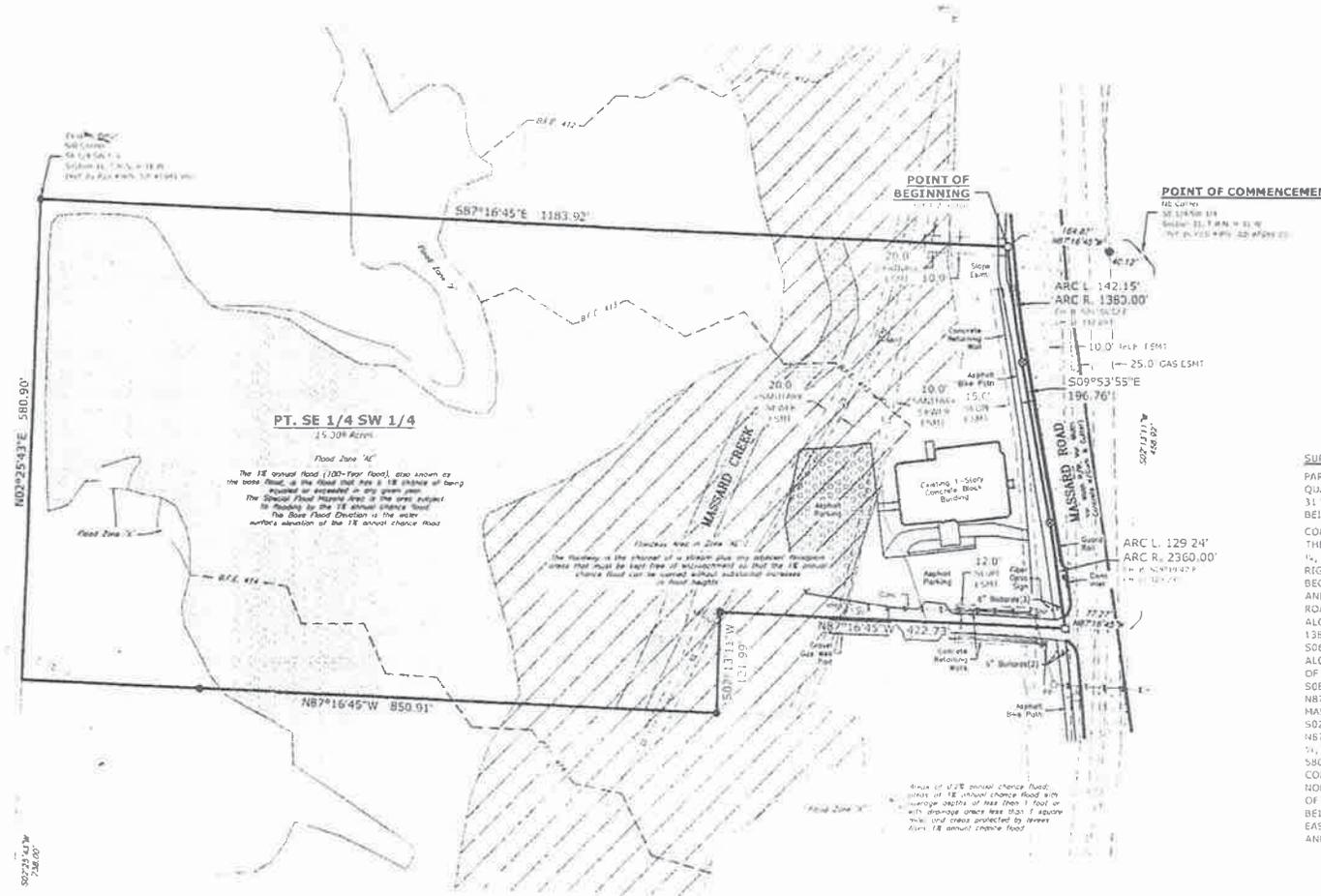


- CLIMATE CONTROLLED
- MINI-STORAGE BLDG.
- POLE BARN RV-BOAT STOR.

## PHASE 2 MASSARD MINI-STORAGE

SCALE: 1" = 200'

C2



**SURVEY DESCRIPTION:**  
 PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (SW 1/4) OF SECTION 31, T8N R31W, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHEAST CORNER OF SAID SE 1/4 SW 1/4, THENCE N87°16'45"W, ALONG THE NORTH LINE OF SAID SE 1/4 SW 1/4, 164.87 FEET TO A SET 1/2" REBAR ON THE WESTERLY RIGHT-OF-WAY LINE MASSARD ROAD FROM A POINT OF BEGINNING, THENCE LEAVING SAID NORTH LINE ON SE 1/4 SW 1/4, AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF MASSARD ROAD, THE FOLLOWING BEARINGS AND DISTANCES: 142.15 FEET, ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1380.00 FEET AND A CHORD BEARING AND DISTANCE OF S08°50'52"E 142.00 FEET, S09°53'55"E 270.76 FEET, 129.24 FEET, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2360.00 FEET AND A CHORD BEARING AND DISTANCE OF S08°19'47"E 129.23 FEET TO A SET MAG. NAIL, THENCE N87°16'45"W, LEAVING SAID WESTERLY RIGHT OF WAY LINE OF MASSARD ROAD, 172.73 FEET TO AN EXISTING REBAR, THENCE S02°13'11"W 121.69 FEET TO AN EXISTING REBAR, THENCE N87°16'45"W 850.01 FEET TO THE WEST LINE OF SAID SE 1/4 SW 1/4, THENCE N02°55'43"E, ALONG SAID WEST LINE OF SE 1/4 SW 1/4, 580.90 FEET TO AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID SE 1/4 SW 1/4, THENCE S07°30'55"E, ALONG THE NORTH LINE OF SAID SE 1/4 SW 1/4, 1183.92 FEET TO THE POINT OF BEGINNING, CONTAINING 1.397 ACRES, 2508.00 SQ. FT. (0.056 ACRES), BEING SUBJECT TO PUBLIC ROAD RIGHTS, IF ANY, AND ANY EASEMENTS OF RECORD AFFECTING SAID PROPERTY BY ANDERSON SURVEYING INC. R-1-S-11123, N87-16-45-09-24.

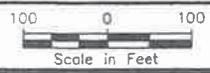
**FLOOD INFORMATION:**  
 A PORTION OF SUBJECT PROPERTY IS IN THE 100 YEAR FLOOD ZONE (FLOOD ZONE A) AND IS IN THE FEMA COMMUNITY FLOOD HAZARD STUDY (FLOOD ZONE X) DATED MARCH 2, 2012.

FOR USE BY:  
 Mark Goodson

Lizbeth L. Anderson  
 Surveyor  
 500-DHWY 1 W-06-31-120-05-1272

REVISIONS	DATE

- Legend**
- Set 1/2" Rebar
  - Existing Iron Pin/Pipe
  - Set RR/Spike
  - ⊗ Existing RR/Spike
  - ⊙ Set Nail
  - ⊕ Existing Nail
  - ⊗ Calculated Point
  - ⊙ Power Pole
  - ⊕ Tele/Elec. Pedestal
  - ⊕ Water Meter
  - ⊕ Gas Meter
  - ⊕ Light Pole
  - ⊕ Man Hole
  - ⊕ Fire Hydrant
  - ⊕ Sign Pole



**SURVEYORS CERTIFICATION**

I HEREBY CERTIFY THAT THE HEREON PLATED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 26th DAY OF September, 2015, TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THEREIN, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR. PLS. 1272

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

**SURVEY OF**  
 PART OF SE 1/4 SW 1/4 OF SECTION 31, T-8-N, R-31-W

DATE: 9-26-2015  
 JOB NO: 15-09-24  
 SCALE: 1"=100'

BASIS OF BEARING:  
 Arkansas State Plane (NAD83) based on GPS observation

**ANDERSON SURVEYING INC.**  
 Oklahoma  
 P.O. Box 129  
 Van Buren, AR 72957  
 (479)-474-4247  
 Fax (479)-410-5333  
 e-mail: andersonsurveying@cox.net

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

BT

Fort Smith  
7

Use Matrix



**Submitted by Ronald Yates of 8310 Massard Road to the Planning Commission on 2/9/16 as an exhibit to show the view of 5500 Massard Road from his property.**

GMCM Partners  
1001 North 3<sup>rd</sup> Street  
Fort Smith, AR 72903

Goodson's Enterprises, Inc.  
5500 Massard  
Fort Smith, AR 72903

Virgil Pratt Trust  
8909 Skypark Drive  
Fort Smith, AR 72903

Blake River, LLC  
109 North 6<sup>th</sup> Street  
Fort Smith, AR 72901

Joseph & Judith Korkames  
5301 Massard Road  
Fort Smith, AR 72903

Ross & Frances Willis Trust  
8321 Rosewood Drive  
Fort Smith, AR 72903

Ronald & Rebecca Yates  
8310 Rosewood Drive  
Fort Smith, AR 72903

Carol Craine Revocable Living Trust  
8305 Canopy Oaks Drive  
Fort Smith, AR 72903

Leo & Diane Maxwell  
8301 Canopy Oaks  
Fort Smith, AR 72903

St. Scholastica Convent, Inc.  
P. O. Box 3489  
Fort Smith, AR 72913

DRAFT

**Planning Commission Meeting Minutes  
February 9, 2016**

2. **A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson for a Master Land Use Plan Amendment from Open Space/Residential Detached to Office Research Light Industrial (ORLI) located at 5500 Massard Road.**
3. **Rezoning #3-2-16; A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a zone change from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification located at 5500 Massard Road.**

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage building and covered RV parking in the future.

Jeff Lee was present to speak on behalf of this request.

Ron Yates @ 8310 Rosewood Drive was present to speak in opposition to these requests citing his concerns relative to security lighting, property devaluations and the fact that tenants will have 24 hour access to the facility. Mr. Yates also submitted a photograph as an exhibit to the Planning Commission showing the view of this property from his property.

Ms. Andrews also referenced an e-mail from Mr. Jim Post who noted his opposition to these requests as being property devaluation and traffic hazards.

Chairman Sharpe then called for the vote on the master land use plan.  
The vote was 7 in favor and 1 opposed. (Howe)

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 1 opposed (Howe).

Motion was made by Commissioner Howard, seconded by Commissioner Redd and carried to approve these requests subject to the following:

- 1) The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
  - 2) The rooftops for the new storage buildings in Phase I shall consist of a muted color.
  - 3) The rooftop equipment on the existing building shall be screened from the right-of-way.
4. **Rezoning #4-2-16; A request by Nick Griffin, agent for GLS properties, LLC, for a zone change from Commercial Light (C-2) and Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue.**

5A.



RESOLUTION NO. \_\_\_\_\_

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

---

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

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

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Approved as to form:

\_\_\_\_\_  
No Publication Required

## ATTACHMENT A

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.
3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.
5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.
7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.
8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.
9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

5B.

RESOLUTION NO. \_\_\_\_\_

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

---

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

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

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

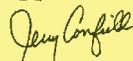
**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

Approved as to form:



\_\_\_\_\_  
NPR

# Memorandum

---

**To:** Jeff Dingman, Acting City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** February 25, 2016  
**Subject:** Appeal of Planning Commission Denial of a Conditional Use Application

The subject appeal was originally scheduled for November 3, 2015. The item has previously been tabled allowing the property owner and a prospective buyer time to complete the transaction. Mr. Al Prieur, agent for the current owner, has requested the item be tabled again. A copy of Mr. Prieur's request is enclosed. Based on Mr. Prieur's letter it appears the sale of the property is eminent. We have no objection to the request and recommend the Board of Directors approve the request to table.

Please contact me if you have any questions.

**ALVIN L. PRIEUR, JR., PE**  
**CONSULTING ENGINEER**  
**P. O. BOX 1689**  
**VAN BUREN, ARKANSAS 72957**  
**479-651-7920**  
[aprieur@cox.net](mailto:aprieur@cox.net)

February 25, 2016

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

Attn: Mr. Wally Bailey

Re: Conditional Use  
 500 Towson Avenue  
 Fort Smith, Arkansas

Dear Wally:

It is my understanding that the appeal of the denial of the Conditional Use Request will come up again at the March 1, 2016 meeting. We have been told that this property will close on March 3 2016. The closing is the sale of this property to Mr. Rodney Gahn. If this goes as expected the property will be out of Mr. Yasin hands at this point.

I would ask for Mr. Yasin that this item be tabled again for 90 days to be sure that the ownership of the property is transferred. I was hoping that everything would have happened in the original 90 days.

If you have any questions, please contact me.

Respectfully submitted,

*Alvin L. Prieur, Jr.*  
 Alvin L. Prieur, Jr., PE – Consulting Engineer



**November 3, 2015 Regular Meeting**

Director Pennartz requested clarification that approval of Item 3A would allow outside display and sales of goods during business hours whereby Mr. Baily responded affirmatively.

If the misunderstanding had not occurred, Director Settle inquired if such would most likely have been approved by the Planning Commission.

Mr. Baily advised from his interaction with the Planning Commission prior to resolving the misunderstanding, it was his conclusion that approval of Item 3A is supported by the Planning Commission.

Pennartz, seconded by Catsavis, moved adoption of Item No. 3A. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Pennartz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No.72-15.

Items No 4. was an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*)

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

**November 3, 2015 Regular Meeting**

Mayor Sander's advised that the petitioner Al Prieur has requested the submitted appeal be tabled for sixty (60) days.

Settle, seconded by Pennartz moved to table the item for 60 days the members all voting affirmatively, the Mayor declared the motion carried and the item is tabled for 60 days.

Item No. 5 was an ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8009 Steep Hill Road*).

Mr. Bailey briefed the Board on the item advising such is per the request of Arkansas Valley Electric. The purpose of the rezoning request is to facilitate the development of a new utility substation. The subject property is on the east side of Steep Hill Road. The tract contains five (5) acres with approximately four hundred eighty five (485) feet of street frontage along Steep Hill Road. The property currently has no zoning. The Chaffee Crossing Redevelopment Plan currently classifies the site as Single Family Residential. The classification provides for standard residential lots or zero lot-line lots in attractive, interconnected neighborhoods. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A neighborhood meeting was held on October 5, 2015 with no neighboring property owners in attendance to speak in opposition. The Planning Commission held a public hearing on October 13, 2015. Mr. Fred Phillips was present to speak on behalf of Arkansas Valley Electric; however, no one present to speak in opposition. The Planning Commission amended the conditional use request to make approval of subject to the following:

# MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator

**From:** Wally Bailey, Director of Development Services

**Date:** October 29, 2015

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

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

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

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

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

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

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

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

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

1999 – 2013 Midwest Pool and Spa

1991 – 1998 Fort Smith Glass

? – 1986 Car Dealership

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

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

Please contact me if you have any questions.

Enc.

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

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

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

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

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

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

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

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

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

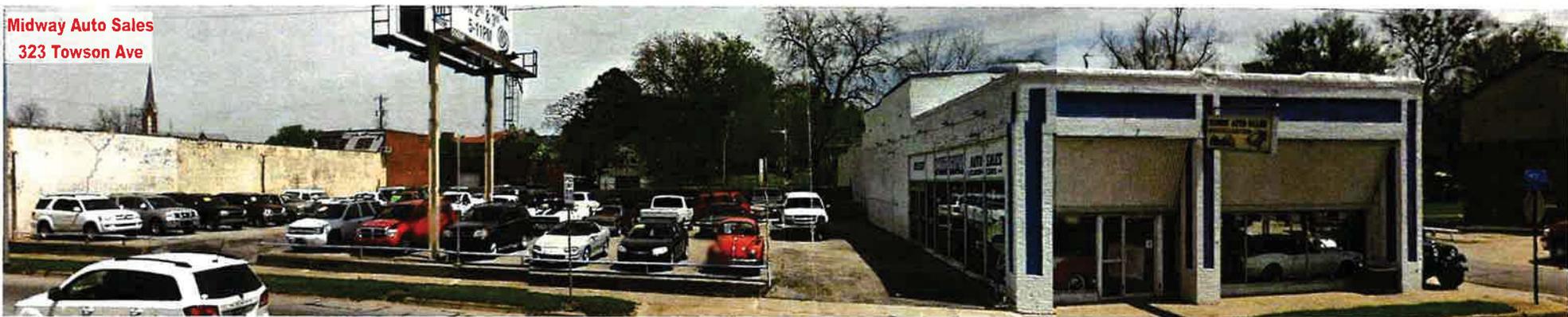
this area and serve a underserved area along Towson Avenue. He stated that they need good space for clinics to be located near their facility and this would be a good potential site to put a nice clinic.

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

**A & R Auto Sales**  
**221 Towson Ave**



**Midway Auto Sales**  
**323 Towson Ave**



**A & H Auto Sales**  
**601 Towson Ave**



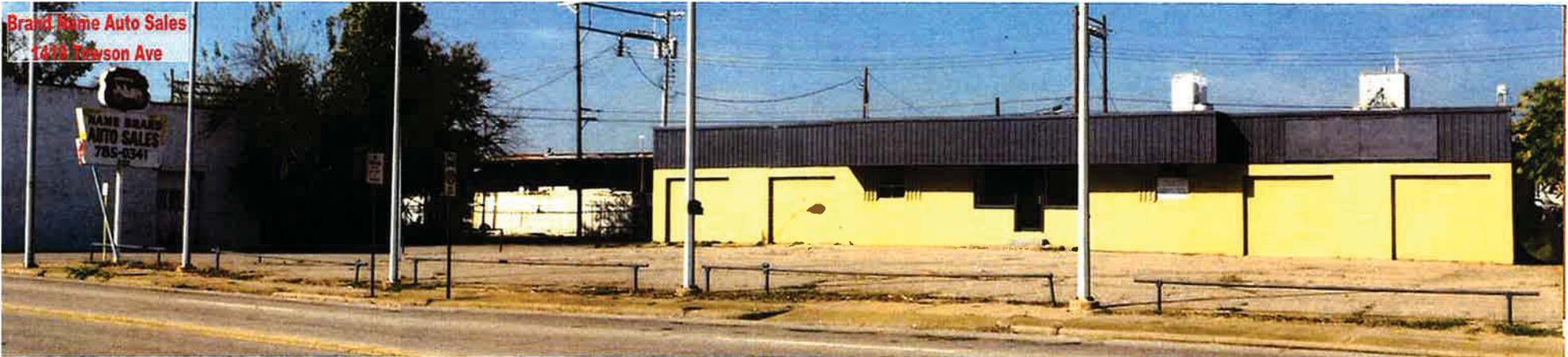
Yasin's Used Cars  
300 Towson Ave



Wilson's Used Cars  
900 Towson Ave



Brand Name Auto Sales  
1478 Towson Ave

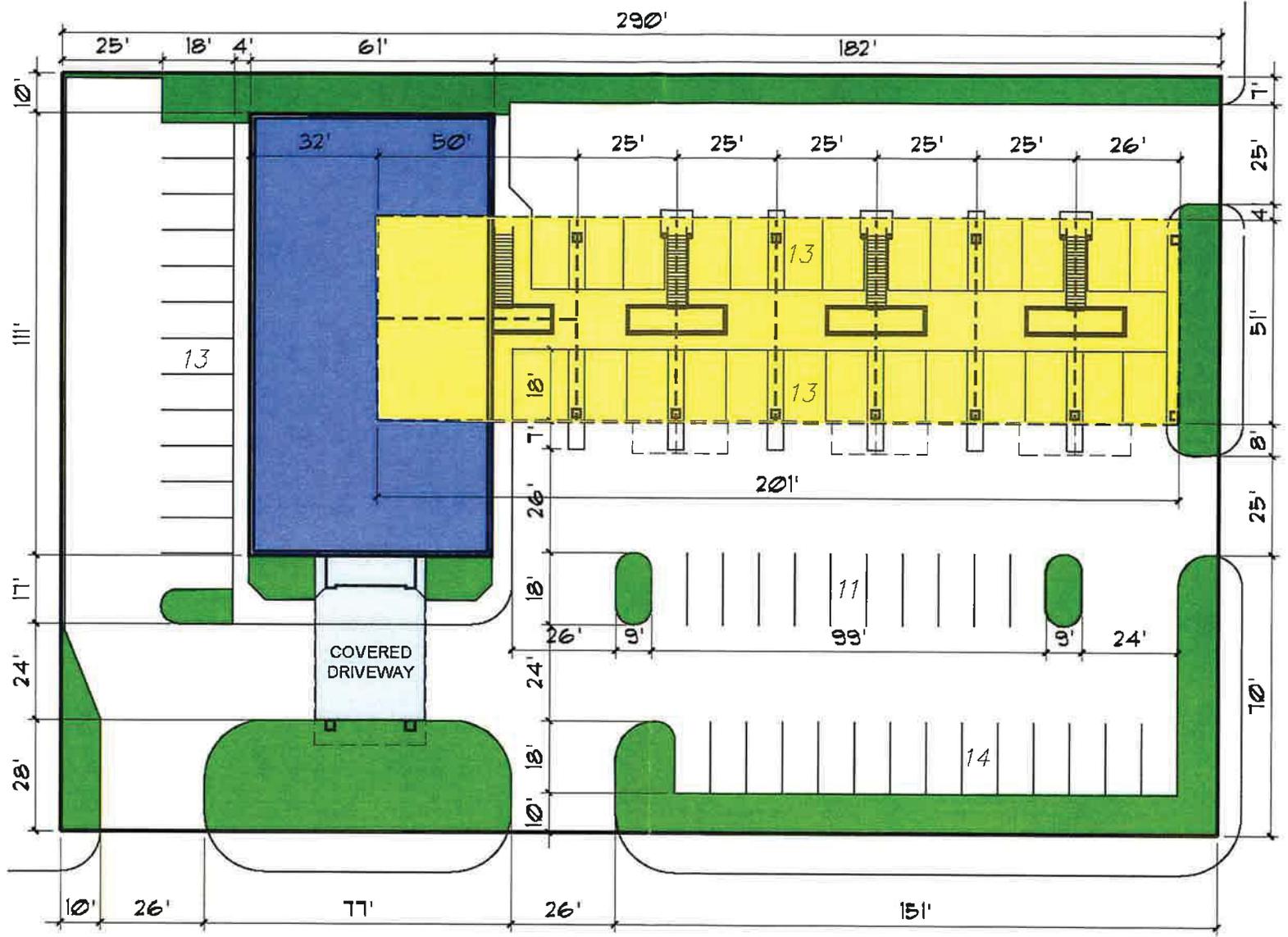




All red boxes are existing used auto sales

The blue box is the proposed site





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

City Clerk  
FILED 10/22/15  
S. Gard

October 22, 2015

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

Attn: Ms. Sherri Gard, CMC  
City Clerk

Re: Appeal

Dear Ms. Gard:

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

If you have any questions, please call me.

Respectfully submitted,

Alvin L. Prieur, Jr., PE  
Consulting Engineer

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

October 30, 2015

City of Fort Smith Board of Directors

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

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

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

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

**ALVIN L. PRIEUR, JR., PE  
CONSULTING ENGINEER  
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VAN BUREN, ARKANSAS 72957  
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Page 2

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

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

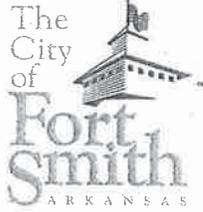
I do feel that the objections to this request had some personal feeling over and above the actual request and the hope the owner would have to sell the property because he could not use it.

Respectfully submitted,

Alvin L. Prieur, Jr., PE

Consulting Engineer





October 14, 2015

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

Dear Al:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Wally Bailey".

Wally Bailey  
Director of Development  
Services

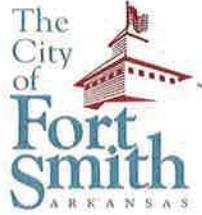
lp

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

Printed on 100% Recycled Paper

March 1, 2016 Regular Meeting

159



October 29, 2015

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

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

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

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

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

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

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

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Marshall 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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 30, 2015

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

## PROPOSED CONDITIONAL USE

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

## LOT LOCATION AND SIZE

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

## PROPOSED ZONING

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

### Purpose:

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

### Permitted Uses:

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

7A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

**SURROUNDING ZONING AND LAND USE**

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

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

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

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

**PURPOSE OF CONDITIONAL USE**

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

**CONDITIONS FOR A CONDITIONAL USE**

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

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

7B

## MASTER STREET PLAN CLASSIFICATION

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

## MASTER LAND USE PLAN COMPLIANCE

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

## SITE DESIGN FEATURES

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

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

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

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

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

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

## STAFF COMMENTS AND RECOMMENDATIONS

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

7C

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

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

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.
3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.
5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.
7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.
8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.
9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

70

Conditional Use # 19-10-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Mahmoud "Mike" Yasin Jba MJM Used Cars #2  
(1518 Towson)

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

Legal Description of property included in the conditional use request:

See legal description attached.

Street Address of Property:

500 Towson Avenue Fort Smith AR

Existing Zoning Classification:

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

Proposed Zoning Classification (if applicable):

No change.

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

See #1 attached.

What amenities are proposed such as landscaping and screening?

See #2 attached.

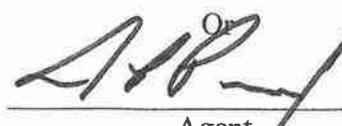
Alvin L. Prieur, Jr P.E.  
~~Owner~~ or Agent Name (please print)

Signed:

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

~~Owner~~

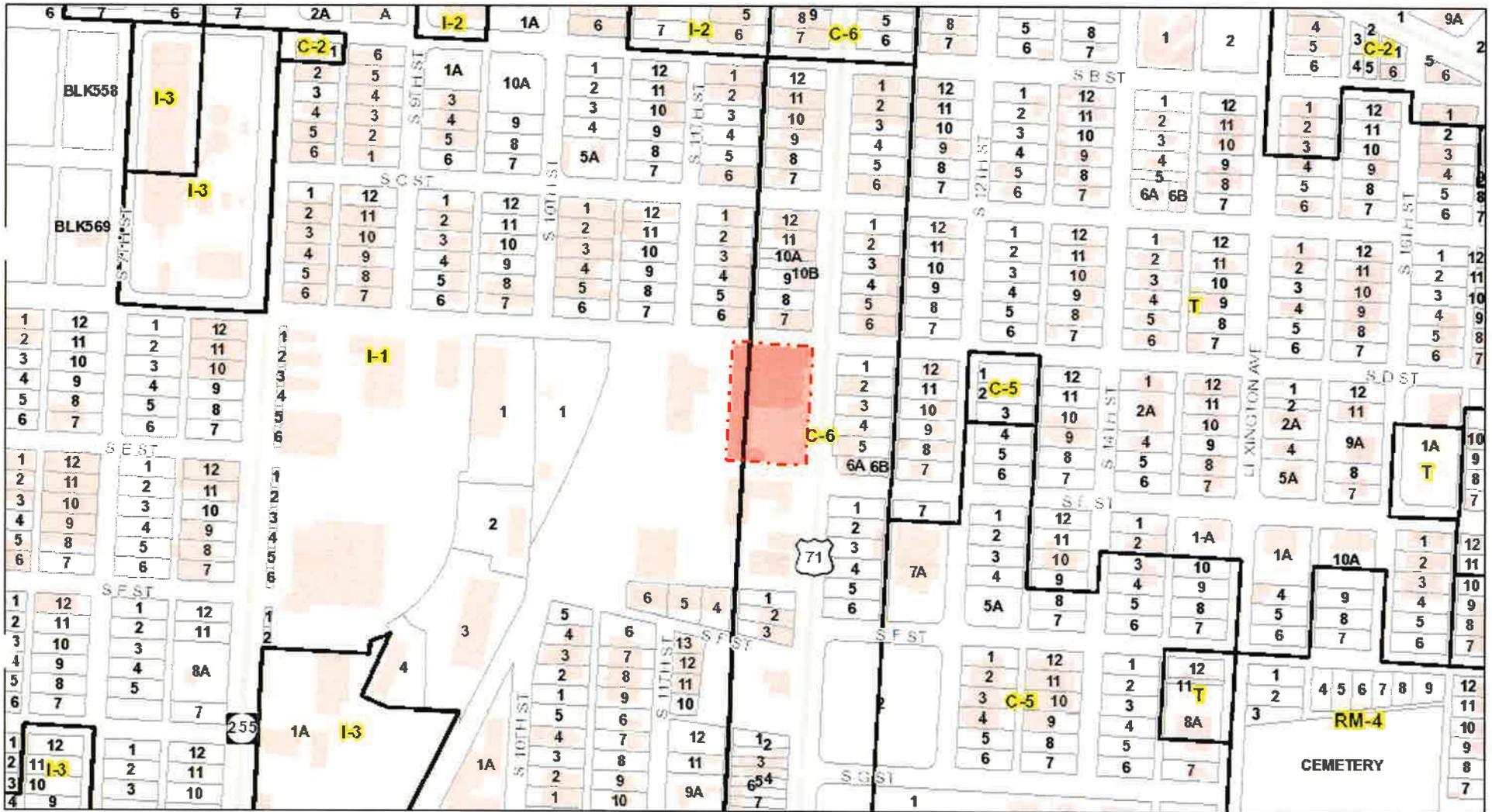
479-651-7920  
~~Owner~~ or Agent Phone Number

  
Agent

7E

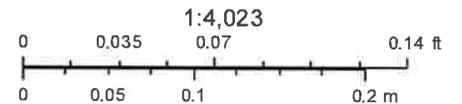
# Conditional Use #19-10-15: Auto and Vehicle Dealer 500 Towson Avenue

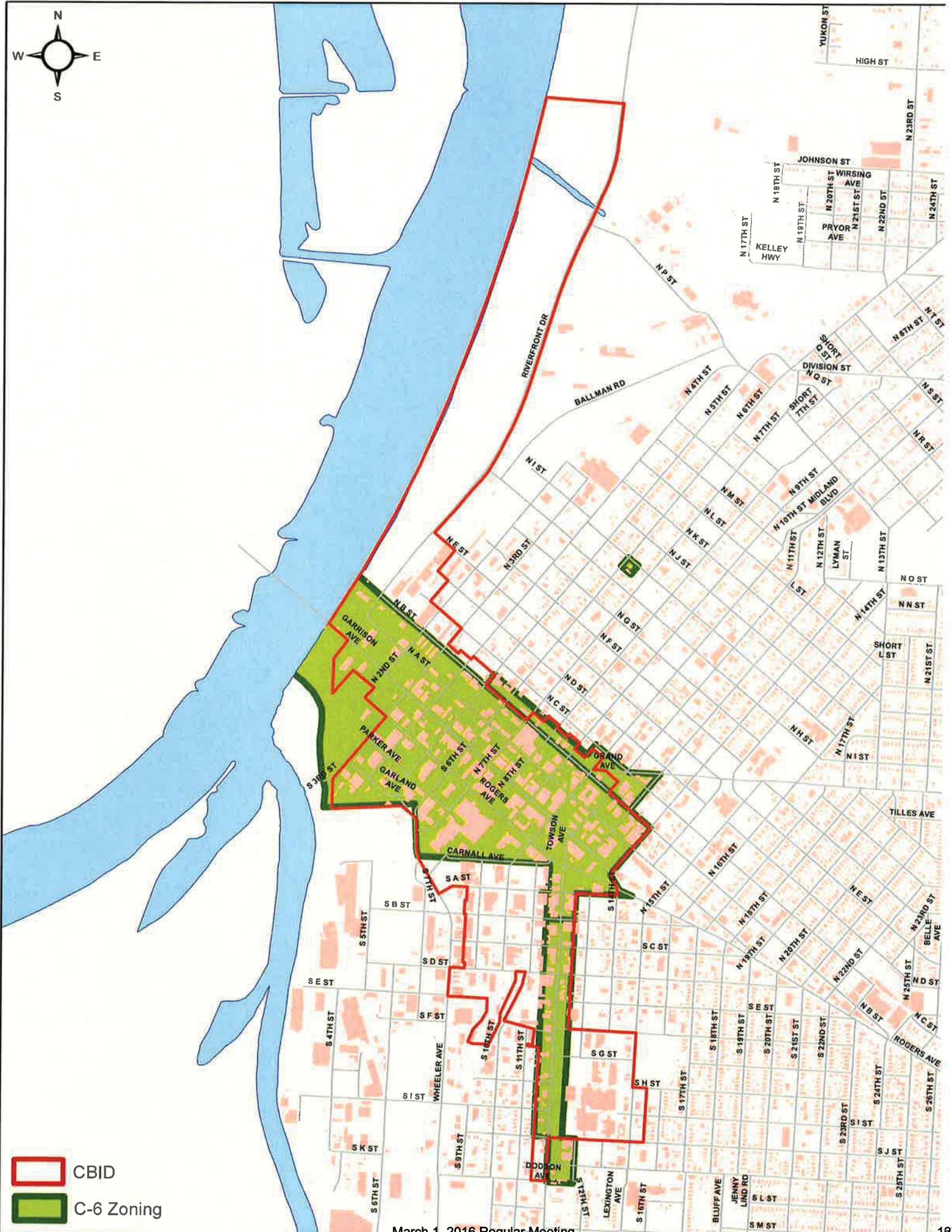
H  
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September 21, 2015

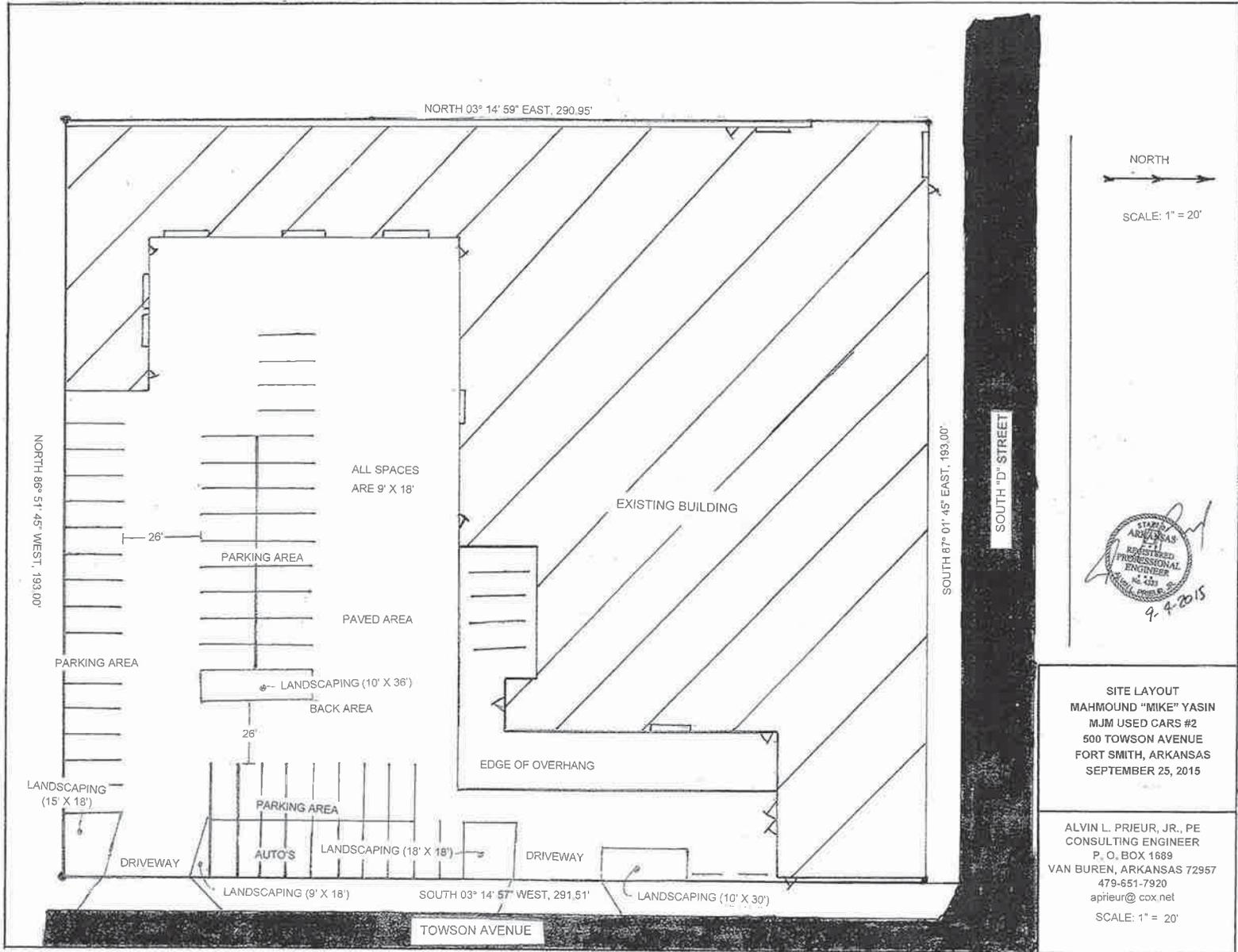
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions





-  CBID
-  C-6 Zoning





NORTH  
 →  
 SCALE: 1" = 20'



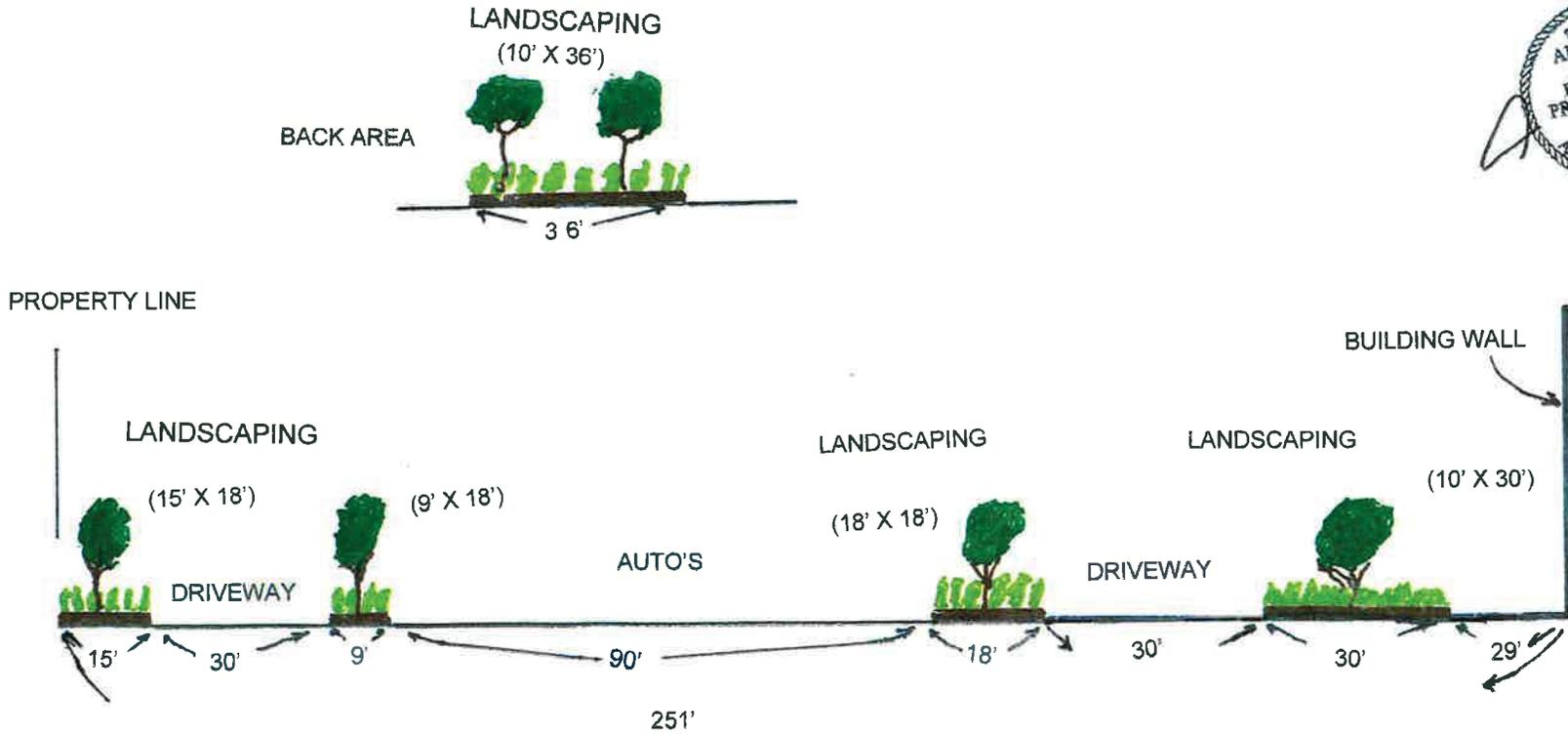
**SITE LAYOUT**  
 MAHMOUD "MIKE" YASIN  
 MJM USED CARS #2  
 500 TOWSON AVENUE  
 FORT SMITH, ARKANSAS  
 SEPTEMBER 25, 2015

ALVIN L. PRIEUR, JR., PE  
 CONSULTING ENGINEER  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72957  
 479-651-7920  
 aprieur@cox.net  
 SCALE: 1" = 20'

FIU

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

**ALVIN L. PRIEUR, JR., PE**  
**CONSULTING ENGINEER**  
**P. O. BOX 1689**  
**VAN BUREN, ARKANSAS 72957**  
**479-651-7920**  
**aprieur@cox.net**  
**SCALE: 1" = 20'**



**ALVIN L. PRIEUR, JR., PE**  
**CONSULTING ENGINEER**  
**P. O. BOX 1689**  
**VAN BUREN, ARKANSAS 72957**  
**479-651-7920**  
[aprieur@cox.net](mailto:aprieur@cox.net)

October 2, 2015

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

Attn: Tom Monaco

Re: Conditional Use  
 500 Towson Avenue  
 Fort Smith, Arkansas

Dear Tom:

The neighborhood meeting for the above referenced conditional use request was held on September 30, 2015 at 10:00 a.m. Attached is the list of the attendance at that meeting.

One property owner from the area was at the meeting. Mr. Tim Brown owner of two buildings across Towson Avenue from the building in question was present. He said he had no objection to the request and in fact he was glad to see the building being used. In the question about it being a car lot, he said that the site was built for car sales and he felt that this would be the best use. There was no one else at the meeting. There were no phone calls about the meeting.

If you have any questions, please contact me.

Respectfully submitted,

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



10-2-2015

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location On-site 500 Towson Avenue

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

Meeting Purpose To discuss request

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prieur	P.O. Box 1687 VD 72957	479-657-7920
2.	Mahmoud Yasin	1818 Towson Ave F.F. Smith	479-883-8668
3.	Tim Brown	P.O. Box 1735	479-883-9515
4.	Tom Monaco	CITY	784-2218
5.			
6.			
7.			
8.			
9.			
10.			
11.			

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CENTRAL BUSINESS IMPROVEMENT DISTRICT  
FORT SMITH, ARKANSAS

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

Meeting Minutes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,



---

Jeff Dingman  
Acting City Administrator

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. 2-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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 1 Texas Road Church of God, an addition to the City of Fort Smith, Sebastian County, Arkansas

more commonly known as 7821 Texas Road, should be, and is hereby rezoned from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by Classification. The approved change in zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zone Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



February 23, 2016

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

Re: A request by Ron Brixey for Planning Commission consideration of a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by Classification located at 7821 Texas Road.

On February 9, 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 for the existing facility (church) to be used for a family support services business (The ARC for the River Valley). The land uses in the PZD are limited to churches and family support services.

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

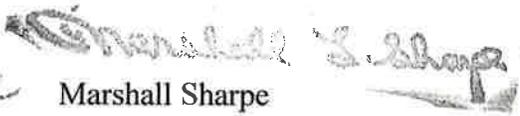
No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 8 in favor and 0 opposed to approve the rezoning request subject to the following:

- Compliance with the submitted project booklet.
- Any required construction will require plans to be submitted for a building permit review.

Respectfully Submitted,

CITY PLANNING COMMISSION

  
Marshall Sharpe  
Chairman

MS/lp

cc: File  
City Administrator

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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 25, 2016

**Re:** Rezoning #2-2-16 - A request by Ron Brixey, agent for the Arc of the River Valley, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to Planned Zoning District (PZD) by classification at 7821 Texas Road

## PROPOSED ZONING

The approval of this rezoning request would allow for the existing facility to be used for a Family Support Services business (The ARC for the River Valley).

## LOT LOCATION AND SIZE

The subject property is on the east side of Texas Road south of School Street. The tract contains an area of 1.89 acres with approximately 71 feet of street frontage along Texas Road.

## REQUESTED ZONING

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

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

1A

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The areas surrounding this property are zoned Residential Multifamily Medium Density (RM-3) and are developed as residential properties and a school playground.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Texas Road as a Major Collector.

1B

## MASTER LAND USE PLAN COMPLIANCE

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

## PROJECT BOOKLET

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

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **Not required**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The PZD Booklet indicates that the proposed usage will be similar to a church, which the site has been used as since 2008. The proposed operating hours of the Arc for the River Valley are Monday-Friday, 10: a.m. to 4p.m. The booklet states that traffic generated will occur outside the normal peak traffic hours.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **A perimeter landscaping strip across the front of the property will be installed to comply with parking lot screening even though the parking lot is a significant distance from the street. A significant portion of the property will be retained as a grass lawn (69%). Additionally, the PZD land uses will be restricted to family support services and religious institutions as permitted uses.**

10

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The proposal is to use the one existing driveway.

**Right-of-way dedication** – Not required.

**Drainage** – Not required.

**Landscaping & Screening** – A 10' parking lot screening landscape area will be provided along the Texas Road frontage.

**Parking** – Twenty five (25) parking spaces are shown on the site plan.

**Signage** – It is proposed to re-letter the existing 6' x 4' sign.

**Sidewalks** – Sidewalks are existing on both sides of Texas Road.

## **FACTORS TO BE CONSIDERED**

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

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was held at the site on Friday, January 29<sup>th</sup>. The meeting was attended by numerous representatives of the Arc of the River and four neighboring property owners. The property owners asked questions about the proposed uses of the property and the need for a zone change. At the conclusion of the meeting, there were no objections to the proposed PZD. A copy of the attendance record and minutes are enclosed.

10

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet, along with the following comments;

1. Any required construction will require that plans be submitted for a building permit review.

1 E

**THE ARC FOR THE RIVER VALLEY  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: LOT 1 TEXAS ROAD CHURCH OF GOD  
AN ADDITION TO THE CITY OF FORT SMITH  
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: 7821 TEXAS ROAD  
FORT SMITH, SEBASTIAN COUNTY,  
ARKANSAS 72908**

**OWNER: VINSON WILLIAMS  
P.O. BOX 11547  
FORT SMITH, ARKANSAS 72917**

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

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

JANUARY, 2016

  
RONALD BRIXEY  
ARK. REG. P.E. NO. 4456



IF

PLANNED ZONING DISTRICT

CERTIFICATION STATEMENT

The ARC for the River Valley, applicant for the property located at 7821 Texas Road, does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signature:

BY: Greg McCallister, President 2/19/2016  
Name, Title Date

**THE ARC FOR THE RIVER VALLEY  
PROJECT BOOKLET  
PLANNED ZONING DISTRICT APPLICATION**

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

The subject property is currently zoned RM-3, Residential Multifamily Medium Density. The property is currently in use as a church under a conditional use. A change in zoning is needed to allow the property to be sold to and utilized by "The ARC for the River Valley". The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities. The proposed project will fulfill the purposes of the UDO by being compatible with the the Master Street Plan and the character of the neighborhood.

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

Current Owner: Vinson Williams, P.O. Box 11547, Fort Smith, Arkansas 72917.  
Proposed future Owner: The Arc of the River Valley, 2301 South 56<sup>th</sup> Street, Fort Smith, Arkansas 72903.

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

The PZD will include an area of approximately 1.88 acres located on the eastern side of Texas Road approximately 410 feet southwest of the intersection of School Street. The property to the north is a school playground. The property to the east is occupied by single family residences. The property to the south east is occupied by an apartment building. The property to the south is vacant except for some outbuildings and a barn. The property to the southwest is occupied by a single family residence. The property to the northwest is occupied by a single family residence. The PZD property is currently occupied by a church.

The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities. Hours of operation are weekdays from 10:00 am to 4:00 pm except for holidays and on the third Saturday of each month from 10:00 am to 2:00 pm. For 2016 four special events (2 movies, 1 talent show, and 1 karaoke) are scheduled for Saturday afternoons from 3:00 pm to 5:00 pm.

No outside structural modifications or additions are proposed at this time with the exception of the addition of landscaping along the street frontage.

**3d. General project scope:**

i. Street and lot layout

See attached Site Plan drawing.

The primary access to the site is Texas Road which is classified by the Master Street Plan as a Major Collector. The site will be served by the existing 27 foot wide entrance and 18 foot wide driveway.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping for existing conditions will follow City UDO requirements. Parking lot screening will be installed at the street frontage of Texas Road. Interior landscaping will consist of the large open grass lawn areas surrounding the building, driveway and parking areas as shown on the Site Plan drawing. Landscaping for any future expansion of the driveway and parking lot areas will comply with UDO Section 27-602-3.

A copy of the Landscape Management Plan is included in this booklet.

See attached Site Plan.

iv. Storm water detention areas and drainage

At this time, no detention is required for the site and all drainage is functioning properly. In the event that future major improvements or alterations are proposed, all drainage and detention will comply with the City of Fort Smith current Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas exist or are proposed.

vi. Existing and proposed utility connections and extensions

Approximate water, sewer, gas, electric, and cable service line locations are as shown on the Site Plan drawing.

No new connections or extensions are proposed.

vii. Development and architectural design standards

Any future additions or improvements will comply with the development and

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architectural design standard requirements of UDO Section 27-602.

viii. Building elevations

Photographs of the existing metal building are included in this booklet. No new construction is proposed.

Architectural design and finishes for any future construction will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards".

ix. Proposed signage (type and size)

It is proposed to utilize the existing free standing pole sign by revising the lettering. The existing sign has a 4 foot by 6 foot face supported by 2 foot tall posts at each end for a total height of 6 feet. A photograph of the sign is included in this booklet. Any additional or replacement free standing signs or flat faced signs mounted directly on the facade of the building will conform to the requirements of UDO Section 27-704-2.

**3e. Proposed development phasing and timeframe**

Utilization of the site by "The ARC for the River Valley" is proposed to begin immediately upon approval of this proposed zone change and accompanying Master Land Use change.

**3f. Identify land use designations**

The current land use of the site and surrounding property is Residential Detached. The proposed land use of the site is Neighborhood Commercial.

**3g. Identify area and bulk regulations**

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

Min. Lot Size	1.88 acres
Max. Bldg. Size	10,000 sf
Min. Lot Width at BSL	77 feet
Max. Lot Coverage	60%
Max. Height	35 feet
Addnl. Height	see 27-404 D. of the UDO
Setbacks	
Front	25 feet
Side	10 feet

Street side/corner 15 feet  
 Rear 10 feet  
 Side/ Rear 10/30 feet - as shown on Site Plan  
 (Adjoining SF Res  
 District/Development)

Minimum Street Frontage 70 feet  
 Minimum Bldg Separation Det. By building & fire code

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

Comparison is between the proposed PZD restrictions and the RM-3 Residential Multifamily Medium Density zoning restrictions contained in the UDO.

	PZD	RM-3
Min. Lot Size	1.88 acres	6500 sf
Density	10000 sf Commercial Bldg	20 du per acre
Min. Lot Width at BSL	77 feet	60
Max. Lot Coverage	60%	65%
Max. Height	35 feet	40 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO
<b>Setbacks</b>		
Front	25 feet	25 feet
Side	10 feet	7.5 feet
Street side/corner	15 feet	15 feet
Rear	10 feet	10 feet
Side/ Rear (Adjoining SF Res District/Development)	10/30 feet - as shown on Site Plan	30 feet
Minimum Street Frontage	70 feet	20 feet
Minimum Bldg Separation	Det. By blg. & fire code	Det. By blg. & fire code

**PZD Landscaping**

**Perimeter Landscaping**

Front 10 feet wide, 1 tree & 10 shrubs every 50'

Sides & Back NONE

Parking Lot Screening and Landscaping is to comply with UDO Section 27-602-3.

15

RM-3 Landscaping

Perimeter Landscaping

Front	10 feet wide, 1 tree & 10 shrubs every 50'
Sides & Back	NONE

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

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

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

The project will exceed the UDO requirements as follows:

Landscaping

The perimeter landscaping strip across the front will be installed to comply with parking lot screening even though the parking lot is a significant distance from the street.

A significant portion of the property will be retained as a grass lawn (69%)

Minimum Street Frontage	70 feet
Minimum Bldg Separation	Det. By blg. & fire code

UDO setbacks vary with the several zoning designations. The proposed setbacks meet or exceed the required setbacks for most zoning designations. The minimum PZD street frontage is 70 feet and the minimum frontage of the comparable C-2 zoning is 50 feet. The minimum PZD lot size is 1.88 acres and the minimum lot size of the comparable C-2 zoning is 7000 sf.

Land uses will be limited to family support services and church.

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

The site has been utilized as a church since 2008. The proposed usage could be considered somewhat similar to a church.

The proposed normal hours of operation are from 10:00 am to 4:00 pm on weekdays and from 10:00 am to 2:00 pm one Saturday a month. Any traffic generated will occur outside the normal peak traffic hours.

IK

The adjacent properties to the northwest and southwest corners of the site are developed as single family residential homes. The residences are located approximately 120 feet and 195 feet respectively from the nearest edge of the site parking lot and should not be adversely impacted by lights or noise of vehicles maneuvering in and out of parking spaces. The residences are located approximately 160 feet and 170 feet respectively from the nearest edge of the site building which should limit any disturbances from sounds of the activities within the building.

The adjacent properties to the east of the site are developed as single family residential homes with on apartment building. The nearest residence is located approximately 210 feet from the nearest edge of the site parking lot and is separated from the site building by a 6 foot privacy fence. These residences should therefore not be adversely impacted by lights or noise of vehicles maneuvering in and out of parking spaces. The nearest residence is located approximately 210 feet from the nearest edge of the site building which should limit any disturbances from sounds of the activities within the building.

The adjacent property to the north of the site is a school playground and the area south of the site is vacant land. The proposed use should have no adverse effects on these properties.

Texas Road (60 foot wide right of way) separates the site from the property to the west which is to be developed as single family residential.

The building is an existing 6060 sf metal structure. The outside appearance will not change under this proposal. The building is behind most adjacent structures and approximately 225 feet east of the edge Texas Road. Parking lot screening is proposed along the right of way all of which will restrict the visibility of the building to neighbors and to passers by.

The project will use existing signage.

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

The Engineering Department has not required a traffic study

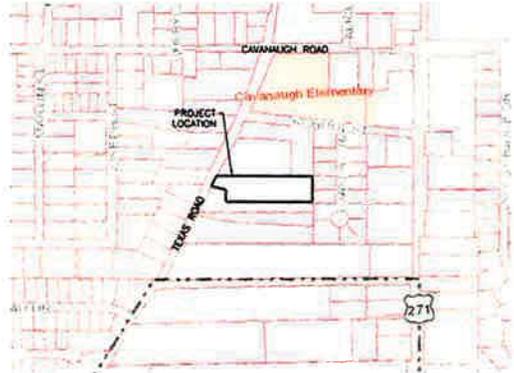
**3m. Statement of availability of water and sewer (state size of lines)**

The site is served by an existing 10 inch waterline running along the eastern side of Texas Road and an 8 inch sewer line running along the western side of Texas Road. The locations of these lines and approximate locations of existing service lines are shown on the Site Plan drawing.

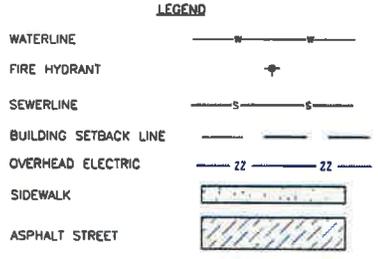
12

W1

CHART 1 - PZD LAND USES VERSES EXISTING ZONING																										
Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>			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	T <sup>1,2,3</sup>	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
<i>Size or density restrictions for any use may be noted in the district</i>																										
<b>Education, Public Administration, Health Care and Other Institutions</b>																										
<b>Social Assistance, Welfare, and Charitable Services</b>																										
Family support services *																						P	P	P		P
<b>Religious Institutions</b>																										
Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			P
<b>Definition:</b>	Family Support Services shall mean a self-help organization that provides counseling, support, and education for those with intellectual and developmental disabilities.																									



VICINITY MAP  
SCALE: 1"=500'



PROPOSED LANDSCAPING/SCREENING  
 5 GAL. BOXWOOD  
 6' - 8' PINK CRAPE MYRTLE  
 GRASS LAWN

Parking Lot Screening Landscaping shall consist of Boxwood Shrubs, providing a continuous row and be a minimum of 24" at planting.

DEVELOPER:  
 THE ARC OF RIVER VALLEY  
 2301 SOUTH 56TH STREET, SUITE 107  
 FORT SMITH, ARKANSAS 72903

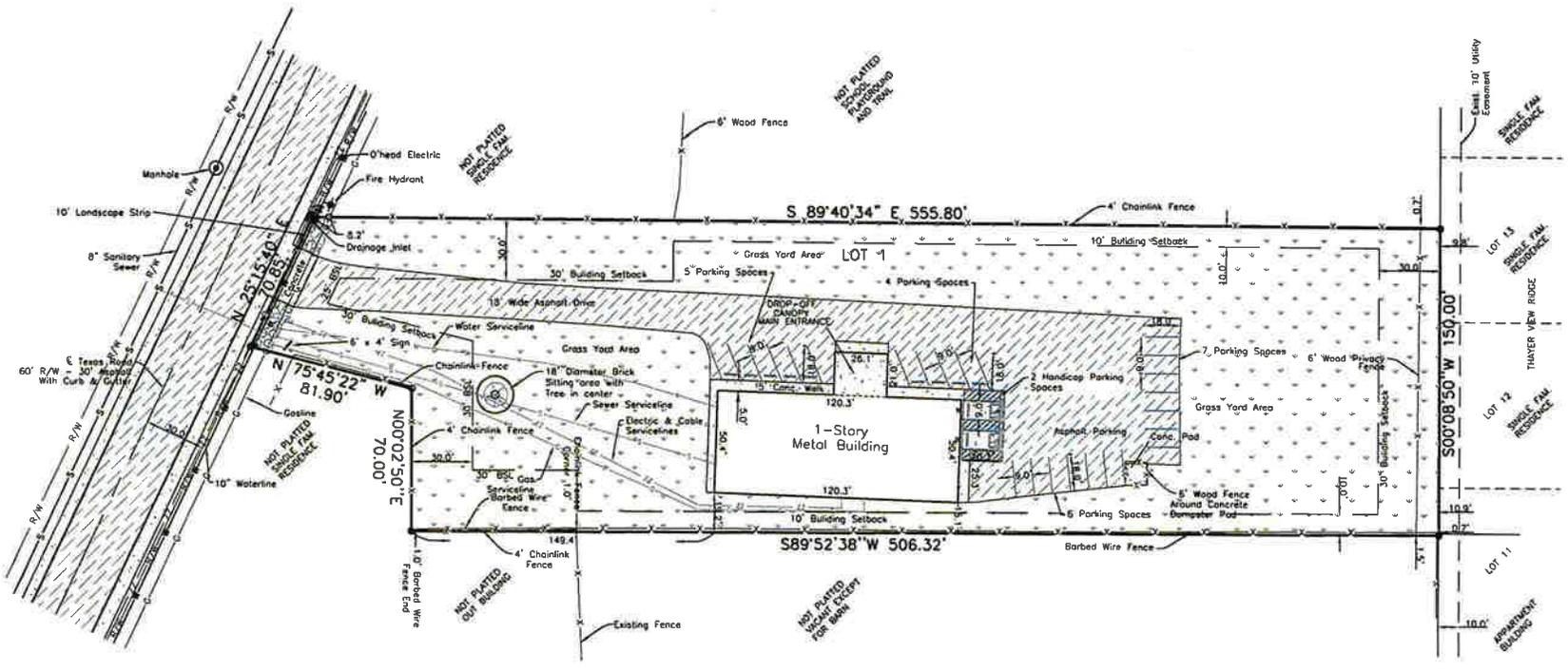
CURRENT ZONING: RM-3  
 PROPOSED ZONING: P2D

FLOOD ZONE STATEMENT  
 THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 300 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 05131C0120F, DATED MARCH 02, 2012.

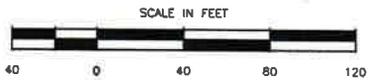
SIGNAGE WILL CONSIST OF ONE EXISTING 6' X 4' X 6' HIGH SIGN  
 EXTERIOR LIGHTING WILL BE SCREENED IN COMPLIANCE WITH UDO REQUIREMENTS

I Ronald N. Brixy, 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 Lot 1 Texas Road Church of God, also described as 7821 Texas Road, 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 plot of survey.

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 Any unauthorized use of this survey or data by anyone is at the sole risk of the user. Brixy, Baker & Associates, Inc. shall be held harmless and without liability from claims, suits or damages of any nature including costs of defense arising from improper use of the drawing or data, or by another party.



NOTE: Utility service line locations are approximate.

**BRIXEY, BAKER & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72906 (479) 646-8394

LEGEND

- Set Iron Pin
- Exist. Iron Pin
- Set R.R. Spike
- Exist. R.R. Spike
- Set Nail
- Exist. Nail
- Exist. Stone
- Exist. Monument
- Exist. Fence

Revisions:




**SITE PLAN**  
 LOT 1 TEXAS ROAD CHURCH OF GOD  
 CITY OF FORT SMITH  
 SEBASTIAN COUNTY, ARKANSAS

Prepared For: The Arc of River

File Name: G:\ENGINEERING\15-0433 THE ARC\15-0433.dwg

Date: 01/11/2016
Drawn By: TMC
Computed By: RNB
Job No. 15-0433
Filed



**Brixey Engineering & Land Surveying, Inc.**  
 Land Surveyors - Consulting Engineers  
 P.O. Box 6180 Ft. Smith, Ark. 72906 (479)646-6394



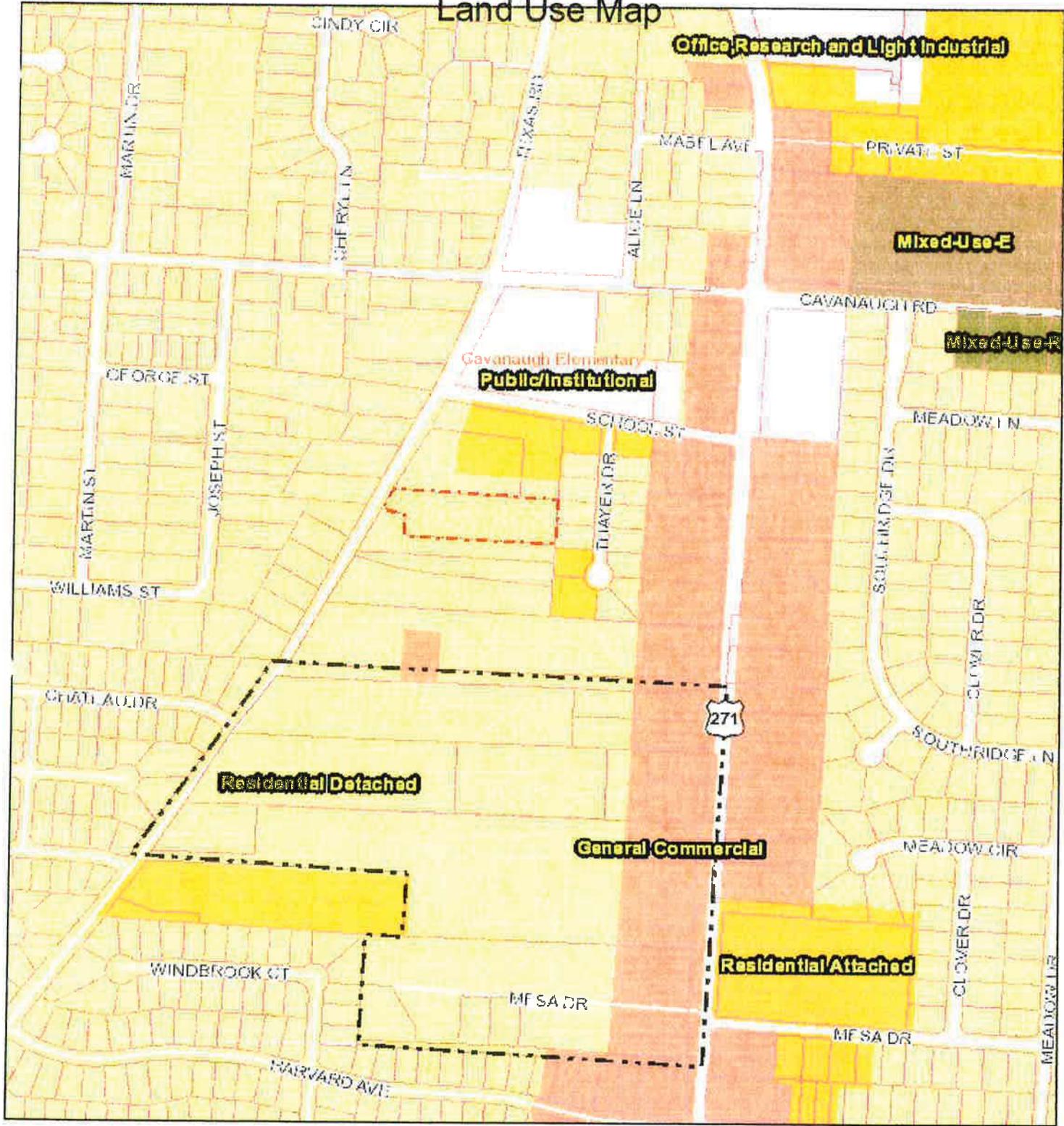
**VICINITY MAP**

March 1, 2016 Regular Meeting

SCALE: 1" = 500'

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# 7821 Texas Road Land Use Map



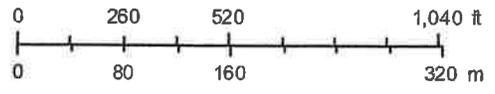
January 13, 2016

1:5,695

- Fort Smith City Limits
- Parcels
- Land Use**
- Commercial
- Commercial Neighborhood
- General Commercial

- Industry
- Mixed-Use-E
- Mixed-Use-R
- Office Research
- Open Space
- Public/Institutional
- Regional Center

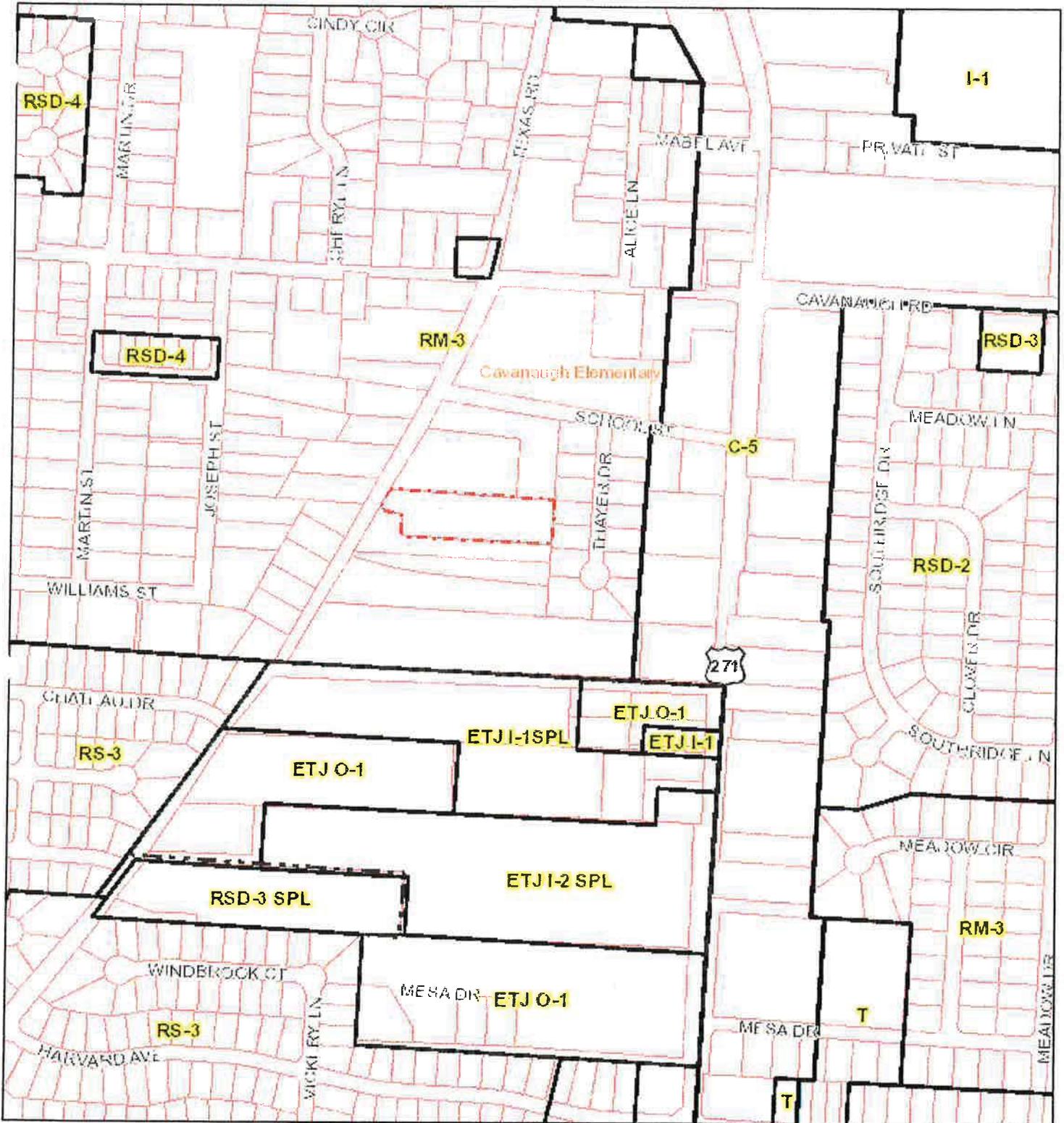
- Residential Attached
- Residential Detached



March 1, 2016 Regular Meeting

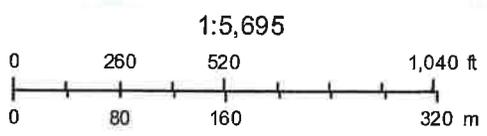
IP

# 7821 Texas Road



January 13, 2016

- Fort Smith City Limits
- Zoning
- Parcels



## ZONING MAP

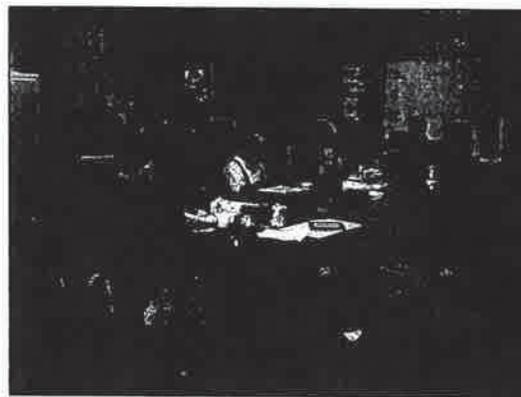
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## The Arc for the River Valley

**Mission Statement:** *The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities.*

The Arc for the River Valley was founded in 1959, when Dr. Roger Bost, a prominent pediatrician, organized a group of families working to bring a better quality of life to those with disabilities in our area. Originally incorporated as the Sebastian County Association of Retarded Citizens, our name was changed in 2001 to The Arc for the River Valley. We are one of more than 700 chapters nationwide affiliated with The Arc of the United States.

It has been estimated<sup>2</sup> that 4.6 million Americans have some form of I/DD such as autism spectrum disorders, Down's Syndrome, fetal alcohol syndrome, and cerebral palsy that significantly affect their lives. Many of these individuals require the assistance of family members or paid staff services for their basic daily needs. The Arc for the River Valley provides recreational activities and educational support for these individuals and their caregivers. We also provide advocacy services that promote the full inclusion and participation of residents with disabilities in the community throughout their lifetimes.



Participants in art therapy classes at The Arc create drawings, paintings, sculpture, and crafts, including holiday decorations and small gifts.

Over 460 members from Sebastian, Crawford, Franklin, Logan, Polk and Washing counties in Arkansas and LeFlore and Sequoyah counties in Oklahoma are currently supported by our programs.

Members of The Arc include both individuals with disabilities and their staff, family members, and community volunteers, who transport them and facilitate their participation in activities and events. Without this assistance, many of our members would remain housebound with limited opportunities for physical activity or social interaction in the community. With this in mind, the Board and staff of the Arc design our programs with the explicit intention of providing a welcoming environment that draws people with disabilities out where they can be physically active in stimulating social situations appropriate to different levels of physical and cognitive functioning.

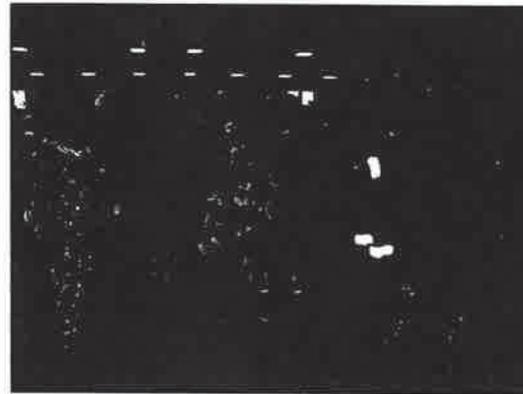
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2014/2015 Average Monthly Utilization of Arc Activities

Year	Bowling	Computers	Social Room	Art	Cooking
2014	330	128	148	88	10
2015	291	127	178	87	7

Located in Fort Smith, The Arc offers an in-office Computer Lab with internet access, educational programs, and games for our members. We provide Exercise Classes three days a week. We conduct Art Therapy Classes twice a week, with paintings by our members being exhibited and sold locally, most recently at the Center for Art & Education in Van Buren. With each sale, half of the proceeds go to the artist, and half go to The Arc to purchase materials for future art classes.

Cooking Classes in the kitchen area teach valuable life skills. Other learning and recreational activities are provided in our Social Living Room, using Wii and Xbox 360 gaming consoles as well as traditional board games and puzzles. Food and drinks purchased from the River Valley Regional Food Bank are always available free of charge to members, some of whom may otherwise struggle with food insecurity.



The Halloween dance is our most popular special event –315 people attended in 2012 at the Fort Smith Senior Center.

Special events sponsored by The Arc each month include the Valentine’s Day/Mardi Gras dance, Halloween dance, Christmas party, trips to the Alma water park, a Fishing Derby, Karaoke Night, Movie Night, and our annual “Barc for the Arc” dog walk and fundraiser. Many of our members proudly compete as athletes or participate as coaches in Area 4 of Special Olympics Arkansas in Track & Field, and Bowling.

Of all the ongoing activities and events provided by The Arc, the most popular is our Bowling Program, which promotes hand-eye coordination and social skills, as well as providing physical exercise for our members. Three components comprise the program: (1) weekday virtual bowling practice in the Social Living Room, using Wii and Xbox 360 gaming consoles, (2) bowling twice a week at Midland Bowl, whom generously allows our members to bowl at their facility at a league rate, and (3) annual competition in Special Olympics at Bowling World for Area 4 in November and in Little Rock in December for athletes who qualify for State. Members can compete as individuals or on teams in Special Olympics, but we all encourage everyone to do their best and celebrate their successes with them. The Arc will also recognize a “Bowler of the Month” who exemplifies outstanding sportsmanship or game skills.

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All these services are provided or coordinated by a small paid staff—an Executive Director and an Office Director—working with more than 100 volunteers, including our Board of Directors, who collectively contribute over 2,500 hours annually of their time and energy to ensure the success of our programs, activities, and events.

The Arc receives support from diverse funding streams, including direct donations from our Board and other individuals, small corporate and foundation grants, income from fundraising events and programs, membership dues, and significant allocations from the United Way of Fort Smith. In 2013 The Arc organized its first annual fund campaign to provide unrestricted donations that will support quality recreational and educational opportunities for our members.

The Arc Board and staff are well aware that many members' disabilities preclude or severely limit their ability to join the paid workforce. We therefore strive to offer activities free of charge or at a reduced rate for members so that no one is unable to participate due to lack of financial resources. With regard to the Bowling Program specifically, our members currently pay \$2.50 to bowl 2 games at Midland Bowl on Thursday nights or Saturday afternoons.

#### Footnotes

<sup>1</sup>The term “intellectual and developmental disabilities” refers to those conditions defined by AAIDD classification and DSM IV of the American Psychiatric Association.

<sup>2</sup>Larson, S. L., et al. (2000). Prevalence of mental retardation and/or developmental disabilities: Analysis of the 1994/1995 NHIS-D. *MR/DD Data Brief*. Minneapolis: Institute on Community Integration, University of Minnesota.

*For people with intellectual and developmental disabilities*  
2301 South 56<sup>th</sup> Street, Suite 107, Fort Smith, AR 72903  
Phone: 479-783-5529 Fax: 479-783-5394 e-mail: arcrivervalley@gmail.com



IT

**THE ARC FOR THE RIVER VALLEY, LOT 1 TEXAS ROAD CHURCH OF GOD, 7821 TEXAS ROAD, FORT SMITH, ARKANSAS**

**LANDSCAPE MANAGEMENT SCHEDULE**

**January:**

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

**February:**

- Apply granular fertilizer around trees or shrubs in late February. Make application prior to a moderate rainfall so the rain will wash the fertilizer in. Do not fertilize swale plantings. (See "Fertilization" section for recommended products.)
- Mulch mow all turf areas once per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

**March:**

- Mulch mow all turf areas twice per month.

**April:**

- Mulch mow all turf areas weekly.
- Fertilize all landscape areas. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

**May:**

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

**June:**

- Mulch mow all turf areas weekly.
- Prune spring & winter-flowering shrubs as needed to maintain proper shape (natural, touching, not hedged or topiary except where specified by owner).
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

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**July:**

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

**August:**

- Mulch mow all turf areas weekly.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

**September:**

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12').
- Fertilize all landscape areas in September or early October. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.

**October:**

- Mulch mow all turf areas twice per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

**November:**

- Mulch mow all turf areas twice per month.

**December:**

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

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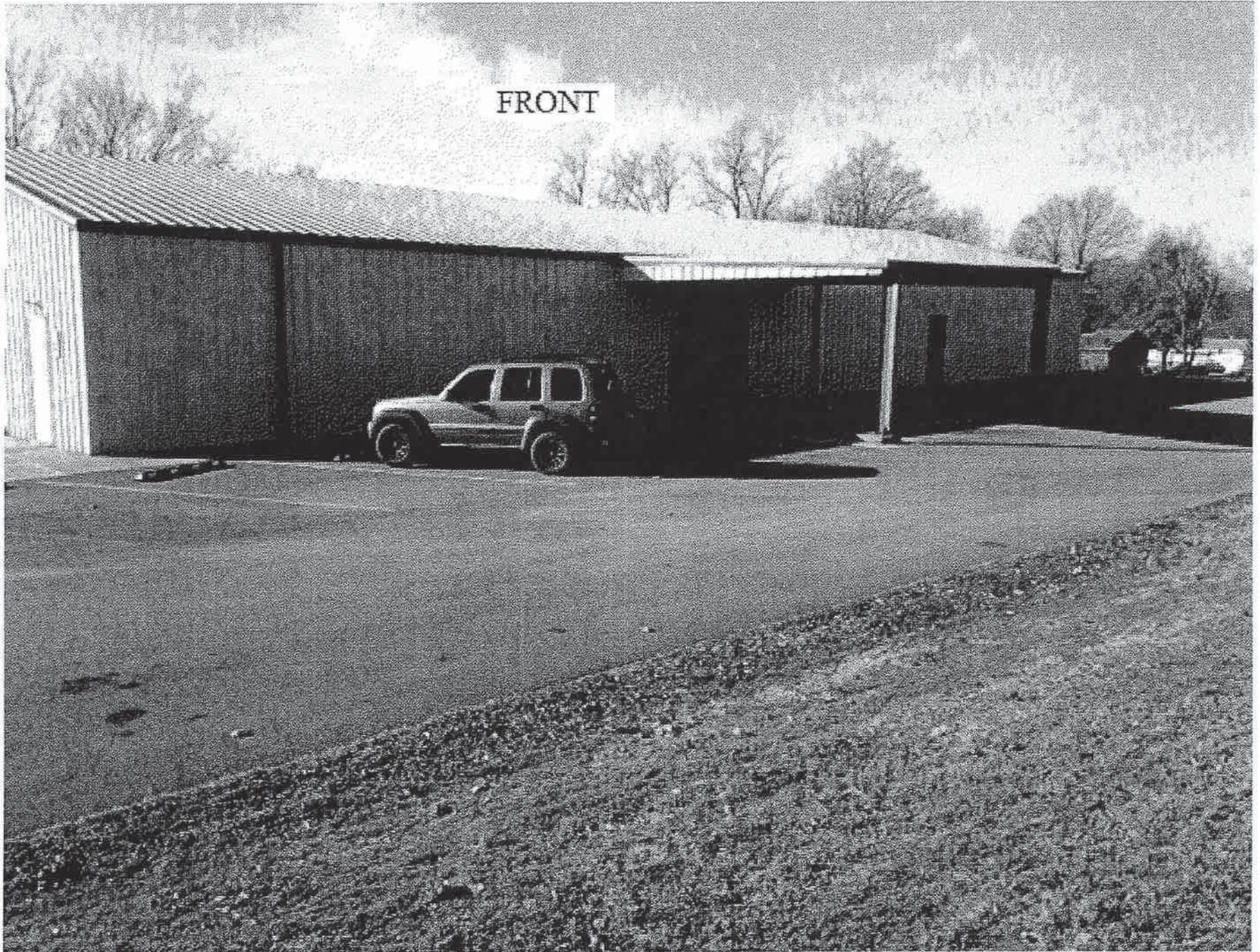






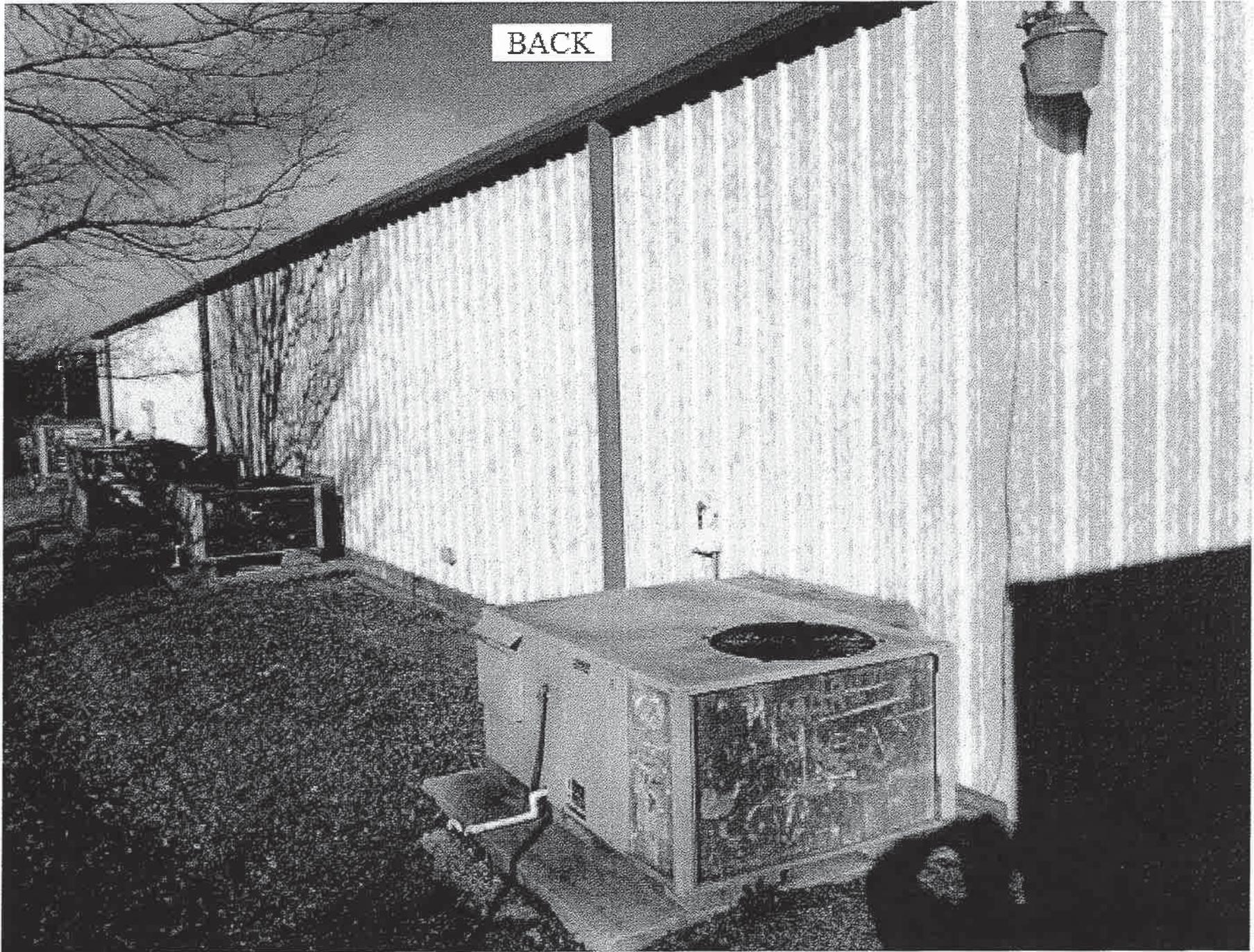
SITTING AREA

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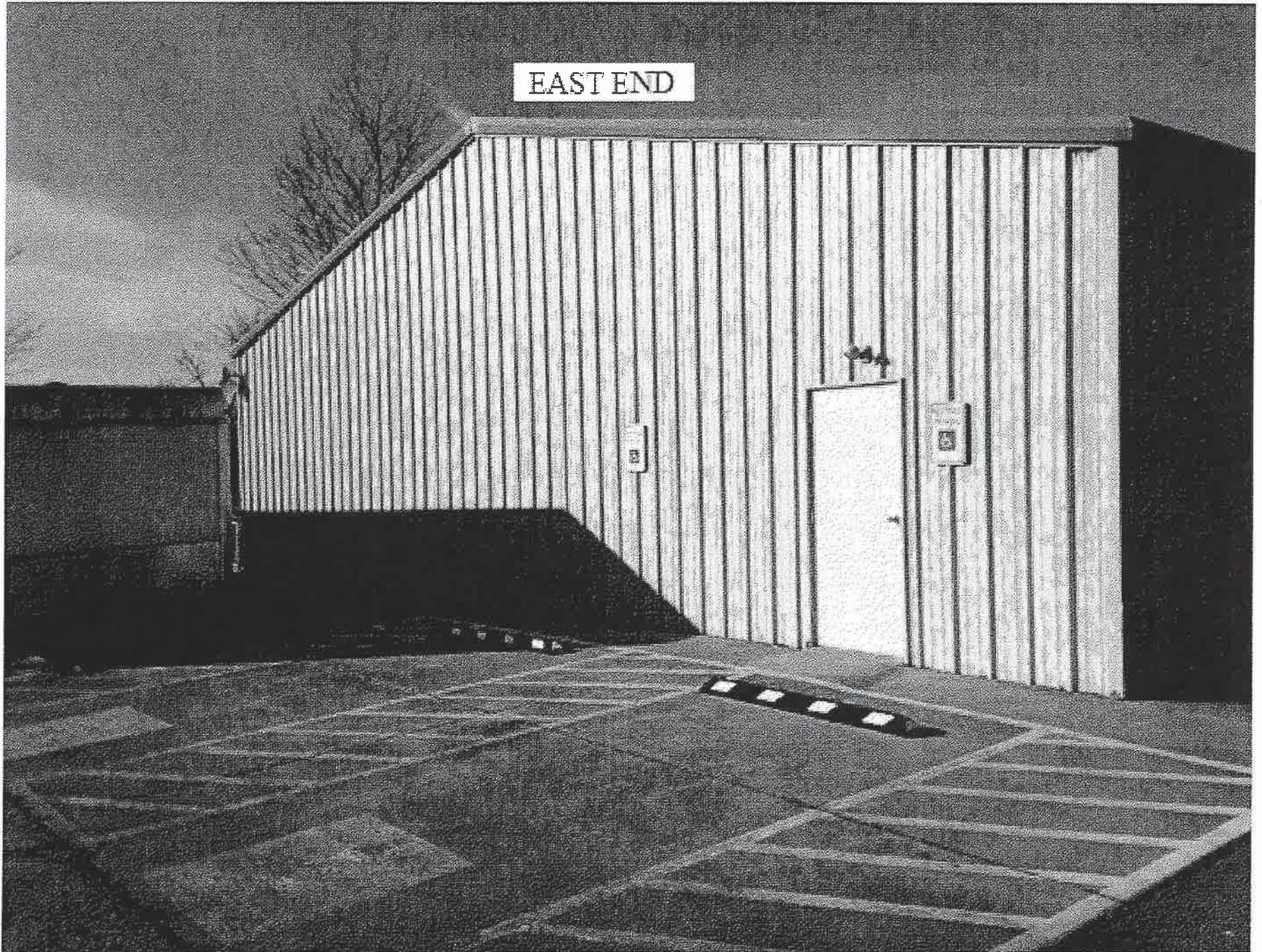


FRONT

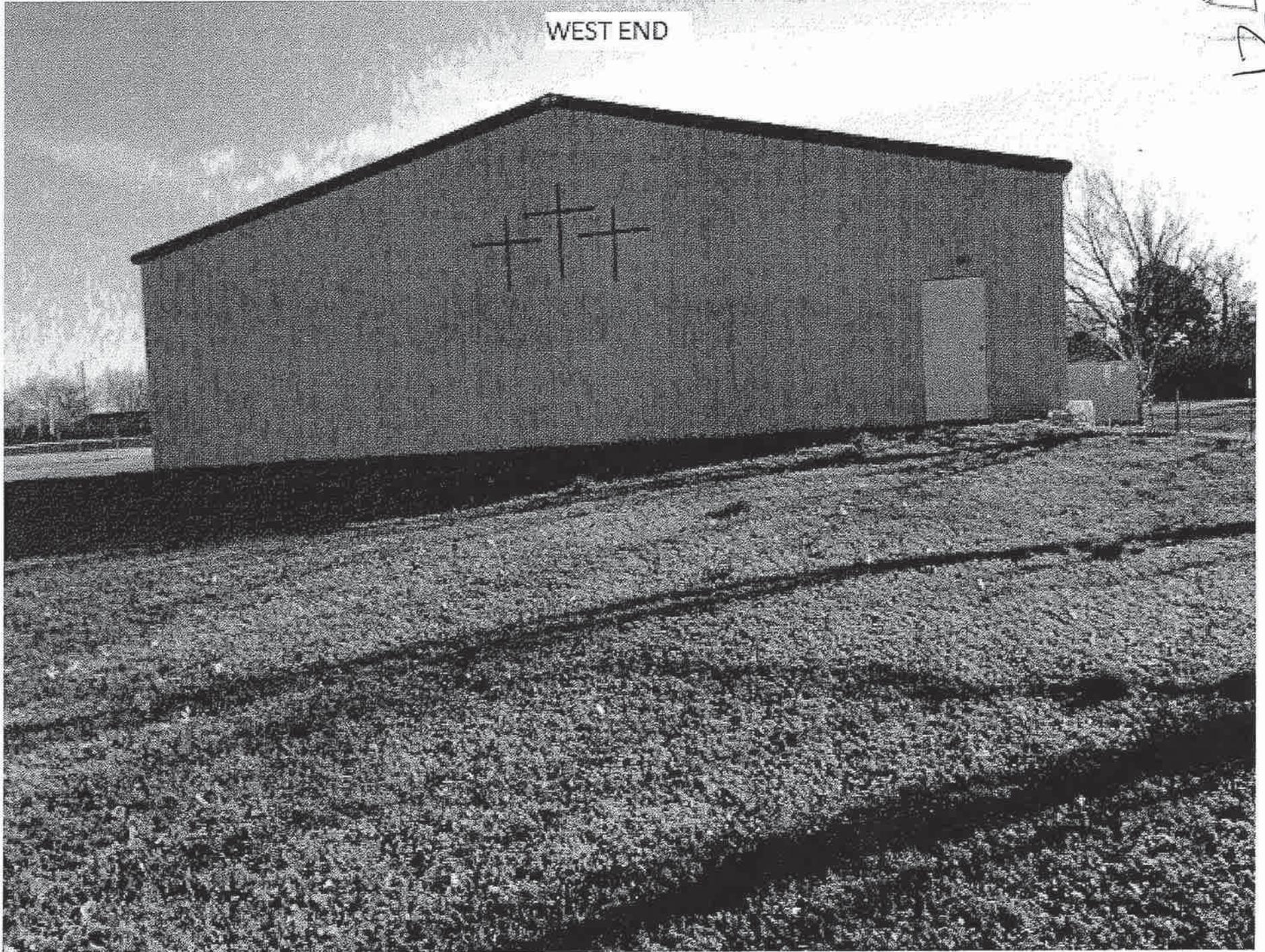
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1-2-1



17-2



WEST END

1271

February 1, 2016

MINUTES OF NEIGHBORHOOD MEETING  
7821 TEXAS ROAD, LOT 1, TEXAS ROAD CHURCH OF GOD

On January 29, 2016 at 4:30 p.m. a Neighborhood meeting was held at 7821 Texas Road, Fort Smith, Arkansas to discuss a proposed zoning change with neighboring property owners. The change was initiated by The ARC for the River Valley, potential buyers of the property. The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities.

Twenty two people were in attendance. The City was represented by Brenda Andrews of the Planning Department. Ron Brixey of Brixey Engineering presided. Of those in attendance, four were local residents and sixteen were representing The ARC for the River Valley.

A general discussion of the proposed usage and potential repercussions to the community was conducted including proposed hours of operation and actual activities to be conducted, effects on traffic, possible future uses of the property under the proposed zoning, and effects on property values. Mrs. Andrews explained the limitations of the proposed zoning in detail. Several representatives of the ARC contributed details concerning the scheduling and general operations. All local residents were put on a mailing list for the ARC newsletter. A board member from the ARC who lives nearby volunteered a personal phone number for the neighborhood watch.

There were no objections voiced by anyone in attendance.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7821 Texas Road, Fort Smith, Ar

Meeting Time & Date 4:30 pm, Friday, January 29, 2016

Meeting Purpose Neighborhood questions & comments concerning Zoning changes

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Holly McCallister	601 Ray Lane Circle	479-430-8537
2. Brenda Owen	Alma, AR Ray Lane Alma	
3. Larry Owen	Ray Lane Alma	
4. REBECCA HANSEL	1424 South Southside Way Mansfield, AR 72944	479-806-5814
5. Shebbie Loefer	3201 Clayton Heights Ft. Smith, AR	
6. Micaela Cole	322 May Ave Ft. Smith 72901	479-462-5286
7. Paula Hirsch	740 Woodland Trail Greenwood, AR 72936	479-883-2477
8. Debra Miller	11101 Maple Park Dr.	479-629-1147
9. Jim McCallister	601 Ray Lane Circle, Alma, AR 72801	479-739-1337
10. ROB BRILEY		
11. BRENDA ANDREWS		

12-5

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7821 Texas Road, Fort Smith, Ar

Meeting Time & Date 4:30 pm, Friday, January 29, 2016

Meeting Purpose Neighborhood questions & comments concerning Zoning changes

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Carolyn Stott	Van Buren, AR	479-806-9461
✓ 2.	Carolyn Fordren	7812 Texas RD, Ft. Smith, AR 72908	479-221-1225
✓ 3.	Irvin Foster	7916 Texas RD, Ft Smith, AR 72908	479-883-6497
✓ 4.	Lisa Leonard	7909 Texas Rd Ft. Smith, AR 72908	479-461-1843
✓ 5.	Ronnie Moore	2908 TEXAS Rd Ft Smith AR 72908	479-642-8315
6.	Dina Stevens	1721 TULSA AVE FTSMITH AR 72901	479-43452
7.	Michelle Neese	153 Perth Court Ft. Smith	72908
8.	Paul Keller	151 Perth Court Ft. Smith	72908
9.	Keley Simpson	PO Box 11293 Ft Smith	72917
10.	Gary Scott Thomas	Van Buren, AR	479-410-1708 479-682-2572
11.	Janis Smith	203 Applewood St - Central City	573-986-7525

12-6

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodie's on Rogers

Meeting Time & Date 1-28-16 @ 12:15

Meeting Purpose 5500 MASSARD RD.  
REZONING & LAND USE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>TOM MONACO</u>	<u>CITY</u>	<u>284-7218</u>
2.	<u>MARK GARLSON</u>	<u>1100 Wheeler Ave</u>	<u>806-6805</u>
3.	<u>Ron Yatej</u>	<u>8310 Rosewood Dr.</u>	<u>452-3676</u>
4.	<u>Jeff</u>	<u>PJLarchitect</u>	<u>452-9226</u>
5.	<u>Ross Frances Willis</u>	<u>8321 Rosewood</u>	<u>452-8041</u>
6.			
7.			
8.			
9.			
10.			
11.			

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**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

Lot 1 Texas Road Church of God

- 2. Address of property: 7821 Texas Road
- 3. The above described property is now zoned: RM-3
- 4. Application is hereby made to change the zoning classification of the above described property to PZD by Classification.  
(Extension or classification)
- 5. Why is the zoning change requested?

Request is made in order to allow the property to be utilized as Family Support Services by "The ARC for the River Valley" other zoning classifications which allow this usage also allow uses which would not be compatible with the neighborhood

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

Signed:

Ron Brixey  
Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

5223 East Highway 45, Fort Smith AR 72916  
Owner or Agent Mailing Address

\_\_\_\_\_  
*Ron Brixey*  
Agent

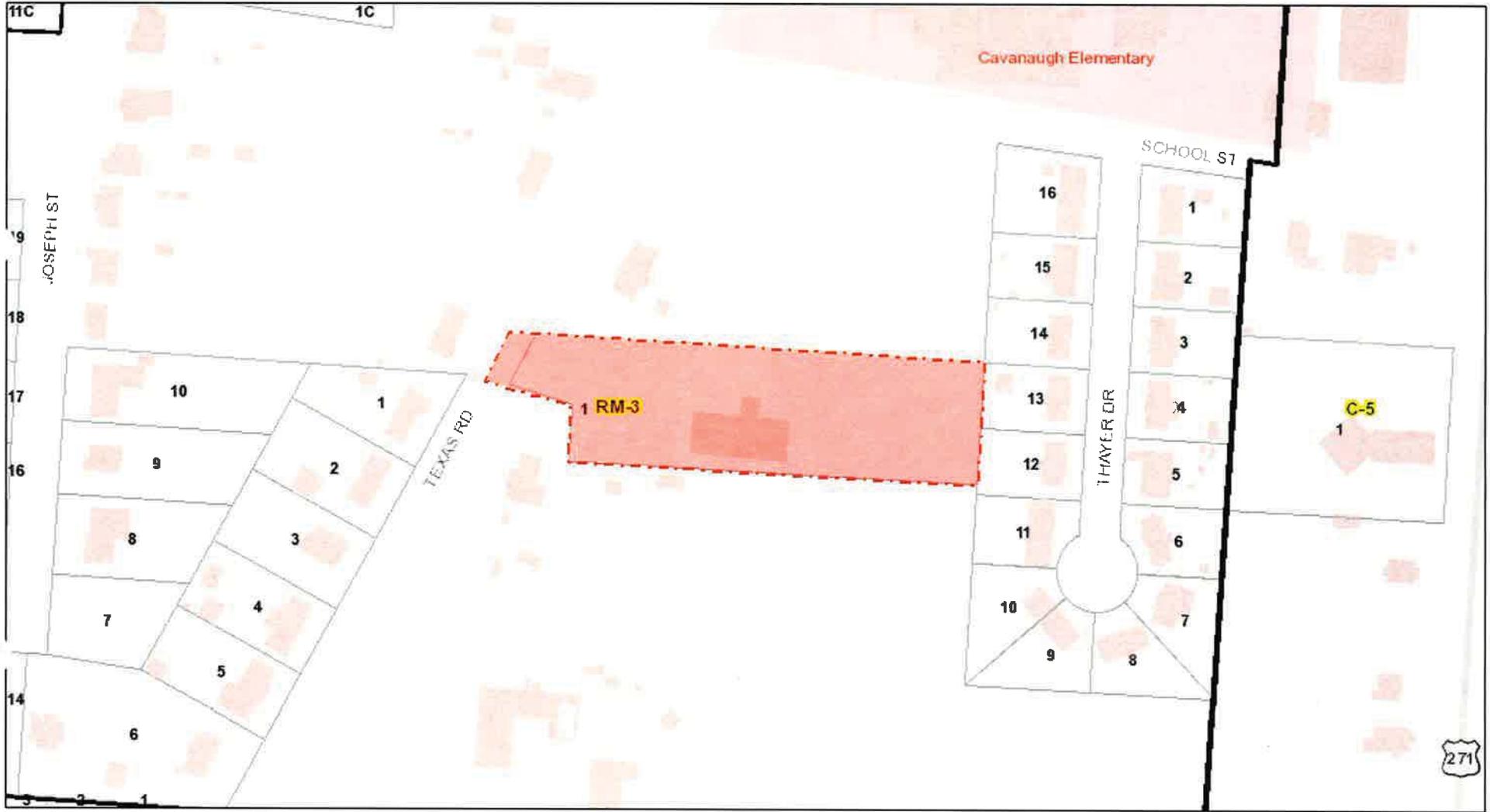
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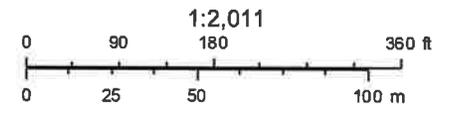
# Rezoning #2-2-16: From Residential Multifamily Medium Density (RM-3) to PZD 7821 Texas Road

12-9



January 20, 2016

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



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

Bobby & Wanda Dean  
4013 E. 41<sup>st</sup> Place  
Tulsa, OK 74135

Carolyn Fondren  
7812 Texas Road  
Fort Smith, AR 72908

Nick & Whitney Spears  
7807 Joseph Street  
Fort Smith, AR 72908

Wesley & Mary McCullough  
c/o Martha Pickering  
31860 Taylor Grade Road  
Duette, FL 34919

Evrus Properties, LLC  
P. O. Box 188  
Van Buren, AR 72957

Ronnie & Janie Moore  
7908 Texas Road  
Fort Smith, AR 72908

Yolande Smith Revocable Trust  
7907 Joseph Street  
Fort Smith, AR 72908

Irvin & Mildred Foster  
7916 Texas Road  
Fort Smith, AR 72908

Jared Yarberry, LLC  
P. O. Box 11411  
Fort Smith, AR 72917

Bobby Goodwin  
8009 Texas Road  
Fort Smith, AR 72908

Lisa Leonard  
7909 Texas Road  
Fort Smith, AR 72908

Fort Smith Special/Rent House  
P. O. Box 1948  
Fort Smith, AR 72902

Fort Smith Special/Cavanaugh Parking  
Area  
P. O. Box 1948  
Fort Smith, AR 72902

William & Maisie Little  
6700 Hunter Crossing  
Fort Smith, AR 72916

Department of Veterans Affairs  
VA Regional Loan Center  
6900 Almeda Road  
Houston, TX 77030

Mack & Byra Burke  
8409 Northshore Drive  
Hackett, AR 72937

Jose Vega  
7900 Thayer Drive  
Fort Smith, AR 72908

Pernecia Houts  
7908 Thayer Drive  
Fort Smith, AR 72908

Michael & Cynthia Watson  
8009 Thayer Drive  
Fort Smith, AR 72908

Douglas O'Dell  
8005 Thayer Drive  
Fort Smith, AR 72908

David & Loretta Guthrie  
7917 Thayer Drive  
Fort Smith, AR 72908

Charles & Ruth Stone  
7903 Thayer Drive  
Fort Smith, AR 72908

Marco & Xzilah Vargas  
7901 Thayer Drive  
Fort Smith, AR 72908

Mone Chounlamany  
7819 Thayer Drive  
Fort Smith, AR 72908

Pamela Stewart  
7809 Thayer Drive  
Fort Smith, AR 72903

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
FEBRUARY 9, 2016**

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

On roll call, the following Commissioners were absent: Don Keesee

Chairman Sharpe called for the vote on the Planning Commission minutes from the January 12, 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. Rezoning #2-2-16; A request by Ron Brixey, agent for Vinson Williams, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by Classification located at 7821 Texas Road.**

Ms. Maggie Rice read the staff report indicating the approval of this rezoning request would allow for the existing facility to be used for a family Support Services business. (The ARC for the River Valley). The land uses in the PZD are limited to churches and family support services.

Ron Brixey 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 rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 8 in favor, 0 opposed to approve the rezoning request subject to the following:

- Compliance with the submitted project booklet.
- Any required construction will require plans to be submitted for a building permit review.

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



7.

**ORDINANCE NO. \_\_\_\_\_**

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

---

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No. 4-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

Part of Lot 4A, Block C, Country Club Estates, Fort Smith, Sebastian County, Arkansas, being part of the Southeast Quarter of Section 23, Township 8 North, Range 32 West, and being filed for record February 24, 2006 as plat 1755C. Being more particularly described as follows:

Commencing at the southeast corner of said Lot 4A; Thence along the east line of said Lot 4A and the west right-of-way line of South 58<sup>th</sup> Street, N02°50'10"E, 250.02 feet to the Point of Beginning; Thence leaving said east line and said west right-of-way line, N86°51'01"W, 144.63 feet to the west line of said Lot 4A; Thence along said west line, N02°52'47"E, 96.50 feet; Thence continuing along said west line, N03°30'24"E, 137.67 feet to the northwest corner of said Lot 4A, said point being on the southerly right-of-way line of Arkansas Highway 22 (Rogers Avenue); Thence along the northerly line of said Lot 4A and said southerly right-of-way line, S62°01'14"E, 143.62 feet to a point on said west right-of-way line of South 58<sup>th</sup> Street; Thence along said west right-of-way line and said east line of Lot 4A, 28.59 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of S29°15'34"E and a distance of 27.06 feet; Thence continuing along said west right-of-way line and said east line the following courses: S03°30'06"W, 124.04 feet; S02°50'10"W, 26.98 feet to the Point of Beginning. Containing 0.67 acres, more or less.

more commonly known as 5710 Rogers Avenue, should be, and is hereby rezoned from Commercial Light (C-2) to Commercial Heavy (C-5) by Extension.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

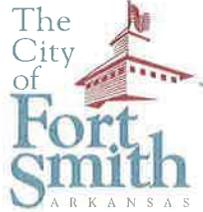
**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



February 23, 2016

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

Re: A request by Nick Griffin, agent for GLS Properties, LLC, for a zone change from Commercial Light (C-2) and Commercial Heavy (C-5) by Extension located at 5710 Rogers Avenue.

On February 9, 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 this rezoning request is to allow for the construction of a new Discount Tire facility.

Mr. Nick Griffin 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 rezoning request. The vote was 7 in favor and 1 abstention (Cooper).

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Marshall S. 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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 27, 2016

**Re:** Rezoning #4-2-16 - A request by Nick Griffin, agent for GLS Properties, LLC, for Planning Commission consideration of a zone request from Commercial Light (C-2) to Commercial Heavy (C-5) by extension at 5710 Rogers Avenue

## PROPOSED ZONING

The approval of this zoning request will allow for the construction of a new Discount Tire facility at this location. There will be a sales area along with 6 bays to install the new tires.

## LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Rogers Avenue and South 58<sup>th</sup> Street. The tract contains an area of 0.67 acres with approximately 143 feet of street frontage along Rogers Avenue and approximately 124 feet of street frontage along South 58<sup>th</sup> Street.

## REQUESTED ZONING

The proposed 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.

4A

**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.

**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

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event

4B

center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

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

AND

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.

**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

4C

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 north are zoned Commercial Heavy (C-5) and are developed as Furr’s Restaurant and retail shopping.

The areas to the east are zoned Commercial Heavy (C-5) and is developed as a bank.

The areas to the south are zoned Commercial Light (C-2) and is developed as Western Sizzlin Restaurant.

The areas to the west are zoned Commercial Heavy (C-5) and is developed as a bank.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Rogers Avenue as Major Arterial and South 58<sup>th</sup> Street as Major Collector.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Wednesday, February 3, 2016 at 3434 Country Club Avenue, the offices of Mickle Wagner Coleman, Inc. No neighboring property owners attended the meeting.

**STAFF COMMENTS AND RECOMMENDATIONS**

A portion of this property is zoned Commercial Light (C-2). The C-2 zone does not allow *tire sales* as a permitted or conditional use. The zone change will help facilitate the new tire store on the front portion of the property.

Staff recommends approval of the application.

40

**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)

**Country Club Estates, Proposed Lot 4A-2, Block C Metes and Bounds Description**

Part of Lot 4A, Block C, Country Club Estates, Fort Smith, Sebastian County, Arkansas, being part of the Southeast Quarter of Section 23, Township 8 North, Range 32 West, and being filed for record February 24, 2006 as plat 1755C. Being more particularly described as follows:

Commencing at the southeast corner of said Lot 4A; Thence along the east line of said Lot 4A and the west right-of-way line of South 58<sup>th</sup> Street, N02°50'10"E, 250.02 feet to the Point of Beginning; Thence leaving said east line and said west right-of-way line, N86°51'01"W, 144.63 feet to the west line of said Lot 4A; Thence along said west line, N02°52'47"E, 96.50 feet; Thence continuing along said west line, N03°30'24"E, 137.67 feet to the northwest corner of said Lot 4A, said point being on the southerly right-of-way line of Arkansas Highway 22 (Rogers Avenue); Thence along the northerly line of said Lot 4A and said southerly right-of-way line, S62°01'14"E, 143.62 feet to a point on said west right-of-way line of South 58<sup>th</sup> Street; Thence along said west right-of-way line and said east line of Lot 4A, 28.59 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of S29°15'34"E and a distance of 27.06 feet; Thence continuing along said west right-of-way line and said east line the following courses: S03°30'06"W, 124.04 feet; S02°50'10"W, 26.98 feet to the Point of Beginning. Containing 0.67 acres, more or less.

2. Address of property: 5710 Rogers Ave

3. The above described property is now zoned: C2 & C5

4. Application is hereby made to change the zoning classification of the above described property to C5 by Extension.  
(Extension or classification)

5. Why is the zoning change requested?  
To change the lot's zone from two zones to one zone  
\_\_\_\_\_  
\_\_\_\_\_

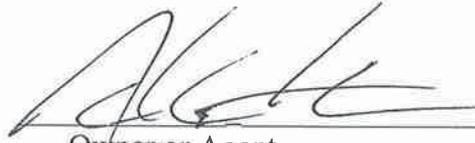
4E

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

Mickle Wagner Coleman, Inc.

~~Owner of Agent Name~~

*(Please print)*



~~Owner of Agent~~

*(Please sign)*

3434 Country Club Ave

~~Owner of Agent Mailing Address~~

01-14-16

~~Date~~

479-649-8484

~~Owner of Agent Phone Number~~

ngriffin@mwc-engr.com

~~Email~~

4F



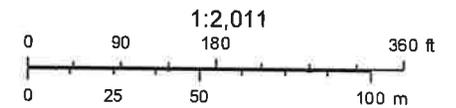
# Development Plan Review: Tire Sales 5710 Rogers Avenue

5F

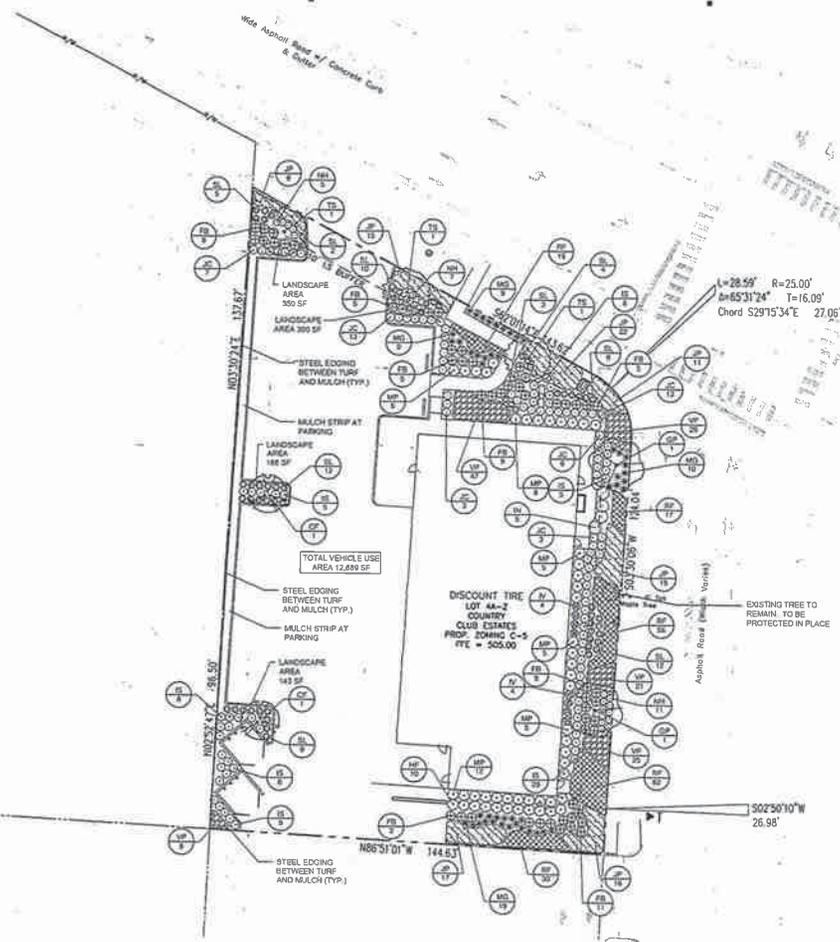


January 19, 2016

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



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**PLANT SCHEDULE**

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	COL	QTY	
CF	Circle	Circle coredreda 'Royal Parry' TM / Forest Parry Redbud	6.0	1.0' Col	2	
GP	Circle	George White 'Princess Emily' / Princeton Society George	0.0	2' Col	2	
TS	Circle	Taxodium distichum 'Shrevea Best' TM / Bald Cypress	0.0	2' Col	2	
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	SIZE	HEIGHT	SPACING	QTY
FB	Circle	Fothergilla gardenii 'Blue Mist' / Blue Mist Fothergilla	3 gal	48" ea.	5'	55
HF	Circle	Hydrangea tomentosa 'Pamanga' / Snow Clawn Ovalleaf Hydrangea	5 gal	42" ea.	18'	18
IS	Circle	Ilex vomitoria 'Stokes Dwarf' / Dwarf Yaupon	3 gal	30" ea.	6'	66
IN	Circle	Ilex 'Hello R Stevens' / Hello Stevens Holly	15 gal	8" ea.	8'	5
IV	Circle	Ilex virginica 'Henry's Garnet' / Henry's Garnet Ilex	3 gal	30" ea.	8'	8
JC	Circle	Juniperus chinensis 'Amazing' / Amazing Juniper	7 gal	60" ea.	44'	44
MP	Circle	Myrica carolinensis 'Parula' / Dwarf Wax Myrtle	3 gal	48" ea.	48'	48
NH	Circle	Nandina domestica 'Hortor Dwarf' / Dwarf Heavenly Bamboo	3 gal	30" ea.	23'	23
GRASSES	CODE	BOTANICAL NAME / COMMON NAME	SIZE	HEIGHT	SPACING	QTY
MS	Star	Muhlenbergia capillaris / Cliff Coast Muly	3 gal	30" ea.	4'	47
SL	Star	Sclerachyrum scoparium / Ulf's Bladum Grass	1 gal	30" ea.	8'	8
GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY	
JP	Star	Jaspeum heterophyllum 'Prince of Wales' / Prince Of Wales Antiper	3 gal	30" ea.	111	
RP	Star	Rubrocallia fulgens 'Goldrum' / Black-eyed Susan	1 gal	24" ea.	184	
VP	Star	Verbena canadensis 'Homesick Purple' / Homesick Purple Verbena	1 gal	24" ea.	128	

NOTE: LANDSCAPING WILL BE INSTALLED WITH AN AUTOMATED BLOW-UP GROUND BLOW-UP SYSTEM.

**GENERAL PLANTING NOTES**

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING WORK. BEFORE STARTING WORK, THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHALL OBTAIN A UTILITY LOCATING REPORT FROM THE LANDSCAPE CONTRACTOR. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES AND SHALL OBTAIN A UTILITY LOCATING REPORT FROM THE LANDSCAPE CONTRACTOR.
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**NOTE:**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. AS SUCH, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND UNCOVERING EXISTING UTILITIES IN THE VICINITY OF THE PROPOSED IMPROVEMENTS AND UTILITY CONNECTION POINTS PRIOR TO THE START OF CONSTRUCTION TO ASCERTAIN EXACT MATERIALS, LOCATIONS, ELEVATIONS, ETC. AND THEIR POTENTIAL CONFLICT WITH PROPOSED IMPROVEMENTS. SO SHALL CONSULT WITH CONSTRUCTION MANAGER AND ENGINEER AS APPROPRIATE BEFORE PROCEEDING WITH WORK.



**ROOT BARRIERS**

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS FOR MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY OBSCURE THE ROOTBALL.

**MULCHES**

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 2" THICK LAYER OF REDMAPLE MULCH, NATURAL, AMERICAN-COLOR MULCH OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

**LANDSCAPE CALCULATIONS**

**TOTAL SITE AREA:** 17,008 SF ± 28.98' R  
**PERIMETER LANDSCAPING REQUIRED:** TO LANDSCAPED AREA ADJACENT TO STREET ROW 150 LF ROW ROGERS AVE. = 3 TREES AND 30 SHRUBS REQUIRED  
 3 TREES AND 30 SHRUBS PROPOSED  
 10 LF ROW S&S, ST. = 4 TREES AND 30 SHRUBS REQUIRED  
 3 TREES AND 30 SHRUBS PROPOSED  
**PARKING LOT SCREENING REQUIRED:** DENSE EVERGREEN SCREEN REQUIRED ALONG ROW 24' MIN. AT TIME OF PLANTING  
 PROPOSED: DENSE EVERGREEN SCREEN REQUIRED ALONG ROW 24' MIN. AT TIME OF PLANTING  
**INTERIOR LANDSCAPING:** 3.50 FT OF GREENSPACE PER 100 SF FT OF VEHICULAR USE AREA (VUA) 12,888 VUA / 100 x .85 = 10954 SF GREENSPACE REQUIRED 1,500 SQ FT GREENSPACE PROPOSED (SEE PLAN FOR AREA BREAKDOWN) 100% ± GREENSPACE



500.67  
 02/03/2016  
 A.J.C.  
 R.M.

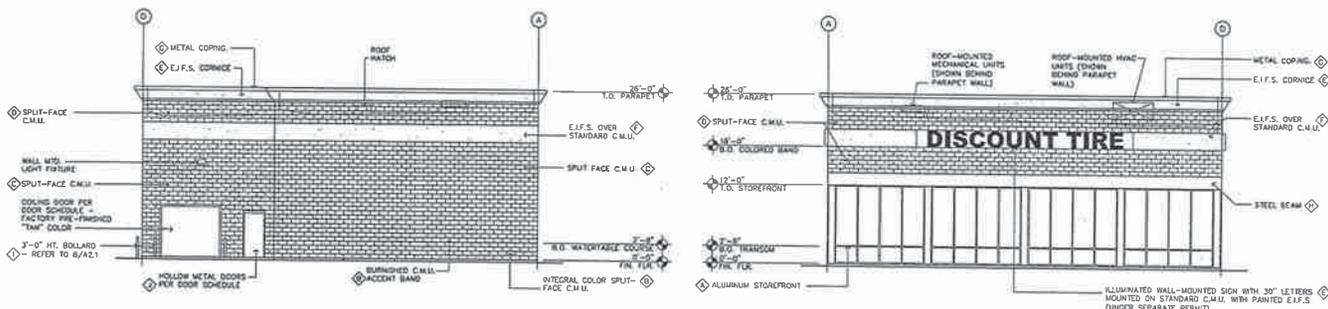


LANDSCAPE PLAN

LI.00

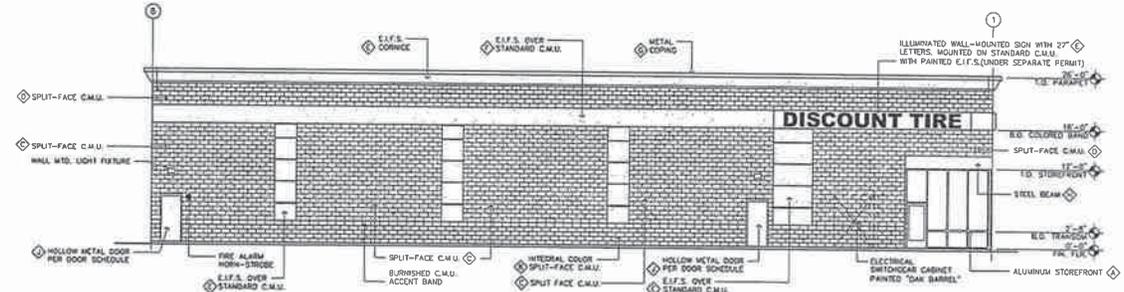


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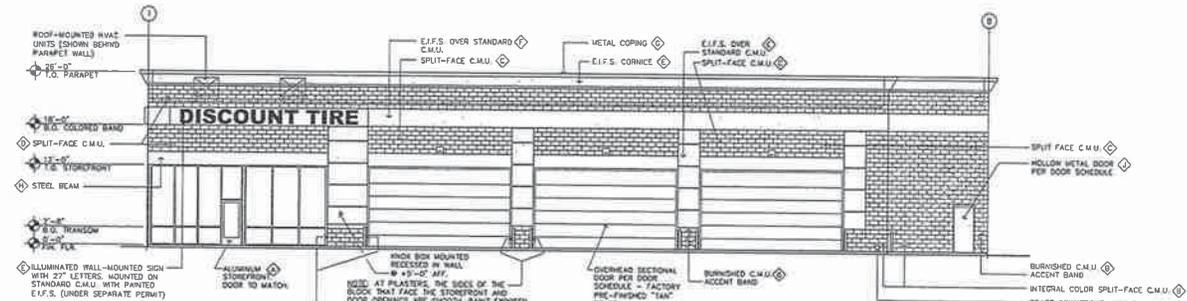


**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**NORTH ELEVATION (Rogers Ave.)**  
SCALE: 1/8" = 1'-0"

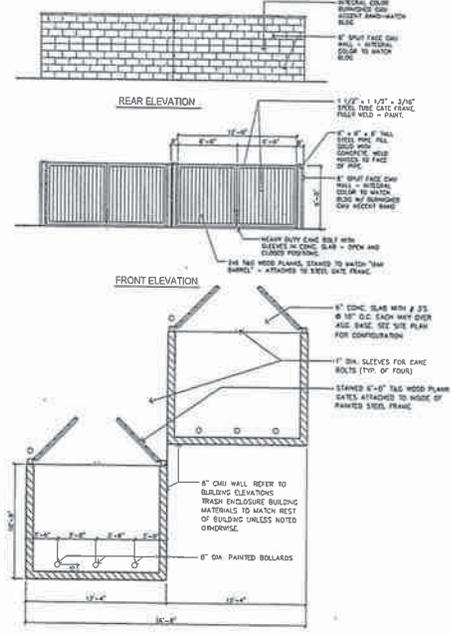


**EAST ELEVATION (S. 58th St.)**  
SCALE: 1/8" = 1'-0"



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

FINISH LEGEND	
◇	ANODIZED ALUMINUM STOREFRONT SYSTEM WITH 1" INSULATING GLAZING MANUFACTURER'S STANDARD COLOR "DARK BARREL"
◇	INTEGRAL COLOR CMU (SPLIT-FACE OR BURNISHED AS NOTED) TO MATCH "DARK BARREL"
◇	GRAY SPLIT-FACE CMU PAINTED TO MATCH "DARK BARREL"
◇	GRAY SPLIT-FACE CMU PAINTED TO MATCH "ANTIQUE WHITE"
◇	EPS - PAINT SHERWIN WILLIAMS JETIS 1910 "ANTIQUE WHITE"
◇	EPS ACCENT BAND - PAINT SHERWIN WILLIAMS SW 7505 "SANDRO TOMATO"
◇	METAL COPING - FACTORY PAINTED/FACTORY FINISH - "SIERRA TAN"
◇	E.F.S. - PAINT SHERWIN WILLIAMS SW 7714 "DARK BARREL"
◇	STEEL BOLLARDS - PAINTED TO MATCH "DARK BARREL"
◇	HOLLOW METAL DOORS - PAINTED TO MATCH "DARK BARREL"



**TRASH ENCLOSURE PLAN / ELEVATIONS**

NOT TO SCALE  
**REV: #1 - 01.25.16**  
**DATE: 01.11.16**  
**JOB # A.151038**

**ALT - 2L**



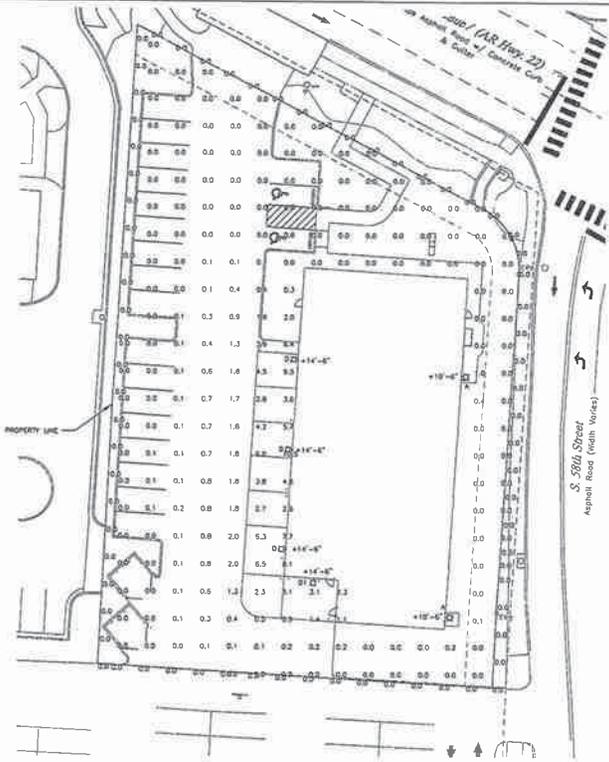
THIS PLAN IS PROPERTY OF PLUMP GROUP ARCHITECTURE & ENGINEERING. THIS DRAWING IS ISSUED WITHOUT OTHER CONSIDERATION FROM THE ARCHITECT AND CONTRACTOR THAT IT IS NOT BE RESPONSIBLE FOR THE CORRECTNESS OR COMPLETENESS OF ANY INFORMATION HEREON. IT IS THE USER'S RESPONSIBILITY TO OBTAIN ANY NECESSARY PERMITS AND TO PROVIDE ANY NECESSARY INFORMATION FOR THE WORKING OF DRAWINGS. THIS DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF PLUMP GROUP ARCHITECTURE & ENGINEERING. THE USER'S ACCEPTANCE OF THIS DRAWING SHALL BE CONSIDERED AS AN ACCEPTANCE OF THE FOREGOING CONDITIONS.

**CONCEPTUAL ELEVATIONS**

**5720 Rogers Avenue  
 FORT SMITH, AR 72903**



Sheet No.  
**A.2**



**01 SITE PHOTOMETRIC PLAN**  
1:20

Direction	Symbol	Ang	Max	Min	Max/Min	Ang/Min
PARALLEL LOT	+	0.7	10.0	0.0	N/A	N/A
PROPERTY LINE	+	0.0	0.0	0.0	N/A	N/A

**LUMARK**

**XTOR**

**XTOR CROSSTOUR LED**

**XTOR CROSSTOUR MARK LED**

**Cooper Lighting**

**LUMARK**

**XTOR**

**XTOR CROSSTOUR LED**

**XTOR CROSSTOUR MARK LED**

**Cooper Lighting**

**LITHONIA LIGHTING**

**XTOR CROSSTOUR LED**

**XTOR CROSSTOUR MARK LED**

**Cooper Lighting**

**5**

**Cooper Lighting**

**LITHONIA LIGHTING**

**XTOR CROSSTOUR LED**

**XTOR CROSSTOUR MARK LED**

**Cooper Lighting**

THIS SHEET IS PART OF THE CONSTRUCTION DOCUMENTS. SHEET SHEETS INCLUDING SPECIFICATIONS AND ALL OTHER SHEETS IS TO BE USED AS A SINGLE UNIT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND MATERIALS.

**LARSON BINKLEY**

Larson Binkley, Inc.  
310 W 20th Street, Suite 200  
Riverside, MO 64408  
Admission Certificate # A-11414-2014-0001

T 816-997-9601  
F 816-997-9902  
lars@binkley.com

**NOT FOR CONSTRUCTION**

NO.	REVISION	DATE

**PLUM GROUP**

11111 W. 111th Street  
Suite 100  
Overland Park, MO 66213  
P: 913-241-1111  
www.plumgroup.com

CONSULTANT

**DISCOUNT TIRE**

DISCLAIMER: THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF OCCASANT. THE COMPANY AND SHALL REMAIN THEIR PROPERTY. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED. PUBLICATION IN ANY FORM IS EXPRESSLY LIMITED TO SUCH.

**5720 ROGERS AVE.  
FORT SMITH, AR**

JOB NUMBER: ARD 10930  
PROJECT MANAGER: SOBI BRACKSKILL  
PREPARED BY: CHRIS LANGSTON  
P/N: 0860 997-9601  
P/N: 0860 997-9602  
DRAWN BY: EC

SHEET TITLE:  
SITE PHOTOMETRIC PLAN

DATE: 01-13-2016

SHEET NUMBER:  
**ES1.0**

Rogers Avenue Properties  
109 North 6<sup>th</sup> Street  
Fort Smith, AR 72901

Centennial Bank  
P. O. Box 159  
Conway, AR 72033

United Federal Credit Union  
2807 S. State Street  
St. Joseph, MI 49085

Jerry & Vonda Gardner  
6700 McKennon Blvd.-Suite 122  
Fort Smith, AR 72903

Jon & Karen LeRosen  
2228 South 57<sup>th</sup> Street  
Fort Smith, AR 72903

Orville Bittle  
49 Stone Gate Court  
Fort Smith, AR 72916

W. T. Rogers, LLC  
6001 South Zero Street  
Fort Smith, AR 72903

Dr. John & Mary Ann Weisse  
5622 Rogers Avenue  
Fort Smith, AR 72903

Regions Bank  
250 Riverchase Pkwy.-Suite 600  
Birmingham, AL 35244

Steve & Ping Chen  
5819 Rogers Avenue  
Fort Smith, AR 72903

Ghan Properties  
4611 Rogers Avenue-Suite 201  
Fort Smith, AR 72903

ABL Properties, LLC  
P. O. Box 180129  
Fort Smith, AR 72918

FSRPA, LLC  
2322 South 57<sup>th</sup> Street  
Fort Smith, AR 72903

Kralicek Realty Company  
2300 South 57<sup>th</sup> Street-Suite #4  
Fort Smith, AR 72903

**Planning Commission Meeting Minutes  
February 9, 2016**

- 2. A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson for a Master Land Use Plan Amendment from Open Space/Residential Detached to Office Research Light Industrial (ORLI) located at 5500 Massard Road.**
- 3. Rezoning #3-2-16; A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a zone change from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification located at 5500 Massard Road.**

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage building and covered RV parking in the future.

Jeff Lee was present to speak on behalf of this request.

Ron Yates @ 8310 Rosewood Drive was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the master land use plan.  
The vote was 7 in favor and 1 opposed. (Howe)

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 1 opposed (Howe).

Motion was made by Commissioner Howard, seconded by Commissioner Redd and carried to approve these requests subject to the following:

- 1) The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
  - 2) The rooftops for the new storage buildings in Phase I shall consist of a muted color.
  - 3) The rooftop equipment on the existing building shall be screened from the right-of-way.
- 4. Rezoning #4-2-16; A request by Nick Griffin, agent for GLS properties, LLC, for a zone change from Commercial Light (C-2) and Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue.**
  - 5. A request by Nick Griffin, agent for GLS Properties, LLC, for a development plan approval for a retail development located at 5710 Rogers Avenue.**

Ms. Maggie Rice read the staff reports indicating the purpose of these requests is to allow for the construction of a new Discount Tire facility.

Nick Griffin 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 rezoning request.

The vote was 7 in favor and 1 abstention (Cooper).

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

Motion was made by Commissioner Redd, seconded by Howard and carried with a vote of 7 in favor and 1 abstention (Cooper) to approve the conditional use 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 described in this section will require Planning Commission approval.
- The shared parking agreement shall be filed at the courthouse for both properties.
- Western Sizzlin shall remove the existing pole sign to allow to allow Discount tire to place a new pole sign on the property.
- All signs require a separate plan submittal and approval prior to the issuance of a building permit to install the sign.

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

The vote was 7 in favor and 1 abstention (Cooper).

**6. Rezoning #5-2-16; A request by Pat Mickle, Agent for KMW Properties, LLC for a zone change from Commercial-5 Special (C-5-SPL to Commercial Heavy (C-5) by Extension located at 4501 & 4801 Phoenix Avenue.**

Mr. Wally Bailey read the staff report indicating the approval of this rezoning will remove the special requirements placed on the property at an earlier rezoning which was for the property to be subject to site/development plan approval by the Planning Commission.

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

No one was present to speak opposition to this request.

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

Motion was made by Commissioner Redd, seconded by Commissioner Carson and carried with a vote of 5 in favor and 3 opposed (Redd, Newton and Carson) to approve the rezoning request, subject to the following:

**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. 5-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

Part of the North Half of the Northwest Quarter of Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 35; Thence along the east line of said Northeast Quarter of the Northwest Quarter, N03°13'59"E, 105.69 feet to the north right-of-way line of Phoenix Avenue, said point also being the southeast corner of Lot 1, Hanna Phoenix Addition, Fort Smith, Sebastian County, Arkansas, being filed for record November 10, 2005 as plat 1750D; Thence along said north right-of-way line and the south line of said Lot 1 (does not reflect 5 foot right-of-way dedication), 439.69 feet along the arc of a curve to the right, said curve having a radius of 1460.00 feet and being subtended by a chord having a bearing of S84°25'36"W and a distance of 438.03 feet; Thence continuing along said north right-of-way line and said south line of Lot 1, N86°56'45"W, 79.60 feet to the southwest corner of said Lot 1 and the Point of Beginning; Thence continuing along said north right-of-way line, N86°56'45"W, 1133.02 feet; Thence leaving said north right-of-way line, N25°32'05"W, 138.70 feet to the south right-of-way line of Interstate 540; Thence along said south right-of-way line, N64°31'41"E, 791.97 feet; Thence continuing along said south right-of-way line, N64°29'55"E, 179.93 feet to the northwest corner of said Lot 1; Thence leaving said south right-of-way line and along the west line of said Lot 1, S27°28'13"E, 680.29 feet to the Point of Beginning. Containing 9.17 acres, more or less.

more commonly known as 4501 and 4801 Phoenix Avenue, should be, and is hereby rezoned

from Commercial Heavy (C-5) with special conditions (C-5-SPL) to Commercial Heavy (C-5) with special conditions (C-5-SPL) by Extension, subject to the following:

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors)

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

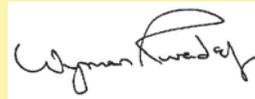
**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

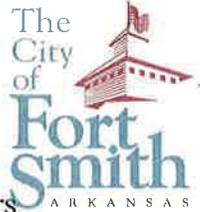
\_\_\_\_\_  
**City Clerk**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**

February 23, 2016



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

Re: A request by Pat Mickle, agent for KMW Properties, LLC, for a zone change from Commercial-5-Special (C-5-SPL) to Commercial Heavy (C-5) by Extension located at 4501 & 4801 Phoenix Avenue.

On February 9, 2016, the City Planning Commission held a public hearing to consider the above request.

Mr. Wally Bailey read the staff report indicating the approval of this rezoning would remove the special requirements placed on the property at an earlier rezoning which was for the property to be subject to site/development plan approval by the Planning Commission. The current requirement would require each building in the five (5) lot subdivision to be approved by the Planning Commission. With the UDO and the Phoenix Avenue Overlay Design Standards, this additional layer of approval should not be necessary.

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

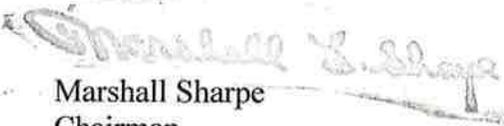
No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Redd, seconded by Commissioner Carson and carried with a vote of 5 in favor and 3 opposed (Redd, Newton and Carson) to approve the rezoning request subject to the following:

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval.
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors)

Respectfully Submitted,

CITY PLANNING COMMISSION

  
Marshall Sharpe  
Chairman

MS/lp

cc: File  
City Administrator

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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 29, 2016

**Re:** Rezoning #5-2-16 - A request by Pat Mickle, agent for KMW Properties, for Planning Commission consideration of a zone request from Commercial Heavy with special conditions to Commercial Heavy without special conditions by extension at 4501 to 4801 Phoenix Avenue

## PROPOSED ZONING

This proposed zoning will remove the special requirements placed on the property at an earlier rezoning. See attached ordinance. The special requirement was for the property to be subject to site/development plan approval by the Planning Commission.

## LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue east of the Academy sporting goods store. The tract contains an area of 9.17 acres with approximately 1,133 feet of street frontage along Phoenix Avenue.

## REQUESTED ZONING

The proposed 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.

**Area and Bulk Regulations:**

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

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

Existing District (By Extension) – 14,000 square feet

**EXISTING ZONING**

The existing zoning on this tract is Commercial Heavy with special conditions – see Ordinance 43-05. The Planning Commission approved rezoning #13-5-05 and the condition that the property is subject to site/development plan approval.

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,

6B

utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

**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 area to the north is I-540. The area further north is zoned Residential Estate One Acre (RE-1) and is undeveloped.

The area to the east is zoned Commercial Heavy with special conditions and is developed as Academy Sporting Goods.

The areas to the south are zoned Commercial Heavy (C-5) and Industrial Light (I-1) and are developed as AT&T and Fed Ex, a heating and air company, and an union hall.

The areas to the west are zoned Industrial Light (I-1) and are undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Phoenix Avenue as Major Arterial.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

**NEIGHBORHOOD MEETING**

A neighborhood meeting will be held Monday, February 8, 2016, at 3434 Country Club Avenue office of Mickle Wagner Coleman, Inc. A summary will be provided at the Planning Commission meeting.

**STAFF COMMENTS AND RECOMMENDATIONS**

The proposed change will allow the five lots of the proposed Hanna Phoenix Addition as shown on the attached preliminary development plan (concept plan) to be developed without specific

6C

Planning Commission approval prior to a building permit. Staff recommends approval based on the preliminary development plan (concept plan) as submitted and the subdivision plan as submitted.

6D

3

**ORDINANCE NO. 43-05**

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

**WHEREAS**, the City Planning Commission has heretofore held public hearings upon request No. 13-5-05 to rezone certain properties hereinafter described, and, having considered said requests, recommended on May 10, 2005, 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 property to-wit:

Lot 1

All that certain tract or parcel of land being a part of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, and being more particularly described by metes and bounds as follows:

Commencing at an Aluminum Monument found for the SE Corner of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, thence North 3°13'59" East, 105.69 feet with the east boundary line of said NE 1/4 of the NW 1/4 a point on the north right-of-way line of Phoenix Avenue for the Point of Beginning; thence with said right-of-way along a curve to the left having an arc length of 439.69 feet, a radius of 1460.00 feet, and a central angle of 17°15'18", thence North 86°56'45" West, 79.60 feet with said right-of-way to; thence North 27°28'13" West, 680.29 feet to a point on the south right-of-way line of Interstate Highway 540; thence North 64°29'55" East, 330.85 feet with said right-of-way; thence North 59°29'41" East, 144.55 feet to the northwest corner of Airport Commercial Park, Lot 1 as filed for record January 18, 2001; thence South 27°28'13" East, 880.36 feet with the west boundary line of said Lot 1 to the Point of Beginning. The above described property contains 8.63 acres of land more or less.

Lot 2

All that certain tract or parcel of land being a part of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, and being more particularly described by metes and bounds as follows:

*Approved as to form  
JSC  
Publish 1 time*

6E

Commencing at an Aluminum Monument found for the SE corner of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, thence North 3°13'59" East, 105.69 feet with the east boundary line of said NE 1/4 of the NW 1/4 a point on the north right-of-way line of Phoenix Avenue; thence with said right-of-way along a curve to the left having an arc length of 439.69 feet, a radius of 1460.00 feet and a central angle of 17°15'18"; thence North 86°56'45" West, 79.60 feet with said right-of-way to the point of beginning; thence North 86°56'45" West, 1133.02 feet with said right-of-way; thence North 25°32'05" West, 138.70 feet a point on the south right-of-way line of Interstate Highway 540; thence North 64°31'41" East, 791.97 feet with said right-of-way; thence North 64°29'55" East, 179.93 feet; thence South 27°28'13" East, 680.29 feet to the point of beginning. The above described property contains 9.17 acres of land more or less.

more commonly known as 4801 and 5001 Phoenix Avenue, should be, and is hereby rezoned from Industrial-2 to Commercial-5-Special-B by Classification, subject to site/development plan approval. The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

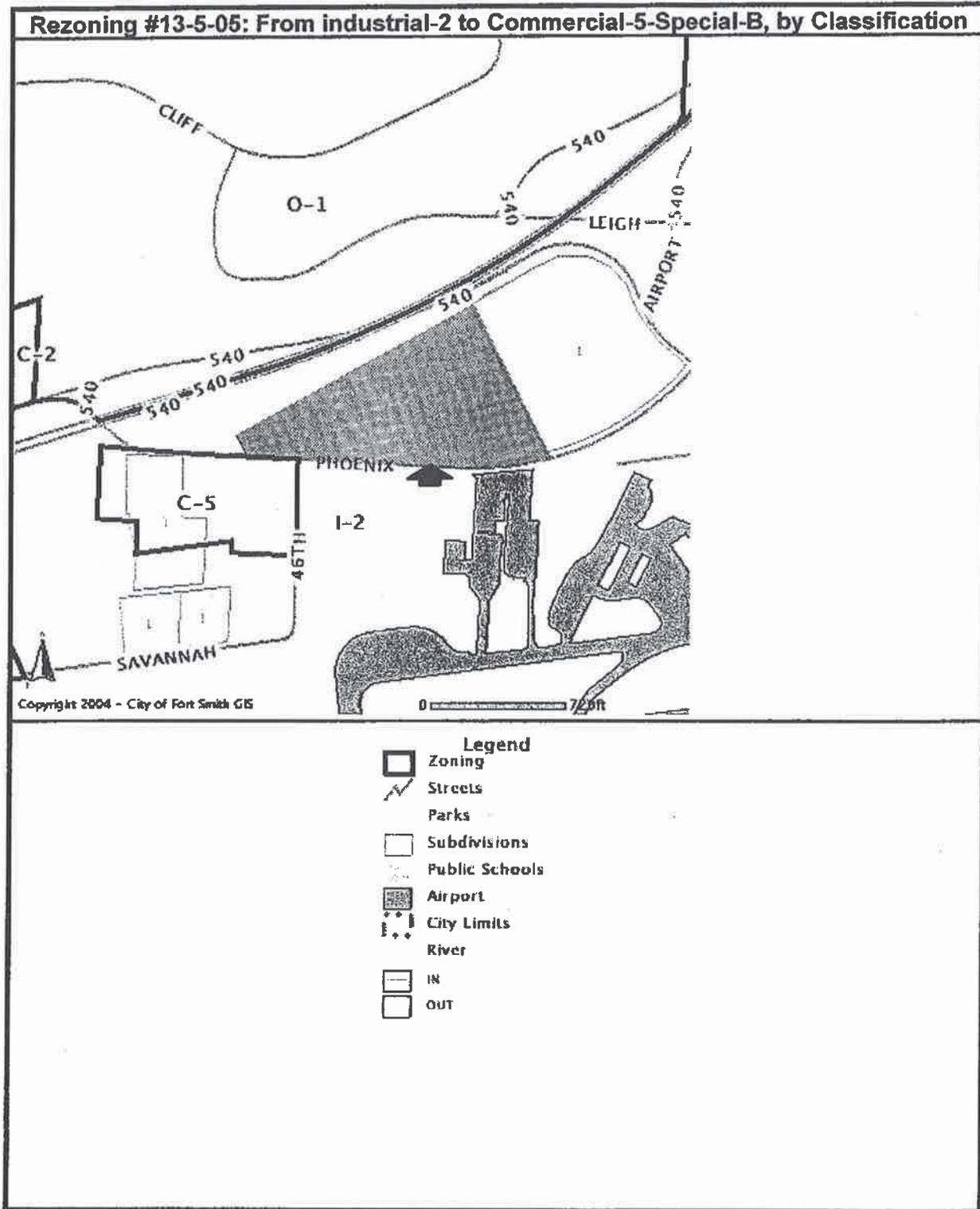
PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF JUNE, 2005.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



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)

Part of the North Half of the Northwest Quarter of Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 35; Thence along the east line of said Northeast Quarter of the Northwest Quarter, N03°13'59"E, 105.69 feet to the north right-of-way line of Phoenix Avenue, said point also being the southeast corner of Lot 1, Hanna Phoenix Addition, Fort Smith, Sebastian County, Arkansas, being filed for record November 10, 2005 as plat 1750D; Thence along said north right-of-way line and the south line of said Lot 1 (does not reflect 5 foot right-of-way dedication), 439.69 feet along the arc of a curve to the right, said curve having a radius of 1460.00 feet and being subtended by a chord having a bearing of S84°25'36"W and a distance of 438.03 feet; Thence continuing along said north right-of-way line and said south line of Lot 1, N86°56'45"W, 79.60 feet to the southwest corner of said Lot 1 and the Point of Beginning; Thence continuing along said north right-of-way line, N86°56'45"W, 1133.02 feet; Thence leaving said north right-of-way line, N25°32'05"W, 138.70 feet to the south right-of-way line of Interstate 540; Thence along said south right-of-way line, N64°31'41"E, 791.97 feet; Thence continuing along said south right-of-way line, N64°29'55"E, 179.93 feet to the northwest corner of said Lot 1; Thence leaving said south right-of-way line and along the west line of said Lot 1, S27°28'13"E, 680.29 feet to the Point of Beginning. Containing 9.17 acres, more or less.

2. Address of property: 4501 to 4801 Phoenix Avenue

3. The above described property is now zoned: C-5 Special

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

5. Why is the zoning change requested?

To bring this property's development review process into conformance with the  
UDO; that is to allow the Director of Planning to perform the development plan  
review vs. petitioning the Planning Commission to review each lot's plan.

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

Signed:

Mickle Wagner Coleman, Inc.

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

\_\_\_\_\_  
Owner

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

~~Owner or Agent Mailing Address~~

or  
Pat Mickle

Agent

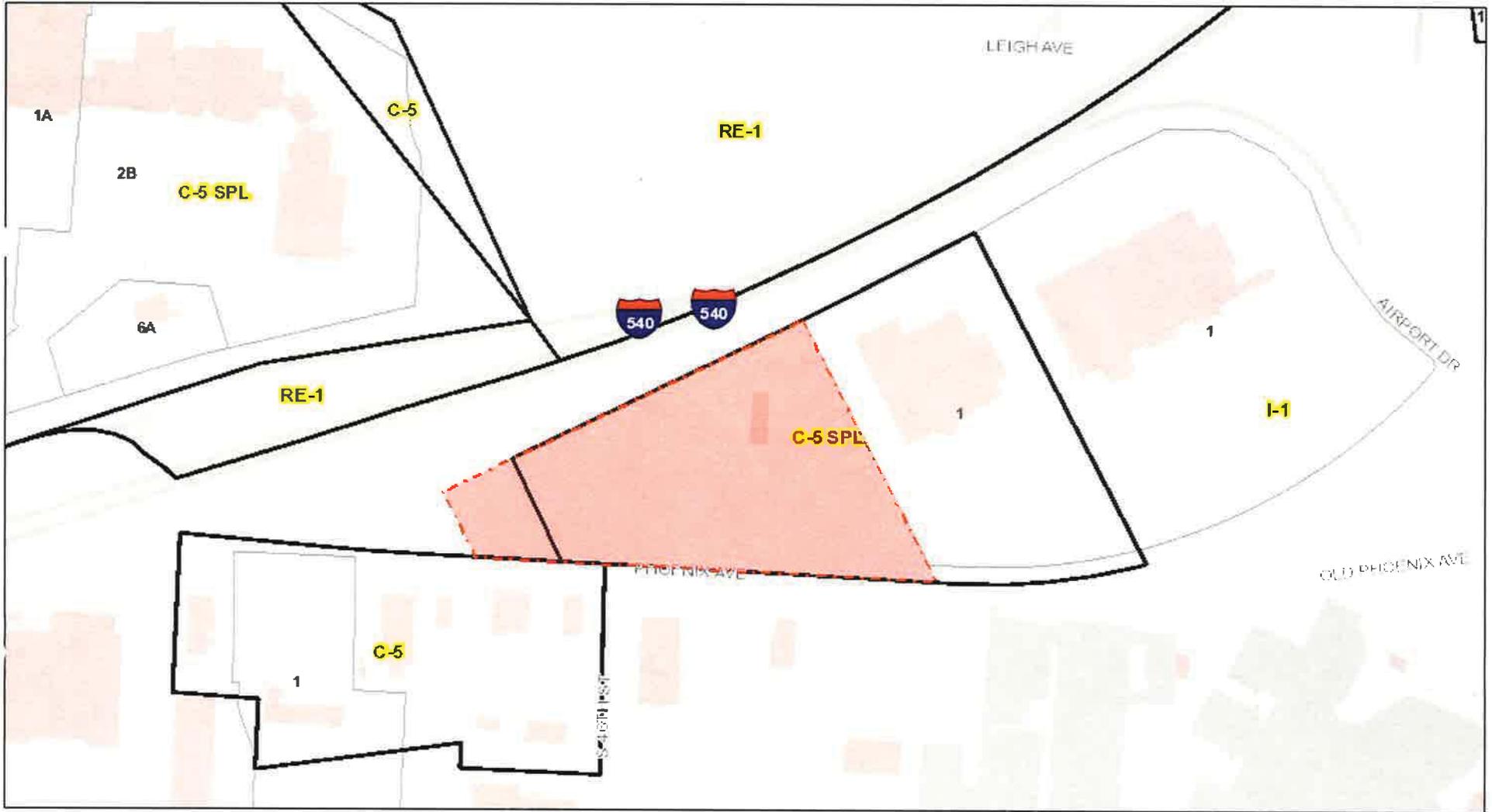
479-649-8484

~~Owner or Agent Phone Number~~

61

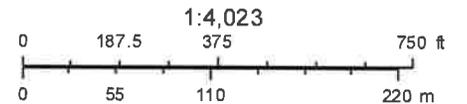
3

# Rezoning #5-2-16: From Commercial Heavy Special (C-5 SPL) to Commercial Heavy (C-5) 4501 to 4801 Phoenix Avenue



January 20, 2016

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



City of Fort Smith GIS  
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phoenix/  
**FLYOVER**

PRELIMINARY DEVELOPMENT PLAN  
HANNA PHOENIX ADDITION  
LOTS 2 thru 5

PLAT CERTIFIED CORRECT



PLANNING COMMISSION APPROVED

Date: February 22, 2016
Chairman: [Signature]
Secretary: [Signature]

FILED FOR RECORD THIS 22 Day of February 2016 at 11:50 o'clock AM

FILED FEB 22 2016

THIS PLAT FILED FOR THE PURPOSE OF PLACING ON RECORD

Hanna Phoenix Addition, Lots 2 thru 5

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes.

The installation and future maintenance of stormwater detention facilities is a condition of the approval of this plat. The private stormwater detention easement is a perpetual easement for the stormwater detention facility, and the use of the easement area is restricted for this purpose.

Lots 2, 3 & 4 share a common stormwater basin. Said lots shall have joint use of the private storm drainage system which delivers stormwater runoff to this basin.

ALLOTTERS: KMW PROPERTIES, LLC

STATE OF ARKANSAS COUNTY OF SEBASTIAN: Sealed and subscribed before me this 17th day of February, 2016 before Public Rebecca B. Bosen My Commission Expires 3-20-21

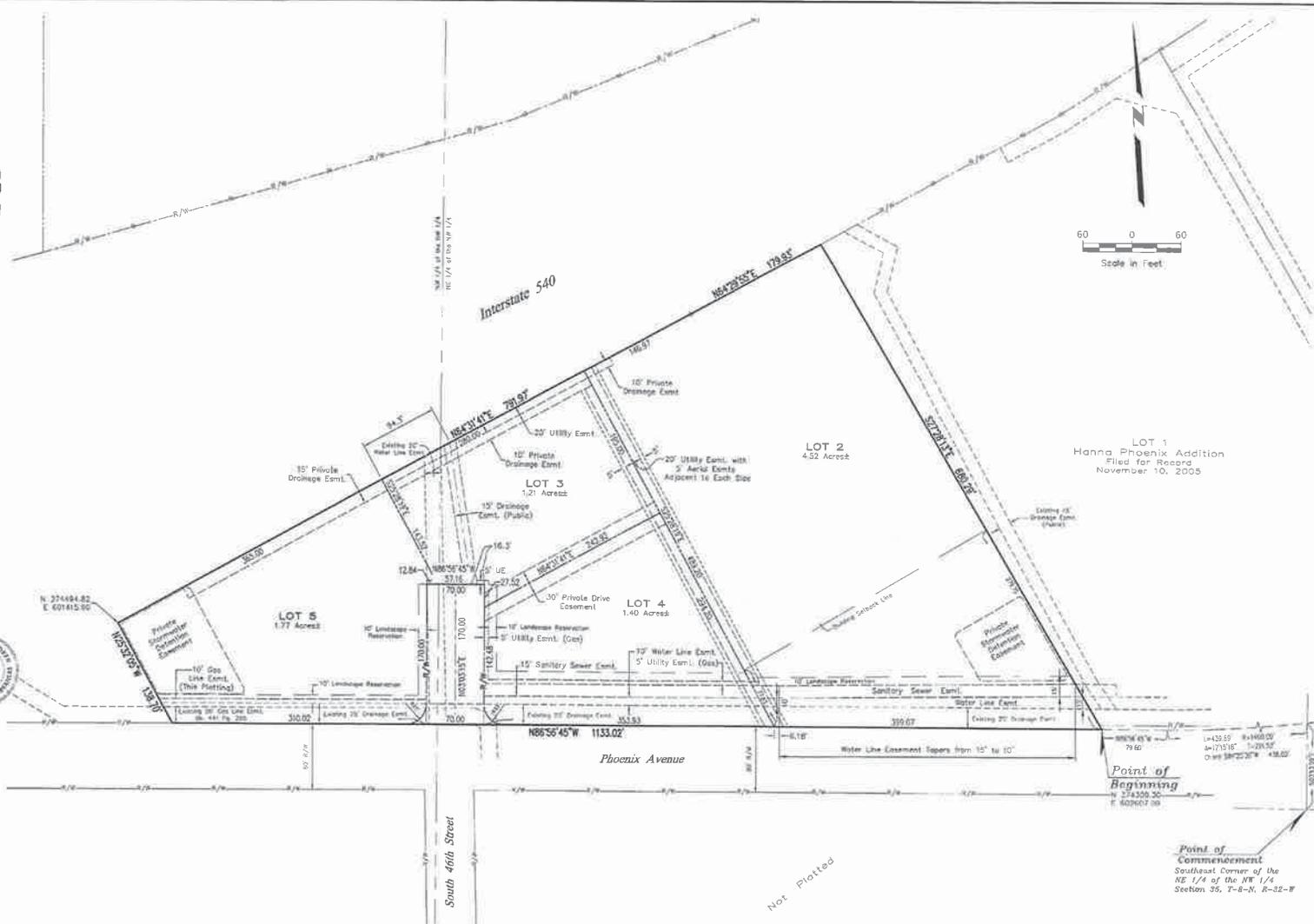
LEGEND table with symbols for Existing Easement, Proposed Easement, Landscape Reservation, Lot Line, Interstate Right-of-Way, R/W, and Right-of-Way.

- NOTES: 1. 1/2" Rebar Set At Property Corners. 2. All Right of Way Return Road Are To Be 25.0'. 3. All Distances Along Curves Are Chord Distances Unless Otherwise Noted.

LEGAL DESCRIPTION

Part of the North Half of the Northwest Quarter of Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southeast corner of the Northwest Quarter of said Section 35; Thence along the west line of said Northwest Quarter of the Northwest Quarter, N03°13'59"E, 105.69 feet to the north right-of-way line of Phoenix Avenue, said point also being the southeast corner of Lot 1, Hanna Phoenix Addition, Fort Smith, Sebastian County, Arkansas, being filed for record November 10, 2005 as plat 17500; Thence along said north right-of-way line and the south line of said Lot 1 (does not reflect 8 foot right-of-way dedication), 439.69 feet along the arc of a curve to the right, said curve having a radius of 1460.00 feet and being subtended by a chord having a bearing of S64°25'36"W and a distance of 438.03 feet; Thence continuing along said north right-of-way line and said south line of Lot 1, N86°56'45"W, 79.93 feet to the southwest corner of said Lot 1 and the Point of Beginning; Thence continuing along said north right-of-way line, N86°56'45"W, 1133.02 feet; Thence leaving said north right-of-way line, N29°32'05"W, 138.70 feet to the south right-of-way line of Interstate 540; Thence along said south right-of-way line, N64°28'55"E, 179.93 feet to the northwest corner of said Lot 1; Thence leaving said south right-of-way line and along the west line of said Lot 1, S27°28'13"E, 660.29 feet to the Point of Beginning, Containing 9.17 acres, more or less.



HANNA PHOENIX ADDITION

Lots 2 thru 5

Part of the North 1/2 of the NW 1/4, Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas



MCKLE-WAGNER-COLEMAN, INC. Engineers Surveyors Consultants P.O. Box 1537 Fort Smith, Arkansas

Owner: KMW Properties, LLC P.O. Box 1356 Fort Smith, Arkansas 72802

Developer: Haag Brown Commercial 2915 Browns Lane Jonesboro, AR 72401

CSJ Properties  
P. O. Box 10507  
Fort Smith, AR 72917

Mike & Debbie Verucchi  
4310 S. Phoenix  
Fort Smith, AR 72901

TR Local Union #373  
4314 S. Phoenix  
Fort Smith, AR 72903

SSJ Investments Ltd.  
1 AT&T Way, Room 1B201  
Bedminster, NJ 07921

Therese Lynn Jenkins Living Trust  
1206 S. Albert Pike  
Fort Smith, AR 72903

Airport Commission of Fort Smith  
6700 McKennon Blvd.-Suite 200  
Fort Smith, AR 72903

DRAFT

**Planning Commission Meeting Minutes  
February 9, 2016**

- 6. Rezoning #5-2-16; A request by Pat Mickle, Agent for KMW Properties, LLC for a zone change from Commercial-5 Special (C-5-SPL to Commercial Heavy (C-5) by Extension located at 4501 & 4801 Phoenix Avenue.**

Mr. Wally Bailey read the staff report indicating the approval of this rezoning will remove the special requirements placed on the property at an earlier rezoning which was for the property to be subject to site/development plan approval by the Planning Commission. The current requirement would require each building in the five (5) lot subdivision to be approved by the Planning Commission. With the UDO and the Phoenix Avenue Overlay Design Standards, this additional layer of approval should not be necessary.

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

No one was present to speak opposition to this request.

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

Motion was made by Commissioner Redd, seconded by Commissioner Carson and carried with a vote of 5 in favor and 3 opposed (Redd, Newton and Carson) to approve the rezoning request, subject to the following:

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval.
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors).

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

The vote was 5 in favor and 3 opposed. (Redd, Newton and Carson)

- 7. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 2511 Spradling Avenue.**

**ORDINANCE NO. \_\_\_\_\_**

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

**WHEREAS**, the City Planning Commission has held a public hearing to consider a request to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on February 9, 2016, that said change be made; and,

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

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 6-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Residential Detached to Residential Attached and the Master Land Use Plan Map is hereby amended to reflect said amendment to-wit:

The Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 32 west, LESS AND EXCEPT the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, containing, after such exception, 37.5 acres, more or less.

more commonly known as 2511 Spradling Avenue.

**SECTION 2:** The hereinafter described property is hereby rezoned from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification:

The Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 32 west, LESS AND EXCEPT the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, containing, after such exception, 37.5 acres, more or less. more commonly known as 2511 Spradling Avenue.

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

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

**APPROVED:**

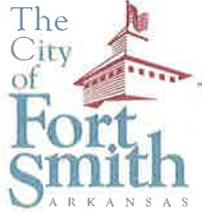
\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



\_\_\_\_\_  
**Publish One Time**



February 23, 2016

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

**Re:** A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached and a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RS-4) by Classification located at 2511 Spradling Avenue.

On February 9, 2016, the City Planning Commission held a public hearing to consider the above requests.

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for a residential subdivision that will be developed as a Tax Credit Program development. Ms. Andrews noted that the proposed single family and duplex subdivision will be developed in phases. The first phase consisting of approximately 45 lots with single family homes which will require the submittal of a major plat and planning commission approval which at this time the developer is requesting be deferred until the plat has been completed.

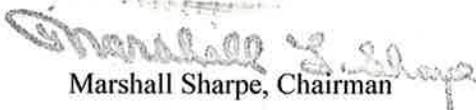
Mr. Travis Brisendine was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on the Master Land Use Plan amendment. The vote was 8 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed. The deferral of the development plan/preliminary plat was also approved by a vote of 8 in favor and 0 opposed.

Respectfully Submitted,

  
Marshall Sharpe, Chairman

MS/lp

cc: File  
City Administrator

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

**Master Land Use Plan  
Amendment**

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 26, 2016

**Re:** Proposed Master Land Use Plan Amendment by Travis Brisendine, agent for Thongsavanh and Bouakham Mixayvanh and developer KWL Properties, LLC, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached to accommodate a proposed zoning of Residential Single Family Duplex High Density (RSD-4) at 2511 Spradling Avenue

The subject property is on the north side of Spradling Avenue and west side of North 27<sup>th</sup> Street. The tract contains an area of 37.5 acres with approximately 1,370 feet of street frontage along North 27<sup>th</sup> Street and approximately 990 feet of street frontage along Spradling Avenue.

The property is currently zoned Industrial Light (I-1). The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

## ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The areas to the west and north are classified as Residential Detached and undeveloped.

The areas to the southwest, south and east are classified as Residential Detached and are developed as single family dwellings with two duplexes.

## PROPOSED LAND USE

The proposed Land Use classification of **Residential Attached** is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

## Characteristics and Use:

### Criteria for Designation:

- Land Adjacent to/or within regional center.

### Compliance Noted

No

7A

- Land within walking distance to commercial, office, low impact industry, regional institutions or parks, **YES**
- Located on a high volume road way **YES**
- Planned as part of a mixed use development **NO**

**MASTER LAND USE PLAN**

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 27<sup>th</sup> Street as a local road.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held February 2, 2016, at 3300 Harris Avenue at 4:30 P.M.

Seven neighboring property owners attended the meeting. The attendees asked questions regarding the type of housing proposed, infrastructure requirements, and if any commercial development was planned.

A copy of the attendance record and meeting summary are enclosed.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the application contingent upon planning commission approval of the companion rezoning application and deferral of the development plan/preliminary plat.

7B

# Memorandum

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**To:** File  
**From:** Travis Brisendine  
**Date:** February 3, 2016 (4:30-5:30, Trusty Elementary)  
**Re:** Neighborhood Meeting for Rezoning at 2511 Spradling Avenue

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In Attendance:

**Morrison-ShIPLEY Engineers**

Travis Brisendine

**KWL Properties**

Steve Perry

**City of Fort Smith Planning**

Tyler Miller

**Citizens**

Mitch Minnick, Talicia Richardson, W.F. Poor, Marcella Reed, Donna Crocker, Earlene Crocker, Phyllis Ezernac,

**Meeting Summary:**

The meeting was held at Trusty Elementary near the project site. In attendance were representatives from MSE, KWL Properties, City of Fort Smith, Fort Smith Housing Authority and five other citizens. I explained we are requesting a rezoning for the total +/- 37 acre parent tract from Industrial light to a residential zoning. I also explained the rezoning is in anticipation of a 45 lot single-family residential subdivision pending funding approval. The subdivision would be part of a Tax Credit Program. I explained that the proposed subdivision layout has not been completed but will have to go through City of Fort Smith staff approval once the layout is established. Attendees asked about proposed street tie-ins with the existing streets. I explained this is unknown at this time and would be discussed with City of Fort Smith engineering as the layout is developed. Attendees asked questions regarding the water, sewer and street improvements within the development. I explained we would be constructing improvements to serve the proposed lots.

Attendees asked whether or not duplex housing will be built in the development and whether or not the subdivision would have any commercial/retail development along the front of the site. Mr. Perry noted that no duplexes are proposed with Phase I development and no commercial/retail improvements would be allowed as part of the proposed zoning. Mr. Perry also addressed a concern regarding crime within the subdivision. Mr. Perry noted that the subdivision will have a management office with an aggressive approach to safety. The subdivision will also have security cameras which provide the on-site manager views of the property as well as a recording of subdivision activities.

The meeting concluded around 5:30 PM. I did not receive any additional phone calls regarding the project following the mailing of notices.

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

Meeting Location 3300 Harris

Meeting Time & Date 4:30

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Mills</u>	<u>city of Fort Smith</u>	<u>479-984-2241</u>
2.	<u>W.F. POOR</u>	<u>✓ ✓ ✓ ✓</u>	<u>479-364-0952</u>
3.	<u>Mancena Reed</u>	<u>2701 Spaulding</u>	<u>479-2601</u>
4.	<u>Mitch Minnick</u>	<u>2100 N. 31<sup>st</sup> Street</u>	<u>782-4991 ext 15</u>
5.	<u>Donna Crocker</u>	<u>2716 No 15</u>	<u>7833957</u>
6.	<u>Earlene Crocker</u>	<u>2700 No 15</u>	<u>7828557</u>
7.	<u>Phyllis Eger</u>	<u>2714 Durin</u>	<u>806-3359</u>
8.	<u>Talicia Richardson</u>	<u>2100 N. 31<sup>st</sup></u>	<u>782-4991 ext 20</u>
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

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## Application Type

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

Request to Amend Map       
 Request to Amend Text   

Applicant Name: Travis Brisendine		
Firm Name: Morrison-Shipleigh Engineers, Inc.		
Address: PO Box 10064, Fort smith, AR 72917		
Phone # (day): 452-1933	Phone # (cell): 883-4028	Fax #: 452-1939
Owner Name: Mixayvanh, Thongsavanh & Bouakham		
Owner Address: 2511 Spradling Avenue		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property): 2511 Spradling Avenue		
<b>Subject Property</b>		
Current Land Use:		
Existing MLUP Classification: Residential detached		
Proposed MLUP Classification: Residential attached		
Existing Zoning Classification: Industrial light		
Proposed Zoning Classification: RSD-4		
<b>Surrounding Property</b>		
Current Land Use: north- open		
south- Riverview subdivision		
east- Bonneville Subdivision		
west- open land		
Existing MLUP Classification: north: residential detached		
south: residential detached		
east: residential detached		
west: residential detached		
Existing Zoning Classification: north: Industrial light		
south: residential multi-family medium density		
east: residential multi-family medium density		
west: industrial light		
Pre-Application Meeting Date:		

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

7E

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

Spradling Avenue is located on the south side of the property. North 27th street is located along part of the east boundary line. No roads exist along the north and south.

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

Existing water and sewer service is available to the site. Additional water and sewer facilities will be constructed within the development.

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

The build out density for the proposed zoning is 8.7 dwelling units per acre. A proposed density has not been developed at this time.

7. Identify any known or anticipated environmental concerns:

the site contains some drainage channels that will be evaluated during the engineering design of the subdivision.

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

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

7 F

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

the proposed development pattern should be similiar to recent developments completed in the vicinity of the site.

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

the proposed zoning fits well with the surrounding zoning.

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

The development will provide affordable housing to the area.

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

At this time the developer is still evaluating full development options. It is anticipated the development would be constructed in phases

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

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

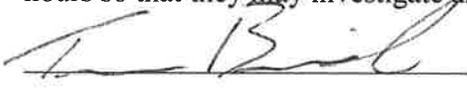
**AUTHORIZATION OF AGENT**

76

Certification

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

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

 1/15/16

Signature (Agent/Owner)

Date

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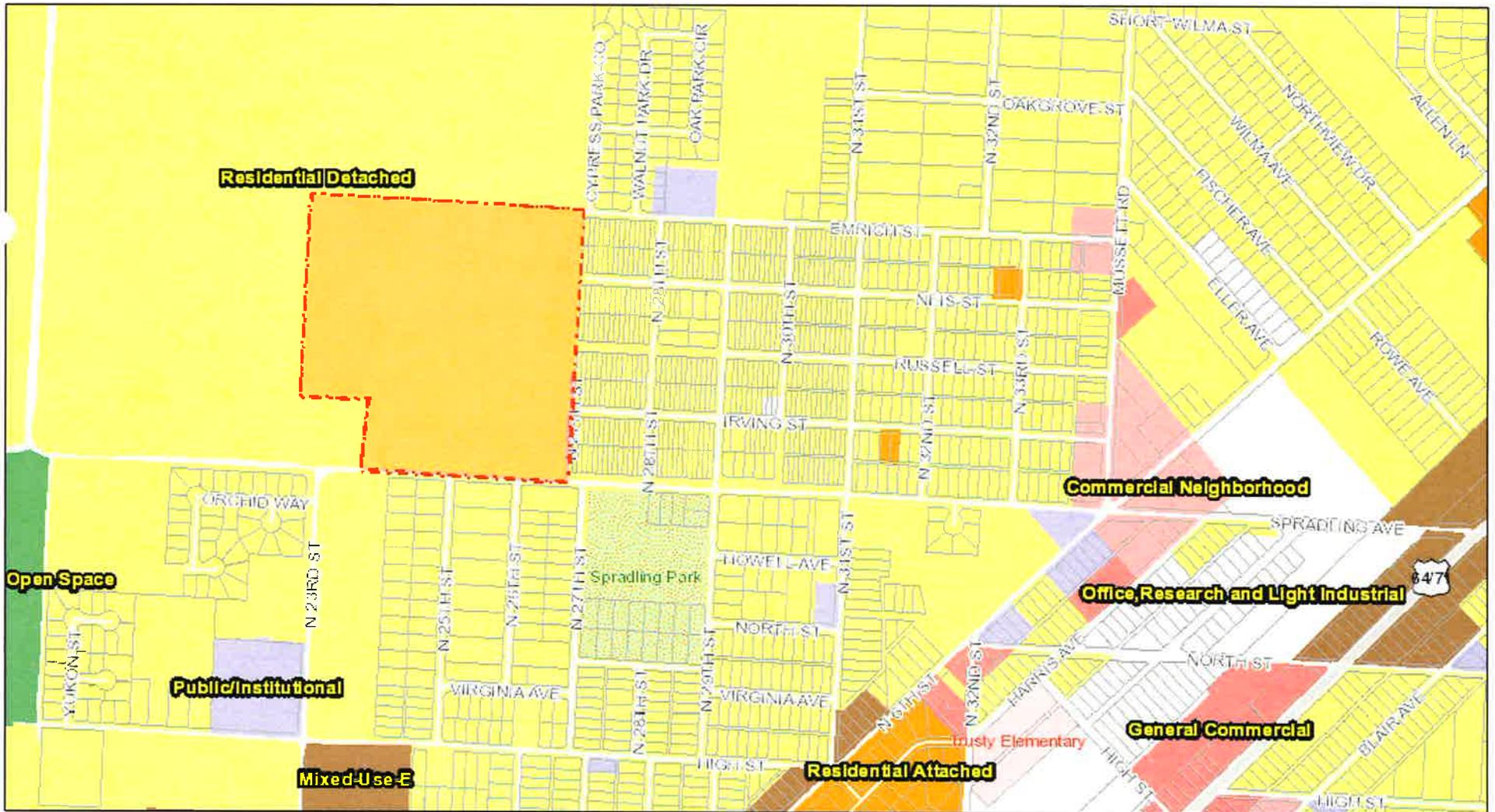
The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

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7H

HS

# Master Land Use Amendment: From Residential Detached to Residential Attached 2511 Spradling Avenue



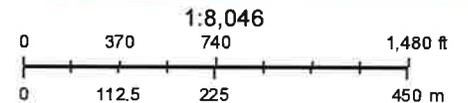
January 20, 2016

Fort Smith City Limits

Subdivisions

Land Use

Commercial



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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:**

**Re:** Rezoning #6-2-16 - A request by Travis Brisendine, agent for developer KWL Properties, LLC, and Thongsavanh and Bouakham Mixayvanh, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification at 2511 Spradling Avenue

## PROPOSED ZONING

Approval of the rezoning and companion master land use amendment will allow for a residential subdivision that will be developed as a Tax Credit Program development. The proposed single family and duplex subdivision will be developed in phases. The first phase will consist of approximately 45 lots with single family homes. The development will require the submittal of a major plat and planning commission approval. At this time, the developer has requested a deferral of the development plan/preliminary plat until the plat has been completed.

## LOT LOCATION AND SIZE

The subject property is on the north Side of Spradling Avenue and west Side of North 27<sup>th</sup> Street. The tract contains an area of 37.5 acres with approximately 1,370 feet of street frontage along North 27<sup>th</sup> Street and approximately 990 feet of street frontage along Spradling Avenue.

## REQUESTED ZONING

The requested zoning on this tract is Residential Single Family – Duplex High Density (RSD-4). Characteristics of this zone are as follows:

### Purpose:

To provide very dense single family detached and duplex housing as either new or infill development. The RSD-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RSD-4 zoning district corresponds to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

8A-1

**Permitted Uses:**

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

**Conditional Uses:**

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 and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 8.7 Dwelling Units/Acre

Maximum Lot Coverage - 65%

Minimum Lot Width at Building Line – 50 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 20 feet

Side Yard on Street Side of Corner Lot - 20 feet

Side Yard Setback – 5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

8.A-2

**Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet  
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres  
Existing District (By Extension) – 20,000 square feet  
Minimum Lot Width – 100 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 15 feet  
Side Yard Setback – 10 feet  
Rear Yard Setback - 10 feet  
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)  
Minimum building separation – to be determined by current City building and fire code.  
Required street access – Major Arterial or higher

**SURROUNDING ZONING AND LAND USE**

The areas to the north and west are zoned Industrial Light (I-1) and undeveloped.  
The areas to the southwest are zoned Residential Single Family High Density (RS-4) and developed as single family residences.  
The areas to the south and east are zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences with two duplexes.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 27<sup>th</sup> Street as a local road.

**MASTER LAND USE PLAN COMPLIANCE**

This site is currently classified as Residential Detached. A companion Master Land Use Plan amendment has been submitted with this application to accommodate the requested zoning district.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held February 2, 2016, at 3300 Harris Avenue at 4:30 P.M.  
Seven neighboring property owners attended the meeting. The attendees asked questions regarding the type of housing proposed, infrastructure requirements, and if any duplexes or commercial development was planned.  
A copy of the attendance record and meeting summary are enclosed.

**STAFF RECOMMENDATIONS**

Staff recommends approval with the following comments:

1. Approval of the companion Master Land Use Plan Amendment.
2. Approval of the request to defer the development plan/preliminary plat.

# Memorandum

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**To:** File  
**From:** Travis Brisendine  
**Date:** February 3, 2016 (4:30-5:30, Trusty Elementary)  
**Re:** Neighborhood Meeting for Rezoning at 2511 Spradling Avenue

---

In Attendance:

**Morrison-ShIPLEY Engineers**

Travis Brisendine

**KWL Properties**

Steve Perry

**City of Fort Smith Planning**

Tyler Miller

**Citizens**

Mitch Minnick, Talicia Richardson, W.F. Poor, Marcella Reed, Donna Crocker, Earlene Crocker, Phyllis Ezernac,

**Meeting Summary:**

The meeting was held at Trusty Elementary near the project site. In attendance were representatives from MSE, KWL Properties, City of Fort Smith, Fort Smith Housing Authority and five other citizens. I explained we are requesting a rezoning for the total +/- 37 acre parent tract from Industrial light to a residential zoning. I also explained the rezoning is in anticipation of a 45 lot single-family residential subdivision pending funding approval. The subdivision would be part of a Tax Credit Program. I explained that the proposed subdivision layout has not been completed but will have to go through City of Fort Smith staff approval once the layout is established. Attendees asked about proposed street tie-ins with the existing streets. I explained this is unknown at this time and would be discussed with City of Fort Smith engineering as the layout is developed. Attendees asked questions regarding the water, sewer and street improvements within the development. I explained we would be constructing improvements to serve the proposed lots.

Attendees asked whether or not duplex housing will be built in the development and whether or not the subdivision would have any commercial/retail development along the front of the site. Mr. Perry noted that no duplexes are proposed with Phase I development and no commercial/retail improvements would be allowed as part of the proposed zoning. Mr. Perry also addressed a concern regarding crime within the subdivision. Mr. Perry noted that the subdivision will have a management office with an aggressive approach to safety. The subdivision will also have security cameras which provide the on-site manager views of the property as well as a recording of subdivision activities.

The meeting concluded around 5:30 PM. I did not receive any additional phone calls regarding the project following the mailing of notices.

8A-5

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

Meeting Location 3300 Harris

Meeting Time & Date 4:30

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>479-984-2241</u>
2.	<u>W.F. POOR</u>	<u>✓ ✓ ✓ ✓</u>	<u>479-364-0952</u>
3.	<u>Mancena Reed</u>	<u>2701 Spaulding</u>	<u>429-2601</u>
4.	<u>Mitch Minnick</u>	<u>2100 N. 31<sup>st</sup> Street</u>	<u>782-4991 ext 15</u>
5.	<u>Donna Crocker</u>	<u>2716 No 15</u>	<u>7833947</u>
6.	<u>Earlene Crocker</u>	<u>2700 No 15</u>	<u>7828557</u>
7.	<u>Phyllis Egerer</u>	<u>2714 Irving</u>	<u>806-3359</u>
8.	<u>Talicia Richardson</u>	<u>2100 N. 31<sup>st</sup></u>	<u>782-4991 ext 20</u>
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

8A-6

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

2. Address of property: 2511 Spradling Avenue

3. The above described property is now zoned: Industrial Light

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

5. Why is the zoning change requested?

To accommodate development of a residential housing development.

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

Signed:

TRAVIS BRESENDINE  
Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

PO Box 10064, 72917  
Owner or Agent Mailing Address

or  
T. Bil  
Agent

452-1933  
Owner or Agent Phone Number

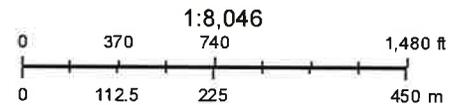
# Rezoning #6-2-16: From Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) 2511 Spradling Avenue

Handwritten initials/signature in the top right corner.



January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



Carolyn Iampile & Phyllis Ezernac  
2500 South "L" Street  
Fort Smith, AR 72901

Fort Smith Housing Authority  
2100 North 31<sup>st</sup> Street  
Fort Smith, AR 72904

Christina Wagner  
3721 North 28<sup>th</sup> Street  
Fort Smith, AR 72904

Michael & Emma Lee  
3800 North 27<sup>th</sup> Street  
Fort Smith, AR 72904

George Jackson & Wife  
67-1 E 1130 Road  
Muldrow, OK 74948

Gilbert & Anita Quinalty  
2727 Irving  
Fort Smith, AR 72904

Ronald Bell  
3812 North 27<sup>th</sup> Street  
Fort Smith, AR 72904

Keith Adams  
P. O. Box 1202  
Vian, OK 74962

David Lowrey  
1007 North 58<sup>th</sup> Terrace  
Fort Smith, AR 72904

Paul & Heniretta Roam  
2721 Russell Street  
Fort Smith, AR 72904

Wilburn, Betty & Shirley Stringer  
2710 Neis  
Fort Smith, AR 72904

Donna Crocker  
2710 Neis  
Fort Smith, AR 72904

Velia Moir  
817 Belle Avenue  
Fort Smith, AR 72901

Raymond & Shirley Roam  
2700 Emrich  
Fort Smith, AR 72904

Emmett Nick  
107 Carter Street  
Pocola, OK 74902

Johnetta Eckford  
2720 Emrich  
Fort Smith, AR 72904

Walnut Park Estates  
c/o Ledic Management Group  
2650 Thousand Oaks Blvd.-Suite 3100  
Memphis, TN 38118

Walnut Park Estates, LP  
P. O. Box 672  
Madison, MS 39130

Frank Brant  
2315 Spradling  
Fort Smith, AR 72904

Kansas City Railway  
P. O. Box 219335  
Kansas City, MO 64121

Ruth Lindsey  
3423 North 6<sup>th</sup> Street  
Fort Smith, AR 72904

DRAFT

**Planning Commission Meeting Minutes  
February 9, 2016**

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval.
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors).

Chairman Sharpe then called for the vote on the rezoning request as amended.  
The vote was 5 in favor and 3 opposed. (Redd, Newton and Carson)

- 7. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 2511 Spradling Avenue.**
- 8. A. Rezoning #6-2-16; A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RS-4) by Classification located at 2511 Spradling Avenue.**  
**B. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for deferral on development plan/preliminary plat located at 2511 Spradling Avenue.**

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to allow for a residential subdivision that will be developed as a Tax Credit Program development. Ms. Andrews noted that the proposed single family and duplex subdivision will be developed in phases. The first phase consisting of approximately 45 lots with single family homes which will require the submittal of a major plat and planning commission approval which at this time the developer is requesting be deferred until the plat has been completed.

Travis Brisendine 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 master land use plan.  
The vote was 8 in favor and 0 opposed.

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

Chairman Sharpe then called for the vote on the deferral of the development plan/preliminary plat.  
The vote was 8 in favor and 0 opposed.

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request No. 7-2-16 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 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:

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

Commencing at the Northeast Corner of said Section 18; Thence along the East Line of said Section 18, S02°33'43"W, 2658.10 feet to the Southeast Corner of said Southeast Quarter of the Northeast Quarter; Thence along the South Line of said Southeast Quarter of the Northeast Quarter, N87°17'31"W, 641.37 feet to the westerly right-of-way line of the Relocated U.S. Highway 71; Thence along said right-of-way line, S40°11'50"W, 182.17 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing along said right-of-way line, S40°11'50"W, 377.13 feet; Thence N47°56'00"W, 20.00 feet; Thence S40°11'50"W, 20.00 feet; Thence N47°56'00"W, 1241.06 feet to the easterly right-of-way line of Chad Colley Boulevard and a set ½" rebar with cap stamped MWC 1369; Thence along said easterly right-of-way line the following bearings and distances: N23°31'30"E, 43.90 feet to a set ½" rebar with cap stamped MWC 1369; N66°28'30"W, 30.00 feet to a set ½" rebar with cap stamped MWC 1369; N23°31'30"E, 384.81 feet to a set ½" rebar with cap stamped MWC 1369; Thence S47°56'00"E, 1412.88 feet to the Point of Beginning, containing 12.29 acres, more or less.

more commonly known as 10001 Chad Colley Boulevard, should be, and is hereby rezoned from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification .

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**APPROVED:**

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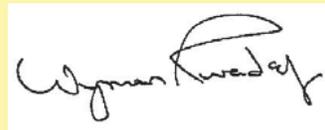
**Mayor**

**ATTEST:**

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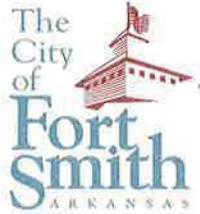
**City Clerk**

**Approved as to form:**



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**Publish One Time**



February 23, 2016

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

Re: A request by Michael Riley, agent for Southpointe Church, for a zone change from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification located at 10001 Chad Colley Boulevard.

On February 9, 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 this rezoning request is to allow for the construction of an approximately 20,000 square foot church.

Mr. Michael Riley 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 rezoning request. The vote was 8 in favor and 0 opposed.

Respectfully Submitted,

CITY PLANNING COMMISSION

A handwritten signature in black ink that reads "Marshall 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

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 26, 2016

**Re:** Rezoning #7-2-16 - A request by Michael Riley, agent for South Pointe Church, for Planning Commission consideration of a zone request from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification.

## PROPOSED ZONING

The rezoning and development plan if approved will allow for an approximate 20,000 s.f. church to be built.

## LOT LOCATION AND SIZE

The subject property is on the southeast side of Chad Colley Blvd. The tract contains an area of 12.3 acres with approximately 423 feet of street frontage along Chad Colley Blvd.

## REQUESTED ZONING

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

### Purpose:

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

### Permitted Uses:

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

9A

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

**SURROUNDING ZONING AND LAND USE**

The area to the northwest is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

All the other surrounding areas are not zoned and are undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Chad Colley Blvd. as a Major Arterial.

**MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Land Use Plan classifies the site as Mixed Use: Residential Commercial/Office. This classification is intended to create walkable neighborhoods, create a mixed use village, and create a pedestrian friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the node with flexibility in standards to accommodate the development.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday February 2<sup>nd</sup> 2016 at 8:00 a.m. on site. No surrounding property owners were present.

**STAFF COMMENTS RECOMMENDATIONS**

Staff recommends approval of the application.

9B

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHED SURVEY

- 2. Address of property: 10001 CHAD COLLEY BLVD, FORT CHAFFEE

- 3. The above described property is now zoned: NZ (NOT ZONED)

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

- 5. Why is the zoning change requested?  
CURRENTLY NOT ZONED

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

Signed:

MICHAEL RIVER, ARCHITECT  
Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

28899 Brokenhill Rd  
Shady Point, OK 74456  
Owner or Agent Mailing Address

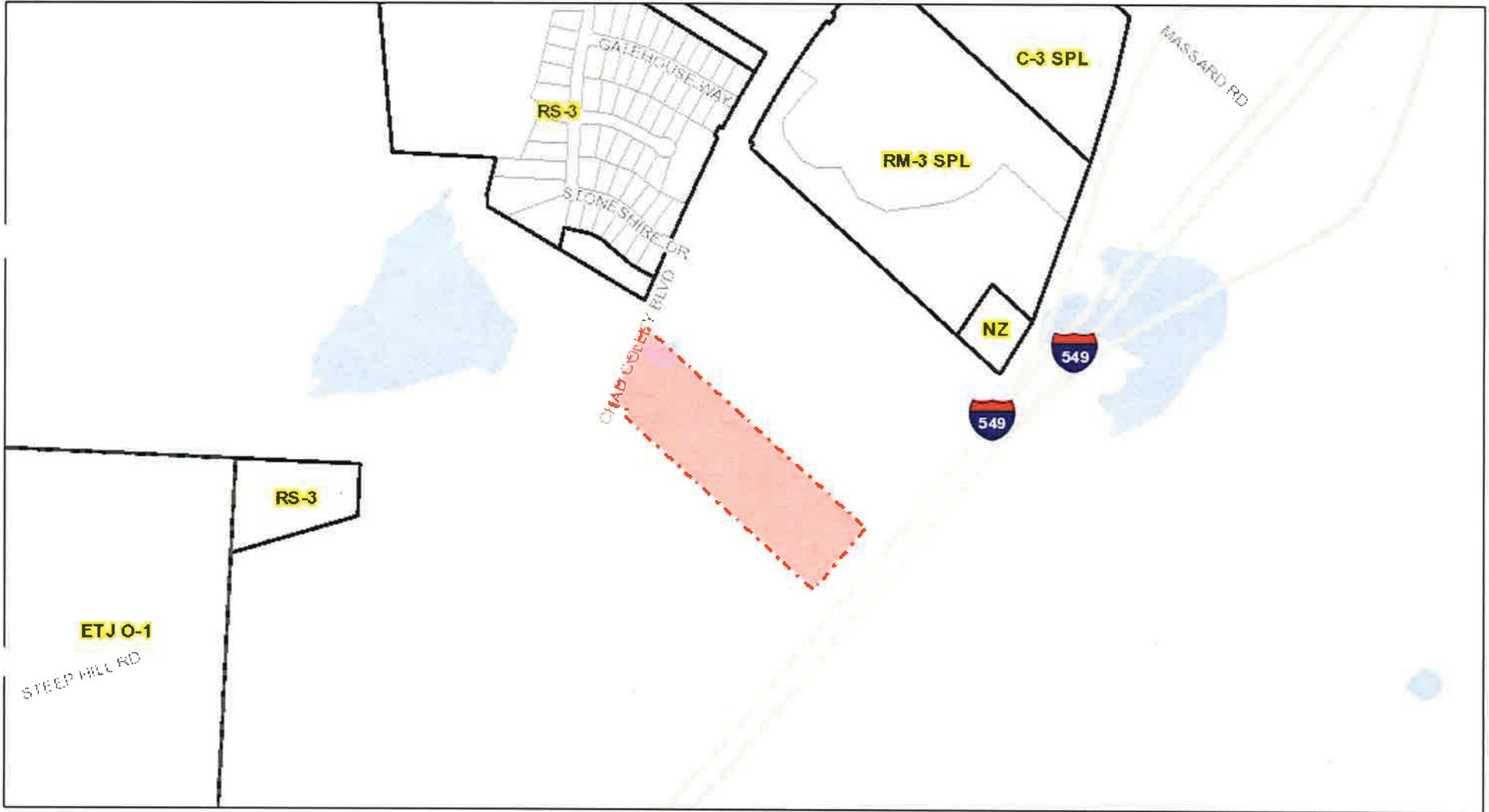
or  
MICHAEL RIVER  
Agent

918-839-6032  
Owner or Agent Phone Number

9C

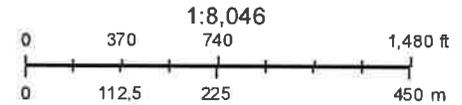
# Rezoning #7-2-16: From Not Zoned to Residential Multifamily Medium Density (RM-3) 10001 Chad Colley Boulevard

DB

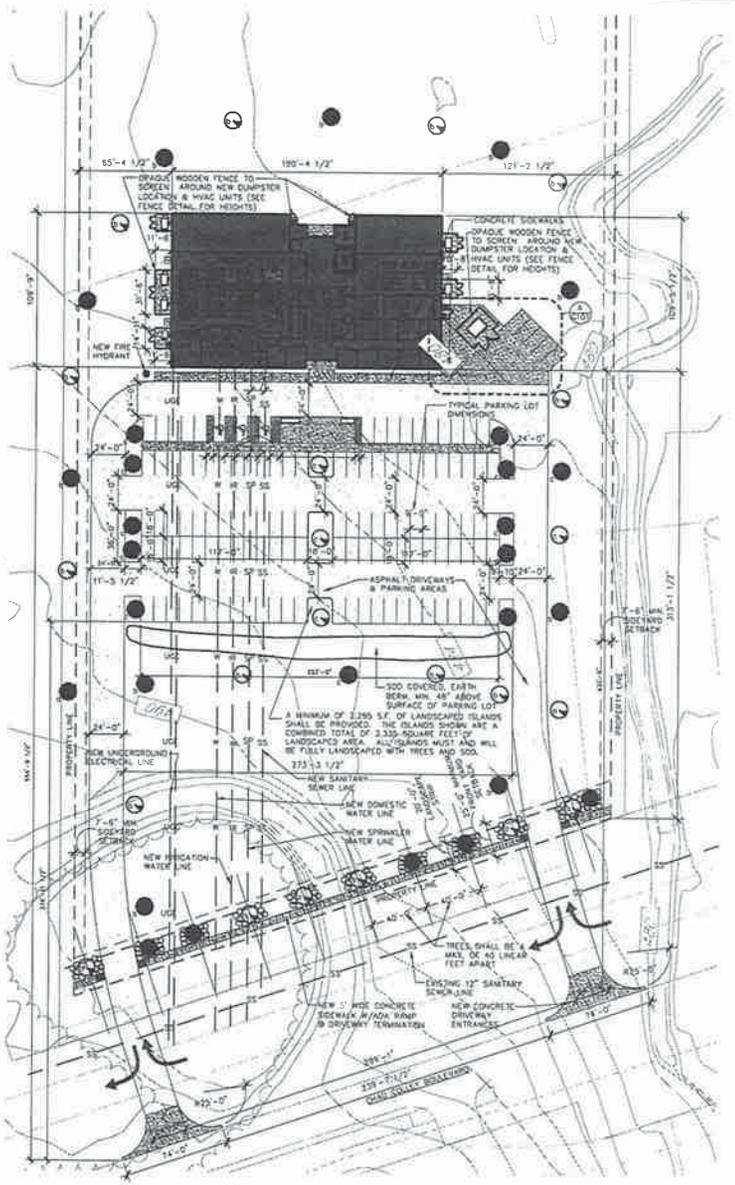
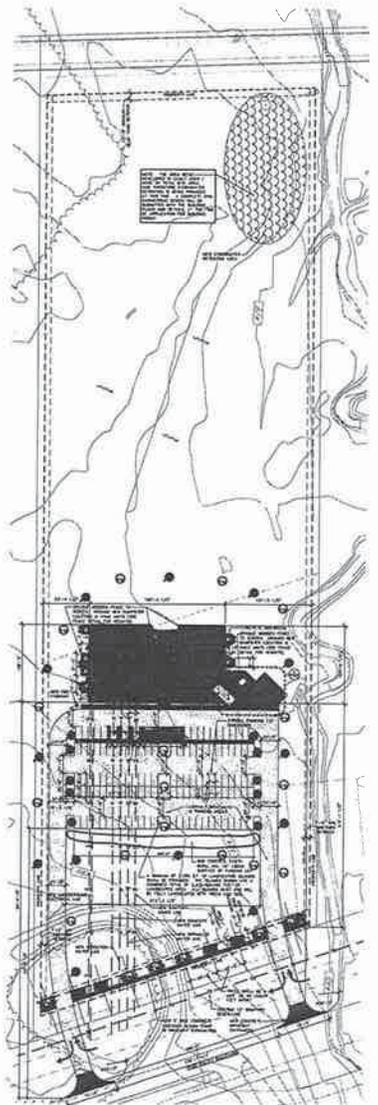


January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



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



PER "PERIMETER LANDSCAPE" REQUIREMENTS IN THE MIXED USE DESIGN STANDARDS, THERE SHALL BE ONE TREE PLUS TEN SHRUBS PER FORTY FEET OF ROW FRONTAGE. THIS PROPERTY HAS 423 L.F. OF ROW FRONTAGE / 40 = 11 TREES REQUIRED  
11 X 1 = 11 TREES REQUIRED  
11 X 10 = 110 SHRUBS REQUIRED

PER "BUILDING LANDSCAPE" REQUIREMENTS IN THE MIXED USE DESIGN STANDARDS, THERE SHALL BE ONE SHADE TREE PER FRONT YARD PLUS ONE SHADE TREE PER REAR YARD. FOR EVERY FORTY LINEAR FEET OF LOT WIDTH THIS LOT IS 423 L.F. WIDE / 40 = 11 TIMES THE REQUIREMENT  
1 X 11 = 11 SHADE TREES REQUIRED FOR THE FRONT YARD, PLUS 11 SHADE TREES REQUIRED FOR THE REAR YARD

PER CITY OF FORT SMITH ZONING ORDINANCE FOR A CHURCH THERE SHALL BE 1 PARKING SPACE PER EVERY 4 SEATS IN THE MAIN SANCTUARY. WE ARE PLANNING FOR THE SANCTUARY TO HOLD UP TO 500, THEREFORE 500 / 4 = 125 PARKING SPACES REQUIRED  
A TOTAL OF 127 PARKING SPACES ARE PROVIDED FOR THIS BUILDING

PER "PARKING LOT LANDSCAPE" REQUIREMENTS, THERE SHALL BE 1 SHADE TREE FOR EVERY 8 PARKING SPACES.  
127 SPACES / 8 = 16 ADDITIONAL SHADE TREES REQUIRED

NOTE: THE SITE LIGHTING THIS SITE WILL UTILIZE QUALITY LIGHTING FIXTURES AND GO CRITERIA MENTIONED IN THE CHAFFEE CROSSING DEVELOPMENT GUIDELINE DESIGN STANDARDS

- PLANT MATERIALS LEGEND**
- PIN OAK (2 1/2"-3" CALIPER)
  - SUGAR MAPLE (2 1/2"-3" CALIPER)
  - EVERGREEN HOLLEY (MIN. 24" HEIGHT)
  - BERMUDA SOD
- NOTE: AN IRRIGATION SYSTEM WILL BE PROVIDED



**Southpointe Church**  
10001 Chad Colley Boulevard  
Fort Smith, Arkansas

**MICHAEL ALLEN RILEY**  
19600 Bluewater Lane  
Shady Side, OH, 78985  
1316 832 0329 P.  
www.michaelrileyarchitect.com

NOT FOR CONSTRUCTION  
PROGRESS SET ONLY

Sheet Number: 13-18  
Date: 01-15-16  
Project: C100  
Scale: NOT TO SCALE





**Planning Commission Meeting Minutes  
February 9, 2016**

- 9. Rezoning #7-2-16; A request by Michael Riley, agent for Southpointe Church, for a zone change from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification located at 10001 Chad Colley Boulevard.**
  
- 10. Conditional Use #3-2-16; A request by Michael Riley, agent for Southpointe Church, for a conditional use for a new church located at 10001 Chad Colley Boulevard.**

Ms. Maggie Rice read the staff reports indicating the purpose of these requests is to allow for the construction of an approximately 20,000 square foot church.

Michael Riley 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 rezoning request.  
The vote was 8 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the conditional use request.  
Motion was made by Commissioner Newton, seconded by Commissioner Carson and carried with a vote of 8 in favor and 0 opposed to approve the conditional use request subject to the following:

- Construction must comply with the submitted development plan. Changes for 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 the section will require Planning Commission approval.
- Signage shall comply with the UDO and CCDG. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at the time of permit issuance certifying the digital sign has been set to be incapable of exceeding 0.3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
- FCRA Design Review Committee approval is required prior to the issuance of a building permit.
- Approval of the rezoning application by the City board of Directors.

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH CDM SMITH INC., FOR CONSENT DECREE PROGRAM MANAGEMENT SERVICES

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

SECTION 1: An Agreement and Authorization Number One with CDM Smith Inc., for program management services related to Consent Decree, Project Number 16-06-ED1, for a three-year period, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization Number One in the amount of \$8,514,088.00, for performance of said services.

This Resolution adopted this \_\_\_\_\_ day of March 2016.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
npr



## INTER-OFFICE MEMO

**TO:** Jeff Dingman, Acting City Administrator

**DATE:** February 24, 2016

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Consent Decree Program Management and Support  
Services – Project Number 16-06-ED1

On Tuesday, February 23, 2016, you scheduled a meeting to review the proposed scope of services of the Consent Decree Program Management and Support Services and its potential impact on Finance and ITS departments in preparation for the March 1 Board meeting. Additionally the Utility Department, Finance Department, ITS Department and CDM Smith discussed the technology systems and support for Consent Decree activities. Those who attended included Russell Gibson, Graham Henry, Lance McAvoy, Kevin Sandy, Jennifer Walker, you and I along with Wayne Miles, Gerry Benson, Brian Williams, James Carolan, and Amol Daxikar with CDM Smith.

Two separate items were discussed in regards to the Consent Decree Program Management and Support Services. The first item is the Information Management System (IMS) required by the Consent Decree (CD), and the second was Program Management Information System (PMIS). Below are the key meeting summary points for each item.

### **Information Management System (IMS)**

- The group reviewed the CD IMS requirements including the Inventory Management System, GIS and CMMS.
- It was recognized that the scope of services for IMS tasks was consistent with previous conversation with ITS during the IMS Gap Analysis.
- The proposed program management scope under consideration is to provide necessary resources to support program management activities and immediate IMS needs.
- ITS staff agreed with the Utility Department's recommendation to leverage existing enterprise-wide Lucity and GIS platforms as the foundation for the CD IMS.
- Due to the CD milestones requirements, the proposed program management scope needs to move forward immediately.
- In addition to the proposed program management scope there is an on-going effort as part of the CMOM project to develop an IMS Plan in accordance with the CD requirements.
- ITS and Finance departments agreed that the proposed costs for the program management scope are reasonable.
- CD schedule drivers for the IMS tasks include the review and storage of large amounts of sewer system inspection data currently being delivered and required for the CD period.
- As part of the program services, CDM Smith will work with Utility Department and City ITS Department to optimize use of the Lucity and GIS platforms through development of the standardized workflows and procedures.

- CDM Smith's Program Management functions as an extension of staff to the Utility Department. The proposed resources will develop business processes and tools and train Utility Department staff in use of these as staff is hired.
- There was agreement that the new procedures can be leveraged by other departments.
- The City's enterprise Lucity license is ideally situated for the implementation of the Consent Decree program requirements.

### **Program Management Information System (PMIS)**

- PMIS is a tool that the program management resources will utilize for effectively managing program controls (e.g. procurement and administration of construction contracts, track correspondence, invoicing, change orders, requests for information, schedule compliance, actual costs vs. budgets, submittal tracking, etc.).
- ITS and Finance departments have reviewed the PMIS evaluation report and concur with the recommendation.
- The proposed scope includes set up of CD program business processes and training for all users (including Utility and other departments, contractors, consultants).
- The performance based evaluation of the PMIS meets City's procurement and ITS Governance policies requirements thus it can be purchased and capitalized by the City.
- ITS understands that the additional GIS module is required for the PMIS.
- ITS agreed that all the data from the proposed PMIS can be backed up on City's server on a regular basis and migrated to a future ERP system. ITS understands that CDM Smith and Utility Department will leverage the City's existing enterprise, Esri based GIS for storage of GIS features.
- ITS agreed that the proposed program management scope conforms with the IT Technology and Governance policy.

As a result of this meeting with both ITS and Finance to review the project, all parties now have a better understanding of what is required and expected. All are in agreement that CDM Smith's scope-of-work is necessary and beneficial to both the Utility Department and the City as a whole.

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

pc: Jennifer Walker  
Russell Gibson



## MEMORANDUM

February 26, 2016

**TO:** Jeff Dingman, Acting City Administrator

**FROM:** Jennifer Walker, Finance Director

**SUBJECT:** CDM Smith Agreement

Finance participated in discussions on February 23, 2016 with Administration, Utilities, ITS, and CDM Smith group to review the parameters of the proposed CDM Smith management agreement. To the extent the discussion relates to Finance matters, we understand and agree with the parameters of the project. We reviewed the budget in detail, and discussed opportunities to continuously monitor spending on this project and other capital projects.

Finance recommends adopting the CDM Smith management agreement, Project #16-06-EDI.

A handwritten signature in black ink that reads "Jennifer Walker". The signature is written in a cursive, flowing style.



## INTER-OFFICE MEMO

**TO:** Jeff Dingman, Acting City Administrator

**DATE:** February 9, 2016

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Consent Decree Program Management and Support Services, Project Number 16-06-ED1

### **Background**

The Consent Decree (CD) requires a very aggressive schedule for identifying and correcting wastewater collection system defects which cause or contribute to both dry and wet weather wastewater overflows that occur throughout the city's wastewater collection and transmission systems (WCTS). The CD requirements for tracking, documenting and reporting compliance compel implementation of processes and procedures not currently in place. The following outlines the major components of the CD and, beginning January 2, 2015, the CD's date of entry with the Court, the Board must authorize contracts to:

- Complete annual sewer system assessments (SSA) for the 405 miles of gravity sewer lines not previously assessed within 8 years.
- Authorize the design of remedial measures and complete the construction to correct the defects found through the SSAs within 12 years.
- Authorize annual design and construction contracts for 25 identified capacity improvement projects to be completed within 12 years.
- Complete the assessment of all pump stations and force mains in the WCTS within 3 years.
- Complete correction of any pump station or force main upgrade or remedial measure identified by the pump station and force main assessments for those facilities classified as Group 1 within 7 years and those classified as Group 2 within 12 years.
- Update the hydraulic model for the WCTS, to include all ongoing remedial measures, capacity assessments and SSAs, and prepare a Capacity Assessment Report within 3 years.
- Prepare and submit a Capacity Remedial Measures Plan to address any capacity constraint within the WCTS not previously identified and which is determined to exist by the hydraulic model capacity assessment within 4 years.
- Complete the design and construction to correct any capacity improvement identified in the Capacity Remedial Measures Plan within 12 years.
- Complete the cleaning of the approximate 480 miles of small-diameter gravity sewer lines in the collection system within 8 years and all approximate 24 miles of large diameter gravity sewer lines within 10 years.
- Develop 12 identified Capacity Management Operation Maintenance (CMOM) program plan components and initiate implementation of programs for each within 2 years.
- Complete the inventory management system to its full operational level within 2 years.

- Complete the information management system to its functional level within 5 years.
- Prepare a comprehensive annual report to the EPA each year.

All of the above must be effectively managed to ensure timely completion and compliance with the CD. In order to ensure that the city is successful in developing and implementing a CD compliance program, CDM Smith Inc., was retained in 2015 to provide the needed program management services. A copy of the April 24, 2015, Board memo outlining CDM Smith's program management scope during 2015 is attached. It was anticipated that CDM Smith would provide ongoing program management services, authorized in multiple year periods, for the full 12-year term of the CD.

As part of the CD negotiations with DOJ and EPA, the city's affordability defense strategy required preparation of a financial capability assessment for their cost acceptance. The costs used in the presentations to the Board prior to the acceptance of the CD were those from the financial capability assessment and identified the operations and maintenance costs as \$104 million and capital costs as \$375 million for the overall cost projection of the CD of \$480 million. The program management and support costs represented \$32 million of the identified operations and maintenance cost.

#### **Program Management Services**

Staff and CDM Smith jointly reviewed the CD requirements along with the recommendations from the needs assessments to prepare the scope-of-work and budget for the upcoming 3-year period of program management and support services. The main components of the scope-of-work are:

- Program management staffing of the Fort Smith office.
- Updating and maintaining capital improvement plan schedules and budgets.
- Hydraulic model support.
- GIS conversion and Information Management System support.
- Computerized Maintenance Management System improvements.
- Inventory Management System support.
- CMOM Program and Standard Operating Procedures implementation.
- Development of construction standards for CD related projects.
- Purchase and licensing fees for program management information software.
- Prepare quarterly reporting for program management, construction activities, budget and overall CD compliance to enable regular updates for the Board, citizens, staff and media release.

The attached Authorization provides greater detail of these tasks and as shown by estimated labor tables, the program requires annual staffing levels of 8.4, 8.6 and 8.3 full time equivalent personnel over the 3-year period. The annual costs of labor, direct costs and software purchase and licenses are \$3,033,349, \$2,766,213 and \$2,725, 525 for an overall 3-year program cost of \$8,514,088. The costs associated with this 3-year period are consistent with the program management and support costs identified by the financial capability assessment discussed above. Additionally, it should be noted here that as the services are diverse and will span multiple years, CDM Smith is required to use procedures which facilitate auditing of their contract expenditures

on a monthly basis throughout the term of the Authorization.

**Recommendation**

Staff recommends that the attached Resolution authorizing the Mayor to sign an Agreement and Authorization Number One with CDM Smith, Inc., in the amount of \$8,514,088.00 for the upcoming three-year period of program management and support services be submitted for the Board's consideration at their next scheduled meeting. Funding of the program management services will be provided by the water and sewer operating revenues.

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

attachment

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** April 24, 2015

**FROM:** Steve Parko, Director of Utilities

**SUBJECT:** Program Management Services for Consent Decree  
Project Number 15-13

As you are aware, the Consent Decree requires a very aggressive schedule for identifying and correcting wastewater collection system defects which cause or contribute to both dry and wet weather wastewater overflows that occur throughout the city. Consent Decree requirements for tracking, documenting and reporting compliance will require implementation of processes and procedures not currently in place. Since the Consent Decree was issued earlier this year the Board has authorized engineering contracts to begin collection system assessments (to be repeated yearly for eight years), preliminary engineering on the first of a number of yearly capacity improvement projects required, updating of the hydraulic model and preparation of a capacity assessment report, and CMOM program development and implementation. Results from the yearly collection system assessments will result in multiple design and construction projects, all of which must be effectively managed to insure timely completion and compliance with the Consent Decree. In order to insure that the city is successful in developing and implementing a Consent Decree compliance program, staff recommends contracting with CDM Smith Inc., for providing program management services. It is anticipated that CDM Smith would provide yearly program management services following the first year's program implementation.

For the first year, CDM Smith will mobilize a program management team in Fort Smith and, working with staff, begin the preparation of a program management plan that addresses roles, responsibilities and authorities for all program participants and program-related activities. They will review existing utility department processes and perform a gap analysis to compare resources available to that which is needed to meet the program requirements. The gap analysis will evaluate and provide recommendations on areas of business practices including design management, construction cost estimating, construction management, general and technical specifications and details, assessment management and information management, and will identify opportunities to standardize these practices. CDM Smith will develop procedures for managing the multiple design and construction contracts that will be occurring simultaneously over the several years required to fulfill Consent Decree obligations. They will develop a master program schedule and budget and will provide Consent Decree compliance tracking and reporting.

Additional tasks to be accomplished by CDM Smith are the evaluation of the utility department's management information systems and development of a plan for implementing a program management information control system for the purpose of establishing project controls, scheduling, budgeting, document management, and financial management. Because of the time and effort required to develop and implement such a system, CDM Smith will immediately implement an interim document management system that meets Consent Decree requirements.

CDM Smith will also develop and prepare internal quarterly reports and the Consent Decree annual report to be submitted to EPA by March 31, 2016.

A Resolution authorizing the Mayor to sign an Agreement and Authorization Number One with CDM Smith, Inc., in the amount of \$1,220,269.00 for providing program management implementation services through March 1, 2016, is attached. Subsequent authorizations will be presented to the Board to provide continued program management services. Funds for this year's services are available from the 2014 sales and use bonds for wastewater improvements.

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

attachment

pc: Jeff Dingman



100 Throckmorton Street, Suite 600  
Fort Worth, TX 76102  
tel: 817 332-8727  
fax: 817 820-0450

February 9, 2016

City of Fort Smith, AR  
Utility Department  
3900 Kelley Highway  
Fort Smith, AR 72904

Attention: Steve Parke  
Director of Utilities

Subject: Program Management Services for Consent Decree Compliance Program and  
Infrastructure Improvements

Regarding: Contract for 3-Year Extension of Consent Decree Program Services

Dear Mr. Parke:

We are pleased to have this opportunity to submit our proposal for a continuation of Program Management services for the City of Fort Smith's Consent Decree (CD) related to its wastewater collection and transmission system and wastewater treatment plants. This proposal provides the scope and budget for a period of 3-years during which time CDM Smith will coordinate all CD related engineering activities including those associated with the Sanitary Sewer Assessment (SSA) projects performed by RJN; Capacity, Management, Operations and Maintenance (CMOM) plans; Hydrology and Hydraulics (H&H) Modeling capacity assessment, and; CD design/construction phase services provided by engineering and construction firms as contracted by the Utility Department.

We see significant advantages to the City for employing a 3-year Program Management contract extension. A 3-year time frame enhances our opportunities for successful recruitment and retention of needed Program staff; better enables the Program to function under a holistic approach for achieving long term goals versus focusing on completion of short term milestones, and; improves the Program's capacity for exchange and transfer of knowledge between the Program staff and City at all levels.

Please note that we have, included costs for the software, licensing and labor to implement and manage the recommended Program Management Information System (PMIS). This PMIS will improve the efficiencies for all CD related work and city staff during program implementation, and it will provide lasting benefits to the City well into the future. The total proposed budget for these services, over a 3-year period as outlined in the attached Authorization No. 1 is for the not-to-exceed amount of \$8,514,088.00.



WATER + ENVIRONMENT + TRANSPORTATION + ENERGY + FACILITIES



Mr. Steve Parke  
February 9, 2016  
Page 2

Upon approval and notice to proceed, CDM Smith is prepared to begin work immediately. Please note that our existing agreement extends through March 1, 2016; therefore we would propose to begin our new services on March 2, resulting in extension of this Authorization through March 2, 2019. In the event that you have any questions or additional comments please don't hesitate to contact us at your earliest convenience. We appreciate the opportunity to assist the City with this very important Program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B Williams'.

Brian Williams  
Program Manager  
CDM Smith Inc.

Enclosures: Authorization No. 1 Professional Engineering Services  
Fort Smith 3-Year Budget

cc: File



**Authorization No. 1**  
**Professional Engineering Services for the City of Fort Smith, Arkansas**  
**Program Management Services for**  
**CD Compliance Program and Infrastructure Improvements**

**Section 1: Program Management Services**

**1.1 Program Management Consultant Services**

This Authorization will provide additional ENGINEER's scope of services for a period of 3-years, starting from the OWNER's written authorization to proceed. The ENGINEER will provide continuing Program Management and extension of staff services, as directed by the OWNER, to support the City's Consent Decree (CD) Compliance and Infrastructure Improvements Program and will coordinate all ongoing engineering activities, including Capacity, Management, Operations and Maintenance (CMOM); and Hydrology and Hydraulics (H&H) Modeling. Utilizing Program processes, software systems and tools developed for managing and gathering all Consent Decree related work product and project information, as defined by this Authorization's scope of services listed below, the ENGINEER will gather and maintain a searchable data base that is fully accessible to the OWNER. The ENGINEER will provide onsite staff dedicated as an extension of the OWNER's staff (Defined as "Utility Department" or "Utility") for the purpose of management and implementation of these program processes. Full time ENGINEER's staff will include:

- Program Manager, acting as the single point of contact, will be responsible for managing all Program activities, Program staff and interactions with the Utility Department management;
- Two (2) Project Managers, coordinating and administering Program-related contracts with consultants, sub-consultants, and contractors and implement controls systems and strategies that will be used to support the Program, and;
- One (1) Program Assistant/Document Control Specialist responsible for the organization and operation of the Program Management office on a day-to-day basis, interfacing with all team members, coordinating the office functions, scheduling and reporting activities for the Program Manager. This would include administration services aiding in the oversight and management of the document control and other reporting and data collection systems.

The Program Manager will work under the direction and in conjunction with the Utility Department Director and Deputy Directors. ENGINEER's Project Managers will report directly to the Program Manager and the Utility Department Deputy Director of the Engineering and Engineering Technologies Division. ENGINEERS Program Assistant / Document Control Specialist will report directly to the Program.

**Section 2: Overall Program Controls**

**2.1 Implement Program Management Information System**

In addition to on-site Program Management staffing the ENGINEER will assign a Program Management Information System (PMIS) Project Manager to lead the implementation of the PMIS as recommended in the PMIS Recommendation Report and will include an implementation plan, schedule, and budget for implementation. Based on the results of the PMIS Recommendation Report the ENGINEER will be responsible for purchase and maintenance the PMIS system, including

purchase of appropriate software and licenses for both the Utility and ENGINEER's Program staff as part of this Authorization. As part this task, the ENGINEER will undertake the following activities:

- Work with assigned Utility Department staff and PMIS vendor to implement the PMIS which will include a centralized document control system for the Program;
- Develop a system plan and processes required for data collection and reporting under the required framework for the CD;
- Continue to gather, store, and report on all CD related Program data and activities, including additional processes for tracking and reporting CD related design and construction phase projects;
- Install the PMIS and implement the systems process plan, performing all required system analyses and quality assurance/quality control checks;
- Work with the vendor to identify appropriate user groups within each Utility Division that will utilize the PMIS;
- Work with the vendor to develop up to eight (8) PMIS training modules with appropriate schedules, tailored to each user group's needs;
- Coordinate the vendor's initiation of training course modules, to include schedule and coordination of regular training updates through the vendor, on a bi-annual basis, over the course of this amendment;
- Maintain and manage the PMIS for the duration of this Authorization.

In order to support these activities the PMIS will be developed and implemented in cooperation with Utility's Information Technology staff. The PMIS is distinguished from, but will be compatible with and complementary to, the Information Management System (IMS) that will be required of the Utility to manage sewer system data as described in the CD.

## ***2.2 Update and Maintain Program Schedule and Budget***

After completion of the Capital Improvement Plan (CIP) baseline schedule and budget, the ENGINEER will implement a project management review process that will include monthly reviews of all projects, contracts, activities, and tasks required to implement the requirements of the CIP. These reviews will provide the information necessary to monitor all activities performed. Tracking of CD-required tasks and activities will provide the City with the current status of CD compliance and will be the basis for the reporting requirements of the CD. The monthly review and reporting processes will include identification of additional projects and measures identified through the line and facility condition assessments. These projects will typically include point repairs, pipe lining projects, and other rehabilitation and replacement as required. Additionally, through the hydraulic modeling under tasks in Section 3, additional capacity related projects and required improvements, if needed, will be identified and included in annual and monthly CIP recommendations. The CIP update will continue to track sewer system assessment related work, including design and construction phase activities for existing projects.

The Utility Department and ENGINEER will jointly establish contractual requirements and procedures for Program controls needed to obtain consistent, reliable project status for reporting purposes. The ENGINEER will gather and integrate all Program/project files that track changes affecting scope, schedule, and budget for each project identified in the Program. Updated schedules and budgets based upon actual progress and expenditures for ongoing, revised, and/or new projects will be performed on a monthly basis. This would include changes and variances in schedules and

budgets. The ENGINEER will provide written quarterly reports in a suitable format for internal Utility use, which summarizes monthly progress for work completed, updated Program schedules and budgeting. Also, previous year-end results of the updated schedule and budget will be included as part of the Annual Program Report to the Arkansas Department of Environmental Quality and the U.S. Environmental Protection Agency in accordance with Section X of the Consent Decree.

### **Section 3: Ongoing Hydraulic Model Support (H&H)**

The ENGINEER will provide technical resources to support the continued utilization, maintenance and development of the hydraulic model, including, but not limited to, the following:

- Utilize the hydraulic model to evaluate preliminary or final designs of Wastewater Collection and Transmission System Capacity Remedial Measures to confirm project objectives are achieved;
- Update the hydraulic model as construction activities are completed for Wastewater Collection and Transmission System Capacity Remedial Measures or other system improvements;
- Perform additional evaluation of alternatives or revised design conditions, such as the incorporation of changed field conditions or the analysis of the system under different storm events;
- Recommend any additional needed rainfall and flow monitoring locations and coordinate data collection activities as requested;
- Refine the hydraulic model to reflect additional rainfall and flow monitoring data collected, including recalibration and verification as needed;
- Determine capacity impacts of proposed new developments or other proposed growth, and;
- Document results of the ongoing hydraulic model maintenance and development activities in technical memoranda.

This work will include hydraulic modeling support that is outside of, and an extension to, the ongoing contract work as authorized under a separate contract. This work includes the development of a combined Hydraulic Model Update Report and Capacity Assessment Report as well as a Capacity Remedial Measures Plan as described in the CD.

### **Section 4: Inventory System and Information Management System (IMS)**

The ENGINEER performed detailed evaluations of the Utility's current practices and software for electronic and manual data gathering in support of operations and maintenance and inventory operations. These evaluations included an assessment of the existing IMS currently in use as well as the processes utilized for data capture, storage, and reporting. Additional effort was expended to make short-term improvements for capturing data and enhancing reporting performance and to sort, organize, and properly format existing information related to gravity sewer line cleaning and sanitary sewer overflows. This work was done in support of the program and the first CD Annual Program Report. As part of this continued task, the Operations and Maintenance Specialist assigned to Section 5 below, will assist with development of required standard operating procedures (SOPs) and implementation of IMS-related business processes identified in the ENGINEER's CMOM recommendations to achieve best practices in the operations of the Utility Department collection, transmission, and treatment systems. This Specialist will also assist in developing and delivering the appropriate training programs required to achieve optimal performance within the Program's CD response organization. In addition, the ENGINEER will provide the appropriate support staff, to further enhance the goals and performance of the Utility Department's primary IMS components that

include the computerized maintenance management (CMMS) and inventory software systems as well as the computer-aided drafting (CAD)-based geographic information system (GIS).

The CMMS is a computer based system designed to track work performed within a WTCS over time. For Fort Smith this is work performed on the WCTS assets. The work performed is tracked using work orders or service requests that are generated within the software. The system then routes the work order requests to the correct staff to perform the work based on previously defined work flow procedures. Work that is performed is then entered by staff into an electronic work order in the CMMS and that information is stored in a centralized database and is generally tied to assets within the WCTS, often relating to the GIS assets based on unique asset identifiers for each asset common to the two systems. The CMMS software is powerful in that reporting of previous work on assets is simplified due to the centralized database and work status can be easily queried by managers using the software. The software can also automatically generate work orders and requests based on preventative maintenance schedules setup for specific assets based on industry standards or other scheduling drivers thereby prompting staff to perform work when required. In addition, CMMS software packages often include modules to track inventory related to work order activities. The CMMS generally will include the use of parts and materials that are removed from inventory so that staff can proactively identify inventory needs as well as estimate future inventory needs based on past work order activity and volume. The Utility Department current has implemented Lucity software as its CMMS and, to date, CDM Smith has not identified any reason that this software should not continue to be used provided improvement activities are performed (see Task 4.2 below). Activities that will be undertaken to enhance these existing systems are described below.

#### **4.1 GIS Conversion and IMS Support**

ENGINEER's Data Manager will be assigned to perform the following task items to assist the Utility Department staff in migrating the existing CAD-based GIS to an Esri GIS that conforms to industry standard GIS practices and database design. The level of assistance for this position will be on an interim basis until such time as the Utility Department is able to hire and train a full time GIS Specialist to take over responsibility for this work:

- Convert the existing CAD-based wastewater system GIS to Esri GIS, including the conversion of each layer and the database behind each layer into an Esri Local Government standard GIS database model (industry standard);
- Perform quality control review of the resulting data and correct existing anomalies between the CAD and GIS data layers as the conversion is performed;
- Develop customized GIS map documents utilizing the new GIS layers as well as all existing GIS data layers already available in an Esri format;
- Train Utility CAD and GIS technicians in the use and maintenance of the Esri GIS, and;
- Provide continued support of the GIS program and integration of CMOM data collected by the program. The ENGINEER will work closely with Utility staff to integrate the GIS and CMMS software within the 3-year timeline of this Authorization.

It is assumed that the Utility Department staff will assume the primary responsibility of implementing additional IMS data management functions. Yearly resourcing allowances are included in the budget for assisting the Utility Department in addressing additional IMS needs that have not yet been identified but will be discovered during the development of the IMS Plan during 2016. These include, but are not limited to, developing integration between the GIS and the CMMS, assistance with

the implementation of web-based GIS data viewing capabilities and development and implementation of management systems to store and review the data delivered to the Utility Department as part of the CMOM project.

#### **4.2 Computerized Maintenance Management System (CMMS) Improvements**

The following task items will be performed to assist Utility staff in updating and effectively implementing the CMMS and Inventory Management System, per Section 4.2.1. The following tasks will be performed by the ENGINEER, but note that this scope of services and budget do not include training or computer software configuration, which is performed by the software vendor. These tasks will include the following activities:

- Thorough review of the existing and required preventative maintenance activities currently used by the Utility. This process will determine modifications required to the CMMS software to support the required maintenance;
- Assist in further development of Utility staff roles and responsibilities to support the WTCS maintenance workflow, including staff positions to maintain and modify the CMMS in order to more fully utilize the capabilities of the CMMS;
- Develop a training and redeployment plan to modify, configure, and redeploy the CMMS with the appropriate training. This will include development of eight (8) comprehensive Lucity training modules with appropriate schedules tailored to each user group's needs;
- Develop a system plan and processes required to better define and gain internal efficiencies for data collection and reporting. This will include integration of automated functions for creation of regularly scheduled work orders for each user group's sewer line and facility monitoring and WCTS maintenance work;
- Implement training courses, including regular training updates over the course of this Authorization, and;
- Assist the Utility Department in managing the CMMS for the duration of this Authorization.

The approach for addressing CMMS improvements will start by focusing on a single operational group to build out Lucity. Once the following work has been performed the remaining operational groups will undergo a similar round of exercises to complete the process;

- Work with the Utility to ensure that location and asset information is available and added to the Lucity database;
- Verify the Lucity asset information is compatible with the Utility Department's GIS database;
- Modify and expand, as necessary, work order forms to provide more efficient forms for work order type, customized for various assets;
- Work with the Utility to ensure that appropriate Program staff are in the system and assigned to their correct operational groups.

##### **4.2.1 Inventory Management System Support**

Based on CD requirements for implementing the Utility Department Inventory Management System, the ENGINEER will assist in the development of improvements and implementation of the inventory control system. The Inventory Management System will be developed in two steps. The initial step will be the development of the business procedures and data to start up and operate a system that complies with the requirements and timeline of the CD. As the work in Task 4.2 of this contract is

completed and the functionality of Lucity is improved, the procedures, tools and processes will be embedded into Lucity. Work to be undertaken will include the following tasks:

- Work with Utility staff to establish minimum stock levels for critical spare parts;
- Develop a process such that all critical spare parts are tracked in the inventory system;
- Work with the Utility to identify suppliers for critical vehicles. This may require evaluating possibility of purchasing or leasing additional equipment;
- Develop SOPs for tracking inventory;
- Work with Utility staff to implement inventory management related SOPs;
- Identify and coordinate appropriate Lucity training for user groups and subgroups;
- Evaluate and modify inventory system processes as appropriate;
- Work with Utility staff to develop and implement key performance indicators for tracking inventory system performance;
- Provide Lucity power user training, and;
- Provide refresher training on a bi-annual basis for users during the terms of this Authorization.

***Section 5: Support for Capacity, Management, Operations, and Maintenance (CMOM) Program Implementation and Continued Management of Standard Operating Procedures, Protocols, and Policies***

The ENGINEER will provide the equivalent of a single full time resource utilizing multiple staffing levels. The majority of the level of effort will be provided by an assigned Operations and Maintenance Specialist, with support from other administrative and Program Management staff. These resources will provide support to implement work plans developed for the Consent Decree in response to the requirements of Section V, Article Seven for the following CMOM related work:

- Fats Oils and Grease (FOG) Component
- Root Control Component
- Gravity Sewer Line Cleaning Component
- Continuing Sewer System Assessment Program Component
- Continuing Pump Station and Force Main Evaluation and Maintenance Program
- Continuing Capacity Assurance Program
- SSO Emergency Response Program Component
- Standard Operating Procedures Component
- Private Service Line Defect Remediation Program Component
- Comprehensive Training Program Component

During the implementation processes the Operation and Maintenance Specialist will take into consideration protocols and procedures noted in the Program Management Manual, PMIS requirements for data collection, storing, maintaining, reporting, and procedures developed for conducting design and construction phase services.

***Section 6: Construction Contract Standards***

The ENGINEER will provide a Construction Contract Specialist to review and critique the Utility's standard frontend and special conditions documents for standardizing construction contracts, which may include review of technical specifications such as those detailing terms for contractor mobilization and methods of payment. The Contract Specialist will work in conjunction with the Utility Department and their legal representation to modify and improve technical language to

ensure contractor compliance throughout the project, from startup and close out. It is anticipated that the Construction Contract Specialist will be provided for a period of 12 months.

**Section 7: Additional Owner Authorized Services**

The following items are not part of the scope of services as described in this Authorization as such will be subject to negotiation for added reimbursement based on OWNER approval:

- Additional ENGINEER's resources to perform work not described above, for;
  - Construction management and field inspection services
  - Management of specific day-to-day operations for Consent Decree design and/or construction contracts
  - Further modification of design standards
  - Field survey work
  - Right-of-way and property acquisition activities
  - Value Engineering
- Costs for additional software, licensing fee and implementation effort, if required, to supplement any part of the Program activities not already listed in the above Authorization scope

**Section 8: Time of Service**

The scope of services as defined above will be performed over a period of 36-months starting from the date of Notice to Proceed and CDM Smith will proceed with providing the services set forth herein immediately upon execution of this Authorization by all parties.

**Section 9: Compensation**

Taking into consideration that priorities and work flow will be subject to change during the course of the Program procedures will be specifically created for auditing the level of the ENGINEER's contract expenditure on a monthly basis, throughout the life of this Authorization. OWNER shall compensate Engineer for providing the services set forth herein in accordance with the terms of the Agreement of which this Authorization is made part of. Total payment for Scope of Services described herein shall not exceed \$ 8,514,088.00 without written approval of the OWNER.

**AUHTORIZED BY:**

**CITY OF FORT SMITH, ARKANSAS**

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ACCEPTED BY:**

**CDM Smith Inc.**

**By:** \_\_\_\_\_

**END OF AUTHORIZATION**

CITY OF FORT SMITH, ARKANSAS  
 Program Management Services for Consent Decree Compliance Program and Infrastructure Improvements  
 Budget Costs from March 2, 2016 - March 3, 2019 (total 36 months)

Tasks	Labor	PMO EODCs + Subs	ODCs	TOTAL
Core Program Management Services Tasks 1-6 (2016 - 2018)	\$ 7,495,698		\$ 638,636	\$ 8,134,335
PMIS Software & Licensing		\$ 379,753		\$ 379,753
	\$ 7,495,698	\$ 379,753	\$ 638,636	
			Grand TOTAL	\$ 8,514,088

Section #	Component	Labor	% of Grand Total
1	Program Management Services	\$ 2,222,357	26%
2	Overall Program Controls	\$ 1,735,108	20%
3	Ongoing Hydraulic Model Support (H&H)	\$ 387,509	5%
4	Inventory System and Information Management System (IMS)	\$ 2,049,614	24%
5	Support for Capacity, Management, Operations, and Maintenance (CMOM) Program Implementation and Continued Management of Standard Operating Procedures, Protocols, and Policies	\$ 840,357	10%
6	Construction Contract Standards	\$ 260,752	3.1%
	Core Program Services	\$ 7,495,698	
	Total Hours	52,595	

**CITY OF FORT SMITH, ARKANSAS**

**Program Management Services for Consent Decree Compliance Program and Infrastructure Improvements**  
*Budget Costs from March 2, 2016 - March 3, 2019 (total 36 months shown as per year basis)*

<b>Tasks</b>	<b>Labor</b>	<b>Labor Hours</b>	<b>ODCs</b>	<b>PMIS Software &amp; Licensing</b>	<b>TOTAL</b>
<b>Year 1</b>	\$ 2,589,317	17,408	\$ 212,879	\$ 220,153	\$ 3,022,349
<b>Year 2</b>	\$ 2,473,534	17,913	\$ 212,879	\$ 79,800	\$ 2,766,213
<b>Year 3</b>	\$ 2,432,847	17,274	\$ 212,879	\$ 79,800	\$ 2,725,525
	\$ 7,495,698	\$ 52,595	\$ 638,636	\$ 379,753	
				<b>Grand TOTAL</b>	<b>\$ 8,514,088</b>

**Notes:**

- 1) Year 1 PMIS costs include start-up costs, 1st year licensing costs, \$30K GIS module and \$3K off-line capability
- 2) Year 2 and 3 PMIS costs include licensing costs and \$3K for off-line capability

Year 1 (03/02/16 - 03/02/17) Estimated Labor

Total Hours

2080

Section #	Labor Category	Program Manager	Sr. Technical Advisor	Project Manager (total 2)	Program Controls Manager	Admin/Document Control	Scheduling/Implementation Support	GIS/IMS	Sr. IMS	Mid O&M Specialist	HR/Sr. Project Manager	Jr. Financial Analyst	Mid-level GIS	Sr. Project Manager	Sr. O&M Specialist	Sr. O&M Specialist	Sr. Engineer	Accounting	Total Labor Costs	
Sections																				
1	Program Management Services	1369	60	2829		1017												36	\$ 723,030	
2	Overall Program Controls																		36	\$ 709,634
2.1	Implement and Maintain Program Management Information System		150		1626	277	582					480								510,891
2.2	Update and Maintain Program Schedule and Budget		80		380	275	416													198,743
3	Ongoing Hydraulic Model Support (H&H)	68		146															36	\$ 34,185
4	Inventory System and Information Management Systems (IMS)																			\$ 625,421
4.1	GIS Conversion and IMS Support	68		146				1123	208				832						36	257,431
4.2	Inventory Management System Support	68		146						312					312					123,119
4.3	Computerized Maintenance Management System (CMMS) Upgrade	68		146						728					728					244,871
5	Support for Capacity, Management, Operations, and Maintenance (COM) Program Implementation and Continued Management of Standard Operating Procedures, Protocols, and Policies	68	80	146		201													36	\$ 226,296
6	Construction Contract Standards																	960		\$ 260,732
Total		1712	380	3661	2006	1770	998	1123	208	1040	0	480	832	0	1040	1053		960	144	\$ 2,589,317

Total Hours 17,408

Total Labor

Year 2 (03/03/17 - 03/03/18) Estimated Labor

Total Hours

2080

Section #	Labor Category	Program Manager	Sr. Technical Advisor	Project Manager (total 2)	Program Controls Manager	Admin/Document Control	Scheduling/Implementation Support	GIS/IMS	Sr. IMS	Mid D&M Specialist	H&H Sr. Project Manager	Jr. Financial Analyst	Mid-level GIS	Sr. Project Manager	H&H Jr. Engineer	Sr. O&M Specialist	Sr. O&M Specialist	Accounting	Total Labor Costs		
Sections																					
1	Program Management Services	1369	60	2929		1080												24	\$ 759,147		
2	Overall Program Controls																			\$ 497,682	
2.1	Implement and Maintain Program Management Information System		80		1369	275						936								372,116	
2.2	Update and Maintain Program Schedule and Budget		80		86	275	288													123,566	
3	Ongoing Hydraulic Model Support (H&H)	68	24	146							120		80	160	200			24		\$ 330,650	
4	Inventory System and Information Management System (IMS)																			\$ 761,723	
4.1	GIS Conversion and IMS Support	68		146				1872	208				416					24		280,535	
4.2	Inventory Management System Support	68		146						548						312				157,460	
4.3	Computerized Maintenance Management System (CMMS) Upgrade	68		146						1261						728				328,727	
5	Support for Capacity, Management, Operators, and Maintenance (CMOM) Program Implementation and Continued Management of Standard Operating Procedures, Protocols, and Policies	68	80	146		201													1664	24	\$ 324,333
6	Construction Contract Standards																				
	<b>Total</b>	<b>1712</b>	<b>324</b>	<b>3661</b>	<b>1455</b>	<b>1830</b>	<b>288</b>	<b>1872</b>	<b>208</b>	<b>1810</b>	<b>120</b>	<b>936</b>	<b>496</b>	<b>180</b>	<b>200</b>	<b>1040</b>	<b>1664</b>	<b>96</b>		<b>\$ 2,473,534</b> Total Labor	

Total Hours 17,913

Year 3 (03/04/18 - 03/04/19) Estimated Labor

Total Hours

2080

Section #	Labor Category	Program Manager	Sr. Technical Advisor	Project Manager (total 2)	Program Controls Manager	Admin/Document Control	Scheduling/Implementation Support	GIS/IMS	Sr. IMS	Mid Q&M Specialist	H&H Sr. Project Manager	Jr. Financial Analyst	Mid-level GIS	Sr. Project Manager	H&H Jr. Engineer	Sr. O&M Specialist	Sr. O&M Specialist	Accounting	Total Labor Costs	
Sections																				
1	Program Management Services	1369	60	2563		1080												24	\$ 730,181	
2	Overall Program Controls											1080								\$ 527,792
2.1	Implement and Maintain Program Management Information System		60		1369	275														398,459
2.2	Update and Maintain Program Schedule and Budget		60		86	275	288													179,333
3	Ongoing Hydraulic Model Support (H&H)	68	24	146							240		160	340	400			24	\$ 222,673	
4	Inventory System and Information Management System (IMS)																			\$ 642,471
4.1	GIS Conversion and IMS Support	68		146				1872	104				208					24		240,635
4.2	Inventory Management System Support	68		146												187				66,346
4.3	Computerized Maintenance Management System (CMMS) Upgrade	68		146					1830							437				154,890
5	Support for Capacity, Management, Operations, and Maintenance (CMOM) Program Implementation and Continued Management of Standard Operating Procedures, Protocols, and Policies	68	40	146		201													1456	\$ 289,729
6	Construction Contract Standards																			
	<b>Total</b>	<b>1712</b>	<b>264</b>	<b>3295</b>	<b>1455</b>	<b>1830</b>	<b>288</b>	<b>1872</b>	<b>104</b>	<b>1830</b>	<b>240</b>	<b>1080</b>	<b>368</b>	<b>340</b>	<b>400</b>	<b>624</b>	<b>1456</b>	<b>96</b>		\$ 2,832,847

Total Hours 17,174

Total Labor

### **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)

RESOLUTION ACCEPTING BIDS AND AUTHORIZING CONTRACTS  
FOR THE RENOVATION AND FURNISHINGS OF THE LIBRARY  
ANNEX BUILDING FOR USE AS OFFICE SPACE

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

SECTION 1: The Mayor is hereby authorized to execute contracts with the below listed bidders in the amounts indicated for performing the renovation and providing the furnishings of the Library Annex Building, Project Number 15-11.

SECTION 2: The bid of Beshears Construction, Inc., in the amount of \$512,000.00 for the general construction, is hereby accepted.

SECTION 3: The bid of MISSCO Contract Sales, LLC, in the amount of \$473,989.40 for the system walls and workstations, is hereby accepted.

SECTION 4: The bid of Innerplan, Inc., in the amount of \$41,418.33 for furniture, Group A and Group H task chairs and break room chairs, is hereby accepted.

SECTION 5: The bid of MISSCO Contract Sales, LLC, in the amount of \$26,718.64 for furniture, Group C, Group D and Group G storage, meeting tables and break room tables, is hereby accepted.

SECTION 6: The bid of Norman Company, Inc., in the amount of \$61,598.82 for furniture, Group B and Group E case goods and meeting chairs, is hereby accepted.

SECTION 7: The bid of Today's Office, Inc., in the amount of \$9,350.29 for furniture, Group F lobby furniture, is hereby accepted.

This Resolution adopted this \_\_\_\_\_ day of March 2016.

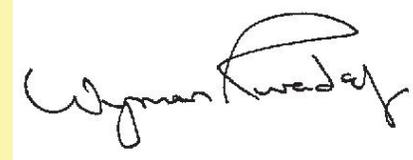
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
npr



## INTER-OFFICE MEMO

**TO:** Jeff Dingman, Acting City Administrator

**DATE:** February 25, 2016

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Renovation of Former Library  
Annex Building to Office Space

In May of 2015 the Board approved the supplemental staffing plan to address the utility department's new organizational structure and management capabilities required to meet the objectives and conditions of the Consent Decree. The supplemental staffing plan presentation also discussed the utilization of the old library building to establish temporary offices for those employee positions as well as the engineering consultants being retained for Consent Decree program management functions. The long-term facility planning anticipates modifications to existing facility on Kelley Highway to incorporate the new utility employee positions and functions there so that all utility department operations, except for those at the outlying treatment facilities, are at one location. The office space conversion of the old library building would then be available to serve other city departments in order to relieve the cramped housing in the Stephens Building and offset current lease expense.

Bids for the library renovation and furnishings were opened on February 17 utilizing separate bid packages for general construction, system walls, workstations and furnishings. The attached bid tabulation sheets identify the bidders and bid amounts for the various items of work. The bid costs by individual category are \$512,000 for general construction, \$473,989.40 for system walls and workstations and \$139,086.08 for furnishings, for an overall cost of \$1,125,075.48.

A Resolution authorizing the individual agreements with Beshears Construction, MISSCO Contract Sales, Innerplan, Norman Company and Today's Office is attached for the Board's consideration. Funding for this project was identified within the 2015 revenue bonds.

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

attachment

## BID TABULATION

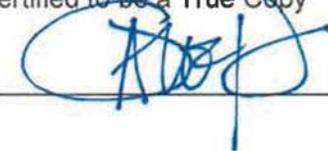
### GENERAL CONSTRUCTION NEW OFFICES FOR FORT SMITH UTILITY DEPARTMENT MAHG PROJECT NO. 15-07

FEBRUARY 17, 2016

CONTRACTORS:	BESHEARS CONST.	BLUE RESOURCE MGMT.	CRAWFORD CONST.	DIXON CONTRACTING	SSI INC.	TURN KEY CONST. MGMT.
CONTRACTOR LICENSE #	0039920816	0343760316	0012410216		0034460416	0186310416
BASE PROPOSAL:	\$512,000	\$560,559	\$526,200	No Bid	\$540,387	\$540,085
BID SECURITY:	5%	5%	5%		5%	5%
ADDENDUM NO. 1 REC'D:	Yes	Yes	Yes		Yes	Yes
SUBCONTRACTORS:						
MILLWORK: License #	Woodcraft	Woodcraft	Woodcraft		Woodcraft	Hardgrave 0069870416
PLUMBING: License #	Blaylock 0007900416	Blaylock 0007900416	Blaylock 0007900416		Blaylock 0007900416	Blaylock 0007900416
MECHANICAL: License #	Blaylock 0007900416	Blaylock 0007900416	Blaylock 0007900416		Blaylock 0007900416	Blaylock 0007900416
ELECTRICAL: License #	B & A 0128570416	B & A 0128570416	B & A 0128570416		B & A 0128570416	B & A 0128570416

Certified to be a True Copy

By: \_\_\_\_\_



**BID TABULATION**  
**SYSTEM WALLS & WORKSTATIONS**  
**NEW OFFICES FOR FORT SMITH UTILITY DEPARTMENT**  
**MAHG PROJECT NO. 15-07B**  
**FEBRUARY 17, 2016**

VENDOR	GROUP - 1 SYSTEM WALLS BID PRICE	GROUP - 2 WORKSTATIONS BID PRICE
MISSCO 2116 Rannoch Trace Fort Smith, AR 72908	<b>\$285,253.42</b>	<b>\$188,735.98</b>
ADDENDA REC'D		

**Contract Amounts:**

MISSCO     \$285,253.42 (Group 1)  
MISSCO     \$188,735.98 (Group 2)  
   \$473,989.40 Contract Total for System Walls & Workstations

Certified to be a True Copy

By:  \_\_\_\_\_

## BID TABULATION

### FURNITURE

#### NEW OFFICES FOR FORT SMITH UTILITY DEPARTMENT

#### MAHG PROJECT NO. 15-07A

FEBRUARY 17, 2016

VENDOR	GROUP - A TASK CHAIRS  BID PRICE	GROUP - B CASE GOODS  BID PRICE	GROUP - C STORAGE  BID PRICE	GROUP - D MEETING TABLES  BID PRICE	GROUP - E MEETING CHAIRS  BID PRICE	GROUP - F LOBBY FURNITURE  BID PRICE	GROUP - G BREAKROOM TABLES  BID PRICE	GROUP - H BREAKROOM CHAIRS  BID PRICE
INNERPLAN 7001 Innerplan Drive N. Little Rock, AR 72113	\$37,941.45	No Bid	No Bid	No Bid	\$23,639.95	No Bid	No Bid	\$3,476.88
MISSCO 2116 Rannoch Trace Fort Smith, AR 72908	No Bid	\$40,212.40	\$12,127.38	\$12,040.67	No Bid	No Bid	\$2,550.59	No Bid
NORMAN CO. 7600 Ball Road Fort Smith, AR 72908	\$40,540.92	\$39,166.99	No Bid	\$12,981.47	\$22,431.83	No Bid	Withdrawn	\$3,477.29
TODAY'S OFFICE 800 Clayton Street Springdale, AR 72762	No Bid	\$42,303.36	No Bid	Partial Bid \$3,754.99	No Bid	\$9,350.29	No Bid	No Bid
ADDENDA REC'D: MISSCO NORMAN CO. INNERPLAN TODAY'S OFFICE								

**Contract Amounts:**

Innerplan: \$ 41,418.33 (Groups A, H)  
 MISSCO: \$ 26,718.64 (Groups C, D, G)  
 Norman Co.: \$61,598.82 (Groups B, E)  
 Today's Office: \$ 9,350.29 (Group F)  
**\$139,086.08 Contract Total for Furniture**

Certified to be a True Copy

By: 

### **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)
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- 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)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF A MONUMENT SIGN IN A PUBLIC RIGHT-OF-WAY  
AND  
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

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

**SECTION 1:** A Temporary Revocable License is hereby granted to RUM, Inc., its successors or assigns for the placement and maintenance of a monument sign within a public right-of-way as shown on Exhibit "A" and within the following described property:

Part of the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being within the Massard Road Right-of-Way as described in Document #7225239, filed August 30, 2007. More particularly described as follows:

**Commencing** at the southeast corner of Lot 1, Maness Hill Addition, being filed for record February 18, 2015 as Plat 2012; Thence along the southerly line of said Lot 1, said line also being the northerly right-of-way line of said Massard Road, N59°17'16"W, 42.31 feet; Thence leaving said line, S30°42'44"W, 10.00 feet to the **Point of Beginning**; Thence continuing S30°42'44"W, 18.00 feet; Thence N59°17'16"W, 5.00 feet; Thence N30°42'44"E, 18.00 feet; Thence S59°17'16"E, 5.00 feet to the **Point of Beginning**. Containing 90 square feet, more or less.

**SECTION 2:** The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

**Approved as to form:**



\_\_\_\_\_  
**NPR**

# Memo

**To:** Jeff Dingman, Acting City Administrator  
**From:** Wally Bailey, Director of Development Services  
**Date:** February 22, 2016  
**Subject:** Temporary Revocable License for the placement of a rock monument sign in the right-of-way at 8999 Massard Road

Pat Mickle, agent for RUM, Inc., has requested a Temporary Revocable License to allow the placement of a 3' x 12' rock monument sign in the public right-of-way at 8999 Massard Road. The sign is for the recently opened Stonehouse Restaurant at Chaffee Crossing. A vicinity map is enclosed showing the location of the restaurant. The applicant indicates that due to the extensive 50' wide right-of-way adjacent to RUM's property, the sign cannot be seen clearly if placed outside of the right-of-way. The attached Exhibits A and B show the sign location in the right-of-way and the appearance of the sign.

The request was reviewed by all franchise utilities companies, city engineering, utilities, and other city departments. There were no objections to the request. The location of the sign should have no impact on the future widening of Massard Road as the widening will be on the opposite side of the street. Enclosed is the Temporary Revocable License agreement signed by RUM, Inc. (Exhibit C).

Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Sanders to sign the agreement.

If you have any questions regarding this matter, please contact me.

Enc.

CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR TEMPORARY REVOCABLE LICENSE

APPLICATION:

Indicate one contact person for application: \_\_\_\_\_ Applicant      X   Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc.)*

Name: Jim Meadows

Name: Patrick Mickle

Address: RUM, Inc.  
P.O. Box 181060  
Fort Smith, AR 72918

Address: Mickle Wagner Coleman, Inc.  
3434 Country Club Avenue  
Fort Smith, AR 72903

Telephone Number: 479-478-6788

Telephone Number: 479-649-8484

E-Mail: \_\_\_\_\_

E-Mail: pmickle@mwc-engr.com

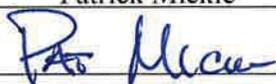
Site Address/Location: 8999 Massard Road

Legal Description of area for which Temporary Revocable License is requested: attach separate sheet if necessary): \_\_\_\_\_  
See attached  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Request: The Massard Road right-of-way is unusually wide along the frontage of Lot 1, Maness Hill Addition. It extends to 50' beyond the curb line. The monument sign cannot clearly be seen if set outside the right-of-way for southeast bound traffic. The sight line is also impaired by the backslope of the road grading.

**APPLICANT/REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

Name: (printed) Patrick Mickle

Signature:  Date: 2-19-16

**Property Owner(s)/Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

**Note:** If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

**AUTHORIZATION OF AGENT**

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

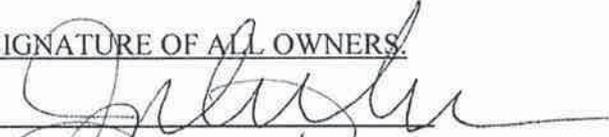
We the undersigned, being owners of real property, and requesting a temporary revocable license by application do hereby authorize Mickle Wagner Coleman, Inc.  
to act as our agent in the matter. (Print Name of Agent)

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. RUM, Inc.  
P.O. Box 181060  
Fort Smith, AR 72918

  
Richard J Udoy

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

**Maness Hill Addition, Lot 1, Temporary Revocable License (Sign)**

Part of the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being within the Massard Road Right-of-Way as described in Document #7225239, filed August 30, 2007. More particularly described as follows:

**Commencing** at the southeast corner of Lot 1, Maness Hill Addition, being filed for record February 18, 2015 as Plat 2012; Thence along the southerly line of said Lot 1, said line also being the northerly right-of-way line of said Massard Road, N59°17'16"W, 42.31 feet; Thence leaving said line, S30°42'44"W, 10.00 feet to the **Point of Beginning**; Thence continuing S30°42'44"W, 18.00 feet; Thence N59°17'16"W, 5.00 feet; Thence N30°42'44"E, 18.00 feet; Thence S59°17'16"E, 5.00 feet to the **Point of Beginning**. Containing 90 square feet, more or less.

# VICINITY MAP

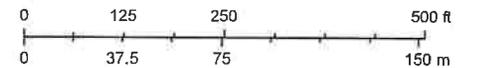
## STONEHOUSE RESTAURANT AT CHAFFEE CROSSING

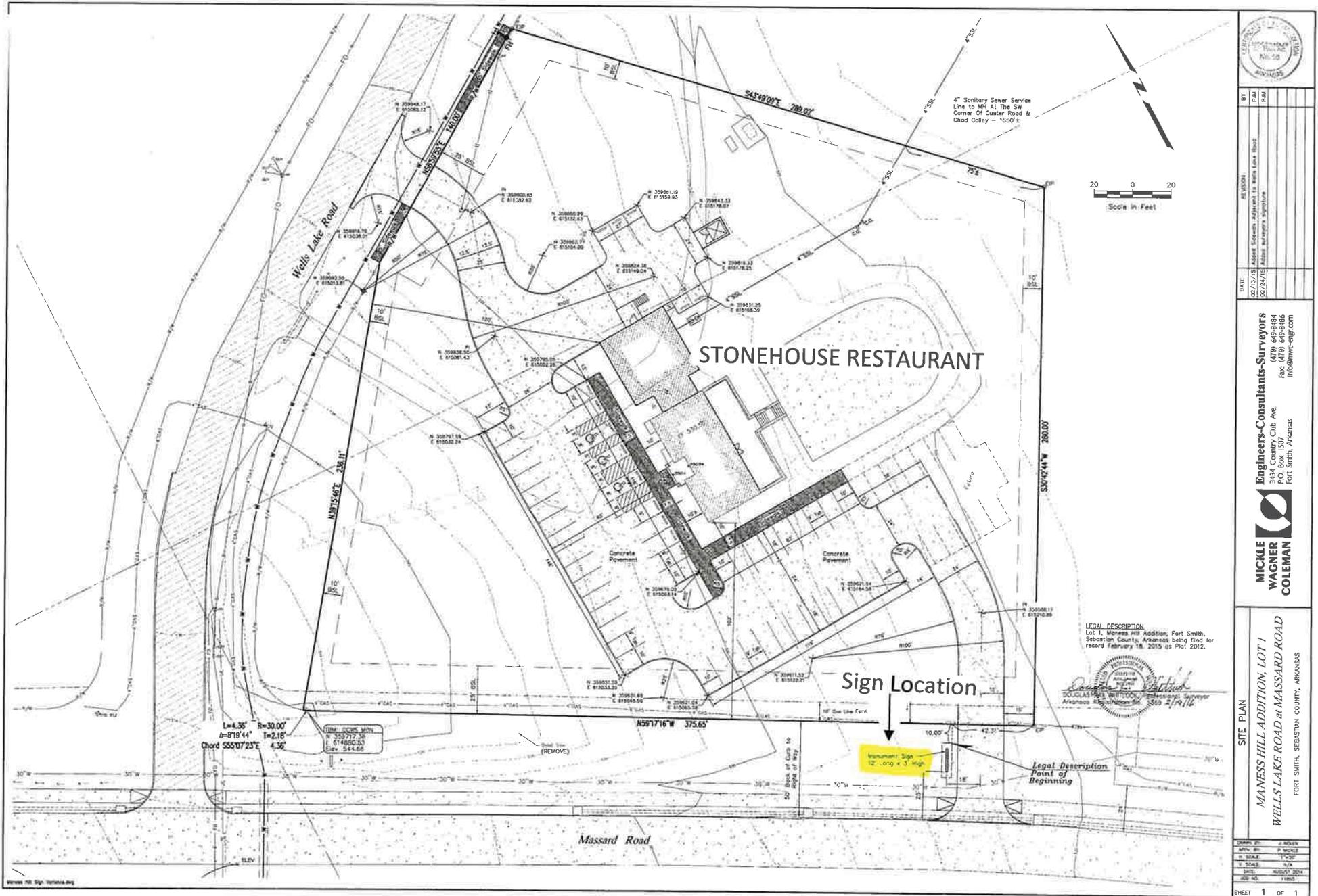


February 22, 2016

: : Fort Smith City Limits

1:1,850





DATE:	02/27/15
BY:	Paul
REVISION:	
	Address Elevation Adjustment to Wells Lake Street
	Issue Surveyor's Signature

**MICKLE  
WAGNER  
COLEMAN**  
**Engineers-Consultants-Surveyors**  
 3824 Country Club Ave.  
 P.O. Box 1507  
 Fort Smith, Arkansas  
 Fax: (479) 649-8886  
 info@mwc-engr.com

**SITE PLAN**  
**MANESS HILL ADDITION, LOT 1**  
**WELLS LAKE ROAD at MASSARD ROAD**  
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DATE:	02/27/15
BY:	Paul
REVISION:	
	Address Elevation Adjustment to Wells Lake Street
	Issue Surveyor's Signature



### TEMPORARY REVOCABLE LICENSE AGREEMENT

SECTION 1: On \_\_\_\_\_ the Board of Directors passed Resolution No. \_\_\_\_\_ granting a temporary revocable license to RUM, Inc., its successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of 3' x 12' rock monument sign as shown on Exhibit "A" within the Massard Road right-of-way and the following described property:

Part of the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being within the Massard Road Right-of-Way as described in Document #7225239, filed August 30, 2007. More particularly described as follows:

**Commencing** at the southeast corner of Lot 1, Maness Hill Addition, being filed for record February 18, 2015 as Plat 2012; Thence along the southerly line of said Lot 1, said line also being the northerly right-of-way line of said Massard Road, N59°17'16"W, 42.31 feet; Thence leaving said line, S30°42'44"W, 10.00 feet to the **Point of Beginning**; Thence continuing S30°42'44"W, 18.00 feet; Thence N59°17'16"W, 5.00 feet; Thence N30°42'44"E, 18.00 feet; Thence S59°17'16"E, 5.00 feet to the **Point of Beginning**. Containing 90 square feet, more or less.

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the sign. If the sign is damaged in any manner, same shall be removed by the licensee, or any successor or assignee, at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) in a manner meeting the approval of the City Administrator. Additionally, at the sole discretion of the City Administrator, upon thirty (30) days notice from the City Administrator, the licensee or any successor or assignee shall remove the sign from the public right-of-way at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) and in a manner meeting the approval of the City Administrator. The licensee, its successor or assignees, shall hold the City harmless from and indemnify

the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the placement and maintenance of said improvements. Should any City department require access to the public right-of-way, said City department shall have no duty to give prior notice to the licensee in emergency situations. For routine or scheduled maintenance, reasonable notice shall be given if the work may affect any improvement by the licensee. Under any circumstance, the City shall have no responsibility to protect or replace any improvements of the licensee that are across and within the public right-of-way.

SECTION 3: The terms of this temporary license are deemed accepted by the licensee by the licensee's signature below and by any successor or assignee of the licensee by the acquisition of or reliance on the rights to the temporary license granted by the City.

In witness whereof, this document is executed this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF FORT SMITH, ARKANSAS

BY: \_\_\_\_\_  
Sandy Sanders, Mayor of Fort Smith

Attest:

\_\_\_\_\_  
City Clerk

RUM, INC.

BY:   
Jim Meadows

ACKNOWLEDGEMENT

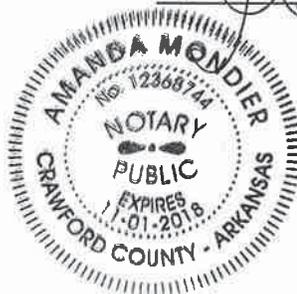
STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this 22 day of FEB, 2016, before me, a Notary Public within and for the aforesaid county and state, duly commissioned and acting, appeared, Jim Meadows, to me personally well known as, or proven to be, the person whose name appears upon the within and foregoing document and stated that he is the PRESIDENT of RUM, Inc. and is duly authorized to execute the foregoing conveyance for and on its behalf and he respectively acknowledged to me that he had executed the same for the consideration and purposes therein mentioned and set forth, and I do so certify,

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public at the County and State aforesaid on this 22 day of February 2016.

*[Handwritten Signature]*

Notary Public



My Commission Expires:

11 / 01 / 2018

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared, Sandy Sanders, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

13B.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF LANDSCAPING IN A PUBLIC RIGHT-OF-WAY  
AND  
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

---

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

**SECTION 1:** A Temporary Revocable License is hereby granted to James R. Childers, his successors or assigns for the placement and maintenance of landscaping within a public right-of-way as shown on Exhibit "A" and adjacent to the following described property:

Reserve Addition, Block 526, Lot 12, an addition to the City of Fort Smith, Sebastian County, Arkansas.

**SECTION 2:** The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

**THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016.**

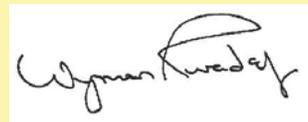
**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**Approved as to form:**



\_\_\_\_\_  
NPR

# Memo

**To:** Jeff Dingman, Acting City Administrator

**From:** Wally Bailey, Director of Development Services

**Date:** February 22, 2016

**Subject:** Temporary Revocable License for the placement of landscaping in the right-of-way at 74 South 4<sup>th</sup> Street

Breck Childers, agent for James R. Childers, has requested a Temporary Revocable License to allow the placement of a 10' wide landscaping strip in the public right-of-way of Garland Avenue to facilitate a proposed parking lot at 74 South 4<sup>th</sup> Street. The parking lot will provide parking for the employees of Mr. Childers' architectural firm, which recently relocated to the downtown area at 45 South 4<sup>th</sup> Street. A vicinity map is enclosed showing the location of the proposed parking lot. The attached Exhibits A and B show the proposed parking lot and landscaping.

The Unified Development Ordinance requires parking lots to have a 10' wide landscaping area located adjacent and parallel to the right-of-way, but on the private property. The applicant has submitted a variance application to the Board of Zoning Adjustment to omit the landscaping on the private property.

The landscaping is proposed in the Garland Avenue right of way, which has an extensive right of way width of 80 feet. Because the proposed parking lot is only 50 feet wide and is a corner lot with two street frontages, placing the landscaping on the applicant's property would greatly reduce the number of parking spaces and render the parking lot infeasible. Placing the landscaping in the right-of-way of Garland Avenue will allow the landscaping to occur while retaining the desired number of parking spaces. As part of the parking lot project, the applicant also plans to construct a public sidewalk in the Garland Avenue right-of-way. The proposed sidewalk will enhance the existing sidewalk network in that area.

The request was reviewed by all franchise utilities and appropriate city departments. There were no objections to the request. The CBID has also reviewed the proposed parking lot and landscaping and voted to recommend approval of the Temporary Revocable License to facilitate the landscaping. Enclosed is the Temporary Revocable License agreement signed by Mr. Childers. (Exhibit C).

Attached for the Board's consideration is a Resolution granting the Temporary Revocable License and authorizing Mayor Sanders to sign the agreement.

If you have any questions regarding this matter, please contact me.

Enc.

**CITY OF FORT SMITH, ARKANSAS  
REQUEST FOR TEMPORARY REVOCABLE LICENSE**

APPLICATION:

Indicate one contact person for application: \_\_\_\_\_ Applicant    X Representative

*Applicant (owner)*

*Representative (engineer, attorney, realtor, etc)*

Name: James Childers

Name: Breck Childers

Address: 45 South 4<sup>th</sup> Street  
Fort Smith, Ar 72901

Address: 45 South 4<sup>th</sup> Street  
Fort Smith, Ar 72901

Telephone Number: (479) 783-2480

Telephone Number: (479) 783-2480

E-Mail: james@childersarchitect.com

E-Mail: breck@childersarchitect.com

Site Address/Location: 74 South 4<sup>th</sup> Street

Legal Description of area for which Temporary Revocable License is requested: attach separate sheet if necessary): Lot 12, Block 526, Reserve Addition

An Addition to the City of Fort Smith,  
Sebastian County, Arkansas.

Reason for Request: We are proposing a new parking Lot for our newly remodeled office building located at 45 South 4<sup>th</sup> Street. The plan includes new landscaping with stone Pillars and iron fencing to define the block Edge along with a new sidewalk that will give pedestrians a path to the trolley Stop.

**APPLICANT/REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

Name: (printed) Breck Childers

Signature: J. Breck Childers Date: 2.18.16

**Property Owner(s)/Authorized Agent:** *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

**Note:** If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.

**AUTHORIZATION OF AGENT**

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

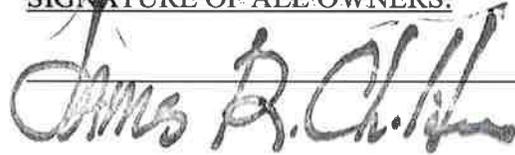
We the undersigned, being owners of real property, authorize Breck Childers  
to act as our agent. (Print Name of Agent)

(Type or clearly print)

NAME & ADDRESS OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. James R. Childers



2. \_\_\_\_\_

\_\_\_\_\_

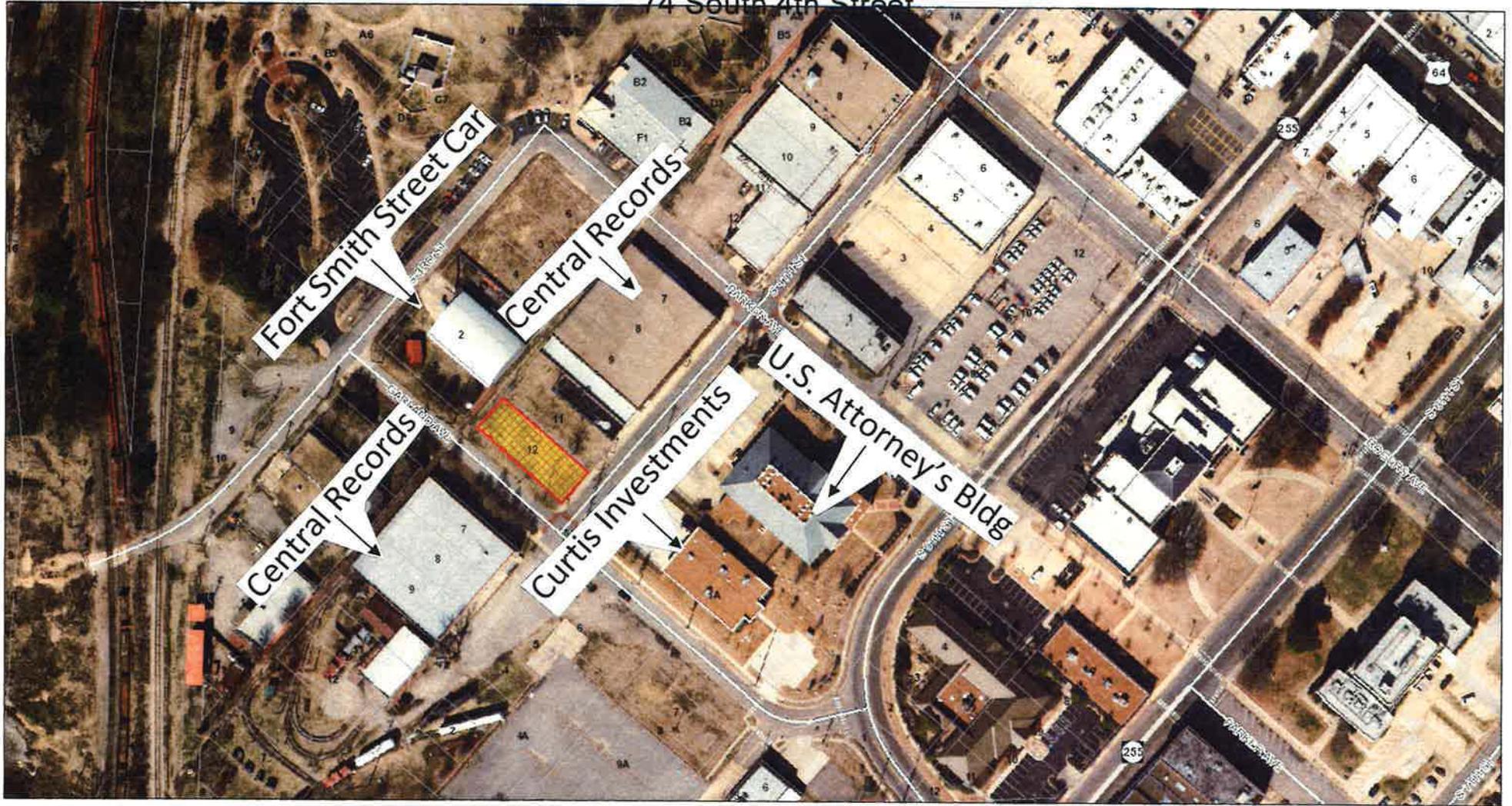
3. \_\_\_\_\_

\_\_\_\_\_

4. \_\_\_\_\_

\_\_\_\_\_

Proposed Parking Lot  
74 South 4th Street



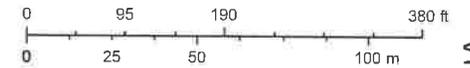
February 9, 2016

- Fort Smith City Limits
- Subdivisions



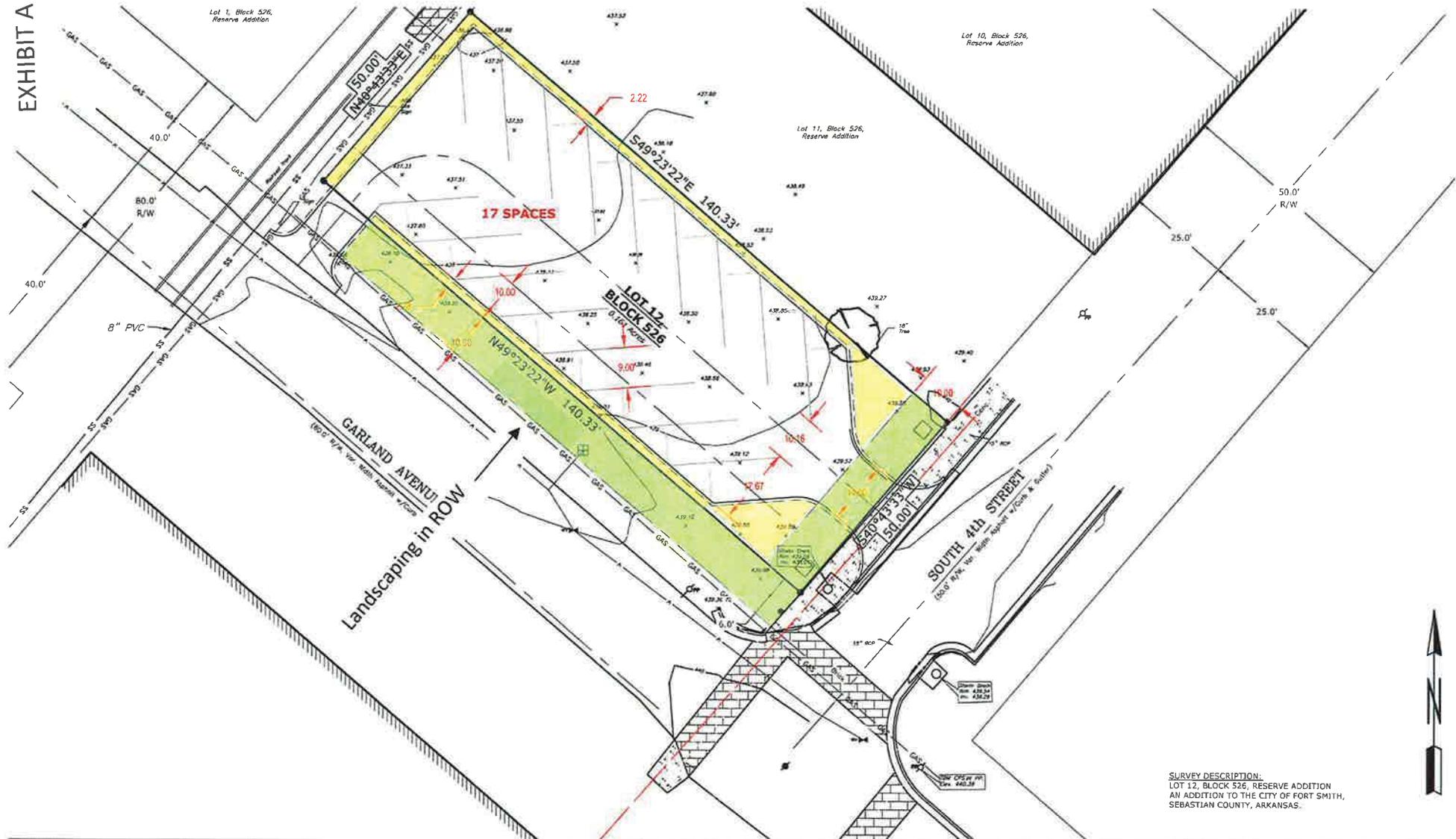
Proposed Parking Lot

1:1,424



VICINITY MAP

City of Fort Smith ©  
Copyright 2013, City of Fort Smi

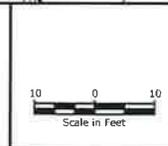


**SURVEY DESCRIPTION:**  
 LOT 12, BLOCK 526, RESERVE ADDITION  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.



REVISIONS	DATE

LEGEND	
	= SET MARK
	= EXISTING HIGH P/W
	= SET BRUSHPIE
	= EXISTING BRUSHPIE
	= SET NAIL
	= EXISTING NAIL
	= EXISTING STRIKE
	= EXISTING HIGH/LOW P/W
	= EXISTING FENCE
	= EXISTING FENCE POST
	= OVER HEAD POWER LINE
	= POWER HOLE
	= MAN HOLE
	= WATER METER
	= ELECTRIC/TELEPHONE POSTAL
	= U/S/O METER
	= LIGHT POLE



**SURVEYOR'S CERTIFICATION**  
 I HEREBY CERTIFY THAT THE FOREGOING MAP AND INSTRUMENT NUMBER WAS COMPLETED UNDER MY SUPERVISION ON THE 15th DAY OF JANUARY, 2016, IN ACCORDANCE WITH THE RULES OF PROFESSIONAL CONDUCT AND ETHICS. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED HEREIN AND IS NOT TO BE USED FOR ANY PURPOSES OR GUARANTEES THE TITLE THEREOF, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THAT I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR. PLS. 13772

**ANDERSON SURVEYING INC.**  
 Arkansas — Oklahoma  
 P.O. Box 129  
 Van Buren, Ar 72957  
 (479)-474-4247  
 Fax (479)-410-5333  
 e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARK	
SURVEY OF	
LOT 12, BLOCK 526,	
RESERVE ADDITION	
DATE: 1-18-2016	FOR USE BY:
REV. NO.: 10-01-16	James R. Childers
SCALE: 1"=20'	



EXHIBIT B

### TEMPORARY REVOCABLE LICENSE AGREEMENT

**SECTION 1:** On \_\_\_\_\_ the Board of Directors passed Resolution No. \_\_\_\_\_ granting a temporary revocable license to James R. Childers, his successors or assigns, which, subject to the terms and conditions expressed in this Agreement, temporarily allows the placement and maintenance of a landscaping area as shown on Exhibit "A" within the public right-of-way adjacent to the following described property:

Reserve Addition, Block 526, Lot 12. An addition to the City of Fort Smith, Sebastian County, Arkansas.

**Section 2:** It is agreed that the City shall have no responsibility for the maintenance of the landscaping area. If the landscaping area is damaged in any manner, same shall be removed by the licensee, or any successor or assignee, at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) in a manner meeting the approval of the City Administrator. Additionally, at the sole discretion of the City Administrator, upon thirty (30) days notice from the City Administrator, the licensee or any successor or assignee shall remove the landscaping area from the public right-of-way at the licensee's sole cost and expense (or at the sole cost of any successor or assignee) and in a manner meeting the approval of the City Administrator. The licensee, its successor or assignees, shall hold the City harmless from and indemnify the city for all expenses, losses, cost, causes of action and judgments, including legal expense, arising from the placement and maintenance of said improvements. Should any City department require access to the public right-of-way, said City department shall have no duty to give prior notice to the licensee in emergency situations. For routine or scheduled maintenance, reasonable notice shall be given if the work may affect any improvement by the licensee. Under any

circumstance, the City shall have no responsibility to protect or replace any improvements of the licensee that are across and within the public right-of-way.

**SECTION 3:** The terms of this temporary license are deemed accepted by the licensee by the licensee's signature below and by any successor or assignee of the licensee by the acquisition of or reliance on the rights to the temporary license granted by the City.

In witness whereof, this document is executed this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FORT SMITH, ARKANSAS**

BY: \_\_\_\_\_  
Sandy Sanders, Mayor of Fort Smith

**Attest:**

\_\_\_\_\_  
City Clerk

BY:  \_\_\_\_\_  
James R. Childers

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared, Sandy Sanders, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
  
\_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF ARKANSAS     )  
  )SS  
COUNTY OF SEBASTIAN    )

On this 24<sup>th</sup> day of February, 2016, before me, the undersigned notary public, personally appeared, James R. Childers, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

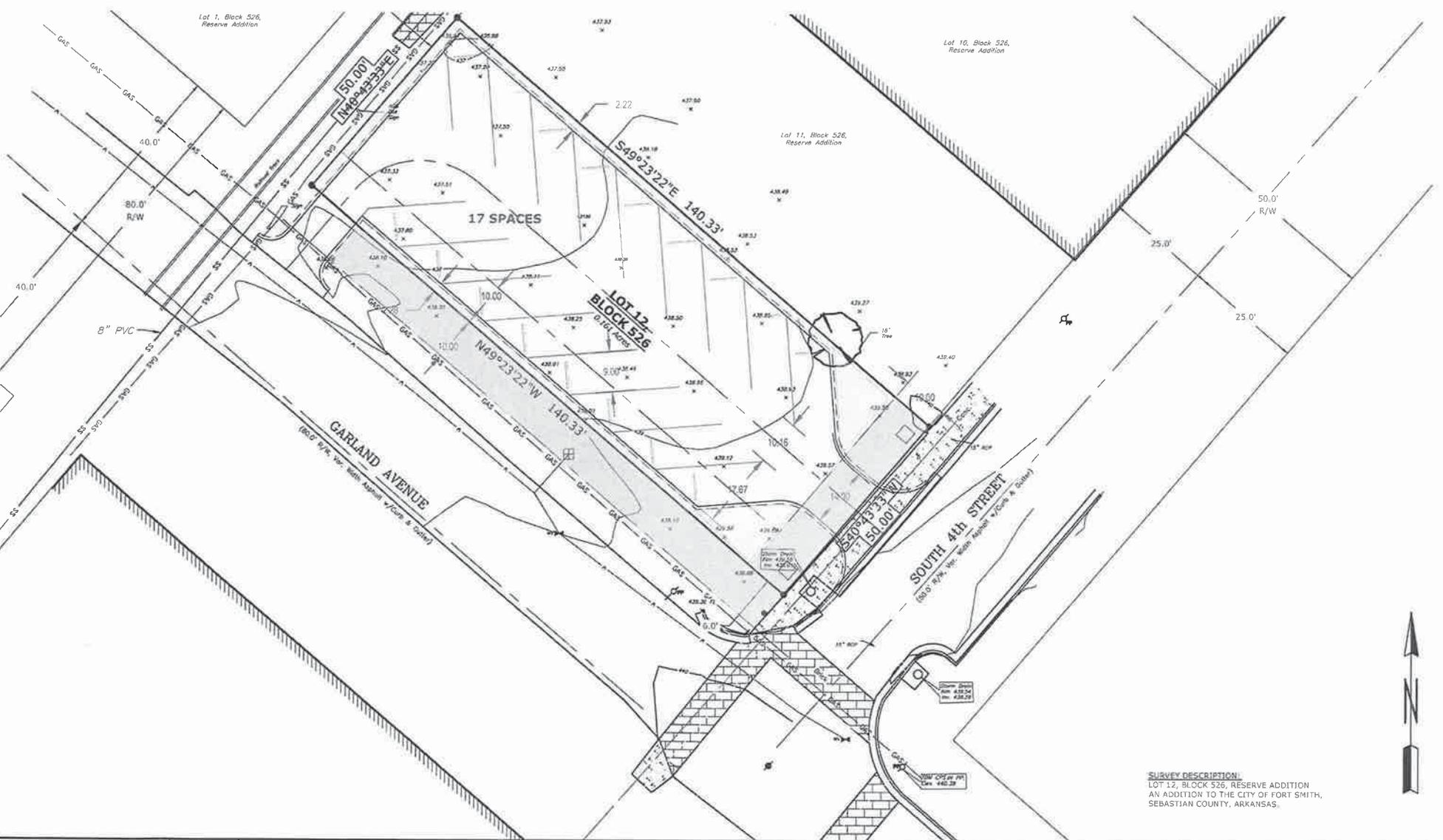
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public at the County and State aforesaid on this 24<sup>th</sup> day of February 2016.



Jennifer Hurt  
Notary Public

My Commission Expires:  
09/11/23



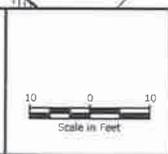


**SURVEY DESCRIPTION:**  
 LOT 12, BLOCK 526, RESERVE ADDITION  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.



REVISIONS	DATE

LEGEND	
⊕	SET REBAR
⊕	EXISTING IRON PIN
⊕	SET BRASS
⊕	EXISTING BRASS/PIKE
⊕	SET NAIL
⊕	EXISTING NAIL
⊕	EXISTING STONE
⊕	EXISTING MONUMENT
⊕	EXISTING FENCE
⊕	PAINTING FENCE POST
—	OVER HEAD POWER LINE
⊕	POWER POLE
⊕	WATER METER
⊕	ELECTRIC/TELEPHONE PFCEDSTAL
⊕	GAS METER
⊕	LIGHT POST



**SURVEYOR CERTIFICATION**

I HEREBY CERTIFY THAT THE HEREIN PLATTED AND OPENED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 15th DAY OF 11-2016.

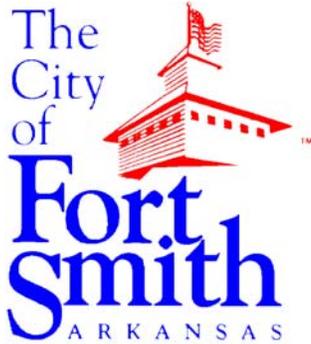
TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY IS ACCURATE AND I AM NOT PROVIDING ANY GUARANTEE, EXPRESS OR IMPLIED, REGARDING THE ACCURACY OF THIS SURVEY.

ANTHONY F. ANDERSON AR, PLS. 1772

**ANDERSON SURVEYING INC.**  
 Arkansas -- Oklahoma  
 P.O. Box 129  
 Van Buren, Ar 72957  
 (479)-474-4247  
 Fax (479)-410-5333  
 e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARK  
 SURVEY OF  
 LOT 12, BLOCK 526,  
 RESERVE ADDITION

DATE: 11-20-2016	FOR USE BY:
APP'D: 11-21-2016	James R. Childers
SCALE: 1" = 10'	



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 ~Revised~ SUMMARY**

**Fort Smith Board of Directors**

**REGULAR MEETING**

**March 1, 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**

Worship Pastor Dino Hutchings, Evangel Temple

**ROLL CALL**

- All present, except Director Don Hutchings
- 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 FEBRUARY 16, 2016 REGULAR MEETING AND THE FEBRUARY 18, 2016 SPECIAL MEETING**

**APPROVED** as written

**ITEMS OF BUSINESS:**

1. Items relative to economic development (*Glatfelter Advanced Materials N.A., Inc.*):
  - A. Resolution of intent to issue Industrial Development Revenue Bonds  
**APPROVED** 6 in favor, 0 opposed / Resolution No. R-27-16

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

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-28-16

C. Resolution authorizing the Mayor to execute a letter of termination regarding the local incentives definitive agreement authorizing the Mayor to execute all documents necessary from the City to facilitate the conveyance of property at 8201 Chad Colley Boulevard

**APPROVED** 6 in favor, 0 opposed / Resolution No. R-29-16

*The agenda has been revised to include the above resolutions, which were not initially provided in the board packet distributed on Friday, February 26, 2016 pending a public announcement regarding same.*

2. One-year report regarding implementation of the Comprehensive Plan ♦  
**Presentation only**

3. Ordinance amending the Fort Smith Trails and Greenways Master Plan  
**APPROVED** 6 in favor, 0 opposed / Ordinance No. 14-16

4. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Open Space / Residential Detached to Office Research Light Industrial (ORLI) / Rezoning: from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification located at 5500 Massard Road*)  
**APPROVED** 4 in favor, 1 opposed (Pennartz) and 1 abstention (Catsavis) / **FIRST READING**

5. Items regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*)  
~ Tabled for sixty (60) days at the November 3, 2015 regular meeting / Tabled for additional sixty (60) days at the January 5, 2016 regular meeting ~  
**TABLED INDEFINITELY** 6 in favor, 0 opposed

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

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

6. Ordinance rezoning identified property and amending the zoning map (*from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification located at 7821 Texas Road*)  
**APPROVED** 6 in favor, 0 opposed / Ordinance No. 15-16

7. Ordinance rezoning identified property and amending the zoning map (*from Commercial Light (C-2) and Commercial Heavy (C-5) to Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue*)  
**APPROVED** 6 in favor, 0 opposed / Ordinance No. 16-16
8. Ordinance rezoning identified property and amending the zoning map (*from Commercial-5-Special (C-5-SPL) to Commercial-5-Special (C-5-SPL) located at 4501 & 4801 Phoenix Avenue*)  
**APPROVED** 6 in favor, 0 opposed as revised to correct “4501 & 4801 Phoenix Avenue” to “4501 to 4801 Phoenix Avenue” / Ordinance No. 17-16
9. Ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Residential Detached to Residential Attached / Rezoning: from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification located at 2511 Spradling Avenue*)  
**APPROVED** 6 in favor, 0 opposed / Ordinance No. 18-16
10. Ordinance rezoning identified property and amending the zoning map (*from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification located at 10001 Chad Colley Boulevard*)  
**APPROVED** 6 in favor, 0 opposed / Ordinance No. 19-16
11. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for Consent Decree Program Management Services (\$8,514,088.00 / Utility Department / Budgeted – Water and Sewer Operating Revenue Funds) ♦ ● ~ Tabled for two (2) weeks at the February 16, 2016 regular meeting ~  
**APPROVED** 6 in favor, 0 opposed / Resolution No. R-30-16
12. Resolution accepting the bids and authorizing contracts for the renovation and furnishings for the Library Annex Building for use as office space (\$1,125,075.48 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ ●  
**APPROVED** 6 in favor, 0 opposed / Resolution No. R-31-16
13. Consent Agenda
  - A. Resolution granting a temporary revocable license for the placement of a monument sign in a public right-of-way and authorizing the Mayor to execute agreement (*8999 Massard Road*)  
**APPROVED** 6 in favor, 0 opposed / Resolution No. R-32-16
  - B. Resolution granting a temporary revocable license for the placement of landscaping in a right-of-way and authorizing the Mayor to execute agreement (*74 South 4<sup>th</sup> Street*)  
**APPROVED** 6 in favor, 0 opposed / Resolution No. R-33-16

**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**

7:27 p.m.

# MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MARCH 1, 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 Worship Pastor Dino Hutchings, Evangel Temple, 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 and Kevin Settle; absent – Director Don Hutchings. The Mayor declared a quorum present.

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

The minutes of the February 16, 2016 regular meeting and February 18, 2016 special meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized Jacob Biddle, member of Boy Scout Troop 3, who was in attendance to earn his Communication Badge.

Item No 1 consisted of the following resolutions relative to economic development (*Glatfelter Advanced Materials N.A., Inc.*):

- A. Resolution of intent to issue Industrial Development Revenue Bonds
- B. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003)
- C. Resolution authorizing the Mayor to execute a letter of termination regarding the local incentives definitive agreement authorizing the Mayor to execute all documents necessary from the City to facilitate the conveyance of property at 8201 Chad Colley Boulevard

**March 1, 2016 Regular Meeting**

Mayor Sanders briefed the Board on the items advising of today's announcement by Glatfelter Advanced Materials N.A., Inc. to purchase the Mitsubishi property and its plans to build a manufacturing facility for its fibrous paper material products. Galtfelter Advanced Materials N.A., Inc. plans to invest \$75 million in the project to purchase and outfit the facility for their needs. The investment will generate eighty-three (83) jobs with an average wage of \$25 per hour within three (3) years. The proposed resolutions (Item's 1A, 1B and 1C) relate to the project and warrant action of the Board.

Item No. 1A is a resolution declaring the City's intent to issue Industrial Development Revenue Bonds as authorized by Arkansas law. The bonds will be special obligations of the City; however, the City maintains no responsibility for payment of the bonds. In an estimated sixty (60) to ninety (90) days, an ordinance authorizing issuance of the bonds, a lease agreement and a Payment-In-Lieu-of-Taxes (PILOT) agreement, among possibly other documents, will be presented to the Board for consideration. The competitive nature of the project recruitment process required maximum effort on the part of Governor Hutchinson's office, the Arkansas Economic Development Commission (AEDC), the Chamber of Commerce, and the City. As such, the proposed PILOT agreement stipulates that the company will realize sixty-five percent (65%) in property tax savings through the use of the economic development mechanism.

Item No. 1B is a resolution endorsing Glatfelter Advanced materials N.A., Inc.'s participation in the Tax Back Program. The Tax Back Program is an economic incentive program offered to new expanding businesses in the State that allows businesses to receive rebates on sales tax paid on purchasing equipment or building materials used in the development or expansion of industry in the State of Arkansas.

### ***March 1, 2016 Regular Meeting***

Item 1C is a resolution authorizing the Mayor to execute a Termination Letter releasing Mitsubishi Hitachi Power Systems Americas, Inc. from the local incentives definitive agreement authorized by Resolution No. R-108-10. This resolution will also authorize the Mayor to execute any documents necessary from the City in order to facilitate the conveyance of the property at 8201 Chad Colley Boulevard from Mitsubishi to Glatfelter Advanced Materials N.A. Inc. The termination letter will be effective upon successful conveyance of the property, it has been signed by all other signatories to the agreement and approval by the Board and Mayor's signature is the final step of approval.

Settle, seconded by Catsavis, moved adoption of Item 1A. There was no Board comment on the item. The members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Lorenz, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given Resolution No. R-27-16.

Lorenz, seconded by Settle, moved adoption of Item 1B.

Director Pennartz requested confirmation of the total investment, noted the significance of such investment, and conveyed much support for the proposed project.

Acting City Administrator Jeff Dingman reiterated the estimated investment ranges from \$75 to \$80 million.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Settle, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given Resolution No. R-28-16.

Lorenz, seconded by Settle, moved adoption of Item 1C.

### ***March 1, 2016 Regular Meeting***

Director Settle expressed appreciation to Glatfelter Advanced Materials N.A., Inc. for investing in the city and conveyed a heartfelt welcome to Fort Smith.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried. Catsavis, seconded by Lorenz, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given Resolution No. R-29-16.

Mayor Sanders acknowledged Governor Hutchinson's office, the AEDC, Tim Allen and the Chamber of Commerce, Acting City Administrator Jeff Dingman, John Lenio for the maximum effort expended in the competitive recruitment process of bringing this significant asset to Fort Smith. He further acknowledged those present representing Glatfelter Advanced Materials N.A., Inc. and also conveyed a heartfelt welcome to Fort Smith.

Item 2 was a one-year report regarding implementation of the Comprehensive Plan

#### *◆Future Fort Smith Item*

Director of Development Services Wally Bailey briefed the Board on the item advising such is the inaugural report of the Future Fort Smith Comprehensive Plan. The report identifies the progress made on implementation since the adoption of the plan on December 16, 2014 through the end of December 2015. Items accomplished since December 2015 will be included in future reports. Some of the accomplishments to date include the appointment of the Comprehensive Plan Implementation Committee; amendments to the mobile food truck ordinance; completion of the Compass Park splash pad, Imani Park and Stagecoach Park; and, adoption of the consent decree. He then introduced Mr. John Cooley, Chair of the Comprehensive Plan Implementation Committee, to address the Board.

Mr. Cooley advised of the Comprehensive Plan Implementation Committee's role and their pursuit to ensure actions are being taken to accomplish the goals and purpose of the

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Comprehensive Plan. He requested the Comprehensive Plan become a part of the budget process and boted of several accomplishments to date that achieve the goals of the Comprehensive Plan, i.e. the Peace Maker Festival, charter schools, Beautify Fort Smith, development at Chaffee Crossing, the Unexpected Project, Steel Horse Rally, downtown building redevelopment, marathons and trails.

Director Settle expressed gratitude to the Comprehensive Plan Implementation Committee, as well as Development Services staff, for ensuring citizen goals were included in the Comprehensive Plan and that such are in the forefront to further ensure the objectives are fulfilled.

Director Pennartz echoed Director Settle's comments, noted the readability of the matrix, and recommended the report be done on a quarterly or semi-annual basis.

Item 3 was an ordinance amending the Fort Smith Trails and Greenways Master Plan Pennartz, seconded by Lorenz, moved adoption of the ordinance.

Mr. Dingman briefed the Board on the item advising the Parks and Recreation Commission and the Parks Department have been working on a Trails and Greenways Master Plan since 2004. Over the years, the original document has been through several changes. The proposed plan identifies separate trails and recommends the priority for construction to progress. Such also includes routes of sharrows throughout the city of Fort Smith and the intended routes envisioned by the Trails and Greenways Committee. Sharrows provide identified markings of bicycle routes to alert motorist of the cyclist traffic. The purpose of the trails are to provide a safe alternative to vehicle traffic, recreation opportunities and commute through non-motorized corridors. The Parks Department staff, Parks and Recreation Commission, and the Trails and Greenways Committee recommend approval.

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Director Settle requested Director of Parks and Recreation Doug Reinert provide a brief definition of sharrows.

Mr. Reinert advised sharrows are shared-lane markings installed to indicate where people should preferably cycle. The State of Arkansas allows cycling anywhere except the interstate. The use of sharrows will alert motorists to the presence of cyclist and encourage cyclist to utilize the recommended areas as identified.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 14-16.

Item 4 was an ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Open Space / Residential Detached to Office Research Light Industrial (ORLI) / Rezoning: from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification located at 5500 Massard Road*)

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson. The purpose of the request is to allow the existing facility to be used for an indoor mini-storage facility with the construction of a new storage building and covered RV parking in the future. A neighborhood meeting was held on January 28, 2016 with three (3) property owners in attendance expressing concerns regarding exterior lighting and appearance of the proposed buildings. The Planning Commission held a public hearing on February 9, 2016 with Mr. Jeff Lee present to speak on behalf of the request and Mr. Ron Yates in attendance to speak in opposition citing concerns relative to security lighting, property devaluations and the fact that tenants will have twenty-four (24) hour access to the facility. An email was also received from Mr. Jim Post that echoed Mr. Yates concerns, as well as potential traffic

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hazards. The Planning Commission approved the Master Land Use Plan amendment and the rezoning request with seven (7) in favor and one (1) opposed subject to the following:

- The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
- The rooftops for the new storage buildings in Phase I shall consist of a muted color.
- The rooftops equipment on the existing building shall be screened from the right-of-way.

The following individual was present to address the Board:

- Mr. Ron Yates

Re: Spoke in opposition to the item citing his property overlooks the proposed area and due to the lighting necessary for the storage facility, he alleged such will obstruct the view. He reiterated the concerns he relayed at the Planning Commission public hearing to include the potential for trash and the nuisance of construction for Skyline Drive neighbors. He further advised he and his neighbors have obtained one-hundred-fifty-eight (158) signatures on a petition opposing the proposed project. .

Director Catsavis announced he will be abstaining from the vote due to a conflict of interest.

Lau, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings.

Director Settle requested the land uses currently allowed at the subject location, i.e. industrial and commercial, and how the proposed PZD will help eliminate some of those allowances.

Mr. Bailey provided examples of land uses allowed in the existing industrial and commercial zoning classification, i.e. large industrial facilities such a Baldor, large industrial buildings at Chaffee Crossing, auto body shops, storage yards and business along Towson Avenue. Upon approval, the proposed PZD will help remove some of those types of land uses

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and limit such to mini-storage facilities and limit vehicle storage in the pole barn area as noted in the PZD.

Directors Lorenz and Pennartz requested Mr. Baily address the lighting concerns and inquired of potential flooding of subject area.

Mr. Baily advised the lighting standards mandated by the Unified Development Ordinance (UDO) are more restrictive requiring a shoe box type lighting, screening and anti-glare. The subject property is not in the Flood Plain per the FEMA Flood Plain Map and the Engineering Department, who administer flood plain management for the City.

The motion remaining on the floor, the members present voted as follows: ayes – Lau, Good, Lorenz and Settle; nays – Pennartz; abstention – Catsavis. The Mayor declared the motion did not obtain the five (5) affirmative votes required for passage on its first reading; therefore, the City Clerk read the ordinance in its entirety for its first reading. The second reading will be placed on the next regular meeting agenda scheduled for March 15, 2016. .

Item 5 consisted of the following (2) options for consideration regarding an appeal of the Planning Commission's denial of a conditional use permit (*appeal of Alvin L. Prieur, agent for Mahmoud "Mike" Yasin*) ~ Tabled for sixty (60) days at the November 3, 2015 regular meeting / Tabled for additional sixty (60) days at the January 5, 2016 regular meeting ~

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

Mr. Dingman briefed the Board on the item advising the item was originally scheduled for November 3, 2015 and has previously been tabled allowing the property owner and a prospective buyer time to complete the transaction. According to a letter from Mr. Prieur the sale of the property is eminent and he and staff recommends tabling the item indefinitely.

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Lau, seconded by Lorenz, moved to table consideration of the item indefinitely. The members present all voting affirmatively, the Mayor declared the motion carried.

Item 6 was an ordinance rezoning identified property and amending the zoning map *(from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification located at 7821 Texas Road)*.

Mr. Bailey briefed the Board on the item advising such is per the request of Ron Brixey. The purpose of the rezoning request is to allow for the existing facility (church) to be used for a family support service business (The ARC for the River Valley). A neighborhood meeting was held on January 29, 2016 with numerous representatives for the ARC of the River and four (4) neighboring property owners in attendance; however, no objections were conveyed. The Planning Commission held a public hearing on February 9, 2016 with no individual present to speak in opposition to the request. The Planning Commission approved the Master Land Use Plan amendment and the rezoning request with eight (8) in favor and zero (0) opposed subject to the following:

- Compliance with the submitted project booklet.
- Any required construction will require plans to be submitted for building permit review.

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. The City Clerk read the ordinance for its readings. There were no comments by the Board; therefore, the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 15-16.

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Item 7 was an ordinance rezoning identified property and amending the zoning map (from *Commercial Light (C-2) and Commercial Heavy (C-5) to Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Nick Griffin, agent for GLS Properties, LLC. The purpose of the rezoning request is to allow for the construction of a new Discount Tire facility. A neighborhood meeting was held on February 3, 2016 with no neighboring property owners in attendance. The Planning Commission held a public hearing on February 9, 2016 with no individual present to speak in opposition to the request. The Planning Commission approved the rezoning request with seven (7) in favor and one (1) opposed.

Lau, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings.

Director Settle inquired if the Planning Commission had any concern regarding the location of the building on the property.

Mr. Bailey advised such was not a concern of the Planning Commission and advised the business will share the existing driveway and parking lots with Western Sizzlin, which is included within the proposed design.

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

Item 8 was an ordinance rezoning identified property and amending the zoning map (from *Commercial-5-Special (C-5-SPL) to Commercial-5-Special (C-5-SPL) located at 4501 & 4801 Phoenix Avenue*).

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Mr. Bailey briefed the Board on the item advising such is per the request of Pat Mickle, agent for KMW Properties, LLC. The purpose of the rezoning request is to remove the special requirements placed on the property at an earlier rezoning which required the property to be subject to site/development plan approval by the Planning Commission. Such requires each building in the five (5) lot subdivision to be approved by the Planning Commission. With the UDO and the Phoenix Avenue Overlay Design Standards, this additional layer of approval should not be necessary. The Planning Commission held a public hearing on February 9, 2016 with no individual present to speak in opposition to the request. The Planning Commission approved the rezoning request with five (5) in favor and three (3) opposed subject to the following:

- Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval.
- The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors)

Mr. Bailey advised an error was discovered with regard to the location citing the ordinance identifies the location as “4501 and 4801 Phoenix Avenue”; however, such should be “4501 to 4801 Phoenix Avenue”. A revised ordinance was previously provided to the Board; therefore, he requested the motion to adopt include “*as revised.*”

Lau, seconded by Good, moved adoption of the ordinance as revised. 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 as revised for its readings.

Director Settle expressed concern with how the development ties into the existing South 46<sup>th</sup> Street and Federal Express location.

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Mr. Pat Mickle addressed the Board and advised that with the potential uses of the property, there is already awareness that a stoplight may be required in the future.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance as revised was adopted and given Ordinance No. 17-16.

Item 9 was an ordinance amending the Master Land Use Plan Map and rezoning identified property and amending the zoning map (*Master Land Use Plan: from Residential Detached to Residential Attached / Rezoning: from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification located at 2511 Spradling Avenue*).

Mr. Bailey briefed the Board on the item advising such is per the request of Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh. The purpose of the request is to allow for a residential subdivision to be developed as a Tax Credit Program development. The proposed single-family and duplex subdivision will be developed in phases. The first phase will consist of approximately forty-five (45) lots with single family homes, which will require the submittal of a major plat and Planning Commission approval that the developer is requesting such be deferred until the plat has been completed. A neighborhood meeting was held February 2, 2016 with seven (7) neighboring property owners in attendance. The attendees inquired of the type of housing proposed, infrastructure requirements, and if any commercial development was planned. The Planning Commission held a public hearing on February 9, 2016 with no individual present to speak in opposition. The Planning Commission approved the Master Land Use Plan amendment, rezoning request and deferral of the development plan/preliminary plat with eight (8) in favor and zero (0) opposed.

Pennartz, seconded by Lau, 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

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the readings to occur on the same date. The City Clerk read the ordinance for its readings. There being no Director wishing to comment on the item and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 18-16.

Item 10 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification located at 10001 Chad Colley Boulevard)*.

Mr. Bailey briefed the Board on the item advising such is per the request of Michael Riley, agent for Southpointe Church. The purpose of the request is to allow for the construction of an approximately 20,000 square foot church. A neighborhood meeting was held February 2, 2016 with no surrounding property owners in attendance. The Planning Commission held a public hearing on February 9, 2016 with no individual present to speak in opposition. The Planning Commission approved the rezoning request with eight (8) in favor and zero (0) opposed.

Good, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings. There being no Director wishing to comment on the item and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 19-16.

Item 11 was a resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for Consent Decree Program Management Services *(\$8,514,088.00 / Utility Department / Budgeted – Water and Sewer Operating Revenue Funds)*

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◆Future Fort Smith Item •Consent Decree Item ~ Tabled for two (2) weeks at the February 16, 2016 regular meeting ~

Mr. Dingman briefed the Board on the item advising such was tabled for two (2) weeks at the February 16, 2016 regular meeting. The Board expressed concern and requested a review of the agreement pertaining to additional software, licensing fees, and implementation efforts be initiated to ensure integration and compatibility with the current and future enterprise systems. On February 23, 2016, a meeting was held to review the proposed scope of services of the Consent Decree Program Management and Support Services and its potential impact on Finance and ITS departments. At such meeting representatives of the Utility Department, Finance Department, ITS Department and CDM Smith discussed the technology systems and support for the Consent Decree activities. The matter was discussed and reviewed by all parties, which resulted in a better understanding of what is required and expected. It was determined that CDM Smith's scope of work is necessary and beneficial to both the Utility Department and the City.

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

Director Settle inquired where the \$8.5 million in funding will come from and expressed concern with funds coming from the Bond Issue. Due to Mr. Parke retiring at the end of March 2016, he further inquired if the future Director of Utilities will maintain the ability to recommended changes to the contract; if CDM Smith have any former employees of the City of Fort Smith working on the subject agreement; and, if they would agree to refrain from employing any current or former employees of the City of Fort Smith to be associated with the subject agreement.

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Director of Utilities Steve Parke advised funds will come from the revenues of the system, as well as the 2015 Bond Issue. He further advised the utilization of Bonds is a common tool to soften the rate impact.

Mr. Jerry Benson with CDM Smith advised the contract allows for necessary negotiations along the life of the project; therefore, the future Director of Utilities maintains the ability to recommend changes to the proposed agreement. He further confirmed there are no former City of Fort Smith employees working on subject agreement and agreed that no current or former City of Fort Smith employees will be associated with said agreement. .

Director Good conveyed much appreciation to Mr. Parke for his service to the city of Fort Smith and expressed much gratitude for his high level of expertise and knowledge in his field. He further commended Mr. Parke for accepting the many challenges associated with the Consent Decree.

Director Pennartz noted the results of the February 23, 2016 meeting resolved her initial concerns and encouraged future negotiations to also involve the IT Director, Finance Director and City Administrator.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-30-16.

Item 12 was a resolution accepting the bids and authorizing contracts for the renovation and furnishings for the Library Annex Building for use as office space (*\$1,125,075.48 / Utility Department / Budgeted – 2015 Revenue Bonds*) ♦*Future Fort Smith Item* •*Consent Decree Item*

Mr. Parke briefed the Board on the item advising such is in accordance with the Board approved supplemental staffing plan to address the Utility Department new organizational structure and management capabilities required to meet the objectives and conditions of the

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Consent Decree. Such plan also included utilization of the old library building to establish temporary offices for said employee positions, as well as the engineering consultants being retained for Consent Decree program management functions.

Pennartz, seconded by Catsavis, moved adoption of the resolution. There being no Director wishing to comment on the item and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-31-16.

The Consent Agenda (Item No.13) was introduced for consideration, the items being as follows: *(Any member of the Board may offer a motion, without necessity of a second or vote, to remove an item from the consent agenda for separate consideration.)*

- A. Resolution granting a temporary revocable license for the placement of a monument sign in a public right-of-way and authorizing the Mayor to execute agreement *(8999 Massard Road)*
- B. Resolution granting a temporary revocable license for the placement of landscaping in a right-of-way and authorizing the Mayor to execute agreement *(74 South 4<sup>th</sup> Street)*

Settle, seconded by Pennartz, moved adoption of all consent agenda items. There being no member of the Board wishing to comment on the items and the members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-32-16 and R-33-16 respectively.

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

➤ Director Settle

- Re: 1. Congratulated the University of Arkansas at Fort Smith (UAFS) men and woman's basketball team on making it to the Heartland Conference Tournament. With the men's basketball team being the number one (1) seed and the women's basketball team being the number two (2) seed.

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2. Extended congratulations to Coach Louis Whorton, UAFS women's basketball coach, upon his upcoming retirement and conveyed well wishes.

➤ Director Pennartz

Re: Offered a motion to discuss City department demographics relating to race, age and gender at a future study session in April. The motion was seconded by Lau; therefore, since placement of an item on a future agenda requires the concurrence of two (2) directors, the Mayor announced the matter will be placed on a future study session as requested.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz, and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:27 p.m.

**APPROVED**

  
**MAYOR**

**ATTEST**

  
**CITY CLERK**