

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
FORT SMITH CONVENTION CENTER, EXHIBIT HALL A3
MARCH 9, 2021 – 5:30 P.M.**

Before calling the meeting to order, Vice Chair Taylor asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Ret Taylor, Vicki Newton, Bob Cooper, Kelly Wilson, Matt Marshall, Brian Trumbly, and Shaun McCaffrey. Don Keesee and Griffin Hannah were absent.

Vice Chair Taylor then called for a motion on the minutes from the February 9, 2021, meeting. Commissioner Trumbly moved, seconded by Commissioner McCaffrey, to approve the minutes as written.

Ms. Maggie Rice, Director of Development Services, spoke on the procedures.

Vice Chair Taylor announced the Fort Smith Board of Directors requested at the March 2, 2021, BOD meeting for the Planning Commission to table all Fianna Hills items related to the golf course until the Board takes action on the pending Fianna Hills items on May 4, 2021.

1. **Final Plat - Fianna Hills, Phase III, Lots 404A, 406A & Tract 4A, Fianna Hills, Phase V, Lots 400A, 402A & Tract 4, Fianna Hills, Phase X, Lots 1025A, 1028A, 1032A & 1035A – Mickle Wagner Coleman, Inc.**

After notifying the Commission of the Board of Directors' direction, Vice Chair Taylor introduced item 1. To coincide with the direction of the Fort Smith Board of Directors, Ms. Andrews stated that staff recommended the Planning Commission table this plat until the May 11, 2021 Planning Commission meeting.

Randy Coleman of Mickle-Wagner-Coleman and Dalton Person of Jones, Jackson and Moll were present to represent this item.

Dalton Person spoke indicating he was present to answer any questions but had no objections to tabling the Fianna Hills items.

There were none present in opposition to tabling the Fianna Hills items.

Vice Chair Taylor called for a motion to table this item. Commissioner Trumbly moved, seconded by Commissioner Cooper, to table. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed to tabling item 1.

2. **Final Plat - Fianna Hills Phase I, Lots 1236-1243 and Tracts A-1 & 8 – Mickle Wagner Coleman, Inc.**

Vice Chair Taylor introduced item 2. To coincide with the direction of the Fort Smith Board of Directors, Ms. Andrews stated that staff recommended the Planning Commission table this plat until the May 11, 2021 Planning Commission meeting.

Randy Coleman of Mickle-Wagner-Coleman and Dalton Person of Jones, Jackson and Moll were present to represent this item. There were none present in opposition to tabling the Fianna Hills items.

Vice Chair Taylor called for a motion to table this item. Commissioner Wilson moved, seconded by Commissioner Cooper, to table. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed to tabling item 2.

3. Preliminary Plat – Fianna Hills, Phase V, Lots 1244-1248 – Mickle Wagner Coleman, Inc.

Vice Chair Taylor introduced item 3. To coincide with the direction of the Fort Smith Board of Directors, Ms. Andrews stated that staff recommended the Planning Commission table this plat until the May 11, 2021 Planning Commission meeting.

Randy Coleman of Mickle-Wagner-Coleman and Dalton Person of Jones, Jackson and Moll were present to represent this item. There were none present in opposition to tabling the Fianna Hills items.

Vice Chair Taylor called for a motion to table this item. Commissioner Trumbly moved, seconded by Commissioner Newton, to table. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed to tabling item 3.

4. Rezoning #9-3-21 – A request by Hitcher Development LLC, owner, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7000 Mahogany Avenue

Vice Chair Taylor introduced item 4. Mr. Ghous presented the staff report indicating the 0.79 acre property was located on the corner of Mahogany Avenue and Brittany Drive. He said the approval of this item would allow for the existing building to be utilized as an office as well as the other uses listed within the land use chart.

Buck Hitcher of Hitcher Development was present to represent and speak in favor of this item. There were none present to speak in opposition of this item.

Commissioner Marshall asked the applicant how many tenants this location would have. Mr. Hitcher said there would be spaces for four (4) tenants.

Vice Chair Taylor called for a motion. Commissioner Cooper moved, seconded by Commissioner Trumbly, to approve as written. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed.

5. Conditional Use #2-3-21 – A request by CDL Academy, agent for Central Mall, for a technical or trade school (truck driving) at 5111 Rogers Avenue

Vice Chair Taylor introduced item 5. Ms. Rice read the staff report stating the property was located on the northwest corner of Rogers Avenue and South Waldron Road, southeast of Central Mall. She said the approval of this item would allow an on-site truck driving and training school.

Max Avery was present to represent this item. Jessica Hopkins of the Alford Law Firm was present to speak in opposition citing concerns regarding appropriateness, location and aesthetics.

Commissioner Newton, Commissioner Wilson and Vice Chair Taylor expressed this location was not appropriate for truck diving and training. Commissioner Wilson explained this use was not compatible because it was located in a commercial zone. Mr. Avery asked if it would be better to move training to the north Dillard's parking lot. Commissioner Newton indicated it would not be.

After discussion, Vice Chair Taylor called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written with staff comments. Vice Chair Taylor called for a vote. The vote was 0 in favor and 7 opposed.

6. Development Plan #4-3-21 – A request by CEI Engineering, agent for Stephens Production, for development plan approval of an auto parts and accessory sales business at 8650 U.S. Hwy 71

Vice Chair Taylor introduced item 6. Mr. Tyler Miller delivered the staff report stating the 1.03 acre property was located northwest of the U.S. Hwy 71 and Park South Road intersection. He said the approval of this item would allow for a new 7,372 s.f. Auto Zone with 31 parking spaces, two driveways, and landscaping.

Chris Harty of CEI was present to represent this item. David Yarbrough of 3605 Shelburne Road spoke with concerns regarding notification to the neighboring subdivision. Vice Chair Taylor explained the legal requirement for notifications was 300 feet.

Vice Chair Taylor called for a motion. Commissioner Trumbly moved, seconded by Commissioner Newton, to approve as written. Vice Chair Taylor called for a vote. The vote was 6 in favor and 1 abstention (Cooper).

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7. Variance #6-3-21 – A request by Jonathan Griffin, owner, from Section 27-602-4-(C)2 high quality materials from 51% to 49% front facade and 51% to 20% side facade at 2000 Phoenix Avenue

Vice Chair Taylor introduced item 7. Ms. Andrews presented the staff report stating the 0.69 acre property was located on the southeast corner of the Phoenix Avenue and Jenny Lind Road intersection. She said the approval of this item would allow the installation of metal wall panels on the front and side facades of the existing building.

There were none present to represent this item. There were none present to speak in favor or opposition of this item.

Vice Chair Taylor called for a motion. Commissioner Marshall moved, seconded by Commissioner Trumbly, to approve as written with staff comments. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed. Approval subject to the following staff comment:

- 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 27-330-7 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

8. Variance #7-3-21 – A request by Scott Rice, owner, from 30 feet to 7.5 feet interior side-yard setback and from 30 feet to 10 feet rear-yard setback at 904 North 47th Street

Vice Chair Taylor introduced items 8 and 9 as companion items. Mr. Ghous delivered the staff report stating the 0.28 acre property was location southeast of the Grand Avenue and North 47th Street intersection. He said the approval of this item would allow for two 1,836 s.f. duplexes with eight parking spaces, two driveways, privacy fence, and landscaping.

Scott Rice was present to represent this item. There were none present to speak in favor or opposition.

Vice Chair Taylor called for a motion on item 8. Commissioner Wilson moved, seconded by Commissioner Marshall, to approve as written with staff comments.

Vice Chair Taylor noted discussion from the study session stating the variance made sense for this purpose.

Vice Chair called for a vote. The vote was 6 in favor and 1 opposed (Trumbly).

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9. Development Plan #5-3-21 – A request by Scott Rice, owner, for a multifamily development at 904 North 47th Street

Vice Chair Taylor called for a motion on item 9. Commissioner Newton moved, second by Commissioner Wilson, to approve as written with staff comments. With no additional comments, Vice Chair Taylor called for a vote. The vote was 6 in favor and 1 opposed (Trumbly).

- 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 27-330-7 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

10. UDO Amendments

Vice Chair Taylor introduced item 10. Ms. Rice presented the staff report proposing two text amendments. She said the first amendment would add the Form Based Code zoning district to the Outdoor Mobile Food Vending sections of the UDO, allowing this use by right. She continued explaining the second amendment would add a provision to Section 27-504-3 to allow private access easements for residential single family and duplex developments when the following criteria is met:

- The lot shall have public or private street frontage on one side.
- The easement shall be from a public or private street and a minimum of sixteen (16) feet wide.
- The easement shall be paved and maintained by the property owner or homeowners association.
- If applicable, the easement shall comply with all standards for public streets and utilities as provided in this chapter. This includes the design standards in this Section and guarantees and warranties required by Sections 27-513 and 27-514.

Vice Chair Taylor called for a motion. Vice Chair Taylor moved, seconded by Commissioner Trumbly, to approve as written. Vice Chair Taylor called for a vote. The vote was 7 in favor and 0 opposed.

The meeting adjourned at approximately 6:15 P.M.