

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM – CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
FEBRUARY 12, 2013**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM JANUARY 8, 2013**

**III. STAFF COMMENTS AND PROCEDURES**

1. Final Plat – Stonebrook at Chaffee Crossing
2. Master Land Use Plan Amendment from Commercial Neighborhood to General Commercial located at 2501 North 50<sup>th</sup> Street. (companion item to items #3 & #10) (tabled from December 2012)
3. Rezoning #22-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Classification located at 2501 North 50<sup>th</sup> Street. (companion item to items #2 & #10) (tabled from December 2012)
4. A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper for development plan approval for a convenience store with gasoline sales located at 9102 Rogers Avenue. (companion item to item #11) (tabled from January 2013)
5. Rezoning #2-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Industrial Moderate (I-2) by Classification located at 7712 Taylor Avenue. (companion item to items #6 & #12)
6. Conditional Use #4-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for a conditional use for a chemical, plastics and rubber industry located at 7712 Taylor Avenue. (companion item to items #5 & #12)
7. A request by Jerry Morrow and/or Kip Guthrie, agents for A& M Railroad Fort Smith for development plan approval for a warehouse addition located at 1301 North 4<sup>th</sup> Street. (companion item to item #14)

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

8. Conditional Use #5-2-13; A request by Chasen Garrett, agent for Alejandro Fuentes for a conditional use for a restaurant with outdoor dining located at 8909 Rogers Avenue.
9. Conditional Use #6-2-13; A request by Larry Young, agent for St. Edward Mercy Health System, Inc. for a conditional use for a hospital located at 3501 W.E. Knight Drive.

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

10. Variance #27-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder, for a variance from 2 acres to 49,875 square feet minimum lot area located at 2501 North 50<sup>th</sup> Street. (companion item to items #2 & #3) (tabled from December 2012)
11. Variance #3-1-13; A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas and Larry & Sandra Roper, for a variance from: 1) 30 feet to 10 feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways; 3) from 200 feet to 132 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue. (companion item to item #4) (tabled from January 2013)
12. Variance #5-2-13; A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority for a variance from 10 acres to 3.92 acres minimum lot area and from major arterial to major collector required street access located at 7712 Taylor Avenue. (companion item to items #5 & #6)
13. Variance #6-2-13; A request by Micah Bubbus, agent for Michael Albanese, Eldon Albanese and Thomas Cormier for a variance from 300 square feet to 417 square feet maximum size of a sign located at 1200 South Waldron.
14. Variance #7-2-13; A request by Jerry Morrow and/or Kip Guthrie, agents for A& M Railroad Fort Smith for a variance from Section 27-602-4(E) Industrial Building Standards located at 1301 North 4<sup>th</sup> Street. (companion item to item #7)
15. Variance #9-2-13; A request by Ricky Hill, agent for Travis and Roxanne Chaffey, for a variance from 60 feet to 25 feet minimum width building set back line located at 2714 North Albert Pike Avenue.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
JANUARY 8, 2013**

On roll call, the following Commissioners were present: Vicki Newton, Rett Howard, Brandon Cox, Walton Maurras and John Huffman. The following Commissioners were absent: Jennifer Parks, Marshall Sharpe, Steve Griffin and Richard Spearman.

Motion was made by Commissioner Maurras, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Ms. Brenda Andrews read the staff procedures.

**1. Nomination and Election of Vice-Chairperson**

Motion was made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to nominate Walton Maurras as Vice-Chairman. Due to the fact that Chairman Griffin was absent, Vice-Chairman Maurras would be acting as Chairman for this meeting.

**2. Master Land Use Plan Amendment from Extraterritorial Jurisdiction  
Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial  
Office located at 12901-13035 Highway 71 South. (companion item to item #3)**

**3. Rezoning #1-1-13; A request by Neal Rogers, agent for John P. Sexton and  
Margaret L. Sexton, for a zone change from Extraterritorial Jurisdiction Open-1 to  
Extraterritorial Jurisdiction Commercial-3 by Classification located at 12901-13035  
Highway 71 South. (companion item to item #2)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to enable the owner to sell the property to commercial buyers.

Mr. Neal Rogers was present to speak on behalf of these requests.

Mr. Bill Ginger, 6313 Howard Hill Road, was also present to speak in support of these requests.

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

Acting Chairman Maurras then called for the vote on these requests.

**2. Master Land Use Plan Amendment from Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office located at 12901-13035 Highway 71 South. (companion item to item #3)**

Acting Chairman Maurras called for the vote on the Master Land Use Plan Amendment. The vote was 5 in favor and 0 opposed.

**3. Rezoning #1-1-13; A request by Neal Rogers, agent for John P. Sexon and Margaret L. Sexton, for a zone change from Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by Classification located at 12901-13035 Highway 71 South. (companion item to item #2)**

Acting Chairman Maurras called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to amend this request to make approval subject to the following:

- Access shall be limited to the US Highway 71 frontage and not from Howard Hill Road.
- Development plan approval by the Planning Commission prior to any development.

Acting Chairman Maurras then called for the vote on the rezoning request as amended. The vote was 5 in favor and 0 opposed.

**4. A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas and Larry & Sandra Roper, for development plan approval for a convenience store with gasoline sales located at 9102 Rogers Avenue. (companion item to item #10)**

**10. Variance #3-1-13; A request by Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for Board consideration of the following variances: 1) from thirty (30) feet to ten (10) feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways; 3) from 200 feet to 143 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue. (companion item to item #4)**

Acting Chairman Maurras stated that the applicant has requested these items be tabled until the February Planning Commission meeting due to the limited number of Commissioners in attendance at this meeting.

Mr. Greg Shipley was present to formally request these items be tabled until the February Planning Commission meeting.

Mr. Doug Schwartz was present to speak in opposition to these requests. Mr. Schwartz stated, however, that he had no problem with these items being tabled until February.

Motion was then made by Commissioner Howard, seconded by Commissioner Huffman and carried unanimously to table these requests until the February 12, 2013, Planning Commission meeting.

**5. Conditional Use #1-1-13; A request by Michael Johnson, agent for the Diocese of Little Rock (Anthony Taylor) for a conditional use for a church youth center located at 1211 Garrison Avenue.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow an existing commercial building to be used as a youth center and worship facility for Immaculate Conception Church which will consist of a classroom area, office, restrooms, kitchen and worship area.

Ms. Rice stated that a neighborhood meeting was held on Monday, December 17, 2012, at the Immaculate Conception Parish Hall located at 22 North 13<sup>th</sup> Street with no adjacent property owners in attendance. Ms. Rice also noted that staff has received no objections or concerns regarding the proposed youth center. Ms. Rice stated that the Central Business Improvement District has reviewed the renovation plans at its December 13<sup>th</sup> meeting and supports the project. Ms. Rice also stated that the Commercial Downtown (C-6) zone has no parking requirements; however, there is existing parking located just to the east of the proposed church.

Mr. Michael Johnson was present to speak on behalf of this request.

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

Acting Chairman Maurras then called for the vote on the conditional use request. The vote was 5 in favor and 0 opposed.

**6. Conditional Use #2-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a conditional use for a classroom and administrative office expansion located at 3201 Massard Road. (companion item to item #12)**

**12. Variance #5-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a variance from 200 feet to 100 feet minimum separation between adjacent driveways located at 3201 Massard Road. (companion item to item #6)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the expansion of Woods Elementary School and to allow a 100' separation instead of the required 200' between a new driveway and the existing Walmart driveway located on Massard Road.

Ms. Rice stated that a neighborhood meeting was held on Thursday, January 3, 2013 at 3201 Massard Road with no surrounding property owners in attendance. Ms. Rice noted that construction of the new driveway would create a longer drive that would reduce traffic congestion on Massard Road when students are dropped off and picked up. Ms. Rice also noted that the engineering department, who administers the City's access management standards and regulations, has reviewed the driveway separation variance request and has no objections.

Mr. Michael Johnson was present to speak on behalf of these requests. Mr. Johnson stated that they had no objections to any of the city comments and requirements relative to this project.

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

Acting Chairman Maurras then called for the vote on these requests.

**RECESS PLANNING COMMISSION  
CONVENE BOARD OF ZONING ADJUSTMENT**

- 12. Variance #5-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a variance from 200 feet to 100 feet minimum separation between adjacent driveways located at 3201 Massard Road. (companion item to item #6)**

Acting Chairman Maurras called for the vote on the variance request. The vote was 5 in favor and 0 opposed.

The Commission expressed their reason for approving this variance request is due to the fact that it would reduce congestion along Massard Road.

**RECESS BOARD OF ZONING ADJUSTMENT  
RECONVENE PLANNING COMMISSION**

- 6. Conditional Use #2-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a conditional use for a classroom and administrative office expansion located at 3201 Massard Road. (companion item to item #12)**

Acting Chairman Maurras called for the vote on the conditional use

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

- The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 Commercial and Outdoor Lighting requirements.

- Submittal of a sign permit application for staff review of any new signage.

Acting Chairman Maurras then called for the vote on the conditional use request as amended. The vote was 5 in favor and 0 opposed.

- 7. Conditional Use #3-1-13; A request by Gerald Thomas for a conditional use for the expansion of an existing electrical contractor shop and storage yard located at 12110 Old Hwy. 71 South. (companion item to item #11)**
- 11. Variance #4-1-13; A request by Gerald Thomas for a variance from 20 feet to 1.8 feet rear yard setback located at 12110 Old Hwy. 71 South. (companion item to item #7)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an expansion of an existing electrical contractor shop and storage yard. Ms. Rice stated that the variance request would accommodate the expansion of an already existing storage building that is currently encroaching the rear yard setback line. Ms. Rice noted that a neighborhood meeting was held on Wednesday, January 2, 2013, at 9:30 a.m. at the applicant's site. Ms. Rice stated that one adjacent property owner attended the meeting and another adjacent property owner contacted the applicant by phone but no objections or concerns were expressed regarding these requests.

Mr. Gerald Thomas was present to speak on behalf of these requests.

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

Vice-Chairman Maurras called for the vote on these items.

#### **RECESS PLANNING COMMISSION RECONVENE BOARD OF ZONING ADJUSTMENT**

- 11. Variance #4-1-13; A request by Gerald Thomas for a variance from 20 feet to 1.8 feet rear yard setback located at 12110 Old Hwy. 71 South. (companion item to item #7)**

Vice-Chairman Maurras called for the vote on the variance request. The vote was 5 in favor and 0 opposed.

#### **RECESS BOARD OF ZONING ADJUSTMENT RECONVENE PLANNING COMMISSION**

- 7. Conditional Use #3-1-13; A request by Gerald Thomas for a conditional use for the expansion of an existing electrical contractor shop and storage yard located at 12110 Old Hwy. 71 South. (companion item to item #11)**

Vice-Chairman Maurras called for the vote on the conditional use request. Motion was made by Commissioner Huffman, seconded by Commissioner Cox and carried unanimously to amend this request to make approval subject to all construction being built in accordance with the submitted site plan.

Vice-Chairman Maurras then called for the vote on the conditional use request as amended. The vote was 5 in favor and 0 opposed.

**RECESS PLANNING COMMISSION  
RECONVENE BOARD OF ZONING ADJUSTMENT**

**8. Variance #1-1-13; A request by Harold Boerner for a variance from 25 feet to 7 feet 6 inch front yard setback located at 2005 South “R” Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request to allow for a carport to be constructed. Ms. Rice noted that the applicant states that the occupant has recently received a hip replacement, and the entry and exit would be best suited by the front door of the residence under a carport safe from the weather elements. Ms. Rice stated that a neighborhood meeting was held on Friday, December 21, 2012, at 2005 South “R” Street with no surrounding property owners in attendance. Ms. Rice also stated that there are several surrounding properties with existing carports that may encroach the front yard setback.

Mr. Harold Boerner was present to speak on behalf of this request.

Mr. David Harris, 2025 South “V”, addressed the Commission. Mr. Harris stated that the number of surrounding properties with existing carports that encroach into the front yard setback is no reason to grant this variance request.

Vice-Chairman Maurras then called for the vote on the variance request. The vote was 5 in favor and 0 opposed.

**9. Variance #2-1-13; A request by Ken Jones, agent for Mercy Fort Smith, for a variance from indirect to internally illuminated lighting for a sign located at 5401 Ellsworth Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow a monument sign with internal illumination. Ms. Andrews stated that the proposed monument sign would be located along the site’s Waldron Road frontage and in staff’s opinion would not be incompatible with the surrounding commercial land uses. Ms. Andrews noted that a neighborhood meeting was held on January 4, 2013, at Mercy Plaza, 5401 Ellsworth Road, with no property owners attending the meeting.

Mr. Ken Jones was present to speak on behalf of the variance request.

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

Vice-Chairman Maurras then called for the vote on the variance request. Motion was made by Commissioner Huffman, seconded by Commissioner Cox and carried unanimously to amend the request to make approval based on the sign plan as submitted. Vice-Chairman Maurras then called for the vote on the variance request as amended. The vote was 5 in favor and 0 opposed. The Commission noted that approval was based on the fact that this sign would make it easier for the public to identify this property.

**Meeting Adjourned!**

**SUBDIVISION COMMENTS**

**February 2013**

1. **Stonebrook at Chaffee Crossing, Phase I, Lots 1-23 - Final Plat – Crafton Tull & Associates**

**Zoning Designation:** Residential Single Family Medium/High Density (RS-3)

**Land Use:** Provides for medium/high density, compact single-family homes as either new or infill development

**Proposed Use:** Single-family dwellings

The developer, Carrington Creek Homes, has requested that consideration of the final plat be tabled until the March planning commission meeting. The request will give the developer additional time to finalize their Property Owner's Association maintenance document. Enclosed is an e-mail from Cary Smallwood requesting that the item be tabled.

Staff recommends that the item be tabled until March.



## Andrews, Brenda

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**From:** Cary Smallwood [csmallwood@carringtoncreek.com]  
**Sent:** Thursday, February 07, 2013 10:05 AM  
**To:** Andrews, Brenda  
**Cc:** Steven Beam  
**Subject:** Stonebrook

Brenda

Please table final plat approval for Stonebrook until March planning session. This will allow us to complete the maintenance documents for the subdivision

Thank you

Cary Smallwood  
Managing Partner  
Carrington Creek Homes  
P.O. Box 10176  
Fort Smith, AR, 72917  
479.806.7474

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Proposed Master Land Use Plan Amendment, at 2501 North 50<sup>th</sup> Street from Commercial Neighborhood to General Commercial (Companion to items #3 & #10)

The Planning Department is in receipt of an application from Al Prieur, agent for Mark & Amy Koenigseder, to amend the *Master Land Use Plan* from Commercial Neighborhood to General Commercial to accommodate a proposed corrective rezoning to Commercial Heavy (C-5). The subject property is located on the northwest side of the intersection of Kelley Highway and North 50<sup>th</sup> Street. The site contains approximately 1 acre with 255 feet of frontage on Kelley Highway and 160 feet of frontage on North 50<sup>th</sup> Street.

The existing zoning of the site is Commercial Regional (C-4). A companion application (item #3) proposes a change in the zoning classification from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The areas to the north are classified as Commercial Neighborhood and are developed as single family residences.

The areas to the south are classified as Commercial Neighborhood and are developed as a pharmacy, medical clinic and a bank.

The area to the west is classified as Commercial Neighborhood and is developed as a funeral home.

The area to the east is classified as Commercial Neighborhood and is developed as a school.

The proposed land use classification of General Commercial is described as follows:

2A

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

**Characteristics and Use:** Retail sales of all product types requiring transportation of good; and, professional, technical, and financial services.

<b>Criteria for Designation:</b>	<b>Compliance Noted</b>
• Compatible with, and complimentary to, surrounding uses	No
• Located on high volume arterials and collectors	Yes
• Located as a cluster of like services	No
• Accessible by most modes of transportation	Yes
• Appropriately located, for minimum impact to adjacent uses, and, by volume of activity and trips generated by use	No

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Kelley Highway and North 50<sup>th</sup> Street as Major Arterials.

**STAFF COMMENTS AND RECOMMENDATIONS**

This request as well as the companion zoning and variance applications were tabled at the planning commission's September 11, 2012 and December 11, 2012 meetings.

The applicant is requesting a land use plan change to facilitate a companion rezoning request. A neighborhood meeting was held on September 4, 2012. A few surrounding property owners were in attendance; however, none voiced any concern over the proposed applications. A summary of the meeting is enclosed.

If the Planning Commission is inclined to approve the application staff requests it is contingent upon approval of the rezoning and variance applications.

2B

## 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: Alvin L. Prieur, Jr., PE acting for Mark Koenigseder	
Firm Name: Prieur Engineering	
Address: P O Box 1689, Van Buren, AR 72957	
Phone # (day): 479-651-7920	Phone # (cell): Same                      Fax #: 479-434-2303
Owner Name: Mark J. and Amy Leigh Koenigseder	
Owner Address: 2501 North 50 <sup>th</sup> Street, Fort Smith, AR 72904	
Phone # (day): 479-783-851    479-646-8381	Phone # (cell):                      Fax #:
Property Address (subject property): 2501 North 50 <sup>th</sup> Street, Fort Smith, AR	
<b>Subject Property</b>	
Current Land Use: Commercial – Auto Repair	
Existing MLUP Classification: Commercial - Neighborhood	
Proposed MLUP Classification: <del>Heavy Commercial</del> <i>General Commercial</i>	
Existing Zoning Classification: Commercial - 4	
Proposed Zoning Classification: Commercial - 5	
<b>Surrounding Property</b>	
Current Land Use: north- Residential/Funeral Chapel Drive	
south- Medical Clinic	
east- School	
west- Funeral Chapel	
Existing MLUP Classification: north: Commercial - Neighborhood	
south: Commercial - Neighborhood	
east: Public Education	
west: Commercial - Neighborhood	
Existing Zoning Classification: north: C – 4 and C - 2	
south: C - 2	
east: R – 3-MF	
west: C - 4	
Pre-Application Meeting Date: August 6, 2012	

*QC*

*" See Following Page For Answers "*

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

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

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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:

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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:

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7. Identify any known or anticipated environmental concerns:

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**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:

1. The South Half (S ½) of Lots 24 thru 26 and Lot 26A, Block 3, Broadmoor Addition, an Addition to the City of Fort Smith, Sebastian County, Arkansas less and except City of Fort Smith obtained rights-of-way.
2. A survey of the property is attached.
3. The area to be reclassified is 1.821 acres.
4. This property has streets on two sides. The streets are Kelley Highway and North 50<sup>th</sup> Street. Kelley Highway was widen in recent history to 5-lanes and is in good condition. It is classified as a major arterial. North 50<sup>th</sup> Street has two lanes with a turning lane at the intersection with Kelley Highway. It is in fair condition and is classified as a major arterial. The development covered by this application is for an existing nonconforming use that has been at this location for many years. No new streets are planned.
5. The area being covered by this land use plan amendment is to correct an area that is not classified for the existing use. The change came up when the property owner wanted to add on to his existing building. The existing utilities were improved some when Kelley Highway was improved. This development should have no impact on the public utility services or the infrastructure because there are no changes planned for this property except for a addition to a currently existing building.
6. The property owner currently has only the plan for the one building extension. It is possible that other buildings could be constructed on the property in the future but they will all be related to the current use. This property will never have a high density of buildings.
7. There are no known or anticipated environmental concerns for this property other than those normally related to an auto repair shop. There are no current environmental problems at this location.

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

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

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

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

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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:

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**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:

2F

# Master Land Use: From Commercial Neighborhood to General Commercial

2501 North 50th Street

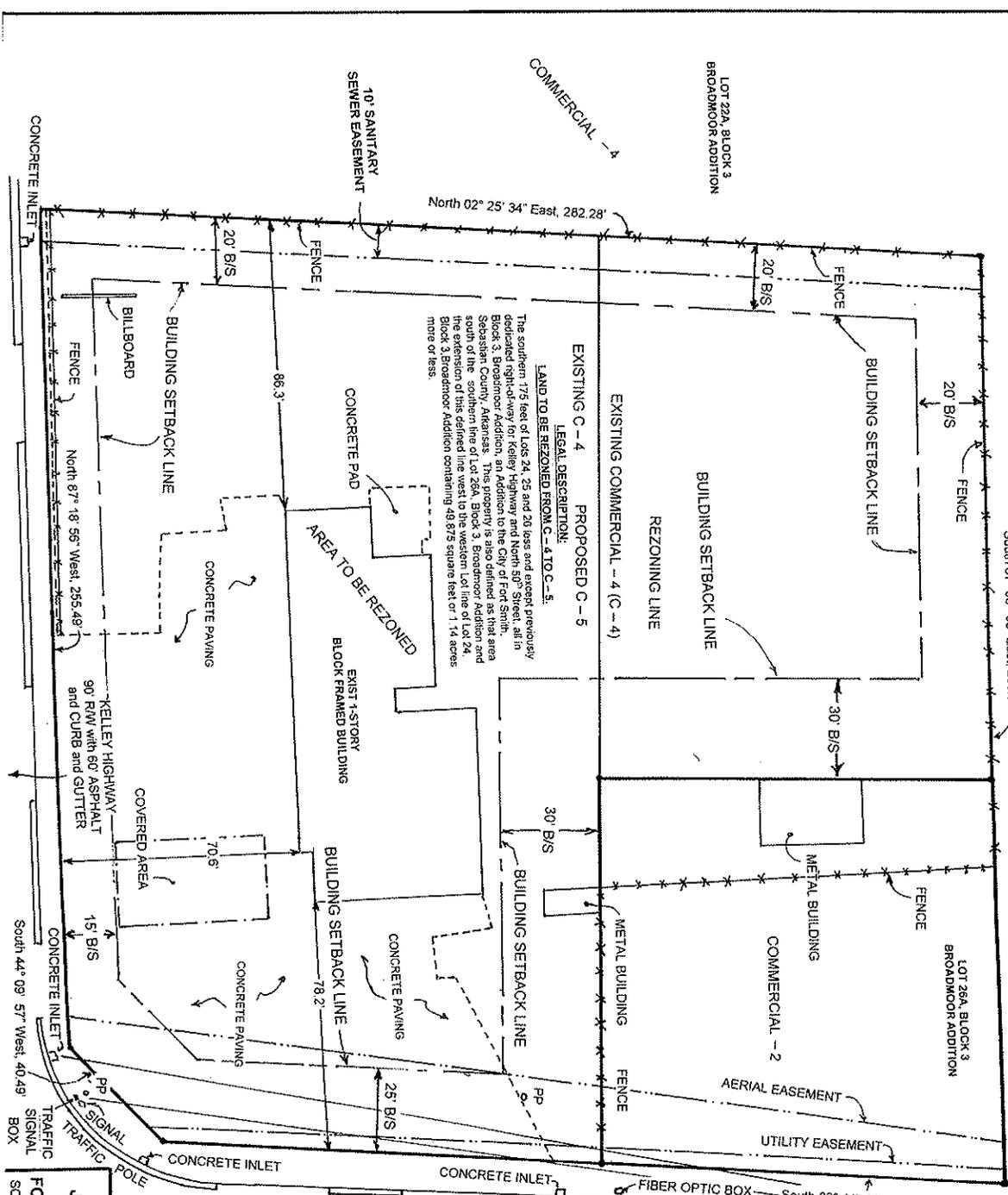
2G



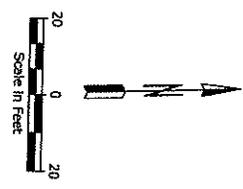
**FLOOD INFORMATION**  
 PROPERTY NOT IN 100 YEAR FLOOD ZONE  
 FEMA: COMMUNITY-PANEL NUMBER 05131C0020E  
 DATED: MAY 20, 2010

**SURVEY DESCRIPTION**  
 THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS  
 AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY  
 FOR KELLEY HIGHWAY AND NORTH 50<sup>TH</sup> STREET,  
 AND LOT 284, BLOCK 3, BROADMOOR ADDITION,  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.

TAKEN (WITH PERMISSION) FROM  
 A SURVEY BY ANDERSON SURVEYING, INC.  
 DATED 8-23-2012



**LEGAL DESCRIPTION:**  
 LAND TO BE REZONED FROM C-4 TO C-5.  
 The southern 175 feet of Lots 24, 25 and 26 less and except previously dedicated right-of-way for Kelley Highway and North 50<sup>th</sup> Street in Block 3, Broadmoor Addition, an Addition to the City of Fort Smith area Sebastian County, Arkansas. The property is also Broadmoor Addition and south of the southern line of Lot 284, Block 3, Broadmoor Addition and the extension of this defined line west to 48,875 square feet or 1.14 acres more or less.



NORTH 50<sup>TH</sup> STREET  
 WALDRON ROAD  
 60' RAW with var. WIDTH of ASPHALT  
 with CURB and GUTTER



*Avin L. Prieur, Jr.*  
 REVISED February 5, 2013

**PRIEUR ENGINEERING**  
 Avin L. Prieur, Jr., PE  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72957  
 479-651-7920  
 aprieur@cox.net

**REZONING SITE PLAN**  
**JOHN'S AUTO CENTER, INC.**  
 2501 NORTH 50<sup>TH</sup> STREET  
 FORT SMITH, ARKANSAS 72904  
 SCALE: 1" = 20'  
 DECEMBER 23, 2012

21

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Rezoning #22-9-12 - A request by Al Prieur, agent, for Mark & Amy Koenigseder, for Planning Commission consideration of a zone request from Commercial Regional (C-4) to Commercial Heavy (C-5) by classification at 2501 North 50<sup>th</sup> Street. (Companion to items #2 & #10)

## **LOT LOCATION AND SIZE**

The subject property is located on the northwest side of the intersection of Kelley Highway and North 50<sup>th</sup> Street. The site contains approximately 1 acre with 255 feet of frontage on Kelley Highway and 160 feet of frontage on North 50<sup>th</sup> Street.

## **EXISTING ZONING**

The existing zoning on this tract is Commercial Regional (C-4).  
Characteristics of this zone are as follows:

### **Purpose:**

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, 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-4 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 40,000 square feet  
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres  
Existing District (By Extension) – 3 acres  
Minimum Lot Width – 150 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 20 feet  
Side Yard Setback – 20 feet  
Rear Yard Setback - 20 feet  
Side/Rear (adjoining SF Residential District/Development) – 100 feet  
Minimum building separation – to be determined by current City building and fire code.  
Required street access – Major Arterial or higher

Maximum Height - 45 feet (1+1)  
Maximum Lot Coverage - 80%

**REQUESTED ZONING**

The requested 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  
Existing District (By Extension) – 14,000 square feet  
Minimum Lot Width – 100 feet  
Front Yard Setback - 25 feet

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

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 zoned Commercial Light (C-2) and is developed as single family residences.

The area to the south is zoned Commercial Light (C-2) and developed as a pharmacy, medical clinic and a bank.

The area to the west is zoned Commercial Regional (C-4) and Residential Multifamily Medium Density (RM-3) and is developed as a funeral home.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and is developed as a school.

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. A companion Master Land Use Plan Amendment application requests a classification change to General Commercial (companion item #2).

**PROPOSED ZONING**

The request is a corrective rezoning and will allow the existing use to be in conformance with the zoning code.

**STAFF COMMENTS AND RECOMMENDATIONS**

The Commercial Heavy (C-5) zoning district is proposed to allow the existing business to conform to the zoning code. The business has operated at this location as a gasoline service station since the early 1970's. In the 1980's, the business transitioned from a gasoline service station to auto repair.

Section 27-426 of the Unified Development Ordinance states the purpose of the Commercial Heavy (C-5) zoning district is 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.

A neighborhood meeting was held on September 4<sup>th</sup>, 2012. A few surrounding property owners were in attendance; however, none voiced any concern over the proposed zone change. A summary of the meeting is enclosed.

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In 2011, staff sent a series of enforcement letters for the outdoor storage of salvage vehicles and salvage parts. Enclosed in the packet are pictures from September 2012 compared with pictures from December 2012.

Enclosed within your packet is a letter from Mr. Prieur outlining the compromise stemming from the December 2012 Planning Commission meeting. The proposed rezoning only includes the property being used for auto repair and auto sales. Changing of the zoning will allow for a proposed automobile service bay for the repairing of automobiles.

If the Planning Commission is inclined to approve the application, the following condition is recommended:

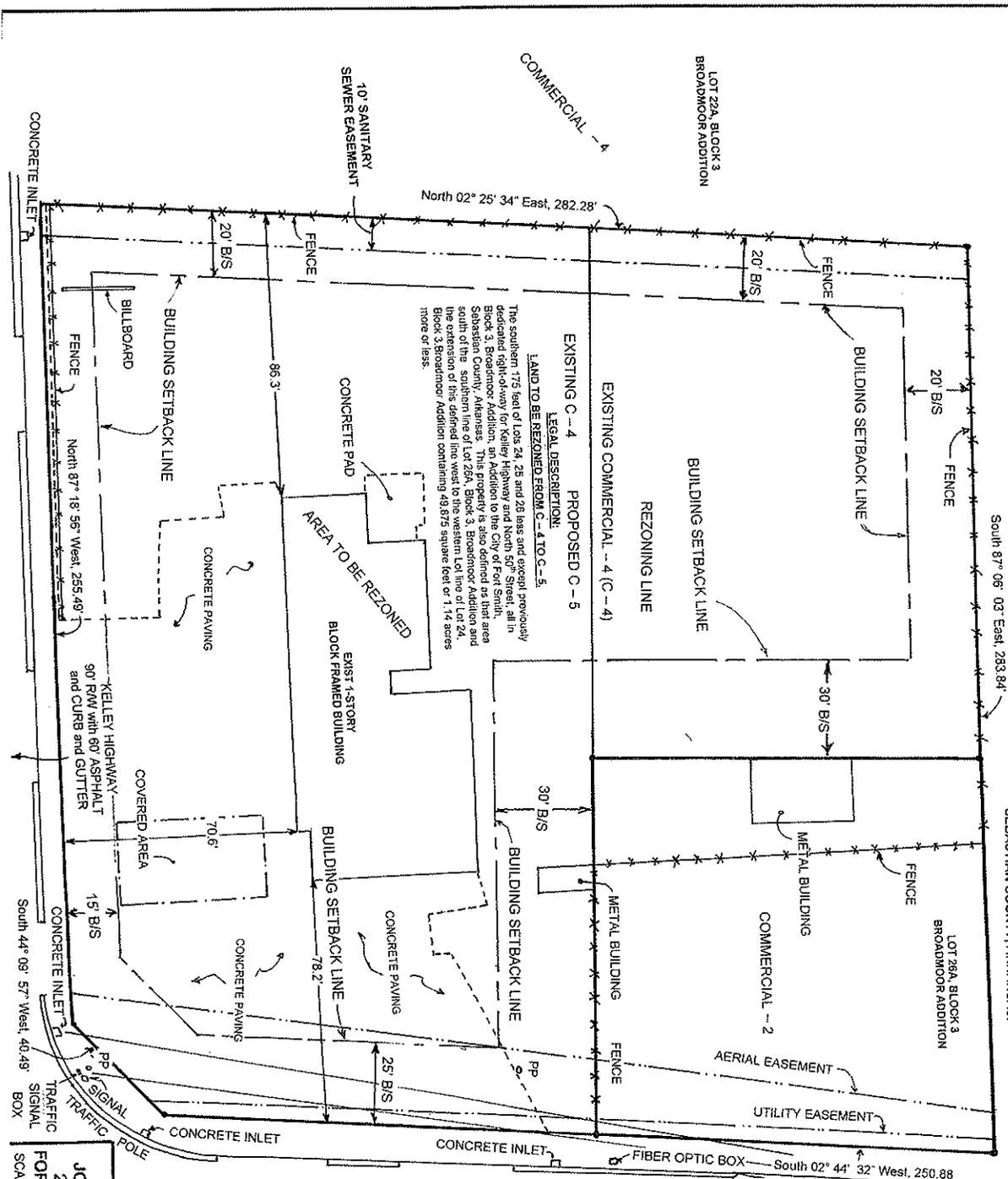
- A development plan for new additions shall be submitted to the Planning Commission prior to the issuance of a building permit.

**FLOOD INFORMATION**  
 PROPERTY NOT IN 100 YEAR FLOOD ZONE  
 FEMA: COMMUNITY-PANEL NUMBER 05131COO20E  
 DATED: MAY 20, 2010

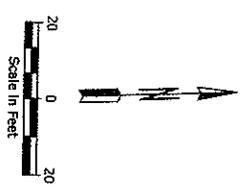
**SURVEY DESCRIPTION**  
 LOT 22A, BLOCK 3  
 BROADMOOR ADDITION

THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS  
 AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY  
 FOR KELLEY HIGHWAY AND NORTH 50<sup>TH</sup> STREET,  
 AND LOT 26A, BLOCK 3, BROADMOOR ADDITION,  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.

TAKEN WITH PERMISSION FROM  
 A SURVEY BY ANDERSON SURVEYING, INC.  
 DATED 8-23-2012



**LEGAL DESCRIPTION:**  
 LAND TO BE REZONED FROM C-4 TO C-5  
 The southern 175 feet of Lots 24, 25 and 26 less and except previously defined right-of-way for Kelley Highway and North 50<sup>th</sup> Street, all in Block 3, Broadmoor Addition, an Addition to the City of Fort Smith, Sebastian County, Arkansas. This property is also defined as that area south of the southern line of Lot 26A, Block 3, Broadmoor Addition and the extension of this defined line west to the western lot line of Lot 24, Block 3, Broadmoor Addition containing 493,579 square feet or 1.14 acres more or less.



NORTH 50<sup>TH</sup> STREET  
 WALDRON ROAD  
 60' R/W with var. WIDTH of ASPHALT  
 with CURB and GUTTER



*Revised 11.15.2013*  
 REVISED February 5, 2013

**PRIEUR ENGINEERING**  
 Avir L. Prieur, Jr., PE  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72957  
 479-651-7920  
 aprieur@cox.net

**REZONING SITE PLAN**  
 JOHN'S AUTO CENTER, INC.  
 2501 NORTH 50<sup>TH</sup> STREET  
 FORT SMITH, ARKANSAS 72904  
 SCALE: 1" = 20'  
 DECEMBER 23, 2012

3E

**PRIEUR ENGINEERING**  
Alvin L. Prieur, Jr., PE  
P. O. BOX 1689  
VAN BUREN, ARKANSAS 72957  
479-651-7920  
aprieur@cox.net

January 16, 2013

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

Attn: Mr. Wally Bailey  
Director of Development Services

Re: Rezoning, Land Use Amendment and Variance  
2501 North 50<sup>th</sup> Street  
Fort Smith, Arkansas

Dear Mr. Bailey:

In answer to the tabling of this request about the property at 2501 North 50<sup>th</sup>, I had a meeting with Ms. Brenda Andrews and Ms. Maggie Rice of your office to try to work out a solution to the request about this property. This letter will outline the proposed solution to the tabled request. The solution is to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3,. This covers an area of just over 1 acre as shown on the attached drawing. This change is acceptable to the property owner in an effort to help resolve this issue.

If you have any questions, please call me.

Respectfully,  
PRIEUR ENGINEERING

  
Alvin L. Prieur, Jr., PE

3 F

Rez. #22-9-12

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)  
**The South F  
Broadmoor  
County, Ark  
of-way.**

SURVEY DESCRIPTION:  
THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY FOR KELLEY HIGHWAY AND NORTH 50TH STREET, AND LOT 26A, BLOCK 3, BROADMOOR ADDITION, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

2. Address of property: 2501 North 50<sup>th</sup> Street

3. The above described property is now zoned: Commercial - 4 *Commercial - 2*

4. Application is hereby made to change the zoning classification of the above described property to C - 5 by Classification  
(Extension or classification)

5. Why is the zoning change requested?

See attached

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

Signed:

Alvin L. Prieur, Jr., PE \_\_\_\_\_  
Agent Name  
(please print)

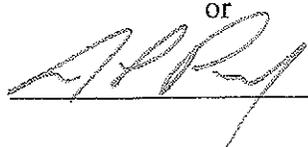
\_\_\_\_\_  
Owner

P O Box 1689 Van Buren, Arkansas 72957

\_\_\_\_\_  
Owner or Agent Mailing Address

479-651-7920

\_\_\_\_\_  
Owner or Agent Phone Number

or  
  
Agent

36

# Rezoning #22-9-12: From Commercial Regional (C-4) to Commercial Heavy (C-5)

2501 North 50th Street

IF (2)



# MEMO

**To:** City Planning Commission  
**From:** Planning Staff  
**Date:** January 29, 2013  
**Subject:** Development Plan – 9102 Rogers Avenue

The Planning Department is in receipt of a development plan from Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for a proposed Convenience Store with gasoline Sales at 9102 Rogers Avenue. (Companion to item #11)

## TRACT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue between South 91<sup>st</sup> Street and Meandering Way. The tract contains an area of 1.73 acres with approximately 350 feet of street frontage along Rogers Avenue.

## EXISTING ZONING

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

**Purpose:** To provide for 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 classification of the Master Land Use Plan.

**Permitted Uses:** Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

**Conditional Uses:** Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

## Bulk & Area Regulations:

Minimum Lot Size – 14,000 s.f.  
Minimum Lot Width – 100 feet  
Maximum Lot Coverage – 75%  
Maximum Height – 45 feet (1 + 1)  
Front Yard Setback – 25 feet  
Side Yard Setback – 20 feet  
Side Yard on Street Side of Corner Lot – 15 feet  
Rear Yard Setback – 20 feet  
Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

4 A

## **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the east is zoned Commercial Heavy (C-5) and is developed as mobile home sales.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a single family residence.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped.

## **PROPOSED DEVELOPMENT PLAN**

The development plan will facilitate a Convenient Store with gasoline sales.

## **INGRESS/EGRESS/TRAFFIC CIRCULATION**

It is proposed that ingress and egress into the site will be provided with two driveways accessing Rogers Avenue. Both driveways proposed on the site will be 35' wide.

Based on information provided by Morrison-Shiple, delivery trucks will enter the site on the west driveway and exit at the east driveway. Please see enclosed semi-truck turning template illustrating this information.

## **TRAFFIC INFORMATION STATEMENT**

A traffic information statement has been submitted to the city's engineering department and was determined acceptable for this development. A copy of the traffic information statement is enclosed.

## **EASEMENTS/UTILITIES**

The developer must agree to meet all franchise and city utility easement requirements.

## **DRAINAGE**

A detention basin is proposed in the southeast corner of the property. All drainage must comply with the city's 2011 Storm Drainage Standards.

## **SITE DESIGN**

**Landscaping** – The preliminary development shows perimeter landscaping along Rogers Avenue. The landscaping design complies with the Unified Development Standards, which requires a minimum 10' wide landscaped area parallel to street right-of-way to consist of one tree plus ten shrubs per 50' of right-of-way frontage. The plan incorporates parking lot screening along Rogers Avenue and also includes interior landscaping that complies with the Unified Development Ordinance.

**Parking** – Fifteen (15) parking spaces are provided. This exceeds the UDO's minimum parking requirements.

**Sidewalks** – A 5' sidewalk is proposed on the north side of the site adjacent to Rogers Avenue.

**Signage** – A monument sign is proposed to be located on the east side of the development is acceptable. The sign shall require a separate permit submittal.

**Lighting** – The development plan did not provide details on exterior lighting. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 of the Unified Development Ordinance.

**Architectural Features** – Exterior finish materials for the buildings include brick and EIFS on all facades. The exterior materials exceed the minimum 51% requirement for high-quality materials as required in the Transitional and Commercial Building Design Standards in Section 27-602-4(C) of the Unified Development Ordinance.

**Roof-Top Screening** – All rooftop mechanical units are screened as shown in the development plan elevations.

**Residential Screening** – An existing landscape buffer and a proposed 6' tall wood screening fence are shown on the rear property line to screen the site from the residence located south of the convenience store.

**Dumpster & Utility Box Screening** – A dumpster located in the southwest corner of the property will be screened with a 6' brick enclosure with wood gates. A proposed electric transformer east of the building shall be screened from the adjoining property to east.

**Setbacks** – The site complies with the Commercial-5 setbacks with the exception of the rear-yard setback. A 30' rear-yard setback is required when the site adjoins property that is zoned or developed as single family residential. The applicant has submitted a companion application requesting a rear-yard setback from 30' to 10'.

### **STAFF COMMENTS**

At the January planning commission meeting, the applicant requested that development plan application and the companion variance be tabled until February.

The applicant held a neighborhood meeting on Thursday, December 27<sup>th</sup>, 2012, 5:30 p.m. at the Fort Smith Public Library at 3201 Rogers Avenue. One adjacent property owner attended the meeting. No objections or concerns were expressed during the meeting. A copy of the attendance record and meeting summary are enclosed. Staff received a phone call in August when the project was first proposed from a nearby property owner who had questions about any future expansion of 91<sup>st</sup> street and concerns about traffic generated by the proposed convenience store.

Staff recommends approval of the development plan with the following conditions:

AC

1. BZA approval of the companion variance application for rear-yard setback and driveway separations from street intersection and adjacent driveways.
2. Development Plan approval shall be based on the site plan, landscape plan, submitted (Date 12-20-12, Project No CAS-08) and elevations as submitted.
3. The pump island canopy shall comply with section 27-404-C-7 of the UDO. (The canopy shall be a minimum height of at least twelve (12) feet).
4. Perimeter landscaping shall include parking lot screening consisting of a dense vegetative buffer that is a minimum (3) feet above finished parking lot elevation within twenty-four (24) months of installation in accordance with section 27-602-3(C) of the Unified Development Ordinance.
5. The electric transformer utility box shall be screened from the adjoining property to the east.
6. Ground signs shall be limited to the monument sign shown on the submitted development plan.
7. Submittal of sign permit application for staff review.
8. All lighting shall conform to section 27-602-5 of the Unified Development Ordinance.

**DEVELOPMENT PLAN REVIEW APPLICATION**

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 Exhibit "A" Attached
  
2. Address of property: 9102 Rogers Avenue, Fort Smith, AR 72903
  
3. The above described property is now zoned: C-5 (Heavy Commercial District)
  
4. Does the development plan include a companion rezoning request?  
Yes \_\_\_\_\_ No X
  
5. If yes, please specify the companion application submitted:
  - o Conventional Rezoning
  - o Planned Rezoning
  - o Conditional Use
  - o Master Land Use Plan Amendment
  - o **Variance**
  
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:  
N.A. by \_\_\_\_\_  
(Zoning Classification) (Extension or classification)
  
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
C-5  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Total acreage of property 1.73 Acres

4E

Signed:

Morrison Shipley Engineers, Inc.

Owner or Agent Name  
*(please print)*

2407 SE Cottonwood Street  
Bentonville, AR 72712  
Owner or Agent Mailing Address

(479) 272-2209  
Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

*Kim M. [Signature]*  
Agent

NEIGHBORHOOD MEETING SUMMARY  
PROPOSED CASEY'S GENERAL STORE – 9102 ROGERS AVENUE

A neighborhood meeting was held yesterday at 5:30 p.m. in the Fort Smith Public Library (3201 Rogers Avenue) to discuss the development plans, a rear-yard setback variance, and driveway separation variance requests for a proposed Casey's General Store at 9102 Rogers Avenue. A PDF file of the attendance sheet is attached.

Jeanie Sharpe, owns the property east and south of the Casey's site, was the only adjacent property owner who attended. I explained the proposed site layout with her and we discussed the changes that have been made from the previous layout. I verified that there is no longer a proposed driveway connection from Casey's to her proposed driveway. She asked Brenda Andrews, City of Fort Smith Planner, if there is any concern regarding the proximity of the proposed east drive and her driveway. Brenda said that considering there is not much traffic that currently utilizes her driveway, she didn't not think it would be a concern. During the meeting, Ms. Sharpe seemed to be supportive of the changes that have been made and the overall project.

We have a study session with the City of Fort Smith and the Fort Smith Planning Commissioners on 01.02.12 regarding the variance requests and the development plans. I will let everyone know how that meeting goes. Please contact me if anyone has any questions.

Thanks,

Kevin McClafflin  
Morrison-Shipleigh Engineers, Inc.  
Engineers-Surveyors  
2407 S.E. Cottonwood Street  
Bentonville, AR 72712  
Office: (479) 273-2209  
Fax: (479) 273-2553  
[www.morrisonshipleigh.com](http://www.morrisonshipleigh.com)

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ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Public Library

Meeting Time & Date 5:30, December 27, 2012

Meeting Purpose Variance Requests

NAME

ADDRESS

PHONE #

1. Jeanine S. [unclear] 9202 Rogers Ave 4796506088
2. Brenda [unclear] Fort Smith Planning Dept.
3. Kevin [unclear] MSE
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_

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# MORRISON SHIPLEY

ENGINEERS • SURVEYORS

January 2, 2013

Ron Teeter  
Engineering Department  
City of Fort Smith  
623 Garrison Avenue  
Fort Smith, Arkansas 72902

**RE: Casey's General Store  
Traffic Information Statement  
9102 Rogers Avenue, Fort Smith**

Dear Mr. Teeter:

On behalf of Casey's Marketing Company, please find attached the preliminary site plan for *Casey's General Store*. The proposed development is located southeast of the Rogers Avenue and 91<sup>st</sup> Street intersection. A vicinity map is included on the site plan. Casey's General Store will serve as a gas station/convenience store. The store operating hours are from 6:00 A.M. to 11:00 P.M. 7 days a week. The proposed building is 4,346 square feet with a 66' x 114' canopy over the fueling bays in front of the building. There are 15 proposed parking stalls in addition to 16 fueling bays. The parking lot will be concrete pavement with concrete curb.

Casey's General Store currently proposes two entrance drives along the south side of Rogers Avenue. Both proposed entrance drives are approximately 35' wide. The centerline of the proposed west entrance is approximately 96' from the west boundary line and 90.33' from the 91<sup>st</sup> Street and Rogers Avenue intersection (northwest of the site). The centerline of the east entrance drive is approximately 77.5' from the east boundary line and 104' from the centerline of the adjacent driveway to the east of this site.

Based upon previous Casey's General Store Project analysis, the following traffic impact counts are estimated for this site:

Total Peak AM In:	70 Trips	Percent Pass By (62%):	43 Trips
Total Peak AM Out:	70 Trips	Percent Pass By (62%)	43 Trips
Total Peak Noon In:	75 Trips	Percent Pass By (58%):	44 Trips
Total Peak Noon Out:	75 Trips	Percent Pass By (58%):	44 Trips
Total Peak PM In:	95 Trips	Percent Pass By (56%):	53 Trips
Total Peak PM Out:	95 Trips	Percent Pass By (56%):	53 Trips

41

Note: pass by trips are considered to be that portion of the site destined traffic likely to come from the existing adjacent street traffic.

Total New Trips (Total Trips Excluding Pass-By Traffic)

Total Peak AM In: 27 Trips  
Total Peak AM Out: 27 Trips

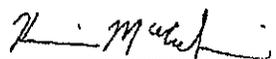
Total Peak Noon In: 31 Trips  
Total Peak Noon Out: 31 Trips

Total Peak PM In: 42 Trips  
Total Peak PM Out: 42 Trips

All of the traffic flowing into and out of the proposed site will access Rogers Avenue. The Arkansas Highway and Transportation Department lists an Average Daily Traffic count of 19,000 vehicles daily for Rogers Avenue in this area.

Thank you for your review and consideration of this project. If you should have any questions, comments, or need additional information, please call.

Sincerely,  
*Morrison-Shibley Engineers, Inc.*

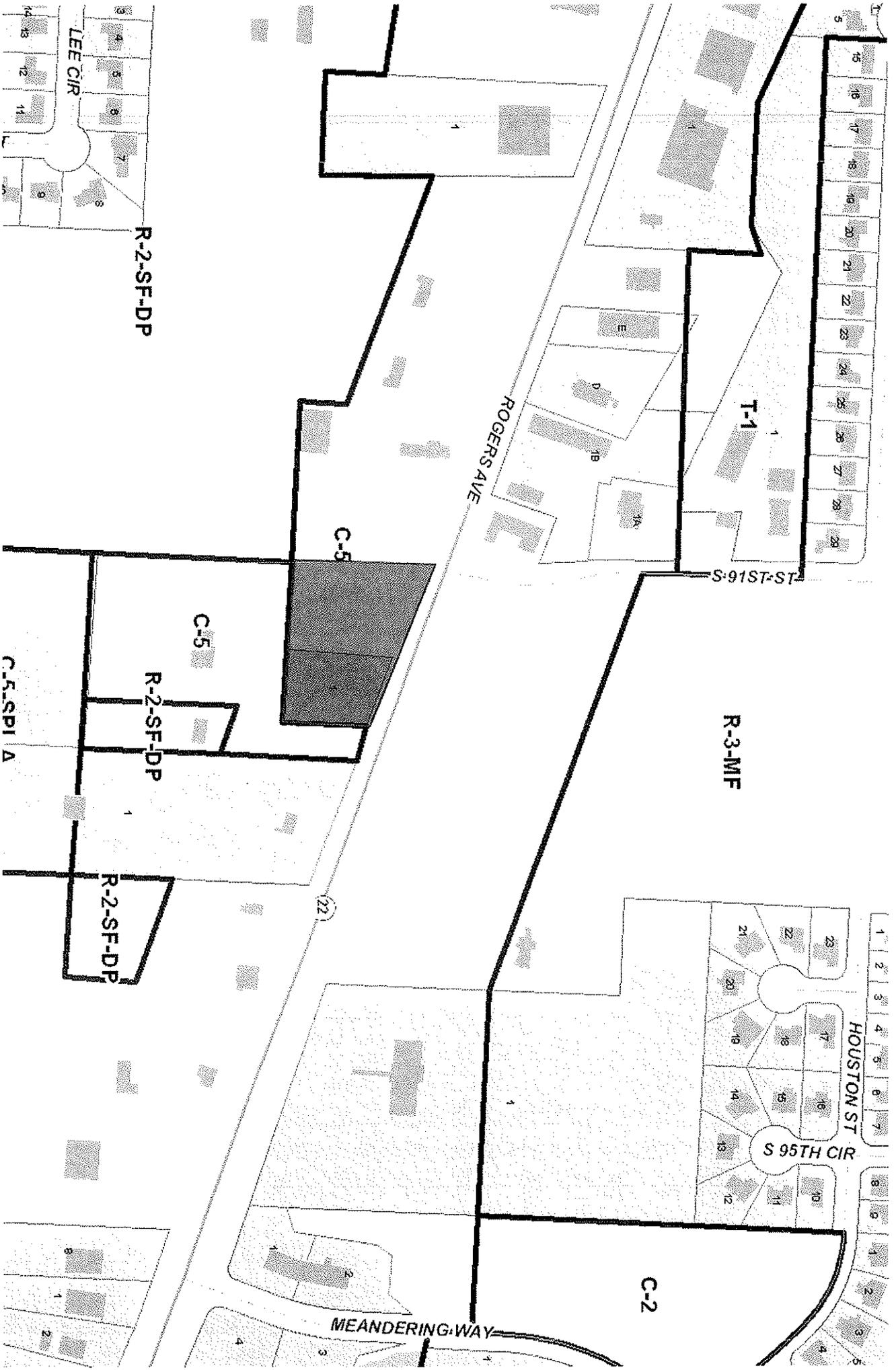
  
\_\_\_\_\_  
Kevin McClaffin  
Project Manager

Cc: Casey's Marketing Company, file

45...

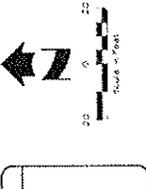
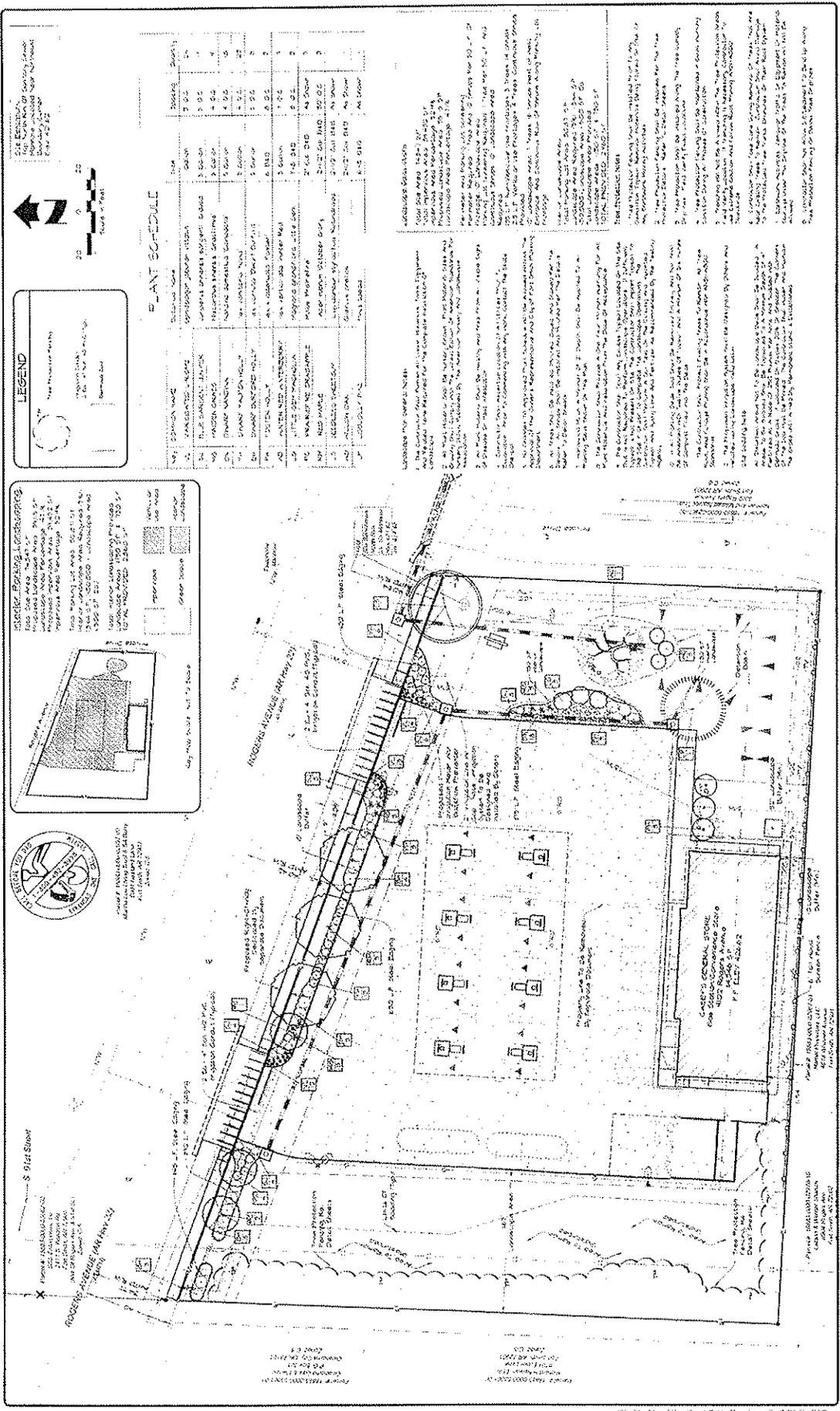
# Development Plan Review: Convenience Store With Gasoline Sales

9102 Rogers Avenue



FR





**PLANT SCHEDULE**

NO.	SYMBOL	PLANT NAME	SIZE	QUANTITY
1	(Symbol)	SPRING BLOSSOM HYDRANGEA	3 GAL	1
2	(Symbol)	ORANGE BLOSSOM HYDRANGEA	3 GAL	1
3	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
4	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
5	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
6	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
7	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
8	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
9	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
10	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
11	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
12	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
13	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
14	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
15	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
16	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
17	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
18	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
19	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
20	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
21	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
22	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
23	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
24	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
25	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
26	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
27	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
28	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
29	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
30	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
31	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
32	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
33	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
34	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
35	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
36	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
37	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
38	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
39	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
40	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
41	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
42	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
43	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
44	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
45	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
46	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
47	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
48	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
49	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
50	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1

**ADDITIONAL NOTES:**

1. The Contractor shall provide all necessary permits for the proposed improvements.
2. The Contractor shall provide all necessary materials and labor for the proposed improvements.
3. The Contractor shall provide all necessary site preparation and grading for the proposed improvements.
4. The Contractor shall provide all necessary irrigation and watering for the proposed improvements.
5. The Contractor shall provide all necessary maintenance and care for the proposed improvements.
6. The Contractor shall provide all necessary site cleanup and restoration for the proposed improvements.
7. The Contractor shall provide all necessary site security and access for the proposed improvements.
8. The Contractor shall provide all necessary site safety and hazard mitigation for the proposed improvements.
9. The Contractor shall provide all necessary site documentation and record keeping for the proposed improvements.
10. The Contractor shall provide all necessary site communication and coordination for the proposed improvements.
11. The Contractor shall provide all necessary site scheduling and timing for the proposed improvements.
12. The Contractor shall provide all necessary site quality control and assurance for the proposed improvements.
13. The Contractor shall provide all necessary site risk management and mitigation for the proposed improvements.
14. The Contractor shall provide all necessary site compliance and regulatory requirements for the proposed improvements.
15. The Contractor shall provide all necessary site stakeholder engagement and communication for the proposed improvements.
16. The Contractor shall provide all necessary site monitoring and evaluation for the proposed improvements.
17. The Contractor shall provide all necessary site reporting and documentation for the proposed improvements.
18. The Contractor shall provide all necessary site closure and final site conditions for the proposed improvements.
19. The Contractor shall provide all necessary site handover and final site acceptance for the proposed improvements.
20. The Contractor shall provide all necessary site final site inspection and sign-off for the proposed improvements.



**PLANT SCHEDULE**

NO.	SYMBOL	PLANT NAME	SIZE	QUANTITY
1	(Symbol)	SPRING BLOSSOM HYDRANGEA	3 GAL	1
2	(Symbol)	ORANGE BLOSSOM HYDRANGEA	3 GAL	1
3	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
4	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
5	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
6	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
7	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
8	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
9	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
10	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
11	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
12	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
13	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
14	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
15	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
16	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
17	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
18	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
19	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
20	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
21	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
22	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
23	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
24	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
25	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
26	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
27	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
28	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
29	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
30	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
31	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
32	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
33	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
34	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
35	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
36	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
37	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
38	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
39	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
40	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
41	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
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43	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
44	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
45	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
46	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
47	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
48	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
49	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1
50	(Symbol)	RED BLOSSOM HYDRANGEA	3 GAL	1

**ADDITIONAL NOTES:**

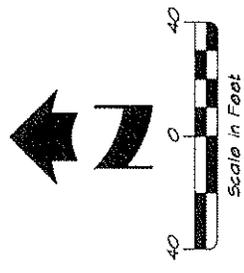
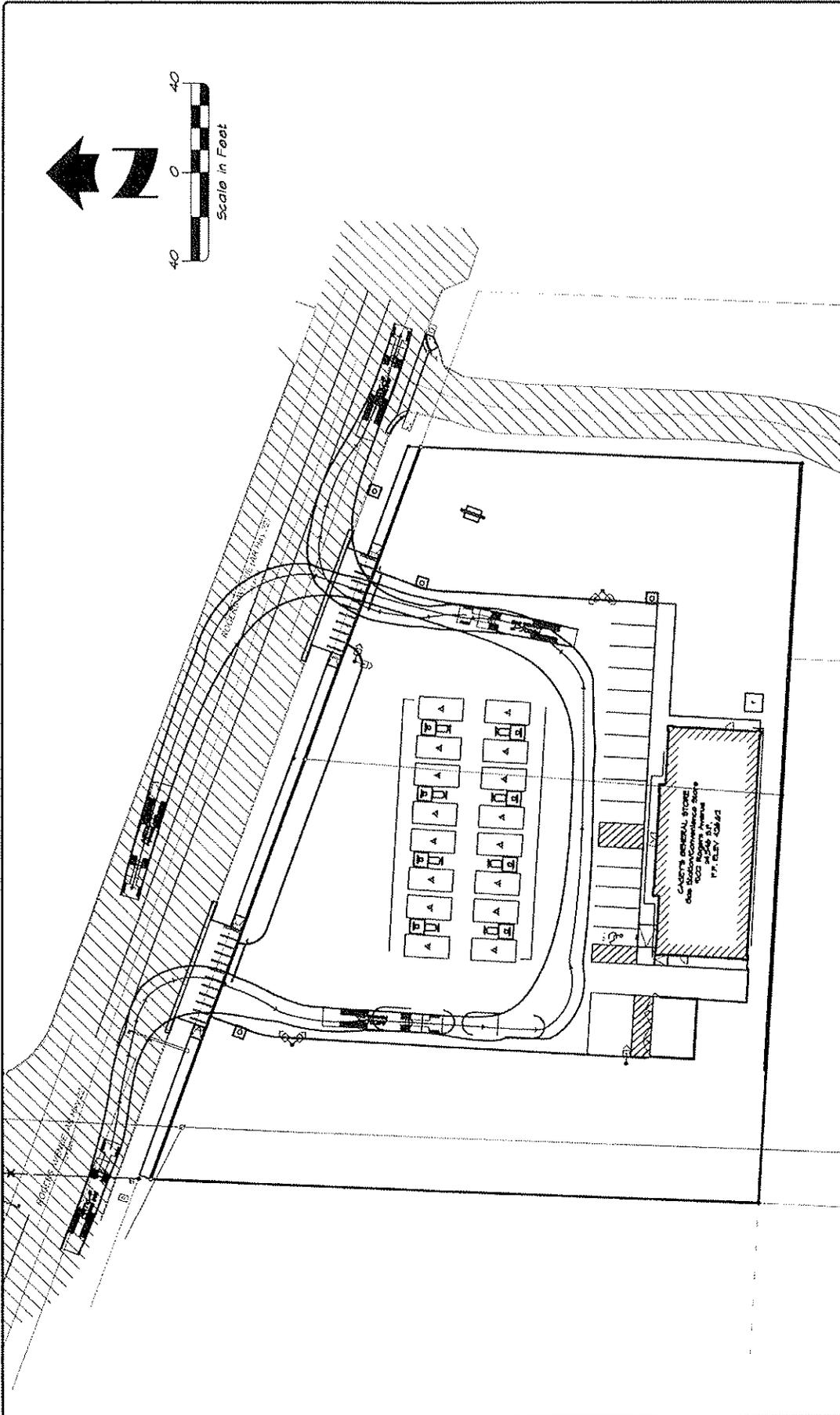
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Project No.	12222222
Client	Casey's General Store
Scale	1" = 10'
Date	12/15/22
Project Name	Casey's General Store
Project No.	12222222



NO.	DATE

LM



NO.	DATE	REVISIONS

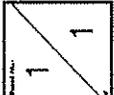
**MORRISON SHIPLEY**  
 ENGINEERS • ARCHITECTS  
 3407 BE Cottonwood Blvd. • Springfield, AR 72713 • 479.272.2222 • [morrisonshipleys.com](http://morrisonshipleys.com)

FOR REVIEW

Client No.	1001
Project Name	9102 - 917
Project No.	13-11-13
Project Name	Casey's
Project No.	23-03-28

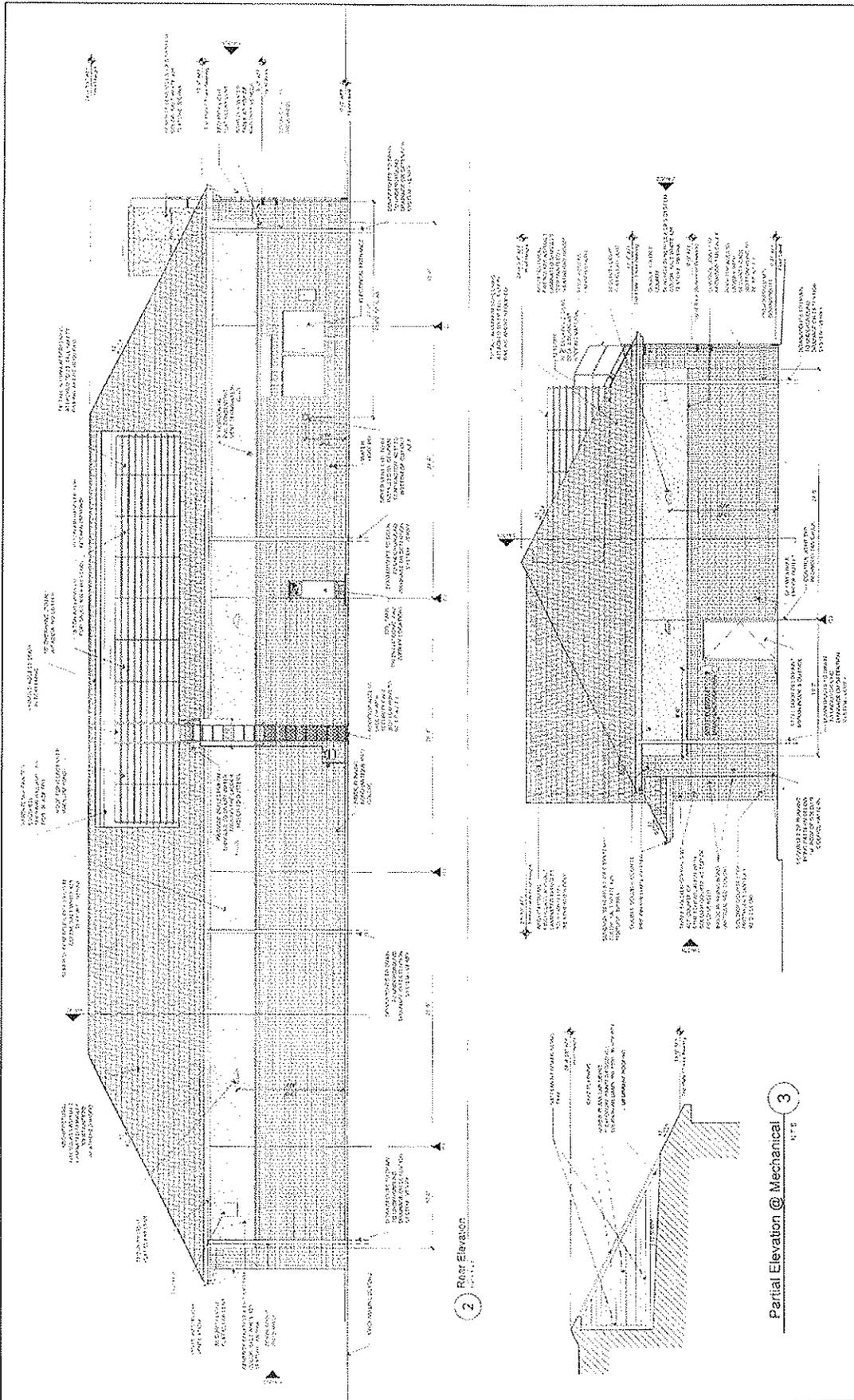
**CASEY'S GENERAL STORE**  
 9102 Rogers Avenue  
 Fort Smith, Sebastian County, Arkansas

Truck Travel Path Exhibit  
 Issued for Review - 12.14.12



72





PROJECT NO. 2018-001 PROJECT NAME: [illegible]	DATE: 08/15/2018
DRAWN BY: [illegible]	CHECKED BY: [illegible]
PROJECT LOCATION: [illegible]	SHEET NO. A-202

**General Notes**

1. THIS PLAN SET IS TO BE USED FOR GENERAL INFORMATION AND NOT FOR CONSTRUCTION PURPOSES.

Partial Elevation @ Mechanical 3  
N.T.S.

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 30, 2013

**Re:** Rezoning #2-2-13 - A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a zone request from Not Zoned to Industrial Moderate (I-2) by classification at 7712 Taylor Avenue (Companion to items #6 & #12)

## LOT LOCATION AND SIZE

The subject property is on the northwest side of Taylor Avenue between Darby Avenue and Ward Avenue. The tract contains an area of 3.92 acres with approximately 536 feet of street frontage along Taylor Avenue and 270 feet of street frontage along Darby Avenue.

## EXISTING ZONING

The property is currently Not Zoned

## REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

### Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

**Conditional Uses:**

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station, chemical, plastics, and rubber industry are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet                      Maximum Height - 45 feet (1+1), 27-431(C)3  
Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres  
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet  
Front Yard Setback - 50 feet  
Side Yard on Street Side of Corner Lot - 50 feet  
Side Yard Setback – 25 feet  
Rear Yard Setback - 20 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 area to the north is Not Zoned and is developed as a warehouse.  
The area to the east is Not Zoned and is developed as business offices.  
The area to the south is Not Zoned and is developed as a vacant storage shop and storage yard.  
The area to the west is Not Zoned and is developed as a warehouse.

**MASTER STREET PLAN CLASSIFICATION**

The Fort Smith Master Street Plan classifies Taylor Avenue as a Major Collector and Darby as Local Street.

**LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification has been designated to facilitate the creation of industrial developments that are connected to surrounding land uses via a multi-modal transportation network that binds the Chaffee Crossing community. The Mixed-Use: Industrial/Office is an appropriate land use classification for the proposed I-2 zoning district.

## **PROPOSED ZONING**

The proposed I-2 zoning request and the companion conditional use and variance applications will allow the development of a chemical manufacturing company at 7712 Taylor Avenue.

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held January 31<sup>st</sup>, 2013, 2:00 p.m., at the offices of the Fort Chaffee Redevelopment Authority, 7020 Taylor Avenue. One surrounding property owner attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the zoning request with the following comments:

1. Planning Commission approval of the companion Conditional Use Application #4-2-13 to allow a chemical manufacturing company at this site.
2. Board of Zoning Approval of the companion variance #5-2-13 request relating to minimum required street access and minimum parcel size required for the I-2 zoning district.

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

See Attached

2. Address of property: 7712 Taylor Avenue

3. The above described property is now zoned: Unzoned

4. Application is hereby made to change the zoning classification of the above described property to I-2 by Classification.  
(Extension or classification)

5. Why is the zoning change requested?

Currently unzoned

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, Ft. Smith, AR. 72902  
~~Owner~~ or Agent Mailing Address

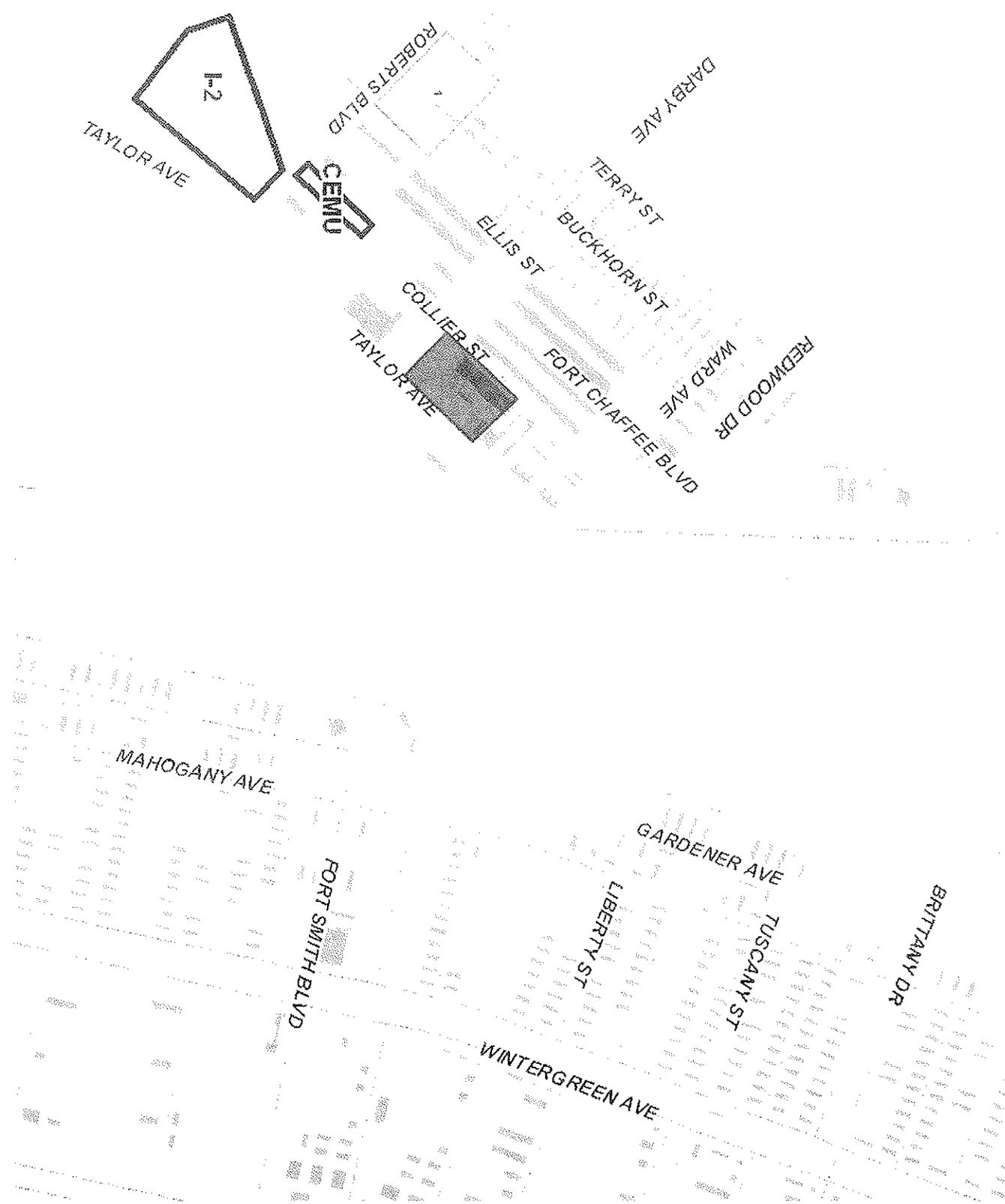
or  
*Mickle Wagner Coleman*  
Agent

479-649-8484  
~~Owner~~ or Agent Phone Number

# Rezoning #2-2-13: From Not Zoned to Industrial Moderate

(I-2)

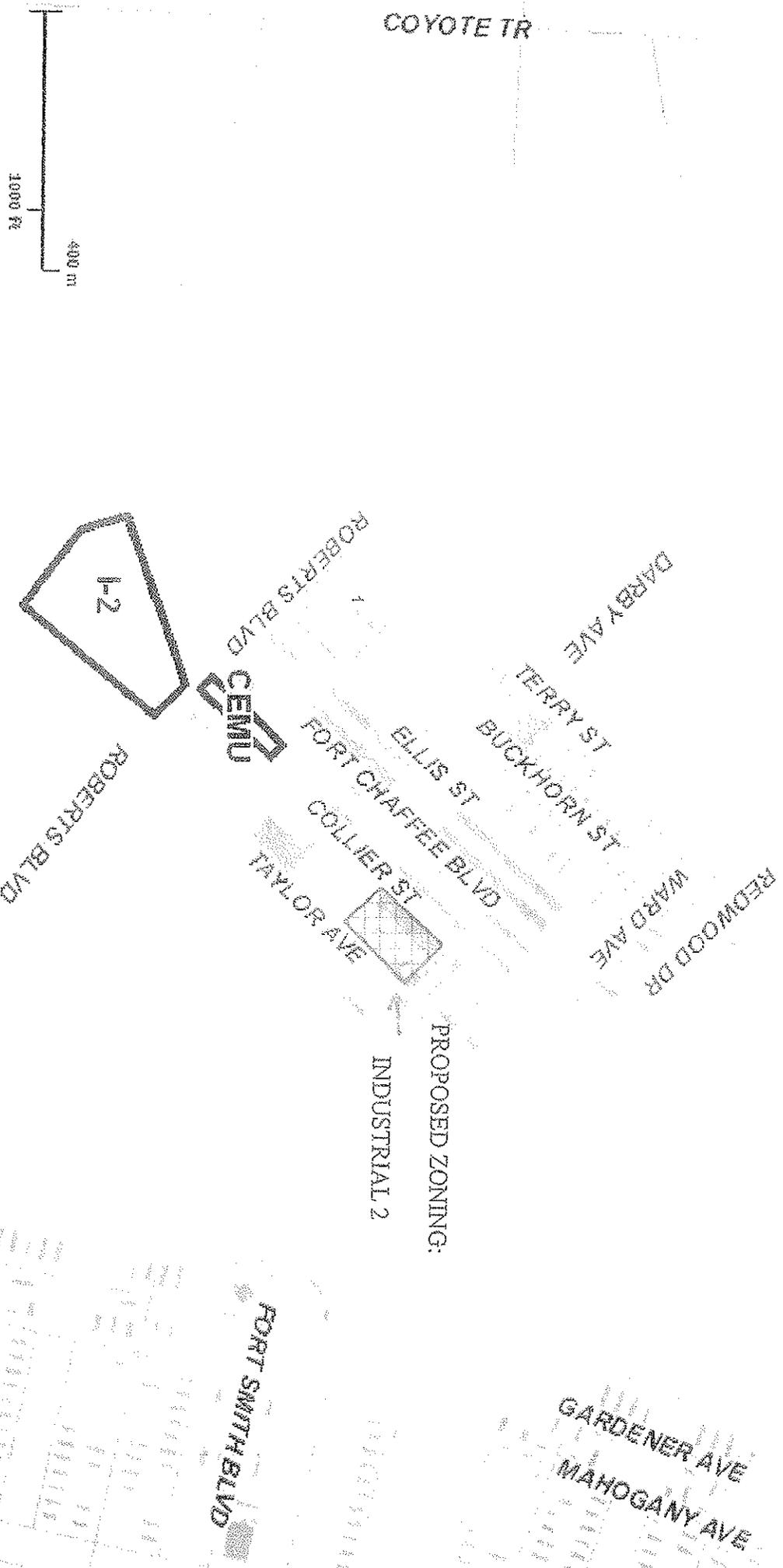
7712 Taylor Avenue





# Zoning Map

Affinity Chemical Site - FCRA



2009 City of Fort Smith, AR. Printed on Mon Dec 31 2012 02:35:07 PM.

56

Minutes of Affinity Chemical  
Neighborhood Meeting  
January 31, 2013  
2:00 PM  
Fort Chaffee Redevelopment Authority Offices  
7020 Taylor Ave

The meeting was held this date at 2:00 PM at Fort Chaffee Redevelopment Authority offices. The list of attendees is attached. We briefly discussed the various aspects of the project. One individual was present from the neighborhood, and we discussed any questions/comments he had. One question was in regard to any odors that would occur. No odors are anticipated. Another question was in regard to traffic. Only 3 to 4 trucks a week are planned initially for this project. Raw materials will come in by rail and final product out by truck. The "fencing" of the site is planned to be 6' painted aluminum. Meeting was adjourned around 2:30.

Randy Coleman, P.E.  
Mickle Wagner Coleman, Inc.

F:\doc/misc/ Affinity Chemical neighborhood meeting minutes 13113.doc

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

Meeting Location FCRA Office, 7020 Taylor Avenue, Fort Smith, AR 72916

Meeting Time & Date Thursday January 31, 2013 at 2:00 p.m.

Meeting Purpose To discuss proposed Affinity Chemical site on Taylor Avenue

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Randy Coburn	Po Box 1507	649-939
2. Lynn Merschke	Po Box 1603	769-0398
3. TOM MONACO	CITY of FS.	784-7018
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 30<sup>th</sup>, 2013

**Re:** Conditional Use #4-2-13 - A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Planning Commission consideration of a Conditional Use request to develop a chemical industry located at 7712 Taylor Avenue (companion to items #5 & #12)

## LOT LOCATION AND SIZE

The subject property is on the northwest side of Taylor Avenue in between Darby Avenue and Ward Avenue. The tract contains an area of 3.92 acres with approximately 536 feet of street frontage along Taylor Avenue and 270 feet of street frontage along Darby Avenue.

## EXISTING ZONING

The property is currently Not Zoned

## REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

### Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

6A

**Conditional Uses:**

Truck stop, pet cemetery, animal food processing, bus station, sports complex, police station and chemical, plastics, and rubber industries are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 20,000 square feet
- Maximum Height - 45 feet (1+1), 27-431(C)  
3
- Maximum Lot Coverage - 60%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 50 feet
- Side Yard on Street Side of Corner Lot - 50 feet
- Side Yard Setback – 25 feet
- Rear Yard Setback - 20 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 area to the north is Not Zoned and is developed as a warehouse.
- The area to the east is Not Zoned and is developed as business offices.
- The area to the south is Not Zoned and is developed as a vacant storage shop and storage yard.
- The area to the west is Not Zoned and is developed as a warehouse.

**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

6B

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.

### **LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Industrial/Office. This classification has been designated to facilitate the creation of industrial developments that are connected to surrounding land uses via a multi-modal transportation network that binds the Chaffee Crossing community. The Mixed-Use: Industrial/Office is an appropriate land use classification for the proposed I-2 zoning district.

### **PROPOSED CONDITIONAL USE**

The proposed conditional use permit, if approved, will facilitate the development of a chemical manufacturing company. The company will manufacture Aluminum Sulfate, a chemical primarily used in the purification of drinking water and waste water treatment plants.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The site plan has access from both Taylor Avenue with a proposed 50’ wide driveway and on Collier Street with a proposed 110’ wide driveway. Collier Street is not a public street maintained by the City of Fort Smith.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – A detention pond is proposed on Lot 1 near Taylor Avenue. The site must comply with the city’s storm water management regulations, including detention and water quality treatment.

**Right-of-way dedication** – No right-of-way dedication is required.

**Landscaping** – A 10’ landscape strip adjacent to the proposed Lot 1 frontage adjacent to Taylor Avenue is shown on the plan. The landscaping must comply with the Chaffee Crossing Master Design Guidelines, which requires a 20’ landscape strip on Taylor Avenue and 10’ strip on Darby Avenue planted with one tree and ten shrubs per 40’ of right-of-way frontage. The site must also include landscaping between the building and parking lot, which includes one tree plus four shrubs per 40 linear feet of the building as well as parking lot screening. The applicant shall submit a landscape plan during the building permit submittal phase that complies with the Chaffee Crossing Landscaping Guidelines for perimeter and building landscaping, and parking lot screening or documentation of an approved variance from the Chaffee Crossing Design Review Committee.

Additionally, the location of the proposed 10’ landscaping strip will require adjustment due to conflicts in some areas with the existing sidewalk, utilities, and drainage.

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**Sidewalks** – The plan indicates an existing sidewalk along Taylor Avenue. A 5’ sidewalk is also required adjacent to Darby Avenue in compliance with the Chaffee Crossing Master Design Guidelines.

**Screening** –The plan indicates a 6’ black aluminum fence along the sides and rear of the proposed Lot 1.

**Parking** – The site plan shows nine parking spaces one of which is handicapped, which complies with the city’s parking requirements.

**Signage** – The development plan does not indicate any signage. A separate permit must be submitted for staff review if any signs are proposed. The Chaffee Crossing Master Design Guidelines permit only wall or monument signs in the proposed Mixed Use: Industrial/Office land use classification. All proposed signs must comply with the type and size allowed by the Chaffee Crossing Master Design Guidelines.

**Lighting** – The current plan does not have any lighting. All lighting shall conform to the Chaffee Crossing Master Design Guidelines pertaining to lighting design and specifications.

**Setbacks** – The current development complies with the required setbacks for the proposed Industrial Moderate (I-2) zone

**Architectural features** – The site includes a 2,475 s.f. production facility located adjacent to Collier Street. The production facility will contain four tanks including: two 14’ x 18’ reactor tanks, one 12’ x 15’ water tank and one 15.5’ x 16’ acid tank. Included in the structure is an 8’ x 10’ office. In addition to the tanks within the production facility, the site includes two 10’ x 34’ silo tanks and one 14’ x 30’ aluminum tank. The current architectural features of the production facility show 100% EIFS on the front façade. The plan indicates that the rear and side facades have metal siding with a lower border of EIFS. The architectural features do not comply with the Chaffee Crossing Design Guidelines. EIFS is permitted in the Mixed Use: Industrial/Office but may only cover 50% of the building façade, with the other 50% brick or stone. Metal buildings are permitted within the Mixed Use: Industrial/Office, but only with special exception from the FCRA, and their facades must be in context with the surrounding environment. The development shall meet all of the required façade and architectural features outlined in the Chaffee Crossing Design Guidelines or documentation of an approved variance from the Chaffee Crossing Design Review Committee.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held January 31<sup>st</sup>, 2013 at 7020 Taylor Avenue at 2:00 P.M. (FCRA Offices). One property owner was present at the neighborhood meeting who asked questions about any odors that might occur during the manufacturing process, proposed truck traffic, and the delivery of raw materials. The applicant’s agent, Randy Coleman, advised the property owner that no odors were anticipated and that three to four trucks per week are planned initially for the project. Mr. Coleman indicated that raw materials would be delivered by rail and the final product will be transported by trucks. A copy of the attendance record and meeting summary are enclosed with the zoning application.

Staff recommends approval of the application with the following comments:

6 D

1. Submittal of a landscaping plan that complies with the Chaffee Crossing Master Design Guidelines landscaping requirements or documentation of an approved variance from the Chaffee Crossing Design Review Committee. The final landscape plan must also address conflicts with existing utilities, drainage, and sidewalk.
2. Dedication of any required franchise or city easements.
3. Compliance with the Chaffee Crossing Master Design Guidelines sign regulations and submittal of a sign permit application for any proposed signage.
4. Compliance with Chaffee Crossing Master Design Guidelines lighting requirements.
5. Compliance with the Chaffee Crossing Master Design Guidelines architectural or documentation of an approved variance from the Chaffee Crossing Design Review Committee (DRC).
6. Construction of a 5' sidewalk adjacent to Darby Avenue or approval from the DRC to delay sidewalk construction until development of the lot adjacent to Darby Avenue.
7. Compliance with the city's Storm Drainage Standards.
8. All construction must be built in accordance with the submitted site plan and with any planning commission amendments.

6E

Conditional Use # 4-2-13

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Fort Chaffee Redevelopment Authority

Name of Authorized Agent (if applicable) Mickle Wagner Coleman, Inc., Randell C. Coleman

Legal Description of property included in the conditional use request:

See Attached

Street Address of Property:

7712 Taylor Avenue

Existing Zoning Classification:

Unzoned

Proposed Zoning Classification (if applicable):

I-2

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

Chemical Manufacturing

What amenities are proposed such as landscaping and screening?

10' landscape easement on street perimeter

Mickle Wagner Coleman, Inc.

~~Owner~~ or Agent Name (please print)

3434 Country Club Ave, Fort Smith, AR 72903

~~Owner~~ or Agent Mailing Address

649-8484

~~Owner~~ or Agent Phone Number

Signed:

\_\_\_\_\_

Owner

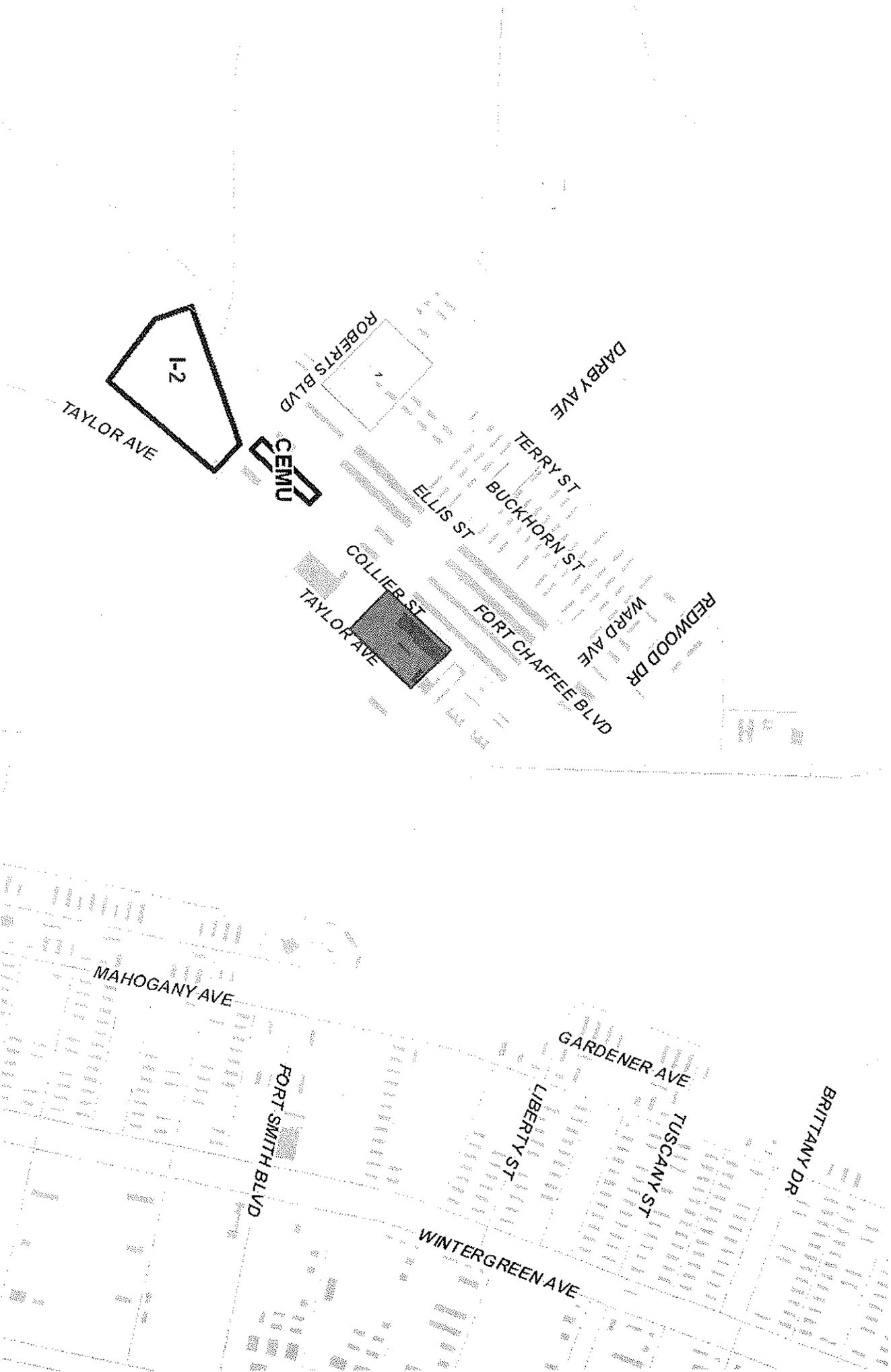
Or  


Agent

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# Conditional Use #4-2-13: Chemical Manufacturing Business

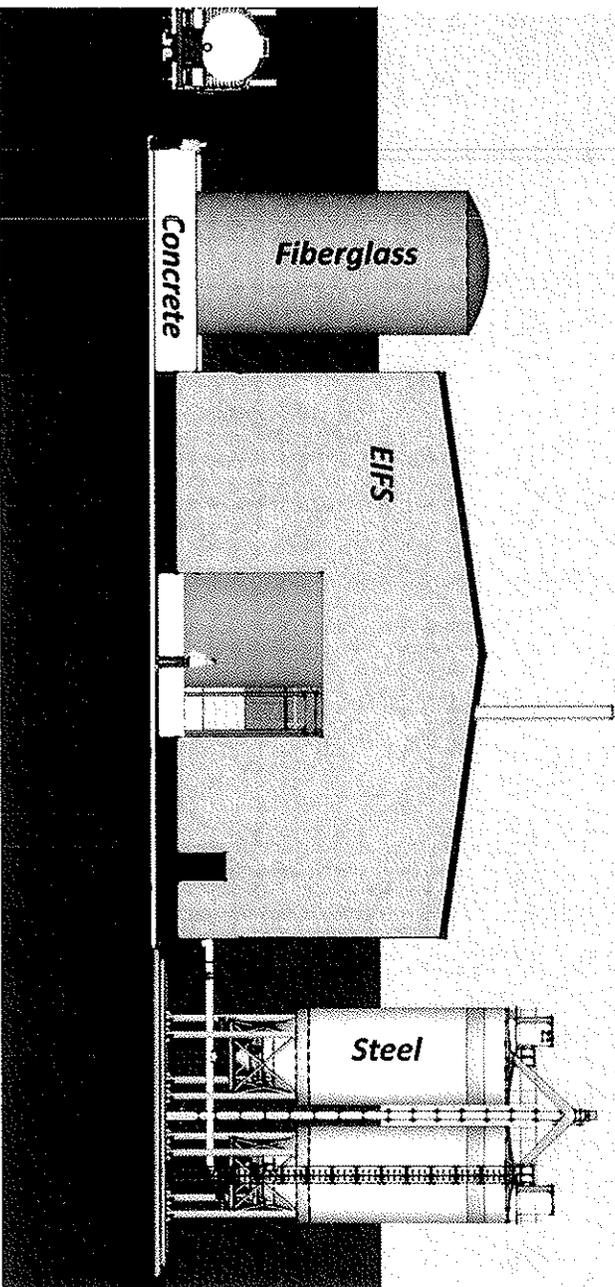
7712 Taylor Avenue



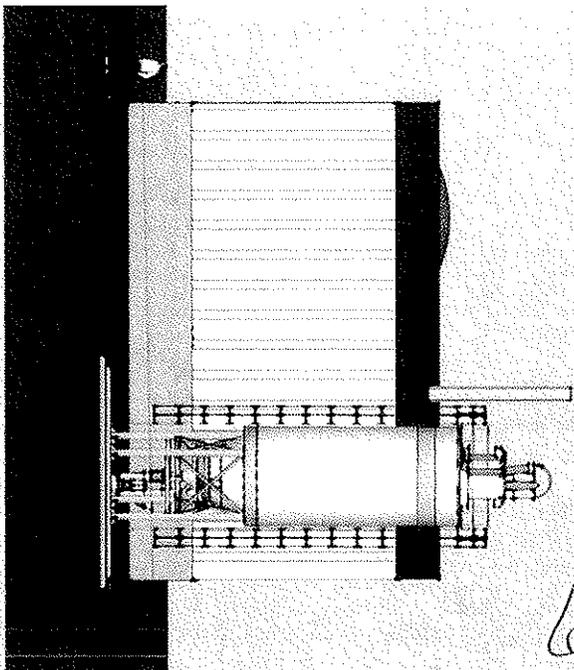
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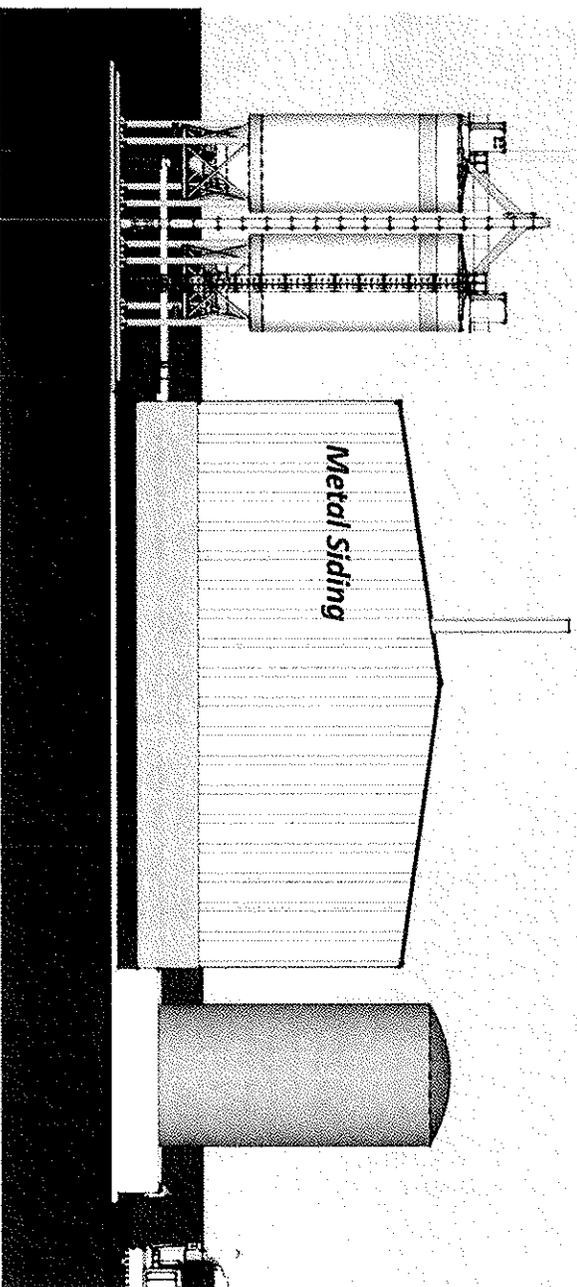


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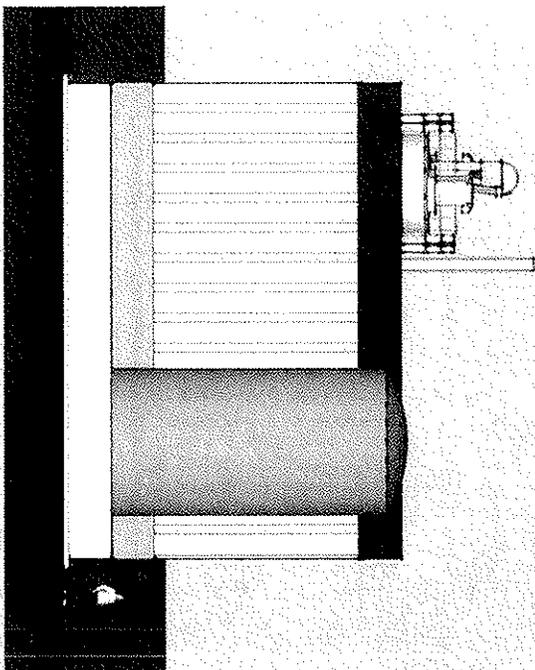


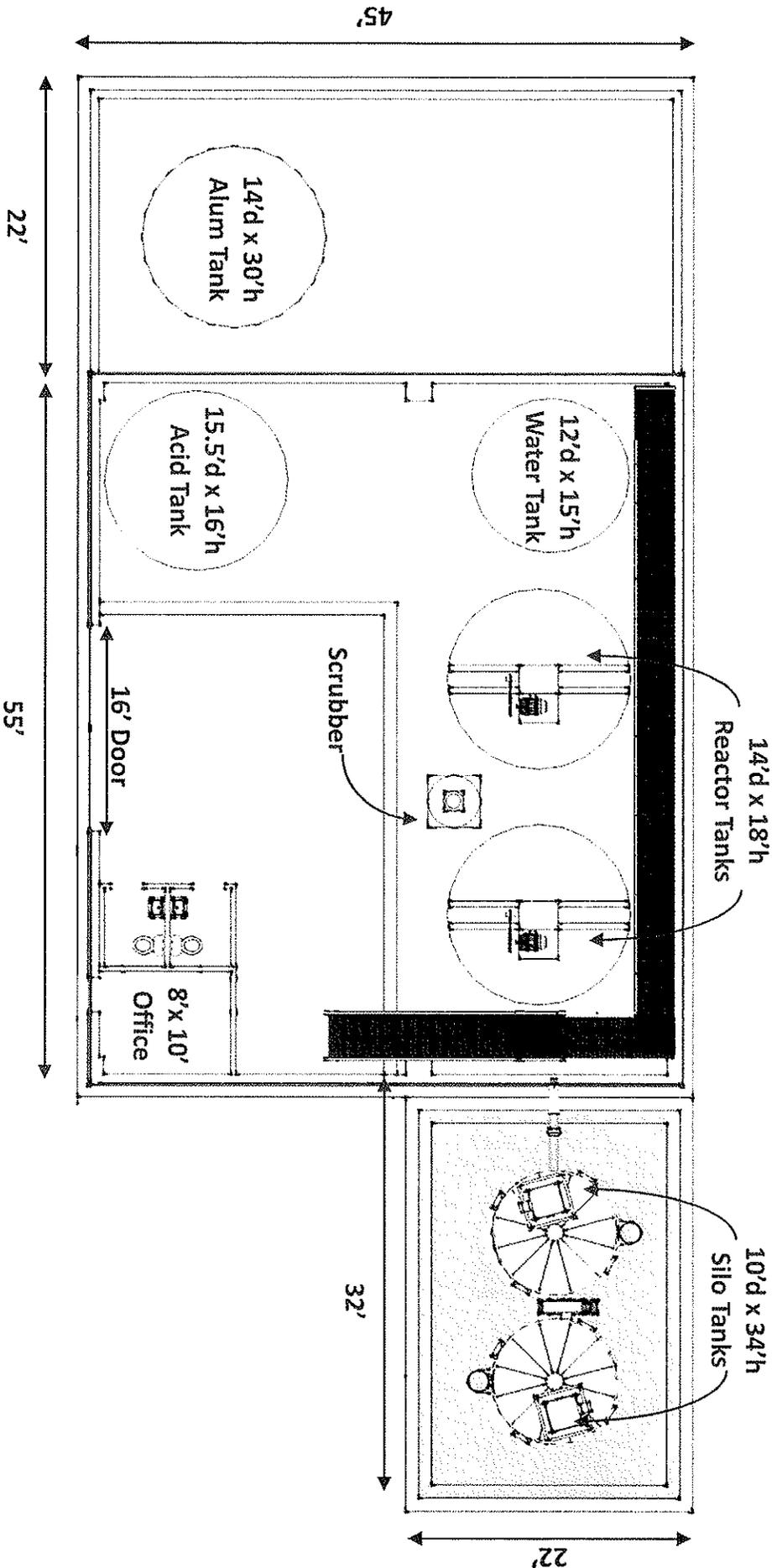
107

BACK

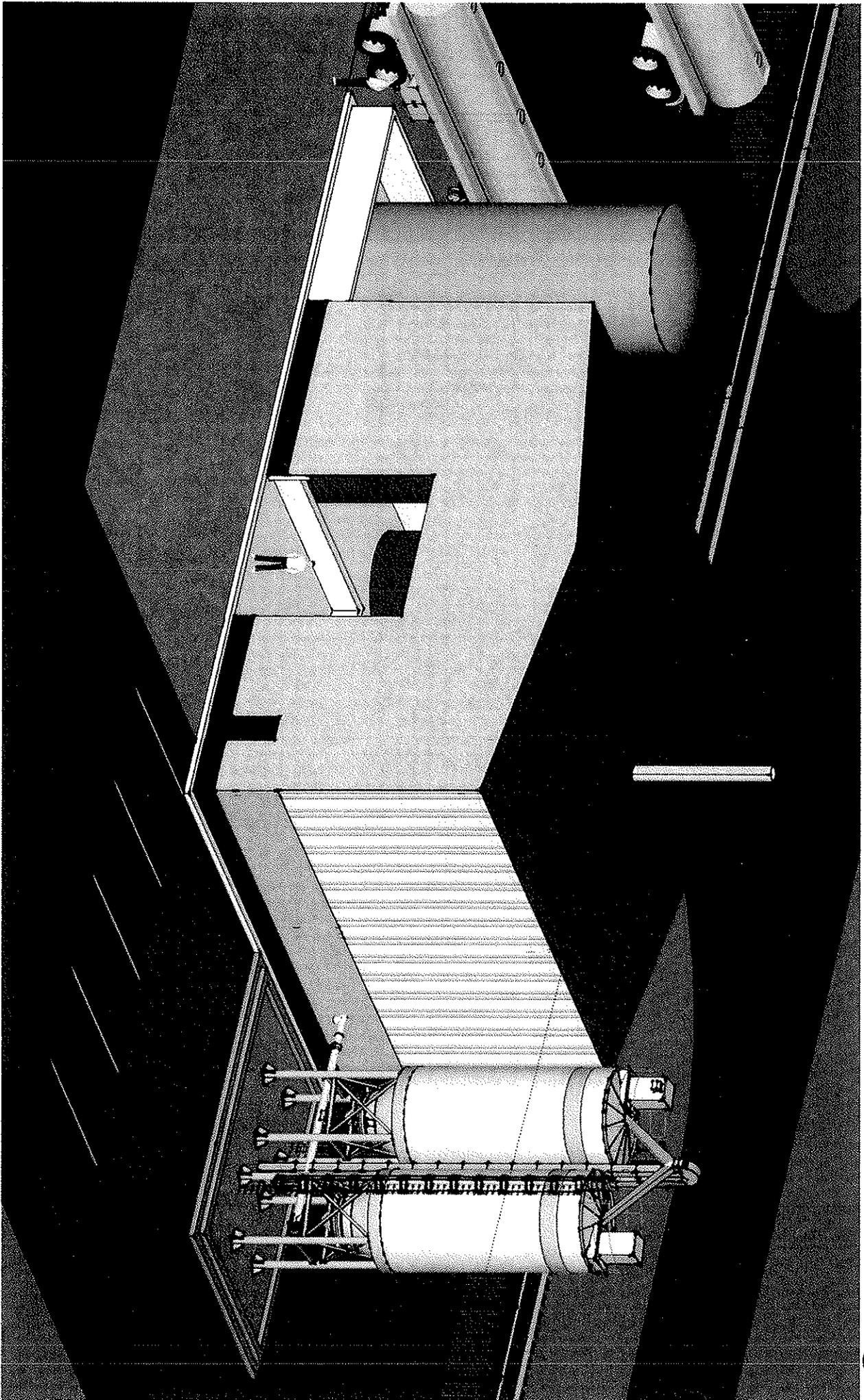


LEFT

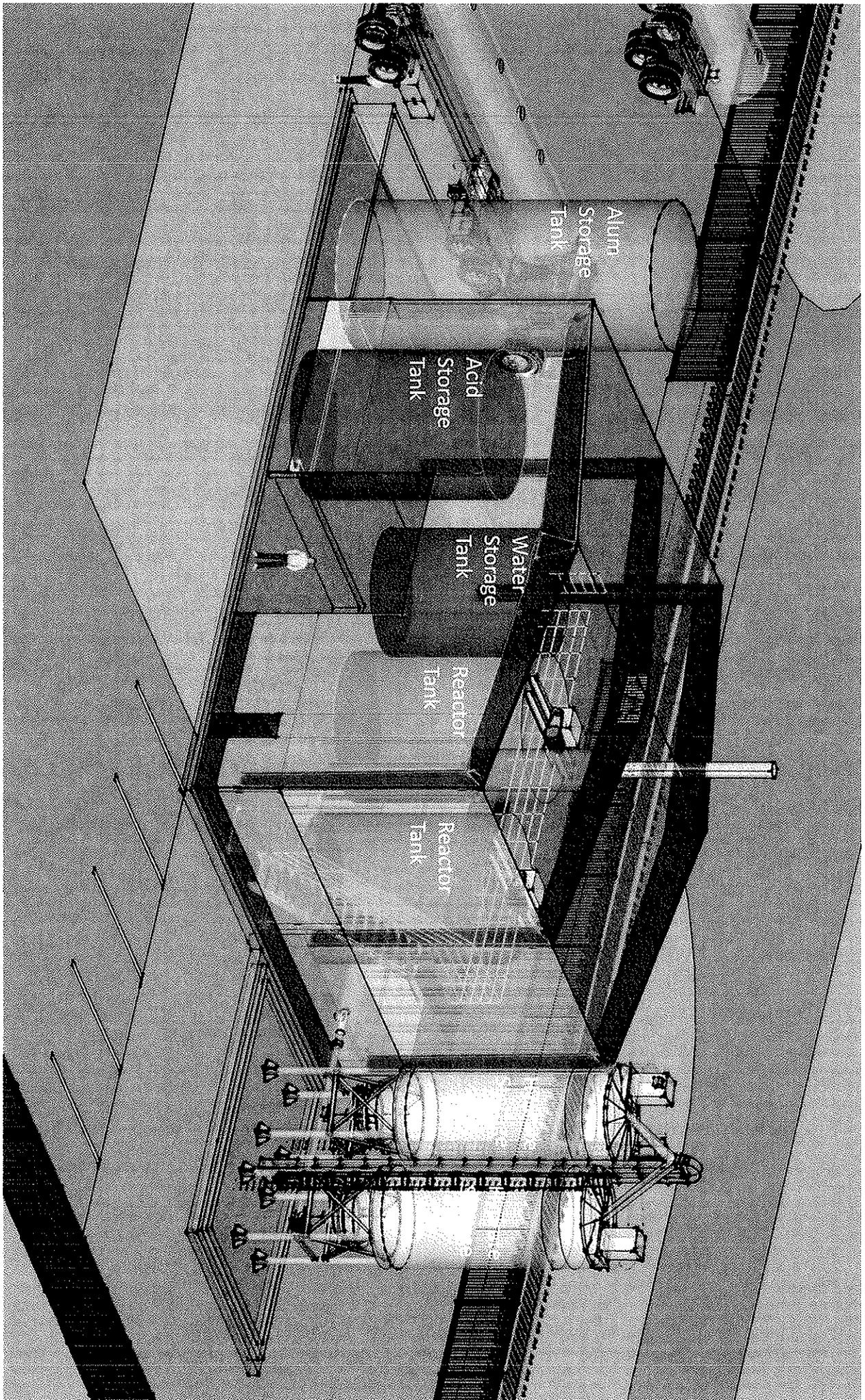




65



6k



66

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Development Plan Review - A request by Jerry Morrow and/or Kip Guthrie, agents, for A&M Railroad for Fort Smith Planning Commission consideration of a Development Plan request to develop a warehouse addition at 1301 North 4<sup>th</sup> Street. (Companion to item #14)

## LOT LOCATION AND SIZE

The subject property is on the northwest side of North 4<sup>th</sup> Street between North "K" Street and North "P" Street. The tract contains an area of 6.14 acres with 750 feet of street frontage along North 4<sup>th</sup> Street.

## EXISTING ZONING

The existing zoning on this tract is Industrial Moderate (I-2).  
Characteristics of this zone are as follows:

### Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

### Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet  
Maximum Height - 45 feet (1+1), 27-431(C)3  
Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres  
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 50 feet

Side Yard on Street Side of Corner Lot - 50 feet

Side Yard Setback – 25 feet

Rear Yard Setback - 20 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 are zoned Industrial Moderate and are developed as a vacant warehouse and machine shop.

The area to the east is zoned Industrial Moderate (I-2) and is developed as Clayborn Trucking Company.

The areas to the south are zoned Residential Multi Family High Density (RM-4) and is developed as single family residences.

The area to the west is zoned Industrial Moderate (I-2) and is developed as a furniture manufacturing plant.

### **PROPOSED DEVELOPMENT PLAN**

The applicant is currently submitting a development plan for a 60,000 square foot metal building addition with 13 bays located at 1301 North 4<sup>th</sup> Street. The applicant has requested a variance from all of the UDO Industrial design guidelines.

### **SITE DESIGN FEATURES**

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held February 4, 2013 at 3:00 P.M. on site and no surrounding property owners were in attendance.

7B

The development plan application proposes a 60,000 square foot metal warehouse addition to an existing 40,000 square foot facility. Section 27-602-4 (E) Industrial Building Standards within the Unified Development Ordinance would be applicable to this development. The companion variance application has been submitted asking for a waiver from these requirements.

Enclosed within your packet are drawings and an e-mail from Mr. Morrow proposing to add landscaping along the perimeter of the site and proposing to screen the trash receptacles with an opaque enclosure. The proposed perimeter landscaping would span the length of the entire building and consists of alternating three gallon boxwoods and two inch caliper swamp red maples.

Additionally, the Utility Department is requiring the installation of a public fire hydrant.

Staff recommends denial of the application, however, if the Planning Commission is inclined to approve the application staff requests it be contingent on the following:

1. Approval of the companion variance application
2. The installation of the perimeter landscape strip spanning the length of the entire building as shown on the drawing submitted.
3. The installation of an opaque enclosure to screen the trash receptacles.



Signed:

Jerry C. Morrow  
Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

3729 N. Crossover Road, Suite 111  
Fayetteville, AR 72703  
Owner or Agent Mailing Address

or  
  
\_\_\_\_\_  
Agent

479-587-0632  
Owner or Agent Phone Number

7E

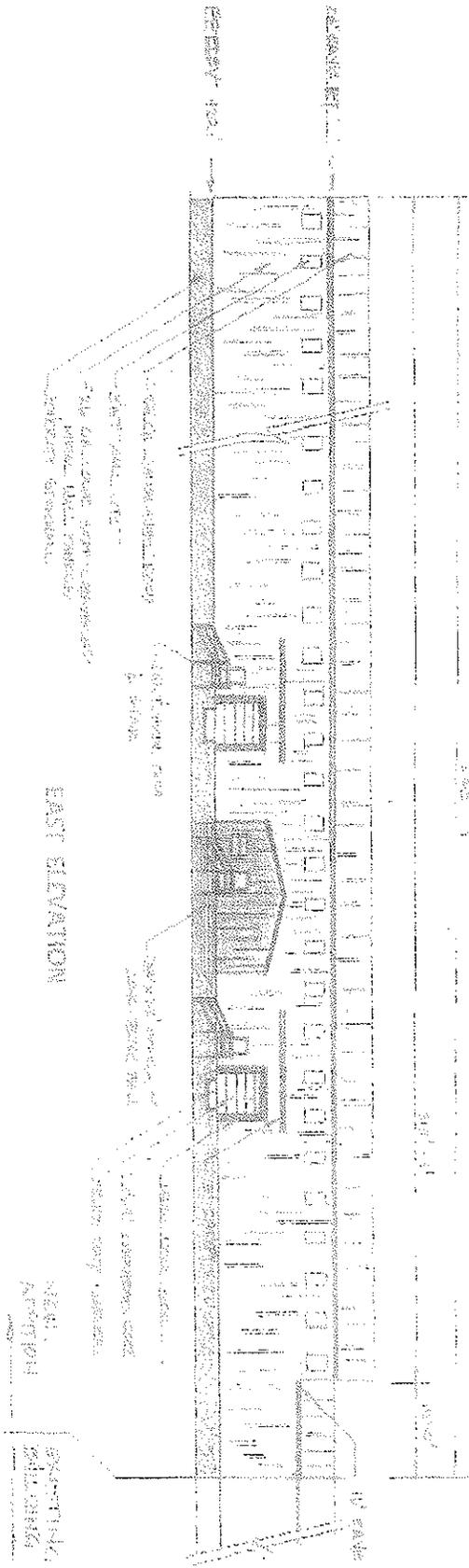




SOUTH ELEVATION



EAST ELEVATION



DATE	AMR
	306 East Emma Ave Springdale, AR 72762
DESIGNED BY	JW
DRAWN BY	JW
APP'D BY	KOS
OWNER NO.	FT SMITH WAREHOUSE
JACOBS NO.	14.2.150
SHEET NAME	
SHEET NO.	
BUILDING ELEVATIONS	3

<b>JACOBS</b>	
www.jacobs.com	
450028 ENGINEERING GROUP	RAYTOWN, AR 72703
5702 NORTH GRAND AVENUE, SUITE 111	(501) 422-2222 FAX (501) 422-2255
REV.	DATE DESCRIPTION

74



RAKE AND SEED  
APPROX. 14,000 SF  
APPLY SEED IN ACCORDANCE  
WITH AHTD SPECIFICATION 620.

# 60,000 sf Proposed Addition

13 bays total = 333' (length) x 180' (width)  
F.F.E = 420.10

65' X 150'  
6" CLASS 7  
BASE COURSE @  
95% MOD. PROCTOR

40' X 90' 4" ACHM  
OVER 7" CLASS 7  
BASE COURSE @  
95% MOD. PROCTOR  
WHEN ACCESS TO DOOR IS  
DETERMINED TO BE REQUIRED.

INSTALL 15" RCP FES  
@ ELEV. 410 AND 66'  
WITH GALVANIZED TRASH GUARD

R&D DAMAGED DROP INLET  
CONSTRUCT 4" INLET  
MATCHING EXISTING FLOW LINES  
AND TOP ELEVATIONS

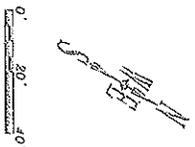
EXISTING  
CONCRETE  
RAIL  
BARRIER  
N. 4TH STREET

SMH  
RIM=414.03'  
IN (NW)=402.73'  
IN (SW)=395.66'  
OUT (NE)=395.58'

DROP INLET  
RIM=414.62'  
15" RCP OUT (NE)=411.12'

DROP INLET  
RIM=414.30'  
15" RCP IN (SW)=410.10'  
15" RCP OUT (NW)=409.80'

EXISTING  
WAREHOUSE  
F.F.E.=420.10'



DATE	1/8/2013
DESIGNED BY	KOG
DRAWN BY	KOG
APPR BY	JCA
APPR NO. FT. SLT. WAREHOUSE	
JACOBS NO.	104250
SHEET NAME	PAVING
SHEET NO.	AND
PROJECT NUMBER	AND

**AMRR**  
306 East Emma Ave  
Springdale, AR 72762

**FORT SMITH  
WAREHOUSE EXPANSION**

<b>JACOBS</b>		www.jacobs.com	
40000 ENGINEERING GROUP 3922 KATIE COURICHOE RD, SUITE 111 FAYETTEVILLE, AR 72703 937.571.0122 FAX 937.632781		BY:	
REV.	DATE	DESCRIPTION	



75

## Rice, Maggie

---

**From:** Morrow, Jerry C. [Jerry.Morrow@jacobs.com]  
**Sent:** Wednesday, February 06, 2013 5:42 PM  
**To:** Rice, Maggie  
**Cc:** 'Jay Berryman'; Jim Seratt (jims@arkansasmissouri-rr.com)  
**Subject:** RE: Ft Smith Development - Additional Documentation  
**Attachments:** 12.pdf

Maggie,

The proposed landscaping will extend from the south end, as shown, to the northern edge of the existing building, excluding the existing drive.

The dumpster enclosure, preliminary drawing attached, will be about 14' wide by 9' deep. It will have two 5' wide gates and will be 6' high. An 8" x 8" concrete curb will be installed at the back for the dumpster to sit against.

Jerry C. Morrow, PE, CFM  
Jacobs Engineering Group  
3729 N. Crossover Road, Suite 111  
Fayetteville, AR 72703  
Phone - (479) 587-0632  
Fax - (479) 442-7391

---

**From:** Rice, Maggie [mailto:mlewis@FortSmithAR.gov]  
**Sent:** Wednesday, February 06, 2013 2:42 PM  
**To:** Morrow, Jerry C.  
**Cc:** 'Jay Berryman'; Jim Seratt (jims@arkansasmissouri-rr.com)  
**Subject:** RE: Ft Smith Development - Additional Documentation

Thanks, Jerry.

Will the proposed landscaping span the length of the entire frontage? Or just the new addition?

Maggie

---

**From:** Morrow, Jerry C. [mailto:Jerry.Morrow@jacobs.com]  
**Sent:** Wednesday, February 06, 2013 12:06 PM  
**To:** Rice, Maggie  
**Cc:** 'Jay Berryman'; Jim Seratt (jims@arkansasmissouri-rr.com)  
**Subject:** Ft Smith Development - Additional Documentation

Maggie,

Attached is a conceptual drawing showing the landscaping proposed by the Arkansas Missouri Railroad along 4<sup>th</sup> Street.

Also, in response to the question regarding how much additional truck traffic should be expected; it is anticipated that 9 trucks per day will be entering and leaving the plant site.

Please call me with any questions.

Sincerely,  
Jerry C. Morrow, PE, CFM  
Jacobs Engineering Group  
3729 N. Crossover Road, Suite 111  
Fayetteville, AR 72703  
Phone - (479) 587-0632





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 30, 2013

**Re:** Conditional Use #5-2-13 - A request by Chasen Garrett, agent, for Planning Commission consideration of a Conditional Use request to develop a restaurant with an outdoor dining area at 8909 Rogers Avenue

## LOT LOCATION AND SIZE

The subject property is on the north side of Rogers Avenue west of South 91<sup>st</sup> Street. The tract contains an area of 0.5 acres with approximately 127 feet of street frontage along Rogers Avenue.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

### Conditional Uses:

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

**Area and Bulk Regulations:**

Minimum Lot Size – 14,000 square feet  
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

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

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned Commercial Heavy (C-5) and are developed is undeveloped.  
The areas to the east are zoned Commercial Heavy (C-5) and are developed as a shopping center.  
The areas to the south are zoned Commercial Heavy (C-5) and are developed as two single family residences.  
The areas to the west are zoned Commercial Heavy (C-5) and are developed as a veterinarian facility.

**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.

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Neighborhood Commercial. This classification is intended to provide convenience goods and services in a residentially

8B

compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

### **PROPOSED CONDITIONAL USE**

Approval of this Conditional Use would allow for the construction of a small (584 square foot) outdoor dining area.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The two existing driveways will be retained with no changes.

**Landscaping** – No landscaping will be required with this project since the addition will be less than 50% of the original building size.

**Parking** – 53 parking spaces are required based on 1 per 3 seats at M.S.C. plus 1 per employee. 53 parking spaces are provided.

**Signage** – The site currently has a pole sign and façade signage. Any changes to these signs shall comply with the UDO requirements and require sign permits.

**Lighting** – All exterior and site lighting shall comply with the UDO requirements.

**Setbacks** – The required side yard setback is 20', the required front yard setback is 25', both of these need to be dimensioned on the site plan.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Wednesday, January 30, 2013 at 4:00 p.m. onsite at 8909 Rogers Avenue no surrounding property owners were in attendance.

Staff recommends approval of the application contingent upon the following:

- Re-platting of the property to address the additional parking tract.
- The dumpster shall be moved out of the flood plain and shall be completely screened.
- Development shall be in accordance with the site plan submitted and any Planning Commission amendments.

Conditional Use # 5-2-13

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Alejandro Fuentes

Name of Authorized Agent (if applicable) Chase Garrett

Legal Description of property included in the conditional use request:

NE 1/4 SE 1/4, SECTION 30, T-8-N, R-30-W & PART OF LOT 1B, SOUTH 91ST LOT SPLIT & PART OF LOT D, CHARLES PALMER LOT SPLIT, FORT SMITH, ARKANSAS

Street Address of Property:

8909 Rogers Avenue

Existing Zoning Classification:

C-5

Proposed Zoning Classification (if applicable):

N/A

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

Applicant requests conditional use for construction of a small exterior dining space. Area is ancillary to the current restaurant use and is 584 Sq. Ft. Space will be screened by semi opaque fence design.

What amenities are proposed such as landscaping and screening?

Screening and Landscaping will be provided per the site plan. Decorative Fence.

Chase Garrett for Alejandro Fuentes  
Owner or Agent Name (please print)

Signed:

Chasen B. Garrett

Owner or Agent Mailing Address

PO Box 8336  
Fort Smith, AR 72902

479-652-0175  
Owner or Agent Phone Number

Owner

Chasen B. Garrett  
Or  
Agent

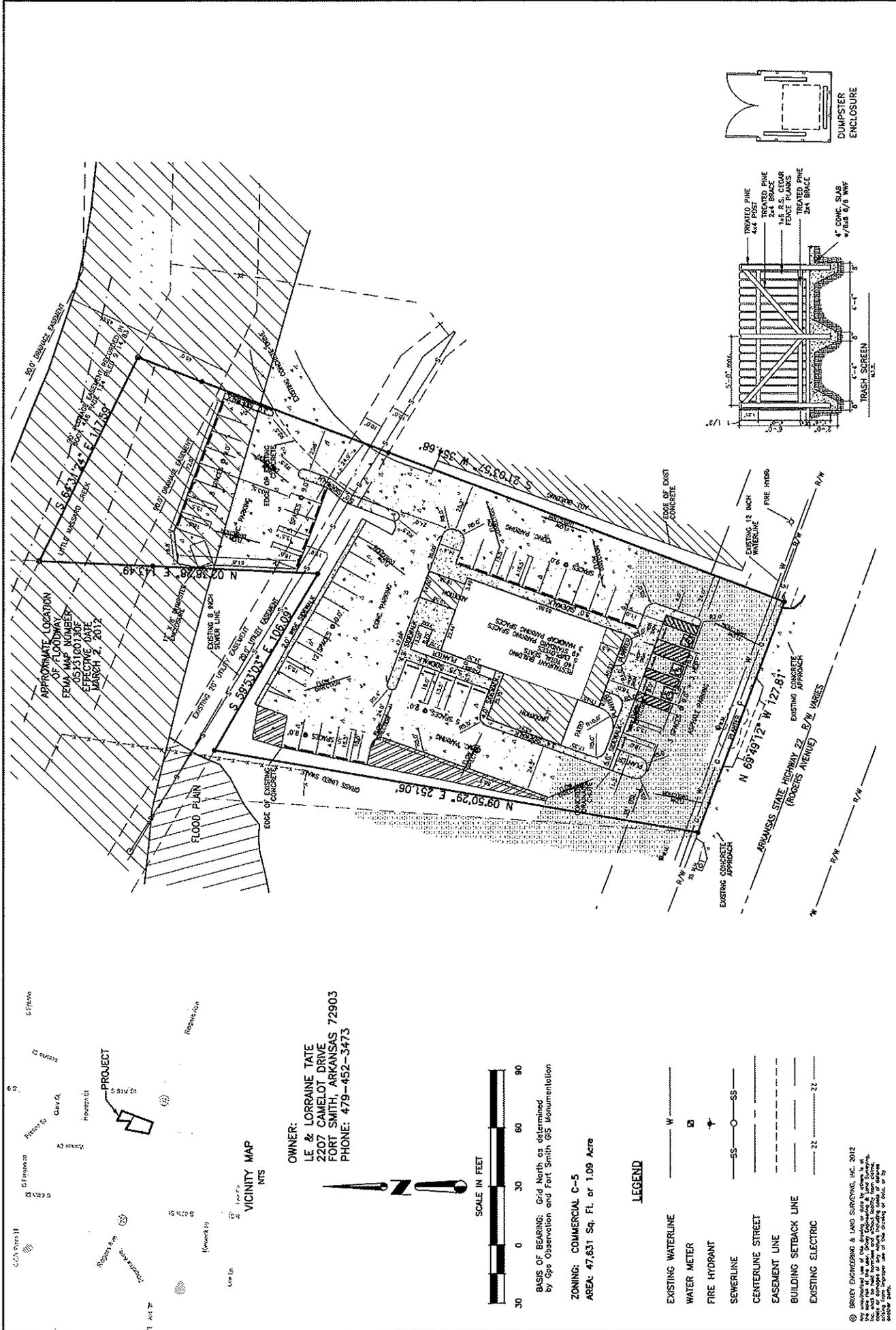
# Conditional Use #5-2-13: A Restaurant With Outdoor Dining

8909 Rogers Avenue



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Date:	12/21/2012
Drawn By:	RHB
Approved:	
Job No.:	12-0322
Sheet:	
Filed:	

**SITE PLAN**  
 EL ZARAPE RESTAURANT  
 PART OF LOT D, CHARLES PALMER LOT SPLIT  
 AND PART OF LOT 1B, SOUTH 91st LOT SPLIT  
 FORT SMITH, ARKANSAS

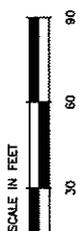


Revisions:	



**BRIXEY ENGINEERING & LAND SURVEYING, INC.**  
**LAND SURVEYING, INC.**  
 CONSULTING ENGINEERS -- LAND SURVEYORS  
 5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72905 (479) 646-4394

**OWNER:**  
 LE & LORRAINE TATE  
 2207 CAMELOT DRIVE  
 FORT SMITH, ARKANSAS 72903  
 PHONE: 479-452-3473



**LEGEND**

- EXISTING WATERLINE ——— W ———
- WATER METER □
- FIRE HYDRANT T
- SEWERLINE ——— SS ——— SS
- CENTERLINE STREET ———
- EASEMENT LINE - - - - -
- BUILDING SETBACK LINE ———
- EXISTING ELECTRIC ——— Z1 ——— Z2 ———

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# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 30, 2013

**Re:** Conditional Use #6-2-13 - A request by Larry Young, agent, for Planning Commission consideration of a Conditional Use request to develop a hospital at 3501 W.E. Knight Drive

## LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue and the east side of South 79<sup>th</sup> Street. The tract contains an area of 13.23 acres with approximately 656 feet of street frontage along Phoenix Avenue and approximately 269 feet of street frontage along South 79<sup>th</sup> Street.

## EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5) and Transitional (T). Characteristics of the C-5 zoning district 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.

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**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

Characteristics of the Transitional (T) zoning district are as follows:

**Purpose:**

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

**Permitted Uses:**

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 5,000 square feet
- Maximum Lot Size – 40,000 square feet
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 65%
- Minimum Lot Width at Building Line – 50 feet
- Minimum Street Frontage – 50 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 (residential), non residential to be determined by current City building and fire code.

## SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as a mini storage facility and various retail businesses.

The areas to the east are zoned Commercial Heavy (C-5) and are developed as two restaurants.

The areas to the south are zoned RSD-2 and are developed as a cell tower site and vacant land.

The areas to the west are zoned Commercial Heavy (C-5) and is developed as a bank.

## 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.

## LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. Approval of the zone change will not conflict with the goals and objectives of the *Master Land Use Plan*.

## PROPOSED CONDITIONAL USE

The approval of this Conditional use request would allow the construction of a hospital.

## SITE DESIGN FEATURES

**Ingress/egress/traffic circulation** – An existing driveway on South 79<sup>th</sup> Street and an existing driveway on Phoenix Avenue will be utilized.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – The City's Storm Drainage Standards will apply to this project.

9C

**Right-of-way dedication** – No right-of-way dedication is required.

**Landscaping** – The landscaping plan shows trees and some shrubbery planted west of the existing W.E. Knight Drive entrance adjacent to Phoenix Avenue. Perimeter landscaping with parking lot screening along South 79<sup>th</sup> Street consisting of trees and evergreen shrubbery is also shown. Screening of the parking lot on the south side of the parking lot is provided but it is not within the perimeter landscape strip. The plan also provides interior landscaping for vehicular use areas consisting of trees, low groundcover plants, and ornamental grasses.

The final landscape plan must delineate the required 10' wide landscaped area adjacent to Phoenix Avenue and South 79<sup>th</sup> Street. Parking lot screening must be placed within the 10' landscaped area reserved for perimeter landscaping. Final plan must also provide square footages of the paved vehicular use surface areas and square footages of landscaped areas within the vehicular use areas. These calculations shall include existing and proposed vehicular use areas.

**Screening** – All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.

**Parking** – Parking as shown on the plans complies with the UDO requirements. This will be verified again at the time of plan review for the building permit.

**Signage** – No information submitted for any proposed signage. All signs shall comply with the Phoenix Avenue Overlay District requirements along with the requirements of the UDO, Section 27-704.

**Lighting** – No lighting information shown on the plans. All exterior and site lighting shall not produce glare, light trespass and/or unnecessary skyglow as required by the UDO, Section 27-602-5.

**Setbacks** – Not noted on the plans. The setbacks shall be noted on the site plan submitted for plan review.

**Architectural features** – The drawings provided indicate that the proposed orthopedic hospital building is a two-story facility with approximately 67,000 s.f. constructed of brick with bands of precast concrete with a tower entry constructed of rock and glass. The hospital building will be connected to the existing medical office building and ambulatory surgery center. The connection to the existing buildings will be constructed primarily of glass with a composite metal panel at the top and at the point of connection. A glass enclosure is also proposed at the southeast corner of the building.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting will be held Monday, February 11, 2013 at 6:00 p.m., on site at 3501 W.E. Knight Drive. An attendance record and meeting summary will be provided to the planning commission.

Staff recommends approval with the following conditions:

1. Submittal of a landscape plan in compliance with UDO Landscaping and Screening requirements, Section 27-602-3 regarding perimeter landscaping, parking lot screening, and interior landscaping for vehicular use areas.
2. Compliance with the city's Storm Drainage Requirements.
3. Identify setbacks and easements on site plan for building permit review.
4. Provide dimensions of new parking spaces and drive aisles on site plan for building review.
5. All site lighting shall comply with the lighting requirements of the UDO - Section 27-602-5.
6. All ground and roof-top mechanical equipment, heating/cooling systems, and utility boxes and trash receptacles shall be completely screened from adjoining properties and street rights-of-way in accordance with UOD - Section 27-602-4(C)(4)(a)(b).
7. All signage shall comply with the UDO General Sign Regulations – Section 27-704-5 and the Phoenix Avenue Overlay sign regulations -27-440(B). A separate submittal is required for all signs proposed.
8. All construction must be built in accordance with the submitted site plan and with any planning commission amendments.

Conditional Use # 6-2-13

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: St. Edwards Mercy Health System, Inc.

Name of Authorized Agent (if applicable) Larry Young, Sr. Project Manager for Mercy Health

Legal Description of property included in the conditional use request:

Lot A, Hillsboro Estate to the City of Fort Smith, Sebastian County, Arkansas (filed for record February 22, 2008).

Street Address of Property:

3501 W. E. Knight Drive

Existing Zoning Classification:

C-5 & T

Proposed Zoning Classification (if applicable):

N/A

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

Mercy Health proposes to construct an Orthopedic Hospital addition to their existing Ambulatory Surgery Center at South 79<sup>th</sup> and Phoenix. The proposed hospital will encompass approximately 66,900 square feet on two (2) floors with a potential future patient room expansion of 3,000 square feet. The existing campus is zoned Commercial (C-5) and Transitional (see attached). Mercy Health is requesting approval of a Conditional Use Permit for construction of the hospital in the transitional zone.

What amenities are proposed such as landscaping and screening?

See attached conceptual landscaping plan (schematic design).

Greta Wilcher  
Owner or Agent Name (please print)

Signed:

Mercy Fort Smith Communities  
7301 Rogers Ave., Fort Smith, Arkansas 72903  
Owner or Agent Mailing Address

[Signature]  
Owner

Or

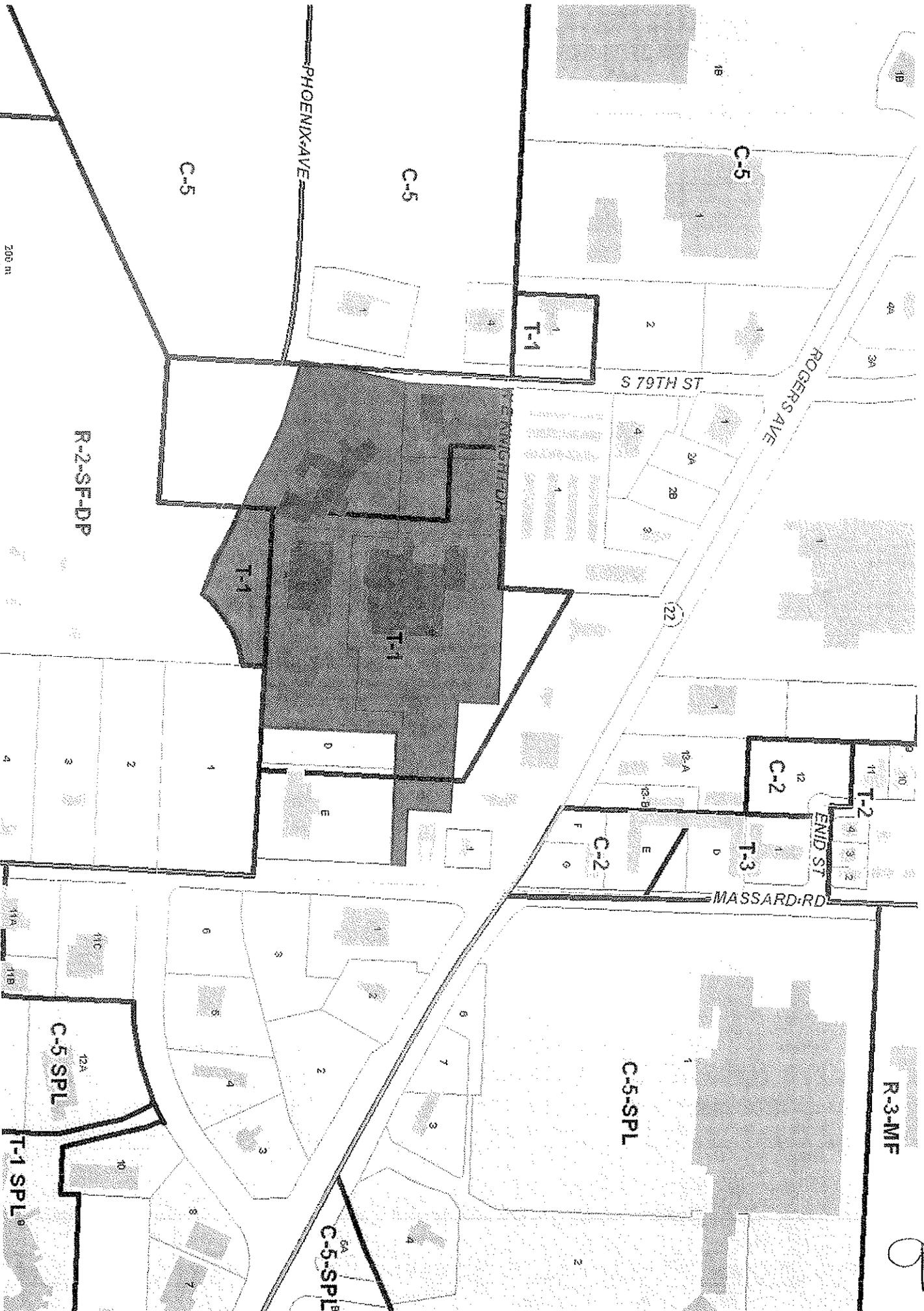
(479) 314-6100  
Owner or Agent Phone Number

Agent

9F

# Conditional Use #6-2-13: Hospital

3501 W.E. Knight Drive

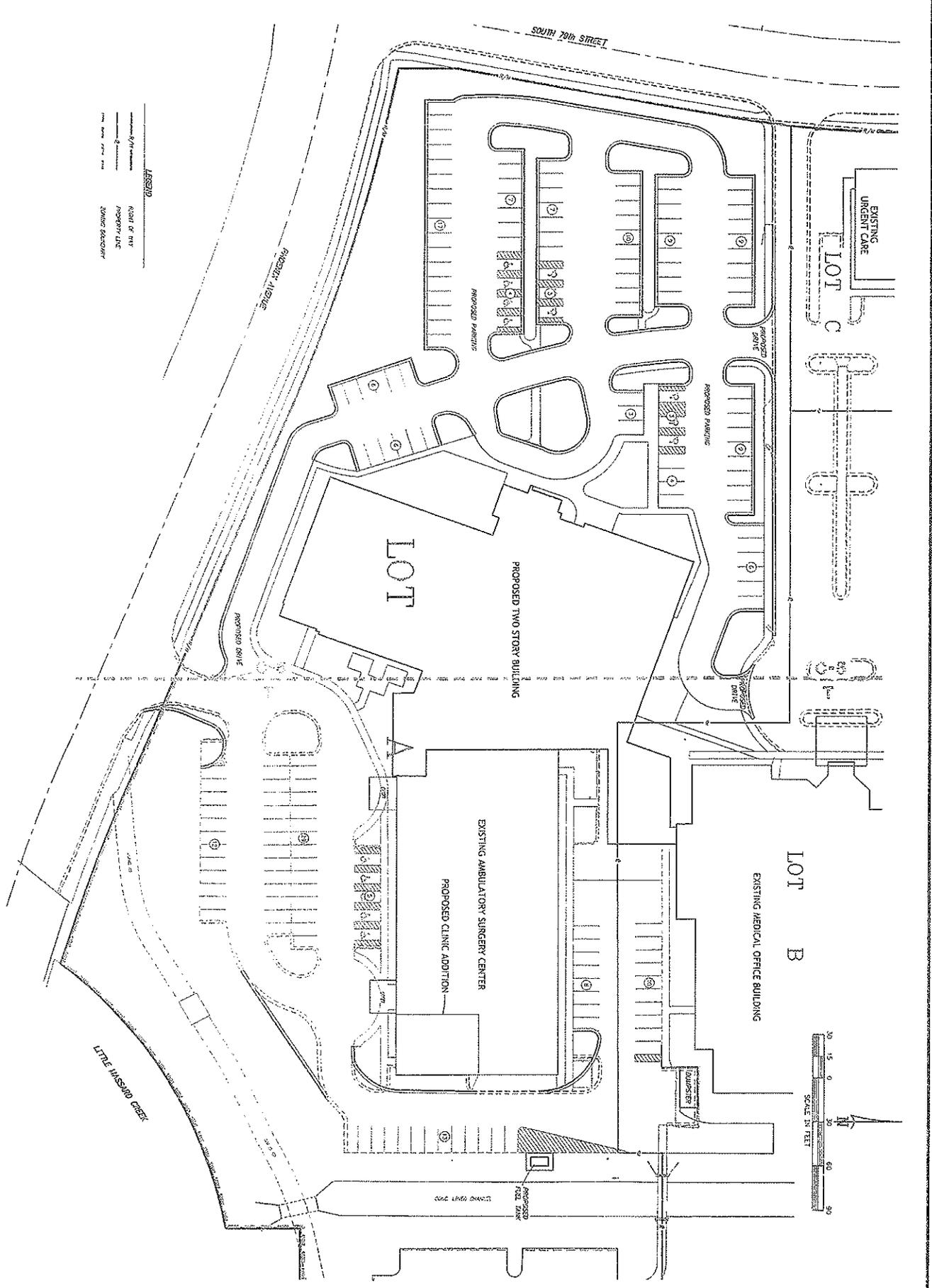


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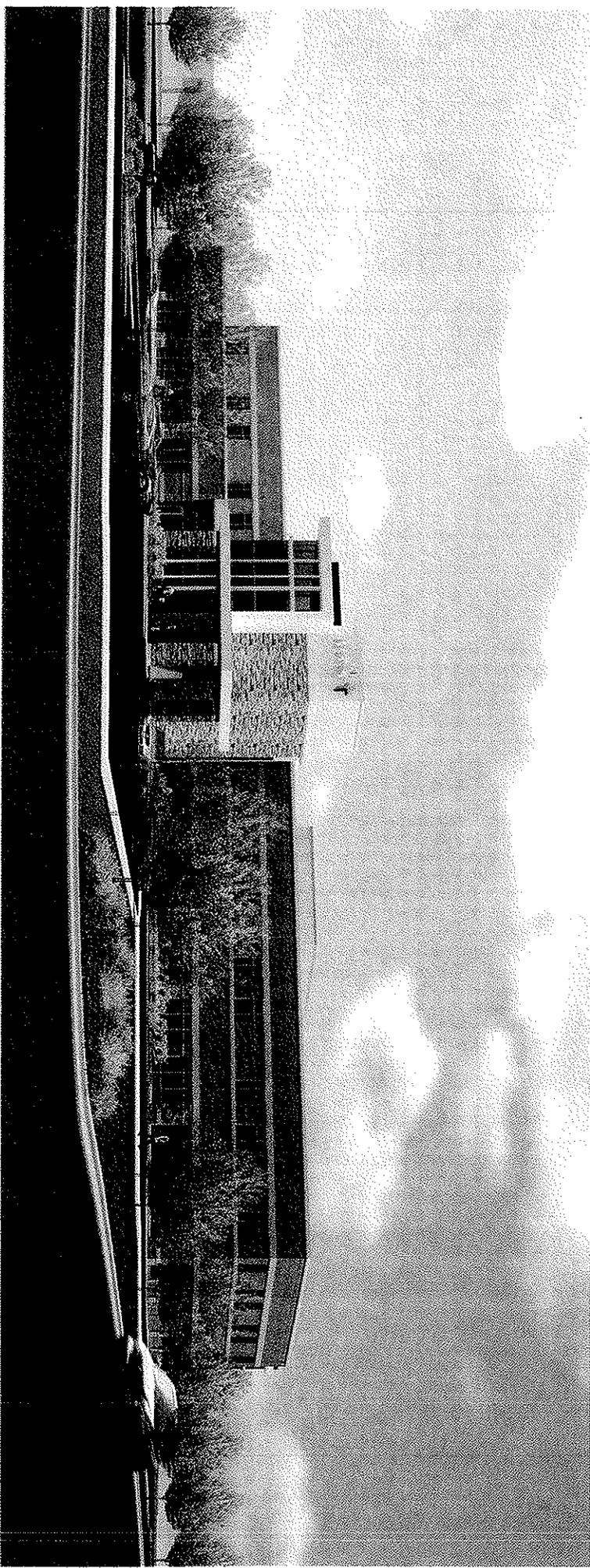


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# Mercy Fort Smith Ortho Hospital

## Schematic Design



**DRAINING INDEX**

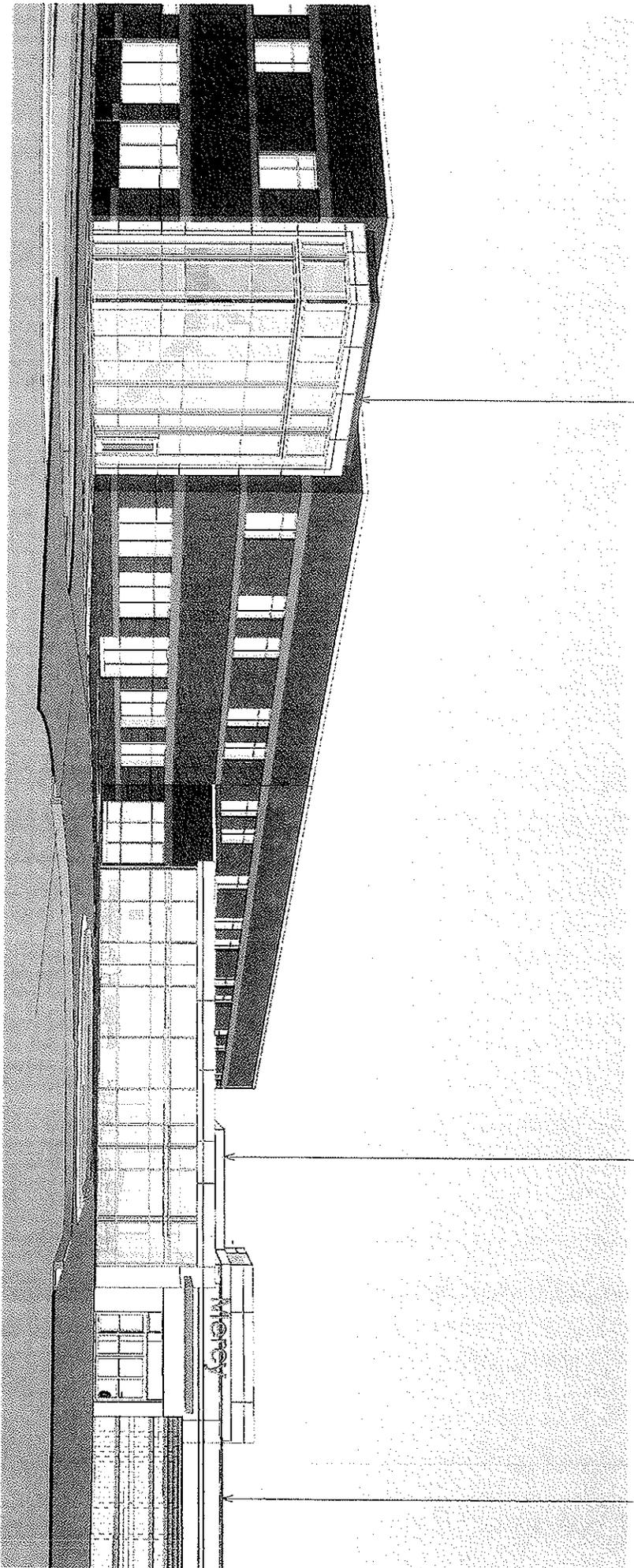
0. COVER, 20MM EMBLEM E	A301 FIRST FLOOR PLAN	M2P16 20MM EMBLEM SITE PLAN	CANINE SPECIFICATION
1. SITE & LANDSCAPE PLAN	A302 SECOND FLOOR PLAN	M2P20 MEP RESOLUTION PLAN	STRUCTURAL SUBSTRUCTIVE
2. MAIN ENTRANCE FROM CANINE DRIVE	A303 ENTRANCE PLANS	M2P21 MEP TEST FLOOR PLAN	MEP21 MECHANICAL
3. SCHEDULE SUBTRACT RESPECTIVE FROM PROPOSED DRIVE	A304 CEILING PLAN	M2P22 HVAC ROOF PLAN	
4. BUILDING SECTION RESPECTIVE	A305 BUILDING ELEVATIONS	M2P30 HVAC/PLUMBING SCHEDULES	
5. INTERIOR RESPECTIVE AT QUALITY	A306 SITE PLAN	M2P31 ELECTRICAL RISER DIAGRAMS	
6. INTERIOR RESPECTIVE	C200 RESOLUTION PLAN	M2P32 ELECTRICAL UTILITY COURTYARD	
7. ROOM SCHEDULE E	C201 BRANCHED PLAN		
	C-200 UTIL. PLAN		

**Mercy**  Fort Smith Ortho Hospital

**MAIN ENTRANCE FROM INTERSECTION**

SCHEMATIC DESIGN  
December 7, 2012

**POLK**  
**STANLEY**  
**WILCOX**  
ARCHITECTS



**NEW BUILDING MATERIALS**  
 -Ironridge color brick and precast bands  
 -Glass storefront system

**TRANSITION BUILDING MATERIALS**  
 -Neutral tone composite metal panel  
 -Glass storefront system

**EXISTING SURGERY CENTER**  
 Campus context is split face block veneer and EIFS with taupe color

3M

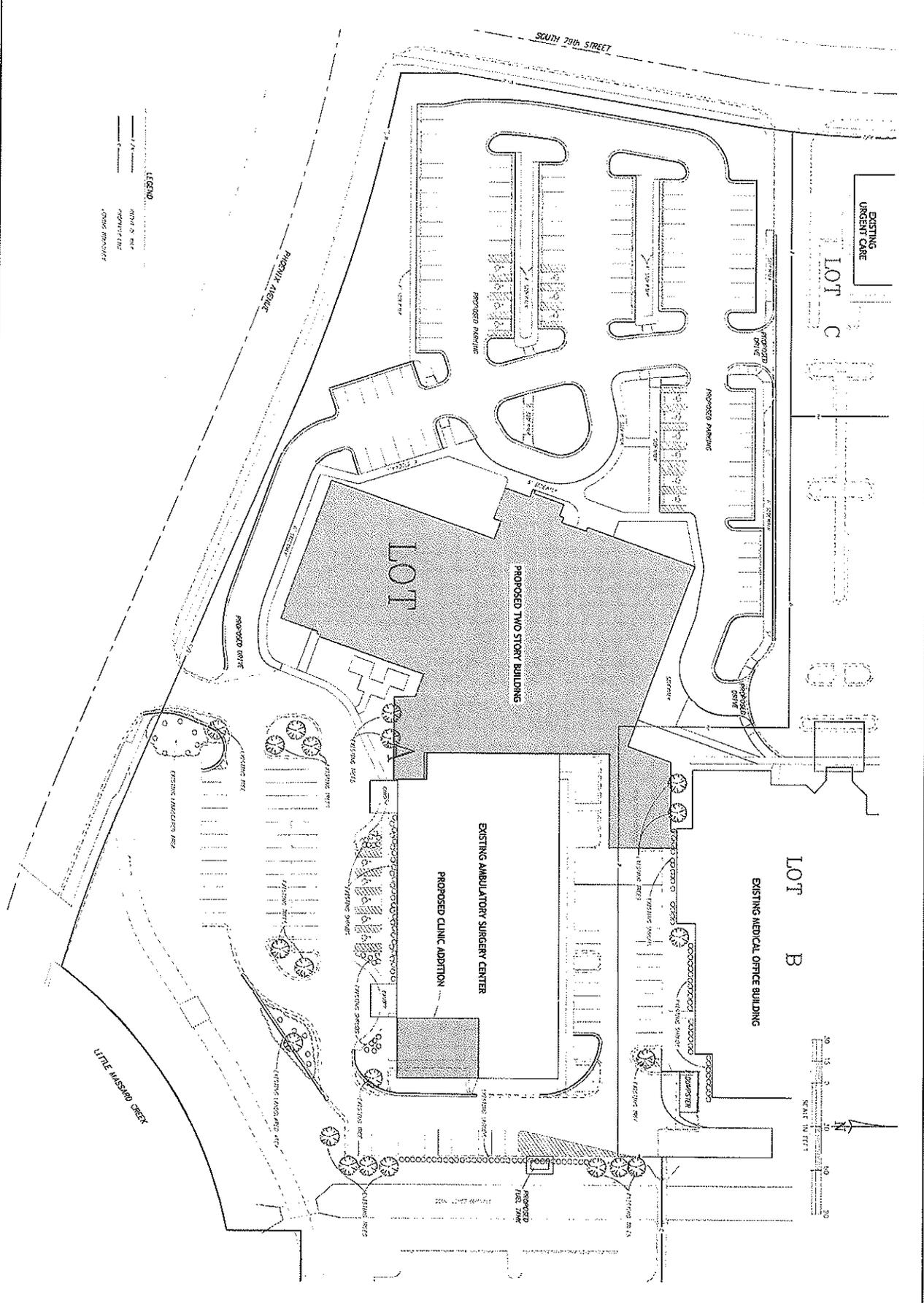
**Mercy** Fort Smith Ortho Hospital

**3. SURGERY ENTRANCE from PHOENIX DRIVE**

SCHEMATIC DESIGN  
 December 7, 2012

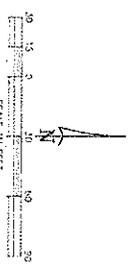
**POK**  
**STANLEY**  
**WILCOX**  
 ARCHITECTS





**LEGEND**

- EXISTING TREES
- EXISTING SHRUBS
- EXISTING LANDSCAPE AREAS
- PROPOSED TREES
- PROPOSED SHRUBS
- PROPOSED LANDSCAPE AREAS



\*PORT SMITH, ARIZONA  
**EXISTING LANDSCAPING**  
**MERCY ORTHOPEDIC HOSPITAL**  
**HILLSBORO ESTATE**  
**LOTS A, B, & C**  
 FOR: MERCY HEALTHCARE

**HAWKINS & WEIR**  
**ENGINEERS, INC.**  
 110 South 7th Street • Via Drem, Arizona 72795 • (479) 414-1227  
 211 Natural Resources Drive • Little Rock, Arkansas 72605 • (501) 316-4866  
 www.hawkins-weir.com

REVISION	DATE

1" = 100'  
 DATE PLOTTED: 1/23/2013 2:33 PM  
 PLOTTER: HP DesignJet T1100

90

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Variance #27-9-12 - A request by Al Prieur, agent, for Mark & Amy Koenigseder, Planning Commission consideration of a zoning variance request from 2 acres (87,120 square feet) to 1.14 acres (49,875 square feet) minimum lot area in a Commercial Heavy (C-5) zone at 2501 North 50<sup>th</sup> Street (Companion to items #2 & #3)

## LOT LOCATION AND SIZE

The subject property is located on the northwest side of the intersection of Kelley Highway and North 50<sup>th</sup> Street. The site contains approximately 1 acre with 255 feet of frontage on Kelley Highway and 160 feet of frontage on North 50<sup>th</sup> Street.

## EXISTING ZONING

The existing zoning on this tract is Commercial Regional (C-4). Characteristics of this zone are as follows:

### Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, 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-4 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 40,000 square feet  
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres  
Existing District (By Extension) – 3 acres  
Minimum Lot Width – 150 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 20 feet  
Side Yard Setback – 20 feet  
Rear Yard Setback - 20 feet  
Side/Rear (adjoining SF Residential District/Development) – 100 feet  
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 area to the north is zoned Commercial Regional (C-2) and is developed as single family residences.

The area to the south is zoned Commercial Light (C-2) and developed as a pharmacy, medical clinic and a bank.

The area to the west is zoned Commercial Regional (C-4) and Residential Multifamily Medium Density (RM-3) and is developed as a funeral home.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and is developed as a school.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Kelley Highway and North 50<sup>th</sup> Street as Major Arterials.

### **LAND USE PLAN COMPLIANCE**

A companion item #2, requesting a Master Land Use Amendment to change from Commercial Neighborhood to General Commercial. The Master Land Use Plan classifies this development as General Commercial. This classification provides opportunities for business transactions and activities, and meets the consumer needs of the community.

### **REQUESTED VARIANCE**

The requested Commercial Heavy (C-5) zone requires a minimum lot area of 2 acres, this property has 1.14 acres.

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### **APPLICANT HARDSHIP**

The variance would facilitate the proposed rezoning to Commercial Heavy (C-5). The Commercial Heavy (C-5) zone will allow the business to be a conforming use. As a conforming use, the business will have the opportunity to expand. Further, the applicant states that the variance is needed to allow an addition to the building in the future.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Tuesday, September 4, 2012. A few surrounding property owners were in attendance however none voiced any concern over the proposed zone change. A summary of the meeting is enclosed.

The variance would facilitate the proposed rezoning to Commercial Heavy (C-5). Enclosed within your packet is a letter from Mr. Prieur outlining the compromise stemming from the December 2012 Planning Commission meeting. The reduced area was the product of the compromise and only includes the property being used for auto repair.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

**APPLICATION FOR VARIANCE**

Var #279-12

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas. to-wit: (Legal Description)  
THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS AND EXCEPT  
PREVIOUSLY DEDICATED RIGHT-OF-WAY FOR KELLEY HIGHWAY  
AND NORTH 50TH STREET, AND LOT 26A, BLOCK 3, BROADMOOR  
ADDITION, AN ADDITION TO THE CITY OF FORT SMITH,  
SEBASTIAN COUNTY, ARKANSAS.

**in  
- of-way.**

Address of property 2501 North 50<sup>th</sup> Street, Existing or Proposed

Zoning Classification C - 5 (Proposed), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

**FROM**

**TO**

- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot
- 87,120 \_\_\_ - 79323 \_\_\_ Minimum Lot Area (Square Feet) (2 Acres to 1.821 Acres)
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Frontage
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Size of a Sign
- \_\_\_\_\_ - \_\_\_\_\_ Other: \_\_\_\_\_

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this

100

publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Alvin L. Prieur, Jr., PE

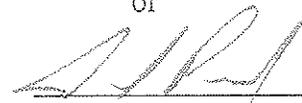
\_\_\_\_\_  
Agent Name (*please print*)

\_\_\_\_\_  
Owner

479-651-7920

or

\_\_\_\_\_  
Owner or Agent Phone Number

  
\_\_\_\_\_  
Agent

P O Box 1689  
Van Buren, Arkansas 72957

\_\_\_\_\_  
Owner or Agent Mailing Address

Variance # \_\_\_\_\_

10E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
<u>X</u>	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

10F

Explanation of question #4 (if applicable)

The variance is needed due to a unique circumstance on this property. This site was developed many years ago as a location for John's DX gasoline full service station. It existed many years as this type of operation.

In the 1980's the sale of gasoline was dropped and the station only did work on cars. This station has continued this operation for years and is currently being run by the original owner's son. The problem is that the owner would like to add on to his building.

To do this requires a C – 5 zoning. This zoning would be by classification which requires a minimum lot size of 2 acres. This property is only 1.821 acres. The variance is needed to allow the rezoning.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

This is an existing business. The business cannot add on to the existing building because of the current zoning. The property is zoned C-4 which allowed the gas station but not the auto repair shop. If this property is rezoned it will allow the owner to add on to his building. No change in operation is planned.

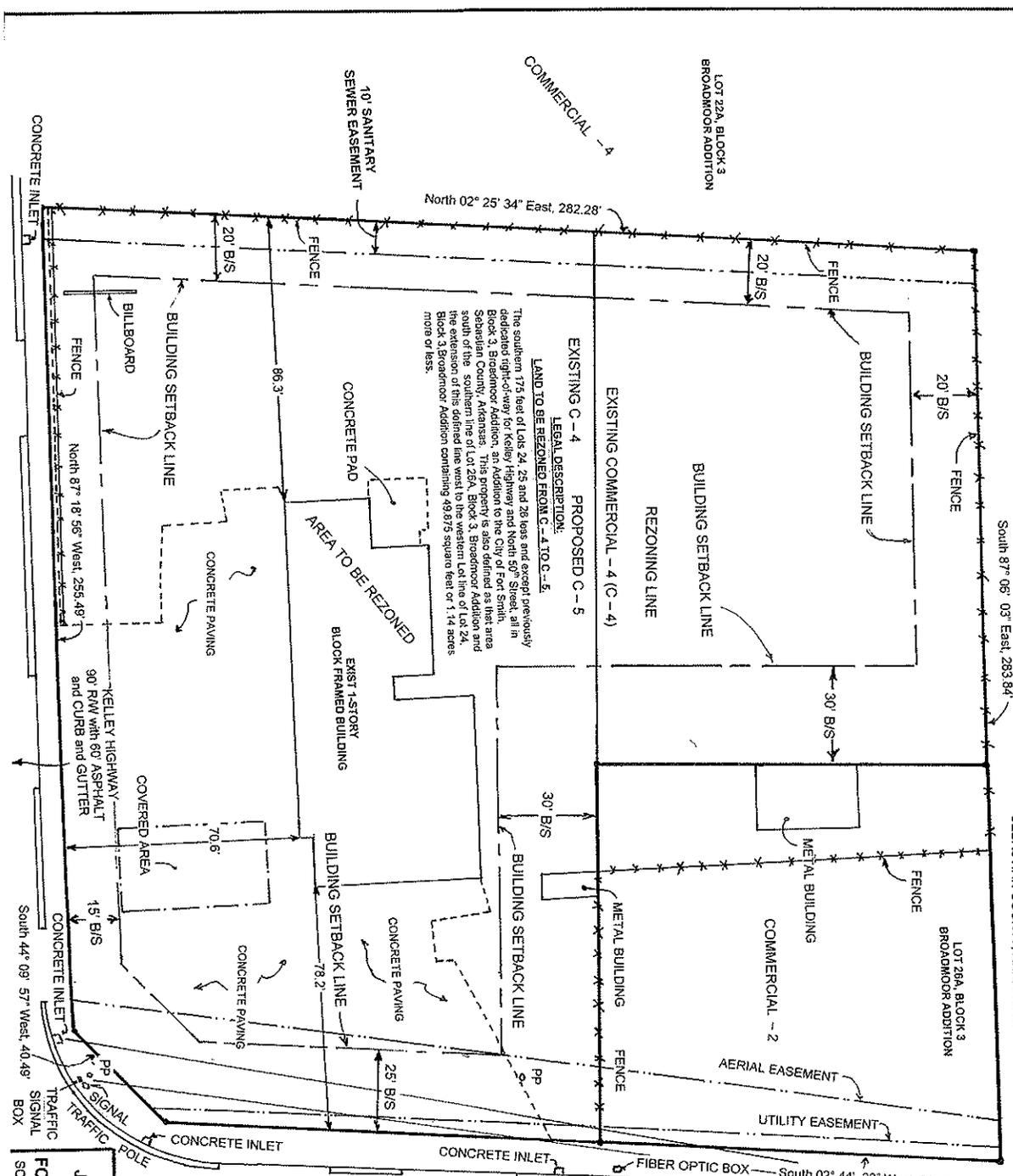
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area.

The auto repair station has been at this location for many years. It has worked in with the neighborhood and I am not aware of any problems. This is a nonconforming use and as such the owner cannot improve or expand his business. The property is in a confined area. It has streets on two sides and a funeral chapel building and access route on two sides. This use will only be able to use the property that it currently owns.

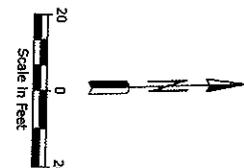
**FLOOD INFORMATION**  
 PROPERTY NOT IN 100 YEAR FLOOD ZONE  
 FEMA: COMMUNITY-PANEL NUMBER 05131C00020E  
 DATED: MAY 20, 2010

**SURVEY DESCRIPTION**  
 LOT 22A, BLOCK 3  
 BROADMOOR ADDITION  
 THE SOUTH 301.14 FEET OF LOTS 24 THRU 26 LESS  
 AND EXCEPT PREVIOUSLY DEDICATED RIGHT-OF-WAY  
 FOR KELLEY HIGHWAY AND NORTH 50<sup>TH</sup> STREET,  
 AND LOT 28A, BLOCK 3, BROADMOOR ADDITION,  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.

TAKEN (WITH PERMISSION) FROM  
 A SURVEY BY ANDERSON SURVEYING, INC.  
 DATED 8-23-2012



**EXISTING C-4 PROPOSED C-5**  
**LEGAL DESCRIPTION:**  
**LAND TO BE REZONED FROM C-4 TO C-5**  
 The southern 175 feet of Lots 24, 25 and 26 less and except previously  
 dedicating right-of-way for Kelley Highway and North 50<sup>th</sup> Street, all in  
 Block 3, Broadmoor Addition, an Addition to the City of Fort Smith,  
 Sebastian County, Arkansas. This property is also defined as the area  
 south of the southern line of Lot 28A, Block 3, Broadmoor Addition, 24,  
 Block 3 Broadmoor Addition containing 49,875 square feet or 1.14 acres  
 more or less.



NORTH 50<sup>TH</sup> STREET  
 WALDRON ROAD  
 60' R/W with var. WIDTH of ASPHALT  
 with CURB and GUTTER



*Revised 2.1.13*  
 REVISED February 5, 2013  
**PRIEUR ENGINEERING**  
 Alvin L. Prieur, Jr., PE  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72957  
 479-651-7920  
 aprieur@cox.net

**REZONING SITE PLAN**  
**JOHN'S AUTO CENTER, INC.**  
 2501 NORTH 50<sup>TH</sup> STREET  
 FORT SMITH, ARKANSAS 72904  
 SCALE: 1" = 20'  
 DECEMBER 23, 2012

101

# Variance #27-9-12: From 2 Acres (87,120 s.f) to 1.14 Acres (49,875 s.f.) Minimum Lot Area

2501 North 50th Street



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# Memo

**To:** Board of Zoning Adjustment

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Variance #3-1-13 - A request from Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for Board consideration of the following variances: 1) from thirty (30) feet to ten (10) feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways ; 3) from 200 feet to 132 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue in a Commercial Heavy (C-5) zone (Companion to item #4)

## LOT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue between South 91<sup>st</sup> Street and Meandering Way. The tract contains an area of 1.73 acres with approximately 350 feet of street frontage along Rogers Avenue.

## EXISTING ZONING

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

**Purpose:** To provide for 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 classification of the Master Land Use Plan.

**Permitted Uses:** Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

**Conditional Uses:** Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

## Bulk & Area Regulations:

Minimum Lot Size – 14,000 s.f.

Minimum Lot Width – 100 feet

Maximum Lot Coverage – 75%

Maximum Height – 45 feet (1 + 1)

Front Yard Setback – 25 feet

Side Yard Setback – 20 feet

Side Yard on Street Side of Corner Lot – 15 feet

11A

Rear Yard Setback – 20 feet

Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the east is zoned Commercial Heavy (C-5) and is developed as mobile home sales.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a single family residence.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Rogers Avenue as a Major Arterial.

**LAND USE PLAN COMPLIANCE**

The Master Land Use Plan currently classifies the site as General Commercial. Approval of the variance and development plan will not conflict with the goals and objectives of the Master Land Use Plan.

**REQUESTED VARIANCE**

The requested variances will allow a convenience store with gasoline sales to be developed with:

- 1) A 10' rear yard setback instead of a 30' rear-yard setback as required when a commercial site adjoins property zoned or developed as single family residential;
- 2) A separation of 68.66' between the easterly proposed driveway and an existing adjacent driveway instead of 200' as required for Major Arterial streets;
- 3) A separation of 132' between proposed on-site driveways instead of 200' as required for Major Arterial streets; and
- 4) A separation of 66.78' between the westerly proposed driveway and the intersection of South 91<sup>st</sup> Street instead of 250' as required for Major Arterial streets.

**APPLICANT HARDSHIP**

The applicant states that the width of the site will not allow proper maneuvering space without a variance to the rear-yard setback. Additionally, the applicant states that it is important that the convenience store have two driveways. Casey's General Stores negotiated with the adjacent property owner to the east to share an existing driveway but no agreement was reached. Also, the applicant states that due to the proximity of the South 91<sup>st</sup> intersection and the size of the site, it is not feasible to maintain a 250' separation between the proposed driveway and the intersection.

## VARIANCE CRITERIA

Arkansas law and the Fort Smith Unified Development Ordinance (Sec. 27-337-2) states that the Board of Zoning Adjustment shall hear requests for variances from the literal provisions of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action shall be in keeping with the spirit and intent of the provisions of the zoning chapter.

## STAFF COMMENTS AND RECOMMENDATIONS

At the January planning commission meeting, the applicant requested that the variance and companion development plan application be tabled until February.

A neighborhood meeting was held Thursday, December 27, 2012 at 5:30 p.m. at the Fort Smith Public Library at 3201 Rogers Avenue. One adjacent property owner attended the meeting. No objections or concerns were expressed during the meeting. (Please see companion Development Plan application for attendance record and meeting summary.) A letter was also sent by Thomas Wooten, president of Sue White Homes, stating that he had no issues with the variances. Staff received a phone call in August when the project was first proposed from a nearby property owner who had questions about any future expansion of 91st street and concerns about traffic generated by the proposed convenience store.

Regarding the rear-yard setback, a map provided by the applicant shows the distance between the adjacent houses to the proposed convenience store. One residence is approximately 165' from the site and the other residence is approximately 220' from the site.

The engineering department administers the city's access management standards and regulations and has reviewed the applicant's driveway separation variance requests. The engineering department has no objections to the variance requests. Enclosed is a copy of the engineering department's comments.

Should the BZA approve the variance, staff recommends approval of the request contingent upon the following comment:

1. Variance approval shall be based on the submitted development plan.

If the BZA approves this variance, staff requests that it substantiate its reasons for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

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Var #3-1-13

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)  
Refer to Exhibit "A" Attached

Address of property 9102 Rogers Avenue, Fort Smith, Existing or Proposed

Zoning Classification C-5 (Heavy Commercial), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

**FROM**

**TO**

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback
- Interior Side Yard Setback
- 30' -   10' Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign
- 200' -   132' Other:   On-Site Entrance Driveway Separation
- 200' -   68.66' Other:   On-Site to Off-Site Entrance Driveway Separation
- 250' -   66.78' Other:   On-Site Entrance To Off-Site Intersection Separation

110

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Ziki Adib Samman

Ziki Adib Samman

KAFAH F. DAAS  
Owner or Agent Name (please print)

Kafah Daas

Owner

or

\_\_\_\_\_  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Owner or Agent Mailing Address

Signed:

\_\_\_\_\_  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

or

\_\_\_\_\_  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Owner or Agent Mailing Address

Variance # \_\_\_\_\_

11E

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed:

Larry Lopez  
Jandra Lopez  
Owner or Agent Name (please print)

[Signature]  
Jandra Lopez by DPOA  
Owner

or

\_\_\_\_\_  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Owner or Agent Mailing Address

Signed:

\_\_\_\_\_  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

or

\_\_\_\_\_  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Owner or Agent Mailing Address

Variance # \_\_\_\_\_

11F

**VARIANCE INFORMATION FORM**

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>  X  </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>  X  </u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>  X  </u>	Is the lot of an odd or unusual shape?
_____	<u>  X  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>  X  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>  X  </u>	Is any part of the lot in a flood plain or flood way?
_____	<u>  X  </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>  X  </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>  X  </u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

11G

Explanation of question #4 (if applicable)

The width of the site does not allow proper maneuvering space for a convenience store/gas station (typical Casey's footprint) without building setback reduction.

It is very important for the traffic flow within a Casey's General Store site to have two entrance drives. However, due to proximity of an existing driveway next to the proposed site (15' from the boundary line, two entrances cannot be provided to this site while maintaining the minimum 200' separation between on-site and off-site entrances. Casey's General Stores originally tried reaching agreements with the adjacent property owner to share the access drive (which would allow two entrances to the site while maintaining the required 200' separation), but no agreement was reached. Therefore, a variance from this requirement is being requested.

The existing intersection of Rogers Avenue and 91<sup>st</sup> Street is directly across from the proposed site, north of the western boundary line. Due to proximity of the existing intersection and the size of the site, it is not feasible to maintain 250' between the proposed entrance drive and said intersection and have two entrances.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Without the approval of these variances, it is doubtful that there is sufficient space for a Casey's General Store to be feasibly built on this site.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Depth of the site varies from 272' to 171'. Without reducing the existing rear building setback line, it is doubtful that a Casey's General Store can be built on this site. In addition, due to the proximity of 91<sup>st</sup> Street intersection on the north side of Rogers Avenue and the existing driveway near the east property line, it is not feasible to have two on-site entrance drives without reducing the 200' minimum spacing.

HH

FORT SMITH PROPERTIES, INC.  
d/b/a SUE WHITE HOMES  
9210 Rogers Avenue  
Fort Smith, AR 72903  
479-452-6045  
Fax 479-452-9290

January 2, 2013

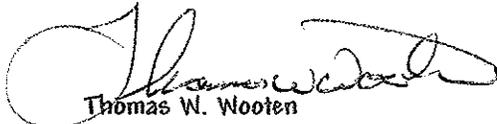
Mr. Wally Bailey  
Director of Development Services  
City of Fort Smith  
P. O. Box 1908  
Fort Smith, AR 72902

Dear Mr. Bailey:

I am in receipt of your letter dated December 26, 2012, concerning the development plan for a convenience store at 9102 Rogers Avenue. I will be unable to attend the public hearing on January 8, 2013, but have no problem with the variance set forth in your letter.

As a business owner in Fort Smith, I welcome Casey's General Store to the area and am happy to see continuing growth in our community.

Regards,

  
Thomas W. Wooten  
President

TWW:ndw

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**INTER-OFFICE MEMO**  
CITY OF FORT SMITH  
ENGINEERING DEPARTMENT

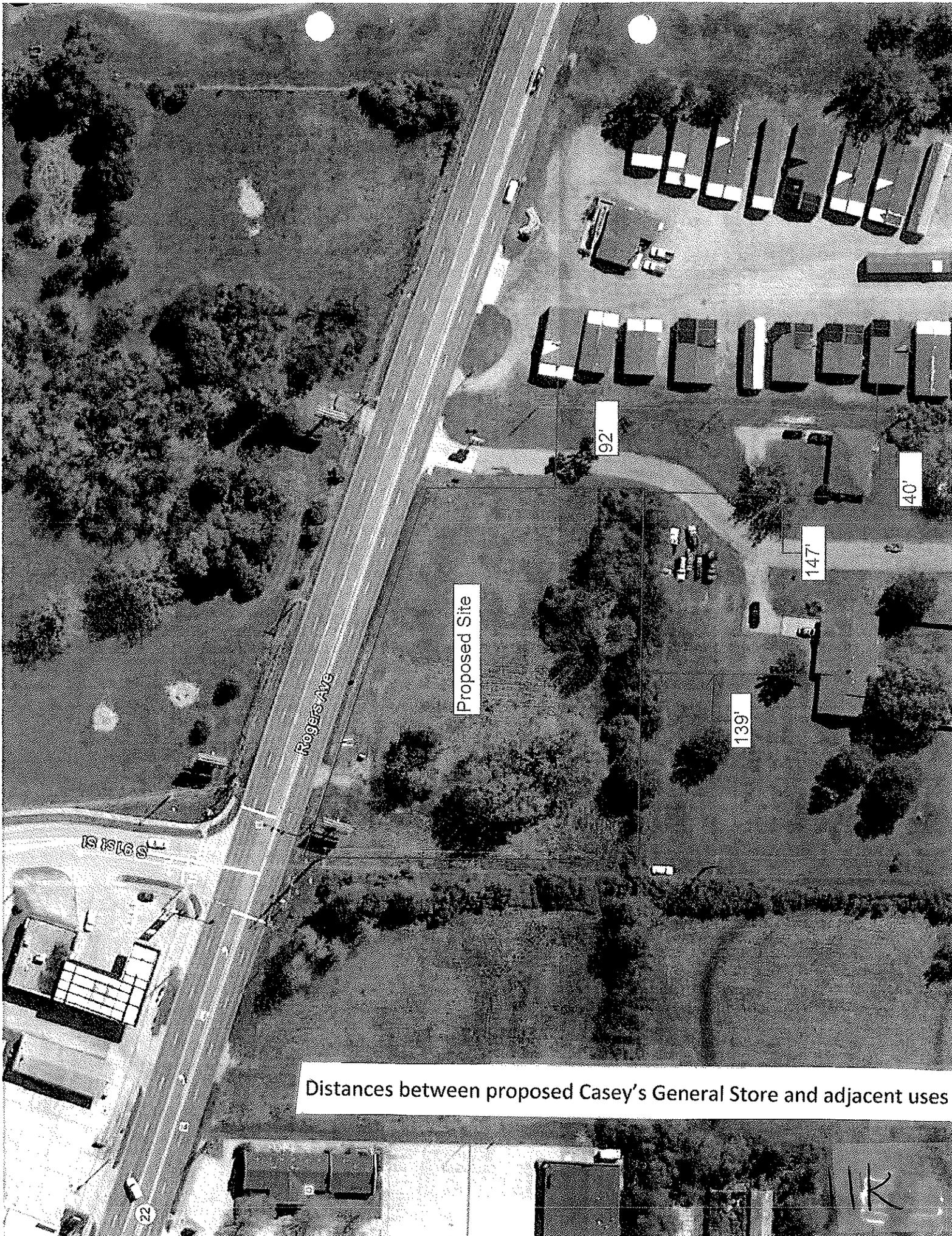
TO: Tom Monaco, Planner  
FROM: Ron Teeter, Project Engineer  
DATE: December 27, 2012  
SUBJECT: Planning Items – January, 2013

Comments for planning items are as follows:

Site/Development Plan / Variance      9102 Rogers Ave    Casey's General Store  
Coffman Plaza, Lot 1A

1. Reference comments for the revised plat in memo dated 12/27/12.
2. A traffic statement has been approved for this development.
3. Compliance with the 2011 Storm Drainage Standards is required.
4. There are no objections to the building setback or driveway separation variances.

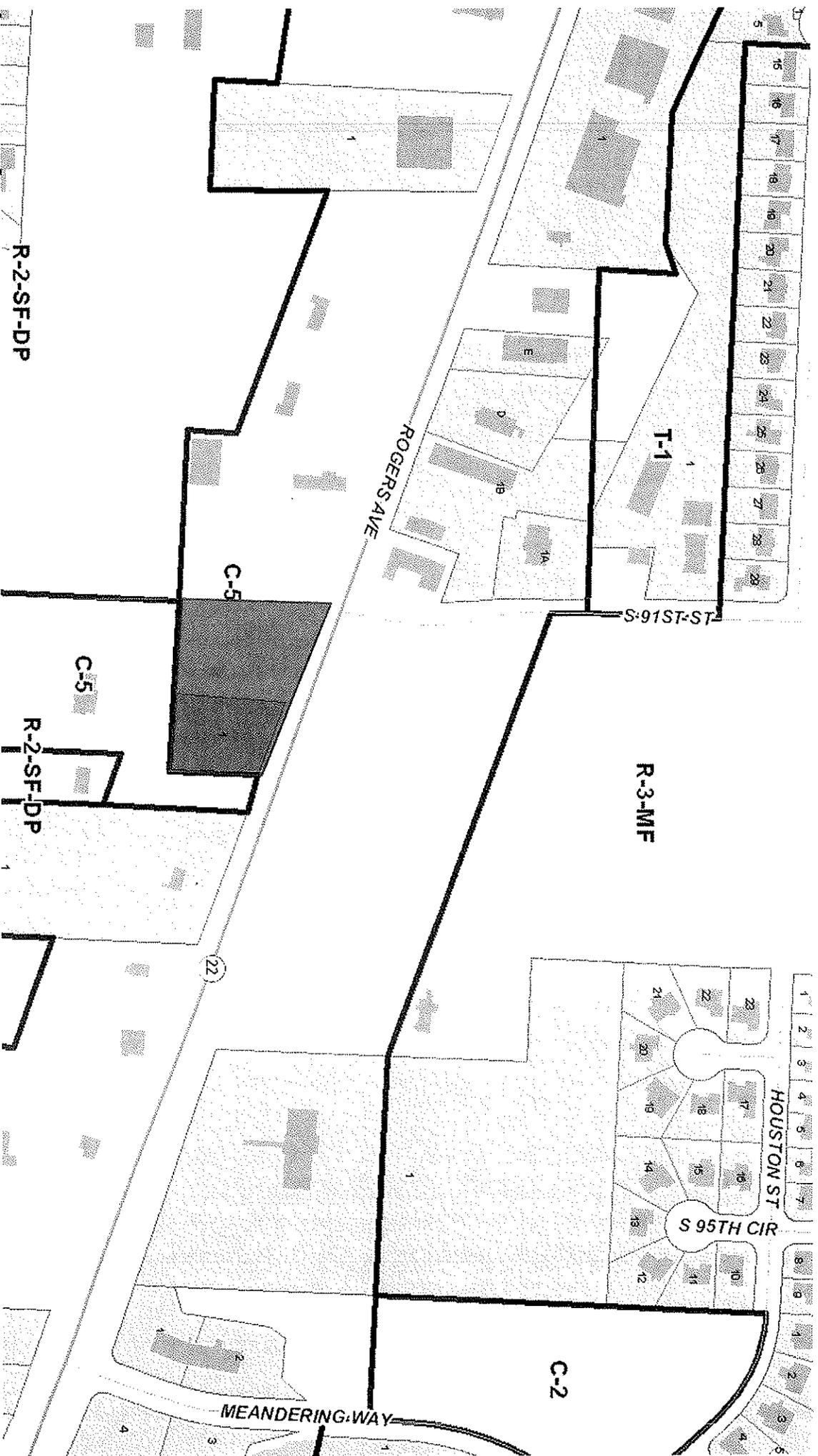
115



Distances between proposed Casey's General Store and adjacent uses

Variance #3-1-13: 1) From 30' to 10' rear yard setback, 2) From 200' to 68.66' and 132' minimum separation between adjacent driveways, 3) From 250' to 66.78' minimum separation between driveways and street

9102 Rogers Avenue





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** January 30<sup>th</sup>, 2013

**Re:** Variance #5-2-13 - A request by Randy Coleman, agent for Fort Chaffee Redevelopment Authority, for Board of Zoning Adjustment consideration of a zoning variance request from 10 acres to 3.92 acres minimum lot area for I-2 zoning (new district by classification) and from major arterial to major collector required street access at 7712 Taylor Avenue (Companion to items #5 & #6)

## LOT LOCATION AND SIZE

The subject property is on the northwest side of Taylor Avenue in between Darby Avenue and Ward Avenue. The tract contains an area of 3.92 acres with approximately 536 feet of street frontage along Taylor Avenue and 270 feet of street frontage along Darby Avenue.

## EXISTING ZONING

The property is currently Not Zoned

## REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

### Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

12A

**Conditional Uses:**

Truck stop, pet cemetery, animal food processing, bus station, sports complex, police station, and chemical, plastics, and rubber industries are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 20,000 square feet
- Maximum Height - 45 feet (1+1), 27-431(C)3
- Maximum Lot Coverage - 60%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 50 feet
- Side Yard on Street Side of Corner Lot - 50 feet
- Side Yard Setback – 25 feet
- Rear Yard Setback - 20 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 area to the north is Not Zoned and is developed as a warehouse.
- The area to the east is Not Zoned and is developed as business offices.
- The area to the south is Not Zoned and is developed as a vacant storage shop and storage yard.
- The area to the west is Not Zoned and is developed as a warehouse.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Taylor Avenue as a major collector and Darby Avenue a local road.

**LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use Historic Area. This classification has been designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination. To accommodate the requested Industrial-2 zoning designation at this site, it is necessary that the FCRA amend the *Chaffee Crossing Redevelopment Plan* land use classification to Mixed Use Industrial Office.

12B

**REQUESTED VARIANCE**

The requested variances if approved will allow for the development of a chemical manufacturing company at 7712 Taylor Avenue.

**APPLICANT HARDSHIP**

The applicant states that the business activity does not require 10 acres or the street access of a major arterial to operate the business.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held January 31<sup>st</sup>, 2013, 2:00 p.m., at the offices of the Fort Chaffee Redevelopment Authority, 7020 Taylor Avenue. One surrounding property owner attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed with the zoning application.

If the BZA is inclined to approve this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

See Attached

Address of property 7712 Taylor Avenue, Existing or Proposed

Zoning Classification currently unzoned, requested I-2, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

**Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship**

Four horizontal lines for listing specific variances and hardships.

**FROM**

**TO**

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback
- Interior Side Yard Setback
- Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- 10 Ac - 3.92  
4 Ac Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign
- Major Arterial - Collector Major Other: property bordering street classification

**VARIANCE INFORMATION FORM**

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>  X  </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>  X  </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>  X  </u>	Is the lot of an odd or unusual shape?
_____	<u>  X  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>  X  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>  X  </u>	Is any part of the lot in a flood plain or flood way?
<u>  X  </u>	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>  X  </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>  X  </u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

12E

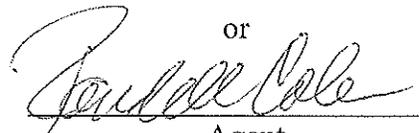
The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Mickle Wagner Coleman, Inc.  
~~Owner~~ or Agent Name (*please print*)

\_\_\_\_\_  
Owner

(479) 649-8484  
~~Owner~~ or Agent Phone Number

or  
  
\_\_\_\_\_  
Agent

P.O. Box 1507, Fort Smith, AR 72902  
~~Owner~~ or Agent Mailing Address

Variance # \_\_\_\_\_

12F

Explanation of question #4 (if applicable)

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2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Business and activity does not require 10 acres nor does it require frontage on a major arterial.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

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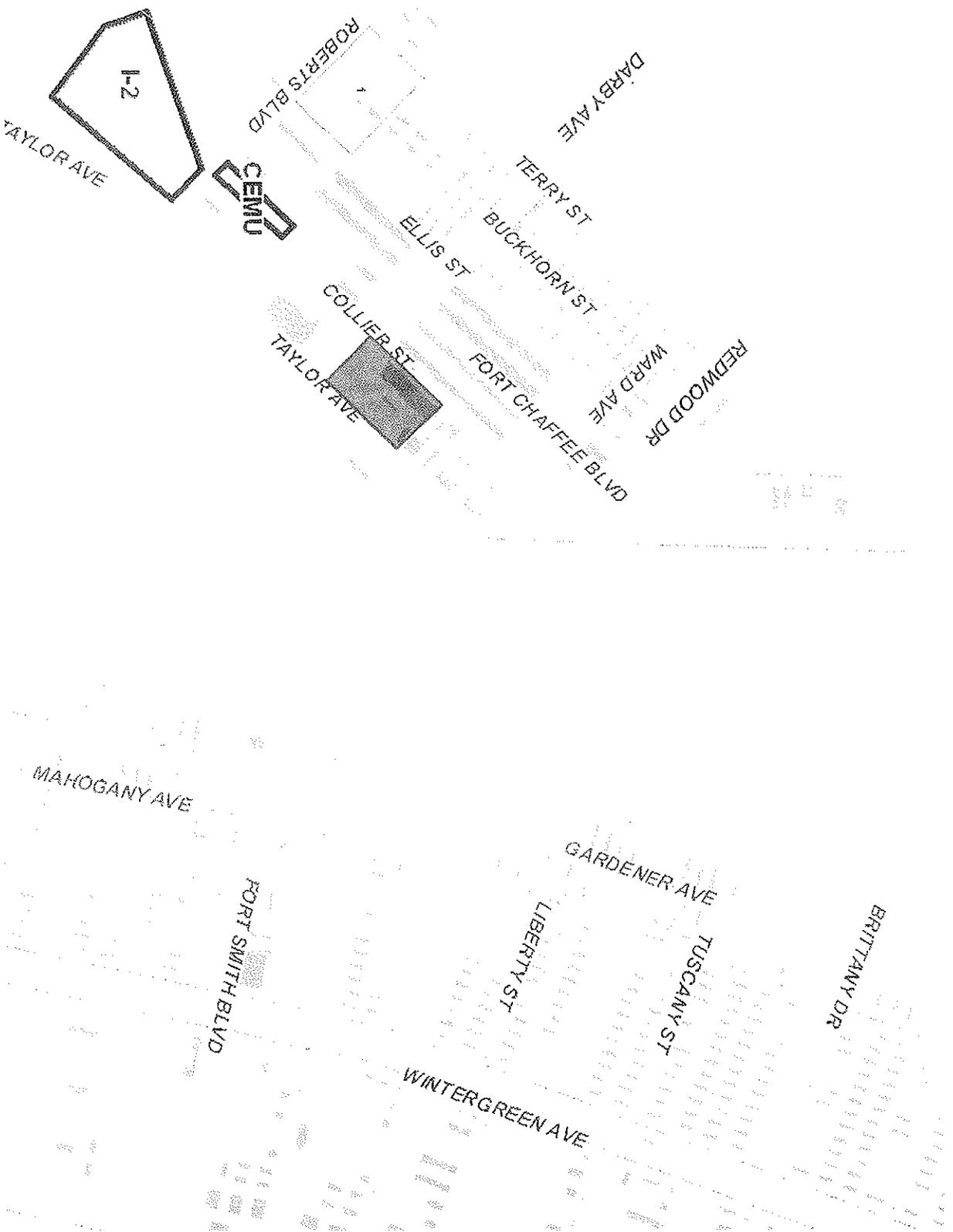
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Variance #5-2-13: 1) From 10 Acres to 3.92 Acres  
Minimum Lot Area and 2) From Major Arterial to Major  
Collector Required Street Access

7712 Taylor Avenue



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Q



# Memo

**To:** Board of Zoning Adjustment

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Variance #6-2-13 - A request by Micah Bubbus, agent, for Michael Albaneses, Eldon Albanese and Thomas Cormier for Board of Zoning Adjustment consideration of a zoning variance request from 319.25 square feet to 374.56 square feet maximum size of sign located at 1200 S Waldron Road

## LOT LOCATION AND SIZE

The subject property is on the west side of Waldron Road between Duncan Road and Summit Street. The tract contains an area of 16.54 acres with 550 feet of street frontage along Waldron Avenue.

## EXISTING ZONING

The existing zoning on this tract is Commercial Regional (C-4). Characteristics of this zone are as follows:

### Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, 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-4 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility

13A

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 – 40,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 80%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 3 acres
- Minimum Lot Width – 150 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 20 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet
- 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 are zoned as RSD-2 and Transitional (T) and are developed as Multifamily and Single Family dwelling units and an office building.

The areas to the east are zoned Commercial Light (C-2) and are developed as a bank and shopping center.

The areas to the south are zoned Commercial Regional (C-4) and is developed as the Central Mall.

The areas to the west are zoned Commercial Regional (C-4) and is developed as a mental health clinic.

**MASTER STREET PLAN CLASSIFICATION**

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

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Regional Center. To provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

**REQUESTED VARIANCE**

A variance from 319.25 square feet to 374.56 square feet maximum size of sign will facilitate a new sign addition for a restaurant.

13B

**APPLICANT HARDSHIP**

The applicant verbally stated that due to the existing sign there is not enough advertising space for his proposed restaurant.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held February 1, 2013 at 1200 Waldron Road and no surrounding property owners were in attendance.

The applicant is proposing two options for the sign. One option would add 50.26 square feet to the existing sign and be located as a round addition to the outside of the sign. The second option would add 55.31 square feet and be located underneath the existing signage.

If the BZA approves this variance, staff requests that it be contingent upon removal of the empty sign frame located on the same lot and that the BZA substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter

Var #6-2-13

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Subdivision: Central Mall  
Lot: #2

Address of property 1200 S. Waldron, Existing or Proposed

Zoning Classification C4, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

**FROM**

**TO**

- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Area (Square Feet)
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Frontage
- 300 - 392 - 1 option  
417 - 2 options  
Maximum Size of a Sign
- \_\_\_\_\_ - \_\_\_\_\_ Other: \_\_\_\_\_

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this

30

publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Michael Bubbus  
Owner or Agent Name (please print)

  
Owner or Agent (Please Sign)

479-970-0025  
Owner or Agent Phone Number

1-17-2013  
Date

4213 Free Ferry Lane  
Owner or Agent Mailing Address  
Fort Smith AR 72903

mbubbus@gmail.com  
Email

Variance # \_\_\_\_\_

13E

**VARIANCE INFORMATION FORM**

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>  X  </u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>  X  </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>  X  </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>  /  </u>	Is the lot of an odd or unusual shape?
_____	<u>  /  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>  /  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>  /  </u>	Is any part of the lot in a flood plain or flood way?
_____	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>  X  </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>  X  </u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

13F

Explanation of question #4 (if applicable)

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2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

*Please see exhibit A*

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3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

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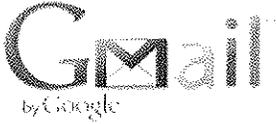
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www.gmail.com

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## Central Shopping Center Signage

by Google

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**mhardy@albanesecormier.com** <mhardy@albanesecormier.com>

Tue, Feb 5, 2013 at 10:40 AM

To: "Mbubbus@gmail.com" <Mbubbus@gmail.com>

Good morning Micah,

For your records we have contracted TL Parker Construction to remove the vacated sign box located on the corner of our property. Weather permitting work will be completed by the end of next week.

If you have any questions please let me know.

Regards,  
Mark Hardy  
Albanese Cormier Holdings

Sent from my iPhone

13H

Exhibit A

**Micah Bubbus**

Fort Smith  
479.970.0025

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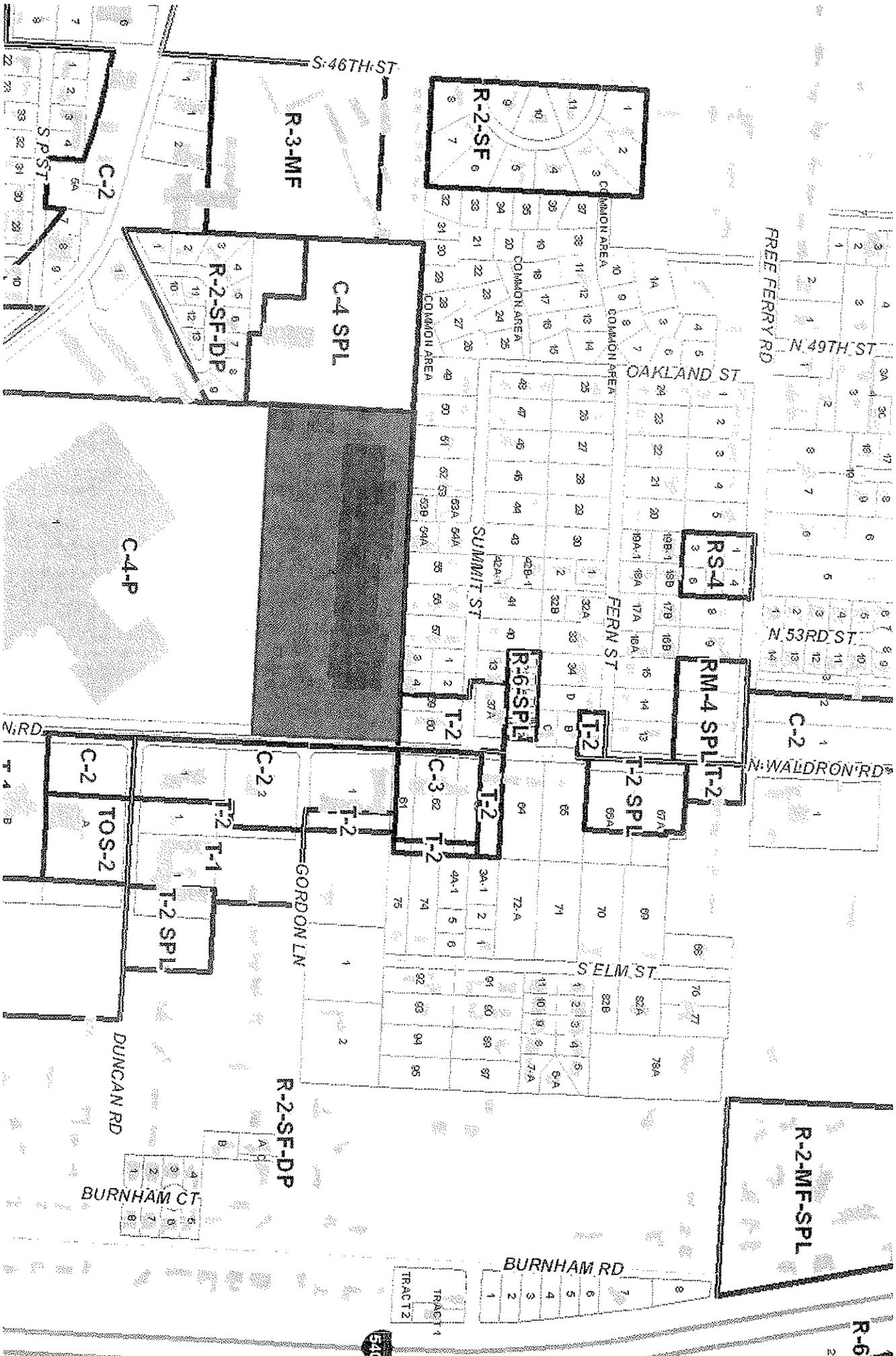
Dear Board of Zoning Adjustment,

This letter is in response to question two of the variance information form. According to Section 27-704-3, Central Shopping Center is allowed up to 300 square feet of permitted space in open commercial zones for advertisement. I am committed to open a family owned restaurant within Central Shopping Center and look forward to contributing to the City of Fort Smith's economy, be an invested member of the Chamber of Commerce, as well as provide patrons with unique high quality family dining experience. Drawing customers with our family business from all of the surrounding areas makes proper advertisement crucial for success. I have significant reservation to proceed without approval of the sign variance and do not feel providing additional signage causes any undue burden on the city.

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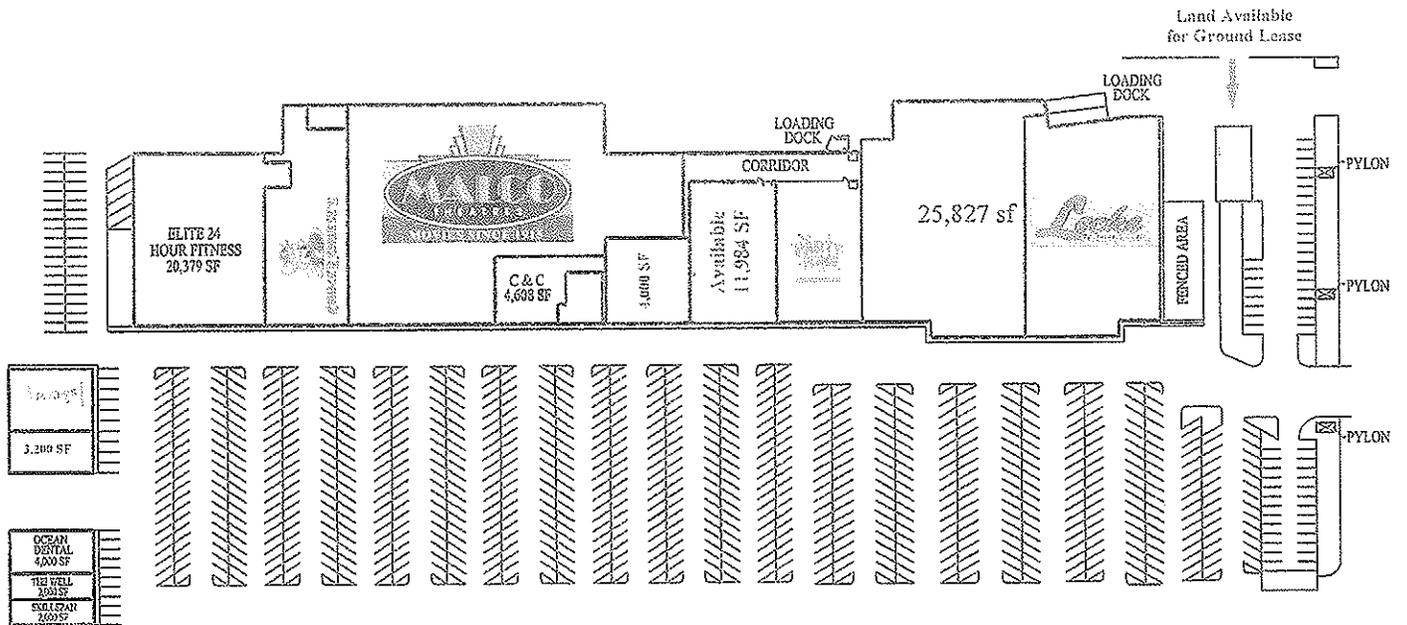
# Variance #6-2-13: From 300 s.f. to A) 392 s.f. or B) to 417 s.f. Maximum Size of Sign

1200 Waldron Road



13





**For More Information:**

Wade Adair 409-673-7655 wadair@albanesecormier.com

# CENTRAL SHOPPING CENTER



Locke  
SUPPLY

MALCO CINEMA  
16



CHUCK E CHEESE'S

PARTY  
PLACE

FrstStaff

WELL  
LIQUORS

OCEAN  
DENTAL

DINNER WITH

TLC

PLATO'S



13N

4' x 14' = 56

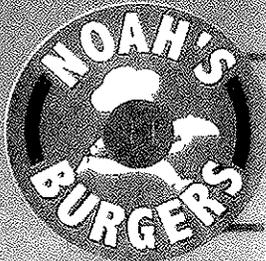
3' x 14.75' = 44.25

3' x 14.75' = 44.25

3' x 14.75' = 44.25

3' x 7.25' = 21.75

3' x 7.25' = 21.75



3' x 7.25' = 21.75

8' diameter = 50.26

Total = 369.51

CENTRAL SHOPPING CENTER



MALLO CINEMA 16

CHUCK CHEESE'S



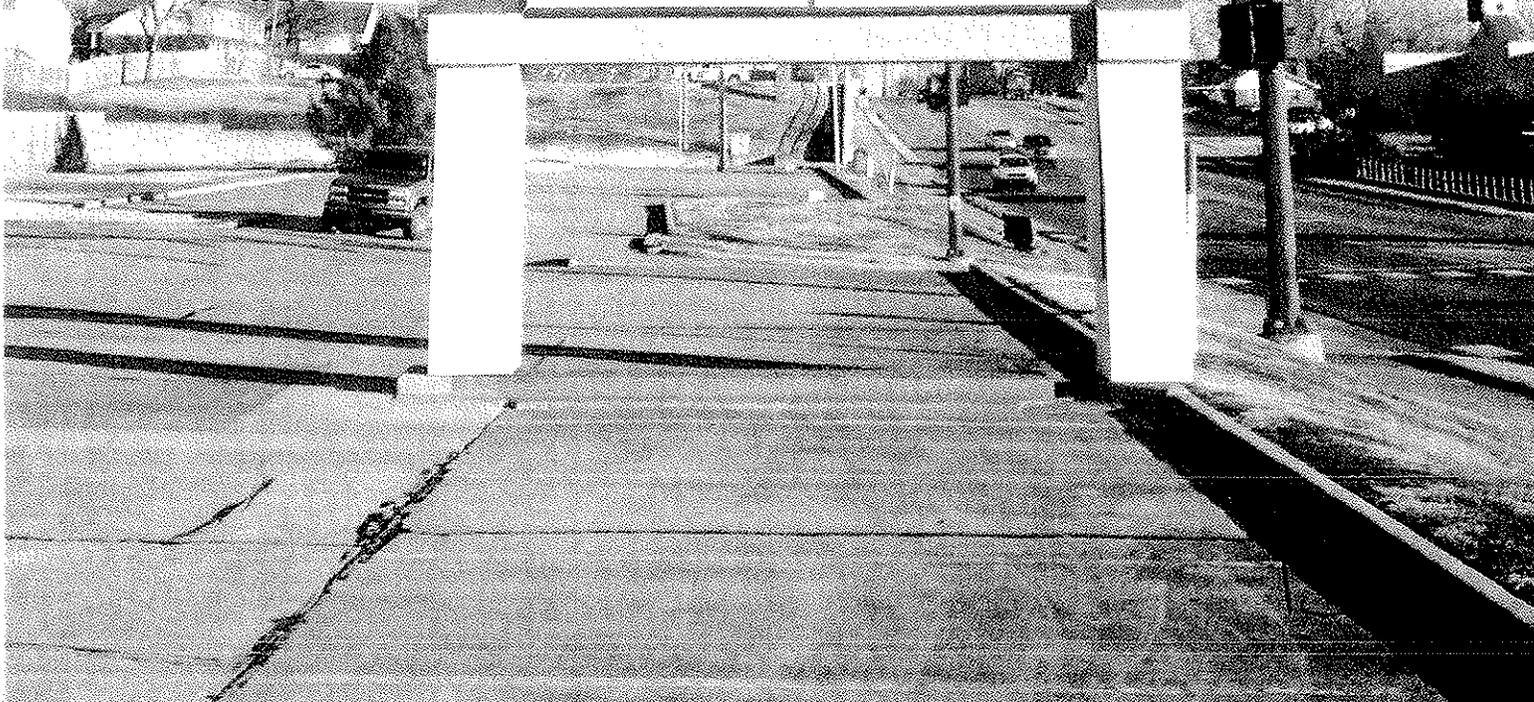
Frisch's

WEBB'S LIQUORS

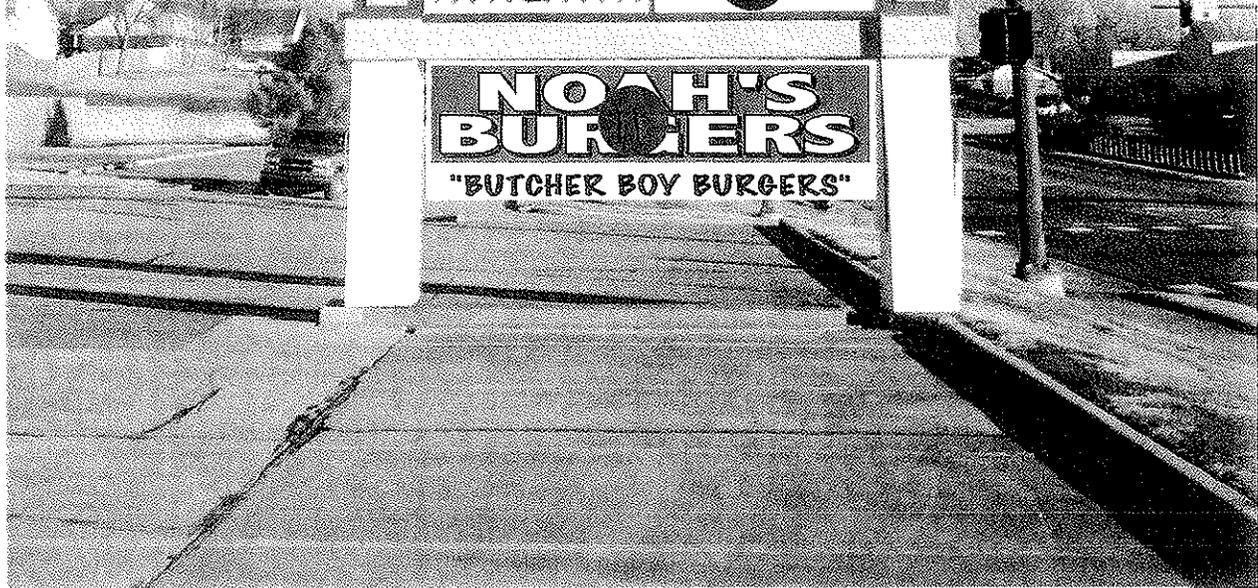
OCEAN DENTAL

LC

PLA'S



- 4' x 14' = 56
- 3' x 14.75' = 44.25
- 3' x 14.75' = 44.25
- 3' x 14.75' = 44.25
- 3' x 7.25' = 21.75
- 3.75' x 14.75' = 55.31
- Total = 374.56



# Memo

**To:** Board of Zoning Adjustment

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Variance #7-2-13 - A request by Jerry Morrow and/or Kip Guthrie, agents, for A&M Railroad Fort Smith for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-602-4(E) Industrial Building Standards located at 1301 North 4<sup>th</sup> Street (Companion to item #4)

## LOT LOCATION AND SIZE

The subject property is on the northwest side of North 4<sup>th</sup> Street between North "K" Street and North "P" Street. The tract contains an area of 6.14 acres with 750 feet of street frontage along North 4<sup>th</sup> Street.

## EXISTING ZONING

The existing zoning on this tract is Industrial Moderate (I-2).  
Characteristics of this zone are as follows:

### Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

### Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet  
Maximum Height - 45 feet (1+1), 27-431(C)3  
Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres  
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet  
Front Yard Setback - 50 feet  
Side Yard on Street Side of Corner Lot - 50 feet  
Side Yard Setback – 25 feet  
Rear Yard Setback - 20 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 are zoned Industrial Moderate and are developed as a vacant warehouse and machine shop.

The area to the east is zoned Industrial Moderate (I-2) and is developed as Clayborn Trucking Company.

The areas to the south are zoned Residential Multi Family High Density (RM-4) and is developed as single family residences.

The area to the west is zoned Industrial Moderate (I-2) and is developed as a furniture manufacturing plant.

**MASTER STREET PLAN CLASSIFICATION**

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

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as **Mixed Use E** (predominately business). To provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

**REQUESTED VARIANCE**

The applicant is requesting a variance from Section 27-602-4(E) Industrial Building Standards of the UDO. The applicant plans for a warehouse addition in excess of 50% of the original building. The applicant has requested a variance from all of the design guidelines.

## **APPLICANT HARDSHIP**

The applicant states the metal panels used on the project will meet or exceed the panels installed at 1515 North 4<sup>th</sup> Street (*It should be noted that the UDO Industrial Design Standards were not applicable to this property*).

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held February 4, 2013 at 3:00 P.M. on site and no surrounding property owners were in attendance.

The companion development plan application proposes a 60,000 square foot warehouse addition to an existing 40,000 square foot facility. Since the property is adjacent to residential development and the addition is increasing the existing structure by more than 50% the Industrial Design Standards are applicable. The applicant is requesting a variance from all of the design standards. The following design standards are applicable to the development:

- All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone, and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementitious siding (e.g. Hardie Board), or other siding materials as approved by the Director.
- All primary structures with roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.

The applicant is proposing to install a perimeter landscape strip consisting of alternating three gallon boxwoods and two inch caliper swamp red maples. Additionally, they are proposing to screen the trash enclosure with an opaque screen fence.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Staff recommends denial of the variance.

14C

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

*See attached*

Address of property 1301 N. 4<sup>th</sup> St., Existing or Proposed

Zoning Classification I-2, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<b><u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u></b>

**FROM**

**TO**

- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Area (Square Feet)
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Frontage
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Size of a Sign
- \_\_\_\_\_ - \_\_\_\_\_ Other: 27-602-4 (E) Industrial Building Standards

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this

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publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Jerry C. Morrow  
Owner or Agent Name (*please print*)

\_\_\_\_\_

Owner

or

479-587-0632  
Owner or Agent Phone Number

  
\_\_\_\_\_

Agent

3729 N. Crossover Rd, Suite 111  
Fayetteville, AR 72703  
Owner or Agent Mailing Address

Variance # \_\_\_\_\_

14E

## VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>  x  </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>  x  </u>	Is this variance needed because of previous actions taken by a prior owner?
<u>  x  </u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>  x  </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>  x  </u>	Is the lot of an odd or unusual shape?
_____	<u>  x  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>  x  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>  x  </u>	_____	Is any part of the lot in a flood plain or flood way?
_____	<u>  x  </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>  x  </u>	Is the lot developed with structures in violation of current zoning requirements?
_____	<u>  x  </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

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2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

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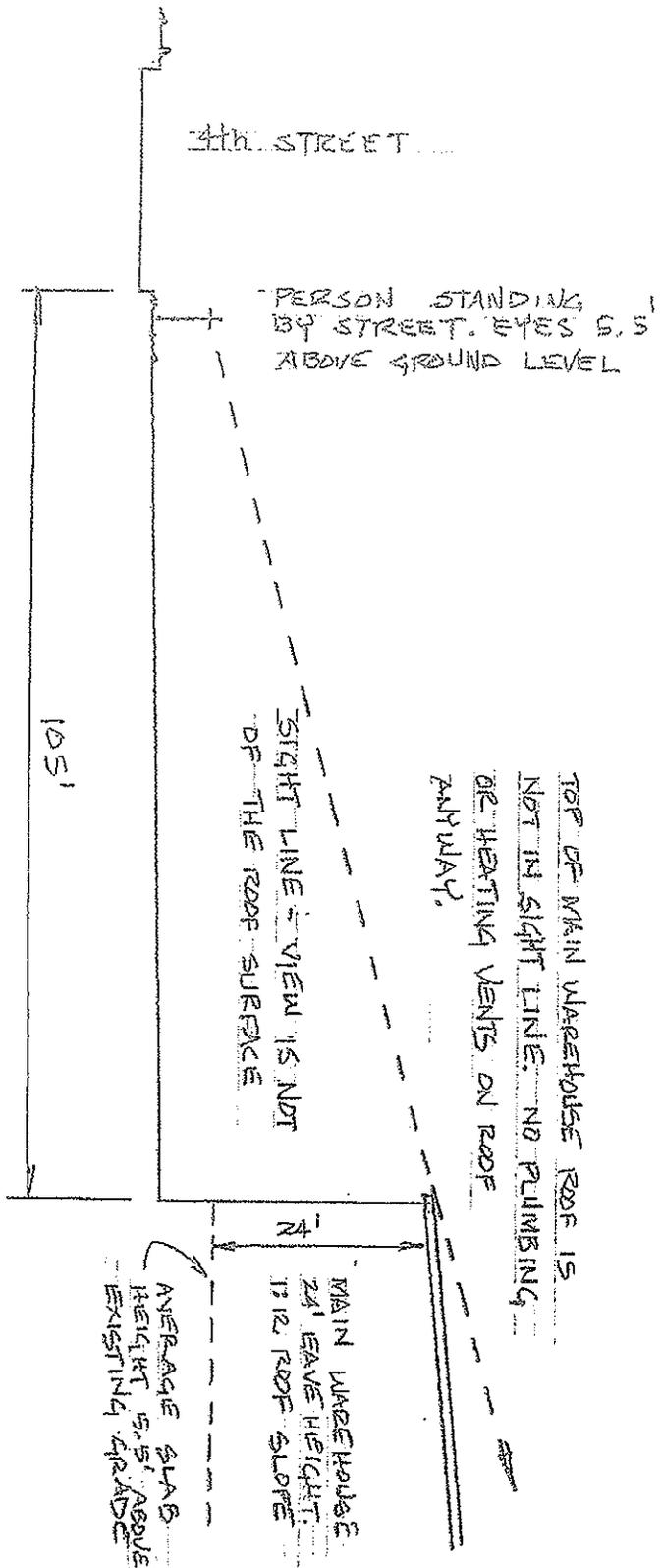
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Section 27-602-4.E

2. The proposed exterior material is an architectural metal panel with a semi-concealed fastening system. The fasteners are installed in recessed portions of the panels and are the same color as the panels. The visual and mechanical quality of this panel meets or exceeds the quality of the panels installed within the last year at the property just to the north of the subject location, 1515 N. 4<sup>th</sup> St.
4. The proposed roof pitch is 1:12. Therefore, assuming the ground is flat (it actually falls off away from the building) a person would have to be over 350' away from the building to see the roof panels. Also, there is no mechanical, electrical, etc. equipment on the roof which would need to be shielded. Please see attached sketch.

14G





# Memo

**To:** Board of Zoning Adjustment

**From:** Planning Staff

**Date:** January 29, 2013

**Re:** Variance #9-2-13 - A request by Ricky Hill, agent for Travis and Roxanne Chaffey, for Board of Zoning Adjustment consideration of a zoning variance request from 60 feet to 25 feet minimum lot width from building at 2714 North Albert Pike Avenue

## LOT LOCATION AND SIZE

The subject property is on the east side of North Albert Pike Avenue between Wirsing Avenue and Birnie Avenue. The tract contains an area of 0.24 acres with 25 feet of street frontage along North Albert Pike Avenue.

## 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

15A

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 to the north, south and west are zoned Residential Multifamily Medium Density RM-3 and are developed as single family residences and a church to the west of the property.

The area to the east is zoned Residential Multifamily Medium Density RM-3 and is developed as Helene's of Arkansas (Costume Rental).

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North Albert Pike Avenue as a Major Collector.

### **LAND USE PLAN COMPLIANCE**

The *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. Approval of the variance change will not conflict with the goals and objectives of the *Master Land Use Plan*.

### **REQUESTED VARIANCE**

A variance from 60 feet to 25 feet minimum lot width will facilitate the development of a duplex.

### **APPLICANT HARDSHIP**

The applicant states that due to the flag lot the 60' minimum lot width the land is unbuildable. A variance is needed to obtain a building permit for the development of a duplex.

### **STAFF COMMENTS AND RECOMMENDATIONS**

The Chaffey's acquired this property in 2008, which is part of Broadmoor Addition, Block 2, lots 1 and 2. The property was acquired without platting, which resulted in a non-conforming lot. The owner now wishes to plat the lot and construct a duplex on proposed Lot 1A.

15B

A neighborhood meeting was held February 6, 4:40 p.m., at 413 North Albert Pike. No surrounding property owners attended the meeting.

If the BZA is inclined to approve this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

ISC

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 2714 N Albert Pike Avenue Existing or Proposed

Zoning Classification RM3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>
<u>Minimum Lot Width at building line from 60' to 25'</u>

FROM

TO

\_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way

\_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback

\_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback

\_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback

\_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure

\_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot

\_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Area (Square Feet)

\_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Frontage

\_\_\_\_\_ - \_\_\_\_\_ Maximum Size of a Sign

60' - 25' Other: Minimum Width Building Set Back line

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on ISD

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed:

Ricky Hill  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

479-648-3850  
Owner or Agent Phone Number

or  
Ricky Hill  
Agent

P.O. Box 640 Alma Ar.  
Owner or Agent Mailing Address 72921

Variance # \_\_\_\_\_

15E

VARIANCE INFORMATION FORM

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<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
<u>X</u>	_____	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>X</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
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<u>X</u>	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

15F

Explanation of question #4 (if applicable)

Building Setback required 60' UDO  
Setback available 25'

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Due to flaglot width 60' unable to provide. Property deeded this 25' width in 2008. Building permit needed for construction on property. Variance needed for permit.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Flaglot width sold as 25' in 2008  
No Additional ownership available to create 60' width. Property as deeded.

# Variance #9-2-13: From 60' to 25' Minimum Lot Width at Building Line

2714 North Albert Pike Avenue

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JOHNSON ST

WIRSIING AVE

N ALBERT PIKE AVE

BIRNIE AVE

N 41ST ST

R-3-MF

C-2

C-5-SPL B

