

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
AUGUST 13, 2013**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM JULY 9, 2013

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments (Signs)
2. Preliminary Plat – TEA – Fort Smith Lot 1. Requested by Hawkins-Weir Engineers and Preliminary Development Plan approval for a medical clinic located at 3700 Cliff Drive. Requested by Mercy Health Fort Smith Communities, agent for H. Weeks Properties Limited Partnership, Christopher Weeks. (companion item to items #3, #4, #5 & #15)
3. Final Plat – TEA – Fort Smith – Lot 1. Requested by Hawkins-Weir Engineers. (companion item to items #2, #4, #5 & #15)
4. Master Land Use Plan Amendment request by Mercy Health Fort Smith Communities, agent for H. Weeks Properties Limited Partnership, Christopher Weeks, from Mixed Use Employment to Commercial Neighborhood located at 3700 Cliff Drive. (companion item to items #2, #3, #5 & #15)
5. Rezoning #13-8-13; A request by Mercy Health Fort Smith Communities, agent for H. Weeks Properties Limited Partnership, Christopher Weeks, for a zone change from Residential Estate One (RE-1) to Transitional (T) by Extension located at 3700 Cliff Drive. (companion item to items #2, #3, #4 & #15)
6. Rezoning #10-8-13; A request by Jeff Lee, agent for Tony White, for a zone change from Industrial-2 to a Planned Zoning District located at 7200 South 28th Street.
7. Rezoning #11-8-13; A request by Kim Hesse, agent for House of Restoration for a zone change from Unzoned to Residential Single Family Medium High Density (RS-3) by Classification located at 7600 Massard Road. (companion item to items #8 & #14)
8. Conditional Use #23-8-13; A request by Kim Hesse, agent for House of Restoration for a church located at 7600 Massard Road. (companion item to items #7 & 14)

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9. Rezoning #12-8-13; A request by Gerdau for a zone change from ETJ Open-1 to ETJ Industrial-2 by Extension located at 7700 Highway 45. (companion item to item #10)
10. Development Plan Approval for a new scale facility located at 7700 Highway 45. Requested by Gerdau. (companion item to item #9)
11. Conditional Use #22-8-13; A request by Goddard United Methodist Church for a pavilion located at 1922 Dodson Avenue.
12. Conditional Use #24-8-13; A request by Galen Hunter, agent for the Fort Smith Public Schools for a school building addition located at 616 North 14th Street. (companion item to item #13)

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13. Variance #25-8-13; A request by Galen Hunter, agent for Fort Smith Public Schools for a variance from 20 feet to 12 feet front yard setback (14th Street) and from 20 feet to 8 feet exterior side yard setback (Grand Avenue) located at 616 North 14th Street. (companion item to item #12)
14. Variance #26-8-13; A request by Kim Hesse, agent for House of Restoration for the following variances located at 7600 Massard Road. (companion item to items #7 & #8)
 1. From 50 square feet to 52 square feet maximum size of a sign.
 2. From 1,500 square feet to 3,300 square feet maximum size of landscape islands
 3. From the requirement of a permanent opaque 6 foot fence, wall or landscape buffer along any side or rear property line adjacent to residentially zoned property.
15. Variance #27-8-13; A request by Mercy Health Fort Smith Communities, agent for H. Weeks Properties Limited Partnership, Christopher Weeks, for the following variances located at 3700 Cliff Drive. (companion item to items #2, #3, #4 & #5)
 - 1) From 2.0 acres to 3.91 acres.
 - 2) Landscape buffer requirement along the portion of Old Greenwood Road at the drainage and slope easement.
 - 3) Postpone the requirement for screening adjoining undeveloped property on the south and east sides until it is developed as residential.
 - 4) From the required street access requirement of a residential collector or higher classification to allow driveways on Cliff Drive.
16. Variance #24-8-13; A request by Al Prieur, agent for Fort Smith Behavioral Health, for a variance from 10 feet to 1.1 feet street-side yard setback located at 1620 South 46th Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JULY 9, 2013**

On roll call, the following Commissioners were present: Vicki Newton, Brandon Cox, Marshall Sharpe, Jennifer Parks, Richard Spearman, Don Keesee, Rett Howard and Bob Cooper, Jr.

Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to approve the minutes of the June 11, 2013, meeting as written.

Mr. Wally Bailey spoke on the procedures.

1. Final Plat/Restrictive Covenants – Park Meadows – Lots 1-35. Requested by Pat Mickle, agent for ERC Land Development Group, LLC.

Ms. Brenda Andrews read the staff report indicating that this plat is for a single family development. Ms. Andrews noted that the Restrictive Covenants for this subdivision has also been provided with the proposed plat.

Chairman Sharpe noted the following corrections that needed to be made to the Restrictive Covenant document:

Page 21 under Article X, 11.0 – Creation of Lien needs to be number 10.1 instead of 11.0.

Page 26 – 12.3 – Expenses in Advance of Disposition last sentence of paragraph the i in the work “in” was omitted.

Mr. Pat Mickle was present to speak on behalf of this proposed plat.

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

Motion was then made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval of the final plat and the subdivision’s Declaration of Covenants, Conditions and Restrictions contingent upon all required approvals of the plat and the affixing of all required signatures on the original

tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 8 in favor and 0 opposed.

- 2. Rezoning #7-6-13; A request by Pat Mickle, agent for RA Young Properties Limited Partners, for a zone change from Residential Estate One Acre (RE-1) to Residential Single Family Medium Density (RS-2) by Classification located at 4101-4299 Cliff Drive. (tabled from June 2013)**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the construction of a single family subdivision. Ms. Andrews stated that this item was on last month's Planning Commission agenda but due to the publication of a incorrect zoning classification it was tabled in order to be able to readvertise this request with the proper zoning classification.

Mr. Pat Mickle was present to speak on behalf of this request.

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

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

- 3. Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**
- 4. Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate the development of a bank.

Mr. Larry Hall was present to speak on behalf of these requests.

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

Chairman Sharpe called for the vote on these requests.

- 3. Rezoning #9-7-13; A request by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Classification located at 8201 Phoenix Avenue. (companion item to item #4)**

Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried by a vote of 6 in favor with Commissioners Keesee and Cooper abstaining to amend this request to make approval subject to the approval of the development plan.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 6 in favor, 0 opposed and 2 abstentions (Keesee, Cooper).

- 4. Development Plan Approval for a bank located at 8201 Phoenix Avenue. Requested by Larry Hall, agent for Lawrence E. Sharum, Sr. Living Trust and Mildred A. Sharum Living Trust. (companion item to item #)**

Motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried by a vote of 6 in favor with Commissioners Keesee and Cooper abstaining to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted development plan.
- Airport approval is required due to the project being located on the edge of the Airport Approach Zone.
- Dedication of a 20' wide easement adjacent to Massard Road.
- The development shall not encroach the existing 100' drainage easement (Little Massard Creek)
- Replatting of property will be required.
- A traffic statement is required for this development.
- The Phoenix Avenue extension access ordinance limits the site to two (2) driveways. No driveway approaches are permitted on Massard Road.
- The site is within the Little Massard Creek regulatory floodplain and requires a flood plan development permit.

- Stormwater water quality treatment in accordance with the 2011 Storm Drainage Standards is required if the site improvements exceed one (1) acre.
- The Option A sign design is not approved because more than 50% of the sign is used for advertising, which does not comply with Section 27-440(B)5 of the Phoenix Avenue Overlay District sign regulations.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 6 in favor, 0 opposed and 2 abstentions (Keesee, Cooper).

- 5. Development Plan Approval for a building addition to Umarex located at 7700 Chad Colley Boulevard. Requested by Travis Brisendine, agent for John Miller. (companion item to item #17)**
- 17. Variance #21-7-13; A request by Travis Brisendine, agent for John Miller, for a variance from Section 27-602-4(E)(4) & Section 27-602-4(E)(5) Industrial Building Standards located at 7700 Chad Colley Boulevard. (companion item to item #5)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is for a proposed 60,000 square foot textured metal expansion to the existing Umarex building, as well as a parking lot expansion and a variance from the industrial design guidelines that require a 2:12 roof pitch and screening of an existing trash compactor. Ms. Andrews stated that the Planning Commission approved a similar development plan that consisted of approximately 57,000 square foot expansion with the same architect features and design during the May 14th Planning Commission meeting and staff believes that the additional 3,000 square foot expansion will not affect the original design or approval.

Mr. Travis Brisendine was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on these items.

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- 17. Variance #21-7-13; A request by Travis Brisendine, agent for John Miller, for a variance from Section 27-602-4(E)(4) & Section 27-602-4(E)(5) Industrial Building Standards located at 7700 Chad Colley Boulevard. (companion item to item #5)**

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried unanimously to amend this variance request to make approval subject to development plan approval. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 0 opposed.

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5. Development Plan Approval for a building addition to Umarex located at 7700 Chad Colley Boulevard. Requested by Travis Brisendine, agent for John Miller. (companion item to item #17)

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

- Approval by the Chaffee Crossing – Design Review Committee.
- All construction must be built in accordance with the submitted development plan.
- All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow.
- All new signs will require a separate plan review and building permit.
- The conceptual development plan that has been submitted will be further reviewed for all codes and ordinances when a more detailed plan is submitted for a building permit. The Planning Commission approval of the development plan does not waive or provide any variances for any codes or standards required for development.

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

6. Development Plan Approval for a canopy located at 1701 South Greenwood. Requested by Lorrie Runion, agent for Tim Hearn.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is for the development of a 24' x 26' metal canopy to be installed to cover the ambulances and protect them from weather. Ms. Andrews stated that the improvements will also include

the installation of a 6' high wood privacy fence installed at the rear of the property to screen adjacent residential. Ms. Andrews noted that the fence screening and approval of the development plan by the Planning Commission prior to the issuance of any building permits for additions or new development on this site is a requirement of Ordinance #60-07.

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

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

- All construction must be built in accordance with the submitted development plan.
- The canopy shall not be built over any easements.
- Any existing and future trash receptacles on site shall be completely screened.
- All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow.
- All new signs will require a separate plan review and building permit.

Chairman Sharpe called for the vote on the development plan as amended. The vote was 8 in favor and 0 opposed.

7. Conditional Use #16-7-13; A request by Tim Risley, agent for Fort Smith Public School District, for a conditional use for a school addition to Northside High School located at 2301 North "B" Street.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to facilitate a fine arts building addition for Northside High School which will be located above the existing fine arts building.

Commissioner Spearman requested clarification as to what circumstances can the Planning Commission grant conditional uses under the UDO. Mr. Bailey stated that certain uses are defined as conditional because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate these harmful effects can vary from site site. Mr. Bailey stated that 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.

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

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

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

- All construction must be built in accordance with the submitted development plan.
- A certified survey will be required at the time of building permit submittal.
- All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-ways. This will be verified during the building permit plan review.
- All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified during the building permit plan review.
- All new signs will require a separate plan review and building permit.

Chairman Griffin called for the vote on the conditional use request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Howard).

- 8. Conditional Use #17-7-13; A request by Ronnie Hart, agent for NF Holdings, Inc. and Minish Limited Partners, for a restaurant with drive-thru located at 2917 South 74th Street. (companion item to item #14)**
- 14. Variance #18-7-13; A request by Ronnie Hart, agent for NF Holdings, Inc, for a variance from 12 feet to 10 feet driveway width and from required passing lane for restaurant drive-thru window located at 2917 South 74th Street. (companion item to item #8)**

Mr. Wally Bailey read the staff reports indicating that the purpose of othese requests is to allow the development of a drive-thru for the existing Panera Bread restaurant with the required passing lane for a drive-thru from 12 feet to 10 feet minimum drive lane width.

Mr. Bailey stated that a neighborhood meeting was held on Wednesday June 26, 2013, onsite at 2917 South 74th Street with three (3) people in attendance. Mr. Bailey noted that the north property owner had no objections to the drive-thru contingent upon the installation of a screened fence and as long as the property owner's trees were to remain intact.

Mr. Ronnie Hart was present to speak on behalf of these requests.

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

Commissioner Howard expressed his concerns relative to safety and the inability of drivers to get out of the proposed lane. He also expressed his concerns relative to drainage issues.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items.

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- 14. Variance #18-7-13; A request by Ronnie Hart, agent for NF Holdings, Inc. for a variance from 12 feet to 10 feet driveway width and from required passing lane for restaurant drive-thru window located at 2917 South 74th Street. (companion item to item #8)**

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

- All construction must be built in accordance with the submitted development plan.
- All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified during plan review.
- All new signs will require a separate plan review and building permit.
- The installation of the screen fence along the north property line.
- Installation of a sign advising patrons that there is no passing lane for the drive-thru window.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 1 opposed (Howard).

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- 8. Conditional Use #17-7-13; A request by Ronnie Hart, agent for NF Holdings, Inc. and Minish Limited Partners, for a restaurant with drive-thru located at 2917 South 74th Street. (companion item to item #14)**

Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Parks, seconded by Commissioner Cox and carried to make approval subject to the following conditions:

- All construction must be built in accordance with the submitted development plan.
- All exterior lighting shall not produce glare, light trespass (Nuisance light) and/or unnecessary sky glow. This will be verified during plan review.
- All new signs will require a separate plan review and building permit.
- The installation of the screen fence along the north property line.
- Installation of a sign advising patrons that there is no passing lane for the drive-thru window.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 5 in favor and 3 opposed (Keesee, Spearman, Howard). The conditional use request was approved.

9. Conditional Use #18-7-13; A request by Josh Niles, agent for Charles Farnam, for a conditional use for an auto and vehicle impoundment or holding yard located at 1302 South Zero Street.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for an auto and vehicle impoundment or holding yard to occupy the location. Mr. Bailey stated that a neighborhood meeting was held on Monday, June 17, 2013, at 1304 South Zero Street with no surrounding property owners in attendance.

Mr. Josh Niles was present to speak on behalf of this request.

Mr. John Neubauer, 1501 South 70th Street, was present to voice his opposition to this request citing his concerns relative to devaluation of property.

Commissioner Howard questioned the applicant as to providing landscaping on this site, as well as the use of barbed wire on the proposed fence.

Commissioner Parks questioned the applicant as to whether he would consider removing the broken sign pieces on this site.

Mr. Niles stated that he would not be opposed to removing the broken sign pieces, did not feel landscaping would be needed on this site and the barbed wire would be color coated to match the proposed 6' privacy fence. Mr. Niles stated that he is currently located at

4617 Jenny Lind but is only leasing the property and would like to purchase this property for his business. He noted that he is a repossession business and most of the vehicles that would be in this holding yard would be late model vehicles. Mr. Niles noted that he had looked at several other properties but this particular property is the right location for his business.

Mr. Charles Farnam, the owner of this property, advised the Commission that there are utilities located on this property and a water meter already on site.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried with Commissioners Howard and Cooper opposing the motion to amend this request to make approval subject to the following conditions:

- All construction must be built in accordance with the submitted development plan and with any Planning Commission amendments.
- The proposed fence gate at the driveway entrance shall be offset from the street to avoid vehicles stopping/standing within the street right-of-way.
- Fences placed at or in proximity to the right-of-way line must not create a sight obstruction for vehicles exiting the site.
- The proposed fence shall be a six (6) foot privacy fence constructed out of cedar and maintained.
- All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5.
- All signage shall comply with the UDO General Sign Regulations and Permitted signs in open, commercial and industrial zones – Section 27-704-5 and Section 27-704-3.
- Landscaping shall be required and maintained in accordance with the UDO along the Zero Street frontage.
- Removal of all broken plastic sign pieces.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 4 in favor and 4 opposed (Cox, Howard, Spearman, Keese, Spearman). The conditional use request was denied based on the fact that the Commission felt this was an inappropriate use for this site.

10. Conditional Use #20-7-13; A request by Al Prieur, agent for John Hagen, for a conditional use for a church located at 3702 Century Drive.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow a church to operate at the existing vacant building. Mr. Bailey stated that a neighborhood meeting was held on Friday, June 28, 2013 on location with Mr. John Parker, Fort Smith Airport Manager, in attendance. Mr. Bailey noted that Mr. Parker has indicated that this property will be subjected to high noise levels during military operations. Mr. Bailey stated that the church has been made aware of Mr. Parker's concerns and has indicated that if noise becomes a problem dampening materials will be installed as needed.

Mr. Al Prieur was present to speak on behalf of this request.

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

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

- The church's acknowledgement of the noise issues.
- All construction must be built in accordance with the submitted development plan.
- All site lighting shall comply with the lighting requirements of the UDO – Section 27-602-5.
- All new signs will require a separate plan review and building permit.

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

11. Conditional Use #21-7-13; A request by Craig Roberts, agent for KMW Properties, for a conditional use for an outdoor advertising sign (billboard) located at 4801 South Phoenix Avenue. (4896 I-540) (companion item to item #18)

18. Variance #22-7-13; A request by Craig Roberts, agent for KMW Properties, for a variance from Section 27-704-4(D) minimum distance from residentially zoned or developed property located at 4801 South Phoenix Avenue. (4896 I-540) (companion item to item #11)

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to move an existing outdoor advertising sign approximately 500 feet east of its current location. Mr. Bailey stated that a sign at 4398 Phoenix Avenue was permitted prior to the

recent moratorium and new sign regulations. He noted that the Arkansas Highway and Transportation Department (AHTD) rejected or denied a permit for this sign because it was too close to the existing sign which is why this application is being requested because moving the existing sign to the east would allow the AHTD to permit the sign at 4398 Phoenix Avenue. Mr. Bailey also noted that the applicant would like to increase the size of the sign to 480 square feet. Section 27-704-4-(F) of the UDO states that sign area in excess of three hundred seventy-eight (378) square feet but not to exceed six hundred seventy two (672) square feet along interstates may be allowed by the Planning Commission's approval of a conditional use request so long as an equivalent or greater amount of sign square footage is deleted by the loss of one or more the applicant's sign credits in the sign bank. Mr. Bailey stated that the applicant has indicated that to comply with the requirement of removing a sign credit of equal or greater existing signage that RAM Outdoor Advertising is proposing to remove one side (south bottom half) of an existing sign at 10818 Old Highway 71 South. Mr. Bailey indicated that the Planning staff does not believe the removal of one side of a sign meets the requirements of the code. He noted that when calculating the sign credit or signage, the City of Fort Smith code allows for the measurement of double face signs that only one (1) display face shall be counted in computing the actual sign area. The sign at 10818 Old Highway 71 South is a double stacked, double face sign and, therefore, the square footage is the double face not a single face and when looking at that sign we see both sides as making up the sign or the sign credit.

Mr. Bailey stated that a variance is also being requested to allow the proposed sign to be closer to a residential zone than what is allowed by the code. Mr. Bailey indicated the following options the Planning Commission might consider in regard to these applications:

- Deny the variance request. *Result:* The conditional use is void. The sign at 4398 Phoenix Avenue would not be permitted by the Arkansas Highway and Transportation Department (AHTD) as a result of this sign on I-540 not being moved.
- Approve the variance and deny the conditional use. *Result:* The sign could not be moved and the sign at 4398 Phoenix Avenue would not be permitted by the AHTD.
- Approve the variance and amend the conditional use application. *Result:* Amending the conditional use/development plan approval of 378 square feet or less in size. This will allow the sign at 4398 Phoenix Avenue to be permitted by AHTD.
- Approve the variance and the conditional use as submitted. *Result:* This will allow a 480 square foot sign on I-540, approximately 500 feet east of its current location and would allow the sign at 4398 Phoenix Avenue to be permitted by AHTD.

Mr. Bailey stated that a neighborhood meeting was held on Monday, July 1, 2013, at 4801 Phoenix Avenue with the applicant and staff being the only persons in attendance.

Commissioner Spearman requested clarification from staff as to the conditions under which the Board of Zoning Adjustment can grant variance requests. Mr. Bailey stated 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.

Mr. Craig Roberts and Mr. Ron Green, with RAM Outdoor Advertising was present to speak on behalf of these requests.

Mr. Bill Hanna with KMW property was also present to speak on behalf of these requests.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

**RECESS PLANNING COMMISSION
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- 18. Variance #22-7-13; A request by Craig Roberts, agent for KMW Properties, for a variance from Section 27-704-4(D) minimum distance between residentially zoned or developed property located at 4801 South Phoenix Avenue. (4896 I-540) (companion item to item #11)**

Prior to voting on this variance request, the Commission requested the applicant provide them with the hardship relative to this variance request. It was stated that the hardship was based on the fact that the residentially zoned or developed property is further away from the proposed billboard than it really is.

Chairman Sharpe then called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Keese and carried to approve this variance based on the hardship indicated. The vote on this variance request was 7 in favor and 1 opposed (Parks).

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- Any exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow. This will be verified during plan review.
- Any new signs will require a separate plan review and building permit.

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

13. Home Occupation #6-7-13; A request by Bobby Williams/Javanna Releford for a home occupation for a digital music production business located at 2917 Old Greenwood Road #7.

Ms. Brenda Andrews read the staff report indicating that the purpose of the home occupation request is to allow the applicants to operate a music, soundtrack and entertainment company. Ms. Andrews stated that a computer with headphones will be utilized for the creation of the soundtracks and customers will visit by appointment only to select the soundtracks that best suit the customer's needs.

Mr. Bobby Williams and Ms. Javanna Releford were present to speak on behalf of this request.

Ms. Lisa Crowden, manager for CMJ properties, addressed the Commission relative to the address of this property. She noted that all of the properties in this complex are addressed as 2917 Old Greenwood Road. It was noted that the applicant's address should be 2917 Old Greenwood Road, Apt. #28.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following conditions:

- Minimum requirements for Home Occupations
- The applicants shall not produce any noise or other offensive effects that are not normal to residential activity.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.
- No sale of any retail or wholesale item or items shall take place on the premises.

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- The soundtrack business shall not violate City Ordinance 16-41 (Disorderly Conduct-Noise)

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

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15. Variance #19-7-13; A request by Juan Martinez for a variance from 120 to 240 maximum number of days for a seasonal permit located at 3403 South 74th Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the applicant to operate a snow cone stand at Harp's Food Store for 240 days instead of 120 days as currently permitted. Ms. Andrews stated that the applicant has indicated that the 120 day seasonal permit is too short to cover the entire summer season for a snow cone business. Ms. Andrews noted that a neighborhood meeting was held on Monday, July 1, 2013, at 3403 South 74th Street with no adjacent property owners in attendance.

Mr. Juan Martinez was present to speak on behalf of this request.

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

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

16. Variance #21-7-13; A request by Travis Brisendine, agent for Arvest Bank, from 15 feet to 10 feet street side yard setback located at 5000 Rogers Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow a 10' side yard setback for the installation of an approximately 10' x 5' Handi-Hut Shelter to be installed on the south side of the property adjacent to South "S" Street. It was noted that the smoking shelter would protect employees from the weather elements. Ms. Andrews noted that the owner would like to remove the existing shelter near the building and construct a new shelter further from the building and existing utility facilities.

Mr. Travis Brisendine was present to speak on behalf of this request.

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

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

Meeting Adjourned!

MEMORANDUM

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: August 8, 2013
Subject: UDO Amendment - Outdoor Advertising Sign

As we have started administration of the new outdoor advertising regulations, we have found there to be a need for additional or clarifying language regarding a "sign credit" as mentioned in the regulations.

There may be some confusion with regard to what constitutes a sign credit in the sign bank and what is meant by the loss a sign credit in section 27-704-4(f). After visiting with the city attorney, we are proposing an amendment to the regulations. The proposed amendment includes the highlighted language on the attached two (2) pages.

Please let me know if you need additional information on this subject.

- (e) Within six hundred sixty (660) feet of the right-of-way of an interstate highway, no outdoor advertising sign structure designed to be primarily viewed from the roadway of such interstate highway shall be permitted to be erected closer than five hundred (500) feet to any other such sign structure on the same side of the right-of-way, as measured along a line parallel to such highway, and from the centers of the closest support poles.
- (f) No outdoor advertising sign (whether static or digital) shall be permitted to be erected with a sign area in excess of three hundred (300) square feet along non-interstate streets nor to be erected with a sign area in excess of three hundred seventy-eight (378) square feet on interstates. Sign area in excess of three hundred seventy-eight (378) square feet but not to exceed six hundred seventy two (672) square feet along interstates may be allowed by the planning commission's approval of a Conditional Use request so long as an equivalent or greater amount of sign square footage is deleted by the loss of one or more of the applicant's sign credits in the sign bank. Consistent with the definition of "sign area" in Section 27-200, a deletion of sign area footage is not accomplished by removal of only one face of a doubled faced or V-type outdoor advertising sign.
- (g) Outdoor advertising signs may be erected with a static face or with a digital face, provided the sign complies with all provisions applicable to outdoor advertising signs and the following.
- (1) For permitted structures containing a digital face, only one digital face shall be allowed per facing, and the digital face shall be the only sign allowed on that facing;
 - (2) Electronic message changes must be accomplished within a time interval of two (2) seconds or less;
 - (3) The message or image on a digital face must remain static for a minimum of eight (8) seconds;
 - (4) Digital faces shall contain a default design that will freeze the message in one position if a malfunction occurs;
 - (5) Signs that contain, include, or are illuminated by any flashing, intermittent, or moving light or lights, including animated parts or scrolling messages or images, are

(13) Failure to adhere to any of these provisions may result in the revocation of the digital face authorization of the permit (following due process including notice to comply).

- (h) V-type outdoor advertising signs are permitted provided the angle of separation of the two sides of the sign is not greater than thirty (30) degrees.
- (i) No outdoor advertising sign shall be permitted to be erected unless it has a minimum height at the lowest portion of the face surface of the sign of at least thirteen (13) feet and has a maximum height at the tallest point on the face surface of forty-five (45) feet, which minimum and maximum heights are to be measured from the elevation of a perpendicular line from the center/crown of the roadway to which the sign is adjacent.
- (j) No portion of an outdoor advertising sign shall be erected in a public right-of-way.
- (k)(1) Subsequent to the adoption of this Ordinance, no new outdoor advertising sign shall be permitted to be erected within the city limits nor within Fort Smith's extra-territorial planning jurisdiction area except as provided herein. This prohibition against new outdoor advertising signs shall apply even in those areas regulated by the Federal Highway Beautification Act (23 U.S.C. 131) or the Arkansas Highway Beautification Act (Ark. Code Ann. § 27-74-101 et seq.).
- (2) Sign Bank. There is hereby created an outdoor advertising sign credit bank ("Sign Bank") whereby the city planning department shall maintain a credit on file for the replacement of outdoor advertising signs as allowed under subsection (1) above or for the expansion in size of outdoor advertising signs as allowed by (f) above. The purposes of the Sign Bank permitting process are to ensure that the quantity and size of outdoor advertising signs in the City of Fort Smith and its extra-territorial jurisdiction area do not increase and to ensure proper placement of replaced or relocated outdoor advertising signs.
 - A. The owners of each outdoor advertising sign existing as of the effective date of these regulations shall be given a credit for the sign and the size of its face(s) within the Sign Bank. A double faced or V-type outdoor advertising sign shall entitle an owner to a single credit in the Sign Bank (not an additional credit for additional faces).

1C

Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Preliminary Development Plan/Preliminary Plat Review - A request by Mercy Health Fort Smith Communities, agent, for Planning Commission consideration of a Preliminary Development Plan/Preliminary Plat to develop a medical clinic at 3700 Cliff Drive

LOT LOCATION AND SIZE

The subject property is on the southeast side of the intersection of Old Greenwood Road and Cliff Drive. The tract contains an area of 3.91 acres with approximately 572 feet of street frontage along Cliff Drive and approximately 566 feet of street frontage along Old Greenwood Road.

EXISTING ZONING

The existing zoning on this tract is Residential Estate One Acre (RE-1). Characteristics of this zone are as follows:

Purpose:

The purpose of the Residential Estate One Acre zoning district is to provide areas for low-density, large lot single family residential development. Property zoned RE-1 should include tracts that abut or are in close proximity to existing or approved large-lot single family development, making RE-1 an appropriate transition between rural and suburban uses. Where public facilities and services are not yet available, development in this district shall be designed to allow for the future planned expansion of utilities and services where necessary. RE-1 zoning is appropriate in the Residential Detached, Mixed use Residential, and Mixed use Employment future land use classification of the Master Land Use Plan.

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 1 acres
- Maximum Density – 1 Dwelling Units/Acre
- Minimum Lot Width of Building Line – 100 feet
- Minimum Street Frontage – 50 feet
- Front Yard Setback - 40 feet
- Side Yard on Street Side of Corner Lot - 40 feet
- Side Yard Setback – 15 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – 15 feet
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 20%

PROPOSED ZONING

The existing zoning on this tract is Transitional (T). Characteristics of this zone 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
- 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
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 65%

LB

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 area to the north (across Cliff Drive) is zoned Transitional (T) and is developed as ABF corporate offices.

The areas to the east are zoned Residential Estate One Acre and are undeveloped.

The areas to the south are zoned Residential Estate One Acre and are undeveloped.

The areas to the west (across Old Greenwood Road) are zoned Residential Single Family Medium Density (RS-2) and are developed as single family residences.

PROPOSED DEVELOPMENT PLAN

Approval of the preliminary development plan will facilitate the construction of a new one-story, 13,625 s.f. medical clinic.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress to the site will be provided by two 24' wide driveways on Cliff Drive. No access to Old Greenwood Road is proposed.

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 in the northwest quadrant of the property. An existing concrete drainage channel is on the west property line.

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

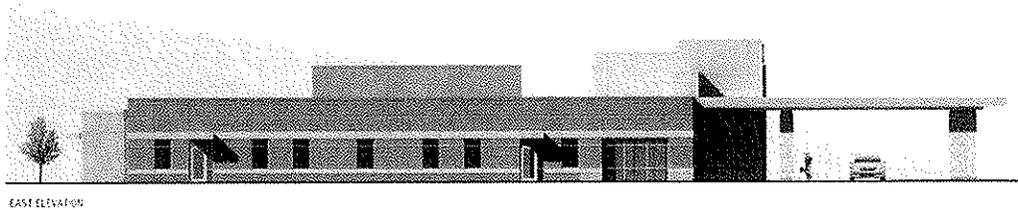
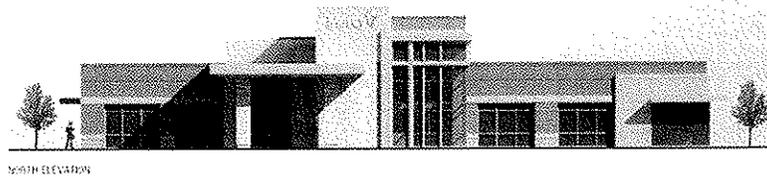
Sidewalks – A 5' wide sidewalk is proposed adjacent to Cliff Drive. There is an existing sidewalk along Old Greenwood Road.

Landscaping – The required perimeter landscaping is proposed along Cliff Drive. A companion variance application requests elimination of a portion of the 10' wide landscape area along Old Greenwood Road. Interior landscaping for vehicular use areas will include peninsular or landscape islands planted with trees and shrubs. Landscaping will be maintained with an automatic irrigation system.

The existing trees and vegetation between Old Greenwood Road and the proposed development will remain in place. Removal of some trees will occur in the northwest corner of the property to accommodate the construction of a detention pond and associated drainage pipe.

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Architectural features – The one story building is brick and rock with horizontal bands of a complimentary color of masonry, and a covered entryway.



Height and Area – The proposed building is 13,625 square feet in area and a maximum height of 28’.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 30, 2013, at 6:00 p.m. at 7800 Dallas Street. Ten surrounding property owners attended the meeting. Some property owners expressed concern that the proposed use was non-residential and that trees and vegetation would be removed from the site due to construction and utility installation. Favorable comments included that the proposal was a quality development and would provide a convenient source of medical services for the area. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application with the following comments:

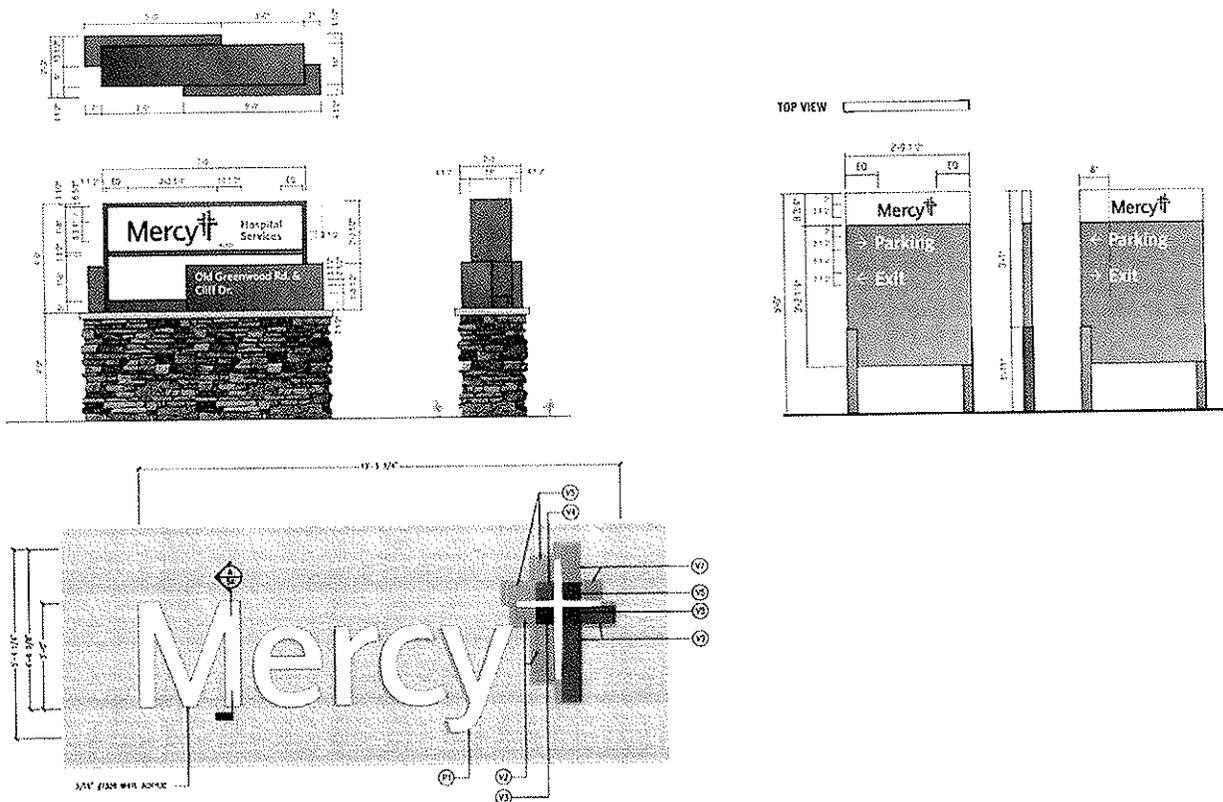
1. All construction must be built in accordance with the approved Development Plan.
2. A certified survey shall be submitted for review when submitting for the building permit.
3. The plat shall be filed prior to the issuance of the building permit.
4. Screening details shall be submitted for trash receptacle enclosure and ground-mounted equipment at the time of building permit submittal and will be reviewed for compliance with the UDO requirements.
5. A breakdown of the square footage of the paved surface area and square footage of interior landscaping for vehicular use areas shall be provided at the time of building permit submittal and will be reviewed for compliance with the UDO requirements.
6. Roof-mounted mechanical equipment shall be screened from street right-of-ways and adjacent properties. The screening shall be architecturally incorporated into the roof design with materials that are visually compatible with the supporting building.
7. All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow as required by Section 27-602-5 of the UDO. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.
8. The developer must agree to meet all franchise and City utility easement requirements.

Screening – A companion variance application requests approval to postpone screening the south and east sides of the site that adjoin the undeveloped residentially zoned property. The site is currently heavily wooded.

A proposed trash receptacle is located on the southwest side of the building and will be completely screened with brick veneer to match the building façade. No screening details were provided for ground-mounted or roof-mounted equipment.

Parking – Two parking lots are proposed with a total of 82 parking spaces. The minimum number of parking spaces required for the site is 68.

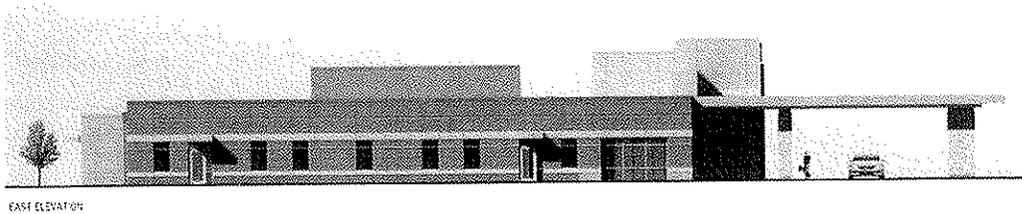
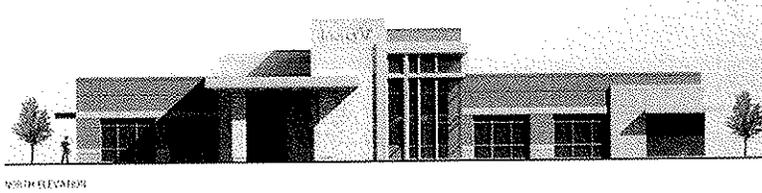
Signage – An approximate 32 s.f. monument sign with a 4' tall rock base is proposed at the intersection of Old Greenwood Road and Cliff Drive. The monument sign will be externally illuminated. On Cliff Drive, one 11 s.f. directional sign is proposed at the west driveway entrance. A 72 s.f. wall sign is proposed on the front of the building. All signage complies with the signage Transitional zoning district signage requirements.



Lighting – Lighting is not noted on the submitted plans. Lighting will be verified upon building permit submittal and plan review.

2E

Architectural features – The one story building is brick and rock with horizontal bands of a complimentary color of masonry, and a covered entryway.



Height and Area – The proposed building is 13,625 square feet in area and a maximum height of 28’.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 30, 2013, at 6:00 p.m. at 7800 Dallas Street. Ten surrounding property owners attended the meeting. Some property owners expressed concern that the proposed use was non-residential and that trees and vegetation would be removed from the site due to construction and utility installation. Favorable comments included that the proposal was a quality development and would provide a convenient source of medical services for the area. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application with the following comments:

1. All construction must be built in accordance with the submitted Development Plan.
2. A certified survey shall be submitted for review when submitting for the building permit.
3. The plat shall be filed prior to the issuance of the building permit.
4. Screening details shall be submitted for trash receptacle enclosure and ground-mounted equipment at the time of building permit submittal and will be reviewed for compliance with the UDO requirements.
5. A breakdown of the square footage of the paved surface area and square footage of interior landscaping for vehicular use areas shall be provided at the time of building permit submittal and will be reviewed for compliance with the UDO requirements.
6. Roof-mounted mechanical equipment shall be screened from street right-of-ways and adjacent properties. The screening shall be architecturally incorporated into the roof design with materials that are visually compatible with the supporting building.
7. All exterior lighting shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow as required by Section 27-602-5 of the UDO. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.
8. The developer must agree to meet all franchise and City utility easement requirements.

2F

9. Submittal of a final landscape plan.
10. The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

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 Attached Exhibit A

2. Address of property: 3700 Cliff Drive

3. The above described property is now zoned: Residential Estate One (RE-1)

4. Does the development plan include a companion rezoning request?

Yes x No _____

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

Transitional by Extension
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

T-2 SPL Commercial Neighborhood (ABF Office), Mixed Use-E
(vacant), RS-2 (single family residential)

8. Total acreage of property 3.91

2H

Signed:

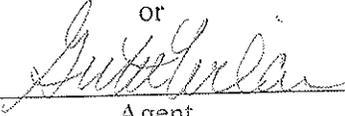
Owner or Agent Name

(please print)

Owner

Owner or Agent Mailing Address

or



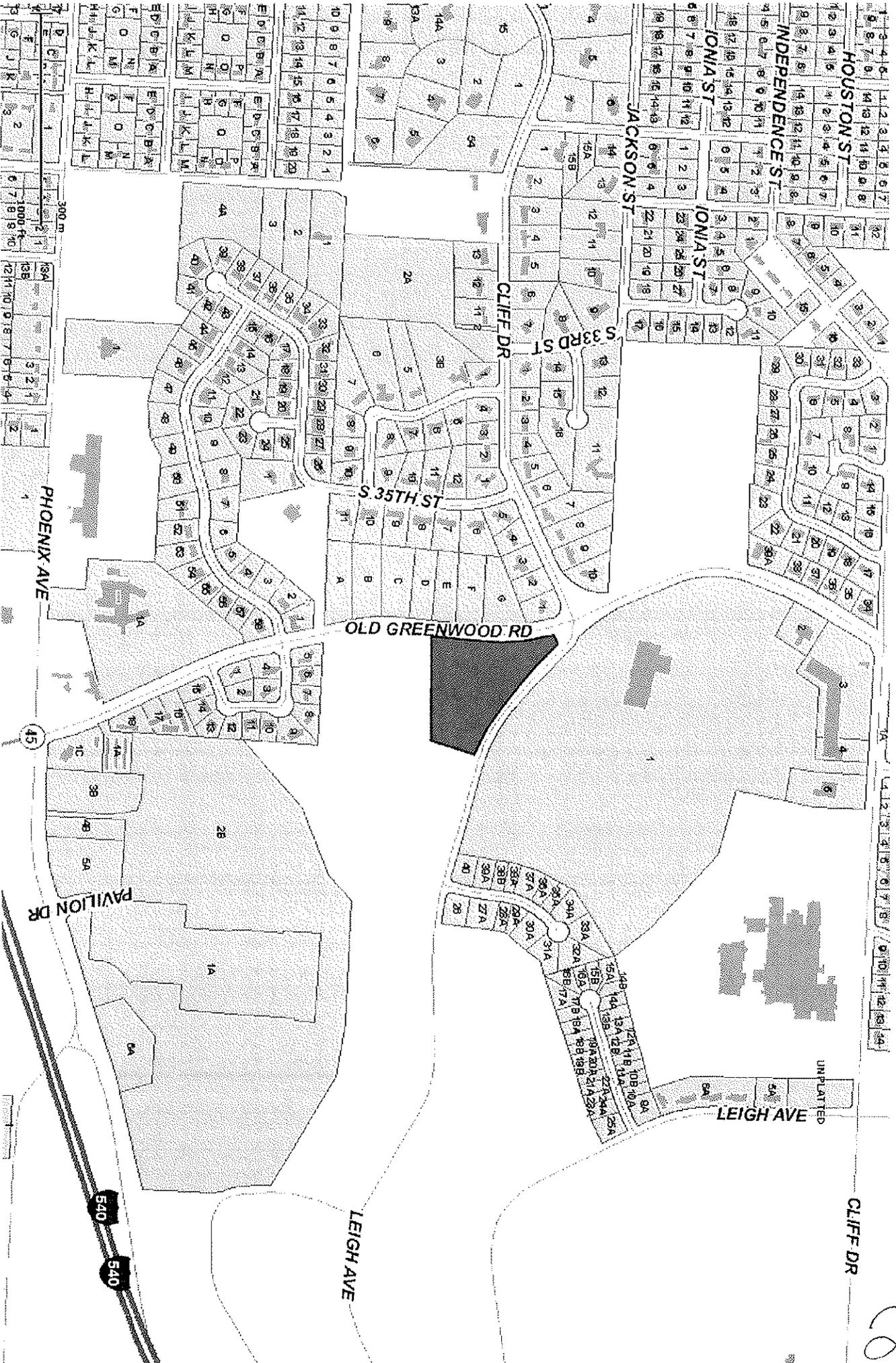
Agent

Owner or Agent Phone Number

21

Development Plan Review: Medical Clinic

3700 Cliff Drive





May 21, 2013

Mr. Stan Snodgrass, P.E.
Director of Engineering
Fort Smith Engineering Department
P.O. Box 1908
Fort Smith, Arkansas 72902-1908

Re: Mercy Cliff Drive Clinic
Traffic Statement
Fort Smith, Arkansas
HWEI Project No. 2013007B

Dear Stan:

Per the City's requirements, please find enclosed for your review and approval a copy of the Traffic Statement (TS) for the proposed Mercy Cliff Drive medical clinic project. The TS was prepared based on the City's Unified Development Ordinance (UDO) requirements.

The expected percentage increase in traffic for A.M. and P.M. peak trips along Old Greenwood Road is 1.5%. The expected percentage increase in traffic for A.M. and P.M. peak trips along Cliff Drive is 16.5%. It is our opinion that the additional traffic generated by the Mercy Clinic should have a minimal effect on the current traffic conditions for both Old Greenwood Road and Cliff Drive.

If you have any questions or comments, please feel free to call and we can discuss them.

Sincerely,

HAWKINS-WEIR ENGINEERS, INC.

A handwritten signature in cursive script that reads 'J. Kyle Salyer'.

J. Kyle Salyer, P.E., P.S.

JKS/drd

Enclosure: Traffic Statement (1 copy)

cc: Jason Landrum, AIA, Polk Stanley Wilcox
Larry Young, Mercy

2k

Project: Mercy Cliff Drive Clinic
 Project No.: 2013007
 Date: May 2013

Project Summary

Mercy Medical is planning a new development within the City of Fort Smith at the southeast corner of Old Greenwood Road and Cliff Drive. It is a Medical Office Building with 13,364 square feet of gross building floor area. It will have approximately 8 full time doctors. The Mercy Clinic will have two access points or driveways both along Cliff Drive. This report summarizes the traffic impacts for the proposed development.

Trip Projections

The expected number of trips generated by the Mercy Clinic along Old Greenwood Road and Cliff Drive is determined using the 8th edition of the ITE Publication "Trip Generation". The number of doctors is the independent variable used for the calculations. The number of doctors at the Mercy Clinic is assumed to be 8. Table 1 summarizes the calculations for projected trips for both the A.M. peak and P.M. peak. The Mercy Clinic will generate 36 trips, 18 entering and 18 exiting during the P.M. peak.

Table 1: ITE Trip Generation for Clinics (ITE Class 630)

Land Use Type	ITE Class	Trip Independent Variable	Average Weekday									
			Per Peak Hour Adjacent Street Traffic		AM Peak Directional Distribution		AM Peak Directional Volume		PM Peak Directional Distribution		PM Peak Directional Volume	
			Between 7-9 AM	Between 4-6 PM	In	Out	In	Out	In	Out	In	Out
			vph	vph								
Clinic	630	Full-Time Doctors	3.6	4.43	0.5	0.5	14.4	14.4	0.5	0.5	17.7	17.7
		8	28.8	35.4								

Trip Distribution

The 36 P.M. peak trips are then distributed to both driveways along Cliff Drive. Figure 1 shows the projected trips for the P.M. peak onto Old Greenwood Road and Cliff Drive created by the Mercy Clinic. The 29 A.M. peak trips are also distributed to both driveways. Figure 2 shows the projected trips for the A.M. peak.

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Traffic Analysis

The 2012 Annual Average Daily Traffic (ADT) Estimates from the Arkansas State Highway and Transportation Department (AHTD) are used to determine existing traffic along Old Greenwood Road and Cliff Drive. Refer to Exhibit A for 2012 AHTD ADT Estimates for the project area. Old Greenwood Road has an ADT of 20,000 vehicles per day (vpd). Cliff Drive has an ADT of 2,200 vpd. The A.M. and P.M. peak traffic counts are estimated using an A.M. peak factor of 8% and a P.M. peak factor of 10%. Table 2 shows the existing peak daily traffic.

Table 2: Existing Peak Daily Traffic

Street	ADT	A.M. Peak Factor	P.M. Peak Factor	A.M. Peak Trips, vph	P.M. Peak Trips, vph
Old Greenwood	20,000	8%	10%	1600	2000
Cliff Drive	2,200	8%	10%	176	220

The projected traffic is then added to the existing traffic to show the anticipated traffic after development of Mercy Clinic. The total anticipated traffic is shown in Table 3.

Table 3: Projected Peak Daily Traffic after Development

Street	A.M. Peak Trips, vph	P.M. Peak Trips, vph	Percent Increase A.M. Post Development	Percent Increase P.M. Post Development
Old Greenwood	1,624	2,030	1.5%	1.5%
Cliff Drive	205	256	16.5%	16.3%

Conclusion

Based on the projected traffic, the development of Mercy Clinic should have a minimal impact on the traffic patterns of Old Greenwood Road and Cliff Drive. The percent increase in post development A.M. and P.M. peak trips is less than 1.5% for Old Greenwood Road. The A.M. peak daily traffic along Cliff Drive will increase by 16.3%, the P.M. peak daily traffic will increase by 16.5%. The majority of the increased trips along Cliff Drive will pass through the signalized intersection at Old Greenwood Road. Based on the presence of signalization and minimal projected increase, no additional traffic control or improvement measures are recommended.

HAWKINS-WEIR ENGINEERS, INC.



J. Kyle Salyer, P.E., P.S.

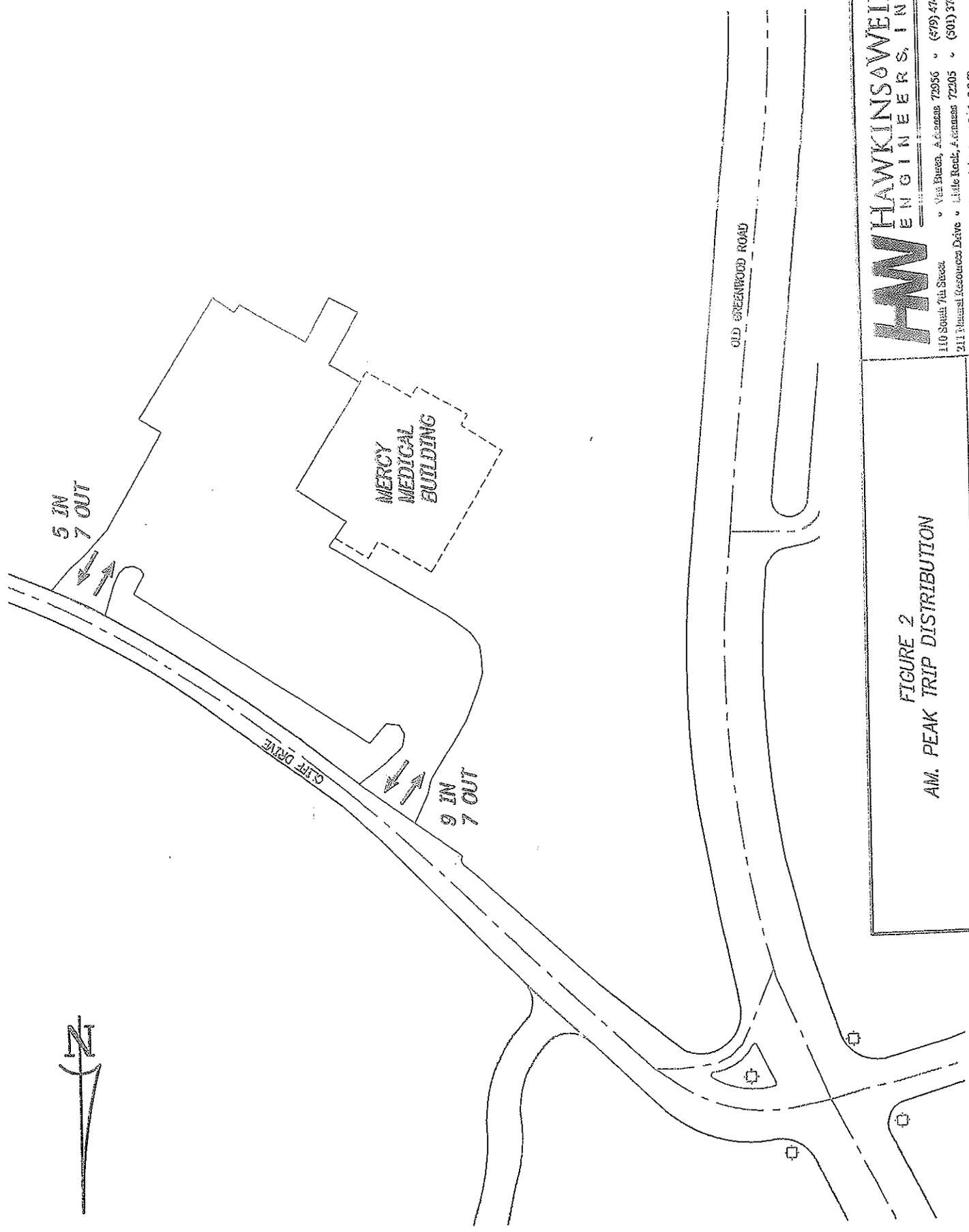
2m

HAWKINS & WEIR ENGINEERS, INC.

• Via Bureau, Arkansas 72956 • (519) 474-1227
 • 110 South 7th Street
 • Little Rock, Arkansas 72205 • (501) 574-4846
 • 2111 Natural Resources Drive
 • www.hawkins-weir.com

FIGURE 2
AM. PEAK TRIP DISTRIBUTION

DATE: MAY 2013 SCALE: 1"=100' JOB NO. 2013007



22

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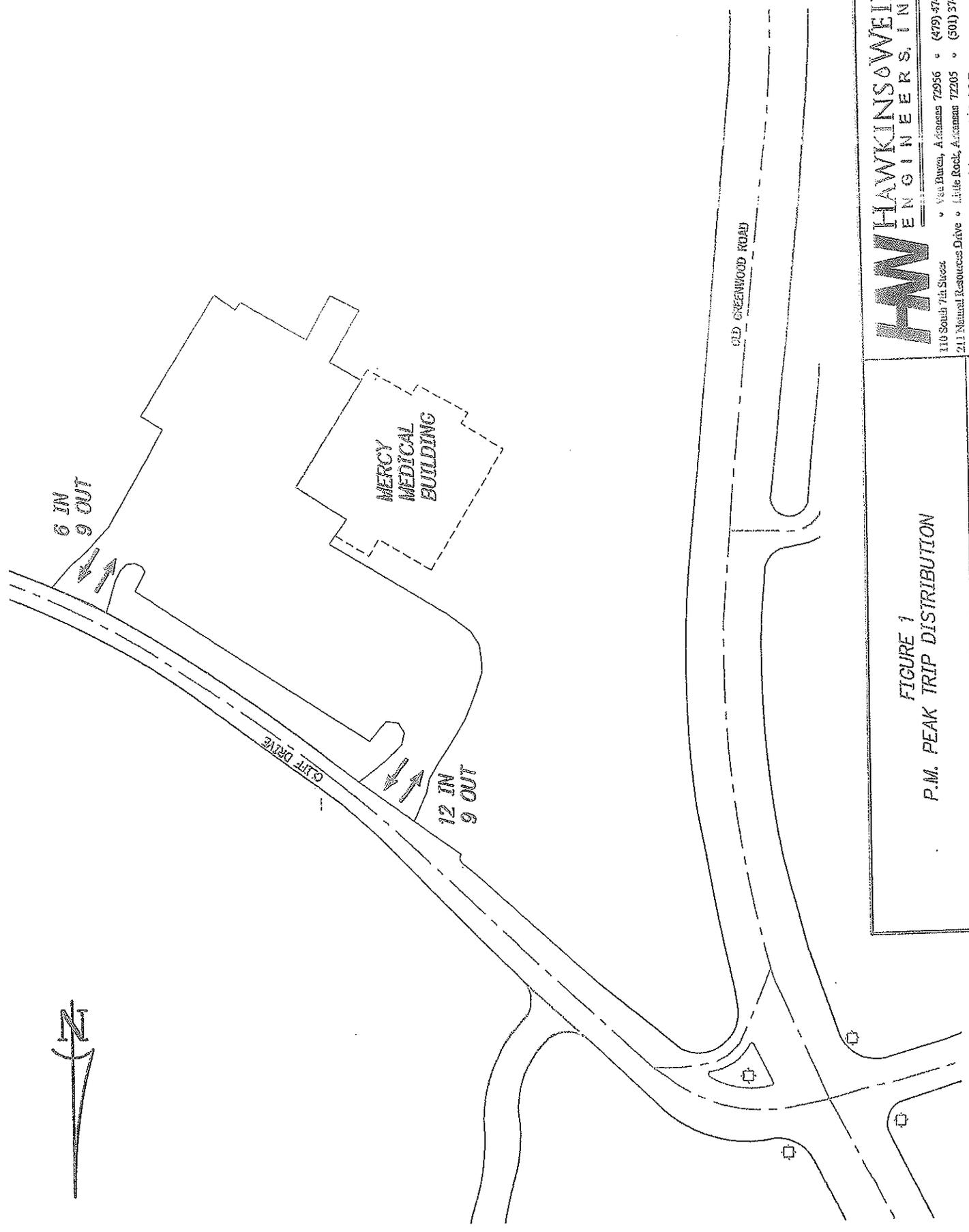


FIGURE 1
P.M. PEAK TRIP DISTRIBUTION

HAWKINS
ENGINEERS, INC.

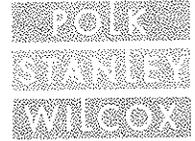
Via Bureau, Arkansas 72956 • (479) 474-1227
110 South 7th Street • Little Rock, Arkansas 72205 • (501) 374-4846
211 Natural Resources Drive • www.hawkins-weir.com

DATE: MAY 2013

SCALE: 1"=100'

JOB NO. 2013007

Mercy Cliff Drive - Neighborhood Meeting Minutes



Project Name: Mercy Cliff Drive
PSW Project Number: 592AS
Meeting Location: Dallas Street Clinic, Fort Smith, AR
Meeting Date/ Time: 6:00pm, July 30, 2013
Attendees: Refer to the attached Attendance List

1. Introduction:

- a. Dr. Goodman introduced the project and explained Mercy's intent to bring quality physicians to Fort Smith. He explained that 90% of patient daily visits are in medical clinics as opposed to hospitals and there is a great need to recruit more physicians to the community.

2. Neighbor Comments/Questions:

- a. Why can't you utilize existing buildings for new development/clinics?
- b. What is the benefit? We don't mind driving a little further for primary care visits.
- c. Who are you helping?
- d. Suggested other areas to build clinics - South Sebastian County, Grand Ave., Phoenix Ave.
- e. Why don't you go into the decaying areas of the city?
- f. We are concerned that you will clear more trees than you promise. This has happened to us before with other developments.
- g. Is this economical?
- h. I don't see this property ever being residential due to the adjacent shopping center (Pavilion).
- i. Having a quality primary care clinic might increase the adjacent real estate values.
- j. This is very convenient and most people I talk to are in favor of this development.
- k. We would really like the corner of the property to remain as vegetated as possible.
- l. This is a quality development and if it doesn't happen, something much worse could come.
- m. Where will all of the utilities be routed? Will they have to clear more trees?

3. Responses:

- a. Grant Morris stated that existing Mercy owned buildings are being renovated for primary care use.
- b. Dr. Baker stated that he and other business partners have tried to acquire land in more rural areas but have had difficulty due to landowner's high price tag.
- c. Larry Young stated that a marketing company was hired to make recommendations based on specific data for clinic locations and that is how this site was selected.

2Q

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Mercy Clinic, 7800 Dallas Street

Meeting Time & Date 6:00 p.m. - July 30, 2013

Meeting Purpose Proposed Medical Clinic, 3700 Cliff Drive

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE#</u>
1.	<u>Tom Manaco</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>LARRY W. YOUNG</u>	<u>MERCY</u>	<u>479-633-0277</u>
3.	<u>MIKE MALONE</u>	<u>MERCY</u>	<u>314-1175</u>
4.	<u>Kay McCarley</u>	<u>Mercy</u>	<u>221-9927</u>
5.	<u>Sherri Curtis</u>	<u>FORT SMITH</u>	<u>646-9160</u>
6.	<u>BARBARA HARCASTLE</u>	<u>✓ ✓</u>	<u>646-1011</u>
7.	<u>Lois Goodman</u>	<u>MERCY</u>	<u>659-9901</u>
8.	<u>Grant Morris</u>	<u>MERCY</u>	<u>414-7815</u>
9.	<u>WENDELL KINZLER</u>	<u>POK STANLEY WILCOX ARCHITECTS</u>	<u>(501) 367-2246</u>
10.	<u>KYLE SALYER</u>	<u>HAWKINS-WEIR ENGINEERS</u>	<u>474-1227</u>
11.	<u>Keith Law</u>	<u>KCP Real Estate</u>	<u>479-806-7700</u>

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Mercy Clinic, 7800 Dallas Street

Meeting Time & Date 6:00 p.m. - July 30, 2013

Meeting Purpose Proposed Medical Clinic, 3700 Cliff Drive

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
12. <u>Greg Magness</u>	<u>4113 So. 35th St.</u>	<u>452-2200</u>
13. <u>Claudia Edwards</u>	<u>3418 Cliff Dr.</u>	<u>648-6728</u>
14. <u>Bernice Brown</u>	<u>3410 Cliff Dr.</u>	<u>462-0333</u>
15. <u>Sean B Baker</u>	<u>Mercy</u>	<u>321-9927</u>
16. <u>Paul Sandahl</u>	<u>3501 Cliff Dr.</u>	<u>646-2080</u>
17. <u>Jan Weber</u>	<u>3001 Cliff Dr</u>	<u>651-2167</u>
18. <u>Tom Bigas</u>	<u>3608 Cliff Dr</u>	<u>646-414-1210</u>
19. <u>Rebecca Bigas</u>	<u>3608 Cliff Dr</u>	<u>650-0926</u>
20. <u>Thomas Moore</u>	<u>5231 Cliff</u>	<u>759-6878</u>
21. <u>Matt Keef</u>	<u>Mercy -</u>	<u>479-434-6800</u>

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS

CONCEPTUAL SITE PLAN (NOT TO SCALE)

BUILDING/SITE INFORMATION

- A new single story medical office building
- Total Building Gross Area - 13,625 SF
- Building Height: Majority of building height is 10'-0". Primary entry "Lantern" feature is 28'-0".
- Building Setbacks: (see current zoning P.E.1) - Front: 40 feet, Side (Interior): 15 feet, Side (R.O.W.): 20 feet, Rear: 20 feet
- Building Setbacks (for proposed zoning T) - Front: 20 feet, Side (Interior): 5 feet, Side (R.O.W.): 20 feet, Rear: 10 feet

PARKING DIMENSIONS

Parking stall requirements: 8'x18' with a 2' drive aisle. (loading zones) required @ 12x45 each

PARKING CALCULATIONS

- Proposed Medical Office Building - 13,625 s.f. Gross Building Floor Area
- Number of Required Parking Spaces - Gross Building Floor Area / (4) Parking Space per 200 s.f.)
- Number of Required Parking Spaces - 13,625 s.f. / 200 s.f.
- Number of Required Parking Spaces - 68.125 or 69

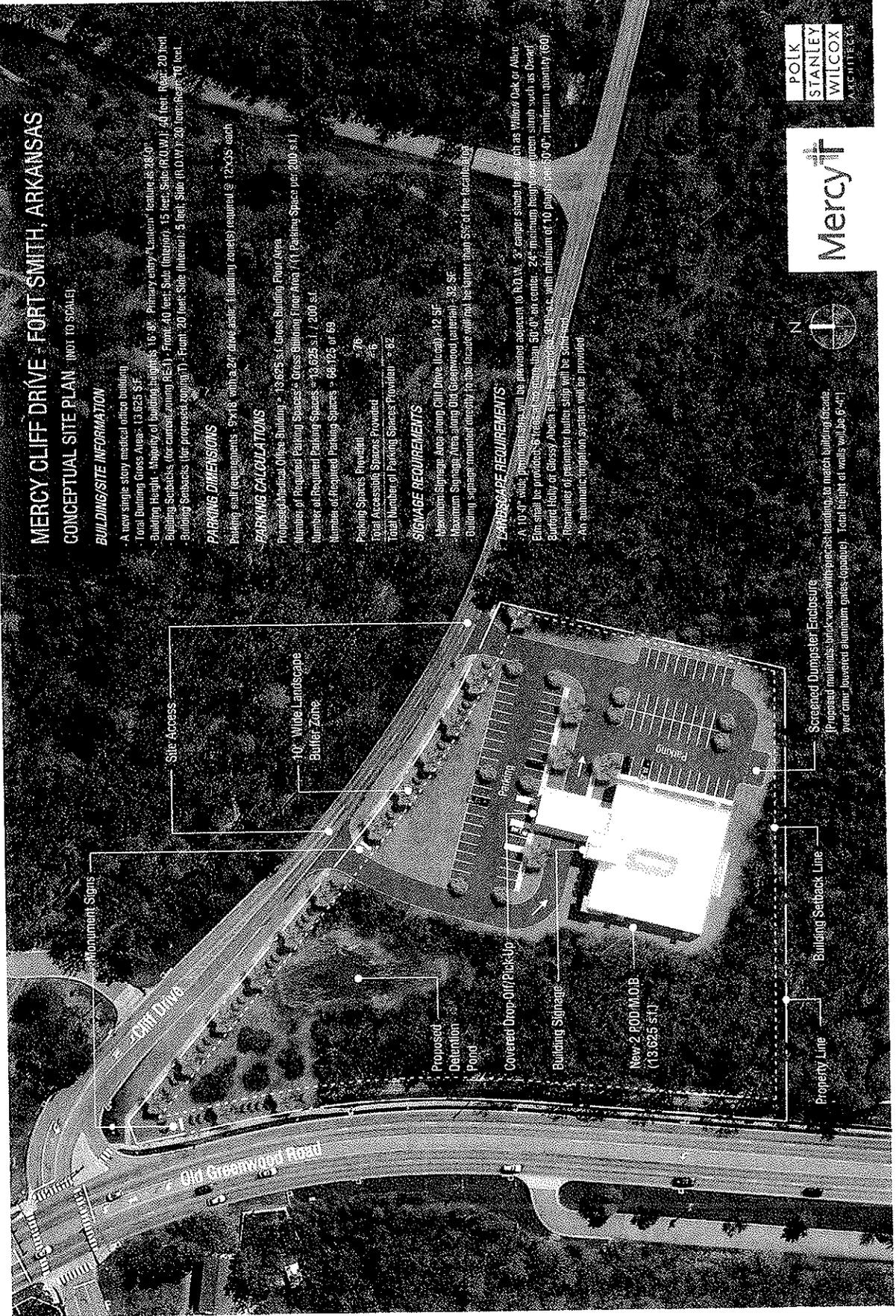
- Parking Spaces Provided - 76
- Total Accessible Spaces Provided - 6
- Total Number of Parking Spaces Provided - 82

SIGNAGE REQUIREMENTS

- Maximum Signage Area along Cliff Drive (local) - 312 SF
- Maximum Signage Area along Old Greenwood (arterial) - 82 SF
- Building signage mounted directly on the facade will not be higher than 55% of the facade height

LANDSCAPE REQUIREMENTS

- A 10'-0" wide promenade will be provided adjacent to R.O.W. 3' canopy shade trees such as Yellow Oak or Albion Elm shall be provided at intervals of 50'-0" on center. 24" minimum height specimen shrub such as Dwarf Burford Holly or Glossy Abelia shall be provided at intervals of 10'-0" with minimum of 10 plants per 50'-0" minimum quantity (60)
- Reparatment of perimeter buffer strip will be provided
- An automatic irrigation system will be provided



POLK
STANLEY
WILCOX
ARCHITECTS

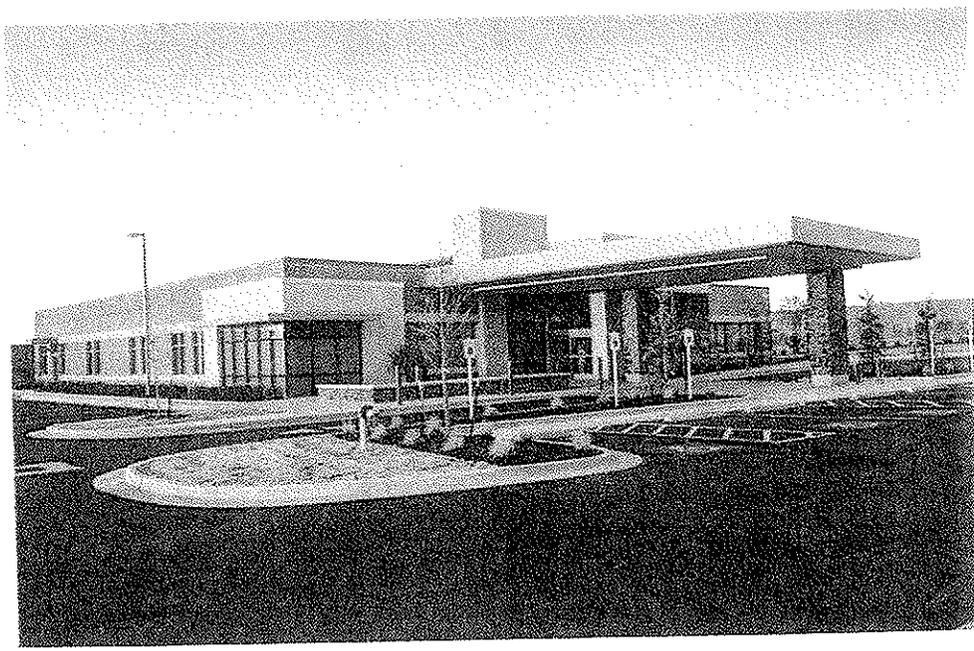
Mercy+it



2T

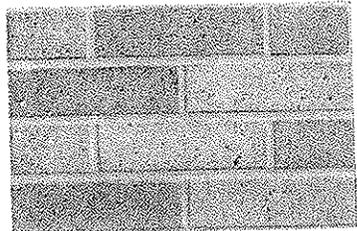
Mercy Cliff Drive
Building Materials List
 07.19.13

Below is an image of the Dallas Street Clinic located at 7800 Dallas Street in Fort Smith, AR. Although not an exact duplicate, the material usage and scale of the proposed Cliff Drive clinic will be similar to the Dallas Street Clinic.

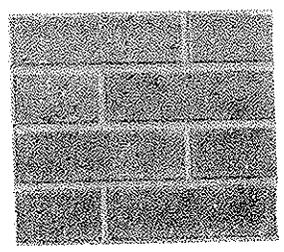


Below is a list of proposed building materials for the Mercy Cliff Drive Clinic.

- 1. Modular Brick Veneer [Field]



- 2. Modular Brick Veneer [Accent]

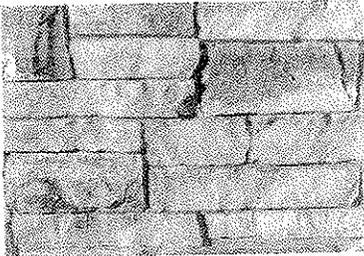


LITTLE ROCK
 2222 Cassardale Lane
 Suite 100
 Little Rock, AR 72202
 501.378.0878

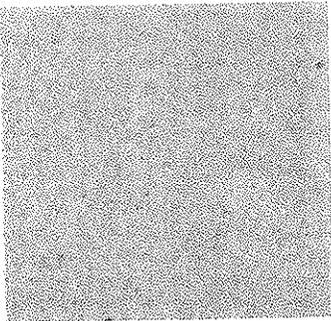
FAYETTEVILLE
 309 W. Spring St
 Suite 130
 Fayetteville, AR 72701
 479.844.0473

2Y

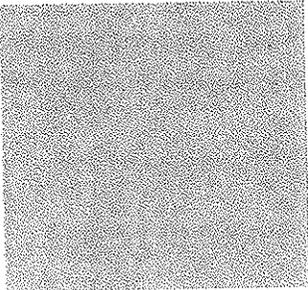
3. Natural Stone Veneer



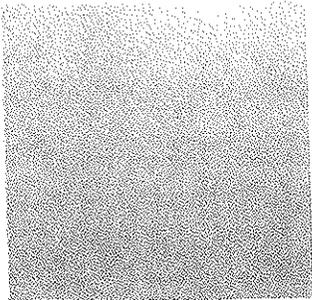
4. Architectural Precast Concrete



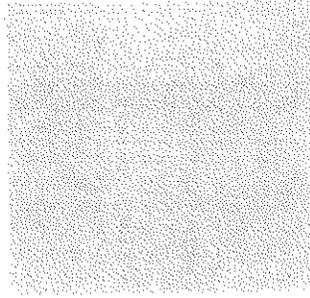
5. Portland Cement Plastering System



6. Aluminum Composite Metal Panels

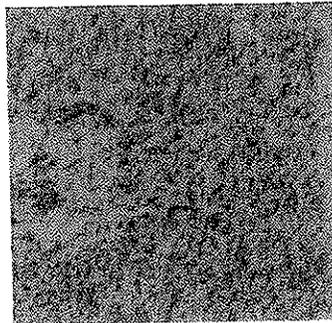


7. Aluminum Storefront/Curtain-wall

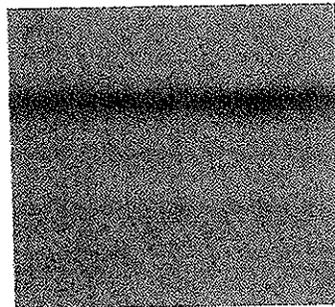


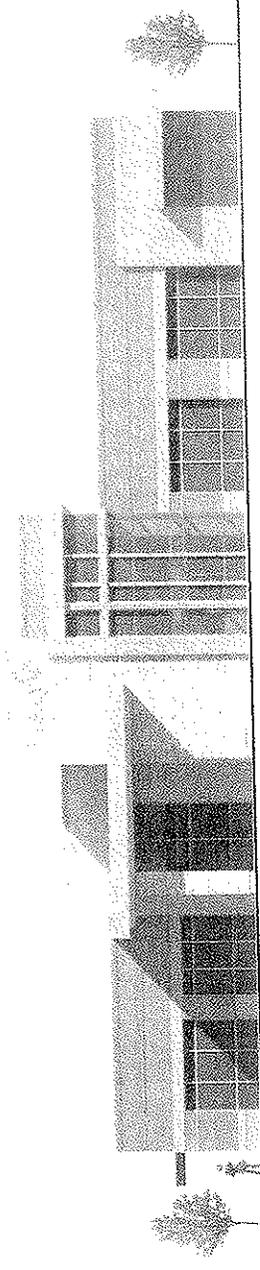
8. Glazing Panels [1" Insulated Glass]

9. Metal Wall Panels

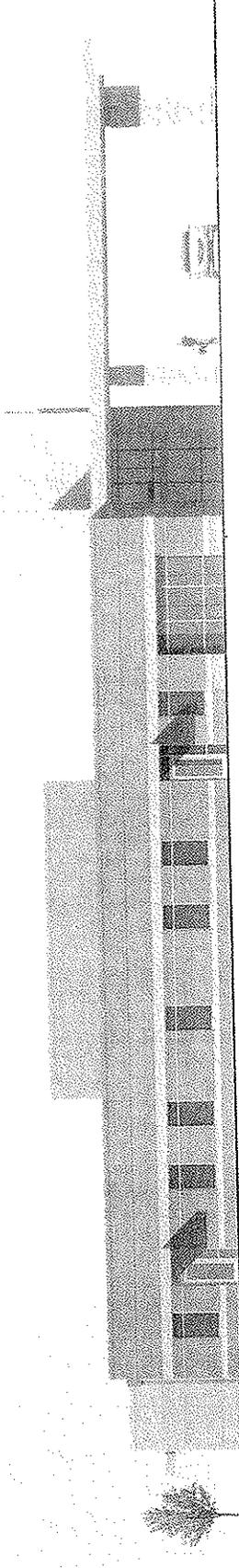


10. Rooftop Equipment Screen





NORTH ELEVATION



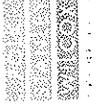
EAST ELEVATION



07.19.13

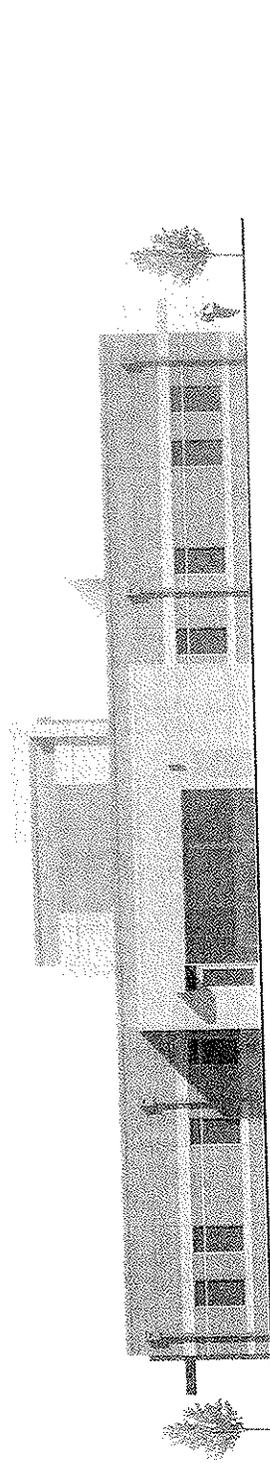
EXTERIOR ELEVATIONS

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS
 A NEW 13,623 S.F. 2 FLOOR MEDICAL OFFICE BUILDING

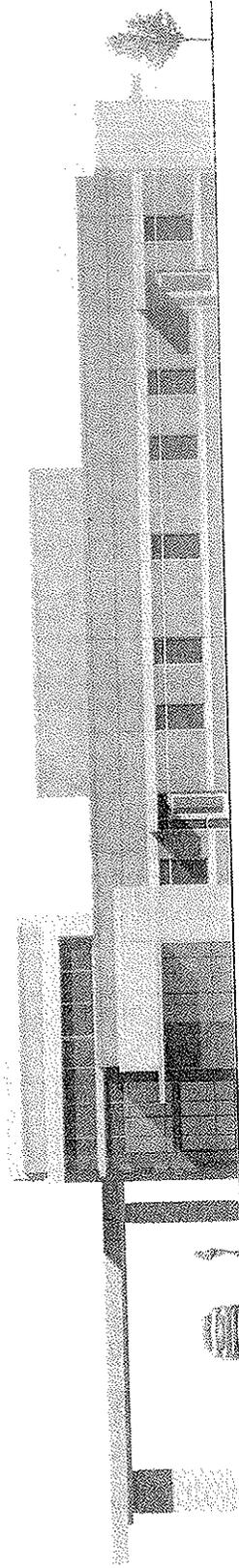


Mercy
 HEALTHCARE

22-2

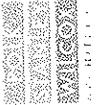


SOUTH ELEVATION



WEST ELEVATION

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS
 A NEW 13,625 S.F. 2 FLOOR MEDICAL OFFICE BUILDING



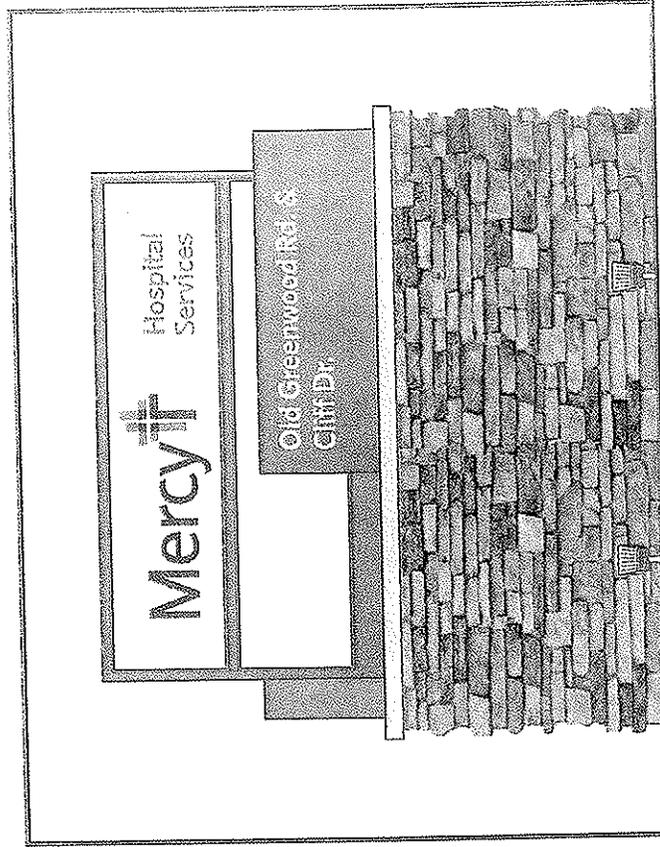
Mercy

EXTERIOR ELEVATIONS

07.19.13

22-3

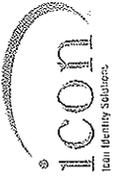
Mercy†



Location #: 979

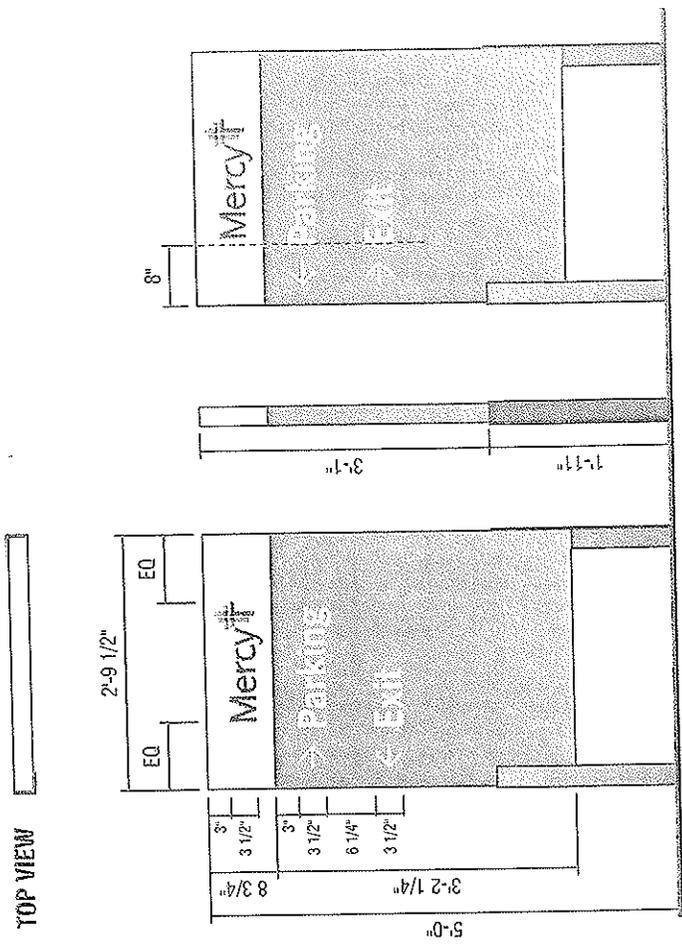
Old Greenwood Rd. & Cliff Dr.
Fort Smith, AR

The Icon Companies®



27-4

SIGN 1



D2-B-NI NON-ILLUMINATED DIRECTIONAL - (11 SQ. FT.)

QTY: 1

NOTE: COPY T.B.D.

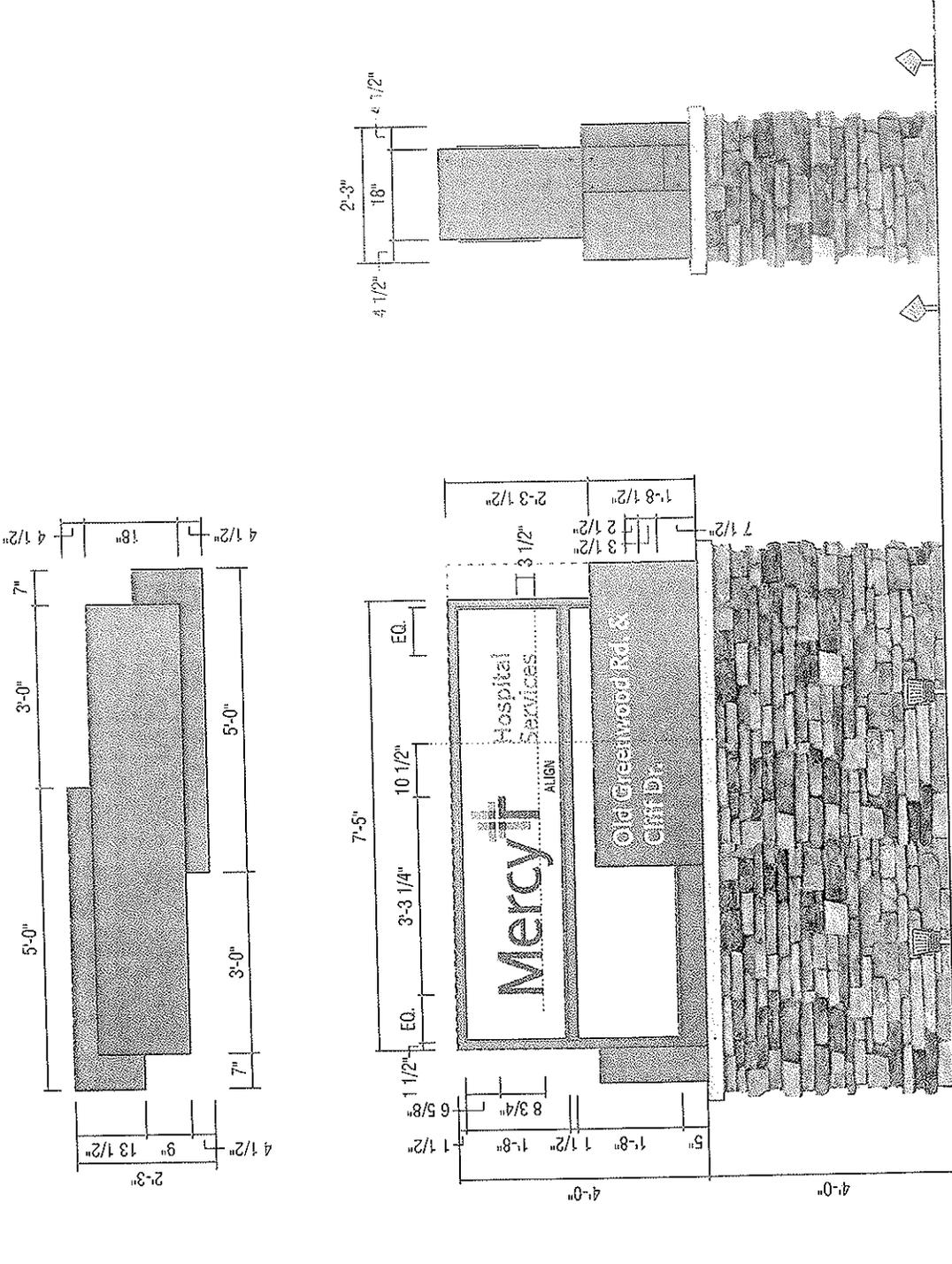
22-5

		STEEL PLAN		Rev #	Req#	Date	Rev. By	Drawn By	Revision Description
				Rev 1	000000	00000000	XXX	XXX	XXX
Location: Old Greenwood Rd. & Cliff Dr. Fort Smith, AR Proj #: 3702 Loc #: 979 Date: 07/17/13 Rev #: 152538 Drawn By: KWIK Page #: 2		The Icon Companies 		Rev 2	000000	00000000	XXX	XXX	XXX
				Rev 3	000000	00000000	XXX	XXX	XXX
				Rev 4	000000	00000000	XXX	XXX	XXX
				Rev 5	000000	00000000	XXX	XXX	XXX
				Rev 6	000000	00000000	XXX	XXX	XXX
				Rev 6	000000	00000000	XXX	XXX	XXX

FILE PATH: Active\ACCOUNTS\IN\Mercy Health System\Locations\Project_3702\3702_979_Fort Smith.dwg

Drawings are the exclusive property of Icon Identity Solutions Inc. Any unauthorized use or duplication is not permitted.

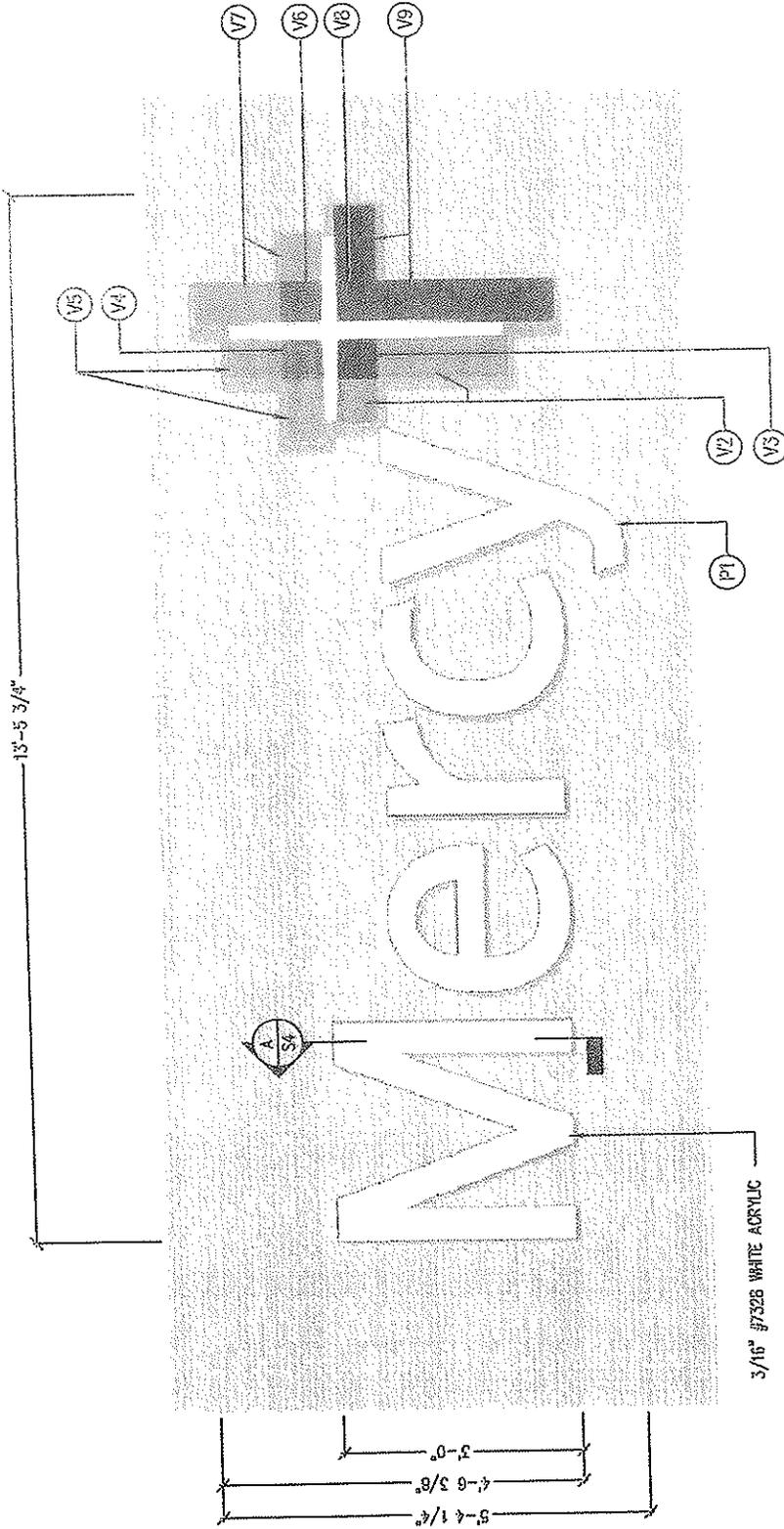
SIGN 2



CUSTOM B2 4'-0" NON-ILLUMINATED MONUMENT W/ STONE BASE & EXTERNAL ILLUMINATION - (32 SQ. FT.) SIDE VIEW
 SCALE: 3/8" = 1'-0"
 CITY: 1
 NOTE: COPY T.B.D.

		RECOMMENDATION		Rev. #1: 000000 (00/00/00) XXX Rev. #2: 000000 (00/00/00) XXX Rev. #3: 000000 (00/00/00) XXX Rev. #4: 000000 (00/00/00) XXX Rev. #5: 000000 (00/00/00) XXX Rev. #6: 000000 (00/00/00) XXX	Date: 07/17/13	Page #: 3
				Location: Old Greenwood Rd. & Cliff Dr. Fort Smith, AR	Proj #: 3702 Loc #: 979	Date: 07/17/13
The Icon Companies 		Drawing is the exclusive property of Icon Identity Solutions Inc. Any unauthorized use or duplication is not permitted.				

22-6



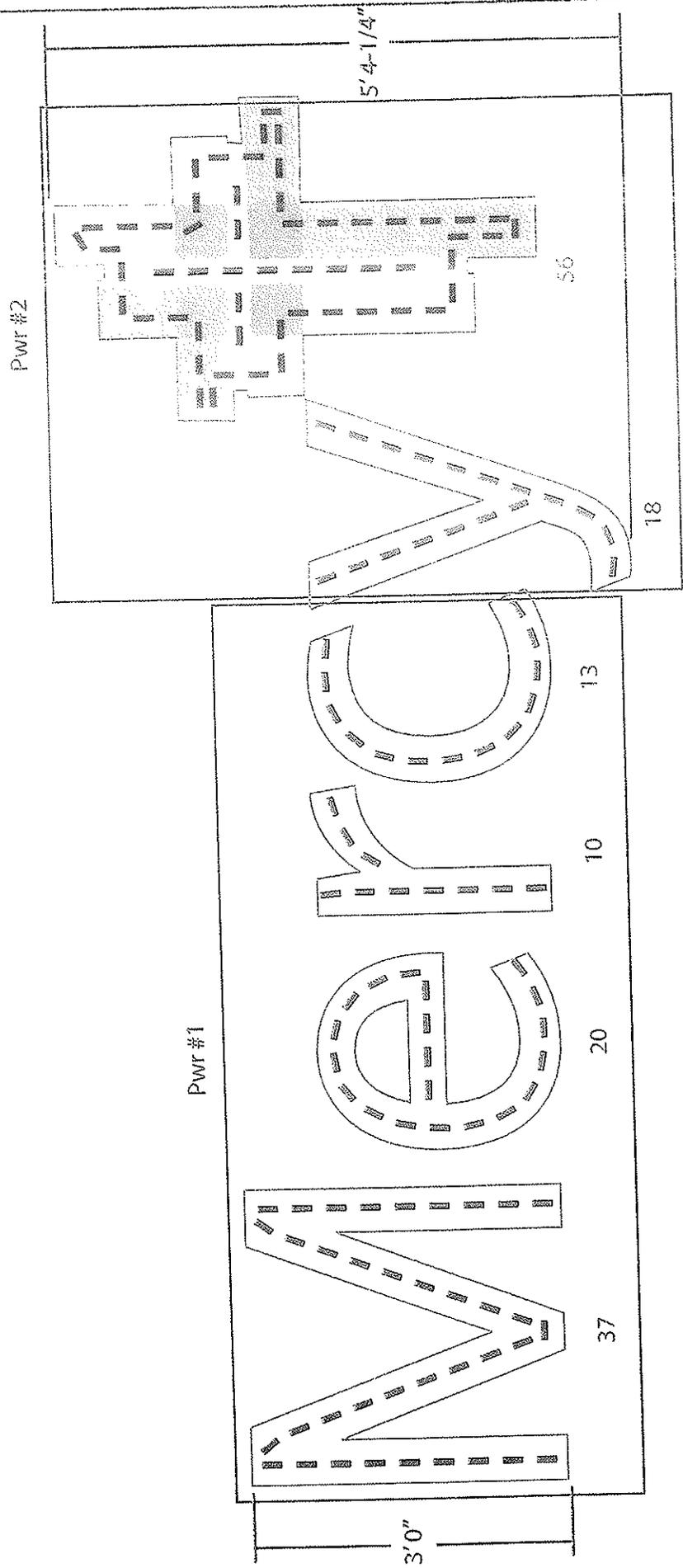
PAINT AND VINYL SPECS

P1	"CHAMPAGNE METALLIC" PAINT, SEMI-GLOSS FINISH (PFS-4217) (EN-1380)
V1	WHITE REFLECTIVE VINYL, ARLON 2400-02, APPLIED FIRST SURFACE
V2	"MERCY DK TEAL" VINYL, ORACAL 8500-341 (2 LAYERS), APPLIED FIRST SURFACE
V3	"MERCY SULTAN BLUE" VINYL, ORACAL 8500-527, APPLIED FIRST SURFACE
V4	"MERCY DK ORANGE" VINYL, ORACAL 8800-034 (2 LAYERS), APPLIED FIRST SURFACE
V5	"MERCY LT ORANGE" VINYL, ORACAL 8800-015, APPLIED FIRST SURFACE
V6	"MERCY DK OLIVE" VINYL, ARLON 2500-668 (2 LAYERS), APPLIED FIRST SURFACE
V7	"MERCY LT OLIVE" VINYL, ARLON 2500-12, APPLIED FIRST SURFACE
V8	"MERCY DK RED" VINYL, ORACAL 8800-348 (2 LAYERS), APPLIED FIRST SURFACE
V9	"MERCY RED" VINYL, ORACAL 8800-330, APPLIED FIRST SURFACE

22-7

- 1) Unless specified all quotes and layouts are for a single face sign or a single set of letters.
 - 2) Quotations are based off the quality of art work and amount of detailed information provided by the customer pertaining to font, letter height, can depth, face material, and any special instructions provided by the customer.
 - 3) Missing information may cause delays in the delivery of estimates, as well as effect product selection, quantities, application, and illumination.
 - 4) LED module placement is an approximation. Agilight recommends the sign manufacturer verify the LED placement and quantity to ensure even illumination.
 - 5) Final material estimates are the responsibility of the sign manufacturer to ensure the customer's expectations are met.
 - 6) Unless otherwise stated on this drawing, all face lit signs are assumed to be 5 inches deep and halo illuminated signs are assumed to be a minimum of 2 inches deep.
- For detailed information on installation of Agilight LED modules and systems please refer to "Installation Guides" and "Product Specification Sheets" at www.Agilight.com under the download section or contact a customer service representative toll free at: 866.482.0203.

LIF-36-W



MH

1218 Arion Parkway Ste 106
 San Antonio, TX 78216
 PH: (866) 482-0203
 Fax: (210) 360-1454
www.agilight.com

AGILIGHT
 Light It Up

36" Mercy
 July 5, 2011

27-8
 52 feet White SignRayz™ Core - 154 Modules
 2 - 60W Power Supplies

Standard channel letter worksheet
48 inch letter height and below

Description	36" White face lit channel letters with champagne returns w/ 4-6 3/8" "Cross" logo		
Eng Request #	110634	Eng Drawing #	MHS0008B
Location	Various	Estimate #	58207
Depth of letter	5"	Mounting type	1/2 inch spacer
Letter Height (in)	36	Photocell required	No
Return thickness	.040" w/ white pre-coat	Primary voltage	120
Trim cap size	1 inch	Watts	75
Back thickness	0.063	Amps	0.63
Aspect ratio confirmed	Yes	# of 20 A circuits	1
Raceway location	N/A	Sign Sq footage	72
Illumination	LED face lit	Weight of sign	432
Location of letterset	Exterior		
Light screen for drain hole?	Yes	5/16 inch drainholes required	
Raceway mount?	No		
Remote or Self contained	Remote		
Face decoration	see artwork		
Face material	3/16" #7328 white acrylic		
Trim cap color	Logo to be Jewelite white and Letters to be Jewelite Bronze #313		
Return color	Paint champagne, Sherwin williams #EN1380		
Letter anchor type	Rivnut with 3/8 inch S.S rod		
Minimum anchors per letter	3		
Minimum anchors per raceway	N/A		
Maximum modules per power supply	120		
Cut off switch location	Wall		

Included in this worksheet packet
artwork
LED/neon layout
installation and section details
mounting details

Type in specification
 Select from a list

Special Requirements

General Requirements

1. All letter sets require a UL label
2. Letters are designed to meet 2006 International Building Code ASCE 7-05 (90mph Exposure C)
3. Letters to be installed accoring to NEC and/or applical local codes
4. The disconnect must be placed in direct view of the sign
5. Use white silicone to conceal light leaks

Revision	Drawn by	Date	Checked by	Date	Description of change
A	RR	9/6/2011	MS / AP	9/6/2011	Initial drawing
B	MS	9/20/2011	JBE	9/20/2011	Change trim cap and color specs

22-9

3. TEA – Fort Smith, Lot 1 – Final Plat –Hawkins-Weir Engineers

Proposed Zoning Designation: Transitional (T)

Land Use: To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses.

Proposed Use: Medical Clinic

We recommend approval of the final plat. After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Proposed Master Land Use Plan Amendment by Mercy Health Fort Smith Communities, agent, at 3700 Cliff Drive from Mixed Use-E to Commercial Neighborhood

The Planning Department is in receipt of an application from Mercy Health Fort Smith Communities, agent, for H. Weeks properties Limited Partnership, Christopher Weeks, to amend the *Master Land Use Plan* from Mixed Use Employment to Commercial Neighborhood to accommodate a proposed rezoning to Transitional (T). The subject property is on the southeast side of the intersection of Old Greenwood Road and Cliff Drive. The tract contains 3.91 acres with approximately 572 feet of street frontage along Cliff Drive and approximately 566 feet of street frontage along Old Greenwood Road.

The existing zoning of the site is residential Estate One Acre (RE-1). A companion application proposes a change in the zoning classification from Residential Estate One (RE-1) to Transitional (T) by extension. 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 classifications and uses contiguous to the subject lot are as follows:

The area to the north (across Cliff Drive) is classified as Commercial Neighborhood and developed as ABF Office.

The area to the east is classified as Mixed Use-Employment and is undeveloped.

The area to the south is classified as Mixed Use-Employment and is undeveloped.

The area to the west (across Old Greenwood Road) is classified as Residential Detached and is developed as single family residences.

The proposed Land Use classification of Commercial Neighborhood is described as follows:

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.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|--|-----|
| • Compatible with and complimentary to surrounding uses. | YES |
| • Located on high volume arterials and collectors | YES |
| • Located as a cluster of like services | YES |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Cliff Drive as a Local Road and Old Greenwood Road as Major Arterial.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 30, 2013, at 6:00 p.m. at 7800 Dallas Street. Ten surrounding property owners attended the meeting. Some property owners expressed concern that the proposed use was non-residential and that trees and vegetation would be removed from the site due to construction and utility installation. Favorable comments included that the proposal was a quality development and would provide a convenient source of medical services for the area. A copy of the attendance record and meeting summary are included with the preliminary development plan/plat application.

Based on compliance with the criteria for designation as Commercial Neighborhood and because the site is adjacent to a large area classified as commercial neighborhood, staff recommends approval of the application.

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: Larry Young	
Firm Name: Mercy Health Fort Smith Communities	
Address: 2710 Rife Medical Lane, Rogers, Arkansas 72758	
Phone # (day): 479-338-2995 Phone # (cell): 479-633-0277 Fax #:	
Owner Name: H. Weeks Properties Limited Partnership	
Owner Address: P. O. Box 1551	
Phone # (day): 479-782-9179 Phone # (cell): Fax #:	
Property Address (subject property): 3700 Cliff Drive	
Subject Property	
Current Land Use: Mixed Use-E (Vacant)	
Existing MLUP Classification: Mixed Use-E	
Proposed MLUP Classification: Commercial Neighborhood	
Existing Zoning Classification: (RE-1) Residential Estate One	
Proposed Zoning Classification: (T) Transitional	
Surrounding Property	
Current Land Use: north- Commercial Neighborhood (Office)	
south- (Vacant)	
east- (Vacant)	
west- Single Family Detached	
Existing MLUP Classification: north: Commercial Neighborhood	
south: Mixed Use-E	
east: Mixed Use-E	
west: Single Family Detached	
Existing Zoning Classification: north: T-SPL	
south: RE-1	
east: RE-1	
west: RS-2	
Pre-Application Meeting Date: July 15, 2013	

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:

4C

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:

Cliff Drive- asphalt pavement in good condition.
Old Greenwood Road - asphalt pavement in good condition.

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

All existing public utility services and fire/police services available to proposed development with the exception of sanitary sewer. Sanitary sewer extension will be required to serve proposed site.

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

The proposed building comprises 8% of the lot coverage, which is far less than the 65% maximum lot covered.

7. Identify any known or anticipated environmental concerns:

No know environmental concerns

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: NA

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

40

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

NA

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

NA

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

NA

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:

NA

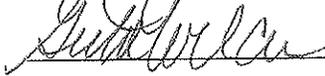
For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

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:

Certification

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

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

 _____

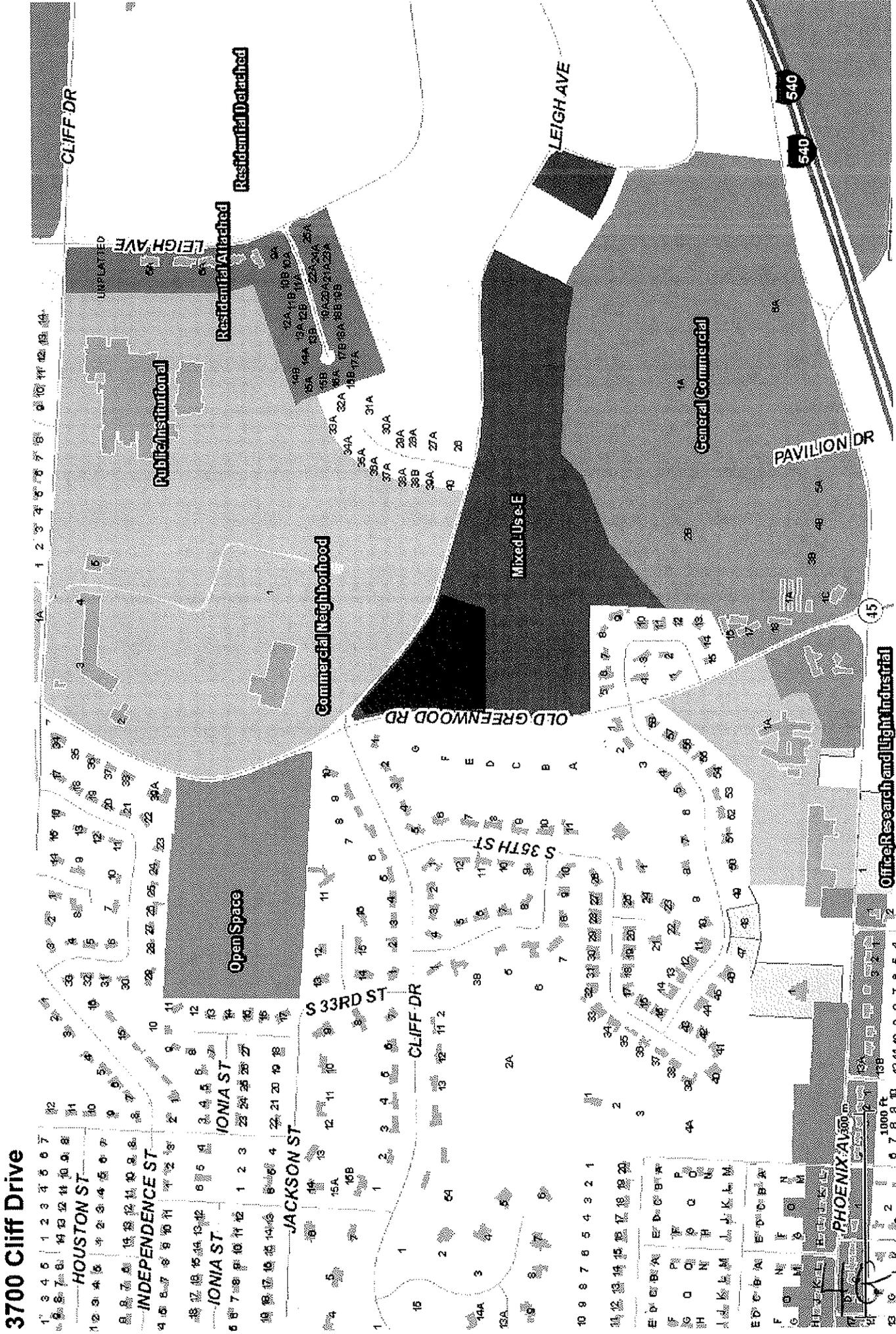
Signature (Agent/Owner)

07/18/13 _____

Date

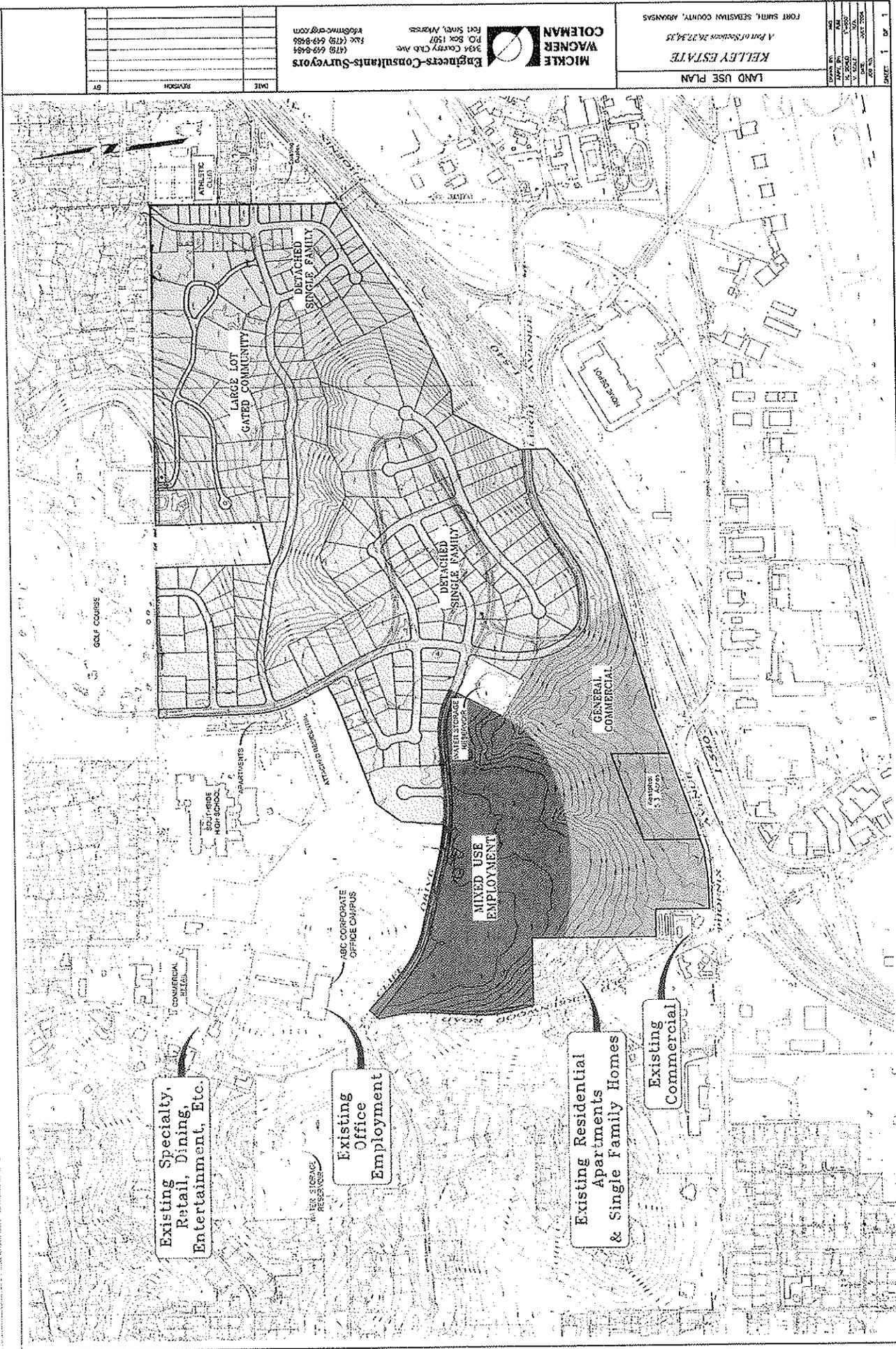
The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

Master Land Use Plan Amendment: From Mixed Use E to Commercial Neighborhood



HH

Kelly Planning, Inc.



Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Rezoning #13-8-13 - A request by Mercy Health Fort Smith Communities, agent, for Planning Commission consideration of a zone request from Residential Estate One Acre (RE-1) to Transitional (T) by extension at 3700 Cliff Drive

LOT LOCATION AND SIZE

The subject property is on the south east side of the intersection of Old Greenwood Road and Cliff Drive. The tract contains an area of 3.91 acres with approximately 572 feet of street frontage along Cliff Drive and approximately 566 feet of street frontage along Old Greenwood Road.

EXISTING ZONING

The existing zoning on this tract is Residential Estate One Acre (RE-1). Characteristics of this zone are as follows:

Purpose:

The purpose of the Residential Estate One Acre zoning district is to provide areas for low-density, large lot single family residential development. Property zoned RE-1 should include tracts that abut or are in close proximity to existing or approved large-lot single family development, making RE-1 an appropriate transition between rural and suburban uses.

Where public facilities and services are not yet available, development in this district shall be designed to allow for the future planned expansion of utilities and services where necessary. RE-1 zoning is appropriate in the Residential Detached, Mixed use Residential, and Mixed use Employment future land use classification of the Master Land Use Plan.

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 1 acres
Maximum Density – 1 Dwelling Units/Acre
Minimum Lot Width of Building Line – 100 feet
Minimum Street Frontage – 50 feet
Front Yard Setback - 40 feet
Side Yard on Street Side of Corner Lot - 40 feet
Side Yard Setback – 15 feet
Rear Yard Setback - 20 feet
Minimum building separation – 15 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 20%

REQUESTED ZONING

The requested zoning on this tract is Transitional (T).
Characteristics of this zone 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
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.

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The area to the north (across Cliff Drive) is zoned Transitional (T) and is developed as ABF Office.

The areas to the east are zoned Residential Estate One Acre and are undeveloped.

The areas to the south are zoned Residential Estate One Acre and are undeveloped.

The areas to the west (across Old Greenwood Road) are zoned Residential Single Family Medium Density (RS-2) and are developed as single family residences.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use-Employment. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. (A companion Development Plan Review, Rezoning and Variance are also requested)

PROPOSED ZONING

This rezoning if approved will facilitate the construction of a new medical facility.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 30, 2013, at 6:00 p.m. at 7800 Dallas Street. Ten surrounding property owners attended the meeting. Some property owners expressed concern that the proposed use was non-residential and that trees and vegetation would be removed from the site due to construction and utility installation. Favorable comments included that the proposal was a quality development and would provide a convenient source of medical services for the area. A copy of the attendance record and meeting summary are included with the preliminary development plan/preliminary plat application.

In staff's opinion, the proposed Transitional zoning district is compatible with the surrounding zoning districts and land uses. Staff recommends approval contingent upon the following comments:

1. Planning Commission approval of the companion master land use plan amendment and preliminary development plan applications.
2. Board of Zoning Approval of the variance for: 1) maximum parcel/lot size for rezoning to Transitional from 2.0 acres to 3.91 acres; and 2) required street access from residential collector or higher to residential (local street).
3. Any future development on the property (e.g. building additions, new construction, parking lots, or changes to the approved development plan) must be approved by the Planning Commission before a building permit is issued.

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 Exhibit A

2. Address of property: 3700 Cliff Drive

3. The above described property is now zoned: Residential Estates One (RE-1)

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

5. Why is the zoning change requested?

Proposed Medical Office

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

Signed:

GROTA WILCHER
Owner or Agent Name
(please print)

Owner

7301 ROGERS AVE.
Owner or Agent Mailing Address

or
Grota Wilcher
Agent

479-314-6104
Owner or Agent Phone Number

Rezoning #13-8-13: From Residential Estate One Acre (RE-1) to Transitional (T)

3700 Cliff Drive

5E



Memo

To: City Planning Commission

From: Planning Staff

Date: July 30, 2013

Re: Rezoning #10-8-13 - A request by Jeff Lee, agent for Tony White, for Planning Commission consideration of a zone request from Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 7200 South 28th Street.

LOT LOCATION AND SIZE

The subject property is on the west side of South 28th Street between Cavanaugh Road and U.S. Hwy 71. The tract contains an area of 3.55 acres with approximately 300 feet of street frontage along South 28th 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

REQUESTED ZONING

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

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Industrial Moderate (I-2) and is undeveloped.

The areas to the east are zoned Commercial Heavy (C-5) and Industrial Light (I-1) and are developed as UPS and a contractor’s shop and storage yard.

The area to the south is zoned Industrial Light (I-1) and is developed as a utility substation.

The area to the west is zoned Industrial Moderate (I-2) and is undeveloped.

LB

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as a Park/Open Space/Floodway Land Use Classification. This classification is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PROPOSED ZONING

The Planned Zoning District if approved will allow a building addition on the current industrial site for the retreading of tires. This would be the only use permitted that is permitted with this PZD that is in the Industrial Heavy (I-3) and not in the Industrial Moderate (I-2) zone as shown on the land use chart comparison table.

PROJECT BOOKLET

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

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**

- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**

- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety; **YES**

- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features; **YES**

- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies; **YES**

- F. The required right-of-way dedication has been identified by the City Engineering Department. **YES**

- G. All easements and utilities shall meet the requirements of the approving departments and agencies. **THE DEVELOPMENT COMPLIES WILL ALL APPROVING DEPARTMENTS.**

6C

- I. Articulate how the plan exceeds the UDO requirements. (ex. increased landscaping, increased high quality materials, etc.) **THE SITE CURRENTLY DOES NOT EXCEED THE UDO REQUIREMENTS.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The business will utilize the existing driveway on the site.

Right-of-way dedication – The existing 70' right-of-way is adequate for current classification

Landscaping – **NONE PROPOSED**

Screening – No screening is proposed. All of the processes are to remain indoors.

Parking – The development will utilize the existing parking on the site.

Signage – No new signage has been proposed.

FACTORS TO BE CONSIDERED

If the Planning Commission approves this request, staff request that the Planning Commission consider the following factors as outlined in Section 27-341-3(E) of the UDO

1. Rezoning Application -- Approval, approval as amended, or denial of the rezoning application shall be based upon consideration of the following factors:
 - A. Compatibility with the Comprehensive Plan, Master Land Use Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The plan is compatible with the area plans.**
 - B. Compatibility of the proposed development with the character of the neighborhood. **The proposed development of the additional shop is compatible with the character of the neighborhood.**
 - C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The proposed use to retread tires is a compatible use in the I-3 Zoning district as outlined in the booklet section of land use chart.**
 - D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **The proposed land use will not be a significant increase or change traffic volume or parking demands.**

60

- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **The existing public utilities and services will adequately serve the existing and proposed land use for this property.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The property complies with the relevant ordinance requirements for Section 27-200, 27-500, and 27-700 as the outlined development booklet.**

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, August 5th, 2013 at 12:00 P.M. on site. No neighboring property owners were present at the neighborhood meeting. A copy of the attendance record and meeting summary are enclosed.

Staff Comments

The project booklet that is enclosed appears to comply with the minimum requirements UDO and would present no significant issue for the area.

6E

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEBASTIAN COMMERCE CENTER LOT 20A

2. Address of property: 7200 So. 20th

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

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

5. Explain why the Planned Zoning District is requested?

A PZD will provide a zoning method that will allow a tire re-treading shop & the other existing land uses, while prohibiting heavy industrial uses that would be allowed if re-zoned to I-3.

Signed:

JEFF LEE

Owner or Agent Name
(please print)

**3409 VILLAGE RD
FSM, AR 72903**

Owner or Agent Mailing Address

Owner

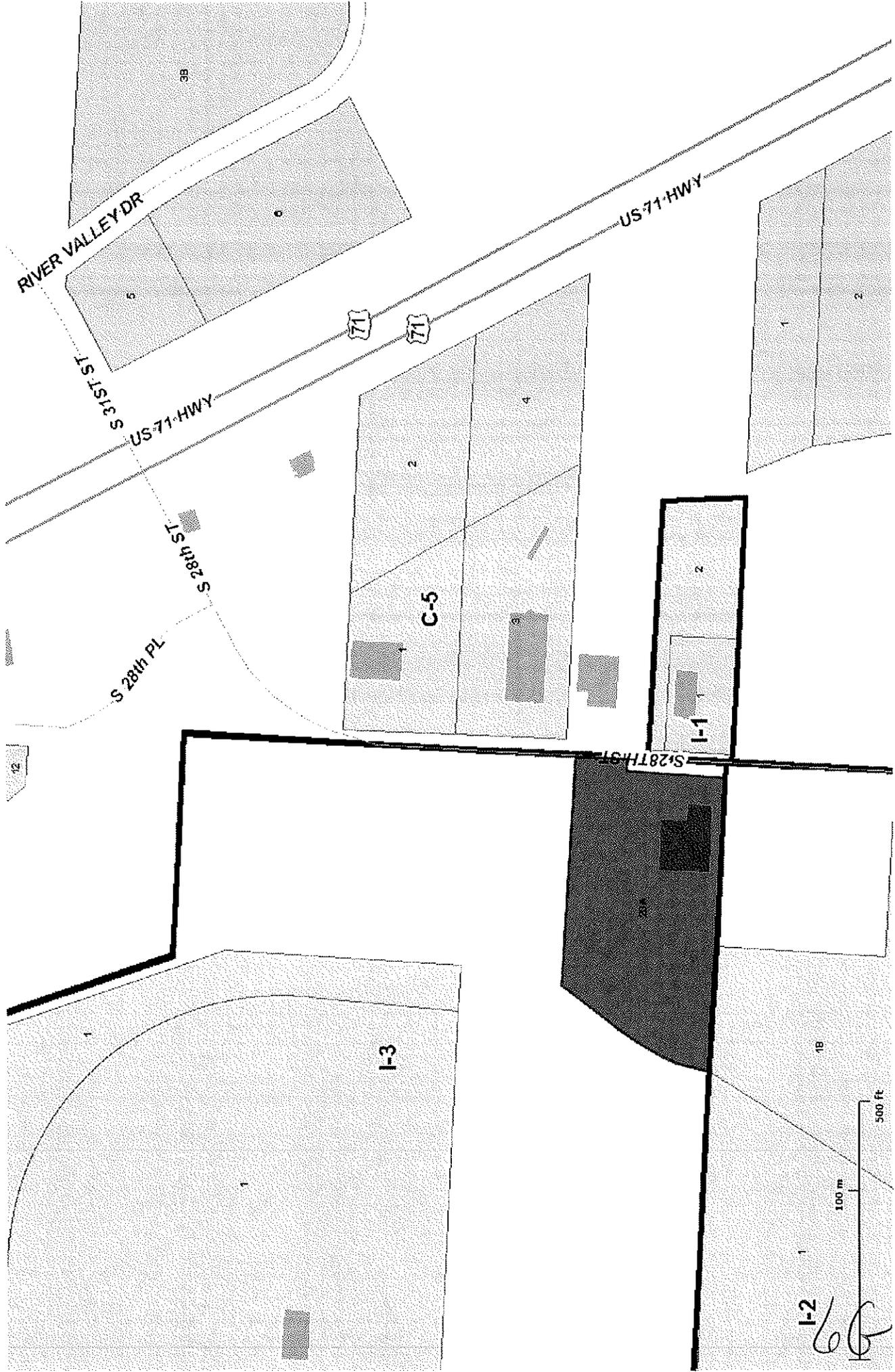
or

Jeff Lee
Agent

6 F

Rezoning #10-8-13: From Industrial Moderate (I-2) to a Planned Zoning District

7200 South 28th Street



PLAT CERTIFIED CORRECT:

Bert L. Petrov, Reg. Professional Land Surveyor, Arkansas No. 1258

PLANNING COMMISSION APPROVAL: [Signature]

Chairman: [Signature], Secretary: [Signature]

FILED FOR RECORD this 23rd day of June, 2004 at 11:10 P.M. Clerk and Ex-Officio Recorder

DORSTATE by [Signature]

THIS PLAT FILED for the purpose of placing on record SEBASTIAN COMMERCE CENTER LOT 20A

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation and maintenance of City owned utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed all of the dedicated easements trees, hedges and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

ALLOTTERS: Tony White

[Signature]

STATE OF ARKANSAS COUNTY OF SEBASTIAN: Sworn and subscribed before me this 23rd day of June, 2004 Notary Public Public & Son My Commission Expires 3-2-0-11

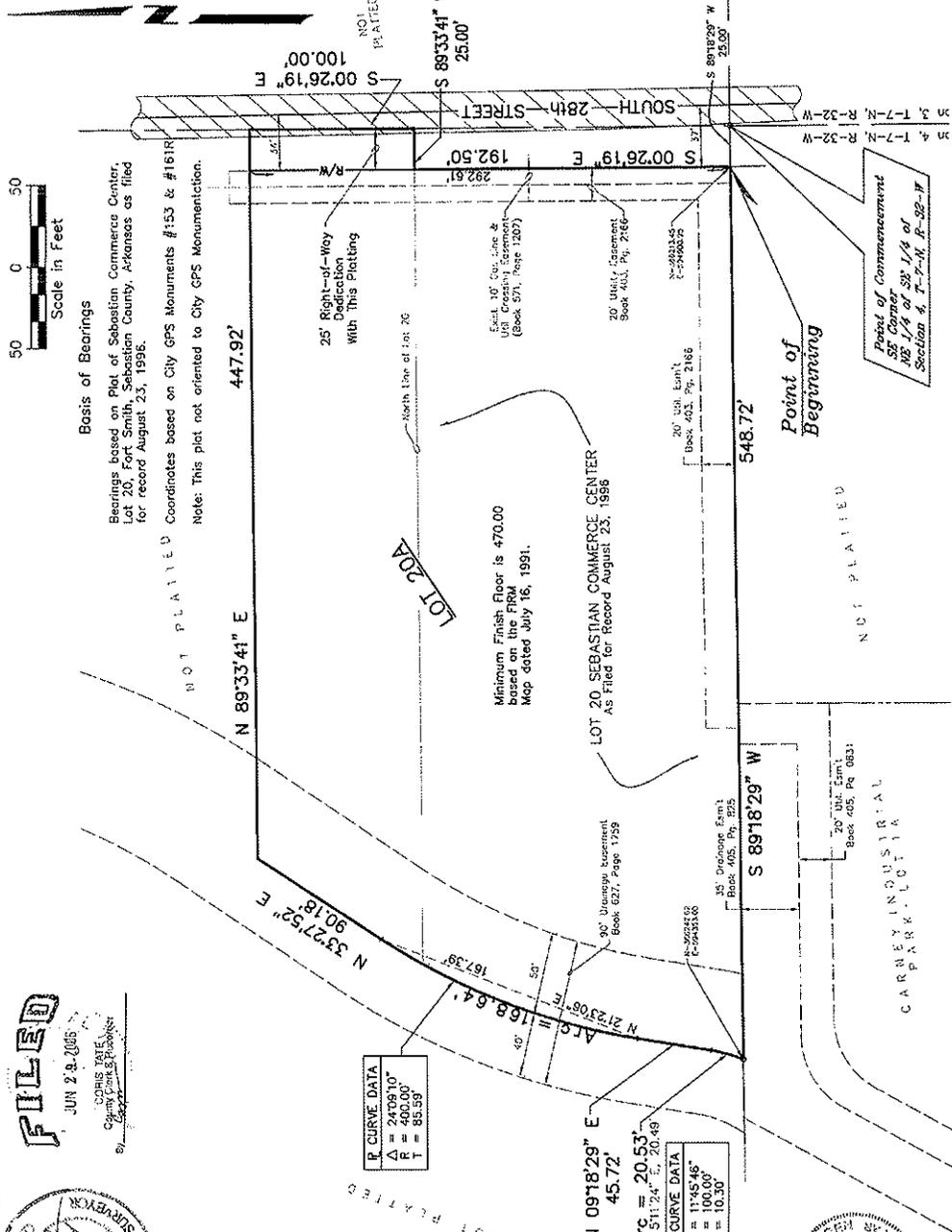
Legend table with columns: UE, Drg Emt, R/W, Utility Easement, Drainage Easement, Right-of-Way

- NOTES: 1. 1/2" Iron Pins Set At Property Corners. 2. All Right of Way Return Radii 25.0'. 3. All Distances along Curves are Chord Distances Unless Otherwise Noted.

Legal Description

A Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 4, T-7-N, R-32-W, Fort Smith, Sebastian County, Arkansas. More particularly described as follows:

Commencing at the Southeast Corner of said NE 1/4 of the SE 1/4 of Section 4; thence S 89°18'29" W, along the South line of said NE 1/4 of the SE 1/4, 25.00 feet to the Point of Beginning and the Southeast corner of Lot 20, Sebastian Commerce as filed for record August 23, 1996; thence S 89°18'29" W, along the South line of said NE 1/4 of the SE 1/4, 548.72 feet to the Southwest corner of said NE 1/4 of the SE 1/4, 100.00 feet along the East line of said NE 1/4 of the SE 1/4, 100.00 feet to the Point of Beginning; thence N 09°18'29" E, 45.72 feet to the point of curvature of a curve to the right, having a radius of 166.64 feet, said curve having a bearing of N 21°23'06" E and a length of 167.39 feet; thence N 33°27'52" E, 90.18 feet; thence N 89°33'41" E, 447.92 feet to the East line of said NE 1/4 of the SE 1/4; thence S 00°26'19" E, 100.00 feet along said East line; thence S 89°33'41" W, 25.00 feet to the Northeast corner of Lot 20, thence S 00°26'19" E, 192.50 feet to the Point of Beginning. Containing a gross area of 154,616 square feet or 3.55 acres more or less.



Basis of Bearings: Bearings based on Plat of Sebastian Commerce Center Lot 20, Fort Smith, Sebastian County, Arkansas as filed for record August 23, 1996. Coordinates based on City GPS Monuments #153 & #161R. Note: This plat not oriented to City GPS Monumentation.

P CURVE DATA table with values: A=2408.10, R=85.50, T=85.50

P CURVE DATA table with values: A=1145.46, R=100.00, T=10.30

SEBASTIAN COMMERCE CENTER LOT 20A

Being a replat of Lot 20 Sebastian Commerce Center Fort Smith, Sebastian County, Arkansas



MICKLE-WAGNER-COLEMAN, INC. Engineers Surveyors Consultants P.O. Box 1507 Fort Smith, Arkansas

17/236

Owner & Developer Tony White 7200 South 28th Street Fort Smith, Arkansas 72908

LOT 20A, SEB COM 403, 889-51-1075, 695

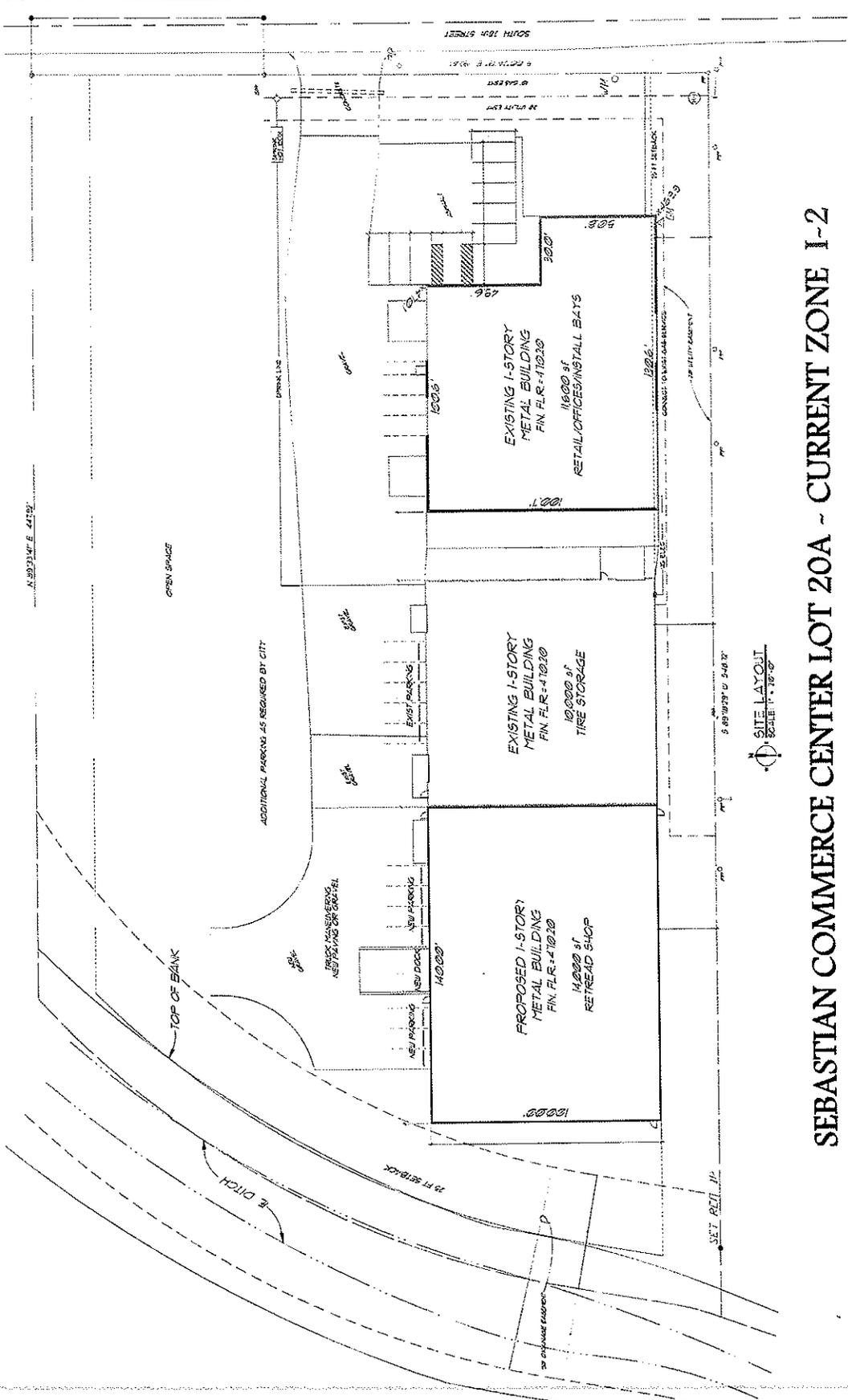


P. JEFFERY LEE, AIA
 3409 Village Rd., Fort Smith, AR 72803
 ph/fax: 479.452.9226
 e-mail: Pjarchitect@aol.com

PHASE II BUILDING FOR:
TONY'S TIRE SERVICE
 7200 SO. 28TH STREET
 FORT SMITH, ARKANSAS

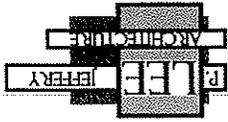


P2D REVIEW



SEBASTIAN COMMERCE CENTER LOT 20A - CURRENT ZONE I-2

67

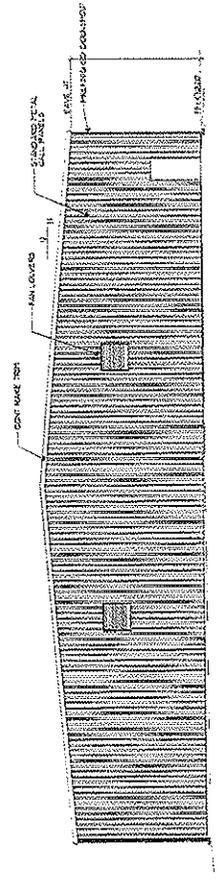


P. JEFFERY LEE, AIA
 3409 Village Rd., Fort Smith, AR 72903
 ph/fax: 479.482.9226
 e-mail: pjlarchitect@aol.com

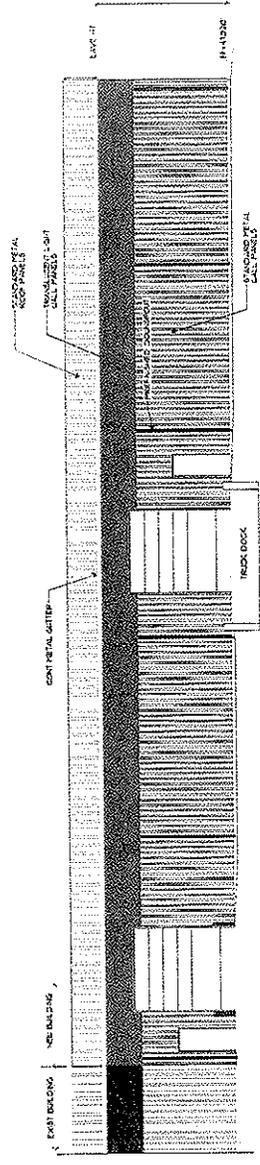
PHASE II BUILDING FOR:
TONYS TIRE SERVICE
 7200 SO. 28TH STREET
 FORT SMITH, ARKANSAS



P2D REVIEW



WEST ELEVATION
 SCALE 1/8" = 1'-0"



NORTH SOUTH ELEVATION
 SCALE 1/8" = 1'-0"
 1" = 1'-0" FOR NORTH ELEVATION ONLY

65

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7200 S. 25th

Meeting Time & Date Monday Aug 5 @ 12:00

Meeting Purpose PZD

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>TOM MONACO</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>Jeff Lee</u>	<u>Architect</u>	<u>452-9226</u>
3.	<u>RANDY HOBBS</u>	<u>Contractor</u>	<u>651-0719</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

6K

Monaco, Tom

From: Jeff Lee [pjeffery99@aol.com]
Sent: Monday, August 05, 2013 12:16 PM
To: Monaco, Tom
Subject: Tony's tire

Neighborhood Meeting was called to order at noon today. See sign in sheet for attendees. Meeting was adjourned at 12:15. No neighbors attended and nothing was discussed.

Sincerely,
Jeff Lee

Sent from Jeff's iPhone

Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Rezoning #11-8-13 - A request by Kim Hesse, agent for House of Restoration, for Planning Commission consideration of a zone request from Unzoned to Residential Single Family Medium High Density (RS-3) by classification at 7600 Massard Road

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road. The tract contains about 10 acres with approximately 1,343 feet of street frontage along Massard Road.

EXISTING ZONING

The property is currently Not Zoned

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery

7A

schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet (1+1)	Maximum Height - 35 feet
Maximum Density – 6.7 Dwelling Units/Acre 60%	Maximum Lot Coverage -
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 25 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and is undeveloped.

The area to the east is Not Zoned and is undeveloped.

The area to the south is Not Zoned and is undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1 (ETJ O-1) and is an undeveloped portion of Ben Geren park.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Institutional. This classification is intended for the creation of commercial, industrial, office, institutional and technical developments that are connected to surrounding land uses via a multi-modal transportation network that binds Chaffee Crossing community. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

PROPOSED ZONING

The proposed zoning will facilitate the development of a 19,628 s.f. church.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant contacted all surrounding property owners and no objections were expressed. A copy of the applicant’s communications with the property owners is enclosed.

Based on compatibility with surrounding zoning districts and land uses, staff recommends approval of the zoning application with the following comment:

- All construction must be built in accordance with the submitted development plan/conditional use application

7B

Nez 11-8-13

PETITION FOR CHANGE IN ZONING MAP

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

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

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

Part of Government Lots 1 and 2 of the Southwest Quarter of Section 6, and part of Government Lot 1 of the Northwest Quarter of Section 7, all in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Government Lot 1 of the Southwest Quarter, said point being marked with an existing 1/2" rebar in concrete; Thence along the north line of said Southwest Quarter N-87°23'34"W, 2819.18 feet to an existing 1/2" iron pin; Thence along the east boundary line of the Sebastian County parcel S62°16'25"E, 1933.59 feet to the POINT OF BEGINNING, said point being marked with a set 1/2" rebar with cap stamped MNC 1369; Thence S96°09'60"E, 560.95 feet to a point on the west right-of-way line of Mossard Road, said point being marked with a set 1/2" rebar with cap stamped MNC 1369; Thence 1399.08 feet along the arc of a curve to the left in said right-of-way line, said curve having a radius of 2546.73 feet and being subtended by a chord having a bearing of S13°11'52"W and a distance of 1343.01 feet to an existing 1/2" rebar with cap stamped 147; Thence along the north right-of-way line of Finckers Road, S87°12'47"W, 243.67 feet to a set 1/2" rebar with cap stamped MNC 1369; Thence along said east boundary line of the Sebastian County Parcel N00°27'43"E, 337.82 feet to an existing 1/2" rebar with cap stamped 147; Thence continuing along said boundary line N02°15'45"W, 492.00 feet to the POINT OF BEGINNING. Containing 10.00 acres, more or less.

- 2. Address of property: 7600 Mossard Blvd., S. of Stonebrook SD.

- 3. The above described property is now zoned: Un-zoned

- 4. Application is hereby made to change the zoning classification of the above described property to RS3 by Classification (Extension or classification)

- 5. Why is the zoning change requested?
Property Owner wishes to build a church on the property.
The proposed zone RS3 matches the surrounding land uses and
it allows for the development of a church by Conditional Use
Permit.

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

Signed:

Kim J. Hesse
 Owner or Agent Name
 (please print)

 Owner

134 West Emma Ave., Springdale, AR 72764
 Owner or Agent Mailing Address

or
Kim J. Hesse
 Agent

479-756-1266
 Owner or Agent Phone Number

7C

Andrews, Brenda

From: Kim Hesse [kjh@eda-pa.com]
Sent: Monday, July 29, 2013 2:51 PM
To: Andrews, Brenda; Wally Bailey
Cc: Tashala Devrow; Ivy Owen
Subject: Comments from adjacent owners - House of Restoration
Attachments: Property Meeting; The House of Restoration

Wally and Brenda – As Brenda and I discussed on the phone, I met with the land owners individually for this project rather than call a neighborhood meeting, the owner to the north is Carrington Creek Homes and to the west is Sebastian County Ben Geren Park. To the south and west is Fort Chaffee Redevelopment Authority.

Attached are e-mail messages from Carrington Creek Homes and the Parks and Recreation Director for Ben Geren Park. I met with them both Friday and asked that they send me some form of acknowledgement that we met to discuss the project. Channon Toland did not have any comments, Monty Sagely did.

Addressing Mont Sagely's requests

- 1) We have no problem replacing the wooden fence for landscaping.
- 2) I believe the Church would prefer to keep their entrances into their parking lot private. We are hoping that the City would allow Carrington Creek to have their own access onto Massard Blvd. even though they cannot keep the required separation between drives partially due to the narrow frontage they have on Massard. I think in this case, it is reasonable to allow an additional access knowing that the Church's driveway is only used a couple times a week.
- 3) I think the church may be fine with providing access near the detention pond if it can remain for emergency vehicles only (having it gated or blocked with break-away bollards) and as long as the drive connecting the properties is added by Carrington Creek when they develop their land. We could plat an access easement in that area.

I will be out of town next week for the study session, James Guertz from our office will attend. I will be present for the Planning Commission meeting however. If we need to discuss these comments, please give me a call or let me know if you wish to set up a meeting with Pastor Devrow and Mr. Sagely.

Thanks

Kim J. Hesse, RLA



**Earthplan
Design
Alternatives, PA**
Civil Engineering / Landscape Architecture

134 West Emma Ave.
Springdale, AR 72764
479-756-1266 office

www.eda-pa.com

Andrews, Brenda

From: CToland@co.sebastian.ar.us
Sent: Monday, July 29, 2013 1:35 PM
To: kjh@eda-pa.com
Subject: Property Meeting

Kim,

Thank you for taking the time to drop off the documents on the new development neighboring Ben Geren Park. Sorry our emails can not seem to match up. Hope you get this. Thanks again,

Channon Toland
Sebastian County Arkansas
Parks and Recreation Administrator
7200 Zero Street - P.O. Box 3609
Fort Smith Arkansas 72913
Park Office: 479-646-2444
Courthouse Office: 441-1300x2109
Fax: 479-646-7779

Andrews, Brenda

From: Mont Sagely [mont@sagely.com]
Sent: Friday, July 26, 2013 3:01 PM
To: Kim Hesse
Cc: Cary Smallwood
Subject: The House of Restoration

Kim,

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2. We would like to see the most northern entry on to your property shared with our parcel so that we can utilize this to have access on to Massard Road.
3. We would like to see a curb cut towards the northeast corner of the detention pond and the parking lot onto our property.

Please feel free to call me if you have any questions. Thank you.

Mont Sagely, ABR©, ABRM©, CRS©, e-Pro©, GRI©
Principal Broker | Owner

Sagely & Edwards Realtors
mont@sagely.com
3101 Rogers Avenue
Fort Smith, AR 72903

479.462.5516 mobile
479.782.8911 office
479.782.9289 fax

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properties is added by Carrington Creek when they develop their land. We could plat an access easement in that area.

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Thanks

Kim J. Hesse, RLA



134 West Emma Ave.
Springdale, AR 72764
479-756-1266 office

www.eda-pa.com

Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Conditional Use #23-8-13 - A request by Kim Hesse, agent for House of Restoration, for Planning Commission consideration of a Conditional Use request to develop a church at 7600 Massard Road

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road. The tract contains about 10 acres with approximately 1,343 feet of street frontage along Massard Road.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Height - 35 feet (1+1)
Maximum Density – 6.7 Dwelling Units/Acre
Maximum Lot Coverage - 60%
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 25 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and is undeveloped.

The area to the east is Not Zoned and is undeveloped.

The area to the south is Not Zoned and is undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ O-1) and is an undeveloped portion of Ben Geren park.

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.

Request for Conditional Use Time Extension – Because the church construction is dependent upon donations, the applicant has requested a one-year extension on beginning to meet the requirements of the conditional use permit.

8B

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Institutional. This classification is intended for the creation of commercial, industrial, office, institutional and technical developments that are connected to surrounding land uses via a multi-modal transportation network that binds Chaffee Crossing community. Approval of the conditional use will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A rezoning request and a variance request accompany this application.

PROPOSED CONDITIONAL USE

The proposed conditional use will facilitate the development of 19,628 s.f. church.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress to the site will be provided by three driveways accessing Massard Road (1 – 36' wide driveway and 2 – 24' wide driveways).

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 the northwesterly portion of the development. A proposed drainage easement will allow drainage pipe to connect to existing drainage pipe on Massard Road. All improvements must comply with the city's 2011 Storm Drainage Standards.

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

Multi-Use bike path – A future Class I bikeway/trail is proposed on the east side of the development and west side of Massard Road running north and south.

Landscaping – The current landscape plan shows perimeter landscaping strip with a berm located adjacent to Massard Boulevard. A variance was approved by the Chaffee Crossing Design Review Committee on July 26, 2013, approving the width of the perimeter landscaping from 20' to 15' wide. The development plan shows interior landscaping islands that cover more than the required five (5) percent of total vehicle use area. The applicant has requested a variance from the maximum size of landscaping islands from 1,500 to 3,300 s.f. A variance was approved by the Chaffee Crossing Design Review Committee on July 26, 2013, approving interior landscape islands from 1,500 s.f. to 3,300 s.f. Automatic irrigation is proposed to maintain the landscaping.

Screening – The current landscaping plan and berm adjacent to Massard Boulevard complies with the requirements to screen parking lots. An opaque privacy fence has been provided on the development plan for the northerly portion of the development. Alternatively, the applicant may utilize landscaping on the north property line to accommodate the adjacent property owner to the north. A variance request to not screen the wooded portion west of the development adjacent to Ben Geren Park has been submitted.

Parking – The current parking plan shows 297 parking spaces for the 1st phase of the project. An additional 103 parking spaces will be completed during phase 2 of the development. The parking plan exceeds the minimum parking requirements set forth by the UDO.

Signage – A 52 s.f. foot digital sign on a 3’ tall rock base is shown adjacent to Massard Road on the north side of the middle driveway. Night time illumination of the digital sign may be a concern for existing and future residential development. A companion variance application requests a variance from the maximum size allowed of 50 s.f. to 52 s.f.

Lighting – The light plan shows parking lot lighting that will not produce any light trespass or unnecessary sky glow. The final exterior lighting plan shall be approved by the Chaffee Design Review Committee.

Setbacks – The proposed development complies with all setbacks.

Architectural features – The proposed worship center is approximately 40’ tall. The exterior facades have a mixture of brick veneer at the base and a stucco wall at the middle of the building. The materials are compliant with the design standards outlined in the UDO. A variance was approved by the Chaffee Crossing Design Review Committee on July 26, 2013, approving the use of EIFS on the façade.

Sidewalks – Section 27-503-19 of the Unified Development Ordinance requires 5’ sidewalks on both sides of streets classified as major arterials. Because a future bikeway/trail is proposed at this location, the engineering department has approved payment from the applicant in lieu of sidewalk construction.

Traffic – The applicant has submitted a traffic information statement for Phase 1 and has been approved by the engineering department. Future phases will require additional study and may involve traffic improvements.

The future addition of southbound lanes and a median on Massard Road will limit access to right in-right out traffic movement.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant contacted all adjacent property owners and no objections were presented. The applicant has provided a copy of the correspondence with the property owners.

Staff recommends approval of the application with the following comments:

- Approval of the companion rezoning application.
- Approval of the companion variance for maximum size of landscape islands.
- Approval of the request to extend the requirements of the conditional use that must be met from one (1) year to two (2) years.
- All construction must be built in accordance with the submitted Development Plan.
- The developer shall provide payment in lieu of sidewalk construction.
- With the future addition of the southbound lanes and a median, access shall be limited to right turn in and right turn out traffic only.
- All drainage improvements shall comply with the city’s 2011 Storm Drainage Standards.

80

- Final plat shall be submitted and approved prior to the issuance of a building permit.
- Submittal of a final landscape plan.
- Final exterior lighting plan shall be submitted for review and approval prior to issuance of building permit.
- All trash receptacles, mechanical equipment, heating/cooling systems, and utility boxes shall be completely screened.
- Digital sign illumination setting shall not operate at levels more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the city certifying the brightness level at the time of issuance of the sign permit. The sign shall have a light sensing device that will adjust the brightness as ambient light conditions change. The message or image on the digital face must remain static for a minimum of eight seconds.

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA AVENUE
SPRINGDALE, ARKANSAS 72764
479-756-1255
FAX: 479-756-2129

May 16, 2013

Ms. Brenda Andrews, Planner
City of Fort Smith
623 Garrison Ave., Rm. 331
Fort Smith, AR 72901

RE: House of Restoration Rezone and Conditional Use Request

Ms. Andrews,

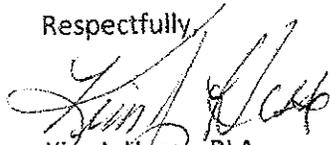
The House of Restoration is a non-denominational church relocating to Chaffee Crossing on 10 acres just south of the Stonebrook Subdivision on Massard Road. The property does not have an existing zoning designation but is within an area proposed for residential use by the Chaffee Crossing Land Use Plan. Since churches do not fall within a specific zoning designation under the City of Fort Smith Zoning Ordinance, a Conditional Use is being requested along with the rezone request to R5-3, Residential Single Family Medium/High Density. The property is located adjacent to undeveloped land to the east and south; Ben Geren park is to the west and single family residential subdivisions to the north.

The Church is proposing a phased development with phase one containing a 13,129 square foot building to hold 500 patrons and an additional 9,670 square foot addition in phase two for another 500 patrons. Elevations of the building are included with the application for Rezone and Conditional Use. A total of 248 parking spaces are being proposed with phase one and an additional 156 spaces proposed with phase two. Currently, one church service is planned for Sunday morning beginning at 10:30 and as the congregation grows, two services are possible each Sunday; one service at 8:30 and the second service at 10:45. An evening service is also offered every Wednesday at 7:00pm.

Prior to the Planning Commission Study Session scheduled June 4th, EDA and the House of Restoration will personally meet with adjacent landowners to discuss the proposed development of the church property. Per your requirement, we will provide proof that such communication took place and provide you with documentation of each land owners comments related to the development.

Since the construction of the church development is dependent on donations, it is unclear exactly when construction can begin. Due to this uncertainty, the House of Restoration would like to request that the Conditional Use request, if approved, be extended for a 2 year period. As we process this Rezone and Conditional Use request, we are coordinating with the Fort Chaffee Redevelopment Authority to ensure we are meeting the Chaffee Crossing Design Guidelines as well as the City's Subdivision Design Standards.

Respectfully,


Kim J. Hesse, RLA
Project Manager

8F

Andrews, Brenda

From: Kim Hesse [kjh@eda-pa.com]
Sent: Monday, July 29, 2013 2:51 PM
To: Andrews, Brenda; Wally Bailey
Cc: Tashala Devrow; Ivy Owen
Subject: Comments from adjacent owners - House of Restoration
Attachments: Property Meeting; The House of Restoration

Wally and Brenda – As Brenda and I discussed on the phone, I met with the land owners individually for this project rather than call a neighborhood meeting, the owner to the north is Carrington Creek Homes and to the west is Sebastian County Ben Geren Park. To the south and west is Fort Chaffee Redevelopment Authority.

Attached are e-mail messages from Carrington Creek Homes and the Parks and Recreation Director for Ben Geren Park. I met with them both Friday and asked that they send me some form of acknowledgement that we met to discuss the project. Channon Toland did not have any comments, Monty Sagely did.

Addressing Mont Sagely's requests

- 1) We have no problem replacing the wooden fence for landscaping.
- 2) I believe the Church would prefer to keep their entrances into their parking lot private. We are hoping that the City would allow Carrington Creek to have their own access onto Massard Blvd. even though they cannot keep the required separation between drives partially due to the narrow frontage they have on Massard. I think in this case, it is reasonable to allow an additional access knowing that the Church's driveway is only used a couple times a week.
- 3) I think the church may be fine with providing access near the detention pond if it can remain for emergency vehicles only (having it gated or blocked with break-away bollards) and as long as the drive connecting the properties is added by Carrington Creek when they develop their land. We could plat an access easement in that area.

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Thanks

Kim J. Hesse, RLA



134 West Emma Ave.
Springdale, AR 72764
479-756-1266 office

www.eda-pa.com

Andrews, Brenda

From: CToland@co.sebastian.ar.us
Sent: Monday, July 29, 2013 1:35 PM
To: kjh@eda-pa.com
Subject: Property Meeting

Kim,

Thank you for taking the time to drop off the documents on the new development neighboring Ben Geren Park. Sorry our emails can not seem to match up. Hope you get this. Thanks again,

Channon Toland
Sebastian County Arkansas
Parks and Recreation Administrator
7200 Zero Street - P.O. Box 3609
Fort Smith Arkansas 72913
Park Office: 479-646-2444
Courthouse Office: 441-1300x2109
Fax: 479-646-7779

Andrews, Brenda

From: Mont Sagely [mont@sagely.com]
Sent: Friday, July 26, 2013 3:01 PM
To: Kim Hesse
Cc: Cary Smallwood
Subject: The House of Restoration

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Andrews, Brenda

From: Chavis, Don
Sent: Tuesday, July 30, 2013 2:46 PM
To: Andrews, Brenda
Cc: Snodgrass, Stan
Subject: RE: Comments from adjacent owners - House of Restoration

Brenda,

I spoke with Stan and we conclude the following:

Item #1 We concur that landscaping will be fine, obviously proper drainage.

Item #2 Since that is an independent property we will grant them access to Massard Road. This main access will be a road and the House of Restoration will be a driveway. In designing the development the engineer should give extra consideration to the location of this access.

If you need anything further just let me know.

Thanks,

Don

From: Andrews, Brenda
Sent: Tuesday, July 30, 2013 11:17 AM
To: Chavis, Don
Subject: FW: Comments from adjacent owners - House of Restoration

Don:

Does engineering have any issues with Kim Hesse's response to Mont Sagely's questions #1 #2?
Mont's questions are attached. Brenda

From: Kim Hesse [<mailto:kjh@eda-pa.com>]
Sent: Monday, July 29, 2013 2:51 PM
To: Andrews, Brenda; Wally Bailey
Cc: Tashala Devrow; Ivy Owen
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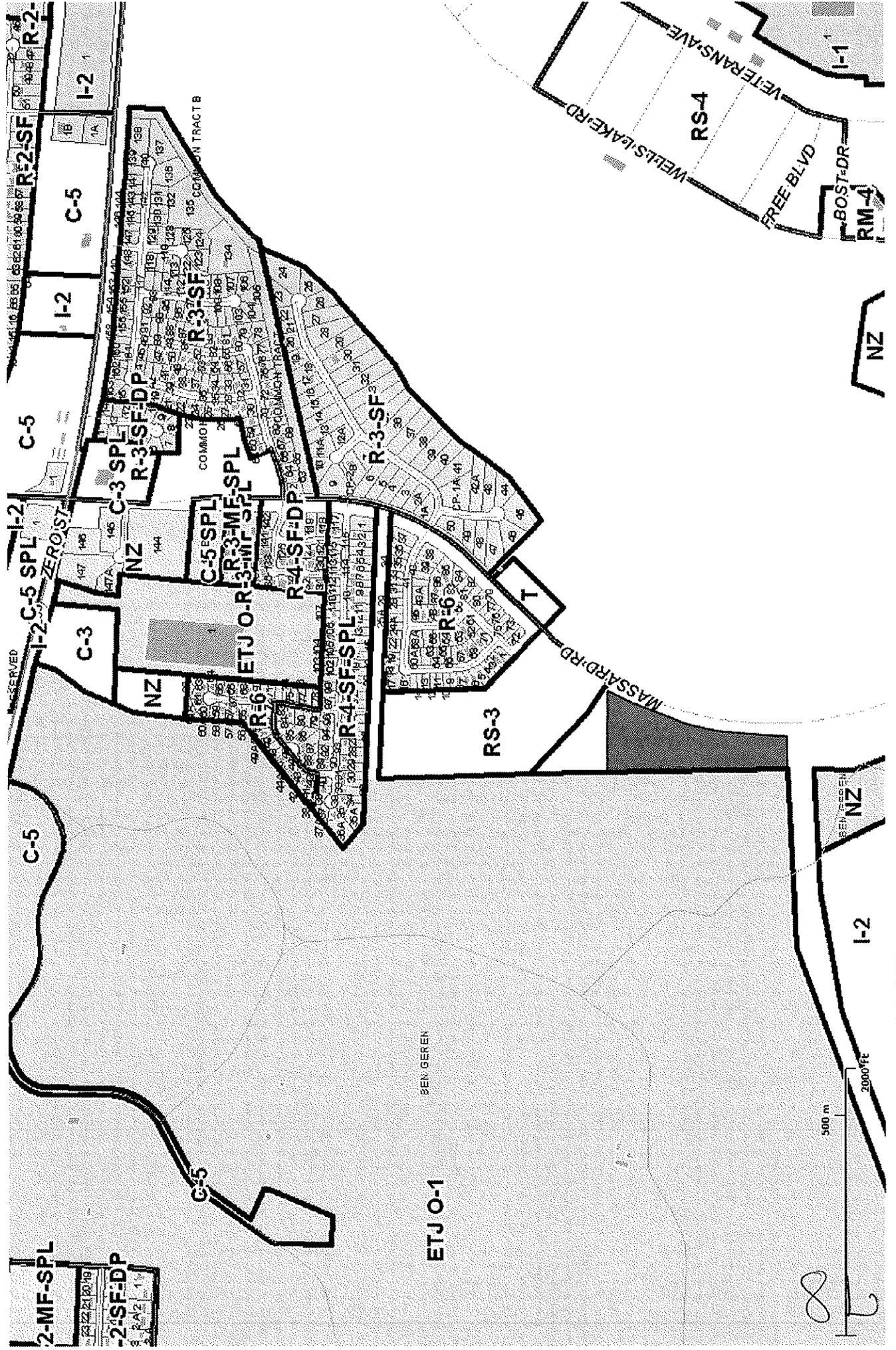
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Design
Alternatives, PA**
Civil Engineering - Landscape Architecture

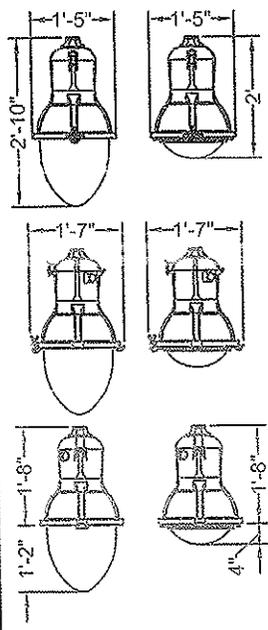
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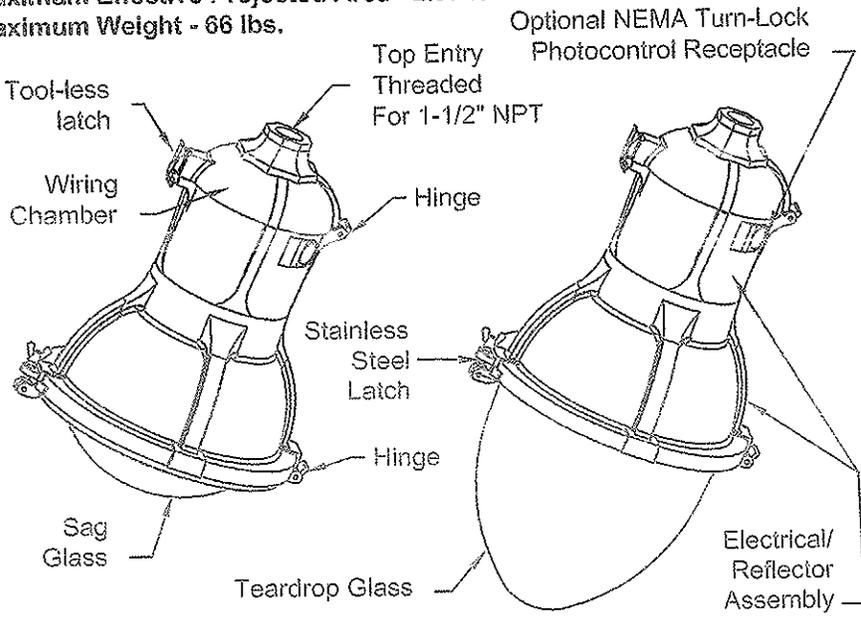
Conditional Use #23-8-13: Church

7600 Massard Road





Maximum Effective Projected Area - 2.37 ft²
 Maximum Weight - 66 lbs.



ORDERING INFORMATION:

COVER TYPE MPU = Memphis Utility	BALLAST TYPE (MOGUL BASE) 070HP = 70W HPS 100HP = 100W HPS 15AHP = 150W 55V HPS 250HP = 250W HPS 400HP = 400W HPS 150MH = 150W MH *175MH = 175W MH *250MH = 250W MH *400MH = 400W MH 175PM = 175W MH PULSE 250PM = 250W MH PULSE 320PM = 320W MH PULSE 350PM = 350W MH PULSE 400PM = 400W MH PULSE	VOLTAGE 12 = 120 VOLT CULUS 20 = 208 VOLT 24 = 240 VOLT 27 = 277 VOLT CULUS 34 = 347 VOLT CUL 48 = 480 VOLT MA = MT (PREWIRED TO 120V, UL ONLY) MB = MT (PREWIRED TO 208V, UL ONLY) MC = MT (PREWIRED TO 240V, UL ONLY) MD = MT (PREWIRED TO 277V, UL ONLY)	HOUSING COLOR A = As Specified B = Black N = Green Z = Bronze	OPTICS 4 = TEARDROP ASYMMETRIC 6 = SAG CLEAR SYMMETRIC 7 = SAG CLEAR ASYMMETRIC

*NOT AVAILABLE FOR SHIPMENT IN US DUE TO EISA 2007 LEGISLATION

OPTIONS

PS = PROTECTED STARTER (HPS ONLY)	P27 = PHOTOCONTROL 105-305 VOLT (USED WITH "R" OPTION)	L10 = 10 FT. PREWIRED LEADS
R = TURN-LOCK PHOTOCONTROL RECEPTACLE	P48 = PHOTOCONTROL 420-530 VOLT (USED WITH "R" OPTION)	L20 = 20 FT. PREWIRED LEADS
DS = DEEP SKIRT	PSC = SHORTING CAP	L25 = 25 FT. PREWIRED LEADS
SS = SHORT SKIRT	L1H = 1.5 FT. PREWIRED LEADS	L30 = 30 FT. PREWIRED LEADS
	L03 = 3 FT. PREWIRED LEADS	

Specifications

DESCRIPTION
 The Memphis luminaire is styled to replicate the "teardrop" luminaires that lighted boulevards in the first half of this century. Designed for light control and ease of installation and maintenance, the Memphis has a precision optical system for true street lighting performance.

WIRING CHAMBER
 The wiring chamber has a 1-1/2 inch, gasketed, NPT threaded entry for pendant mounting. A stainless steel set screw locks the unit in position. A three station terminal block will accept #14 through #2 wires and is prewired to one half of the plug assembly that connects to the removable electrical module.

ELECTRICAL / REFLECTOR ASSEMBLY
 The electrical / reflector assembly hinges down from the wiring chamber for ease in wiring and to facilitate the removal of the electrical module. The assembly is secured in place by a stainless steel latch. The unitized electrical module consists of the ballast mounted to an aluminum plate that is easily removed by loosening two screws in keyhole slots. The disconnect plug connects the ballast to the terminal block in the wiring chamber. The socket is street lighting grade with nickel plated lamp grip shell, center contact backed by a coiled spring and glazed porcelain body. The anodized and brightened reflector is formed with flutes to control voltage rise in the lamp and to work in conjunction with the refractor to provide the desired distribution of light.

REFRACTOR / DOOR ASSEMBLY
 The cast aluminum door cradles a teardrop or sag shaped, thermal resistant borosilicate glass refractor that controls the light to provide an I.E.S. symmetric or asymmetric cut off distribution. The combination of reflector, refractor and vertical burning lamp maximize efficiency and uniformity of illumination while controlling luminaire brightness. The refractor assembly and decorative skirt (when applicable) assembly hinges from the electrical / reflector assembly and is latched by a stainless steel, captive, wing nut assembly.

BALLAST
 (Refer to Ballast Data Sheet for specific operating characteristics)
 150 watt and below 120 volt High Pressure Sodium (HPS) ballasts are High Power Factor Reactor type. All other 150 watt and below are High Power Factor Autotransformer type. 250 and 400 watt HPS ballasts are Lead type.
 All Metal Halide (MH) ballasts are Peak Lead Autotransformer type.

FINISH / MATERIAL
 The luminaire is finished with polyester powder paint to insure maximum durability. All castings utilize alloy #356 aluminum for maximum corrosion resistance and all exposed hardware is stainless steel.

CUL/U.L. LISTING
 CUL/U.L. listing suitable for wet locations at 40 degrees C.

Memphis
 DECORATIVE OUTDOOR
 Utility



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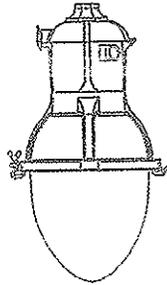
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ORDER #:	12/09/09
TYPE:	LUM_MEMPHIS
DRAWN BY:	BHH
DATE:	12/09/09
DWG NO.:	LUM_MEMPHIS

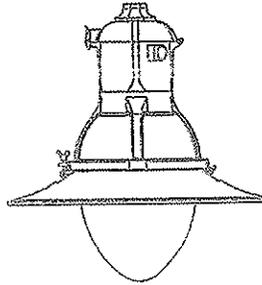


Teardrop Glass
Asymmetric

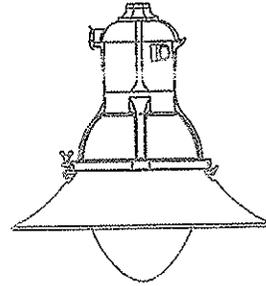
Standard



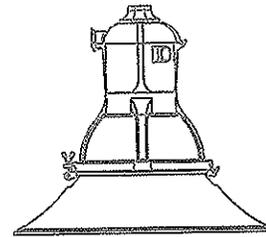
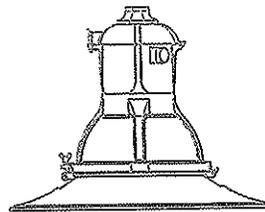
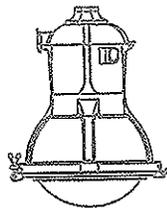
Shallow Skirt



Deep Skirt

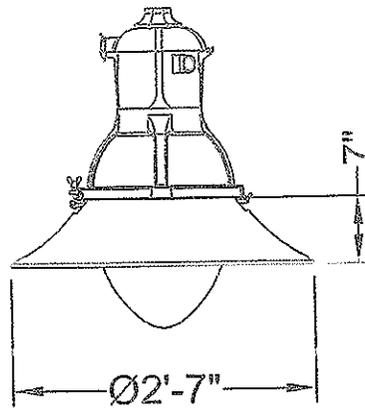
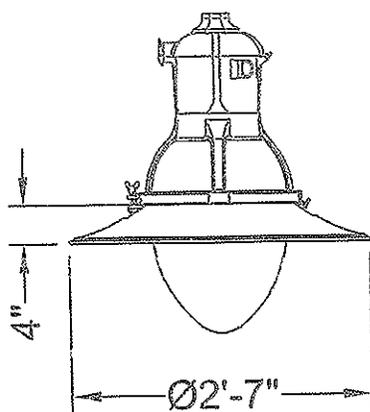


Sag Glass
Symmetric
Asymmetric



Mark Appropriate
Box for Trim Option

Skirt Dimensions



Memphis
Utility

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OUTDOOR

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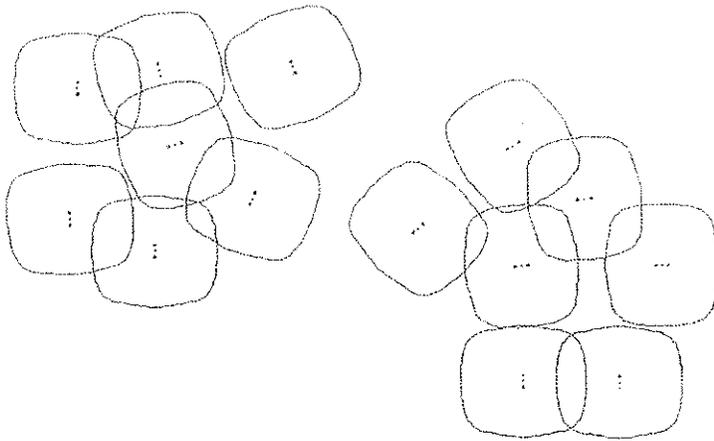
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THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SKIRT DESIGN MAY BE SUPPLIED, BUT ONLY AFTER AN ANCHOR BOLT TEMPLATE PRINT HAS BEEN OBTAINED FROM HOLOPHANE. ORDER TO MATCH THE POLE BE SUPPLIED WITH EACH ANCHOR BOLT. ORDER TO MATCH THE POLE LOADED SUBJECT TO THE PROPERTY OF HOLOPHANE AND IS NOT TO BE USED IN ANY MANNER THAT MAY BE DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.

ORDER #:
TYPE:
DRAWN: BH1
DATE: 12/09/09
DWG NO: LUM MEMPHIS

2 of 2

Plan View
Scale 1" = 150'



House of Restoration
Parking Lot
Chaffee Crossing

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot Left	-	1.4 fc	2.6 fc	0.4 fc	6.5:1	3.5:1
Parking Lot Right	-	1.4 fc	2.3 fc	0.6 fc	3.8:1	2.3:1

LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
E		14	ESU250MH00X4SS	ESPLANADE	250W CLEAR MH	ESU250MH00X4SS.ies	21000	0.85	564

Calculated values include direct and interreflected components.

Designer

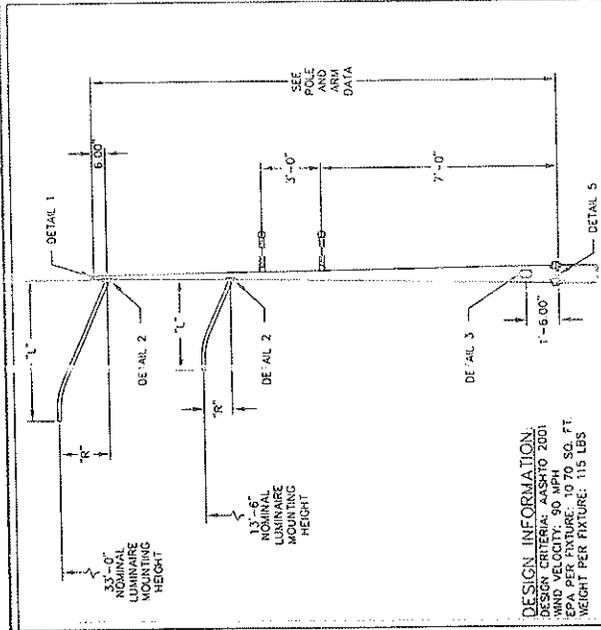
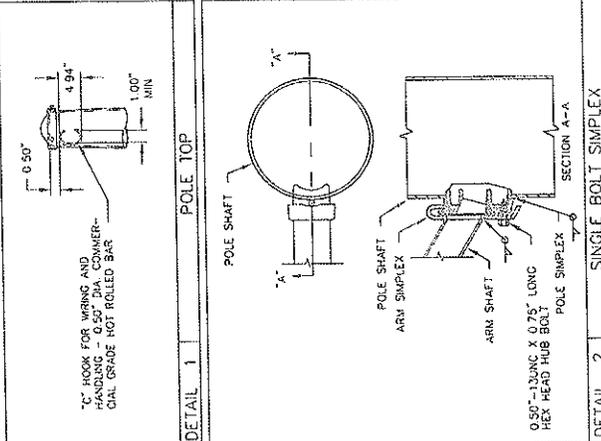
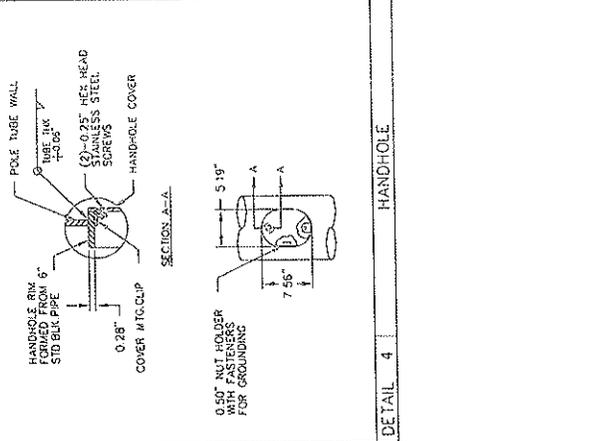
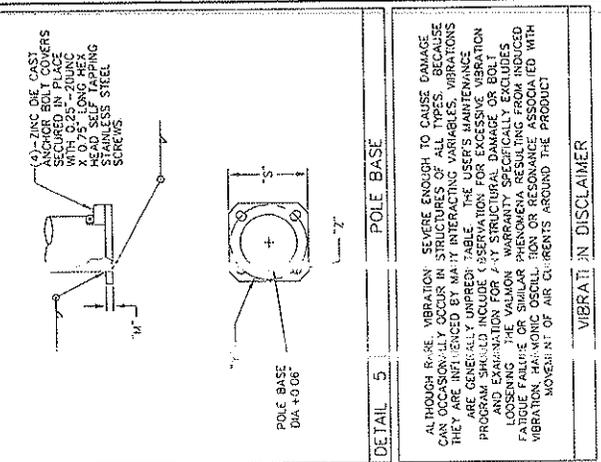
Date
Jul 17 2013

Scale

Drawing No.

1 of 1

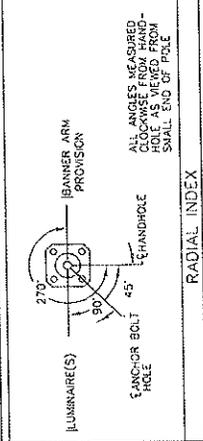
8T



DETAIL 5 POLE BASE

ALTHOUGH RARE, VIBRATION SEVERE ENOUGH TO CAUSE DAMAGE CAN OCCASIONALLY OCCUR IN STRUCTURES OF ALL TYPES. BECAUSE THEY ARE INFLUENCED BY MANY INTERACTING FACTORS, VIBRATIONS ARE GENERALLY UNPREDICTABLE. THE FOLLOWING INFORMATION IS PROVIDED FOR GENERAL INFORMATION ONLY. IT IS NOT INTENDED TO BE A BASIS FOR ANY DESIGN OR CONSTRUCTION PROGRAM. CONSULT WITH THE MANUFACTURER FOR A MORE DETAILED EXAMINATION FOR FAT STRUCTURAL DAMAGE OR BOLT LOSSENING. THE VALMON WARRANTY SPECIFICALLY EXCLUDES FATIGUE FAILURE OR SIMILAR PHENOMENA RESULTING FROM REDUCED VIBRATION, HARMONIC OSCILLATION OR RESONANCE ASSOCIATED WITH MOVEMENT OF AIR CURRENTS AROUND THE PRODUCT.

VIBRATION DISCLAIMER



MATERIAL DATA

COMPONENT	ASTM DESIGNATION	YIELD (KSI)	FINISH DATA
POLE SHAFT	A575 GR. A	55	FINISH: TOIC OR URETHANE POLYESTER POWDER
POLE BASE	A36	36	FINISH: TOIC OR URETHANE POLYESTER POWDER
SIMPLEX ATTACHMENTS	A37 GR. B5-35	35	COLOR: BLACK
PIPE ARMS - 2	A513 GR. B35-35	35	VALGANT SPEC. F284A
GALVANIZING HARDWARE	HOTDIP ZINC	36	

POLE AND ARM DATA

ITEM	QTY.	POLE TUBE		POLE BASE		ANCHOR BOLT		LUMINAIRE ARM TUBE									
		BASE DIA. (IN)	TOP DIA. (IN)	LENGTH (FT)	THK (IN)	DIAMETER (IN)	LENGTH (IN)	HOOK DIA. (IN)	GAUGE OR THK (IN)	RISE (FT)	SPAN (FT)						
1	80	8.00	3.80	30.00	11	11.50	11.00	1.00	1.13 x 1.69	36.00	4.00	6.00	2.38	0.154	3.50	8.00	
													2.38	0.1540	1.50	2.00	

POLE AND ARM DATA

ITEM	QTY.	POLE TUBE		POLE BASE		ANCHOR BOLT		LUMINAIRE ARM TUBE									
		BASE DIA. (IN)	TOP DIA. (IN)	LENGTH (FT)	THK (IN)	DIAMETER (IN)	LENGTH (IN)	HOOK DIA. (IN)	GAUGE OR THK (IN)	RISE (FT)	SPAN (FT)						
1	80	8.00	3.80	30.00	11	11.50	11.00	1.00	1.13 x 1.69	36.00	4.00	6.00	2.38	0.154	3.50	8.00	
													2.38	0.1540	1.50	2.00	

DESIGN INFORMATION:
 DESIGN CRITERIA: AASHTO 2001
 WIND VELOCITY: 90 MPH
 EPA PER FIXTURE: 1070 SQ. FT.
 WEIGHT PER FIXTURE: 115 LBS

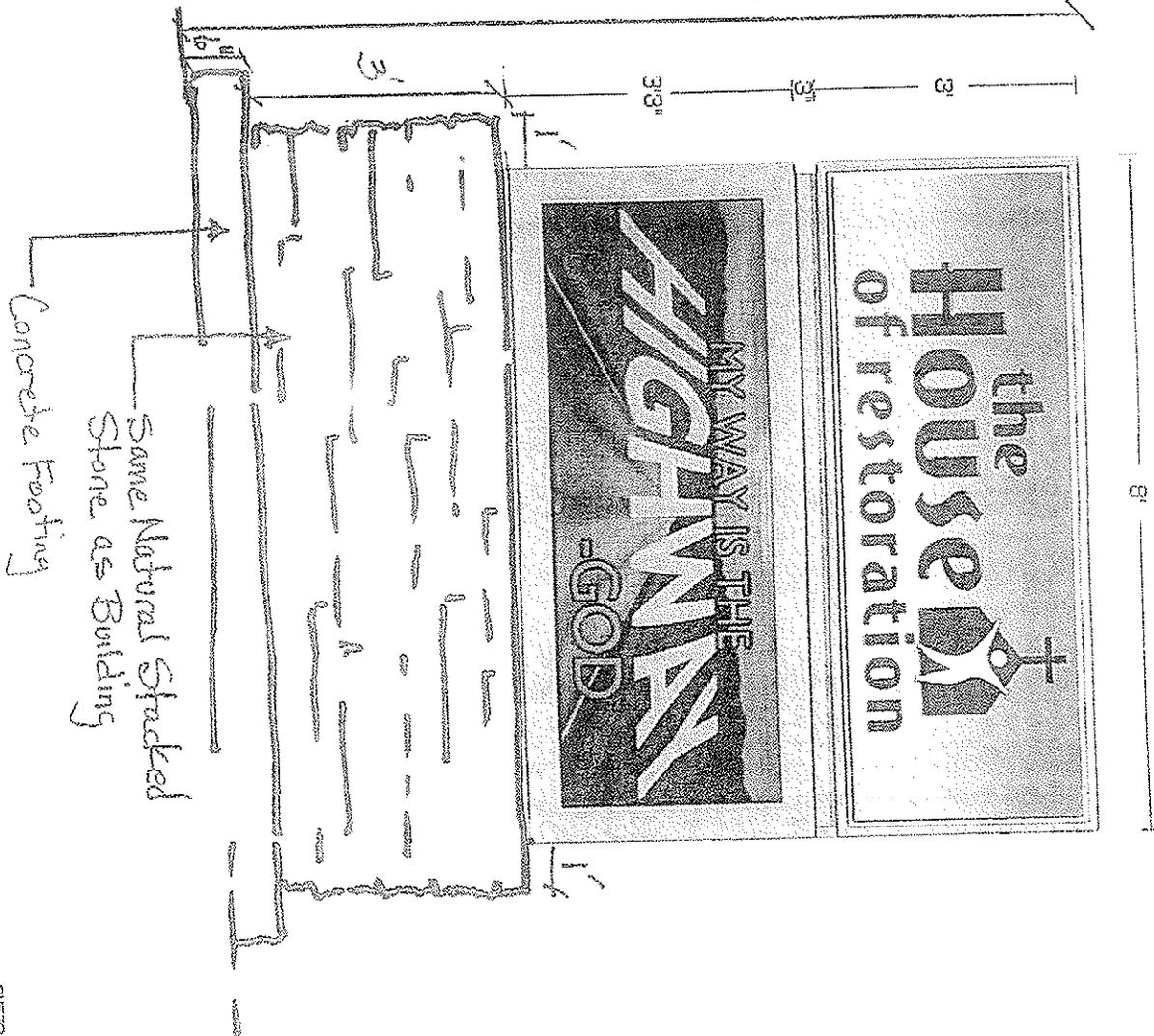
NOTE:
 1) PLEASE VERIFY ALL LOCATIONS AND ORIENTATIONS PRIOR TO RELEASE FOR PRODUCTION.

VALGANT SPEC. F284A

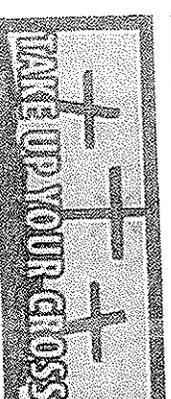
ORDER NUMBER: 206872-P1
TRADE NUMBER: 1 OF 1
ORDER NUMBER: AR206872P1

30' RTS PINE BLUFF, AR LIGHTING STRUCTURE

30' RTS PINE BLUFF, AR LIGHTING STRUCTURE



DASTAR PREMIER 32x86 CAPABILITIES
 VIDEO CAPS (AVI FILES) & ANIMATED GRAPHICS
 WITH 32 SHADES OF AMBER



TEXT CAPABILITIES
 4 ROWS OF 58 CHARACTERS
 3 ROWS OF 83 CHARACTERS
 2 ROWS OF 128 CHARACTERS
 1 ROW OF 202 CHARACTERS
 1 ROW OF 272 CHARACTERS
 To see a Video example go to:
www.stewart-signs.com/church3d

Approved as shown. _____ date
 Approved with listed changes _____ date
 _____ date
 1.
 2.
 3.

82

1/2" = 1' SK. # 741618-1A CUST. # 3013980 5.11.11 CA/T/MORRIS PROPOSAL
 ORIGINAL DESIGN DO NOT DUPLICATE

STEWART
 AMERICA'S PREMIER SIGN COMPANY
 PH. 1-800-237-3928 FAX 1-800-485-4280

DUETO THE PHYSICAL LIMITATIONS OF THE PAPER AND INCREASED PRINTING PROCESS THIS CUSTOM
 ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK AND PAPER OR LED COLOR.
 ARTWORK INTENTION OF REPRODUCTION AND LANGSCHARNS IS NOT REPRODUCIBLE IN ANY MANNER.
 ANY REPRODUCTION SHOWS ARE APPROXIMATE DIMENSIONS OF FINAL PRODUCT. DIMENSIONS MAY VARY.
 LED IMAGES SHOWN ARE SIMILATED TO REPLICATE RESOLUTION FROM AN INCREASING DISTANCE.

Memo

To: City Planning Commission

From: Planning Staff

Date: July 29, 2013

Re: Rezoning #12-8-13 - A request by Gerdau for Planning Commission consideration of a zone change from ETJ Open-1 to ETJ Industrial-2 by extension located at 7700 Highway 45 (Companion to item #11)

LOT LOCATION AND SIZE

The subject property is on the east side of Highway 45 between Planters Road and Ayers Road. The tract contains an area of 20 acres with approximately 1,475 feet of street frontage along U.S Hwy 45.

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1 (ETJ Open-1). Characteristics of this zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

9A

REQUESTED ZONING

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

Purpose:

To provide for industrial uses that can be operated in a clean and quiet manner that will not be obnoxious to adjacent uses and have relatively limited environmental impacts. I-2 uses are primarily contained indoors and have heavier traffic generation than I-1 uses. I-2 zoning is appropriate in the industrial classification of the ETJ land use map.

Permitted Uses:

Bus, truck, mobile homes, or large vehicle sales or service, convenience store, heavy machinery and equipment sales or service, lawn and garden, lumber yard and building materials, heating and plumbing equipment, financial institutions, real estate, offices, veterinary services, extermination and pest control, manufacturing are examples of permitted uses.

Conditional Uses:

Automobile storage, truck stop, medical laboratory, petroleum storage and loading, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, nursery and preschool, police, fire, emergency response, child day care (up to 12 children) and day care center are examples of uses permitted as conditional uses..

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet

Minimum Lot Width at Setback Line – 100 feet
60%

Maximum Lot Coverage -

Minimum parcel/lot size for rezoning – New District (By Classification) – 10 acres

Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet

Minimum Street Frontage – N/A

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 Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Required street access: Major Arterial or higher.

9B

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Industrial Light (I-1) and Residential Single Family – Duplex High Density (RSD-4) and are developed as Hiram Walker and single family residences.

The areas to the west are zoned Industrial light (I-1) and are developed as Cintas and International Paper.

The areas to the south and east are zoned Extraterritorial Jurisdiction Industrial Moderate (ETJ I-2) and are undeveloped portions of the Gerdau site.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as the Industrial Land Use Classification. This classification is intended to provide for high intensity, potentially hazardous, noisy or noxious manufacturing, and distribution and warehouse activities. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. A companion development application has been submitted with the rezoning request. The development would allow for a scrap yard scale facility and driveway to be constructed on the parcel extending into the Gerdau site.

PROPOSED ZONING

The rezoning if approved will allow for the construction of a new scale facility with a new entrance driveway and parking lot located at 7700 Highway 45

STAFF COMMENTS AND RECOMMENDATIONS

Staff Comments

Staff recommends approval of the zone change contingent upon the following.

- All construction shall be built in accordance to the approved development plan with any Planning Commission amendments.
- Any significant change to the approved development plan or new development will required a development plan approval by the Planning Commission.

9C

PETITION FOR CHANGE IN ZONING MAP

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

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

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

Lot 1 of Industrial Park South No. 5 as filed for public record December 7, 1983.

2. Address of property: 7700 Highway 45, Fort Smith, AR 72916

3. The above described property is now zoned: ETJ - Open 1

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

5. Why is the zoning change requested?

City of Fort Smith development requirement

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

Signed:

Gerdau
Owner or Agent Name
(please print)

Bob Stenhouse, Chief Eng.
Owner

5225 Planters Road, FS, AR 72916
Owner or Agent Mailing Address

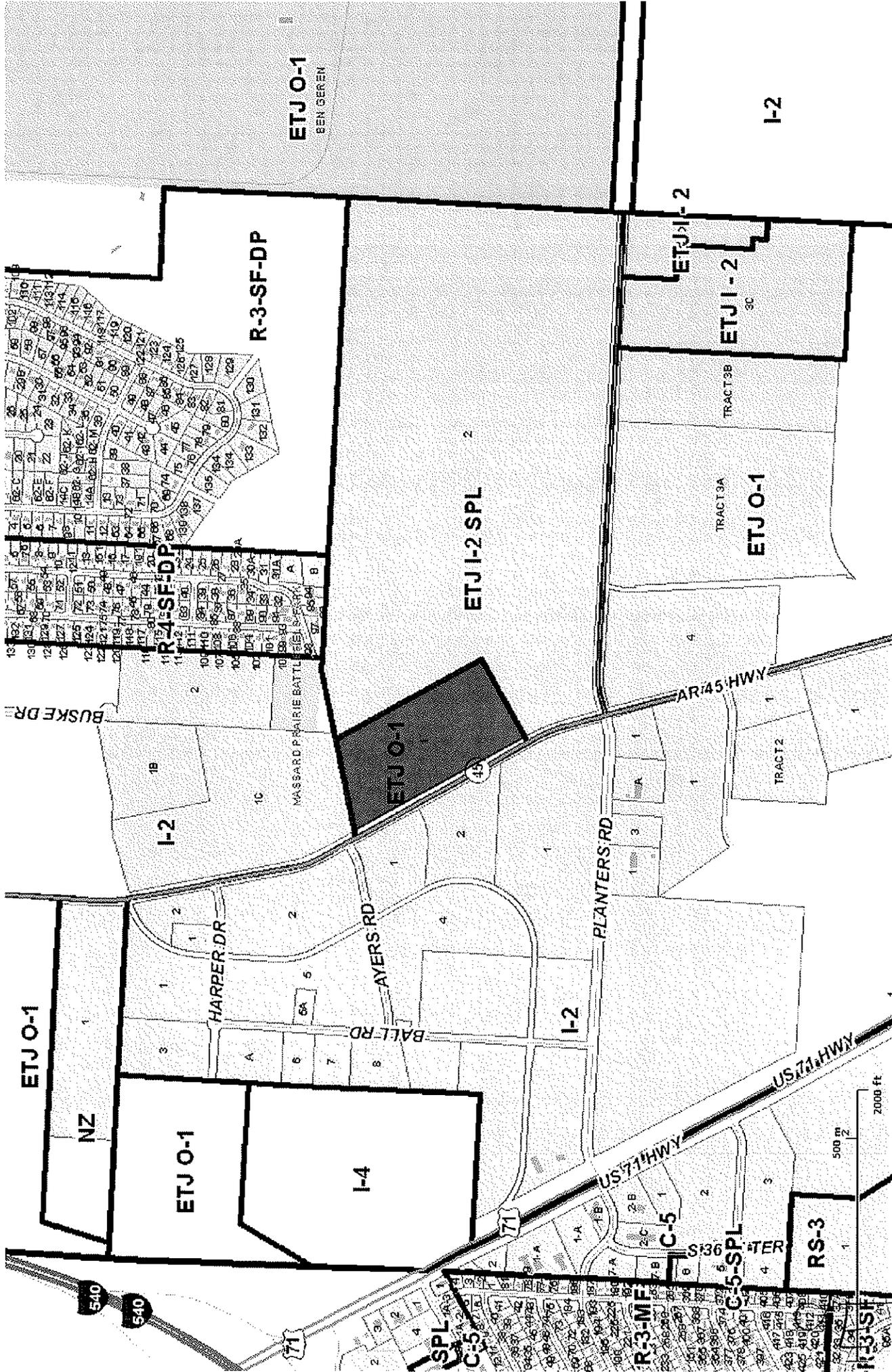
or

479-646-0223
Owner or Agent Phone Number

Agent

Rezoning #12-8-13: From ETJ Open-1 to ETJ Industrial Moderate (I-2)

7700 US Highway 45



Memo

To: City Planning Commission

From: Planning Staff

Date: July 29, 2013

Re: Development Plan Review - A request by Gerdau for Planning Commission consideration of a Development Plan request to develop a new scale facility at 7700 Hwy 45 (Companion to item #10)

LOT LOCATION AND SIZE

The subject property is on the east side of Highway 45 between Planters Road and Ayers Road. The tract contains an area of 20 acres with approximately 1,475 feet of street frontage along U.S. Hwy 45.

REQUESTED ZONING

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

Purpose:

To provide for industrial uses that can be operated in a clean and quiet manner that will not be obnoxious to adjacent uses and have relatively limited environmental impacts. I-2 uses are primarily contained indoors and have heavier traffic generation than I-1 uses. I-2 zoning is appropriate in the industrial classification of the ETJ land use map.

Permitted Uses:

Bus, truck, mobile homes, or large vehicle sales or service, convenience store, heavy machinery and equipment sales or service, lawn and garden, lumber yard and building materials, heating and plumbing equipment, financial institutions, real estate, offices, veterinary services, extermination and pest control, manufacturing are examples of permitted uses.

Conditional Uses:

Automobile storage, truck stop, medical laboratory, petroleum storage and loading, fairground/rodeo ground, community center, golf course, gun club, sports stadium, natural and other recreational parks, nursery and preschool, police, fire, emergency response, child day care (up to 12 children) and day care center are examples of uses permitted as conditional uses..

10A

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Minimum Lot Width at Setback Line – 100 feet
60%
Minimum parcel/lot size for rezoning – New District (By Classification) – 10 acres
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet
Minimum Street Frontage – N/A
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 Setback abutting RS – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Required street access: Major Arterial or higher

Maximum Height - 45 feet
Maximum Lot Coverage -

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Industrial Light (I-1) and Residential Single Family – Duplex High Density (RSD-4) and are developed as Hiram Walker and single family residences.

The areas to the west are zoned Industrial light (I-1) and are developed as Cintas and International Paper.

The areas to the south and east are zoned Extraterritorial Jurisdiction Industrial Moderate (ETJ I-2) and are undeveloped portions of Gerdau site.

PROPOSED DEVELOPMENT PLAN

The proposed development will facilitate a new scale facility with a new entrance driveway and parking lot located at 7700 Highway 45.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The proposed ingress and egress of the development will take place at the northwesterly section of the property on Highway 45. The road will continue east into the Gerdau site.

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 development shows no proposed drainage at this time.

Right-of-way dedication – No street right-of-way or bikeway/trail easement dedication is shown on the submitted plan.

Landscaping – There is no proposed landscaping on the development plan. The scale building is located to the far east of the parcel.

10B

Screening – The submitted development plan shows no proposed screening for the parking lot.

Parking – A proposed parking lot with 14 spaces will be located next to the ingress and egress point on Highway 45.

Signage – A sixty (60) square foot sign has been proposed for the site. The sign complies with the Unified Development Ordinance and shall require a separate sign permit application.

Lighting – No site lighting is proposed for the development.

Architectural features – The development of the two story scale building will have a brick base with a decorative metal panel.

STAFF COMMENTS AND RECOMMENDATIONS

Staff Comments

Staff recommends (approval or denial) of the application contingent to the following.

1. All construction shall be built in accordance to the approved development plan with any Planning Commission amendments.
2. Approval of the companion rezoning application.
3. A certified survey shall be submitted during the building permit process.
4. An approval letter from Fort Smith Regional Airport and the FAA shall be submitted prior to the issuance of a building permit.
5. The wooded area to the north of the development shall remain undisturbed to act as a buffer and screening for the adjacent residential development.
6. All signs shall require a separate permit submittal and Planning Staff approval prior to installation.
7. Street right-of-way dedication and dedication of the bikeway/trail easement shall be provided prior to the issuance of a building permit.
8. A sidewalk or bikeway/trail shall be provided along U.S. Hwy 45 or payment in lieu of sidewalk construction.
9. Parking lot screening shall be installed for the new parking lot adjacent to Hwy 45.
10. The developer shall provide a traffic statement prior to the issuance of a building permit.

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)

Lot 1 of Industrial Park South No. 5 as filed for public record December 7, 1983.

2. Address of property: 7700 Highway 45

3. The above described property is now zoned: ETJ - Open 1

4. Does the development plan include a companion rezoning request?

Yes X No

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

ETJ - I-2 by Extension
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

I - 2, ETJ I-2 SPL, R-4-SF-DP, R-3-SF-DP, ETJ Open-1

8. Total acreage of property 20.0 acres

100

Gerda
Owner or Agent Name
(Please print)

5225 Planters Rd., FSM, AR 72916
Owner or Agent Mailing Address

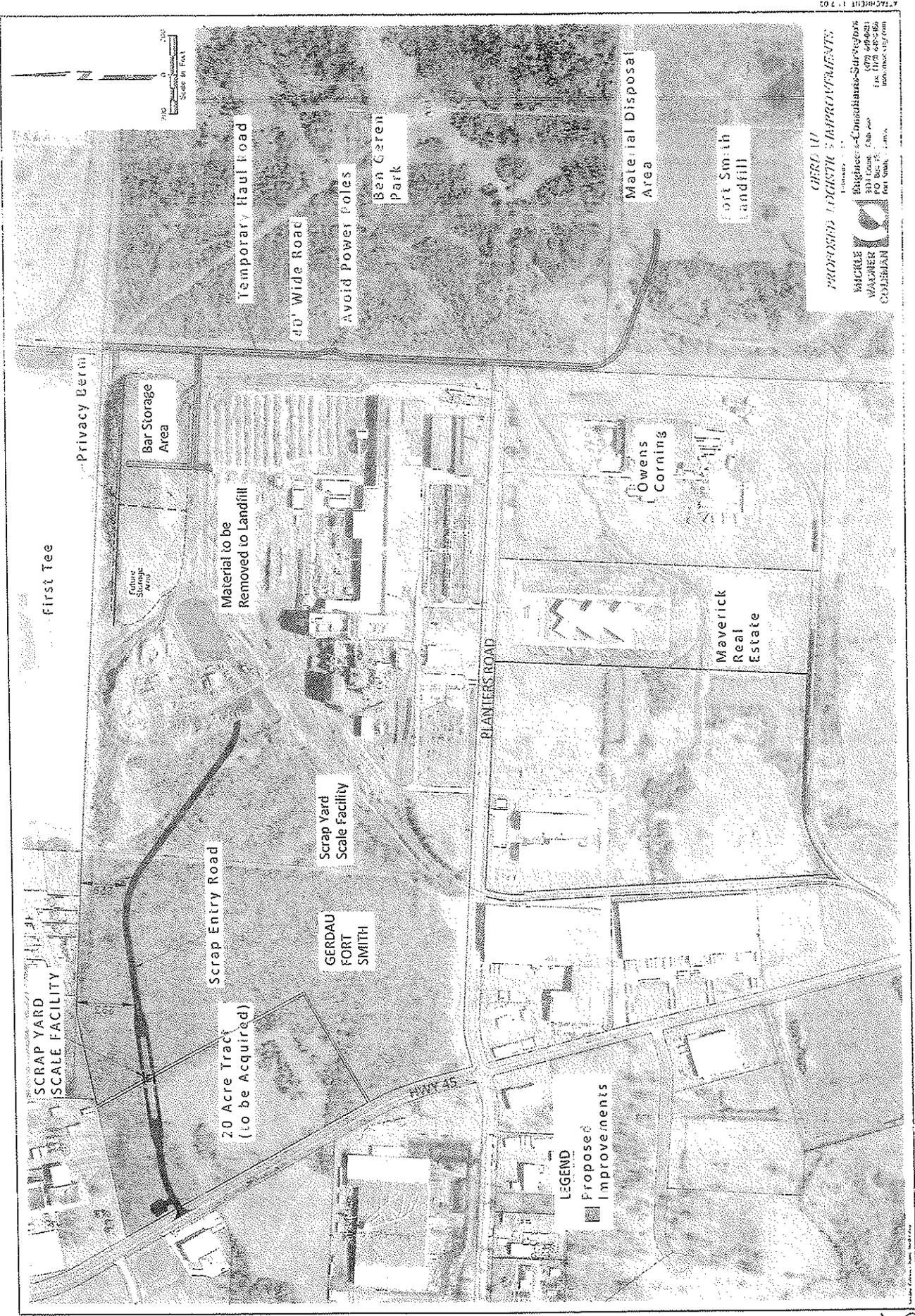
479-646-0223
Owner or Agent Phone Number

Bob Stinchcomb
Owner or Agent
(Please sign)

7/5/13
Date

Bob.Stinchcomb@Gerda.com
Email

10E



First Tee

Privacy Berm

Bar Storage Area

Future Storage Area

Material to be Removed to Landfill

Scrap Entry Road

Scrap Yard Scale Facility

GERDAU FORT SMITH

20 Acre Tract (to be Acquired)

HWY 45

BLANKERS ROAD

Material Disposal Area

Fort Smith Landfill

Owens Corning

Maverick Real Estate

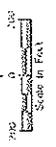
Ben Geren Park

Temporary Haul Road

40' Wide Road

Avoid Power Poles

LEGEND
Proposed Improvements



GERDAU
PROPOSED LOGISTIC IMPROVEMENTS
 ENGINEERING & CONSULTING SERVICES
 1000 W. 10th St., Suite 200
 Fort Smith, AR 72306
 Phone: (479) 442-5555
 Fax: (479) 442-5556
 www.gerdau.com



architecture
planning
interiors

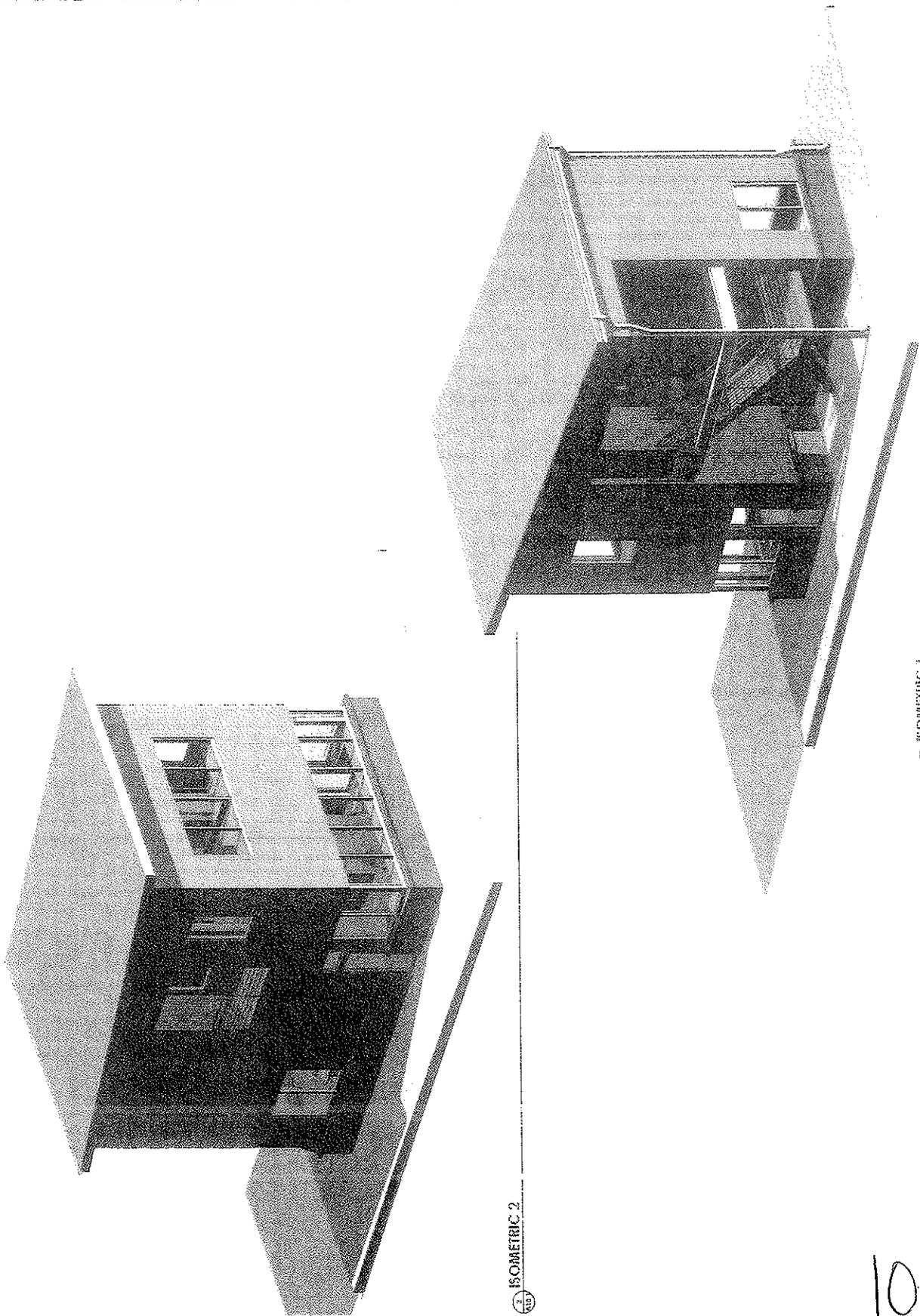
2500 N. Loop East
Suite 1000
Dallas, Texas 75246
P: 472.762.1051
F: 472.762.0210
E: info@mangarch.com

GP GERDAU
FORT SMITH

New Scale Facility for:

DATE	5/11/2015
PROJECT NUMBER	5112015
PROJECT NAME	GP GERDAU
PROJECT ADDRESS	2500 N. Loop East, Suite 1000, Dallas, TX 75246
PROJECT CONTACT	GP GERDAU
PROJECT PHONE	472.762.1051
PROJECT FAX	472.762.0210
PROJECT EMAIL	info@mangarch.com

A10.1

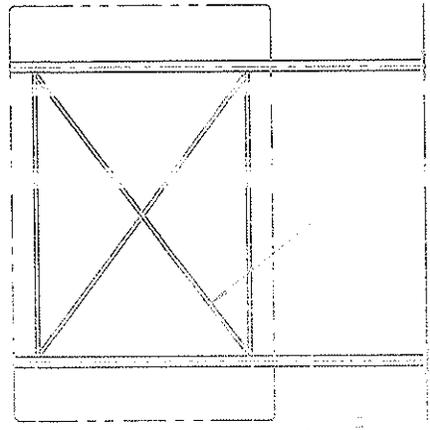
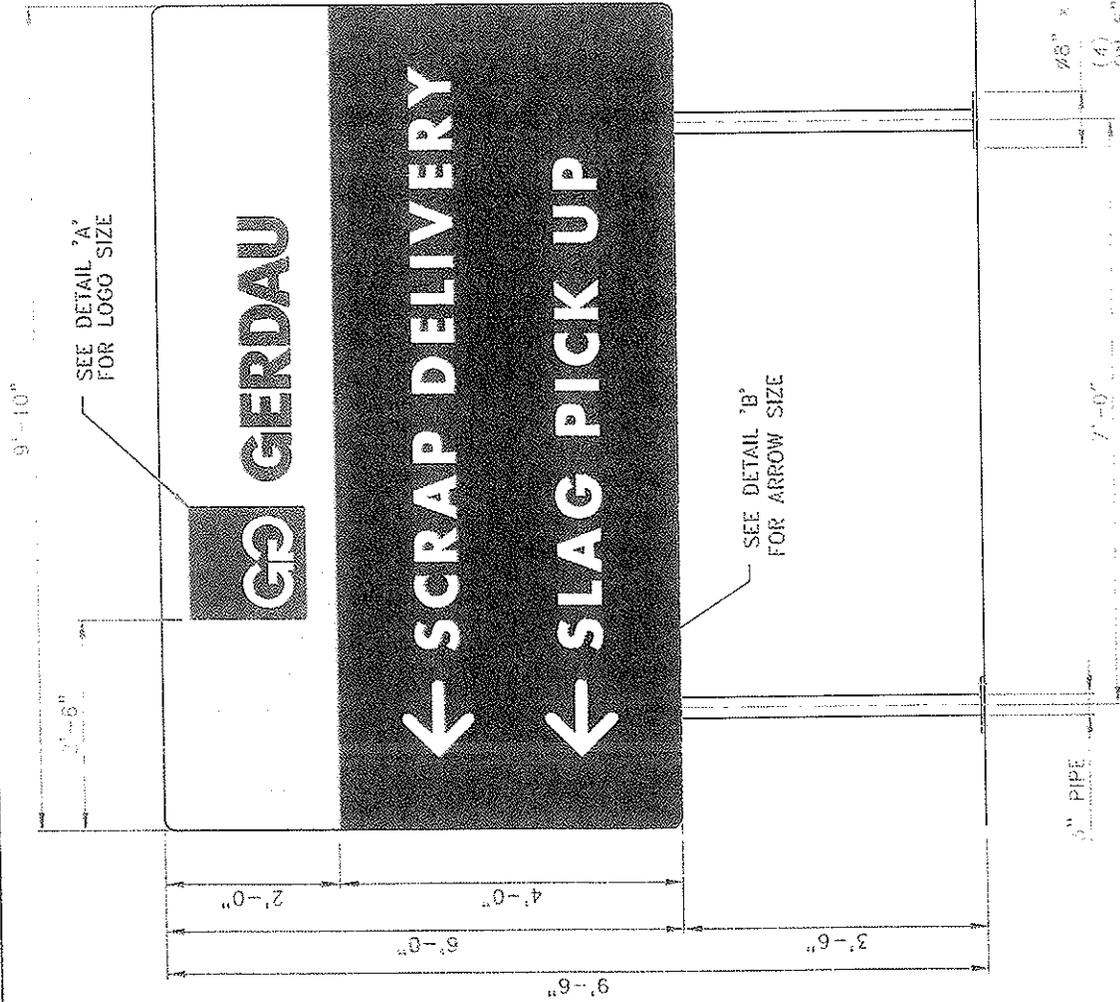


1 ISOMETRIC 2

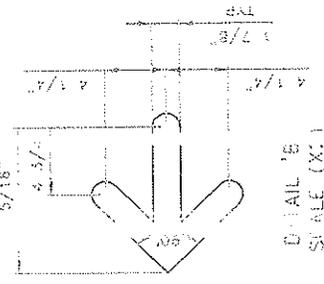
2 ISOMETRIC 1

101

Preliminary! Not for Construction!



CROSS SECTIONAL DETAIL (1/2" SCALE)



DETAIL 'B' SCALE (X:1)
DXF FILE FOR LOGO WILL BE PROVIDED

*** SIGN IS TO BE DOUBLE SIDED ***
SIDE (1) - AS SHOWN
SIDE (2) - OPPOSITE END

NO.	REVISION	DATE	BY	CHKD.	APP'D.	DESCRIPTION
1	ISSUED FOR CONSTRUCTION	02-22-2024				
2	ISSUED FOR REVIEW	02-22-2024				
3	PRELIMINARY					

PROJECT NO.	101
PROJECT NAME	GERDAU PORT SMITH
CLIENT	GERDAU PORT SMITH
DESIGNER	GERDAU PORT SMITH
CHECKER	GERDAU PORT SMITH
DATE	02/22/24
SCALE	AS SHOWN
STATUS	PRELIMINARY

101

Memo

To: City Planning Commission

From: Planning Staff

Date: July 25, 2013

Re: Conditional Use #22-8-13 - A request by Goddard United Methodist Church, owner, for Planning Commission consideration of a Conditional Use request to develop a pavilion at 1922 Dodson Avenue

LOT LOCATION AND SIZE

The subject property is on the north side of South "M" Street between Bluff Avenue and Jenny Lind Road. The tract contains an area of 0.96 acres with approximately 300 feet of street frontage along South "M" Street and approximately 140 feet of street frontage along both Bluff Avenue and Jenny Lind Road.

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

11A

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional and is developed as Goddard United Methodist Church.

The areas to the east are zoned Residential Multifamily Medium Density and are developed as single family residences.

The areas to the south are zoned Residential Multifamily Medium Density and are developed as single family residences.

The areas to the west are zoned Residential Multifamily Medium Density and are developed as single family residences.

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.

11B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Institutional. This classification is to provide for needed community services of both a public and quasi-public nature. 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 the requested Conditional Use would allow for the construction of a pavilion to be used for their ministries.

SITE DESIGN FEATURES

Landscaping – No new landscaping is proposed.

Screening – No screening is proposed or required.

Parking – There is currently an existing parking lot to the east of the proposed pavilion.

Signage – No information about signage submitted.

Lighting – No information about lighting submitted.

Setbacks – The pavilion meets the current setback requirements.

Architectural features – The pavilion will be constructed of wood, with the columns cased by brick and wood siding in the gables. The roofing materials will be metal.

Height and Area – The pavilion will be 1,200 square feet in area with a height of approximately 14.5 feet tall.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 16, 2013 at 5:00 p.m. at 1922 Dodson Avenue. No neighboring property owners were present at the neighborhood meeting. A copy of the attendance record and meeting summary are enclosed.

Should the Planning Commission approve this variance staff recommends the approval be contingent upon the following.

1. All construction must be built in accordance with the submitted Development Plan.
2. No signage is approved with this application. A separate sign permit submittal is required and will be reviewed upon submittal.
3. If exterior lighting will be provided it shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow; as required by Section 27-602-5 of the UDO. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.

11C

Conditional Use # 22-8-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Goodland United Methodist Church

Name of Authorized Agent (if applicable) Rev. Steve Wingo, Sr. Pastor

Legal Description of property included in the conditional use request:
lots 7-12 of Blk. 8, Mason Subdivision

Street Address of Property:
1922 Dodson Ave. East Smith 72901

Existing Zoning Classification:
RBMP (RM-3)

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:
We propose to build a pavilion (30' x 40') in our park area south of the church, to be used for our park ministries.

What amenities are proposed such as landscaping and screening?
None needed.

Rev. Steve Wingo
Owner or Agent Name (please print)

1922 Dodson Ave East Smith AR 72901
Owner or Agent Mailing Address

479-285-1415
Owner or Agent Phone Number

Signed:
Steve Wingo
Owner

Or

Agent 1110

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 1922 Dodson on the south green park.

Meeting Time & Date 5 PM, JULY 16 (Tues.)

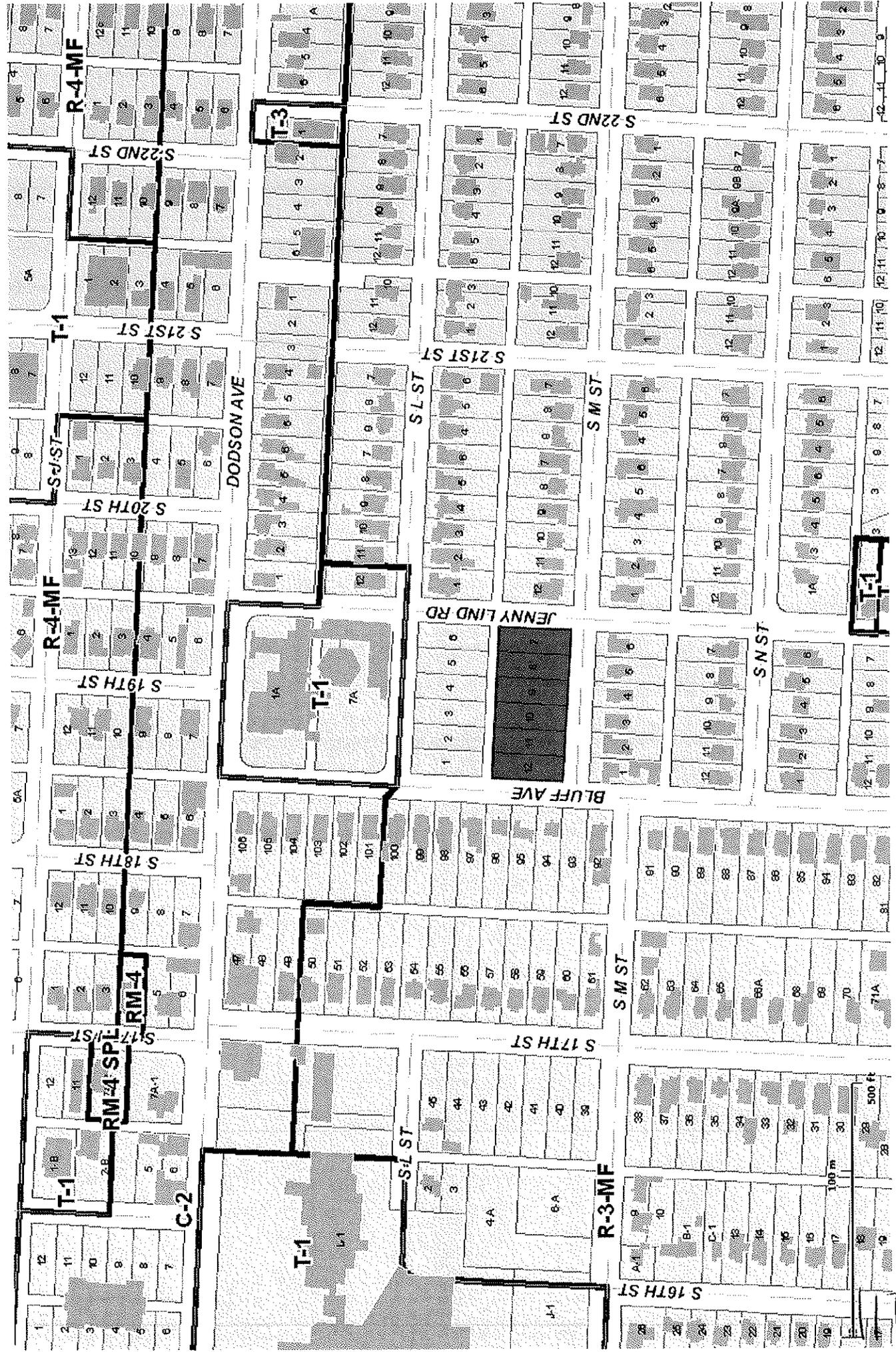
Meeting Purpose To review our new proposed pavilion in the park.

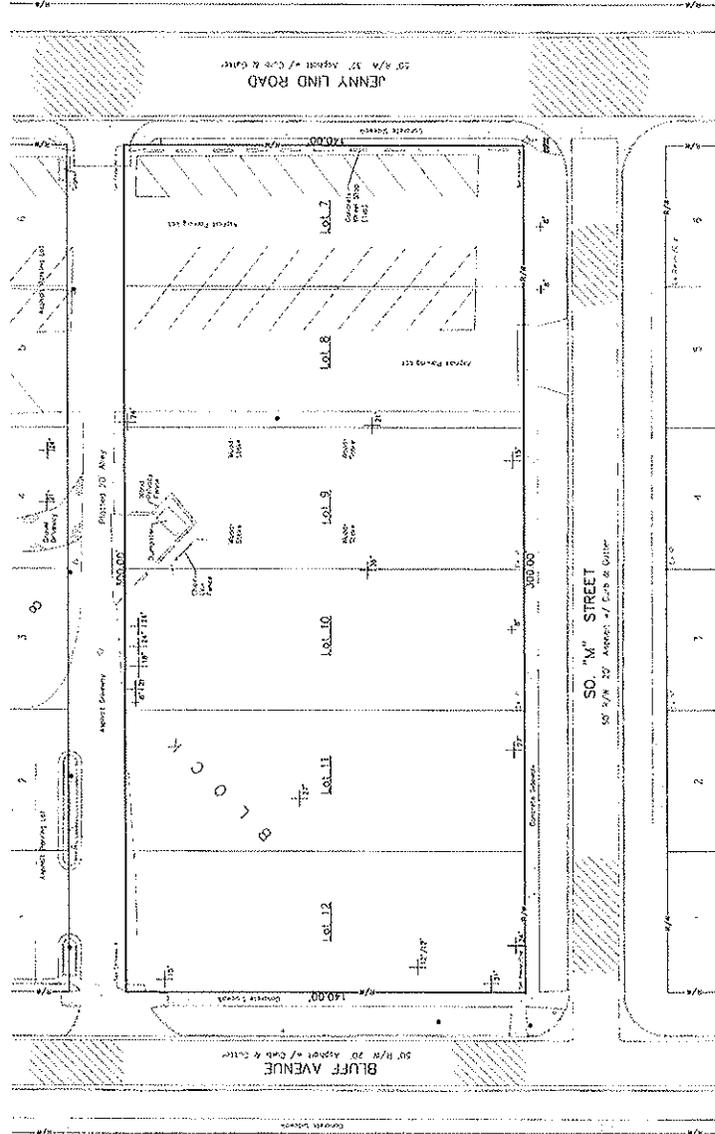
	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>784-2241</u>
2.	<u>Bob Laxer</u>	<u>Garrison U.M. Church</u>	<u>646-8564</u>
3.	<u>Gregory Sisco</u>	<u>Doddard United Methodist Church</u>	<u>458-7688</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Note: No neighbors showed up for the meeting.

Conditional Use #22-8-13: Pavilion

1922 Dodson Avenue





- LEGEND
- 1. Gas Main
 - 2. Gas Valve
 - 3. Sewer
 - 4. Water
 - 5. Storm
 - 6. Electric
 - 7. Telephone
 - 8. Fire Alarm
 - 9. Fire Hydrant
 - 10. Fire Station
 - 11. Fire Alarm Box
 - 12. Fire Alarm Bell
 - 13. Fire Alarm Gong
 - 14. Fire Alarm Whistle
 - 15. Fire Alarm Siren
 - 16. Fire Alarm Bell
 - 17. Fire Alarm Gong
 - 18. Fire Alarm Whistle
 - 19. Fire Alarm Siren
 - 20. Fire Alarm Bell
 - 21. Fire Alarm Gong
 - 22. Fire Alarm Whistle
 - 23. Fire Alarm Siren
 - 24. Fire Alarm Bell
 - 25. Fire Alarm Gong
 - 26. Fire Alarm Whistle
 - 27. Fire Alarm Siren
 - 28. Fire Alarm Bell
 - 29. Fire Alarm Gong
 - 30. Fire Alarm Whistle
 - 31. Fire Alarm Siren
 - 32. Fire Alarm Bell
 - 33. Fire Alarm Gong
 - 34. Fire Alarm Whistle
 - 35. Fire Alarm Siren
 - 36. Fire Alarm Bell
 - 37. Fire Alarm Gong
 - 38. Fire Alarm Whistle
 - 39. Fire Alarm Siren
 - 40. Fire Alarm Bell
 - 41. Fire Alarm Gong
 - 42. Fire Alarm Whistle
 - 43. Fire Alarm Siren
 - 44. Fire Alarm Bell
 - 45. Fire Alarm Gong
 - 46. Fire Alarm Whistle
 - 47. Fire Alarm Siren
 - 48. Fire Alarm Bell
 - 49. Fire Alarm Gong
 - 50. Fire Alarm Whistle



TOTAL ACRES	1.0000
AREA OF LOTS	1.0000
AREA OF STREETS	1.0000
AREA OF EASEMENTS	1.0000
AREA OF UTILITIES	1.0000
AREA OF OTHER	1.0000
TOTAL AREA	5.0000
DATE OF SURVEY	11-15-2023
PROJECT	REDEVELOPMENT OF
OWNER	BLUFF AVENUE
ENGINEER	ROBERT P. E. L. S.
CONSULTING ENGINEER	115-425

NOTES

1. No underground utilities were located for this survey.
2. Dry above-ground features are shown.
3. This property does not fall within the 100-year floodplain.
4. No statement research was performed or provided by this survey.

11G

Memo

To: City Planning Commission

From: Planning Staff

Date: July 25, 2013

Re: Conditional Use #24-8-13 - A request by Galen Hunter, agent, for Planning Commission consideration of a Conditional Use request to construct two additions to Darby Junior High School at 616 North 14th Street, (Companion to item #13)

LOT LOCATION AND SIZE

The property is located between North 14th Street to the west, Grand Avenue to the south, North 16th Street to the east and North "H" Street to the north. The site contains approximately 10.2 acres with approximately 800' of frontage along Grand Avenue, 900' of frontage along North 14th Street, 665' of frontage along North "H" Street and 440' of frontage along North 16th Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone 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.

12A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	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

All properties to the west are zoned Residential Single Family High Density (RS-4) and are developed as single family residences.

The properties to the north are zoned as Residential Single Family High Density (RS-4) and Residential Multifamily High Density (RM-4) and are developed as a single family residence along with another school.

The properties to the east are Transitional (T) and Commercial Light (C-2) and are developed as residential.

The properties to the south are Commercial Light (C-2) and are developed as church parking lots.

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.

12B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Institutional. This classification is to provide for needed community services of both a public and quasi-public nature. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan. (A companion Variance item #13, has been submitted for the two additions to the existing school.)

PROPOSED CONDITIONAL USE

The approval of the requested Conditional Use would allow for the construction of two additions to the existing school. One addition would be for the Band Room and the other addition is to be girls locker rooms.

SITE DESIGN FEATURES

Landscaping – No new landscaping is proposed.

Screening – No screening is proposed or required.

Parking – There is currently an existing parking lots to the north of the proposed additions.

Signage – No information about signage submitted.

Lighting – No information about lighting submitted.

Setbacks – The additions do not meet the current setback requirements and a companion application (#13) for variances will be heard at this meeting.

Architectural features – The additions will be masonry with aluminum panels at the roof line matching the existing building.

Height and Area – The Band Room addition will be 5,126 square feet with a height of 24'-10". The Locker Room addition will be 3,208 square feet with a height of 16'-0".

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, August 1, 2013 at 5:30 p.m. at 616 North 14th Street. No neighboring property owners were present at the neighborhood meeting.

Staff recommends approval of the application with the addition of the following comments.

1. All construction must be built in accordance with the submitted Development Plan.
2. No signage is approved with this application. A separate sign permit submittal is required and will be reviewed upon submittal.
3. If exterior lighting will be provided it shall not produce glare, light trespass (nuisance light) and/or unnecessary sky glow; as required by Section 27-602-5 of the UDO. Where used for security purposes or to illuminate walkways, roadways, and parking lots, only shielded light fixtures shall be used.
4. The companion variance application shall be approved.

12C

Conditional Use # 24-8-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: FORT SMITH PUBLIC SCHOOLS

Name of Authorized Agent (if applicable) GALEN HUNTER

Legal Description of property included in the conditional use request:

LOTS 1 THROUGH 6, BLOCK "A" AND LOTS 1 THROUGH 12, BLOCK "B", CESSFORD AND ABELL'S ADDITION TO THE CITY OF FORT SMITH, FILED FOR RECORD JANUARY 6TH, 1890, SEBASTIAN COUNTY, ARKANSAS, CONTAINING 2.85 ACRES MORE OR LESS
Street Address of Property:

616 NORTH 14TH STREET

Existing Zoning Classification:

TRANSITIONAL

Proposed Zoning Classification (if applicable):

SAME

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

TO BUILD A SCHOOL BUILDING ADDITIONS IN A TRANSITIONAL ZONE

What amenities are proposed such as landscaping and screening?

MECHANICAL UNITS TO BE SCREENED WITH MASONRY WALL TO MATCH BUILDING.

GALEN HUNTER
Owner or Agent Name (please print)

Signed:

6400 RILEY PARK DRIVE, 72916
Owner or Agent Mailing Address

Owner

Or

479-782-1051
Owner or Agent Phone Number

Agent

120

Conditional Use #24-8-13: School Additions

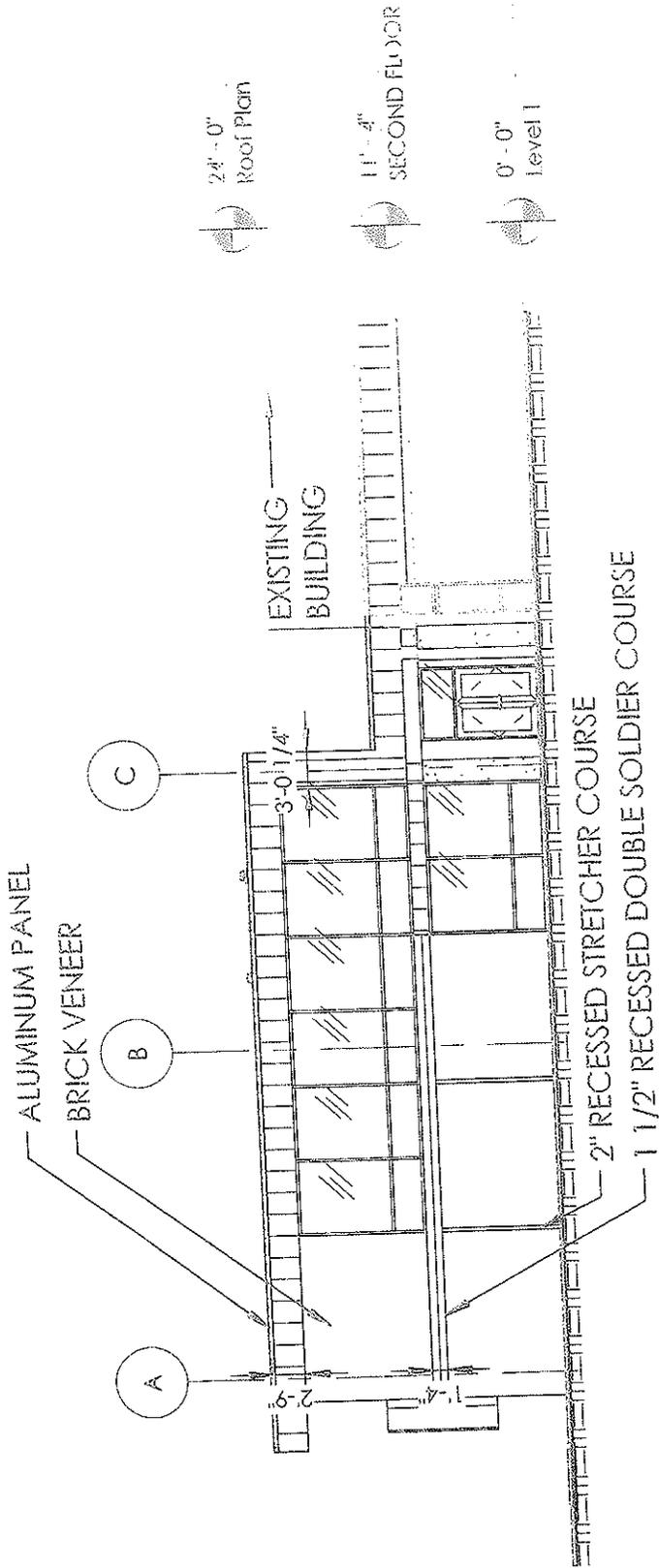
616 North 14th Street





architectural
 planning
 interior
 6400 Riley Park Drive
 Fort Smith, Arkansas 72916
 F: 479.782.6019
 e: info@mehgarch.com

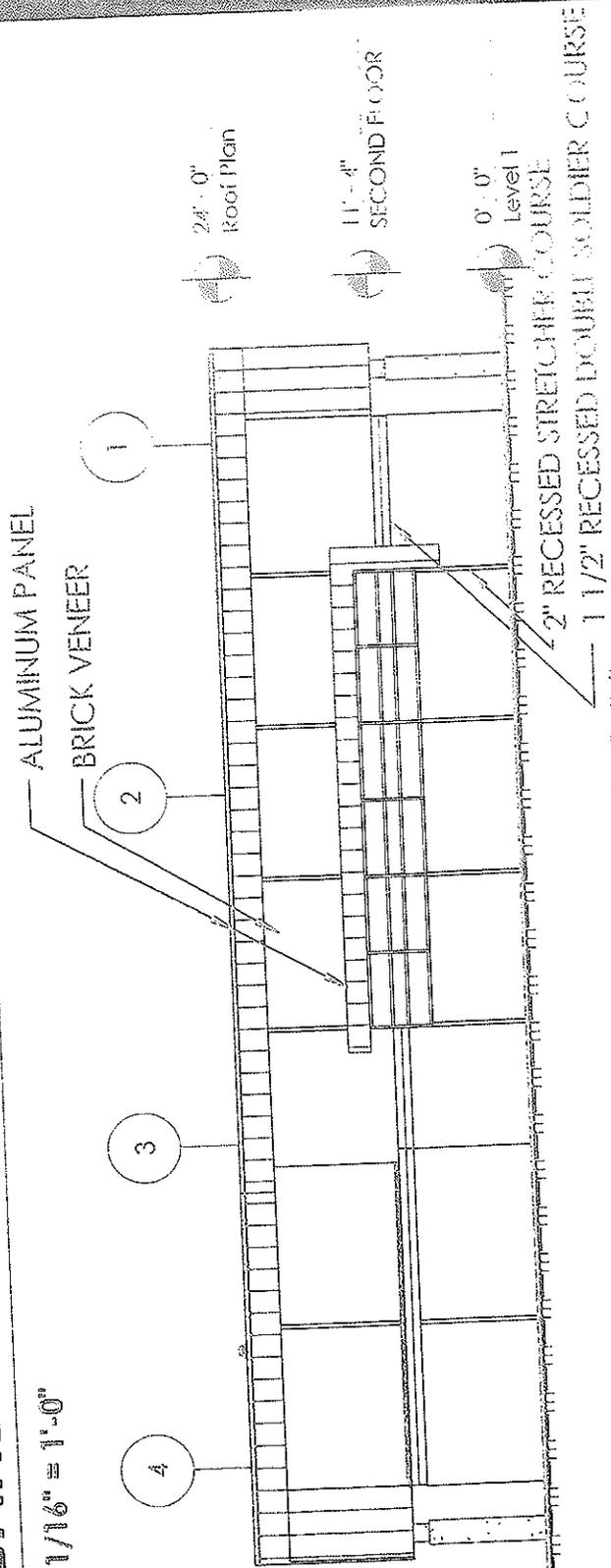
DATE
 07.19.13
 NMMG PROJECT
 13-04
 SHEET NUMBER
A7.2



BAND ROOM SOUTH ELEVATION

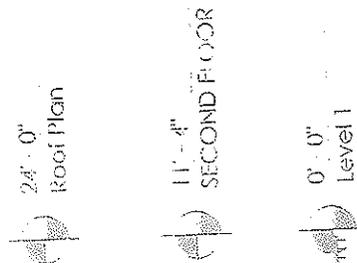
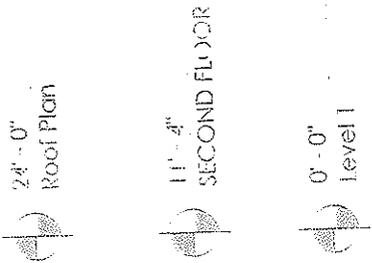
1/16" = 1'-0"

1
A7.2

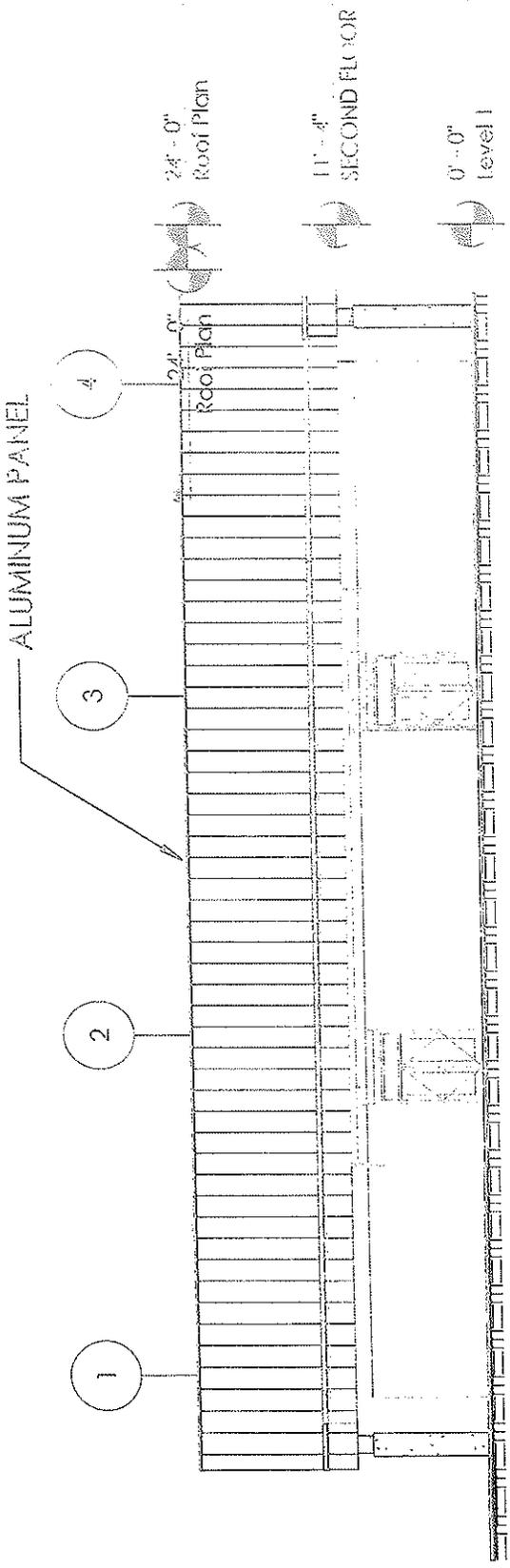


BAND ROOM WEST ELEVATION

12H

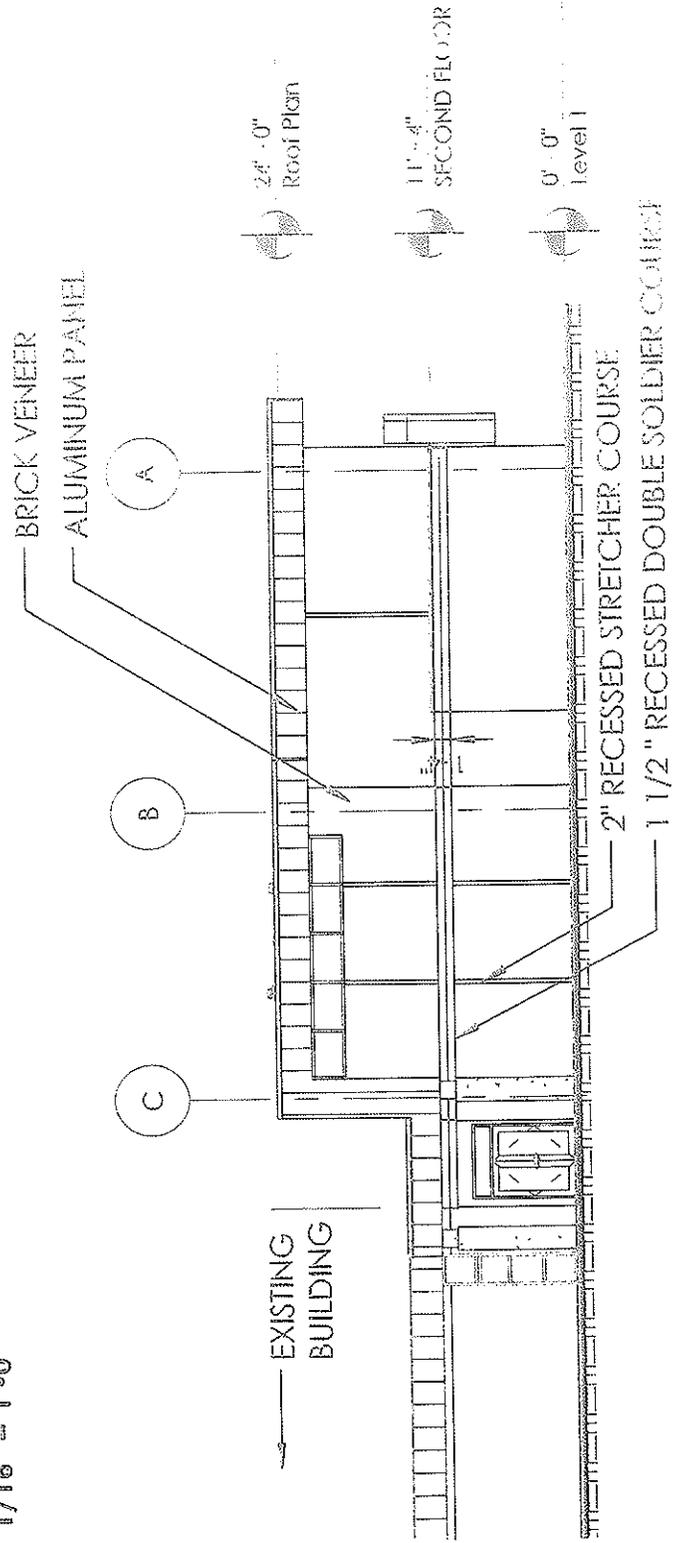


	Architecture Planning Interiors
	6400 Riley Park Drive Fort Smith, Arkansas 72916 P: 479.782.1051 F: 479.782.6019 E: info@mnhgarch.com
DATE 07.19.13 NAHG PROJECT 13-04 SHEET NUMBER A7.3	



1 BAND ROOM EAST ELEVATION

A7.3 1/16" = 1'-0"



2 BAND ROOM NORTH ELEVATION

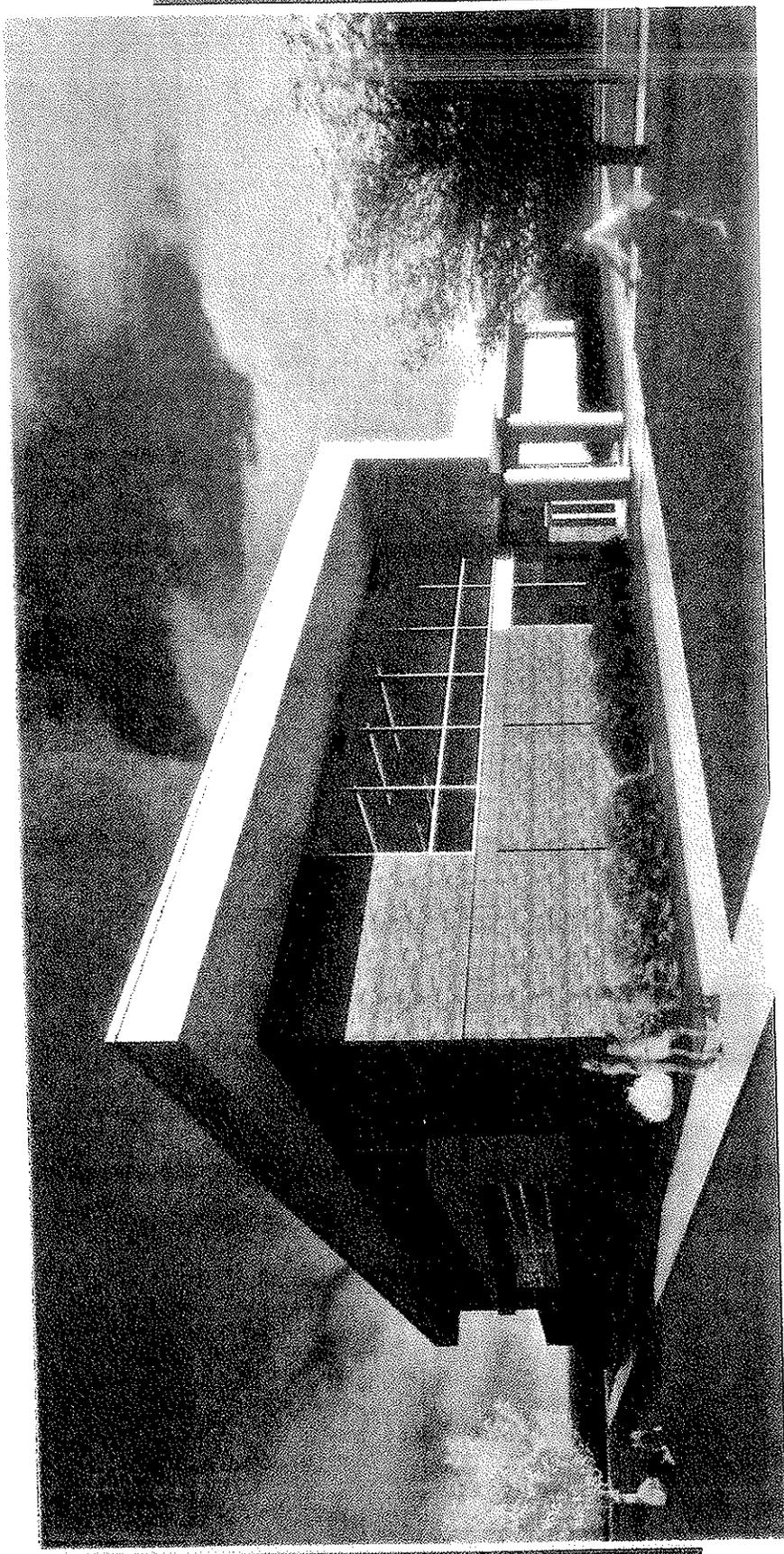
121

Expansion to
Darby Jr. High School
 Fort Smith, Arkansas



Architect
 Planning
 Interiors
 6400 Riley Park Drive
 Fort Smith, Arkansas 72916
 P: 479.782.1051
 F: 479.782.6019
 E: info@mangarch.com

DATE
 03.19.13
 MAHG PROJECT
 13-04
 SHEET NUMBER
A7.4



1 BAND ROOM EXTERIOR PERSPECTIVE

NOT TO SCALE

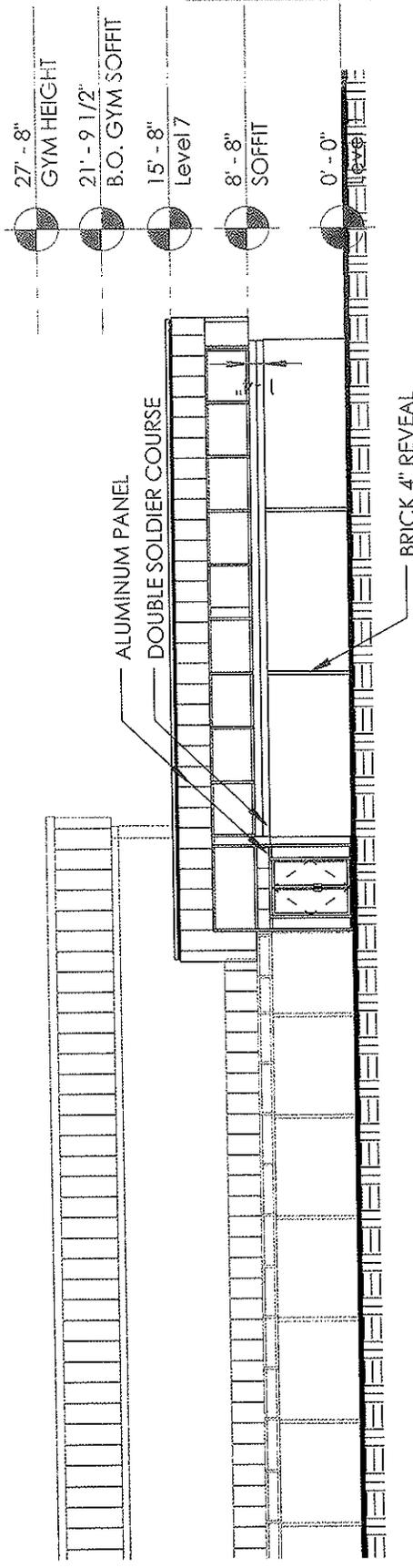
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 A7.4

Handwritten signature or initials



architecture
 - planning
 - interiors
 6400 Riley Park Drive
 Fort Smith, Arkansas 72916
 F: 479.782.6019
 e: info@mangarch.com

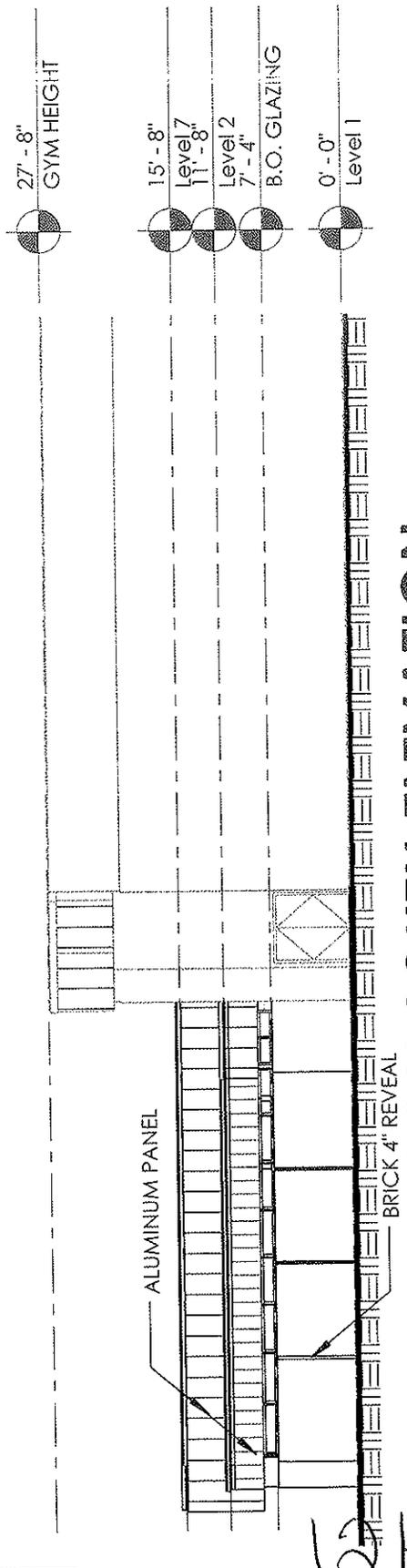
DATE 07.19.13
 MAHG PROJECT
 13-04
 SHEET NUMBER
A7.0



LOCKER ROOM NORTH ELEVATION

1/16" = 1'-0"

1
A7.0



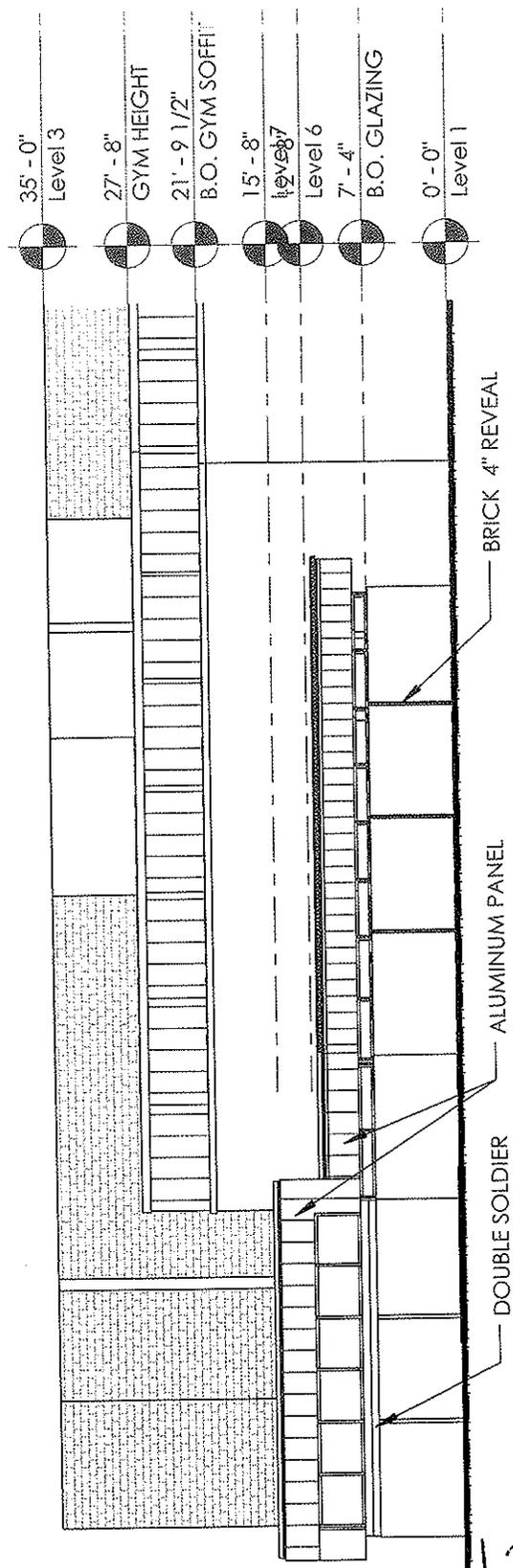
LOCKER ROOM SOUTH ELEVATION

1/16" = 1'-0"

2
A7.0

Expansion to
Darby Jr. High School
 Fort Smith, Arkansas

		e: info@mahgarch.com O: 479.782.6019 Fort Smith, Arkansas 72916 6400 Riley Park Drive
DATE	07.19.13	
MAHG PROJECT	13-04	
SHEET NUMBER	A7.1	



LOCKER ROOM WEST ELEVATION

1/16" = 1'-0"

A7.1

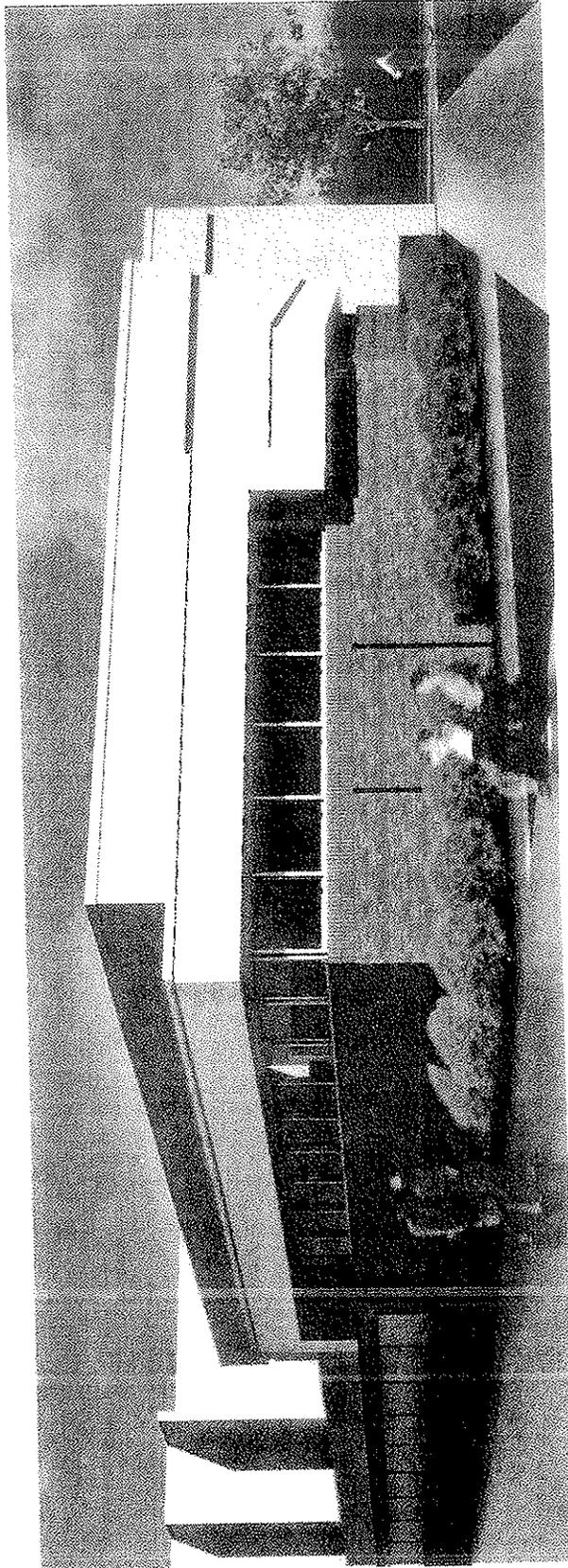
21

Expansion to
Darby Jr. High School
Fort Smith, Arkansas



- architecture
- planning
- interiors
6400 Riley Park Drive
Fort Smith, Arkansas 72916
O: 479.782.1051
F: 479.782.6019
e: info@mahgarch.com

DATE 07.19.13
MAHG PROJECT 13-04
SHEET NUMBER A7.5



LOCKER ROOM EXTERIOR PERSPECTIVE

1
A7.5 NOT TO SCALE

W2M

Memo

To: City Planning Commission

From: Planning Staff

Date: July 25, 2013

Re: Variance #25-8-13 - A request by Galen Hunter, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 20' to 12' front yard setback and from 20' to 8' exterior side yard setback at 616 North 14th Street (Companion to item #11)

LOT LOCATION AND SIZE

The property is located between North 14th Street to the west, Grand Avenue to the south, North 16th Street to the east and North "H" Street to the north. The site contains approximately 10.2 acres with approximately 800' of frontage along Grand Avenue, 900' of frontage along North 14th Street, 665' of frontage along North "H" Street and 440' of frontage along North 16th Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone 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.

13A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	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

All properties to the west are zoned Residential Single Family High Density (RS-4) and are developed as single family residences.

The properties to the north are zoned as Residential Single Family High Density (RS-4) and Residential Multifamily High Density (RM-4) and are developed as a single family residence along with another school.

The properties to the east are Transitional (T) and Commercial Light (C-2) and are developed as residential.

The properties to the south are Commercial Light (C-2) and are developed as church parking lots.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Grand Avenue as Major Arterial and North 14th Street as a Local Road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Institutional. This classification is to provide for needed community services of both a public and quasi-public nature. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan. (A companion Conditional Use application item #11 has been submitted for the two proposed additions to the existing school.)

REQUESTED VARIANCE

The first requested variance would allow the Band Room addition to be constructed

APPLICANT HARDSHIP

See the attached letter from the applicant.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, August 1, 2013 at 5:30 p.m. at 616 North 14th Street. No neighboring property owners were present at the neighborhood meeting.

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 approval of the application.

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 616 N. 14th STREET, Existing or Proposed

Zoning Classification TRANSITIONAL, 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>FROM</u>		<u>TO</u>	
	<u>20'-0</u>	-	<u>12'-0"</u>	<u>(14th Street)</u> Front Yard Setback or Minimum Distance from Right-of-Way
<u>BAND BLDG LOCKER ROOM</u>	<u>20'-0</u>	-	<u>8'-0</u>	Exterior Side Yard Setback <u>(Grand Ave.)</u>
	_____	-	_____	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: _____

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:

GALEN HUNTER
Owner or Agent Name *(please print)*

479-782-1051
Owner or Agent Phone Number

6400 RILEY PARK DRIVE
Owner or Agent Mailing Address

Owner
or
ALD | J
Agent

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>	
_____	X	Is this variance needed because of previous actions taken by yourself?
_____	X	Is this variance needed because of previous actions taken by a prior owner?
X	_____	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?
X	_____	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.
_____	X	Is the lot of an odd or unusual shape?
_____	X	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
X	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	X	Is any part of the lot in a flood plain or flood way?
_____	X	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	X	Is the lot developed with structures in violation of current zoning requirements?
X	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

13F

Explanation of question #4 (if applicable)

BAND BLDG-ADDITION: THE SIZE OF THE PROPOSED BAND REHEARSAL ROOM AND IT'S PROXIMITY TO EXISTING BAND AREA MAKES THE WEST SIDE OF THE EXISTING BLDG. THE BEST LOCATION FOR THE ADDITION. IT ALSO KEEPS BLDGS ALIGNED ON SOUTH SIDE OF CAMPUS (GRAND AVE)

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

WITHOUT THE REQUESTED VARIANCES, THE SIZE OF THE ADDITIONS WOULD NOT BE ADEQUATE TO MEET THE DESIRED FUNCTIONAL REQUIREMENTS

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:

LOCKER ROOM ADDITION: THERE WERE 2 LOCATIONS AVAILAB TO ADD GIRLS LOCKER ROOMS - THE SOUTH (GRAND AVE) SIDE AND THE EAST SIDE OF THE EXISTING GYM. BECAUSE OF THE DROP ~~IN~~ IN GRADE AND THE BLEACHERS WHICH RUN THE FULL LENGTH OF THE EAST SIDE OF THE GYM, ~~THE~~ THE EAST SIDE WAS NOT SUITABLE FOR THE ADDITION. THE WEST SIDE IS LIMITED BY A UTILITY EASEMENT (FORMER ALLEY) LEAVING THE SOUTH SIDE AS THE BEST PLACE FOR THE ADDITION.

136

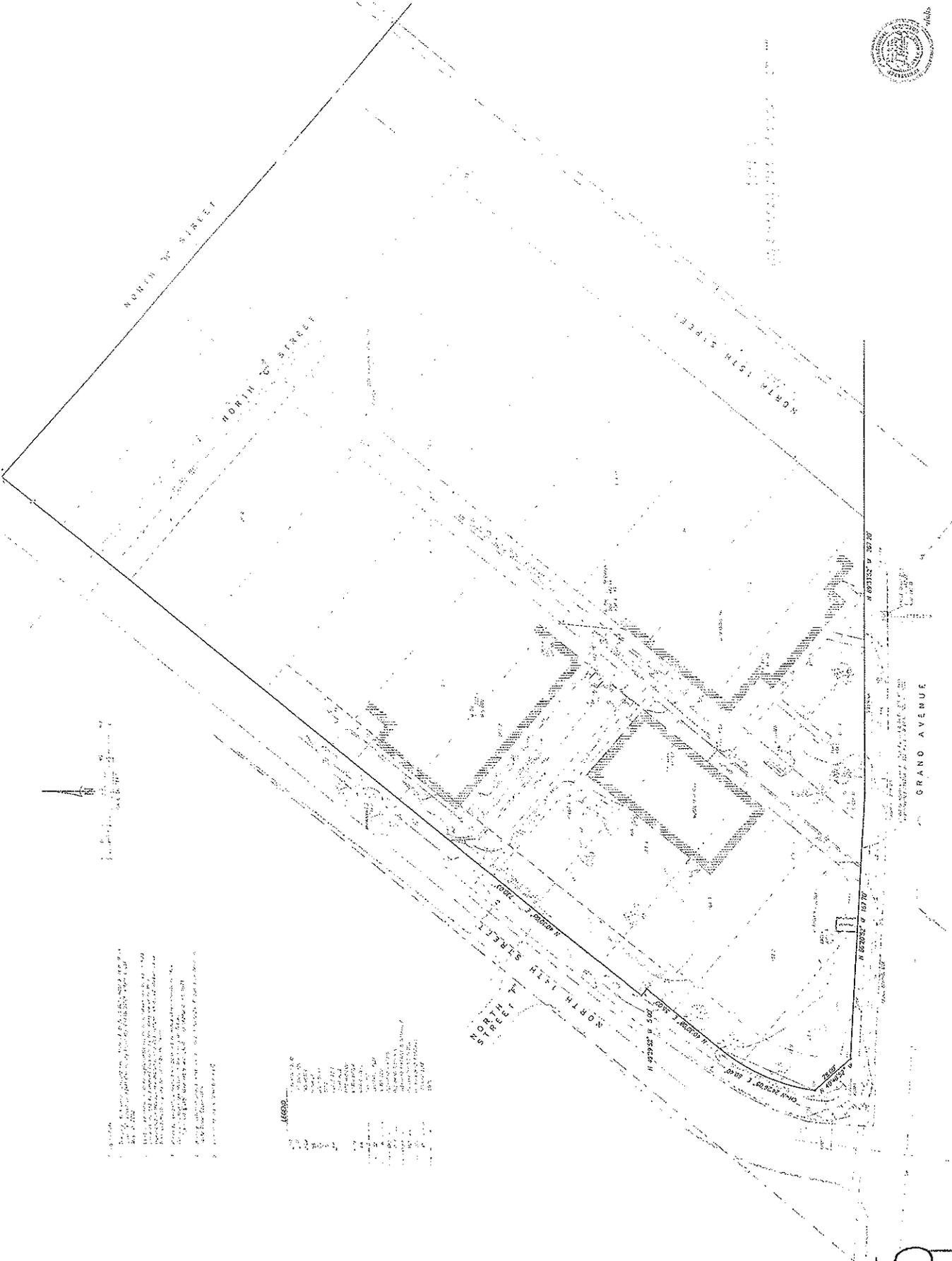
Variance #25-8-13: From 20' to 12' front yard setback for Band Building Addition and from 20' to 8' exterior side yard setback for the Locker Room Addition

616 North 14th Street



PARTIAL BOUNDARY & TOPOGRAPHIC SURVEY
DARBY JUNIOR HIGH SCHOOL
BLOCKS A, B, C, CROSSED & ADJUT'S ADDITION

HAWKINS & WEIR
ENGINEERS, INC.



1. This survey was made for the purpose of showing the location and boundaries of the blocks of land shown on the attached plat, and for showing the location and boundaries of the buildings shown on the attached plat.

2. The survey was made by means of a transit and stadia, and the bearings and distances were measured and reduced to mean sea level.

3. The bearings and distances were measured and reduced to mean sea level by means of the method of double meridian distances.

4. The bearings and distances were measured and reduced to mean sea level by means of the method of double meridian distances.

5. The bearings and distances were measured and reduced to mean sea level by means of the method of double meridian distances.

- 1. NORTH 10TH STREET
- 2. NORTH 11TH STREET
- 3. NORTH 12TH STREET
- 4. NORTH 13TH STREET
- 5. NORTH 14TH STREET
- 6. GRAND AVENUE

131

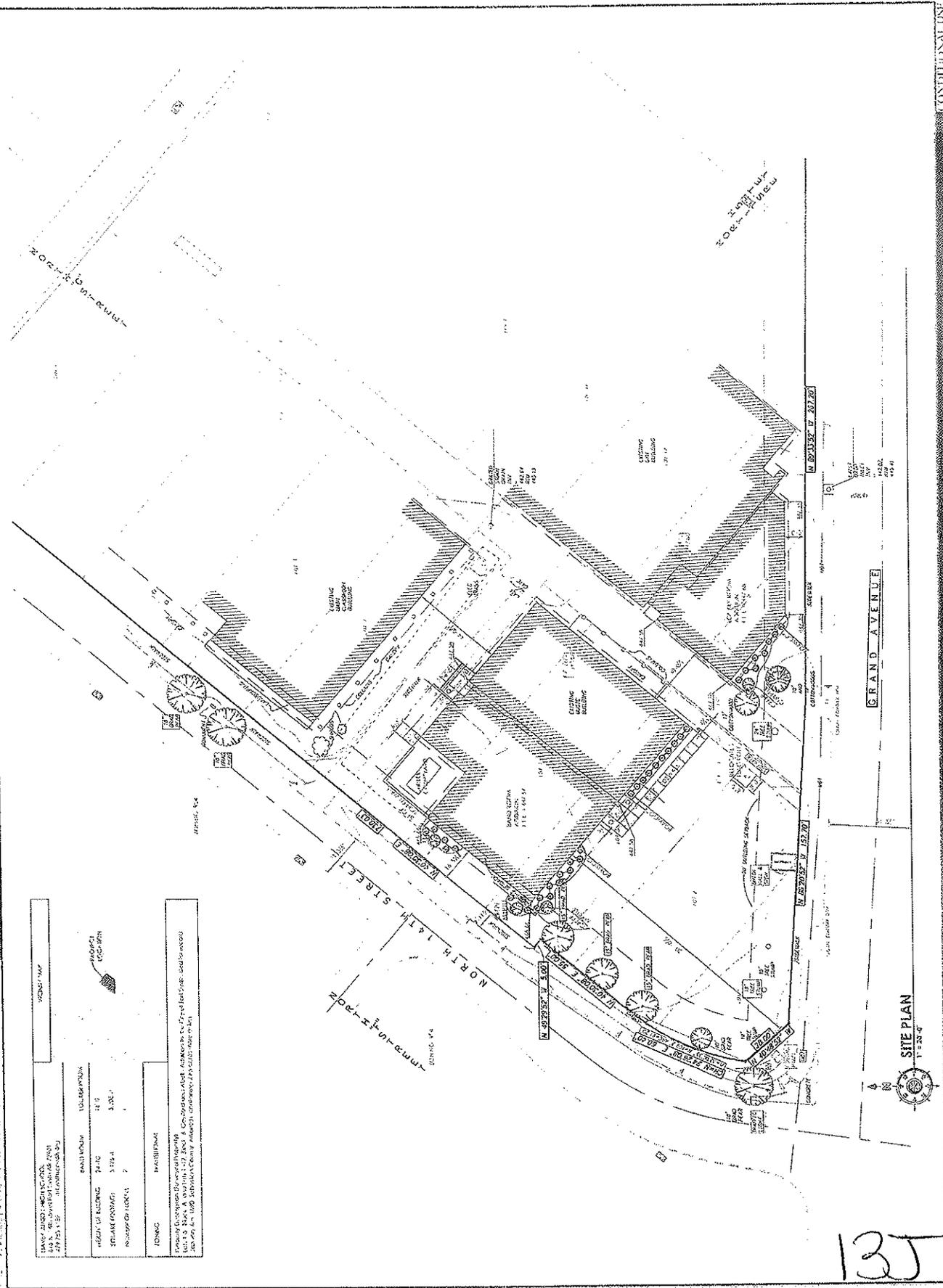


mahy
 architects
 -architecture-
 -planning-
 -interiors-
 6400 Wiley Post Drive
 Fort Smith, Arkansas 72306
 P 479.782.1051
 F 479.782.0015
 info@mahy.com
 mahy.com

Expansion Co:
 Darby Jr. High School
 Fort Smith Public Schools

131 Mahy Architects
 BLANKS
 1/11/13
 13.01
 19.13
 13.01
 19.13
 13.01

A1.1



PROJECT NAME DARBY JUNIOR HIGH SCHOOL 131 S. BARKER STREET FORT SMITH, AR 72306	SHEET NO. 13.01
PROJECT NO. 13.01	DATE 1/11/13
PROJECT LOCATION 131 S. BARKER STREET FORT SMITH, AR 72306	SCALE AS SHOWN
PROJECT OWNER FORT SMITH PUBLIC SCHOOLS	ARCHITECT MAHY ARCHITECTS

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CONDITIONAL USE

CONDITIONAL USE

Memo

To: City Planning Commission

From: Planning Staff

Date: July 29th, 2013

Re: Variance #26-8-13 - A request by Kim Hesse, agent for House of Restoration, for Board of Zoning Adjustment consideration of a zoning variance request from: 1) 50 square feet to 52 square feet maximum size of sign: 2) 1,500 square feet to 3,300 square feet maximum size of landscape islands: 3) the requirement of a permanent opaque 6 foot fence, wall or landscape buffer along any side or rear property line adjacent to residentially zoned property

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road. The tract contains about 10 acres with approximately 1,343 feet of street frontage along Massard Road.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

14A

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet (1+1)	Maximum Height - 35 feet
Maximum Density – 6.7 Dwelling Units/Acre 60%	Maximum Lot Coverage -
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 25 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is Not Zoned and is undeveloped.

The area to the east is Not Zoned and is undeveloped.

The area to the south is Not Zoned and is undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ O-1) and is an undeveloped portion of Ben Geren park.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a future Boulevard.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Institutional. This classification is intended for the creation of commercial, industrial, office, institutional and technical developments that are connected to surrounding land uses via a multi-modal transportation network that binds Chaffee Crossing community. Approval of the variances will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

REQUESTED VARIANCE

Approval of the requested variances will allow a 52 maximum square foot sign, 3,300 maximum square feet landscape islands, and elimination of a permanent opaque 6 foot fence, wall or landscape buffer adjacent to along any side or rear property line adjacent to property zoned for residential purposes (an undeveloped portion of Ben Geren).

14B

APPLICANT HARDSHIP

The applicant cites the following hardships:

Maximum size of sign - The applicant states that the request is due to a standardized sign design provided by the manufacturer and reducing size may be considered custom and therefore more costly.

Maximum size of landscape islands – Due to the expanse of the proposed parking lot, tree lawns do a better job of breaking up the parking lots with green spaces, shading the pavement better, and providing more space for trees to grow.

Screening adjacent to property zoned for residential purposes – The variance is requested due to the fact that the land is part of an undeveloped and heavily wooded portion of Ben Geren Park.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant has contacted all adjacent property owners and no objections have been made about the proposed project. The copy of the applicant's correspondence with surrounding property owners is enclosed.

Due to the large parking lot and the heavily wooded portion of Ben Geren, it is staff's opinion that the applicant has demonstrated that strict enforcement of the zoning chapter would cause undue hardship due to unique circumstances with the subject property regarding the maximum size of landscape islands and screening adjacent to Ben Geren Regional Park.

The request to increase the sign to 52 s.f. is a minimal increase and is a minor change to the maximum size of 50 s.f. allowed.

Staff finds that the variance requests are in keeping with the spirit and intent of the provisions of the zoning chapter and recommends approval with the following comments:

- Digital sign illumination setting shall not operate at levels more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the city certifying the brightness level at the time of issuance of the sign permit. The sign shall have a light sensing device that will adjust the brightness as ambient light conditions change. The message or image on the digital face must remain static for a minimum of eight seconds.

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 7600 Massard Blvd., Existing or Proposed

Zoning Classification RS-3 w/CUP for Church use., 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
- 50sf - 52 sf Maximum Size of a Sign 27-704-1(3) a
- Other: See attached page for additional Variance Requests

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

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

Signed:

Kim J Hesse
Owner or Agent Name (please print)

Owner

479-756-1266
Owner or Agent Phone Number

or
Kim J Hesse
Agent

134 W. Emma Ave, Springdale
Owner or Agent Mailing Address 72764

Variance # _____

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>	
_____	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
_____	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	_____	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?
<input checked="" type="checkbox"/>	_____	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.
<input checked="" type="checkbox"/>	_____	Is the lot of an odd or unusual shape?
_____	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input checked="" type="checkbox"/>	_____	Does the lot contain required easements other than those that might be located on its perimeter? Due to existing drainage crossing
_____	<input checked="" type="checkbox"/>	lot. Is any part of the lot in a flood plain or flood way?
_____	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

14F

Explanation of question #4 (if applicable)

(3) Screening Variance - The lot is long and narrow, this causes the parking lot to extend away from the building to the south farther than desired.

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

(3) Screening Variance - The lot is long and narrow, this causes the parking lot to extend away from the building to the south farther than desired. Since the parking lot stretches along the west property line 650 feet, the requirement to screen parking from adjacent land in this case gets more costly.

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 Property is long and narrow causing the parking lot to extend several hundred feet north and south along the west property line. Ben Geren Park, Zone ETJ-O-1, is adjacent to the west. The area adjacent to the Church property is heavily wooded and un-developed. Screening seems un-necessary along this portion of the park.

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Zoning Variance

House of Restoration

Proposed Zone RS-3 with Conditional Use Permit Request for Church Use

List Specific Variances Requests.

1) 27-704-1(3)a

Maximum Size of Sign – 50 SF allowed, 52 sf requested – Request is due to a standardized sign design provided by manufacturer, reducing size may be considered custom and therefore more costly.

2) 27-602-3(E)(2)(c)

Interior Landscaping for Vehicular Use Areas – Request to increase landscape islands from 1,500 sf to 3,300sf to allow tree lawns vs tree islands. Due to the expanse of the proposed parking lot, tree lawns do a better job of breaking up the parking lots with green spaces, shading the pavement better, and providing more space for trees to grow.

3) 27-602-4(C)#8

A permanent opaque 6foot fence, wall, or landscape buffer is required along any side or rear property line adjacent to property zoned for residential purposes. This variance request is to not have to build a screen along the west (rear) property line due to the fact that the land is part of an undeveloped and heavily wooded portion of Ben Geren Park.

PRELIMINARY DEVELOPMENT PLAN HOUSE OF RESTORATION FT. SMITH, AR

DESIGNED BY: J. M. SMITH, ARCHITECT
 DATE: 5/16/73
 SCALE: 1" = 20'
 JOB NUMBER: 1054

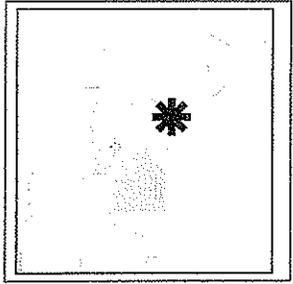
PREPARED FOR: THE HOUSE OF RESTORATION
 1054 S. MAIN ST., FT. SMITH, AR 72530

PROJECT NO.: 1054



Legend

Blank	Blank
Shaded	Shaded
Blue and Yellow	Blue and Yellow
Number of Parking Spaces	Number of Parking Spaces
Proposed Structure	Proposed Structure
Proposed Driveway	Proposed Driveway
Proposed Walkway	Proposed Walkway
Proposed Utility	Proposed Utility
Proposed Fence	Proposed Fence
Proposed Planting	Proposed Planting



Vicinity Map
Not to Scale

PLANNED DEVELOPMENT - CITY OF FT. SMITH
 (1) THE CITY OF FT. SMITH HAS APPROVED THE PRELIMINARY DEVELOPMENT PLAN FOR THE HOUSE OF RESTORATION. THE CITY ENGINEER HAS ISSUED A PERMIT TO CONSTRUCT FOR THE HOUSE OF RESTORATION. THE CITY ENGINEER HAS ISSUED A PERMIT TO CONSTRUCT FOR THE HOUSE OF RESTORATION. THE CITY ENGINEER HAS ISSUED A PERMIT TO CONSTRUCT FOR THE HOUSE OF RESTORATION.

PLANNED DEVELOPMENT - CHAPTER COUNCIL ON
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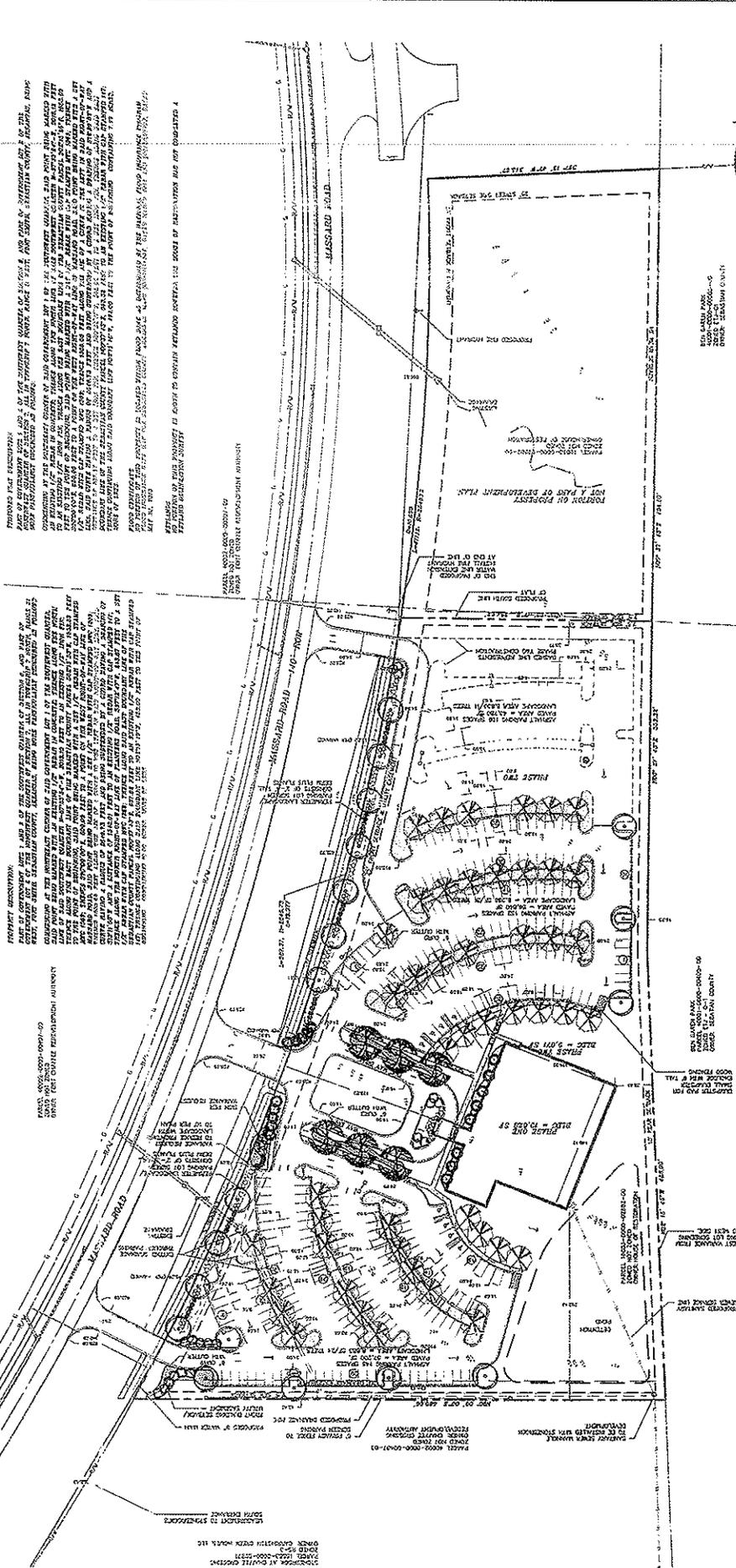
OWNERS
 HOUSE OF RESTORATION
 1054 S. MAIN ST., FT. SMITH, AR 72530

ENGINEER
 J. M. SMITH, ARCHITECT
 1054 S. MAIN ST., FT. SMITH, AR 72530

ARCHITECT
 J. M. SMITH, ARCHITECT
 1054 S. MAIN ST., FT. SMITH, AR 72530

SITE LOCATION
 1054 S. MAIN ST., FT. SMITH, AR 72530

ADJACENT
 TO THE SOUTH OF THE HOUSE OF RESTORATION IS THE SITE OF THE HOUSE OF RESTORATION. TO THE NORTH OF THE HOUSE OF RESTORATION IS THE SITE OF THE HOUSE OF RESTORATION. TO THE EAST OF THE HOUSE OF RESTORATION IS THE SITE OF THE HOUSE OF RESTORATION. TO THE WEST OF THE HOUSE OF RESTORATION IS THE SITE OF THE HOUSE OF RESTORATION.

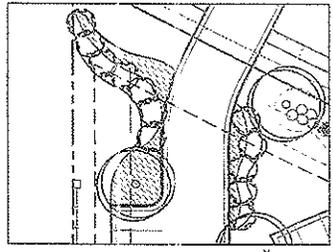
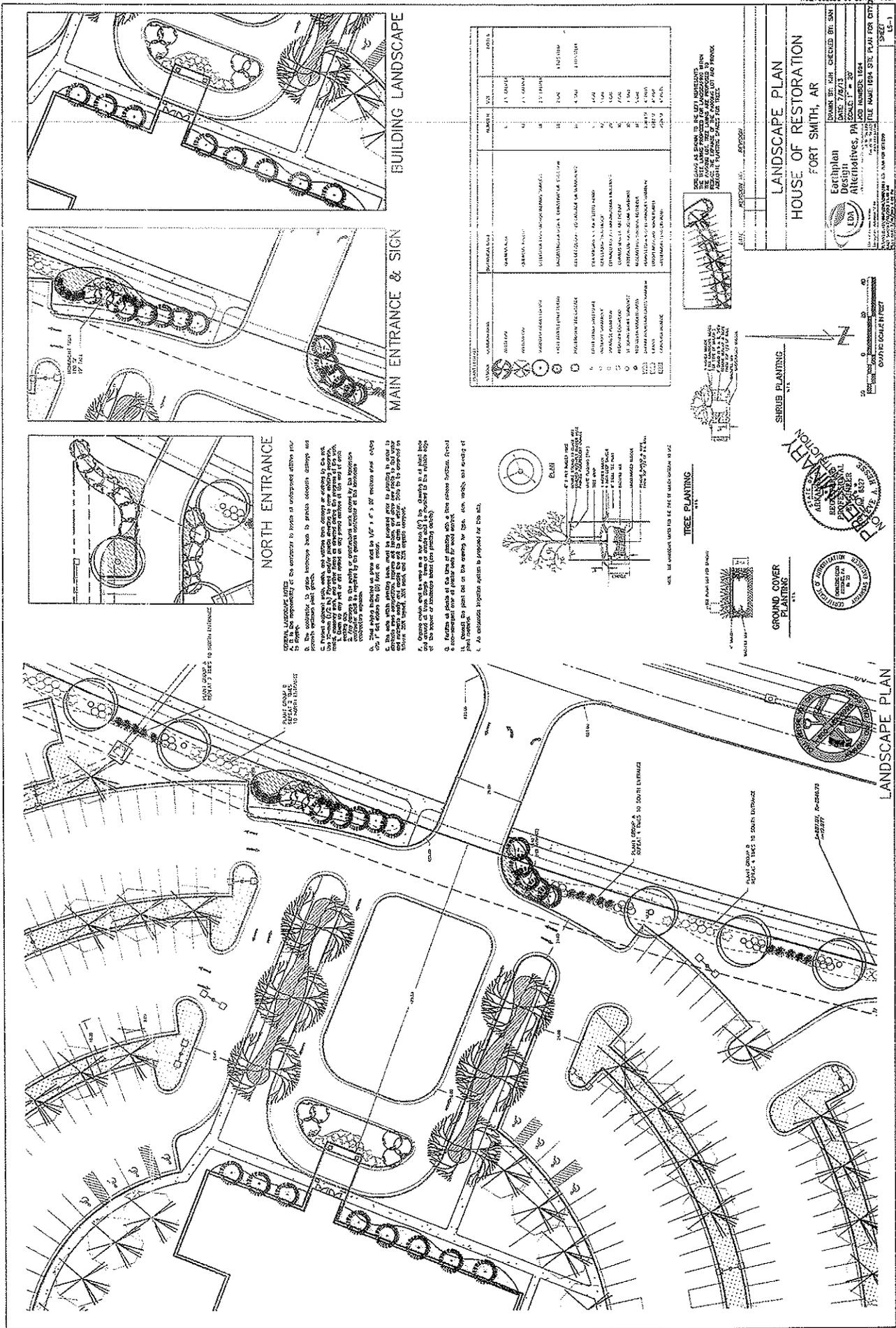


PROPERTY DESCRIPTION
 PART OF SECTION 1 AND 2 OF THE SOUTHWEST QUARTER OF SECTION 8, AND PART OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 10 WEST, COUNTY OF SEVEN, STATE OF ARKANSAS. THE PROPERTY IS BOUND BY THE SOUTHWEST CORNER OF SECTION 8, AND PART OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 10 WEST, COUNTY OF SEVEN, STATE OF ARKANSAS. THE PROPERTY IS BOUND BY THE SOUTHWEST CORNER OF SECTION 8, AND PART OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 10 WEST, COUNTY OF SEVEN, STATE OF ARKANSAS.

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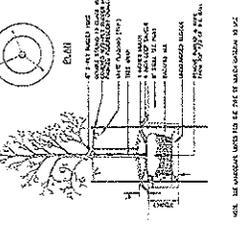
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NORTH ENTRANCE

GENERAL LANDSCAPE NOTES:
 1. The contractor is to verify all proposed entries prior to construction.
 2. The contractor is to provide landscape beds in finished condition with all growth medium and plants.
 3. The contractor is to provide all necessary irrigation systems, including valves, backflow preventers, and controllers.
 4. The contractor is to provide all necessary signage, including directional signs and wayfinding.
 5. The contractor is to provide all necessary site furniture, including benches, trash cans, and lighting.
 6. The contractor is to provide all necessary site work, including grading, paving, and drainage.
 7. The contractor is to provide all necessary site safety, including fencing and signage.
 8. The contractor is to provide all necessary site maintenance, including watering and pruning.
 9. The contractor is to provide all necessary site documentation, including as-built drawings and plant lists.



TREE PLANTING



GROUND COVER PLANTING

NO.	SYMBOL	DESCRIPTION	QUANTITY	DATE
1	(Symbol)	PLANTING	1	1/1/19
2	(Symbol)	PLANTING	1	1/1/19
3	(Symbol)	PLANTING	1	1/1/19
4	(Symbol)	PLANTING	1	1/1/19
5	(Symbol)	PLANTING	1	1/1/19
6	(Symbol)	PLANTING	1	1/1/19
7	(Symbol)	PLANTING	1	1/1/19
8	(Symbol)	PLANTING	1	1/1/19
9	(Symbol)	PLANTING	1	1/1/19
10	(Symbol)	PLANTING	1	1/1/19
11	(Symbol)	PLANTING	1	1/1/19
12	(Symbol)	PLANTING	1	1/1/19
13	(Symbol)	PLANTING	1	1/1/19
14	(Symbol)	PLANTING	1	1/1/19
15	(Symbol)	PLANTING	1	1/1/19
16	(Symbol)	PLANTING	1	1/1/19
17	(Symbol)	PLANTING	1	1/1/19
18	(Symbol)	PLANTING	1	1/1/19
19	(Symbol)	PLANTING	1	1/1/19
20	(Symbol)	PLANTING	1	1/1/19

LANDSCAPE PLAN
HOUSE OF RESTORATION
FORT SMITH, AR

EDWARDS CONSULTANTS
 1000 N. UNIVERSITY BLVD.
 FORT SMITH, AR 72530
 PHONE: (501) 853-1111
 FAX: (501) 853-1112
 WWW: WWW.EDWARDSCONSULTANTS.COM

DATE: 7/27/13
 CHECKED BY: SJK
 DRAWN BY: SJK
 SCALE: 1" = 20'
 JOB NUMBER: 1004

TITLE NAME: 1004 SITE PLAN FOR CITY OF RESTORATION

SHEET: 15-1

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA AVENUE
SPRINGDALE, ARKANSAS 72764
479-756-1266
FAX: 479-756-2129

May 16, 2013

Ms. Brenda Andrews, Planner
City of Fort Smith
623 Garrison Ave., Rm. 331
Fort Smith, AR 72901

RE: House of Restoration Rezone and Conditional Use Request

Ms. Andrews,

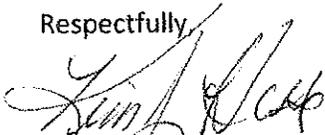
The House of Restoration is a non-denominational church relocating to Chaffee Crossing on 10 acres just south of the Stonebrook Subdivision on Massard Road. The property does not have an existing zoning designation but is within an area proposed for residential use by the Chaffee Crossing Land Use Plan. Since churches do not fall within a specific zoning designation under the City of Fort Smith Zoning Ordinance, a Conditional Use is being requested along with the rezone request to RS-3, Residential Single Family Medium/High Density. The property is located adjacent to undeveloped land to the east and south; Ben Geren park is to the west and single family residential subdivisions to the north.

The Church is proposing a phased development with phase one containing a 13,129 square foot building to hold 500 patrons and an additional 9,670 square foot addition in phase two for another 500 patrons. Elevations of the building are included with the application for Rezone and Conditional Use. A total of 248 parking spaces are being proposed with phase one and an additional 156 spaces proposed with phase two. Currently, one church service is planned for Sunday morning beginning at 10:30 and as the congregation grows, two services are possible each Sunday; one service at 8:30 and the second service at 10:45. An evening service is also offered every Wednesday at 7:00pm.

Prior to the Planning Commission Study Session scheduled June 4th, EDA and the House of Restoration will personally meet with adjacent landowners to discuss the proposed development of the church property. Per your requirement, we will provide proof that such communication took place and provide you with documentation of each land owners comments related to the development.

Since the construction of the church development is dependent on donations, it is unclear exactly when construction can begin. Due to this uncertainty, the House of Restoration would like to request that the Conditional Use request, if approved, be extended for a 2 year period. As we process this Rezone and Conditional Use request, we are coordinating with the Fort Chaffee Redevelopment Authority to ensure we are meeting the Chaffee Crossing Design Guidelines as well as the City's Subdivision Design Standards.

Respectfully,


Kim J. Hesse, RLA
Project Manager

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Memo

To: City Planning Commission

From: Planning Staff

Date: July 26, 2013

Re: Variance #27-8-13 - A request by Mercy Health Fort Smith Communities, agent, for Board of Zoning Adjustment consideration of a zoning variance request: 1) from 2.0 acres to 3.91 acres maximum parcel/lot size for rezoning to Transitional; 2) elimination of 10' wide perimeter landscaped area along a portion of Old Greenwood Road; 3) postpone requirement for screening adjoining undeveloped property on the south and east sides until it is developed as residential; and 4) from residential collector or higher required street access to local street access at 3700 Cliff Drive

LOT LOCATION AND SIZE

The subject property is on the southeast side of the intersection of Old Greenwood Road and Cliff Drive. The tract contains an area of 3.91 acres with approximately 572 feet of street frontage along Cliff Drive and approximately 566 feet of street frontage along Old Greenwood Road.

EXISTING ZONING

The requested zoning on this tract is Transitional (T).
Characteristics of this zone 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,

ISA

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 Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	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 area to the north (across Cliff Drive) is zoned Transitional (T) and is developed as ABF Office.

The areas to the east are zoned Residential Estate One Acre and undeveloped.

The areas to the south are zoned Residential Estate One Acre undeveloped.

The areas to the west (across Old Greenwood Road) are zoned Residential Single Family Medium Density (RS-2) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Cliff Drive as a Local Road and Old Greenwood Road as Major Arterial.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use-Employment. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. (A companion Development Plan Review, Rezoning and Master Land Use Amendment are also requested)

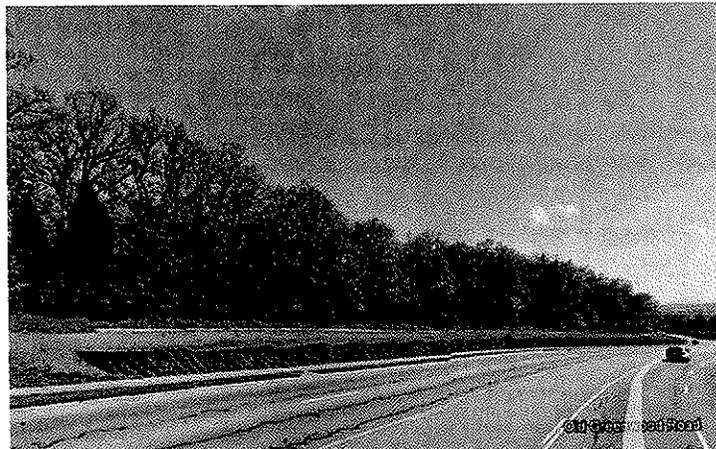
REQUESTED VARIANCE

Approval of the variances will allow the site to be rezoned to transitional and allow approval of the submitted development plan with a maximum of 3.91 acres, eliminate a portion of the 10' wide landscape area on Old Greenwood Road, postpone the screening of adjoining property on the south and east sides until the property is developed as residential; and allow the development to have local street access.

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APPLICANT HARDSHIP

- 1) Maximum Lot Size for Rezoning to Transitional - This lot exceeds the maximum lot size because of steep topography (15 to 20% slopes) which increases the size of the lot needed to produce a suitable easement. Without the variance, the 2 acre maximum requirement would restrict the buildable area for the proposed lot, which would prevent the development of the project from moving forward. A considerable amount of the proposed lot has steep slopes (15 to 20%) that make these areas undevelopable.
- 2) Elimination of portion of the 10' wide landscape area on Old Greenwood Road - The existing native green belt will remain undisturbed along the vast majority of the Old Greenwood Road frontage; this green belt contains large mature hardwoods (oak, hickory, etc.). The steep slope and separation from the building presents difficulty with landscaping installation and maintenance. Also due to an existing 25' wide drainage and slope easement along the Old Greenwood Road right-of-way any landscape buffer would require a considerable offset and removal of existing mature hardwoods. The steep slope would remain intact with trees and vegetation along with existing concrete drainage channel and retaining wall.
- 3) Postpone screening along the side or rear property line adjacent to property zoned for residential purposes - The installation of screening is not needed or desired until such time that the adjoining property is cleared and developed. The property currently is a very dense wooded area with mature hardwood timber. The adjoining property is undeveloped and in the natural condition of an undisturbed heavily wooded area.
- 4) Minimum Required Street Access from Residential Collector or higher street classification to local street classification - Because of the steepness (15 to 20% slopes) of the property and the City's segmental retaining wall along the east side of Old Greenwood Road prohibits the construction of access driveways onto Old Greenwood Road.



ISC

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, July 30, 2013, at 6:00 p.m. at 7800 Dallas Street. Ten surrounding property owners attended the meeting. Some property owners expressed concern that the proposed use was non-residential and that trees and vegetation would be removed from the site due to construction and utility installation. Favorable comments included that the proposal was a quality development and would provide a convenient source of medical services for the area. A copy of the attendance record and meeting summary are included with the preliminary development plan/preliminary plat application.

Due to the existing steep topography and heavily wooded areas, it is staff's opinion that the applicant has demonstrated that strict enforcement of the zoning chapter would cause undue hardship due to unique circumstances with the subject property.

Staff recommends approval of the variances and finds that the variance requests are in keeping with the spirit and intent of the provisions of the zoning chapter.

150

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 Exhibit A

Address of property 3700 Cliff Drive, Existing or Proposed

Zoning Classification Proposed Transitional Zone, 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
- _____ - _____ Maximum Size of a Sign
- _____ - _____ Other: (See Attachment)

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

ISE

Attachment

- 1.) Remove requirement for maximum lot size from 2.0 acres to 3.91 acres. (City of Fort Smith Unified Development Ordinance (UDO) 27-419.6(2B))
- 2.) Remove requirement for landscape buffer along the portion of the Old Greenwood Road drainage and slope easement (25 feet wide). (City of Fort Smith (UDO) 27-602(3B))
- 3.) Postpone requirement for screening adjoining undeveloped property on the south and east sides until it is developed and only if developed as a residential subdivision. (City of Fort Smith (UDO) 27-602-4(C.(9.)))
- 4.) Allow for proposed access driveways (2) onto Cliff Drive, designated as a local street. (City of Fort Smith (UDO) 27-419.6(5.))

15F

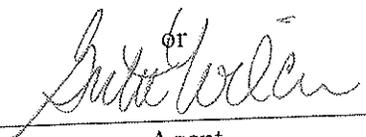
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Mercy Health Fort Smith Communities
Owner or Agent Name (*please print*)

479-314-6100
Owner or Agent Phone Number

7301 Rogers Ave., Fort Smith, AR 72903
Owner or Agent Mailing Address

Owner
or


Agent

Variance # _____

156

**ITEM 1, MAXIMUM LOT SIZE
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>	
_____	_x_	Is this variance needed because of previous actions taken by yourself?
_____	_x_	Is this variance needed because of previous actions taken by a prior owner?
_____	_x_	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?
x	_____	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.
x	_____	Is the lot of an odd or unusual shape?
x	_____	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
x	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_x_	Is any part of the lot in a flood plain or flood way?
_____	_x_	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	_x_	Is the lot developed with structures in violation of current zoning requirements?
x	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

15H

ITEM 1, MAXIMUM LOT SIZE

Explanation of question #4 (if applicable)

Proposed lot exceeds maximum lot size because of steep topography (15 to 20% slopes) which increase the size of the lot needed to produce a suitable building area.

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

Would restrict the buildable area for proposed lot, which would prevent the development of the project moving forward.

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:

A considerable amount of the proposed lot has steep slopes (15 to 20%) that make these areas undevelopable.

151

**ITEM 2, LANDSCAPE BUFFER
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?

155

ITEM 2, LANDSCAPE BUFFER

Explanation of question #4 (if applicable)

Existing native green belt will remain undisturbed along the vast majority of the Old Greenwood Road frontage. This green belt contains large mature hardwoods (oak, hickory, etc.).

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

The steep slope and separation from building presents difficulty with landscaping installation and maintenance. Also due to an existing 25 feet wide Drainage and Slope Easement along the Old Greenwood Road right of way any landscape buffer would require a considerable offset and removal of existing mature hardwoods.

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 steep slope would remain intact with trees and vegetation along with existing concrete drainage channel and retaining wall.

ISK

ITEM 3, SCREENING FROM RESIDENTIAL ZONED PROPERTY 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?

156

ITEM 3, SCREENING FROM RESIDENTIAL ZONED PROPERTY

Explanation of question #4 (if applicable)

The adjoining property is heavily wooded and undeveloped at this
time. The Developer request to postpone requirements for screening
adjoining undeveloped property on the south and east sides until
it is developed and only if developed as a residential subdivision.
Currently there is nothing to screen on the adjoining property.

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

Installation of screening is not needed or desired until such
time that the adjoining property is cleared and developed.

The property currently is a very dense wooded area with
mature hardwood timber.

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 adjoining property is undeveloped and in the natural
condition of a undisturbed heavily wooded area.

ISM

ITEM 4, ACCESS DRIVEWAYS 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>	
_____	_x_	Is this variance needed because of previous actions taken by yourself?
_____	_x_	Is this variance needed because of previous actions taken by a prior owner?
_____	_x_	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?
x	_____	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.
x	_____	Is the lot of an odd or unusual shape?
x	_____	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
x	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_x_	Is any part of the lot in a flood plain or flood way?
_____	_x_	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	_x_	Is the lot developed with structures in violation of current zoning requirements?
x	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

15N

ITEM 4, ACCESS DRIVEWAYS

Explanation of question #4 (if applicable)

Allow for construction of Access Driveways (2) onto Cliff Drive,
designated as a local street.

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

Because of the steepness (15 to 20% slopes) of the property
it prohibits the construction of Access Driveways onto
Old Greenwood Road, which is designated as a major arterial
street.

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 existing steep topography (15 to 20% slopes) and City's
segmental retaining wall along the east side of Old Greenwood
Road.

1. The proposed site plan is shown in accordance with the provisions of the Arkansas Uniform Land Use Code, Chapter 10, Section 10-1-1.
2. The proposed site plan is shown in accordance with the provisions of the Arkansas Uniform Land Use Code, Chapter 10, Section 10-1-2.
3. The proposed site plan is shown in accordance with the provisions of the Arkansas Uniform Land Use Code, Chapter 10, Section 10-1-3.
4. The proposed site plan is shown in accordance with the provisions of the Arkansas Uniform Land Use Code, Chapter 10, Section 10-1-4.
5. The proposed site plan is shown in accordance with the provisions of the Arkansas Uniform Land Use Code, Chapter 10, Section 10-1-5.

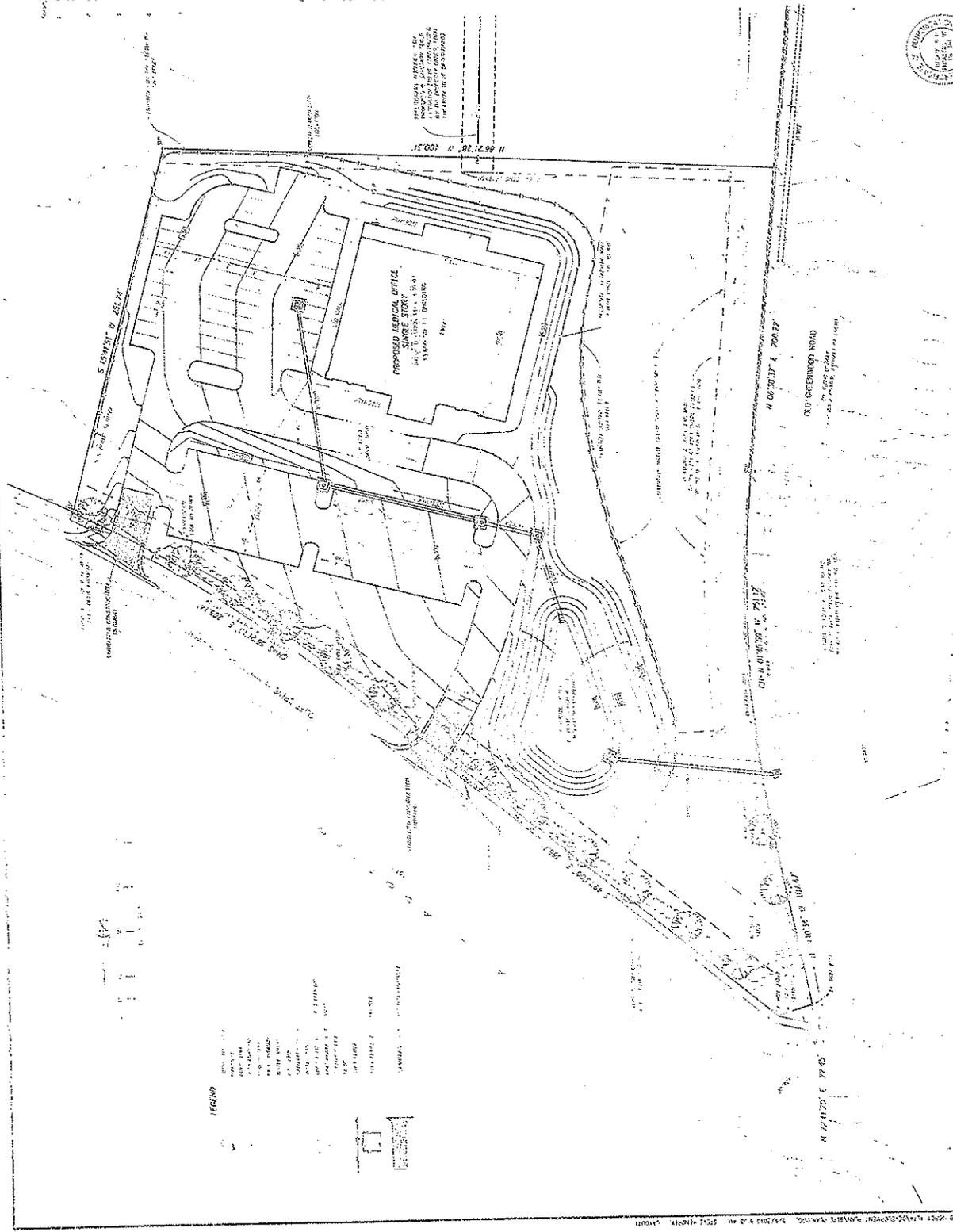
Site Plan
 TEA - FORT SMITH
 Lot 1

PROPOSED MEDICAL OFFICE
 SINGLE STORY
 13,800 TO 11,000 SQ. FT.

Site Plan
 TEA - FORT SMITH
 Lot 1

PORTION OF THE SW/4, SE/4, SECTION 27, T-8-N, R-36-W
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DATE: JULY 2013 SCALE: 1" = 30'



FAW HAWKINS & WEIR
 ENGINEERS, INC.

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 1000000000
 1000000000

JOB NO. 201308078

15R



May 21, 2013

Mr. Stan Snodgrass, P.E.
Director of Engineering
Fort Smith Engineering Department
P.O. Box 1908
Fort Smith, Arkansas 72902-1908

Re: Mercy Cliff Drive Clinic
Traffic Statement
Fort Smith, Arkansas
HWEI Project No. 2013007B

Dear Stan:

Per the City's requirements, please find enclosed for your review and approval a copy of the Traffic Statement (TS) for the proposed Mercy Cliff Drive medical clinic project. The TS was prepared based on the City's Unified Development Ordinance (UDO) requirements.

The expected percentage increase in traffic for A.M. and P.M. peak trips along Old Greenwood Road is 1.5%. The expected percentage increase in traffic for A.M. and P.M. peak trips along Cliff Drive is 16.5%. It is our opinion that the additional traffic generated by the Mercy Clinic should have a minimal effect on the current traffic conditions for both Old Greenwood Road and Cliff Drive.

If you have any questions or comments, please feel free to call and we can discuss them.

Sincerely,

HAWKINS-WEIR ENGINEERS, INC.

J. Kyle Salyer, P.E., P.S.

JKS/drd

Enclosure: Traffic Statement (1 copy)

cc: Jason Landrum, AIA, Polk Stanley Wilcox
Larry Young, Mercy

Project: Mercy Cliff Drive Clinic
 Project No.: 2013007
 Date: May 2013

Project Summary

Mercy Medical is planning a new development within the City of Fort Smith at the southeast corner of Old Greenwood Road and Cliff Drive. It is a Medical Office Building with 13,364 square feet of gross building floor area. It will have approximately 8 full time doctors. The Mercy Clinic will have two access points or driveways both along Cliff Drive. This report summarizes the traffic impacts for the proposed development.

Trip Projections

The expected number of trips generated by the Mercy Clinic along Old Greenwood Road and Cliff Drive is determined using the 3rd edition of the ITE Publication "Trip Generation". The number of doctors is the independent variable used for the calculations. The number of doctors at the Mercy Clinic is assumed to be 8. Table 1 summarizes the calculations for projected trips for both the A.M. peak and P.M. peak. The Mercy Clinic will generate 36 trips, 18 entering and 18 exiting during the P.M. peak.

Table 1: ITE Trip Generation for Clinics (ITE Class 630)

Land Use Type	ITE Class	Trip Independent Variable	Average Weekday									
			Per Peak Hour Adjacent Street Traffic		AM Peak Directional Distribution		AM Peak Directional Volume		PM Peak Directional Distribution		PM Peak Directional Volume	
			Between 7-9 AM	Between 4-6 PM	In	Out	In	Out	In	Out	In	Out
			vph	vph								
Clinic	630	Full-Time Doctors	3.6	4.43	0.5	0.5	14.4	14.4	0.5	0.5	17.7	17.7
		8	28.8	35.4								

Trip Distribution

The 36 P.M. peak trips are then distributed to both driveways along Cliff Drive. Figure 1 shows the projected trips for the P.M. peak onto Old Greenwood Road and Cliff Drive created by the Mercy Clinic. The 29 A.M. peak trips are also distributed to both driveways. Figure 2 shows the projected trips for the A.M. peak.

157

Traffic Analysis

The 2012 Annual Average Daily Traffic (ADT) Estimates from the Arkansas State Highway and Transportation Department (AHTD) are used to determine existing traffic along Old Greenwood Road and Cliff Drive. Refer to Exhibit A for 2012 AHTD ADT Estimates for the project area. Old Greenwood Road has an ADT of 20,000 vehicles per day (vpd). Cliff Drive has an ADT of 2,200 vpd. The A.M. and P.M. peak traffic counts are estimated using an A.M. peak factor of 8% and a P.M. peak factor of 10%. Table 2 shows the existing peak daily traffic.

Table 2: Existing Peak Daily Traffic

Street	ADT	A.M. Peak Factor	P.M. Peak Factor	A.M. Peak Trips, vph	P.M. Peak Trips, vph
Old Greenwood	20,000	8%	10%	1600	2000
Cliff Drive	2,200	8%	10%	176	220

The projected traffic is then added to the existing traffic to show the anticipated traffic after development of Mercy Clinic. The total anticipated traffic is shown in Table 3.

Table 3: Projected Peak Daily Traffic after Development

Street	A.M. Peak Trips, vph	P.M. Peak Trips, vph	Percent Increase A.M. Post Development	Percent Increase P.M. Post Development
Old Greenwood	1,624	2,030	1.5%	1.5%
Cliff Drive	205	256	16.5%	16.3%

Conclusion

Based on the projected traffic, the development of Mercy Clinic should have a minimal impact on the traffic patterns of Old Greenwood Road and Cliff Drive. The percent increase in post development A.M. and P.M. peak trips is less than 1.5% for Old Greenwood Road. The A.M. peak daily traffic along Cliff Drive will increase by 16.3%, the P.M. peak daily traffic will increase by 16.5%. The majority of the increased trips along Cliff Drive will pass through the signalized intersection at Old Greenwood Road. Based on the presence of signalization and minimal projected increase, no additional traffic control or improvement measures are recommended.

HAWKINS-WEIR ENGINEERS, INC.


J. Kyle Salyer, P.E., P.S.

150

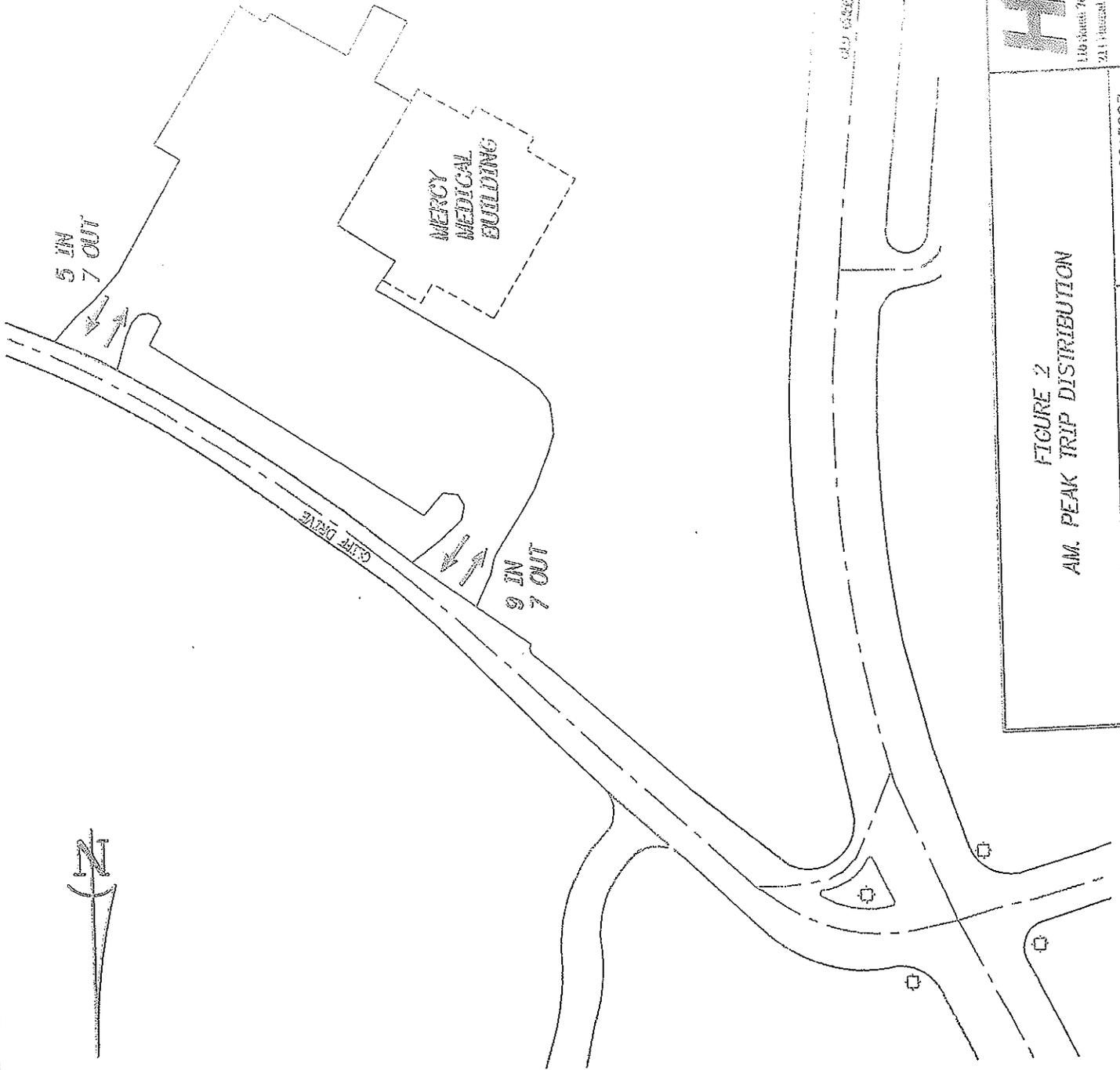
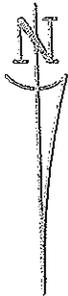


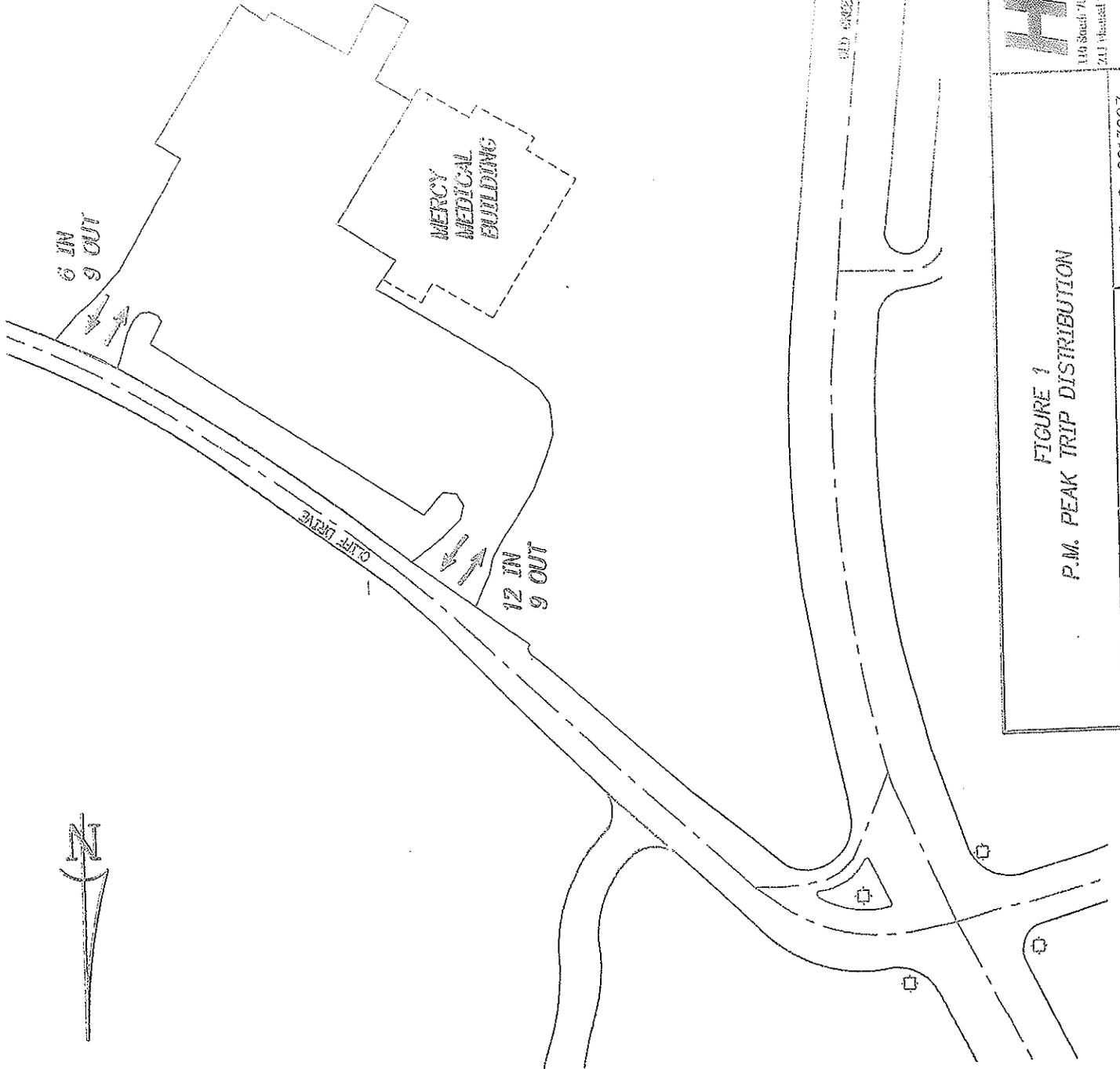
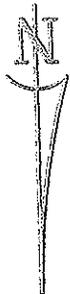
FIGURE 2
AM. PEAK TRIP DISTRIBUTION

HAWKINSOWEIR
ENGINEERS, INC.

116 South 7th Street
211 Federal National Drive
St. Louis, MO 63101
St. Louis, MO 63101

(479) 474-1227
(501) 374-4046
www.hawkinsweir.com

DATE: MAY 2013 | SCALE: 1"=100' | JOB NO. 2013007



U:\DRAWINGS\PROJECTS\2013\2013007 MERCY CLIFF DR\TRAFFIC EX.DWG, 5/14/2013 2:49 PM, BLAKE PEACOCK, PM

M51

FIGURE 1
P.M. PEAK TRIP DISTRIBUTION

DATE: MAY 2013

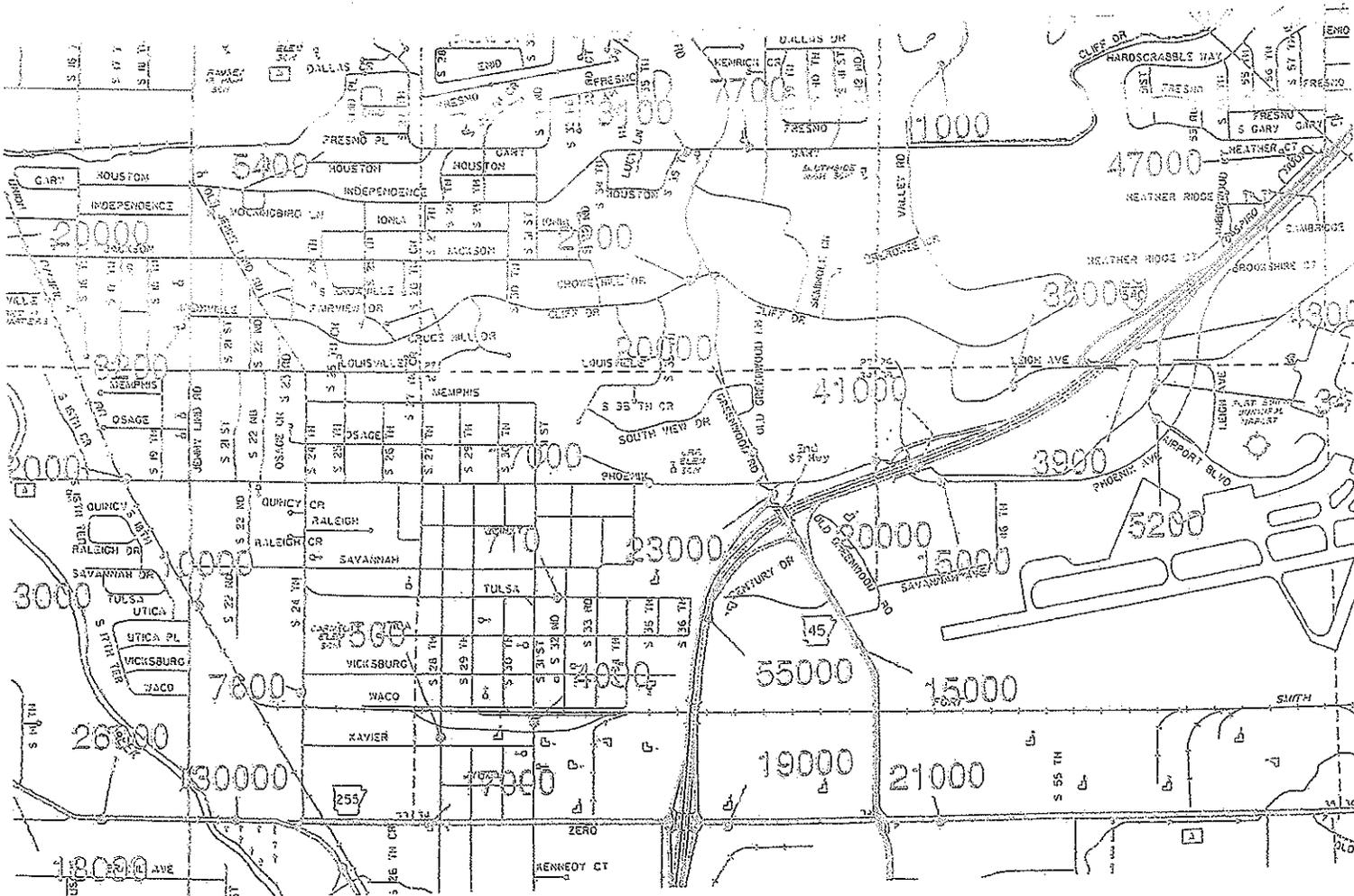
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JOB NO. 2013007

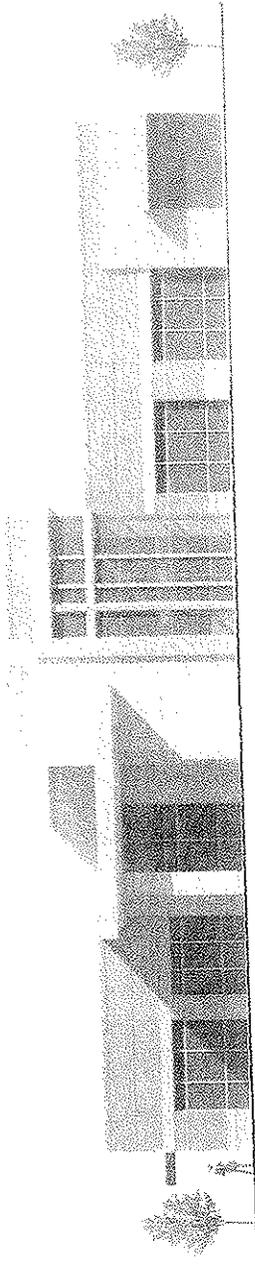
FHW HAWKINS & WEIR
ENGINEERS, INC.

114 South 7th Street
211 Mutual Resources Drive
www.hawkinsweir.com
St. Louis, MO 63102
St. Louis, MO 63102
(314) 437-1227
(314) 374-8846

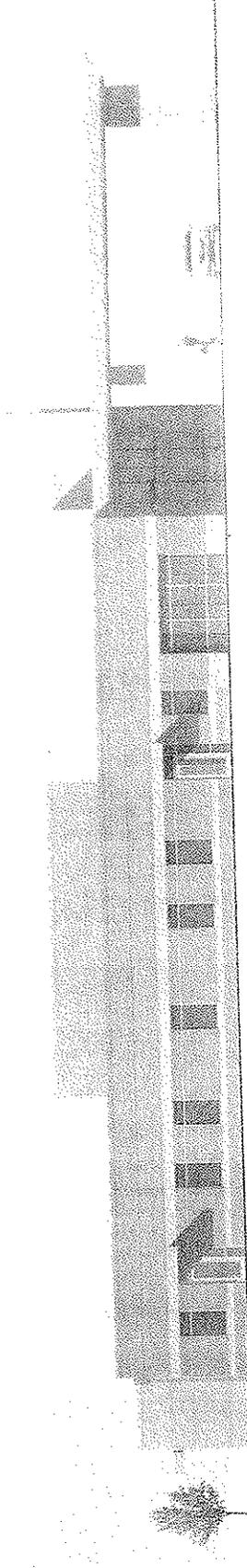
EXHIBIT A
AHTD 2012 ANNUAL AVERAGE DAILY TRAFFIC (ADT) ESTIMATES



15X



NORTH ELEVATION



EAST ELEVATION

DATE: 07.19.13
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]

07.19.13

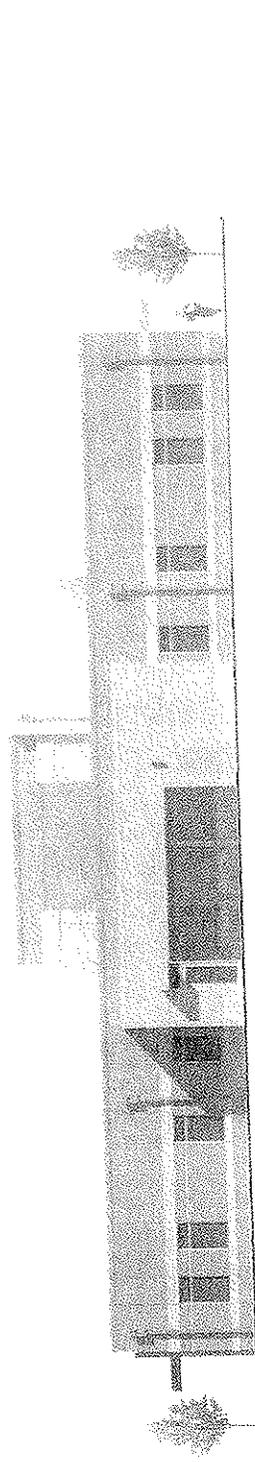
EXTERIOR ELEVATIONS

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS
 A NEW 150,000-SQ-FOOT MEDICAL OFFICE BUILDING

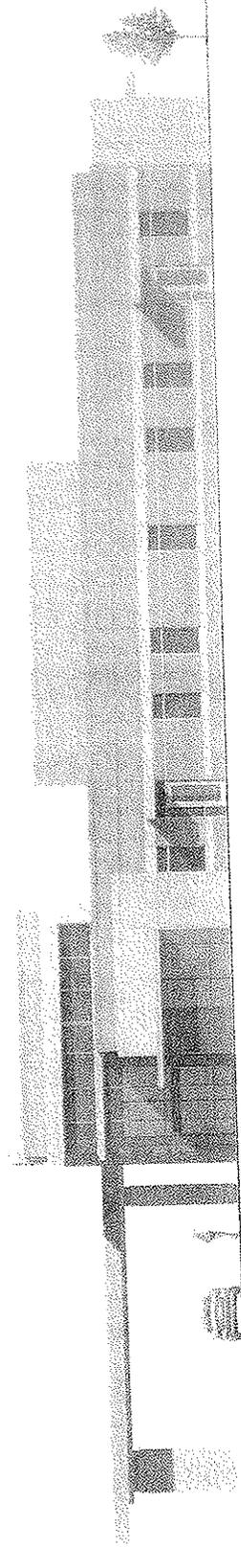
Mercy**+**



154

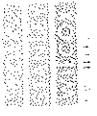


SOUTH ELEVATION



WEST ELEVATION

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS
 A NEW 18,625 S.F. 21000 MEDICAL OFFICE BUILDING

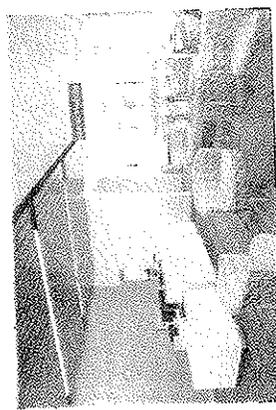
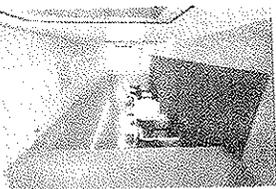
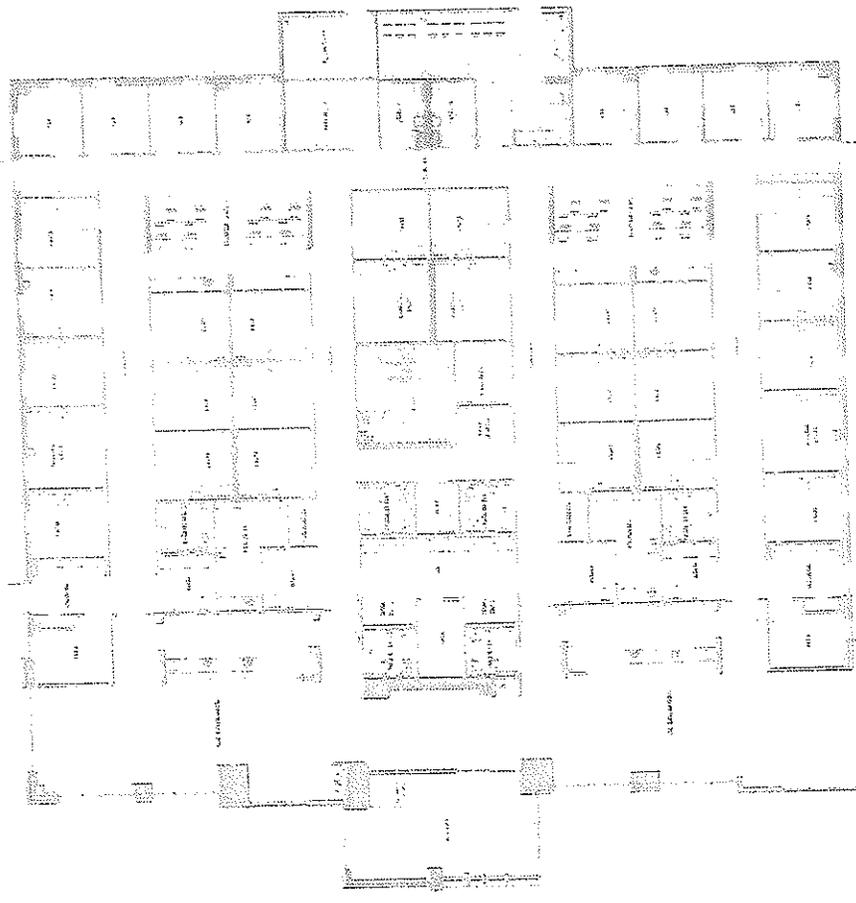


Mercy
 HEALTH SERVICES
 FORT SMITH, ARKANSAS

EXTERIOR ELEVATIONS

07.19.13

152



IMAGES FROM DALLAS SUBMET CLINIC: FORT SMITH, AR

MERCY CLIFF DRIVE - FORT SMITH, ARKANSAS
 A NEW CLINIC BY 7 HEBBARD GROUP ARCHITECTS



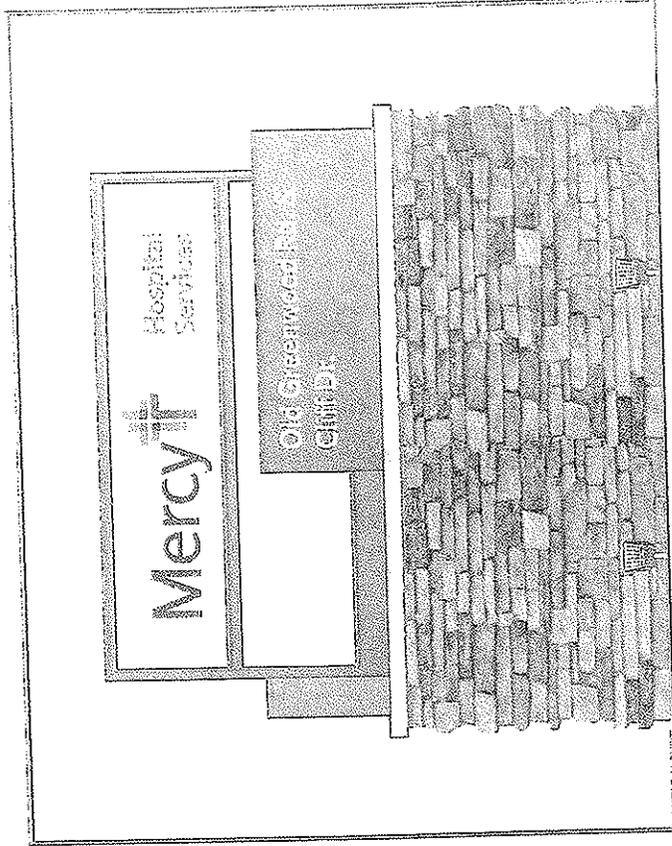
FLOOR PLAN

07.19.13



152-1

Mercy⁺



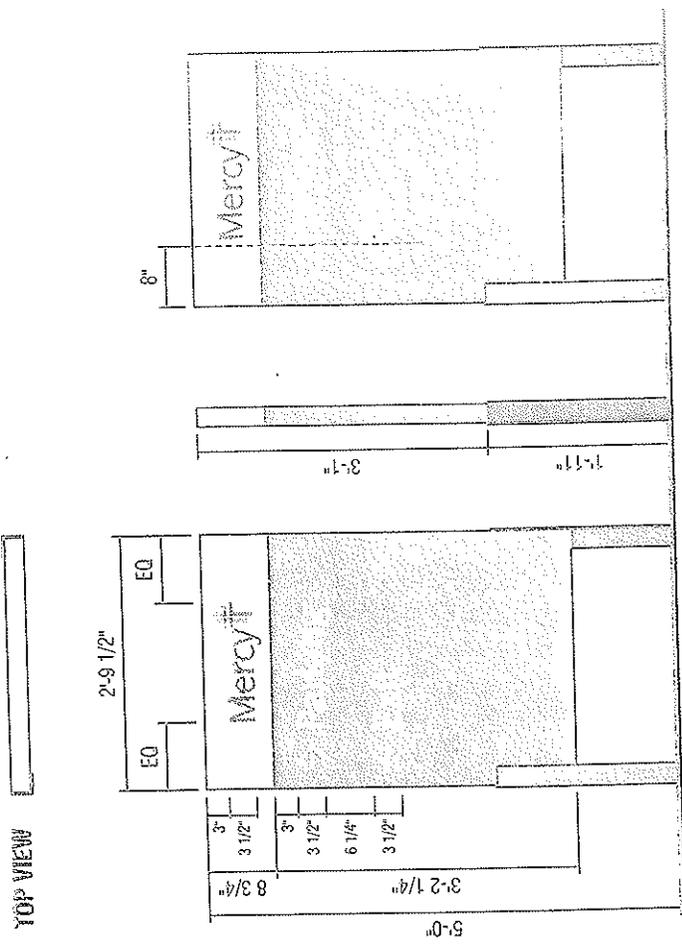
Location #: 979

157-20
Old Greenwood Rd. & Cliff Dr.
Fort Smith, AR

The Icon Companies[®]



SIGN 1



D2-B-NI NON-ILLUMINATED DIRECTIONAL - (11 SQ. FT.)

SCALE: 1/2" = 1'-0"

QTY: 1

NOTE: COPY V.E.D.



| Rev # | Reqr. | Date |
|-------|--------|--------|-------|--------|--------|-------|--------|--------|-------|--------|--------|
| Rev 1 | 000000 | 000000 |
| Rev 2 | 000000 | 000000 |
| Rev 3 | 000000 | 000000 |
| Rev 4 | 000000 | 000000 |
| Rev 5 | 000000 | 000000 |
| Rev 6 | 000000 | 000000 |

SHEETPLAN

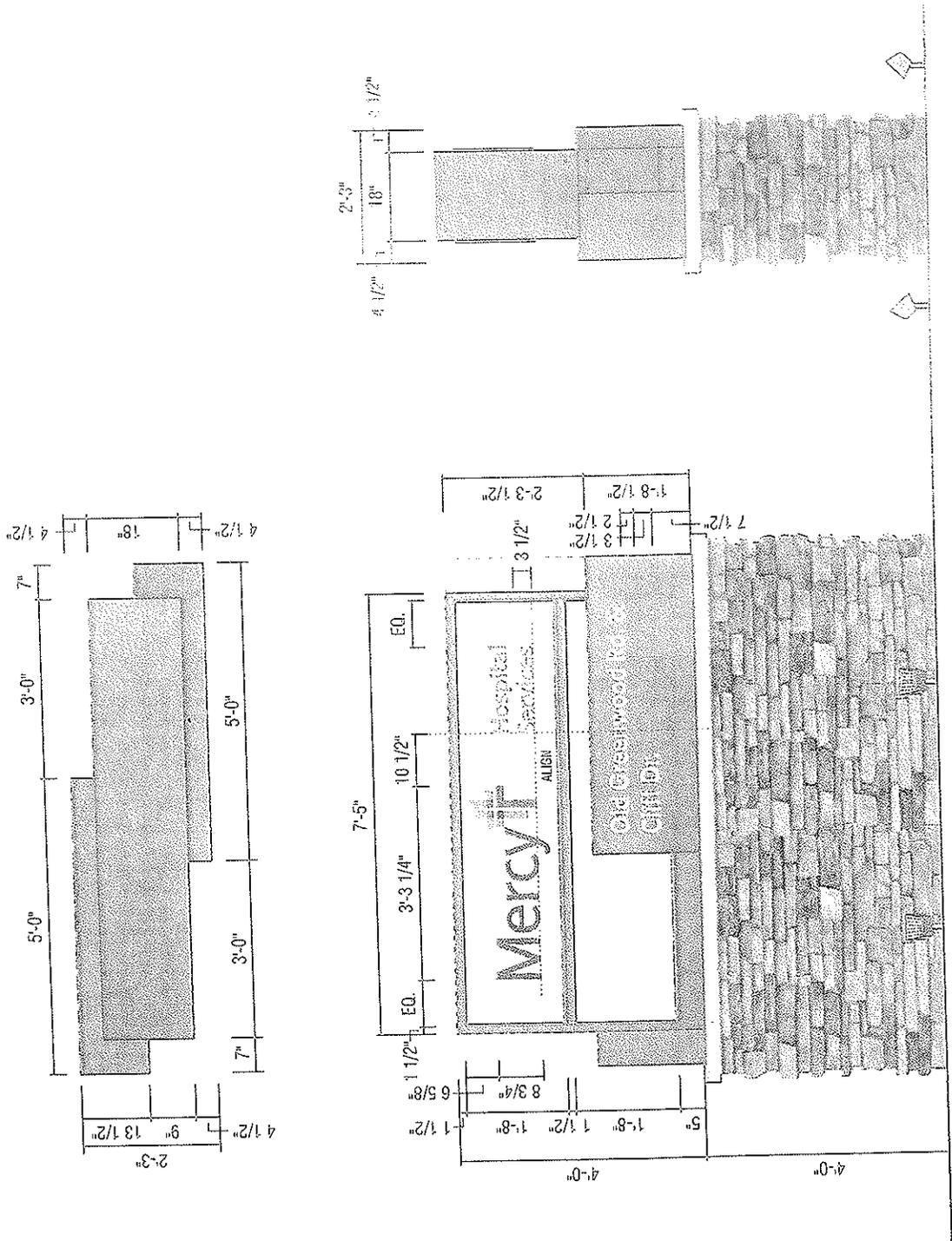
Location: Old Greenwood Rd. & Chiff Dr.
Fort Smith, AR

Proj #: 3702 Loc #: 979 Date: 07/17/13



152-4

SIGN 2



CUSTOM B2 4'-0" NON-ILLUMINATED MONUMENT W/ STONE BASE & EXTERNAL ILLUMINATION - (32 S.D. FT)
 SIDE VIEW
 SCALE: 3/8" = 1'-0"

QTY: 1
 NOTE: COPY T.O.D.

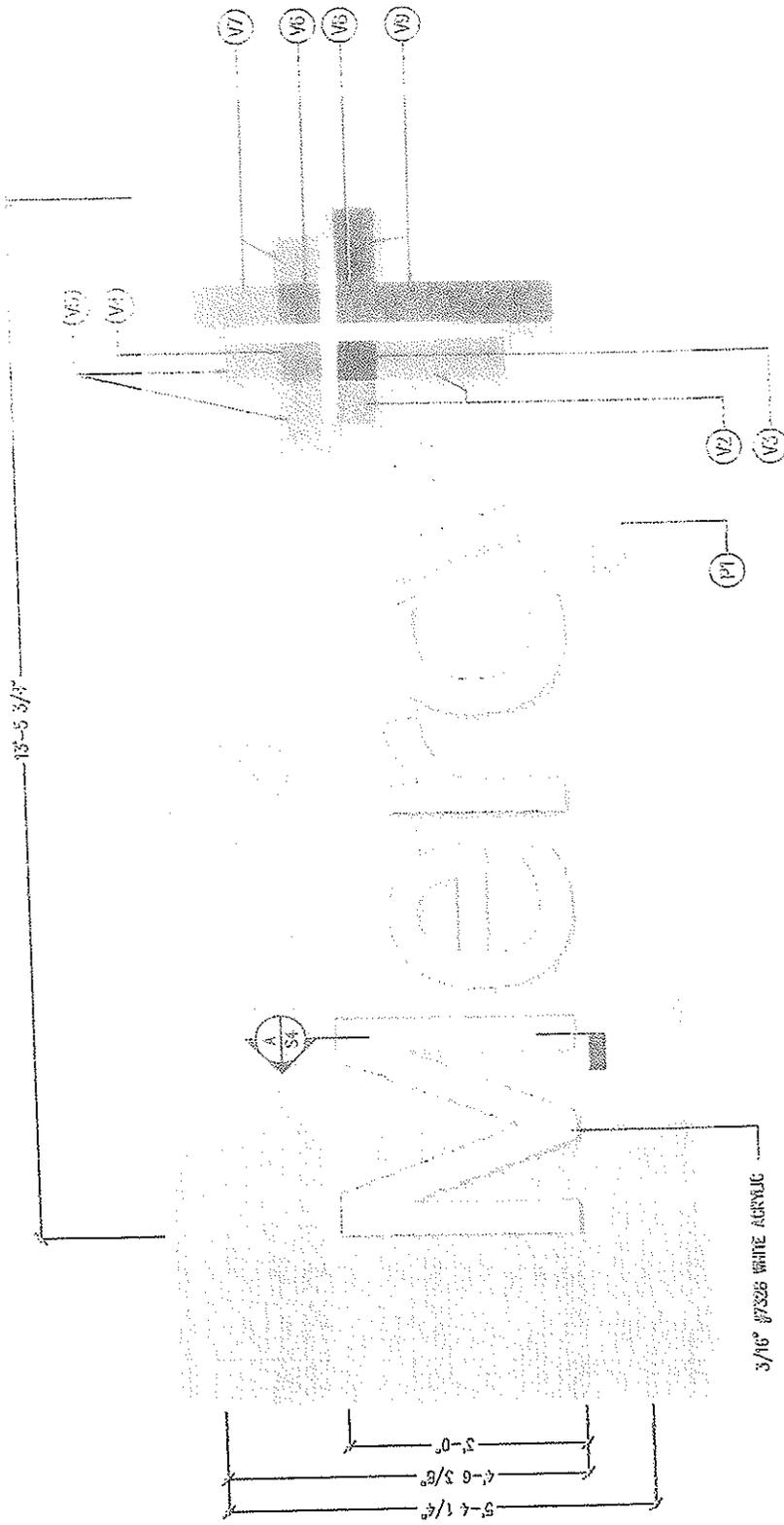
The Icon Companies
 icon ims ess
 Drawing is the exclusive property of Icon Utility Solutions Inc.

Rev #	Rev #	Date	Rev. Desc.	Drawn By	Revision Description	Note
Rev 1	000000	00/00/00	XXX	XXX	XXX	XXX
Rev 2	000000	00/00/00	XXX	XXX	XXX	XXX
Rev 3	000000	00/00/00	XXX	XXX	XXX	XXX
Rev 4	000000	00/00/00	XXX	XXX	XXX	XXX
Rev 5	000000	00/00/00	XXX	XXX	XXX	XXX
Rev 6	000000	00/00/00	XXX	XXX	XXX	XXX

RECOMMENDATION
 Location: Old Greenwood Rd. & Cliff Dr.
 Port Smith, AR
 Print #: 3702 | Loc #: 979 | Date: 07/17/13

Mercy

152-5



PAINT AND FINISH SPECIFICATIONS

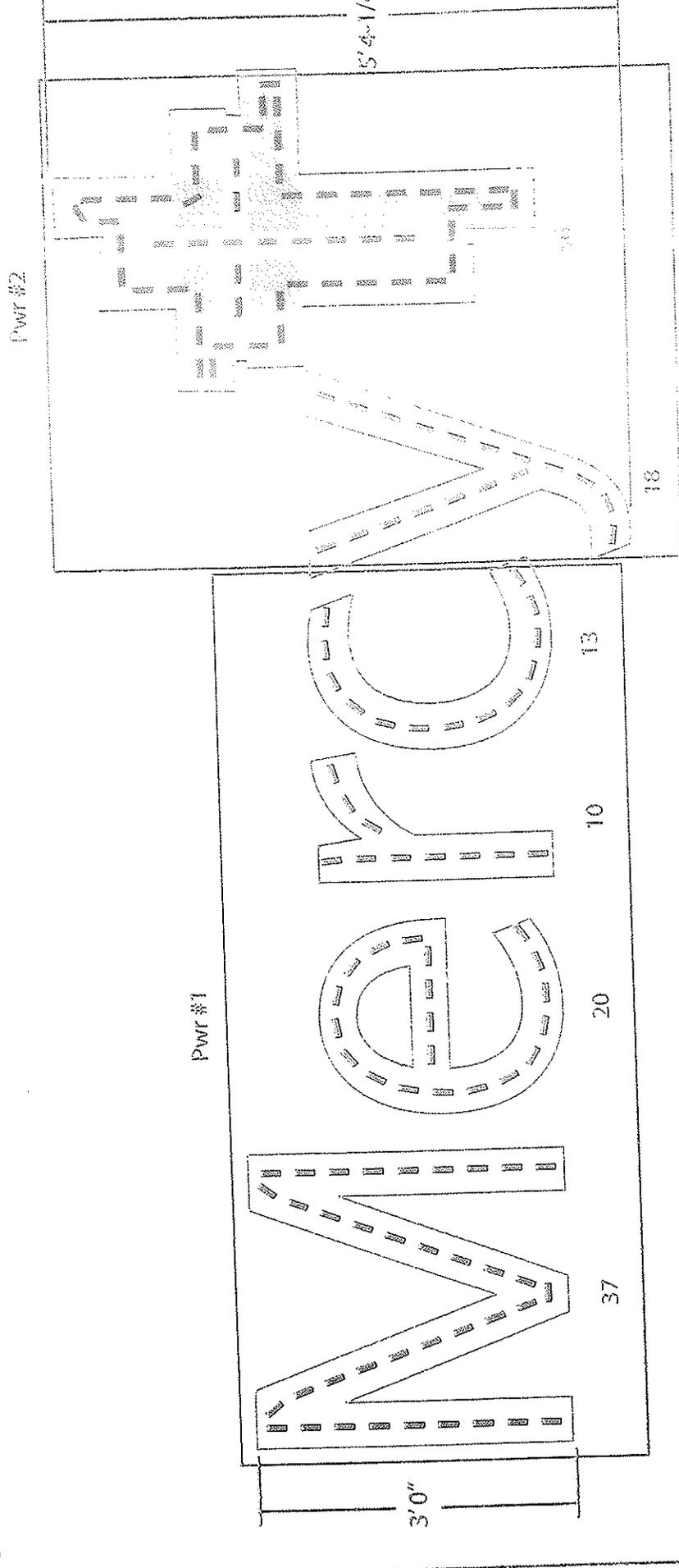
P1	"CHAMPAGNE METALLIC" PAINT, SELF-GLOSS FINISH (6A-1330)
V1	WHITE REFLECTIVE VINYL, ORCAL 2500-02, APPLIED FIRST SURFACE
V2	"MERCY DK TEAL" VINYL, ORCAL 3500-04 (2 LAYERS), APPLIED FIRST SURFACE
V3	"MERCY SULLIVAN BLUE" VINYL, ORCAL 3500-03 (2 LAYERS), APPLIED FIRST SURFACE
V4	"MERCY DK ORANGE" VINYL, ORCAL 3500-05 (2 LAYERS), APPLIED FIRST SURFACE
V5	"MERCY LT ORANGE" VINYL, ORCAL 3500-06, APPLIED FIRST SURFACE
V6	"MERCY DK OLIVE" VINYL, ORCAL 3500-08 (2 LAYERS), APPLIED FIRST SURFACE
V7	"MERCY LT OLIVE" VINYL, ORCAL 3500-12, APPLIED FIRST SURFACE
V8	"MERCY DK RED" VINYL, ORCAL 3500-34 (2 LAYERS), APPLIED FIRST SURFACE
V9	"MERCY RED" VINYL, ORCAL 3500-35, APPLIED FIRST SURFACE

1525

1) Unless specified all quotes and layouts are for a single face sign or a single set of letters.
 2) Quotations are based off the quality of art work and amount of detailed information provided by the customer pertaining to font, letter height, can depth, face material, and any special in-
 3) Missing information may cause delays in the delivery of estimates, as well as effect product selection, quantities, application, and illumination.
 4) Final material estimates are the responsibility of the sign manufacturer to ensure the customers' expectations are met.
 5) Unless otherwise stated on this drawing, all face lit signs are assumed to be 5 inches deep and halo illuminated signs are assumed to be a minimum of 2 inches deep.
 6) For detailed information on installation of AgilLight LED modules and systems please refer to "Installation Guides" and "Product Specification Sheets" at www.AgilLight.com under the down-
 service representative toll free at: 866.482.0203.

- 1) Unless specified all quotes and layouts are for a single face sign or a single set of letters.
- 2) Quotations are based off the quality of art work and amount of detailed information provided by the customer pertaining to font, letter height, can depth, face material, and any special in-
- 3) Missing information may cause delays in the delivery of estimates, as well as effect product selection, quantities, application, and illumination.
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- 6) For detailed information on installation of AgilLight LED modules and systems please refer to "Installation Guides" and "Product Specification Sheets" at www.AgilLight.com under the down-

LIF-36-W



MH

1218 Arion Parkway Ste 108
 San Antonio, TX 78216
 PH: (866) 482-0203
 Fax: (210) 360-1454
www.agilight.com



36' Mercy
 July 5, 2011

157
 152 feet White SignRayz™ Core - 154 Modules
 - 60W Power Supplies

Standard channel letter worksheet
48 inch letter height and below

Description	36" White face lit channel letters with champagne returns w/ 4-6 3/8" "Cross" logo		
Eng Request #	110634	Eng Drawing #	MHS00088
Location	Various	Estimate #	58207
Depth of letter	5"	Mounting type	4 1/2 inch S.S. rod
Letter Height (in)	36	Photocell required	No
Return thickness	3/4" w/ white pre-coat	Primary voltage	120
Trim cap size	1 inch	Watts	75
Back thickness	0.063	Amps	0.63
Aspect ratio confirmed	Yes	# of 20 A circuits	1
Raceway location	NA	Sign Sq. Footage	72
Illumination	LED	Weight of sign	132
Location of letterset	Various		
Light screen for drain hole?	Yes	5/8 inch drainholes required	
Raceway mount?	Yes		
Remote or Self contained	Remote		
Face decoration	see artwork		
Face material	3/16" #7328 white acrylic		
Trim cap color	Logo to be Jewelite white and Letters to be Jewelite Bronze #313		
Return color	Paint champagne, Sherwin williams #EN1380		
Letter anchor type	Rivnut with 3/8 inch S.S rod		
Minimum anchors per letter	3		
Minimum anchors per raceway	N/A		
Maximum modules per power supply	120		
Cut off switch location	Wall		

Included in this worksheet packet
artwork
LED/neon layout
installation and section details
mounting details

Type in specification
 Select from a list

Special Requirements

General Requirements

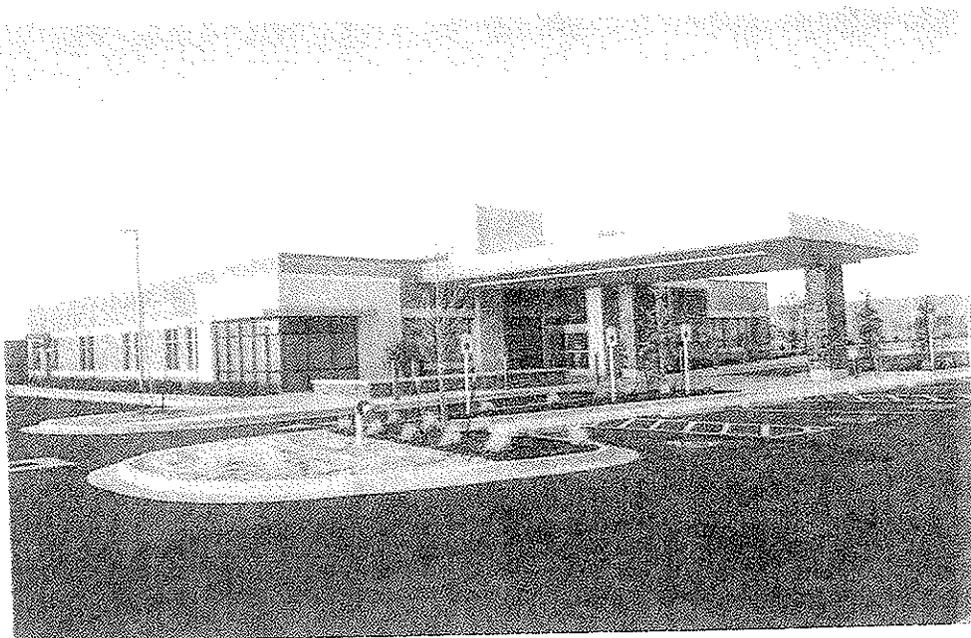
1. All letter sets require a UL label
2. Letters are designed to meet 2006 International Building Code ASCE 7-05 (90mph Exposure C)
3. Letters to be installed accoring to NEC and/or appical local codes
4. The disconnect must be placed in direct view of the sign
5. Use white silicone to conceal light leaks

Revision	Drawn by	Date	Checked by	Date	Description of change
A	RR	9/6/2011	MS / AP	9/6/2011	Initial drawing
B	MS	9/20/2011	JBE	9/20/2011	Change trim cap and color specs

152-8

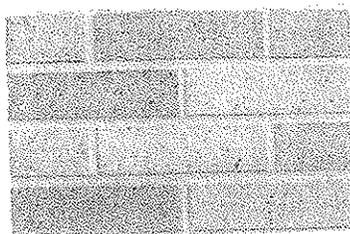
Mercy Cliff Drive
 Building Materials List
 07.19.13

Below is an image of the Dallas Street Clinic located at 7800 Dallas Street in Fort Smith, AR. Although not an exact duplicate, the material usage and scale of the proposed Cliff Drive clinic will be similar to the Dallas Street Clinic.

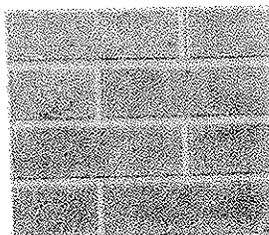


Below is a list of proposed building materials for the Mercy Cliff Drive Clinic.

1. Modular Brick Veneer [Field]



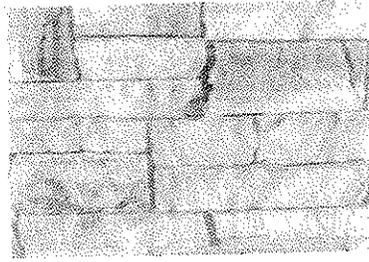
2. Modular Brick Veneer [Accent]



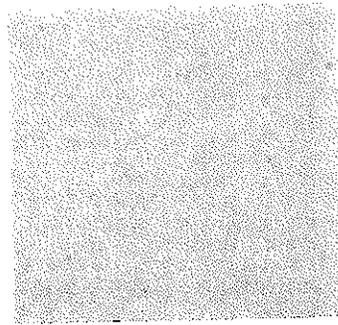
UTILE ROCK
 3323 Commodore Lane
 Size 100
 Little Rock, AR 72202
 501-376-0378

EVZTHEVILLE
 309 W. Spring St.
 Size 100
 Fayetteville, AR 72701
 479-444-0473

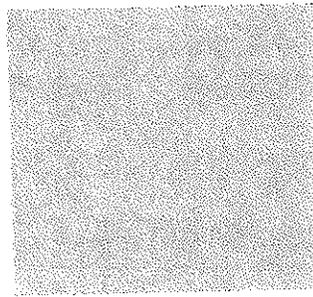
3. Natural Stone Veneer



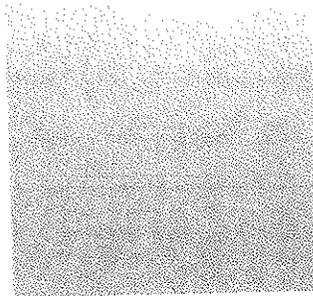
4. Architectural Precast Concrete



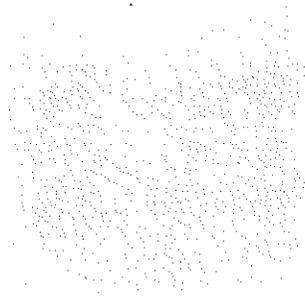
5. Portland Cement Plastering System



6. Aluminum Composite Metal Panels

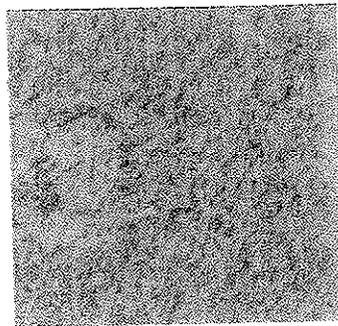


7. Aluminum Storefront/Curtain-wall

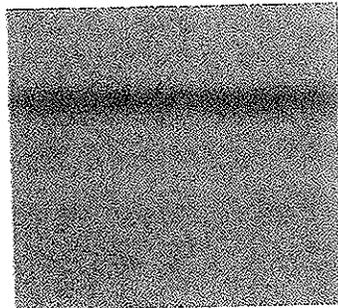


8. Glazing Panels [1" Insulated Glass]

9. Metal Wall Panels

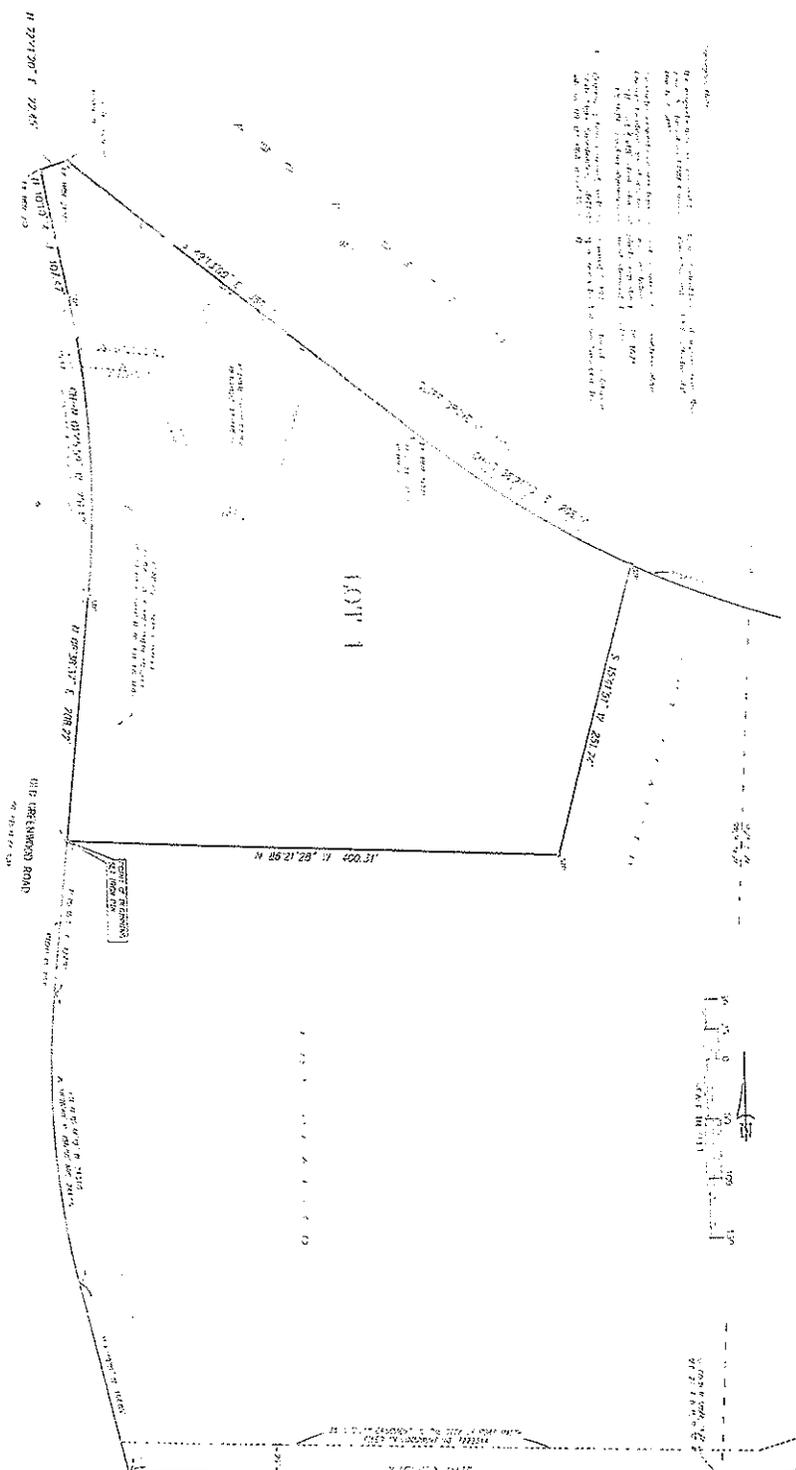


10. Rooftop Equipment Screen



152-12

The purpose of this plan is to show the location of the proposed subdivision of the land shown on the attached map. The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10.



1. The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10.

TEA - FORT SMITH

Lot 1

**BEING PART OF THE SW 1/4 SECTION 22 T-48-N R-32-W
FORSYTH SEBASTIAN COUNTY, ARKANSAS**

DATE: JULY, 2013

SCALE: 1" = 50'

HAWKINS & WEIR ENGINEERS, INC.

11200' N 02.12 98' N
11013.2' N 187.8' E
11200' N 02.12 98' N
11013.2' N 187.8' E



PLANNING COMMISSION APPROVAL

FILED FOR RECORD

ALLOTTS: H. Ross Properties Limited Partnership

**STATE OF ARKANSAS
COUNTY OF SEBASTIAN**

1	107.8
2	107.8
3	107.8
4	107.8
5	107.8
6	107.8
7	107.8
8	107.8
9	107.8
10	107.8

1	107.8
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3	107.8
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7	107.8
8	107.8
9	107.8
10	107.8

The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10. The subdivision is shown by the dashed lines and the numbers 1 through 10.

152-13

Owner: K. Meza Properties Limited Partnership
 11111 111th Street, Suite 100
 Dallas, Texas 75243
 Phone: 972.442.8100

Developer: Mercy Health Fort Smith Communities
 1000 North Main Street
 Fort Smith, Arkansas 72309
 Phone: 479.783.1000

Architect: Papp Stoney Weiss Architects
 11111 111th Street, Suite 100
 Dallas, Texas 75243
 Phone: 972.442.8100

Address: 3700 Cliff Drive

Zoning: Residential Medium Density (RM-1)
 Planned zoning is transitional (T).

Zoning Variance:

1. Minimum Lot Size from 7 acres to 3.81 acres.
2. Removal of perimeter buffer for landscape buffer adjacent to Old Greenwood Road driveway and slope easement.
3. Prohibit easement for easement on the south and east side until adjacent property is developed as a residential subdivision.
4. Proposed access across into Cliff Drive (local street).

Landscape Buffer Concept for Perimeter Treatment

1. A 10'-0" wide perimeter strip will be provided adjacent to right of way. Planting materials, such as trees 6" or taller, shall be provided, 14 trees or no more than 30'-0" on center.
2. Perimeter strip shall contain 24" maximum height program shrubs such as Dwarf Burdick 1'-0" on center with minimum of 10 plants per 50'-0" maximum quantity (175).
3. Replacement of perimeter buffer strip will be solid sod.
4. An automatic irrigation system will be provided.

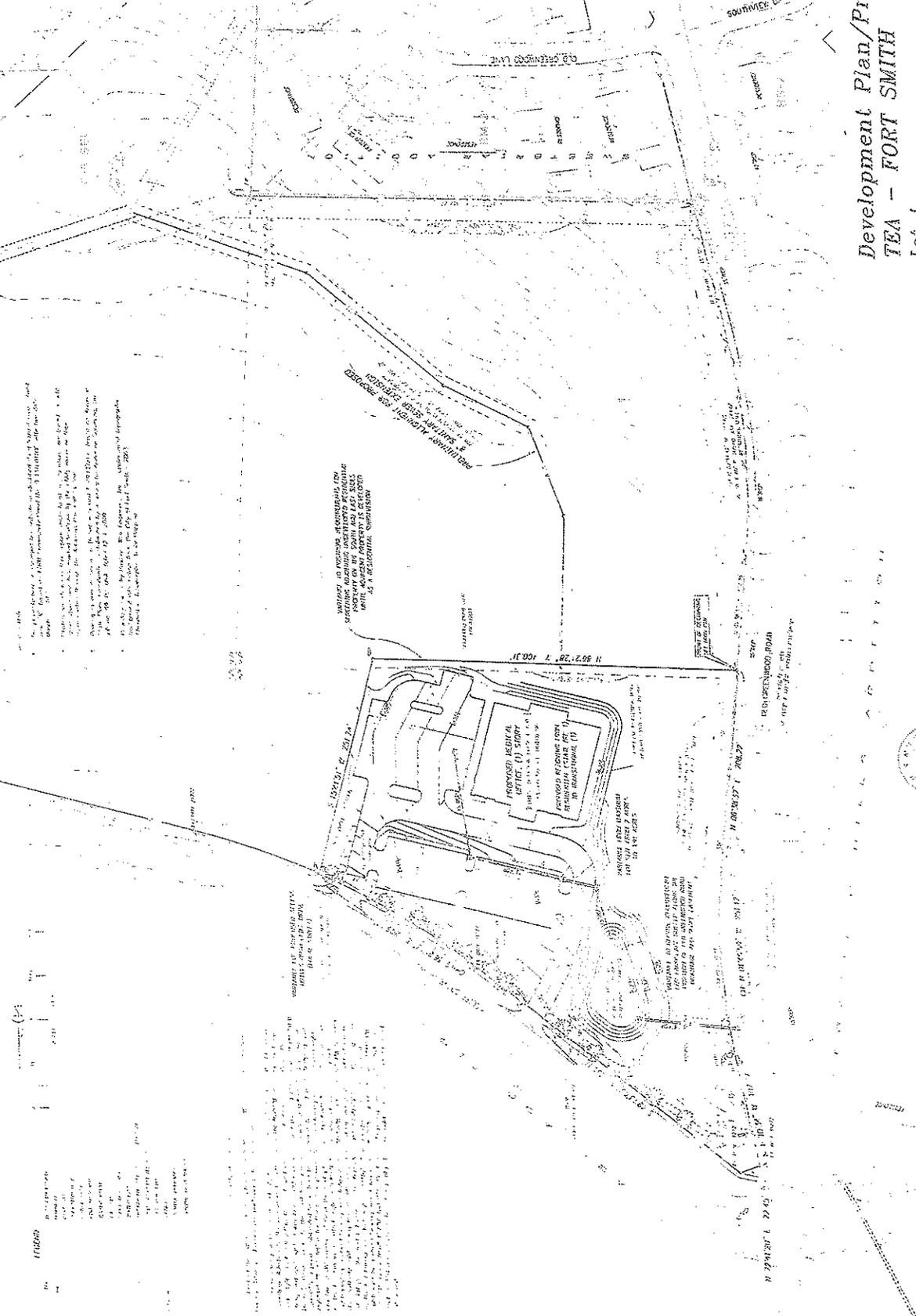
Development Plan/Preliminary Plat

TEA - FORT SMITH

Lot 1

BEING PART OF THE SW/4, SE/4, SECTION 27, T-9-N, R-30-W
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
 DATE: JULY, 2013
 SCALE: 1" = 50'

JOB NO. 201308019



1. The proposed perimeter buffer shall be installed in accordance with the requirements of the Arkansas Uniform Land Use Regulation Enforcement Act (AULURE) and the Arkansas Uniform Subdivision Act (AUSA).

2. The proposed perimeter buffer shall be installed in accordance with the requirements of the Arkansas Uniform Land Use Regulation Enforcement Act (AULURE) and the Arkansas Uniform Subdivision Act (AUSA).

3. The proposed perimeter buffer shall be installed in accordance with the requirements of the Arkansas Uniform Land Use Regulation Enforcement Act (AULURE) and the Arkansas Uniform Subdivision Act (AUSA).

4. The proposed perimeter buffer shall be installed in accordance with the requirements of the Arkansas Uniform Land Use Regulation Enforcement Act (AULURE) and the Arkansas Uniform Subdivision Act (AUSA).

HAWKINSOWEIR
ENGINEERS, INC.

11111 111th Street, Suite 100
 Dallas, Texas 75243
 Phone: 972.442.8100

152-14

Owner: H. Wade Properties Limited Partnership
 10000 N. 20th St.
 Suite 100
 Fort Smith, AR 72504

Developer: Henry Health Fort Smith Communities
 2700 S. Woodland Ave.
 Fort Smith, AR 72505

Architect: Rob Stanley Interior Architects
 1400 N. 20th St.
 Suite 100
 Fort Smith, AR 72504

Address: 3700 Cliff Drive

Zoning:
 Current zoning is Residential Estate Care (RE-1)
 Proposed zoning is Transitional (T)

- Zoning Variance:**
1. Maximum Lot Size from 2 acres to 1.91 acres.
 2. Remove requirement for parking buffer and perimeter buffer along street frontage and slope retention.
 3. Parking requirement for commercial property is 10 spaces per 1,000 sq ft. Property is developed as a residential subdivision.
 4. Proposed access drives onto Cliff Drive (local street).

- Landscaping Buffer Concept For Perimeter Treatment**
1. 10'-0" - 20' perimeter strip will be provided adjacent to right of way. 3" coped shade trees such as White Oak or Alder Elm shall be provided, 14 trees or no more than 30'-0" on center.
 2. Parking lot screen containing 2" minimum height evergreen shrub such as Dwarf Blueberry 1'-0" on center with minimum of 10 plants per 30'-0".
 3. Remainder of perimeter buffer strip will be soft sod.
 4. An automatic irrigation system will be provided.

1. The property shown on this plan is the subject of a recorded deed of conveyance, Book 10, Page 10, of the Public Records of the State of Arkansas, which is hereby acknowledged to be the true and correct copy of the original instrument.

2. The property shown on this plan is the subject of a recorded deed of conveyance, Book 10, Page 10, of the Public Records of the State of Arkansas, which is hereby acknowledged to be the true and correct copy of the original instrument.

3. The property shown on this plan is the subject of a recorded deed of conveyance, Book 10, Page 10, of the Public Records of the State of Arkansas, which is hereby acknowledged to be the true and correct copy of the original instrument.

(115-74)
 SPECIAL ADVERSE UNRECORDED RESTRICTIONS
 TO THE SOUTH AND EAST
 OF THE PROPERTY
 AS A RECORDING JURISDICTION

PROPOSED MEDICAL OFFICE (1) STORY
 PROPOSED IN-PATIENT CARE
 PROPOSED IN-PATIENT CARE
 PROPOSED IN-PATIENT CARE

Development Plan/Preliminary Plat
TEA - FORT SMITH
Lot 1

BEING PART OF THE SURV. OF N. SECTION 27, T-4-N, R-50-W
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
 DATE: JULY, 2013
 SCALE: 1" = 50'

HAWKINS-WEIR ENGINEERS, INC.
 111 Main Street, Suite 200 • Fort Smith, Arkansas 72501 • (479) 634-1337
 111 Main Street, Suite 200 • Fort Smith, Arkansas 72501 • (479) 634-1337
 www.hawkins-weir.com



152-15

Memo

To: City Planning Commission

From: Planning Staff

Date: July 29th, 2013

Re: Variance #24-8-13 - A request by Al Prieur, agent for Fort Smith Behavioral Health, for Board of Zoning Adjustment consideration of a zoning variance request from 10 feet to 1.1 feet street-side setback located at 1620 South 46th Street

LOT LOCATION AND SIZE

The subject property is on the corner of South 46th Street and South P Street. The tract contains an area of 0.28 acres with approximately 73 feet of street frontage along South 46th Street and 136 feet of street frontage along South P Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event

16A

center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet (1+1)
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light (C-2) and is developed as an office.

The areas to the south and east are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and are developed as single family residences.

The area to the west is zoned Commercial Light (C-2) and is developed as a single family residence.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 46th Street as a residential collector and South P Street as a local road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood Compatible. 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.

REQUESTED VARIANCE

The variance from 10 feet to 1.1 feet street side setback will allow for the construction of a handicap accessible deck to be built on the side of the building next to South P Street.

16B

APPLICANT HARDSHIP

See the attached letter from the applicant and a separate letter from the property owner.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday July 30, 2013 at 2:30 P.M. at the subject location. No neighboring property owners were in attendance. A copy of the attendance record and meeting summary are enclosed.

Staff Comments

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.

Should the Board of Zoning Adjustment approve this variance staff recommends the approval be contingent upon the following.

- All construction must be built in accordance with the approved Development Plan.

16C

Explanation of question #4 (if applicable)

This property has a unique circumstance in the fact that it is already developed with a building and parking. To make the building usable for Fort Smith Behavioral Health and the State of Arkansas Licensing Board it is necessary to have handicapped access. This building has been used for commercial operations but without handicapped access. The only way that this building can be used is to provide handicapped access. The way shown is the only way access can be developed without losing parking. The area proposed for use is very suitable and does not appear to be at an objectionable location.

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

The strict enforcement of the zoning code will cause a hardship because a handicapped access ramp is necessary for access to the building. The building has three points of access. The build has a front door, a back door and double doors to a front room. The rear door does not have any area to build a ramp. The front door is several feet high due to the topographic of the property. The double doors provide an excellent point of access to the building in addition the owner needs a deck area to allow patients to be outside in the fresh air and the sun shine. To use these doors a handicapped ramp and deck would come from the handicapped spaces around the building to the doors and provide the needed deck.

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

- A. This property has established parking and no marked handicapped space.
- B. The parking spaces available are the exact number of spaces required.
- C. The building is existing and the only available space for a ramp is on the south side of the building and in front of the building on the east side.
- D. The property has a slope to the southeast corner.
- E.



**Fort Smith
Behavioral Health**

August 1, 2013

Clinical Rational for 8' Wide Handicap Access Ramp

Fort Smith Behavioral Health, Inc., located at 1620 South 46th Street, Fort Smith Arkansas 72903, is in need of an 8' Wide Handicap Accessible Ramp on the South Side of the building. Our facility services both the mental health disorders and substance abuse disorders population in an Outpatient Setting.

Due to the nature of our population the width of the ramp is integral to the comfort and safety of the clientele, families, and community workers that will require access to our facility. The width of eight feet will provide needed space for individuals to walk three abreast for the entire length of our structure for needed assistance entering and exiting the facility. The width is also required so that individuals can walk on both sides of acquired apparatus such as wheelchairs and medical gurneys for support or restraints required.

If you have any concerns or would like further information please feel free to contact me at (479) 494-7889.

Sincerely,

Stephen D. Chiovoloni, LCSW, LADAC, AADC, CCDP
Substance Abuse Professional & Mental Health Professional

**Fort Smith Behavioral Health, 1620 S. 46th Street Fort Smith, AR 72903
Phone Number: (479) 494-7889 FAX Number: (479) 494-7890**

16E

Var. # 24-8-13

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)

The South 73 feet of the West 136 feet of Lot 8, Block 1, R. S. Kinkead Subdivision, Fort Smith, Arkansas.

Address of property 1620 South 46th Street, Existing or Proposed

Zoning Classification Commercial – 2 (C-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:

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

<u>FROM</u>	<u>TO</u>	
<u>10'</u>	- <u>1.1</u>	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: _____

16F

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:

Alvin L. Prieur, Jr.
Owner or Agent Name (*please print*)

Owner

479-651-7920
Owner or Agent Phone Number

Alvin L. Prieur, Jr.
or

Agent

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

Variance # _____

166

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.

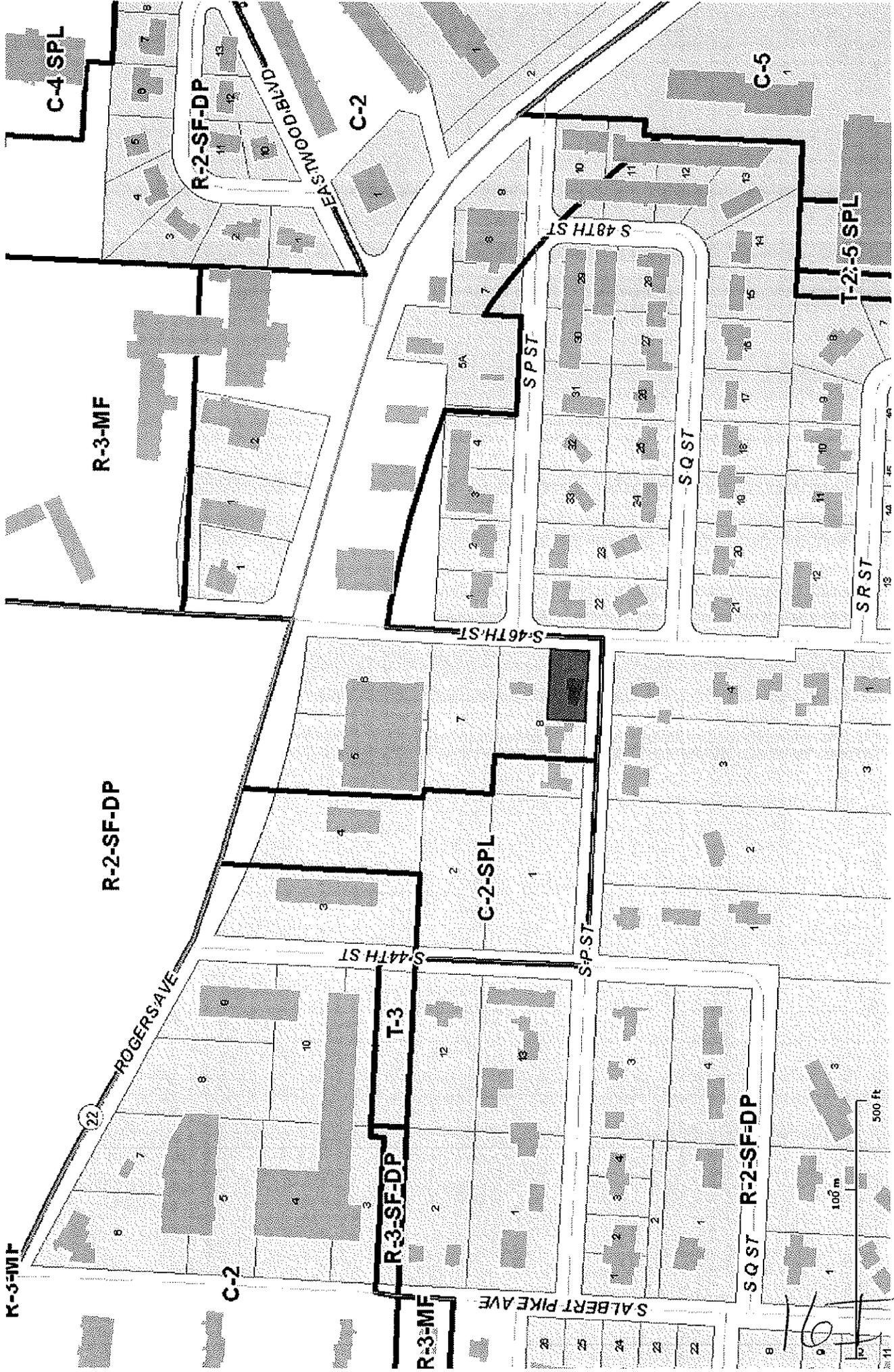
1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> X </u>	<u> </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<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>	<u> </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>	<u> </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> X </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> X </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> X </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

16H

Variance #24-8-13: From 10' to 1.1' exterior side yard setback

1620 South 46th Street



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

August 1, 2013

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

ATTN: Mr. Tom Monaco

RE: Neighborhood Meeting
1620 South 46th

Dear Mr. Monaco:

The neighborhood meeting on the variance request for Stephen D. Chiovoloni (Fort Smith Behavioral Health) was held on July 30, 2013 at 2:30 p.m. at the site. Attached is a copy of the sign in sheet for the meeting. As you can see only three people came to the meeting, the applicant, Mr. Monaco and me.

We have had no calls about the application. If you have any questions, please call me.

Respectfully,
PRIEUR ENGINEERING



Alvin L. Prieur, Jr., PE

cc: Stephen Chiovoloni

16k

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location: 1620 South 46th Street

Meeting Time & Date: 2:30 p.m., July 30, 2013

Meeting Purpose: To discuss variance

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Alvin L. Prieur</u>	<u>P.O. Box 1689 Van Buren, AR 72957</u>	<u>979-651-7920</u>
2.	<u>Tom Monaco</u>	<u>CITY</u>	<u>784-7218</u>
3.	<u>Stephen D. Chiovola</u>	<u>Owner</u>	<u>479-494-7889</u>
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			