

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
MARCH 11, 2014**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM FEBRUARY 11, 2014**

**III. STAFF COMMENTS AND PROCEDURES**

1. Preliminary Plat – The Office Park– Mickle-Wagner-Coleman (companion item to item #2)
2. Subdivision Variance #2-1-14; A request by Tim Risley, agent for Cliff Cabaness, for a subdivision variance from the Subdivision Design and Improvement Standards prohibiting residential access along a street designated as a major arterial located at 4401 Massard Road. (companion item to item #1)
3. A request by Tim Risley, agent for Cliff Cabaness, for a Master Land Use Plan Amendment from Residential Detached to Commercial Neighborhood located at 4401 Massard Road. (companion item to item #4)
4. Rezoning #7-3-14; A request by Tim Risley, agent for Cliff Cabaness, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District located at 4401 Massard Road. (companion item to item #3)
5. Rezoning #8-3-14; A request by Lance Beaty for a zone change from Residential Single Family Medium Density (RS-2) to a Planned Zoning District located at #1 Essex Place.
6. A request by Kayla Wood, agent for Farm Credit Services of Western Arkansas, for development plan approval for a credit and financing establishment located at 12907 Highway 71 South.
7. Conditional Use #2-3-14; A request by Travis Bartlett, agent for Fort Smith Public Schools, for a conditional use for a school building additions and renovations located at 3415 Newlon Road.
8. Conditional Use #3-3-14; A request by Courtney McDowell, agent for Blaine Nemier, for a conditional use for a daycare home located at 6325 South Atlanta.

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

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

9. Variance #9-3-14; A request by David Bond for a variance from 25 feet to 1 foot front yard setback and from 7.5 feet to 5.4 feet interior side yard setback located at 1911 Utica Place.
  
10. Variance #10-3-14; A request by Travis Anderson, agent for Jeremy Anderson for a variance from 7.5 feet to 4.2 feet interior side yard setback and from 10 feet to 3.6 feet rear yard setback located at 404 Dugan Mill Drive.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 PM  
FEBRUARY 11, 2014**

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

Chairman Sharpe called for the vote on the minutes from the January 14, 2014, Planning Commission meeting. Motion was made by Commissioner Spearman, seconded by Commissioner Parks and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

**1. Final Plat – The Borough at Middleton – Lots 1-36 & Tract A – Mickle-Wagner-Coleman**

Ms. Brenda Andrews read the staff report indicating that this would be a single family residential development.

Mr. Pat Mickle was present to speak on behalf of the final plat.

No one was present to speak in opposition.

Chairman Sharpe called for the vote on the final plat and the Protective Covenants and Bill of Assurance for this development. Motion was made by Commissioner Keesee, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to 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 recorded with the county recorder.

Chairman Sharpe then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

**2. Final Plat – Huntington Chase – Lots 1 & 2 – Mickle-Wagner-Coleman**

Ms. Brenda Andrews read the staff report indicating that this would be a commercial development.

Mr. Pat Mickle was present to speak on behalf of the final plat.

No one was present to speak in opposition.

Chairman Sharpe called for the vote on the final plat. Motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to 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 recorded 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. Commissioner Cooper was present at the time of this vote.

**3. Preliminary Plat – Cancer Support Foundation Addition – Lots 1A & 1B – Brixey Engineering**

**4. Final Plat – Cancer Support Foundation – Lots 1A & 1B – Brixey Engineering**

Ms. Brenda Andrews read the staff reports indicating that this would be a multifamily development.

Mr. Ron Brixey was present to speak on behalf of these plats.

No one was present to speak in opposition.

Chairman Sharpe called for the vote on these plats.

**3. Preliminary Plat – Cancer Support Foundation Addition – Lots 1A & 1B – Brixey Engineering**

Motion was made by Commissioner Keesee, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

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

**4. Final Plat – Cancer Support Foundation Addition – Lots 1A & 1B – Brixey Engineering**

Motion was made by Commissioner Keesee, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to 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.

**5. Home Occupation #1-2-14; A request by Stacey Mason for a home occupation for a custom t-shirt design business located at 1900 South “Z” Street – Apt. #1.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow the applicant to operate a custom t-shirt design business from her residence. Ms. Rice stated that the equipment that will be utilized in the business includes a t-shirt press and printer. Ms. Rice noted that no customers will be coming to the residence and the applicant will also not utilize any drop shipping for the business. Ms. Rice also noted that the business will be operated Monday thru Saturday during the hours of 8:00 a.m. to 9:00 p.m.

Ms. Stacey Mason was present to speak on behalf of this request.

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

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

- Minimum requirements for Home Occupation.
- 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.

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

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

**6. Variance #7-2-14; A request by Al Prieur, agent for Bear Creek Leasing, for a variance from 50 feet to 25 feet exterior side yard setback adjacent to South “D” and South “E” Streets located at 506 South 6<sup>th</sup> Street.**

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for an expansion of the existing warehouse which currently encroaches the exterior side yard setbacks. Mr. Bailey noted that in 2007, the Board of Zoning Adjustment approved a rear yard setback to allow the development of the existing building and with that variance application, the applicant stated that a future building addition was also planned. Mr. Bailey stated that approval of the variance would allow the proposed addition to maintain the same exterior side yard setback adjacent to South “D” and South “E” Streets as the existing building.

Mr. Al Prieur and Mr. Lee King spoke in support of this variance request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. The vote was 8 in favor and 0 opposed. The variance was approved pursuant to the submitted site plan.

**7. Variance #8-2-14; A request by Chris Trager, agent for Clear Channel Outdoor, for a variance from 25 feet to 22 feet front yard setback located at 1100 South "D" Street.**

Mr. Wally Bailey read the staff report indicating that the purpose of this variance request is to allow an existing business to add a tower façade to the front of the structure.

Mr. Chris Trager 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. The variance was approved pursuant to the submitted site plan.

**Meeting Adjourned!**

## SUBDIVISION COMMENTS

March 2014

### 1. **The Office Park – Lots 1 & 2 - Preliminary Plat – Mickle-Wagner-Coleman Engineers**

#### Area 1

Proposing Zoning Designation: Planning Zoning District

Land Use: Provides locations for comprehensive & innovative planning and design of diversified yet harmonious developments that are consistent with the comprehensive plan and utilizes design standards greater than the minimum required by the UDO.

Proposed Use: Commercial Uses

#### Area 2

Zoning Designation: Residential Single Family-Duplex Low/Medium Density (RSD-2)

Land Use: Provides locations for attached and detached homes in low-to-medium density neighborhoods.

Proposed Use: Single-family residence

We recommend approval of the preliminary plat with the following comments:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 25, 2014

**Re:** Subdivision Variance #2-3-14 - A request by Tim Risley, agent, Cliff Cabaness, for Planning Commission consideration of a variance request from Section 27-503-2(E) of the UDO to allow residential access on a Major Arterial Street at 4501 Massard Road (Companion to item #1)

## LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road between Louisville Street and Moody Road. The tract contains an area of 25 acres with approximately 60 feet of street frontage along Massard Road.

## EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

### Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

### Permitted Uses:

Single-family, duplex 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.

2A

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

Minimum Lot Size – 10,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 4 Dwelling Units/Acre

Maximum Lot Coverage - 50%

Minimum Lot Width at Building Line – 75 feet

Minimum Street Frontage – 50 feet

Front Yard Setback - 30 feet

Side Yard on Street Side of Corner Lot - 30 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 zoned Residential Single Family Medium Density (RS-2) and are developed as single family residences.

The area to the east is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and are developed as single family residences.

The area to the south is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is undeveloped.

The area to the west is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is undeveloped. Item # 3 on the agenda proposes to rezone this area to a PZD.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Massard Road as Major Arterial.

### **LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Open Space. 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 variance will not conflict with the goals and objectives of the Master Land Use Plan.

### **REQUESTED VARIANCE**

Section 27-503-2(E) of the UDO prohibits certain residential developments from accessing streets classified as Major Arterials. Those residential uses include single family dwellings, row house, or duplexes. Approval of the variance will allow the applicant to access Massard Road as ingress and egress for a proposed single family residence.

### **APPLICANT HARDSHIP**

The applicant states that without approval of the variance, the property owner will be denied access to Massard Road. The applicant further states that other single family homes on Massard Road have direct access to Massard Road.

2B

## **STAFF COMMENTS AND RECOMMENDATIONS**

The proposed access on Massard Road will be gated and provide access for a future single family residence situated on a 26-acre site. A second gated access to Meandering Way is also proposed. With the proposed location of the new residence, vehicles will not be backing out onto Massard Road. The city engineering department has reviewed the application and has no objections to the variance.

If the planning commission 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.

Further if the planning commission is inclined to approve this variance, staff recommends the following conditions:

1. A driveway permit must be obtained prior to the construction of the driveway.
2. The driveway must comply with driveway separation requirements of the UDO.

**APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN  
AND IMPROVEMENT STANDARDS**

Owner or Agent Name (*please print*): Tim A. Risley

Street Address or Location: \_\_\_\_\_ 4501 Massard Road

Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_

See Attached:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zone: RSD-2

Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

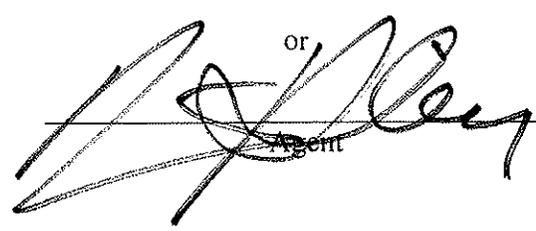
Article: \_\_\_\_\_ Section: 27-503-2 (E)

The specific request is as follows:

TO ALLOW A PRIVATE DRIVE ENTRY ROADWAY TO ACCESS THE OWNER'S  
25 ACRE PROPERTY.

Signed:

Owner or Agent Mailing Address  
6101 Phoenix Avenue  
Fort Smith, AR 72903  
Ph: (479) 452-2636  
Owner or Agent Phone Number

Owner  
*or*  
  
Agent

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

**VARIANCE INFORMATION FORM**

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

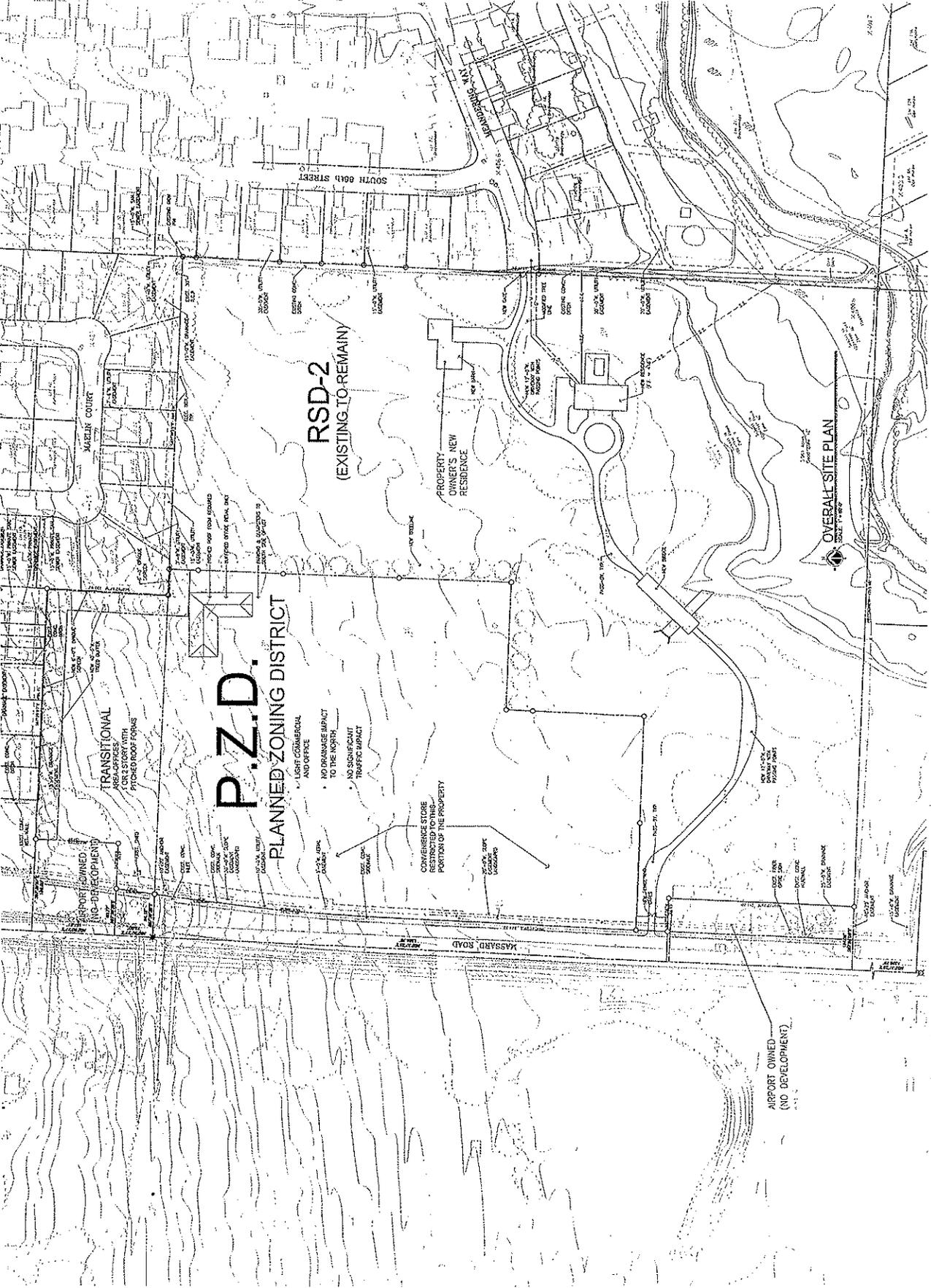
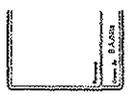
OWNER WOULD BE DENIED ACCESS TO MASSARD. ORDINANCE IS TO PREVENT  
"DRIVEWAYS" AND PEOPLE BACKING INTO A MAJOR STREET SIMILAR TO  
SITUATION ON PHOENIX FROM OLD GREENWOOD TO JENNY LIND.

2. 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:

ALL THE OTHER SINGLE FAMILY HOMES ON MASSARD HAVE DIRECT  
ACCESS.

2E





# P.Z.D.

PLANNED ZONING DISTRICT

- USES: RESIDENTIAL AND OFFICE
- NO DRAINAGE IMPACT TO THE NORTH
- NO SIGNIFICANT TRAFFIC IMPACT

RSD-2  
(EXISTING TO REMAIN)

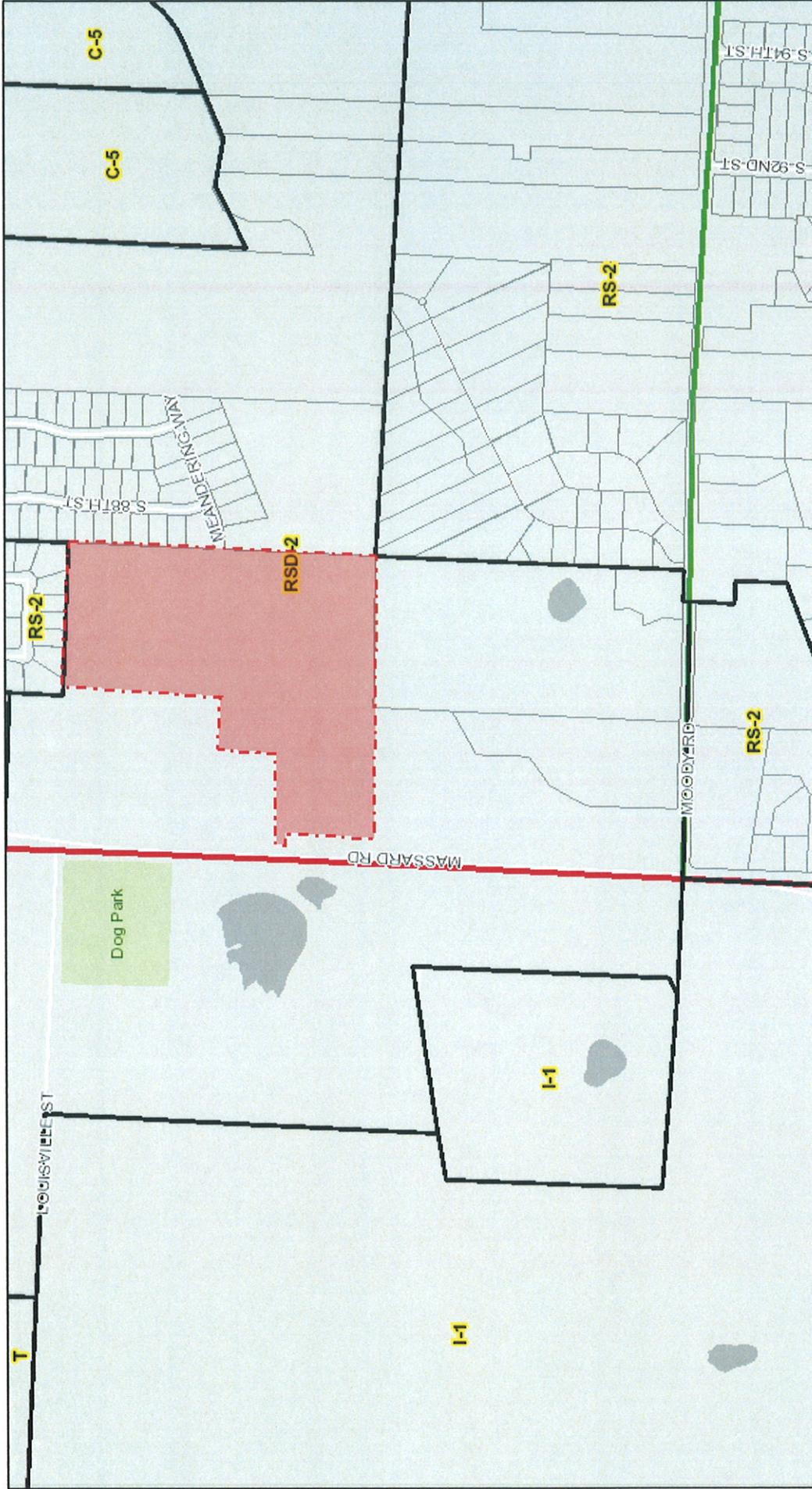
CONFERENCE STORE RESTRICTED TO THIS PORTION OF THE PROPERTY

PROPERTY OWNER'S NEW RESIDENCE

AIRPORT OWNED (NO DEVELOPMENT)

OVERALL SITE PLAN

# Sub Division Variance #2-3-14: Street access to be allowed on a major arterial street 4501 Massard Road



February 24, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions

2H

**Master Land Use Plan  
Amendment**

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 25, 2014

**Re:** Proposed Master Land Use Plan Amendment by Tim Risley, agent, at 4401 Massard Road from Residential Detached to Neighborhood Commercial (Companion to item #4)

**ADJACENT LAND USE CLASSIFICATIONS AND USES**

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

The areas to the north are classified as Residential Detached and developed as offices and single family and rowhouses.

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

The area to the south was recommended by the Planning Commission on January 14, 2014, as Neighborhood Commercial and is undeveloped.

The area to the west is classified as Residential Detached and is developed as a dog park.

The proposed Land Use classification of Neighborhood Commercial 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  | NO  |
| • Accessible by most modes of transportation   | YES |
| • Appropriately located for minimum impact of adjacent uses, and by volume of activity and trips | YES |

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Massard Road as Major Arterial.

**STAFF COMMENTS AND RECOMMENDATIONS**

This area was inadvertently omitted from the previous Master Land Use Plan Amendment application that was presented to the planning commission in January.

A neighborhood meeting was held Wednesday, February 5, 2014 at 5:00 p.m. at Fort Smith Public Library (Dallas Branch). Ten neighboring property owners were in attendance at the neighborhood meeting. Please refer to the meeting summary and attendance record included with the rezoning application (item 3).

If the companion PZD rezoning application is approved, this 2.8 area proposed as Neighborhood Commercial will be developed with professional offices only.

## 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: Tim A. Risley	
Firm Name: Tim A. Risley and Associates	
Address: 6101 Phoenix Ave. Suite 1, Fort Smith, AR 72903	
Phone # (day): 479-452-2636	Phone # (cell):                      Fax #: 479-452-3925
Owner Name: Cliff Cabaness	
Owner Address: PO Box 11655, Fort Smith, AR 72917	
Phone # (day): 479-452-1817	Phone # (cell):                      Fax #: 479-478-9891
Property Address (subject property): 4401 Massard Road	
<b>Subject Property</b>	
Current Land Use: Residential Detached	
Existing MLUP Classification: Residential Detached	
Proposed MLUP Classification: C2 - Commercial Neighborhood	
Existing Zoning Classification: RSD-2 Residential Detached	
Proposed Zoning Classification: C2- Commercial Neighborhood	
<b>Surrounding Property</b>	
Current Land Use: north-	Attached & C2 Special
south-	Commercial Neighborhood
east-	Residential Detached SF-2
west-	Residential Detached R2-SF-DP
Existing MLUP Classification: north:	Residential Attached
south:	Commercial Neighborhood
east:	Residential Detached
west:	Residential Detached
Existing Zoning Classification: north:	C2-Special & R-6
south:	RSD-2
east:	R-2-SF
west:	R-2-SF DP
Pre-Application Meeting Date: 2/07/2014	

**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:

30

1. A legal description of the subject property that is to be amended (reclassified).  
See Attached
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See Attached
3. The area dimensions of the property in square feet or acres. 2.786 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:

Adjoins Massard but must be considered as part of the over-all property.

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

See Utilities Description in zoning application.

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

(2) 1 acre lots

(1) building/ lot

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7. Identify any known or anticipated environmental concerns:

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

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of: Conversion to Transitional (Office) uses with opaque & landscape screens to the North & East.

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

Minimal Traffic Impact

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

Transitional Designation would extend the existing C2-Special Office uses to the south & cushion the transition from Residential to Massard Related Commercial

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

Need consists of Higher & Better use, for a location with Massard's traffic count to service the office & light commercial needs of east Fort Smith.

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:

Not known at this tie but would expect the I-540, Zero, Massard & Phoenix traffic rectangle to be the city's Activity Center

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

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

**AUTHORIZATION OF AGENT**

3E

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Tim Risley to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Cliff Cabaness



2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

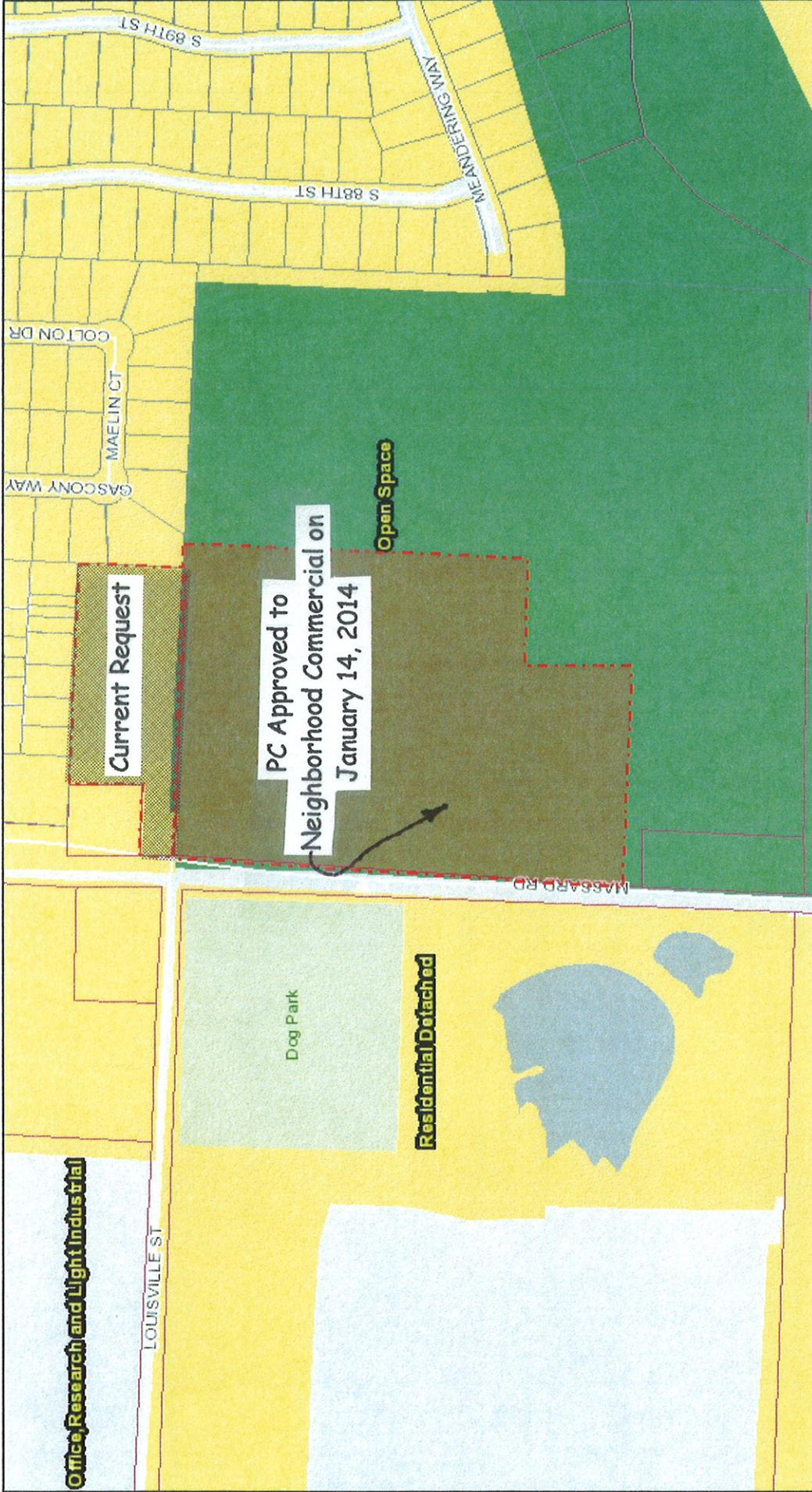
9. \_\_\_\_\_

10. \_\_\_\_\_

*This form is necessary only when the person representing this request does not own all property.*

# Master Land Use: From Residential Detached to Commercial Neighborhood

## 4401 Massard Road



March 7, 2014

Fort Smith City Limits

Subdivisions

36

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 25, 2014

**Re:** Rezoning #7-3-14 - A request by Tim Risley, agent for Cliff Cabaness, for Planning Commission consideration of a zone request from Residential Single Family – Duplex Low/Medium Density (RSD-2) to a Planned Zoning District (PZD) at 4401 Massard Road. (companion item #3, Master Land Use Amendment)

## LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road between Louisville Street and Moody Road. The tract contains an area of 15.3 acres with approximately 1,050 feet of street frontage along Massard Road.

## EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

### Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

### Permitted Uses:

Single-family, duplex 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 – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

### **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 areas to the north are zoned Residential Single Family Medium Density (RS-2) and Commercial Light Special (C-2 SPL) and are developed as single family residences and offices.

The areas to the east are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and are developed as single family residences.

The area to the south are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is undeveloped.

The area to the west are zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is undeveloped.

### **LAND USE PLAN COMPLIANCE**

The *Master Land Use Plan* classifies the majority of the site- 12.5 acres - as Park/Open Space/Floodway. However, at the planning commission's January 14, 2014, meeting, the

4B

planning commission recommended approval to change the land use classification to Commercial Neighborhood.

The *Master Land Use Plan* classifies the northerly 2.8 acres of the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property value. This area was inadvertently omitted from the previous Master Land Use Plan Amendment application that was presented to the planning commission in January. A companion item #3, is now proposing to revise this land use to Commercial Neighborhood. If this companion item is approved, the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

### **PROPOSED ZONING**

Approval of the proposed Planned Zoning District will allow for a future commercial development.

### **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? **No site designs are available at this time.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **No site designs are available at this time.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **No site designs are available at this time.**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **No site designs are available at this time. Please refer to the project booklet for proposed design standards.**
- 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? **No site designs are available at this time.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No right-of-way dedication is required.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies. **Yes.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the traffic information in the project booklet.**

HC

- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping, increased high quality materials, etc.) **Please refer Item J of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The future development will utilize Massard Road.

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

**Landscaping & Screening** – The PZD proposes increased landscaping along Massard Road and a 40' tree buffer and 6' opaque fence at the north and northeast property lines.

**Parking** – The parking layout will be designed with the development of the site.

**Signage** – The PZD proposes to encourage the use of monument signs and restrict pole signs to 20' in height. Building façade signs will comply with commercial sign regulations, which allows unlimited size for wall signs if placed directly on and are contained totally within the dimensions of the outside wall. The project booklet indicates that billboards, blinking/flashing signs and light spillage from flood lights will be prohibited.

### **FACTORS TO BE CONSIDERED**

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

- A. Compatibility with the Comprehensive Plan, Master Land Use Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **Contingent upon approval of the companion Master Land Use Plan application, the PZD will be compatible with the Master Land Use Plan.**
- B. Compatibility of the proposed development with the character of the neighborhood. **Please refer to the project booklet for specific details regarding design standards.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **Proposed permitted uses will include such uses as sales and service, professional offices, financial institutions, personal uses, such as salons and barber shops, doctor office, beer, wine & liquor store (without drive-through), hospice facility. Several uses, such as auto detailing, auto quick lube, auto parts & accessory sales, convenience store with gasoline sales, and bar and tavern are listed as conditional uses, which would require planning commission approval of a conditional use application before these land uses could occur. Please refer to the proposed Land Use Matrix – Appendix “A”.**
- 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 uses will generate a moderate increase in traffic on Massard Road. Based on the traffic information provided, when the site is fully developed, peak hour (pm) traffic is expected to increase by 443 VPH and Average Daily Traffic (weekday) is expected to increase by 2,916 VPD. This increase represents approximately 22.85% of the roadway's capacity. Please refer to the project booklet's traffic information.**

- 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. **Water and sewer improvements will be required. The project booklet includes a projected cost and scope of the water and sewer improvements.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with the relevant ordinance requirements for Section 27-200, 27-500, 27-600 and 27-700 as the outlined development booklet.**

#### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Wednesday, February 5, 2014 at 5:00 p.m. at Fort Smith Public Library (Dallas Branch). Ten neighboring property owners were in attendance at the neighborhood meeting. A meeting summary and attendance record are included in your packet. Questions and concerns regarding lighting, noise, and proposed land uses were discussed. Staff has also included copies of e-mail from neighbors with their concerns regarding proposed land uses.

The project booklet appears to comply with the minimum requirements of the UDO.

Rez. # 7-3-14

**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)

2. Address of property: 4401 Massard Road

3. The above described property is now zoned: RSD-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?

The planned zoning district zoning will give the owner the ability to change the  
current zoning from RSD-2 to allow light commercial uses. It also allows control of  
certain development while providing the owner a means of gaining commitment  
without undue financial risk.

Signed:

Tim A. Risley, AIA

Owner or Agent Name

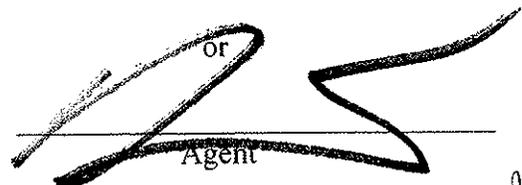
*(please print)*

6101 Phoenix Ave Suite 1

Fort Smith, AR 72903

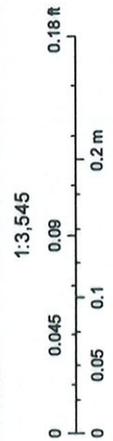
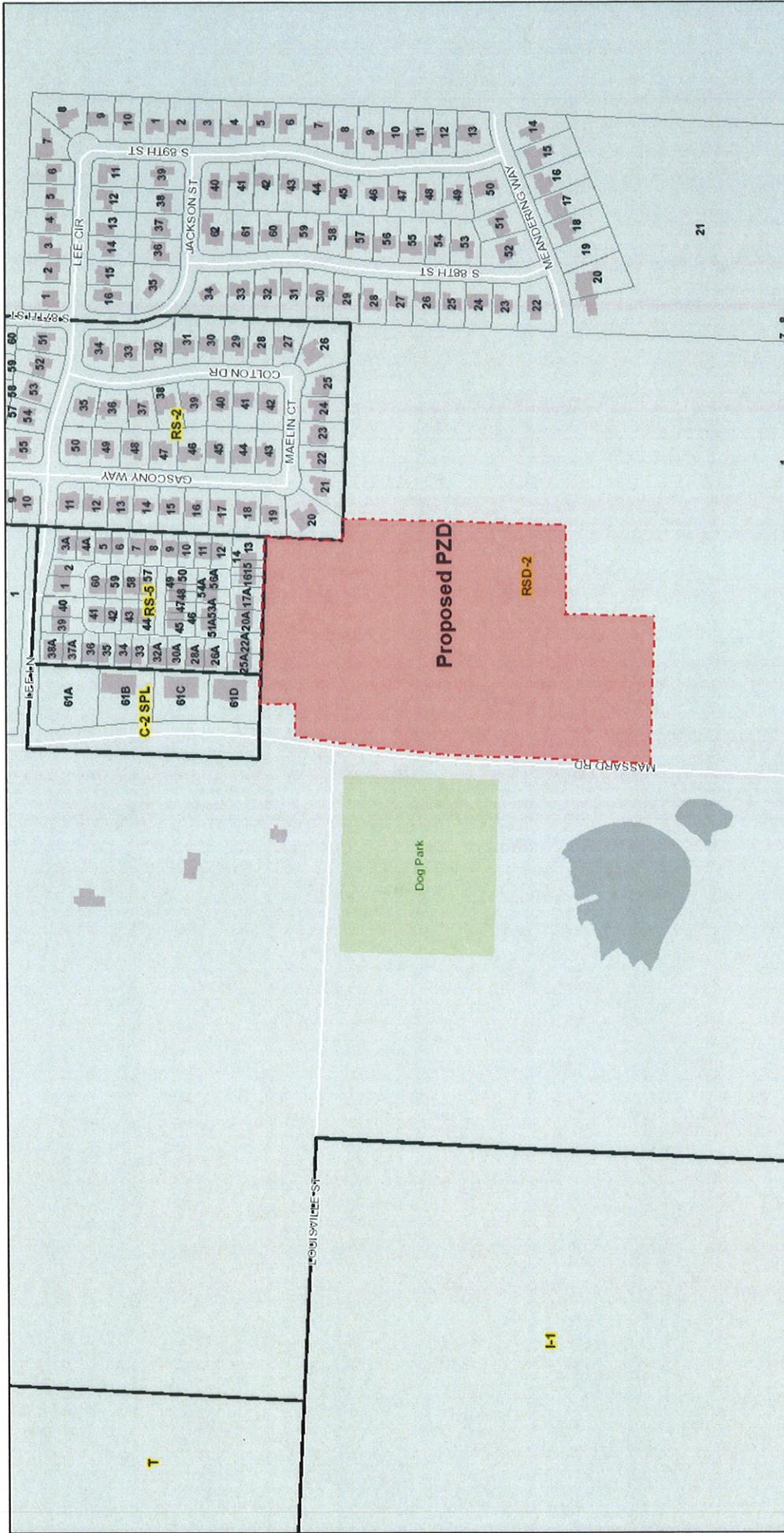
Owner or Agent Mailing Address

\_\_\_\_\_  
Owner

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

HF

# Rezoning #7-3-14: From Residential Single Family-Duplex Low/Medium Density (RSD-2) to PZD 4401 Massard Road



February 20, 2014  
 : : Fort Smith City Limits  
 : : Zoning  
 : : Subdivisions  
 : : Building Footprints

FG



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fort Smith Public Library- Dallas Branch

Meeting Time & Date Wed, Feb 5th 5:00pm

Meeting Purpose Rezoning to a PZD

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	JERRY HORNE	4100 HUNTER WAY	479-452-6998
2.	JIM POST	5101 MASSARD	478-9034
3.	MIKE STEPHENS	8600 MAELIN CT	883-5453
4.	JANET STEPHENS	8600 MAELIN CT	651-6333
5.	WILLIS EDMISTON	8404 HANNAH CT	452-3334
6.	SARA EDMISTON	8404 HANNAH CT	452-3334
7.	Jacquelyn Hubbs	8312 Hannah Ct.	478-6456
8.	John Ayer	4112 Logan LN	414 4101
9.	JOHN PARKER	FORTSMITH AIRPORT	452 7000
10.	NINA ABERNATHY	4016 Hunter Way	650-9114
11.	"	"	4102 Hunter Way 650-9114
	"	"	4104 Hunter Way 650-9114
	"	"	4101 Logan Lane 650-9114
	"	"	4103 Logan Lane 650-9114

HI

**TIM A. RISLEY & ASSOCIATES  
ARCHITECTS AND PLANNERS**

February 6, 2014

Project: Massard Creek PZD

2<sup>nd</sup> Neighborhood Meeting  
February 5<sup>th</sup> at 5:00pm at  
Dallas Branch Library

Owner Representative: Tim A. Risley  
City Representatives: Brenda Andrews  
Maggie Rice

Neighbors: See attached list

Tim A. Risley explained current status:

- "T" zone to the north with 6' opaque screen and 40' green buffer
- C2 uses in big area to the south
- T and C2 area uses to be restricted to exclude:
  - o Multi-family
  - o Supermarket
  - o Hospital
  - o Room or boarding house
  - o Carnivals and circus
  - o Group home
- In addition, the following conditional C2 uses would be excluded:
  - o Radio towers
  - o Phone towers
  - o Cell towers
  - o Recycling collection station
  - o Utility substation
  - o Mental health hospital

Jerry Horn expressed his concerns with a convenience store regarding lighting, sound and late night clientele. (Convenience store with gasoline sales is a conditional use in C2). Various neighbors question building height, circulation and drainage. Tim A. Risley agreed to wrap the 40' buffer around the southwest corner of lot 20 of Wellington Place to increase privacy.

The location of the land owners proposed home was questioned and discussed.

Brenda clarified that the PZD approach replaces the deferred development plan that was discussed in the prior meeting.

Jim Post, 5101 Massard (1/2 mile south), expressed concern over "commercial creep" i.e., that the existing RSD-2 zoned, 25 acres to the rear could be eventually rezoned commercial and suggested the owner should consider down zoning same to R-1. TAR agreed to ask about same but cautioned that he doubted the land owner would be interested.

Two neighbors stated that they wished to go over the C-2 uses.... Since the library was closing, Brenda and Maggie took their email addresses and agreed to forward copies.

Tim A. Risley closed with a reminder that the conditional uses are subject to future, separate review and encouraged the group to consider them on their own merits at a future time (if they ever materialize).

4K

## Andrews, Brenda

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**From:** Jim Post [jimpost@southernextrusion.com]  
**Sent:** Tuesday, February 11, 2014 3:07 PM  
**To:** trisley@risley-associates.com  
**Cc:** Andrews, Brenda  
**Subject:** Cabanese Rezoning request

Mr. Risley:

Thank you for taking the time to set up the meeting last February 5th regarding the rezoning issue on Massard. I did receive the C-2 listing from the City offices as was promised and it has been reviewed.

In our view this area is part of or is encroaching into what has been primarily developed as single family housing despite the current zoning label that permits duplexes. Our preference would be to see the property rezoned by deleting the duplex allowance and limiting the area to single family only.

If forced to offer an opinion on the PZD then any use other than highly trained professional services whose operating hours typically not extend past 5:00 P.M. would be the only tolerable use.

Regards:

Jim Post

## Andrews, Brenda

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**From:** Tim Risley [trisley@risley-associates.com]  
**Sent:** Wednesday, February 12, 2014 4:25 PM  
**To:** Andrews, Brenda  
**Subject:** FW: Objectionable Property Uses

**From:** Willis Edmiston [mailto:wedmiston@sbcglobal.net]  
**Sent:** Wednesday, February 12, 2014 3:53 PM  
**To:** trisley@risley-associates.com; frededmiston  
**Subject:** Objectionable Property Uses

Here are things listed that we oppose for property adjacent to Wellington Park: AUTO DETAILING, auto parts, auto glass/muffler/seatcover, CAR WASH, lawn&garden, bike sales/svc, CONVENIENCE STORE, BAR, restaurant, pet cemetery, tower, recycling collection, utility substation, country club, bowling alley, community rec center, golf course, health club, pool hall, swimming pool, funeral home, multifamily dwellings, community residential, group home, accessory dwelling unit, assisted living, retirement housing, B&B Inn, Rooming House, electronics/appliances/furniture/hardware store(s), locksmith, LIQUOR STORE, tobacco shop, grocery, supermarket, neighborhood store, rental center, video/music/software, catering svc, restaurant, barber shop, laundry/cleaner, print shop, tanning salon, carnival or circus, amusement center, wedding chapel, monument sales,

Our preference, obviously, is for 9-5 professional office space which will not impact the existing neighborhoods with light, traffic or noise. Might there be a possibility of developing the front portion of the tract in question (the portion facing Massard) into offices and then developing the rest into single or duplex condo style dwellings?. It seems there is plenty of land and we see a real need existing for just such a 'boutique' style neighborhood.

We are also interested to know if your client is willing to sell any of the acreage behind Wellington Park as a means of extending a no-build buffer. Again, we would not oppose development of the Massard side. Please call us if this is a possibility...we are trying to reach your client as well. thanx so much,

Willis and Sara Edmiston  
8404 Hannah Court  
479-452-3334

## Andrews, Brenda

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**From:** Jacki [jjhubbs@cox.net]  
**Sent:** Thursday, February 06, 2014 9:18 PM  
**To:** Andrews, Brenda  
**Subject:** Re: Proposed Massard Road Development

Preferably single dwelling, duplexes, Doctor or other office space. No apartment buildings or food services or 7-11.

Thanks for allowing us to voice our opinions.

Jacquelyn Hubbs.

Sent from my iPad

On Feb 6, 2014, at 2:24 PM, "Andrews, Brenda" <[bandrews@FortSmithAR.gov](mailto:bandrews@FortSmithAR.gov)> wrote:

All:

As a follow up to yesterday's neighborhood meeting held by Tim Risley of Risley and Associates regarding a proposed commercial development at 4401 Massard Road, attached is the list of the land uses allowed in the C-2 Zoning District. Several of you expressed interest in reviewing the list and indicating which uses you would prefer to eliminate.

You will notice that some uses are permitted by right and others are conditional uses and only allowed after approval from the planning commission. For example, if a property is zoned C-2, multifamily dwellings are permitted by right and can be constructed upon receiving an approved building permit. If the proposed use is an orphanage, for example, then that use must receive conditional use approval from the planning commission before the development could occur.

Please e-mail your comments regarding the land uses to Tim Risley at [trisley@risley-associates.com](mailto:trisley@risley-associates.com). It will be very helpful to Mr. Risley to receive your input as soon as possible, so I am asking that you send your comments by Tuesday, February 11, 2014.

You may also e-mail your comments to me at [bandrews@fortsmithar.gov](mailto:bandrews@fortsmithar.gov) or if you have any question regarding the land use list, feel free to contact me.

Brenda Andrews, senior planner  
City of Fort Smith

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 5, 2014

**Re:** Rezoning #8-3-14 - A request by Lance Beaty, FSM Redevelopment Partners, LLC, agent for Shields & Mille Properties, LLC, for Planning Commission consideration of a zone request from Residential Single Family Medium Density (RS-2) to a Planned Zoning District (PZD) at #1 Essex Place

## LOT LOCATION AND SIZE

The subject property is on the north end of Essex Place and Bramble Brae Street. The tract contains an area of 6.90 acres with approximately 100 feet of street frontage along Essex Place and approximately 100 feet of street frontage along Bramble Brae Street.

## EXISTING ZONING

The existing zoning on this tract is Residential Single Family Medium Density (RS-2). Characteristics of this zone are as follows:

### Purpose:

To provide for detached homes in low-to-medium density single family neighborhoods where adequate public services and facilities are available. The RS-2 zoning district is appropriate in 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 – 10,500 square feet  
Maximum Density – 4 Dwelling Units/Acre  
Minimum Lot Width at Building Line – 75 feet  
Minimum Street Frontage – 50 feet  
Front Yard Setback - 30 feet  
Side Yard on Street Side of Corner Lot - 30 feet  
Side Yard Setback – 7.5 feet  
Rear Yard Setback - 10 feet  
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)  
Maximum Lot Coverage - 50%

### **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 areas to the north and east are zoned Residential Single Family Medium Density (RS-2) and developed as a golf course.

The areas to the south are zoned Residential Single Family Medium Density (RS-2) and developed as a golf course and single family residences.

The area to the west is zoned Residential Single Family Low Density (RS-1) and is developed as single family residences.

### **LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the existing country club site as a Public/Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature. The golf course areas are classified as Park/Open Space/Floodway. 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. If approved, the proposed PZD will not conflict with the goals and objectives of the Master Land Use Plan.

## PROPOSED ZONING

The proposed Planned Zoning District will allow an approximate 59,973 s.f. addition to the existing Fianna Hills Country Club, increasing the total square footage to 83,553 s.f. The PZD will also allow enhanced amenities and services, such as 51 member suites, to current and future members and guests of the country club. It will also allow for other land uses as outlined in the Land Use Matrix – Appendix A.

## PROJECT BOOKLET

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

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The proposed architectural designs for the proposed expanded country club are compatible with the UDO and the surrounding area.**
- 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? **No right-of-way dedication is required.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the project booklet's traffic information.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping, increased high quality materials, etc.) **Please refer to Item J of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

## **J. SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The re-development will utilize the two existing ingress and egress points on Essex Place and Bramble Brae Street.

**Right-of-way dedication** – No right-of-way dedication will be required.

**Landscaping & Screening** – The project booklet states that the project will comply with the perimeter, parking lot screening, and interior landscaping requirements.

**Parking** – A parking layout indicates an additional 48 parking spaces will be added to the existing 163 parking spaces for a total of 211 parking spaces. The number of parking spaces will comply with the minimum number required. A total of 187 parking spaces are required and 211 parking spaces are proposed.

**Signage** – A non-illuminated pedestal sign not exceeding 12 s.f. is proposed on the west side of the site near Bramble Brae Street. The existing monument sign on the south side of the site at the entrance at Essex Place will remain. The proposed signage complies with the UDO signage requirements for the proposed land use.

## **FACTORS TO BE CONSIDERED**

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

- A. Compatibility with the Comprehensive Plan, Master Land Use Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The country club is compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed country club is compatible with the surrounding 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 permitted uses will allow such uses as country club, member suites, professional offices, medical concierge, doctor office and clinic, residential detached and family group homes. Several uses allowed as conditional use are also included, such as schools, religious institutions, public safety facilities, parks, commercial communication towers, and utility substations. Please refer to the Proposed Land Use Matrix – Appendix A in the project booklet.**
- 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 uses will have a minimal impact on traffic volume. Based on the submitted traffic information, the daily traffic counts will increase approximately 20% with the addition of the proposed member suites. The project booklet indicates that the other permitted uses**

**indicated in the Land Use Matrix – “Appendix A” such as professional offices will not increase existing traffic trip counts in the PZD’s Traffic Information Data by no more than 5%. Additional parking spaces will be provided to accommodate the expanded country club. Parking spaces for other land uses listed in the use chart must comply with the city’s minimum parking requirements. Overall, site parking shall be limited to that of the proposed PZD. Please refer to the traffic information and item “f” in the project booklet.**

- 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. **Water service and fire sprinkler system improvements will be required. The applicant is aware of these requirements and has outlined the improvements in the project booklet.**
  
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with all Unified Development Ordinance requirements in Sections 27-200, 27-500, 27-600 and 27-700 as the outlined project booklet.**

#### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Thursday, February 13, 2014 at 5:30 p.m. at Fianna Hills Country Club. Twenty-one neighboring property owners attended the meeting. Questions and concerns regarding traffic, noise, and lighting were discussed. One property owner indicated that he was not in favor of the member suites due to increased traffic concerns and the height of the building because it would obstruct his view. A meeting summary and attendance record are included in your packet. We also received two e-mails from neighbors expressing their support for the project and have included those e-mails in your packet.

The project booklet appears to comply with the minimum requirements of the UDO.

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

Part of Tract I of Fianna Hills IV and part of Tract I-A of Fianna Hills V, Additions to the City of Fort Smith, Sebastian County, Arkansas being more particularly described as follows: *refer to attached Survey*

2. Address of property: #1 Essex Place, Fort Smith, Arkansas

3. The above described property is now zoned: RS-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?

The above listed property is currently zoned Residential Single Family (RS-2). A change in the zoning is being requested to allow expanded amenities and services to the current and future members and guests of the Fianna Hills County Club.

**Lance Beaty** - General Partner

Owner or Agent Name  
(please print)

**FSM Redevelopment Partners, LLC**  
4600 Towson Ave. Suite #101  
Fort Smith, AR 72901

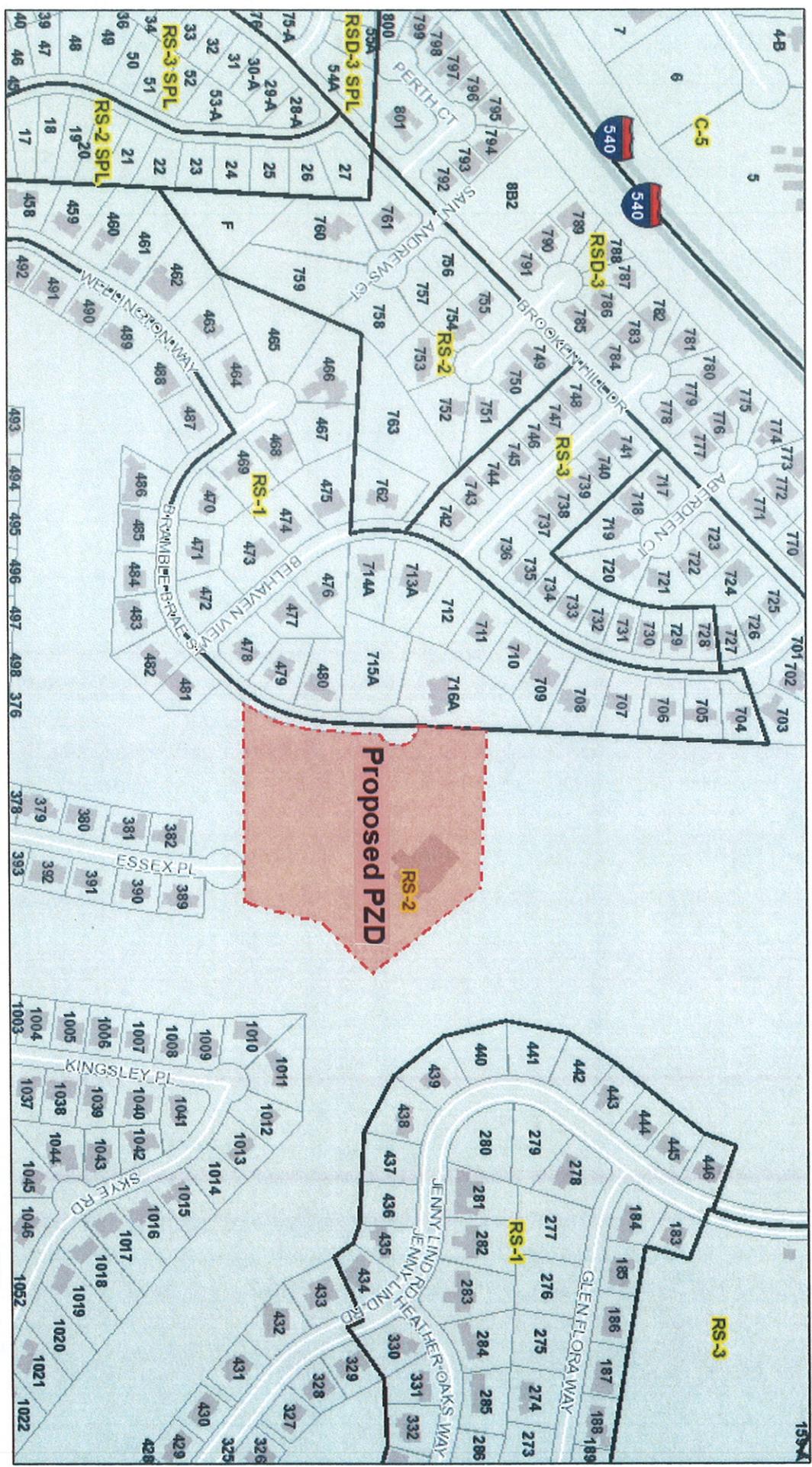
Owner or Agent Mailing Address

Signed:



# Rezoning #8-3-14: From Residential Single Family Medium Density (RS-2) to PZD #1 Essex Place

5G



- February 18, 2014
- Fort Smith City Limits
  - Building Footprints
  - Zoning
  - Subdivisions





**LIST OF PROPERTY OWNERS OF SURROUNDING PROPERTY WITHIN 300 FEET**

**PARCEL #12644-0707-00000-00**

DAVID BRODIE  
9501 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0708-00000-00**

RAY CLARK & CAROLYN T  
REEDER-CLARK  
9509 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0709-00000-00**

RUTH IRENE DODD & JO ANN MARIE  
NOV  
9517 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0710-00000-00**

GREG B CHAMBLEE  
9525 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0711-00000-00**

HRAYR Y & TANYA P ELLEZIAN  
9601 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0712-00000-00**

JOHN T CANTERBURY LIVING TRUST  
319 SOUTH 18TH STREET,  
FT. SMITH, AR

**PARCEL #12644-0713-00000-00**

JOHN & WENDY MITCHELL  
9617 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0714-00000-00**

LEE FAMILY TRUST  
9625 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12644-0715-00000-00**

JOHN T CANTERBURY LIVING TRUST  
319 SOUTH 18TH STREET,  
FT. SMITH, AR

**PARCEL #12644-0716-00000-00**

JOHN T CANTERBURY LIVING TRUST  
319 SOUTH 18TH STREET,  
FT. SMITH, AR

**PARCEL #12610-0476-00000-00**

RICHARD D & PIXIE H KING  
9701 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12610-0477-00000-00**

RICHARD A & KAREN SUE CARLSON  
9709 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12610-0478-00000-00**

STEVE & TREEANA CHRISTIAN  
9716 BRAMBLE BRAE,  
FT. SMITH, AR

**PARCEL #12610-0479-00000-00**

ELMER DEWAYNE & DONNA KAY JONES  
P.O. BOX 11756,  
FT. SMITH, AR

**PARCEL #12610-0480-00000-00**

ROGER M MURPHY JR.  
9700 BRAMBLE BRAE,  
FT. SMITH, AR

**PARCEL #12610-0473-00000-00**

GARY W & SUSAN J CARMACK  
9716 BELLHAVEN VIEW,  
FT. SMITH, AR

**PARCEL #12610-0472-00000-00**

HHH ENTERPRISES LLC  
LESLIE HAYES TRUST,  
FT. SMITH, AR

**PARCEL #12610-0481-00000-00**

CHRISTINE C DAVIS REVOCABLE  
TRUST  
1816 BRAMBLE BRAE,  
FT. SMITH, AR

**PARCEL #12610-0482-00000-00**  
CHRISTINE C DAVIS REVOCABLE  
TRUST  
1816 BRAMBLE BRAE,  
FT. SMITH, AR

**PARCEL #12610-1440-00000-00**  
SHIELDS & MILLE PROPERTIES LLC  
6405 RYE HILL ROAD EAST,  
FT. SMITH, AR

**PARCEL #12610-0381-00000-00**  
JERRY & SARAH JO PARKER  
9808 ESSEX PLACE,  
FT. SMITH, AR

**PARCEL #12610-0382-00000-00**  
CHAMP C & CAROL ANN HINTON  
9800 ESSEX PLACE,  
FT. SMITH, AR

**PARCEL #12610-0390-00000-00**  
DANNY W & CARMEN L ALDRIDGE  
P.O. BOX 6185,  
FT. SMITH, AR

**PARCEL #12610-0389-00000-00**  
CURTIS L ABBOTT  
9801 ESSEX PLACE,  
FT. SMITH, AR

**PARCEL #12661-1009-00000-00**  
STANLEY A & BILLIE K WOLFE  
9708 KINGSLEY PLACE,  
FT. SMITH, AR

**PARCEL #12661-1010-00000-00**  
EUGENE & SHARON A KERSH  
9704 KINGSLEY PLACE,  
FT. SMITH, AR

**PARCEL #12661-1011-00000-00**  
MITCHELL FAMILY REVOCABLE TRUST  
2301 SKYE ROAD,  
FT. SMITH, AR

**PARCEL #12610-1438-00000-00**  
GLYNN D & KATHRYN CRAINE  
2000 QUEENSBURY WAY,  
FT. SMITH, AR

**PARCEL #12610-1439-00000-00**  
VICKI LYNN MARTS  
9424 JENNY LIND AVENUE,  
FT. SMITH, AR

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

	<u>NAME</u>	<u>ADDRESS</u>
1.	<b>Shields &amp; Mille Properties, LLC</b> Jim Shields - Registered Agent	6405 Rye Hill Road East Fort Smith, AR 72916
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

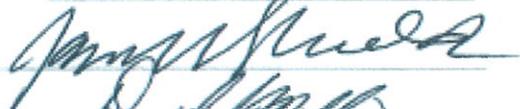
We the undersigned, being owners of real property, and requesting a rezoning by **FSM Redevelopment Partners, LLC** application do hereby authorize Lance Beaty, General Partner to act as our agent in the matter.  
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

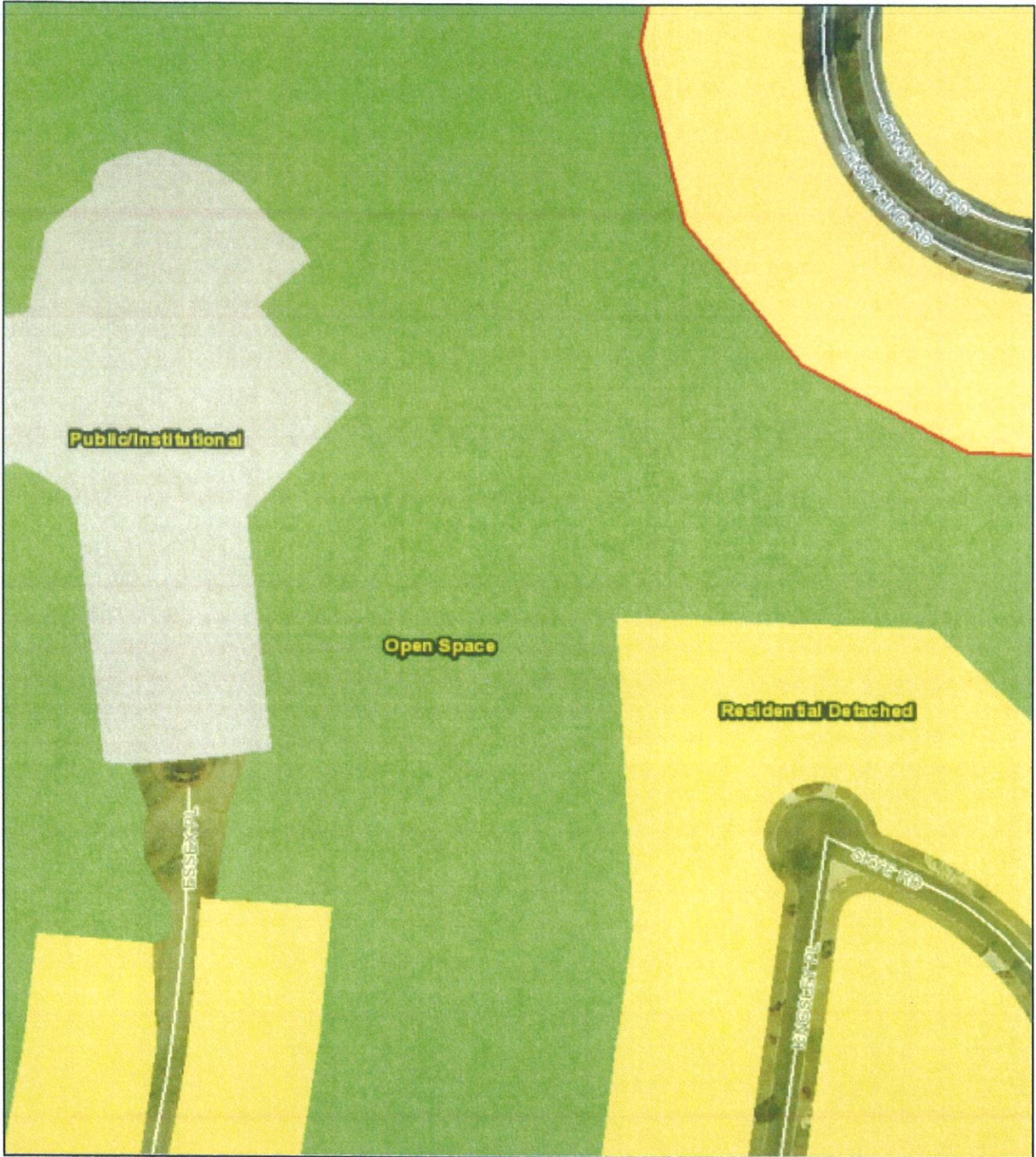
1. Shields & Mille Properties, LLC
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
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10. \_\_\_\_\_

X   
X 

*This form is necessary only when the person representing this request does not own all property.*

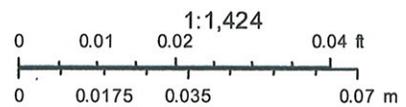


# Fianna Country Club Land Use Map



February 12, 2014

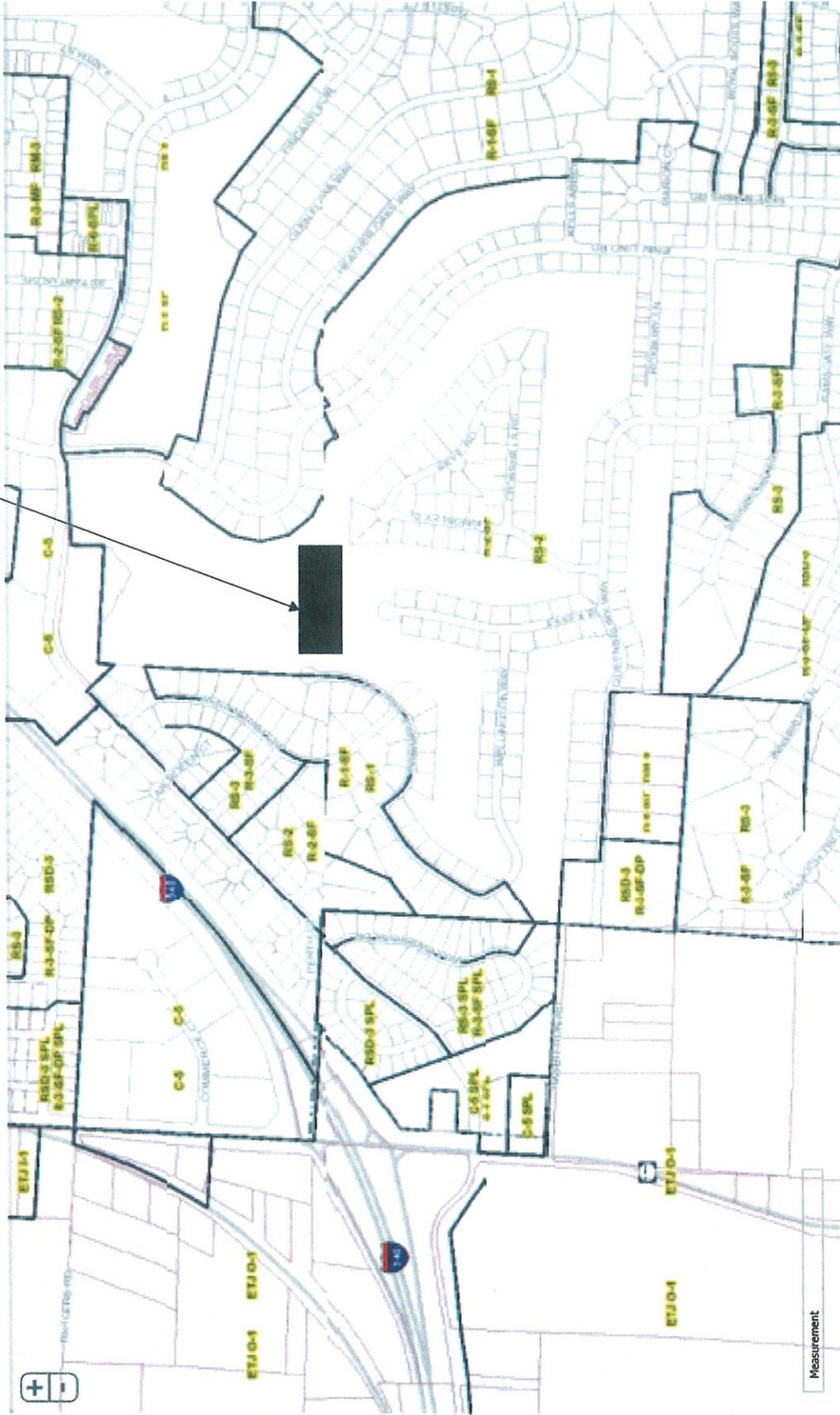
- |     |                         |   |                      |
|-----|-------------------------|---|----------------------|
| ⋮ ⋮ | Fort Smith City Limits  | ▬ | Mixed-Use-R          |
| ▬   | Commercial              | ▬ | Office Research      |
| ▬   | Commercial Neighborhood | ▬ | Open Space           |
| ▬   | General Commercial      | ▬ | Public/Institutional |
| ▬   | Industry                | ▬ | Regional Center      |
| ▬   | Mixed-Use-E             | ▬ | Residential Attached |
|     |                         | ▬ | Residential Detached |



5N

PROJECT LOCATION

Public GIS Viewer  
City of Fort Smith GIS



<p>FIANNA HILLS COUNTRY CLUB FORT SMITH, AR</p>	 <p>THE HILL FIRM ARCHITECT</p> <p>6400 Rockwell Ave. Office Suite A Fort Smith, AR 72204 479-484-1000 Fax 479-284-1833</p>	<p>GIS ZONING MAP 2.14.14</p>
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50



Member: ASPS-OSLS

## Satterfield Land Surveyors, P. A.

Surveying / Engineering

P.O. Box 640 • Alma, Arkansas 72921

Office located at 1928 Highway 71 North

Alma 479-632-3565 • Fax 479-632-5002 • Fort Smith 479-648-3850

Springdale 479-751-7909 • Web Site: [www.slsurveying.com](http://www.slsurveying.com)



January 28, 2014

City of Fort Smith  
Planning Department  
P.O. Box 1908  
Ft. Smith, AR 72901

Attn: Brenda Andrews

Re: Neighborhood Meeting

Ms. Andrews:

We will be holding a neighborhood meeting at the Fianna Hills Country Club, located at #1 Essex Place, Fort Smith, Arkansas, February 13, 2014, at 5:30 p.m. The meeting is to discuss a Planned Zoning District Certification, for the Fianna Hills Clubhouse renovations.

If you have concerns or questions and are unable to attend this meeting, please call Ricky Hill, agent for Fianna Hills Country Club, at 479-648-3850.

Sincerely,

*Ricky Hill*  
Ricky Hill, PLS

RH/cdh

5P

Summary for Fianna Hills Country Club Planned Zoning District Application , aka (PZA) Neighborhood Meeting, held on February 14, 2014.

The meeting began with Lance Beaty introducing his associate, Mike Brown as the presenter. Mr. Brown thanked everyone for coming and invited any questions after presentation was complete. He then stated, if there were questions during the presentation, please stop him and he would address the questions. Mr. Brown, proceeded to go through the application packet with the neighborhood attendees, by using an overhead projector shone on a screen, so everyone in attendance could see.

Upon completion of the presentation the floor was opened for questions. Lance Beaty and Mike Brown, proceeded to answer all questions, concerning the PZA. One financial question was tabled and will be answered at a later date. Brenda Andrews addressed all zoning questions for the City of Ft. Smith and Ricky Hill answered all the surveying questions for Satterfield Land Surveyors. For the most part, the 21 or so attendees, were in favor of the application and several spoke in favor. Mr. Danny Aldridge and others had concerns that were addressed regarding, traffic, noise and lighting. They were assured on all counts, that the projected improvements exceeded all city zoning requirements, by Lance Beaty. Mr. Aldridge then stated that he was fine with everything, except the additional suites, because presenters could not assure him, his view would not be obstructed. At that time, Mr. Aldridge stated, he was okay with everything in the proposed development, with the exception of the additional suites. Mr. Champ Hinton and Mr. John Hagen, spoke in favor of the project, with several others speaking in favor as well.

Prior to the conclusion of the meeting, one of the attendees asked that a copy of the application packet be provided to all the attendees. Mr. Lance Beaty stated, he would have the architect provide hard copies for all attendees, by 4:00 p.m., February 14, 2014, available at #1 Essex Place, Fianna Hills Country Club.

With no further questions, Mr. Beaty thanked everyone for attending and the meeting was adjourned approximately 7:30 p.m..

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Fianna Hills Country Club

Meeting Time & Date February 13, 2014 at 5:30pm

Meeting Purpose Planned Zoning District Certification

PLEASE  
PRINT

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Sarah J Parker	9808 Essex Pl.	479-6376793
2. Faye & Justin	9816 Essex Pl.	479-646-1620
3. FRED ALWISON	9909 Jemmy Lind	479-649-9644
4. CAROL HINTON	9800 ESSEX PLACE	479-2065
5. CHAMP HINTON	" "	" "
6. Salanne Hayes	1801 Wellington Way	648-0949
7. Donnell Kitchel	2508 Crosshill Rd	648-3150
8. Noel Sanger	2809 Fincastle Dr	816 769 1680
9. Don Hadden	9909 Essex Pl.	646-6051
10. Gary Carmack	9716 Belhaven Vn	926-3057
11. Phil Hy	9900 Essex Place	646-3276
12. BOB BRADFORD	9824 ESSEX PL	646-8544
13. Darryl & Sheri Neely	1809 Wellington Way	650-5781
14. Champ & Ann Thomas	1817 Wellington Way	479-646-1912
15. E. DeWayne Jones	9708 Bramble Brook	479 462-4379
16. Doug & Sheri Neely	1809 Wellington Way	479-650-4140
17. DANNY ALDAIDSA	9809 Essex Pl	479-221-2988
18. Sarah J Parker	9808 " "	479-6376793

20. Jul P. Row 10109 Seven Oaks Rd 479-646-7272

21. Ariana Allard 2916 Finca St (709) 434 5011

22. \_\_\_\_\_

23. \_\_\_\_\_

24. \_\_\_\_\_

25. \_\_\_\_\_

26. \_\_\_\_\_

27. \_\_\_\_\_

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31. \_\_\_\_\_

32. \_\_\_\_\_

33. \_\_\_\_\_

34. \_\_\_\_\_

35. \_\_\_\_\_

36. \_\_\_\_\_

37. \_\_\_\_\_

38. \_\_\_\_\_

39. \_\_\_\_\_

40. \_\_\_\_\_

## Andrews, Brenda

---

**From:** sheri neely [neelysl@gmail.com]  
**Sent:** Thursday, February 13, 2014 9:31 PM  
**To:** Andrews, Brenda  
**Cc:** Doug Neely  
**Subject:** Fianna Hills Country Club

Brenda, It was nice meeting you tonight at the FHCC meeting. As property owners in Fianna Hills, we are in total support of the development by Lance Beaty and his associates for the improvement of the club house and golf course. We feel this will be a positive improvement for our community and economic development for Ft. Smith.

Thank you!

Doug and Sheri Neely  
1809 Wellington Way  
Ft.Smith, AR 72908  
479-650-5781

**INTER-OFFICE MEMO**

TO: Wally Bailey, Director of Development and Construction

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: February 28, 2014

SUBJECT: Fianna Hills Country Club  
Planned Zoning District (PZD)  
Traffic Information Data

We have reviewed the traffic information data submitted for the proposed PZD at the Fianna Hills Country Club (FHCC). Based on the information provided, the PZD will include remodeling of the existing private country club's 18 hole golf course, banquet space, lounge and dining room. The proposed redevelopment will also include the addition of 51 member suites. The FHCC is currently accessed by two points which will remain unchanged. One is on Essex Place and the other is Bramble Brae.

Traffic volumes were estimated for both the existing 18 hole golf course / facilities and also for the proposed additional 51 member suites. The A.M./P.M. peak hour and total daily traffic for each scenario was estimated. The estimated traffic volumes were calculated using the 7<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation manual.

Under its current use, the average total daily traffic generated from the FHCC is estimated at 643. With the addition of the 51 member suites, this total daily traffic increases by 250 to 893. The A.M. peak hour traffic increased from 40 to 59 trips/hour and the P.M. peak hour traffic also increased from 49 to 70 trips/hour. It should be noted that these are the estimated total trips for the FHCC and that these traffic volumes are further assumed to be split equally between each of the two access points to the FHCC.

Traffic counts to the FHCC were taken at both Bramble Brae and Essex Place by city crews on Monday February 24 thru Wednesday February 26. The daily traffic for these two dates is summarized in the table below.

<b>Street</b>	<b>Monday, Feb 24</b>	<b>Tuesday, Feb 25</b>	<b>Wednesday, Feb 26</b>
<b>Location</b>	<b>Daily Traffic</b>	<b>Daily Traffic</b>	<b>Daily Traffic</b>
Bramble Brae	285	448	355
Essex Place	254	336	279

There is a significant amount of cut through traffic at the FHCC. The cut through traffic is utilizing the FHCC parking lot as a short cut between Brooken Hill Drive and portions of the upper Fianna Hills area. On Monday, February 24 the FHCC was closed and traffic to the actual

facility was very minimal. However, the traffic totals on Bramble Brae and Essex Place at the FHCC were still 285 and 254 respectively. This traffic is assumed to be cut thru traffic. We also believe the traffic counts on Tuesday and Wednesday are low and are not representative of the typical traffic for the FHCC. This is due to several factors including the colder weather and a significant drop in the country club membership over the past years.

A comparison of the existing traffic (cut thru) along with the estimated traffic from the 18 hole golf course and the additional proposed 51 member suites is shown in the table below.

<b>Street Location</b>	<b>Current Daily Traffic (Cut Thru)</b>	<b>Estimated Daily Traffic with cut thru and 18 hole golf course</b>	<b>Estimated Daily Traffic with cut thru, 18 hole golf course and 51 member suites</b>
Bramble Brae	285	607	732
Essex Place	254	576	701

While the estimated increase in the daily traffic due to the addition of the 51 member suites is about 20% larger, the overall daily traffic in the low 700s is not considered excessive for a residential street.

The Arkansas Highway and Transportation Department (AHTD) takes annual traffic counts throughout the city on multiple streets. The most recent counts were taken in 2012. Listed below are daily traffic counts for several streets in this general area. These daily traffic numbers are just for comparison purposes to gauge against the estimated FHCC traffic.

2012 Average Annual Daily Traffic (AADT)

- Fianna Way, West of Dundee Drive – 1,200
- South 28<sup>th</sup> Street, south of I-540 – 3,900
- Jenny Lind, north of Royal Scots Way – 5,300
- Brooken Hill Drive, just east of Jenny Lind Road – 5,900
- Jenny Lind Road, just south of Brooken Hill Drive – 6,300

It should be noted that several of the other land uses for the proposed PZD could be significant traffic generators. Traffic from those land uses would have to be addressed when or if that type of development is proposed.

5V

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 26, 2014

**Re:** Development Plan Review - A request by Kayla Wood, agent for Farm Credit Services of Western Arkansas, for Planning Commission consideration of a Development Plan to build a credit and financing establishment at 12907 Highway 71 South.

## LOT LOCATION AND SIZE

The subject property is on the northeast side of Highway 71 South between Howard Hill Road and Old US Highway 71 South. The tract contains an area of 6.83 acres with approximately 786 feet of street frontage along Highway 71 South.

## EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Commercial Moderate Special (ETJ-C-3-SPL). The special zoning indicated on this parcel requires that all driveway access shall be limited to the US Highway 71 frontage and the approval of a development plan by the Planning Commission shall be required prior to any development.

Characteristics of this zone are as follows:

### Purpose:

To provide for general commercial activities, offices, and services to serve the community. This district promotes a broad range of activities, commercial operations, and services that are dispersed throughout the city and designed at a smaller scale than a regional center. C-3 zoning is appropriate in the light commercial office classification of the ETJ land use map.

### Permitted Uses:

Townhouse, multifamily, neighborhood group home II, community residential facility, bed and breakfast inn, rooming and boarding, auto detail, auto parts, accessories, convenience store with gas sales, clothing and personal item repair, new furniture or home furnishings, hardware, home centers, lawn and garden, department store, clothing, jewelry, luggage, shoes, florist, tobacco, restaurant, flea market (indoor only), grocery store, pharmacy and financial institutions are examples of permitted uses.

LA

**Conditional Uses:**

Orphanage, homeless shelter, dormitory, sorority, fraternity, medical laboratory, bar, utilities and utility services, museum, country club, athletic/health club, community center, day camp, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

**Area and Bulk Regulations:**

Minimum Lot Size – 12,000 square feet	Maximum Height - 35 feet
Maximum Building Size – 60,000 square feet 60%	Maximum Lot Coverage -
Minimum Lot Width at Setback Line – 75 feet	
Minimum parcel/lot size for rezoning – New District (By Classification) – 2 acres	
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet	
Minimum Street Frontage – N/A	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear Setback abutting RS – 30 feet	
Required street access: Major Collector or higher	

**SURROUNDING ZONING AND LAND USE**

The areas to the north and east are zoned Extraterritorial Open Zone (ETJ O-1) and are developed as single family residences.

The areas to the south and east are zoned Extraterritorial Open Zone (ETJ O-1) and are undeveloped.

**PROPOSED DEVELOPMENT PLAN**

The proposed development if approved will allow for a credit and financing establishment.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur at the two proposed driveways located on Highway 71 South.

**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.

6B

**Landscaping** – The development plan indicates the site will have perimeter landscaping in-between the two driveways and interior landscaping.

**Right-of-way dedication** – Right of way dedication will be required for Howard Hill road and will be obtained during the platting process.

**Screening** – The development plan has indicated that the site will retain a section of the existing wood line to the north to act as a screening buffer for the adjacent single family residence.

**Parking** – The site plan indicated 31 parking spaces including the 2 spaces for the carport.

**Signage** – The site plan shows a monument sign.

**Architectural features** – The facades will be constructed using cementitious siding and cultured stone with raised entrances.

### **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application contingent upon the following:

1. All construction must be built in accordance with the submitted Development Plan and any Planning Commission amendments.
2. Platting shall be approved and filed prior to the Certificate of Land Use being issued.

6C

**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
  
2. Address of property: 12907 HWY 71 South- Fort Smith, AR 72916
  
3. The above described property is now zoned: ETJ C3-(Special)
  
4. Does the development plan include a companion rezoning request?  
Yes \_\_\_\_\_ No X
  
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:  
N/A by N/A  
(Zoning Classification) (Extension or classification)
  
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
See attached Vicinity Map- Exhibit "A"  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Total acreage of property 6.38 Acres

6 D

Signed:

Kayla Wood

Owner or Agent Name  
*(please print)*

5930 Summerhill Road, Texarkana, TX 75503  
Owner or Agent Mailing Address

903-838-8533  
Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

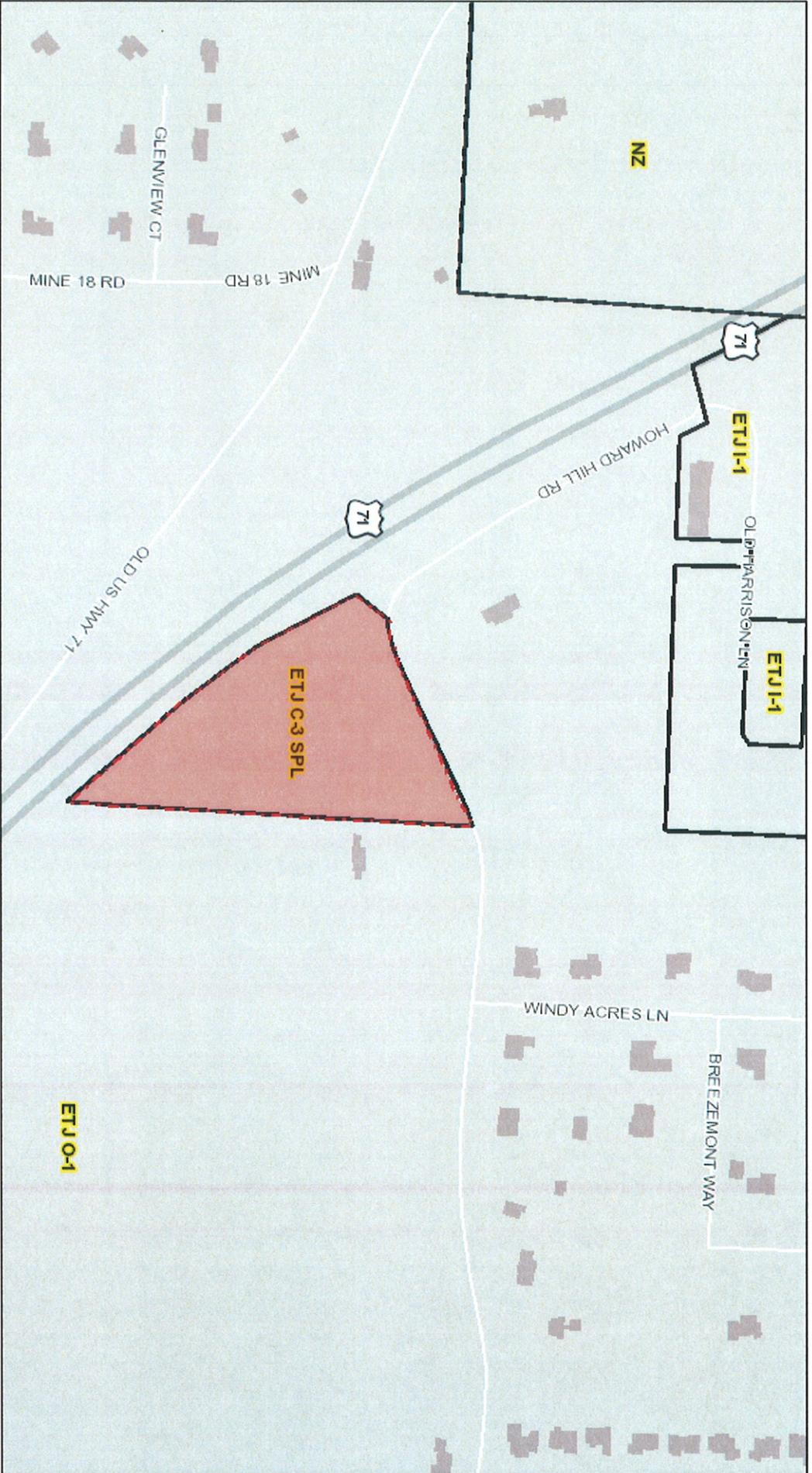
Kayla Wood  
Agent

6E

# Development Plan Review: Credit and Financing Facility

## 12907 US Highway 71

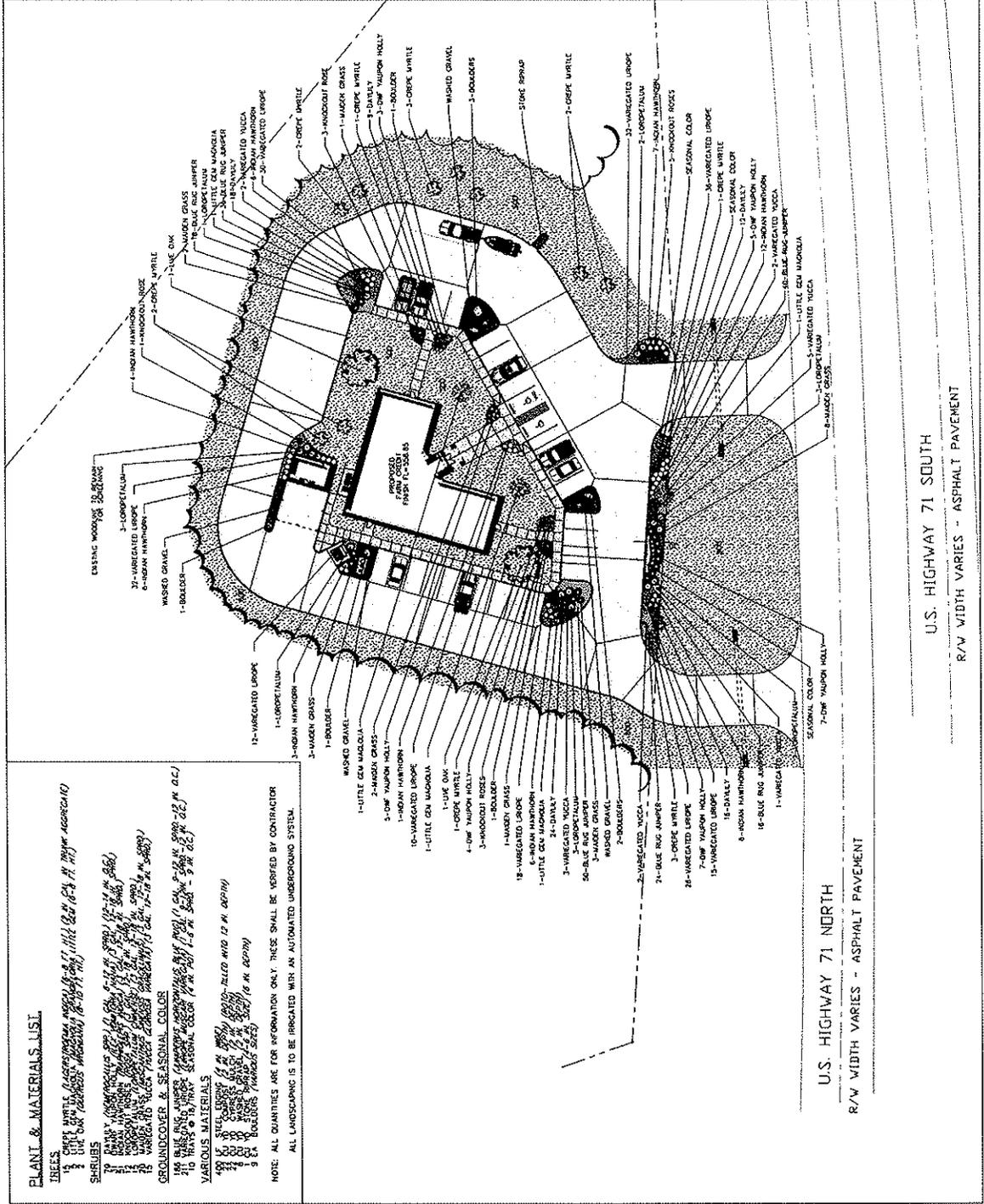
6F



- February 18, 2014
- Fort Smith City Limits
  - Zoning
  - Building Footprints
  - Subdivisions

**PLANT & MATERIALS LIST**

- TREES**
- 1- 10' OAK
  - 2- 12' OAK
  - 3- 14' OAK
  - 4- 16' OAK
  - 5- 18' OAK
  - 6- 20' OAK
  - 7- 22' OAK
  - 8- 24' OAK
  - 9- 26' OAK
  - 10- 28' OAK
  - 11- 30' OAK
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  - 35- 78' OAK
  - 36- 80' OAK
  - 37- 82' OAK
  - 38- 84' OAK
  - 39- 86' OAK
  - 40- 88' OAK
  - 41- 90' OAK
  - 42- 92' OAK
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  - 46- 100' OAK
- SHRUBS**
- 1- 10' OAK
  - 2- 12' OAK
  - 3- 14' OAK
  - 4- 16' OAK
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  - 6- 20' OAK
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  - 8- 24' OAK
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  - 23- 54' OAK
  - 24- 56' OAK
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  - 26- 60' OAK
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  - 37- 82' OAK
  - 38- 84' OAK
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  - 40- 88' OAK
  - 41- 90' OAK
  - 42- 92' OAK
  - 43- 94' OAK
  - 44- 96' OAK
  - 45- 98' OAK
  - 46- 100' OAK
- GROUNDCOVER & SEASONAL COLOR**
- 1- 10' OAK
  - 2- 12' OAK
  - 3- 14' OAK
  - 4- 16' OAK
  - 5- 18' OAK
  - 6- 20' OAK
  - 7- 22' OAK
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  - 42- 92' OAK
  - 43- 94' OAK
  - 44- 96' OAK
  - 45- 98' OAK
  - 46- 100' OAK
- VARIOUS MATERIALS**
- 1- 10' OAK
  - 2- 12' OAK
  - 3- 14' OAK
  - 4- 16' OAK
  - 5- 18' OAK
  - 6- 20' OAK
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  - 35- 78' OAK
  - 36- 80' OAK
  - 37- 82' OAK
  - 38- 84' OAK
  - 39- 86' OAK
  - 40- 88' OAK
  - 41- 90' OAK
  - 42- 92' OAK
  - 43- 94' OAK
  - 44- 96' OAK
  - 45- 98' OAK
  - 46- 100' OAK
- NOTE:** ALL QUANTITIES ARE FOR INFORMATION ONLY. THESE SHALL BE VERIFIED BY CONTRACTOR. ALL LANDSCAPING IS TO BE IRRIGATED WITH AN AUTOMATED UNDERGROUND SYSTEM.



**GENERAL NOTES:**

- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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**Jason Overmyer**  
Landscape Architect  
7000 FARMERS ROAD, SUITE 100  
HOUSTON, TEXAS 77055-1111  
PH: 713.865.1111  
FAX: 713.865.1112

**James S. O'Leary**  
12-FEB-14

**MTG**

LANDSCAPE PLAN  
FARM CREDIT SERVICES  
FORT SMITH, AR

DATE: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
PROJECT NO.: \_\_\_\_\_  
SHEET NO.: 02

U.S. HIGHWAY 71 SOUTH  
R/W WIDTH VARIES - ASPHALT PAVEMENT

U.S. HIGHWAY 71 NORTH  
R/W WIDTH VARIES - ASPHALT PAVEMENT

66





61



65



6K





6M

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 27, 2014

**Re:** Conditional Use #2-3-14 - A request by Travis Bartlett, agent for Fort Smith Public Schools, for Planning Commission consideration of a Conditional Use request for school building and parking lot additions located at 3415 Newlon Road

## LOT LOCATION AND SIZE

The subject property is on the north side of Newlon Road, and west side of Williams Lane. The tract contains an area of 7 acres with approximately 340 feet of street frontage along Newlon Road and 430 feet of street frontage along Williams Lane.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

### Conditional Uses:

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

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

Minimum Lot Size – 6,500 square feet  
(1+1)

Maximum Density – 20 Dwelling Units/Acre  
65%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Side/Rear adjacent to RS district/development – 30 feet

Minimum building separation – 10 feet

Maximum Height - 40 feet

Maximum Lot Coverage -

### **EXISTING ZONING**

The north side existing zoning on this tract is Industrial Light (I-1).

Characteristics of this zone are as follows:

#### **Purpose:**

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

#### **Permitted Uses:**

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

#### **Conditional Uses:**

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

7B

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

Minimum Lot Size – 20,000 square feet  
(1+1)

Maximum Height - 45 feet

75%

Maximum Lot Coverage -

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres  
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

### **SURROUNDING ZONING AND LAND USE**

The areas to the west and south are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

The area to the east is zoned Residential Single Family Medium Density (RS-2) and is developed as a single family residence.

The areas to the north are zoned Residential Single Family Rowhouse and Zero Lot Line District (RS-5) 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.

7C

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use.

**PROPOSED CONDITIONAL USE**

The conditional use if approved will allow for the school to expand with more classrooms and offices, a larger cafeteria, and an additional parking lot.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur on Newlon Road and Williams Lane. This will be similar to the current traffic ingress and egress.

**Landscaping** – The landscaping shown on the plans meets the UDO requirements.

**Screening** – The landscaping will act as a screening buffer for the new parking configuration.

**Parking** – The new development will increase the amount of parking and add a larger drop off and pick up area for the children. This change will help the current traffic flow on Williams Land and Newlon Road.

**Signage** – The current plans indicate that the existing sign will be relocated to better accommodate the new parking layout.

**Lighting** – No new site lighting has been proposed.

**Setbacks** – The development complies with the setback requirements.

**Architectural features** – The facades of the development will exceed the UDO requirements for the high quality materials. The walls will consist of brick veneer and glass.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Thursday February 27, 2014 at 3415 Newlon Road in the Library. Eight attendees were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the Conditional Use contingent upon all construction being built in accordance with the submitted development plan and any Planning Commission changes.

Conditional Use # 2-3-14

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Fort Smith Public Schools

Name of Authorized Agent (if applicable) Travis Bartlett

Legal Description of property included in the conditional use request:

Part of the S/2 of Section 27, T-9-N, R-32-W, Fort Smith, Sebastian County, Arkansas being more particularly described as follows:  
Commencing at the SW of the SE/4 of said Section 27; thence N00°00'59"E along the west line of said SE/4, 338.40'; thence N89°58'00"W 439.22';  
thence N00°01'00"E 227.10' to a point on the south line of Clayton Heights Phase II an addition to the City of Fort Smith; then S89°57'00"E along  
said south line of Clayton Heights Phase II, 799.22' to the west right of way line of Williams Lane; thence S00°01'00"W along said west right of way  
line of Williams Lane, 566.00' to the south line of said SE/4; thence N89°51'00"W along said south line, 360.00" to the Point of Beginning, less and  
except public roads right of way, containing 6.76 acres more or less.

Street Address of Property:

3415 Newlon Road

Existing Zoning Classification:

I-2 & R-3MF E-1, R-3

Proposed Zoning Classification (if applicable):

Same

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

To build school building additions and minor renovations within the existing school

What amenities are proposed such as landscaping and screening?

Existing & New Mechanical units to be screened with architectural metal panels

Landscaping per UDO guidelines will also be included in the scope of work

Travis Bartlett  
Owner or Agent Name (please print)

6400 Riley Park Drive, Ft. Smith, AR 72916  
Owner or Agent Mailing Address

(479) 782-1051  
Owner or Agent Phone Number

Signed:

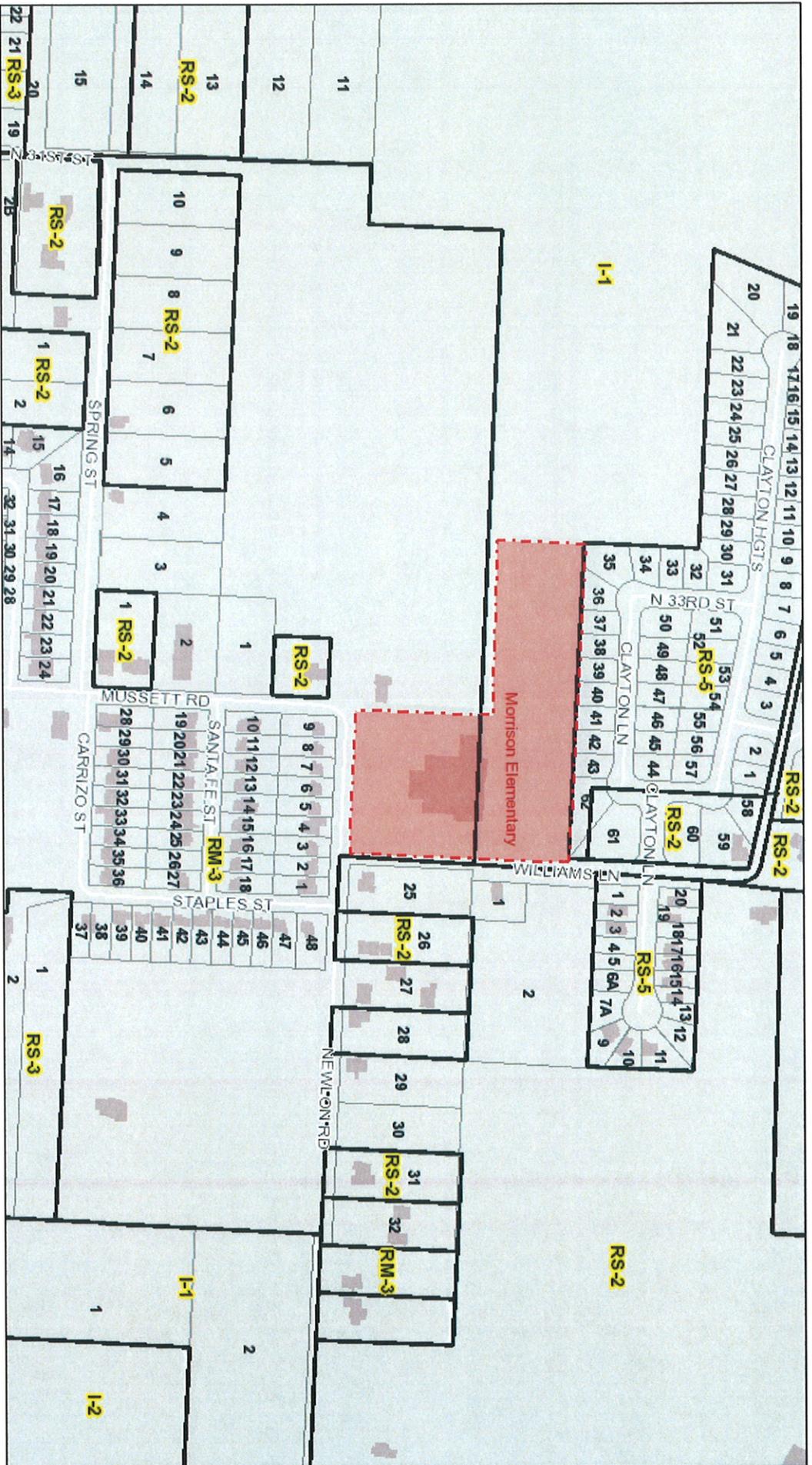
[Signature]  
Or  
Agent

7E

# Conditional Use #2-3-14: School Additions & Renovations

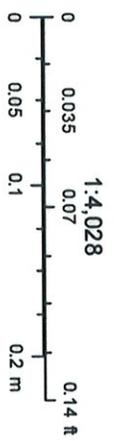
## 3415 Newlon Road

LF



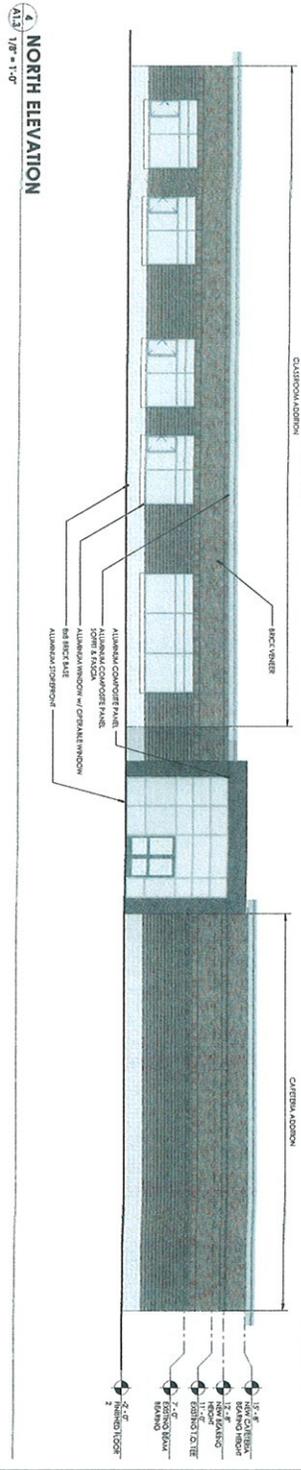
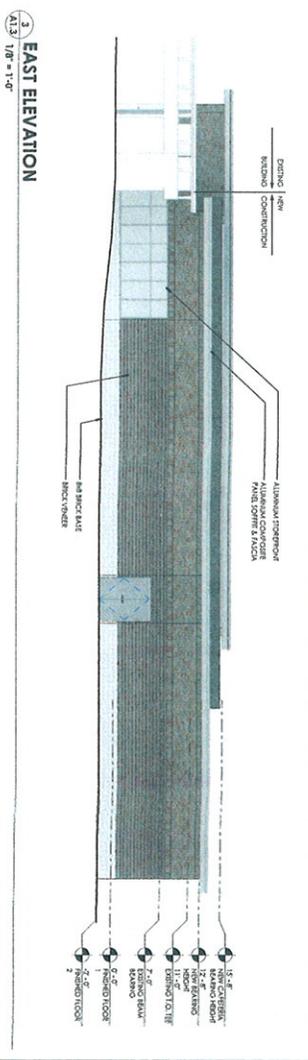
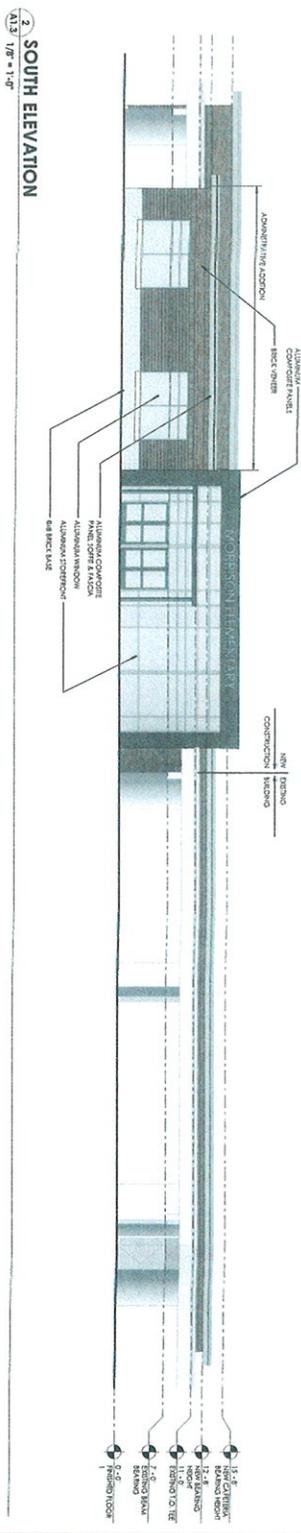
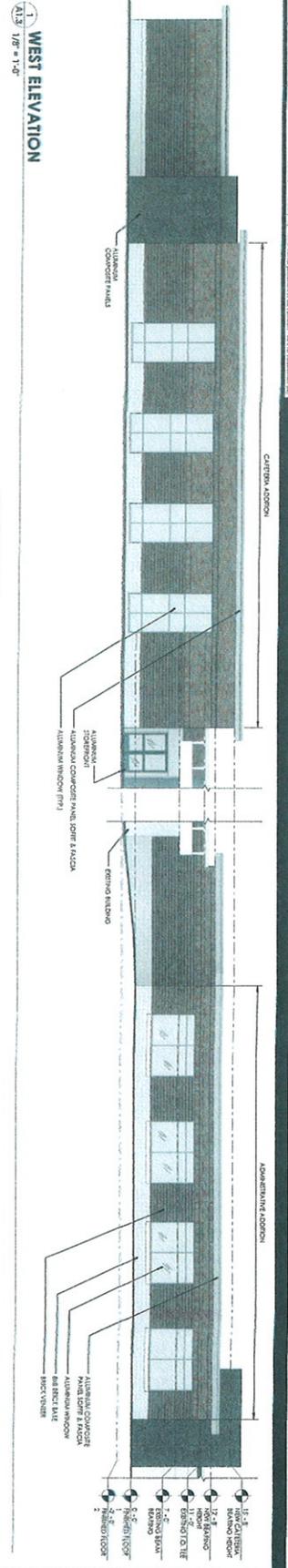
February 18, 2014

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









Preliminary | Conditional Use

**architectural**  
-planning-  
-interiors-

6400 River Road, Drive  
Fort Smith, Arkansas 72916  
P: 479.782.1051  
E: info@mahgroup.com

Addition and Renovation of:  
**Morrison Elementary School**  
Fort Smith Public Schools

**MAH GROUP**  
REGISTERED ARCHITECT  
NO. CA#  
ARKANSAS

REVISIONS	DATE	BY
CONDITIONAL USE	2.14.2014	
DATE	2.14.2014	
PROJECT	MORRISON ELEMENTARY SCHOOL	
SHEET NUMBER	A1.3	



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 26, 2014

**Re:** Conditional Use #3-3-14 - A request by Courtney McDowell, agent for Blaine Nemier, for Planning Commission consideration of a Conditional Use request for a home daycare at 6325 Atlanta Street

## LOT LOCATION AND SIZE

The subject property is on the north side of Atlanta Street between South 62<sup>nd</sup> Street and South 65<sup>th</sup> Street. The tract contains an area of 0.34 acres with approximately 100 feet of street frontage along Atlanta Street.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

### Conditional Uses:

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

**Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet (1+1)	Maximum Height - 40 feet
Maximum Density – 20 Dwelling Units/Acre 65%	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 - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

**SURROUNDING ZONING AND LAND USE**

All of the surrounding areas are zoned Residential Multifamily Medium Density (RM-3) 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.

**LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

**PROPOSED CONDITIONAL USE**

The conditional use, if approved, will allow for a home daycare with a maximum of 12 children and one employee.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress/egress and traffic circulation will occur on Atlanta Street.

**Parking** – The applicant has submitted a parking plan in writing. The plan indicates the applicant using the two car garage for the owner's vehicles with the assistant parking in the driveway closest to the front entrance. The applicant explains this will leave three parking spaces available for drop-off and pick-up of children. Furthermore the applicant has indicated that the daycare has a parent handbook that will require the guardians to pick up and drop off the children at scheduled times to maintain a staggered customer drop off time.

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, March 5<sup>th</sup> onsite. One opposing property owner was present. A summary of the meeting is enclosed in your packet.

Furthermore, several surrounding property owners have voiced opposition towards the daycare business. Enclosed in your packet is a submittal from a surrounding property owner in opposition to the request.

The staff encourages the Planning Commission to talk with the applicant regarding the concerns of the neighborhood.

**Minutes from neighborhood meeting**

**Meeting Location:** 6325 Atlanta St. Fort Smith AR 72903A

**Meeting Time:** 5:00pm-5:45pm

**Meeting Date:** March 5, 2014

**Next Meeting:** March 10, 2014 5:00PM-6:00PM 6325 Atlanta St.

**City Planning Meeting:** March 11 2014

**Attendees:**

- Bill Striplin City Planning
- Courtney McDowell 6325 Atlanta Street
- Eugene Deuster 6320 Atlanta Street (In opposition)

**Agenda:** Address any questions or issues about the issuance of a conditional use permit for Grandma Giggle's nursery at 6325 Atlanta Street.

**List of Issues addressed:**

Hours of operation	Monday- Friday 6:00am- 7:00pm
Number of children in care	Maximum of 12
Parking Plan	Third car is a family members returning home April 7 <sup>th</sup>
Lighting for side entrance	below 9 inches and is not a nuisance street light within 60 feet
Areas being used for business	Back yard (fenced), Den , Living Room
Noise concerns for AM hours	the children are kept indoors for all but 1 hour of the morning
Increased traffic	Parking Plan and Staggered pick up and drop off times Provided a copy of contract given to parents
Lunch breaks and returning home	no pick up and drop off time listed in the Parking Plan
Voicing future concerns/complaints	Call Text Email issues can be addressed on an individual basis

## Issues-6325 South Atlanta Variance Request

- 1- Negative impact on property values, precedent set by granting variance, allowing open door for other businesses in the neighborhood, will change the dynamic of the neighborhood from residential to business, disruption of quiet family friendly atmosphere residents have worked years to create.
- 2- I have spoken with a realtor regarding the affect of property values on the homes in our neighborhood if the facility variance is approved- while she said that an appraiser would not rate down our home because of the facility being there, most people searching for a home will find the fact that there is a day care facility in the neighborhood a deterrent and the back end result will be that our property would not be worth as much because of it- our neighbors at 6400 Atlanta (across from proposed facility) are currently in the process of trying to sell their home-
- 3- Safety of children, more cars parking on street for pickup and drop off, more unfamiliar traffic on the street. The kids play in the street and dart in and out of the street while doing so, residents are aware of this and are careful. Clients will not be watchful of the kids, and may be in a hurry to pick up their child, or late to pick up their child lending itself to the possibility of a child being hurt.
- 4- The homeowners in this neighborhood purchased these homes specifically for the quiet, family friendly neighborhood, if we had wanted to live on a heavily traveled traffic area, we would have bought the house on Boston behind us, the only people generally that travel our street are residents, we know to look for the kids playing in the street, the kids know that we are looking for them, the clients for the facility won't watch for the kids darting into traffic to retrieve a ball, what if they are in a hurry to pick up and driving a little faster than they should? We do NOT want a day care facility in our neighborhood, especially in the middle of the street
- 5- Application states 6am-7pm –failed to note per her FB page that weekends will include late nights until 11pm- **Exhibit A 1&2**
- 6- 12 children-how many employees? Application submitted to the City states infant toddler- Applicants Face Book page states up to age 13 **Exhibit B** (how are school age children going to get from school to the facility? This will add additional traffic during the already congested after school traffic.
- 7- Applicants Face Book page states “our home SOON TO BE FACILITY” – applicant views the home as a facility and business not primarily a home.

## Issues-6325 South Atlanta Variance Request

- 8- Homeowner next to proposed facility works different shifts, when he works nights and is trying to sleep through the day, the kids will be in the backyard playing (noise) - they also have small dogs that are older in years, kids teasing them what if one gets bitten, where doe the liability lay? (Her response to question at March 5<sup>th</sup> meeting was that the children would only be allowed outside 1 hour her day, which still could be during the time resident is trying to sleep)
  
- 9- She indicated at the March 5<sup>th</sup> meeting April 1<sup>st</sup> open date, however the applicants Face Book page indicates that she opened January 12, 2014 F (applicant also indicated she had been keeping children already at the March 5<sup>th</sup> meeting.)

## Parking Issues:

- 1- Her parking plan submitted with her application to the City: they do not utilize their driveway currently, application states they park 2 cars in the garage nightly- there is one car in there, the garage is too full will not hold 2 cars, they park in the street, behind the 2 driveways across the street or in their yard- it is unrealistic to think that clients will park in the street/drive and walk around to the back of the house to pick up their child in the rain or other bad weather- **D**
- 2- She sd no traffic during nap time (her contract received at the March 5<sup>th</sup> meeting says lunch time will be 12:00- **E**, however the parking plan submitted to the City with her application says no pickups or drop offs will be allowed during nap time which is 12:00- **E** "for residents that come home for lunch at 12:00 - the hours do not coincide with the 11am lunch hour- however her FB states that new moms are welcome to come anytime during the day to nurse-**A2**
- 3- How can driveway be used for parking when cars would still be blocking each other, they will have to park in the street wherever they can find a spot
- 4- At March 5<sup>th</sup> neighborhood she stated that her husband has a "social gathering" every Tuesday which adds multiple cars to the area, on top of the traffic that would be dropping off and picking up kids from her day care facility- **Exhibit C1 and C2**
- 5- The pickup/drop off point stated on her submitted parking plan is approximately 60-70 feet from 2 of the 3 bedroom windows at 6320 So. Atlanta. This means headlights, slamming doors, and crying children noise while residents may be trying to sleep. At the March 5<sup>th</sup> neighborhood meeting, she was asked to address this, her response was "If that happens, just come and knock on my door and I will tell them to stop." There is no realistic way for her to prevent the added noise and disruption this will create.
- 6- At March 5<sup>th</sup> meeting she also indicated she was asked how she planned to light the pathway to the rear of the facility where the kids will be dropped off- she indicated they were considering adding LED lights to the pathway, which again will add lights during the dark hours.
- 7- The 10 minute pickup rule she has on her parking plan indicates she is aware there will be a parking issue and an influx of traffic. It is not realistic to believe this can be enforced, people run late, get out and talk, get distracted and end up being there 15-20 minutes which runs into another parents pick up time. At the March 5<sup>th</sup> meeting she was asked to address what her plan was should a parent miss their scheduled pickup time. She indicated that they would have to call her and reschedule another time slot, which no parent would abide by being told they could not pick up their child when they were ready to get them.

While the parking plan submitted sounds good on paper, it is unrealistic and there is no way to enforce the plan. The traffic issues will be there and that is not something that can be prevented.

Grandma Giggles & Date Night Drop off

Home Christy

Grandma Giggles & Date N... About

Like

Create Page

Submit Query

Submit Query

6325 Atlanta St  
Fort Smith, Arkansas 72903

Today 6:00 am - 7:00 pm

Phone (479) 597-8660  
Email grandmagigglesccc@gmail.com  
Website http://cocomi6.wix.com/grandmagiggles

Basic Info

Opened January 12, 2014

Price Range \$\$ (10-30)

Hours \*  
Mon - Thu: 6:00 am - 7:00 pm  
Fri: 6:00 am - 11:00 pm  
Sat: 2:00 pm - 11:00 pm

Parking Street

Application submitted to City states 6am-7pm - doesn't specify how many days a week she will be operating and does not mention late hours of operation (11pm)

About

An hourly night child care service 2pm- 11pm Friday/Saturday. A childcare family home Monday-Friday 6am-7pm

Description

We are a Home Daycare in the process of becoming licensed by the state. We are opening our doors for evenings to give parents the opportunity to escape for a time length of your choosing. We will officially start the night time service on February 13th 2014.

Every week we will have 11 slots per hour available, they will be given in a first come first serve basis so please don't wait to book us ... See More

General Information

We provide an hourly rate service for infant/childcare on the weekend evenings and by request during the weekdays. This affordable service to parents provides you the opportunity to spend time with your spouse or grocery shop without the hassle of double seating carts.

Chat (Off)

# About Us



**Mission Statement:** Grandma Giggles offers each child a loving, safe, nurturing environment. We strive to provide space and activities that enhance each child's daily experience while developing them socially.

**Why we are different:** We are a family business devoted to keeping your child happy and safe. All of our Staff members are trained to administer CPR, and basic first aid. Our home (soon to be a facility) is centrally located in Fort Smith for a convenient drop off and pick up. We offer the extra services such as homemade baby food, a separate sitting area for mothers breastfeeding that want to stop in at lunch or feed before leaving, extended hours (open to at least 7pm every night), flexible rates, and amazing discounts.

## Upcoming Events: Launch for Date Night Drop off !!

We are opening our doors during the evening hours to give parents the opportunity to escape for a time length of your choosing. We will \* officially start the night time service on February 13, 2014.

Every week on Friday and Saturday we will have 11 open slots. They will be booked by the half hour, and they will be first come first serve. We offer reservations up to 90 days in advance.

We are not available on the following holidays  
Easter  
4th of July  
Thanksgiving  
(we will be offering service on Black Friday for shopping parents)  
Christmas Eve  
Christmas day

\* application filed with the City says hours of 6am-7pm, never mentions late night hours (11pm)

[More Events](#)

This site was created using WIX.com. Create your own for FREE >>

Search for: people places and things

Home Christy

### Service definitions and rates Grandma Giggles

January 22, 2014 at 11:27pm

Rates vary based on the age of the child receiving care as well as the length of time they are in care

Full time is 5 days a week

Half Time is 3 days a week

Partial Day is 5 days a week Partial Half is 3 Days a week

Partial day is no more than 4 hours a day

Daily has to be confirmed 24 hours in advance to maintain state compliance

Hourly has to be confirmed 24 hours in advance to maintain state compliance

We do offer discounts if parents pay two weeks in advance they receive a 5% discount and if you pay a full month in advance you save 10%.

#### Childcare

Under 6 months

Full time ..... \$110.00

Half Time ..... \$70.00

Partial week ..... \$60.00

Partial half ..... \$40.00 ~~~~ Perfect for parents that need to take classes (3 days a week 4 hours at a time)

Daily ..... \$25.00

Hourly ..... \$9.00

#### Childcare

6 months - 2 years

Full time .. \$100.00

Half Time .. \$65.00

Partial week ..... \$50.00

Partial half ..... \$30.00 ~~~~ Perfect for parents that need to take classes (3 days a week 4 hours at a time)

Daily ..... \$22.00

Hourly ..... \$9.00

#### Childcare

\* 2 years - 13 years

Full time ..... \$90.00

Half Time ..... \$55.00

Partial week ..... \$50.00

Partial half ..... \$30.00 ~~~~ Perfect for parents that need to take classes (3 days a week 4 hours at a time)

Daily ..... \$20.00

Hourly ..... \$9.00

Like Comment Share

2 people like this



Write a comment

Application submitted to City stated infant/toddler care



Notes by Grandma Giggles & Date Night Drop off

All Notes

Get Notes via RSS

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Report

MUSIC PAGES YOU MAY LIKE

See All



Jason Boland & The Stragglers

Donna Douglas Howard likes this.

Like

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Pork Be Inspired



Chops, roast or ribs? What has your mouth watering? Share your #ForkLUV to get a coupon!

Once Upon a Time

#WickedIsComing this Sunday. See what's headed to Storybrooke in the final exclusive image!



Like Page

City of Fort Smith, Arkansas...

By popular demand, Spring 2014 Citizens Academy sessions are on MONDAY nights. Schedule fo...

2B 2 3

Arkansas Best Federal Credit...

Get an ABFCU credit card with rates as low as 6.25% APR\*. Every time you swipe your card,...



\*Swipe to Win \$200

Like Page

Being Christian

Tyler Perry Fans



Click Like if You Enjoy Tyler Perry Movies

Like · Sabine Meek and Tyler Sexton like Being Christian.

Zappos® Top Style!

Zappos.com



Shop a huge selection of booties at Zappos.com®. Fast, free shipping & free returns!



**Photo A:** Monday morning, the white car belongs to 6325 S. Atlanta and is parked in the street in front of 6315 Atlanta next door to them, and the back of the truck is in the driveway of 6325 S. Atlanta.

**Photo B:** Monday morning, the truck in the street belongs to 6315 Atlanta and the back end of the truck circled, is in the driveway of 6400 S. Atlanta across the street.



**Photo A:** The parking plan she submitted stated their vehicles are parked in their garage nightly. There is only 1 car in their garage, they have 3- a blue car, a white car and a truck. This is the white car parked partially in the yard when there is obviously room in their drive for the vehicle, but they would be blocking the one car that is in the middle of the garage.

**Photo B&C:** Multiple Tuesday, there are cars parked in the street, in the driveway and in their yard for several hours. All of the vehicles in these pictures were going to 6325 S. Atlanta. The two vehicles circled are parked in front of the 6400 So. Atlanta next door.

They are not able to handle their parking arrangements now, and the plan submitted with the application contains several discrepancies. Even though they attempt to address pick up and drop off of their clients, the rule in the handbook is not realistically enforceable.

D



These are photos of the inside of the garage, there is no room for the 2 vehicles that they indicated were parked nightly in their garage. They do NOT park 2 vehicles in the garage nightly, and rarely are they even in parked in the driveway, they are normally parked in the street.

SM

**Grandma Giggles**

**(479) 597 8660**

**[GrandmaGigglescc@gmail.com](mailto:GrandmaGigglescc@gmail.com)**

**License # Pending**

**<http://cocomi16.wix.com/grandmagiggles>**

## **POLICY AND PROCEEDURES**

The following information is to inform parents of the policy and procedures of daycare provided by the staff of Grandma Giggles. It is the parent(s) responsibility to become familiar and know this information. Ask any questions you may have before signing this form.

## **ENROLLMENT**

Completely fill out all forms and return them to the provider before the Childs first day of care. All forms are subject to yearly renewal and are required to be kept ip t date. When changes do arise such as shot records, employment, address/phone, or persons to pick up please update immediately.

All children enter the program on a two-week trial basis. During this time either party may cancel with the minimum of three business days written notice. During the second week we will need to discuss if the child(ren) will be continuing care. Weekend and holidays are excluded. After the two week trial if both parties agree to continue care a written notice must be given two weeks in advance to avoid future costs.

## **HOURS, FEES, & FINANCIAL**

Our business days are Monday-Friday. The facility opens at 6:00 a.m. and closes at 7:00p.m. . For beginning and ending times refer to your daycare agreement. These will be the business days and hours referred to in this form. Extra hours needed per day are subject to additional charges. At the end of the two week trial period your upcoming weeks payment will be due. Payments must be made by 5:00 P.M. Monday of each week.

There is a \$15.00 a day late fee for payments not made on time. If payment has not been received by Wednesday you will not be allowed to drop child(ren) off.

We encourage parents to pay early, paying two weeks at a time 5% off rate and paying a full month in advance saves you 10%.

There is a \$45.00 fee for a returned check, the check and fee must be paid in cash or with a cashier's check.

### **VACATION. DAYS OFF, AND ABSENTEE CHARGES**

Children enrolled in full time (four or more full days) will receive five vacation days per year. Vacation will not be given to children enrolled Part-time. If you are unsure if you are considered part time please ask. Children must be enrolled for six months to qualify for vacation time. All unpaid days must be consecutive. There is a two week notice required before taking vacation time. No unpaid vacation time will be given in the months of December or January.

Our facility will be closed for our vacation days, five yearly, they will be announced in advance and are generally not consecutive.

### **As long as a child is enrolled in care payment is due in full for absence or illness.**

The only absence to be covered would be in the case of inclement weather, when the city of Fort Smith declares the roads are unsafe for busses and traffic I do not expect parents to bring children in. The City has to close the Fort Smith Public School System for the facility to consider it inclement weather. We will be here if we are needed for care, and the child(ren) in care will be billed but parents who have prepaid will have a credit for that day applied to their next bill.

### **PART-TIME AND VARRED SCHEDULES**

There will be no substitutions for any days. Example- your scheduled days are Monday Thursday and Friday, Monday is a holiday you may not bring your child in on Tuesday unless you have notified me in advance and there will be an additional charge for that day.

### **MEALS**

We will provide nutritious food and drinks for your little one. We will not provide formula for infants and toddlers. If your child is Breast fed you may provide breast milk. If you do bring in your breast milk please make sure to supply us with two additional bags in case of emergency. We will update and rotate these items as needed for freshness. Breastfeeding mothers may come in throughout the day to nurse, please just speak to our caregiver in the morning, to ensure we do not prepare milk if you are coming in.

The following meals will be provided. (Times are estimates activities can run long or short depending on the children/weather)

8:00 AM Breakfast

10:00 AM Snack

E 12:00 PM Lunch

2:00 PM Snack

## **CLOTHING AND SUPPLIES**

Your child will be assigned a cubby to store their supplies. You will need to supply your child with diapers, wipes as needed, a change of cloths in case of an accident, a special blanket, pacifiers, 1 bottle, 1 cup. This cup will go home with you each day.

## **TOYS INFANTS /TODDLERS**

Infants will have their own basket of toys to play with that the toddlers will not be allowed to handle. This eliminates a few of the viruses getting to the infants. You can bring your own infant toys from home if you would like.

## **TODDLERS**

Please do not bring your own toys from home. It is to hard for the other children not to want to play with each others toys. Because of the age they tend to refer to toys as MINE. Some toys may have small parts and can easily break off becoming a danger to other children. Small toys my get lost and children do leave toys behind. The only exception would be a DVD that is age appropriate, we could play during naptime.

## **Discipline**

We will follow state guidelines with how to discipline children. Redirection is the preferred method but sometimes will not be enough to adjust behavior. NO CORPRAL PUNISHMENT WILL BE ADMINISTERED, IT IS AGAINST THE LAW ! The goal we are trying to achieve is learning to deal with situations and individuals in a positive manner.

Biting WILL NOT be tolerated. The first instance of biting will be noted in the child's file and mentioned to the parent. Second instance of biting will be noted again, the parent will receive written warning and direction will be asked for (how are you dealing with this at home). The third instance of biting is a weeks suspension from daycare. The fourth instance of biting will be noted and the child will not be allowed to return to our facility.

## **TOLIET TRAINING**

Toilet training will be taught by the parents and when the child shows interest in learning we will begin to help. The child must go in the potty at home first. We will use the same method of reward the parent chooses to use at home, please bring these items with your child and store them in their cubby.

## **ALTERNATE CHILDCARE**

If we are away we have helpers that can provide alternate care. Any of our helpers will be CPR certified, have passed a background check, and will be familiar with our facility. We schedule any appointments we may have for Nap time or in the morning to insure we are there for drop off and pick up times.

## DROP OFF/PICK UP

Reminder—this is my home as well as my business. Do not ring the doorbell before 6:30 AM and please use the glass doors at the back of our home as your entrance. Follow the stone path to the left of our home to come in.

Please drop off and pick up your child as quickly as possible. If there is an issue we can address it on the phone after you are home or by appointment. We cannot take time and attention away from the children in care unless it is a serious issue, or we have the additional staff.

For safety reasons, I do not have an open door policy (meaning parents can walk in without knocking). Many different parents come in at different times of the day; please announce yourself with a knock we do have an alarm that will be set during certain times of the day. This is ensuring your child's safety.

## HOLIDAYS

The following paid holidays will be observed:

New Years Day

Memorial Day

Independence Day

Thanksgiving day and the day following

Christmas Eve

Christmas Day

New Years Eve

It is the parent's responsibility to read and understand the policies of this child care facility.

I have read understand and agree to follow all of the above

---

Parent or Guardian

Date

---

Daycare Provider

Date

Grandma Giggles

Please read the following financial agreement carefully. Thank you

80

I request (please circle one)  
**Full time is 5 days a week**

**Full time** is 8 1/2 hours a day

**Half Time is 3 days a week**

**Half time** is 8 1/2 hours a day

**Partial Day is 5 days a week** no more than 4 hours a day

**Partial Half is 3 Days a week** no more than 4 hours a day

I am requesting these days (circle days that apply)

Monday

Tuesday

Wednesday

Thursday

Friday

Arrival and pick up times please initial by each day:

Monday \_\_\_\_\_.

Tuesday \_\_\_\_\_.

Wednesday \_\_\_\_\_.

Thursday \_\_\_\_\_.

Friday \_\_\_\_\_.

### **Late charges**

I understand that if I cannot pick up my children on time it is my responsibility to call Grandma Giggles and let the care provider know when I can pick up my children. I also understand that there will be a \$10 an hour fee per child to keep them past the scheduled pick up time.

SR

**Failure to pay**

I understand that if I have failed to pay for the weeks childcare by Tuesday at pick up my children will not be allowed to attend Wednesday without payment.

**Failure to attend**

A child will be dropped from enrollment for failure to attend if they have not attended for two weeks. This will be done if a parent has not contacted the facility, or when the tuition paid has lapsed.

**Withdraw**

I understand that I am to provide two weeks' notice before withdrawing a child from care. Failure to provide notice could result in additional billed fees.

Grandma Giggles agrees to provide care for \_\_\_\_\_ child(ren).

Parent or guardian \_\_\_\_\_ on date \_\_\_\_\_.

Earlier in 2014

  
**Joined Facebook**  
January 7

  
**Opened on January 12, 2014**

likes  
2014

		
Brick City Emporium	Creative Kitchen	The Monkey House - Fort

It's coming together quite nicely, tomorrow I will get a few outside pictures with kids (3 photos)



Like Comment Share 6 4 1

Grandma Giggles & Date Night Drop off January 22

Service definitions and rates Grandma Giggles

Rates vary based on the age of the child receiving care as well as the length of time they are in care. Full time is 5 days a week Half Time is 3 days a week Partial Day is 5 days a week Partial Half is 3 Days a week Partial day is no more ...

Continue Reading

Like Comment Share 2

Grandma Giggles & Date Night Drop off January 22

Parents interested in a tour of our home are welcome this Friday January 24th 12pm-5pm. Courtney and Carolyn will both be in and more than willing to sit and speak to any curious parents.

Like Comment Share 2 1

Grandma Giggles & Date Night Drop off shared a link. January 20

http://coco.ni16.wix.com/grandmagiggles



Grandma Giggles & Date Night Drop off coco.ni16.wix.com Daycare and hourly childcare facility

Like Comment Share 2

Grandma Giggles & Date Night Drop off January 20

Give us a call have a great Valentine's Day or evening



Like Comment Share 2

Home Christy

Create Page

Recent Opened

Stated at meeting Mar. 5<sup>th</sup> she would open April 1<sup>st</sup> yet she has already had clients come to the facility.

Grandma Giggles & Date Night Drop off changed their cover photo. January 20



Like Comment Share 5

Grandma Giggles & Date Night Drop off January 20

Give us a call



Valentine's Day Friday, February 14 at 2:00pm Grandma Giggles & Date Night Drop off in Fort Smith, Arkansas 3 people went

Join

Like Comment Share 2

Chat (Off)

Conditional Use # 3-3-14

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Blaine J Nemier

Name of Authorized Agent (if applicable) Courtney M McDowell

Legal Description of property included in the conditional use request:

Lot 62, Cliff Terrace addition to City  
of Fort Smith AR

Street Address of Property:

6325 So. Atlanta St. Fort Smith AR

Existing Zoning Classification:

RM-3

Proposed Zoning Classification (if applicable):

N/A

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

Family home childcare no more than 12  
children and one employee ~~no~~ Infant  
to toddler care  
7am-7pm operating hours

What amenities are proposed such as landscaping and screening?

removal of 4 trees from front yard  
existing fenced back yard (chain link)

Courtney McDowell  
Owner or Agent Name (please print)

Signed:

6325 Atlanta St Fort Smith  
Owner or Agent Mailing Address 72903

Owner

479 597 8660  
Owner or Agent Phone Number

Or  
Courtney McDowell  
Agent

8V

# Conditional Use #3-3-14: Daycare Home 6325 Atlanta Street

M8



February 18, 2014

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

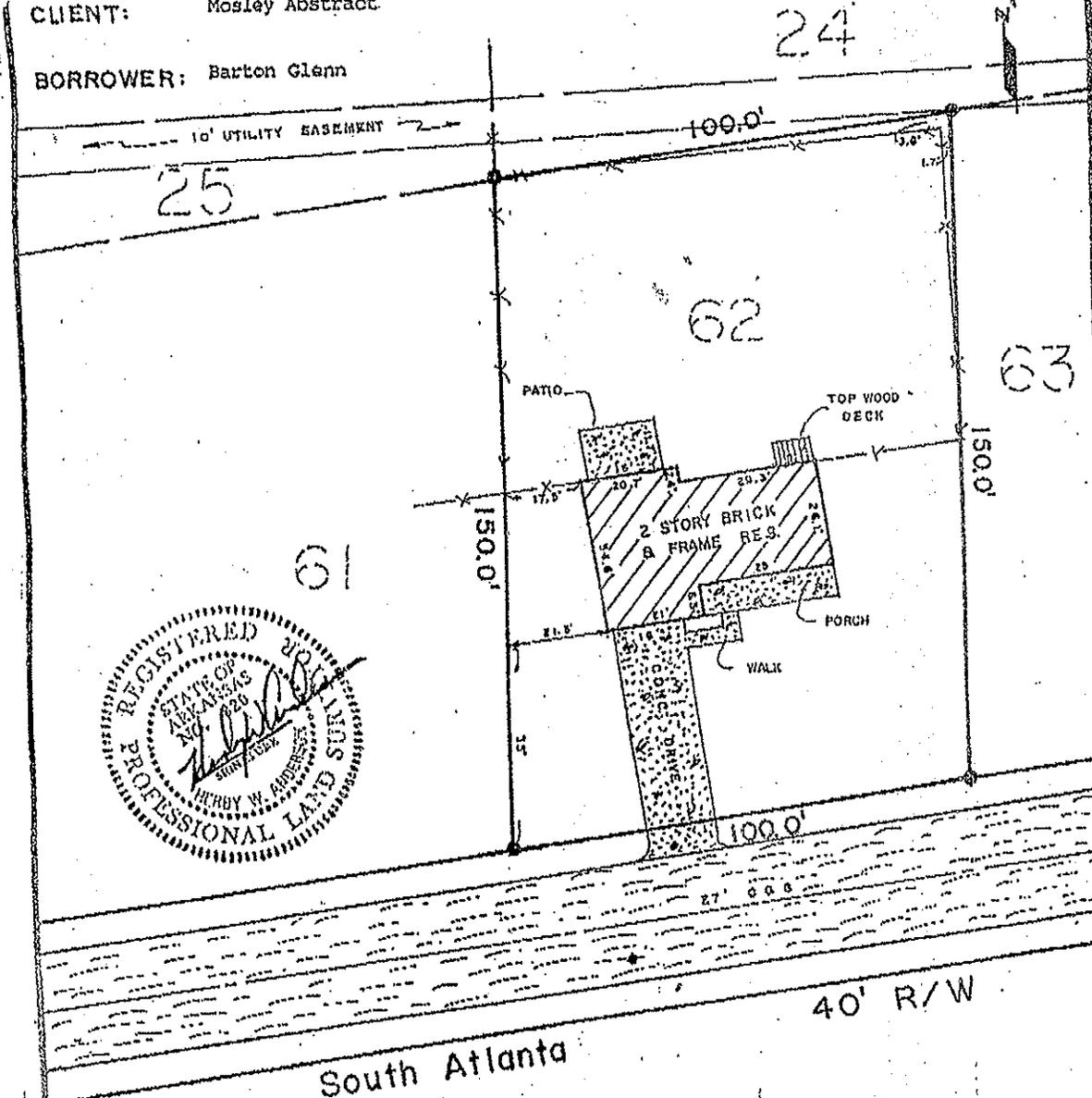


# REGISTERED LAND SURVEYOR'S SURVEY PLAT

NOTE: PROPERTY NOT IN 100-YEAR FLOOD ZONE.  
 FEMA Panel No. 055013 0015 D, July 16, 1991.

CLIENT: Mosley Abstract

BORROWER: Barton Glenn



## SURVEYORS CERTIFICATE

I, HERBY W. ANDERSON, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF Arkansas DO HEREBY CERTIFY TO THE TITLE ATTORNEY OR UNDERWRITER THAT THIS IS A TRUE AND CORRECT PLAT TO THE BEST OF MY KNOWLEDGE OF A SURVEY OF:

Lot 62, Cliff Terrace Addition to City of Fort Smith, Arkansas,  
 ALSO DESCRIBED AS (TRACT) 6325 So. Atlanta, (CITY) Fort Smith

(COUNTY) Sebastian (STATE) Arkansas, THAT SAID PLAT CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND IMPROVEMENTS ON SAID DESCRIBED PROPERTY, THAT THERE ARE NO PARTY WALLS, VISIBLE RIGHT OF WAYS AND EASEMENTS, OR VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON SAID PLAT OF SURVEY.

LEGEND: = EXISTING IRON PIN  
 = SET IRON PIN  
 = EXISTING FENCE

WITNESS MY HAND AND STAMP THIS 31 DAY OF May 1995, HERBY W. ANDERSON P.L.S.

**ANDERSON & ASSOCIATES**

SCALE: 1"=30'

4808 ALMA HWY.

JOB NO 95-5-134

PROFESSIONAL LAND SURVEYING 501-474-0212 VAN BUREN, ARKANSAS

8X

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 26, 2014

**Re:** Variance #9-3-14 - A request by David Bond, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 25 feet to 1 foot front yard setback and from 7.5 feet to 5.4 feet side yard setback at 1911 Utica Place

## LOT LOCATION AND SIZE

The subject property is on the north side of Utica Place, just west of Jenny Lind Road. The tract contains an area of .16 acres with approximately 60 feet of street frontage along Utica Place.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

### Conditional Uses:

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

9A

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

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

### **SURROUNDING ZONING AND LAND USE**

All surrounding properties are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Utica Place as a Local Road.

### **LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

### **REQUESTED VARIANCE**

The variance requested would allow the applicant to construct a metal carport in the front yard 5.4 feet from property line on the west and 1 foot from the front property line to the south.

### **APPLICANT HARDSHIP**

The applicant did not state a hardship other than the need to protect his vehicles from the weather.

### **STAFF COMMENTS AND RECOMMENDATIONS**

Enclosed is a map showing carports in the neighborhood that encroach the front yard setback.

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.

Var. #9-3-14

**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)

*Lot 85, South Brook Addition*

Address of property 1911 UTTICA PL. FT. AR. 72901, Existing or Proposed

Zoning Classification RM-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

<b><u>FROM</u></b>		<b><u>TO</u></b>	
✓ <u>25'</u>	-	<u>1'</u>	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
✓ <u>7.5'</u>	-	<u>5.4'</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

9C

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

Signed:

X DAVID BOND  
Owner or Agent Name (please print)

X David Bond  
Owner  
or

X 1-479-646-5257  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

X 1911 UTICA PL. FT. SMITH AR  
Owner or Agent Mailing Address 72901

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>	
_____	<u>NO</u>	• Is this variance needed because of previous actions taken by yourself?
_____	<u>NO</u>	• Is this variance needed because of previous actions taken by a prior owner?
• <u>YES</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>NO</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>NO</u>	Is the lot of an odd or unusual shape?
_____	<u>NO</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>NO</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>NO</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>NO</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>NO</u>	Is the lot developed with structures in violation of current zoning requirements?
_____	<u>NO</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

9E

Explanation of question #4 (if applicable)

*See letter attached*

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

*See letter attached*

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

*NONE*

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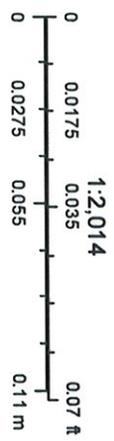
Variance #9-3-14: From 7.5' to 5.4' interior side yard setback & 25' to 1.0' front yard setback  
 1911 Utica Place

96



February 18, 2014

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



**SURVEY DESCRIPTION:**  
 LOT 85, SOUTHBROOK,  
 AN ADDITION TO THE CITY OF FORT SMITH,  
 SEBASTIAN COUNTY, ARKANSAS.

**FLOOD INFORMATION:**  
 PROPERTY IS NOT IN 100 YEAR FLOOD ZONE  
 COMMUNITY PANEL NO. 05131C0110F  
 DATED: MARCH 2, 2012

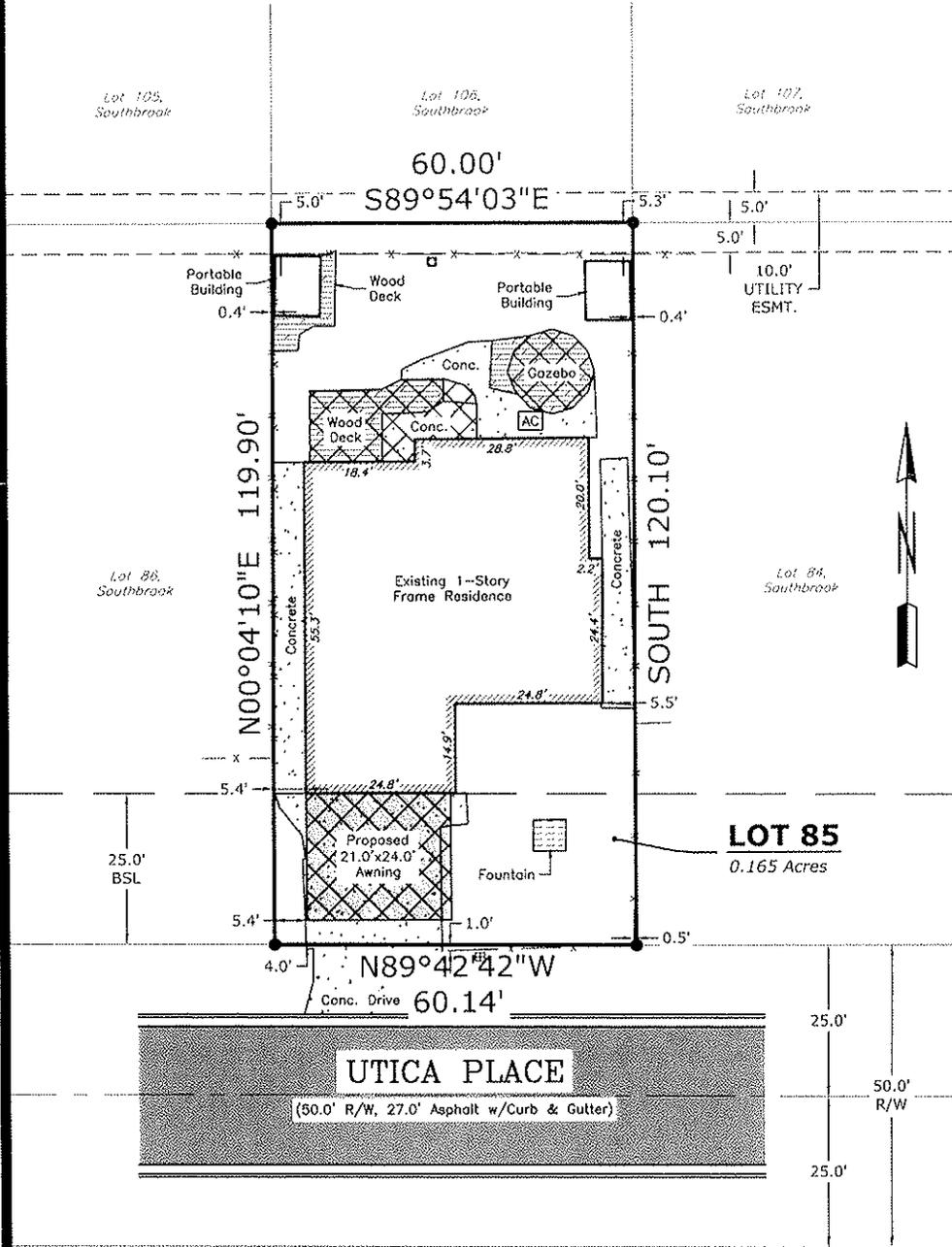


**ANDERSON SURVEYING INC.**  
 Arkansas -- Oklahoma  
 P.O. Box 129  
 Van Buren, AR 72957  
 (479)-474-4247  
 Fax (479)-410-5333  
 e-mail: andersonsurveying@cox.net

**FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**  
**SURVEY OF**  
**LOT 85,**  
**SOUTHBROOK**

FOR USE BY:  
 David & Marilyn Kay Bond  
 1911 Utica Place  
 Fort Smith, AR 72901

DATE: 1-29-2014  
 JOB NO: 14-01-28  
 SCALE: 1" = 20'



**SURVEYORS CERTIFICATION**

I HEREBY CERTIFY THAT THE HEREIN PLATTER AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 29th day of January, 2014.

TO THE BEST OF MY KNOWLEDGE AND ABILITY, THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR PLS. 1272

- LEGEND**
- ✕ SET RAILROAD SPIKE
  - SET 1/2" REBAR
  - EXISTING IRON PIN
  - ⊕ EXISTING CONC NAIL
  - ⊖ EXISTING CONC NAIL
  - ⊙ FENCE POST
  - ⊗ EXISTING RR/SPIKE
  - ⊘ SET NAIL
  - ⊙ WATER METER
  - ⊙ GAS METER
  - ⊙ POWER POLE
  - ⊙ EXISTING FENCE
  - ⊙ OVERHEAD ELECTRIC

REVISIONS	DATE

Scale in Feet

0 20

# Carports in the area of 1911 Utica Place

TR



February 25, 2014

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



Trying to punch  
up toward

covered in rubble

Table down

CAR BOGS COVER STARTS HERE

Swat placed

4 1/2

air vent

Ventral Siding

Caution to metal and paint

Plan this summer  
to be as all flower  
to beds around front  
and and and put  
them with all  
shrub at  
Kona





Must Beautifly and  
PR & Rent looks Bad  
Subject Vehicle





Proposed Carport Style

29

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** February 26<sup>th</sup>, 2014

**Re:** Variance #10-3-14 - A request by Travis Anderson, agent for Amanda Anderson, for Board of Zoning Adjustment consideration of a zoning variance request from 7.5 feet to 4.2 feet interior side yard setback and from 10 feet to 3.6 feet rear yard setback located at 404 Dugan Mill Drive

## LOT LOCATION AND SIZE

The subject property is on the south side of Dugan Mill Drive between Castle Creek Street and Avignon Lane. The tract contains an area of 0.16 acres with 65 feet of street frontage along Dugan Mill Drive.

## EXISTING ZONING

The existing 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.

### 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**

All of the surrounding areas are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Dugan Mill Drive as a local road.

### **LAND USE PLAN COMPLIANCE**

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development.

### **REQUESTED VARIANCE**

The variance if approved will allow for an existing shed to remain at its current location in the rear yard. The owner was unaware of the existing zoning and building codes.

### **APPLICANT HARDSHIP**

The applicant states that due to the lot size, setbacks, and existing utilities he does not have another location in the rear yard to relocate the shed. Furthermore, the owner explains that the shed was built with concrete posts and was unaware of the existing setback requirements.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Friday February 21, 2014 at 3:00 P.M. on site. No neighboring property owners were present at the neighborhood meeting. The shed was constructed over an existing utility easement therefore the applicant will need to apply and be approved for a Temporary Revocable from the Board of Directors.

If the BZA approves this variance, staff requests that it be contingent upon temporary revocable approval and to substantiate its reason for approval in accordance with Section 27-337-2 of the

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Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Var # 10-3-14

**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 404 Dugan Mill Dr. Fort Smith, AR 72908, Existing or Proposed

Zoning Classification RS-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

**FROM**

**TO**

- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- 7.5' - 4.2' Interior Side Yard Setback
- 10' - 3.6' 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

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

Signed:

Jeremy Anderson (see) Agent Below  
Owner or Agent Name (please print)

Jeremy Anderson  
Owner or Agent (Please Sign)

479-719-0923  
Owner or Agent Phone Number

Jan. 29 - 2014  
Date

404 Dugan Mill Dr Fort Smith, AR  
Owner or Agent Mailing Address 72908

Mart579@SBCglobal.net  
Email

Agent Travis Anderson

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

~~729-719-0923~~ 1-479-651-6359

Travis Anderson

3001 South Q Fort Smith 72901

2-13-14

Tanderson@FarrellCooper.com

**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?
_____	_____	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? <i>Do to lot size, setbacks, and utilities. I have no other place to put it.</i>
_____	<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? <i>I think so.</i>
_____	<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? <i>Shed.</i>
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Do to lot size, setbacks, and utilities, I do not have any place to put a shed in my yard but where it is.

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

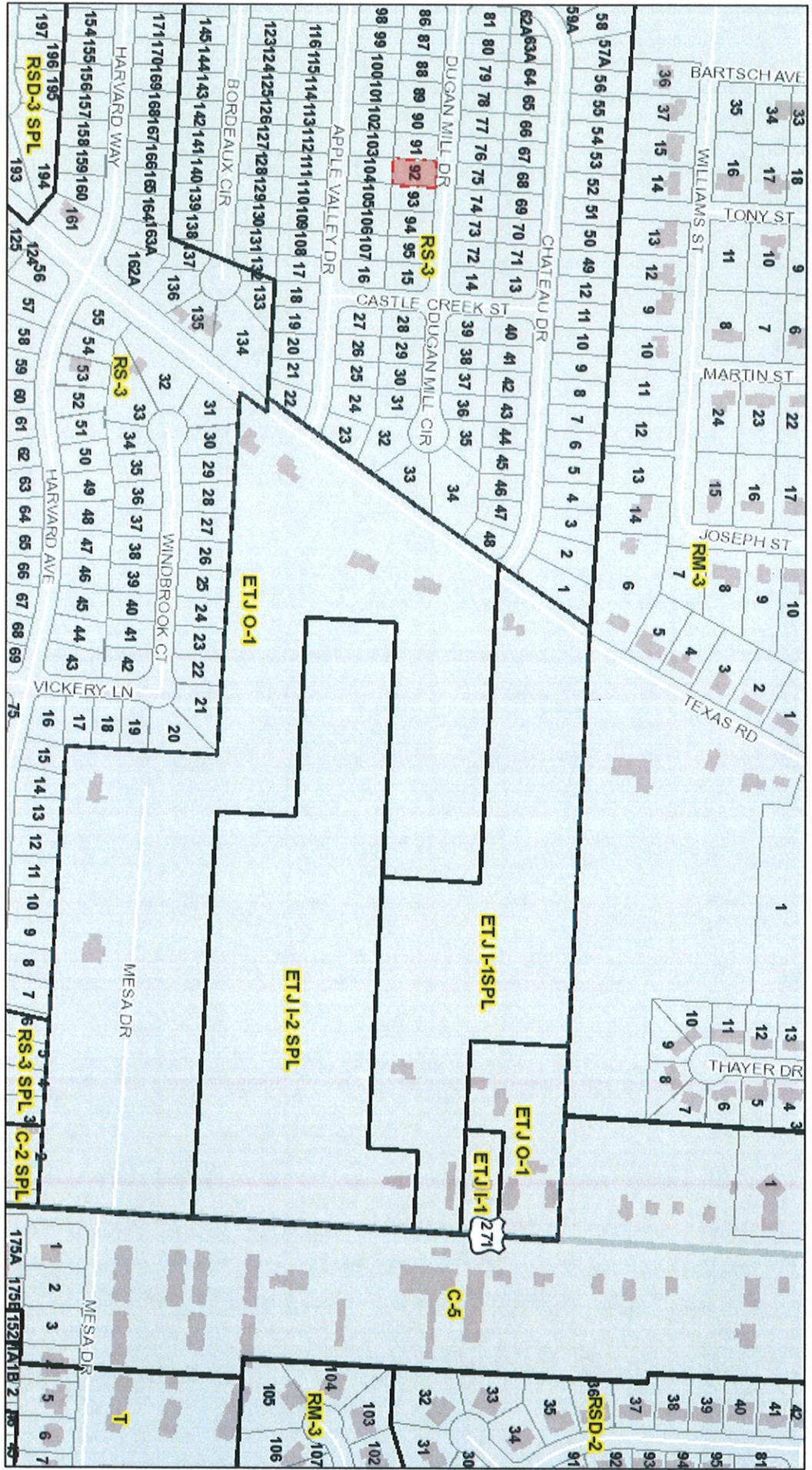
I built the shed my self, and built it to stay a long time. However I never thought about setbacks. Honestly this is a greek to me.

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:

~~Some~~ Some of the utilities run diagonaly in my small back yard.

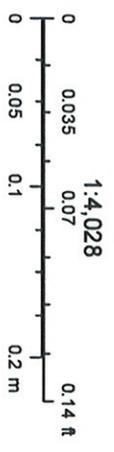
# Variance #10-3-14: From 7.5' to 4.2' interior yard setback & 10' to 3.6' rear yard setback 404 Dugan Mill Drive

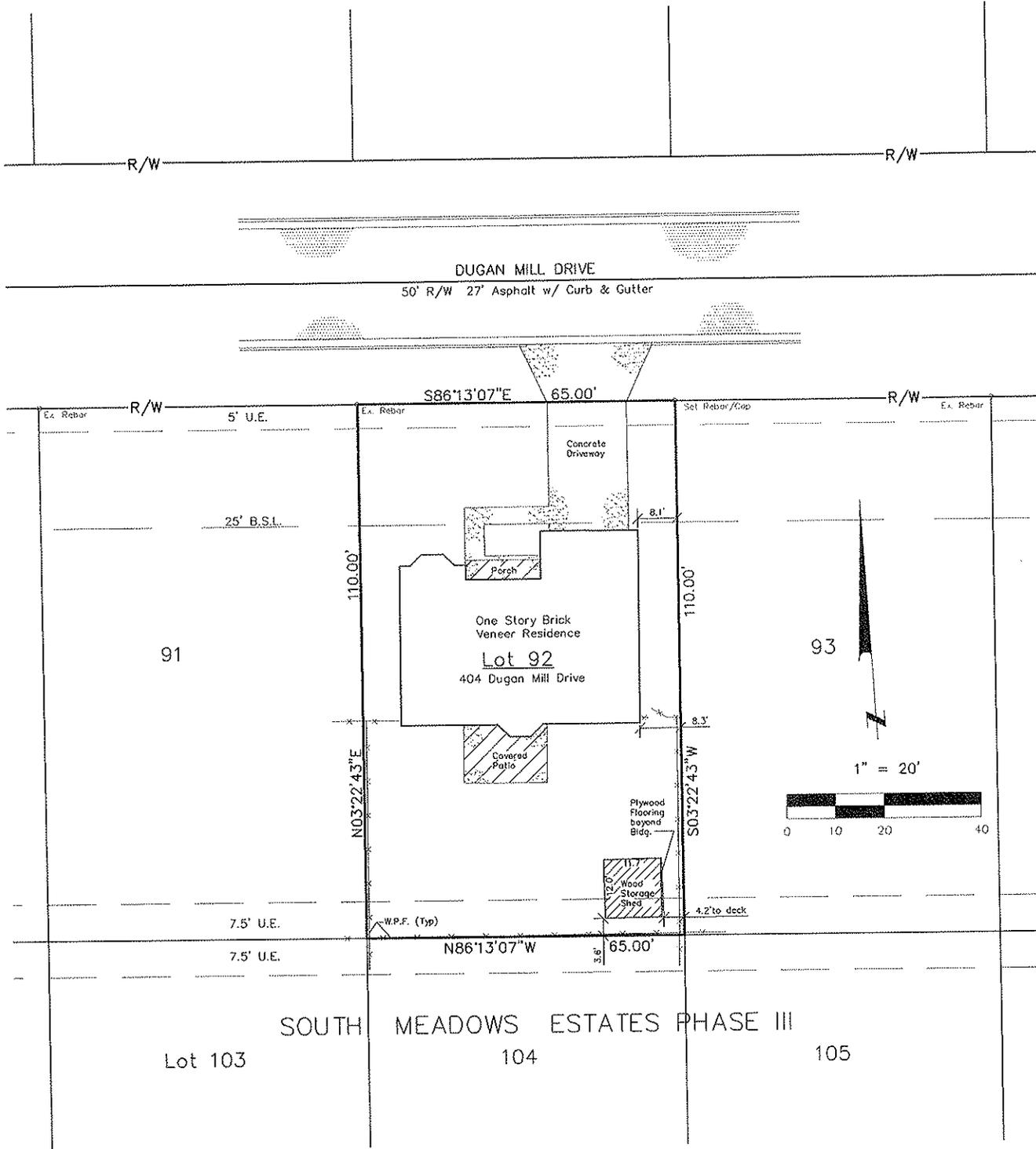
FOI



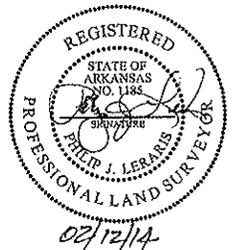
February 18, 2014

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





FINAL SURVEY—LOT 92  
SOUTH MEADOW ESTATES  
(Phase II, Lots 49–95)  
Fort Smith, Sebastian County, Arkansas



For: Jeremy Anderson  
Date: 02/09/14

Philip J. Leraris, P.E., L.S.  
consulting engineer  
land surveyor

(479) 452-5822 p.o. box 11123 fort smith, ar 72917

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