

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
APRIL 8, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MARCH 11, 2014

III. STAFF COMMENTS AND PROCEDURES

1. CONSENT AGENDA

- A. Preliminary Plat – Massard Square “Chaffee Crossing” – Brixey Engineering
 - B. Final Plat – Leigh Avenue Business Park – Lot 1-3 – Morrison Shipley Engineers
 - C. Conditional Use #4-4-14; A request by the City of Fort Smith for a conditional use for a water park located at 7200 Zero Street.
 - D. Home Occupation #3-4-14; A request by Lindsey Lorenz for an internet sales business located at 419 South 14th Street.
2. Rez. #9-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for a zone change from Transitional and Commercial-5-Special to Commercial Light (C-2) by Extension located at 1701 Grand Avenue. (companion item to items #3 & #6)
3. A request by Stuart Ghan, agent for Donna and Larry Lomax, John & Janice Moir and Pat McGowan, for development plan approval for a neighborhood store (Dollar General) located at 1701 Grand Avenue. (companion item to items #2 & #6)

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

4. Rez. #10-4-14; A request by Brandon Woodrome for a zone change from Not Zoned to a Planned Zoning District located at 7900 Massard Road
5. A request by Stuart Ghan, agent for Doris J. Mays, for development plan approval for a neighborhood store (Dollar General) located at 3715 Mussett Road. (companion item to item #7)

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

6. Variance #11-4-14; A request by Stuart Ghan, agent for Donna and Larry Lomax, John and Janice Moir and Pat McGowan, for a variance from 30 feet to 9 feet rear yard setback; from 200 feet to 170 feet minimum distance between adjacent driveways; from the screening requirement for mechanical equipment (scissor lift); and from 43 to 38 minimum number of parking spaces located at 1701 Grand Avenue. (companion item to items #2 & #3)
7. Variance #12-4-14; A request by Stuart Ghan, agent for Doris J. Mays, for a variance from 37 to 35 minimum number of parking spaces and from 10' to 4' width of perimeter landscaping located at 3715 Mussett Road. (companion item to item #5)
8. Variance #13-4-14; A request by Shaun Wells for a variance from 25 feet to 8.8 feet front yard setback and from 7.5 feet to 7.2 feet interior side yard setback located at 2321 South "T" Street.
9. Variance #15-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for a variance from 20 feet to 15 feet exterior side yard setback located at 323 South 14th Street.
10. Variance #16-4-14; A request by Ivan Hoffman, agent for Juan Delgado, for the following variances located at 1409 and 1411 South "C" Street:
 - (A) 1) From 5,000 square feet to 3,377 square feet minimum lot area; 2) from 50 feet to 45 feet minimum lot frontage; and 3) from 10 feet to 4.3 feet minimum building separation
 - (B) 1) From 20 feet to 8 feet front yard setback; 2) and from 5 feet to 1.6 feet interior side yard setback; to allow for an existing duplex
 - (C) 1) From 10 feet to 0 feet rear yard setback; 2) and from 5 feet to 0.6 feet interior side yard setback; to allow for an existing concrete block accessory structure.

11. Variance #14-4-14; A request by Craig Roberts, agent for JiPing Chen and Steve Chen, for a variance from Section 27-704-4(C) to allow for the relocation of a nonconforming outdoor advertising sign located at 5819 Rogers Avenue.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MARCH 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, Rett Howard and Jennifer Parks.

Chairman Sharpe called for the vote on the minutes from the February 11, 2014, Planning Commission meeting. Motion was made by Commissioner Parks, seconded by Commissioner Spearman and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the 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)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for commercial uses, as well as a single family residence. Ms. Andrews stated that Section 27-503-2(E) of the UDO prohibits certain residential developments from accessing streets classified as Major Arterials and the requested variance would allow the applicant to access Massard Road as ingress and egress for a proposed gated single family residence to be situated on a 26-acre site. Ms. Andrews noted that a second gated access to Meandering Way is also being proposed. Ms. Andrews also noted that the city engineering department has reviewed the application and has no objections to the variance.

Mr. Tim Risley with Risley & Associates Architects was present to speak on behalf of these requests.

Mr. Jeff Dean, 8708 Meandering Way, addressed the Commission relative to his concerns with Meandering Way being a primary access for heavy equipment especially during construction of the residence.

Mr. Bailey noted that this variance would allow the applicant to utilize Massard Road in addition to Meandering Way.

Mr. Jim Post, 5101 Massard Road, addressed the Commission with his concerns relative to the commercial uses that could be allowed for this property.

Mr. Post was advised that this subdivision variance was being requested only to allow access on Massard Road for the proposed single family residence.

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

1. Preliminary Plat – The Office Park – Mickle-Wagner-Coleman (companion item to item #2)

Chairman Sharpe called for the vote on the preliminary plat. Motion was made by Commissioner Spearman, 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 9 in favor and 0 opposed.

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 Massad Road. (companion item to item #1)

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

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

Chairman Sharpe then called for the vote on the subdivision variance as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Howard).

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)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for a future commercial development.

Ms. Andrews stated that a neighborhood meeting was held on Wednesday, February 5, 2014, at 5:00 p.m. at the Fort Smith Public Library (Dallas Branch) with ten (10) neighboring property owners in attendance. The property owners expressed their concerns relative to lighting, noise and proposed land uses for this site.

Ms. Andrews noted that a petition opposing these requests had been submitted from the residents of Wellington Place and Wellington Park noting their concerns and objections to this project as well as a list of preferred land uses for this property.

Mr. Tim Risley, 6101 Phoenix Avenue and Mr. Cliff Cabaness spoke on behalf of these requests. Mr. Risley stated that he felt they had addressed the neighborhood's concerns raised during the neighborhood meetings.

Mr. Cabaness noted that he had been a resident of Fort Smith for 23 years and was an advocate and ambassador for Fort Smith. He stated that he would not have a residence behind something that would not be appropriate for the area.

Chairman Sharpe called for a show of hands of people in the audience who were opposed to these requests. Approximately 7+ raised their hands.

The following persons spoke in opposition to these requests citing their concerns relative to proposed land uses, noise, lighting, traffic and devaluation of property: Mr. Mike Stephens, 8600 Maelin Court; Mr. John Threlkeld, 4300 South 88th Street; Mr. Jim Post, 5101 Massard Road and Mr. Jerry Horne, 4100 Hunter Way.

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

- 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)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 8 in favor, 0 opposed and 1 abstention (Howard).

- 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)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Howard).

- 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.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow an approximate 59,973 square foot addition to the existing Fianna Hills Country Club, increasing the total square footage to 83,553 square feet. Ms. Andrews noted that the Planned Zoning District would also allow enhanced amenities and services, such as 51 member suites to current and future members and guests of the country club and other land uses as outlined in the Land Use Matrix – Appendix A.

Mr. Lance Beaty with FSM Redevelopment Partners, was present to speak in favor of this request.

Chairman Sharpe asked for a show of hands of persons in attendance opposing the request as well as those in support. There were 10+ in opposition and 10+ in support.

The following persons spoke in support for this project: Mr. John Hagen, 9900 Essex Place; Mr. Bob Bradford, 9824 Essex Place; Mr. Champ Hinton, 9800 Essex Place and Mr. Pete Charlton, 2905 Canongate Way.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the school to expand with more classrooms and offices, a larger cafeteria and an additional parking lot.

Ms. Rice stated that a neighborhood meeting was held on Thursday, February 27, 2014, at 3415 Newlon Road in the Library with eight (8) attendees present.

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

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

Chairman Sharpe then called for the vote on the conditional use request. Motion was made by Commissioner Keesee, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval contingent upon all construction being built in accordance with the submitted development plan. Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

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 Atlanta.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for a home daycare with a maximum of 12 children and one employee.

Ms. Andrews stated that a neighborhood meeting was held on Monday, March 5, 2014, onsite with one opposing property owner in attendance. Ms. Andrews noted that several surrounding property owners have voiced opposition towards the home daycare.

Ms. Courtney McDowell, 6325 Atlanta, was present to speak on behalf of this request.

The following persons spoke in opposition to this request citing their concerns relative to traffic, noise, safety and devaluation of their properties: Mr. Eugene Deuster, 6320 Atlanta; Ron Apple, 3105 South 65th Street and Tim and Leslie Knoetgen, 6405 Atlanta.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. The vote was 0 in favor and 9 opposed.

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

Motion was then made by Commissioner Keesee, seconded by Commissioner Parks and carried unanimously to amend this request to make approval contingent upon approval by the City Board of Directors of a Temporary Revocable License.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 1 opposed (Howard).

Meeting Adjourned!

SUBDIVISION COMMENTS

April 8, 2014

1. Massard Square "Chaffee Crossing" – Preliminary Plat- Brixey Engineering

Proposed Zoning Designation: Planned Zoning District (PZD)

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 and Multi-Family Development

2. Leigh Ridge Business Park, Lots 1-3 – Final Plat – Morrison Shipley Engineers

Zoning Designation: Commercial Heavy (C-5)

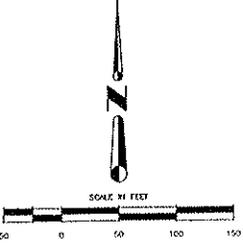
Land Use: Provides locations for retail uses and services that generate moderate to heavy automobile traffic.

Proposed Use: Retail & Commercial Uses

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

1A, 1B

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CURRENTLY UNZONED
 PROPOSED ZONING: PLANNED DEVELOPMENT DISTRICT
 AREA: 389,352.55 Sq. Ft. or 8.94 Acres
 FLOOD ZONE STATEMENT
 THE PROPERTY IS LOCATED IN ZONE "M", BEING OUTSIDE THE 100 YEAR FLOOD ZONE, AS DETERMINED BY THE 2010 FIRM MAP NO. 0541010100E, DATED MAY 26, 2010

LEGEND

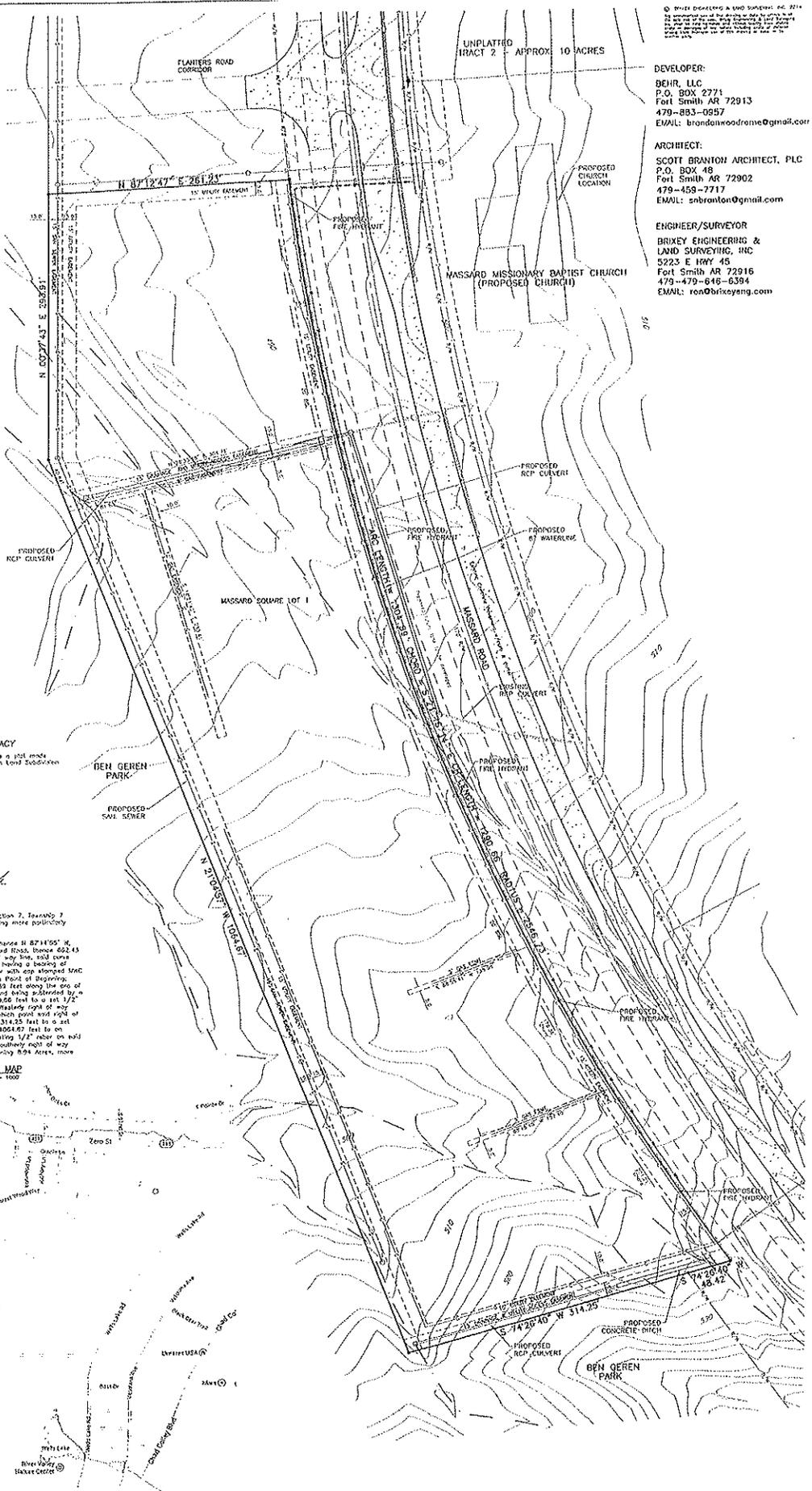
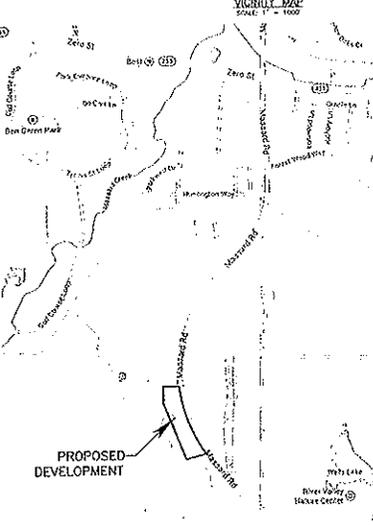
WATERLINE	---
WATER METER	WS
FIRE HYDRANT	F
SEWERLINE	---
GAS LINE	---
EASEMENT LINE	---
BUILDING SETBACK LINE	---
OVERHEAD ELECTRIC	---
CONCRETE CURB	---
CONCRETE PAVING	---

DEDICATION
 The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for the public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation and maintenance of City owned utilities and utilities, including electric, operated by utility companies having a franchise agreement with the City. The City and City Regulatee utility companies shall have access through and along dedicated easements for their personnel and equipment of all force with the authority to cut down and keep trimmed from the dedicated easements trees, bushes and shrubs that may interfere with or endanger such utilities. In the event that finding of individual title is desired, give this plat as evidence and agree to, and within, the dedicated easement shall be provided.

CERTIFICATE OF PRELIMINARY ENGINEERING ACCURACY
 I, Bruce H. Bailey, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the City of Fort Smith Local Subdivision Development Code have been complied with.



PROPERTY DESCRIPTION
 Part of Government Lots 1 and 2 of the Northwest Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:
 Commencing at the Northeast Corner of said Government Lot 2; thence N 87°15'00" W, 213.73 feet to a point on the westerly right of way line of Massard Road, thence S 62°24'00" E, 258.73 feet and being bounded by a 20' wide right of way line, and curve having a radius of 258.73 feet and being subtended by a chord having a bearing of S 00°01'14" W and a distance of 600.56 feet to a set 1/2" rebar with cap stamped MNC 1355 on the southerly right of way line of Pooter's Road and the Point of Beginning; thence continuing along said westerly right of way line and 1304.63 feet along the arc of a curve to the left, and curve having a radius of 258.73 feet and being subtended by a chord having a bearing of S 21°01'14" E, and a distance of 1209.06 feet to a set 1/2" rebar with cap stamped MNC 1355; thence continuing along said westerly right of way line, S 74°20'40" W, 48.42 feet to an existing 1/2" iron pin, of which point and right of way line diverge southeasterly; thence continuing S 74°20'40" W, 314.25 feet to a set 1/2" rebar with cap stamped MNC 1355; thence N 21°04'57" W, 1064.87 feet to an existing 1/2" rebar; thence N 02°17'42" E, 223.91 feet to an existing 1/2" rebar on said southerly right of way line of Pooter's Road; thence along said southerly right of way line, N 87°12'47" E, 264.23 feet to the Point of Beginning. Containing 8.94 Acres, more or less.



DEVELOPER:
 BEHR, LLC
 P.O. BOX 2771
 Fort Smith AR 72913
 479-883-8007
 EMAIL: brondawoodrome@gmail.com

ARCHITECT:
 SCOTT BRANTON ARCHITECT, PLLC
 P.O. BOX 48
 Fort Smith AR 72902
 479-458-7717
 EMAIL: sbranton@gmail.com

ENGINEER/SURVEYOR:
 BRUXY ENGINEERING & LAND SURVEYING, INC.
 5225 E HWY 45
 Fort Smith AR 72916
 479-479-6445-6384
 EMAIL: ron@bruxyeng.com

BRUXY ENGINEERING & LAND SURVEYING, INC.
 CONSULTING ENGINEERS -- LAND SURVEYORS
 5225 East Highway 45 P.O. Box 6150 Fort Smith, Arkansas 72906 (479) 646-6384



Revised	
01/22/2014 - FOR COMMENTS	



PRELIMINARY PLAT
 MASSARD SQUARE
 "CHAFFEE CROSSING"
 CITY OF FORT SMITH
 SEBASTIAN COUNTY, ARKANSAS
 Prepared For: BEHR, LLC

Drawn	03/04
Checked	03/04
Approved	03/04
Scale	AS SHOWN
Sheet	
File	

1A-1

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Conditional Use #4-4-14 - A request by the City of Fort Smith, for Planning Commission consideration of a Conditional Use request to develop a Water Park at 7200 South Zero Street

PROPOSED CONDITIONAL USE

The approval of this Conditional Use will allow for the construction of a new water park with a 7,650 s.f. entrance building at Ben Geren Regional Park.

LOT LOCATION AND SIZE

The subject property is on the south side of South Zero Street. The tract contains an area of 15 acres with approximately 1,015 feet of street frontage along South Zero Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

1C-1

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and Industrial Light (I-1) and developed as commercial and industrial uses.

The areas to the east, south and west are zoned ETJ Open-1 and are developed as Ben Geren Regional Park.

PURPOSE OF CONDITIONAL USE

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

CONDITIONS FOR A CONDITIONAL USE

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

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

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All access to the water park will be provided by existing driveways on Zero Street.

Easement/utilities – All easements shall comply with franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – Drainage improvements shall comply with the city's 2011 Drainage Standards.

Landscaping – A berm with landscaping is proposed along Zero Street frontage. Interior landscaping will also be provided within the parking lot. A final landscape plan shall be required at the time of building permit submittal.

Parking – Five hundred thirty three parking spaces are provided at this location. Other parking spaces are available within the park grounds if needed.

Signage – No signage noted on plans. All signage will require staff review and approval prior to installation.

Lighting – The lighting plan indicates that lighting on the water park features will not produce any light trespass. A final lighting plan for the parking lot and any security lighting shall be submitted at the time of the building permit submittal.

Architectural features – The entrance building will be constructed of split face block and cast stone. The gables and the tower will be sided with metal panels and the roof will be a standing seam metal.

Height and Area – The entrance building will have an area of 7,650 square feet with a maximum height of approximately 24' to the top of the tower.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, March 11, 2014, at Creekmore Community Center. No neighboring property owners were in attendance.

Staff recommends approval of the application contingent upon:

1. All construction shall be built in accordance with the submitted development plan.
2. An evaluation by the FAA for air space issues, height of slides and light issues is required.
3. A final landscape plan shall be submitted for review at the time of building permit submittal.

4. A final lighting plan shall be submitted for review at the time of building permit submittal.
5. All signage shall be reviewed for compliance at the time of sign permit submittal.

Conditional Use # 4-4-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: City of Fort Smith

Name of Authorized Agent (if applicable) Mike Alsup

Legal Description of property included in the conditional use request:

Street Address of Property:
7200 Zero Street

Existing Zoning Classification:
C-5

Proposed Zoning Classification (if applicable):

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

What amenities are proposed such as landscaping and screening?
Landscaping will be done according to UDO requirements.

Mike Alsup, Director of Parks & Recreation
Owner or Agent Name (please print)

3301 South M Street
Owner or Agent Mailing Address

479-784-1006
Owner or Agent Phone Number

Signed:

Mike Alsup 3/12/14
Owner

Or

Agent

1C-5

Conditional Use #4-4-14: Water Park 7200 South Zero Street



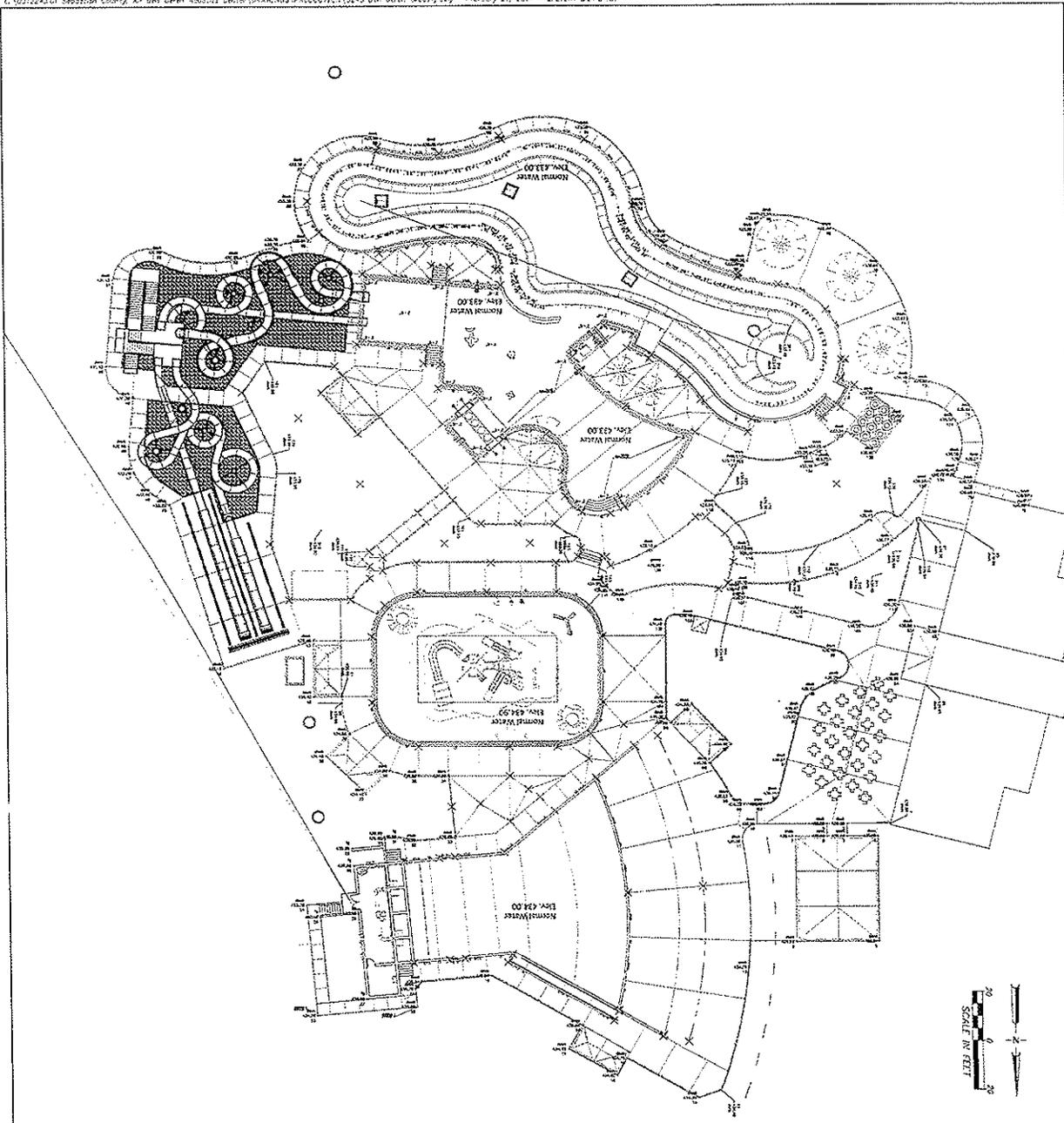
March 14, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions



1:8,056

1C-6



AQUATICS SITE PLAN GENERAL NOTES

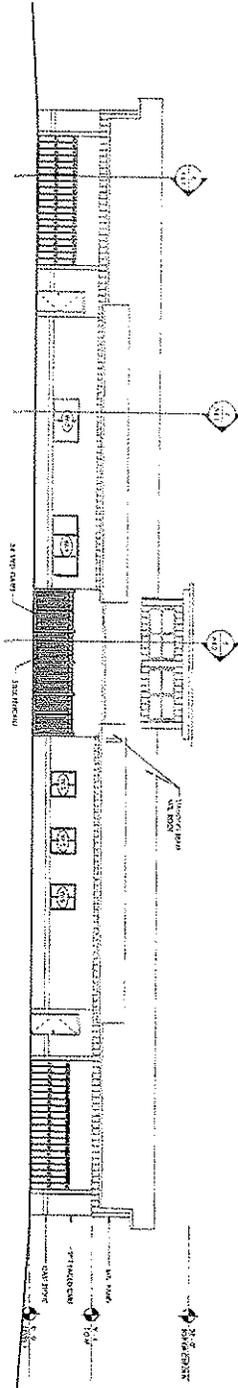
1. The Contractor shall be responsible for obtaining all permits and pay all fees as required by the construction codes in these plans.
2. The Contractor shall be responsible to obtain all permits and pay all fees as required by the construction codes in these plans.
3. All work and materials shall be subject to inspection and approval by the Owner or the Owner's representative and may not proceed until approved.
4. The Contractor shall be responsible to coordinate with local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known. The Contractor shall also verify topographic features and make them known. The Contractor shall also verify topographic features and make them known.
5. The Contractor shall be responsible to call "Missouri One-Call" (800-811-0000) 48-72 hours in advance of any excavation or utility work to be performed. The Contractor shall also verify topographic features and make them known.
6. The Contractor shall be responsible to coordinate with local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known.
7. The Contractor shall be responsible to coordinate with local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known.
8. The Contractor shall be responsible to coordinate with local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known.
9. The Owner and Engineer make no warranty of the accuracy of the site conditions shown on these plans. The Contractor shall verify all site conditions and make them known.
10. The Contractor shall remove all debris resulting from work under this contract to an approved dump site off of the project site.
11. Dimensions shown are to the face of structures unless noted.
12. Dimensions shown are to the face of structures unless noted.
13. The Contractor shall be responsible to remove all materials, waste, and debris from the site and haul them to an approved dump site.
14. The Contractor shall coordinate with the local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known.
15. The Contractor shall be responsible to coordinate with local utility companies and existing utility lines on the site before any excavation or utility work is performed. The Contractor shall also verify topographic features and make them known.

**PRELIMINARY
NOT APPROVED FOR
CONSTRUCTION**

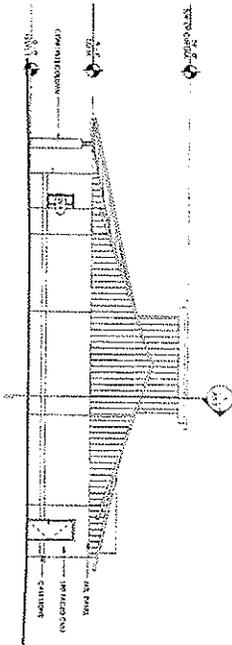
<p>Ben Geren Aquatics Center City of Fort Smith, and Sebastian County, Arkansas</p>	 <p>LARKIN AQUATICS PLANNING & DESIGN</p>	<p>9200 Ward Parkway, Suite 200 816.361.0440 P Kansas City, Missouri 64114 816.361.0045 F www.lra-inc.com / www.larkin-grp.com</p>
<p>CONSTRUCTION PLANS FOR BEN GEREN AQUATICS CENTER POOL SITE PLAN</p>		
<p>DATE: 2-10-14 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: CP1.1</p>		

10-8

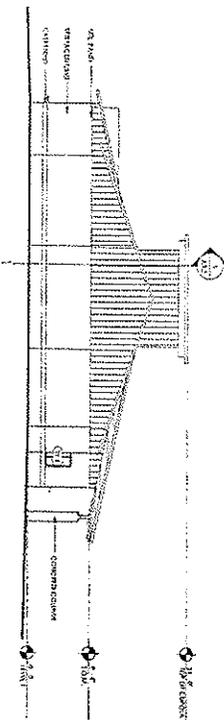
NORTH ELEVATION
1/8" = 1'-0"



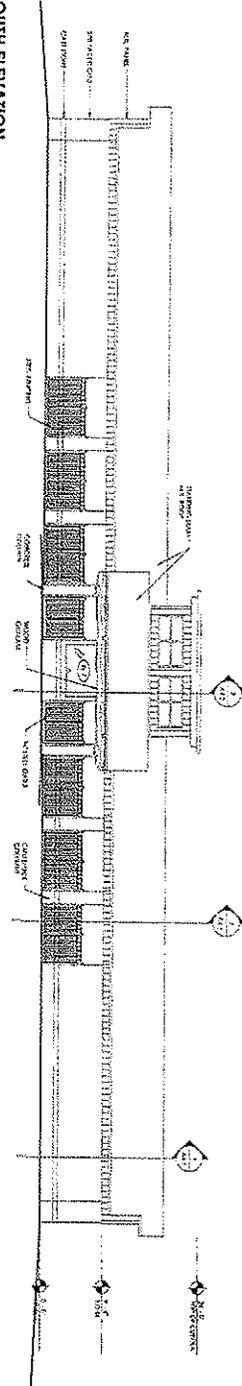
EAST ELEVATION
1/8" = 1'-0"



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



SOUTH ELEVATION
1/8" = 1'-0"



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BUILDING
ELEVATIONS

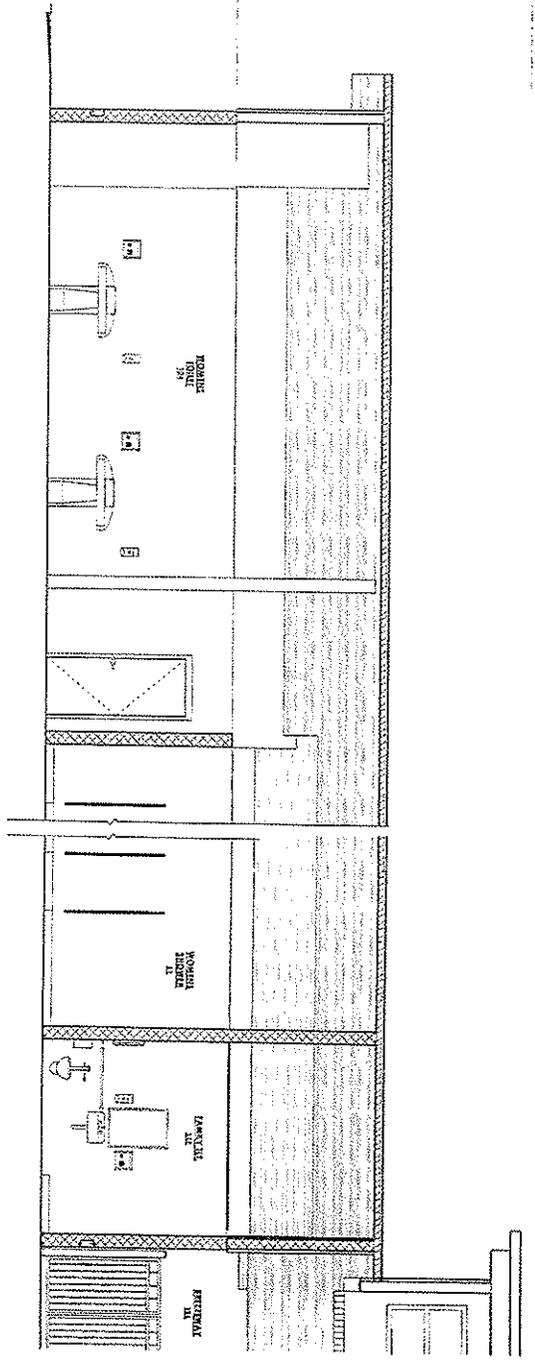


Ben Geren Aquatics Center
City of Fort Smith, Arkansas and Sebastian County, Arkansas

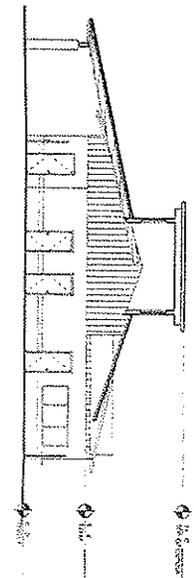
9200 Ward Parkway, Suite 200 816.261.0440 | P
Kansas City, Missouri 64114 816.261.0045 | F
www.LRA-inc.com / www.larkin-grp.com

1C-11

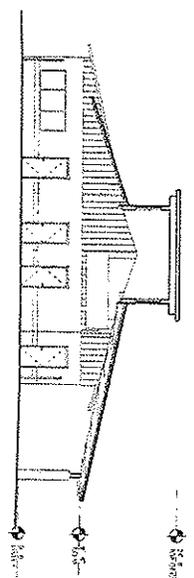
SECTION
1/8" = 1'-0"



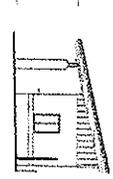
ELEVATION
1/8" = 1'-0"



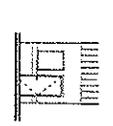
ELEVATION
1/8" = 1'-0"



ELEVATION
1/8" = 1'-0"



ELEVATION
1/8" = 1'-0"



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BUILDING ELEVATIONS
Sheet
A3.2 of A3.4

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Ben Geren Aquatic Center
City of Fort Smith, Arkansas and Sebastian County, Arkansas

1C-12

Medium Deciduous Trees

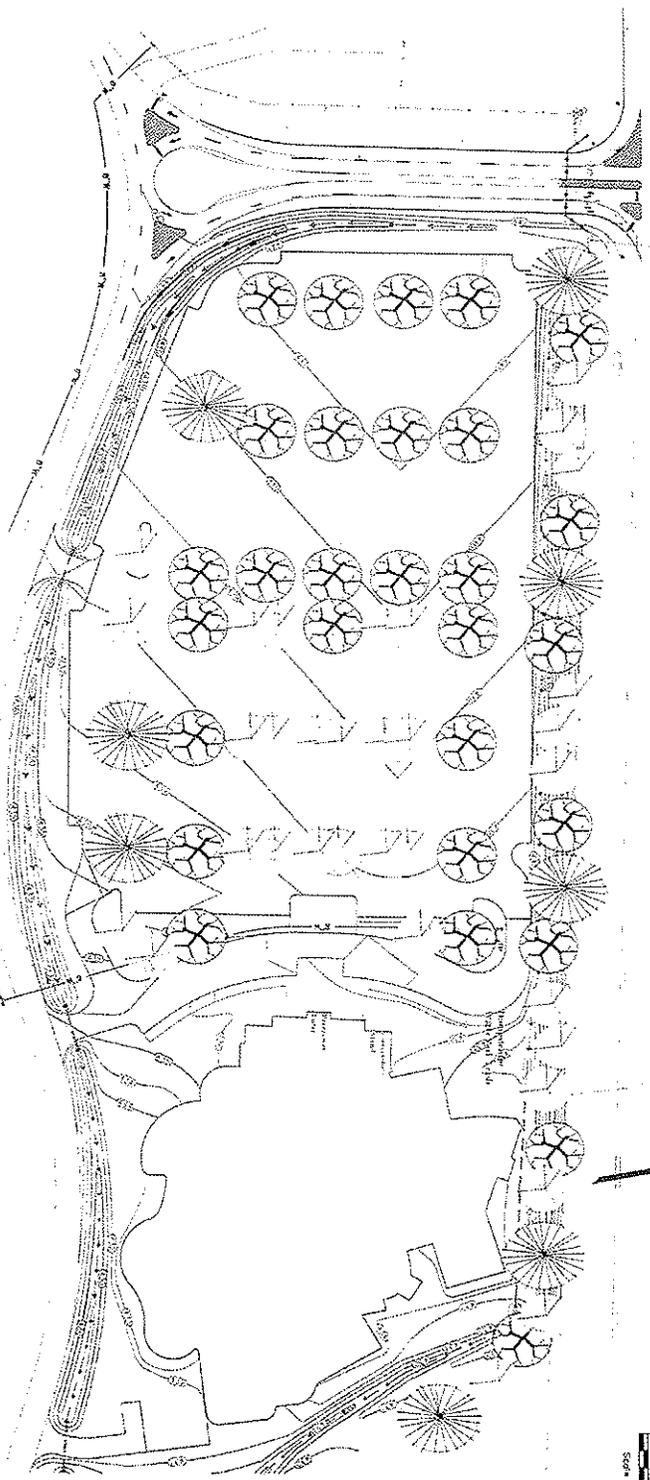
- Honey Locust var *inermis* *Gleditsia tricanthos*
- Lacebark Elm *Ulmus parvifolia*



Large Deciduous Trees

- Sweetgum "Rotundiloba"
Oak variety

Note: All parking lot islands and
Berm will be planted with ground
cover.
-Asian Jasmine, Vinca Major or
Juniper (prostrate variety)

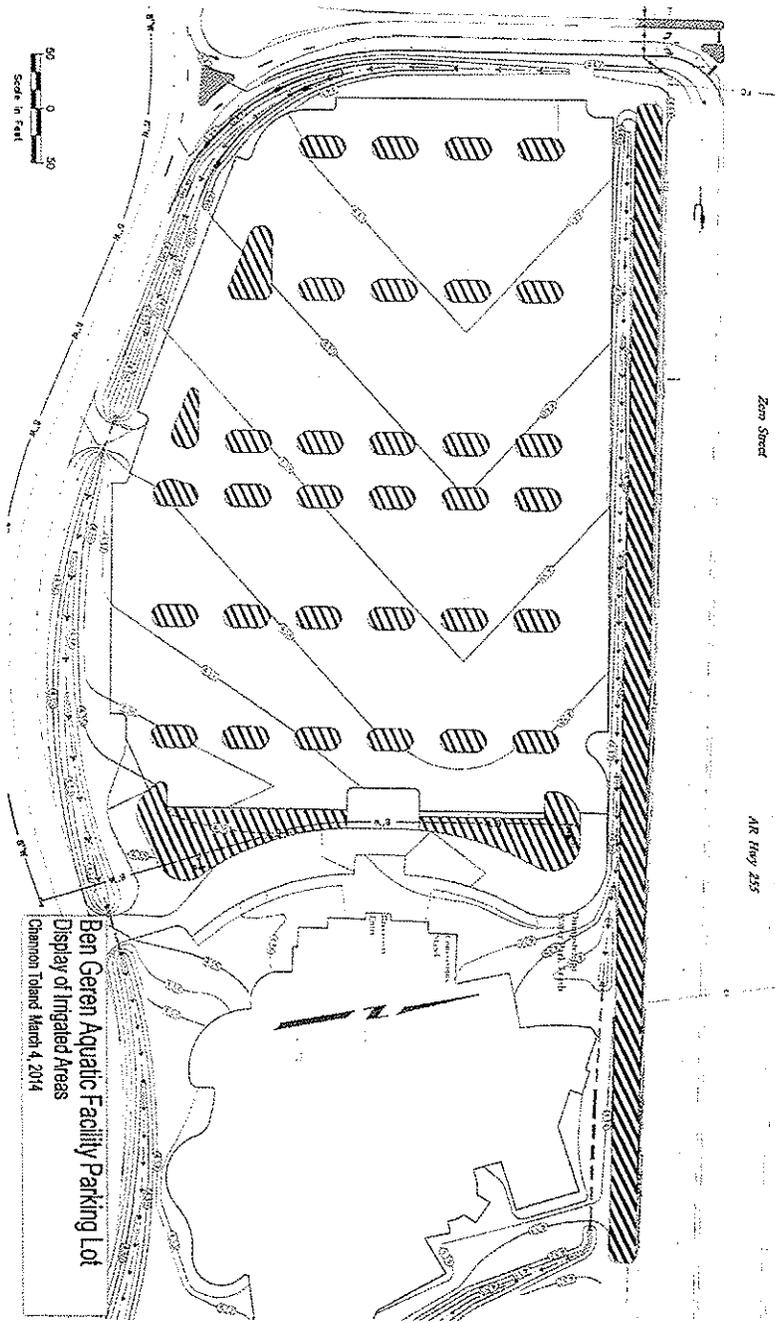


Large Conifer

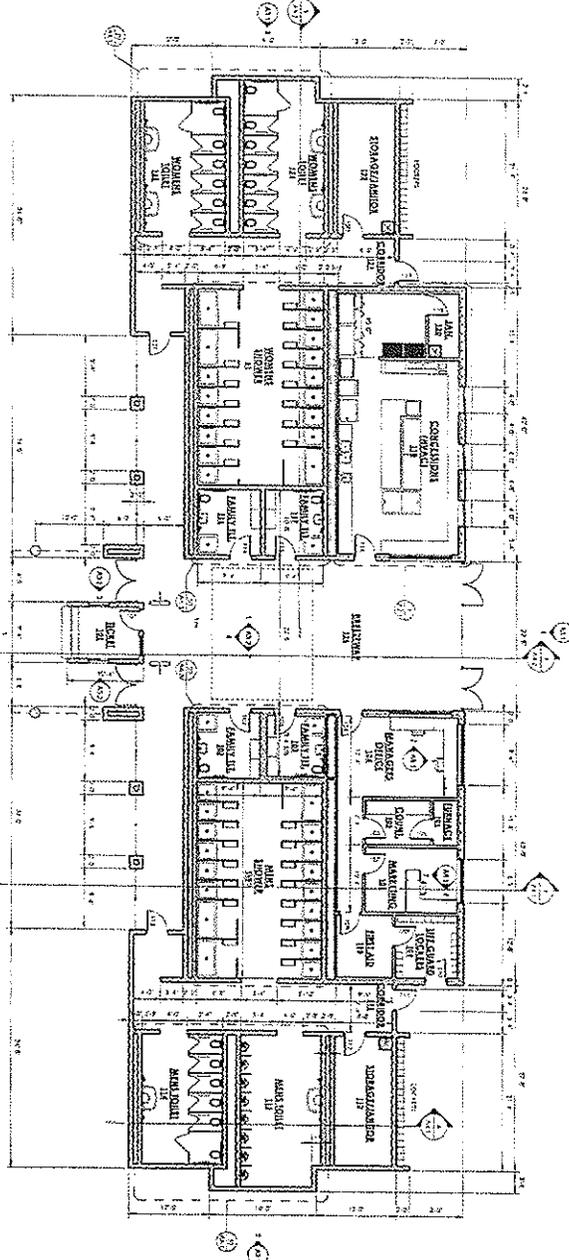
- Bald Cypress
- Shortleaf Pine *Pinus echinata*

Note: All Trees shall be 2" Caliper
or at least 5' in height for evergreens
-Ground cover within islands will
be planted at a rate to achieve at
least 75% coverage after first
growing season

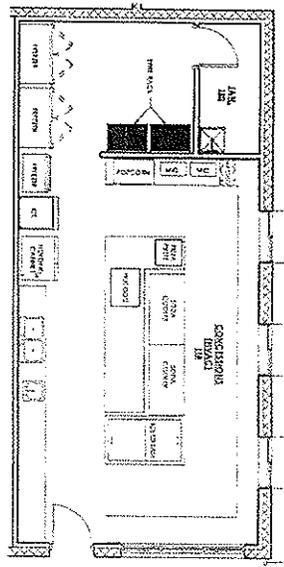
Ben Geren Aquatic Park
Parking Lot Planting Plan
Channon Toland March 4, 2014



1C-16



CONCESSIONS - PLAN
1/8" = 1'-0"



PLAN NOTES

1. REFER TO EXISTING ARCHITECTURE FOR ALL EXISTING CONDITIONS.
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.

GENERAL NOTES

1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.



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• Urban Design
• 6000 Park Ave. Suite 2016
• Fort Smith, AR 72114
• 505.424.1100
• mahy.com

PROJECT NO. 12-11-001
DATE: 01/15/14
DRAWN BY: JLD
CHECKED BY: JLD
SCALE: AS SHOWN

FLOOR PLAN



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Ben Geren Aquatic Center
City of Fort Smith, Arkansas and Sebastian County, Arkansas



NOT TO SCALE

10-1 Egeren Water Park

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Home Occupation #3-4-14 - A request by Lindsey Lorenz, tenant, for Planning Commission consideration of an Internet sales business in a Transitional (T) zone at 419 South 14th Street

PROPOSED HOME OCCUPATION

The approval of this application will allow for the sales of women's fashions over the Internet. Clothes will be shipped to the applicant's home by U.S. Mail and UPS and then sold on the Internet. The applicant indicates that no customers will come to the residence.

LOT LOCATION AND SIZE

The subject property is on the east side of South 14th Street between South "C" Street and South "D" Street. The tract contains an area of 0.16 acres with approximately 50 feet of street frontage along South 14th Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T). Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family residences.

The areas to the east are zoned Transitional (T) and are developed as a duplex.

The areas to the south are zoned Transitional (T) and are developed as an office.

The areas to the west are zoned Transitional (T) and are developed as single family and multi-family residences.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use R. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

1D-2

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
2. The business license cannot be transferred to another residence without a new Home Occupation Application.
3. No commercial trash container will be placed at the residence.
4. No sale of any retail or wholesale item or items shall take place on the premises.
5. See the attached Home Occupation requirements.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Lindsey Lorenz

Legal Description of property included in the home occupation request:

See Attached

Street Address of Property: 419 S. 14th St. Ft. Smith, AR 72901

Zone Classification: F-1

Type of Business Requested: Internet sales

Signed:

Lindsey Lorenz
Applicant's Name (please print)

479-522-4913
Phone Number of Applicant

419 S. 14th St, Ft. Smith, AR 72901
Applicant Mailing Address

Lindsey Lorenz
Applicant

11/23/13
Date

[Signature]

Property Owner

Date

(if rental property)

Home Occ. # 3-4-14

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. Boutique for women's fashions using internet sales only.
2. Will this business be completely contained in the residential structure? Yes No
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?
15%
4. Will operation of the business utilize any persons other than members of the immediate household? Yes No
5. At what hours and days of the week do you plan to operate the business? 8-8, 7 days a week
6. Will there be any noise No, odor No, or other outdoor activity No associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes No
8. How much storage will be needed? All inventory is stored in 1 bedroom of a 2 bedroom duplex
9. Will merchandise be sold at this location? Yes No If yes, explain. _____
10. Will you have any business vehicles? Yes No If yes, describe below.
Type of Vehicle:
Make _____ Model _____
Color _____ Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes No What type? _____
12. Can you operate this business by appointment only? Yes No
Explain: _____

13. Will customers come to this location? Yes ___ No
14. How many customers do you expect to have coming to your home at any one time?
0
15. Do you expect any drop-in customers? Yes ___ No
16. How do you plan to provide parking for customers? N/A
17. Do you plan to advertise this business? Yes No ___
If yes, by what methods? Social media
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes No ___
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes No ___
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ___ No
21. Do you own or rent this property? Rent
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes No ___
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes No ___
25. Provide any other information that you feel helpful.
All orders are taken through our website. We
box up the orders, and then take them to the
Post Office. This business should not affect
neighbors in any way.

E-mail from property owner, Cary Smallwood

On Mon, Dec 9, 2013 at 5:56 PM, Cary Smallwood <csmallwood@carringtoncreek.com> wrote:

Hi Linda,

I am not opposed as long as there are no clients coming to the premises and/or disturbances to the other tenants or neighbors.

We would also stipulate that no employees be on the premises and/or their vehicles.

Any deliveries must be maintained inside and not be visible to any tenant or neighbor.

Any trash generated must be maintained and not visible to any tenant or neighbor.

The unit must be maintained as a home and not a business.

Lindsey will be responsible for damages to the unit, if any, while working from her home.

I think the city will stipulate the same.

Any occurrence will breach this permission.

Thank you

Cary

<image002.jpg>

From: Linda Geraghty [mailto:legeraghty@gmail.com]
Sent: Sunday, December 08, 2013 8:22 PM
To: Cary Smallwood
Subject: [?? Probable Spam] Home occupancy business permit

Cary,

I know Diane Meador already forwarded you an e-mail from me, about this, but I am now e-mailing you, because I have found out that we do in fact need to get a letter or e-mail from you, giving us approval to conduct this business out of your property.

10-8

Monaco, Tom

From: Linda geraghty [tiffanysuiteboutique@hotmail.com]
Sent: Monday, March 17, 2014 11:33 AM
To: Monaco, Tom
Subject: Tiffany Suite Boutique

Tom,

Thank you for your phone call. To answer your question, I receive shipments by the US Mail and UPS, and I will usually receive several packages of clothing in the fall, several in the spring, and several in the summer.

Sincerely,
Lindsey Lorenz

Sent from my iPhone

Home Occupation #3-4-14: Internet Sales 419 South 14th Street



March 14, 2014

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

10-10

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Rezoning #9-4-14 - A request by Stuart Ghan, agent for Janice & John Moir, Donna & Larry Lomax & Pat McGowan, for Planning Commission consideration of a zone request from Transitional (T) and Commercial Heavy Special (C-5-SPL) to Commercial Light (C-2) by extension at 1701 Grand Avenue

PROPOSED ZONING

The proposed zoning if approved will allow for a 10,640 s.f. neighborhood store (Dollar General Plus).

LOT LOCATION AND SIZE

The subject property is on the north side of Grand Avenue between North 17th Street and North 18th Street. The tract contains an area of 0.87 acres with approximately 300 feet of street frontage along Grand Avenue and 140 feet of street frontage along North 17th Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

EXISTING ZONING

The existing zoning on this tract is Transitional (T) and Commercial Heavy Special (C-5-SPL). The characteristics of the zonings are listed below. The special for the C-5 zoning requires the applicant to receive site plan approval from the Planning Commission prior to any building permits being issued.

EXISTING ZONING

The existing zoning Characteristics for the Commercial Heavy (C-5) on this tract are as follows:

Purpose:

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

Permitted Uses:

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

2B

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

EXISTING ZONING

The existing zoning characteristics for the Transitional (T) zoning on this tract are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet
Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet
Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet

20

Minimum Street Frontage – 50 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family homes and duplexes.

The area to the east is zoned Transitional (T) and is developed as a single family residence.

The areas to the south are zoned Residential Multi-family High Density (RM-4) and Commercial Light (C-2) and are developed as single family residences.

The areas to the west are zoned Commercial Light Special (C-2-SPL) and are undeveloped.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The land use is intended to be located within neighborhood areas and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum of detriment, hazard, or inconvenience to surrounding residential development. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. A companion rezoning and development plan applications have been submitted for Planning Commission review.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, March 27, 2014, at 1:00 at 4611 Rogers Avenue. Two people 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.

The planning staff recommends approval with the following conditions:

1. Planning Commission approval of the development plan.
2. Any future development shall require development plan approval by the planning commission.

PETITION FOR CHANGE IN ZONING MAP

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

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

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

John Stryker Addition
Block 5, Lot 9A

- 2. Address of property: 1701 Grand Ave

- 3. The above described property is now zoned: T-1 + C-5 spl

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

- 5. Why is the zoning change requested?

Type of business to be operated falls into
the C-2 category

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

Stuart Ghan
Owner or Agent Name
(please print)
4611 Rogers Ave Ste 201
Fort Smith, AR 72903
Owner or Agent Mailing Address
(479) 226-2626
Owner or Agent Phone Number

Signed:

Owner

Stuart Ghan
or
Agent

Grand Rezoning

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 variance by application do hereby authorize Stuart Chan 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. Lonna Lomax

Lonna Lomax

2. Larry Lomax

Larry Lomax

3. Jarice Moir

Jarice Moir

4. John Moir

John Moir

5. Pitt McGowan

Pitt McGowan

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

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

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

John Stryker Addition
Lot 9A, Block 5

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

N/A


Signature

(If no restrictive covenants exist, indicate "none".)*

26

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4611 Rogers Ave

Meeting Time & Date 3-27-14

Meeting Purpose Development plan & variance

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Tyler Miller	City of Fort Smith	479-784-2241
2.	JAMES BRIDSON	2903 BLAIR	479-783-0867
3.	JEROME HAUNERT	512 North 40 th St.	479-656-4001
4.	Charmaine Haunert	4609 St. W. J.	479-792-2051
5.	Tony Nguyen	1905 N 47 th St	479-831-7587
6.			
7.			
8.			
9.			
10.			
11.			

2H

Neighborhood Meeting

RE: Dollar General Grand Ave Relo

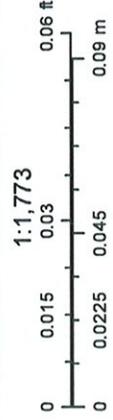
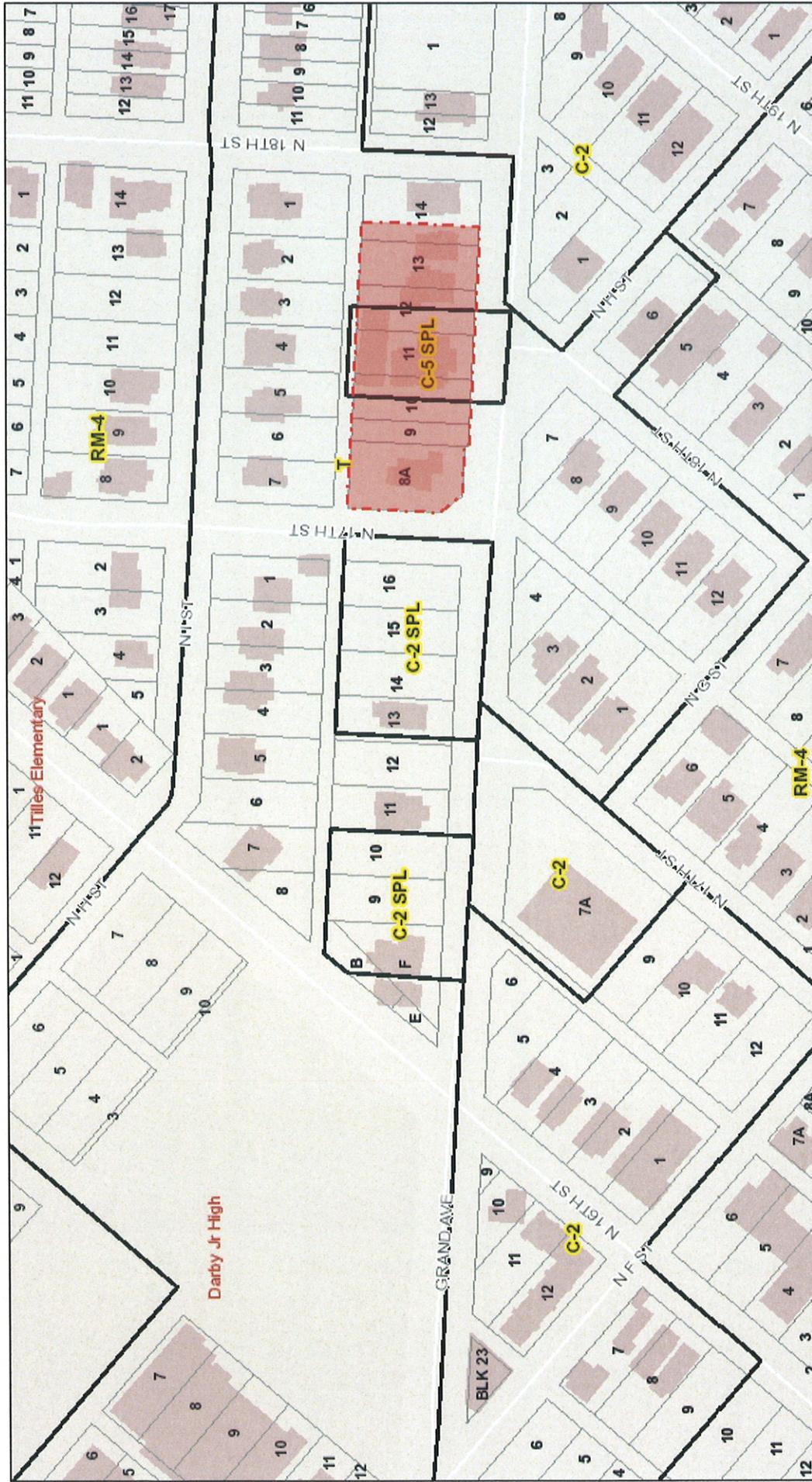
The meeting had an attendance with two people. Nothing was brought up in opposition. Most questions had to do with how the planning process works and general questions about what the building was going to look like, and how the site was going to layout.

Please see attached attendance list.



Stuart Ghan

Rezoning #9-4-14: From Transitional and Commercial Heavy Special to Commercial Light 1701 Grand Avenue



March 14, 2014

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

[Handwritten signature]

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Development Plan Review - A request by Stuart Ghan, agent for Janice & John Moir, Donna & Larry Lomax & Pat McGowan, for Planning Commission consideration of a Development Plan request to develop a neighborhood store (Dollar General Plus) at 1701 Grand Avenue

PROPOSED DEVELOPMENT PLAN

The development plan will allow for a 10,640 s.f. neighborhood store (Dollar General Plus). The proposed new store will be a prototype for Dollar General Plus stores in the Fort Smith area and will sell the normal items sold at the stores plus produce.

LOT LOCATION AND SIZE

The subject property is on the north side of Grand Avenue between North 17th Street and North 18th Street. The tract contains an area of 0.87 acres with approximately 300 feet of street frontage along Grand Avenue and 140 feet of street frontage along North 17th Street.

PROPOSED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family homes and duplexes.

The area to the east is zoned Transitional (T) and is developed as a single family residence.

The areas to the south are zoned Residential Multi-family High Density (RM-4) and Commercial Light (C-2) and are developed as single family residences.

The areas to the west are zoned Commercial Light Special (C-2-SPL) and are undeveloped.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development plan shows two 40’ wide driveways on Grand Avenue. The proposed driveway in front of the store will be ingress only. A third 18’ wide driveway is proposed adjacent the alley on the northwest side of the property and will provide egress only. A companion application requests a variance from minimum separation between adjacent driveways proposed on Grand Avenue from 200’ to 170’.

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.

Right-of-way dedication – No new right-of-way dedication is required or proposed.

Landscaping – The plan shows 1,140 s.f. of interior parking lot landscaping and a 10’ wide perimeter landscaping/parking lot strip adjacent to Grand Avenue and North 17th Street. A final landscaping plan must be submitted upon submittal of construction plans for a building permit.

Screening – Proposed screening includes: 1) a six-foot privacy fence on the north side of the development to screen the development from adjacent single-family residential; 2) a 10’ wide parking lot screening strip adjacent to Grand Avenue and North 17th Street; 3) wood privacy fencing surrounding the Dumpsters; and 4) screening for the HVAC units. A companion application requests a variance from the requirement to screening mechanical equipment for a proposed scissor lift that will be located in front of the store.

Parking – The plan provides 38 parking spaces. A companion application requests a variance from the required 43 minimum required spaces.

Signage – The site plan shows a 50 square feet sign and two wall signs, which comply with the UDO Commercial Signage Regulations.

Lighting – The site plan has indicated that no light trespass will occur with the site lighting. Security lighting is proposed on the rear of the building. Final plans must provide details show that these fixtures will be shielded.

Architectural features – A corner entrance will have Grand Avenue and North 18th Street. The proposed building will have a corner entrance. Exterior building materials will include more than 51% split face concrete masonry units, which will exceed the UDO requirement for high quality materials.

Sidewalks - A 5’ sidewalk is proposed adjacent to North 17th Street. There is an existing sidewalk adjacent to Grand Avenue.

Setbacks - The development will comply with setback requirements for the C-2 zoning district, with the exception of the required 30’ rear-yard setback adjacent to the existing single-family on the north side of the development. A companion application requests a rear-yard setback from 30’ to 9’.

Height and Area – The height and area for the development complies with the UDO.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, March 27, 2014, at 1:00 at 4611 Rogers Avenue. Two people were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are included with the zoning application.

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

1. Approval of the companion rezoning and variance applications.
2. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than described in this section will require Planning Commission approval.
3. A final landscape plan shall be submitted for review and approval upon submittal of construction plans for building permit.
4. A final lighting plan shall be submitted for review and approval upon submittal of the construction plans for building permit.

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

*John Stryker Addition
Lot 9A Block 5*

2. Address of property: 1701 Grand Ave

3. The above described property is now zoned: T-1 + C5spl → to C-2

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

Yes No

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

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

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

T-1 + C5spl to C-2 by Extension
(Zoning Classification) (Extension or classification)

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

C-2, T-1 surrounding this site
Retail, Restaurants, Homes, single + multi family

8. Total acreage of property 0.918 Acres

Signed:

Stuart Ghan

Owner or Agent Name

(please print)

4611 Rogers Ave Ste 201
Fort Smith, AR 72903

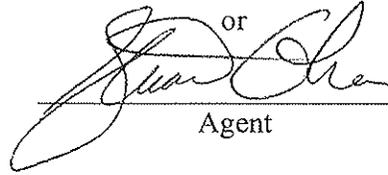
Owner or Agent Mailing Address

(479) 226-2626

Owner or Agent Phone Number

Owner

or


Agent

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4611 Rogers Ave

Meeting Time & Date 3-27-14

Meeting Purpose Development plan, ¹/₃ variance

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Tyler Miller	City of Fort Smith	479-784-2241
2.	JAMES GIPSON	2903 BLAIR	479-783-0867
3.	JEROME HAUNERT	512 North 46 th St.	479-650-4001
4.	Charmaine Haunert	4609 S. W.J.	479-792-2051
5.	Tony Nguyen	1905 N 47 th St	479-831-7587
6.			
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Neighborhood Meeting

RE: Dollar General Grand Ave Relo

The meeting had an attendance with two people. Nothing was brought up in opposition. Most questions had to do with how the planning process works and general questions about what the building was going to look like, and how the site was going to layout.

Please see attached attendance list.



Stuart Ghan

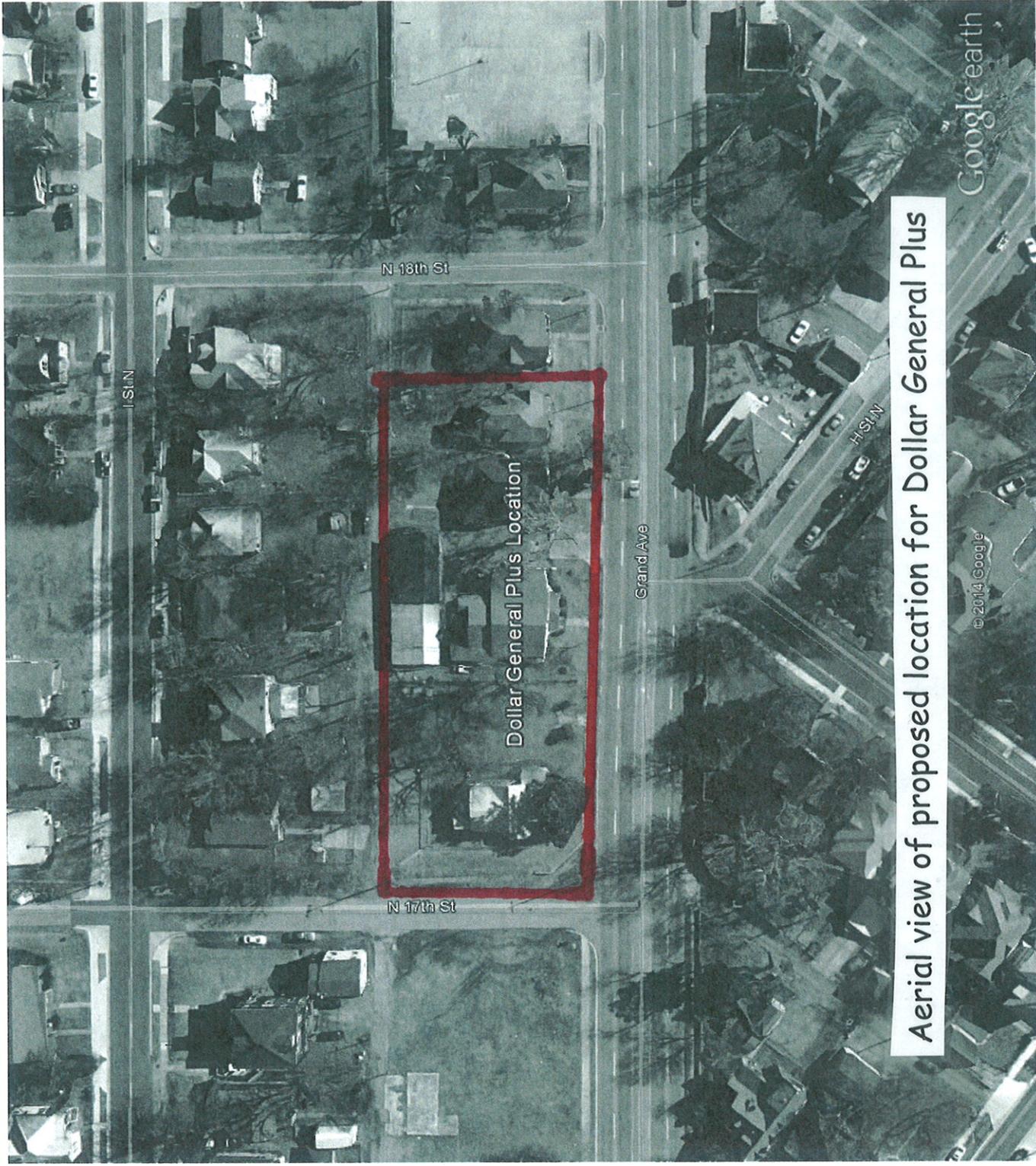
Development Plan Review: Neighborhood Store 1701 Grand Avenue



March 14, 2014

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

WF



Aerial view of proposed location for Dollar General Plus

24

Google earth

feet
meters

100

600



Memo

To: City Planning Commission

From: Planning Staff

Date: March 28th, 2014

Re: Rezoning #10-4-14 - A request by Brandon Woodrome for Planning Commission consideration of a zone request from Not Zoned to Planned Zoning District (PZD) at 7900 Massard Road

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road north of Wells Lake Road and south of Stonebrook Drive. The tract contains an area of 8.94 acres with approximately 1,304 feet of street frontage along Massard Road.

PROPOSED ZONING

The proposed Planned Zoning District will allow for a mixed use development of 4 commercial buildings for office and retail, a sportsbar/pub, 6 duplexes, 3 triplexes with garages, 1 five-unit apartment with garages, and 2 six-unit apartments with garages. The proposed PZD will provide a mixed-use development in a walkable neighborhood .

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/High Density (RS-3) and are currently undeveloped but are the future sites for two churches.

The areas to the south and west are zoned Extraterritorial Open Zone (ETJ Open-1) and is the Ben Geren Park.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies this site as a Mixed Use: Residential/Commercial/Office. This classification is intended to provide a creation of a pedestrian-friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the area. If approved, the proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

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 Mixed Use Development 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? **Yes, all right-of-way dedication has been accounted for by the engineering department.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**

4B

- 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 3J of the project booklet for a list of proposed standards exceeding the UDO minimum requirements.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The new development will utilize the three ingress and egress points with two located on Massard Road and the other access point on Planters Road.

Right-of-way dedication – The proper right-of-way dedication has been provided to accommodate the bike trail and Massard Road.

Drainage – The current development has two detention basins on the location. These areas shall receive engineering approval upon the building permit submittals.

Landscaping & Screening – The development plan and details provided in the project booklet indicates the development will have a 15-foot wide landscaping strip with 1 tree and 10 shrubs every 40' of right-of-way with parking lot screening, and shade trees within the development. Furthermore, the property will have approximately 11% of interior landscaping for vehicular use areas, which exceeds both the UDO and the Chaffee Crossing Design Guidelines. The applicant must receive variance approval from the FCRA Design Review Committee for two landscaping requirements: 1) to provide 15' wide perimeter landscaping strip instead of the required 20'; and 2) eliminate perimeter landscaping on the property boundaries not adjacent to a right-of-way (south and east property lines adjacent to Ben Geren Regional Park).

Parking – A parking diagram has been provided on development plan. It indicates that the site will contain 198 parking spaces including the garages. The UDO would require 191 parking spaces. The development for parking exceeds the UDO requirement.

Signage – The PZD booklet and development plans show that 3 monument type signs are proposed. The signs will be no larger than 20 square feet in size with a maximum height of 4 feet as specified in the FCRA Development Standards. The applicant must receive variance approval from the Chaffee Crossing Design Review Committee to allow three 20 s.f. signs instead of the maximum allowed one sign per lot.

Sidewalks – A future 10' bikeway/sidewalk is planned along Massard Road. The engineering department is acceptable with the applicant paying a fee in lieu of sidewalk construction. The applicant will, however, have to obtain a variance from the Chaffee Crossing Design Review Committee to eliminate constructing the sidewalk upon development of the site.

FACTORS TO BE CONSIDERED

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

HC

- A. Compatibility with the Comprehensive Plan, Master Land Use Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The mixed use development is compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed mixed use development is compatible with the surrounding area and proposed developments.**
- 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 residential uses, including multi-family, retail, offices, food services, and commercial services, such as barber shop, salon, and photography shops. Please refer to the Proposed Land Use Matrix – Chart 1 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 with the Average Daily Traffic by 601 trips on Massard Road. Please refer to the traffic information provided on page 7 of 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 sanitary sewer extensions will be required. Plans have been submitted to the city's Utility Department for review.**
- 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 Tuesday, March 25th, 2014, at 5:30 p.m. at the Fort Smith Public Library Main Branch at 5:30 P.M. No neighboring property owners attended the meeting.

The enclosed 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)

Attached

- 2. Address of property: *Not Currently Addressed*

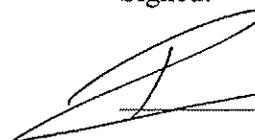
- 3. The above described property is now zoned: *No Current Zoning*

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

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

A PZD classification is requested to accommodate a mixed use development that doesn't fit into existing UDO classifications.

Belm, LLC
Bryan Woodruff
 Owner or Agent Name
 (please print)

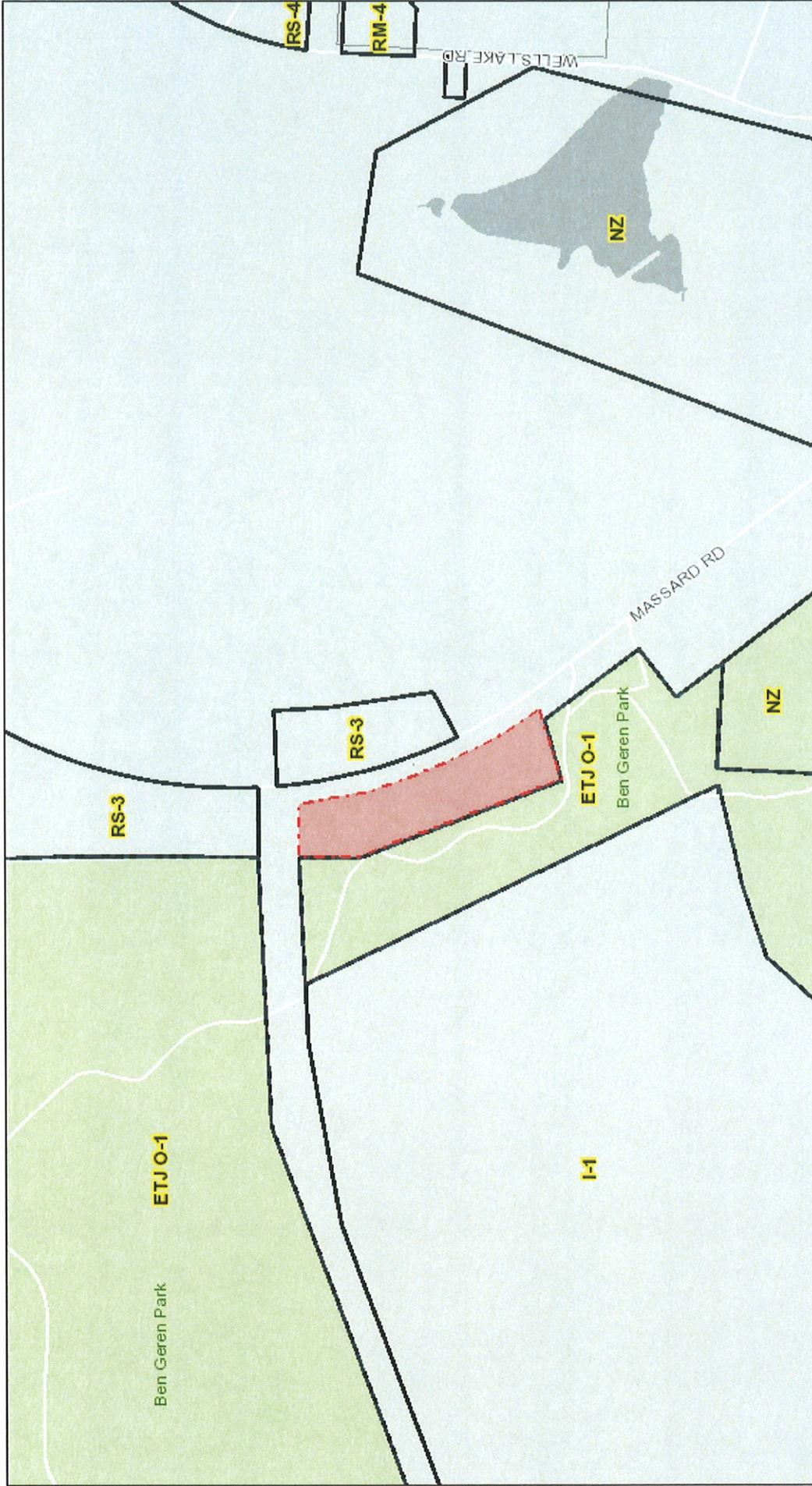
Signed: 
 Owner

 Owner or Agent Mailing Address

or

 Agent

Rezoning #10-4-14: From Not Zoned to Planned Zoning District (PZD) 7900 Massard Road



March 20, 2014

Fort Smith City Limits

Zoning

Subdivisions

FT

Memo

To: City Planning Commission

From: Planning Staff

Date: March 26, 2014

Re: Development Plan Review - A request by Stuart Ghan, agent for Doris J. Mays, for Planning Commission consideration of a Development Plan request to develop a neighborhood store located at 3715 Mussett Road

PROPOSED DEVELOPMENT PLAN

The proposed development plan and companion variance application will allow a neighborhood store (Dollar General) to be located at the northwest intersection of Spradling Avenue, North 6th Street, and Mussett Road.

LOT LOCATION AND SIZE

The subject property is on the west side of Mussett Road northwest of the intersection at Spradling Avenue and Mussett Road. The tract contains an area of 0.926 acres with approximately 300 feet of street frontage along Mussett Road and 140 feet of street frontage along Spradling Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light (C-2) and is developed as vacant storage shop.

The area to the east is zoned Commercial Light (C-2) and is developed as a self service car wash.

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and is developed as a church.

The areas to the west are zoned Residential Multi-family Medium Density (RM-3) and are undeveloped and developed as a duplex.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress to the development is provided by two 40’ driveways on Mussett Road.

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.

Right-of-way dedication – A 10’ right-of-way dedication on Spradling Avenue is required as well as 25’ radius dedications at the intersections of Spradling Avenue and Mussett Road intersection and Mussett Road and Irving Street. The development plan provides these dedications.

5B

Landscaping – The plan shows 1,800 s.f. of interior parking lot landscaping and a 10’ wide perimeter/parking lot screening landscaping strip along Spradling Avenue, Mussett Road and Irving Street. A final landscaping plan must be submitted upon submittal of construction plans for a building permit. A companion variance application has been submitted requesting a variance from 10’ to 4’ width of the perimeter landscaping adjacent to Irving Street to accommodate the dumpster area.

Screening – The development plan proposes a new wood privacy fence adjacent to the western undeveloped alley to screen the development from the adjacent residential area.

Parking – The UDO requires 37 parking spaces. The development will have 35 total parking spaces. A companion variance application has been submitted requesting a variance from 37 parking spaces.

Signage – The development plan shows a 50 s.f. standard Dollar General sign that is proposed as a monument or pylon sign. Either type will comply with the UDO signage requirements for commercial zones.

Lighting – The site plan shows that the fixtures to be installed will not create light trespass on adjacent properties. It further states that the fixtures to be installed will be shielded to prevent light trespass. Security lighting is also proposed on the building. Final plans must provide details showing that these fixtures will be shielded.

Architectural features – A corner entrance will face Mussett Road and Spradling Avenue. The facades of the building will be covered with split face concrete masonry units on more than 51% of the facades in compliance with the UDO architectural design standards for commercial development.

Height and Area – The height and area for the development complies with the UDO.

Sidewalks - A 5’ sidewalk is proposed adjacent to Irving Street and Spradling Avenue. There is an existing sidewalk adjacent to Mussett Road.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday March 27th, 2014, at 4611 Rogers Avenue. Five people 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 application contingent upon the following.

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than described in this section will require Planning Commission approval.
2. Approval of the companion variance application.
3. A final landscape plan shall be submitted for review and approval upon submittal of construction plans for a building permit.
4. A final lighting plan shall be submitted for review and approval upon submittal of the construction plans for building permit.

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

*General Benjamin Bonneville Addition
Block 13, Lot 6A*

2. Address of property: 3715 Mussett Rd

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

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

Yes _____ No _____

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

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

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

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

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

C-2, R1-3
Housing, retail, churches on surrounding properties

8. Total acreage of property 0.926 acres

Signed:

Stuart Ghan

Owner or Agent Name

(please print)

4611 Rogers Ave Ste 201

Fort Smith, AR 72903

Owner or Agent Mailing Address

(479) 226-2626

Owner or Agent Phone Number

Owner

or

Stuart Ghan
Agent

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4611 Rogers Avenue

Meeting Time & Date 1:00 3~~rd~~ 27-14

Meeting Purpose REZ, VAR, DEV for 1701 Grand Ave

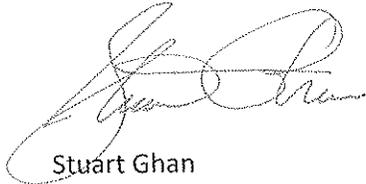
<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. <u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>479-784-2241</u>
2. <u>Sabina Cruz & Cristopher Cruz</u>	<u>1818 North Hst</u>	<u>479-431-7640</u>
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Neighborhood Meeting

RE: Dollar General Spradling and Mussett Rd

The meeting had an attendance with around five people. Nothing was brought up in opposition. Most questions had to do with how the planning process works and general questions about what the building was going to look like, and how the site was going to layout.

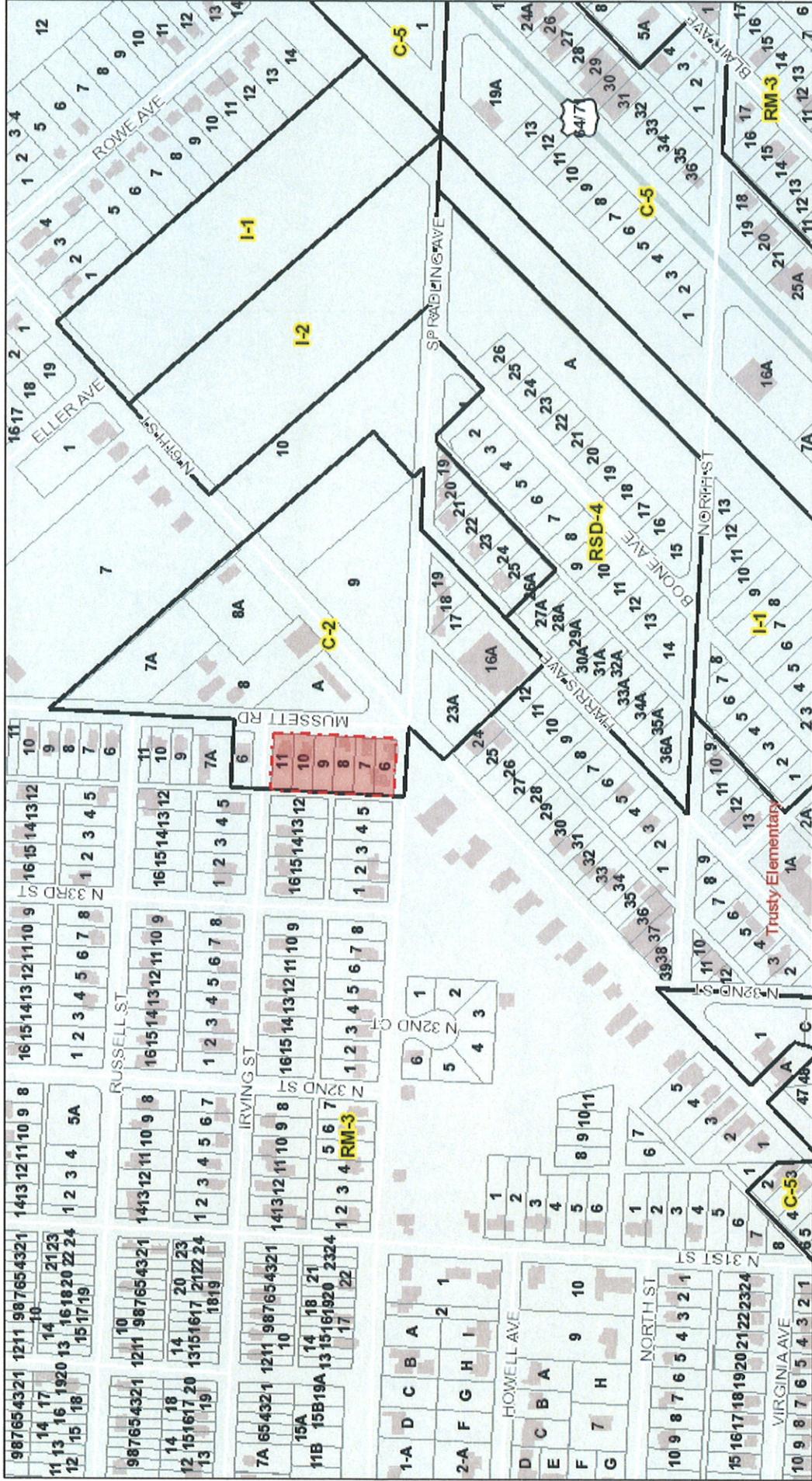
Please see attached attendance list.



Stuart Ghan

Development Plan Review: Neighborhood Store

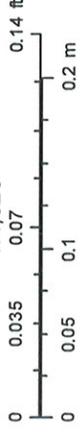
3715 Mussett Road



March 14, 2014

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

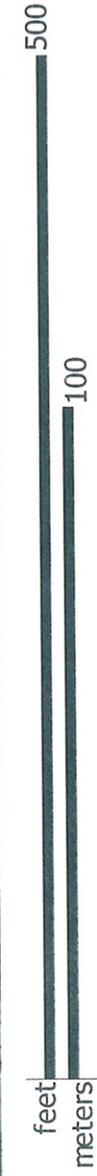
1:4,028

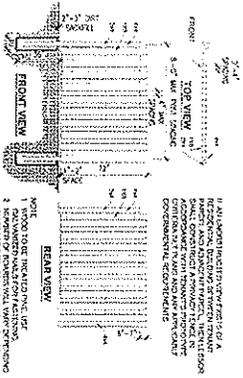


5H



Aerial view of proposed location for Dollar General





2 TYPICAL SIGNAGE (BY DOLLAR GENERAL)

- LANDSCAPE AREAS (See Separate Landscape Plan)**
- AREA 1 - 5 SF OF LANDSCAPE FOR EACH 100 SF OF VERTICAL SURFACE AREA
 - AREA 2 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 3 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 4 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 5 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 6 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 7 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 8 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 9 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 10 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 11 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 12 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 13 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 14 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 15 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 16 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 17 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 18 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 19 - 1,120 SF REQUIRED INTERIOR LANDSCAPE
 - AREA 20 - 1,120 SF REQUIRED INTERIOR LANDSCAPE

3 LANDSCAPE CALCULATIONS

VARIANCE REQUESTS

EXISTING VERTICAL SURFACE AREA: _____

NUMBER OF PER STREET PARKING SPACES: _____

PROPOSED LANDSCAPE SURFACE (SEE DRAWINGS): _____

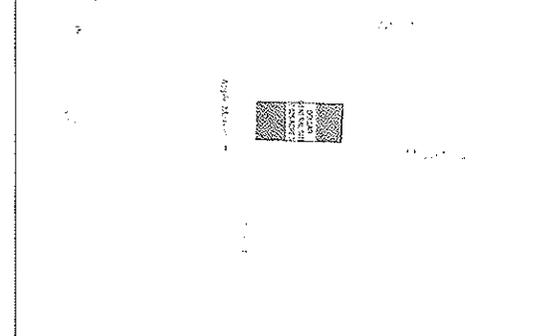
CHART PER 27-331-4 PARAGRAPH X

NO.	DESCRIPTION	PER 100 SF	PER 100 SF
1	TOTAL NUMBER OF EXISTING TREES	NOT APPLICABLE	NOT APPLICABLE
2	REPLACEMENT TREES TO BE PLANTED	NOT APPLICABLE	NOT APPLICABLE
3	GROSS FLOOR AREA PER FLOOR	9,214.531	9,214.531
4	TOTAL NUMBER OF TREES TO BE PLANTED	9,214.531	9,214.531
5	NUMBER OF TREES TO BE PLANTED PER FLOOR	9,214.531	9,214.531
6	NUMBER OF TREES TO BE PLANTED PER FLOOR	9,214.531	9,214.531
7	NUMBER OF TREES TO BE PLANTED PER FLOOR	9,214.531	9,214.531

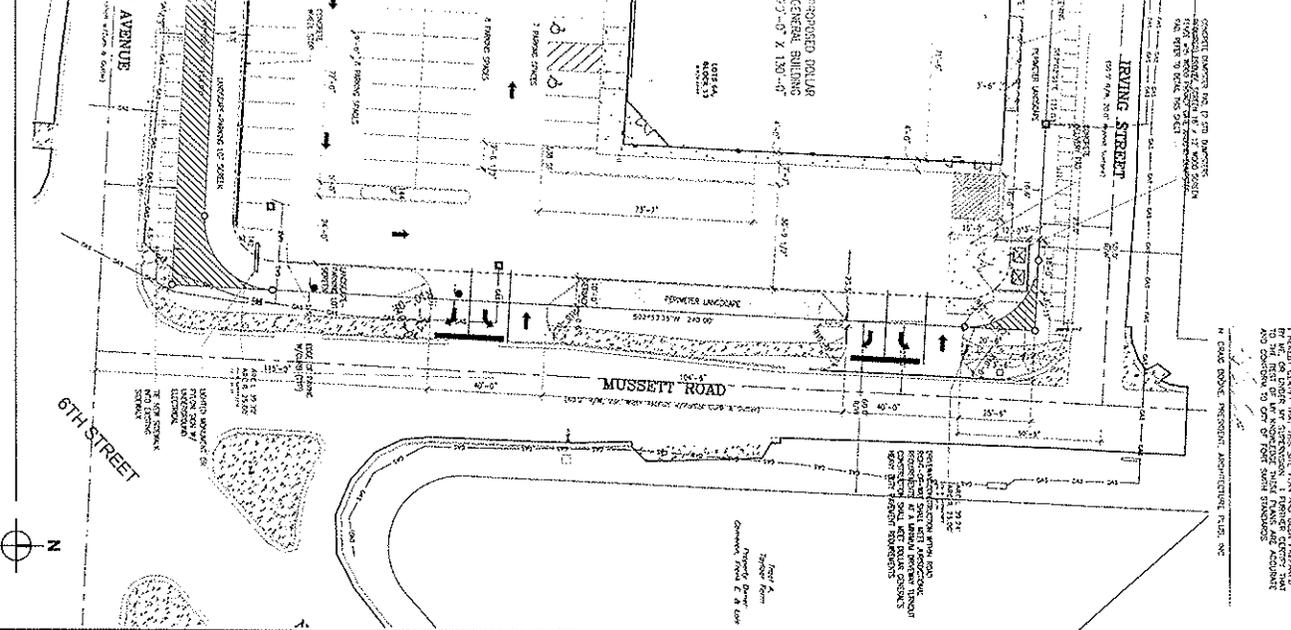
PROPOSER: DOLLAR GENERAL, INC.
PROJECT: DOLLAR GENERAL STORE #1317
ADDRESS: 1317 MUSSETT ROAD, FORT SMITH, ARKANSAS 72204
DATE: 03/10/2014
SCALE: AS SHOWN
DESIGNED BY: JACOB DAVIS
CHECKED BY: JACOB DAVIS
DATE: 03/10/2014

- 27-331-4. CONSTRUCTION AND OUTDOOR LIGHTING**
- REQUIREMENTS FOR CONSTRUCTION AND OUTDOOR LIGHTING:
1. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 2. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 3. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 4. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
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 11. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 12. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 13. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
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 17. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 18. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 19. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.
 20. CONSTRUCTION SHALL BE COMPLETED WITHIN THE 90 DAY PERIOD OF THE PERMIT.

VICINITY MAP



SITE PLAN / DEVELOPMENT PLAN



ARCHITECTURE PLUS, INC.
 807 South 21st Street Fort Smith, Arkansas 479/763-6395

WESTBROOK DEVELOPMENT, L.L.C.

DOLLAR GENERAL
 2012 PROTOTYPE PLAN - F - 150 SF
 MUSSETT ROAD & SPRADLING STREET
 FORT SMITH, ARKANSAS

CITY DEVELOPMENT - PRELIMINARY

DATE: 03-10-2014
 SCALE: AS SHOWN

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Variance #11-4-14 - A request by Stuart Ghan, agent for Janice & John Moir, Donna & Larry Lomax & Pat McGowan for Board of Zoning Adjustment consideration of a zoning variance request from: 1) 30 feet to 9 feet rear yard setback; 2) from 200 feet to 170 feet minimum distance between adjacent driveways; 3) from the screening requirement for mechanical equipment (scissor lift); 4) from 43 to 38 minimum number of parking spaces located at 1701 Grand Avenue

REQUESTED VARIANCE

The requested variances will facilitate the development of a neighborhood store (Dollar General Plus) at 1701 Grand Avenue. The new store will be the prototype for Dollar General Plus stores in the Fort Smith area and will sell the normal items sold at the stores plus produce.

LOT LOCATION AND SIZE

The subject property is on the north side of Grand Avenue between North 17th Street and North 18th Street. The tract contains an area of 0.87 acres with approximately 300 feet of street frontage along Grand Avenue and 140 feet of street frontage along North 17th Street.

REQUESTED ZONING

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

Purpose: _____

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

6A

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family homes and duplexes.

The area to the east is zoned Transitional (T) and is developed as a single family residence.

The areas to the south are zoned Residential Multi-family High Density (RM-4) and Commercial Light (C-2) and are developed as single family residences.

The areas to the west are zoned Commercial Light Special (C-2-SPL) and are undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Grand Avenue as a Major Arterial and North 17th Street as a local road.

LB

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood. This classification is intended to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The land use is intended to be located within neighborhood areas and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum of detriment, hazard, or inconvenience to surrounding residential development. Approval of the zone change will not conflict with the goals and objectives of the Unified Development Ordinance. A companion rezoning and development plan applications have been submitted for Planning Commission review.

APPLICANT HARDSHIP

The applicant states the following hardships:

Rear yard setback from 30' to 9' – The applicant states that without the variance, he will not have use of the property. He states that the proposed 9' setback plus the existing alley and proposed 6' privacy fencing will shield the single-family residential from the building and the security lighting proposed along the back of the building.

Minimum Distance from Adjacent Driveways from 200' to 170' – The applicant states that the width of the lots create a hardship to comply with the minimum distance requirement. To help mitigate any concerns regarding the separation, the applicant states that the proposed westerly driveway will be utilized as ingress only.

Variance to Eliminate Screening for Proposed Scissor Lift (Mechanical Equipment) - The applicant states that the hardship exists because the lift has to be in such a position that would allow for delivery from box trucks and semi trucks. Also, the lift needs to be accessed by possibly a couple of different angles due to deliveries. The applicant further states that a hardship also exists because the delivery area is already at Dollar General's lowest tolerance level in width. Screening the lift will further reduce the drive areas.

Minimum Parking Space Requirement from 43 to 38 - The applicant states that the minimal reduction in parking spaces will not affect the parking due to the nature of the development. The applicant states that most Dollar General customers do not spend a lot of time shopping in the store, stating it is similar to shopping at a convenience store. Furthermore, he states that due to the widening of Grand Avenue and all of the residential development abutting the lots adjacent to Grand Avenue it only allows for a 70' lot depth for which a developer to work with for the building sites.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, March 27, 2014 at 1:00 at 4611 Rogers Avenue. Two people were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are included with the zoning application.

6C

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

Staff has reviewed the variance requests and has no objections.

If the BZA considers approving the requests, staff recommends the following conditions:

1. All construction must be built in accordance with the submitted Development Plan.

INTER-OFFICE MEMO

CITY OF FORT SMITH

ENGINEERING DEPARTMENT

TO: Tyler Miller

CC: Tom Monaco, Bill Striplin

FROM: DON CHAVIS

DATE: April 4, 2014

SUBJECT: Planning Item for 1701 Grand Avenue / Variance Application

1. We have no objection to the variance application for the driveway separation.

6E

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 1701 Grand Ave, Existing or Proposed

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

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

<u>FROM</u>		<u>TO</u>	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
_____	-	_____	Interior Side Yard Setback
<u>30'</u>	-	<u>9'</u>	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
<u>200'</u>	-	<u>170'</u>	Other: <u>Minimum Distance between adjacent drive ways</u>
<u>43</u>	-	<u>38</u>	Other: <u>Minimum Parking Spaces Required</u>

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

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

Signed:

Stuart Ghan

Owner or Agent Name (please print)

Owner

(479) 226-2626

Owner or Agent Phone Number

4611 Rogers Ave Ste 201
Fort Smith, AR 72903

Owner or Agent Mailing Address

or
Stuart Ghan
Agent

Variance # _____

66

VARIANCE INFORMATION FORM

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

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

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

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

6H

Explanation of question #4

The unique circumstances that this lot presents that requires these three variances are the size of the lot and the newly changed requirement of a 30' set back on Single Family Residential or land currently being used as single family residences.

The rear yard setback mentioned above is not as severe as it may seem due to the fact we have another 18' of alley way past our current set back of 9'. Currently the residences behind what would be the site, is mixed use as single family and multi-family. With the privacy fencing going up and the shielding of any security lighting along the back of the building, the building should have minimal effect past the property line into the alley. It should also be noted that the zoning behind the site in review is completely T-1 and according to the master plan, intentioned for a "Commercial Neighborhood".

Due to the width of the lot we will be requesting a variance in drive separation. I hope that since we will be using one ingress/egress (to the west) as strictly an entrance and not an exit, it will mitigate any concerns regarding have to drives under the minimum separation for a Major Arterial Road (200ft min).

The last variance request for parking spaces under the minimum required by the UDO is due strictly to the size and our decision to not use the alley way as a turn-around area in the customer area of the parking lot (East of the entrance). I feel that due to Dollar General only requiring 35 spaces for a standard DG Plus prototype, that there should be minimal if any problems with regards to parking at this location.

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

The change in the 30' setback requirement is a hardship that I think should be allowed due to the extra 18 feet of alleyway we have between the site and any property behind us. Meaning effectively we are asking for a reduction from 30' to 27' if the alley was counted.

The distance between drive presents a problem due to how parking is laid out and how we had to position the building due to the depth of the lot. Add to that the width of the drives themselves to accommodate deliveries from semi-trucks, it was all we could do to get the 170' we have currently.

I believe that with the type of business that is going to be conducted at Dollar General, people do not spend copious amounts of time shopping and more or less the shopping experience is more akin to a convenience store. Meaning below minimum parking spaces should not pose a problem.

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

The only thing I consider that maybe a special condition/requirement for this site is the new requirement of the 30' setback with regards to single family zoning or land being currently used for single family residences. I believe I understand the purpose of the requirement, but also feel that there may be situations currently and in the future that it may have some unintended consequences.

First being the fact that we back up to T-1 zoning which requires only a 10' setback which is completely understandable, but there is nothing stopping the houses behind this site in becoming duplexes or

67

Miller, Perry

From: Stuart Ghan [stuart@rhghan.com]
Sent: Wednesday, April 02, 2014 2:18 PM
To: Miller, Perry
Subject: RE: Hardship for Variance (Scissor Lift)

The hardship exists, because the lift has to be in such a position that would allow for delivery from box trucks and semi trucks. Also, the lift needs to be accessed by possibly a couple of different angles due also due to deliveries. Another reason there is a hardship is that the delivery area is already at Dollar General's lowest tolerance level in width and I am concerned that any further takeaway from the drive areas due to screening this lift will cause a hardship.

Stuart W. Ghan

Principal Broker
R. H. Ghan Property Management
4611 Rogers Ave Suite 201
Fort Smith, AR 72903
P 479-478-6161
F 479-478-6160

From: Miller, Perry [<mailto:PMiller@FortSmithAR.gov>]
Sent: Wednesday, April 02, 2014 12:54 PM
To: Stuart Ghan
Cc: Andrews, Brenda
Subject: Hardship for Variance (Scissor Lift)

Stuart,

The application for 1701 Grand Avenue does not have the hardship listed for the variance about screening the scissor lift. You can explain the hard ship through his e-mail and we will add it to the application.

We will need this for the Planning Commission packet.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

multi-family domiciles (which some are now) in the future, rendering what maybe a requirement now, obsolete for this particular site.

Secondly, the depth of many sites up and down Grand Ave, have depth as an issue. With this 30' setback requirement and the 25' setback from the front required of C-2 or higher, causes a smaller area in which to place a building. For this site alone if our variance were to be denied, it would only allow for around 70' of depth with which to work.

Last, with the master plan in place showing full intentions of being a commercial corridor, I feel that the 30' setback should be looked at with regards to validity for not only our development, but possible future businesses that wish to be on Grand Ave.

6K

Grand Variance Request

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 variance by application do hereby authorize Stuart Gray 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. Donna Lomax

Donna Lomax

2. Larry Lomax

Larry Lomax

3. JANICE MOIR

JANICE MOIR

4. JOHN MOIR

JOHN MOIR

5. PAT MCGOWAN

PAT MCGOWAN

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

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

WESTBROOK DEVELOPMENT, LLC

March 7, 2014

RE: Notice of Neighborhood Meeting regarding a Development Plan, Variance Request, and Rezoning (Grand Ave)

To whom it may concern:

You are receiving this letter due to the fact that your property is located within 300ft of a planned development at 1701 Grand Ave between 17th and 18th Street. The development will be a brand new Dollar General.

A neighborhood meeting will be held at my office at R.H. Ghan Commercial Properties at 4611 Rogers Ave Suite 201 here in Fort Smith, on March 27th, 2014 from 1:00 p.m. to 1:30 p.m. for any questions, comments, or concerns.

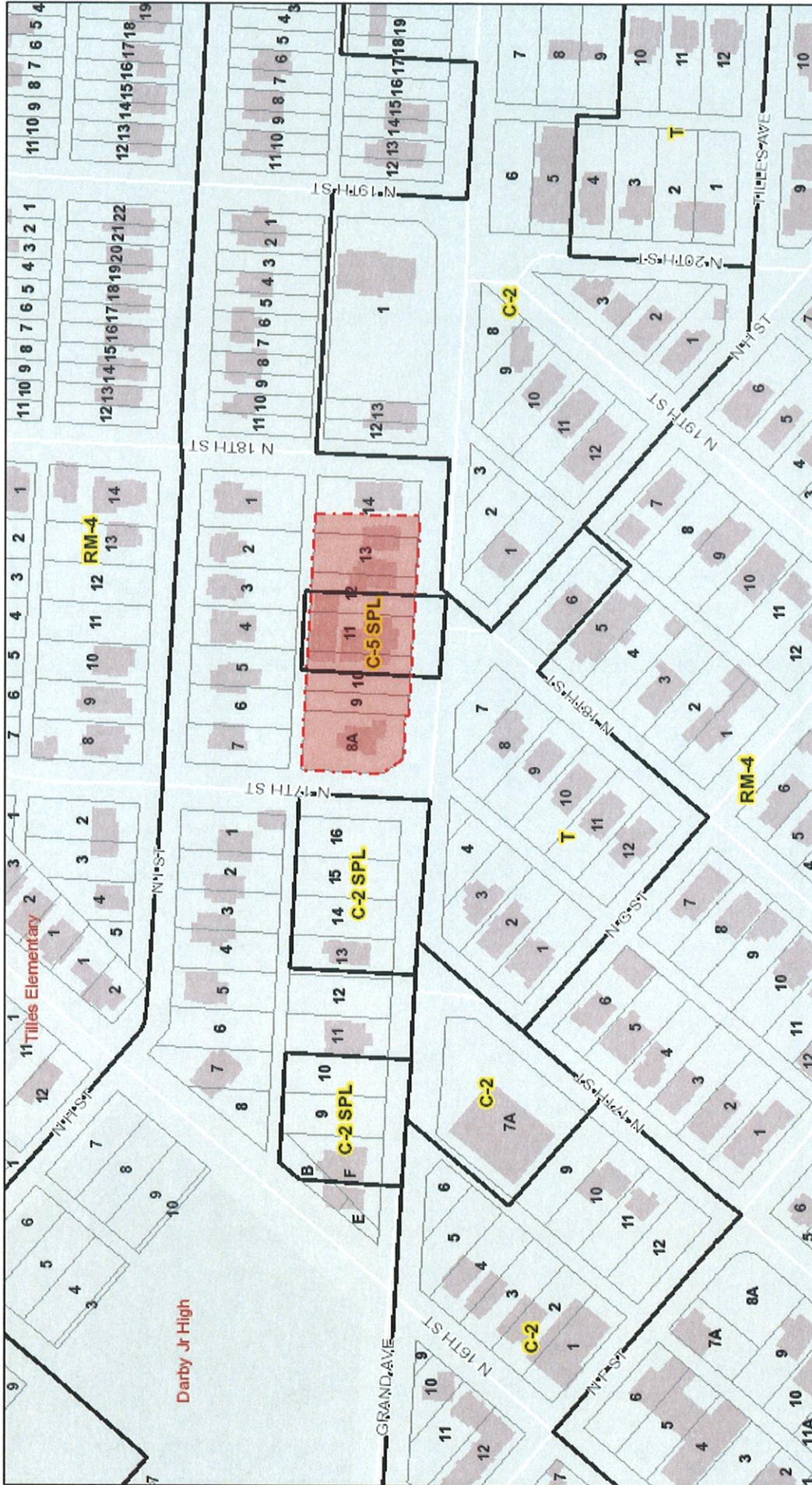
Sincerely,

A handwritten signature in black ink, appearing to read "Stuart W. Ghan". The signature is fluid and cursive, with the first name "Stuart" and last name "Ghan" clearly distinguishable.

Stuart W. Ghan
Westbrook Development, LLC

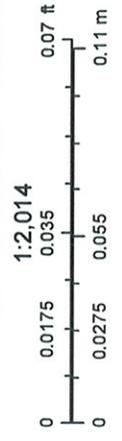
6M

Variance #11-4-14: Four (4) variances 1701 Grand Avenue



March 20, 2014

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



22

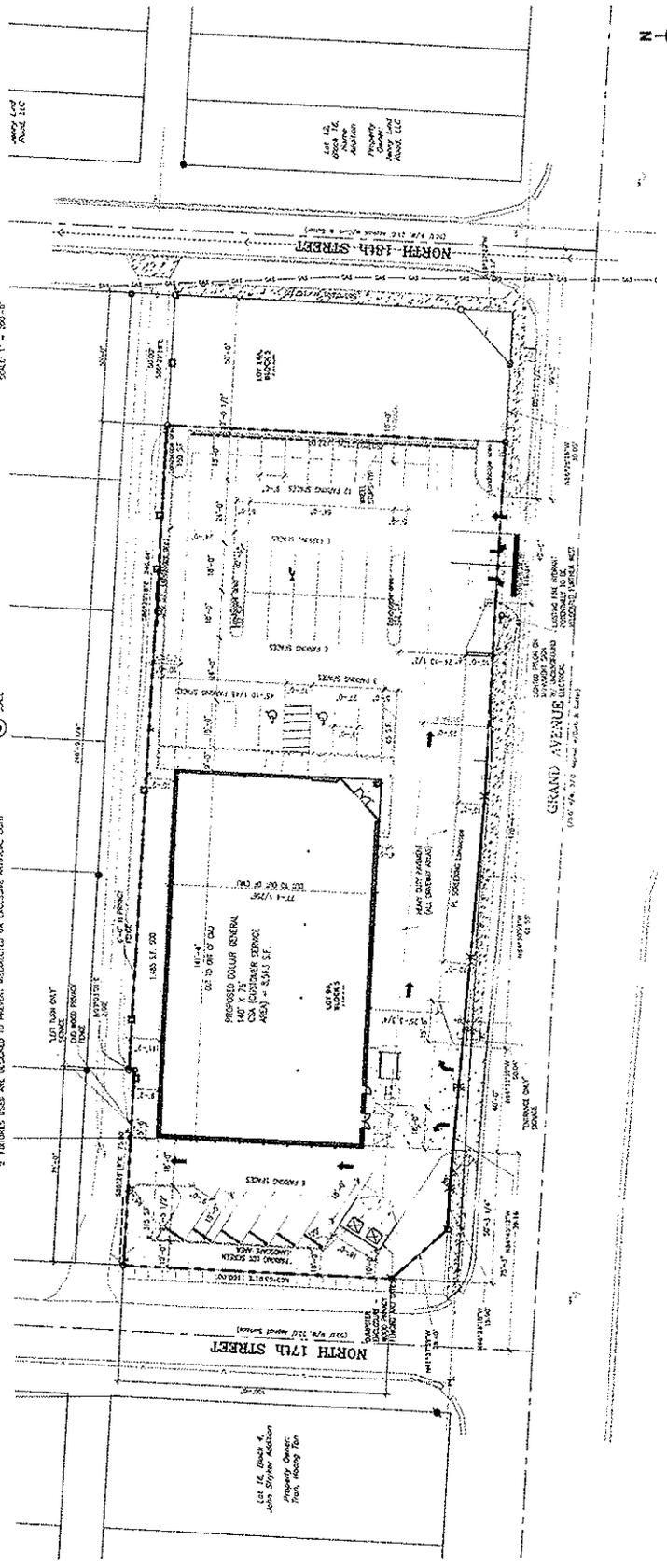
ARCHITECTS - MEMBERS
A-1

PROJECT: 13-17-09
DATE: 03-05-2013

ARCHITECTURE PLUS, INC.
207 SOUTH 21st STREET, SUITE 100, MEMPHIS, TN 38104-3300
PHONE: 901-521-1100
FAX: 901-521-1101
WWW.ARCHITECTUREPLUS.COM

WESTBROOK DEVELOPMENT, LLC
SITE PLAN/DEVELOPMENT PLAN

DOLLAR GENERAL
2012 PROJECT PLAN # 10-243-01
GRAND AVENUE AND NORTH 17TH STREET

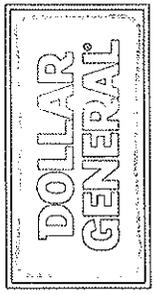


VICINITY MAP
SCALE: 1" = 200'-0"

TYPICAL PRIVACY FENCE
TRASH ENCLOSURE AT ALLEYWAY



TYPICAL SIGNAGE (BY DOLLAR GENERAL)



1. ISSUES CHECK: THAT THIS SITE PLAN HAS BEEN PREPARED BY THE ARCHITECT OR ANOTHER PROFESSIONAL ENGINEER OR ARCHITECT AND CONFORMS TO CITY OF MEMPHIS STANDARDS.

2. CONCERN: PRESIDENT, ARCHITECTURE PLUS, INC.

CHART PER 27-331-4 PARAGRAPH X

1. TOTAL NUMBER OF SPACES TO BE PROVIDED	103
2. REQUIRED NUMBER OF SPACES PER USE	103
3. EXCESS SPACES TO BE PROVIDED	0
4. TOTAL NUMBER OF OFF-STREET PARKING SPACES REQUIRED (0.513 SF. C.S.A.)	43
5. SPACES PROVIDED	43
6. SPACING COMPLIANT	YES
7. USES BY FLOOR	SEE SUBMITTALS

LANDSCAPE REQUIREMENTS - SEE SEPARATE LANDSCAPE PLAN

21874 sq. ft. (vehicle use area) / 100 sq. ft. = 218.74

Interior landscape spaces: max. of 84 sq. ft.

Exterior landscape spaces: 132 sq. ft. + 132 sq. ft. + 0 sq. ft. + 0 sq. ft. + 130 sq. ft. + 315 sq. ft. = 534 sq. ft.

VARIANCE REQUESTS

27-602-5 COMMERCIAL AND OUTDOOR LIGHTING

EXISTING WELL LIGHT FIXTURES MEET THE REQUIREMENTS PER 27-602-5.

27-602-5 COMMERCIAL AND OUTDOOR LIGHTING

1. THESE FIXTURES ARE SHIELDED

2. FIXTURES ARE EQUIPPED WITH AUTOMATIC DIMMING DEVICES

3. N/A - NO SHROUD DIRECTIVE LIGHT DEVICES

4. N/A - NO SHROUD DIRECTIVE LIGHT DEVICES

5. ALL OUTDOOR LIGHTING ARE SHIELDED LIGHT FIXTURES

6. N/A - THERE ARE NO RECREATION TRAIL FIXTURES

7. N/A - THERE ARE NO RECREATION TRAIL FIXTURES

8. N/A - THERE ARE NO RECREATION TRAIL FIXTURES

9. N/A - THERE ARE NO RECREATION TRAIL FIXTURES

10. N/A - THERE ARE NO RECREATION TRAIL FIXTURES

LANDSCAPE CALCULATIONS

1. TOTAL VEHICLE USE AREA: 21874 sq. ft.

2. INTERIOR LANDSCAPE SPACES: 84 sq. ft.

3. EXTERIOR LANDSCAPE SPACES: 534 sq. ft.

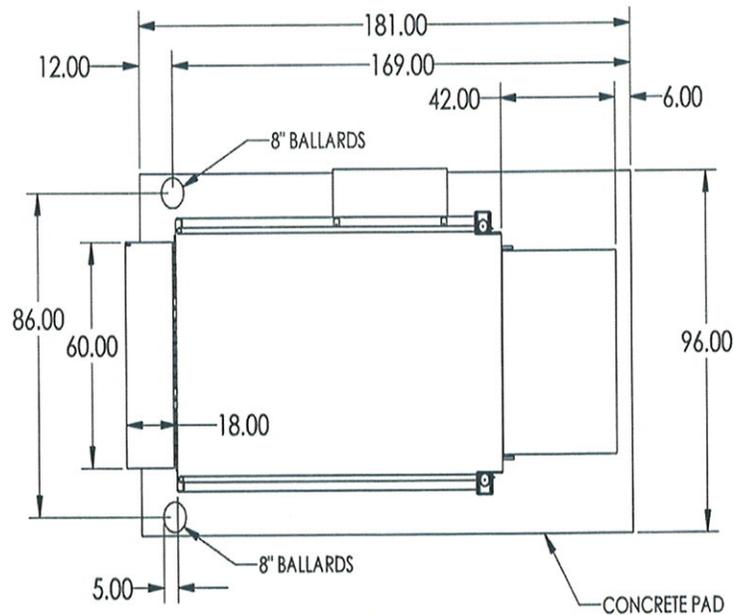
4. TOTAL LANDSCAPE SPACES: 618 sq. ft.

Mechanical Equipment (Scissor Lift)

DOLLAR GENERAL DOCK LIFT

ADVANCE LIFTS MODEL 68610DG

- Advance Lifts Model 68610DG surface mounted dock lift
- Capacity: 8,000lb
- Platform: 6'x10'
- Special: Pedestal mounted pushbutton with key lockout
- Unit to be painted Safety Yellow



6P

Memo

To: City Planning Commission

From: Planning Staff

Date: March 26, 2014

Re: Variance #12-4-14 - A request by Stuart Ghan, agent for Doris J. Mays, for Board of Zoning Adjustment consideration of a zoning variance request from 37 to 35 minimum number of parking spaces and from 10 feet to 4 feet minimum width of perimeter landscaping located at 3715 Mussett Road (Companion to item #6)

REQUESTED VARIANCE

The proposed development and variance applications if approved will allow for a neighborhood store (Dollar General) to be located north of the intersection at Spradling Avenue, North 6th Street, and Mussett Road.

LOT LOCATION AND SIZE

The subject property is on the west side of Mussett Road northwest of the intersection at Spradling Avenue and Mussett Road. The tract contains an area of 0.926 acres with approximately 300 feet of street frontage along Mussett Road and 140 feet of street frontage along Spradling Street.

EXISTING ZONING

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

Purpose:

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

7A

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light (C-2) and is developed as vacant storage shop.

The area to the east is zoned Commercial Light (C-2) and is developed as a self service car wash.

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and is developed as a church.

The areas to the west are zoned Residential Multi-family Medium Density (RM-3) and are undeveloped and developed as a duplex.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Mussett Road as a Residential Collector and Spradling Avenue as a Major Collector.

7B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Commercial Neighborhood Compatible. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the variance will not conflict with the goals and objectives of the Unified Development.

APPLICANT HARDSHIP

The applicant states that due to the required right-of-way dedication, the site will require the two variances. Also, the applicant believes that the variances are minor in nature. The 4 feet landscaping strip variance will only affect the Musset Road frontage adjacent to the dumpster enclosure. The parking variance is to allow two parking spaces less than required by the UDO. The applicant states that this should not affect the parking at this site because the clientele base is usually at the store no longer than 10-15 minutes.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday March 27th, 2014, at 4611 Rogers Avenue. Five people were present at the neighborhood meeting. There were no objections to the proposed project or explain the objections. A copy of the attendance record and meeting summary are enclosed.

Staff Comments

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

Staff has reviewed the requested variances and has no objections.

Staff recommends approval of the application contingent upon the following.

1. All construction must be built in accordance with the submitted Development Plan.

7C

Var. # 12-4-14

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 3715 Mussell Rd, Existing or Proposed

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

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

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign

37' - 35 Other: Minimum amount of parking spaces
10' - 4' Other: Minimum perimeter landscaping setback (Dumpster area)

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

RD

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

Signed:

Stuart Chan
Owner or Agent Name (please print)

Owner

(479) 226-2626
Owner or Agent Phone Number

or
Stuart Chan
Agent

4611 Rogers Ave Ste 201
Owner or Agent Mailing Address
Fort Smith, AR 72903

Variance # _____

7E

VARIANCE INFORMATION FORM

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

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

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

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

7F

Explanation of question #4

The unique circumstances that this lot presents that requires these two variances are the size of the lot and the required right of way expansion on Spradling Ave that was requested.

The extra 10 feet requested to expand the Spradling Ave right of way caused a shift in the site plan 10ft to the north. This affected the dumpster enclosure, pushing it into the perimeter landscaping. With 4ft being left over, I don't see a problem in planting enough desert grass to still provide acceptable perimeter landscaping.

The size of the lot and the ability for trucks to deliver to the store caused a shortage in parking according to the UDO codes. Dollar General only requires 30 parking spaces for a 9,100 square foot prototype. Therefore, with the project being short only 2 spaces per UDO and 5 extra spaces that what the tenant requires for a standard project, I don't foresee any issue.

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

Other than requiring more parking than needed and an unexpected request to widen the right of way on Spradling Ave, there really aren't any further hardships that are of concern in the C-2 zoning.

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 that I am aware.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4611 Rogers Ave

Meeting Time & Date 3-27-14

Meeting Purpose Development plan 3rd Version

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2241</u>
2.	<u>James Gibson</u>	<u>2903 Blaine</u>	<u>479-783-0867</u>
3.	<u>Jerome Harwood</u>	<u>512 North 40th St.</u>	<u>479-656-4001</u>
4.	<u>Charmaine Harwood</u>	<u>4601 S. W.D.</u>	<u>479-792-2051</u>
5.	<u>Tom Nguyen</u>	<u>1905 N 47th St</u>	<u>479-831-7587</u>
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

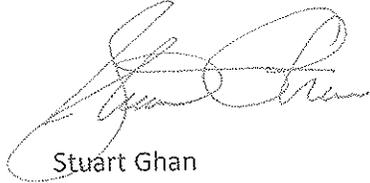
7H

Neighborhood Meeting

RE: Dollar General Spradling and Mussett Rd

The meeting had an attendance with around five people. Nothing was brought up in opposition. Most questions had to do with how the planning process works and general questions about what the building was going to look like, and how the site was going to layout.

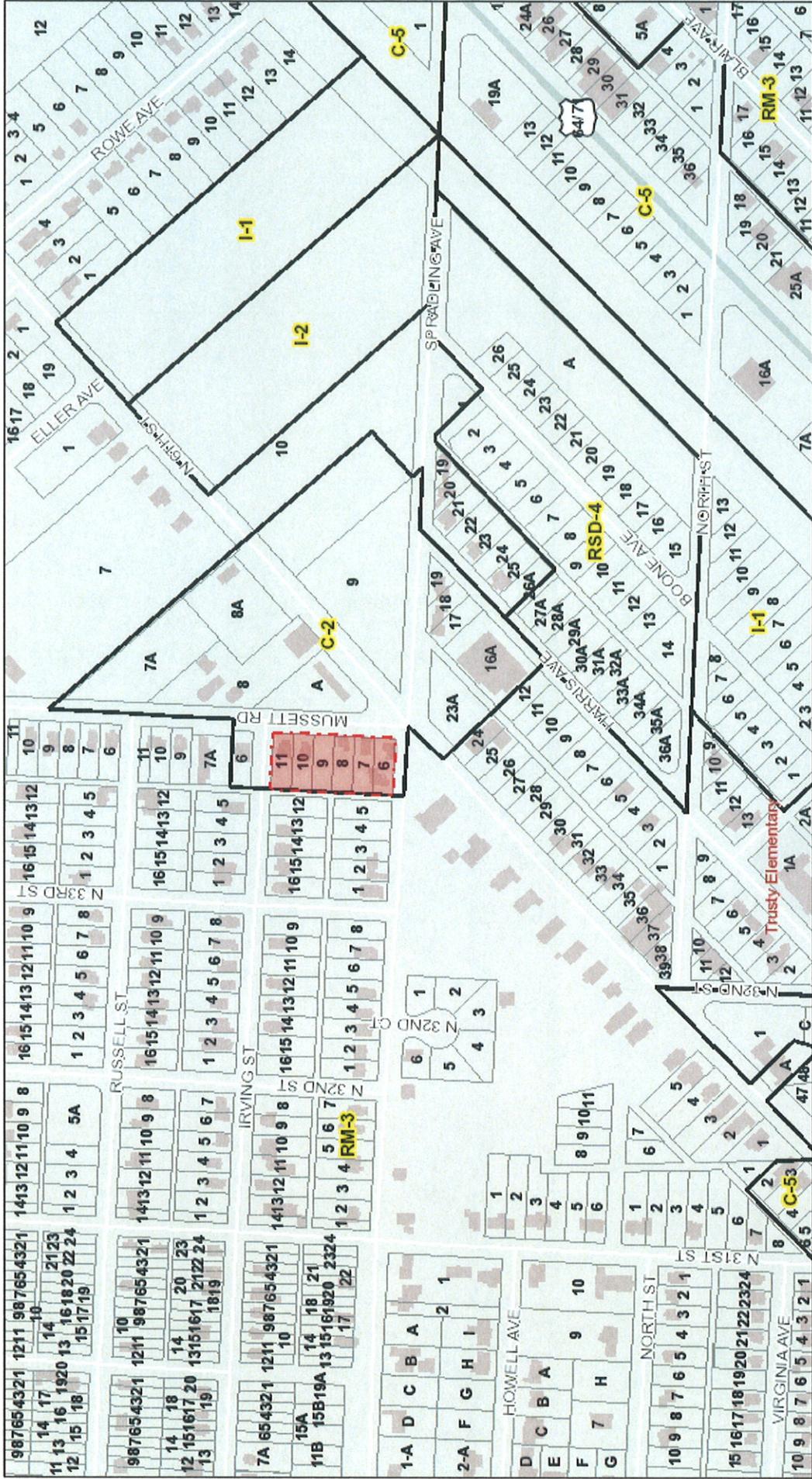
Please see attached attendance list.

A handwritten signature in cursive script, appearing to read "Stuart Ghan".

Stuart Ghan

A handwritten mark in the bottom right corner, consisting of a vertical line on the left, a horizontal line at the top, and a vertical line on the right, forming a shape similar to the number 74.

Variance #12-4-14: From 37 to 35 minimum number of parking & 10' to 4' width of perimeter landscaping 3715 Mussett Road



March 14, 2014

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

[Handwritten signature]

Memo

To: City Planning Commission

From: Planning Staff

Date: March 26, 2014

Re: Variance #13-4-14 - A request by Shaun Wells, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 25' to 8.8' front yard setback and from 7.5' to 7.2' interior side yard setback at 2321 South "T" Street

REQUESTED VARIANCE

The approval of this variance would allow for the construction of a carport on the front of the residence.

LOT LOCATION AND SIZE

The subject property is on the north side of South "T" Street, east of South 23rd Street. The tract contains an area of 0.23 acres with approximately 75 feet of street frontage along South "T" Street.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Medium/High Density (RSD-3).

Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached and duplex 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-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

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

8A

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The areas to the north, east, south and west are zoned Residential Single Family – Duplex Medium/High Density (RSD-3)and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South “T” Street 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.

APPLICANT HARDSHIP

The applicant states his father is in a wheelchair and needs protection from the weather to enter and exit the house. There is no other location on this property to install covered parking.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday March 28, 2014 at 2321 South “T” Street. No neighboring property owners attended the meeting. Enclosed within your packet is a map showing the existing carports encroaching setbacks within the area.

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.

8B

Var. #13-4-14

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 2321 South T., Existing or Proposed

Zoning Classification RSD-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:

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

- | | | |
|-------------|-------------|--|
| <u>FROM</u> | <u>TO</u> | |
| <u>25</u> | <u>8.8'</u> | Front Yard Setback or Minimum Distance from Right-of-Way |
| | | Exterior Side Yard Setback |
| <u>7.5</u> | <u>7.2'</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

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

Signed:

X Shaun Wells
Owner or Agent Name (please print)

Owner

or

783-0969
Owner or Agent Phone Number

Agent

2321 S T ST Fort Smith
Owner or Agent Mailing Address

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

Explanation of question #4 (if applicable)

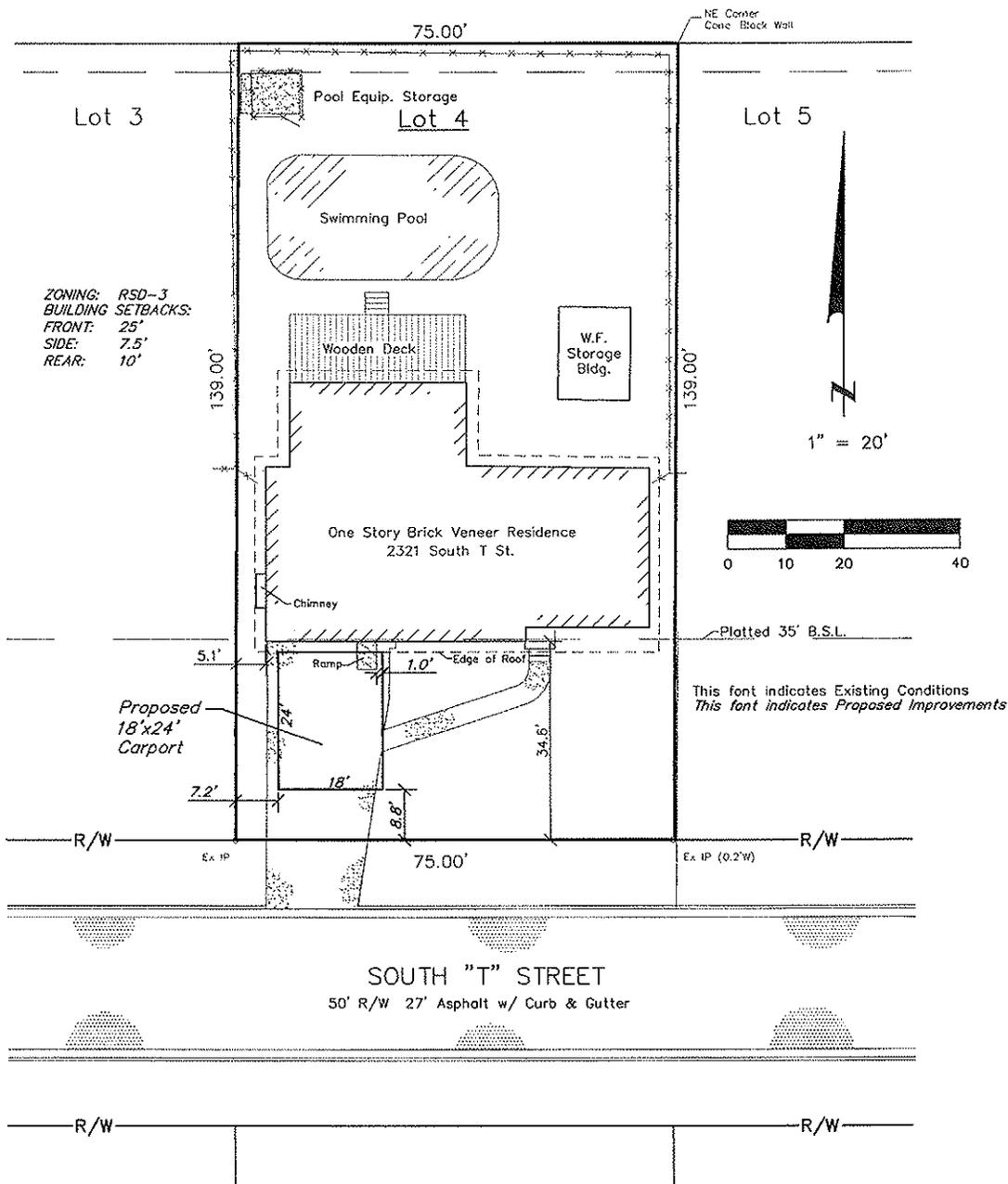
Needed due to the Front yard Set back
of 25'

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

father is in wheelchair needs protection from
weather to enter & exit house. No other location
on this property to install covered parking

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:

handicapped



PROPERTY SURVEY & SITE PLAN
 LOT 4, CRESTWOOD PLACE
 Fort Smith, Sebastian County, Arkansas



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

For: Larry & Shaun Wells
 Date: 03/11/14

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

10453

8H

Existing Carports in the neighborhood 2321 South "T" Street



- March 26, 2014
- Fort Smith City Limits
 - Building Footprints
 - Zoning
 - Subdivisions

8A



85

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Variance #15-4-14 - A request by Ivan Hoffman, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 15 feet exterior side yard setback at 323 South 14th Street

REQUESTED VARIANCE

The approval of this variance will allow for the existing property to be split into two lots. This variance will bring the existing residence into compliance with the zoning code.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of South "C" Street and South 14th Street. The tract contains an area of 0.16 acres with approximately 95 feet of street frontage along South "C" Street and approximately 75 feet of street frontage along South 14th Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

9A

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family residences.

The areas to the east are zoned Transitional (T) and are developed as a duplex.

The areas to the south are zoned Transitional (T) and are developed as multi-family residence.

The areas to the west are zoned Transitional (T) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both South “C” Street and South 14th Street as Local Roads.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use Residential. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The existing house was constructed prior to zoning regulations. Approval of the requested variance will facilitate the house to be platted on a separate lot and eliminate a non-conforming street side-yard setback.

STAFF COMMENTS AND RECOMMENDATIONS

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.

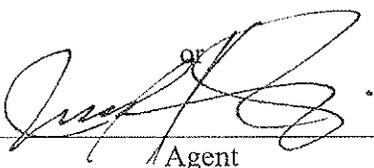
9B

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

Signed:

Ivan L. Hoffman, Jr.
Owner or Agent Name (please print)

479-474-7916
Owner or Agent Phone Number
Hoffman & Associates, Inc.
320 O'Bryan Lane
Van Buren, AR 72956
Owner or Agent Mailing Address

Owner


Agent

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>	APPLIES TO PROPOSED LOT 1 AND LOT 2 EXCEPT AS NOTED
_____	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> X </u>	_____	Is this variance needed because of previous actions taken by a prior owner?
<u> X </u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u> X </u>	Is the lot of an odd or unusual shape?
_____	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u> X </u>	Is any part of the lot in a flood plain or flood way?
_____	<u> x </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? PROPOSED LOT 2 ONLY
<u> X </u>	_____	Is the lot developed with structures in violation of current zoning requirements?
_____	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

9E

Explanation of question #4 (if applicable)

A house fronting South 14th Street (proposed lot 1) and a duplex facing South "C" Street (proposed lot 2) were constructed by a previous owner. The house and duplex are in violation of the current zoning setbacks and based on the age of the house and duplex it is reasonable to believe they were build prior to any zoning regulations. The owner has sold the house separate from the duplex and needs to create 2 lots.

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

The owner has the house at 323 South 14th Street (proposed lot 1) sold. The duplex at 1409 and 1411 are not part of the sale and the owner needs to retain ownership of the duplex. The owner has remodeled the house in order to sale the house. With the present zoning the house and the duplex will need zoning variances before they can be separated into 2 lots. If the proposed variances are not approved the owner will loss the sale of this property.

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

Variance #15-4-14: From 20' to 15' exterior side yard setback 323 South 14th Street



March 17, 2014

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

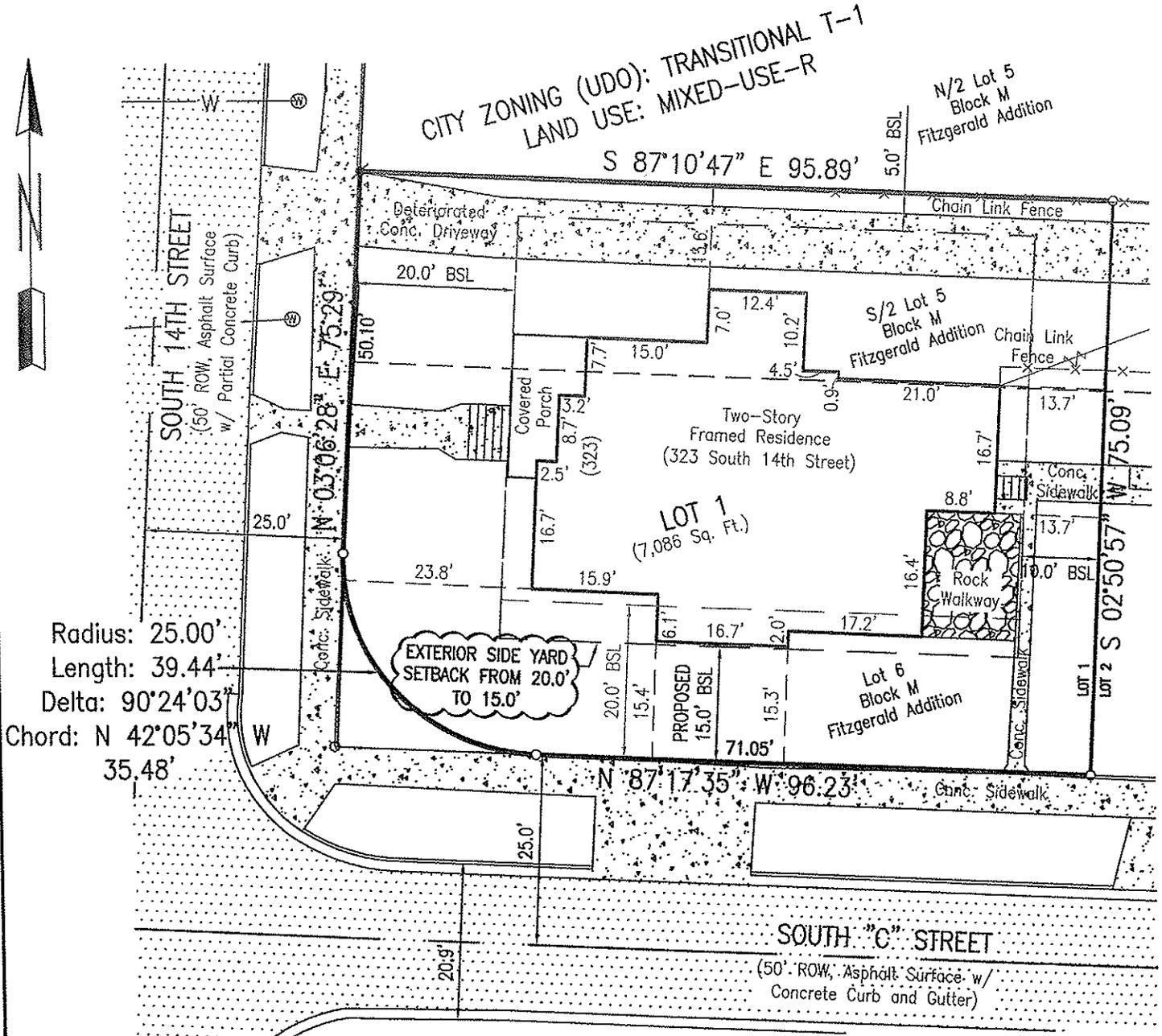
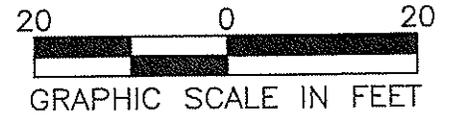
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320 O'Bryan Lane • Van Buren, AR 72956
 Office: 479.474.7916 • Fax: 479.474.2450
 Surveying & Engineering • handa-inc.com



NO.	REVISIONS	DATE	BY

VARIANCE REQUEST

PROPOSED LOT 1, FITZGERALD ADDITION, BLOCK "M", LOT 1 AND 2, A REPLAT OF THE SOUTH 1/2 LOT 5 & ALL OF LOT 6, BLOCK M, FITZGERALD ADDITION, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

JOB NO.:	56176
DATE:	03-07-2014
FIELD DATE:	03-06-2014
JOB TYPE:	EXHIBIT
SCALE:	1" = 20'
DRAWN BY:	HUTSON

GH

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Variance #16-4-14 - A request by Ivan Hoffman, agent, for Board of Zoning Adjustment consideration of a zoning variance request from (A) 1) 5,000 to 3,377 square feet minimum lot area; 2) 50 to 45 feet minimum lot frontage; 3) 10 to 4.3 feet minimum building separation; (B) 1) 20 to 8 feet front yard setback; 2) 5 to 1.6 feet interior side yard setback (to allow for an existing duplex); (C) 1) 10 to 0 feet rear yard setback; 2) 5 to 0.6 feet interior side yard setback (to allow for an existing concrete block accessory structure) at 1409 and 1411 South "C" Street

REQUESTED VARIANCE

The approval of this variance will allow for the existing property to be split into two lots. This variance will bring the existing duplex and storage building into compliance with the zoning code.

LOT LOCATION AND SIZE

The subject property is on the north side of South "C" Street just east of South 14th Street. The tract contains an area of 0.07 acres with approximately 45 feet of street frontage along South "C" Street.

EXISTING ZONING

The existing zoning on this tract is Transitional (T). Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- | | |
|---|--------------------------------|
| Minimum Lot Size – 5,000 square feet | Maximum Height - 35 feet (1+1) |
| Maximum Lot Size – 40,000 square feet | Maximum Lot Coverage - 65% |
| Minimum Lot Width at Building Line – 50 feet | |
| Minimum Street Frontage – 50 feet | |
| Front Yard Setback - 20 feet | |
| Side Yard on Street Side of Corner Lot - 20 feet | |
| Side Yard Setback – 5 feet | |
| Rear Yard Setback - 10 feet | |
| Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code. | |

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Transitional (T) and are developed as single family residences.

The areas to the east are zoned Transitional (T) and are developed as an office.

The areas to the south are zoned Transitional (T) and are developed as multi-family residence.

The areas to the west are zoned Transitional (T) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South “C” Street as a Local Road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Mixed Use Residential. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The existing duplex was constructed prior to zoning regulations. Approval of the requested variances will facilitate the duplex to be platted on a separate lot and eliminate non-conforming bulk and area requirements.

10B

STAFF COMMENTS AND RECOMMENDATIONS

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. # 16-4-14

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)

PROPOSED Lot 2 of Fitzgerald Addition Block "M" Lot 1 and 2 A Replat of the South Half of Lot 5 and all of Lot 6 Block "M", Fitzgerald Addition, Fort Smith, Sebastian County, Arkansas.

Address of property 1409 and 1411 South "C" Street, Existing or Proposed

Zoning Classification Transitional T-1, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

<u>FROM</u>		<u>TO</u>	
<u>20'</u>	-	<u>8'</u>	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
<u>5'</u>	-	<u>0.6'</u>	Interior Side Yard Setback
<u>10'</u>	-	<u>0'</u>	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
<u>5,000</u>	-	<u>3,377</u>	Minimum Lot Area (Square Feet)
<u>50'</u>	-	<u>45'</u>	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

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

Signed:

Ivan L. Hoffman, Jr.
Owner or Agent Name (*please print*)

479-474-7916
Owner or Agent Phone Number
Hoffman & Associates, Inc.
320 O'Bryan Lane
Van Buren, AR 72956
Owner or Agent Mailing Address

Owner
or


Agent

Variance # _____

10E

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	APPLIES TO PROPOSED LOT 1 AND LOT 2 EXCEPT AS NOTED
_____	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> X </u>	_____	Is this variance needed because of previous actions taken by a prior owner?
<u> X </u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u> X </u>	Is the lot of an odd or unusual shape?
_____	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u> X </u>	Is any part of the lot in a flood plain or flood way?
_____	<u> x </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? PROPOSED LOT 2 ONLY
<u> X </u>	_____	Is the lot developed with structures in violation of current zoning requirements?
_____	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

A house fronting South 14th Street (proposed lot 1) and a duplex facing South "C" Street (proposed lot 2) were constructed by a previous owner. The house and duplex are in violation of the current zoning setbacks and based on the age of the house and duplex it is reasonable to believe they were build prior to any zoning regulations. The owner has sold the house separate from the duplex and needs to create 2 lots.

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

The owner has the house at 323 South 14th Street (proposed lot 1) sold. The duplex at 1409 and 1411 are not part of the sale and the owner needs to retain ownership of the duplex. The owner has remodeled the house in order to sale the house. With the present zoning the house and the duplex will need zoning variances before they can be separated into 2 lots. If the proposed variances are not approved the owner will loss the sale of this property.

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

Variance #16-4-14: 5 variances 1409 & 1411 South "C" Street



March 17, 2014

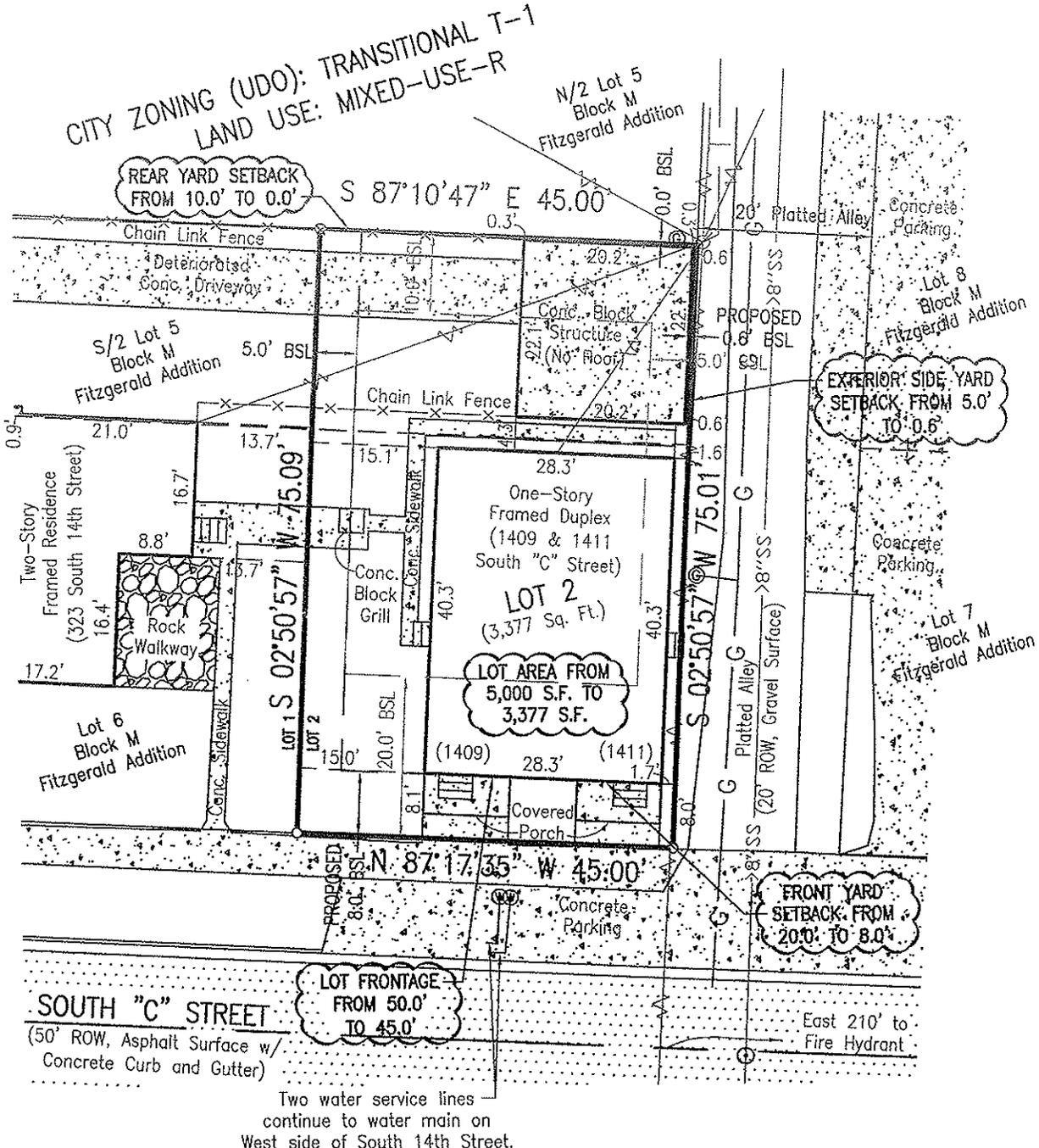
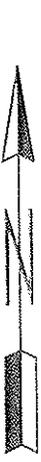
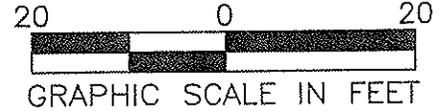
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



101



320 O'Bryan Lane • Van Buren, AR 72956
 Office: 479.474.7916 • Fax: 479.474.2450
 Surveying & Engineering • handa-inc.com



SOUTH "C" STREET
 (50' ROW, Asphalt Surface w/
 Concrete Curb and Gutter)

Two water service lines
 continue to water main on
 West side of South 14th Street.

NO.	REVISIONS	DATE	BY

VARIANCE REQUEST

PROPOSED LOT 2, FITZGERALD ADDITION,
 BLOCK "M", LOT 1 AND 2, A REPLAT OF THE
 SOUTH 1/2 LOT 5 & ALL OF LOT 6, BLOCK M,
 FITZGERALD ADDITION, FORT SMITH,
 SEBASTIAN COUNTY, ARKANSAS.

JOB NO.:	56176
DATE:	03-07-2014
FIELD DATE:	03-06-2014
JOB TYPE:	EXHIBIT
SCALE:	1" = 20'
DRAWN BY:	HUTSON

101

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2014

Re: Variance #14-4-14 - A request by Craig Roberts, agent, for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-704-4(C) to allow for the relocation of a nonconforming outdoor advertising sign at 5819 Rogers Avenue

REQUESTED VARIANCE

The approval of this variance will allow for an existing nonconforming outdoor advertising sign to be relocated 310' east of its current location.



LOT LOCATION AND SIZE

The subject property is on the north side of Rogers Avenue just east of South 58th Street. The tract contains an area of 0.9 acres with approximately 127 feet of street frontage along Rogers Avenue.

EXISTING ZONING

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

11A

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

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

The area to the east is zoned Commercial Heavy (C-5) and is developed as a McDonald’s restaurant.

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

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

11B

MASTER STREET PLAN CLASSIFICATION

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

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The existing billboard has to be removed because of new development. The applicant is requesting to relocate the billboard 310' from the existing location. If the variance is granted, RAM is proposing to remove a non-conforming sign in a residential area on Grand Avenue. This sign would be permanently deleted from the sign bank.



STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, March 31, 2014 at 5819 Rogers Avenue. No neighboring property owners were in attendance. Mr. Roberts has submitted a letter regarding the Peking Palace on Rogers Avenue. A copy of that letter is enclosed.

If the variance is approved, RAM is proposing to remove the sign on Grand Avenue. This credit would be permanently removed from the sign bank.

If the variance is denied, the nonconforming sign on Rogers Avenue would have to be removed but a credit would remain in the sign bank. This would allow RAM to install an outdoor advertising sign at a conforming location.

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.

11C

RAM

Outdoor Advertising

April 3rd, 2014

Mr. Wally Bailey
Mr. Bill Striplin
623 Garrison Avenue
Room 331
Fort Smith, Arkansas 72901

RE: 5819 Rogers Avenue, Fort Smith

Dear Mr. Bailey and Mr. Striplin,

RAM, in addition to permanently removing the 10' x 30' billboard located at 3427 Grand Avenue, local permit #01-00044, will remove the existing 10' x 10' Peking Palace on premise sign located at 5819 Rogers Avenue. In exchange for a variance to relocate the exiting billboard sign located at 5711 Rogers Avenue approximately 300 feet east.

If you have any questions or need more information, please let me know.

Thank you,



Craig A. Roberts
Managing Partner

Primary Business Address: Post Office Box 452052, Garland, Texas 75045-2052
Telephone: (877) 286-7276 or (972) 530-8698 Fax: (972) 496-3345
www.ramoutdoor.net

11D

APPLICATION FOR VARIANCE

Var. # 14-4-14

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 5819 Rogers Avenue, Existing or Proposed

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

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

- | <u>FROM</u> | <u>TO</u> | |
|-------------|-----------|--|
| _____ | - | _____ Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ Exterior Side Yard Setback |
| _____ | - | _____ Interior Side Yard Setback |
| _____ | - | _____ Rear Yard Setback |
| _____ | - | _____ Maximum Height of Structure |
| _____ | - | _____ Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ Minimum Lot Area (Square Feet) |
| _____ | - | _____ Minimum Lot Frontage |
| _____ | - | _____ Maximum Size of a Sign |

4 per mile - 7 per mile 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

11E

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

Signed:

Craig A. Roberts

Owner or Agent Name *(please print)*

Owner

OR

(972) 672-7311

Owner or Agent Phone Number


Agent

PO Box 452052

Garland, TX 75045-2052

Owner or Agent Mailing Address

Variance # _____

11F

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input checked="" type="checkbox"/>	_____	Is this variance needed because of previous actions taken by a prior owner?
_____	<input checked="" type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<input checked="" type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
_____	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
_____	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan? 11G

Explanation of question #4 (if applicable)

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

The existing billboard cannot be relocated without a variance due to the spacing requirements. Property is being developed and the billboard must be removed. This has been a profitable location and considerable revenue will be lost. It is imperative for RAM to keep this location in our inventory. RAM is requesting a variance to relocate the sign 310' from its existing location. The current sign is already in violation and new sign will be an aesthetic improvement to the area. RAM will agree to remove a non-conforming sign in a residential area on Grand Avenue.

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:

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location JPC COMPUTER PARKING LOT, 5819 ROGERS AVE.

Meeting Time & Date 3:30 on MONDAY, MARCH 31st, 2014

Meeting Purpose TO DISCUSS RELOCATING THE EXISTING BILLBOARD FROM 5711 ROGERS AVE 310' TO 5819 ROGERS AVE (PEKING PALACE)

NAME

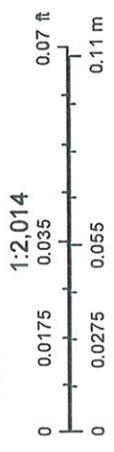
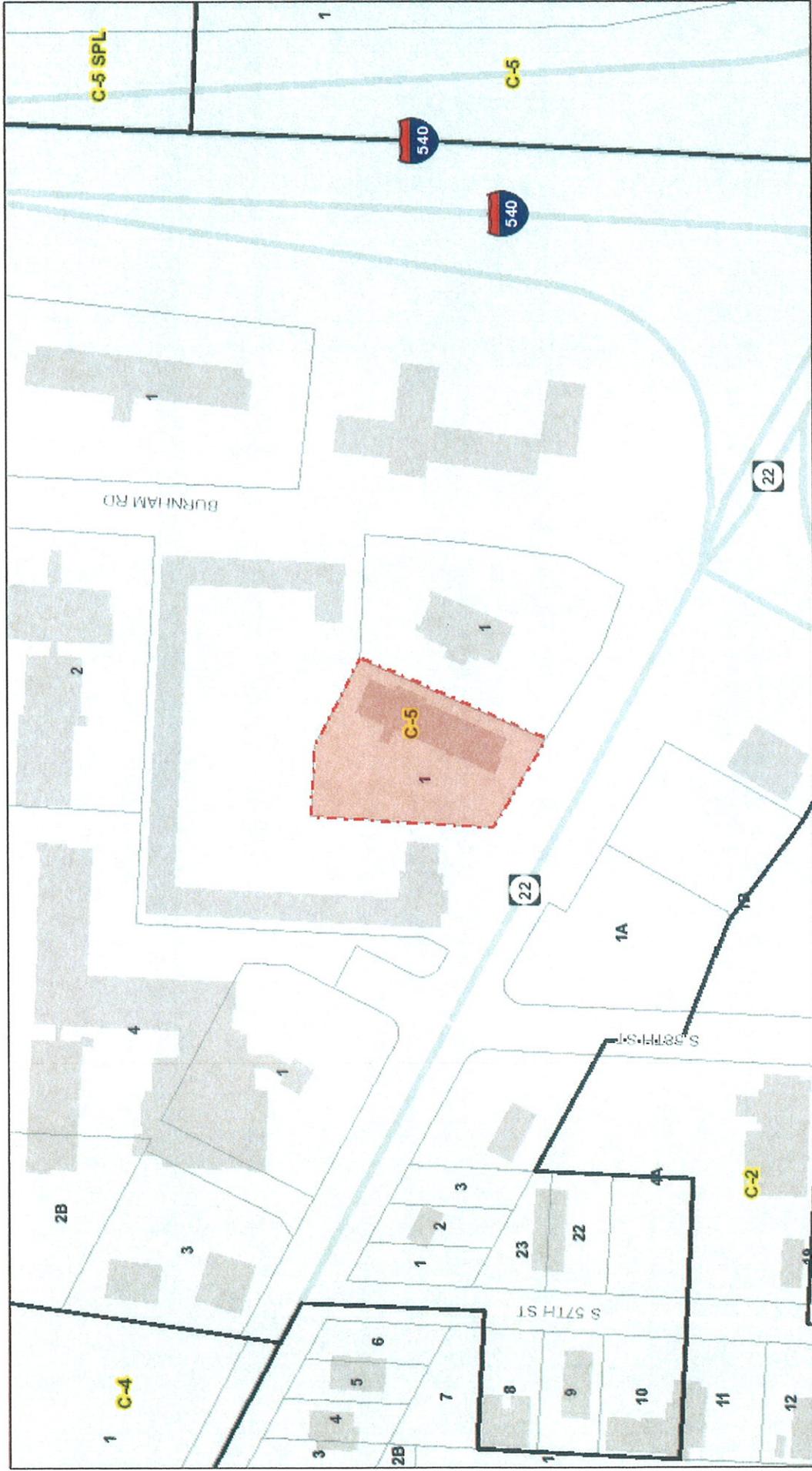
ADDRESS

PHONE #

1. Craig A. Roberts RAM Outdoor
2. TOM MONACO CITY 784-7218
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

III

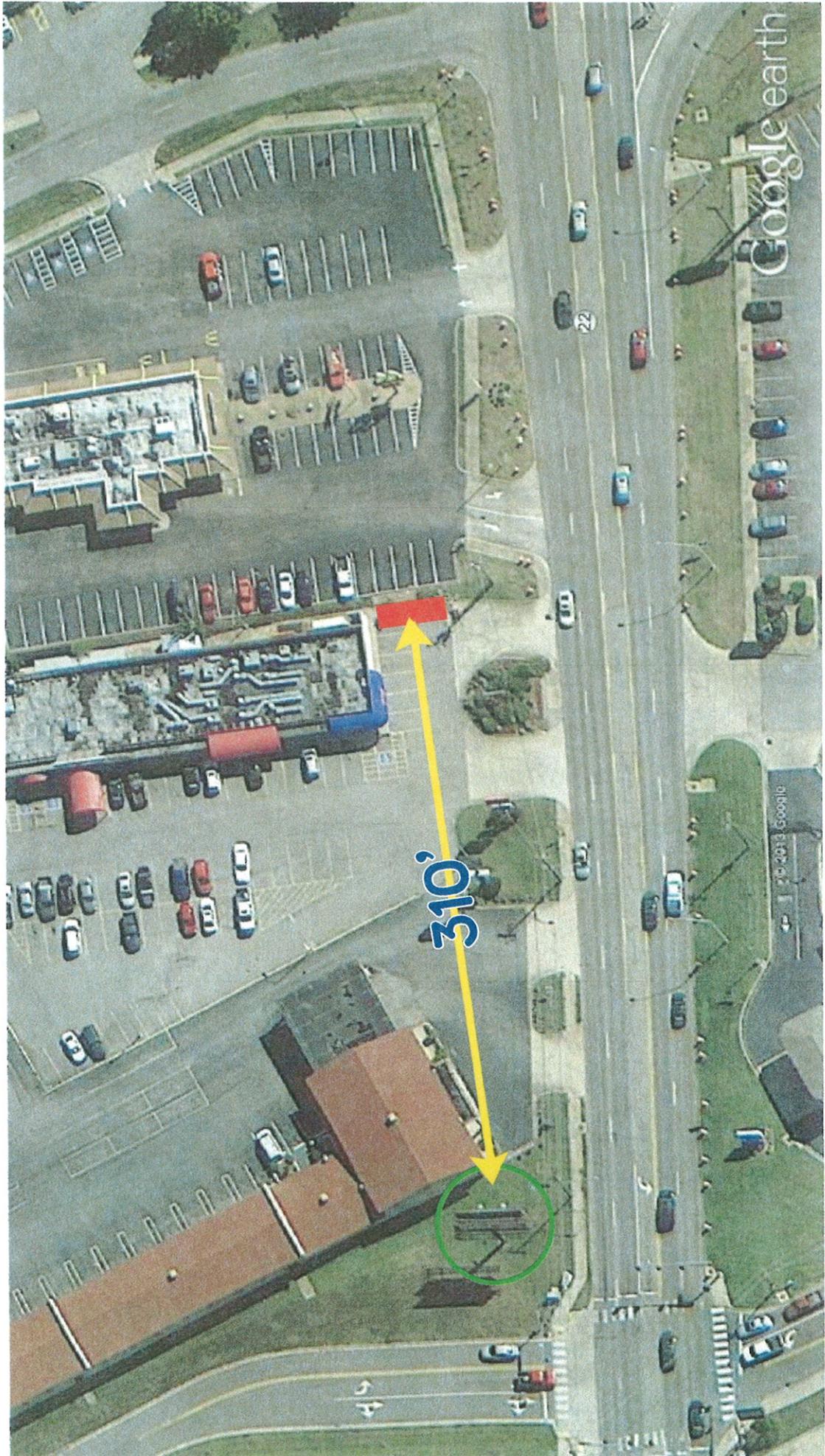
Variance #14-4-14: From Sec. 27-704-4(C) to allow relocation of nonconforming outdoor advertising sign
5819 Rogers Avenue

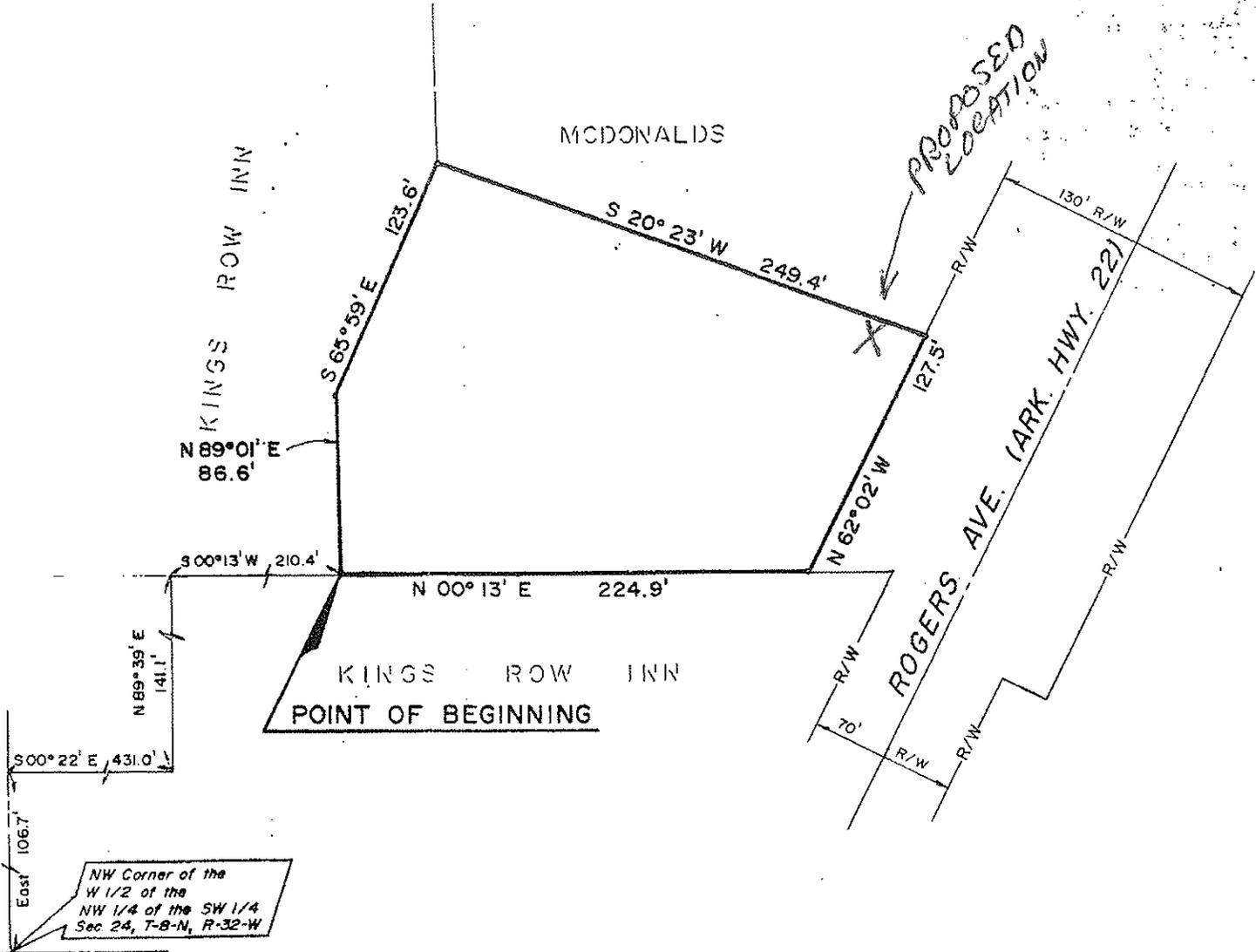
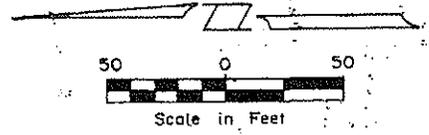


March 20, 2014

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

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PEKING PLACE

*A Part of the W 1/2 of the NW 1/4 of the SW 1/4
 Section 24, T-8-N, R-32-W
 Fort Smith, Sebastian County, Arkansas*

11M

Mr. Wally Bailey
Mr. Bill Striplin
623 Garrison Avenue
Room 331
Fort Smith, Arkansas 72901

RE: 5819 Rogers Avenue, Fort Smith

Dear Mr. Bailey and Mr. Striplin,

RAM, in addition to permanently removing the 10' x 30' billboard located at 3427 Grand Avenue, local permit #01-00044, will remove the existing 10' x 10' Peking Palace sign and placard from the top of the existing pole. The pole and the JPC Computer sign will remain intact. A new 80 square feet digital monument sign will be constructed in the location of Shoguns current monument sign located at 5819 Rogers Avenue. In exchange for a variance to relocate the exiting billboard sign located at 5711 Rogers Avenue approximately 300 feet east.

If you have any questions or need more information, please let me know.

Thank you,



Craig Roberts
Managing Partner

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