

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

I. ROLL CALL

II. APPROVAL OF MINUTES FROM JUNE 10, 2014

III. STAFF COMMENTS AND PROCEDURES

1. Preliminary Plat – Oak Bower Addition, Lots 1-4 – Mickle-Wagner-Coleman (Companion Item to items #2 and #3)
2. Final Plat – Oak Bower Addition, Lot 2 – Mickle-Wagner-Coleman (companion item to items #1 and #3)
3. A request by Mickle Wagner Coleman, Inc., agent for Oak Bower, for a development plan approval for a contractor's office located at 8200 Chad Colley Blvd. (companion item to items #1 and #2)
4. Rezoning #17-7-14; A request by Mickle Wagner Coleman, Inc., agent, for a zone change from Not Zoned to a Planned Zoning District located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard and 12201 Roberts Boulevard.
5. Rezoning #16-7-14; A request by Mickle Wagner Coleman, Inc., agent for RUM Inc., for a rezoning from Not Zoned (NZ) to Commercial Light (C-2) by Classification located at 8801 Wells Lake Road. (companion item to item #6)
6. A request by Mickle Wagner Coleman, Inc., agent for RUM, Inc, for development plan approval for a Restaurant located at 8801 Wells Lake Road. (companion item to item #5)

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

7. Home Occupation #6-7-14; A request by Robert Miller for a home occupation for a web development and graphics design business located at 2519 North 41st Street.

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8. Variance #21-7-14; A request by Ramiro Espinosa, agent for Trixie Nguyen, for a variance from 120 days to 240 days maximum length of time for a special temporary use permit (seasonal food trailer) (Section 27-327) located at 3939 North O Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JUNE 10, 2014**

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

Chairman Sharpe called for the vote on the minutes from the May 13, 2014, Planning Commission meeting. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Final Plat – Massard Square – Brixey Engineering

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

Mr. Ron Brixey was present to speak on behalf of this plat.

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

Chairman Sharpe then called for the vote on the final plat. Motion was then made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this plat to make approval subject to all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Sharpe then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

2. Rezoning #12-6-14; A request by David Harris, agent for a neighborhood rezoning from Residential Multifamily Medium Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2001-2127 South “V” Street; 2205-2219 South “V” Street; 2000-2228 South “V” Street; 2001-2219 South “W” Street; 2100-2230 South “W” Street; 2400 South 21st Street; 2215 Jenny Lind; 2203

South 21st Street; 2312-2322 South 23rd Street, 2222 South 23rd Street and 2300-2302 South 22nd Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow exclusively single family homes and would be a corrective rezoning to reflect how the area has developed.

Ms. Rice stated that a neighborhood meeting was held on Monday, May 19, 2014, at the Fort Smith Public Library with twelve (12) people in attendance. Ms. Rice stated that two (2) of the property owners in attendance were opposed to the rezoning and their properties were removed from this application. Ms. Rice noted that the remaining persons in attendance were there just for information and no objections were voiced.

Mr. David Harris, 2025 South "V" Street, Mr. Don Lumpkin, 2117 South "V" Street, Ms. Fran Hall, 2125 South "W" Street, Ms. Tracy Hamilton, 2108 South "T" Street and Mr. Scott Chapman, 2222 South "X" Street were present to voice their support for this rezoning request.

A representative of Koenig properties addressed the Commission with a request for a letter from the City stating that existing multi-family development land uses would be allowed to continue.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4)**
- 4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)**
 - A. A request for development plan deferral located at 6100 and 6200 Massard Road.**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the site to be compatible to the surrounding and adjacent land uses. Ms. Rice noted that the applicant is also requesting a development plan deferral due to the fact that the developer does not have a defined plan for the lots at this time.

Ms. Rice stated that a neighborhood meeting was held on Monday, June 2, 2014 at 813 Fort Street with no surrounding property owners in attendance.

Mr. Bailey noted that an additional map had been included in the packet which shows the property that was annexed 10 years ago with no zoning being placed on the property since the annexation.

Mr. Rob Coleman and Chuck Fawcett was present to speak on behalf of these requests.

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

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

- 3. A request by Rob Coleman for a Master Land Use Plan Amendment from No MLUP classification to General Commercial located at 6100 and 6200 Massard Road. (companion item to item #4 & #4A)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 4. Rezoning #14-6-14; A request by Rob Coleman for a zone change from Unzoned to Commercial-3 by Extension located at 6100 and 6200 Massard Road. (companion item to item #3)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 4A. A request for development plan deferral located at 6100 and 6200 Massard Road.**

Chairman Sharpe called for the vote on this request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit. Chairman Sharpe than called for the vote on this request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 5. Rezoning #13-6-14; A request by Gregg Teece, agent for Goddard United Methodist Church, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 1922 Dodson Avenue.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to correct a zoning and will place the same zoning on this property as the properties to the north, east and west on Dodson Avenue.

Ms. Andrews stated that a neighborhood meeting was held on Monday, June 9, 2014, at the church with two (2) property owners attending the meeting with questions about how the proposed zoning would affect their property. Ms. Andrews noted that after their question was addressed the property owners indicated that they had no concerns with the proposed rezoning. Ms. Andrews stated that the request would follow the existing C-2 zoning line along Dodson Avenue and will be compatible with the Dodson Avenue Corridor. Ms. Andrews also stated that no new development or expansions are being proposed by the church; however, a Commercial-2 zoning would benefit the church by allowing it to utilize the commercial signage regulations for future signage.

Mr. Gregg Teece was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

- 6. A request by Galen Hunter, agent for Joey Cole for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)**
- 7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)**
- 7A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow the future development of a convenience store/gas station and other retail or restaurant development. Mr. Bailey noted that the applicant is requesting a deferral of a development plan until plans have been solidified for this project.

Mr. Bailey stated that a neighborhood meeting was held on Thursday, June 5, 2014, at 6400 Riley Park Drive with no neighboring property owners in attendance.

Mr. Galen Hunter was present to speak on behalf of these requests.

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

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

- 6. A request by Galen Hunter, agent for Joey Cole, for a Master Land Use Plan Amendment from No Classification to General Commercial located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to items #7 & #7A)**

Chairman Sharpe called for the vote on the master land use plan amendment. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 7. Rezoning #15-6-14; A request by Galen Hunter, agent for Joey Cole, for a zone change from Not Zoned to Commercial-3 by Classification located at 8210 and 8220 South Zero Street and 8201 Huntington Circle. (companion item to item #6)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 7A. A request for development plan deferral located at 8210 and 8220 South Zero Street and 8201 Huntington Circle.**

Chairman Sharpe called for the vote on the development plan deferral request. Motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to Planning Commission approval of a development plan prior to the issuance of a building permit.

Chairman Sharpe then called for the vote on this request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Cooper).

- 8. A request by Kofi Addo, agent for Wal-Mart Stores, Inc., for development plan approval for a convenience store/gasoline sales located at 8303 Rogers Avenue.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow a convenience store with gasoline sales.

Mr. Kofi Addo was present to speak on behalf of this request.

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

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

- All construction must be built in accordance with the submitted development plan, including the monument sign shown on the plan.
- All mechanical equipment shall be completely screened in compliance with UDO Section 27-602-4 (C)(4).
- The landscaping plan shall be modified to comply with the UDO in reference to tree spacing and shrub species.
- A sidewalk on Rogers Avenue shall be installed and approved by the engineering department.

Chairman Sharpe then called for the vote on the development plan request as amended. The vote was 7 in favor and 0 opposed.

9. Conditional Use #8-6-14; A request by Danny Johnson, agent for the Fort Smith School District for a school addition for Northside High School located at 2225 Rogers Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow Northside High School to expand into a vacant portion of a building adjacent to their school campus.

Ms. Rice stated that a neighborhood meeting was held on Friday, May 30, 2014, at the library of Northside High School with no neighboring property owners in attendance.

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

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

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

- All construction must be built in accordance with the approved development plan.
- The new canopies shall not extend into or over the right-of-way.
- New wall lighting is noted on the plans and shall comply with UDO Section 27-602-5.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 6 in favor, 0 opposed and 1 abstention (Howard).

10. Home Occupation #5-6-14; A request by Kerry Decker for a home occupation for a hauling and vending machine business located at 600 South 18th Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the applicant to haul items for others on a trailer stored off-site and service off-site vending machines. Ms. Andrews stated that the home occupation would be operated by the applicant 24/7 as an on-call business. She also stated that a 40' trailer used exclusively for the hauling business would be kept in Van Buren, Arkansas, and is never stored at the residence. She also noted that a 16' trailer would be kept at the residence but is used for personal uses only and will not be used in the hauling or vending business.

Ms. Andrews stated that on May 12, 2014, Mr. Decker received a variance from the Property owners Appeals Board to park the 16' utility vehicle in the South "E" Street right-of-way. Ms. Andrews also noted that half of the detached garage would be used for storage of materials for the vending machine business and one or two machines.

Ms. Andrews noted that staff had received a phone call from a surrounding property owner opposed to this request citing opposition to businesses in homes and due to the fact that there were too many vehicles at the applicant's property. It was also noted that staff had received a phone call from Ms. Illa Davenport, 622 South 18th Street, expressing no opposition to the home occupation request.

Mr. Kerry Decker, 600 South 18th Street, was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the home occupation request. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.
- The 40' trailer utilized for the hauling business shall not be stored on-site and shall be stored at an approved location.
- The 16' trailer at the residence shall not be used in conjunction with the home occupation.

Chairman Sharpe then called for the vote on the home occupation request as amended. The vote was 5 in favor and 2 opposed (Sharpe, Howard).

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11. Variance #19-6-14; A request by Larry Hall, agent for Robert Goldtrap, for a variance from 20 feet to 7 feet interior side yard setback located at 8309 Phoenix Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow the existing dental facilities to expand their building to the west. Ms. Rice stated that due to the existing design of the existing building, the owner cannot add on to the east side of the building and he is adding an oral surgeon to the proposed addition. Ms. Rice also noted that the owner has attempted to buy the adjacent property to the west but was unsuccessful.

Ms. Rice stated that a neighborhood meeting was held on Thursday, May 29, 2014, at the Dallas Street Branch Library with no neighboring property owners in attendance.

Mr. Larry Hall was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval contingent upon the submitted site plan. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor and 1 opposed (Parks).

12. Variance #20-6-14; A request by Woodrow Anderson for the following variances:

A. From 25 feet to 18 feet front yard setback and from 6,500 square feet to 6,209 square feet minimum lot area located at 2922 Kinkead.

B. From 25 feet to 13 feet front yard setback and from 10 feet to 7.6 feet rear yard setback located at 625 North 30th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow for two (2) duplexes to be built on individual lots.

Ms. Rice stated that a neighborhood meeting was held on June 6, 2014, at 101 North 11th Street with two (2) neighboring property owners in attendance expressing concerns relative to the construction of duplexes on the property. Ms. Rice also stated that the property owner at 620 Lecta Avenue called expressing opposition to the variance due to the fact that she does not want to live next to a duplex and believes it will have the potential to lower her property value.

The following persons spoke in opposition to this variance request: Mr. Pablo Monje, 525 Lecta, Ms. Amy Skypala, 618 Lecta, Cathy Rodriguez, 620 Lecta, Matt Parrish, 600 Lecta and Suzy Stosberg, 127 May, citing their concerns relative to crime, traffic and just simply the fact that duplexes are out of character for this historic neighborhood.

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

Variance 12A was denied by a vote of 6 opposed and 1 in favor (Cooper).

Variance 12B was denied by a vote of 6 opposed and 1 in favor (Cooper).

Meeting Adjourned!

SUBDIVISION COMMENTS
July 8, 2014

1. Oak Bower Addition, Lots 1-4 – Preliminary Plat – Mickle-Wagner-Coleman

Zoning Designation: Industrial Light (I-1)

Land Use: Provides locations for a mixture of light manufacturing, office park, research and development and limited retail/service land uses in an attractive, business park setting.

Proposed Use: Contractor Office and Light Industrial Uses

Staff recommends approval with the following conditions:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.
- 3) The sanitary sewer line under the existing warehouse located on proposed Lot 4 shall be relocated and off-site easements relating to the relocation shall be dedicated prior to the filing of Oak Bower Addition, Lot 2.
- 4) Future development within the subdivision will require compliance with the city's 2011 Storm Drainage Standards, including water quality treatment.

2. Oak Bower Addition, Lot 2 – Final Plat - Mickle-Wagner-Coleman

Zoning Designation: Industrial Light (I-1)

Land Use: Provides locations for a mixture of light manufacturing, office park, research and development and limited retail/service land uses in an attractive, business park setting.

Proposed Use: Contractor Office

We recommend approval of the final plat with the following condition:

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.

1,2

Memo

To: City Planning Commission

From: Planning Staff

Date: July 2, 2014

Re: Development Plan Review - A request by Mickle Wagner Coleman, Inc., agent for Oak Bower, for Planning Commission consideration of a Development Plan to develop a contractor's office located at 8200 Chad Colley Boulevard

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will allow the development of a contractor's office that complies with the Unified Development Ordinance.

LOT LOCATION AND SIZE

The subject property is on the west side of Chad Colley Boulevard just north of Custer Boulevard. The tract contains an area of 0.86 acres with approximately 455 feet of street frontage along Chad Colley Boulevard.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1) Special. The special condition requires all new development to receive planning commission approval prior to the issuance of a building permit.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, convenience store with gasoline sales, finance and banking institutions, light manufacturing, and commercial communication towers are examples of permitted uses.

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 20,000 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) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the east, south, and west are Not Zoned and are undeveloped.

The area to the North is Not Zoned and is developed as a warehouse.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on Chad Colley Boulevard.

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

Drainage – No new drainage improvements have been proposed for this site. However, further development within the proposed subdivision will require compliance with the 2011 Storm Drainage Standards, including water quality treatment.

Right-of-way dedication – No new right-of-way dedication is required for this site.

3B

Landscaping – The development plan proposes a 20’ wide perimeter landscape buffer planted with trees and shrubbery adjacent to Chad Colley Boulevard. The perimeter landscape buffer will also serve as parking lot screening to screen the parking lot from Chad Colley Boulevard. Interior landscaping consists of trees and shrubbery with a coverage area of 11% of the vehicular use area which exceeds both the CCDG and the UDO requirements of 5%. The perimeter, parking lot screening, and interior landscaping shown will comply with the UDO and will utilize an irrigation system.

Screening – The site plan shows landscaping adjacent to Chad Colley Boulevard that will screen the parking lot from the street right-of-way. The applicant has responded that all trash receptacles will be stored inside the building. The development plan does not indicate that the mechanical equipment will be screened; however, the applicant has responded that all mechanical equipment and heating and cooling systems will be screened in compliance with the UDO and CCDG.

Parking – The current site plan shows 13 parking spaces, which exceeds the UDO requirements.

Signage – The applicant has stated that no signage is proposed. Any future signage must comply with the CCDG signage requirements for the Mixed Use: Industrial/Office land use classification.

Lighting – The applicant has stated that no site lighting is proposed. The exterior of the building will have lighting recesses into the soffit of the building. Any future parking lot lights must comply with the UDO and CCDG parking lot lighting for the Mixed Use: Industrial/Office land use classification.

Architectural features – The elevations show facades with a combination of brick, stone and cementitious siding. The materials meet the UDO requirements for high-quality materials.

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

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30th, 2014 at 7020 Taylor Avenue. No neighboring property owners attended the meeting. A copy of the attendance record is enclosed.

Staff recommends approval of the application with the following comments:

1. All construction must be built in accordance with the submitted Development Plan and any Planning Commission amendments.
2. The development shall receive approval by the Chaffee Design Review Committee. Development standards approved shall not be less than what is required by the Unified Development Ordinance.

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DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

See Attached

2. Address of property: 8200
~~8330~~ Chad Colley Blvd.

3. The above described property is now zoned: Industrial Light

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

Yes _____ No X

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

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

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

_____ by N/A
(Zoning Classification) (Extension or classification)

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

Existing warehouse to the west, existing cellular tower to the west, existing warehouse and secondary buildings to the north; undeveloped to the south; surrounding parcels are I-1, RM-4, or are not currently zoned.

8. Total acreage of property 0.86 acres

Signed:

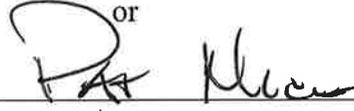
Mickle Wagner Coleman, Inc.

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

Owner

P.O. Box 1507, Fort Smith, AR 72902

~~Owner or Agent Mailing Address~~

^{or}


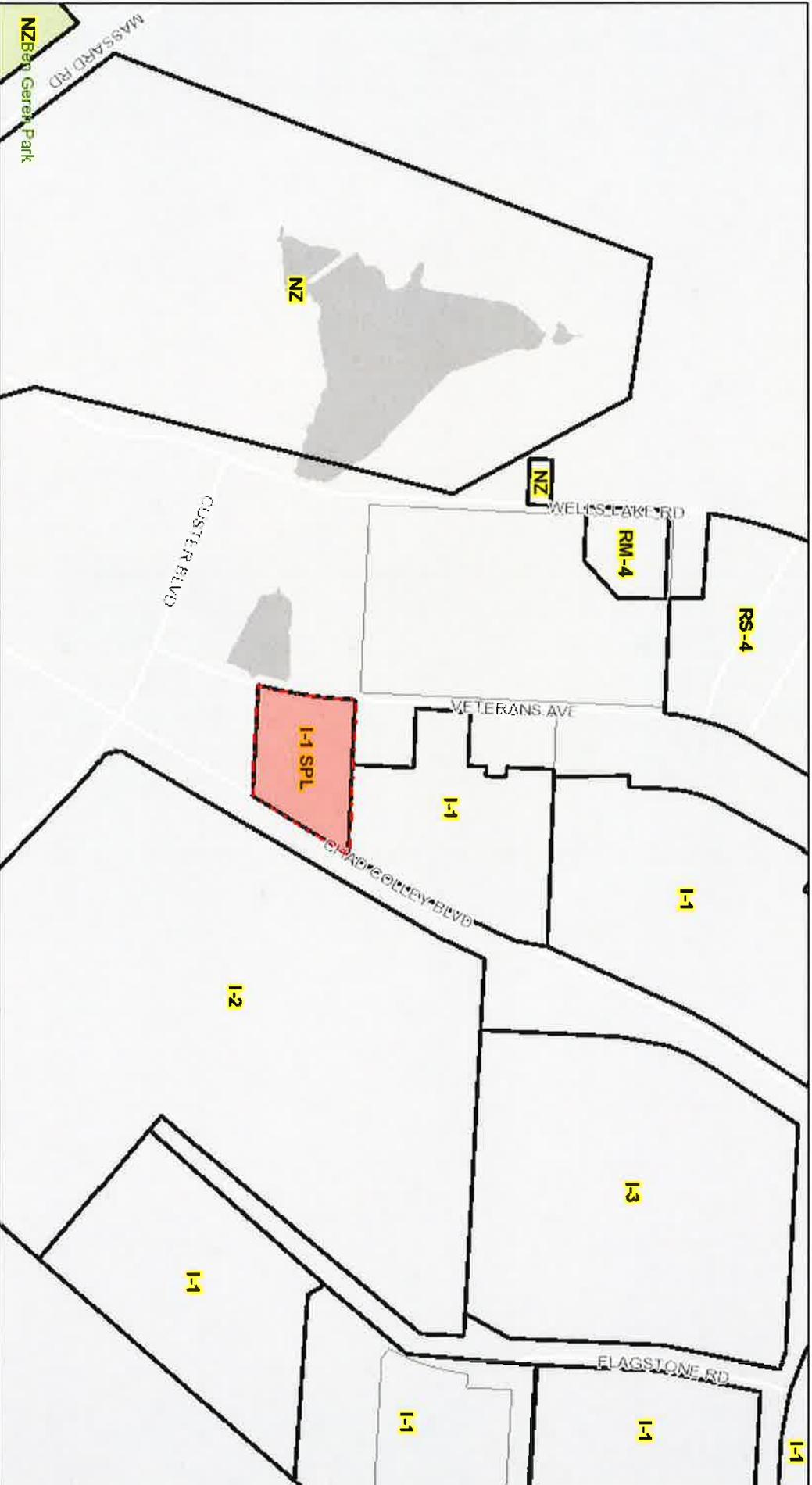
Agent

479-649-8484

~~Owner or Agent Phone Number~~

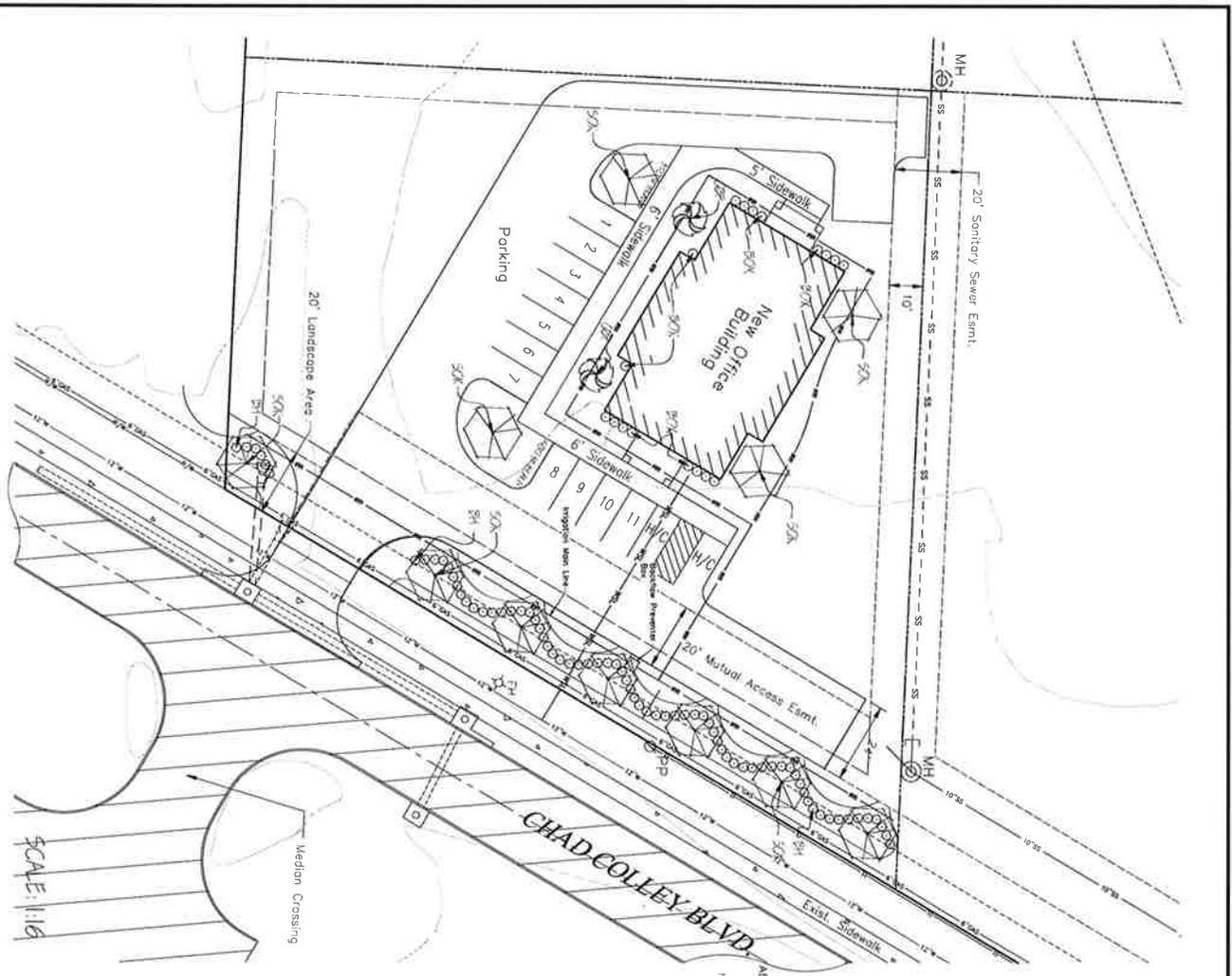
Development Plan Review: Contractor's Office 8200 Chad Colley Boulevard

3F

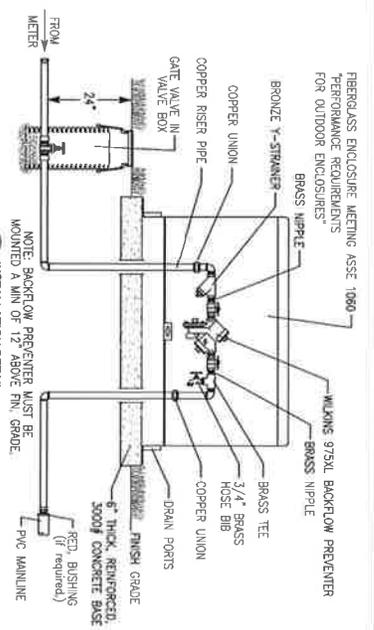


- June 25, 2014
- Fort Smith City Limits
- Zoning
- Subdivisions



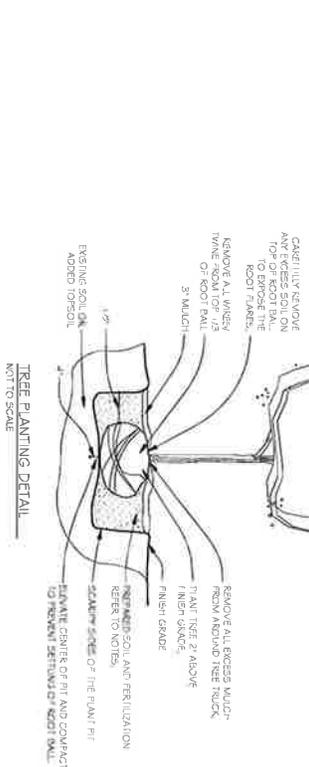
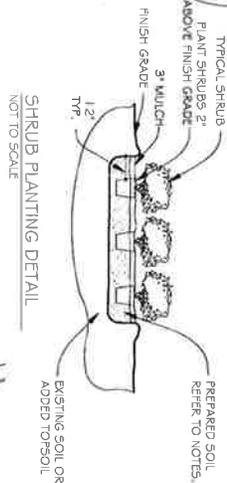


SCALE: 1/16"



PLANTING NOTES

1 RP-TYPE BACKFLOW PREVENTER
 NOTE: BACKFLOW PREVENTER MUST BE MOUNTED A MIN OF 12" ABOVE FIN. GRADE.



GENERAL NOTES

CALL 611 FOR INFORMATION ON THE LOCATION OF ALL UNDERGROUND UTILITIES.
 CONTRACT ARKANSAS ONE CALL PRIOR TO DIGGING. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THE UTILITIES (BOTH OVERHEAD AND BURIED) WHICH MAY OCCUR DUE TO HIS ACTION OR LACK OF ACTION ON THE PROJECT SITE DURING LANDSCAPE, IRRIGATION OR OTHER INSTALLATION. CONTRACTOR SHALL SEEK THE ASSISTANCE OF LOCAL UTILITIES AND THE OWNER IN LOCATING THE UTILITIES PRIOR TO PERFORMING TRENCHING OPERATIONS IN ANY AREA.

PLANT MATERIAL SCHEDULE

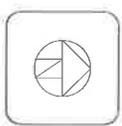
| QUANT. | TAG | COMMON NAME | SIZE / REMARKS |
|--------|-----|------------------------|-----------------|
| 10 | SOK | SHUMARD OAK | 2.5\"/> |
| 2 | CBF | SHRUB BLODA FASTIGIATA | 2.5\"/> |
| 23 | BP | SHRUB BLODA FASTIGIATA | 2.5\"/> |
| 18 | BOX | DWF BOXWOOD | 5 GALLON 24\"/> |

Revised July 2, 2014

SHEET:
001



**OAK BOWER ADDITION - LOT 2
 LANDSCAPE MASTERPLAN**



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REAR ELEVATION



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

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

Meeting Time & Date June 30, 2014 @ 10:00 a.m.

Meeting Purpose Oak Bower, Lot 2 – Proposed Office Building

| | <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|-----|------------------------|---------------------------------|-----------------|
| 1. | <i>Brenda Anderson</i> | <i>Fort Smith Planning Dept</i> | <i>784-2216</i> |
| 2. | <i>Jay Brewer</i> | <i>FCRA</i> | <i>452-4554</i> |
| 3. | <i>Pat Miller</i> | <i>Michele Wagner Gibson</i> | <i>649-8484</i> |
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Memo

To: City Planning Commission

From: Planning Staff

Date: July 2, 2014

Re: Rezoning #17-7-14 - A request by Mickle Wagner Coleman, Inc., Agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District (PZD) located at 11701 Custer Boulevard, 7201 Fort Chaffee Boulevard, and 12201 Roberts Boulevard

LOT LOCATION AND SIZE

The subject property is on the west side of Taylor Avenue north of Custer Boulevard continuing to about Brittany Drive. The tract contains an approximate area of 285 acres with approximately 2,260 feet of street frontage along Custer Boulevard and 9,550 feet of street frontage along Taylor Avenue.

PROPOSED ZONING

The proposed Planned Zoning District will allow this area to be utilized for recreational uses such as baseball fields, soccer fields, sports complex/athletic fields, playgrounds, country clubs and amusement centers.

REQUESTED ZONING

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

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

- Developments that utilize design standards greater than the minimum required by the UDO.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and have undeveloped areas and areas that are developed as offices and a church.

The areas to the south and east are not zoned and developed with military warehousing and utilized as the Fort Chaffee Maneuver Training Center. An area to the east is the Learning Fields which are utilized by Master Gardeners.

The areas to the west are predominantly undeveloped and not zoned. An approximately 4 acre tract between Roberts Boulevard and Ward Avenue is zoned Industrial Moderate (I-2) and developed as a chemical manufacturing company. Other areas are developed as construction related uses.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies this site as Park/Open Space, Community Attraction and a small area is classified as Mixed Use: Historic Area. 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? **All of the traffic will have ingress and egress points on Taylor Avenue, Custer Boulevard and Roberts Boulevard. The site can also be accessed from Frontier Road and Fort Chaffee Boulevard, which have two-lanes with some paved shoulders and open ditches.**
- 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 booklet submitted for the proposed PZD states that future development will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions the Unified Development Ordinance.**

4B

- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No new right-of-way dedication is proposed or required at this time.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Please refer to the project booklet's traffic information-Section 3k.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **Please refer to chart in Item 3J of the project booklet, which indicates how the proposed PZD will exceed the UDO requirements.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The properties are accessible from Custer Boulevard, Roberts Boulevard, and Taylor Avenue. The sites can also be accessed from Frontier Road and Chaffee Boulevard.

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

Drainage – No new drainage plans have been proposed or required at this time. Item 3d - iv of the project booklet states that the site will comply with the UDO for the storm water detention areas and drainage.

Landscaping & Screening – The PZD booklet states in 3d -iii that the buffer areas, screening, and landscape areas will comply with the Chaffee Crossing Master Development Guidelines for Community Attractions.

Parking – Page six (6) of the project booklet states that the PZD will comply with Section 27-600 - General Development Standards of the UDO, which set forth the required minimum parking standards.

Signage – Page six (6) of the project booklet states that the proposed PZD will comply with the UDO Section 27-700 – Signage Regulations except when the FCRA design guidelines are more restrictive.

Sidewalks – Page six (6) of the project booklet states Page 6 of the PZD booklet states that the proposed PZD will comply with the UDO Section 27-500 which regulates side walk requirements when platting is proposed and/or required.

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:

- A. Compatibility with the Comprehensive Plan, Chaffee Crossing Redevelopment Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood). **The proposed PZD and uses are compatible with adopted plans.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The proposed PZD and uses are 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 Amusement center (outdoor), country club, driving range (outdoor), golf course, miniature golf course, sports complex/athletic field, and parks or playground (public and nonpublic. 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 PZD states in Item 3K that the proposed PZD will generate traffic and that improvement of Taylor Road and Frontier Road to the Master Street Plan’s Major Collector status may provide more than adequate capacity. Also, please refer to the traffic information provided on page six (6) 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 service are adequate with a 16” water line and 8” & 30” sewer lines in place. Extensions will be made to service this area. Please refer to page 3 – item 3d - vi of the project booklet.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The proposal complies with all Unified Development Ordinance requirements in Sections 27-200, 27-500, 27-600 and 27-700 as the outlined project booklet unless more restrictive standards are required by the Chaffee Crossing Design Guidelines.**

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30, 2014 at 10:00 a.m. at 7020 Taylor Avenue Fort Chaffee Redevelopment Authority Offices. Three representatives of the Learning Fields/Master Gardeners attended the meeting. They had no objections to the proposed PZD.

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

Rezoning #17-7-14: From not Zoned to Planned Zoning District (PZD)

11



June 16, 2014

Fort Smith City Limits



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

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

Meeting Time & Date June 30, 2014 @ 10:30 a.m.

Meeting Purpose Proposed Planned Zoning District for FCRA Recreational Area

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|---------------------------|-------------------------------------|-----------------|
| 1. <u>Brenda Anderson</u> | <u>Fort Smith Planning Dept</u> | <u>484-2216</u> |
| 2. <u>Jerry L. McGary</u> | <u>M.G. Learning Fields</u> | <u>646-4180</u> |
| 3. <u>Shel Hackett</u> | <u>M.G. LEARNING FIELDS</u> | <u>484-9679</u> |
| 4. <u>Steve Will</u> | <u>M.G. LEARNING FIELDS</u> | <u>646-5314</u> |
| 5. <u>Pat Mickle</u> | <u>MGC, Inc</u> | <u>649-8484</u> |
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46

Memo

To: City Planning Commission

From: Planning Staff

Date: June 24, 2014

Re: Rezoning #16-7-14 - A request by Pat Mickle, agent, for Planning Commission consideration of a zone request from Not Zoned to Commercial Light (C-2) by classification at 8801 Wells Lake Road (Companion to item #6)

PROPOSED ZONING

The approval of the requested rezoning will allow for the addition and renovation of the existing vacant building into a restaurant.

LOT LOCATION AND SIZE

The subject property is on the south east corner of the intersection of Massard Road and Wells Lake Road. The tract contains an area of 2.58 acres with approximately 375 feet of street frontage along Massard Road and approximately 376 feet of street frontage along Wells Lake Road.

REQUESTED ZONING

The requested 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 property is Not Zoned.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are undeveloped.

The areas to the east are not zoned and are undeveloped.

The areas to the south are not zoned and Residential Multifamily Medium Density (RM-3) and are undeveloped.

The area to the west is zoned Transitional (T) and is developed as a fire station.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Community Attraction. This classification is intended for privately owned open space, community event space, golf course, officer’s club, fishing land, event rental facility. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A companion item is a Development Plan Review for the proposed restaurant.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30, 2014 at the Fort Chaffee Redevelopment Authority Offices (7020 Taylor Avenue). No surrounding property owners attended the meeting.

Staff recommends approval of the request subject to the approval of the submitted development plan.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

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

Meeting Time & Date June 30, 2014 @ 9:30 a.m.

Meeting Purpose Proposed development & rezoning of Maness Schoolhouse property

| | <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|-----|--------------|--------------------------|----------------|
| 1. | Brenda Jones | Fort Smith Planning Dept | 784-2216 |
| 2. | Jay Owen | FCRA | 452-4554 |
| 3. | Pat Melton | MWC- Inc | 649-8484 |
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PETITION FOR CHANGE IN ZONING MAP

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

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

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

See Attached

2. Address of property: 8801 Wells Lake Road

3. The above described property is now zoned: Not Zoned

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

5. Why is the zoning change requested?

The property is not zoned. Applicant wishes to convert the existing building
into a restaurant.

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

Signed:

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

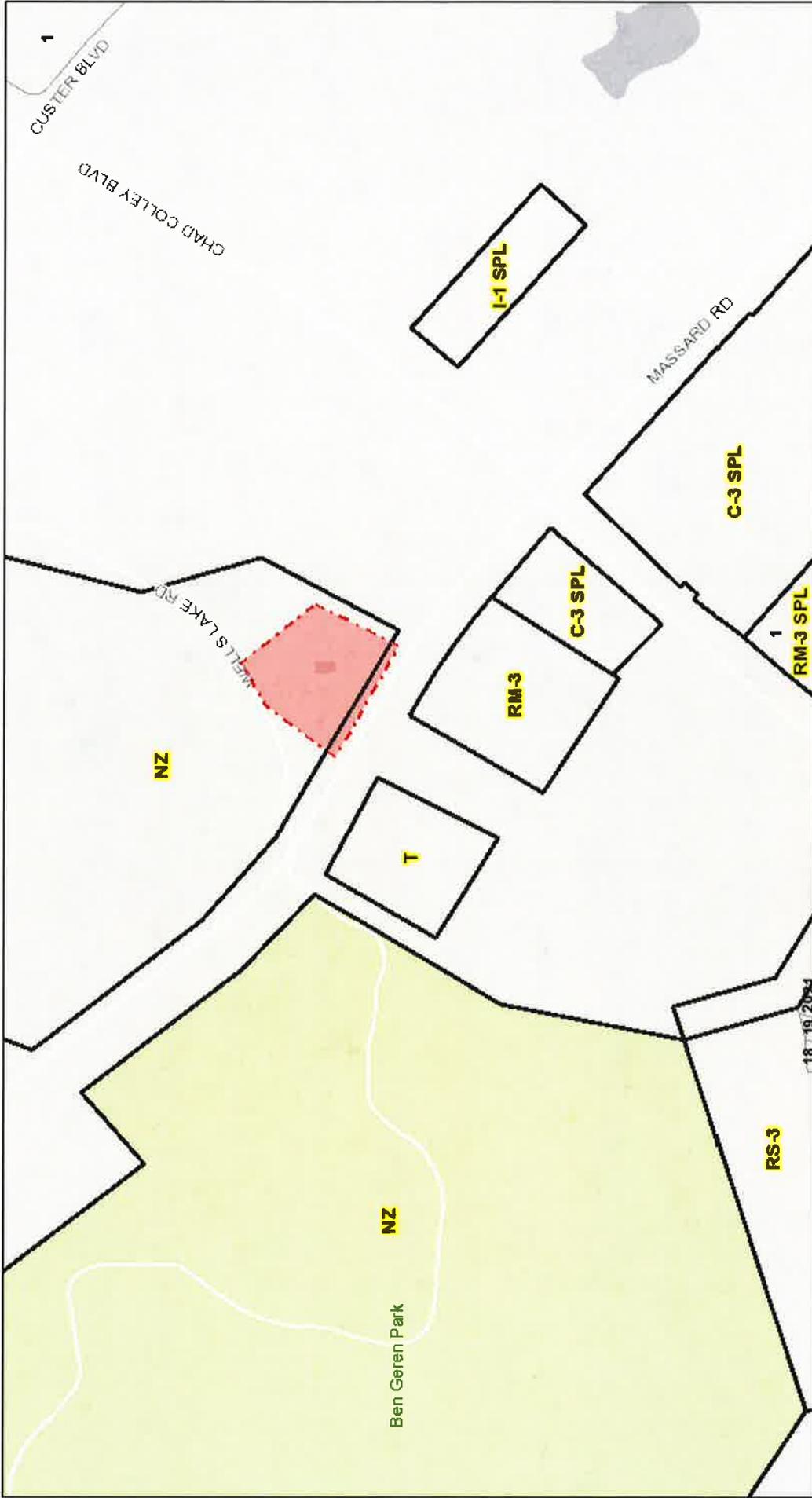
Owner

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

or 
Agent

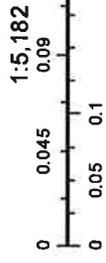
479-649-8484
~~Owner or Agent Phone Number~~

Rezoning #16-7-14: From Not Zoned to Commercial Light (C-2) 8801 Wells Lake Road

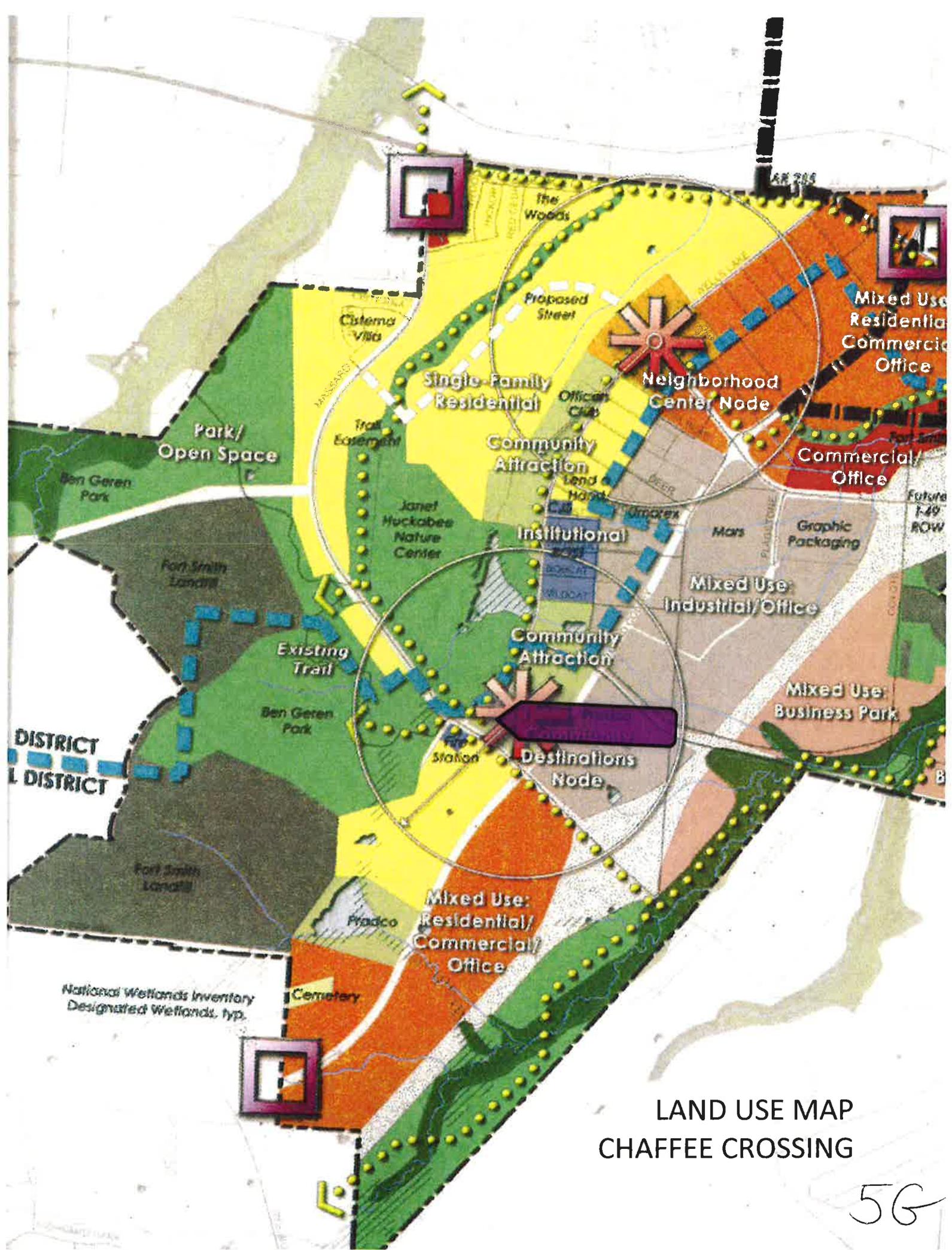


June 16, 2014

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



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LAND USE MAP
CHAFFEE CROSSING

56

Memo

To: City Planning Commission

From: Planning Staff

Date: June 24, 2014

Re: Development Plan Review - A request by Pat Mickle, agent, for Planning Commission consideration of a Development Plan for a restaurant at 8801 Wells Lake Road (Companion to item #5)

PROPOSED DEVELOPMENT PLAN

The proposed development will be to utilize the existing Maness Schoolhouse for a 120 seat restaurant with the associated parking. If approved, they will be adding a kitchen and enclosing the existing outdoor patio area as well as remodeling the existing structure.

LOT LOCATION AND SIZE

The subject property is on the south east corner of the intersection of Massard Road and Wells Lake Road. The tract contains an area of 2.58 acres with approximately 375 feet of street frontage along Massard Road and approximately 376 feet of street frontage along Wells Lake Road.

PROPOSED ZONING

The requested 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

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are undeveloped.

The areas to the east are not zoned and are undeveloped.

The areas to the south are not zoned and Residential Multifamily Medium Density (RM-3) and are undeveloped.

The area to the west is zoned Transitional (T) and is developed as a fire station.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress/egress will be by means of two new driveways being constructed. A 36’ driveway will be located on Wells Lake Road and a 24’ driveway will be located on Massard 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.

6B

Drainage – No information submitted for the proposed drainage improvements. Stormwater management, including detention and water quality treatment in accordance with the 2011 Storm Drainage Standards is required when total land disturbance is greater than one acre.

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

Landscaping – Landscaping is provided in accordance with the UDO.

Screening – All roof and ground mounted equipment will be screened from view along with the trash dumpster.

Parking – The minimum number of required parking spaces is 50 and there are 55 spaces provided.

Signage – Two monument signs are proposed for the project. One sign will be placed at each driveway location.

Lighting – Notes on the proposed plan indicate lighting will be in compliance with the UDO.

Architectural features – The existing structure will remain rock with shingle roof. The proposed kitchen addition will have brick on the lower portion of the wall with stucco above. The kitchen will have a gable roof matching the existing structure. A low slope roof and windows will enclose the open patio on the rear of the structure.

Sidewalks – The developer will pay in-lieu of sidewalk construction.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30, 2014 at the Fort Chaffee Redevelopment Authority Offices (7020 Taylor Avenue). No surrounding property owners were in attendance.

Staff recommends approval of the application contingent upon the following:

1. All construction must be built in accordance with the submitted Development Plan.
2. Provide preliminary traffic information.
3. Stormwater management, including detention and water quality treatment in accordance with the 2011 Storm Drainage Standards is required when total land disturbance is greater than one acre.
4. The Development Plan shall comply with the Chaffee Crossing Design Guidelines and construction shall not be less than what is required by the Unified Development Ordinance.

6C

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

See Attached

2. Address of property: 8801 Wells Lake Road

3. The above described property is now zoned: Not zoned

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

Yes X No _____

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

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

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

C-2 by Classification
(Zoning Classification) (Extension or classification)

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

To the northwest, the property is not zoned and not developed and is part of the Nature Center; to the northeast, the property is not zoned and is not developed; to the southeast, the property is not zoned and is not developed; to the southwest, across Massard Road the property is zoned Transitional, RM-3, and not zoned; uses are a CFS Fire Station, not developed, and a gas well.

8. Total acreage of property 2.58 acres

6D

Signed:

Mickle Wagner Coleman, Inc.

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

Owner

P.O. Box 1507, Fort Smith, AR 72902

~~Owner or Agent Mailing Address~~

or
Pat Mize
Agent

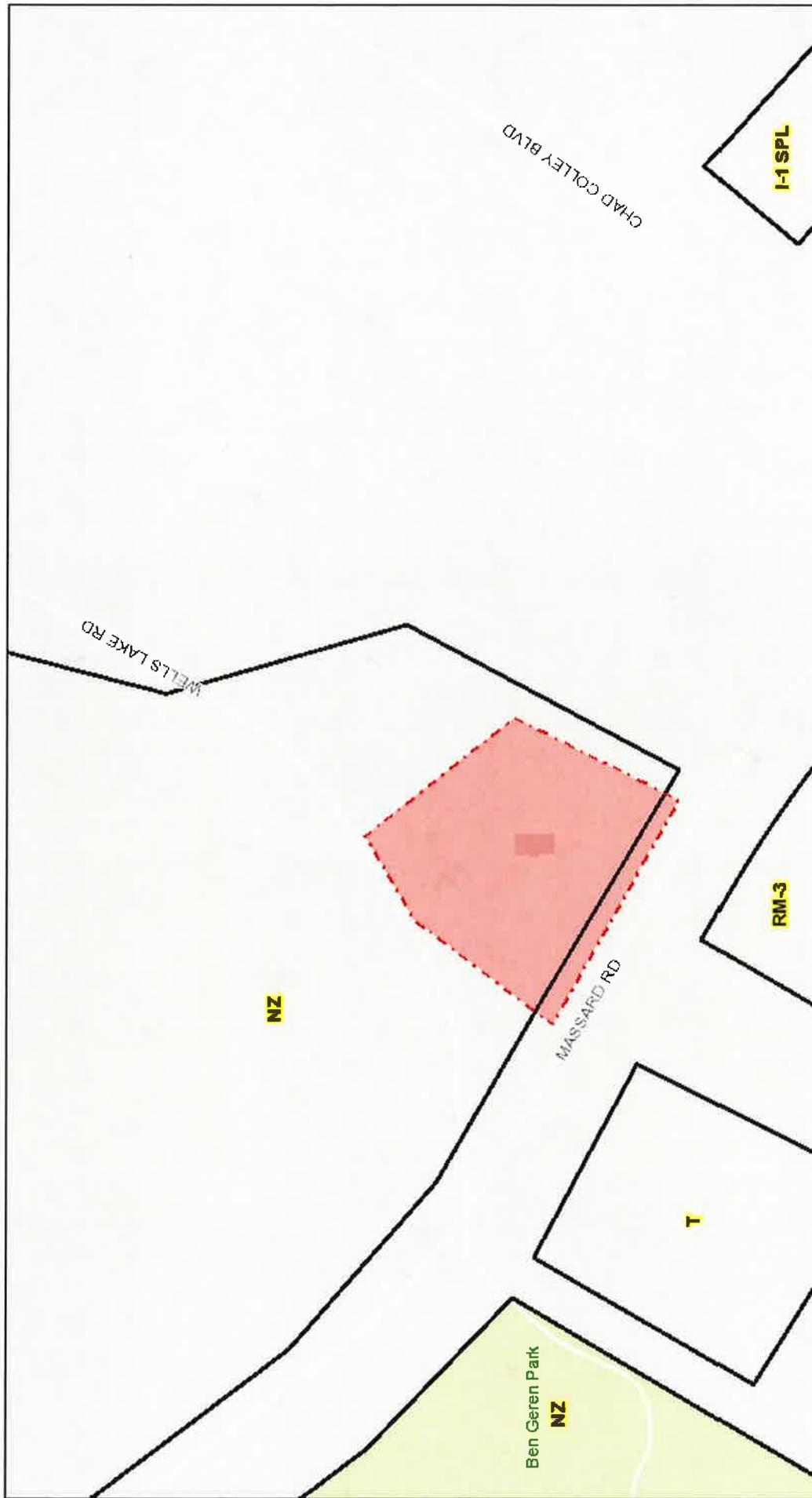
479-649-8484

~~Owner or Agent Phone Number~~

6E

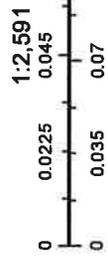
Development Plan Review: Restaurant

8801 Wells Lake Road

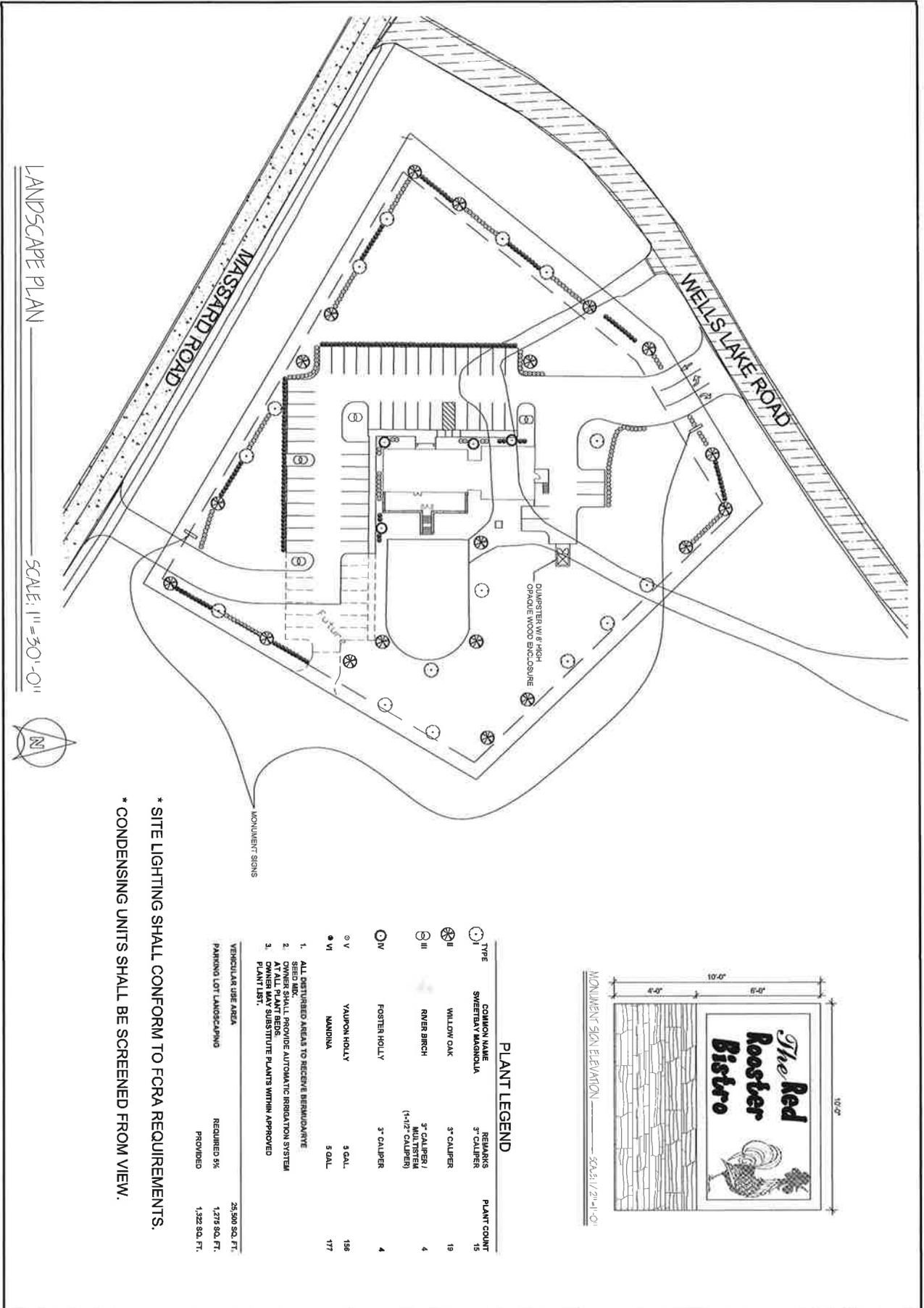


June 16, 2014

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

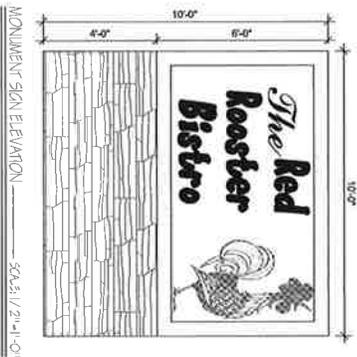


6F



LANDSCAPE PLAN

SCALE: 1" = 30'-0"



MONUMENT SIGN ELEVATION — SCALE: 1/2" = 1'-0"

PLANT LEGEND

| TYPE | COMMON NAME | REMARKS | PLANT COUNT |
|------|-------------------|--|-------------|
| ○ | SWEETBAY MAGNOLIA | 3" CALIBER | 15 |
| ○ | WILLOW OAK | 3" CALIBER | 19 |
| ○ | RIVER BIRCH | 3" CALIBER / MULCH SYSTEM (1-1/2" CALIBER) | 4 |
| ○ | FOSTER HOLLY | 3" CALIBER | 4 |
| ○ | YALPON HOLLY | 5 GAL. | 158 |
| ● | MANDINA | 5 GAL. | 177 |

1. ALL DISTURBED AREAS TO RECEIVE REVEGETATIVE SEED MIX. PROVIDE AUTOMATIC IRRIGATION SYSTEM AT ALL PLANT BEDS.
 2. OWNER MAY SUBSTITUTE PLANTS WITHIN APPROVED PLANT LIST.

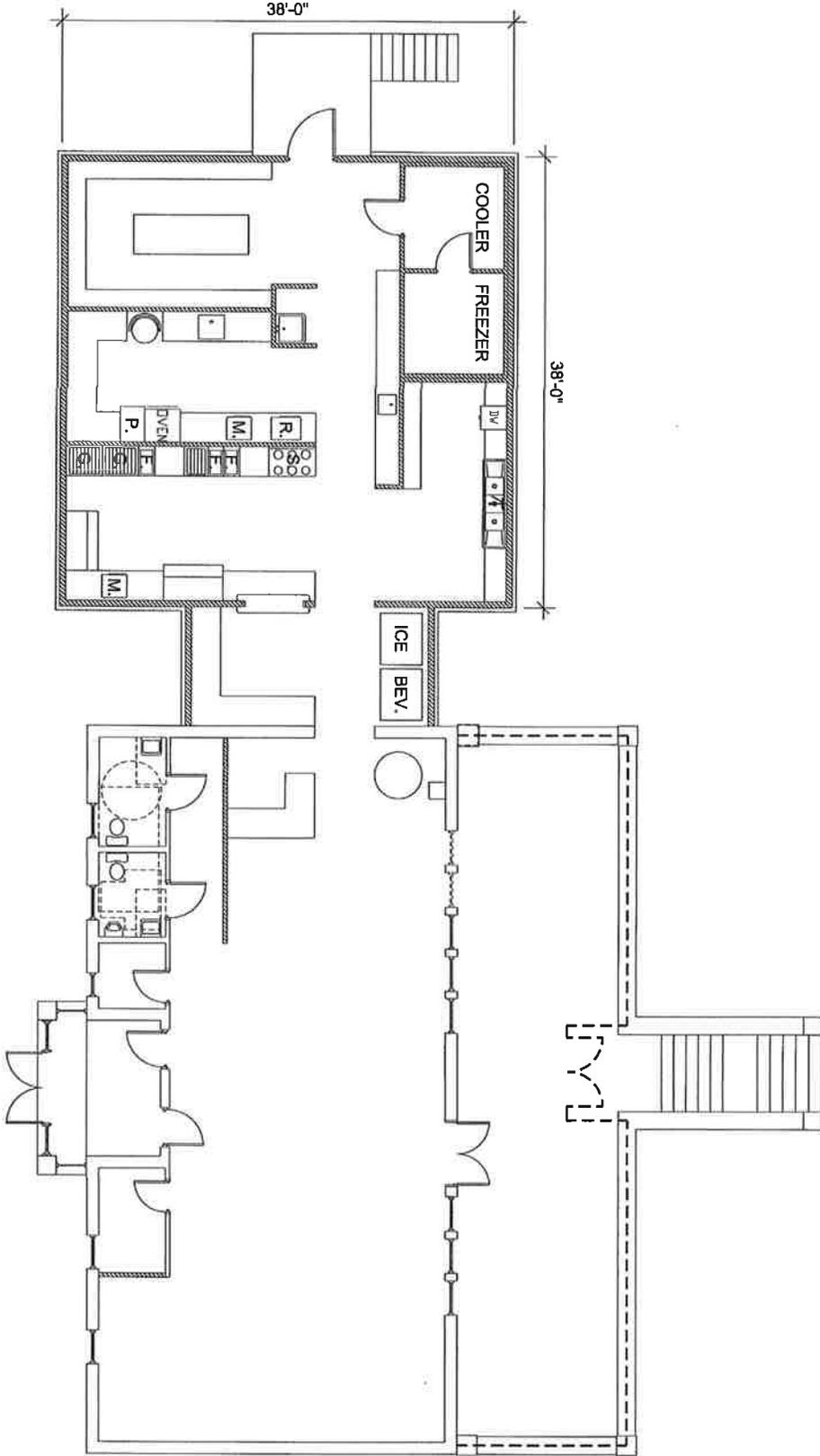
| VEHICULAR USE AREA | REQUIRED 5% | PROVIDED |
|-------------------------|---------------|---------------|
| PARKING LOT LANDSCAPING | 1,278 SQ. FT. | 1,322 SQ. FT. |

- * SITE LIGHTING SHALL CONFORM TO FCRA REQUIREMENTS.
- * CONDENSING UNITS SHALL BE SCREENED FROM VIEW.

6H

#1417

NEW FLOOR PLAN

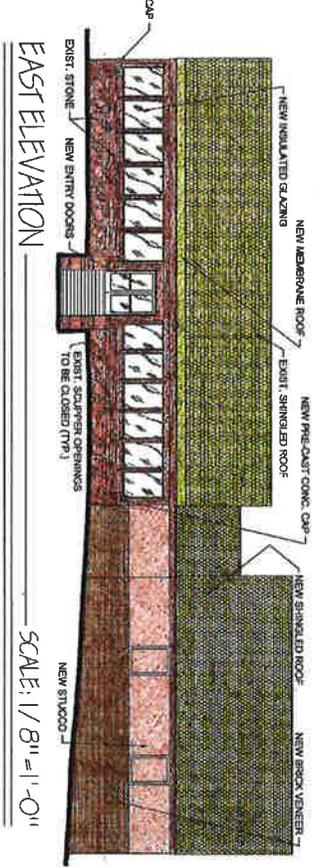
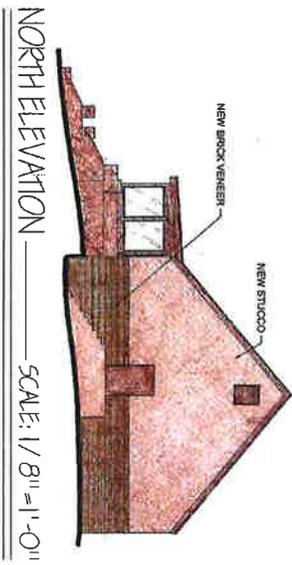


SCALE: 1/4" = 1'-0"



| | | | | |
|--|---|-------------------------------------|--|----------------|
| PROJECT NO. 1417 DATE: 04/17/14 DRAWN BY: A.I.I. | PROPOSED REMODEL FOR: MANESS SCHOOL HOUSE | SHEET NO.: NEW FLOOR PLAN | SURVEY PLUS ARCHITECT 10725 156th Ave. NW Edina, MN 55425 (763) 551-3500 info@sppa.com | COPYRIGHT: TBA |
| | FT. SMITH BRANDS | SHEET NO.: | | |

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|-----------------------|---|--------------------------------------|--|-------------------------------|
| <p>COPYRIGHT, TBA</p> | <p>BRANDENBURG, SHERIFF LITTLE ROCK, ARKANSAS 72201 (OFFICE) 501-976-5070 (FAX) 501-976-9766 http://www.brandenburg.com</p> <p>BRANDENBURG ARCHITECT</p> | <p>SHEET FILE NEW ELEVATIONS</p> | <p>PROPOSED REMODEL FOR: MANESS SCHOOL HOUSE</p> <p>PROJECT • JPT DATE 05/12/14</p> | <p>A.2.1 REV 06/25/14</p> |
|-----------------------|---|--------------------------------------|--|-------------------------------|

12

Memo

To: City Planning Commission

From: Planning Staff

Date: June 25, 2014

Re: Home Occupation #6-7-14 - A request by Robert Miller, owner, for Planning Commission consideration of a Web Design business in a Residential Multifamily Medium Density (RM-3) zone at 2519 North 41st Street

PROPOSED HOME OCCUPATION

The approval of this application will allow Mr. Miller to operate a web design business out of his home. The business will be designing web sites, graphics and print media design. No on site printing of documents will be done. Parking for the home occupation will be in the applicant's driveway where he has room for four cars.

LOT LOCATION AND SIZE

The subject property is on the west side of North 41st Street just north of Kelley Highway. The tract contains an area of 0.15 acres with approximately 50 feet of street frontage along North 41st Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

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. (A companion item would need to be mentioned here)

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.

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

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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.

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: Robert Nelson Miller

Legal Description of property included in the home occupation request:

Street Address of Property:

2519 N. 41st St.
Fort Smith, AR 72904

Zone Classification: _____

RM-3

Type of Business Requested: Web development and graphics design

Robert N Miller
Applicant's Name (please print)

479-785-2862
Phone Number of Applicant

2519 N. 41st St.
Fort Smith AR, 72904
Applicant Mailing Address

Signed:



Applicant

May 30, 2014
Date

N/A
Property Owner

Date

(if rental property)

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Home Occ. # 6-7-14

HOME OCCUPATION INFORMATION FORM

1. **Describe what type of business you are requesting.** Web design and development, graphics design and development, and e-commerce store.
2. **Will this business be completely contained in the residential structure?** Yes (x) No ___
If no, described location. _____
3. **What percentage of the residential floor area will be required to operate the business?** 10%
4. **Will operation of the business utilize any persons other than members of the immediate household?** Yes ___ No (X)
5. **At what hours and days of the week do you plan to operate the business?** Monday through Friday 8 AM through 6 PM
6. **Will there be any noise (No), odor (NO), or other outdoor activity associated with the business? (NO) If yes, explain.** _____
7. **Will materials or supplies be stored at this location?** Yes ___ No (X)
8. **How much storage will be needed?** ___ None _____
9. **Will merchandise be sold at this location?** Yes ___ No (X) **If yes, explain.** _____

10. **Will you have any business vehicles?** Yes ___ No (X) **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 (X) **What type?** _____
12. **Can you operate this business by appointment only?** Yes (X) No _____

Explain: _____

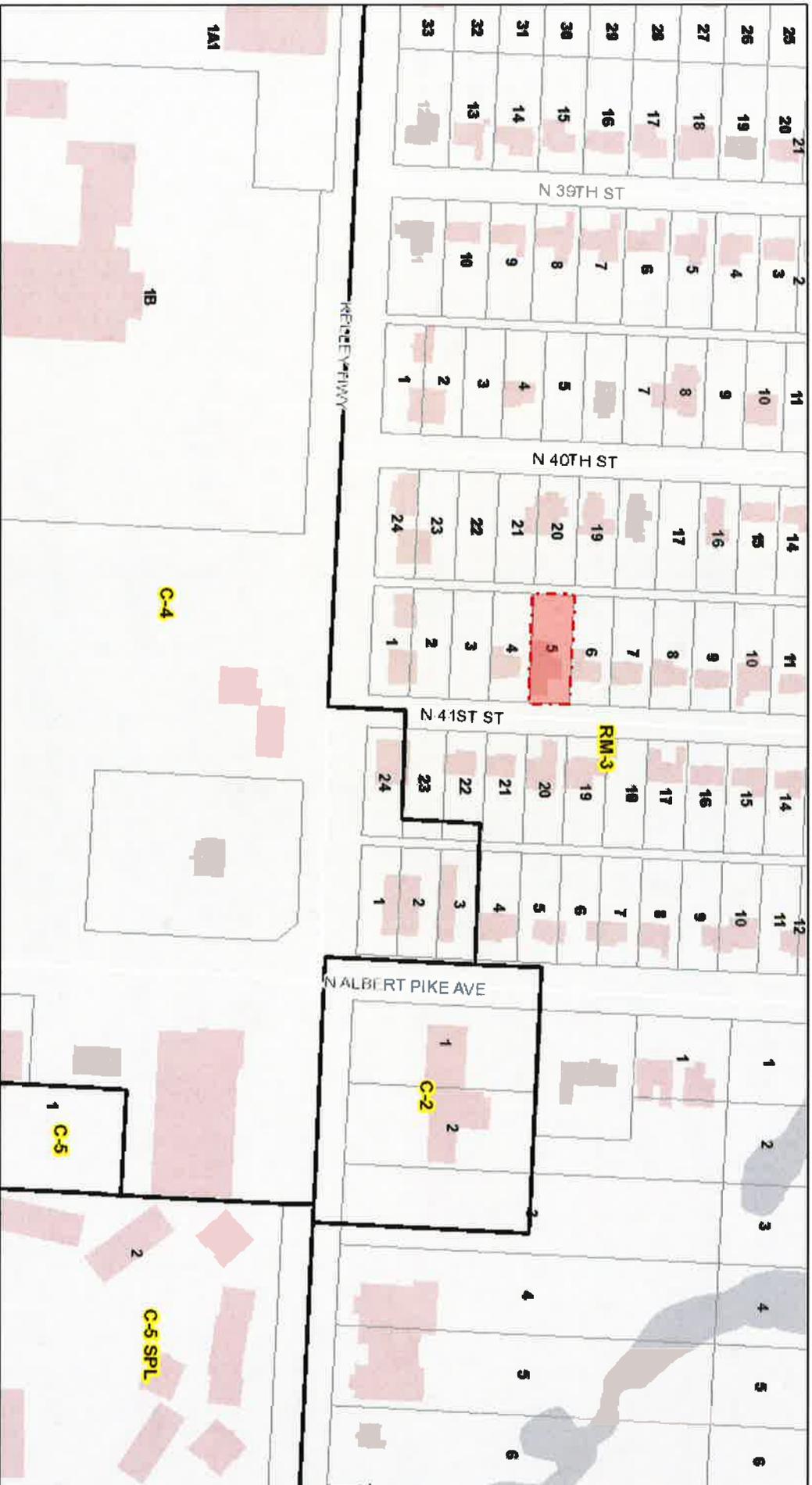
7F

- 13. **Will customers come to this location?** Yes (X) No ____
- 14. **How many customers do you expect to have coming to your home at any one time?** 1 or 2
- 15. **Do you expect any drop-in customers?** Yes ____ No (N)
- 16. **How do you plan to provide parking for customers?** Parking will be provided in the residential driveway.
- 17. **Do you plan to advertise this business?** Yes (X) No _____
If yes, by what methods? Internet advertising, mail brochure, radio advertising.
- 18. **Do you understand advertising the street address is not permitted? (Including the telephone directory listings.** Yes (X) No _____
- 19. **Do you understand the utilization of a sign in conjunction with this business is not permitted?** Yes (X) No _____
- 20. **Will the Home Occupation require a commercial trash container (dumpster)?**
Yes ____ No (X)
- 21. **Do you own or rent this property?** Own
- 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(X) 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 (X) No ____
- 25. **Provide any other information that you feel helpful.**

Home Occupation #6-7-14: Web Development and Graphics Design Business

2519 North 41st Street

IL



June 16, 2014

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





Google earth



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Memo

To: City Planning Commission

From: Planning Staff

Date: June 27, 2014

Re: Variance #21-7-14 - A request by Ramiro Espinosa, agent for Trixie Nguyen, for Board of Zoning Adjustment consideration of a zoning variance request from 120 days to 240 days maximum length of time for a special temporary use permit (seasonal) food trailer (Section 27-327) at 3939 North O Street.

REQUESTED VARIANCE

The variance if approved will allow for the temporary food trailer to operate 240 days a year at this location.

LOT LOCATION AND SIZE

The subject property is on the north side of North O Street on the northwest corner of Victory Circle and North O Street. The tract contains an area of 0.13 acres with approximately 105 feet of street frontage along North O Street and 45 feet of street frontage along Victory Circle.

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 areas to the north and east are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

The areas to the south and west are zoned Commercial Light (C-2) and are developed as a drive-through restaurant, grocery store, and shopping center.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North O Street as a Major Collector.

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.

ORDINANCE REGARDING TEMPORARY USES

A. Short Term Subject to the Following

- The Director may grant a special temporary use retail permit not to exceed thirty (30) days to those who want to use trailers for the preparation and sale of food, beverages and/or merchandise. The permit is renewable for one (1) additional thirty (30) day period upon review and approval by the City Planning Commission.

- The special temporary permit may be issued in any Commercial-2, Commercial-3, Commercial-4, Commercial-5, and Industrial-1 zones. The permitted uses must conform to the setback and signage requirements of the districts in which they are located.
- Such permits are subject to a fee established by the Board of Directors.
- Permit request for the same facilities on the same site or within five (500) feet of the same site shall not be considered by the Director for at least ninety (90) days from the expiration of the original permit.

B. Seasonal (120) Day Permit Subject to the Following

- The director may grant a special temporary use Permit (retail) to utilize a trailer or other mobile structures for the preparation and sale of food, beverage and/or merchandise on a seasonal basis.
- The period of use may not exceed one hundred twenty (120) days. Seasonal shall mean and refer to foods and beverages or merchandise which are customarily sold during a specific season of the year and not sold on general, customary basis during the remainder of the year. An example of a seasonal food would include “snow-cones” sold during the summer season and examples of seasonal merchandise would include “fire wood” or “Christmas trees” sold during the winter season.
- The special temporary uses may be located in Commercial-2, Commercial-3, Commercial-4, Commercial-5, or Industrial-1. The permitted uses must conform to the setback and signage requirements of the districts in which they are located.
- Such permits are subject to a fee established by the Board of Directors and may not be renewed or extended beyond a one hundred twenty (120) day period.
- Permit request for the same facilities on the same site or within five hundred (500) feet of the same site shall not be considered by the Director for at least ninety (90) days from the expiration of the original permit.

APPLICANT HARDSHIP

The applicant states that he has a full year lease on the property and he only opens on three days of the week which are Friday, Saturday, and Sunday. He further explains that his customer base is familiar with this location and it provides ample business and that water is readily available at this site.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 30th, 2014 at 3939 North O Street. No neighboring property owners attended the meeting.

Additional information for mobile food trucks/trailers is listed below.

- The Planning Commission has approved a time extension for snow-cone stands at several locations.
- All mobile food trucks/trailers are inspected by the health department prior to opening.
- No health grade is required to be posted on the mobile food trucks/trailers.
- No ordinance exists for mobile food trucks/trailer to be set at a minimum distance from residential areas.

- No ordinance exists for mobile food trucks/trailers to be set at a minimum distance from similar business establishments.

If the BZA is inclined to approve the variance staff recommends the approval be contingent upon the following:

1. The food trailer shall remain located on the west side of the building at the furthest point from the Residence.
2. The Business shall only be operated on Friday, Saturday, and Sunday as stated in the Variance application.

Additionally, 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.

Ramiro

(479) 719-9052
Var.#21-7-14

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 3939 North O st, 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

120 Days - 240 Days Other: Seasonal use Maximum

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:

Ramiro Espinosa
Owner or Agent Name (please print)

Ramiro Espinosa
Owner

or

(479) 719-9052
Owner or Agent Phone Number

Ramiro Espinosa
Agent

5200 South 'U' st Apt # 57
Owner or Agent Mailing Address
Fort Smith AR 72903

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? |
| <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? |
| _____ | _____ | 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? |
| <input checked="" type="checkbox"/> | _____ | Does the lot front any street classified as an arterial or collector on the Master Street Plan? |

Greetings Neighbor,

Taco Naco, a temporary food trailer, currently located on the property at 3939 North O St has submitted application to the City of Fort Smith to request a variance from current City Code. The City Code currently states that a temporary food business can only be located at a location for 120 days before vacating that location. I am asking the City Planning Commission to approve a variance for me to be able to operate my business at this location for 240 days at a time. My business is only open Friday through Sunday. If you have any questions or concerns about this variance please come to my Neighborhood Meeting on Monday June 30th at 5:00pm at 3939 N O St, or feel free to call me at (479)719-9052.

Thank You very much for your time.

Ramiro Espinoza

8H

Variance #21-7-14

3939 North "O" Street



Google earth

feet
meters



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