

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
NOVEMBER 13, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM OCTOBER 14, 2014

III. STAFF COMMENTS AND PROCEDURES

1. UDO Amendments
2. Rezoning #21-11-14; A request by John Alan Lewis, agent for Peachtree Village, LLC and Peachtree Village South Property, LLC for a zone change from Residential Multi-Family Medium/High Density (RM-3) to a Planned Zoning District by Classification located at 1500 Fresno Street.
3. Conditional Use #33-11-14; A request by David Conyers for a conditional use for a business professional school (beauty school) located at 5005 Old Greenwood Road.
4. A request by Scott Branton, agent for Rob Coleman, for development plan approval for a multi-family development located at 4601 Jenny Lind.
5. A request by Guest Reddick Architects, agent for Silverthorne, LLC, for development plan approval for a retail facility located at 5400 Phoenix Avenue. (companion item to item #6)

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

6. Variance #32-10-14; A request by Guest Reddick Architects, agent for Silverthorne, LLC, for a variance from perimeter landscaping requirements located at 5400 Phoenix Avenue. (companion item to item #5)

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**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 14, 2014**

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

Chairman Sharpe then called for the vote on the Planning Commission minutes from the September 9, 2014, 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. Preliminary Plat – Patriot Square – Lots 1-13 – Mickle-Wagner-Coleman**
- 2. Final Plat – Patriot Square – Lots 1 & 2 – Mickle-Wagner-Coleman**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is for commercial uses. Ms. Andrews noted that proposed lots one and two are to be utilized as commercial with no confirmed uses for the remaining lots.

Ms. Randy Coleman was present to speak on behalf of these requests.

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

- 1. Preliminary Plat – Patriot Square – Lots 1-13 – Mickle-Wagner-Coleman**

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

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

- The preliminary and final plat must comply 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 6 in favor, 0 opposed and 1 abstention (Howard).

2. Final Plat – Patriot Square – Lots 1 & 2 – Mickle-Wagner-Coleman

Motion was made by Commissioner Parks, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder.

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

3. Rezoning #19-10-14; A request by Valerie Lewis, agent for the Parkhill Subdivision, for a zone change from Residential Multi-Family Medium/High Density (RM-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 2000-2115 South “R” Street; 2119-2222 South “R” Street; 2000-2230 South “S” Street; 2000-2423 South “T” Street; 2000-2225 South “U” Street; 1822-2201 South 21st Street; 1800-2017 South 22nd Street; 1822-2208 South 23rd Street and 1913-1915 Jenny Lind Road.

Ms. Maggie Rice read the staff report indicating that the purpose of this rezoning request is for a corrective rezoning to reflect how this area has developed. Ms. Rice noted that the proposed rezoning is to exclusively allow single family development. Ms. Rice also stated that a neighborhood meeting was held on Thursday, September 25, 2014, at the Fort Smith Public Library with twelve (12) people present, two (2) of which in opposition to the rezoning and requesting their properties be removed from the rezoning request.

Commissioner Redd questioned the fact that this would be considered a spot zoning if the lots being excluded from this rezoning request were to remain their current zoning classification.

Ms. Rice indicated that a letter had been received from Mr. Roger Winton questioning whether staff had notified all property owners of duplex properties that they will only be allowed to rebuild a single occupancy residence in case their existing property is

destroyed and that they have the option of requesting their property be taken out of the rezoning request. Ms. Rice stated that all property owners had been notified.

Ms. Rice also noted the following excerpt from the comprehensive plan in response to Mr. Winton's letter stating that the proposed rezoning is a direct conflict of the comprehensive land use studies:

Rezoning of existing, predominately, single-family residential neighborhoods where the historic zoning pattern does not reflect the predominant built pattern. Priority will be made in areas where stability and character are threatened.

Ms. Valerie Lewis was present to speak on behalf of this request. Ms. Lewis praised Ms. Rice and the entire Planning staff for their assistance during this application process.

Chairman Sharpe asked for a show of hands of people in attendance who were in support of this request. Approximately 30+ people were in attendance supporting this rezoning.

Mr. David Perry, 2025 South "T" Street spoke on behalf of this rezoning request. Mr. Jim Horton addressed the Commission and requested that 2 of his rental properties be removed from this rezoning request. He noted the addresses to be removed as 2104 South "R" Street and 2220 South "S" Street.

Ms. Melissa Woodall, 2210 South "S" Street, spoke in opposition to this request. Ms. Woodall noted that her property has already been excluded from this request; however, she stated that she is not a fan of reducing property owners' rights to do what they want with their properties and did not feel that multi-family development would be detrimental to the neighborhood.

Following a discussion by the Commission, motion was made by Commissioner Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the removal of the above noted two (2) properties owned by Mr. Horton.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 6 in favor and 1 opposed (Redd).

- 4. A request by Bransen Harris, agent for Don Carter, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 3507 & 3515 South 66th Street. (companion item to item #5 & #6)**

5. **Rezoning #20-10-14; A request by Bransen Harris, agent for Don Carter, for a zone change from Transitional (T) to Residential Multi-Family Medium/High Density (RM-3) by Extension located at 3507 & 3515 South 66th Street. (companion item to items #4 & #6)**
6. **A request by Bransen Harris, agent for Don Carter, for development plan approval for a multi-family development located at 3507 & 3515 South 66th Street. (companion item to items #4 & #5)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for a multi-family development consisting of seven (7) duplexes and one (1) single family home. Ms. Rice stated that the development would have a total of 15 dwelling units for this location with 32 parking spaces and landscaping along South 66th Street and Sunchase Lane.

Ms. Rice stated that a neighborhood meeting was held on Thursday, August 21, 2014, at 5:30 p.m. at 6813 Phoenix Avenue with two (2) people in attendance. There were no objections to the proposed project, but discussions about how the drainage would be accommodated did occur during the meeting.

Mr . Bransen Harris spoke in support of these requests.

The following persons spoke in opposition to these requests citing their concerns relative to property devaluation, traffic, safety and drainage: Ms. Lori Moore, representing her father Al Roller at 3305 South 68th Circle; Paul Chastain, 6701 Sunchase Lane; Sue Arter, 3224 South 68th Circle and Claudia Sanchez, 3300 South 68th Circle.

Mr. Harris noted that there would be one way in and one way out and all parking would be located behind the units with no parking on the street. Mr. Harris also noted that these units would be approximately 1,300 square feet and rent for approximately \$1,000 per month.

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

4. **A request by Bransen Harris, agent for Don Carter, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 3507 & 3515 South 66th Street. (companion item to items #5 & #6)**

The vote on the Master Land Use Plan Amendment was 5 in favor and 2 opposed (Howard, Redd).

- 5. Rezoning #20-10-14; A request by Bransen Harris, agent for Don Carter, for a zone change from Transitional (T) to Residential Multi-Family Medium/High Density (RM-3) by Extension located at 3507 & 3515 South 66th Street. (companion item to items #4 & #6)**

Motion was made by Commissioner Cox, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to all construction being built in accordance 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 those described in this section will require Planning Commission approval.

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

- 6. A request by Bransen Harris, agent for Don Carter, for development plan approval for a multi-family development located at 3507 & 3515 South 66th Street. (companion item to items #4 & #5)**

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

- 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 those described in this section will require Planning Commission approval.
- All exterior lighting must comply with Section 27-602-5 of the Unified Development Ordinance.
- The drainage shall be approved by the City Engineering Department.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 5 in favor and 2 opposed (Howard, Redd).

- 7. A request by Guest Reddick Architects, agent for Silverthorne, LLC, for development plan approval for a retail facility located at 5400 Phoenix Avenue. (companion item to item #15)**

- 15. Variance #32-10-14; A request by Guest Reddick Architects, agent for Silverthorne, LLC, for a variance from perimeter landscaping requirements located at 5400 Phoenix Avenue. (companion item to item #7)**

Mr. Wally Bailey stated that an e-mail had been received by the applicant requesting that these items be tabled for a maximum of sixty (60) days pending an investigation and consideration of construction cost savings necessary for this project to move forward.

Chairman Sharpe then called for the vote to table the development plan application for a maximum of sixty (60) days. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried with 6 in favor and 1 abstention (Redd).

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

- 15. Variance #32-10-14; A request by Guest Reddick Architects, agent for Silverthorne, LLC, for a variance from perimeter landscaping requirements located at 5400 Phoenix Avenue.**

Chairman Sharpe then called for the vote to table the variance application for a maximum of sixty (60) days. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried with 6 in favor and 1 abstention (Redd).

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

- 8. Conditional Use #30-10-14; A request by Michele Santana, agent for Hung Tran, for a conditional use for an auto body shop located at 2901 North 6th Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this conditional use is to allow an existing metal shop building to be utilized as an auto body shop.

Ms. Andrews stated that a neighborhood meeting was held on Friday, September 12, 2014 on site with one (1) neighboring property owner in attendance with no objections to the proposed project being voiced.

Ms. Michele Santana was present to speak on behalf of the conditional use 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 conditional use request. Motion was made by Commissioner Cox, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- 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 those described in this section will require Planning Commission approval.
- 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.

- The conditional use permit shall not permit any salvage operations at this site.
- The existing dumpster shall be completely screened from adjacent property owners and the public right-of-way.
- Any future exterior lighting installed shall comply with the Commercial and Outdoor Lighting regulations.
- The existing privacy fence adjacent to the residential properties shall be maintained.

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

- 9. Conditional Use #31-10-14; A request by Michele Santana, agent for Hung Tran, for a conditional use for an increase in size of an existing auto body shop located at 2919 North 6th Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow an existing auto body shop to utilize more land than was previously approved for the parking of vehicles awaiting repair. Ms. Andrews stated that this would allow the shop to utilize all of Lot 9A and part of Lot 8 for the existing business.

Ms. Michele Santana 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 conditional use 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:

- 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 those described in this section will require Planning Commission approval.
- 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.

- The conditional use permit shall not permit any salvage operations at this site.
- The existing dumpster shall be completely screened from adjacent property owners and the public right-of-way.
- Any future exterior lighting installed shall comply with the Commercial and Outdoor Lighting regulations.
- The existing privacy fence adjacent to the residential properties shall be maintained.

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

10. Conditional Use #32-10-14; A request by Ryan Zaloudik, agent for Clear Channel Outdoor, for replacement of a 378 square foot digital sign head with a 672 square foot sign head located at 1294 I-540 (6301 Grand Avenue).

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for the removal of a 378 square foot digital sign head and the installation of a new 672 square foot static sign head.

Mr. Ryan Zaloudik, representing Clear Channel, 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, motion was made by Commissioner Newton, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- 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 those described in this section will require Planning Commission approval.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Redd).

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

11. Variance #30-10-14; A request by Clear Channel Outdoor, Inc., agent for 45 Development Group, LLC, for a variance from 300 square feet to 378 square feet maximum size of a sign and from 250 feet to 50 feet distance from a residential structure and from the 4 signs per mile requirement located at 4898 Rogers Avenue (4900 Rogers Avenue).

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow the replacement of a 315 square foot static billboard sign with a 378 square foot digital billboard sign. Ms. Rice noted that the applicant will remove a 300 square foot billboard sign at Midland Boulevard and North "U" Street and the new digital sign will face east, away from the residential area to the back of the sign.

Mr. Ryan Zaloudik, representing Clear Channel Outdoor, Inc., 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 Howard and carried unanimously to amend this request to make approval subject to the following:

- Removal of the sign located on Midland Boulevard and North “U” Street prior to the new sign face being erected.
- The digital face shall be limited to the sign that faces east and the west face shall remain static at 300 square feet.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 4 in favor, 2 opposed (Howard, Cox) and 1 abstention (Redd).

12. Variance #28-10-14; A request by John Thomsen, agent for Don and Gail Brewer for a variance from 7.5 feet to 5.0 feet interior side yard setback located at 5209 South Fresno Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow for a double carport to be built on an existing concrete pad.

Mr. John Thomsen was present to speak on behalf of this request.

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

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed.

13. Variance #29-10-14; A request by Al Prieur, agent for Anthony & Lisa Toth, for a variance from 91 to 63 minimum number of parking spaces required located at 5510 South 66th Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the owner the ability to reduce the minimum number of required parking spaces.

Ms. Andrews noted that the development plan shows 74 parking spaces as opposed to 63 spaces indicated in the applicant’s variance application.

Ms. Andrews also noted that a neighborhood meeting was held on Friday, October 3, 2014, at 5510 South 66th Street with no neighboring property owners in attendance.

Mr. Al Prieur 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 Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Justification of the variance is based on the 74 parking spaces proposed, which would allow parking for the current 45 employees and provide 29 spaces for visitors and future growth.
- Approval of the variance is based on the current development plan. If future expansion of the facility is proposed or additional parking is required due to additional employees, additional parking spaces shall be required that complies with the minimum parking standards.

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

14. Variance #31-10-14; A request by Hawkins-Weir, Inc., agent for Ryan Bader, St. Edward Mercy Health, for the following variances located at 3501 W.E. Knight Drive:

From the Phoenix Avenue Overlay Signage Regulations 27-440-B(2) to allow from two to three monument signs on a lot having frontage on two public streets, from 6 square feet to 16.28 square feet traffic directional signage, and from 10 feet to 7.5 feet and from 10 feet to 7 feet between a monument sign and property lines.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the hospital to implement an adequate amount of signage to show the health care location and add needed directional signage for the large site.

Mr. Steve Hendrix was present to speak on behalf of this request.

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed.

Commissioner Redd noted his reasons for approving this variance is due to the type of land use and development and due to the fact that the directional signage would provide more safety and security for the patrons of this facility.

Mr. David Harris, 2025 South "V" Street, addressed the Commission. He noted that variances seem to be approved if they are for Mercy, UFAS or the Air National Guard.

Meeting Adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: November 3, 2014

Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff is proposing to allow *school, technical or trade* as a Conditional Use in the Commercial Regional (C-4) zone. Staff received a request for a technical or trade school in a Commercial Regional (C-40) zone and in order to accommodate the use a text amendment is required. This is consistent with the other land uses related to schools and still requires Planning Commission approval.

All changes are highlighted on the attached pages.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO.

P = Permitted Use, C = Conditional Use, A = Accessory Use	Districts	Districts																										
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	
College, university, or seminary		C	C	R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	
Fine art and performance education				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Library or public arts complex				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Nursery school				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Preschool				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Primary and secondary school				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
School, business professional																												
School, technical or trade																												
Public Administration - Government																												
Criminal justice facility																												
Detention facility																												
Government office																												
Public Safety																												
Emergency response station																												
Fire and rescue station				C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Police station																												
Police substation (no incarceration)				C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Health and Human Services																												
Community health and welfare clinic																												
Diagnostic laboratory testing facility																												
Doctor office and clinic																												
Hospice residential care facility																												
Hospital																												
Mental health hospital																												
Nursing home																												
Substance abuse treatment facility																												
Social Assistance, Welfare, and Charitable Services																												
Child and youth services (office)																												
Day care Home (12 or less)				C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Day care center																												
Community food services																												
Emergency and relief services																												
Family support services																												
Senior citizen center																												
Vocational rehabilitation																												
Religious Institutions																												
Church, synagogue, temple, mosque				C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Rectory, convent, monastery																												
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																												
Wedding chapel																												
Death Care Services																												

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Memo

To: City Planning Commission

From: Planning Staff

Date: October 24, 2014

Re: Rezoning #21-11-14 - A request by Alan Lewis, Agent for Peachtree Village, LLC and Peachtree Village South Property, LLC, for Planning Commission consideration of a zone request from Residential Multi-Family Medium Density (RM-3) to a Planned Zoning District (PZD) located at 1500 Fresno Street.

PROPOSED ZONING

The proposed Planned Zoning District will allow the existing assisted living facility to become a permitted use in the PZD. Currently, the existing business is a conditional use in the Residential Multi-Family Medium Density (RM-3).

LOT LOCATION AND SIZE

The subject property is on the south side of Fresno Street west of South 16th Street and east of Towson Avenue. The tract contains an approximate area of 5.75 acres with approximately 280 feet of street frontage along Fresno Street.

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, east and south are zoned Residential Multi-Family Medium Density (RM-3) and are developed as single family residences.

The area to the west is zoned Residential Multi-Family Medium Density (RM-3) and is undeveloped.

MASTER LAND USE PLAN COMPLIANCE

The *Master Land Use Plan* currently classifies the site as Residential Attached and Residential Detached. The residential detached classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. The Residential Attached classification is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values. Approval of the zone change will not conflict with the Master Land Use Plan or surrounding development.

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, the facility is existing.**
- 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 Fresno Street which is classified as a minor arterial.**
- 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 facility already exists. Any changes would comply with the booklet submitted for the proposed PZD.**
- 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, the facility is existing.**
- 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**

2B

- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **No new construction is proposed to the existing assisted living facility is existing. Since no new construction is proposed and this is a continuation of an existing, long standing land use, the facility will not have an increased impact on the volume of vehicles.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The existing facility exceeds the UDO by utilizing 100 percent of high quality materials for the buildings.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The property is accessible from Fresno Street.

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.

Landscaping & Screening – The site and landscaping are existing. No new landscaping is proposed. The site contains trees and shrubs along Fresno Street.

Parking – The site has 89 parking spaces and has adequate parking for the facilities purpose.

Signage – The existing site has one monument sign adjacent to Fresno Street. This existing sign conforms to the UDO signage regulations. No new signage has been proposed.

Sidewalks – Fresno Street does not have an existing sidewalk network. During any construction phase in the future the engineering department will determine the necessity of sidewalks, or payment in lieu of in accordance to the Ordinance. At this time no new construction is planned.

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, 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 existing land use and PZD are compatible with the surrounding area.**
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The sole land use permitted within the PZD is assisted living facility.**
- 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

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safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts. **Since no new construction is proposed and this is a continuation of an existing, long standing land use, the facility will not have an increased impact on the volume of vehicles.**

E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts. **The existing use and facility have adequate utilities and services.**

F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land use and building comply with the UDO. Upon a 50 percent increase in building size the design guidelines would apply.**

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting is scheduled for Wednesday November 12, 2014 at 6:00 p.m. on site. A summary of the neighborhood meeting will be distributed prior to the Planning Commission 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:

Lots 9B and 9C, Nelson's Addition to the City of Fort Smith, Sebastian County, Arkansas, being a replat of Lot 9A, Block 2, Nelson's Addition and Lot 7, Block 1 of Nelson's Place.

2. Address of property: 1500 Fresno Street, Fort Smith, Arkansas

3. The above described property is now zoned: Residential Multifamily Medium Density (RM-3)

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?

Currently, the property is operated as an assisted living facility for the elderly and infirm, a non-conforming use in the RM-e zone. The PZD application is an attempt to bring the long-standing land use into compliance.

Signed:

Agent: John Alan Lewis
5414 Pinnacle Point Drive, Suite 500
Rogers, Arkansas 72758

Owner

Or


Agent

Rezoning #21-11-14: From Residential Multifamily Medium Density (RM-3) to PZD 1500 Fresno Street

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November 7, 2014

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



Master Land Use for Rezoning #21-11-14 1500 Fresno Street

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November 7, 2014

- Fort Smith City Limits
- Subdivisions
- Building Footprints



PROJECT BOOKLET

PEACHTREE VILLAGE SOUTH PROPERTY, LLC
Peachtree Village South at Fort Smith – Assisted Living Facility
1500 Fresno Street
Planned Zoning District No. _____

October 17, 2014



PEACHTREE VILLAGE SOUTH PROPERTY, LLC – PROJECT BOOKLET

TABLE OF CONTENTS

- I. Planned Zoning District Certification Statement
- II. Introduction Statement to Project Booklet
- III. 27-341-2 Submission Requirements – Items 1, 2, 3 (a. through m.)
- IV. GIS Map, Plat, and Survey
- V. Signage and Depiction of Property
- VI. Chart F

I. PLANNED ZONING DISTRICT CERTIFICATION STATEMENT

Peachtree Village South Property, LLC**, property owner of Nelson's Addition, Lots 9B & 9C, also known as 1500 South Fresno Street, does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341-2 of the Fort Smith Unified Development Ordinance.

I agree to the terms and conditions within the Project Booklet, and request the City of Fort Smith to approve the rezoning.

Peachtree Village South Property, LLC**

By: Janet Nordlie
Janet Nordlie, Authorized Representative of
Peachtree Village, L.L.C., its Sole Member

Date: October 17, 2014

****Please note that Peachtree Village South Property, LLC will be the owner of the property effective October 22, 2014 pursuant to a Warranty Deed filed by Peachtree Village, L.L.C. (the current fee simple title owner of the Property and the Sole Member of Peachtree Village South Property, LLC) in connection with a HUD refinance of the Property. Therefore, in anticipation of this conveyance, Peachtree Village South Property, LLC shall be referred to as the "Owner" herein.**

II. INTRODUCTION STATEMENT

THE PROPOSED PLANNED ZONING DISTRICT (PZD) FOR THE PROPERTY LOCATED AT 1500 SOUTH FRESNO STREET AND 1422 SOUTH FRESNO STREET, AS SUCH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW, WILL BE PERMITTED TO UTILIZE ALL PERMITTED AND CONDITIONAL USES AS SHOWN IN THE ATTACHED FORT SMITH USE MATRIX AND AS DEFINED IN THE PROJECT BOOKLET HEREIN.

PZD PROPERTY DESCRIPTION:

NELSON'S ADDITION, LOTS 9B & 9C, AS SHOWN ON THAT CERTAIN REPLAT OF LOT 9A, BLOCK 2, NELSON'S ADDITION AND LOT 7 BLOCK 1 OF NELSON PLACE FILED IN THE SEBASTIAN COUNTY LAND RECORDS, FORT SMITH DISTRICT, ON SEPTEMBER 11, 2014, ALSO KNOWN AS 1500 SOUTH FRESNO STREET, FORT SMITH, ARKANSAS

AND

THE EAST 80.5 FEET OF THE EAST HALF OF LOT 10 AND THE EAST 80.5 FEET OF THE NORTH 48.8 FEET OF THE EAST HALF OF LOT 9, ALL IN BLOCK 2, NELSON'S ADDITION TO THE CITY OF FORT SMITH, FORT SMITH DISTRICT, SEBASTIAN COUNTY, ARKANSAS, ACCORDING TO PLAT FILED AUGUST 28, 1926 AS PLAT NO. 89, ALSO KNOWN AS 1422 SOUTH FRESNO STREET, FORT SMITH, ARKANSAS.

III. 27-341-2 SUBMISSION REQUIREMENTS

**PEACHTREE VILLAGE SOUTH PROPERTY, LLC
PEACHTREE VILLAGE SOUTH AT FORT SMITH – ASSISTED LIVING FACILITY
PLANNED ZONING DISTRICT**

1422 & 1500 South Fresno Street, Fort Smith, AR

October 17, 2014

1. The pre-application conference was waived by Maggie Rice with the City of Fort Smith Planning Department, based upon previous conversations with the Owner and its counsel.
2. The application fee has been paid.
3. The application booklet has been submitted and comments are listed below:
 - a. Reason for Request: The Owner is requesting a zoning change for the Property from Residential Multi-Family/Medium Density (RM-3) to a Planning Zone District (PZD) to permit the current use of the Property as an assisted living facility for the elderly and infirm. The current zoning does not allow this use, and rather than proposing a re-zoning to a Commercial designation (C-2 thru C-6), which would require a variance or master land use amendment, it is believed that a PZD is the more appropriate approach. The surrounding properties are zoned Residential Multi-Family/Medium Density (RM-3) and Commercial Light (C-5). The assisted living facility has operated on this site for over twenty years, and the proposed PZD will fit seamlessly with and complement the existing building types and land uses of the area.
 - b. Ownership Information: The property that will be included in the proposed PZD area is Nelson's Addition, Lots 9B & 9C, located at 1500 South Fresno Street, and the East 80.5 feet of the East half of Lot 10 and the East 80.5 feet of the North 48.8 feet of the East half of Lot 9, all in Block 2, Nelson's Addition, located at 1422 South Fresno Street (the "Property"). The current fee simple title owner of the property is Peachtree Village South Property, LLC (the "Owner"). The Owner is managed through Janet Nordlie. The Authorized Agents on behalf of the Owner are John Alan Lewis and Katie Papasan. There are currently no proposed or pending Property sales.
 - c. Description of the Scope, Nature, and Intent of Proposal: Peachtree Village South at Fort Smith is located at 1422 & 1500 South Fresno Street in Fort Smith. The improvements on the site include an existing +/- 52,724 SF building with six wings that is operated as an assisted living facility with related amenities for the elderly and infirm, as well as two former single family residence buildings that have been converted for the facility's use for business purposes. The intent of this proposal is to obtain a PZD designation for the Property so that the existing assisted living facility can continue to operate on the Property in full compliance with the City zoning regulations.

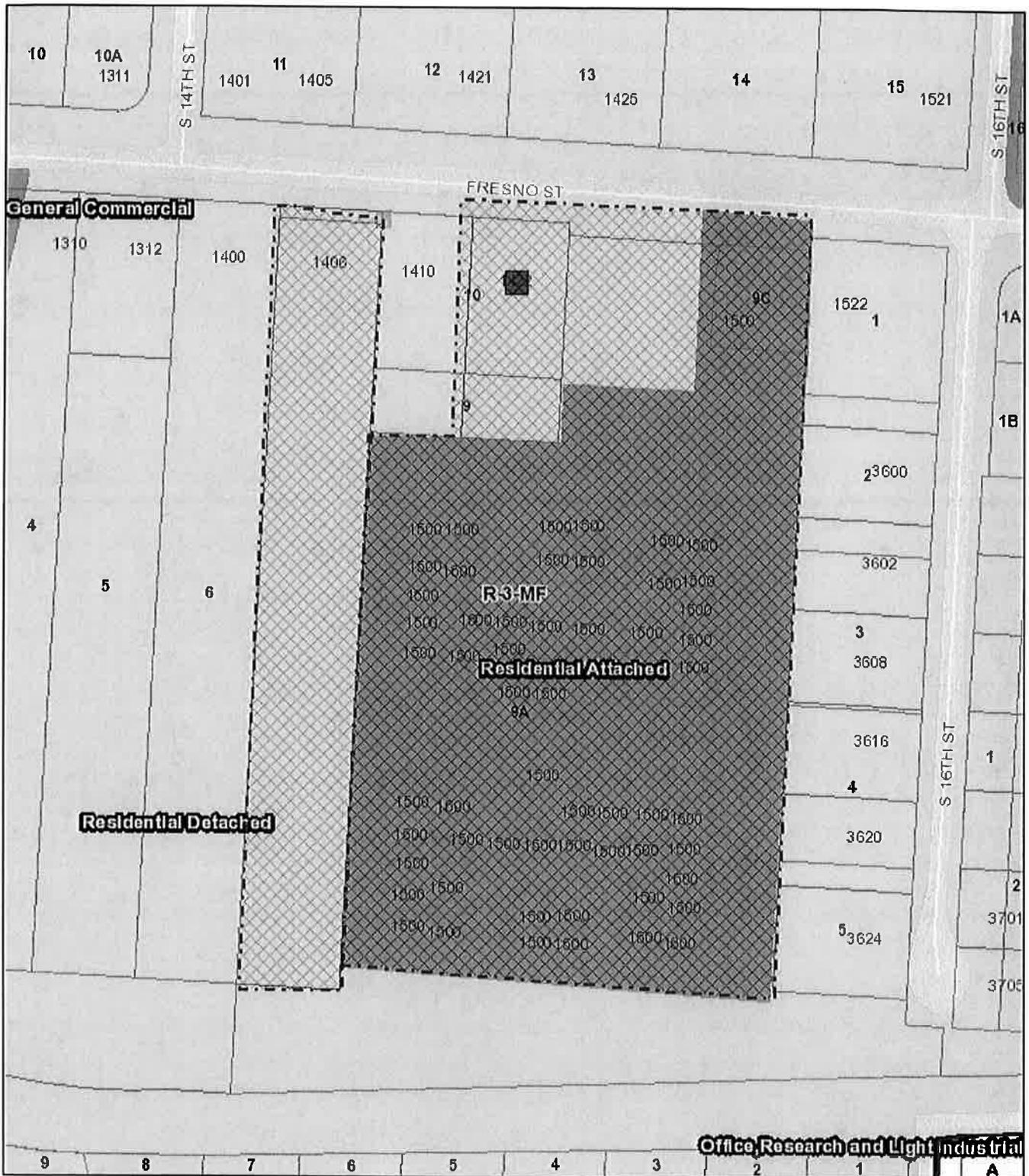
- d. General Project Concept: Each of the items listed below, unless noted otherwise, may be found on the GIS Map, Plat, and Survey attached in Section IV below.
- i. Street and Lot Layout
 - ii. Site plan showing improvements
 - iii. Buffer areas, screening, and landscaping
 - iv. Storm water detention areas and drainage
 - v. Undisturbed natural areas
 - vi. Existing and proposed utility connections and extensions
 - vii. Development and architectural design standards – Not applicable, as there is no new construction on the Property.
 - viii. Building elevations
 - ix. Proposed signage (type and size) – Existing signage on the Property will remain.
- e. Proposed Development Phasing and Timeframe: Not applicable, as there is no new construction on the Property.
- f. Land Use Designations: See attached Chart F for land use matrix.
- g. Area and Bulk Regulations: The General Area and Bulk Regulations will comply with the RM-3 Zone area and bulk regulations.
- h. Chart Comparing PZD to the Current Zoning Requirements: Not Applicable, as the PZD intends to use the zoning requirements for RM-3 Zone, except for Land Use as addressed in Chart F (see attached).
- i. Chart Comparing Proposed Land Uses to Zoning Districts where such Land Uses are Permitted: See attached Chart F.
- j. How Project Exceeds UDO Requirements: The project exceeds the UDO applicable requirements by utilizing 100% high quality materials.
- k. How the Development Relates to Surrounding Properties: The development includes an existing building that will continue to blend seamlessly into the area along South Fresno Street. The existing appearance of the building will remain unchanged, as will the current signage in front of the building. There will be minimal traffic impact since the current land use (assisted living facility) has been in place for many years.
- l. Traffic Study: Since there is no new construction and a continuation of an existing, long-standing land use, a Traffic Study has not been prepared for this Property.

- m. Availability of Water and Sewer: All necessary utilities are present at the Property, including service connections and all franchise utilities.

IV. GIS MAP, PLAT, AND SURVEY

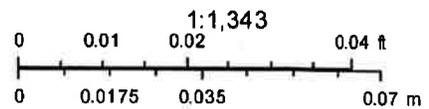
[See Attached]

1422 & 1500 S. Fresno Nelson's Addition



November 6, 2014

- ⋮ : Fort Smith City Limits
- ⋮ : Zoning
- ⋮ : Subdivisions
- ⋮ : Parcels



2Q

V. SIGNAGE AND DEPICTIONS OF PROPERTY



VI. CHART F

[See Attached]

Appendix A

Fort Smith Use Matrix		J	K	L	M	N	O	Q	R	S	T	U	W	X	Y	AB	Z	AC	AD	AE	AF
Structure	Private Household																				
	Single Family building																				
	Accessory residential dwelling unit																				
	Detached																				
	Duplex																				
	Guest house																				
	Manufactured home																				
	Mobile home park																				
	Mobile home subdivision																				
	Row house																				
	Zero lot line dwelling unit																				
	Multifamily development																				
	Community residential facility																				
	Group home, family																				
	Group home, neighborhood																				
	Homeless shelter																				
	Orphanage																				
	Transitional dwelling																				
	Housing for the Elderly																				
	Assisted living																				
	Retirement housing																				
	Hotels, Motels, or other Accommodations																				
	Bed and breakfast inn																				
	Dormitory, sorority, fraternity																				
	Hotel/motel																				
	Rooming or boarding house																				
	General Sales or Services																				
	Automobile Sales or Service																				
	Auto & vehicle impoundment or holding yard (no salvage)																				
	Auto and vehicle dealer																				
	Auto and vehicle towing (wrecker)																				
	Auto auction																				
	Auto body shop and paint (new parts)																				
	Auto detailing service																				
	Auto glass, muffler, and seatcover shop																				
	Auto parts and accessories sales																				
	Auto quick lube																				
	Auto repair																				
	Auto repair or assembly (salvage parts)																				

Appendix A

P = Permitted Use, C = Conditional Use, A = Accessory Use	Districts																											
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD		
Boat or marine craft dealer																												
Car wash - full service																												
Car wash self-service																												
Gasoline service station																												
Motorcycle or ATV sales & service																												
Tire sales																												
Truck stop/travel plaza																												
Heavy Consumer Goods Sales or Service																												
Agricultural equipment and supplies (sales & service)																												
Appliance repair - (Large)																												
Appliance repair (Small)																												
Bus, truck sales and service																												
Clothing and personal items (repair)																												
Commercial industrial machinery & equipment (sales & service)																												
Department store, warehouse club or superstore																												
Computer and software shop																												
Electronics and appliances (new)																												
Electronics and appliances (used)																												
Floor, paint, wall coverings, window treatments																												
Furniture or home furnishings (new)																												
Furniture or home furnishings (used)																												
Furniture repair and upholstery shop																												
Greenhouse (sales)																												
Hardware store																												
Hardware store (neighborhood)																												
Home improvement center																												
Lawn and garden supplies																												
Locksmith																												
Lumber yard and building materials																												
Mail or shopping center																												
Manufactured home and mobile home sales and service																												
Oil and gas equipment (sales and service)																												
Sand, gravel, stone, or earth sales and storage																												
Swimming pool sales and supply store (w/o storage yard)																												
Truck or tractor sales and service facility																												
Durable Consumer Goods Sales or Service																												
Bait and tackle shop																												
Bicycle sales and service																												
Bicycle sales and service (no outside storage)																												
Bookstore																												
Bridal shop																												
Cameras, photographic supplies and services																												
Clothing, jewelry, luggage, shoes, accessories																												
Gift shop																												

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Appendix A

Districts	Permitted Use, C = Conditional Use, A = Accessory Use																											
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1-1	I-1-2	I-1-3	PZD		
Sewing machine store (sales & service)																												
Sporting goods, toys, & musical instruments																												
Thrift store																												
Consumer Goods, Other																												
Antique shop																												
Art dealers, art studio, galleries, supplies																												
Arts and craft shop																												
Flea market (indoor)																												
Flea market (outdoor)																												
Florist shop																												
Hobby shop																												
Office supply store																												
Pawnshop																												
Pawnshop (no outside storage)																												
Tobacco shop																												
Grocery, Food, Beverage, Dairy																												
Bakery or confectionery shop																												
Beer, wine and liquor store (with drive-through)																												
Beer, wine and liquor store (without drive-through)																												
Convenience store (with gasoline sales)																												
Farmer's market																												
Fruit and vegetable store																												
Grocery store or supermarket																												
Neighborhood store																												
Health and Personal Care																												
Cosmetics, beauty supplies, and perfume stores																												
Medical appliance services																												
Optical shop																												
Pharmacy or drug store																												
Finance and Insurance																												
Auto insurance claims office																												
Automatic teller machine																												
Bank, credit union, or savings institution																												
Credit and finance establishment																												
Fund, trust, or other financial establishment																												
Insurance office																												
Investment banking, securities, and brokerages																												
Rental and Leasing																												
Auto (rental and leasing)																												
Commercial, industrial machinery & equipment																												
Consumer rental center																												
Oil and gas field equipment																												
Video, music, software																												
Business, Professional, Scientific, and Technical Services																												

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Appendix A

Professional Services	Districts																											
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	P2D		
Abstract services																												
Accounting, tax, bookkeeping, payroll																												
Advertising and media services																												
Architectural, engineering																												
Carpet and upholstery cleaning																												
Consulting services																												
Extermination and pest control																												
Graphic, industrial, interior design																												
Investigation and security services																												
Janitorial services																												
Legal services																												
Medical laboratory																												
Medical laboratory (no animal research/testing)																												
Offices, corporate																												
Offices, general																												
Property management services (office only)																												
Real estate agency																												
Travel arrangement and reservation services																												
Administrative Services																												
Business support services																												
Collection agency																												
Employment agency																												
Employment agency (day labor)																												
Facilities support services																												
Office and administrative services																												
Telemarketing/call center																												
Food Services																												
Bar or tavern																												
Beer garden																												
Catering service																												
Food distribution center																												
Mobile food services																												
Restaurant																												
Restaurant (with drive-in services)																												
Restaurant (with drive-through services)																												
Restaurant (with outdoor dining)																												
Vending																												
Personal Services																												
Bail bonds office																												
Barber shop/salon/spa/massage services																												
Laundry (commercial/industrial)																												
Laundry and cleaning facilities (self-service)																												
Laundry, cleaner																												

2X

Appendix A

Districts	P = Permitted Use, C = Conditional Use, A = Accessory Use	
	RE3	RE1
Explosives manufacturing Foundry or metal-works facility Laboratory (manufacturing) Machine, welding, or sheet metal shop Nonmetallic manufacturing Petroleum and coal products Pharmaceutical manufacturing Refinery Tire retreading	RE3	RE1
	R-1	RS-1
	R-2	RS-2
	R-3	RS-3
	R-4	RS-4
	R-6	RS-5
	DP-2DP-3DP-4	RSD-2
	MF-2MF-3MF-4	RSD-3
	RM-2	RSD-4
	RM-3	RM-2
RM-4	RM-3	
R-5	RM-4	
H	RMD	
T1,2	RH	
C-1	T	
C-2	C-1	
C-3	C-2	
C-4	C-3	
C-5	C-4	
C-6	C-5	
I-1	C-6	
I-2	I-1	
I-3	I-2	
I-4	I-3	
PZD	I-4	
Miscellaneous Manufacturing Auto manufacturing Barge and ship manufacturing Boat manufacturing Dolls, toys, games, musical instruments Jewelry and silverware Manufacturing, batteries Manufacturing, fiberglass Manufacturing, foam products Manufacturing, heavy Manufacturing, light Manufacturing, medium Manufacturing, motors, drives, and generators Office supplies	RE3	RE1
	R-1	RS-1
	R-2	RS-2
	R-3	RS-3
	R-4	RS-4
	R-6	RS-5
	DP-2DP-3DP-4	RSD-2
	MF-2MF-3MF-4	RSD-3
	RM-2	RSD-4
	RM-3	RM-2
RM-4	RM-3	
R-5	RM-4	
H	RMD	
T1,2	RH	
C-1	T	
C-2	C-1	
C-3	C-2	
C-4	C-3	
C-5	C-4	
C-6	C-5	
I-1	C-6	
I-2	I-1	
I-3	I-2	
I-4	I-3	
PZD	I-4	
Wholesale Trade Establishment Durable goods Electrical, plumbing, heat & air conditioning Nondurable goods	RE3	RE1
	R-1	RS-1
	R-2	RS-2
	R-3	RS-3
	R-4	RS-4
	R-6	RS-5
	DP-2DP-3DP-4	RSD-2
	MF-2MF-3MF-4	RSD-3
	RM-2	RSD-4
	RM-3	RM-2
RM-4	RM-3	
R-5	RM-4	
H	RMD	
T1,2	RH	
C-1	T	
C-2	C-1	
C-3	C-2	
C-4	C-3	
C-5	C-4	
C-6	C-5	
I-1	C-6	
I-2	I-1	
I-3	I-2	
I-4	I-3	
PZD	I-4	
Warehouse and Storage Services Auto salvage yard Building materials salvage yard Bulk petroleum storage Container storage Mini storage warehouse Packaging and distribution center Petroleum distribution facility Portable storage Unit Vehicle storage yard Warehouse	RE3	RE1
	R-1	RS-1
	R-2	RS-2
	R-3	RS-3
	R-4	RS-4
	R-6	RS-5
	DP-2DP-3DP-4	RSD-2
	MF-2MF-3MF-4	RSD-3
	RM-2	RSD-4
	RM-3	RM-2
RM-4	RM-3	
R-5	RM-4	
H	RMD	
T1,2	RH	
C-1	T	
C-2	C-1	
C-3	C-2	
C-4	C-3	
C-5	C-4	
C-6	C-5	
I-1	C-6	
I-2	I-1	
I-3	I-2	
I-4	I-3	
PZD	I-4	
Transportation, Communication, Information and Utilities Transportation Services Airport Bus station and terminal Courier and messenger services Ferry boat facility	RE3	RE1
	R-1	RS-1
	R-2	RS-2
	R-3	RS-3
	R-4	RS-4
	R-6	RS-5
	DP-2DP-3DP-4	RSD-2
	MF-2MF-3MF-4	RSD-3
	RM-2	RSD-4
	RM-3	RM-2
RM-4	RM-3	
R-5	RM-4	
H	RMD	
T1,2	RH	
C-1	T	
C-2	C-1	
C-3	C-2	
C-4	C-3	
C-5	C-4	
C-6	C-5	
I-1	C-6	
I-2	I-1	
I-3	I-2	
I-4	I-3	
PZD	I-4	

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Appendix A

Districts	P = Permitted Use, C = Conditional Use, A = Accessory Use																												
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD			
Helpport																													
Limousine service																													
Mail services																													
Marina																													
Motor freight terminal																													
Moving and storage																													
Moving company																													
Pipeline transportation																													
Port facility																													
Rail transportation																													
Taxicab service																													
Communications and Information																													
Commercial communication towers																													
Data processing facility																													
Motion pictures and sound recording studios																													
Printing commercial/industrial																													
Telecommunications and broadcasting studios																													
Utilities and Utility Services																													
Amateur radio transmitting towers																													
Electric power plant																													
Hazardous waste treatment and disposal																													
Incinerator																													
Nuclear power plant																													
Radio, television, and microwave transmitting towers																													
Recycling center																													
Recycling collection station																													
Sanitary landfill																													
Solid waste collection																													
Utility shop, storage yard or building																													
Utility substation																													
Wastewater treatment plant																													
Arts, Entertainment, and Recreation																													
Performing Arts or Supporting Establishments																													
Drive-in theater																													
Movie theater																													
Performance theater																													
Carnival or circus (temporary with permit)																													
Fairground/rodeo ground																													
Museums and Other Special Purpose Recreational Institutions																													
Historical or archaeological institution																													
Museum																													
Zoos, botanical gardens, arboreta																													
Amusement, Sports, or Recreation Establishment																													
Amusement center (indoor)																													

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Appendix A

Use	Districts																										
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
Amusement center (outdoor)																											
Convention/Event center																											
Bingo parlor																											
Casino gaming business																											
Country club																											
Dance hall/night club																											
Private club																											
Race track																											
Fitness, Recreational Sports, Athletic Club																											
Bowling alley																											
Community recreation center																											
Driving range (outdoor)																											
Golf course																											
Pistol Range (indoor)																											
Health club																											
Fitness studio																											
Indoor Games Facility																											
Miniature golf course																											
Pool hall																											
Sexually oriented business (see Ft. Smith Muni. Code Sec. 14-141)																											
Skating rink																											
Sports complex/athletic field																											
Swimming pool																											
Water park																											
Camps, Camping, and Related Establishments																											
Camps, camping, and related establishments																											
Natural and Other Recreational Parks																											
Park or playground (public and nonpublic)																											
Education, Public Administration, Health Care and Other Institutions																											
Educational Services																											
College, university, or seminary																											
Fine art and performance education																											
Library or public arts complex																											
Nursery school																											
Preschool																											
Primary and secondary school																											
School, business, professional																											
School, technical or trade																											
Public Administration - Government																											
Criminal justice facility																											
Detention facility																											
Government office																											
Public Safety																											
Emergency response station																											

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Appendix A

Districts	P = Permitted Use, C = Conditional Use, A = Accessory Use																										
	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
Police station	C	C	R-1	R-2	R-3	R-4	R-5	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	H	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
Health and Human Services															P	T											
Community health and welfare clinic															P	T											
Diagnostic laboratory testing facility															P	T											
Doctor office and clinic															P	T											
Hospice residential care facility															P	T											
Hospital															P	T											
Mental health hospital															P	T											
Nursing home															P	T											
Substance abuse treatment facility															P	T											
Social Assistance, Welfare, and Charitable Services															P	T											
Child and youth services (office)															P	T											
Day care Home (12 or less)															P	T											
Day care center															P	T											
Emergency food services															P	T											
Emergency and relief services															P	T											
Family support services															P	T											
Senior citizen center															P	T											
Vocational rehabilitation															P	T											
Religious Institutions															P	T											
Church, synagogue, temple, mosque															P	T											
Rectory, convent, monastery															P	T											
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership															P	T											
Death Care Services															P	T											
Wedding chapel															P	T											
Cemetery, mausoleum, crematorium, funeral home, & mortuary															P	T											
Monument (sales)															P	T											
Associations, Nonprofit Organizations															P	T											
Lodge or fraternal organization															P	T											
Construction-Related Businesses															P	T											
Contractor's office															P	T											
Contractor's shop and storage yard															P	T											
Glass sales and service															P	T											
Landscaping contractor															P	T											
Sign contractor															P	T											
Mining and Extraction Establishments															P	T											
Coal mining															P	T											
Metallic mining															P	T											
Non-metallic manufacturing and mining															P	T											
Agriculture, Forestry, Fishing, and Hunting															P	T											

27-3

Appendix A

Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use																										
Grain storage and processing																										
Livestock yard, feed lot, holding pens, and auction facility																										
Commercial grower																										
Tanning and Slaughtering of Animals or Fowl																										
Animal slaughter and processing																										
Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits																										
Forestry and Logging																										
Fishing, Hunting and Trapping, Game Preserves																										
Taxidermy shop																										

22-4

Memo

To: City Planning Commission

From: Planning Staff

Date: October 23, 2014

Re: Conditional Use #33-11-14 - A request by David Conyers, owner, for Planning Commission consideration of a Conditional Use request to develop a business professional school (beauty school) at 5005 Old Greenwood Road

PROPOSED CONDITIONAL USE

The approval of this Conditional Use will allow for the renovation of an existing structure into a beauty school for 72 students and 7 instructors.

LOT LOCATION AND SIZE

The subject property is on the east side of US Highway 45 at the intersection with Century Drive. The tract contains an area of 0.99 acres with approximately 82 feet of street frontage along US Highway 45.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

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 area to the north is zoned Industrial Light (I-1) and is developed as an office.

The areas to the east are zoned Industrial Light (I-1) and Transitional (T) and are developed as industrial uses.

The areas to the south are zoned Industrial Light (I-1) and are developed as an office and industrial use.

The areas to the west are zoned Commercial Heavy (C-5) and are undeveloped.

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.

3B

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.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The existing single driveway will be reused.

Drainage – All drainage associated with the parking lot construction will surface flow to an existing stormwater ditch.

Right-of-way dedication – None required at this time.

Multi-Use bike path – Not required at this time.

Landscaping – There will be a landscape bed near the entry to the building.

Screening – The application indicates that a screened dumpster pad with gates is proposed. Screening details shall be submitted during the building permit review to confirm that the trash enclosure is completely screened.

Parking – Thirty one (31) spaces are required and fifty four (54) spaces are provided.

Signage – No signage shown on the plans.

Lighting – No site lighting or building exterior lighting noted on the plans.

Setbacks – No additions are proposed for this project.

Architectural features – No changes to the existing building exterior.

Height and Area – No additions or major renovations are proposed for this project.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 3, 2014, at 5005 Old Greenwood Road. One neighboring property owner attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application with the following comments.

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 those described in this section will require Planning Commission approval.
2. Submittal of trash receptacle screening details with building permit plans to confirm compliance with UDO requirements.
3. All signs require a separate permit application and plan review prior to the issuance of the building permit.
4. All building exterior lighting and all site lighting shall meet the requirements of the UDO Commercial and Outdoor Lighting requirement.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 5005 Old Greenwood Road

Meeting Time & Date 5:30pm, November 3, 2014

Meeting Purpose Conditional Use

	<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> </u>	<u> </u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>
7.	<u> </u>	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>	<u> </u>
9.	<u> </u>	<u> </u>	<u> </u>
10.	<u> </u>	<u> </u>	<u> </u>
11.	<u> </u>	<u> </u>	<u> </u>

Andrews, Brenda

From: David Conyers [DConyers@guestreddick.com]
Sent: Tuesday, November 04, 2014 7:39 AM
To: Monaco, Tom; Andrews, Brenda; Bailey, Wally
Cc: Brian Richards - Richards Commercial Real Estate (brianwrichards@me.com); Jason Myers
Subject: Emailing: Attendance List for Neighborhood Meeting - 5005 Old Greenwood Road
Attachments: Attendance List for Neighborhood Meeting - 5005 Old Greenwood Road.pdf

All,
Please be advised that we conducted our Neighborhood Meeting last night (November 3, 2014) at the subject property located at 5005 Old Greenwood Road in accordance with the Conditional Use Application. Attached is the Attendance List for your records.

Although not reflected on the Attendance List, we did have one Property Owner (Nick Cox with Cox & Davis Rentals) drop by at 5:15pm. Mr. Cox did not have any objections to what we were proposing as far as Site Development, Building Improvements, or Tenant, but did voice his disappointment over the fact that the building located at 5005 Old Greenwood Road was sold without going to market and therefore he had no opportunity to purchase the building himself. I did indicate that we would be willing to sell him the building which apparently was not to his satisfaction.

Please let me know if you need any additional information pertaining to the Neighborhood Meeting.

Your message is ready to be sent with the following file or link attachments:

Attendance List for Neighborhood Meeting - 5005 Old Greenwood Road

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Conditional Use # 33-10-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: 45 Properties LLC

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

Part of the Southeast Quarter of the Northeast Quarter of Section 34, Township 8

North, Range 32 West, Sebastian County Arkansas.

Street Address of Property:

5005 Old Greenwood Road Fort Smith AR

Existing Zoning Classification:

I-1

Proposed Zoning Classification (if applicable):

I-1

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

Interior renovations of existing Office / Warehouse building for use as a Technical

Trade School (Beauty School) & minor exterior renovations (site / parking).

What amenities are proposed such as landscaping and screening?

New metal roof panels, complete replacement / reconfiguration of parking, sod in lawn areas, and minor landscaping at main entry are proposed as well as screened dumpster pad with gates.

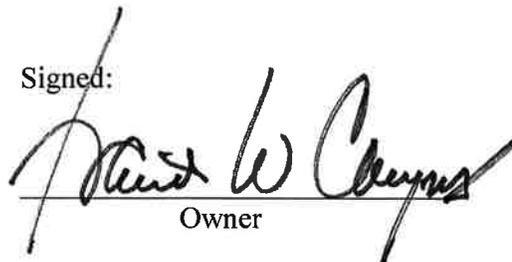
45 PROPERTIES, LLC
DAVID W. CONYERS

Owner or Agent Name (please print)

602 GARRISON AVE., SUITE 800

Owner or Agent Mailing Address

Signed:



Owner

Or

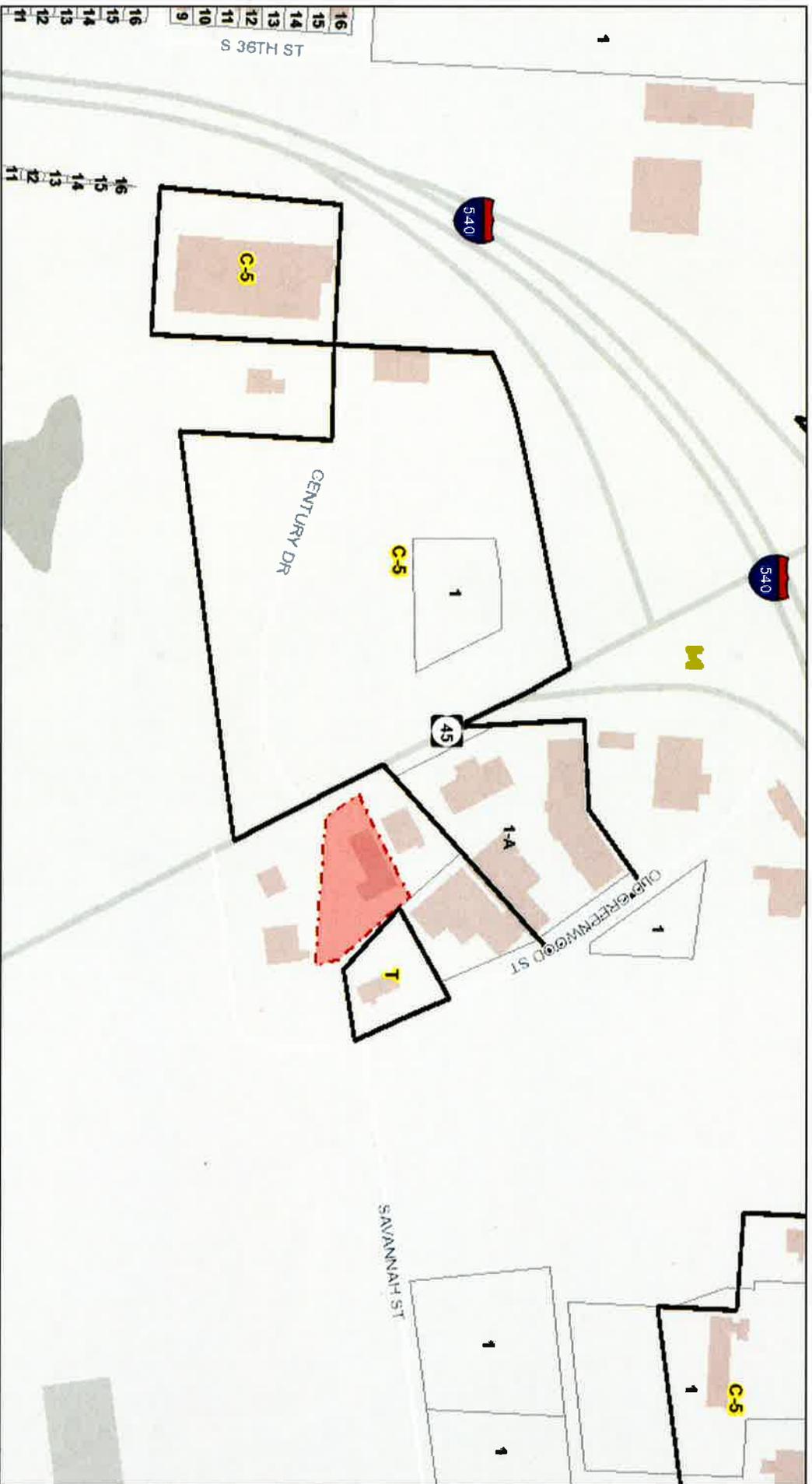
Owner or Agent Phone Number

Agent

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Conditional Use #33-11-14: Business Professional School (Beauty School) 5005 Old Greenwood Road

3H



October 21, 2014

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

Master Land Use for Conditional Use #33-11-14: Business Professional School (Beauty School)
5005 Old Greenwood Road

HF



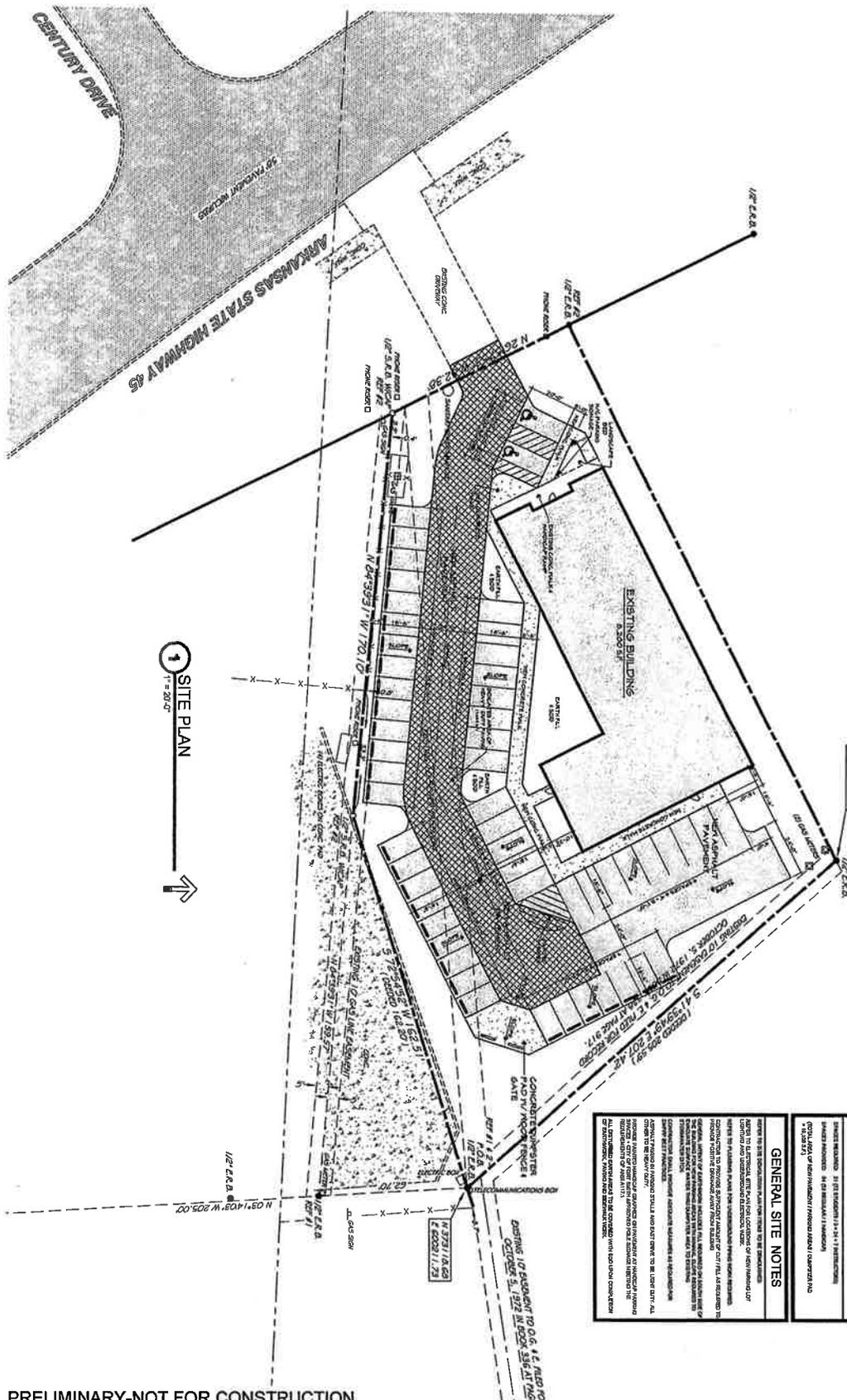
October 21, 2014

Fort Smith City Limits

Building Footprints

Commercial





1 SITE PLAN
1" = 20'-0"

ZONING CLASSIFICATION = L-1
SITE AREA = 0.99 ACRES
PARKING REQUIREMENTS
GENERAL SITE NOTES

GENERAL SITE NOTES

THIS SITE PLAN IS THE PROPERTY OF THE ARCHITECT AND THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION OR THE RESULTS OF THE DESIGN. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION OR THE RESULTS OF THE DESIGN PROVIDED BY OTHERS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION OR THE RESULTS OF THE DESIGN PROVIDED BY OTHERS.

PRELIMINARY-NOT FOR CONSTRUCTION

REVISIONS

SITE PLAN

DATE: 10/17/2014

35933

A1.2

TENANT SPACE FINISH-OUT
CAREER ACADEMY of HAIR DESIGN
FORT SMITH, ARKANSAS

GRK

400 GARDNER AVE
 FORT SMITH, AR
 72901
 (479) 782-4888
 (479) 782-4833

3K

Memo

To: City Planning Commission

From: Planning Staff

Date: October 23, 2014

Re: Development Plan Review - A request by Scott Branton, agent for Rob Coleman, for Planning Commission consideration of a development plan to construct a multi-family development at 4601 Jenny Lind Road

LOT LOCATION AND SIZE

The subject property is on the east side of Jenny Lind Road between Osage Street and Phoenix Avenue. The tract contains an area of 1.67 acres with approximately 236 feet of street frontage along Jenny Lind Road.

PROPOSED DEVELOPMENT PLAN

Ordinance #88-05 requires planning commission approval of a development plan for this site prior to the issuance of any building permits. Approval of the development plan will allow a 20 unit multi-family development consisting of ten, one-story, two-bedroom duplexes that will exceed the UDO requirements for parking, signage, architectural features and landscaping.

EXISTING ZONING

The existing zoning on this tract is Commercial Light Special (C-2 Special) and Commercial Heavy (C-5).

Characteristics of the Commercial Light Special (C-2 Special) 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%

Characteristics of the Commercial Heavy (C-5) 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.

4B

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 Residential Multifamily Medium Density (RM-3) and include a single family residence and a church.

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

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

The areas to the west are zoned Commercial Light Special (C-2 Special) and Residential Multifamily Medium Density (RM-3) and are developed as a church and funeral home.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on a driveway located on Jenny Lind Road.

Drainage – The current plans show a detention pond on the south property line. The detention area will be reviewed in detail upon the building permit submittal as indicated by the engineering department.

Right-of-way dedication – The current development plan has accommodated the right-of-way dedication needed for Jenny Lind Road.

Landscaping – The landscape plan exceeds the landscaping requirements for perimeter/parking lot screening and interior landscaping outlined in the UDO.

Screening – The development plan shows a 6-foot privacy fence along the north, south, and east perimeter property lines.

Trash Enclosure – A screened trash receptacle is shown on the north side of the parking lot. Details of the trash enclosure must be submitted with the building permit submittal to confirm that the trash receptacle is completely screened with a permanent opaque fence.

Parking – The development plan shows 44 parking spaces, which exceeds the minimum requirement of 40 parking spaces required.

Signage – A proposed 30 s.f. monument sign with an approximate 3-foot brick base is located in the landscaped driveway median. The proposed sign, which has an overall height of 6 feet, complies with the UDO signage requirements. The sign shall receive a sign permit prior to installation.

Lighting – No site lighting information is shown. The site lighting shall meet the UDO commercial outdoor lighting requirements and will be reviewed for compliance during the building permit review.

Architectural features – The elevations consist of 100% brick, which exceeds the UDO design guidelines.

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

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, November 3, 2014, at the main Fort Smith Public Library. The meeting was attended by four surrounding property owners. The agent, Scott Branton, responded to questions regarding the detention pond, fencing, and maintenance of the proposed development. An attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon:

1. Construction must comply with the submitted development plan and any Planning Commission amendments. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. A site lighting plan shall be submitted during the building permit review to confirm compliance with the UDO Commercial and Outdoor Lighting requirements.
3. Submittal of trash receptacle screening details shall be submitted during the building permit review to confirm compliance with the UDO screening requirements.
4. All signage shall require separate permitting.
5. A monument sign as shown on the development plan shall be required.
6. A final drainage plan shall be submitted during the building permit review to confirm compliance with the city's drainage standards.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location MAIN LIBRARY (DAVIS ROOM)

Meeting Time & Date 11/3/14 @ 5PM

Meeting Purpose SHOW PLANS + INFORM NEIGHBORS

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Scott Branton	509 Crescent	459-7717
2.	Larry Tomlin	4524 So. 21	646-2522
3.	Phil S. May	4418 So. 21	479-226-1444
4.	Brenda Anderson	Frt Smith Planning Dept	784-2219
5.	Delva Ketter	4500 So. 21 st	479-285-3716
6.	John James	4513 So. 31 st	479-430-1747
7.	Kelly Underwood	Beattor	479-414-7974
8.			
9.			
10.			
11.			

Andrews, Brenda

From: Scott Branton [snbranton@gmail.com]
Sent: Tuesday, November 04, 2014 9:53 AM
To: Andrews, Brenda
Subject: lions gate
Attachments: Neighborhood mtg sign in.PDF

Brenda, attached is the sign-in sheet from the neighborhood meeting. Below is a summary of the discussion.

5 neighbors showed up to the neighborhood meeting. They had concerns of the detention pond holding water, the number of stories of the buildings, and of grounds maintenance. I explained the difference between a retention pond and detention pond. I also explained that the civil engineer will design the detention and it will have to be reviewed and approved by the city engineering department. The intent is that it will not hold water, but also that it will not cause flooding to properties or storm drains downstream. That discussion was met with approval from those concerned. They saw the buildings were only going to be single story and approved of that. I assured them that the grounds would be properly maintained, and pointed them to another set of duplexes currently built and rented in which the grounds and alley are neatly trimmed and maintained. There were no other concerns of the project, and the neighbors gave us their approval and wished us luck.

Scott Branton, AIA

scottbranton architect, PLLC

www.scottarch.net

P.O. Box 43

Fort Smith, AR 72902

610 Towson Avenue

Fort Smith, AR 72901

[479.459.7717](tel:479.459.7717)

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)

2. Address of property: 4601 JENNY LIND

3. The above described property is now zoned: C-2-SPL & C-5

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 _____
(Zoning Classification) (Extension or classification)

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

SEE ATTACHED EXHIBIT

8. Total acreage of property 1.67

46

Signed:

SCOTT BRANTON

Owner or Agent Name
(please print)

PO BOX 43, FSM, 72902

Owner or Agent Mailing Address

479.459.7717

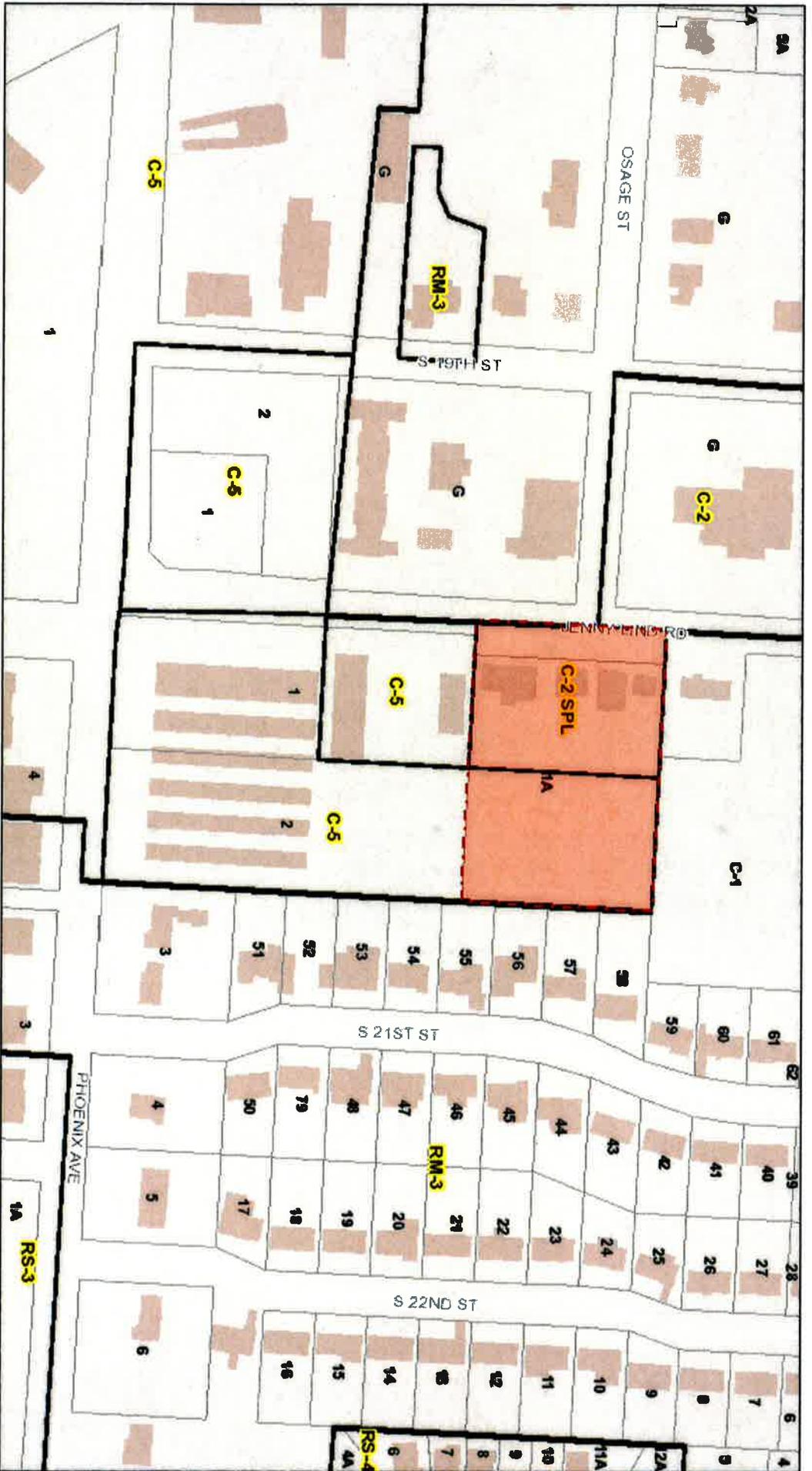
Owner or Agent Phone Number

Owner

Scott N. Branton
or
Agent

Development Plan Review: Multi-Family Development 4601 Jenny Lind Road

H
7



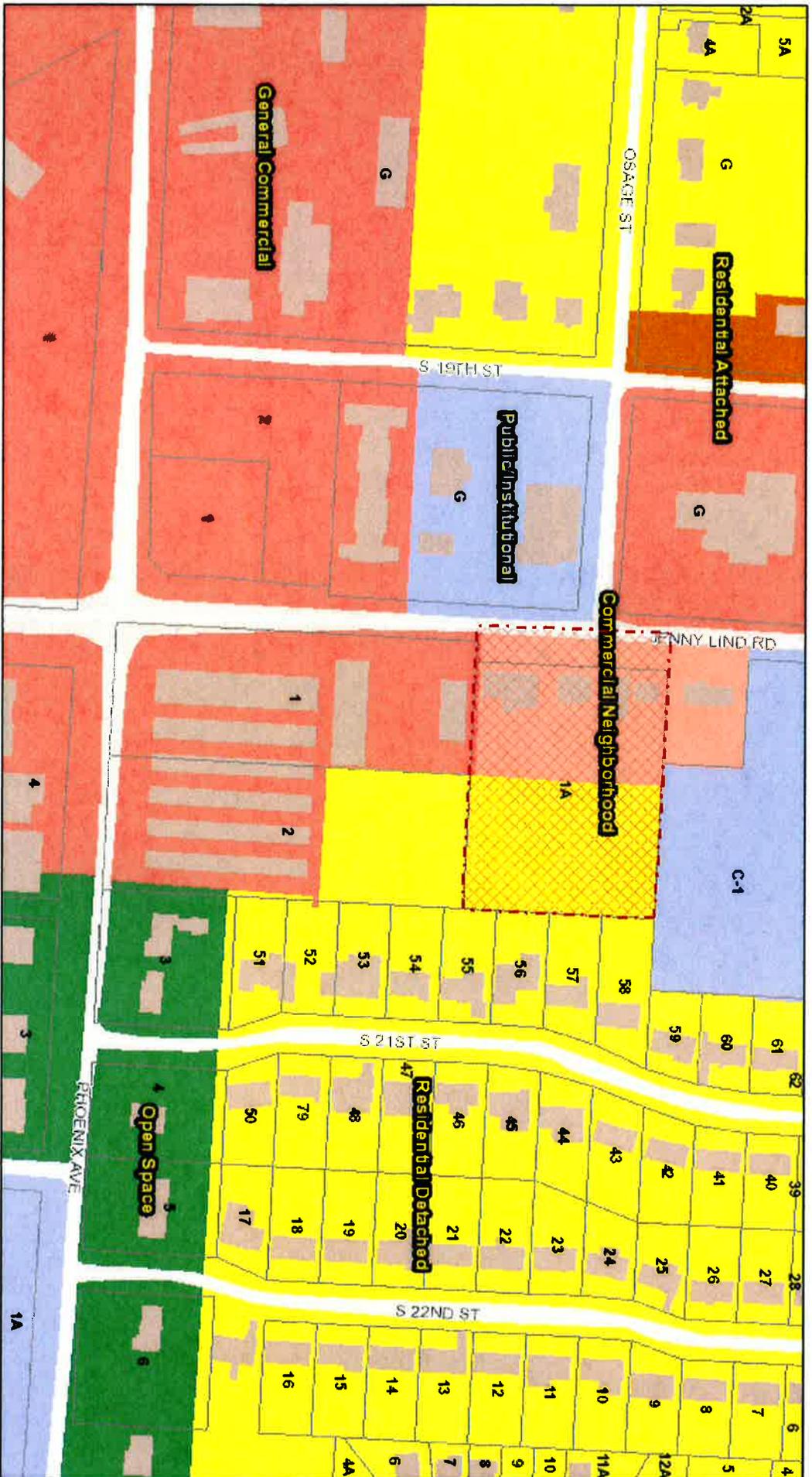
October 20, 2014

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



Master Land Use for Development Plan Review: Multi-Family Development 4601 Jenny Lind Road

57



October 20, 2014

Fort Smith City Limits

Subdivisions

Building Footprints



Memo

To: City Planning Commission

From: Planning Staff

Date: October 23, 2014

Re: Development Plan Review - A request by Guest Reddick Architects, agent, for Planning Commission consideration of a Development Plan request to develop a retail facility at 5400 Phoenix Avenue (Companion to item #6)

LOT LOCATION AND SIZE

The subject property is on the northeast side of the intersection of Phoenix Avenue and Leigh Avenue. The tract contains an area of 2.5 acres with approximately 828 feet of street frontage along Phoenix Avenue.

PROPOSED DEVELOPMENT PLAN

Ordinance #14-14 requires planning commission approval for this site prior to development. Approval of the development plan will allow a five-unit retail facility oriented toward Phoenix Avenue with parking on three sides of the retail facility. Perimeter landscaping along Phoenix Avenue and interior landscaping are proposed. The applicant has also submitted a companion application requesting a variance from the minimum number of trees required along Phoenix Avenue from 17 to 6.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy Special (C-5 Special). 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 developments, 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 areas to the north are zoned Residential Multifamily Medium Density (RM-3) and include Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the Air National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are undeveloped.

The areas to the west are zoned Commercial Heavy (C-5). A portion of this area is being developed as a liquor store and the remaining area is undeveloped.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Two driveways will be placed on Phoenix Avenue and comply with the Unified Development Ordinance and the Phoenix Avenue Overlay Access Management Plan.

Drainage – An open detention area will be located on the north side of the building.

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

5B

Landscaping – The development plan shows six trees along the perimeter with parking lot screening that will form a continuous visual screen. Interior landscaping consisting of trees and Bermuda sod are proposed within the vehicular use area. The applicant has submitted a companion application requesting a variance from the minimum number of perimeter trees required along Phoenix Avenue from 17 to 6.

Screening – A privacy fence trash enclosure is proposed. Construction plans have been submitted and all screening details have been approved.

Parking – The minimum number of required parking spaces is 123 with 123 spaces shown.

Signage – No signage is noted on the plans. All future signage will require submittal of signage plans and compliance with the Phoenix Avenue Overlay signage regulations.

Lighting – The site lighting has been approved based on the construction plan submittal and meets the UDO commercial outdoor lighting requirements.

Architectural features – The front and side elevations consist of brick and EIFS with stone trim. The rear elevation is brick with metal panel boards. The materials comply with the UDO design guidelines.

Height and Area – The proposed building is 9,500 square feet in area with a height of 21 feet.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. BZA approval of the companion perimeter landscaping variance.
3. All proposed signs shall comply with the Phoenix Avenue Overlay District standards outlined in Section 27-440-B of the UDO.
4. Roof drainage system shown in existing water transmission line easement must be relocated outside of the easement.
5. Areas of pavement constructed over water transmission easement must maintain a minimum of 30” of cover over existing 24” water transmission line.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 188TH WING (ANG)
FORT SMITH ARKANSAS

8 October 2014

MEMORANDUM FOR FORT SMITH PLANNING COMMISSION

FROM: 188 WG/CC

SUBJECT: Proposed Construction on Phoenix Avenue

The 188th Wing has always been a staunch supporter of the City of Fort Smith and its continued efforts to keep the River Valley on the forefront of economic development. Thanks to Fort Smith and its citizens, the 188th has also enjoyed the best community support in the nation for more than six decades. The 188th and City of Fort Smith have a long, proud history of working together to achieve countless community successes. Continued mutual support between the 188th and the City of Fort Smith has bolstered an outstanding partnership in which both organizations have benefitted immensely. In keeping with that exceptional partnership and teamwork, our wing has some questions about proposed construction on intersection of Phoenix Avenue and the northeast corner of Leigh Avenue.

Our first area of concern is traffic safety. There is already existing risk at the intersection of Leigh and Phoenix Avenues. The 188th produces approximately 1,000 additional vehicles to this small area on a training weekend and more than 350 vehicles daily. This section of Phoenix Avenue will likely become more hazardous as a result of increased traffic flow, especially if vehicles exiting these new establishments are permitted to travel across multiple lanes of traffic. We would like to request a traffic study with the objective of identifying traffic safety risk and mitigating strategies. Possible strategies could be positioning of driveways for maximum safety, restricting turn directions for vehicles exiting the businesses and a possible traffic signal at the intersection of Phoenix and Leigh Avenues.

Our second area of concern is force protection. The proposed development slated for the northeast corner of Phoenix and Leigh Avenues is concern due to its extremely close proximity to our perimeter fence. This is particularly concerning because this section of our installation includes temporary lodging and houses assets critical to our wing's mission. Routine vehicular and personnel access so close to our perimeter fence would provide cover and concealment for hazards that place our members at serious risk. Possible mitigating strategies include limiting vehicle and personnel traffic behind the development and increasing lighting behind the buildings.

We look forward to working together to provide input in order to achieve a solution that mitigates these traffic safety and force protection concerns. We're excited about local business development and we're excited to partner with the community on future endeavors.

A handwritten signature in black ink, appearing to read "Mark Anderson", written over a horizontal line.

MARK ANDERSON, Colonel, AR ANG
Commander, 188th Wing

50

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

Lot 3 of Leigh Avenue Business Park

2. Address of property: 5400 Phoenix Avenue, Fort Smith, Arkansas

3. The above described property is now zoned: C-5 (Commercial Heavy)

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 _____
(Zoning Classification) (Extension or classification)

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

Refer to Drawing Sheet C3 - Site Dimension and Paving Plan

8. Total acreage of property 2.534 Acres

5E

Signed:

Guest Reddick Architects

Owner or Agent Name
(please print)

602 Garrison Ave., Suite 800
Fort Smith, AR 72901
Owner or Agent Mailing Address

(479)782-4085
Owner or Agent Phone Number

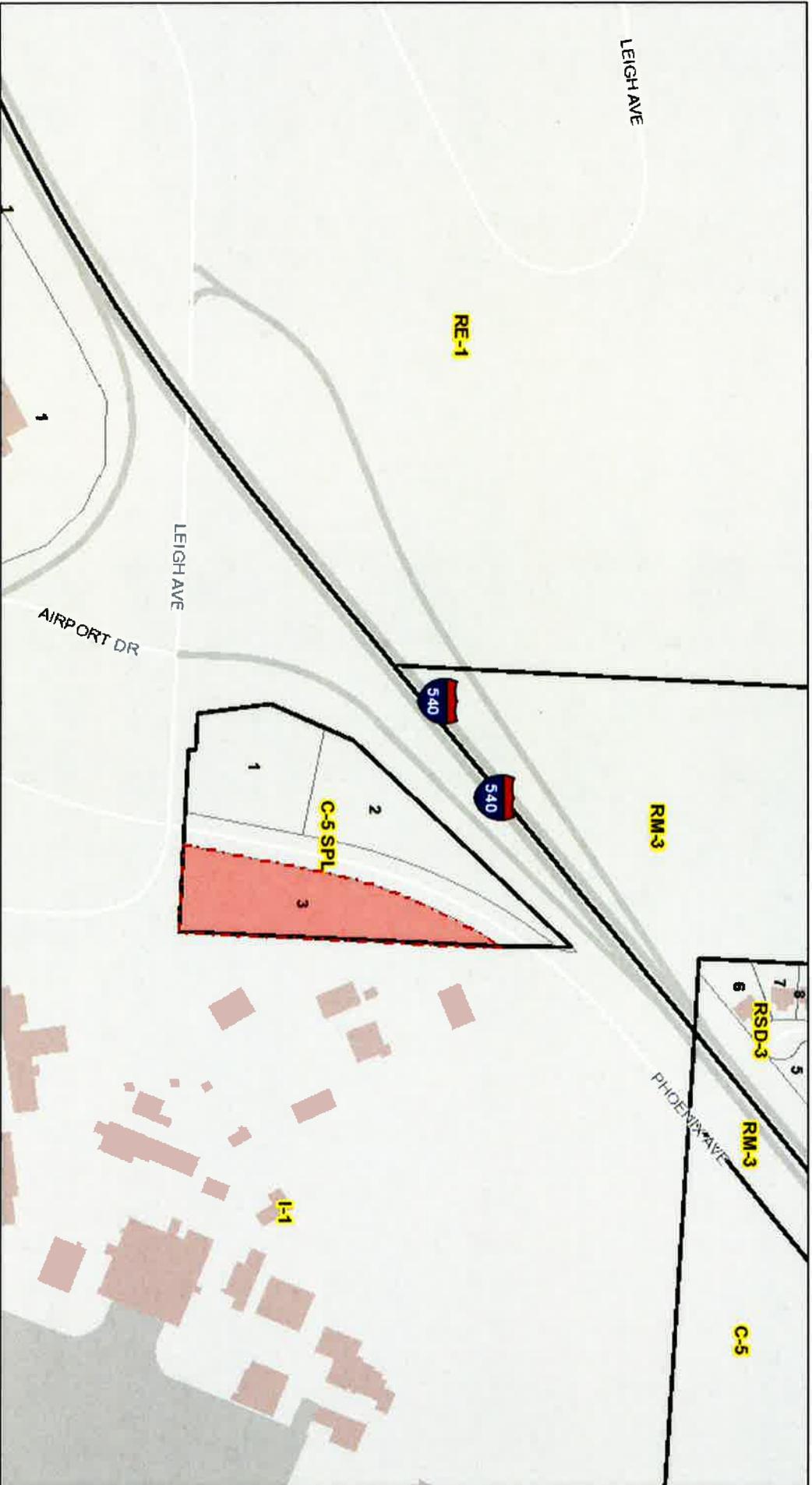
Owner

David W. Campbell
or
David W. Campbell
Agent

5F

Development Plan Review: Retail Facility 5400 Phoenix Avenue

5G



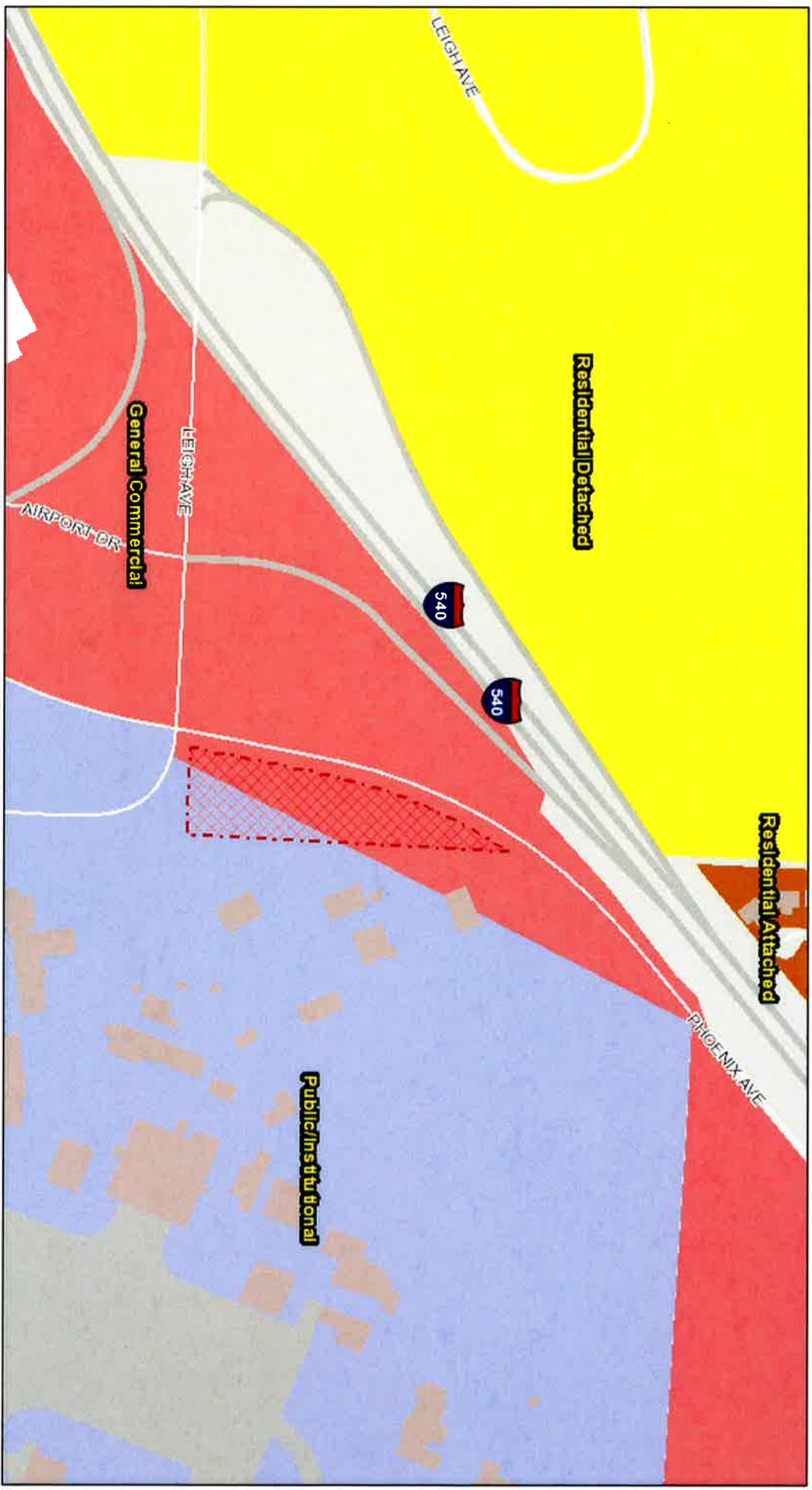
October 21, 2014

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



Master Land Use for Development Plan Review: Retail Facility 5400 Phoenix Avenue

5H



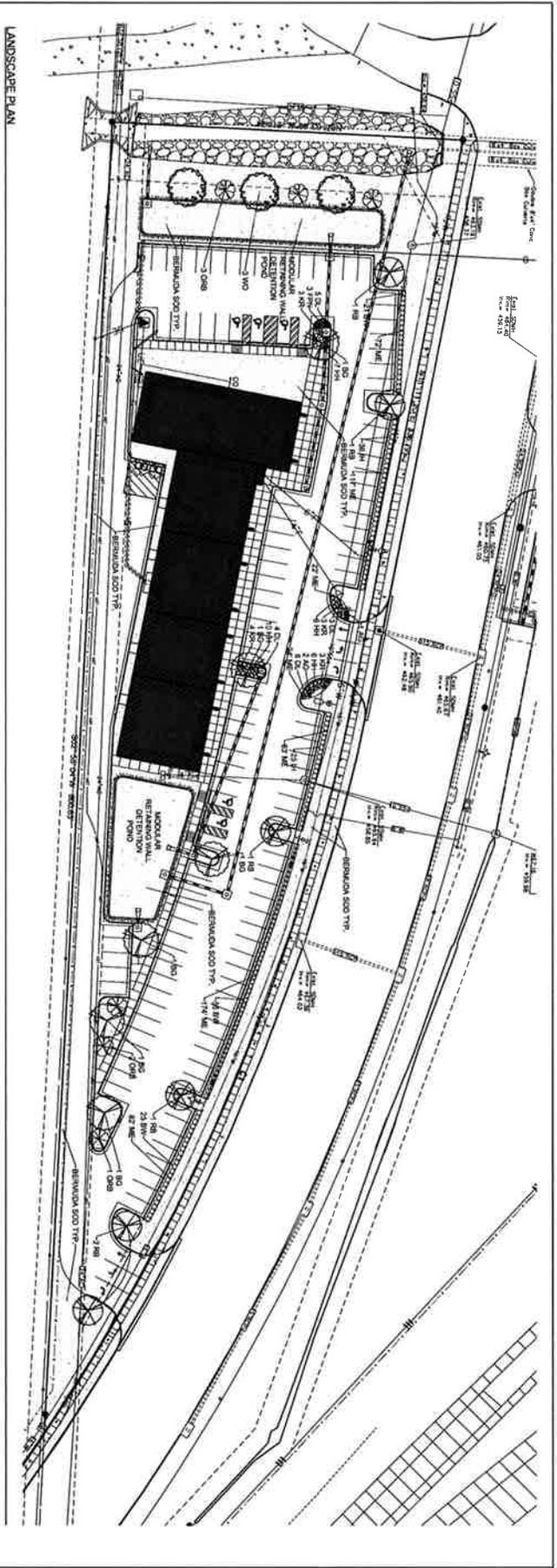
October 21, 2014

Fort Smith City Limits

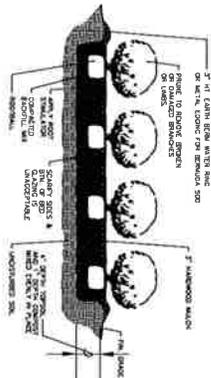
Building Footprints

Commercial



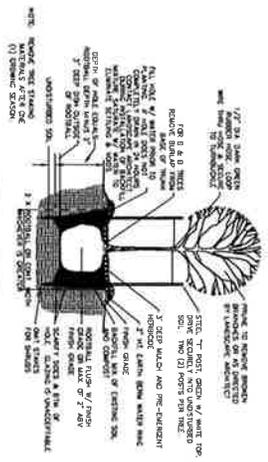


LANDSCAPE PLAN



BED PLANT DETAIL

PIT PLANT DETAIL



Symbol	Tree Name	Quantity	Planting Size	Comments
TREES				
1	Large Oak	2	12" Cal.	10' High, 10' Spread
2	Medium Oak	1	12" Cal.	10' High, 10' Spread
3	Small Oak	1	12" Cal.	10' High, 10' Spread
4	Large Oak	1	12" Cal.	10' High, 10' Spread
5	Medium Oak	1	12" Cal.	10' High, 10' Spread
6	Small Oak	1	12" Cal.	10' High, 10' Spread
7	Large Oak	1	12" Cal.	10' High, 10' Spread
8	Medium Oak	1	12" Cal.	10' High, 10' Spread
9	Small Oak	1	12" Cal.	10' High, 10' Spread
SHRUBS				
10	Large Shrub	1	12" Cal.	10' High, 10' Spread
11	Medium Shrub	1	12" Cal.	10' High, 10' Spread
12	Small Shrub	1	12" Cal.	10' High, 10' Spread
13	Large Shrub	1	12" Cal.	10' High, 10' Spread
14	Medium Shrub	1	12" Cal.	10' High, 10' Spread
15	Small Shrub	1	12" Cal.	10' High, 10' Spread
16	Large Shrub	1	12" Cal.	10' High, 10' Spread
17	Medium Shrub	1	12" Cal.	10' High, 10' Spread
18	Small Shrub	1	12" Cal.	10' High, 10' Spread
19	Large Shrub	1	12" Cal.	10' High, 10' Spread
20	Medium Shrub	1	12" Cal.	10' High, 10' Spread
21	Small Shrub	1	12" Cal.	10' High, 10' Spread

LANDSCAPE REQUIREMENTS:
 27 TREES REQUIRED
 21 SHRUBS PROVIDED
 210 SHRUBS PROVIDED



- LANDSCAPE NOTES:**
1. CONTRACTOR RESPONSIBLE FOR CALLING ARIZONA'S ONE CALL SYSTEM TO LOCATE ALL UTILITIES PRIOR TO BEGINNING ANY WORK ON SITE.
 2. ALL MATERIAL SHALL BE NURSERY GROWN STOCK. SIZE AND GRADING SHALL MEET OR EXCEED THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK.
 3. ALL AREAS TO BE PLANTED SHALL BE FREE OF EXISTING WEEDS AND GRASS.
 4. ALL AREAS TO HAVE POSITIVE DRAINAGE SO AS NOT TO HOLD WATER IN PLANTING AREAS. ALL TREE RINGS IN SOD AREAS SHALL RECEIVE 3" OF HARDWOOD MULCH.
 5. 3-4" DEPTH NATURAL COLOR HARDWOOD MULCH SHALL BE PLACED IN PLANTING AREAS. ALL TREE RINGS IN SOD AREAS SHALL RECEIVE 3" OF HARDWOOD MULCH.
 6. ALL PLANTS TO BE PLANTED IN ALL TYPED AREAS.
 7. KEEP ALL PLANTS A MINIMUM 15' AWAY FROM ANY BUILDING OR SIDEWALK.
 8. ALL LANDSCAPE AREAS TO BE WATERED BY AUTOMATIC IRRIGATION SYSTEM. REFER TO CIVIL SHEET 6 OR 12 FOR LOCATIONS OF UNDERGROUND SLEEVES.
 9. TURF AND SHRUB AREAS TO BE WATERED SEPARATELY.
 10. ALL BED AREAS ARE TO RECEIVE 4" OF TOPSOIL AND 1" OF COMPOST TILLED INTO TOP 6" OF BED AREA. SOILS SHALL BE AMENDED TO ENHANCE FAVORABLE GROWING CONDITIONS.
 11. GENERAL CONTRACTOR SHALL DETERMINE LAYOUT OF IRRIGATION OF CURB AND ENDS TYPED. LOCATION SHALL BE STRAIGHT AND FLAGGED DURING INSTALLATION.
 12. GENERAL CONTRACTOR SHALL PROVIDE CONNECTION SYSTEM TO BE PROVIDED BY GENERAL CONTRACTOR. SIZE OF CONNECTION, GPM AND PRESSURE AVAILABLE SHALL DETERMINE LAYOUT OF IRRIGATION SYSTEM.
 13. LANDSCAPE ISLANDS IN PARKING AREA TO BE PROTECTED FROM VEHICLES BY 6" CONCRETE CURB.
 14. CHANGES IN MATERIALS MUST BE APPROVED BY OWNER OR LANDSCAPE ARCHITECT PRIOR TO PLACEMENT.



SHEET
L-1

PHOENIX AVE. RETAIL
FORT SMITH, AR

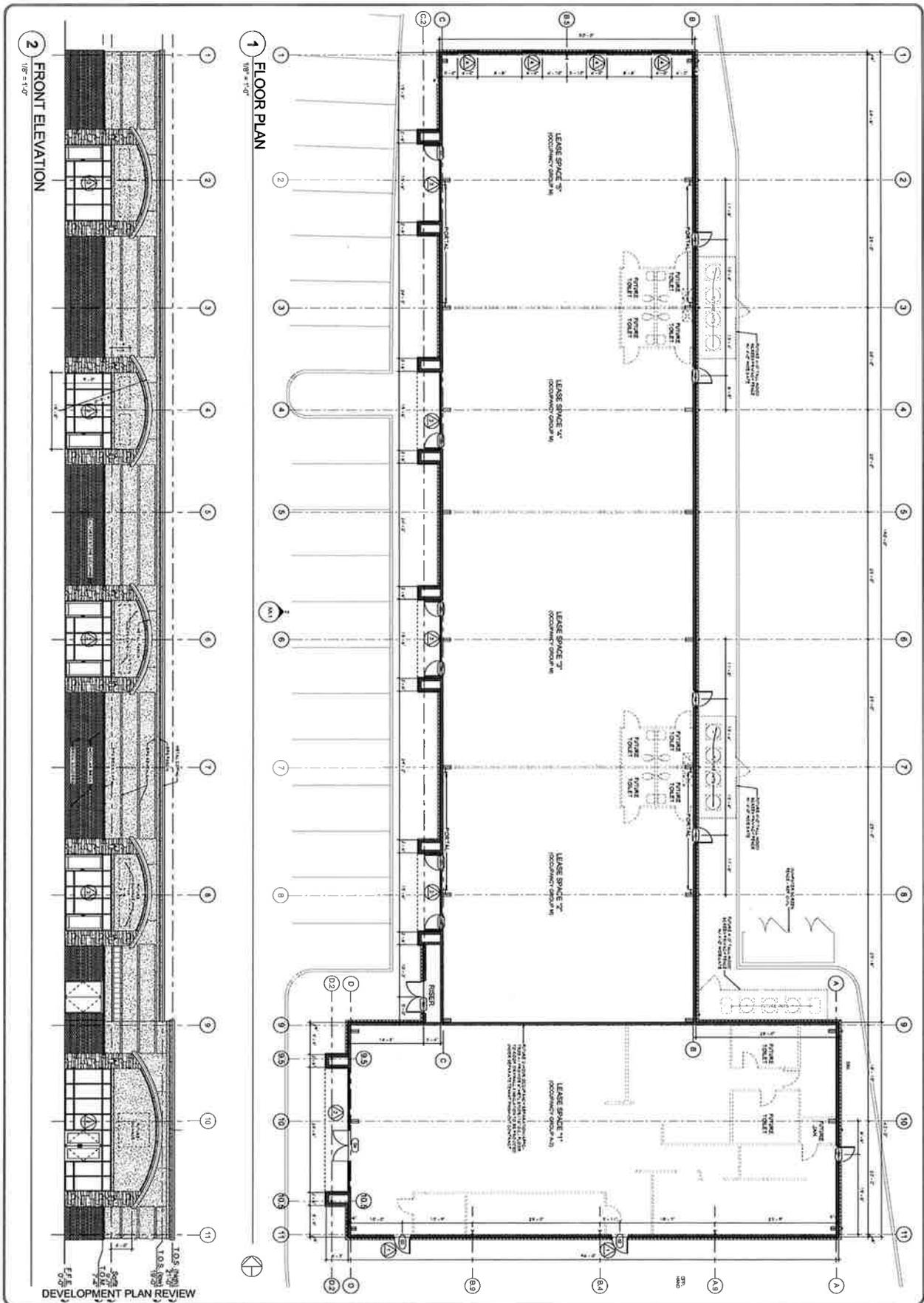
LANDSCAPE PLAN

FRANK SHARUM
LANDSCAPE DESIGN, INC.

LANDSCAPE CONCEPTS
LANDSCAPE ARCHITECTURE, LLC
DENNIS WEVERS, RLA

PLAN
ISSUED
10.21.14

55



XA.1	DATE	10/17/14
	SHEET	3585
	JOB NUMBER	3585
	DRAWING TITLE	FLOOR PLAN & FRONT ELEVATION

**PHOENIX AVENUE and LEIGH AVENUE
PROPOSED RETAIL DEVELOPMENT
FORT SMITH, ARKANSAS**


 GILBERT
 REDDICK
 ARCHITECTS
 407 GARDEN AVE.
 FORT SMITH
 ARKANSAS
 (479) 33-4455
 (479) 33-4455

5R

Memo

To: City Planning Commission

From: Planning Staff

Date: October 23, 2014

Re: Variance #32-10-14 - A request by Guest Reddick Architects, agent, for Board of Zoning Adjustment consideration of a zoning variance request from the perimeter landscaping requirements at 5400 Phoenix Avenue (Companion to item #5)

LOT LOCATION AND SIZE

The subject property is on the northeast side of the intersection of Phoenix Avenue and Leigh Avenue. The tract contains an area of 2.5 acres with approximately 828 feet of street frontage along Phoenix Avenue.

REQUESTED VARIANCE

The variance will allow the placement of 6 trees along the Phoenix Avenue frontage as opposed to 17 trees. An additional 15 trees will be planted in the interior of the lot in addition to the interior landscaping requirements.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy Special(C-5 Special). 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.

6A

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 Residential Multifamily Medium Density (RM-3) and include Interstate 540 and undeveloped land.

The area to the east is zoned Industrial Light (I-1) and is developed as the Air National Guard base.

The areas to the south are zoned Industrial Light (I-1) and are undeveloped.

The areas to the west are zoned Commercial Heavy (C-5) and are being developed as a liquor store with the remaining area as undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as General Commercial and Institutional. This classification (General Commercial) is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. This classification (Institutional) is intended to provide for needed community services of both a public and quasi-public nature.

6B

APPLICANT HARDSHIP

The applicant states that existing drainage and utility easements are located along the north side of the site. The location of the existing easements and the narrowness of the property make it difficult to place the required trees along the street frontage.

STAFF COMMENTS AND RECOMMENDATIONS

The existing 10' water line easement on the site adjacent to Phoenix Avenue presents the main obstacle to planting the trees along Phoenix Avenue. The 6 trees shown on the plan, however, are acceptable to the city's utility department. The applicant's companion development plan provides 15 additional trees in the interior of the lot.

The BZA approved a similar variance in January 2014 for the property across the street at 5401 Phoenix Avenue, which is currently being developed as Sodie's Liquor store. The hardship was also due to utility and drainage easements as well as walls of a detention pond.

If the BZA approves this variance, staff requests that it be contingent upon the approval of the companion development plan and 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.

60

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)

Leigh Avenue Business Park, Lot 3

Address of property 5400 Phoenix Avenue, Existing or Proposed Zoning Classification

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

OFFICE USE ONLY- SPECIFIC VARIANCE REQUESTED AND APPLICANT STATED HARDSHIP

<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
	-		Other: Perimeter Landscape Requirements - UDO/Phoenix Avenue Overlay

6D

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

_____ day of _____, 20____.

Signed:

Owner or Agent Name:

Guest-Reddick Architects

Owner or Agent Phone Number:

479-782-4085

Owner or Agent Mailing Address:

602 Garrison Avenue, Suite 800, Ft. Smith 72901

Owner

David W. Cooper
or
Agent

Variance # _____

6E

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 than 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.

YES

NO

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 or current zoning requirements?

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

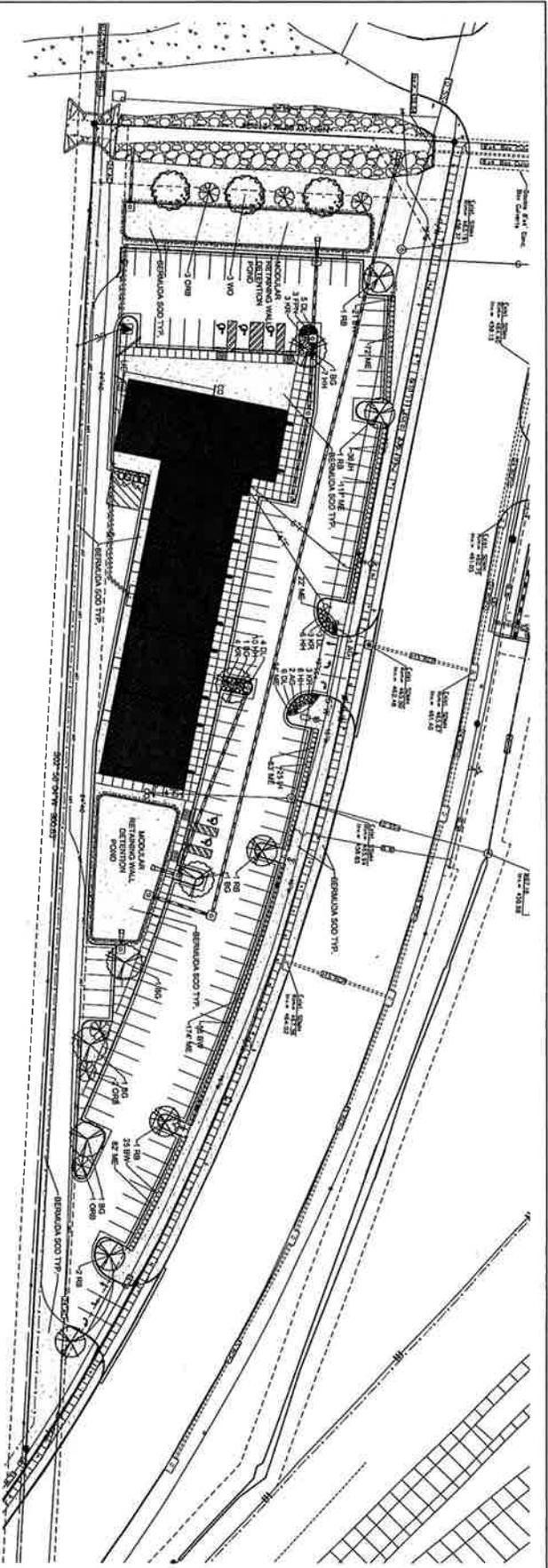
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Explanation of question #4 (if applicable)

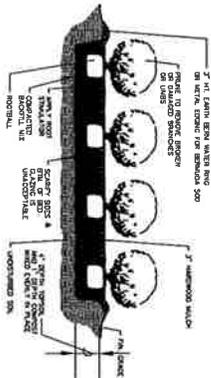
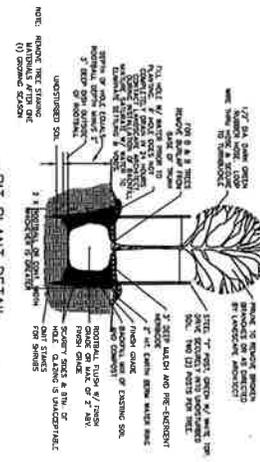
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

An existing 10' water utility easement (Bk. 615, page 1214) parallels the Western Property Line along Phoenix Avenue (outside of R.O.W.), and is in conflict with the location of the required 10' Landscape Perimeter. The City Utility Department will not allow trees to be planted within the existing 10' water utility easement. Therefore, the required number of trees has been shown on the Landscape Plan to be located on the interior of the site rather than the perimeter along Phoenix Avenue. Perimeter Landscaping meeting the requirements of the UDO are shown along Leigh 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:



LANDSCAPE PLAN



NO.	SYMBOL	DESCRIPTION	QUANTITY	REMARKS
1	(Tree symbol)	12\"/>		
2	(Tree symbol)	12\"/>		
3	(Tree symbol)	12\"/>		
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27	(Tree symbol)	12\"/>		
28	(Tree symbol)	12\"/>		
29	(Tree symbol)	12\"/>		
30	(Tree symbol)	12\"/>		

LANDSCAPE REQUIREMENTS:
 21 TREES REQUIRED
 27 TREES PROVIDED
 210 SHRUBS REQUIRED
 210 SHRUBS PROVIDED

- LANDSCAPE NOTES:**
1. CONTRACTOR RESPONSIBLE FOR CALLING ARIZONA'S ONE CALL SYSTEM TO LOCATE ALL UTILITIES PRIOR TO BEGINNING ANY WORK ON SITE.
 2. ALL PLANT MATERIAL SHALL BE NURSERY GROWN STOCK, SIZE AND SPECIES SHALL BE AS SHOWN ON THIS SHEET. SHOWN ON AMERICAN STANDARDS FOR NURSERY STOCK.
 3. ALL AREAS TO BE PLANTED SHALL BE FREE OF EXISTING WEEDS AND GRASS.
 4. ALL AREAS TO HAVE POSITIVE DRAINAGE SO AS NOT TO HOLD WATER IN PLANTING AREAS. ALL TREE RINGS IN SOIL AREAS SHALL RECEIVE 4\"/>



PHOENIX AVE. RETAIL
 FORT SMITH, AR
 LANDSCAPE PLAN



Handwritten initials 'H' and a signature.

SHEET
 L-1

PLAN
 ISSUED
 10.21.14