

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
APRIL 12, 2016**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM MARCH 8, 2016**

**III. STAFF COMMENTS AND PROCEDURES**

1. Preliminary Plat – Avalon at Chaffee Crossing – Crafton Tull (companion item to item #2)
2. Rezoning #9-4-16; A request by Crafton Tull, agent for ERC and Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8501 McClure Drive. (companion item to item #1)
3. A request by Crafton Tull, agent for Rod Coleman, for development plan approval for a retail development located at 6000 Hutcheson Court. (companion item to item #4)

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

4. Variance #12-4-16; A request by Crafton Tull, agent for Rod Coleman, for a variance from Section 27-601-14(B)(3)-required passing aisle; from Section 27-602-4(C)(8)-required 6 foot screening fence along residentially zoned property and from Section 27-414(4)-from three (3) to four (4) maximum number of wall signs allowed on a principal structure located at 6000 Hutcheson Court. (companion item to item #3)

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

623 GARRISON AVENUE  
P.O. BOX 1908  
FORT SMITH, ARKANSAS 72902  
(479) 784-2216  
FAX (479) 784-2462

5. A request by Thomas Shankle, agent for Donnie & Peggy Kratzberg, for a Master Land Use Plan Amendment from Residential Attached to Office, Research & Light Industrial located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130. (companion item to item #6)
6. Rezoning #8-4-16; A request by Thomas Shankle, agent for Donnie & Peggy Kratzberg, for a zone change from Commercial Heavy (C-5) to Industrial Light (I-1) by Extension located at 7423 Highway 271 South: Units 102B, 106, 110, 112, 114, 116, 118, 120, 122 and 130. (companion item to item #5)
7. Conditional Use #7-4-16; A request by James Reddick & Salvation Army, agents for First Asset Holdings, LLC, for a conditional use for a recycling collection station and community food services located at 2900 North 50<sup>th</sup> Street. (companion item to item #8)

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

8. Variance #10-4-16; A request by James Reddick & Salvation Army, agents for First Asset Holdings, LLC, for a variance from Section 27-602-4(C) Architectural Design of Structures located at 2900 North 50<sup>th</sup> Street. (companion item to item #7)

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

9. Home Occupation #2-4-16; A request by Byron Lawrence for a home occupation for a recording studio located at 4114 Alabama.

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

10. Variance #6-3-16; A request by Ricky Hill, agent for Guard Tronic, Inc., for the following variances:

**104 & 108 North 13<sup>th</sup> Street (Lot 1A)**

From 25' to 23.6' front yard setback (building portion on Lot 2)

From 25' to 0.8' front yard setback (canopy)

From 25' to 23.6' front yard setback (building portion on Lot 3)

From 10' to 6.9' side yard setback  
From 10' to 0.2' rear yard setback  
From 41 to 27 minimum number parking spaces

**120 North 13<sup>th</sup> Street (Lot 6A)**

From 10' to 7.5' side yard setback  
From 25' to 12.9' front yard setback (building portion on Lot 5)  
From 25' to 12.9' front yard setback (building portion on Lot 6)  
From 18 to 15 minimum number parking spaces

11. Planning Commission recommendation for the appointment to the Comprehensive Plan Implementation Committee.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
MARCH 8, 2016**

On roll call, the following Commissioners were present: Vicki Newton, Sarah Howe, Josh Carson, Bob Cooper, Jr., Talicia Richardson, Rett Howard and Don Keesee. Commissioner Marshall Sharpe and Commissioner Michael Redd were absent.

Vice-Chairman Keesee called for the vote on the Planning Commission minutes from the February 9, 2016, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

- 1. Conditional Use #4-3-16; A request by Rodney Ghan, agent for the City of Fort Smith, for a conditional use for a school located at 622 North 7<sup>th</sup> Street. (companion item to item #2)**
- 2. A request by Rodney Ghan, agent for the City of Fort Smith, for an extension of time from 120 days (UDO Section 27-327-1) to 60 months for a temporary classroom located at 622 North 7<sup>th</sup> Street. (companion item to item #1)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for The Future School of Fort Smith (a public charter school) to operate at this location and to authorize approval of the use of a modular building for a temporary classroom while the existing building is being remodeled and additions to the building are being constructed.

Mr. Rodney Ghan was present to speak on behalf of these requests.

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

Mr. Pat Mickle presented the traffic impact statement relative to this project.

Following a discussion by the Commission, Vice-Chairman Keesee called for the vote on these requests.

- 1. Conditional Use #4-3-16; A request by Rodney Ghan, agent for the City of Fort Smith, for a conditional use for a school located at 622 North 7<sup>th</sup> Street. (companion item to item #2)**

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

- All exterior changes or additions shall be approved by the Fort Smith Historic District Commission.
- Landscaping shall not be less than what is required in the UDO but will require Fort Smith Historic District Commission approval.
- Compliance with the submitted Traffic Impact Statement.

Vice-Chairman Keesee then called for the vote on the conditional use request as amended. The vote was 5 in favor, 0 opposed and 2 abstentions (Cooper, Richardson).

- 2. A request by Rodney Ghan, agent for the City of Fort Smith, for an extension of time from 120 days (UDO Section 27-327-1) to 60 months for a temporary classroom located at 622 North 7<sup>th</sup> Street. (companion item to item #1)**

Motion was made by Commissioner Howard, seconded by Commissioner Carson, and carried unanimously to amend this request to make approval subject to the proposed structure complying with the minimum building and life safety and fire code requirements.

Vice-Chairman Keesee then called for the vote on the request for extension of time as amended. The vote was 5 in favor 0 opposed and 2 abstentions (Cooper, Richardson).

- 3. Conditional Use #5-3-16; A request by Breck Childers, agent for James R. Childers, for a conditional use for a parking lot located at 74 South 4<sup>th</sup> Street. (companion item to item #4)**
- 4. Variance #7-3-16; A request by Breck Childers, agent for James R. Childers, for a variance from Section 27-602-3 (B)(C) landscaping requirements located at 74 South 4<sup>th</sup> Street. (companion item to item #3)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the construction of a 17 space parking lot to serve as employee parking for Childers' architectural firm located at 45 South 4<sup>th</sup> Street. It was noted that the purpose of the variance request is to allow the applicant to omit the landscaping on the southwesterly side of the parking lot site and place the landscaping in the Garland Avenue right-of-way. It was also noted that in order to accomplish the landscaping requirement, the applicant received approval on March 1, 2016, for a Temporary Revocable License from the Board of Directors to place the 10 foot wide landscaping strip in the Garland Avenue right-of-way.

Mr. Breck Childers was present to speak on behalf of these requests.

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

Following a discussion by the Commission, Vice-Chairman Keesee called for the vote on these requests.

- 3. Conditional Use #5-3-16; A request by Breck Childers, agent for James R. Childers, for a conditional use for a parking lot located at 74 South 4<sup>th</sup> Street. (companion item to item #4)**

Motion was made by Commissioner Carson, seconded by Commissioner Cooper and carried unanimously to amend this request to make approval subject to construction complying 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.

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

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

- 4. Variance #7-3-16; A request by Breck Childers, agent for James R. Childers, for a variance from Section 27-602-3(B)(C) landscaping requirements located at 74 South 4<sup>th</sup> Street. (companion item to item #3)**

Motion was made by Commissioner Cooper, seconded by Commissioner Carson and carried unanimously 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.
- Trees planted shall be species that do not exceed a maturity height of approximately 15 feet to avoid conflicts with OG&E's existing overhead power lines.
- The landscaping plan shall comply with the Temporary Revocable License approved by the Board of Directors.

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

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

- 5. Conditional Use #6-3-16; A request by Renea Spoon, agent for Kevin and Carlana Weakley, for a conditional use for a daycare home with one (1) employee located at 6900 South 9<sup>th</sup> Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for a daycare home with one (1) employee. It was noted that the proposed daycare home will have no more than 12 children at any time and the hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday. It was also noted that the parents will be required to park in the driveway for drop off and pick up and the parents will have a staggered drop off and pick up times to ensure that they will not cause traffic congestion.

The Planning Commission was advised that a neighborhood meeting was held on Thursday, February 25, 2016, at the Miller Branch Library with two (2) neighbors in attendance. Ms. Joan Day of 6821 South 9<sup>th</sup> Street who opposed the request due to concerns relative to traffic, narrow road, noise and devaluation of property values and Mr. David Bryan of 6908 South 10<sup>th</sup> Street who expressed no objections.

Ms. Renea Spoon was present to speak on behalf of this request.

Mr. Freddie Spinas, 6908 South 9<sup>th</sup> Street, was present to speak in opposition to this request.

Following a discussion by the Commission, Vice-Chairman Keesee called for the vote on the conditional use request. Motion was made by Commissioner Cooper, seconded by Commissioner Carson 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 parking associated with the home daycare shall occur on the driveway. No on-street parking is permitted.
- The Fire Marshal will require an inspection of the premises.
- The structure and operations shall comply with the Arkansas DHS requirements for a home daycare and any Arkansas Fire Codes that apply for a home daycare.
- The hours of operation are limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
- No dumpster shall be allowed.
- The existing gravel parking area in the front yard shall not be expanded.

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

**6. Home Occupation #1-3-16; A request by Redd Rahman for a home occupation for a custom leather goods and accessories business located at 1525 North Greenwood Avenue.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow the applicant to make custom leather goods and accessories, including but not limited to wallets, purses, bible covers, tool pouches and knife covers.

Mr. Rahman, 1525 North Greenwood, 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 Carson, seconded by Commissioner Cooper and carried unanimously to amend this request to make approval subject to the following:

- Compliance with the minimum requirements for Home Occupations (Section 27-338-4F)
- Approval of deliveries arriving by UPS, etc. twice a month.
- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.
- No sale of any retail or wholesale item or items shall take place on the premises.

Vice-Chairman Keesee then called for the vote on the home occupation as amended. The vote was 7 in favor and 0 opposed.

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

**7. Variance #6-3-16; A request by Sam & Jessica Swilling for a variance from 7.5 feet to 5 feet interior side yard setback located at 4106 South “P” Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of a duplex at this location. It was noted that the entire structure would be approximately 3,758 square feet in area and each unit would have three bedrooms with access to the duplex being proposed from the alley.

Sam & Jessica Swilling were present to speak on behalf of this request.

There were approximately twenty (20) persons in attendance opposing this variance request. The following persons spoke in opposition to the proposed construction of the duplex: Ms. Tanya Merrill, 4110 South “P” Street; Mr. Drew Warner, 4306 South “P”

Street; Dana Rabideau, 1621 S. Albert Pike, Helen Branham, 4018 South “P” Street and Sara and Albert Baker, 1720 S. Albert Pike.

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

- The duplex shall comply with the city’s parking regulations – Section 14-52 of the Fort Smith Municipal Code.
- The duplex shall not exceed 50% lot coverage as required by the RSD-2 zoning district’s bulk and area regulations.
- The front yard setback for the duplex shall be approximately 63 feet in order to be consistent with the setbacks with existing homes on South “P” Street.
- The architectural style, roof lines, and exterior finishes shall conform to the color rendering provided by the applicant.
- While the city has no objections to the duplex having alley access, the city shall not be responsible for alley maintenance.

Vice-Chairman Keesee then called for the vote on the variance request as amended. The vote was 4 in favor and 3 opposed. (Cooper, Newton, Richardson)

**8. Variance #8-3-16; A request by Lachanthay Phoumy for a variance from 20 feet to 16.1 feet front yard setback located at 3713 Young Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for a carport to be constructed at this location. It was noted that a neighborhood meeting was held on Wednesday, February 10<sup>th</sup> on site with seven neighbors in attendance all of which were in favor of the variance request.

Mr. Lachanthay Phoumy, 3713 Young Street, 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

Howard seconded by Commissioner Cooper and carried unanimously to amend this request to make approval subject to the carport being attached to the structure of conventional construction to match the existing house.

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

**9. Planning Commission discussion regarding a Resolution related to city projects.**

Mr. Wally Bailey stated that pursuant to the Planning Commission's request at their March 1<sup>st</sup> study session, staff has prepared a resolution regarding the aesthetic and safety concerns regarding recently completed public storm drainage projects.

Mr. Bailey noted that the resolution identifies the concerns and states that the Commission believes that these types of projects should comply with the UDO design and construction standards and also asks the Board to support a process that would require storm drainage projects to include landscaping and safety features and also that the Planning Commission review and approve these projects.

Mr. Stan Snodgrass, Director of Engineering for the City of Fort Smith, addressed the Commission relative to this issue. Mr. Snodgrass explained to the Commission the City's storm drainage projects and why they are done the way they are. He stated that staff walks the streets, takes photos and looks at erosion and safety concerns.

Commissioners Howard and Howe expressed their concerns relative to the aesthetics and safety of the city's storm drainage projects.

Mr. Snodgrass stated that property owners are generally appreciative of the way these projects are done due to the fact that it requires no maintenance on their part.

Commissioner Keesee noted that what started this whole thing is the concern that we were not requiring the City to abide by the ordinances that are in place and required of a private development.

Following further discussion, it was decided to table this item for further discussion by the Commission at a later date.

**Meeting Adjourned!**

# Memo

**To:** Planning Commission

**From:** Planning Staff

**Date:** April 8, 2016

**Re:** Avalon at Chaffee Crossing, Lots 1-30 - Preliminary Plat/Development Plan –  
Crafton-Tull & Associates

The proposed subdivision is located on the south side of McClure Drive in Chaffee Crossing. It will contain 30 single-family lots constructed in one phase and developed with two cul-de-sacs. The single entrance into the subdivision is on McClure Drive. Additional features, include a multi-use trail bordering McClure drive in lieu of a sidewalk, sidewalks on one side of the interior streets, and a 10' perimeter landscaping buffer adjacent to McClure Drive. A detention area is located in the southeast corner of the property.

Proposed Zoning Designations: Single Family Medium/High Density (RS-3)

Land Use: RS-3 - Provides for medium-to-high density, compact single family detached development on new sites or as infill construction.

Proposed Use: Single-family dwellings.

Staff recommends approval with the following conditions:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.
- 3) Planning Commission recommendation of the proposed RS-3 zoning district.

1A





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 29, 2016

**Re:** Rezoning #9-4-16 - A request by Crafton Tull, agent for Fort Chaffee Redevelopment Authority and developer ERC, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification located at 8501 McClure Drive

## **PROPOSED ZONING**

Approval of the zoning will allow for the development of a 10.78 acre tract into a 30 lot single family subdivision.

## **LOT LOCATION AND SIZE**

The subject property is on the south side of McClure Drive. The tract contains an area of 10.78 acres and will have approximately 1,300 feet of street frontage along McClure Drive.

## **REQUESTED ZONING**

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

### **Purpose:**

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

### **Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned as a Planned Zoning District and is being developed as Arc Best Corporation. The remaining area to the north is not zoned and undeveloped.

The areas to the east, west, and south are not zoned and are undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies McClure Drive as a local road.

**MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Future Land Use Plan classifies the site as Park/Open Space. The applicant is currently seeking a Land Use Map Amendment from the Fort Chaffee Redevelopment Authority to Single Family Residential. This classification is intended to encourage development that promotes internal and external connectivity, reinforces walkability through street layout that limits cul-de-sacs with no external connections, and establish entry features for neighborhoods with signage, landscaping and lighting.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday, April 5, 5:30 p.m., at the ERC offices at 4107 Massard Road. No surrounding property owners attended the meeting.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application.

2B

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

PLEASE SEE ATTACHED BOUNDARD DESCRIPTION

- 2. Address of property: McCLURE DRIVE

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

- 4. Application is hereby made to change the zoning classification of the above described property to RS-3 by CLASSIFICATION.  
(Extension or classification)

- 5. Why is the zoning change requested?

REDEVELOPMENT OF FORT CHAFFEE

\*PLEASE SEE ATTACHED PRELIMINARY PLAT

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

Signed:

**CRAFTON TULL & ASSOCIATES**

Owner or Agent Name  
*(please print)*

10825 FINANCIAL CENTRE PKWY  
SUITE 300, LITTLE ROCK, AR 72211

Owner or Agent Mailing Address

(501)664-3245

Owner or Agent Phone Number

\_\_\_\_\_  
Owner

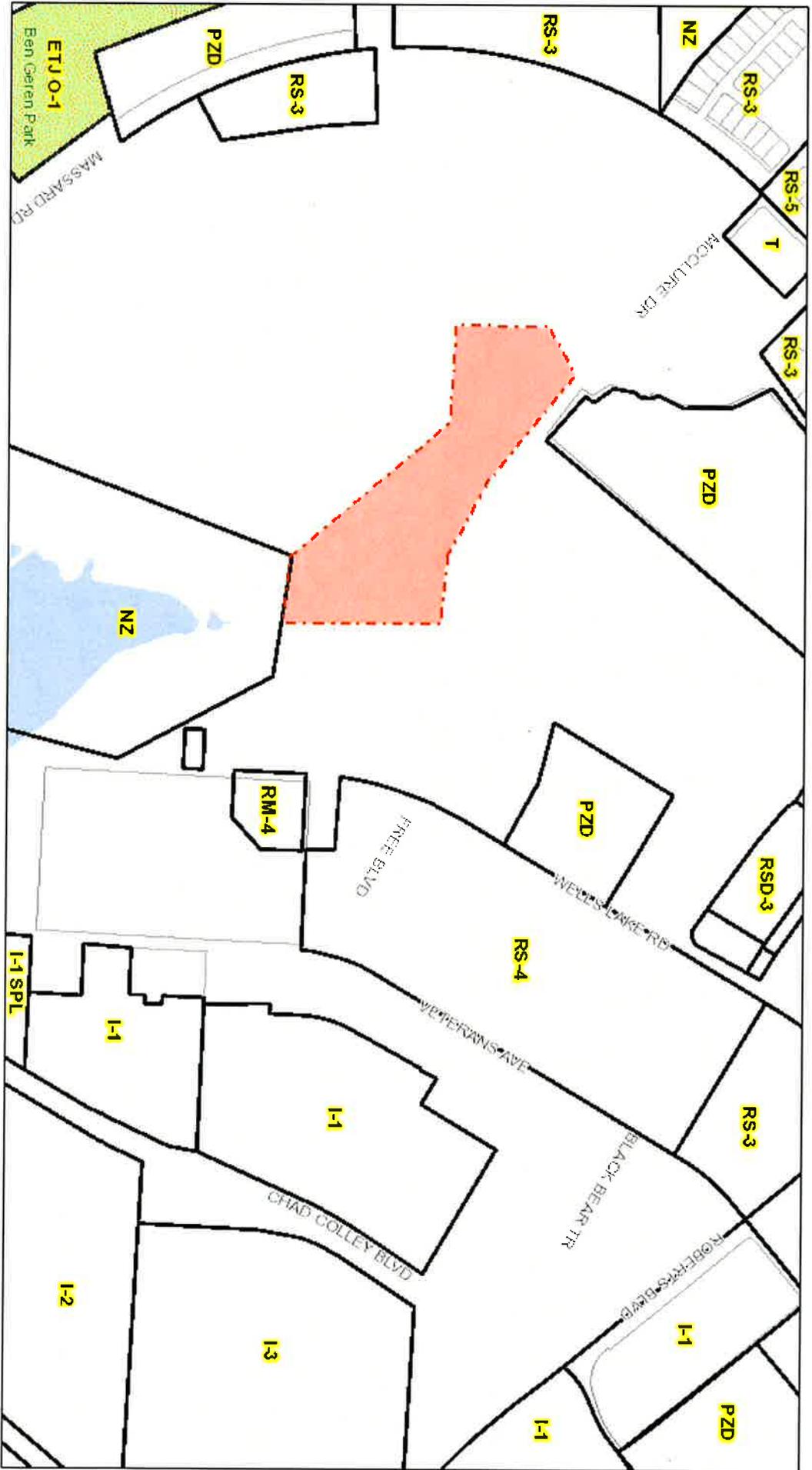
or

  
\_\_\_\_\_  
Agent



# Rezoning #9-4-16: from Not Zoned to Residential Single Family Medium/High Density (RS-3) 8501 McClure Drive

EJ  
28



March 22, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 29, 2016

**Re:** Development Plan Review - A request by Crafton Tull, agent for Rod Coleman, for Planning Commission consideration of a Development Plan request to develop a retail development located at 6000 Hutcheson Court

## **PROPOSED DEVELOPMENT PLAN**

The project if approved will allow for a 4 unit 4,778 s.f. retail building with 24 parking spaces and landscaping.

## **LOT LOCATION AND SIZE**

The subject property is on the south side of Zero Street east of Ben Geren Park and West of Hutcheson Ct. The tract contains an area of 0.8 acres with approximately 145 feet of street frontage along Zero Street and approximately 200 feet of street frontage along Hutcheson Ct.

## **EXISTING ZONING**

The existing zoning on this tract is Commercial Moderate Special (C-3-SPL).

The special requirement was placed on the zoning ordinance number 1-13 that requires approval of a development plan by the Planning Commission prior to the issuance of any building permits or use of the land.

Characteristics of this zone are as follows:

### **Purpose:**

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the 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-3 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, 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 – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 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
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

**SURROUNDING ZONING AND LAND USE**

The areas to the east and south are zoned C-3-SPL and are undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as Ben Geren Park.

The area to the north is zoned Commercial Heavy Special (C-5-SPL) and is undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South Zero Street as a Major Arterial and Hutcheson Court as a local road.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The development plan shows that all ingress and egress will occur on the two proposed driveways on Hutcheson Court.

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

**Drainage** – All drainage information shall be approved by the City of Fort Smith Engineering Department prior to the issuance of a building permit. The applicants have discussed drainage with the Engineering Department and understand the requirements.

**Right-of-way dedication** –No new R.O.W. dedication is required or provided.

**Landscaping** – A landscaping plan has been submitted for review. The materials utilized will need minor changes to comply with the UDO.

**Screening** – The applicant has provided acceptable screening measures for the trash receptacle and the HVAC units located at the rear of the development. The applicant has also requested a variance from the required screening fence located adjacent to the park on the west side of the property.

**Parking** – The development plan complies with the minimum number of parking spaces for a retail development. The applicant has been given the parking chart calculations for different uses and understands that different uses could require more parking.

**Signage** –The site plan indicates a monument sign located adjacent to the zero street side of the development with wall signage for each tenant. The applicant has requested a variance from the allowed number of façade signs and has stated they will obtain a sign permit prior to installation.

**Lighting** – The site lighting and wall lighting fixtures provided by the applicant comply with the UDO light fixture requirements.

**Architectural features** – The facade materials are 100% high quality materials. The elevation plans also show recesses and other features.

**Height and Area** –The height and area of the development complies with the UDO. The building will be 19 feet tall with 4,778 s.f. of floor area.

### **NEIGHBORHOOD MEETING**

The applicant was granted a neighborhood meeting waiver. The applicant owns the property to the south and east (Lot 1) of the development and the park is located to the west. Both property owners to the north were sent letters notifying them of the development plan and variances.

### **STAFF COMMENTS AND RECOMMENDATIONS**

This property is within the Massard/Zero Overlay district. The development complies with the requirements within the district with the exception of the signage. The applicant is requesting a variance for the façade signage requirements.

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Landscaping plan shall meet the requirements within the UDO.
3. Approval of the companion variance application.

**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 2, HUNTINGTON CHASE COMMERCIAL PARK, SEBASTIAN COUNTY, ARKANSAS

2. Address of property: 6000 HUTCHESON COURT

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

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

Yes \_\_\_\_\_ No  \_\_\_\_\_

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

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

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

\_\_\_\_\_ by \_\_\_\_\_  
(Zoning Classification) (Extension or classification)

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

ZERO STREET, HUTCHESON COURT, BEN GEREN PARK, ETJ (O-1)

\_\_\_\_\_  
\_\_\_\_\_

8. Total acreage of property .782 ACRES

30

Signed:

CRAFTON TULL & ASSOCIATES

\_\_\_\_\_  
Owner or Agent Name  
*(please print)*

10825 FINACIAL PKWY, SUITE 300  
LITTLE ROCK, AR 72211

\_\_\_\_\_  
Owner or Agent Mailing Address

(501)664-3245

\_\_\_\_\_  
Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

  
\_\_\_\_\_  
Agent

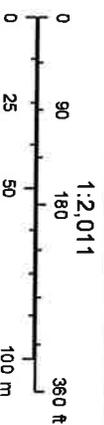
# Development Plan Review: Retail Development 6000 Hutcheson Court

3F



April 5, 2016

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



# Development Plan and Variances 6000 Hutcheson Court

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April 5, 2016

Fort Smith City Limits

Zoning

To whom it may concern,

ERC companies is proposing a commercial development at 6000 Hutcheson Ct. ERC has requested the following waiver and variances in regard to the property development;

- A waiver of the required neighborhood meeting for a variance of a fence and passing aisle requirements. These are minor variance request that do not affect the neighboring properties.
- Variance request # 1-- Variance from (Section 27-602-4C-8) of the UDO. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property zoned for residential purposes including alleys.
  - ERC companies requests a variance from the required fence screening on the north side of the property. ERC feels that the proposed landscaping and the existing natural vegetation present on the adjacent properties more than compensate for any required screening between the commercial property use and the park.
- Variance Request # 2--The second variance will be from (Section 27-601-14B-3) of the UDO. A passing aisle shall be provided with a minimum width of twelve (12) feet and located adjacent and parallel to the queuing spaces.
  - ERC companies requests a variance from the passing lane requirement as the drive aisle will only allow for a three car queue and the site is designed such that should a queued vehicle need to vacate the vehicle can utilize the egress to Hutcheson Ct.

Please feel free to call Mary McGetrick with ERC companies for with any questions or concerns.



**Mary McGetrick**

Pre Construction Manager

ERC, 4107 Massard Road, Fort Smith, AR 72903

479.650.0523 – cell | [mmcgetrick@erc.com](mailto:mmcgetrick@erc.com)

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LANDSCAPE ARCHITECTS  
1000 N. GARDNER STREET  
SUITE 100  
DALLAS, TEXAS 75207  
TEL: 214.424.1111  
WWW.CRAFTONTULL.COM



**HUNTINGTON CHASE RETAIL**  
6000 HUNTINGTON COURT  
FORT SMITH, ARKANSAS



**LANDSCAPE PLAN**  
L-101  
R1

DATE: 08/14/2013  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

THIS DOCUMENT IS PRELIMINARY AND SHOULD NOT BE USED FOR CONSTRUCTION.

NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM CRAFTON TULL.

ALL RIGHTS RESERVED.

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- LANDSCAPE NOTES**
1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL AND THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL.
  2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL AND THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL.
  3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL AND THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL.
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  10. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL AND THE ARKANSAS LANDSCAPE ARCHITECTURE BOARD'S PRACTICE MANUAL.

NOTE: ALL LANDSCAPE PLANTING IS TO BE REPLANTED BY CONTRACTOR.

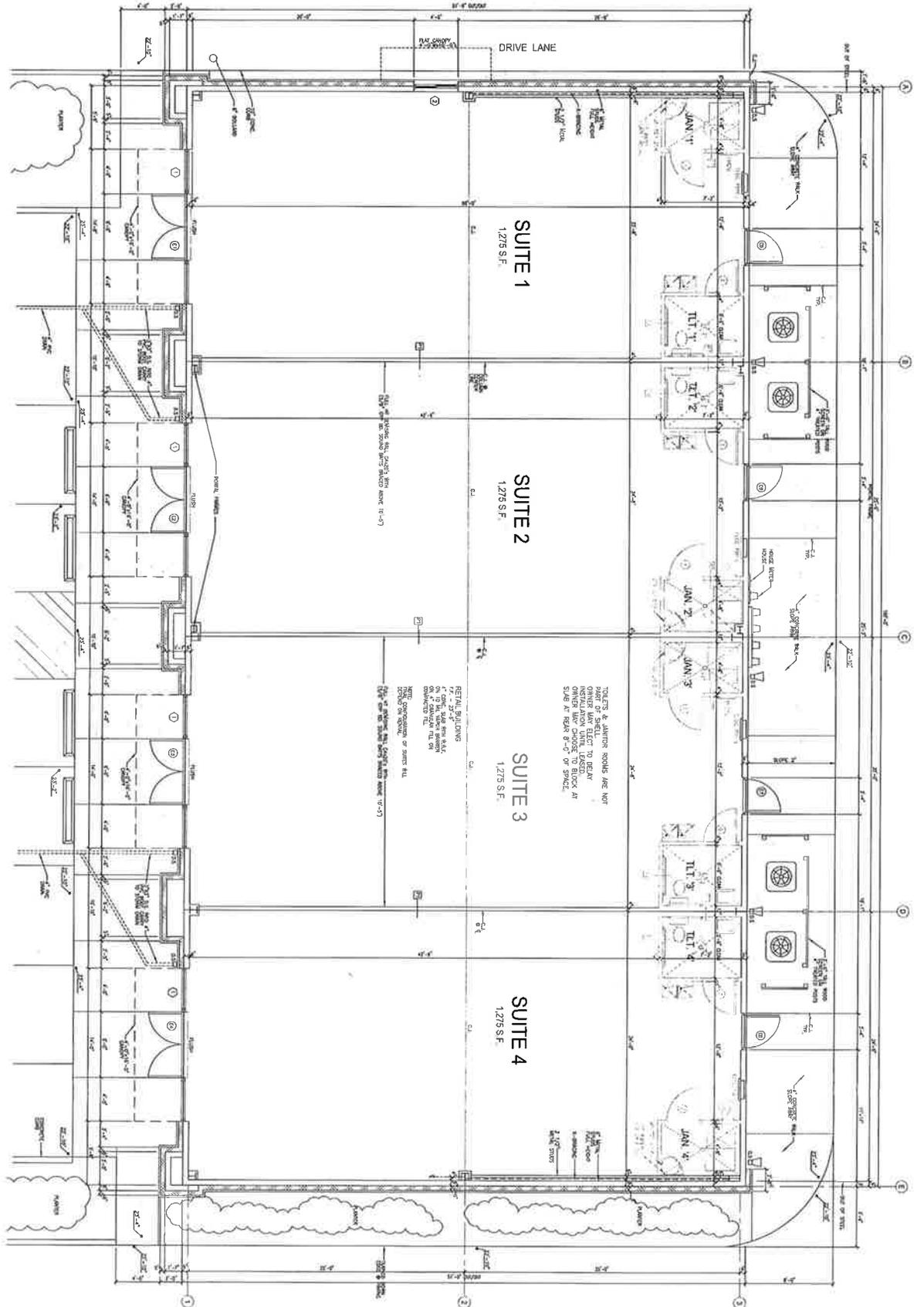
**PLANT SCHEDULE**

PLANT	PLANT NAME	SIZE	QTY	REMARKS
1	LEAFY TREE	12" DBH	1	SEE PLAN
2	LEAFY TREE	18" DBH	1	SEE PLAN
3	LEAFY TREE	24" DBH	1	SEE PLAN
4	LEAFY TREE	30" DBH	1	SEE PLAN
5	LEAFY TREE	36" DBH	1	SEE PLAN
6	LEAFY TREE	42" DBH	1	SEE PLAN
7	LEAFY TREE	48" DBH	1	SEE PLAN
8	LEAFY TREE	54" DBH	1	SEE PLAN
9	LEAFY TREE	60" DBH	1	SEE PLAN
10	LEAFY TREE	66" DBH	1	SEE PLAN
11	LEAFY TREE	72" DBH	1	SEE PLAN
12	LEAFY TREE	78" DBH	1	SEE PLAN
13	LEAFY TREE	84" DBH	1	SEE PLAN
14	LEAFY TREE	90" DBH	1	SEE PLAN
15	LEAFY TREE	96" DBH	1	SEE PLAN
16	LEAFY TREE	102" DBH	1	SEE PLAN
17	LEAFY TREE	108" DBH	1	SEE PLAN
18	LEAFY TREE	114" DBH	1	SEE PLAN
19	LEAFY TREE	120" DBH	1	SEE PLAN
20	LEAFY TREE	126" DBH	1	SEE PLAN
21	LEAFY TREE	132" DBH	1	SEE PLAN
22	LEAFY TREE	138" DBH	1	SEE PLAN
23	LEAFY TREE	144" DBH	1	SEE PLAN
24	LEAFY TREE	150" DBH	1	SEE PLAN
25	LEAFY TREE	156" DBH	1	SEE PLAN
26	LEAFY TREE	162" DBH	1	SEE PLAN
27	LEAFY TREE	168" DBH	1	SEE PLAN
28	LEAFY TREE	174" DBH	1	SEE PLAN
29	LEAFY TREE	180" DBH	1	SEE PLAN
30	LEAFY TREE	186" DBH	1	SEE PLAN
31	LEAFY TREE	192" DBH	1	SEE PLAN
32	LEAFY TREE	198" DBH	1	SEE PLAN
33	LEAFY TREE	204" DBH	1	SEE PLAN
34	LEAFY TREE	210" DBH	1	SEE PLAN
35	LEAFY TREE	216" DBH	1	SEE PLAN
36	LEAFY TREE	222" DBH	1	SEE PLAN
37	LEAFY TREE	228" DBH	1	SEE PLAN
38	LEAFY TREE	234" DBH	1	SEE PLAN
39	LEAFY TREE	240" DBH	1	SEE PLAN
40	LEAFY TREE	246" DBH	1	SEE PLAN
41	LEAFY TREE	252" DBH	1	SEE PLAN
42	LEAFY TREE	258" DBH	1	SEE PLAN
43	LEAFY TREE	264" DBH	1	SEE PLAN
44	LEAFY TREE	270" DBH	1	SEE PLAN
45	LEAFY TREE	276" DBH	1	SEE PLAN
46	LEAFY TREE	282" DBH	1	SEE PLAN
47	LEAFY TREE	288" DBH	1	SEE PLAN
48	LEAFY TREE	294" DBH	1	SEE PLAN
49	LEAFY TREE	300" DBH	1	SEE PLAN
50	LEAFY TREE	306" DBH	1	SEE PLAN
51	LEAFY TREE	312" DBH	1	SEE PLAN
52	LEAFY TREE	318" DBH	1	SEE PLAN
53	LEAFY TREE	324" DBH	1	SEE PLAN
54	LEAFY TREE	330" DBH	1	SEE PLAN
55	LEAFY TREE	336" DBH	1	SEE PLAN
56	LEAFY TREE	342" DBH	1	SEE PLAN
57	LEAFY TREE	348" DBH	1	SEE PLAN
58	LEAFY TREE	354" DBH	1	SEE PLAN
59	LEAFY TREE	360" DBH	1	SEE PLAN
60	LEAFY TREE	366" DBH	1	SEE PLAN
61	LEAFY TREE	372" DBH	1	SEE PLAN
62	LEAFY TREE	378" DBH	1	SEE PLAN
63	LEAFY TREE	384" DBH	1	SEE PLAN
64	LEAFY TREE	390" DBH	1	SEE PLAN
65	LEAFY TREE	396" DBH	1	SEE PLAN
66	LEAFY TREE	402" DBH	1	SEE PLAN
67	LEAFY TREE	408" DBH	1	SEE PLAN
68	LEAFY TREE	414" DBH	1	SEE PLAN
69	LEAFY TREE	420" DBH	1	SEE PLAN
70	LEAFY TREE	426" DBH	1	SEE PLAN
71	LEAFY TREE	432" DBH	1	SEE PLAN
72	LEAFY TREE	438" DBH	1	SEE PLAN
73	LEAFY TREE	444" DBH	1	SEE PLAN
74	LEAFY TREE	450" DBH	1	SEE PLAN
75	LEAFY TREE	456" DBH	1	SEE PLAN
76	LEAFY TREE	462" DBH	1	SEE PLAN
77	LEAFY TREE	468" DBH	1	SEE PLAN
78	LEAFY TREE	474" DBH	1	SEE PLAN
79	LEAFY TREE	480" DBH	1	SEE PLAN
80	LEAFY TREE	486" DBH	1	SEE PLAN
81	LEAFY TREE	492" DBH	1	SEE PLAN
82	LEAFY TREE	498" DBH	1	SEE PLAN
83	LEAFY TREE	504" DBH	1	SEE PLAN
84	LEAFY TREE	510" DBH	1	SEE PLAN
85	LEAFY TREE	516" DBH	1	SEE PLAN
86	LEAFY TREE	522" DBH	1	SEE PLAN
87	LEAFY TREE	528" DBH	1	SEE PLAN
88	LEAFY TREE	534" DBH	1	SEE PLAN
89	LEAFY TREE	540" DBH	1	SEE PLAN
90	LEAFY TREE	546" DBH	1	SEE PLAN
91	LEAFY TREE	552" DBH	1	SEE PLAN
92	LEAFY TREE	558" DBH	1	SEE PLAN
93	LEAFY TREE	564" DBH	1	SEE PLAN
94	LEAFY TREE	570" DBH	1	SEE PLAN
95	LEAFY TREE	576" DBH	1	SEE PLAN
96	LEAFY TREE	582" DBH	1	SEE PLAN
97	LEAFY TREE	588" DBH	1	SEE PLAN
98	LEAFY TREE	594" DBH	1	SEE PLAN
99	LEAFY TREE	600" DBH	1	SEE PLAN
100	LEAFY TREE	606" DBH	1	SEE PLAN
101	LEAFY TREE	612" DBH	1	SEE PLAN
102	LEAFY TREE	618" DBH	1	SEE PLAN
103	LEAFY TREE	624" DBH	1	SEE PLAN
104	LEAFY TREE	630" DBH	1	SEE PLAN
105	LEAFY TREE	636" DBH	1	SEE PLAN
106	LEAFY TREE	642" DBH	1	SEE PLAN
107	LEAFY TREE	648" DBH	1	SEE PLAN
108	LEAFY TREE	654" DBH	1	SEE PLAN
109	LEAFY TREE	660" DBH	1	SEE PLAN
110	LEAFY TREE	666" DBH	1	SEE PLAN
111	LEAFY TREE	672" DBH	1	SEE PLAN
112	LEAFY TREE	678" DBH	1	SEE PLAN
113	LEAFY TREE	684" DBH	1	SEE PLAN
114	LEAFY TREE	690" DBH	1	SEE PLAN
115	LEAFY TREE	696" DBH	1	SEE PLAN
116	LEAFY TREE	702" DBH	1	SEE PLAN
117	LEAFY TREE	708" DBH	1	SEE PLAN
118	LEAFY TREE	714" DBH	1	SEE PLAN
119	LEAFY TREE	720" DBH	1	SEE PLAN
120	LEAFY TREE	726" DBH	1	SEE PLAN
121	LEAFY TREE	732" DBH	1	SEE PLAN
122	LEAFY TREE	738" DBH	1	SEE PLAN
123	LEAFY TREE	744" DBH	1	SEE PLAN
124	LEAFY TREE	750" DBH	1	SEE PLAN
125	LEAFY TREE	756" DBH	1	SEE PLAN
126	LEAFY TREE	762" DBH	1	SEE PLAN
127	LEAFY TREE	768" DBH	1	SEE PLAN
128	LEAFY TREE	774" DBH	1	SEE PLAN
129	LEAFY TREE	780" DBH	1	SEE PLAN
130	LEAFY TREE	786" DBH	1	SEE PLAN
131	LEAFY TREE	792" DBH	1	SEE PLAN
132	LEAFY TREE	798" DBH	1	SEE PLAN
133	LEAFY TREE	804" DBH	1	SEE PLAN
134	LEAFY TREE	810" DBH	1	SEE PLAN
135	LEAFY TREE	816" DBH	1	SEE PLAN
136	LEAFY TREE	822" DBH	1	SEE PLAN
137	LEAFY TREE	828" DBH	1	SEE PLAN
138	LEAFY TREE	834" DBH	1	SEE PLAN
139	LEAFY TREE	840" DBH	1	SEE PLAN
140	LEAFY TREE	846" DBH	1	SEE PLAN
141	LEAFY TREE	852" DBH	1	SEE PLAN
142	LEAFY TREE	858" DBH	1	SEE PLAN
143	LEAFY TREE	864" DBH	1	SEE PLAN
144	LEAFY TREE	870" DBH	1	SEE PLAN
145	LEAFY TREE	876" DBH	1	SEE PLAN
146	LEAFY TREE	882" DBH	1	SEE PLAN
147	LEAFY TREE	888" DBH	1	SEE PLAN
148	LEAFY TREE	894" DBH	1	SEE PLAN
149	LEAFY TREE	900" DBH	1	SEE PLAN
150	LEAFY TREE	906" DBH	1	SEE PLAN
151	LEAFY TREE	912" DBH	1	SEE PLAN
152	LEAFY TREE	918" DBH	1	SEE PLAN
153	LEAFY TREE	924" DBH	1	SEE PLAN
154	LEAFY TREE	930" DBH	1	SEE PLAN
155	LEAFY TREE	936" DBH	1	SEE PLAN
156	LEAFY TREE	942" DBH	1	SEE PLAN
157	LEAFY TREE	948" DBH	1	SEE PLAN
158	LEAFY TREE	954" DBH	1	SEE PLAN
159	LEAFY TREE	960" DBH	1	SEE PLAN
160	LEAFY TREE	966" DBH	1	SEE PLAN
161	LEAFY TREE	972" DBH	1	SEE PLAN
162	LEAFY TREE	978" DBH	1	SEE PLAN
163	LEAFY TREE	984" DBH	1	SEE PLAN
164	LEAFY TREE	990" DBH	1	SEE PLAN
165	LEAFY TREE	996" DBH	1	SEE PLAN
166	LEAFY TREE	1002" DBH	1	SEE PLAN
167	LEAFY TREE	1008" DBH	1	SEE PLAN
168	LEAFY TREE	1014" DBH	1	SEE PLAN
169	LEAFY TREE	1020" DBH	1	SEE PLAN
170	LEAFY TREE	1026" DBH	1	SEE PLAN
171	LEAFY TREE	1032" DBH	1	SEE PLAN
172	LEAFY TREE	1038" DBH	1	SEE PLAN
173	LEAFY TREE	1044" DBH	1	SEE PLAN
174	LEAFY TREE	1050" DBH	1	SEE PLAN
175	LEAFY TREE	1056" DBH	1	SEE PLAN
176	LEAFY TREE	1062" DBH	1	SEE PLAN
177	LEAFY TREE	1068" DBH	1	SEE PLAN
178	LEAFY TREE	1074" DBH	1	SEE PLAN
179	LEAFY TREE	1080" DBH	1	SEE PLAN
180	LEAFY TREE	1086" DBH	1	SEE PLAN
181	LEAFY TREE	1092" DBH	1	SEE PLAN
182	LEAFY TREE	1098" DBH	1	SEE PLAN
183	LEAFY TREE	1104" DBH	1	SEE PLAN
184	LEAFY TREE	1110" DBH	1	SEE PLAN
185	LEAFY TREE	1116" DBH	1	SEE PLAN
186	LEAFY TREE	1122" DBH	1	SEE PLAN
187	LEAFY TREE	1128" DBH	1	SEE PLAN
188	LEAFY TREE	1134" DBH	1	SEE PLAN
189	LEAFY TREE	1140" DBH	1	SEE PLAN
190	LEAFY TREE	1146" DBH	1	SEE PLAN
191	LEAFY TREE	1152" DBH	1	SEE PLAN
192	LEAFY TREE	1158" DBH	1	SEE PLAN
193	LEAFY TREE	1164" DBH	1	SEE PLAN
194	LEAFY TREE	1170" DBH	1	SEE PLAN
195	LEAFY TREE	1176" DBH	1	SEE PLAN
196	LEAFY TREE	1182" DBH	1	SEE PLAN
197	LEAFY TREE	1188" DBH	1	SEE PLAN
198	LEAFY TREE	1194" DBH	1	SEE PLAN
199	LEAFY TREE	1200" DBH	1	SEE PLAN
200	LEAFY TREE	1206" DBH	1	SEE PLAN
201	LEAFY TREE	1212" DBH	1	SEE PLAN
202	LEAFY TREE	1218" DBH	1	SEE PLAN
203	LEAFY TREE	1224" DBH	1	SEE PLAN
204	LEAFY TREE	1230" DBH	1	SEE PLAN
205	LEAFY TREE	1236" DBH	1	SEE PLAN
206	LEAFY TREE	124		





**FLOOR PLAN**



3/15/2016



**HUNTINGTON CHASE RETAIL**  
 ZERO STREET and HUTCHESON COURT  
 FORT SMITH, ARKANSAS

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

#1 CONVIAC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72902  
 PHONE - 479.452.2656 • FAX - 479.452.3825 • EMAIL - info@risley-associates.com



### FEATURES & SPECIFICATIONS

**INTENDED USE** — Streets, walkways, parking lots and surrounding areas.

**CONSTRUCTION** — Rugged, die-cast, single piece aluminum housing with nominal wall thickness of 1/8". Die-cast doorframe has impact-resistant, tempered, glass lens (3/16" thick). Doorframe is fully gasketed with one-piece tubular silicon.

**Finish:** Standard finish is dark bronze (DDB) corrosion-resistant polyester powder finish, with other architectural colors available.

**OPTICS** — MRO finish, segmented reflector for superior uniformity and control. Reflectors attach with tool-less fasteners and are rotatable and interchangeable. Five full cutoff distributions available: Type II (roadway), Type III (asymmetric), Type IV (forward throw), Type IV (forward throw sharp cutoff) and Type V (symmetric square).

**ELECTRICAL** — Ballast: Constant wattage autotransformer. Metal Halide: Super CWA (pulse start ballast), 85% efficient and EISA legislation compliant, is required for 175-400W (SCWA option) for US shipments only. CSA, NOM or NTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested. All ballasts are mounted on a removable power tray. Socket: Porcelain, mogul-based socket with copper alloy, nickel-plated screw shell and center contact.

**LISTINGS** — Listed and labeled to UL standards for wet locations. Listed and labeled to CSA standards (see Options). NOM Certified (see Options). IP65 Rated. U.S. Patent No. 0556,157.

**WARRANTY** — 1-year limited warranty. Complete warranty terms located at [www.lithonia.com/customerresources/forms\\_and\\_specifications.aspx](http://www.lithonia.com/customerresources/forms_and_specifications.aspx).

Note: Specifications subject to change without notice.



Compliant with LEED® goals & Green Building® criteria for light pollution reduction.

Catalog Number
Notes
Type



Architectural Area & Roadway Lighting



**MR2**

METAL HALIDE: 175W - 400W  
HIGH PRESSURE SODIUM: 200W - 400W

**Specifications:**  
Length: 32-7/8 (83.5)  
Diameter: 2.5 (63.5)  
Overall Height: 8-1/4 (21.0)  
\*Weight: 46 lb. (20.9 kg)  
EPA: 0.91 f° (0.08°)



All dimensions are inches (converters) unless otherwise indicated.  
\*Weight is configured in example below.

**ORDERING INFORMATION** For shortest lead times, configure product using standard options (shown in bold).

Example: MR2 400M SR3 TB SCWA LPI

MR2	Wattage	Distribution	Voltage	Ballast	Mounting	Options	Finish*	Lamp**
MR2	Metal halide 175W <sup>1</sup>	SR2	Segmented type II roadway	120 208 <sup>3</sup> 240 <sup>4</sup>	(Blank) Magnetic CWA Constant wattage isolated	SPA Square pole mounting RPA Round pole mounting	(Blank) Dark bronze DBL Black DGC Charcoal gray DAB Medium bronze DWH White DNA Natural aluminum	LPI Lamp included L/LP Less lamp
	200M <sup>5</sup> 250M <sup>6</sup> 320M <sup>7</sup> 350M <sup>8,9</sup> 400M <sup>10,11</sup>	SR3	Segmented type III asymmetric	277 347	WBA Wall bracket (up or down) SCWA Super CWA pulse start ballast	WBA Wall bracket (up or down) Shipped separately <sup>12,13</sup> DCMR2 Decorative curved arm, (square pole only) DCMR2R Decorative curved arm, (round pole only)	DWH <sup>14</sup> White DNA <sup>15</sup> Natural aluminum DWHOD Dark bronze DBLXD Black DNAXD Natural aluminum DWHOD White DWHODX Textured dark bronze DGLXD Textured black DNAXD Textured natural aluminum DWHODX Textured white	
	200S 250S 400S	SR4W	Segmented type IV wide, forward throw	277 347 230S/347 <sup>16</sup>	SCWA Super CWA pulse start ballast Note: For shipments to U.S. territories, SCWA must be specified to comply with EISA.	SPA19 Square pole adaptor (DM19 to SPA) MR2 RPA19 Round pole adaptor (DM19 to RPA)	Super Durable Finish <sup>17</sup> DWHODX Dark bronze DBLXD Black DNAXD Natural aluminum DWHODX White DWHODX Textured dark bronze DGLXD Textured black DNAXD Textured natural aluminum DWHODX Textured white	
		SR5S	Segmented type V symmetric square			SPA19 Square pole adaptor (DM19 to SPA) MR2 RPA19 Round pole adaptor (DM19 to RPA)		

<p><b>Accessories: Tension Mounting Straps</b> Order as separate catalog number. Must be used with pole mounting (RPA).</p>				<p>Notes: 1 These wattages do not comply with California Title 20 regulations. 2 Most order SCWA. 3 These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance. 250W REGC1 is not available in SF or OR. 4 Must use reduced ambient temp (ETA). 5 Not available with SCWA. 6 Most specify CWA for use in Canada. 7 Optional metal-top ballast (175, 200, 240, 277; 170, 217, 247V in Canada). 8 Consult factory for available wattages.</p>		<p>9 Mounted in less-up orientation, fixture is dimmable when rated. 10 May be ordered as an accessory. 11 Most specify finish when ordered as accessory. 12 Must specify voltage. Not available with TB. 13 EC pin US options cannot be ordered together. Maximum allowable wattage being included. 14 Order MR2SU/3RS U or MR2SU/3RS U as an accessory. 15 Order MR2VU U as an accessory. 16 See <a href="http://www.lithonia.com/architect">www.lithonia.com/architect</a> for additional color options. 17 Must be specified.</p>		
Tension O.D.	Size	Two@180°	Two@90°	Three@120°	Three@90°	Four@90°		
2-3/8"	AST20-190	AST20-280	AST20-280	AST20-320	AST20-390	AST20-490		
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-320	AST25-390	AST25-490		
ø"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-390	AST35-490		

OUTDOOR

MR2-14-S

### SITE LIGHTING FIXTURE SCHEDULE

FIXTURE	DESIGNATION	VOLTS	WATTS	MANUFACTURER AND MODEL NUMBER	LAMPS	LAMP TYPE	COMMENTS
ZA		208	460	LITHONIA LIGHTING MR2-400M-SR4SC-208-DCMR2-DF-DSS POLE: SSA-25-5G-DM19-FBC-DSS	3	LAMP TYPE HALIDE	25'-0" POLE - BRONZE FORWARD THROW

ALREADY APPROVED SITE LIGHTING BY FORT SMITH BUILDING DEPARTMENT

3M



## FEATURES & SPECIFICATIONS

**INTENDED USE** — For building and wall-mounted applications.

**CONSTRUCTION** — Rugged, die-cast, single-piece aluminum housing. Die-cast doorframe has a 1/8" thick tempered glass lens. Doorframe is fully gasketed with one-piece solid silicone.

**Finish:** Standard finish is textured dark bronze (DDBT) corrosion-resistant polyester powder finish. Additional architectural colors are available. Striping also is available.

**OPTICS** — Segmented reflectors for superior uniformity and control. Reflectors are interchangeable. Three full cutoff downlight distributions available: FT (forward throw), MD (medium throw) and WT (wide throw).

**ELECTRICAL** — 50W-150W utilizes a high reactance, high power factor ballast. Metal halide 150W and below are standard with pulse-start technology. 35S utilizes a reactance high power factor ballast. 175W utilizes a constant-wattage auto transformer ballast. CSA, NOM or INTL required for probe start shipments outside of the US for 175M. Not available 175M SCWA. Ceramic metal halide lamps are recommended for use in applications where superior color rendition, lumen maintenance and longer lamp life are desired.

Quick disconnect plug easily disconnects reflector from ballast. Ballasts are 100% factory tested.

**Socket:** Porcelain, medium-base socket with copper alloy, nickel-plated screw shell and center contact. UL listed 660W, 600V 4KV pulse rated.

**INSTALLATION** — Universal mounting mechanism with integral mounting support allows fixture to hinge down.

**LISTINGS** — UL Listed to US and Canadian safety standards (see Options). UL listed suitable for wet locations (damp location listed in lens-up orientation). WLU option offers wet location listing in lens-up orientation (see Options).

IP65 rated. 25°C ambient. ELED: U.S. Patent No. 7,737,640.

**WARRANTY** — 1-year limited warranty. Complete warranty terms located at

[www.acuitybrands.com/CustomerResources/Terms\\_and\\_conditions.aspx](http://www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx)

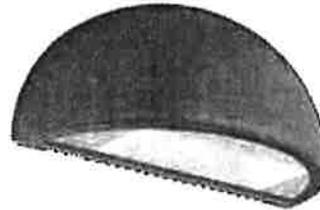
**Note:** Actual performance may differ as a result of end-user environment and application.

Specifications subject to change without notice.

Catalog Number
Notes
Type

### Decorative Wall-Mounted Lighting

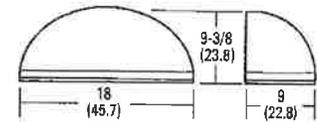
# WSQ



METAL HALIDE: 50W-175W  
HIGH PRESSURE SODIUM: 35W-150W

#### Specifications

Length: 18 (45.7)  
Depth: 9 (22.8)  
Overall Height: 9-3/8 (23.8)  
\*Weight: 30 (13.6 kg)



All dimensions are inches (centimeters) unless otherwise indicated.

\*Weight as configured in example below.



### ORDERING INFORMATION

For shortest lead times, configure product using **standard options (shown in bold)**.

Example: WSQ 100M FT 120 LPI

Series	Wattage			Distribution		Voltage	Ballast	Mounting	Options
WSQ	High pressure sodium	Metal halide	Ceramic metal halide	FT Forward throw	MD Medium throw	120 208 <sup>3</sup> 240 <sup>3</sup> 277 347 TB <sup>4</sup>	(blank) Magnetic ballast CWI Constant wattage isolated <b>Pulse Start</b> SCWA Super CSA pulse start ballast <sup>4</sup>	(blank) Surface mount <b>Shipped separately</b> <sup>7</sup> BBW Surface mount back box UT5 Uptilt 5 degrees	<b>Shipped installed in fixture</b> SF Single fuse (120, 277, 347V) <sup>8</sup> DF Double fuse (208, 240V) <sup>8</sup> DC12 Emergency circuit 12-volt (35W lamp included) <sup>9</sup> 2DC12 Emergency circuit 12-volt (two 35W lamps included) <sup>9</sup> DC2012 Emergency circuit 12-volt (20W lamp included) <sup>9</sup> 2DC2012 Emergency circuit 12-volt (two 20W lamps included) <sup>9</sup> DFL Diffusing lens
	35S <sup>1</sup>	50M	70M		(coated lamp std.)				
	50S	70M	50MHC						
	70S	100M	70MHC						
	100S	150M	100MHC						
	150S	175M <sup>2</sup>	150MHC	WT Wide throw					

Options (continued)					Finish <sup>24</sup>	Lamp <sup>23</sup>		
ELED	Emergency LED secondary source battery pack with time delay (-4°F min. operating temperature) <sup>25</sup>			QRS	Quartz restrrike system <sup>11, 15</sup>	<b>Shipped separately</b> <sup>14</sup>	(blank) Dark bronze, textured	LPI Lamp included
2ELED	Emergency LED secondary source (two modules) battery pack with time delay (-4°F min. operating temperature) <sup>10</sup>			WLU	Wet location door for up orientation	WG Wire guard	DSST Sandstone, textured	L/LP Less lamp
EC	Emergency circuit <sup>11, 12</sup>			CSA	CSA certified	VG Vandal guard	DNAT Natural aluminum, textured	
IBS	Internal backlight shield <sup>13</sup>			NOM	NOM certified <sup>6</sup>		DWHG White, textured	
PE	Photoelectric cell-button type (n/a TB) <sup>14</sup>			INTL	International shipment for 175M		DBLB Black, textured	
							CRT Non-stick protective coating <sup>17</sup>	
							<b>Super Durable Finishes</b>	
							DDBXD Dark bronze	
							DBLXD Black	
							DNAXD Natural aluminum	
							DWHXD White	
							DDBTXD Textured dark bronze	
							DBLBXD Textured black	
							DNATXD Textured natural aluminum	
							DWHGXD Textured white	

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# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 29, 2016

**Re:** Variance #12-4-16 A request by Crafton Tull, agent for Rod Coleman, for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-601-14(B)(3) required passing aisle adjacent to a drive-through, and from Section 27-602-4(C)(8) a required 6 foot screening fence along residentially zoned property, and from Section 27-414(4) from three (3) signs to four (4) maximum number of walls signs allowed on a principal structure located at 6000 Hutcheson Court.

## REQUESTED VARIANCE

The variances will allow for the construction of a 4 unit retail building.

## LOT LOCATION AND SIZE

The subject property is on the south side of Zero Street east of Ben Geren Park and West of Hutcheson Ct. The tract contains an area of 0.8 acres with approximately 145 feet of street frontage along Zero Street and approximately 200 feet of street frontage along Hutcheson Ct.

## EXISTING ZONING

The existing zoning on this tract is Commercial Moderate Special (C-3-SPL). The special requirement was placed on the zoning ordinance number 1-13 that requires approval of a development plan by the Planning Commission prior to the issuance of any building permits or use of the land.

Characteristics of this zone are as follows:

## Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the 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-3 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, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, 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 – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 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
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

**SURROUNDING ZONING AND LAND USE**

The areas to the east and south are zoned C-3-SPL and are undeveloped.

The area to the west is zoned Extraterritorial Jurisdiction Open-1(ETJ Open-1) and is developed as Ben Geren Park.

The area to the north is zoned Commercial Heavy Special (C-5-SPL) and is undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South Zero Street as a Major Arterial and Hutcheson Court as a local road.

**MASTER LAND USE PLAN COMPLIANCE**

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

**APPLICANT HARDSHIP**

The applicant states that the natural vegetation will screen the development from the park. Additionally, they believe the passing aisle will not be required because of the nature of the

4B

development. Finally, in order to have a sign for each lease space they are requesting a variance for the maximum number of wall signs.

### **NEIGHBORHOOD MEETING**

The applicant was granted a neighborhood meeting waiver. The applicant owns the property to the south and east of the development and the park is located to the west. Both properties to the north and east are undeveloped land zoned commercial and they sent letters notifying the appropriate parties of the development plan and variances.

### **STAFF COMMENTS AND RECOMMENDATIONS**

The passing aisle variance is needed for the east side of the property. The application indicates the people in the drive aisle will have the option of exiting on Hutcheson Court before entering the queue. Additionally, there will only be enough space to allow for three queuing spaces. Within the zoning code, there are several land uses with a drive-through that require more than three queuing spaces. If a land use that requires more than three queuing spaces requested to operate in that space an additional variance would be required.

The Massard-Zero Overlay restricts structures to three façade signs. When the Massard-Zero Overlay was adopted, the same language that is in the Phoenix Avenue Overlay was utilized. The Phoenix Avenue Overlay has since been amended to allow for additional façade signs if the face of the building has the appropriate square footage. If this building was constructed on Phoenix Avenue a sign variance would not be required.

The UDO requires a screen fence be installed adjacent to residentially zoned property. The western boundary of the property is zoned ETJ O-1. The ETJ O-1 zone is a residential zone regardless of the fact it is developed as a park. The existing vegetation as well as the parking lot screening should buffer the property.

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

1. Parking lot screening shall be required the full length of the western property line.
2. Approval contingent upon the submitted development plan
3. The passing aisle variance shall be limited to the east side of the property.

VAR # 12-416

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 6000 Hutcheson Ct., Existing or Proposed

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

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

- FROM**                      **TO**
- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot

	<b>From</b>	<b>To</b>
Variance 1	<u>6</u> <del>10</del> ft screening fence requirement with Ben Geren	No additional screening due to natural screening
Variance 2	Required drive aisle for passing	No passing aisle at drive threw
Variance 3	3 Wall Signs in Massard Overlay District	4 wall signs in Massard Overaly

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

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 4/1 day of 4/1, 2016.

Signed:

Wm J. Mather  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

or

479-650-0523  
Owner or Agent Phone Number

Wm J. Mather  
Agent

4107 Massard Rd.  
Owner or Agent Mailing Address

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

4E

**VARIANCE INFORMATION FORM**

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

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

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

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

#1  
Explanation of question #4 (if applicable)

Variance from Section 27-602-4C-8  
for 90 ft. screening fence @ North side of  
the property along property line w/ Ben ben  
as natural vegetation exists

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

Zoning code requirement exceeds need  
for variance existing distance +  
natural vegetation provides adquet screening.

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:

Natural screening is present and provides  
more than adquet screening w/ Park.  
No Part of commerial development will  
be seen w/o fencing.

\* Please see attached letter for detail

Explanation of question #4 (if applicable)

#2 from section 27-601-14B-3 of a passing aisle required for a drive up window the layout of the lot will only for a 3 car queue and should a car need to leave the queue they can pull directly to zero st.

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

Zoning code calls for a passing aisle but due to lot layout a passing aisle will not be needed

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:

Design mitigates need for a passing aisle.

\* see attached for more details

Explanation of question #4 (if applicable)

#3

Due to Massad overlay Requirements only 3 unit signs are allowed we will require 4 signs as we are proposing 4 units. The max size of signs @ each unit will be 24 sq. ft. or 8 x 3 ft.

We Request a variance from Sec 27-441 of the zoning code

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

It prevents us from allowing signage for a potential occupant.

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:

It is in an overlay district preventing the property from having enough signage for all tenants.

\* Please see attached letter for detail

**LIST OF OWNERS OF ALL ADJACENT & CONTIGUOUS PROPERTY**

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property adjacent and contiguous to any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	<u>NAME</u>	<u>ADDRESS</u>
1.	Blake River, LLC	109 N. 6 <sup>th</sup> St. Ft. Smith
2.	Four Cakes, LLC	3020 Brighton Pt., Ft. Smith
3.	ERC Land Development	4107 Massard Rd. Ft. Smith
4.	Ben benen Park	Ft. Smith, Ar.
5.	Wal-Mart Properties	Bentonville, AR.
6.		
F.		
G.		
H.		
I.		
J.		
K.		
L.		
M.		
N.		
O.		
P.		

**LETTER REGARDING RESTRICTIVE COVENANTS**

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

TO: Planning Department

SUBJECT: Legal Description of Property

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

NONE on property  


4K



4107 MASSARD ROAD  
FORT SMITH, AR 72903  
WWW.ERC.COM

ERC Companies is proposing a commercial development at 6000 Hutcheson Court. ERC has requested the following waiver and variances in regard to the property development:

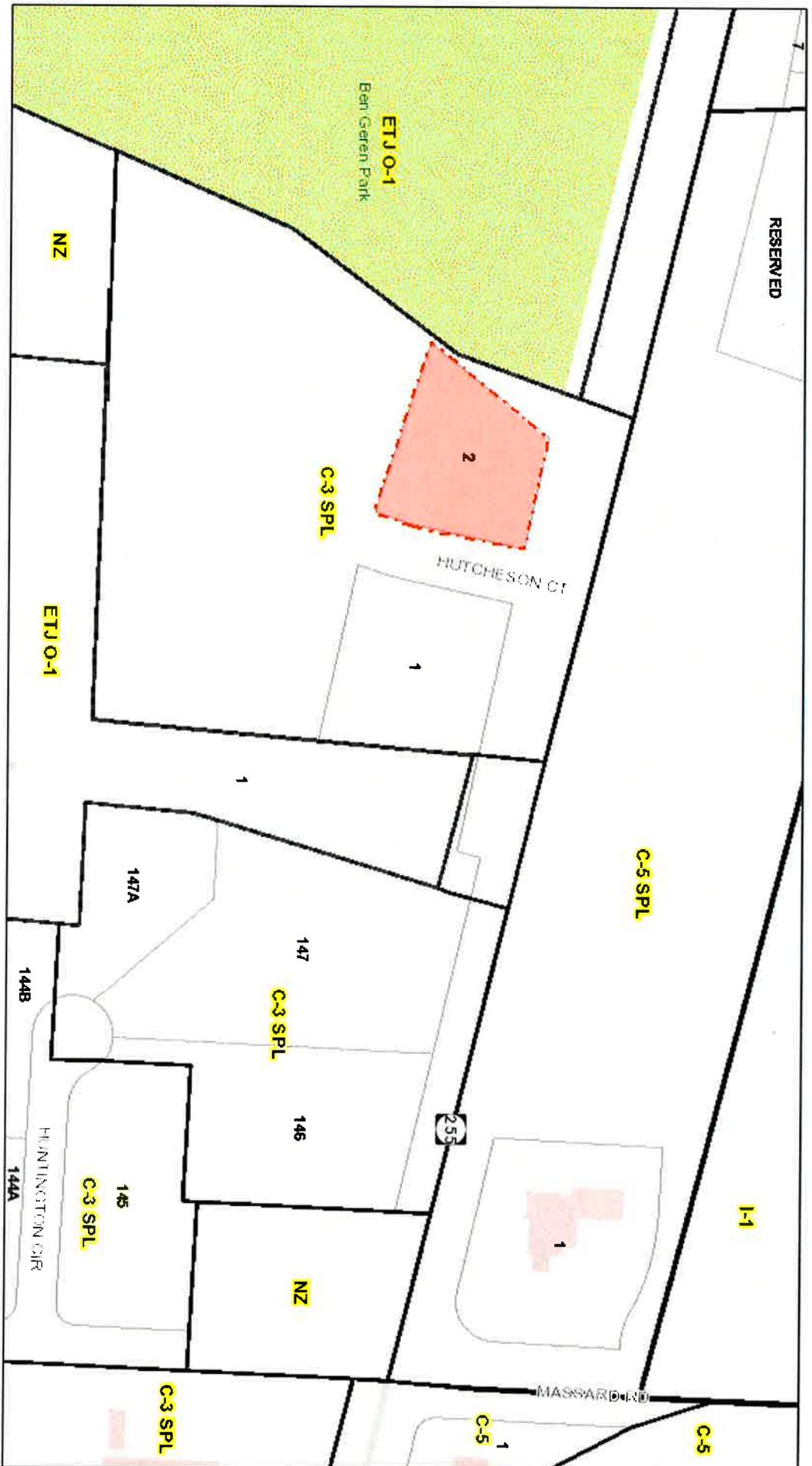
- A waiver of the required neighborhood meeting for a variance of a fence, passing aisle requirements, and signage requirements. These are minor variance request that do not affect the neighboring properties.
- Variance request # 1-- Variance from (Section 27-602-4C-8) of the UDO. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property zoned for residential purposes including alleys.
  - ERC Companies requests a variance from the required fence screening on the north side of the property. ERC feels that the proposed landscaping and the existing natural vegetation present on the adjacent properties more than compensate for any required screening between the commercial property use and the park.
- Variance Request # 2--The second variance will be from (Section 27-601-14B-3) of the UDO. A passing aisle shall be provided with a minimum width of twelve (12) feet and located adjacent and parallel to the queuing spaces.
  - ERC Companies requests a variance from the passing lane requirement as the drive aisle will only allow for a three car queue and the site is designed such that should a queued vehicle need to vacate the vehicle can utilize the egress to Hutcheson Court.
- Variance request # 3—Variance from (Section 27-441-A4-C) of the UDO. Sign Size-Section 4 Each separately owned lot is allowed no more than one wall sign for each separate structure on the lot. 3 signs are allowed provided they do not exceed 20 percent of the of the elevation of the façade.
  - ERC companies requests a variance which would allow for four signs to be 4 x 6 or 3x 8 covering no more than 20 percent of the 1800 sq. ft. of the façade of the building or 96 sq. ft. of building façade meeting the requirements of the UDO. Signs will only be illustrated with business name and logo.

Please feel free to call Mary McGetrick with ERC Companies with any questions or concerns.

**Mary McGetrick**  
Pre Construction Manager  
ERC, 4107 Massard Road, Fort Smith, AR 72903  
479.650.0523 – cell | mmcgetrick@erc.com

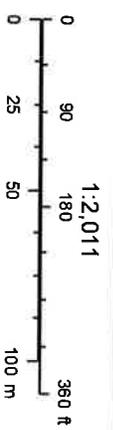
Variance #12-4-16: from required passing aisle, required 6' screening fence along residentially zoned property and from 3 to 4 maximum number of wall signs at 6000 Hutcheson Court

*Handwritten initials: M, F*

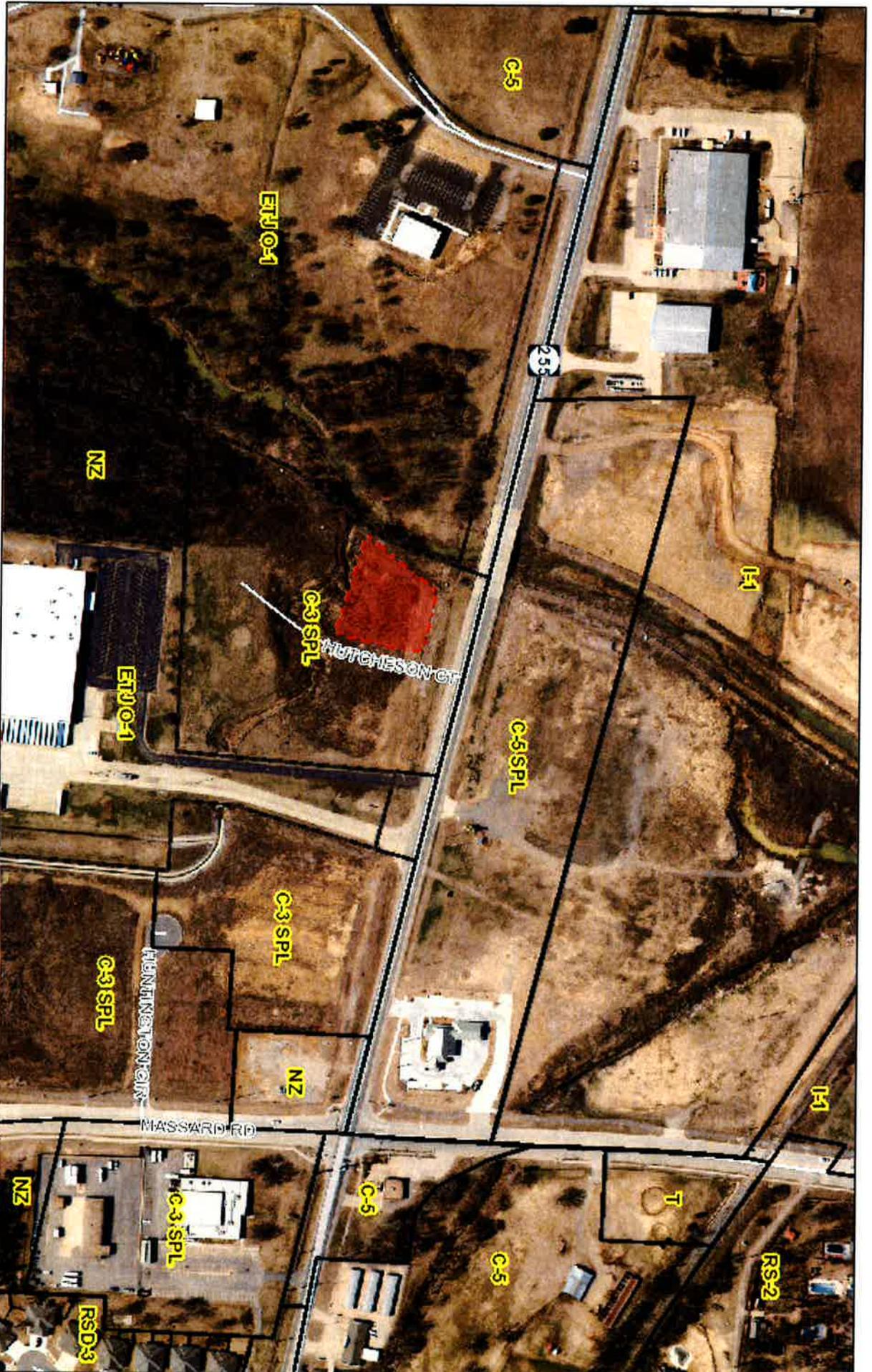


April 5, 2016

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



# 6000 Hutcheson Court

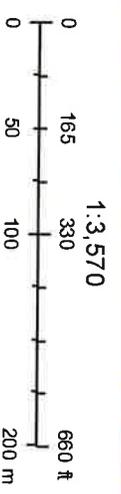


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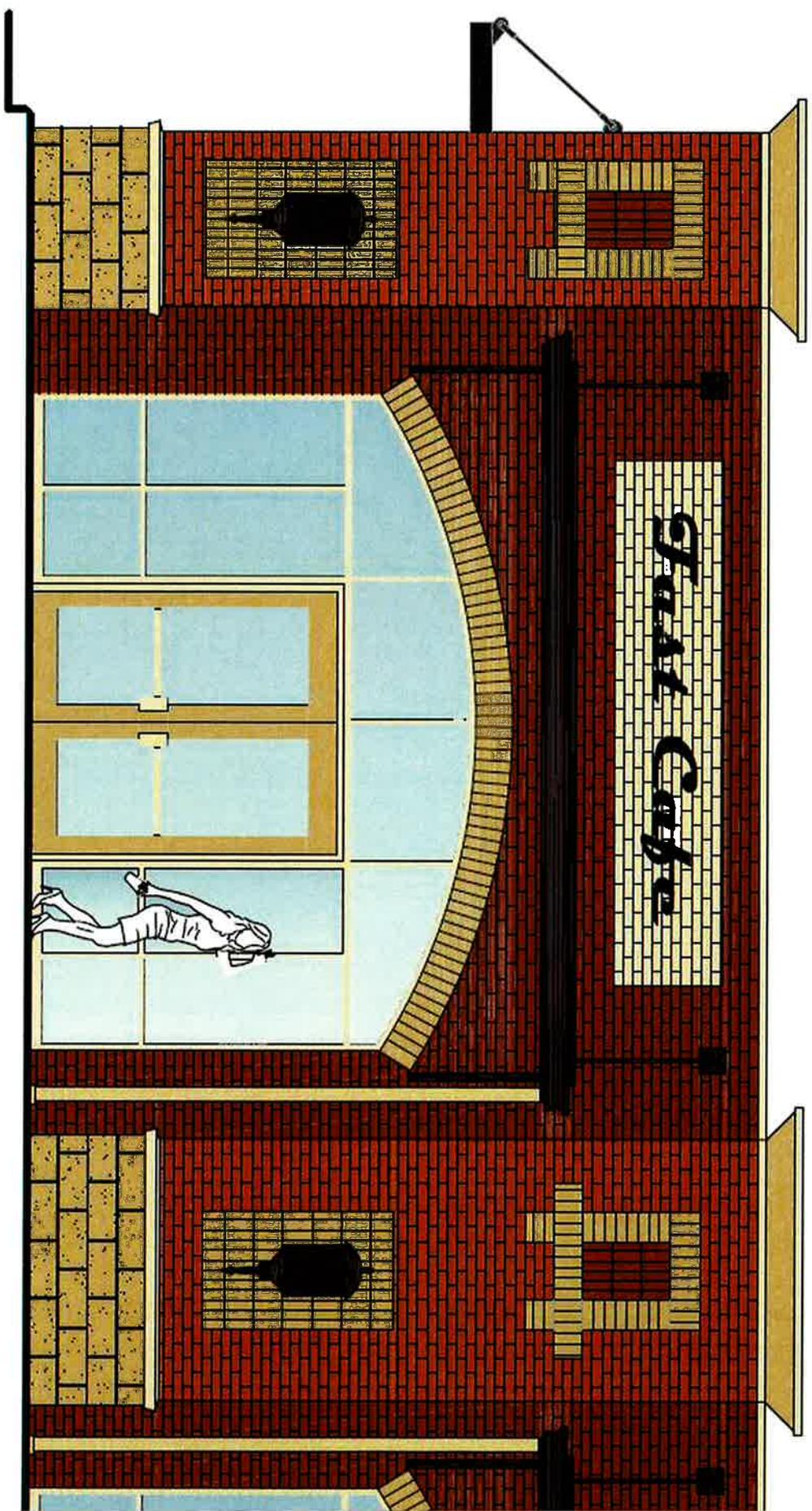
April 8, 2016

Fort Smith City Limits

Zoning

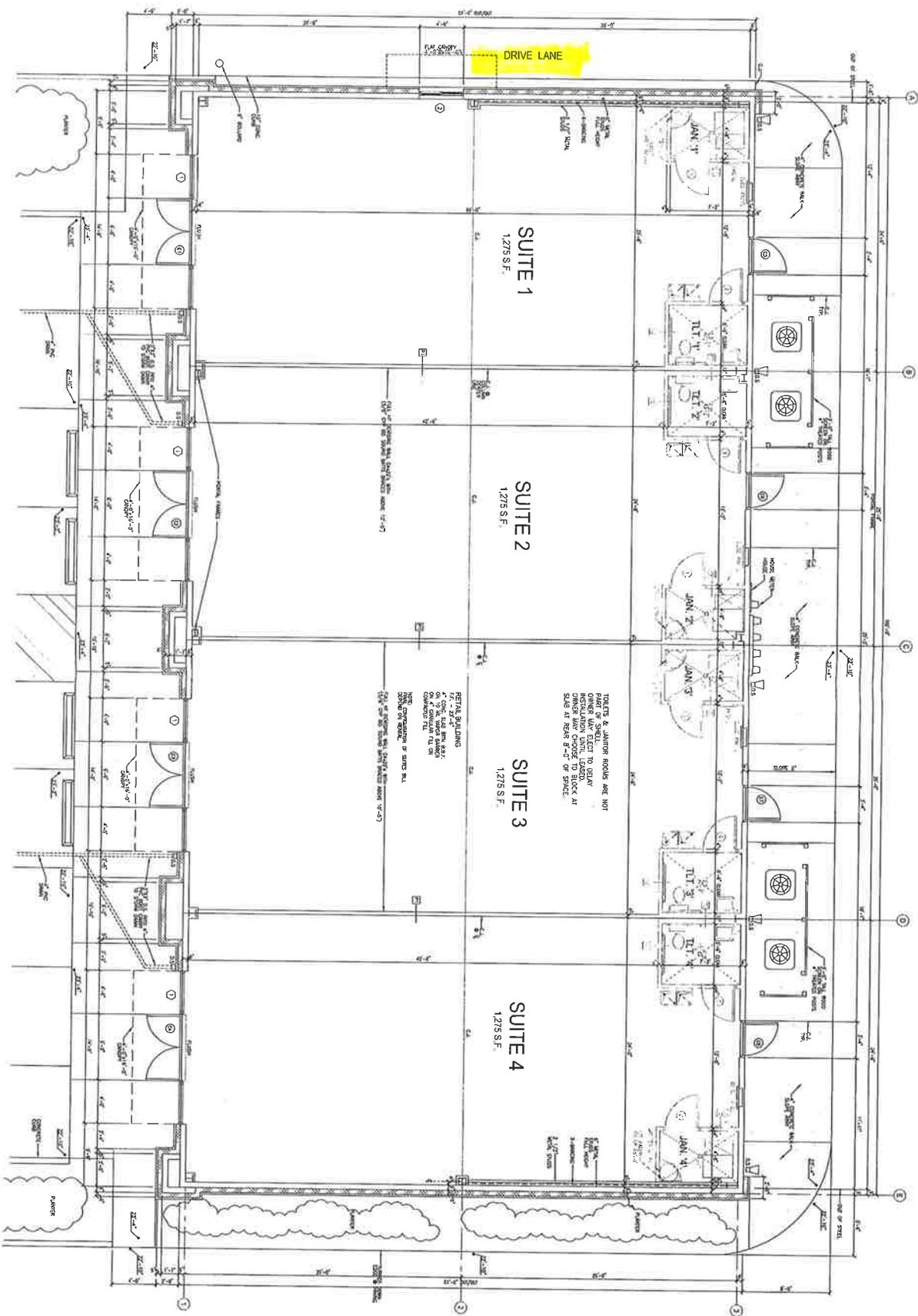






FRONT ELEVATION - OPTION 1 (RED BRICK)

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



TOILETS & JANITOR ROOMS ARE NOT OWNER MAINTENANCE RESPONSIBILITY. OWNER MAY ELECT TO OBLIGATE INSURANCE UNTIL LEASED. SLAB AT REAR OF SUITE AT SLAB AT REAR OF SUITE.

RESTROOM BUILDINGS  
 4' CONC. SLAB WITH 4" REBAR  
 2" CONCRETE OVER  
 CONCRETE TIL  
 NOTE: CONSIDERATION OF 2" SLOPE FOR DRAINAGE AT REAR OF SUITE.



**HUNTINGTON CHASE RETAIL**  
 ZERO STREET and HUTCHESON COURT  
 FORT SMITH, ARKANSAS

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

#1 COMMERCIAL PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72903  
 PHONE: 479.452.2836 • FAX: 479.452.3925 • EMAIL: info@risleyassociates.com



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## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 31, 2016

**Re:** Proposed Master Land Use Plan Amendment by Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg, at 7423 US Highway 271 from Residential Attached to Office, Research and Light Industrial

The Planning Department is in receipt of an application from Thomas Shankle, agent, to amend the Master Land Use Map from Residential Attached to Office, Research and Light Industrial to accommodate a proposed Industrial Light (I-1) zoning request. The subject property is on the east side of US Highway 271 just north of Cavanaugh Road. The tract contains an area of 2.48 acres.

The property is currently zoned Commercial Heavy (C-5). A companion zoning application requests an Industrial Light (I-1) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES:

The area to the north is classified as Residential Attached and is developed as a mini storage facility and undeveloped.

The area to the east is classified as Residential Attached and is undeveloped.

The area to the south is classified as General Commercial & Mixed-Use-E and is undeveloped.

The area to the west is classified as General Commercial and is developed as a lawn mower repair.

The existing Land Use Classification is Residential Attached. This classification is to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values

The proposed Land Use Classification of Office, Research and Light Industrial is described as follows:

To provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services”

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies US Highway 271 as a Major Arterial.

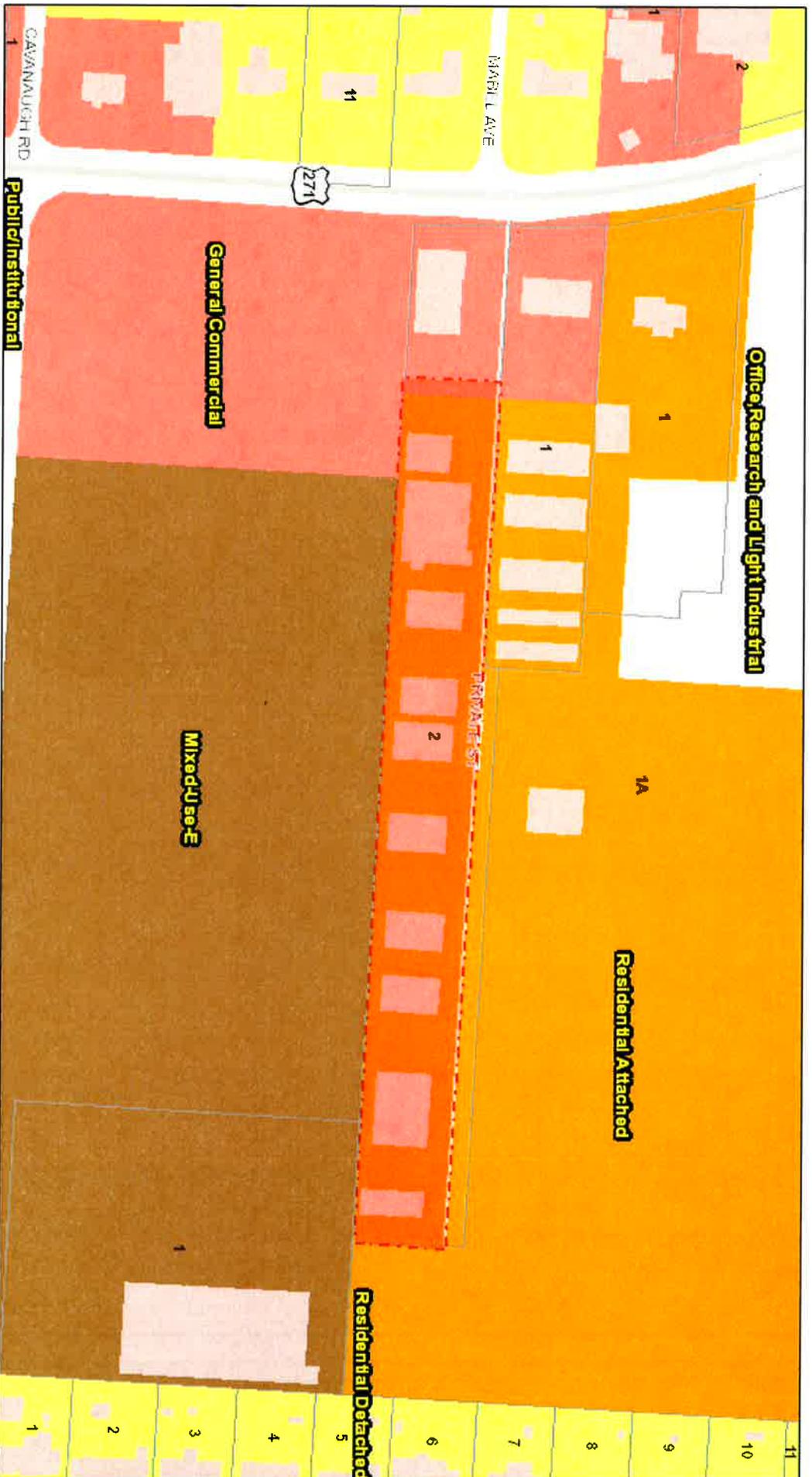
**NEIGHBORHOOD MEETING**

The neighborhood meeting was waived due to the fact that there will be minimum impact on neighboring properties.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application.

Master Land Use Amendment: from Residential Attached and General Commercial to Office, Research and Light Industrial at 7423 US Highway 271 (Lot 2, Southland Industrial Park, only)



March 23, 2016

-  Fort Smith City Limits
  -  Subdivisions
  -  Building Footprints
- Land Use**

# Master Land Use and Rezoning 7423 US Highway 271

5D



April 5, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



**Application Type**

Minor Amendment     Standard Amendment     Major Amendment  
*(See Section 27-328-5 C. (Criteria))*

Request to Amend Map        Request to Amend Text   

Applicant Name: Thomas Shankle
Firm Name:
Address: P.O. Box 180818, Fort Smith, AR 72918
Phone # (day):                      Phone # (cell): 479.651.0999 Fax #:
Owner Name: Thomas Shankle
Owner Address: P.O. Box 180818 Fort Smith, AR 72918
Phone # (day):                      Phone # (cell): 479.651.0999 Fax #:
Property Address (subject property): 7423 Highway 271 S
<b>Subject Property</b>
Current Land Use: Light Industrial
Existing MLUP Classification: Residential Attached / General Commercial
Proposed MLUP Classification: Office, Research and Light Industrial
Existing Zoning Classification: Commercial 5
Proposed Zoning Classification: Industrial 1
<b>Surrounding Property</b>
Current Land Use: north- Auto Service, Storage & Vacant
south- vacant
east- vacant
west- Highway R/W - then residential
Existing MLUP Classification: north: General Commercial & Residential Attached
south: General Commercial & Mixed use E
east: Residential Attached (then Residential Detached)
west: Hwy R/W (then Residential Detached)
Existing Zoning Classification: north: C-5 & I-1
south: C-5
east: I-1
west: C-5
Pre-Application Meeting Date:

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

5E

1. A legal description of the subject property that is to be amended (reclassified).  
Lot 2 Southland Industrial Park
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location. See Attached Boundary Plat

3. The area dimensions of the property in square feet or acres. 2.93 Acres

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

An existing 27' Wide Private Asphalt Road serves the property, the access is from Highway 271 S being an asphalt road.

No additional development is requested

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

The property is developed with existing infrastructure already in place - public water, electric and sewer services,

City of Fort Smith Fire & Police

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

Maximum Lot coverage is 75%

Units per Acre is Not Applicable

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7. Identify any known or anticipated environmental concerns:

NONE

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

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

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

The requested amendment is proposed in order to more accurately fit the actual use of the property.

No changes to development pattern is anticipated.

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

The proposed Zone change and proposed Land use change will be more consistent with each other as well as with the actual uses of the property.

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

Currently the existing Zone and Land Use do not relate to the actual use of the property or to each other.

The proposed change is needed to correct the maps and eliminate the need for 'conditional use' applications

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

Currently 11 buildings exist on the property with the maximum potential of 4 additional buildings. The uses of the buildings are all in compliance with the permitted uses of the proposed zoning and proposed land use with the exception of a liquor store occupying a part of one building.

Access to the site is from U.S. Highway 271 which is a major arterial street. The existing and proposed uses typically generate very low volumes of traffic. The existing and proposed uses will have a very low impact on the City water and sewer systems due to very low water demands.

The proposed land use is much more suitable to the existing use of the property than the existing use. Any anticipated future development will comply with the proposed zoning and proposed land use classification.

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

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

## Rezoning

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 31, 2016

**Re:** Rezoning #8-4-16 - A request by Thomas Shankle, owner and agent for Donnie and Peggy Kratzberg, for Planning Commission consideration of a zone request from Commercial Heavy (C-5) to Industrial Light (I-1) by extension at 7423 US Highway 271

### **PROPOSED ZONING**

The proposed 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

6A

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

**LOT LOCATION AND SIZE**

The subject property is on the east side of US Highway 271 just north of Cavanaugh Road. The tract contains an area of 2.48 acres.

**EXISTING ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**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	

6B

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

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

Required street access – Minor Arterial or higher

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

The areas to the north are zoned Commercial Heavy (C-5) & Industrial Light (I-1) and are developed as a mini storage facility and Water Tech.

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

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

The area to the west is zoned Commercial Heavy (C-5) and is a lawn mower repair business.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies US Highway 271 as Major Arterial.

### **MASTER LAND USE PLAN COMPLIANCE**

A companion Master Land Use Plan application is requesting the site be classified as Office, Research and Light Industrial. This classification is to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

### **NEIGHBORHOOD MEETING**

The Neighborhood Meeting was waived due to the fact that there will be a minimum impact on neighboring properties.

### **STAFF COMMENTS AND RECOMMENDATIONS**

This property is located on a private street. It is completely developed with heavy commercial and light industrial uses. In some respects, this is a corrective rezoning. The effect of the rezoning should not change how the property has developed. The rezoning will allow the buildings to be rented and used for the purpose of their original construction.

Staff recommends approval of the application contingent upon approval of the Master Land Use Plan amendment.

6C

**PETITION FOR CHANGE IN ZONING MAP**

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

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

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

Lot 2 Southland Industrial Park

- 2. Address of property: 7423 Highway 271 S

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

- 4. Application is hereby made to change the zoning classification of the above described property to Industrial Light (I-1) by Extension.  
(Extension or classification)

- 5. Why is the zoning change requested?  
To open the rental property to a broader range of uses for which the existing buildings are suited and bring the use of existing buildings into compliance with the zoning permitted uses, eliminating the conditional use classification.

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

Thomas Shankle  
Owner or Agent Name  
(please print)

Signed:  
  
Owner

P.O. Box 180818, Fort Smith AR 72918  
Owner or Agent Mailing Address

or  
  
Agent

479-651-0999  
Owner or Agent Phone Number

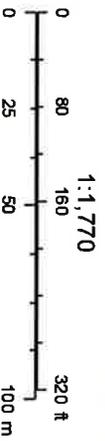
Rezoning #8-4-16: from Commercial Heavy (C-5) to Industrial Light (I-1)  
 7423 US Highway 271 (Lot 2, Southland Industrial Park, only)

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March 23, 2016

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



# Master Land Use and Rezoning 7423 US Highway 271

6 F



April 5, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 31, 2016

**Re:** Conditional Use #7-4-16 - A request by James Reddick, agent for the Salvation Army and First Asset Holdings, LLC, for Planning Commission consideration of a Conditional Use request to develop a Neighborhood Recycling Station & Community Food Distribution at 2900 North 50<sup>th</sup> Street

## PROPOSED CONDITIONAL USE

Approval of the Conditional Use application will allow the applicant to remodel a vacant 23,700 s.f. warehouse. The Salvation Army proposes to use the warehouse as a drop off site for donated items, such as clothing and furniture. The facility will also be used as a site to distribute clothing and household items about four times a year and distribution of Christmas gifts associated with the Angel Tree operation, which would take place two days each December. A complete description of the applicant's proposed uses is included with their application.

## LOT LOCATION AND SIZE

The subject property is on the northeast corner of the intersection of Johnson Street and North 50<sup>th</sup> Street. The tract contains an area of 2.71 acres with approximately 190 feet of street frontage along North 50<sup>th</sup> Street and approximately 635 feet of street frontage along Johnson Street.

## EXISTING ZONING

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

### Purpose:

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

**Permitted Uses:**

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

**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
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- 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

Maximum Height - 45 feet (1+1)  
Maximum Lot Coverage - 75%

Existing District (By Extension) – 14,000 square feet

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as apartments.

The area to the south is zoned Commercial Heavy (C-5) and Residential Multifamily Medium Density (RM-3) and is developed as a convenience store and single family residences.

The area to the west are zoned Residential Multifamily Medium Density (RM-3) and is 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.

7B

## **CONDITIONS FOR A CONDITIONAL USE**

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

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

## **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North 50<sup>th</sup> Street as a Major Arterial and Johnson Street as a Local Road.

## **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as General Commercial, Commercial Neighborhood, and Residential Detached.

General Commercial provides opportunities for business transactions and activities to meet the consumer needs of the community.

Neighborhood Commercial provides locations for convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

Residential Detached provides for stable neighborhoods, safe, attractive family environments, and protection of property values.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The existing driveways along Johnson Street will be used for all ingress and egress.

**Easement/utilities** – No additional easements are required.

**Parking** – 45 parking spaces are required and 45 spaces are shown on the site plan.

**Signage** – No signage is proposed at this time. However, the narrative of the preliminary development plan indicates that only a wall sign is anticipated.

**Lighting** – No additional exterior lighting is proposed at this time.

**Dumpster** – Two dumpsters and a trash compacter are proposed on the south side of the building within a completely screened area. However, the applicant has offered to keep the dumpster inside the building while keeping the compacter on the south side of the building within the screened area.

7C

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday, April 5, 2016, on site at 2900 North 50<sup>th</sup> Street.

Two surrounding property owners attended the meeting. Both neighbors voiced objections to the proposal citing concerns about traffic, devaluation of property values, people leaving donated items on the property, and pedestrian safety. The attendance record and meeting summary are enclosed. The applicant has also included a response to all of the concerns cited by the residents.

The planning department also received phone calls from two residents with questions regarding the conditional use but voiced no objections.

## **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the application with the following conditions:

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. Any new free standing signage is required to be a monument sign.
3. All exterior building lighting and new site lighting shall comply with the lighting requirements of the UDO, Section 27-602-5.
4. The proposed canopy along North 50<sup>th</sup> Street shall not have ground supports without approval of a front-yard setback variance.
5. All proposed parking spaces shall be marked with bumper blocks or other approved barriers as required by the UDO, Section 27-601-15.
6. Any donated items left outside on the property shall be removed promptly by the Salvation Army, including weekends.
7. The dumpster shall be relocated to remain permanently inside the building.

**PRE-LIMINARY DEVELOPMENT PLAN / DESCRIPTION OF PROPOSED USE AND CONSTRUCTION FOR WAREHOUSE LOCATED AT NORTH 50<sup>TH</sup> AND JOHNSON STREETS TO BE UTILIZED AS THE SALVATION ARMY DONATION INTAKE CENTER and AS REQUIRED FOR THE CONDITIONAL USE APPLICATION AND VARIANCE REQUEST APPLICATION PROCESS**

The current Salvation Army Intake Center is located on North 32<sup>nd</sup> Street adjacent to our Family Store in rented space. We own the store building but not the intake center. It is not a great place for that operation as the site is small, the space is too small and the alley is not accessible which requires us to have a dumpster exposed in the parking lot. We are excited about the opportunity to enhance and improve an existing building and to relocate that operation away from our store.

The warehouse in question is 27,300sf and has been abandoned for several years. It is at the half way point between our stores on North 32<sup>nd</sup> in Fort Smith and or Van Buren store. We are working very diligently to change our stores image and branding to make them more profitable and better able to support our ministry. That is the purpose of the stores. And with additional space available we will be able to:

- ◆Take in and store more clothes for sale in the stores and for vouchering to individuals and families in need.
- ◆Take in more household goods for sale and for vouchering to those in need.
- ◆Take in more furniture items for sale and for vouchering.

This facility will not be a Family Store. It will be a warehouse to support the stores we have. The people that we serve in the stores through this facility are not homeless. They are families and individuals that are in need and working hard to avoid homelessness. Some will be newly involved in our transitional housing programs and we will be working with them to get them employment and permanent housing. They are the people that want to change and have elected to enter our program where we have a great success record. But the vast majority of the people we serve through the stores and indirectly through this proposed facility have homes and jobs but are struggling in our current economy.

The facility will also offer us some additional support opportunities. We do get a lot of clothes that are not suitable for selling in our store or vouchering out of the stores and we bale those clothes in 1300# bales and sell them on the commodity market. Currently we have a dangerous loading condition and we cannot store much due to lack of space. Additional space will allow us to store the bales longer and until the prices are right to sell high. Again, this money goes to support our ministry. We also will be able to store non-perishable food in a larger facility. Currently we have a couple of apartments on our main campus that are being used as a pantry. Better and larger storage elsewhere, will allow us to return those apartments to service and to serve more families in need. This facility also offers us an opportunity to partner with our higher command in Oklahoma City and to store disaster response items inside the building and in a "ready-to-go" state. This would include food, blankets, clothes, tarps, ropes and generators.

Traffic to the proposed facility is not heavy. We have a truck which we use to pick up furniture items from donors at their house. That truck would come and go from the facility approximately four (4) times per day. And of course, there will be the "drop-off" traffic for which we seek the conditional use.

NE

People drop off their clothes, household goods and furnishings but there never seems to be a crowd. Two or three donors near the same time is a bit unusual. A lot of the traffic is one vehicle at a time.

We would propose that you consider a couple of occasional uses which would provide some additional support to the community:

- ◆We would propose to use the warehouse for our Angel Tree distribution. Currently we borrow or rent space and have had to move each year to a new location and sometimes not anywhere near the people we serve. This traffic would be present for two (2) days each December and the families are served on an appointment basis 15 minutes apart. This minimizes traffic issues on any site.
- ◆Although people have good intent, we do get donations of clothes that are not suitable to sell or voucher out of the stores but are better than what we bale. We would like for you to consider allowing us to hold a “voucher” sale of clothes, household goods and furnishings up to four (4) times per year on a Saturday morning. These would not be open to the general public but only to the families we help through our programs.

We will have some construction activities related to rehabilitation of the building. The building has been abandoned for several years and there is little or no copper left in the building unless it is plumbing that is under the slab. Much of the interior will require reconstruction as the roof has been allowed to leak and ruin ceilings, carpet and such. Bathrooms will need to be restored and reconfigured to meet ADA. The proposed construction would include:

- ◆Reconstruction of building interior as required to make functional.
- ◆Complete renovation of the electrical service and distribution for both power and lighting on the interior. We will also propose some building mounted lights on the exterior and which will be designed to eliminate light trespassing onto neighboring properties.
- ◆Complete reworking of the existing plumbing for the restrooms and reconfiguring of same as necessary to have restrooms in compliance with ADA.
- ◆The front area of the building that was formerly office spaces will be heated and cooled and the HVAC system will be new.
- ◆The front portion of the building will have all new metal siding, metal roofing and insulation as the existing is in poor shape. This will make that portion of the building look new. Exterior existing doors including overhead doors require replacement and we will replace the aluminum storefronts but with less than exists currently.
- ◆The rear part of the building is newer and in better shape and is targeted mainly for bale and disaster response supplies and will not be air conditioned and only marginally heated. The roof and walls and in better shape but will require repairs and some replacement of roof and wall panels. We are in the process of determining just how much will be replaced.
- ◆We will be constructing some concrete paving and masonry/wood screen walls for trash dumpsters and a trash compactor. Refer to the Preliminary Site Plan for proposed location.

7F

- ◆We would also add a building sign to the front of the structure to brand the building and to identify it to the donating public. The signage would most likely include the Salvation Army “Red Shield” and verbiage “SALVATION ARMY DONATION CENTER” or similar.
- ◆We will do a general clean-up of the site to make it an asset to the neighborhood.

All construction above will be permitted through the normal building permit and review process upon purchase and prosecution of the work. All signage will be submitted and permitted separately.

**VARIANCE REQUEST:** As indicated hereinbefore, much if not all of the existing metal wall panels on the front portion of the structure need to be replaced because they are in rough shape and not watertight. The UDO would require that 50%+ of the exterior walls facing both Johnson Street and 50<sup>th</sup> Street to be “high-quality materials.” The building is a pre-engineered metal building structure that has wall girts spaced up to 7 feet apart. The existing metal wall panels attach to these and span from one to another. All “high-quality” materials listed by the City within the UDO require a stud wall as back-up which would require complete reconstruction of the exterior wall. And the exterior wall does have existing steel conduits, electrical panels and other similar services attached to the exterior steel. This would require complete removal of part of the structure to be replaced with metal studding. The length of these two (2) walls combined is over 280 linear feet. The UDO requirement would cost approximately \$100,000 over simple replacement of the existing metal wall panels with new panels. We do propose to use wall panels with a smooth profile and concealed fasteners as an upgrade over the standard metal building R-Panel. Replacement of the metal wall panels in this manner will substantially clean up the property image and it will be one of the better looking structures in the immediate area and the \$100,000 saved can be used to help us help more families and individuals in need.

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Conditional Use # 1-4-16

**APPLICATION FOR CONDITIONAL USE**

Name of property owner: First Asset Holdings, LLC

Name of Authorized Agent:  
(if applicable) James Reddick

Legal Description of property included in the conditional request:  
Lot 1, Carolina Paper Tube, City of Fort Smith,  
Sebastian County, AR  
Legal description was taken from on-line tax  
records. A survey copy was not provided

Street Address of Property:  
2900 North 50th Street  
Fort Smith, AR

Existing Zoning Classification:  
C-5

Proposed Zoning Classification (if applicable):

Desired Proposed Conditional Use Request, including the development of any construction proposed of the property:  
Please refer to the attached Preliminary Development Plan.

What amenities are proposed such as landscaping and screening?  
Please refer to the attached Preliminary Development Plan.

Owner or agent Name: James Reddick

Owner or Agent Mailing Address: 301 North 6th, Fort Smith, AR 72901

Owner or agent Phone Number: 479-629-3547

Signed: \_\_\_\_\_  
Owner  
or  
  
Agent

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## Miller, Perry

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**From:** Miller, Perry  
**Sent:** Monday, April 04, 2016 10:23 AM  
**To:** Planning Email Group  
**Subject:** 2900 N 50th Street

Jackson Wear at 214-641-2979 the property owner to the north (no address vacant land) has called to discuss the conditional use and variance request for 2900 N 50<sup>th</sup> Street. At this time he is not sure if he is against the applications for the applications. He has called and discussed the applications and plans to call the authorized agent to discuss further. If he has any concerns he will contact the planning department.

I will add copies to each file and packet.

Thank you,

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

**Miller, Perry**

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**From:** Miller, Perry  
**Sent:** Thursday, March 31, 2016 4:02 PM  
**To:** Planning Email Group  
**Subject:** 2900 N 50 Street

Bill Cason from 5018 Johnson Street called with question about the C.U. and Variances. He did not say he was opposed for in support of this project. He was just curious about the signs for the conditional use and variance. He did have some concerns about if noise would be involved.

I will add a copy to both files and the PC packet.

Thank you,

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

# Conditional Use #7-4-16: Neighborhood Recycling Station and Community Food Distribution

## 2900 North 50th Street

*K*  
*C*



March 22, 2016

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





## Andrews, Brenda

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**From:** James Reddick [james@gostudio6.com]  
**Sent:** Wednesday, April 06, 2016 6:50 AM  
**To:** Andrews, Brenda  
**Cc:** Bailey, Wally; Johnny\_Poff@uss.salvationarmy.org  
**Subject:** Summary of Neighborhood Meeting

We had two (2) attendees. Major Poff has the list with the names and addresses.

The concerns mentioned were:

Increase in traffic for an already congested area making it a more dangerous area for pedestrians, particularly children walking home from nearby schools.

Build-up of trash and junk on the site and that the Salvation Army could not control same.

And there seemed to be some concern that we would disrupt the informal parties and socialization that takes place on the empty property across North 50<sup>th</sup> Street.

JAMES REDDICK, AIA

**STUDIO 6 ARCHITECTS**

1120 Garrison Avenue Suite 1A

Fort Smith, AR 72901

p: 479.782.4085

w: **GoStudio6.com**

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 2900 N. 50th St.

Meeting Time & Date 4/5/16 5:15pm

Meeting Purpose \_\_\_\_\_

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	James Reddide	Ft. Smith	629-3547
2.	Brenda Andrews	Fort Smith Planning	784-2219
3.	Ngan John Boff	Ft Smith	479-482-8182
4.	LaTricia Westfall	Ft. Smith	(479) 235-0218
5.	Dennis Westfall	Ft. Smith	(479) 763-5827
* 6.	CARLA MAYS	Ft Smith	479-658-8165
* 7.	Pauline Morak	of Smith Park	
8.			
9.			
10.			
11.			

\* Surrounding Property Owner

## Andrews, Brenda

---

**From:** James Reddick [james@gostudio6.com]  
**Sent:** Wednesday, April 06, 2016 8:11 AM  
**To:** Andrews, Brenda  
**Cc:** Bailey, Wally; Johnny\_Poff@uss.salvationarmy.org  
**Subject:** Neighborhood Meeting Response from the Army

Brenda,

I didn't know if you wanted responses from us on the Summary or at all so I thought I would just put them in a separate email that you can use if you choose. But the following would be our responses to the issues brought up:

**Traffic:** We will initially only have about six people working at the facility and 1 or 2 of those will be taking our box truck and doing pick-ups of furniture, clothing, appliances and other donations. The donor traffic is variable but generally very light. It is unusual to have more than two parties dropping off goods at the same time and drop offs usually only take a few minutes including the writing of receipts. Many and probably most of the uses allowed in the current C-5 zoning would generate much more traffic than our proposed donation center.

The only significant traffic we would generate would be for the two (2) days each December where we distribute gifts to our Angels as part of the Angel Tree program.

We are sympathetic to the concerns for pedestrians particularly school children. There is a sidewalk in front of the building. We would repair the area that is heavily damaged and extend it to the North property line and we would be an advocate for the neighborhood to get street and sidewalk improvements. Again, we intend to be a neighbor and to be a good neighbor.

**Junk on the Site:** Our current intake or donation center on North 32<sup>nd</sup> Street is only about 4,000SF. The warehouse we want to purchase is 27,400SF. It is our intent to clean up and repair the property so that it is an asset to the neighborhood. We will not allow trash and debris to build up.

Admittedly, the 32<sup>nd</sup> street donation center was unsightly until just recently. We had a "chicken and egg" situation in that we had located there for many years, a roll-off dumpster with free dumping service. It was very large and not screened and sat in the parking lot. And although large, we were having to have it emptied up to 3 times per week. That is certainly a lot of junk. So when we lost the free service, we acquired the normal small dumpsters like most business are able to use. We now keep these inside the building and off the lot except for pick up and during the day when we have workers on site. At night it is always stored inside and the neat thing is that all of the trash dropping off has ceased. Now the facility looks much better since that nuisance no longer exists.

The new facility being so much larger will allow us keep all of our operations on the interior of the building. The proposed trash compactor will even be loaded from the building interior. Our current Conditional Use does show two (2) normal dumpsters to be outside and properly screened along with the compactor. We could omit the dumpster enclosure and keep the regular dumpster on the interior of this building as well, if everyone thinks this would be a better situation. The compactor would need to remain on the exterior but we would retain the screening for same.

Unfortunately, although people generally have good intentions, we do get donations that are not useable and that we must throw away. With no dumpsters accessible on the site, there would be no attraction for that. However, if we have such dropped off during the night, it will immediately be put into the interior of building that same day. We will not allow trash to build up on the site at all. We will monitor the site on weekends and if "drop offs" occur, we will develop a plan to get stuff moved to the interior on weekends.

The Salvation Army has the strongest brand of any non-profit entity in the USA. The brand is strong because of the good work we do and because people know that their dollars will be spent well and efficiently to be able to do the most good. We are not going to do anything that will jeopardize that brand and our ability to sustain our ministry.

**Community Socialization:** The Salvation Army meets people where they are. Some of the people that we help have literally hit the bottom. But when they are ready for help, we are ready to help and we have a great track record of doing so. We love people, that is why we do what we do. We have no issues with people partying across the street in the field on horseback or bicycle . We have no issues with the occasional horse poop on our parking lot. We'll clean it up. We have no issues with people drinking beer across the street as long as the activities are legal. We do have issues with illegal activities and will complain about those if we see same.

Again, we intend to be fully committed to the neighborhood and to be a good neighbor in all ways.

JAMES REDDICK, AIA

**STUDIO 6 ARCHITECTS**

1120 Garrison Avenue Suite 1A

Fort Smith, AR 72901

p: 479.782.4085

w: [GoStudio6.com](http://GoStudio6.com)

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 31, 2016

**Re:** Variance #10-4-16 - A request by James Reddick, agent for the Salvation Army and First Asset Holdings, LLC, for Board of Zoning Adjustment consideration of a zoning variance request from UDO, Section 27-602-4 – Architectural Design of Structures

## REQUESTED VARIANCE

The approval of requested variance will allow the renovation an existing metal warehouse without compliance with the Transitional and Commercial Building Design Standards. The applicant proposes to renovate the exterior of the warehouse with metal siding with concealed fasteners.

## LOT LOCATION AND SIZE

The subject property is on the northeast corner of the intersection of Johnson Street and North 50<sup>th</sup> Street. The tract contains an area of 2.71 acres with approximately 190 feet of street frontage along North 50<sup>th</sup> Street and approximately 635 feet of street frontage along Johnson Street.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as apartments.

The area to the south is zoned Commercial Heavy (C-5) and Residential Multifamily Medium Density (RM-3) and is developed as a convenience store and single family residences.

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North 50<sup>th</sup> Street as a Major Arterial and Johnson Street as a Local Road.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as General Commercial, Commercial Neighborhood, and Residential Detached.

General Commercial provides opportunities for business transactions and activities to meet the consumer needs of the community.

8B

Neighborhood Commercial provides locations for convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

Residential Detached provides for stable neighborhoods, safe, attractive family environments, and protection of property values.

### **APPLICANT HARDSHIP**

The applicant states that in order to comply with the UDO's requirement for 51% high-quality materials, the renovation would require complete reconstruction of the exterior walls of the warehouse, which is a pre-engineered building. This requirement would also require relocation of the existing steel conduit, electrical panels, and other similar services attached to the existing exterior wall.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday, April 5, 2016, on site at 2900 North 50<sup>th</sup> Street.

Two surrounding property owners attended the meeting. Both neighbors voiced objections to the proposal citing concerns about traffic, devaluation of property values, people leaving donated items on the property, and pedestrian safety. The attendance record and meeting summary are enclosed. The applicant has also included a response to all of the concerns cited by the residents.

The planning department also received phone calls from two residents with questions regarding the conditional use but voiced no objections.

### **STAFF COMMENTS AND RECOMMENDATIONS**

Section 27-602-4 of the UDO states that rehabilitation projects shall conform to the guidelines to the greatest extent possible. The applicant proposes to improve the exterior of the warehouse by installing new metal siding with concealed fasteners. If the applicant did not propose any exterior improvements, the UDO requirement would not be applicable. Based on the fact that the building is a non-conforming use and could be used as a warehouse, staff believes that the strict enforcement of this regulation does create a hardship for the applicant and if enforced will likely result in the continued vacancy of the warehouse.

Staff recommends approval of the request with the condition that the metal siding has concealed fasteners.

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

8C

# Variance #10-4-16: from UDO, Section 27-602-4(C)(2)(3) - commercial building design standards 2900 North 50th Street

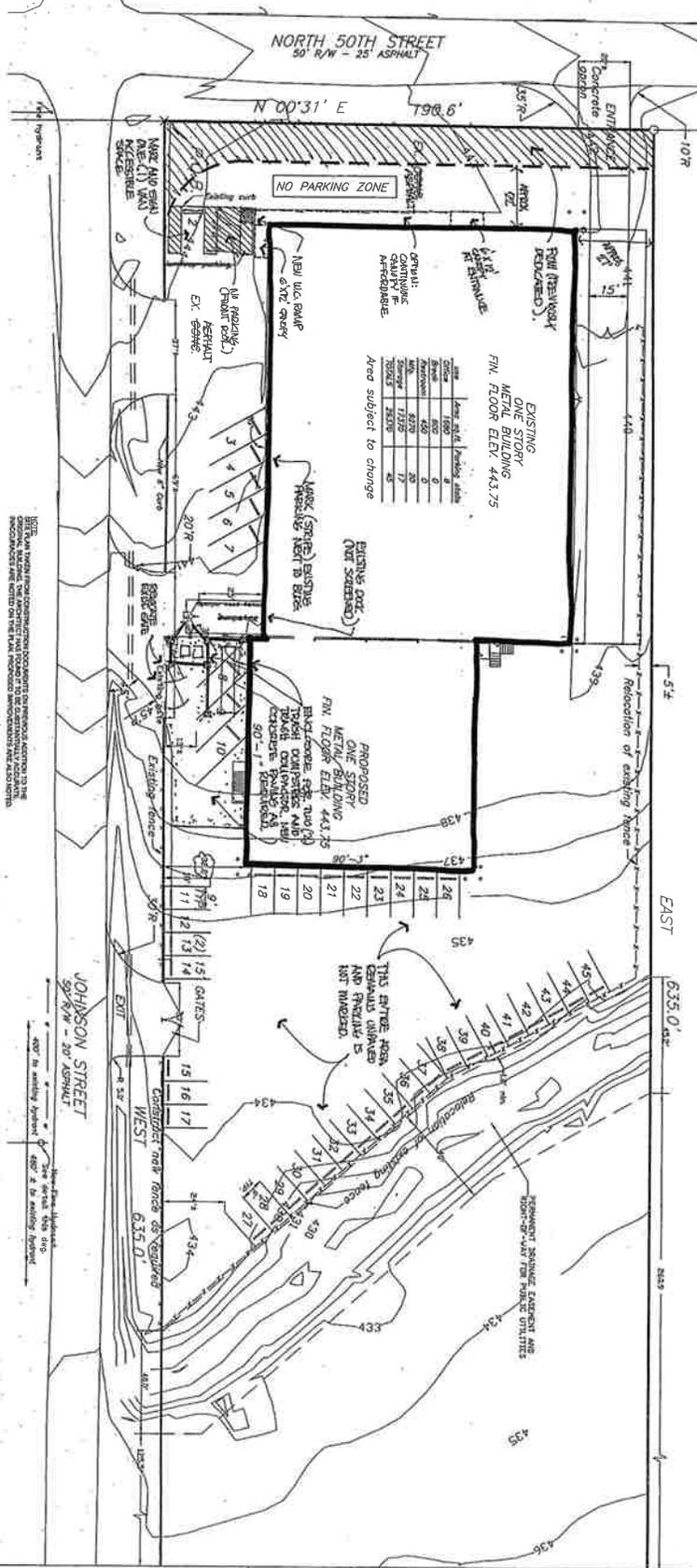


March 22, 2016

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



1 CONDITIONAL USE SITE PLAN  
1" = 30'-0"



THESE PLANS HAVE BEEN PREPARED BY THE ARCHITECT AND ENGINEER AND ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE ARCHITECT AND ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE PLANS.

SEE SHEET A1.2 FOR THE EXISTING AND PROPOSED FOUNDATION AND STRUCTURE. SEE SHEET A1.3 FOR THE EXISTING AND PROPOSED MECHANICAL, ELECTRICAL AND PLUMBING. SEE SHEET A1.4 FOR THE EXISTING AND PROPOSED INTERIORS AND FINISHES.

**STUDIO ARCHITECTS**

1120 Garrison Avenue  
Fort Smith, AR 72901  
479.782.4085  
www.GashStudio.com

**CONDITIONAL USE SITE PLAN FOR THE SALVATION ARMY EXISTING WAREHOUSE 5900 NORTH 50TH STREET FORT SMITH, ARKANSAS**

1120 Garrison Avenue  
Fort Smith, AR 72901  
479.782.4085  
www.GashStudio.com

**PROJECT NO.** 03.17.16  
**DATE** 03.17.16  
**FOR** CONDITIONAL USE  
**TITLE** CONDITIONAL USE SITE PLAN  
**SCALE** 1" = 30'-0"

**A1.1**

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 1, Carolina Paper Tube, City of Fort Smith, Sebastian County, AR

Address of property  , Existing or Proposed Zoning Classification

, 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FROM		TO	
<input type="text" value="N/A"/>	-	<input type="text"/>	Front Yard Setback or Minimum Distance from Right-of-Way
<input type="text" value="N/A"/>	-	<input type="text"/>	Exterior Side Yard Setback
<input type="text" value="N/A"/>	-	<input type="text"/>	Interior Side Yard Setback
<input type="text" value="N/A"/>	-	<input type="text"/>	Rear Yard Setback
<input type="text" value="N/A"/>	-	<input type="text"/>	Maximum Height of Structure
<input type="text" value="N/A"/>	-	<input type="text"/>	Minimum Distance Between Structures on the Same Lot
<input type="text" value="N/A"/>	-	<input type="text"/>	Minimum Lot Area (Square Feet)
<input type="text" value="N/A"/>	-	<input type="text"/>	Minimum Lot Frontage
<input type="text" value="N/A"/>	-	<input type="text"/>	Maximum Size of a Sign
<input type="text"/>	-	<input type="text"/>	Other: <input type="text" value="from 27-602-4"/> <input type="text" value="Commercial Buddy Design Standard"/>

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:	James Reddick
Owner or Agent Phone Number:	479-629-3547
Owner or Agent Mailing Address:	301 North 6th, Fort Smith, AR 72901

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

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

VARIANCE INFORMATION FORM

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

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under 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?  
*we currently do NOT OWN OR HAVE USE OF PROPERTY*

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? *Drainage easement*

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?  
*EXISTING warehouse is a non-confirming use.*

Does the lot front any street classified as an arterial or collector on the Master Street Plan? *50th Street*

Explanation of question #4 (if applicable)

Please refer to the attached Preliminary Development Plan.

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

Please refer to the attached Preliminary Development Plan.

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

*The Salvation Army does not currently own this property. Once zoning and conditional usage is completed, we will submit information to our Territorial Headquarters for approval to proceed with purchase.*

**PRE-LIMINARY DEVELOPMENT PLAN / DESCRIPTION OF PROPOSED USE AND CONSTRUCTION FOR WAREHOUSE LOCATED AT NORTH 50<sup>TH</sup> AND JOHNSON STREETS TO BE UTILIZED AS THE SALVATION ARMY DONATION INTAKE CENTER and AS REQUIRED FOR THE CONDITIONAL USE APPLICATION AND VARIANCE REQUEST APPLICATION PROCESS**

The current Salvation Army Intake Center is located on North 32<sup>nd</sup> Street adjacent to our Family Store in rented space. We own the store building but not the intake center. It is not a great place for that operation as the site is small, the space is too small and the alley is not accessible which requires us to have a dumpster exposed in the parking lot. We are excited about the opportunity to enhance and improve an existing building and to relocate that operation away from our store.

The warehouse in question is 27,300sf and has been abandoned for several years. It is at the half way point between our stores on North 32<sup>nd</sup> in Fort Smith and or Van Buren store. We are working very diligently to change our stores image and branding to make them more profitable and better able to support our ministry. That is the purpose of the stores. And with additional space available we will be able to:

- ◆Take in and store more clothes for sale in the stores and for vouchering to individuals and families in need.
- ◆Take in more household goods for sale and for vouchering to those in need.
- ◆Take in more furniture items for sale and for vouchering.

This facility will not be a Family Store. It will be a warehouse to support the stores we have. The people that we serve in the stores through this facility are not homeless. They are families and individuals that are in need and working hard to avoid homelessness. Some will be newly involved in our transitional housing programs and we will be working with them to get them employment and permanent housing. They are the people that want to change and have elected to enter our program where we have a great success record. But the vast majority of the people we serve through the stores and indirectly through this proposed facility have homes and jobs but are struggling in our current economy.

The facility will also offer us some additional support opportunities. We do get a lot of clothes that are not suitable for selling in our store or vouchering out of the stores and we bale those clothes in 1300# bales and sell them on the commodity market. Currently we have a dangerous loading condition and we cannot store much due to lack of space. Additional space will allow us to store the bales longer and until the prices are right to sell high. Again, this money goes to support our ministry. We also will be able to store non-perishable food in a larger facility. Currently we have a couple of apartments on our main campus that are being used as a pantry. Better and larger storage elsewhere, will allow us to return those apartments to service and to serve more families in need. This facility also offers us an opportunity to partner with our higher command in Oklahoma City and to store disaster response items inside the building and in a "ready-to-go" state. This would include food, blankets, clothes, tarps, ropes and generators.

Traffic to the proposed facility is not heavy. We have a truck which we use to pick up furniture items from donors at their house. That truck would come and go from the facility approximately four (4) times per day. And of course, there will be the "drop-off" traffic for which we seek the conditional use.

People drop off their clothes, household goods and furnishings but there never seems to be a crowd. Two or three donors near the same time is a bit unusual. A lot of the traffic is one vehicle at a time.

We would propose that you consider a couple of occasional uses which would provide some additional support to the community:

- ◆We would propose to use the warehouse for our Angel Tree distribution. Currently we borrow or rent space and have had to move each year to a new location and sometimes not anywhere near the people we serve. This traffic would be present for two (2) days each December and the families are served on an appointment basis 15 minutes apart. This minimizes traffic issues on any site.
- ◆Although people have good intent, we do get donations of clothes that are not suitable to sell or voucher out of the stores but are better than what we bale. We would like for you to consider allowing us to hold a “voucher” sale of clothes, household goods and furnishings up to four (4) times per year on a Saturday morning. These would not be open to the general public but only to the families we help through our programs.

We will have some construction activities related to rehabilitation of the building. The building has been abandoned for several years and there is little or no copper left in the building unless it is plumbing that is under the slab. Much of the interior will require reconstruction as the roof has been allowed to leak and ruin ceilings, carpet and such. Bathrooms will need to be restored and reconfigured to meet ADA. The proposed construction would include:

- ◆Reconstruction of building interior as required to make functional.
- ◆Complete renovation of the electrical service and distribution for both power and lighting on the interior. We will also propose some building mounted lights on the exterior and which will be designed to eliminate light trespassing onto neighboring properties.
- ◆Complete reworking of the existing plumbing for the restrooms and reconfiguring of same as necessary to have restrooms in compliance with ADA.
- ◆The front area of the building that was formerly office spaces will be heated and cooled and the HVAC system will be new.
- ◆The front portion of the building will have all new metal siding, metal roofing and insulation as the existing is in poor shape. This will make that portion of the building look new. Exterior existing doors including overhead doors require replacement and we will replace the aluminum storefronts but with less than exists currently.
- ◆The rear part of the building is newer and in better shape and is targeted mainly for bale and disaster response supplies and will not be air conditioned and only marginally heated. The roof and walls and in better shape but will require repairs and some replacement of roof and wall panels. We are in the process of determining just how much will be replaced.
- ◆We will be constructing some concrete paving and masonry/wood screen walls for trash dumpsters and a trash compactor. Refer to the Preliminary Site Plan for proposed location.

- ◆We would also add a building sign to the front of the structure to brand the building and to identify it to the donating public. The signage would most likely include the Salvation Army “Red Shield” and verbiage “SALVATION ARMY DONATION CENTER” or similar.
- ◆We will do a general clean-up of the site to make it an asset to the neighborhood.

All construction above will be permitted through the normal building permit and review process upon purchase and prosecution of the work. All signage will be submitted and permitted separately.

**VARIANCE REQUEST:** As indicated hereinbefore, much if not all of the existing metal wall panels on the front portion of the structure need to be replaced because they are in rough shape and not watertight. The UDO would require that 50%+ of the exterior walls facing both Johnson Street and 50<sup>th</sup> Street to be “high-quality materials.” The building is a pre-engineered metal building structure that has wall girts spaced up to 7 feet apart. The existing metal wall panels attach to these and span from one to another. All “high-quality” materials listed by the City within the UDO require a stud wall as back-up which would require complete reconstruction of the exterior wall. And the exterior wall does have existing steel conduits, electrical panels and other similar services attached to the exterior steel. This would require complete removal of part of the structure to be replaced with metal studding. The length of these two (2) walls combined is over 280 linear feet. The UDO requirement would cost approximately \$100,000 over simple replacement of the existing metal wall panels with new panels. We do propose to use wall panels with a smooth profile and concealed fasteners as an upgrade over the standard metal building R-Panel. Replacement of the metal wall panels in this manner will substantially clean up the property image and it will be one of the better looking structures in the immediate area and the \$100,000 saved can be used to help us help more families and individuals in need.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 2900 N. 50th St.

Meeting Time & Date 4/5/16 5:15pm

Meeting Purpose \_\_\_\_\_

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*7.	Pauline Norval	ft. smith, ark	
8.			
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11.			

\* Surrounding Property Owners

## Andrews, Brenda

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**From:** James Reddick [james@gostudio6.com]  
**Sent:** Wednesday, April 06, 2016 6:50 AM  
**To:** Andrews, Brenda  
**Cc:** Bailey, Wally; Johnny\_Poff@uss.salvationarmy.org  
**Subject:** Summary of Neighborhood Meeting

We had two (2) attendees. Major Poff has the list with the names and addresses.

The concerns mentioned were:

Increase in traffic for an already congested area making it a more dangerous area for pedestrians, particularly children walking home from nearby schools.

Build-up of trash and junk on the site and that the Salvation Army could not control same.

And there seemed to be some concern that we would disrupt the informal parties and socialization that takes place on the empty property across North 50<sup>th</sup> Street.

JAMES REDDICK, AIA

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The only significant traffic we would generate would be for the two (2) days each December where we distribute gifts to our Angels as part of the Angel Tree program.

We are sympathetic to the concerns for pedestrians particularly school children. There is a sidewalk in front of the building. We would repair the area that is heavily damaged and extend it to the North property line and we would be an advocate for the neighborhood to get street and sidewalk improvements. Again, we intend to be a neighbor and to be a good neighbor.

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Admittedly, the 32<sup>nd</sup> street donation center was unsightly until just recently. We had a "chicken and egg" situation in that we had located there for many years, a roll-off dumpster with free dumping service. It was very large and not screened and sat in the parking lot. And although large, we were having to have it emptied up to 3 times per week. That is certainly a lot of junk. So when we lost the free service, we acquired the normal small dumpsters like most business are able to use. We now keep these inside the building and off the lot except for pick up and during the day when we have workers on site. At night it is always stored inside and the neat thing is that all of the trash dropping off has ceased. Now the facility looks much better since that nuisance no longer exists.

The new facility being so much larger will allow us keep all of our operations on the interior of the building. The proposed trash compactor will even be loaded from the building interior. Our current Conditional Use does show two (2) normal dumpsters to be outside and properly screened along with the compactor. We could omit the dumpster enclosure and keep the regular dumpster on the interior of this building as well, if everyone thinks this would be a better situation. The compactor would need to remain on the exterior but we would retain the screening for same.

Unfortunately, although people generally have good intentions, we do get donations that are not useable and that we must throw away. With no dumpsters accessible on the site, there would be no attraction for that. However, if we have such dropped off during the night, it will immediately be put into the interior of building that same day. We will not allow trash to build up on the site at all. We will monitor the site on weekends and if "drop offs" occur, we will develop a plan to get stuff moved to the interior on weekends.

The Salvation Army has the strongest brand of any non-profit entity in the USA. The brand is strong because of the good work we do and because people know that their dollars will be spent well and efficiently to be able to do the most good. We are not going to do anything that will jeopardize that brand and our ability to sustain our ministry.

**Community Socialization:** The Salvation Army meets people where they are. Some of the people that we help have literally hit the bottom. But when they are ready for help, we are ready to help and we have a great track record of doing so. We love people, that is why we do what we do. We have no issues with people partying across the street in the field on horseback or bicycle . We have no issues with the occasional horse poop on our parking lot. We'll clean it up. We have no issues with people drinking beer across the street as long as the activities are legal. We do have issues with illegal activities and will complain about those if we see same.

Again, we intend to be fully committed to the neighborhood and to be a good neighbor in all ways.

JAMES REDDICK, AIA

**STUDIO 6 ARCHITECTS**

1120 Garrison Avenue Suite 1A

Fort Smith, AR 72901

p: 479.782.4085

w: [GoStudio6.com](http://GoStudio6.com)

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** March 29, 2016

**Re:** Home Occupation #2-4-16 - A request by Byron Lawrence for Planning Commission consideration for a recording studio located in a Residential Multifamily Medium Density (RM-3) zone at 4114 Alabama Avenue

## PROPOSED HOME OCCUPATION

The home occupation if approved will allow for the applicant to operate a recording studio from his residence.

## LOT LOCATION AND SIZE

The subject property is on the south side of Alabama Avenue between North 41<sup>st</sup> Street and North Albert Pike Avenue. The tract contains an area of 0.15 acres with approximately 50 feet of street frontage along Alabama Avenue. The applicant will be running the business from the rental unit located at the rear of the property accessed by the alley.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Alabama Avenue as a local road.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

**PLANNING COMMISSION AUTHORITY**

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

**COMPATIBILITY/CONDITIONS**

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

**NEIGHBORHOOD MEETING**

No neighborhood meeting was held. Home Occupations allow the neighborhood meetings to be optional for the applicants.

**STAFF COMMENTS AND RECOMMENDATIONS**

The Police Department has requested this application be tabled. See attached email.

9C

## Rice, Maggie

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**From:** Brooks, Doug (Sgt) [dbrooks@Fortsmithpd.org]  
**Sent:** Thursday, April 07, 2016 3:07 PM  
**To:** Miller, Perry  
**Cc:** Andrews, Brenda; Rice, Maggie; Bailey, Wally; Pitts, Dean (Major)  
**Subject:** Home Occupation Permit for Byron Lawrence  
**Attachments:** Home Occupation #2-4-16 - 4114 Alabama Street.pdf

Sir,

Shortly after reviewing and sending the PC review items back to you, some issues developed with Byron Lawrence. Mr. Lawrence applied for a Home Occupation Permit for a studio at the residence located at 4114 Alabama. He has since been arrested for Aggravated Robbery and Felon in Possession of a Firearm with possible additional charges pending. In addition, this incident occurred at his proposed recording studio.

Due to the nature of these charges, the police department objects to Mr. Lawrence obtaining his permit until his outstanding felony charges have been adjudicated. We would ask for a review of his request for permit at that time.

Regards,



Sgt. Doug Brooks  
Fort Smith Police Department  
Narcotics Unit Supervisor  
Office: (479) 709-5137  
Cell : (479) 831-3809

*How are we doing? Please use the following link to complete a short, online survey concerning your experience with the Fort Smith Police Department:*

<https://www.surveymonkey.com/r/FSPD2016A>

## HOME OCCUPATION REQUIREMENTS

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

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

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

**APPLICATION FOR HOME OCCUPATION**

(Please print or type)

Name of Applicant: Byron Lawrence

Legal Description of property included in the home occupation request:

Office use only

Street Address of Property: 4104 Alabama Ave. Fort Smith, AR

Zone Classification: RM-3

Type of Business Requested: Home Recording Studio

Signed:

Byron Lawrence

Applicant's Name (please print)

(479) 420-8449

Phone Number of Applicant

4112 Alabama Ave.

Applicant Mailing Address

Byron Lawrence  
Applicant

3-17-16  
Date

Property Owner

[Signature]  
Date 3-15-16

(if rental property)

Home Occ. # 2-4-16

**HOME OCCUPATION INFORMATION FORM**

1. Describe what type of business you are requesting. Home Recording Studio

2. Will this business be completely contained in the residential structure? Yes  No   
If no, described location. \_\_\_\_\_

3. What percentage of the residential floor area will be required to operate the business?  
1/4 less than 300 squar Feet

4. Will operation of the business utilize any persons other than members of the immediate household? Yes  No

Mon 8-5

5. At what hours and days of the week do you plan to operate the business? Mon - Sun sat 8-10

6. Will there be any noise no, odor no, or other outdoor activity no associated with the business? If yes, explain. Sound proof will eliminate noise.

7. Will materials or supplies be stored at this location? Yes  No  just in office area

8. How much storage will be needed? 1/4 less than 300 squar Feet

9. Will merchandise be sold at this location? Yes  No  If yes, explain. \_\_\_\_\_

~~Accessories~~ accessorys only cd, recordings ect.  
To Recording Art. only

10. Will you have any business vehicles? Yes  No  If yes, describe below.

Type of Vehicle:

Make \_\_\_\_\_ Model \_\_\_\_\_

Color \_\_\_\_\_ Length (trailer) \_\_\_\_\_

11. Will this business require anv license, certification, accreditation other than a city occupation license? Yes  No  What type? \_\_\_\_\_

12. Can you operate this business by appointment only? Yes  No

Explain: ~~other business hours~~

make appointments only

96

13. Will customers come to this location? Yes  No

14. How many customers do you expect to have coming to your home at any one time?

no more than 1

15. Do you expect any drop-in customers? Yes  No

16. How do you plan to provide parking for customers? I have parking

space in my yard on gravel pad.

17. Do you plan to advertise this business? Yes  No

If yes, by what methods? flyers, cards, and Radio

18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes  No

19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes  No

20. Will the Home Occupation require a commercial trash container (dumpster)?  
Yes  No

21. Do you own or rent this property? Rent

22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.

23. Do you live at this location? Yes  No

24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?  
Yes  No

25. Provide any other information that you feel helpful.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Monaco, Tom

---

**To:** Planning Email Group  
**Subject:** 4114 Alabama

Neighbor concerned about parking and traffic in the alley. The alley has been blocked by other tenants in the past. Concerned with fire or other emergency vehicles ability to use the alley. He is also concerned about the possibility of noise. This person wants to remain anonymous. I will add this to the file and the red folder.

Tom Monaco  
City Planner  
City of Fort Smith  
623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, AR 72902  
P:(479) 784-2218 F:(479) 784-2462  
[tmonaco@fortsmithar.gov](mailto:tmonaco@fortsmithar.gov)

**Monaco, Tom**

---

**From:** Monaco, Tom  
**Sent:** Friday, April 01, 2016 3:05 PM  
**To:** Planning Email Group  
**Subject:** Home Occupation

Neighbor against the possibility of this being noisy at night and he is against the Home Occupation on Alabama.

## Miller, Perry

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**From:** Miller, Perry  
**Sent:** Monday, April 04, 2016 10:03 AM  
**To:** Planning Email Group  
**Subject:** Concerns about Home Occupation 4114 Alabama Avenue

I neighbor has called that has remained completely anonymous and would not give an address or name has concerns about noise and traffic generated from the home occupation located at 4114 Alabama Avenue. The person who called said they cannot attend the meeting.

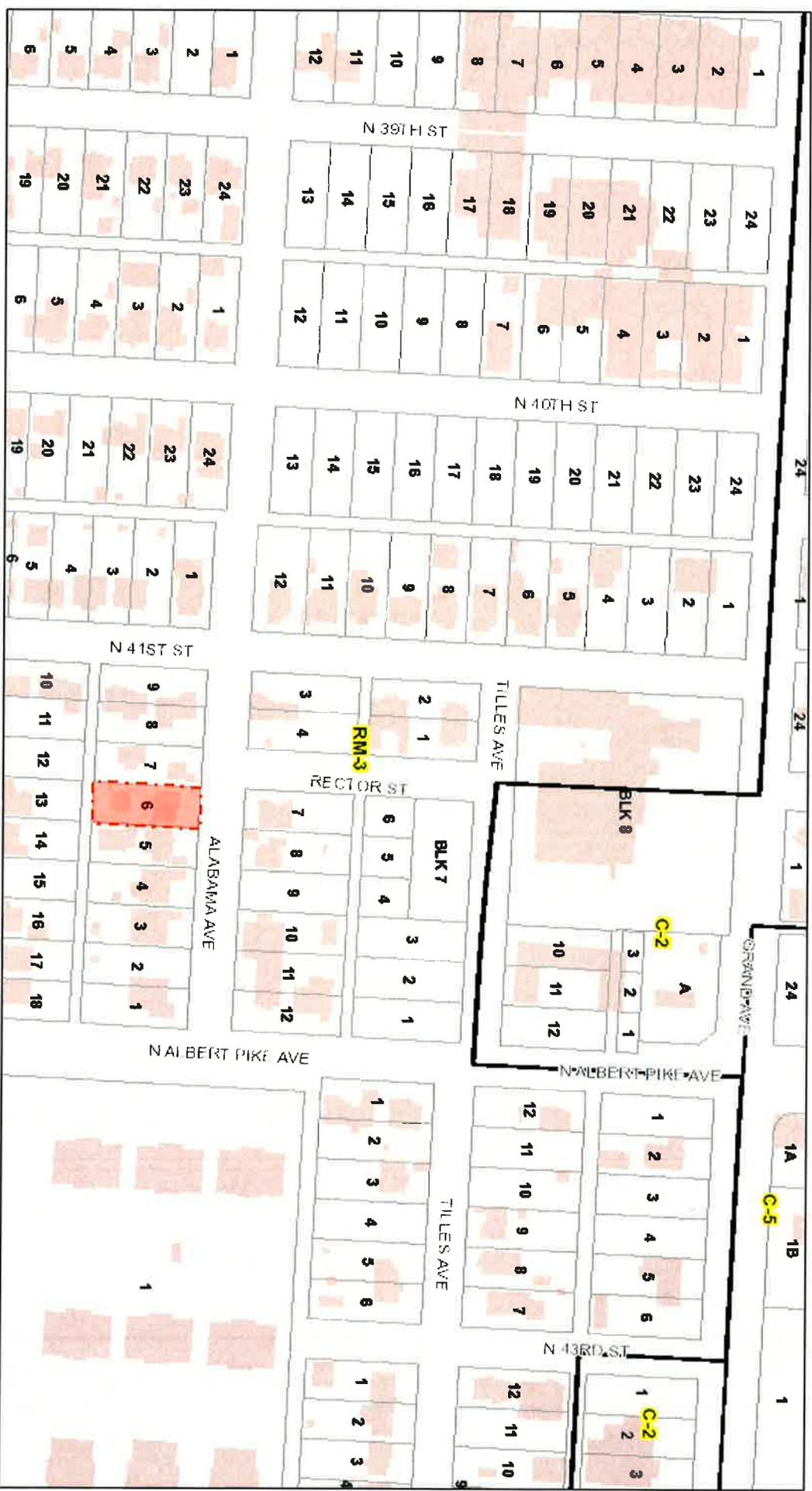
I will add copies to the packet and file.

Thank you,

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

# Home Occupation #2-4-16: home recording studio 4114 Alabama Avenue

2



March 21, 2016

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

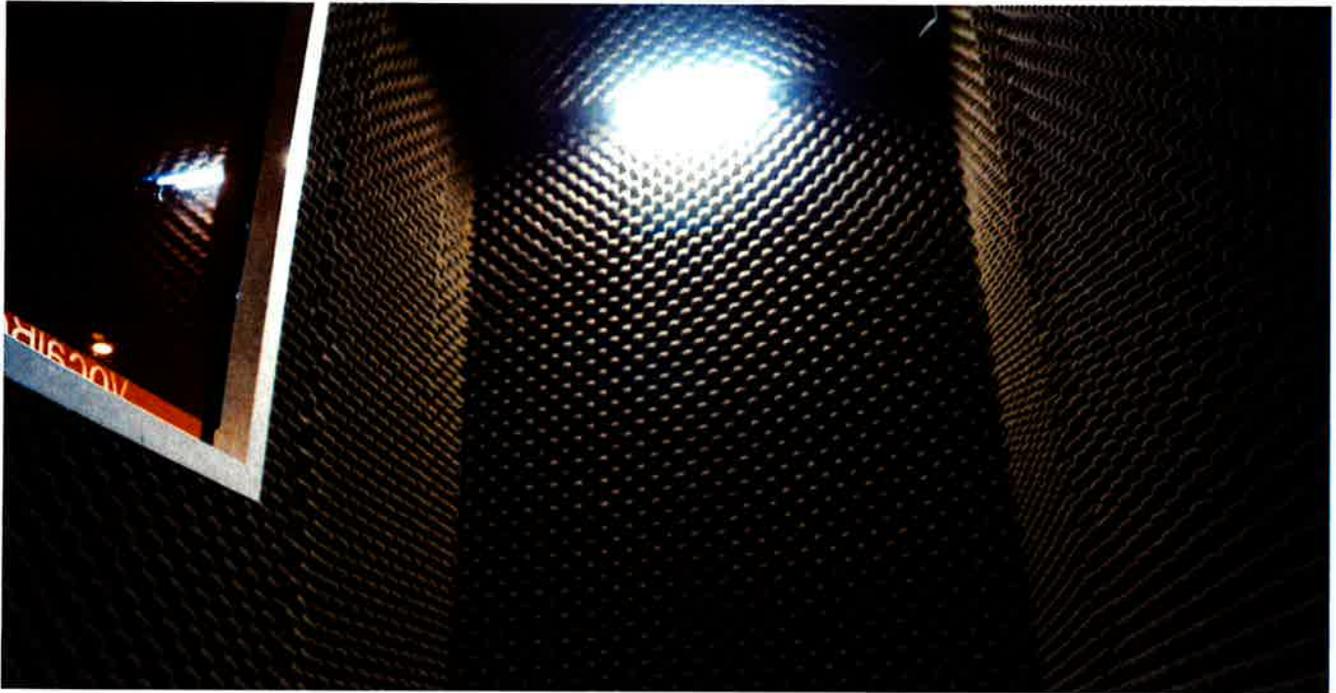












9Q

## Variance

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** April 1, 2016

**Re:** Variance #11-4-16 - A request by Ricky Hill, agent for Guard Tronic, Inc., for Board of Zoning Adjustment consideration from the following setback and minimum parking space variance requests:

104 & 108 North 13<sup>th</sup> Street (Lot 1A):

From 25' to 23.6' front yard setback (building portion on Lot 2)

From 25' to 0.8' front yard setback (canopy)

From 25' to 23.6' front yard setback (building portion on Lot 3)

From 10' to 6.9' side yard setback

From 10' to 0.2' rear yard setback

From 41 to 27 minimum number of parking spaces

120 North 13<sup>th</sup> Street (Lot 6A):

From 10' to 7.5' side yard setback

From 25' to 12.9' front yard setback (building portion on Lot 5)

From 25' to 12.9' front yard setback (building portion on Lot 6)

From 18 to 15 minimum number of parking spaces

**REQUESTED VARIANCE**

Approval of the requested variances will facilitate the subdivision of the property into two lots and allow the sale of the building at 120 North 13<sup>th</sup> Street. The affected buildings cannot be sold separately unless the variances are approved. Several of the variance requests pertain to existing non-conformities unrelated to the subdivision of the property. Approval of these setback variance requests will bring the structures in compliance with the UDO and avoid future issues should the buildings be destroyed or damaged more than 50% of their value.

**LOT LOCATION AND SIZE**

The subject property is on the east side of North 13<sup>th</sup> Street between North "A" Street and North "B" Street. The tract contains an area of 0.93 acres with approximately 290 feet of street

10A

frontage along North 13<sup>th</sup> Street and approximately 140 feet of street frontage along both North "A" Street and North "B" Street.

### **EXISTING ZONING**

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

#### **Purpose:**

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

#### **Permitted Uses:**

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

#### **Conditional Uses:**

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

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

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

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

The area to the north is zoned Commercial Light (C-2) and developed as a restaurant.

10B

The area to the east is zoned Commercial Light (C-2) and developed as offices.

The area to the south is zoned Commercial Light (C-2) and developed as a church campus.

The area to the west is zoned Commercial Downtown (C-6) and developed as a telephone company.

#### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North 13<sup>th</sup> Street as a Local Road and North "A" and North "B" Streets as both a Minor Arterial.

#### **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.

#### **APPLICANT HARDSHIP**

The hardship for these properties relates to the location of the existing structures on the lots and the need to sale one of the properties.

#### **NEIGHBORHOOD MEETING**

The applicant's request to waive the neighborhood meeting was granted based on the fact that the buildings are existing and the variances will not affect the surrounding property owners. In lieu of having the neighborhood meeting, the applicant sent letters describing the variance requests to adjacent property owners. There have been no objections to the proposed variances.

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

In staff's opinion, the requested variances will have no negative effects on surrounding properties. Staff recommends approval of the application on the condition that the approved variances are based on the existing development and building locations.

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

Var. #11-4-12

**APPLICATION FOR VARIANCE**

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 104, 108 & 120 N. 13th Street, Existing or Proposed

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

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

<u>FROM</u>	<u>TO</u>	
_____	- _____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	- _____	Exterior Side Yard Setback
<u>10</u>	- <u>7.50</u>	Interior Side Yard Setback 120 N. 13th Street
<u>10</u>	- <u>6.90</u>	Rear Yard Setback 104 & 108 N. 13th street
_____	- _____	Maximum Height of Structure
_____	- _____	Minimum Distance Between Structures on the Same Lot
_____	- _____	Minimum Lot Area (Square Feet)
_____	- _____	Minimum Lot Frontage
_____	- _____	Maximum Size of a Sign
<u>41</u>	- <u>27</u>	Other: <u>27-601-2 Minimum Required Parking (See Attached)</u>
<u>18</u>	- <u>15</u>	

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

Note: See attached for existing variance requests.

100

Convent Place Addition - Lots 1A & 6A - Block 1  
VARIANCE APPLICATION FOR ADDITIONAL  
Variances as shown on Satterfield Land Surveyors job no. 40909

RE: Variances for LOT 1A (104 and 108 North 13th Street)

As shown on the survey we would like to clean up the property with additional variances, they are shown on the drawing and will be identified by the corresponding numbers on the drawing above each insert also.

1A-1: Companion item with (1A-3).

Variance to change the 25' building set back line from 25' to 23.6'. This will completely cover the existing as it currently sits. This will also cover the 1A-1 and 1A-3 inserts.

1A-2: Variance to cover the canopy constructed over the 25' building setback line from 25' to 0.8' to clear the existing canopy.

1A-3: Companion item with 1A-1.

1A-4: 1 story brick building northwest corner sits within the side-yard setback. We are to amend the Side yard setback across this building from 10' to 6.9' at the building corner location.

1A-5: Companion item with (1A-6).  
Asking to reduce the rear yard setback from 10' to 0.2' to allow the existing building to sit inside the rear yard setback.

10E

RE: Variances for LOT 6A-1

6A-1: Variance request to change the side yard setback from 10' to 7.5' to clear the existing building.

6A-2: Companion item with (6A-3).  
Variance request to change the front yard setback from 25' to 12.9' to clear the existing building.

6A-3: Companion item to (6A-2).

RE: Parking Variance

Proposed Lot 1A (104 and 108 North 13th Street):

104 North 13th Street building has  $11,406 \text{ s.f.}/300 = 38$  required parking spaces.

108 North 13th Street building has  $1,043 \text{ s.f.}/300 = 3$  parking spaces.

Total minimum required parking for proposed Lot 1A = 41 parking spaces.

Parking spaces currently on Lot 1A = 27.

Variance from 41 to 27 minimum required parking spaces.

Proposed Lot 6A (120 North 13th Street):

120 North 13th Street building has  $5,474 \text{ s.f.}/300 = 18$  required.

Variance from 18 to 15 minimum required parking spaces.

Hardship Statement:

No additional parking spaces available for this property.

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

Signed:

Jordan Brown

Owner or Agent Name *(please print)*

Ricky Hill, Agent

479-632-3565

Owner or Agent Phone Number

P.O. Box 640, Alma, AR 72921

Owner or Agent Mailing Address

Letter Attached

Owner

or

Ricky Hill  
Agent

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

**VARIANCE INFORMATION FORM**

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

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

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

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

Minor Arterial

10H

Explanation of question #4 (if applicable)

Existing structures proximity does not allow for the full side yard setback. We are  
asking to change only the portion of the setback which effects the structures.

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

The affected buildings cannot be sold separately unless the variance is approved.

The opportunity to sell the North structure depends upon the variance being granted.

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

The owner's would like to keep the Southern structure and sell the North structure.

This is a vacant building that is empty and could be sold if this variance was

granted. If the Planning Commission sees fit to allow the side yard setback to

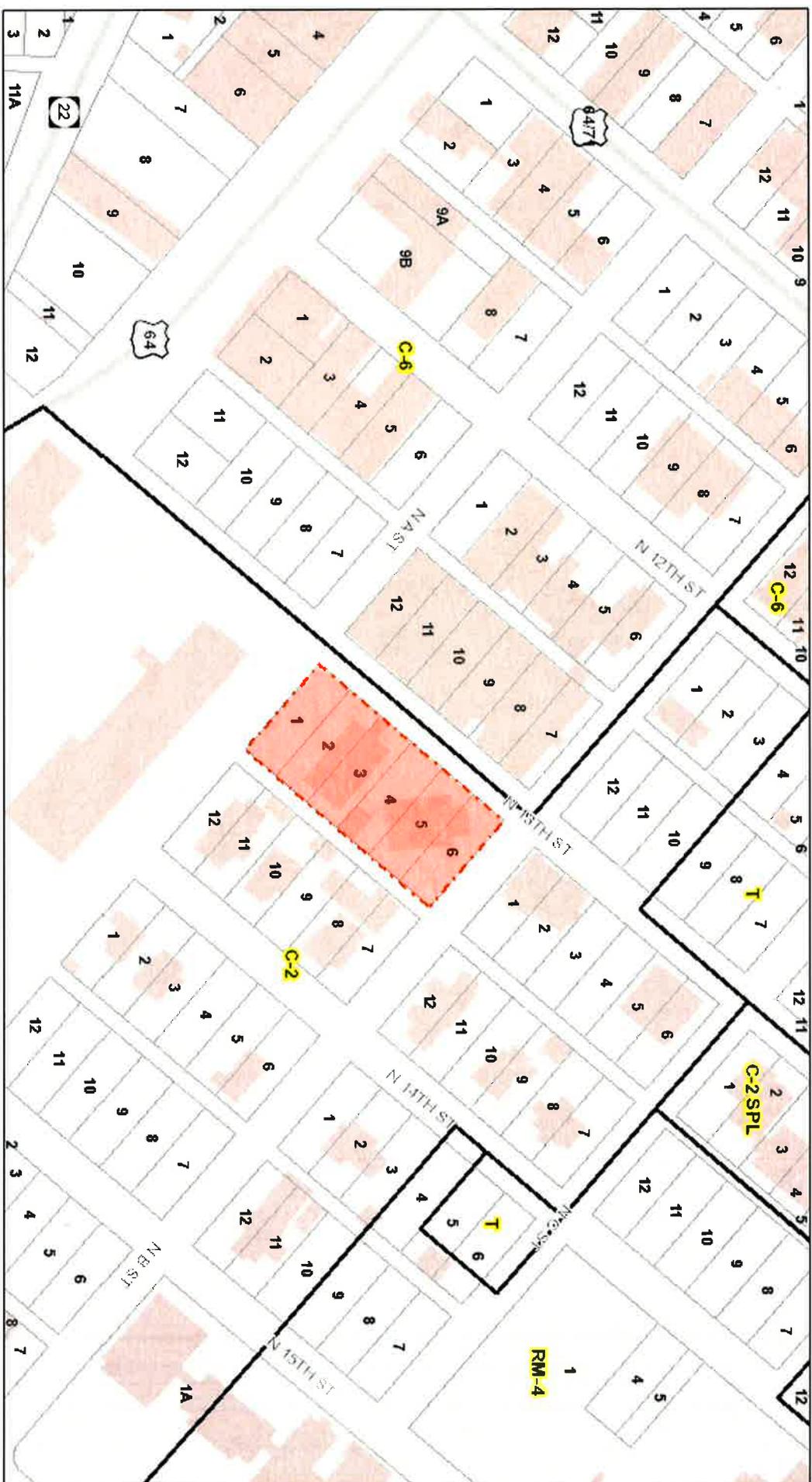
be 15.00 feet instead of 20.00 feet we could almost fit all the buildings

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inside the new lines.

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# Variance #11-4-16: setback and parking variances 104, 108 and 120 North 13th Street



March 22, 2016

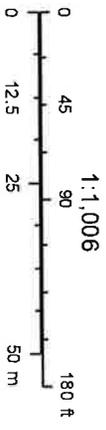
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



Variances  
104, 108 and 120 North 13th Street



April 5, 2016  
Fort Smith City Limits  
Zoning



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Request Waiver for Neighborhood Meeting

Re: Proposed Variance for:  
120 N. 13<sup>th</sup> Street  
Fort Smith, Arkansas

Date: February 16, 2016

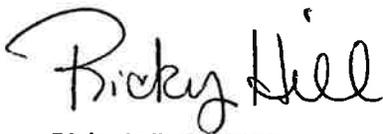
To: Planning Director

To Whom It May Concern:

We are asking that you grant a waiver for the neighborhood meeting regarding the property located at 120 N. 13<sup>th</sup> Street, Fort Smith, Arkansas because:

1. The proposed variance shall allow development in compliance with surrounding land uses.
2. The variance request represents a minor change to the development Requirements, that shall have little or no effect on surrounding properties.

Thank You for your consideration,



Ricky Hill, Agent for Property Owner, Jordan Brown

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# Memorandum

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**To:** Planning Commission  
**From:** Wally Bailey, Director of Development Services  
**Date:** April 8, 2016  
**Subject:** Comprehensive Plan Implementation Committee

The Board of Directors established the Comprehensive Plan Implementation Committee (CPIC) with the approval of Resolution R-26-15 (see attached). The resolution specifies the committee will include one member of the Planning Commission and that the Planning Commission shall select the representative.

Rett Howard has been the Planning Commission representative; however, Rett has submitted his resignation. The Planning Commission needs to recommend a replacement for the Board of Directors to appoint to the CPIC. The April 12, 2016, agenda includes this item for your action.

Attached is a copy of the resolution which includes the responsibilities of the committee and Chapter 5 from the Comprehensive Plan.

Please let us know if you have any questions.

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RESOLUTION NO. R-26-15

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH  
ESTABLISHING A COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE**

**WHEREAS**, the implementation of the Future Fort Smith Comprehensive Plan is critical to the success of the plan; and,

**WHEREAS**, a citizens implementation committee is needed to help support the City of Fort Smith in implementation of the plan,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

**SECTION 1:** A Comprehensive Plan Implementation Committee, consisting of no more than eleven (11) members, is hereby established.

**SECTION 2:** The committee shall consist of nine (9) at large appointments, to be made by the board of directors, one (1) member of the Planning Commission and one (1) member of the Parks Commission. The Planning Commission and Parks Commission shall each select their representatives for the Committee. All terms shall be for five (5) years, after which time the board of directors shall determine future terms. The representatives of the Planning Commission and Parks Commission must continue to be a member of their respective commission while serving on the committee. If such committee member ceases to be a member of his/her respective commission, the commission shall designate another of its members to fill the remainder of the term on the committee.

**SECTION 3:** The principal responsibilities of the Committee include periodic progress meetings with City staff, a review of the annual, biennial and quinquennial reports on the progress of the comprehensive plan; provide feedback before the reports are finalized, and assist with preparation of a scorecard to show how the plan is being implemented. The Committee may also assist by working with neighborhood and other community groups providing them with

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progress reports and helping them get involved.

THIS RESOLUTION ADOPTED THIS 17<sup>th</sup> day of February, 2015.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

*Approved as to former  
Jerry Coughlin  
no substratum required*

# IMPLEMENTATION STRATEGY

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## IMPLEMENTING THE PLAN

### Monitoring and Plan Update Protocol

If a comprehensive plan is to have value and remain useful over time, it is important to develop ways of monitoring progress on its many initiatives, to evaluate its effectiveness, and to keep it current as new information becomes available and as circumstances change.

Comprehensive planning should be thought of as an ongoing process, not as a one-time event. The Future Fort Smith Comprehensive Plan is not an end in itself, but rather the foundation that will guide ongoing, more detailed planning. The Plan Update is designed to respond to changing needs and conditions.

Without evaluation and feedback, the comprehensive plan can soon become irrelevant. To avoid this, the City of Fort Smith will conduct an initial review one year after adoption and will thereafter monitor plan implementation progress on 2-year cycles. The City will also conduct a more thorough review, revision, and update of the Plan every five years.

Ongoing monitoring will inform the Board of Directors, Planning Commission, City administration and departments, partner organizations, and the public about the plan's effectiveness; identify those aspects of implementation that are working well and those needing improvement; and keep the plan current as circumstances change and new information becomes available. The monitoring process provides a way to measure progress and get feedback from policy makers and the public to determine if the implementation program is working.

Following is a description of the two types of reporting procedures recommended for comprehensive plan monitoring and updating.

### 1. BIENNIAL MONITORING

Every two years, at the end of the fiscal year, the Planning and Zoning Department, in collaboration with all City departments involved in the implementation of the Comprehensive Plan, shall submit to the Planning and Zoning Commission and Board of Directors a report indicating actions taken and progress implementing the plan during the previous two years. The report will include, at a minimum, the following items:

- Projects and policies (including capital improvements) implemented and the alignment of those projects and policies with the goals of the plan
- An annotated matrix indicating the implementation status and benchmarks of each priority program
- A work program for the following two years
- Suggestions for updates to the comprehensive plan needed to respond to new issues and changing conditions, for consideration by the Planning Commission and Board of Directors

### 2. UPDATING / PLAN REVISION

Once every five years, the Planning and Zoning Department, working with all city departments involved in the implementation of the Comprehensive Plan, will prepare a more comprehensive evaluation report to provide an assessment of the overall progress of the plan, including a description of what significant changes have occurred since plan adoption (or previous update) and use of benchmarks and indicators to measure whether or not the outcomes desired by the community are being met. Depending on progress made and new issues that emerged over the previous five years, the quinquennial Evaluation Report will allow for minor amendments and modifications based on

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changing local, regional, state, and national dynamics and trends, as well as the completion of highlighted programs. Major updates may also be required to re-assess the plan's goals, policies, and priorities, and should occur at least every 10 years. If the Evaluation Report finds that a major update is warranted, a new public participation plan should be prepared to ensure the plan update takes direction from the community, including the creation of a new Citizens Steering Committee. If an update to the plan is needed, proposed changes will be submitted to the Planning Commission and Board of Directors within 18 months after the evaluation is approved

#### ROLE OF THE COMPREHENSIVE PLAN STEERING COMMITTEE

The Comprehensive Plan Steering Committee (CPSC) was formed in 2013 to provide guidance, feedback, support, and review of the planning process and in-progress work products. The creation of a comparable Citizens Advisory Implementation Task Force (CAITF) is recommended to help support the City of Fort Smith in implementation of the plan, work with neighborhood and other community groups, and provide feedback on the plan's progress and necessary updates.

The CAITF may or may not include all members of the original CPSC. The task force should include subject matter experts (e.g., environmental resources, housing) to serve on and help lead subcommittees or directed task force groups to drive implementation.

The main responsibilities for the CAITF will involve periodic progress review meetings and review of the biennial and quinquennial reports to provide feedback to staff before the reports are finalized and submitted to the Planning Commission and Board of Directors. The CAITF can also assist with the preparation and distribution of a Future Fort Smith Score Card to show the community at large how well the plan is being implemented.

Additional means in which CAITF members may be directly involved in implementing the plan include:

- Volunteer or sign up for interest groups dedicated to implementing a particular action or project.
- Share stories of local results and progress with the City and the community at large.
- Encourage friends and neighbors to get involved in Future Fort Smith implementation projects

## COORDINATION WITH MUNICIPAL BUDGET AND CAPITAL IMPROVEMENTS PROGRAMMING

The City's Budget and corresponding Capital Improvements Program are two of the primary tools that the City of Fort Smith has to carry out the actions identified in this plan and achieve the resident's vision of an exceptional community, characterized by its outstanding quality of life. Consistency with the Future Fort Smith Comprehensive Plan should be maintained as the City updates these documents and makes important decisions about resource allocation and investments. Although there are additional partners identified as responsible for implementing various actions, the City's administration and leadership will be held accountable for the success of the Future Fort Smith plan.

In addition to serving as a policy document, financial plan, operations guide, and communications tool; the City of Fort Smith Budget represents the administration's commitment to implementing the Future Fort Smith Comprehensive Plan. Preparing for Fort Smith's future by implementing the comprehensive plan update and vision statement is specifically identified as one of the City's 2015 Budget Goals, along with other references to this plan's key elements including increasing recreational activities, supporting economic growth and focusing on downtown and riverfront development. As the City continues with its implementation efforts, it will be important for the budget goals and priorities to remain consistent with the comprehensive plan, and measurable progress is made to achieve the plans actions

Coordination of a city's capital improvements planning process with an adopted comprehensive plan can range in scope from simply referencing consistent goals and policies to establishing a new comprehensive plan-based ranking and budgeting process. As the comprehensive plan is implemented, demand for public facilities and services will continue to increase, but the limitations of

available resources will require the city to prioritize capital investments and spending. A coordinated approach to capital improvements planning will allow the City to maintain the current levels of service and quality of life that residents enjoy while strategically developing the infrastructure needed to accommodate and even promote future growth in a way that is consistent with the adopted comprehensive plan. Within this context, the City can establish guidelines of comparative benefits that will allow the administration and leadership to identify, quantify, and compare the relative benefits of various projects competing for limited funding. Similar to analyzing a proposed project's return on investment, establishing a comparative benefits ranking process as part of the City's capital improvements programming provides results-oriented information that ties outcomes directly to the adopted comprehensive plan.

Guidelines for comparative benefits can include criteria to rank potential capital improvements for both tangible and more qualitative outcomes. Within Fort Smith for example, potential capital improvements projects may rank higher for review if it meets the following criteria;

- Physically located within the targeted growth areas
- Directly implements an identified action
- Leverages additional funding or partnerships
- Includes community-based support
- Achieves multiple benefits; (co-locating facilities, beautification and green infrastructure, etc...)

These guidelines can be used informally to provide context, or in a more formally adopted policy.

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