

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 13, 2016**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM NOVEMBER 10, 2016

III. STAFF COMMENTS AND PROCEDURES

1. A request by Tim Risley, agent for Thomas H. Webb, Jr. (Arkansas College of Health Education/ACHE), for development plan approval for a multifamily development located at 7010 Chad Colley Boulevard. (companion item to items #2 & #3)
2. A request by Tim Risley for a Master Plan (Arkansas College of Health Education/ACHE), for a mixed use development located at 7000 Chad Colley Boulevard. (companion item to items #1 & #3)

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

3. Variance #30-12-16; A request by Tim Risley, agent for Thomas H. Webb, Jr. (Arkansas College of Health Education/ACHE), for a variance from the UDO Multifamily Building Standards Section 27-602-4(D) regarding wall planes, balconies, porches and stairways and roof design located at 7010 Chad Colley Boulevard. (companion item to items #1 & #2)

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

4. Conditional Use #24-12-16; A request by Justin Skinner for a conditional use for a multifamily development located at 501 North 5th Street. (companion item to item #5)

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

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

5. Variance #29-12-16; A request by Justin Skinner for a variance from the density requirements to allow 4 dwelling units in a Residential Historic Zone located at 501 North 5th Street. (companion item to item #4)
6. Variance #27-11-16; A request by Joey Miller for a variance from Section 27-602-3 perimeter landscaping requirements located at 1300 Wheeler Avenue. (tabled from November)
7. Variance #28-12-16; A request by Whit Weeks & Adam Samuels, Ashby Street Outdoor, agents for Rick Huber, for a variance from 1,000 feet to 800 feet minimum outdoor advertising sign separation, from a maximum of 4 to 5 outdoor advertising signs per mile and from a maximum of 300 square feet to 300 square feet plus an additional 3rd sign face measuring 150 square feet located at 3500 Massard Road.

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

8. Lottery for the Mobile Food Vending Spaces located at Cisterna Park.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
EXHIBIT HALL A-3
FORT SMITH CONVENTION CENTER
6:00 P.M.
NOVEMBER 10, 2016**

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

Due to the absence of the Chairman Marshall Sharpe, a motion was made by Rett Howard and duly seconded to nominate Josh Carson as the chairman pro tem for the meeting. The motion carried unanimously.

Chairman Pro Tem Carson called for the vote on the minutes from the October 11, 2016, Planning Commission meeting, as well as the minutes from the November 1, 2016, Planning Commission Special Meeting. The minutes were unanimously approved as written.

Mr. Wally Bailey spoke on the procedures.

- 1. Conditional Use #23-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC, for a conditional use for a multifamily development located at 423 North 7th Street (companion item to item #2)**
- 2. Variance #26-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC, for a variance from the density requirements to allow 3 dwelling units in a Residential Historic Zone located at 423 North 7th Street. (companion item to item #1)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the applicant to utilize the existing structures for a total of three (3) dwelling units and the variance would allow the former carriage house to be remodeled for one (1) residence which would create the third dwelling unit on the property.

Mr. Justin Skinner was present to speak on behalf of these requests.

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

Following a discussion by the Commission, Chairman Pro Tem Carson called for the vote on these items.

- 1. Conditional Use #23-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC for a conditional use for a multifamily development located at 423 North 7th Street. (companion item to item #2)**

Chairman Pro Tem Carson called for the vote on the conditional use request. The vote was 8 in favor and 0 opposed.

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

- 2. Variance #26-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC, for a variance from the density requirements to allow 3 dwelling units in a Residential Historic Zone located at 423 North 7th Street. (companion item to item #1)**

Chairman Pro Tem Carson called for the vote on the variance request. The vote was 8 in favor and 0 opposed.

- 3. Variance #27-11-16; A request by Joey Miller for a variance from Section 27-602-3 perimeter landscaping requirements located at 1300 Wheeler Avenue.**

Mr. Wally Bailey stated that the applicant is requesting the Planning Commission table this item until the December Planning Commission meeting in order to allow him additional time to complete an investigation with the Highway Department and OG&E to possibly bring back to the Commission an alternative proposal for this site.

Motion was made, seconded and carried by a vote of 7 in favor and 1 abstention (Cooper) to table this item for one month.

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

- 4. Conditional Use #19-10-16; A request by Dennis Siebenmorgen, agent for Fort Smith Public Schools, for a conditional use for a driveway on Houston Street for access to bus parking located at 3600 Jenny Lind Road. (tabled from October)**

Mr. Wally Bailey stated that the applicant is requesting the Planning Commission table this item until the December Planning Commission meeting in order to allow the applicant additional time to possibly bring another option to the Planning Commission to be considered for approval.

Motion was made, seconded and carried by a vote of 7 in favor and 1 abstention (Richardson) to table this item for one month.

5. **Preliminary Plat – The Valley of Stoneshire at Chaffee Crossing – Lots 1-27 and the Crest of Stoneshire at Chaffee Crossing – Lots 1-35 – Mickle-Wagner-Coleman**
6. **Rezoning #21-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc., for a zone change from Not Zoned and Residential Single Family Duplex Medium/High Density (RSD-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 9400 Wey Bridge Drive. (companion item to items #5 & #7)**
7. **Subdivision Variance #2-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc. for a subdivision variance from Section 27-503-10(B) to increase from 200 to 260 number of average day trips generated on a cul-de-sac located at 9400 Wey Bridge Drive. (companion item to items #5 & #6)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the development of two (2) additional phases of Stoneshire at Chaffee Crossing that will consist of 62 single family lots. Ms. Andrews noted that the subdivision variance request would allow for the construction of 26 lots on a cul-de-sac.

Mr. Pat Mickle was present to speak on behalf of these requests.

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

Chairman Pro Tem Carson then called for the vote on these items.

5. **Preliminary Plat – The Valley of Stoneshire at Chaffee Crossing – Lots 1-27 and the Crest of Stoneshire at Chaffee Crossing – Lots 1-35 – Mickle-Wagner-Coleman**

Chairman Pro Tem Carson called for the vote on the preliminary plat. Motion was made seconded and carried to amend this request to make approval subject to the following:

- The developer agreeing to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- The note on the plat regarding 5' side yard setbacks shall be deleted.

Chairman Pro Tem Carson then called for the vote on the preliminary plat as amended. The vote was 6 in favor and 2 abstentions (Cooper, Keese)

6. **Rezoning #21-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc. for a zone change from Not Zoned and Residential Single Family Duplex Medium/High Density (RSD-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 9400 Wey Bridge Drive. (companion item to items #5 & #7)**

Chairman Pro Tem Carson then called for the vote on the rezoning request. The vote was 6 in favor and 2 abstentions (Cooper, Keesee)

7. **Subdivision Variance #2-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc. for a subdivision variance from Section 27-503-10(B) to increase from 200 to 260 number of average day trips generated on a cul-de-sac located at 9400 Wey Bridge Drive. (companion item to items #5 & #6)**

Chairman Pro Tem Carson then called for the vote on the subdivision variance. The vote was 6 in favor and 2 abstentions (Cooper, Keesee)

8. **Conditional Use #22-11-16; A request by Pat Mickle, agent, for Riley Farm Health & Rehab, LLC, for a conditional use for a nursing home located at 6301 Riley Park Drive. (companion item to item #9)**

9. **Variance #28-11-16; A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for a variance from the maximum size of a building in a Transitional zone located at 6301 Riley Park Drive. (companion item to item #8)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for the development of a 120 bed, 85,485 square foot single story nursing home with 133 parking spaces, landscaping and detention pond.

Pat Mickle presented the request.

The following persons spoke in favor of the project citing that it was a good fit for the neighborhood and the development was needed in this area.

Mr. Will Harmon, the pastor for Cavanaugh Free Will Baptist Church, Mr. David Vandergriff, the attorney representing the church and Rocky Walker, 6808 Hunters Crossing, and Steve Jones, 50 Stonegate Court.

The following persons spoke in opposition to these requests citing their concerns relative to increased traffic, noise, children and adult pedestrian safety, decrease in the quality of life, potential drastic decrease in property values, possible disruption to the natural habitat of endangered species of bugs, as well as the fact that it is not compatible with the residential neighborhood.

Janie Johnston, 6904 Riley Park Drive, and President of the Property Owners Association; Dianne O'Donnell, 6007 Meadow Brook Drive; Ray Fougny, 25 Stonegate Court; Joey McCutchen, 7207 Highland Park; David Edwards, 11700 Maple Park; Rick Congdon, 6200 Valley View Drive; Mitchell Thiele, 11601 Southcrest Drive; Sharon Chesire, 6501 Hillcrest and Bruce Flippo, 6707 Deerfield Drive.

Chairman Pro Tem Carson then called for the vote on these requests.

8. Conditional Use #22-11-16; A request by Pat Mickle, agent, for Riley Farm Health & Rehab, LLC, for a conditional use for a nursing home located at 6301 Riley Park Drive. (companion item to item #9)

Motion was made, seconded and carried 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. The Phase 2 Assisted Living development shown on the site plan is a proposed future development and not part of the submitted conditional use or companion variance application.
- Board of Zoning approval of the companion variance application.
- During the building permit review process, the following must be submitted:

- Final landscaping plan
- Final screening details (privacy fencing, mechanical equipment and dumpster)
- Site lighting details that comply with the UDO Commercial and Outdoor Lighting Regulations
- Proposed signage information that complies allowed signs in the Transitional zoning district.

Chairman Pro Tem Carson then called for the vote on the conditional use as amended. The vote was 4 opposed (Howe, Newton, Richardson, Carson), 3 in favor (Howard, Cooper, Kilgore) and 1 abstention (Keesee). The conditional use request was denied.

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

9. Variance #28-11-16; A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for a variance from the maximum size of a building in a Transitional zone located at 6301 Riley Park Drive. (companion item to item #8)

Motion was made, seconded and carried to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan for the nursing home. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Pro Tem called for the vote on the variance request as amended. The vote was 4 opposed (Howe, Newton, Richardson, Carson), 3 in favor (Howard, Cooper, Kilgore) and 1 abstention (Keese). The variance request was denied.

Meeting Adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: December 1, 2016

Re: Development Plan Review - A request by Tim Risley, agent for Thomas H. Webb, Jr., Arkansas College of Health Education/ACHE) for development plan approval for a multifamily development located at 7010 Chad Colley Boulevard.

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will allow the construction of 10 multifamily buildings with a total of 84 unit rental units designed for student housing. The site will also provide 124 parking spaces, landscaping, pool, pavilion, and fitness center.

LOT LOCATION AND SIZE

The subject property is on the northwest side of Chad Colley Blvd. between Frontier Road and Roberts Blvd. adjacent to the existing college. The tract contains an area of 8.3 acres with approximately 445 feet of street frontage along Chad Colley Blvd.

EXISTING ZONING

The existing zoning on this tract is a Planned Zoning District (PZD). Characteristics of this zone are as follows:

Purpose:

The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk.

Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;

1A

- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

SURROUNDING ZONING AND LAND USE

The area to the north is within the PZD and is developed as the Arkansas College of Osteopathic Medicine campus.

The area to the south is within the PZD and is undeveloped.

The area to the west is not zoned and is developed as existing warehouse buildings.

The area to the east is out of city limits and is located within Barling.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley Boulevard as a Boulevard.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress is purposed on Chad Colley Blvd. using the shared driveway as shown on the site plan.

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 – A proposed detention area for drainage is located adjacent to Chad Colley Blvd.

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

Landscaping – A complete landscaping plan showing parking lot screening, perimeter landscaping, interior landscaping, plant size, shape, and species along with method of irrigation is required.

Parking – The parking aisles dimensions are proposed for two-way traffic. The dimensions will need to be verified to show the minimum of 24 feet in width.

Signage – At this time, no signage is proposed.

Lighting – No site lighting information is provided.

Architectural features – The architectural features show 100 percent of high quality materials with an equal use of mass materials utilizing heavy materials at the base of the structure. A variance has been applied for from Section 27-602-4-(D) regarding wall planes, balconies, porches, and roof design.

Height and Area –The square footage of the buildings range in area from approximately 9,400 s.f. to 31,000 s.f. The height of the two-story buildings is approximately 30 feet. The PZD allows for 55 feet and three and four story buildings.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived in accordance with section 27-304-1 of the UDO having minimal impact on the surrounding properties and neighborhood.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. BZA approval of the companion variance application.
3. Submittal of a landscaping plan for perimeter landscaping, parking lot screening, and interior landscaping.
4. Submittal of proposed exterior lighting that complies with the Unified Development Ordinance Commercial and Outdoor Lighting regulations.
5. If any signs are proposed, a sign permit shall be submitted for staff review and approval

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

2. Address of property: 7010 Chad Colley Blvd.

3. The above described property is now zoned: PDZ - Arkansas College of Health Education

4. Does the development plan include a companion rezoning request?
Yes _____ No x

5. If yes, please specify the companion application submitted:
 - Conventional Rezoning
 - Planned Rezoning
 - Conditional Use
 - Master Land Use Plan Amendment
 - Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:
 N/A by N/A
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
Arkansas Colleges of Health Education to east, south and west.
Nunlee Property to North
Fort Chaffee Redevelopment Authority - other areas.

8. Total acreage of property 8.39 Acres

10

Signed:

Tim A. Risley and Associates

Owner or Agent Name

(please print)

6101 Phoenix Ave

#1 Con/Arc Place

Fort Smith, AR

Owner or Agent Mailing Address

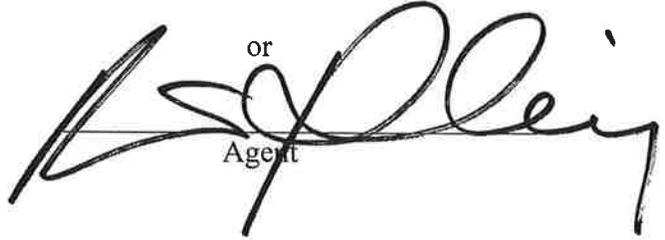
479-452-2636

Owner or Agent Phone Number

Owner

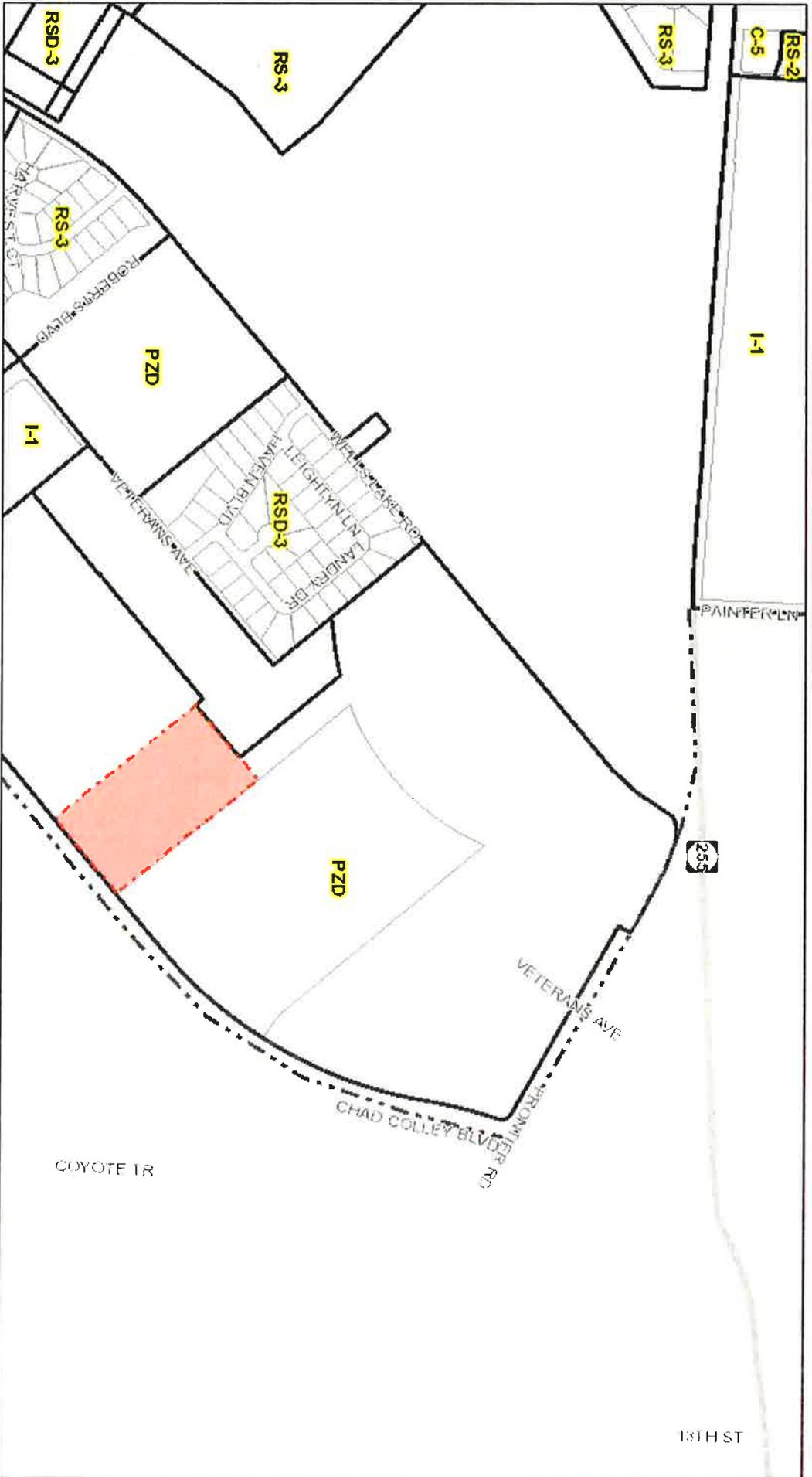
or

Agent

A handwritten signature in black ink, appearing to read "Tim A. Risley". The signature is written in a cursive style with a large initial "T" and "R".

Development Plan Review for a Multi-Family development 7010 Chad Colley Boulevard

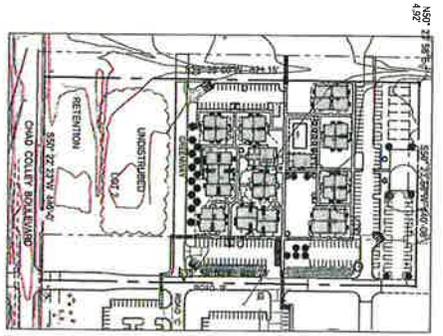
11



November 21, 2016

-  Fort Smith City Limits
-  Parks
-  Zoning
-  Subdivisions

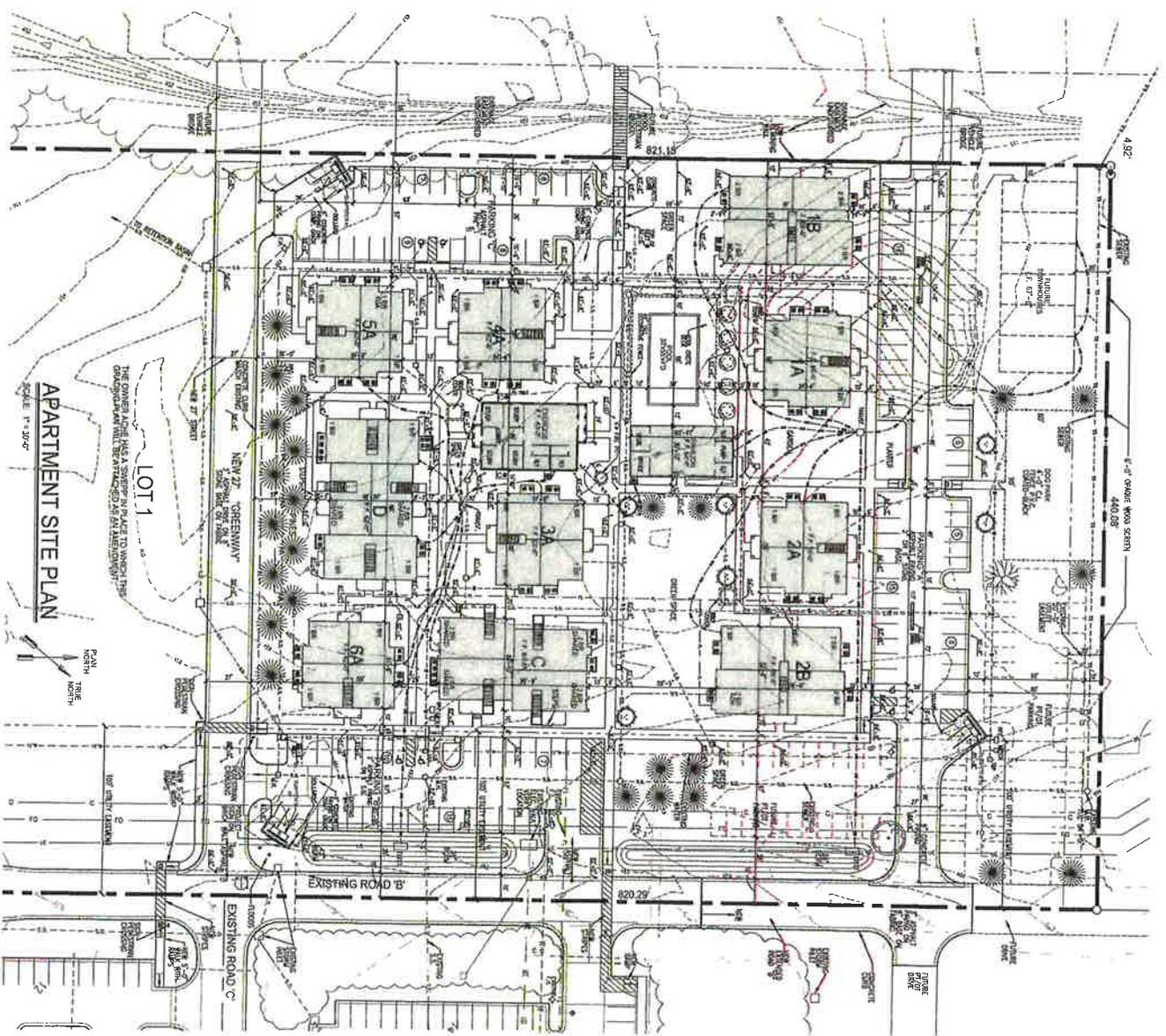


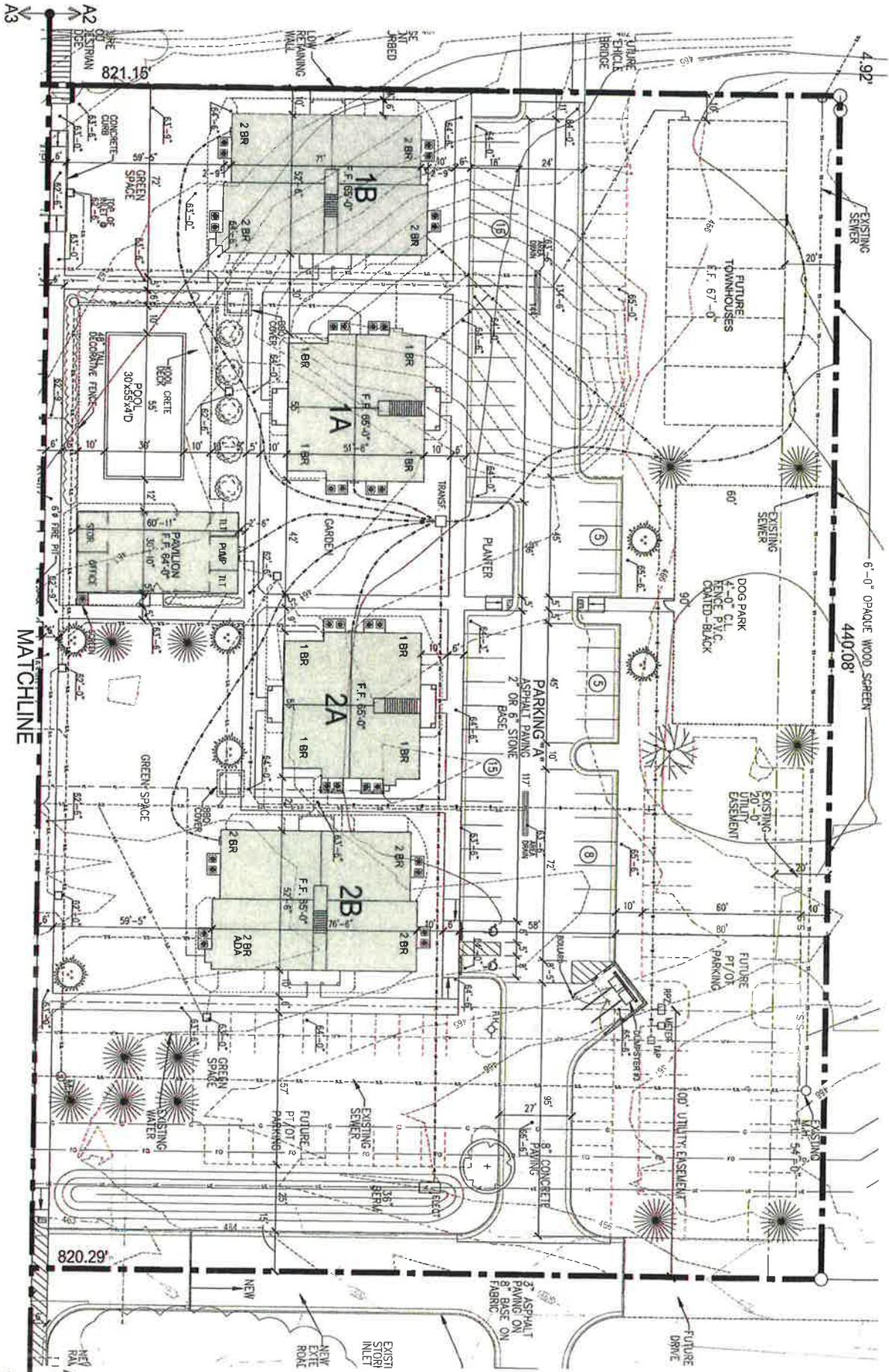


KEY PLAN
SCALE: NOT TO SCALE

UNIT MIX		PARKING	
PHASE I	84 UNITS	REQ'D	SHOWN
1-BEDROOM -	56	84	55
2-BEDROOM -	28	56	55
TOTAL UNITS	84	140	112
FUTURE 6 UNITS		728 CARS PARKED	1728 CARS PARKED
2-BEDROOM -	6	12	12
TOTAL UNITS	90	152	124

- LAWN IRRIGATION WITH RPZ'S
- LANDSCAPE SHEET WITH D.S.'s, PIPED
- SITE LIGHTING - SOLAR PANELS
- RECYCLE/TRASH DUMPSTER, 2 CONTAINERS





PARTIAL SITE PLAN

SCALE: 1/8" = 1'-0"



A2

11/18/16

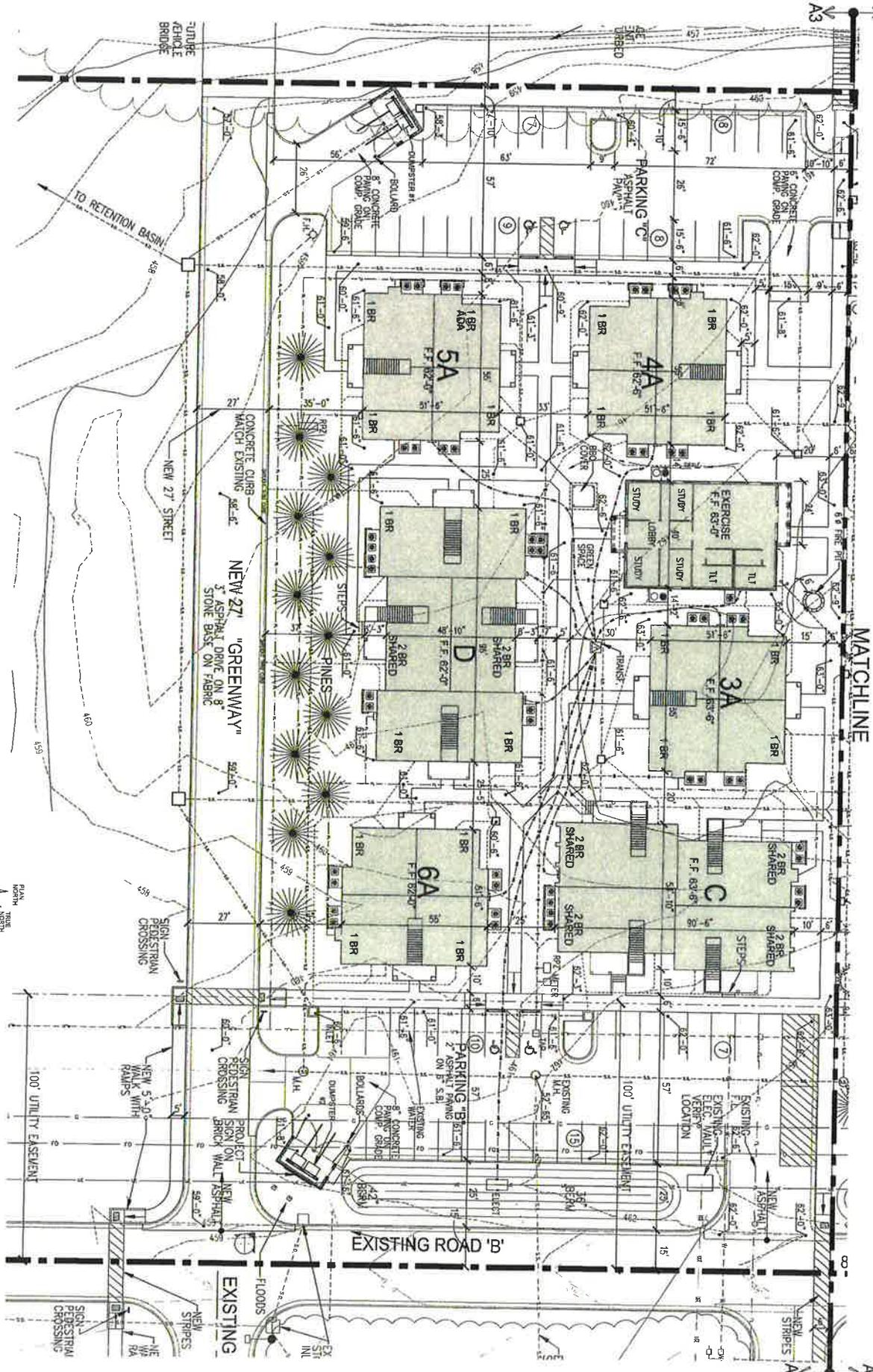
THE GREENS APARTMENTS

7010 CHAD COLLEY BOULEVARD
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
#1 CONARC PLACE • 6105 PHOENIX • FORT SMITH, ARKANSAS • 72003
PHONE - 479.652.2028 • FAX - 479.652.3303 • EMAIL - info@risleyassociates.com



H



PARTIAL SITE PLAN
SCALE: 1/16" = 1'-0"



A3

11/18/16

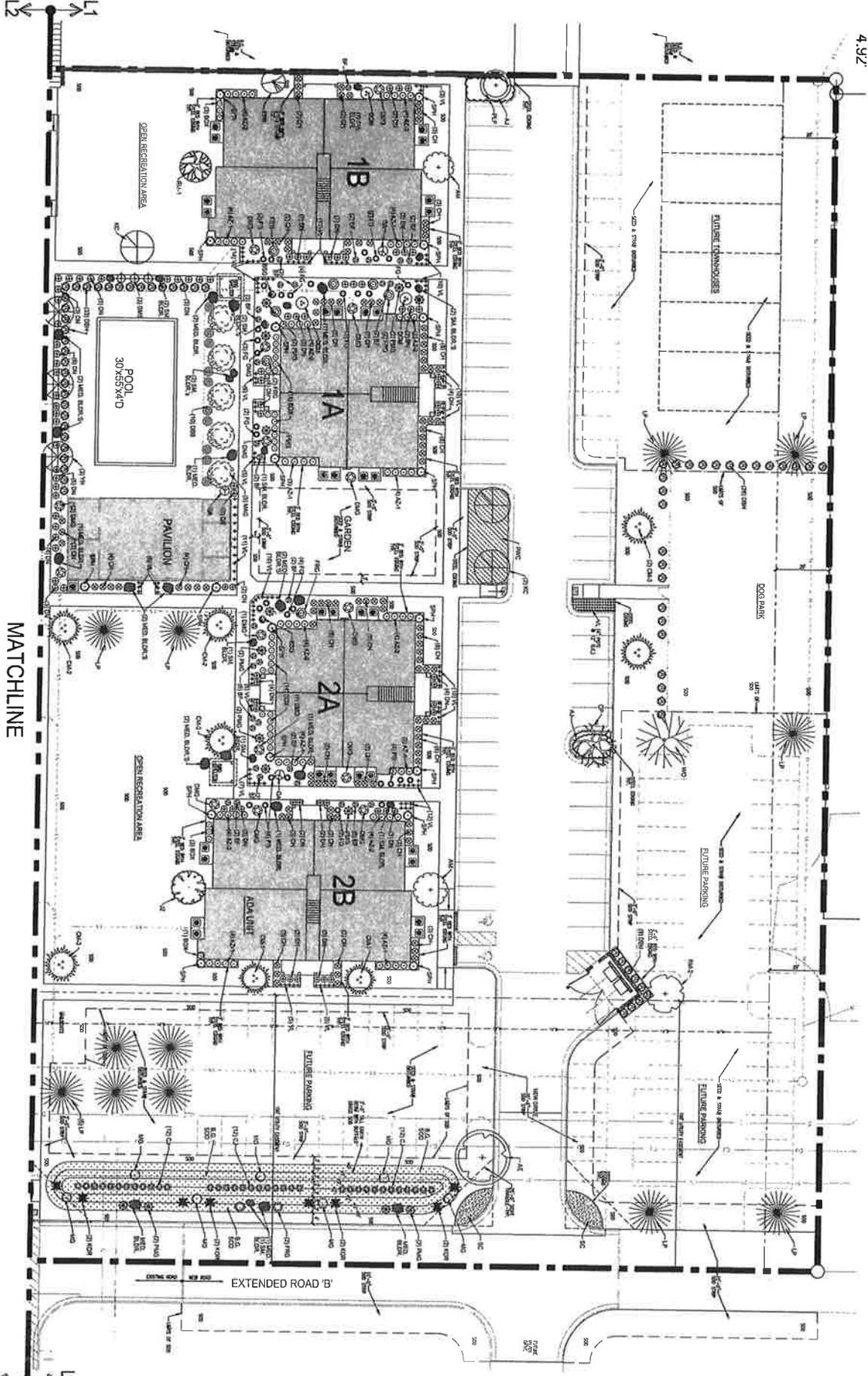
100' UTILITY EASEMENT

THE GREENS APARTMENTS
7010 CHAD COLLEY BOULEVARD
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

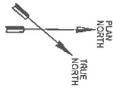
TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
#1 CONARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72603
PHONE - 478.452.2636 • FAX - 478.652.3925 • EMAIL - info@timariskey.com



Handwritten mark resembling the number '15'.



PARTIAL LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



PRELIMINARY

DATE	11/18/16
BY	L1

DATE	11/18/16
BY	L1

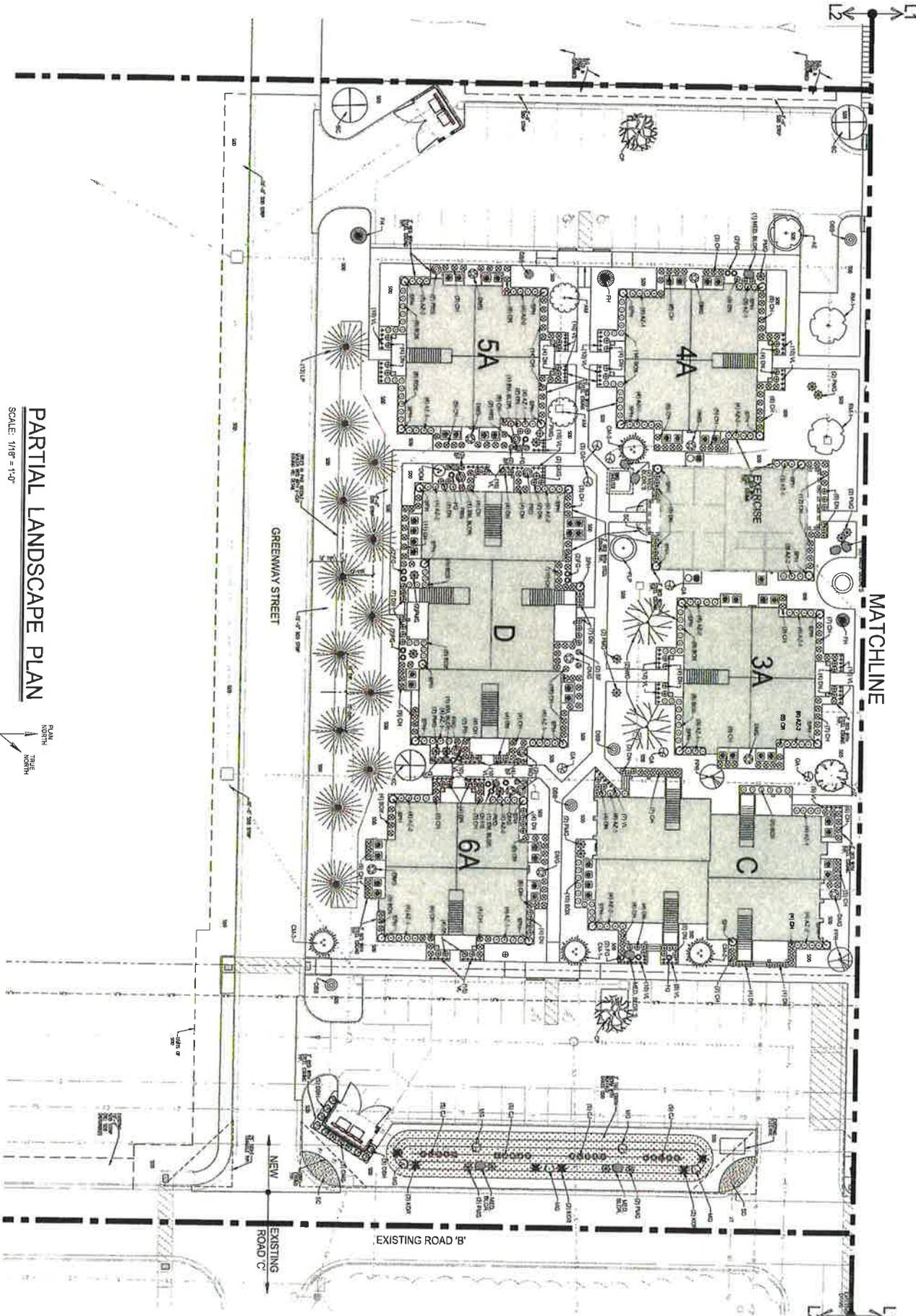
--

THE GREENS APARTMENTS
7010 CHAD COLLEY BOULEVARD
CHAFFEE CROSSING, FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
#1 CONVARG PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72903
PHONE • 478.632.2635 • FAX • 478.632.3525 • EMAIL • tbl@risley-associates.com

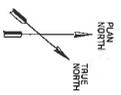


IK



PARTIAL LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"



12

11/18/16

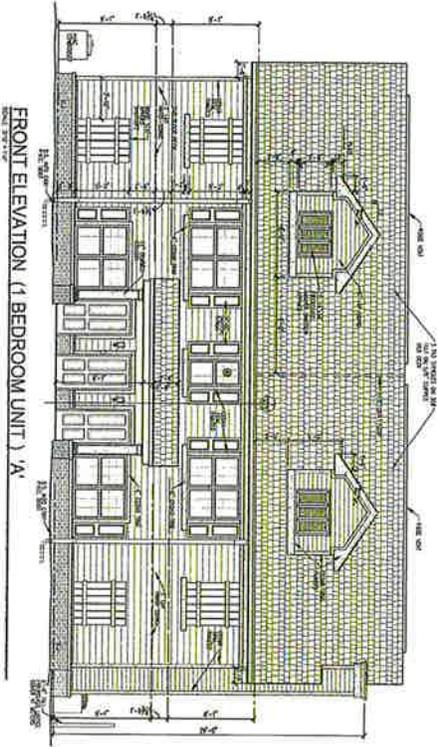


THE GREENS APARTMENTS
 7010 CHAD COLLEY BOULEVARD
 CHAFFEE CROSSING, FORT SMITH, ARKANSAS

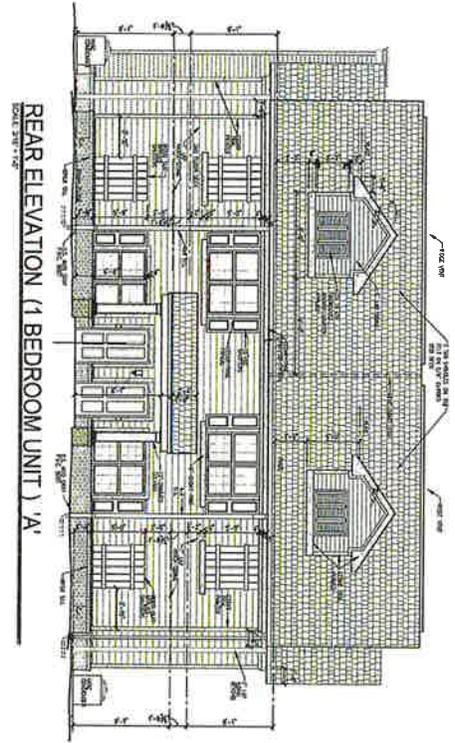
TIM A. RISLEY & ASSOCIATES
 ARCHITECTS AND PLANNERS
 91 CONARD PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS - 72303
 PHONE - 479.452.2635 • FAX - 479.452.3325 • EMAIL - info@risley-associates.com



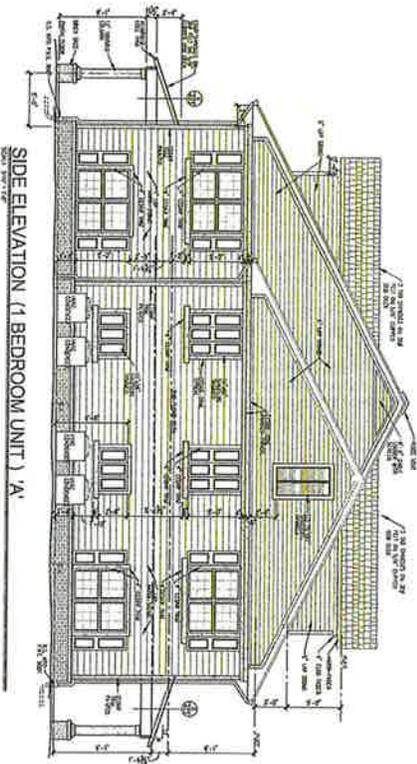
12



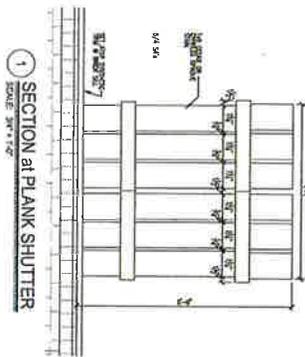
FRONT ELEVATION (1 BEDROOM UNIT) 'A'



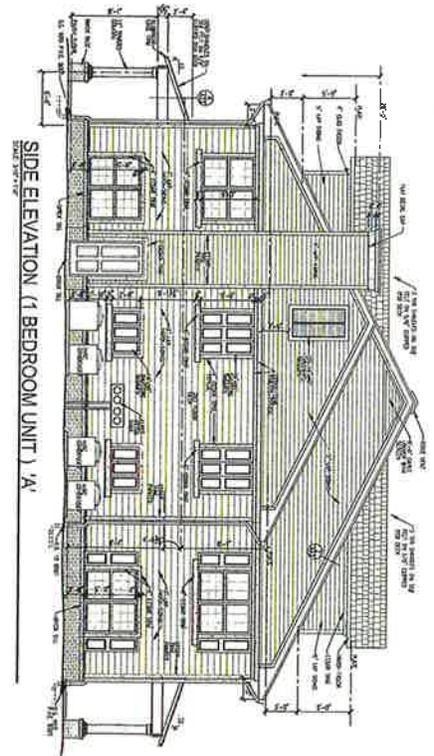
REAR ELEVATION (1 BEDROOM UNIT) 'A'



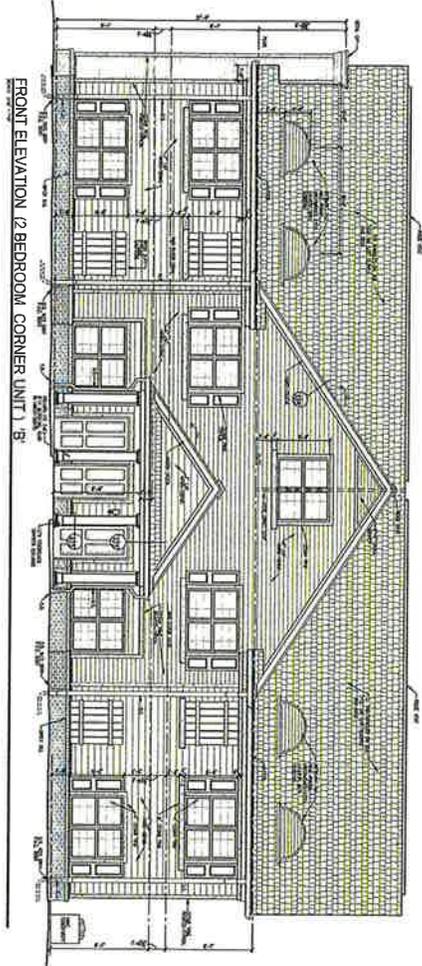
SIDE ELEVATION (1 BEDROOM UNIT) 'A'



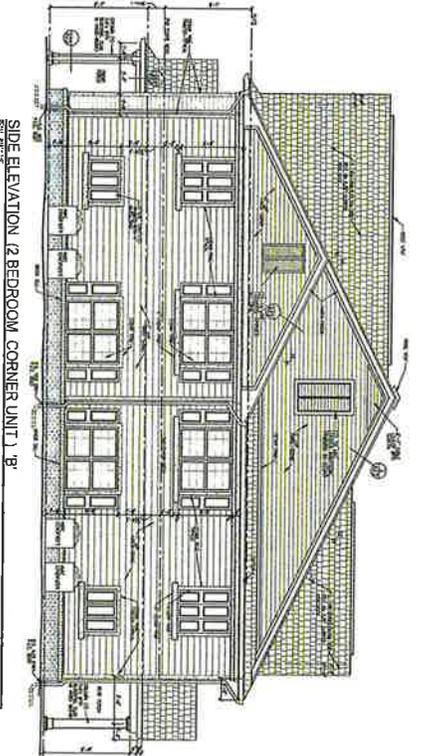
1 SECTION at PLANK SHUTTER



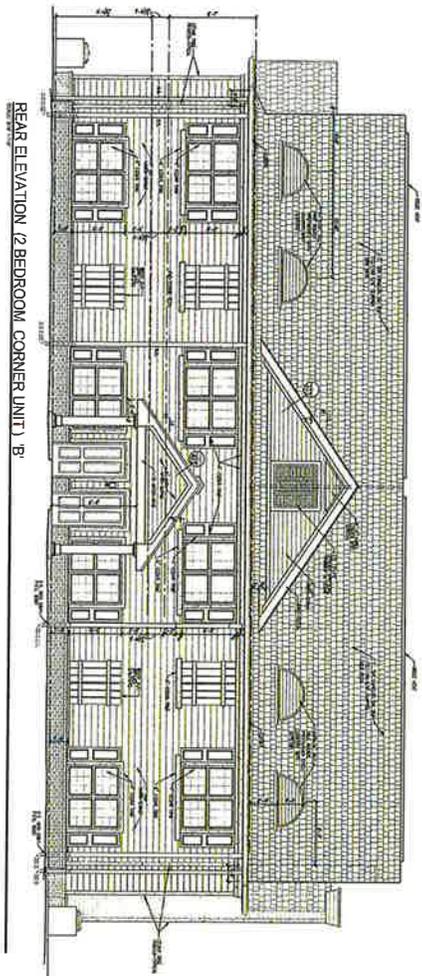
SIDE ELEVATION (1 BEDROOM UNIT) 'A'



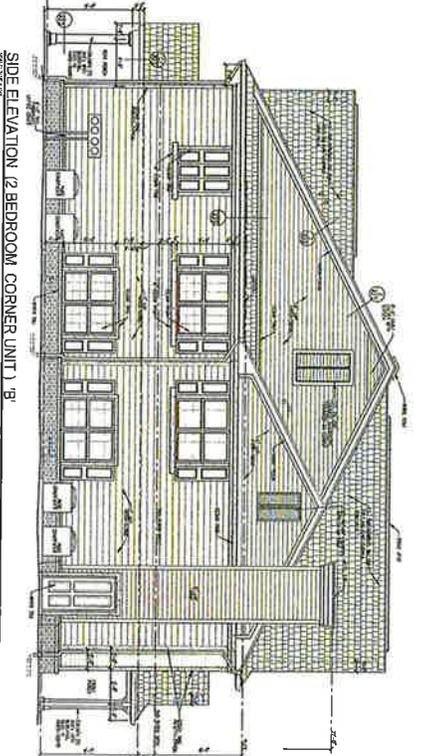
FRONT ELEVATION (2 BEDROOM CORNER UNIT) 'B'



SIDE ELEVATION (2 BEDROOM CORNER UNIT) 'B'



REAR ELEVATION (2 BEDROOM CORNER UNIT) 'B'



SIDE ELEVATION (2 BEDROOM CORNER UNIT) 'B'

A14

11/18/16



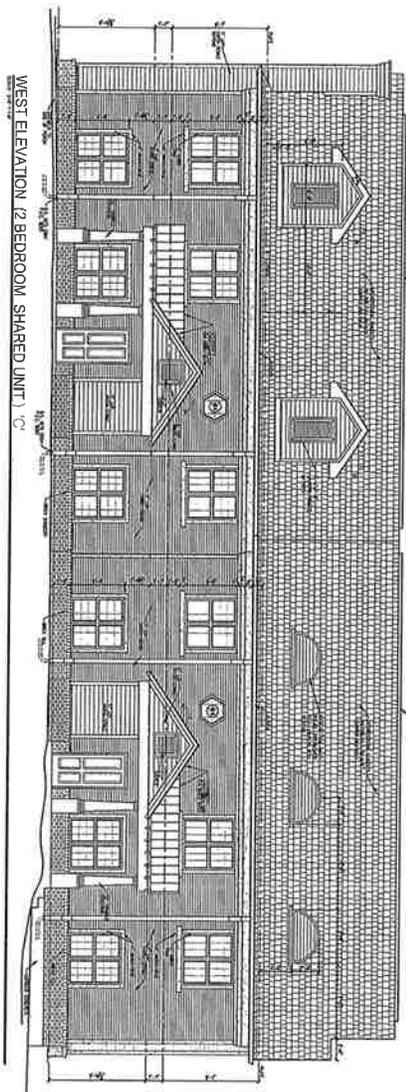
THE GREENS APARTMENTS
 7010 CHAD COLLEY BOULEVARD
 CHAFFEE CROSSING, FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
 ARCHITECTS AND PLANNERS

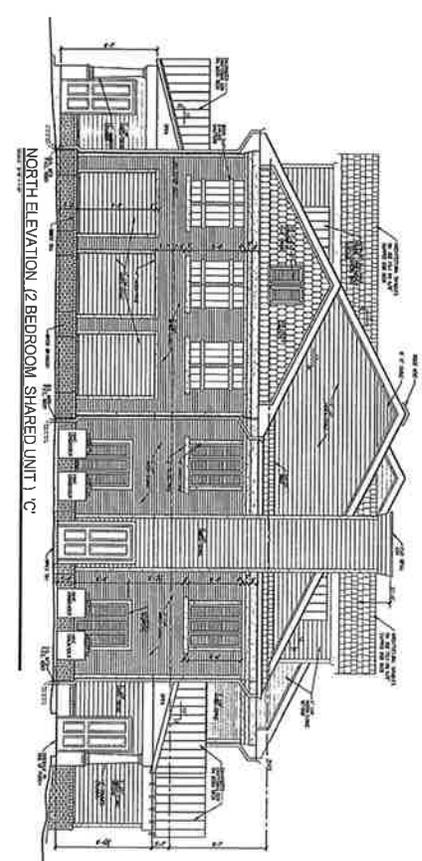
#1 CONARC PLACE • 8101 PHOENIX • FORT SMITH, ARKANSAS • 72803
 PHONE - 478.452.2830 • FAX - 478.452.3925 • EMAIL - info@risley-associates.com



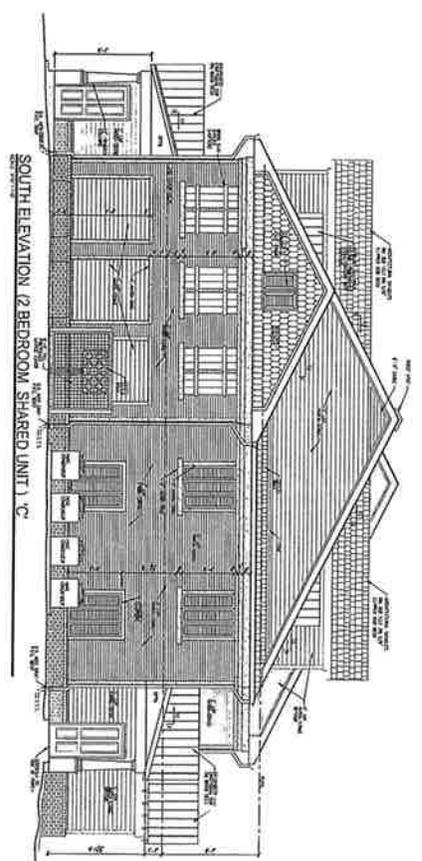
1P



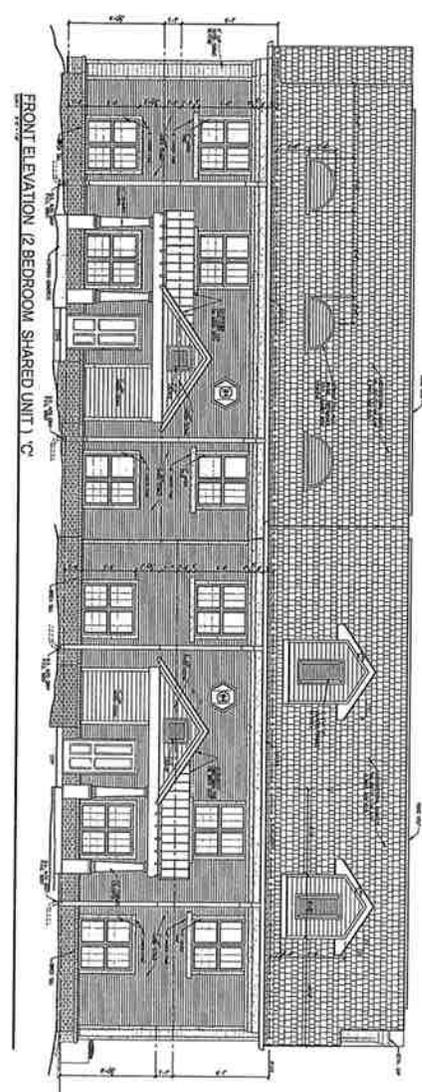
WEST ELEVATION (2 BEDROOM SHARED UNIT) 'C'



NORTH ELEVATION (2 BEDROOM SHARED UNIT) 'C'



SOUTH ELEVATION (2 BEDROOM SHARED UNIT) 'C'



FRONT ELEVATION (2 BEDROOM SHARED UNIT) 'C'

A15

11/18/16



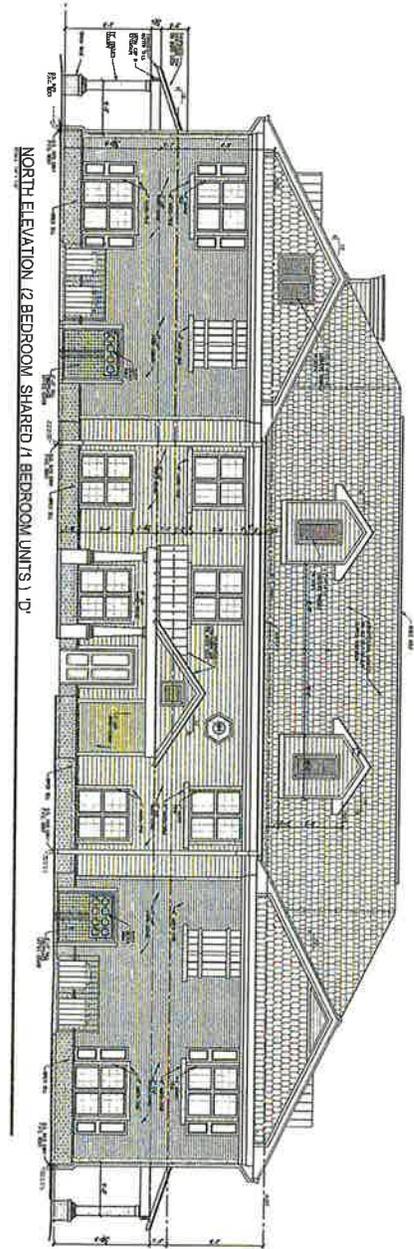
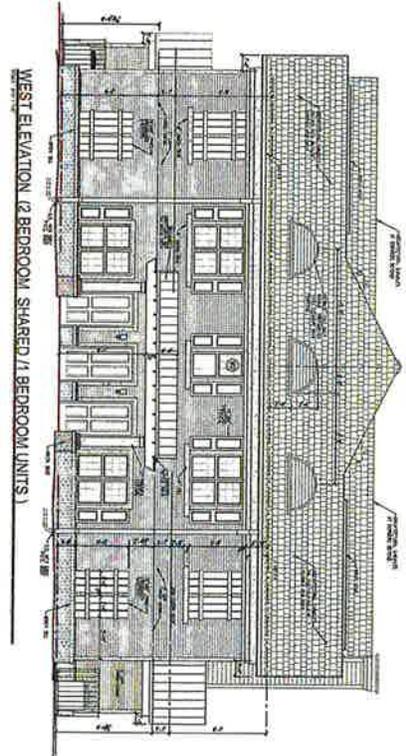
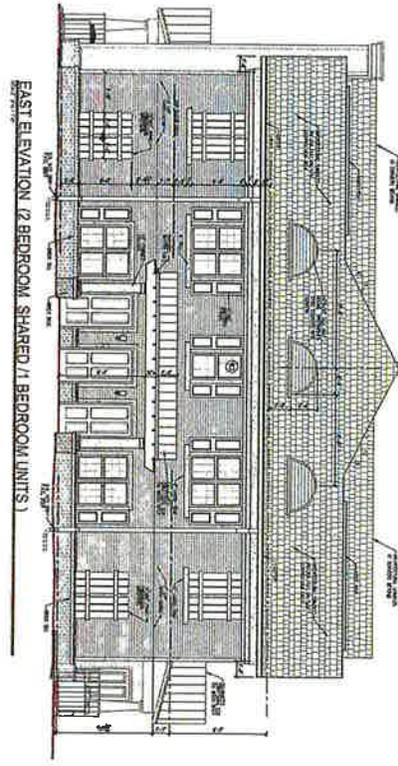
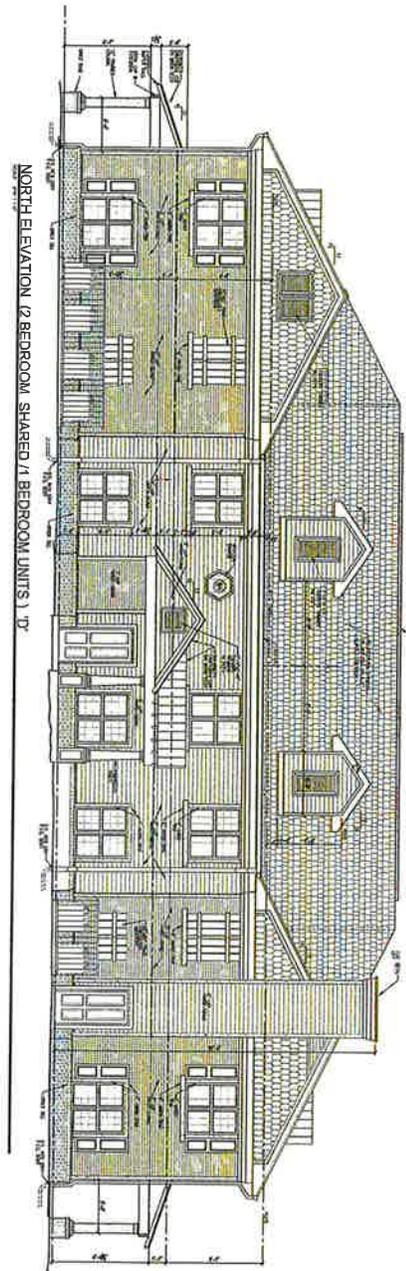
THE GREENS APARTMENTS
 7010 CHAD COLLEY BOULEVARD
 CHAFFEE CROSSING, FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
 ARCHITECTS AND PLANNERS

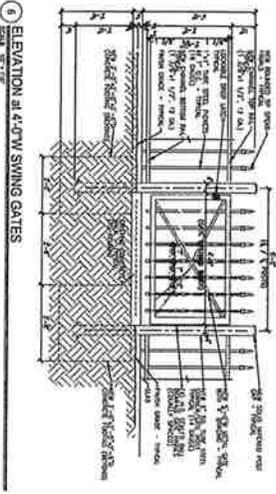
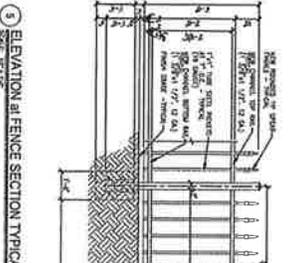
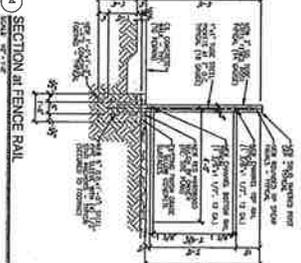
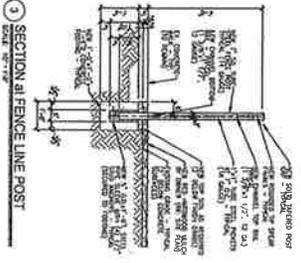
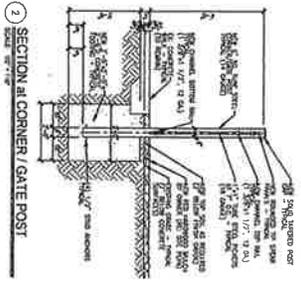
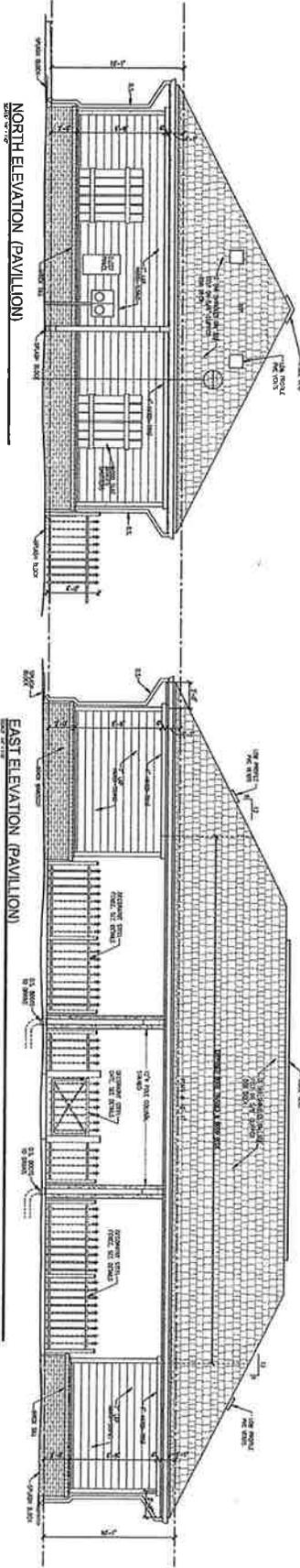
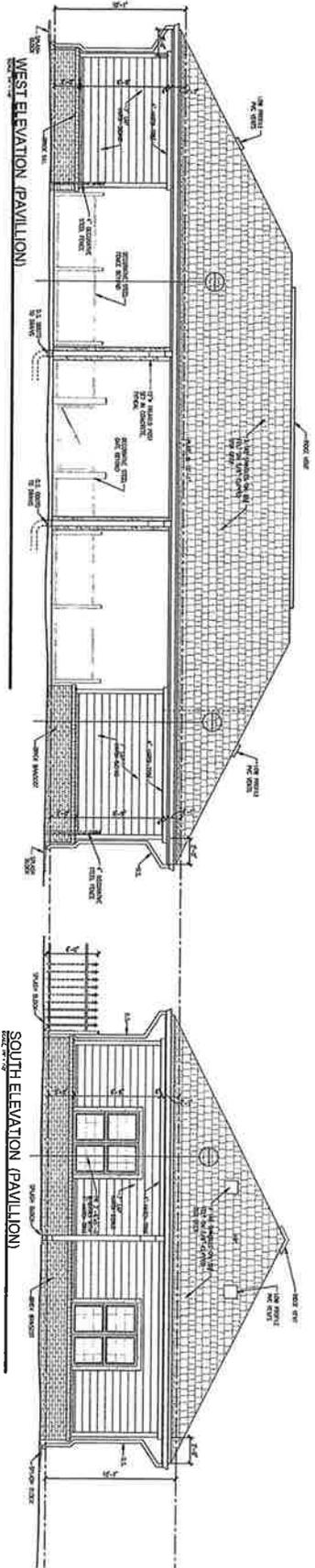
#1 CONIARC PLACE • 8101 PHOENIX • FORT SMITH, ARKANSAS • 72903
 PHONE • 479.452.2636 • FAX • 479.452.3825 • EMAIL • info@risley-associates.com



10



IR



A17

11/18/16



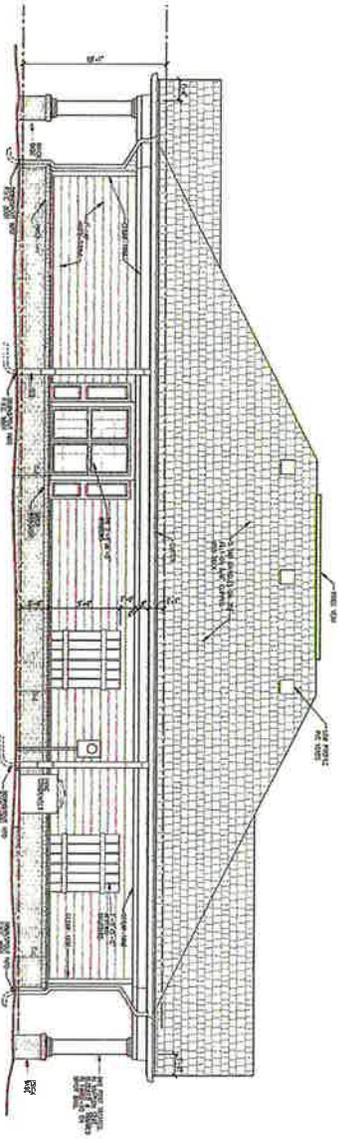
THE GREENS APARTMENTS
 7010 CHAD COLLEY BOULEVARD
 CHAFFEE CROSSING, FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
 ARCHITECTS AND PLANNERS
 #1 CONWARD PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72003
 PHONE - 479.452.2836 • FAX - 479.452.3925 • EMAIL - info@timrisley-associates.com

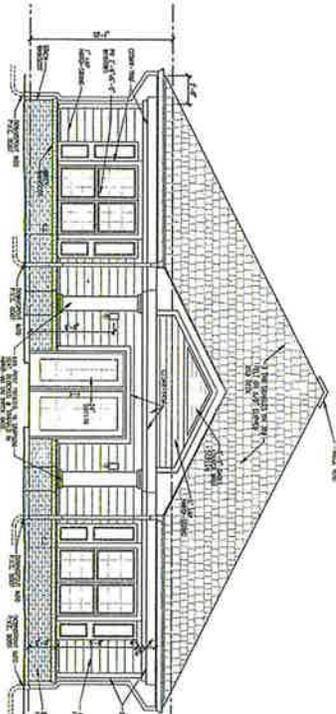


18

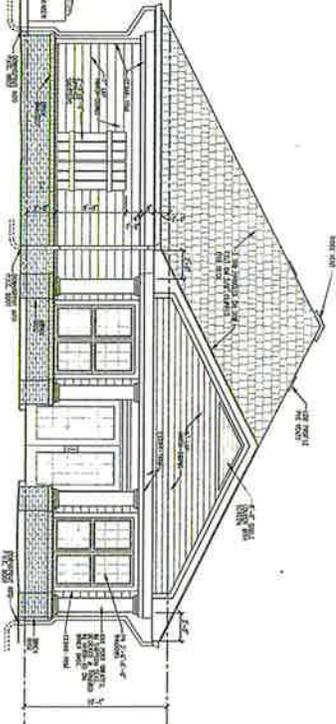
EAST ELEVATION (FITNESS CENTER)



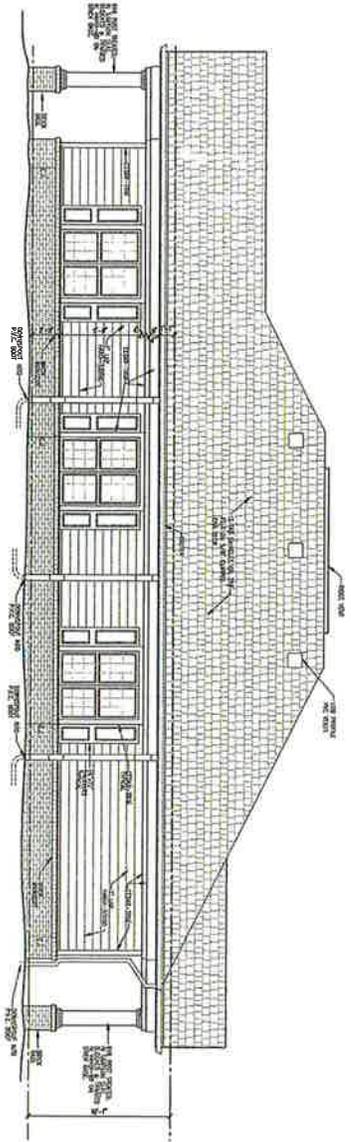
SOUTH ELEVATION (FITNESS CENTER)



NORTH ELEVATION (FITNESS CENTER)



WEST ELEVATION (FITNESS CENTER)



F

Memo

To: City Planning Commission

From: Planning Staff

Date: December 9, 2016

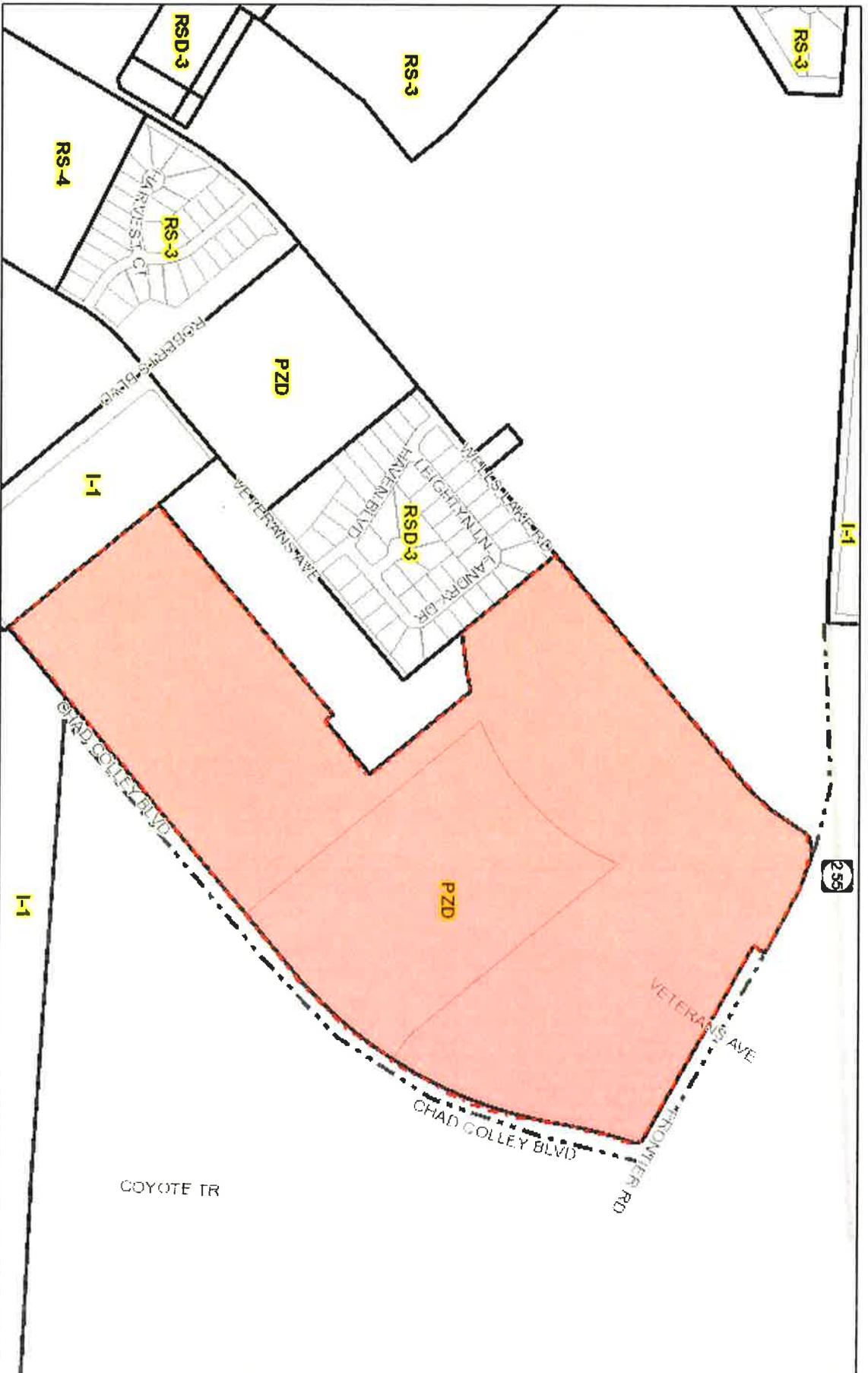
Re: A request by Tim Risley, agent for the Arkansas College of Health Education/ACHE), for approval of the Master Plan for the ACHE mixed use development at 7000 Chad Colley Boulevard

A requirement of the ACHE Planned Zoning District that was recommended for approval by the planning commission and approved by the board of directors in September 2016 was planning commission review and approval of the master plan.

The proposed master plan was developed after a number of meetings and charrettes. Staff visited With the plan's consultant/architect Michael Watkins about some questions that we have regarding some of the standards. Because Mr. Watkins was preparing to leave for vacation, we agreed to further discuss these items upon his return.

We hope to provide you with the amended document for your consideration at the January Planning Commission. Therefore, we request that the Master Plan be tabled until January 2017.

Master Plan 7010 Chad Colley Boulevard



December 1, 2016

-  Fort Smith City Limits
-  Parks
-  Subdivisions
-  Zoning



2B

Memo

To: City Planning Commission

From: Planning Staff

Date: December 2, 2016

Re: Variance #30-12-16 - A request by Tim Risley, agent for Thomas H. Webb, Jr., (Arkansas College of Health Education -ACHE) for a variance from the UDO Multifamily Building Standards Section 27-602-4(D) regarding wall planes, balconies, porches and stairways and roof design located at 7010 Chad Colley Boulevard.

REQUESTED VARIANCE

Approval of the development plan will allow the construction of 10 multifamily buildings with a total of 84 unit rental units designed for student housing. The site will also provide 124 parking spaces, landscaping, pool, pavilion, and fitness center.

LOT LOCATION AND SIZE

The subject property is on the northwest side of Chad Colley Blvd. between Frontier Road and Roberts Blvd. adjacent to the existing college. The tract contains an area of 8.3 acres with approximately 445 feet of street frontage along Chad Colley Blvd.

EXISTING ZONING

The existing zoning on this tract is a Planned Zoning District (PZD). Characteristics of this zone are as follows:

Purpose:

The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk.

Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;

- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

SURROUNDING ZONING AND LAND USE

The area to the north is within the PZD and is developed as the Arkansas College of Osteopathic Medicine campus.

The area to the south is within the PZD and is undeveloped.

The area to the west is not zoned and is developed as existing warehouse buildings.

The area to the east is out of city limits and is located within Barling.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley Boulevard as a Boulevard.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Master Land Use Plan classifies the site as Institutional: Technical/Education. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, to establish a strong street presence though setbacks are greater than in other mixed use categories and to promote parking on the sides and rear of the buildings.

APPLICANT HARDSHIP

The applicant explains that the building designs were to be based on the PZD and the owner's "village" concept and theme.

GRANTING OF A VARIANCE

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

STAFF COMMENTS AND RECOMMENDATIONS

The proposed housing project was not originally planned with the overall development. However, it has become necessary and the owner and architect are working to get the student housing developed before the 2017 fall semester so students will have a place to live. The PZD indicated compliance with the UDO in the campus district, and for the most part the proposed student housing project complies with the UDO. However, there are three buildings that do not comply with the UDO multifamily wall and roof articulation requirements. One point is that

although the lot has frontage on Chad Colley Boulevard, the proposed buildings are not adjacent to the street. The buildings will be approximately 250 feet from Chad Colley Boulevard.

The multifamily buildings also do not meet the requirement that 75% of the units have a private porch, balcony, or private outdoor yard. Although private spaces are not proposed, the development contains an open recreational area, pool, pavilion, garden area, and fitness center.

Staff believes the variances need to be approved to keep the student housing project on schedule. The variances should not have any impact on neighboring developments/properties. The overall intent of the UDO is being met in that the project generally complies with the roof and wall articulation. Also, with the extensive amount of fitness and green space amenities the plan proposes, students will have ample opportunities for outdoor recreation.

These are some of the items that we plan to resolve with Michael Watkins, consultant/architect for the ACHE property, and the ACHE design team to ensure that the ACHE PZD and the ACHE Design Standards are consistent.

Staff recommends approval of the requested variances with the following comment:

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.

30-12-14

APPLICATION FOR VARIANCE

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

Address of property 7010 Chad Colley Blvd., Existing or Proposed
Arkansas Colleges of

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

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

FROM

TO

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

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

30

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

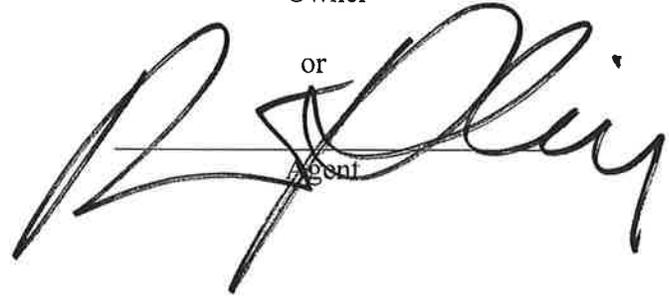
Signed:

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

479-452-2636
Owner or Agent Phone Number
6101 Phoenix Ave
#1 Con/Arc Place
Fort Smith, AR 72903
Owner or Agent Mailing Address

Owner
or

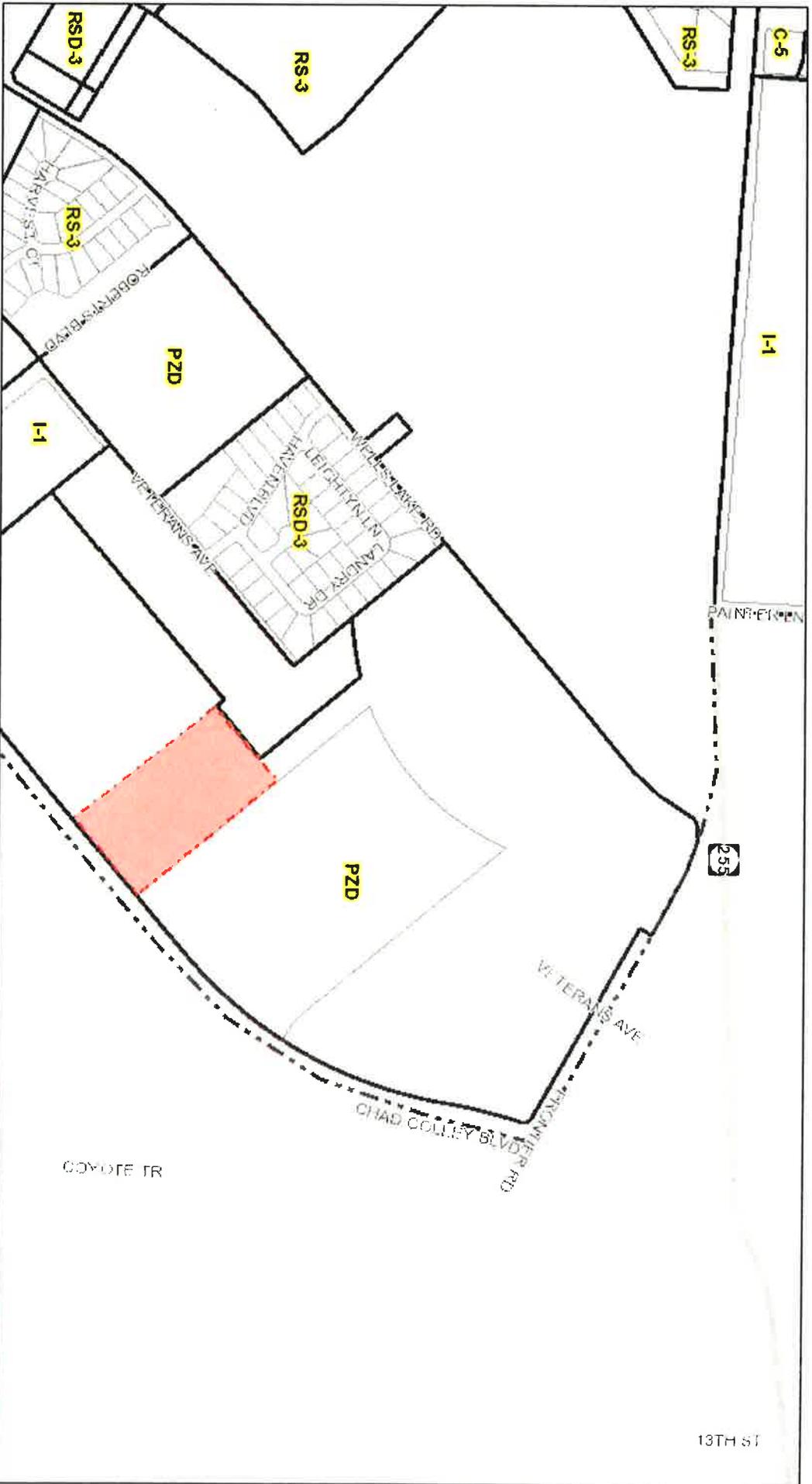
Agent



Variance # _____

Variance #30-12-16: From Sections 27-602-4(D)(G), 27-602-4(D)(H) and 27-601-4(D)(I)
 7010 Chad Colley Boulevard

3F



November 23, 2016

- Fort Smith City Limits
- Parks
- Zoning
- Subdivisions

Memo

To: City Planning Commission

From: Planning Staff

Date: December 2, 2016

Re: Conditional Use #24-12-16 - A request by Justin Skinner, agent, for Planning Commission consideration of a Conditional Use request to develop a multifamily development at 501 North 5th Street

PROPOSED CONDITIONAL USE

The Conditional Use will allow the applicant to develop a multifamily development of four (4) dwelling units on the property at 501 North 5th Street.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of North "E" Street and North 5th Street. The tract contains three lots with approximately 150 feet of street frontage along North 5th Street and approximately 140 feet of street frontage along North "E" Street.

EXISTING ZONING

The existing zoning on this tract is Residential Historic (RH). Characteristics of this zone are as follows:

Purpose:

To preserve and promote the educational, cultural and general welfare of the public through the preservation, protection, and restoration of the traditional architectural character and historic significance of structures located in the RH district. The RH zoning district is appropriate in the Residential Attached, Residential Detached, General Commercial, Mixed use Residential and Mixed Use Employment of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), family group home, retirement housing, bookstores, bridal shop, gift shop, art dealers, art galleries, hobby shop, bakery or confectionery shop, fruit and vegetable store, neighborhood store, financial establishment, offices, restaurant, barber shop, salon, photography studio, tanning salons, performance theater, historical or archaeological institution, fire and police substations are examples of permitted uses.

Conditional Uses:

Multifamily, assisted living, bed and breakfast inn, goods sales (clothing, jewelry, luggage, shoes, accessories) utility substation, parks, fine art and performance education, library, primary and secondary schools, school business professional, preschool, nursery schools, daycare homes, churches, lodge or fraternal organization are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- | | |
|--|--------------------------------|
| Minimum Lot Size – 5,000 square feet | Maximum Height - 35 feet (1+1) |
| Maximum Density – 8.7 Dwelling Units/Acre | Maximum Lot Coverage - 65% |
| Minimum Lot Width at Building Line – 50 feet | |
| Minimum Street Frontage – 20 feet | |
| Front Yard Setback - 10 feet | |
| Side Yard on Street Side of Corner Lot - 10 feet | |
| Side Yard Setback – 5 feet | |
| Rear Yard Setback - 5 feet | |
| Minimum building separation – 10 feet | |

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Historic (RH) and is developed as single family.

The area to the east is zoned Residential Historic (RH) and is developed as single family residences.

The area to the south is zoned Residential Historic (RH) and is developed as a business.

The area to the west is zoned Residential Multifamily High Density (RM-4) 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.

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 both North “E” Street and North 5th Street as Local Roads.

MASTER LAND USE PLAN COMPLIANCE

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

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site utilizes the alley for all of the egress, ingress and parking

Drainage – Not applicable

Right-of-way dedication – No new right-of-way dedication is required

Multi-Use bike path – Not applicable

Landscaping – No landscaping is proposed

Parking – Parking is proposed to be located off the alley on the two lots adjacent this property to the north. The parking has to be approved by the Fort Smith Historic District Commission.

Signage – No signage is proposed

Lighting – No lighting is shown

Setbacks – The building setbacks are not changing for the existing structure

Architectural features – This property is located within the Belle Grove Historic District and all exterior modification to the structure will require Historic District Commission approval

NEIGHBORHOOD MEETING

A neighborhood meeting will be held on Monday, December 12, 2016 at 501 North 5th Street. A summary of the neighborhood meeting will be provided prior to the Planning Commission meeting.

STAFF COMMENTS AND RECOMMENDATIONS

This property is located within the Belle Grove Historic District. At the December 2016 Fort Smith Historic District Commission meeting, the Commission recommended the Planning Commission approve a Conditional Use request for a multifamily development on this property.

Staff recommends approval of the request contingent upon approval of the companion variance request that will allow four dwelling units on the property.

Conditional Use # 24-12-10

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: K.A.A., LLC

Name of Authorized Agent (if applicable) JUSTIN SKINNER

Legal Description of property included in the conditional use request:
LOT 12, BLK K

Street Address of Property:
501 N 5th

Existing Zoning Classification:
RH

Proposed Zoning Classification (if applicable):
N/A

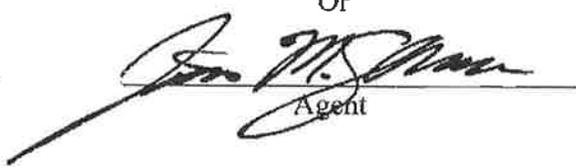
Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:
multifamily development of four units

What amenities are proposed such as landscaping and screening?

Justin Skinner
Owner or Agent Name (please print)

Signed: _____
Owner

P.O. Box 1972 Greenwood, AR 72936
Owner or Agent Mailing Address

Or

Agent

(479) 650-3484
Owner or Agent Phone Number

Memo

To: City Planning Commission

From: Planning Staff

Date: December 2, 2016

Re: Variance #29-12-16 - A request by Justin Skinner, owner, for Board of Zoning Adjustment consideration of a zoning variance request from the density requirements to allow four dwelling units located at 501 North 5th Street

REQUESTED VARIANCE

The variance will allow the applicant to utilize the existing structure for a total of four (4) dwelling units.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of North "E" Street and North 5th Street. The tract contains three lots with approximately 150 feet of street frontage along North 5th Street and approximately 140 feet of street frontage along North "E" Street.

EXISTING ZONING

The existing zoning on this tract is Residential Historic (RH). Characteristics of this zone are as follows:

Purpose:

To preserve and promote the educational, cultural and general welfare of the public through the preservation, protection, and restoration of the traditional architectural character and historic significance of structures located in the RH district. The RH zoning district is appropriate in the Residential Attached, Residential Detached, General Commercial, Mixed use Residential and Mixed Use Employment of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), family group home, retirement housing, bookstores, bridal shop, gift shop, art dealers, art galleries, hobby shop, bakery or confectionery shop, fruit and vegetable store, neighborhood store, financial establishment, offices, restaurant, barber shop, salon, photography studio, tanning salons, performance theater, historical or archaeological institution, fire and police substations are examples of permitted uses.

Conditional Uses:

Multifamily, assisted living, bed and breakfast inn, goods sales (clothing, jewelry, luggage, shoes, accessories) utility substation, parks, fine art and performance education, library, primary and secondary schools, school business professional, preschool, nursery schools, daycare homes, churches, lodge or fraternal organization are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8.7 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 10 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 5 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Historic (RH) and is developed as single family.

The area to the east is zoned Residential Historic (RH) and is developed as single family residences.

The area to the south is zoned Residential Historic (RH) and is developed as a business.

The area to the west is zoned Residential Multifamily High Density (RM-4) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both North “E” Street and North 5th Street as Local Roads.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

When constructed, the structure was a 16 bedroom boarding house. This use is no longer allowed in the Residential Historic (RH) district. The owner would like to convert the boarding house into 4 apartments and save and restore what is existing.

NEIGHBORHOOD MEETING

A neighborhood meeting will be held on Monday, December 12, 2016 at 501 North 5th Street. A summary of the neighborhood meeting will be provided prior to the Planning Commission meeting.

GRANTING OF A VARIANCE

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

STAFF COMMENTS AND RECOMMENDATION

The structure was originally constructed as a 16 room boarding house but has most recently been used as single family. A rooming or boarding house is not a permitted land use in the Residential Historic zone. The owner would like to convert the existing vacant structure into four apartments.

29-12-10

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 12, BLK K

Address of property 501 North 5th street, Existing or Proposed

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

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

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign
- 16 beds - 4 units Other: Dwelling units

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

50

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

Signed:

Justin Skinner
Owner or Agent Name (*please print*)

Owner

(479) 650-3484
Owner or Agent Phone Number

OR


Agent

P.O. Box 1972 Greenwood, AR 72936
Owner or Agent Mailing Address

Variance # _____

Memo

To: City Planning Commission

From: Planning Staff

Date: December 2, 2016

Re: Variance #27-11-16 - A request by Joseph Miller, owner, for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-602-3 perimeter landscaping requirements located at 1300 Wheeler Avenue.

REQUESTED VARIANCE

The variance will allow the applicant to not install perimeter landscaping.

LOT LOCATION AND SIZE

The subject property is on the west side of Wheeler Avenue between South O Street and Dodson Avenue. The tract contains an area of 1.88 acres with approximately 700 feet of street frontage along Wheeler Avenue.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet

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

SURROUNDING ZONING AND LAND USE

The areas to west, north, and east are zoned Industrial Light (I-1) and are developed as motor freight terminal, durable goods whole sale and distribution, electrical, plumbing, heat and air conditioning wholesales, and other similar industrial uses.

The area to the south is zoned Industrial Moderate (I-2) and is developed as the riverside furniture corporation (furniture and home furnishings manufacturing).

MASTER STREET PLAN CLASSIFICATION

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

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Office, Research and Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

APPLICANT HARDSHIP

The applicant has stated that the landscaping will not allow enough maneuvering for vehicles when backing out of parking spaces and leaving.

6B

NEIGHBORHOOD MEETING

The neighborhood meeting is scheduled for November 4th at 5:00 p.m. No surrounding property owners attended the meeting.

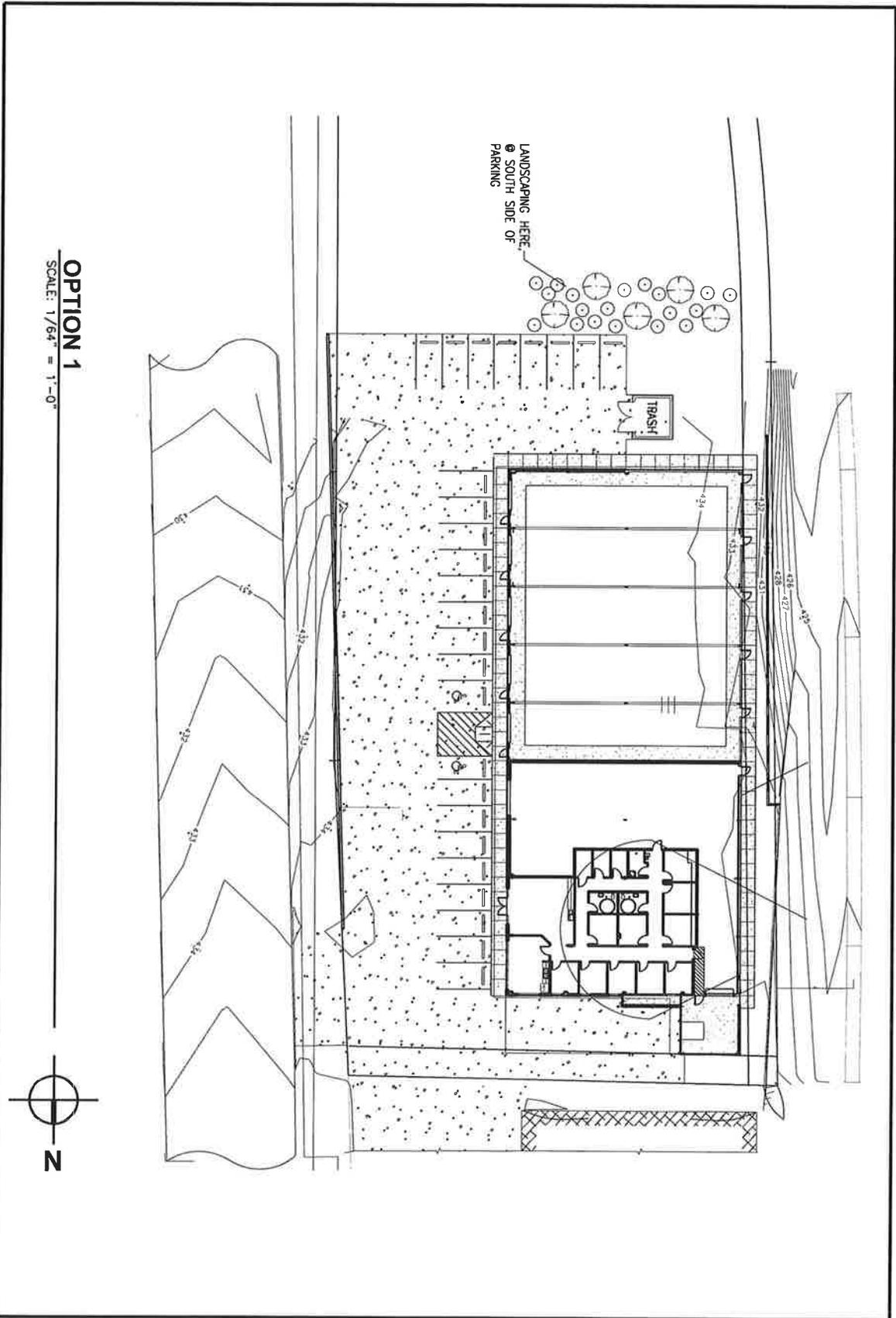
GRANTING OF A VARIANCE

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

STAFF COMMENTS AND RECOMMENDATIONS

When the plans were submitted for a building permit it showed the required perimeter landscaping along the Wheeler Avenue frontage. During construction the landscaping was omitted. The applicant stated they misread the scale and the asphalt was laid to the property line. The retaining wall and asphalt are on the property line and in order to install landscaping along the perimeter the asphalt will have to be removed. Additionally, the applicant states if the landscaping were installed there would be insufficient maneuvering room for the large vehicles that frequent his business.

Included in your packet are three options proposed by Mr. Miller. He would like to install one of the three options in lieu of installing the perimeter landscaping.

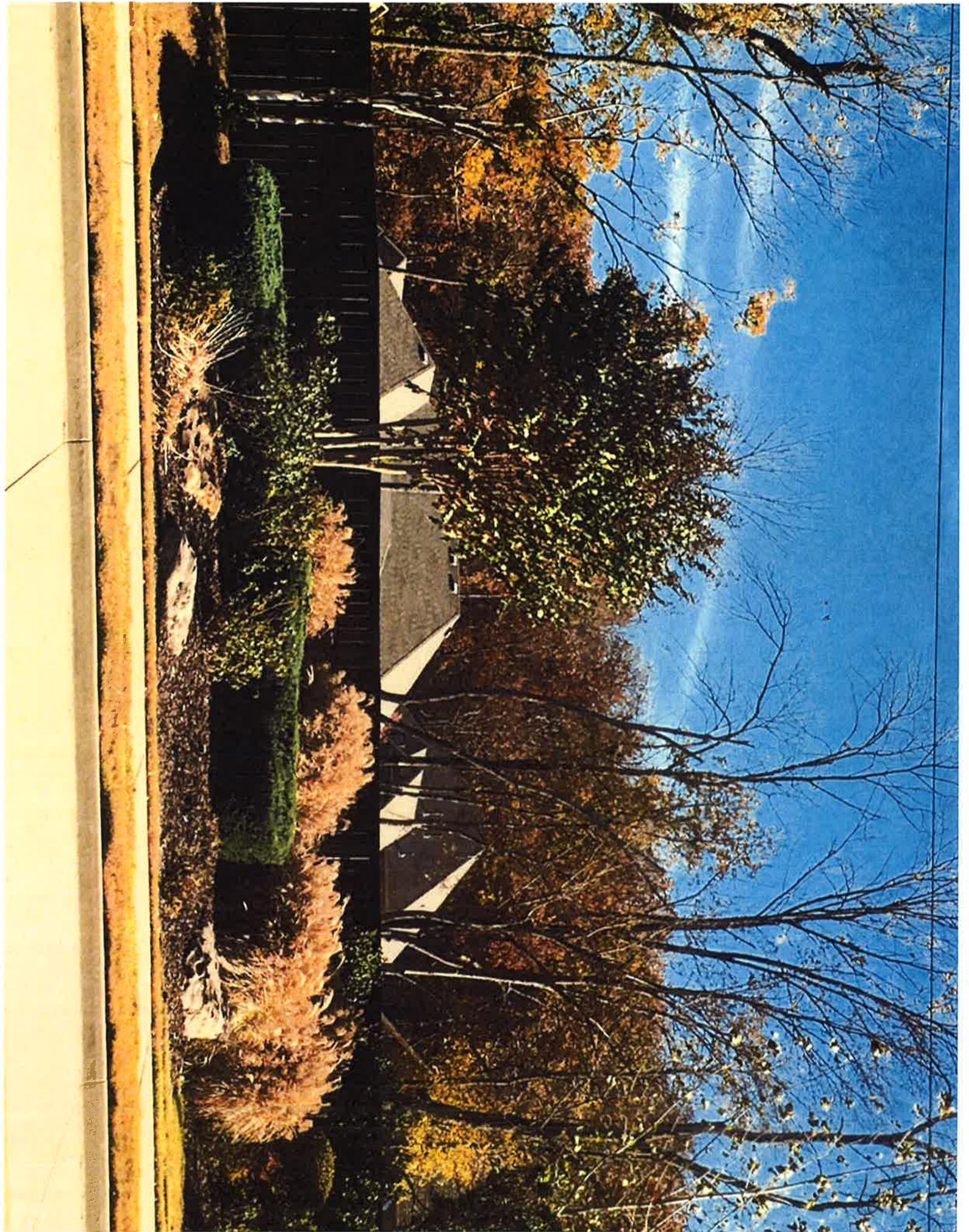


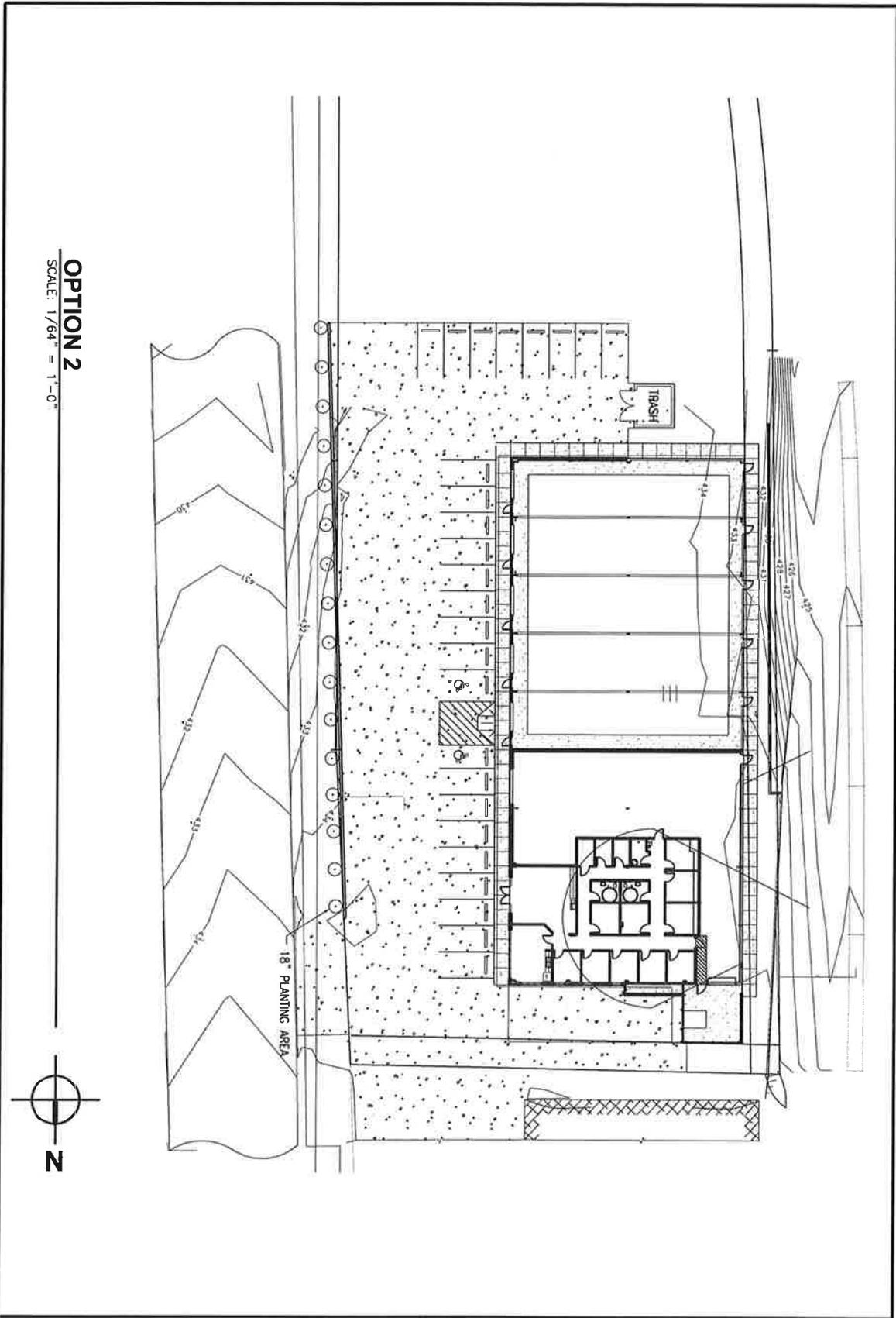
 ARCHITECTURE PLUS, INC. 907 South 21st Street Fort Smith, Arkansas 479/783-8395		
J M SUPPLY 1200 WHEELER AVE. FORT SMITH, AR 72901		
PROJECT: 14-30	DATE: 11-23-2016	DRAWING NO.: 1 OF 3

60



6E





OPTION 2
SCALE: 1/64" = 1'-0"



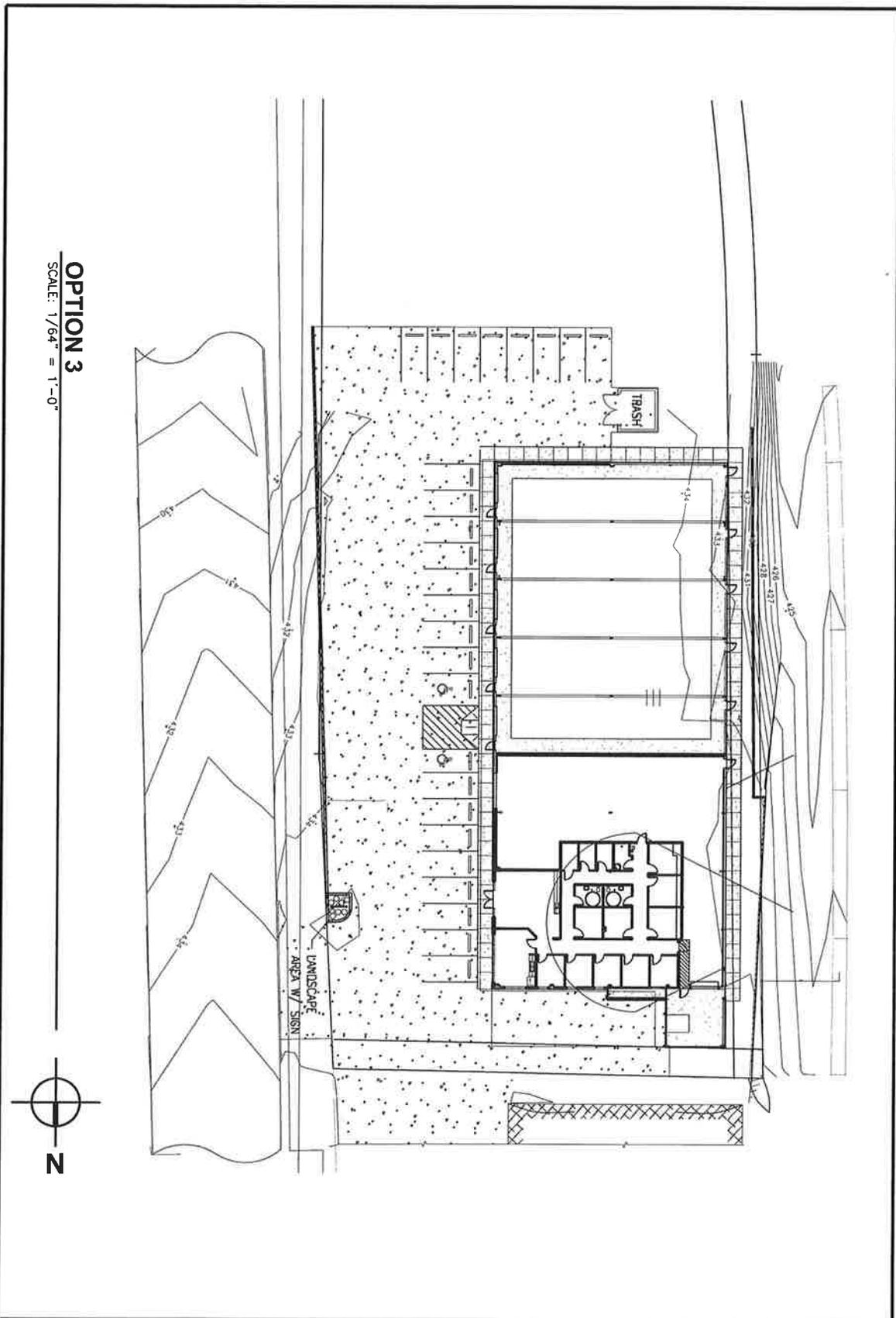
 ARCHITECTURE PLUS, INC. 907 South 21st Street Fort Smith, Arkansas 479/783-8395		
J M SUPPLY 1200 WHEELER AVE. FORT SMITH, AR 72901		
PROJECT: 14-30	DATE: 11-23-2016	DRAWING NO.: 2 OF 3

66



1916
E. 10th St.
W. 10th St.
10th St.
10th St.

6H



OPTION 3
 SCALE: 1/64" = 1'-0"

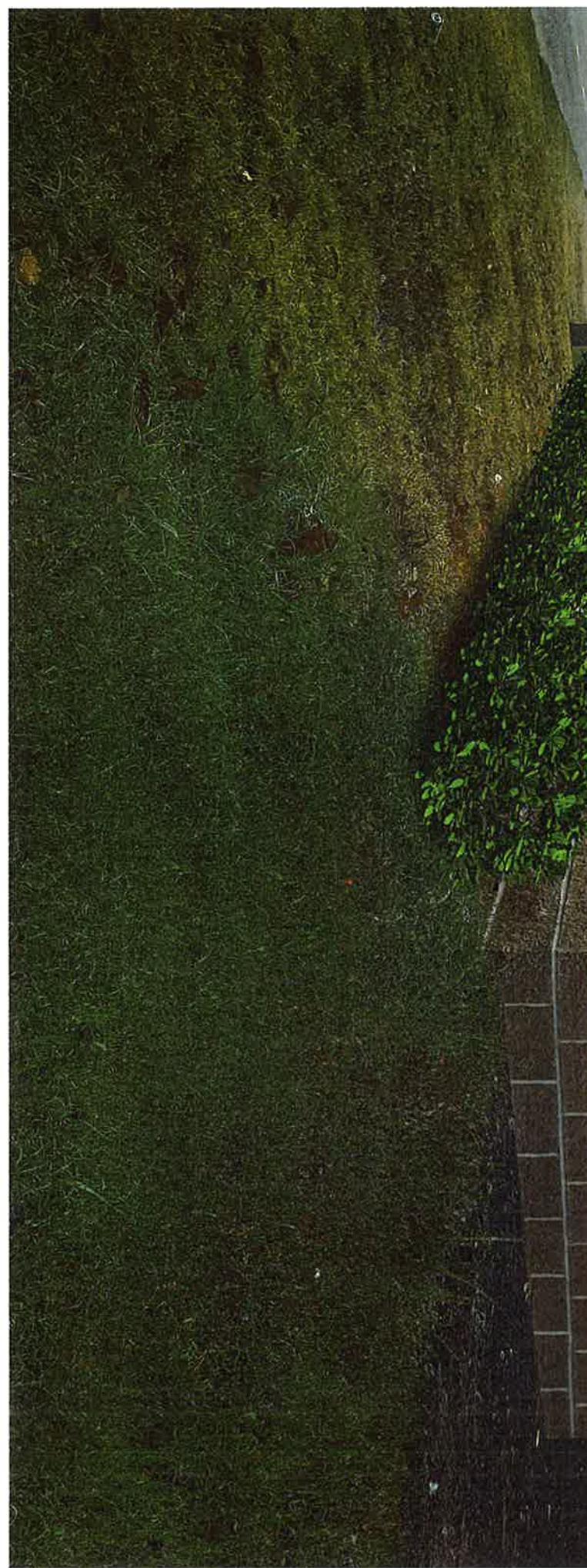


 ARCHITECTURE PLUS, INC. 907 South 21st Street Fort Smith, Arkansas 479/783-8395		
J M SUPPLY 1200 WHEELER AVE. FORT SMITH, AR 72901		
PROJECT: 14-30	DATE: 11-23-2016	DRAWING NO.: 3 OF 3

61




Service Is Our Product



65

Var # 27-11-16

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 1300 WHEELER AVE, Existing or Proposed

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

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

FROM

TO

_____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way

_____ - _____ Exterior Side Yard Setback

_____ - _____ Interior Side Yard Setback

_____ - _____ Rear Yard Setback

_____ - _____ Maximum Height of Structure

_____ - _____ Minimum Distance Between Structures on the Same Lot

_____ - _____ Minimum Lot Area (Square Feet)

_____ - _____ Minimum Lot Frontage

_____ - _____ Maximum Size of a Sign

10 0
27-602-3(c) - Other: UDO 27-602-3(c)

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.

- 6K

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

JOEY MILLER
Owner or Agent Name (please print)

479-806-7056
Owner or Agent Phone Number

P.O. Box 1543 F.S. 72902
Owner or Agent Mailing Address

Signed:


Owner

or

Agent

Variance # _____

6L

VARIANCE INFORMATION FORM

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

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

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

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

6M

Explanation of question #4 (if applicable)

PARKING LOT IS NOT DEEP ENOUGH FOR LANDSCAPING
BED TO BE ABOVE THE RETAINING WALL

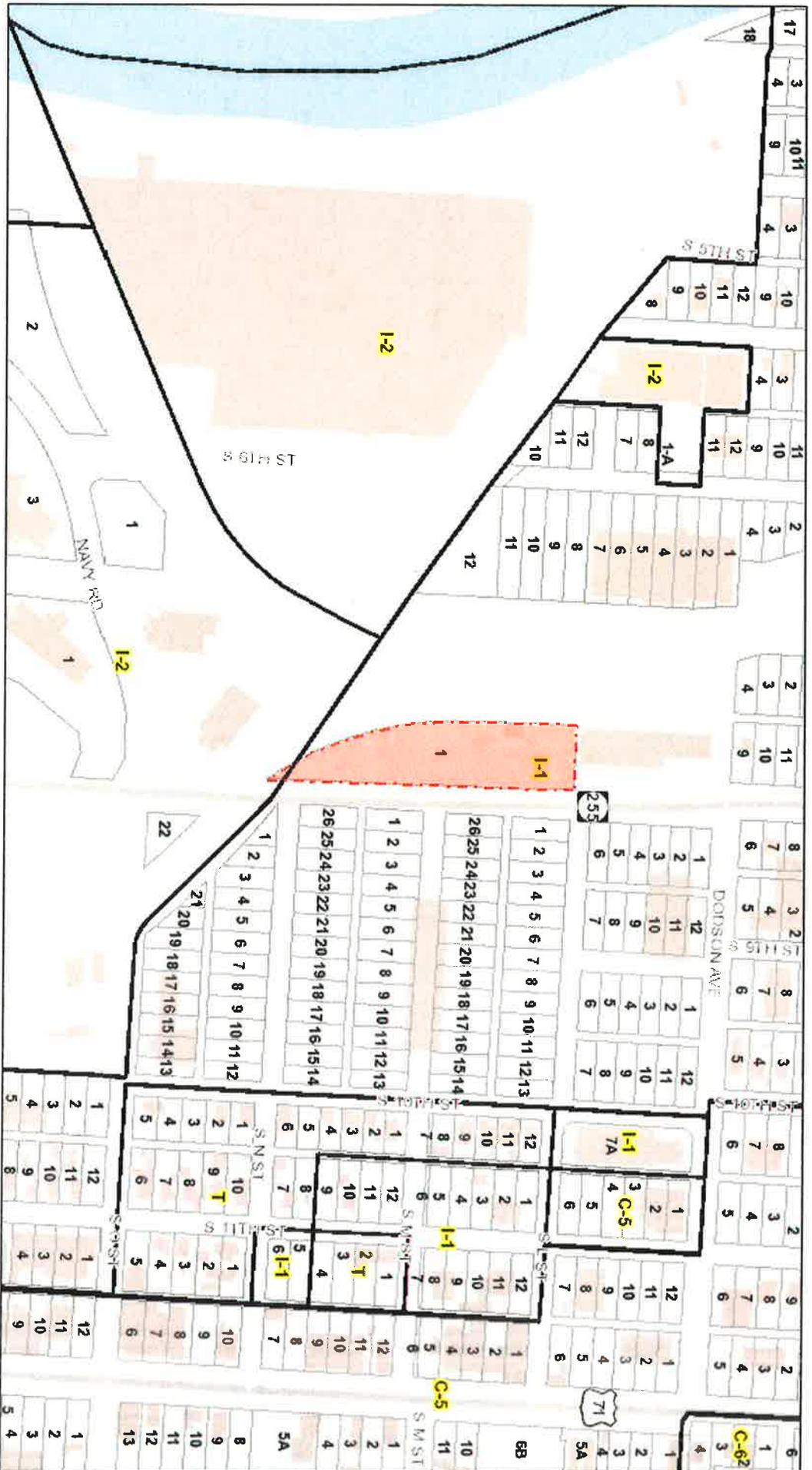
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

IT WOULD NOT ALLOW FOR SUFFICIENT PARKING
SPACES, AND WOULD MAKE BACKING OUT WHEN
LEAVING DIFFICULT.

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:

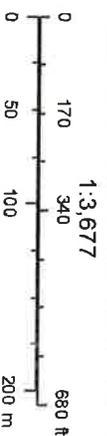
Variance #27-11-16: From Section 27-602-3 perimeter landscaping 1300 Wheeler Avenue

60



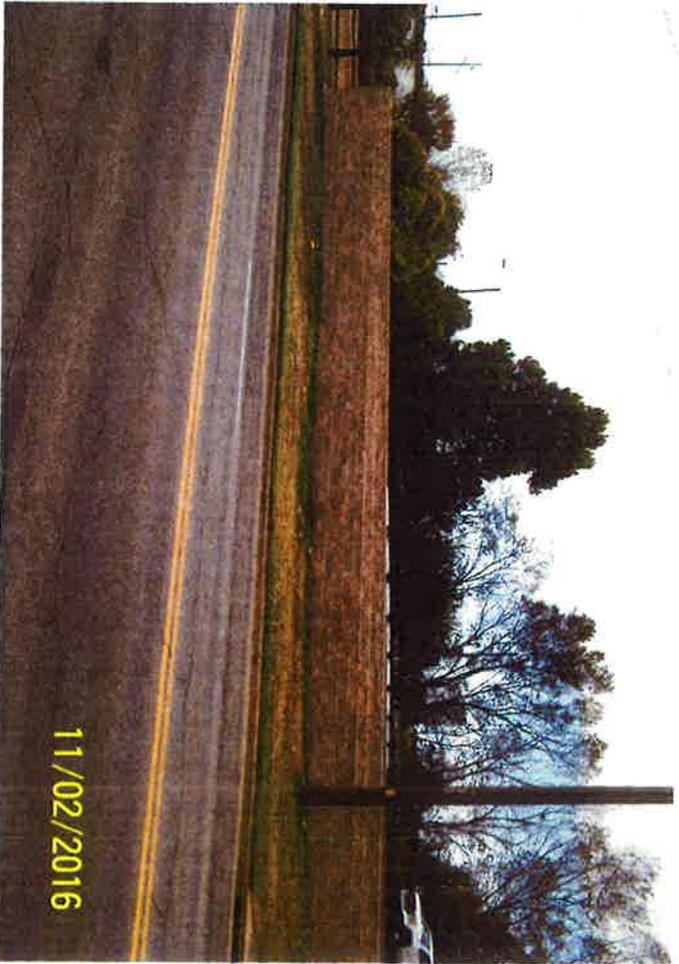
November 21, 2016

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





6Q



Memo

To: City Planning Commission

From: Planning Staff

Date: December 2, 2016

Re: Variance #28-12-16 - A request by Ashby Street Outdoor, agent, for Board of Zoning Adjustment consideration of a zoning variance request from; A) 1,000' to 800' minimum outdoor advertising sign separation, B) 4 to 5 outdoor advertising signs per mile, C) 300 square feet to 300 square feet plus an additional 3rd sign face measuring 150 square feet at 3500 Massard Road

REQUESTED VARIANCE

The applicant would like to construct a V-type outdoor advertising sign with the open end of the V enclosed with another sign face.

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road just south of Rogers Avenue. The tract contains an area of 0.25 acres with approximately 100 feet of street frontage along Massard Road.

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 Commercial Heavy (C-5) and is developed as a parking lot for Wendy’s.

The area to the east is zoned Commercial Heavy (C-5) and is developed as Murphy Oil and Gas station and Walgreen’s.

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

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Major 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

A hardship is not stated in the application other than the market is trending to the east side of Fort Smith and it is essential for the business to be able to evolve and fluctuate with the market.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Monday, December 5, 2016 at 1100 South "D" Street.

There were no neighboring property owners in attendance.

GRANTING OF A VARIANCE

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

STAFF COMMENTS AND RECOMMENDATIONS

Ashby Outdoor is requesting to install a v-type sign with the open end of the V enclosed with a third sign face. Digital signs are proposed for the v-type sign however, the third sign face will be static. The existing signs on the south side of Rogers Avenue include Wendy's, Walgreens, and Express Lube. The proposed billboard will be 45 feet tall. The existing Wendy's sign is 26 feet tall and Express Lube is 16 feet tall.

There are four billboards within a one mile area of this sign. Of the four billboards, Ashby Outdoor owns three. On Rogers Avenue from Cliff Drive to Massard, there are nine billboards and Ashby Outdoor owns five.

Planning staff would not recommend approval of this request. If the Planning Commission is inclined to approve staff would make it contingent upon the following:

1. Removal of the two billboards on Towson Avenue.
2. Removal of an additional billboard on Rogers Avenue between Cliff Drive and Massard Road.

Var # 28-12-16

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) See Attachment

RLHUBER, INC

Address of property 3500 Massard Rd, Fort Smith, AR 72903, Existing or Proposed

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

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

FROM

TO

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

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

70

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

Signed:

Whit Weeks + Adam Samuels

Owner or Agent Name (please print)

Owner

or

479-442-0300 or 479-263-6614

Owner or Agent Phone Number

Adam Samuels & Whit Weeks

Agent

Ashby Street Outdoor

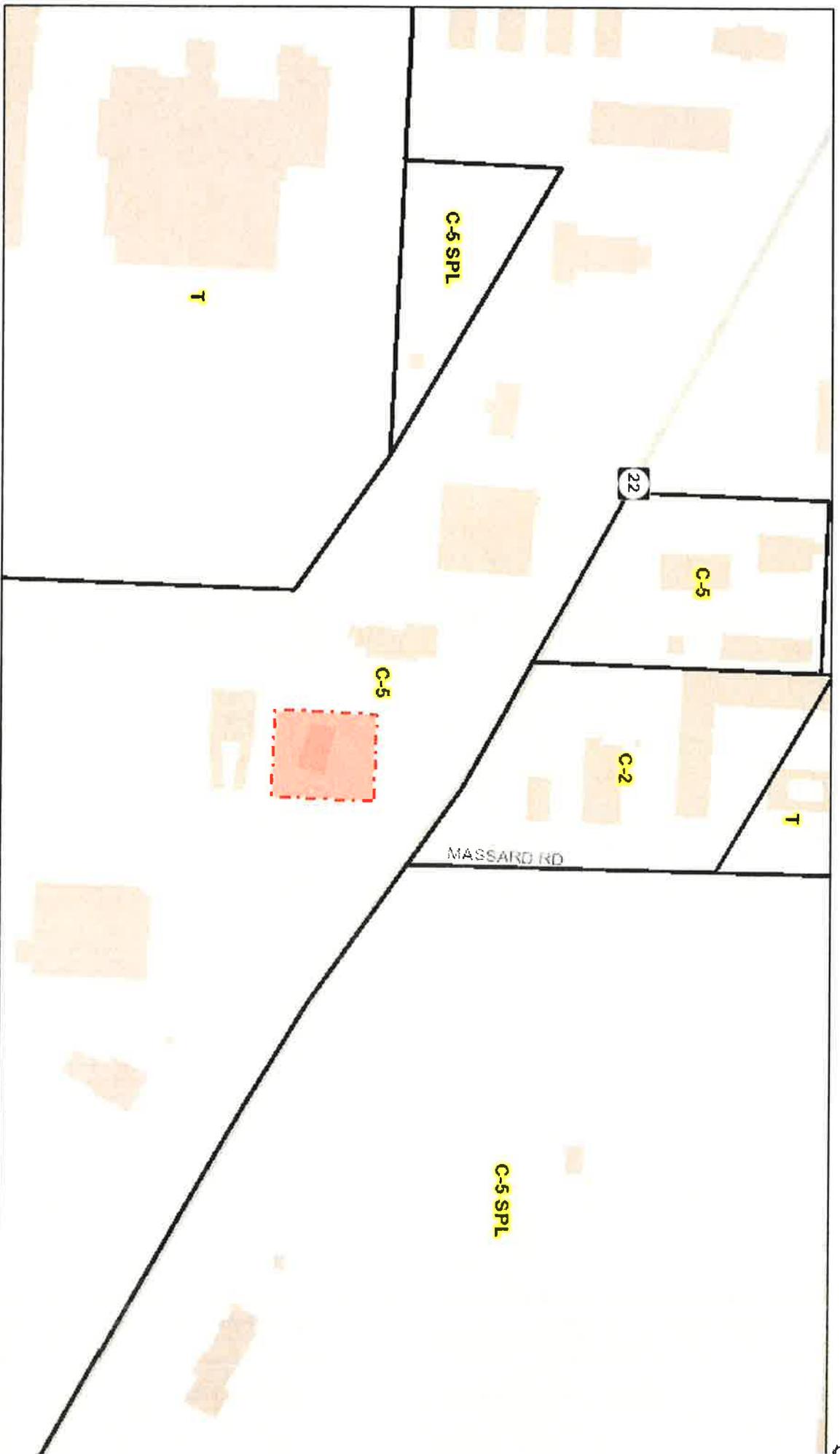
1855 Shelby Lane

Owner or Agent Mailing Address

Fayetteville, AR 72704

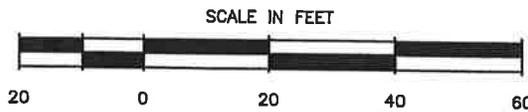
Variance # _____

Variance #28-12-16: A) from 1000' to 800' minimum sign separation, B) from 4 to 5 maximum number of signs per mile, C) add one additional 10'X15' sign panel at 3500 Massard Rd.

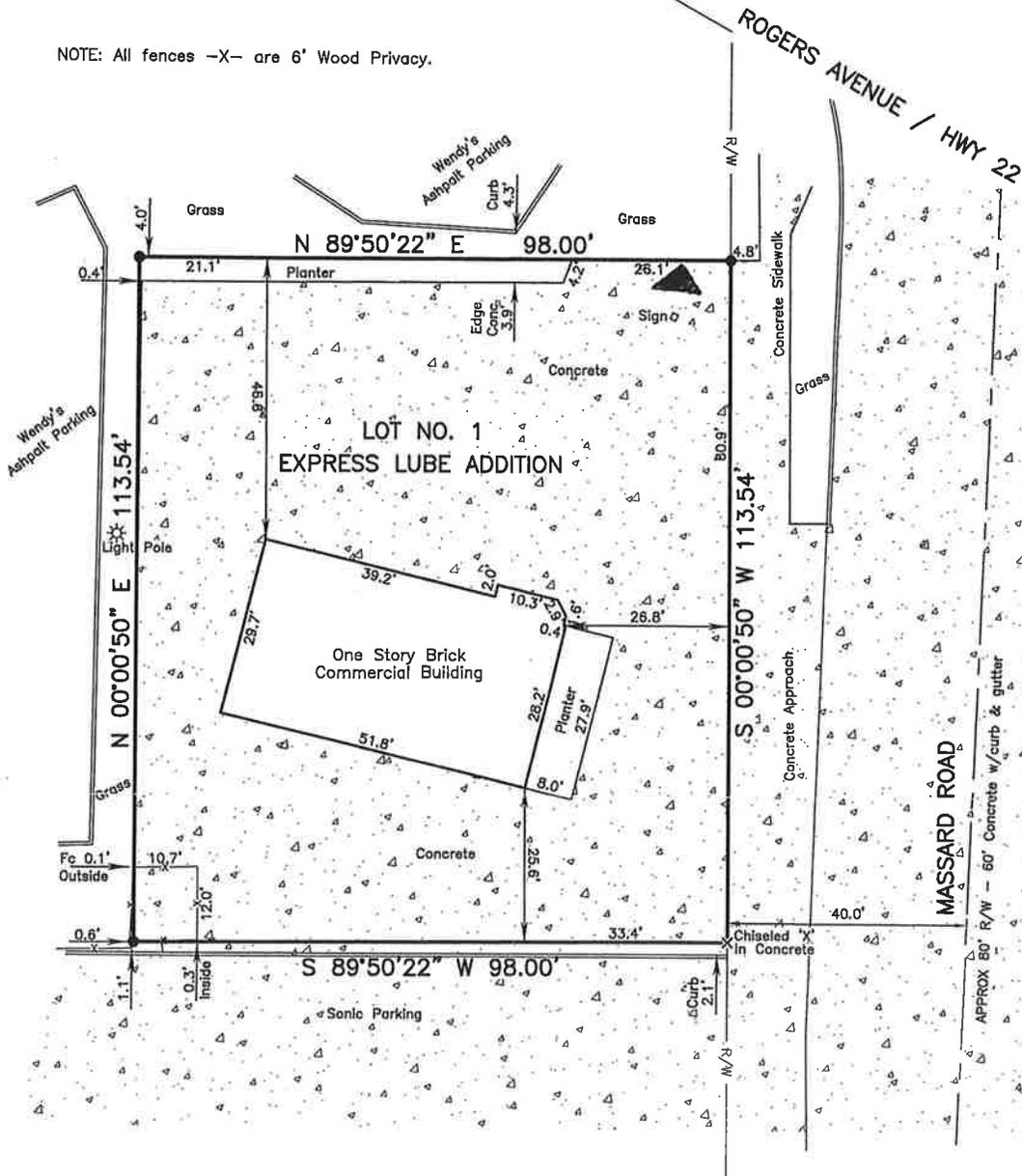


- December 9, 2016
- Fort Smith City Limits
- Zoning
- Parks
- Building Footprints





NOTE: All fences -X- are 6' Wood Privacy.



I Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of Lot No. 1 Express Lube Addition, also described as 3500 Massard Road, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

NOTE: I have determined from the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas Map No. 05131CD130F City of Fort Smith, Community No. 055013 Revised March 2, 2012, that this property does not lie in any designated flood hazard area.

File Name: G:\SURVEY13\13-0148\13-0148.dwg

LEGEND	
Computed Point	⊙
Set 1/2" Iron Pin	⊙
Exist. 1/2" Iron Pin	⊙
Set R.R. Spike	⊙
Exist. R.R. Spike	⊙
Set Nail	⊙
Exist. Nail	⊙
Exist. Stone	⊙
Exist. Monument	⊙
Exist. Fence	-X-



FINAL SURVEY
 LOT NO. 1
 EXPRESS LUBE ADDITION
 FORT SMITH, ARKANSAS

Prepared For: Benefit Bank

Date: June 16, 2013
Drawn By: RJA
Computed by: DPB
Job No. 13-0148
Filed

76

sign
bank
visible



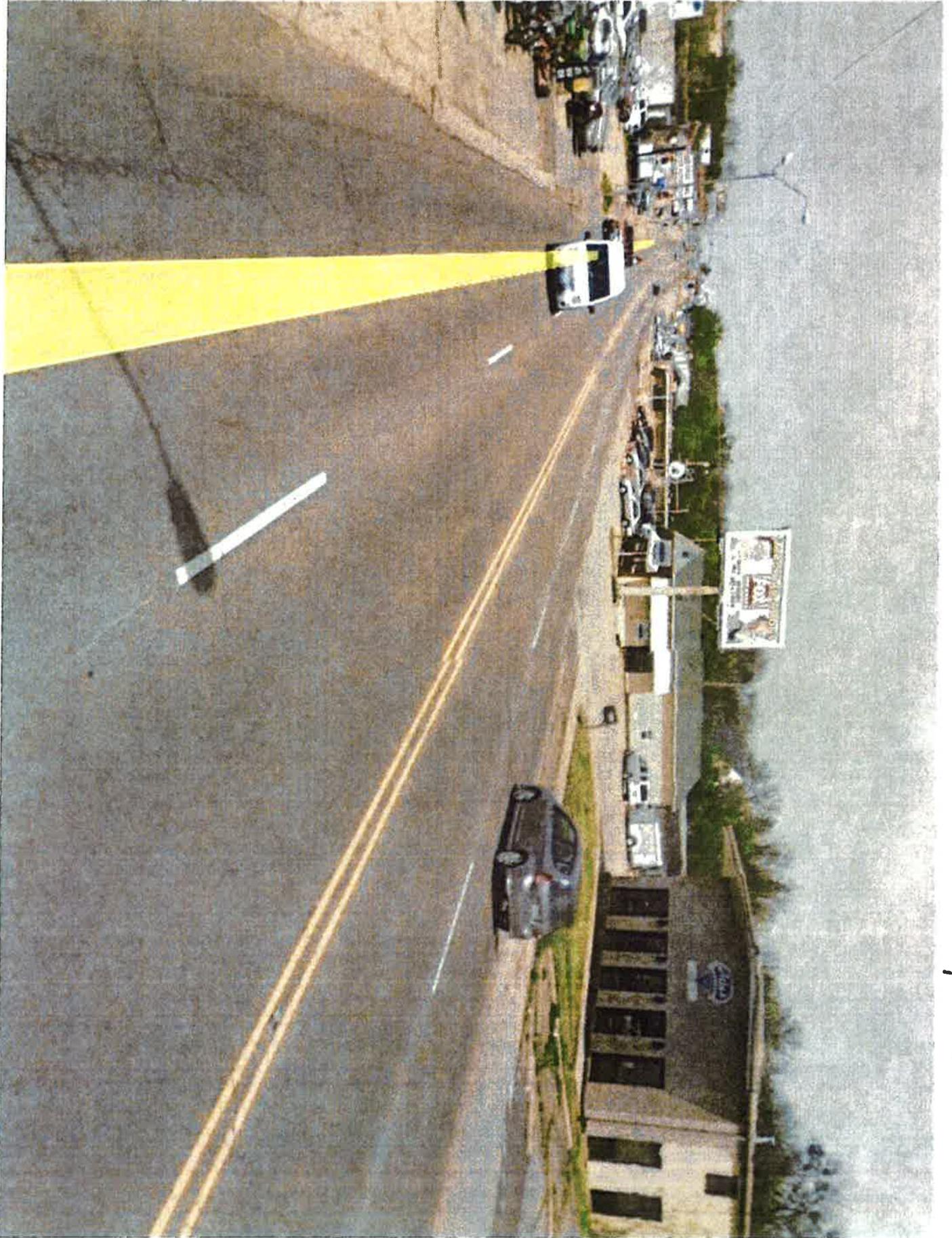
© 2016 Google

75

15/2
HAK

LAWSON AVE L 30011 310 1 ST RAND # - 12111/65632

7K



2 - 12x24'5

Mock



76

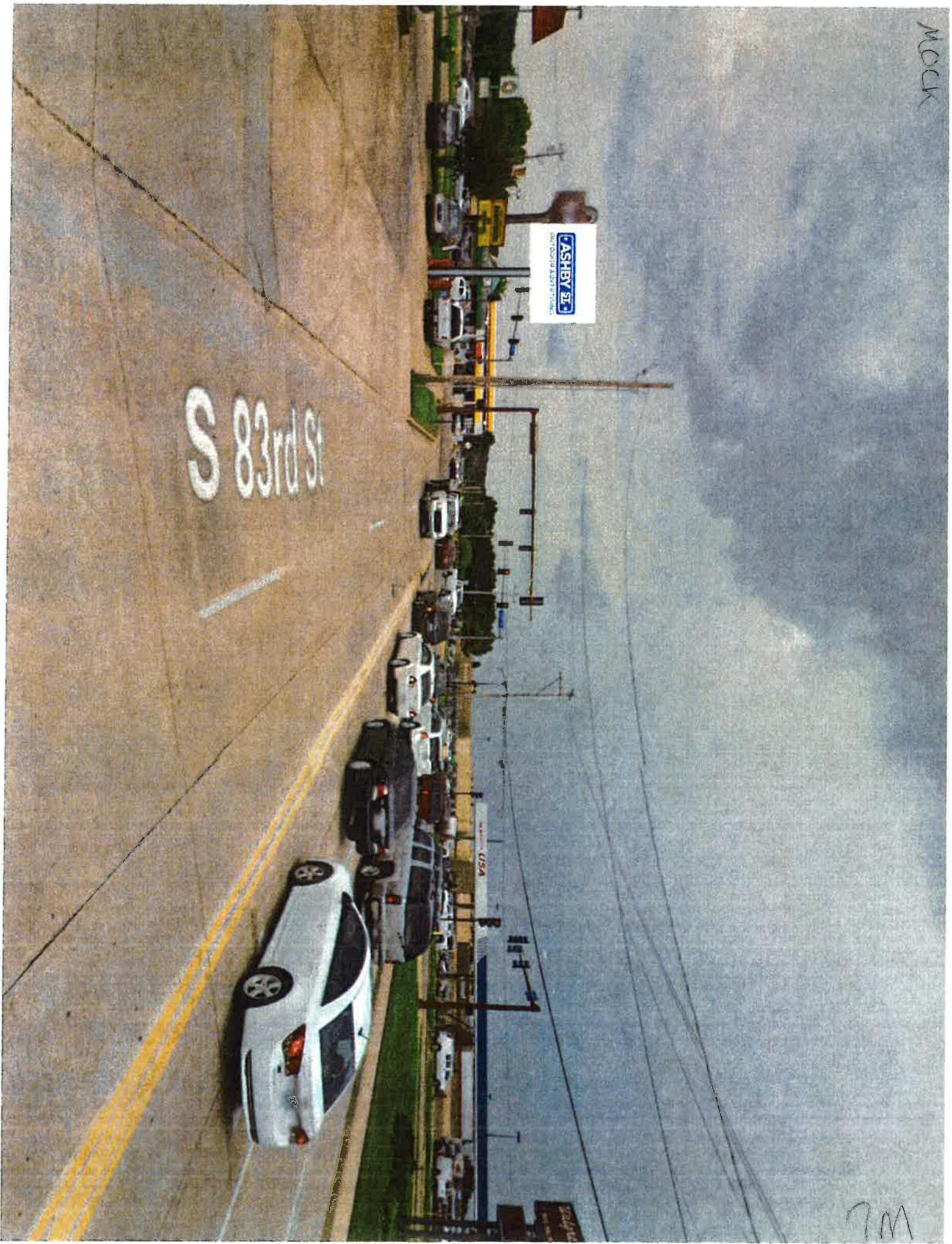
MOCK

S 83rd St

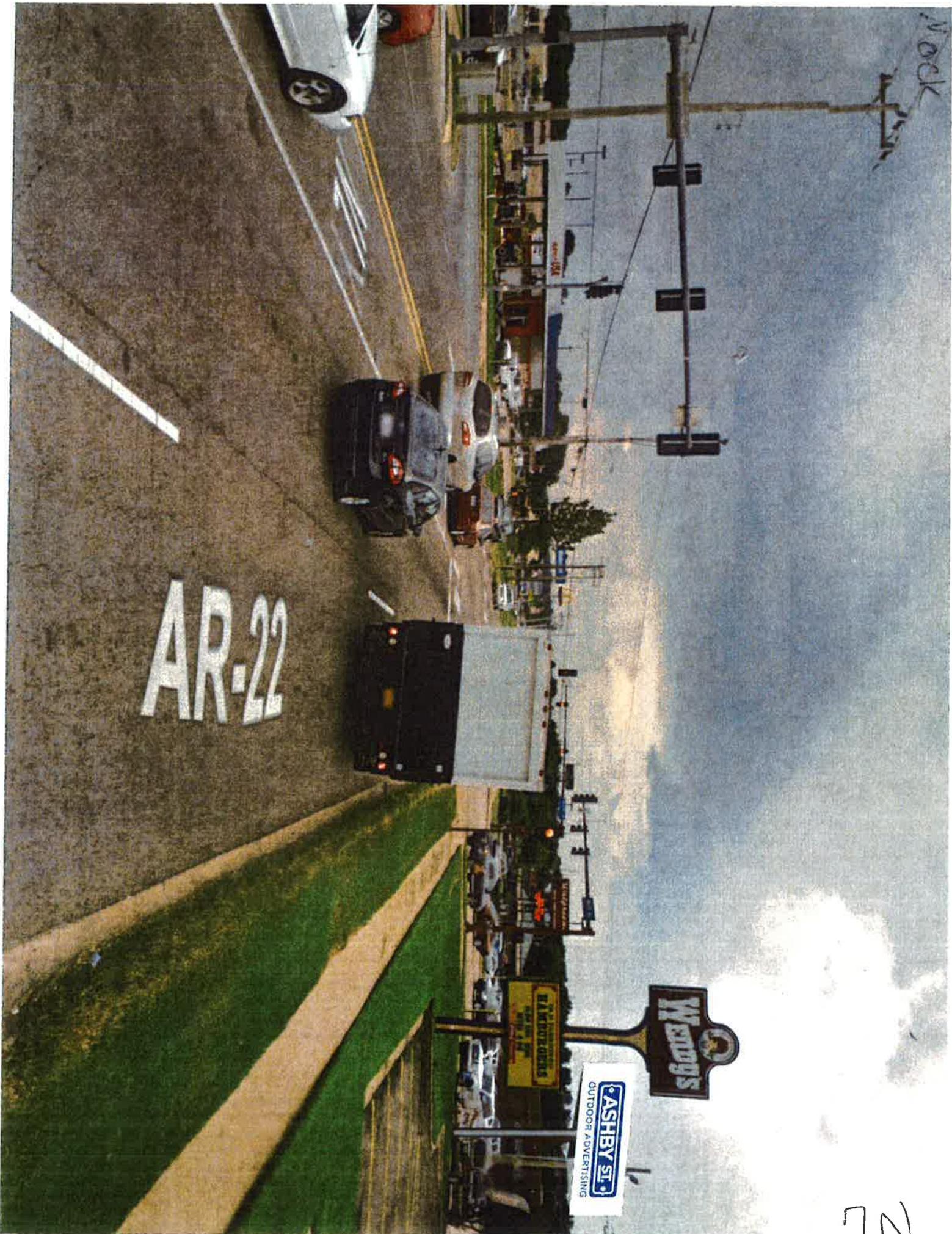
ASHBY ST
NATIONAL RESTAURANT

USA

7M



MOCK



AR-22

ASHBY ST.
OUTDOOR ADVERTISING

Wendy's

HAMBURG BEERS

27

Memo

To: City Planning Commission

From: Planning Staff

Date: December 8, 2016

Re: Mobile Food Vending – Cisterna Park – January/February 2017

In accordance with Section 27-327-6 of the Unified Development Ordinance a lottery for the mobile food vending spaces adjacent to Cisterna Park are drawn every two months. At this time, we do not have any applicants. Applications can be submitted at any time prior to the lottery.