

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 10, 2013**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM NOVEMBER 12, 2013

III. STAFF COMMENTS AND PROCEDURES

1. Final Plat – FSRA Business Park – Lot 5 – Morrison Shipley Engineers
2. Rezoning #19-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 7901 Massard Road. (companion item to items #3 & #7)
3. Conditional Use #36-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church for a conditional use for a church located at 7901 Massard Road. (companion item to items #2 & #7)
4. Conditional Use #34-12-13; A request by Jim Tolbert, agent for ACH Central Shopping Center, LLC, for a conditional use for a business professional school located at 1200 Waldron Road.
5. Conditional Use #35-12-13; A request by Al Prieur, agent for Mahmud Abdul-Khaliq, for a conditional use for an auto body and paint shop (new parts) located at 1420 North 11th Street.
6. UDO Amendments

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

7. Variance #36-12-13; A request by Larry Hall, agent for Massard Missionary Baptist Church, for a variance from 235 feet to 89 feet entry drive distance to intersection located at 7901 Massard Road. (companion item to items #2 & #3)

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

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
NOVEMBER 12, 2013**

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

Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to approve the minutes from the October 8, 2013, Planning Commission meeting as written.

Mr. Wally Bailey spoke on the procedures.

Chairman Sharpe asked for a show of hands of persons in attendance relative to item #6 on the agenda. Chairman Sharpe stated that since there was a request by the owner to table this item and due to the large number of persons in attendance relative to this item, this item was moved to first on the agenda.

6. Conditional Use #30-11-13; A request by Lee Ann Fager, agent for the City of Fort Smith, for a conditional use for a communications tower in Carol Ann Cross Park located at 1601 South 74th Street.

Mr. Wally Bailey noted that based on a memorandum received from Mr. Mike Alsup, the City of Fort Smith Parks Director, requesting this item be tabled due to the fact that the City and the provider have not yet agreed upon a contract, staff is recommending this item be tabled.

Ms. Fager, representative for AT&T, was present to speak on behalf of this request.

Mr. Mike Alsup advised the Commission that an agreement has not been reached with the provider and, therefore, this is not ready for a vote by the Planning Commission.

Following a discussion by the Commission, motion was made by Commissioner Keese, seconded by Commissioner Cox and carried unanimously to table this item until such

time as an agreement can be reached between the provider and the City Board of Directors.

Chairman Sharpe then called for the vote to table this item. The vote was 9 in favor and 0 opposed.

Mr. Bailey stated that when this item is placed on the Planning Commission agenda, surrounding property owners within 300 feet will be notified by letter, the item will be readvertised and posted.

1. UDO Amendments

Mr. Wally Bailey read the staff report indicating that the proposed UDO amendments will provide clarification between the definitions of auto body and paint shop and auto repair land uses. There has been confusion with these two definitions and problems separating them when reviewing building permits and business license applications. The change will make it clear that auto repair is different from an auto body and paint shop.

Also, the current definition for auto body and paint shop indicates the use must include painting. Replacing the conjunction “and” with an “or” should make the intent of the definition more clear.

The proposed UDO amendment definitions shall read as follows:

Auto body and paint shop

shall mean a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, or painting.

Auto repair

shall mean a facility for motor vehicle maintenance, service and engine repair (not including painting or body and frame work.

No one was present to speak either in favor or in opposition to this item.

Chairman Sharpe then called for the vote on the UDO amendments as proposed. The vote was 9 in favor and 0 opposed.

2. Preliminary Plat – Fort Smith Regional Airport Business Park – Lots 5 thru 14 – Morrison-Shipley Engineers.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is for a commercial development that will provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic.

Mr. Neal Morrison with Morrison-Shipleigh Engineers was present to speak on behalf of this request.

No one was present to speak in opposition.

Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

Chairman Sharpe then called for the vote on the preliminary plat as amended. The vote was 9 in favor and 0 opposed.

- 3. A request by Pat Mickle, agent for Westphal Leasing, LLC, Riverfront Exploration, Ozark Oil & Gas, Inc., Widmer Place, Inc., Betsy and Bennie Westphal, Robin Clegg, Clayton Riverfront, LLC and US Marshals Museum, Inc. for a Master Land Use Plan Amendment from Mixed Use Employment & Park/Open Space to Mixed Use Employment located at 201 to 3201 Riverfront Drive. (companion item to item #4)**

- 4. Rezoning #16-11-13; A request by Pat Mickle, agent for Westphal Leasing, LLC, Riverfront Exploration, Ozark Oil & Gas, Inc., Widmer Place, Inc., Betsy and Bennie Westphal, Robin Clegg, Clayton Riverfront, LLC and US Marshals Museum, Inc. from Residential Estate One Acre (RE-1) and Industrial Moderate (I-2) to a Planned Zoning District located at 201 to 3201 Riverfront Drive. (companion item to item #3)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the future development of higher quality growth of the riverfront. The Master Land Use Plan Amendment is to provide a consistent land use plan classification for the property. The rezoning request is to create a Planned Zoning District (PZD). A PZD can be used to provide for flexibility, utilize a higher level of design standards and to create a special zoning district where an existing conventional district is not appropriate. The property owners have requested a Planned Zoning District (PZD) to facilitate the future development of the 115.5 acres along the riverfront included in the application. The

property included in this application includes the proposed site of the U.S. Marshal's Museum and property available for future development. The proposed PZD provides for all the minimum standards of the UDO and also establishes higher standards for signage, screening, higher quality of building materials and a larger percentage of building materials, a restriction and limitation on land uses, and higher landscaping standards. The standards and development regulations for the PZD are described in the Project Booklet.

All future development must comply with the requirements of the Project Booklet for the PZD. Any amendments to the Project Booklet and PZD must comply with Section 27-341-4 of the UDO.

Mr. Bailey noted that a neighborhood meeting was held on Monday, October 28, 2013, at 121 Riverfront Drive with two (2) neighboring property owners in attendance but no objections were voiced.

Mr. Pat Mickle and Mr. Rick Griffin were present to speak on behalf of these requests. Mr. Mickle submitted some revised pages to the project booklet. Mr. Mickle noted that there was some discrepancies in the Section numbers shown on the project booklet that was submitted.

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

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

- 3. A request by Pat Mickle, agent for Westphal Leasing, LLC, Riverfront Exploration, Ozark Oil & Gas, Inc., Widmer Place, Inc., Betsy and Bennie Westphal, Robin Clegg, Clayton Riverfront, LLC and US Marshals Museum, Inc. for a Master Land Use Plan Amendment from Mixed Use Employment & Park/Open Space to Mixed Use Employment located at 201 to 3201 Riverfront Drive. (companion item to item #4)**

Motion was made by Commissioner Spearman, seconded by Commissioner Cooper and carried unanimously to amend this request to make approval subject to the revised code amendments for the Planned Zoning District Project Booklet.

Chairman Sharpe then called for the vote on the Master Land Use Plan Amendment as amended. The vote was 9 in favor and 0 opposed.

4. **Rezoning #16-11-13; A request by Pat Mickle, agent for Westphal Leasing, LLC, Riverfront Exploration, Ozark Oil & Gas, Inc., Widmer Place, Inc., Betsy and Bennie Westphal, Robin Clegg, Clayton Riverfront, LLC and US Marshals Museum, Inc. from Residential Estate One Acre (RE-1) and Industrial Moderate (I-2) to a Planned Zoning District located at 201 to 3201 Riverfront Drive. (companion item to item #3)**

Motion was made by Commissioner Spearman, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the revised code amendments for the Planned Zoning District Project Booklet.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

5. **Rezoning #17-11-13; A request by Mercy Health Fort Smith Communities, agent for First Asset Holdings, LLC, Michael Butler Living Trust and Cynthia Butler Farrell, from Residential Single Family-Duplex Low/Medium Density (RSD-2) and Residential Multi-Family High Density (RM-4-SPL) to a Planned Zoning District located at 1000 South Waldron Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for the development of a doctor's office and clinic. Ms. Andrews stated that the Planned Zoning District would adhere mostly to the Transitional district zoning standards.

The rezoning request is to create a Planned Zoning District (PZD). A PZD can be used to provide for flexibility, utilize a higher level of design standards, and to create a special zoning district where an existing conventional district is not appropriate. Also, this proposed PZD has a specific development plan which provides for assurances about how the property will be developed.

The property owners have requested a Planned Zoning District (PZD) to facilitate the future development of 3.94 acres bounded by Fern Street, Free Ferry Road and Waldron Road. The property included in this application includes the proposed site of the proposed Mercy Free Ferry Road Clinic owned by Mercy Health Fort Smith Communities. The proposed PZD provides for all the minimum standards of the UDO and also establishes higher standards for signage, higher quality of building materials and a larger percentage of high quality building materials, a restriction and limitation on land uses, more parking spaces and a prohibiting driveway access on Fern Street. A traffic

impact statement has been submitted and approved by the Engineering Department. The standards and development regulations for the PZD are described in the Project Booklet.

All future development must comply with the requirements of the Project Booklet for the PZD. Any amendments to the project booklet and PZD must comply with Section 27-341-4 of the UDO.

Ms. Andrews stated that a neighborhood meeting was held on Tuesday, October 29, 2013, at 6:00 p.m. on site with three (3) neighboring property owners in attendance.

Mr. Larry Young, 7301 Rogers Avenue, was present to speak on behalf of this request.

Mr. Alan Schluterman, 5300 Fern Street, addressed the Commission with his concerns relative to the types of businesses that could locate in this district if Mercy were to leave. It was noted that the uses would be restricted basically to professional type services.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Hood).

7. Conditional Use #31-11-13; A request by Alisha Dunn, agent for Janette Rainwater, for a conditional use for a daycare/preschool located at 7917 Highway 271 South.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow the existing facilities to be used for a daycare/preschool. Ms. Rice noted that the number of students would be limited to a maximum of fifty (50) children with the hours of operation to be from 7:30 a.m. to 5:30 p.m.

Ms. Rice stated that a neighborhood meeting was held on Monday, October 28, 2013, at 7917 US Highway 271 with no neighboring property owners in attendance.

Ms. Alisha Dunn 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 Parks, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- All parking spaces to be used for this facility shall have bumper blocks installed to protect the property lines and to delineate the parking spaces in accordance with the requirements of the UDO, Section 27-601-12.

- No maneuvering areas visible on site, the grass has grown up through the gravel. It shall be clear where the vehicles are to circulate internally on site.
- All signs proposed to be installed shall require a building permit. The applicant shall submit the required applications for review and obtain a building permit.
- The natural wooded buffer to the east shall be maintained. If removed, a permanent opaque six-foot screening fence, wall or landscape buffer shall be provided.
- All requirements must be met before any part of the use can be utilized.
- The conditional use will expire if the project is not started within one (1) year.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

8. Conditional Use #32-11-13; A request by Ramiro Alvarez, agent for Bobby Goodwin, for a conditional use for a church located at 7100 Texas Road.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow a church to relocate into this vacant building.

Ms. Rice stated that a neighborhood meeting was held on Wednesday, October 16, 2013 on site with six (6) people in attendance. She noted that there were no objections to the proposed project.

Mr. Ramiro Alvarez was present to speak on behalf of this request.

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

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

- All signs proposed to be installed shall require a building permit. The applicant shall submit the required applications for review and obtain a building permit.
- Any new dumpsters which are used for the church shall be enclosed as required by the UDO, Section 27-602-4 (C).
- The parking requirements were based on the occupant load of the church. If the occupant load for the church increases, parking will have to be reevaluated.

- All requirements must be met before any part of the use can be utilized.
- The conditional use will expire if the project is not started within one (1) year.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

9. Conditional Use #33-11-13; A request by Joe Petree, agent for Victor Welding Supply Company, for a conditional use for a petroleum distribution facility located at 5410 South 66th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow Victor Welding Supply Company to construct a propane fuel storage tank for their use only. Ms. Rice noted that this facility would not be open to the public.

Mr. Joe Petree 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 Parks, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the following:

- All construction must be built in accordance with the submitted development plan.
- Any signs proposed to be installed will require a separate plan review and building permit application.
- All lighting installed on the property will have to comply with the UDO, Section 27-602-5, shall be designed, installed and maintained to prevent light trespass. Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
- All requirements must be met before any part of the use can be utilized.
- The conditional use will expire if the project is not started within one (1) year.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

SUBDIVISION COMMENTS
December 2013

1. **FSRA Business Park, Lot 5, Final Plat – Morrison Shipley Engineers**

Zoning Designation: Commercial Heavy (C-5)

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

Proposed Use: Commercial Development

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

1A

Memo

To: City Planning Commission

From: Planning Staff

Date: December 4, 2013

Re: Rezoning #19-12-13 - A request by Larry Hall, agent for Massard Missionary Baptist Church, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 7901 Massard Road (Companion to Variance #36-12-13 and Conditional Use #36-12-13)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road between Stonebrook Drive and Wells Lake Road. The tract contains an area of 8 acres with approximately 988 feet of street frontage along Massard Road.

EXISTING ZONING

This tract is currently not zoned.

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 (1+1)	Maximum Height - 35 feet
Maximum Density – 6.7 Dwelling Units/Acre 60%	Maximum Lot Coverage -
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

All of the surrounding areas are not zoned and undeveloped.

The area further to the northwest of the subject property is zoned Residential Single Family Medium/High Density (RS-3) and currently undeveloped.

LAND USE PLAN COMPLIANCE

The Chaffee Crossing Redevelopment Plan currently classifies the site as Institutional. This classification provides locations for municipal/county/state offices, community support, rehabilitation, churches, and primary or secondary schools. Approval of the rezoning will not conflict with the current land use classification.

PROPOSED ZONING

Approval of the proposed rezoning as well as the companion conditional use and variance applications will allow for the development of a 9,838 s.f. church building with future expansions.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, December 2, 2013 at 11:00 A.M. at 8100 Dallas Street. No neighboring property owners were present for the meeting. The planning department has not received any objections to the proposed project. A copy of the attendance record is enclosed.

Staff recommends approval of the zone change contingent upon all construction built in accordance with the approved development plan.

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) SEE ATTACHED

2. Address of property: 7901 MAHARD BR.

3. The above described property is now zoned: NOT ZONED

4. Application is hereby made to change the zoning classification of the above described property to B2-3 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

PROPERTY IS NOT ZONED. SITE TO BE
DEVELOPED FOR MAHARD MISSIONARY
BAPTIST CHURCH

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

LARRY B. HALL
BMH ARCHITECTS

Owner or Agent Name
(please print)

FORT SMITH, AR 72901
305 N. GREENWOOD

Owner or Agent Mailing Address

(479) 782-5049
Owner or Agent Phone Number

Signed:

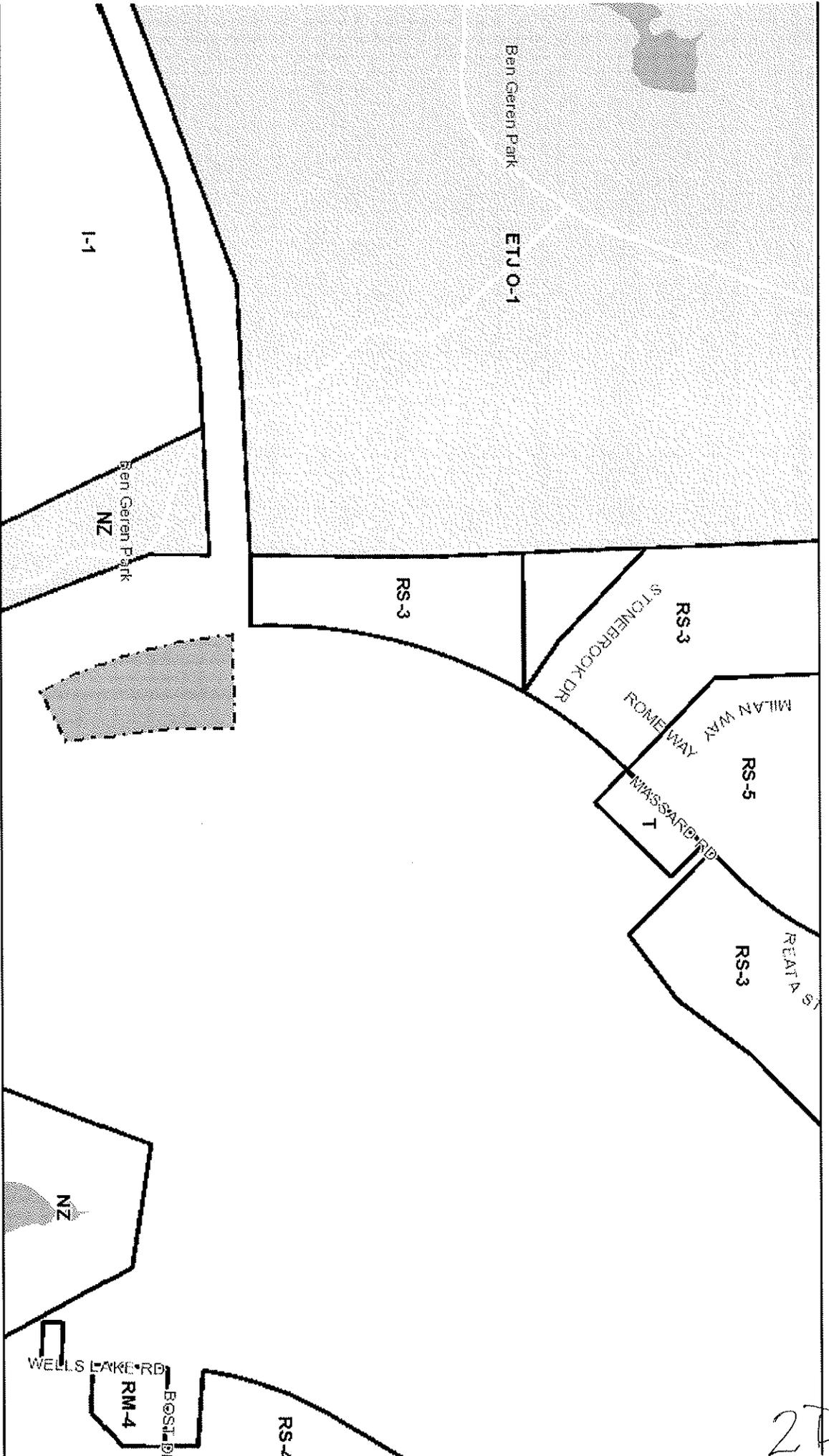
Owner

or

Larry B. Hall
Agent

Rezoning #19-12-13: Not Zoned to Residential Single Family Medium/High Density (RS-3) 7901 Massard Road

2D



November 20, 2013

Fort Smith City Limits

Zoning



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location F2 PUBLIC LIBRARY - DALLAS ST.

Meeting Time & Date 11:00 AM DEC. 2ND, 2013

Meeting Purpose MAHARER MISSIONARY BAPTIST CHURCH

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>BMH ARCHITECTS</u> <u>LARRY B. HALL</u>	<u>305 N. GREENWOOD F2.</u>	<u>(479) 782-5049</u>
2.	<u>TOM MONACO</u>	<u>CITY</u>	<u>784-7218</u>
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Memo

To: City Planning Commission

From: Planning Staff

Date: November 22th, 2013

Re: Conditional Use #36-12-13- A request by Larry Hall, agent for Massard Missionary Baptist Church, for Planning Commission of a Conditional Use request to develop a church at 7901 Massard Road (Companion to Rezoning #19-12-13 and Variance #36-12-13)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road between Stonebrook Drive and Wells Lake Road. The tract contains an area of 8 acres with approximately 988 feet of street frontage along Massard Road.

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 (1+1)
- Maximum Density – 6.7 Dwelling Units/Acre 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

- Maximum Height - 35 feet
- Maximum Lot Coverage -

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

All of the surrounding areas are not zoned and undeveloped.

The area further to the northwest of the subject property is zoned Residential Single Family Medium/High Density (RS-3) and currently 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.

The Conditional Use will expire if work is not completed 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.

3B

LAND USE PLAN COMPLIANCE

The Chaffee Crossing Redevelopment Plan currently classifies the site as Institutional. This classification's intent is for the creations of institutional developments that are connected to surrounding land uses via multi-modal transportation network that binds Chaffee Crossing community. It also acts as a guide for the appropriate development of residential uses in a larger community context, establishes a strong street presence, and promotes parking on the side and rear of the building. Approval of the conditional use will not conflict with the current land use classification.

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for the development of a 9,383 s.f. church with the anticipation for future expansions as shown on the development plan.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The current development plan offers one ingress egress location located at the north end of the development on Massard Road. The companion variance application seeks relief from the separation requirements from the future intersection. Additionally, at the time Massard is constructed as a Boulevard there will not be a median opening at the location of the proposed driveway so access will be limited to right in/right out.

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 – The current development plan shows two detention ponds on the site to allow for the drainage.

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

Sidewalk – A public sidewalk currently exists along the Massard Road frontage.

Landscaping – The current development plan exceeds the Unified Development Ordinance (UDO) and complies with the Chaffee Crossing Design Standards. Irrigation is proposed for the maintenance of the landscaping. The site is composed of Perimeter landscaping along Massard Road with parking lot screening adjacent to the parking spaces. Also, the interior landscaping exceeds the requirements.

Screening – Parking lot screening is provided by the building itself and a berm with shrubs. Screening for the trash enclosure and the mechanical equipment has been provided and approved.

Parking – The current development plan has the required 68 parking spaces. The site has more room for parking to the east if future expansions require extra parking.

Signage – The current development plan complies with the required monument sign as outlined in Chaffee Crossing Design Guidelines, and complies with the size requirements of the UDO with 32 s.f. of signage.

Lighting – Approved screened lighting fixture details have been provided in the development plan for the site lighting.

Setbacks – The current setbacks exceed the UDO requirements.

Architectural features – The architectural features of this development exceed the UDO standards and guidelines. The facades will mainly be composed of cultured stone veneer and insulated tinted windows. Small amounts of EIFS will be utilized.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, December 2nd, 2013 at 11:00 A.M. at 8100 Dallas Street. No neighboring property owners were present for the meeting. There were no objections to the proposed project.

Staff recommends approval of the application contingent upon the following:

1. All construction must be built in accordance with the approved Development plan.

Conditional Use # 36-12-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: MAHARR MISSIONARY BAPTIST CHURCH

Name of Authorized Agent (if applicable) LARRY R. HALL - BMH ARCHITECTS

Legal Description of property included in the conditional use request:

SEE ATTACHED

Street Address of Property:

7901 MAHARR FR. CHAFFEE CROSSING

Existing Zoning Classification:

NOT ZONED

Proposed Zoning Classification (if applicable):

R2-3

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

DEVELOPMENT FOR A CHURCH IN A PROPOSED

R2-3 ZONE

What amenities are proposed such as landscaping and screening?

PERIMETER LANDSCAPING, PARKING AREA AND

MECHANICAL SCREENING

LARRY R. HALL
BMH ARCHITECTS
Owner or Agent Name (please print)

Signed:

305 N. GREENWOOD FORTSMITH
Owner or Agent Mailing Address

Owner

Or

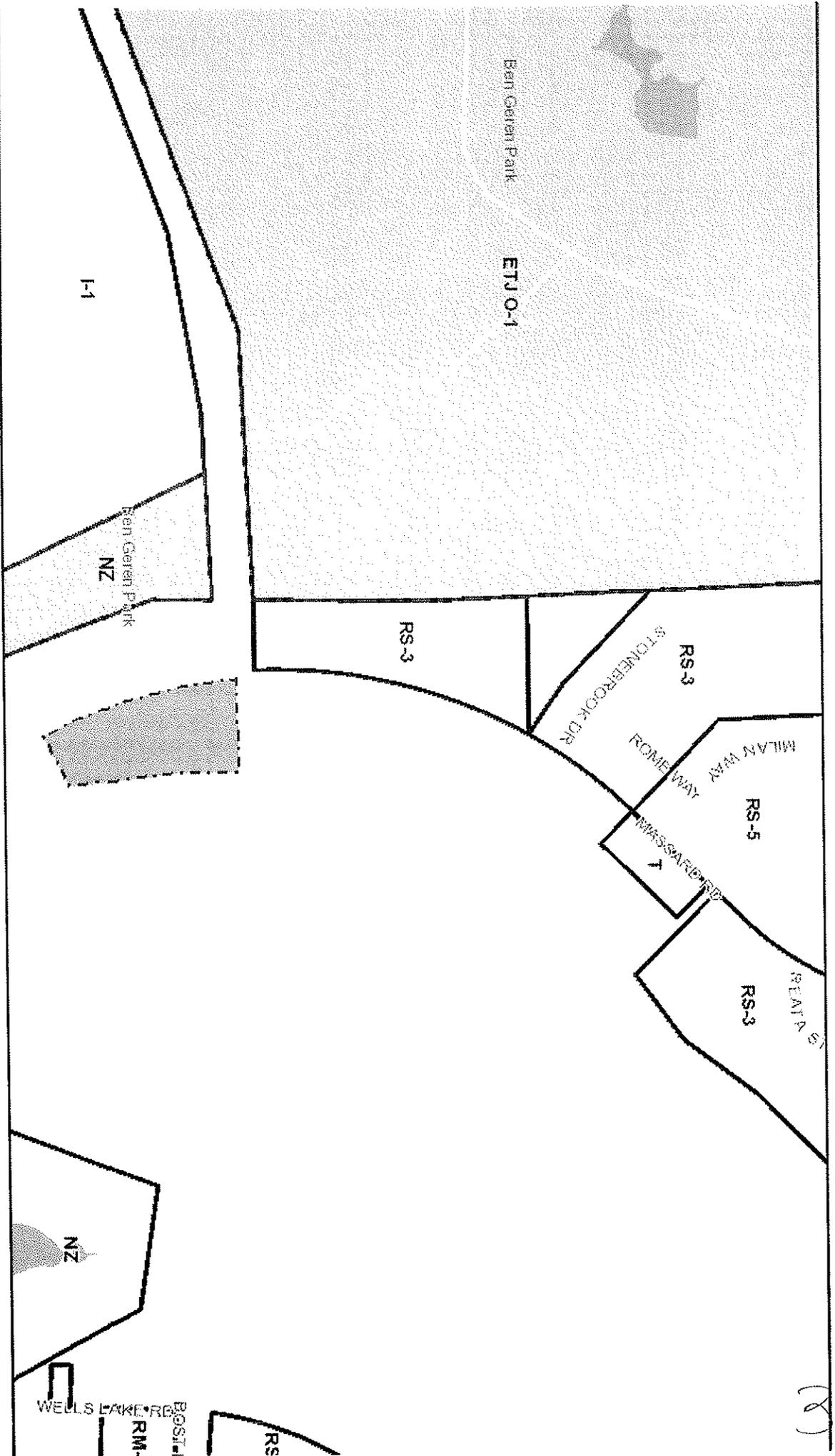
(479) 782-5049
Owner or Agent Phone Number

Larry R. Hall
Agent

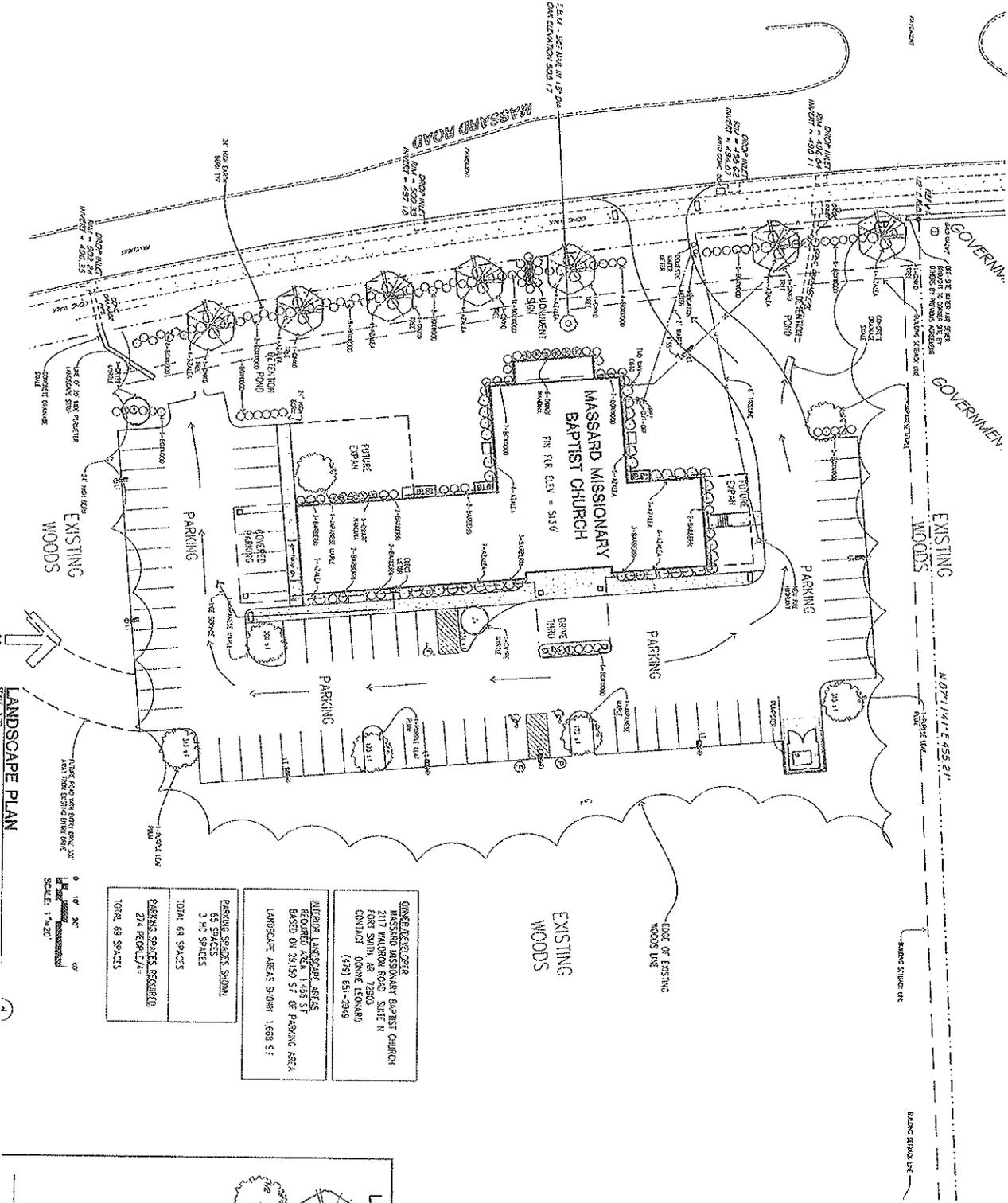
3E

Conditional Use #36-12-13: Church 7901 Massard Road

(X) F



November 20, 2013
Fort Smith City Limits
Zoning

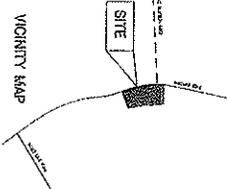


LANDSCAPE PLAN

<p>OWNER/DEVELOPER MASSARD MISSIONARY BAPTIST CHURCH 2117 WOODROW ROAD, SUITE N FORT SMITH, AR 72305 CONTACT: DONNE LEONARD (479) 651-2849</p>	
<p>NATURAL LANDSCAPE AREAS RECORDED AREA: 1,458 SF BASED ON 29,159 SF OF PARKING AREA LANDSCAPE AREAS SHOWN: 1,688 SF</p>	
<p>PARKING SPACES SHOWN 65 SPACES 3 HD SPACES</p>	<p>TOTAL 68 SPACES</p>
<p>PARKING SPACES REQUIRED 274 REQUIRED/AC</p>	<p>TOTAL 83 SPACES</p>

LANDSCAPE LEGEND

	KNOCK OUT ROSE 3 GALLON
	FREZIERA NANAHA 3 GALLON (BONUS TREE)
	WHITEGREEN DOWNWARD 5 GALLON
	GOLDENROD SPIREA 3 GALLON
	BARBERRY-3 GALLON
	BIG BLUE UMBRELLA 1 GALLON
	GREEN STEEL DRUMS 5" H ²
	SHRUB TREE 22" BIN CALIBER 8/40
	PURPLE LEAF PLUM (OPEN SPITTING AND 8'-10" H)



	<p>DATE: 11-15-13</p> <p>PROJECT NO: 13-21</p>	<p>LANDSCAPE PLAN</p>	<p>BIGGERSTAFF MINDEN & HALL P.A. ARCHITECTS & PLANNERS 1022 WEST SPRINGFIELD AVENUE, SUITE 100 FORT SMITH, AR 72305 (479) 651-1111</p>	<p>Massard Missionary Baptist Church Massard Road Chaffee Crossing Fort Smith, Arkansas</p>
	<p>34</p>			

RELIM

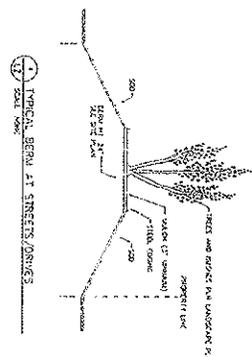
DATE	11-15-13
PROJECT NO	13-21
SHEET	1



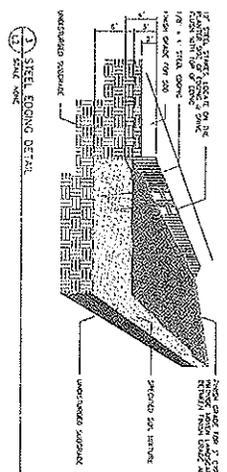
BIGGERSTAFF MINDEN & KALL P.A. ARCHITECTS & PLANNERS 205 NORTH GREENWOOD FORT SMITH, ARKANSAS 72901 (501) 782-5079 FAX 782-5800		
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Massard Missionary Baptist Church
 Massard Road
 Chaffee Crossing
 Fort Smith, Arkansas

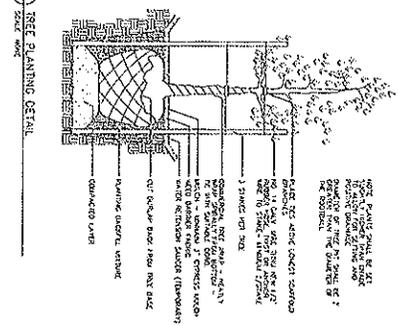
3m



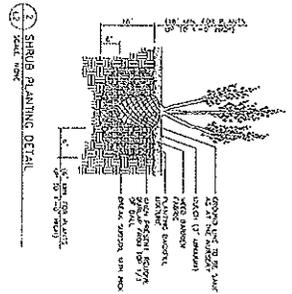
1) TYPICAL BERM AT STREET/DRIVE



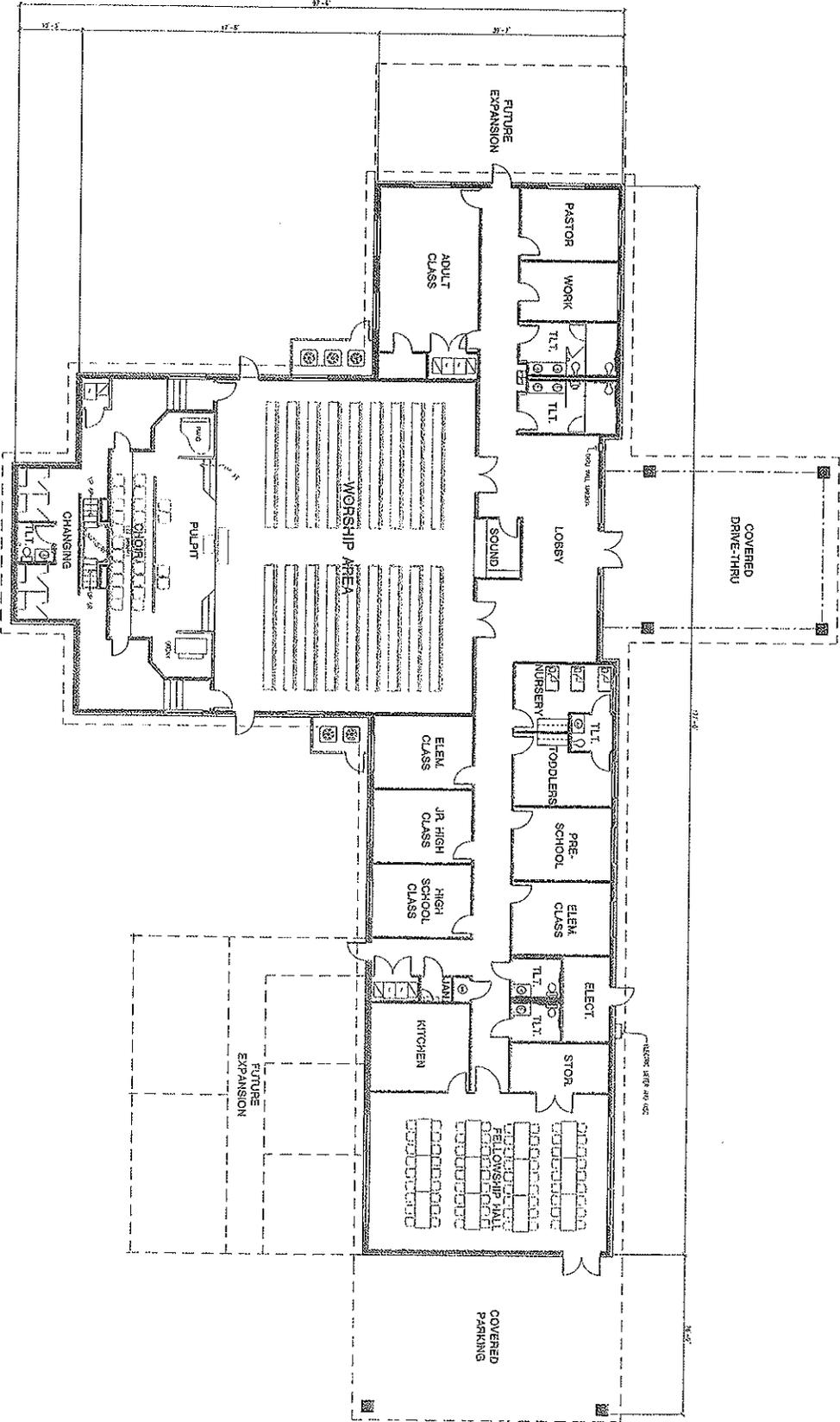
1) STEEL EODING DETAIL



1) TREE PLANTING DETAIL



1) SHRUB PLANTING DETAIL



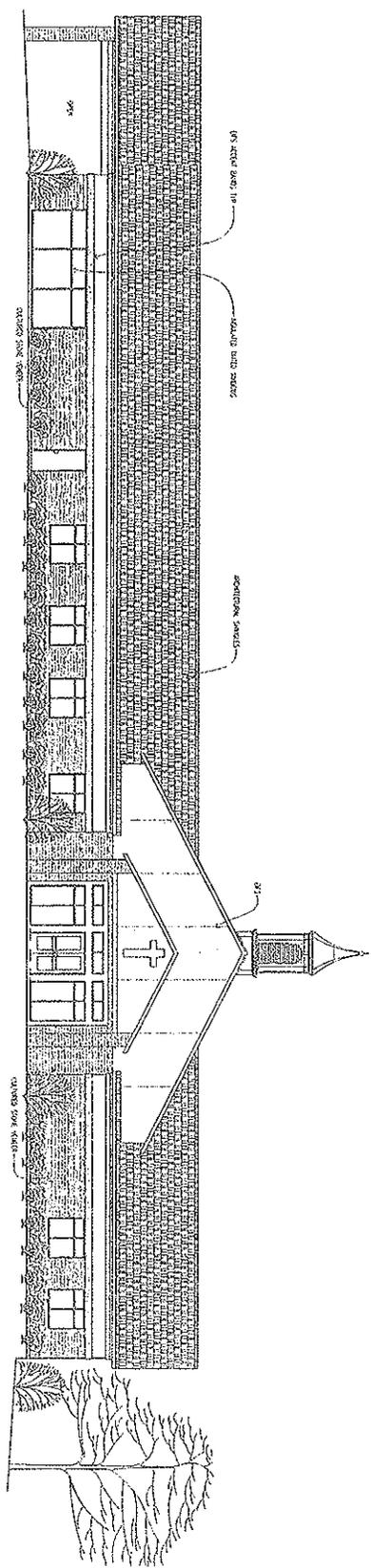
FLOOR PLAN
 2,238 S.F. HEATED
 11-15-13

SEATING CAPACITY - 425 CHURCH
 CONFERENCE ROOM SEATING - 250 PEOPLE
 CHURCH SEATING - 12 PEOPLE
 ROOM WORKSHOP AREA SEATING - 75 PEOPLE
 SEATING - 20 PEOPLE - 3" WIDE ALUMINUM RISE PERSON
 CONFERENCE ROOM SEATING - 150 PEOPLE
 CHURCH SEATING - 12 PEOPLE
 ROOM WORKSHOP AREA SEATING - 200 PEOPLE

RELIM

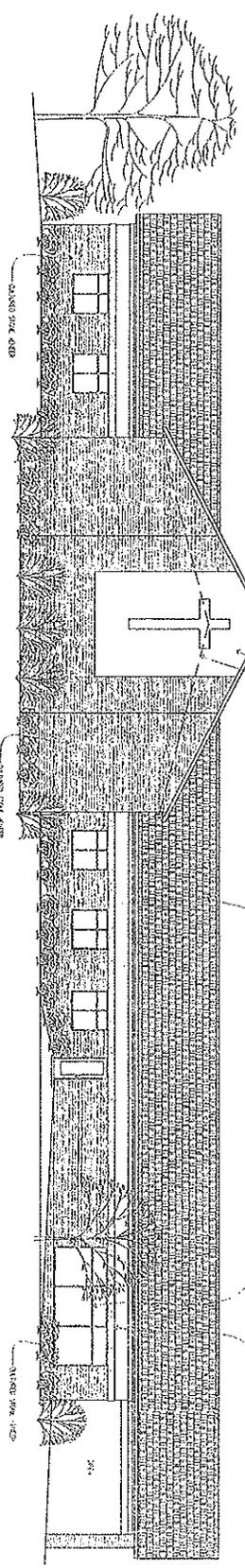
DATE 11-15-13		Massard Missionary Baptist Church Massard Road Chaffee Crossing Fort Smith, Arkansas
PROJECT NO. 13-21		
SHEET A-1		

3N



EAST ELEVATION

1



WEST ELEVATION

2

PRELIM

SHEET A2 of



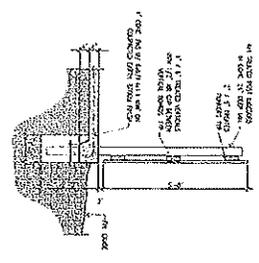
BIGGERSTAFF MINDEN & HALL P.A.
 ARCHITECTS & PLANNERS
 111-15-15
 13-21

Massard Missionary Baptist Church
 Massard Road
 Chaffee Crossing
 Fort Smith, Arkansas

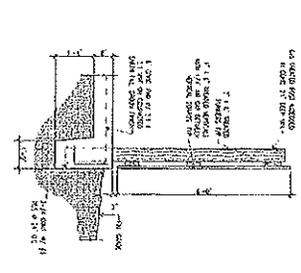
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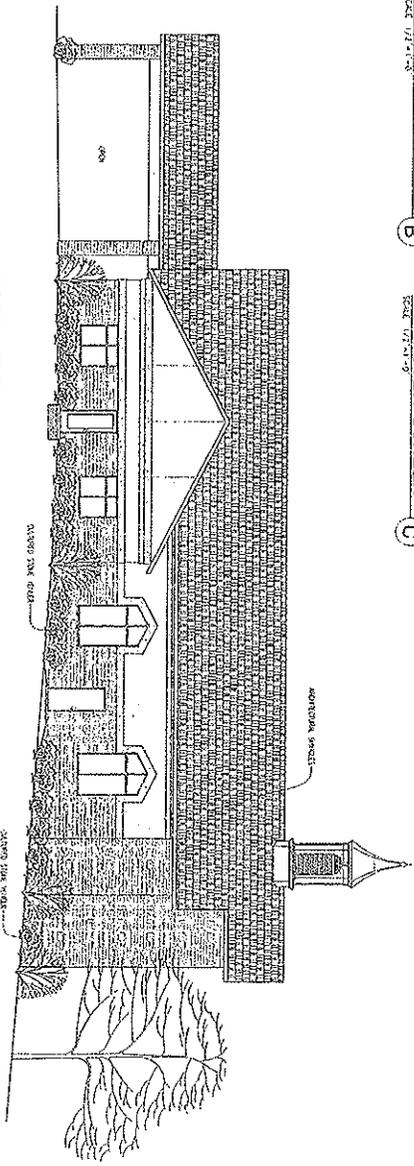
ELEV. at SIGNAGE
 SCALE: 1/4" = 1'-0"
 2 1/2" x 35" SH. 1/2"



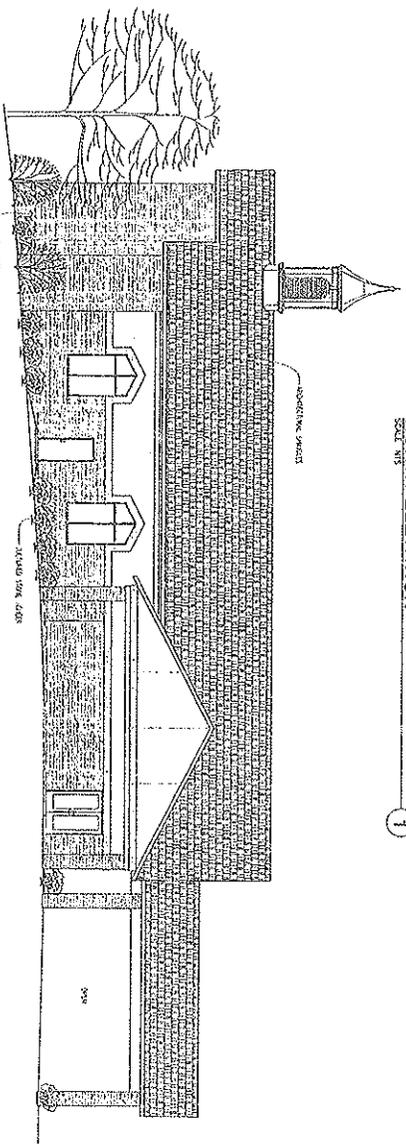
MECH. UNIT SCREEN
 SCALE: 1/2" = 1'-0"



DUMPSTER SCREEN
 SCALE: 1/2" = 1'-0"



NORTH ELEVATION
 SCALE: 1/2" = 1'-0"

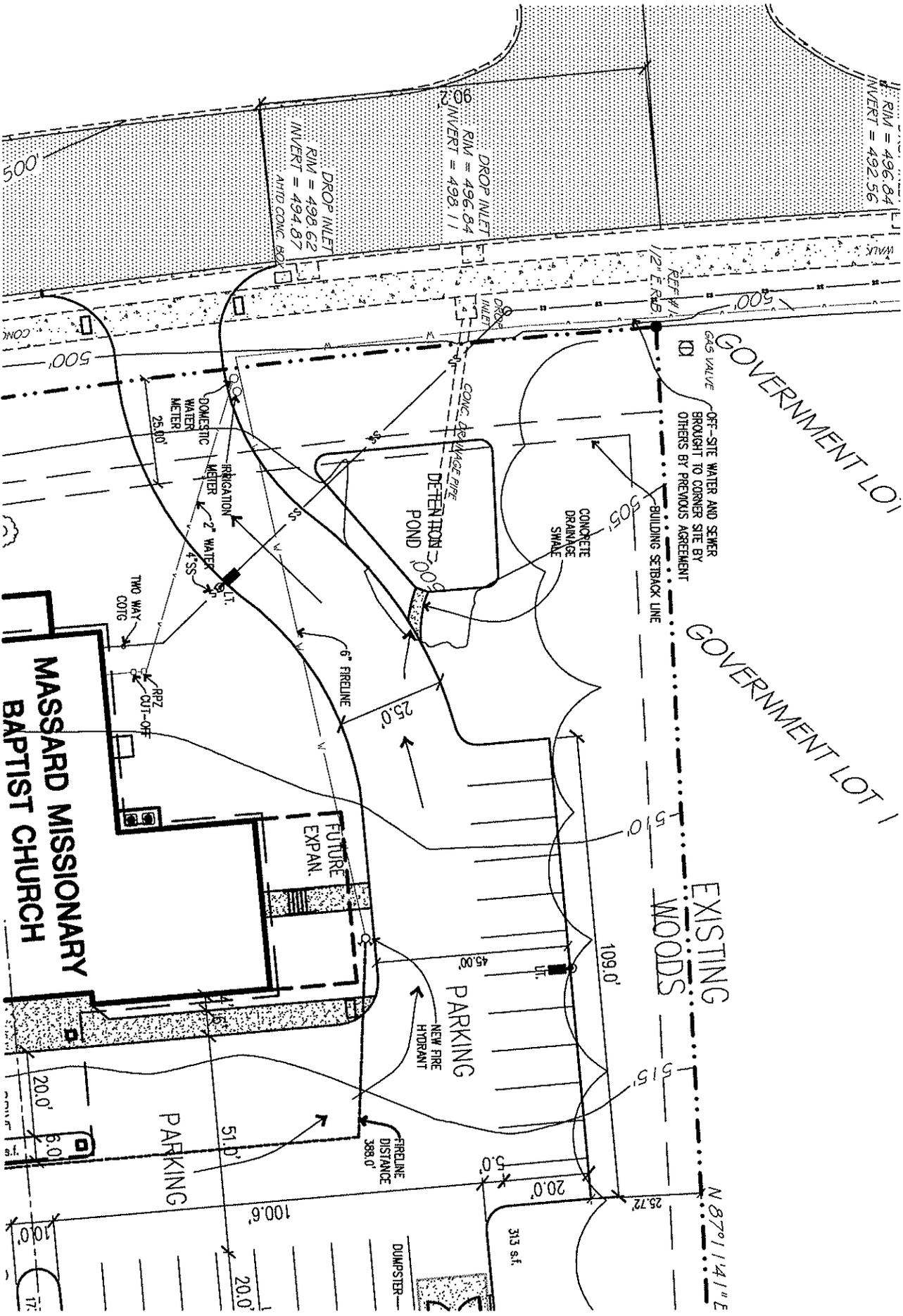


SOUTH ELEVATION
 SCALE: 1/2" = 1'-0"

PRELIM

DATE 11-15-13 PRODUCT NO. L3-21 SHEET A3 of 3		BIGGERSTAFF MINDEN & HALL P.A. ARCHITECTS & PLANNERS 205 NORTH GREENWOOD 701 (501) 541-8854 701 (501) 792-2100 FAX (501) 792-2101	Massard Missionary Baptist Church Massard Road Chaffee Crossing Fort Smith, Arkansas
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37



**MASSARD MISSIONARY
 BAPTIST CHURCH**

312

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location F2 PUBLIC LIBRARY - DALLAS ST.

Meeting Time & Date 11:00 AM DEC. 2ND, 2013

Meeting Purpose MAHARD MISSIONARY BAPTIST CHURCH

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	BMH ARCHITECTS LARRY B. HALL	305 N. GREENWOOD F.2	(479) 782-5049
2.	TOM MONACO	CITY	724-7218
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Memo

To: City Planning Commission

From: Planning Staff

Date: November 21, 2013

Re: Conditional Use #34-12-13 - A request by Jim Tolbert, agent, for Planning Commission consideration of a Conditional Use request to develop a Business Professional School at 1200 South Waldron Road

LOT LOCATION AND SIZE

The subject property is on the west side of Waldron Road between Duncan Road and Summit Street. The tract contains an area of 16.54 acres with 550 feet of street frontage along Waldron Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Regional (C-4). Characteristics of this zone are as follows:

Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, 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-4 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 – 40,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 80%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 3 acres

Minimum Lot Width – 150 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned as RSD-2 and Transitional (T) and are developed as Multifamily and Single Family dwelling units and an office building.

The areas to the east are zoned Commercial Light (C-2) and are developed as a bank and shopping center.

The areas to the south are zoned Commercial Regional (C-4) and is developed as the Central Mall.

The areas to the west are zoned Commercial Regional (C-4) and is developed as a mental health clinic.

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.

The Conditional Use will expire if work is not completed 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.

4B

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Regional Center. To provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

PROPOSED CONDITIONAL USE

The approval of the requested Conditional Use would allow for the remodel of an empty lease space into a Business Professional School offering classes in Medical Assistance, Cosmetology, Business and Information Technology.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, December 3, 2013 at 1200 South Waldron Road. No neighboring property owners attended the meeting. There were no objections to the proposed project or explain the objections. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon the following:

1. All signage requires a building permit. A separate application and review will be required for any sign proposed. All signage shall comply with the UDO, Section 27-704.

Conditional Use # 34-12-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: ACH Central Shopping Center, LLC

Name of Authorized Agent (if applicable) Jim Tolbert

Legal Description of property included in the conditional use request:

See Attachment 1

Street Address of Property:

1200 Waldron Rd. Fort Smith, Ar. 72903

Existing Zoning Classification:

C4

Proposed Zoning Classification (if applicable):

C5

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

Premises will be used for a career education school. Fields of study will include:

Medical Assistance, Cosmetology, HVAC, Business and Information Technology

What amenities are proposed such as landscaping and screening?

None.

Jim Tolbert

Owner or Agent Name (please print)

300 N. Coit Rd., Suite 1400

Richardson, Tx. 75080

Owner or Agent Mailing Address

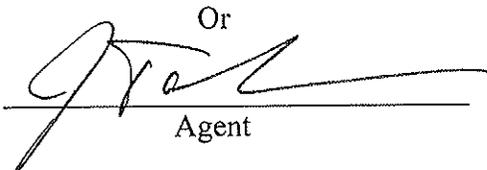
205-283-7416

Owner or Agent Phone Number

Signed:

Owner

Or

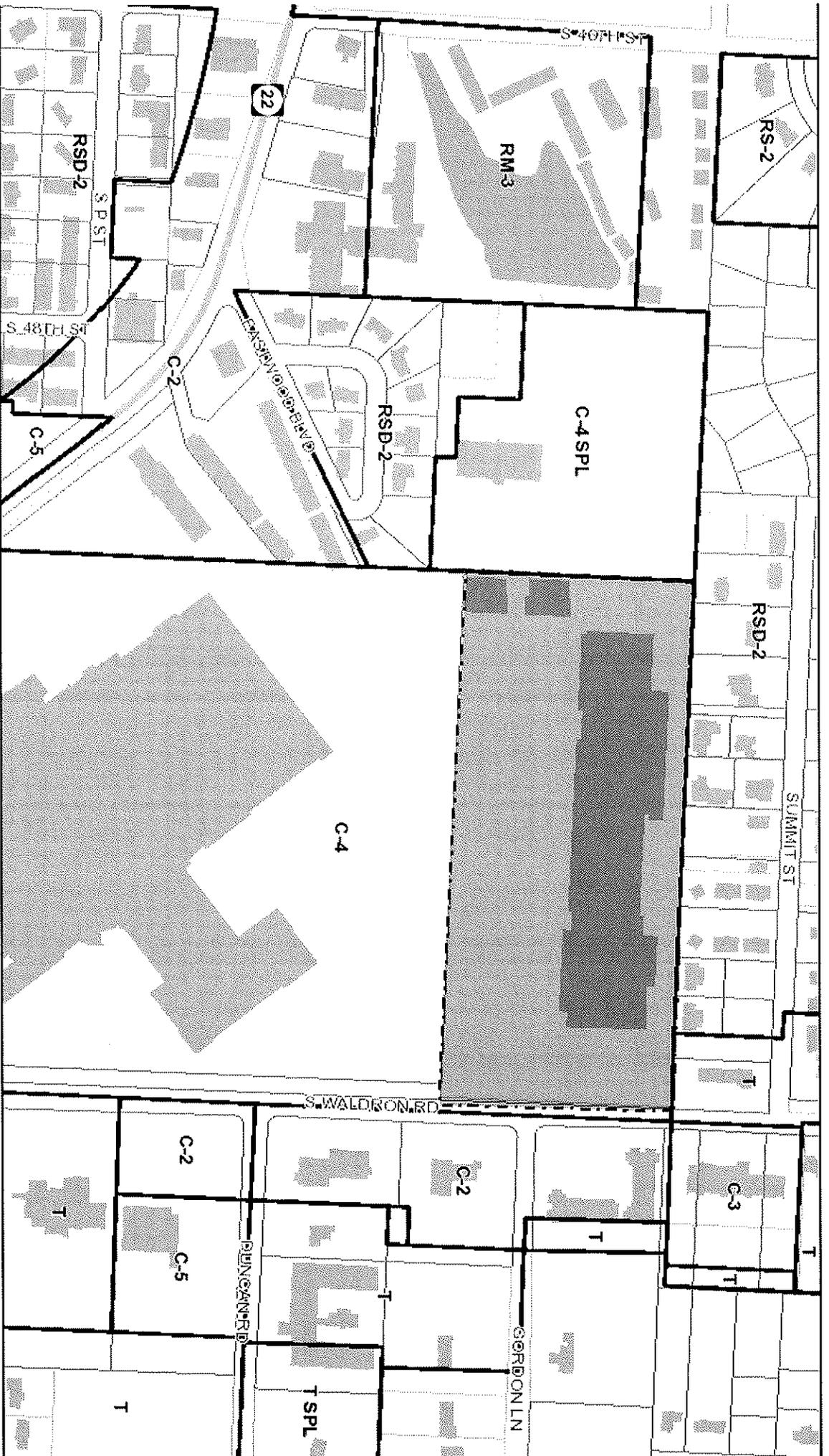


Agent

4D

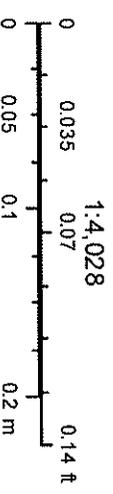
Conditional Use #34-12-13: Business Professional School 1200 South Waldron Road

LF



November 20, 2013

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



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 1200 Waldron Road

Meeting Time & Date 12-3-13 9:00 A.M.

Meeting Purpose conditional use

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>city of Fort Smith</u>	<u>479-784-2241</u>
2.	<u>Jim Tolbert</u>	<u>Vista College</u>	<u>205-283-7416</u>
3.	<u>MARK HADY</u>	<u>BMT. TX</u>	<u>409 651 4486</u>
4.	<u>TOM PARKER</u>	<u>TL PARKER INC</u>	<u>479-462-9545</u>
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

Memo

To: City Planning Commission

From: Planning Staff

Date: November 22, 2013

Re: Conditional Use #35-12-13 - A request by Al Prieur, agent, for Planning Commission consideration of a Conditional Use request to develop an Auto Body and Paint Shop at 1420 North 11th Street

LOT LOCATION AND SIZE

The subject property is on the east side of North 11th Street north of North "L" Street. The tract contains an area of 0.311 acres with approximately 100 feet of street frontage along North 11th 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.

PROPOSED CONDITIONAL USE

The approval of this Conditional Use would allow for the construction of an auto body and paint shop at this location. The proposed use will be to repair automobiles from simple mechanical repairs to collision damage repairs.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – One thirty foot wide driveway off of North 11th Street is proposed.

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 – Drainage appears to be directed to the alley and to North 11th Street.

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

Sidewalk – An existing public sidewalk along North 11th street right of way is shown on the plans.

Landscaping – Perimeter landscaping is required to be installed. Landscaping shown on the site plan does comply with the UDO.

Screening – A privacy fence will be installed at the rear of the property along the alley. A wooden privacy fence will also be installed along the property line adjacent to the carwash.

Parking – A minimum of five parking spaces are required and the proposed site plan complies with the UDO.

Signage – The sign shown on the site plan complies with the UDO.

Lighting – The plans note that outdoor lighting will comply with the UDO, Section 27-602.5.

Setbacks – The proposed structures meet the minimum required setbacks.

Architectural features – The exterior will be split face block, dryvit or brick with a metal roof.

Height and Area – The office building will be 450 square feet in area and a maximum height of seventeen feet. The shop building will be 2,400 square feet in area and a maximum height of eighteen and one half feet.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, December 2, 2013 at 1420 North 11th Street. There was one neighboring property owner in attendance. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application contingent upon the following:

1. All construction must be built in accordance with the approved Development Plan.
2. The proposed privacy fence shown on the south side of the property, adjacent to the carwash, shall be constructed along the full length of the property line. This shall be constructed at the time of the buildings construction and not in the future.
3. Vehicles awaiting repair need to be screened from view from adjoining property and right-of-way.

Conditional Use # 35-12-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Mahmud Abdul-Khaliq

Name of Authorized Agent (if applicable) Alvin L Prieur, Jr. PE

Legal Description of property included in the conditional use request:

Lots 8 & 9, Block 1, Schuetzen Park Addition

Street Address of Property:

1420 North 11th Street

Existing Zoning Classification:

Commercial – 5 (C-5)

Proposed Zoning Classification (if applicable):

No change.

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

To allow auto sales, auto body shop and paint (new parts).

Construction of a sales office 30' by 15' and a repair shop 40' by 60'.

What amenities are proposed such as landscaping and screening?

Back property line will have wooden privacy fence. The front 10'

will be landscaped per code.

Alvin L. Prieur, Jr., PE

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

P O Box 1689

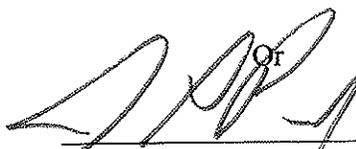
Van Buren, Arkansas 72957

479-651-7920

~~Owner~~ or Agent Phone Number

Signed:

Owner


Agent

Conditional Use #35-12-13: Auto Body and Paint Shop

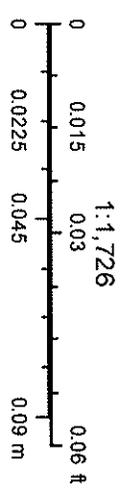
1420 North 11th Street

17
20



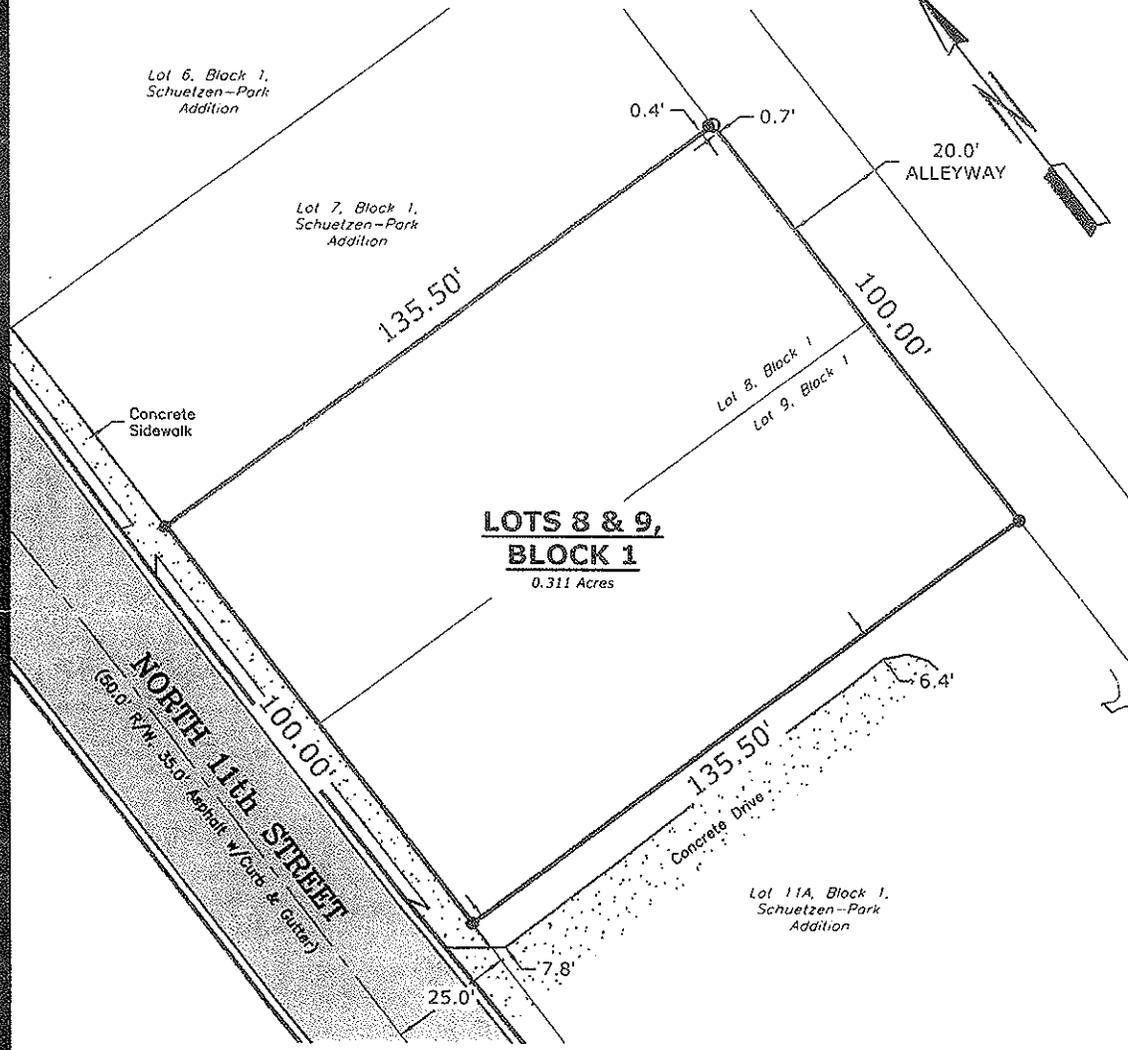
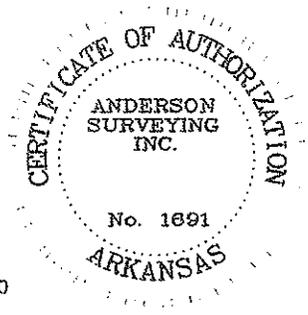
November 20, 2013

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



ANDERSON SURVEYING INC.
 Arkansas -- Oklahoma
 P.O. Box 129
 Van Buren, Arkansas 72957
 (479)-474-4247 Fax (479)-410-5333
 E-MAIL: andersonsurveying@cox.net
**REGISTERED LAND SURVEYOR'S
 SURVEY PLAT**

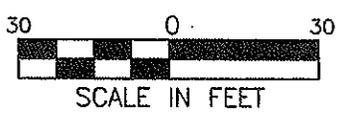
NOTE: PROPERTY NOT IN 100 YEAR FLOOD ZONE.
 FEMA: Community-Panel Number 05131C0020E, Dated: May 20, 2010
 For Use By: Mahmud Abdul-Khalig



I, Anthony P. Anderson, A Registered Land Surveyor In and For the State of Arkansas, Do Hereby Certify to the Title Attorney or Underwriter That This is a True and Correct Plat to the Best of My Knowledge of a Survey of:

 Lots 8 & 9, Block 1, Schuetzen-Park Addition
 Also Described As (Street) North 11th Street, (City) Fort Smith
 (County) Sebastian, (State) Arkansas, That Said Plat Correctly

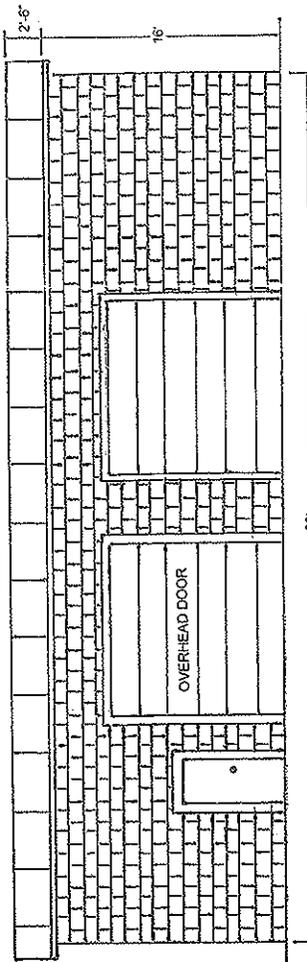
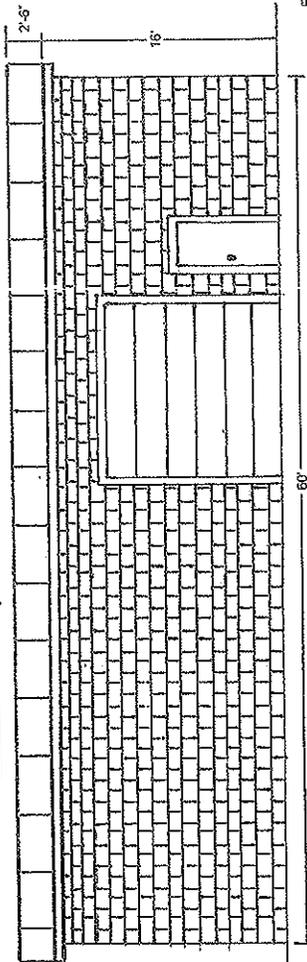
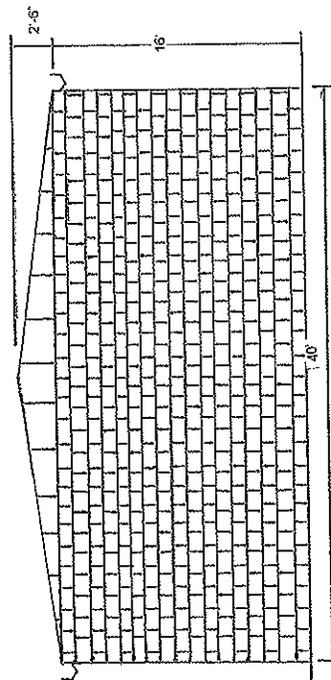
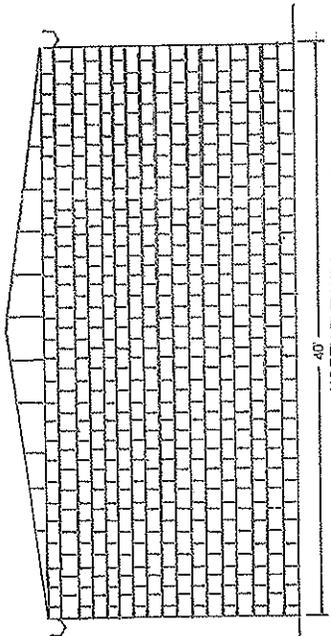
Shows the Location of All Buildings, Structures and Improvements on said Described Property, That There Are No Party Walls, Visible Right of Ways and Easements, or Visible Encroachments Except as Shown on said Plat of Survey.



Witness My Hand and Stamp
 This 14th Day Of October 2013,
 Anthony P. Anderson P.L.S.

- Legend**
- Existing Iron Pin/Pipe
 - Set 1/2" Rebar
 - ✕ Existing Fence
 - ⊠ Tele/Elec. Pedestal
 - ⊞ Water Meter
 - ⊞ Gas Meter
 - ⊞ Power Pole
- Job No. 13-10-12

5F



EXTERIOR FINISH (SPLIT FACE BLOCKS,
DRYWET, OR BRICK)



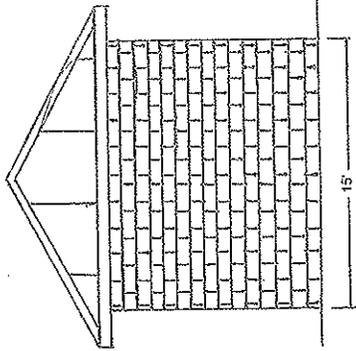
PRIEUR ENGINEERING
Alvin L. Prieur, Jr., PE
P. O. BOX 1689
VAN BUREN, ARKANSAS 72957
479-651-7920
aprieur@cox.net

SHOP ELEVATIONS
MAHMOUD ABDUL-KHALIQ
1420 North 11th Street
Fort Smith, Arkansas

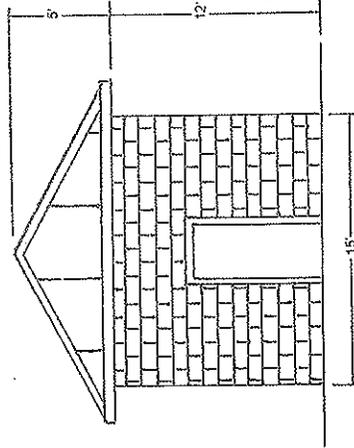
NOVEMBER 17, 2013
PAGE 3 OF 3

SCALE: 1" = 5'

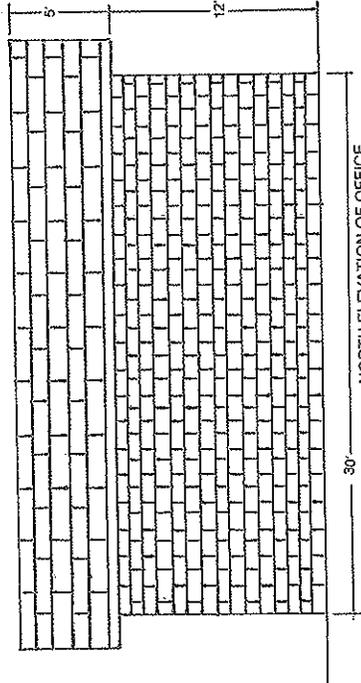
5H



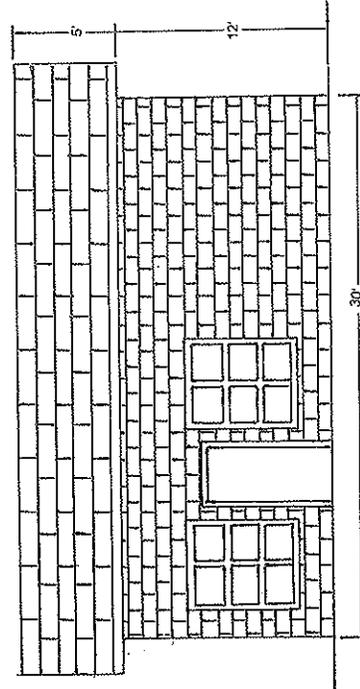
WEST ELEVATION OF OFFICE



EAST ELEVATION OF OFFICE



NORTH ELEVATION OF OFFICE



SOUTH ELEVATION OF OFFICE

EXTERIOR FINISH (SPLIT FACE BLOCKS,
DRYVET, OR BRICK)



PRIEUR ENGINEERING
 Alvin L. Prieur, Jr., PE
 P. O. BOX 1689
 VAN BUREN, ARKANSAS 72957
 479-651-7320
 aprieur@cox.net

OFFICE ELEVATIONS
 MAHMUD ABDUL-KHALIQ
 1420 North 11th Street
 Fort Smith, Arkansas

NOVEMBER 17, 2013

PAGE 2 OF 3

SCALE: 1/4" = 1'

Proposed Use of Property

- Remarket vehicles to consumers
- Restore vehicles from normal wear for resale
- Repair and refinish vehicles for consumers
- Provide detail service

Minimum Use

- Repair operable vehicles from insurance companies
- If vehicle doesn't run & drive when being resold at auction business will not purchase to resale or for parts or any other use
- Have several years of purchase history available if needed

Purchase, repair and resale process

Purchased vehicles are from trade ins from customers, trade in at auctions, repossessions at auctions or other sources with minimum damage.

Run and drive operable vehicles from insurance auctions.

Repair process consists of replacing normal worn vehicle components to restore quality of vehicle before resale (Commonly worn vehicle components: brakes, rotors, plug wires, filters, fluids, struts, and misc. Suspension parts, tires, radiators, a/c components.

Repair cosmetic (hail damage), collision damage and normal wear.
Cosmetic damage to restore quality and value before resale.

All repairs made on vehicles to reach the resale process are generally reached within 3 to 21 days. Nay vehicles purchased with major unknown mechanical problems are picked up & resold within 21 days at an auction.

Vehicles needing motors, transmissions or major repairs that were unknown at initial purchase are auctioned.

Resale of vehicles.

Usual time for resale is generally 30 days.

Repaired vehicles ready for resale are maintained for display to look presentable at all times and presented to the consumer a quality motor vehicle ready for resale.

In occurrence if a vehicle for resale does not sale in 45 to 60 days it gets remarketed to wholesaler, dealers or sometimes auctioned.

Repairs for consumers and insurance companies.

All repairs are made and completed usually in less than 30 days and released to the consume immediately after repairs are complete.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 1420 North 11th Street

Meeting Time & Date 10:00 a.m 12-2-2013

Meeting Purpose To discuss Condition Use Request.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Al Prieur</u>	<u>P.O. Box 1619 - VB</u>	<u>479-651-7920</u>
2.	<u>Tom Manna</u>	<u>City</u>	<u>784-2218</u>
3.	<u>Leroy Hoskins</u>	<u>1626 City</u>	<u>918-962-5114</u>
4.	<u>MARK HORTON</u>	<u>2604 Phillips Dr. VB</u>	<u>479-461-6686</u>
5.	<u>Mahmoud Rakhelou</u>		<u>479-226-0691</u>
6.	<u>Mahmud Abdul-Khalig</u>		<u>479-561-9499</u>
7.			
8.			
9.			
10.			
11.			

PRIEUR ENGINEERING
 Alvin L. Prieur, Jr., PE
 P. O. BOX 1689
 VAN BUREN, ARKANSAS 72957
 479-651-7920
 aprieur@cox.net

December 3, 2013

City of Fort Smith
 Planning Department
 P O Box 1908
 Fort Smith, Arkansas 72902

Attn: Brenda Andrews

Re: Neighborhood Meeting
 Conditional Use request 1420 North 11th Street

Dear Ms. Andrews:

The neighborhood meeting for the Conditional Use Request for Mahmud Abdul-Khaliq was done on December 2, 2013. Attached is a list of those present at the meeting. From the list of six (6) people only one is not associated with the project. Mr. Mark Horton is the owner of the car wash on the south side of the property with the Conditional Use Request. Mr. Horton is in full support of the project.

If you have any questions, please call me.

Respectfully,
 PRIEUR ENGINEERING



Alvin L. Prieur, Jr., PE

5 M

Bailey, Wally

From: Monaco, Tom
Sent: Wednesday, December 04, 2013 8:52 AM
To: Bailey, Wally; Andrews, Brenda; Rice, Maggie; Miller, Perry
Subject: FW: Letter of support

-----Original Message-----

From: Horton, Mark J. (FTS) [<mailto:Mark.Horton@GAPAC.com>]
Sent: Tuesday, December 03, 2013 9:18 PM
To: Monaco, Tom
Subject: Letter of support

I apologize for my tardiness in sending this acknowledgment of support.
I Mark Horton do fully support the car sales business located next to my carwash on 11th street.
It is good to see growth and faith in our community.
I would ask that you vote in favor of this endeavor.
Respectfully,
Mark J. Horton

Memo

To: City Planning Commission
From: Planning Staff
Date: December 2, 2013
Subject: Zoning Ordinance Amendments – Unified Development Ordinance

This month, Planning Staff has prepared several amendments for your consideration:

- Prior to the adoption of the Unified Development Ordinance, parallel parking spaces were permitted to count towards the total number of spaces required. However, the UDO does not permit any parallel parking spaces to count toward the required number of parking spaces. This amendment allows parallel parking spaces to once again count towards the minimum number of parking spaces required.
- Changing the term *multifamily (apartments/condominiums)* to *multifamily development* matches the land uses with the definition section as well as the terms used in the UDO.
- All commercial zoning districts require increased rear and side yard setbacks when adjacent to residential single family property. However the Commercial Light (C-2) zone does not currently have this requirement. The Planning Staff believes this is an oversight. To be consistent with all Commercial zones we believe this amendment is necessary. This amendment seeks to require the enhanced setbacks in the Commercial Light (C-2) zone similar to the other commercial zones.
- This amendment requires multifamily developments to provide screening at the side and rear property lines when adjacent to single family zoned or developed property.

All changes are highlighted on the attached pages.

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

Le A

27-601-15 Parking Layout and Design Standards

- A. The purpose of this section is to act as a guide in the design and layout of off-street parking facilities.
- B. The tendency when designing parking lots is to crowd as many parking spaces as possible into the allotted space by reducing standards, such as narrowing parking stalls and aisles. The best design, however, should give full consideration to all design factors that improve the operation of the facility. These include internal movement, maneuvering of cars, convenience of patrons and security of vehicles.
- C. The average automobile is eighteen (18) feet, zero (0) inches long and six (6) feet, nine (9) inches wide. Adding to these limits allowances for opening doors, the relative skill of drivers, the turning radius of the average automobile and a margin for safety, the following standards have been established. Parking areas built to these specifications will allow eighty (80) percent of all cars to park with relative ease in one (1) maneuver.
- D. In the larger lots, the greatest economy of space can be accomplished by placing the stalls at right angles to the aisles. Acute-angle parking allows fewer stalls for a given length of curb or aisle than right-angle parking, but is more easily accessible to drivers. In addition, acute-angle parking allows aisles that are narrower and permits the use of lots which are too narrow for right-angle parking. Acute-angle parking requires that the first stall be placed a minimum distance from the property line on sidewalk. This is a safety measure to protect and separate occupants of the sidewalk from vehicles backing out of the stall.
- E. Barrier curbs are required when parking lots continue into an adjoining property line or sidewalk. Their placement depends upon the angle for which the parking is planned.
- F. The movement of cars within parking lot facilities requires consideration of entrance and exit locations, aisle widths and the angle of parking. One-way, counterclockwise movement is desirable, where feasible, to improve internal traffic circulation and help to reduce congestion.
- G. The number of entrances and exits should be held to a minimum to reduce conflicts with street and sidewalk traffic. It is highly desirable that exits and entrances be separated from each other with curbing or landscape islands.
- ~~H. Parallel parking spaces may not be utilized for required parking.~~

- a. New District (By Classification): Minimum 7,000 s.f. to a maximum of 2 acres.
 - b. Existing district (By Extension): Min. 7,000 s.f. to a maximum of 21,000 s.f.
3. Maximum building total for development -30,000 s.f.; Maximum individual building or unit in multi-unit structure – 5,000 s.f.
 4. Required street access: residential collector or higher.

D. District Standards

1. On-street parking may be included to meet as much as 50% of the overall parking requirement with the approval of the Engineering Department.
2. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
3. No display of merchandise shall be permitted on public sidewalks or rights-of-way.
4. Special sales merchandise may be temporarily displayed outdoors, but not to exceed a period for more than 14 days or no more than two occasions per year (total of 28 days per year) provided:
 - a. The display shall be limited to the private walk in front of the store.
 - b. No required parking area shall be used as a display or sales area.

27-423	COMMERCIAL LIGHT (C-2)
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- B. 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.
- C. Land Uses.** Permitted, Conditional and Accessory land uses in the C-2 Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

6D

D. Area and Bulk Regulations

Min. Lot Size/Max. Bldg (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height (see 27-404(D))
7,000 lot / 30,000 bldg.	50 feet	60%	20 feet	35 feet
Setbacks (feet)				
Front Setback	Side Setback	Street Side Setback	Side/Rear Setback (<u>Adjoining SF Res. Dist/Development</u>)	Rear Setback
25 feet	10 feet	10 feet	30 feet	10 feet

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to C-2
 - a. New District (By Classification) : 42,000 s.f.
 - b. Existing District (By Extension): 7,000 s.f. (one lot)
3. Maximum Individual building square footage on a single lot: 30,000 s.f.
4. Required street access: major collector or higher

E. District Standards

1. On-street parking may be included to meet as much as 50% of the overall parking requirement with the approval of the Engineering Department.
2. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
3. No display of merchandise shall be permitted on public sidewalks or rights-of-way.
4. Special sales merchandise may be temporarily displayed outdoors, but not to exceed a period for more than 14 days or no more than two occasions per year (total of 28 days per year) provided:
 - a. The display shall be limited to the private walk in front of the store.
 - b. No required parking area shall be used as a display or sales area.

6E

6. All trash receptacles shall be completely screened with a permanent opaque screen fence.
7. Outdoor lighting shall comply with Section 27-602-5.
8. A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property developed or zoned single family including alleys.

E. Industrial Building Standards The following standards shall apply to industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential districts, and/or those buildings at the perimeter of an industrial subdivision.

1. Each primary entrance for employees or visitors that faces a public street should be emphasized through the use of differing colors or materials, arches, arcades or other architectural treatments.
2. All front facades of primary structures, all facades that face a public right-of-way, and all sidewall facades within forty (40) feet of the front façade, shall be made of masonry (brick, stone and/or stucco), tilt-up concrete panels (textured or untextured), wood, native stone, tinted glass, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or other siding materials as approved by the Director.
3. Facades of the primary structure should incorporate architectural relief through the use of at least two of the following tools: reveals, visible joint patterns, projected sills, belt courses, repeating brick header and stretcher courses, or differing colors and textures.
4. All primary structures with roofs with a pitch of less than 2:12 shall be screened by a parapet wall or fascia.
5. All trash receptacles shall be screened with a permanent opaque screening fence.
6. Outdoor lighting shall comply with Section 27-602-5.
7. Outdoor storage.

a. Industrial-1 (I-1):

1. Areas used for outdoor storage or display shall be maintained so that excessive dust, fumes or odors will not be produced by continued use.

LF

Memo

To: City Planning Commission

From: Planning Staff

Date: November 21th, 2013

Re: Variance #36-12-13 - A request by Larry Hall, agent for Massard Missionary Baptist Church, for Board of Zoning Adjustment consideration of a zoning variance request from 235 feet to 89 feet distance of driveway to street intersection located at 7901 Massard Road (Companion to Rezoning #19-12-13 and Conditional Use #36-12-13)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road between Stonebrook Drive and Wells Lake Road. The tract contains an area of 8 acres with approximately 988 feet of street frontage along Massard Road.

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.

LA

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet (1+1)	Maximum Height - 35 feet
Maximum Density – 6.7 Dwelling Units/Acre 60%	Maximum Lot Coverage -
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

All of the surrounding areas are not zoned and undeveloped.

The area further to the northwest of the subject property is zoned Residential Single Family Medium/High Density (RS-3) and currently undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard street classification.

LAND USE PLAN COMPLIANCE

The Chaffee Crossing Redevelopment Plan currently classifies the site as Institutional. This classification’s intent is for the creations of institutional developments that are connect to surrounding land uses via multi-modal transportation network that binds Chaffee Crossing community. It also acts as a guide for the appropriate development of residential uses in a larger community context, establishes a strong street presence, and promotes parking on the side and rear of the building. Approval of the variance will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. A companion Conditional Use application for the Church and companion Rezoning application for the Residential Single Family Medium/High Density (RS-3) has been submitted along with the Variance request.

REQUESTED VARIANCE

The requested variance from 235 to 89 feet separation of driveway from the street intersection will allow the development to incorporate a covered drop off area at the entrance and safely design the vehicle maneuverability of the site traffic.

APPLICANT HARDSHIP

The applicant has stated that the church will not be able to use a covered drive-thru in its proper orientation if the entry drive is located 300 feet away from the intersection.

7B'

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, December 2nd, 2013 at 11:00 A.M. at 8100 Dallas Street. No neighboring property owners were present for the meeting. There were no objections to the proposed project.

The Engineering Department does not object to the requested 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.

Var # 36-12-13

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 ATTACHED

Address of property 7901 MASSARD, Existing or Proposed

Zoning Classification R2-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

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

235' - 89' Other: ENTRY DRIVE DISTANCE TO INTERSECTION

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

7D

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

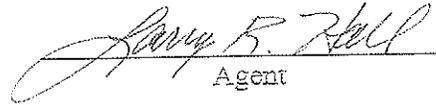
Signed:

BMH ARCHITECTS
LARRY B. HALL
Owner or Agent Name (please print)

Owner

or

(479) 782-5049
Owner or Agent Phone Number


Agent

305 N. GREENWOOD FORT SMITH, AR
Owner or Agent Mailing Address

Variance # _____

7E

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	<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 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?

*POOR
Write*

Explanation of question #4 (if applicable)

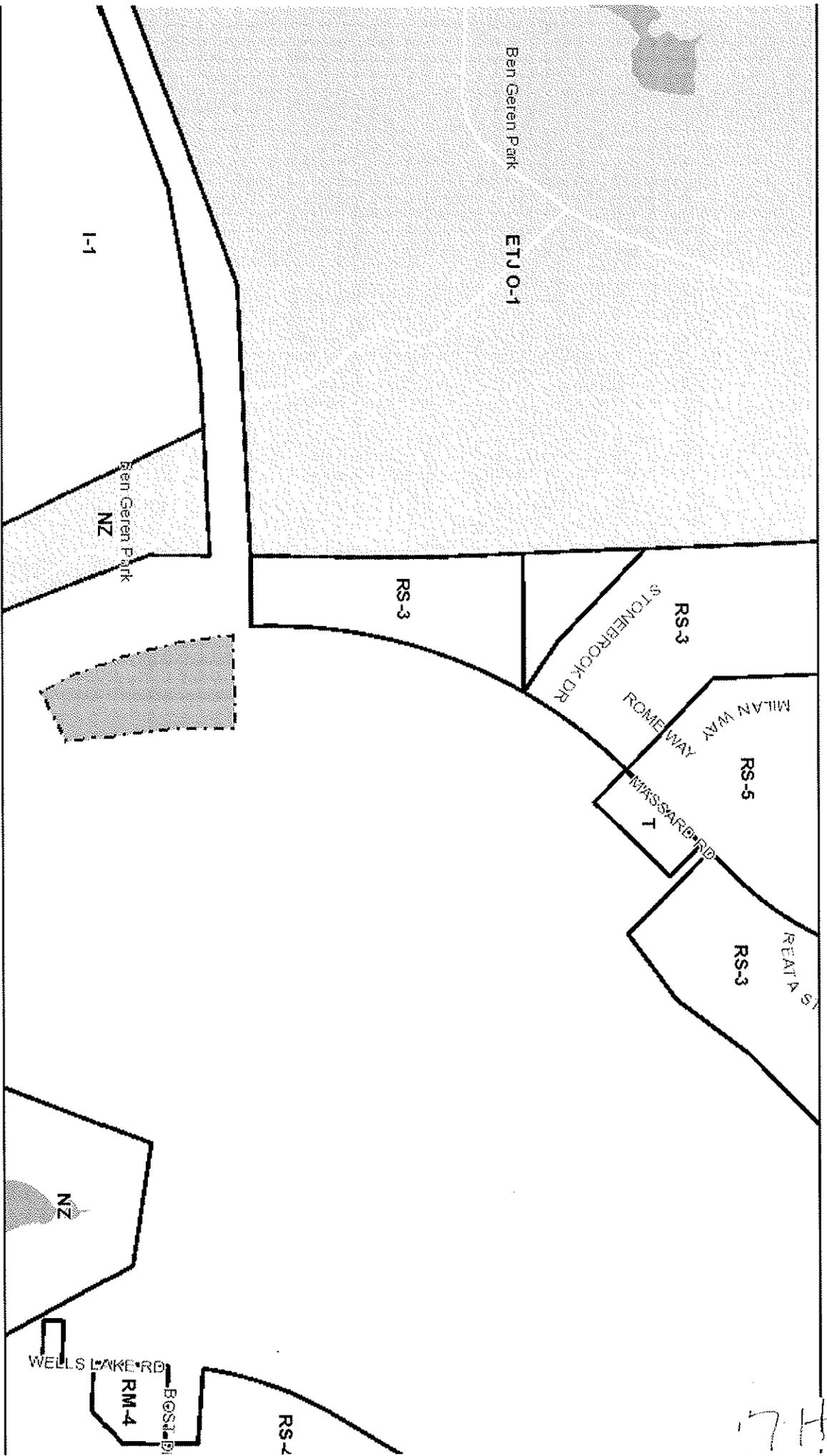
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

WE CANNOT USE A COVERED DRIVETHRU IN ITS
PROPER ORIENTATION IF THE ENTRY DRIVE IS
LOCATED 300' AWAY FROM AN INTERSECTION.
TRAFFIC ON SUNDAY SHOULD NOT BE AN ISSUE

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 #36-12-13: From 235' to 89' separation distance from entry drive to intersection 7901 Massard Road

HL



- November 20, 2013
- Fort Smith City Limits
- Zoning



ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location F2 PUBLIC LIBRARY - DALLAS ST.

Meeting Time & Date 11:00 AM DEC. 2ND, 2013

Meeting Purpose MAHARJ MISIONARY BAPTIST CHURCH

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	BMH ARCHITECTS LARRY R. HALL	305 N. GREENWOOD F2.	(479) 782-5049
2.	TOM MORALES	CITY	784-7118
3.			
4.			
5.			
6.			
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