

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 8, 2015**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM NOVEMBER 10, 2015

III. STAFF COMMENTS AND PROCEDURES

1. A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer, Beau Sparkman, for a zone change from Not Zoned (NZ) to Commercial Moderate (C-3) by Extension located at 9300 Chad Colley Boulevard.
2. A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer, Beau Sparkman, for development plan approval for a dental clinic located at 9300 Chad Colley Boulevard.
3. A request by Jeremy Jones for a text amendment to the Unified Development Ordinance to add motorcycle or ATV sales and service to the Commercial-4 zoning district as a permitted use.

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

4. Variance #37-12-15; A request by Affordable Construction Group, agent for Gonzalo and Nely Portillo, for a variance from 20 feet to 0 feet minimum street frontage located at 3305 Newlon Road.
5. Variance #38-12-15; A request by Ron Brixey, agent for Delmas Roberts, for a variance from 150 feet to 121.7 feet minimum driveway separation and from 25 feet to 10 feet front yard setback located at 2000 South Savannah Street.

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

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

6. Discussion of text amendments to the Unified Development Ordinance relating to microbreweries in commercial zoning districts and neighborhood meeting requirements.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
NOVEMBER 10, 2015**

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

Chairman Sharpe then called for the vote on the Planning Commission minutes from the October 13, 2015, meeting. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Consent Agenda:

- A. Preliminary Plat – Hanna Phoenix Addition – Lots 2 thru 5 – Mickle-Wagner-Coleman.**
- B. A request by Travis Brisendine, agent for Walmart Real Estate Business Trust, for development plan approval for a training center located at 2425 South Zero Street.**
- C. Conditional Use #20-11-15; A request by Jeremy Jones, agent for John Canterbury, for a conditional use for a motorcycle or ATV sales and service business located at 201 Towson Avenue.**

No one requested an item be pulled from the consent agenda.

Chairman Sharpe than called for the vote on consent agenda items #1A - #1C. The vote on the consent agenda was 9 in favor and 0 opposed. The consent agenda was approved subject to all the staff comments and recommendations.

- 2. A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a Master Land Use Plan Amendment from Open Space/Office, Research, Light Industrial to Office, Research and Light Industrial located at 2801 Cavanaugh Road.**
- 3. Rezoning #18-11-15; A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a zone change from Commercial heavy (C-5) to Industrial Light (I-1) by Extension located at 2801 Cavanaugh Road.**

- 4. A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for development plan approval for a warehouse and potential future light industrial development located at 2801 Cavanaugh Road.**
- 5. Variance #35-11-15; A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a variance from 15 feet to 4 feet exterior side yard setback and from a major arterial to a local road required minimum street access for an Industrial Light (I-1) zoning district located at 2801 Cavanaugh Road.**

Brenda Andrews read the staff reports indicating the purpose of these requests is to accommodate the construction of a proposed warehouse building and future light industrial development at this location.

Chris Gatling with Mickle-Wagner-Coleman was present to speak on behalf of Littlefield Oil Company.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on these items.

- 2. A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a Master Land Use Plan Amendment from Open Space/Office, Research, Light Industrial to Office, Research and Light Industrial located at 2801 Cavanaugh Road.**

Chairman Sharpe called for the vote on the master land use plan amendment. The vote was 9 in favor and 0 opposed.

- 3. Rezoning #18-11-15; A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a zone change from Commercial heavy (C-5) to Industrial Light (I-1) by Extension located at 2801 Cavanaugh Road.**

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

- 4. A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for development plan approval for a warehouse and potential future light industrial development located at 2801 Cavanaugh Road.**

Chairman Sharpe called for the vote on the development plan. Motion was made by Commissioner Howard seconded by Newton and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Future development may be required to meet the 2011 storm drainage standards.
- A fire hydrant must be within 400 feet of all points of the building.
- All proposed new building and site lightings shall comply with the Commercial and outdoor Lighting Requirements – UDO Section 27-602-5.
- All new signage will require a separate application and review process.

Chairman Sharpe then called for the vote on the development plan as amended.

The conditional use was approved by a vote of 9 in favor 0 opposed.

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

5. **Variance #35-11-15; A request by Mickle-Wagner-Coleman, agent for Littlefield Oil Company, for a variance from 15 feet to 4 feet exterior side yard setback and from a major arterial to a local road required minimum street access for an Industrial Light (I-1) zoning district located at 2801 Cavanaugh Road.**

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

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

6. **Rezoning #19-11-15; A request by Travis Brisendine, agent for Danny Williams, for a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-#3) by Extension located at 3311 South 66th Street.**
7. **A request by Travis Brisendine, agent for Danny Williams, for development plan approval of a multi-family development at 3311 South 66th Street.**
8. **Variance #36-11-15; A request by Travis Brisendine, agent for Danny Williams, for a variance request from 11.25 feet to 7.5 feet side yard setback located at 3311 South 66th Street.**

Maggie Rice read staff report indicating the purpose of these requests is to allow for five (5) multifamily buildings consisting of 20 total dwelling units with adequate parking screening, and landscaping.

Travis Brisendine was present to speak on behalf of Danny Williams.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on these items.

- 6. Rezoning #19-11-15; A request by Travis Brisendine, agent for Danny Williams, for a zone change from Transitional (T) to Residential Multifamily Medium Density (RM-#3) by Extension located at 3311 South 66th Street.**

Chairman Sharpe then called for the vote on the zone change. The rezoning was approved by a vote of 9 in favor and 0 opposed.

- 7. A request by Travis Brisendine, agent for Danny Williams, for development plan approval of a multi-family development at 3311 South 66th Street.**

Chairman Sharpe then called for the vote on the development plan. Motion was made by Commissioner Howard, seconded by Commissioner Howe and carried with a vote of 9 in favor and 0 opposed to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All signage must comply with the signage requirements for signs allowed in the Multi-Family Dwelling Districts. A sign permit application shall be submitted for staff review.
- All exterior lighting shall comply with the Commercial and Outdoor Lighting Regulations.

RECESS PLANNING COMMISSION

RECONVENE BOARD OF ZONING ADJUSTMENT

- 8. Variance #36-11-15; A request by Travis Brisendine, agent for Danny Williams, for a variance request from 11.25 feet to 7.5 feet side yard setback located at 3311 South 66th Street.**

Chairman Sharpe then called for the vote on the variance request. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried with a vote of 9 in favor and 0 opposed.

RECESS BOARD OF ZONING ADJUSTMENT

RECONVENE PLANNING COMMISSION

- 9. Preliminary Plat – The Havens at Chaffee Crossing – Lots 1-54 – Crafton Tull & Associates.**

Brenda Andrews read the staff reports.

Brad Peterson was present to speak on behalf of Crafton Tull and Associates.

No one present to speak in opposition.

Chairman Sharpe then called for the vote on the preliminary plat. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Developer agrees to meet all franchise and City utility easement requirements.
- 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 7 in favor and 2 abstentions. (Keese, Cooper)

10. Rezoning #20-11-15; A request by Crafton Tull & Associates, agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzone to Residential Single Family - Duplex Medium/High Density (RSD-3) by Classification located at 6900 Veterans Avenue.

Brenda Andrews read the staff report indicating the purpose of the rezoning request is to allow for the development of fifty-four (54) lots for duplexes.

Brad Peterson was present to speak on behalf of Crafton Tull and Associates.

No one was present to speak in opposition.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 2 abstentions. (Keese, Cooper)

11. Rezoning #21-11-15; A request by Crafton Tull & Associates, agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Commercial Light (C-2) and Residential Single Family-Duplex Medium/High Density (RSD-3) by Classification located at 7100-7200 Wells Lake Road.

Maggie Rice read the staff report indicating the purpose of the rezoning request is to increase the size of the lots in the Providence Subdivision. Ms. Rice noted that this rezoning request adds about one (1) acre of land to the previously approved Providence Subdivision.

Brad Peterson was present to speak on behalf of this request.

No one present to speak in opposition.

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 2 abstentions. (Keesee, Cooper)

12. Conditional Use #21-11-15; A request by Jean Kolljeski and Kenneth Wallace, agents for Community Rescue Mission, for a conditional use for a community food service facility located at 317 North "F Street.

Wally Bailey read the staff reports indicating that the purpose of the conditional use request is to allow The Sack Lunch Program, a ministry of St. John's Episcopal Church, to move the feeding program to 317 North 7th Street.

Father Michael Lager of St. John's Episcopal Church, Ken Wallace, 8100 Mile Tree, Jean Kolljeski PO Box 1729, Greenwood AR, Jeff Horn, Brian Hilts, Mike Bishop, Shirley Brown, John Klink and Andrew Collins were present to speak in favor.

David Kerr 523 North 5th, Mitch Minnick, Jeff Sutton, Debbie Everly was present to speak in opposition.

Chairman Sharpe then called for the vote on the conditional use request.. Motion was made by Commissioner Howard, seconded by Commissioner Howe and carried with a vote of 7 in favor and 2 in opposition. (Sharpe, Richardson)

Meeting adjourned.

Memo

To: City Planning Commission

From: Planning Staff

Date: November 19, 2015

Re: Rezoning #21-12-15 - A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer Beau Sparkman, for Planning Commission consideration of a zone change from Not Zoned (NZ) to Commercial Moderate (C-3) located at 9300 Chad Colley Blvd (Companion to item #1)

PROPOSED ZONING

The proposed zone will facilitate the development of a 5,960 s.f. dental office with tenant space with 25 parking spaces, landscaping, and architectural features with 100 percent of high quality materials.

LOT LOCATION AND SIZE

The subject property is on the west side of Chad Colley Blvd. between Massard Road and Gatehouse Way. The tract contains an area of 5 acres with approximately 400 feet of street frontage along Chad Colley Blvd.

REQUESTED ZONING

The tract is currently not zoned.

The proposed zoning on this tract is Commercial Moderate (C-3).

Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and Commercial Moderate (C-3-SPL) and is undeveloped. A bank is proposed for the C-3-SPL site.

The area to the south/southeast is zoned Residential Multifamily Medium Density (RM-3) and Commercial Moderate (C-3-SPL) and is developed as an apartment complex and an undeveloped tract.

The areas to the south and west are zoned Residential Single Family Medium/High Density (RS-3) and developed as single-family residential and an undeveloped tract.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley Blvd as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Land Use Map classifieds the site as Mixed Master Land Use Plan classifies the site as Mixed Use: Residential/Commercial/Office. The applicant is will be applying for a Chaffee Crossing Land Use amendment to a Commercial/office land use classification. This classification is intended to create commercial, industrial, office, institutional, and technical developed that are connected to surrounding land uses and to guide

1B

the appropriate development of non-residential uses with a larger community context, and establish strong street presence.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Tuesday, December 1, 2015 at 2:00 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The FCRA must approve the Land Use Map Amendment to the Chaffee Crossing Master Land Use map.

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)

2. Address of property: _____

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

4. Application is hereby made to change the zoning classification of the above described property to C3 by EXTENSION.
(Extension or classification)

5. Why is the zoning change requested?

THE PROPERTY IS NOT CURRENTLY ZONED, AND THE
OWNER WISHES TO CONSTRUCT A DENTAL CLINIC ON
THE PROPERTY.

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

Signed:

MICHAEL RILEY, ARCHITECT
Owner or Agent Name
(please print)

28899 Brookenhill Road
Shady Point, OK 74956

Owner or Agent Mailing Address

918-839-6032
Owner or Agent Phone Number

Owner

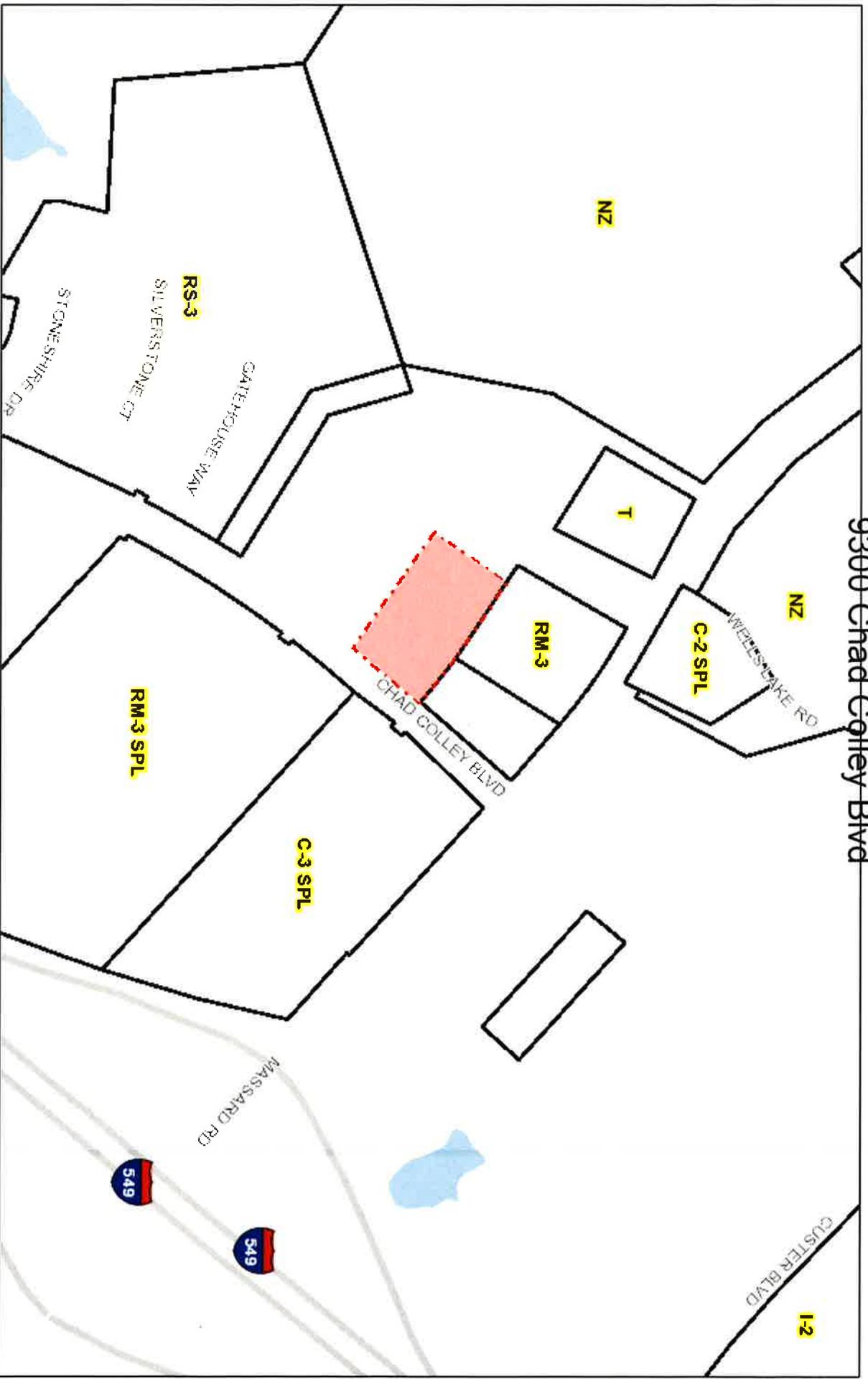
or

Michael A. Riley

Agent

Rezoning #21-12-15: From Not Zoned to Commercial Moderate (C-3)

9300 Chad Colley Blvd



November 18, 2015

- Fort Smith City Limits
- Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: November 19, 2015

Re: Development Plan Review - A request by Michael Riley, agent for Fort Chaffee Redevelopment Authority and developer Beau Sparkman, for Planning Commission consideration of a Development Plan request to develop a dental office and clinic at 9300 Chad Colley Blvd (Companion to item #1)

PROPOSED DEVELOPMENT PLAN

The project, if approved, will allow for a 5,960 s.f. building for a dental office and lease space that includes 26 parking spaces, landscaping, and architectural features with 100 percent of high quality materials.

LOT LOCATION AND SIZE

The subject property is on the west side of Chad Colley Blvd. between Massard Road and Gatehouse Way. The tract contains an area of 5 acres with approximately 400 feet of street frontage along Chad Colley Blvd.

EXISTING ZONING and PROPOSED ZONING

The tract is currently not zoned.

The proposed zoning on this tract is Commercial Moderate (C-3).
Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned RM-3 and C-3-SPL and are undeveloped. A bank is proposed for the C-3-SPL site.

The area to the east is zoned RM-3 and C-3-SPL and is developed as an apartment complex and undeveloped tract.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Chad Colley Blvd as a Major Arterial.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur on the proposed driveway located on Chad Colley Blvd.

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 development has not addressed drainage at this time but shall comply with the City Engineering department’s standards for drainage.

Right-of-way dedication – No new R.O.W. dedication is required at this time.

Landscaping – The site shows a 25 feet perimeter landscaping strip which exceeds both the UDO and Chaffee perimeter landscaping requirements. The site complies with the UDO parking lot screening and has supplied landscaping to accommodate the CCDG standards.

2B

Screening – The site shows that a 6 feet opaque wood screening fence will be located next to the residentially zoned area, and a screening fence for the HVAC and trash receptacles will be supplied.

Parking – The site shows total of 26 parking spaces which will provide 15 spaces for the dental office and 11 spaces for the lease space. The parking provided complies with the UDO.

Signage – The only signage purposed at this time shows a wall sign that is in compliance with the UDO and CCDG. Any additional signage proposed must also comply with the guidelines.

Lighting – No new lighting fixtures are available for review at this time. However, a note on the site plan states that the light fixtures will be consistent with CCDG. The exterior lighting also must comply with the UDO.

Architectural features – The architectural features exceeds the UDO with several pitch roof peaks and 100% high quality materials.

Height and Area –The height of the building is approximately 25 feet and complies with the maximum height allowed for the C-3 zone.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Tuesday, December 1, 2015 at 2:00 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The FCRA shall approve the Master Land Use Plan Amendment to the Chaffee Crossing Master Land Use map.
3. Approval of the rezoning application.
4. Any signage in addition to the façade sign shall comply with the CCDG and the UDO. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
5. All exterior lighting shall comply with the Commercial and Outdoor Lighting requirements.

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DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

2. Address of property: _____

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

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

Yes No

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

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

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

C3 by EXTENSION
(Zoning Classification) (Extension or classification)

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

SEE ATTACHED SURVEY

8. Total acreage of property 5 ACRES TOTAL,
LESS THAN
1 ACRE BEING
RE-PLANTED &
DEVELOPED

Signed:

MICHAEL RILEY

Owner or Agent Name
(please print)

28899 Brookenhill Rd
Shady Point, OK 74956

Owner or Agent Mailing Address

918-839-6032

Owner or Agent Phone Number

Owner

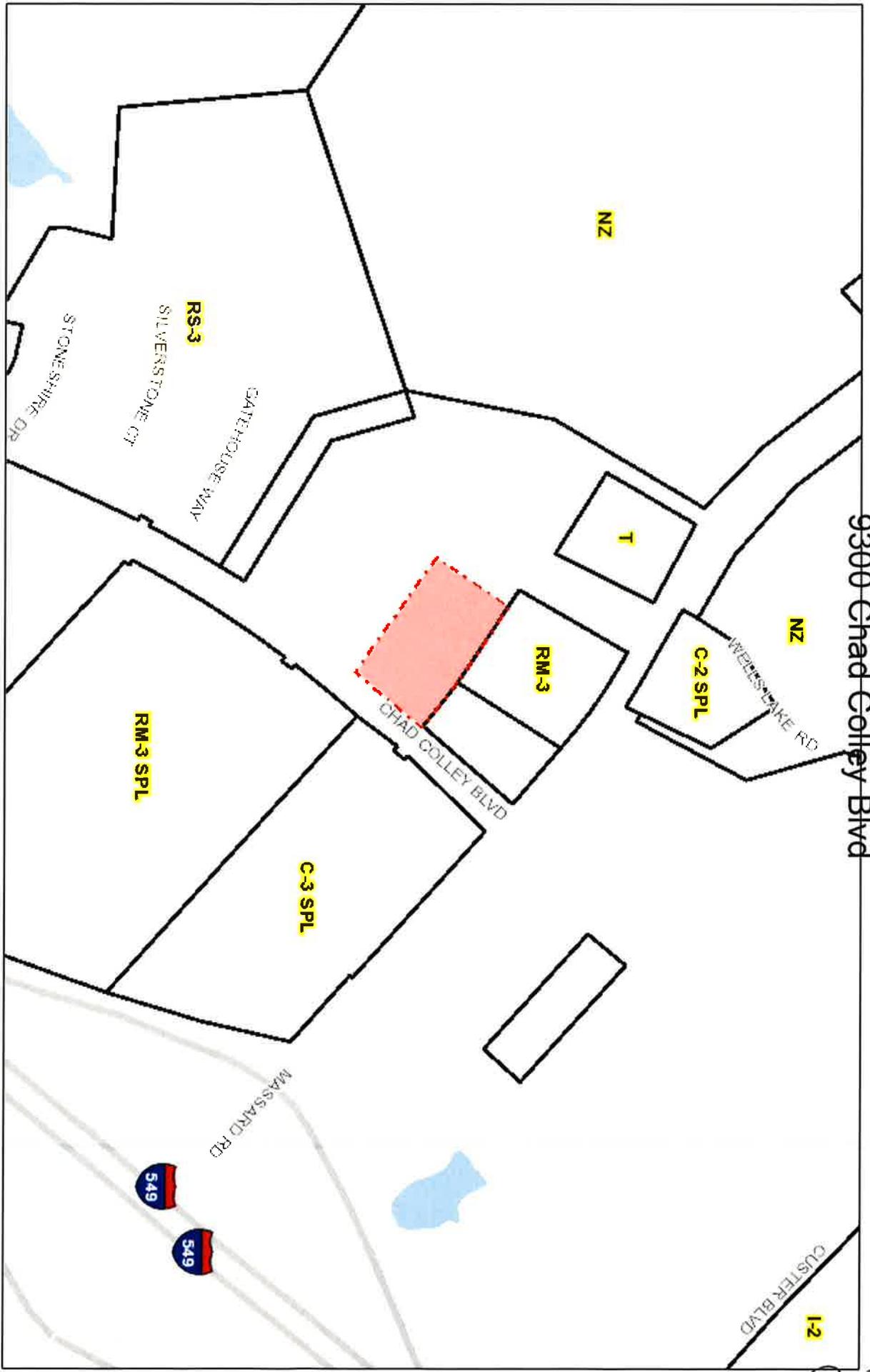
or

MICHAEL A. RILEY
Agent

2E

Development Plan: Doctor Office and Clinic

9300 Chad Colley Blvd



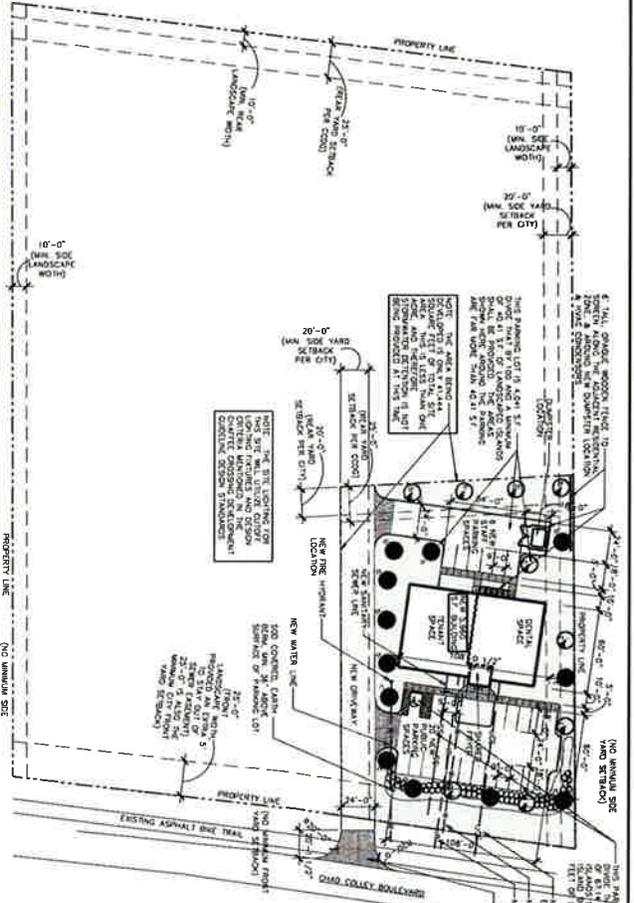
November 18, 2015

- Fort Smith City Limits
- Zoning

LF



B VICINITY MAP
1:4500'-0"



GA PRELIMINARY SITE PLAN

- 1. 3' x 6' x 8' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
- 2. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
- 3. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
- 4. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
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- 8. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
- 9. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.
- 10. 10' x 10' SIGNAGE: THESE ARE REQUIRED BY THE CITY OF FORT SMITH. SIGNAGE SHALL BE PLACED IN THE REAR YARD OF LOT 10.

BUILDING MATERIALS LEGEND
 1. SIGNAGE (2 1/2" x 3" CAUSES)
 2. SIGNAGE (2 1/2" x 3" CAUSES)
 3. SIGNAGE (2 1/2" x 3" CAUSES)
 4. SIGNAGE (2 1/2" x 3" CAUSES)
 5. SIGNAGE (2 1/2" x 3" CAUSES)
 6. SIGNAGE (2 1/2" x 3" CAUSES)
 7. SIGNAGE (2 1/2" x 3" CAUSES)
 8. SIGNAGE (2 1/2" x 3" CAUSES)
 9. SIGNAGE (2 1/2" x 3" CAUSES)
 10. SIGNAGE (2 1/2" x 3" CAUSES)

C100

NOT FOR CONSTRUCTION
 PROGRESS SET ONLY

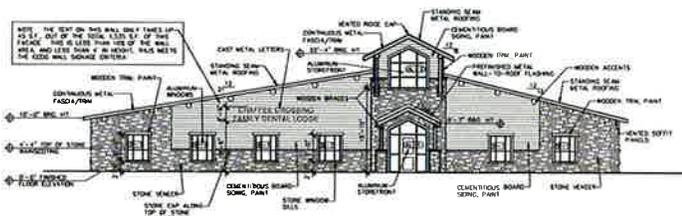
MICHAEL ALLEN RILEY
 815 639 6052 ph
 www.michaelrileyarchitect.com
 2839 Brookshire Road
 Steady Pines, OK 74860

Sparkman Dental
 At Chaffee Crossing
 Fort Smith, Arkansas

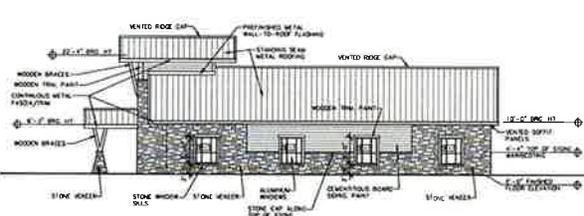
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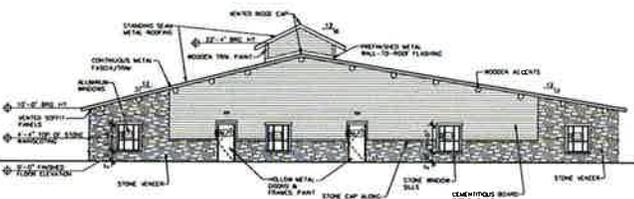
RENDERING © FRONT OF NEW BUILDING
NOT TO SCALE



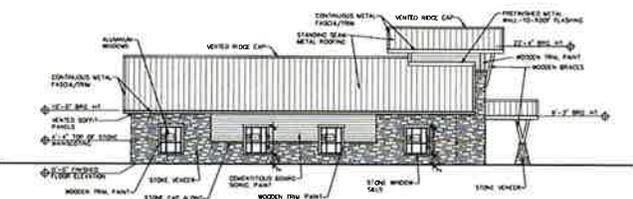
A SOUTH ELEVATION
12'-0" x 12'-0"



B EAST ELEVATION
12'-0" x 12'-0"



C NORTH ELEVATION
12'-0" x 12'-0"



D WEST ELEVATION
12'-0" x 12'-0"

Sparkman Dental
At Charley Crossing
Fort Smith, Arkansas

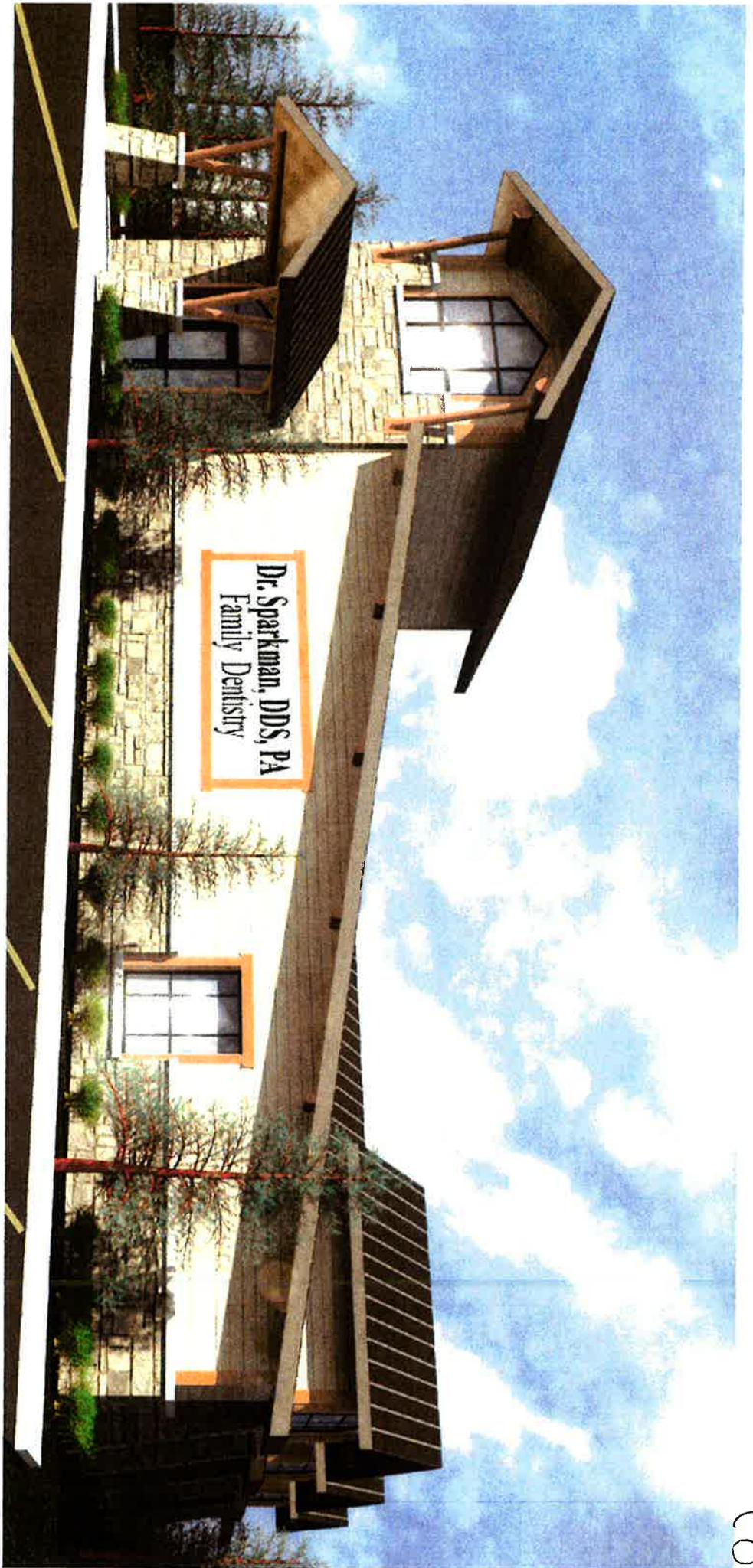
MICHAEL ALLEN RILEY
Architect
1000 N. Highways 412 & 413
Fort Smith, Arkansas 72504
501.783.1111
www.michaelalriley.com

THIS SET IS UNLESS OTHERWISE
SPECIFIED. PROCEED SET ONLY

DATE	11/17/18
BY	
CHECKED	
APPROVED	

A200

2H



Dr. Sparkman, DDS, PA
Family Dentistry

25



Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: December 4, 2015
Subject: UDO Land Use Matrix Amendment - Auto and vehicle dealer (indoors)

Mr. Jeremy Jones recently inquired about opening a Motorcycle or ATV Sales and Service at Central Mall. The Central Mall property is zoned Commercial-4 which is the zoning district reserved for the development of large shopping centers. Currently, the land use matrix does not permit the Motorcycle or ATV sales and service in Commercial-4 zoning districts. Subsequently Mr. Jones submitted an application requesting the Planning Commission consider a text amendment to allow this land use in Commercial-4 zoning districts as a permitted use.

After reviewing Mr. Jones' request, we noted that there are additional properties in Fort Smith that are currently zoned Commercial-4. Some of those properties are vacant and next to residential developments. This caused the staff some concern so we are offering an alternate proposal.

We looked to see if any other Arkansas communities had addressed this issue of automobile sales in a mall. The City of Fayetteville planning staff shared with us that they had experienced a very similar situation. They created a new land use category for vehicular sales (interior display only) which includes automobiles, ATV/Motorcycles boats and other watercraft.

Attached is a definition created for the City of Fort Smith UDO entitled Auto and vehicle dealer (indoors). This definition will allow the sales and display of new automobiles, motorcycles, recreation vehicles and travel trailers indoors. The service and storage areas shall be incidental and subordinate to the primary use of sales and display.

The land use chart will show this land use as a P for permitted use in the C4, C5, I1, I2, and I3 columns. We show this land use as a C in the Commercial-6 as this will be consistent with other vehicle sales in the Commercial-6 zoning district.

The proposed amendment is consistent with several policies and actions from the Implementation Matrix of the Comprehensive Plan. *(See the attached pages from the comprehensive plan.)*

Please let me know if you have any questions.

Future Land Use

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
FLU-1	Achieve a successful and market-driven balance of future land uses consistent with the Preferred Future	FLU-1.1	Promote commercial development and future economic growth in centers and corridors designated in the Preferred Future in close proximity to existing infrastructure, schools, parks, and jobs.	FLU-1.1.1	Attract anchors in all Preferred Future centers to encourage complementary development, particularly for the Downtown Riverfront.	Number of new businesses opening in neighborhoods	Long	Fort Smith CBID; Chamber; Fort Smith Board of Realtors
				FLU-1.1.2	Update and implement the UDO (Unified Development Ordinance) and Master Land Use Map based on the Preferred Future.	Updated UDO and Master Land Use Map	Short	Planning & Zoning
				FLU-1.1.3	Review and adjust zoning classifications for consistency with the Preferred Future.	Zoning changes made, or finding of consistency reached	Short	Planning & Zoning
				FLU-1.1.4	Create an inventory of existing businesses and develop a plan to attract a wider variety of businesses currently not available to the community.	Increase in business diversity	Short	Chamber; Administration; Fort Smith Board of Realtors
				FLU-1.1.5	Create incentive programs, such as a Small Businesses Development Program.	Number of new businesses connected to development programs	Mid	Chamber; UAFS
		FLU-1.2	Ensure that sufficient, well designed and convenient on street and off street parking is provided to serve land uses.	FLU-1.2.1	Conduct an assessment of existing parking supply and demand and forecast future needs.	Assessment completion	Mid	Planning and Zoning; Engineering; Police; Parking Authority; Operations
				FLU-1.2.2	Based on the parking assessment, review the parking ratios and related regulations in the UDO and create a parking management plan for on street and off street parking near major activity centers.	The number of requested variances received by the Planning Dept.	Mid	Planning and Zoning; Engineering; Police; Operations
		FLU-1.3	Coordinate and plan future development with neighboring jurisdictions and the City of Fort Smith.	FLU-1.3.1	Exercise the City's extra-territorial jurisdiction over land in Sebastian County.		Mid	Planning & Zoning; Engineering; Utility Department
				FLU-1.3.2	Ensure that the subdivision of land within the allowable Planning Area will comply with City subdivision and infrastructure requirements, as amended, to address rural and estate development.	Subdivision compliance met	Long	Planning & Zoning; Engineering; Utility Dept; Fire Dept; Police

GOAL	POLICY	ACTION	METRIC	TIME	RESPONSIBLE PARTY			
	FLU-1.4	Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision.	FLU-1.4.1	Conduct an assessment of current service boundaries and create regulations to guide the expansion of services.	Needs assessment and regulations created	Mid	Planning & Zoning; Utility Department; Fire Department; Engineering; Police Department; Operations	
			FLU-1.4.2	Encourage development near community facilities and services (e.g., schools, recreation centers, health facilities) to fully utilize existing services and limit duplication.	Percent of new development within 1/4 mile of existing community facilities	Mid	Planning & Zoning; Utility Department; Engineering, Chamber, Fort Smith Homebuilders Association	
	FLU-1.5	Provide opportunities for mixed-use development to occur in Downtown Fort Smith and identified emerging centers in order to provide access to a variety of uses; promote walkable, pedestrian friendly development; and encourage physical activity.	FLU-1.5.1	Locate mixed-use and commercial development near employment centers and higher density residential centers to provide options for convenience retail and restaurants close to where people live and work.	Percent of new development in targeted growth areas	Mid	Planning & Zoning; Fort Smith CBID; Chamber; Administration	
	FLU-1.6	Create opportunities for the mixing of land uses to occur within single buildings and within emerging centers identified in the Preferred Future.	FLU-1.6.1	Develop corridor and area plans that address access management, land use, design, internal parking, and circulation.	Number of plans completed (3 Corridor Typologies Identified in CSS Element)	Long	Planning & Zoning; Engineering; AHTD	
			FLU-1.6.2	Publicize new mixed use areas within the development and real estate community.	Percent of new development that incorporates mixing of uses	Long	Planning & Zoning, Fort Smith Homebuilder Association, Fort Smith Board of Realtors; Chamber	
FLU-2	Activate Fort Smith's scenic riverfront	FLU-2.1	FLU-2.1.1	Encourage a mix of housing, retail, and entertainment attractions along the City's waterfront that support day and nighttime activity and a vibrant urban lifestyle.	Improve access in an effort to incentivize development in areas along the riverfront.	Increase in number of access points and type of access (bike, ped, transit)	Mid	Fort Smith Residents, Planning & Zoning; Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Engineering
			FLU-2.1.2	Ensure that land development within the river district reflects uses appropriate to the 100-year flood plain and adjacency to the downtown and residential neighborhoods.	Amount of compatible new development	Long	Planning & Zoning; Fort Smith CBID; Engineering; Land Owners	

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		FLU-3.4	Develop and promote niche markets that distinguish the downtown from other retail and entertainment options, and reinforces downtown's position as a destination.	FLU-3.4.1	Promote the Farmer's Market and encourage more participation by providing shade.	Number of visitors to the Farmer's Market	Short	Fort Smith Residents, Local Business Owners, Greater Fort Smith Chamber of Commerce; Fort Smith CBID; Advertising and Promotion Commission; Parks Department
				FLU-3.4.2	Build Maybranch bike trail for connectivity.	The completion of the Maybranch bike trail	Long	Parks & Recreation; Engineering
		FLU-3.5	Locate future cultural activities, entertainment options, service-oriented businesses, and public, private, or institutional programs in downtown.	FLU-3.5.1	Identify potential key locations for cultural and institutional programs and uses downtown and the riverfront.	Number of new cultural and institutional programs Downtown and in the Riverfront area.	Mid	Fort Smith CBID; Greater Fort Smith Chamber of Commerce; Tourism; Convention Center; Parks; Advertising and Promotion Commission

Economic Development

ED-1	Broaden employment sectors that will drive the City's economy	ED-1.1	Encourage and support start up companies and small businesses.	ED-1.1.1	Provide regulatory and financial incentives for small businesses (including food trucks, etc).	Number of new small businesses	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration; Planning and Zoning; Building Safety
				ED-1.1.2	Work with successful local businesses to develop business 'boot camps' for new entrepreneurs.	Successful boot camp program complete	Mid	Local Business Owners, Local Entrepreneurs, Greater Fort Smith Chamber of Commerce; Administration
				ED-1.1.3	Expand and promote the small business development center that would connect businesses to SBA grants and programs, like the Microloan Program, facilitate a mentoring program for young entrepreneurs, and provide other business counseling services.	Number of businesses connected to SBA grants and programs	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; Administration; UAFS; ATU
				ED-1.1.4	Support development of a "small business web portal" to streamline the City's permitting and licensing processes.	The completion of the web portal	Mid	Information & Technology; Finance; Planning and Zoning

GOAL	POLICY	ACTION	METRIC	TIME	RESPONSIBLE PARTY		
		ED-1.1.5	Promote green building practices to help small businesses save on energy and operating costs.	Number of small businesses participating in energy conservation	Mid	Local Business Owners, Greater Fort Smith Chamber of Commerce; UAFS Sustainable Conservation House; Building Safety; Franchise Utilities	
	ED-1.2	Support programs and efforts that increase opportunities for growth in medical and higher education sectors.	ED-1.2.1	Identify strategies to retain talent in the medical profession with a focus on underserved areas.	Increase in the number of people employed in the medical sector	Long	College Students, Fort Smith Residents, Medical Industry Partners, Greater Fort Smith Chamber of Commerce;
	ED-1.3	Support business expansion and new business development in sectors identified as experiencing leakage.	ED-1.3.1	Explore market feasibility of an outlet mall.	Completion of a market feasibility study for an Outlet Mall	Mid	Greater Fort Smith Chamber of Commerce; Administration
			ED-1.3.2	Expand shop local campaign and shop local campaign online.	Number of businesses participating in the shop local campaign	Short	Local Business Owners; Fort Smith Residents; Greater Fort Smith Chamber of Commerce; Information & Technology; Administration
	ED-1.4	Capitalize on Fort Smith's strategic position at the crossroads of multiple modes of transportation to increase the city's employment base and regional economic impact.	ED-1.4.1	Attract employers to Fort Smith by advertising the city's proximity to key transportation infrastructure (rail, MCKARNS water way, I-49).	Number of new employers attracted to Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Fort Chaffee Redevelopment Authority; RITA; WAPDD; Port Authority
			ED-1.4.2	Partner with trade schools and colleges to prepare the city's workforce for transportation and logistics related jobs.	Number of local graduates from the transportation and logistics sector	Long	Greater Fort Smith Chamber of Commerce; UAFS; ATU; Fort Smith School District
	ED-1.5	Identify and develop collaborations to fill gaps in the capital market that fund business start-up, retention and expansion.	ED-1.5.1	Evaluate private and public financing entities' ability to provide seed capital for new business ventures.	Evaluation complete	Long	Local Business Owners; Capital Market Representatives; Fort Smith Chamber of Commerce
			ED-1.5.2	Explore the feasibility of creating "lending pools" for new business investment.	Completion of a feasibility study	Long	Greater Fort Smith Chamber of Commerce; Local Banks

GOAL		POLICY		ACTION		METRIC	TIME	RESPONSIBLE PARTY
		ED-4.2	Support all economic efforts operating under a well-coordinated organizational structure led by the Chamber of Commerce.	ED-4.2.1	Establish economic development incentive policies that measure the performance of City investments with a cost/benefit analysis of the long-term economic and quality-of-life benefits to the region.	Creation of a cost/benefit analysis	Short	Administration; Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance; Internal Auditor
				ED-4.2.2	Support Chamber and AEDC in their efforts to increase jobs in the area.	Number of new jobs created in Fort Smith	Long	Greater Fort Smith Chamber of Commerce; Arkansas Economic Development Commission; Administration; Local Business Owners
ED-5	Diversify the local economic base and strengthen and stabilize the tax base to maintain viability during fluctuating economic cycles	ED-5.1	Identify industries which are growing in the region (and nationally) for which Fort Smith might provide a good fit.	ED-5.1.1	Conduct target industry analyses to determine existing and future industry concentrations and potential market segments for future retention and recruitment efforts.	Completion of a target industry analysis	Mid	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
		ED-5.2	Encourage a full-service array of retail and service opportunities, thus limiting the necessity by residents and employees to leave the community to purchase goods and services (i.e. leakage).	ED-5.2.1	Periodically monitor the retail expenditures from Fort Smith and identify categories for which leakage can be reversed.	Leakage analysis updated	Short	Greater Fort Smith Chamber of Commerce; Local Business Owners; Finance
				ED-5.2.2	Work with the Chamber of Commerce to tailor retail economic development efforts to attract retailers who can complement, rather than compete with, Fort Smith's existing retail base.	Number of new retailers providing new goods or services	Short	Greater Fort Smith Chamber of Commerce; Administration; Local Business Owners
ED-6	Create a quality working environment that fosters an attractive sense of place	ED-6.1	Ensure that economic development objectives are included in the evaluation of all future City infrastructure projects, including parks and recreation facilities.	ED-6.1.1	Invest in beautification of major transportation corridors; the provision of trails, open lands, and public gathering spaces; innovative architectural and site design; and alternative transportation choices to all business areas.	Percent increase in funding for beautification in the targeted growth areas	Mid	Administration; Planning and Zoning Department; Parks & Recreation; Engineering; Transit; Sanitation; Beautify Fort Smith

Jeremy Jones
River City Cycles
3510 Grand Avenue
Fort Smith, Arkansas 72904

November 16, 2015

City of Fort Smith
Planning Department
623 Garrison Avenue
Fort Smith, Arkansas 72901

RE: Text Amendment
C-4 Zoning District

Please accept this letter as request to obtain a Text Amendment to the Unified Development Ordinance of the City of Fort Smith. Specifically, to add Motorcycle or ATV Sales and Service to the C-4 zoning district as a Permitted Use.

Attached please find Page 2 from the Land Use Matrix, noting our request for the Permitted Use legend to be placed on the Matrix in the C-4 column.

Please place this request on the agenda for the first available Planning Commission Study Session.

Your consideration in this matter is appreciated. If you have any questions or need further information, please contact me at 918-618-2262.



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empowered to act on behalf of other persons.

Auto (rental and leasing)

shall mean an area or structure for storing or displaying cars, trucks, trailers, RVs and recreational goods, which are offered for rent for a fee.

Auto auction

shall mean a facility for the sale of automobiles to the highest bidder.

Auto and vehicle dealer

shall mean a facility for display, service and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, excluding heavy equipment.

Auto and vehicle dealer (indoors)

shall mean a facility for the display and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, but not including heavy equipment. All sales, service, storage and display areas shall be indoors. Service and storage areas shall cumulatively be incidental and subordinate to the primary use of sales and display.

Auto and vehicle impoundment or holding yard (no salvage)

shall mean a parcel of land or a building that is used for the impoundment of vehicles and storage of inoperable vehicles usually awaiting insurance adjustment or transport to a repair shop and where vehicles are kept for a period not to exceed sixty (60) days.

Auto and vehicle towing (wrecker)

shall mean the operating of a truck for the towing of inoperable motor vehicles.

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 detailing service

shall mean a facility for the cleaning, washing, waxing and polishing of motor vehicles including steam cleaning.

Auto glass, muffler and seatcover shop

shall mean an automotive service establishment specializing in assembly, fitting and installation of glass, seatcovers or mufflers in automobiles as a primary activity.

Auto insurance claims office

shall mean a branch office of a major auto insurance agency in which a liability adjuster assists in damage claims and adjustments to vehicles.

Auto manufacturing

see manufacturing, medium

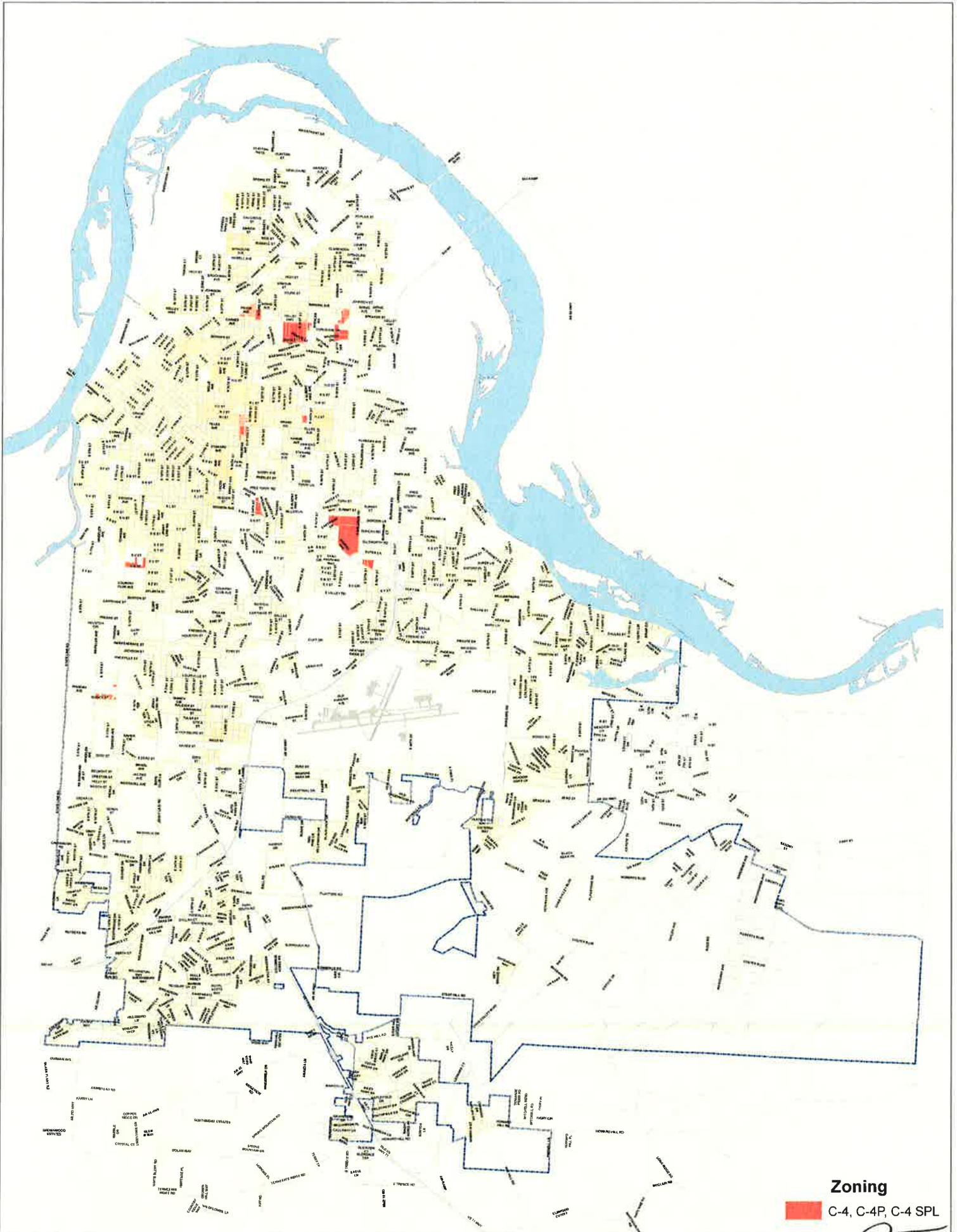
Auto parts and accessory sales

Appendix A

Fort Smith Use Matrix

	J	K	L	M	N	O	RSD-2	RSD-3	RSD-4	Q	R	S	T	U	W	X	Y	AB	Z	AC	AD	AE	AF
	RF3	RF1	RS-1	RS-2	RS-3	RS-4	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
			R-1	R-2	R-3	R-4	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4		T1,2	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4
	Districts																						
P = Permitted Use, C = Conditional Use, A = Accessory Use <i>Size or density restrictions for any use may be noted in the district</i>																							
Residence or Accommodation																							
Private Household																							
Single Family building																							
Accessory residential dwelling unit																							
Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Duplex																							
Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Manufactured home																							
Mobile home park																							
Mobile home subdivision																							
Row house																							
Zero lot line dwelling unit																							
Multifamily development																							
Community residential facility																							
Group home, family																							
Group home, neighborhood																							
Homeless shelter																							
Orphanage																							
Transitional dwelling																							
Housing for the Elderly																							
Assisted living																							
Retirement housing																							
Hotels, Motels, or other Accommodations																							
Bed and breakfast inn																							
Dormitory, sorority, fraternity																							
Hotel/motel																							
Rooming or boarding house																							
General Sales or Services																							
Automobile Sales or Service																							
Auto & vehicle impoundment or holding yard (no salvage)																							
Auto and vehicle dealer																							
Auto and vehicle dealer (indoors)																							
Auto and vehicle towing (wrecker)																							
Auto auction																							
Auto body shop and paint (new parts)																							
Auto detailing service																							
Auto glass, muffler, and seatcover shop																							
Auto parts and accessories sales																							
Auto quick lube																							
Auto repair																							
Auto repair or assembly (salvage parts)																							

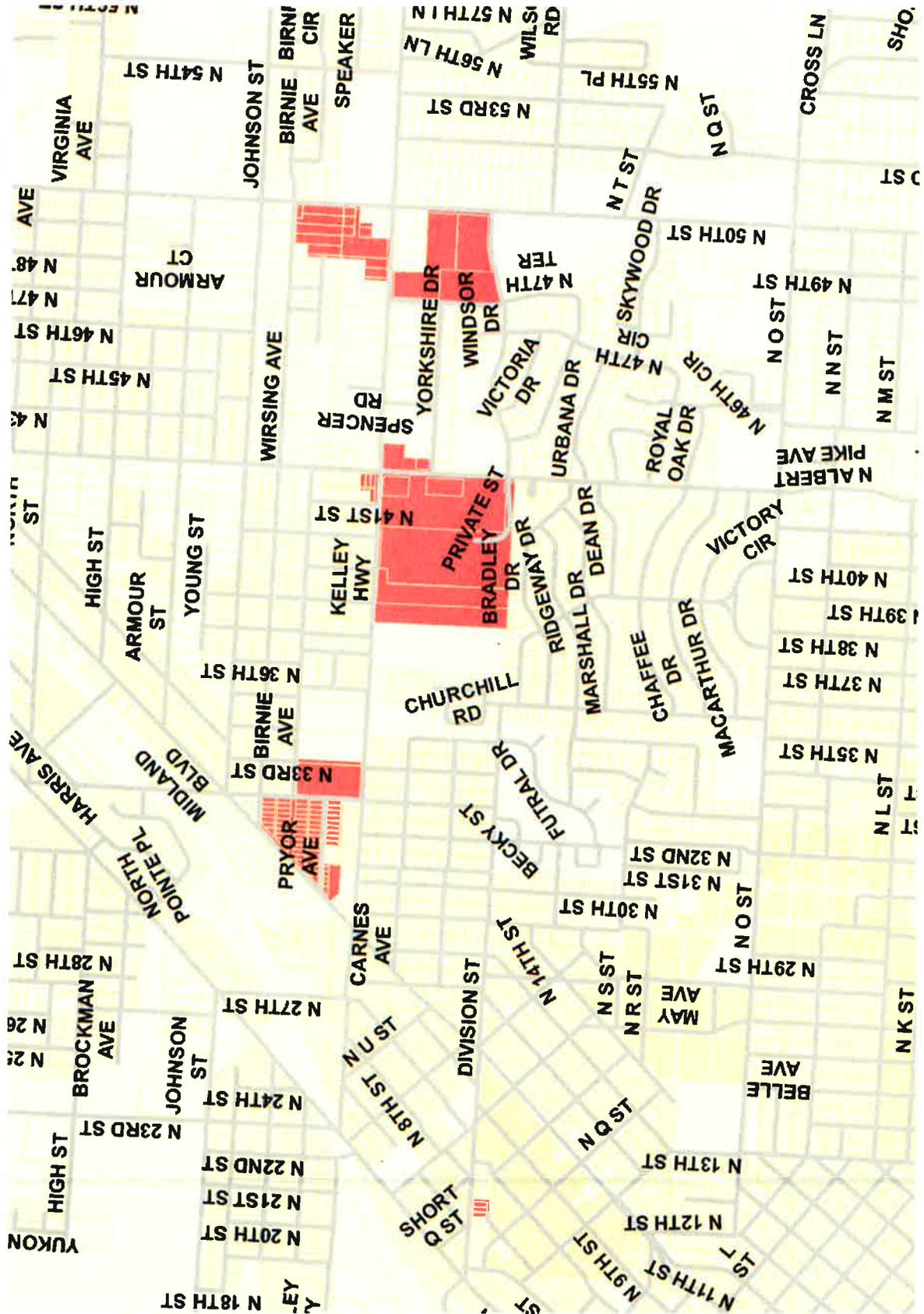
34



Zoning

 C-4, C-4P, C-4 SPL

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3K

Memo

To: City Planning Commission

From: Planning Staff

Date: November 19, 2015

Re: Variance #37-12-15 - A request by Affordable Construction Group, agent for Nely Portillo, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 0 feet minimum required street frontage located at 3305 Newlon Road

REQUESTED VARIANCE

Approval of the variance will allow Mr. Portillo to build a single family home at this location and utilize utility and access easements for utility installation and access to the property.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of Musset Road and Newlon Road. The tract contains an area of 2.93 acres with no street frontage.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

Maximum Height - 40 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as an elementary school.

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

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and Residential Single Family Medium Density (RS-2). One lot is lot is developed as a single family and one lot is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Musset Road and Newlon Road as Residential Collector streets.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature.

APPLICANT HARDSHIP

The applicant states that prior to owning the property the property was split off from a larger parcel without the necessary street frontage. Without the variance the applicant cannot obtain a building permit to build his home.

4B

NEIGHBORHOOD MEETING

A neighborhood meeting will be held Monday, December 7th. Staff will provide the results of the meeting to the planning commission.

STAFF COMMENTS AND RECOMMENDATIONS

A single family house was previously located on this site but was destroyed by the 1996 tornado. At some point, the previous owner of the property sold the 2.93 acre site without going through the platting process. As a result, the land has no legal street frontage. Approval of the variance will allow the construction of a single family home, which will be the same type of development that existed previously for many decades.

If the BZA is inclined to approve the variance, staff recommends approval subject to the following conditions:

1. A plat formally creating the lot shall be submitted for staff review and filing.
2. The utility and access easements shall be noted on the plat.
3. The development of the property shall be limited to one single family house and any future accessory buildings.

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)

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 32 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SEBASTIAN COUNTY, ARKANSAS

Address of property 3305 NEWLON ROAD, Existing or Proposed

Zoning Classification R-3 MF, 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
- 20 - 0 Other: MINIMUM STREET FRONTAGE

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

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

Signed:

AFFORDABLE CONSTRUCTION GROUP
Owner or Agent Name (please print)

Owner

479-782-4991
Owner or Agent Phone Number

OR


Agent

2100 N. 31st ST., FORT SMITH, AR 72904
Owner or Agent Mailing Address

Variance # _____

4E

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	<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?
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

4F

Explanation of question #4 (if applicable)

PRIOR TO MR. PORTILLO'S PURCHASE OF THE PROPERTY IT WAS
DIVIDED FROM A LARGER PIECE OF PROPERTY. THIS DIVISION
CAUSED THE PROPERTY TO NO LONGER HAVE STREET FRONTAGE.

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

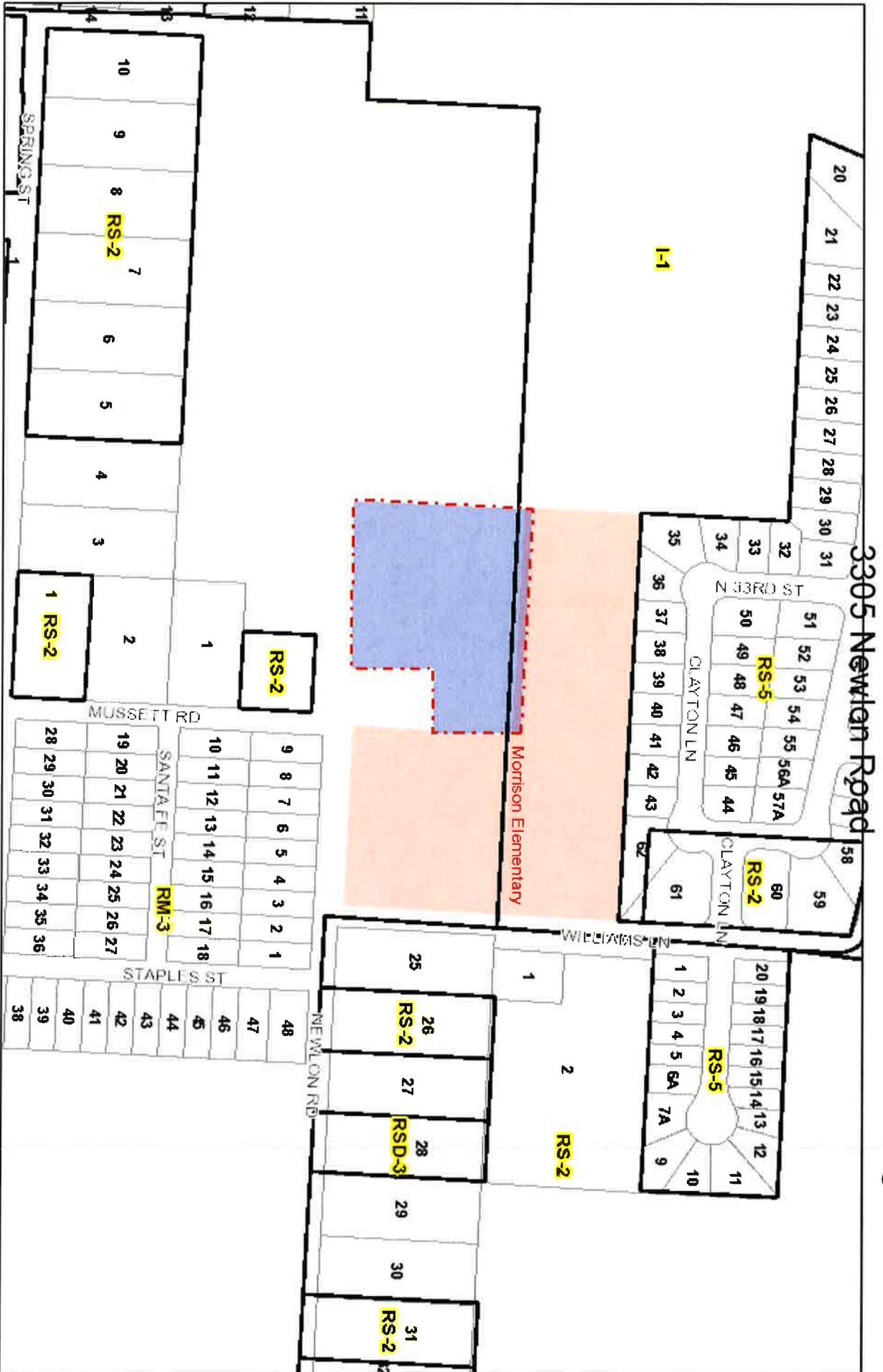
MR. PORTILLO PURCHASED THE PROPERTY IN 2011 WITH THE INTENT OF
BUILDING A SINGLE-FAMILY DWELLING ON THE PROPERTY. HE MADE
INQUIRIES WITH THE PLANNING DEPARTMENT IN 2013 TO BEGIN THE
PROCESS, BUT THE STREET FRONTAGE AND OTHER CODE/DEVELOPMENT
COMMENTS KEPT HIM FROM MOVING FORWARD.

X 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:

CONTINUATION #2: MR. PORTILLO APPROACHED US RECENTLY TO
INQUIRE ABOUT BUILDING ON HIS PROPERTY, AND WE OFFERED TO
ACT AS HIS AGENT AND WORK TO GAIN THE NECESSARY VARIANCES,
EASEMENTS, AND APPROVALS TO MOVE FORWARD WITH THE CONSTRUCTION
OF HIS NEW HOME.

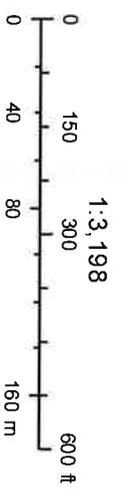
Variance # 37-12-15: From 20 feet to 0 feet minimum street frontage

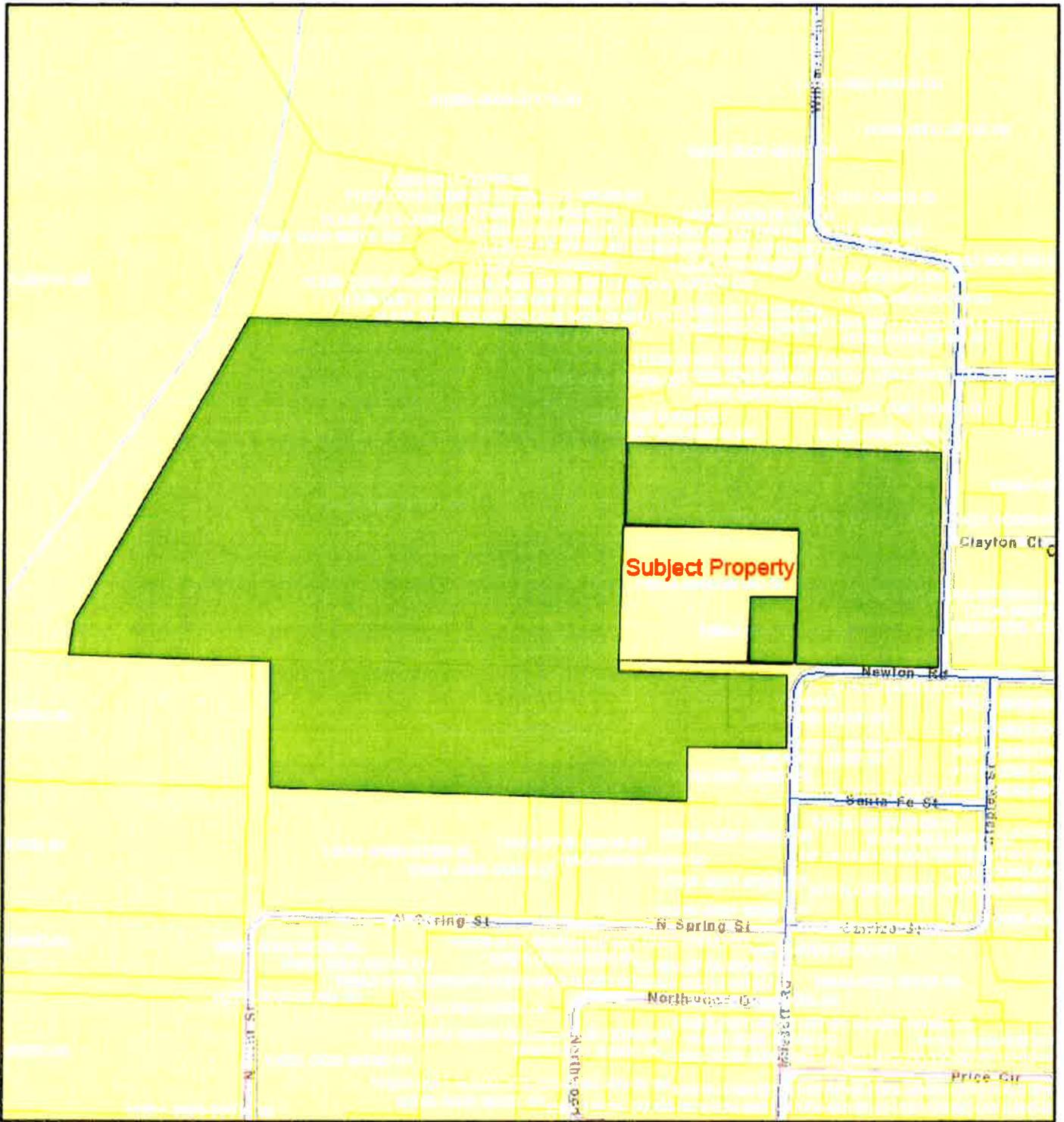
7



November 18, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions





Portillo Property

Adjoining and Contiguous Property



All data provided by TASC is compiled from various sources for the sole use and benefit of TASC and the public agencies it serves. Any use of the data by anyone other than TASC is at the sole risk of the user; and by acceptance of this data, the user does hereby hold TASC harmless and without liability from any claims, costs, or damages.

Printed: Oct 01, 2015

41

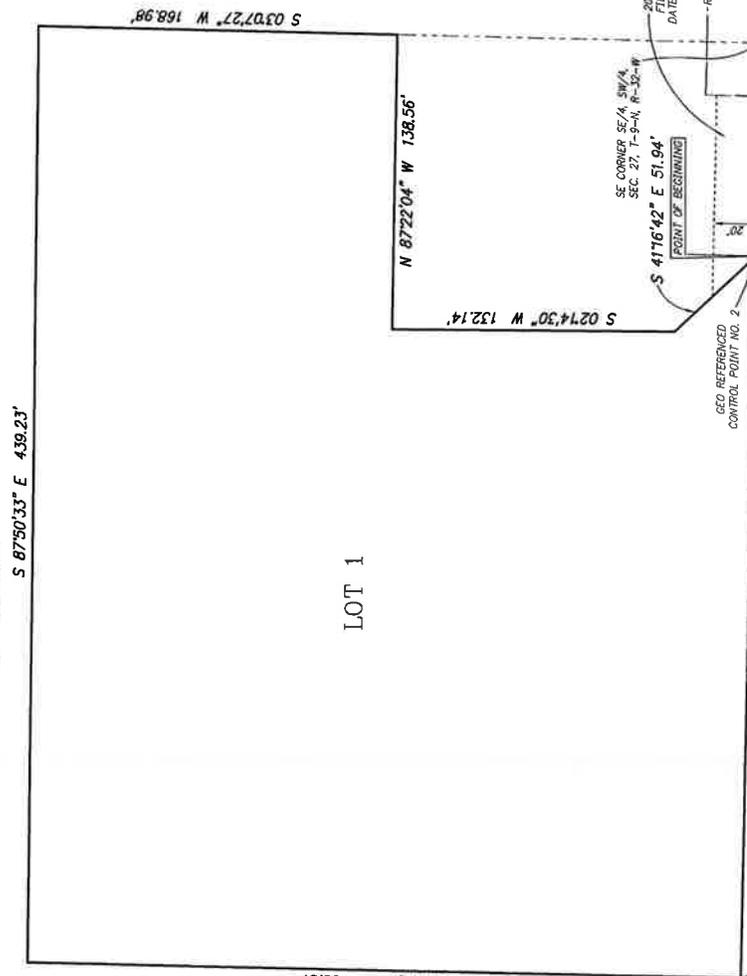
NOT PLATTED

S 87°50'33" E 439.23'

NOT PLATTED

N 03°01'27" E 333.57'

LOT 1



PLANNING COMMISSION APPROVAL:

Date _____

ALLOTTERS:
 Gonzalo Portillo & Nely P. Portillo
 3413 SANTA FE ST.
 FORT SMITH, AR. 72904

STATE OF ARKANSAS
COUNTY OF _____

Sworn and subscribed before me this day _____

Notary Public _____

My commission expires _____

FILED FOR RECORD

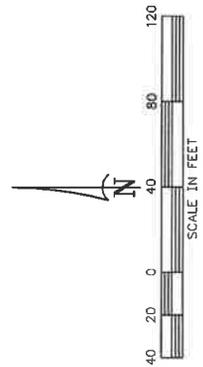
This _____ day of _____, 2015, at _____ o'clock _____ M.

By _____ Clerk and Ex-Officio Recorder.

Deed Description

Part of the SE/4 of the SW/4 of Section 27, T-9-N, R-32-W of the fifth principal meridian, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a found one inch diameter iron bar at the SE corner of said SE/4 of the SW/4; thence N87°08'40\"/>

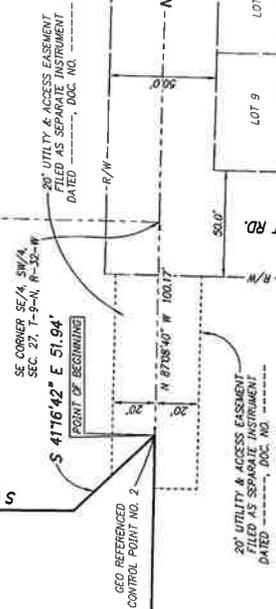


MORRISON ELEMENTARY SCHOOL

NOT PLATTED

Geo-referenced to the City of Fort Smith's Control System

Control Point	Northing	Easting
1	407705.94	599059.55
2	407888.38	599397.54



NOT PLATTED

Notes:

- The property here-in surveyed lies outside of identified flood hazard areas (Zone X), based on FEMA FIRI Community Panel No. 05131C0020E, Effective Date: May 20, 2010.
- Bearings and dimensions are based on previous survey by Hoffman & Associates, Inc., dated 12/10/2010, Job No. 47215, and Warranty Deed, filed 01/11/2011 Doc. #2011F-00440.
- Set iron pins (SIP) are 3/8"x18" steel rebar with yellow plastic caps stamped "PS 1674".

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation, and maintenance of utility owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmer from the dedicated endanger areas. In the event that fencing of individual lots is desired, such gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

PORTILLO PLACE

Lot 1

BEING PART OF THE SOUTHEAST QUARTER, SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

Date: October 2015

Scale: 1"= 40'



HAWKINS WEIR

ENGINEERS, INC.

110 South 7th Street
 211 Natural Resources Drive
 Van Buren, Arkansas 72956
 Little Rock, Arkansas 72205
 (479) 474-1277
 (501) 374-4846
 www.hawkins-weir.com

47

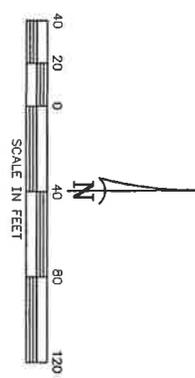
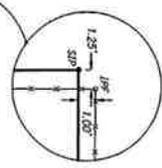
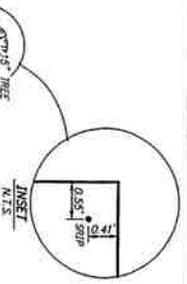
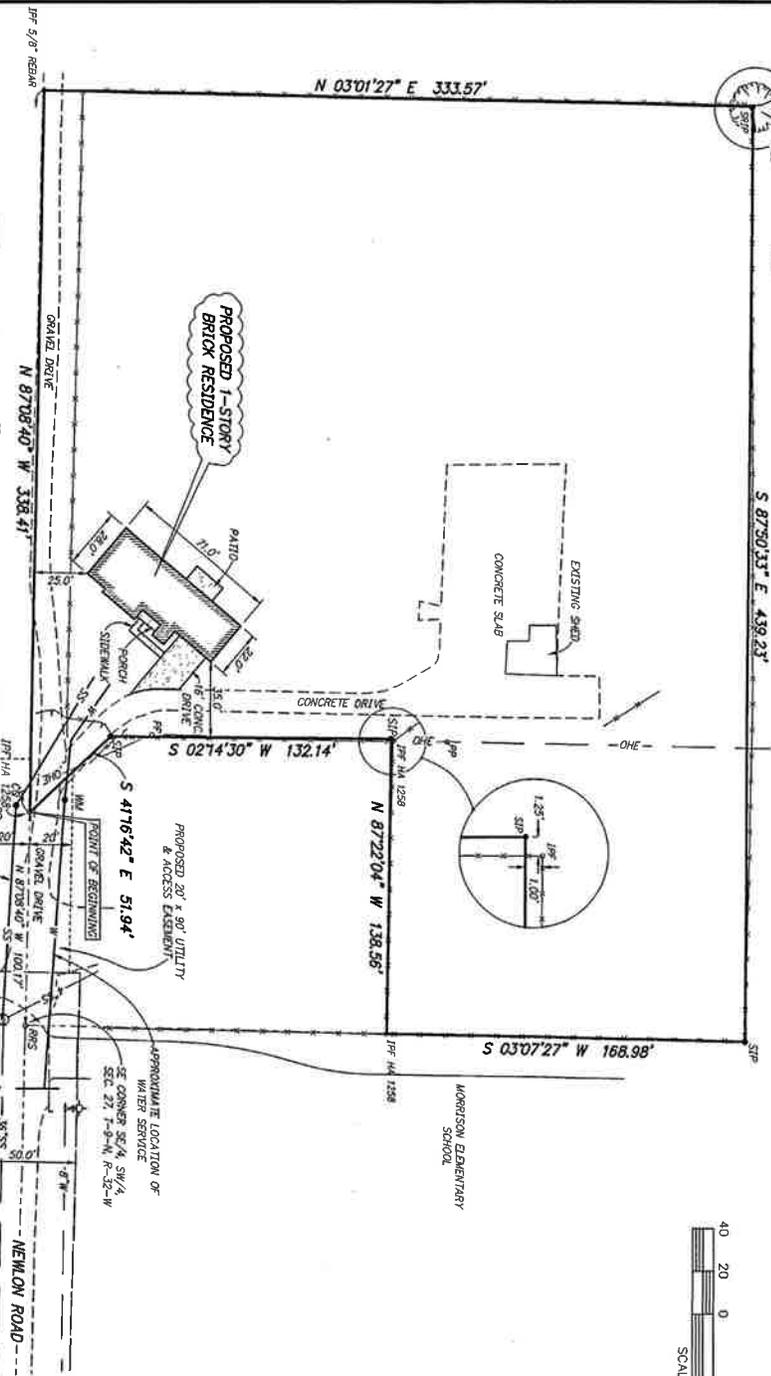
Part of the SE/4 of the SW/4 of Section 27, T-9-N, R-32-W of the fifth principal meridian, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a found one inch diameter iron bar at the SE corner of said SE/4 of the SW/4; thence N87°08'40"W 100.17' along the south line of said SE/4 of the SW/4 to a set 1/2 inch diameter iron bar at the SE corner of said SE/4 of the SW/4; thence N87°08'40"W 100.17' along the south line of said SE/4 of the SW/4 to a set 1/2 inch rebar with plastic cap stamped 1258 for the Point of Beginning; thence N87°08'40"W 338.41' along said south line to a found 1/2 inch rebar in line with an existing north-south fence; thence N02°01'27"E 333.57' along said fence to a found steel fence corner post; thence S87°50'53"E 439.23' along an existing east-west fence to a found steel corner post at the east line of said SE/4 of the SW/4; thence S03°07'27"W 168.98' along said east line to a set 1/2 inch rebar with plastic cap stamped 1258 on an existing fence corner; thence N87°22'04"W 138.56' along said fence to a set 1/2 inch rebar with plastic cap stamped 1258 on an existing fence corner; thence S02°14'30"W 132.14' along said fence to a set 1/2 inch rebar with plastic cap stamped 1258; thence S41°16'42"E 51.94' along said fence to the Point of Beginning.

Deed Description

Part of the SE/4 of the SW/4 of Section 27, T-9-N, R-32-W of the fifth principal meridian, Sebastian County, Arkansas, more particularly described as follows:

Commencing at a found one inch diameter iron bar at the SE corner of said SE/4 of the SW/4; thence N87°08'40"W 100.17' along the south line of said SE/4 of the SW/4 to a set 1/2 inch diameter iron bar at the SE corner of said SE/4 of the SW/4; thence N87°08'40"W 100.17' along the south line of said SE/4 of the SW/4 to a set 1/2 inch rebar with plastic cap stamped 1258 for the Point of Beginning; thence N87°08'40"W 338.41' along said south line to a found 1/2 inch rebar in line with an existing north-south fence; thence N02°01'27"E 333.57' along said fence to a found steel fence corner post; thence S87°50'53"E 439.23' along an existing east-west fence to a found steel corner post at the east line of said SE/4 of the SW/4; thence S03°07'27"W 168.98' along said east line to a set 1/2 inch rebar with plastic cap stamped 1258 on an existing fence corner; thence N87°22'04"W 138.56' along said fence to a set 1/2 inch rebar with plastic cap stamped 1258 on an existing fence corner; thence S02°14'30"W 132.14' along said fence to a set 1/2 inch rebar with plastic cap stamped 1258; thence S41°16'42"E 51.94' along said fence to the Point of Beginning.



- LEGEND**
- I.P.F. IRON PIN ROUND
 - S.I.P. SET IRON PIN
 - S.R.P. SET REFERENCE IRON PIN
 - M.A.H.O.L.E. MANHOLE
 - P.P. POWER POLE
 - F.H. FIRE HYDRANT
 - W.M. WATER METER
 - W.V. WATER VALVE
 - S.S. SANITARY SEWER
 - W.L. WATER LINE
 - O.E. OVERHEAD ELECTRIC
 - F. FENCE

Notes:

1. The property here-in surveyed lies outside of identified flood hazard areas (Zone X), based on FEMA FIRM Community Panel No. 05131C00200E, Effective Date: May 20, 2010.
2. Bearings and dimensions are based on previous survey by Hoffman & Associates, Inc., dated 12/16/2014, Job No. 47215, and Warranty Deed, filed 01/11/2011, Doc. #2011-00440.
3. Set Iron Pins (SIP) are 3"x10" steel rebar with yellow plastic caps stamped "15 191/4".



FORT SMITH, ARKANSAS
SURVEY AND PLOT PLAN
 OF PART OF THE
**SE/4, SW/4, SECTION 27, T-9-N,
 R-32-W (LOT 1, PORTILLO PLACE)**
 FOR: HOUSING AUTHORITY OF FORT SMITH

HAWKINS-WEIR ENGINEERS, INC.

110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
 211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846

www.hawkins-weir.com

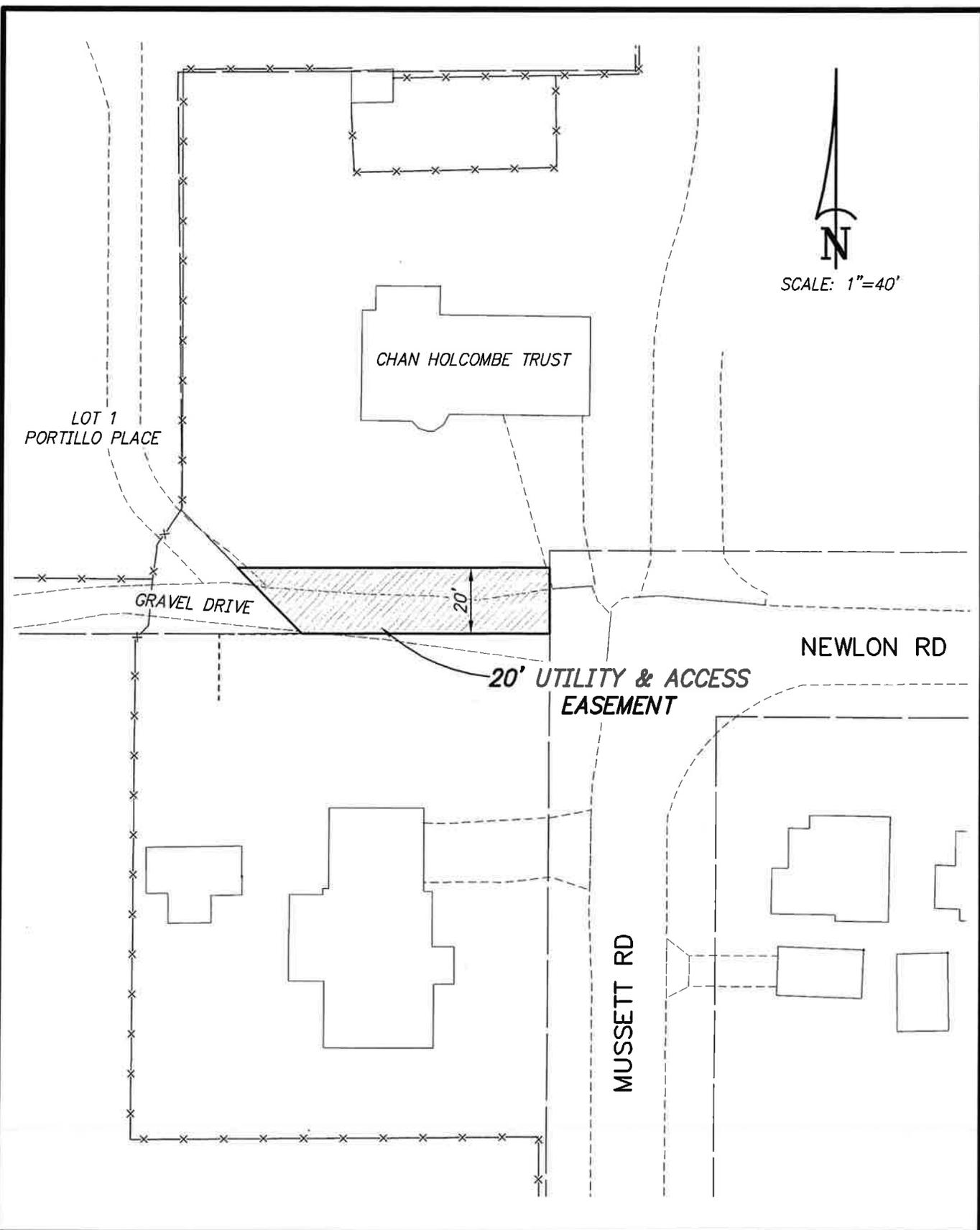


REVISION	DATE

DATE: OCTOBER 2015
 SCALE: 1" = 40'
 DESIGNED BY: JKS
 DRAWN BY: SBL
 HWETI NO.: 2015091
 DWG. NO.: SURVEY
 SHEET 1 OF 1

4R

U:\DRAWINGS\PROJECTS\2015\2015091 LOT 1 PORTILLO\HOLCOMBE.DWG. 11/2/2015 8:59 AM. STEVE HENDRIX, LAYOUT



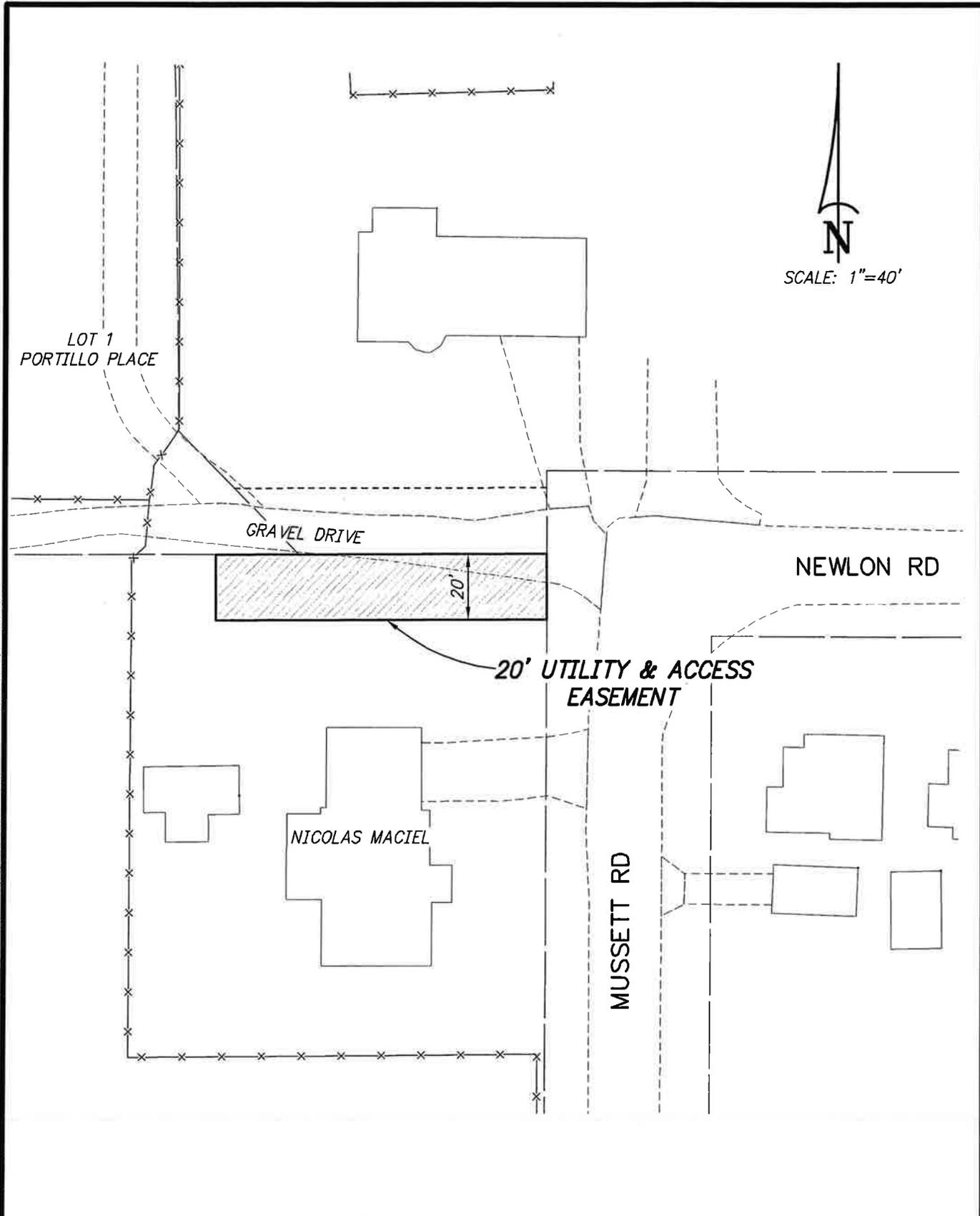

 SCALE: 1"=40'

HW HAWKINS WEIR
ENGINEERS, INC.
 110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
 211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846
 www.hawkins-weir.com

EXHIBIT A
UTILITY & ACCESS EASEMENT
TRACT 1, CHAN HOLCOMBE TRUST
FOR: GONZALO & NELY PORTILLO
 DATE: 10/28/15 SCALE: 1"= 40' JOB NO. 2015091

46

U:\DRAWINGS\PROJECTS\2015\2015091 LOT 1 PORTILLO\MACIEL.DWG, 11/2/2015 9:00 AM, STEVE HENDRIX, LAYOUT



HW HAWKINS WEIR
ENGINEERS, INC.

110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846
www.hawkins-weir.com

EXHIBIT A
UTILITY & ACCESS EASEMENT
TRACT 2, NICOLAS MACIEL
FOR: GONZALO & NELY PORTILLO

DATE: 10/28/15

SCALE: 1"= 40'

JOB NO. 2015091

LM

Project Name: Lot 1, Portillo Place

Fort Smith Housing Authority

HWEI Project #: 2015091

Tract #: 2

Date: October 28, 2015

UTILITY AND ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Nicolas Maciel, GRANTORS, their heirs, successors, and assigns for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Gonzalo & Nely P. Portillo, Grantees, its agents, successors, and assigns a 20' permanent easement for the construction, operation, and maintenance of private (GRANTEES owned) utilities and access roadway with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said utilities and access roadway over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 20.0' wide easement crossing part of the NE/4 of the NW/4 of Section 34, Township 9 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the NE corner of said NE/4, NW/4, Section 34; thence N87°08'40"W along the north line of said NE/4, NW/4, 25.00' to the Point of Beginning on the west right-of-way line of Mussett Road; thence S03°08'27"W along said right-of-way-line of Mussett Road 20.00'; thence N87°08'40"W 100.00', thence N03°08'27"E 20.00' to said north line of the NE/4, NW/4; thence S87°08'40"E along said north line of the NE/4, NW/4, 100.00' to the Point of Beginning, containing 2,000 square feet, or 0.04 acre more or less.

See Exhibit A attached hereto and hereby made a part of this instrument, with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

After completion of construction, Grantees shall restore the land in this permanent/ temporary easement to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this ___ day of _____, 20__.

GRANTOR(S):

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

County of _____)

On this ____ day of _____, 20____, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 20____.

Notary Public

My Commission Expires:

Project Name: Lot 1, Portillo Place
Fort Smith Housing Authority
HWEI Project #: 2015091
Tract #: 1
Date: October 28, 2015

UTILITY AND ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Chan Holcombe Trust, GRANTORS, their heirs, successors, and assigns for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Gonzalo & Nely P. Portillo, Grantees, its agents, successors, and assigns a 20' permanent easement for the construction, operation, and maintenance of private (GRANTEES owned) utilities and access roadway with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said utilities and access roadway over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 20.0' wide easement crossing part of the SE/4 of the SW/4 of Section 27, Township 9 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of said SE/4, SW/4, Section 27; thence N87°08'40"W along the south line of said SE/4, SW/4, 25.00' to the Point of Beginning on the west right-of-way line of Mussett Road; thence continuing N87°08'40"W 75.13'; thence N41°16'42"W 27.87'; thence S87°08'40"E 94.64' to said west right-of-way line of Mussett Road; thence S03°08'27"W 20.00' to the Point of Beginning, containing 1,698 square feet, or 0.04 acre more or less.

See Exhibit A attached hereto and hereby made a part of this instrument, with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

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The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this ____ day of _____, 20__.

GRANTOR(S):

4R

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

County of _____)

On this ____ day of _____, 20____, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 20____.

Notary Public

My Commission Expires:

Memo

To: City Planning Commission

From: Planning Staff

Date: November 19, 2015

Re: Variance #38-12-15 - A request by Ron Brixey, agent for Delmas Roberts, for Board of Zoning Adjustment consideration of a zoning variance request from 150 feet to 121.7 feet minimum driveway separation for minor arterial street classifications and from 25 feet to 10 feet front yard setback located at 2000 Savannah Street

REQUESTED VARIANCE

Approval of the variances will allow the owner to develop a multi-family development consisting of a proposed duplex with an existing single-family house.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of Savannah Street and Jenny Lind Road. The tract contains an area of .32 acres with approximately 190 feet of street frontage along Jenny Lind Road and approximately 75 feet of street frontage along Savannah Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

Maximum Height - 40 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The areas to the east and south are zoned Residential Multifamily Medium Density (RM-3) and developed as multifamily developments.

The area to the west is zoned Commercial Heavy (C-5) and developed as a hardware store.

The area to the north is zoned Commercial Heavy (C-5) and developed as a self-service car wash.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Jenny Lind Road as a Minor Arterial and Savannah Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The applicant states that the properties to the north and south do not allow enough room for access to develop the property with the duplex. This will require the applicant to obtain access from Jenny Lind Road which would require a variance for the separation of driveways prior to any development. Regarding the front-yard setback variance request, platting the property will require right-of-way dedication, which will result in a need for a 10 foot front-yard setback for the existing single-family house.

5B

NEIGHBORHOOD MEETING

A neighborhood meeting will be held Monday, December 7th. Staff will provide the planning commission with the meeting results.

STAFF COMMENTS AND RECOMMENDATIONS

In staff's opinion, the proposed multifamily development is compatible with the surrounding multifamily and commercial uses.

However, there are other departmental objections to the project. The Engineering Department opposes the driveway separation variance because this section of Jenny Lind has a high-traffic volume and an additional driveway could create traffic problems. This section of Jenny Lind is classified as a minor arterial and is scheduled for widening in the future.

The Operations Department also opposes the driveway separation variance because the proposed driveway would be located in area already experiencing drainage problems.

If the planning commission is inclined to approve the application, staff recommends approval subject to the development being constructed in accordance with the submitted development plan.

ENGINEERING DEPARTMENT COMMENTS

2000 Savannah Street

Driveway

Variance

1. Platting of property is required. Jenny Lind Road is classified a minor arterial street right of way dedication is required. (100 feet minimum right of way width) and a Class 2 bikeway.
2. The single family property does face Savannah Street and when a lot faces a local residential street the access shall be from that street. The conversion of this single family to a possible multi-family site still makes this a residential lot.
3. The area of Jenny Lind Road from Phoenix to Zero will be the next phase of the widening of Jenny Lind Road after the portion just south of this area is completed. This section of Jenny Lind Road has a high traffic volume. The proposed driveway will create one more access to Jenny Lind that could create traffic problems.

We do oppose the variance for the driveway location on Jenny Lind Road.

Andrews, Brenda

To: Miller, Perry; Bailey, Wally
Subject: RE: December PC 2015 items for review

OPERATION DEPARTMENT COMMENTS

2000 Savannah Street - Driveway

From: Stoufer, Marc
Sent: Tuesday, November 24, 2015 8:08 AM
To: Miller, Perry; Almond, Steven; Bishop, Tommy; Blackburn, Dennie; Bradshaw, Dustin; Chavis, Don; Deer, Jimmie; Dillon, Jack; Hopper, Joseph; Monaco, Tom; Nkokheli, T. Baridi; Parke, Steve; Parker, Mitchell; Riley, Greg; Rogers, Ronnie; Snodgrass, Stan; St Cyr, Carey; Striplin, Bill; Teeter, Ron
Cc: Andrews, Brenda; Stoufer, Marc
Subject: RE: December PC 2015 items for review

Tyler,

The proposed driveway on Jenny Lind would lie in an area already experiencing drainage problems. It also adds another driveway to a street that is classified as minor arterial with plans for widening in the future.

Thanks, marc

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 2000 South Savannah, Fort Smith, Ar, Existing or Proposed

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

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

<u>FROM</u>		<u>TO</u>	
<u>25'</u>	-	<u>10'</u>	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
_____	-	_____	Interior Side Yard Setback
_____	-	_____	Rear Yard Setback
_____	-	_____	Maximum Height of Structure
_____	-	_____	Minimum Distance Between Structures on the Same Lot
_____	-	_____	Minimum Lot Area (Square Feet)
_____	-	_____	Minimum Lot Frontage
_____	-	_____	Maximum Size of a Sign
<u>150'</u>	-	<u>121.7'</u>	Other: <u>Minimum Driveway Separation, UDO Section 27-603-1B</u>

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

5F

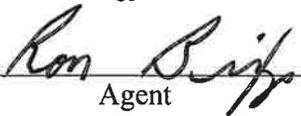
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Ron Brixey
Owner or Agent Name (*please print*)

Owner

479-646-6394
Owner or Agent Phone Number

or

Agent

P.O. Box 6180, Ft. Smith, Ar 72906
Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
_____	<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?
<u> X </u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

Platting of the property will require dedication of right of way along the
Jenny Lind frontage. The dedication will result in a front yard setback of 10'
for the existing house.

THIS IS ALSO THE EXPLANATION OF UNDUE HARDSHIP.

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

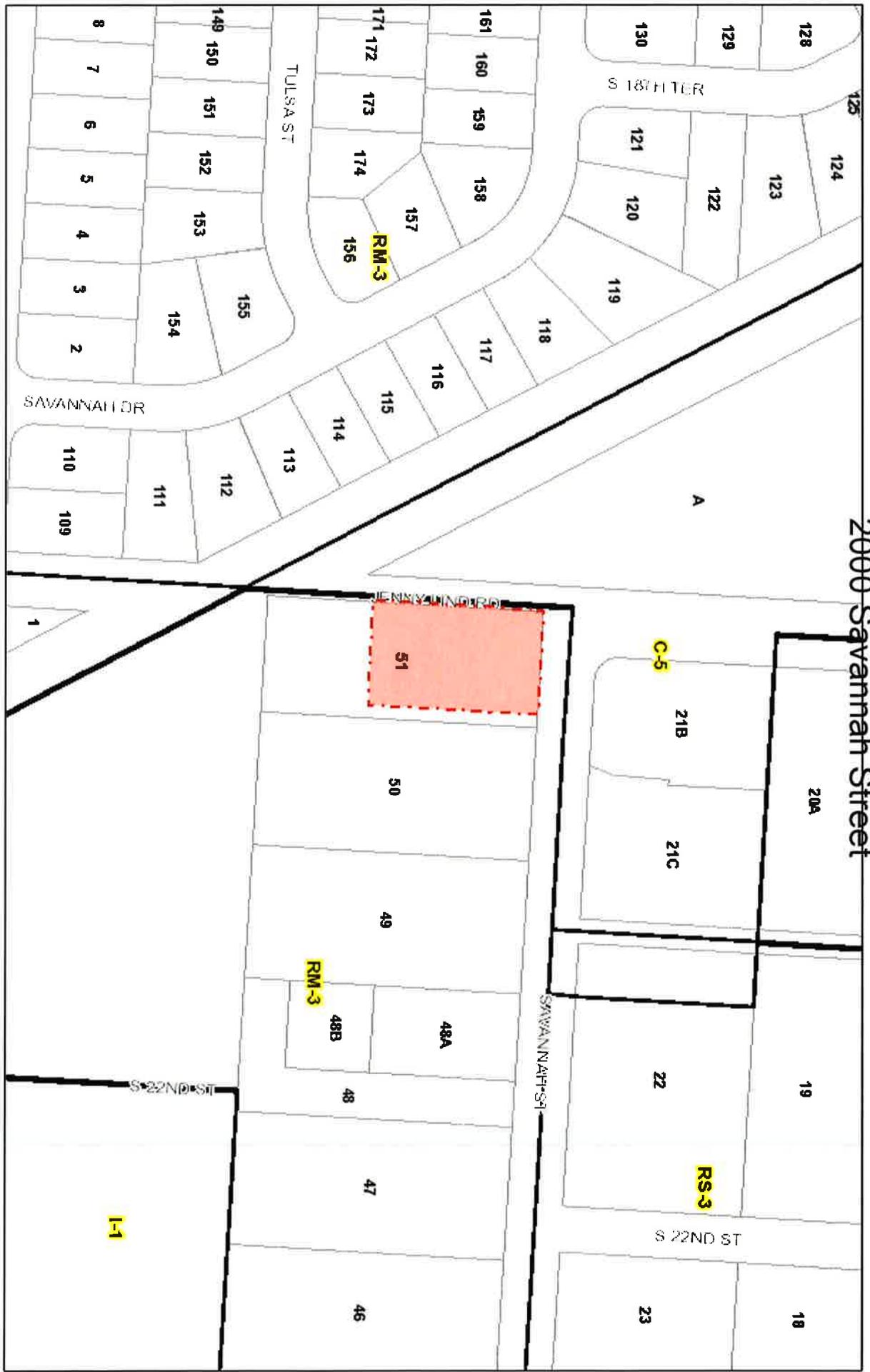
A single family residence exists on our property. To develop the lot for multi family use
we propose to construct a duplex on the southern end of the lot. The existing residence
is situated such that a driveway cannot get past it from the north. The neighbors
driveway is too far north to allow a driveway off Jenny Lind without a variance.

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

The neighbor's driveway is too far north to allow a new driveway on the south end
of our property without tearing down the existing structure on our lot. The only way
to fully develop the lot and keep the existing structure is with the proposed
variance.

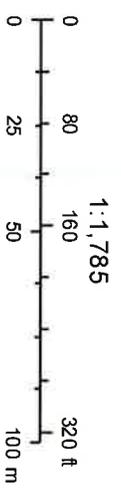
Ordinance #38-12-15: From 150' to 121.7' minimum driveway separation; from 25' to 10' front yard setback

2000 Savannah Street

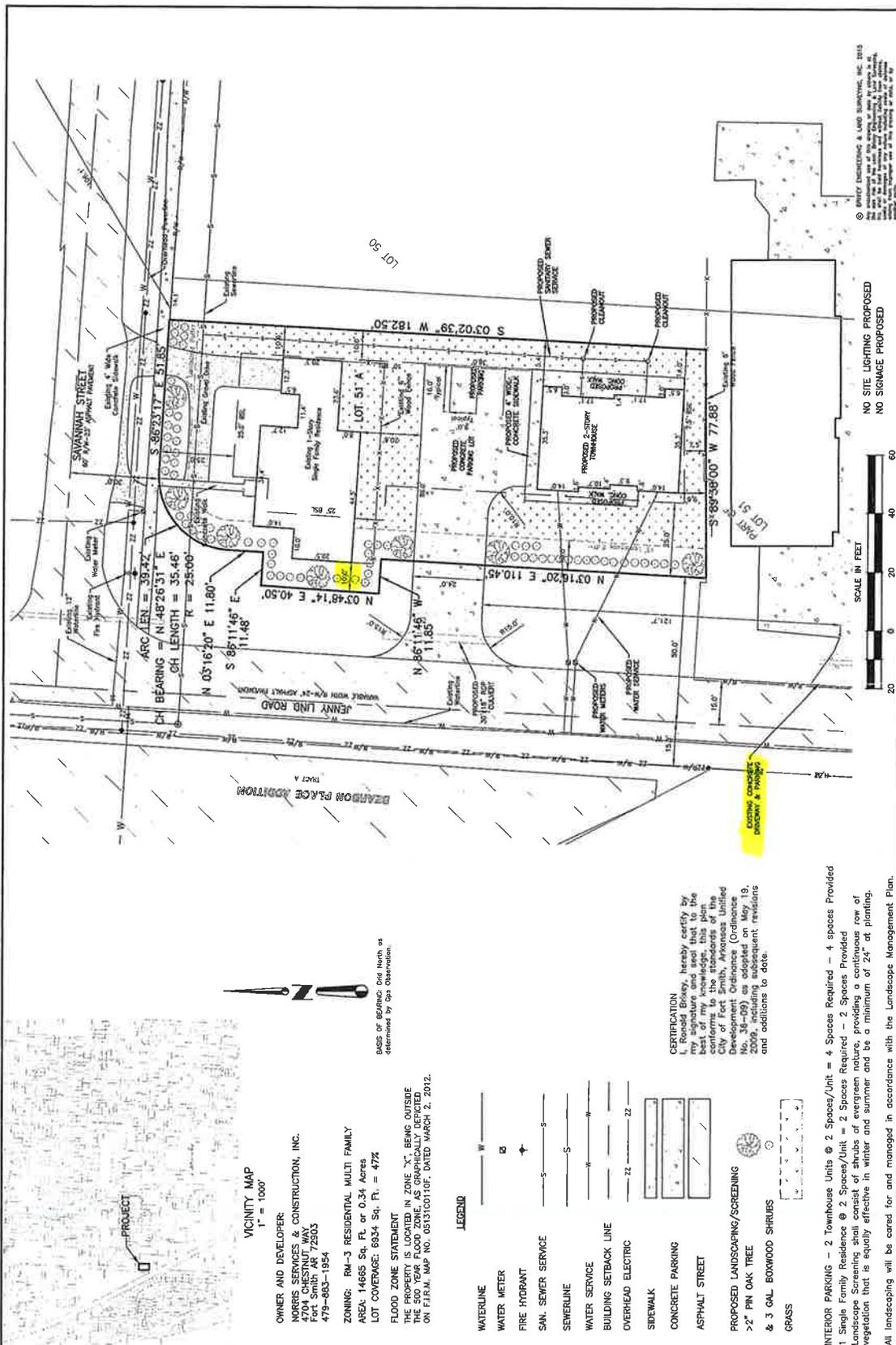


November 18, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions



BS



Date:	10/27/2015
Drawn by:	BSB
Approved:	
Job No.:	15-035
Sheet:	
File:	

SITE PLAN
MAZZOARD TRACTS ADDITION
LOT 51A
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
 Prepared for: Briley Survey



Revisions:	
11/10/2015 -	REVISED TO SOUTH



BRILEY ENGINEERING & LAND SURVEYING, INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 5223 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72506 (479) 646-6394

VICINITY MAP
 1" = 1000'

OWNER AND DEVELOPER:
 MORRIS SERVICES & CONSTRUCTION, INC.
 1000 West 10th Street
 Fort Smith, AR 72503
 479-683-1954

ZONING: RM-3 RESIDENTIAL MULTI FAMILY
 AREA 14665 Sq. Ft. or 0.34 Acres
 LOT COVERAGE: 8834 Sq. Ft. = 47%

FLOOD ZONE STATEMENT:
 THE PROPERTY IS LOCATED IN ZONE "X" BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 05131C010F, DATED MARCH 2, 2012.

BASES OF BEARING: Grid North as determined by GPS Observation.

- LEGEND**
- WATERLINE
 - WATER METER
 - FIRE HYDRANT
 - SAN. SEWER SERVICE
 - SEWERLINE
 - WATER SERVICE
 - BUILDING SETBACK LINE
 - OVERHEAD ELECTRIC
 - SIDEWALK
 - CONCRETE PARKING
 - ASPHALT STREET
 - PROPOSED LANDSCAPING/SCREENING
 - >2" PIN OAK TREE
 - & 3 GAL. BOXWOOD SHRUBS
 - GRASS

CERTIFICATION
 I, Ronald Broxy, hereby certify that the information on this plan, to the best of my knowledge, this plan conforms to the standards of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 2009-09) and subsequent amendments, including subsequent revisions and additions to date.

INTERIOR PARKING - 2 Townhouse Units @ 2 Spaces/Unit = 4 Spaces Required - 4 Spaces Provided
1 Single Family Residence @ 2 Spaces/Unit = 2 Spaces Required - 2 Spaces Provided
 Landscape Screening shall consist of shrubs of evergreen nature, providing a continuous row of vegetation that is equally effective in winter and summer and be a minimum of 24" at planting.
 All landscaping will be cared for and managed in accordance with the Landscape Management Plan.

NO SITE LIGHTING PROPOSED
 NO SIGNAGE PROPOSED



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 All measurements are in feet, inches, and fractions of an inch. All bearings are in degrees, minutes, and seconds. All distances are in feet, inches, and fractions of an inch. All areas are in square feet, square inches, and fractions of a square foot. All volumes are in cubic feet, cubic inches, and fractions of a cubic foot. All elevations are in feet above mean sea level. All bearings and distances are as shown on this plan. All other information is for reference only.

5K



Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: December 4, 2015
Subject: UDO Amendments
Microbreweries/Microwinery/Microdistillery
Boutique / specialty manufacturing
Neighborhood Meetings

The subject items were discussed at the December 1, 2015 study session. At this time, we do not have any specific amendments for you to vote on and recommend to the Board of Directors. These items are on the agenda for continued discussion and public input.

Please bring the packet of information we provided you at the study session. The planning staff will bring some additional and revised information for your review.

Please let us know if you have any questions.

6A