

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT

AGENDA

ROSE ROOM

CREEKMORE PARK COMMUNITY CENTER

5:30 P.M.

FEBRUARY 9, 2016

I. ROLL CALL

II. APPROVAL OF MINUTES FROM JANUARY 12, 2016

III. STAFF COMMENTS AND PROCEDURES

1. Rezoning #2-2-16; A request by Ron Brixey, agent for Vinson Williams, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by Classification located at 7821 Texas Road.
2. A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a Master Land Use Plan Amendment from Open Space/Residential Detached to Office Research Light Industrial (ORLI) located at 5500 Massard Road. (companion item to item #3)
3. Rezoning #3-2-16; A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a zone change from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification located at 5500 Massard Road. (companion item to item #2)
4. Rezoning #4-2-16; A request by Nick Griffin, agent for GLS Properties, LLC, for a zone change from Commercial Light (C-2) and Commercial Heavy (C-5) to Commercial Heavy (C-5) by Extension located at 5710 Rogers Avenue. (companion item to item #5)
5. A request by Nick Griffin, agent for GLS Properties, LLC, for development plan approval for a retail development located at 5710 Rogers Avenue. (companion item to item #4)

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

6. Rezoning #5-2-16; A request by Pat Mickle, agent for KMW Properties, LLC, for a zone change from Commercial-5 Special (C-5-SPL) to Commercial Heavy (C-5) by Extension located at 4501 & 4801 Phoenix Avenue.
7. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 2511 Spradling Avenue. (companion item to items #8A & #8B)
8. A. Rezoning #6-2-16; A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by Classification located at 2511 Spradling Avenue. (companion item to items #7 & #8B)

B. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for deferral on development plan/preliminary plat located at 2511 Spradling Avenue. (companion item to items #7 & #8A)
9. Rezoning #7-2-16; A request by Michael Riley, agent for Southpointe Church, for a zone change from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification located at 10001 Chad Colley Boulevard. (companion item to item #10)
10. Conditional Use #3-2-16; A request by Michael Riley, agent for Southpointe Church, for a conditional use for a new church located at 10001 Chad Colley Boulevard. (companion item to item #9)
11. A request by Bransen Harris, agent for Sunchase Partners, LLC, for development plan approval for a multi-family development located at 3515 South 66th Street.

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

12. Variance #3-2-16; A request by Sisouphanh Linthavong, for a variance from 20 feet to 4.9 feet front yard setback and from 5 feet to 2.5 feet interior side yard setback located at 3409 Ridgeway Drive.

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

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

Chairman Sharpe called for the vote on the Planning Commission minutes from the December 8, 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. Final Plat – Hanna Phoenix Addition – Lots 2 thru 5 – Mickle-Wagner-Coleman

Ms. Brenda Andrews read the staff report indicating that the purpose of this plat is to allow for commercial uses.

Pat Mickle was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the final plat.

The vote was 7 in favor and 0 opposed.

2. A request by Manuel Navarro for a zone change from Commercial Heavy (C-5) to Residential Multifamily Medium Density (RM-3) by Extension located at 1833 North 12th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this rezoning request is to allow the owner to construct a single family home.

Manuel Navarro was present to speak on behalf of this request.

Zue Gray, 1915 North 12th Street, was present to request clarification relative to the RM-3 zoning classification.

Chairman Sharpe then called for the vote on the rezoning request.

The vote was 7 in favor and 0 opposed.

3. A request by Stuart Ghan for development plan approval for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.

Ms. Maggie Rice read the staff report indicating the purpose of this request is to allow for the construction of a 9,100 square foot retail store (Dollar General).

Stuart Ghan was present to speak on behalf of this request.

Sandy See, 3209 Stanard Avenue, was present to speak on behalf the request.

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

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

Motion was made by Commissioner Newton, seconded by Commissioner Carson and carried with a vote of 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper) to approve the development plan subject to the following:

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

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

The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

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

4. Variance #2-1-16; A request by Stuart Ghan for a variance from 37 to 26 number of parking spaces for a new neighborhood store (Dollar General) located at 1301 Towson Avenue.

Ms. Maggie Rice read the staff report indicating the purpose of this request is to allow for the construction of a 9,100 square foot retail store (Dollar General).

Stuart Ghan was present to speak on behalf of this request.

Sandy See, 3209 Stanard Avenue, was present to speak on behalf the request.

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

Chairman Sharpe then called for the vote on the variance request.

Motion was made by Commissioner Keesee, seconded by Commissioner Carson and carried with a vote of 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper) to approve the variance request subject to the following:

- Approval of the variance is for a retail neighborhood store only and future uses different from a retail neighborhood store must comply with the required minimum parking standard for the proposed land use

Chairman Sharpe then called for the vote on the variance request as amended.

The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Cooper).

5. Conditional Use #1-1-16; A request by Renea Spoon, for a conditional use for a daycare home with one (1) employee located at 2620 Independence.

The applicant, Ms. Renea Spoon, requested that this conditional use request be withdrawn.

No one was present to speak on behalf of this request.

Joann McMullen, 3019 Independence, was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the withdrawal of the conditional use request.

Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 7 in favor and 0 opposed to approve the withdrawal of the conditional use.

6. Conditional Use # 2-1-16; A request by Nick Griffin, agent for Bank of the Ozarks, for a conditional use for a new restaurant drive-thru and outdoor dining (Burger King) located at 8201 Phoenix Avenue.

Ms. Brenda Andrews read the staff report indicating the purpose of the conditional use request is to allow for the construction of a 3,059 square foot Burger King restaurant with drive thru and outdoor dining for 16 persons.

Nick Griffin was present to speak on behalf the request.

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

Chairman Sharpe then called for the vote on the conditional use request.

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 5 in favor and 2 abstention (Cooper and Keese) to approve the conditional use request 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.
- Submittal of final landscape plan with the trees spaced in accordance with the Unified Development Ordinance.
- Submittal of screening methods for trash enclosure and all mechanical equipment in compliance with the UDO.
- All exterior building and site lighting shall comply with the UDO requirements.
- Submittal of a sign permit application for staff review and approval for proposed signage.

Chairman Sharpe then called for the vote on the conditional use request as amended.

The vote was 5 in favor and 2 abstentions (Keese and Cooper).

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

- 7. Variance #1-1-16; a request by Nick Griffin, agent for Bank of the Ozarks, for a variance from 200 feet to 185 feet minimum driveway spacing for a new restaurant (Burger King) located at 8201 Phoenix.**

Ms. Brenda Andrews read the staff report indicating the purpose for the variance request is to allow for the construction of two new driveways with a separation distance of 185 feet for a proposed Burger King restaurant. The two new driveways will replace two existing driveways on Phoenix Avenue and move them further away from the Massard Road intersection.

Nick Griffin was present to speak on behalf the request.

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

Chairman Sharpe then called for the vote on the variance request.

The vote was 5 in favor and 2 abstentions (Keesee and Cooper).

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

- 8. Subdivision Variance #1-1-16; A request by Pat Mickle, agent for Cliff Drive, LLC, for a subdivision variance to permit driveway access from a single family lot to a street classified as a major collector located at 3801, 3815 & 3901 Leigh Avenue.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this subdivision variance is to allow the developer to provide driveways for single family residences on large lots along Leigh Avenue.

Pat Mickle was present to speak on behalf the request.

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

Chairman Sharpe then called for the vote on the subdivision variance.

Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 7 in favor and 0 opposed to approve the subdivision variance subject to the following:

- Driveway shall be constructed with turn-arounds or the driveways shall be shared driveways designed so that vehicles do not back in to the street. U-shaped driveways are prohibited.

Chairman Sharpe then called for the vote on the subdivision variance as amended.

The vote was 7 in favor 0 opposed.

- 9. Discussion of text amendments to the Unified Development Ordinance relating to:**
- A. Microbreweries in commercial zoning districts.**
 - B. Specialty manufacturing.**
 - C. Neighborhood meeting requirements.**

Mr. Bailey noted the following recommended amendments to the Unified Development Ordinance. In relation to the definition of microbreweries in commercial zoning districts it was noted that this shall mean a small business which seeks the support of informed craft beverage consumers. It shall be limited to a maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

In relation to the definition of specialty manufacturing, it was noted that this shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors and hours of operation. Products are primarily assembled by hand. The uses are limited by size to a maximum of 4,000 square feet of gross floor area and shall be operated only within a fully enclosed structure.

In relation to the neighborhood meeting requirements, it was noted that staff is recommending the following amendments:

1. Allow applicants to request waivers from neighborhood meetings for rezoning, master land use plan amendments and conditional use applications based on the following criteria:

- The project will have minimal impact on surrounding properties
 - The project will have minimal impact on the neighborhood
2. When a neighborhood meeting is waived by the Director, the applicant shall mail letters describing the project to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.
 3. The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family developed property.
 4. The scheduling of a neighborhood meeting shall be as follows:
 - Instead of a 14 day notice, the applicant must provide notice to the planning department and residents at least 7 days prior to the meeting.
 - The neighborhood meeting should be held at least 6 days prior to the planning commission voting meeting.

Mr. Bailey stated that a waiver from the neighborhood meeting process is already available in the UDO for variances so no amendment is necessary for this type of application.

Mr. Bailey also noted that several cities regionally (Fayetteville, Rogers, Bentonville and Tulsa) do not require applicants to hold neighborhood meetings.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed UDO amendments separately.

A. Microbreweries in commercial zoning districts.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

B. Specialty manufacturing.

Chairman Sharpe called for the vote on this proposed text amendment.

The vote was 7 in favor 0 opposed.

C. Neighborhood meeting requirements.

Chairman Sharpe called for the vote on this proposed text amendment with the revision that neighborhood meetings will not be waived for non-residential or multifamily projects next to single family developed property or property zoned single family.

The vote was 7 in favor 0 opposed.

Meeting adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: January 25, 2016

Re: Rezoning #2-2-16 - A request by Ron Brixey, agent for the Arc of the River Valley, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to Planned Zoning District (PZD) by classification at 7821 Texas Road

PROPOSED ZONING

The approval of this rezoning request would allow for the existing facility to be used for a Family Support Services business (The ARC for the River Valley).

LOT LOCATION AND SIZE

The subject property is on the east side of Texas Road south of School Street. The tract contains an area of 1.89 acres with approximately 71 feet of street frontage along Texas Road.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The areas surrounding this property are zoned Residential Multifamily Medium Density (RM-3) and are developed as residential properties and a school playground.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Texas Road as a Major Collector.

1B

MASTER LAND USE PLAN COMPLIANCE

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

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **Not required**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The PZD Booklet indicates that the proposed usage will be similar to a church, which the site has been used as since 2008. The proposed operating hours of the Arc for the River Valley are Monday-Friday, 10: a.m. to 4p.m. The booklet states that traffic generated will occur outside the normal peak traffic hours.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **A perimeter landscaping strip across the front of the property will be installed to comply with parking lot screening even though the parking lot is a significant distance from the street. A significant portion of the property will be retained as a grass lawn (69%). Additionally, the PZD land uses will be restricted to family support services and religious institutions as permitted uses.**

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SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The proposal is to use the one existing driveway.

Right-of-way dedication – Not required.

Drainage – Not required.

Landscaping & Screening – A 10' parking lot screening landscape area will be provided along the Texas Road frontage.

Parking – Twenty five (25) parking spaces are shown on the site plan.

Signage – It is proposed to re-letter the existing 6' x 4' sign.

Sidewalks – Sidewalks are existing on both sides of Texas Road.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held at the site on Friday, January 29th. The meeting was attended by numerous representatives of the Arc of the River and four neighboring property owners. The property owners asked questions about the proposed uses of the property and the need for a zone change. At the conclusion of the meeting, there were no objections to the proposed PZD. A copy of the attendance record and minutes are enclosed.

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STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet, along with the following comments;

1. Any required construction will require that plans be submitted for a building permit review.

**THE ARC FOR THE RIVER VALLEY
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: LOT 1 TEXAS ROAD CHURCH OF GOD
AN ADDITION TO THE CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: 7821 TEXAS ROAD
FORT SMITH, SEBASTIAN COUNTY,
ARKANSAS 72908**

**OWNER: VINSON WILLIAMS
P.O. BOX 11547
FORT SMITH, ARKANSAS 72917**

**SUBMITTED TO: CITY OF FORT SMITH
623 GARRISON AVENUE
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.
P.O. BOX 6180
FORT SMITH, ARKANSAS 72906**

JANUARY, 2016


RONALD BRIXEY
ARK. REG. P.E. NO. 4456



IF

**THE ARC FOR THE RIVER VALLEY
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The subject property is currently zoned RM-3, Residential Multifamily Medium Density. The property is currently in use as a church under a conditional use. A change in zoning is needed to allow the property to be sold to and utilized by "The ARC for the River Valley". The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities.

The proposed project will fulfill the purposes of the UDO by being compatible with the the Master Street Plan and the character of the neighborhood.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

Current Owner: Vinson Williams, P.O. Box 11547, Fort Smith, Arkansas 72917.

Proposed future Owner: The Arc of the River Valley, 2301 South 56th Street, Fort Smith, Arkansas 72903.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 1.88 acres located on the eastern side of Texas Road approximately 410 feet southwest of the intersection of School Street. The property to the north is a school playground. The property to the east is occupied by single family residences. The property to the south east is occupied by an apartment building. The property to the south is vacant except for some outbuildings and a barn. The property to the southwest is occupied by a single family residence. The property to the northwest is occupied by a single family residence. The PZD property is currently occupied by a church.

The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities. Hours of operation are weekdays from 10:00 am to 4:00 pm except for holidays and on the third Saturday of each month from 10:00 am to 2:00 pm. For 2016 four special events (2 movies, 1 talent show, and 1 karaoke) are scheduled for Saturday afternoons from 3:00 pm to 5:00 pm.

No outside structural modifications or additions are proposed at this time with the exception of the addition of landscaping along the street frontage.

1G

3d. General project scope:

i. Street and lot layout

See attached Site Plan drawing.

The primary access to the site is Texas Road which is classified by the Master Street Plan as a Major Collector. The site will be served by the existing 27 foot wide entrance and 18 foot wide driveway.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping for existing conditions will follow City UDO requirements. Parking lot screening will be installed at the street frontage of Texas Road. Interior landscaping will consist of the large open grass lawn areas surrounding the building, driveway and parking areas as shown on the Site Plan drawing. Landscaping for any future expansion of the driveway and parking lot areas will comply with UDO Section 27-602-3.

A copy of the Landscape Management Plan is included in this booklet.
See attached Site Plan.

iv. Storm water detention areas and drainage

At this time, no detention is required for the site and all drainage is functioning properly. In the event that future major improvements or alterations are proposed, all drainage and detention will comply with the City of Fort Smith current Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas exist or are proposed.

vi. Existing and proposed utility connections and extensions

Approximate water, sewer, gas, electric, and cable service line locations are as shown on the Site Plan drawing.

No new connections or extensions are proposed.

vii. Development and architectural design standards

Any future additions or improvements will comply with the development and

architectural design standard requirements of UDO Section 27-602.

viii. Building elevations

Photographs of the existing metal building are included in this booklet. No new construction is proposed.

Architectural design and finishes for any future construction will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards".

ix. Proposed signage (type and size)

It is proposed to utilize the existing free standing pole sign by revising the lettering. The existing sign has a 4 foot by 6 foot face supported by 2 foot tall posts at each end for a total height of 6 feet. A photograph of the sign is included in this booklet. Any additional or replacement free standing signs or flat faced signs mounted directly on the facade of the building will conform to the requirements of UDO Section 27-704-2.

3e. Proposed development phasing and timeframe

Utilization of the site by "The ARC for the River Valley" is proposed to begin immediately upon approval of this proposed zone change and accompanying Master Land Use change.

3f. Identify land use designations

The current land use of the site and surrounding property is Residential Detached. The proposed land use of the site is Neighborhood Commercial.

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	1.88 acres
Max. Bldg. Size	10,000 sf
Min. Lot Width at BSL	77 feet
Max. Lot Coverage	60%
Max. Height	35 feet
Addnl. Height	see 27-404 D. of the UDO
Setbacks	
Front	25 feet
Side	10 feet

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Street side/corner 15 feet
 Rear 10 feet
 Side/ Rear 10/30 feet - as shown on Site Plan
 (Adjoining SF Res
 District/Development)

Minimum Street Frontage 70 feet
 Minimum Bldg Separation Det. By building & fire code

3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

Comparison is between the proposed PZD restrictions and the RM-3 Residential Multifamily Medium Density zoning restrictions contained in the UDO.

	PZD	RM-3
Min. Lot Size	1.88 acres	6500 sf
Density	10000 sf Commercial Bldg	20 du per acre
Min. Lot Width at BSL	77 feet	60
Max. Lot Coverage	60%	65%
Max. Height	35 feet	40 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO
Setbacks		
Front	25 feet	25 feet
Side	10 feet	7.5 feet
Street side/corner	15 feet	15 feet
Rear	10 feet	10 feet
Side/ Rear (Adjoining SF Res District/Development)	10/30 feet - as shown on Site Plan	30 feet
Minimum Street Frontage	70 feet	20 feet
Minimum Bldg Separation	Det. By blg. & fire code	Det. By blg. & fire code

PZD Landscaping

Perimeter Landscaping

Front 10 feet wide, 1 tree & 10 shrubs every 50'

Sides & Back NONE

Parking Lot Screening and Landscaping is to comply with UDO Section 27-602-3.

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RM-3 Landscaping

Perimeter Landscaping	
Front	10 feet wide, 1 tree & 10 shrubs every 50'
Sides & Back	NONE

- 3i. **A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. **A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

Landscaping

The perimeter landscaping strip across the front will be installed to comply with parking lot screening even though the parking lot is a significant distance from the street.

A significant portion of the property will be retained as a grass lawn (69%)

Minimum Street Frontage	70 feet
Minimum Bldg Separation	Det. By blg. & fire code

UDO setbacks vary with the several zoning designations. The proposed setbacks meet or exceed the required setbacks for most zoning designations. The minimum PZD street frontage is 70 feet and the minimum frontage of the comparable C-2 zoning is 50 feet. The minimum PZD lot size is 1.88 acres and the minimum lot size of the comparable C-2 zoning is 7000 sf.

Land uses will be limited to family support services and church.

- 3k. **Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

The site has been utilized as a church since 2008. The proposed usage could be considered somewhat similar to a church.

The proposed normal hours of operation are from 10:00 am to 4:00 pm on weekdays and from 10:00 am to 2:00 pm one Saturday a month. Any traffic generated will occur outside the normal peak traffic hours.

IK

The adjacent properties to the northwest and southwest corners of the site are developed as single family residential homes. The residences are located approximately 120 feet and 195 feet respectively from the nearest edge of the site parking lot and should not be adversely impacted by lights or noise of vehicles maneuvering in and out of parking spaces. The residences are located approximately 160 feet and 170 feet respectively from the nearest edge of the site building which should limit any disturbances from sounds of the activities within the building.

The adjacent properties to the east of the site are developed as single family residential homes with on apartment building. The nearest residence is located approximately 210 feet from the nearest edge of the site parking lot and is separated from the site building by a 6 foot privacy fence. These residences should therefore not be adversely impacted by lights or noise of vehicles maneuvering in and out of parking spaces. The nearest residence is located approximately 210 feet from the nearest edge of the site building which should limit any disturbances from sounds of the activities within the building.

The adjacent property to the north of the site is a school playground and the area south of the site is vacant land. The proposed use should have no adverse effects on these properties.

Texas Road (60 foot wide right of way) separates the site from the property to the west which is to be developed as single family residential.

The building is an existing 6060 sf metal structure. The outside appearance will not change under this proposal. The building is behind most adjacent structures and approximately 225 feet east of the edge Texas Road. Parking lot screening is proposed along the right of way all of which will restrict the visibility of the building to neighbors and to passers by.

The project will use existing signage.

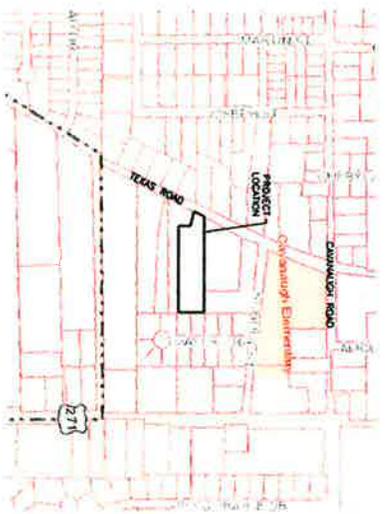
3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).

The Engineering Department has not required a traffic study

3m. Statement of availability of water and sewer (state size of lines)

The site is served by an existing 10 inch waterline running along the eastern side of Texas Road and an 8 inch sewer line running along the western side of Texas Road. The locations of these lines and approximate locations of existing service lines are shown on the Site Plan drawing.

12



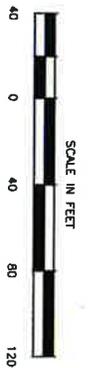
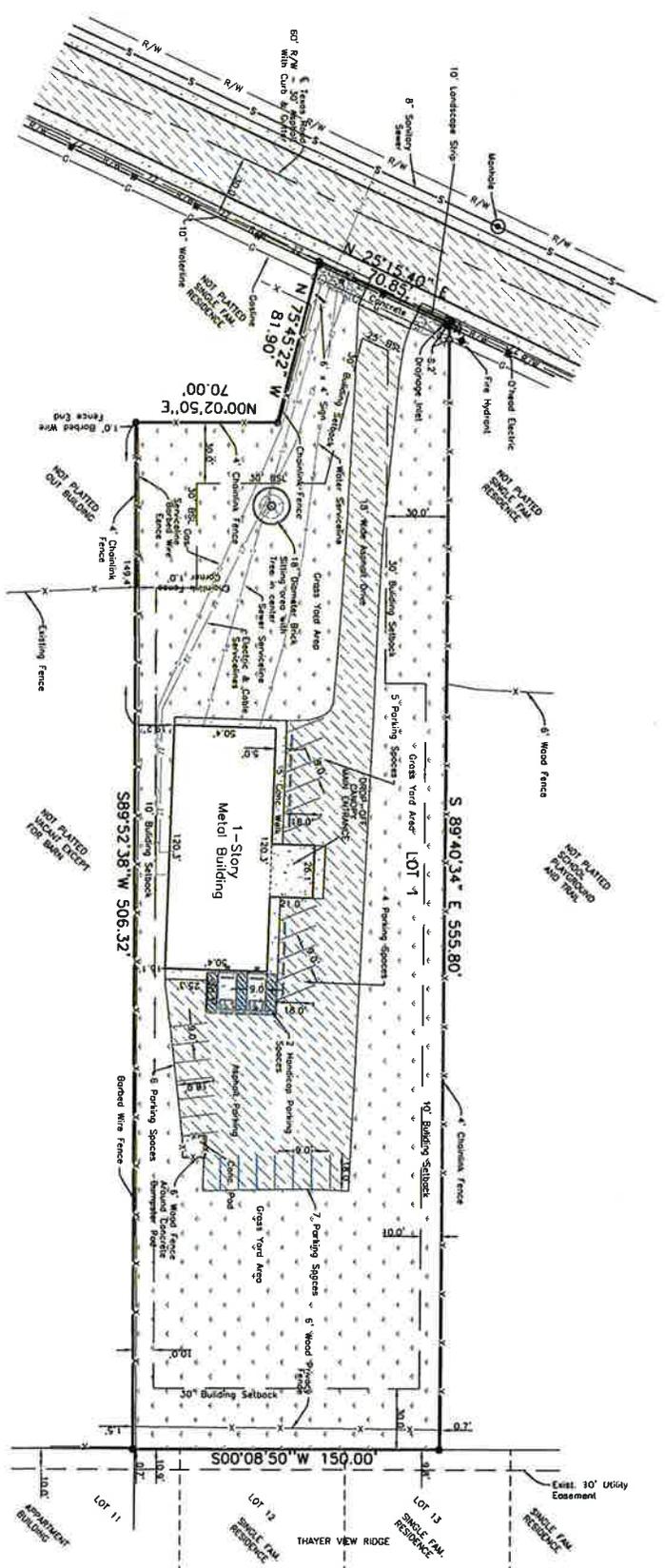
VICINITY MAP
SCALE: 1"=500'

- LEGEND**
- WATERLINE
 - FIRE HYDRANT
 - SEWERLINE
 - BUILDING SETBACK LINE
 - OVERHEAD ELECTRIC
 - SIDEWALK
 - ASPHALT STREET
 - PROPOSED LANDSCAPING/SCREENING
 - 5 CAL BOXWOOD
 - 6' - 8' PINK GRAPE MYRTLE
 - GRASS LAWN

Planting Lot Screening Landscaping shall consist of Boxwood Shrubs, providing a continuous row and be a minimum of 24" at planting.

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. 05131C0120F, DATED MARCH 02, 2012.
SIGNAGE WILL CONSIST OF ONE EXISTING 6' X 4' X 6' HIGH SIGN EXTERIOR LIGHTING WILL BE SCREENED IN COMPLIANCE WITH UDO REQUIREMENTS

DEVELOPER:
THE ARC OF RIVER VALLEY
201 SOUTH STREET
FORT SMITH, ARKANSAS 72305
CURRENT ZONING: RM-3
PROPOSED ZONING: P20



NOTE: Utility service line locations are approximate.



BRIXEY, BAKER & ASSOCIATES, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
5223 East Highway 45 P.O. Box 6780
Fort Smith, Arkansas 72305 (479) 646-8394

LEGEND

Symbol	Setback
Symbol	Building Footprint
Symbol	Asphalt
Symbol	Grass Lawn
Symbol	Planting Lot
Symbol	Utility Line
Symbol	Fire Hydrant
Symbol	Sewer Line
Symbol	Water Line
Symbol	Overhead Electric
Symbol	Side Walk
Symbol	Asphalt Street
Symbol	Proposed Landscaping/Screening
Symbol	5 Cal Boxwood
Symbol	6' - 8' Pink Grape Myrtle
Symbol	Grass Lawn

Revisions:

No.	Description	Date



SITE PLAN
LOT 1 TEXAS ROAD CHURCH OF GOD
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared For: The Arc of River

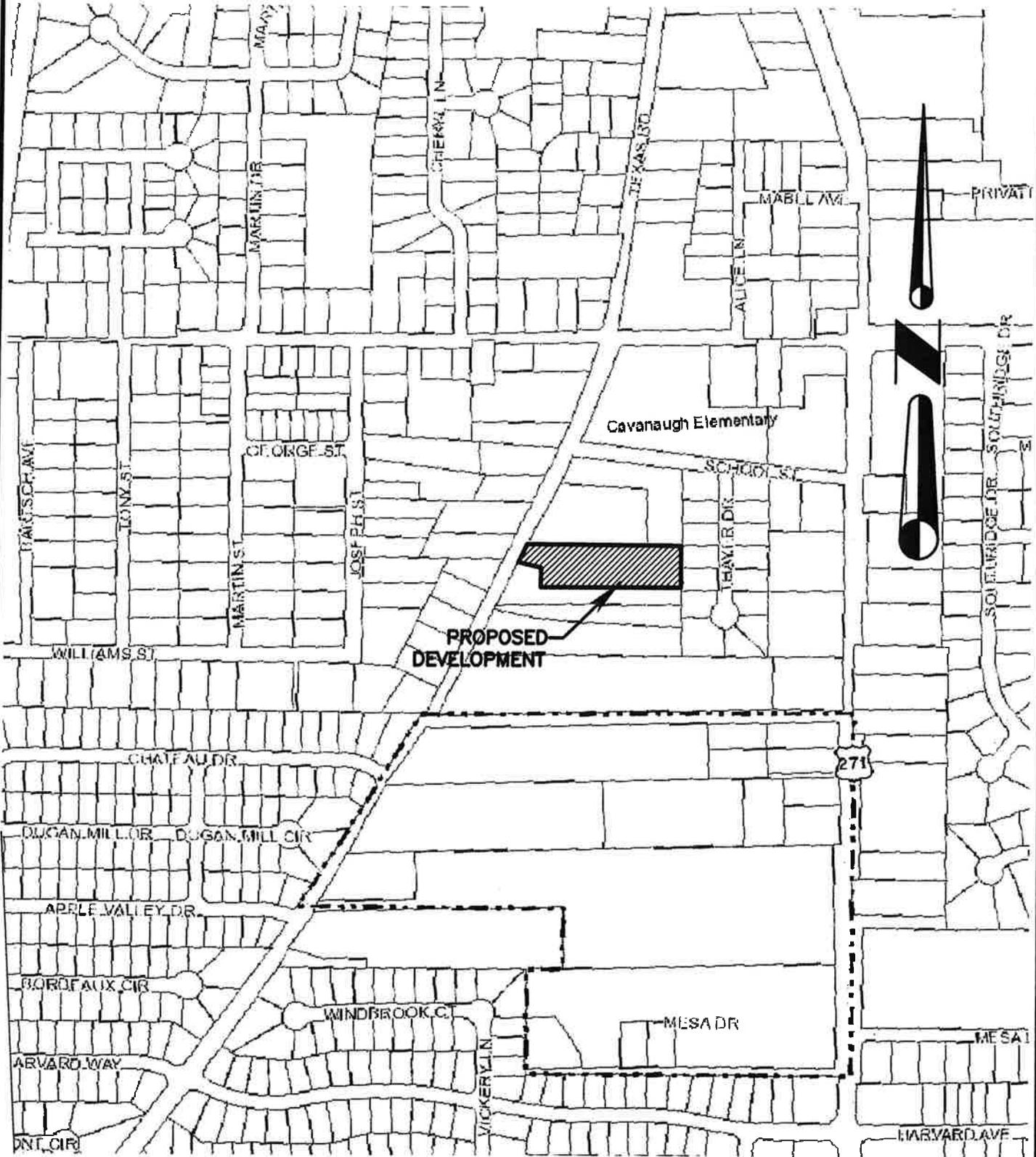
Date:	07/11/2016
Drawn By:	TRC
Computed By:	RMB
Job No.:	15-043
Field:	

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Brixey Engineering & Land Surveying, Inc.

Land Surveyors - Consulting Engineers
P.O. Box 6180 Ft. Smith, Ark. 72906 (479)646-6394

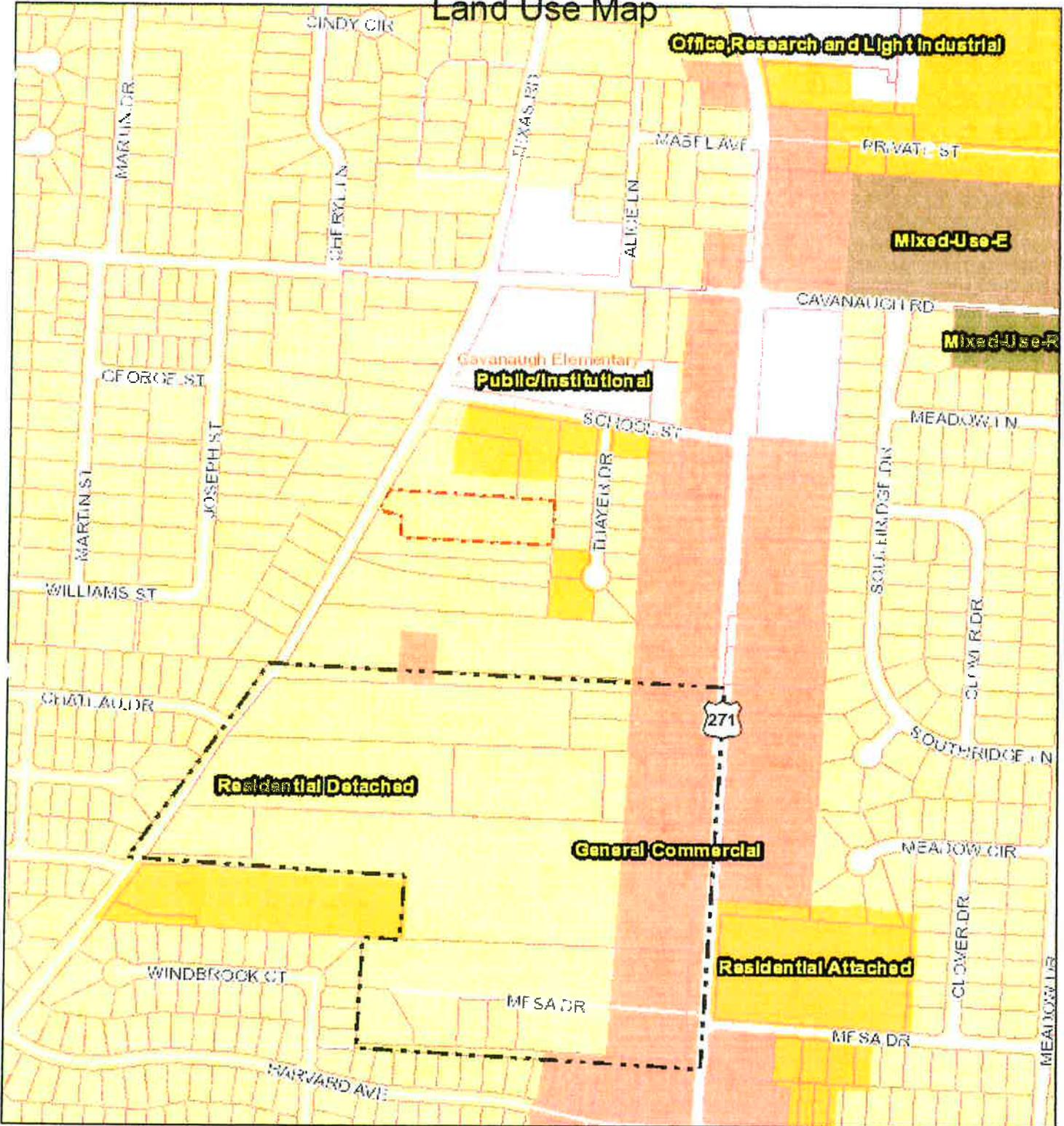


VICINITY MAP

SCALE: 1" = 500'

10

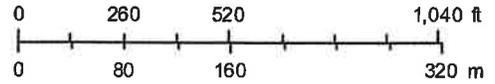
7821 Texas Road Land Use Map



January 13, 2016

1:5,695

- Fort Smith City Limits
- Parcels
- Land Use**
- Industry
- Mixed-Use-E
- Mixed-Use-R
- Office Research
- Open Space
- Public/Institutional
- Regional Center
- Residential Attached
- Residential Detached
- Commercial
- Commercial Neighborhood
- General Commercial



IP

The Arc for the River Valley

Mission Statement: *The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities.*

The Arc for the River Valley was founded in 1959, when Dr. Roger Bost, a prominent pediatrician, organized a group of families working to bring a better quality of life to those with disabilities in our area. Originally incorporated as the Sebastian County Association of Retarded Citizens, our name was changed in 2001 to The Arc for the River Valley. We are one of more than 700 chapters nationwide affiliated with The Arc of the United States.

It has been estimated² that 4.6 million Americans have some form of I/DD such as autism spectrum disorders, Down's Syndrome, fetal alcohol syndrome, and cerebral palsy that significantly affect their lives. Many of these individuals require the assistance of family members or paid staff services for their basic daily needs. The Arc for the River Valley provides recreational activities and educational support for these individuals and their caregivers. We also provide advocacy services that promote the full inclusion and participation of residents with disabilities in the community throughout their lifetimes.



Participants in art therapy classes at The Arc create drawings, paintings, sculpture, and crafts, including holiday decorations and small gifts.

Over 460 members from Sebastian, Crawford, Franklin, Logan, Polk and Washing counties in Arkansas and LeFlore and Sequoyah counties in Oklahoma are currently supported by our programs.

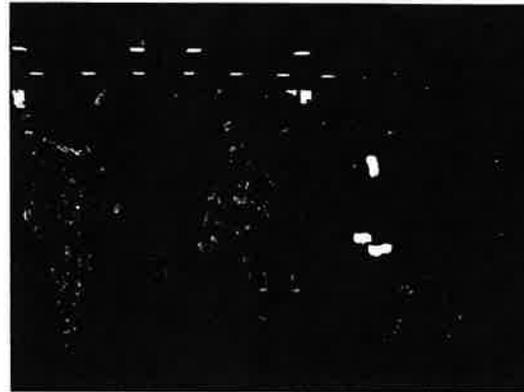
Members of The Arc include both individuals with disabilities and their staff, family members, and community volunteers, who transport them and facilitate their participation in activities and events. Without this assistance, many of our members would remain housebound with limited opportunities for physical activity or social interaction in the community. With this in mind, the Board and staff of the Arc design our programs with the explicit intention of providing a welcoming environment that draws people with disabilities out where they can be physically active in stimulating social situations appropriate to different levels of physical and cognitive functioning.

2014/2015 Average Monthly Utilization of Arc Activities

Year	Bowling	Computers	Social Room	Art	Cooking
2014	330	128	148	88	10
2015	291	127	178	87	7

Located in Fort Smith, The Arc offers an in-office Computer Lab with internet access, educational programs, and games for our members. We provide Exercise Classes three days a week. We conduct Art Therapy Classes twice a week, with paintings by our members being exhibited and sold locally, most recently at the Center for Art & Education in Van Buren. With each sale, half of the proceeds go to the artist, and half go to The Arc to purchase materials for future art classes.

Cooking Classes in the kitchen area teach valuable life skills. Other learning and recreational activities are provided in our Social Living Room, using Wii and Xbox 360 gaming consoles as well as traditional board games and puzzles. Food and drinks purchased from the River Valley Regional Food Bank are always available free of charge to members, some of whom may otherwise struggle with food insecurity.



The Halloween dance is our most popular special event –315 people attended in 2012 at the Fort Smith Senior Center.

Special events sponsored by The Arc each month include the Valentine’s Day/Mardi Gras dance, Halloween dance, Christmas party, trips to the Alma water park, a Fishing Derby, Karaoke Night, Movie Night, and our annual “Barc for the Arc” dog walk and fundraiser. Many of our members proudly compete as athletes or participate as coaches in Area 4 of Special Olympics Arkansas in Track & Field, and Bowling.

Of all the ongoing activities and events provided by The Arc, the most popular is our Bowling Program, which promotes hand-eye coordination and social skills, as well as providing physical exercise for our members. Three components comprise the program: (1) weekday virtual bowling practice in the Social Living Room, using Wii and Xbox 360 gaming consoles, (2) bowling twice a week at Midland Bowl, whom generously allows our members to bowl at their facility at a league rate, and (3) annual competition in Special Olympics at Bowling World for Area 4 in November and in Little Rock in December for athletes who qualify for State. Members can compete as individuals or on teams in Special Olympics, but we all encourage everyone to do their best and celebrate their successes with them. The Arc will also recognize a “Bowler of the Month” who exemplifies outstanding sportsmanship or game skills.

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All these services are provided or coordinated by a small paid staff—an Executive Director and an Office Director—working with more than 100 volunteers, including our Board of Directors, who collectively contribute over 2,500 hours annually of their time and energy to ensure the success of our programs, activities, and events.

The Arc receives support from diverse funding streams, including direct donations from our Board and other individuals, small corporate and foundation grants, income from fundraising events and programs, membership dues, and significant allocations from the United Way of Fort Smith. In 2013 The Arc organized its first annual fund campaign to provide unrestricted donations that will support quality recreational and educational opportunities for our members.

The Arc Board and staff are well aware that many members' disabilities preclude or severely limit their ability to join the paid workforce. We therefore strive to offer activities free of charge or at a reduced rate for members so that no one is unable to participate due to lack of financial resources. With regard to the Bowling Program specifically, our members currently pay \$2.50 to bowl 2 games at Midland Bowl on Thursday nights or Saturday afternoons.

Footnotes

¹The term “intellectual and developmental disabilities” refers to those conditions defined by AAIDD classification and DSM IV of the American Psychiatric Association.

²Larson, S. L., et al. (2000). Prevalence of mental retardation and/or developmental disabilities: Analysis of the 1994/1995 NHIS-D. *MR/DD Data Brief*. Minneapolis: Institute on Community Integration, University of Minnesota.

THE ARC FOR THE RIVER VALLEY, LOT 1 TEXAS ROAD CHURCH OF GOD, 7821 TEXAS ROAD, FORT SMITH, ARKANSAS

LANDSCAPE MANAGEMENT SCHEDULE

January:

- Prune any tree branches that interfere with public safety or sight lines. Prune all street trees yearly to encourage strong upward growth. Do not top trees.
- Mulch mow all turf areas once per month. (Use mulching mower that chops clippings finely and blows mulch down into turf to decompose and feed soil.)

February:

- Apply granular fertilizer around trees or shrubs in late February. Make application prior to a moderate rainfall so the rain will wash the fertilizer in. Do not fertilize swale plantings. (See "Fertilization" section for recommended products.)
- Mulch mow all turf areas once per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

March:

- Mulch mow all turf areas twice per month.

April:

- Mulch mow all turf areas weekly.
- Fertilize all landscape areas. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

May:

- Mulch mow all turf areas weekly.
- Water Landscaped areas weekly.

June:

- Mulch mow all turf areas weekly.
- Prune spring & winter-flowering shrubs as needed to maintain proper shape (natural, touching, not hedged or topiary except where specified by owner).
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

July:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12 feet above street level).
- Water Landscaped areas biweekly.

August:

- Mulch mow all turf areas weekly.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

September:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12').
- Fertilize all landscape areas in September or early October. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.

October:

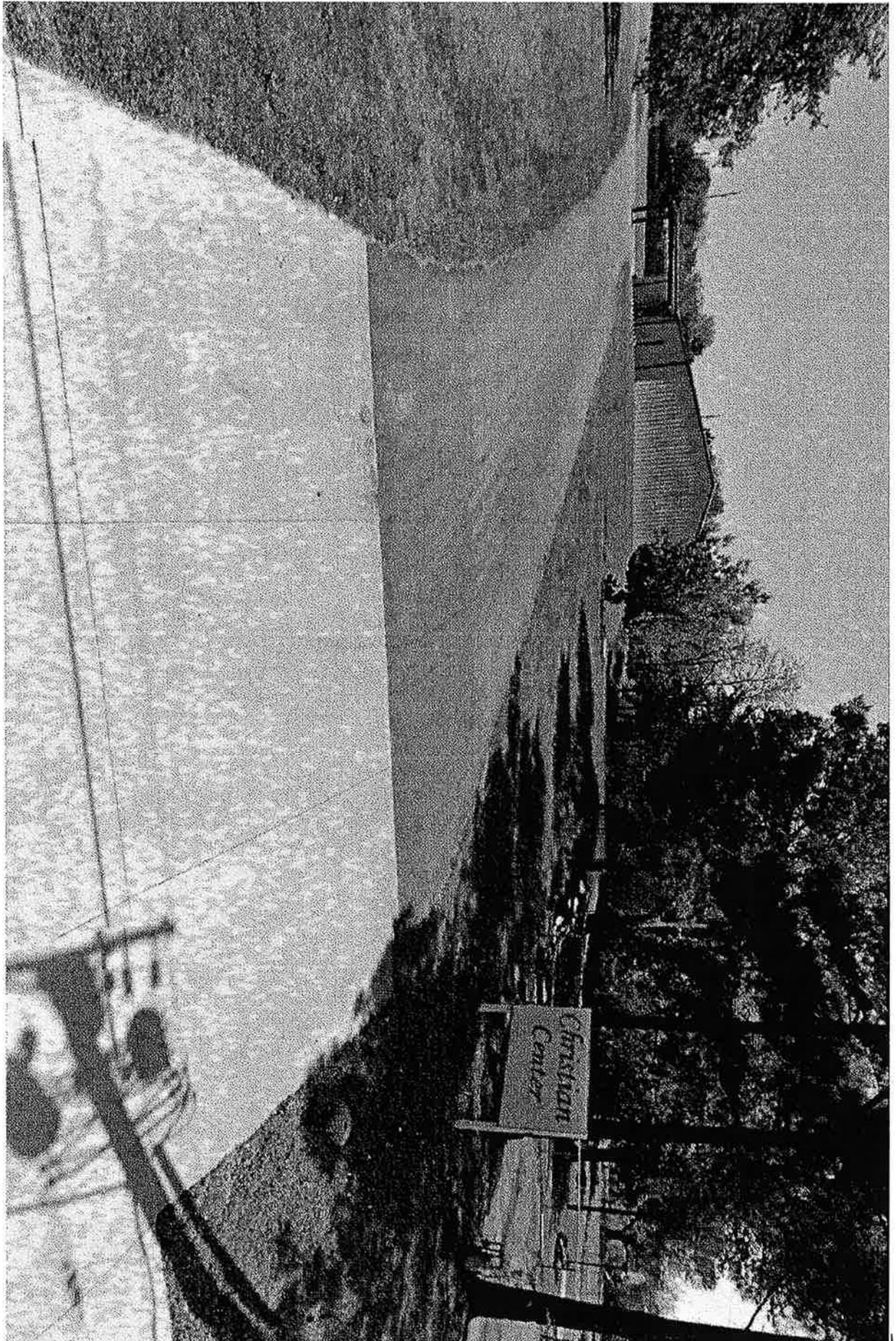
- Mulch mow all turf areas twice per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

November:

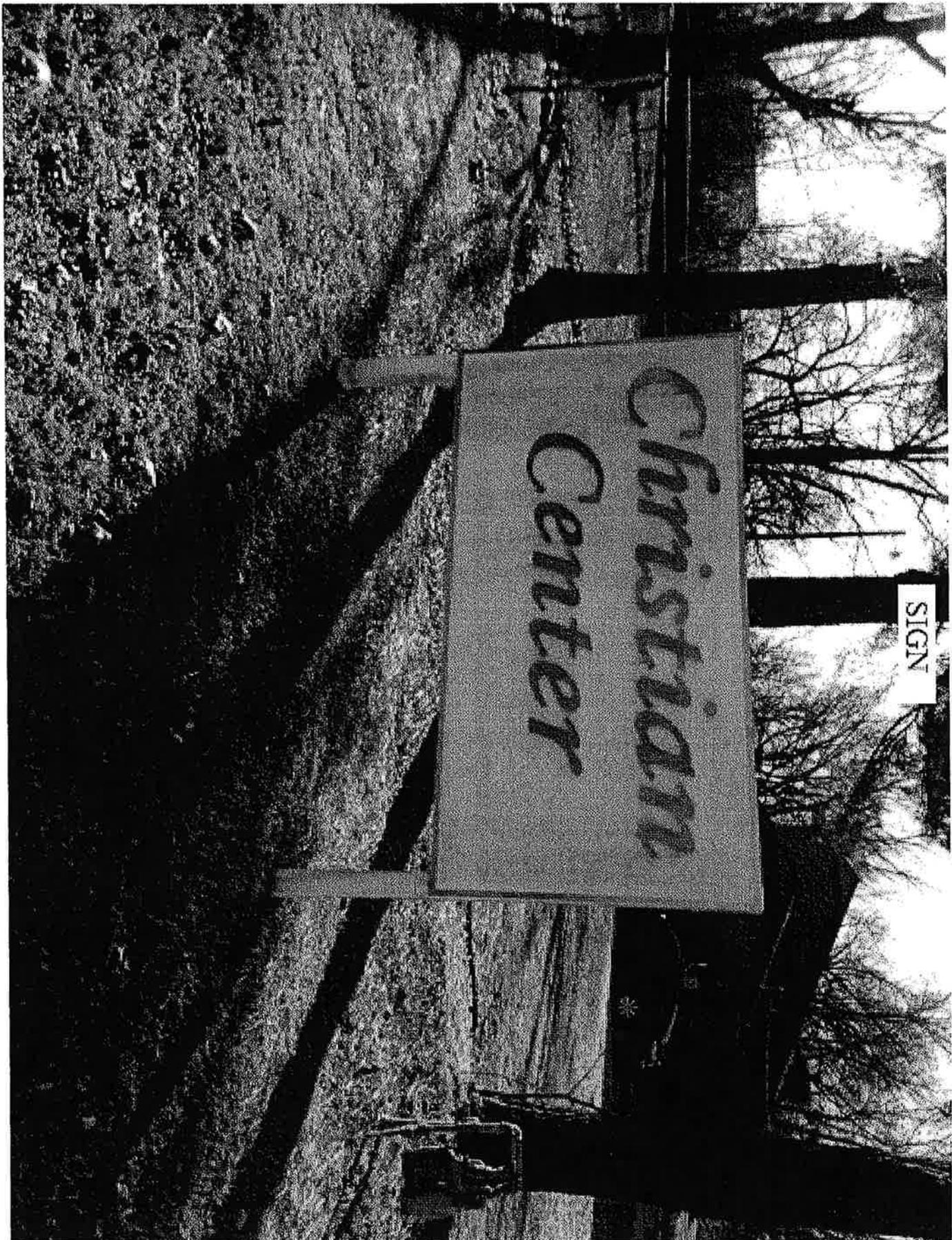
- Mulch mow all turf areas twice per month.

December:

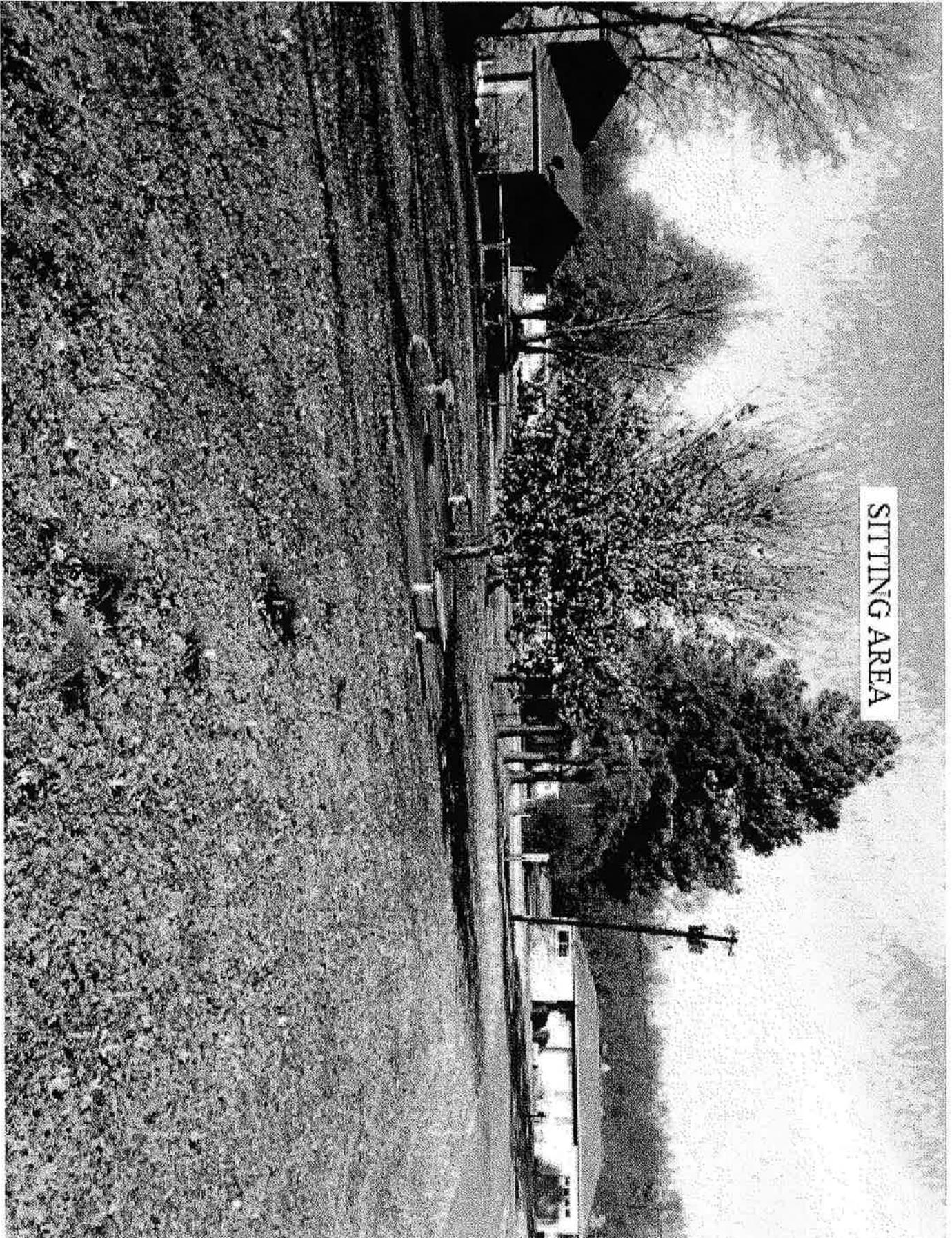
- Mulch mow all turf areas once per month.
- Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly as needed to remove dead and crossing branches and to encourage spreading and upward growth that fits the available space. Do not top trees.
- Prune summer and fall-blooming shrubs as needed to maintain proper shape.



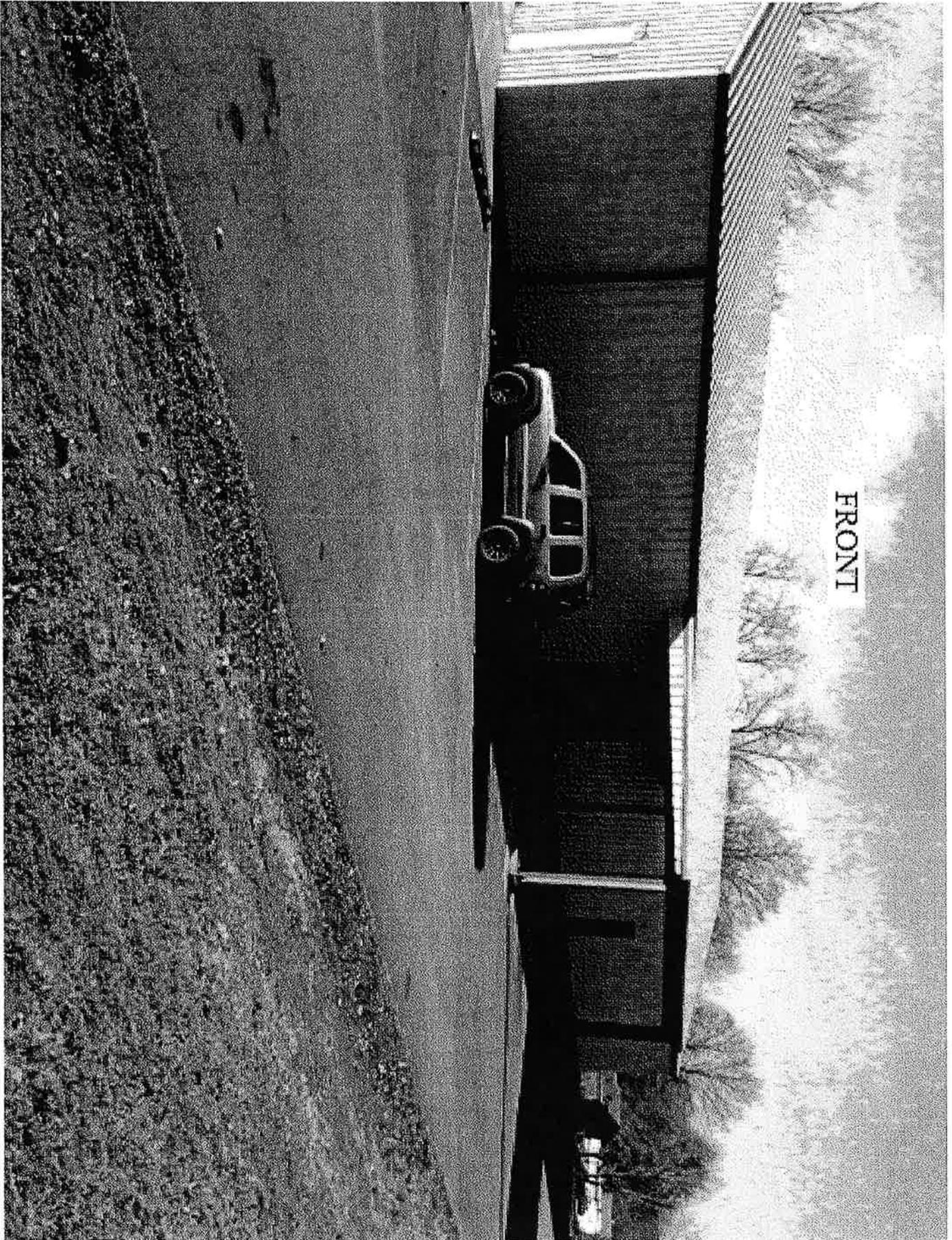
M1



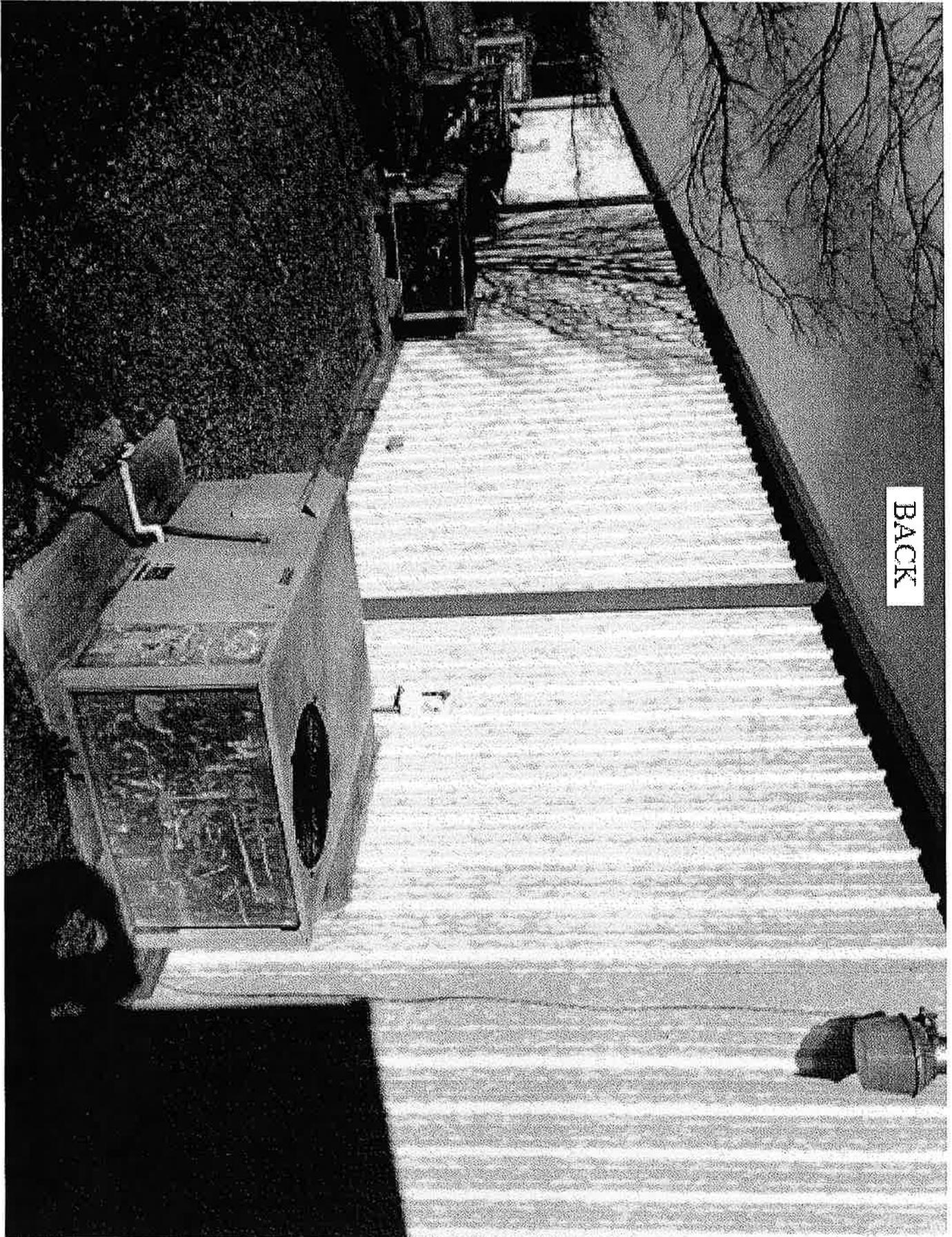
X



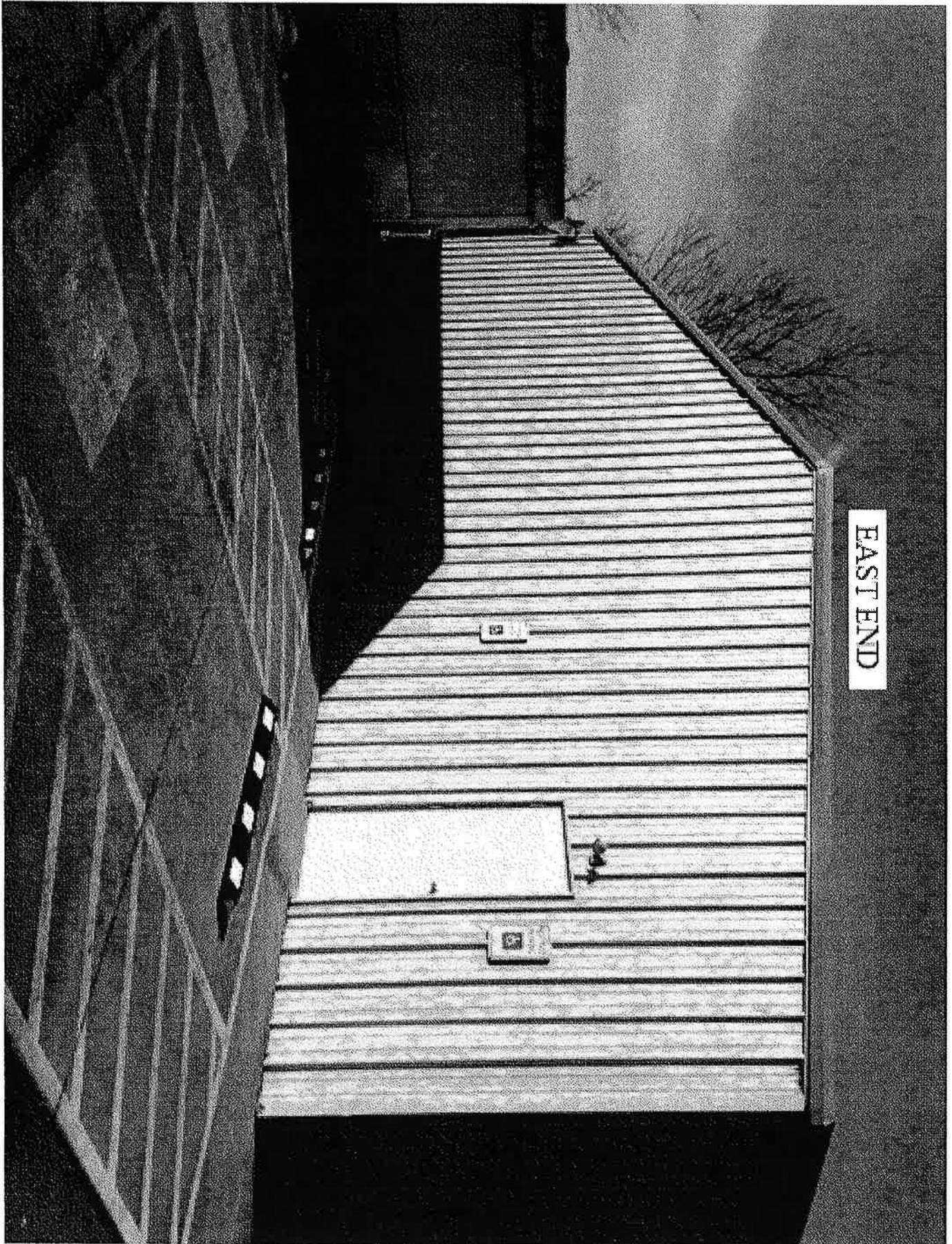
SITTING AREA



FRONT

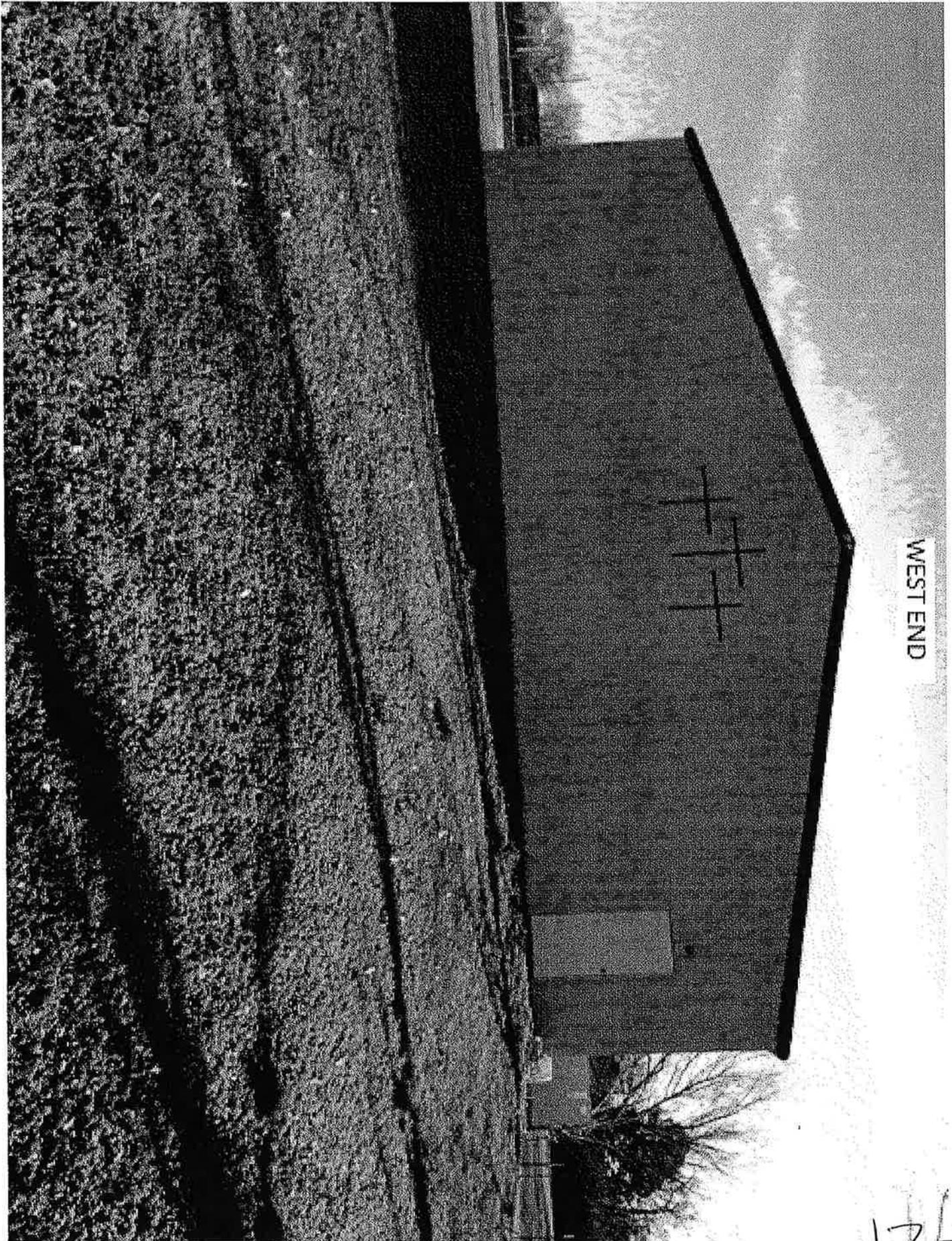


BACK



EAST END

12-2



WEST END

12L3

February 1, 2016

MINUTES OF NEIGHBORHOOD MEETING
7821 TEXAS ROAD, LOT 1, TEXAS ROAD CHURCH OF GOD

On January 29, 2016 at 4:30 p.m. a Neighborhood meeting was held at 7821 Texas Road, Fort Smith, Arkansas to discuss a proposed zoning change with neighboring property owners. The change was initiated by The ARC for the River Valley, potential buyers of the property. The Arc for the River Valley provides advocacy, education, and recreation for those with intellectual and developmental disabilities.

Twenty two people were in attendance. The City was represented by Brenda Andrews of the Planning Department. Ron Brixey of Brixey Engineering presided. Of those in attendance, four were local residents and sixteen were representing The ARC for the River Valley.

A general discussion of the proposed usage and potential repercussions to the community was conducted including proposed hours of operation and actual activities to be conducted, effects on traffic, possible future uses of the property under the proposed zoning, and effects on property values. Mrs. Andrews explained the limitations of the proposed zoning in detail. Several representatives of the ARC contributed details concerning the scheduling and general operations. All local residents were put on a mailing list for the ARC newsletter. A board member from the ARC who lives nearby volunteered a personal phone number for the neighborhood watch.

There were no objections voiced by anyone in attendance.

12-4

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7821 Texas Road, Fort Smith, Ar

Meeting Time & Date 4:30 pm, Friday, January 29, 2016

Meeting Purpose Neighborhood questions & comments concerning Zoning changes

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Holly McCallister	601 Ray Lane Circle	479.430.8537
2. Brenda Owen	Alma, AR Ray Lane Alma	
3. Larry Owen	Ray Lane Alma	
4. REBECCA HANSEL	1424 S. Southside Way MANFIELD, AR 72944	479-806-5814
5. SNEBBIE JOE EUBANK	3201 Clayton Heights Ft. Smith, AR	
6. Micaela Cole	322 May Ave FT. SMITH 72901	479-462-5286
7. Paula Hirsch	740 Woodland Trail Greenwood, AR 72936	479-883-2477
8. Debra Miller	11101 Maple Park Dr.	479-629-1147
9. Jim McCallister	601 Ray Lane Circle, Alma, AR 72821	479.739.1337
10. ROB BRIXEY		
11. BRENDA ANDREWS		

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 7821 Texas Road, Fort Smith, Ar

Meeting Time & Date 4:30 pm, Friday, January 29, 2016

Meeting Purpose Neighborhood questions & comments concerning Zoning changes

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Carolyn Stott	Van Buren, AR	479-806-9461
✓ 2.	Carolyn Fordren	7812 Texas RD, Ft. Smith, AR 72908	479-221-1225
✓ 3.	Irvin Foster	7916 Texas RD, Ft Smith, AR 72908	479-883-6497
✓ 4.	Lisa Leonard	7909 Texas Rd Ft. Smith, AR 72908	479-461-1843
✓ 5.	Ronnie Moore	2908 TEXAS Rd FT Smith AR 72908	479-642-8365
6.	Dinda Stevens	1721 TULSA AVE FTSMITH AR 72908	479-434522
7.	Michelle Neese	153 Perth Court Ft. Smith 72908	
8.	Paul Keller	151 Perth Court Ft. Smith 72908	
9.	Keley Simpson	PO Box 11293 Ft Smith 72917	
10.	Gary Scott Thomas	Van Buren, AR	479-410-1728 479-682-2572
11.	Janis Smith	263 Applewood St - Central City	573-986-9525

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodies on Rogers

Meeting Time & Date 1-28-14 @ 12:15

Meeting Purpose 5500 MASSARD RD.
REZONING & LAND USE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tom Monaco</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>MARK GARDSON</u>	<u>1100 Wheeler Ave</u>	<u>806-6805</u>
3.	<u>Ron Yates</u>	<u>8210 Rosewood Dr.</u>	<u>452-3676</u>
4.	<u>Jeff</u>	<u>PJLarchitect</u>	<u>452-9226</u>
5.	<u>Ross Frances Willis</u>	<u>8321 Rosewood</u>	<u>452-8041</u>
6.			
7.			
8.			
9.			
10.			
11.			

PETITION FOR CHANGE IN ZONING MAP

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

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

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

Lot 1 Texas Road Church of God

- 2. Address of property: 7821 Texas Road
- 3. The above described property is now zoned: RM-3
- 4. Application is hereby made to change the zoning classification of the above described property to PZD by Classification.
(Extension or classification)
- 5. Why is the zoning change requested?

Request is made in order to allow the property to be utilized as Family Support Services by "The ARC for the River Valley" other zoning classifications which allow this usage also allow uses which would not be compatible with the neighborhood

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

Signed:

Ron Brixey
Owner or Agent Name
(please print)

Owner

5223 East Highway 45, Fort Smith AR 72916
Owner or Agent Mailing Address

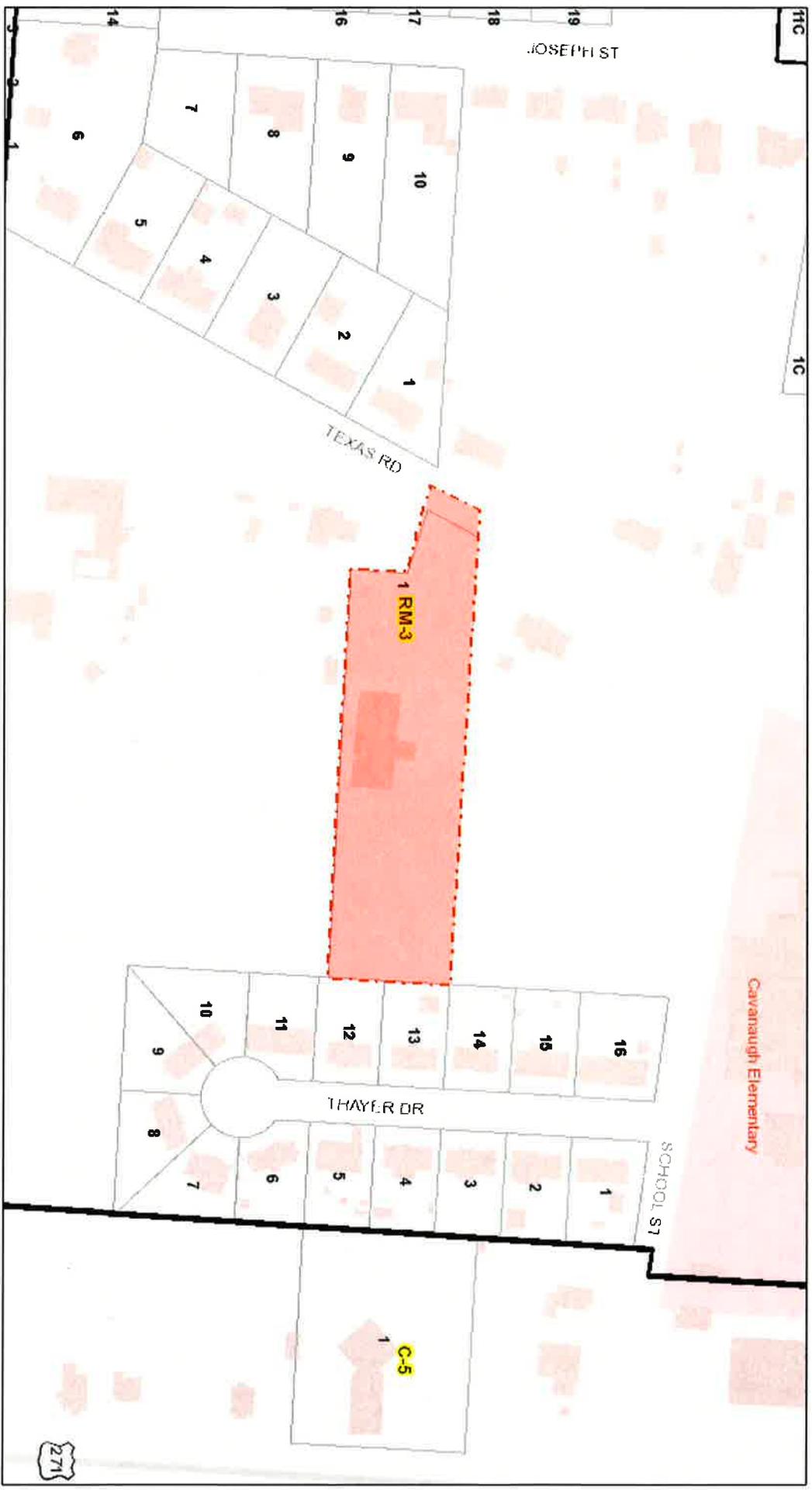
Ron Brixey
Agent

or

479-646-6394

Rezoning #2-2-16: From Residential Multifamily Medium Density (RM-3) to PZD 7821 Texas Road

6-12



- January 20, 2016
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Proposed Master Land Use Plan Amendment by Jeff Lee, agent for John Goodson, et al, at 5500 Massard Road from Open Space and Residential Detached to Office, Research and Light Industrial

The Planning Department is in receipt of an application from Jeff Lee, agent, to amend the Master Land Use Map from Open Space and Residential Detached to Office, Research and Light Industrial to accommodate a proposed Planned Zoning District (PZD) zoning request. The subject property is on the west side of Massard Road, north of Canopy Oaks Drive. The tract contains an area of 15.30 acres with approximately 459 feet of street frontage along Massard Road.

The property is currently zoned Commercial Light (C-2). A companion zoning application requests a Planned Zoning District (PZD) zoning district. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Open Space and Residential Detached and is undeveloped.

The area to the east is classified as Residential Detached and is developed as single family residential.

The area to the south is classified as Open Space and Residential Detached and is developed as residential and the Elks Lodge.

The area to the west is classified as Public Institutional and Office, Research and Light Industrial and is undeveloped.

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

2A

Provides opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|----------------------------------------------------------------------------------|-----|
| • Located on primary arterial or along active rail line. | Yes |
| • Central water and sewer with sufficient capacity | Yes |
| • Sufficient land area for activities and potential expansion | Yes |
| • Not located within environmentally sensitive areas, or those prone to flooding | No* |
| • Maybe located with other mixed uses | Yes |

***A sizeable portion of this property is located within the FEMA 100 and 500 Year Plain, and Floodway.**

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Open Space and Residential Detached. This classification is to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments and to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as Major Arterial.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, January 28, 2016 at 7613 Rogers Avenue (Goody's Frozen Yogurt).

Three neighboring property owners attended the meeting and had concerns about exterior lighting and appearance of the proposed buildings. Staff also received an e-mail from Jim Post at 5101 Massard Road who is opposed to the proposed Master Land Use Plan amendment and rezoning. A copy of Mr. Post's e-mail is enclosed.

A copy of the attendance record is enclosed. At the time the planning commission packet was completed, Mr. Lee had not submitted a meeting summary. We hope to have the summary for you prior to the planning commission meeting.

STAFF RECOMMENDATIONS

Staff recommends approval of the application with the following comment:

1. Planning Commission approval of the companion rezoning application.

213

From: Jim Post [<mailto:jimpost@southernextrusion.com>]
Sent: Monday, February 01, 2016 12:29 PM
To: Planning Email Group
Subject: Meeting

The areas surrounding this property are principally residential. To allow light industrial would devalue existing residential areas and begin a succession of property devaluations along the entire corridor.

I would encourage you to leave the area as residential.

The area asking for a PZD are located where ease of entrance and exit are difficult at best. To allow further development in this area may create traffic hazards in an area where sight is limited and traffic is prone to speeding. I encourage you to leave the property as is.

Jim Post
5101 Massard Rd.

20

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodie's on Rogers

Meeting Time & Date 1-28-16 @ 12:15

Meeting Purpose 5580 MASSARD RD.
REZONING & LAND USE

NAME

ADDRESS

PHONE #

- | | <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE #</u> |
|-----|---------------------|-------------------|----------------|
| 1. | Tom Monaco | CITY | 784-2218 |
| 2. | MARK Goodson | 1100 Wheat Ave | 806-6805 |
| 3. | Ron Yates, | 8210 Rosewood Dr. | 452-3676 |
| 4. | Jeff | PJLarchitect | 452-9226 |
| 5. | Miss Frances Willis | 8321 Rosewood | 452-8041 |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |
| 11. | | | |

Application Type

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

Request to Amend Map
 Request to Amend Text

Applicant Name: JEFF LEE	
Firm Name: PJL	
Address: 3409 Village Rd. Ft. Smith, AR	
Phone # (day): 452-9226 Phone # (cell): 629-5181 Fax #:	
Owner Name: Mark Goodson	
Owner Address: P.O. Box 238, Ratchliff, AR 72951	
Phone # (day): Phone # (cell): 800-6805 Fax #:	
Property Address (subject property): 5500 Massard Rd, FSM	
Subject Property	
Current Land Use: Vacant Bldg (Formerly Oakstall)	
Existing MLUP Classification: Open Space / Residential Detached	
Proposed MLUP Classification: ORLI	
Existing Zoning Classification: C-2	
Proposed Zoning Classification: P2D	
Surrounding Property	
Current Land Use: north- Open Space - Undeveloped	
south- Open Space / one Residence	
east- Single Family Detached Housing	
west- Airport / Undeveloped	
Existing MLUP Classification: north: Open Space / Resid. Detached	
south: " "	
east: Residential Detached	
west: Public-Institutional / ORLI	
Existing Zoning Classification: north: I-2	
south: I-2	
east: R-2-SF	
west: I-2	
Pre-Application Meeting Date: 12/15/15	

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

2E

1. A legal description of the subject property that is to be amended (reclassified).
Part SE 1/4 OF THE SW 1/4 OF SECTION 31, T-8-N, R-31-W
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres. 15,309 acres

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

The eastern portion of the site has a paved parking lot & access road to Massard Rd. The western portion is undeveloped. A bridge may be built in the future to connect the eastern & western portions across Massard creek.

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

All utilities are present on site & are adequate for extension in the future to the undeveloped portion of the site when required

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

75% lot coverage

7. Identify any known or anticipated environmental concerns:

The western undeveloped portion of the site, west of Massard Creek, is below the floodway elevation. Consequently 12"-18" of fill dirt will be added (future).

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

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

2F

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

The new PZD will allow I.1 type development of mini-storage buildings & RV parking only. This will lessen negative impacts of its current C-2 zone & adjacent I.2 zones

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

The PZD parameters are based on I.1 uses; the adjacent properties are zoned I.2.

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

The current occupancy rate of Fort Smith mini-storage developments indicates a need for many more units in the area.

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

The property will be developed in two phases. Phase 1 is the location of 5 buildings near the existing vacant building, plus inside climate controlled units in the existing building, within one year. Phase two, including units and a bridge across Massard Creek, will be built out in 5-10 years. Minimal impact along the arterial street is anticipated.

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

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

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

P. Jeffrey Lee

1-14-16

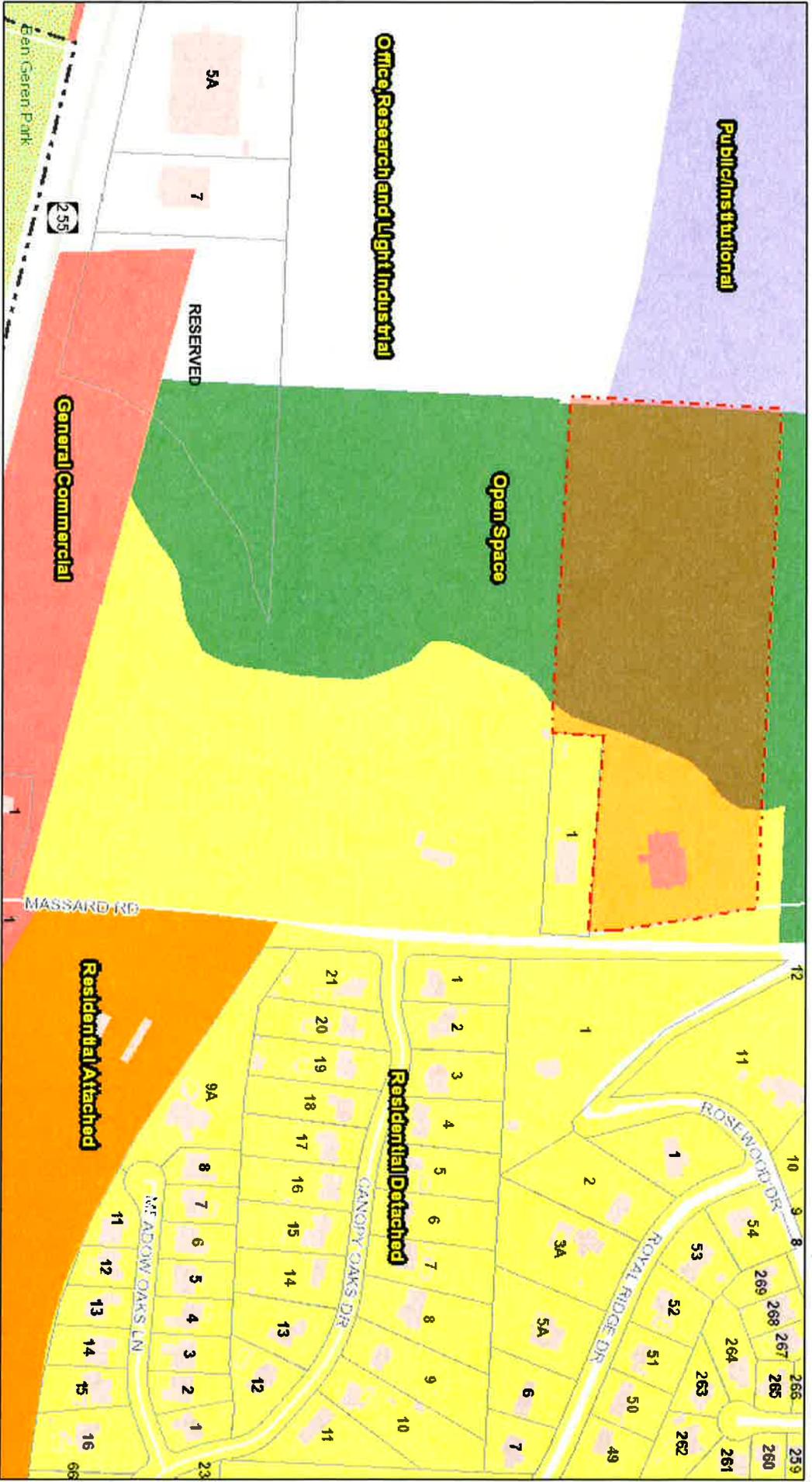
Signature (Agent/Owner)

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

Master Land Use: From Open Space & Residential Detached to Office, Research and Light Industrial 5500 Massard Road

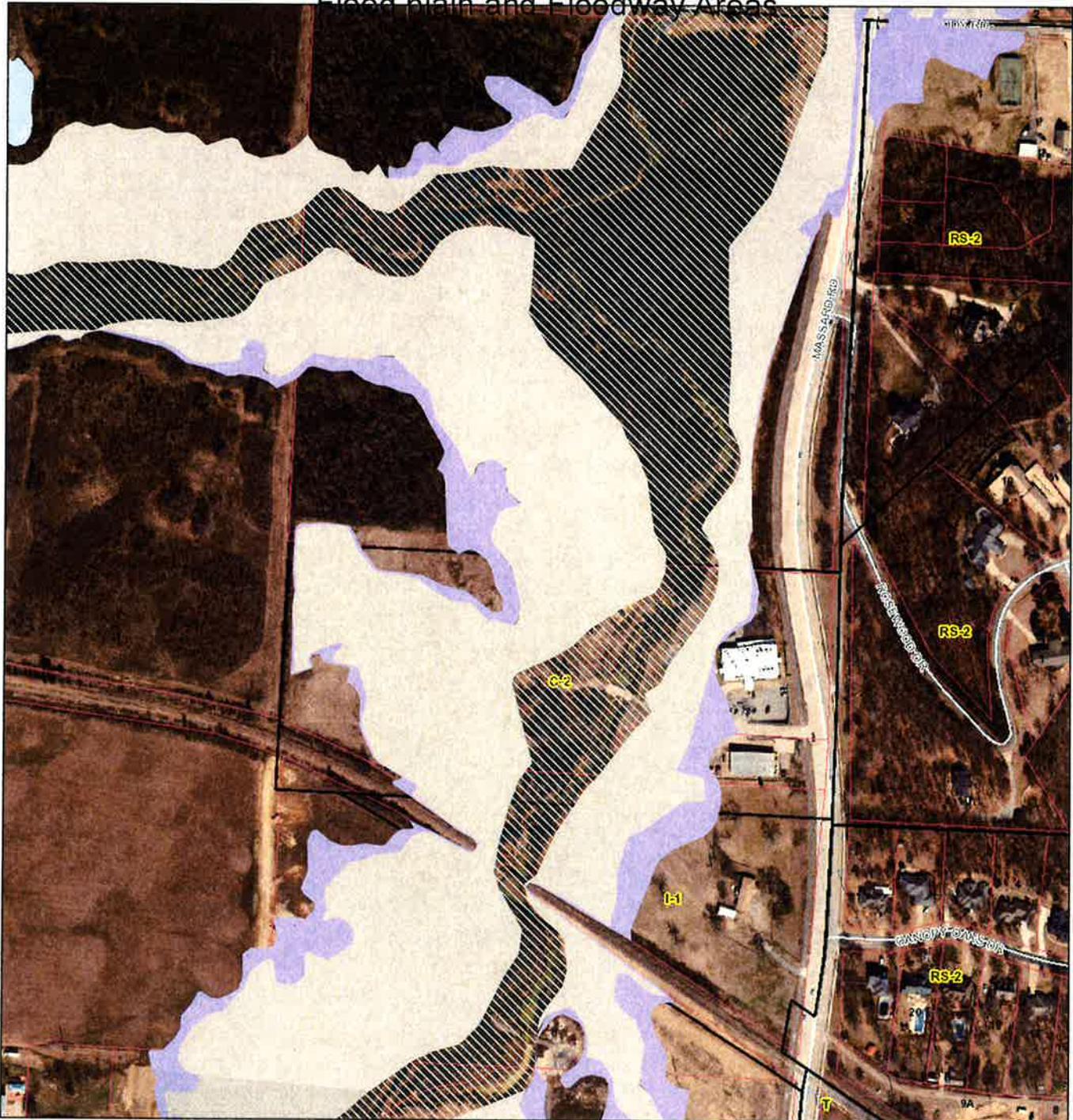
Handwritten initials/signature



January 20, 2016

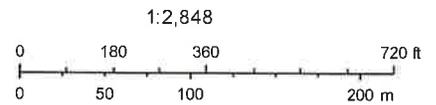
- Fort Smith City Limits
- Subdivisions
- Building Footprints
- Land Use**

5500 Massard Road Flood plain and Floodway Areas



FEMA Map Legend

-  Base Flood Elevation
-  Zone X (500 year)
-  Zone A or AE - SFHA (100 year)
-  Floodway



25

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Rezoning #3-2-16 - A request by Jeff Lee, agent for John Goodson, et al, for Planning Commission consideration of a zone request from Commercial Light (C-2) to a Planned Zoning District (PZD) by classification at 5500 Massard Road

PROPOSED ZONING

The approval of this rezoning request would allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage buildings and covered RV parking in the future.

LOT LOCATION AND SIZE

The subject property is on the west side of Massard Road north of Canopy Oaks Drive. The tract contains an area of 15.30 acres with approximately 459 feet of street frontage along Massard Road.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

The areas to the east are zoned Residential Single Family Medium Density and are developed as single family residential.

The areas to the south are zoned Industrial Light (I-1) & Commercial Light (C-2) and developed as the Elks Lodge and a single family house.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached and Open Space. The Residential Detached land use classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protects property values.

The Open Space land use classification provides for the open space and recreational needs of the region and protects the region's natural resources, water quality and development investments. A companion application for a Master Land Use Amendment changing the land use classification to Office, Research and Industrial has been submitted by the applicant.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **Not required**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**

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- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The proposed use will generate less peak hour traffic than other uses, such as retail or multifamily, that are permitted uses with the current Commercial Light (C-2) zoning district.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The building exteriors will require more high quality materials than the UDO's minimum requirements. The allowable land uses will be limited to mini-storage and RV/Boat storage only. More trees will be planted than required by the UDO and the PZD will include sign restrictions.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The proposal is to use the one existing driveway.

Right-of-way dedication – Not required.

Drainage – Not required at this time.

Landscaping & Screening – he proposed PZD will comply with the UDO Landscaping Requirements for the Industrial Building Standards, but will require one tree per 30 feet of street frontage instead of every 50 feet as required by the UDO. Currently, the PZD Booklet indicates that the landscaping will be between existing building and the concrete retaining wall. Staff recommends that the landscaping be installed on the applicant's property adjacent to the existing multi-use trail so that the landscaping will be visible.

Parking – The PZD Booklet indicates that the project will comply with Chapter 27-600, which includes compliance with the UDO Off-Street Parking and Loading requirements.

Signage – The PZD Booklet indicates that signage requirements will prohibit highway type billboards and flashing or blinking electronic signage of any type or size. Ground mounted monument signs will be permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per the UDO requirements. Pole signage will not be used. Instructional and directional signage are allowed but will not count towards allowed signage square footage.

Sidewalks – An existing multi-use trail is located on the west side of Massard Road and the applicant's property.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.

- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, January 28, 2016 at 7613 Rogers Avenue (Goody's Frozen Yogurt).

Three neighboring property owners attended the meeting and had concerns about exterior lighting and appearance of the proposed buildings. Staff also received an e-mail from Jim Post at 5101 Massard Road who is opposed to the proposed Master Land Use Plan amendment and rezoning. A copy of Mr. Post's e-mail is enclosed.

A copy of the attendance record is enclosed. At the time the planning commission packet was completed, Mr. Lee had not submitted a meeting summary. We hope to have the summary for you prior to the planning commission meeting.

STAFF RECOMMENDATIONS

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet with the recommendation that the booklet be amended to state that the perimeter landscaping will be installed adjacent to the multi-use trail.

From: Jim Post [<mailto:jimpost@southernextrusion.com>]
Sent: Monday, February 01, 2016 12:29 PM
To: Planning Email Group
Subject: Meeting

The areas surrounding this property are principally residential. To allow light industrial would devalue existing residential areas and begin a succession of property devaluations along the entire corridor.

I would encourage you to leave the area as residential.

The area asking for a PZD are located where ease of entrance and exit are difficult at best. To allow further development in this area may create traffic hazards in an area where sight is limited and traffic is prone to speeding. I encourage you to leave the property as is.

Jim Post
5101 Massard Rd.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Goodie's on Rogers

Meeting Time & Date 1-28-14 @ 12:15

Meeting Purpose 5580 MASSARD RD.
ZONING & LAND USE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>TOM MONACO</u>	<u>CITY</u>	<u>784-2218</u>
2.	<u>MARK GADSON</u>	<u>1100 Wheeler Ave</u>	<u>806-6805</u>
3.	<u>Ron Yates</u>	<u>8310 Rosewood Dr.</u>	<u>452-3676</u>
4.	<u>Jeff</u>	<u>PJLarchitect</u>	<u>452-9226</u>
5.	<u>Ross & Frances Willis</u>	<u>8321 Rosewood</u>	<u>452-8041</u>
6.			
7.			
8.			
9.			
10.			
11.			

PETITION FOR CHANGE IN ZONING MAP

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

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

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

PART SE1/4 OF THE SW1/4 OF SECTION 31, T-8-N, R-31-W

- 2. Address of property: 5500 MASSARD RD

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

- 4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

- 5. Explain why the Planned Zoning District is requested?

TO ALLOW CONSTRUCTION OF MINI-STORAGE & COVERED RV/BOAT PARKING BUILDINGS

Signed:

JEFF LEE

Owner or Agent Name
(please print)

Owner

3409 Village Rd 72903
Owner or Agent Mailing Address

or

Jeff Lee
Agent

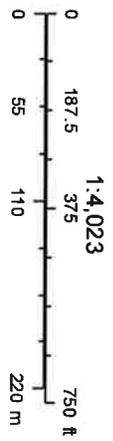
Rezoning #3-2-16: From Commercial Light (C-2) to PZD 5500 Massard Road

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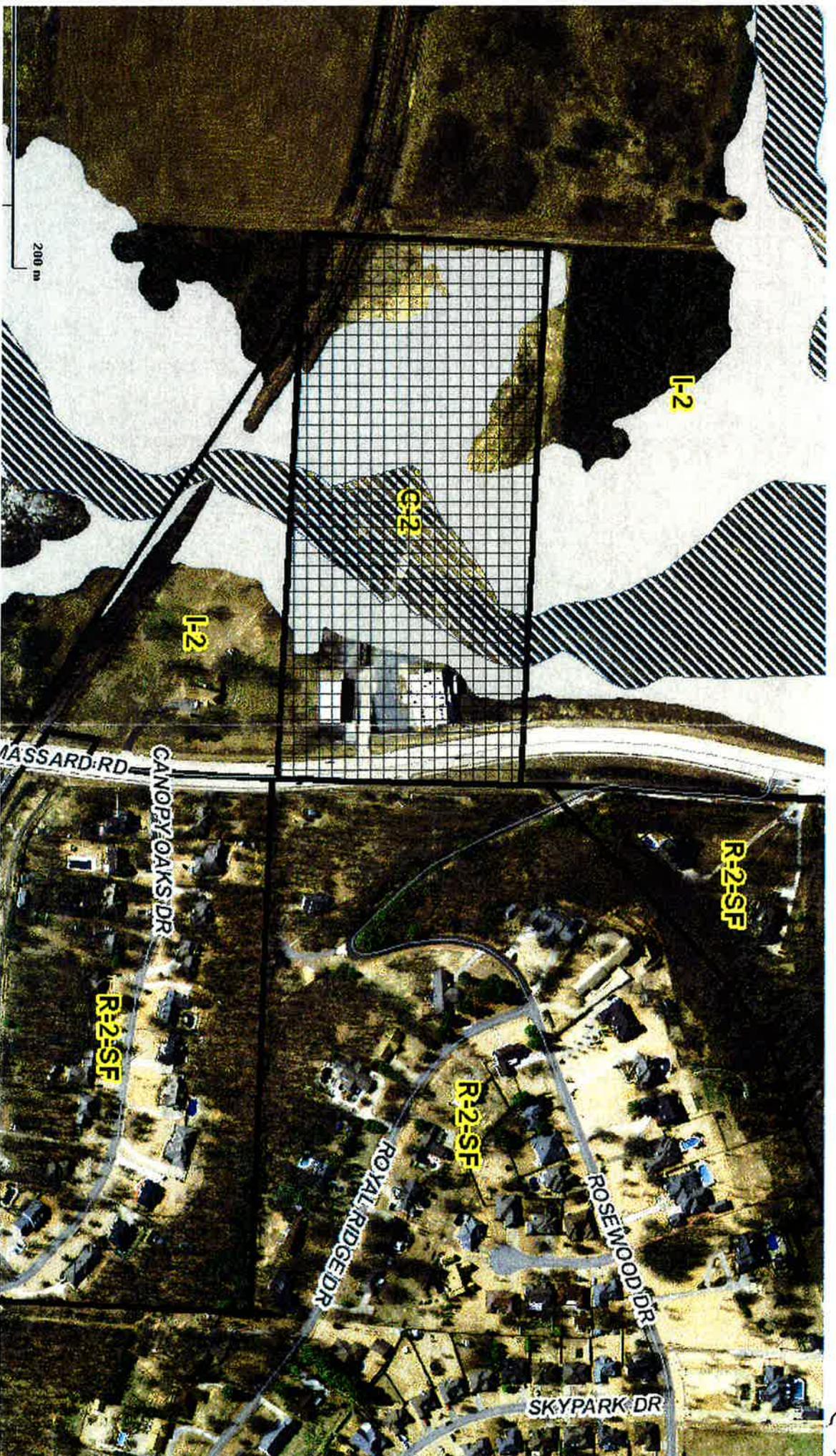


January 20, 2016

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



5500 Massard Road



37

**OAKS MINI STORAGE
PZD APPLICATION
PROJECT BOOKLET**

3a. The subject property is currently zoned C2. A change in zoning is needed to allow for the development of mini-storage facilities, both inside the existing building and new structures on the property, as well as covered RV/boat storage structures. A planned zoned district will restrict the site to accommodate these uses only. It will allow the development to utilize design standards common to I-1 zone, and will meet or exceed the minimum standards required by the UDO Industrial Building Design Standards.

3b.	Owner Mark Goodson POBox 238 Ratcliff, AR 72951	Representative Jeff Lee 3409 Village Rd. Fort Smith, AR 72903
-----	---------------------------------------------------------------------	-----------------------------------------------------------------------------------

3c. The PZD will include an area of approximately 15.30 acres located on the sparsely populated western side of Massard Road just north of Zero Avenue. Proposed uses include climate controlled indoor and exterior mini storage buildings as well as covered RV/boat storage structures. The proposed PZD will meet or exceed the design requirements and development standards set forth in the United Development Ordinance, chapters 27-200, 27-500, 27-600 and 27-700 for I-1 light industrial zoning guidelines.

- 3d. General Project Scope
- i. Street and lot layout:
See attached development plan. The primary access to the site is via Massard Road. Additional access may be pursued off of Zero Avenue.
 - ii. Site Plan showing improvements
See attached site plan sheets C1a and C2.
 - iii. Buffer areas, screening and landscaping areas
All items will meet or exceed City UDO requirements.
 - iv. Storm water detention areas and drainage
All detention and drainage will comply with UDO requirements. Detention areas will be determined when existing grading and actual mini-storage building layouts are determined.
 - v. Undisturbed natural areas

A 300 foot wide swath of green space will divide the property and Phase 1 from phase 2, on a north/south line with Massard Creek and its floodway left untouched, except for a future bridge and roadway across the creek.

vi. Existing and proposed utility connections and extensions

1. All utilities are existing at Phase 1 site.
2. Fire Service line, domestic water and sewer will be extended to Phase 2 site in the future

vii. Development and architectural design standards

1. Design standards will comply with UDO Industrial Building Design Standards subject to approval by authorities to use materials such as integral colored split-face CMU units where quality materials are required.
2. All dumpsters will be screened with split-face CMU, brick veneer or other acceptable masonry units with opaque wood or metal gates.
3. Landscape material and types will meet the requirements of the UDO landscaping standards. New fast growing trees will be planted in the green space between the existing building and the concrete retaining wall at a rate of 1/30 ft.
4. All building in the PZD shall meet the UDO Industrial Building Design Standards.

viii. Building elevations

1. The front facades of all new construction facing Massard will contain 100% colored split-faced CMU, as well as the sides of the buildings to a point 50' away from the front wall.
2. Future buildings will comply with UDO Industrial Building Design Standards.

ix. Proposed signage (Type and size)

1. Signage for the PZD will be per City ordinance 27-704-3 in general but customized to prohibit highway type billboards and flashing or blinking electronic signage or any type or size only. Ground mounted monument signs are permitted and if illuminated will be lit with flood lights or backlit. Façade signage to be per UDO. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties.
2. Pole signs will not be used.
3. Instructional and directional signage are allowed but will not count towards allowed signage square footage.

3e. Proposed Development Phasing and Time Frame

The development is proposed to be constructed in two phases.

Phase 1: Rough grading and dirt work Spring 2016.

Building Construction Summer/Fall 2016.

Phase 2: Future, unknown at this time.

3M

3f. Identify land use designations.

See attached **Exhibit A**.

3g. Identify area and bulk regulations for PZD.

- a. Minimum lot size: 1 acre
- b. Minimum lot width at BSL: 100'
- c. Maximum lot coverage: 75%
- d. Maximum height: 45'
- e. Additional height: Per UDO code
- f. Setbacks:
 - Front: 25'
 - Side: 15'
 - Street side/corner: 15'
 - Rear: 10'
 - Minimum street frontage: 100'
 - Minimum building separation: To be determined by current building and fire code.

3h. Comparison Chart between the proposed PZD and the Fort Smith C-2 zone.

	<u>Proposed PZD</u>	<u>C-2</u>
• Minimum lot size	1 Acre	7,000
• Minimum lot width	100'	50'
• Maximum lot coverage	75%	60%
• Maximum lot height	45'	35'
• Additional height	Per UDO	Per UDO
• Setbacks		
Front	25'	25'
Side	15'	10'
Street side/corner	15'	10'
Rear	10'	10'
Minimum Street frontage	100'	30'
Minimum building separation	To be determined by current Building and fire code	

3i. The proposed PZD is much more restrictive than the C-2 zone. It will not allow any use currently allowed by Zone C-2 nor any use in I-1, after which it is modeled, except mini-storage buildings, interior storage and an accessory office area for the mini-storage business and covered outdoor storage or RVs and boats.

3N

3j. Industrial Standards

The project will exceed the UDO requirements as follows:

1. Increase high quality materials
2. Restrict land use to mini-storage only
3. Increase of minimum lot size to 1 acre
4. Added signage restrictions
5. Planting more trees than required by UDO

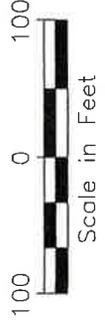
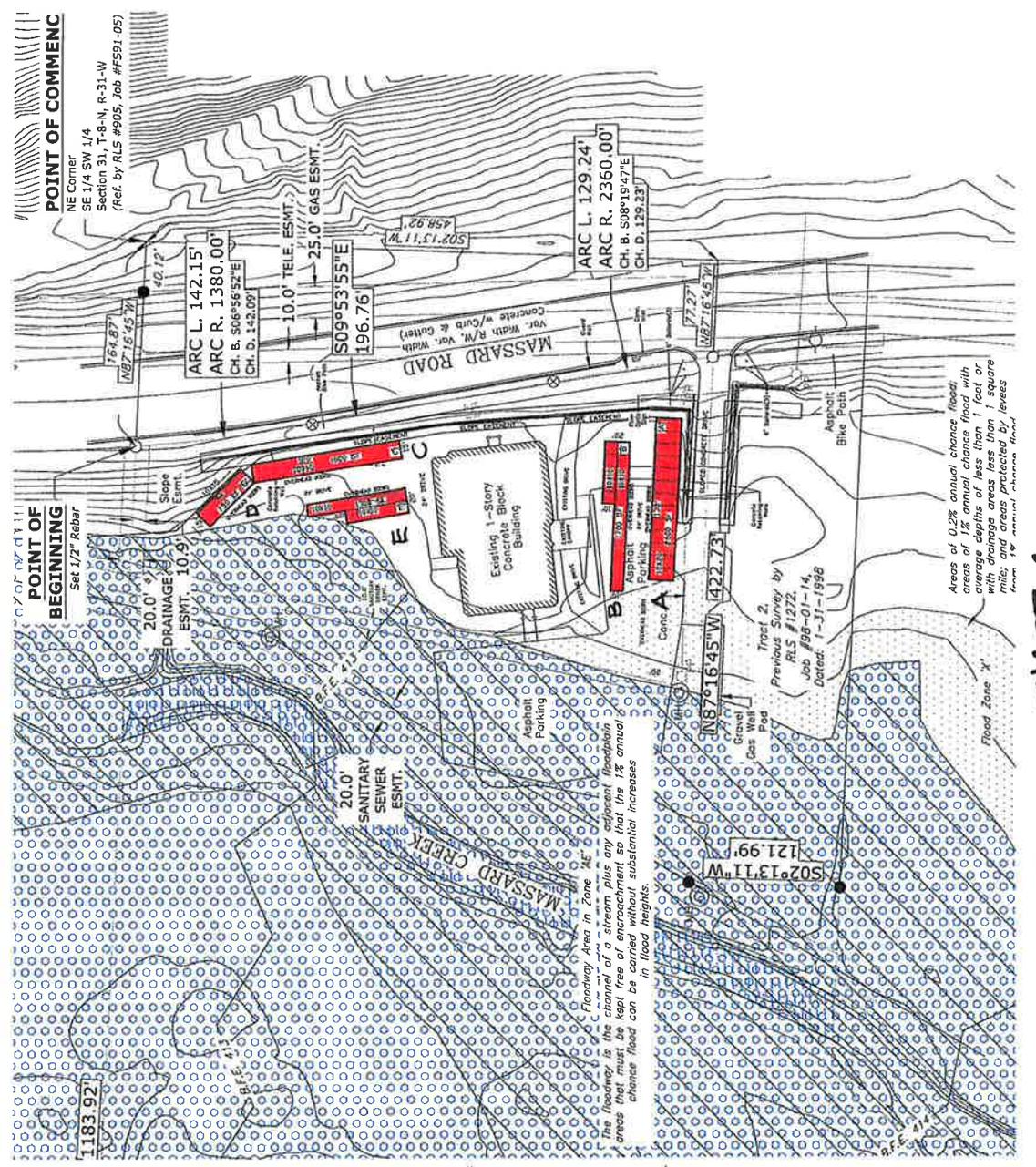
3k. The surrounding area is presently undeveloped. By establishing the PZD zone, modeled after an I-1 zone, but only allowing the construction of mini-storage buildings and interior climate controlled storage in the existing structure, and RV/boat covered parking, the property will not be developed as any of the less desirable potential uses currently allowed in the C-2 zone. It will also restrict the development of this site to only mini-storage type I-1 development.

3l. Traffic study not required.

3m. Water and Sewer utilities are currently available along Massard Road and on the property.

NEW STORAGE BLDGS.	
13	A 2,600 SF
18	B 1,700 SF
12	C 1,800 SF
6	D 750 SF
12	E 1,300 SF
51	TOTAL 8,150 SF

↳ PRELIMINARY



PHASE 1
 PRELIMINARY SITE PLAN
 SCALE: GRAPHIC

PRELIMINARY

PRELIMINARY DRAWING NOT FOR CONSTRUCTION OR REGULATORY APPROVAL	Donald Jones Consulting Fort Worth, Texas 76244	MASSARD ROAD SELF STORAGE MASSARD ROAD FORT SMITH, ARKANSAS	DATE: 10/22/2015 SHEET TITLE: ARCHITECTURAL SITE PLAN	SHEET NUMBER: C1a
	10521 Bear Creek Trail Fort Worth, Texas 76244	MASSARD ROAD SELF STORAGE MASSARD ROAD FORT SMITH, ARKANSAS	DATE: 10/22/2015 SHEET TITLE: ARCHITECTURAL SITE PLAN	SHEET NUMBER: C1a

WP



JANUS INTERNATIONAL
 111 East Lake Road
 Fort Smith, AR 72533
 (479) 542-5300 Toll Free
 (479) 542-5305
 www.janusintl.com

THIS IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS DESIGN SHALL BE MADE BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL DIMENSIONS AND NOTES. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION PROVIDED. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION PROVIDED.

Massard Mini Storage
 Fort Smith, AR

Donald Jones Consulting
 Drawn For

Project #
 20009

Rev #

Date

Drawn On 02/10/15
 Drawn By S. Johnson
 Created By M. Hodge

J101

First Floor

C1b

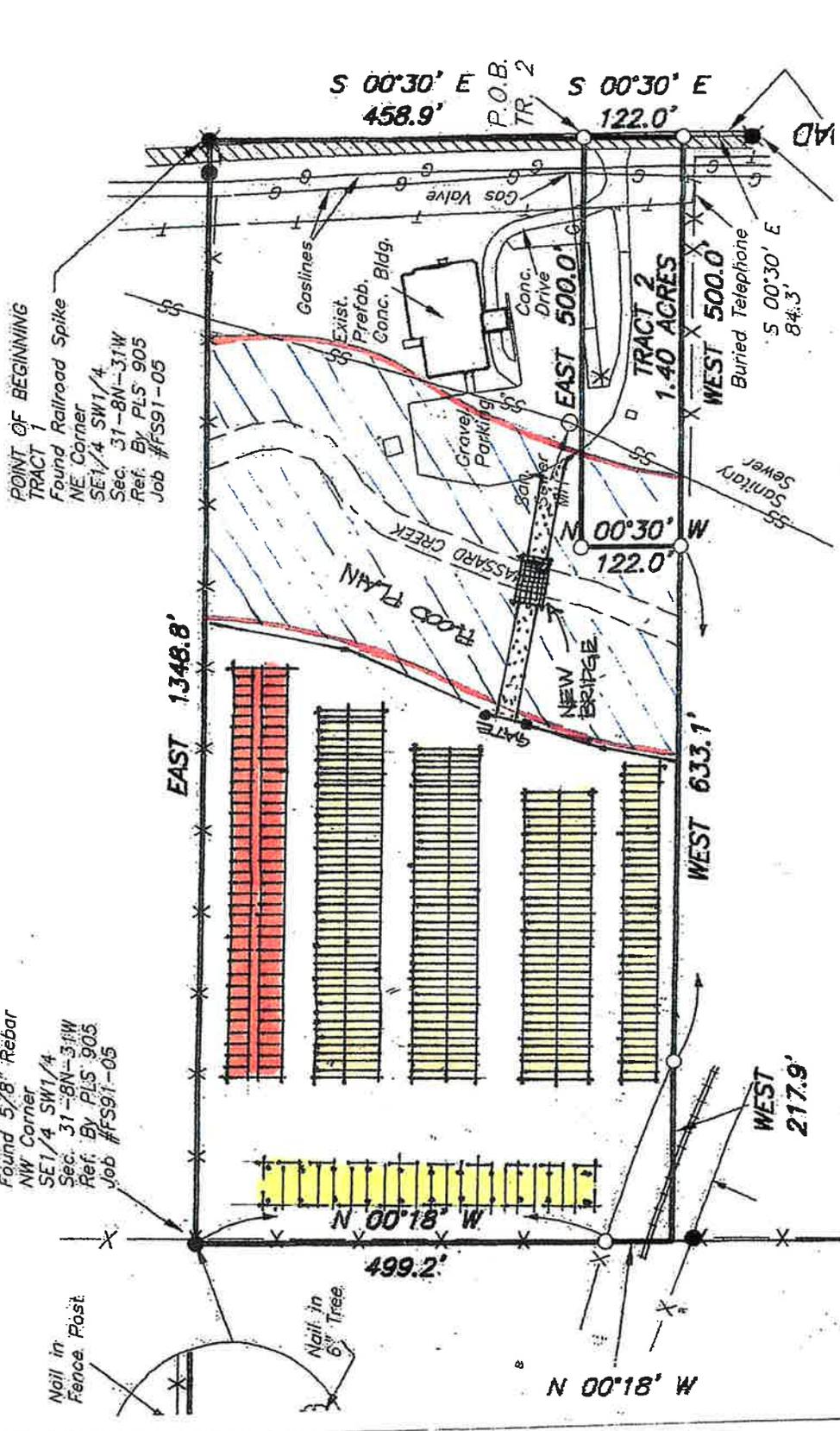
1st Unit Mix Schedule			
Count	Name	Rent As	%
1	5 x 5	25	1%
1	5 x 6	30	1%
13	5 x 7	455	14%
2	5 x 12	120	2%
1	7.5 x 12	90	1%
21	10 x 5	1050	23%
3	10 x 6	180	3%
33	10 x 10	3300	36%
7	10 x 12	840	8%
6	10 x 15	900	7%
3	10 x 17.5	525	3%
91		7515	100%

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PHASE 1
INTERIOR CLIMATE CONTROLLED
STORAGE UNITS

① 1/8" = 1'-0"
 30
 20



POINT OF BEGINNING
TRACT 1
Found Railroad Spike
NE Corner
SE 1/4 SW 1/4
Sec. 31 - 8N - 31W
Ref. By PLS 905
Job #FS91-05

Found 5/8" Rebar
NW Corner
SE 1/4 SW 1/4
Sec. 31 - 8N - 31W
Ref. By PLS 905
Job #FS91-05

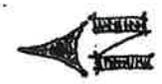
Nail in Fence Post
Nail in Tree
6"

- CLIMATE CONTROLLED
- MINI-STORAGE BLDG.
- POLE BARN RV. BOAT STOR.

PHASE 2

MASSARD MINI-STORAGE

SCALE: 1" = 200'



Nov. 1, 2012

3R

Appendix A

Districts	Proposed PZD																									
	FE3	FE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
P = Permitted Use, C = Conditional Use, A = Accessory Use																										
Building materials salvage yard																										
Bulk petroleum storage																										
Container storage																										
Mini storage warehouse																										
Packaging and distribution center																										
Petroleum distribution facility																										
Portable storage Unit																										
Vehicle storage yard																										
Warehouse																										
Transportation, Communication, Information and Utilities																										
Transportation Services																										
Airport																										
Bus station and terminal																										
Courier and messenger services																										
Ferry boat facility																										
Heliport																										
Limousine service																										
Mail services																										
Marina																										
Motor freight terminal																										
Moving and storage																										
Moving company																										
Pipeline transportation																										
Port facility																										
Rail transportation																										
Taxicab service																										
Communications and Information																										
Commercial communication towers																										
Data processing facility																										
Motion pictures and sound recording studios																										
Printing commercial/industrial																										
Telecommunications and broadcasting studios																										
Utilities and Utility Services																										
Amateur radio transmitting towers																										
Electric power plant																										
Hazardous waste treatment and disposal																										
Incinerator																										
Nuclear power plant																										
Radio, television, and microwave transmitting towers																										
Recycling center																										
Recycling collection station																										

Use Matrix

Fort Smith
7
3T

Memo

To: City Planning Commission

From: Planning Staff

Date: January 27, 2016

Re: Rezoning #4-2-16 - A request by Nick Griffin, agent for GLS Properties, LLC, for Planning Commission consideration of a zone request from Commercial Light (C-2) to Commercial Heavy (C-5) by extension at 5710 Rogers Avenue

PROPOSED ZONING

The approval of this zoning request will allow for the construction of a new Discount Tire facility at this location. There will be a sales area along with 6 bays to install the new tires.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Rogers Avenue and South 58th Street. The tract contains an area of 0.67 acres with approximately 143 feet of street frontage along Rogers Avenue and approximately 124 feet of street frontage along South 58th Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event

center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

AND

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet

4C

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as Furr’s Restaurant and retail shopping.

The areas to the east are zoned Commercial Heavy (C-5) and is developed as a bank.

The areas to the south are zoned Commercial Light (C-2) and is developed as Western Sizzlin Restaurant.

The areas to the west are zoned Commercial Heavy (C-5) and is developed as a bank.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue as Major Arterial and South 58th Street as Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, February 3, 2016 at 3434 Country Club Avenue, the offices of Mickle Wagner Coleman, Inc. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

A portion of this property is zoned Commercial Light (C-2). The C-2 zone does not allow *tire sales* as a permitted or conditional use. The zone change will help facilitate the new tire store on the front portion of the property.

Staff recommends approval of the application.

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)

Country Club Estates, Proposed Lot 4A-2, Block C Metes and Bounds Description

Part of Lot 4A, Block C, Country Club Estates, Fort Smith, Sebastian County, Arkansas, being part of the Southeast Quarter of Section 23, Township 8 North, Range 32 West, and being filed for record February 24, 2006 as plat 1755C. Being more particularly described as follows:

Commencing at the southeast corner of said Lot 4A; Thence along the east line of said Lot 4A and the west right-of-way line of South 58th Street, N02°50'10"E, 250.02 feet to the Point of Beginning; Thence leaving said east line and said west right-of-way line, N86°51'01"W, 144.63 feet to the west line of said Lot 4A; Thence along said west line, N02°52'47"E, 96.50 feet; Thence continuing along said west line, N03°30'24"E, 137.67 feet to the northwest corner of said Lot 4A, said point being on the southerly right-of-way line of Arkansas Highway 22 (Rogers Avenue); Thence along the northerly line of said Lot 4A and said southerly right-of-way line, S62°01'14"E, 143.62 feet to a point on said west right-of-way line of South 58th Street; Thence along said west right-of-way line and said east line of Lot 4A, 28.59 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of S29°15'34"E and a distance of 27.06 feet; Thence continuing along said west right-of-way line and said east line the following courses: S03°30'06"W, 124.04 feet; S02°50'10"W, 26.98 feet to the Point of Beginning. Containing 0.67 acres, more or less.

2. Address of property: 5710 Rogers Ave

3. The above described property is now zoned: C2 & C5

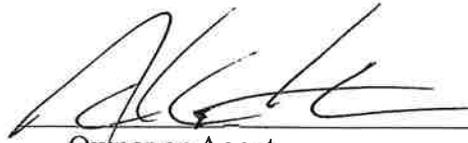
4. Application is hereby made to change the zoning classification of the above described property to C5 by Extension.
(Extension or classification)

5. Why is the zoning change requested?
To change the lot's zone from two zones to one zone

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

Mickle Wagner Coleman, Inc.

Owner or Agent Name
(Please print)



Owner or Agent
(Please sign)

3434 Country Club Ave

Owner or Agent Mailing Address

01-14-16

Date

479-649-8484

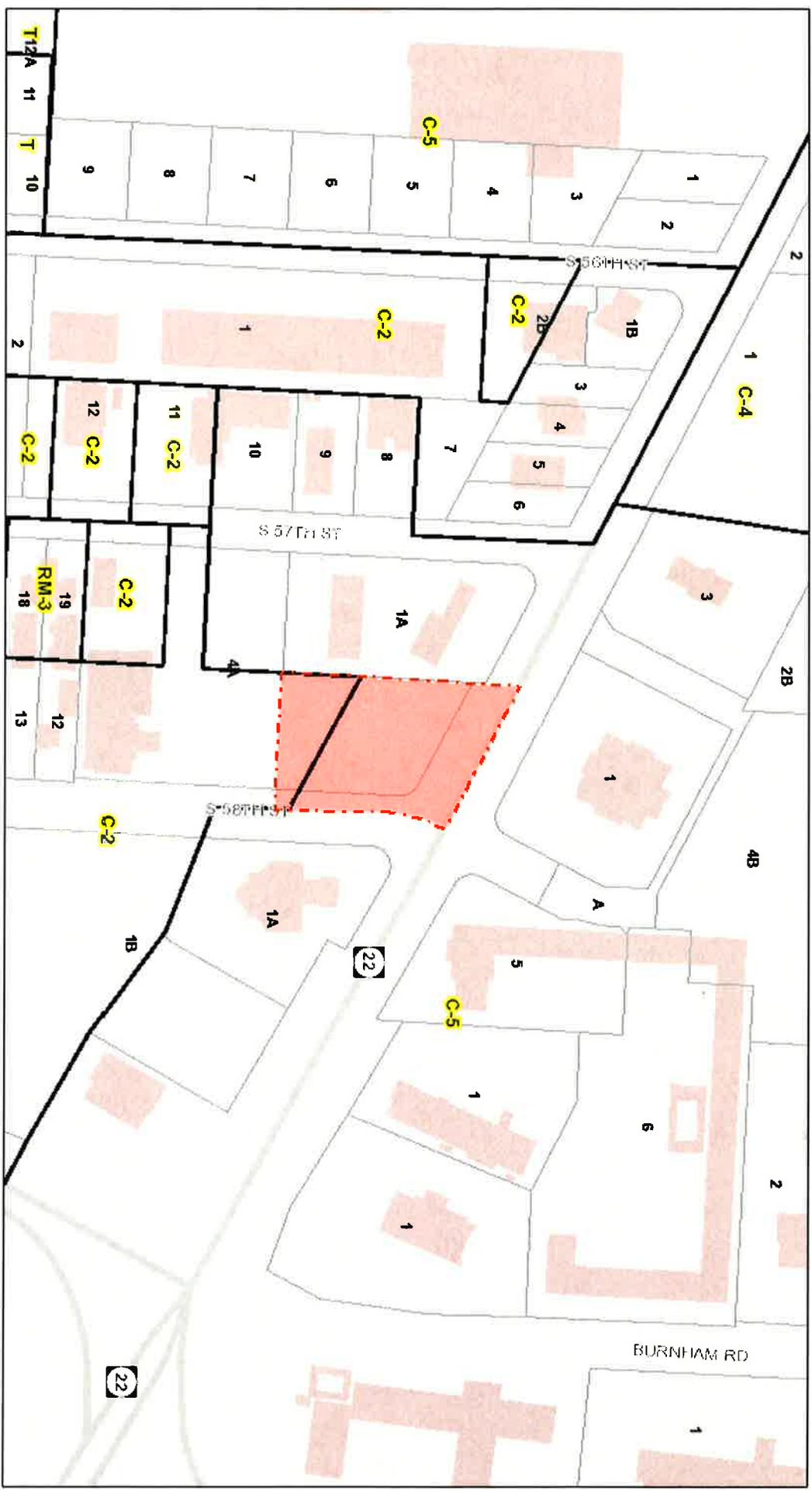
Owner or Agent Phone Number

ngriffin@mwc-engr.com

Email

4F

Rezoning #4-2-16: From Commercial Light (C-2) & Commercial Heavy (C-5) to Commercial Heavy (C-5) 5710 Rogers Avenue



January 19, 2016

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



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Memo

To: City Planning Commission

From: Planning Staff

Date: January 28, 2016

Re: Development Plan Review - A request by Nick Griffin, agent for GLS Properties, LLC, for Planning Commission consideration of a development plan request to develop a Discount Tire at 5710 Rogers Avenue

PROPOSED DEVELOPMENT PLAN

The approval of this development plan review will allow for the construction of a tire sales facility. The building will be 7,322 square feet in area with 6 bays for the installation of tires.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Rogers Avenue and South 58th Street. The tract contains an area of 0.67 acres with approximately 143 feet of street frontage along Rogers Avenue and approximately 124 feet of street frontage along South 58th Street.

PROPOSED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5) and are developed as Furr’s Restaurant and retail shopping.

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

The area to the south is zoned Commercial Light (C-2) and is developed as Western Sizzlin Restaurant.

The areas to the west is zoned Commercial Heavy (C-5) and is developed as a bank.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue as Major Arterial and South 58th Street as Major Collector.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – There is an existing driveway on Rogers Avenue which they are proposing to utilize. There will also be access through the adjacent parking lot to the south.

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

Drainage – Drainage plans will be submitted at the time of building permit review.

Right-of-way dedication – Not required.

5B

Landscaping – Landscaping is provided along both Rogers Avenue and South 58th Street. There is also landscaping provided within the parking lot.

Screening – All mechanical, trash enclosures are required to be screened.

Parking – They are proposing a shared parking agreement with Western Sizzlin for overflow parking. See attached contract of sale.

Signage – Western Sizzlin will be removing their signage at Rogers and South 58th allowing Discount Tire to place a pole sign on the property.

Lighting – Lighting information has been submitted showing some light trespass. This will need to be revised to meet the UDO requirements.

Architectural features – The building will be split face block with E.I.F.S. providing accents.

Height and Area – The building will be 7,322 square feet in area and have a height of 26 feet.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, February 3, 2016 at 3434 Country Club Avenue, the offices of Mickle Wagner Coleman, Inc. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following requirements:

1. Approval of the companion rezoning application.
2. 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.
3. The shared parking agreement shall be filed at the court house for both properties. A copy is to be submitted to the Planning Department prior to the issuance of a building permit.
4. Western Sizzlin shall remove the existing pole sign to allow Discount Tire to place a new pole sign on the property.
5. All signs require a separate plan submittal and approval prior to the issuance of a building permit to install the signs.

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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)

Country Club Estates, Proposed Lot 4A-2, Block C Metes and Bounds Description

Part of Lot 4A, Block C, Country Club Estates, Fort Smith, Sebastian County, Arkansas, being part of the Southeast Quarter of Section 23, Township 8 North, Range 32 West, and being filed for record February 24, 2006 as plat 1755C. Being more particularly described as follows:

Commencing at the southeast corner of said Lot 4A; Thence along the east line of said Lot 4A and the west right-of-way line of South 58th Street, N02°50'10"E, 250.02 feet to the Point of Beginning; Thence leaving said east line and said west right-of-way line, N86°51'01"W, 144.63 feet to the west line of said Lot 4A; Thence along said west line, N02°52'47"E, 96.50 feet; Thence continuing along said west line, N03°30'24"E, 137.67 feet to the northwest corner of said Lot 4A, said point being on the southerly right-of-way line of Arkansas Highway 22 (Rogers Avenue); Thence along the northerly line of said Lot 4A and said southerly right-of-way line, S62°01'14"E, 143.62 feet to a point on said west right-of-way line of South 58th Street; Thence along said west right-of-way line and said east line of Lot 4A, 28.59 feet along the arc of a curve to the right, said curve having a radius of 25.00 feet and being subtended by a chord having a bearing of S29°15'34"E and a distance of 27.06 feet; Thence continuing along said west right-of-way line and said east line the following courses: S03°30'06"W, 124.04 feet; S02°50'10"W, 26.98 feet to the Point of Beginning. Containing 0.67 acres, more or less.

2. Address of property: 5710 Rogers Ave
3. The above described property is now zoned: C2 & C5
4. Does the development plan include a companion rezoning request?
Yes X No _____
5. If yes, please specify the companion application submitted:
 - Conventional Rezoning
 - Planned Rezoning
 - Conditional Use
 - Master Land Use Plan Amendment
 - Variance

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

C5 by Extension
(Zoning Classification) (Extension or classification)

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

C2 & C5 Zones Adjacent to Property, Banks on East and West, Restaurants North & South

8. Total acreage of property 0.67 Ac

Mickle Wagner Coleman, Inc.
~~Owner or Agent Name~~
(Please print)


~~Owner or Agent~~
(Please sign)

3434 Country Club Ave
~~Owner or Agent Mailing Address~~

01-14-16
Date

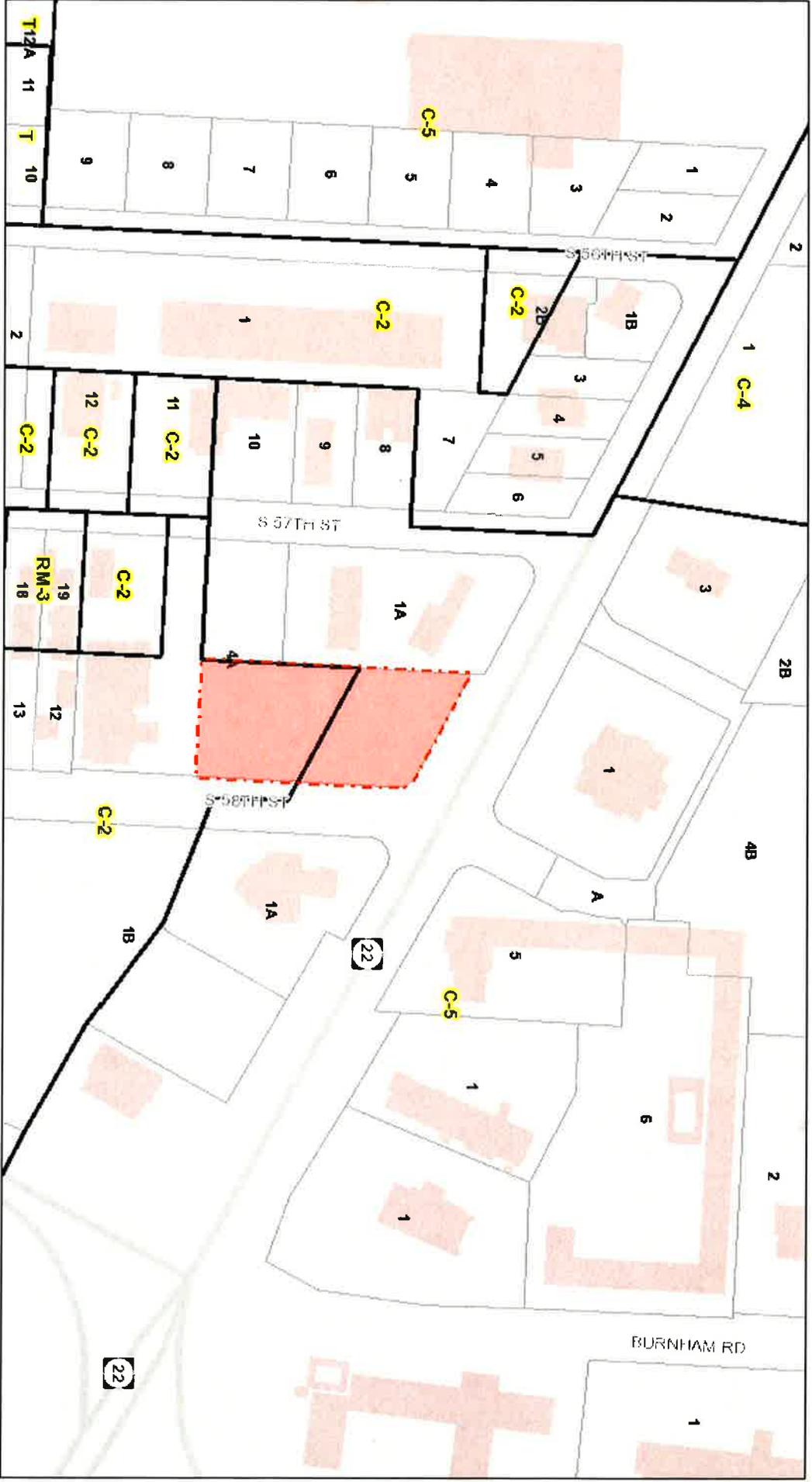
479-649-8484
~~Owner or Agent Phone Number~~

ngriffin@mwc-engr.com
Email

Development Plan Review: Tire Sales

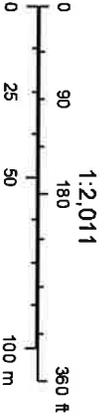
5710 Rogers Avenue

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January 19, 2016

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



FIRST AMENDMENT TO THE COMMERCIAL / INVESTMENT CONTRACT OF SALE

This First Amendment to the Commercial / Investment Contract of Sale (this "Amendment"), is entered into by and between **GLS PROPERTIES, LLC**, an Arkansas limited liability company (the "Seller"), and **HALLE PROPERTIES, L.L.C.**, an Arizona limited liability company, or affiliate thereof (the "Buyer"), effective as of December 23, 2015.

RECITALS:

A. Seller and Buyer have entered into a Commercial / Investment Contract of Sale with an Effective Date of October 5, 2015 (the "Contract"), pursuant to which certain real property located at 5720 Rogers Avenue, City of Fort Smith, County of Sebastian, State of Arkansas, is to be conveyed by Seller to Buyer.

B. Seller and Buyer now wish to amend the Contract according to the terms and conditions set forth herein.

C. Capitalized terms used in this Amendment which are not otherwise hereinafter specifically defined have the same meaning as set forth in the Contract.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, Buyer and Seller agree as follows:

AGREEMENT:

1. Inspection Period. Pursuant to Section 9.B. of the Contract, the Inspection Period shall hereby be extended to January 29, 2016.

2. Closing Date. Pursuant to Section 3 of the Contract, the Closing Date or Closing shall hereby be extended to April 4, 2016.

3. Shared Parking Agreement. Buyer and Seller shall enter into a Shared Parking Easement Agreement (the "Easement Agreement"), which shall be negotiated, agreed to by both Buyer and Seller and finalized prior to the Closing. Prior to the expiration of the Inspection Period, Seller shall provide Buyer a draft Word version of the Easement Agreement for review, comment, as/if applicable and final approval. The Easement Agreement shall include, but not be limited to: (i) Seller providing Buyer with a minimum of ten (10) parking spaces on Seller's adjacent property; and (ii) rights for ingress and egress to access the Seller's adjacent property for Buyer's and Buyer's agents, customers and invitees parking usage. The Easement Agreement shall be recorded at the close of escrow. If Buyer and Seller cannot agree to the terms and conditions of the Easement Agreement, Buyer shall have the right to terminate the Contract prior to the close of escrow. In the event Buyer or elects to terminate the Contract based on the foregoing, the Earnest Deposit shall be returned to Buyer.

4. Continuing Effect. Except as provided herein, all other terms and conditions contained in the Contract shall remain in full force and effect.

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5. Counterparts. This Amendment may be executed in counterparts, which together shall be deemed to be one and the same instrument.

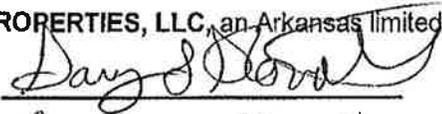
[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment effective as of December 23, 2015.

SELLER:

GLS PROPERTIES, LLC, an Arkansas limited liability company

By:



Name:

Gary L Stovall

Title:

owner / president

BUYER:

HALLE PROPERTIES, L.L.C., an Arizona limited liability company

By: Wilanna, Inc., an Arizona corporation
Its: Managing Member

By:


James Silhasek, Agent

5M

Memo

To: City Planning Commission

From: Planning Staff

Date: January 29, 2016

Re: Rezoning #5-2-16 - A request by Pat Mickle, agent for KMW Properties, for Planning Commission consideration of a zone request from Commercial Heavy with special conditions to Commercial Heavy without special conditions by extension at 4501 to 4801 Phoenix Avenue

PROPOSED ZONING

This proposed zoning will remove the special requirements placed on the property at an earlier rezoning. See attached ordinance. The special requirement was for the property to be subject to site/development plan approval by the Planning Commission.

LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue east of the Academy sporting goods store. The tract contains an area of 9.17 acres with approximately 1,133 feet of street frontage along Phoenix Avenue.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy with special conditions – see Ordinance 43-05. The Planning Commission approved rezoning #13-5-05 and the condition that the property is subject to site/development plan approval.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station,

6B

utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The area to the north is I-540. The area further north is zoned Residential Estate One Acre (RE-1) and is undeveloped.

The area to the east is zoned Commercial Heavy with special conditions and is developed as Academy Sporting Goods.

The areas to the south are zoned Commercial Heavy (C-5) and Industrial Light (I-1) and are developed as AT&T and Fed Ex, a heating and air company, and an union hall.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

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

NEIGHBORHOOD MEETING

A neighborhood meeting will be held Monday, February 8, 2016, at 3434 Country Club Avenue office of Mickle Wagner Coleman, Inc. A summary will be provided at the Planning Commission meeting.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed change will allow the five lots of the proposed Hanna Phoenix Addition as shown on the attached preliminary development plan (concept plan) to be developed without specific

6C

Planning Commission approval prior to a building permit. Staff recommends approval based on the preliminary development plan (concept plan) as submitted and the subdivision plan as submitted.

ORDINANCE NO. 43-05

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held public hearings upon request No. 13-5-05 to rezone certain properties hereinafter described, and, having considered said requests, recommended on May 10, 2005, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following property to-wit:

Lot 1

All that certain tract or parcel of land being a part of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, and being more particularly described by metes and bounds as follows:

Commencing at an Aluminum Monument found for the SE Corner of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, thence North 3°13'59" East, 105.69 feet with the east boundary line of said NE 1/4 of the NW 1/4 a point on the north right-of-way line of Phoenix Avenue for the Point of Beginning; thence with said right-of-way along a curve to the left having an arc length of 439.69 feet, a radius of 1460.00 feet, and a central angle of 17°15'18", thence North 86°56'45" West, 79.60 feet with said right-of-way to; thence North 27°28'13" West, 680.29 feet to a point on the south right-of-way line of Interstate Highway 540; thence North 64°29'55" East, 330.85 feet with said right-of-way; thence North 59°29'41" East, 144.55 feet to the northwest corner of Airport Commercial Park, Lot 1 as filed for record January 18, 2001; thence South 27°28'13" East, 880.36 feet with the west boundary line of said Lot 1 to the Point of Beginning. The above described property contains 8.63 acres of land more or less.

Lot 2

All that certain tract or parcel of land being a part of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, and being more particularly described by metes and bounds as follows:

*Approved as to form
JSC
Publish 1 time*

6E

Commencing at an Aluminum Monument found for the SE corner of the NE 1/4 of the NW 1/4 of Section 35, Township 8 North, Range 32 West, Sebastian County, Arkansas, thence North 3°13'59" East, 105.69 feet with the east boundary line of said NE 1/4 of the NW 1/4 a point on the north right-of-way line of Phoenix Avenue; thence with said right-of-way along a curve to the left having an arc length of 439.69 feet, a radius of 1460.00 feet and a central angle of 17°15'18"; thence North 86°56'45" West, 79.60 feet with said right-of-way to the point of beginning; thence North 86°56'45" West, 1133.02 feet with said right-of-way; thence North 25°32'05" West, 138.70 feet a point on the south right-of-way line of Interstate Highway 540; thence North 64°31'41" East, 791.97 feet with said right-of-way; thence North 64°29'55" East, 179.93 feet; thence South 27°28'13" East, 680.29 feet to the point of beginning. The above described property contains 9.17 acres of land more or less.

more commonly known as 4801 and 5001 Phoenix Avenue, should be, and is hereby rezoned from Industrial-2 to Commercial-5-Special-B by Classification, subject to site/development plan approval. The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS 7th DAY OF JUNE, 2005.

APPROVED:



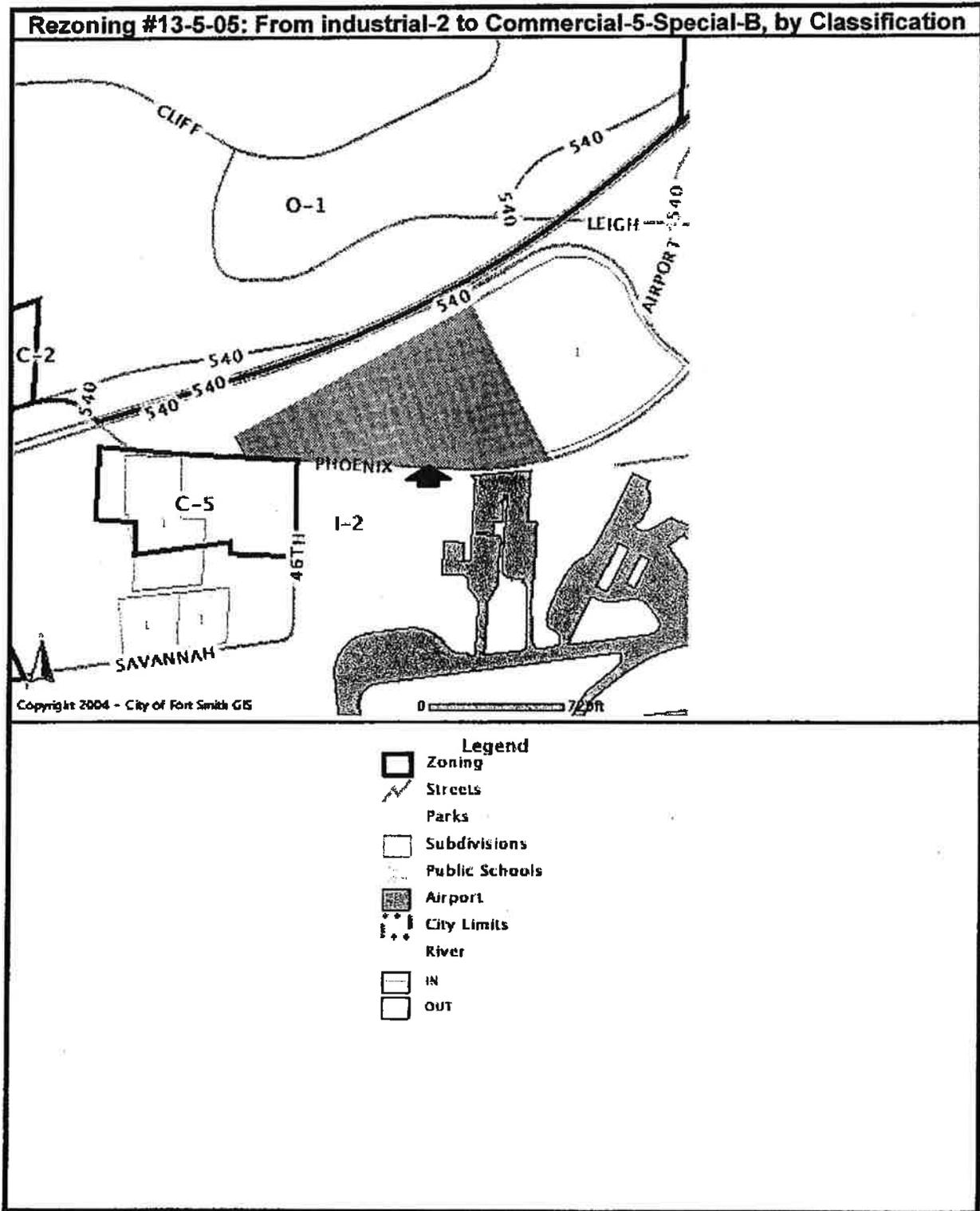
Mayor

ATTEST:



City Clerk

6 F



66

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)

Part of the North Half of the Northwest Quarter of Section 35, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 35; Thence along the east line of said Northeast Quarter of the Northwest Quarter, N03°13'59"E, 105.69 feet to the north right-of-way line of Phoenix Avenue, said point also being the southeast corner of Lot 1, Hanna Phoenix Addition, Fort Smith, Sebastian County, Arkansas, being filed for record November 10, 2005 as plat 1750D; Thence along said north right-of-way line and the south line of said Lot 1 (does not reflect 5 foot right-of-way dedication), 439.69 feet along the arc of a curve to the right, said curve having a radius of 1460.00 feet and being subtended by a chord having a bearing of S84°25'36"W and a distance of 438.03 feet; Thence continuing along said north right-of-way line and said south line of Lot 1, N86°56'45"W, 79.60 feet to the southwest corner of said Lot 1 and the Point of Beginning; Thence continuing along said north right-of-way line, N86°56'45"W, 1133.02 feet; Thence leaving said north right-of-way line, N25°32'05"W, 138.70 feet to the south right-of-way line of Interstate 540; Thence along said south right-of-way line, N64°31'41"E, 791.97 feet; Thence continuing along said south right-of-way line, N64°29'55"E, 179.93 feet to the northwest corner of said Lot 1; Thence leaving said south right-of-way line and along the west line of said Lot 1, S27°28'13"E, 680.29 feet to the Point of Beginning. Containing 9.17 acres, more or less.

2. Address of property: 4501 to 4801 Phoenix Avenue

3. The above described property is now zoned: C-5 Special

4. Application is hereby made to change the zoning classification of the above described property to C-5 by Extension.
(Extension or classification)

5. Why is the zoning change requested?

To bring this property's development review process into conformance with the
UDO; that is to allow the Director of Planning to perform the development plan
review vs. petitioning the Planning Commission to review each lot's plan.

6A

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

Signed:

Mickle Wagner Coleman, Inc.

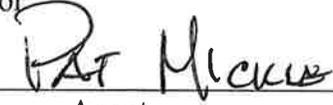
~~Owner or Agent Name~~

(please print)

Owner

P.O. Box 1507, Fort Smith, AR 72902

~~Owner or Agent Mailing Address~~

or


Agent

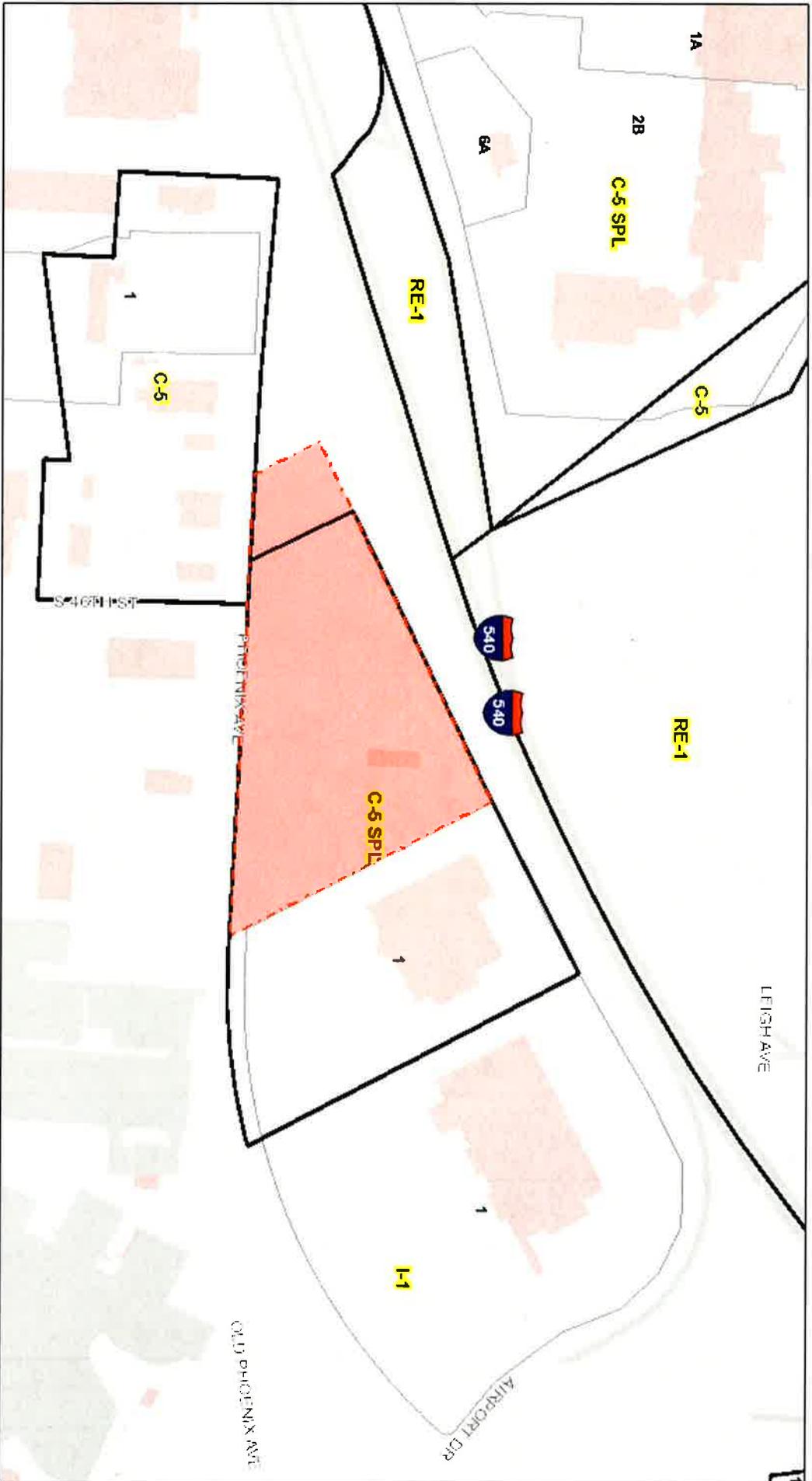
479-649-8484

~~Owner or Agent Phone Number~~

61

Rezoning #5-2-16: From Commercial Heavy Special (C-5 SPL) to Commercial Heavy (C-5) 4501 to 4801 Phoenix Avenue

13



January 20, 2016

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



PRELIMINARY DEVELOPMENT PLAN
 HANNA PHOENIX ADDITION
 LOTS 2 thru 5

6K

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Proposed Master Land Use Plan Amendment by Travis Brisendine, agent for Thongsavanh and Bouakham Mixayvanh and developer KWL Properties, LLC, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached to accommodate a proposed zoning of Residential Single Family Duplex High Density (RSD-4) at 2511 Spradling Avenue

The subject property is on the north side of Spradling Avenue and west side of North 27th Street. The tract contains an area of 37.5 acres with approximately 1,370 feet of street frontage along North 27th Street and approximately 990 feet of street frontage along Spradling Avenue.

The property is currently zoned Industrial Light (I-1). The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and uses contiguous to the subject lot are as follows:

The areas to the west and north are classified as Residential Detached and undeveloped.

The areas to the southwest, south and east are classified as Residential Detached and are developed as single family dwellings with two duplexes.

PROPOSED LAND USE

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

Characteristics and Use:

Criteria for Designation:

- Land Adjacent to/or within regional center.

Compliance Noted

No

7A

- Land within walking distance to commercial, office, low impact industry, regional institutions or parks, **YES**
- Located on a high volume road way **YES**
- Planned as part of a mixed use development **NO**

MASTER LAND USE PLAN

The current 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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 27th Street as a local road.

NEIGHBORHOOD MEETING

A neighborhood meeting was held February 2, 2016, at 3300 Harris Avenue at 4:30 P.M.

Seven neighboring property owners attended the meeting. The attendees asked questions regarding the type of housing proposed, infrastructure requirements, and if any commercial development was planned.

A copy of the attendance record and meeting summary are enclosed.

STAFF RECOMMENDATIONS

Staff recommends approval of the application contingent upon planning commission approval of the companion rezoning application and deferral of the development plan/preliminary plat.

7B

Memorandum

To: File
From: Travis Brisendine
Date: February 3, 2016 (4:30-5:30, Trusty Elementary)
Re: Neighborhood Meeting for Rezoning at 2511 Spradling Avenue

In Attendance:

Morrison-Shipley Engineers

Travis Brisendine

KWL Properties

Steve Perry

City of Fort Smith Planning

Tyler Miller

Citizens

Mitch Minnick, Talicia Richardson, W.F. Poor, Marcella Reed, Donna Crocker, Earlene Crocker, Phyllis Ezernac,

Meeting Summary:

The meeting was held at Trusty Elementary near the project site. In attendance were representatives from MSE, KWL Properties, City of Fort Smith, Fort Smith Housing Authority and five other citizens. I explained we are requesting a rezoning for the total +/- 37 acre parent tract from Industrial light to a residential zoning. I also explained the rezoning is in anticipation of a 45 lot single-family residential subdivision pending funding approval. The subdivision would be part of a Tax Credit Program. I explained that the proposed subdivision layout has not been completed but will have to go through City of Fort Smith staff approval once the layout is established. Attendees asked about proposed street tie-ins with the existing streets. I explained this is unknown at this time and would be discussed with City of Fort Smith engineering as the layout is developed. Attendees asked questions regarding the water, sewer and street improvements within the development. I explained we would be constructing improvements to serve the proposed lots.

Attendees asked whether or not duplex housing will be built in the development and whether or not the subdivision would have any commercial/retail development along the front of the site. Mr. Perry noted that no duplexes are proposed with Phase I development and no commercial/retail improvements would be allowed as part of the proposed zoning. Mr. Perry also addressed a concern regarding crime within the subdivision. Mr. Perry noted that the subdivision will have a management office with an aggressive approach to safety. The subdivision will also have security cameras which provide the on-site manager views of the property as well as a recording of subdivision activities.

The meeting concluded around 5:30 PM. I did not receive any additional phone calls regarding the project following the mailing of notices.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3300 Harris

Meeting Time & Date 4:30

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Mills</u>	<u>city of Fort Smith</u>	<u>479-784-2241</u>
2.	<u>W.F. POOR</u>	<u>✓ ✓ ✓ ✓</u>	<u>479-364-0952</u>
3.	<u>Marcena Reed</u>	<u>2701 Spaulding</u>	<u>479-2601</u>
4.	<u>Mitch Minnick</u>	<u>2100 N. 31st Street</u>	<u>782-4991 ext 15</u>
5.	<u>Donna Crocker</u>	<u>2716 No 15</u>	<u>7833457</u>
6.	<u>Earlene Crocker</u>	<u>2700 No 15</u>	<u>7828557</u>
7.	<u>Phyllis Egered</u>	<u>2714 Durin</u>	<u>806-3359</u>
8.	<u>Talicia Richardson</u>	<u>2100 N. 31st</u>	<u>782-4991 ext 20</u>
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____

Application Type

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

Request to Amend Map
Request to Amend Text

Applicant Name: Travis Brisendine		
Firm Name: Morrison-Shipleigh Engineers, Inc.		
Address: PO Box 10064, Fort smith, AR 72917		
Phone # (day): 452-1933	Phone # (cell): 883-4028	Fax #: 452-1939
Owner Name: Mixayvanh, Thongsavanh & Bouakham		
Owner Address: 2511 Spradling Avenue		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property): 2511 Spradling Avenue		
Subject Property		
Current Land Use:		
Existing MLUP Classification: Residential detached		
Proposed MLUP Classification: Residential attached		
Existing Zoning Classification: Industrial light		
Proposed Zoning Classification: RSD-4		
Surrounding Property		
Current Land Use: north- open		
south- Riverview subdivision		
east- Bonneville Subdivision		
west- open land		
Existing MLUP Classification: north: residential detached		
south: residential detached		
east: residential detached		
west: residential detached		
Existing Zoning Classification: north: Industrial light		
south: residential multi-family medium density		
east: residential multi-family medium density		
west: industrial light		
Pre-Application Meeting Date:		

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

7E

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Spradling Avenue is located on the south side of the property. North 27th street is located along part of the east boundary line. No roads exist along the north and south.

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

Existing water and sewer service is available to the site. Additional water and sewer facilities will be constructed within the development.

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

The build out density for the proposed zoning is 8.7 dwelling units per acre. A proposed density has not been developed at this time.

7. Identify any known or anticipated environmental concerns:

the site contains some drainage channels that will be evaluated during the engineering design of the subdivision.

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

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

7 F

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

the proposed development pattern should be similiar to recent developments completed in the vicinity of the site.

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

the proposed zoning fits well with the surrounding zoning.

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

The development will provide affordable housing to the area.

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

At this time the developer is still evaluating full development options. It is anticipated the development would be constructed in phases.

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

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

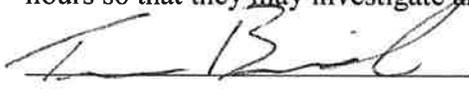
AUTHORIZATION OF AGENT

76

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

 1/15/16

Signature (Agent/Owner)

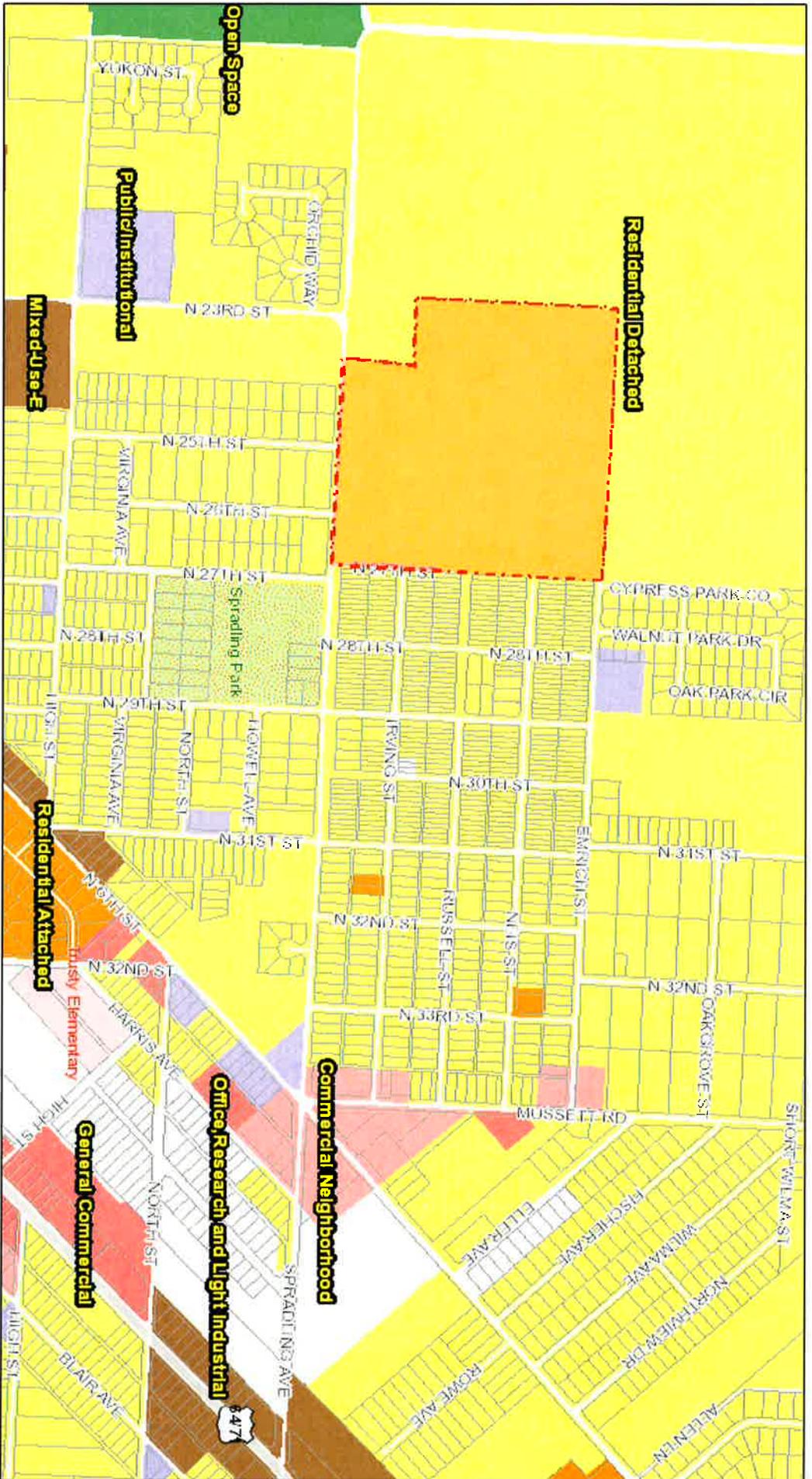
Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

7H

Master Land Use Amendment: From Residential Detached to Residential Attached 2511 Spradling Avenue

FL

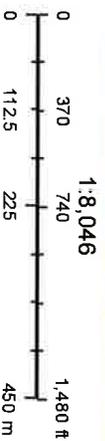


January 20, 2016

Fort Smith City Limits

Subdivisions

Land Use



Memo

To: City Planning Commission

From: Planning Staff

Date:

Re: Rezoning #6-2-16 - A request by Travis Brisendine, agent for developer KWL Properties, LLC, and Thongsavanh and Bouakham Mixayvanh, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) by classification at 2511 Spradling Avenue

PROPOSED ZONING

Approval of the rezoning and companion master land use amendment will allow for a residential subdivision that will be developed as a Tax Credit Program development. The proposed single family and duplex subdivision will be developed in phases. The first phase will consist of approximately 45 lots with single family homes. The development will require the submittal of a major plat and planning commission approval. At this time, the developer has requested a deferral of the development plan/preliminary plat until the plat has been completed.

LOT LOCATION AND SIZE

The subject property is on the north Side of Spradling Avenue and west Side of North 27th Street. The tract contains an area of 37.5 acres with approximately 1,370 feet of street frontage along North 27th Street and approximately 990 feet of street frontage along Spradling Avenue.

REQUESTED ZONING

The requested zoning on this tract is Residential Single Family – Duplex High Density (RSD-4). Characteristics of this zone are as follows:

Purpose:

To provide very dense single family detached and duplex housing as either new or infill development. The RSD-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RSD-4 zoning district corresponds to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

8A-1

Permitted Uses:

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

Conditional Uses:

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 and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

8.A-2

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

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

SURROUNDING ZONING AND LAND USE

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

The areas to the southwest are zoned Residential Single Family High Density (RS-4) and developed as single family residences.

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 27th Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

This site is currently classified as Residential Detached. A companion Master Land Use Plan amendment has been submitted with this application to accommodate the requested zoning district.

NEIGHBORHOOD MEETING

A neighborhood meeting was held February 2, 2016, at 3300 Harris Avenue at 4:30 P.M.

Seven neighboring property owners attended the meeting. The attendees asked questions regarding the type of housing proposed, infrastructure requirements, and if any duplexes or commercial development was planned.

A copy of the attendance record and meeting summary are enclosed.

8A-3

STAFF RECOMMENDATIONS

Staff recommends approval with the following comments:

1. Approval of the companion Master Land Use Plan Amendment.
2. Approval of the request to defer the development plan/preliminary plat.

8A-4

Memorandum

To: File
From: Travis Brisendine
Date: February 3, 2016 (4:30-5:30, Trusty Elementary)
Re: Neighborhood Meeting for Rezoning at 2511 Spradling Avenue

In Attendance:

Morrison-Shipley Engineers

Travis Brisendine

KWL Properties

Steve Perry

City of Fort Smith Planning

Tyler Miller

Citizens

Mitch Minnick, Talicia Richardson, W.F. Poor, Marcella Reed, Donna Crocker, Earlene Crocker, Phyllis Ezernac,

Meeting Summary:

The meeting was held at Trusty Elementary near the project site. In attendance were representatives from MSE, KWL Properties, City of Fort Smith, Fort Smith Housing Authority and five other citizens. I explained we are requesting a rezoning for the total +/- 37 acre parent tract from Industrial light to a residential zoning. I also explained the rezoning is in anticipation of a 45 lot single-family residential subdivision pending funding approval. The subdivision would be part of a Tax Credit Program. I explained that the proposed subdivision layout has not been completed but will have to go through City of Fort Smith staff approval once the layout is established. Attendees asked about proposed street tie-ins with the existing streets. I explained this is unknown at this time and would be discussed with City of Fort Smith engineering as the layout is developed. Attendees asked questions regarding the water, sewer and street improvements within the development. I explained we would be constructing improvements to serve the proposed lots.

Attendees asked whether or not duplex housing will be built in the development and whether or not the subdivision would have any commercial/retail development along the front of the site. Mr. Perry noted that no duplexes are proposed with Phase I development and no commercial/retail improvements would be allowed as part of the proposed zoning. Mr. Perry also addressed a concern regarding crime within the subdivision. Mr. Perry noted that the subdivision will have a management office with an aggressive approach to safety. The subdivision will also have security cameras which provide the on-site manager views of the property as well as a recording of subdivision activities.

The meeting concluded around 5:30 PM. I did not receive any additional phone calls regarding the project following the mailing of notices.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3300 Heron's

Meeting Time & Date 4:30

Meeting Purpose REZONING

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-984-2241</u>
2.	<u>W.F. POOR</u>	<u>✓✓✓✓</u>	<u>479-364-0952</u>
3.	<u>Mancena Reed</u>	<u>2701 Spaulding</u>	<u>479-2601</u>
4.	<u>Mitch Minnick</u>	<u>2100 N. 31st Street</u>	<u>782-4991 ext 15</u>
5.	<u>Donna Crocker</u>	<u>2716 No 15</u>	<u>7833457</u>
6.	<u>Earlene Crocker</u>	<u>2700 No 15</u>	<u>7828557</u>
7.	<u>Phyllis Egerud</u>	<u>2714 No 15</u>	<u>806-3359</u>
8.	<u>Talicia Richardson</u>	<u>2100 N. 31st</u>	<u>782-4991 ext 20</u>
9.			
10.			
11.			

8A-6

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: 2511 Spradling Avenue

3. The above described property is now zoned: Industrial Light

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

5. Why is the zoning change requested?

To accommodate development of a residential housing development.

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

Signed:

TRAVIS BRISENDINE
Owner or Agent Name
(please print)

Owner

PO Box 10064, 72917
Owner or Agent Mailing Address

or
T. Bil
Agent

452-1933
Owner or Agent Phone Number

Rezoning #6-2-16: From Industrial Light (I-1) to Residential Single Family Duplex High Density (RSD-4) 2511 Spradling Avenue

[Handwritten signature]



January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions

**Development Plan
Deferral Request**

Memo

To: City Planning Commission

From: Planning Staff

Date: February 5, 2016

Subject: Request for Development Plan /Preliminary Plat Deferral –2511 Spradling Avenue

The planning department has received a request from Travis Brisendine, agent for developer KWL Properties, LLC, and Thongsavanh and Bouakham Mixayvanh, for Planning Commission consideration of a deferral of a development plan/preliminary plat for a proposed residential subdivision at 2511 Spradling Avenue. The applicant has requested a rezoning from Industrial Light to Residential Single Family Duplex High Density (RSD-4) and a Master Land Use Plan Amendment from Residential Detached to Residential Attached to accommodate the proposed development. At this time, the development plan/preliminary plat has not been finalized.

The planning staff recommends approval of the request on the condition that the planning commission approves the companion rezoning and MLUP amendment applications.

8B-1



MORRISON SHIPLEY

ENGINEERS • SURVEYORS

January 15, 2016

(Via Hand Delivery)

Ms. Brenda Andrews
City of Fort Smith - Planning
P.O. Box 1908
Fort Smith, Arkansas 72902

***RE: Development Plan Deferral
North 27th street and Spradling Avenue
Fort Smith, AR***

Dear Brenda:

I am requesting a rezoning and MLUPA for the subject tract in anticipation of a residential subdivision on a portion of the 37 acre tract. At this time the subdivision layout has not been determined, however, the developer is approaching deadlines for other project applications which are tied to the rezoning of the parcel. As such, I am requesting a Development Plan Deferral for the parcel until a later date. If you have any questions or require additional information please do not hesitate to call me at 479-452-1933.

Sincerely,
Morrison-Shipley Engineers, Inc.

Travis Brisendine, P.E.

8B-2

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Rezoning #7-2-16 - A request by Michael Riley, agent for South Pointe Church, for Planning Commission consideration of a zone request from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by classification.

PROPOSED ZONING

The rezoning and development plan if approved will allow for an approximate 20,000 s.f. church to be built.

LOT LOCATION AND SIZE

The subject property is on the southeast side of Chad Colley Blvd. The tract contains an area of 12.3 acres with approximately 423 feet of street frontage along Chad Colley Blvd.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

All the other surrounding areas are not zoned and are undeveloped.

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 Plan classifies the site as Mixed Use: Residential Commercial/Office. This classification is intended to create walkable neighborhoods, create a mixed use village, and create a pedestrian friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the node with flexibility in standards to accommodate the development.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday February 2nd 2016 at 8:00 a.m. on site. No surrounding property owners were present.

STAFF COMMENTS RECOMMENDATIONS

Staff recommends approval of the application.

9B

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHED SURVEY

2. Address of property: 1001 CHAO COLLEY BLVD, FORT CHAFFEE

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 RM-3 by CLASSIFICATION.
(Extension or classification)

5. Why is the zoning change requested?

CURRENTLY NOT ZONED

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

Signed:

MICHAEL RIVER ARCHITECT
Owner or Agent Name
(please print)

28899 Brokenhill Rd
Shady Point, OK 74156
Owner or Agent Mailing Address

918-839-6032
Owner or Agent Phone Number

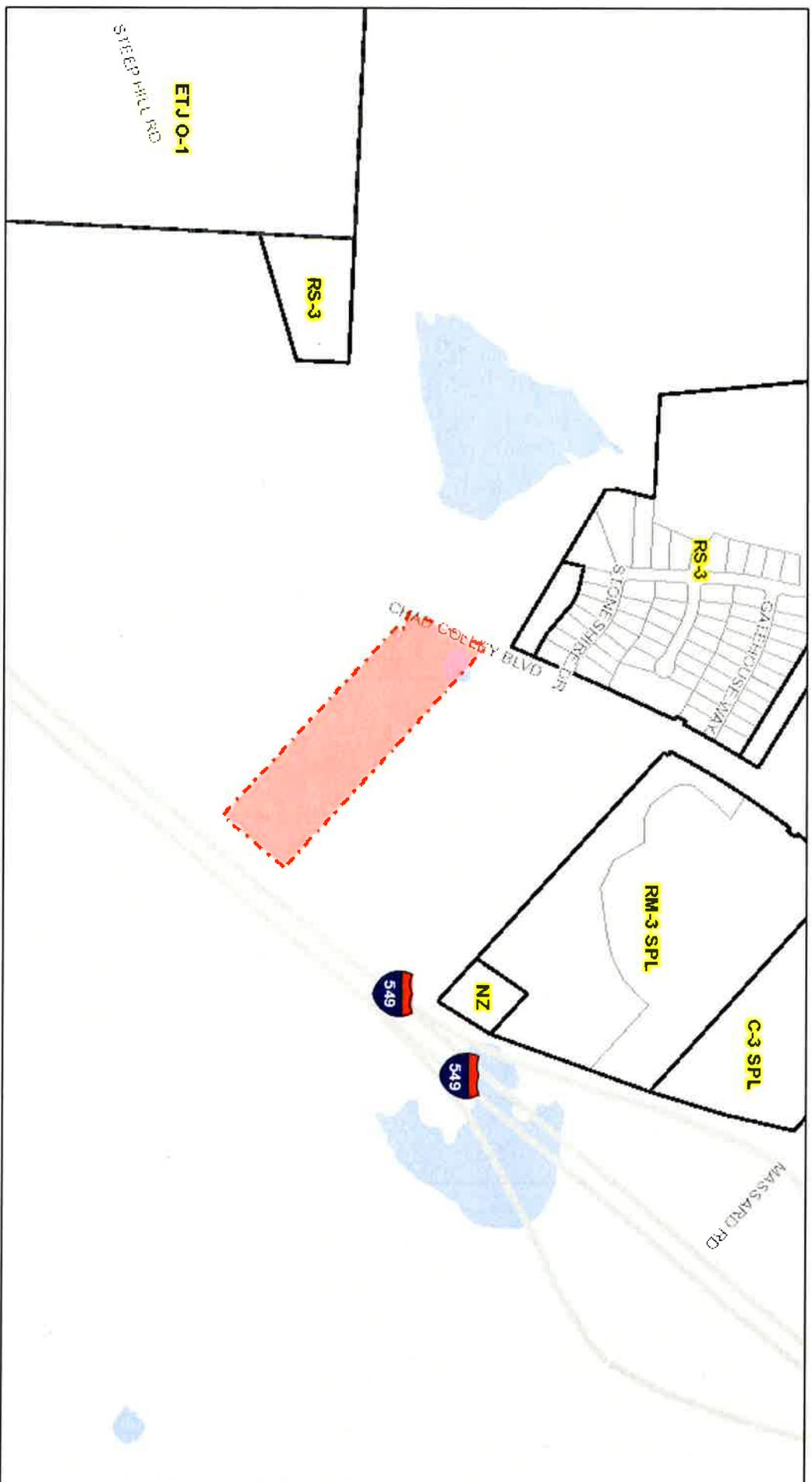
Owner

or

MICHAEL RIVER
Agent

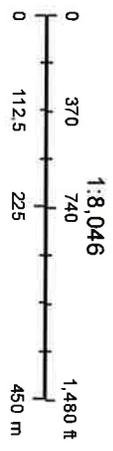
Rezoning #7-2-16: From Not Zoned to Residential Multifamily Medium Density (RM-3) 10001 Chad Colley Boulevard

6



January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Conditional Use #3-2-16 - A request by Michael Riley, agent for South Pointe Church, for Planning Commission consideration of a Conditional Use request to develop a church at 10001 Chad Colley Blvd

PROPOSED CONDITIONAL USE

The conditional use and rezoning if approved will allow for an approximate 20,000 s.f. church to be built.

LOT LOCATION AND SIZE

The subject property is on the southeast side of Chad Colley Blvd. The tract contains an area of 12.3 acres with approximately 423 feet of street frontage along Chad Colley Blvd.

PROPOSED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

All of the other surrounding areas are not zoned and undeveloped.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

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

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

MASTER STREET PLAN CLASSIFICATION

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

10B

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Land Use Plan classifies the site as Mixed Use: Residential Commercial/Office. This classification is intended to create walkable neighborhoods, create a mixed use village, and create a pedestrian friendly environment to encourage the development of new village style communities where the mixed uses support other uses in the node with flexibility in standards to accommodate the development.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development plan proposes two driveways located on Chad Colley Blvd. to accommodate ingress and egress.

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

Drainage – A proposed detention pond is located towards the rear of the property. The engineering department will be required to approve the detention pond and drainage plans prior to the issuance of a building permit.

Right-of-way dedication – No new R.O.W. dedication is required or proposed with this development.

Multi-Use bike path – The bike path is located on the opposite side of Chad Colley Blvd.

Landscaping – The proposed landscaping exceeds the UDO requirements. The applicant is proposing landscaping that is consistent with Chaffee Crossing Design guidelines.

Screening – The development plan proposes the required parking lot screening with a berm. The opaque wood screening fence satisfies the required screening for the mechanical units and trash receptacles.

Parking – The development has the required minimum number of parking spaces as specified by the UDO.

Signage – This development plan does not have any proposed signage. Any signage will require a sign permit and will be required to comply with the UDO and the CCDG.

Lighting – A comment was made on the plans to utilize the CCDG lighting fixtures. The lighting shall not produce any light trespass or unnecessary light glow and glare.

Setbacks – The proposed development exceeds the required setbacks outlined in the UDO.

Architectural features – The development plan shows the building facade consisting of 100 percent of high quality materials with EIFS and brick veneer. The Chaffee Crossing Design Review Committee shall approve the variance to utilize the EIFS as outlined in the design guidelines.

Height and Area –The building complies with the maximum height and area for the proposed zone.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday February 2nd 2016 at 8:00 a.m. on site. No surrounding property owners were in attendance.

STAFF 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. Signage shall comply with the UDO and CCDG. 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.
3. FCRA Design Review Committee approval is required prior to the issuance of a building permit.

Conditional Use # 3-2-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: SOUTHPOINTE CHURCH

Name of Authorized Agent (if applicable) MICHAEL RILEY, ARCHITECT

Legal Description of property included in the conditional use request:

SEE ATTACHED SURVEY W/LEGAL DESCRIPTION

Street Address of Property:

10001 Chad alley Fort Smith AR

Existing Zoning Classification:

N/A

Proposed Zoning Classification (if applicable):

RM-3

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

NEW CHURCH BUILDING

What amenities are proposed such as landscaping and screening?

LANDSCAPING, BERM, SCREENING AROUND DUMPSTER & HVAC UNITS

MICHAEL RILEY
Owner or Agent Name (please print)

Signed:

28899 BROOKHURST RD SHADY POINT, AR 74956
Owner or Agent Mailing Address

Owner

Or

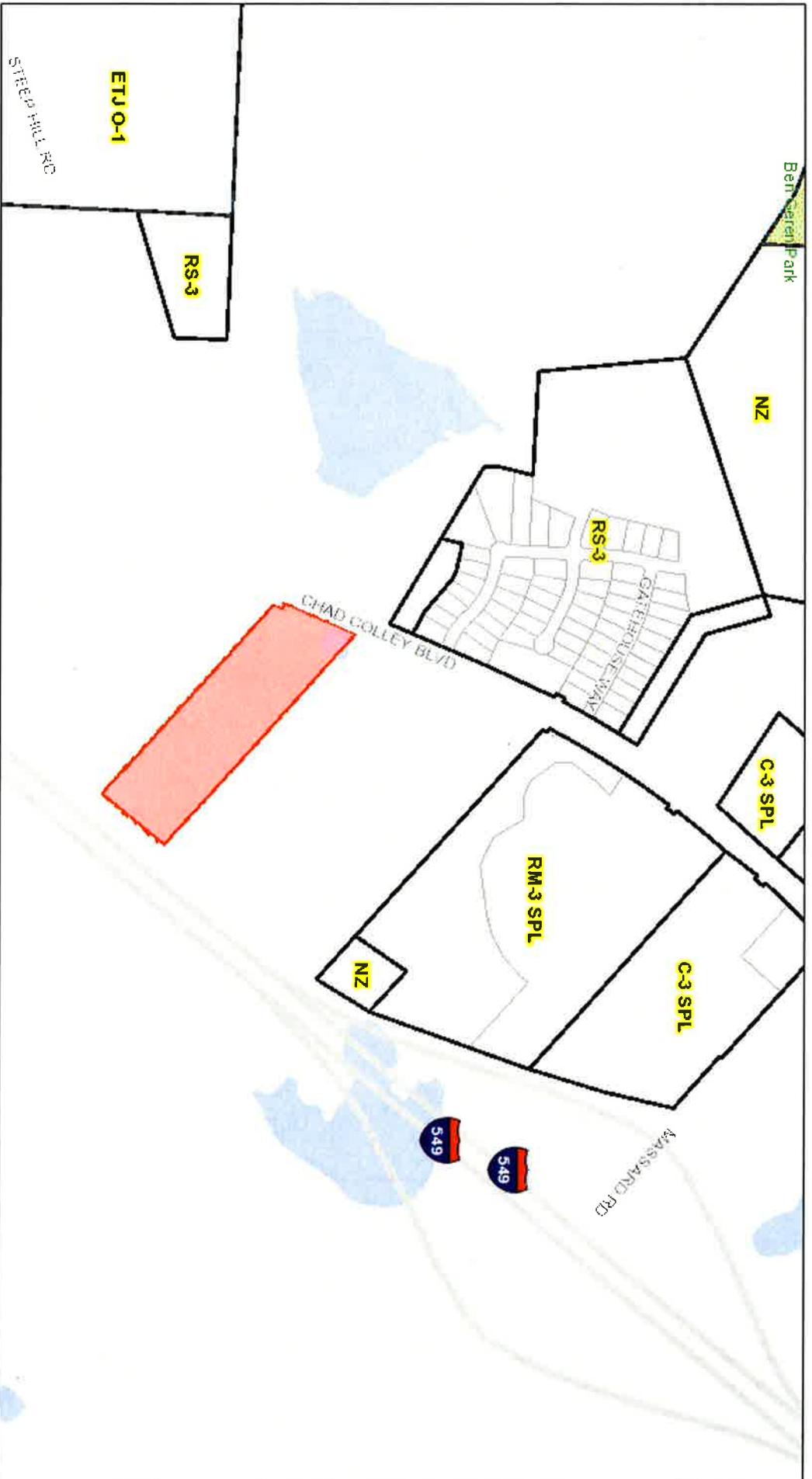
918-839-6032
Owner or Agent Phone Number

Michael Riley
Agent

10E

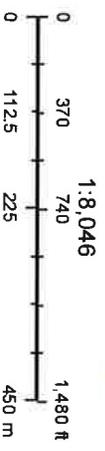
Conditional Use #3-2-16: Church 10001 Chad Colley Boulevard

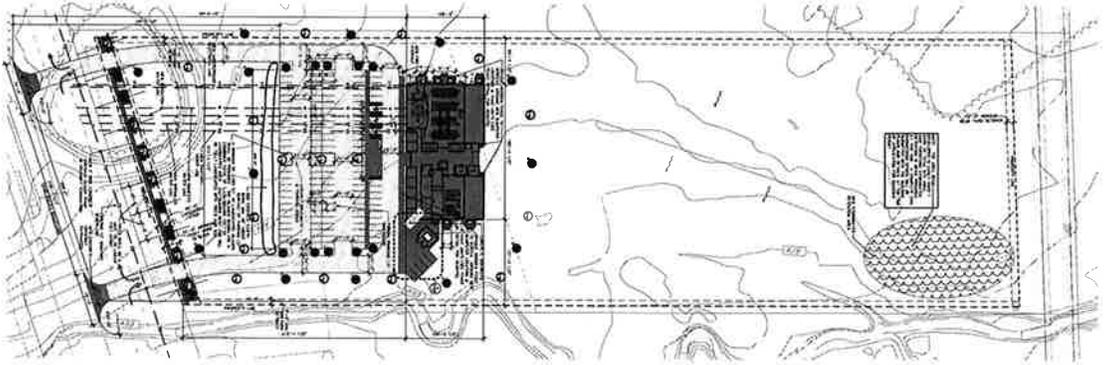
101



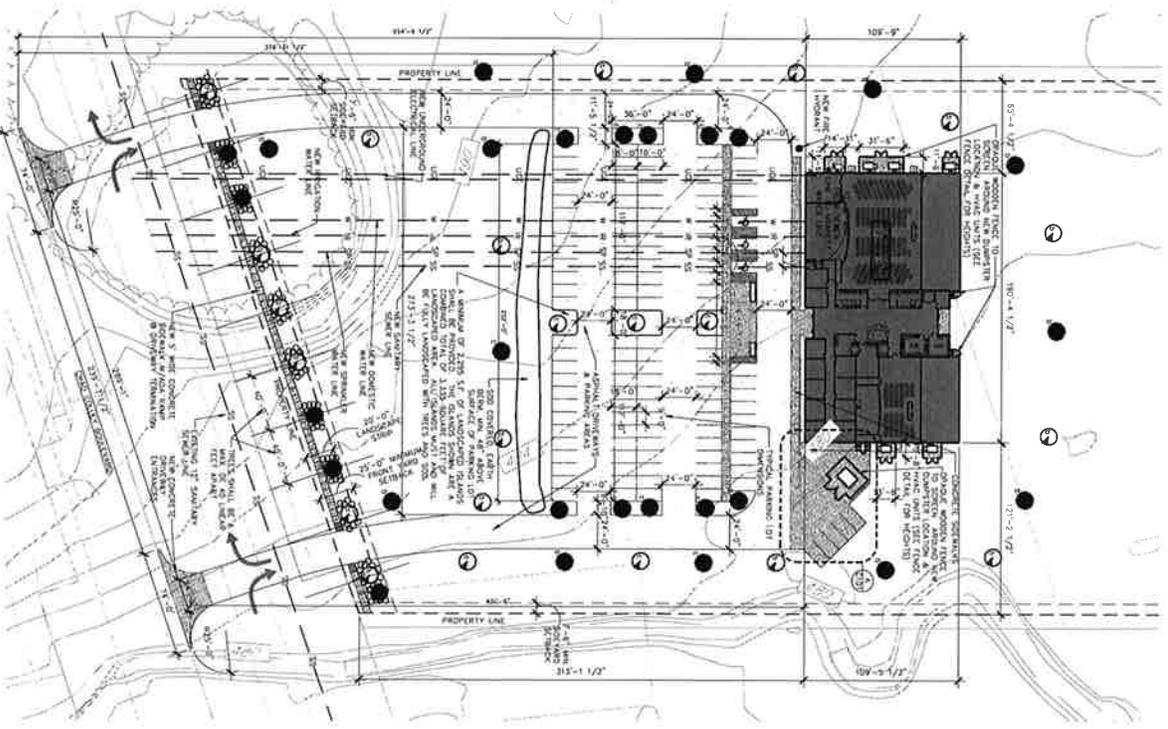
January 20, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions

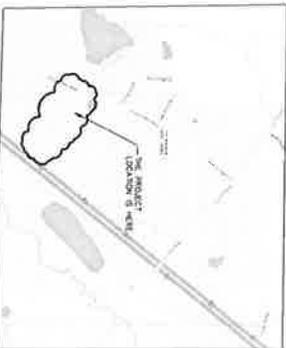




A OVERALL ARCHITECTURAL SITE PLAN
1:800



B PARTIAL ARCHITECTURAL SITE PLAN
1:400



B VICINITY MAP
NOT TO SCALE

- PLANT MATERIALS LEGEND**
- PIN OAK (2 1/2"-3" CALIBER)
 - SUGAR MAPLE (2 1/2"-3" CALIBER)
 - EVERGREEN HOLLEY (MIN. 24" HEIGHT)
 - BIRNADA SOD
- NOTE: AN IRRIGATION SYSTEM WILL BE PROVIDED.

<p>PER "PERIMETER LANDSCAPE" REQUIREMENTS IN THE MIXED USE DISTRICT SHALL BE ONE TREE PLUS ONE SHADE TREE PER FRONT YARD FOR EVERY 40' LINEAR FEET LOT IS 423' WIDE / 40' = 11 TREES THE REQUIREMENT</p>	<p>PER "PERIMETER LANDSCAPE" REQUIREMENTS IN THE MIXED USE DISTRICT SHALL BE ONE TREE PLUS ONE SHADE TREE PER FRONT YARD FOR EVERY 40' LINEAR FEET LOT IS 423' WIDE / 40' = 11 TREES THE REQUIREMENT</p>
<p>PER "BUILDING LANDSCAPE" REQUIREMENTS IN THE MIXED USE DISTRICT SHALL BE 1 TREE PER 100 SQ. FT. OF BUILDING FOOTPRINT. THERE SHALL BE 127 SPACES / 8 = 15.875 TREES REQUIRED</p>	<p>PER CITY OF FORT SMITH ZONING ORDINANCE FOR A MIXED USE DISTRICT THERE SHALL BE ONE TREE PLUS ONE SHADE TREE PER FRONT YARD FOR EVERY 40' LINEAR FEET LOT IS 423' WIDE / 40' = 11 TREES THE REQUIREMENT</p>

NOTE: THE SITE LIGHTING SHALL BE PROVIDED FOR THE BUILDING AND THE CHAFFET CROSSING OVER THE GULFSTREAM RIVER STAMPA

C100

NOT FOR CONSTRUCTION
PROGRESS SET ONLY

MICHAEL ALLEN RILEY
918 828 6032 ph
www.michaelrileyarchitect.com

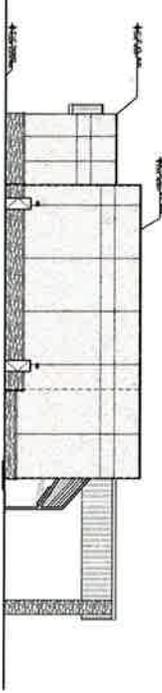
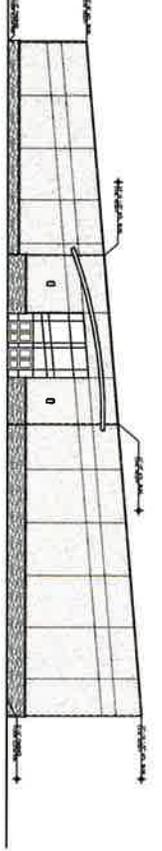
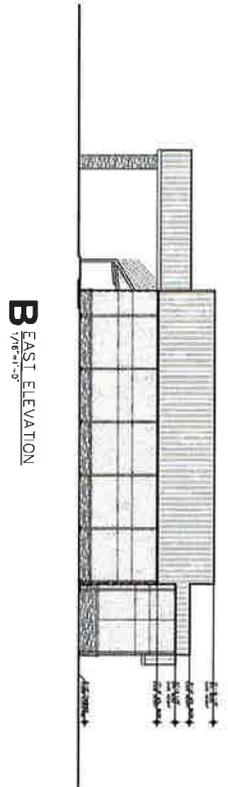
28699 Brookmill Road
Shady Point, OK 74796

Southpointe Church
10001 Chad Colley Boulevard
Fort Smith, Arkansas

106



NOTE: REFER TO SITE PLAN FOR GRADE, WOODEN FLOORING AROUND CHURCH ENTRY AND ALL WOOD FINISHES TO BE LOCATED ON THE EXTERIOR OF THE BUILDING. FINISHES SHALL BE NO DARKER COLOR THAN THE EXTERIOR OF THE BUILDING.



A200

NOT FOR CONSTRUCTION
PROGRESS SET ONLY

MICHAEL ALLEN RILEY
 918.838.6032 ph
 www.michaelrileyarchitect.com
 28699 Brookhaven Road
 Shady Point, OK 74766

Southpointe Church
 10001 Chad Colley Boulevard
 Fort Smith, Arkansas



101

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Development Plan Review - A request by Bransen Harris, agent for Sunchase Partners, LLC, for Planning Commission consideration of a Development Plan request to develop a multifamily development at 3515 South 66th Street

PROPOSED DEVELOPMENT PLAN

The development plan if approved will allow for the single family home to be removed and two new duplexes to be installed in its place. The property was previously approved for a multifamily development containing 15 dwelling units. The new proposal will contain 18 total dwelling units.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of Sunchase Lane and South 66th Street. The tract contains an area of 1.36 acres with 284 feet of street frontage along Sunchase Lane and 194 feet of street frontage along South 66th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density Special (RM-3-SPL). The special requires that all new development plans and building permit shall be approved by the Planning Commission.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The areas to the north and east are zoned Residential Single Family – Duplex High Density (RSD-4) and are developed as single family residences.

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

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is developed as a multi-family development.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Sunchase Lane as a local road and South 66th Street as a Major Collector.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development will utilize 2 drives. One drive will be located on South 66th Street, and the other driveway will be located on Sunchase Lane.

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.

11B

Drainage – New drainage plans will be required to be submitted to the City prior to the issuance of the building permit.

Right-of-way dedication – Right-of-way dedication is not required.

Landscaping – The landscape plan shows perimeter and interior landscaping that complies with the UDO standards. The plan also shows dense vegetation in the few areas that necessitate parking lot screening.

Screening – A proposed 6' wood opaque screening fence has been proposed along the eastern property line adjacent to the existing single family residence.

Parking – This site has 38 parking spaces which complies with the minimum requirements in the UDO.

Signage – No signage has been proposed for this development.

Lighting – No light fixture details have been submitted, but the site plan has a note that all exterior lighting shall be shielded and shall not produce light trespass in accordance with the UDO.

Architectural features – The elevations show facades consisting of brick veneer, stone veneer, vinyl and vinyl siding with multiple windows and arches. The duplexes will be 2 story structures as shown on the elevations.

Height and Area – The maximum height of the duplexes will be 24 feet and 8 inches. This complies with the UDO.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, February 4th, no surrounding property owners attended the meeting.

STAFF 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. All exterior lighting must comply with Section 27-602-5 of the Unified Development Ordinance.
3. The drainage shall be approved by the City Engineering Department.

11C

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: 3515 S. 66th Street

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

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

Yes _____ No ✓

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

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

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

_____ by _____
(Zoning Classification) (Extension or classification)

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

RM3, T1, RSD-4, C-2

8. Total acreage of property 1.27 acres

Signed: *Sunchase Partners, LLC*

Bransen Harris
Owner or Agent Name
(please print)


Owner

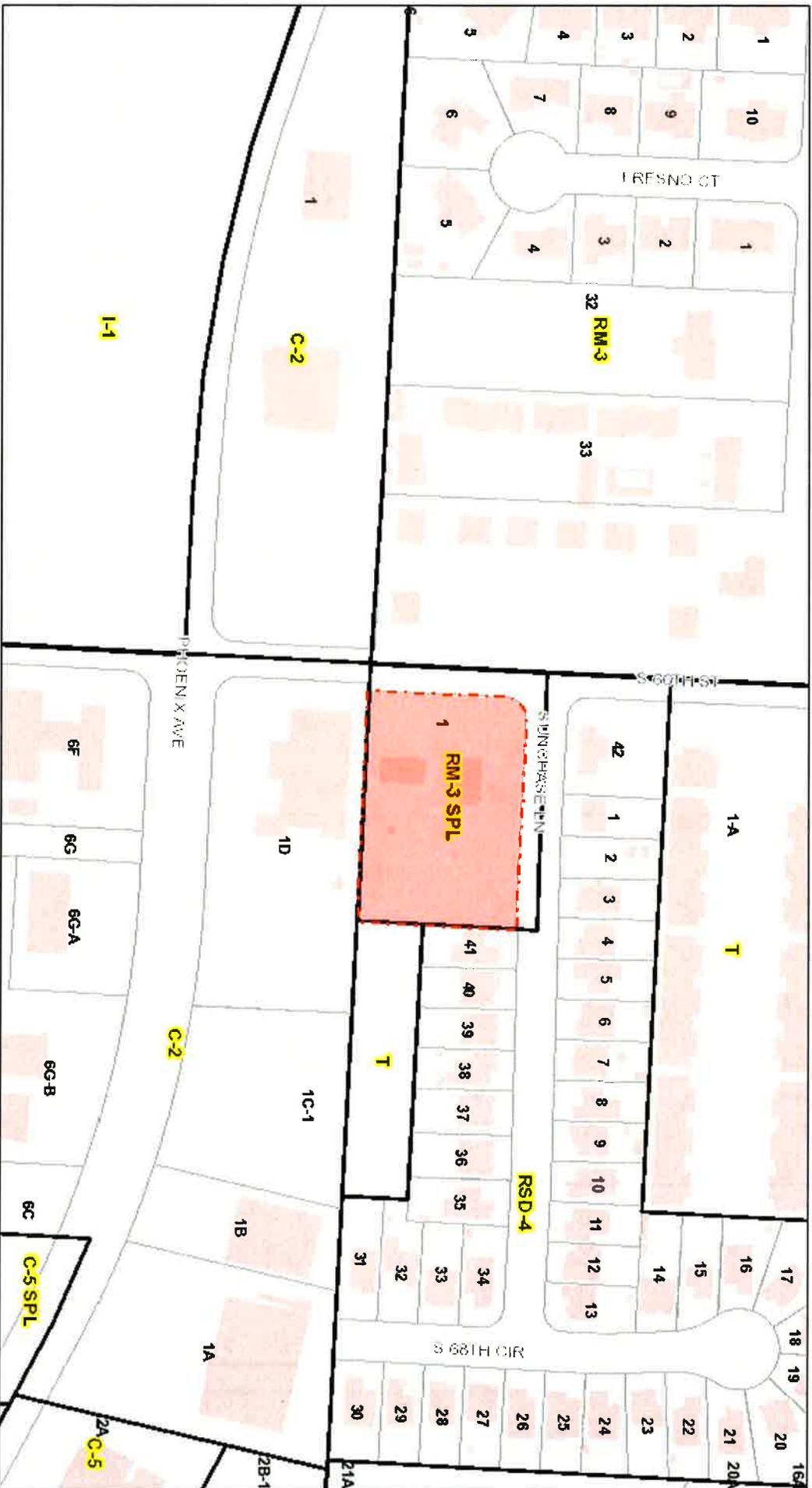
5516 S. 28th Fort Smith, AR 72901 or
Owner or Agent Mailing Address

Agent

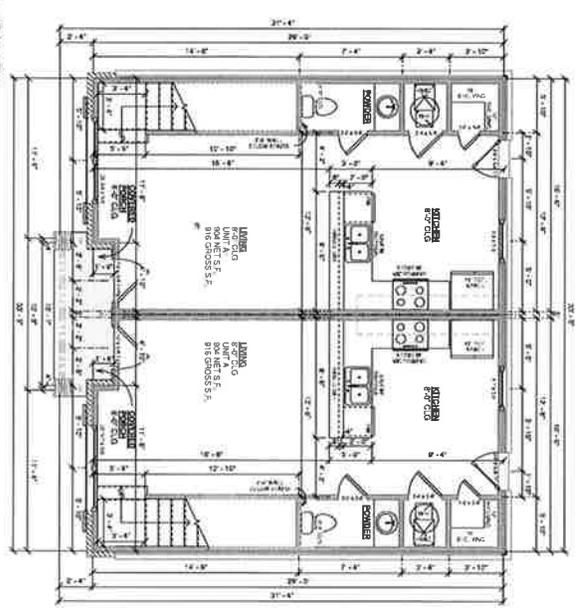
479-806-8670
Owner or Agent Phone Number

Development Plan Review: Multifamily Development 3515 South 66th Street

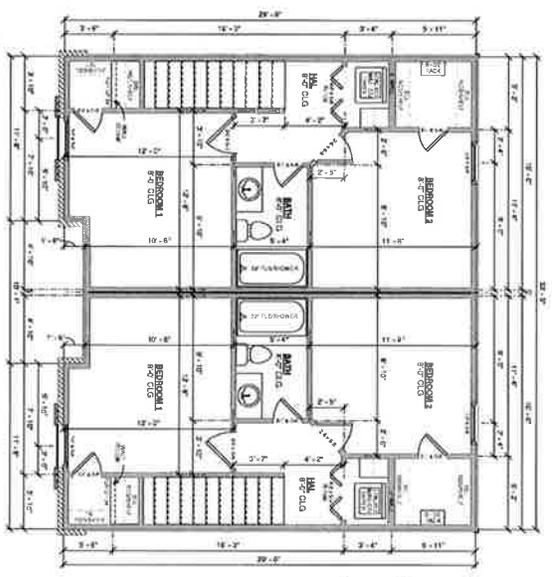
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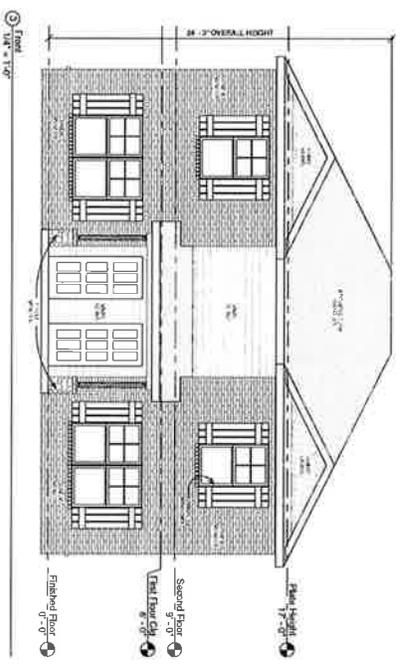
- January 20, 2016
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



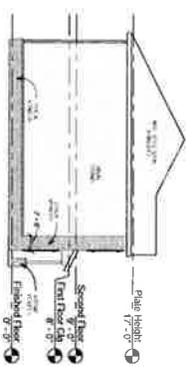
① First Floor
1/4" = 1'-0"



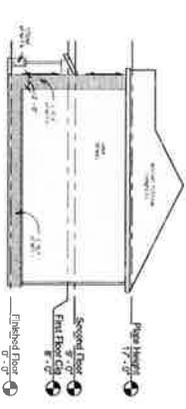
② Second Floor
1/4" = 1'-0"



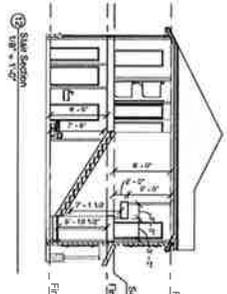
③ Front
1/8" = 1'-0"



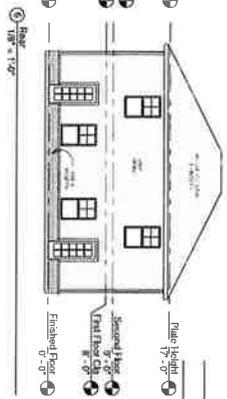
④ Left
1/8" = 1'-0"



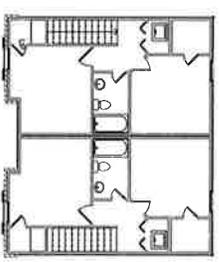
⑤ Right
1/8" = 1'-0"



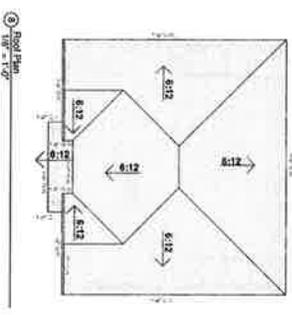
⑥ Stair Section
1/8" = 1'-0"



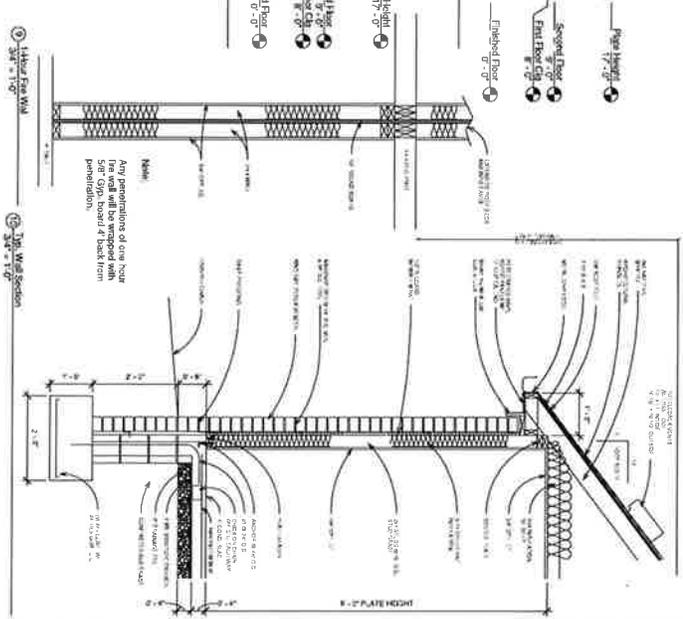
⑦ Rear
1/8" = 1'-0"



⑧ Landing
1/8" = 1'-0"



⑨ Roof Plan
1/8" = 1'-0"



⑩ Chimney Section
3/8" = 1'-0"

Note:
Fire rated walls shall be per 2012 Model Fire Protection Code Vol III, Section R302.

Bldg B - Duplex 916
(2BD-1.5BA-2Story)

Harris Company
2744 N. 20th St., Phoenix, AZ 85016
3130 N. 38th Street, Phoenix, AZ 85018

Architect: **Sunchase**
Floor Plan, Roof Plan, Elevations, Wall Section

Sheet: **9 of 9**

Memo

To: City Planning Commission

From: Planning Staff

Date: January 26, 2016

Re: Variance #3-2-16 - A request by Sisouphanh Linthavong , owner, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 4.9 feet front yard setback and from 5 feet to 2.5 feet interior side yard setback located at 3409 Ridgeway Drive

REQUESTED VARIANCE

The variance if approved will allow for a two vehicle carport to be located at 3409 Ridgeway Drive.

LOT LOCATION AND SIZE

The subject property is on the north side of Ridgeway Drive between North 34th Street and North 35th Street. The tract contains an area of 0.19 acres with 70 feet of street frontage along Ridgeway Drive.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex High Density (RSD-4). Characteristics of this zone are as follows:

Purpose:

To provide very dense single family detached and duplex housing as either new or infill development. The RSD-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RSD-4 zoning district corresponds to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

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

Conditional Uses:

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 and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as Nelson Hall Homes.

The areas to the east, west and south are zoned Residential Single Family Duplex High Density (RSD-4) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Ridgeway Drive 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 has stated that the carport will help keep the car out of the weather and elements.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Monday January 18th, 2016 on site. No neighboring property owners attended the meeting.

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STAFF COMMENTS RECOMMENDATIONS

If the BZA approves this variance, staff requests that it be contingent upon the carport being attached to the structure and of conventional construction matching the house. Additionally, the BZA should substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

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 3409 Ridgeway Dr Ft. Smith AR 72904, Existing or Proposed

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

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

- | <u>FROM</u> | | <u>TO</u> | |
|-------------|---|---------------------------|----------------------------------------------------------|
| <u>30'</u> | - | 30' <u>49'</u> | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| <u>5'</u> | - | <u>2.5'</u> | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

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

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

Signed:

Sisouphanh Linthavong
Owner or Agent Name (please print)

Sisouphanh
Owner

or

479 763 8174
Owner or Agent Phone Number

Agent

3501 Ridgeway Dr Ft. Smith AR 72904
Owner or Agent Mailing Address

Variance # _____

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VARIANCE INFORMATION FORM

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

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

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

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

Explanation of question #4 (if applicable)

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

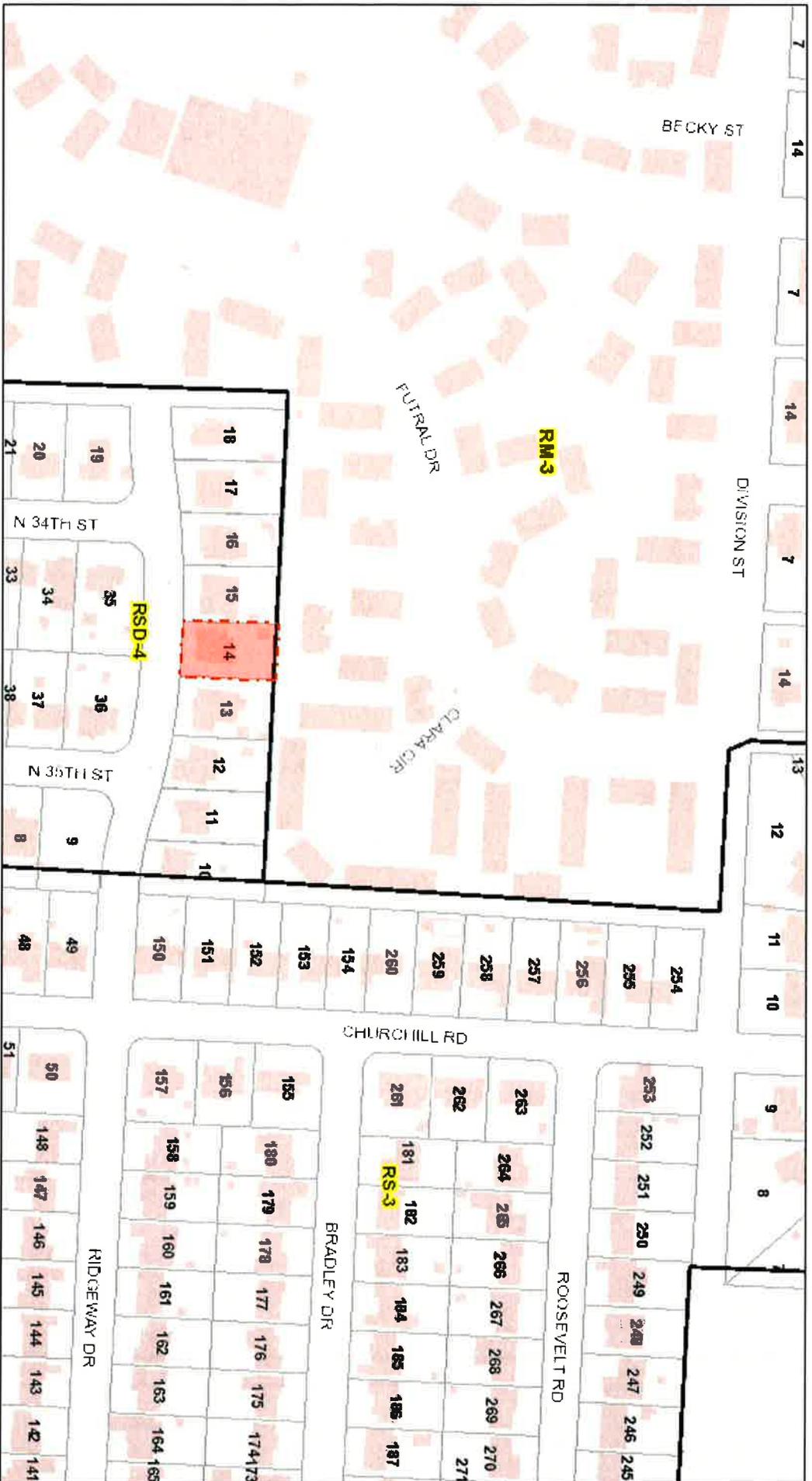
snow ice rain on the car
windshield and hot summer
keep the car stay good in shape

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:

No

Variance #3-2-16: From 20' to 4.9' front yard setback and from 5' to 2.5' interior side yard setback 3409 Ridgeway Drive

Handwritten initials: *FI*



January 19, 2016

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

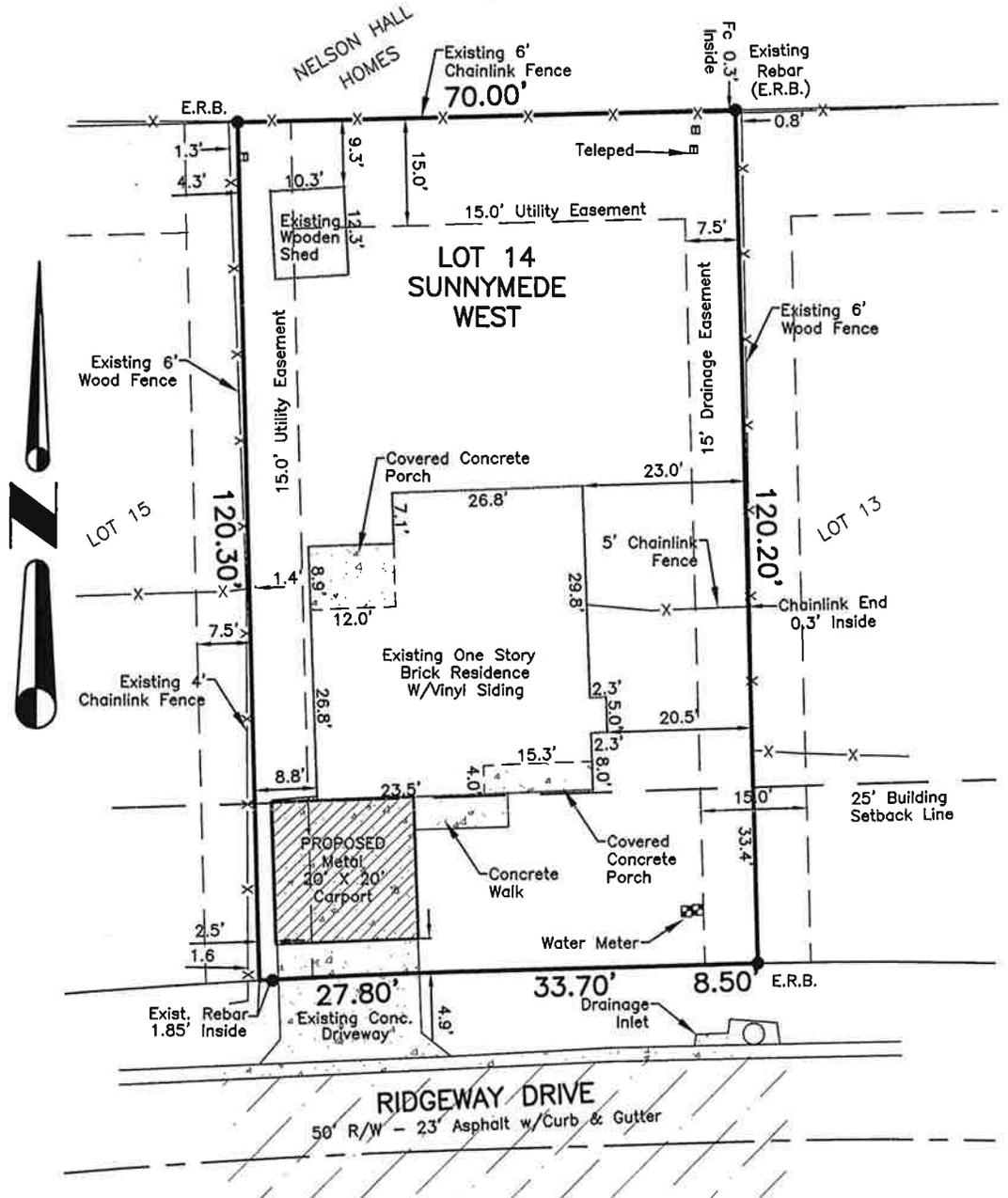


1:2,011



Brixey Engineering & Land Surveying, Inc.

Land Surveyors - Consulting Engineers
P.O. Box 6180 Ft. Smith, Ark. 72306 (479)646-6394



I, Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of Lot 14 Sunnymede West, also described as 3409 Ridgeway Drive, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

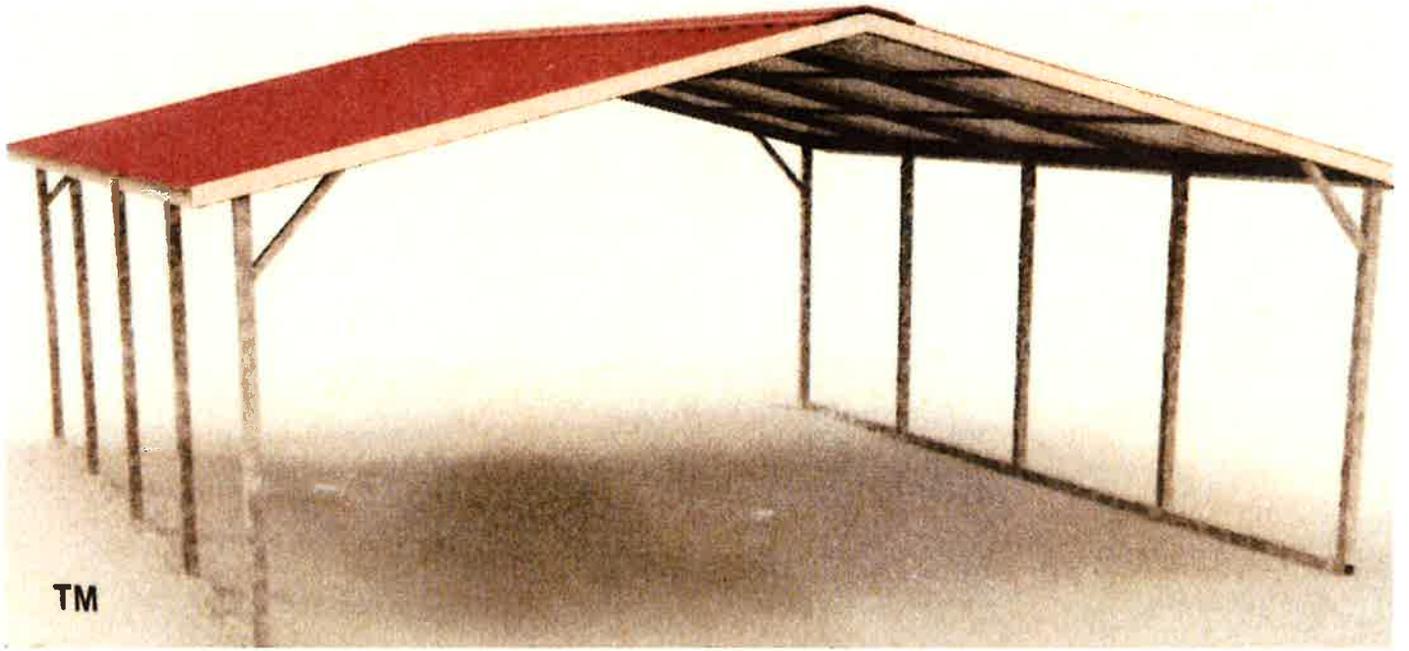
From the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas, Map No. 05131C0020E, City of Fort Smith Community No. 055013, Effective May 20, 2010, this property does not lie in a designated flood hazard area.

SCALE: 1" = 20'
 DATE: 12/29/2015
 JOB NO. 15-0438
 DRAWN BY: TMC
 COMPUTED BY: DPB
 FOR: SISOU PHANH LINTHAVONG

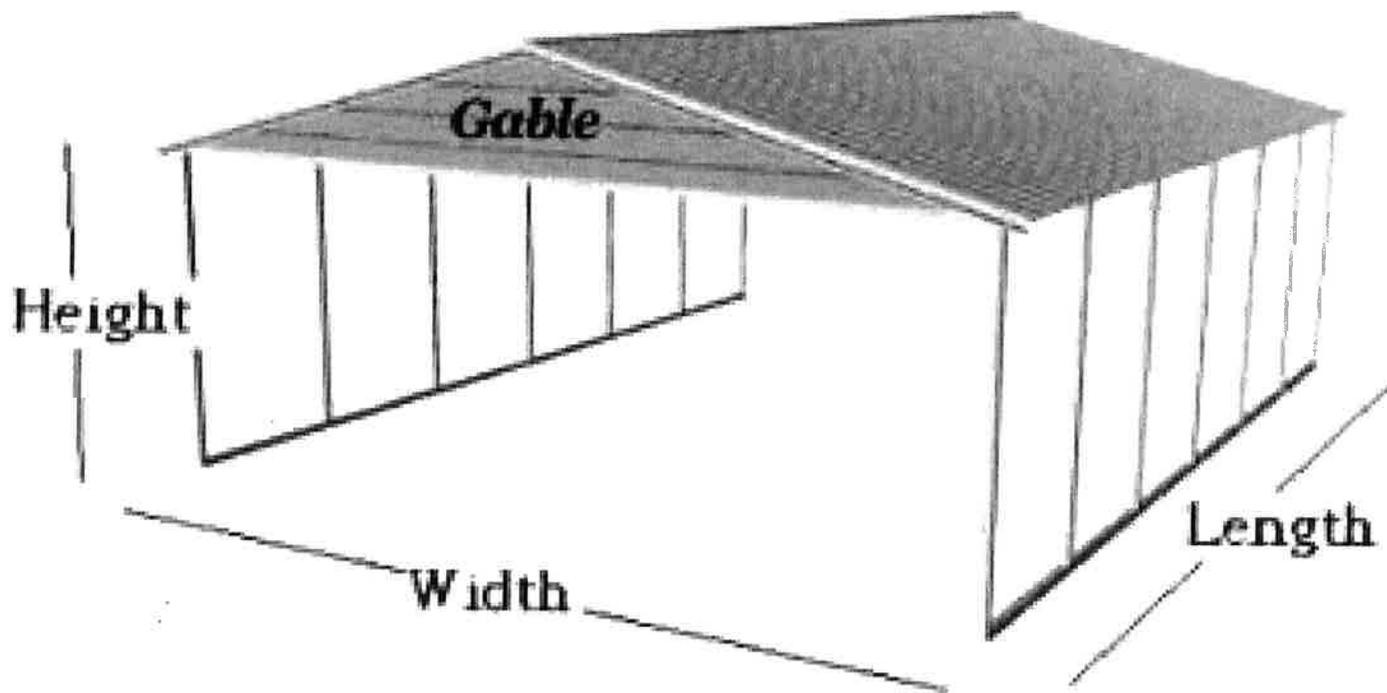
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