

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
JULY 14, 2015**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM JUNE 9, 2015**

**III. STAFF COMMENTS AND PROCEDURES**

1. Preliminary Plat – Speer Addition – Lots 3A, 3B, 3C, 4A, 4B, 5A & 5B – Block 10 – Satterfield Land Surveyors
2. Subdivision Variance #2-7-15; A request by Ricky Hill, agent for James Williams and William Cantrell, for a variance from the perimeter landscaping requirements located at 4712 South 28<sup>th</sup> Street and 4721 South 27<sup>th</sup> Street.
3. Rezoning #8-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a zone change from Not Zoned to Transitional by Classification located at 11300 Roberts Boulevard. (companion item to items #4 & #5)
4. Development Plan; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a doctor's office and clinic located at 11300 Roberts Boulevard. (companion item to items #3 & #5)

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

5. Variance #17-7-15; A request by Larry Hall, agent for Chaffee Crossing Clinic, for a variance from 200 feet to 107 feet and from 200 feet to 28 feet minimum separation between adjacent driveways located at 11300 Roberts Boulevard. (companion item to items #3 & #4)

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

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

6. Rezoning #9-7-15; A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 7500 Wells Lake Road.
7. Rezoning #10-7-15; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a zone change from Commercial-5-Special (C-5-SPL) to Commercial Heavy (C-5) by Classification located at 1520 South "U" Street. (companion item to items #8 & #9)
8. Development Plan; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a multi-family development located at 1520 South "U" Street. (companion item to items #7 & #9)

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

9. Variance #16-7-15; A request by Al Prieur, agent for Bryan White and Renee Barrow, for a variance from 20 feet to 10.5 feet interior side yard setback; from 20 feet to 10.5 feet rear yard setback and from Section 27-602-3 (B) (perimeter landscaping requirements) located at 1520 South "U" Street. (companion item to items #7 & #8)

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

10. Conditional Use #8-7-15; A request by Greta Barr, agent for Delana Anderson, for a secondary school located at 12 North 11<sup>th</sup> Street.
11. Conditional Use #9-7-15; A request by Kevin Thomas, agent for Thomas Shankle, for a contractor's shop and storage yard located at 7423 Highway 271 South #106.
12. Development Plan; A request by Al Prieur, agent for Matt Enderun and Shan Russell, for an auto and vehicle dealer located at 3301 South Zero Street. (companion item to item #13)

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

13. Variance #15-7--15; A request by Al Prieur, agent for Matt Enderun and Shan Russell, from the perimeter landscaping requirements located at 3301 South Zero Street. (companion item to item #12)
  
14. Variance #14-7-15; A request by Jose Garcia for a variance from 25 feet to 3.5 feet front yard setback and from 7.5 feet to 2.9 feet interior side yard setback located at 3716 Marshall Drive.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
JUNE 9, 2015**

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

Chairman Sharpe then called for the vote on the Planning Commission minutes from the May 12, 2015, meeting. Motion was made by Keesee, seconded by Howard and carried unanimously to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

**1. Preliminary Plat – Airport North Commercial Park – Mickle-Wagner-Coleman**

Chairman Sharpe called for a vote on the Preliminary Plat. Motion was made by Commissioner Keesee, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

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

**2. Preliminary Plat – Park Meadow Additions, Phase II-IV – Lots 36-10 - Crafton Tull**

Chairman Sharpe called for a vote on the Preliminary Plat. Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried unanimously to amend this request to make approval subject to the following:

- The developer must agree to meet all franchise and City utility easement requirements.

- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

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

No one present to speak in opposition to the plat.

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

**3. Rezoning #6-6-15; A request by Mickle-Wagner-Coleman, agent for ArcBest Corporation, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 8401 McClure Drive.**

Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the construction of the new ArcBest Corporate Headquarters.

Walter Echols was present to speak on behalf of this request.

No one was present to speak in opposition.

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

Motion was made by Commissioner Newton, seconded by Howard and carried unanimously to amend this request to make approval subject to compliance with the submitted project booklet.

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

- 4. Rezoning #7-6-15; A request by Carlos Vizarra, agent for John Canterbury (Living Trust), for a zone change from Commercial Regional (C-4) to Commercial Heavy (C-5) by Extension located at 1200 South U Street. (companion item to #5)**
- 5. Variance #11-6-15; A request by Carlos Vizcarra, agent for John Canterbury (Living Trust), for a variance from minor arterial to major collector minimum required street access located at 1200 South U Street. (companion item to item #4).**

Brenda Andrews read the staff report indicating that the purpose of these requests is to allow the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility. The facility will have two stories and be operated similar to the U-Haul mini storages adjacent to the site.

Ken Vadnis 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 rezoning request.  
The vote was 9 in favor and 0 opposed

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

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

**6. Development Plan; A request by Rodney Ghan for a doctor's office/clinic located at 6100 Massard Road. (companion item to item #7)**

Maggie Rice read the staff report indicating that the purpose of this development plan is to allow for a 6,600 s.f. doctor's office and clinic with 59 parking spaces, a covered drop-off lane, and landscaping.

Rodney Ghan was present to speak on behalf of this request

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

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

- Construction must comply with the submitted development plan. Change or amendments to the submitted development plans are permitted but limited to those described in Section 27-329-8 of the UDO. Any Changes greater than those described in this section will require Planning Commission approval.
- All site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements.

Chairman Sharpe then called for the vote on the development plan as amended.  
The vote was 8 in favor and 1 abstention (Cooper).

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

**7. Variance # 12-6-15; A request by Rodney Ghan for a variance from 20 feet to 14 feet rear yard setback located at 6100 Massard Road. (companion item to #6)**

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

Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 8 in favor and 1 abstention to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO.

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

The vote was 8 in favor and 1 abstention (Cooper)

**RECESS BOARD OF ZONING ADJUSTMENTS**

**RECONVENE PLANNING COMMISSION**

**8. Development Plan; A request by Ron Brixey, agent for Willowbrook, LLC, for approval of a multi-family development located at 1210 Brooken Hill Drive.**

Brenda Andrews read the staff report indicating that the purpose of this development plan is to allow for the construction of eleven two-story duplexes. Ordinance #87-06 requires planning commission review and approval of a development plan prior to the issuance of any building permits for this site.

Ron Brixey was present to speak on behalf of this request.

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

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

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those

described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- Submittal of a final landscape plan showing the required species, size and spacing is required during the building permit review process to verify compliance with the landscape requirements in Section 27-602-3- Landscaping and Screening requirements of the UDO.
- Any future signage shall require a separate sign permit application for review and approval by staff.
- Any exterior lighting proposed shall comply with the Commercial and Outdoor Lighting requirements – Section 27602-5 of the UDO.
- A final drainage plan shall be submitted for review and approval by the Engineering Department.
- An application to abandon an existing utility easement on the south property line in order to facilitate the proposed retaining wall shall be submitted for approval by the Board of Directors.

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

The vote was 9 in favor and 0 opposed

**9. Development Plan; A request by Clear Channel Outdoor, agent for Eastpointe, Inc., for approval of an outdoor advertising sign located at 9999 Highway 253.**

Maggie Rice read the staff report indicating that the purpose of this development plan is to allow for the construction of a 300 square foot outdoor advertising sign at a height of 45 feet.

Steve Jackson was present to speak on behalf of this request.

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

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

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

- Construction must comply with the submitted development plan.
- The sign proposed to be removed shall be removed prior to the start of construction for the new sign.

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

The vote was 8 in favor and 1 opposed. (Keesee)

**10. Conditional Use; #6-615; A request by Paul Newman, agent for Evangel Temple, for a church located at 1217 Towson Avenue.**

Brenda Andrews read the staff report indicating that the purpose of the conditional use is to allow Evangel Temple Assembly of God Church to utilize the existing 2,700 s.f. building as a meeting place for Sunday school, small group fellowship meetings, and Hispanic worship services.

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

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

Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 9 in favor and 0 opposed to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All new signs will require a separate application, plan review and building permit.

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

The vote was 9 in favor and 0 opposed.

**11. Conditional Use #7-6-15; A request by John Clayton, agent for Bennie Westphal for a church  
Located at 119 North 9<sup>th</sup> Street.**

Maggie Rice read the staff reports indicating that the of the conditional use is to allow Covenant Presbyterian Church, located across the street at 120 North 9<sup>th</sup> Street, to utilize the building as a fellowship hall.

John Clayton was present to speak on behalf of this request.

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

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

The vote was 9 in favor and 0 opposed.

**RECESS PLANNING COMMISSION**

**RECONVENE BOARD OF ZONING ADJUSTMENT**

**12. Variance #13-6-15; A request by Bonnie Jones for a variance from 25 feet to 1 foot front yard setback and from 7.5 feet to 6.2 feet interior side yard setback located at 1814 North 35<sup>th</sup> Street.**

Maggie Rice read the staff report indicating the purpose of this variance is to allow for the construction of a carport in the front yard and a covered area in the rear yard.

Nia Willis was present to speak on behalf of this request.

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

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

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

- The roofline pitch and all materials shall match the existing roof.

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

The vote was 9 in favor and 0 opposed.

**SUBDIVISION COMMENTS**  
**July 14, 2015**

**1. Speer Addition, Lots 3A, 3B, 3C, 4A, 4B, 5A & 5B, Block 10 Preliminary Plat-Satterfield Land Surveyors**

Existing Zoning Designation: Residential Multifamily Medium Density (RM-3)

Land Use: RM-3 provides locations for medium density attached homes, including multi-unit residential buildings where such development already exists or is planned for the future.

Proposed Use: Single family residential

We recommend approval of the preliminary plat with the following comments:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- 3) Planning Commission approval of the companion subdivision variance requesting a variance from the perimeter landscaping requirements



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 9, 2015

**Re:** Variance #2-7-15 - A request by Ricky Hill, agent, for Planning Commission consideration of a subdivision variance request from the subdivision perimeter landscaping requirements 4712 South 28<sup>th</sup> Street and 4721 South 27<sup>th</sup> Street

## **REQUESTED VARIANCE**

Section 27-503-11(B) requires subdivisions to install a 10' wide perimeter landscaping area that is planted with a minimum of one (1) tree and 10 shrubs for every 50' linear feet of right-of-frontage. Approval of this variance would allow the developer to eliminate the perimeter landscaping.

## **LOT LOCATION AND SIZE**

The subject property is north of Quincy Street between South 27<sup>th</sup> and South 28<sup>th</sup> Streets. The tract contains an area of 1.14 acres with approximately 250 feet of street frontage along South 27<sup>th</sup> Street and approximately 250 feet of street frontage along South 28<sup>th</sup> Street.

## **EXISTING ZONING**

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

### **Purpose:**

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

### **Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

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

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

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

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South 27<sup>th</sup> & South 28<sup>th</sup> Streets as Local Roads.

**MASTER LAND USE PLAN COMPLIANCE**

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

**APPLICANT HARDSHIP**

The applicant states that the required landscaping will create a hardship due to the proposed lot sizes. The applicant also states that there are 19 existing trees and 21 shrubs on the proposed lots.

2B

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, July 6, at the main Fort Smith Library. One surrounding property owner attended the meeting. There were no objections to the proposed project. Staff also received two phone calls from surrounding property owners. Neither property owner had concerns about the project upon hearing that single family homes were proposed. A copy of the attendance record is enclosed.

Staff concurs with the perimeter landscaping variance. Perimeter landscaping around the perimeter of a subdivision is typically adjacent to a home's rear-yard or side-yard. With the proposed subdivision, the homes will face South 27<sup>th</sup> Street and South 28<sup>th</sup> Street and the required landscaping would be in the front-yards. When the issue of perimeter landscaping was conceived during the drafting of the UDO, it was intended to address the perimeter of a subdivision but not necessarily to regulate the perimeter landscaping in the front yards of single-family homes. An example used for the drafting of UDO was the Remington Place subdivision at the corner of South 58<sup>th</sup> Street and Geren Road. For this reason, staff agrees with the variance request.

A similar landscaping variance was approved in April for Middleton Estates.

If the Planning Commission approves the variances, staff requests that it substantiate its reason for approval in accordance with Section 27-516-2 of the Unified Development Ordinance, which permits the granting of a subdivision variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the Subdivision Design and Improvement Standards chapter.

If the planning commission considers approving the variance, staff suggests that that the approval is conditional upon the subdivision being developed with single-family homes only.

20

**APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS**

Owner or Agent Name (please print): JAMES WILLIAMS

Street Address or Location: 4712 SO. 28<sup>TH</sup> & 4721 SO. 27<sup>TH</sup>

Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_

LOTS 3, 4, AND NORTH HALF OF LOT 5  
SPEER ADDITION.

PROPOSED SPEER ADDITION - LOTS 3A, 3B, 3C, 4A,  
4B, 5A, & 5B - BLOCK 10

Zone: RM-3

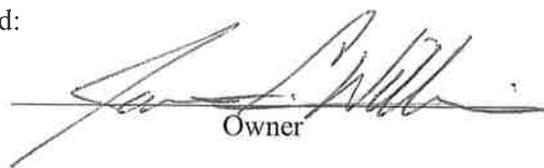
Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

Article: \_\_\_\_\_ Section: 27-503-11

The specific request is as follows:

A VARIANCE FROM THE LANDSCAPING REQUIREMENTS  
THAT REQUIRE PERIMETER FRONTAGE LANDSCAPING

3601 MARSHALL Circle,  
VAN BUREN, AR 72956  
Owner or Agent Mailing Address

Signed:   
Owner

or

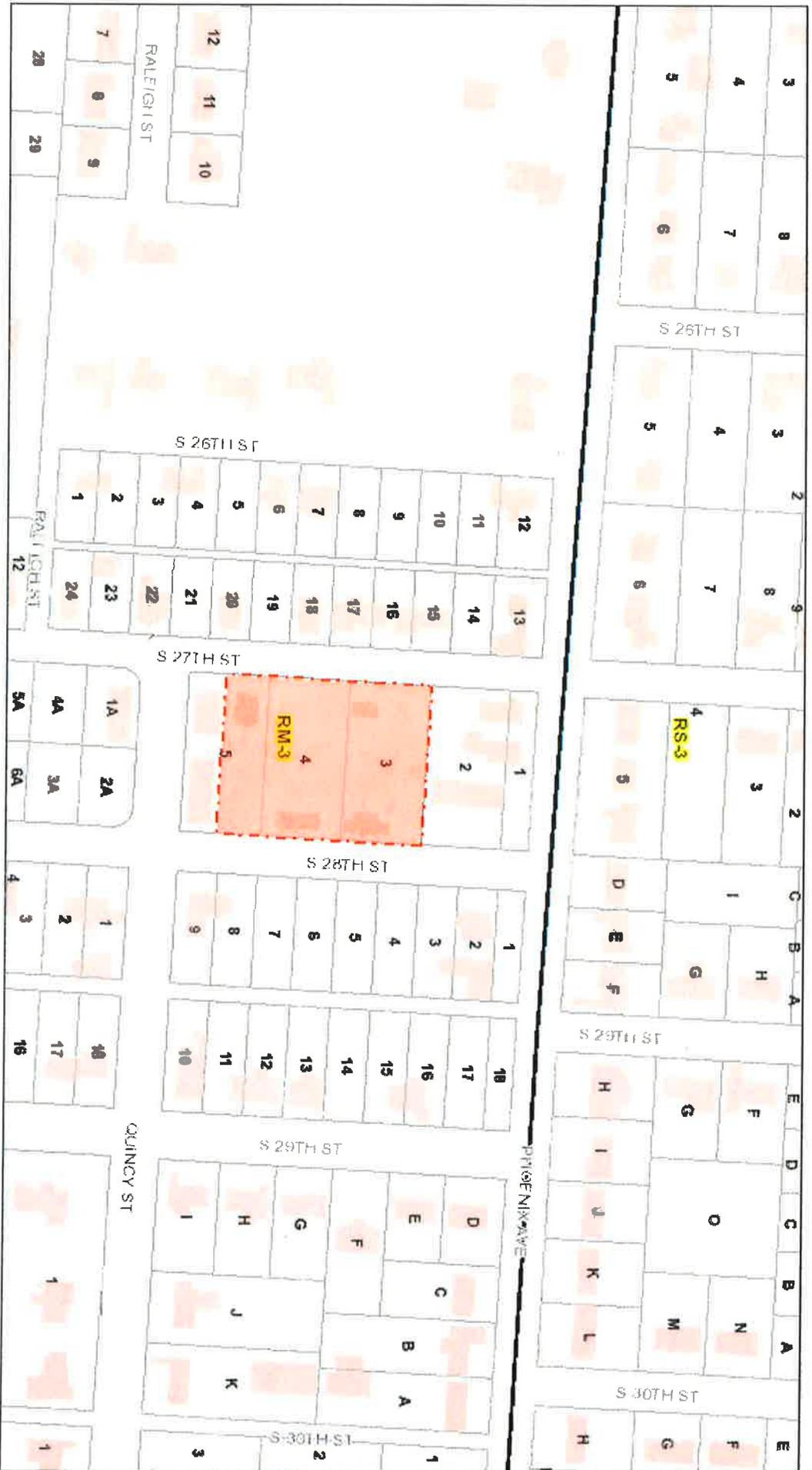
(479) 420-1523  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

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

Subdivision Variance #2-7-15: From UDO, Section 27-503-11  
 4712 South 28th Street & 4721 South 27th Street

Handwritten initials: *EH*



June 23, 2015

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



**PLANNING COMMISSION:**

Chairman \_\_\_\_\_ Date \_\_\_\_\_  
 Secretary \_\_\_\_\_ Date \_\_\_\_\_  
**ALLOTTERS:**  
 BY \_\_\_\_\_ BY \_\_\_\_\_  
 BY \_\_\_\_\_ BY \_\_\_\_\_

**ACKNOWLEDGMENT**

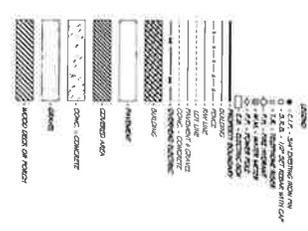
STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

On this day before me, the undersigned Notary Public, within and among the State of Arkansas, duly commissioned and acting as such, appeared \_\_\_\_\_, the person or persons named in the within instrument and certified that he/she/they executed the same for the purposes therein contained.  
 WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**FILED FOR RECORD** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 at \_\_\_\_\_ o'clock \_\_\_\_\_ m \_\_\_\_\_ County  
 Clerk and Ex-Officio Recorder.  
**TOTAL ACRES: 1.14 ACRES (49,691.99 SQ.FT.)**

**PROPERTY DESCRIPTION**  
 Lots 3, 4 and the North Half of Lot 5 of Spreer Addition to the City of Fort Smith, Sebastian County, Arkansas, containing 1.14 acres and subject to any covenants or restrictions.



**SPEER ADDITION - LOTS 3A, 3B, 3C, 4A, 4B, 5A & 5B - BLOCK 10**  
 BEING A REPEAT OF LOTS 3 & 4 THE NORTH HALF OF LOT 5, SPEER ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

**CONTACT: JAMES WILLIAMS**  
 3601 MARSHALL CIRCLE  
 VAN BUREN, AR 72956  
 PHONE: (479) 420-1523

**Wallerfield Land Surveyors P.A.**

DATE OF SURVEY	5-15-15
PROJECT NO.	15-001
CLIENT	WILLIAMS, JAMES
LOCATION	SEBASTIAN COUNTY, ARKANSAS
SCALE	AS SHOWN
BY	JAMES WILLIAMS
CHECKED BY	JAMES WILLIAMS
DATE	5-15-15

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**SURVEYOR'S DISCLAIMER AND STATEMENT OF USE**  
 This survey was conducted by the written or verbal authorization of the person named on the Survey and/or Use Order. I have shown an original copy of the Survey and/or Use Order to the person named on this plat. He or she has the authority to use the plat or map information from this survey except those names or those agents and the survey is only valid to the date when the plat or map was prepared. This plat is protected by copyright and no person other than the person named on the Survey and/or Use Order may use the information contained herein for any purpose other than that for which it was prepared. Wallerfield Land Surveyors, P.A. will not be responsible or have any liability to any other party or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

2F

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 10, 2015

**Re:** Rezoning #8-7-15 - A request by Larry Hall, agent, for Planning Commission consideration of a zone request from Not Zoned to Transitional by classification at 11300 Roberts Boulevard (Companion to items #4 & #5)

## PROPOSED ZONING

The approval of this rezoning will allow for the construction of a medical clinic at this location.

## LOT LOCATION AND SIZE

The subject property is on the south side of Roberts Boulevard east of the entrance ramp to Interstate 49 and west of Terry Street. The tract contains an area of 0.87 acres with approximately 180 feet of street frontage along Roberts Boulevard.

## REQUESTED ZONING

The proposed zoning on this tract is Transitional (T).  
Characteristics of this zone are as follows:

### Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

### Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

### Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital,

daycare homes, substance abuse treatment facility, senior citizen center 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 Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 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 (residential), non residential to be determined by current City building and fire code.	

**EXISTING ZONING**

The property is currently Not Zoned.

**SURROUNDING ZONING AND LAND USE**

The area to the north is Not Zoned and is developed as a cemetery.

The area to the east is Not Zoned and is developed with two vacant building.

The area to the south is Not Zoned and is undeveloped.

The area to the west is Not Zoned and is undeveloped.

**MASTER LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* classifies the site as Mixed Use Business Park. The proposed Transitional zoning will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan. Companion item #4 is a Development Plan Review for the construction of a medical office and companion item #5 is a Variance request for the minimum driveway separation for the new driveways and one existing driveway on the neighboring property.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, July 6, 2015, at the Fort Smith Public Library, Dallas Branch. No neighboring property owner’s were in attendance at the meeting.

Staff recommends approval of the zone request.

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHED

- 2. Address of property: 11300 ROBERTS BLVD. CHAFFEE CROSSING

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

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

- 5. Why is the zoning change requested?

NOT ZONED

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

LARRY HALL

Signed:

TIM A. FIBLEY & ASSOC.

Owner or Agent Name  
(please print)

\_\_\_\_\_

Owner

6101 PHOENIX AVE  
Owner or Agent Mailing Address

or

Larry B. Hall  
Agent

(479) 452-2636  
Owner or Agent Phone Number

Rezoning #8-7-15: From Not Zoned to Transitional (T)  
11300 Roberts Boulevard

30



July 7, 2015

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



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 10, 2015

**Re:** Development Plan Review - A request by Larry Hall, agent, for Planning Commission consideration of a Development Plan request to develop a medical clinic at 11300 Roberts Boulevard (Companion to items #3 & #5)

## **PROPOSED DEVELOPMENT PLAN**

If approved, the development plan and companion applications will allow the development of a 2,272 square foot medical clinic with 24 parking spaces, a covered drop-off lane, and landscaping.

## **LOT LOCATION AND SIZE**

The subject property is on the south side of Roberts Boulevard east of the entrance ramp to Interstate 49 and west of Terry Street. The tract contains an area of 0.87 acres with approximately 180 feet of street frontage along Roberts Boulevard.

## **PROPOSED ZONING**

The proposed zoning on this tract is Transitional (T).  
Characteristics of this zone are as follows:

### **Purpose:**

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

### **Permitted Uses:**

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center 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 Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 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 (residential), non residential to be determined by current City building and fire code.	

**SURROUNDING ZONING AND LAND USE**

The area to the north is Not Zoned and is developed as a cemetery.

The area to the east is Not Zoned and is developed with two vacant building.

The area to the south is Not Zoned and is undeveloped.

The area to the west is Not Zoned and is undeveloped.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The site will be served by two entrance/exits which access to Roberts Boulevard. The applicant has submitted a companion variance application requesting a variance from the required minimum driveway separation.

**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** – Future development on adjacent lots will require stormwater drainage detention and water quality treatment in accordance with the 2011 Storm drainage Standards.

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

**Landscaping** – The landscaping shown meets the current UDO requirements.

**Screening** – The trash enclosure, mechanical units along with parking lot screening are provided in accordance with the UDO requirements.

4B

**Parking** – Eleven parking spaces are required for this project. Twenty four parking spaces are provided. The plan shall be updated to show the width of the parking spaces and the width of the gravel drive.

**Signage** – The plans show a wall sign only. This sign shall not exceed 5% of the total building façade area and no taller than 4’ in height.

**Lighting** – Lighting is shown on the plans and shall comply with the UDO requirements.

**Architectural features** – The building shall be stone veneer with hardi-board siding and architectural shingles. There will be two covered entries with stone veneer and fiberglass column covers for support. The façade will be 100% high quality materials.

**Height and Area** – The building will have an area of 2,272 square feet with the possible addition of 1,010 square feet in the future. The building will have a maximum height of 21’ at the top of the ridge.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, July 6, 2015, at the Fort Smith Public Library, Dallas Branch. No neighboring property owner’s were in attendance at the meeting.

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. BZA approval of the companion variance application.
3. All platting requirements shall be completed prior to the issuance of the building permit.
4. All site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements and Chaffee Crossing Design Guidelines.

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) SEE ATTACHED
  
2. Address of property: 11300 ROBERTS BLVD CHAFFEE CROSSING
  
3. The above described property is now zoned: NOT ZONED
  
4. Does the development plan include a companion rezoning request?  
Yes  No
  
5. If yes, please specify the companion application submitted:
  - Conventional Rezoning
  - Planned Rezoning
  - Conditional Use
  - Master Land Use Plan Amendment
  - Variance
  
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:  
TRANSITIONAL by CLASSIFICATION  
(Zoning Classification) (Extension or classification)
  
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
NONE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
8. Total acreage of property .87 ACRES

Signed:

LARRY HALL  
TIM A. RISLET & ASSOC

Owner or Agent Name  
(please print)

6101 PHOENIX AVE  
Owner or Agent Mailing Address

479 452-2636  
Owner or Agent Phone Number

\_\_\_\_\_  
Owner

or

  
Agent

# Development Plan Review: Medical Clinic 11300 Roberts Boulevard

47



July 7, 2015

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







**GENERAL SITE NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITION OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
2. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
3. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
4. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
5. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
6. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
7. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
8. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
9. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.
10. ALL WORK SHALL BE IN ACCORD WITH THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING (M.E.P.) CODE.

**SITE KEYED NOTES**

1. CONCRETE FOUNDATION SHALL BE 18" THICK WITH 4# REINFORCING BARS @ 18" ON CENTER.
2. CONCRETE FOUNDATION SHALL BE 18" THICK WITH 4# REINFORCING BARS @ 18" ON CENTER.
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8. CONCRETE FOUNDATION SHALL BE 18" THICK WITH 4# REINFORCING BARS @ 18" ON CENTER.
9. CONCRETE FOUNDATION SHALL BE 18" THICK WITH 4# REINFORCING BARS @ 18" ON CENTER.
10. CONCRETE FOUNDATION SHALL BE 18" THICK WITH 4# REINFORCING BARS @ 18" ON CENTER.

**BUILDING DATA**

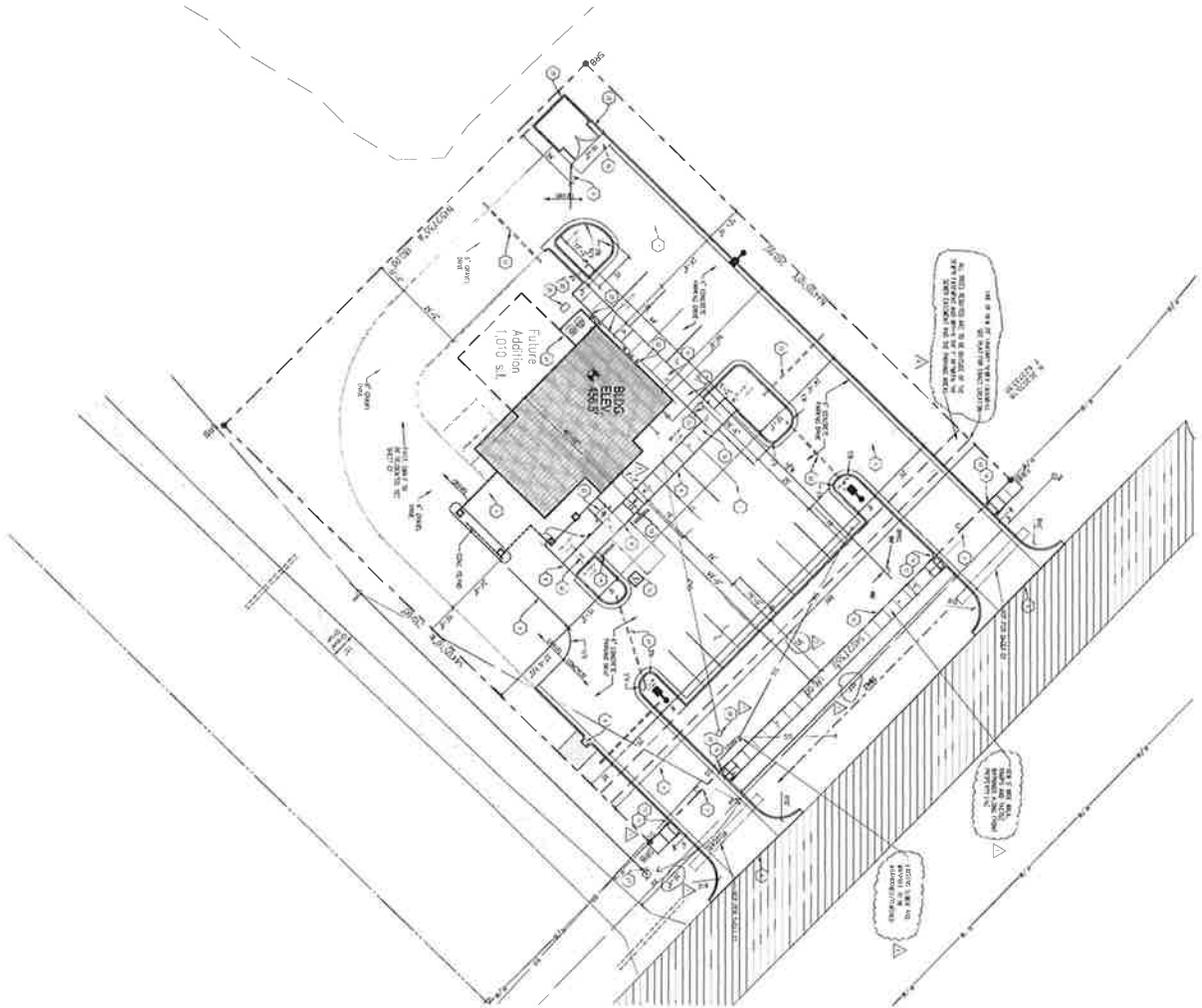
GROSS FLOOR AREA=2272 S.F.  
 PARKING REQUIREMENTS:  
 PARKING SPACES REQUIRED:  
 1 SPACE PER 200 S.F. OF GFA  
 2272 S.F./200=11 SPACES

**SITE DATA**

ZONING:  
 FORA LAND USE DESIGNATION:  
 EXISTING: PARKS  
 PROPOSED: COMMERCIAL/OFFICE  
 CITY OF FORT SMITH  
 EXISTING: NOT ZONED  
 PROPOSED: TRANSITIONAL

**BUILDING SETBACKS:**  
 FRONT YARD SETBACK: 20'  
 SIDE YARD SETBACK: 5'  
 REAR YARD SETBACK: 10'

**1 SITE PLAN**



**CHAFFEE CROSSING CLINIC**  
 Dr. Justin Hayes  
 11300 Roberts Blvd  
 Fort Smith, Arkansas

**TIM A. RISLEY & ASSOCIATES**  
 ARCHITECTS AND PLANNERS  
 81 CONIARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72903  
 PHONE - 479.452.2636 • FAX - 479.452.3825 • EMAIL - info@risley-associates.com



47

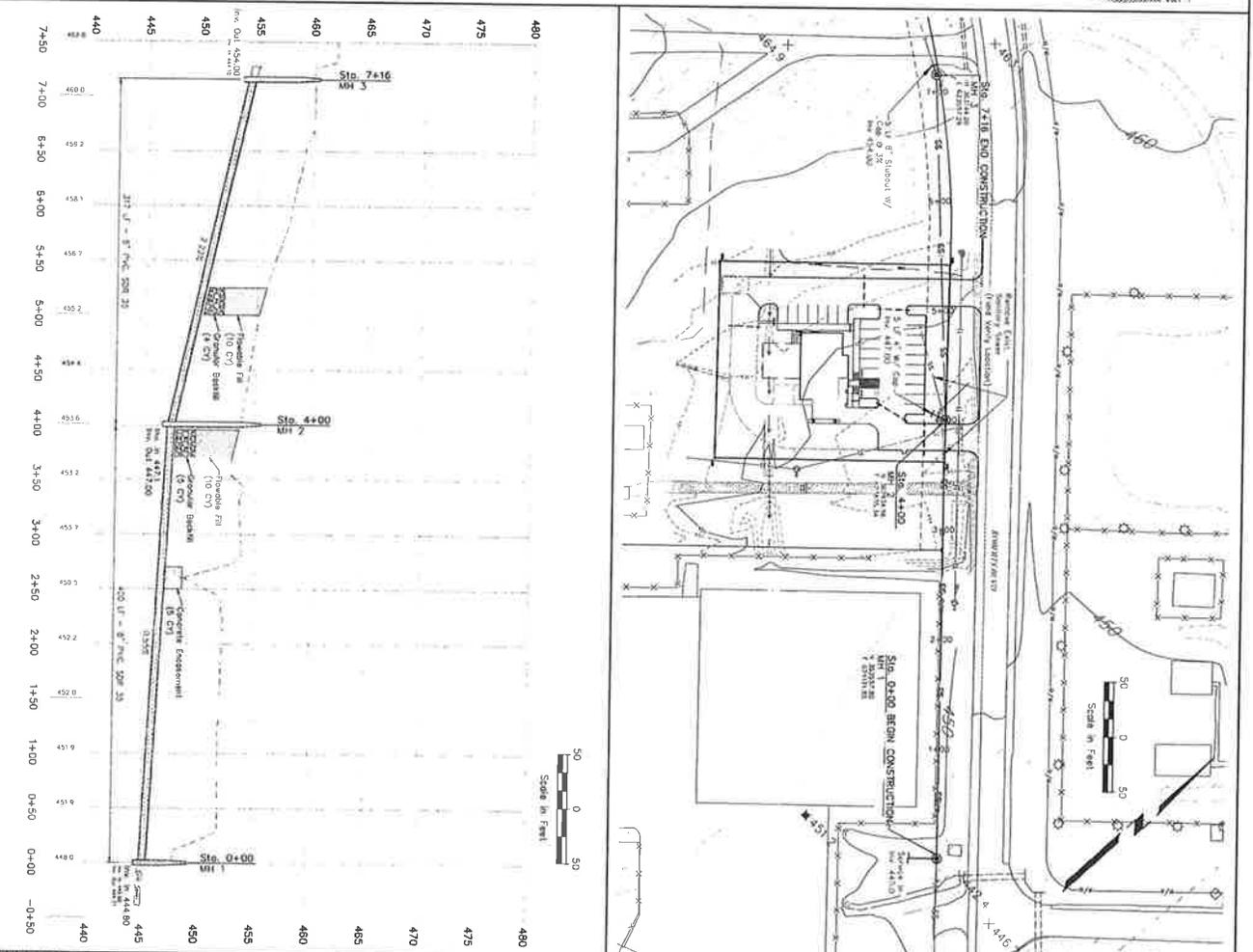




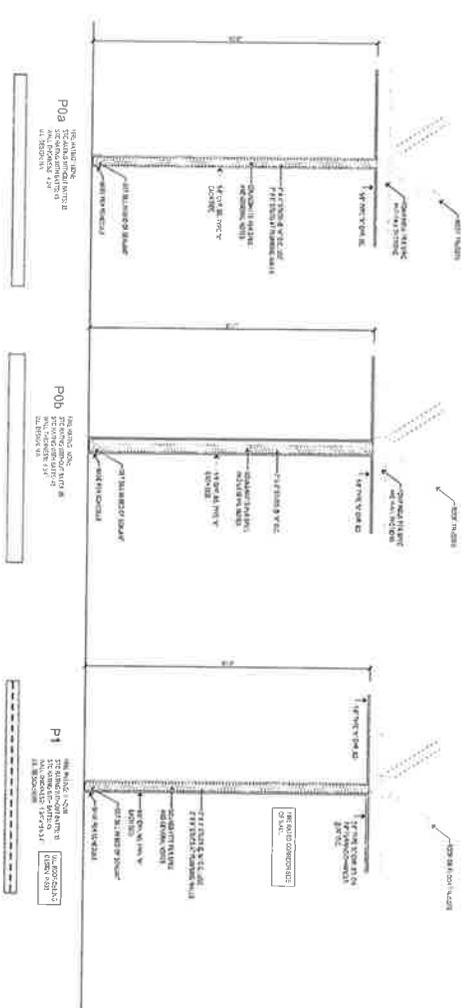
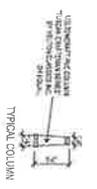
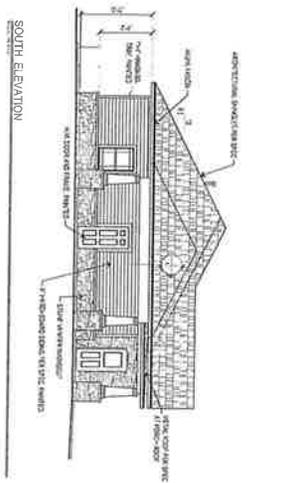
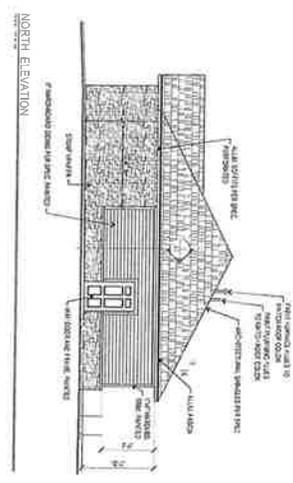
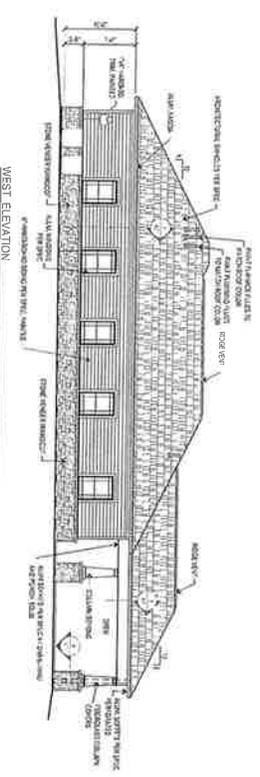
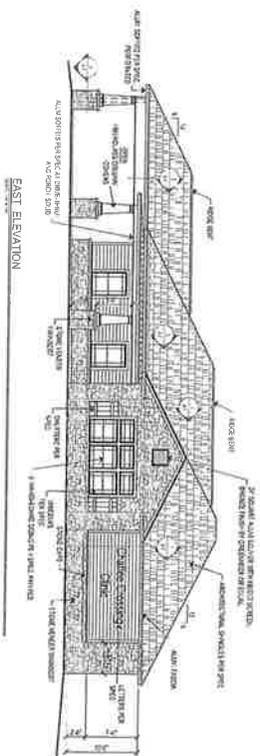


**NOTES:**

1. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD.
2. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD. FLOWLINE SHALL BE PROTECTED WITH BRASS PLATES ON A TOWERHEAD.
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5. CONCRETE REPAIRS SHALL NOT BE PERMITTED FOR TRENCHES OF A DEPTH OF MORE THAN 24 INCHES. CONCRETE REPAIRS SHALL NOT BE PERMITTED FOR TRENCHES OF A DEPTH OF MORE THAN 24 INCHES.
6. REPAIR MATERIAL AND COMPACTOR WITH VIBRATING HEADS IS CONSIDERED ACCEPTABLE FOR ALL REPAIRS. REPAIR MATERIAL SHALL BE COMPACTED TO THE SPECIFIED DENSITY.
7. NO STONES OR LIMES SHALL BE USED IN TRENCHES OF LESS THAN 24 INCHES. NO STONES OR LIMES SHALL BE USED IN TRENCHES OF LESS THAN 24 INCHES.
8. GRANULAR BACKFILL AND BEDDING SHALL BE 1/4" MAX TO NO. 4 MATERIAL PER THE SPECIFICATIONS. GRANULAR BACKFILL AND BEDDING SHALL BE 1/4" MAX TO NO. 4 MATERIAL PER THE SPECIFICATIONS.
9. GRANULAR BACKFILL SHALL BE USED FOR BEDDING TO WITHIN 2" OF FINISH GRADE.
10. GRANULAR BACKFILL SHALL BE USED FOR BEDDING TO WITHIN 2" OF FINISH GRADE.



42



**PARTITION TYPES**

NOTE: SEE ARCHITECTURAL SPECIFICATIONS FOR MATERIALS, FINISHES, AND INSTALLATION. PARTITION TYPES ARE SUBJECT TO CHANGE WITHOUT NOTICE. PARTITION TYPES ARE SUBJECT TO CHANGE WITHOUT NOTICE.



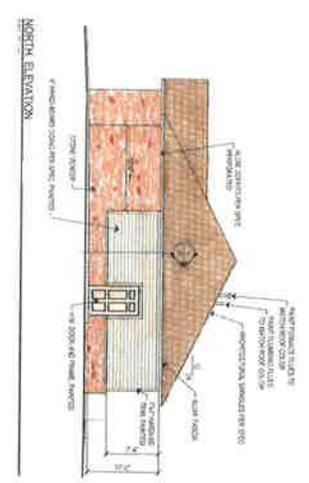
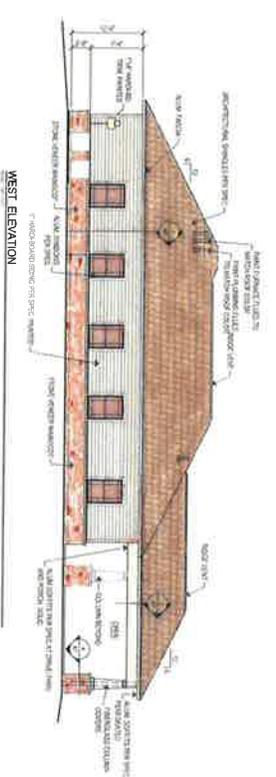
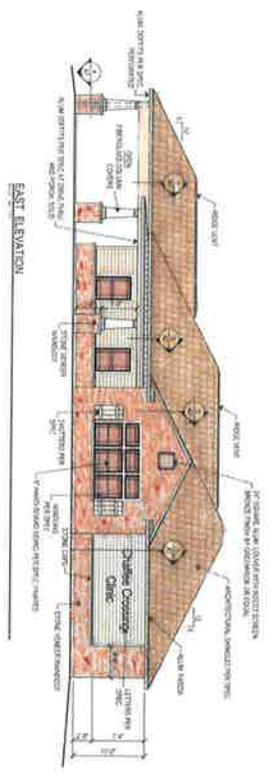
**CHAFFEE CROSSING CLINIC**  
 Dr. Justin Hayes  
 11300 Roberts Blvd  
 Fort Smith, Arkansas

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

81 CONIARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72003  
 PHONE • 479.452.2636 • FAX • 479.452.3325 • EMAIL • info@risley-associates.com



4M



STREET ELEVATION



CHAFFEE CROSSING CLINIC  
 Dr. Justin Hayes  
 11300 Roberts Blvd  
 Fort Smith, Arkansas

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 10, 2015

**Re:** Variance #17-7-15 - A request by Larry Hall, agent, for Board of Zoning Adjustment consideration of a zoning variance request from: A) 200' to 107' minimum driveway separation distance and B) 200' to 28' minimum driveway separation distance at 11300 Roberts Boulevard (Companion to items #3 & #4)

## REQUESTED VARIANCE

The approval of this variance will allow for two driveways to be constructed on the site. One driveway at each end of the property is proposed. There is also an existing driveway to the east of the site that they are requesting the second variance for.

## LOT LOCATION AND SIZE

The subject property is on the south side of Roberts Boulevard east of the entrance ramp to Interstate 49 and west of Terry Street. The tract contains an area of 0.87 acres with approximately 180 feet of street frontage along Roberts Boulevard.

## EXISTING ZONING

The property is currently Not Zoned. Companion item #3 is requesting a zoning of Transitional for this property.

The proposed zoning on this tract is Transitional (T).  
Characteristics of this zone are as follows:

### Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

### Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

**Conditional Uses:**

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 5,000 square feet
- Maximum Lot Size – 40,000 square feet
- Minimum Lot Width at Building Line – 50 feet
- Minimum Street Frontage – 50 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 (residential), non residential to be determined by current City building and fire code.
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 65%

**SURROUNDING ZONING AND LAND USE**

The area to the north is Not Zoned and is developed as a cemetery.

The area to the east is Not Zoned and is developed with two vacant building.

The area to the south is Not Zoned and is undeveloped.

The area to the west is Not Zoned and is undeveloped.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Roberts Boulevard as Major Arterial.

**MASTER LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan* classifies the site as Mixed Use Business Park. The proposed Transitional zoning will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

**APPLICANT HARDSHIP**

The applicant cites the hardship due to the width of the lot limited to 180 feet. The applicant states that two driveways are proposed so that sanitation trucks can exit the site via a driveway without driving through the parking area and causing maintenance issues. The second separation variance is needed due to an existing dirt driveway that leads to an old, existing building. The applicant states that the building will be demolished as the remainder of the property is developed.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, July 6, 2015, at the Fort Smith Public Library, Dallas Branch. No neighboring property owner's were in attendance at the meeting.

The city's Engineering Department has no objections to the variance provided the gravel driveway is removed when the existing building is demolished and the remaining property is developed.

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

Staff recommends approval of the application.

**APPLICATION FOR VARIANCE #1**

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 11300 ROBERTS BLVD., Existing or Proposed

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

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

**FROM**

**TO**

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

200' - 107' Other: DRIVEWAY SEPARATION DISTANCE

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:

LARRY B. HALL  
TIM A. BISLET & ASSOC.  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

or

(479) 452-2636  
Owner or Agent Phone Number

Larry B. Hall  
Agent

6101 PHOENIX AVE.  
FORT SMITH, AR.  
Owner or Agent Mailing Address

Variance # 1

VARIANCE INFORMATION FORM # 1

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

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

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

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

Explanation of question #4 (if applicable)

LOT WIDTH IS 180'. OWNER PREFERS HAVING 2 ENTRANCES SO THAT THE TRASH/SANITATION TRUCK CAN EXIT THE SITE AND NOT BE REQUIRED TO EXIT THRU THE PARKING AREA.

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

OWNER PREFERS FOR SANITATION TRUCK NOT BE REQUIRED TO EXIT THRU THE PARKING AREA CAUSING CONFLICTS WITH PATIENTS AND WEAR/TEAR OF PARKING AREA DRIVE THAT PATIENTS USE

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:

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**APPLICATION FOR VARIANCE #2**

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 11300 ROBERTS BLVD., Existing or Proposed

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

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

- | <u>FROM</u> | <u>TO</u>  |
|-------------|--|
| _____       | - _____ Front Yard Setback or Minimum Distance from Right-of-Way |
| _____       | - _____ Exterior Side Yard Setback                               |
| _____       | - _____ Interior Side Yard Setback                               |
| _____       | - _____ Rear Yard Setback  |
| _____       | - _____ Maximum Height of Structure                              |
| _____       | - _____ Minimum Distance Between Structures on the Same Lot      |
| _____       | - _____ Minimum Lot Area (Square Feet)                           |
| _____       | - _____ Minimum Lot Frontage                                     |
| _____       | - _____ Maximum Size of a Sign                                   |
| <u>200'</u> | - <u>28'</u> Other: <u>DRIVEWAY SEPARATION DISTANCE</u>          |

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

54

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

Signed:

LARRY B. HALL  
TIM A. FISLET & ASSOC.  
Owner or Agent Name (please print)

\_\_\_\_\_  
Owner

or

(479) 452-2636  
Owner or Agent Phone Number

Larry B. Hall  
Agent

6101 PHOENIX AVE, FORTSMITH  
Owner or Agent Mailing Address

Variance # 2

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

Explanation of question #4 (if applicable)

THE OWNER OF THE PROPOSED LOT OWNS PROPERTY ON ALL SIDES OF THE PROPERTY. THE DIRT DRIVEWAY TO THE EAST LEADS TO AN OLD EXIST. BLDG. THAT WILL BE TORN DOWN WHEN THE REMAINDER OF THE PROPERTY IS DEVELOPED.

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

THE EXISTING DIRT DRIVE WILL EVENTUALLY BE ABANDONED WHEN THE PROPERTY IS DEVELOPED, AND THE EXISTING BUILDING IS TORN DOWN.

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:

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Variance #17-7-15: From 200' to 107' and From 200' to 28' driveway separation distance  
11300 Roberts Boulevard

52



July 7, 2015

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





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** June 30, 2015

**Re:** Rezoning #9-7-15 - A request by Mickle-Wagner-Coleman, agent for Brownwood Life Care, for Planning Commission consideration of a zone request from Not Zoned to Planned Zoning District by classification at 7500 Wells Lake Road

## PROPOSED ZONING

The rezoning if approved will allow for a new 42,630 s.f. nursing home located on an approximate 9 acre tract of land with approximately 86 parking spaces and landscaping

## LOT LOCATION AND SIZE

The subject property is on the west side of Wells Lake Road between Free Boulevard and Roberts Boulevard. The tract contains an area of 9.03 acres with approximately 600 feet of street frontage along Wells Lake 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 property is currently Not Zoned (NZ).

## SURROUNDING ZONING AND LAND USE

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

The area to the east is not zoned and is developed as the officers club.

The area to the east is zoned Residential Single Family High Density (RS-4) and is undeveloped.

## MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Land Use Plan classifies the site as Commercial/Office. This classification is intended to guide the appropriate development of non-residential uses with a larger community context, establish a strong street presence through setbacks and other mixed use categories and to promote parking on the sides and rear of the buildings.

## 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- the site plan shows the building location along with the proposed parking lots and areas for landscaping with the driveways defined on the plan. The development has room at the rear of the building to shift if the easements at the front of the property conflict with the landscaping.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes – all traffic will enter and exit the site plan from Wells Lake Road.**
- 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 – the architectural features will consist hardie board of 100% high quality materials on each façade.**
- 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? **The overall plan will be consistent with the design patterns for the Master Street Plan, Comprehensive Plan, and Chaffee Crossing Master Land Use Plan.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **The existing right of way is adequate for Wells Lake Road.**

LB

- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **All easements and utilities will comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction and will be verified during platting process.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Most of the surrounding properties are undeveloped with the exception of the officers club located to the north of the project. The project engineer has provided a traffic information statement which has been reviewed and approved by the city's Engineering Department.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The building will utilize 100% of high quality materials. The landscaping will exceed the UDO requirements by following the Chaffee Crossing Design standards which requires more landscaping than the UDO such as building landscaping and parking area landscaping.**

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The property will be accessible from Wells Lake Road.

**Right-of-way dedication** – All right-of-way dedication is adequate as shown from the plat comments.

**Drainage** – The site plan shows a detention pond at the rear of the development. The drainage plan shall be approved by the city engineering department during the building permit review.

**Landscaping & Screening** – The submitted booklet states that the buffer areas, screening and landscaping areas will meet or exceed the City of Fort Smith UDO.

**Parking** – The project booklet states the site will have 86 parking spaces. Previous comments from the engineering firm state that this will exceed the UDO requirements.

**Signage** – The project booklet states that monument style signage will be used.

**Sidewalks** – Sidewalks are proposed along Wells Lake 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) **The proposed development is in compliance with the applicable plans. With the exception of the sidewalks and landscaping inside the utility easement.**
- B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**

6C

- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses. **The zoning and proposed uses are compatible with the nearby properties.**
- 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. A **Traffic Information Statement was submitted to the city's Engineering Department and is acceptable.**
- 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. **A 6 inch water line will be extended from the existing 12 inch water line across Wells Lake Road. FCRA will be extending an 8" sanitary sewer line and franchise utilities will be extended to the site.**
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700). **The land uses, design guidelines and PZD information complies or exceeds the UDO requirements.**

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

A neighborhood meeting was held on Tuesday June 16, 2015, at 1:00 P.M. at the FCRA offices. One attendee was present at the meeting and asked questions about detention/water quality basin which Mr. Griffin addressed how the project would accommodate the concerns. There were no objections to the proposed project.

Staff recommends approval of the proposed Planned Zoning District based on compliance with the submitted project booklet.

**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)

See Attached

2. Address of property: 7500 Wells Lake Road

3. The above described property is now zoned: Not Zoned

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

5. Explain why the Planned Zoning District is requested?

The project would require variances to utilize applicable conventional zoning.

\_\_\_\_\_

\_\_\_\_\_

Signed:

Mickle Wagner Coleman, Inc.

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

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

~~Owner or Agent Mailing Address~~

479-649-8484

~~Owner or Agent Phone Number~~

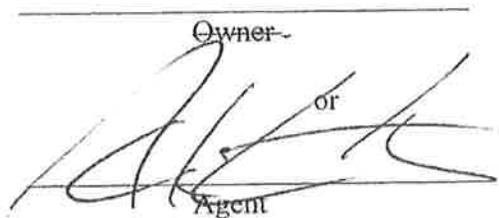
\_\_\_\_\_

Owner -

or

\_\_\_\_\_

Agent



Rezoning #9-7-15: From Not Zoned to Planned Zoning District (PZD)  
 7500 Wells Lake Road

6F



July 8, 2015

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



Patrick J. Mickle, P.E.  
Neal B. Wagner, PLS  
Randell C. Coleman, P.E.  
Andrew J. Dibble, P.E.

**Neighborhood Meeting Minutes  
Brownwood Life Care Center  
June 16, 2015 1:00 PM  
FCRA Offices  
7020 Taylor Avenue, Fort Smith, Arkansas**

A neighborhood meeting to discuss the Brownwood Life Care Center at Chaffee Crossing project was held Tuesday, June 16, 2015 at 1:00 p.m. at the FCRA Offices, 7020 Taylor Avenue, Fort Smith, Arkansas. The meeting was called to order at 1:00 p.m.; Nick Griffin was the moderator. The only attendees were Rebecca Gomez of Lend-A-Hand and Brenda Andrews of the City of Fort Smith Planning Dept. See attached list of attendees. Mr. Griffin explained the scope of the project and answered questions from Mrs. Gomez regarding the detention/water quality basin.

There being no further comments, the meeting adjourned at 1:20 p.m.

A handwritten signature in black ink, appearing to read 'Nick Griffin', written over a horizontal line.

Nicholas J. Griffin

F:\doc\misc\Neighborhood Meeting Minutes – Brownwood Life Care 6-16-15.doc

**BROWNWOOD NEIGHBORHOOD MEETING**  
**June 16, 2015 – 1:00 p.m.**

79

Printed Name	Company/Organization	Phone
Alic Griffin	Michelle Wagner Coleman	479-649-8484
Rebecca Gomez	head a round	479-208-9917
Brenda Andrews	Forest Smith Planning Dept	784-2219

**BROWNWOOD LIFE CARE CENTER  
PLANNED ZONING DISTRICT  
PROJECT BOOKLET**

**Brownwood Life Care Center  
PLANNED ZONING DISTRICT APPLICATION  
PROJECT BOOKLET**

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

The property for the Brownwood Life Care is not currently zoned. A Planned Zoning District (PZD) is proposed for this project. A PZD will allow the development to utilize design standards which meet or exceed the minimum standards required by the UDO and FCRA design guidelines.

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

**OWNER**  
Brownwood Life Care  
2121 Towson Avenue  
Fort Smith, AR 72901

**REPRESENTATIVE**  
Mickle Wagner Coleman, Inc.  
3434 Country Club Avenue  
Fort Smith, AR 72903

**3c. Description of the scope, nature, and intent of the proposal.**

The PZD will include an area of 9 acres located on Wells Lake Road near the Chaffee Officer's Club. The proposed use is a 42,000+ sq.ft., nursing home facility and a 86 space parking area. A vicinity map and development plan is included in the Appendix A.

**3d. General Project Scope.**

- i. Street and lot layout:  
See attached development plan. Access to the site is via Wells Lake Road.
- ii. Site plan showing improvements:  
See attached Development Plan.
- iii. Buffer areas, screening and landscaping areas:  
All items will meet or exceed City UDO requirements. Landscaping meets FCRA requirements with the exception of the variances. Proposed variances are detailed in section 3j.
- iv. Storm water detention areas and drainage:  
All detention and drainage will comply with The City of Fort Smith's 2011 Storm Drainage Standards. Detention areas are shown on attached Development Plan.

- v. Undisturbed natural areas:  
The western edge of the property contains good quality hardwood trees that will remain as a buffer to the proposed green belt that bounds the west side of the property.
- vi. Existing and proposed utility connections and extensions:
  - a. A 6" water line will be extended from the existing 12" water line across Wells Lake Road.
  - b. A proposed 8" Sanitary Sewer will be extended to the site by FCRA
  - c. Franchise Utilities will be extended to the site
- vii. Development and architectural design standards:
  - a. Design standards will meet or exceed UDO and FCRA design guidelines with approved FCRA variances.
  - b. Landscape materials and types will meet the requirements of the UDO and FCRA architectural standards with approved FCRA variances.
  - c. All exterior lighting will comply with the UDO "Commercial Outdoor Lighting" regulations.
- viii. Building elevations:
  - a. See attached elevations
- ix. Proposed signage (Type and Size):
  - a. The sign will be a masonry monument style sign and will comply with UDO and FCRA sign regulations. The road frontage is 600', thus the maximum sign area is limited to 100 sq.ft. maximum.

**3e. Proposed Development Phasing and Time Frame**

The development is proposed to be constructed beginning August 2015.

**3f. Identify land use designations**

The property is designated as "Commercial/Office" according to the Chaffee Crossing Master Land Use plan.

**3g. Identify area and bulk regulations**

- a. Minimum lot size: 9 acres.
- b. Minimum lot width at BSL: 150'.
- c. Maximum lot coverage: 60%.
- d. Maximum height: 38'
- e. Additional height: Per UDO code 27-404-D
- f. Setbacks:
  - Front: 25'.
  - Side: 10'.
  - Street side/corner: 25'.

6K

- Rear: 10’.
- Minimum street frontage: 50’.
- Minimum building separation: To be determined by current building and 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.)**

Not Applicable; Currently the Property is not zoned.

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

The proposed land use is a nursing home. This is a conditional use in the Transitional Zone as well as Commercial 2 through Commercial 5 Zones. See land use chart in Appendix C.

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

Architectural Elevations and Landscape Plans are included in Appendix B.

The building architecture will meet and exceed UDO requirements. Architectural elevations are included in Appendix B. The building will utilize 100% high quality materials: brick, Hardy Plank fiber cement board. Hardy Board is not on Chaffee Crossings’ approved building material list. Thus, a variance will be requested at the FCRA Design Review Committee meeting.

Landscaping will meet or exceed UDO requirements. The landscaping will meet FCRA requirements with the exception of the following variances that will be requested at the FCRA Design Review Committee meeting:

Building Landscaping:

FCRA Requirement: 1 Tree plus 4 shrubs per 40 linear feet of building.

Variance: Landscaping only required at entrances to building

Parking Lot Landscape:

FCRA Requirement: 1 shade tree per 8 spaces.

Variance: 1 tree on each corner of parking lot

Perimeter Landscaping:

FCRA Requirement: Along perimeter within setbacks

Variance: Perimeter landscaping only required along Wells Lake Road Frontage.

Parking Lot Screening:

FCRA Requirement: Parking lots shall be screened from Street rights of way as well adjacent properties.

Variance: Perimeter landscaping along Wells Lake Road shall be used as parking lot screening for the lot in the front (east side) of the building. The parking lot behind the building will not be screened. The existing trees along the west side of the property screens this lot to the west. The building structure screens this parking lot from property to the east and south. Topography will screen this lot from property to the north.

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

Much of the surrounding property is undeveloped with the exception of the existing Officer's Club to the north. Lend-A-Hand is planning a single family development across the street on the east side of Wells Lake Road.

The City of Fort Smith (in partnership with FCRA) is constructing two 38' wide streets: McClure Drive Extension and R.A. Young Jr Drive. McClure Drive will link Wells Lake Road to Massard Road and facilitate traffic in the area.

A 100 sq.ft. masonry monument style sign will be used and will meet or exceed Fort Smith UDO requirements and FCRA design guidelines

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

The City of Fort Smith Engineering department has reviewed and approved the traffic statement for this project.

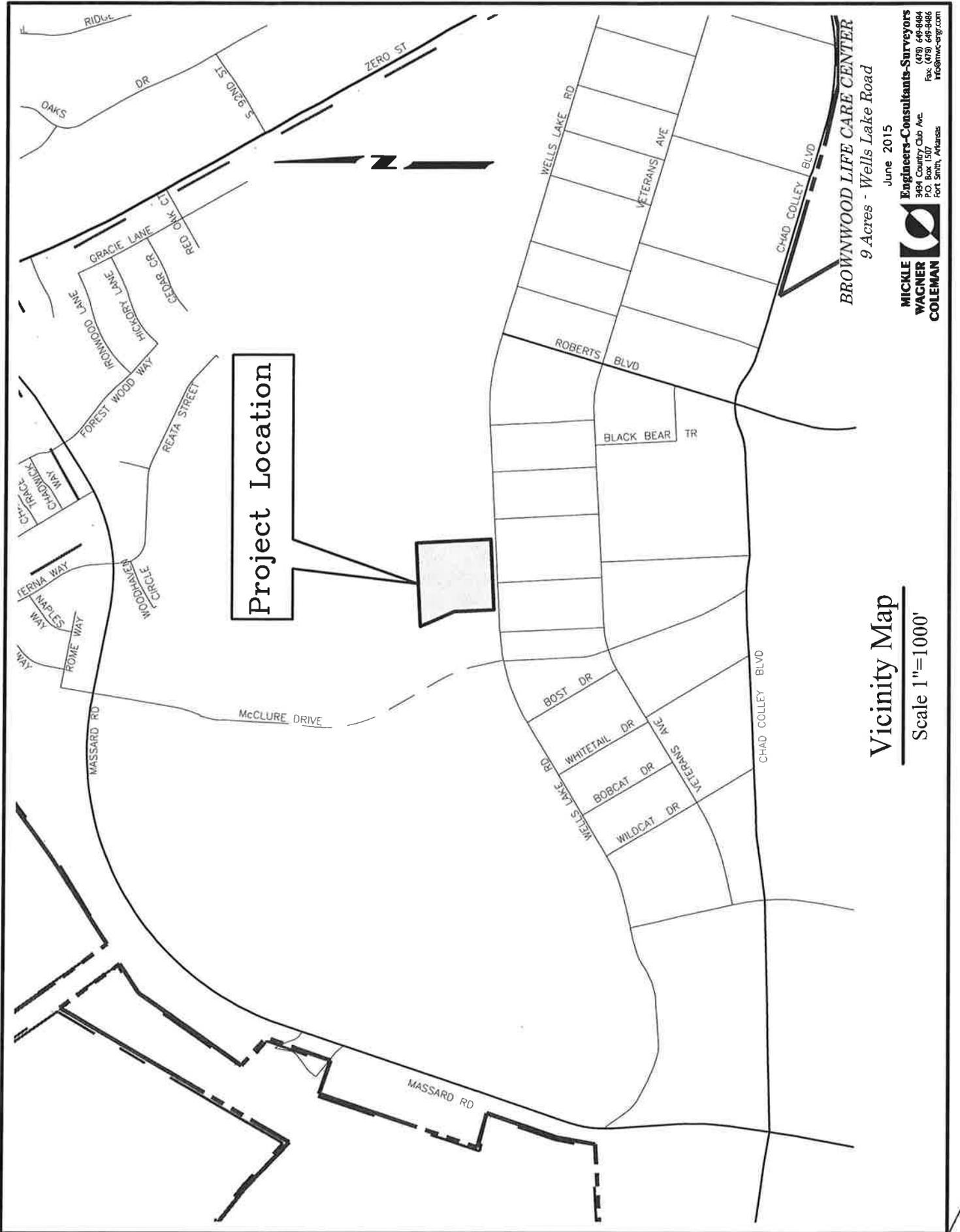
3m. **Statement of availability of water and sewer (state size of lines).**

A 6" water line will be extended from the existing 12" water line across Wells Lake Road. The Fort Chaffee Redevelopment Authority currently has a sewer project scheduled for completion in the summer of 2015. This project includes an 8-inch sanitary sewer extension to the Brownwood Site.

**APPENDIX A**

Vicinity Map  
Development Plan

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**Project Location**

**Vicinity Map**  
 Scale 1"=1000'

**BROWNWOOD LIFE CARE CENTER**  
 9 Acres - Wells Lake Road

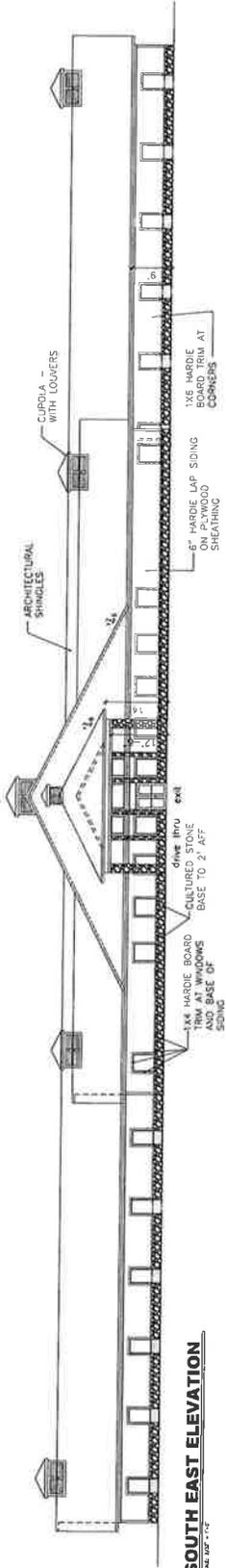
June 2015  
**MICKLE WAGNER COLEMAN**  
 Engineers-Consultants-Surveyors  
 3424 Country Club Ave.  
 P.O. Box 1507  
 Fort Smith, Arkansas  
 (479) 646-8484  
 Fax: (479) 646-8486  
 info@mwc-engr.com

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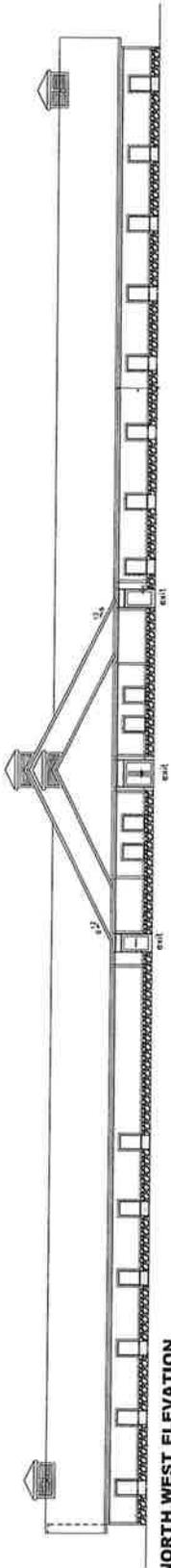


**APPENDIX B**

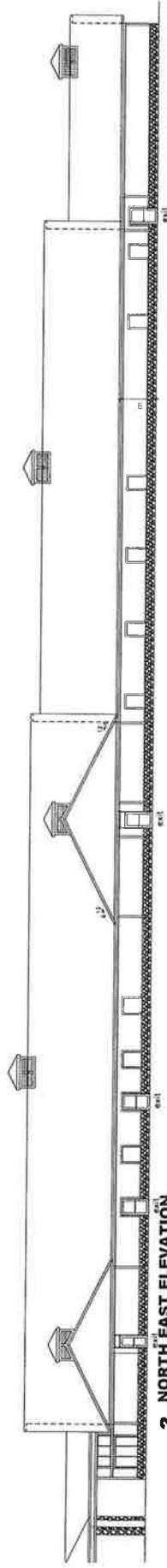
Architectural Elevations  
Landscape Plans



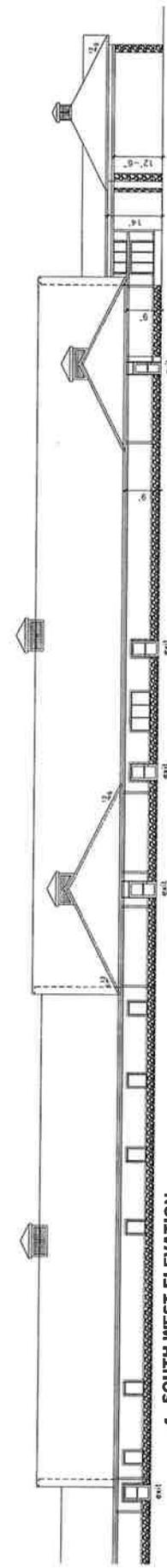
**1 SOUTH EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



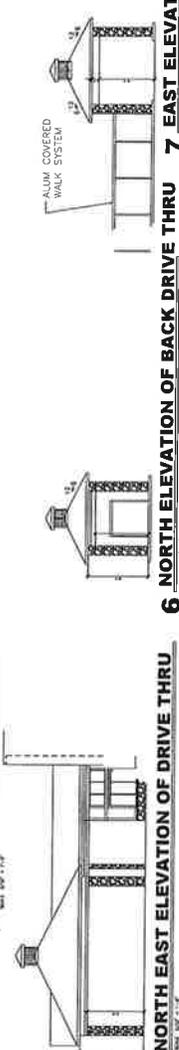
**2 NORTH WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 NORTH EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



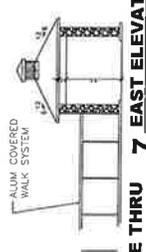
**4 SOUTH WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**5 NORTH EAST ELEVATION OF DRIVE THRU**  
SCALE: 1/8" = 1'-0"



**6 NORTH ELEVATION OF BACK DRIVE THRU**  
SCALE: 1/8" = 1'-0"



**7 EAST ELEVATION OF BACK DRIVE THRU**  
SCALE: 1/8" = 1'-0"

ALUM COVERED WALK SYSTEM

6R



**FRONT ELEVATION**

**DRIVE THRU**



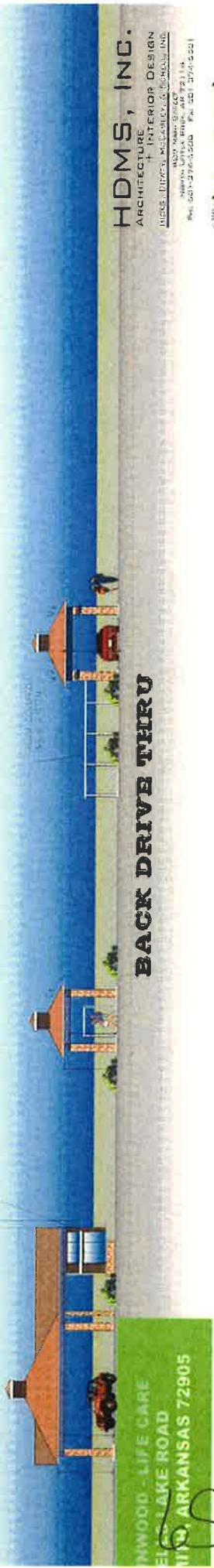
**BACK ELEVATION**



**RIGHT ELEVATION**



**LEFT ELEVATION**



**BACK DRIVE THRU**

**HDM5, INC.**  
 ARCHITECTURE  
 + INTERIOR DESIGN  
 1000 E. DIXIE AVE. SUITE 100  
 HAWKINSVILLE, ARKANSAS 72905  
 TEL: 501-276-5500 FAX: 501-276-5501

ANWOOD - LIFE CARE  
 1000 LAKE ROAD  
 HAWKINSVILLE, ARKANSAS 72905

*[Handwritten signature]*



**APPENDIX C**

Land Use Chart



July 1, 2015

**Traffic Information Statement  
Brownwood Life Care**

- Brownwood Life Care is an assisted living facility planned to have 50 beds and 75 employees.
- Access will be provided by:
  - Wells Lake Road is classified as a Major Collector.
- This area is zoned commercial and residential.
- Because the nature of future commercial and residential development along Wells Lake Road is not well known, commercial traffic volumes cannot be estimated at this time.
- The ITE “Trip Generation Manual” projects, for assisted living (Code 254), weekday trips at 137 vehicles per day (ADT) and the PM Peak Hour traffic at 19 vehicles per hour.
- Traffic patterns in this area may be effected somewhat if Arkansas Highway 255 in the north is re-routed to follow Frontier Road, but adverse impact would not be expected from this facility given the low ADT projection.
- Conclusion: The traffic generated by Brownwood Life Care should not significantly impact traffic patterns, nor significantly impact the level-of-service.

f:\doc\misc\traffic impact stmt – Brownwood life care 7-1-15.doc

6W

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 2, 2015

**Re:** Rezoning #10-7-15 - A request by Al Prieur, agent for Bryan White, for Planning Commission consideration of a rezoning request from Commercial Heavy (C-5-SPL) to Commercial Heavy (C-5) by classification at 1520 South U Street (Companion to items #8 & #9)

## PROPOSED ZONING

The rezoning and other applications if approved will allow for the development of a multifamily development (four-plex) located at 1520 South U Street.

## LOT LOCATION AND SIZE

The subject property is on the southwest intersection of South "U" Street and South 16<sup>th</sup> Street. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along South U Street.

## REQUESTED ZONING

The requested 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 Special (C-5-SPL).

Ordinance #88-11 that authorized the rezoning required that the rezoning was subject to the development plan for mini storages that was approved by the Planning Commission on October 11, 2011.

**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.

7B

**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 property to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as single-family residences.

The properties to the south and west are zoned Commercial Regional (C-4) and are undeveloped.

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

**MASTER LAND USE PLAN COMPLIANCE**

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

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting will be held Monday, July 13, 5:30 p.m., on site. A summary of the meeting will be provided to the planning commission.

Staff recommends approval of the rezoning contingent upon the submitted companion development plan and variance applications.

nc

Rez. #107-15

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)

LOTS 5 & 6 BLOCK 59 BAILY ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

- 2. Address of property: 1520 SOUTH "U" STREET

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

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

- 5. Why is the zoning change requested?  
THE REZONING WILL ALLOW THE DEVELOPMENT OF A 4-PLEX

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

Signed:

ALVIN L. PRIEUR, JR., PE

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

\_\_\_\_\_  
Owner

P O BOX 1689, VAN BUREN, AR 72957

~~Owner~~ or Agent Mailing Address

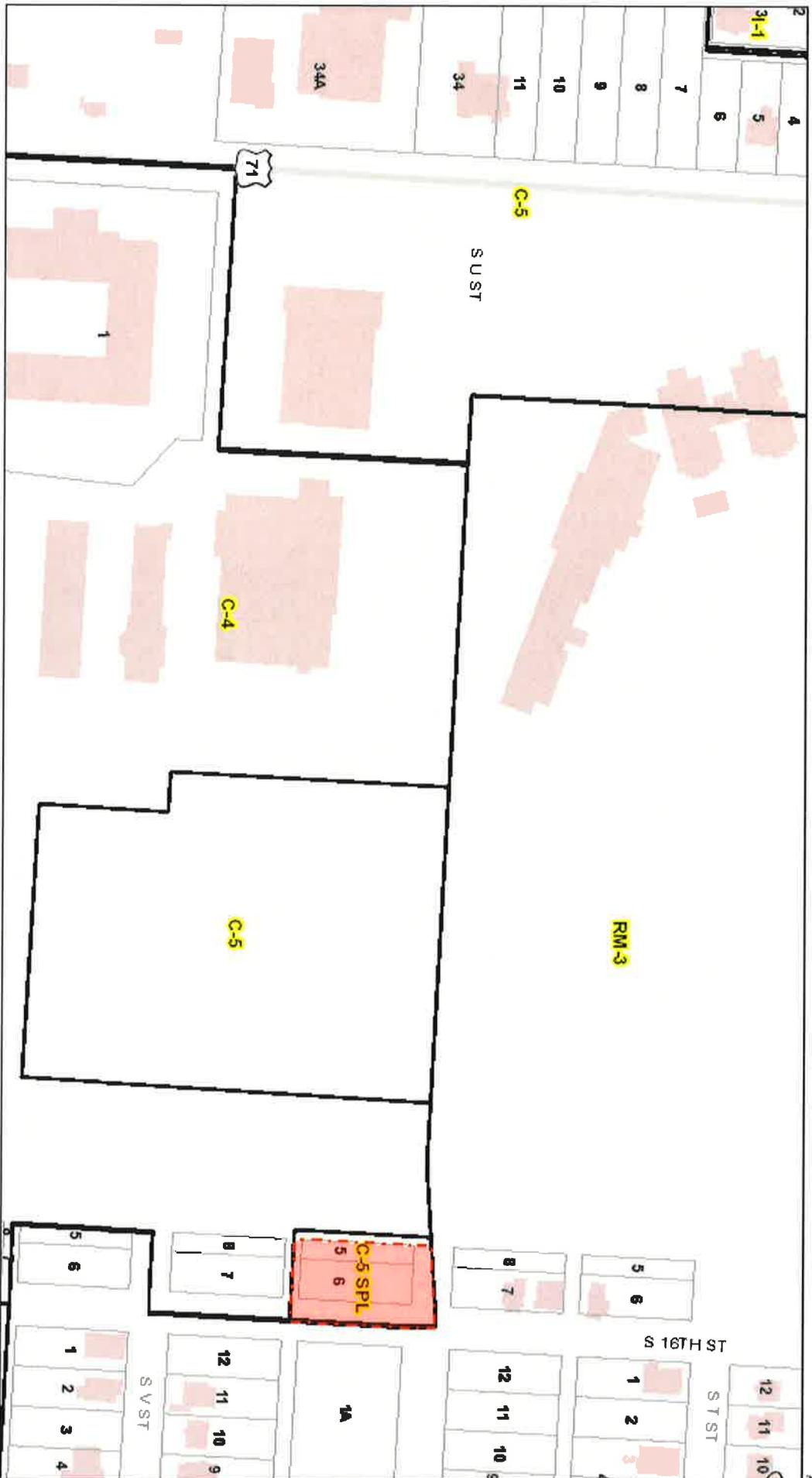
  
Agent

479-651-7920

~~Owner~~ or Agent Phone Number

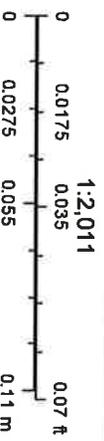
AD

# Rezoning #10-7-15: From C-5 SPL to C-5 1520 South "U" Street



June 22, 2015

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





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 2, 2015

**Re:** Development Plan Review - A request by Al Prieur, agent for Bryan White, for Planning Commission consideration of a Development Plan request to develop a multifamily development (four-plex) at 1520 South U Street (Companion to items #7 & #9)

## **PROPOSED DEVELOPMENT PLAN**

Approval of the development plan and companion applications will allow the development of a multifamily development (four-plex) at 1520 South U Street.

## **LOT LOCATION AND SIZE**

The subject property is on the southwest intersection of South "U" Street and South 16<sup>th</sup> Street. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along South U Street.

## **PROPOSED ZONING**

The requested 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 property to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

The properties to the south and west are zoned Commercial Regional (C-4) and are undeveloped.

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

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur on the single drive located on South U Street. Traffic information shall be submitted and approved by the City’s engineering department.

**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** – No drainage information has been submitted or approved with this development. The City Engineering department shall review the drainage information for approval.

**Right-of-way dedication** – The property will require replatting and the dedication of 10 feet of right-of-way.

8B

**Landscaping** – The development plan shows parking lot screening and perimeter landscaping adjacent to South U Street. The applicant has submitted a variance application to omit perimeter landscaping adjacent to the undeveloped street right-of-way east of the property.

**Screening** – The development proposes the required parking lot screening and screening for mechanical equipment.

**Parking** – The 8 parking spaces comply with UDO minimum requirements for parking.

**Signage** – No signage is proposed at this time. If signage is proposed, it is recommended that the signage comply with multifamily developments in residential zoning districts, which would allow one development identification sign not to exceed 24 square feet.

**Lighting** – No site lighting is proposed at this time.

**Architectural features** – The architectural features comply with the minimum requirements of the UDO. The façades consist of a brick base with vinyl siding.

**Height and Area** – The building height is approximately 25 feet with an approximate living area of 3,567 s.f.

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

A neighborhood meeting will be held Monday, July 13, 5:30 p.m., on site. A summary of the meeting will be provided to the planning commission.

Staff recommends approval of the development plan with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. If signage is proposed, signage shall be limited to one sign no larger than 24 square feet.
3. Drainage and erosion plans shall be submitted for review and approval by the city's Engineering Department.
4. A traffic information statement shall be submitted for review and approval by the city's Engineering Department.

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)

LOTS 5 & 6 BLOCK 59 BAILY ADDITION TO THE CITY OF FORT SMITH,  
ARKANSAS

2. Address of property: 1520 SOUTH "U" STREET

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

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

Yes  No

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

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

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

C-5 BY CLASSIFICATION  
(Zoning Classification) (Extension or classification)

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

C-5, C-4, & RM-3; GAS WELL TO WEST, APARTMENTS TO EAST, SINGLE FAMILY TO SOUTH AND NORTH; NO DRIVEWAYS ON SOUTH "U" STREET OR SOUTH 16<sup>TH</sup> WITHIN 300 '

8. Total acreage of property 0.24 ACRES

Signed:

ALVIN L. PRIEUR, JR., PE

~~Owner~~ or Agent Name

*(please print)*

P O BOX 1689

VAN BUREN, ARKANSAS 72957

~~Owner~~ or Agent Mailing Address

479-651-7920

~~Owner~~ or Agent Phone Number

\_\_\_\_\_  
Owner

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

1520 South U Street

73.99'

S. U STREET



140.00'

140.00'

(18) SHRUBS USED FOR PARKING LOT SCREENING SHALL BE EVERGREEN AND 18"-24" AT TIME OF PLANTING WITH A SPREAD OF 30" OR LESS ON CENTER CONTACT PLANNING DEPARTMENT PRIOR TO INSTALLATION OF LANDSCAPING.

(2) 2" RED MAPLES

PERPOSED 25' SETBACK

NOTE: NO EXTERIOR LIGHTING IN PARKING AREA

PROPOSED 6' x 8' DUMPSTER PAD SCREENED W/ 8' OPAQUE WOOD FENCE

RISER ROOM

KNOX BOX

SHIELDED LIGHT FIXTURE

UP

CONDENSING UNITS TO BE SCREENED W/ 8' OPAQUE WOOD FENCE

520

N00°06'14"N/140

PERPOSED 10' SETBACK

S00°08'49"E/140

522

PERPOSED 15' SETBACK

10' - 6"

PERPOSED 10' SETBACK

10' - 6"

74.09'

524

526

528

8F

# Development Plan Review: Four unit multifamily development 1520 South "U" Street

89



June 22, 2015

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



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 2, 2015

**Re:** Variance #16-7-15 - A request by Al Prieur, agent for Bryan White, for Board of Zoning Adjustment consideration of a zoning variance request from: A) 20 feet to 10.5 feet interior side yard setback; B) from 20 feet to 10.5 feet rear-yard setback; and C) from Section 27-602-3(B) perimeter landscaping requirements at 1520 South U Street (Companion to items #7 & #8)

## REQUESTED VARIANCE

Approval of the variances and companion applications will allow the development of a multifamily development at 1520 South U Street.

## LOT LOCATION AND SIZE

The subject property is on the southwest intersection of South "U" Street and South 16<sup>th</sup> Street. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along South U Street.

## REQUESTED ZONING

The requested 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 property to the north is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

The properties to the south and west are zoned Commercial Regional (C-4) and are undeveloped.

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

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South U Street as a Major Collector.

**MASTER LAND USE PLAN COMPLIANCE**

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

**APPLICANT HARDSHIP**

The applicant states that due to the narrowness and size of the lot, the strict enforcement will result in unusable lots with a width of 22.5 feet buildable area.

9B

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting will be held Monday, July 13, 5:30 p.m., on site. A summary of the meeting will be provided to the planning commission.

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

**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)

LOTS 5 & 6 BLOCK 59 BAILY ADDITION TO THE CITY OF FORT SMITH, ARKANSAS

Address of property 1520 SOUTH "U" STREET, Existing or Proposed

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

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

FROM

TO

\_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way

\_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback

20' adj -22.5' - 10.5' Interior Side Yard Setback

20' adj -30' - 10.5' 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

LANDSCAPING - Other: UNDEVELOPED STREET

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:

ALVIN L. PRIEUR, JR.

Owner or Agent Name (please print)

479-651-7920

Owner or Agent Phone Number

P O BOX 1689, VAN BUREN, AR 72957

Owner or Agent Mailing Address

\_\_\_\_\_  
Owner

APPJ  
Agent

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

9E

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.

Yes

No

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

9F

Explanation of question #4 (if applicable)

THE SITE IS A SMALL NARROW LOT AND VARIANCES ARE NEEDED TO \_\_\_\_\_  
DEVELOP THE LOT

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

STRICT ENFORCEMENT WILL RESULT IN A USABLE LOT WITH OF 22.5'

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

THESE LOTS WERE DEVELOPED WITH WIDTHS OF 25' AND 50'. THE STREET  
RIGHT-OF-WAY TO THE EAST IS NOT OPEN.

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1520 South U Street

73.99'

S. U STREET

(18) SHRUBS USED FOR PARKING LOT SCREENING SHALL BE EVERGREEN AND 18"-24" AT TIME OF PLANTING WITH A SPREAD OF 30" OR LESS ON CENTER. CONTACT PLANNING DEPARTMENT PRIOR TO INSTALLATION OF LANDSCAPING.

10' RW

10' LAND PERIMET

S

(2) 2" RED MAPLES

24' - 0"

2' - 6"

2' - 6"



140.00'

140.00'

PROPOSED 25' SETBACK

18' - 0"

28' - 11 3/4"

18' - 0"

NOTE:  
NO EXTERIOR LIGHTING  
IN PARKING AREA

9' - 0"

PROPOSED 6' x 8'  
DUMPSTER PAD  
SCREENED W/ 6'  
OPAQUE WOOD  
FENCE

RISER ROOM

KNOX BOX

6' - 0"

12' - 6"

520

N00°08'14"W140

PROPOSED 10' SETBACK

S00°08'49"E140

LOT 5

LOT 6

SHEILDED LIGHT  
FIXTURE

CONDENSING UNITS TO  
BE SCREENED W/ 36"  
OPAQUE WOOD FENCE

522

10' - 6"

PROPOSED 10' SETBACK

PROPOSED 15' SETBACK

74.09'

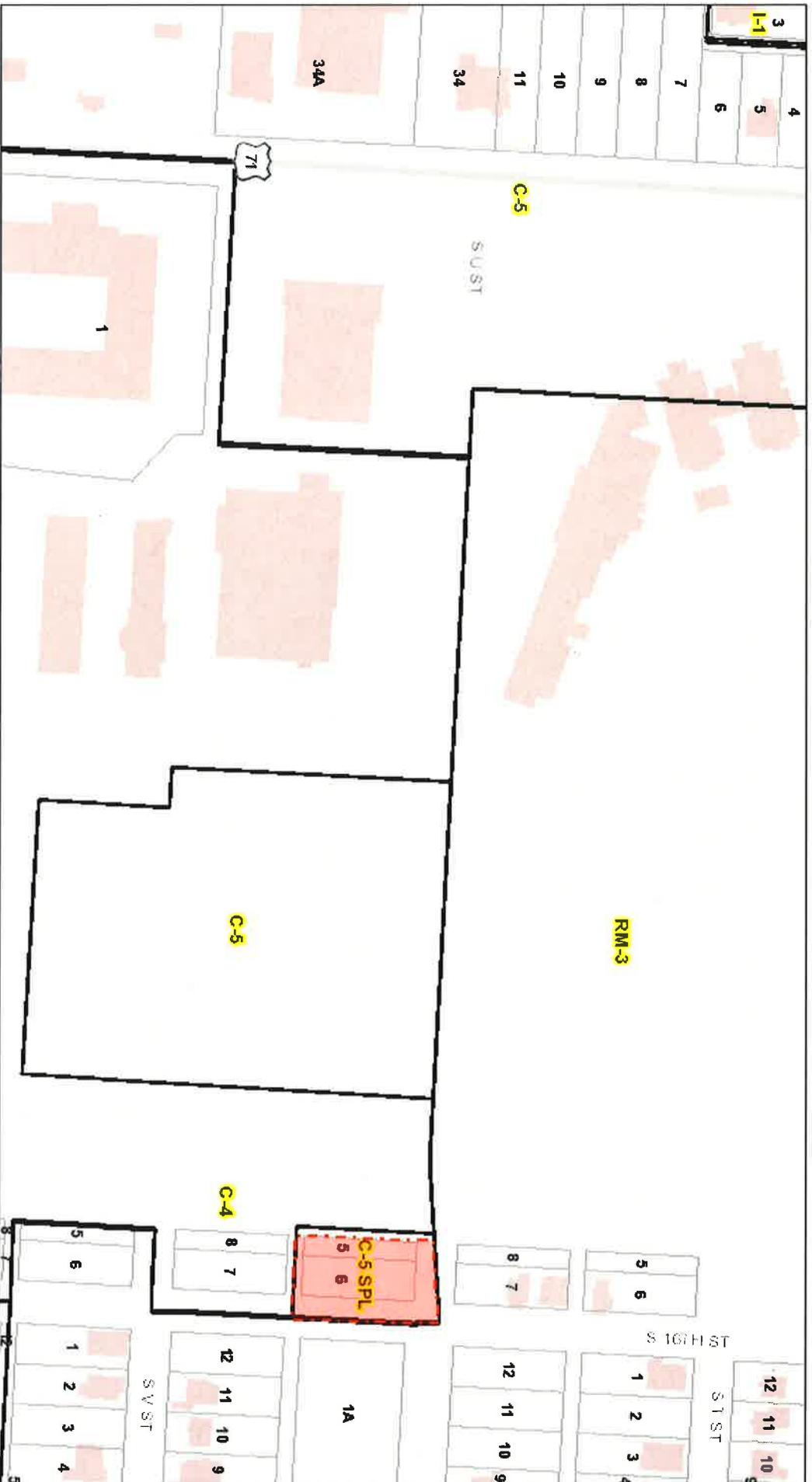
524

526

528

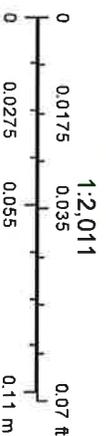
9H

Variance #16-7-15: From 20' to 10.5' interior side yard setback and from 20' to 10.5' rear yard setback and from landscaping requirements for street frontage at 1520 South "U" Street



June 23, 2015

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



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** June 29, 2015

**Re:** Conditional Use #8-7-15 - A request by Greta Barr, agent for Delana Anderson, for Planning Commission consideration of a Conditional Use request for a secondary school located at 12 North 11<sup>th</sup> Street.

## PROPOSED CONDITIONAL USE

Approval of the application will allow the existing building to be utilized as a secondary school for 300 students in grades 10<sup>th</sup> – 12<sup>th</sup>. The applicant states that the facility would be leased for 1-2 years having a minimum of 100 students the 1<sup>st</sup> year and increase to approximately 200 students the second year. By the third year, the school enrollment is anticipated to increase to 300. The applicant states that during the 3<sup>rd</sup> year, the school plans to build/locate a permanent facility.

## LOT LOCATION AND SIZE

The subject property is on the southeast corner of North 11<sup>th</sup> Street and North A Street on Hwy 64. The tract contains an area of approximately 0.5 acres with approximately 145 feet of street frontage along North A Street and 165 feet of street frontage along North 11<sup>th</sup> Street.

## EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6). Characteristics of this zone are as follows:

### Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

**Permitted Uses:**

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 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, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

**SURROUNDING ZONING AND LAND USE**

The areas to the north are zoned Commercial Downtown (C-6) and are developed as a tire shop and hotel.

The area to the east is zoned Commercial Downtown (C-6) and is developed as Arkansas and Oklahoma Gas offices.

The area to the south is zoned Commercial Downtown (C-6) and is developed as a used tire shop.

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

**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 LAND USE PLAN COMPLIANCE**

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

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The existing site has a driveway located on North 11<sup>th</sup> Street and a driveway located on North A Street. The drives will be designated as one-way with vehicles entering on North 11<sup>th</sup> Street and exiting on North A Street.

The Traffic Information Statement submitted by the applicant indicates that the total number of trips generated each day is projected at 541. A copy of that document is enclosed. It is assumed by the report that half of these trips would occur at the a.m. peak and half at the p.m. peak. The city's engineering department has reviewed this information and has concerns that the site has insufficient queuing space to avoid disruption of traffic on North 11<sup>th</sup> Street. Due to this concern the city engineering department recommends that the application be tabled until the applicant submits a Traffic Impact Analysis.

**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. However, no new easements or utilities are anticipated.

**Drainage** – No new drainage to the site is proposed.

**Right-of-way dedication** – No new right of way dedication is required or proposed.

**Multi-Use bike path** – This location will not affect the Multi-Use bike path.

**Landscaping** – The application indicates that landscaping, including trees and flowers, will be planted along the front of the property.

**Screening** – No new screening is proposed at this time.

100

**Parking** – The C-6 zoning district does not require a specified amount of parking. However, the applicant has supplied a plan showing seven parking spaces on site and other locations including the Masonic Temple, Immaculate Conception Church, and Edgewood Apartments to accommodate student and staff parking needs. The applicant is investigating the possibility of using the public transit service for students.

The applicant has provided the enclosed letter summarizing the school’s plan on how to provide adequate parking for staff and students as well as drop-off and pick up locations. The applicant has also included information on how parking and drop-off is handled at the charter school in downtown Little Rock located at 112 West 3rd Street.

**Signage** – No new signage has been proposed for this development at this time. Any future sign must comply with the CBID Design Guidelines for signage.

**Lighting** – No new lighting is proposed.

**Setbacks** – No new buildings or setbacks are proposed.

**Architectural features** – No new façade changes are proposed. Any future changes to the exterior must comply with the CBID Design guidelines.

**Height and Area** –No changes are proposed that will affect the building’s height or area.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Wednesday, July 1<sup>st</sup>, 2015 at 5:00 P.M. on site. One surrounding property was present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

As previously stated, the city’s Engineering Department recommends tabling the application until the applicant submits a Traffic Impact Analysis for the Engineering Department’s review and approval.

If the planning commission is inclined to approve the application as opposed to tabling it, staff recommends approval with the following conditions:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Submittal of a Traffic Impact Analysis for review by the Engineering Department prior to the issuance of a building permit.
3. Submittal of parking agreements that will provide adequate parking for students and staff with the understanding that these sites will be utilized for parking and drop-off and pick up-sites for students. The parking agreements shall be submitted to the planning department’s review and approval prior to the issuance of a building permit.

**From:** Snodgrass, Stan  
**Sent:** Wednesday, June 24, 2015 5:06 PM  
**To:** Miller, Perry  
**Cc:** Andrews, Brenda; Bailey, Wally; Chavis, Don  
**Subject:** RE: School at 12 North 11 Street

Tyler,

Don and I met with them this morning. They are still unsure of how to handle the queing for the students. They are still planning on having their public meeting (July 1, I believe) as the notices have already been sent out. With the outstanding traffic/queing issue we recommend that the item be tabled. Galen is aware that we are going to recommend that it be tabled.

Stan Snodgrass  
Director of Engineering



Minutes from Neighborhood Meeting

Location: 12 North 11<sup>th</sup> St

Time/Date: 5:00pm 7/1/15

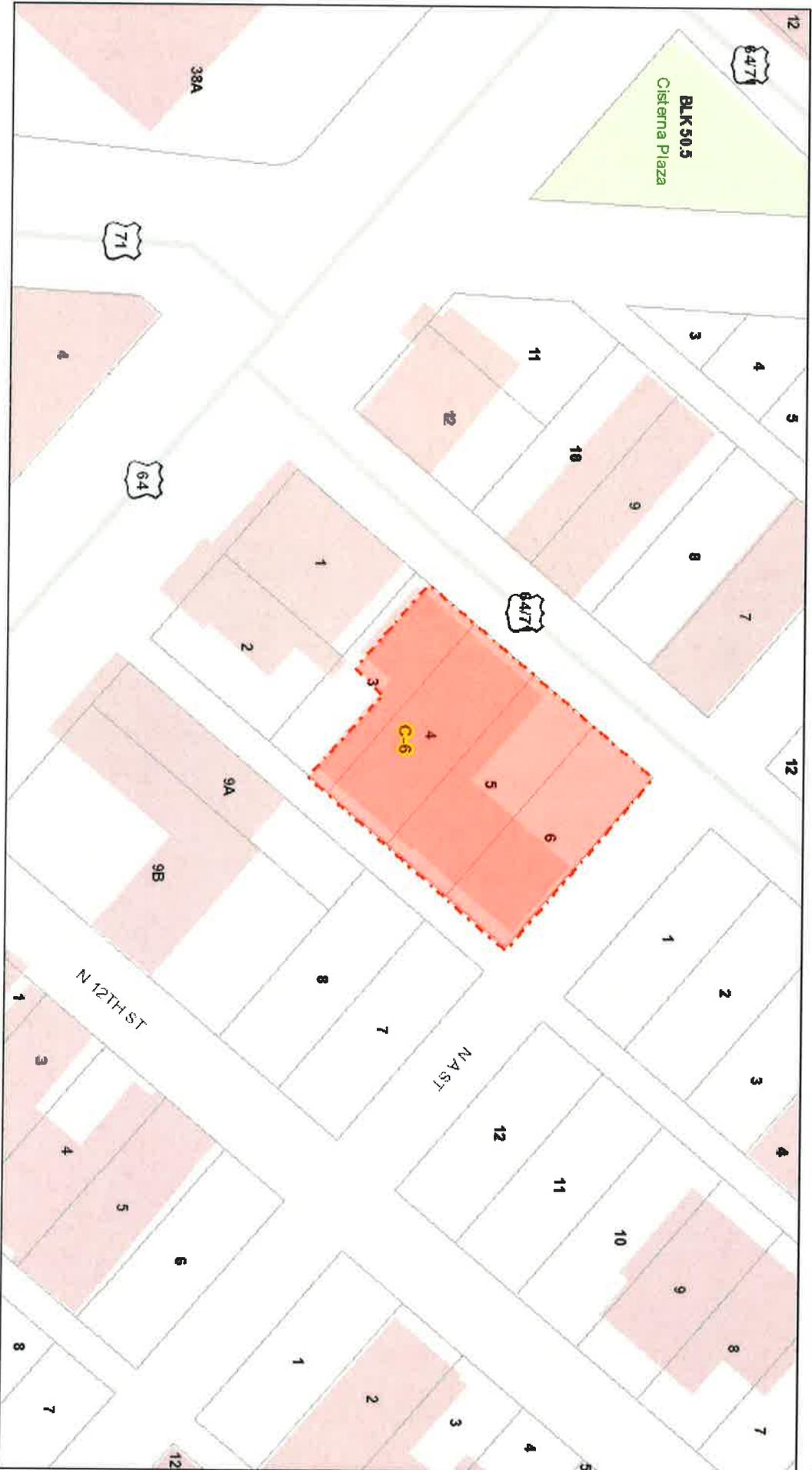
Purpose: Conditional Use

Name	Address	Phone #
Tyler Miller	City of Fort Smith	784-2241
Galen Hunter	6400 Riley Park Dr	782-1051
Travis Bartlett	6400 Riley Park Dr	7821051
Jayshree Padhiar	1021 Garrison Ave	783-0548

Action Items: Four residents were in attendance at the meeting. Future School founder, Trish Flanagan, described Future School and the process of opening the school. One resident mentioned she was selling her hotel nearby if we needed to purchase it for more space. Meeting adjourned shortly thereafter.

# Conditional Use #8-7-15: Public High School 12 North 11th Street

HOI



June 22, 2015

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





3307 Old Greenwood Road, Suite A  
Fort Smith, AR 72903  
479 785-4343 Fax: 479 649-9545

July 10th, 2015

Tyler Miller  
Planner-City of Fort Smith  
623 Garrison Ave.  
Fort Smith, AR 72901

Tyler,

I am enclosing more information regarding the Future Fort Smith School and their plans regarding parking and drop off for students at their proposed facility at 12 North 11th Street. Our plans are as follows:

**-Edgewood Apartments:** lease 25 spots, taking care of faculty (6) and offering spots to students who will drive to campus. Use off duty police officers as needed to help students at the corner of 11th and "A" Streets.

**-IC Church as Drop-off:** Use the northwest corner of the lot as an additional drop off point for students being driven to school. This will alleviate traffic flow problems at the corner of 11th and "A" Street where the school is located. This gives the students the opportunity to be dropped off, with only a one block walk to the school on the same side of the street.

**-IC Church Parking:** Use the lot located at 13th and "A" streets as additional parking for the students who will drive to campus. IC has indicated their willingness to work with us on an agreement for spaces. They have up to 100 spaces available in that parking lot.

**-Fort Smith City Transit:** Each student will receive a bus pass and can utilize the bus system to travel to school. See attached site plan showing bus routes on the "walkability" map.

**-Satellite drop off locations:** We have also identified several area parking lots within two or three blocks where the students could get dropped off and picked up by the Fort Smith City Transit.

**-Additional considerations:** The start time for the school will be 9:00, with staggering drop off and start times for blocks of students as needed. This should help alleviate concern about downtown traffic near the 8:00 AM timeframe. The students will also be off campus at internships for two days a week. The end time can be adjusted as well, with staggering end times, to fit before the busier time of 5:00 PM each day.

**-E Stem School traffic solutions, Little Rock:** I have attached the parking/drop off solutions that the charter school located in downtown Little Rock used for their facility. We will offer our students the opportunity to

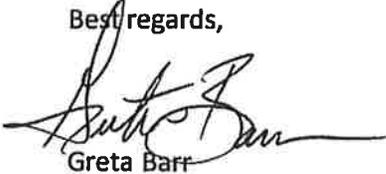
107

lease spaces as they did and provide a similar traffic flow plan based on enrollment that will work for our families and students.

As you can see, we are diligently working towards solutions for the expected traffic flow. We are willing to provide solutions now that will work within expected enrollment in 2016 and account for additional growth in 2017. If this was located elsewhere (other than downtown) the current standards for parking at High Schools would be as follows: 1 space per faculty, 1 space per 5 students. We will exceed that amount with the solutions outlined above.

Please feel free to call or e-mail me if you have any questions or require additional information. Thank you for your help with this project.

Best regards,

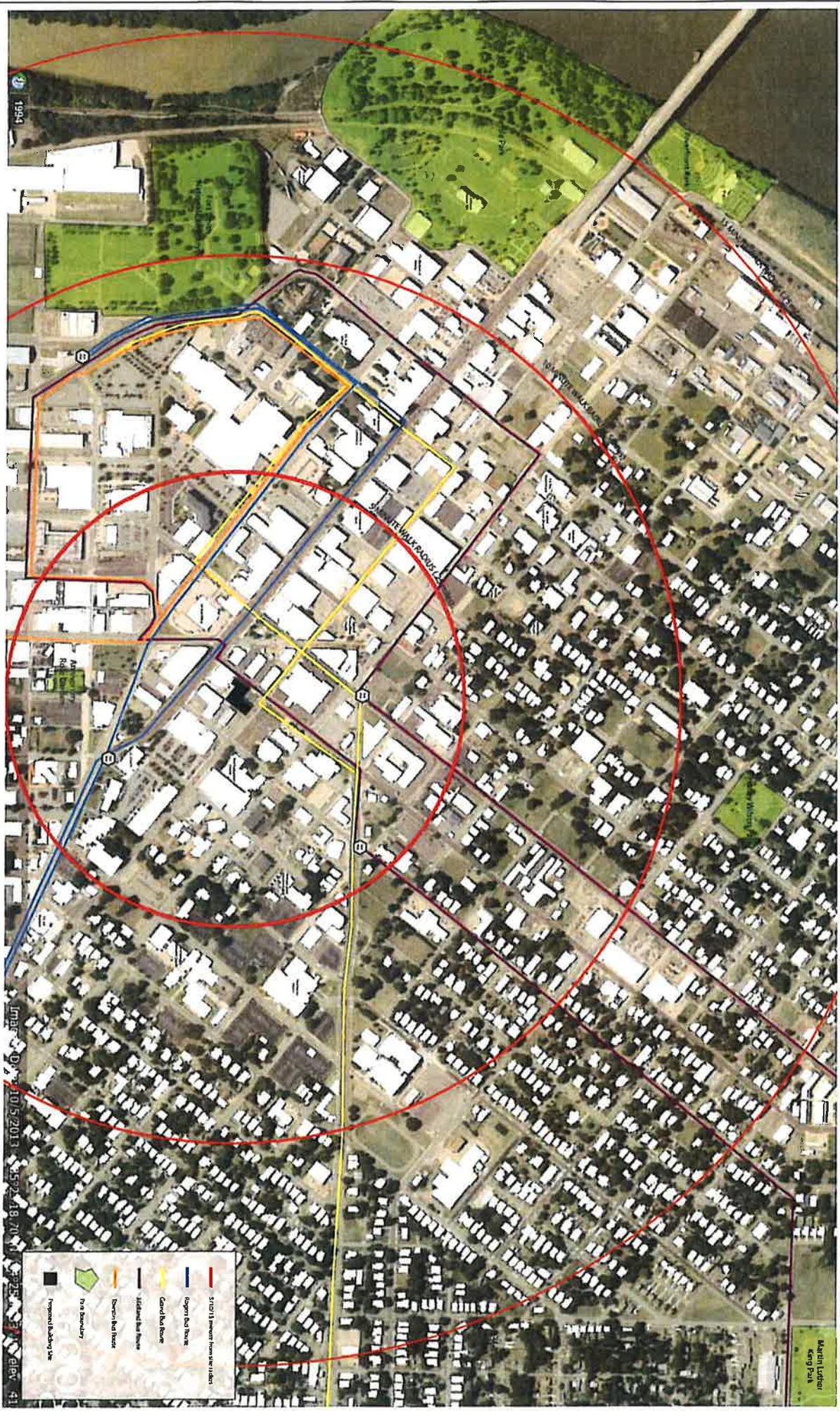
A handwritten signature in black ink, appearing to read "Greta Barr", written in a cursive style.

Greta Barr

Associate Broker

Nunnelee & Wright Commercial Properties

Walkability Map for:  
**Charter School Campus**  
 Fort Smith Future Schools



500' Buffer from the 1881

Proposed Building Site

P-18 Boundary

Proposed Bus Routes

All-day Bus Routes

Express Bus Routes

General Bus Routes

REGIONAL MAP  
 SCALE 1" = 2500'



10K

**Parking Requirements**

A.27-600 - Senior High School min.

- 1 Space per employee
- 1 Space per 5 students

A.27-600 - Schools (new classroom facilities) min.

- 1 Space per employee
- 1 Space per 20 students
- 5 Queuing spaces

**Available Parking Nearby**

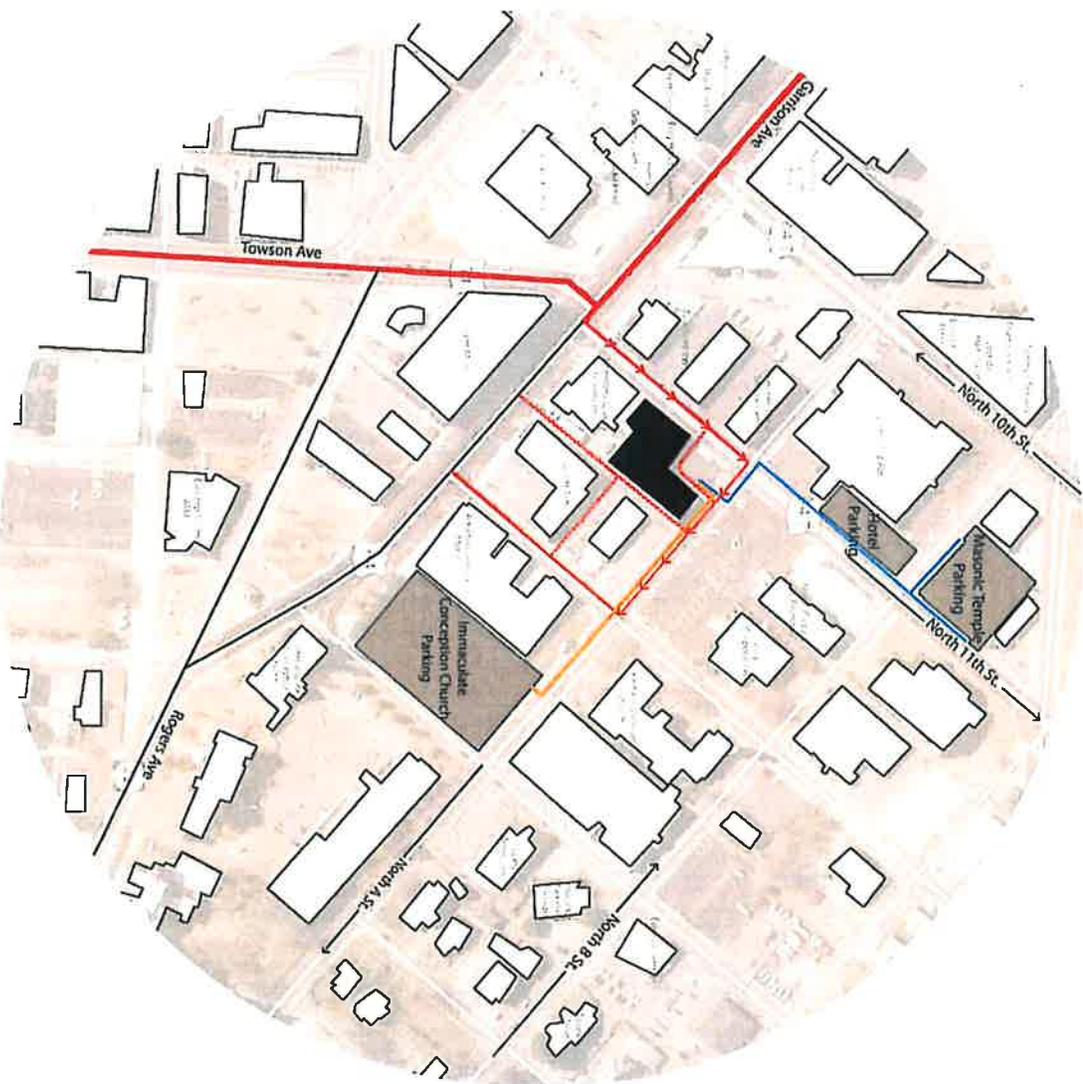
- Masonic Temple - 50 spots
- Edgewood Apts - 25 spots
- I. C. Church - 100 spots

■ 1-way roads on North 11th St. and North A St. dictate automobile direction around proposed site.

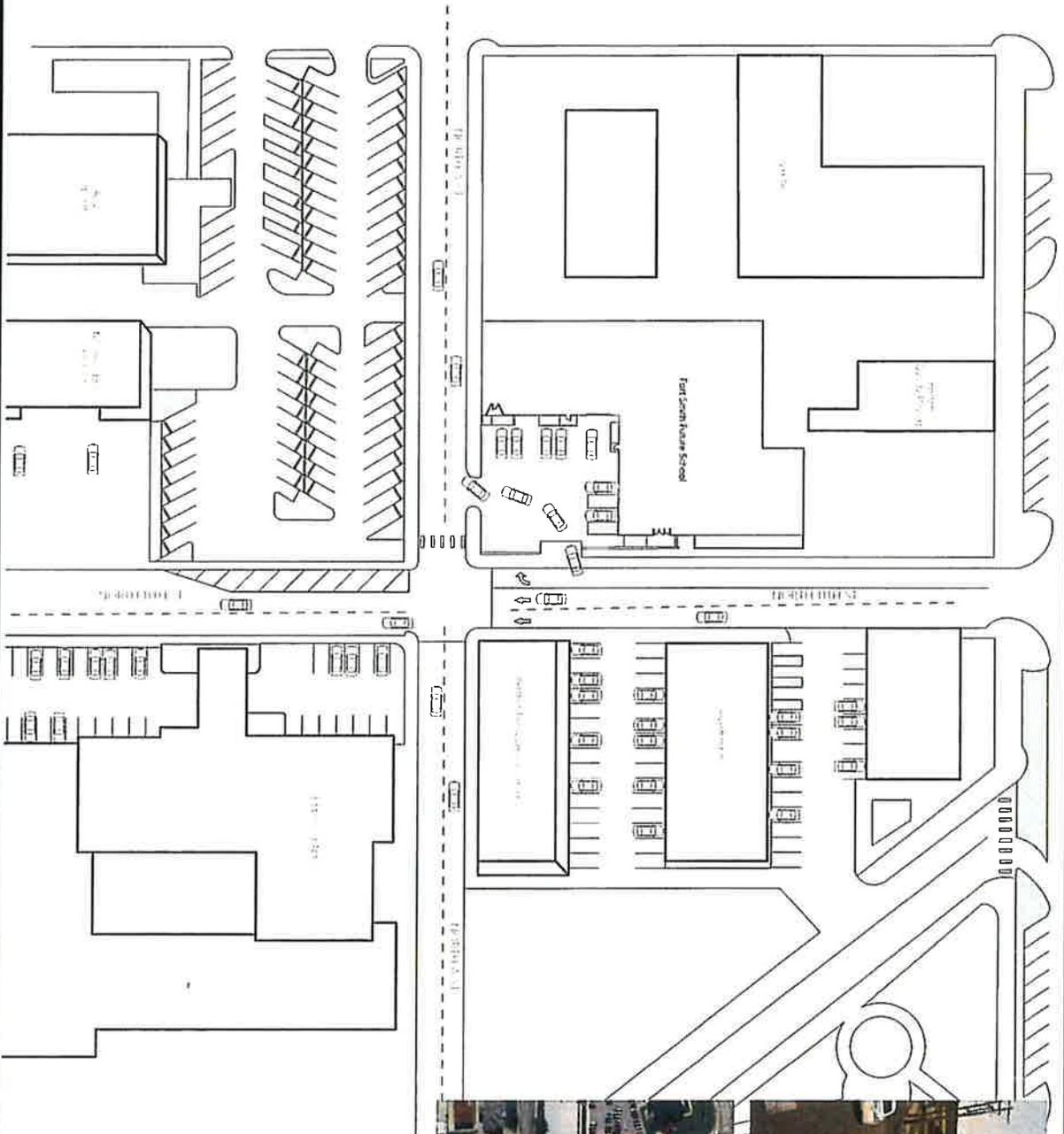
■ 1 small drop off loop is available with current site, moves with existing 1-way streets and has correct orientation for student drop off.

■ Masonic Temple has parking within and extending outside of block which could be used or leased for driving students: (1-2 blocks away)

■ Alternate or extra parking may be available through agreement with the Immaculate Conception Church. (1-2 blocks away)



Site Plan for:  
**Charter School Campus**  
 Fort Smith Future Schools



**SITE PLAN**  
 SCALE 1" = 50'-0"



10M





## Drop-Off/Pick-Up Guidelines

- Drivers are to stay in the car. Staff & volunteers will assist students out of the cars.
- Be ready to load and unload quickly.
- Be mindful of which side the students should exit the car from:
  - Alley: Left Side
  - Louisiana Street: Right Side
  - Third Street: Right Side
- Do not use the streets immediately around eStem to get to the drop-off/pick-up points; you will need to start several blocks away to help ease traffic congestion.
- Do not block intersections or crosswalks.
- Be mindful of all pedestrians.
- Pull forward as far as possible.
- Do not park in the alley or the northbound lane of Louisiana.
- Display your eStem carpool number visibly in the right corner of the windshield.
- Students may ***not*** be dropped off on the west side of Louisiana Street or the south side of Third Street.
- If you have multiple students attending eStem your location is based on the youngest student's grade.

### Instructions

#### ***Yellow – 3<sup>rd</sup> Street – Grades K, 1, 2***

Approach from the east on 3<sup>rd</sup> Street from the **right** lane. After drop-off/pick-up proceed west on 3<sup>rd</sup> Street. You will not be able to turn onto Louisiana.

#### ***Blue – Alley – Grades 3, 4, 8***

Approach from the east on 3<sup>rd</sup> Street from the **left** lane. The police officer will allow you to turn right into the alley behind the school. After drop-off/pick-up proceed through the alley to 2<sup>nd</sup> Street. Turn left onto 2<sup>nd</sup> Street, which is a one way street going west.

#### ***Green – Louisiana Street – Grades 5, 6, 7***

Approach from the south on Louisiana. You are unable to turn left onto Louisiana from 3<sup>rd</sup> Street. After drop-off/pick-up proceed north.

# Future School of Fort Smith

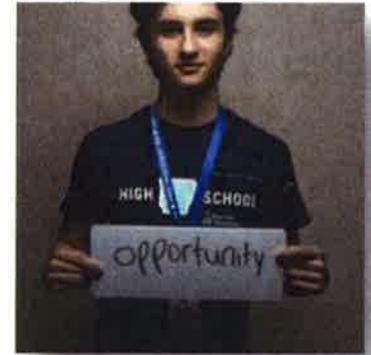
- ◆ Public high school serving 10-12th grade students, opening in August 2016
- ◆ Partnerships with local K-12, higher education and business/community organizations
- ◆ Serving needs of students, families and community

## Vision

All young adults demonstrate limitless self-actualization as compassionate and innovative 21<sup>st</sup> century leaders.

## Overview

The Future School of Fort Smith has an ambitious mission: launching high school students towards a bright future with a unique graduation plan that includes university coursework and in-demand work experience. As a cross-sector partnership between local K-12 educators, higher education and industry, Future School provides students the opportunity to graduate from high school with university course credit at no cost and three years of real-world workforce experience in areas of personal interest. Mirroring proven models like Big Picture Learning, an internship-based high school network with 75 schools in the U.S. and internationally, Future School will embolden students to identify interests, cultivate relevant skills and connect to real world learning. We will add 100 students/grade each year, starting in grade 10, for a total enrollment of 300 students in grades 10-12, by 2019.



## Current Needs

We are looking for a temporary building facility to lease for 1-2 years beginning in summer 2016. We can share the space, as we would only need use of the facility from 8:30am- 5:30pm, Monday through Friday. At a minimum, we would need space for 100 students in year 1. We could grow in that same facility in year 2 with 200 students and plan to build in year 3. Our ideal location is near UAFS/ northside neighborhoods. Our facility needs include: 5 classrooms (20 students/room), 1 front office/reception area, ADA/Fire code compliance, zoned for school/institutional space.

## Proven Success

	Big Picture Learning	Fort Smith
College Enrollment	74%	65%
College Persistence	89%	62%
College Graduation	50% (4 years)	30% (6 years)
Employment	74%	

- Metrics**
- Increased high school graduation
  - Increased UAFS enrollment and persistence rates
  - Increased ACT scores, concurrent credits
  - Professional career portfolio

## Innovative Environment

**Integrated Technology:** Our students will each have their own laptop in order to prepare them for an increasingly technology-based workplace and society. In a blended classroom, students will learn how to navigate an on-line environment to access information, communication channels and develop mastery in utilizing relevant software programs for college and career such as Microsoft Excel, Wordpress, Google Project.

**Advisory:** Our instructors have two roles; personally advise a cohort of 20 students & teach in their area of expertise. In our model, each advisor carries out support roles such as college counseling, career guidance and social development support. During the school day, students are either at internship sites, in project-based classes or meeting in their advisory group.

**Diverse Staff:** We are recruiting instructors for our team who demonstrate our 3 C's: content expertise, care about kids, coachability. While our teachers will have an extremely demanding job, they will have time and support to meet their goals. Instructional days will be Monday, Wednesday and Friday from 9- 5pm. During these days, teachers will meet with their cohorts (3hr) and teach (3) 1.5-hour blocks. On Tuesday and Thursday, while students are at their internship sites, teachers have time to plan, collaborate and visit students and their families. Instructors will have the opportunity to earn cash bonuses each year by reaching milestones they outline in their professional growth plan.



what their current and future workforce demands are and incorporate these skills into the internship design. Based on a personalized student-learning plan, each internship is unique and offers value in real world learning for students and community outreach/recruitment for industry partners. Design, implementation and monitoring of internships are provided by the advisor who works with the industry mentor throughout the course of the internship.

## Internship Design

### Benefits

- Personalized Learning Plan
- Small classes; small school
- Identify personal interests & aptitudes
- Real career experience & exploration
- Concurrent credit

### Portfolios

- Demonstrates content/ skill mastery
- Includes work plan, student updates, supervisor/advisor review, parent feedback
- Professional skills: Resume writing, public speaking, interviews, Linked In networking

### Curriculum

- Meets all graduation requirements
- Offered as project-based class, on-line class or concurrent college credit
- Internships
- All students have option to earn college credits each year

# Traffic Information Statement

Project: Future School, Charter School  
 Location: 12 North 11<sup>th</sup> Street, Fort Smith, AR  
 Project No.: 2015058  
 Date: June 2015

## Project Summary

Future School is planning on remodeling the existing Fort Smith Event Center building at the corner of North 11<sup>th</sup> Street and North A Street and developing it into a charter school for Grades 10 through 12. The building is approximately 17,000 square feet and will be remodeled to accommodate up to 300 students in addition to faculty and support staff. The school will start in fall 2016 with 100 students and then add 100 students in 2017 and 2018 for a total of 300 students. The charter school will have two (2) one-way driveways, one entry driveway off North 11<sup>th</sup> Street and one exit driveway onto North A Street. This report summarizes the traffic impacts for the proposed development.

## Trip Projections

The expected number of trips generated by the Future School is determined using the 8<sup>th</sup> edition of the ITE Publication "Trip Generation". The number of students is the independent variable used for the calculations. The Future School will serve approximately 300 students. Table 1 summarizes the calculations for projected trips for both the A.M. peak and P.M. peak. The total number of trips generated each day by the school is 514. It is assumed that half of these trips occur at the A.M. Peak and half occur at the P.M. Peak. It is also assumed that of the 257 trips during the A.M. Peak approximately 31 trips will be incoming trips accounting for the faculty and staff of the school and the remainder will be from traffic dropping students off.

Table 1: ITE Trip Generation for Clinics (ITE Class 530)

Land Use Type	ITE Class	Trip Independent Variable	Average Weekday						
			Trips Generated Per Student	Total Trips Generated		A.M. Peak Directional Volume		P.M. Peak Directional Volume	
				A.M.	P.M.	In	Out	In	Out
High School	530	Students 300	1.71	257	257	144	113	113	144

## Trip Distribution

The driveways on the site will be designed to accommodate one way traffic only. Also there will be offsite parking for faculty, staff and students. The exact offsite parking locations are not settled in at this time, however the preliminary options are shown in Figure 1 Charter School Vicinity Map prepared by MAHG Architecture. Because the preliminary parking options will generate trips primarily on North 11<sup>th</sup> Street and North A Street, for the trip distribution it is assumed they will terminate at the proposed access points. The A.M. Peak trips generated by the Future School are then distributed through the driveways at both access points. Figure 2 shows the projected trips for the A.M. peak onto North 11<sup>th</sup> Street and North A Street created by

10R

Project: Future School, Charter School  
 Location: 12 North 11<sup>th</sup> Street, Fort Smith, AR  
 Project No.: 2015058  
 Date: June 2015

the Future School. The P.M. Peak trips are also projected through both access points and are shown in Figure 3.

#### Traffic Analysis

The 2013 Annual Average Daily Traffic (ADT) Estimates from the Arkansas State Highway and Transportation Department (AHTD) are used to determine existing traffic along Garrison Avenue, North 11<sup>th</sup> Street and North A Street. Refer to Exhibit A for 2013 AHTD ADT Estimates for the project area. Garrison Avenue has an ADT of 23,000 vehicles per day (vpd). North 11<sup>th</sup> Street has an ADT of 8,500 vehicles per day (vpd). North A Street has an ADT of 2,300 vehicles per day (vpd). The A.M. and P.M. peak traffic counts are estimated using an A.M. peak factor of 8% and a P.M. peak factor of 10%. Table 2 shows the existing peak daily traffic.

Table 2: Existing Peak Daily Traffic

Street	ADT	A.M. Peak Factor	P.M. Peak Factor	A.M. Peak Trips, vph	P.M. Peak Trips, vph
Garrison Ave.	23,000	8%	10%	1840	2300
N. 11 <sup>th</sup> St.	8,500	8%	10%	680	850
N. A St.	2,300	8%	10%	184	230

The projected traffic is then added to the existing traffic to show the anticipated traffic after development of the Future School. The total anticipated traffic is shown in Table 3.

Table 3: Projected Peak Daily Traffic after Development

Street	A.M. Peak Trips, vph	P.M. Peak Trips, vph	Percent Increase A.M. Post Development	Percent Increase P.M. Post Development
Garrison Ave.	2001	2413	8.8	4.9
N. 11 <sup>th</sup> St.	824	963	21.2	13.3
N. A St.	297	374	61.4	62.6

Project: Future School, Charter School  
Location: 12 North 11<sup>th</sup> Street, Fort Smith, AR  
Project No.: 2015058  
Date: June 2015

Conclusion

Based on the projected traffic distribution, the development of the Future School charter school will slightly increase traffic along Garrison Avenue. There will likely be an increased impact on North 11<sup>th</sup> Street and North A Street, but for only a short distance of likely 1 to 2 blocks. The majority of the traffic is anticipated to enter and leave the site using the one way flow from Garrison Avenue to North 11<sup>th</sup> Street, through the site to North A Street, then to North 12<sup>th</sup> Street and North B Street to get back to North 11<sup>th</sup> Street. Garrison Avenue and North 11<sup>th</sup> Street are both listed in the City Master Street Plan as major arterial. North A Street is listed as a minor arterial. The largest percent increase of traffic because of this development will occur along North A Street for only a short distance until the traffic can reach a major arterial. Anticipated traffic increases to surrounding streets will also likely be only for a short distance until the traffic can reach either Garrison Avenue or North 11<sup>th</sup> Street. Based on the types of streets and the presence of signalization along the anticipated traffic flow no additional traffic control or improvement measures are recommended.

HAWKINS-WEIR ENGINEERS, INC.



J. Kyle Salyer, P.E., P.S.



10T

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** June 29, 2015

**Re:** Conditional Use #9-7-15 - A request by Kevin Thomas, agent for Thomas Shankle, for Planning Commission consideration of a Conditional Use request to utilize an existing building as a contractor shop and storage yard located at 7423 Hwy 271 South #106.

## PROPOSED CONDITIONAL USE

The conditional use if approved will allow for the applicant to utilize the existing building for a contractor shop and storage yard for residential and commercial construction.

## LOT LOCATION AND SIZE

The subject property is on the east side of Hwy 271 and is the second building on the south side of a private street across from Mabel Avenue. The tract contains an area of approximately 0.2 acres with approximately 82 feet of street frontage along the private street and no frontage along any public right of way.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

11A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

- The area to the north is zoned Commercial Heavy (C-5) and is developed as Mini-Storages.
- The area to the east is zoned Commercial Heavy (C-5) and is developed as a warehouse.
- The area to the west is zoned Commercial Heavy (C-5) and is developed as an automotive repair shop.
- The area to the south is zoned Commercial Heavy (C-5) and is undeveloped.

**PURPOSE OF CONDITIONAL USE**

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

**CONDITIONS FOR A CONDITIONAL USE**

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

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An

11B

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 LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Residential Attached. This classification 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.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All ingress and egress will occur on Hwy 271 South onto the private street.

**Drainage** – No new drainage improvements are required.

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

**Multi-Use bike path** – The multi-use bike path is not designed or needed for this area.

**Landscaping** – No new landscaping is proposed.

**Screening** – No new fencing is proposed for the business.

**Parking** – The shop will use the existing paved area for parking which appears to have 4 to 6 parking spaces.

**Signage** – No new signage is proposed at this time.

**Lighting** – No new lighting is proposed at this time.

**Setbacks** – The contractor's shop and storage yard proposed to use the existing building.

**Architectural features** – No new changes to the site or building facades are proposed.

**Height and Area** – The existing building is 1,680 s.f. with an approximate height of 10 to 12 feet.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Monday, June 29, 2015 at 5:00 P.M. No neighboring property owners were in attendance.

Staff recommends approval of the application.

11C

Conditional Use # 9-7-15

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Shankle, Thomas

Name of Authorized Agent (if applicable) Kevin Thompson

Legal Description of property included in the conditional use request:

See Attached

Street Address of Property:

7423 Hwy 271 South, Building 106 Fort Smith AR 72906

Existing Zoning Classification:

C-5

Proposed Zoning Classification (if applicable):

n/a

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

Requesting to use property for tool and material storage as well as conducting everyday operations as a small construction/remodeling company.

What amenities are proposed such as landscaping and screening?

none

Kevin Thompson  
Owner or Agent Name (please print)

208 Farris Ave, Pocola OK 74902  
Owner or Agent Mailing Address

479-739-7877  
Owner or Agent Phone Number

Signed: Thomas, Shankle

Thomas A. Shankle  
Owner

Or

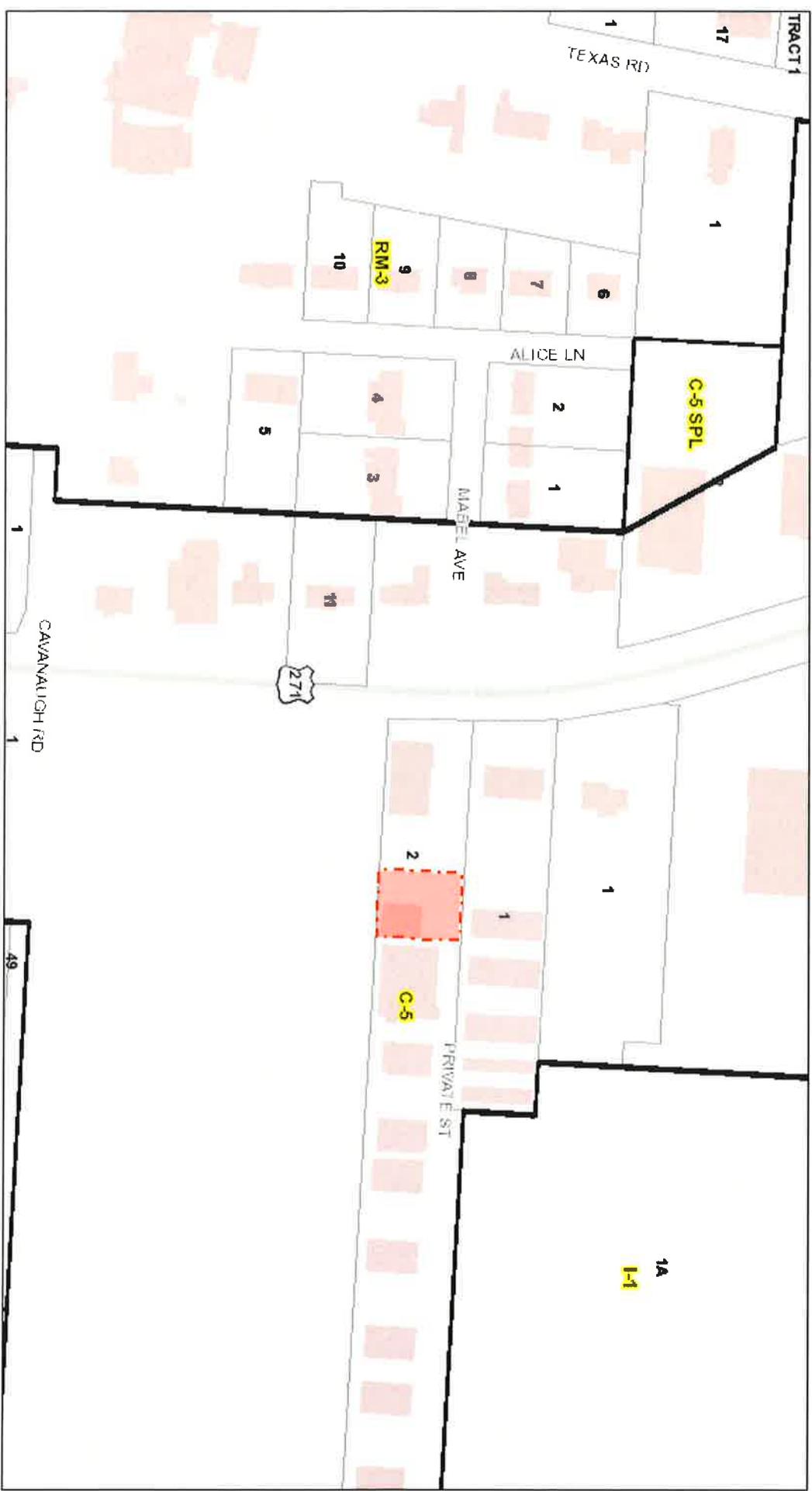
[Signature]  
Agent

110

# Conditional Use #9-7-15: Contractor's Shop and Storage Yard

## 7423 US Highway 271, Building 106

117  
111

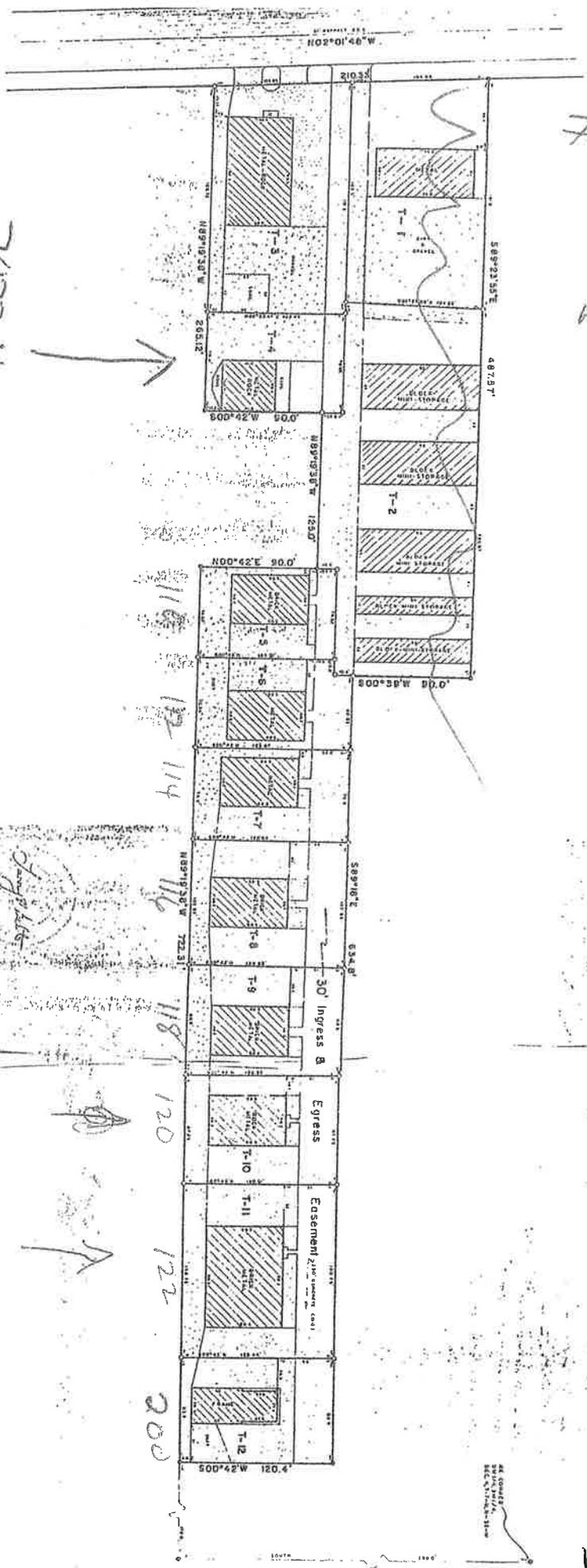


June 22, 2015

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



# 108  
S  
mine



7423 Hwy 2715  
# 106



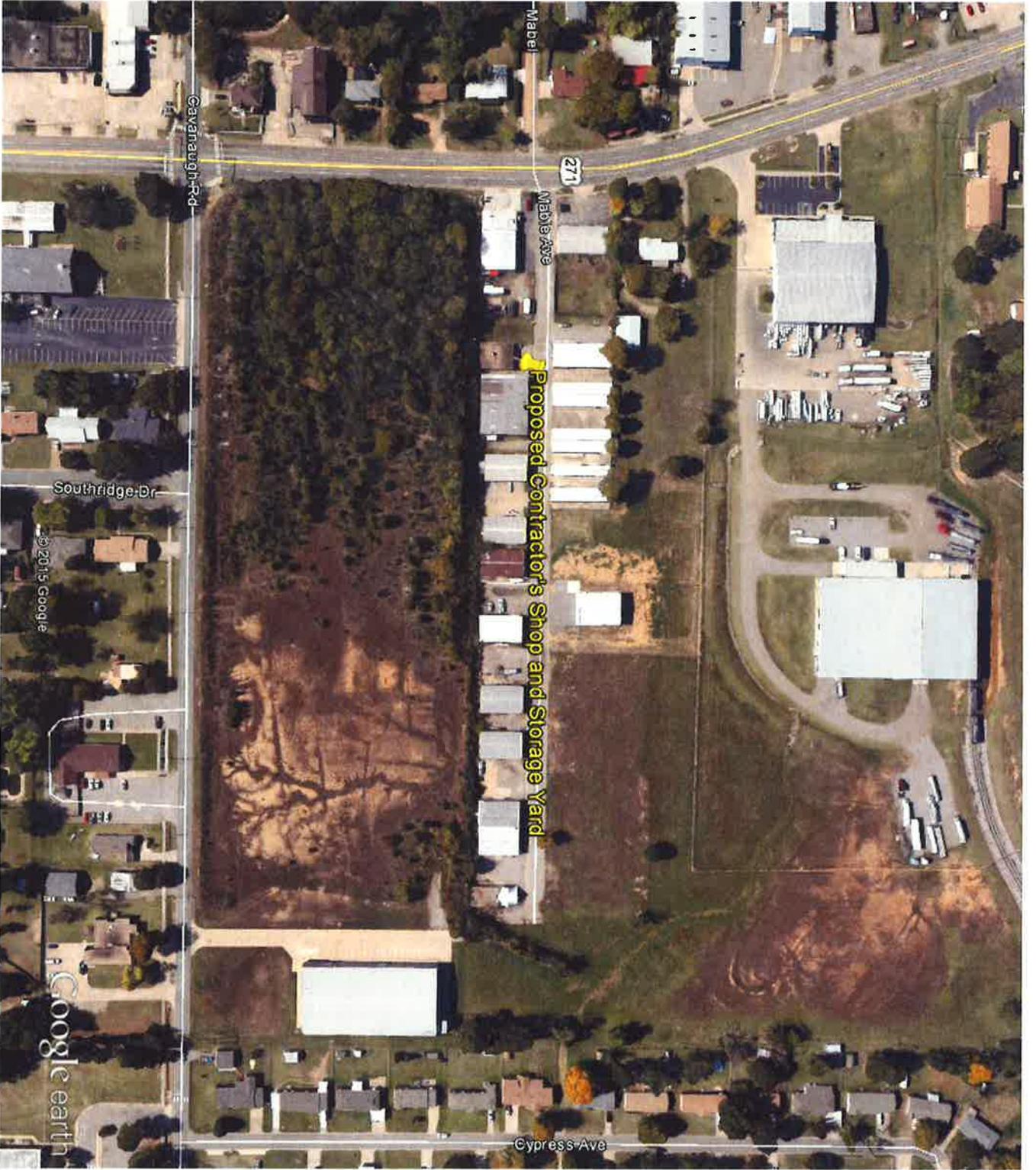
B & J SURVEYING, INC.  
5911 B ALVA HIGHWAY  
VAN BUREN, AR  
DATE: APRIL 4, 1991



116  
117  
114  
116  
118  
120  
122  
200



11G



Google earth

feet  
meters

1000

400



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** June 29, 2015

**Re:** Development Plan Review - A request by Al Prieur, agent, for Planning Commission consideration of a Development Plan request to develop an auto and vehicle dealer at 3301 South Zero Street (Companion to item #13)

## **PROPOSED DEVELOPMENT PLAN**

This project will consist of a new auto sales facility, a repair area used for the maintenance of vehicles sold onsite, as well as an office/sales area. There is also a companion variance application to relocate the trees required along the frontage to the east side of the property.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of South Zero Street between South 31<sup>st</sup> Street and South 36<sup>th</sup> Street. The tract contains an area of 2.65 acres with approximately 271 feet of street frontage along South Zero Street.

## **EXISTING ZONING**

The existing zoning on this tract is Commercial Heavy (C-5) with special requirements from Ordinance 13-05. The special requirement is for site/development plan approval by the Planning Commission.

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.

12A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Industrial Light (I-1) and is developed as a vacant factory.

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

The area to the south is zoned Commercial Heavy (C-5) and is developed as Floyd Traylor Honda and Stribling Equipment.

The area to the west is zoned Industrial Moderate (I-2) and is developed as Ryerson Tool.

**SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The project will have one new driveway onto South Zero Street and will also use an existing driveway to the east.

**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** – This will be addressed at the time of building permit submittal and plan review.

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

**Landscaping** – Perimeter landscaping is required along the street frontage only. Companion item #13 is a variance request to relocate the required trees to the east side of the property. The required shrubbery will be installed.

12B

**Screening** – The trash enclosure and the mechanical units shall be screened from view of the adjacent properties and from street right-of-way.

**Parking** – Twenty five parking spaces are required and 56 parking spaces are provided.

**Signage** – No information provided for any proposed ground signs. Wall signage is noted on the plans and does comply with the UDO requirements.

**Lighting** – No lighting shown on the plans. Lighting will be required to be shown on the plans and shall meet the UDO requirements. The proposed lighting will be reviewed at the time of plan submittal for the building permit.

**Architectural features** – The building exterior will consist of dryvit, metal panels and tinted glass. The finish will surpass the 51% high quality materials requirement.

**Height and Area** – The structure will have an area of 11,250 square feet and a maximum height of 20'-2".

### **STAFF COMMENTS AND RECOMMENDATIONS**

#### Staff Comments

Staff recommends approval of the application or for the reasons stated in the staff report.

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. Access to the dumpster shall be coordinated with the Sanitation Department to verify that the dumpster will be accessible.
3. All site design features of the development not specifically mentioned or shown on the development plan shall comply with the UDO requirements or applicable standards.

120

**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)  

TRACT 2 OF ILPEA, INC. TRACTS 1 AND 2,  
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
2. Address of property: 3301 SOUTH ZERO STREET
3. The above described property is now zoned: COMMERCIAL – 5 SPL
4. Does the development plan include a companion rezoning request?  
Yes \_\_\_\_\_ No X
5. If yes, please specify the companion application submitted:
  - Conventional Rezoning
  - Planned Rezoning
  - Conditional Use
  - Master Land Use Plan Amendment
  - Variance
6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to: NOT REQUIRED  
\_\_\_\_\_ by \_\_\_\_\_  
(Zoning Classification) (Extension or classification)
7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:  
C – 5 SPL, I – 32 – 0 & I – 2 RYERSON TOOL ON WEST, VACANT LAND  
TO THE NORTH, CLARK MACHINERY ON EAST – DRIVEWAYS TO  
WEST AND ACCESS DRIVEWAY TO EAST
8. Total acreage of property 2.65 ACRES

120

Signed:

ALVIN L. PRIEUR, JR., PE

~~Owner~~ or Agent Name

*(please print)*

P. O. BOX 1689

VAN BUREN, ARKANSAS 72957

~~Owner~~ or Agent Mailing Address

479-651-7920

~~Owner~~ or Agent Phone Number

\_\_\_\_\_  
Owner

*ALV*  
or  
\_\_\_\_\_  
Agent

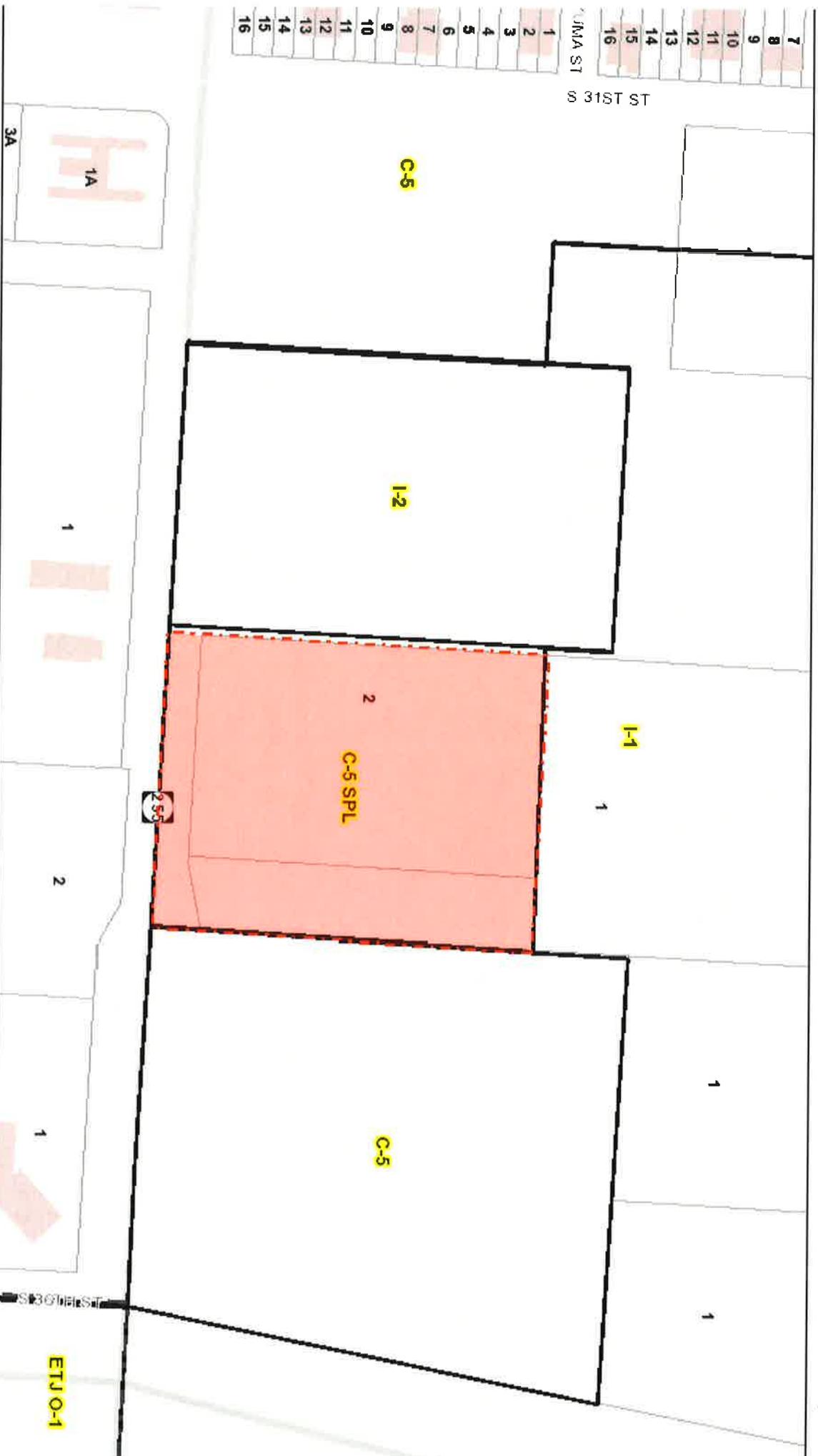
12E

# Development Plan Review: Auto & Vehicle Dealer 3301 South Zero Street

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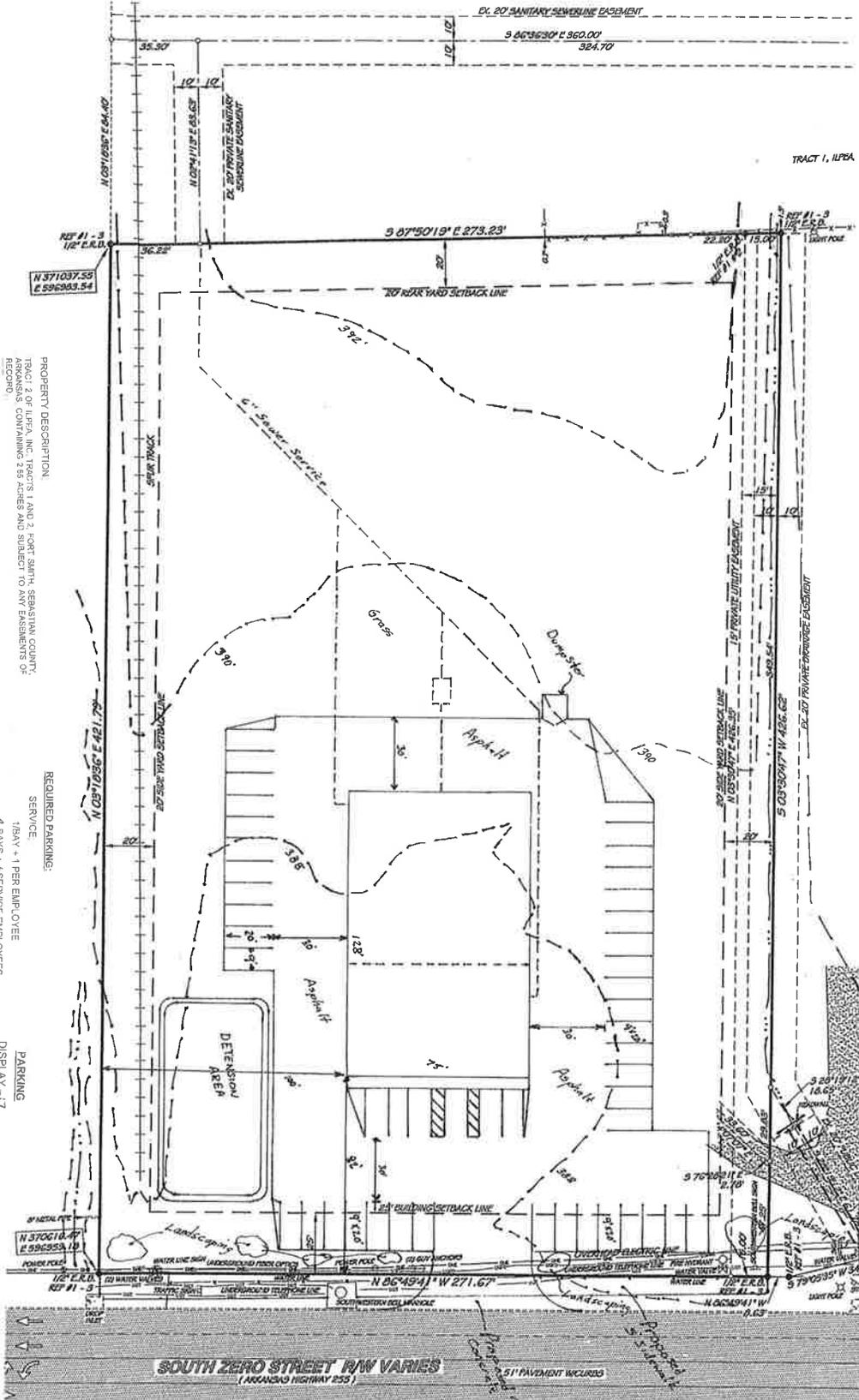
31ST ST



Line 22, 2015

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





PROPERTY DESCRIPTION  
 TRACT 1, 2 OF ILPEA, INC. TRACTS 1 AND 2, FORT SMITH, SEBASTIAN COUNTY,  
 ARKANSAS, CONTAINING 2.89 ACRES AND SUBJECT TO ANY EASEMENTS OF  
 RECORD.

REQUIRED PARKING:  
 SERVICE  
 1 BAY + 1 PER EMPLOYEE  
 4 BAYS + 6 SERVICE EMPLOYEES

PARKING  
 DISPLAY - 17  
 H.C. - 1  
 EMPLOYEE - 18

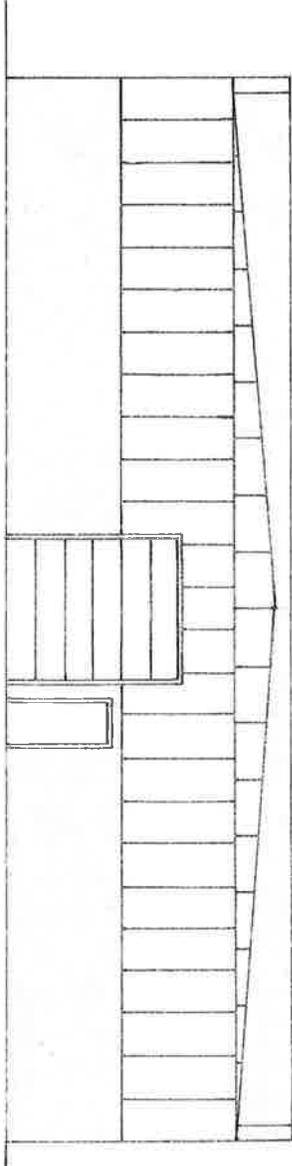
SALES  
 1/2000 SF OF OUTDOOR DISPLAY SPACE  
 20,000 - 2000 = 10 SPACES  
 PARKING SPACES REQUIRED  
 1/2 + 10 = 24 SPACES

KNOX BOX TO BE INSTALLED ON THE WEST SIDE OF THE BUILDING  
 BY THE WALK DOOR GOING INTO THE SHOP AREA

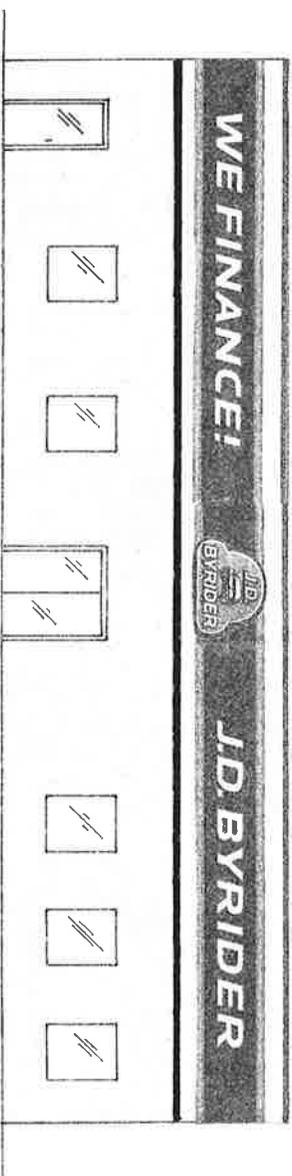
SITE LAYOUT  
 J. D. BYRDER  
 3301 SOUTH ZERO STREET  
 FORT SMITH  
 ARKANSAS  
 alvinl.parrish, jr. pe  
 CONSULTING ENGINEER  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72987  
 479-651-7920  
 aparrish@cox.net



126



BACK ELEVATION (NORTH SIDE)  
SCALE: 1/4" = 1'



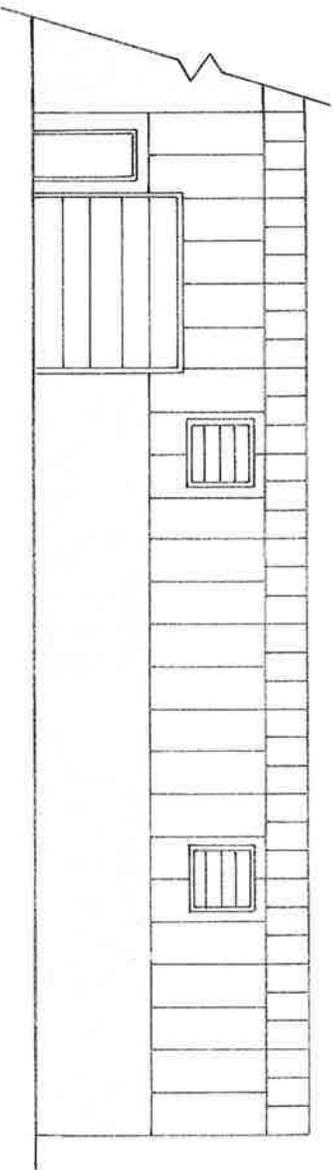
FRONT ELEVATION (SOUTH SIDE)  
SCALE: 1/4" = 1'

ELEVATIONS  
J. D. BYRIDER  
3301 SOUTH ZERO STREET  
FORT SMITH  
ARKANSAS  
SCALE: 1/4" = 1'

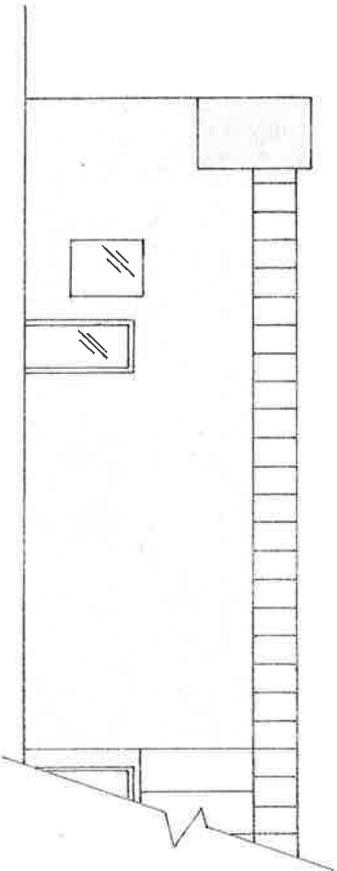
ALVIN L. PIERCE, JR., PE  
CONSULTING ENGINEER  
P. O. BOX 1689  
VAN BUREN, ARKANSAS 72957  
479-651-7920  
apierce@cox.net



121



EAST SIDE ELEVATION  
SCALE: 1/4" = 1'

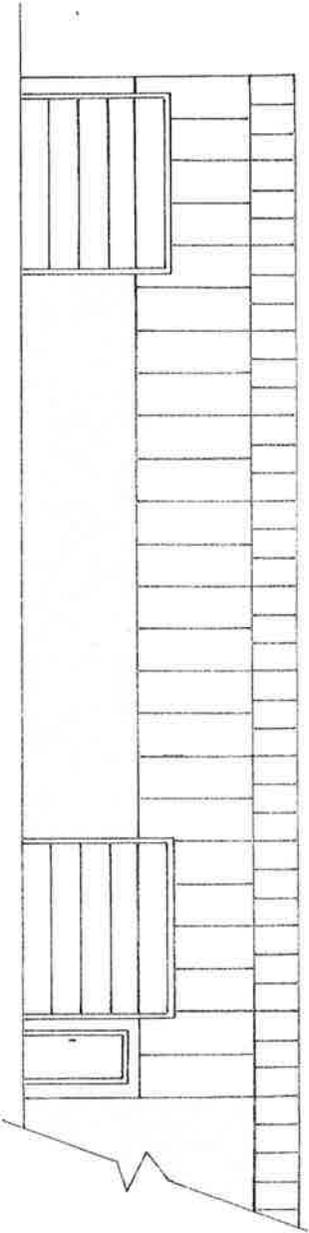


ELEVATIONS  
J. D. BYRIDER  
2301 SOUTH ZENO STREET  
FORT SMITH  
ARKANSAS  
SCALE: 1/4" = 1'

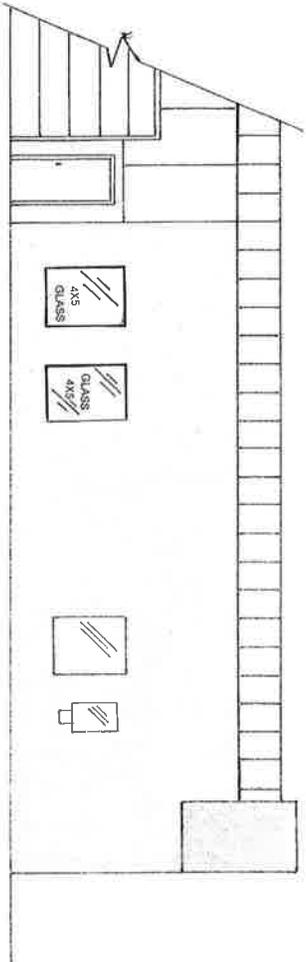
ALVIN L. PRIEUR, JR., PE  
CONSULTING ENGINEER  
P. O. BOX 1689  
VAN BUREN, ARKANSAS 72857  
479-651-7320  
apleur@cox.net



1215



WEST SIDE ELEVATION  
SCALE: 1/4" = 1'



ELEVATIONS  
J. D. BYRIDER  
3301 SOUTH ZERO STREET  
FORT SMITH  
ARKANSAS  
SCALE: 1/4" = 1'

ALVIN L. PRIEUR, JR., PE  
CONSULTING ENGINEER  
P. O. BOX 1689  
VAN BUREN, ARKANSAS 72857  
ap7353@t3.net  
ap7353@com.net



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** June 29, 2015

**Re:** Variance #15-7-15 - A request by Al Prieur, agent, for Board of Zoning Adjustment consideration of a zoning variance request from perimeter landscape requirements at 3301 South Zero Street (Companion to item #12)

## REQUESTED VARIANCE

The requested variance is from the requirement of 1 tree and 10 shrubs per 50 linear feet of property frontage along South Zero Street. The applicant is proposing to relocate the required trees from the street frontage to the east side of the property.

## LOT LOCATION AND SIZE

The subject property is on the north side of South Zero Street between South 31<sup>st</sup> Street and South 36<sup>th</sup> Street. The tract contains an area of 2.65 acres with approximately 271 feet of street frontage along South Zero Street.

## EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5) with special requirements from Ordinance 13-05. The special requirement is for site/development plan approval by the Planning Commission.

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.

13A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Industrial Light (I-1) and is developed as a vacant factory.  
The area to the east is zoned Commercial Heavy (C-5) and is developed as Clark machinery.  
The area to the south is zoned Commercial Heavy (C-5) and is developed as Floyd Traylor Honda and Stribling Equipment.  
The area to the west is zoned Industrial Moderate (I-2) and is developed as Ryerson Tool.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South Zero Street 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.

**APPLICANT HARDSHIP**

The applicant states the hardship is that the property frontage has many utilities. The planting of trees, even short trees, will impact the above ground utilities. The roots could impact the underground utilities.

13B

**STAFF COMMENTS AND RECOMMENDATIONS**

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

Staff recommends denial of the application.

Var. # 15-7-15

**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)

TRACT 2 OF ILPEA, INC. TRACTS 1 AND 2, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

Address of property 3301 SOUTH ZERO STREET, Existing or Proposed

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

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

**FROM**

**TO**

- Front Yard Setback or Minimum Distance from Right-of-Way
  - Exterior Side Yard Setback
  - Interior Side Yard Setback
  - Rear Yard Setback
  - Maximum Height of Structure
  - Minimum Distance Between Structures on the Same Lot
  - Minimum Lot Area (Square Feet)
  - Minimum Lot Frontage
  - Maximum Size of a Sign
- OMIT TREES FROM FRONT OF PROPERTY**
- FRONT - EAST SIDE Other: & ADD TO EAST SIDE.

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

130

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

Signed:

ALVIN L. PRIEUR, JR., PE

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

479-651-7920

~~Owner~~ or Agent Phone Number

P. O. BOX 1689

VAN BUREN, ARKANSAS 72957

~~Owner~~ or Agent Mailing Address

\_\_\_\_\_  
Owner

\_\_\_\_\_  
or  
*ALVIN L. PRIEUR, JR.*  
Agent

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

13E

**VARIANCE INFORMATION FORM**

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

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

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

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

Explanation of question #4 (if applicable)

THE FRONT OF THE PROPERTY HAS MANY UTILITIES. THE PLANTING OF TREES EVEN SHORT TREES WILL IMPACT THE ABOVE GROUND UTILITIES. THE ROOTS COULD IMPACT UNDER GROUND UTILITIES.

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

STRICT ENFORCEMENT WILL HAVE TREES PLANTED THAT WILL BE IN FRONT OF THE CAR LOT AND BE A POTENTIAL PROBLEM WHEN UTILITIES HAVE TO TRIM THE TREES AS WELL AS POTENTIAL PROBLEMS WITH UTILITY SERVICE.

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

THE UTILITIES IN FRONT OF THE PROPERTY ARE EXISTING. THERE APPEARS TO BE MORE IN THIS AREA THAT IN SOME AREAS.

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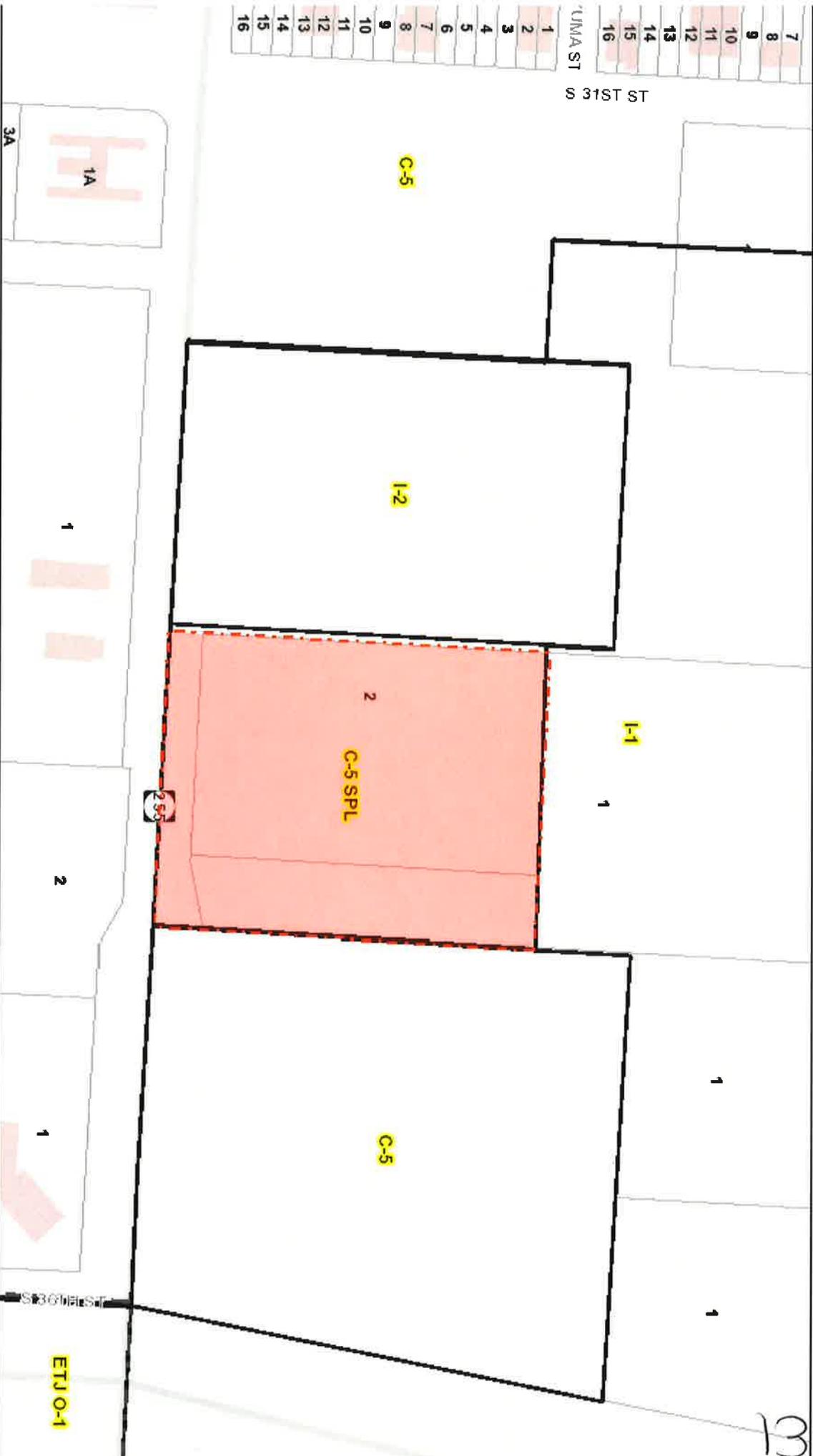
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# Variance #15-7-15: From UDO Section 27-602-3(B)-2, tree locations for perimeter landscaping 3301 South Zero Street

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UMA ST  
S 31ST ST



Line 22, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions





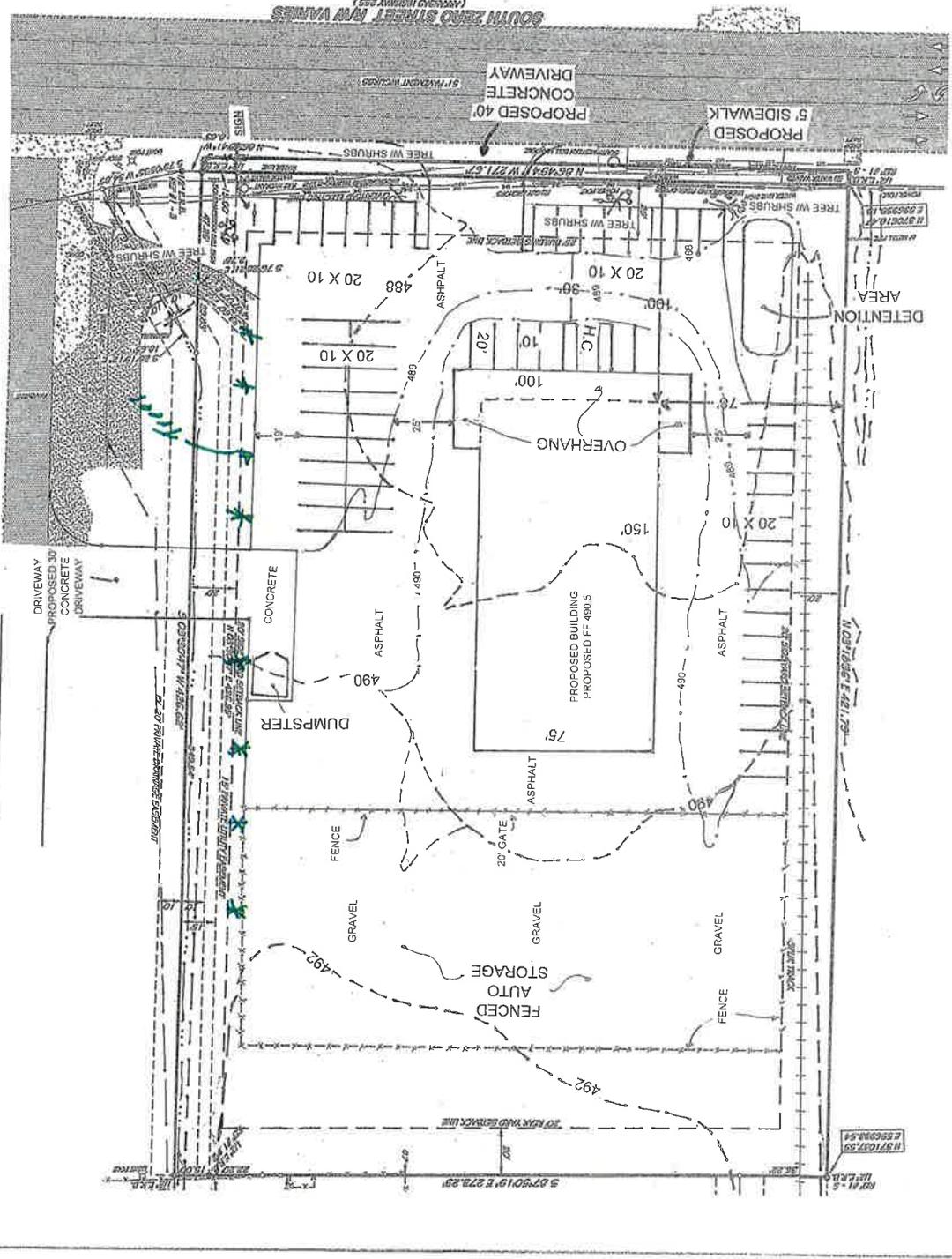
*Tree*

PROPERTY DESCRIPTION  
 TRACT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

KNOX BOX TO BE INSTALLED ON THE WEST SIDE OF THE BUILDING BY THE WALK DOOR GOING INTO THE SHOP AREA.  
 REQUIRED PARKING:  
 SERVICE  
 1801 + 1 PER EMPLOYEE  
 6 BAYS + 9 SERVICE EMPLOYEES  
 6 + 9 = 15 SPACES  
 SALES  
 17000 SF OF OUTDOOR DISPLAY SPACE  
 20,000 - 2000 = 10 SPACES  
 PARKING SPACES REQUIRED  
 15 + 10 = 25 SPACES  
 PARKING  
 DISPLAY - 21  
 H C - 1  
 EMPLOYEE - 16  
 ADDITIONAL - 18  
 TOTAL = 56



SITE LAYOUT  
 J. D. BYRIDER  
 PROFESSIONAL ENGINEER  
 3301 SOUTH ZERO STREET  
 FORT SMITH  
 ARKANSAS  
 479-651-7320  
 abryder@cox.net  
 JUNE 15, 2015  
 SCALE: 1" = 20'



131

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 9, 2015

**Re:** Variance #14-7-15 - A request by Jose Garcia, agent, for Board of Zoning Adjustment consideration of a zoning variance request from a) 25' to 3.5' front yard setback; and b) 7.5' to 2.9' interior side yard setback at 3716 Marshall Drive

## REQUESTED VARIANCE

The approval of this variance will allow the owner to construct a new 25'x25' carport to replace a carport that was removed because of hail damage.

## LOT LOCATION AND SIZE

The subject property is on the south side of Marshall Drive just west of Roosevelt Road. The tract contains an area of 0.194 acres with approximately 68 feet of street frontage along Marshall Drive.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

14A

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The areas surrounding this property are all zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Marshall Drive as a Local Road.

**MASTER LAND USE PLAN COMPLIANCE**

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

**APPLICANT HARDSHIP**

The owners removed a single car carport not knowing that they could not replace it with a two-car carport.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Tuesday, June 16, 2015, at 3716 Marshall Drive. No neighboring property owners were in attendance.

Staff received two phone call from adjacent property owners regarding the variance. One property owner had no objections. However, the other property had objections regarding the variance. A summary of that phone call is enclosed.

If the BZA is inclined to approve the variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which

14B

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.

Jennifer Garcia 479-459-3548  
Var.# 14-7-15

**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 3716 Marshall Dr Fort Smith 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>25'</u>	-	<u>3.5'</u>	Front Yard Setback or Minimum Distance from Right-of-Way
<u><del>7.5'</del></u>	-	<u><del>2.4'</del></u>	Exterior Side Yard Setback
<u>7.5'</u>	-	<u>2.9'</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

140

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

Signed:

Jose m. Garcia  
Owner or Agent Name (please print)

Jose m. Garcia  
Owner

or

479-462-2305  
Owner or Agent Phone Number

\_\_\_\_\_  
Agent

3716 Marshall Dr.  
Owner or Agent Mailing Address

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

14E

**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"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<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 type="checkbox"/>	<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"/>	<input type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

14F

Explanation of question #4 (if applicable)

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

it had an existing carport that I took down to <sup>Hail Damaged</sup> replace with a new carport. I was told I could not put new carport up without a variance

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

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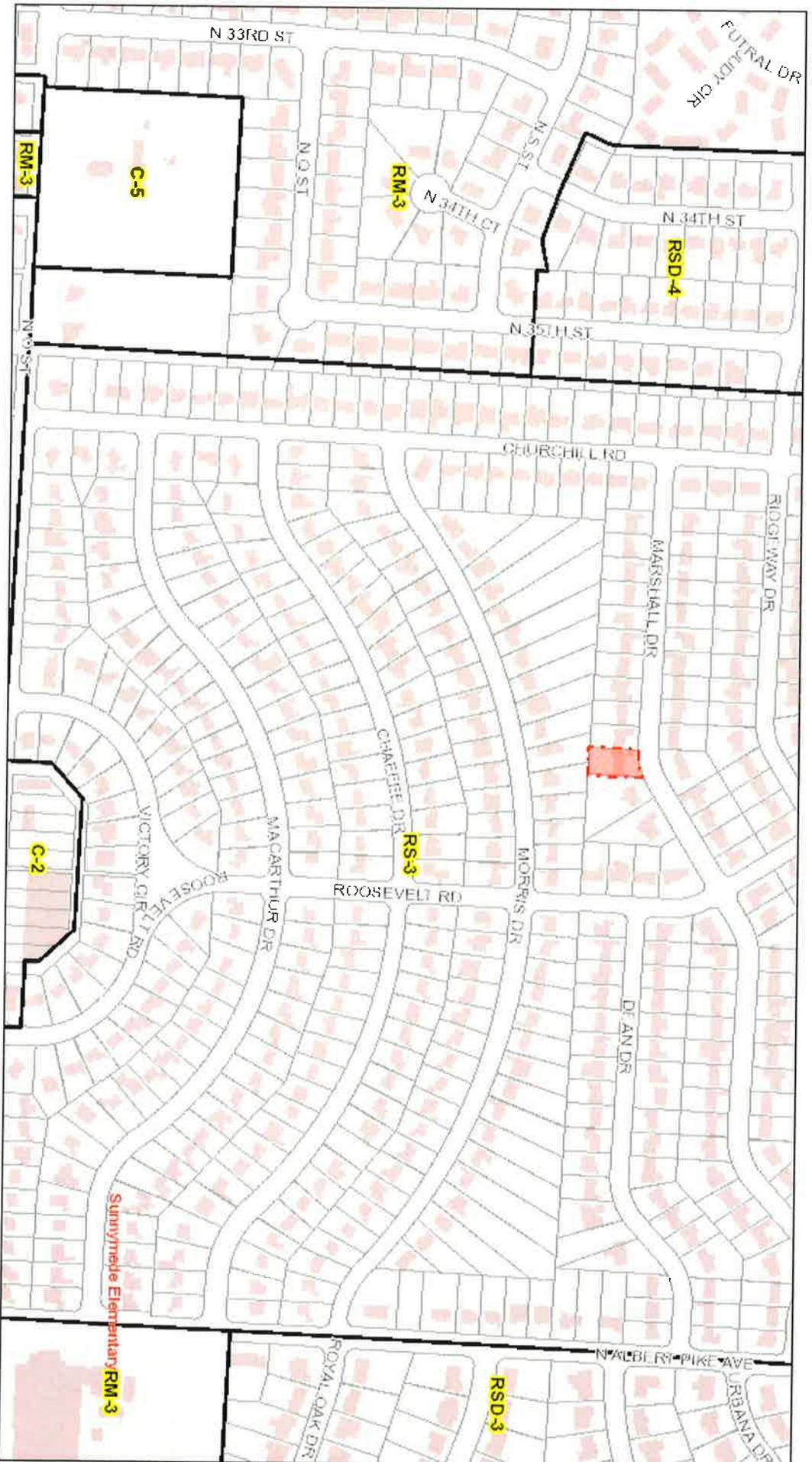
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Variance #14-7-15: From 25' to 3.5' front yard setback and from 7.5' to 2.9' interior side yard setback  
 3716 Marshall Drive



June 22, 2015

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



Handwritten mark resembling the number '5'.

# Existing Carports in Setbacks 3716 Marshall Drive

147



June 29, 2015

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



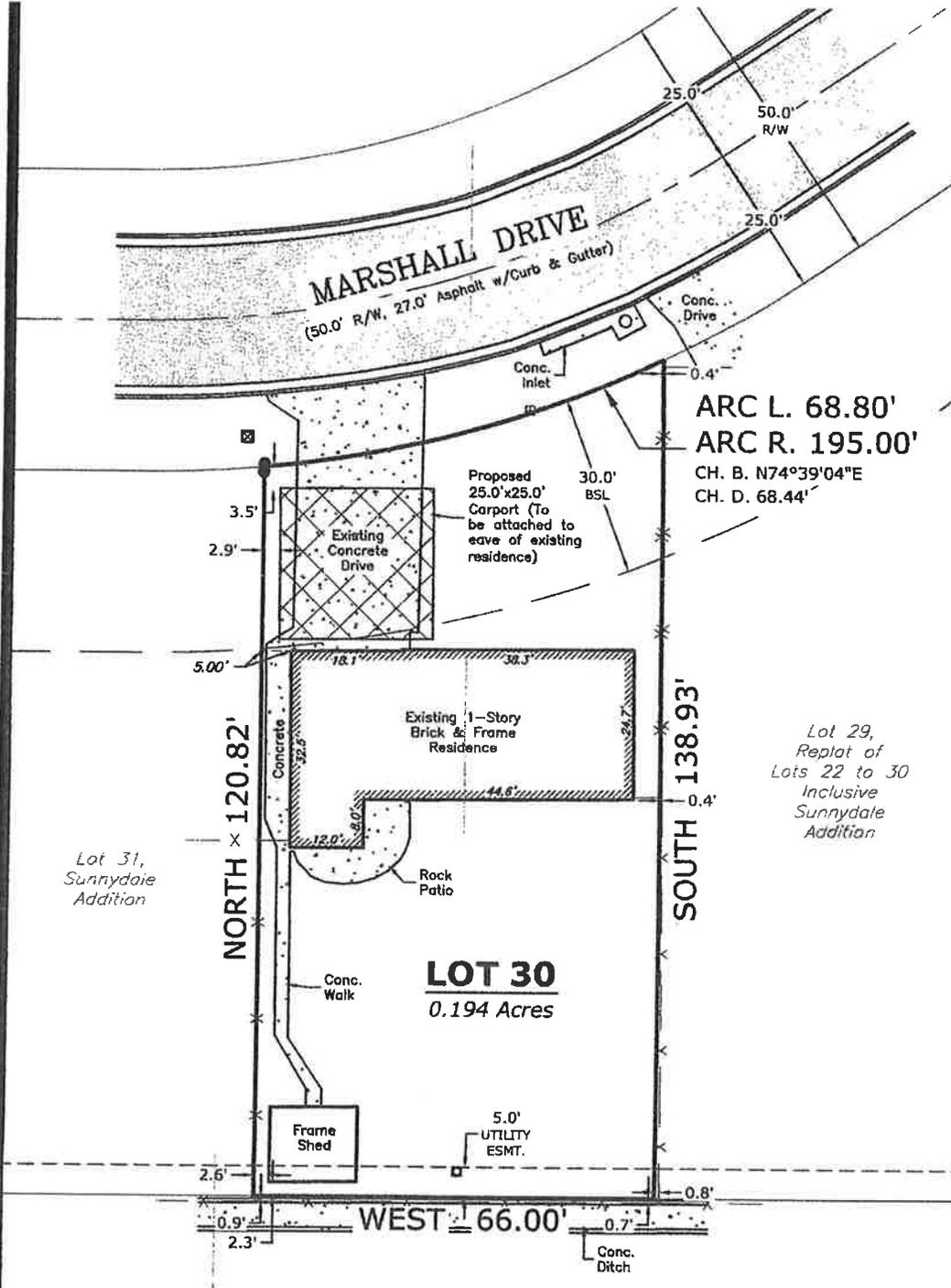
FR: Brenda Andrews

Date: July 8, 2015

RE: 3716 Marshall Drive – Variance Request

I received a phone call from Stephen Woolsey who lives at 3720 Marshall Drive and next door to the applicant requesting variances for a carport at 3716 Marshall Drive. In 2003 Mr. Woolsey applied for an interior side-yard setback from 7.5' to 2'-8". His application was denied by the Board of Zoning Adjustment because he did not demonstrate a hardship. Mr. Woolsey pointed out that his carport complied with the front-yard setback and was only requesting a side-yard variance. He expressed frustration that his request was less intrusive than the applicant's request yet he was denied. He asked that the BZA keep his denial in mind when considering the applicant's request for front and side-yard variances.

145



ANDJ A 6-

**FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**

**SURVEY OF**

**LOT 30, REPLAT OF LOTS 22 TO 30 INCLUSIVE,**

**SUNNYDALE ADDITION**

FOR USE BY:  
Teresa Arreola-Rico & Jose M. Garcia  
PROPERTY ADDRESS:  
3716 Marshall Drive  
Fort Smith, AR 72904

DATE: 5-15-2015  
JOB NO: 15-05-15  
SCALE: 1"=20'

ARC L. 68.80'  
ARC R. 195.00'  
CH. B. N74°39'04"E  
CH. D. 68.44'

NORTH X 120.82'

SOUTH 138.93'

WEST 66.00'

**LOT 30**  
0.194 Acres

Lot 29,  
Replat of  
Lots 22 to 30  
Inclusive  
Sunnydale  
Addition

Lot 31,  
Sunnydale  
Addition

**SURVEYORS CERTIFICATION**

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 15th DAY OF MAY 2015 TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR REFERENCE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREON, AND AS TO THEIR WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR PLS. 1272

- LEGEND**
- SET RAILROAD SPIKE
  - SET 1/2" REBAR
  - EXISTING IRON PIN
  - EXISTING CONC NAIL
  - EXISTING RR/SPICE
  - SET NAIL
  - WATER METER
  - GAS METER
  - POWER POLE
  - EXISTING FENCE
  - OVERHEAD ELECTRIC
  - ELEC./TELE. PEDESTAL

REVISIONS	DATE

20 0 20  
Scale in Feet



14K