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

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MAY 12, 2015

III. STAFF COMMENTS AND PROCEDURES

1. Preliminary Plat – Airport North Commercial Park – Mickle-Wagner-Coleman (tabled from May)

2. Preliminary Plat – Park Meadow Additions, Phases II-IV – Lots 36-108 – Crafton Tull

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.

4. Rezoning #7-6-15; A request by Carlos Vizcarra, 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 item #5)

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

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)

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

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 item #6)

RECESS BOARD OF ZONING ADJUSTMENT
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.

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.

10. Conditional Use #6-6-15; A request by Paul Newton, agent for Evangel Temple, for a church located at 1217 Towson Avenue.

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

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 35th Street.

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 12, 2015

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

Chairman Sharpe then called for the vote on the Planning Commission minutes from the April 14, 2015, meeting. Motion was made by Howard, seconded by Keesee and carried unanimously to approve the minutes as written.

Chairman Sharpe then called for the vote on the Planning Commission minutes from their special meeting on April 27, 2015. An error in these minutes was noted. The minutes reflected the meeting date as April 28th rather than April 27th. Chairman Sharpe then called for the vote on the minutes as corrected. The vote was 8 in favor and 0 opposed.

Mr. Wally Bailey spoke on the procedures.

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

   Mr. Bailey stated that the project engineer, Pat Mickle, had requested that the plat be tabled until June in order to resolve some utility issues.

   Chairman Sharpe called for a vote on the preliminary plat. Motion was made by Commissioner Howard, seconded by Keesee and carried unanimously to table the plat until the next Planning Commission meeting on June 9, 2015.

2. **Rezoning #4-5-15; A request by Reliance Health Care, agent for Saint Scholastica Academy, for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District by Classification located at 4411 Rogers Avenue.**

Maggie Rice read the staff report indicating that the purpose of this request is to allow for the construction of a nursing home to be located on 9.46 acres with 130 parking spaces and landscaping.

Rick Griffin, representing Griffin Construction, was there to speak on behalf of this request.

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

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

The project booklet shall be amended to include the following:

- All exterior building and site lighting shall not produce glare, light trespass and/or unnecessary skyglow. The use of shielded light fixtures is required by Section 27-602-5 of the UDO.
- The plat shall be approved prior to the issuance of a building permit.

Chairman Sharpe then called for the vote on the rezoning request as amended.
The vote was 8 in favor and 0 opposed.

3. **Rezoning #5-5-15; A request by Rodney Ghan, agent for Southern Steel and Wire, for a zone change from Industrial Light (I-1) to Commercial Heavy (C-5) by Classification located at 3500 Phoenix Avenue. (companion item to items #4 & #5).**

Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow approval of the rezoning application and companion applications which would allow for the development of a 17,600 s.f. multi-tenant retail shopping center.

Rodney Ghan was present to speak on behalf of this request. Mr. Ghan requested the zoning application be amended from Commercial-5 to Commercial-3.

Michael Johnson was also 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 Redd, seconded by Newton and carried unanimously to amend this request to make approval subject to the following:

- Amend the zoning request from Commercial Heavy (C-5) to Commercial Moderate (C-3) by Classification.
- The approved development plan.
- Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 8 in favor and 0 opposed.

4. **A request by Rodney Ghan, agent for Southern Steel and Wire, for development plan approval for a retail shopping center located at 3500 Phoenix Avenue. (companion item to items #3 & #5)**

Brenda Andrews read the staff report indicating that the purpose of this request is to approve the development plan to allow the development of a 17,600 s.f. multi-tenant retail shopping center.

Rodney Ghan 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 development plan. Motion was made by Commissioner Keesee, seconded by Redd and carried with a vote of 7 in favor and 1 opposed (Howard) to approve the development plan subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than described in this section will require Planning Commission approval.
- The development shall receive airport approval.
- A final lighting plan shall be submitted for review and approval upon submittal of the construction plans for building permit.
- Separate sign permit applications shall be submitted for review and compliance with Section 27-704-3 of the UDO.
- Fire hydrants shall be installed in accordance to the Fort Smith Fire Department.
- The plat shall be filed prior to the issuance of a building permit.
- A traffic impact analysis or traffic statement shall be approved by the city engineering department. Engineering Department approval of the Traffic Information Statement and any improvements that might be required as a condition of the 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. Landscaping plan must show the landscaping required as a condition of the variance approval.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 7 in favor and 1 opposed (Howard).

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

5. **Variance #10-5-15; A request by Rodney Ghan, agent for Southern Steel and Wire, for a variance from 200 feet to 159 feet distance between proposed driveways; from 200 feet to 155 feet minimum separation from an existing off site driveway and from Section 27-602-4 Architectural Design of Structures to allow an architectural prefabricated steel panel as the predominant façade on the south and west walls of the structure located at 3500 Phoenix Avenue. (companion item to items #3 & #4)**

   Brenda Andrews read the staff report indicating that the purpose of this variance request is to facilitate the development of a 17,600 s.f. retail multi-tenant shopping center.

   Rodney Ghan was present to speak on behalf of this request

   No one was present to in opposition of this request.

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

   Motion was made by Commissioner Keesee, seconded by Redd and carried with a vote of 7 in favor and 1 opposed (Howard) to make approval subject to the following:

   - Engineering Department approval of the Traffic Information Statement and any improvements that might be required as a condition of the approval.
   - Armstrong Maple trees or an equivalent will be included in the landscaped area located at the southwest corner of the proposed building.

   Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 for and 1 opposed (Howard).

6. **Conditional Use #3-5-15; A request by Michael Johnson, agent for Riverside Furniture Corporation, for a conditional use for the Riverview Hope Campus (homeless shelter) located at 301 South "E" Street.**

Brenda Andrews read the staff report indicating that the purpose of this conditional use is to allow the remodeling of an existing warehouse to a house for the chronically unsheltered homeless.

Michael Johnson with Architectural Plus was present to speak on behalf of this request.

Ken Pyle and Debbie Everlee with the Fort Smith Housing Authority 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.
Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 7 in favor and 0 opposed 1 abstention (Sharpe) to make 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.
- Platting of the property is required prior to the issuance of the building permit.
- All signs will require a separate permit and review process.

Chairman Sharpe then called for the vote on the conditional use as amended.
The vote was 7 in favor 0 opposed and 1 abstention (Sharpe)

7. **Conditional Use #4-5-15; A request by Kinzey Walton for a conditional use for a daycare home with one (1) employee located at 126 Martin Circle.**

Maggie Rice read the staff report indicating that the purpose of this conditional use is to allow the owner to open a home daycare at her residence. Ms. Rice stated that the owner is proposing to take care of up to twelve (12) children with the possibility of having one (1) employee.

Kinzey Walton owner 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 conditional use.

Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 8 in favor and 0 opposed to make approval subject to the following:

The installation of a privacy fence on the rear property line and continued compliance with the six (6) criteria for day homes in Section 27-206.

1. Day Care Homes are limited to the zoning districts specified in this chapter.
2. Day Care Homes require a conditional use permit to accordance with Section 27-332.
3. Day Care Homes shall be operated in a manner that will not change the character of the residence.
4. Day Care Homes are permitted to have no more than one (1) employee who does not reside at the home.
5. All vehicles including the employee parking space must be parked on the property and on a paved parking space. All parking and paving must comply with section 14-52 of this code.
6. All pick-up and drop off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the planning commission.

Chairman Sharpe then called for the vote on the conditional use request as amended.
The vote was 8 in favor and 0 opposed.

8. Conditional Use #5-5-15; A request by Bobby Colton Smith, agent for Storm Nolan, for a conditional use for a pet shop located at 4300 Rogers Avenue.

Maggie Rice read the staff report indicating that the purpose of this conditional use is to allow a pet shop offering fish and corals to occupy Suite 12 at Greenpointe Shopping Center.

Bobby Colton Smith 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 conditional use.
Motion was made by Commissioner Keesee, seconded by Newton and carried unanimously to amend this request to make approval subject to the following:

- All signs will require a separate permit and review process
- The approval is limited to Suite 12 and the business exclusively offering fish and corals.

Chairman Sharpe then called for the vote on the conditional use request as amended.
The vote was 8 in favor and 0 opposed.

9. Home Occupation #2-5-15; A request by Carlos Munoz for a home occupation for a painting contractor business located at 1921 North 29th Street.

Maggie Rice read the staff report indicating that the purpose of the conditional use is to allow the operation of a commercial painting business. It was noted that customers would come to the home by appointment and view photos of properties that Mr. Munoz has painted.

Carlos Munoz 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.
Motion was made by Commissioner Newton, seconded by Howard and carried with a vote of 8 in favor and 0 opposed to make approval subject to the following:

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.

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

The vote was 8 in favor and 0 opposed.

Meeting Adjourned!

SUBDIVISION COMMENTS
June 4, 2015

1. **Airport North Commercial Park – Lots 1-9 - Preliminary Plat- Mickle-Wagner-Coleman**

Existing Zoning Designation:	Commercial Heavy (C-5)
Land Use:	Commercial Heavy (C-5) provides locations for retail uses and services that generate moderate to heavy automobile traffic.
Proposed Use:	Commercial development

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.

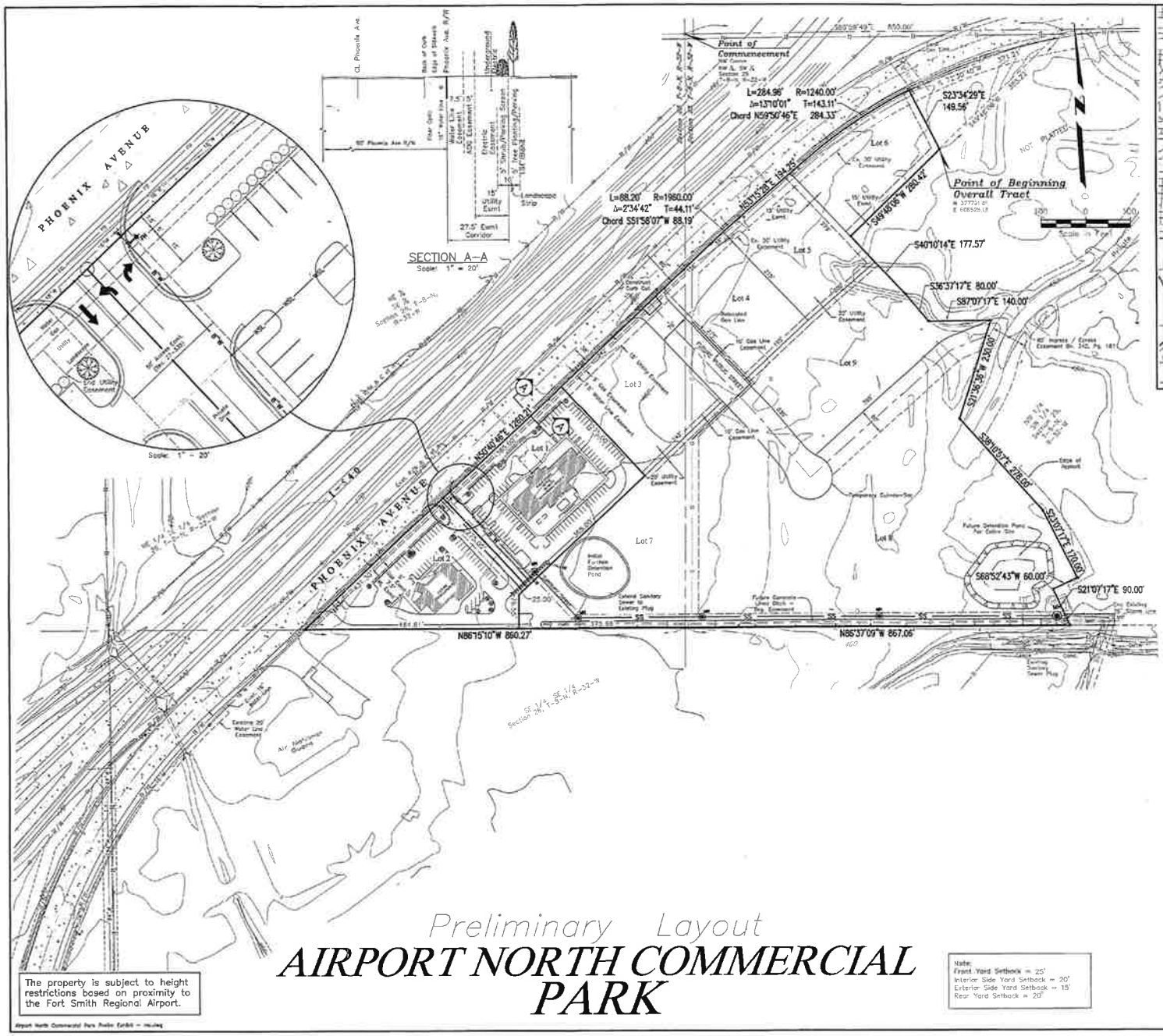
2. **Park Meadow Addition, Phases II, III and IV - Preliminary Plat – Crafton-Tull Engineers**

Existing	Residential Single Family Medium/High Density (RS-3)
Land Use:	Provides locations for medium to high density detached development on new sites or as infill.
Proposed Use:	Single family homes.

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.



VICINITY MAP
Scale: 1"=3000'

AIRPORT NORTH COMMERCIAL PARK OVERALL TRACT

A part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 25 and a part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 26, all in Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas and being more particularly described as follows:

Commencing at the northwest corner of the NW1/4 of the SW1/4 of said Section 25; thence S86°59'49"E, 850.00 feet along the north line of said NW1/4 of the SW1/4; thence S49°48'06"W, 38h.22 feet to the Point of Beginning; thence continuing S49°48'06"W, 280.42 feet; thence S40°10'14"E, 177.57 feet; thence S36°37'17"E, 80.00 feet; thence S87°07'17"E, 140.00 feet; thence S21°36'36"W, 230.00 feet; thence S38°10'57"E, 278.00 feet; thence S23°07'17"E, 170.00 feet; thence S68°52'43"W, 60.00 feet; thence S21°07'17"E, 90.00 feet to a point on the south line of said NW1/4 of the SW1/4; thence N86°37'09"W, 867.06 feet along said south line to the Southwest corner thereof; thence N86°15'10"W, 860.27 feet along the south line of said NE 1/4 of the SE 1/4 to the easterly right of way of Phoenix Avenue; thence N50°40'46"E, 1260.21 feet along said right of way to the Point of Curvature of a curve to the right having a radius of 1960.00 feet and being subtended by a chord having a bearing of N51°58'07"E and distance of 88.19 feet; thence northeasterly along said curve and said easterly right of way 88.20 feet to the Point of Tangency of said curve; thence N53°15'28"E, 194.25 feet along said easterly right of way to the Point of Curvature of a curve to the right having a radius of 1240.00 feet and being subtended by a chord having a bearing of N59°50'46"E and a distance of 284.33 feet; thence northeasterly along said curve and easterly right of way 284.96 feet; thence S23°34.29"E, 149.56 feet to the Point of Beginning, containing 23.36 acres, more or less.

DEVELOPER: Phoenix Fort Smith Partners, LLC
P.O. Box 6481
Fort Smith, AR 72906

Gross Area = 23.36 Acres
Current Zoning: C5
Land Use Plan: General Commercial
Property is not within a Special Flood Hazard area.

Phase 1 = Lots 1 and 2

Note: All Other Lots Shown are Subject to Changes in Dimensioning and/or Location, or Deletion

Preliminary Layout

AIRPORT NORTH COMMERCIAL PARK

The property is subject to height restrictions based on proximity to the Fort Smith Regional Airport.

Note:
Front Yard Setback = 25'
Interior Side Yard Setback = 20'
Exterior Side Yard Setback = 15'
Rear Yard Setback = 20'

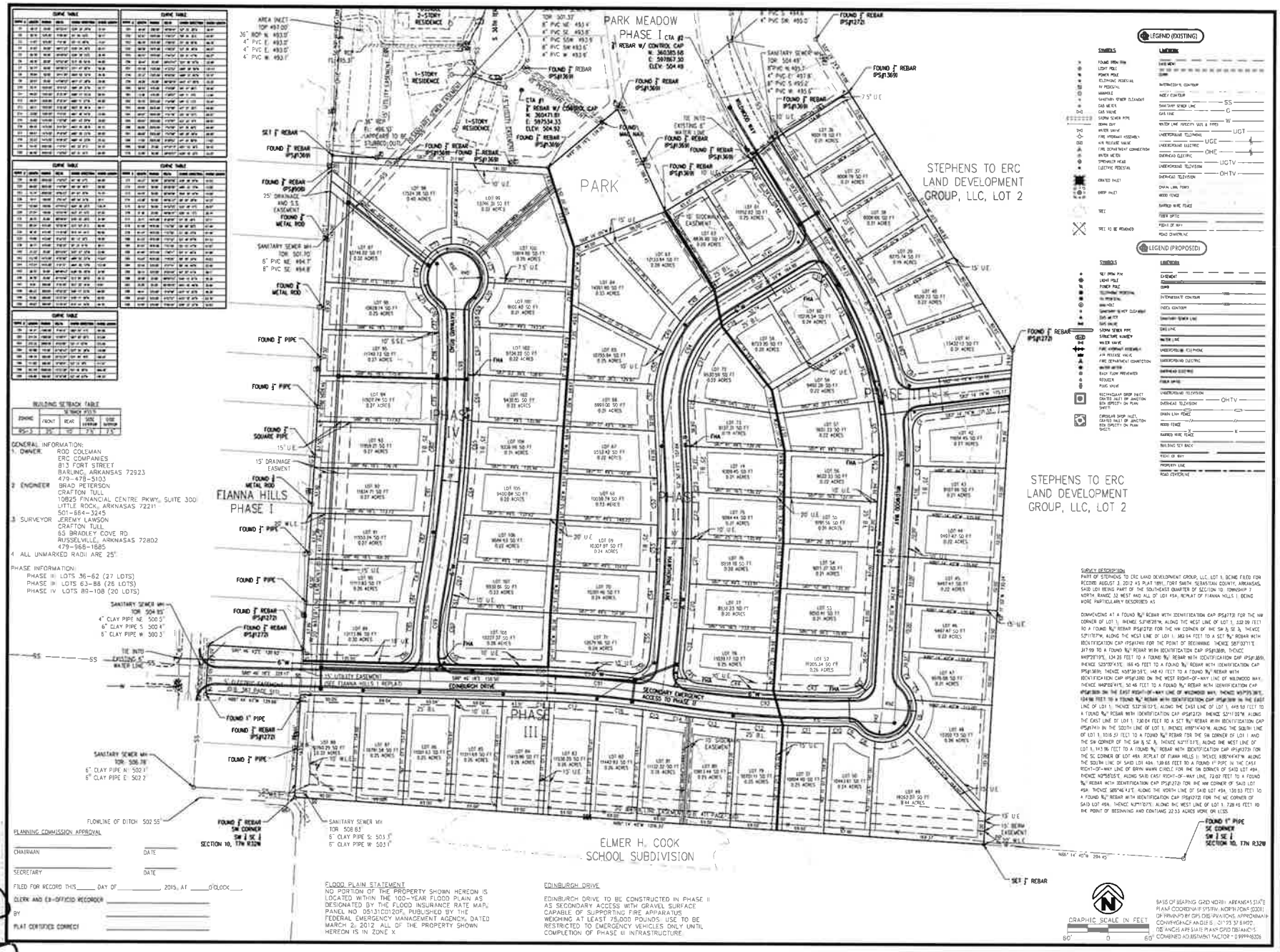
DATE	REVISION	BY
05/01/15	Revised Lot 1 Depth & Revised Easements, Deleted 8'	
	Water Line Along Lots 1 & 2	
05/15/15	Revised Easements Along Phoenix Avenue	
06/01/15	Changed Initial Phase to Lots 1 & 2, Adjusted Lot	
	Boundaries	

MICKLE WAGNER COLEMAN
Engineers-Consultants-Surveyors
3434 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-8484
Fax: (479) 649-8486
info@mwc-engr.com

PRELIMINARY LAYOUT
AIRPORT NORTH COMMERCIAL PARK
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DRAWN BY:	[illegible]
APPR. BY:	R. COLEMAN
H. SCALE:	1"=100'
V. SCALE:	N/A
DATE:	JUNE 2015
JOB NO:	PND 11645
SHEET	1 OF 1

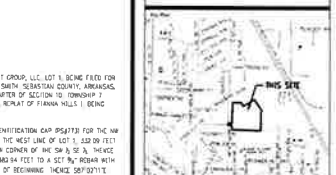
JUN 04 2



Crafton Tull
10825 Financial Center Parkway, Suite 300
Little Rock, Arkansas 72211
www.crafton-tull.com

PRELIMINARY PLAT OF PARK MEADOW ADDITION, PHASES II, III AND IV

FORT SMITH, ARKANSAS



No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton Tull & Associates, Inc. and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO. 15-0111
DRAWN BY: DJ
CHECKED BY: JL
DATE: 07/06/15
REVISION:

ISSUED FOR REVIEW

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

Rezoning - PZD

Memo

To: City Planning Commission

From: Planning Staff

Date: June 4, 2015

Re: Rezoning #6-6-15 - A request by Mickle Wagner Coleman, Inc., agent, for Planning Commission consideration of a zone request from Not Zoned to a Planned Zoning District by classification at 8401 McClure Drive

PROPOSED ZONING

The approval of this zoning will allow for the construction of the new ArcBest Corporate Headquarters.

LOT LOCATION AND SIZE

The subject property is on the north side of McClure Drive just east of Massard Road. The tract contains an area of 30.00 acres with approximately 288 feet of street frontage along McClure Drive.

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 currently is Not Zoned.

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family Medium/High Density (RS-3) and developed as single-family residences. Another area to the north is not zoned and developed as the McClure Amphitheater and an elevated storage tank.

The area to the west is not zoned and is developed as the Janet Huckabee Arkansas River Valley Nature Center.

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

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* classifies the site as Commercial/Office. The proposed PZD will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

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 details the building location along with proposed parking lots and areas of existing trees to remain. Driveways are also defined on the site plan.**

B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes - all traffic will enter and exit the site primarily from McClure Drive and the future R.A Young Jr. Drive.**

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? **The PZD booklet outlines that the architectural design standards will comply with the requirements of the UDO and FCRA design guidelines.**

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, and Comprehensive Plan and Master Land Use Plan.**

F. The required right-of-way dedication has been identified by the City Engineering Department? **Right of way dedication, if any, will be acquired during the platting process.**

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. **The city in partnership with the FCRA is constructing two 38' wide streets: McClure and R.A. Young Jr. Drive. These street extensions will serve this property and future development in the surrounding areas. McClure Drive will link Massard Road with Wells Lake Road. The future R.A. Young Jr. Drive will provide access from Wells Lake Road to the northern portions of this site as well as future residential development to the north.**

I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The project booklet states that the project will meet or exceed the UDO in the following areas: 1) landscaping; 2) the building will consist of 100% exterior high-quality materials.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The property is accessible from McClure Drive and the future R.A. Young Jr. Drive

Right-of-way dedication – If any right-of-way dedication is proposed or required it will be resolved with the platting of the property.

Drainage – The site plan shows multiple detention ponds. The drainage plan shall be approved by the city engineering department during 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 indicates that 1,200 parking spaces are proposed

Signage – The PZD states that all signs will be monument style. Signage for McClure Drive will have a maximum height of 15' and a maximum area of 125 square feet. Signage for R.A. Young Jr. Drive will have a maximum height of 15' and a maximum area of 75 square feet.

Sidewalks –Sidewalks will be constructed on both sides of the McClure Drive Extension and the future R.A. Young Jr. Drive.

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.**

B. Compatibility of the proposed development with the character of the neighborhood. **The existing land use and PZD are compatible with the surrounding area.**

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 study was not required by the city's engineering department due to the proposed construction of two new 38' wide streets, including the McClure Drive extension and R. A. Young Jr., Drive.**

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. **There is an existing 12" water line that will serve the site. A proposed 8" sanitary sewer will be extended to the site by the FCRA. All 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 Tuesday, May 12, 2015, at the Chaffee Crossing Media Center. Four neighboring property owners attended the meeting as well as representatives from ArcBest, City of Fort Smith, Nabholz Construction and Mickle Wagner Coleman. There were concerns about drainage, traffic, privacy and colors of the building. A copy of the attendance record and meeting summary are enclosed.

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

Neighborhood Meeting Minutes
ArcBest Corporate Headquarters at Chaffee Crossing
May 12, 2015 5:30 PM
Chaffee Crossing Media Center
7801 Ellis Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the ArcBest Corporate Headquarters development at Chaffee Crossing was held Tuesday, May 12, 2015 at 5:30 p.m. at the Chaffee Crossing Media Center, 7801 Ellis Street, Fort Smith, Arkansas. Walter Echols of ArcBest, Pat Mickle and Nick Griffin of Mickle Wagner Colman, Rob Dodd of Nabholz Construction, Tyler Miller of the City of Fort Smith Planning Department, and 6 homeowners, all from Reata Subdivision, attended the meeting. The attendance list is attached.

Mr. Echols and Mr. Mickle conducted the meeting. Mr. Echols explained the scope of the project (4-story Office Building with 1200 space parking lot). A homeowner expressed concern regarding existing drainage problems in the Reata Subdivision. Mr. Echols and Mr. Mickle explained that the majority of the ArcBest Property drains to the east away from the Reata Subdivision. They explained that the portion of the site that drains west toward Reata will remain natural vegetation. Mr. Miller also commented that the City of Fort Smith Engineering Department will review the plans to ensure that the development does not create any drainage issues for neighboring properties.

Another property owner asked about potential traffic issues. Mr. Mickle explained that two street extensions are being constructed in conjunction with the project. A new street will extend from Wells Lake Road to the northern portion of the site. McClure Drive will be extended from its current terminus near the McClure Amphitheater to Wells Lake Road to serve the southern portion of the site. He also noted that sometime in the future, Massard Road's southbound boulevard lanes will be completed to handle increased traffic. Mr. Echols added that the eventual Interstate 49 completion will facilitate more access from the east.

Reata property owners were also concerned about privacy and that back yards in Reata may be visible from the upper floors of the building. Mr. Echols spoke about the natural buffers that exist between the houses at Reata and the building. This included the terrain (the lots are situated at the base of the ridge which is generally 100' lower than the top of the ridge), the bike trail, and the existing vegetation (dense hardwood trees). The closest houses in Reata are approximately 500' from the proposed ArcBest building.

3E

Another concern from a property owner was the building color. The renderings show the concrete façade portions of the building are white. Mr. Echols explained that ArcBest has not yet finalized the color scheme.

There being no further questions, the meeting adjourned at 6:00 p.m.

-Nicholas J. Griffin, P.E.

Rez #6-6-15

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 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: 8401 McClure Drive

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)

_____
~~Owner~~

P.O. Box 1507, Fort Smith, AR 72902
~~Owner or~~ Agent Mailing Address

or

_____
Agent

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

3G

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME	ADDRESS
1. ArcBest Corporation	3801 Old Greenwood Rd, Ft Smith, AR 72903
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

3H

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Chaffee Crossing Media Center

Meeting Time & Date May 12, 2015, 5:30 p.m.

Meeting Purpose Discuss ArcBest Corporate Headquarters development

	NAME	ADDRESS	PHONE #
1.	Tyler Miller	City of Fort Smith	479-784-2241
2.	[illegible]	Arc Best	479-785-8701
3.	Mike + Rhonda Grisson	Reata	461-7823
4.	Stacy Wright	REATA	650-1669
5.	David Smith	Reata	739-7398
6.	Donna Beallis	Reata	806-0647
7.	Rob Dodd	Narsholz Construction	479-586-7926
8.	Nick Griffin	MWL	479-649-6484
9.	Pat Mickle	- MWL - Ft. Smith	649-8484
10.			
11.			

f:\doc\forms\CFS Forms-Applications\ArcBest 2015 Planned Zoning District.doc

3I

Neighborhood Meeting Minutes
ArcBest Corporate Headquarters at Chaffee Crossing
May 12, 2015 5:30 PM
Chaffee Crossing Media Center
7801 Ellis Street, Fort Smith, Arkansas

A neighborhood meeting to discuss the ArcBest Corporate Headquarters development at Chaffee Crossing was held Tuesday, May 12, 2015 at 5:30 p.m. at the Chaffee Crossing Media Center, 7801 Ellis Street, Fort Smith, Arkansas. Walter Echols of ArcBest, Pat Mickle and Nick Griffin of Mickle Wagner Colman, Rob Dodd of Nabholz Construction, Tyler Miller of the City of Fort Smith Planning Department, and 6 homeowners, all from Reata Subdivision, attended the meeting. The attendance list is attached.

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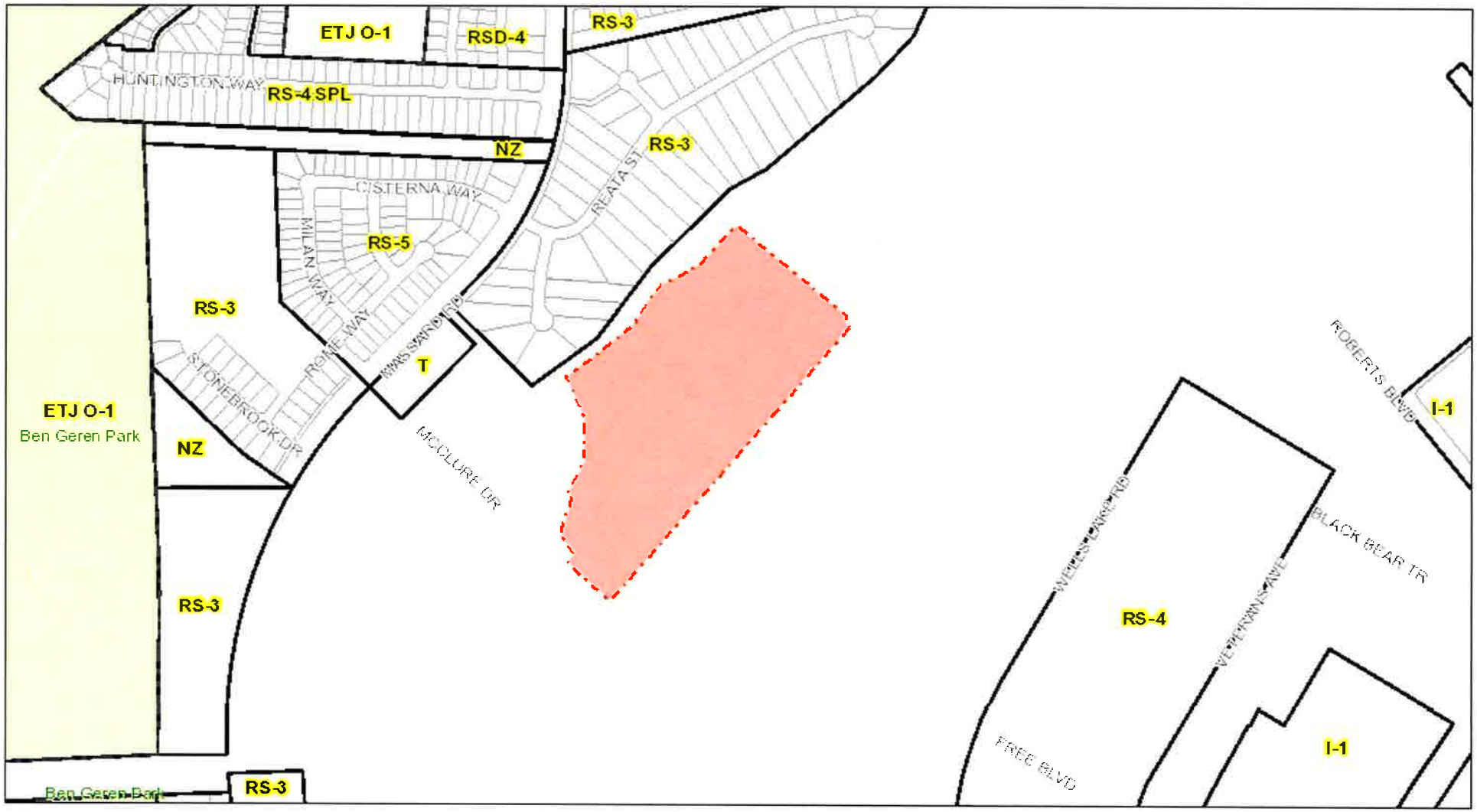
Another concern from a property owner was the building color. The renderings show the concrete façade portions of the building are white. Mr. Echols explained that ArcBest has not yet finalized the color scheme.

There being no further questions, the meeting adjourned at 6:00 p.m.

-Nicholas J. Griffin, P.E.

Rezoning #6-6-15: From Not Zoned to Planned Zoning District (PZD)
8401 McClure Drive



May 20, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:8,046

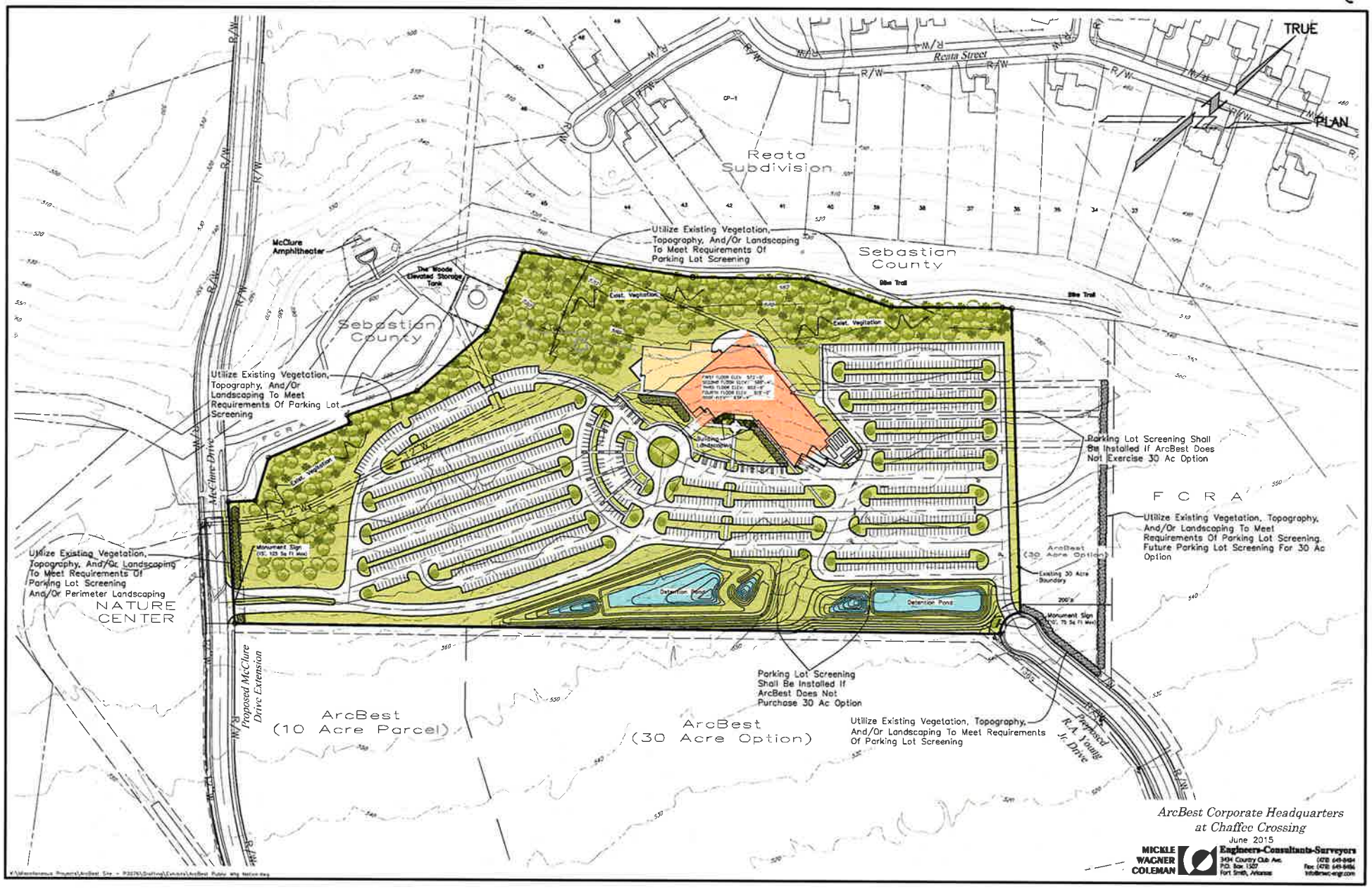
0 0.05 0.1 0.2 ft

0 0.1 0.2 0.4 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

32

3M



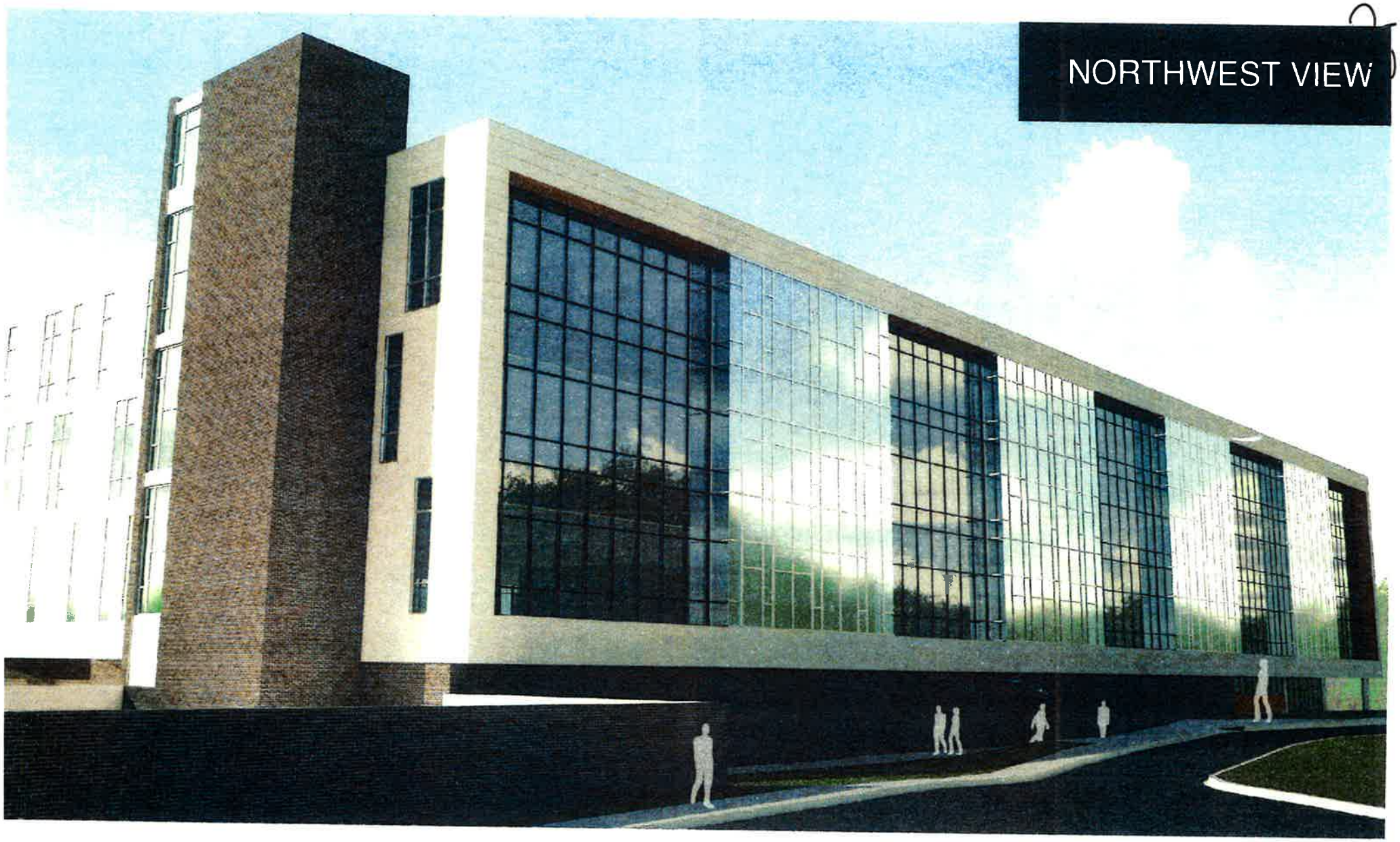
ArcBest Corporate Headquarters at Chaffee Crossing

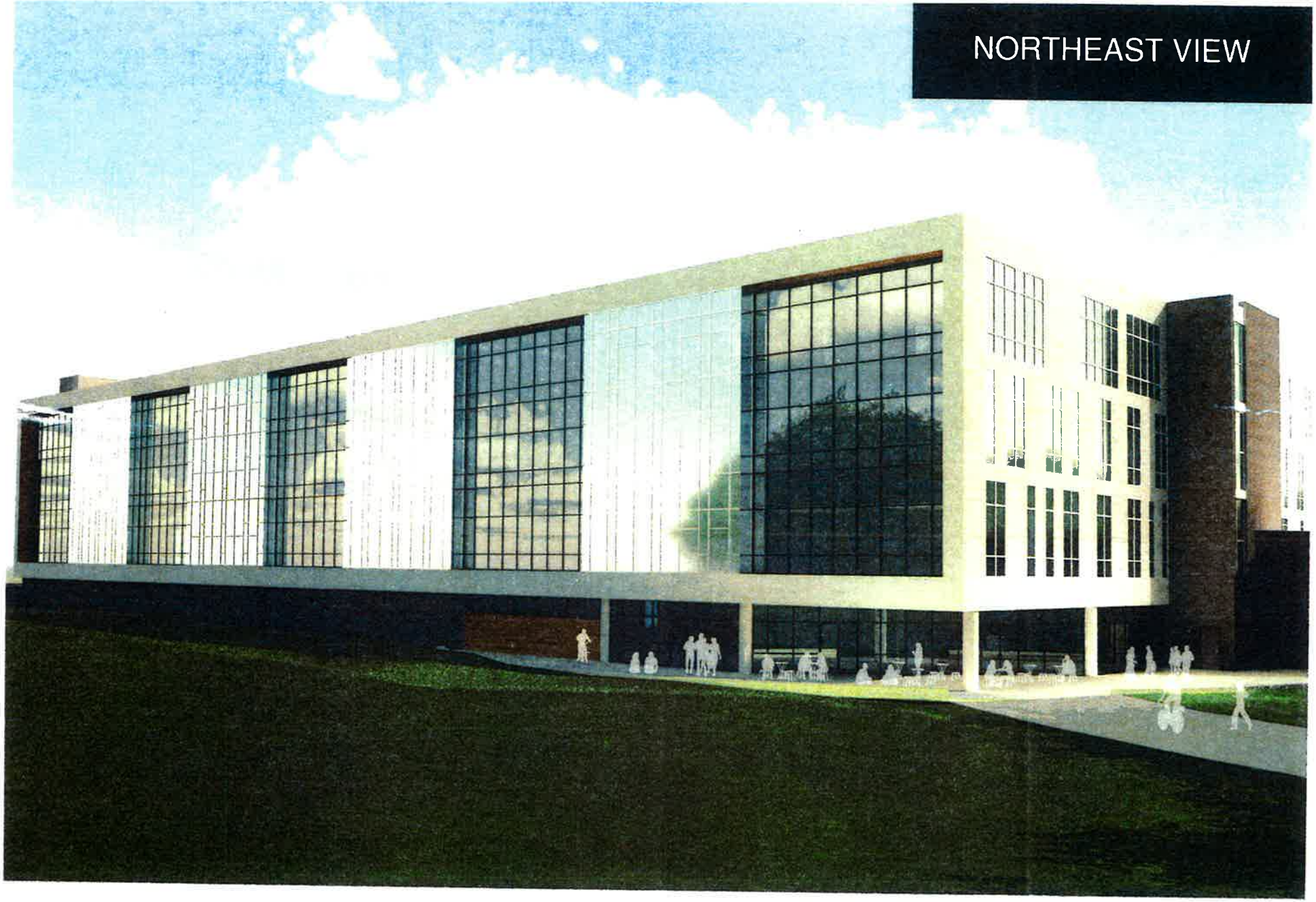
June 2015

MICKLE WAGNER COLEMAN
Engineers-Consultants-Surveyors
3404 Country Club Ave.
P.O. Box 1507
Fort Smith, Arkansas
(479) 649-9494
Fax: (479) 649-9496
info@mwc-eng.com

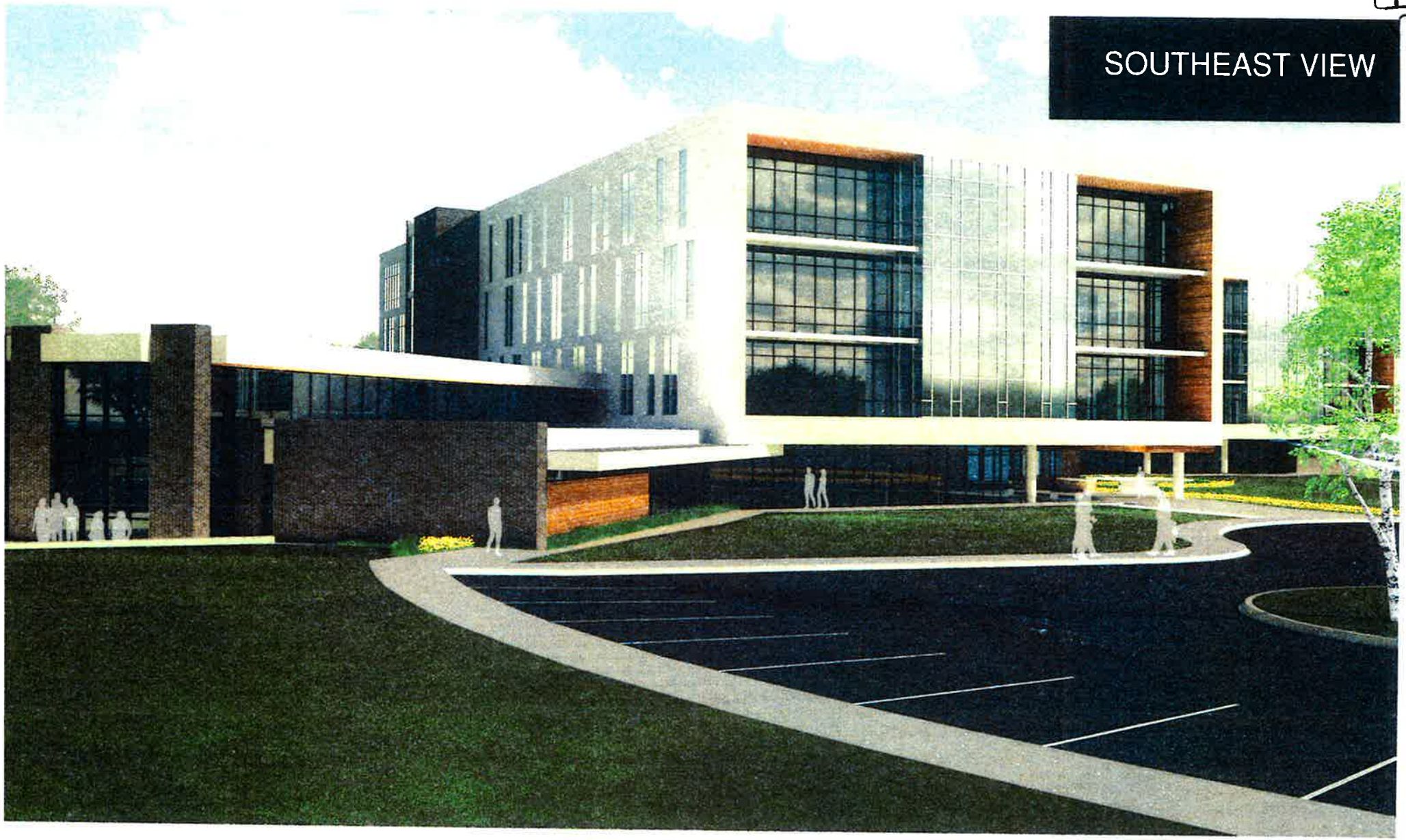
SOUTH VIEW

SOUTHWEST VIEW

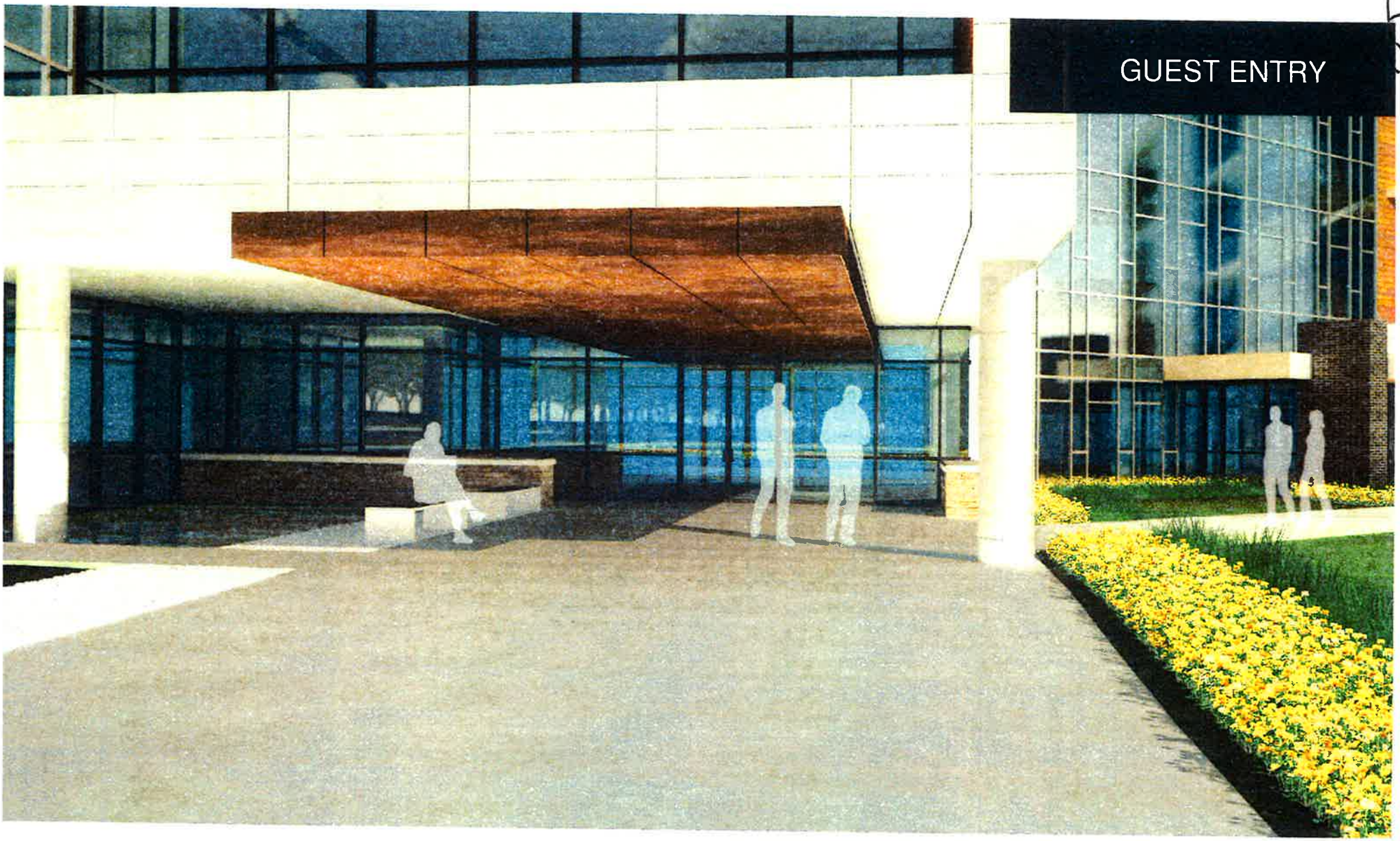

NORTHWEST VIEW


NORTHEAST VIEW

3Q


SOUTHEAST VIEW

EMPLOYEE ENTRY


GUEST ENTRY

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: May 27, 2015

Re: Rezoning #7-6-15 - A request by Carlos Vizcarra, agent for John Canterbury, for Planning Commission consideration of a zone request from Commercial Regional (C-4) to Commercial Heavy (C-5) by extension at 1200 South U Street (Companion to item #5)

PROPOSED ZONING

The rezoning and variance if approved will allow for the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility. The facility will have 2 floors and be operated similar to the U-Haul mini storages adjacent to the site.

LOT LOCATION AND SIZE

The subject property is on the south side of U Street between Towson Avenue and South 16th Street. The tract contains an area of 2.11 acres with approximately 299 feet of street frontage along South U Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

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

EXISTING ZONING

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

Purpose:

To provide for the development of large shopping centers, mixed use developments, entertainment venues, and other appropriate land uses that serve the broad retail, commercial, and entertainment needs of the metropolitan area. The C-4 zoning district is appropriate in the Regional Center, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-4 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 40,000 square feet

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 80%

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

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as the Brownwood Life Care Center.

The area to the east is zoned Commercial Heavy (C-5) and is currently and empty parking lot.

The area to the south is zoned Commercial Regional (C-4) and is developed as a hotel.

The area to the west is zoned Commercial Heavy (C-5) and is developed as a U-Haul truck rental center and mini storage facility.

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 was held on Wednesday May 27, 2015 at 4:00 P.M. at 2205 Towson Avenue. No neighboring property owners attended the meeting.

The proposed zone change is considered a corrective rezoning to reflect how the area has developed. No exterior changes to the property are proposed with the rezoning.

Staff recommends approval of the rezoning contingent upon approval of the companion variance.

Rez. #7-6-15

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) 18883-0000-00784-00
Please see attached survey

2. Address of property: 1200 S. U Street; Fort Smith, AR

3. The above described property is now zoned: C4 commercial Regional

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

5. Why is the zoning change requested?

To propose an adaptive re-use for the vacant building located at 1200 S. U Street and convert it into self-storage.

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

Signed:

Amerco Real Estate Company
Owner or Agent Name
(please print)

_____
Owner

or

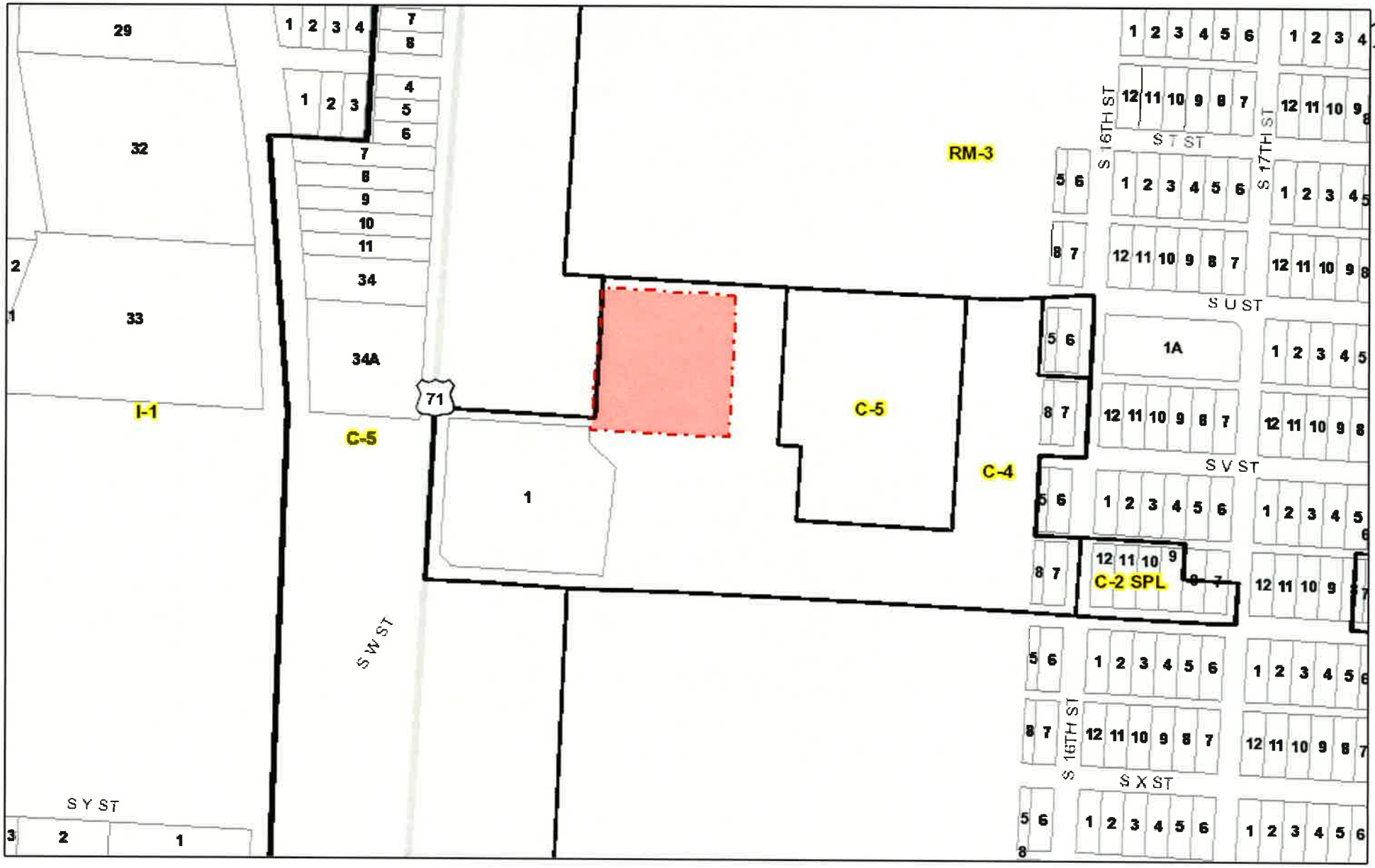
Carlos Vizcarra
Agent
Carlos Vizcarra, President

2727 N. Central Ave., Ste. 500
Owner or Agent Mailing Address
Phoenix, AZ 85004

(602) 263-6555
Owner or Agent Phone Number
(Contact Name: Parul Butala
Parul@uhaul.com)

4D

Rezoning #7-6-15: From Commercial Regional (C-4) to Commercial Heavy (C-5)
1200 South "U" Street



May 19, 2015

1:3,570

0 0.03 0.06 0.12 ft

0 0.05 0.1 0.2 m

Fort Smith City Limts

Zoning

Subdivisions

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

American National

Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd Suite E#183
Akron, OH 44312
800.290.8121
www.amnational.net

ALTA/ACSM Land Title Survey

FORT SMITH, AR 72901

SURVEYOR CERTIFICATION

1200 S U ST
FORT SMITH, AR
COUNTY OF SEBASTIAN

[illegible]

NAME OF SURVEYOR

SEAL

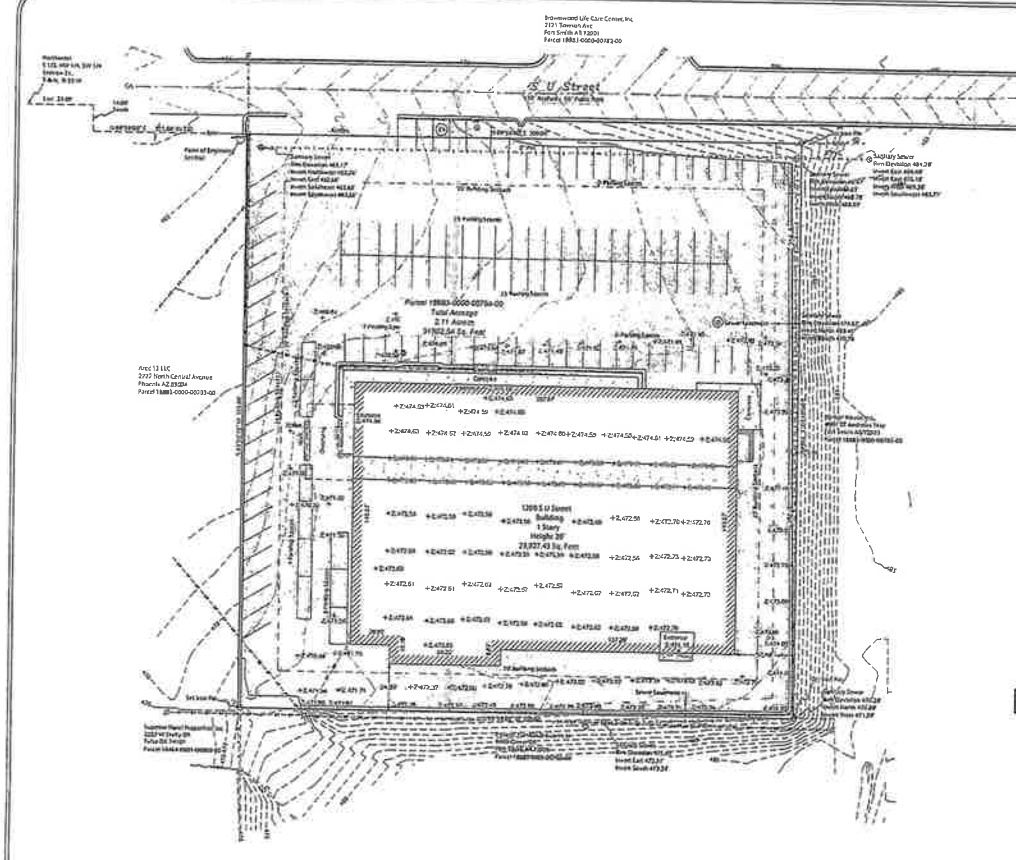
BUCKELY D. BLEW

LAND SURVEYOR NUMBER: 1532
IN STATE OF: ARKANSAS
DATE OF PLAT OR MAP: 3/9/2015
DATE OF LAST REVISION:
DATE OF THIS PRINTING: 3/9/2015
NETWORK REFERENCE #20150166-1

SURVEY PREPARED BY
BLEW & ASSOCIATES, P.A.
524 W. SYCAMORE STE. 4
FAYETTEVILLE, AR 72703

Legal Description

[illegible]



DATE	REVISIONS
3/10/2015	REVISIONS AS PER CLIENTS REQUEST

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) [illegible] of the Flood Insurance Rate Map Community Panel No. [illegible] which bears an effective date of [illegible] and is not in a Special Flood Hazard Area.

Zoning Information

STATUS	PROPERTY IS CURRENTLY ZONED C-4 COMMERCIAL [illegible]		STATUS
ITEM	REQUIRED	OBSERVED	Contact Info: Fort Smith Planning Department, 623 Garrison Ave, Room 331, Fort Smith, AR 72901, Phone: (479) 784-2216, Fax: (479) 784-2462
PERMITTED USE	Commercial	Commercial	
MIN. LOT AREA	4800 Sq. Feet	91922.54 Sq. Feet	
MIN. FRONTAGE	N/A	300.00'	
MAX. BLDG COVERAGE	[illegible]	[illegible]	
MIN. SETBACKS FRONT	25	[illegible]	
MIN. SETBACKS SIDE	20	[illegible]	Notes: [illegible]
MIN. SETBACKS REAR	20	[illegible]	
MAX BUILDING HEIGHT	45	20'	
PARKING REGULAR	N/A	[illegible]	
PARKING HANDICAP	N/A	6	
PARKING TOTAL	N/A	[illegible]	

Utility Notes

[illegible]

Encroachments

(E1) PARKING ENCROACHES THE NORTH SIDE OF THE PROPERTY

Notes Corresponding to Schedule B

(12) [illegible]

(13) [illegible]

Legend of Symbols & Abbreviations

[illegible]

Miscellaneous Notes

(MN1) SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

(MN2) [illegible]

(MN3) [illegible]

(MN4) [illegible]

(MN5) AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.

(MN6) AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY

(MN7) [illegible]

(MN8) THERE IS NO EVIDENCE OF ENCROACHMENTS

(MN9) COMPLETED FIELD WORK WAS MARCH 5, 2015.

(MN10) THE BASIS OF BEARING FOR THIS SURVEY IS THE SCHEDULE A DESCRIPTION COMMITMENT NO. [illegible], EFFECTIVE DATE FEBRUARY 20, 2015.

(MN11) AT THE TIME OF THE ALTA SURVEY THERE WAS NO EVIDENCE OF ANY DELINEATED WETLAND AREAS.

(MN12) PROPERTY IS APPROXIMATELY 334 FEET FROM THE INTERSECTION OF S U STREET AND TOWSON AVENUE.

SCALE : 1"=30'

0 30 60 90

Sheet 1 of 1

4F

PROJECT NAME:	U-HAUL MOVING AND STORAGE OF FORT SMITH (ABUTTING)
PROJECT ADDRESS:	1200 SOUTH U STREET, FORT SMITH, AR 72901
MUNICIPALITY:	CITY OF FORT SMITH
PARCEL ID:	18883-0000-00784-00
EXISTING ZONE:	C4 COMMERCIAL REGIONAL
PROPOSED ZONE:	C5 COMMERCIAL HEAVY

BUILDING SETBACKS:

	REQUIRED	EXISTING
FRONT	25'	130'-9"
SIDE	20'	32'-6" AND 59'-1"
REAR	20'	24'-11"

PARKING: REQUIRED: 6 SPACES FOR 151 TO 500 UNITS
PROPOSING: 413 UNITS, 12 SPACES

FAR & LOT COVERAGE:
MINIMUM LOT SIZE: 14,000 S.F.
MINIMUM LOT WIDTH: 100'
MINIMUM STREET FRONTAGE: N/A

HEIGHT LIMIT: 45'

PROJECT DATA

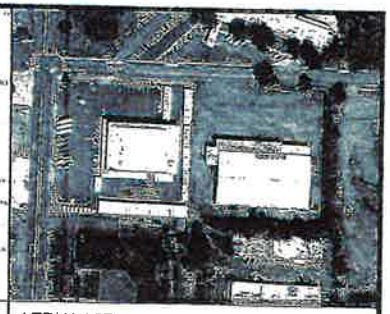
OWNER INFORMATION:
JOHN CANTERBURY
319 S. 18th STREET
FORT SMITH, AR 72901

APPLICANT INFORMATION:
PARUL BUTALA
AMERCO REAL ESTATE COMPANY
2727 N. CENTRAL AVENUE, STE 500
PHOENIX, AZ 85004
PHONE: 602-263-6555
EMAIL: PARUL_BUTALA@UHAUL.COM

CONTACTS

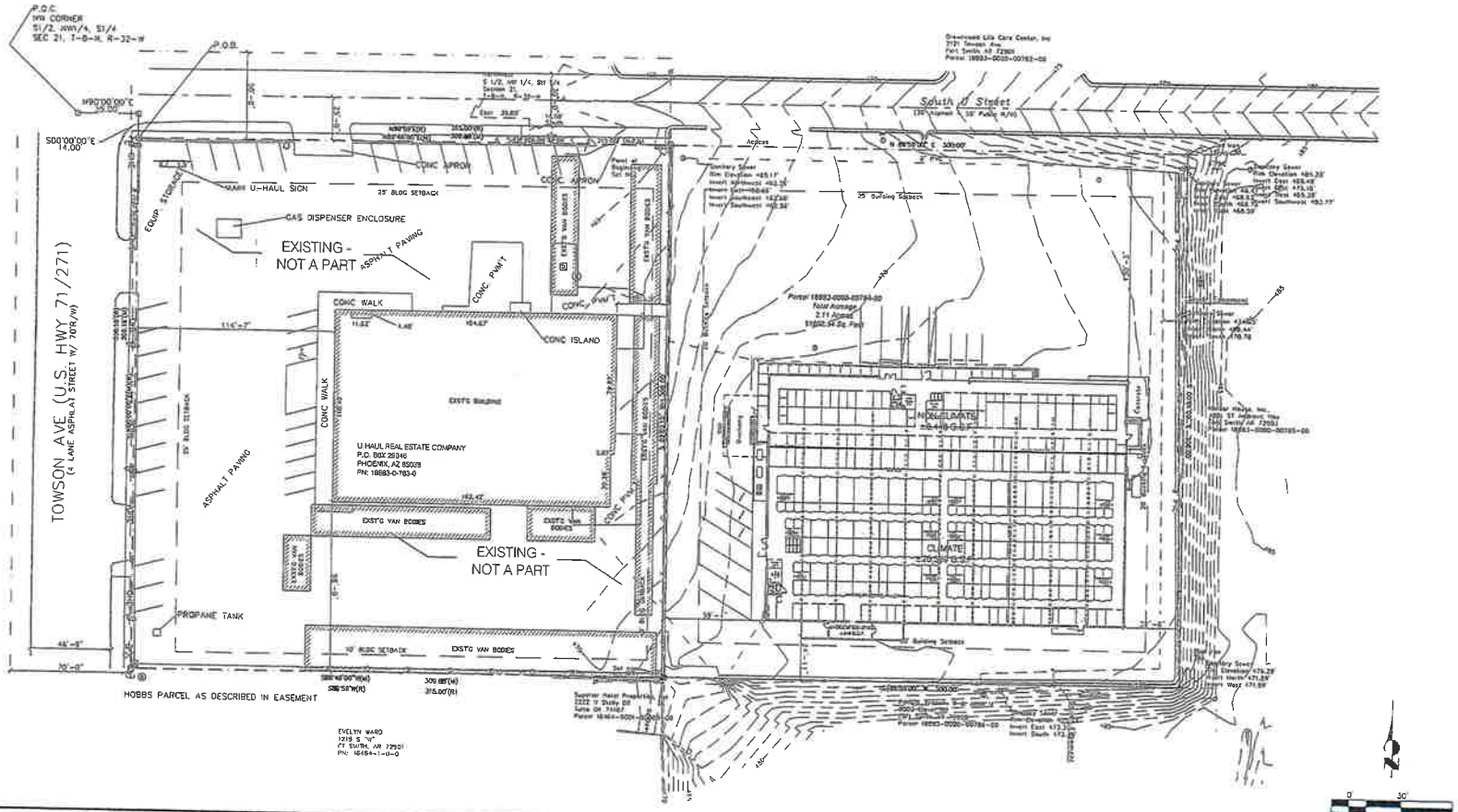
VICINITY MAP

N.T.S.



AERIAL VIEW

N.T.S.



SITEPLAN

GENERAL NOTES:

REVISIONS:

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS. NOT FOR CONSTRUCTION FOR INFORMATION ONLY

ARCHITECT LOGO:

AMERCO REAL ESTATE COMPANY
CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502

SITE ADDRESS:
U-Haul of Fort Smith (Abutting)
1200 South U Street
Forth Smith, AR 72901

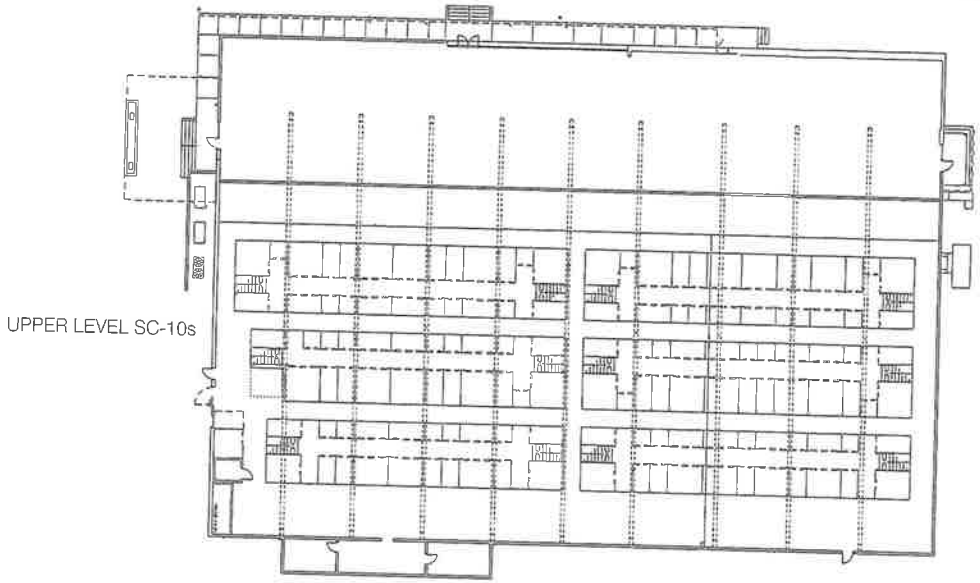
SHEET CONTENTS:
Siteplan

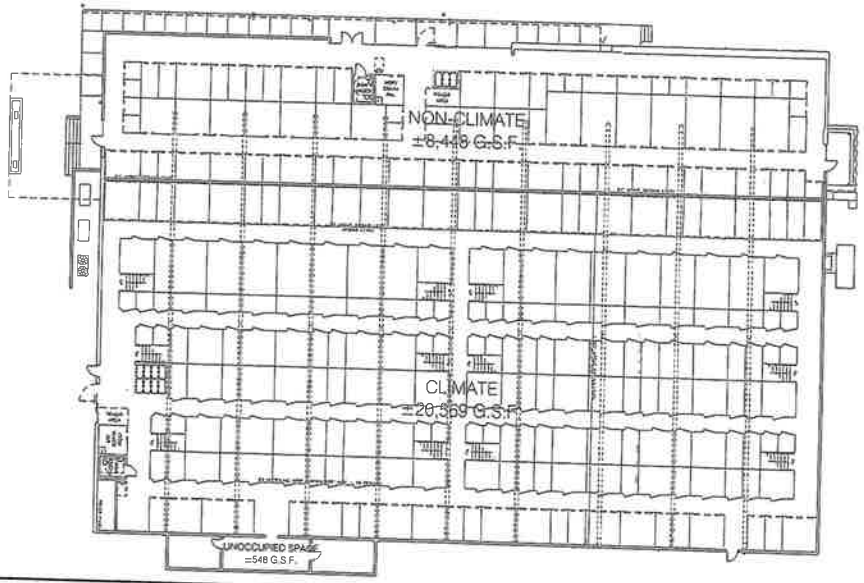
742053

DRAWN: BLC
CHECKED: NN
DATE: 03/1/15

SP1

2015 AMERCO REAL ESTATE COMPANY





FLOORPLAN

PROPOSED LOCKER MIX

LOCKER SIZE	NON CLIMATE - 20%			CLIMATE - 80%					TOTAL	SQ. FT.	%
	SINGLE LEVEL	SQ. FT.	%	UP / DN	SINGLE LEVEL	TOTAL DEV.	SQ. FT.	%			
5 x 5	15	375	7%	28 / 28	0	64	1,520	7%	70	1,575	7%
5 x 8	13	520	10%	10 / 10	0	32	880	4%	35	1,400	6%
5 x 10	17	850	17%	54 / 48	13	113	5,650	25%	130	6,500	25%
5 x 11	0	0	0%	8 / 8	14	14	770	4%	14	770	3%
8 x 8	2	128	2%	0 / 2	2	0	0	0%	2	128	0%
5 x 15	0	0	0%	0 / 2	0	2	150	1%	2	150	0%
10 x 8	12	960	19%	11 / 12	0	23	1,840	9%	35	2,800	11%
8 x 11	2	0	0%	0 / 0	2	2	176	1%	2	176	0%
10 x 10	13	1,300	25%	23 / 24	11	68	6,800	32%	81	8,100	31%
10 x 11	0	0	0%	0 / 0	12	12	1,300	5%	12	1,300	5%
10 x 15	7	1,050	20%	0 / 14	0	14	2,100	10%	21	2,100	12%
TOTAL	78	5,163	100%	134 / 148	52	334	21,286	100%	413	26,455	100%

GENERAL NOTES:

REVISIONS:

NO.	DATE	REVISIONS	NOTES
1			
2			
3			
4			
5			
6			
7			
8			

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS. NOT FOR CONSTRUCTION. FOR INFORMATION ONLY

ARCHITECT LOGO:

AMERCO REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P. (602) 263-6502

SITE ADDRESS:
U-Haul of Fort Smith (Abutting)
1200 South U Street
Forth Smith, AR 72901

SHEET CONTENTS:
Floor plan

742053

DRAWN: BLC
CHECKED: BH
DATE: [illegible]

A1

015 AMERCO REAL ESTATE COMPANY

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: May 27, 2015

Re: Variance #11-6-15 - A request by Carlos Vizcarra, agent for John Canterbury, for Board of Zoning Adjustment consideration of a zoning variance request from Minor Arterial or Higher minimum street access to Major Collector. (Companion to item #4)

REQUESTED VARIANCE

The variance and rezoning if approved will allow for the tenant to utilize the existing building and convert it to a climate controlled indoor mini storage facility. The facility will have 2 floors and be operated similar to the U-Haul mini storages adjacent to the site.

LOT LOCATION AND SIZE

The subject property is on the south side of U Street between Towson Avenue and South 16th Street. The tract contains an area of 2.11 acres with approximately 299 feet of street frontage along South U Street.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is developed as the Brownwood Life Care Center.

The area to the east is zoned Commercial Heavy (C-5) and is currently and empty parking lot.

The area to the south is zoned Commercial Regional (C-4) and is developed as a hotel.

The area to the west is zoned Commercial Heavy (C-5) and is developed as a U-Haul truck rental center and mini storage facility.

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 application didn't state an actual hardship however, this driveway has been developed for a number of years and includes an existing driveway on South U Street. The variance is being requested for the proposed zone change.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Wednesday May 27, 2015 at 4:00 P.M. at 2205 Towson Avenue. No neighboring property owners attended the meeting.

The property is currently developed with an existing building that was previously used as a bowling alley, indoor soccer field, and other high traffic uses. The site has an existing driveway on South U Street. Access to South U Street allows for those using the property to access the traffic signal at South U Street and Towson Avenue.

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 approval of the application.

Var. #11-6-15

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 1200 S. U Street; Fort Smith, AR, Existing or Proposed

Zoning Classification C5 Commercial Heavy, 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:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

_____

_____

_____

_____

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
Minor Arterial	-	Major Collector	Other: minimum required street access

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

5D

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

Signed:

Amerco Real Estate Company
Owner or Agent Name *(please print)*

_____
Owner

or

(602) 263-6555
Owner or Agent Phone Number

_____
Agent Carlos Vizcarra, President

2727 N. Central Ave., Ste. 500
Owner or Agent Mailing Address
Phoenix, AZ 85004
(Contact Name: Parul Butala
parula@uhaul.com)

Variance #_____

5E

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	
	✓	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?

5F

Explanation of question #4 (if applicable)

NA

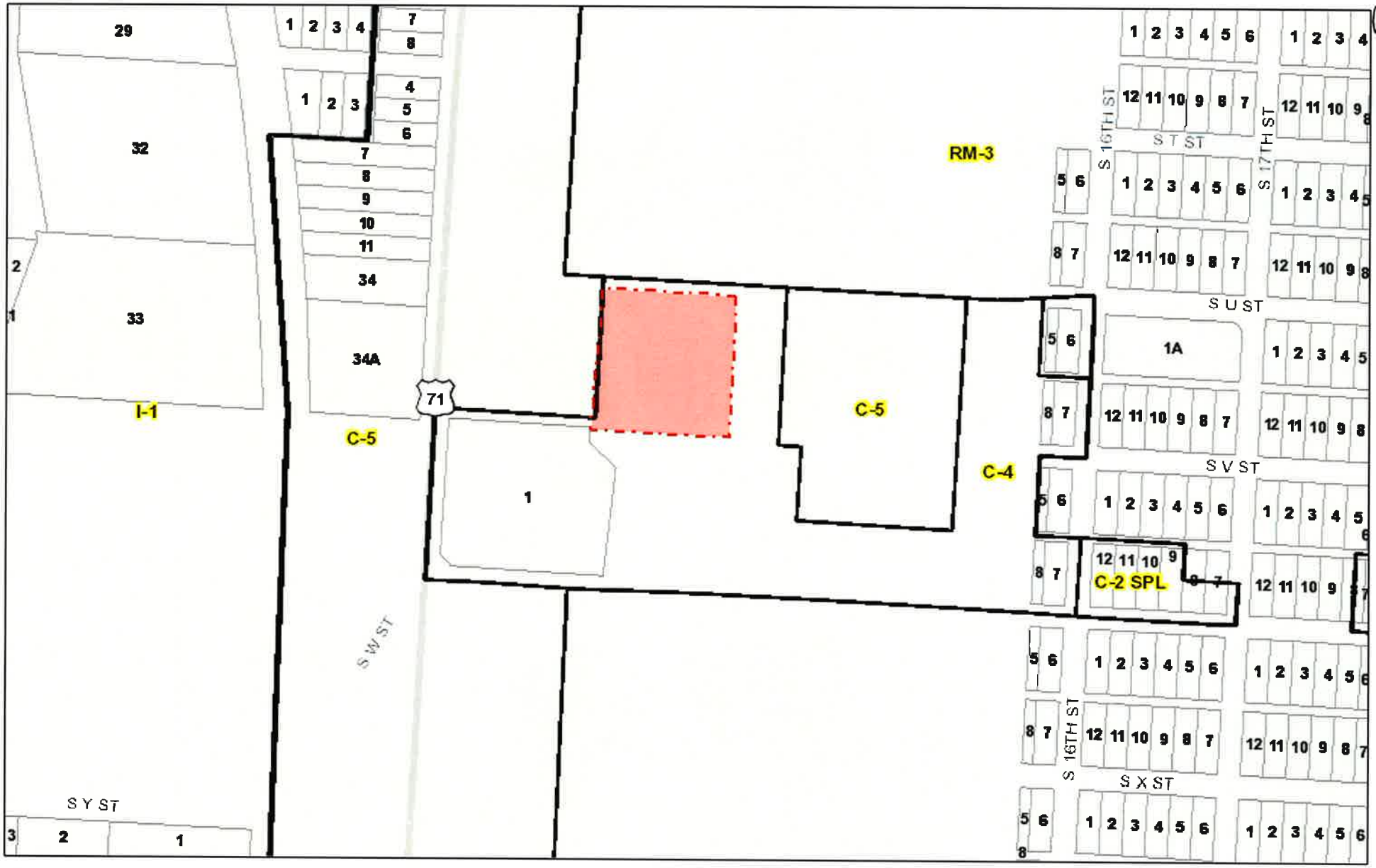
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

We are proposing a Re-zone from C4 commercial regional to C5 commercial heavy so that we can have U-Haul Self-Storage. U Street is a 'major collector' but must be a 'minor Arterial' or greater for a re-zone.

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

Variance #11-6-15: From minor arterial to major collector minimum required street access
1200 South "U" Street

#5



May 19, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:3,570

0 0.03 0.06 0.12 ft

0 0.05 0.1 0.2 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

American National

Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd Suite E#183
Akron, OH 44312
866.290.8121
www.amnational.net

ALTA/ACSM Land Title Survey

FORT SMITH, AR 72901

SURVEYOR CERTIFICATION

1200 S U ST
FORT SMITH, AR
COUNTY OF SEBASTIAN

TO: AMERCO REAL ESTATE COMPANY, A NEVADA CORPORATION, FIRST AMERICAN TITLE INSURANCE COMPANY, MINING CO. OF ARKANSAS, AND AMERICAN NATIONAL, LLC. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 (UNLESS PROHIBITED BY LOCALITY), 2, 3, 4, 5, 6b, 7a, 7b1, 7c, 8, 9, 11b, 13, 14, 16, 17, 18, 19, 20A OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON (9/3/2015).

NAME OF SURVEYOR:

RUCKELY D. BLEW

SEAL

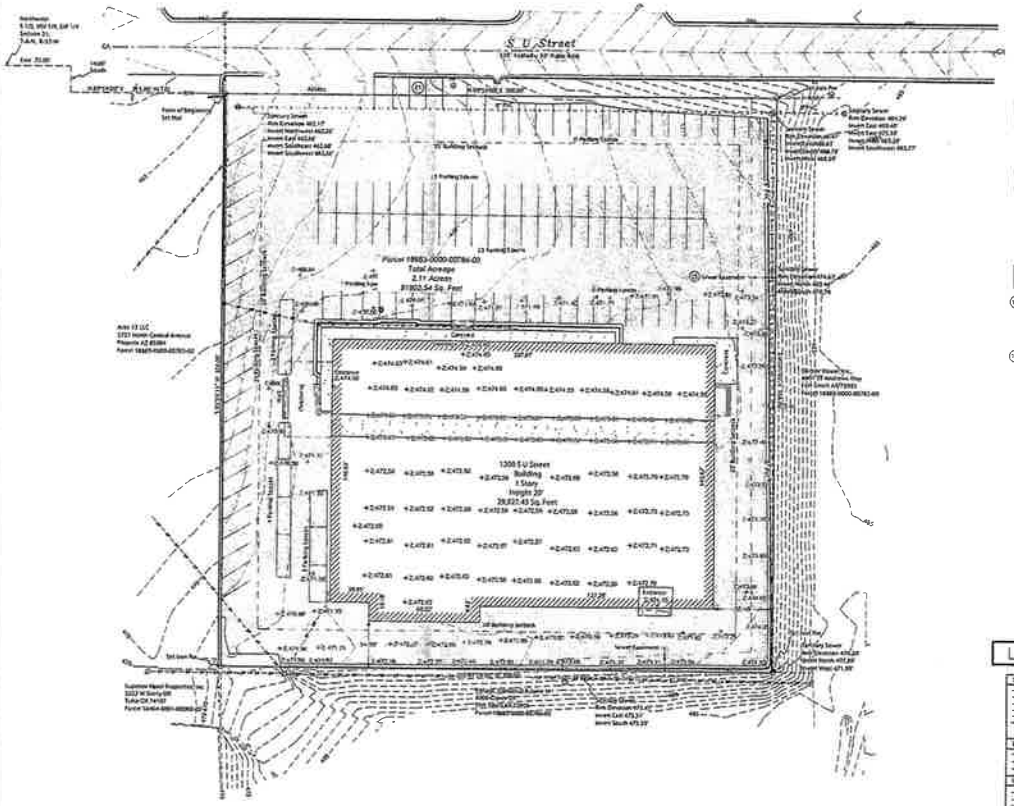
LAND SURVEYOR NUMBER: 1630
IN STATE OF: ARKANSAS
DATE OF PLAT OR MAP: 3/4/2015
DATE OF LAST REVISION:
DATE OF THIS PRINTING:9/9/2015
NETWORK REFERENCE #201509189-1

SURVEY PREPARED BY:
BLEW & ASSOCIATES, P.A.
224 W. SYCAMORE STE. 4
FAYETTEVILLE, AR 72703

Legal Description

(SCHEDULE "A" DESCRIPTION TITLE COMMITMENT NO. NCS-710062-KT)

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 8 NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, AS FOLLOWS: STARTING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE EAST 25.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF ROWSON AVENUE OR U.S. HIGHWAY 71 AND 371; THENCE SOUTH 14.00 FEET; THENCE NORTH 90 DEGREES 58 MINUTES EAST, 315.00 FEET ALONG A LINE WHICH IS THE SOUTH RIGHT OF WAY LINE OF SOUTH "U" STREET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 58 MINUTES EAST ALONG SAID SOUTH LINE OF SOUTH "U" STREET, A DISTANCE OF 308.99 FEET; THENCE SOUTH AND PARALLEL TO THE EAST BOUNDARY LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 308.99 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES WEST AND PARALLEL WITH SAID SOUTH LINE OF SOUTH "U" STREET, A DISTANCE OF 308.99 FEET; THENCE NORTH 308.99 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT PUBLIC ROADS AND RIGHTS OF WAY.



Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR DIFFERED GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY UNDERGROUND UTILS.

Encroachments

(E1) PARKING ENCROACHES THE NORTH SIDE OF THE PROPERTY

Notes Corresponding to Schedule B

(12) LEASE RESULTING FROM ALL TERMS, INCLUDING, BUT NOT LIMITED TO, COVENANTS, RESTRICTIONS, CONDITIONS, EASEMENTS AND/OR RIGHT-OF-WAYS AS MAY BE SET FORTH IN OIL AND GAS LEASE, DATED NOVEMBER 24, 1982, AND FILED FOR RECORD DECEMBER 2, 1982, IN RECORD BOOK 430 AT PAGE 1208 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR. EXECUTED BY EARL FRIEND, JR. AND ELSIE MAE FRIEND IN FAVOR OF ATLANTIC RICHFIELD COMPANY. (AFFECTS, BLANKET NOTHING TO PLOT)

(13) EASEMENT IN FAVOR OF CITY OF FORT SMITH, ARKANSAS, DATED AUGUST 20, 2012, AND FILED FOR RECORD AUGUST 21, 2012 [illegible] AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR. (AFFECTS, PLOTTED AND SHOWN)

Legend of Symbols & Abbreviations

SURVEY FEATURES	SURVEYING SYMBOLS
BOUNDARY LINE	SET IRON PIN
NORTH LINE	SET NAIL
CENTERLINE OF ROAD	FENCE CORNER POST
RIGHT OF WAY	FENCE
FENCE	STATE MONUMENT
TREE LINE	MONUMENTED STONE
(R) FIELD MEASUREMENT	CONCRETE POST
(R) RECORDED MEASUREMENT	TREE
EASEMENTS	UTILITY SYMBOLS
HARDLINE & SERVICE EASEMENT	SANITARY SEWER
BUILDING SET BACK	MANHOLE
UTILITY EASEMENT	POWER POLE
UTILITY LINES	WATER VALVE
SANITARY SEWER	FIRE HYDRANT
STORM SEWER	STORM WATER
SEWER LINE	ELECTRICAL BOX
WATERLINE	LIGHT
GAS LINE	SURVEY FEATURE MATCHES
FIBER OPTIC	ASPHALT
TELEPHONE LINE	CONCRETE
	GRAVEL

Miscellaneous Notes

(MN1) SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

(MN2) DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. BEARINGS ARE REFERENCED TO AN ASSUMED MERIDIAN AND ARE USED TO DENOTE ANGLES ONLY. MONUMENTS WERE FOUND AT POINTS OR END INDICATED.

(MN3) AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTHWORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

(MN4) AT THE TIME OF THE ALTA SURVEY THERE WERE NO CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED AND AVAILABLE FROM THE CONTROLLING JURISDICTION OR OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION/REPAIRS.

(MN5) AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.

(MN6) AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY.

(MN7) TOTAL NUMBER OF PARKING SPACE IS 117, WHICH INCLUDES 6 DESIGNATED HANDICAPPED SPACE.

(MN8) THERE IS NO EVIDENCE OF ENCROACHMENTS

(MN9) COMPLETED FIELD WORK WAS MARCH 5 2015

(MN10) THE BASIS OF BEARING FOR THIS SURVEY IS THE SCHEDULE A DESCRIPTION, COMMITMENT NO. NCS-710062-KT, EFFECTIVE DATE FEBRUARY 20, 2015

(MN11) AT THE TIME OF THE ALTA SURVEY THERE WAS NO EVIDENCE OF ANY DELINEATED WETLAND AREAS.

(MN12) PROPERTY IS APPROXIMATELY 334 FEET FROM THE INTERSECTION OF S U STREET AND TOWSON AVENUE.

DATE	REVISIONS
9/10/2015	REVISIONS AS PER CLIENTS REQUEST

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) [illegible] of the Flood Insurance Rate Map, Community Panel No. [illegible] which bears an effective date of [illegible] and is not in a Special Flood Hazard Area.

Zoning Information

STATUS	PROPERTY IS CURRENTLY ZONED: C-4 COMMERCIAL REGIONAL	
ITEM	REQUIRED	UNSERVICED
PERMITTED USE	Commercial	Commercial
MIN. LOT AREA	43560 Sq. Feet	91903.54 Sq. Feet
MIN. FRONTAGE	N/A	308.99'
MAX. BLDG COVERAGE	50%	30.51%
MIN. SETBACKS FRONT	25'	126.27'
MIN. SETBACKS SIDE	25'	33.40'
MIN. SETBACKS REAR	20'	24.00'
MAX BUILDING HEIGHT	45'	20'
PARKING REGULAR	N/A	117
PARKING HANDICAP	N/A	6
PARKING TOTAL	N/A	117

Contact who: Fort Smith Planning Department
623 Garrison Ave.
Room 326
Fort Smith, AR 72901
Phone: (479) 784-2216
Fax: (479) 784-2422

Notes: Zoning may be a mixed use commercial or residential. Contact Fort Smith Planning for specific zoning and bulk requirements.

SCALE : 1"=30'

0 30 60 90

Sheet 1 of 1

55

PROJECT NAME:	U-HAUL MOVING AND STORAGE OF FORT SMITH (ABUTTING)
PROJECT ADDRESS:	1200 SOUTH U STREET, FORT SMITH, AR 72901
MUNICIPALITY:	CITY OF FORT SMITH
PARCEL ID:	18883-0000-00784-00
EXISTING ZONE:	C4 COMMERCIAL REGIONAL
PROPOSED ZONE:	C5 COMMERCIAL HEAVY

BUILDING SETBACKS:	REQUIRED	EXISTING
FRONT	25'	130'-3"
SIDE	20'	32'-6" AND 59'-1"
REAR	20'	24'-11"

PARKING: REQUIRED: 6 SPACES FOR 151 TO 500 UNITS
PROPOSING: 413 UNITS, 12 SPACES

FAR & LOT COVERAGE:
MINIMUM LOT SIZE: 14,000 S.F.
MINIMUM LOT WIDTH: 100'
MINIMUM STREET FRONTAGE: N/A

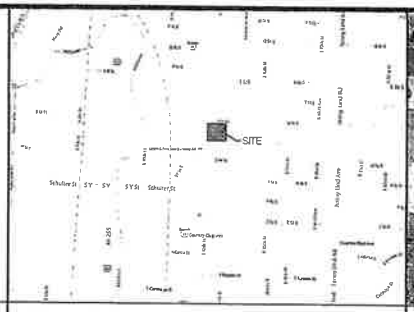
HEIGHT LIMIT: 45'

PROJECT DATA

OWNER INFORMATION:
JOHN CANTERBURY
319 S. 18th STREET
FORT SMITH, AR 72901

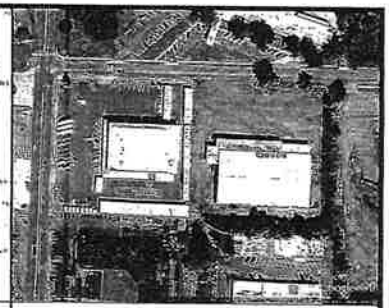
APPLICANT INFORMATION:
PARUL BUTALA
AMERCO REAL ESTATE COMPANY
2727 N. CENTRAL AVENUE, STE 500
PHOENIX, AZ 85004
PHONE: 602-263-6555
EMAIL: PARUL_BUTALA@UHAUL.COM

CONTACTS



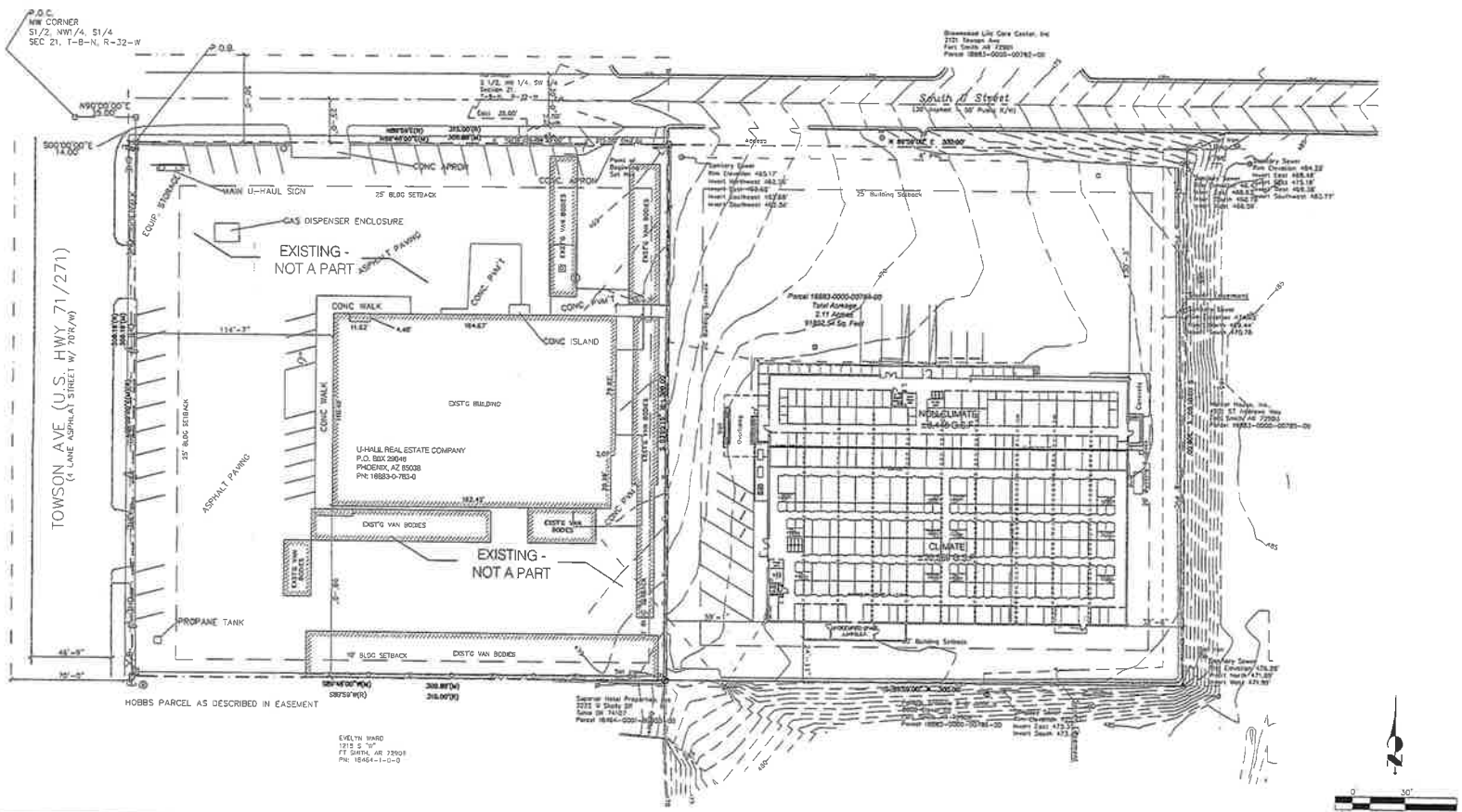
VICINITY MAP

N.T.S.



AERIAL VIEW

N.T.S.



SITEPLAN

SCALE: 1"=30'

GENERAL NOTES:

REVISIONS:

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS, NOT FOR CONSTRUCTION, FOR INFORMATION ONLY

ARCHITECT LEGO:

AMERCO REAL ESTATE COMPANY
CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
P: (602) 263-6502

SITE ADDRESS:
U-Haul of Fort Smith (Abutting)
1200 South U Street
Forth Smith, AR 72901

SHEET CONTENTS:
Siteplan

742053

DRAWN:	BLC	SP1
CHECKED:	NH	
DATE:	09/11/15	

742053abutting-A1A

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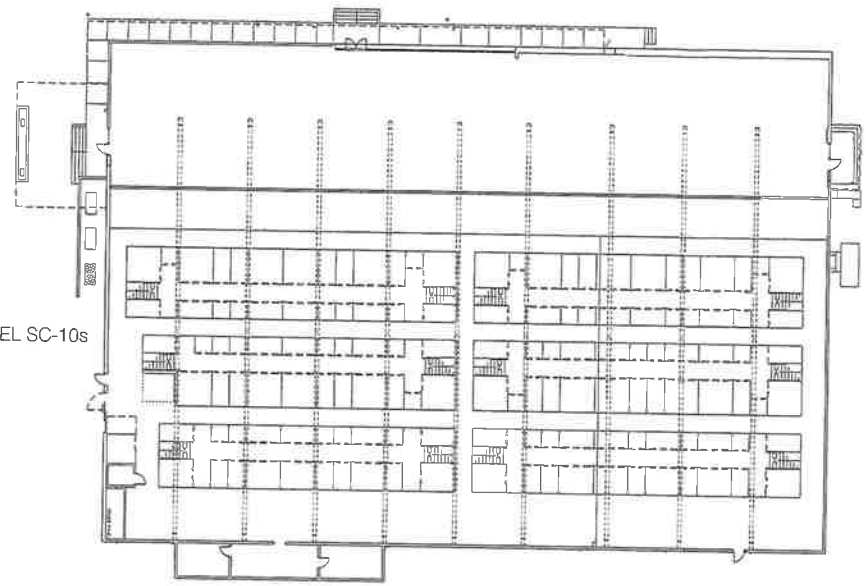

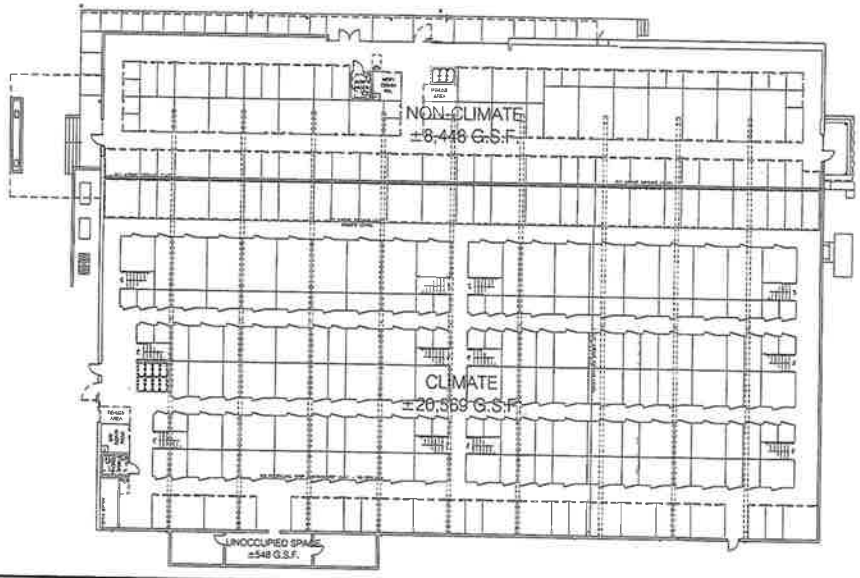

PROPOSED LOCKER MIX

LOCKER SIZE	NON-CLIMATE - 20%			CLIMATE - 80%					TOTAL	SQ FT.	%
	SINGLE LEVEL	SQ. FT.	%	UP / DN	SINGLE LEVEL	TOTAL QTY.	SQ. FT.	%			
3 x 5	15	375	7%	36 / 28	0	64	1,600	7%	79	1,975	7%
5 x 8	13	520	10%	16 / 12	0	22	880	4%	35	1,400	6%
5 x 10	17	850	17%	54 / 46	13	113	5,650	26%	130	6,500	25%
5 x 11	0	0	0%	0 / 0	14	14	770	4%	14	770	3%
8 x 8	2	128	2%	0 / 0	0	0	0	0%	2	128	0%
5 x 15	0	0	0%	0 / 2	0	2	150	1%	2	150	0%
10 x 8	12	960	19%	11 / 12	0	23	1,840	9%	35	2,800	11%
8 x 11	0	0	0%	0 / 0	2	2	176	1%	2	176	0%
10 x 10	12	1,200	25%	33 / 34	11	68	6,800	32%	81	8,100	31%
15 x 11	0	0	0%	0 / 0	12	12	1,320	6%	12	1,320	5%
10 x 15	7	1,050	20%	0 / 14	0	14	2,100	10%	21	3,150	12%
TOTAL	79	5,183	100%	136 / 146	52	334	21,286	100%	413	26,469	100%

5K

FLOORPLAN

SCALE: 1/16"=1'-0"

GENERAL NOTES

REVISIONS:

NO.	DATE	REVISIONS	NOTES
1	-	-	-
2	-	-	-
3	-	-	-
4	-	-	-
5	-	-	-
6	-	-	-
7	-	-	-
8	-	-	-

PROFESSIONAL SEAL:

PRELIMINARY DOCUMENTS, NOT FOR CONSTRUCTION, FOR INFORMATION ONLY

ARCHITECT LOGO:

AMERCO REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT
2727 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004

P: (602) 263-6502

SITE ADDRESS:

U-Haul of Fort Smith (Abutting)
1200 South U Street
Forth Smith, AR 72901

SHEET CONTENTS:

Floorplan

742053

DRAWN:	BLC	A1
CHECKED:	1H	
DATE:	05/08/15	

742053abutting-A1A

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Development Plan Review

Memo

To: City Planning Commission

From: Planning Staff

Date: May 28, 2015

Re: Development Plan Review - A request by Rodney Ghan, agent, for Planning Commission consideration of a Development Plan request to develop a doctor's office and clinic located at 6100 Massard Road (Companion to item #7)

PROPOSED DEVELOPMENT PLAN

If approved, the development plan and variance will allow for a 6,600 s.f. doctor's office and clinic with 59 parking spaces, a covered drop-off lane, and landscaping.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the Huntington Circle and Massard Road intersection. The tract contains an area of 1.194 acres with approximately 142 feet of street frontage along Massard Road and 251 feet of street frontage along Huntington Circle.

EXISTING ZONING

The existing zoning on this tract is Commercial Moderate Special (C-3-SPL).

The special condition on the zoning requires any development to receive development plan approval from the Planning Commission.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

6A

Conditional Uses:

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

Area and Bulk Regulations:

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

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Moderate Special (C-3-SPL) and Not Zoned (NZ) and are developed as an AOG substation and undeveloped lot.

The area to the east is zoned Commercial Moderate Special (C-3-SPL) and is developed as Sebastian County Emergency Operations Center.

The area to the south is zoned Commercial Moderate Special (C-3-SPL) and is undeveloped.

The area to the west is zoned Commercial Moderate Special (C-3-SPL) and is undeveloped.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The current site plan proposes (3) three driveways. One driveway will be located on Massard Road and the other two driveways will be located on Huntington Circle.

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

Drainage – The current proposed plan shows a detention pond located at the western most part of the development.

Right-of-way dedication – The subject property is platted and no new R.O.W. dedication has been requested.

Landscaping – The current plan shows landscaping along the Huntington Circle frontage and Massard Road frontage. The plan also demonstrates interior landscaping. A more detailed landscape plan shall be submitted prior to the issuance of a building permit showing the correct quantity, sizes, irrigation, and species of the proposed landscaping that complies with the UDO.

Screening – No screening is proposed on the current plan. Mechanical equipment shall be screened in accordance to the UDO.

Parking – The plan shows 59 parking spaces. The plan shall be updated to show the correct size of the parking spaces along with the dimensions and degree of angles for any angled parking.

Signage – The property is within the Massard/Zero overlay district and shall comply with the overlay district standards. At this time no signage information has been shown.

Lighting – Lighting information was not submitted with the development plan. A lighting plan showing the location and fixtures that comply with the UDO shall be submitted prior to the issuance of a building permit.

Architectural features – The current architectural design has a façade of stone veneer with various pitches in the roof. The facade has 100 percent high quality materials which exceeds the UDO requirements.

Height and Area – The current plan proposes a 1-story 6,600 s.f. medical clinic with an approximate height of 31 feet. This is in compliance with the C-3 height and area requirements.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday May 21, 2015 at 5:30 P.M. at 4611 Rogers Avenue. No neighboring property owners attended the meeting.

Staff recommends approval of the application contingent upon the following:

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

6C

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

2. Address of property: 6100 Massard Road

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

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

   Yes_____ No_____

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

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

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

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

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

   This property is currenlty zoned C-3 Special, surrounding zonings include, C-3 Special C-5 Special, C-5 and NZ. Structures within 300' of the property include, Sebastian County Offices, Wal-Mart Distribution Center and an AOG Station.

8. Total acreage of property 1.194

6D

Signed:

Rodney H. Ghan

Owner or Agent Name
(please print)

4611 Rogers Avenue, Suite 201

Owner or Agent Mailing Address
Fort Smith, AR 72903

479-478-6161

Owner or Agent Phone Number

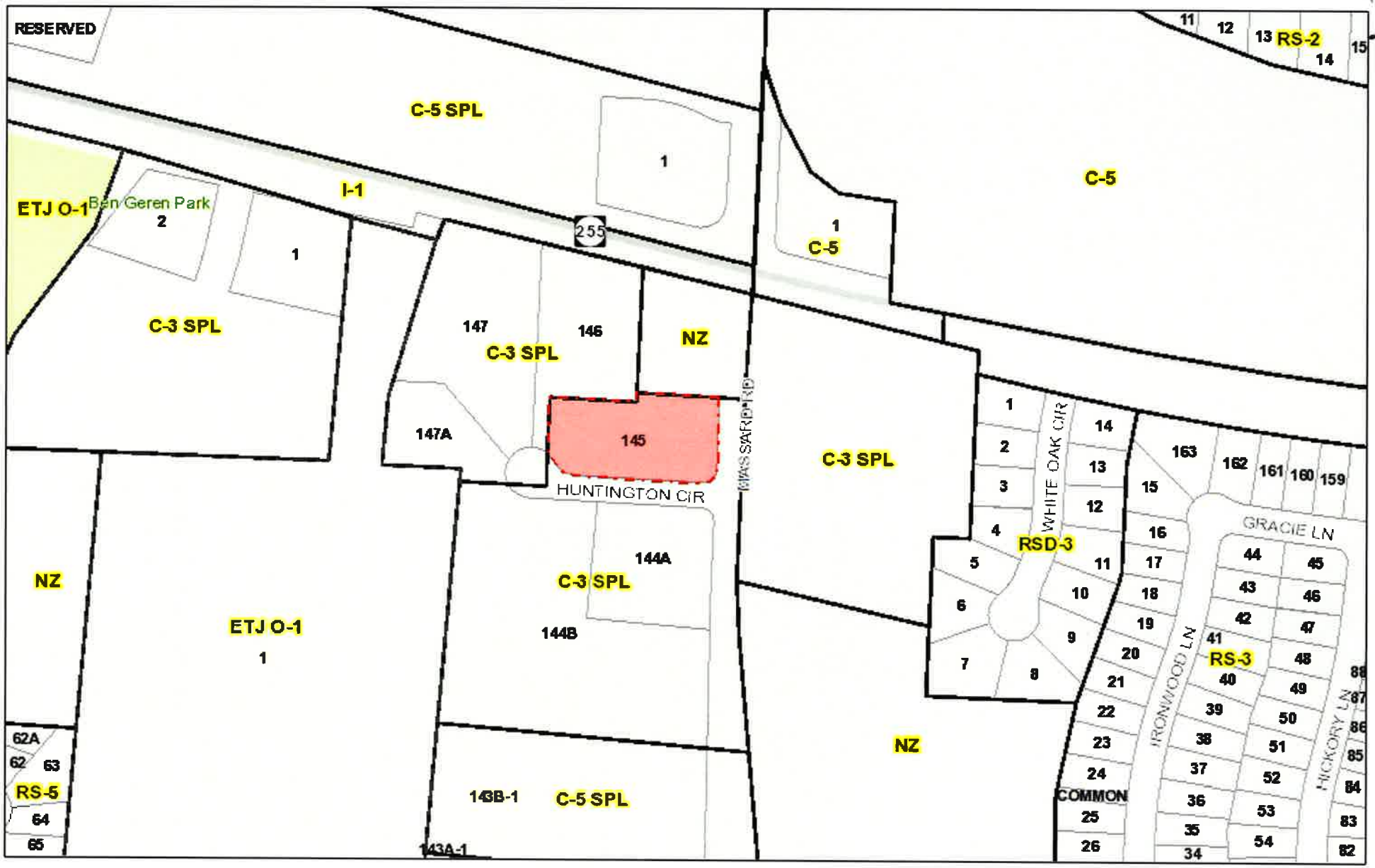
Owner

or

Agent

6E

Development Plan Approval- Doctor Office and Clinic
6100 Massard Road



May 19, 2015

Fort Smith City Limts

Zoning

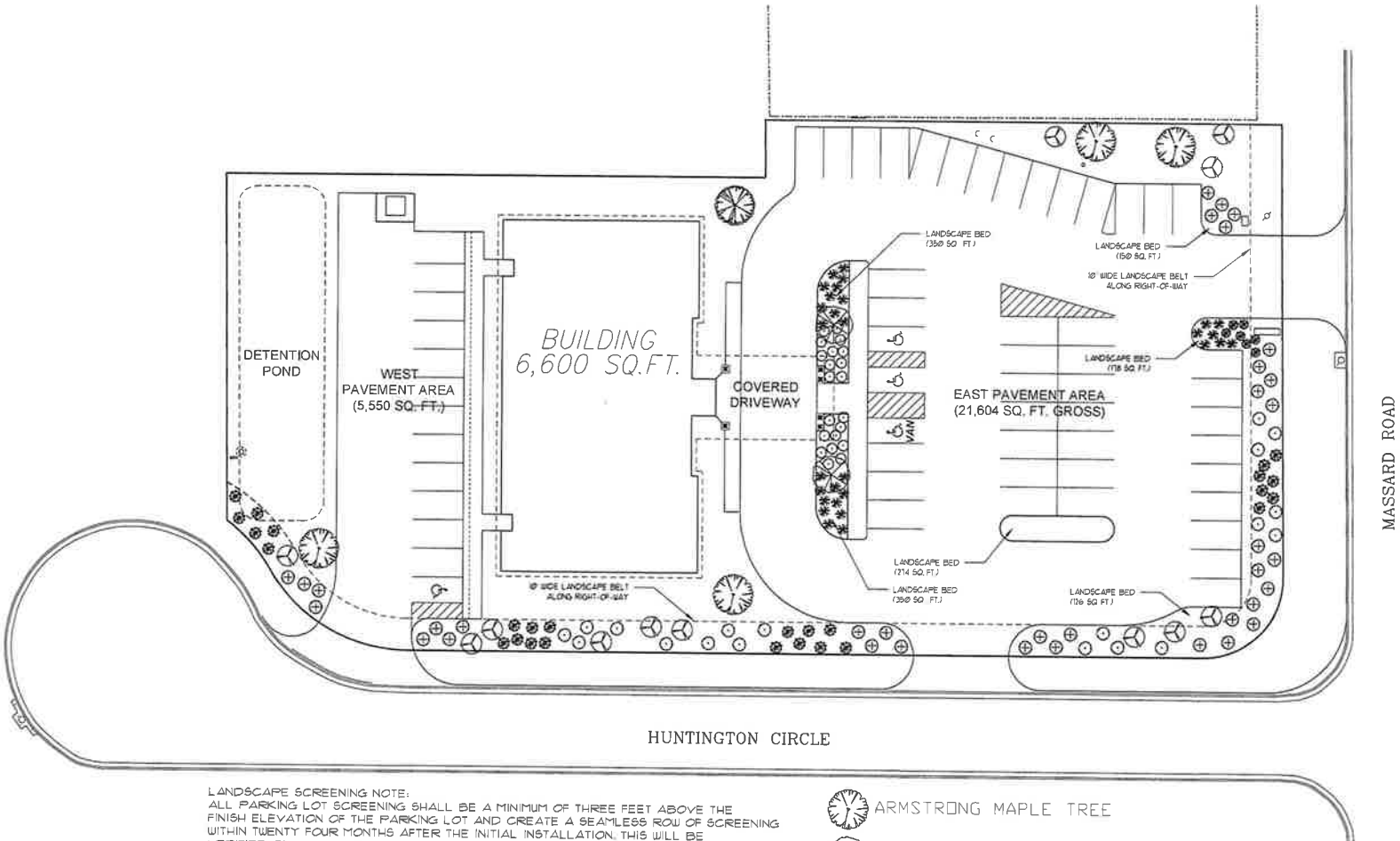
Subdivisions

1:3,198

0 0.0275 0.055 0.11 ft

0 0.0425 0.085 0.17 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



LANDSCAPE SCREENING NOTE:
ALL PARKING LOT SCREENING SHALL BE A MINIMUM OF THREE FEET ABOVE THE FINISH ELEVATION OF THE PARKING LOT AND CREATE A SEAMLESS ROW OF SCREENING WITHIN TWENTY FOUR MONTHS AFTER THE INITIAL INSTALLATION. THIS WILL BE VERIFIED BY THE CITY. OWNER WILL BE RESPONSIBLE.

N

1 LANDSCAPE PLAN
1" = 20'-0"

ARMSTRONG MAPLE TREE
JAPANESE MAPLE
BLUE POINT JUNIPER
HELLERI HOLLY
JAPANESE BARBERRY
MEXICAN FEATHER GRASS
ADAGIO GRASS

Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 6886, FORT SMITH, AR 72906 • 479-650-5212 • mloibner@sbcglobal.net

CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

LANDSCAPE PLAN

5/12/15

L 1

65

NEW CONSTRUCTION
DEVELOPMENT PLAN REVIEW SET

DOCTORS HEALTH CARE FACILITY
CHS CLINIC
6110 MASSARD ROAD
FORT SMITH, ARKANSAS

INDEX OF DRAWINGS

T-1	TITLE SHEET, INDEX, STATEMENT, PROJECT INFO, CODES
SURVEY	ALTA / ACSM LAND TITLE SURVEY (BY OTHERS)
C-1	ARCHITECTURAL SITE PLAN
A-2	BUILDING FRONT AND SIDE ELEVATIONS
A-3	BUILDING REAR AND SIDE ELEVATIONS

DESIGN TO THE FOLLOWING CODES:

(A) 2012 ARKANSAS FIRE PREVENTION CODE
(B) 2003 NFPA LIFE SAFETY CODE
(C) 2011 NATIONAL ELECTRIC CODE
(D) ARKANSAS ENERGY CODE
(E) ACT 1100/1991 EARTHQUAKE RESISTANT DESIGN
(F) CITY ELECTRICAL CODE AMENDMENTS
(G) 2006 ARKANSAS PLUMBING CODE
(H) CITY PLUMBING AND GAS CODE AMENDMENTS
(I) 2010 ARKANSAS MECHANICAL CODE
(J) 2006 ARKANSAS FUEL GAS CODE
(K) 2003 ANSI A117.1

"I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS ARE AS REQUIRED BY LAW AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS.

SIGNATURE _____ DATE _____

ADDITION PROJECT INFORMATION:

3.1 OCCUPANCY CLASSIFICATION:
BUSINESS GROUP - B

OCCUPANCY LOADS:
66 PERSONS

3.2 TYPE OF CONSTRUCTION:
TYPE V-B

3.3 ALLOWABLE HEIGHT: 2 STORIES
ALLOWABLE AREA: 9,000 SQUARE FEET

3.4.a GROSS FLOOR AREAS = 6,600 SQUARE FEET

3.5 SEPARATION DISTANCE FROM EACH EXTERIOR WALL TO ASSUMED AND COMMON PROPERTY LINES:
TO NORTH = 25'-0"
TO EAST = 10'-1"
TO SOUTH = 230'-3"
TO WEST = 113'-8"

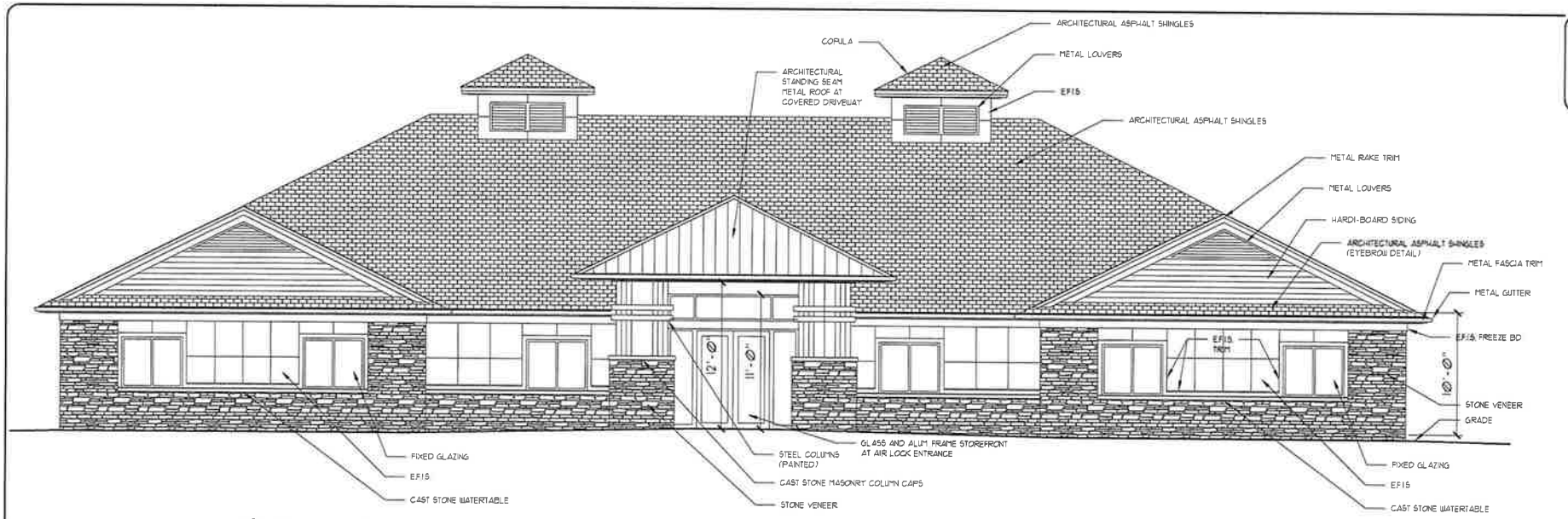
Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 8888, FORT SMITH, AR 72906 • 479-650-5212 • mloibner@sbcglobal.net

CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

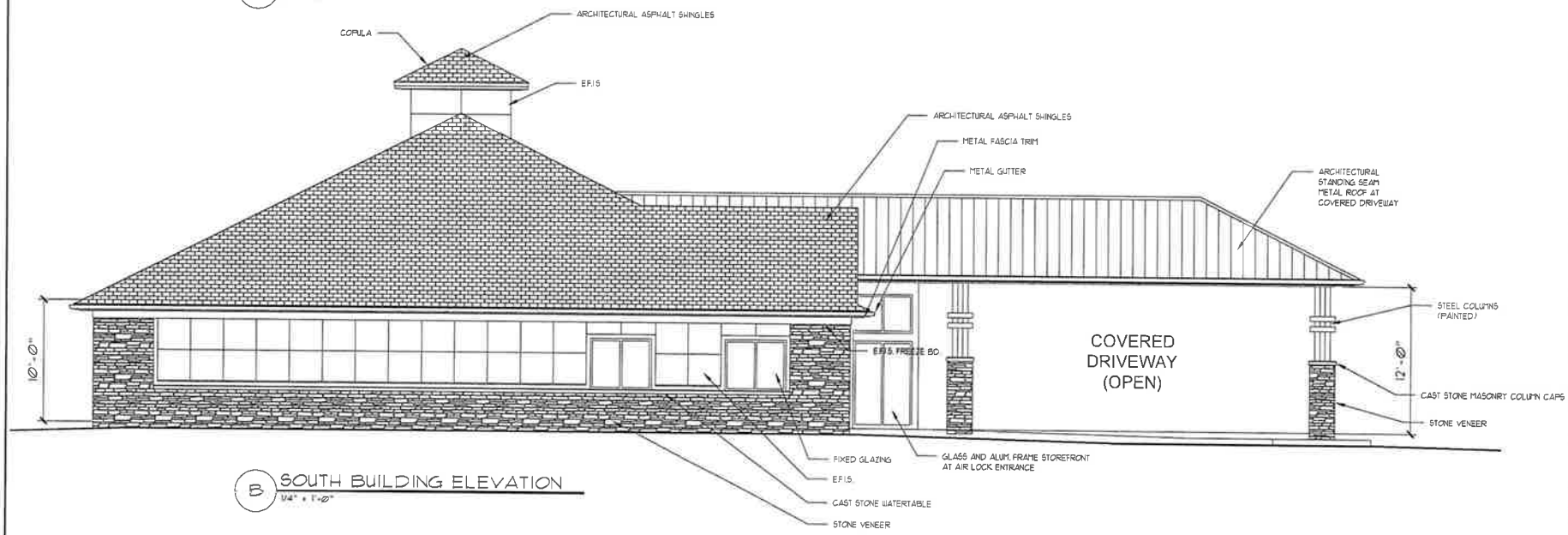
PRELIMINARY

RH OHAN
5/15/15

T 1



A EAST BUILDING ELEVATION
1/4" = 1'-0"



B SOUTH BUILDING ELEVATION
1/4" = 1'-0"

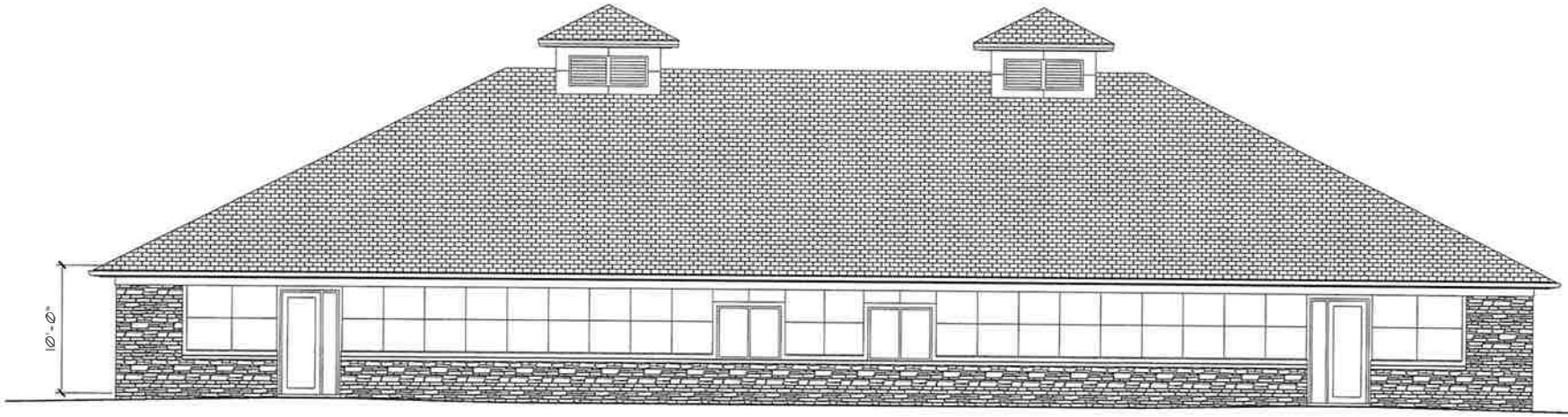
Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 8886, FORT SMITH, AR 72906 • 479-850-5212 • mloibner@sbcglobal.net

CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

ELEVATIONS

5/13/15

CATEGORY A SHEET No. 2



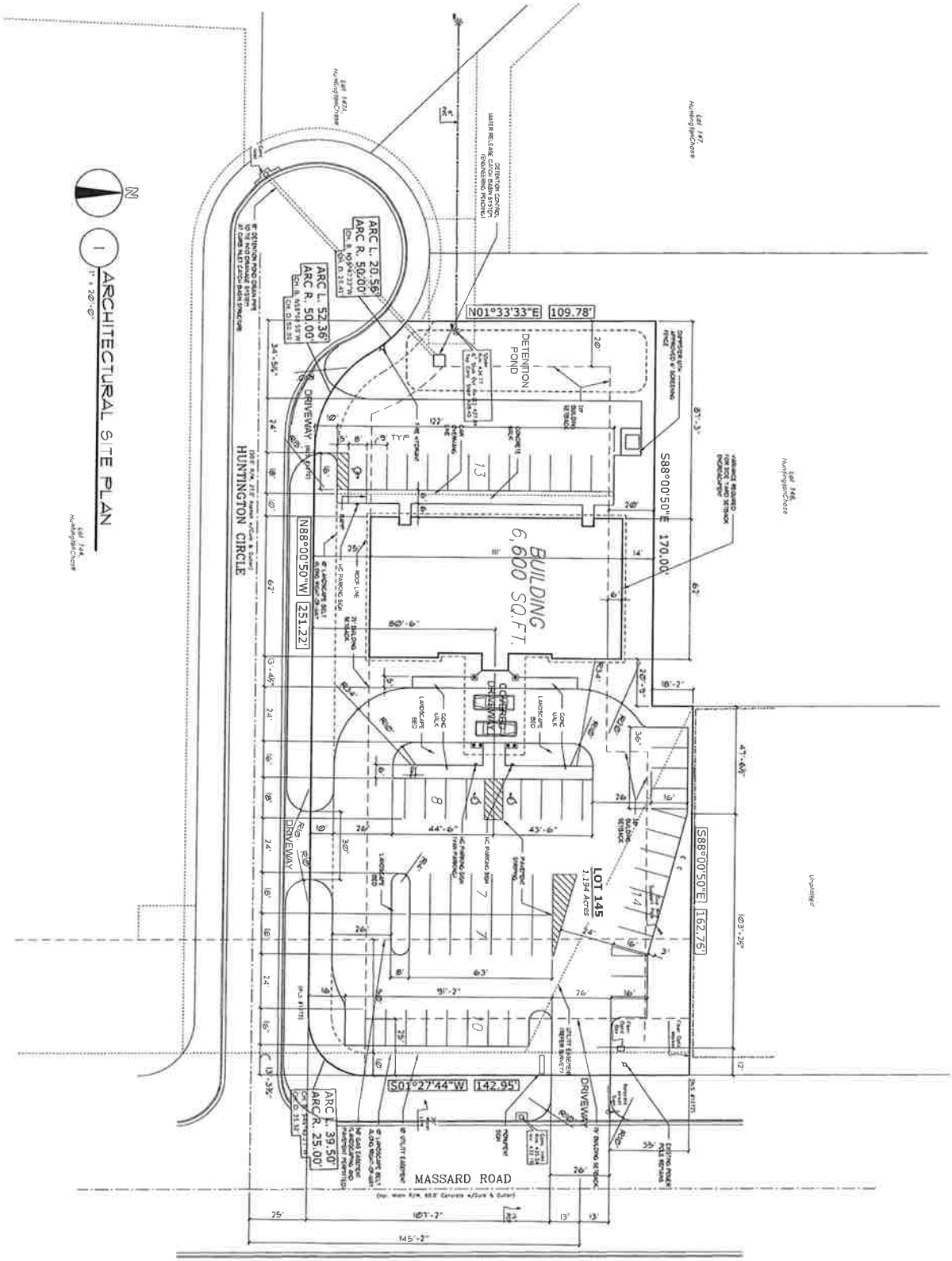
C WEST BUILDING ELEVATION
1/4" = 1'-0"

B NORTH BUILDING ELEVATION
1/4" = 1'-0"

Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 6886, FORT SMITH, AR 72908 • 479-650-5212 • mloibner@sbcglobal.net

CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

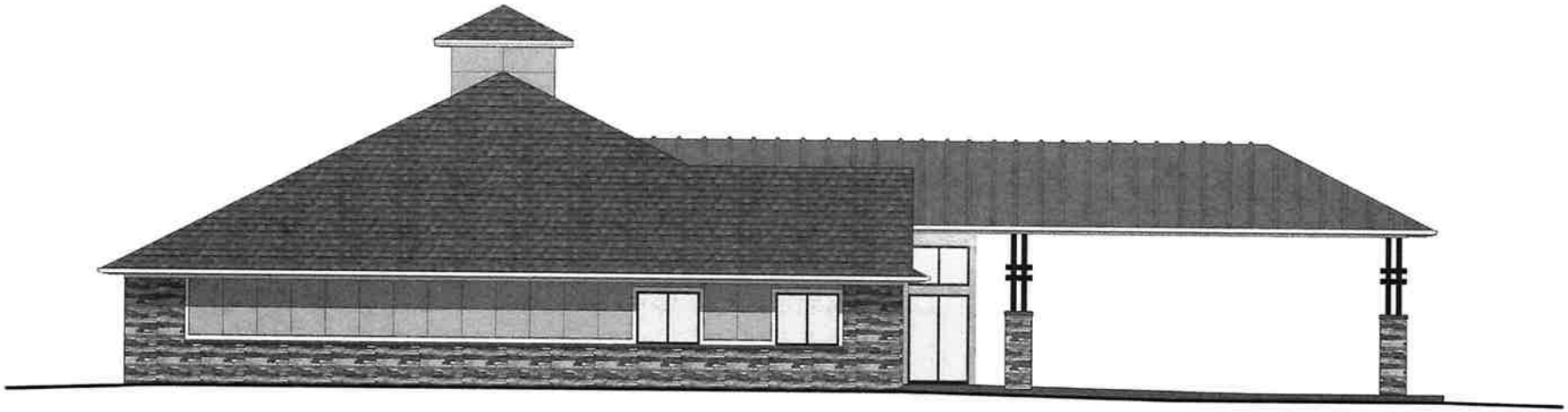
Drawing: ELEVATIONS
Revisions:
Dwn by: RH OHAN
Date: 3/13/13
CATEGORY: A
SHEET No: 3



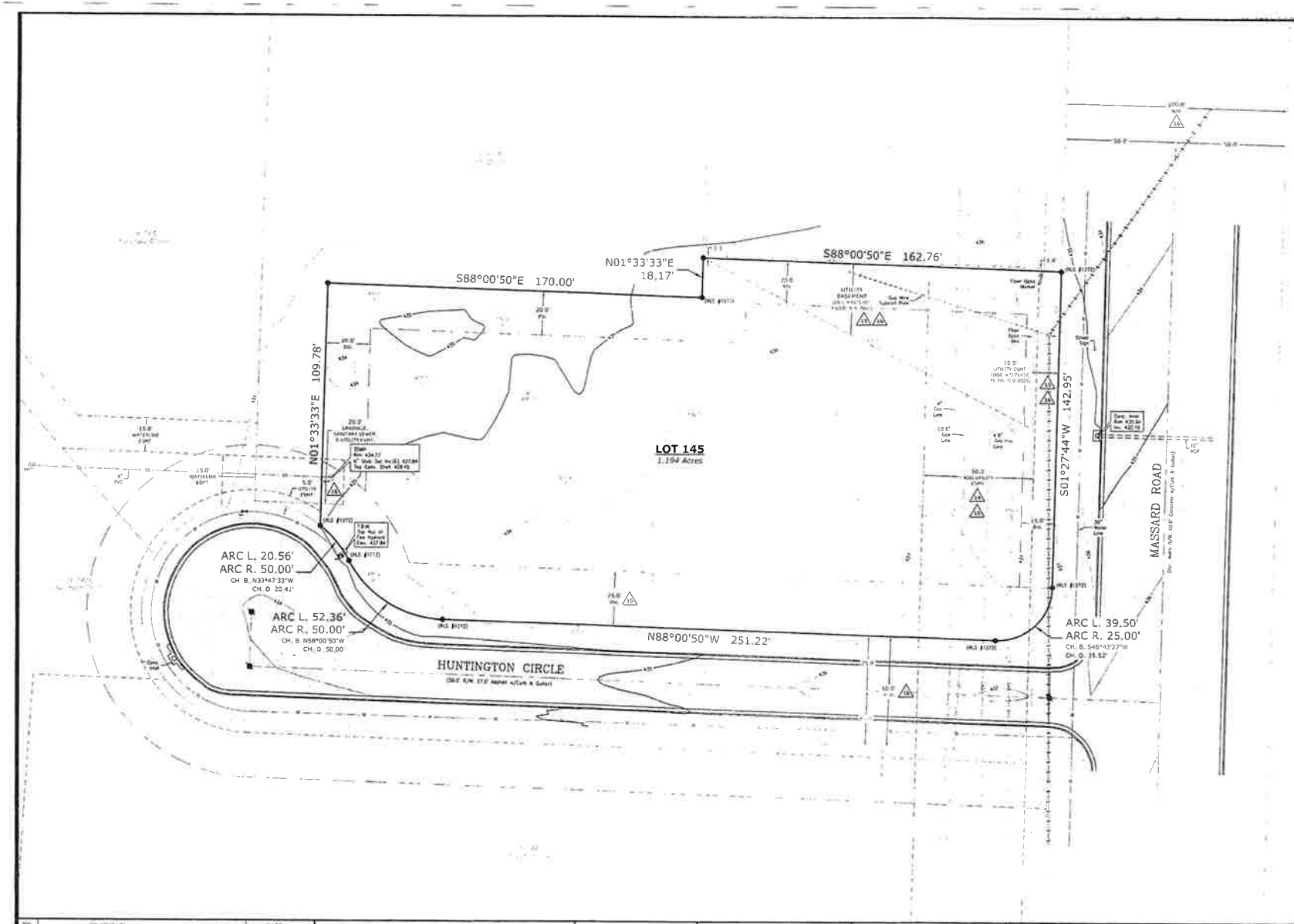
CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 6886, FORT SMITH, AR 72906 • 479-850-5212 • mloibner@sbcglobal.net

6K



RENDERED ELEVATIONS
RH GHAN & COOPER COMMERCIAL PROPERTIES
03-24-15



SCHEDULE B II - SECTION II:

11. RIGHT OF WAY IN FAVOR OF ARKANSAS OKLAHOMA GAS CORPORATION, DATED MAY 9, 1951, AND FILED FOR RECORD AUGUST 2, 1951 IN MISC BOOK 128 PAGE 591 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR
THIS ITEM DOES NOT AFFECT THE SUBJECT PROPERTY AND IS NOT PLOTTED HEREON

12. EASEMENT IN FAVOR OF CITY OF FORT SMITH, ARKANSAS, DATED JUNE 28, 1973, AND FILED FOR RECORD JUNE 29, 1973 IN MISC BOOK 193 PAGE 195 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR
THIS ITEM DOES NOT AFFECT THE SUBJECT PROPERTY AND IS NOT PLOTTED HEREON

13. EASEMENT IN FAVOR OF CITY OF FORT SMITH, ARKANSAS, DATED JUNE 20, 1994, AND FILED FOR RECORD JUNE 24, 1994 IN MISC BOOK 493 PAGE 949 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR
THIS ITEM DOES NOT AFFECT THE SUBJECT PROPERTY AND IS NOT PLOTTED HEREON

14. ASSIGNMENT IN FAVOR OF ARKANSAS OKLAHOMA GAS CORPORATION, DATED AUGUST 15, 2001, AND FILED FOR RECORD AUGUST 24, 2001 IN INST. DOCUMENT 71/9153 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR
THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON

15. EASEMENT IN FAVOR OF CITY OF FORT SMITH, ARKANSAS, DATED SEPTEMBER 1, 2005, AND FILED FOR RECORD SEPTEMBER 9, 2005 IN INST. DOCUMENT 71/7087 AMONG THE LAND RECORDS OF SEBASTIAN COUNTY, AR
THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON

16. REMAINING RESTRICTIONS, EASEMENTS, DEDICATIONS, RIGHT OF WAYS AND SETBACK LINES AS MAY BE SHOWN UPON THE RECORDED PLAT OF SAID SUBDIVISION/MODIFICATION, FILED FOR RECORD AMONG LANDS OF THE PROBATE OF SEBASTIAN COUNTY, AR
THIS ITEM DOES AFFECT THE SUBJECT PROPERTY AND IS PLOTTED HEREON

TITLE COMMITMENT FILE NO. 1406195-114, REVISED 11.12.2014
EFFECTIVE DATE: SEPTEMBER 18, 2014 AT 7:00AM

SURVEYOR'S CERTIFICATION:

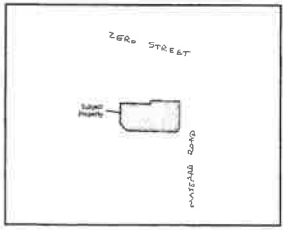
To Ghan Properties, LLLP, Waco Title Company Fort Smith, Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2011, and includes items 1,2,4,5,6a,6b,7a,7b1,8,9,11b,13,16,17,20a,20b,22 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Arkansas, the Relative Positional Accuracy of this survey does not exceed that which is specified therein

Date 28 JAN 2015

Signed, Anthony T. Anderson

Registration No #1772



VICINITY MAP
N.T.S.

ZONING: P-1 SPI

SETBACKS:
- FRONT : 25.0
- SIDE : 20.0
- STREET SIDE : 15.0
- REAR : 20.0'

MAX HEIGHT: 35.0'

MAX LOT COVERAGE: 60%

SURVEY DESCRIPTION:
LOT 145, HUNTINGTONCHASE, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS ACCORDING TO PLAT 180SC, FILED DECEMBER 22, 2008 LESS AND EXCEPT MINERALS AND MINERAL RIGHTS

FLOOD INFORMATION:
SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEMA FIRM COMMUNITY-PANEL NUMBER 05131C0150F DATED MARCH 2, 2012

BY:	REVISIONS	DATE

LEGEND

- SET REBAR
- EXISTING IRON PIN
- SET RR/SPIKE
- EXISTING RR/SPIKE
- SET NAIL
- EXISTING NAIL
- EXISTING STONE
- EXISTING MONUMENT
- EXISTING FENCE
- EXISTING FENCE POST
- OVER HEAD POWER LINE
- POWER POLE
- MAN HOLE
- WATER METER
- ELECTRIC/TELEPHONE PEDESTAL
- GAS METER
- LIGHT POLE
- SIGN POLE
- WATER VALVE
- FIRE HYDRANT

BASIS OF BEARING
Bearings shown on this plat are based on the Arkansas State Plane Coordinate System, North Zone, NAD 1983 (2011) Epoch 2010.00 Grid Bearings (U.S. Survey Feet)

20 0 20
Scale in Feet

REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO. 1772 ANTHONY T. ANDERSON

CERTIFICATE OF AUTHORIZATION ANDERSON SURVEYING INC. No. 1081 ARKANSAS

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Ar 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
ALTA/ACSM LAND TITLE SURVEY OF
LOT 145,
HUNTINGTONCHASE

DATE: 1-28-2015
REVISED: 15-01-24
SCALE: 1"=20

FOR USE BY:
R.H. Ghan Commercial Properties

PROPERTY ADDRESS:
6100 Massard Road
Fort Smith, AR

C:\Projects\15-01-24\15-01-24.dwg, 1/26/2015 8:59:30 AM, Z.1.W

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: May 28, 2015

Re: Variance #12-6-15 - A request by Rodney Ghan, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 14 feet rear yard setback located at 6100 Massard Road (Companion to item #6)

REQUESTED VARIANCE

The development plan and variance if approved will allow for a 6,600 s.f. doctor's office and clinic with 59 parking spaces, a covered drop off lane, and landscaping.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the Huntington Circle and Massard Road intersection. The tract contains an area of 1.194 acres with approximately 142 feet of street frontage along Massard Road and 251 feet of street frontage along Huntington Circle.

EXISTING ZONING

The existing zoning on this tract is Commercial Moderate Special (C-3-SPL).

The special condition on the zoning requires any development to receive a development plan approval from the Planning Commission.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Moderate Special (C-3-SPL) and Not Zoned (NZ) are developed as and AOG substation and undeveloped lot.

The area to the east is zoned Commercial Moderate Special (C-3-SPL) and is developed as Sebastian County Emergency Operations Center.

The area to the south is zoned Commercial Moderate Special (C-3-SPL) and is undeveloped.

The area to the west is zoned Commercial Moderate Special (C-3-SPL) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as a Boulevard and Huntington Circle as a local road.

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 application has stated that the large 50 feet easement at the front of the lot and the width of the existing lot as the hardships for requesting the setback variance.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday May 21, 2015 at 5:30 P.M. at 4611 Rogers Avenue. No neighboring property owners attended the meeting.

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 approval of the application contingent upon the following:

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

nc

Var. #12-6-15

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)

Lot 145, Huntingtonchase , an addition to the City of Fort Smith, Sebastian County, Arkansas According to plat 1805C, filed December 23, 2008, less and except minerals and mineral rights

Address of property 6100 Massard Road, Existing or Proposed

Zoning Classification C-3 Special, 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:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

_____

_____

_____

_____

FROM		TO	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
_____	-	_____	Interior Side Yard Setback
20	-	14	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

7D

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

Signed:

Rodney H . Ghan

Owner or Agent Name *(please print)*

Owner

or

479-478-6161

Owner or Agent Phone Number

Agent

4611 Rogers Ave., Suite 201

Owner or Agent Mailing Address
Fort Smith, AR 72903

Variance #_____

7E

VARIANCE INFORMATION FORM

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

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

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

Yes	No	
	✓	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?

NF

Explanation of question #4 (if applicable)

The lot configuration and the 50 foot AOG easement across the front of the property has forced the building to be located to the back (west) of the lot. The western portion of the lot is 18.17' narrower than the east portion of the lot. The narrowing of the lot including the side yard set reduces the width by 38.17 feet. Since this is a prototype construction it is difficult to change the building.

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

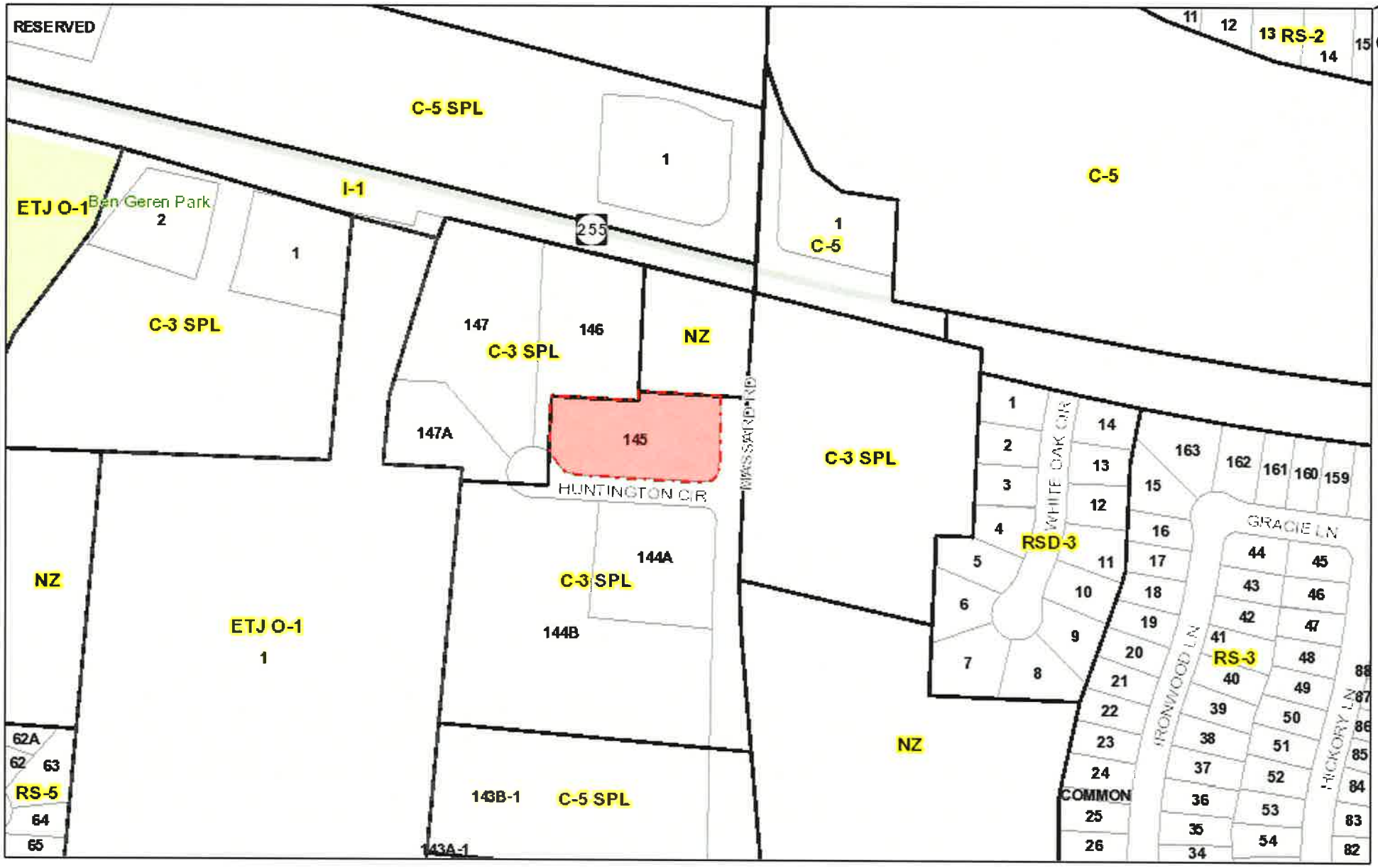
The zoning code has created a narrow lot, which will not allow the development of a proposed proto-type medical clinic. The requested rear yard setback will only affect the north adjacent property owner. The adjacent property is zoned C-3 SPL and the owner is going to develop a convenient store and small retail center on his property. The back of his development will be along this boundry line.

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 50' AOG gas easement and teh narrowing of the lot.

7G

Variance #12-6-15: From 20 feet to 14 feet rear yard setback
6100 Massard Road



May 19, 2015

1:3,198

0 0.0275 0.055 0.11 ft

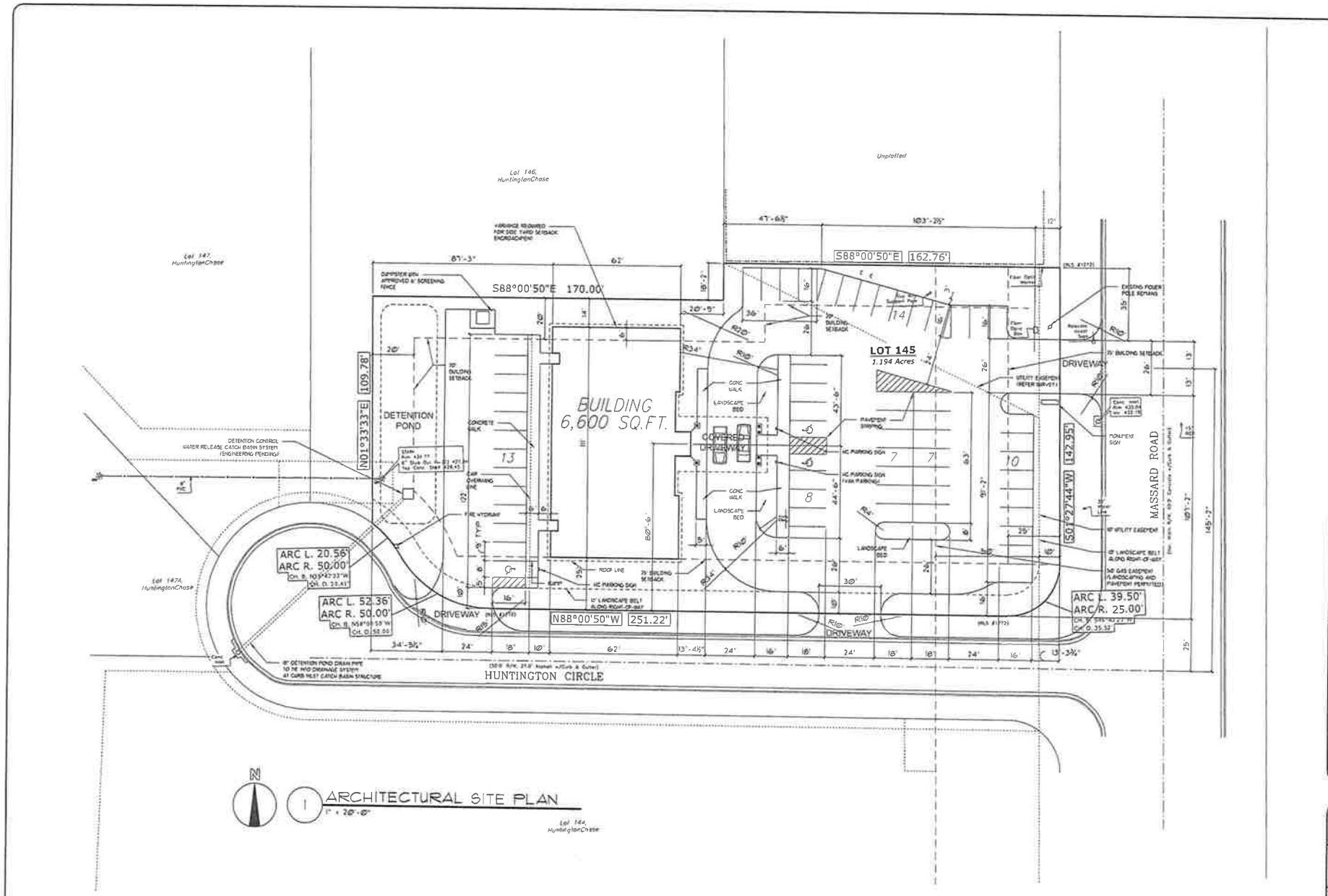
0 0.0425 0.085 0.17 m

Fort Smith City Limts

Zoning

Subdivisions

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



1 ARCHITECTURAL SITE PLAN
1" = 20'-0"

Mark J. Loibner
ARCHITECT PLANNER CONSULTANT
P.O. BOX 6886, FORT SMITH, AR 72906 • 479-650-5212 • mloibner@sbcglobal.net

CLINIC BUILDING FOR:
CHS HEALTH CLINIC
6100 MASSARD ROAD
FORT SMITH, ARKANSAS

SITE PLAN

5/15/15

C 1

Development Plan Review

Memo

To: City Planning Commission

From: Planning Staff

Date: June 3, 2015

Re: Development Plan Review - A request by Ron Brixey, agent, for Planning Commission consideration of a Development Plan request to develop a multi-family development at 1210 Brooken Hill Drive

PROPOSED DEVELOPMENT PLAN

Approval of the development plan will 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.

LOT LOCATION AND SIZE

The subject property is on the south side of Brooken Hill Drive between Arkansas State Highway 253 and Willowbrook Loop. The tract contains an area of 2.93 acres with approximately 220 feet of street frontage along Brooken Hill Drive.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5 SPL). 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 developments, community residential facility and neighborhood group homes are examples of permitted uses.

8A

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 an undeveloped area zoned Commercial Heavy (C-5 SPL) and an area zoned ETJ-Open-1 and developed with a storage building.

The area to the east is zoned Residential Single Family Medium/High Density Special (RS-3 SPL) and are developed as single family residences.

The area to the south is zoned ETJ Open-1 and undeveloped.

The area to the west are zoned Commercial Heavy (C-5 SPL) and developed as a liquor store.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The development has one entrance/exit proposed on Brooken Hill Drive.

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 – Complete drainage plans will be reviewed by the City of Fort Smith Engineering Department at the time of plan submittal for the building permit.

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

Landscaping – Perimeter and interior landscaping for vehicular use areas are shown on the development plan in compliance with the UDO.

Screening – A six foot privacy fence will be installed along all property lines except along the frontage along Brooken Hill Road. A retaining wall is also proposed on the south property line adjacent to Rabbit Run Road.

Dumpster – No dumpster is proposed. Individual trash receptacles will be utilized and remain indoors with the exception of trash collection days.

Parking – Each duplex has a two-car garage and driveway for required parking.

Signage – No signage is proposed.

Lighting – No site lighting is proposed for this project.

Architectural features – The duplexes will be two-story with exteriors consisting of brick, hardi-board siding and composition shingles.

Height and Area – Each building contains approximately 3,958 s.f in area and approximately 31' in height.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Wednesday June 3, 2015 at 1429 Willowbrook Circle. One neighboring property owner attended the meeting. There were no objections to the proposed development. An attendance record and meeting summary are enclosed.

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. 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.
3. Any future signage shall require a separate sign permit application for review and approval by staff.
4. Any exterior lighting proposed shall comply with the Commercial and Outdoor Lighting requirements – Section 27-602-5 of the UDO.
5. A final drainage plan shall be submitted for review and approval by the Engineering Department.
6. 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.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 1429 WILLOWBROOK CIR.

Meeting Time & Date 4:00 PM, JUNE 3, 2015

Meeting Purpose DISCUSS DEVELOPMENT PLAN

	NAME	ADDRESS	PHONE #
1.	Harold Yandell	9906 WillowBrook LP	479-434-3810
2.	Tyler Miller	City of Fort Smith	784-2241
3.	MARK SPRADLIN		479-903-4174
4.	RON BRIXEY		479-646-6394
5.			
6.			
7.			
8.			
9.			
10.			
11.			

8D

June 3, 2015

MINUTES OF NEIGHBORHOOD MEETING
TRACT 2B, CORRECTIVE PLAT WILLOWBROOK TRACTS 2A & 2B

On June3, 2015 at 4:00 p.m. a Neighborhood meeting was held at 1429 Willowbrook Circle, Fort Smith, Arkansas to discuss the proposed development with neighboring property owners.

In attendance were: Mark Spradlin - Owner/Developer
Tyler Miller - City of Fort Smith
Ron Brixey - Brixey Engineering & Land Surveying
Harold Yandle - 9906 Willowbrook Loop

A general discussion of the project and comparison to adjacent development was conducted.

There were no objections voiced by anyone in attendance.

8E

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 2B, Corrective Plat Willowbrook Tracts 2A & 2B

2. Address of property: 1210 Brooken Hill Drive

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

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

Yes_____ No. X

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

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

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

N/A by _____.
(Zoning Classification) (Extension or classification)

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

SEE ZONING MAP AND SITE PLAN

8. Total acreage of property 2.93 ACRES

8F

Signed:

Willowbrook, LLC

Mark Spradlin, Managing Partner
Owner or Agent Name
(please print)

Owner

P.O. Box 180880, Fort smith, Ar. 72918
Owner or Agent Mailing Address

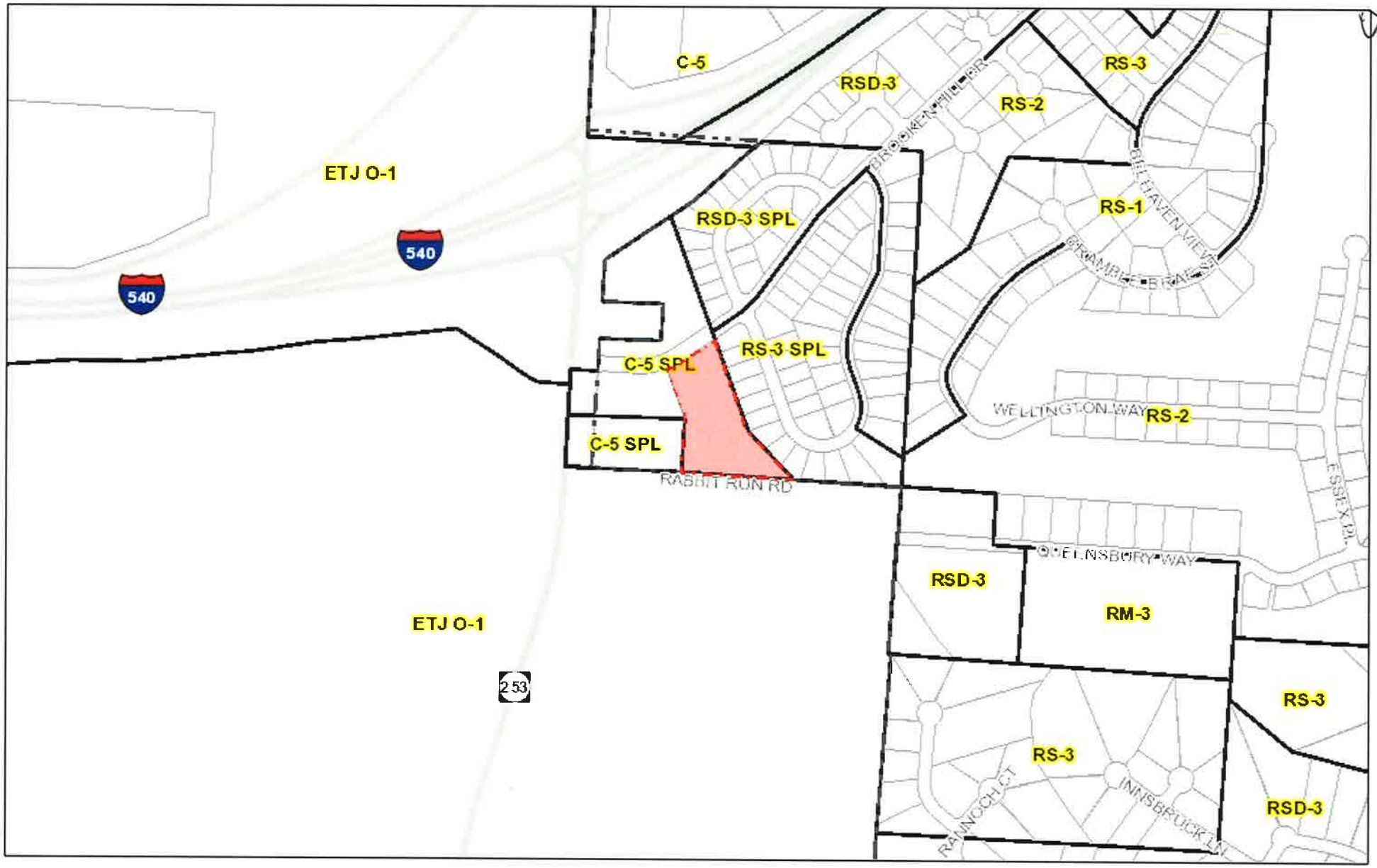
or

Agent

479-903-4174
Owner or Agent Phone Number

8G

Development Plan - Multifamily Development
1210 Brooken Hill Drive



May 19, 2015

1:6,397

0 0.05 0.1 0.2 ft

0 0.075 0.15 0.3 m

Fort Smith City Limts

Zoning

Subdivisions

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

PROPERTY ADDRESS: 1210 BROOKEN HILL DRIVE

FLOOD ZONE STATEMENT

THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO 05131C0120F, DATED MARCH 2, 2012

ALL UNITS HAVE DOUBLE GARAGES, INDIVIDUAL TRASH RECEPTACLES ARE TO REMAIN IN-DOORS AT ALL TIMES WITH THE EXCEPTION OF TRASH PICK UP DAYS.

22 UNITS, 44 ATTACHED GARAGE SPACES (2 SPACES/UNIT) – NO ADDITIONAL PARKING SPACES REQUIRED.

PROPOSED LANDSCAPING/SCREENING

>2" SHUMARD OAK TREE

3 GAL. BOXWOOD SHRUBS (18" MIN.)

SODDED AREA

INTERIOR PARKING LANDSCAPING – 22,200 Sq.Ft. Vehicle Use Area / 3,087 Sq.Ft. Interior Landscape Provided (1,110 Sq. Ft. required) Interior Landscaping will be vegetated in Grasses and be in island form as depicted

TOTAL OPEN SPACE PROVIDED INSIDE FENCE INCLUDING LANDSCAPE AREAS IS 1.37 ACRES
TOTAL OPEN SPACE PROVIDED OUTSIDE FENCE IS 0.35 ACRES
RESIDENTIAL DENSITY IS 22 UNITS/2.93 ACRES = 7.5 UNITS/ACRE
ALL BUILDINGS ARE IDENTICAL AND INCLUDE TWO 3 BEDROOM, 2 BATH DOUBLE GARAGE DUPLEX UNITS
NO SECURITY LIGHTING OR SPECIAL ILLUMINATION LIGHTING IS PROPOSED.
NO SIGNAGE IS PROPOSED

SCALE IN FEET

20 0 30 60 90

BASIS OF BEARING: Grid North as determined by Gps Observation and Fort Smith GIS Monumentation

Contour Interval 2.5'

DRAINAGE AND EROSION CONTROL

SITE WILL BE PROVIDED WITH THE FOLLOWING EROSION CONTROL MEASURES
1. STABILIZED CONSTRUCTION ENTRANCE
2. SILT FENCE ALONG DOWN-SLOPE EDGE OF CONSTRUCTION
3. SAND BAG SEDIMENT BARRIERS AT DISCHARGE POINTS
4. ABOVE GRADE CONCRETE WASHOUT
5. STABILIZATION OF DISTURBED AREAS WILL, AT A MINIMUM BE INITIATED IMMEDIATELY WHENEVER ANY CLEARING, GRADING, EXCAVATION OR OTHER EARTH DISTURBING ACTIVITIES HAVE PERMANENTLY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDER DAYS.

LEGEND

PROPERTY LINE
EXISTING WATERLINE
PROPOSED WATERLINE
EXISTING SEWERLINE
SEWER SERVICE
WATER SERVICE
FIRE HYDRANT
WATER VALVE
WATER METER
TRACER WIRE TERMINAL
PRIVACY FENCE
CENTERLINE STREET
EASEMENT LINE
BUILDING SETBACK LINE
EXISTING RETAINING WALL
DITCHES & SWALES
CURB
FLOW DIRECTION ARROW 2.0%
EXISTING BUILDING
CONCRETE
ASPHALT PAVEMENT

OWNER & DEVELOPER
WILLOWBROOK, LLC
14216 WILDFLOWER LOOP
FORT SMITH, ARKANSAS 72916

ZONING: C-5 SPECIAL

LOT AREA: 127,460 Sq. Ft. or 2.93 Acres
LOT COVERAGE: 54,876 Sq. Ft. = 43%

SURVEYOR'S CERTIFICATE

I, Ronald N. Brixey, hereby certify that this plat correctly represents a boundary survey of the subject property based upon record data

PROPERTY DESCRIPTION

Tract 2B of Corrective Plat Willowbrook Tracts 2A & 2B Being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section 16, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at the Southwest corner of said SW/4 of the NW/4; thence S 88°18'26" E, 463.00 feet along the South line of said SW/4 of the NW/4; thence N 03°29'35" E, 27.84 feet to the Southwest corner of said Tract 2B being the Point of Beginning said point being on the Northerly right of way line of Rabbit Run Road; thence N 03°29'35" E, 207.16 feet along the West line of said tract 2B; thence N 19°52'40" W, 207.01 feet along said line to the Northwest corner of said Tract 2B said point being on the Southerly right of way line of Brooken Hill Drive; thence along said right of way 58.56 feet along the arc of a curve to the left having a chord bearing N 62°11'33" E, a chord length of 58.45 feet and a radius of 280.00 feet; thence continuing along said right of way line N 56°12'05" E, 161.73 feet to the Northeast corner of said tract 2B; thence S 19°52'40" E, 374.38 feet along the East line of said Tract 2B; thence S 43°11'44" E, 267.46 feet along said East line to the Southeast corner of said Tract 2B said point being on the Northerly right of way line of Rabbit Run Road; thence N 86°17'52" W, 439.63 feet along said right of way line to the point of beginning.

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Any unauthorized use of this drawing or any part thereof, or any alteration of this drawing by anyone other than Brixey Engineering & Land Surveying, Inc. is prohibited by law. Brixey Engineering & Land Surveying, Inc. is not responsible for any damages to any person or property arising from improper use of this drawing or any or its entire copy.

BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS -- LAND SURVEYORS
5223 East Highway 45 P.O. Box 5180 Fort Smith, Arkansas 72906 (479) 646-6394

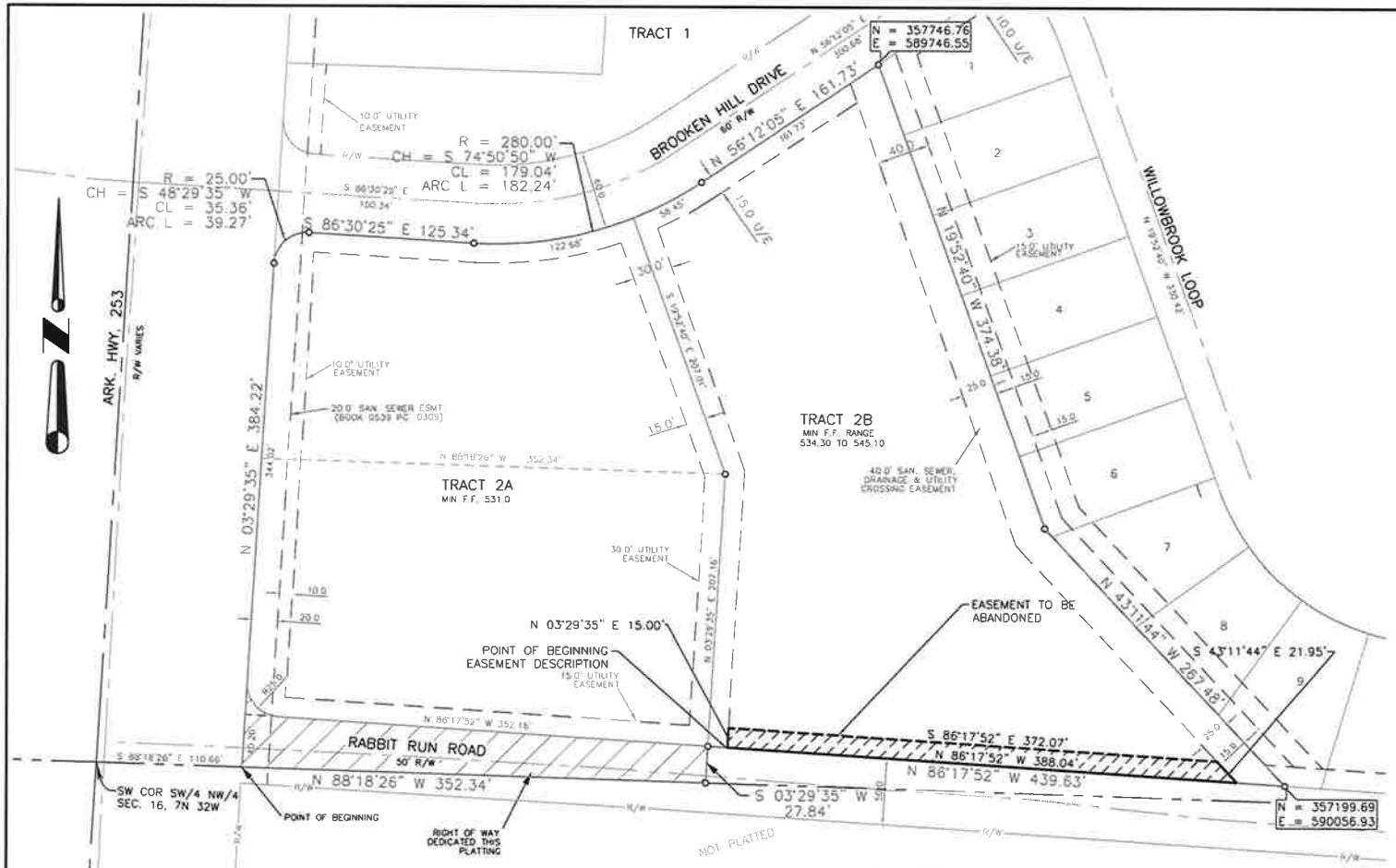
Revisions
5/20/15 – MOVED 3 SOUTH BLDGS
5/20/15 – ADDED SIDEWALKS
5/26/15 – ADDED RETAINING WALLS

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER

SITE PLAN – TRACT 2B
CORRECTIVE PLAT WILLOWBROOK
TRACTS 2A & 2B
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared For: WILLOWBROOK, LLC

Date: 3/06/15
Drawn By: RNB
Approved:
Job No: 15-0121
Sheet:
Title:

8I



NOTES:

1. This Plat filed for the Purpose of Placing on Record Tracts 2A and 2B.
2. A one-half inch rebar with a yellow cap stamped LS 988 or an existing iron pin at each Lot Corner.

BASIS OF BEARING: True North determined by Coordinate system and bearings based on Fort Smith 2003 Geodetic Network (Fort Smith Monument 165)

PLANNING COMMISSION APPROVAL

Chairman _____ Date _____

Secretary _____

ALLOTTERS:

Mark Spradlin, Managing Member Willowbrook LLC

Denny Altes, President – Eastpointe Inc.

STATE OF ARKANSAS
COUNTY OF SEBASTIAN

Sworn to and subscribed before me this day _____

Notary Public _____

My Commission Expires _____

FILED FOR RECORD

this _____ day of _____ 2009 at _____ o'clock ___ m.

Clerk and Ex Officio Recorder

By: _____

SURVEYOR'S CERTIFICATE

I, Ronald N. Brixey, hereby certify that this plat correctly represents a boundary of the subdivision shown hereon based on record data.

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER NO 4456 RONALD N. BRIXEY

REGISTERED PROFESSIONAL SURVEYOR STATE OF ARKANSAS NO. 988 RONALD N. BRIXEY

Ronald N. Brixey
Registered Professional Engineer
Arkansas Reg. No. 4456

Ronald N. Brixey
Registered Land Surveyor
Arkansas Reg. No. 988

OWNER & DEVELOPER

WILLOWBROOK, LLC
14216 WILDFLOWER LOOP
FORT SMITH, ARKANSAS 72916

DEDICATIONS

The right of way as shown on this plat is hereby dedicated to the public for public use. The easements as shown on this plat are hereby provided by the property owner for public utilities, franchise utilities, cable TV, drainage, access and other purposes. The designation, utility easement, shall include public utilities, franchise utilities and cable TV. The respective utility companies and cable TV shall have access through and along their designated easements for their personnel and equipment at all times. The authority to cut down and keep trimmed trees, hedges, and shrubs that may interfere with or endanger such utilities and cable TV is hereby granted by the property owner. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within the dedicated easements, shall be provided.

LEGEND	
Exist. Monument	△
Set Iron Pin	○
Exist. Iron Pin	●

© BRIXEY ENGINEERING & LAND SURVEYING, INC 2009

Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey, Baker & Associates, Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

CERTIFICATE OF AUTHORIZATION BRIXEY ENGINEERING & LAND SURVEYING, INCORPORATED NO. 98 ARKANSAS ENGINEER

CORRECTIVE PLAT
WILLOWBROOK
TRACTS 2A & 2B

BEING A REPLAT OF TRACT 2 WILLOWBROOK AND PART OF THE SW/4 OF THE NW/4 SECTION 16, T-7-N, R-32-W FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

JULY, 2009

Brixey Engineering & Land Surveying, Inc.
Land Surveyors – Consulting Engineers
P.O. Box 6150 Ft. Smith, Ark. 72906 (479)646-8394

Minimum Finished Floor Elevation Notes

The Minimum finished floor elevations shown are for guidance only and are not to be considered a restrictive covenant. The elevations are one foot or more above the 100 year flood elevation of the drainageway on, or adjacent to, the lot in question.

Minimum finished floor elevations for Tract 2A & Tract 2B vary within the range of elevations shown. The elevations are one foot or more above the 100 year flood elevation for the overall site. Finished floor elevations for specific structure locations shall be determined by a licensed professional engineer.

Setting a structure at the elevation shown is not an assurance that flooding will not occur since improper site grading can lead to flooding during a 100 year event; a professional engineer should be consulted to prepare a site specific grading plan.

PROPERTY DESCRIPTION

Tract 2 of Corrective Plat Willowbrook, Fort Smith, Arkansas as filed for record at the Sebastian County Court House in Fort Smith;
and also:

A Part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section 16, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at the Southwest corner of said SW/4 of the NW/4; thence S 88°18'26" E, 110.66 feet along the South line of said SW/4, NW/4 to the point of beginning. Thence N 03°29'35" E, 235.00 feet; thence S 88°18'26" E, 352.34 feet; thence S 03°29'35" W, 235.00 feet to a point on the South line of said SW/4 of the NW/4; thence N 88°18'26" W, 352.34 feet along said South line to the point of beginning.

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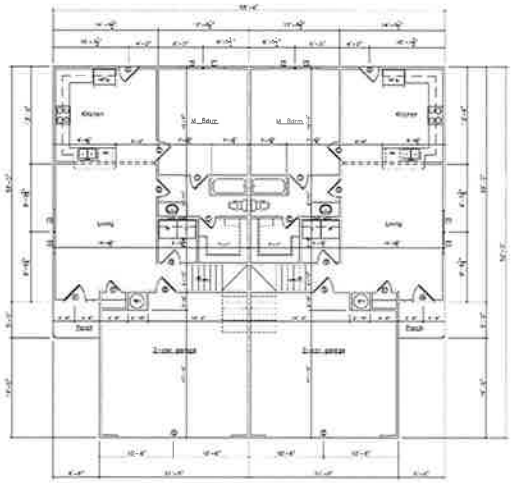
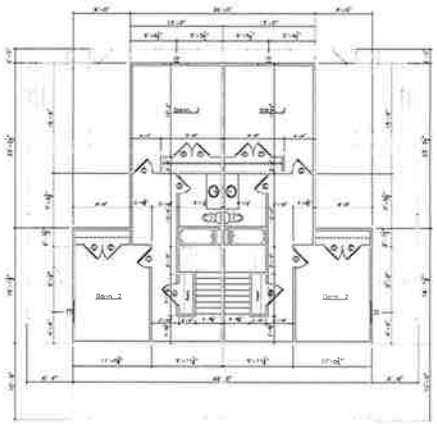


Unit 1 Unit 2

1st Floor Plan
All 8' ceilings

Square footage

Unit 1		Unit 2	
1st floor	890	1st floor	890
2nd floor	639	2nd floor	639
Garage =	417	Garage =	417
Porch =	33	Porch =	33
Total =	1979	Total =	1979



2nd Floor Plan
All 8' ceilings

Front elevation

Rear elevation

Right elevation

Left elevation

General Notes

Structural Integrity Design is a residential design service not a registered architectural firm. The purchaser of this set of plans should consult a building professional prior to construction. The purchaser and builder of this plan releases Structural Integrity Design from any liability and/or claims that may arise during construction or anytime thereafter. Therefore, the builder must carefully inspect all aspects of these drawings, including but not limited to dimensions, details, accuracy and overall integrity, and assumes all responsibility. This plan may need to be modified to comply with local and/or governing codes.

No.	Revision/Issue	Date

Structural Integrity Design Services LLC
Residential design & drafting

Project Name and Address
Precision Bldg. Systems
Tract 2B Willlowbrook
corrective plat 2A & 2B
Ft. Smith, AR.

File name: PBS-Tract 2B WB
Date: 5/13/2015
Scale: 1/8" = 1'-0"
Sheet: 1 of 1

Development Plan Review

Memo

To: City Planning Commission

From: Planning Staff

Date: May 29, 2015

Re: Development Plan Review - A request by Clear Channel Outdoor, agent, for Planning Commission consideration of a Development Plan request to develop an outdoor advertising sign at 9999 AR Highway 253

PROPOSED DEVELOPMENT PLAN

The approval of this Development Plan would allow the construction of a 300 square feet outdoor advertising sign at a height of 45 feet. In order to allow for a new outdoor advertising sign, Clear Channel Outdoor is required to remove an existing sign from the sign bank. They are proposing to remove a sign on the west side of Towson Avenue approximately 120 feet north of Dallas Street.

LOT LOCATION AND SIZE

The subject property is on the south east corner of the intersection of AR Highway 253 and Brooken Hill Drive. The tract contains an area of 1.26 acres with approximately 150 feet of street frontage along AR Highway 253 and approximately 250 feet of street frontage along Brooken Hill Drive.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5 SPL). The special requirements come from Ordinance #87-06, which require a Development Plan Review prior to the issuance of any building permits.

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.

9A

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

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

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Heavy (C-5 SPL) and are undeveloped.

The areas to the east are zoned Commercial Heavy (C-5 SPL) and are undeveloped.

The area to the south is zoned Commercial Heavy (C-5 SPL) and is developed as Arkansas Cheer Unlimited.

The areas to the west are zoned ETJ Open-1 and are undeveloped.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday May 29, 2015 at 1100 South "D" Street. Two people were in attendance at the neighborhood meeting but they did not express any concern.

Staff recommends approval of the application contingent upon the following:

1. Construction must comply with the submitted development plan.

2. The sign proposed to be removed shall be removed prior to the start of construction for this new sign.

9C

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

2. Address of property: _____

3. The above described property is now zoned: CS Special

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

   Yes_____ No X

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

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

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

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

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

   C-S Special; corregated metal building to south gravel drive; corregated metal building to north, gravel drive

8. Total acreage of property 1.26

9D

Signed:

Ryan Zdowlik - Clear Channel Outdoor

Owner or Agent Name
(please print)

Owner

1100 S D St Fort Smith 72901

Owner or Agent Mailing Address

or

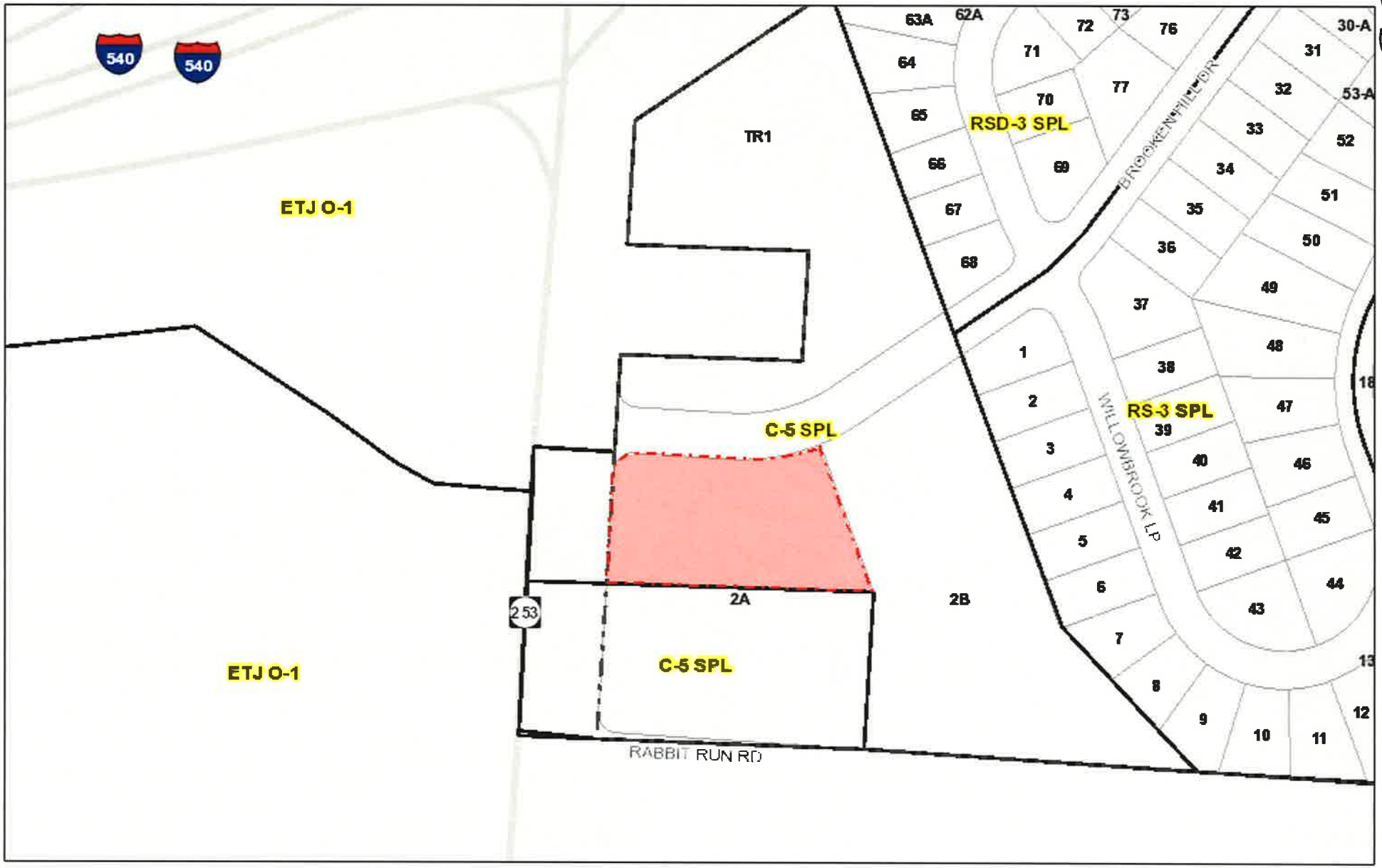
Agent

479.782.8885

Owner or Agent Phone Number

9E

Development Plan - Billboard
9999 Hwy 253



May 21, 2015

Fort Smith City Limts

Zoning

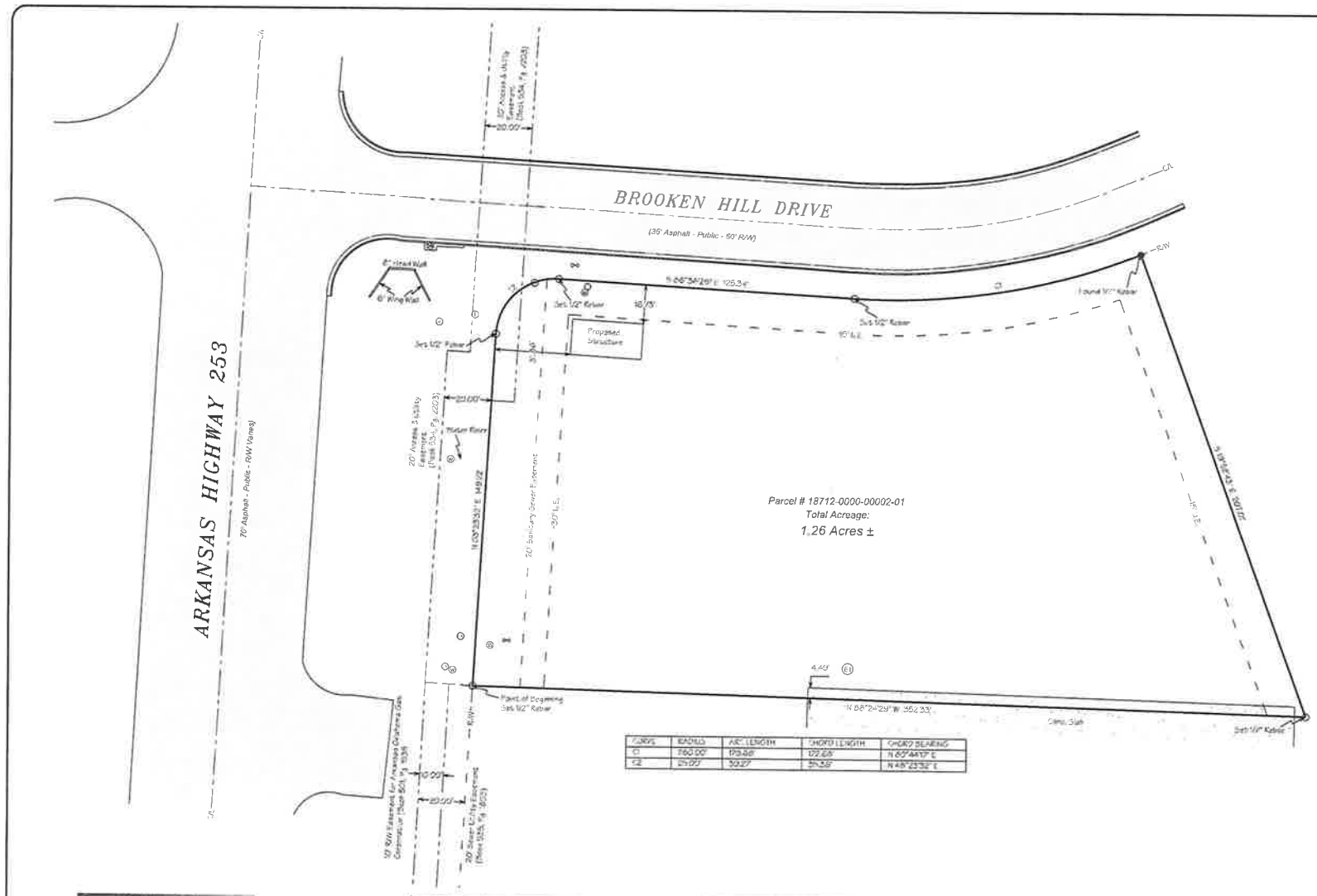
Subdivisions

1:2,166

0 0.0175 0.035 0.07 ft

0 0.03 0.06 0.12 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	760.00'	173.68'	172.68'	N 60°44'17" E
C2	25.00'	39.27'	35.36'	N 48°23'32" E

Miscellaneous Notes

STATE RECORDING NUMBER:
[illegible]

COMPLETED FIELD WORK:
APRIL 08, 2015

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE (NAD 83)

REFERENCE DOCUMENTS:
1. CORRECTION DEED FILED IN DOCUMENT NO. 72726B6
2. CORRECTIVE PLAT BY BRIXEY ENGINEERING FILED JULY [illegible], 2009

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 0875C0125C, WHICH BEARS AN EFFECTIVE DATE OF 08/16/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA

Zoning & Setback Information

ZONED: C-5 COMMERCIAL, REGIONAL

SETBACKS:
FRONT SETBACK: 35'
SIDE SETBACK: 20'
REAR SETBACK: 20'

MAX HEIGHT: 45'

Significant Observations

(E) THE CONCRETE SLAB ENCROACHES ON THE SOUTHERN SIDE OF THE PROPERTY BY AS MUCH AS 4.49'

Legend of Symbols & Abbreviations

BOUNDARY LINE
CENTERLINE OF ROAD
CURB OR EDGE OF PAVEMENT
FENCE
EDGE OF PAVEMENT (EOP)
WATER LINE (WL)
OVERHEAD POWER LINE (OHP)
UNDERGROUND POWER LINE (UP)
UNDERGROUND TELEPHONE LINE (UT)
UNDERGROUND CABLE (UC)
UNDERGROUND GAS LINE (UG)
SANITARY SEWER (SS)
WATER METER
TELEPHONE PEDESTAL
COMMUNICATION
WATER VALVE
WATER WELL
GAS VALVE
GAS METER
(E) EXISTING
(P) PROPOSED
(R) RECORD
(M) MEASURED
(S) SURVEYED
(C) CALCULATED
(D) DEED
(B) BASIS OF BEARING
(E) EXISTING
(P) PROPOSED
(R) RECORD
(M) MEASURED
(S) SURVEYED
(C) CALCULATED
(D) DEED
(B) BASIS OF BEARING

Survey Description

A PART OF TRACT 2 OF WILLOWBROOK, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTION COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS THE SOUTHWEST CORNER OF SAID TRACT 2 AND RUNNING THENCE N03°23'32"E 349.22' TO A SET IRON PIN, THENCE ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 25.00', AN ARC LENGTH OF 39.27', AND A CHORD BEARING AND DISTANCE OF N48°23'32"E, 35.36' TO A SET IRON PIN, THENCE S86°36'28"E, 125.34' TO A SET IRON PIN, THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 760.00', AN ARC LENGTH OF 173.68', AND A CHORD BEARING AND DISTANCE OF N60°44'17"E, 172.68' FOUND IRON PIN, THENCE S19°58'43"E 207.61' TO A SET IRON PIN, THENCE N68°24'29"W 352.33' TO THE POINT OF BEGINNING. CONTAINING 1.26 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD, IF ANY.

Vicinity Map

Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

0 30 60 90

1 INCH = 30 FEET

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 8TH DAY OF APRIL 2015

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1632
SIGNATURE
BOOKER D. BLEW

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com
Certificate of Authorization № 1534

T.W.P. 04/10/2015	R.M.	T.C.
SEBASTION COUNTY, ARKANSAS	15-202	

PART OF TRACT 2, WILLOWBROOK ADDITION

CLEAR CHANNEL OUTDOOR, INC.
&
EASTPOINTE, INC.

FORT SMITH
REGIONAL AIRPORT

6700 McKennon Blvd., Suite 200 • Fort Smith, AR 72903
479.452.7000 x50 • 479.452.7008 fax
www.fortsmithairport.com

April 17, 2015

VIA Email: ryanzaloudik@clearchannel.com

Mr. Ryan Zaloudik
Real Estate Manager
Clear Channel Outdoor
1100 South D Street
Fort Smith, AR 72901-4599

Re: Billboard 253 and Brooken Hill, Fort Smith, AR 72903

Mr. Zaloudik:

Please be advised we have received and reviewed the proposed Billboard 253 and Brooken Hill, Fort Smith, AR 72903, per your request dated April 8, 2015. It is our determination that there is no impact upon air navigation or the use of the airport as a result of the proposed Billboard 253 and Brooken Hill, Fort Smith, AR 72903.

The scope of our review is to determine if the proposed actions will cause any impediment to air navigation in and around the vicinity of the Fort Smith Regional Airport. If there is any proposed construction in these areas that were not already noted in the submittal, the proposed construction may again require review to assure that no impediments to air navigation are created, this can include cranes used in construction.

In general a proposed improvement would require review, including Federal Aviation Administration (FAA) review if it is for, a) construction or alteration of more than 200 feet in height above the ground level at its site, b) construction or alteration of greater height than an imaginary surface extending outward and upward at 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway, or c) any construction or alteration of highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would penetrate the imaginary surface noted in b).

Please contact me if you have any questions.

Thank you,

FORT SMITH REGIONAL AIRPORT

John S Parker
Airport Director

9H

A2

Saving Money
Can Lead To
Lifelong Bliss
FeedThePig.org
CONSTRUCTION
MASTERS
ROOFING
AAF

4

Clear Channel
Clear Channel Outdoor
rings are speculative in nature and may not represent the final position.

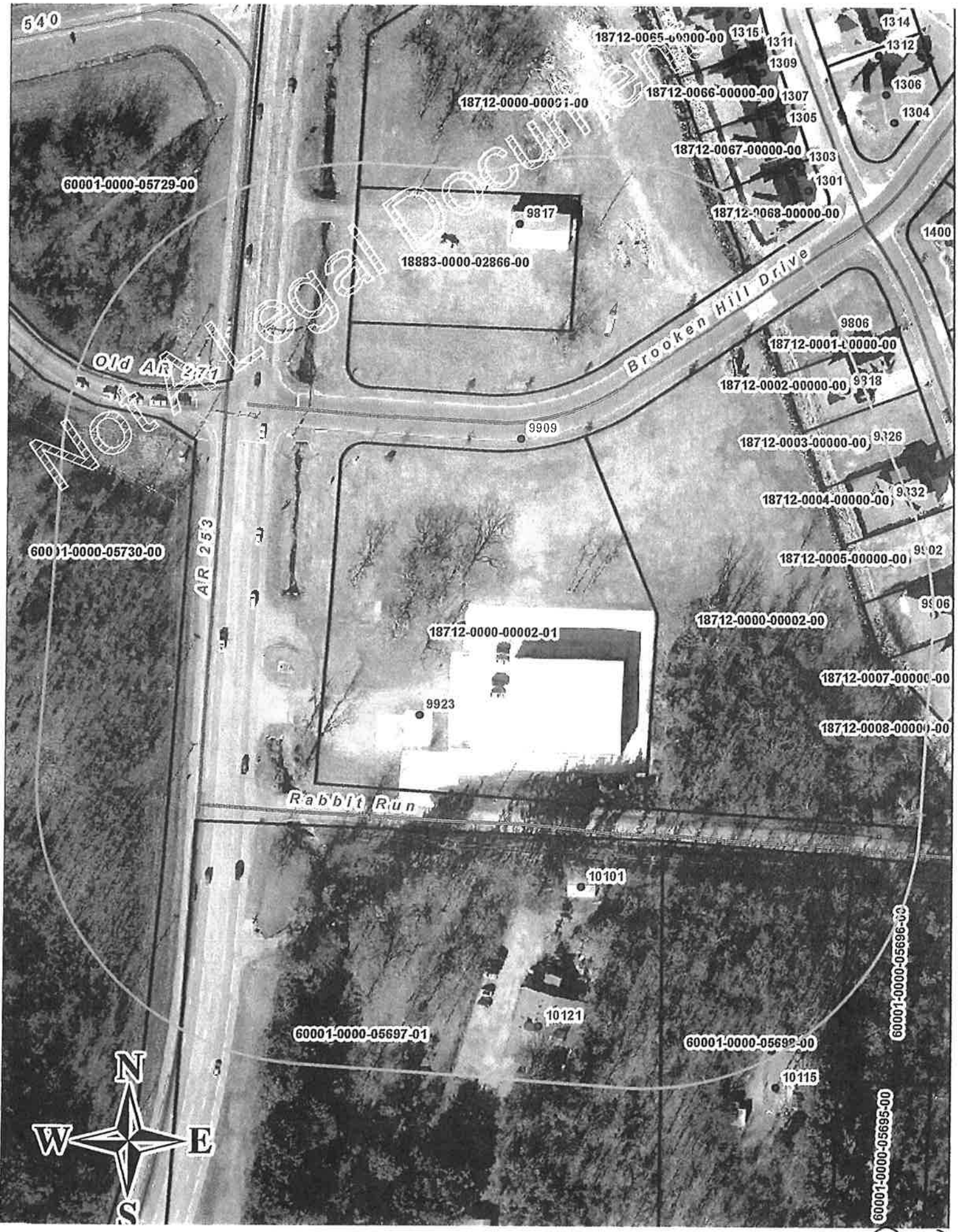
EXHIBIT A

A PART OF TRACT 2 OF WILLOWBROOK, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTION COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS THE SOUTHWEST CORNER OF SAID TRACT 2 AND RUNNING THENCE N03°23'32"E 149.22' TO A SET IRON PIN, THENCE ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 25.00', AN ARC LENGTH OF 39.27', AND A CHORD BEARING AND DISTANCE OF N48°23'32"E 35.36' TO A SET IRON PIN, THENCE S86°36'28"E 125.34' TO A SET IRON PIN, THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 280.00', AN ARC LENGTH OF 123.68', AND A CHORD BEARING AND DISTANCE OF N80°44'17"E 122.68' FOUND IRON PIN, THENCE S19°58'43"E 207.01' TO A SET IRON PIN, THENCE N88°24'29"W 352.33' TO THE POINT OF BEGINNING. CONTAINING 1.26 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

parcel_id	OW_NAME	OW_ADD
60001-0000-05697-01	HOGBACK EXPLORATION	10101 HIGHWAY 253 FORT SMITH AR 72908
60001-0000-05730-00	BONE, JAMES LARRY & MYLENE A & ROBERTS,	6605 YORK FORT WORTH TX 76132
60001-0000-05729-00	ARKANSAS STATE HIGHWAY DEPARTMENT	P O BOX 2261 LITTLE ROCK AR 72203
60001-0000-05696-00	ROBLES, CHRISTOPHER J & ADENA J	1424 RABBIT RUN ROAD FORT SMITH AR 72908
60001-0000-05698-00	STILL, EUGENE FONTAINE II	5 PAINTBRUSH CIR SANTA FE NM 87506
18883-0000-02866-00	WILLIAMS, VINSON D	P O BOX 11547 FORT SMITH AR 72917
18712-0000-00002-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0000-00001-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0068-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0005-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0002-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0067-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0006-00000-00	YANDELL, HAROLD J & REBECCA J TRUSTEES	9906 WILLOWBROOK LP FORT SMITH AR 72908
18712-0007-00000-00	SMITH, BOBBY D	9919 WILLOWBROOK DR FORT SMITH AR 72908
18712-0003-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0004-00000-00	BEADLEY, RYAN W & STEPHANIE M	9832 WILLOWBROOK LOOP FORT SMITH AR 72908
18712-0001-00000-00	WILLOWBROOK, LLC	14216 WILDFLOWER LP FORT SMITH AR 72916
18712-0000-00002-01	EASTPOINTE INC	8600 MOODY RD FORT SMITH AR 72903

Exhibit B

9M



Non-Legal Document

92

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: May 27, 2015

Re: Conditional Use #6-6-15 - A request by Paul Newton, agent, for Planning Commission consideration of a Conditional Use request to develop a church at 1217 Towson Avenue

PROPOSED CONDITIONAL USE

The approval of this Conditional Use will 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.

LOT LOCATION AND SIZE

The subject property is on the east side of Towson Avenue just south of Dodson Avenue. The tract contains an area of 0.29 acres with approximately 86 feet of street frontage along Towson Avenue.

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 developments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

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

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

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

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

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Downtown (C-6) and developed with a vacant building.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and is vacant land.

The area to the south is zoned Commercial Heavy (C-5) and developed as a seafood retail store.

The area to the west across Towson Avenue is zoned Commercial Heavy (C-5) and developed as retail and offices.

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 General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The existing driveway on Towson Avenue will be utilized to enter the site. An existing driveway to the alley will provide access to an alley at the rear of the site.

Easement/utilities – No new easements are required.

Drainage – No drainage improvements are required.

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

Multi-Use bike path – Not Applicable.

Landscaping – No landscaping is shown on the site plan.

Dumpster – No dumpster is proposed.

Screening – No screening is shown on the site plan.

Parking – Twelve parking spaces, including one accessible space, are provided on the existing lot.

Signage – The site plan shows the location of the old sign and planter. No information submitted for any new signage.

Lighting – No new exterior lighting is proposed.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, June 1, 2015 at 1116 South 12th Street. No neighboring property owners attended 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. All new signs will require a separate application, plan review and building permit.

Conditional Use # 6-6-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Evangel Temple Assembly of God

Name of Authorized Agent (if applicable) Paul Newton

Legal Description of property included in the conditional use request:

Sulphur Springs Town W. 150.42" of Lot 1 Blk A

Street Address of Property:

1217 Towson Avenue Fort Smith, AR

Existing Zoning Classification:

C5

Proposed Zoning Classification (if applicable):

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

Sunday School and small groups and Hispanic worship service

What amenities are proposed such as landscaping and screening?

Evangel Temple Assembly of God
Owner or Agent Name (please print)

1110 North 12th St. Fort Smith, AR
Owner or Agent Mailing Address

479.782.9121 or 479.651.8927
Owner or Agent Phone Number

Signed:

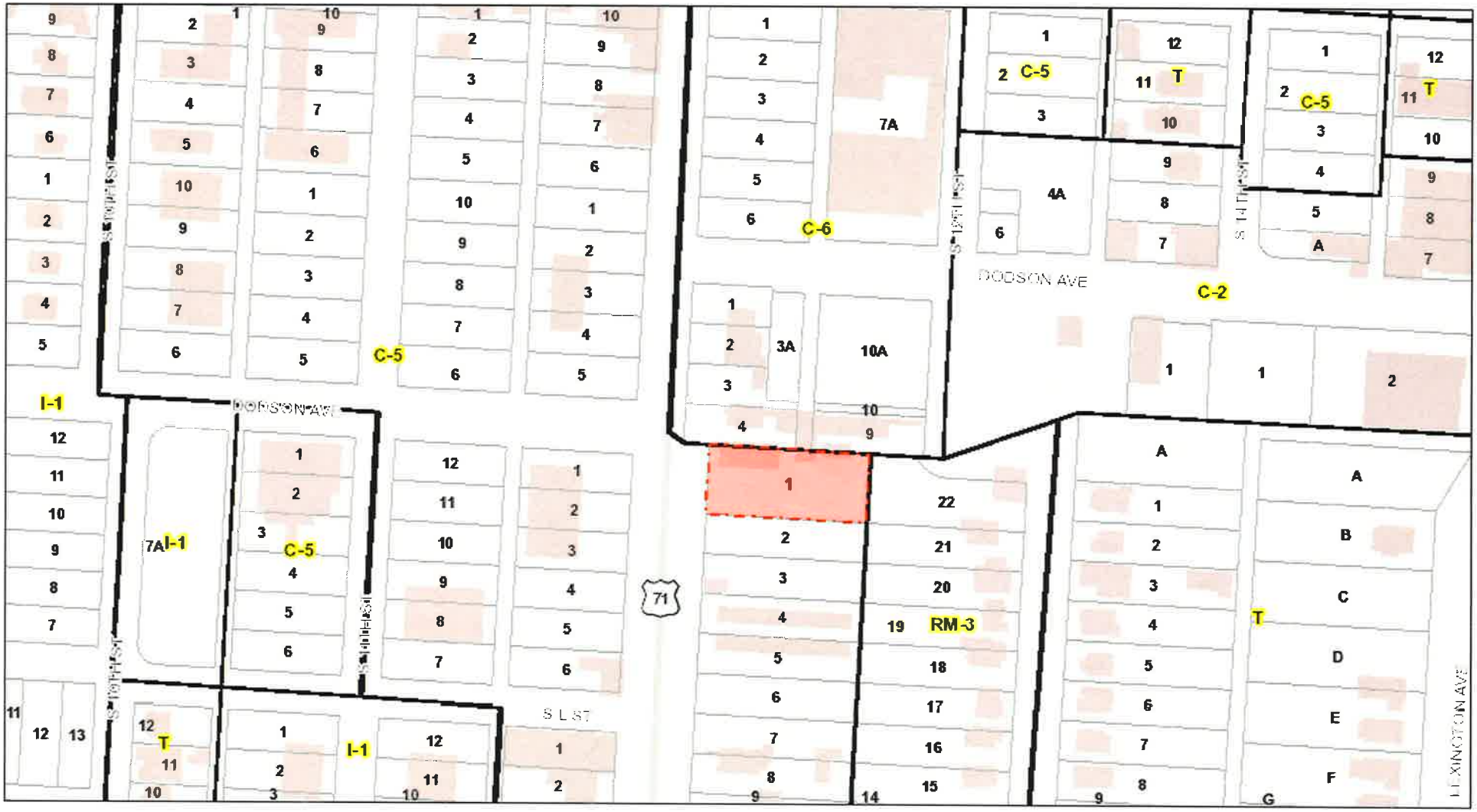
Owner

Or

Paul Newton
Agent

10D

Conditional Use #6-6-15: Use existing building for Sunday School and for Worship Services
1217 Towson Avenue



June 3, 2015

1:2,011

0 0.0175 0.035 0.07 ft

0 0.0275 0.055 0.11 m

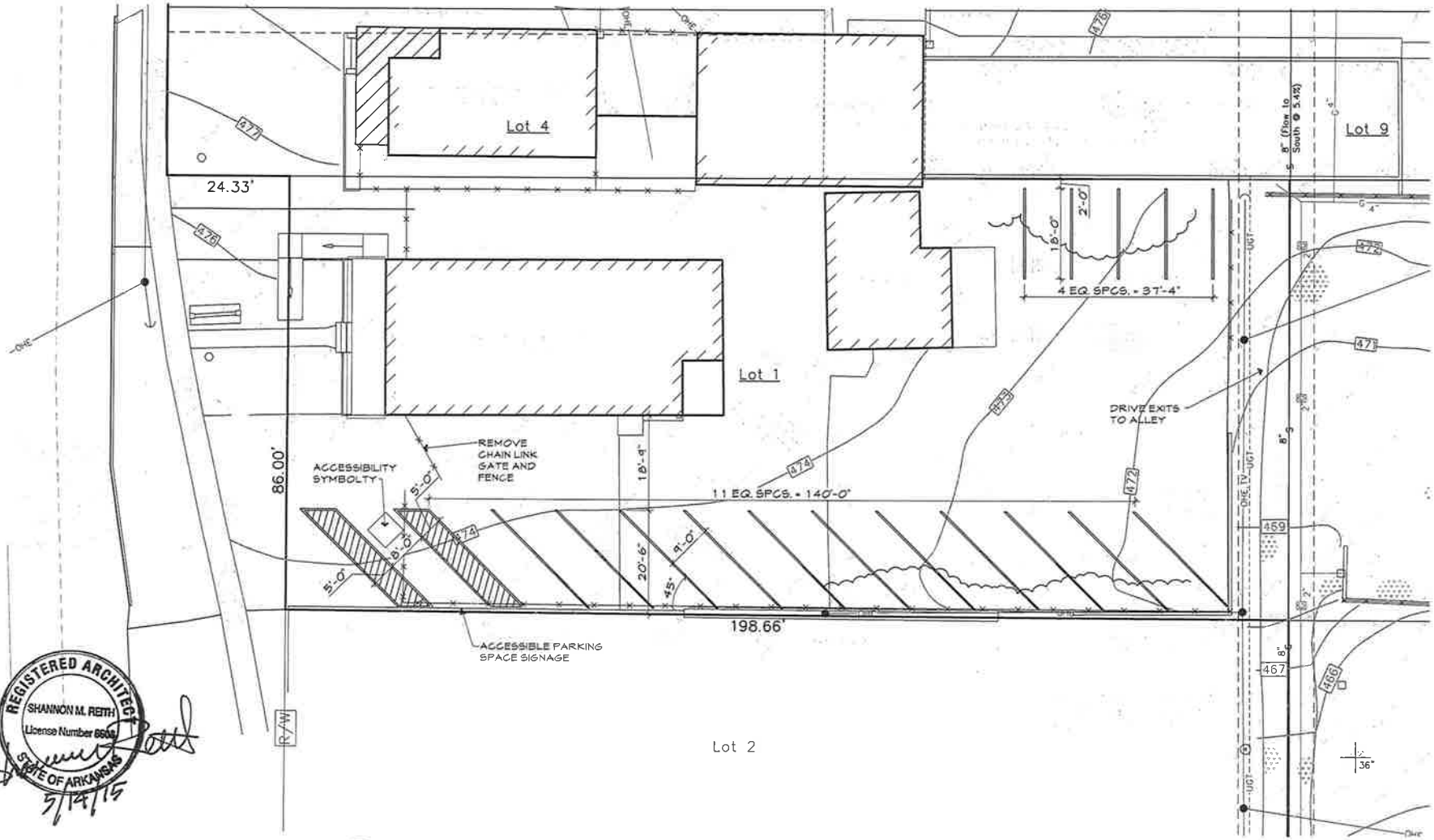
Fort Smith City Limts

Building Footprints

Zoning

Subdivisions

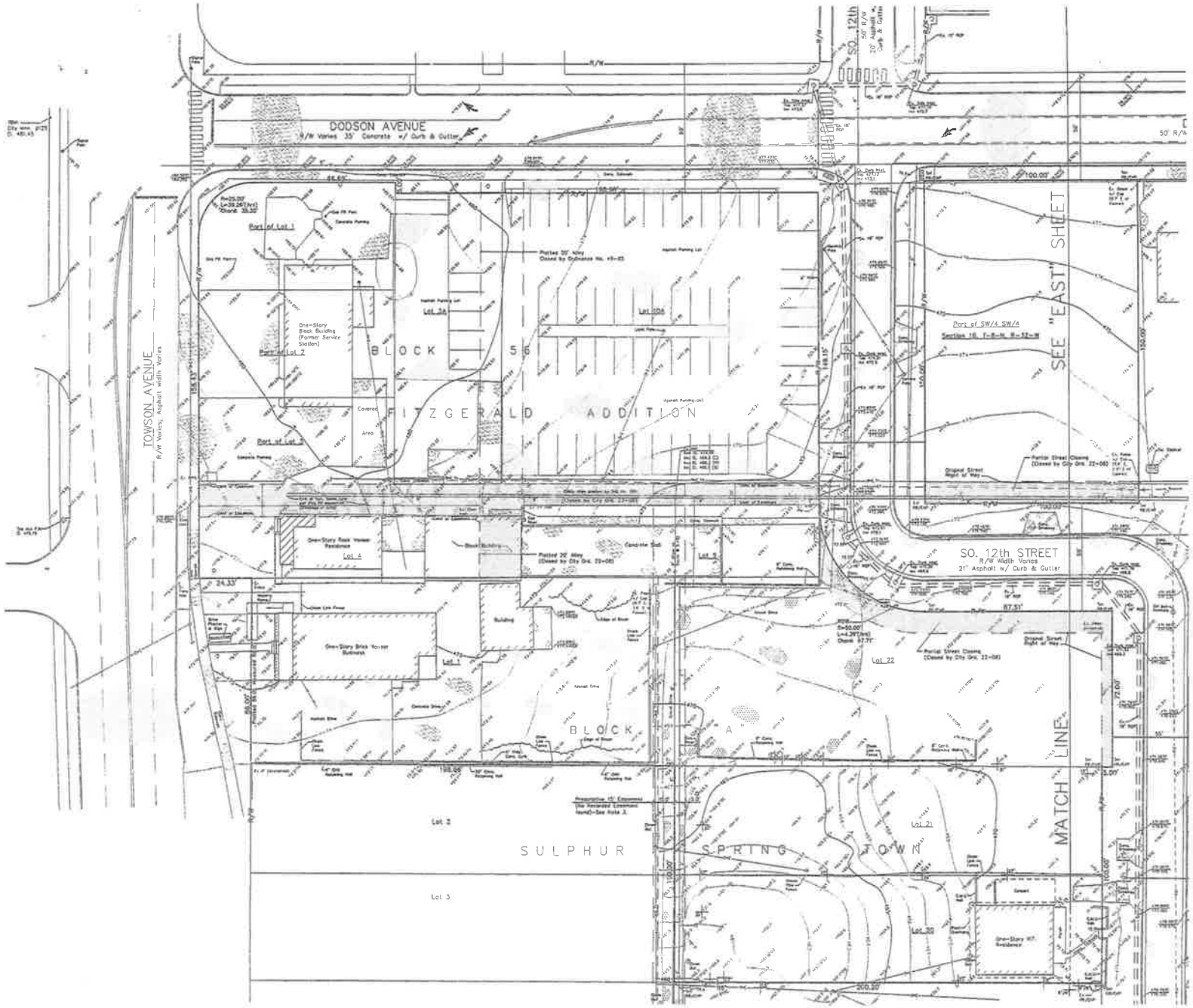
City of Fort Smith GIS
Copyright 2013, City of Fort Smith



REGISTERED ARCHITECT
SHANNON M. REITH
License Number 6608
STATE OF ARKANSAS
5/14/15

GUEST REDDICK ARCHITECTS
602 GARRISON AVE. SUITE 800
FORT SMITH, AR 72901
479 782 4085
WWW.GUESTREDDICK.COM

1 PARKING PLAN
1" = 20'-0"



NOTES

1. These properties do not fall within the 100-year floodplain.

2. There has been Alley Closings within Block 56, Fitzgerald Addition and Partial Street Right of Way Closings for South 12th Street, as shown per City Ordinance No. 22-08. However, every segment of Closed Alley and Street was replaced with a Utility Easement per Document 724424 (and 724535A—identical except for Cover Page).

3. Research thru Title Company and City of Fort Smith did not yield a filed easement or alley within Block A, Sulphur Spring Town Addition, Fort Smith, Arkansas, although utilities exist within a segment of same. A 15-foot wide Prescriptive Utility Easement is shown.

4. Elevations are to MSL. Bench Mark is City Monument No. 128 (shown), Elevation 481.43 MSL.

5. Not all utilities were located although site was One-Called.

PROPERTY DESCRIPTIONS

1. Lot 1, Block H, Sulphur Spring Town Addition, Fort Smith, Arkansas

2. Lots 1, 20, 21 & 22, Block A, Sulphur Spring Town Addition, Fort Smith, Arkansas

3. Lots 3A and 10A, Block 56, Fitzgerald Addition, Fort Smith, Arkansas

4. Lot 9, Block 56, Fitzgerald Addition, Fort Smith, Arkansas

5. Lot 4, Block 56, Fitzgerald Addition, Fort Smith, Arkansas

6. West 100 feet of Lots 1 thru 3, less and except the South 10 feet of Lot 3, Block 56, Fitzgerald Addition, Fort Smith, Arkansas

7. Lot 1, Holt-Krock Addition, Fort Smith, Arkansas

8. A Part of the Southwest-Quarter of the Southwest-Quarter (SW/4 SW/4) of Section 16, T8N, R32W, described as follows: Beginning on the South side of Dodson Avenue at its intersection with East line of South 12th Street; thence East along the South line of said Dodson Avenue, 100 feet; thence South, at right angles to Dodson Avenue, 140 feet; thence West parallel with Dodson Avenue, 100 feet to East line of South 12th Street; thence North along East line of South 12th Street to Place of Beginning, being Lots 1 and 2 of the Bill Johnson Survey filed of record January 18, 1989 in Plat Book A, Page 17, Records of Sebastian County, Arkansas. Less and except public roads and rights of way.

REGISTERED PROFESSIONAL LAND SURVEYOR PHILIP J. LEROIS

PROPERTY & TOPOGRAPHIC SURVEY--WEST		
Evangel Temple Property South of Dodson Avenue Fort Smith, Arkansas For: Evangel Temple Assembly of God		
APPROVED:	H. SCALE 1"=20'	DRAWN BY
DATE: 05/18/14	V. SCALE	REVISED
Philip J. Lerois, P.E., L.S. consulting engineer land surveyor (479) 452-1232	p.o. box 11123 fort smith, ar 72917	DRAWING NUMBER 158-540W-R1

106

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: June 1, 2015

Re: Conditional Use #7-6-15 - A request by John Clayton, agent, for Planning Commission consideration of a Conditional Use request to use an existing building as a church fellowship hall located at 119 North 9th Street.

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow Covenant Presbyterian Church, located across the street at 120 North 9th Street, to utilize the building as a fellowship hall.

LOT LOCATION AND SIZE

The subject property is on the northwest side of North 9th Street between North A Street and North B Street. The tract contains an area of 0.11 acres with approximately 50 feet of street frontage along North 9th 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

All of the surrounding areas are zoned Commercial Downtown (C-6) and developed as a church, empty lot, parking lot, and sign company.

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 Institutional. The purpose of this use is to provide for needed community services of both a public and quasi-public nature.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held on Monday June 8th at 9:30 a.m. on site. Details of the neighborhood meeting will be provided to the planning commission.

Staff recommends approval of the application.

Conditional Use # 7-615

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Westphal Investment Management Inc.

Name of Authorized Agent (if applicable) John Clayton

Legal Description of property included in the conditional use request:

Lot 8 in Block 48, City of Fort Smith, Arkansas

Street Address of Property:

119 N. 9th Street Fort Smith AR 72901

Existing Zoning Classification:

C-6

Proposed Zoning Classification (if applicable):

C-6

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

Fellowship Hall, Covenant Presbyterian Church of Fort Smith

Lower level, North half of building.

What amenities are proposed such as landscaping and screening?

N/A

X JOHN CLAYTON
Owner or Agent Name (please print)

X 120 NO. 9TH ST. 72901
Owner or Agent Mailing Address

X 479-242-7137
Owner or Agent Phone Number

Signed:

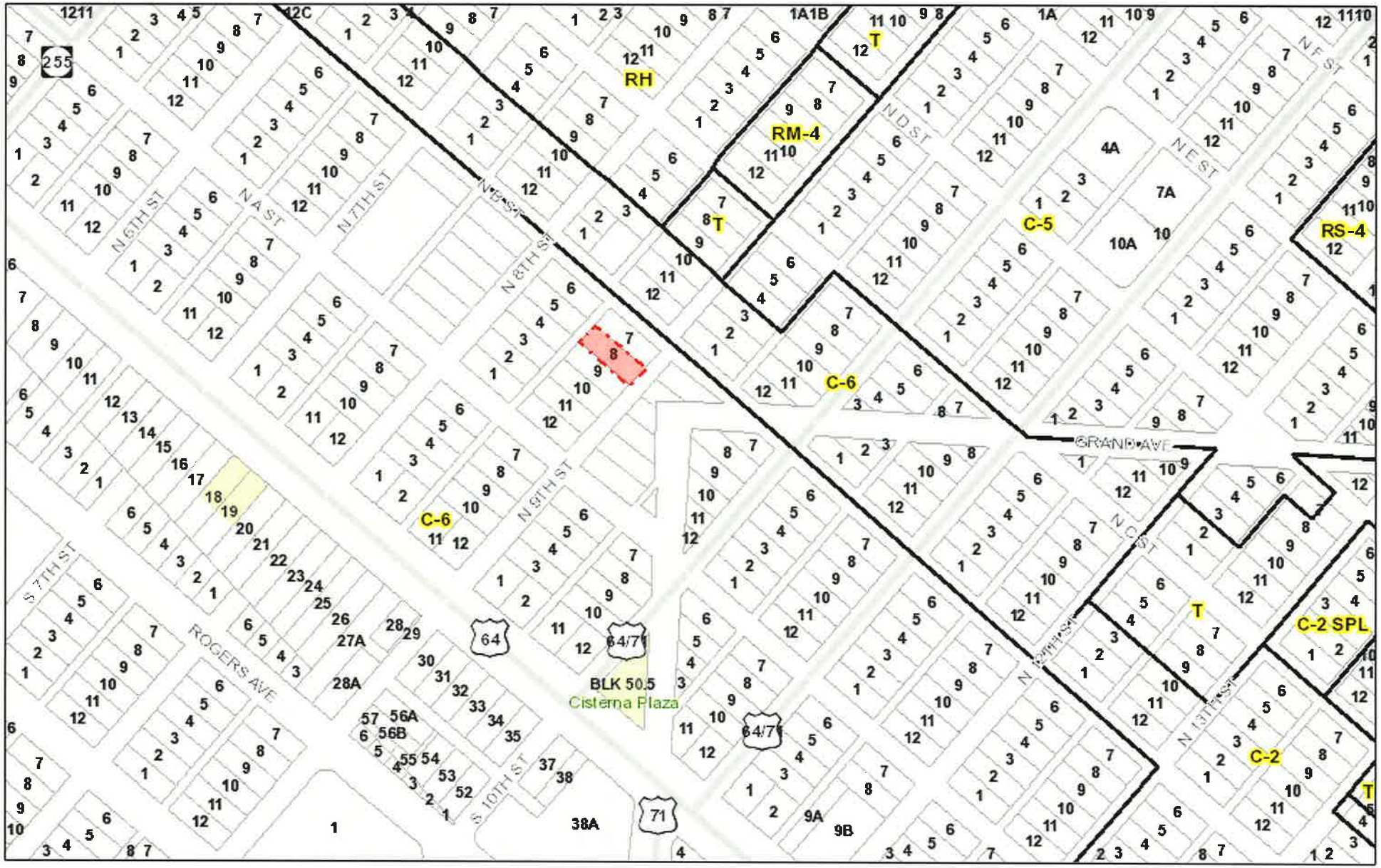
Owner

Or

X
Agent

11D

Conditional Use #7-6-15: Church Fellowship Hall
119 North 9th Street



May 21, 2015

Fort Smith City Limts

Zoning

Subdivisions

1:3,570

0 0.03 0.06 0.12 ft

0 0.05 0.1 0.2 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: May 27, 2015

Re: Variance #13-6-15 - A request by Bonnie Jones, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 25' to 1' front yard setback and from 7.5' to 6.2' interior side yard setback at 1814 North 35th Street

REQUESTED VARIANCE

The approval of this variance would allow for the construction of a carport in the front yard and a covered area in the rear yard.

LOT LOCATION AND SIZE

The subject property is on the east side of North 35th Street between North "Q" Street and North "S" Street. The tract contains an area of 0.21acres with approximately 75 feet of street frontage along North 35th 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, south and west are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

The areas to the east are 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 North 35th Street 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 front yard setback makes it impossible to construct a carport which would make it easier for her husband to get into the house in bad weather since he uses a walker.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday April 30, 2015at 2:00 p.m. at 1814 North 35th Street. No neighboring property owners were in attendance. A copy of the attendance record and meeting summary are enclosed. Additionally, a map is enclosed within your packet identifying all of the carports in the vicinity that encroach the front yard setback.

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.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 1814 N. 35th

Meeting Time & Date April 30, 2015 @ 2:00

Meeting Purpose VARIANCE

	NAME	ADDRESS	PHONE #
1.	Tom Manuel	City	784-7718
2.	[illegible] (B.J)	1814 N. 35	479-459-6539
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

12D

4-30-15

I Siya Willis held a neighborhood meeting at 1814 North 35th St. 72904 at 2pm on this day April 30, 2015.
No one attended the meeting to agree or disagree with any concern of adding on a carport to said residence.
Tom Monaco did attend as well.

Siya Willis
Siya Willis 4-30-15
2:20p.m.

12E

Var. # 13-6-15

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 1814 N. 35th, Existing or Proposed

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

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM		TO	
25'	-	1'	Front Yard Setback or Minimum Distance from Right-of-Way
	-		Exterior Side Yard Setback
7.5	-	6.2'	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

12F

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

Signed:

Bonnie Sue Jones
Owner or Agent Name *(please print)*

Bonnie Jones
Owner

or

479-459-6539
Owner or Agent Phone Number

_____
Agent

1814 No. 35th St.
Owner or Agent Mailing Address

Variance #_____

VARIANCE INFORMATION FORM

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

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

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

Yes	No	
	✓	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?

12H

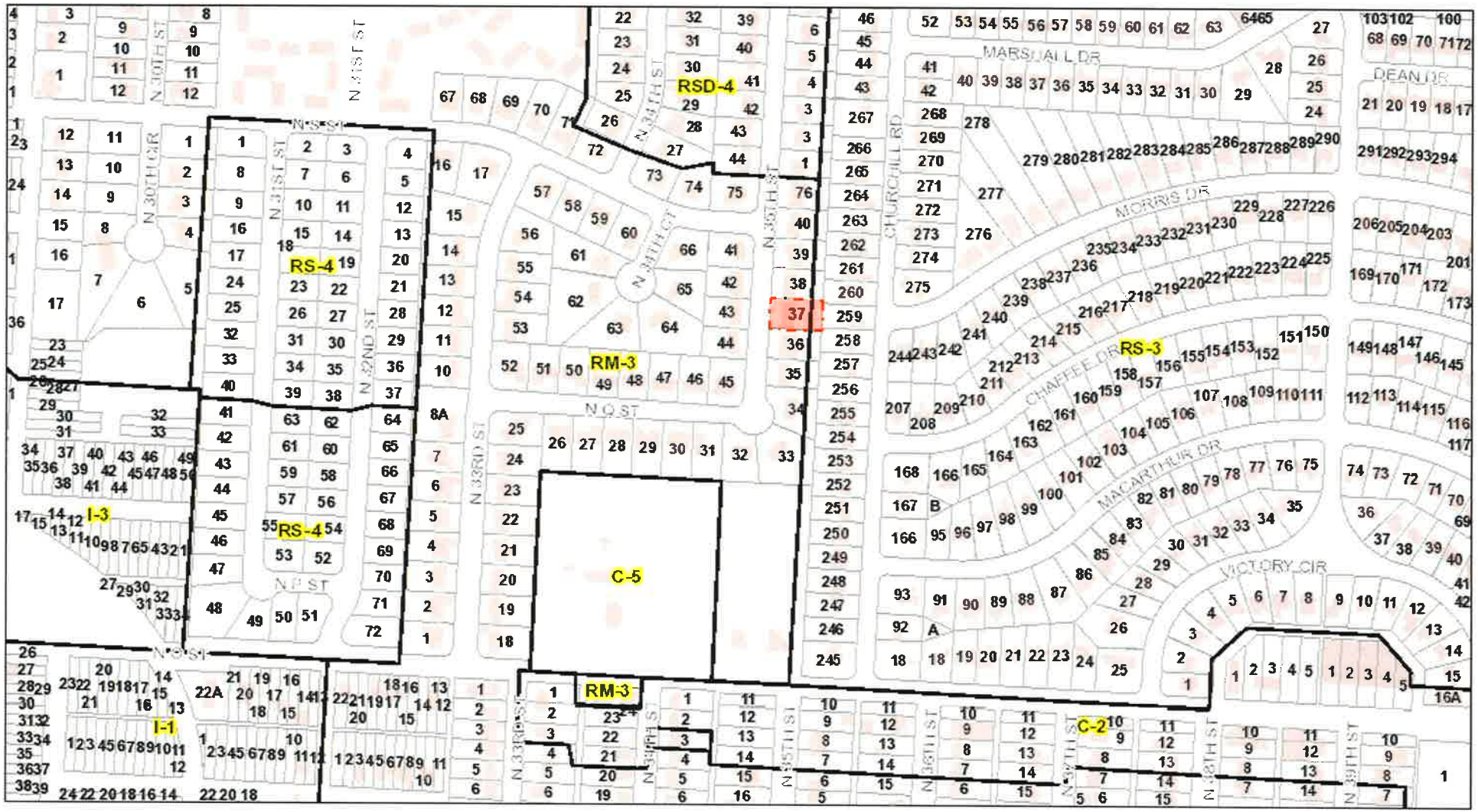
Explanation of question #4 (if applicable)

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

25 ft. set back makes it impossible to construct a carport which would make it easier for my husband to get into house in bad weather. He uses a walker

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

Variance #13-6-15: From 25' to 1' front yard setback and 7.5' to 6.2' side yard setback
1814 North 35th Street



June 3, 2015

1:4,023

0 0.035 0.07 0.14 ft

0 0.05 0.1 0.2 m

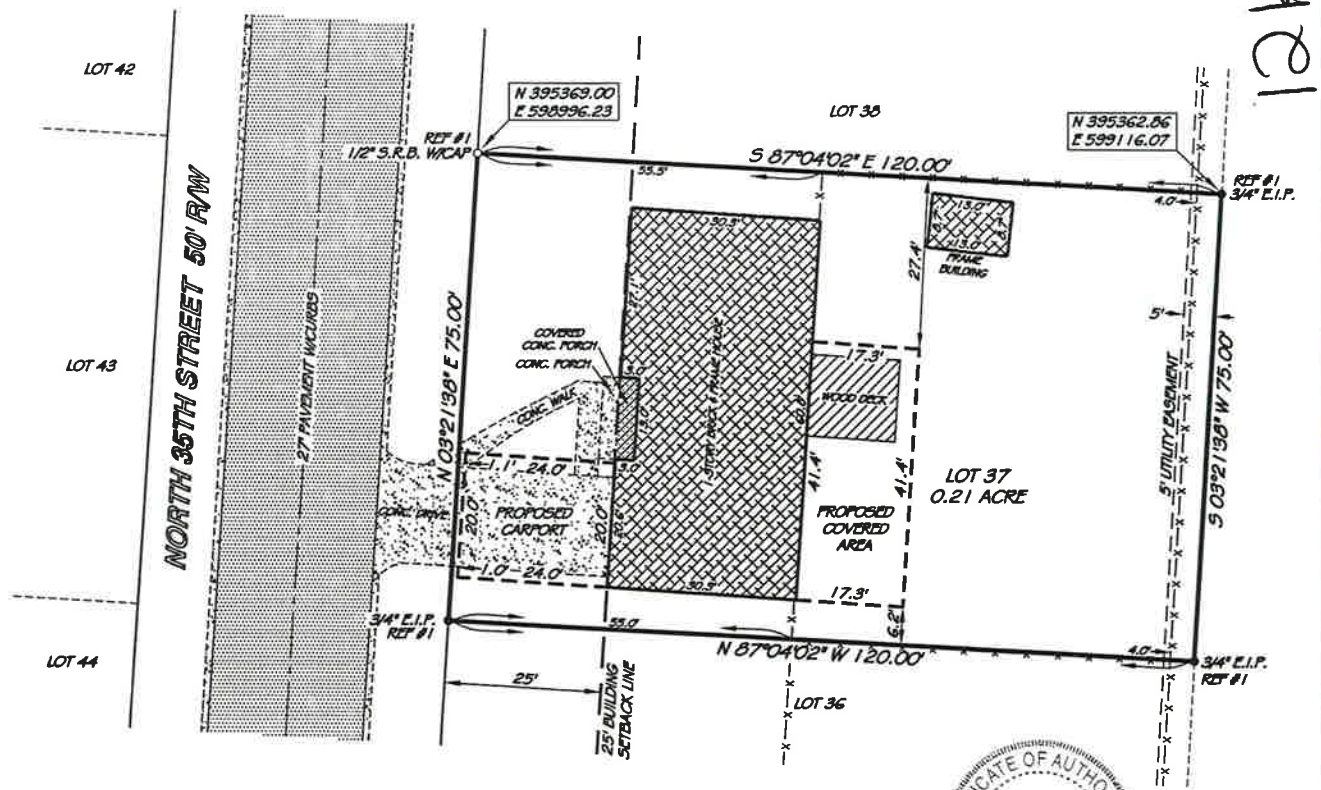
Fort Smith City Limts

Building Footprints

Zoning

Subdivisions

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718. Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

Satterfield Land Surveyors P.A., Copyright 2015

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A.. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

CERTIFICATE OF AUTHORIZATION — SATTERFIELD LAND SURVEYORS, P.A. #718 — ARKANSAS

PROPERTY ADDRESS: 1814 NORTH 35TH STREET, FORT SMITH, AR. 72904

20' 10' 0 GRAPHIC SCALE 20' 40'

REFERENCE DEED

SURVEY REFERENCES

1 - D. LERARIS - ROLLING KNOLLS NO. 1 FILED 10/18/62

BASIS OF BEARING
ARKANSAS STATE PLANE COORDINATES GRID NORTH.

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — RICKY W. HILL — SIGNATURE — 4-23-15

LEGEND

- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P./K.N. = SET P/K NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- E.R.B. = EXISTING REBAR
- E.I.P. = EXISTING IRON PIN
- E.P./K.N. = EXISTING P/K NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- E.N. = EXISTING NAIL
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/W MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

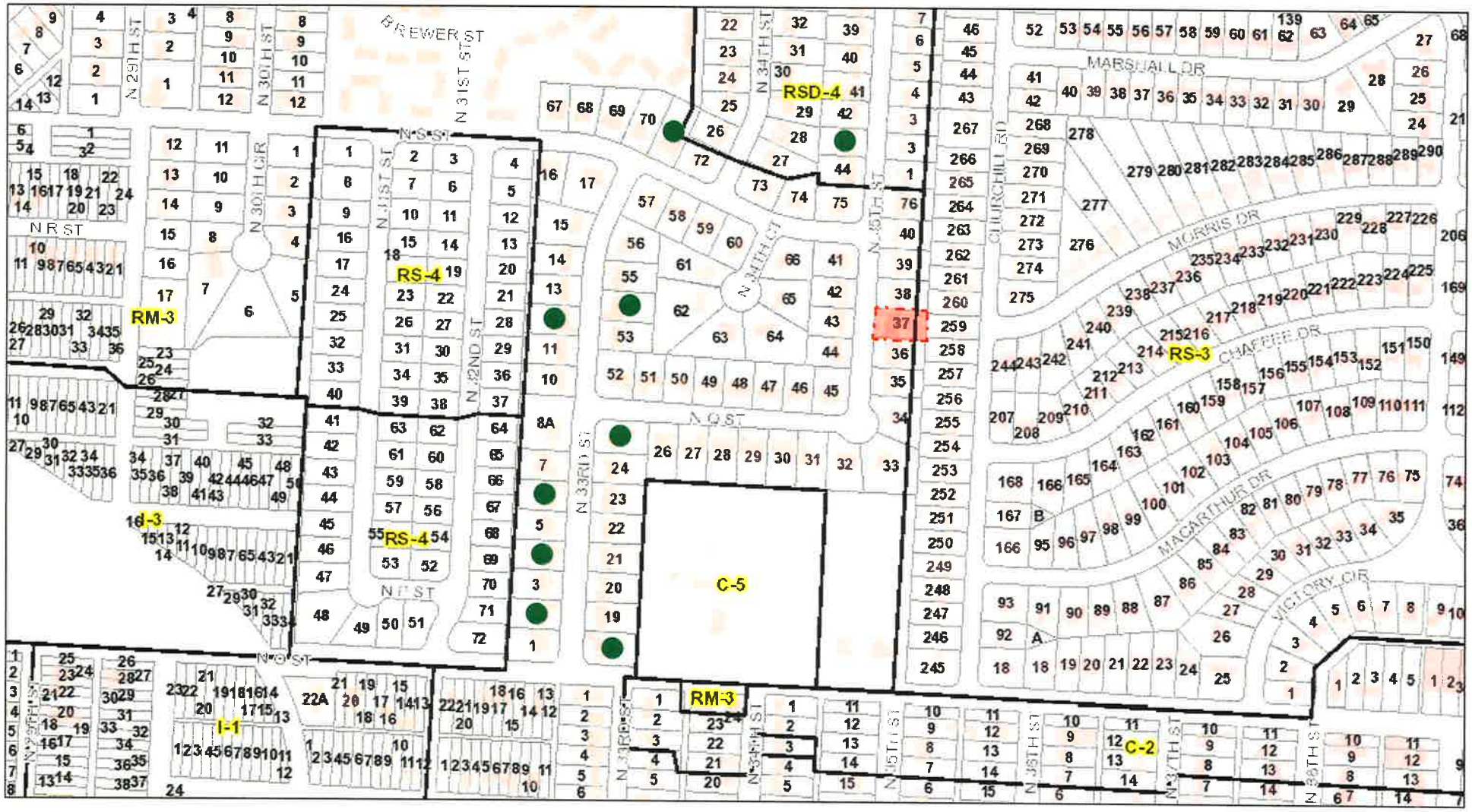
This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
LOT 37, ROLLING KNOLLS NO. 1
LOTS 1 TO 76 INCLUSIVE,
FORT SMITH, ARKANSAS
FOR USE BY: BONNIE JONES

DRAWN BY:	J.D.B.
SCALE:	1"=20'
DATE:	4-23-15
JOB NO.	40,795

Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: http://www.slsurveying.com

Existing Carports in the area of Variance #13-6-15
1814 North 35th Street



June 2, 2015

1:4,023

0 0.035 0.07 0.14 ft

0 0.05 0.1 0.2 m

Fort Smith City Limts

Zoning

Subdivisions

Building Footprints

City of Fort Smith GIS
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