



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 13, 2015**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM SEPTEMBER 8, 2015

III. STAFF COMMENTS AND PROCEDURES

1. Rezoning #15-10-15; A request by Arkansas Valley Electric Co-Op for a zone change from Not Zoned to Residential Single Family Medium/High Density (RS-3) by Classification located at 8009 Steep Hill Road. (companion item to item #2)
2. Conditional Use #18-10-15; A request by Arkansas Valley Electric Co-Op for a conditional use for a utility substation located at 8009 Steep Hill Road. (companion item to item #1)
3. A request by Ron Brixey, agent for Justin Green Custom Homes, Inc., for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 3321 Utica Street. (companion item to item #4)
4. Rezoning #16-10-15; A request by Ron Brixey, agent to Justin Green Custom Homes, Inc., for a zone change from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by Extension located at 3321 Utica Street. (companion item to item #3)
5. Preliminary Plat – Highland Crossing – Crafton Tull
6. Rezoning #17-10-15; A request by Crafton Tull & Associates, agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Residential Single

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

Family Medium/High Density (RS-3) by Classification located at 7001 Wells Lake Road.

7. Conditional Use #19-10-15; A request by Al Prieur, agent for Mike Yasin, for a conditional use for an auto and vehicle dealer located at 500 Towson Avenue.
8. Conditional Use #20-10-15; A request by Harrison French & Associates, agent for 7600 Phoenix Properties, LLC, for a conditional use for a restaurant with outdoor dining located at 7501 Phoenix.
9. A request by Brett Abbott, agent for Ken Colley, for development plan approval for an office complex located at 3400 South 70th Street.
10. Home Occupation #3-10-15; A request by Amanda Turner for a home occupation for a beauty salon located at 548 North 35th Street.
11. A request by Quentin Willard, Fort Smith Brewing Company, for a text amendment to the Unified Development Ordinance.
12. A request by Jeremy Jones, River City Cycles, for a text amendment to the Unified Development Ordinance.
13. A request by Chris Adam Sharp, C Sharp Restorations, for a text amendment to the Unified Development Ordinance.

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

14. Variance #31-10-15; A request by Tim Risley, agent for Ronnie Risley, for a variance from 100 feet to 59 feet minimum separation between driveways and from 150 feet to 58 feet 4 inches minimum separation between driveways and street intersection located at 6101 Phoenix Avenue, Suite 3.
15. Variance #32-10-15; A request by David Yarbrough, agent for Elim Picazo, for a variance from 25 feet to 6.3 feet front yard setback located at 2607 North 41st Street.
16. Variance #33-10-15; A request by Jeff Lee, agent for Vilay Sinbandhit, for a variance from 15 feet to 0 feet exterior side yard setback located at 3842 Midland Boulevard.

17. Variance #34-10-15; A request by Anthony Leraris, agent for Aaron Littlefield, for a variance from 10 feet to 0' rear yard setback located at 3107 Wheeler Avenue.

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

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

Chairman Sharpe noted two (2) corrections to the minutes. He stated that his records reflect the vote on the consent agenda was 9 in favor and 0 opposed on all items except for Item #1D which was a conditional use for a restaurant (with outdoor dining) located at 8801 Wells Lake Road. This item received a vote of 8 in favor 0 opposed and 1 abstention (Cooper).

Mr. Sharpe also noted that on page 4 under item #7, paragraph #2, it should read as follows:

Mr. David Reynolds were present to speak on behalf of this request.

With no other corrections being noted, Chairman Sharpe called for the vote on the Planning Commission minutes from the August 11, 2015, meeting. Motion was made by Commissioner Keesee, seconded by Commissioner Newton and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

- 1. A request by Al Prieur, agent for Charles Farnum, for a Master Land Use Plan Amendment from Public/Institutional and Residential Detached to Commercial Neighborhood located at 5200 South 32nd Street. (companion item to items #2, #3 & #4)**
- 2. Rezoning #14-9-15; A request by Al Prieur, agent for Charles Farnum, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 5200 South 32nd Street. (companion item to items #1, #3 & #4)**
- 3. Conditional Use #16-9-15; A request by Al Prieur, agent for Charles Farnum, for a conditional use for an auto detailing service located at 5200 South 32nd Street. (companion item to items #1, #2 & #4)**

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

- 4. Variance #29-9-15; A request by Al Prieur, agent for Charles Farnum, for a variance from Section 27-423 (D) 4 – Street Access located at 5200 South 32nd Street. (companion item to items #1, #2 & #3)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the existing vacant building (former post office) to be remodeled for an auto detailing service. Mr. Bailey stated that the facility will be a private service for a local auto dealer and not for the public.

Mr. Al Prieur was present to speak on behalf of these requests.

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

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

- 1. A request by Al Prieur, agent for Charles Farnum, for a Master Land Use Plan Amendment from Public/Institutional and Residential Detached to Commercial Neighborhood located at 5200 South 32nd Street. (companion item to items #2, #3 & #4)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 8 in favor, 0 opposed and 1 abstention (Redd).

- 2. Rezoning #14-9-15; A request by Al Prieur, agent for Charles Farnum, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 5200 South 32nd Street. (companion item to items #1, #3 & #4)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Redd).

- 3. Conditional Use #16-9-15; A request by Al Prieur, agent for Charles Farnum, for a conditional use for an auto detailing service located at 5200 South 32nd Street. (companion item to items #1, #2 & #4)**

Chairman Sharpe called for the vote on the conditional use 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:

- 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.
- If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.

- All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
- Perimeter landscaping shall be installed on the building site adjacent to South 32nd Street Vicksburg Street. The owner shall work with the City Planning Department for appropriate landscaping for this site.
- All new signage requires a separate application and building permit.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Redd).

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

- 4. Variance #29-9-15; A request by Al Prieur, agent for Charles Farnum, for a variance from Section 27-423 (D)(4) – Street Access located at 5200 South 32nd Street (companion item to items #1, #2 & #3)**

Chairman Sharpe called for the vote on the variance request. The vote was 8 in favor, 0 opposed and 1 abstention (Redd)

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

- 5. Conditional Use #17-9-15; A request by Todd Butler, agent for Araceli & Martin Garcia, Sherry Moody Shumate and Gerald & Karen Gee, for a conditional use for an auto parts and accessory store located at 2808 Grand Avenue. (companion item to item #6)**
- 6. Variance #30-9-15; A request by Todd Butler, agent for Araceli & Martin Garcia, Sherry Moody Shumate and Gerald & Karen Gee, for a variance from 30 feet to 5 feet rear yard setback and from Section 27-602-3(B)(1) – Perimeter Landscaping (from 10 feet to 3.5 feet) located at 2808 Grand Avenue. (companion item to item #5)**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for a 7,131 square foot auto parts and accessory store with 28 parking spaces. Ms. Andrews noted that the original variance request was from 10 feet to 3.5 feet; however, following the discussion at the study session, the applicant was able to make some revisions to the plans and revised the landscape variance from 10 feet to 5.87 feet. Ms. Andrews noted that the revised plan has been reviewed by the City Engineering and Operations Departments.

Mr. Todd Butler was present to speak on behalf of these requests.

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

Chairman Sharpe then called for the vote on these requests.

- 5. Conditional Use #17-9-15; A request by Todd Butler, agent for Araceli & Martin Garcia, Sherry Moody Shumate and Gerald & Karen Gee, for a conditional use for an auto parts and accessory store located at 2808 Grand Avenue. (companion item to item #6)**

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The proposed Alleyway and Maintenance Agreement shall be approved by the Board of Directors.
- All of the mechanical equipment shall be completely screened from surrounding property owners and public right-of-way.
- All the site lighting, including security lighting, parking lot lighting and exterior wall lights, shall comply with Section 27-602-5 of the UDO.

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

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

- 6. Variance #30-9-15; A request by Todd Butler, agent for Arceli & Martin Garcia, Sherry Moody Shumate and Gerald & Karen Gee, for a variance from 30 feet to 5 feet rear yard setback and from Section 27-602-3(B)(1) – Perimeter Landscaping (from 10 feet to 3.5 feet) located at 2808 Grand Avenue. (companion item to item #5)**

Chairman Sharpe called for the vote on the variance request as amended from 10 feet to 5.87 feet perimeter landscaping on Grand Avenue and from 30 feet to 5 feet rear yard setback. The vote was 9 in favor and 0 opposed.

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

7. UDO Amendments

Mr. Wally Bailey noted that Planning staff is proposing the following five (5) amendments to the Unified Development Ordinance (UDO) for the Planning Commission to consider:

- 1) An editorial correction to Section 27-341-4 – amendments to a PZD.

It was noted that this Section should read as follows:

27-341-4 Amendments to the planned zoning district plans.

Once a PZD has been approved, significant changes may be made only after approval of a revised PZD. This requires resubmittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to section 27-341-4(a) may be approved at the director's discretion. Disapproval of the changes may be appealed to the planning commission.

- 2) A clarification to section 27-332-4(A) – conditional use submittal requirements.

It was noted that this Section should read as follows:

27-332-4(A) Submission Requirements

A preliminary development plan must be submitted and include the information as specified in Section 27-331-4. The conditional use permit satisfies the requirement for a development plan review.

- 3) A clarification to section 27-331 and 27-334 concerning major and minor subdivision plats.

It was noted that this Section should read as follows:

Subdivision Major

27-331 Applicability

E. Any plat that involves an extension of streets or utilities. A plat with minor utility extensions may be processed as a minor plat.

Subdivision Minor

27-334-1

(B)(2) Any plat that involves an extension of streets or significant utility extensions.

- 4) A change and clarification to section 427-404(D)(2) concerning an exception to the allowable height of structures.

It was noted that this Section should read as follows:

Lot Dimension Standards

Height

Section 27-404(D)(2)

A structure may not be more than the maximum allowable feet high at the minimum Setback lines, but for each additional foot of horizontal setback in excess of the minimum from all setbacks, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.

- 5) A proposal to section 27-503-11 subdivision landscaping. After the recent variance request concerning subdivision landscaping the proposal is to clarify the situation to avoid future variance requests.

Subdivision Design and Improvement Standards

27-503-11 Landscaping

A. Applicability

Residential subdivisions shall include landscaping on the perimeter streets and subdivision entry landscaping as provided below. Replats of existing residential lots and residential subdivisions with no more than five (5) lots are exempt from perimeter frontage landscaping and subdivision entry landscaping. Lots platted with frontage only on the perimeter street are exempt from the perimeter landscaping requirement. Landscaping for multifamily developments must comply with the requirements of section 27-602-3 and can be deferred until the building permit is issued for the multifamily development.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed Unified Development Ordinance amendments. The vote was 9 in favor and 0 opposed.

Meeting Adjourned!

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Rezoning #15-10-15 - A request by Arkansas Valley Electric, owner, for Planning Commission consideration of a zone request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification at 8009 Steep Hill Road (Companion to item #2)

PROPOSED ZONING

The approval of this rezoning will facilitate the development of a new utility substation.

LOT LOCATION AND SIZE

The subject property is on the east side of Steep Hill Road just north of the cemetery. The tract contains an area of 5.0 acres with approximately 485 feet of street frontage along Steep Hill Road.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The property current has no zoning.

SURROUNDING ZONING AND LAND USE

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

The area to the south is not zoned and is developed as a cemetery.

The area to the west is zoned ETJ Open-1 and developed as a single family residence and a business facility.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Steep Hill Road as Local Road.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Single Family Residential. This classification provides for standard residential lots or zero lot-line lots in attractive, interconnected neighborhoods. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, October 5, 2015, at the Chaffee Crossing Media Center. No neighboring property owners attended the meeting.

Based on the existing *Single Family Residential* land use classification, staff recommends approval of the requested zoning district.

1B

PETITION FOR CHANGE IN ZONING MAP

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

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

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

See Attached

2. Address of property: 8009 Steep Hill Rd. Fort Smith, AR

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 R-S-3 by _____
(Extension or classification)

5. Why is the zoning change requested?
not zoned

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

Signed:

Arkansas Valley Electric Co-op.
Owner or Agent Name
(please print)

William H. Peters
Owner

P.O. Box 47 Ozark, AR. 72949
Owner or Agent Mailing Address

or

Agent

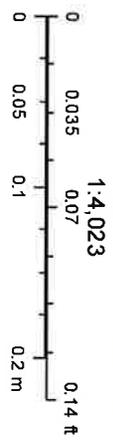
479-667-2176
Owner or Agent Phone Number

Rezoning #15-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3)
8009 Steep Hill Road



October 7, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Conditional Use #18-10-15 - A request by Arkansas Valley Electric, owner, for Planning Commission consideration of a Conditional Use request to develop a utility substation at 8009 Steep Hill Road (Companion to item #1)

PROPOSED CONDITIONAL USE

The approval of this Conditional Use application will allow for the development of a new utility substation.

LOT LOCATION AND SIZE

The subject property is on the east side of Steep Hill Road just north of the cemetery. The tract contains an area of 5.0 acres with approximately 485 feet of street frontage along Steep Hill Road

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

2A

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

The area to the south is not zoned and is developed as a cemetery.

The area to the west is zoned ETJ Open-1 and developed as a single family residence and a business facility.

PURPOSE OF CONDITIONAL USE

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

CONDITIONS FOR A CONDITIONAL USE

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

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Steep Hill Road as a Local Road.

2B

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Single Family Residential. This classification provides for standard residential lot or zero lot-line lots in attractive, interconnected neighborhoods. Approval of the Conditional Use will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – There will be one new gated driveway constructed on the southern edge of the property adjacent to the cemetery. The gate will be recessed to avoid blocking the road and allow queuing for service vehicles.

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.

Landscaping – There will be some existing trees remaining on the property between the street and the substation. Upon completion of the project, staff will review the site to determine if any new trees are necessary for additional screening for the substation.

Screening – No additional screening is proposed.

Fencing – An existing barbed wire fence adjacent to Steep Hill Road is proposed for removal. Security fencing is proposed around perimeter of the substation. Any new fencing shall comply with the UDO and Chaffee Crossing Design Guidelines.

Parking – There are not defined parking spaces. However, there is ample space for parking of service vehicles on the 5 acre tract.

Signage – No sign information was submitted with this application. If any signage is proposed, it shall comply with the UDO and Chaffee Crossing Design Guidelines.

Lighting – No lighting information was submitted with this application. Any lighting proposed shall be shielded and comply with the UDO Commercial and Outdoor Lighting Regulations.

Setbacks – The substation structure complies with the proposed RS-3 setbacks.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, October 5, 2015, at the Chaffee Crossing Media Center. 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.

20

2. The project shall comply with the Chaffee Crossing Design Guidelines. The applicant shall submit an approval from the Chaffee Crossing Design Review Committee prior to the issuance of the building permit.
3. All fencing shall comply with the requirements of the UDO and Chaffee Crossing Design Guidelines.
4. All lighting shall be shielded and comply with the city's Commercial and Outdoor Lighting regulations.
5. All signage requires a separate application and review process.
6. Five sets of complete construction plans shall be submitted to the Building Department for plan review.

Conditional Use # 18-10-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Arkansas Valley Electric Co-op.

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

Attached

Street Address of Property:

8009 Steep Hill Rd. Fort Smith AR. 72917

Existing Zoning Classification: none

Proposed Zoning Classification (if applicable):

RS-3

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

Sub station, electric,
provide power for consumers

What amenities are proposed such as landscaping and screening?

none, some trees left between sub and road
additional landscape will be added as needed

Arkansas Valley Electric Co-op.
Owner or Agent Name (please print)

Signed:

P.O. Box 47 Ozark, AR. 72949
Owner or Agent Mailing Address

William H. Peters
Owner

Or

479-667-2176
Owner or Agent Phone Number

Agent

2E

Conditional Use #18-10-15: Electric Sub Station
8009 Steep Hill Road

2F



October 7, 2015

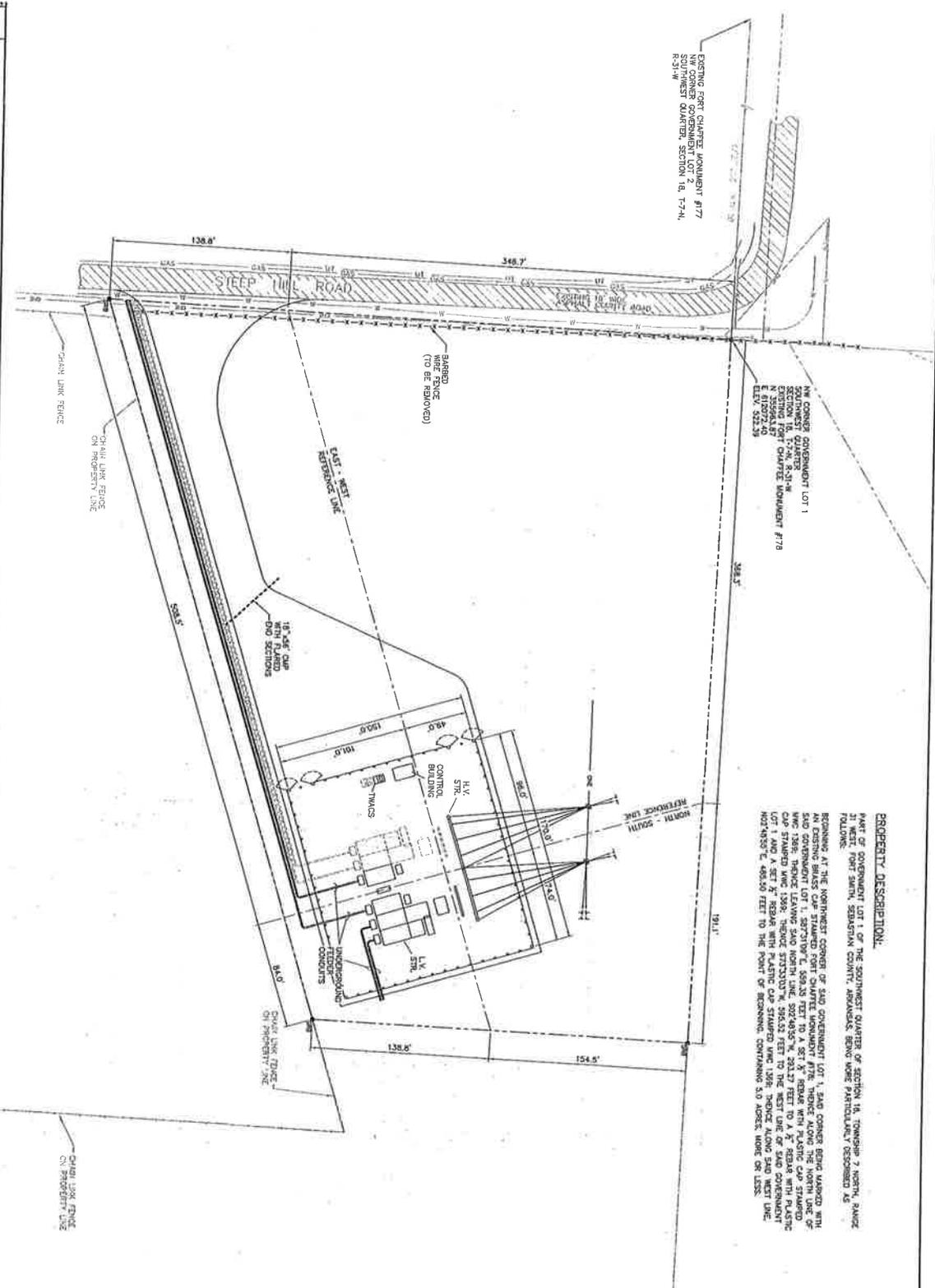
-  Fort Smith City Limits
-  Zoning
-  Subdivisions



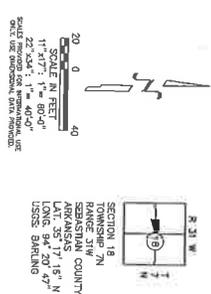
DERIVED FROM NICKLE, WACHA, COLEMAN, INC SURVEY DRAWING, SCALE BY KIM, HULLER, P.C. LICENSE NO. AR 9308



4/4/14



PROPERTY DESCRIPTION:
 PART OF GOVERNMENT LOT 1 OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 21 WEST, RANGE 21 WEST, SEASIDE COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1, SAID CORNER BEING MARKED WITH AN EXISTING BRASS CAP STAMPED PORT QUARTER MONUMENT #178, THENCE ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 1, 200.00 FEET TO A SET X BEAR WITH PLASTIC CAP STAMPED CAP STAMPED WMC 1388, THENCE ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, 150.00 FEET TO A SET Y BEAR WITH PLASTIC CAP STAMPED WMC 1388, THENCE SITUOUSLY 365.52 FEET TO A SET Z BEAR WITH PLASTIC CAP STAMPED WMC 1388, THENCE WITH PLASTIC CAP STAMPED WMC 1388, THENCE ALONG SAID WEST LINE 102.850 FEET TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS.



- LEGEND**
- SET X BEAR
 - POWER POLE
 - POWER POLE GUY
 - (REBAR) BEARS TO DEFINE PROPERTY LINE
 - PROPERTY LINE
 - FARM FENCE
 - OVERHEAD ELECTRIC CONTROL LINE
 - UNDERGROUND TELEPHONE LINE
 - GAS LINE
 - WATER LINE
 - CHAIN LINK FENCE

FEATURES SHOWN FROM THIS PLAN ARE SHOWN AS BEING ENERGIZED UNLESS NOTED OTHERWISE. FEATURES SHOWN FROM THIS PLAN ARE TO BE INSTALLED UNLESS NOTED OTHERWISE. FEATURES SHOWN FROM THIS PLAN ARE TO BE DEMOLISHED UNLESS NOTED OTHERWISE.

CAUTION
 ALL EXISTING OVERHEAD LINES ARE ENERGIZED AND SHALL REMAIN ENERGIZED THROUGHOUT CONSTRUCTION.

Arkansas Valley Electric Cooperative Corp.
 CHAFFEE CROSSING 161/12.4KV SUBSTATION
 PLOT PLAN
 CCR-0501

**Master Land Use Plan
Amendment**

Memo

To: City Planning Commission

From: Planning Staff

Date: August 31, 2015

Re: Proposed Master Land Use Plan Amendment by Ron Brixey, agent for Justin Green Custom Homes, Inc., for Planning Commission consideration of an amendment to the Master Land Use Plan Map from Residential Detached to Residential Attached by classification at 3321 Utica Street (Companion to item #3)

The Planning Department is in receipt of an application from Ron Brixey, agent, to amend the Master Land Use Plan Map from Residential Detached to Residential Attached to accommodate a proposed Residential Multifamily Medium Density (RM-3) zoning request.

The subject property is on the northwest corner of the intersection of Utica Street and South 34th Street. The tract contains an area of 0.48 acres with approximately 150 feet of street frontage along South 34th Street and 140 feet of street frontage along Utica Street.

The property is currently zoned Industrial Light (I-1). The proposed Master Land Use Plan Map amendment and companion rezoning application will facilitate the construction of two duplexes on separate lots. The Master Land Use Plan is a guide to zoning and development and must be considered with the companion rezoning application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The areas to the north, east and west are classified as Residential Detached and developed as single family residences.

The area to the south is classified as General Commercial and is partly undeveloped with a portion developed as a contractor shop and storage yard.

Characteristics and Use:

Criteria for Designation:

- Land adjacent to/or within regional centers
- Land within walking distance to commercial, office, low

Compliance Noted

Yes

3A

- | | |
|-------------------------------------------------|-----|
| Impact industry, regional institutions or parks | Yes |
| • Located as a cluster of like services | Yes |
| • Located on high volume roadway | No |
| • Planned as part of a mixed-use development | No |

MASTER LAND USE PLAN COMPLIANCE

The current Master Land Use Plan classifies the site as Residential Detached. This classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protection of property values.

The proposed Land Use classification of Residential Attached is described as follows:

To provide for diverse populations and households, by supporting variety and option in living environments and housing, while protecting and improving property values.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Utica Street and South 34th Street as Local Roads.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 25, 2015, on site. Three neighboring property owners were in attendance with no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application.

1. A legal description of the subject property that is to be amended (reclassified).
Falconers Addition - Block 7 - Lot 9A
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
Map Attached
3. The area dimensions of the property in square feet or acres.
20832.9 S.F. or 0.48 Acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:
Utica Street on the South and South 34th Street on the East are Asphalt streets with ditches (no curb). Both streets are in good condition.
The development should have no adverse effects on street condition or traffic loading. No new streets are proposed.
5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:
An 8 inch Sanitary sewer line runs along the alley on the west side of the property. A 6 inch waterline runs along the east side of S. 34th Street.
A fire hydrant is located at the southeast quadrant of the intersection of Utica and S. 34th. No additional infrastructure should be required.
6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:
Proposed build out density is 8.33 units per acre
Permitted density is 20 units per acre
7. Identify any known or anticipated environmental concerns:
None

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

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

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

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

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

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

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

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

Certification

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

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

Ren Rife

Signature (Agent/Owner)

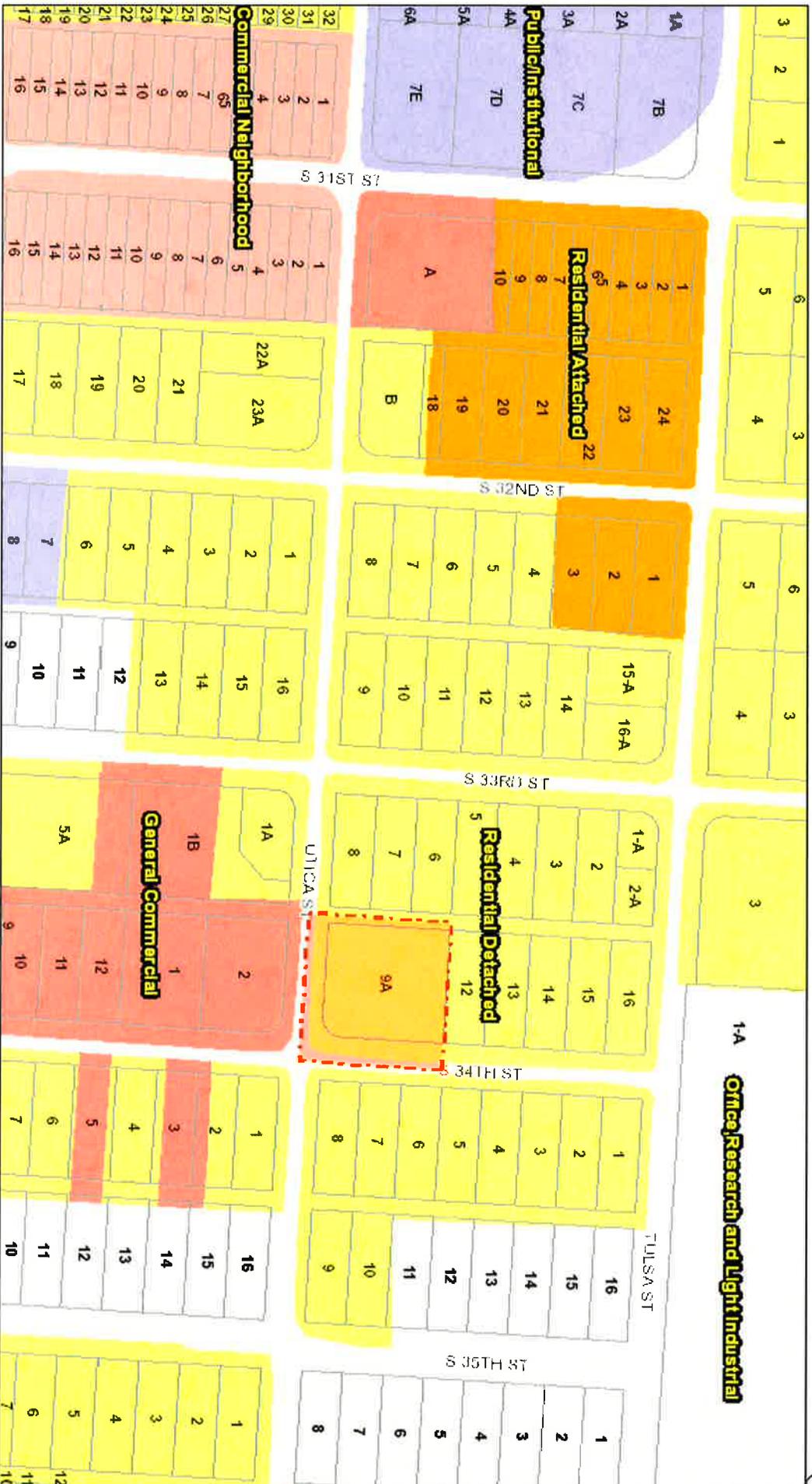
9/10/15

Date

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

Master Land Use Plan Amendment: From Residential Detached to Residential Attached 3321 Utica Street

Handwritten initials/signature



October 7, 2015

Fort Smith City Limits

Subdivisions

Commercial



MINUTES OF NEIGHBORHOOD MEETING - 3321 UTICA STREET, FORT SMITH, AR.

MEETING LOCATION

The meeting was held at the site, 3321 Utica Street, Fort Smith, Arkansas.

MEETING TIME

The meeting was conducted 4:30 PM on Friday, September 25, 2015.

PURPOSE:

Allow the members of the neighborhood the opportunity to ask questions and to comment on the following proposals.

1. Revise Master Land Use Plan from Residential Detached to Residential Attached.
2. Revise Zoning designation from I-1 to RM-3.
3. Develop the lot by constructing two duplex structures facing South 34th Street.

ATTENDEES

1. Linda Wilkes
2. Travis Wilkes
3. Lois Tuck
4. Brenda Andrews - City Planning Dept.
5. Ron Brixey - Project Engineer
6. Justin Green - Owner of subject property

WHAT WAS DISCUSSED

Linda Wilkes requested that the fence along the South side of her property (North side of the subject property) not be extended to the East, toward South 34th Street. Mr. Green stated that the fence would not be extended.

Travis Wilkes requested that a tree on the subject property near the Northwest corner remain in place if possible and that limbs stretching across the fence be trimmed. Mr. Green stated that the tree would remain and be trimmed.

Lois Tuck along with the Wilkes' all agreed that they would be happy to have the lot cleaned up.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3721 LUTICA STREET

Meeting Time & Date 4:30 PM, 9/25/15

Meeting Purpose ZONE CHANGE & LANDUSE CHANGE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	LINDA Wilkes	5014 S. 34th	216-1803
2.	Travis Wilkes	" "	" "
→ 3.	Lisa Luck	5025 S. 34th	646-5625
4.	4015 TUCK		
5.	Brenda Andrews	Fort Smith Planning Dept	
6.	RON BRIXEY	BRIXEY ENGINEERING	
7.			
8.			
9.			
10.			
11.			

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Rezoning #16-10-15 - A request by Ron Brixey, agent for Justin Green Custom Homes, Inc., for Planning Commission consideration of a rezoning request from Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) by extension at 3321 Utica Street (Companion to item #3)

PROPOSED ZONING

Approval of this rezoning will facilitate the platting of the property into two lots for the purpose of constructing a duplex on each lot.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Utica Street and South 34th Street. The tract contains an area of 0.48 acres with approximately 150 feet of street frontage along South 34th Street and 140 feet of street frontage along Utica Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 20,000 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) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary

4B

schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

The area to the east is zoned Residential Single Family High Density (RS-4) and developed as single family residences.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped. A portion of this area is also zoned Industrial Light (I-1) and developed as a contractor shop and storage yard.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached. This classification provides for the creation and maintenance of stable neighborhoods, safe and attractive family environments, and protection of property values. The applicant has submitted an application to amend the Master Land Use Plan Map from Residential Detached to Residential Detached.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, September 25, 2015, on site. Three neighboring property owners were in attendance with no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

Within the area, there are six duplexes on Tulsa and South 34th Street and an apartment complex at Tulsa and South 32nd Street. Based on compatibility with the surrounding zoning and development, staff recommends approval of the application with the following comment:

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

HC

Rez. # 16-10-15

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)

Falconers Addition – Block 7 – Lot 9A

- 2. Address of property: 3321 Utica Street
- 3. The above described property is now zoned: I-1 (Industrial Light)
- 4. Application is hereby made to change the zoning classification of the above described property to RM-3 by Extension.
(Extension or classification)

- 5. Why is the zoning change requested?

Request is made in order to allow development of the property with duplex residential units

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

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5523 East Highway 45, Fort Smith AR 72916

Owner or Agent Mailing Address

Agent

or

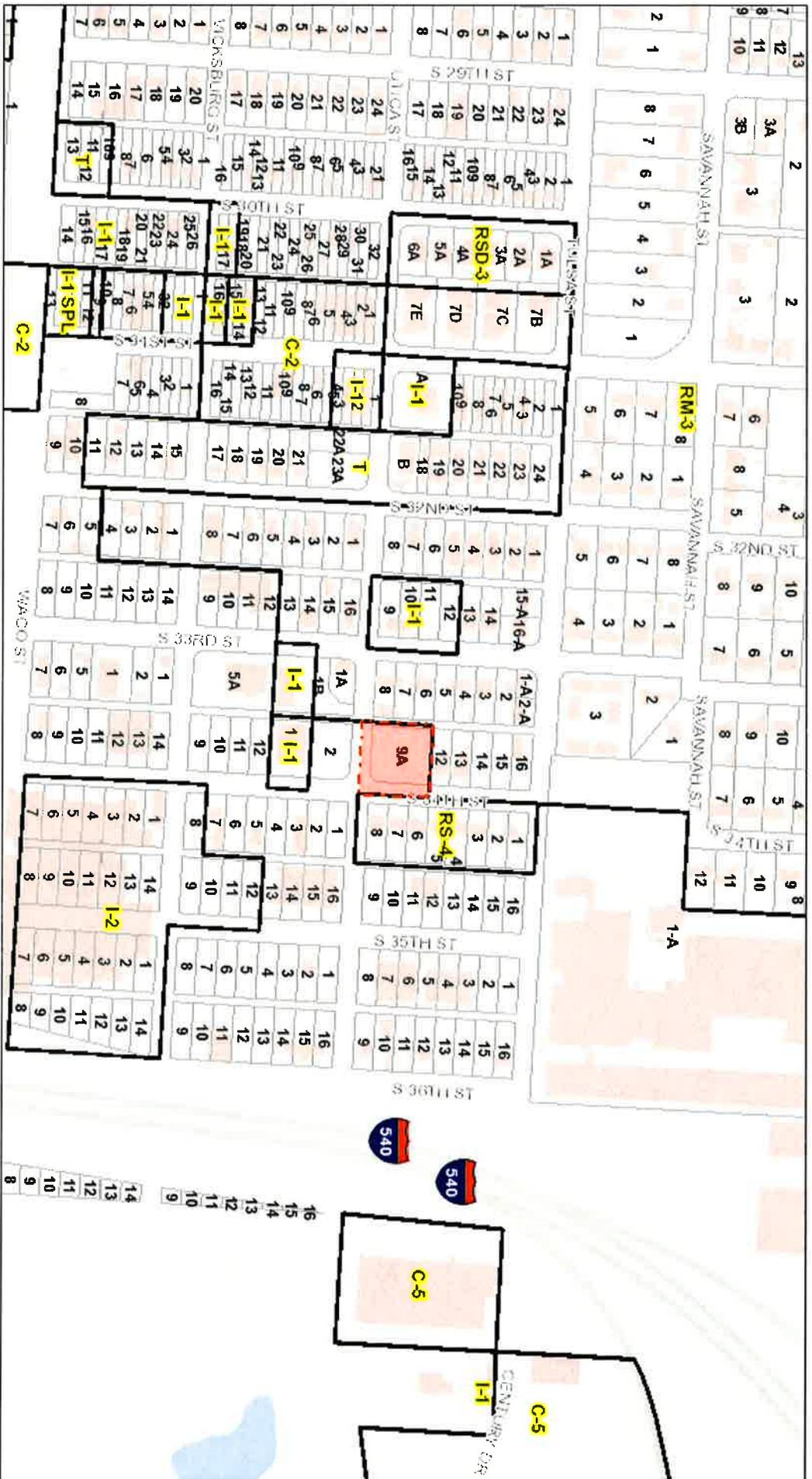
479-646-6394

Owner or Agent Phone Number

40

Rezoning #16-10-15: From Industrial Light (I-1) to Residential Multifamily Medium Density (RM-3) 3321 Urica Street

Handwritten mark resembling a stylized 'H' or '7'.



September 21, 2015

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



LG

PLANNING COMMISSION APPROVAL

Chairman _____ Date _____
Secretary _____

ALLOTTERS:

Justin Green

STATE OF ARKANSAS
COUNTY OF SEBASTIAN

Sworn to and subscribed before me this day _____
Notary Public _____
By Commission Expires _____

FILED FOR RECORD this ____ day of _____
20__ at _____ o'clock ____ M _____
Deak and Ex Official Recorder

By: _____



Ronald N. Green
Ronald N. Green
Professional Engineer
Arkansas Reg. No. 4452



Ronald N. Green
Ronald N. Green
Professional Surveyor
Arkansas Reg. No. 998

OWNER & DEVELOPER:

JUSTIN GREEN CUSTOM HOMES, INC.
P.O. BOX 10860
FORT SMITH, AR 72917

FALCONER'S ADDITION
BLOCK 7 - LOTS 9A-1 & 9A-2

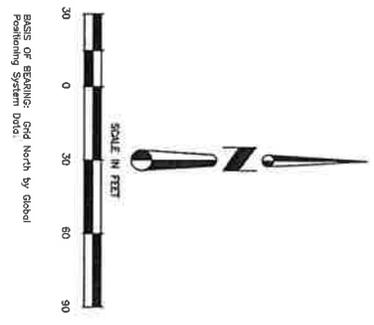
BEING A REPLAT OF FALCONERS ADDITION - BLOCK 7 - LOT 9A
AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY ARKANSAS

OCTOBER 2015

SURETY DESCRIPTION:

Lot 9A, Block 7, Falconers Addition to the city of Fort Smith, Sebastian County, Arkansas as filed for record October 10, 1997.

File Number: SA18001115-2015-02749



BASE OF SPACING: Odd North by Global Positioning System Data

DEDICATION

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith for use as a public alley. The easement includes drainage, access and other purposes. Any easement designated for drainage, access and other purposes shall be subject to the installation, operation and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies and other entities. The easement shall also include any other designated easements for their personnel and equipment at all times. The easement shall be subject to the installation and operation of any other public utilities. In the event that the right-of-way is dedicated to the City of Fort Smith, the City shall be responsible for the maintenance of such utilities. In the event that any other entity is responsible for the maintenance of such utilities, the City shall be responsible for the maintenance of such utilities. In the event that any other entity is responsible for the maintenance of such utilities, the City shall be responsible for the maintenance of such utilities.

NOTES:

1. This plat prepared for the purpose of placing on record
2. Lot 9A-1 and 9A-2
3. All dimensions along curves are chord distances.



LEGEND
Sd from Pin
Edst from Pin

© SURVEY ENGINEERING & LAND SURVEYING, INC. 2015
This plat was prepared by the Surveying Department of Survey Engineering & Land Surveying, Inc. on October 10, 2015. The plat was prepared for the purpose of placing on record the plat of Block 7, Falconers Addition to the City of Fort Smith, Sebastian County, Arkansas as filed for record October 10, 1997.

Briley Engineering & Land Surveying, Inc.
P.O. Box 9160 Ft. Smith, AR 72909
Phone: 479-783-4444

MINUTES OF NEIGHBORHOOD MEETING - 3321 UTICA STREET, FORT SMITH, AR.

MEETING LOCATION

The meeting was held at the site, 3321 Utica Street, Fort Smith, Arkansas.

MEETING TIME

The meeting was conducted 4:30 PM on Friday, September 25, 2015.

PURPOSE:

Allow the members of the neighborhood the opportunity to ask questions and to comment on the following proposals.

1. Revise Master Land Use Plan from Residential Detached to Residential Attached.
2. Revise Zoning designation from I-1 to RM-3.
3. Develop the lot by constructing two duplex structures facing South 34th Street.

ATTENDEES

1. Linda Wilkes
2. Travis Wilkes
3. Lois Tuck
4. Brenda Andrews - City Planning Dept.
5. Ron Brixey - Project Engineer
6. Justin Green - Owner of subject property

WHAT WAS DISCUSSED

Linda Wilkes requested that the fence along the South side of her property (North side of the subject property) not be extended to the East, toward South 34th Street. Mr. Green stated that the fence would not be extended.

Travis Wilkes requested that a tree on the subject property near the Northwest corner remain in place if possible and that limbs stretching across the fence be trimmed. Mr. Green stated that the tree would remain and be trimmed.

Lois Tuck along with the Wilkes' all agreed that they would be happy to have the lot cleaned up.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 3721 LUTICA STREET

Meeting Time & Date 4:30 PM, 9/25/15

Meeting Purpose ZONE CHANGE & LANDUSE CHANGE

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	LINDA Wilkes	5014 S. 34th	216-1803
2.	Travis Wilkes	" "	" "
3.	Lisa Luck	5025 S. 34th	646-5625
4.	4015 TUCK		
5.	Brenda Andrews	Fort Smith Planning Dept	
6.	RON BRIXEY	BRIXEY ENGINEERING	
7.			
8.			
9.			
10.			
11.			

SUBDIVISION COMMENTS
October 2015

5. Highland Crossing, Lots 1- 32 – Preliminary Plat – Crafton Tull Engineers

Proposed Zoning Designations: Residential Single Family Medium/High Density (RS-3)

RS-3 zoning district provides for medium-to-high density, compact single family detached development on new sites or as infill construction.

Proposed Land Uses: Single-family dwellings

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

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- 3) All landscaping along street right-of-ways shall comply with both CCDG and the UDO requirements. Landscaping in easements shall be coordinated with all agencies that have improvements within the easements.

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Zoning #17-10-15 - A request by Crafton Tull & Associates, agent, for Planning Commission consideration of a zoning request from Not Zoned to Residential Single Family Medium/High Density (RS-3) by classification at 7001 Wells Lake Road

PROPOSED ZONING

The approval of this rezoning will allow for the development of 32 single-family residential lots.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Wells Lake Road and Roberts Boulevard. The tract contains an area of 11 acres with approximately 708 feet of street frontage along Wells Lake Road and approximately 386 feet of street frontage along Veterans Avenue.

REQUESTED ZONING

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

Purpose:

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

Permitted Uses:

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

6A

Conditional Uses:

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

Area and Bulk Regulations:

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

EXISTING ZONING

The property currently has no zoning.

SURROUNDING ZONING AND LAND USE

The areas to the north are not zoned and are undeveloped.

The areas to the east include property not zoned and undeveloped and developed as warehouses and property zoned Industrial Light (I-1) developed as Phoenix Metals.

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

The areas to the west are not zoned and undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Wells Lake Road as Future Major Collector and Roberts Boulevard as a Boulevard Street and Veterans Avenue as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Mixed Use: Neighborhood Commercial/Office. This classification is intended for 70% Neighborhood Commercial; 25% Neighborhood Office; and 5% Institutional. An amendment to the Chaffee Crossing Land Use Plan Map to single family residential will be required to accommodate the proposed RS-3 zoning district.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday, October 6, 2015, at 4107 Massard Road. A representative from neighboring property owner Phoenix Metals located at 9701 Roberts

6B

Boulevard attended the meeting. Adam Witt, Operations with Phoenix Metals, stated that Phoenix Metals operates 24 hours a day with activities including cutting metals and loading trucks. Mr. Witt also stated that the company plans to expand the building and operations. No other property owners attended the meeting.

Should the planning commission consider approval of the request, staff recommends the following condition:

Fort Chaffee Redevelopment Authority approval of the property's Chaffee Crossing Land Use Plan classification from Mixed Use: Neighborhood Commercial/Office to Single Family Residential.

6C



10825 Financial Centre Pkwy, Suite 300
Little Rock, AR 72211
501.664.3245 / 501.664.6704
www.craftontull.com

Meeting Notes

Date: October 6, 2015

Subject: Neighborhood Meeting Request - Highland Crossing Rezoning Request

Present: See attached attendance list

Distribution: Brenda Andrews, Fort Smith Planning & Zoning
Tom Monaco, Fort Smith Planning & Zoning

The following items were discussed:

1. Phoenix Metals, which is located diagonally across the Veterans Avenue and Roberts Boulevard, was represented at the meeting by Mr. Adam Witt.
2. Mr. Witt stated that Phoenix Metals performs cutting, loading, and shipping of metals from the facility. Currently, Phoenix Metals operates 24 hours a day. Overnight and early morning activities include cutting metals and loading trucks.
3. Mr. Witt stated that Phoenix Metals abides by the set noise ordinances, but they would like potential home buyers to be aware of their current operation.
4. Phoenix Metals has the desire to expand their operation on the adjacent property. The expansion would include a building addition to the northwest portion of their property, according to Mr. Witt.

This comprises our notes taken at the meeting. Please let us know if there are any additions or modifications that should be called to the attention of those on the distribution list.

Attachments: Attendance List

Report by: BAP

60

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4107 MASSARD

Meeting Time & Date OCT 10 @ 5:30

Meeting Purpose REZONING

NAME

ADDRESS

PHONE #

1. TOM MONARD CITY 784-6218
2. Adam Witt 9701 Roberts Blvd. 479-452-3802
PROPERTY
MTR
3. Rod Coleman 4701 MASSARD 478-5103
4. Brian Peterson 10805 FINANCIAL CENTER, STE 300
LETTIE POXIE AVE 72113 (501)664-3445
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

PETITION FOR CHANGE IN ZONING MAP

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

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

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

SEE ATTACHMENT

- 2. Address of property: 7001 Wells Lake Rd SE Corner Wells Lake Road and Roberts Blvd

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

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

- 5. Why is the zoning change requested?

Redevelopment of Fort Chaffee

*See the attached with application The Highlands at Chaffee Crossing Preliminary Plat

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

Signed:

Crafton Tull & Associates

Owner or Agent Name
(please print)

10825 Financial Centre Pkwy
Suite 300 Little Rock, AR 72211

Owner or Agent Mailing Address

501-664-3245

Owner or Agent Phone Number

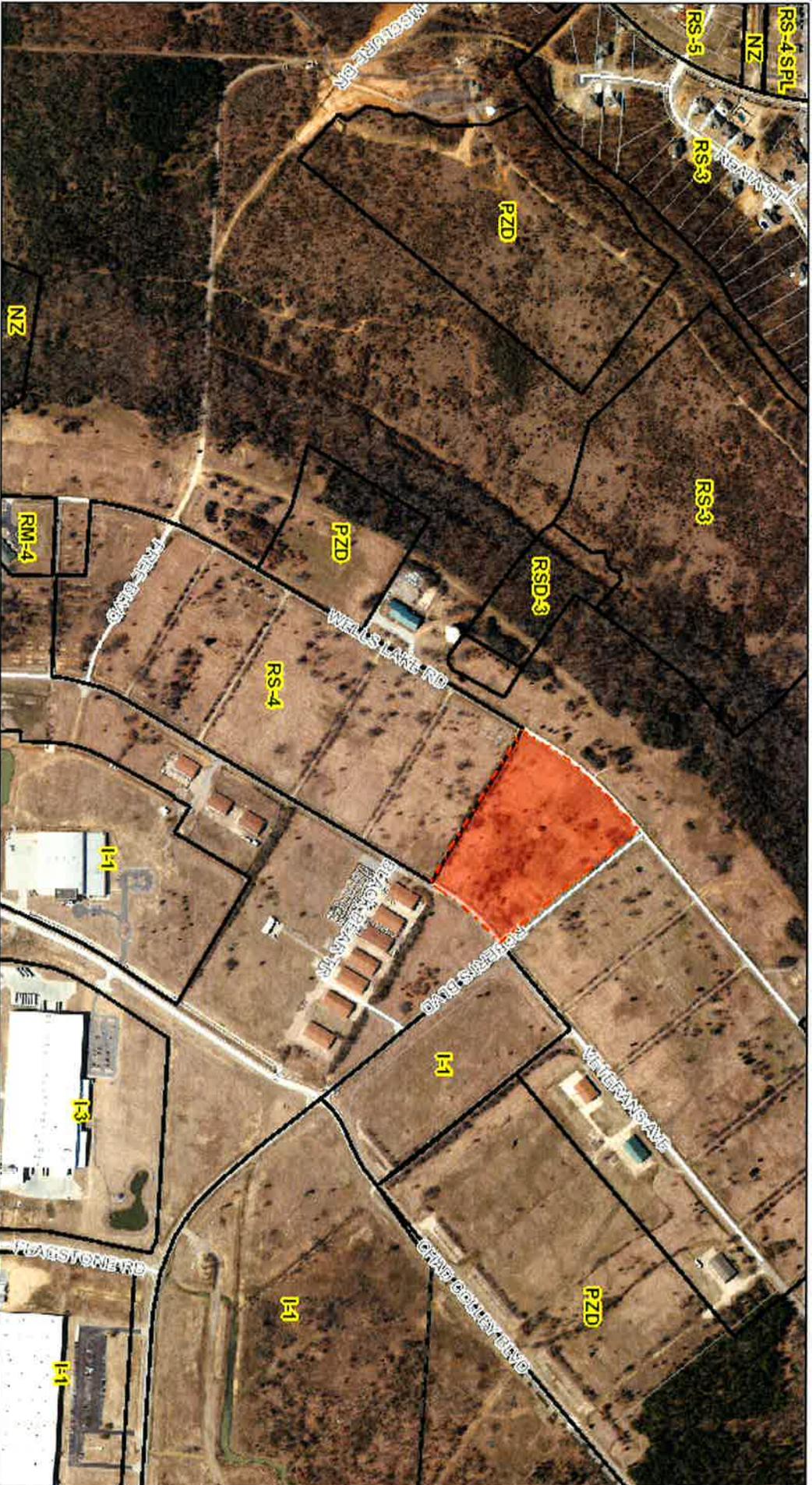
Owner

or

By APW
Agent

Rezoning #17-10-15: From Not Zoned to Residential Single Family Medium/High Density (RS-3) 7001 Wells Lake Road

9
2



October 7, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4107 MASSARD

Meeting Time & Date OCT 16 @ 5:30

Meeting Purpose REZONING

NAME

ADDRESS

PHONE #

1. TOM MONACO CITY 784-7218
2. Adam Witt 9701 Roberts Blvd. 479-452-3802
3. Rod Coleman 4701 MASSARD 478-5103
4. BRAD PETERSON 10825 FARMINGTON CNTR, STE 300
LITTLE ROCK AR 72113 (501)664-3245
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

Memo

To: City Planning Commission

From: Planning Staff

Date: September 30, 2015

Re: Conditional Use #19-10-15 - A request by Al Prieur, agent for Mike Yasin, for Planning Commission consideration of a Conditional Use request to establish an Auto & Vehicle Dealer business at 500 Towson Avenue

PROPOSED CONDITIONAL USE

The approval of this Conditional Use would allow for the use of the existing building and site as an Auto and Vehicle Dealer.

LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Towson Avenue and South D Street. The tract contains an area of 1.2 acres with approximately 193 feet of street frontage along Towson Avenue and approximately 291 feet of street frontage along South D Street.

PROPOSED ZONING

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

Purpose:

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

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

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

Minimum Lot Width – N/A

Front Yard Setback – N/A

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

Side Yard Setback – N/A

Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Downtown (C-6) and is developed with commercial property currently vacant.

The area to the east is zoned Commercial Downtown (C-6) and is developed with commercial properties, including motorcycle sales, painting contractor office, and photography studio. The remaining commercial properties to the north are vacant.

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

The area to the west is zoned Industrial Light (I-1) and developed as an office.

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.

7B

A neighborhood meeting was held September 29, 2015, 10 a.m., on site. One neighboring property attended the meeting and had no objections to the proposed conditional use application. A copy of the attendance record and meeting summary are enclosed.

Should the planning commission consider approval of the request, staff recommends the following conditions:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. If a trash receptacle is proposed, it shall be completely screened in accordance with the UDO.
3. All exterior building or site lighting shall comply with the UDO Commercial and Outdoor Lighting requirements.
4. Perimeter landscaping shall be installed as shown on the submitted landscaping plan. A final landscape plan shall be submitted to the planning department for review and verification of the proposed plant species and the number of shrubs in each island.
5. All new signage requires a separate application and sign permit and shall comply with the UDO and CBID Design Guidelines. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
6. Any exterior changes to the building or site shall comply with the UDO and the CBID Design Guidelines.
7. Bumper blocks or other barrier shall be installed on parking spaces adjacent to the sidewalk.
8. The AHTD will permit curb and gutter to delineate the proposed driveways should the Planning Commission want to add this condition.
9. The site shall be used as an Auto and Vehicle Dealer business only. No portion of the property within the C-6 zoning district shall be used as a body shop, salvage yard, parking for wrecked vehicles, or other uses prohibited in the C-6 zoning district.

70

Conditional Use # 19-10-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Mahmoud "Mike" Yasin Jba MJM Used Cars #2
(1813 Towson)

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

Legal Description of property included in the conditional use request:

See legal description attached.

Street Address of Property:

500 Towson Avenue Fort Smith AR

Existing Zoning Classification:

Commercial-6 (C-6) and Industrial-1 (I-1)

Proposed Zoning Classification (if applicable):

No change.

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

See #1 attached.

What amenities are proposed such as landscaping and screening?

See #2 attached.

Alvin L. Prieur, Jr P.E.
~~Owner~~ or Agent Name (please print)

Signed:

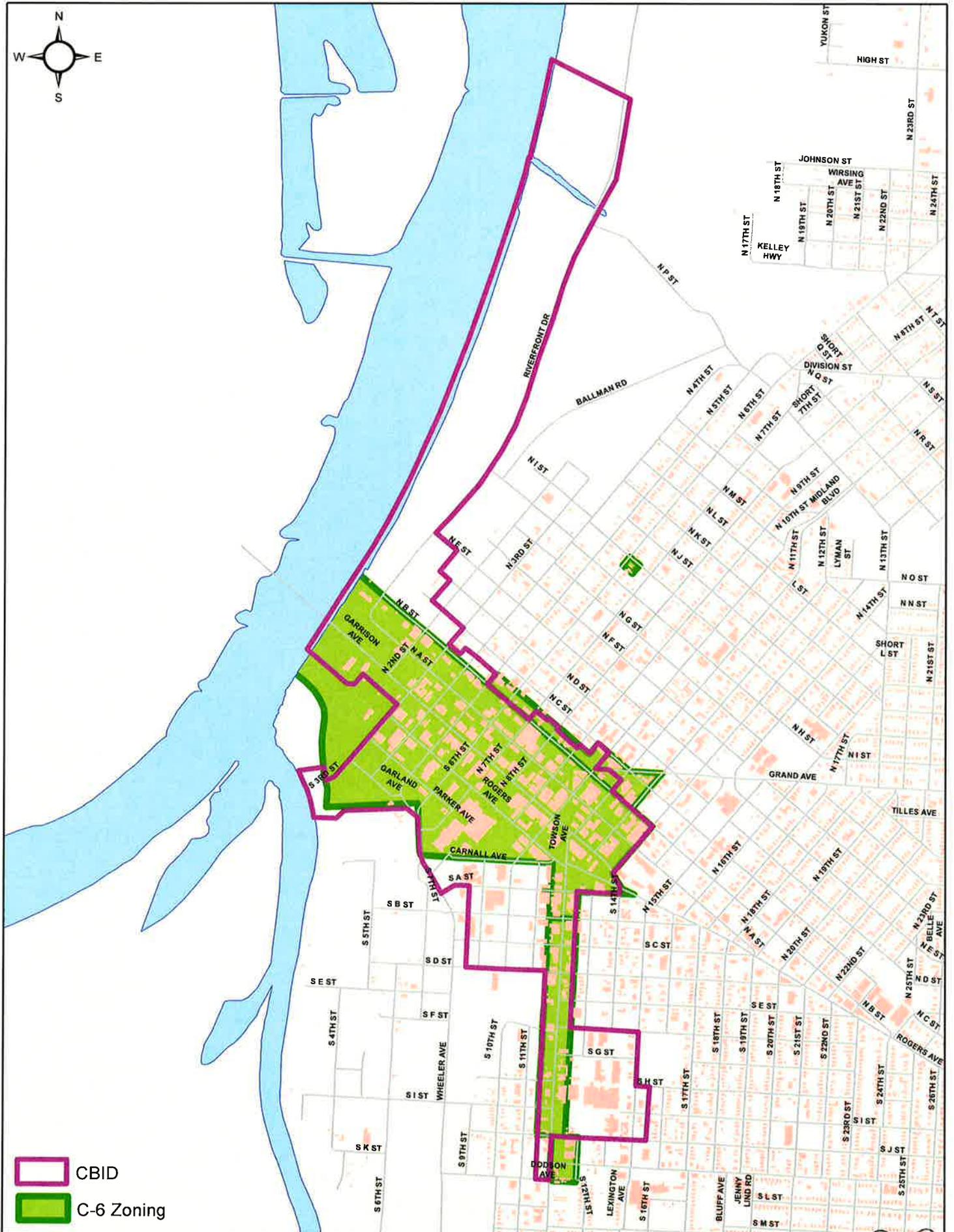
P.O. Box 1689, Van Buren, AR 72957
~~Owner~~ or Agent Mailing Address

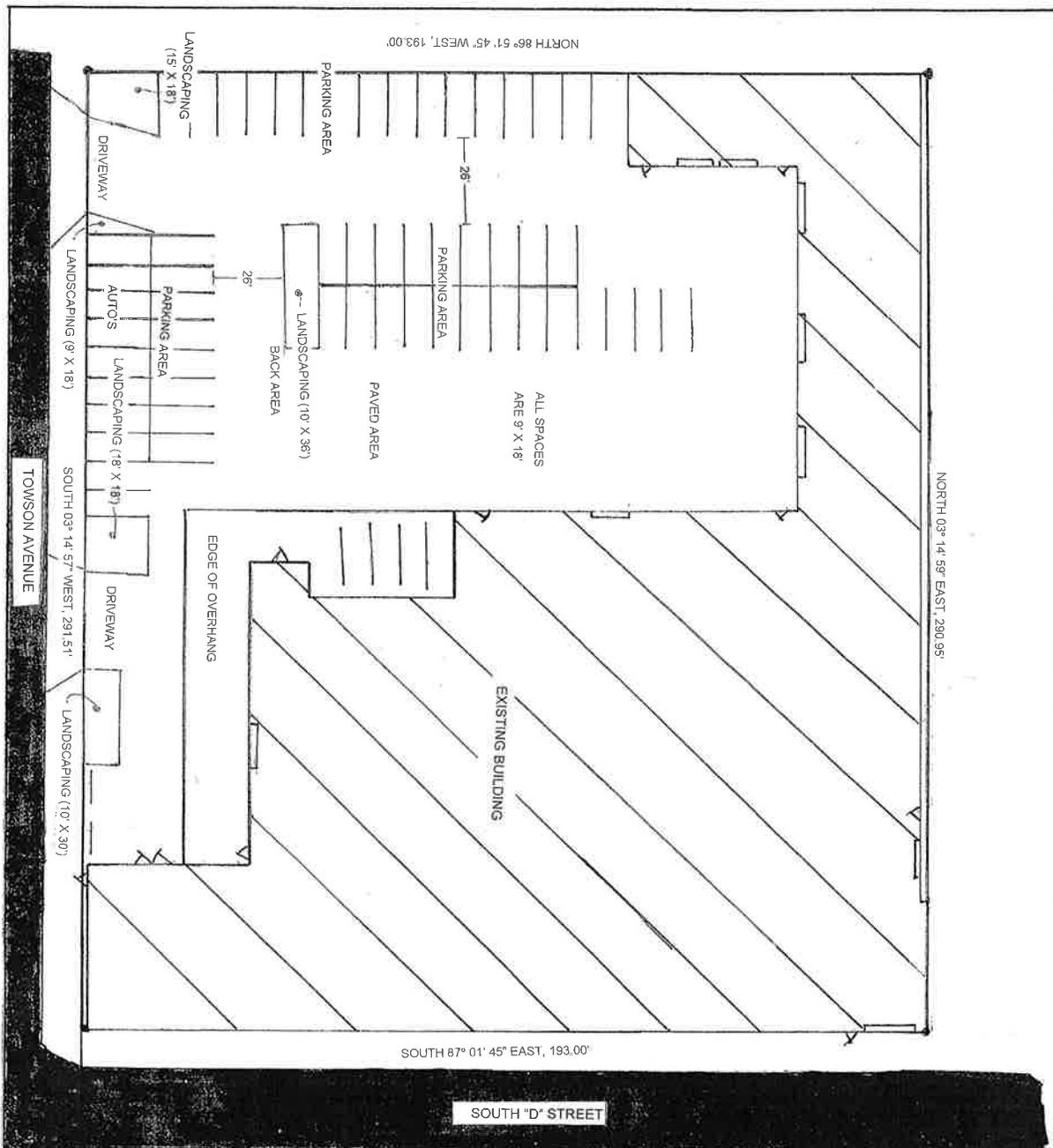
~~Owner~~

479-651-7920
~~Owner~~ or Agent Phone Number


Agent

7E





FL

NORTH
 SCALE: 1" = 20'

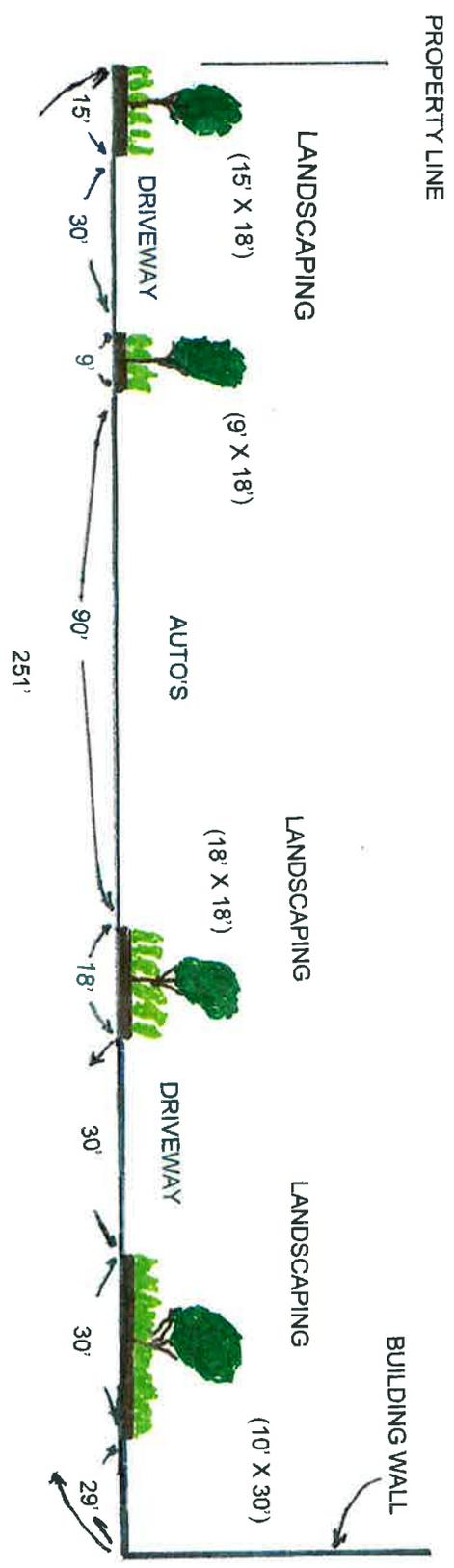
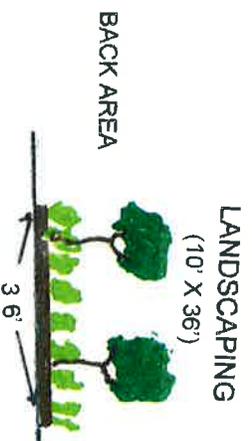


SITE LAYOUT
 MAHMOUD "MIKE" YASIN
 M/JM USED CARS #2
 500 TOWSON AVENUE
 FORT SMITH, ARKANSAS
 SEPTEMBER 25, 2015

ALVIN L. PRIEUR, JR., PE
 CONSULTING ENGINEER
 P. O. BOX 1688
 VAN BUREN, ARKANSAS 72957
 479-651-7920
 aprieur@cox.net
 SCALE: 1" = 20'

LANDSCAPING
 MAHMOUD "MIKE" YASIN
 M/JM USED CARS #2
 500 TOWSON AVENUE
 FORT SMITH, ARKANSAS
 SEPTEMBER 25, 2015

ALVIN L. PRIEUR, JR., PE
 CONSULTING ENGINEER
 P. O. BOX 1689
 VAN BUREN, ARKANSAS 72957
 479-651-7920
 aprieur@cox.net
 SCALE: 1" = 20'



5102-52-9

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

October 2, 2015

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

Attn: Tom Monaco

Re: Conditional Use
 500 Towson Avenue
 Fort Smith, Arkansas

Dear Tom:

The neighborhood meeting for the above referenced conditional use request was held on September 30, 2015 at 10:00 a.m. Attached is the list of the attendance at that meeting.

One property owner from the area was at the meeting. Mr. Tim Brown owner of two buildings across Towson Avenue from the building in question was present. He said he had no objection to the request and in fact he was glad to see the building being used. In the question about it being a car lot, he said that the site was built for car sales and he felt that this would be the best use. There was no one else at the meeting. There were no phone calls about the meeting.

If you have any questions, please contact me.

Respectfully submitted,

Alvin L. Prieur, Jr., PE - Consulting Engineer



10-2-2015

AK

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location On-site 500 Towson Avenue

Meeting Time & Date September 30, 2015 @ 10:00 a.m.

Meeting Purpose To discuss request

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prieur	P.O. Box 1687 VD 72957	479-657-7920
2.	Mahmoud Yasin	1818 Towson Ave Ft. Smith	479-883-8668
3.	Tom Brown	P.O. Box 1735	479-883-9515
4.	Tom Monaco	CITY	784-2218
5.			
6.			
7.			
8.			
9.			
10.			
11.			

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, September 15, 2015
Area Agency on Aging, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room
DRAFT
Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, September 15, 2015 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas

The meeting was called to order by Mr. Richard Griffin, Chairperson, at approximately 9:33 a.m. and a quorum was noted present. Also in attendance were commissioners Phil White, Jeff Pryor, Bill Hanna, Sam Sicard, Steve Clark, and Rodney Ghan. Commissioner Lee Ann Vick was absent. Others in attendance included Jeff Dingman and Doug Reinert of the City of Fort Smith.

Mr. Hanna moved approval of the minutes of the August 18, 2015 regular meeting. Mr. Vick seconded and the motion carried by unanimous vote.

Mr. Sicard delivered the Treasurer's reports for the month of August, 2015, such documents being previously provided for the commissioners' review. As of August 31, 2015 the Total Cash-on-Hand for the CBID amounted to \$172,353.66. Restricted funds comprise \$6,000 of that total, so the total cash net of restricted funds amounted to \$166,353.66. Mr. Pryor moved approval of the Treasurer's Report. Mr. Hanna seconded and the motion carried by unanimous vote.

Mr. White asked for the City Report. Mr. Dingman noted that five CBID commissioners (Griffin, White, Ghan, Sicard, and L. Vick) were appointed to six-year terms by the City's Board of Directors at their September 1 meeting. Also that the September 1 meeting, the city's Board approved the proposed amendments to the conditional uses permitted in the C-6 Zoning District, as was previously discussed and recommended by the CBID. Mr. Reinert updated the Commission on the status of the Greg Smith Riverwalk, currently under construction, noting that the spring weather caused significant delays in construction, so the original mid-September completion date will be pushed back an estimated 35-40 days. The addition of a kitchen and storage area to the River Park Pavilion is complete and the final walkthrough and payment will be completed soon.

The discussion turned to a potential shade structure at the newly opened splash pad at Compass Park. Mr. Griffin distributed architectural renderings showing one concept for a shade structure and seating area located in the center of the Compass Park compass rose. Mr. Ghan and Mr. Griffin collaborated with the architect to create the rendering. The concept of the renderings was well received, but the discussion turned to the appropriate placement of such structures in order to provide suitable shade closer to the splash pad. It was also noted that the proposed rendering, which included three coordinating structures, would likely cost about \$18,000 to complete. Aside from the location of shade closer to the splash pad, some commissioners indicated they liked the idea of reserving the center of that patio area for public art instead of filling it with seating and shade structures. Mr. Ghan said that he would coordinate with the architect to consider shade closer to the splash pad, on both the east and west side, as well as have a more formal budget estimate within the next 30 days.

RM

Mr. Griffin made note of The Unexpected mural project that occurred in Fort Smith the week of September 4 through September 13 through the initiative of CBID commissioner Steve Clark and Downtown 64.6. Mr. Clark provided a recap of the week, indicating that the several internationally renowned muralists that were in town for the event left with a very positive image of Fort Smith based on how they were treated and how the community was accepting of their work. Mr. Clark noted that there was lots of positive energy created downtown for the event, which is the type of thing that is needed to show that Fort Smith is a progressive and livable city. The artists that participated travel the world, and will speak well of Fort Smith over the next year, so that there should be an opportunity to do a similar project again next year. Mr. John McIntosh, who helped promote and organize the event, indicated that it was an emotional experience, and a very good community event that Fort Smith did for itself. Mr. Clark added that citizens are “hungry” for this type of artistic experience, as well as appreciative of an event that uniquely belongs to Fort Smith. As for lessons learned, there was discussion of perhaps adding viewing stations where people could sit and watch the artists at work, as well as better efforts to coordinate with food truck vendors to help create the walkable atmosphere at the event. At the end of the discussion, Mr. Hanna moved that the CBID appropriate \$5,000 for the continued support of The Unexpected project in preparation for the event in 2016. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Clark added that efforts to be more aggressive with vacant buildings and absentee owners in the downtown district will help create a better atmosphere for this type of event, and for the downtown in general. Mr. Clark said that the CBID needs to use its influence as appropriate to be protective of what happens in the district, specifically on Garrison Avenue.

Mr. Sicard noted that the master plan initiative was ongoing, and recapped the presentation of Stephen Luoni from the University of Arkansas Community Design Center. Mr. Sicard is still in the fact finding mode, exploring options that would provide for a suitable downtown master plan at minimal cost, noting that the cost would likely have to come from private or other sources as the city does not have funding to put toward this project.

Mr. Griffin introduced the first item of business for considering a recommendation regarding a conditional use application to allow an auto and vehicle dealer business at 500 Towson Avenue. Mr. Al Prieur spoke on behalf of his client, who recently purchased the property with the intent of relocating a used car dealership from another location (outside of the CBID) to this location. The client intends to use the building as is, with some minor upgrade work inside, and provide landscape islands along the Towson Avenue right-of-way. Mr. Ghan spoke in opposition to the project as being detrimental to the CBID by adding an additional car lot to the area. Mr. White agreed, and Mr. White moved that the CBID recommend that the Planning Commission deny the request for this conditional use. Mr. Ghan seconded, and the motion carried by unanimous vote.

Mr. Griffin introduced the second item of business, to discuss a proposed text amendment to the Unified Development Ordinance that would allow Motorcycle and ATV Sales and Service in the C-6 Zoning District as a Conditional Use. The UDO already allows for motor vehicle sales and service by conditional use, but does not specify that motorcycles or ATV sales and service is allowed. The proponent of the text amendment, Mr. Jeremy Jones, operates River City Cycles on Grand Avenue and has outgrown their space. They have located and propose to lease property at 201 Towson Avenue, within the CBID, that would allow for interior storage and showing of their products, which included motor scooters, ATV's and powersports equipment. Mr. White asked for clarification that all activity would be conducted inside, and that there would be no outside storage. Mr. Jones indicated that was correct. Mr. Dingman clarified that the CBID was not considering Mr. Jones' application for conditional use at this time, merely a text amendment that would allow Mr. Jones to subsequently apply for such conditional use. Mr. Ghan

7N

moved that the CBID recommend approval of such text amendment, provided that it require no outside storage as part of the text amendment. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Griffin asked for other comments from the commissioners. Mr. White noted that the nearly-complete project by Griffin on the 400 block of Garrison Avenue is very nice and a positive contribution to the Avenue and downtown in general. The inclusion of the US Marshal photograph is well done. Mr. Griffin thanked him for the comments, and noted that a family meeting in the breezeway at the property recently was often interrupted by loud truck noise, which is a downtown issue still seeking resolution.

Mr. White indicated that Micheal LeJong of MAHG Architects has been in contact with him recently about the potential project to add accent lighting to the Garrison Avenue bridge. This project has been discussed before, but had fallen off in recent months. Mr. LeJong intends to meet with representatives of Philips Lighting to continue discussion on possibilities for this effort. Mr. White added that this type of project could be folded into the discussion regarding the downtown master plan.

Mr. Hanna reported that he recently received confirmation of a private contribution to build trails projects in the city in the amount of \$300,000. The donor wasn't made public yet, but a public announcement would be forthcoming.

Mr. Pryor reported that he should be ready to provide a report on his project to examine operations of the Farmers Market on behalf of the CBID at the October meeting.

Mr. Hanna noted that the "Hell on the Border" Arkansas State Criterium Championship bicycle race was held in downtown on Sunday, September 13. The event coordinated well with the final day of mural festival, and a lot of people came downtown that weekend. The race was a great success, with over 180 racers, a 50% increase from the previous year when the State Criterium Champhionship was held in Little Rock. There were a lot of positive comments from the racers, their families, and spectators about the energy and excitement downtown.

There being no additional business before the Commission, the meeting adjourned at approximately 11:15 a.m. The next regular meeting will be tentatively set for October 20, 2015.

Respectfully submitted,



Jeff Dingman
Deputy City Administrator

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Conditional Use #20-10-15 - A request by Harrison French & Associates, agent for 7600 Phoenix Properties, LLC, for Planning Commission consideration of a Conditional Use request to develop a Restaurant with outdoor dining located at 7501 Phoenix Avenue

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for a drive-through restaurant (Slim Chickens) with outdoor dining with 47 parking spaces. The restaurant landscaping and architectural design requirements comply with the UDO. The outdoor dining component is the purpose of the conditional use request.

LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue between South 74th Street and South 79th Street. The tract contains an area of 0.98 acres with approximately 166 feet of street frontage along Phoenix Avenue and 166 feet of street frontage along Madison Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of the C-5 zoning district 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.

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 zoned Commercial Heavy (C-5) and is developed as a motel.

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

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

PURPOSE OF CONDITIONAL USE

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

CONDITIONS FOR A CONDITIONAL USE

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

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

8B

extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as a Major Arterial and Madison Avenue 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.

SITE DESIGN FEATURES

Overlay District – The site is located within the Phoenix Avenue Overlay District.

Ingress/egress/traffic circulation – All traffic will enter and exit on the shared access easement located on Phoenix Avenue and a new driveway located on Madison Avenue.

Drainage – The City Engineering Department has reviewed the development and has no concerns about the drainage.

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

Multi-Use bike path – Not applicable.

Landscaping – The landscaping shown complies with the UDO.

Screening – The mechanical screening and trash receptacle screening complies with the UDO.

Parking – The required amount of parking is in compliance with the minimum standards.

Signage – The proposed signage complies with the Phoenix Avenue Overlay District.

Lighting – The exterior lighting complies with the UDO Commercial and Outdoor Lighting regulations.

Setbacks – The setbacks exceed the UDO requirements.

Architectural features – The development shows to have 100% high quality materials with pitched roofs.

Height and Area – The height and area comply with the zoning code requirements.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Tuesday October 6, 2015, at 10:00 a.m. No neighboring property owners attended the meeting.

8C

When reviewing outdoor dining applications, staff considers such items as noise, amplified music, and hours of operation. The applicant's application contains no information about a stage or amplified music. In staff's opinion, the proposed outdoor dining will have no impacts on surrounding property owners.

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 signage shall comply with the Phoenix Avenue Overlay District requirements.
3. In the future, if amplified music or a stage is proposed, a new conditional use shall be required.
4. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.

skin

Conditional Use # 20-10-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Slim Chickens

Name of Authorized Agent (if applicable) Harrison French & Associates

Legal Description of property included in the conditional use request:

Parcel # 18883-0000-03037-03
Lot 3, Spring Valley Center Addition
See attached survey.

Street Address of Property:

7501 Phoenix Ave Fort Smith AR 72903

Existing Zoning Classification:

C - 5

Proposed Zoning Classification (if applicable):

-N/A-

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

Construction of a new Slim Chickens restaurant:
Outdoor Cover/Patio Dining Conditional Use

What amenities are proposed such as landscaping and screening?

Guardrails, grasses, and trees surround the proposed patio.

Reference attached elevations, landscape, and site plans

Harrison French & Associates
Owner or Agent Name (please print)
1705 S Walton Blvd, Suite 3
Bentonville, AR 72712

Owner or Agent Mailing Address

479-273-7780

Owner or Agent Phone Number

Signed:

Owner


Agent Sara Baker for HFA

8E

NOTE: SQUARE SYMBOLS FOR REFERENCE ONLY. BUILDING
 SQUARES TO BE PERMITTED SEPARATELY BY VENDOR.



PAINTED WOOD

- LUMBER, TRUSSES, LVL'S, DECKING, ETC.
- PAINTED DARK, MATTE GRAY



METAL GUARDRAIL

- STEEL TUBES, ANGLES, ETC.
- GABION HEX WIRE
- GALVANIZED STEEL



FIBER CEMENT BOARD

- WOOD-GRAIN TEXTURED LAP SIDING
- PAINTED DARK, MATTE GRAY
- TRIM - PAINTED MATTE WHITE



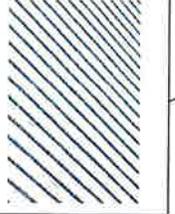
STOREFRONT

- ANODIZED ALUMINUM
- LOW-E COATED, CLEAR INSULATING GLASS



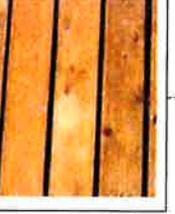
BRICK

- RUNNING BOND WITH ROWLOCK SILL
- CLAY FACE BRICK WITH NATURAL MORTAR



METAL ROOFING

- STEEL SHEET R-PANELS
- ACRYLIC COATED GALVALUME



SEALED WOOD

- 2X6 ROUGH-SAWN CEDAR BOARDS
- TRANSPARENT, SEALED FINISH

DRB3.0

EXTERIOR MATERIAL BOARD

FOR REVIEW / REFERENCE ONLY
 NOT FOR CONSTRUCTION

CHECKED BY:	JAY
DRAWN BY:	MAC
SCALE:	AS SHOWN
DATE:	01/17/2015
PROJECT:	DRB3.0

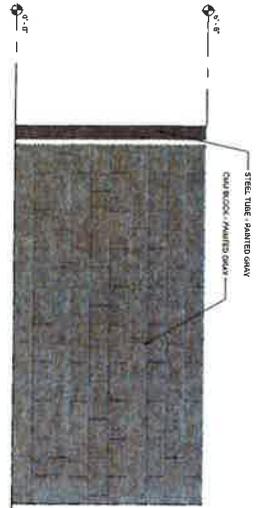
NO.	DESCRIPTION	DATE

ALBERT ENGINEERS
 ARCHITECTS
 7501 PHOENIX AVE
 FORT SMITH, AR 72903

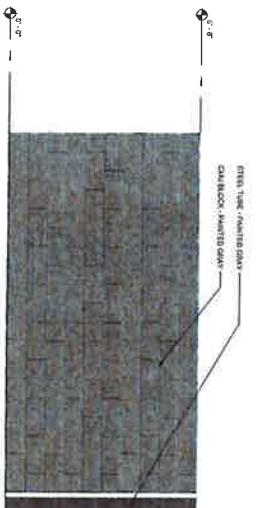
STATEMENT OF WORK
 PROJECT: DRB3.0
 DATE: 01/17/2015

HFA
 ARCHITECTS
 1215 N. GARDNER ST.
 FORT SMITH, AR 72903

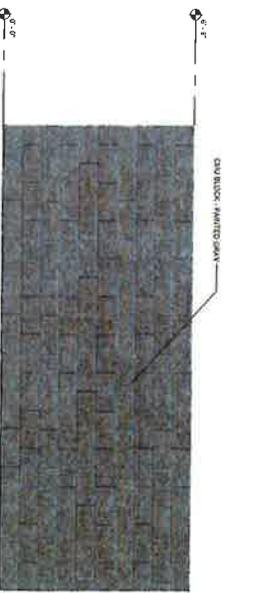
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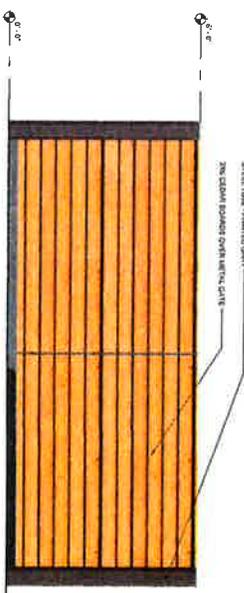
5 RIGHT ELEVATION



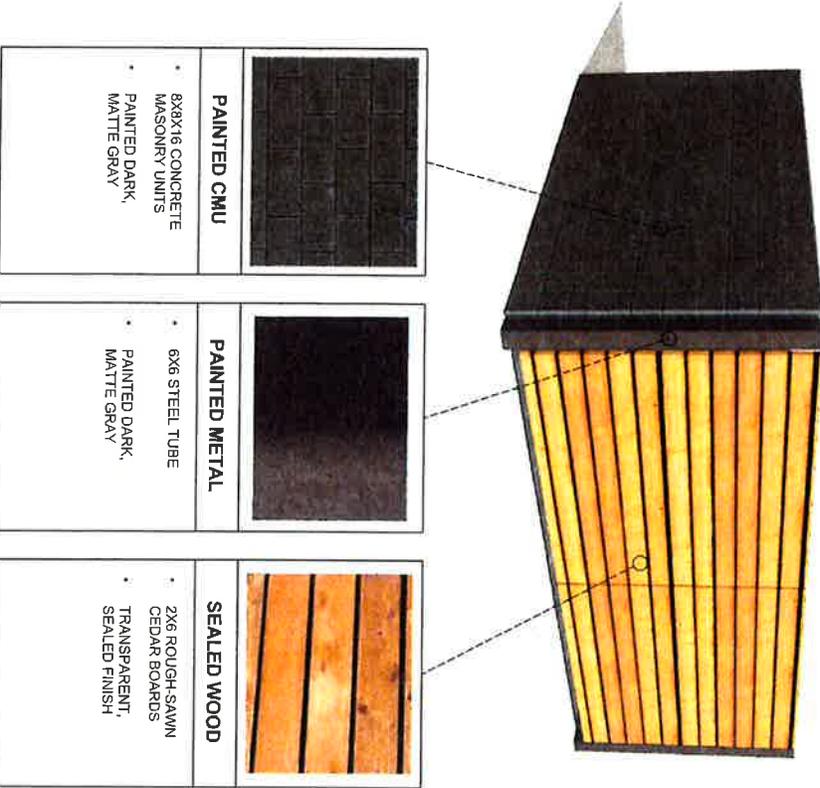
4 LEFT ELEVATION



3 REAR ELEVATION



2 FRONT ELEVATION



PAINTED CMU

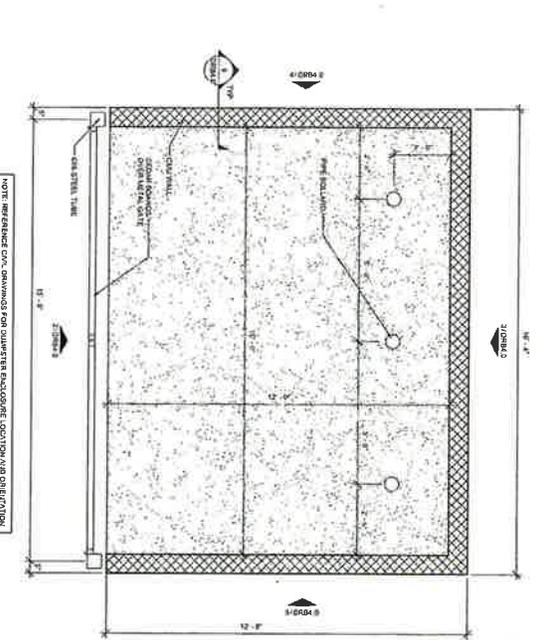
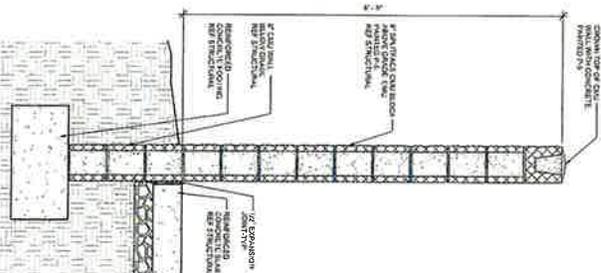
- 8X8X16 CONCRETE MASONRY UNITS
- PAINTED DARK, MATTE GRAY

PAINTED METAL

- 6X6 STEEL TUBE
- PAINTED DARK, MATTE GRAY

SEALED WOOD

- 2X6 ROUGH-SAWN CEDAR BOARDS
- TRANSPARENT, SEALED FINISH



HFA ARCHITECTS ENGINEERS INTERIORS

1700 PHOENIX PARKWAY
 FORT SMITH, AR 72903
 501.724.7720
 www.hfa.com

BLUM CONCRETE

7501 PHOENIX AVE
 FORT SMITH, AR 72903

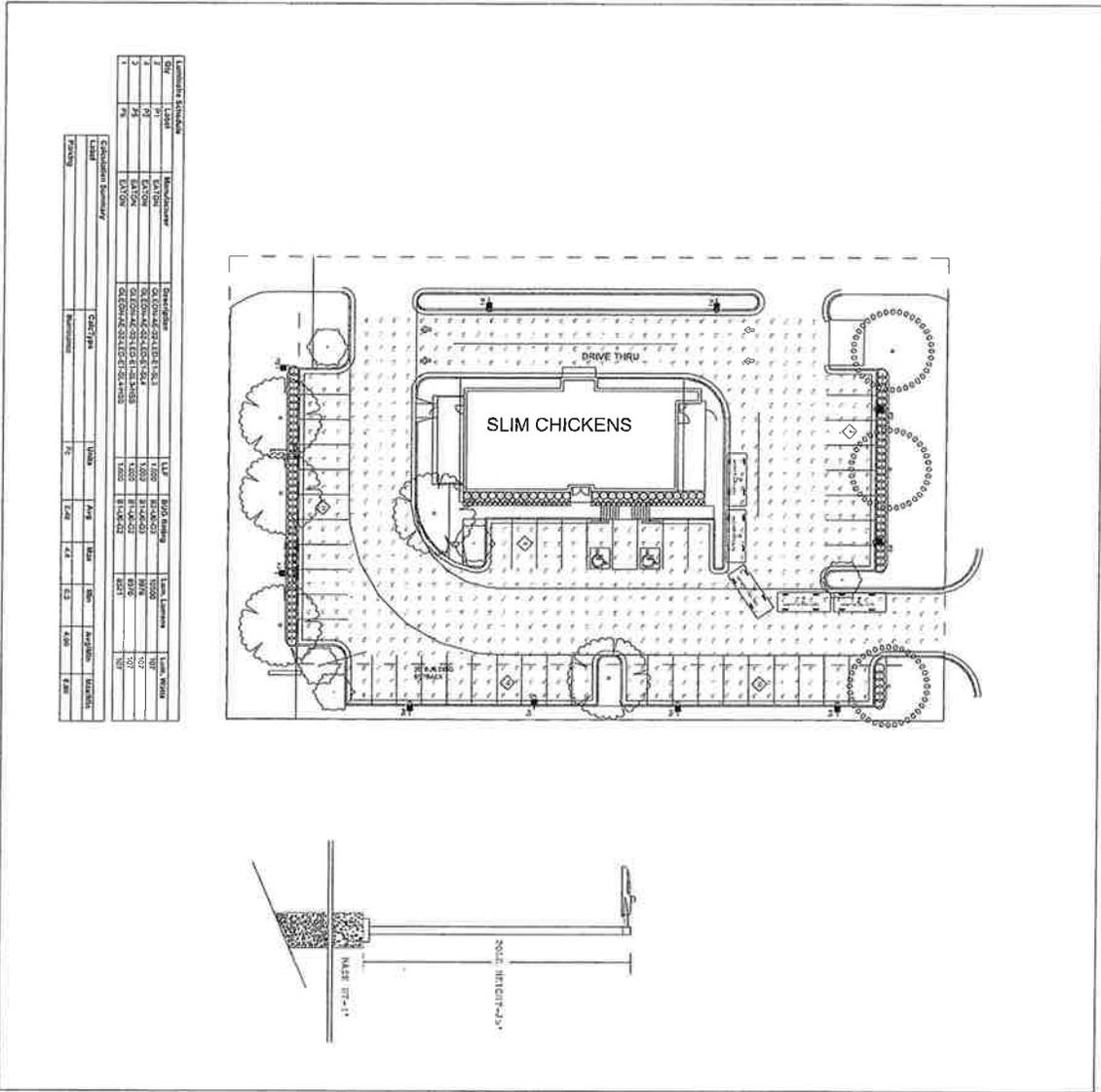
DATE: 08/03/2015	DESIGNED BY: JAH
	DRAWN BY: AKC
	CHECKED BY: NIKHIL KAT
	SCALE: 1/8" = 1'-0"
	DATE PLOTTED: 09/18/15
	PROJECT: DRB4.0

FOR REVIEW / REFERENCE ONLY
 NOT FOR CONSTRUCTION

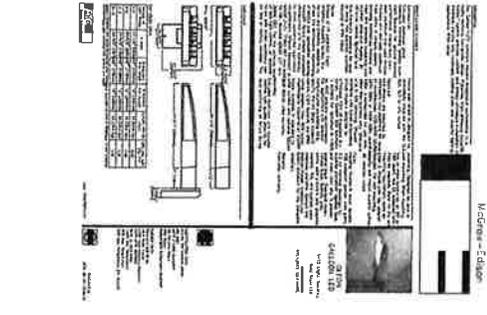
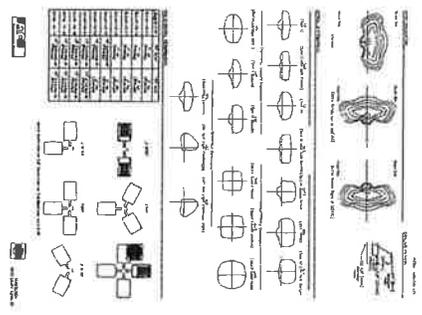
DUMPSTER ENCLOSURE

DRB4.0

80



SHEET: E3.0
 SITE PHOTOMETRIC



STORE #333
 PHOENIX AVE.
 FT. SMITH, AR 72803



REPLACEMENT FOR REUSE
 SEE SPECIFICATIONS FOR REUSE
 SEE SPECIFICATIONS FOR REUSE

PHOTOMETRIC PLAN
 PHOTOMETRIC PLAN
 PHOTOMETRIC PLAN

PHOTOMETRIC PLAN

SLIM CHICKENS[®]

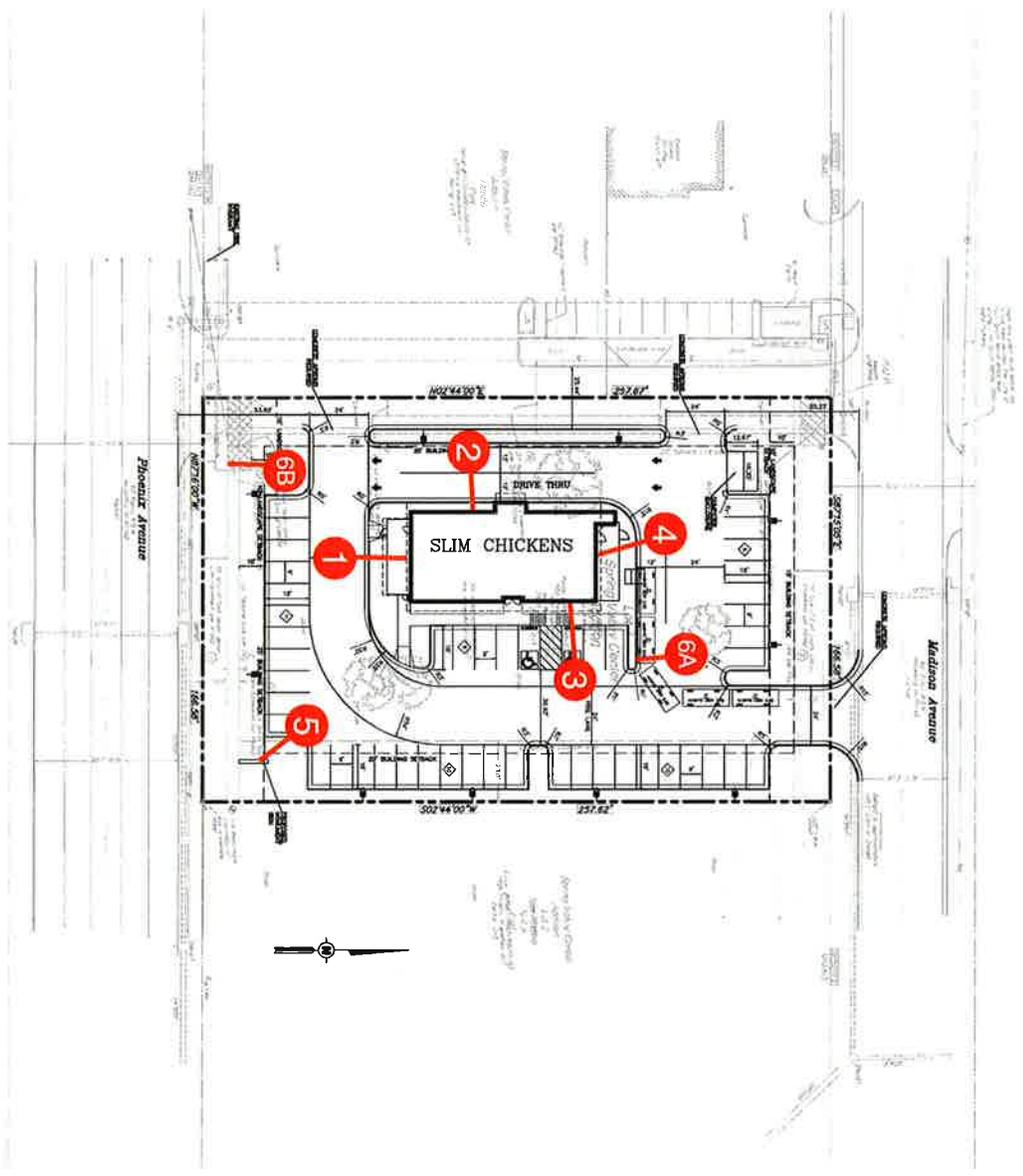
SIGN SPECIFICATION PROGRAM

UPDATED 2/23/15



Site Plan

- 1 3'-6 1/2" Channel Letters
- 2 3'-5" Aluminum Pan Formed Sign & Flat Cut Letters
- 3 3'-5" Aluminum Pan Formed Sign & Flat Cut Letters
- 4 4'-6 5/8" Channel Logo
- 5 6' Monument Sign
- 6A 1'-5" Drive Thru Directional - Qty 1
- 6B 1'-5" Enter Directional - Qty 1



SR



410 N. Cedar Bluff Rd. - Suite 101 - Knoxville, TN, 37923
 Tel: (865) 693-1105 - Fax: (888) 694-1106 Toll Free: (866) 218-1976

Customer Approval:

Date:

www.pattisonsign.com



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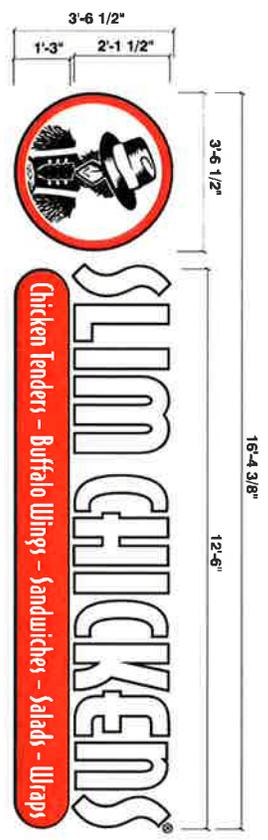
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120V 34V

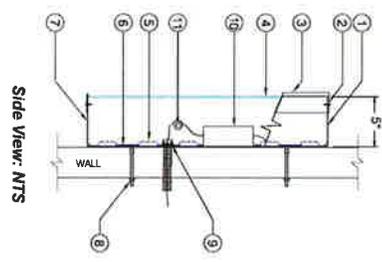
Account:	Slim Chickens	Account:	Fort Smith, AR
Location:	7501 Phoenix Ave	Date:	10-01-15
Sales Rep:	Jeff Allison	Scale:	AS NOTED
Designer:	A. Matthews	Page:	7 of 7
Revision:			

1 Channel Letters



- 57.96 SF
- OPAQUE BLACK VINYL
- PMS 186 RED
- VINYL: AVERY A9340-T
- PAINT: MATTHEWS MP7463

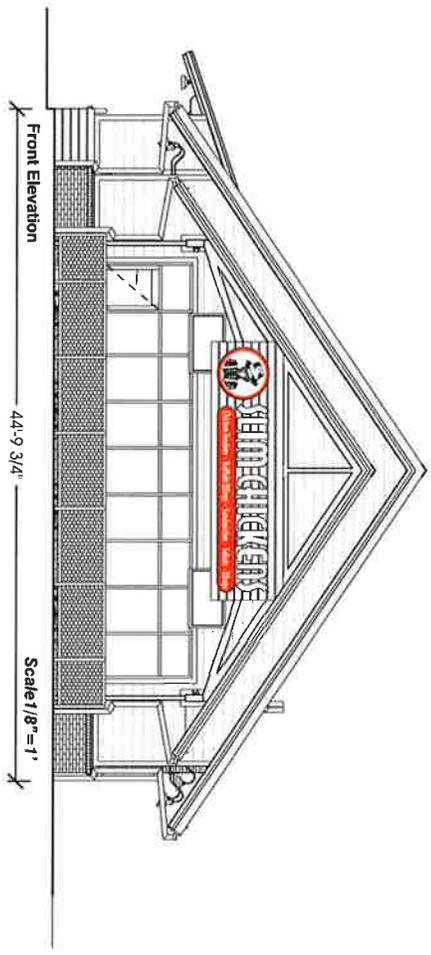
Scale 3/8" = 1'



SELF CONTAINED FACE LIT CHANNEL LETTERS

- 1 .040" X 5" PRE-FINISHED BLACK ALUMINUM COIL (WHITE INSIDE)
- 2 #9 - 1/2" PAN HEAD SCREWS
- 3 1" PRE-FINISHED BLACK JEWELITE CHEMICALLY BONDED TO FACES
- 4 3/16" ACRYLIC / STANDARD COLORS
- 5 .063" PRE-FINISHED BLACK/WHITE ALUMINUM BACK
- 6 .063" PRE-FINISHED BLACK/WHITE ALUMINUM BACK
- 7 1/4" DIA. WEEP HOLES (EXTERIOR APPLICATIONS ONLY)
- 8 MOUNTING HARDWARE (TBD BY WALL CONSTRUCTION)
- 9 7/8" ELECTRICAL HOLE / 3/4" COUPLER W/ FLEXIBLE CONDUIT
- 10 MAXBRITE 60W 12V 120-277 POWER SUPPLIES
- 11 TOGGLE SWITCH / MOUNT TO TOGGLE FRONT TO BACK

ALL HARDWARE MUST BE NON-CORROSIVE



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Customer Approval:



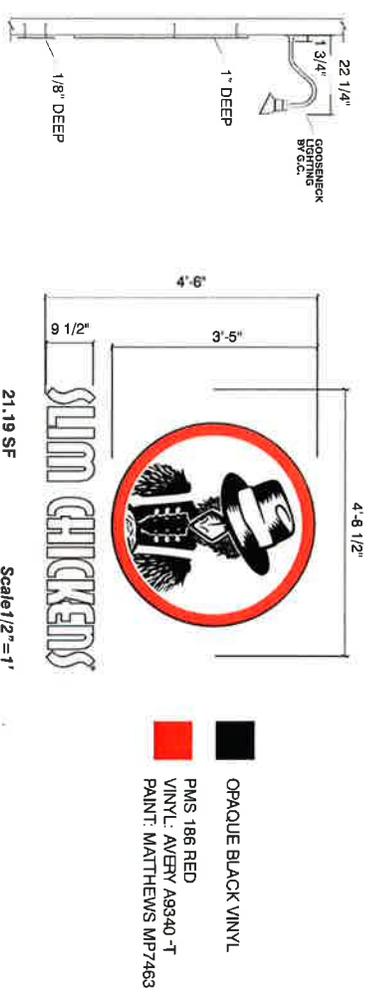
This drawing is the property of the undersigned and shall remain confidential. No part of this drawing may be reproduced without written permission. Void for use for any other project.

120V
 94V

Account:	Slim Chickens	Location:	7501 Phoenix Ave	For:	Smith, AR
Designer:	A. Matthews	Date:	10-01-15	Scale:	AS NOTED
Revision:		Page:	1 of 7		

88

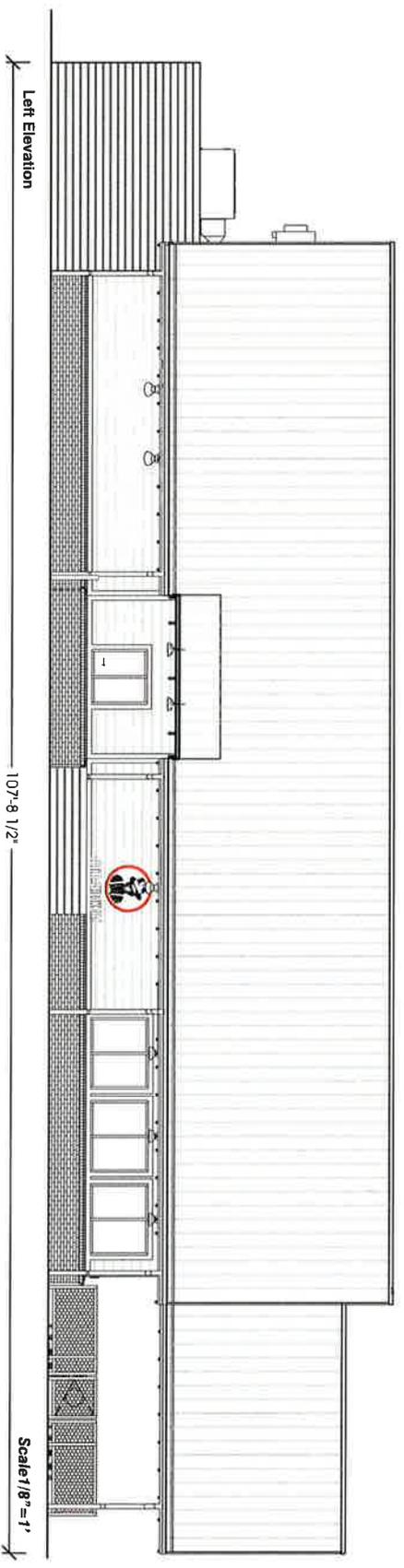
2 Aluminum Pan Formed Sign & Flat Cut Letters



Side View: NTS

21.19 SF Scale 1/2" = 1'

- Chicken Logo Must Be Seamless
- Non-Illuminated Aluminum Wall Sign
- .125" Aluminum Face With .125 1" Deep Aluminum Returns Painted Matthews Black Satin Finish
- Surface Digital Print Applied 1st Surface
- Flat Cut .125" Aluminum Reg Mark Disc Stud Mounted Flush To Wall
- Note: Print Must Be UV Coated
- Attachment: Studs Welded To Back Of Face Mount Flush To Wall Into Silicone Bed
- All Hardware Must Be Non-corrosive



Left Elevation

Scale 1/8" = 1'



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Customer Approval:

Date:

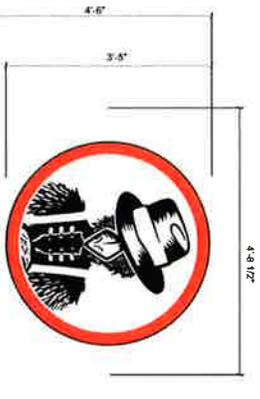
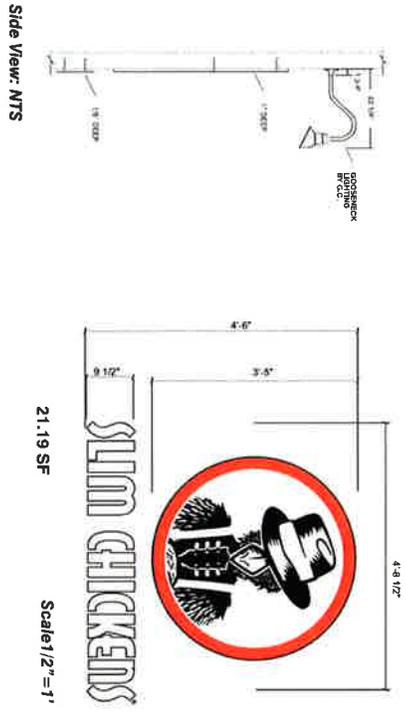
www.pattison-sign.com



Account:	Slime Chickens	Account:	Fort Smith, AR
Location:	7501 Peachtree Ave.	Date:	10-01-15
State/Region:	Jeff Allison	Scale:	AS NOTED
Designer:	A. Matthews	Page:	2 of 7
Revision:			

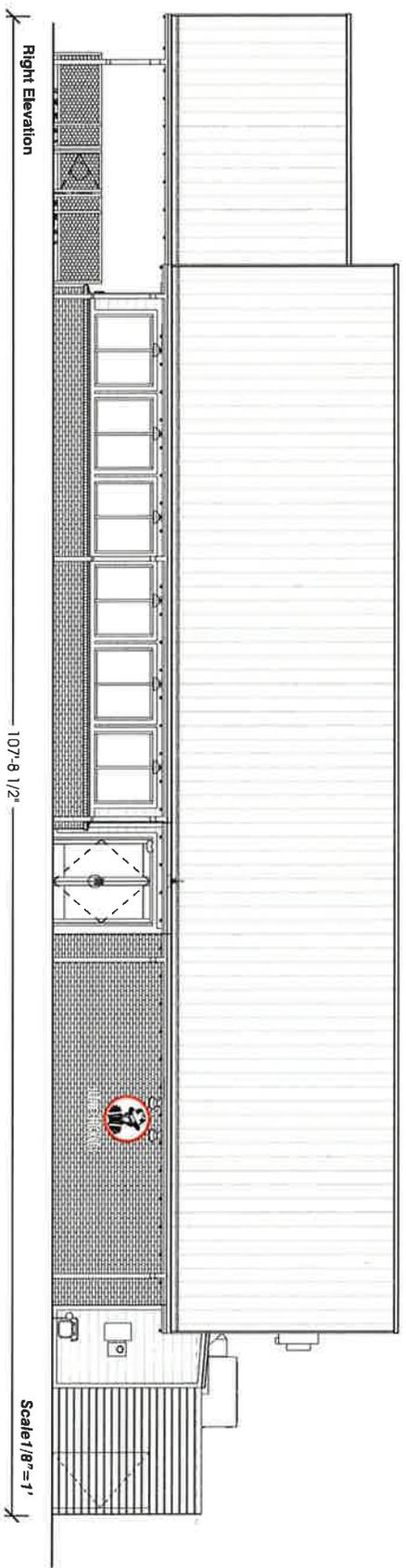
Handwritten mark resembling the number 8.

3 Aluminum Pan Formed Sign & Flat Cut Letters



- OPAQUE BLACK VINYL
- PMS 186 RED VINYL: AVERY A9340 -T PAINT: MATTHEWS MP7463

Chicken Logo Must Be Seamless
 Non-Illuminated Aluminum Wall Sign
 125" Aluminum Face With 125" 1" Deep Aluminum Returns Painted Matthews Black Satin Finish
 Surface Digital Print Applied 1st Surface
 Flat Cut: 125" Aluminum Reg Mark Disc Stud Mounted Flush To Wall
 Note: Print Must Be UV Coated
 Attachment: Studs Welded To Back Of Face Mount Flush To Wall Into Silicone Bedds
 All Hardware Must Be Non-corrosive



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Customer Approval: _____ Date: _____

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Finish 120V 347V

Account:	Slm Chickens	Account:	Eqd Smith, AR
Location:	7501 Phoenix Ave	Date:	10-01-15
Designer:	Jeff Allison	Scale:	AS NOTED
Revision:	A. Matthews	Page:	3 of 7

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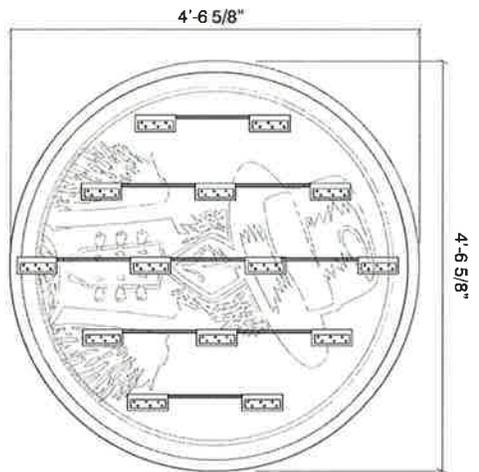
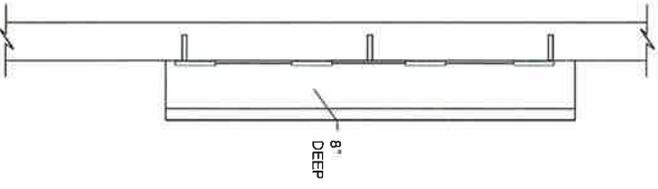
4 Aluminum Channel Logo



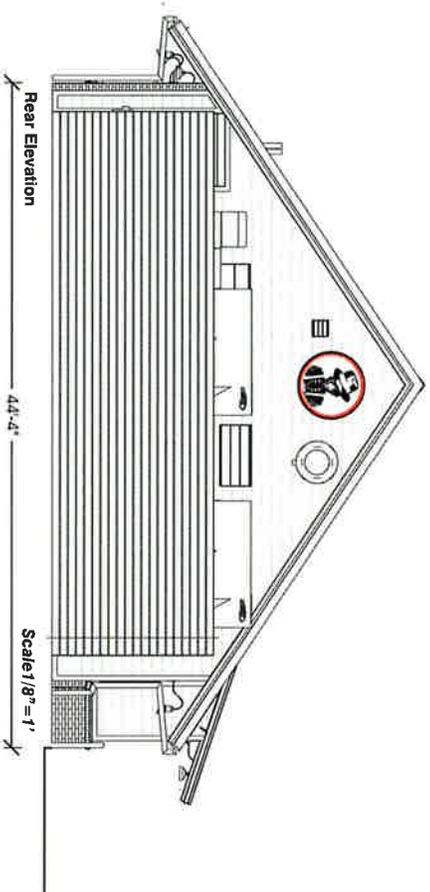
OPAQUE BLACK VINYL
 PMS 186 RED VINYL: AVERY A9340 -T PAINT: MATTHEWS MP7463

20.72 SF

Scale 3/4" = 1'



Scaled 3/4" = 1'



Scale 1/8" = 1'

Internally Illuminated Aluminum Constructed Wall Sign
 -150" Lexan Face
 With 1 1/2" Retainer & 8" Return
 Painted Matthews Black Satin Finish
 Digitally Printed Flex-face
 Note: print Must Be UV Coated
 Attachment: Studs Welded To Back Mount Flush To Wall Into Silicone Beds
 Orstran Single Faced Box
 Led Modules Ds 6500k White
 Glued To Back Of Cabinet
 Orstran O196w/24v/1rv Power Supplies
 Chicken Logo Must Be Seamless
ALL HARDWARE MUST BE NON-CORROSIVE



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Customer Approval:

Date:

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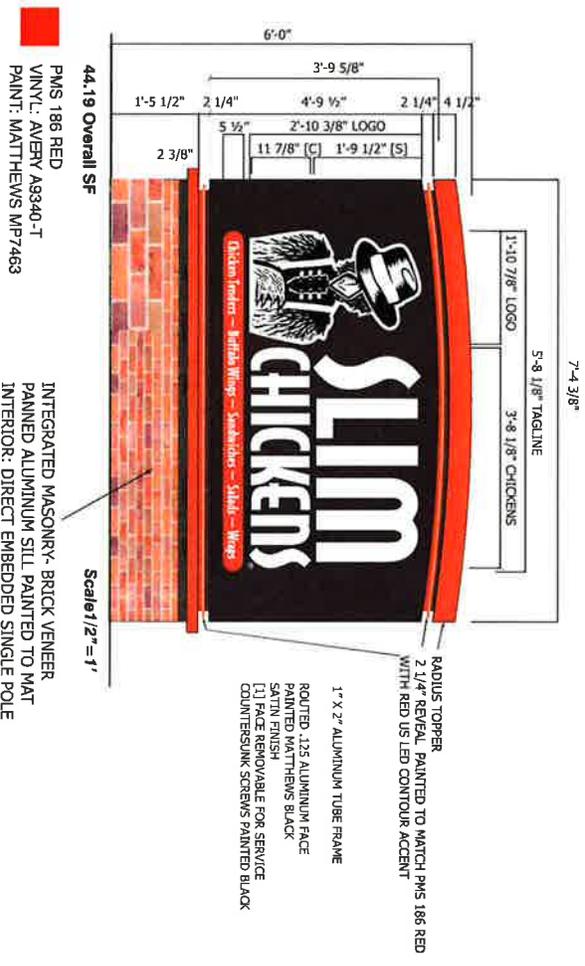


Account:	Stim Chickens	Est. Smith, AR
Location:	7501 Phoenix Ave	Date: 10-01-15
Sales Rep:	Jeff Allison	Scale: AS NOTED
Designer:	A. Matthews	Page: 4 of 7
Revision:		

28

5 Monument Sign

CABINET FACE AND RETURNS PAINTED MATTHEWS BLACK SEMI-GLOSS FINISH
 ALUMINUM TUBE FRAME CONSTRUCTION
ALL HARDWARE MUST BE NON-CORROSIVE



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Customer Approval: _____
 Date: _____
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This sign is to be installed in accordance with the International Building Code (IBC) and the National Electrical Code (NEC) and all applicable local codes. The installer must obtain all necessary permits and approvals.

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OSRAM Double Faced Box LED Modules DS 6500K White on Mounting Tracks OSRAM OT96W/24V/INV Power Supplies

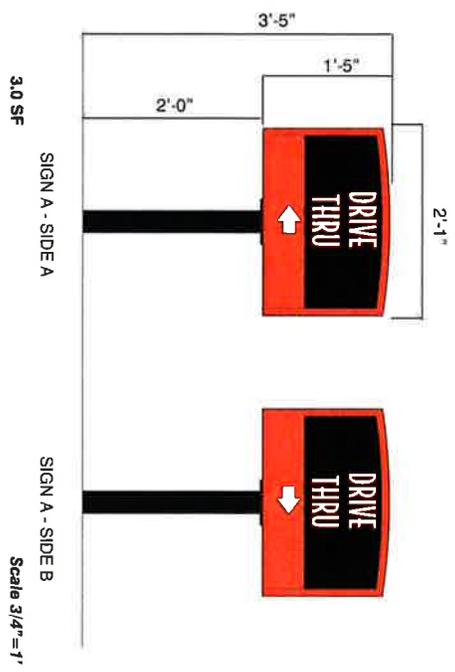
120V 240V

Account:	Slim Chickens	Account:	For Smith, AR
Location:	7501 Phoenix Ave	Date:	10-07-15
Store No.:	Jeff Allison	Scale:	AS NOTED
Designer:	A. Matthews	Page:	5 of 7
Revisions:			

M8

6A

Drive Thru Directional



3" X 3" ALUMINUM
TUBE SUPPORT
DIRECT EMBEDDED
HOLE DIAM. AND DEPTH
TBD BY ENGINEERING

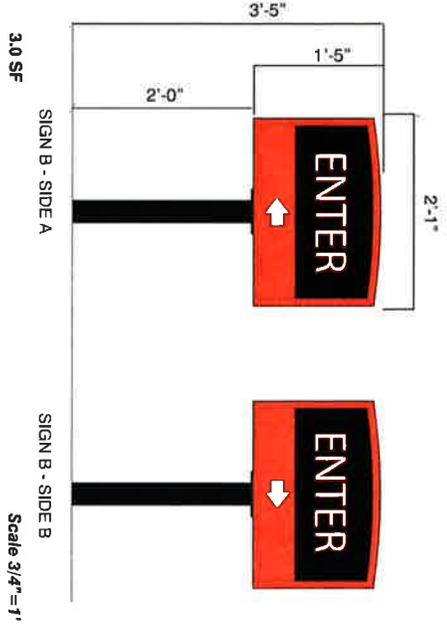
1/2" X 1/2" ALUMINUM
TUBE FRAME
1" .063 ALUM. RETAINER
AND RETURNS
PAINTED TO MATCH
PMS 187 RED

JT (C) 7 LEDs 6500 K/
1 ROW SECURED TO EACH
SIDE OF CENTER BAFFLE
MAXBRITE
60W 12V 120-277 POWER SUPPLIES

X
8

6B

Enter Directional



PATTISON
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Tel: (865) 693-1106 - Fax: (865) 694-1106 Toll Free: (866) 218-1976

Customer Approval:
www.pattison.com

Date:

This sign is the property of the Manufacturer and the Manufacturer's name and logo shall be visible on the sign. The Manufacturer's name and logo shall be visible on the sign.

The sign shall be installed in accordance with the Manufacturer's instructions. The sign shall be installed in accordance with the Manufacturer's instructions. The sign shall be installed in accordance with the Manufacturer's instructions.

120V 240V

Account:	Slim Chickens	Location:	7501 Phoenix Ave	Estimate:	10-01-15
Address:	7501 Phoenix Ave	Designer:	A. Matthews	Scale:	AS NOTED
City:		Revision:		Page:	6 of 7

Memo

To: City Planning Commission

From: Planning Staff

Date: October 1, 2015

Re: Development Plan Review - A request by Brett Abbot, agent for Ken Colley, for Planning Commission consideration of a Development Plan request to develop an office complex located at 3400 South 70th Street

PROPOSED DEVELOPMENT PLAN

The development if approved will allow for a 6,000 s.f. office building with adequate parking and landscaping.

LOT LOCATION AND SIZE

The subject property is on the west side of south 70th street between Phoenix Avenue and South Fresno Street. The tract contains an area of .5 acre with approximately 265 feet of street frontage along South 70th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2) with special conditions.

The special condition requires all development to receive Planning Commission approval prior to the issuance of a building permit.

Characteristics of this zone are as follows:

Purpose:

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

9A

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas to the north, south, and east are zoned Commercial Heavy C-5 and developed as a hotel, professional offices, or are undeveloped.

The area to the west is zoned Commercial Light (C-2) and is developed as a salon.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 70th Street as a Major Collector street classification.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur at the existing shared driveway located on South 70th Street.

Drainage – Not applicable.

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

Landscaping – The site plan shows a 10’ wide landscape buffer adjacent to South 70th consisting of perimeter landscaping, parking lot screening, and earthen berms. Interior

9B

landscaping is also provided. All landscaping must comply with the UDO landscape requirements.

Screening – The trash receptacles and mechanical units will be screened with a wood screening fence.

Parking – The site exceeds the minimum number of parking space requirements.

Signage – The site is within the Phoenix Avenue Overlay District. All signage shall comply with the overlay district standards. At this time no information regarding signage is available.

Lighting – No exterior site lighting is proposed at this time. All exterior lighting shall comply with the UDO Commercial and Outdoor Lighting regulations.

Architectural features – The building will consist of 100% of high quality materials.

Height and Area –The offices comply with the maximum area and height requirements.

STAFF COMMENTS AND RECOMMENDATIONS

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. A final landscape plan shall be submitted for staff review and compliance with the UDO Landscaping regulations.
3. All exterior lighting shall comply with the UDO Commercial and Outdoor Lighting regulations.
4. All signage shall comply with the Phoenix Avenue Overlay district regulations. A sign permit application shall be submitted for staff review and approval.

90

DEVELOPMENT PLAN REVIEW APPLICATION

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

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

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

SEE ATTACHED SURVEY

2. Address of property: 3900 S. 70th St.

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

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

Yes _____ No X

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

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

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

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

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

C-5

8. Total acreage of property 0.69 ACRES

Signed:

BRETT ABBOTT
Owner or Agent Name
(please print)

KEN COLUKEY
Owner

3907 S. 25TH ST. 72901
Owner or Agent Mailing Address

or

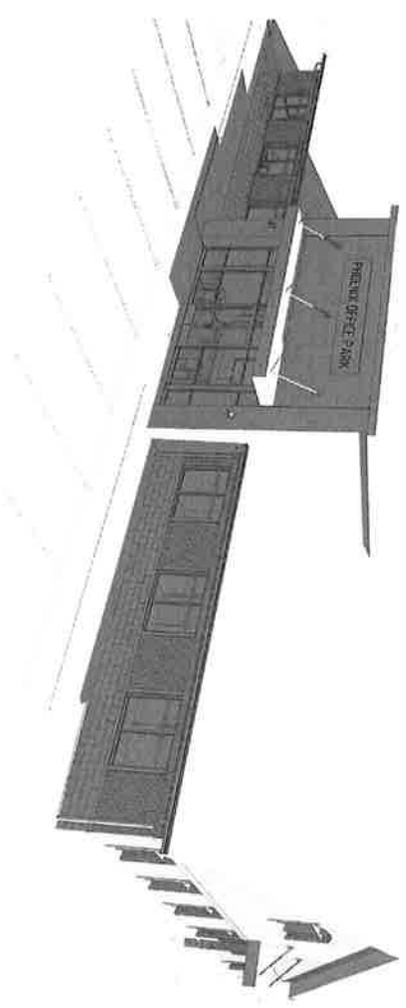
BRETT ABBOTT
Agent

479.459.2838
Owner or Agent Phone Number

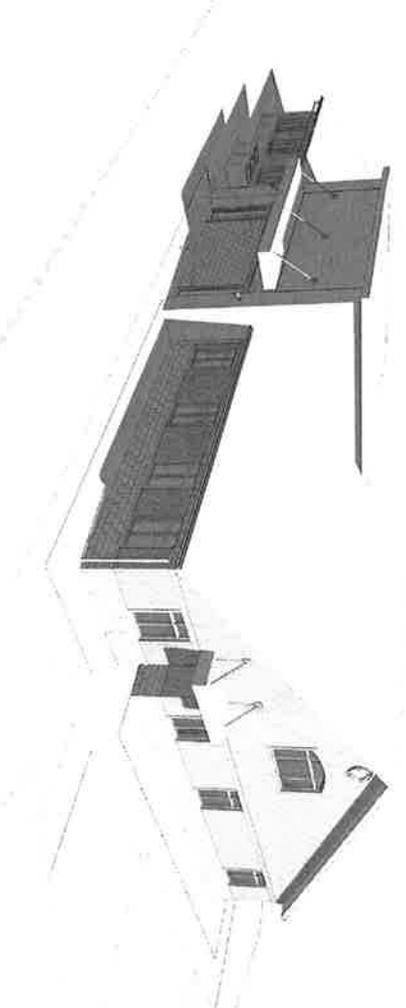


QE

2 FRONT PERSPECTIVE VIEW



1 REAR PERSPECTIVE VIEW



PROJECT TEAM

OWNER:
KEN COLLEY & ASSOCIATES
FORT SMITH, AR

ARCHITECT:
LORAL B ARCHITECTURE
FORT SMITH, AR

MEP ENGINEER:
HSA ENGINEERING, INC.
FORT SMITH, AR

VICINITY MAP



PROJECT DATA

- ZONING DATA**
ADDRESS: 3900 E 70th STREET (LOT #132)
PARCEL # 15171-0002-0000001
ZONING = C-2
FRONT SETBACK = 15'
REAR SETBACK = 10'
SIDE SETBACK = 10'
- GOVERNING CODES:**
FIRE PREVENTION: 2012 AR STATE FIRE PREV. CODE
LIFE SAFETY CODE: 2012 NFPA LIFE SAFETY CODE
ELECTRICAL CODE: 2014 CITY OF FORT SMITH ELECTRICAL CODE
ENERGY CONSERVATION: 2010 ARKANSAS ENERGY CODE
SEISMIC CODE: A.C.A. 1296-07-100
MECHANICAL CODE: 2006 ARKANSAS MECHANICAL CODE
2010 ARKANSAS GAS CODE
2006 ARKANSAS GAS CODE
- OCCUPANCY & CONSTRUCTION TYPE:** (602.4)
OCCUPANCY: BUSINESS 'B'
CONSTRUCTION TYPE
- BUILDING PROPERTIES:**
A. ACTUAL GROSS FLOOR AREA OF BUILDING: 8000 SF.
B. BUILDING HEIGHT: 20'-0"
C. BUILDING PROFILES: 1 STORY
D. BUILDING SEPARATION FROM PROPERTY LINES: OVER 50'-0"
E. FIRE ALARM SYSTEM INSTALLED BY OWNER
F. MEANS OF EGRESS REQUIREMENTS: (1004.1)
1. OCCUPANT LOAD
A. OFFICE: 100 PERSONS / FT OFFICE = 1000/100 = 80
TOTAL OCCUPANT LOAD = 80
G. 200' MAX. TRAVEL DISTANCE AND SPRINKLERS
H. 20' MAX. CORRIDOR WIDTH: 4'
I. 20' MAX. DEAD-END CORRIDOR
- FIRE RATING FOR BUILDING ELEMENTS**
STRUCTURAL FRAME: N/A
BEARING/DRYING WALLS & PARTITIONS: N/A
ROOF CONSTRUCTION: N/A
FLOOR CONSTRUCTION: N/A
CORRIDORS: (1) 1HR W/OCCUPANT LOAD GREATER THAN 50
- FIXTURE COUNT (FRLS E-292.1)**
OCCUPANT LOAD = 80
TOILETS = 2
LAVATORY = 1
DRINKING FOUNTAINS = 1
SERVICE SINK = 1
- SITE DATA** PARKING (UDO 27.60)
A. GARAGE: 37,000 = 16 SPACES
B. ACCESSIBLE: 1 REQUIRED IN TOTAL (1106.1)
TOTAL PARKING REQUIRED = 16 SPACES
TOTAL PARKING PROVIDED = 24 SPACES

PROJECT SHEET LIST

NO.	DESCRIPTION
1	COVER SHEET
2	FRONT PERSPECTIVE VIEW
3	REAR PERSPECTIVE VIEW
4	VICINITY MAP
5	PROJECT DATA
6	FIRE RATING FOR BUILDING ELEMENTS
7	FIXTURE COUNT
8	SITE DATA
9	ACCESSIBLE
10	MEP ENGINEERING
11	MEP ENGINEERING
12	MEP ENGINEERING
13	MEP ENGINEERING
14	MEP ENGINEERING
15	MEP ENGINEERING
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49	MEP ENGINEERING
50	MEP ENGINEERING

PROPOSED PROJECT FOR:
S. 70th OFFICE COMPLEX
4350 S. 70th STREET - FORT SMITH, AR



COVER SHEET

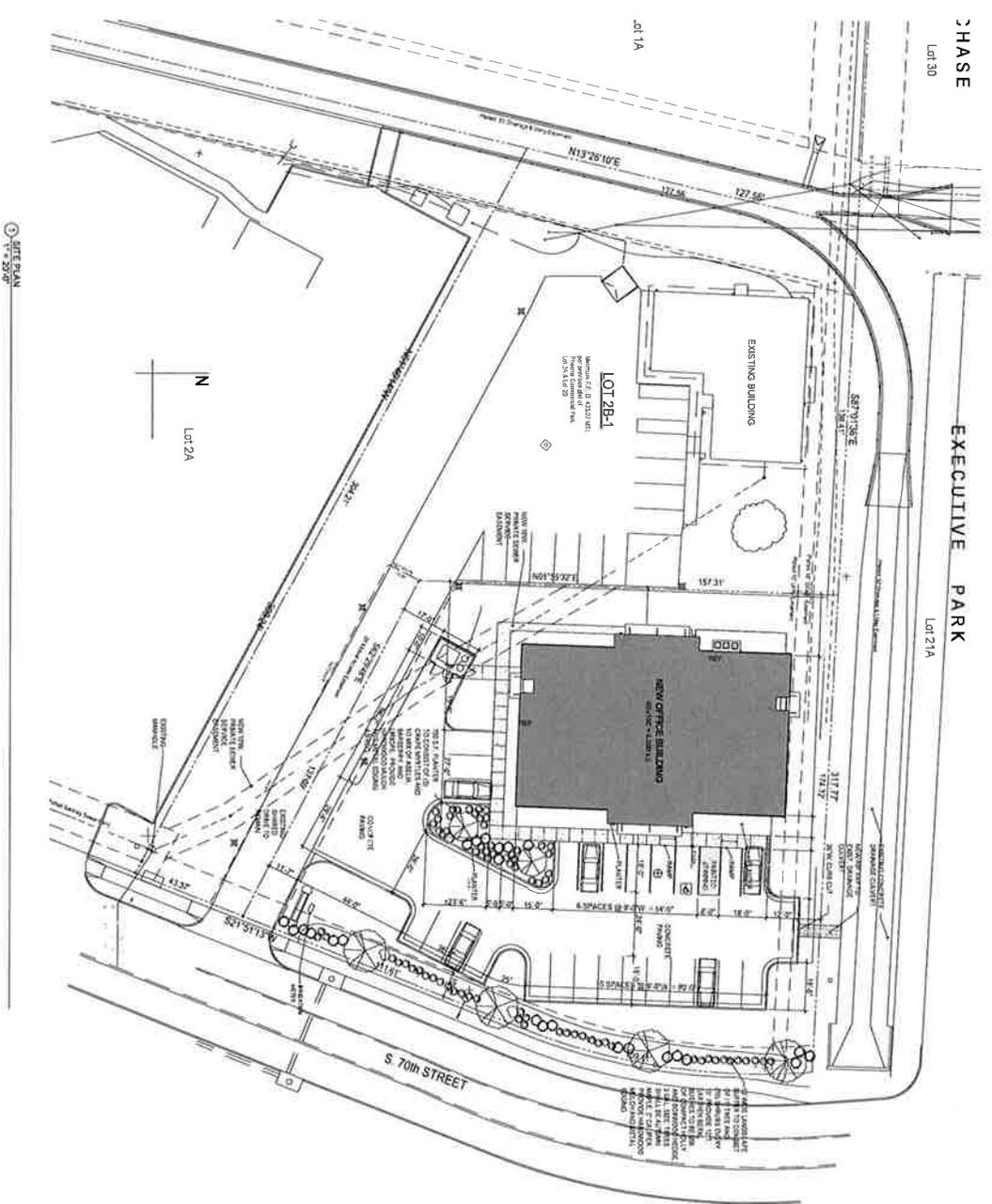
T1

96

PLAN LEGEND	
	NEW WALL
	RIP RAP
	CONCRETE PARKING
	PAVING STONE
	SEVER MANHOLE
	FENCE
	PROPERTY LINE
	BOULDER
	FIRE DEPT. CONN. (HYDRANT)
	GAS METER
	AC COND. UNIT
	EXISTING CONTOUR
	NEW CONTOUR
	DEMOLISH WALL
	EXISTING TREE TO REMAIN
	NEW TREE (SEE LANDSCAPE PLAN)
	NEW SPACE
	EXISTING GRANGE
	DETAIL CUT
	ELEC. POWER POLE
	GAS LINE
	WATER LINE
	UNDERGROUND ELEC.
	SANITARY SEWER LINE
	OVERHEAD ELECTRIC AND TELEPHONE

SITE NOTES:

- * CURB DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED OTHERWISE
- * TYP. SMALL RADIIUS NOT SHOWN TO BE 5'-0" RADIIUS
- * TREES SHOWN WITHIN THE PROJECT LIMITS ARE TO REMAIN AND ARE TO BE PROTECTED
- * ALL UNDISTURBED AREAS SHALL BE GRADED SMOOTH TOP SOIL APPLIED 4" IN PREPARATION FOR FINISH
- * SCARP AREAS TO RECEIVE TOPSOIL TO A MINIMUM OF 2" BEFORE PLACING TOPSOIL
- * CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE PRIOR TO EXCAVATION
- * PROVIDE 10' TREE AND 100' SHRUBS MIN. FOR EVERY 50' OF STREET FRONTAGE FOR PARKING SCREEN
- * ALL LANDSCAPE BEDS AND LAWN SHALL BE IRRIGATED. PLANTING BEDS TO RECEIVE MIN. 2" HARDWOOD MULCH



1 SITE PLAN
1" = 20' 0"

Sheet No. **A1.1**

DATE: 10/15/15

SITE PLAN



PROPOSED PROJECT FOR:
S. 70th OFFICE COMPLEX
3500 S. 70th STREET - FORT SMITH, AR

level **B** architecture
479-459-2838 - LEVELBARCHITECTURE@GMAIL.COM

HB

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Home Occupation #3-10-15 - A request by Amanda Turner, owner, for Planning Commission consideration of a Home Occupation for a Beauty Shop in a Residential Multifamily Medium Density (RM-3) zone at 548 North 35th Street

PROPOSED HOME OCCUPATION

The approval of this Home Occupation application will allow for a home-based beauty shop with no more than two customers at anytime. The business will be operated Tuesday, Thursday, Friday and Saturday's 9:00 a.m. – 4:30 p.m. An additional 16' x 25' paved parking area in the front-yard will be provided for customers. Drop shipments to the applicant will be delivered to the applicant at least once yearly.

LOT LOCATION AND SIZE

The subject property is on the east side of North 35th Street just south of Kinkead Avenue. The tract contains an area of 0.17 acres with approximately 50 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.

10A

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

The area to the east are zoned Residential Multifamily Medium Density (RM-3) and is developed as a church.

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.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

10B

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

STAFF COMMENTS AND RECOMMENDATIONS

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
2. On-site parking shall be provided as shown on the submitted parking plan.
3. The business license cannot be transferred to another location without a new Home Occupation Application.
3. No commercial trash container will be placed at the residence.
4. No sale of any retail or wholesale item or items shall take place on the premises unless they are considered as an accessory item of the approved home occupation.
5. Drop shipments to the residence are permitted but limited to no more than four times per year.
6. The business shall not exceed the days and hours of operation as stated in the application.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.

100

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: AMANDA TURNER

Legal Description of property included in the home occupation request:

Lot 174 Block I. Brentwood

Street Address of Property: 548 North 35th Street

Zone Classification: RM-3

Type of Business Requested: Beauty Salon - (NO NAILS)

Hair cutting, styling, perming, coloring, make up application, FACIAL waxing

Signed:

Amanda Turner
Applicant's Name (please print)

479-782-6962 - 479 650-6813
Phone Number of Applicant

548 N. 35th Ft. Smith Ar 72903
Applicant Mailing Address

Amanda Turner
Applicant

8-25-15
Date

Amanda Turner
Property Owner

8-25-15
Date

(if rental property)

10E

Home Occ. # 3-10-15

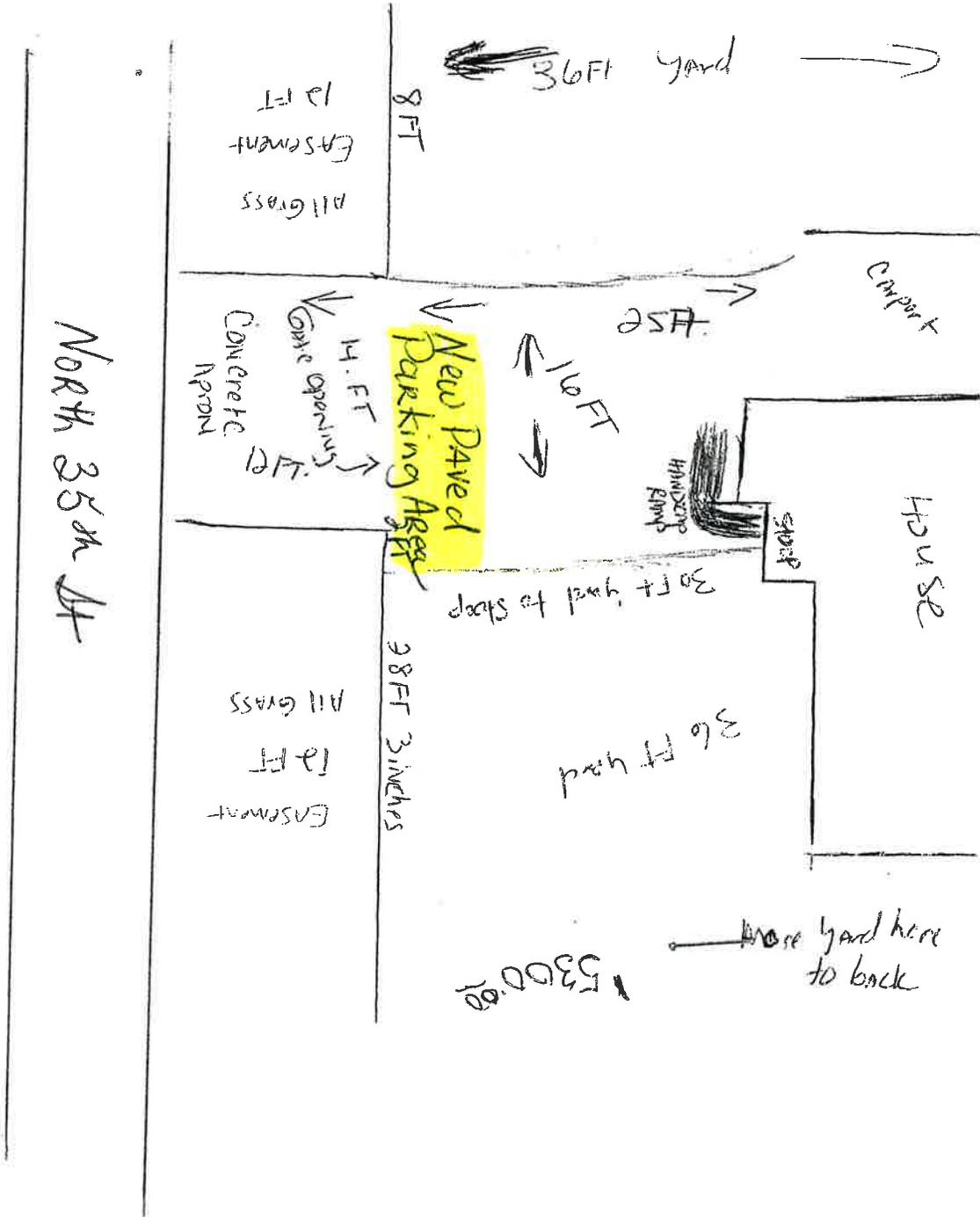
HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. Beauty Shop (NO NAILS)
2. Will this business be completely contained in the residential structure? Yes No
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?
20%
4. Will operation of the business utilize any persons other than members of the immediate household? Yes No
5. At what hours and days of the week do you plan to operate the business? 9: -4:30 TUES., THUR., FR., SAT.
6. Will there be any noise NO, odor NO, or other outdoor activity NO associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes No
8. How much storage will be needed? INSIDE 20%
9. Will merchandise be sold at this location? Yes No If yes, explain. _____
Shampoo, Hair spray, small retail shelf
10. Will you have any business vehicles? Yes No If yes, describe below.
Type of Vehicle: Just my OWN CAR.
Make 2004 Model Honda Element
Color Black Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes No What type? State Board of Cosmetology
12. Can you operate this business by appointment only? Yes No

Explain: I am self proprietor now. I only do one at a time except I may do a quick hair cut while processing a color.

13. Will customers come to this location? Yes No
14. How many customers do you expect to have coming to your home at any one time?
1 at a time, occasionally ^{extra} while processing another.
15. Do you expect any drop-in customers? Yes No
16. How do you plan to provide parking for customers? Right out front, concrete pad
or on the street.
17. Do you plan to advertise this business? Yes No
If yes, by what methods? word of mouth only to my clients and friends
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes No
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes No
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes No
21. Do you own or rent this property? OWN
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes No
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes No
25. Provide any other information that you feel helpful.

Parking Plan - 548 N. 35th St



Home Occupation #3-10-15: Beauty Salon 548 North 35th Street

FD



October 7, 2015

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



Memo

To: City Planning Commission
From: Planning Staff
Date: September 29, 2015
Subject: Proposed UDO Text Amendment - Small Scale Production, Microbrewery/microwinery/microdistillery, and Specialty Manufacturing

Quentin Willard of the Fort Smith Brewing Company has submitted a request for text amendments to add the following land uses to the UDO Land Use Matrix:

- 1) Small Scale Production;
- 2) Microbrewery/microwinery/microdistillery;
- 3) Specialty Manufacturing

The applicant has requested that the above uses be permitted in the Commercial Heavy (C-5) zoning district and allowed as a conditional use in the Commercial Light (C-2), Commercial Moderate (C-3), and Commercial Regional (C-4) zoning districts.

Mr. Willard also requests to amend Chapter 27-200 to include the following definitions:

Small Scale Production shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other crafts.

Microbrewery/microwinery/microdistillery shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 s.f. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Specialty manufacturing shall mean specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 s.f. of gross floor area.

11A

Chapter 27-200 currently includes the following definition for microbrewery:

Microbrewery shall mean a small craft brewery which seeks the support of informed beer consumers. A beer maker with limited capacity whose products are typically distributed within a restricted geographic region.

We have also included in your packet additional background information on microbreweries that Mr. Willard has submitted with his application.

Staff believes that the applicant's amendments have merit and would encourage more small craft businesses in Fort Smith. However, staff has concerns about the proposed land uses as conditional uses in the C-2, C-3 and C-4 zoning districts and would like to further study the amendments in these zoning districts to evaluate potential impacts.

We do believe that the proposed definition for Microbrewery/microwinery/microdistillery as a permitted use the C-5 zoning district would be beneficial and have minimal impacts to surrounding land uses.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO to amend the UDO Land Use Matrix and Chapter 27-200 as follows:

1. Amend the UDO Land Use Chart to add Microbrewery/microwinery/microdistillery as a permitted land use in the C-5 zoning district ; and
2. Amend Chapter 27-200 to delete the current definition of Microbrewery and replace with the applicant's definition for Microbrewery/microwinery/microdistillery.

Quentin Willard
Fort Smith Brewing Company
9304 Fresno Street
Fort Smith, Arkansas 72903

September 18, 2015

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

Re: Text Amendment
C-2 Zoning District
C-3 Zoning District
C-4 Zoning District
C-5 Zoning District

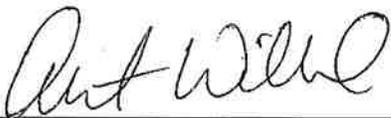
Please accept this letter as request to obtain a Text Amendment to the Unified Development Ordinance of the City of Fort Smith. Specifically, to add Small Scale Production, Microbrewery/microwinery/microdistillery, and Specialty Manufacturing to the C-2, C-3, and C-4 zoning districts as a conditional use and C-5 zoning district as a permitted use. Additionally we propose the addition of the following definitions to Chapter 27-200:

- **Small Scale Production**, shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.
- **Microbrewery/microwinery/microdistillery** shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.
- **Specialty manufacturing** shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq.ft. of gross floor area.

Attached please find Appendix A, Fort Smith Use Matrix, and Chapter 27-200, Definitions, noting our request for the conditional and permitted uses legend to be placed on Appendix A in the respective columns and definitions updated in Chapter 27-200.

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

Your consideration in this matter is appreciated. If you have any questions or need further information please contact me at 401-572-9856.



Quentin Willard

11C

THE PROPOSED AMENDMENT TO THE FORT SMITH UNIFIED DEVELOPMENT ORDINANCE FOR ALLOWANCE OF SMALL MANUFACTURERS IN COMMERCIAL ZONED DISTRICTS AS PRESENTED BY FORT SMITH BREWING COMPANY.

PROJECT SYNOPSIS:

We propose the following code changes:

- Create a new Use for small-scale commercial production that is limited in size.
- The new Use includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.).
- These type of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size, they do not pose compatibility issues.
- The uses in the new Use would generate similar land use impacts as a restaurant or general commercial use. The new Use is allowed in the same zoning districts as a restaurant or general commercial use.
- Incorporating the new Use into several zoning districts introduces additional variety of non-residential uses throughout the city; encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed zoning amendments are a result of changing market conditions and will encourage economic development.

DISCUSSION:

Over the past several years the city has seen an influx of smaller start-up businesses operating out of residences, small building leases, and adaptation of existing vacant buildings for a variety of non-residential uses. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in a commercial building or been forced to an undesirable industrial area or a different community altogether. A demand for small, light manufacturing space has increased, including uses such as microbreweries.

To address these issues, we propose the following changes to the Fort Smith Unified Development Ordinance. As described in the Project Synopsis, these changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size, these uses are appropriate and desired in more areas of the non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

These same changes were recommended to and accepted by the Fayetteville Planning Commission in January 2015 in accordance with the Fayetteville Zoning Districts.

The changes are proposed as follows:

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1. Appendix A Fort Smith Use Matrix. Create a new Use, **Small Scale Production**, under Residence or Accommodation. The use includes the following:

- **Microbrewery/microwinery/microdistillery**
- **Specialty manufacturing**
- Appropriate permitted or conditional use in the following zoning districts:

Conditional Use	Permitted Use
C-2, Commercial Light	C-5, Commercial Heavy
C-3, Commercial Moderate	
C-4, Commercial Regional	

2. Chapter 27-200 Definitions. Add definitions for “**Small Scale Production**,”

“**Microbrewery/microwinery/microdistillery**” and “**Boutique/specialty manufacturing**”.

- **Small Scale Production**, shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.
- **Microbrewery/microwinery/microdistillery** shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.
- **Specialty manufacturing** shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq.ft. of gross floor area.

ATTACHMENTS:

- Proposed code changes to UDO Appendix A (Fort Smith Use Matrix), Chapter 27-200 (Definitions).
- Summary of interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division, as provided by Fayetteville City Planners.
- Definitions of microbrewery from American Brewer's Association and Arkansas Alcoholic Beverage Control Division

11E

FORT SMITH UNIFIED DEVELOPMENT ORDINANCE

Chapter 27-200: DEFINITIONS

CHAPTER 27-201: General Definitions

Small Scale Production

shall mean any small manufacturer limited by size and does not require conventional scales to manufacture and produce a product for its customer. Businesses include microbrewery, cabinet shop, coffee roasting and various other craft trades.

Microbrewery/microwinery/microdistillery

shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Specialty manufacturing

shall mean specialty manufacturers with or without a retail store front or other special manufacturers with minimal impacts to adjoining properties. Limited by size to a maximum of 5,000 sq. ft. of gross floor area.

Memo

To: City Planning Commission
From: Planning Staff
Date: September 29, 2015
Subject: Proposed UDO Text Amendment in the Commercial Downtown (C-6) Zoning District

Jeremy Jones of River City Cycles has submitted a request for a text amendment to allow “Motorcycle or ATV Sales and Service” in the Commercial Downtown (C-6) zoning district as a conditional use.

The UDO defines Motorcycle or ATV Sales and Service as follows:

Shall mean a facility for display, service and sales or motorcycles and ATV’s.

Currently, Motorcycle or ATV Sales and Service businesses are permitted in the Commercial Heavy (C-5), Industrial Light (I-1), Industrial Moderate (I-2), and Industrial Heavy (I-3) zoning districts.

The proposed amendment was presented to the Central Business Improvement District board on September 15, 2015, for its input. The CBID recommended that the planning commission approve the text amendment to allow Motorcycle or ATV sales in the C-6 zoning district as a conditional use provided that no outside storage is permitted. Enclosed are the draft CBID minutes relating to the text amendment.

If the text amendment is recommended for approval, Mr. Jones intends to submit a conditional use application for a Motorcycle and ATV Sales or Service business at 201 Towson Avenue.

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

12A

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

September 9, 2015

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

**RE: Text Amendment
C-6 Zoning District**

Please accept this letter as request to obtain a Text Amendment to the Unified Development Ordinance of the City of Fort Smith. Specifically, to add Motorcycle or ATV Sales and Service to the C-6 zoning district as a Conditional Use.

Attached please find Page 2 from the Land Use Matrix, noting our request for the Conditional Use legend to be placed on the Matrix in the C-6 column.

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

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


Jeremy Jones

12B

CENTRAL BUSINESS IMPROVEMENT DISTRICT
FORT SMITH, ARKANSAS

Tuesday, September 15, 2015
Area Agency on Aging, 524 Garrison Avenue
Fort Smith, Arkansas
7th Floor Board Room

DRAFT
Meeting Minutes

The Fort Smith Central Business Improvement District Commission's regular meeting was scheduled for 9:30 a.m. on Tuesday, September 15, 2015 in the 7th floor board room of the Area Agency on Aging building, 524 Garrison Avenue, Fort Smith, Arkansas

The meeting was called to order by Mr. Richard Griffin, Chairperson, at approximately 9:33 a.m. and a quorum was noted present. Also in attendance were commissioners Phil White, Jeff Pryor, Bill Hanna, Sam Sicard, Steve Clark, and Rodney Ghan. Commissioner Lee Ann Vick was absent. Others in attendance included Jeff Dingman and Doug Reinert of the City of Fort Smith.

Mr. Hanna moved approval of the minutes of the August 18, 2015 regular meeting. Mr. Vick seconded and the motion carried by unanimous vote.

Mr. Sicard delivered the Treasurer's reports for the month of August, 2015, such documents being previously provided for the commissioners' review. As of August 31, 2015 the Total Cash-on-Hand for the CBID amounted to \$172,353.66. Restricted funds comprise \$6,000 of that total, so the total cash net of restricted funds amounted to \$166,353.66. Mr. Pryor moved approval of the Treasurer's Report. Mr. Hanna seconded and the motion carried by unanimous vote.

Mr. White asked for the City Report. Mr. Dingman noted that five CBID commissioners (Griffin, White, Ghan, Sicard, and L. Vick) were appointed to six-year terms by the City's Board of Directors at their September 1 meeting. Also that the September 1 meeting, the city's Board approved the proposed amendments to the conditional uses permitted in the C-6 Zoning District, as was previously discussed and recommended by the CBID. Mr. Reinert updated the Commission on the status of the Greg Smith Riverwalk, currently under construction, noting that the spring weather caused significant delays in construction, so the original mid-September completion date will be pushed back an estimated 35-40 days. The addition of a kitchen and storage area to the River Park Pavilion is complete and the final walkthrough and payment will be completed soon.

The discussion turned to a potential shade structure at the newly opened splash pad at Compass Park. Mr. Griffin distributed architectural renderings showing one concept for a shade structure and seating area located in the center of the Compass Park compass rose. Mr. Ghan and Mr. Griffin collaborated with the architect to create the rendering. The concept of the renderings was well received, but the discussion turned to the appropriate placement of such structures in order to provide suitable shade closer to the splash pad. It was also noted that the proposed rendering, which included three coordinating structures, would likely cost about \$18,000 to complete. Aside from the location of shade closer to the splash pad, some commissioners indicated they liked the idea of reserving the center of that patio area for public art instead of filling it with seating and shade structures. Mr. Ghan said that he would coordinate with the architect to consider shade closer to the splash pad, on both the east and west side, as well as have a more formal budget estimate within the next 30 days.

Mr. Griffin made note of The Unexpected mural project that occurred in Fort Smith the week of September 4 through September 13 through the initiative of CBID commissioner Steve Clark and Downtown 64.6. Mr. Clark provided a recap of the week, indicating that the several internationally renowned muralists that were in town for the event left with a very positive image of Fort Smith based on how they were treated and how the community was accepting of their work. Mr. Clark noted that there was lots of positive energy created downtown for the event, which is the type of thing that is needed to show that Fort Smith is a progressive and livable city. The artists that participated travel the world, and will speak well of Fort Smith over the next year, so that there should be an opportunity to do a similar project again next year. Mr. John McIntosh, who helped promote and organize the event, indicated that it was an emotional experience, and a very good community event that Fort Smith did for itself. Mr. Clark added that citizens are “hungry” for this type of artistic experience, as well as appreciative of an event that uniquely belongs to Fort Smith. As for lessons learned, there was discussion of perhaps adding viewing stations where people could sit and watch the artists at work, as well as better efforts to coordinate with food truck vendors to help create the walkable atmosphere at the event. At the end of the discussion, Mr. Hanna moved that the CBID appropriate \$5,000 for the continued support of The Unexpected project in preparation for the event in 2016. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Clark added that efforts to be more aggressive with vacant buildings and absentee owners in the downtown district will help create a better atmosphere for this type of event, and for the downtown in general. Mr. Clark said that the CBID needs to use its influence as appropriate to be protective of what happens in the district, specifically on Garrison Avenue.

Mr. Sicard noted that the master plan initiative was ongoing, and recapped the presentation of Stephen Luoni from the University of Arkansas Community Design Center. Mr. Sicard is still in the fact finding mode, exploring options that would provide for a suitable downtown master plan at minimal cost, noting that the cost would likely have to come from private or other sources as the city does not have funding to put toward this project.

Mr. Griffin introduced the first item of business for considering a recommendation regarding a conditional use application to allow an auto and vehicle dealer business at 500 Towson Avenue. Mr. Al Prieur spoke on behalf of his client, who recently purchased the property with the intent of relocating a used car dealership from another location (outside of the CBID) to this location. The client intends to use the building as is, with some minor upgrade work inside, and provide landscape islands along the Towson Avenue right-of-way. Mr. Ghan spoke in opposition to the project as being detrimental to the CBID by adding an additional car lot to the area. Mr. White agreed, and Mr. White moved that the CBID recommend that the Planning Commission deny the request for this conditional use. Mr. Ghan seconded, and the motion carried by unanimous vote.

Mr. Griffin introduced the second item of business, to discuss a proposed text amendment to the Unified Development Ordinance that would allow Motorcycle and ATV Sales and Service in the C-6 Zoning District as a Conditional Use. The UDO already allows for motor vehicle sales and service by conditional use, but does not specify that motorcycles or ATV sales and service is allowed. The proponent of the text amendment, Mr. Jeremy Jones, operates River City Cycles on Grand Avenue and has outgrown their space. They have located and propose to lease property at 201 Towson Avenue, within the CBID, that would allow for interior storage and showing of their products, which included motor scooters, ATV's and powersports equipment. Mr. White asked for clarification that all activity would be conducted inside, and that there would be no outside storage. Mr. Jones indicated that was correct. Mr. Dingman clarified that the CBID was not considering Mr. Jones' application for conditional use at this time, merely a text amendment that would allow Mr. Jones to subsequently apply for such conditional use. Mr. Ghan

moved that the CBID recommend approval of such text amendment, provided that it require no outside storage as part of the text amendment. Mr. White seconded, and the motion carried by unanimous vote.

Mr. Griffin asked for other comments from the commissioners. Mr. White noted that the nearly-complete project by Griffin on the 400 block of Garrison Avenue is very nice and a positive contribution to the Avenue and downtown in general. The inclusion of the US Marshal photograph is well done. Mr. Griffin thanked him for the comments, and noted that a family meeting in the breezeway at the property recently was often interrupted by loud truck noise, which is a downtown issue still seeking resolution.

Mr. White indicated that Micheal LeJong of MAHG Architects has been in contact with him recently about the potential project to add accent lighting to the Garrison Avenue bridge. This project has been discussed before, but had fallen off in recent months. Mr. LeJong intends to meet with representatives of Philips Lighting to continue discussion on possibilities for this effort. Mr. White added that this type of project could be folded into the discussion regarding the downtown master plan.

Mr. Hanna reported that he recently received confirmation of a private contribution to build trails projects in the city in the amount of \$300,000. The donor wasn't made public yet, but a public announcement would be forthcoming.

Mr. Pryor reported that he should be ready to provide a report on his project to examine operations of the Farmers Market on behalf of the CBID at the October meeting.

Mr. Hanna noted that the "Hell on the Border" Arkansas State Criterium Championship bicycle race was held in downtown on Sunday, September 13. The event coordinated well with the final day of mural festival, and a lot of people came downtown that weekend. The race was a great success, with over 180 racers, a 50% increase from the previous year when the State Criterium Champhionship was held in Little Rock. There were a lot of positive comments from the racers, their families, and spectators about the energy and excitement downtown.

There being no additional business before the Commission, the meeting adjourned at approximately 11:15 a.m. The next regular meeting will be tentatively set for October 20, 2015.

Respectfully submitted,



Jeff Dingman
Deputy City Administrator

12 F

Memo

To: City Planning Commission
From: Planning Staff
Date: September 29, 2015
Subject: Proposed UDO Text Amendment in the ETJ Industrial Light (I-1) Zoning District

Chris Adam Sharp of C Sharp Restorations has submitted a request for a text amendment to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district as a permitted use.

Currently, Auto Body Shops are not permitted in any ETJ zoning districts. In the Fort Smith city limits, Auto Body and Paint shops are permitted in the Industrial Light (I-1), Industrial Moderate (I-2), and Industrial Heavy (I-3) zoning districts and allowed as a conditional use in the Commercial Heavy (C-5) zoning district.

For informational purposes, Auto Paint Shops are permitted in the ETJ Industrial Light (I-1) zoning district.

Staff does have a concern allowing Auto Body Shops in the ETJ Industrial Light (I-1) zoning district when residential development is adjacent. An example, of ETJ Industrial Light adjacent to residential development is the property located at Old Harrison Lane, which is adjacent to Riley Farm. Allowing the use as a conditional use instead of a permitted use in the ETJ I-1 may help avoid future incompatible land uses.

Should the Planning Commission agree, we ask that a recommendation be made to the Board of Directors to amend the UDO to allow Auto Body Shops in the ETJ Industrial Light (I-1) zoning district and when contiguous to residentially zoned or residentially developed property a conditional use permit would be required.

ETJ I-1 Zone

September 15, 2015

City of Fort Smith
Planning & Zoning Department
623 Garrison Avenue
Fort Smith, Ar 72901

UDO Text Amendment to Allow Auto Body Shop in ETJ I-1 Zone

To Whom It May Concern:

I would like to request a text amendment to the unified development ordinance of the City of Fort Smith, specifically to the permitted uses in zoning ETJ I-1 zoning.

Attached to this letter is a redlined land use chart for ETJ I-1 zoning. I ask that you consider changing the highlighted items to permitted use.

Thank you for your consideration. If you have any questions or would like to discuss this request in further detail, you may contact me at (479) 285-4154 or chrisadamsharp@aol.com

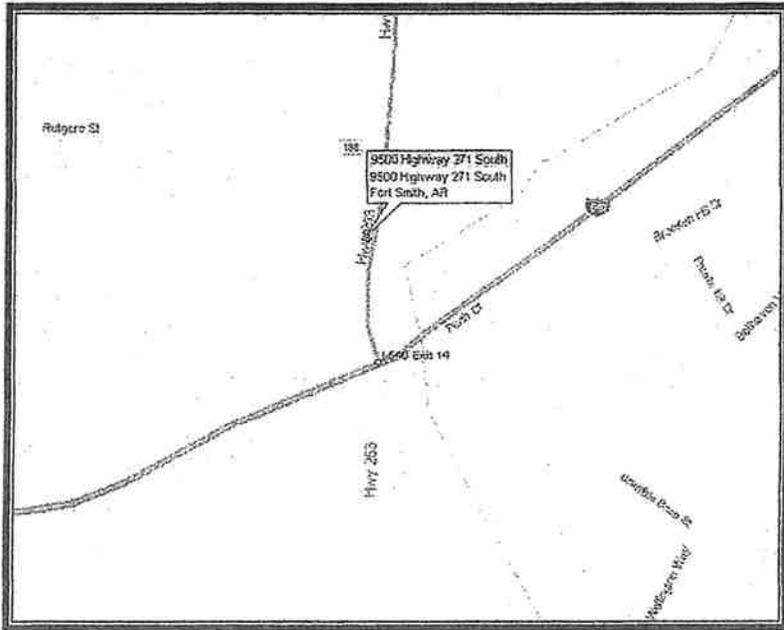
Sincerely,



Chris Adam Sharp of C Sharp Restorations

479-285-4154

Exhibit 2-1 [Neighborhood Map]

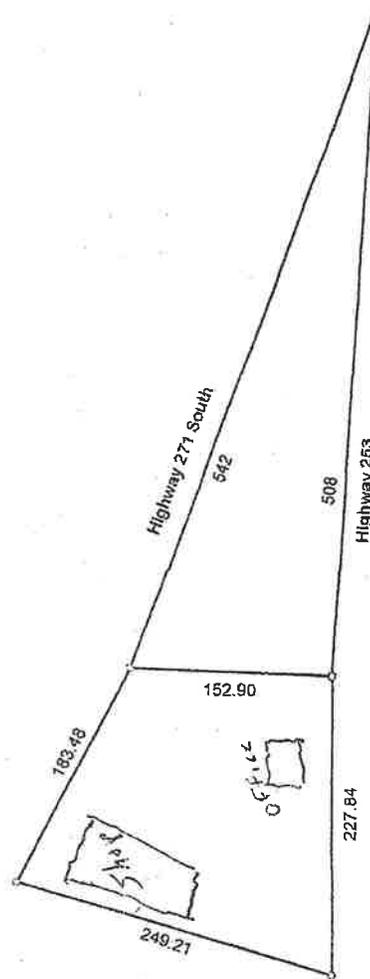


Legal Description

Part of the NE/4 NE/4 of Section 17, Township 7 North, Range 32 West, described as follows:

Commencing at the NE corner of said NE/4 NE/4, Section 17, Township 7 North, Range 32 West, thence South 0 degrees 32 minutes east 564 feet; thence North 88 degrees west 70.1 feet to a point on the west line of Highway 253 and the point of beginning and running thence along the west line of said Highway 253 South 0 degrees 32 minutes east 227.84 feet, thence

Exhibit 2-2 [Site Outline]



North 73 degrees 39 minutes west 249.21 feet to a point on the east line of Highway 271; thence along said Highway 271 northeasterly on a curve to the left North 27 degrees 19 minutes 10 seconds east a chord distance of 183.48 feet; thence South 88 degrees east 152.90 feet to the point and place of beginning, containing 0.915 acres and being subject to any easements of record.

And,
A part of the Northeast Quarter of the Northeast Quarter of Section Seventeen (17), Township Seven (7) North of Range Thirty Two (32) West, as follows:

Beginning at a point 40 feet west and 56 feet south of said NE NE; thence South 508 feet; thence West 183 feet to the east side of the road; thence northeasterly along said road to the point of beginning a distance of 542 feet, containing .59 acres more or less.

NEIGHBORHOOD ANALYSIS

Neighborhood Service Providers

The majority of neighborhood services are:

- Police protection.....Sebastian County Sheriff's Office
- Fire protectionCity of Fort Smith Fire Department¹
- ElectricityArkansas Oklahoma Electric
- Natural GasArkansas Oklahoma Gas Corp.
- Local Telephone.....Southwestern Bell
- Television Cable.....TCA

¹ Fort Smith fire protection is provided only by contract and an annual fee is assessed. In some cases the decrease in insurance premium justifies the payment of the additional fees.

13C

Memo

To: City Planning Commission

From: Planning Staff

Date: September 29, 2015

Re: Variance #31-10-15 - A request by Tim Risley, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 1): 100' to 59' minimum separation between driveways and 2): 150' to 58'-4" minimum separation between driveway and street intersection at 6101 Phoenix Avenue

REQUESTED VARIANCE

The approval of these two variances would allow a new driveway to access South 62nd Street. The proposed driveway will be exit and right turn only. It is noted on the application that this driveway will be for employees only.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Phoenix Avenue and South 62nd Street. The tract contains an area of 2.46 acres with approximately 326 feet of street frontage along Phoenix Avenue and approximately 155 feet of street frontage along South 62nd Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2 SPL). The special conditions placed on the property at the time of rezoning requires that all landscape screening to be installed per the zoning district requirements shall be appropriately maintained and irrigated by the property owner.

Characteristics of this zone are as follows:

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

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

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

The areas to the south are zoned Residential Multifamily Medium Density (RM-3) and Commercial Heavy (C-5) and are undeveloped.

The areas to the west are zoned Residential Multifamily Medium Density (RM-3) and are developed as Interstate 540 and single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as a Major Arterial and South 62nd Street as a Local Road.

14B

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The applicant states that there is a large storm water drainage ditch dividing the property into two areas. Utilizing the existing drives are not feasible due to limited lot distances on South 62nd Street. The applicant states that the proposed drive will be exit and right-turn only and will be for staff only, which only consists of five people.

STAFF COMMENTS AND RECOMMENDATIONS

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

Further, if the Planning Commission considers approving the variances, we offer the following comments for consideration:

1. Both the Street Department and the Engineering Department are opposed to the variances due to their concerns that the location of the proposed driveway would not allow stacking of traffic without blocking the proposed driveway. There would only be enough room for a right turn on South 62nd Street and immediate right turn on Phoenix Avenue. However, if the variances are approved, the Engineering Department recommends design input from the Engineering Department that would include a right-turn only.
3. 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.

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 6101 Phoenix Ave, Suite 3, Existing or Proposed

Zoning Classification C-2 Spl, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

Variance from Access Management Regulations:
Minimum separation between driveway on Residential Collection
2) Minimum separation between driveway on Residential Collection 5'
Major Arterial Intersection

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

100' - 59' Other: *Minimum Separation between driveways*
150' - 58'-4" *Minimum Separation between driveway and Street Intersection*

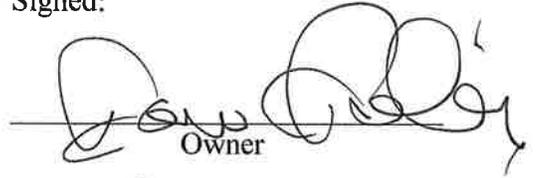
The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

14D

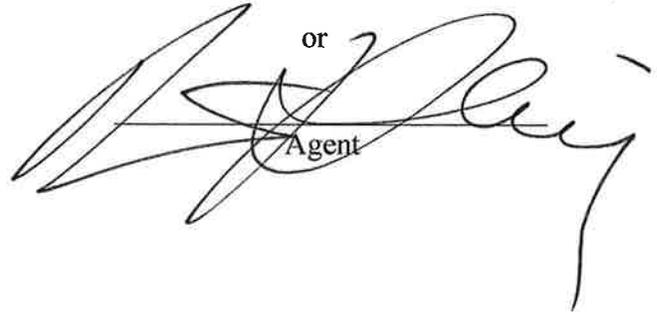
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20 ____.

Signed:

Tim A. Risley
Owner or Agent Name *(please print)*


Owner

479-452-2636
Owner or Agent Phone Number
6101 Phoenix Ave, #1
Fort Smith, AR 72903
Owner or Agent Mailing Address

or

Agent

Variance # 1

14E

VARIANCE INFORMATION FORM

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

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

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

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

14F

Explanation of question #4 (if applicable)

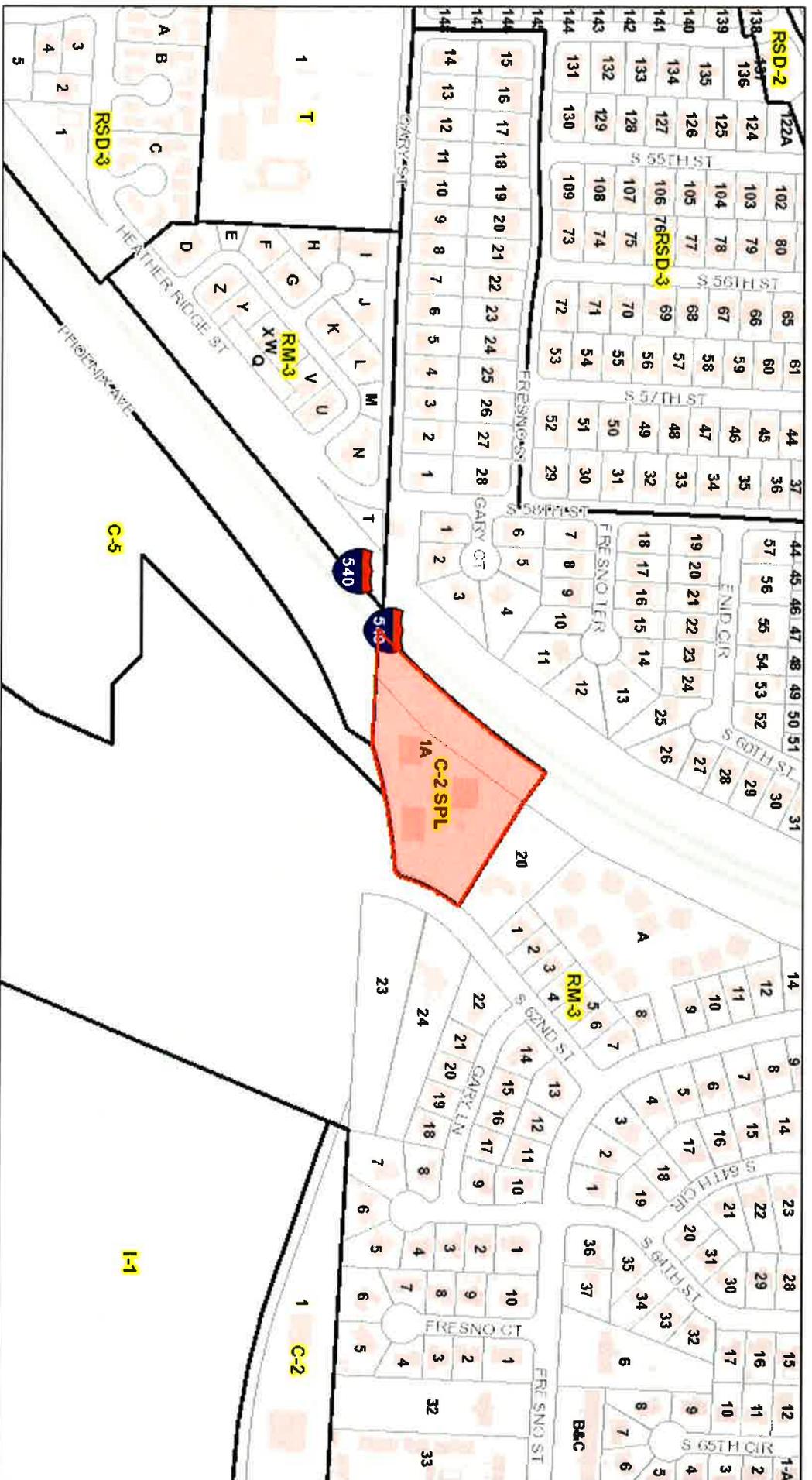
A large storm water drainage ditch divides the property into two areas.

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

Utilizing existing drives are not feasible. Limited lot distances on 62nd Street. Proposed drive will be exit only, right turn only. Drive is for staff only which only consists of five people.

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:

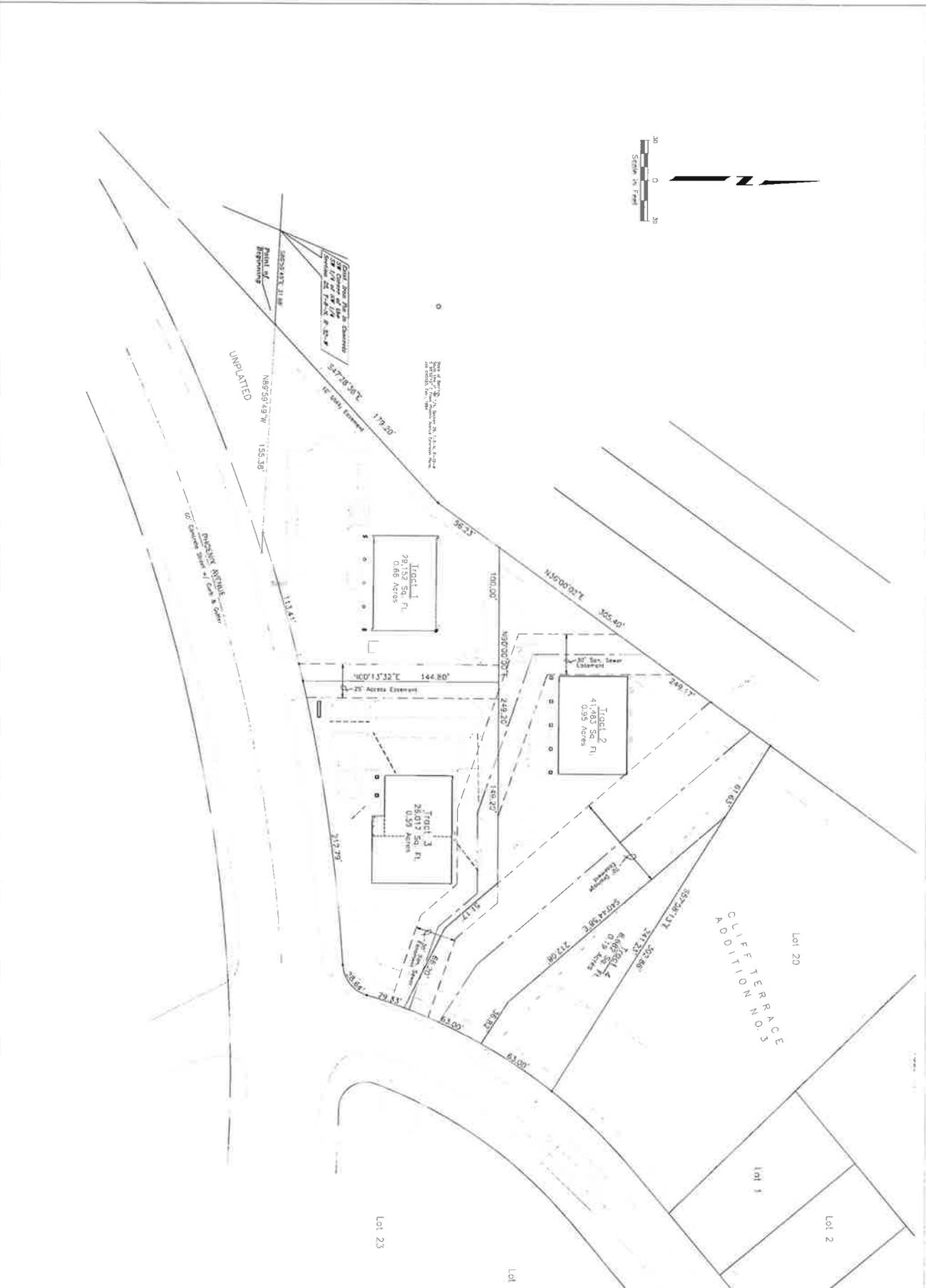
Variance #31-10-15: (A) from 100' to 59' minimum separation between driveways, (B) from 150' to 58'-4" minimum separation between driveway and street intersection at 6101 Phoenix Avenue



September 21, 2015

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





PROPERTY EXHIBIT
 CON/ARC PLACE
 TRACTS 1 thru 4
 FORT SWITH, SEBASTIAN COUNTY, ARKANSAS

MICK_E WAGNER
 WAGNER
 COLEMAN



Engineers-Consultants-Surveyors
 3434 Country Club Ave.
 P.O. Box 1307
 Fort Smith, Arkansas

(479) 649-8484
 Fax: (479) 649-8486
 info@mc-engr.com

DATE	REVISION	BY

14K

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Variance #32-10-15 - A request by David Yarbrough, agent for Elim Picazo, for Board of Zoning Adjustment consideration of a zoning variance request from 25 feet to 6.3 feet front yard setback located at 2607 North 41st Street.

REQUESTED VARIANCE

Approval of the variance will allow construction of a carport with a pitched roof installed over the property owner's enlarged driveway.

LOT LOCATION AND SIZE

The subject property is on the west side of North 41st Street between Birnie Avenue and Kelley Hwy. The tract contains an area of 0.16 acres with approximately 53 feet of street frontage along North 41st 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.

ISA

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

All of the surrounding properties are zoned Residential Multifamily Medium Density (RM-3) and developed as single-family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 41st Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The applicant states that the house was built without a carport or garage. The carport will be utilized for loading or unloading of aged relatives in inclement weather and cannot be constructed without obtaining a variance.

STAFF COMMENTS AND RECOMMENDATIONS

Staff surveyed the immediate neighborhood and noted six non-conforming carports on North 41st Street. Our records indicate that none applied or received variances for the carports. A map showing the location of the carports is enclosed.

The applicant has provided a photograph of the proposed architectural style of the carport, consisting of a pitched roof. If the Board of Zoning Adjustment considers approval of the

15B

variance, staff recommends approval contingent upon the carport being constructed in accordance with the submitted drawing.

Additionally, 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.

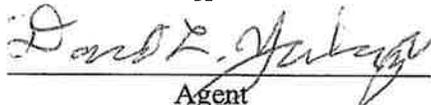
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 18th day of September, 2015.

Signed:

David L. Yarbrough, Agent for Elim Picazo _____
Owner or Agent Name (*please print*) Owner

(479) 452-6565
Owner or Agent Phone Number

P.O. Box 10315
Fort Smith, AR 72917
Owner or Agent Mailing Address

or

Agent

Variance # _____

15E

VARIANCE INFORMATION FORM

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

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

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

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

15F

Explanation of question #4 (if applicable)

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

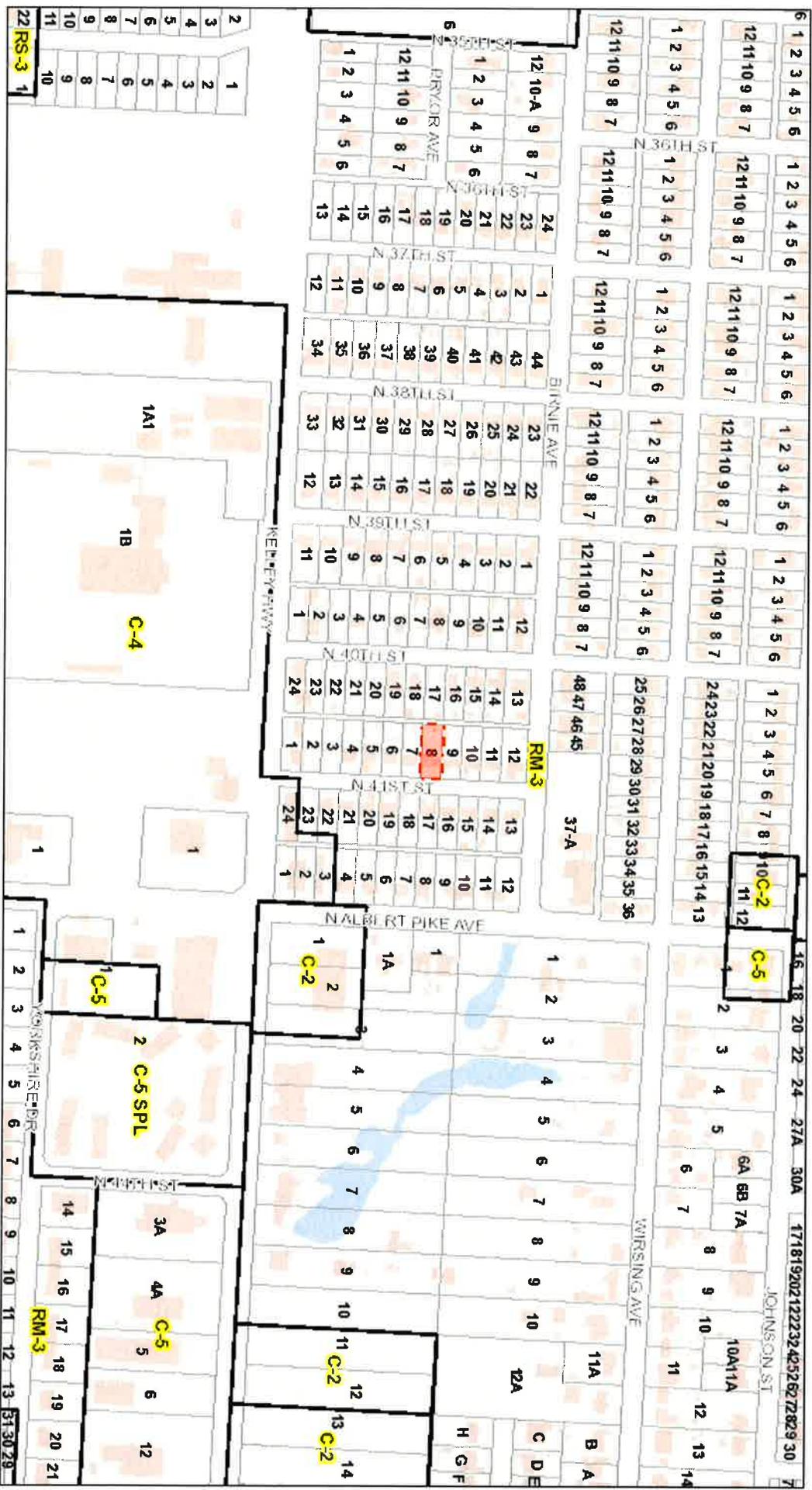
Home was built without a carport or garage. Homeowner would like to add covered parking
to cover two cars wide (driveway enlarged to 2-car width) due to desire to protect auto
mobiles from weather and to give cover for anticipated loading and unloading of aged
relatives. Carport cannot be constructed without variance from setback.

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:

Some other homes in subdivision have had carports added.

Variance #32-10-15: From 25' to 6.3' front yard setback 2607 North 41st Street

HS



September 22, 2015

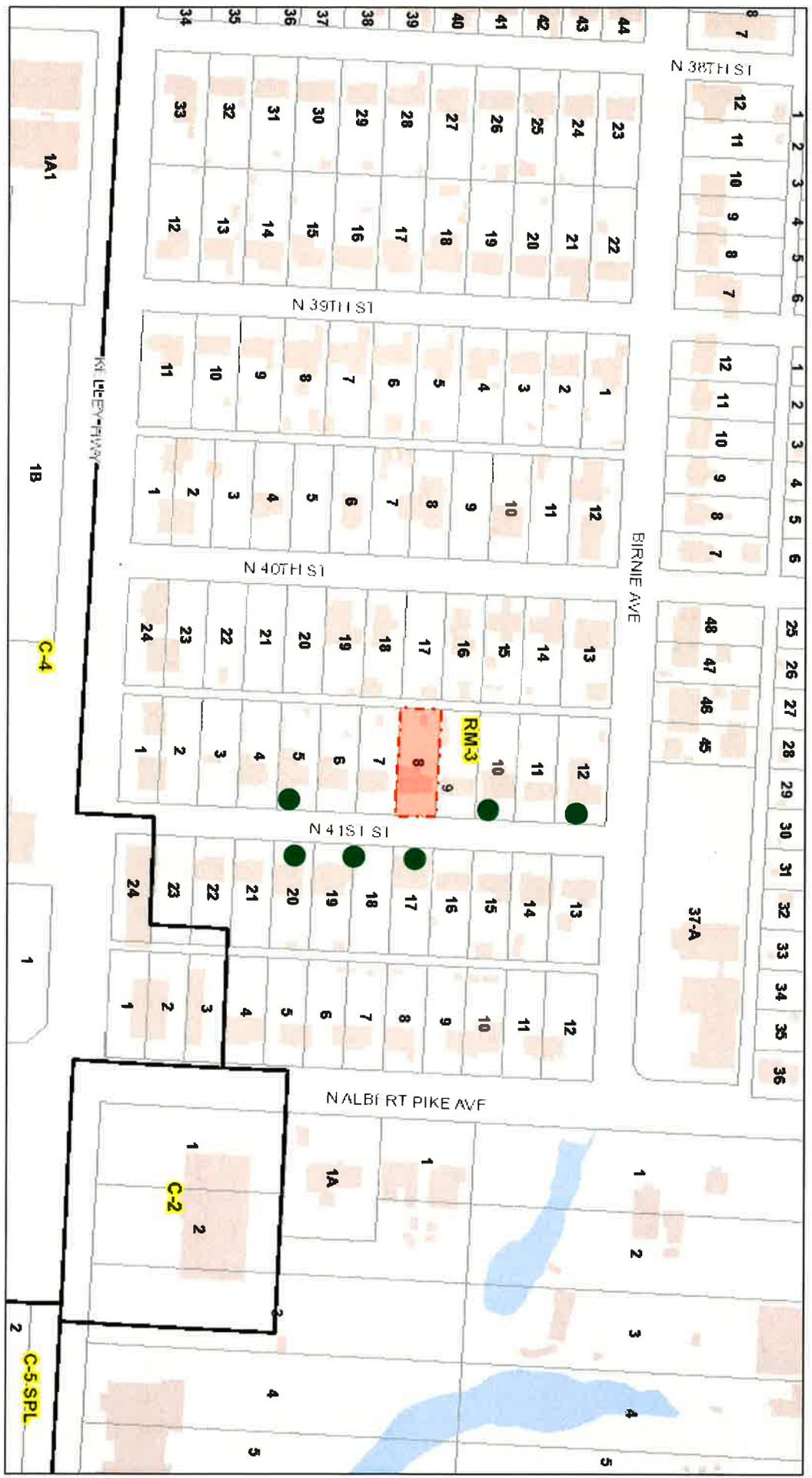
- Fort Smith City Limits
- Zoning
- Subdivisions

Building Footprints



Existing carports in the same block 2607 North 41st Street

15



September 28, 2015

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



Example of the style of carport to be constructed at
2607 North 41st Street



15K

Memo

To: City Planning Commission

From: Planning Staff

Date: September 28, 2015

Re: Variance #33-10-15 - A request by Jeff Lee, agent for Vilay Sinbandhit, for Board of Zoning Adjustment consideration of a zoning variance request from 15 feet to 0 feet exterior side yard setback located at 3842 Midland Blvd

REQUESTED VARIANCE

Approval of the variance will allow for an existing dilapidated portion of the building at the rear of the structure to be reconstructed and removed from the North 43rd Street right-of-way. The building is proposed as a restaurant.

LOT LOCATION AND SIZE

The subject property is on the Southwest corner of North 43rd Street and Midland Blvd. The tract contains an area of 5,629 s.f. with approximately 75 feet of street frontage along Midland Blvd and approximately 121 feet of street frontage along North 43rd Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

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 Industrial Light (I-1) and are developed as a bar and a retail store for home furnishings.

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

The area to the south is zoned Commercial Heavy (C-5) and is developed as mobile home park.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped and vacant.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Midland Boulevard as a Boulevard street classification and North 43rd Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Mixed Use E (predominately business). This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

APPLICANT HARDSHIP

The applicant has stated that the setbacks for the small property leave very little room for any buildable area and that the existing building as constructed violates front and exterior side-yard setback.

16B

STAFF COMMENTS AND RECOMMENDATIONS

As the applicant has stated, the building encroaches the exterior side-yard setback on North 43rd Street as well as encroaching a portion of the right-of-way. The applicant proposes to remove the portion of the building in the right-of-way, but requests the setback variance to rebuild a deteriorated rear portion of the building to accommodate its use as a restaurant.

If the Board of Zoning adjustment considers approving the application, 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.

16C

Var. #33-10-15

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 1, BLOCK 21, ELECTRIC PARK
ADDN TO FORT SMITH

Address of property 3842 MIDLAND BLVD., Existing or Proposed

Zoning Classification C5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

FROM

TO

- Front Yard Setback or Minimum Distance from Right-of-Way
- 15 - ∅ 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
- 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

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

Signed:

JEFF LEE

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

Owner

or

Jeff Lee

Agent

479-452-9226

~~Owner or~~ Agent Phone Number

3409 VILLAGE RD.

FSM, AR 72903

~~Owner or~~ Agent Mailing Address

Variance # _____

16E

VARIANCE INFORMATION FORM

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

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

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

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

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Explanation of question #4 (if applicable)

The setback requirements for this property leave very little buildable area on the site. The existing building as constructed violates both the front yard & exterior side yard setbacks. See ATTACHMENT A

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

The rear 10 ft. lean-to portion is delapidated and falling down. Rebuilding this section requires new construction within the setback. The project is not feasible without this SF included. See ATTACHMENT A

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 small triangle of the rear lean-to that is now in the 43rd st. ROW will be removed from the plan during reconstruction so that no portion of the building will violate the ROW or extend over the property line. SEE SITE LAYOUT

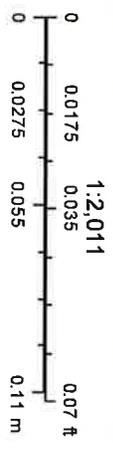
Variance #33-10-15: From 15' to 0' exterior side yard setback 3842 Midland Boulevard

#91



September 22, 2015

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





LEGEND
 SET 1/2" REBAR W/ CAP

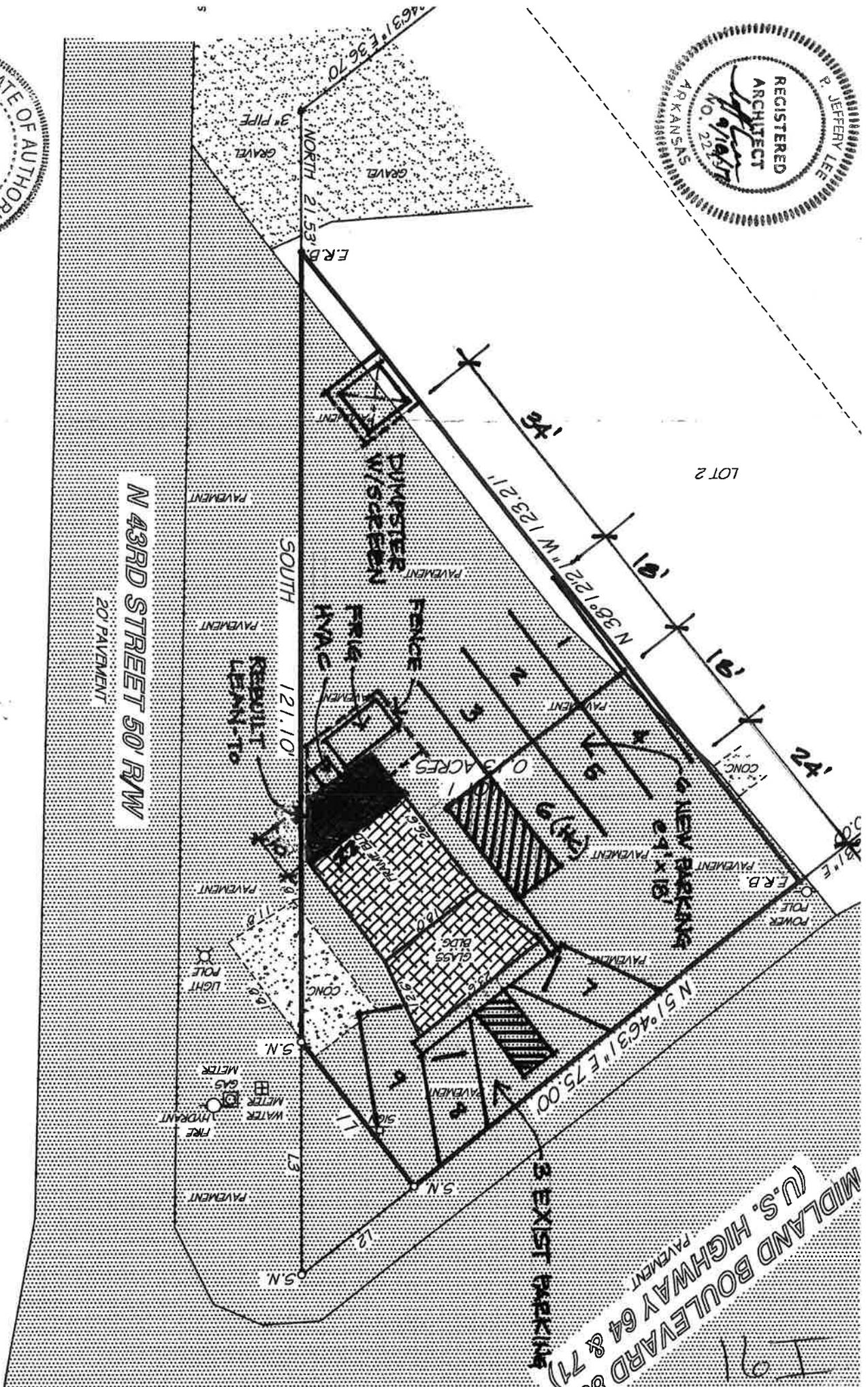
SURVEYORS DISCLAIMER AND STATEMENT OF USE



PROPOSED SITE LAYOUT
 SCALE: 1" = 20'-0"

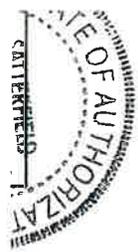
PROPERTY ADDRESS: 3842 MIDLAND BLVD., FT. SMITH, A

SEBASTIAN COUNTY, ARKANSAS
 SURVEY OF



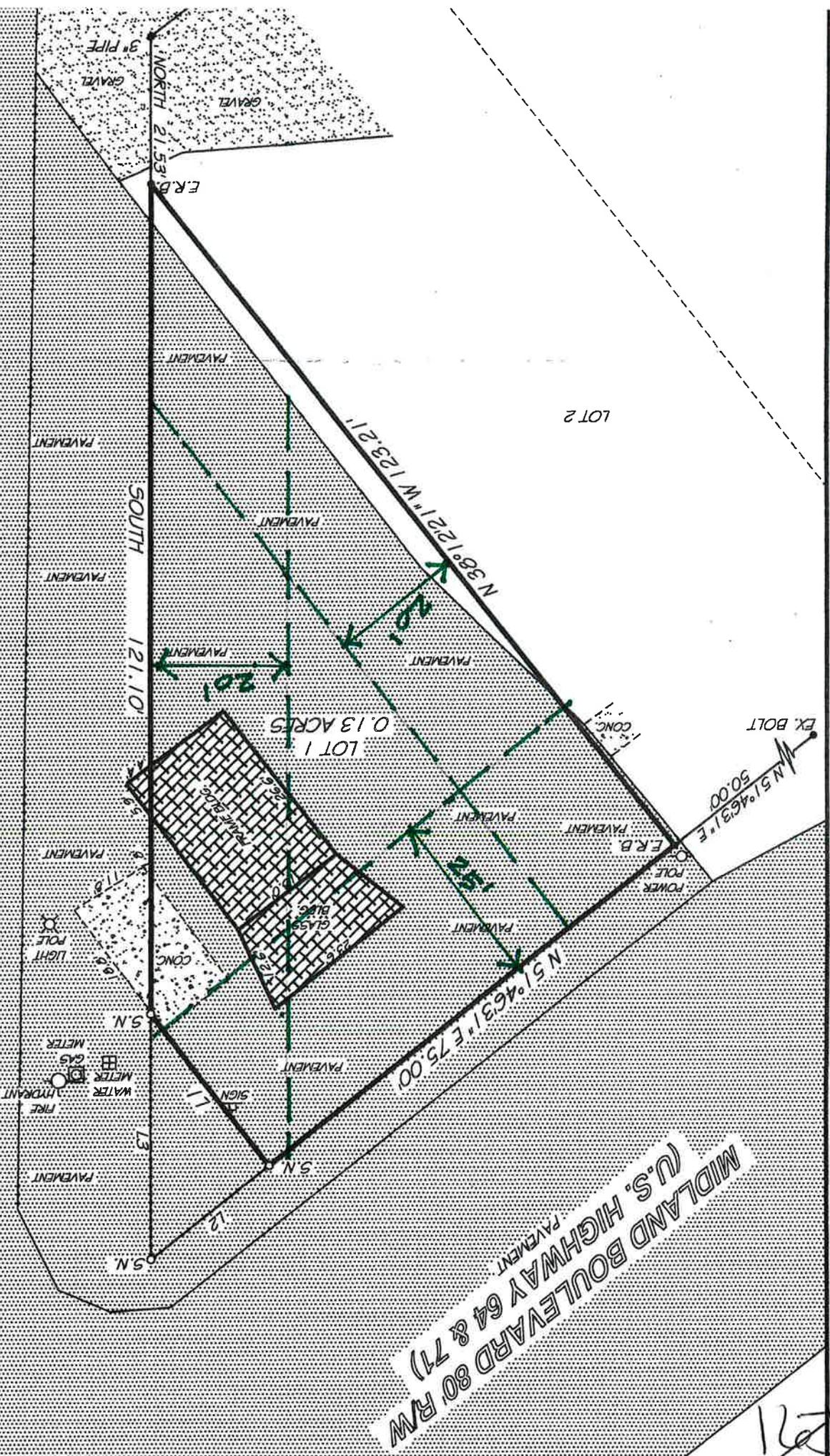
LOT 2

MIDLAND BOULEVARD (U.S. HIGHWAY 64 & 77)



ATTACHMENT A - 3842 MIDLAND

N 43RD STREET 50' RW
20' PAVEMENT



MIDLAND BOULEVARD 80' RW
(U.S. HIGHWAY 64 & 71)
PAVEMENT

Handwritten signature or initials.

Memo

To: City Planning Commission

From: Planning Staff

Date: September 29, 2015

Re: Variance #34-10-15 - A request by Anthony Leraris, agent for Aaron Littlefield, for Board of Zoning Adjustment consideration of a zoning variance request from 10' to 0' rear yard setback at 3107 Wheeler Avenue

REQUESTED VARIANCE

The approval of this variance will allow for the construction of a vending machine enclosure. The structure will be closed in on three sides with a roof and overhang on the open side.

LOT LOCATION AND SIZE

The subject property is on the east side of Wheeler Avenue north of Fresno Street. The tract contains an area of 0.68 acres with approximately 318 feet of street frontage along Wheeler Avenue.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

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Conditional Uses:

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

Area and Bulk Regulations:

Minimum Lot Size – 20,000 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) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 10 feet
Rear Yard Setback - 10 feet
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
Minimum building separation – to be determined by current City building and fire code.
Required street access – Major Arterial or higher

SURROUNDING ZONING AND LAND USE

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

The areas to the east are zoned Industrial Light (I-1) and are developed as the Mill Creek drainage channel and single family residence.

The areas to the south are zoned Industrial Light (I-1) and are developed as a vacant business.

The areas to the west are zoned Industrial Light (I-1) and are developed as a radiator service, chemical company, heating and air contractor and an auto parts store.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Wheeler Avenue as Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial and Open Space. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community; and to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments.

APPLICANT HARDSHIP

The applicant states that placing the vending machines within the existing setback will crowd the maneuverability of the trucks around the pump islands.

STAFF COMMENTS AND RECOMMENDATIONS

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

The average width of the Mill Creek right-of-way adjacent to this property is one hundred seventy-six (176) feet (167' at the North corner and 186' at the south corner).

Staff recommends approval of the application with the following comment:

The vending area shall be located out of the floodway.

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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 3107 Wheeler Ave, Fort Smith Existing or Proposed

Zoning Classification Industrial Light (L-1), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- 10'-0" - zero Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign
- _____ - _____ Other: _____

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

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

Signed:

Anthony S. Lerneris
Owner or Agent Name (please print)

Owner

or

(479) 783-8395
Owner or Agent Phone Number

Agent

907 S. 21st St. Fort Smith, AR
Owner or Agent Mailing Address 72901

Variance # _____

VARIANCE INFORMATION FORM

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

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

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

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

Explanation of question #4 (if applicable)

The adjoining east "neighbor" is the Mill Creek Drainage Easement. A bank of covered, but free standing dispensing machines (Cokes, chips, ice, etc...) is planned to be "credit card" only used.

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

The existing ten foot existing building setback is good for nothing in this case. Placing the machines within the existing setback will crowd the maneuverability of the trucks around the gasoline/diesel pump islands.

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:
-
-
-
-
-
-

WHEELER AVE
(4 LANES)

EXIST. DRIVEWAY

60" WIDE EXIST. CONC. DRIVE APPROACH TO REMAIN

10'0" CITY OF P.A. LANDSCAPE EASEMENT

EXIST. ASPHALTIC PAVING TO BE REMOVED
15'0" WIDE LANDSCAPE AREA PER U.D.O.

LANE (1/2 SIDE-OF-WAY)

60" WIDE EXIST. CONC. DRIVE APPROACH TO REMAIN

15'0" WIDE LANDSCAPE AREA PER U.D.O.

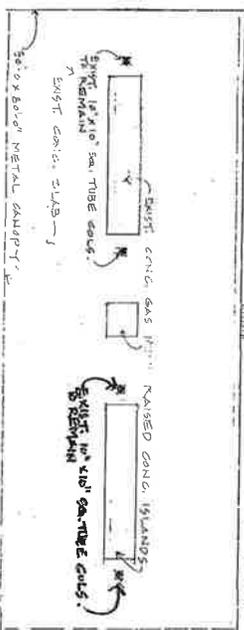
EXIST. CULVERT

DRAINAGE FIELD

10'0" REAR SETBACK BUILDING LINE

REMOVE CONC. ISLAND

REMOVE CONC. ISLAND



EXIST. CONC. PUMP ISLANDS TO BE REMOVED

EXIST. ASPHALTIC PAVEMENT TO BE REMOVED

PROPOSED VENDING LOCATION

MILL ASPH. DRAINAGE EASEMENT

SCALE
1" = 10'
SEPT. 28, 2015

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Google Maps 3130 AR-255



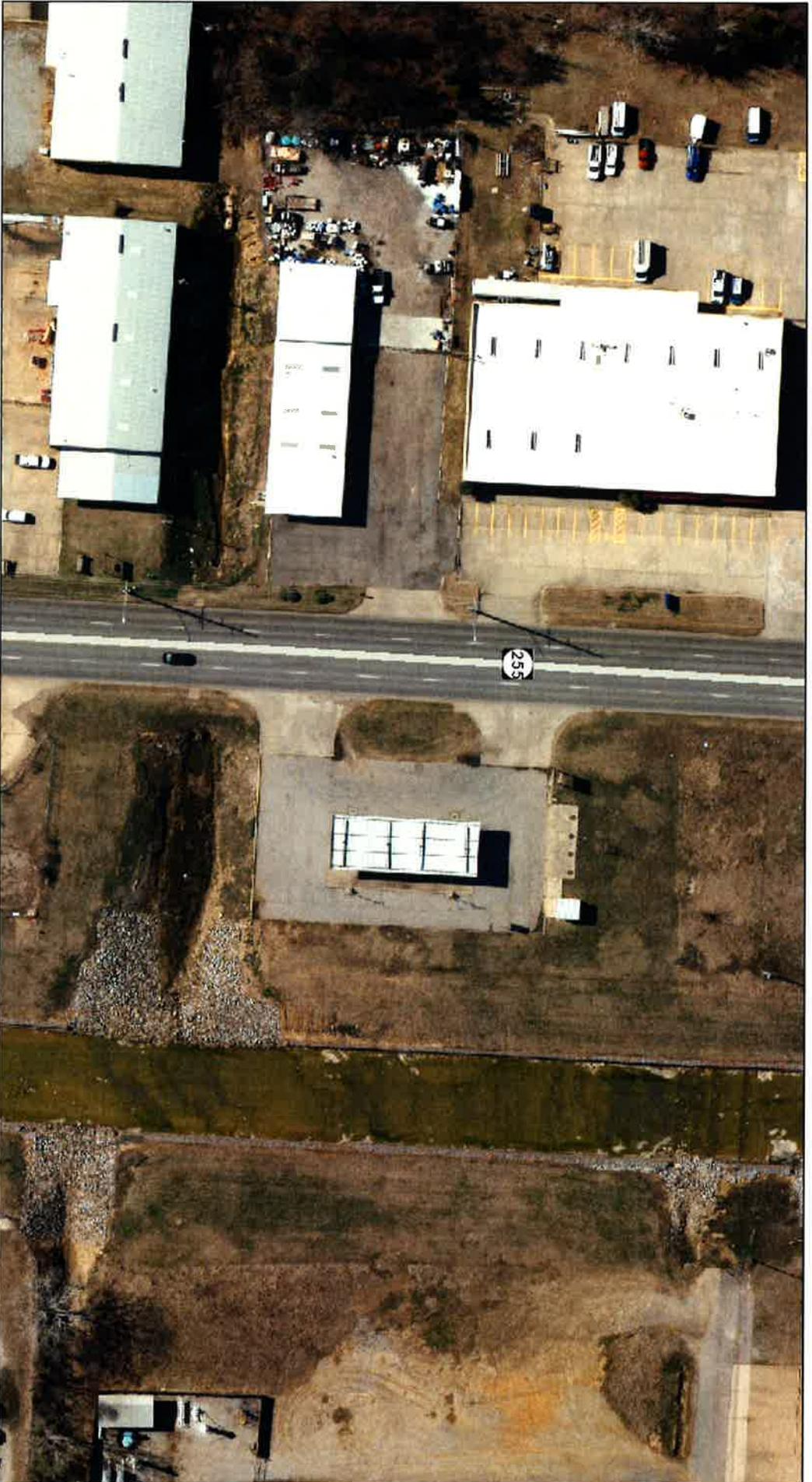
Image capture: Apr 2014 © 2015 Google

Fort Smith, Arkansas
Street View - Apr 2014

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Aerial Map
3107 Wheeler Avenue

FLI



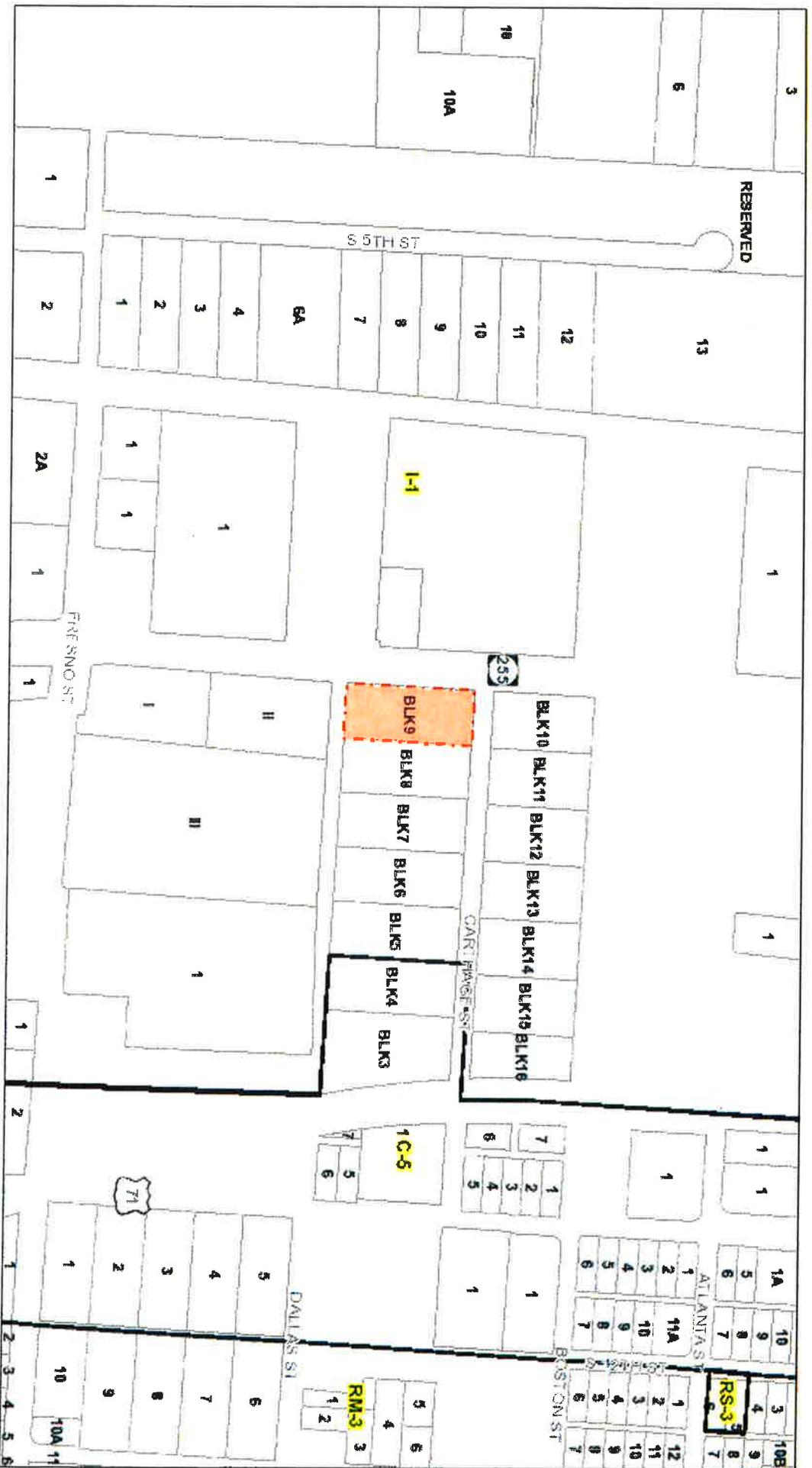
October 9, 2015

Fort Smith City Limits



Variance #34-10-15: From 10' to 0' rear yard setback 3107 Wheeler Avenue

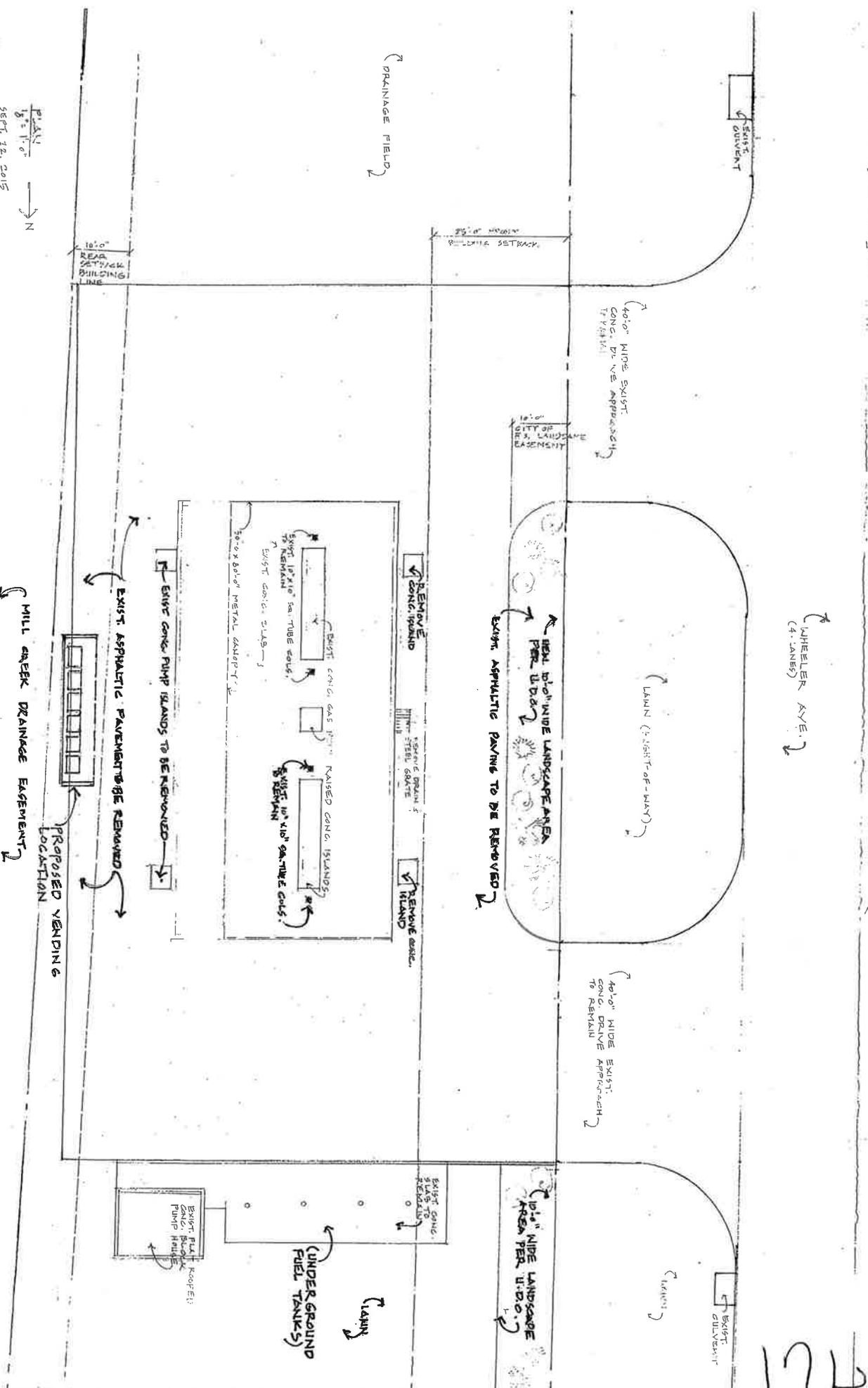
Handwritten mark resembling a stylized 'K' or 'C' with a horizontal line.



September 23, 2015

- Fort Smith City Limits
- Zoning
- Subdivisions

PLAN
 1/8" = 1'-0"
 SEPT. 12, 2015



WHEELER AVE.
 (4 LANES)

12' WIDE LANDSCAPE AREA PER U.D.O.

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