



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

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM AUGUST 11, 2015**

**III. STAFF COMMENTS AND 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> Street. (companion item to items #1, #2 & #3)

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

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

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)

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

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)

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

7. UDO Amendments

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
AUGUST 11, 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 called for the vote on the Planning Commission minutes from the July 14, 2015, meeting. Motion was made by Commissioner Howard, seconded by Commissioner Richardson and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

Mr. Bailey read the consent agenda and noted if a Planning Commissioner or member of the audience did not request an item be pulled from the consent agenda and discussed separately, the consent agenda would be voted on as one item.

**1. CONSENT AGENDA**

- A. Final Plat – Speer Addition – Lots 3A, 3B, 3C, 4A, 4B, 5A & 5B – Block 10 – Satterfield Land Surveyors**
- B. Conditional Use #12-8-15; A request by Marvin Wilson, agent for Stephens Media, for a school, technical or trade located at 1000 Rogers Avenue.**
- C. Conditional Use #13-8-15; A request by Jeff Lee, agent for Lao Buddhist Association, for a temple and parking lot located at 2205 High Street.**
- D. Conditional Use #14-8-15; A request by Terry Burruss, agent for Jim Meadows, for a restaurant (with outdoor dining) located at 8801 Wells Lake Road.**
- E. Conditional Use #15-8-15; A request by Bransen Harris, agent for Bleaux & Samantha Barnes, Sam Mathias and Silverthorne, LLC, for a restaurant (with outdoor dining) located at 5400 Phoenix Avenue.**

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

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

## **2. Preliminary Plat – The Providence Subdivision – Crafton Tull**

Ms. Brenda Andrews read the staff report.

Mr. Brad Peterson, representing Crafton Tull, was present to speak on behalf of this plat.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the preliminary plat. The vote was 8 in favor, 0 opposed and 1 abstention (Cooper) to approve the preliminary plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards Specifications for Public Works Commission.

## **3. Rezoning #11-8-15; A request by Crafton Tull, agent for Fort Chaffee Redevelopment Authority, for a zone change from Unzoned to Commercial Light (C-2), Residential Single Family Duplex Medium/High Density (RSD-3) and Residential Single Family Medium/High Density (RS-3) by Classification located at 7100-7200 Wells Lake Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to allow for the development of a new subdivision with 94 lots. Two lots located along Wells Lake Road are being proposed to be Commercial Light (C-2), 17 lots located within the Residential Single Family Duplex Medium/High Density (RSD-3) area and the remainder of the lots will be the Residential Single Family Medium/High Density (RS-3) section.

Mr. Brad Peterson, representing Crafton Tull, was present to speak on behalf of this request.

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

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

## **4. UDO Amendment – Text Amendment (Land Uses in Commercial-6)**

Mr. Wally Bailey read the staff report indicating that Mr. Rodney Ghan, General Partner of Ghan Properties, LLP, has submitted a request for text amendments in the Commercial Downtown (C-6) zoning districts. Mr. Bailey stated that the following uses in the C-6 zoning district be changed from permitted land uses to conditional uses requiring Planning Commission approval:

- 1) Neighborhood Group Home
- 2) Rooming or Boarding House
- 3) Auto and Vehicle Dealer

- 4) Auto detailing service
- 5) Car wash (self-service)
- 6) Appliance Repair (small)
- 7) Bicycle sales and service
- 8) Tattoo/body piercing parlor
- 9) Parking garage
- 10) Parking lot (commercial)
- 11) Parking lot (off site)

Mr. Bailey noted that after reviewing the proposed text amendments staff is recommending approval, subject to keeping the following land uses as a permitted use in a Commercial-6 zone:

- 1) Neighborhood Group Home (Fair Housing Law would not permit the removal)
- 2) Tattoo/body piercing parlor (Proposed reason for the change was not a zoning function)
- 3) Bicycle sales and service (Proposed reason for the change was already included in the code)

Mr. Ghan concurred with the above noted staff comments and agreed to omit these uses from his list of text amendments.

Commissioner Redd asked if all property owners located in the C-6 had been notified of the proposed change. Mr. Bailey indicated they had not been sent a direct mail but that we had complied with the requirements to advertise the proposed change and that this item had been discussed at a CBID public meeting.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the UDO Amendments as amended. The vote was 7 in favor, 1 opposed (Redd) and 1 abstention (Cooper).

**5. Subdivision Variance #3-8-15; A request by Ricky Hill, agent for Hung Tran, for a variance from Section 27-503-2(E) prohibiting access for proposed duplexes on a major arterial street located at 3805 and 3807 North 6<sup>th</sup> Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the developer to provide a shared driveway for two duplexes on separate but contiguous lots. The UDO traffic access management requirements do not permit driveways to individual duplexes or single family homes on an arterial street.

Mr. Ricky Hill was present to speak on behalf of this request.

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

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Richardson 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.

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

**6. Rezoning #12-8-15; A request by Tom Kirkham for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to a Planned Zoning District by Classification located at 3109 Old Greenwood Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the rezoning request is to create a zoning district that would allow for an existing legal non-conforming commercial building to be utilized for many of the businesses that have been at this location in the past.

Mr. Tom Kirkham was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor, 1 opposed (Richardson) and 1 abstention (Redd). The rezoning request was approved subject to the following:

- Compliance with the amended project booklet which was amended as follows:

Cumulative coverage of wall signs from 4% to 5% on the front façade and from 24% to 25% on the south façade.

**7. Conditional Use #11-8-15; A request by David Reynolds, agent for First Tee, Inc. for a communications tower located at 6110 Golf Course Loop.**

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for a new 122 feet tall “flag pole style” commercial communication tower to be installed. Mr. Bailey stated that the location is in an RSD-2 zone; however, the closest residential structure is approximately 365 feet in distance from the tower site.

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

Jerry and Mary Donaldson, 7109 Lookout, was present to speak in opposition to this request. The Donaldson’s were concerned about the safety of the tower, visual effects, radio frequency waves and health effects.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. Motion was made by Commissioner Redd, 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.
- The approval shall be contingent upon maintaining the surrounding forest around the cell tower site for screening purposes. In the event that any trees are removed, sufficient screening shall be installed that complies with the zoning code.
- The applicant shall submit a licensed engineer's structural certification of the tower structure, foundation, and engineer's determination of maximum possible fall zone for the tower and must be demonstrated and approved by the building department prior to the issuance of a building permit.
- The construction must provide a letter of approval from the Fort Smith Regional Airport Administration prior to the issuance of a building permit.
- Other than the street side of the site, any side that faces any residential use shall include opaque fencing or sufficient shrubs, approved by staff, to screen the site.

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 CONVENE BOARD OF ZONING ADJUSTMENT**

- 8. Variance #19-8-15; A request by Larry Hall, agent for Bennie Westphal, for a variance from Section 27-602-4(C)4B (screening requirements for mechanical units) and Section 27-602-4(C)8 (opaque 6-foot screening fence) located at 5721 Rogers Avenue.**

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow for the development of the Burlington Coat Factory to omit mechanical equipment screening for the rooftop units mounting on the top of the building and will allow for the development to omit an opaque screening fence or landscaping buffer between the residential property to the north and commercial development.

Mr. Bailey indicated that prior to the meeting, he and Mr. Hall had discussed this and Mr. Hall was agreeable to the fence on the property line because it would also screen the rooftop mechanical units. The planning staff agreed and recommended the same.

Mr. Larry Hall was present to speak on behalf of this request.

Ms. Pat Myers, 5804-4808 Euper Lane and Mr. Larry Maestri, 5800 Euper Lane, was present to speak in opposition to this request.

Following a discussion by the Commission, Chairman Sharpe called for the vote on this variance request. The vote was 7 in favor and 2 abstentions (Carson, Howard).

- 9. Variance #20-8-15; A request by Damon Wright, agent for Bennie Westphal, for a variance from Section 27-704-4 (C) (from 1000 feet to existing signs and 4 signs per mile) and from Section 27-704-4 (K)(2) (sign bank requirements) located at 5701 Rogers Avenue.**

Per the applicant's request, the Planning Commission approved the withdrawal of this variance application.

- 10. Variance #21-8-15; A request by Damon Wright, agent for Bennie Westphal, for a variance from Section 27-704-4 (C) (from 1000 feet to existing signs and 4 signs per mile) and from Section 27-704-4 (K)(2) (sign bank requirements) located at 5801 Rogers Avenue.**

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow the installation of a new outdoor advertising sign for the new Burlington Coat Factory. Mr. Bailey stated that this is an off premise sign not located on the same lot/property as the businesses being advertised on the sign. The staff recommended that if the Board of Zoning Adjustment was inclined to approve a recommended condition is to approve one but not both of the variance requests. The Board of Zoning Adjustment should confirm in their reasoning that these are not outdoor advertising signs and that only signs for businesses located in Azalea Square can be located on the sign structures and that the approved sign should be the master sign for Azalea Square.

Mr. Damon Wright, agent for Bennie Westphal and Mr. Scott Bilbrey, representing Burlington Coat Factory, was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Redd, seconded by Commissioner Howard and carried unanimously to amend this request to make approval subject to the following:

- Staples sign being removed from the Azalea Square Shopping Center master sign
- All future signage by businesses located in Azalea Square must be approved by the Planning Commission.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 1 abstention (Carson).

**11. Variance #22-8-15; A request by Steven Spradlin, agent for Davidson Holding Company, LLC, for a variance from 25 feet to 5 feet front yard setback located at 2015 Savannah Street.**

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow for the construction of a new proposed canopy. The existing canopy does not meet the front yard setback. Mr. Bailey stated that the existing canopy has developed leaks inside the roofing system so the business owner has decided to have a new canopy constructed that is within the same setbacks of the existing canopy.

No one was present to speak either in favor or in opposition to this request.

Chairman Sharpe then called for the vote on the variance request. The vote was 9 in favor and 0 opposed. The variance was approved subject to the submitted site plan.

**12. Variance #23-8-15; A request by Paul Loyd, agent for Christopher Groom, for a variance from 7.5 feet to 0 feet interior side yard setback and from 10 feet to 0 feet rear yard setback located at 2714 Reeder Place.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for the reconstruction of a partially existing garage with zero setbacks located at the rear of the property that is accessed by the alley. Ms. Andrews noted that this structure is an existing shared garage that was damaged by a storm in May of 2015 and the adjoining neighbor at 2716 Reeder has submitted a variance application as well.

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

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the following:

- Obtaining a building permit
- Construction shall comply with the submitted site plan

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

**13. Variance #24-8-15; A request by Paul Loyd, agent for John and Vickie Casey, for a variance from 7.5 feet to 0 feet interior side yard setback and from 10 feet to 0 feet rear yard setback located at 2716 Reeder Place.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for the reconstruction of a partially existing garage with zero setbacks located at the rear of the property that is accessed by the alley. Ms. Andrews stated that this structure is an existing shared garage that was damaged by a storm in May of 2015

and the adjoining neighbor at 2714 Reeder Street has submitted a variance application as well.

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

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Newton and carried unanimously to amend this request to make approval subject to the following:

- Obtaining a building permit
- Construction shall comply with the submitted site plan.

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

**14. Variance #25-8-15; A request by Stephen Giles, agent for Farmers Bank, for a variance from Section 27-704-4 (K)(2) (sign bank requirements) and Section 27-704-4 (i) (minimum sign height requirements) located at 8420 Highway 71 South.**

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow for the construction of a monument sign on the Farmer's Bank property adjacent to Grinnell Avenue. Mr. Bailey stated that the sign will be 12'-2". He also stated that this is an off premise sign not located on the same lot/property as the business advertising on the sign.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Newton, seconded by Commissioner Carson and carried to amend this request to make approval subject to Farmer's Bank and Walmart being the only advertising allowed on the sign and that the square footage of this sign would count toward the sign square footage allowed along Grinnell Avenue. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 9 in favor and 0 opposed.

**15. Variance #26-8-15; A request by Cary Smallwood for a variance from 25 feet to 15 feet exterior side yard setback and from 7.5 feet to 5 feet interior side yard setback located at 7920 Rome Way.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for the construction of a single family home with a 2 car garage with the reduced setbacks. When the development was platted the lot was not platted big enough to accommodate the size house to match the other houses in the subdivision.

Mr. Matt Edwards, 43 Haven Drive, was present to speak on behalf of this request.

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

Chairman Sharpe then called for the vote on the variance request. The vote was 8 in favor and 1 opposed (Richardson).

**16. Variance #27-8-15; A request by Al Prieur, agent for William White, for a variance from 153 square feet to 270 square feet maximum size of a sign located at 3510 South Zero Street.**

Mr. Wally Bailey read the staff report indicating that the purpose of the variance request is to allow a 270 square foot sign to be constructed on an existing pole. Mr. Bailey stated that the sign currently on the pole is 178 square feet in size. Mr. Bailey noted that no variances could be found for the existing sign and that the new sign will have one digital face facing North and the South side of the sign will be static. Mr. Bailey also noted that the sign is oriented so that it will be visible from South 36<sup>th</sup> Street and I-540.

Mr. Al Prieur was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Newton, seconded by Commissioner Redd and carried to amend this request to make approval subject to no off site advertising or outdoor advertising otherwise known as billboard advertising being permitted on this sign.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 2 opposed (Howe, Howard)

**17. Variance #28-8-15; A request by Lee King, agent for Bear Creek Leasing Company, for a variance from 25 feet to 0 feet front yard setback and from 15 feet to 0 feet exterior side yard setback located at 617 South 7<sup>th</sup> Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for a roof covering and wall enclosure of an existing crane and storage area.

Mr. Lee King was present to speak on behalf of this request.

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

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Keese, seconded by Commissioner Richardson and carried to amend this request to make approval subject to the following:

- Wall construction along South “F” Street right-of-way and roof construction shall not extend over any street rights-of-way.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 8 in favor and 1 abstention (Redd).

**Meeting Adjourned!**

## 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 Al Prieur, agent for Charles Farnum, at 5200 South 32<sup>nd</sup> Street from Public/Institutional & Residential Detached to Commercial Neighborhood (Companion to items #2, #3 & #4)

The Planning Department is in receipt of an application from Al Prieur, agent, to amend the Master Land use Map from Public/Institutional & Residential Detached to Commercial Neighborhood to accommodate a proposed Commercial Light (C-2) zoning request. The subject property is on the southwest corner of the intersection of Vicksburg Street and South 32<sup>nd</sup> Street. The tract contains an area of 0.61 acres with approximately 140 feet of street frontage along Vicksburg Street and approximately 200 feet of street frontage along South 32<sup>nd</sup> Street.

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

### ADJACENT LAND USE CLASSIFICATIONS AND USES

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

The area to the north is classified as Residential Detached and is developed as single family residences.

The area to the east is classified as Residential Attached and Residential Detached and is developed as an apartment building and a vacant single family residence.

The area to the south is classified as Public/Institutional and is developed as plumbing business.

The area to the west is classified as Commercial Neighborhood and is developed as vacant heavy equipment repair facility.

The proposed Land Use classification of Commercial Neighborhood is described as follows:

1A

to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

**Characteristics and Use:**

**Criteria for Designation:**

**Compliance Noted**

- |  |     |
|--|-----|
| • Compatible with and complimentary to surrounding uses.   | Yes |
| • Located on high volume arterials and collectors  | No  |
| • Located as a cluster of like services  | Yes |
| • Accessible by most modes of transportation   | Yes |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | Yes |

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Public/Institutional & Residential Detached. This classification is to provide for needed community services of both a public and quasi-public nature & to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Vicksburg Street and South 32<sup>nd</sup> Street as Local Roads.

**STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Friday, August 28, 2015 at 5200 South 32<sup>nd</sup> Street. There were two neighboring property owners in attendance with no objections to the proposed project expressed. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application.

1B



1. A legal description of the subject property that is to be amended (reclassified), *Cots 12, 13, 14 & 15 Block 3 Falconers' Addition to South Fort Smith*
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres. *28,000 SF*

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:

*All roads are existing and in good to fair condition. No new roads are required*

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:

*No new utilities are required. Water, Sewer, fire/police are available to the property*

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:

*Existing building will remain. One office may be added to the vacant lots.*

7. Identify any known or anticipated environmental concerns:

*No environmental concerns.*

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

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

*The impact on adjacent property will be very little.*

10

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

*No impact.*

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

*This is an old residential area with much commercial and industrial activity*

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

*This is to make the use more in conformance to the actual use of the property*

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:

*This area will become more commercial over the years due to the lack of residential use of the property*

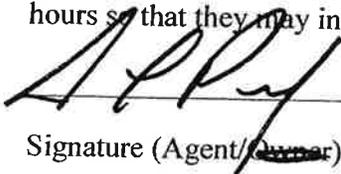
**For a Comprehensive Plan-Text Amendment only**, please attach the following information. Provide answers on a separate sheet and attach it to this application:

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.

  
\_\_\_\_\_  
Signature (Agent/~~Owner~~)

8-19-2015  
\_\_\_\_\_  
Date

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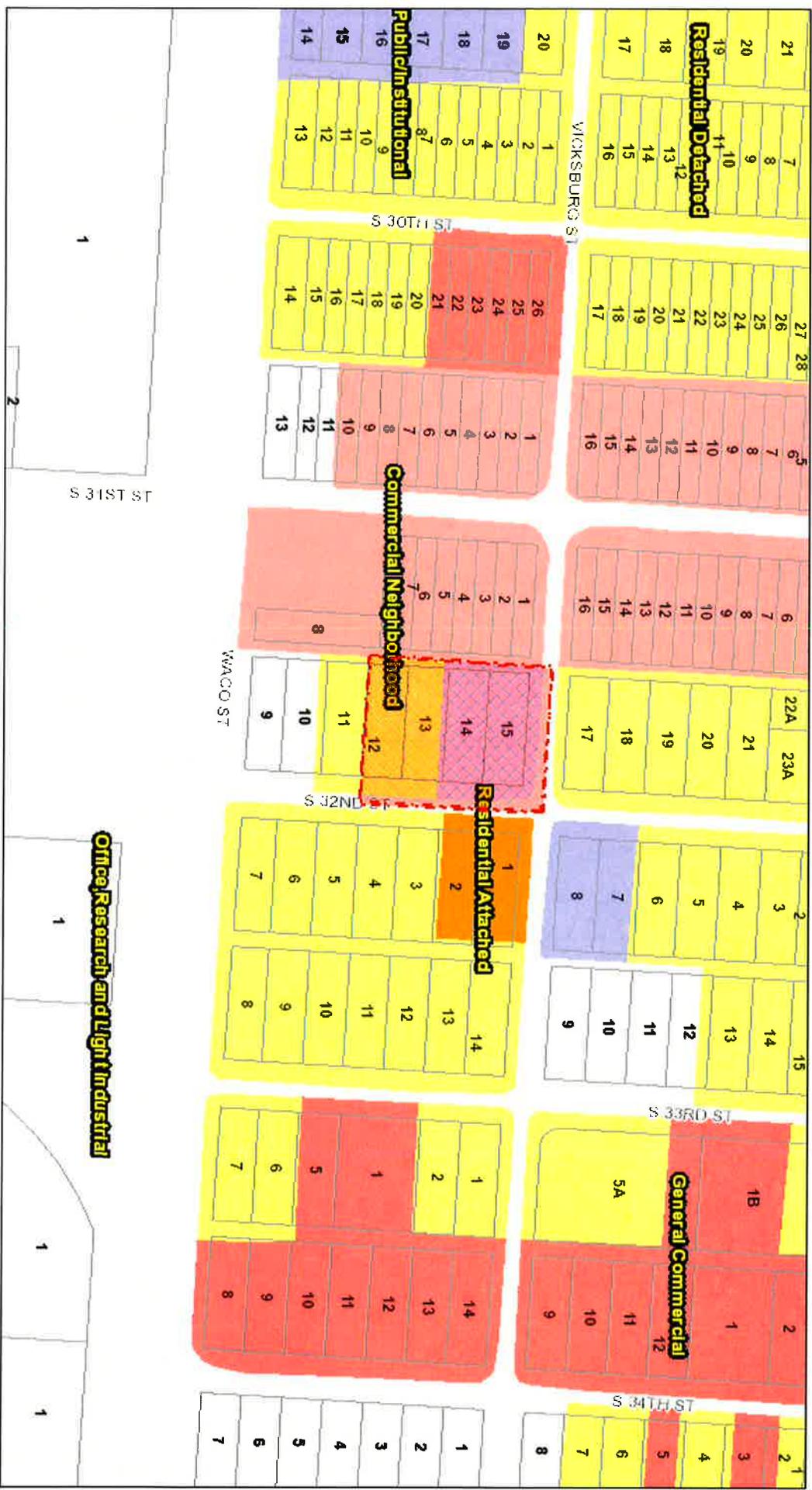
The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

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IF

# Master Land Use: From Institutional & Residential Detached to Commercial Neighborhood 5200 South 32nd Street

D

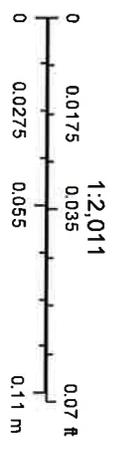


September 2, 2015

Fort Smith City Limits

Subdivisions

Commercial



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

August 31, 2015

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

Attn: Tyler Miller

RE: Rezoning  
5200 South 32<sup>nd</sup> Street

Dear Tyler:

The neighborhood meeting was held on Friday August 28, 2015. There 6 people in attendance (see attached sign in list). There was also a call in from Westark Plumbing (Michelle was sorry she missed purchasing this property) which is on lots south of this property. There were no negative comments and one lady ask about getting her car detailed. She was told that this would be private.

Call me if you have any questions.

Respectfully submitted,



Alvin L. Prieur, Jr., PE  
Consulting Engineer

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 5200 South 32nd

Meeting Time & Date 10:00 a.m. Friday Aug. 28, 2015

Meeting Purpose To discuss rezoning, etc.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prieur	P.O. Box 1689 NB	479-651-7920
2.	MICHAEL Justice	3510 South 24th	479-648-3510
3.	Winfelt	8401 Rosewood Dr.	479-648-1111
4.	TOM MONACO	CITY	784-2218
5.	Claude - Dean Nichols		459-2358
6.	Gatty Ellins		646-5866
7.			
8.			
9.			
10.			
11.			

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 31, 2015

**Re:** Rezoning #14-9-15 - A request by Al Prieur, agent for Charles Farnum, for Planning Commission consideration of a rezoning request from Transitional (T) to Commercial Light (C-2) by extension at 5200 South 32<sup>nd</sup> Street (Companion to items #1, #3 & #4)

## PROPOSED ZONING

If approved, this rezoning will allow for the existing vacant building (former post office) to be remodeled for an auto detailing service. The facility will be a private service for a local auto dealer and not for the public.

## LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Vicksburg Street and South 32<sup>nd</sup> Street. The tract contains an area of 0.61 acres with approximately 140 feet of street frontage along Vicksburg Street and approximately 200 feet of street frontage along South 32<sup>nd</sup> Street.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

- Minimum Lot Size – 5,000 square feet
- Maximum Lot Size – 40,000 square feet
- Minimum Lot Width at Building Line – 50 feet
- Minimum Street Frontage – 50 feet
- Front Yard Setback - 20 feet
- Side Yard on Street Side of Corner Lot - 20 feet
- Side Yard Setback – 5 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 65%

**REQUESTED ZONING**

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

**Purpose:**

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

**Permitted Uses:**

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

**Conditional Uses:**

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

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

### **Area and Bulk Regulations:**

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

### **SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and developed as single family residences.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as apartments and a vacant single family residence.

The area to the south is zoned Transitional (T) and developed as a plumbing business.

The area to the west is zoned Industrial Light (I-1) and developed as vacant heavy equipment repair facility.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan currently classifies the site as Public/Institutional & Residential Detached. This classification is to provide for needed community services of both a public and quasi-public nature & to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Friday, August 28, 2015 at 5200 South 32<sup>nd</sup> Street. There were two neighboring property owners in attendance with no objections to the proposed project expressed. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application.

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PETITION FOR CHANGE IN ZONING MAP

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

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

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

Lots 14 and 15, Block 3, Falconer's Addition to South Fort Smith

- 2. Address of property: 5200 South 32 nd

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

- 4. Application is hereby made to change the zoning classification of the above described property to C-2 by Extension.  
(Extension or classification)

- 5. Why is the zoning change requested?

The property is being sold and the new owner (potential) wants to use the existing building for an auto detailing.

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

Signed:

Alvin L. Prieur, Jr.

Owner or Agent Name  
(please print)

\_\_\_\_\_  
Owner

P. O. Box 1689  
Van Buren, AR 72957

Owner or Agent Mailing Address

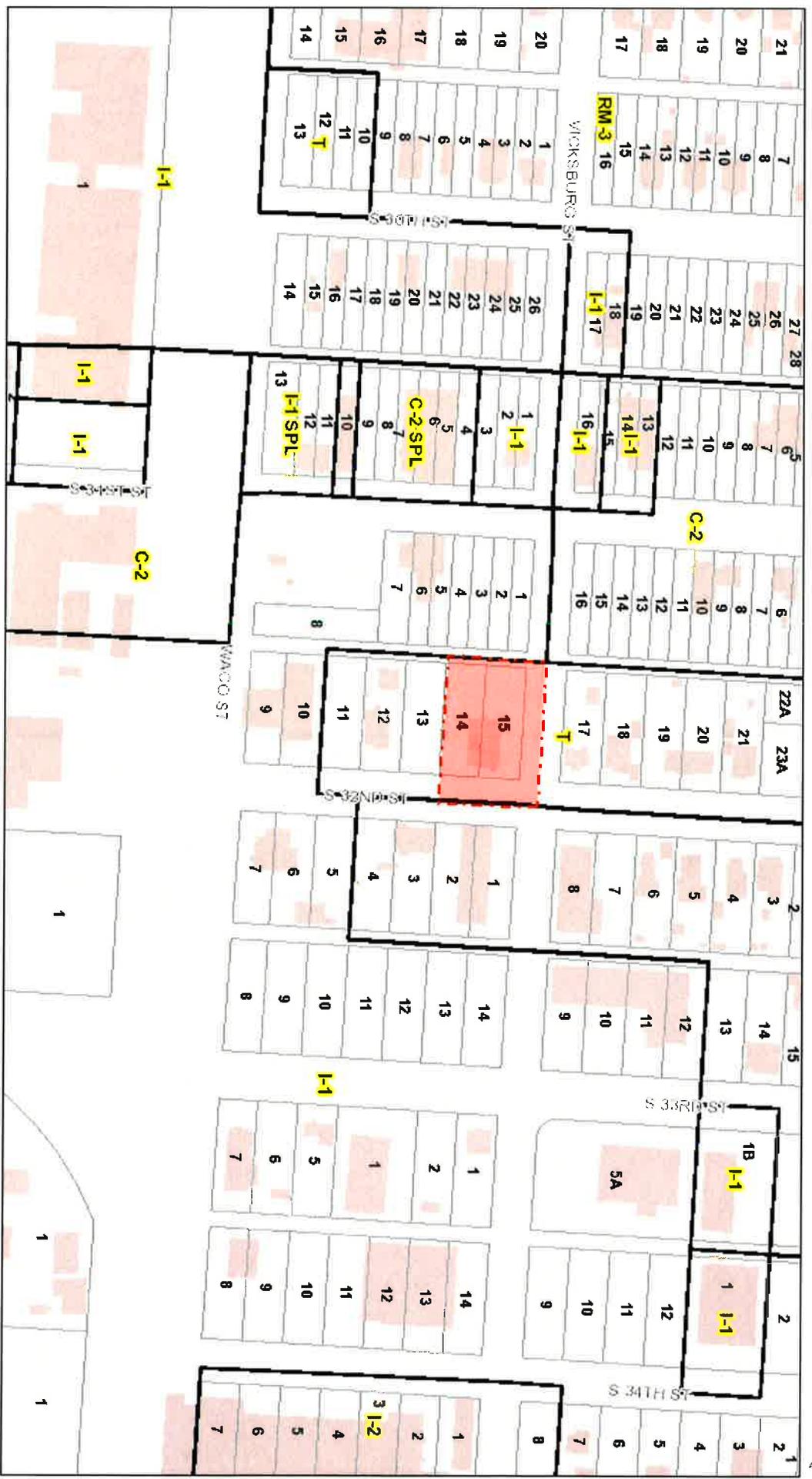
  
\_\_\_\_\_  
Agent

479-651-7900

Owner or Agent Phone Number

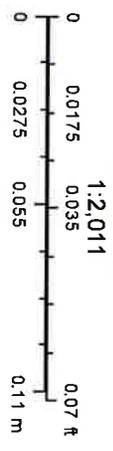
# Rezoning #14-9-15: From Transitional (T) to Commercial Light (C-2) 5200 South 32nd Street

E  
2



September 2, 2015

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



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

August 31, 2015

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

Attn: Tyler Miller

RE: Rezoning  
5200 South 32<sup>nd</sup> Street

Dear Tyler:

The neighborhood meeting was held on Friday August 28, 2015. There 6 people in attendance (see attached sign in list). There was also a call in from Westark Plumbing (Michelle was sorry she missed purchasing this property) which is on lots south of this property. There were no negative comments and one lady ask about getting her car detailed. She was told that this would be private.

Call me if you have any questions.

Respectfully submitted,



Alvin L. Prieur, Jr., PE  
Consulting Engineer

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 5200 South 32<sup>nd</sup>

Meeting Time & Date 10:00 a.m. Friday Aug. 28, 2015

Meeting Purpose To discuss rezoning, etc.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prier	P.O. Box 1689 VB	479-651-7920
2.	Michael Justice	3510 South 2 <sup>nd</sup> St	479-648-3510
3.	Winfred	8401 Rosewood Dr.	479-648-1111
4.	Tom Monaco	CITY	784-2218
5.	Claude - Dean Nichols		459-2358
6.	Gatty Ellins		646-5866
7.			
8.			
9.			
10.			
11.			

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 28, 2015

**Re:** Conditional Use #16-9-15 - A request by Al Prieur, agent for Charles Farnum, for Planning Commission consideration of a Conditional Use request to develop an Auto Detailing Service at 5200 South 32<sup>nd</sup> Street (Companion to items #1, #2 and #4)

## PROPOSED CONDITIONAL USE

The approval of this Conditional Use would allow for the remodel of an existing building. The proposed use will be a private detail shop for Bill White Volkswagen. The facility will only be used by the car dealership and will not be open to the public.

## LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Vicksburg Street and South 32<sup>nd</sup> Street. The tract contains an area of 0.48 acres with approximately 140 feet of street frontage along Vicksburg Street and approximately 150 feet of street frontage along South 32<sup>nd</sup> Street.

## PROPOSED ZONING

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

### Purpose:

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and developed as single family residences.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as apartments and a vacant single-family residence.

The area to the south is zoned Transitional (T) and developed as a plumbing business.

The area to the west is zoned Industrial Light (I-1) and developed as vacant heavy equipment repair 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 Vicksburg Street and South 32<sup>nd</sup> Street as Local Roads.

## **MASTER LAND USE PLAN COMPLIANCE**

The proposed Master Land Use Plan will classify the site as Commercial Neighborhood. This classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – Two new driveways are proposed to access the building – one on South 32<sup>nd</sup> Street and one on Vicksburg Street.

**Landscaping** – No landscaping is proposed for this project. However, staff would recommend perimeter landscaping on the building site adjacent to South 32<sup>nd</sup> Street and Vicksburg Street.

**Screening** – No trash enclosure shown on the plans. If a trash receptacle is proposed, it shall be completely screened from adjoining property owners and the public right-of-way.

**Parking** – The existing parking lot to the west of the building will be reused.

**Signage** – No signage is shown on the plans.

**Lighting** – No lighting is shown on the plans. If any exterior building and site lighting is proposed, it shall comply with the UDO Outdoor Commercial and Outdoor Lighting requirements.

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Friday, August 28, 2015 at 5200 South 32<sup>nd</sup> Street. There were two neighboring property owners in attendance with no objections to the proposed project expressed. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. 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 on the building site adjacent to South 32<sup>nd</sup> Street Vicksburg Street.
5. All new signage requires a separate application and building permit.

Conditional Use # 16-9-15

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Charles Farnam Rev. Living Trust

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

Legal Description of property included in the conditional use request:

Lots 14 and 15, Block 3, Falconer's Addition to South Fort Smith

Street Address of Property:

5200 South 32<sup>nd</sup> Fort Smith AR

Existing Zoning Classification:

T

Proposed Zoning Classification (if applicable):

C-2

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

Using existing building, adding two overhead doors with driveways and nothing else.

What amenities are proposed such as landscaping and screening?

None

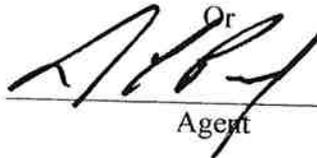
Alvin L. Prieur, Jr., PE.  
Owner or Agent Name (please print)

Signed:

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

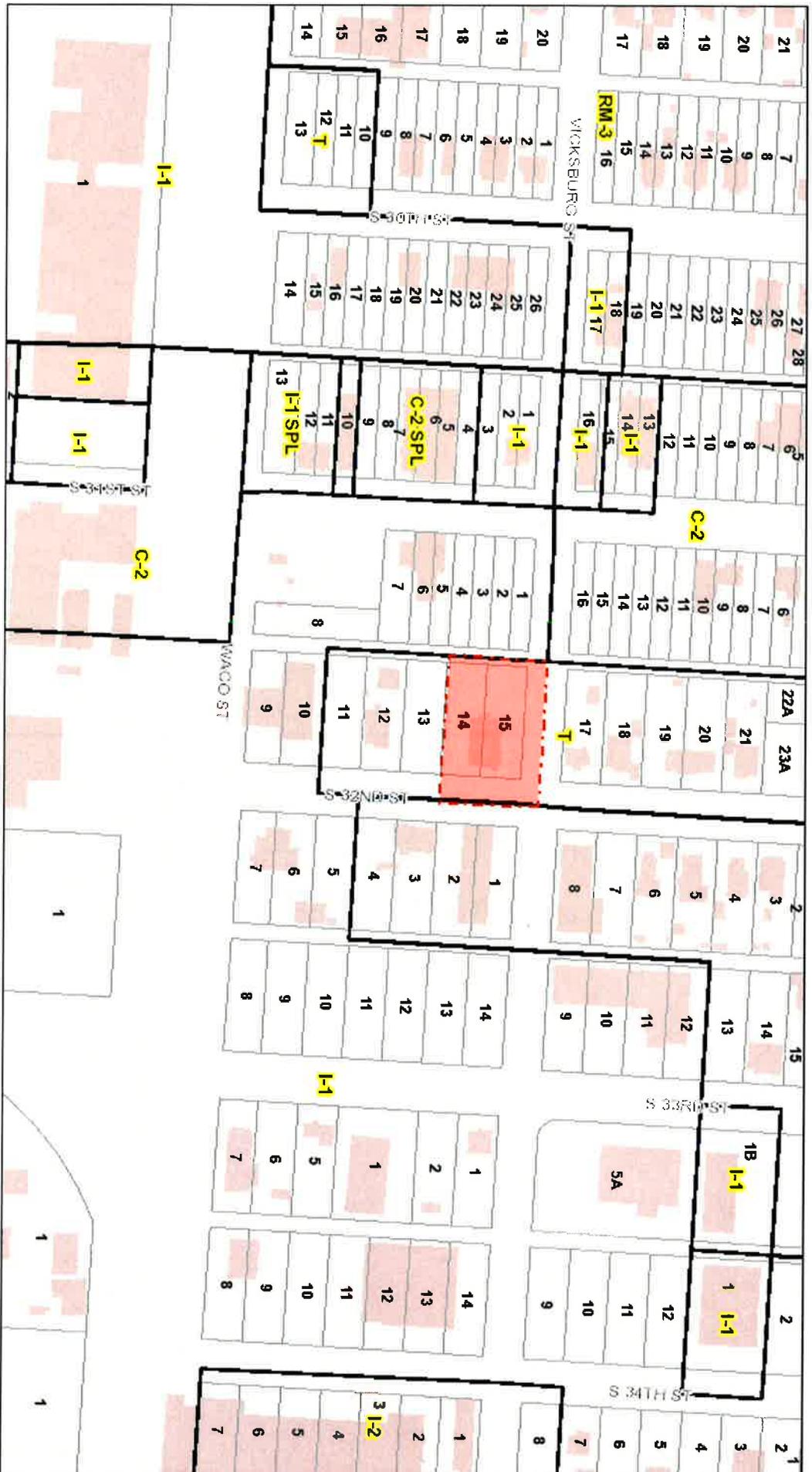
Owner

479-651-7920  
Owner or Agent Phone Number

Or  
  
Agent

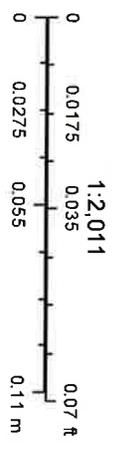
# Conditional Use #16-9-15: Auto Detailing Service 5200 South 32nd Street

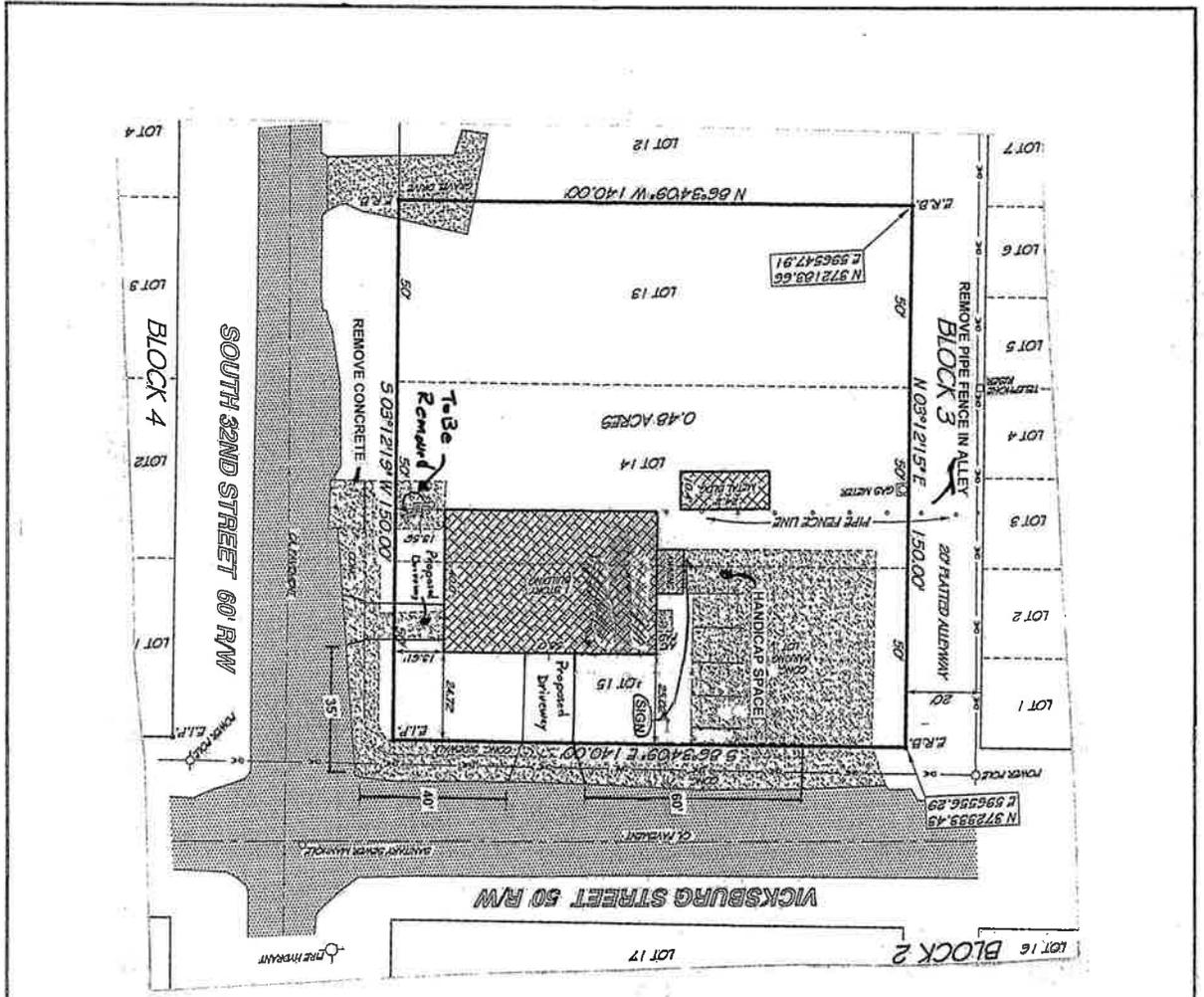
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September 2, 2015

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





SITE LAYOUT  
 LOTS 13-15, BLOCK 3  
 FALCONIER'S ADDITION  
 5200 SOUTH 32<sup>ND</sup> STREET  
 FORT SMITH, ARKANSAS  
 SCALE: 1" = 20'

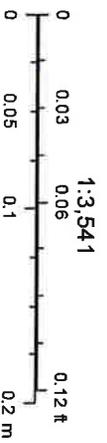
ALVIN L. PREUR, JR., PE  
 CONSULTING ENGINEER  
 P. O. BOX 1689  
 VAN BUREN, ARKANSAS 72957  
 479-651-7820  
 alpreur@cox.net  
 AUGUST 19, 2015



Vicinity of  
5200 South 32nd Street



September 1, 2015  
Fort Smith City Limits

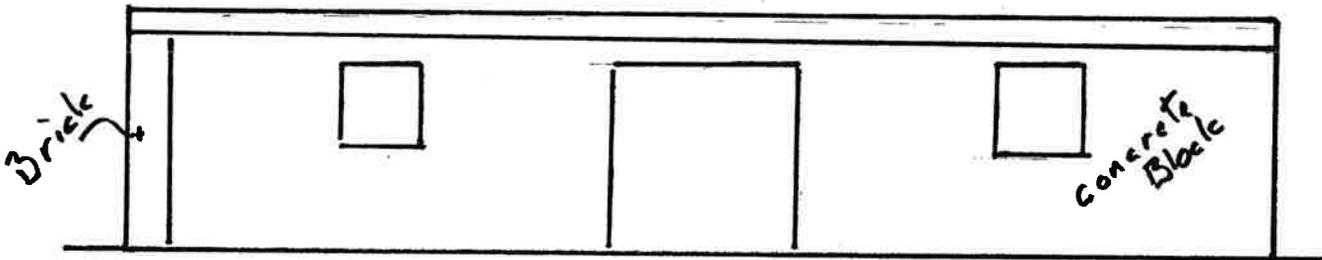


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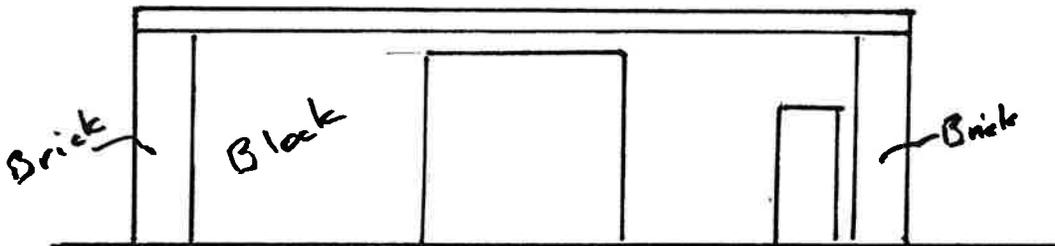
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ALVIN L. PRIEUR, JR., PE  
CONSULTING ENGINEER  
P. O. BOX 1689  
VAN BUREN, ARKANSAS 72957  
479-651-7920  
aprieur@cox.net

5200 South 32<sup>nd</sup>



North Side (1"=10')



East Side (1"=10')

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

August 31, 2015

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

Attn: Tyler Miller

RE: Rezoning  
5200 South 32<sup>nd</sup> Street

Dear Tyler:

The neighborhood meeting was held on Friday August 28, 2015. There 6 people in attendance (see attached sign in list). There was also a call in from Westark Plumbing (Michelle was sorry she missed purchasing this property) which is on lots south of this property. There were no negative comments and one lady ask about getting her car detailed. She was told that this would be private.

Call me if you have any questions.

Respectfully submitted,



Alvin L. Prieur, Jr., PE  
Consulting Engineer

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 5200 South 32nd

Meeting Time & Date 10:00 a.m. Friday Aug. 28, 2015

Meeting Purpose To discuss rezoning, etc.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prieur	P.O. Box 1689 VB	479-651-7920
2.	MICHAEL Justice	3510 South 24th	479-648-3510
3.	Winfelt	8401 Rosewood Dr.	479-648-1111
4.	Tom Moraga	CITY	784-2218
5.	Claude - Dean Nichols		459-2358
6.	Gatty Ellins		646-5866
7.			
8.			
9.			
10.			
11.			

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 31, 2015

**Re:** Variance #29-9-15 - A request by Al Prieur, agent for Charles Farnum, for Board of Zoning Adjustment consideration of a zoning variance request from required street access from Major Collector or higher classification to Local Road at 5200 South 32<sup>nd</sup> Street (Companion to items #1, #2 & #3)

## REQUESTED VARIANCE

The approval of this variance will allow for the change of zoning to C-2. The C-2 zoning district requires the development to have access to a street that is classified as a Collector to higher classification.

## LOT LOCATION AND SIZE

The subject property is on the southwest corner of the intersection of Vicksburg Street and South 32<sup>nd</sup> Street. The tract contains an area of 0.32 acres with approximately 140 feet of street frontage along Vicksburg Street and approximately 100 feet of street frontage along South 32<sup>nd</sup> Street.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and developed as single family residences.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as apartments and a vacant single family residence.

The area to the south is zoned Transitional (T) and developed as a plumbing business.

The area to the west is zoned Industrial Light (I-1) and developed as vacant heavy equipment repair facility.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Vicksburg Street and South 32<sup>nd</sup> Street as Local Roads.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Public/Institutional and Residential Detached. This classification is to provide for needed community services of both a public and quasi-public nature & to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

**APPLICANT HARDSHIP**

This property is the former Southtown Post Office branch building. The variance is necessary to allow the rezoning and the use of the existing building as an auto detail service.

4B

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held Friday, August 28, 2015 at 5200 South 32<sup>nd</sup> Street. There were two neighboring property owners in attendance with no objections to the proposed project expressed. A copy of the attendance record and meeting summary are enclosed.

### **Staff Comments**

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

Staff recommends approval of the application.

Var #29-9-15

**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)

*lots 14 and 15, Block 3, Falconer's Addition to South Fort Smith*

Address of property 5200 South 32nd, Existing or Proposed

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

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

**FROM**

**TO**

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

Access \_\_\_\_\_  
Major Collector - Local Other: 27-423 D.4. Street Access-Major Collector

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

40

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

Signed:

Alvin L. Pricur, Jr  
Owner or Agent Name (please print)

P.O. Box 1689

Van Buren, AR 72957  
Owner or Agent Phone Number

479-651-7980  
Owner or Agent Mailing Address

\_\_\_\_\_  
Owner  
or  
ALP  
Agent

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

**VARIANCE INFORMATION FORM**

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

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

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

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

Explanation of question #4 (if applicable)

The property is on a local street and not a collector as required by zoning.

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

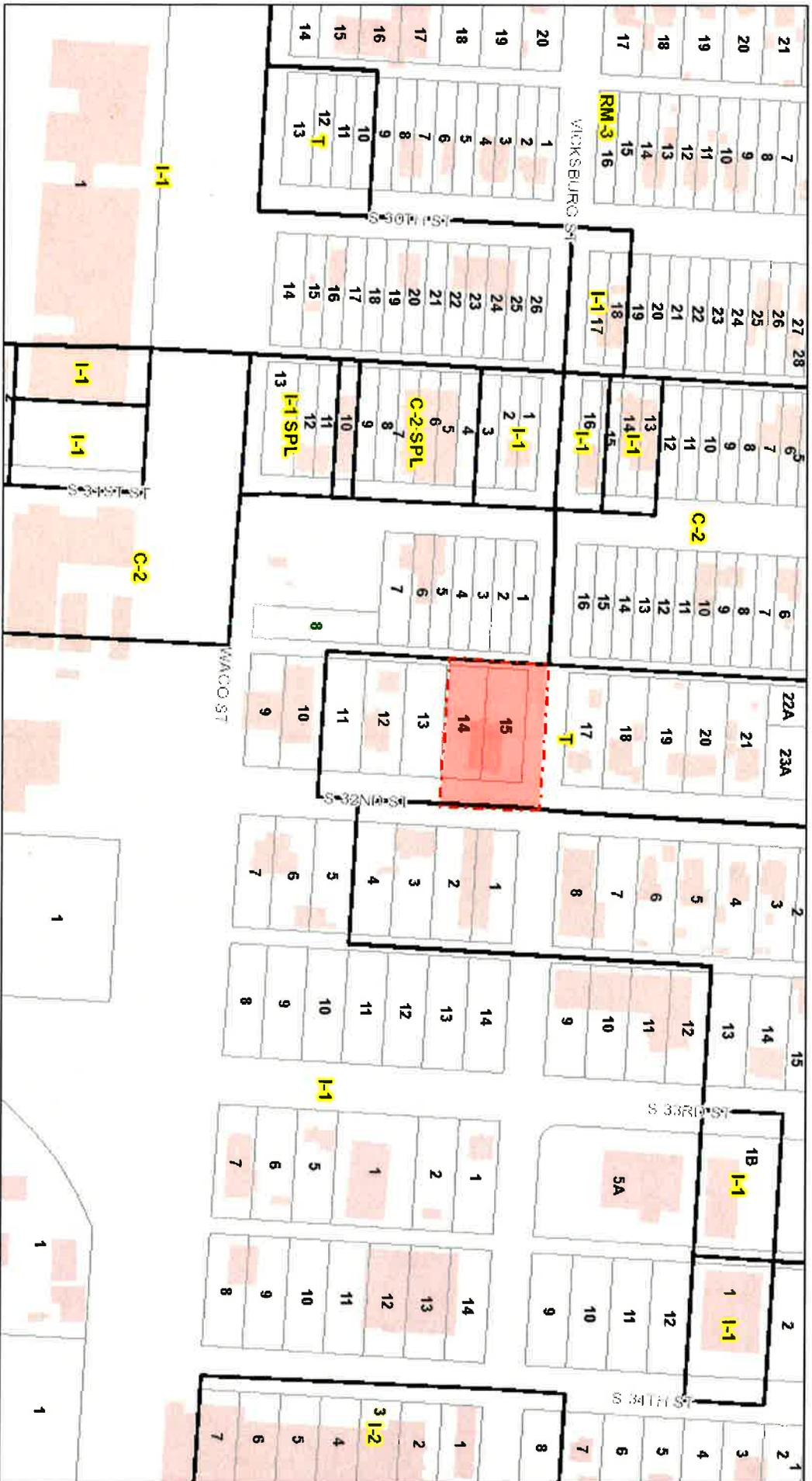
This property has an old post office building. To use this property the variance is needed to allow the rezoning and the use of this existing building

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 building exist on this property. The building is vacant and is not at a good location for a small office or for any other type of commercial use.

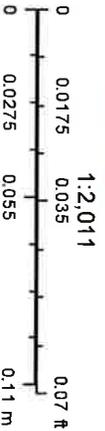
# Variance #29-9-15: From UDO, Section 27-423(D)4 - Required Street Access 5200 South 32nd Street

±



September 2, 2015

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



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

August 31, 2015

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

Attn: Tyler Miller

RE: Rezoning  
5200 South 32<sup>nd</sup> Street

Dear Tyler:

The neighborhood meeting was held on Friday August 28, 2015. There 6 people in attendance (see attached sign in list). There was also a call in from Westark Plumbing (Michelle was sorry she missed purchasing this property) which is on lots south of this property. There were no negative comments and one lady ask about getting her car detailed. She was told that this would be private.

Call me if you have any questions.

Respectfully submitted,



Alvin L. Prieur, Jr., PE  
Consulting Engineer

41

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 5200 South 32nd

Meeting Time & Date 10:00 a.m. Friday Aug. 28, 2015

Meeting Purpose To discuss rezoning, etc.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Al Prier	P.O. Box 1689 VB	479-651-7920
2.	MICHAEL Justice	3510 South 2EAO	479-648-3510
3.	Winfelt	8401 Rosewood Dr.	479-648-1111
4.	TOM MONACO	CITY	784-2218
5.	Claude - Dean Nichols		459-2358
6.	Gatty Ellins		646-5866
7.			
8.			
9.			
10.			
11.			

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 27, 2015

**Re:** Conditional Use #17-9-15 - A request by Todd Butler with Ozark Civil Engineering as agent for Araceli and Martin Garcia, Sherry Moody Shumate and Gerald and Karen Gee, for Planning Commission consideration of a Conditional Use request to develop an auto parts and accessory store located at 2808 Grand Avenue (Companion to item # 6)

## PROPOSED CONDITIONAL USE

The conditional use and companion variances will allow for a 7,131 s.f. auto parts and accessory store with 28 parking spaces.

## LOT LOCATION AND SIZE

The subject property is on the south side of Grand Avenue between May Avenue and Lecta Avenue. The tract contains an area of 0.6 acres with approximately 200 feet of street frontage along Grand Avenue and 132 feet of street frontage along Lecta Avenue.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Commercial Light (C-2) and developed as a self-service laundry mat and a restaurant.

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

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and developed as single family residences and one duplex.

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

5B

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 Grand Avenue as a Major Arterial and Lecta Avenue as a Local Road.

### **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The current development plan shows two driveways located on Grand Avenue and one access point proposed on the alley. An Alleyway and Maintenance Agreement proposed by the applicant has been reviewed and is acceptable by the Streets and Traffic Control Department. The agreement will require approval by the Board of Directors.

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

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

**Right-of-way dedication** – New right-of-way dedication is required which will allow the existing sidewalk on Grand Avenue to be located within the public right-of-way.

**Landscaping** – A 5.87 foot-wide landscape area is proposed adjacent to Grand Avenue and a 10 foot-wide landscape area is proposed adjacent to Lecta Avenue. The original plan showed a 3.5 foot wide landscape area adjacent to Grand Avenue. The reduced landscape strip proposed will accommodate the required right-of-way dedication and the vehicle maneuvering requirements.

**Screening** – A 6' wood opaque screening fence is proposed the south side of the property adjacent to the residential dwellings. Two mechanical units are located on the west side of the property and will require screening.

**Parking** – The proposed development plan exceeds the amount of parking spaces required by the UDO.

**Signage** – One proposed 15' tall pole sign with a 75 square foot sign and a 32 square foot sign located on the western frontage of Grand Avenue.

**Lighting** – The lighting plan proposed exceeds 0.1 foot candles adjacent to the residential property to the south. Revisions will be required to minimize the lighting in compliance with the Commercial and Outdoor Lighting requirements prior to the issuance of a building permit.

**Setbacks** – The front yard and side yard setbacks conform to the UDO standards. The applicant has requested a variance from 30 feet to 5 feet rear yard setback.

**Architectural features** – The architectural feature is composed of a textured metal wall panel that is similar to E.I.F.S. or stucco.

**Height and Area** –The development complies with all height and area requirements.

### **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held on July 9<sup>th</sup> at Elm Grove Community Center with two neighboring property owners and one adjacent business owner in attendance with no concerns or issues. Another property owner submitted an e-mail to the applicant with several questions regarding drainage, façade materials, signage, and landscaping. The applicant has submitted a copy of the e-mail and responses to the adjoining property owner. A copy of the attendance record and e-mail are enclosed.

Staff recommends approval of the application with the following comments:

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

Conditional Use # 17-9-15

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: \_\_\_\_\_

Name of Authorized Agent (if applicable) Todd Butler\Ozark Civil Engineering

Legal Description of property included in the conditional use request:

Lots 3, 4, 5 and 6, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.

Street Address of Property:

2808 Grand Avenue Fort Smith AR

Existing Zoning Classification:

C-2; Commercial Light

Proposed Zoning Classification (if applicable):

N/A

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

We would like to develop an O'Reilly Auto Part and accessory store

What amenities are proposed such as landscaping and screening?

N/A

Todd Butler\Ozark Civil Engineering

Owner or Agent Name (please print)  
3214 NW Avignon Way; Ste 4  
Bentonville, AR 72712

Owner or Agent Mailing Address

Signed:

Owner

Or

Todd Butler  
Agent

(479) 464-8850

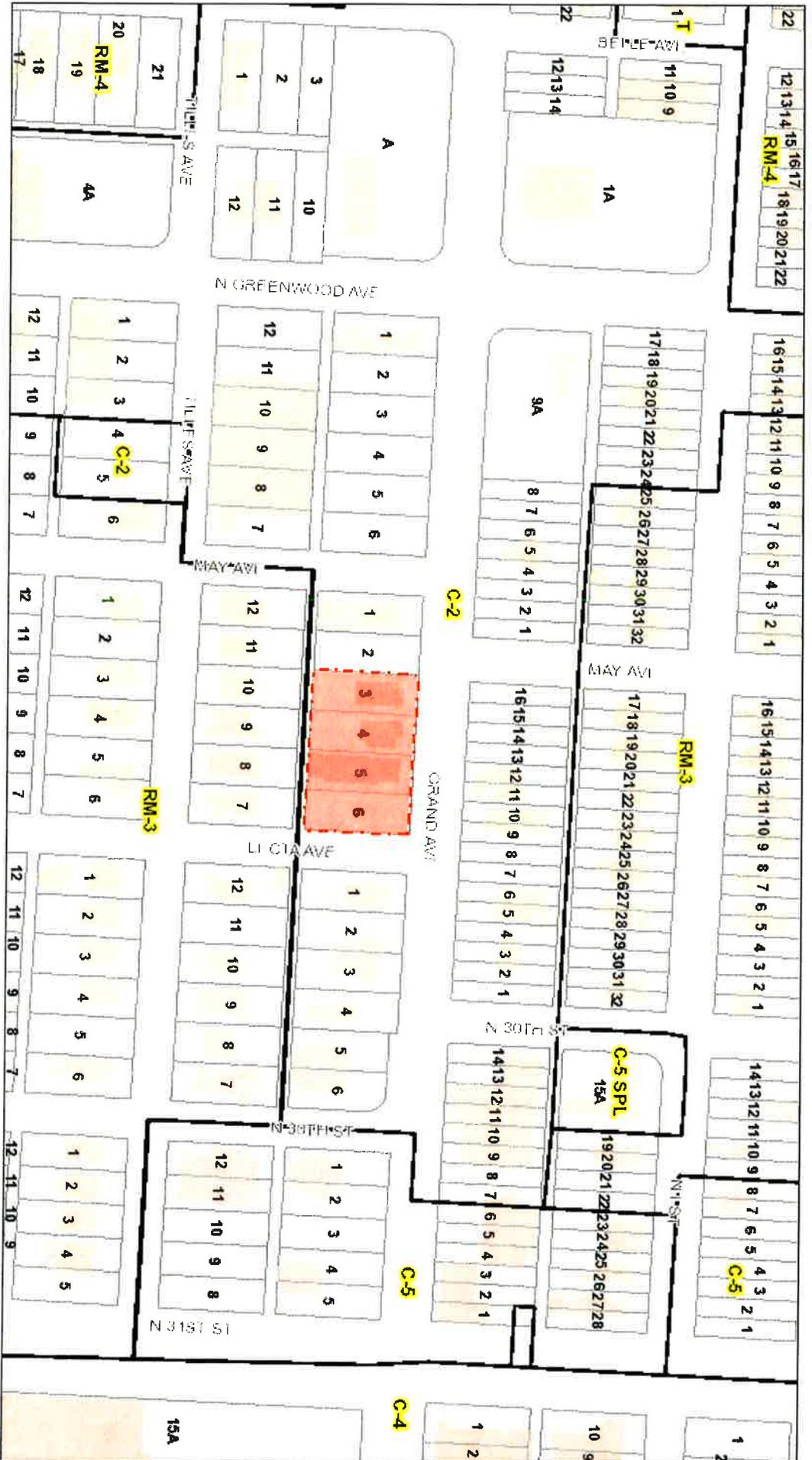
Owner or Agent Phone Number

5E

# Conditional Use #17-9-15: Auto parts and accessories sales

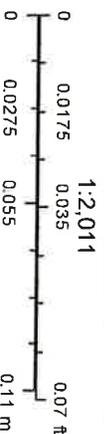
## 2808 Grand Avenue

5F



August 17, 2015

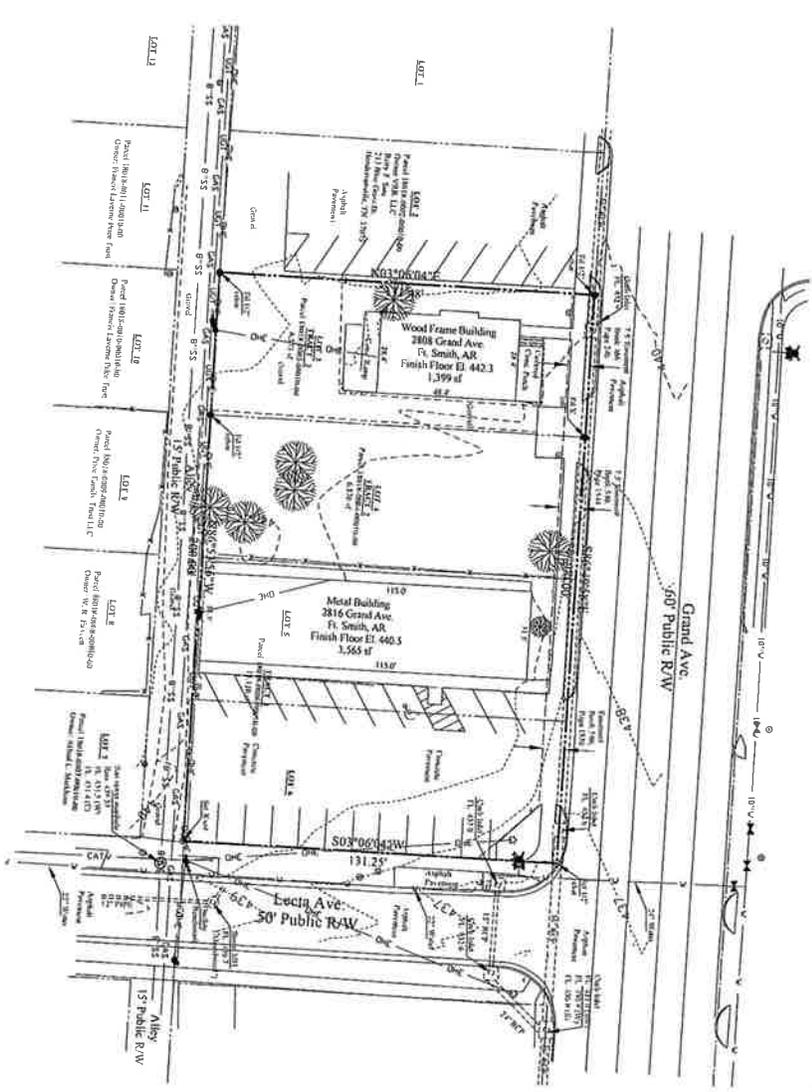
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions





5H

TABLE 1  
 Foot-candle (fc) Block 10: Floor and hallway addresses in the City of Fort Smith, Arkansas  
 TABLE 2  
 Foot-candle (fc) Block 10: Floor and hallway addresses in the City of Fort Smith, Arkansas  
 TABLE 3  
 Foot-candle (fc) Block 10: Floor and hallway addresses in the City of Fort Smith, Arkansas  
 TABLE 4  
 Foot-candle (fc) Block 10: Floor and hallway addresses in the City of Fort Smith, Arkansas



THE ENGINEER HAS DEVELOPED THIS PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FORT SMITH, ARKANSAS. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT OBTAINED ANY RECORDS FROM THE CITY OF FORT SMITH, ARKANSAS. THE ENGINEER HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT OBTAINED ANY RECORDS FROM THE CITY OF FORT SMITH, ARKANSAS.

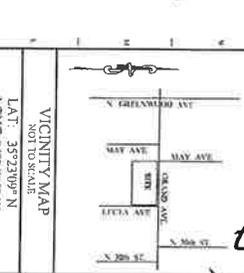
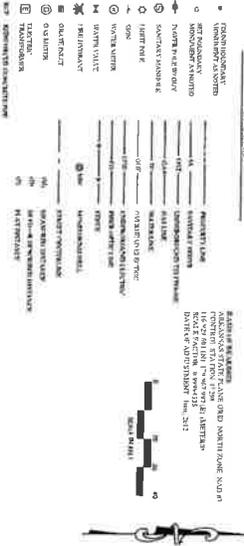


TABLE 1  
 FOOT-CANDLE (FC) BLOCK 10: FLOOR AND HALLWAY ADDRESSES IN THE CITY OF FORT SMITH, ARKANSAS

Address	Block	Room	Foot-candle (fc)
2808 Grand Ave <td>10 <td>101 <td>1.599</td> </td></td>	10 <td>101 <td>1.599</td> </td>	101 <td>1.599</td>	1.599
2816 Grand Ave <td>10 <td>101 <td>3.565</td> </td></td>	10 <td>101 <td>3.565</td> </td>	101 <td>3.565</td>	3.565

TABLE 2  
 FOOT-CANDLE (FC) BLOCK 10: FLOOR AND HALLWAY ADDRESSES IN THE CITY OF FORT SMITH, ARKANSAS

Address	Block	Room	Foot-candle (fc)
2808 Grand Ave <td>10 <td>102 <td>1.599</td> </td></td>	10 <td>102 <td>1.599</td> </td>	102 <td>1.599</td>	1.599
2816 Grand Ave <td>10 <td>102 <td>3.565</td> </td></td>	10 <td>102 <td>3.565</td> </td>	102 <td>3.565</td>	3.565

TABLE 3  
 FOOT-CANDLE (FC) BLOCK 10: FLOOR AND HALLWAY ADDRESSES IN THE CITY OF FORT SMITH, ARKANSAS

Address	Block	Room	Foot-candle (fc)
2808 Grand Ave <td>10 <td>103 <td>1.599</td> </td></td>	10 <td>103 <td>1.599</td> </td>	103 <td>1.599</td>	1.599
2816 Grand Ave <td>10 <td>103 <td>3.565</td> </td></td>	10 <td>103 <td>3.565</td> </td>	103 <td>3.565</td>	3.565

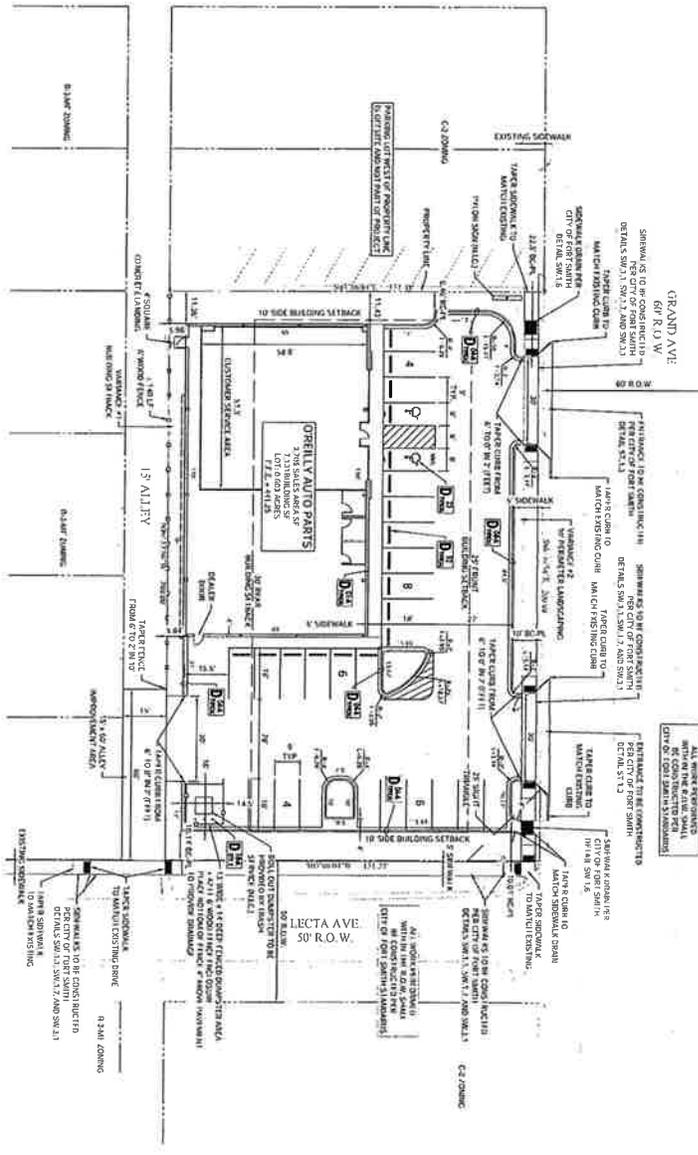
PROJECT NOTES:  
 1. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL BUILDING CODE (IBC) AS THE BASIS FOR ALL BUILDING REGULATIONS.  
 2. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL PLUMBING CODE (IPC) AS THE BASIS FOR ALL PLUMBING REGULATIONS.  
 3. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL MECHANICAL CODE (IMC) AS THE BASIS FOR ALL MECHANICAL REGULATIONS.  
 4. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL FIRE CODE (IFC) AS THE BASIS FOR ALL FIRE REGULATIONS.  
 5. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL ELECTRICAL CODE (IEC) AS THE BASIS FOR ALL ELECTRICAL REGULATIONS.  
 6. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AS THE BASIS FOR ALL ENERGY CONSERVATION REGULATIONS.  
 7. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL SWEET'S WATER SUPPLY AND WASTEWATER DISPOSAL CODE (ISWWSD) AS THE BASIS FOR ALL WATER SUPPLY AND WASTEWATER DISPOSAL REGULATIONS.  
 8. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL SAFETY CODE (ISC) AS THE BASIS FOR ALL SAFETY REGULATIONS.  
 9. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL SIGNAGE CODE (ISC) AS THE BASIS FOR ALL SIGNAGE REGULATIONS.  
 10. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL TRAVEL CODE (ITC) AS THE BASIS FOR ALL TRAVEL REGULATIONS.  
 11. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL VEHICLE CODE (IVC) AS THE BASIS FOR ALL VEHICLE REGULATIONS.  
 12. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL WHEEL CODE (IWC) AS THE BASIS FOR ALL WHEEL REGULATIONS.  
 13. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL WHEELS AND TIRES CODE (IWT) AS THE BASIS FOR ALL WHEELS AND TIRES REGULATIONS.  
 14. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL WHEELS AND TIRES CODE (IWT) AS THE BASIS FOR ALL WHEELS AND TIRES REGULATIONS.  
 15. THE CITY OF FORT SMITH, ARKANSAS HAS ADOPTED THE 2015 INTERNATIONAL WHEELS AND TIRES CODE (IWT) AS THE BASIS FOR ALL WHEELS AND TIRES REGULATIONS.

**CITY OF FT SMITH SEBASTIAN COUNTY ARKANSAS**

**ALTA/CASM SURVEY**  
 for  
**SimonCRE Nail Development, LLC**

**CIVIL ENGINEERING INC.**  
 3214 N.W. AMBISON WAY, SUITE 4  
 BENTONVILLE, AR 72712  
 478-864-8880 | OFFICE 478-864-8800 | FAX 478-864-8880

**SimonCRE**



**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOKS (IRC).
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES (IMC) AND THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC).
3. ALL MATERIALS SHALL BE OF THE BEST QUALITY AVAILABLE AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
01	CONCRETE	150	YD	120.00	18,000.00
02	STEEL	100	TON	1,000.00	100,000.00
03	WOOD	500	CU YD	150.00	75,000.00
04	PAINT	100	GA	100.00	10,000.00
05	ROOFING	100	SQ	100.00	10,000.00
06	MECHANICAL	100	HR	100.00	10,000.00
07	ELECTRICAL	100	HR	100.00	10,000.00
08	PLUMBING	100	HR	100.00	10,000.00
09	LANDSCAPING	100	HR	100.00	10,000.00
10	PERMITS	1	SET	10,000.00	10,000.00
11	INSURANCE	1	MONTH	1,000.00	1,000.00
12	CONTINGENCY	10	PERCENT	100,000.00	10,000.00
13	TOTAL				248,000.00

**PROJECT INFORMATION**

PROJECT NO: 2015-001

DATE: 10/2/15

CLIENT: O'REILLY AUTO PARTS

ADDRESS: 2808 GRAND AVENUE, FORT SMITH, AR

**Zark**  
Civil Engineering Inc.

3214 N.W. AVENUE WAY, SUITE 4  
BENTONVILLE, AR 72712  
479 464 0850 | OFFICE: 479 464 9040 | FAX

**PROPOSED FEATURES:**

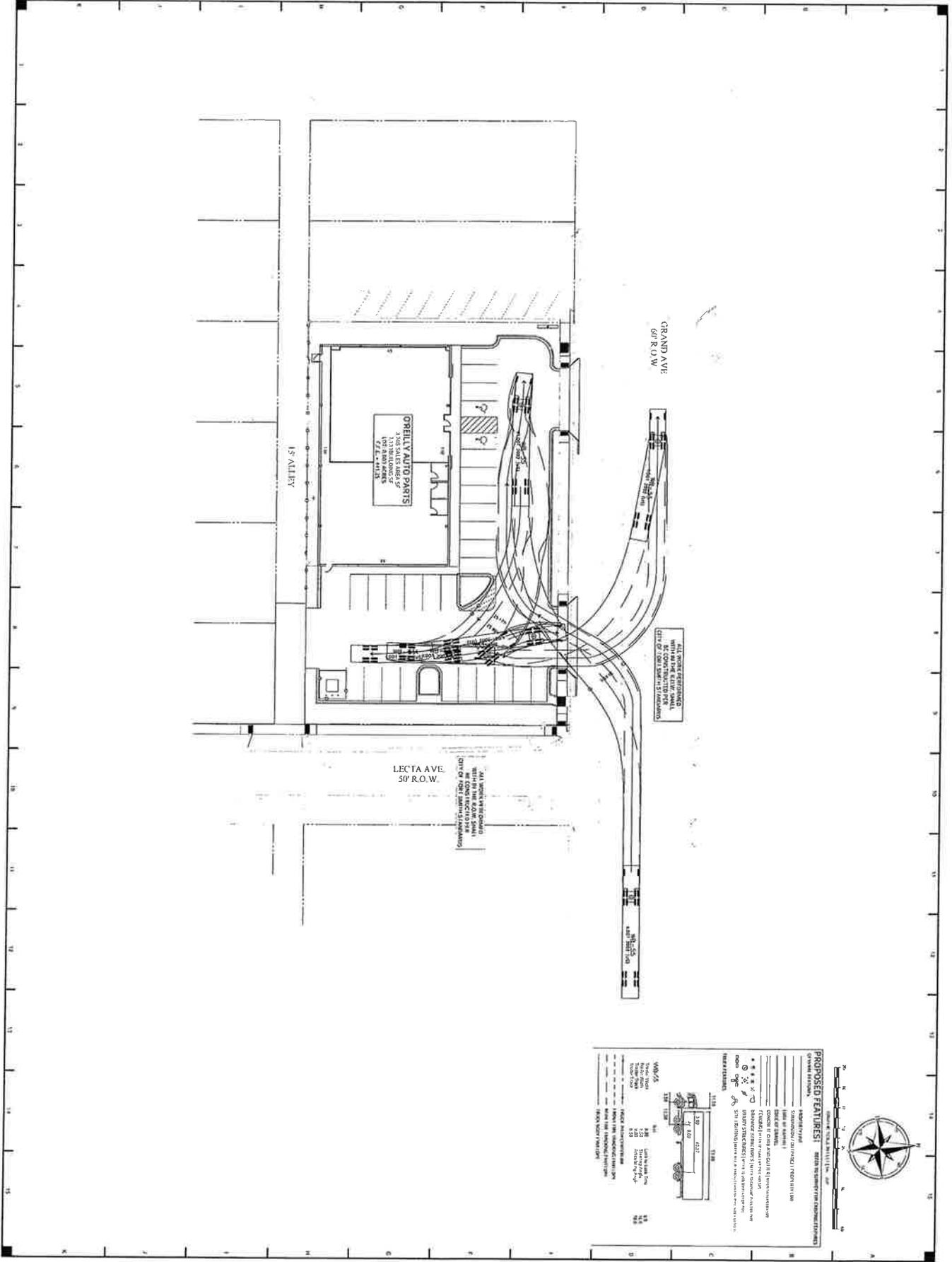
- 1. CONSTRUCTION OF 28,000 SQ FT AUTO PARTS STORE
- 2. 150 CAR SPACES
- 3. 10,000 GALLON STORAGE TANK
- 4. 100,000 GALLON STORAGE TANK
- 5. 100,000 GALLON STORAGE TANK
- 6. 100,000 GALLON STORAGE TANK
- 7. 100,000 GALLON STORAGE TANK
- 8. 100,000 GALLON STORAGE TANK
- 9. 100,000 GALLON STORAGE TANK
- 10. 100,000 GALLON STORAGE TANK

811

Know what's below.  
Call before you dig.

C2.0





**PROPOSED FEATURES:** (SEE EXHIBIT FOR EXISTING FEATURES)  
 CIVIL ENGINEERING, INC.

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	08/11/15	ISSUED FOR PERMITS

**SCALE:** 1" = 10'

**DATE:** 8/11/15

**PROJECT:** O'REILLY AUTO PARTS

**LOCATION:** 2808 GRAND AVENUE, FORT SMITH, AR

**DESIGNER:** CIVIL ENGINEERING, INC.

**SCALE:** 1" = 10'

**DATE:** 8/11/15

**PROJECT:** O'REILLY AUTO PARTS

**LOCATION:** 2808 GRAND AVENUE, FORT SMITH, AR

**DESIGNER:** CIVIL ENGINEERING, INC.

**TRUCK MOVEMENT PLAN**

**O'REILLY AUTO PARTS**  
 2808 GRAND AVENUE  
 FORT SMITH, AR

**zark**  
 Civil Engineering Inc.  
 3214 N.W. AVIGNON WAY, SUITE 4  
 BENTONVILLE, AR 72712  
 478-684-8850 | OFFICE 478-464-3040 | FAX

**STATE OF ARKANSAS**  
 REGISTERED PROFESSIONAL ENGINEER  
 No. 1164  
 EXPIRES 12/31/16

**Know what's below,  
 Call before you dig.**

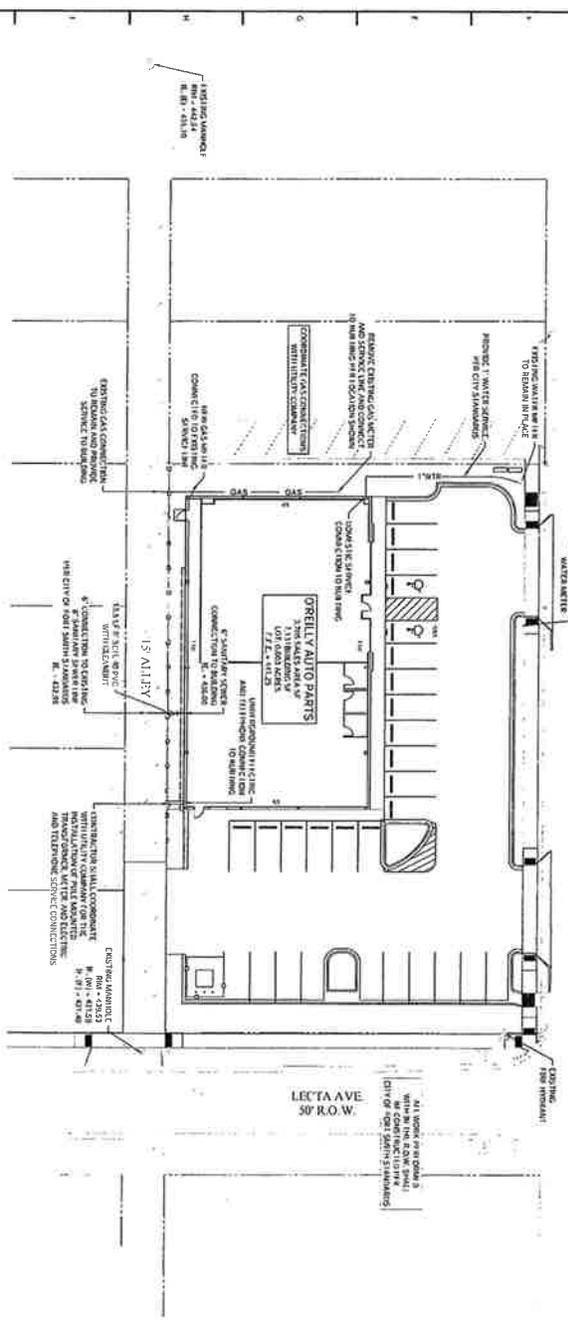
**811**

**022**

**JK**







GRAND AVE  
60' R.O.W.

ALL WORK TO BE DONE WITHIN THE R.O.W. SHALL BE CONFINED TO THE CITY OF FORT SMITH'S STANDARDS.

LECTA AVE  
50' R.O.W.

ALL WORK TO BE DONE WITHIN THE R.O.W. SHALL BE CONFINED TO THE CITY OF FORT SMITH'S STANDARDS.

**GENERAL NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEPTHS AS SHOWN UNLESS OTHERWISE NOTED.
3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
4. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
5. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
6. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
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17. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
18. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
19. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.
20. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT SMITH STANDARDS.



PROPOSED FEATURES: 1. 15' DIA. WATER MAIN FROM GRAND AVE TO BUILDING

**811**  
Know what's below.  
Call before you dig.



**Zark**  
Civil Engineering Inc.  
3214 N.W. AVIGNON WAY, SUITE 4  
BENTONVILLE, AR 72712  
479 464 8850 | OFFICE 479 464 9040 | FAX

UTILITY PLAN  
O'REILLY AUTO PARTS  
2808 GRAND AVENUE  
FORT SMITH, AR

**C6.0**

DATE: 11/20/2013  
DRAWN BY: JERRY L. JERRY  
CHECKED BY: JERRY L. JERRY  
REVISION: CIVIL DESIGN



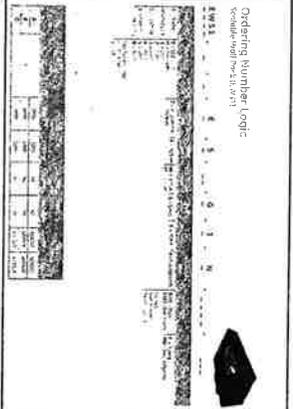


Ordering Information:  
 Model: 2700-100-100-100  
 E-15



**GENERAL INFORMATION**

Fixture	Model	Beam Spread	Beam Angle	Beam Diameter	Beam Length	Beam Area	Beam Volume	Beam Weight	Beam Power	Beam Efficiency	Beam Color	Beam Temperature	Beam Humidity	Beam Pressure	Beam Vibration	Beam Shock	Beam Corrosion	Beam Maintenance	Beam Warranty
1	2700-100-100-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100



**INTERMATIC**  
**K4200 Series**  
 Photo Controls

**Features:**  
 • Some model dependent housing and lens to suit our needs  
 • Many other accessories available  
 • 4' x 4' and 6' x 6' sizes  
 • 4' x 4' and 6' x 6' sizes  
 • 4' x 4' and 6' x 6' sizes

**GENERAL INFORMATION**

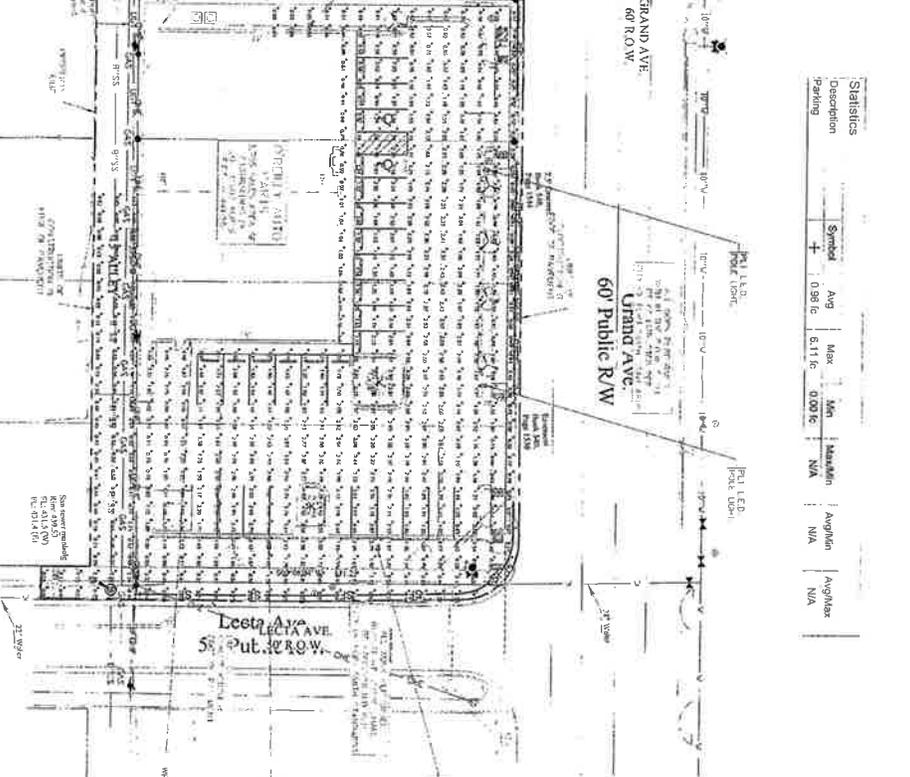
Fixture	Model	Beam Spread	Beam Angle	Beam Diameter	Beam Length	Beam Area	Beam Volume	Beam Weight	Beam Power	Beam Efficiency	Beam Color	Beam Temperature	Beam Humidity	Beam Pressure	Beam Vibration	Beam Shock	Beam Corrosion	Beam Maintenance	Beam Warranty
1	2700-100-100-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

**EXTERIOR LIGHT FIXTURE SCHEDULE**

ITEM	DESCRIPTION	QTY	UNIT	REMARKS
1	1' x 1' LED RECESSED SURFACE MOUNT	120	EA	
2	1' x 1' LED RECESSED SURFACE MOUNT	120	EA	
3	1' x 1' LED RECESSED SURFACE MOUNT	120	EA	

**Statistics**

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
Footcandle	+	0.95 fc	6.11 fc	0.00 fc	N/A	N/A	N/A



**SITE LIGHTING PHOTOMETRICS**  
 SCALE: 1"=20'



**SGE**  
 2045 S. JEFFERSON AVE  
 SPRINGFIELD, MO 65807  
 TEL: 417-889-8229  
 FAX: 417-889-8230  
 WWW.SGELighting.com

**O'Reilly AUTO PARTS**  
 PROJECT: (TENANT INFILL)  
 NEW O'REILLY AUTO PARTS STORE  
 GRAND AVENUE AND LETTA AVENUE  
 FORT SMITH, ARKANSAS  
**SITE LIGHTING PHOTOMETRICS**

**O'Reilly AUTO PARTS**  
 CORPORATE OFFICES  
 233 SOUTH PATTERSON  
 SPRINGFIELD, MISSOURI 65802  
 (417) 882-2074 TELEPHONE

Handwritten notes and signatures, including a date stamp: 08/15/15





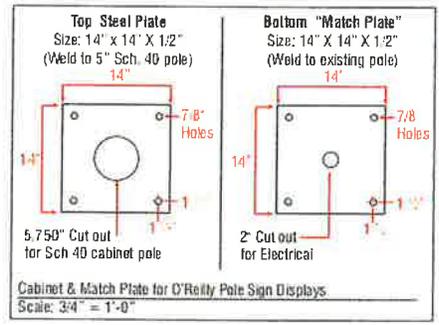
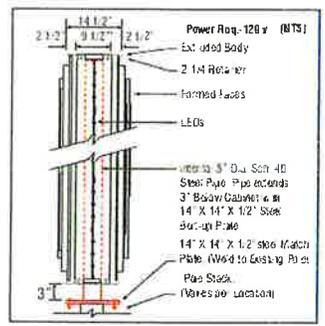
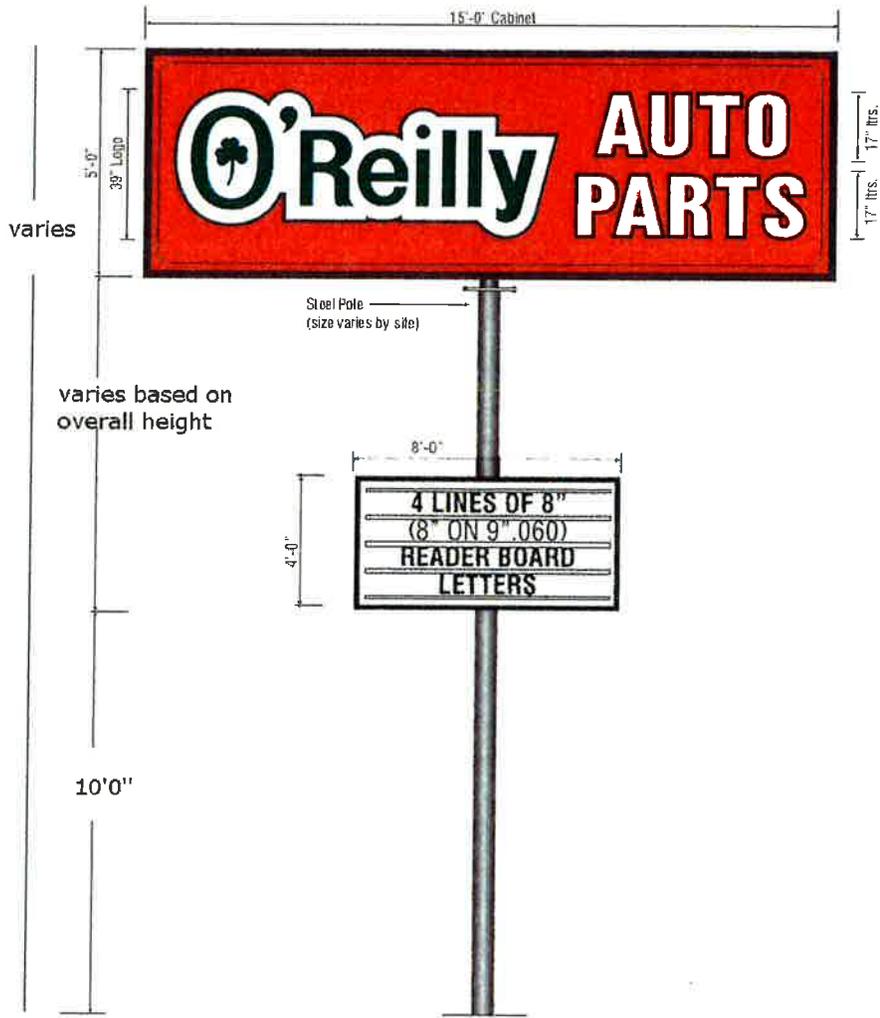
RED BACKGROUND



Sample Store Front LayoutNTS

\*NTS

5T



not to scale

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** August 31, 2015

**Re:** Variance #30-9-15 - A request by Todd Butler, agent for Araceli & Martin Garcia, Sherry Moody Shumate and Gerald & Karen Gee, for Board of Zoning Adjustment consideration of a zoning variance request from 30 feet to 5 feet rear yard setback and from Section 27-602-3(B)(1) – perimeter landscaping area (from 10 feet to 3.5 feet) located at 2808 Grand Avenue (Companion to items #5)

Note: The landscape variance has been revised by the applicant from 10 feet to 5.87 feet

## REQUESTED VARIANCE

The variances and companion conditional use will allow for a 7,131 s.f. auto parts and accessory store with 28 parking spaces with the rear yard setback with a 5 foot rear-yard setback and a perimeter landscaping strip of 5.87 feet in width adjacent to Grand Avenue.

## LOT LOCATION AND SIZE

The subject property is on the south side of Grand Avenue between May Avenue and Lecta Avenue. The tract contains an area of 0.6 acres with approximately 200 feet of street frontage along Grand Avenue and 132 feet of street frontage along Lecta Avenue.

## EXISTING ZONING

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

### Purpose:

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

**Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Commercial Light (C-2) and developed as a self-service laundry mat, and a restaurant.

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

The area to the south is zoned Residential Multi-family Medium Density (RM-3) and developed as single family residences and one duplex.

The area to the west is zoned Commercial Light (C-2) and developed as an insurance office.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Grand Avenue as a Major Arterial and Lecta Avenue as a local road.

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## **MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

## **APPLICANT HARDSHIP**

The applicant states that the 15 feet rear yard alley and depth of the lot does not allow for the 30 feet setback. The applicant also states that the requirement to dedicate right-of-way on Grand Avenue so that the existing sidewalk will be located in the right-of-way will not allow the room for the 10 feet wide landscaping strip on the front of the property.

## **STAFF COMMENTS AND RECOMMENDATIONS**

A neighborhood meeting was held on July 9<sup>th</sup> at Elm Grove Community Center with two surrounding property owners and one surrounding business owner in attendance with no concerns or issues. Another property owner submitted an e-mail to the applicant about several questions regarding drainage, façade materials, signage, and landscaping. The applicant has submitted a copy of the e-mail and responses to the adjoining property owner. A copy of the attendance record and e-mail are enclosed.

The original variance request was from 10 feet to 3.5 feet. Following the discussion at the study session the applicant was able to make some revisions to the plans. The landscape variance has been revised by the applicant from 10 feet to 5.87 feet.

For information regarding past actions by the BZA on similar variances, a rear-yard setback from 30' to 9' was approved by the BZA for the new Dollar General store at 1701 Grand Avenue in 2014. An alley was at the rear of the Dollar General site as well. Regarding the landscape variance, the BZA approved a landscape variance 10 feet to 5 feet for the Taco Bell at 4910 Towson Avenue in 2012.

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

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Var. # 30-9-15

**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)

**Lots 3, 4, 5 and 6, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.**

Address of property 2808 Grand Avenue, Existing or Proposed

Zoning Classification C2-Commercial Light, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

<u>FROM</u>	<u>TO</u>	
_____	-	_____ Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____ Exterior Side Yard Setback
_____	-	_____ Interior Side Yard Setback
<u>30'</u>	-	<u>5'</u> Rear Yard Setback
_____	-	_____ Maximum Height of Structure
_____	-	_____ Minimum Distance Between Structures on the Same Lot
_____	-	_____ Minimum Lot Area (Square Feet)
_____	-	_____ Minimum Lot Frontage
_____	-	_____ Maximum Size of a Sign
<u>10'</u>	-	<u>3.5</u> Other: <u>Perimeter Landscaping, Section 27-602-3b1</u>

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

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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:

**Todd Butler**  
**Ozark Civil Engineering**  
Owner or Agent Name *(please print)*

\_\_\_\_\_  
Owner

or

(479) 464-8850  
Owner or Agent Phone Number

Todd Butler  
Agent

**3214 NW Avignon Way; Ste 4**  
**Bentonville, AR 72712**  
Owner or Agent Mailing Address

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

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**TRACT 1:**

Lots 5 and 6, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.

**TRACT 2:**

Lot 4, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.

**TRACT 3:**

Lot 3, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.

Description:

Lots 3, 4, 5 and 6, Block 10, Tilles and Phillips Addition to the City of Fort Smith, Sebastian County, Arkansas.

**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>      </u>	<u>  <b>X</b>  </u>	Is this variance needed because of previous actions taken by yourself?
<u>      </u>	<u>  <b>X</b>  </u>	Is this variance needed because of previous actions taken by a prior owner?
<u>      </u>	<u>  <b>X</b>  </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>  <b>X</b>  </u>	<u>      </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>      </u>	<u>  <b>X</b>  </u>	Is the lot of an odd or unusual shape?
<u>      </u>	<u>  <b>X</b>  </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>      </u>	<u>  <b>X</b>  </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u>      </u>	<u>  <b>X</b>  </u>	Is any part of the lot in a flood plain or flood way?
<u>      </u>	<u>  <b>X</b>  </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>  <b>X</b>  </u>	<u>      </u>	Is the lot developed with structures in violation of current zoning requirements?
<u>  <b>X</b>  </u>	<u>      </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

6H

Explanation of question #4 (if applicable)

**Variance 1**

The depth of the property doesn't allow for the minimum rear property setback. There is a 15' alley separating the properties. The existing building encroaches the required minimum setback.

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**Variance 2**

The city has a ROW Easement and a sidewalk located in the proposed 10' Perimeter Landscape area. The existing development doesn't meet the Perimeter Landscape requirements.

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

**Variance 1**

The zoning ordinance regarding setbacks implies that the properties are adjoining. In this case there is a 15' alley between the properties.

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**Variance 2**

Because the city has a ROW Easement and sidewalk we are not able to use this area to meet the 10' Perimeter Landscape requirements

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

**Variance 1**

A 15' alley separates the adjacent properties.

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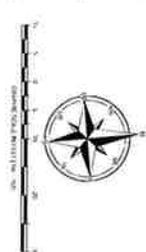
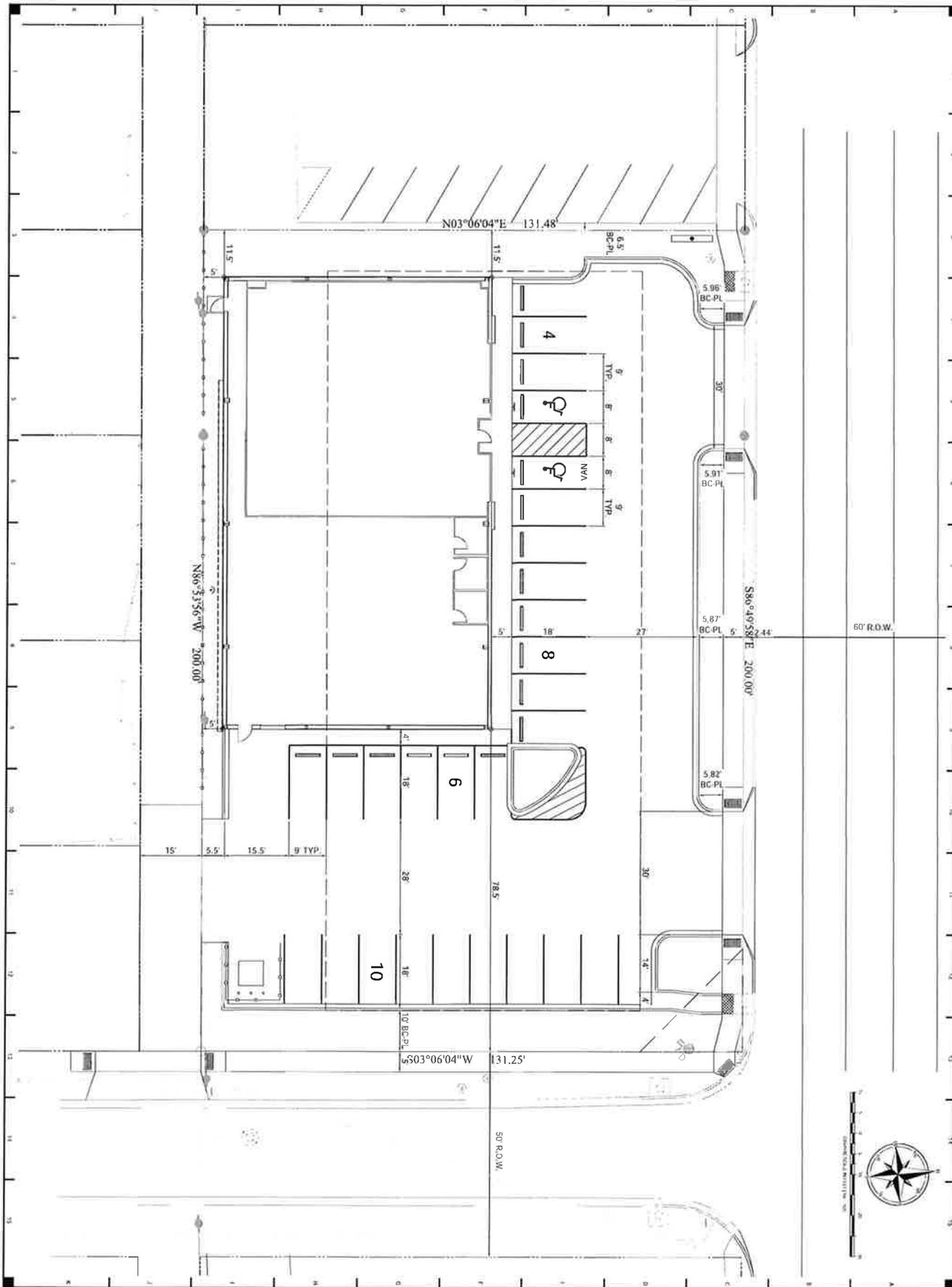
**Variance 2**

A sidewalk located on private property.

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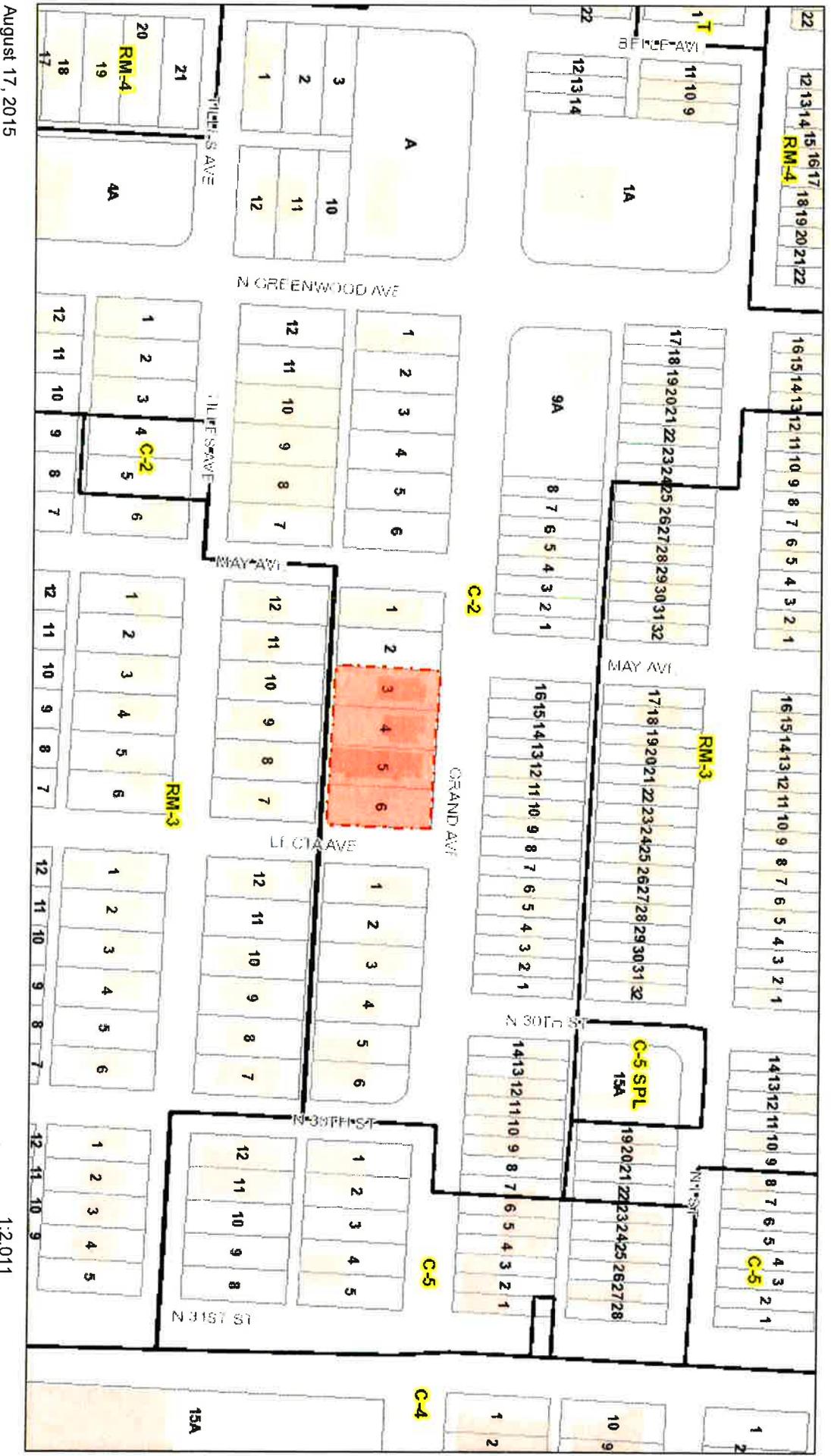


<p style="font-size: 24pt; font-weight: bold;">C2.0</p>	<p><b>SITE LAYOUT PLAN</b></p> <p>O'REILLY AUTO PARTS</p> <p>2808 GRAND AVENUE FORT SMITH, AR</p>	 <p><b>Zark</b> Civil Engineering Inc.</p> <p>3274 N.W. AVIGNON WAY, SUITE 4 BENTONVILLE, AR 72712 479 464 8850   OFFICE 479 464 9040   FAX</p>		<p style="font-size: 10pt;">                 Issue Date: <b>Below</b>                  Call before you dig.             </p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO.:</td> <td style="width: 50%;">DATE:</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	NO.:	DATE:																		
NO.:	DATE:																							

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# Variance #30-9-15: From 30' to 5' rear yard setback and from 10' to 3.5' width of landscaping 2808 Grand Avenue

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# MEMORANDUM

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**To:** Planning Commission  
**From:** Wally Bailey, Director of Development Services  
**Date:** September 2, 2015  
**Subject:** UDO Amendments

The Planning Staff is proposing five (5) amendments to the Unified Development Ordinance (UDO) for the Planning Commission to consider. A summary of the proposed amendments include the following:

1. An editorial correction to section 27-341-4 - amendments to a PZD.
2. A clarification to section 27-332-4(A) - conditional use submittal requirements.
3. A clarification to section 27-331 and 27-334 concerning major and minor subdivision plats.
4. A change and clarification to section 427-404(D)(2) concerning an exception to the allowable height of structures.
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.

The specific proposals and reason statements for each item is enclosed. Please let me know if you have any questions concerning these proposals.

1.

**Planned Zoning Districts 27-341**

**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 27-341-4-5(a) [these regulations] may be approved at the director's discretion. Disapproval of the changes may be appealed to the planning commission.

**Reason:** *To clarify the correct section reference of the UDO.*

2.

**Conditional Use Permit**

**27-332-4 (A) Submission Requirements**

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

**Reason:** *To clarify that the requirement is to submit plans with the information described in section 27-331-4 and that it is not necessary to comply with all the requirements of 27-331.*

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3.

**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 utilities utility extensions.

**Reason:** *To clarify that minor utility extensions will not require a proposed subdivision to be processed as a major plat. A major plat is going to require a preliminary plat to be followed by a final plat. The current language requires this two – three month process for minor utility extensions. The staff does not see the value to this requirement and suggest this requirement to be removed for a minor utility extension.*

**4.**

**Lot Dimension Standards**

**Height**

**Section 27-404(D)(2)**

A structure may not be more than the maximum allowable feet high at the minimum **side** 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.

**Previous Regulations**

Structures shall not exceed XXXX feet in height at the minimum setback lines, but for each additional foot of setback in excess of the minimum the height may be increased one (1) foot.

**Reason:** *Historically the height exception is permitted when a building or structure is moved further in on a site. The current language only requires the structure to be moved inward from the side setback lines. An excessively tall structure could still be placed at the minimum rear yard (10 feet) setback line.*

5.

**Subdivision Design and Improvement Standards**

**27-503-11 Landscaping**

A. Applicability

Residential subdivisions shall include ~~perimeter frontage~~ 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. This requirement does not include residential for multifamily development.

**Reason:** *To clarify the intent of this section is to require landscaping on the perimeter streets of a residential subdivision and that individual residential (single family or duplex) lots that have no frontage except for the perimeter streets are exempt from this requirement.*