

ORDINANCE NO. 65-23

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

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 19-7-23 to zone certain property hereinafter described, and, having considered said request, recommended on July 11, 2023, that said change be made;

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

That the following property to-wit:

Part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 4 and Part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 3, Township 7 North, Range 31 West, Sebastian County, Arkansas and being more particularly described as follows:

Commencing at an existing railroad spike found for the southeast corner of said SE ¼ of the SE ¼ Section 4, Township 7 North, Range 31 West in Sebastian County, Arkansas: Thence N 02°45'03" E, 224.61 feet along the east line of said SE ¼ of the SE ¼ to a point on the northeasterly right of way extended of Ward Avenue; thence N 45°55'11" W, 530.33 feet along said right of way extended; thence S 44°05'43" W, 30.00 feet an existing nail and bottle cap on the centerline of said Ward Avenue and the Point of Beginning;

Thence N 45°55'11" W, 141.10 feet along said centerline to an existing concrete nail on the centerline of a railroad track; thence N 44°01'20" E, 946.83 feet along said centerline to a set PK nail on the centerline of Fort Smith Boulevard; thence S 02°23'36" W, 213.21 feet to an existing nail and bottle cap at the intersection of the centerlines of said Fort Smith Boulevard and Chaffee Boulevard; thence S 44°05'43" W, 788.01 feet along said centerline of Chaffee Boulevard to the Point of Beginning. Containing 101,007 square feet or 2.32 acres in the SE ¼ of the SE ¼ and 21,854 square feet or 0.50 acres in the SW ¼ of the SW ¼ for a total of 122,861 square feet or 2.82 acres more or less.

Part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Southeast Corner of said Southeast Quarter of the Southeast Quarter, said point being marked with an existing railroad spike; Thence N 87°17'08"W, 290.74 feet; Thence N00°00'00"E, 502.10 feet to a set 1/2" rebar with cap stamped MWC 1369 on the northerly right-of-way line of Ward Avenue and the Point of Beginning; Thence along said northerly right-of-way line the following courses: N 45°57'16"W, 55.39 feet to a set 1/2" rebar with cap stamped MWC 1369; 47.14 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of N 00°56'05"W and a distance of 42.44 feet to a set 1/2" rebar with cap stamped MWC 1369 on the easterly right-of-way line of Fort Chaffee Boulevard; Thence along said easterly right-of-way line, N44°05'07"E, 314.09 feet; Thence leaving said easterly right-of-way line, 315.38 feet along the arc of a curve to the right, said curve having a radius of 553.57 feet and being subtended by a chord having a bearing of S28°06'08"W and a distance of 311.14 feet to a set 1/2" rebar with cap stamped MWC 1369; Thence S44°25'20"W, 44.94 feet to the Point of Beginning. Containing 21,112 square feet

or 0.48 acres, more or less.

more commonly known as 12201 and 12211 Ward Avenue, should be, and is hereby zoned to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

The zoning map of the City of Fort Smith is hereby amended to reflect said zoning.

PASSED AND APPROVED THIS 1st DAY OF August, 2023.

ATTEST:

Shirley Gard
City Clerk

APPROVED:

Jarrell Rego
Vice-Mayor Jarrell Rego

Approved as to form:

Jeremy Confield
Publish One Time

Project Booklet

Lloyd Sumpter
12201 Ward Avenue, Fort Smith, AR and 12211 Ward Avenue, Fort Smith, AR

Not Zoned and Rezoning to PZD

June 16, 2023

**Planned Zoning District
Certification Statement**

Lloyd Sumpter property owner of 12201 Ward Avenue, Fort Smith, AR, and 12211 Ward Avenue, Fort Smith, AR, hereby certifies that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance.

I hereby agree to the terms and conditions within the Project Booklet, and I therefore request the City of Fort Smith to approve the rezoning.

Lloyd Sumpter

7-5-2023

Signature

Date

Lloyd Sumpter
12201 Ward Avenue and 12211 Ward Avenue Fort Smith, AR
Planned Zoning District # (to be assigned)

The proposed Zoning and planned zoning district (PZD) for the property located at 12201 Ward Avenue and 12211 Ward Avenue in Fort Smith, AR will be permitted to utilize only the permitted uses as shown in the attached Fort Smith Use Matrix. (See attached Excel Chart)

- 1.) The application fee of \$350 will be paid by the owner.
Paid application fee June 16, 2023.

- 2.) The project booklet has been submitted and comments are listed below:
 - a. *Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District:*
To develop additional empty buildings on property and to align with other uses in adjacent buildings.
 - b. *Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales:* The current owner of the property is Lloyd Sumpter.
 - c. *Summary description of the scope, nature, and intent of the proposal:* The scope of the project is (2) buildings and adjacent vacant land. The buildings will be used for hotel/motel, student housing, and resort management facility. Vacant land will be used for parking lot.
 - d. Material selections are as follows:
 - i. All sides: 100% high quality materials as defined in the UDO and CDDG.
 - e. General project scope:
 - i. Street and Lot layout – No new development is proposed, and existing structures will remain.
 - ii. Storm water retention areas are not required – all drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards
 - iii. Utility connections are existing; All new connections will be along Ward Avenue and Fort Chaffee Boulevard and will connect to existing.
 - iv. All future signage will be monument style and wall signs will comply with the UDO and Chaffee Crossing Master Development Guidelines. No signage is proposed at this time.
 - f. *Proposed development phasing and timeframe:* The project construction will begin immediately after the rezoning is approved.
 - g. *Identify land use designations:* See attached land use designations. The property is located within the “Mixed Use” – Historical Area land use classification.
 - h. *Identify area and bulk regulations:* Area and bulk regulations will be as follows:
Minimum lot size = 3,600 s.f., Minimum lot width = 40’, Maximum lot coverage = 100%, Minimum Street frontage = 0’, Front setback = 0’, Side setback = 0’, rear setback = 0’, Exterior side setback = 0’, Maximum height = 45’. Minimum building separation shall be determined by the current building and fire codes.

- i. *A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.):* The property is currently zoned – PZD.
- j. *A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted. See attached Land Use Chart*
- k. *A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.):* The project will exceed the UDO requirements by providing 100% HQ material on all facades and monument style signage.
- l. *Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage:* The buildings will blend seamlessly into the surrounding development already present in this area. There will be minimal traffic impacts due to the development. Adequate parking shall be provided. The appearance will utilize high quality materials and landscaping. The proposed architectural elements will be similar in nature to the existing building and its surroundings.
- m. *A traffic study when required by the Engineering Department (consult with staff prior to submittal):* The proposed construction will not generate a large amount of additional traffic – the engineering department will not require a traffic study of this property
- n. *Statement of availability of water and sewer (state sizes of lines):* New construction shall connect to existing utility lines at Ward Avenue and Fort Chaffee Boulevard.