

ORDINANCE NO. 64-23**AN ORDINANCE ZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 18-7-23 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/4) OF THE SOUTHEAST QUARTER (SE/4) SECTION 7; PART OF THE SOUTHWEST QUARTER (SW/4) SECTION 8 AND PART OF THE NORTHWEST QUARTER (NW/4) OF THE NORTHWEST QUARTER (NW/4) SECTION 17, ALL IN TOWNSHIP 7 NORTH, RANGE 31 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SW/4 OF SECTION 8; THENCE N02°38'22"E, 260.21 FEET ALONG THE WEST LINE OF SAID SW/4 TO THE INTERSECTION WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF MASSARD ROAD BEING THE POINT OF BEGINNING; THENCE N48°00'09"W, 466.46 ALONG SAID RIGHT OF WAY LINE TO AN EXISTING SIGNAL, THENCE 47.17 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CHORD BEARING N03°12'40"W, 42.46 FEET AND A RADIUS OF 30.00 FEET TO A SET REBAR ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF CHAD COLLEY BOULEVARD; THENCE N42°01'32"E, 223.64 FEET ALONG SAID RIGHT OF WAY LINE TO ON EXISTING REBAR W/CAP 1269; THENCE 993.06 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A CHORD BEARING N36°25'32" E, 991.47 FEET AND A RADIUS OF 5069.21 FEET ALONG SAID RIGHT OF WAY LINE TO AN EXISTING REBAR; THENCE N30°49'31"E, 137.59 FEET ALONG SAID RIGHT OF WAY LINE TO AN EXISTING STEEL ROD MARKING THE SOUTHWEST CORNER OF LOT 1 CHAFFEE MINI STORAGE; THENCE S58°46'49"E, 687.16 FEET ALONG THE SOUTH LINE OF SAID LOT 1 TO AN EXISTING REBAR W/CAP 1272 MARKING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE S47°05'51"E, 584.59 FEET TO A SET REBAR; THENCE N47°24'21"E, 252.43 FEET; THENCE N30°47'37"E, 125.00 FEET TO AN EXISTING REBAR; THENCE S62°40'34"E, 482.54 FEET TO AN ARKANSAS HIGHWAY TRANSPORTATION DEPARTMENT MONUMENT (AHTD) ON THE NORTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE ARKANSAS HIGHWAY 49; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: S36°57'40"W, 378.38 FEET TO AN EXISTING REBAR; S47°09'47"W, 424.43 FEET TO AN EXISTING REBAR; S59°00'12"W, 329.37 FEET TO AN AHTD MONUMENT; S66°04'15"W, 945.48 FEET TO A SET REBAR ON THE NORTHEASTERLY RIGHT OF WAY LINE OF MASSARD ROAD; THENCE N48°17'30"W, 344.49 FEET ALONG SAID RIGHT OF WAY LINE TO AN EXISTING REBAR W/CAP 1369; THENCE S41°36'05"W, 11.17 FEET TO ON EXISTING REBAR; THENCE N48°00'09"W, 275.05 FEET ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 3.48 ACRES IN SAID SE/4 OF THE

SE/4 SECTION 7, 49.98 ACRES IN SAID SW/4 SECTION 8 AND 0.52 ACRES IN SAID NW/4 OF THE NW/4 SECTION 17; IN AGGREGATE CONTAINING 53.98 ACRES, MORE OR LESS; BEING SUBJECT TO PUBLIC ROAD RIGHTS OF WAY AND ANY EASEMENTS OF RECORD

more commonly known as the south side of Chad Colley Boulevard from 8603 - 9001, the east side of Massard Road from 9201 - 9599, and the west side of Custer Boulevard 9600-9700., 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:

Jarred Rego
Vice-Mayor Jarred Rego

Approved as to form:

Sam Confield
Publish One Time

July 7th, 2023

Serington:

8603-9001 Chad Colley Blvd, 9201-
9599 Massard Road, 9600-9700 Custer
Boulevard, Fort Smith AR 72916

Project Booklet Planned Zoning District

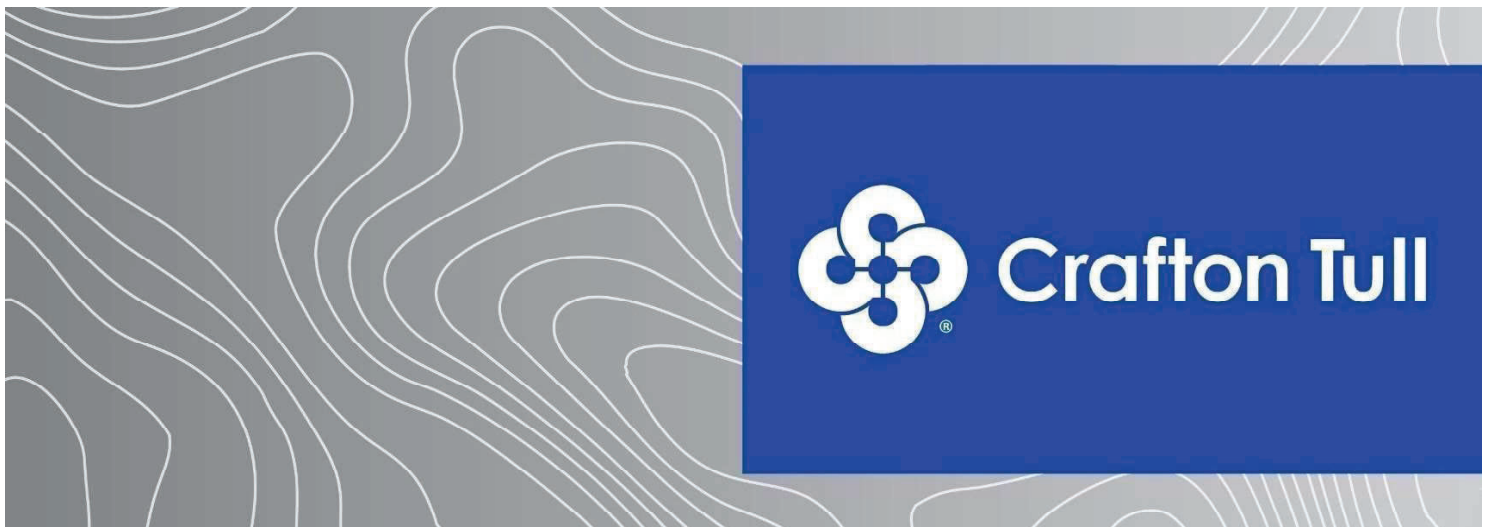
Submitted to:

City of Fort Smith Planning Department
623 Garrison Ave, Room 331
Fort Smith, AR 72901

Owner:

ERC Create, LLC
9301 R.A. Young Jr. Drive, Suite
104 Fort Smith, AR 72916

CT JOB NO. 23500800



Prepared by:  **Crafton Tull**

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

The subject project, located at 8603-9001 Chad Colley Blvd, 9201-9599 Massard Road, 9600-9700 Custer Boulevard, Fort Smith AR 72916 is currently not zoned aside from a small portion of the site zoned Industrial Light (I-1) Special. A Planned Zoning District (PZD) will provide an efficient use of the land to better accommodate future development and allow an aesthetically pleasing development that fits well within the growing Chaffee Crossing community. It will allow the development to meet and exceed the minimum required UDO design standards.

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

Owner: ERC Create, LLC, 9301 R.A. Young Jr. Drive, Suite 104, Fort Smith, AR 72916. Phone (479)478-5103
Applicant: Crafton Tull & Associates, 8101 McClure Drive, Suite 201, Fort Smith, AR 72916, Phone (479)636-4838.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 53.98 acres located at 8603-9001 Chad Colley Blvd, 9201-9599 Massard Road, 9600-9700 Custer Boulevard, Fort Smith AR 72916. The future development will consist of seven (7) lots of varying acreages which will contain combinations of single-family homes (High Density), townhomes, rowhouse/zero lot line homes, multifamily homes (Low Density), commercial lots (Moderate Density), and small office suites. A detention pond will be constructed near the east corner of the site as well as a retention pond near the center of the site.

3d. General project scope:

i. Street and Lot Layout

All future developments will be reviewed and approved by the City of Fort Smith.

ii. Site Plan showing proposed improvements.

A site plan showing proposed improvements will be submitted to the City of Fort Smith for review on any future developments.

iii. Buffer areas, screening, and landscaping

Buffer areas, screening, and landscaping will meet or exceed the UDO and will comply with the Chaffee Crossing Design Guidelines. Landscape plans will be submitted with future development plans.

iv. Storm water detention areas and drainage

Drainage structures as well as a detention and retention pond will be reviewed and approved by the City of Fort Smith.

v. Undisturbed natural areas

There are no undisturbed natural areas currently existing within the project boundary.

vi. Existing and proposed utility connections and extensions

Existing utility connections on site will be utilized in order to serve the seven (7) lots. All future utility connections and extensions must be reviewed and approved by the City of Fort Smith Utility Department.



vii. Development and architectural design standards

The development will comply with the Chaffee Crossing Master Development guidelines and the Unified Development Ordinance. All dumpsters will be screened with a double cedar privacy fence with opaque wood or metal gates. Landscape materials and types will meet the requirements or the UDO and FCRA Design Guidelines. All new buildings will have 100% high quality materials on the exterior facades. Site lighting shall meet UDO and FCA lighting guidelines.

viii. Building Elevations

Future buildings will comply with UDO as well as FCRA design guidelines.

ix. Proposed signage (type and size)

All signage will comply with UDO and Chaffee Crossing Design Guidelines. All stand-alone signs will be monument signs and if illuminated will be lit with flood lights or backlit. Façade and building mounted signage to be per UDO and Chaffee Crossing guidelines. Lighted signage, canopies or building lighting shall be controlled to avoid spillage onto surrounding properties. Pole signs are prohibited. Directional signage is allowed and will not count towards allowed signage square footage.

3e. Proposed development phasing and timeframe

Once construction begins, commercial lots will be developed in Phase I and residential lots will be developed in Phase II.

3f. Identify land use designations

Chaffee Crossing current land use designation is “Mixed Use: Residential/Commercial/Office”

3g. Identify area and bulk regulations

Bulk and Area regulations for this PZD compared to existing are shown below:

Standards	PZD	FCRA Mixed-Use:	Industrial Light
Minimum Lot Size	5000 sf	Refer to UDO	20000 sf
Minimum Lot Width at BSL	50 ft	Refer to UDO	100 ft
Minimum Street Frontage	10 ft	Refer to UDO	n/a
Maximum Lot Coverage	75%	Refer to UDO	75%
Maximum Height	45 ft	Refer to UDO	45 ft
Minimum Building Separation	10 ft	Refer to UDO	n/a
Density Per Lot (Multifamily)	10 du/acre	Refer to UDO	n/a

3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

The subject property is currently not zoned. Below is Chart 1: PZD Comparison, which is a comparison between the proposed PZD, Mixed Use, and Industrial Light.



Chart 1: PZD Comparison	PZD	FCRA Mixed-Use:	Industrial Light
Minimum Lot Size	5000 sf	Refer to UDO	20000 sf
Minimum Lot Width at BSL	50 ft	Refer to UDO	100 ft
Minimum Street Frontage	10 ft	Refer to UDO	n/a
Maximum Lot Coverage	75%	Refer to UDO	75%
Maximum Height	45 ft	Refer to UDO	45 ft
Minimum Building Separation	10 ft	Refer to UDO	n/a
Density Per Lot (Multifamily)	10 du/acre	Refer to UDO	n/a

Setbacks	PZD	FCRA Mixed-Use:	Industrial Light
Front:	20 ft	20 ft	25 ft
Side:	5 ft	5 ft	10 ft
Street side/corner	5 ft	20 ft	15 ft
Rear	10 ft	10 ft	10 ft
Side/Rear (Adjacent to SF Res.):	30 ft	Not Specified	100 ft

Note: Residential Single Family Rowhouse and Zero Lot Line District (RS-5) will comply with UDO Section 27-411.1

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

Please see the Fort Smith Use Matrix below.

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

The development will comply with the Chaffee Crossing Master Development guidelines and the Unified Development Ordinance. All dumpsters will be screened with a double cedar privacy fence with opaque wood or metal gates. Landscape materials and types will meet the requirements of the UDO and FCRA Design Guidelines. All new buildings will have 100% high quality materials on the exterior facades. Site lighting shall meet UDO and FCRA lighting guidelines. Landscaping requirements will exceed the UDO.

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

This property will consist of seven (7) lots of varying acreages which will contain combinations of single-family homes (High Density), townhomes, rowhouse/zero lot line homes, multifamily homes (Low Density), commercial lots (Moderate Density), and small office suites. A detention pond will be constructed near the east corner of the site as well as a retention pond near the center of the site. The properties to the north consist of Razorbox Storage zoned as I-1 as well as an I-2 zoned property across Custer Blvd. The property to the west across Chad Colley Blvd is zoned as PZD and the property to the south-west is zoned C-3 SPL.

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

The City of Fort Smith Engineering Department will be consulted when a building permit is submitted.

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

There is currently an 8" water line running along the western property line, a 10" sewer line running along the northern property line, and a 24" and 15" sewer line running along the eastern property line with a 30" sewer line extension on the eastern corner of the property.

Fort Smith Use Matrix

Districts		RS-4O	RS-5	RM-3R	C-3-Y	PZD	
DP = Development Plan review by the PC and approval by the City Board							
P = Permitted Use, C = Conditional Use, A = Accessory Use							
<i>Size or density restrictions for any use may be noted in the district</i>							
Residence or Accommodation							
Private Household							
Structure	Single Family building					P	
	Accessory residential dwelling unit				P	P	
	Detached	P	P	P		P	
	Duplex			P		P	
	Row house		P	-		P	
	Zero lot line dwelling unit		P	-		P	
	Multifamily development			P	P	P	
	Community residential facility			P	P	P	
	Group home, family	P	P	P		P	
	Group home, neighborhood			P	P	P	
	Orphanage				C	C	
	Housing for the Elderly						
	Assisted living			C	P	C	
	Retirement housing			P	P	P	
	Hotels, Motels, or other Accommodations						
Bed and breakfast inn			C	P	P		
Dormitory, sorority, fraternity			C	C	C		
Rooming or boarding house			C	P	P		
General Sales or Services							
Automobile Sales or Service							
Auto detailing service				P	P		
Auto glass, muffler, and seatcover shop				C	C		
Auto parts and accessories sales				P	P		
Auto quick lube				P	P		
Car wash self-service				P	P		
Heavy Consumer Goods Sales or Service							
Appliance repair (Small)				P	P		
Cellular phone and accessory sales				P	P		
Clothing and personal items (repair)				P	P		
Computer and software shop				P	P		
Electronics and appliances (new)				P	P		
Floor, paint, wall coverings, window treatments				P	P		
Furniture or home furnishings (new)				P	P		
Hardware store				P	P		
Lawn and garden supplies				P	P		
Locksmith				P	P		
Shopping center				P	P		

Swimming pool sales and supply store (w/o storage yard)			P	P
Durable Consumer Goods Sales or Service				
Bait and tackle shop			P	P
Bicycle sales and service			P	P
Bicycle sales and service (no outside storage)			P	P
Bookstore			P	P
Bridal shop			P	P
Cameras, photographic supplies and services			P	P
Clothing, jewelry, luggage, shoes, accessories			P	P
Gift shop			P	P
Sewing machine store (sales & service)			P	P
Sporting goods, toys, & musical instruments			P	P
Thrift store			P	P
Consumer Goods, Other				
Antique shop			P	P
Art dealers, art studio, galleries, supplies			P	P
Arts and craft shop			P	P
Florist shop			P	P
Hobby shop			P	P
Office supply store			P	P
Pawnshop (no outside storage)			P	P
Tobacco shop			P	P
Grocery, Food, Beverage, Dairy				
Bakery or confectionery shop			P	P
Beer, wine and liquor store (with drive-through)			P	P
Beer, wine and liquor store (without drive-through)			P	P
Convenience store (with gasoline sales)			P	P
Farmer's market			P	P
Fruit and vegetable store			P	P
Grocery store or supermarket			P	P
Neighborhood store			P	P
Health and Personal Care				
Cosmetics, beauty supplies, and perfume stores			P	P
Medical appliance services			P	P
Optical shop			P	P
Pharmacy or drug store			P	P
Finance and Insurance				
Auto insurance claims office			P	P
Automatic teller machine			P	P
Bank, credit union, or savings institution			P	P
Credit and finance establishment			P	P
Fund, trust, or other financial establishment			P	P
Insurance office			P	P
Investment banking, securities, and brokerages			P	P
Rental and Leasing				
Consumer rental center			P	P
Video, music, software			P	P
Business, Professional, Scientific, and Technical Services				

Tattoo/body piercing parlor				P	P
Weight loss centers				P	P
Pet and animal services					
Animal and pet services (indoor)				P	P
Pet cemetery				C	P
Pet shop				P	P
Pet supply store				P	P
Veterinary clinic (no outdoor kennels)				P	P
Automobile Parking Facilities					
Parking garage				C	C
Parking lot (off site) (See Section 27-601-11)				P	P
Transportation, Communication, Information and Utilities					
Transportation Services					
Courier and messenger services				P	P
Mail services				P	P
Data processing facility				P	P
Motion pictures and sound recording studios				P	P
Telecommunications and broadcasting studios				P	P
Utilities and Utility Services					
Amateur radio transmitting towers	C	C	C	P	P
Radio, television, and microwave transmitting towers				P	P
Recycling collection station				C	C
Utility substation	C	C	C	C	C
Arts, Entertainment, and Recreation					
Performing Arts or Supporting Establishments					
Carnival or circus (temporary with permit)				P	P
Museums and Other Special Purpose Recreational Institutions					
Museum				C	C
Amusement, Sports, or Recreation Establishment					
Amusement center (indoor)				P	P
Convention/Event center				C	C
Country club	C	C	C	C	C
Fitness, Recreational Sports, Athletic Club					
Bowling alley				P	P
Community recreation center			C	C	C
Golf course	C	C	C	C	C
Health club				C	C
Fitness studio				P	P
Indoor Games Facility					
Miniature golf course				P	P
Pool hall				C	C
Swimming pool				C	C
Natural and Other Recreational Parks					
Park or playground (public and nonpublic)	C	C	C	C	C
Education, Public Administration, Health Care and Other Institutions					
Educational Services					
College, university, or seminary	C	C	C	C	C
Fine art and performance education				C	C

Library or public arts complex	C	C	C	C	C
Nursery school	C	C	C	C	C
Preschool	C	C	C	C	C
Primary and secondary school	C	C	C	C	C
School, business professional				C	C
Public Administration - Government					
Government office				P	P
Public Safety					
Emergency response station				P	P
Fire and rescue station	C	C	C	P	P
Police station				C	C
Police substation (no incarceration)	C	C	C	P	P
Health and Human Services					
Community health and welfare clinic				C	C
Diagnostic laboratory testing facility				C	C
Doctor office and clinic				P	P
Hospice residential care facility				P	P
Hospital				P	P
Mental health hospital				C	C
Nursing home				C	C
Substance abuse treatment facility				C	C
Substance abuse treatment facility (outpatient only)				C	C
Social Assistance, Welfare, and Charitable Services					
Child and youth services (office)				P	P
Day care Home (12 or less)	C	C	C		C
Day care center				C	C
Shelter for abused persons				C	C
Emergency and relief services				P	P
Senior citizen center			C	C	C
Religious Institutions					
Church, synagogue, temple, mosque	C	C	C	C	C
Rectory, convent, monastery			C	A	C
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership					
Wedding chapel				P	P
Death Care Services					
Cemetery, mausoleum, crematorium, funeral home, & mortuary				C	C
Monument (sales)				P	P
Associations, Nonprofit Organizations					
Lodge or fraternal organization				C	C
Construction-Related Businesses					
Contractor's office				P	P