



## **CONVENTIONAL REZONING APPLICATION**

- I. The filing deadline will be Friday, \_\_\_\_\_, 20\_\_\_\_, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.
- II. There will be a study meeting of the Planning Commission, Tuesday, \_\_\_\_\_, 20\_\_\_\_, at 11:30 a.m. at the Creekmore Park - 3301 South M Street. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be Tuesday, \_\_\_\_\_, 20\_\_\_\_, at 5:30 p.m. at the Creekmore Park - 3301 South M Street (Rose Room). The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of \$350.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.



# CHECKLIST FOR REZONING APPLICATION

Please use this checklist to verify that your application is complete.

**Pre-Application Conference**

**Complete Application**

**Legal Description of Subject Property**

**Street Address**

**Existing Zoning Classification**

**Submit Master Land Use Plan Amendment (if required)**

**Signature of Owner or Agent Authorized by Owner**

**Indicate Whether Restrictive Covenants Apply**

**List of Property Owners within 300 Feet**

**List of all Property Owners to be Rezoned**

**Authorization of Agent-Owners Names & Signatures  
(if using an agent)**

**Vicinity Map of Subject Property**

**Zoning & Land Use Maps (Staff will assist applicant in  
preparing these maps)**

**Processing Fee of \$350.00**

**Neighborhood Meeting (Pursuant to Section 27-304)**



Application updated January 2022

# CITY OF FORT SMITH, ARKANSAS Rezoning

<b>FOR STAFF USE ONLY</b>	<b>FEE: \$350</b>
Date Application Submitted:	Zone:
Date Accepted as Complete:	
Project Number:	
Public Hearing Date:	

**Application:**

Indicate one contact person for this request:

**Applicant**

**Agent**

**Applicant (person making request):**

**Agent (engineer, surveyor, realtor, etc.):**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

Site Address / Location: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

Requested Zoning District: \_\_\_\_\_

Assessor's Parcel Number(s) for property: \_\_\_\_\_

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)



Application updated January 2022

Total Acreage: \_\_\_\_\_

Legal Description of property:

Attach legal description in word format.

Restrictive Covenants Apply (attach to application)

Companion items:

Development Plan (\$100 when submitted with another application)

Master Land Use Plan Map Amendment (\$100 when submitted with a rezoning)

**Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.**

Describe Proposed Zoning Request, including the development of any construction on the property:

**PROPERTY OWNER(S) / AUTHORIZED REPRESENTATIVE:** 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. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

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.

Name and Signature	Date



**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize \_\_\_\_\_ to act as our agent in the (Print Name of Agent) matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

*This form is necessary only when the person representing this request does not own all the property.*



**LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET**

This information shall be obtained at the County Assessor's Office.

The Planning Department is required to give notice (in writing) of this application to all property owners within a 300 foot radius of the subject property. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107, for a small fee. Please call the Tax Assessor's Office at 479-783-8948 to setup an appointment. (The Planning Department will mail the notices for you.) Include map and property owners list from the County Tax Assessor's Office as an attachment to the application packet.

L&R PROPERTIES, LLC  
CT/ BOZE, PATRICK 500 N 7TH ST # 2  
Fort Smith, AR 72901

MITCHELL, DONNA JEAN  
418 N 6TH ST  
FT SMITH, AR 72901

OBERSTE, WILLIAM L & JENNIFER M  
716 N 6TH ST  
FORT SMITH, AR 72901

DIXON RENTALS NO. 1, LLC  
7203 KENSINGTON CT  
FORT SMITH, AR 72903

GANN, HOMER M & BARBARA A  
708 N 7TH ST  
FORT SMITH, AR 72901

FORT SMITH HERITAGE FOUNDATION  
514 N 6TH ST  
FORT SMITH, AR 72901-2006

CULPEPPER, CLIFTON  
404 N 7TH ST  
Fort Smith, AR 72901

KURSH, VELMA  
1912 N L ST  
FORT SMITH, AR 72901

L & R PROPERTIES, LLC ( BOZE,  
PATRICK)  
500 N 7TH ST #2  
Fort Smith, AR 72901

VALENTINI, JOSEPH & BILLIE  
4800 S W ST  
FT SMITH, AR 72903

THOMPSON, DWAYNE  
606 N 8TH ST  
FT SMITH, AR 72901

TIDWELL, JULIA ET AL  
1306 MAY AVE  
FT SMITH, AR 72901

TRAN LIVING TRUST  
1804 FIANNA WAY  
FORT SMITH, AR 72908

HANSEN, LINDA F  
514 N 7TH ST  
FT SMITH, AR 72901

MORROW, CECIL & WIFE  
1306 MAY AVE  
FT SMITH, AR 72901

BROWN, MICHAEL J  
16211 S E 23RD ST  
Choctaw, OK 73020

KURSH, VELMA  
1912 N L ST  
FORT SMITH, AR 72901

QUINN CHAPEL AFRICAN METHODIST  
EPIS  
4200 YOUNG ST  
Fort Smith, AR 72904

BELLE GROVE FUTURE SCHOOL, LLC  
4611 ROGERS AVE STE 201  
Fort Smith, AR 72903

SAMUELSON, SHIRLEY ANN & RONALD  
RYAN  
602 N 8TH ST  
FORT SMITH, AR 72901

DANIELSON, ERIK P  
P O BOX 1150  
BOONEVILLE, AR 72927

GRISSOM, PAULA  
504 N 8TH ST  
FORT SMITH, AR 72901-2206

OBERSTE, WILLIAM L & JENNIFER  
MARIE  
716 N 6TH ST  
FORT SMITH, AR 72901

ROBINSON, DARRELL W & DEBORAH  
GAY  
P. O. BOX 11523  
FT SMITH, AR 72917-1523

L & R PROPERTIES, LLC  
723 N 6TH ST  
FORT SMITH, AR 72901

BEASLEY, CHARLES CAMERON  
518 N 7TH ST  
FORT SMITH, AR 72901

BLANZY, JAMES P  
722 N 6TH ST  
Fort Smith, AR 72901

BRADLEY, SAM B & MITZI 1/2 %  
BRADLEY FAMILY TRUST)  
& LINIMON, STUART LANCE 1/2%  
INTERE 2509 S 87TH ST  
Fort Smith, AR 72903

WILLIAMS, JESS RAY SR  
4209 MUSSETT RD  
Fort Smith, AR 72904

AFRICAN METHODIST EPISCOPAL  
CHURCH, INC  
4200 YOUNG ST  
Fort Smith, AR 72904







**Attendance List for Neighborhood Meeting**

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

**Meeting Location**

**Meeting Time & Date**

**Meeting Purpose**

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>

Application updated July 2021

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

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

NAME

ADDRESS



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

REZONING APPLICATION

Attach all supporting documentation.

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)

623 Garrison Avenue, Rm 331  
Fort Smith, AR 72901  
479-784-2216 [planning@fortsmithar.gov](mailto:planning@fortsmithar.gov)



## 27-302 Pre-Application Conference

### 27-302-1 When Required

A pre-application conference with the Planning and Zoning Department is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated by the individual application type sections below. The purpose of the meeting is to:

- A. Review the requirements of the Unified Development Ordinance;
- B. Review the requirements of the Fort Smith
- C. Discuss the nature and design of the proposed development; and
- D. Discuss the development application review and approval process.

### 27-302-2 Timing

The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director. Applications must be submitted within six months of the conference date or a new conference shall be required.

### 27-302-3 Additional Parties

As necessary, the Planning and Zoning Department may include representatives of other departments or agencies at the pre-application conference.

## 27-303 Application Requirements

### 27-303-1 Materials

Current development application with submittal requirement instructions is available from the Planning and Zoning Department. Most applications are also available on the City website. All materials submitted in support of a development application become part of the public record and are generally not returned to the applicant(s).

### 27-303-2 Technical Studies

The Director may require applicants to prepare additional technical studies in support of their applications for rezoning, planned rezoning or special use permits. The cost of the study shall be the applicant's responsibility. If the applicant disagrees with the Director's decision to provide additional technical studies, it may be appealed to the Planning Commission for a final decision. No further action shall be taken to process the development application until the Planning Commission makes a final determination on the appeal.



### 27-303-3 Deadlines

The Planning and Zoning Department has a list of submission and revision deadlines for the various development applications available at their office. This list is also available on-line at the City's website. Failure to submit a complete or revised application on or before the deadline shall result in the City not placing the application on the scheduled Planning Commission agenda.

### 27-303-4 Completeness

Within three (3) business days of submittal by the applicant, a member of the Planning Staff shall review the development application to ensure that it is complete.

- A. When Complete.** An application is complete when all of the items required by the UDO and on the application form are prepared and/or answered, and any required supplemental or additional applications are submitted with the appropriate fees to the Planning and Zoning Department.
- B. Return of Incomplete Applications.** Incomplete applications shall be returned to the applicant with a written description of the missing information, defects, or other problems. The Director shall take no further action on incomplete applications. Appeals of this determination are made to the Planning Commission, which is the final decision-making body. No further action shall be taken to process the application until after the Planning Commission's determination. Applications that have been returned to an applicant for revisions shall not be processed until such revisions have been determined to be complete by the Director.
- C. Processing Complete Applications.** The applicant will be notified that the application is complete and processed in accordance with this Chapter.
- D. Failure to Act.** If the Director fails to act within three (3) business days, the application shall be deemed complete.
- E. Revisions Following Determination.** Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.
- F. Determination Not Substantive.** A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

### 28-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the costs changes associated with the development application.



## 27-304 Neighborhood Meeting

### 27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

The Director may waive the requirement for a neighborhood meeting for rezoning, master land use plan amendments, and conditional use applications based on the following criteria:

1. The project will have minimal impact on surrounding properties.
2. The project will have minimal impact on the neighborhood.

When a neighborhood meeting is waived by the Director, the applicant shall mail letters to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family zoned or developed property

### 27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

### 27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven (7) days prior to the meeting. The neighborhood meeting should be held at least six (6) days prior to the planning commission voting meeting.

### 27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

Sec. 27-330. - Rezoning—Conventional districts.

27-330-1 *Purpose.*

- A. *Purpose.* Rezoning to conventional (non-planned) zoning districts is appropriate for the development of single lots provided the land uses are compatible with existing or planned surrounding development as identified on the master land use plan. The development of multiple lots, subdivisions where changes of development standards are requested, and most nonresidential uses should be accomplished, when feasible, through a planned development (PD) district rezoning pursuant to section 27-329.
- B. *Development plan.* A development plan will not be required for a residential neighborhood rezoning or a corrective rezoning. The planning commission may waive or defer the requirement for a development plan for other developments upon the applicant making the request to waive or defer the requirement and a public hearing.

(Ord. No. 70-11, § 2, 9-6-2011)

27-330-2 *Applicant.* An application for a conventional rezoning request may be initiated by the board of directors, planning commission, property owner or the owner's agent, or upon application of any interested property owner within the area proposed to be rezoned.

27-330-3 *Applicability.* A conventional zoning request should be used when the applicant is seeking a zone change that meets one of the basic zone district classifications.

27-330-4 *Pre-application conference.* A pre-application conference is required pursuant to section 27-302.

27-330-5 *Submission requirements.* The director shall prepare an application form which specifies the information to be submitted in support of a conventional rezoning application. This shall include, at a minimum:

- A. Preliminary development plan (section 27-331).
- B. Application fee.
- C. Technical studies pursuant to section 27-303-2.
- D. Other information as specified on the application form or as requested by the director, other departments or agencies, the planning commission, or the board of directors.

27-330-6 *Application and review procedures.*

- A. *Determination of completeness.* Applications shall be submitted to the director for a determination of completeness pursuant to section 27-303. An application is complete when all of the items required by the UDO and on the application form are prepared and/or answered, and any required supplemental or additional applications (e.g., comprehensive plan amendment) are submitted with the appropriate fee to the planning and zoning department.
- B. *Neighborhood meeting.* The applicant shall comply with the requirements for a neighborhood meeting pursuant to section 27-304.
- C. *Staff review.* Following a determination of completeness, the staff shall review the application pursuant to section 27-305.
- D. *Notice and public hearing.* Following completion of staff review and such neighborhood meetings as are required, the application shall be scheduled for a public hearing before the planning commission.
  - 1. Notice shall be provided, published, mailed and posted pursuant to section 27-308.
  - 2. The planning commission may recommend a change in a zoning district category which constitutes a more restrictive change than requested by the applicant.

E. *Factors to be considered.*

1. *Rezoning application.* Approval, approval as amended, or denial of the rezoning application shall be based upon consideration of the following factors:
  - a. Compatibility with the comprehensive plan, master land use plan, master street plan, and applicable area plans (e.g., corridor, neighborhood).
  - b. Compatibility of the proposed development with the character of the neighborhood.
  - c. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
  - d. The extent to which the proposed land use is reasonably necessary for the convenience and welfare of the public and shall not substantially or permanently alter the appropriate use, visual quality or marketability of nearby properties.
  - e. The extent to which the proposed land use would increase or change traffic volume or parking demand in any ways that would adversely affect road capacity, road conditions, road safety, or create parking problems.
  - f. The extent to which the proposed land use could either negatively detract from or positively enhance the environment of the surrounding neighborhoods.
  - g. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use.
  - h. That the application complies with all relevant ordinance requirements.
  - i. Reserved.
  - j. The relative gain to the public health, safety, and welfare as compared to the hardship imposed upon the individual landowner or landowners.
2. *Development plan.* The following criteria shall be considered when reviewing the preliminary development plan:
  - a. Is the site capable of accommodating the buildings, parking areas and drives with the appropriate open space provided?
  - b. Does the plan provide for safe and easy ingress, egress and internal traffic circulation?
  - c. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety?
  - d. Are the architectural designs consistent with city policies and regulations and compatible with surrounding land use features?
  - e. Does the plan represent an overall development pattern that is consistent with the comprehensive plan, master street plan, master land use plan, and other adopted planning policies?
  - f. The required right-of-way dedication has been identified by the city engineering department.
  - g. All easements and utilities shall meet the requirements of the approving departments and agencies.

F. *Planning commission action.* Following the public hearing, the planning commission may recommend approval, approval as amended, or denial by a majority vote. The planning commission may also continue the application to a date certain.

1. The planning commission shall certify recommendations of approval or approval as amended to the board of directors for further procedure in conformity with A.C.A. title 14, ch. 56, subch. 4 (A.C.A. § 14-56-401 et seq.).



2. The planning commission's certified recommendations shall be automatically placed on the agenda of the board of directors' second regularly scheduled meeting of the month following action by the planning commission.

#### 27-337-8 Appeal of Planning Commission Decisions

A. Decisions of the Planning Commission shall be appealable to the Board of Directors. Any such decision may be appealed by any person having an interest therein by the filing of a written notice of appeal with the City Clerk before 5:00 p.m. on the tenth calendar day following the date of the decision of the Planning Commission. A fee in the amount established by Board of Directors shall be required at the time any appeal is filed. The appeal shall be placed on a study session of the Board of Directors prior to action being taken on the appealed item.

B The following shall apply to appeals of zoning applications:

1. If the Planning Commission denies a rezoning request or preliminary development plan so that no recommended action has been certified to the Board of Directors, the applicant shall have the right to file a request for review of the Planning Commission's decision with the Board of Directors.

2. The request for review shall be initiated in the following manner or be considered waived:

- a. Filing a written notice of such appeal with the office of the City Clerk, or the Clerk's designated agent, during normal business hours.

- b. Filed on or before the tenth calendar day following the Planning Commission meeting at which the proposed rezoning and/or preliminary plan hearing was held, or following the date on which the Planning Commission handed down its decision of non-recommendation, if the date of decision differs from the date of hearing. Notice of review of such decisions to the Board of Directors shall be provided to those persons who were provided postal notice of the original application. When filing the notice of appeal, the applicant shall pay the sum established by the Board of Directors to cover the cost of providing such legal notice.

3. The review shall take place at a study session of the of the Board of Directors, following the request for review deadline. After the filing of a notice of review, the request may not be withdrawn or the hearing date postponed without the approval of the Board of Directors.

4. Following the study session of the Board of Directors, the request shall be placed as an action item during the next hearing date.

5. If the Board of Directors denies the application the applicant shall not be permitted to reapply for the same or substantially same request for a period of one (1) calendar year from the date of action by the Board.