ORDINANCE NO. 100-23

AN ORDINANCE ZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 22-11-23 to zone certain property hereinafter described, and, having considered said request, recommended on November 14, 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 6 and Part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) Section 7, All in Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 6; thence N 87°13'45" W, 334.55 feet along the South line of said Section 6 to the West right of way line of Wells Lake Road being the Point of Beginning; thence 59.12 feet along the Arc of a curve in said right of way line to the left having a Chord Bearing S 25°21'41" W, 59.12 feet and a Radius of 1737.19 feet to an existing rebar; thence 45.99 feet along the Arc of a curve to the right having a Chord Bearing S 68°23'12" W, 41.61 feet and a Radius of 30.00 feet to an existing rebar on the North right of way line of McClure Drive; thence

N 67°42'44" W, 121.76 feet along said North right of way line to an existing rebar; thence 400.63 feet along the Arc of a curve in said right of way line to the left having a Chord Bearing N 77°00'20" W, 398.88 feet and a Radius of 1235.00 feet to an existing rebar; thence leaving said right of way line of McClure Drive N 03°06'28" E, 146.35 feet to an existing rebar; thence N 16°59'53" E, 194.15 feet to an existing rebar; thence

N 30°53'18" E, 121.18 feet to an existing rebar marking the Southwest corner of Brownwood Life Care Center Lot 1; thence S 79°29'35" E, 315.46 feet along the South line of said Lot 1 to an existing rebar; thence S 59°14'45" E, 333.24 feet to an existing rebar on the West right of way line of Wells Lake Road marking the Southeast corner of said Lot 1; thence along said West right of way line S 30°53'12" W, 179.11 feet; thence 138.19 feet along the Arc of a curve in said right of way line to the left having a Chord Bearing S 28°36'55" W, 138.15 feet and a Radius of 1737.19 feet to the point of beginning, containing 5.95 acres in said Section 6 and 0.241 acre in said Section 7, in Aggregate containing 6.19 Acres, more or less, being subject to public road rights of way and any easements of record.

more commonly known as 7600 Wells Lake Road 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 194 DAY OF Scenber, 2023.

ATTEST:

City Clerk

APPROVED:

ICE Mayor JAMENO REZO

Approved as to form:

Publish One Time

THE DISTRICT PROJECT BOOKLET PLANNED ZONING DISTRICT APPLICATION

PROJECT: THE DISTRICT

AN ADDITION TO THE CITY OF FORT SMITH

SEBASTIAN COUNTY, ARKANSAS

LOCATION: PART OF SECTION 6 AND PART OF SECTION 7

TOWNSHIP 7 NORTH, RANGE 31 WEST CHAFFEE CROSSING OF FORT SMITH SEBASTIAN COUNTY, ARKANSAS

DEVELOPER: ERC CREATE LLC

9301 R.A. YOUNG JR. DRIVE, SUITE 104

FORT SMITH, ARKANSAS 72916

PHONE: 479-478-5103

SUBMITTED TO: **CITY OF FORT SMITH**

623 GARRISON AVENUE

FORT SMITH, ARKANSAS 72902

ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.

P.O. BOX 6180

FORT SMITH, ARKANSAS 72906

November 2023

RONALD BRIXEY

ARK, REG. P.E. NO. 4456

PLANNED ZONING DISTRICT

CERTIFICATION STATEMENT Application updated July 2021

	•	
The ERC Create, LLC	, applicant for the property located at	7600 Wells Lake Road
does hereby certify that the Pro	ject Booklet for a Planned Zoning Distri	ct complies with the City of Fort
Smith's Planned Zoning District	Regulations as defined in Section 27-34	1 of the Fort Smith Unified
Development Ordinance		

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signature:	Ron Brixey Date: 2023.10.11 13:27:20		
Name:	Ron Brixey	Date:	10/11/2023

THE DISTRICT PROJECT BOOKLET PLANNED ZONING DISTRICT APPLICATION

- 1. A pre-application conference was held on October 17, 2023, 2023; A neighborhood meeting was held on October 30, 2023.
- 2. The application fee of \$350 will be paid by the owner.
- 3a. Reason for requesting the zoning change and how the proposal fulfills the intent/purpose of the Planned Zoning District.

The subject property is currently not zoned. A change in zoning is needed to allow the development of a walkable community of mixed usage. A Planned Zoning District will allow flexibility in standards to accommodate mixed residential, office spaces, retail spaces, and food service facilities. It will allow the development to utilize design standards that meet or exceed the minimum required by the UDO.

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

ERC Create, LLC, 9301 R.A. Young Jr. Drive, Fort Smith, Arkansas 72916 Phone 479-478-5103.

Representative, Ron Brixey, Brixey Engineering & Land Surveying, Inc., 5223 East Highway 45, Fort Smith, Arkansas 72916 Phone 479-646-6394.

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

The PZD will include an area of approximately 6.195 acres located on the Northwesterly corner of the intersection of McClure Drive and Wells Lake Road.

The property has a Land Use classification of Chaffee Crossing Mixed Use Residential/Commercial/Office.

The proposed PZD uses includes mixed residential and mixed-use neighborhood commercial development including office spaces, retail spaces, and food service facilities.

The intent is to provide an aesthetically pleasing walkable community.

3d. General project scope:

i. Street and lot layout – A mixed-use development including 5 Lots for commercial purposes, 6 Lots for multi-family residential purposes, and a Tract reserved for a Detention Pond are proposed. Mutual Access and Parking Easements will provide 24 foot minimum width drive aisles for access to all parking areas. Drive aisles adjacent to three-story buildings will have a minimum width of 26 feet.

The proposed vehicle use area will be paved with permeable pavement with curb & gutter.

The proposed lots will have a minimum area of 5000 square feet and a minimum width of 50 feet.

The proposed setback lines will be as follows:

Front Yard (Street) Lots 3-7=20 feet/Lots 1,2,8-11=0 feet

Rear Yard = 5 feet

Interior Side Yard = 5 feet

Street Side/corner = 20 feet

Minimum Street Frontage = 0 feet

Access to the site will utilize two entrances, one entrance from McClure Drive and one entrance from Wells Lake Road.

McClure Drive is classified as a Major Collector Street by the Master Street Plan. It is currently a 38 foot wide, two lane, concrete street in excellent condition.

Wells Lake Road is classified as a Major Collector Street by the Master Street Plan and has a designated 80 foot wide right of way. It is currently a 22.5 foot wide, two lane, asphalt street.

- ii. Site plan showing proposed improvements. New construction will comply with Section 27-602-4 of the UDO and the Chaffee Crossing Design Standards.
- iii. Buffer areas, screening, and landscaping. All development will comply with the landscaping and screening requirements of Section 27-602-3 of the UDO and the Chaffee Crossing Design Standards. Landscaping will be irrigated.
- iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards. It is proposed to make the detention pond a "wet" pond with a fountain.

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

Water services and fire protection will be provided by privately owned main lines running through the property as depicted on the Development Plan drawing. The proposed interior water main lines will connect to the existing 12 inch ductile iron water main located to the south within the right of way of McClure Drive. Fire hydrants will be provided as required by the Fire Code. This will be classified as a Sub-Metered Lot by the Arkansas Department of Health.

Access to the existing 8-inch sewer line located to the west of the property will be provided by a public 8-inch main. This extension will be located within a dedicated easement.

Electric service, gas service, and telephone service lines are proposed to be located underground in the utility easements delineated on the Development Plan.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602-4 and the Chaffee Crossing Guidelines providing 100% high-quality materials on each façade.

All dumpsters will be screened with brick veneer or other acceptable masonry units with opaque wood or metal gates.

Site lighting will meet the UDO and FCRA lighting guidelines.

viii. Building elevations – All buildings will comply with Section 27-602-4 of the UDO and Chaffee Crossing Design Guidelines and be 100% high-quality materials.

ix. Proposed signage (type and size)

All signage will comply with Section 27-704-3 of the UDO and Chaffee Crossing Design Guidelines but will be limited to monument style and façade signage

3e. Proposed development phasing and timeframe

The development is proposed to be constructed in one phase.

The schedule for construction to begin will be determined based on acceptance of preliminary plans with completion date expected to be 12 to 18 months from the start of construction.

All dates are approximate.

3f. Identify land use designations

The Chaffee Crossing current land use designation is "Mixed Use: Residential/Commercial/Office".

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size 5000 s.f.

Min. Lot Width at BSL 50 feet

Max. Lot Coverage 60%

Max. Height 40 feet

Addnl. Height see 27-404 D. of the UDO

Setbacks Front Yard (Street) = 20 feet

Rear Yard = 5 feet

Interior Side Yard = 5 feet Street Side/corner = 20 feet

Minimum Street Frontage = 0 feet

Minimum Bldg Separation 10 feet – per current fire code

Rowhouse and zero lot line houses will comply with UDO Section 27-411.1, Residential Single Family row house and zero lot line district (RS-5).

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.)

Comparison is between the proposed PZD restrictions and the FCRA Mixed Use Residential/Commercial/Office restrictions.

PZD FCRA

Density 30 DU/Acre (Based on Transitional)

32000 sf Commercial Bldg Com. Bldg. Size Not Restricted

Min. Lot Size 5000 sf 3600 sf Min. Lot Width at BSL 40 feet 40

Max. Lot Coverage 60% NOT SPECIFIED

Max. Height 40 feet 3 STORY

Addnl. Height see 27-404 D. of the UDO NOT SPECIFIED

Setbacks		Res	Non-Res
Front	20/0 feet	20 feet	NONE
Side	5 feet	10'/5'	NONE
Street side/corner	20 feet	20 feet	NONE
Back	5 feet	10 feet	25' w/alley
Minimum Street Frontage	0 feet	NO SPEC	NO SPEC
Minimum Bldg Separation	10 feet	NO SPEC	NO SPEC

PZD Landscaping

Perimeter Landscaping

Front 20 feet wide, 1 tree & 10 shrubs every 40'

Sides & Back NONE

Building Landscaping 1 Shade Tree/Lot in addition to perimeter landscaping. Min. one tree in open green space.

Parking Lot Screening and Landscaping is to comply with FCRA Master Development Guidelines "Site Design and Development Standards for Mixed Use: Residential/Commercial/Office" land use classification.

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

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

3j. 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 as follows:

1. Landscaping

The perimeter landscaping strip across the front will be 20 feet wide - UDO requires 10 feet wide

Perimeter landscaping will include one tree and 10 shrubs every 40 feet -

UDO requires one tree and 10 shrubs every 50 feet

Building landscaping will include 1 Shade Tree/Lot in addition to perimeter landscaping - UDO does not require building landscaping

Parking Lot Screening and Landscaping will comply with FCRA requirements as described in the Development Guidelines - UDO requirements are not as stringent

2. Exterior building materials

100% of the exterior building materials will be high-quality materials UDO requires 51%

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

The PZD will include an area of approximately 6.195 acres located on the northwesterly corner of McClure Drive and the Wells Lake Road intersection.

Land Use

The property has a current Land Use classification of FCRA Mixed Use Residential/Commercial/Office.

The proposed development will provide a community feel to a walkable minineighborhood and provide access to useful amenities to neighboring properties including the existing walking trail. Adequate parking shall be provided including bicycle racks and handicap accessibility.

Proposed PZD uses include Multi-family housing, Office spaces, Retail spaces and a Trailside refreshment center with outdoor patios among other options as listed in the use matrix.

Adjacent properties are currently used as a place of worship to the South and an assisted living facility to the North. The proposed PZD development should have a limited but positive impact on the adjacent properties and their current use.

Traffic

McClure Drive is classified as a Major Collector Street. Traffic generated by the proposed development will most likely utilize a route down McClure to Massard Road which is a Boulevard. The traffic light at the intersection will minimize traffic backing up on McClure which will avoid the potential for long periods of blocked exits from properties along McClure in the vicinity of the intersection. Development of the PZD will increase traffic to a minor extent. This increase will not be sufficient to be considered adverse.

Appearance

All PZD improvements will be constructed to meet or exceed Chaffee Crossing requirements which are set up to minimize adverse effects of the appearance of new developments on surrounding properties. The appearance of building facades will be high-quality materials with visually appealing landscaping.

Signage

All signage will comply with Chaffee Crossing signage restrictions and should have no adverse impact on surrounding properties.

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

A traffic study will be submitted if requested.

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

A twelve-inch water line runs along the south side of McClure Drive. This line will be tapped to provide service to the development. Also, a twelve-inch water line runs along the east side of the Wells Lake Road right of way.

An 8" Public Sanitary Sewer line exists approximately 200 feet West of the PZD Development. The proposed interior sewer main lines will connect to the existing Sanitary Sewer line by a proposed 8-inch public extension. This extension will be located within a dedicated easement.

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		Row house	Р							Р							Р										Τ
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	Cel	llular phone and accessory sales	Р																		P	P	P	P	P	P	T
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Durable Consumer Goods Sales or Servi	I D	_	_	_	_	_		_						_	_			l n	Тр	Р	Р	P	I.D.	In.
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Bookstore	Р															Р		Р	Р	Р	Р	Р	Р	Р
Bridal shop	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р
Cameras, photographic supplies and services	Р															Р		Р	Р	Р	Р	Р	Р	Р
Clothing, jewelry, luggage, shoes, accessories	Р															С		Р	P	Р	Р	Р	Р	Р
Gift shop	Р															Р		Р	Р	Р	Р	Р	Р	Р
Sewing machine store (sales & service)	Р																		Р	Р	Р	Р	Р	P
Sporting goods, toys, & musical instruments	Р																		Р	P	Р	Р	Р	P
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Antique shop Art dealers, art studio, galleries, supplies	P															P		С	P	P	P	P	P	P
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Beer, wine and liquor store (without drive-through)	С																		P	P	P	P	P	Р	
Farmer's market	Р																		Р	Р	Р	Р	Р	Р	
Fruit and vegetable store	Р															Р		С	Р	Р	Р	Р	Р	Р	
Grocery store or supermarket	Р															Р		Р	Р	Р	Р	Р	Р	Р	
Neighborhood store	Р															Р			Р	Р	Р	Р	Р	Р	
Health and Personal Care																							'		
Cosmetics, beauty supplies, and perfume stores	P																	Р	P	P	Р	P	P	P	
Medical appliance services	Р																		Р	Р	Р	Р	Р	Р	
Optical shop	Р																	Р	Р	Р	Р	Р	Р	Р	
Pharmacy or drug store	Р																	Р	Р	Р	Р	Р	Р	Р	Р
Finance and Insurance																									
Auto insurance claims office	Р																		Р	Р	Р	Р		Р	
Automatic teller machine	Р																Р	Р	Р	Р	Р	Р	Р	Р	
Bank, credit union, or savings institution	Р																Р	Р	Р	Р	Р	Р	Р	Р	
Credit and finance establishment	Р																Р	Р	P	Р	Р	Р	P	P	
Fund, trust, or other financial establishment	P															Р	Р	Р	P	Р	Р	Р	Р	P	
Insurance office	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	
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		Accounting, tax, bookkeeping, payroll	Р															P	Р	P	P	Р	P	Р	Р	P	
		Advertising and media services	P															P	P	P	Р	Р	P	Р	P	P	
		Architectural, engineering	Р															P	Р	Р	Р	Р	Р	Р	Р	Р	H
		Consulting services	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	
		Graphic, industrial, interior design	Р															P	Р	С	P	Р	P	P	Р	Р	T
		Legal services	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	
		Offices, corporate	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	
		Offices, general	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	Р
		Property management services (office only)	Р															Р	Р	Р	Р	Р	Р	Р	Р	Р	Г
		Real estate agency	Р															Р	Р		Р	Р	Р	Р	Р	Р	
		Travel arrangement and reservation services	Р															P	Р		P	Р	P	Р	Р	Р	Г
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		Office and administrative services	Р															P	Р	Р	P	Р	Р	P	Р	Р	
	Food	Services																									

	Bar or tavern	Р																		С	С	С	Р	Р	Р	
	Beer garden	Р																			С	С	С	Р	С	
	Catering service	Р																		Р	Р	Р	Р	Р	Р	
	Microbrewery/microwinery/ microdistillery	Р																		С	С	Р	Р	Р	P	Р
	Mobile food services	С																					Р		Р	Р
	Restaurant	Р															Р		С	Р	Р	Р	Р	Р	Р	
	Restaurant (with drive-in services)	С																			Р	Р	Р		Р	
	Restaurant (with drive- through services)	С																		С	Р	P	Р	Р	P	
	Restaurant (with outdoor dining)	Р																		С	С	С	С	Р	С	
	Specialty manufacturing	С																		С	С	Р	Р	С	Р	
	Vending	С																					Р		Р	Р
	Personal Services																									
	Barber shop/salon/spa/massage services	Р															P		С	P	Р	P	P	P	P	
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	Laundry, cleaner	С																		Р	Р	Р	Р		Р	
	Photocopy shop	Р																	Р	Р	Р	Р	Р	Р	Р	
	Photography studio	Р															Р		Р	Р	Р	Р	Р	Р	Р	
	Print shop	С																		Р	Р	Р	Р	Р	Р	Р
	Shoe repair shop	Р															Р		Р	Р	Р	Р	Р	Р	Р	
	Tailor shop	Р															Р		Р	Р	Р	Р	Р	Р	Р	\Box

Tanning salons	Р															Р		С	Р	Р	Р	Р	Р	Р	
Tattoo/body piercing parlor	С																			Р	Р	Р	Р	Р	T
Weight loss centers	Р																		Р	Р	Р	Р	Р	Р	T
Pet and Animal Services																	-								_
Animal and pet services (indoor)	С																		Р	Р	Р	Р	Р	Р	F
Communications and Information																									
Data processing facility	С																		С	Р	Р	Р	Р	Р	T
Telecommunications and broadcasting studios	С																			Р	Р	Р	Р	Р	F
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Performing Arts or Supporting Establish	nents																								
Performance theater	С															Р					Р	Р	Р	Р	1
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Historical or archaeological institution	P	122	2	122	122	182	2	22	182 182	2	185	2	2	2	2	E P		5	- C-	Ü	ن	ن	9-5 C	C	+
Museum	Р															Р			С	С	С	С	Р	С	7
Zoos, botanical gardens, arboreta																						С	Р	С	
Health club	С															Р			С	С	Р	P	Р	Р	\dashv
	+															1			+	+	-	-	1	-	\dashv
Fitness studio	Р															Р			Р	Р	Р	Р	Р	Р	_
Indoor games facility	С																								
Natural and Other Recreational Parks																									
Park or playground (public and	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	
nonpublic)									1	1				1	1		1	1		1					

	College, university, or seminary	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С		С		С	С	С	С	С	С	T
	Fine art and performance education	С							_							С	С	С	С	С	С	С	С	С	С	4
	i lile art and periormance education																									
	Library or public arts complex	P			С	С	С	С	С	С	С	С	С	С	С	С	С	С		С	С	С	С	С	С	
	Nursery school	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	1
	Preschool	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	
	Primary and secondary school	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С		С	С	С	С	С	С	
	School, business professional	С														С	С	С	С	С	С	С	С	С	С	
	School, technical or trade	С																				С	С	С	С	1
							'	2	7-400 F	ort Smit	h Land l	Jse Ma	trix													
ts			1	T	1		_	_						_	1	1				_					1	
		DZD	SE3	ZEI	\$S-1	3-5	SS-3	4-5-4	35-5	3SD-2	3SD-3	3SD-4	3M-2	3M-3	3M-4	3MD	Ŧ.	L	5	5.5	83	4	55	ن و	7	
	Police station	PZD	RE3	REI	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	Ŧ	F	c	c.	c c	C C-4	c S	9. C	c c	
	Police station Police substation (no incarceration)	O PZD	O RE3	C	C RS-1	O RS-2	C 85-3	PS-4	C RS-5	O RSD-2	C RSD-3	C RSD-4	C RM-2	C RM:	C RM-4	C	H H	C				1			+	
																		C	С	С	С	С	С	С	С	\neg
	Police substation (no incarceration)																	С	С	С	С	С	С	С	С	
	Police substation (no incarceration) Health and Human Services	С																	С	C	C	C	C	C	C	
	Police substation (no incarceration) Health and Human Services Diagnostic laboratory testing facility	С															P	C	С	C	C P	C	C P	C P	C P	
	Police substation (no incarceration) Health and Human Services Diagnostic laboratory testing facility Doctor office and clinic	C C	С														P	C	С	C P	C P	C P	P	C P	P P	

Church, synagogue, temple, mosque	С	С	С	С	С	C	C	С	C	C	С	C	C	С	C	С	С	C	С	С	С	C	С	С	
							Co	nstruc	tion-Rel	ated Bu	ısiness	es													
Contractor's office	Р																Р	Р	Р	Р	Р	Р	Р	Р	Р
Glass sales and service																						Р		Р	Р
Landscaping contractor																						С		Р	Р
Sign contractor																						С		Р	Р