

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER
AUGUST 8, 2017 - 5:30 P.M.**

On roll call, the following Commissioners were present: Bob Cooper, Jr., Rett Howard, Marshall Sharpe, Talicia Richardson, Josh Carson, Sarah Howe, Shane Laster, Don Keesee and Vicki Newton.

Chairman Sharpe then called for the vote on the minutes from the July 11, 2017, Planning Commission. Motion was made, seconded 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. Conditional Use #17-8-17; A request by Tim Risley, agent for the Special School District of Fort Smith, for a conditional use for classrooms (Northside High School) located at 2201 Rogers Avenue.**
- B. Conditional Use #18-8-17; A request by Richard Card for a conditional use for an addition to an outdoor dining area with music located at 3400 South 74th Street.**
- C. Conditional Use #19-8-17; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a conditional use for a canopy (Fairview Elementary) located at 2400 South Dallas Street.**
- D. Conditional use #20-8-17; A request by MAHG Architecture, agent for the Special School District of Fort Smith, for a conditional use for a canopy (Ballman Elementary) located at 2601 South “Q” Street.**

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

Chairman Sharpe then called for the vote on consent agenda items #1A - #1D. The vote on items A, B & C was 9 in favor and 0 opposed. The vote on Item D was 8 in favor and 1 abstention (Howard). The consent agenda was approved subject to all staff comments and recommendations.

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

2. Variance #26-8-17; A request by Wayne Brown for a variance from 7.5 feet to 0.9 feet interior side yard setback located at 3220 South 58th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow a 325 square foot storage building to be located on an interior side yard setback.

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

Chairman Sharpe called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to the submittal of an application for a temporary revocable license and receiving approval by the Fort Smith Board of Directors.

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

3. Variance #27-8-17; A request by Jerry Luper, agent for Richard Horn, for a variance from 30 feet to 5.68 feet front yard setback and from 7.5 feet to 3.83 feet interior side yard setback located at 7911 Colony Lane.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the addition of a 20' x 25' carport to the existing carport and house.

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

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 2 in opposition (Richardson, Carson)

4. Variance #28-8-17; A request by Cathleen Tinder for a variance from 30 feet to 8.4 feet interior side yard setback located at 1616 Jenny Lind.

Ms. Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the construction of a covered parking area on the west side of the property. The covered area will consist of a metal awning and metal poles.

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

Chairman Sharpe then called for the vote on the variance request. Motion was made, seconded and carried to amend this request to make approval subject to the site plan submitted. Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor and 3 opposed (Richardson, Keesee, Howard).

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

- 5. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for a Master Land Use Plan Amendment from Not Classified to General Commercial located at 12350 Highway 71 South. (companion item to items #6 & #7)**
- 6. Rezoning #14-8-17; A request by Neal Morrison, agent for Fort Smith Investment Partners, for a zone change from Unzoned to Commercial Moderate (C-3) by Extension located at 12350 Highway 71 South. (companion item to items #5 & #7)**
- 7. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for development plan deferral for the property located at 12350 Highway 71 South. (companion item to items #5 & #6)**

The applicant requested that the Planning Commission table the Master Land Use Plan Amendment and zoning request and approve the request to withdraw the development plan deferral for this property.

- 5. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for a Master Land Use Plan Amendment from Not Classified to General Commercial located at 12350 Highway 71 South. (companion item to items #6 & #7)**

Chairman Sharpe called for the vote on the request to table the Master Land Use Plan Amendment. The vote was 9 in favor 0 opposed.

- 6. Rezoning #14-8-17; A request by Neal Morrison, agent for Fort Smith Investment Partners, for a zone change from Unzoned to Commercial Moderate (C-3) by Extension located at 12350 Highway 71 South. (companion item to items #5 & #7)**

Chairman Sharpe called for the vote on the request to table the rezoning request. The vote was 9 in favor and 0 opposed.

- 7. A request by Neal Morrison, agent for Fort Smith Investment Partners, LLC, for development plan deferral for the property located at 12350 Highway 71 South. (companion item to items #5 & #6)**

Chairman Sharpe called for the vote on the request to approval the withdrawal of the development plan deferral for this property. The vote was 9 in favor and 0 opposed.

8. Preliminary Plat – Providence Addition

Ms. Brenda Andrews read the staff report indicating that the proposed preliminary plat that will facilitate the development of a mixed-use site consisting of single family detached residences, row houses and commercial development.

Motion was made, seconded and carried to make approval of this preliminary plat subject to the following:

- The developer agreeing to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the City's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- All proposed signage will require submittal of a sign permit application for review and approval by city staff.
- All proposed signage, walls, columns, etc. must be on private property and not within easements and the public right-of-way.

Chairman Sharpe then called for the vote on this plat with the above noted conditions. The vote was 8 in favor, 0 opposed and 1 abstention (Carson).

9. Rezoning #15-8-17; A request by Nicole Swanson/Mary McGetrick, agent for Rod Coleman, for a zone change from Residential Single Family Duplex Medium/High Density (RSD-3) and Commercial Light (C-2) to a Planned Zoning District by Classification located at 9101 R. A. Young, Jr. Drive. (companion item to item #10)

10. Subdivision Variance #1-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a subdivision variance from private access easements – UDO Section 27-503-4(A)(B) located at 9101 R. A. Young, Jr. Drive. (companion item to item #9)

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow the development of mixed uses consisting of single family residences, row houses and commercial development and to allow single family lots in a proposed mixed use development to utilize a private access easement as the primary access and to exceed the maximum length of a private access easement from 500 feet to 714 feet.

Ms. Mary McGetrick was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

- 9. Rezoning #15-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a zone change from Residential Single Family Duplex Medium/High Density (RSD-3) and Commercial Light (C-2) to a Planned Zoning District by Classification located at 9101 R. A. Young, Jr. Drive. (companion item to item #10)**

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

- Minor editing of the booklet for clarity and consistency.
- All items not specifically addressed by the Project Booklet shall comply with the minimum requirements of the UDO and Chaffee Crossing Design Guidelines.

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

- 10. Subdivision Variance #1-8-17; A request by Nicole Swanson/Mary McGetrick, agents for Rod Coleman, for a subdivision variance from private access easements – UDO Section 27-503-4(A)(B) located at 9101 R. A. Young, Jr. Drive. (companion item to item #9)**

Chairman Sharpe called for the vote on the subdivision variance. The vote was 8 in favor, 0 opposed and 1 abstention (Carson)

- 11. Rezoning #16-8-17; A request by 3rd Rock Recycling, LLC, agent for Jeremy Aishman, for a zone change from Commercial Heavy (C-5) to Industrial Moderate (I-2) by Extension located at 7001, 7005 & 7015 Highway 271 South.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to place a zoning district on the property that is compatible with how the site is utilized.

Adam Callihan with 3rd Rock Recycling was present to speak on behalf of this request. Mr. Callihan stated that all activities associated with the recycling facility would be indoors.

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

This request was originally tabled by motion, seconded and a vote of 8 in favor and 1 opposed (Keesee) due to the fact that the Commissioners had some questions and the applicant was not in attendance at the time. Once the applicant arrived to the meeting, the Commission made motion, seconded and carried to reopen this request for discussion and vote. The rezoning was recommended for approval by a vote of 9 in favor and 0 opposed subject to any activities on the property utilized for a recycling center, recycling collection station or associated uses being completely contained indoors.

12. Rezoning #17-8-17; A request by Pat Mickle, agent for MMR Holdings, LLC, for a zone change from Not Zoned to Industrial-1 by Extension located at 7500 Chad Colley Boulevard. (companion item to item #13)

13. A request by Pat Mickle, agent for MMR Holdings, LLC, for development plan deferral for the property located at 7500 Chad Colley Boulevard. (companion item to item #12)

Ms. Maggie Rice read the staff reports indicating that at this time there is no designated use and the applicant had not finalized a development plan for the property. Ms. Rice stated that the property is currently developed with eight warehouse type buildings.

Ms. Rice noted that a neighborhood meeting was held on Wednesday, August 2, 2017, at 9501 Black Bear Trail with two (2) neighboring property owners in attendance. It was also noted that a letter from Mr. Rod Coleman had been received with three items of concern. The three concerns included: (1) allowing access to the property from Roberts Boulevard; (2) requiring a significant buffer to be constructed along Veterans Avenue with no access to the site to Veterans Avenue and (3) requiring the removal of the old truck scales on the property.

Mr. Pat Mickle was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

12. Rezoning #17-8-17; A request by Pat Mickle, agent for MMR Holdings, LLC, for a zone change from Not Zoned to Industrial-1 by Extension located at 7500 Chad Colley Boulevard. (companion item to item #13)

Chairman Sharpe called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

13. A request by Pat Mickle, agent for MMR Holdings, LLC, for development plan deferral for the property located at 7500 Chad Colley Boulevard. (companion item to item #12)

Chairman Sharpe called for the vote on the development plan deferral. The vote was 9 in favor and 0 opposed.

14. Rezoning #18-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 11601 Darby Avenue. (companion item to item #15)

15. Variance #29-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a variance from Section 27-602-3(B) (perimeter landscaping) and from 51% to 0% proposed metal building high quality material siding located at 11601 Darby Avenue. (companion item to item #14)

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the expansion of the existing RV Park and to allow for the construction of recreational vehicle storage buildings. It was noted that the companion variance request is to allow for the existing trees and native brush and grasses to serve as the required landscaping along with new buildings for RV's, boats and related equipment and to allow a variance from the requirement to install high quality materials on the new buildings.

Mr. Ron Brixey was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

14. Rezoning #18-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 11601 Darby Avenue. (companion item to item #15)

Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor, 0 opposed and 2 abstentions (Keese, Cooper).

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

15. Variance #29-8-17; A request by Ron Brixey, agent for TRCP Investments, LLC, for a variance from Section 27-602-3(B) (perimeter landscaping) and from 51% to 0% proposed metal building high quality material siding located at 11601 Darby Avenue. (companion item to item #14)

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor, 0 opposed and 2 abstentions (Keese, Cooper).

Meeting Adjourned.