

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER  
SEPTEMBER 12, 2017 - 5:30 P.M.**

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

Chairman Sharpe then called for the vote on the minutes from the August 8, 2017, Planning Commission. Chairman Sharpe stated that the vote for item 1D on the consent agenda should be corrected to note that Rett Howard abstained from the vote. Motion was made, seconded and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

**1. Final Plat – River City Center, Phase II, Lot 1 – Cedar Creek Consulting, Inc.**

Ms. Brenda Andrews read the staff reporting indicating that the purpose of the plat is to facilitate the development of a church. Jason Emmett with Cedar Creek Consulting, Inc., was present to speak on behalf of the final plat.

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

Chairman Sharpe called for the vote on the final plat. The plat was approved by a vote of 7 in favor and 0 opposed subject to the following:

- 1) After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the county recorder.
  - 2) A temporary cul-de-sac shall be shown on the final plat submitted for filing.
- 2. A request by Global Surveying Consultants, Inc., for a Master Land Use Plan Amendment from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**
- 3. Rezoning #18-9-17; A request by Global Surveying Consultants, Inc., for a zone change from ETJ Open-1 to ETJ Commercial Light (C-2) by Classification at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Ms. Brenda Andrews read the staff reports indicating that the purpose of the requests was to change the master land use classification and place a commercial zoning district on the property

to accommodate a future commercial development. Ms. Andrews stated that at this time, the applicant had not submitted a development plan.

Ms. Andrews stated that the planning department had received phone calls from two surrounding property owners opposing the requests: Kevin Edwards – 619 Durham Avenue and Brent McGruder – 1608 Wheaton Trace.

Sebrina Ricks with Global Surveying Consultants, Inc., was present to speak on behalf of the requests. Ms. Ricks confirmed that a Dollar General store was proposed for the site.

The following people spoke in opposition of the requests citing concerns regarding increased traffic on Durham Avenue and incompatibility with the surrounding residential development: Tommy Tuck – Glassplant Road; Jeanette Chronister – 703 Durham Avenue; and Kevin Edwards – 619 Durham Avenue. On a show of hands, approximately 15 people indicated they were opposed to the requests.

**2. A request by Global Surveying Consultants, Inc., for a Master Land Use Plan Amendment from ETJ Low Density Residential to ETJ Commercial Neighborhood at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment request. Commissioner Newton moved and Commissioner Howard seconded the motion to include staff comments. The vote was four in favor and three opposed (Howard, Howe, and Newton)

**3. Rezoning #18-9-17; A request by Global Surveying Consultants, Inc., for a zone change from ETJ Open-1 to ETJ Commercial Light (C-2) by Classification at the southwest corner of the intersection of Arkansas Highway 253 and Durham Avenue.**

Chairman Sharpe called for the vote on the zoning application. Commissioner Newton moved and Commissioner Howard seconded the motion to include staff comments. The vote was three in favor and four opposed (Howard, Howe, Sharpe, and Newton)

**4. Conditional Use #22-9-17; A request by Nicole Swanson, agent for ERC Holdings, LLC, for a conditional use for a dog park at 8204 Veterans Avenue.**

Ms. Brenda Andrews read the staff report indicating the purpose of the request was to develop a dog park with a running yard, exercise yard, small breed location and parking area. The applicant proposes to donate the dog park to the City of Fort Smith. Nicole Swanson with ERC was present to speak on behalf of the application. No one was present to speak in opposition to the request.

Chairman Sharpe called for the vote on the request. The vote was 7 in favor and 0 opposed subject to the following:

Staff recommends approval of the applications with the following comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
  - Submittal of a landscape plan for staff review prior to the development of the dog park. Trees proposed shall be limited to the trees on the Fort Smith Utility Department “Utility Friendly Tree” list.
  - The driveway approach shall be constructed in concrete in accordance with the Driveway and Curb Regulations in Article III of the city’s code of ordinances.
- 5. Conditional Use #21-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a conditional use for a parking lot at 100 North 9<sup>th</sup> Street.**
- 6. Variance #30-9-17; A request by Christopher Braund, agent for Robert Hines, III, for a variance from 10 feet to 3 feet minimum width of the landscape area at 100 North 9<sup>th</sup> Street.**

Ms. Maggie Rice read the staff report indicating the purpose of the requests was to develop a parking lot. She indicated that the applicant had also submitted a companion variance application requesting a variance from 10 feet to 3 feet minimum width for the landscaping buffer. Ms. Rice stated that the property is located within the Central Business Improvement District, and the CBID had reviewed and recommended approval of the requests.

Mr. Christopher Braund was present to speak on behalf of the requests. No one spoke in opposition of the requests.

Chairman Sharpe called for the vote on the conditional use request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

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Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those

described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

**7. Variance #31-9-17; A request by Josh Siebert, agent for John Taylor, for a variance from 50' to 40' interior side-yard setback at 5401 Zero Street.**

Mr. Wally Bailey read the staff report indicating the purpose of the request was to allow for the construction of a 9,840 s.f. building addition to align with the interior setback of the existing building on the west property line.

Mr. Josh Siebert with William's Construction Company was present to speak on behalf of the request. No one spoke in opposition of the request.

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor and 0 opposed subject to the following:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

There being no further business, the meeting adjourned at approximately 6:10 p.m.