

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER
OCTOBER 10, 2017 - 5:30 P.M.**

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

Chairman Sharpe then called for the vote on the minutes from the September 12, 2017, Planning Commission meeting. Chairman Sharpe noted a spelling error in his name on page 1. Motion was made, seconded and carried unanimously to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Final Plat – Park Haven Subdivision – McClellan Consulting Engineers, Inc.

Brenda Andrews read the staff report indicating that the subdivision consisted of approximately 22.53 acres and was located south of the Park Meadows subdivision. Ms. Andrews stated that the final plat would facilitate the development of 73 lots for single family houses.

Nicole Swanson with ERC and Adam Lasso with McClellan Engineering were present to speak on behalf of the plat. No one was present to speak in opposition of the plat.

Chairman Sharpe called for the vote on the final plat. The plat was approved by a vote of 9 in favor and 0 opposed subject to the following:

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. Zoning #5-4-17; A request by Ron Brixey, agent for Alejandro Fuentes, for a zone change from Not Zoned to a Planned Zoning District (PZD) by Classification located at 7301, 7401 and 7501 Massard Road (Tabled 4/11/17).

Brenda Andrews read the staff report indicating the purpose of the zoning request was to allow a commercial development consisting of approximately 7 acres at the southeast corner of the intersection of Massard Road and McClure Drive. Proposed land uses in PZD included such uses as restaurants, retail sales, coffee shop, clothing stores, electronic repairs, salon, coffee shop, and bike shop. Ms. Andrews stated that the applicant had held two neighborhood meetings. The first meeting was held September 21, 2017, 4:30 p.m., at the Dallas Branch Library with 12 surrounding property owners attending the meeting. The second meeting was held October 2, 4:30 p.m., also at the library with 8 surrounding property owners attending the meeting. Items of concern discussed at both meetings included architectural elevations of

proposed buildings, landscaping, parking, driveway locations, traffic, and continuation of commercial uses on the east side of Massard Road.

Ms. Andrews reminded the planning commission that the zoning request had been tabled by the planning commission at the April 11, 2017, planning commission meeting due to surrounding residential property owners concerns about lack of architectural elevations, proposed land uses, and site design. She stated that to address these concerns, the applicant had provided architectural elevations, eliminated several land uses that had caused concern, and eliminated some of the parking spaces and increased green space. Ms. Andrews also stated that the city Engineering Department has indicated that a traffic signal would be installed at McClure Drive and Massard Road in late 2018.

No one spoke in opposition of the request. Ron Brixey with Brixey Engineering was present to speak on behalf of the application.

The Planning Commission discussed the need to allow the adjacent property south of the development to share the driveway cut on Massard Road. Ms. Brixey indicated agreement to the shared driveway.

Chairman Sharpe called for a vote on the zoning request. The zoning request was approved by a vote of 9 in favor and 0 opposed subject to the following:

The PZD Booklet shall be revised to state that the southernmost driveway on Massard Road will be a shared driveway with the property owner to the south.

3. Home Occupation #4-10-17; A request by Julia Fulbright Miller for a home occupation for a hair salon at 4223 Johnson Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the request was to allow a hair salon at the residence. Ms. Andrews stated that the parking for the home occupation would be on property adjacent to the applicant's lot. She stated that the applicant had an agreement with the property owner to park on the adjacent lot. Ms. Andrews stated that the home occupation would operate between the hours of 8:30 a.m. – 6:30 p.m. Tuesday – Saturday.

Ms. Miller was present was present to speak on behalf of the application. No one spoke in opposition to the request.

Chairman Sharpe called for a vote on the home occupation application. The application was approved by a vote of 9 in favor and 0 opposed subject to the following:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. A 5lb dry powder fire extinguisher is required to be installed within the salon area. It shall be inspected and tagged by a qualified service technician annually.
3. All required plumbing, electrical and ventilation changes will require a building permit.

4. Home Occupation #5-10-17; A request by Andres Mejia for a painting and drywall business at 5418 Spradling Avenue.

Ms. Brenda Andrews read the staff report indicating the purpose of the request was to allow a painting and drywall business at 5418 Spradling Avenue. She stated that the applicant plans to utilize the existing storage building on the property in conjunction with the business.

Ms. Andrews stated that during the study session, it was noted there were several cars parked in violation of the Fort Smith Parking Regulations. The applicant was made aware that these cars will need to be moved and parked in compliance with the ordinance.

Ms. Mejia was present to speak on behalf of the application. No one spoke in opposition to the request.

Chairman Sharpe called for a vote on the home occupation application. The application was approved by a vote of 9 in favor and 0 opposed subject to the following:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. All trash and debris shall be properly disposed of and not returned to the house.

5. Subdivision Variance #2-10-17; A request by Nicole Swanson, agent for ERC Holdings, LLC, from required trees and from 10 feet to 5 feet minimum width of the landscape area at 9101 Custer Boulevard.

Mr. Wally Bailey read the staff report indicating that the applicant had requested that the planning commission table the subdivision variance application to the November meeting. Mr. Bailey stated that staff had discussed some possible modifications to the landscaping plan with Ms.

Swanson with ERC and Adam Lesso with McClellan Consulting Engineers. He stated that as a result, ERC will need to revise their variance application.

Nicole Swanson and Adam Lasso were present to speak on behalf of the request. No one spoke in opposition to the request to table the application.

Chairman Sharpe called for a vote on the request to table the subdivision variance to the November planning commission meeting. The request was approved by a vote of 9 in favor and 0 opposed.

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6. Variance #32-10-17; A request by Ken Kupchick, agent for Antioch Consolidated Association for Youth and Family, Inc., for a front-yard setback from 25 feet to 8' 4.5" at 1420 North 32nd Street.

Mr. Wally Bailey read the staff report indicating the purpose the variance was to allow the construction of a pergola on the front of the building to provide a sheltered waiting area for individuals seeking food assistance.

Referring to a PowerPoint slide showing North 32nd Street, Mr. Bailey stated that it appeared the proposed addition would not extend any closer to the North 32nd Street right-of-way than other structures on the street.

Mr. Ken Kupchick was present to speak on behalf of the request. No one spoke in opposition of the request.

Chairman Sharpe called for a vote on the variance request. The request was approved by a vote of 9 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.
- Any exterior site lighting shall be shielded and not create any light trespass onto the adjacent residential property.

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