

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM; CREEKMORE PARK COMMUNITY CENTER
NOVEMBER 14, 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 October 10, 2017, Planning Commission meeting. Motion was made, seconded and carried unanimously to approve the minutes as submitted.

Mr. Wally Bailey spoke on the procedures.

1. UDO Amendment – 27-404-C-(10) Measurement of Setbacks

Wally Bailey presented the UDO amendment stating that when multifamily, commercial, or industrial development occurs adjacent to property zoned or developed as single family, an enhanced setback is required. He stated that an enhanced setback is also required when the property has an alley between the uses. Mr. Bailey stated that the proposed amendment would allow the enhanced setback to be measured from the centerline of the alley in lieu of the property line.

There was no one present to speak against the proposed amendment.

Motion was made, seconded and carried unanimously to recommend approval of the proposed amendment to the Board of Directors. The vote was 9 in favor and 0 opposed.

2. Zoning #20-11-17; A request by Brett Abbott, agent, for Todd Dorrough, for a zone change from Not Zoned (NZ) to a Planned Zoning District (PZD) by Classification at 12920 Brittany Drive

Ms. Brenda Andrews read the staff report indicating that approval of the PZD would allow the owner to add a 4,200 s.f. building addition to an existing 10,500 s.f. building that was utilized as a fitness and health club.

Ms. Andrews stated that applicant's request to waive the neighborhood meeting was approved because there were only five surrounding property owners within 300 feet of the property. She stated that the applicant mailed letters to the surrounding property owners with a description of the project and contact information. Ms. Andrews stated that no comments or phone calls had been received by the applicant or planning department.

Ms. Andrews stated that the Fort Chaffee Redevelopment Authority's Design Review Committee had approved the proposed development. She stated that the project booklet indicated that the development exceeded the UDO by proposing: 1) limited Land Uses (Only Health Club and

Fitness Studio); 2) signage that meets the Chaffee Crossing Signage Standards; and 3) landscaping.

Mr. Brett Abbott was present to represent the application. No one spoke in opposition of the request.

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

- Submittal of a final landscape plan indicating plant types, sizes, And quantities for planning staff review and approval

The vote was 9 in favor and 0 opposed.

3. Zoning Application #22-11-17; A request by Ron Brixey, agent, for Joseph Hartgraves and Charlie Hartgraves, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by classification at 1715 North 13th Street

Ms. Andrews read the staff report indicating that approval of the requested PZD would allow for the addition of Outdoor Mobile Food Vending at an existing private park at 1715 North 13th Street.

She stated that a neighborhood meeting was held Monday, October 6, 2017, on site, with no surrounding property owners attending the meeting. Ms. Andrews stated the property is currently utilized as a private park and received conditional use approval by the Planning Commission on June 14, 2011. Ms. Andrews stated that the proposed PZD would allow the property to continue to be utilized as private park with the addition of Outdoor Mobile Food Vending. She stated that the PZD also proposed land uses that are allowed in the Residential Multifamily Medium Density (RM-3) Zoning District.

Ms. Andrews stated that when the conditional use was approved in 2011 for the private park, the approval was conditional upon the applicant obtaining a parking agreement with the City to utilize parking spaces at Martin Luther King Park. She stated that staff recommended renewal of the parking agreement if the PZD was recommended for approval.

Ron Brixey was present to represent the application. No one was present to speak against the application.

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

- 1) Approval by the Board of Directors and the applicant's compliance with the Agreement for Use of City Facilities.
- 2) Compliance with the Outdoor Mobile Food Vending regulations of the Unified Development Ordinance

The vote was 9 in favor and 0 opposed.

- 4. Subdivision Variance #3-10-17; A request by Rod Coleman from minimum required number of trees adjacent to Custer Boulevard and Wells Lake Road and from 10 feet to 5 feet minimum width of the landscape area adjacent to Veterans Avenue and Custer Boulevard at 9101 Custer Boulevard**
- 5. Variance #38-11-17; A request by Rod Coleman from 25' to 20' front-yard setback (Stonecrest Subdivision – proposed lots 12, 13, and lots 25-32) at 9101 Custer Boulevard**

Ms. Andrews read the staff report indicating that approval of the subdivision variance would allow the following for the Stonecrest Subdivision at Chaffee Crossing:

- 1) The minimum width of the perimeter landscaping area to be reduced from 10' to 5' on Veterans Avenue
- 2) The minimum width of the perimeter landscaping area to be reduced from 10' to 5' on Custer Boulevard
- 3) The elimination of trees in the landscape buffer on Custer Boulevard
- 4) The reduction of trees on Wells Lake Road from 13 trees to 5 trees

She stated that Item #5 was a companion setback variance application for the same site.

Ms. Andrews stated that a neighborhood meeting was held Tuesday, November 7, 1:30 p.m. at 4111 Massard Road with no surrounding property owners attending the meeting. She stated that the applicant's application indicated that the hardship was due to the unique topography, utility easements, and a large pond on the property. Ms. Andrews stated that to mitigate the request to eliminate trees in the perimeter landscape area along Custer Boulevard, the applicant proposed to plant a tree in each of the back yards in lots 24-32 (9 trees).

Ms. Andrews stated that approval of the companion setback variance would allow a 20' front-yard setback on lots 12 & 13 and lots 25-32 due to steep topography and to accommodate the perimeter landscape area for the Stonecrest Subdivision.

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

- 4. Subdivision Variance #3-10-17; A request by Rod Coleman from minimum required number of trees adjacent to Custer Boulevard and Wells Lake Road and from 10 feet to 5 feet minimum width of the landscape area adjacent to Veterans Avenue and Custer boulevard at 9101 Custer Boulevard**

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

- 1) Approval of request is based on the submitted landscape plan.

- 2) Approval of the companion setback variance for lots 25-32.

The vote was 7 in favor, one opposed (Howard) and one abstention (Carson).

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

5. **Variance #38-11-17; A request by Rod Coleman from 25' to 20' front-yard setback (Stonecrest Subdivision – proposed lots 12, 13, and lots 25-32) at 9101 Custer Boulevard**

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor, one opposed (Howard) and one abstention (Carson).

**RECESS BOARD OF ZONING ADJUSTMENT
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6. **A request by Global Surveying Consultants., Inc., agent for William D. White, for development plan approval for a neighborhood store at (Dollar General) at 8621 U.S. Highway 271 South**
7. **Variance #33-11-17 ; A request by Global Surveying Consultants, Inc., agent for William D. White, from 44 to 36 minimum number parking spaces at 8621 U.S. Highway 271 South**

Ms. Maggie Rice read the staff report indicating that approval of the development plan and companion variance application would facilitate the development of a 10,640 s.f. Dollar General store with 36 parking spaces and landscaping.

Ms. Rice stated that a neighborhood meeting was held Tuesday, November 7, 2017, 5 p.m., at the River Parks Events Building, 121 Riverfront Drive. No surrounding property owners attended the meeting. Ms. Rice stated that the applicant's application indicated the hardship for the variance is that the building had been situated as far as possible to the east side of the property to allow for customer parking and a truck path.

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

6. **Request by Global Surveying Consultants., Inc., agent for William D. White, for development plan approval for a neighborhood store at (Dollar General) at 8621 U.S. Highway 271 South**

Chairman Sharpe called for the vote on the development plan. Motion was made, seconded and carried to amend this request to make approval 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.

- All shrubbery proposed for parking lot screening shall be a minimum of 24” in height at the time of planting and form a seamless row of screening that reaches a minimum height of three feet within two years after the initial installation.
- Submittal of light fixtures verifying that all fixtures are fully shielded.
- BZA approval of the companion variance for 36 minimum parking spaces.
- Signage is limited to that shown on the submitted development plan.
- Retain as many trees as possible on the east property line.
- Sign permits applications shall be submitted for all signage.

The vote was 9 in favor and 0 opposed.

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

7. Variance #33-11-17 ; A request by Global Surveying Consultants, Inc., agent for William D. White, from 44 to 36 minimum number parking spaces at 8621 U.S. Highway 271 South

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 following:

Approval of the variance is for a retail neighborhood store only. Any future uses different from a retail neighborhood store must comply with the required minimum parking standards for the proposed land use.

The vote was 9 in favor and 0 opposed.

8. Variance #34-11-17; A request by Kandace Evans, agent for M.J. Wilson Holdings, LLC, from 25’ to 19.7’ front-yard setback at 2422 South T Street

Ms. Rice read the staff report indicating that approval of the front-yard variance would allow the construction of a carport with a pitched roof. Ms. Rice stated that a neighborhood meeting was held on Monday, October 30, 2017, at 5:00 P.M. with one neighboring property owner attending the meeting with no objections. Ms. Rice stated that the proposed carport would have a hip roof to match the house.

Kandace Evans was present to represent the application. No one was present to speak against the application. Following a discussion by the Commission, Chairman Sharpe called for the vote on the request. Motion was made, seconded and carried to approve the variance application. The vote was 9 in favor and 0 opposed.

9. Variance #35-11-17; A request by Mack Thompson, agent for PWREI, Massard Farms, LLC, from 241.5 s.f. to 333.5 s.f. maximum size of a sign and from the UDO definition of a business sign at 7805 Rogers Avenue

Ms. Rice read the staff report indicating that approval of the variance would allow a new tenant to have a sign space on the existing multi-tenant sign on Rogers Avenue. She stated that a neighborhood meeting was held on November 9, 2 p.m., with no adjacent property owners attending the meeting. She stated that the application indicated the hardship was because the property had no frontage on Rogers Avenue. She further stated that the applicant stated that the sign was the consolidated shopping center sign for several stores and there would be no increase in size to the sign structure.

Mack Thompson was present to represent the application. No one was present to speak against the application. Following a discussion by the Commission, Chairman Sharpe called for the vote on the request. Motion was made, seconded and carried to approve the variance application. The vote was 9 in favor and 0 opposed.

10. Variance #36-11-17; A request by Cary Smallwood, owner, from 7.5' to 6.5' interior side-yard setback at 8812 South 36th Terrace

Ms. Rice read the staff report indicating that approval of the variance would allow a newly constructed single-family residence to remain in which a portion of the northwest corner of the house encroached the interior-side-yard setback. She stated that a neighborhood meeting was held on site on November 10, with no adjacent property owners attending the meeting.

Cary Smallwood was present to represent the application. No one was present to speak against the application. Following a discussion by the Commission, Chairman Sharpe called for the vote on the request. Motion was made, seconded and carried to approve the variance application. The vote was 9 in favor and 0 opposed.

11. Variance #37-11-17; A request by David Mermer, agent for Kendall Newton, from 25' to 5.5' front-yard setback and from 7.5' to .5' interior side-yard setback at 1619 North 33rd Street

Ms. Rice read the staff report indicating that approval of the variance would allow the construction of a carport with a pitched roof and shingles to match the residence. She stated that a neighborhood meeting was held on site on October 30, 5:00 p.m., with no adjacent property owners attending the meeting.

Mr. Mermer was present to represent the application. No one was present to speak against the application. During the discussion of the proposed carport, Mr. Mermer presented alternatives to the project that were not submitted with the application. Following the discussion by the Commission, Chairman Sharpe called for a vote to table the request. Motion was made, seconded and carried to table the variance application to the December meeting so that an accurate site plan could be submitted. The vote was 9 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT
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12. Consider Resolution Regarding Design Standards and Approval Process for Public Drainage Projects

Mr. Bailey stated that during the planning commission's November 7, 2017, study session Commissioner Howe requested that a resolution regarding public drainage projects that was tabled by the Planning Commission on March 8, 2016, be placed on the agenda for the Planning Commission's November regular meeting. Ms. Bailey stated that the resolution presented at the March 8, 2016, planning commission meeting addressed aesthetic and safety concerns regarding recently completed public storm drainage projects.

Mr. Bailey stated that the resolution identified these concerns and proposed that these types of projects should comply with the UDO design and construction standards. He stated that the resolution also asks the Board to support a process that would require storm drainage projects to include landscaping and safety features and that the planning commission review and approve the projects. Mr. Bailey stated that the Board of Directors were scheduled to discuss this matter at their December 12th study session.

Commissioners Howe and Howard spoke in favor of the resolution stating there were better ways to design drainage projects that it would be more aesthetically pleasing than the current method of using extensive amounts of concrete. Commissioners Cooper and Laster expressed concerns about the cost of requiring drainage projects to comply with design guidelines and that it could result in fewer drainage projects.

Following the discussion by the Commission, Chairman Sharpe called for the vote on the resolution. The vote was 4 in favor (Howe, Howard, Newton, and Richardson) and 5 opposed (Carson, Cooper, Laster, Sharpe, and Keese).

There being no further business, the meeting adjourned at 7 pm.