

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
OCTOBER 11, 2011**

On roll call, the following Commissioners were present: Steve Griffin, Walton Maurras, Salvatore Salamone, Vicki Newton, Rett Howard, Marshall Sharpe and Jennifer Parks. Commissioner John Huffman was absent. Commissioner Mike Lorenz arrived following the vote on Item #2 of the agenda.

Chairman Griffin called for the vote on the minutes from the September 13, 2011, Planning Commission meeting. Motion was made by Commissioner Sharpe, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

1. Final Plat – Free Ferry Development – Sivell Engineering

Ms. Brenda Andrews read the staff report indicating that this development will be single family homes within a private, gated development.

Mr. Wiley Smith was present to speak on behalf of the plat.

No one was present to speak in opposition.

Following a discussion by the Commission, motion was made by Commissioner Maurras, seconded by Commissioner Howard and carried unanimously to approve the final plat subject to the following:

- All staff comments noted in the memorandum from Wally Bailey dated October 11, 2011.
- All required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder.

Chairman Griffin then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

2. Final Plat – Walnut Park Estates – Phase II – ETC Engineers

Ms. Brenda Andrews read the staff report indicating that this plat is for the development of single family and duplex dwellings.

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

Chairman Griffin called for the vote on the final plat. Motion was made by Commission Maurras, seconded by Commissioner Parks and carried unanimously to approve the final plat subject to the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder. Chairman Griffin then called for the vote on the final plat as amended. The vote was 7 in favor and 0 opposed.

3. **A. Subdivision Variance #4-10-11; A request by Pat Mickle, agent, for subdivision variance from a required secondary access to a single access and from maximum 200 to 890 average daily trips (ADT) per day on a cul-de-sac located at 2002 Cobble Hill Lane.**

B. Preliminary Plat – Cobble Hill Hideaway – Mickle-Wagner-Coleman

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate a 6-lot, private, gated subdivision. Ms. Andrews stated that the proposed subdivision contains six lots and will be an extension of the existing Cobble Hill cul-de-sac that is within the Cove of Canterbury subdivision.

Ms. Andrews noted that a neighborhood meeting was held on Monday, October 3rd at the Dallas branch of the Fort Smith Public Library with two neighboring property owners attending the meeting with questions and concerns relative to drainage and the type of development being proposed. She stated that the City Operations Department is aware of this problem and has been investigating the matter and Mr. Pat Mickle the engineer for this project has been discussing this matter with the City.

Mr. Pat Mickle, 3434 Country Club, 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 Griffin called for the vote on these items separately.

3. **A. Subdivision Variance #4-10-11; A request by Pat Mickle, agent, for subdivision variances from a required secondary access to a single access and from maximum 200 to 890 average daily trips (ADT) per day on a cul-de-sac located at 2002 Cobble Hill Lane.**

Chairman Griffin called for the vote on the subdivision variance. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin)

B. Preliminary Plat – Cobble Hill Hideaway – Mickle-Wagner-Coleman

Chairman Griffin called for the vote on the preliminary plat. Motion was made by Commissioner Maurras, seconded by Commissioner Lorenz and carried unanimously approve the preliminary plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. Chairman Griffin then called for the vote on the preliminary plat as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 4. Master Land Use Plan Amendment from Residential Attached to General Commercial located at 1520 South "U" Street. (tabled from September) (companion item to items #5, #6 & #16)**
- 5. Rezoning #26-9-11; A request by Scott Branton, agent, for a zone change from Commercial-4-P (C-4-P) to Commercial Heavy (C-5) by Extension located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #6 & #16)**
- 6. Development Plan Approval for a mini-storage facility located at 1520 South "U" Street. (tabled from September) (companion item to items #4, #5 & #16)**
- 16. Variance #34-10-11; A request by Scott Branton, agent, for three (3) variances located at 1520 South "U" Street as follows: (companion item to items #4, #5 & #6)**
 - A. From 2 acres to 10,373 square feet minimum lot area**
 - B. From 100 feet to 73.99 feet minimum lot frontage**
 - C. From a minor arterial to major collector minimum street access**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to facilitate a mini-storage development. Ms. Rice stated that a neighborhood meeting was held on September 8th at 5:30 p.m. at 5311 South 28th Street, Suite C with no property owners in attendance. Ms. Rice also stated that in December 2010 a request to rezone this property to Residential Multi-Family Medium Density was denied by the Planning Commission. At that time, the applicant requested the zone change to allow for the construction of a duplex and during that meeting, a neighboring property owner commented that she would rather see a shopping center constructed rather than a duplex. Ms. Rice noted that a companion variance request from minimum lot size, required street access and minimum lot frontage for this property has also been submitted.

Mr. Scott Branton was present to speak on behalf of these requests.

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

Chairman Griffin then called for the vote on these items separately.

Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval contingent upon the approval of the companion variance and rezoning applications.

Chairman Griffin then called for the vote on the Master Land Use Plan Amendment as amended. The vote was 8 in favor and 0 opposed.

- 5. Rezoning #26-9-11; A request by Scott Branton, agent, for a zone change from Commercial-4-P (C-4-P) to Commercial Heavy (C-5) by Extension located at 1520 South “U” Street. (tabled from September) (companion item to items #4, #6 & #16)**

Chairman Griffin then called for the vote on the rezoning request. Motion was made by Commissioner Maurras, seconded by Commissioner Sharpe and carried unanimously to amend this request to make approval contingent upon approval of the development plan with any changes to the development plan requiring Planning Commission approval and contingent upon approval of the associated variance requests.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 8 in favor and 0 opposed.

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- 16. Variance #34-10-11; A request by Scott Branton, agent, for three (3) variances located at 1520 South “U” Street as follows: (companion item to items #4, #5 & #6)**

Chairman Griffin called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Parks and carried unanimously to amend this request to make approval contingent upon approval of the Master Land Use Plan Amendment and the rezoning request by the Board of Directors. Chairman Griffin then called for the vote on the variance request as amended. The vote was 8 in favor and 0 opposed.

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- 6. Development Plan Approval for a mini-storage facility located at 1520 South “U” Street. (tabled from September) (companion item to items #4, #5 & #16)**

Chairman Griffin called for the vote on the development plan. Motion was made by Commissioner Maurras, seconded by Commissioner Salamone and carried unanimously to amend this request to make approval contingent upon approval by the Board of Directors of the Master Land Use Plan Amendment and the rezoning request. Chairman Griffin called for the vote on this item as amended. The vote was 8 in favor and 0 opposed.

- 7. Preliminary Plat – Reserve at Chaffee Crossing – Lot 1 – Mickle-Wagner-Coleman (companion item to items #8, #9 & #17)**

- 8. Rezoning #30-10-11; A request by Pat Mickle, agent, for a zone change from Not Zoned to Residential Multi-Family medium Density (RM-3) (Parcel A) & Commercial-5 (Parcel B) by Classification located at 9505 Chad Colley Boulevard. (companion item to items #7, #9 & #17)**
- 9. Development Plan Approval for a multi-family development located at 9505 Chad Colley Boulevard. (companion item to items #7, #8, & #17)**
- 17. Variance #35-10-11; A request by Pat Mickle, agent, for four (4) variances located at 9505 Chad Colley Boulevard as follows: (companion item to items #7, #8 & #9)**

Mr. Wally Bailey read the staff reports indicating that the purpose of these requests is to allow for the construction of a multi-family development and a billboard. Mr. Bailey noted that the applicant has requested the withdrawal of the Commercial Heavy (C-5) zone for Parcel B and has requested that the two (2) acres in this parcel remain not zoned. Mr. Bailey stated that a neighborhood meeting was held on Tuesday, September 27th at 4:30 p.m. at 3434 Country Club with no neighboring property owners in attendance.

Mr. Bailey noted a companion variance application request from the requirement regarding windows and rooflines. He stated that in reference to the window variance, the applicant is requesting a waiver from installing windows on the end walls (side elevations). However, the developer is proposing to place windows in the end walls (side elevations) of the buildings and town homes that have exposure to Chad Colley Boulevard, which would include building #'s 1000, 4400, 1100, 1500, 4600, 4700, 4800 and 4900. Mr. Bailey stated that the buildings that do not comply with the roofline requirement include all of the 2 bedroom 16-plexes and the townhomes. The variance involves 19 buildings including building #'s: 1100, 1200, 1400, 1700, 2200, 2400, 2500, 2700, 3200, 3300, 3400, 3500, 3600, 4000, 4300, 4600, 4700, 4800 and 4900.

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

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

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

- 7. Preliminary Plat – Reserve at Chaffee Crossing – Lot 1 – Mickle-Wagner-Coleman (companion item to items #8, #9 & #17)**

Chairman Griffin called for the vote on the preliminary plat. Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

Chairman Griffin then called for the vote on this item as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 8. Rezoning #30-10-11; A request by Pat Mickle, agent, for a zone change from not Zoned to Residential Multi-Family Medium Density (RM-3) (Parcel A) & Commercial-5 (Parcel B) by Classification located at 9505 Chad Colley Boulevard. (companion item to items #7, #9 & #17)**

Chairman Griffin called for the vote on the rezoning application. Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Rezoning of only the 38 acres to RM-3.
- Approval of the preliminary development plan, variance application and submittal of a final development plan.

Chairman Griffin then called for the vote on the rezoning request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

- 9. Development Plan Approval for a multi-family development located at 9505 Chad Colley Boulevard. (companion item to items #7, #8 & #17)**

Chairman Griffin called for the vote on the development plan. Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to the following:

- Approval of the variance application with staff recommendations regarding landscaping, signage and multi-family building standards.
- Submittal of a separate development plan for tenant mini-storage buildings and tenant vehicle storage area for review and approval by the Planning Commission.

Chairman Griffin then called for the vote on the development plan as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

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- 17. Variance #35-10-11; A request by Pat Mickle, agent, for four (4) variances located at 9505 Chad Colley Boulevard as follows: (companion item to items #7, #8 & #9)**
- A. From 24 square feet to 100 square feet maximum size of a sign**
 - B. From the multi-family design guidelines relative to walls with exterior windows**
 - C. Roof design of multi-family design guidelines, and**
 - D. To modify perimeter landscaping requirements along I-49 right-of-way**

Chairman Griffin called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to amend the request to make approval subject to the following:

- The proposed monument sign shall be 10' x 10'
- In addition to the buildings proposed by the developer to have end wall windows, the following buildings shall also have windows in the end walls: Buildings #1000, #4500 and #1400 (north side only).
- The 10 foot landscaping strip shall be placed between the storage buildings and the interstate and planted with trees that provide year round screening, such as Green Giant Arborvitae or Nelly Stevens Holly planted at 15 feet on center. Trees shall be 6-8 feet at the time of planting.

Chairman Griffin then called for the vote on the variance request as amended. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

Chairman Griffin commended the City staff, developers, architects and engineers in working together on this project.

10. Rezoning #31-10-11; A request by John Paul Dean for:

A) A zone change from Commercial-2 to Commercial-5 by Classification located at 10220 Highway 71 South.

B) A request to defer the requirement for a development plan at 10220 Highway 71 South.

Ms. Maggie Rice read the staff report indicating that the purpose of these requests is to permit the future construction of commercial development. Ms. Rice stated that a neighborhood meeting was held on Friday, September 16th at 2:00 p.m. at the Dallas Branch of the Fort Smith Public Library with two neighboring property owners in attendance who did not raise any concerns. Ms. Rice noted that the Utilities Department has stated that there is no sanitary sewer available to the property and upon development either the public sanitary sewer will have to be extended or a private sanitary sewer system will need to be installed. Ms. Rice stated that the applicant does not have immediate plans for development of this property and has requested the development plan be deferred.

Mr. John Paul Dean was present to speak on behalf of this request.

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

Chairman Griffin then called for the vote on these items.

Motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend this request to make approval subject to a development plan being submitted and approved by the Planning Commission prior to any building permits being issued for the property.

Chairman Griffin then called for the vote on these items as amended. The vote was 8 in favor and 0 opposed.

11. Conditional Use #27-10-11; A request by B.K. Thompson III, agent, for a conditional use to allow a Limousine service located at 410 Towson Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the reuse of the vacant retail business as a limousine service.

Mr. B.K. Thompson III was present to speak on behalf of this request.

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

Following a discussion by the Commission, motion was made by Commissioner Lorenz, seconded by Commissioner Parks and carried unanimously to amend the request to make approval contingent upon all vehicle maintenance activities being limited to the limousine service vehicles and to the types of maintenance activities described in the applicant's letter dated October 6, 2011.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 8 in favor and 0 opposed.

12. Conditional Use #28-10-11; A request by Belva Ross, agent, for a conditional use to allow a church located at 4402 Kelley Highway.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the reuse of the vacant Dollar General store into a church. Ms. Rice noted that the structure would be utilized as is with no structural changes and that the applicant has indicated that they do plan to remove the existing Dollar General sign.

Ms. Rice stated that staff had received one phone call expressing concerns about this location for a church due to the fact that he would like to construct a liquor store across the street and the church would prohibit this location.

Ms. Belva Ross was present to speak on behalf of this request.

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

Chairman Griffin then called for the vote on the conditional use request. The vote was 8 in favor and 0 opposed.

13. Home Occupation #3-10-11; A request by Amin Raullerson for a home occupation to allow a recording studio located at 4015 Dean Drive.

Ms. Brenda Andrews read the staff report indicating that the purpose of the home occupation request is to allow the applicant to operate a home recording studio business from his residence. Ms. Andrews stated that the business would be conducted from 8:00 a.m. to 12:00 a.m. (midnight), Friday through Sunday and that the applicant would utilize a Chrysler car for the business. It was noted that storage of all equipment would be in the recording room.

Mr. Amin Raullerson, 4015 Dean Drive, was present to speak on behalf of this request.

Commissioners Maurras and Sharpe questioned the applicant as to their concerns relative to noise.

Mr. Raullerson stated that the recordings are done through headphones in a booth area.

Commissioner Sharpe asked the applicant if he would be opposed to amending the hours of operation to be from 8:00 a.m. to 10:00 p.m., Friday through Sunday. Mr. Raullerson stated that he would not have a problem with amending the business hours.

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

Following a discussion by the Commission, Chairman Griffin called for the vote on the home occupation request. Motion was made by Commissioner Sharpe, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the following:

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- No more than two (2) clients allowed at the residence at any given time.
- The business license cannot be transferred to another residence without a new Home Occupation application.
- No commercial trash containers will be placed at the residence.
- Compliance with the Fort Smith Noise Ordinance.
- Hours of operation are to be from 8:00 a.m. to 10:00 p.m., Friday through Sunday.

Chairman Griffin then called for the vote on the home occupation request as amended. The vote was 8 in favor and 0 opposed.

14. Home Occupation #4-10-11; A request by Jeremy Clayton for a home occupation to allow a mobile detail shop located at 3816 Barry Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of the home occupation request is to allow the applicant to operate a mobile detail service business from his residence. Ms. Rice noted that the applicant has indicated his business would be conducted from 8:00 a.m. to 5:00 p.m., Monday through Friday and that he would utilize a Ford pick-up in the operation of his business.

Mr. Jeremy Clayton, 3816 Barry Avenue, was present to speak on behalf of this request.

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

Chairman Griffin then called for the vote on the home occupation request. Motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to amend the request to make approval subject to the following:

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
- No detail or vehicle washing other than personal vehicles allowed at 3816 Barry Avenue.
- The business license cannot be transferred to another residence without a new Home Occupation application.
- No commercial trash container will be placed at the residence.

Chairman Griffin then called for the vote on the home occupation request. The vote was 8 in favor and 0 opposed.

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15. Variance #33-10-11; A request by Greg Simpson, agent, for a variance from 300 square feet to 380 square feet

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow for a digital outdoor advertising sign to be installed.

Mr. Greg Simpson was present to speak on behalf of this request.

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

Chairman Griffin then called for the vote on the variance request. The vote was 7 in favor, 0 opposed and 1 abstention (Griffin).

Meeting Adjourned!