

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MARCH 8, 2011**

On roll call, the following Commissioners were present: Steve Griffin, Mike Lorenz, Walton Maurras, Keith Lau, Marshall Sharpe and Salvatore Salamone. Commissioners Jennifer Parks, Travis Stephens and John Huffman were absent.

Chairman Griffin then called for the vote on the minutes from the February 8, 2011, Planning Commission meeting, as well as the February 15, 2011, Special Planning Commission meeting. Motion was made by Commissioner Lorenz, seconded by Commissioner Sharpe and carried unanimously to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

- 1. Master Land Use Plan Amendment from Residential Detached to Neighborhood Commercial located at 6300 Cliff Drive. (companion item to items #2 & #3)**
- 2. Rezoning #5-3-11; A request by Pat Mickle, agent, for a zone change from Residential Multi-Family medium Density (RM-3) to Commercial Light (C-2) by Classification located at 6300 Cliff Drive. (companion item to items #1 & #3)**
- 3. Development Plan Approval of a parking lot located at 6300 Cliff Drive. (companion item to items #1 & #2)**

Mr. Randy Coleman with Mickle-Wagner-Coleman requested that these items be withdrawn from the agenda.

The Planning Commission withdrew these items from the agenda by a vote of 6 in favor and 0 opposed.

- 4. Conditional Use #6-3-11; A request by Travis Brisendine, agent, for a conditional use for parking lot expansions at the UA Fort Smith Campus. (companion item to item #10)**
- 10. Variance #3-3-11; A request by Travis Brisendine, agent, for a variance from Section 27-602-3 of the Unified Development Ordinance (Landscaping & Screening). (companion item to item #4)**

Chairman Griffin stated that the applicant is requesting these items be withdrawn from the agenda. He noted that the vote to withdraw these requests would need to be done separately due to the fact that the conditional use is heard by the Planning Commission and the variance is heard by the Board of Zoning Adjustment.

Chairman Griffin then called for the vote to withdraw the conditional use request for the parking lot expansions for the UA Fort Smith Campus from the agenda. The vote was 6 in favor and 0 opposed.

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Chairman Griffin then called for the vote to withdraw the associated variance request for the UA Fort Smith Campus. The vote was 6 in favor and 0 opposed.

**RECESS BOARD OF ZONING ADJUSTMENT
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5. Preliminary Plat – Massard Business Park – Lots 1-13 – Mickle-Wagner-Coleman

Ms. Brenda Andrews read the staff report indicating that the proposed use for this property would be commercial and industrial uses.

Mr. Randy Coleman was present to speak on behalf of this plat.

No one was present to speak in opposition to the proposed plat.

Chairman Griffin then called for the vote on the preliminary plat. Motion was made by Commissioner Lorenz, seconded by Commissioner Lau and carried unanimously to amend the request to make approval of the plat subject to the following:

- Developer shall agree to meet all franchise and City utility easement requirements.
- 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 6 in favor and 0 opposed.

6. Preliminary Plat – Walnut Park Estates – Phase II – ETC Engineers

Ms. Brenda Andrews read the staff report indicating that the proposed use for this property would be single family and duplex dwellings.

Mr. Jim Higby with Cornerstone Surveying was present to speak on behalf of this plat.

No one was present to speak in opposition to the proposed plat.

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

- Developer shall agree to meet all franchise and City utility easement requirements.
- 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 6 in favor and 0 opposed.

7. Conditional Use #5-3-11; A request by Larry Hall, agent, for a conditional use for a church located at 2201 South 46th Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to allow for the construction of a new church. Ms. Rice stated that the church is presently utilizing the existing Family Life Center to the east of the proposed church as a temporary place of worship.

Ms. Rice noted that a neighborhood meeting was held on March 7, 2011, in the Family Life Center building at 2201 South 46th Street.

Mr. Larry Hall was present to speak on behalf of the conditional use request.

Mr. Walter Carson, 4715 South "T" Circle, spoke in opposition to the request citing his concerns relative to noise, traffic and devaluation of property.

Mr. Jim Creekmore, 4709 South "U" Street, advised the Commission that he was not opposed to the church but was concerned with the possibility of a communication tower being constructed on the back part of the property in the future. Chairman Griffin advised Mr. Creekmore that prior to the placement of a tower on this property, a conditional use would have to be brought before the Planning Commission for approval and all surrounding property owners would be notified.

Mr. John French, 3005 Ramsgate Place, advised the Commission that Verizon Wireless approached the church about constructing a tower on the property; however when the church found out that the neighborhood was opposed to the tower they did not pursue the matter with Verizon Wireless. Mr. French also noted that the church has no plans in the future to allow the construction of a communication tower on the property.

Mr. Philmore Lynn, 4611 South "U" Street, advised the Commission that he has never had any problems with the church; however, he was concerned that the landscaping or fencing requirements would prohibit him from being able to access his property through their parking lot. Mr. Hall stated that the church would have no problem with

constructing a gate which would allow him to continue to have access to his property from their property.

Following a discussion by the Commission, motion was made by Commissioner Maurras, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to compliance with all City codes and standards for development and construction and approval being based on the submitted site plan.

Chairman Griffin then called for the vote on the conditional use request as amended. The vote was 5 in favor, 0 opposed and 1 abstention (Lau).

8. Unified Development Ordinance (UDO) Amendments – Section 27-445-28

Ms. Brenda Andrews read the staff report indicating that during the discussion of the Old Harrison Lane rezoning, a discussion occurred regarding the land uses that are permitted in the ETJ Industrial Light (I-1) zoning district. Ms. Andrews stated that after reviewing the ETJ Use Matrix, planning staff agreed that several land uses did not fit the general purpose of a Light Industrial district. She noted that the proposed ETJ zoning ordinance amendments will correct the land uses permitted in this zoning classification.

No one was present to either speak in favor or in opposition to the proposed UDO amendments.

Chairman Griffin then called for the vote on the UDO Amendments. The vote was 6 in favor and 0 opposed.

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9. Variance #2-3-11; A request by Keith Lau, agent, for a variance from 27-704-2(2) a sign illumination from indirect to internally illuminated and from 24 square feet to 30 square feet maximum size of a monument sign located at 3920 Rogers Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is to allow a 30 square foot monument sign to be installed near the intersection of Rogers Avenue and South 40th Street and allow the use of direct lighting instead of the required indirect lighting. Ms. Rice stated that planning staff has no objections to this variance due to the fact that the property is located along a major arterial street with Commercial Light development to the north and east of this property, as well as the fact that a Commercial Light zoning district would allow for a much larger sign.

Mr. Keith Lau spoke on behalf of the request. Mr. Lau also noted that he had talked with the neighbor to the rear of the property and they had no opposition or concerns relative to this variance request.

Chairman Griffin then called for the vote on the variance request. The vote was 5 in favor and 0 opposed. Commissioner Lau was in the audience at the time of discussion and vote on this item.

Meeting Adjourned!