

The Springdale Planning Commission met in regular session on Tuesday, October 7, 2014 in the City Council Chambers.

Prior to the meeting being called to order, Chairman Joel Kelsey led the Pledge of Allegiance and Commissioner Bob Arthur gave the invocation.

The meeting was called to order by Chairman Kelsey at 5:00 p.m.

Roll call was answered by:

Bob Arthur
Roy Covert
Vivi Haney – Secretary
Joel Kelsey – Chairman
Mitch Miller
Kevin Parsley
Brian Powell
Stan Szmyd – Vice-Chairman

Also in attendance were Patsy Christie, Director of Planning and Community Development and Sarah Sparkman, Assistant City Attorney. It should also be noted that the newest member of the Planning Commission, Charles Gaines, arrived after the meeting had been called to order.

Mr. Szmyd moved to approve the corrected minutes from August and the minutes from September. Mr. Miller seconded the motion. By a voice vote of all ayes and no nays the minutes were approved.

Public Hearing

Proposed Amendment to Chapter 130 Zoning Ordinance, Article 6 regarding Mobile Vending Sites, Section 3.16
Presented by Patsy Christie

Ms. Christie stated that this is a proposal to amend the Ordinance that was submitted by the Council to the Planning Commission. It changes the amount of time that a mobile vendor may stay at a location. It is increasing it from one hour to three hours.

It had been decided on an hour to allow those that went to construction sites or industries to be able to move around; council is proposing to allow three hours at each of those locations.

Ms. Christie stated her concern was that in three hours of sitting at one place, it could feasibly create a congestion problem with traffic and she feels that question should be asked of the council. She said there were some locations in the past where a vendor could come in and stay and create both traffic and safety problems.

Mr. Covert asked if it was three hours in a twenty four hour period or could the vendor set up for three hours leave and come back in five minutes and set up for another three hours.

**SPRINGDALE PLANNING COMMIMSSION
COUNCIL CHAMBERS
5:00 P.M.
201 SPRING
NOVEMBER 4, 2014
Agenda**

- I. **Pre-Meeting Activities**
Pledge of Allegiance
Invocation

- II. **Call to Order**

- III. **Roll Call**

- IV. **Approval of Minutes (October 7, 2014)** **P 4- 23**

- V. **Public Hearing**
 - A. **Proposed Amendment to** **P 28-30**
The Springdale Code of Ordinance
Chapter 130 Zoning to reflect Use
Unit 22: Automobile Services & Use
Unit 41; Automobile Sales are subject
To supplementary district regulations
Contained in Article 6
Presented by Patsy Christie

 - B. **Proposed Amendment to The** **P 31-34**
Springdale Code of Ordinance, Chapter
130 to amend Article 4, Section 3.3 to
Address the servicing, parking & storage of
Of vehicles located in a Use Unit 22 Automobile
Services as well as Use Unit 41, Automobile Sales
Presented by Patsy Christie

 - C. **Proposed Amendment to The** **P35-37**
Springdale Code of Ordinance, to amend
Article 4, Section 3.4 General Commercial
District
Presented by Patsy Christie

VI. Tabled Items

- A. B14-57 **Andy Tice** **P 38-42**
3265 N. Thompson
 Variance for deletion of paved parking requirement
 With a two (2) year Bill of Assurance
 Presented by Andy Tice

VII. Public Hearing – Rezoning

- A. R14-34 **Ken & Rosalie Dunk** **P 43-48**
**NE corner of the intersection of Wildwood
& Wagon Wheel Road**
From A-1 to C-5
 Presented by Bates & Associates

- B. R14-35 **Ozark Guidance Center Foundation** **P 49-54**
W. side of I-49, N. side of Watkins Ave.
From P-1 to C-2
 Presented by Engineering Services, Inc.

VIII. Large Scale Developments

- A. L14-28 **48th Street Business Center** **P 55-66**
W. side of I-49, N. side of Watkins Ave.
- B. B14-62 **Sage Partners (for Ozark Guidance Center Foundation)** **P 67-70**
A. Variance for modification of Commercial Design Standards
B. Variance for monument sign in a P-1 zone
 Presented by Engineering Services, Inc.

IX. Preliminary Plats, Replats and Final Plats

- A. PP14-03 **Habberton Ridge PUD** **P 71-73**
SE corner of Habberton & Horn Roads
Concept of Detention
 Presented by Engineering Services, Inc.

X. Board of Adjustment

- A. B14-62 **Sage Partners (for Ozark Guidance Center Foundation)** **P 74-77**
 A. Variance for modification of Commercial Design Standards
 B. Variance for monument sign in a P-1 zone
 Presented by Engineering Services, Inc.

XI. Board of Adjustment by City of Springdale

- A. B14-63 Johnny L. Bakker Revocable Trust **P 78-81****
Susan Chasse Property
3564 Barnett Lane
 Variance for reduction of front setback from 30' to 24'
 Presented by Patsy Christie
- B. B14-64 Chad & Margaret Barber **P 82-85****
3599 Hamm Lane
 A. Variance for reduction of front setback from 30' to 10'
 B. Variance for reduction of lot size
 Presented by Patsy Christie
- C. B14-65 Gary & Mary King **P 86-89****
3367 W. Don Tyson Parkway
 Variance for reduction of front setback from 30' to 10'
 Presented by Patsy Christie
- D. B14-66 Harold & Deborah Mayes Living Trust **P 90-93****
3423 W. Don Tyson Parkway
 Variance for reduction of front setback from 30' to 17'
 Presented by Patsy Christie
- E. B14-67 Mariano Herrera **P 94-97****
3461 W. Don Tyson Parkway
 Variance for reduction of front setback from 30' to 23'
 Presented by Patsy Christie
- F. B14-68 Linda G. Young **P 98-101****
3525-A W. Don Tyson Parkway
 Variance for reduction of front setback from 30' to 26'
 Presented by Patsy Christie

XII. Planning Director's Report

XIII. Adjourn

Ms. Christie stated it isn't clear. It only states that a vendor can only be at a site for three hours before they have to move. In theory a vendor could do what Mr. Covert suggested.

Mr. Arthur asked if the spirit of the proposal was because of food trucks becoming more and more popular in other communities.

Ms. Christie said she felt that, that was the case, but that the commission needs to be careful how it is addressed. She said once it is started, especially in the downtown area, it needs to be well established and it needs to be good quality vendors.

Mr. Szmyd asked how other cities handled it.

Ms. Christie said that they use a lottery method.

She further stated that the Downtown Alliance is looking to come forward with a proposal with how to handle truck vendors.

Mr. Powell asked that if it is an ordinance how it will be enforced.

Ms. Christie said there would have to be complaints because the vendor has been there longer than three hours. She further stated that she didn't think there is a permitting process. The vendor would just have to have a business license.

Mr. Parsley said he felt that they would be making some hasty changes to the ordinance and some of the things that aren't addressed, for example, if a mobile vendor parked in front of a restaurant, then that vendor would be taking away from the restaurant. He felt it needs more thought.

Mr. Szmyd asked if they could take it to a work session.

Ms. Christie stated that Council sent it to Planning for a public hearing and it will go to council next Tuesday night.

She further stated Planning Commission could forward it to council with a recommendation not to approve with these questions having been raised at this public hearing.

Mr. Kelsey asked if there were those in the audience that would like to comment.

Ms. Janie Bibb said that if there is an industry whose lunch hours are staggered from approximately 11:00 a.m. to 2:00 p.m. then the three hour time frame would be beneficial to the mobile vendors.

Mr. Szmyd moved to forward to Council with a recommendation that they meet at a joint work session to discuss the items that have come up at this public hearing. Mr. Arthur seconded the motion.

VOTE:

YES: Arthur, Covert, Haney, Kelsey, Miller, Parsley, Powell, Szmyd

NO: None

The motion was approved by a unanimous vote.

Let it be noted at this time that our newest Planning Commissioner Charles Grimes came in.

Public Hearing – Rezoning

- A. R14-32 First Western Bank
Habberton Crossing
From A-1 to PUD
Presented by Blew & Associates

This item was tabled per the applicant's request.

- B. R14-33 Jack & Patricia Boudrey
908 & 910 Mockingbird Lane
From C-2 to C-5
Presented by Wayne Vanhook

Mr. Vanhook was present on behalf of his clients to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates commercial use.

The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval.

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations.

Assure adequate land allocation for commercial areas of sufficient size and in proper locations.

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Powell called for the vote.

VOTE:

YES: Covert, Gaines, Haney, Kelsey, Miller, Parsley, Powell, Szmyd, Arthur

NO: None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the ordinance to go to Council on Tuesday, October 28, 2014 at 6:00 p.m.

Public Hearing – Conditional Use

- A. C141-13 Above Par Bar-B-Que
838 N. 48th Street
Use Unit 44 (Mobile Vending) in C-5
 Presented by Pamela Winberry

Mr. and Mrs. Winberry were both present to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Ms. Christie read the Staff comments.

Acceptable Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

Acceptable Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.

Not shown Refuse and service areas, with particular reference to the item in 1 and 2 above.

On site plan

Not applicable Utilities, with reference to locations, availability and compatibility.

Not applicable Screening and buffering with reference to type, dimension and character.

Not shown Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the **on site plan** district.

Acceptable Yard requirements and other open space requirements.

Acceptable The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.

N/A Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect.

Acceptable General compatibility with adjacent properties and other property in the general district. **Designated parking spaces shown on site plan to be approximately 10 spaces.**

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Szmyd called for the vote.

VOTE:

YES: Haney, Kelsey, Miller, Parsley, Powell, Szmyd, Arthur, Covert, Gaines,

NO: None

The conditional use was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the Resolution to go to Council on Tuesday, October 28, 2014 at 6:00 p.m.

B. C14-14 Church of Christ of Springdale
3806 Kelley Avenue
Use Unit 42 (Church/Synagogue) in C-2
Presented by Grant Siemens

Mr. Siemens was present to answer any questions or comments.

Ms. Christie asked if the church was proposing to purchase this building.

Mr. Siemens said they were.

She asked if they were buying it as an investment property so if the church grows they can sell.

Mr. Siemens stated if the church did grow to a point where it could not accommodate the congregation, they would sell the property to help purchase another location.

Ms. Christie read the Staff comments.

Acceptable Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

Acceptable Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects

of the conditional use on adjoining properties and properties generally in the district.

Acceptable Refuse and service areas, with particular reference to the item in 1 and 2 above.

Acceptable Utilities, with reference to locations, availability and compatibility.

N/A Screening and buffering with reference to type, dimension and character.

Unknown Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.

Acceptable Yard requirements and other open space requirements.

Unacceptable The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.

Unknown Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect.

Acceptable General compatibility with adjacent properties and other property in the general district.

Ms. Christie stated the question is does the commission want to grant a conditional use for a church as a permanent location in a commercial zone. She further stated that had the applicant come in and wanted to rezone the parcel to a P-1 her recommendation would be to deny the request as it would not "fit" into the commercial area.

Mr. Kelsey asked if there were those in the audience that would like to comment.

Mr. William McFetridge spoke. He stated that he owns a business adjacent to the location under consideration for the conditional use. He said that his building is valuable and one of the nicest ones on the block. He said if the church is like any other church, it will want to grow.

He was asking the planning commission to deny the request as he felt it inappropriate to have a church in this particular area. He voiced concern about congregants using his parking lot during church hours and was very opposed to that happening.

Mr. Danny Wright with the Springdale Police Department noted that if it was approved they would have to abide by the Springdale Noise Ordinance.

Mr. Kelsey asked Mr. Duane Miller, with the Springdale Fire Department, to read his notes as the commissioners were unable to read theirs.

Mr. Miller read his notes: all exit doors swing in the path of egress. Exits combos above the exit doors, landings and emergency lights; there must be emergency lights on all the exits on the exterior as well. Also noted there must be fire extinguishers and where they need to be located. Panic hardware would be required on an assembly building and the church would have to provide to the SFD with a fixed seating plan and it would have to be stamped for approval due to the fact they would have to set up the seating in the building.

Mr. Kelsey said that he feels the location where the church wants to go is inappropriate. He stated that churches do not belong in a commercial/light industrial zoning. He said he means no offense to the church and that he is just expressing his personal feelings.

Mr. Siemens wanted to address some of the comments. He said he understands per ordinance that the fire department must determine how many people can fit in the building. As far as parking, it is determined by the assembly area. He said they had looked for a long time at different places and this location fit the needs of what they were looking for. It is in close proximity to the congregants and the only time they would meet would be on Sunday. He said he felt their presence would be a plus to the area and give a presence to the area on the week end.

Ms. Haney pointed out that if parking did become a problem, the conditional use could be rescinded and the church would go away and they would be stuck with a property and no church.

Mr. Parsley asked why Mr. Siemens chose this particular location.

Mr. Siemens said that they had looked for some time and found this particular building met their needs. It was a little bit larger than what they had been looking for but he felt they could grow into it.

Mr. Szmyd called for the vote.

VOTE:

YES: None

NO: Kelsey, Miller, Parsley, Powell, Szmyd, Arthur, Covert, Gaines, Haney

The conditional use was denied by a unanimous vote.

Ms. Christie stated for the record that Mr. Siemens could appeal the commission's decision to the council. The appeal must be in writing and must be submitted within fifteen days to the City Clerk's office. You must state why you feel the commission erred in its decision and the adjacent property owners must be re-notified.

Large Scale Developments

- A. L14-27 Springdale High School
 Bulldog Stadium Press Box
 SE corner of Pleasant & Center Streets
 Presented by McGoodwin, Williams, & Yates

Mr. Chris Brackett with McGoodwin, Williams and Yates was present on behalf of his client to answer any questions or comments. Dr. William Compton with the Springdale School District was also in attendance.

Mr. Kelsey asked for Staff comments.

Ms. Christie read the Staff comments.

Planning Comments

- 1) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Szmyd moved to approve the large scale development subject to Staff comments. Mr. Miller seconded the motion.

VOTE:

- YES:** Miller, Parsley, Powell, Szmyd, Arthur, Covert, Gaines, Haney, Kelsey
- NO:** None

The large scale was approved by a unanimous vote.

Preliminary Plats, Replats, & Final Plats

- A. PP14-01 Mathias Shopping Center
 N. of Mhoon, E. side of 48th Street
 Concept of Detention
 Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Ms. Christie read the Staff comments.

Planning Comments

1. Street names will need to be provided and approved prior to final plat acceptance.
2. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Engineering Comments

- 1) Provide road profiles.
- 2) Roads must meet Springdale Master Street Plan Design Criteria.
- 3) **Sect 106** Submit a preliminary drainage report
 - a. Due to it being a major drainage way for the city, a drainage easement is required for the A Zone flood plain.
 - b. Proposed detention pond cannot be placed in a flood zone.
 - c. Per FEMA Requirements, establish a base flood elevation for the A Zone.
 - i. *"All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data" 44 CFR 60.3 (b) (3)*
- 4) Need to submit a floodplain determination application at the time of resubmittal. See Applications & Forms / Floodplain at http://www.springdalear.gov/department/planning_and_community_development/.

Mr. Appel stated said they had worked through the drainage with Staff and they plan to leave the pond in the flood zone. He further stated the road and the drainage was approved with the large scale for Sam's Furniture. He said they can provide the no rise certificate along with this package.

Ms. Christie stated said they had approved the concept of detention. She said if Staff gets a no rise certificate that should be alright.

Ms. Christie at this time introduced the new Director of Engineering, Brad Baldwin.

Mr. Kelsey asked if there were those in the audience that wanted to comment.

Ms. Debbie Waggoner said they own property that butts up against project. She wanted to know if a fence would be put up so that they would not have to look at the back of the buildings and she also wanted to know if they were going to put a frontage road beside the bypass to access the property.

Ms. Christie said there will be an access off 48th Street that will go along I-49 down to the second lot.

Mr. Appel said they have not submitted large scale plans for the lot that Ms. Waggoner is referencing; however there is ample vegetation along Brush Creek to help screen that area.

Ms. Christie stated that until a large scale is submitted for the lot adjacent to Ms. Waggoner's property a fence will not be required. Once a large scale comes through Planning, then the fence will be addressed as a part of that project.

Mr. Szmyd called for the vote on the concept of detention.

VOTE:

YES: Parsley, Powell, Szmyd, Arthur, Covert, Gaines, Haney, Kelsey, Miller

NO: None

The concept of detention was approved by a unanimous vote.

Mr. Szmyd moved to approve the preliminary plat subject to Staff comments. Mr. Miller seconded the motion.

VOTE:

YES: Powell, Szmyd, Arthur, Covert, Gaines, Haney, Kelsey, Miller, Parsley

NO: None

The preliminary plat was approved by a unanimous vote subject to Staff comments.

- B. PP14-02 Habberton Crossing
S. side of 412 E., E. side of Habberton Rd.
Concept of Detention
Presented by Blew and Associates

This item was tabled per the applicant's request.

- C. RP14-08 Replat Lots 13 & 14 – Jacob's Court
S. side Morris Ave., End of Chelsey Lane
Presented by Jenkins Surveying

William Jenkins with Jenkins Surveying was present on behalf of his client to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Ms. Christie read the Staff comments.

Planning Comments

1. All comments from the utility companies and other city departments must be addressed prior to approval.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Szmyd moved to approve the replat subject to Staff comments. Mr. Miller seconded the motion.

VOTE:

YES: Szmyd, Arthur, Covert, Gaines, Haney, Kelsey, Miller, Parsley, Powell

NO: None

The replat was approved by a unanimous vote subject to Staff comments.

Ms. Christie stated for the record if Mr. Jenkins wanted the replat to go to Council on Tuesday, October 14, he must have the Ordinance in to the Mayor's office by no later than noon on Thursday, October 9, 2014.

D. RP14-09 Replat Lots 5, 6, & 7 – Mills Quarter
W. side Janice Lane, S. Side Bob Mills
Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments. He said there is a variance associated with this on lot 8-A. The initial intent of the replat was to combine lots 5, 6, & 7. The purchaser of the lots requested an additional 40 feet from lot 8 because of trees on the lot. He said he will add language to the plat that Lot 8A would be required to be sold with Lot 9.

Ms. Christie said this is a unique situation because lot 9 is the city of Elm Springs. She said they would be in essence adding a half of a lot to a lot that is in Elm Springs. Elm Springs will also have to approve the replat as well.

Mr. Appel said he didn't think that Elm Springs would have to approve it. He said his intent was to replat 8-A and 9 into one lot; but per the Springdale City Attorney, he would not be able to do that.

Ms. Christie said they would be creating a lot that does not meet the standards for a lot in an SF-1 zone; therefore it would be a sub-standard lot if they approve the variance.

Mr. Powell asked what the alternative would be.

Ms. Christie said that if they cannot combine the half lot created by replating half of lot 8 to lot 9 then there will be a lot that is illegal in a subdivision.

The unique situation being created is that lot 9 would still be in Elm Springs and half of lot 8 would still be in Springdale and basically a sub-standard lot as it could not be built on.

It was discussed that no matter what type of notes put on the plat, it would not be enforceable because lot 9 would still be in Elm Springs and Springdale would have no jurisdiction over it.

Mr. Brian Moore with Engineering Services suggested that they show setbacks where a house could not be built. He said if it is limited on the side setback and state it can never be sold after the first transaction without lot nine.

Ms. Christie asked if it had to be attached to Lot 9 and why couldn't they create it as a common area.

Mr. Moore said he was fine with that.

Ms. Christie said there is not a functioning POA.

Mr. Moore asked if the commission could approve it subject to the POA taking ownership.

Ms. Sparkman she they could but at this time there is no legal entity/POA at this time, so they are creating a condition where the POA has to be created that it would deeded over to.

Mr. Moore said they would o.k. with that the reason being the people are wanting to build their house.

Ms. Christie said before they could vote on the replat, they would have to vote on the variance B14-60 which is tied to the replat.

E. B14-60 Solo, Inc.
5885 Bob Mills Road
Variance for reduction of road frontage from 80'
To 41'
Presented by Engineering Services, Inc.

Both Mr. Jason Appel and Mr. Brian Moore with Engineering Services, Inc. were present on behalf of their client.

Mr. Kelsey asked if there were those in the audience that wanted to comment.

There were none.

Ms. Christie said the variance is to reduce lot 8 from 80' to 41'.

Mr. Covert called for the vote.

VOTE:

YES: None

NO: Covert, Gaines, Haney, Kelsey, Miller, Parsley, Powell, Szmyd

RECUSE: Arthur

The variance was denied by a vote of eight (8) no and one (1) recusal.

Mr. Szmyd moved to approve the replat subject to Staff comments.

Mr. Sedberry stated to add the comment all lots must meet minimum lot requirements.

Mr. Appel asked if he could add lot 8 to the replat.

It was decided that he could.

Mr. Szmyd moved to approve the replat of lots 5, 6, 7, & 8 with the added comment all lots must meet minimum lot requirements. Mr. Miller seconded the motion.

VOTE:

YES: Covert, Gaines, Haney, Kelsey, Miller, Parsley, Powell, Szmyd

NO: None

RECUSE: Arthur

The replat was approved subject to Staff comments by a vote of eight (8) yes and one (1) recusal.

Ms. Christie stated for the record if they want the replat to go to Council on Tuesday, October, 14, 2014, they must have the ordinance in to the mayor's office by noon on Thursday, October 9, 2014. She also said Staff would like to see a revised plat before it goes before council.

Board of Adjustment

Mr. Powell had to leave at this time, however it was noted by Mr. Kelsey that there was still a quorum.

- A. B14-56 Fadil Bayyari
1035 Sunrise
 Variance for deletion of paved parking requirement
 Presented by Fadil Bayyari

Mr. Bayyari was present to answer any questions or comments. He said he has a tenant at that location that uses the space to detail vehicles. He further stated his client has in the process parked cars on the easement on the east side of the building and parking them on gravel. He would like a variance to allow his tenant to park the vehicles as he has been doing until Mr. Bayyari can get the area paved to the east of the building. He just closed on the building to the east and they plan to rehab the building. He said when they renovate the building, they will have common parking. He said they will get a shared parking agreement between the current tenant and the future tenant of the building he is rehabbing.

Ms. Christie asked if he had a time frame.

Mr. Bayyari said it would take about a year.

Ms. Christie asked if he would do a Bill of Assurance that the paving would be done in a year.

Mr. Bayyari agreed to that.

Ms. Christie asked if his tenant was detailing and selling the cars.

Mr. Bayyari stated his tenant buys the cars, details them and then puts them on a car lot away from his detailing shop and sells them. He reiterated that his tenant is not selling cars from that location.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Kelsey said it looked as though Mr. Bayyari's tenant was storing vehicles at this site.

Mr. Bayyari assured him that his tenant was not storing vehicles.

Mr. Szmyd called for the vote subject to a one year Bill of Assurance being signed by Mr. Bayyari.

VOTE:

YES: Gaines, Haney, Miller, Parsley, Szmyd, Arthur,

NO: Kelsey, Covert

The variance was approved with a one year Bill of Assurance by a vote of six (6) yes and two (2) no.

B. B14-57 Andy Tice
3265 N. Thompson
Variance for deletion of paved parking requirement
With a two (2) year Bill of Assurance
Presented by Andy Tice

Mr. Tice was present to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

Ms. Christie asked what type of business was at the location.

Mr. Tice said it is a U-Haul business.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Tice stated he is going through this process for the owners. Mr. Tice is the U-Haul representative.

Ms. Mischa Waggoner, the Community Engagement director, said the reason Mr. Tice was at this meeting because her department has stepped up the game for persons parking in the grass and zoning violations.

Mr. Kelsey asked how big the area is.

Mr. Tice said he didn't know the total area. For the variance he submitted a drawing showing what area he wanted the Bill of Assurance to take care of. He said the owner was not planning to pave the entire property as they are not planning on having too many trucks on site.

Ms. Christie asked if they were planning on just using the area Mr. Tice had indicated on his submission and they would not be parking any U-Haul equipment anywhere else.

Mr. Tice said that was correct.

Mr. Kelsey said the area in question for the paving variance did not appear to be that large. He also asked if they denied the variance would the owners be responsible for paving the entire area.

Ms. Christie said any place a vehicle is parked would have to be paved. So if they just used a small portion of the site for parking that is all that would have to be paved.

Mr. Tice said they just want to pave a section of the 2 acre tract. That portion which is hatched on the drawing that he submitted.

Mr. Arthur asked if the commission voted no, would the owner have to pave the entire two acres.

Mr. Kelsey and Ms. Christie stated in order to get a business license, if the commission voted no, the owner would have to pave the hatched area that was submitted.

Mr. Kelsey requested more information regarding exactly how much area needs to be paved.

Mr. Tice said that he would get a better drawing for the commission. He further stated that he would like to table the variance at this time.

C. B14-58 Tony Ahmad for Furniture Row
4000 S. Thompson
Variance to increase size of wall sign
Presented by Tony Ahmad

Mr. Ahmad was present on behalf of his client, Furniture Row, to answer any questions or comments. He said the sign would be added to the south wall of the business.

Mr. Kelsey asked for Staff comments.

Ms. Christie asked Mr. Chamlee if he had any comments.

Mr. Chamlee stated Mr. Ahmad has covered what needed to be said and met all the requirements.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Miller called for the vote.

VOTE:

YES: Kelsey, Miller, Parsley, Szmyd, Arthur, Covert, Gaines, Haney

NO: None

The variance was approved by a unanimous vote.

- D. B14-59 Springdale School District
Elmdale Elementary School
 - A. Variance for reduction of curb radius
 - B. Variance for reduction of distance between Drives

Presented by USI Consulting Engineers

Mr. Terry Carpenter with USI Consulting Engineers was present on behalf of his client to answer any questions or comments.

Mr. Kelsey asked for Staff comments.

There were none.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Szmyd called for the vote on both the variances.

VOTE:

YES: Miller, Parsley, Szmyd, Arthur, Covert, Gaines, Haney, Kelsey

NO: None

Both variances were approved by a unanimous vote.

- E. B14-60 Solo, Inc.
5885 Bob Mills Road
Variance for reduction of road frontage from 80' to 41'
Presented by Engineering Services, Inc.

This variance was denied by a vote of eight (8) no and one (1) recusal in conjunction with RP14-09.

- F. B14-61 David & Natasha Harris
2078 Ford Avenue
Variance for reduction of distance
Between drives
Presented by Blew & Associates

Mr. Jorge DeQuesne with Blew & Associates was present on behalf of his client to answer any questions. He stated the commission approved a large scale at the September planning commission meeting but he failed to ask for a variance for the already existing drives and that is why he is before the commission tonight.

Mr. Kelsey asked for Staff comments.

There were none.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Miller called for the vote.

VOTE:

YES: Parsley, Szmyd, Arthur, Covert, Gaines, Haney, Kelsey, Miller

NO: None

The variance was approved by a unanimous vote.

Waiver

- A. W14-14 Old Missouri Road Baptist Church
SW corner of Highway 265 & Dusty Lane
Waiver of street improvements
Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments. He said they had submitted a non large scale for review and they are adding sixteen (16) parking spaces and a second entry on to Dusty Lane.

Mr. Kelsey asked for Staff comments.

Ms. Christie asked if they were putting an access onto Dusty Lane.

Mr. Appel said they were.

Ms. Christie asked if it was being added due to the traffic congestion on Highway 265.

Again, Mr. Appel said yes.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Arthur moved to forward to council with a recommendation to approve the waiver.
Mr. Miller seconded the motion.

VOTE:

YES: Szmyd, Arthur, Gaines, Kelsey, Miller, Parsley

NO: Covert, Haney

The waiver was approved by a vote of six (6) yes and two (2) no.

Ms. Christie stated for the record Staff would prepare the Resolution to go to Council on Tuesday, October 28, 2014 at 6:00 p.m.

B. W14-15 Margaret Dixson
6485 New Hope Road
Waiver of sidewalk requirement
Presented by Margaret Dixson

Ms. Dixson's son-in-law was present on her behalf to answer any questions or comments. He said there are about twenty houses on New Hope Road. Of those about eight have fully paved driveways. The rest are either partially paved or gravel.

He also said there are no sidewalks in front of any of the other houses in the area.

Mr. Kelsey asked for Staff comments.

Ms. Christie said the last time it was discussed regarding sidewalk waivers on New Hope Road it was pointed out that there are no plans for improvements to New Hope Road in the near future.

Mr. Kelsey asked if there were those in the audience that would like to comment.

There were none.

Mr. Arthur moved to forward to council with a recommendation to approve the waiver.
Mr. Miller seconded the motion.

VOTE:

YES: Arthur, Covert, Gaines, Haney, Kelsey, Miller, Parsley, Szmyd

NO: None

Ms. Christie stated for the record Staff would prepare the Resolution to go to Council on Tuesday, October 28, 2014 at 6:00 p.m.

- C. W14-16 Mary Pat & David Meyers
4157 Robbins Road
Waiver of sidewalk requirement
Presented by Mary Pat or David Meyers

Mr. & Mrs. Meyers were present to answer any questions or comments. Ms. Meyers said there was no sidewalk anywhere on the road.

Mr. Kelsey asked for Staff comments.

Ms. Christie said she never recommends a waiver for sidewalks, but this location is in the country.

Mr. Chamlee said they are asking for a waiver for three sides as their property goes from Robbins, Kelley and Horn Lane. He said it would be a lot of sidewalk to install.

Mr. Szmyd moved to forward to council with a recommendation for approval. Mr. Miller seconded the motion.

VOTE:

YES: Covert, Gaines, Haney, Kelsey, Miller, Parsley, Szmyd, Arthur

NO: None

The waiver was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the Resolution to go to Council on Tuesday, October 28, 2014 at 6:00 p.m.

Planning Director's Report

The rezoning request by First Western Bank for Habberton Crossing from A-1 to a PUD and the preliminary plat was requested to be tabled by the applicant with the request that it go to a work session to go over the details. She said it is a subdivision of eighteen (18) acres with zero lot lines. There are a lot of details that need to be worked out and the commission needs to understand the type of product that they are providing.

She said the normal work session would be October 21, 2014 at 5:30 p.m. Both Mr. Parsley and Mr. Covert would not be able to attend on that date.

It was decided October 16, 2014 at 5:30 would work for everyone. The meeting will be in the multi-purpose room.

There being no further business the meeting was adjourned at 6:45 p.m.

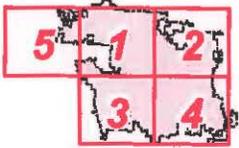
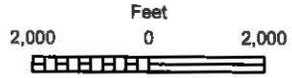
Joel Kelsey, Chairman

Vivi Haney, Secretary

**Patsy Christie, Director
Planning and Community Development Division**

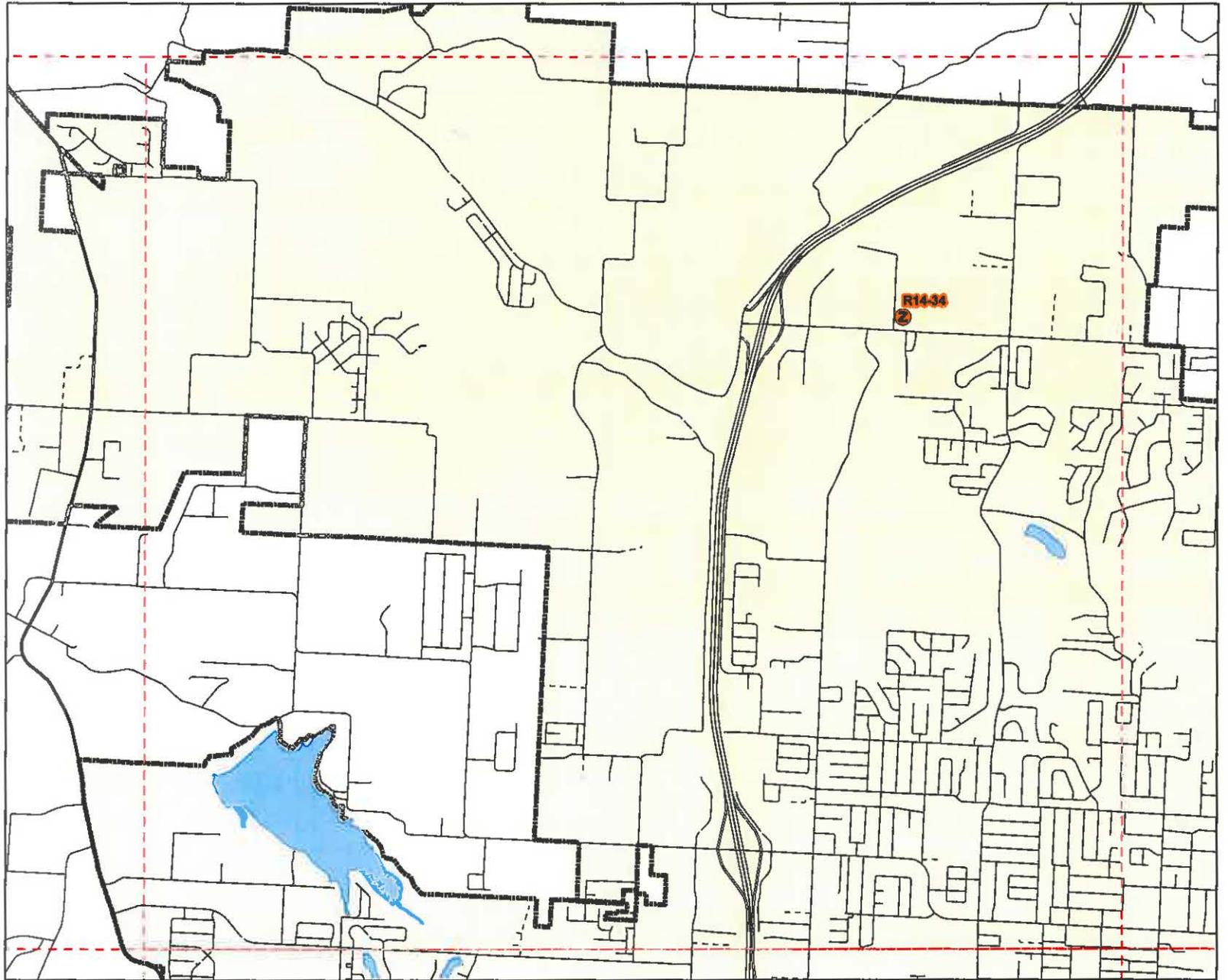
Debbie Pounders, Recording Secretary

**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
NOVEMBER 4TH, 2014**

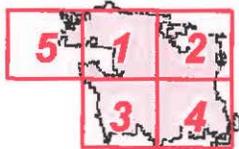
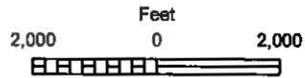


SHEET 1

- ② Rezoning Requests
- © Conditional Use Requests
- Ⓢ Subdivisions (Prelim. & Final)
- Ⓡ Replats
- Ⓢ Large Scale Developments
- Ⓢ Variance Requests
- Ⓢ Lot Splits
- Ⓢ Waivers

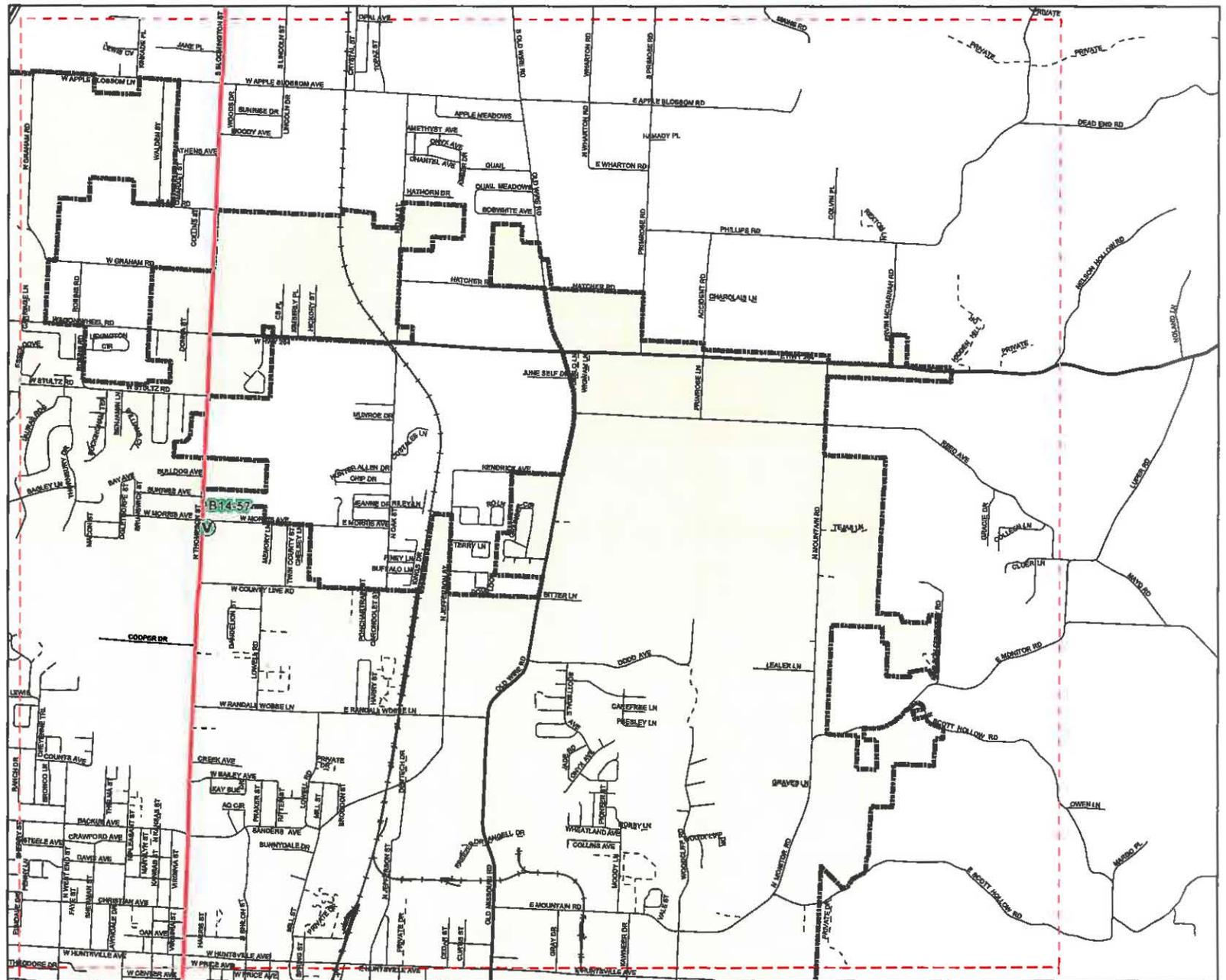


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
NOVEMBER 4TH, 2014**

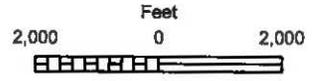


SHEET 2

- Ⓒ Rezoning Requests
- Ⓒ Conditional Use Requests
- Ⓒ Subdivisions (Prelim. & Final)
- Ⓒ Replats
- Ⓒ Large Scale Developments
- Ⓒ Variance Requests
- Ⓒ Lot Splits
- Ⓒ Waivers

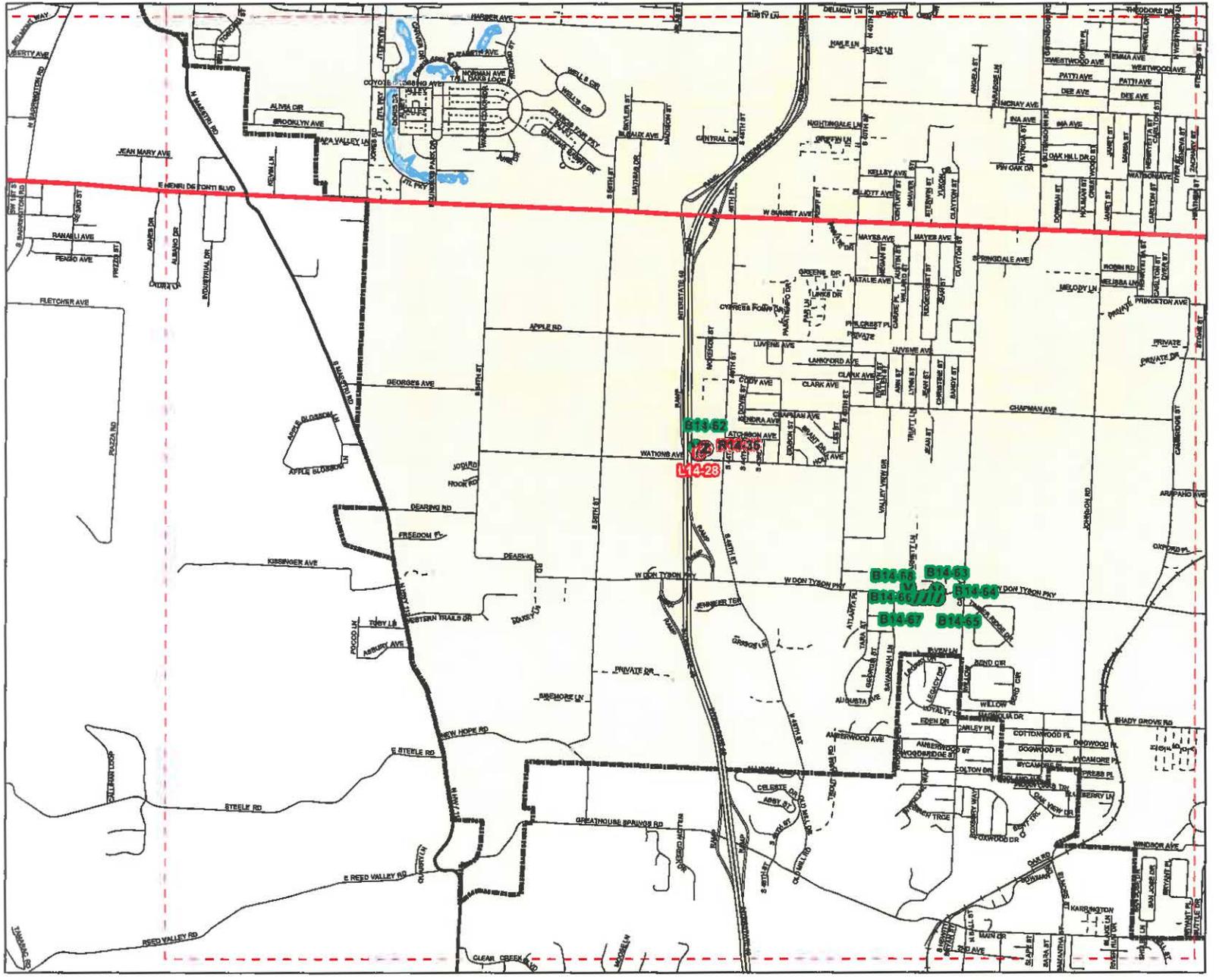


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
NOVEMBER 4TH, 2014**

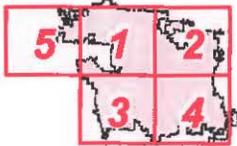
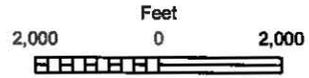


SHEET 3

- ② Rezoning Requests
- Ⓢ Conditional Use Requests
- Ⓞ Subdivisions (Prelim. & Final)
- Ⓡ Replats
- Ⓢ Large Scale Developments
- Ⓢ Variance Requests
- Ⓢ Lot Splits
- Ⓢ Waivers

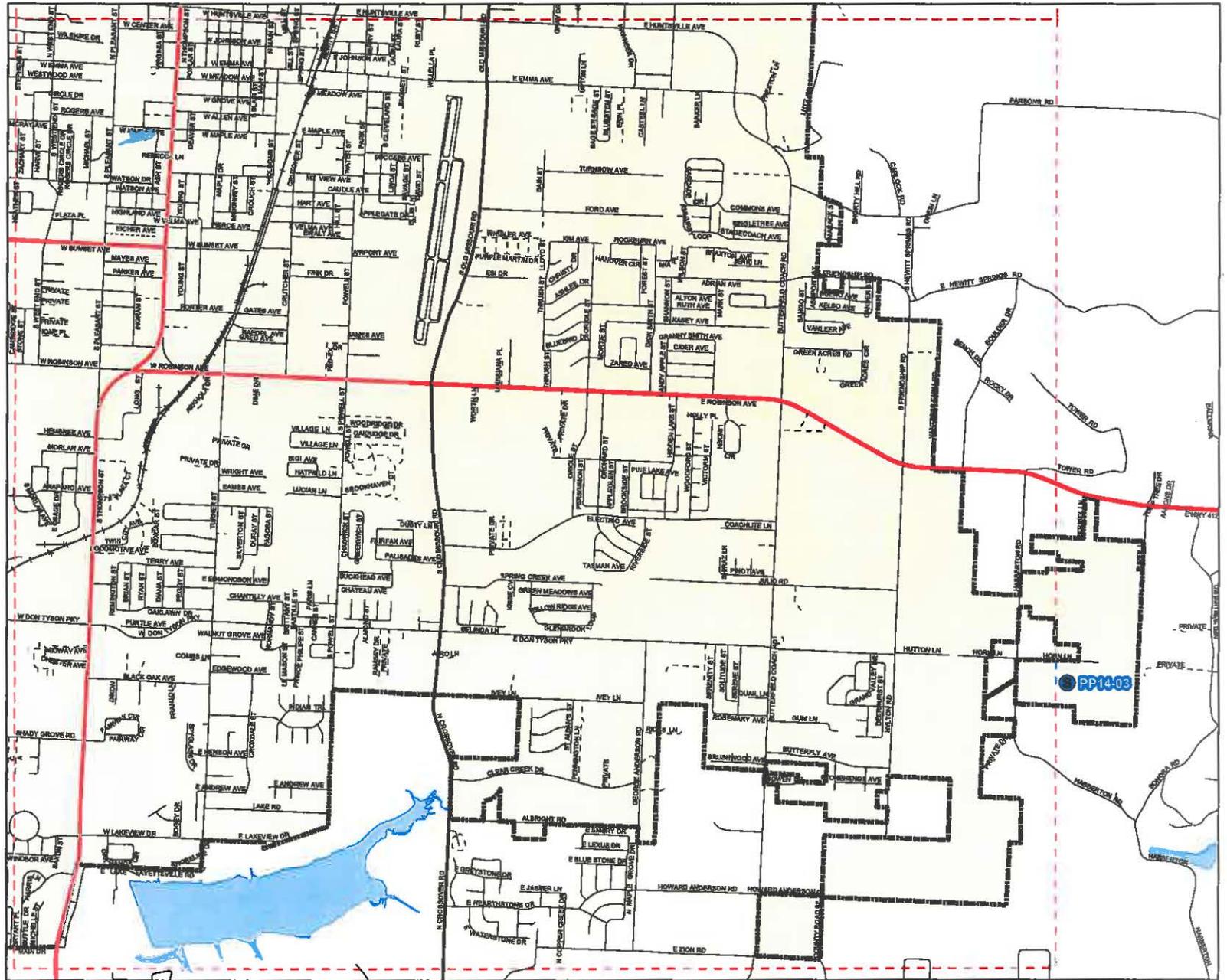


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
NOVEMBER 4TH, 2014**



SHEET 4

- Rezoning Requests
- Conditional Use Requests
- Subdivisions (Prelim. & Final)
- Replats
- Large Scale Developments
- Variance Requests
- Lot Splits
- Waivers



That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 6,
SECTION 3.3 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS AND
FOR OTHER PURPOSES.**

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, currently contains regulations pertaining to automobile garages;

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to address the servicing, parking, and storage of vehicles located in a Use Unit 22 (Automotive Services), as well as Use Unit 41 (Automobile Sales);

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on November 4, 2014, after notice was given of said hearing as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

3.3 Automobile garages, Use Unit 22 (Automotive Services) and Use Unit 41 (Automobile Sales). In any zoning district where permitted, ~~automobile garages a~~ Use Unit 22 (Automotive Services) and Use Unit 41 (Automobile Sales) shall be subject to:

1. ~~The~~ regulations set forth in subsection 3.6 of this article for drive-in facilities;
2. All of the lot used for the parking of vehicles, or for the storage and display of merchandise, shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;
3. All servicing of vehicles and assembly of equipment carried on as an incidental part of these use units shall be conducted within a completely enclosed building or in a service bay that is and all appurtenances used for repair or service of vehicles which are not enclosed shall be located at least twenty-five (25)

feet from a street right-of-way line and fifty (50) feet from any lot line of an agricultural or residential district;

4. No automobile, article, or material stored or offered for sale in connection with these use units shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:
 - a. Except as provided in use unit 43: Automobile sale— Damaged vehicles, any automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
 - b. No permanent open display will be permitted on sidewalks, or public right-of-way.
 - c. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front setback.
5. All property must be designed and at all times maintained to allow emergency vehicles to respond and to navigate the property;
6. Parked vehicles must be able to egress from a parked position without impediment; and
7. Vehicles parked in designated services lanes are exempt from supplemental regulation #6 above during normal business hours.

Except for regulation #2, the provisions herein shall be applicable to all existing Use Unit 22 and Use Unit 41 uses in the City of Springdale as of the date of passage of this amendment, regardless of zoning district, with full compliance of these regulations by December 31, 2014.

Section 2: All other provisions of Article 6 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____,
2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

That which is underlined is added.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 4,
SECTION 3 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS,
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Article 4, Section 3 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations for the various commercial zoning districts in the City of Springdale, Arkansas;

WHEREAS, the regulations pertaining to the C-2 General Commercial District zoning district are in need of revision because of an amendment to Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend the regulations pertaining to the C-2 General Commercial District zoning district;

WHEREAS, a public hearing was held before the Springdale Planning Commission on November 4, 2014, after notice was given of said hearing as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: Article 4, Section 3.4 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

3.4 General commercial district.

PURPOSE.

The C-2 general commercial district is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

USES PERMITTED.

Unit 1, city-wide public uses by right.
Unit 4, cultural, recreational and health facilities.
Unit 16, offices, studios and related services.
Unit 17, eating places.
Unit 19, neighborhood shopping goods.
Unit 20, shopping goods.
Unit 21, trades and services.
Unit 22, automotive services.
Unit 27, parking lot.
Unit 32, temporary buildings.
Unit 35, transportation services.
Unit 45, health care clinic.
Unit 46, flea market, indoor.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.
Unit 31, recycling collection facilities.
Unit 33, self-supporting tower or antenna structure or monopole.
Unit 37, auction houses.
Unit 40, temporary classrooms.
Unit 41, automobile sales.
Unit 42, church/synagogue.
Unit 44, mobile vending site.
Unit 49, commercial assembly.

ACCESSORY USES.

See article 6, subsection 3.1 of this chapter.

SITE PLAN REVIEW.

When a conditional use is proposed in a C-2 district a site plan review shall be required. See article 2, section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

There shall be no maximum height limits in C-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of at least one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS.

SETBACKS.

Front setback30'

Front setback if parking is allowed between R-O-W and the building
.....50'

Side setback (subject to applicable fire and building codes)0

Side setback when contiguous to a residential district20'

Rear setback20'

GREENSPACE.

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line.

When adjacent to the property line of a residential use a five (5) foot landscaped area and a six (6) foot opaque screen shall be required.

2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten (10) percent of the total surface area of the lot or development.

OFF-STREET PARKING.

See article 7 of this chapter.

~~SUPPLEMENTAL REGULATIONS FOR USE UNIT 22: Automotives Services AND USE UNIT 41, AUTOMOBILE SALES~~

- ~~1. All of the lot used for the parking of vehicles, for the storage and display of merchandise shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.~~

- ~~2. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.~~

- ~~3. No article or material stored or offered for sale in connection with the conditional use herein shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:~~

- ~~a. Except as provided in use unit 43: Automobile sale
Damaged vehicles, automobile, truck, tractor, mobile~~

~~home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.~~

~~b. No permanent open display will be permitted on sidewalks, or public right of way.~~

~~c. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.~~

~~4. All property must be designed and at all times maintained to allow emergency vehicles to respond and to navigate the property.~~

~~5. Parked vehicles must be able to egress from a parked position without impediment.~~

~~6. Vehicles parked in designated services lanes are exempt from supplemental regulation #5 above during normal business hours.~~

~~The provisions of Supplemental Regulations No. 4, 5, and 6 shall be applicable to all existing uses in the City of Springdale as of the date of passage of this amendment with full compliance of these regulations by August 15, 2011.~~

Section 2: All other provisions of Article 4 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause: The implementation of the amended ordinance will be unreasonably delayed if not allowed to take affect immediately, and therefore an emergency is hereby declared to exist and this ordinance shall become effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 6,
SECTION 3.3 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS AND
FOR OTHER PURPOSES.**

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, currently contains regulations pertaining to automobile garages;

WHEREAS, Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to address the servicing, parking, and storage of vehicles located in a Use Unit 22 (Automotive Services), as well as Use Unit 41 (Automobile Sales);

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on November 4, 2014, after notice was given of said hearing as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: Article 6, Section 3.3 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

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1. ~~The~~ the regulations set forth in subsection 3.6 of this article for drive-in facilities;
2. All of the lot used for the parking of vehicles, or for the storage and display of merchandise, shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;
3. All servicing of vehicles and assembly of equipment carried on as an incidental part of these use units shall be conducted within a completely enclosed building or in a service bay that is and all appurtenances used for repair or service of vehicles which are not enclosed shall be located at least twenty-five (25)

feet from a street right-of-way line and fifty (50) feet from any lot line of an agricultural or residential district;

4. No automobile, article, or material stored or offered for sale in connection with these use units shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:
 - a. Except as provided in use unit 43: Automobile sale— Damaged vehicles, any automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
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 - c. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front setback.
5. All property must be designed and at all times maintained to allow emergency vehicles to respond and to navigate the property;
6. Parked vehicles must be able to egress from a parked position without impediment; and
7. Vehicles parked in designated services lanes are exempt from supplemental regulation #6 above during normal business hours.

Except for regulation #2, the provisions herein shall be applicable to all existing Use Unit 22 and Use Unit 41 uses in the City of Springdale as of the date of passage of this amendment, regardless of zoning district, with full compliance of these regulations by December 31, 2014.

Section 2: All other provisions of Article 6 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____,
2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Staff Use Only

File # B1459

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

**APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS**

Applicant's Name: Andy TICE

Applicant's Mailing Address:

6265 E. LAKE Sequoyah Dr 479-283-4882
Street Address or P.O. Box Telephone Number
Fayetteville, AR 72701
City, State & Zip Code

Property Owner's Name
(If different from Applicant): RICH HERRERA

Property Owner's Mailing Address:
(If different from Applicant):

3265 N. THOMPSON 479-419-9810
Street Address or P.O. Box Telephone Number
Springdale, AR 72764
City, State & Zip Code

Address of Variance Request: 3265 N. Thompson St Springdale, AR 72764

Zoning District: C-6

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: _____ Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: _____ Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

The proposed pavement improvement would not benefit the existing business. The owner would like to verify that Uhaul Supplemental business will be advantageous to the property.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

The Uhaul rental is a unique business that doesn't have a lot of in and out traffic.

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

Its a second line of business. The primary business does not require pavement. We would like 24 mo to test the market before we spend the money to hard scape an area that will not benefit the primary business.



Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: November 4, 2014
Re: R14-34 Rezone

A request by Kenneth and Rosalie Dunk for Planning Commission approval of a zone change from Agricultural District (A-1) to Open Thoroughfare Commercial District (C-5) for a tract of land containing 5.04 acres.

LOT LOCATION AND SIZE

The 5.04 acre tract is located at the northeast corner of the intersection of Wagon Wheel Road and Wildwood Lane.

A vicinity map is attached.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is currently undeveloped. The area to the north contains a single family dwelling in A-1 zoning. The area to the east contains a single family dwelling and a commercial use in A-1 zoning. The area to the south contains a commercial use in an A-1 district. The area to the west contains a single family dwelling in A-1 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates low density residential and neighborhood commercial uses.

The Master Street Plan indicates Wildwood Lane as a local street and Wagon Wheel Road as a principal arterial.

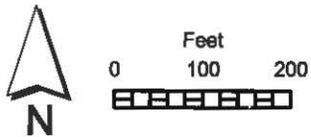
STAFF COMMENTS AND RECOMMENDATIONS

The Comprehensive Land Use Plan indicates neighborhood commercial along Wagon Wheel with low density residential to the north. The C-5 zoning district is a thoroughfare

commercial district and is indicated along the I-49 corridor with general commercial to Wildwood Lane. The neighbor commercial to the east of Wildwood provides a buffer to the residential in the area. A downgrade to a C-2 district would be more in keeping with the Comprehensive Land Use Plan and is recommended for approval.



Public hearing sign posted: / / 2014
Public hearing sign posted by: CS
S Public Hearing Sign Location



APPLICANT: KEN AND ROSALIE DUNK
REZONING REQUEST:
A-1 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
11/4/2014

PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by Kenneth Dunk.

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A THE SOUTHWEST CORNER OF SAID 40-ACRE TRACT AND RUNNING THENCE N00°00'37"W 665.60', THENCE S89°23'24"E 329.54', THENCE S00°02'57"E 665.19', THENCE N89°27'47"W 329.98', TO THE POINT OF BEGINNING, CONTAINING 5.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Layman's Description: Northeast of intersection of Wildwood Lane and Wagon Wheel Road

The **Petitioner** hereby states by oath that:

1. The **Petitioner** is the record title holder of the above described property evidenced by the attached copy of a **Warranty Deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **Petitioner** requests the following zoning classification:

FROM (current zoning): A-1

TO (proposed zoning): C-5

The **Petitioner's** immediate intentions are to:

1. **Sell** the property Yes (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title Yes (Yes or No).

2. **Develop** the property _____ No _____ (Yes or No), and if so, the proposed use is N/A.
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: A C-5 zoning in this area will conform with the current commercial uses across Wagon Wheel road.

The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Bates & Associates, Inc.

Address: 91 W. Colt Square Drive Suite 3., Fayetteville, AR 72703

PETITIONER/OWNER SIGNATURE: 

MAILING ADDRESS: 3448 Wagon Wheel Road, Springdale, AR 72762

TELEPHONE: 479-750-1833 DATE: 10-15-2014

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.



(Property Owner)



(Property Owner)

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 14th day of October, 2014.

EMBRY ROBERTS
NOTARY PUBLIC
WASHINGTON COUNTY - ARKANSAS
COMMISSION NO. 12358206
EXPIRES: JANUARY 1, 2017



Notary Public

Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: November 4, 2014
Re: R14-35 Rezone

A request by Ozark Guidance Center Foundation, an Arkansas non-profit corporation for Planning Commission approval of a zone change from Institutional District (P-1) to General Commercial District (C-2) for a tract of land containing 4.09 acres.

LOT LOCATION AND SIZE

The 4.09 acre tract is located on the north side of Watkins Avenue, adjacent to I-49.

A vicinity map is attached.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is undeveloped. The area to the north and east is undeveloped in P-1 zoning. The area to the south contains a church in P-1 zoning. I-49 bounds the tract on the west side.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates public use.

The Master Street Plan indicates Watkins Avenue as a minor collector.

STAFF COMMENTS AND RECOMMENDATIONS

Since the property is no longer needed by the public institution then the rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommend for approval.

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

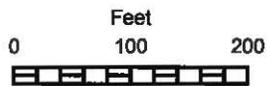
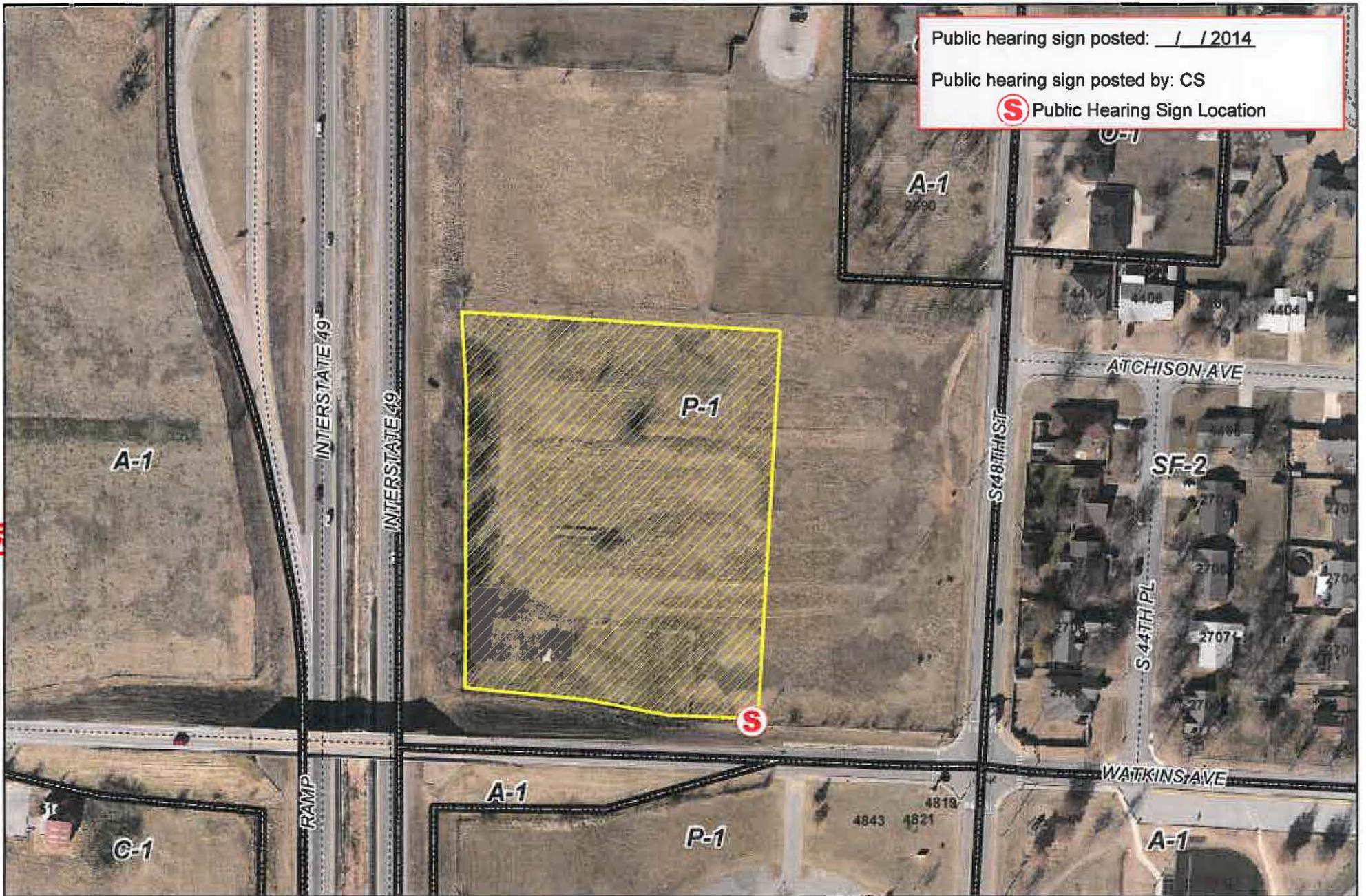
Assure adequate land allocation for commercial areas of sufficient size and in proper locations

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Public hearing sign posted: / / 2014

Public hearing sign posted by: CS

S Public Hearing Sign Location



APPLICANT: OZARK GUIDANCE CENTER
REZONING REQUEST:
P-1 TO C-2

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
11/4/2014

File No. RY-35

PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale code of Ordinances, as amended, by Ozark Guidance Center Foundation, an Arkansas non-profit corporation, the record property owners, petitioning to rezone the following described area:

Legal Description: The Legal Description is attached as Exhibit D.

Layman's Description: Approximately 4.1 acres situated along the west side of Interstate 49 and the north side of Watkins Avenue, approximately 250 feet west of the intersection of Watkins Avenue with 48th Street in Springdale, Washington County, Arkansas.

The **Petitioner** hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a **Warranty Deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and addresses of all adjacent owners of the above described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **Petitioner** requests the following zoning classifications:

FROM (current zoning) P-1 (Institutional District)

TO (proposed zoning) C-2 (General Commercial District)

The **Petitioner's** immediate intentions are to:

1. **Sell** the property Yes (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, or other contract for conveyance of title Yes (Yes or No).
2. **Develop** the property No (Yes or No), and if so, the proposed use is _____

3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: None anticipated
-

The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Engineering Services, Inc.

Address: P.O. Box 282, Springdale, AR 72765-0282

PETITIONER/OWNER: _____

(Signature)

MAILING ADDRESS: P.O. Box 6430, Springdale, AR 72766-6430

TELEPHONE: (479) 750-2020

DATE: October 11, 2014

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.



(Property Owner Signature)
Applicant

(Property Owner Signature)

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of October, 2014.



Notary Public

DEBBIE A. POUNDERS
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires 12-10-2014

Memo

To: Planning Commission
From: Staff
Date: November 4, 2014
Re: L14-28 Large Scale Development NW corner of 48th
& Watkins

Concept of Detention

Variance (B14-62) for modification of Commercial Design Standards.

Variance (B14-62) for a monument sign in a P-1 zone

Planning Comments

- 1) Submit AutoCad and PDF files at time of resubmission
- 2) A written response to all comments is required with resubmission.
- 3) Submit a list of adjacent property owners certified by either a licensed abstractor or land surveyor within the past 60 days.
- 4) Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting.
- 5) This Large Scale Development Plan has been given the number L14-28. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.
- 6) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 7) Need to identify the zoning of all the adjacent properties.
- 8) Access easement will need to be granted by separate document.
- 9) Show the size and location of all freestanding signs. Show distances from street right-of-way.

- 10) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 11) This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. Front, side, and rear elevations, lighting plan, and a written response to design standard comments are required at the time of resubmission (3 copies). See attached design standard comments.
- 12) In all residential, commercial and industrial developments submitted after August 30, 2007, all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground. Excluding 12Kv and above.

Commercial Design Standards Comments

- 1) Continuous internal pedestrian walkways, no less than 5' in width from the public sidewalk to the principal customer entrance of all principal buildings on the site are required.
- 2) Internal pedestrian walkways shall connect focal points of pedestrian activity and shall feature landscaped areas along no less than 50% of their length.
- 3) Internal pedestrian walkways must be distinguishable from driving surfaces through the use of low maintenance surface material such as pavers, bricks, or scored concrete.
- 4) Predominant exterior building materials shall not be: smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.
- 5) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meter shall be screen from public view with landscaping or with an architectural treatment compatible with the building architecture.
- 6) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.
- 7) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) Need to obtain an AHTD permit for all work done on their right-of-way. Submit a copy to City Staff.
- 2) **The concept of detention must be approved by the Planning Commission.**
- 3) **DCM Section 5.4.10** *"An easement shall be provided in Plans for detention facilities. A minimum 20' wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system."* Ownership of the detention facility will remain with the land .
- 4) A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / [Grading at http://www.springdalear.gov/departments/planning_and_community_development/](http://www.springdalear.gov/departments/planning_and_community_development/)

PLANS FOR

LARGE SCALE DEVELOPMENT

TO SERVE

48TH STREET OFFICE COMPLEX

A COMMERCIAL DEVELOPMENT
 IN THE CITY OF
SPRINGDALE, ARKANSAS

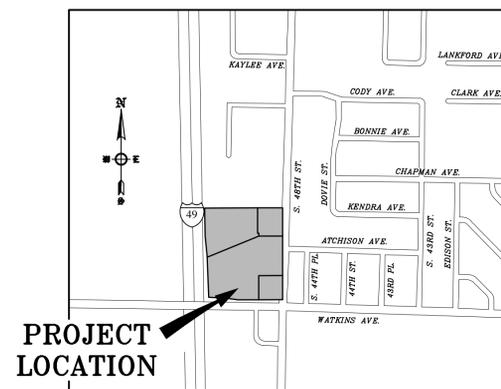
L14-28

October 15, 2014

BY
ENGINEERING SERVICES INC.



CONSULTING ENGINEERS
 SPRINGDALE, ARKANSAS
 PHONE: 479-751-8733
 FAX: 479-751-8746
 WWW.ENGINEERINGSERVICES.COM



**PROJECT
 LOCATION**

VICINITY MAP
 NTS

INDEX OF SHEETS	
SHEET No.	DESCRIPTION
1	LARGE SCALE DEVELOPMENT
2	LANDSCAPING PLAN
3	STORM DRAINAGE LAYOUT
4	STORM DRAINAGE PROFILES
5-6	UTILITY PLAN AND PROFILE
7	TYPICAL DETAILS
8	TYPICAL WATER AND SEWER DETAILS
9	STORM WATER POLLUTION PREVENTION PLAN

REVIEW OF THESE PLANS IS LIMITED TO COMPLIANCE WITH CITY CODES AND REGULATIONS. BY REVIEWING AND APPROVING THESE PLANS THE REVIEWER AND THE CITY OF SPRINGDALE ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THE PLANS. THE ADEQUACY OF THE PLANS IS THE SOLE RESPONSIBILITY OF THE DESIGN ENGINEER. HOWEVER, THE CITY OF SPRINGDALE RESERVES THE RIGHT TO REQUIRE CORRECTIVE ACTION, IF ANY INADEQUACIES ARE FOUND AFTER THE IMPROVEMENTS ARE CONSTRUCTED.

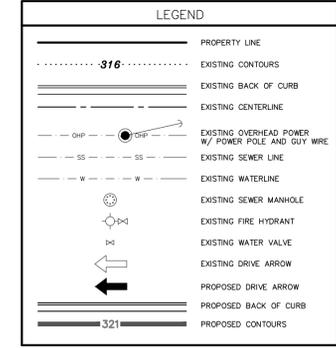
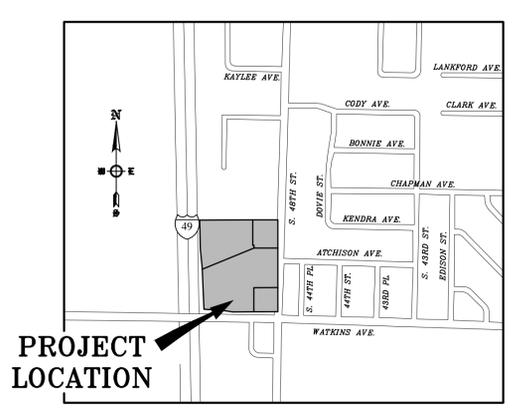
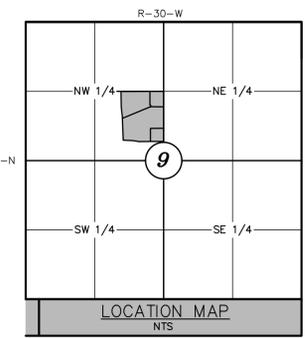
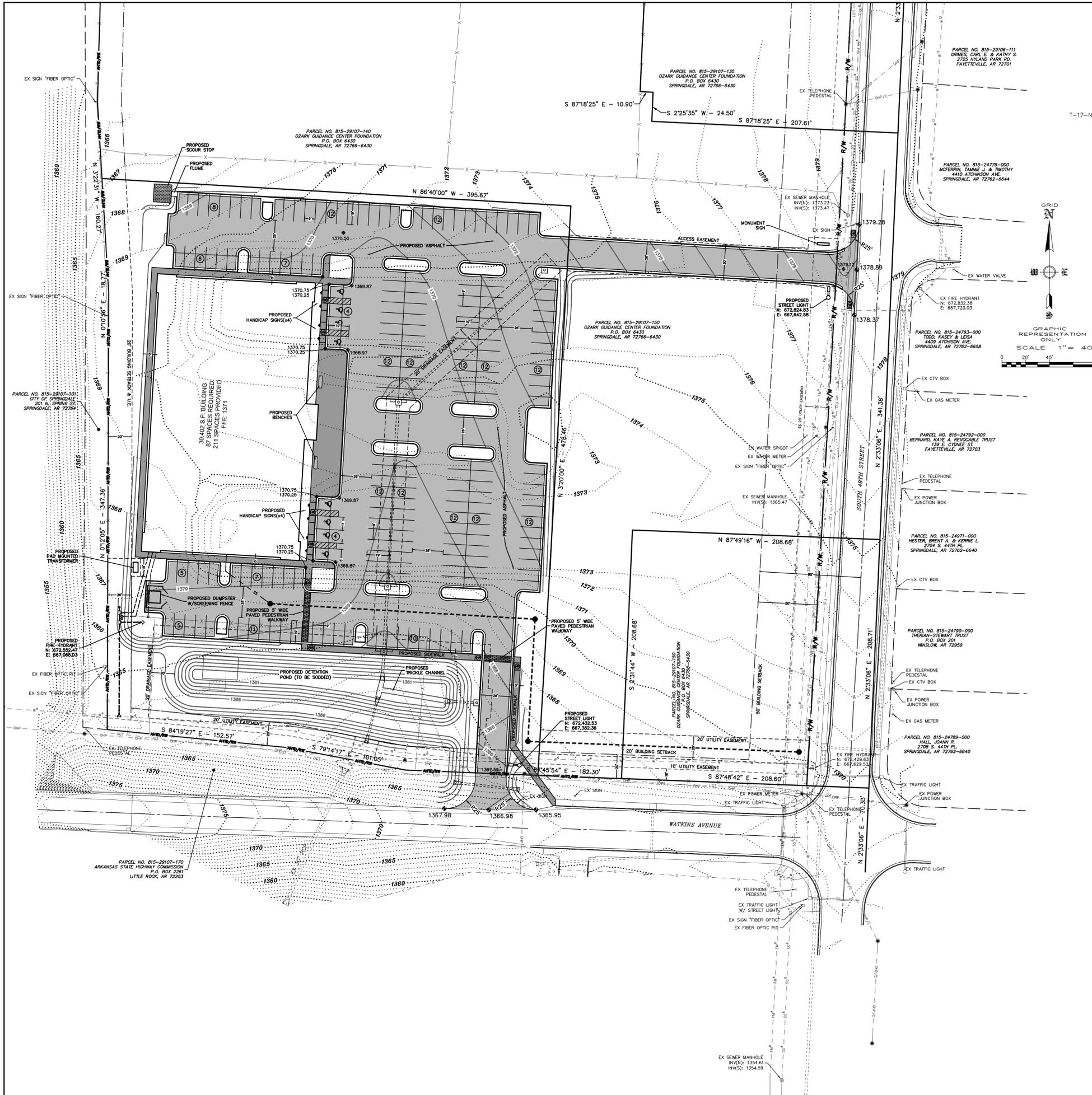
THOMAS J. APPEL, P.E. No. 13828
 ENGINEERING SERVICES, INC.

NOTES :

ALL STREET AND DRAINAGE CONSTRUCTION MUST COMPLY WITH THE REQUIREMENTS OF THE CITY OF SPRINGDALE, ARKANSAS, AS CONTAINED IN CHAPTER 110, ART. III, OF THE CODE OF ORDINANCES, CITY OF SPRINGDALE, ARKANSAS.

ALL WATER AND SEWER CONSTRUCTION MUST COMPLY WITH THE SPECIFICATION REQUIREMENTS FOR THE CONSTRUCTION OF WATER AND SEWER FACILITIES OF THE CITY OF SPRINGDALE WATER UTILITIES.

**LARGE SCALE DEVELOPMENT
 48TH STREET OFFICE COMPLEX
 SPRINGDALE, ARKANSAS**



VICINITY MAP NTS

OWNER: OZARK GUIDANCE CENTER FOUNDATION
 P.O. BOX 6430
 SPRINGDALE, AR 72766-6430

DEVELOPER: SAGE PARTNERS
 3425 N. FUTRALL DR.
 FAYETTEVILLE, AR 72703

ENGINEER/SURVEYOR: ENGINEERING SERVICES, INC.
 1207 S. OLD MISSOURI RD.
 P.O. BOX 282
 SPRINGDALE, AR 72762

ZONING: P-1 EXISTING, C-2 PROPOSED

GROSS AREA: 4.09 ACRES

NET AREA: 4.09 ACRES

PROPOSED BUILDING SIZE: PROPOSED BUILDING - 30,402 SQ. FT.

PARKING SPACES REQUIRED: 102 (INCLUDING 5 A.D.A. ACCESSIBLE) (OFFICE @ 1 PER 300 SQ. FT.)

PARKING SPACES PROVIDED: 211 (INCLUDING 8 A.D.A. ACCESSIBLE)

- NOTES:**
- 1) ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED (EXAMPLE: 15'80" AS TO BACK OF CURB).
 - 2) ALL PROPOSED CURBING SHALL BE 6" WIDE X 6" HIGH.
 - 3) A.D.A. ACCESSIBLE RAMPS TO HAVE A MAXIMUM INCLINATION RATIO OF 12:1.
 - 4) ANY COST OF ADJUSTMENTS, RELOCATION OR DAMAGE OF EXISTING UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNERS/DEVELOPERS.
 - 5) THE MINIMUM INITIAL RATING FOR THE STREETLIGHTS SHALL BE 6,800 LUMENS FOR A LOCAL STREET, 11,000 LUMENS FOR A COLLECTOR STREET, OR 20,000 LUMENS FOR AN ARTERIAL STREET. FIXTURES SHALL BE BY LSI LIGHTING MODEL CROSSOVER XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-COS.
 - 6) MODIFIED CURB REQUIRED AT ALL DRIVES.
 - 7) ALL UTILITY WIRES, LINES, AND/OR CABLE UTILIZED BY ELECTRIC AND/OR TELECOMMUNICATIONS COMPANIES SHALL BE PLACED UNDERGROUND.
 - 8) INTERNAL PEDESTRIAN WALKWAYS MUST BE DISTINGUISHABLE FROM DRIVING SURFACES THROUGH THE USE OF LOW MAINTENANCE SURFACE MATERIAL SUCH AS PAVERS, BRICKS, OR SCORED CONCRETE.
 - 9) OUTDOOR STORAGE, TRASH COLLECTION, AND LOADING AREAS MUST BE LANDSCAPED, SO THAT THEIR FUNCTIONS ARE FULLY CONTAINED AND OUT OF VIEW OF THE ADJACENT PROPERTY AND THE PUBLIC RIGHT-OF-WAY.
 - 10) EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES AND BANKS OF METER SHALL BE SCREENED FROM PUBLIC VIEW WITH LANDSCAPING OR WITH AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.
 - 11) ALL ROOFTOP EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW WITH AN ARCHITECTURAL TREATMENT THAT IS COMPATIBLE WITH THE BUILDING ARCHITECTURE.
 - 12) WHEN A COMMERCIAL DEVELOPMENT INCLUDES A FENCE OR WALL, THE FOLLOWING GUIDELINES AND STANDARDS APPLY:
 - A. MAXIMUM HEIGHT OF A FENCE OR WALL SHALL BE 8'.
 - B. CONSTRUCTED OF HIGH QUALITY MATERIALS SUCH AS DECORATIVE BLOCKS, BRICK, STONE, CYPRESS, CEDAR, REDWOOD, AND/OR WROUGHT IRON.
 - C. MAXIMUM LENGTH OF A CONTINUOUS, UNBROKEN, AND UNINTERRUPTED FENCE OR WALL SHALL BE 50'. BREAKS SHALL BE PROVIDED THROUGH THE USE OF COLUMNS, LANDSCAPING POCKETS, TRANSPARENT SECTIONS, AND/OR A CHANGE TO DIFFERENT MATERIALS.
 - 13) THE GLOBAL POSITIONING SYSTEM (GPS) AND CONVENTIONAL TERRESTRIAL SURVEYING EQUIPMENT PROVIDED THE RELATIVE POSITIONING FOR THE TOPOGRAPHIC, PLANIMETRIC AND BOUNDARY LOCATIONS SHOWN HEREON.
- THE MAP PROJECTION IS REFERENCED TO THE HORIZONTAL CONTROL DATUM OF NAD83 (NORTH AMERICAN DATUM OF 1983), STATE PLANE COORDINATE SYSTEM, ARKANSAS NORTH ZONE (0301). THE BASIS OF BEARINGS FOR THIS PLAT ARE STATE PLANE GRID BEARING. THE VERTICAL DATUM IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TWO TEMPORARY BENCHMARKS UTILIZING THIS DATUM ARE SHOWN HEREON.

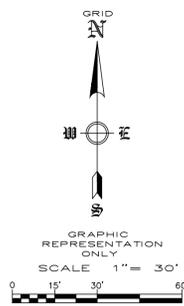
PARCEL NO. 815-29107-140
PARCEL NO. 815-29107-150
TRACT 1 - SURVEY DESCRIPTION:
 A PART OF THE SOUTHWEST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION NINE (9), TOWNSHIP SEVENTEEN NORTH (T-17-N), RANGE THIRTY WEST (R-30-W) OF THE FIFTH PRINCIPAL MERIDIAN, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING FURTHER DESCRIBED AS FOLLOWS:
 COMMENCE AT A SET MAG NAIL BEING THE SOUTHWEST (SW) CORNER OF SAID 40 ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID 40 ACRE TRACT; 102.57 FEET TO A POINT; THENCE N67°42'17" W A DISTANCE OF 208.60 FEET TO A FOUND 5/8" IRON PIN AND THE NORTHERN RIGHT OF WAY LINE OF WATKINS AVENUE (RIGHT-OF-WAY VARIES); THENCE CONTINUING ALONG SAID NORTHERN RIGHT OF WAY LINE, S87°45'54" E A DISTANCE OF 70.51 FEET TO A SET IRON PIN WITH CAP "PLS 1439" AND THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERN RIGHT OF WAY LINE, N03°20'00" E A DISTANCE OF 478.46 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N88°40'00" W A DISTANCE OF 388.67 FEET TO A SET IRON PIN WITH CAP "PLS 1439" AND THE EASTERN RIGHT OF WAY FOR INTERSTATE 49; THENCE ALONG THE SAID EASTERN RIGHT OF WAY LINE THE FOLLOWING THREE CALLS, S03°22'31" E A DISTANCE OF 96.37 FEET TO A FOUND ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT 2 INCH ALUMINUM CAP "LS 1392"; THENCE S00°10'56" W A DISTANCE OF 18.77 FEET TO A FOUND ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT 2 INCH ALUMINUM CAP "LS 1392"; THENCE S00°10'56" W A DISTANCE OF 347.36 FEET TO A FOUND ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT 2 INCH ALUMINUM CAP "LS 1392"; THENCE S00°10'56" W A DISTANCE OF 101.05 FEET TO A FOUND ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT 2 INCH ALUMINUM CAP "LS 1392" AND THE INTERSECTION OF SAID NORTHERN RIGHT OF WAY LINE FOR WATKINS AVENUE; THENCE ALONG THE SAID NORTHERN RIGHT OF WAY LINE THE FOLLOWING THREE CALLS, S84°19'27" E A DISTANCE OF 152.57 FEET TO A FOUND ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT 2 INCH ALUMINUM CAP; THENCE S87°45'54" E A DISTANCE OF 111.79 FEET TO THE POINT OF BEGINNING.
 SAID TRACT OR PARCEL OF LAND CONTAINING 4.09 ACRES (178,027 SQ. FT.), MORE OR LESS.

TEMPORARY BENCHMARKS:
 TBM # 1: FIRE HYDRANT BOLT BETWEEN CITY AND STATE AT INTERSECTION OF 48TH STREET AND ATCHISON AVENUE IN THE SOUTHWEST CORNER. ELEVATION 1382.35' NAVD 88.
 TBM # 2: FIRE HYDRANT BOLT BETWEEN CITY AND STATE AT INTERSECTION OF 48TH STREET AND WATKINS AVENUE IN THE NORTHWEST CORNER. ELEVATION 1371.37' NAVD 88.

FLOOD PLAIN ZONING:
 THIS PROPERTY IS NOT WITHIN A FLOOD PLAIN ZONE AS SHOWN ON THE F.I.R.M. MAP # 051430070 T, PANEL 70 OF 575, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: MAY 16, 2008.

REVISION	DATE	DESCRIPTION

SCALE: 1"=40'
 DATE: Oct, 2014
 ENGINEER: TJA
 DRAWN BY: XXX
 W.O. #: 14939



INTERIOR PARKING LOT LANDSCAPING PROVIDED:

TOTAL REQUIRED: 10% OF TOTAL PARKING LOT AREA = 6,210 SQ. FT.
 TOTAL PROVIDED = 6,237 SQ. FT.
 PARKING LOT AREA: 62,101 SQ. FT. TOTAL
 % TOTAL AREA OF LOT: 6,237 / 62,101 = 10.04 %



LANDSCAPING NOTES:

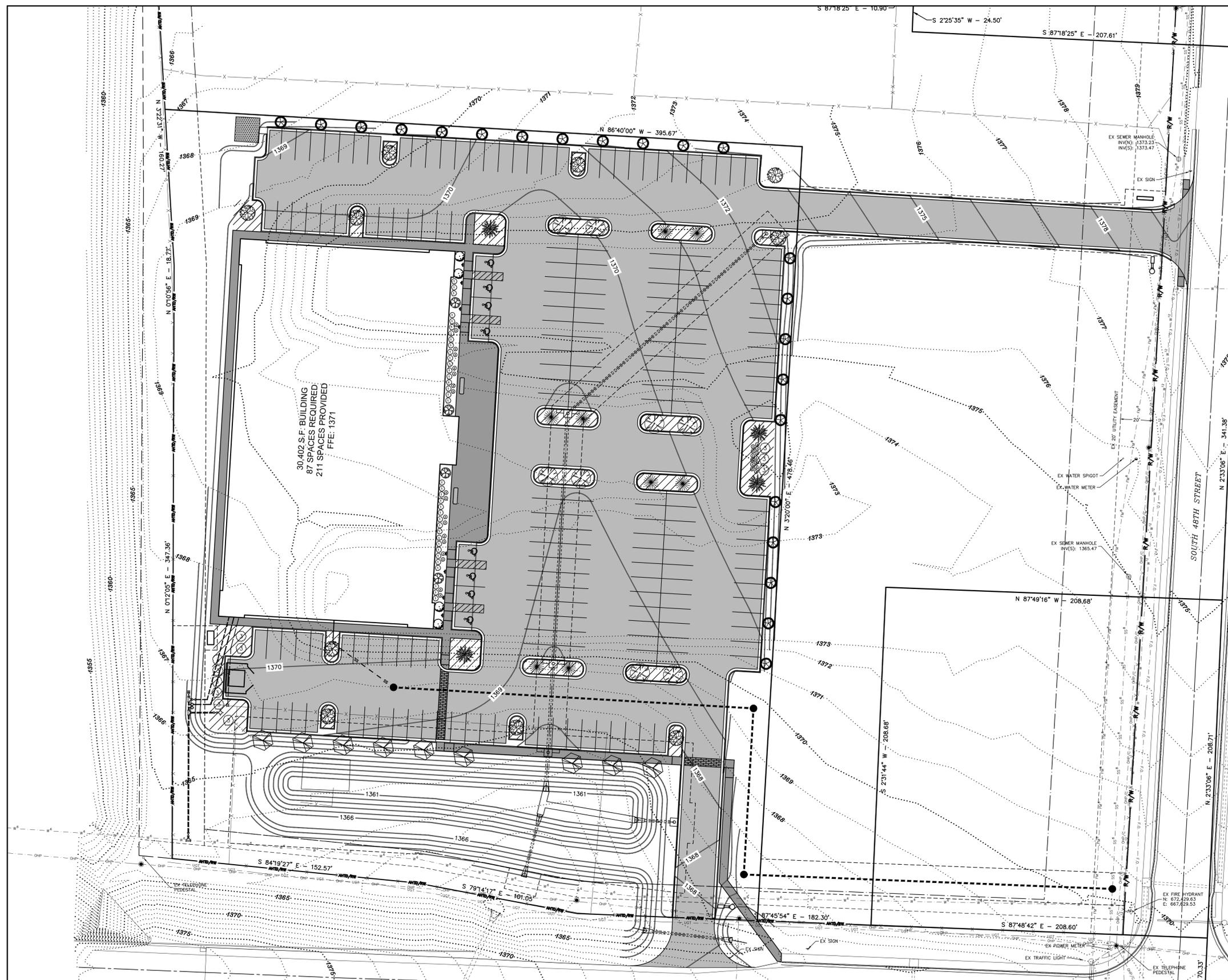
- 1) ALL LANDSCAPING SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE CITY OF SPRINGDALE LANDSCAPE ORDINANCE # 3306.
- 2) ALL TREES, SHRUBS, AND PLANTS USED IN THE PROPOSED LANDSCAPING SHALL BE SELECTED BY THE OWNER FROM THE RECOMMENDED LISTS IN SAID LANDSCAPE ORDINANCE # 3306.
- 3) ALL TREES TO BE MINIMUM 8' TALL WITH MINIMUM 2" CALIPER
- 4) LANDSCAPING SHALL BE GUARANTEED FOR TWO YEARS.
- 5) AN AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED TO MEET LANDSCAPING REQUIREMENTS.
- 6) ALL LANDSCAPING TO BE DRESSED WITH 4" OF PINE BARK MULCH AFTER INSTALLATION.
- 7) ALL DISTURBED AREAS TO BE SODDED.
- 8) METAL EDGING TO BE PLACED AROUND ALL PLANTING BEDS, AS SHOWN ON PLANS

INDEX OF TREES

TREE SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # TREES	SIZE
	UPRIGHT ARBORVITAE	Thuja occidentalis	4	2" Cal B & B
	JAPANESE MAPLE	Acer japonicum	4	2" Cal B & B
	WATER OAK	Quercus nigra	10	2" Cal B & B
	SOUTHERN RED OAK	Quercus falcate	4	2" Cal B & B
	HACKBERRY	Celtis occidentalis	8	2" Cal B & B
	RED MAPLE	Acer rubrum 'Autumn Blaze'	8	2" Cal B & B
	PIN OAK	Quercus palustris	9	2" Cal B & B
	OKLAHOMA REDBUD	Cercis canadensis	22	2" Cal B & B

INDEX OF SHRUBS

PLANT SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # PLANTS	SIZE
①	WINTERGREEN BOXWOOD	Buxus sempervirens	36	3 GAL.
②	GLOSSY ABELIA	Abelia 'x' grandiflora	31	3 GAL.
③	LEATHERLEAF VIBURNUM	Viburnum rhytidophyllum	11	3 GAL.



LANDSCAPE PLAN
 for BRIAN SHAW
 SPRINGDALE, ARKANSAS

REVISION	DATE	DESCRIPTION

SCALE: 1"=30"
 DATE: Oct, 2014
 ENGINEER: TJA
 DRAWN BY: ---
 W.O. #: 14939

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File # B14-62

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

L14-28

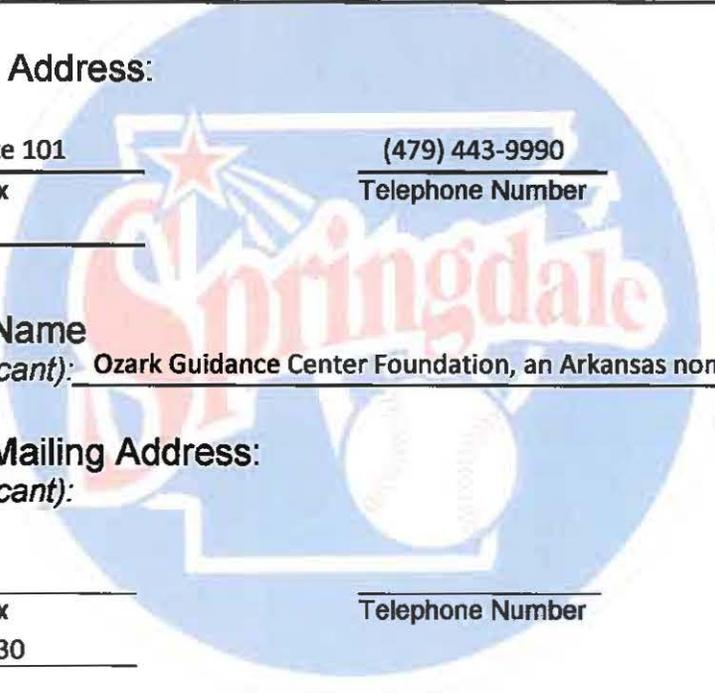
**APPLICATION FOR VARIANCE
 ZONING BOARD OF ADJUSTMENT
 SPRINGDALE PLANNING COMMISSION
 CITY OF SPRINGDALE, ARKANSAS**

Applicant's Name: Sage Partners, LLC, an Arkansas limited liability corporation

Applicant's Mailing Address:

3425 N. Futrall Drive, Suite 101
 Street Address or P.O. Box
Fayetteville, AR 72703
 City, State & Zip Code

(479) 443-9990
 Telephone Number



Property Owner's Name
(If different from Applicant): Ozark Guidance Center Foundation, an Arkansas non-profit corporation

Property Owner's Mailing Address:
(If different from Applicant):

P.O. Box 6430
 Street Address or P.O. Box
Springdale, AR 72766-6430
 City, State & Zip Code

Telephone Number

Address of Variance Request: 4.1 acres along north side of Watkins Avenue and east side of I-49

Zoning District: Currently P-1 (Institutional District) Proposed C-2 (General Commercial District)

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation *(If the Property Owner will not be present at the meeting.)*
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: _____ Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: _____ Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

*Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed. **Any attachments must be labeled as "Exhibit A, B, C" etc.***

1. Applicant requests a variance of commercial design standards to allow tilt up concrete panels with stucco texture on exterior of building as shown in the submitted elevations.

2. Installation of a monument sign in a P-1 zone.

*The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds **ALL of the following:***

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

A) The proposed commercial development generally complies with the Commercial Design Standards.

The concrete panels have a stucco texture rather than the smooth finish targeted by the design

standards and will be attractive and in line with the overall aesthetic of design and concept of the

architect for the facility. Applicant requests a monument sign be allowed within a P-1 district for the

facility which will be within the proposed C-2 district.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

The right to develop the property.

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

Concrete panels are attractive with a stucco finish rather than the smooth concrete finish the design

standards are aimed to prevent, and they will be complementary to the overall aesthetic concept for

the facility. The monument sign will be for the building within a C-2 district – applicant not responsible

for current zoning of property the sign will be installed on.

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

[Handwritten Signature]
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
County of Washington) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of October, 2014.

DEBBIE A. POUNDERS
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires 12-10-2014

[Handwritten Signature]
Notary Public

Memo

To: Planning Commission
From: Staff
Date: November 4, 2014
Re: PP14-03 Preliminary Plat SE corner of Habberton & Horn
Roads

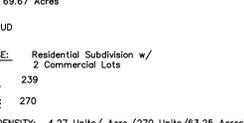
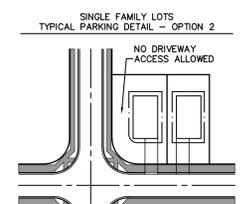
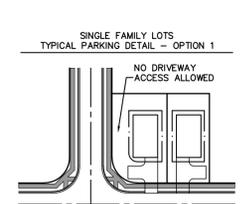
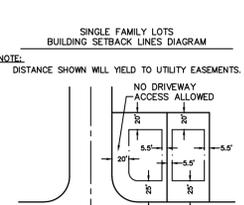
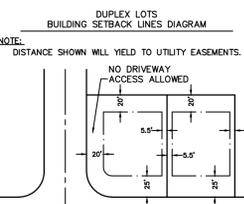
Concept of Detention

Planning Comments

1. Submit AutoCad and PDF files at time of resubmission.
2. Submit a list of adjacent property owners certified by either a licensed abstractor or land surveyor within the past 60 days.
3. Notice to all adjacent property owners must be sent by certified mail, return receipt requested at the time of resubmission. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, shall be submitted. Please return white mail receipts and affidavit to the Planning Office. Green return cards must be submitted to the Planning Office prior to the Planning Commission meeting.
4. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
5. Street names will need to be provided and approved prior to final plat acceptance.
6. All offsite easements must be obtained prior to approval of construction plans.
7. Lots 1-4 & 39-58 shall not have access to Don Tyson Parkway (proposed major collector).
8. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

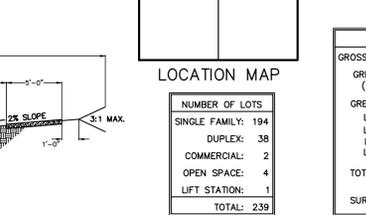
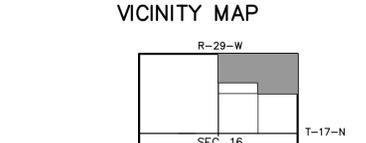
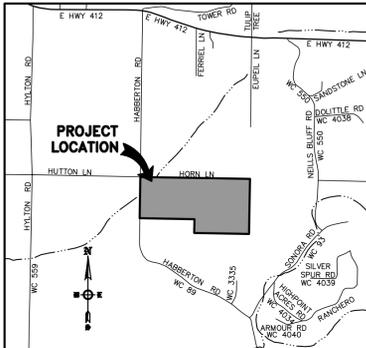
Engineering Comments

- 1) **Sect 110-111** The developer is required to improve the abutting street to the City of Springdale standards and in accordance with the Master Street Plan.
- 2) **Sect 106** Drainage
 - a. Correct the two-year 24-hr precipitation value. It is shown as 0.13 inches
 - b. Use a type III storm model
- 3) **The concept of detention must be approved by the Planning Commission.**



LOT AREAAGE

LOT	ACRES	SQ. FT.	LOT	ACRES	SQ. FT.	LOT	ACRES	SQ. FT.	LOT	ACRES	SQ. FT.	LOT	ACRES	SQ. FT.
1	0.25	10698.95	41	0.13	5732.13	81	0.21	9130.08	121	0.13	5732.50	201	0.24	10508.08
2	0.22	9691.08	42	0.12	5437.79	82	0.26	12075.12	122	0.13	5767.50	202	0.30	12866.95
3	0.26	11246.83	43	0.12	5210.43	83	0.22	9946.32	123	0.13	5737.50	203	0.18	8030.74
4	0.40	17476.10	44	0.11	4786.99	84	0.17	7736.88	124	0.13	5732.50	204	0.12	5250.00
5	0.21	9367.82	45	0.12	5210.34	85	0.18	8113.87	125	0.13	5732.50	205	0.12	5250.00
6	0.31	13600.00	46	0.12	5233.69	86	0.17	7743.32	126	0.13	5732.50	206	0.12	5250.00
7	0.31	13600.00	47	0.12	5237.04	87	0.17	7771.78	127	0.17	7254.44	207	0.12	5250.00
8	0.31	13600.00	48	0.12	5236.38	88	0.17	7790.23	128	0.17	7791.84	208	0.12	5250.00
9	0.31	13600.00	49	0.12	5263.73	89	0.17	7798.23	129	0.12	5250.00	209	0.12	5250.00
10	0.31	13600.00	50	0.12	5277.08	90	0.17	7797.18	130	0.12	5250.00	210	0.12	5250.00
11	0.31	13600.00	51	0.12	5290.42	91	0.17	7805.63	131	0.12	5250.00	211	0.14	6288.50
12	0.33	14359.81	52	0.14	6181.15	92	0.17	7738.03	132	0.12	5250.00	212	0.16	7156.86
13	0.29	12592.06	53	0.14	6214.40	93	0.18	7936.17	133	0.12	5250.00	213	0.15	6686.28
14	0.23	10099.83	54	0.12	5359.82	94	0.22	9866.85	134	0.12	5250.00	214	0.15	6723.87
15	0.24	10635.28	55	0.12	5385.38	95	0.16	6862.61	135	0.12	5250.00	215	0.16	6875.44
16	0.25	11189.11	56	0.14	6032.57	96	0.18	8015.94	136	0.13	5460.00	216	0.15	6342.57
17	0.21	9622.47	57	0.14	6075.16	97	0.13	5791.19	137	0.12	5040.00	217	0.14	6300.00
18	0.21	9656.87	58	0.19	8386.69	98	0.14	5818.18	138	0.12	5250.00	218	0.14	6300.00
19	0.21	9690.88	59	0.12	5400.00	99	0.13	5775.00	139	0.17	7231.82	219	0.16	6876.33
20	0.21	9725.09	60	0.12	5181.07	100	0.13	5775.00	140	0.15	6631.86	220	0.19	8158.73
21	0.20	9739.30	61	0.12	5250.00	101	0.13	5775.00	141	0.12	5250.00	221	0.19	8344.38
22	0.21	9793.18	62	0.12	5693.74	102	0.13	5775.00	142	0.12	5250.00	222	0.15	6536.09
23	0.22	9877.82	63	0.12	5250.00	103	0.13	5775.00	143	0.12	5250.00	223	0.15	6519.05
24	0.23	10132.83	64	0.15	6631.86	104	0.13	5775.00	144	0.12	5250.00	224	0.14	6298.98
25	0.26	11206.86	65	0.12	5250.00	105	0.16	7156.86	145	0.12	5250.00	225	0.14	6300.00
26	0.22	9600.00	66	0.15	6737.69	106	0.16	7156.86	146	0.12	5250.00	226	0.14	6300.00
27	0.22	9600.00	67	0.24	10286.73	107	0.13	5775.00	147	0.12	5250.00	227	0.15	6532.36
28	0.22	9600.00	68	0.31	13658.10	108	0.13	5775.00	148	0.12	5250.00	228	0.15	6529.95
29	0.22	9600.00	69	0.21	9325.56	109	0.13	5775.00	149	0.12	5250.00	229	0.15	6675.56
30	0.33	14199.50	70	0.16	6927.31	110	0.13	5775.00	150	0.12	5250.00	230	0.15	6386.02
31	0.30	13072.18	71	0.20	8794.47	111	0.13	5775.00	151	0.12	5250.00	231	0.15	6514.20
32	0.22	9600.00	72	0.22	9735.50	112	0.13	5775.00	152	0.15	6631.86	232	0.16	6813.50
33	0.22	9600.00	73	0.27	11581.99	113	0.13	5775.00	153	0.15	6631.86	233	2.53	110082.45
34	0.22	9600.00	74	0.18	7912.94	114	0.14	5861.54	154	0.12	5250.00	234	2.55	111880.23
35	0.22	9600.00	75	0.19	8463.13	115	0.15	6433.33	155	0.12	5250.00	235	0.15	6394.73
36	0.23	10091.82	76	0.20	8676.86	116	0.18	8026.00	156	0.12	5250.00	236	2.36	104132.42
37	0.23	9968.29	77	0.19	8100.00	117	0.15	6634.04	157	0.12	5250.00	237	1.97	86837.61
38	0.26	11206.86	78	0.19	8100.00	118	0.12	5250.00	158	0.12	5250.00	238	2.65	116351.81
39	0.16	7027.33	79	0.19	8363.26	119	0.12	5040.00	159	0.12	5250.00	239	0.13	5623.04
40	0.14	5944.85	80	0.21	9082.81	120	0.13	5732.50	160	0.12	5250.00	240	0.13	5623.04



- NOTES:**
- ALL LOT CORNER RADII ARE 30' UNLESS OTHERWISE NOTED.
 - ALL STREET RIGHTS-OF-WAY WITHIN SUBDIVISION ARE 50' IN WIDTH.
 - SIDEWALKS SHALL BE 5 FEET WIDE AND 1 FOOT FROM BACK OF RIGHT-OF-WAY AS REQUIRED BY CITY ORDINANCE AND SHALL BE PLACED BY INDIVIDUAL LOT OWNER UPON EACH LOT. DEVELOPER SHALL PLACE SIDEWALK ON ALL PORTIONS OF THE STREETS THAT DO NOT HAVE LOT FRONTAGE.
 - A PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE F.I.R.M. MAP # 051430090 F DATED MAY 16, 2008 OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS.
 - STREET LIGHTS IN SUBDIVISION TO BE A MINIMUM OF 6800 LUMENS. STREET LIGHTS ALONG HABBERTON RD. AND DON TYSON PARKWAY SHALL BE FLOOD LUMENS.
 - LOTS 1-4 & 39-58 WILL NOT HAVE DRIVEWAY ACCESS TO DON TYSON PARKWAY.
 - ALL EXISTING UTILITIES SHALL BE LOCATED AND FIELD VERIFIED PRIOR TO CONSTRUCTION.
 - NO CORNER LOTS SHALL HAVE DRIVEWAY ACCESS THROUGH THE 20' SIDE BUILDING SETBACK AREA. ALL DRIVES SHALL BE THROUGH THE 25' FRONT SETBACK AREA. (SEE TYPICAL PARKING DETAIL.)
 - ALL CURB DIMENSIONS ARE TO BACK OF CURB UNLESS SPECIFIED OTHERWISE.
 - THE DEVELOPER IS REQUIRED TO CONSTRUCT SIDEWALKS IN ALL AREAS THAT A LOT DOES NOT FRONT THE STREET.
 - ABUTTING STREETS SHALL BE IMPROVED TO CITY STANDARDS IN ACCORDANCE WITH THE MASTER STREET PLAN.
 - THE DETENTION POND SHALL BE SOODED.
 - LOTS 233 & 234 MUST HAVE LSD APPROVAL WHEN DEVELOPED.
 - A POA IS REQUIRED.
 - THE BASEBALL FIELD SHALL NOT BE LIGHTED.
 - HORN LANE (DON TYSON PARKWAY) SHALL BE CONSTRUCTED AS A 2-LANE ROAD WITH CURB ON THE SUBDIVISION SIDE OF THE STREET ONLY.

GREENSPACE INFORMATION

GROSS RESIDENTIAL AREA: 63.25 ACRES
GREENSPACE REQUIRED (15% OF RES. AREA): 9.49 ACRES
GREENSPACE PROVIDED:
LOT 235 = 5.15 ACRES
LOT 236 = 2.36 ACRES
LOT 237 = 1.97 ACRES
LOT 238 = 2.65 ACRES

TOTAL GREENSPACE: 12.13 ACRES (19.18%)
SURPLUS GREENSPACE: 2.64 ACRES

- LEGEND**
- 8" SEWER LINE W/ MANHOLE
 - PROPOSED 6" FORCE MAIN
 - PROPOSED 6" WATER LINE
 - PIPE HYDRANT ASSEMBLY
 - DUCTILE IRON FITTINGS
 - STORM DRAINAGE PIPE
 - PROPOSED 2" WATER LINE
 - UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - ACCESS EASEMENT
 - EASEMENT LINE
 - BUILDING SETBACK LINE
 - PROPOSED TRAIL
 - STREET LIGHT

- PROPOSED USE UNITS FOR COMMERCIAL LOTS**
- UNIT 1: CITYWIDE PUBLIC USES BY RIGHT
UNIT 4: CULTURAL, RECREATIONAL, AND HEALTH SERVICES
UNIT 16: OFFICES, STUDIOS, AND RELATED SERVICES
UNIT 17: EATING PLACES
UNIT 19: NEIGHBORHOOD SHOPPING GOODS
UNIT 20: SHOPPING GOODS
UNIT 27: PARKING LOT
- CERTIFICATE OF ACCURACY:**
I hereby certify that the plan shown and described on this plat is a true and correct survey and that the monuments have been placed as stated and as required by the Subdivision Regulations of the City of Springdale.

PARCEL NUMBER: 815-36188-600

LEGAL DESCRIPTION:
The Northeast Quarter of the Northeast Quarter (NE 1/4, NE 1/4) and a part of the Northwest Quarter of the Northeast Quarter (NW 1/4, NE 1/4), all in Section 16, Township 17 North, Range 29 West, Washington County, Arkansas, and being more particularly described as follows, to-wit:

Beginning at a found concrete monument, marking the Northeast corner of said Section 16; thence along the East line of said Section 16, South 02°26'52" West, a distance of 1,317.68 feet to a set iron rod marking the Southeast corner of the NE 1/4, NE 1/4 of said Section 16; thence along the South line of said NE 1/4, NE 1/4, North 87°01'49" West, a distance of 1,316.21 feet to a set iron rod marking the Southwest corner of the NE 1/4, NE 1/4 of said Section 16; thence along the West line of said NE 1/4, NE 1/4, North 02°41'44" East, a distance of 317.07 feet to a set iron rod; thence leaving said West line, North 86°35'22" West, a distance of 1,313.71 feet to the West line of the NW 1/4, NE 1/4 and a set iron rod; thence along said West line, North 02°58'06" East, a distance of 996.61 feet to a found railroad spike marking the Northwest corner of the NW 1/4, NE 1/4 of said Section 16; thence along the North line of said Section 16, South 86°35'22" East, a distance of 1,308.97 feet to a found iron rod; thence South 87°12'06" East, a distance of 1,310.49 feet to a found concrete monument and the POINT OF BEGINNING, containing 99.67 acres, more or less, and subject to any easements and/or rights-of-way, of record, if any.

OWNER/DEVELOPER: BCR DEVELOPMENT, LLC
4285 N. Shiloh Dr. Suite 302
Fayetteville, AR 72703

SURVEYOR/ENGINEER: Engineering Services, Inc.
1207 South Old Missouri Road
P.O. Box 282
Springdale, AR 72764

ACREAGE: 69.67 Acres
ZONING: PUD
PROPOSED USE: Residential Subdivision w/ 2 Commercial Lots
NO. OF LOTS: 239
NO. OF UNITS: 270
RESIDENTIAL DENSITY: 4.27 Units/ Acre (270 Units/63.25 Acres)

SCALE: 1"=100'
DATE: Oct, 2014
ENGINEER: JSA
DRAWN BY: XXX
W.O. #: 14941

Staff Use Only

- Fee Paid (\$75) Cash Check CC
 Warranty Deed
 Authorization of Representation
 Drawing/Photo or Other Exhibit

File # B14-62

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

L14-28

**APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS**

Applicant's Name: Sage Partners, LLC, an Arkansas limited liability corporation

Applicant's Mailing Address:

3425 N. Futrall Drive, Suite 101
Street Address or P.O. Box
Fayetteville, AR 72703
City, State & Zip Code

(479) 443-9990
Telephone Number

Property Owner's Name
(If different from Applicant): Ozark Guidance Center Foundation, an Arkansas non-profit corporation

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Telephone Number

Address of Variance Request: 4.1 acres along north side of Watkins Avenue and east side of I-49

Zoning District: Currently P-1 (Institutional District) Proposed C-2 (General Commercial District)

The following information should be attached to this application:

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SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: _____ Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: _____ Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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1. Applicant requests a variance of commercial design standards to allow tilt up concrete panels with stucco texture on exterior of building as shown in the submitted elevations.

2. Installation of a monument sign in a P-1 zone.

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The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

A) The proposed commercial development generally complies with the Commercial Design Standards.

The concrete panels have a stucco texture rather than the smooth finish targeted by the design

standards and will be attractive and in line with the overall aesthetic of design and concept of the

architect for the facility. Applicant requests a monument sign be allowed within a P-1 district for the

facility which will be within the proposed C-2 district.

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

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for current zoning of property the sign will be installed on.

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

[Handwritten Signature]
Applicant Signature*

Property Owner Signature*
(if different from Applicant)

Applicant Signature*

Property Owner Signature*
(if different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
County of Washington) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of October, 2014.

DEBBIE A. POUNDERS
NOTARY PUBLIC-STATE OF ARKANSAS
WASHINGTON COUNTY
My Commission Expires 12-10-2014

[Handwritten Signature]
Notary Public

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File # B1463

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Johnny L Bakker Revocable Trust & Susan Chase Property

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant): _____

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 3564 Barnett Lane

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: 30' Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 24' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 6' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

*The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds **ALL of the following:***

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File #

B14-04

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Chad M. & Margaret E Barber

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 3599 Hamm Lane

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.

Required: Front: 30' Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 10' Side: _____ Back: _____
(If granted what the setback would be.)

Variance: Front: 20' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

Reduction in lot size

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds **ALL of the following:**

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File #

B1465

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: *Gary L. & Mary M King*

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: *3367 W. Don Tyson Parkway*

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: 30' Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 10' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 20' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File # **BM66**

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: The Harold R. Mayes Living Trust & Deborah L. Mayes Living Trust

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 3423 W. DON TYSON Parkway

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: 30' Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 17' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 13' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public

Staff Use Only

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

File # BK67

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Mario Herrera

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 3461 Don Tyson Parkway

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: 30' Side: _____ Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 23' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 7' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public

Staff Use Only

File # B468

- Fee Paid (\$75) Cash Check CC
- Warranty Deed
- Authorization of Representation
- Drawing/Photo or Other Exhibit

A "Notice of Violation" was issued to the Applicant/Property Owner by Code Enforcement.

APPLICATION FOR VARIANCE
ZONING BOARD OF ADJUSTMENT
SPRINGDALE PLANNING COMMISSION
CITY OF SPRINGDALE, ARKANSAS

Applicant's Name: Linda G Young

Applicant's Mailing Address:

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Property Owner's Name
(If different from Applicant): _____

Property Owner's Mailing Address:
(If different from Applicant):

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 3525-A. W. Don Tyson Parkway

Zoning District: _____

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit
5. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be

sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.

6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

*Please complete the following to apply for a setback variance. Required setbacks vary by zoning district, please **contact staff** to determine the required setback.*

Required: Front: 30' Side: 8' Back: 20'
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 26' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 4' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

Use the space below to describe the variance request. If possible please reference the applicable section of the Springdale Code of Ordinance. Attach a separate sheet if needed.

The Zoning Board of Adjustment, after a hearing, may vary the application of certain provisions of the Springdale Code of Ordinance. The variance can be granted when, in the Board's opinion, the specific case will not be contrary to public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship, and also finds ALL of the following:

The Applicant must respond to items 1, 2, and 3.

1. That special conditions and circumstances exist which are particular to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. **Use the space below to describe to the Board of Adjustment the special conditions and circumstances that exist on the property (attach a separate sheet if necessary):**

2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

4. That granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible that reasonable use of the land, building or structure.
6. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

VERIFICATION

I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 20_____.

Notary Public