

**SPRINGDALE PLANNING COMMISSION  
COUNCIL CHAMBERS**

**5:00 P.M.**

**201 SPRING**

**April 2, 2013**

**Tentative Agenda**

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

**II. Call to Order**

**III. Roll Call**

**IV. Approval of Minutes**

**V. Public Hearing**

**A. Proposed Ordinance Amending Article 6  
Section 3.15 to exempt temporary open air  
Enterprises operating at approved events at  
Shiloh Square**  
Presented by Patsy Christie

**B. Proposed Ordinance Amending Article 6,  
Section 3.16 to exempt mobile vendors  
Operating at approved events at Shiloh  
Square**  
Presented by Patsy Christie

**VI. Tabled Items**

**A. R13-05 John & Mary K. Thompson  
2763 E Robinson Ave.**  
From C-5 to C-6  
Presented by John Thompson

**VII. Public Hearing - Rezoning**

**A. R13-06 Springdale Church of God  
3749 Powell Street**  
From A-1 to P-1  
Presented by Danny McCulley

- B. R13-07 **PMD Enterprises**  
**Directly north of Everett Chevrolet**  
**N. of 45<sup>th</sup> Street**  
**From C-5 to C-6**  
Presented by Dan Moudy
  
- C. R13-08 **Janet B. Huntsman, Revocable Trust**  
**E. side of 56<sup>th</sup> St. approx. ¼ of a mile**  
**Of intersection with Watkins Ave.**  
**From A-1 to C-5**  
Presented by Engineering Services, Inc.
  
- D. R13-09 **Eugene & Deborah Kordsmeier**  
**3973 Elm Springs Road**  
**From C-2 to C-5**  
Presented by Engineering Services, Inc.
  
- E. R13-10 **Daniel & Dasha Faires**  
**108 Graham**  
**From C-2 to C-3**  
Presented by Daniel Faires
  
- F. R13-11 **TBM Properties, LLC**  
**881 Rio Bravo Drive**  
**From C-2 to C-5**  
Presented by Jorgensen and Associates

**VIII. Public Hearing – Conditional Use**

- A. C13-04 **Elias C. Murena for Church City of Refuge**  
**812 North Thompson**  
**Use Unit 42 (Church/Synagogue) in**  
**C-2 zone**  
Presented by Elias C. Murena

**IX. Preliminary Plat, Replats and Final Plats**

- A. RP13-04 **Legendary Subdivision Lots 218 & 219**  
**SW corner of Baltic and Blackburn**  
Presented by Engineering Services, Inc.
  
- B. FP13-01 **Wal-Mart Store #4108**  
**NW corner of Elm Springs Rd. & I-540**  
**Waiver (W13-05) of subdivision requirements**  
Presented by CEI Engineering

**X. Large Scale Developments**

- A. L13-07 Food Equipment Process Co.  
2216 Ford Avenue  
Waiver (W13-04) of street improvements  
Variance (B13-09) of landscaping requirement  
Variance (B13-09) modification of parking requirement  
Variance (B13-09) modification of radius on Driveway requirements  
Presented by Engineering Services, Inc.**
- B. L13-08 Elliott Electric  
E. side of N. 40<sup>th</sup> St., approx. 1000' south of Elm Springs Road intersection  
Concept of Detention  
Variance (B13-14) reduction of distance between Drives from 150' to 110'  
Variance (B13-14) modification of Commercial Design Standards  
Presented by Engineering Services, Inc.**
- C. L13-09 Wal-Mart Store #4108  
NW corner of Elm Springs Rd. & I-540  
Concept of Detention  
Variance (B13-13) for modification of Commercial Design Standards  
Presented by CEI Engineering**

**XI. Board of Adjustment**

- A. B13-09 Food Equipment Processing  
2216 Ford Avenue  
Variance of landscaping requirement  
Variance modification of parking requirement  
Variance modification of radius on Driveway requirements  
Presented by Engineering Services, Inc.**
- B. B13-10 Margaret Cole  
1102 N. Gutensohn  
Variance for reduction of side setback from 8' To 2'  
Presented by Jenkins Surveying**

- D. B13-11 Eugene & Deborah Kordsmeier  
3973 Elm Springs Road**  
 Variance reduction of front setback from 30' to 16'  
 And from 30' to 27' (corner lot)  
 Variance for reduction of parking spaces  
 Variance for reduction of the 10% green space  
 requirement to 6%  
 Variance for deletion of the loading and unloading  
 area  
 Variance for allow existing drives to remain as is  
 Variance for deletion of interior and perimeter  
 Landscaping requirements  
 Presented by Engineering Services, Inc.
- E. B13-13 Hall Family Investments, LLC  
For L13-09 – Wal-Mart  
NW corner of Elm Springs Rd. & I-540**  
 Variance for modification of Commercial Design  
 Standards  
 Presented by CEI Engineering
- F. B13-14 Elliott Electric Supply, Inc.  
E. side of 40<sup>th</sup> St., approx. 400' from  
Elm Springs Road intersection**  
 Variance reduction of distance between  
 Drives from 150' to 110'  
 Variance modification of Commercial  
 Design Standards  
 Presented by Engineering Services, Inc.
- G. B13-15 Arvest Bank  
7022 W. Miller Road (intersection of W. Miller  
And S. Miller Road)**  
 Variance for deletion of paved access  
 Requirement for a tandem lot split  
 Presented by Arvest Bank

**XII. Waivers**

- A. W13-04 Food Equipment Process Co.  
2216 Ford Avenue**  
 Waiver of street improvements  
 Presented by Engineering Services, Inc.
- B. W13-05 Wal-Mart Store #4108  
NW corner of Elm Springs Rd. & I-540**  
 Waiver of subdivision requirements  
 Presented by CEI Engineering

- C.    **W13-06**    **Wagon Wheel Bend Subdivision**  
                  **SW side of Wagon Wheel Road, W.**  
                  **Of Spring Creek Church Cemetery**  
                  Waiver of sidewalk requirement  
                  Presented by Patsy Christie

**XIII. Other**

- A.                   **Keith Austin**  
                          **1129 N. Jefferson**  
                          Extension of a Bill of Assurance granted  
                          In 2011 (B11-10)  
                          Presented by Keith Austin

**XIV. Planning Director's Report**

**XVI. Adjourn**

The Springdale Planning Commission met in regular session on Tuesday, March 5, 2013 in City Council Chambers.

Prior to the meeting being called to order, Mr. Kelsey led the Pledge of Allegiance. Mr. Arthur said the invocation.

The meeting was called to order at 5:03 p.m. by Chairman Joel Kelsey.

Roll call was answered by:

- Bob Arthur
- Vivi Haney
- Joel Kelsey
- Mitch Miller
- Kevin Parsley
- Brian Powell
- Roy Covert

Commissioner Stan Szmyd was absent. Commissioner Bill Locke informed Ms. Christie that he was running late but would be in attendance.

Also present were Ms. Patsy Christie, Director, Planning and Community Development Division and Jon Nelson, Assistant City Attorney.

Mr. Kelsey determined there was a quorum and the meeting could continue as scheduled.

Mr. Powell moved to approve the minutes subject to any changes by the commission, Ms. Haney seconded the motion.

By a voice vote of all ayes and no nays the February 2013 minutes were approved by a unanimous vote.

Public Hearing

- A. Proposed Amendment to Code  
Of Ordinance to amend Art. 2  
Admin & Enforce, Sec. 6 Board  
Of Adjustment revising  
Notification requirements  
Presented by Patsy Christie

Ms. Christie explained that the Council Ordinance Committee looked at the possibility of changing the notification requirements for a variance. The decision was made to take out the requirement that it has to be a certified list by a licensed abstractor or a licensed surveyor and put in that the petitioner would have to obtain records from the County Assessor's office to identify the adjacent

property owners and that information would have to be included in their application.

The only question would be if they miss somebody and where would it go from there? Ms. Christie said they would just have to try it and see how well it works.

It would go to council on March 12.

Mr. Kelsey asked for audience comments, there were none.

Mr. Arthur made the motion for a do pass to the council and seconded by Mr. Powell.

VOTE:

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

NO: None

The motion was passed by a unanimous vote and recommended to council for a do pass.

Public Hearing – Rezoning

- A. R13-03 Six Judges, Inc.  
3112 N. Thompson  
 From C-5 to C-6  
 Presented by Dennis L. Proffitt

Mr. John Blair, who is part of Six Judges, Inc., was present to answer any questions the commission may have. He explained they have had several renters over the years; the current perspective renter would like to repair vehicles and then sell them on the paved property.

Mr. Kelsey asked for staff comments.

Ms. Christie read for the record:

The adopted Comprehensive Land Use Plan indicates regional 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.

Encourage the development of regional commercial areas that accommodate a variety of wholesale, retail, service and office uses where the highest traffic

volumes and greatest utility demands can be served and more extensive outdoor display of materials will be expected and permitted that has frontage and or access to I-540.

Mr. Kelsey asked for staff comments, there were none.

Mr. Powell called for the vote.

VOTE:

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

NO: None

This carried by a unanimous vote.

Ms. Christie stated that staff will prepare the ordinance and it will go to Council on March 26<sup>th</sup>, 2013.

B. R13-04      Ecclesia, Inc.  
                         9165 Nations Drive  
                         From A-1 to P-1  
                         Presented by Oren Paris, III

Mr. Oren Parris, 13331 Kelly Road in Springdale was present to answer any questions.

Ms. Christie read comments for the record:

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

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

Uses that commonly have moderate to large scale assemblies of people such as churches, funeral homes, membership organizations and other institutions should be appropriately located on adequate size parcels with sufficient space to accommodate the off-street parking and accessory needs. Such uses should be located so as to minimize any adverse or undue significant burden on adjacent or adjoining land uses as well as that portion of the street system.

Mr. Kelsey asked for comments from the audience.

Mr. Greg Kendrick, 1255 Kendrick Avenue, owns the property west of Nations Drive. His concern is that since his property is zoned A-1 and the other would be P-1, he's wondering about the fences, etc.

Ms. Christie explained that Ecclesia would have to come back with a development plan before any sort of changes are made and the adjacent property owners would be notified as to the changes..

Mr. Powell called for the vote.

VOTE;

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

NO:

Abstain: Locke

Recuse: Arthur

This carried with six yes, one abstain and one recuse.

Ms. Christie said that staff would prepare the ordinance and it will go to Council on March 26<sup>th</sup>, 2013.

- C. R13-05 John & Mary K. Thompson  
2763 E. Robinson Ave.  
 From C-5 to C-6  
 Presented by John Thompson

Ms. Christie stated that they believe that this has been withdrawn, though they did not receive anything formal in writing.

Public Hearing – Conditional Use

- A. C13-03 Beverly & Brad Lloyd  
1000 S. Old Missouri Road  
 Use Unit 48 (Automotive, et al sales) in  
 I-1 zone  
 Presented by Mark Bilyeu

Mr. Mark Bilyeu, 2571 Oak View, Springdale was present to answer any questions. He explained that they want to rent U-Haul equipment from that facility. He stated that the units would be parked at the rear of the structure. He also said that he would be limited to two trucks parked on the side of the slab. The four trailers would be parked at the rear of the building. The sizes of the trailers would be determined by what would be returned by the customers. Ms. Christie said then it would be tied down to two trucks and no more than four trailers at any one time. Mr. Bilyeu agreed.

Ms. Christie read comments for the record:

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.

**Unknown** 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.  
Not shown on site plan

Unknown Yard requirements and other open space requirements.

Questionable 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 how much space is needed for current operation and number of U-Hauls and sizes to be placed on lot.

General compatibility with adjacent properties and other property in the general district. Number of U-Hauls to be placed on site needs to be identified. Parking areas designated to avoid safety issues entering and leaving highway. Fire lanes established and maintained

Ms. Christie asked Mr. Stith, Springdale Fire Department, and Officer Danny Wright, Springdale Police Department, if they had any issues with any of this, they responded that they did not.

Mr. Kelsey asked for any comments from the audience, there were none.

Mr. Locke called for the vote.

VOTE:

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

NO: None

This carried by a unanimous vote.

Ms. Christie stated that staff would prepare the resolution that will go to the Council on March 26<sup>th</sup>.

Lot Splits

- A.    LS13-04    Margaret Cole  
                          S. of Backus, W. Side of N. Gutensohn  
                          Presented by Jenkins Surveying

Mr. Jenkins, 1552 Cedar Street, was present to answer any questions the commission may have.

Ms. Christie read for the record:

1.    Need names, addresses, and zoning of all adjacent property owners (including those across the road).
2.    All comments from the utility companies and other city departments must be addressed prior to approval.
3.    Submit a request for waiver of subdivision requirements. Waiver must be approved by City Council before plat can be approved for filing.
4.    Certificates of Acceptance, Transmittal, Ownership and Ordinance needs to be removed from the drawing.

Mr. Kelsey asked for comments from the audience, there were none.

Mr. Powell made the motion subject to staff comments, Mr. Miller seconded.

VOTE:

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

NO: None

This carried by a unanimous vote.

Preliminary Plats, Replats and Final Plats

- A. RP13-02 Replat Lots 10-12 Blue Ridge Meadows Subdivision  
Presented by Crafton-Tull

Mr. Al Harris from Crafton-Tull was present to answer any questions the commission may have.

Ms. Christie read for the record:

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

Mr. Powell made the motion subject to staff comments, seconded by Mr. Arthur.

VOTE:

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

NO: None

This carried by a unanimous vote.

Ms. Christie stated that if they want it to go to the Council by next Tuesday, the ordinance needs to be in the Mayor's office by noon on Thursday.

Large Scale Developments

- A. L13-02 Triple T Foods  
1013 N. Jefferson  
Presented by Blew & Associates

Mr. Glen Carter, Blew & Associates, was present to answer any questions. Triple T is planning on removing some of their concrete and put back some building.

Mr. Christie stated for the record:

- 1) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 2) The site area of disturbance is less than 1-acre, so a Grading Permit is **not** required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to protect the existing storm drainage system. We will require

a SWPPP and erosion control plans in the event of discharges of sediment from the site.

Mr. Kelsey asked for comments from the audience, there were none.

Mr. Powell made the motion subject to staff comments, seconded by Mr. Locke.

VOTE:

YES: Parsley, Powell, Arthur, Covert, Haney, Kelsey, Locke, Miller  
 NO: None

This carried by a unanimous vote.

- B. L13-03 T G. Smith Elementary – Media Center  
Northwest corner of Falcon & N. 40<sup>th</sup>  
 Waiver (W13-01) of street improvements  
 Variance (B13-04) for modification of the Landscape ordinance requirement  
 Variance (B13-04) to increase the maximum Allowable width of a drive from 40' to 48' 6" for Main entrance  
 Variance (B13-04) to decrease the minimum Allowable drive width for one-way traffic from 15' to 11'6" for northern drive  
 Presented by McGoodwin, Williams & Yates

Mr. Chris Brackett was present to answer any questions the commission may have. Dr. Gary Compton was also present from the School District.

Ms. Christie read the comments for the record:

- 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) A screening fence is required in accordance with Chapter 56. Show trees associated with screen.
- 5) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 6) Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.

- 7) Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants.
- 8) An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.
- 9) Landscaping must be guaranteed for two years.
- 10) Minimum width of a drive for one-way traffic is fifteen feet (15').
- 11) Maximum width of a drive, exclusive of radii, is forty feet (40').
- 12) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
- 13) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 14) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 15) 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.

#### Engineering Comments

- 1) Sect 106 Revisions to the Final Drainage Report are still pending and must be addressed prior to final approval of construction plans.
  - a. Please include on site pipe hydraulic grade calculation for the proposed storm sewer.
- 2) Waiver requested - 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.
  - b. Sects 110-31(a) Sidewalks are required one-foot (1') inside the right-of-way line.
    - i. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
    - ii. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
    - iii. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
    - iv. Need to show details of sidewalks on the right-of-way.
- 3) The site area of disturbance is less than 1-acre, so a Grading Permit is not required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to protect the existing storm drainage system. We will require a SWPPP and erosion control plans in the event of discharges of sediment from the site.

Mr. Kelsey asked for comments from the audience,

Melissa Hotchkiss, 3409 Falcon, right across from T. G. Smith. She said that the traffic was really heavy there, and wanted to know if they were planning on putting up a stop sign or traffic light. Ms. Christie explained there will be no difference in the traffic flow

This vote will be for modification of landscape ordinance requirement.

Mr. Locke called for the vote

VOTE:

YES: Arthur, Covert, Haney, Kelsey, Locke, Miller, Powell

NO: Parsley

This carried by a vote of seven to one.

This vote will be to increase the maximum allowable width of a drive from 40' to 48'6" for main entrance.

Mr. Locke called for the vote.

VOTE:

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

NO: None

This carried by a unanimous vote.

This vote is to increase the minimum allowable drive width for one way traffic from 15' to 11'6" for northern drive.

Mr. Locke called for the vote/.

VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur

NO: Covert

This carried by a vote of seven to one.

Mr. Kelsey said the next vote would be on street improvements. This will include street improvements, storm drainage and street lights, curb and gutter, sidewalks.

Mr. Locke called for the vote.

VOTE:

YES: Locke, Powell, Arthur,

NO: Kelsey, Miller, Parsley, Covert, Haney

With a vote of four no and three yes it will go to council with a recommendation that it not be granted.

The next vote will be on the Large Scale. Mr. Locke made the motion and seconded by Mr. Powell subject to staff comments.

VOTE:

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

NO:

This carried by a unanimous vote.

Ms. Christie stated the waiver request will go to Council on March 26<sup>th</sup>.

- C. L13-04 Casey's General Store  
SW corner of Don Tyson Parkway  
And North 48<sup>th</sup> Street  
 Variance (B13-06) for modification of Commercial Design standards  
 Variance (13-06) for modification for requirement For interior parking landscaping  
 Presented by Morrison Shipley

Ms. Sammi May of Morrison Shipley Engineers was present to answer any questions.

Ms. Christie read for the record:

Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.

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

This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. See attached design standard comments.

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**

A 5' wide sidewalk along the full length of the building along any side that features a customer entrance is required. This sidewalk shall be setback from the building foundation at least 6' to provide areas for foundation landscaping.

- 1) Foundation landscaping is required.

**Engineering Comments**

**The concept of detention must be approved by the Planning Commission.**

Need to submit a floodplain determination application at the time of resubmittal.

See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).

Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

Mr. Kelsey asked for comments from the audience, there were none.

It was decided to take both variances at the same time. Mr. Locke called for the vote.

VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur, Covert.

NO: None

This passed with a unanimous vote.

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

VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur, Covert.

NO: None

This also passed with a unanimous vote.

Mr. Powell made the motion subject to staff approval.

VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur, Covert.

NO: None

- D. L13-05 Northwest Medical Center  
W. side of Butterfield Coach Road  
300' south of Highway 412 and  
Butterfield Coach Road  
 Concept of Detention  
 Variance (B13-07) for modification of commercial  
 Design Standards  
 Presented by Engineering Services, Inc.

Mr. Jason Appel, from ESI was present to answer any questions.

- 16) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 17) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 18) This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. See attached design standard comments.
- 19) 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) No more than 60% of the off street parking area for the entire property can be located between the front façade within the front yard of the principal building and the primary abutting street unless the building and/or parking lots are screened from view by outlot development (i.e. restaurants) and additional tree plantings and/or berms.
- 2) Submit a unified lighting plan per Springdale Commercial Design Standards.
- 3)

#### **Engineering Comments**

- 1) Revisions to the Final Drainage Report are still pending and must be addressed prior to final approval of construction plans.
- 2) The concept of detention must be approved by the Planning Commission.
- 3) Need to submit a signed floodplain determination application at the time of resubmittal.  
 See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).
- 4) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

Mr. Kelsey asked for comments from the audience, there were none.

This vote will be for the variance.

Mr. Powell called for the vote.

VOTE:

YES: Parsley, Powell, Arthur, Covert, Haney, Kelsey, Locke, Miller.

NO: None

This was passed by a unanimous vote.

This vote will be for the concept of detention.

Mr. Powell called for the vote.

VOTE:

YES: Parsley, Powell, Arthur, Covert, Haney, Kelsey, Locke, Miller.

NO: None

This passed by a unanimous vote.

This vote will be for the large scale.

Mr. Powell made the motion subject to staff approval, Mr. Miller seconded.

VOTE:

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

NO: None

This, too, carried by a unanimous vote.

- E. L13-06 George's Inc.  
S. of Porter Ave., W. of Turner  
 Waiver (W13-03) of street improvements  
 Variance (B13-08) reduction of parking requirement  
 Variance (B13-08) of modification of landscaping  
 Requirement  
 Variance (B13-08) for modification of driveway widths  
 And radii  
 Variance (B13-08) for reduction of distance between  
 Drives  
 Variance (B13-08) for utilities to remain as is  
 Presented by Crafton-Tull

Mr. Steve Beam was present to answer any questions the commission may have. He explained that roughly George's is planning a 20,000SF expansion on one of their buildings. It is to the rear of the property.

Ms. Christie asked if they were going to clean up the area around the trailers that are sitting at the railroad track on the east side. All of that would be put inside the new structure. Overall, she explained that they would see a nicer looking facility.

Ms. Christie read for the record:

- Show the typical dimensions for regular parking, (9'x19').
- Show the typical dimensions for handicapped parking, (11'x19').
- Show the width of the handicapped access area, (5' min.).
- Show the location of the handicapped parking signs.
- Handicapped ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.
- Need to show details of handicapped ramps.
- Frontage landscaping is required in accordance with Chapter 56.
- Perimeter landscaping is required in accordance with Chapter 56.
- Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- Interior parking area landscaping is required in accordance with Chapter 56.
- Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.
- Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants.
- An automatic or other irrigation system shall be required for all landscaped areas.
- Show irrigation system or location of hose bibs.
- Landscaping must be guaranteed for two years.

### Engineering Comments

- 1) *Sects 110-31(a)* Sidewalks are required one-foot (1') inside the right-of-way line.
  - a. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  - b. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  - c. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
  - d. Need to show details of sidewalks on the right-of-way.
- 2) *Sect 112-4* The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing.
- 3) *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.
- 4) *Sect 112-16* All utility wires shall be placed underground.
- 5) Need to submit a floodplain determination application at the time of resubmittal. See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).
- 6) *Sect 107* 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

Mr. Kelsey asked for comments from the audience, there were none.

Some discussion followed about a nice wrought iron fence, additional landscaping, trees.

It was asked to take all the variances at once, there were no objections.

Mr. Powell called for the vote on all variances.

#### VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur  
NO: Covert

The variances carried at a vote of seven to one.

Mr. Powell called for the vote on the waiver.

VOTE:

YES: Arthur, Haney, Kelsey, Locke, Miller, Parsley, Powell  
 NO: Covert

The waiver carried by a vote of seven to one.

Mr. Powell made the motion for the large scale, seconded by Mr. Miller.

VOTE:

YES: Haney, Kelsey, Locke, Miller, Parsley, Powell, Arthur,  
 Covert  
 NO: None

The large scale was carried by a unanimous vote.

Board of Adjustment

- A. B13-04 T. G. Smith Elementary – Medical Center  
NE corner of Falcon Rd. & N. 40<sup>th</sup> Street  
 Variance (B13-04) for modification of the  
 Landscape ordinance requirement  
 Variance (B13-04) to increase the maximum  
 Allowable width of a drive from 40' to 48'6" for  
 Main entrance  
 Variance (B13-04) to decrease the minimum  
 Allowable drive width for one-way traffic from  
 15' to 11'6" for northern drive  
 Presented by McGoodwin, Williams & Yates

This was voted on along with L13-03.

- B. B13-05 Gene Morgan  
907 Mill Street  
 Variance (B13-05) for reduction of side setback  
 From 8' to 5'  
 Presented by Gene Morgan

Mr. Gene Morgan was present to answer any questions. He explained that he is in the process of taking down an old corrugated pole barn, which has always sat four and a half feet from the side of his property. He wants to replace it with an all metal three car garage on a concrete slab, five feet from the side of my property.

Mr. Kelsey asked for staff comments.

Ms. Christie asked for comments from the Fire Department and Mr. Stith said they do not support any variance on the side setbacks.

Mr. Kelsey asked for comments from the audience, there were none.

Mr. Powell called for the vote.

VOTE:

YES: Powell, Arthur, Covert

NO: Kelsey, Locke, Miller, Parsley, Haney

This variance was denied by a vote of five to three.

- C. B13-06 Casey's General Store  
SW corner of Don Tyson Parkway & S. 48<sup>th</sup> Street  
Variance (B13-06) for modification of Commercial Design Standards  
Variance (13-06) for modification for requirement For interior parking landscaping  
Presented by Morrison Shipley

This was voted on along with L13-04.

- D. B13-07 Hunt Ventures for NW Medical Center  
W. side of Butterfield Coach Road, 300'  
S. of Highway 412 & Butterfield Coach Road  
Variance (B13-07) for modification of commercial Design Standards  
Presented by Engineering Services, Inc.

This was voted along with L13-05.

- E. B13-08 George's Inc.  
S. of Porter Ave., W. of Turner  
Variance (B13-08) reduction of parking requirement  
Variance (B13-08) of modification of landscaping Requirement  
Variance (B13-08) for modification of driveway widths and radii  
Variance (B13-08) for reduction of distance between Drives  
Variance (B13-08) for utilities to remain as is  
Presented by Crafton-Tull

This was voted on along with L13-06.

Waivers

- A. W13-01 T. G. Smith Elementary – Media Center  
NE corner of N. 40<sup>th</sup> and Falcon Road  
 Waiver of Street improvements  
 Presented by McGoodwin, Williams, & Yates\

This was voted on along with L13-03.

- B. W13-02 Greg Jackson  
4719 Robbins Road  
 Waiver of street improvements  
 Presented by Greg Jackson

Mr. Greg Jackson was present to answer any questions.

Ms. Christie said traditionally they do not support sidewalk waivers however, this is about as far out as you can get.

Mr. Kelsey asked for comments from the audience, there were none.

Mr. Powell called for the vote.

VOTE:

YES: Locke, Miller, Parsley, Powell, Arthur, Covert, Haney, Kelsey  
NO:

This passed by a unanimous vote. Ms. Christie stated that staff would prepare the resolution and it would go to the Council on March 26, 2013.

- C. W13-03 George's Inc.  
S. of Porter Ave., W. of Turner  
 Waiver of Street improvements  
 Presented by Crafton-Tull

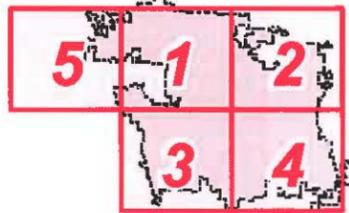
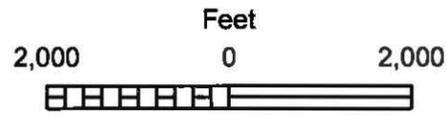
This was voted on along with L13-06.

Planning Director's Report

The work session will be Thursday, March 28<sup>th</sup> at 5:30PM. There will be a small orientation for the new commissioners.

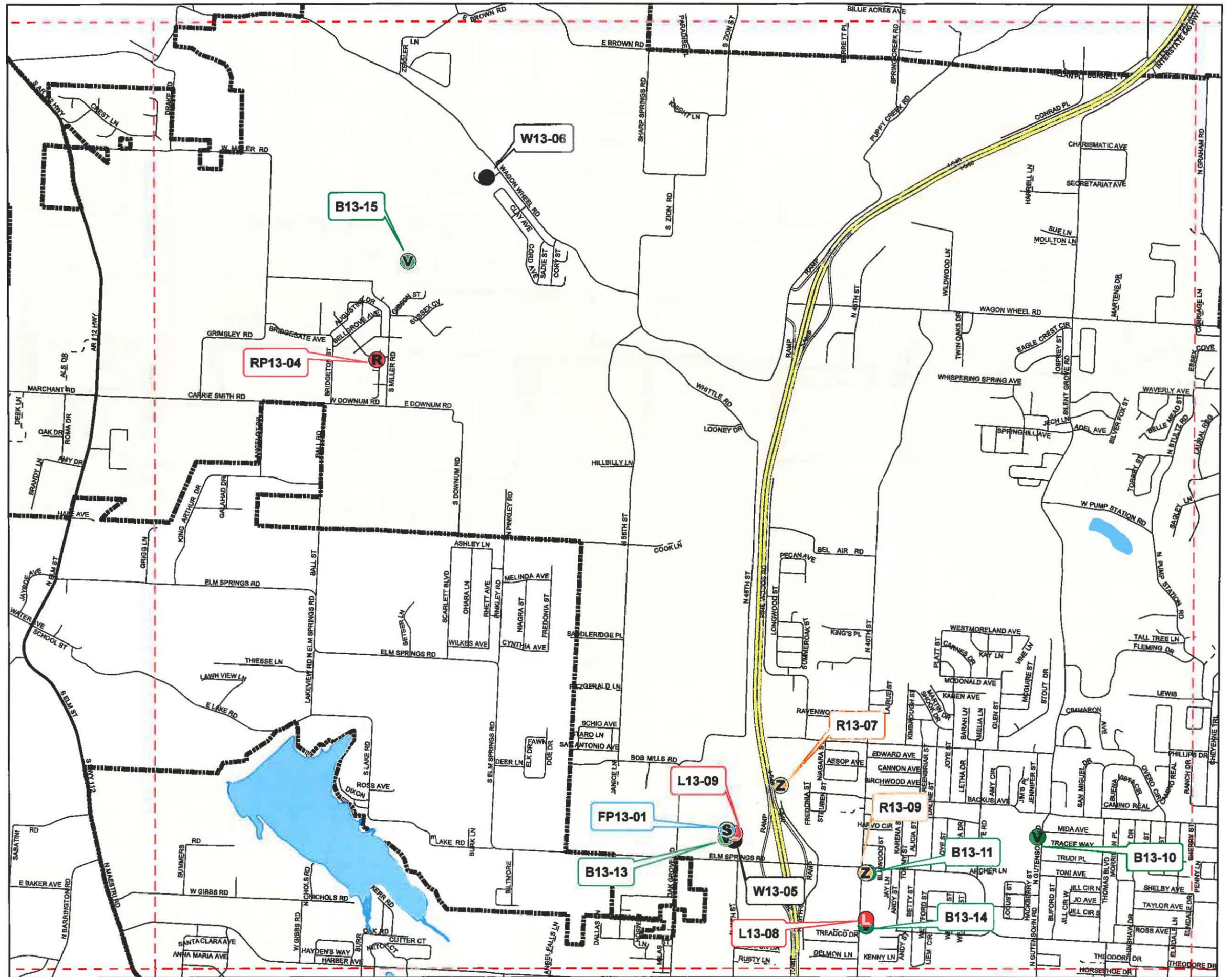
There being no further business the meeting was adjourned at 5:57PM.

**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 2ND, 2013**

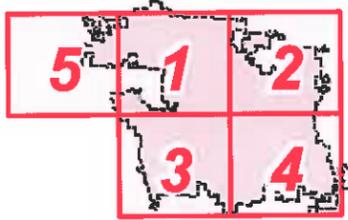
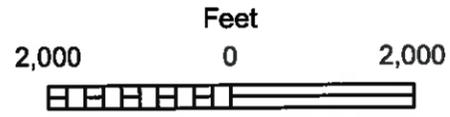


**SHEET 1**

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

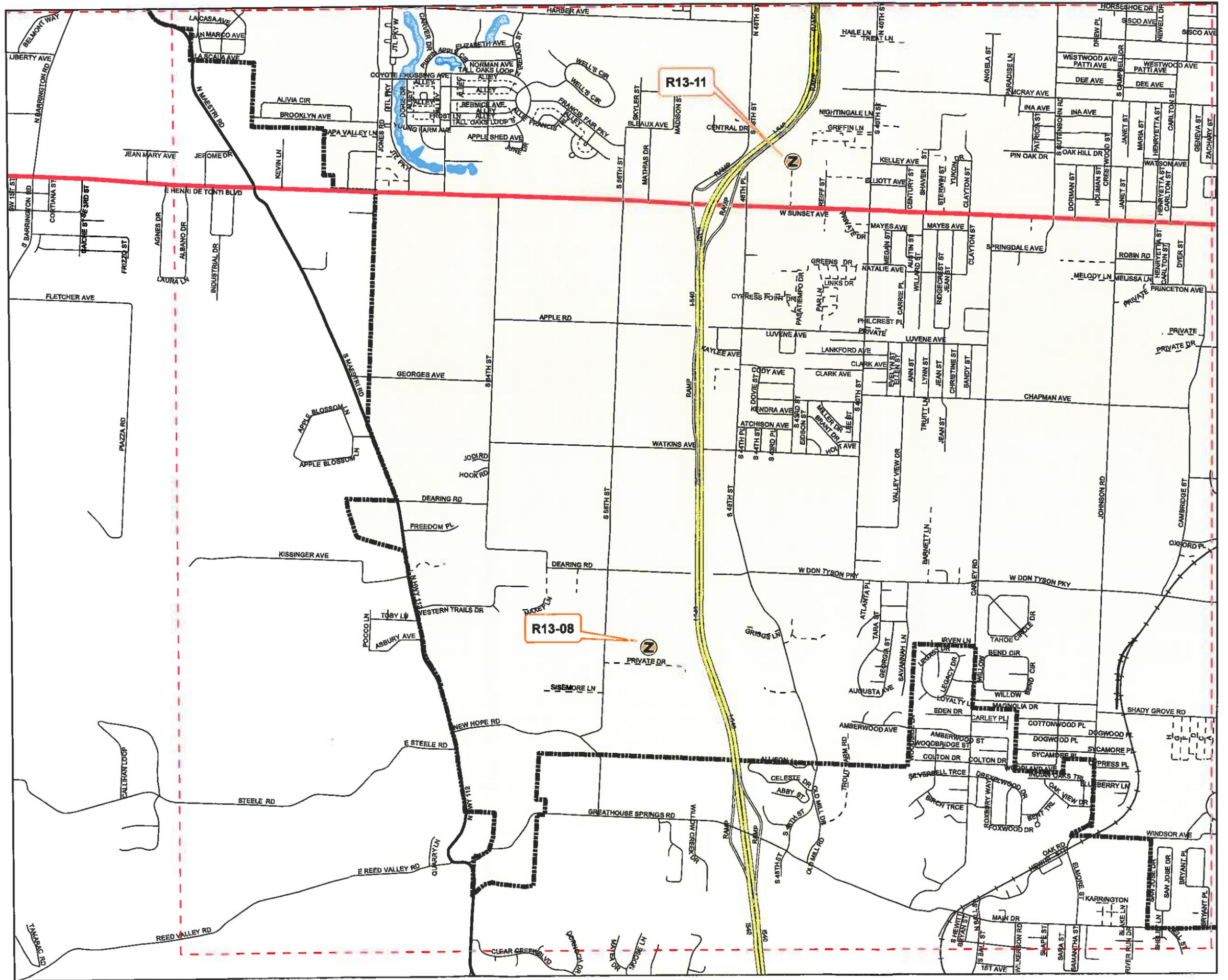


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 2ND, 2013**

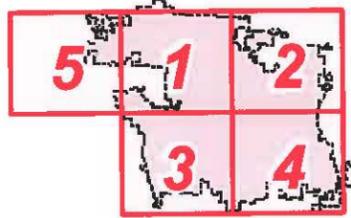
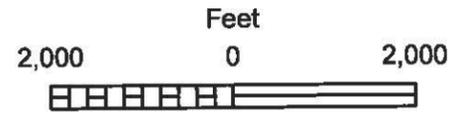


**SHEET 3**

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

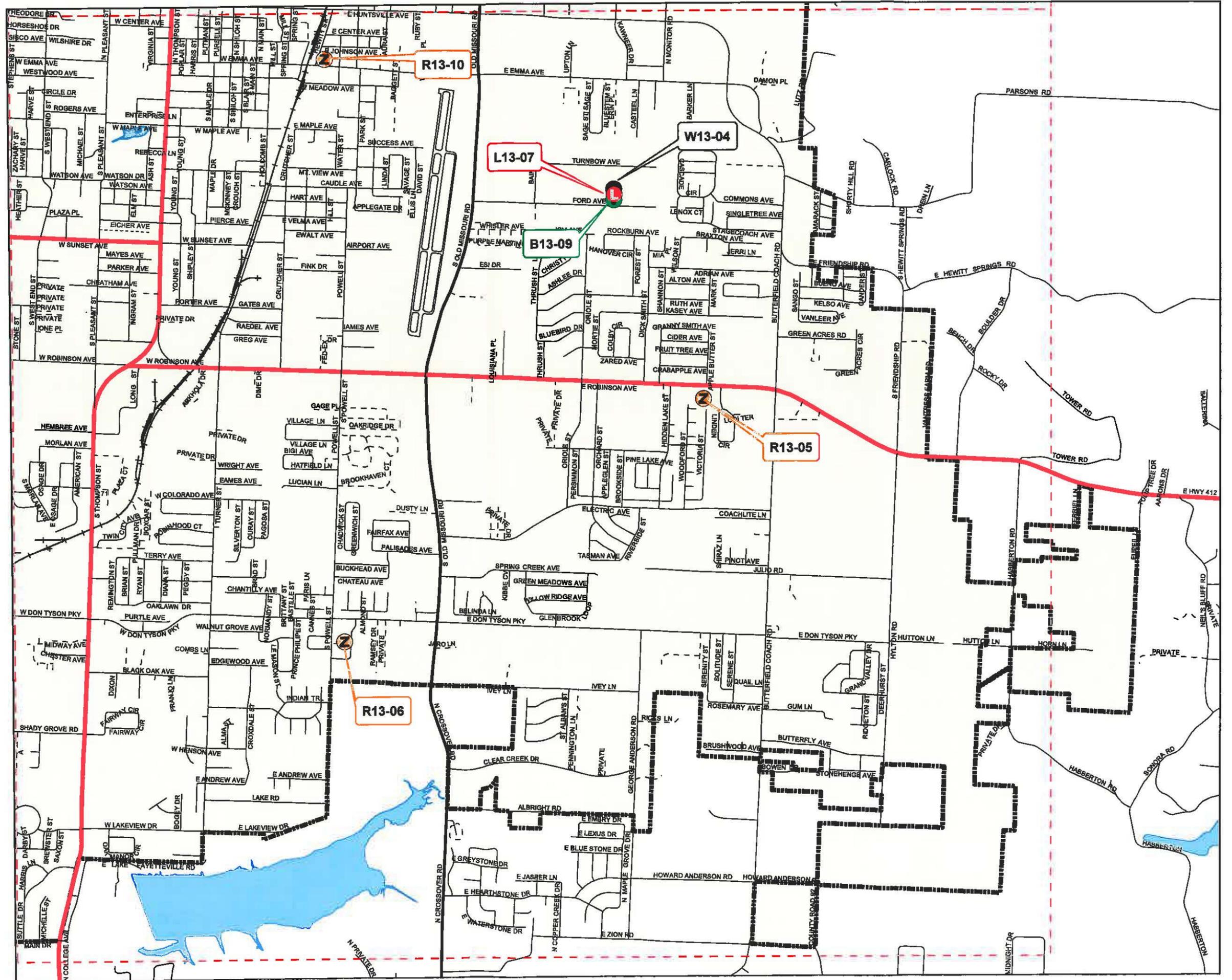


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 2ND, 2013**



**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 3.5 OF THE ZONING ORDINANCE OF  
THE CITY OF SPRINGDALE, ARKANSAS AND  
FOR OTHER PURPOSES.**

**WHEREAS**, Article 6, Section 3.5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations pertaining to temporary open-air enterprises;

**WHEREAS**, Article 6, Section 3.5 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to exempt temporary open-air enterprises operating at approved events at Shiloh Square;

**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 3.5 of the Zoning Ordinance of the City of Springdale, Arkansas; and

**WHEREAS**, a public hearing was held before the Springdale Planning Commission on April 2, 2013, 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 3.5(1) of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

1. Definitions. When used in this chapter, the following words, terms, and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a. Goods, wares, or merchandise shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks. The selling of animals is subject to the restrictions of subsection 14-5(9) of ~~the~~ this Code.
  - b. Public way means all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

- c. Special event means any occasion including but not limited to Rodeo of the Ozarks, City approved events at Shiloh Square, FeatherFest, or city wide celebrations, and festivals taking place within a specifically defined area of the city for a period of time not to exceed five (5) days.
- d. Temporary open-air enterprise means any person, firm or corporation offering and exposing goods, wares, or merchandise for sale at a non-permanent location by exhibiting, displaying, selling, or offering for sale such products. This definition does not include those persons vending from a motor vehicle who visit multiple private property sites on a daily basis for no more than one (1) hour per site and who have obtained a business license from the city. The term "temporary open-air enterprise" is also used in this chapter interchangeably with the word "vendor" or "vending."
- e. Non-permanent location means any location that has no utilities hooked up to a structure and that has no permanent building foundation.

**Section 2:** All other provisions of Article 6, Section 3.5 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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 3.16 OF THE ZONING ORDINANCE OF  
THE CITY OF SPRINGDALE, ARKANSAS AND  
FOR OTHER PURPOSES.**

**WHEREAS**, Article 6, Section 3.16 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations pertaining to mobile vending units;

**WHEREAS**, Article 6, Section 3.16 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to exempt mobile vendors operating at approved events at Shiloh Square;

**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 3.16 of the Zoning Ordinance of the City of Springdale, Arkansas; and

**WHEREAS**, a public hearing was held before the Springdale Planning Commission on April 2, 2013, 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 3.16(5) of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

5. Exemptions. The provisions of this chapter do not apply to:
  - a. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment or transfer;
  - b. The placing and maintenance of unattended stands or sales devices for the sale, display or offering for sale of newspapers, magazines, periodicals and paper bound books;
  - c. The distribution of free samples of goods, wares and merchandise by any individual from his person;
  - d. Farmers and growers selling fruits and vegetables which they have grown, provided these products are sold on parking lots where the owner has granted permission;

- e. Charitable organizations, such as Girl Scouts, Boy Scouts, on the property of another, so long as the owner of the property consents.
- f. Mobile vendors operating at special events, so long as the mobile vending unit is located totally within property owned, occupied, or leased by the operators of the special event. Special event means any occasion including but not limited to Rodeo of the Ozarks, City approved events at Shiloh Square, FeatherFest, or city wide celebrations, and festivals taking place within a specifically defined area of the city for a period of time not to exceed five (5) days.

**Section 2:** All other provisions of Article 6, Section 3.16 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** March 5, 2013  
**Re:** R13-05

A request by John H. and Mary K. Thompson for Planning Commission approval of a zone change from Open Display District (C-5) to Large Product Retail Sales (C-6) for a tract of land containing 1± acres.

## LOT LOCATION AND SIZE

The 1± acre tract is located at 2762 E. Robinson Avenue, south side of E. Robinson Avenue, west of Oak Moore Street.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a C-5 thoroughfare commercial district. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations, and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping center since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38  
Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35  
Temporary Uses: - 32

## **DEVELOPMENT CRITERIA**

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.

- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-5 open display district:
  - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
  - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
  - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

**ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-5 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-5 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

**SETBACKS:**

Front setback	30'	
Front setback if parking is allowed between R-O-W and the building	50'	
Side setback applicable fire and building codes)	0	(subject to
Side setback when contiguous to a residential district	20'	
Rear setback	20'	

## 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 5' 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 percent of the total surface area of the lot or development.

## OFF-STREET PARKING

See Article 7 of this chapter.

## REQUESTED ZONING

The requested zoning for this tract is a C-6 Large Product Retail Sales District. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, are automobile and other vehicular service establishments. The C-6 district is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, is suitable for display and storage outside the confines of an enclosed building. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

## **DEVELOPMENT CRITERIA**

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.
- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-6 large product retail sales.
  - a. Except as provided in Use Unit 43: Automobile Sales-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. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - d. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not

exceed four thousand (4,000) square feet in area and the above screening requirements are met.

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

### **ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

### **SITE PLAN REVIEW**

When a conditional use is proposed in a C-6 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-6 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 one (1) foot for each foot of height in excess of twenty (20) feet.

### **AREA REGULATIONS**

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

#### **SETBACKS:**

Front setback	30'
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 district	20'
Rear setback	20'

### **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 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, or a minimum of ten percent of the total surface area of the lot or development.

### **OFF-STREET PARKING**

See Article 7 of this chapter.

### **SURROUNDING ZONING AND LAND USE**

Zoning of the surrounded area is shown on the attached map. The tract contains a large commercial/warehouse structure used as a trucking center and used car lot. The area to the east and west contain commercial uses in C-2 zoning. The area to the south contains single family dwellings in Sf-2 zoning. The area to the north is undeveloped in C-2 zoning.

## LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates regional commercial use.

The Master Street Plan indicates E. Robinson Avenue as a principal arterial.

## STAFF COMMENTS AND RECOMMENDATIONS

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.

Encourage the development of regional commercial areas that accommodate a variety of wholesale, retail, service and office uses where the highest traffic volumes and greatest utility demands can be served and more extensive outdoor display of materials will be expected and permitted that has frontage and or access to I-540.



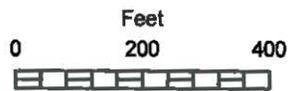
**APPLICANT: JOHN & MARY K THOMPSON**

**FILE #: R13-05**

**REZONING REQUEST:**

**C-5 TO C-6**

**CITY OF SPRINGDALE  
PLANNING OFFICE  
PLANNING COMMISSION MEETING  
3/5/2013**



File No. R.13-05

## 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 John H. Thompson  
The record property owner(s), petitioning to rezone the following described area:

Legal Description:

Parcel ID#s

815 - 30620 - 000

815 - 30618 - 000

815 - 30617 - 000

Layman's Description: 2763 E Robinson

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) E-5

TO (proposed zoning) E-6

The Petitioner's immediate intentions are to:

1. Sell the property NO (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 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: Retail sales of automobiles (Car lot)

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: \_\_\_\_\_

Address: \_\_\_\_\_

PETITIONER/OWNER: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ DATE: \_\_\_\_\_

**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.

John H. Thompson  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

State of Arkansas        )  
  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13<sup>th</sup> day of February, 2013.

DANETTE GLASGOW  
Washington County  
Notary Public - Arkansas  
Commission # 12383816

Danette Glasgow  
Notary Public

My Commission Expires 8/25/2021







**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R13-06

A request by Springdale Church of God for Planning Commission approval of a zone change from Agricultural District (A-1) to Institutional District (P-1) for a tract of land containing 1.67 ± acres.

## LOT LOCATION AND SIZE

The 1.67 ± acre tract is located at 3749 S. Powell Street, east side of Powell Street, south of Don Tyson Parkway.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29

Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37

Temporary Uses – 32, 34

## ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

- (1) Accessory buildings, including private garages, storage facilities and children's playhouses.
- (2) Private greenhouses.

### 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 5' 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 percent of the total surface area of the lot or development.

### OFF-STREET PARKING

See Article 7 of this chapter.

### SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains two structures. The tract is surrounded by single family structures in A-1 zoning to the north, east and south and SF-3 zoning to the west.

### LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Low Density Residential use.

The Master Street Plan indicates Powell Street as a minor collector.

### STAFF COMMENTS AND RECOMMENDATIONS

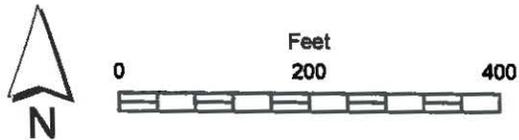
The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Uses that commonly have moderate to large scale assemblies of people such as churches, funeral homes, membership organizations and other institutions should be appropriately located on adequate size parcels with sufficient space to accommodate the off-street parking and accessory needs. Such uses should be located so as to minimize any adverse or undue significant burden on adjacent or adjoining land uses as well as that portion of the street system.



**APPLICANT: SPRINGDALE CHURCH OF GOD**  
**FILE #: R13-06**  
**REZONING REQUEST:**  
**A-1 TO P-1**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/2/2013**



File No. R B 06

## 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 DANNY McCulley, Pastor Springdale Church of God  
The record property owner(s), petitioning to rezone the following described area:

Legal Description:

Layman's Description: 3749 S. Powell

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) P-1

The Petitioner's immediate intentions are to:

1. Sell the property NO (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 NO (Yes or No).
2. Develop the property Yes (Yes or No), and if so, the proposed use is Continue as A church and to open a daycare.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: No negative effect Anticipated. Increased child care for the city + employment for workers.

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: \_\_\_\_\_

Address: \_\_\_\_\_

PETITIONER/OWNER: Danny McCulley

MAILING ADDRESS: PO Bx 265 Springdale, AR. 72765

TELEPHONE: 479-800-2261 DATE: \_\_\_\_\_

## 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.

Hanny McCulley - Pastor  
(Property Owner)

\_\_\_\_\_  
(Property Owner)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 4<sup>th</sup> day of  
March, 2013.

Debbie A. Ponders  
Notary Public

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

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R13-07

A request by PMD Enterprises for Planning Commission approval of a zone change from Thoroughfare Commercial District (C-5) to Large Product Retail Sales (C-6) for a tract of land containing 9.35 acres.

## LOT LOCATION AND SIZE

The 9.35 acre tract is located at the northern end of N. 45<sup>th</sup> Street.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a C-5 thoroughfare commercial district. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations, and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping center since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38

Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35

Temporary Uses: - 32

## DEVELOPMENT CRITERIA

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.

- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-5 open display district:
  - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
  - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
  - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

**ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-5 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-5 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

**SETBACKS:**

Front setback	30'	
Front setback if parking is allowed between R-O-W and the building	50'	
Side setback	0	(subject to
applicable fire and building codes)		
Side setback when contiguous to a residential district	20'	
Rear setback	20'	

**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 5' 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 percent of the total surface area of the lot or development.

### **OFF-STREET PARKING**

See Article 7 of this chapter.

### **REQUESTED ZONING**

The requested zoning for this tract is a C-6 Large Product Retail Sales District. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, are automobile and other vehicular service establishments. The C-6 district is also intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale that, because of the type of material or transportation requirements, is suitable for display and storage outside the confines of an enclosed building. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

### **DEVELOPMENT CRITERIA**

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.
- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-6 large product retail sales.
  - a. Except as provided in Use Unit 43: Automobile Sales-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. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - d. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.

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

### **ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

### **SITE PLAN REVIEW**

When a conditional use is proposed in a C-6 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-6 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 one (1) foot for each foot of height in excess of twenty (20) feet.

### **AREA REGULATIONS**

The shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

#### **SETBACKS:**

Front setback	30'
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 district	20'
Rear setback	20'

### **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 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, or a minimum of ten percent of the total surface area of the lot or development.

### **OFF-STREET PARKING**

See Article 7 of this chapter.

### **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 & SF-2 zoning. The area to the east contains single family and multi-family residential dwellings in MF-4 & SF-2 zoning. The area to the south contains an auto sales in C-6 zoning.

### **LAND USE PLAN AND MASTER STREET PLAN**

The adopted Comprehensive Land Use Plan indicates commercial use.

The Master Street Plan indicates N. 45<sup>th</sup> Street as a local street.

### STAFF COMMENTS AND RECOMMENDATIONS

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

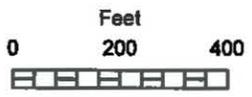
Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations.

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



**APPLICANT: PMD ENTERPRISES**  
**FILE #: R13-07**  
**REZONING REQUEST:**  
**C-5 TO C-6**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/2/2013**



File No. R1307

## 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 PMD Enterprises, LLC

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

Legal Description:

See Exhibit "A" for legal description

Layman's Description:

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) C-5

TO (proposed zoning) C-6

The Petitioner's immediate interests are in:

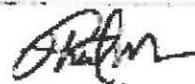
1. Sell the property YES (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title YES (Yes or No).
2. Develop the property NO (Yes or No), and if so, the proposed use is \_\_\_\_\_
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: Minimal as this is a continuation of similar uses on the frontage 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 conditions made by this individual shall be binding on the petitioner.

Authorized Representative: Dwight Everett or Dan Lundy

Address: 1306 Military Road, Benton, AR 72015

PETITIONER/OWNER SIGNATURE 

MAILING ADDRESS: 1501 NE MS Collins Rd

TELEPHONE: 479-236-6060 DATE: 3-2-13

**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.

**SIGNATURE**  
(Property Owner)

  
\_\_\_\_\_  
(Property Owner)

State of Arkansas        )  
                                      ) ss  
County of Washington    )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 27<sup>th</sup> day of February, 2013.

NIKKI L. JOHNSTON  
Notary Public-Arkansas  
Washington County  
My Commission Expires 08-29-2021  
Commission # 12383913

  
\_\_\_\_\_  
Notary Public

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R12-08

A request by Janet B. Huntsman Revocable Trust for Planning Commission approval of a zone change from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) for a tract of land containing 30.0 acres.

## LOT LOCATION AND SIZE

The 30 acre tract is located on the east side of S. 56<sup>th</sup> Street, south of Dearing Road.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning on this tract is an A-1, Agricultural district. This district is designed to protect agricultural land until an orderly transition to urban development has been accomplished. It provides a usable district for certain uses which may be annexed to the city. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished. This zone will encourage single family residential usage on large tracts. In addition, due to the low density of development, agricultural uses such as crop and livestock production are allowed.

Uses permitted: - 1, 6, 7, 8, 29

Conditional Uses Permitted on Appeal: - 2, 3, 4, 5, 9, 14, 17, 23, 28, 30, 33, 36, 37

Temporary Uses – 32, 34

## ACCESSORY USES

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

- (1) Accessory buildings, including private garages, storage facilities and children's playhouses.
- (2) Private greenhouses.

- (3) Swimming pools, tennis courts and similar recreational facilities.

**SITE PLAN REVIEW**

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; 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.

**AREA REGULATIONS**

- (1) **LOT AREA.** There shall be a lot area of not less than two acres for both residential and non-residential use. In addition, there shall be a minimum lot width of not less than two hundred (200) feet on a public street at the front setback line.
- (2) **DENSITY.** One (1) unit per two acres.
- (3) **FRONT SETBACK.** There shall be a front setback having a depth of not less than thirty-five (35) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty-five (35) feet.
- (4) **SIDE SETBACK.** There shall be a side setback on each side of the lot having a width of not less than twenty (20) feet.
- (5) **REAR SETBACK.** There shall be a rear setback having a depth of not less than thirty-five (35) feet.

	LOT MINIMUMS		SETBACKS				
	Widths	Area	Front	Back	Side		
					Corner		
					Interior	Exterior	
One Family	200	2 acre	35	35	20/20	20	35

**REQUESTED ZONING**

The requested zoning of this tract is a C-5 Thoroughfare Commercial District. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38

Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35

Temporary Uses: - 32

**DEVELOPMENT CRITERIA**

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.
- iii. 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.

- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-5 open display district:
  - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
  - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
  - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

**ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-5 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-5 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

**SETBACKS:**

Front setback	30'	
Front setback if parking is allowed between R-O-W and the building	50'	
Side setback	0	(subject to applicable fire and building codes)
Side setback when contiguous to a residential district	20'	
Rear setback	20'	

**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 5' 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 percent of the total surface area of the lot or development.

### **OFF-STREET PARKING**

See Article 7 of this chapter.

### **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 is undeveloped in C-5 zoning. The area to the south contains cell towers in A-1 zoning and the area to the west contains a mixture of uses in A-1 zoning. I-540 borders the property on the east.

### **LAND USE PLAN AND MASTER STREET PLAN**

The adopted Comprehensive Land Use Plan indicates commercial and regional commercial use.

The Master Street Plan indicates 56<sup>th</sup> Street as a major collector.

### **STAFF COMMENTS AND RECOMMENDATIONS**

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.

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

Encourage the development of regional commercial areas that accommodate a variety of wholesale, retail, service and office uses where the highest traffic volumes and greatest utility demands can be served and more extensive outdoor display of materials will be expected and permitted that has frontage and or access to I-540.



**APPLICANT: JANET B. HUNTSMAN REVOCABLE TRUST**

**FILE #: R13-08**

**REZONING REQUEST:**

**A-1 TO C-5**

*CITY OF SPRINGDALE  
PLANNING OFFICE  
PLANNING COMMISSION MEETING  
4/2/2013*

File No. R13-08

## 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 JANET B. HUNTSMAN REVOCABLE TRUST  
The record property owner(s), petitioning to rezone the following described area:

Legal Description:

*SEE ATTACHMENT 'A'*

Layman's Description: *WASHINGTON COUNTY PARCEL # 001-18357-000*

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 No (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, Commercial to the north and cell towers to the south

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: DAVID WILKINS, ESI

Address: 1207 S. OLD MISSOURI RD, POB 282, SPRINGDALE, AR  
72765-0282

PETITIONER/OWNER **SIGNATURE** Janet B. Huntsman  
MAILING ADDRESS: 2323 Cheyenne Trail, Springdale, AR 72762  
TELEPHONE: 479-751-0491 DATE: 3-8-13

**VERIFICATION**

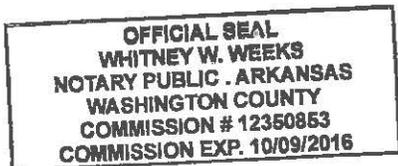
I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts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

**SIGNATURE**  
(Property Owner)

Janet B. Huntsman  
(Property Owner)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 8 day of March, 2013.



Whitney W. Weeks  
Notary Public

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R13-09

A request by Eugene and Deborah Kordsmeier for Planning Commission approval of a zone change from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for a tract of land containing .26 acres.

## LOT LOCATION AND SIZE

The .26 acre tract is located at 3973 Elm springs Road, southeast corner of the intersection of Elm Springs Road and 40<sup>th</sup> Street.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a C-2 General Commercial District. The 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: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35  
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

## ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

## SITE PLAN REVIEW

When a conditional use is proposed in a C-2 district, except for home occupation 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 one (1) foot for each foot of height in excess of twenty (20) feet.

## AREA REGULATIONS

### SETBACKS:

Front setback	30'
Front setback if parking is allowed between R-O-W 50' and the building	
Side setback (subject to applicable fire and building codes)	0
Side setback when contiguous to a residential district	20'
Rear setback	20'

## 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 5' 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 percent of the total surface area of the lot or development.

## OFF-STREET PARKING

See Article 7 of this chapter.

## REQUESTED ZONING

The requested zoning of this tract is a C-5 Thoroughfare Commercial District. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38

Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35

Temporary Uses: - 32

## DEVELOPMENT CRITERIA

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.
- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-5 open display district:
  - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
  - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
  - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

## ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

## SITE PLAN REVIEW

When a conditional use is proposed in a C-5 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-5 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 one (1) foot for each foot of height in excess of twenty (20) feet.

## AREA REGULATIONS

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

### SETBACKS:

Front setback	30'
Front setback if parking is allowed between R-O-W and the building	50'
Side setback	0
applicable fire and building codes)	(subject to

Side setback when contiguous to a residential district 20'  
Rear setback 20'

### 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 5' 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 percent of the total surface area of the lot or development.

### OFF-STREET PARKING

See Article 7 of this chapter.

### SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a commercial structure and is surrounded by commercial uses in C-2 and A-1 zoning.

### LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates commercial use.

The Master Street Plan indicates Elm Springs Road as a principal arterial and 40<sup>th</sup> Street as a major collector.

### STAFF COMMENTS AND RECOMMENDATIONS

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 planned, integrated commercial areas by discouraging spot commercial development and the stringing out of commercial development along streets and to encourage more pedestrian-oriented commercial settings.



File No. R1309

## 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 Eugene H. Kordsmeier and Deborah K. Kordsmeier, husband and wife, the record property owners, petitioning to rezone the following described area:

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

Layman's Description: 3973 Elm Springs Road, an approximately 0.26 acre tract situated at the intersection of Elm Springs Road and North 40th Street. Property is south of Elm Springs Road and East of North 40th 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) C-2 (General Commercial District)

TO (proposed zoning) C 5 (Thoroughfare Commercial District)

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

1. **Sell** the property   No   (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   No   (Yes or No).
2. **Develop** the property   No   (Yes or No), and if so, the proposed use is

\_\_\_\_\_.

1. **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:   *[Handwritten Signature]*    
(Signature)

\_\_\_\_\_  
(Signature)

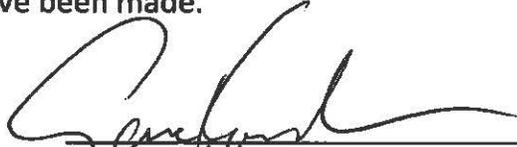
MAILING ADDRESS:   P.O. Box 162, Springdale, AR 72765-0162  

TELEPHONE:   479-756-5383  

DATE:   3-13  , 2013

# 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)

  
\_\_\_\_\_  
(Property Owner Signature)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13 day of March, 2013.

  
\_\_\_\_\_  
Notary Public

CYNTHIA SANDERS  
NOTARY PUBLIC - ARKANSAS  
WASHINGTON COUNTY - #12385015  
My Comm. Expires Nov. 4, 2021



# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R13-10

A request by Daniel and Dasha Faires for Planning Commission approval of a zone change from General Commercial District (C-2) to Downtown District (C-3) for a tract of land containing 0.11 acres.

## LOT LOCATION AND SIZE

The 0.11 acre tract is located at 108 Graham Street, east sides of Graham Street north of Emma Avenue.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a C-2 General Commercial District. The 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: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35  
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

## ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-2 district, except for home occupation 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

**SETBACKS:**

Front setback	30'
Front setback if parking is allowed between R-O-W 50' and the building	
Side setback (subject to applicable fire and building codes)	0
Side setback when contiguous to a residential district	20'
Rear setback	20'

**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 5' 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 percent of the total surface area of the lot or development.

**OFF-STREET PARKING**

See Article 7 of this chapter.

**REQUESTED ZONING**

The rezoning application requests a C-3 Downtown Commercial district. The district is designed to accommodate the commercial and related uses commonly found in the central business district which provide a wide range of retail and personal service uses.

Uses permitted: - 1, 4, 5, 12, 13, 16, 17, 18, 19, 20, 22, 27, 28, 29, 32

Conditional Uses Permitted on Appeal: - 2, 3, 21, 33

**ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-3 district, except for home occupation 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.

**BULK AND AREA REGULATIONS.**

Setback lines shall meet the following minimum requirements.

	Feet
From front property line	5
From street R-O-W if parking is allowed between R-O-W and building	50
From side property line	0
From side property line when contiguous to a residential district	10
From back property line	15
Multi-family dwellings shall meet the bulk and area regulations of the MF-12 District	

**HEIGHT REGULATIONS.**

There shall be no maximum height limits in C-3 district; provided, however, that any building which exceeds the height of thirty-five (35) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of thirty-five (35) feet.

**OFF-STREET PARKING.**

See Article 7 of this chapter.

**SURROUNDING ZONING AND LAND USE**

Zoning of the surrounded area is shown on the attached map. The tract contains a commercial structure. The area to the east and south contain commercial uses in C-2 zoning. The area to the north contains a mixture of commercial and industrial uses in I-1 zoning.

**LAND USE PLAN AND MASTER STREET PLAN**

The adopted Comprehensive Land Use Plan indicates Downtown District use.

The Master Street Plan indicates Graham Street as a local street.

**STAFF COMMENTS AND RECOMMENDATIONS**

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

Promote a healthy and attractive downtown district.

Encourage a diversity of activity and use that complements and supports the anchor facilities and use as a critical element for the downtown as an area for entertainment, service and office center and residential development.



**APPLICANT: DANIEL & DASHA FAIRES**

**FILE #: R13-10**

**REZONING REQUEST:**

**C-2 TO C-3**

**CITY OF SPRINGDALE  
PLANNING OFFICE**

**PLANNING COMMISSION MEETING  
4/2/2013**



Feet

0 50 100



File No. R13-10

## 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 Daniel and Dasha Fairnes

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

**Legal Description:**

*See Attached Exhibit "A"*

**Layman's Description:**

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) C-2

TO (proposed zoning) C-3

The Petitioner's immediate intentions are to:

1. Sell the property NO (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 or No).
2. Develop the property Yes (Yes or No), and if so, the proposed use is an event venue.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: improve economic development by bringing more people to the area.

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: \_\_\_\_\_

Address: \_\_\_\_\_

PETITIONER/OWNER: Dasha Faires/Daniel Faires

MAILING ADDRESS: 108 Graham St, Springdale AR 72762

TELEPHONE: 646.378.9054 DATE: 3/4/13

## VERIFICATION

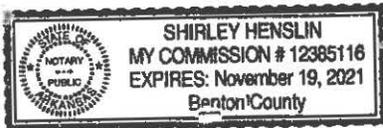
I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts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

*Dasha Jarvis*  
(Property Owner)

*[Signature]*  
(Property Owner)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13 day of March, 2013.



*Shirley Henslin*  
Notary Public

**EXHIBIT "A"**

Part of Lot 27, Holcomb's Second Addition, to the City of Springdale, Washington County, Arkansas, said part being more particularly described as follows: Commencing at the SW Corner of said Lot 27; thence North 00°00'00" East 78.3 feet; thence South 87°45' East 97.1 feet; thence North 89°01'11" East 10.0 feet to the Point of Beginning; thence North 00°00'00" East 57.62 feet to the North line of said Lot 27 and a chiseled "X" in concrete; thence along said North line, North 89°22'10" East 68.75 feet to the NE Corner of said Lot 27 and a chiseled "X" in concrete; thence South 00°37'29" East 57.19 feet to a point from which a found 1/2 inch diameter iron pin bears South 89°01'11" West 0.63 feet; thence South 89°01'11" West 69.38 feet to the Point of Beginning, containing 0.09 acres, more or less.

AND

Part of Lot 27, Holcomb's Second Addition, to the City of Springdale, Washington County, Arkansas, said part being more particularly described as follows: Commencing at the SW Corner of said Lot 27; thence North 00°00'00" East 78.3 feet; thence South 87°45' East 97.1 feet to the Point of Beginning; thence North 00°00'00" East 57.67 feet to the North line of said Lot 27; thence North 89°22'10" East 10.00 feet; thence South 00°00'00" East 57.62 feet; thence South 89°01'11" West 10.00 feet to the Point of Beginning, containing 0.01 acres, more or less.

AND

Part of the South 5 feet of equal and uniform width of the Alley which lines North of and adjacent to the above described lands and being more particularly described as follows, to-wit: Beginning at a chiseled "X" in the concrete which marks the NE Corner of Lot 27, Holcomb's Second Addition, to the City of Springdale, Washington County, Arkansas, thence South 89°22'10" West 78.75 feet along the North line of said Lot 27 to a point which is North 00°00'00" East 78.3 feet; South 87°45' East 97.1 feet and North 00°00'00" East 57.62 feet from the SW Corner of said Lot 27; thence North 5 feet; thence North 89°22'10" East 78.75 feet to a point which is 5 feet North of the Point of Beginning; thence South 5 feet to the Point of Beginning.

**Subject to easements, rights-of-way, and protective covenants of record, if any.**

**Subject to all prior mineral reservations and oil and gas leases.**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 2, 2013  
**Re:** R13-11

A request by TBM Properties, LLC (Ben Israel) for Planning Commission approval of a zone change from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for a tract of land containing 3.1 acres.

## LOT LOCATION AND SIZE

The 3.1 acre tract is located at 881 Rio Bravo.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a C-2 General Commercial District. The 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: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35  
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

## ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-2 district, except for home occupation 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

**SETBACKS:**

Front setback	30'
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 district	20'
Rear setback	20'

**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 5' 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 percent of the total surface area of the lot or development.

**OFF-STREET PARKING**

See Article 7 of this chapter.

**REQUESTED ZONING**

The requested zoning of this tract is a C-5 Thoroughfare Commercial District. The district is established in order to provide adequate locations for retail uses which serve the needs of the motoring public and are characterized by a high level of vehicular ingress and egress. Among these uses, transient sleeping accommodations and eating and drinking establishments. Such uses are not generally compatible with pedestrian-oriented commercial districts and shopping centers since they tend to obstruct and interfere with pedestrian movement. Appropriate locations for this district are along heavily traveled major traffic arterials.

Uses permitted: - 1, 4, 5, 16, 17, 18, 19, 20, 21, 22, 27, 31, 38

Conditional Uses Permitted on Appeal: - 2, 3, 12, 23,24, 30, 33, 35

Temporary Uses: - 32

**DEVELOPMENT CRITERIA**

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. 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.

- iii. 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.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed 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 to uses located in the C-5 open display district:
  - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
  - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
  - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
  - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

**ACCESSORY USES**

See Article 6 Section 3.1 of this chapter.

**SITE PLAN REVIEW**

When a conditional use is proposed in a C-5 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-5 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 one (1) foot for each foot of height in excess of twenty (20) feet.

**AREA REGULATIONS**

There shall be a minimum lot area of fourteen thousand (14,000) square feet. In addition, there shall be a lot width of not less than one hundred (100) feet.

**SETBACKS:**

Front setback	30'	
Front setback if parking is allowed between R-O-W and the building	50'	
Side setback	0	(subject to
applicable fire and building codes)		
Side setback when contiguous to a residential district	20'	
Rear setback	20'	

**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 5' 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 percent of the total surface area of the lot or development.

#### OFF-STREET PARKING

See Article 7 of this chapter.

#### SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a commercial structure. The area to the north and west is undeveloped in C-2 zoning. The area to the east contains multi-family housing in C-2 zoning and the area to the south contains commercial uses in C-2 zoning.

#### LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates regional commercial use.

The Master Street Plan indicates Rio Bravo as a private street.

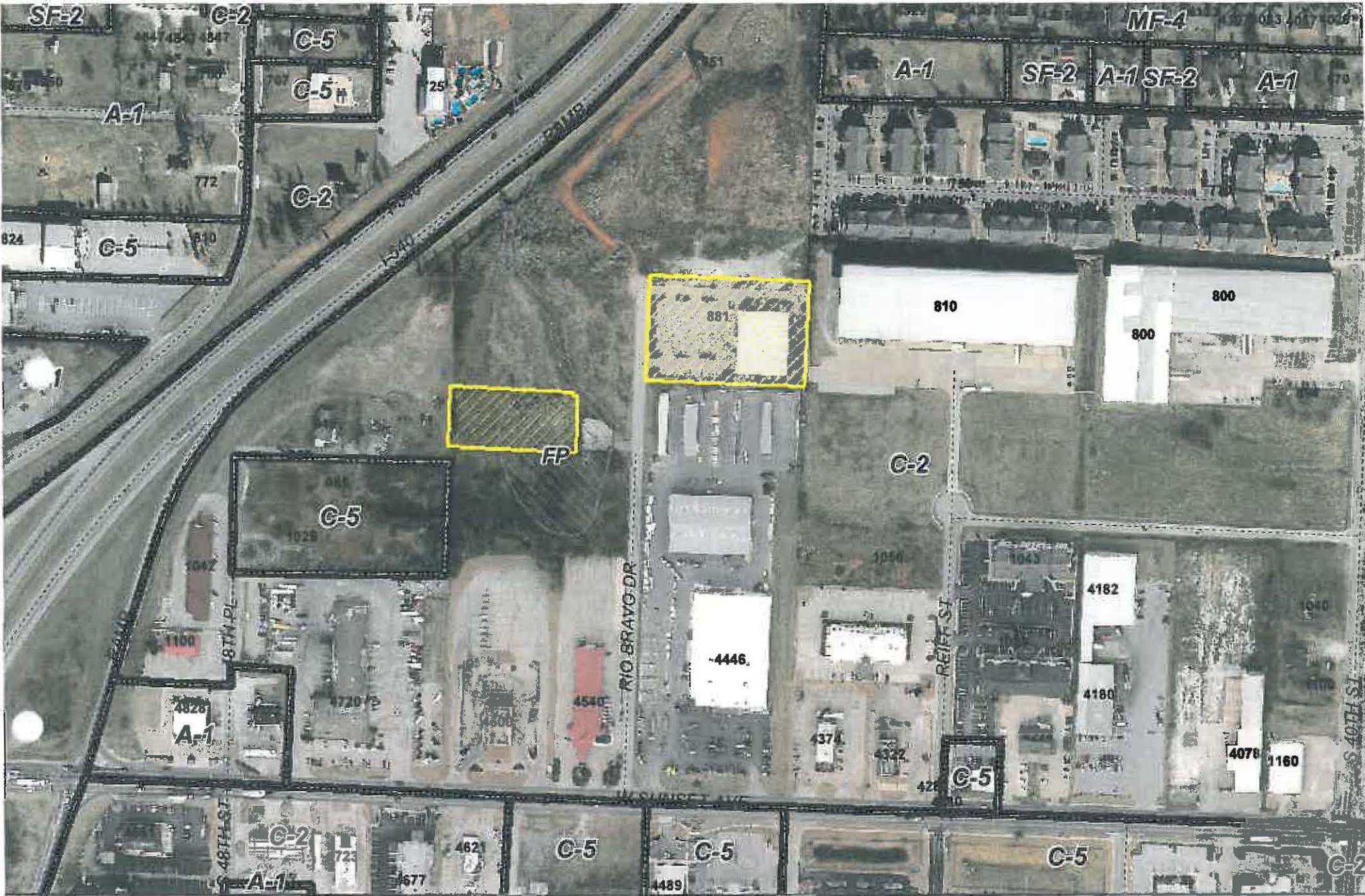
#### STAFF COMMENTS AND RECOMMENDATIONS

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



**APPLICANT: TBM PROPERTIES**  
**FILE #: R13-11**  
**REZONING REQUEST:**  
**C-2 TO C-5**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/2/2013**

File No. R13-11

### 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 TBM Properties LLC

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

Legal Description:

*See ATTACHED Deed*

Layman's Description:

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) C-2

TO (proposed zoning) C-5

The Petitioner's immediate intentions are to:

1. Sell the property (Maybe) (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 (Maybe) (Yes or No).
2. Develop the property Possibly (Yes or No), and if so, the proposed use is Church or event center.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: No impact to adjacent properties.

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: DAVID L. JORJENSEN

Address: 124 W. SUNBROOK, Fayetteville, Ar 72703

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS:

Tom A. Muccio ✓

TELEPHONE: 479-877-0167

DATE: 3/11/13

## 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.

**SIGNATURE**  
(Property Owner)

Tom A Muccio ✓  
(Property Owner)

State of Arkansas            )  
  ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 11th day of March, 202013.



Tracy C. York  
Notary Public

**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

To: PLANNING COMMISSION MEMBERS  
From: Patsy Christie, Planning Director  
Date: April 2, 2013  
Re: C13-04

A request by Elias Campo Murena, Church City of Refuge for a Conditional Use Permitted on Appeal as a use unit 42 (Church/Synagogue) in a General Commercial District (C-2).

## LOCATION

812 North Thompson

## EXISTING CONDITIONS

Commercial Structure with multiple uses.

SITE PLAN REVIEW REQUIRED:  Yes  No

## DEVELOPMENT STANDARDS AND REVIEW GUIDELINES

The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the planning commission and for each specific conditional use location.

- |  |  |
|--|--|
| <b>Acceptable</b>                      | 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.                                    |
| <b>Unknown, not shown on site plan</b> | 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. |
| <b>Acceptable</b>                      | Refuse and service areas, with particular reference to the item in 1 and 2 above.  |
| <b>Acceptable</b>                      | Utilities, with reference to locations, availability and compatibility.  |
| <b>N/A</b>                             | Screening and buffering with reference to type, dimension and character.   |

<b>Unknown</b>	Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
<b>Acceptable</b>	Yard requirements and other open space requirements.
<b>Acceptable</b>	The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.
<b>N/A</b>	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.
<b>Unacceptable</b>	General compatibility with adjacent properties and other property in the general district. <b>Commercial center has limited parking and it is unknown if Parking requirements can be met.</b>



**APPLICANT: CHURCH CITY OF REFUGE**  
**FILE #: C13-04**  
**CONDITIONAL USE REQUEST:**  
**USE UNIT 42**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/2/2013**

**APPLICATION FOR CONDITIONAL USE**  
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT: Elias Campo Murena  
Address: 217 Franklin Way  
Lowell AR 72745  
Phone: (479) 966-3542 Profit: Non-Profit
2. Property Location (street address or layman's description):  
812 N Thompson Springdale AR 72764  
over the 71 HWY.
3. Record Title Holder of Property: \_\_\_\_\_  
(A copy of the warranty deed should be attached as Exhibit "A")
4. Use Unit requested Springdale<sup>42</sup> in CR Zoning District.
5. Description of the conditional use sought and the reasons why it should be approved:  
IT's a church to help people in needs.  
To help families and people with aditions  
in that to increase the moral and honesty  
persons to represent a better communities.
6. What effects would the proposed conditional use have on the character of the neighborhood and residents?  
Better person, people healed make  
a wealthy community.
7. If the conditional use is to only a portion of the land described on the warranty deed, then an accurate legal description provided by a copy of a recent survey certified by a registered land surveyor will be required.
8. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days.
9. All adjacent property owners are to be notified by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. The applicant must provide evidence in the form of a signed affidavit, that notice has been given to all adjacent property owners subject to the conditional use.

WALL

IGLESIA CIUDAD DE  
Church City of

Refugio  
Refuge

22 ft

KITCHEN

Assembly  
660 ft<sup>2</sup>

CLASS  
ROOM

30 ft

30 ft

HALL

RESTROOM  
RESTROOM

CLASSROOM

17 parking spaces  
needed

WALL



# Memo

**To:** Planning Commission  
**From:** Staff  
**Date:** April 2, 2013  
**RE:** RP13-04 Replat Lots 218 & 219 Legendary Subdivision-Phase I

---

## Planning Comments

1. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
2. Need locations and sizes of all utilities, including storm sewer.
3. Need dimensions of lot lines, rights-of-way, street centerlines, and utility easements sufficient to reproduce the plat on the ground.
4. Add note: no fences shall be constructed within any drainage easement.
5. All comments from the utility companies and other city departments must be addressed prior to approval.

**TECHNICAL PLAT COMMENTS  
REPLAT – LOTS 218 & 219  
LEGENDARY SUBDIVISION – PHASE I  
RP13-04  
March 14, 2013**

**Utility: Ed Stith – Springdale Fire Department**

The Fire department has no comment on this replat

**Utility: Danny Wright – Springdale Police Department**

No Comments.

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

**Utility: Jamie Boyd – Arkansas Western Gas**

**Utility: John Hill – ATT**

**Utility: John Le – AEP/SWEPCO**

**Utility: Sam Goade – Street Department**

No comments.

**Utility: Tom Evers - Building Inspection Department**

As the fence is already indicated to be in the setbacks I assume the owners will address that issue.

It is my understanding that these two lots are becoming one larger lot?

Would the new plat indicate only one lot with no lot line drawn between the two lots as indicated by this plat as of 3-13-13?

If planning is all aware of these issues then our office has no further comments.

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT REVIEW  
LEGENDARY SUBDIVISION – PHASE I  
LOTS 218 & 219  
RP13-04  
March 14, 2013**

**Planning Comments**

1. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
2. Need locations and sizes of all utilities, including storm sewer.
3. Need dimensions of lot lines, rights-of-way, street centerlines, and utility easements sufficient to reproduce the plat on the ground.
4. Add note: no fences shall be constructed within any drainage easement.
5. All comments from the utility companies and other city departments must be addressed prior to approval.

# Memo

**To:** Planning Commission

**From:** Staff

**Date:** April 2, 2013

**RE:** FP13-01 Final Plat Wal-Mart Store #4108

---

[Waiver \(W13-05\) of subdivision requirements](#)

## Planning Comments

1. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
2. Need locations and sizes of all utilities, including storm sewer.
3. Need Benchmark Data.
4. All items on the attached list must be satisfied prior to obtaining the Planning Director's signature on the final plat.



ENGINEERS ■ SURVEYORS ■ PLANNERS  
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2  
Bentonville, AR 72712  
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

March 20, 2013

Patsy Christie  
Planning Director  
201 Spring Street  
Springdale, AR 72764

**RE: FP13-01 Final Plat for Hall Crossing – Waiver of Subdivision Requirements Request**

Dear Ms. Christie;

CEI has received the comments from the Final Plat review and has incorporated those into the revised drawings submitted today. While not included in the plat comments, we understand that street improvements on Oak Grove Road consistent with the Master Street Plan are typically required as part of the subdivision platting process. We respectfully request to continue through the Final Plat without constructing the street improvements along Oak Grove. Those improvements would then become the responsibility of the property owner at the time of the Large Scale Development for that Lot 1 as shown on the plat.

In addition to the above requested waiver, we request that the Final Plat of Hall Crossing be allowed to proceed to Council for acceptance prior to the construction of the North 48<sup>th</sup> Street improvements. These improvements are currently shown on the Large Scale Development application L13-09. In the interest of time and economic efficiency, it is our intent to construct the improvements of North 48<sup>th</sup> Street in conjunction with the construction of the Walmart Store #4108 currently being reviewed under that application.

If this request meets with your approval we wish for it to be heard by the Council in conjunction with the approval of this Final Plat of Hall Crossing. If you should need anything further on this matter, do not hesitate to contact me.

Sincerely,

Nate Bachelor, PE  
Project Manager

*Providing Consolidated Land Development Services*

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA



ENGINEERS ■ SURVEYORS ■ PLANNERS  
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2  
Bentonville, AR 72712  
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

March 20, 2013

Patsy Christie  
Planning Director  
201 Spring Street  
Springdale, AR 72764

**RE: FP13-01 Final Plat of Hall Crossing**

Dear Ms. Christie;

CEI has received the comments from the review of the Hall Crossing Final Plat. We have made revisions to the drawings and offer the following response to each of your comments:

Planning Comments:

Comment: Show the Parcel Number of the property in a prominent font above the legal description.

**Response: The parcel numbers for the properties making up the plat have been shown as directed.**

Comment: Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.

**Response: The authorization of representation form has been submitted by Mr. Stephen Giles, Walmart Legal Counsel.**

Comment: 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.

**Response: Notice is being mailed today and the receipts will be provided as directed.**

Comment: Need locations and sizes of all utilities, including storm sewer.

**Response: A separate sheet has been included with the plat drawings demonstrating the location and size of all utilities.**

Comment: Need a flood zone certification.

**Response: The flood zone certification is included on the face of the plat.**

Comment: Need Benchmark Data.

**Response: Benchmark data is included on the face of the plat.**

Comment: Note the total linear feet of street being dedicated per street classification.

**Response: A note has been added to the face of the plat noting the total linear footage of street dedication.**

Comment: Add note: no fences shall be constructed within any drainage easement.

**Response: A note has been added to the face of the plat.**

*Providing Consolidated Land Development Services*

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Comment: All items on the attached list must be satisfied prior to obtaining the Planning Director's signature on the final plat.

**Response: Understood.**

If there are any questions or additional comments regarding this resubmittal of Large Scale Development plans, do not hesitate contact me.

Sincerely,

Nate Bachelor, PE  
Project Manager

**TECHNICAL PLAT COMMENTS  
FINAL PLAT  
WAL-MART STORE #4108  
FP13-01  
March 14, 2013**

**Utility: Ed Stith – Springdale Fire Department**

It is the understanding of the fire department that future development of 48<sup>th</sup> St and lot 2 will negate the need for a means of turn around at the north end of 48<sup>th</sup> St. If lot 2 is not developed a means of turn around in accordance with Appendix D of the fire code shall be provided.

**Utility: Danny Wright – Springdale Police Department**

No Comments.

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

**Utility: Jamie Boyd – Arkansas Western Gas**

**Utility: John Hill – ATT**

**Utility: John Le – AEP/SWEPCO**

**Utility: Sam Goade – Street Department**

**Utility: Tom Evers - Building Inspection Department**

No comments at this time.

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT REVIEW  
FINAL PLAT  
WAL-MART STORE #4108  
FP13-01  
March 14, 2013**

**Planning Comments**

1. Show the Parcel Number of the property in a prominent font above the legal description.
2. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
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. Need locations and sizes of all utilities, including storm sewer.
5. Need a flood zone certification.
6. Need Benchmark Data.
7. Note the total linear feet of street being dedicated per street classification.
8. Add note: no fences shall be constructed within any drainage easement.
9. All items on the attached list must be satisfied prior to obtaining the Planning Director's signature on the final plat.

# Memo

**To:** Planning Commission  
**From:** Staff  
**Date:** April 2, 2013  
**RE:** L13-07 Large Scale Development Food Equipment  
Processing, Co.

---

Waiver (W13-04) of sidewalk requirement.

Variance (B13-09) for modification of landscaping requirement

Variance (B13-09) for modification of parking requirement

Variance (B13-09) for modification of radius on driveway entrances

---

## Planning Comments

- 1) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 2) All drives and parking areas are required to be paved.
- 3) All storage areas are to be paved or chip sealed.
- 4) No off-street parking area, exclusive of access drives, shall be located within three feet (3') of any property line.
- 5) Frontage landscaping is required in accordance with Chapter 56.
- 6) Perimeter landscaping is required in accordance with Chapter 56.
- 7) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 8) Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.
- 9) Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants.
- 10) An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.

- 11) Landscaping must be guaranteed for two years.
- 12) Minimum radius to the face of the curb for driveways is twenty-five feet (25').
- 13) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
- 14) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
- 15) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 16) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 17) 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.

### Engineering Comments

- 1) **Waiver Requested For:**
  1. **Sect 8.** All storage areas are to be paved or chip sealed.
  2. **Parking Ch130-Art 7 Sect 9.** Entrance/Exit Drives
    - a. Sect 9.5. Minimum radius to the face of the curb for driveways is twenty-five feet (25').
    - b. Sect 9.6.7. Minimum distance between driveways on a single tract is 150'.
    - c. Need to note that modified curb is required at the drives.
  3. **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.**
  4. **Sect 110-31(a) Sidewalks are required one-foot (1') inside the right-of-way line.**
    - a. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
    - b. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
    - c. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
    - d. Need to show details of sidewalks on the right-of-way.
  5. **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
  6. **Chapter 56 Landscape and Buffers – Section 56-30 Submittal Requirements**
    - a. Location, general type, and quality of existing vegetation, including specimen trees;
    - b. Existing vegetation to be saved:

- c. Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;
- d. Locations and labels for all proposed plants;
- e. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
- f. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
- g. Planting and installation details as necessary to ensure conformance with all required standards.
- h. An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.
- i. Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season

7. Existing sign encroaches in street right-of-way.

**Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW**

- 2) The site area of disturbance appears to be less than 1-acre, so a Grading Permit is not required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to protect the existing storm drainage system. We will require a SWPPP and erosion control plans in the event of discharges of sediment from the site.



March 20, 2013

Springdale Planning Commission  
201 Spring Street  
Springdale, AR 72764

RE: Street/Sidewalk/Streetlight Improvements Waiver  
FPEC Large Scale Development

Dear Sir or Ma'am:

On behalf of our client, we request a waiver of street, sidewalk and streetlight improvement requirements for Ford Avenue for the above referenced project. Our client requests to be allowed to make no street, sidewalk and streetlight improvements because it is an existing development with minor modifications being made to the site. These improvements include a small building addition.

If you have any questions regarding the development or this request, please contact me.

Sincerely,

Bo Wilkins, P.E.

**RESPONSES TO TECHNICAL PLAT COMMENTS  
LARGE SCALE DEVELOPMENT  
FOOD EQUIPMENT PROCESSING CO.**

**L13-07**

**March 20, 2013**

- 1) 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.  
**Response: A notice has been sent to all adjacent property owners. The white mail receipts have been included with this submittal.**
- 2) This Large Scale Development Plan has been given the number L13-07. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.  
**Response: L13-07 will be included on all future correspondence and plats.**
- 3) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.  
**Response: An authorization to represent form will be submitted prior to the planning commission meeting.**
- 4) Show the location of the handicapped parking signs.  
**Response: The location of the handicapped parking signs is shown.**
- 5) Handicapped ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.  
**Response: Handicapped ramps are shown.**
- 6) Need to show details of handicapped ramps.  
**Response: A detail of handicapped ramps is now shown.**
- 7) All drives and parking areas are required to be paved.  
**Response: A variance has been requested for this item.**
- 8) All storage areas are to be paved or chip sealed.  
**Response: A variance has been requested for this item.**
- 9) No off-street parking area, exclusive of access drives, shall be located within three feet (3') of any property line.  
**Response: A variance has been requested for this item.**
- 10) Frontage landscaping is required in accordance with Chapter 56.  
**Response: A variance has been requested for this item.**
- 11) Perimeter landscaping is required in accordance with Chapter 56.  
**Response: A variance has been requested for this item.**
- 12) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.  
**Response: A variance has been requested for this item.**
- 13) Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required

- and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.  
**Response: A variance has been requested for this item.**
- 14) Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants.  
**Response: A variance has been requested for this item.**
- 15) An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.  
**Response: A variance has been requested for this item.**
- 16) Landscaping must be guaranteed for two years.  
**Response: A variance has been requested for this item.**
- 17) Minimum radius to the face of the curb for driveways is twenty-five feet (25').  
**Response: A variance has been requested for this item.**
- 18) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.  
**Response: A variance has been requested for this item.**
- 19) Show all existing easements.  
**Response: All known easements are shown.**
- 20) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.  
**Response: A waiver has been requested for this item.**
- 21) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.  
**Response: A waiver has been requested for this item.**
- 22) Need to show dumpster location.  
**Response: The dumpster location is shown.**
- 23) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.  
**Response: Utility comments have been addressed below.**
- 24) 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.  
**Response: A variance has been requested for this item.**

### **Engineering Comments**

- 1) **Sect 8.** All storage areas are to be paved or chip sealed.  
**Response: A variance has been requested for this item.**
- 2) **Parking Ch130-Art 7 Sect 9.** Entrance/Exit Drives
- a. **Sect 9.5.** Minimum radius to the face of the curb for driveways is twenty-five feet (25').  
**Response: A variance has been requested for this item.**
- b. **Sect 9.6./7.** Minimum distance between driveways on a single tract is 150'.  
**Response: A variance has been requested for this item.**

- c. Need to note that modified curb is required at the drives.  
**Response: A variance has been requested for this item.**
- 3) **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.  
**Response: A waiver has been requested for this item.**
- 4) **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line.  
**Response: A waiver has been requested for this item.**
  - d. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  - e. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  - f. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
  - g. Need to show details of sidewalks on the right-of-way.
- 5) **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.  
**Response: A waiver has been requested for this item.**
- 6) **Chapter 56 Landscape and Buffers – Section 56-30 Submittal Requirements**  
**Response: A variance has been requested for these items.**
  - h. Location, general type, and quality of existing vegetation, including specimen trees;
  - i. Existing vegetation to be saved;
  - j. Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;
  - k. Locations and labels for all proposed plants;
  - l. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
  - m. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
  - n. Planting and installation details as necessary to ensure conformance with all required standards.
  - o. An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.
  - p. Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season
- 7) Show distances from street right-of-way of freestanding signs.  
**Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW**  
**Response: A variance has been requested for this item.**
- 8) Need to submit a floodplain determination application at the time of resubmittal. See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).  
**Response: A floodplain determination form has been included with this submittal.**

9) The site area of disturbance appears to be less than 1-acre, so a Grading Permit is not required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to protect the existing storm drainage system. We will require a SWPPP and erosion control plans in the event of discharges of sediment from the site.

**Response: A SWPPP will be provided, and BMP's will be used during construction.**

**Utility: Ed Stith – Springdale Fire Department**

The Arkansas Fire Prevention Code, Volume I, requires a minimum fire flow of 1500 GPM @ 20 psi and 1 fire hydrant for a 3,174 sq. ft. type IIB constructed building. Current infrastructure will meet this requirement.

Fire department access is acceptable.

Because of the proximity of the new building to the existing building, the building code may consider the two buildings as one in determining maximum area. It does not appear the two buildings will exceed the maximum building area for an unsprinklered low hazard manufacturing occupancy (occupancy group F-2). Please consult with your design professional.

**Response: This information has been given to the owner and contractor.**

**Utility: Danny Wright – Springdale Police Department**

Handicapped parking signs on poles or attached to the building.

**Response: Handicapped parking signs are now shown on the building.**

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Response: Noted.**

**Utility: Rick Russell - Springdale Water Utility**

Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water Utilities.

**Response: All know water and sewer facilities and easements are shown on the plan.**

The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading or paving or lot line adjustments.

**Response: Noted.**

Please submit details, specifications, and sizing information for review and approval for all grease traps, grease interceptors or other devices that may be installed on this project prior to installation.

**Response: No grease traps are proposed.**

Submit the required information to Mr. Brad Stewart of the Springdale Wastewater Treatment Facility at (479)756-3657 or by e-mail at [bstewart@springdalewater.com](mailto:bstewart@springdalewater.com). Additional approvals may be required through the Building Inspections Department of the City of Springdale or through other local or state agencies.

**Response: No grease traps are proposed.**

**Utility: Jamie Boyd – Arkansas Western Gas**

Comments not returned.

**Utility: John Hill – ATT**

Comments not returned.

**Utility: John Le – AEP/SWEPCO**

**Utility: Sam Goade – Street Department**

No comments.

**Utility: Tom Evers - Building Inspection Department**

When approved by the City of Springdale Planning department, please provide 3 sets of plans to the Buildings department. 1 set of plans will be given to the fire department.

You will need to provide an approval from the state for the plumbing.

A manual N for the HVAC needs to be submitted before the project can be permitted, along with a load calculation.

Other items may be needed as issues may come up during review and construction.

**Response: Noted.**

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT COMMENTS  
LARGE SCALE DEVELOPMENT  
FOOD EQUIPMENT PROCESSING CO.  
L13-07  
March 14, 2013**

**Utility: Ed Stith – Springdale Fire Department**

The Arkansas Fire Prevention Code, Volume I, requires a minimum fire flow of 1500 GPM @ 20 psi and 1 fire hydrant for a 3,174 sq. ft. type IIB constructed building. Current infrastructure will meet this requirement.

Fire department access is acceptable.

Because of the proximity of the new building to the existing building, the building code may consider the two buildings as one in determining maximum area. It does not appear the two buildings will exceed the maximum building area for an unsprinklered low hazard manufacturing occupancy (occupancy group F-2). Please consult with your design professional.

**Utility: Danny Wright – Springdale Police Department**

Handicapped parking signs on poles or attached to the building.

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water Utilities.

The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading or paving or lot line adjustments.

Please submit details, specifications, and sizing information for review and approval for all grease traps, grease interceptors or other devices that may be installed on this project prior to installation.

Submit the required information to Mr. Brad Stewart of the Springdale Wastewater Treatment Facility at (479)756-3657 or by e-mail at [bstewart@springdalewater.com](mailto:bstewart@springdalewater.com). Additional approvals may be required through the Building Inspections Department of the City of Springdale or through other local or state agencies.

**Utility: Jamie Boyd – Arkansas Western Gas**

Comments not returned.

**Utility: John Hill – ATT**

Comments not returned.

**Utility: John Le – AEP/SWEPCO**

**Utility: Sam Goade – Street Department**

No comments.

**Utility: Tom Evers - Building Inspection Department**

When approved by the City of Springdale Planning department, please provide 3 sets of plans to the Buildings department. 1 set of plans will be given to the fire department.

You will need to provide an approval from the state for the plumbing.

A manual N for the HVAC needs to be submitted before the project can be permitted, along with a load calculation.

Other items may be needed as issues may come up during review and construction.

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT REVIEW  
LARGE SCALE DEVELOPMENT  
FOOD EQUIPMENT PROCESSING CO.**

**L13-07**

**March 14, 2014**

- 1) 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.
- 2) This Large Scale Development Plan has been given the number L13-07. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.
- 3) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 4) Show the location of the handicapped parking signs.
- 5) Handicapped ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways, and street intersections.
- 6) Need to show details of handicapped ramps.
- 7) All drives and parking areas are required to be paved.
- 8) All storage areas are to be paved or chip sealed.
- 9) No off-street parking area, exclusive of access drives, shall be located within three feet (3') of any property line.
- 10) Frontage landscaping is required in accordance with Chapter 56.
- 11) Perimeter landscaping is required in accordance with Chapter 56.
- 12) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 13) Interior parking area landscaping is required in accordance with Chapter 56. Show the total area of the parking lot, the percentage of landscaping required and the percentage of landscaping provided. Include a drawing that identifies all areas included in the calculations.
- 14) Need a landscape plan that shows the details of the landscaped areas including type, size and location of plants.
- 15) An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.
- 16) Landscaping must be guaranteed for two years.
- 17) Minimum radius to the face of the curb for driveways is twenty-five feet (25').
- 18) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
- 19) Show all existing easements.
- 20) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
- 21) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 22) Need to show dumpster location.

- 23) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 24) 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.

# ENGINEERING REVIEW

1. **Sect 8.** All storage areas are to be paved or chip sealed.
2. **Parking Ch130-Art 7 Sect 9.** Entrance/Exit Drives
  - 2.1. **Sect 9.5.** Minimum radius to the face of the curb for driveways is twenty-five feet (25').
  - 2.2. **Sect 9.6./7.** Minimum distance between driveways on a single tract is 150'.
  - 2.3. Need to note that modified curb is required at the drives.
3. **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.
4. **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line.
  - 4.1. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
  - 4.2. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
  - 4.3. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
  - 4.4. Need to show details of sidewalks on the right-of-way.
5. **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
6. **Chapter 56 Landscape and Buffers – Section 56-30 Submittal Requirements**
  - 6.1. Location, general type, and quality of existing vegetation, including specimen trees;
  - 6.2. Existing vegetation to be saved;
  - 6.3. Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;
  - 6.4. Locations and labels for all proposed plants;
  - 6.5. Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
  - 6.6. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; and
  - 6.7. Planting and installation details as necessary to ensure conformance with all required standards.
  - 6.8. An automatic or other irrigation system shall be required for all landscaped areas. Show irrigation system or location of hose bibs.
  - 6.9. Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season
7. Show distances from street right-of-way of freestanding signs.

**Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW**
8. Need to submit a floodplain determination application at the time of resubmittal. See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).

9. The site area of disturbance appears to be less than 1-acre, so a Grading Permit is not required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to protect the existing storm drainage system. We will require a SWPPP and erosion control plans in the event of discharges of sediment from the site.

**Staff Use Only**

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

**File #** \_\_\_\_\_

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: Alan Davison

Applicant's Mailing Address:

2216 Ford Avenue  
Street Address or P.O. Box  
Springdale, AR 72764  
City, State & Zip Code

(479) 751-9392  
Telephone Number

Property Owner's Name  
(If different from Applicant): Same as Above

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

Same as Above  
Street Address or P.O. Box  
\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Telephone Number

Address of Variance Request: 2216 Ford Avenue, Springdale, AR 72764

Zoning District: I-1

**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. This must be a certified list by a licensed abstractor

- or licensed land surveyor within the past sixty (60) days. 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.*

1. Request a variance for the requirement to pave all drives, parking and storage areas to allow gravel. 2. Request a variance for the requirement that no parking area shall be located within 3' of the property line to allow parking within 0.40' of the property line. 3. Request a variance for the required landscaping and irrigation to allow the existing landscaping to remain. 4. Request a variance for the required 25' radius to the face of curb to allow a 15' radius to the face of curb. 5. Request a variance for the required 150' distance between drives to allow 140' between drives. 6. Request a variance for the requirement for all utility lines to be placed underground to allow the utility lines to remain above ground. 7. Request a variance for the requirement of modified curb and gutter to allow no modified curb and gutter. 8. Request a variance for the required 2' of distance between the sign and the Right-of-way to allow the sign to be 1' within the Right-of-Way.

*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 variances are request to allow the existing parking area landscaping and drive to remain in their current state.

---

---

---

---

---

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 utilize 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):**

The requested variances will allow existing features on the site to remain in their current state.

---

---

---

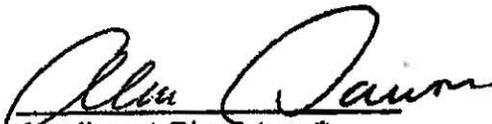
---

---

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 Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13<sup>th</sup> day of March, 2013.



Janice LePine Milner  
 Notary Public

# Memo

**To:** Planning Commission  
**From:** Staff  
**Date:** April 2, 2013  
**RE:** L13-08 Large Scale Development Elliott Electric

---

**Concept of Detention**

**Variance (B13-14)** for reduction of distance between drives from 150' to 110'

**Variance (B13-14)** for modification of Commercial Design Standards

---

**Planning Comments**

- 1) A screening fence is required in accordance with Chapter 56. Show trees associated with screen. Show screening along east property line.
- 2) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56. Islands must include a tree to be counted.
- 3) **Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.**
- 4) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 5) **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 (23 copies). See attached design standard comments.**
- 6) 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) Façades over 100' in linear length shall incorporate wall projections and/or recesses per Springdale Commercial Design Standard.
- 2) Building façades shall include a repeating pattern with no less than three of the following: color change; texture change; material module change; expressions of architectural or structural bay through a change in plane no less than 12 inches in with, such as an offset, reveal, or projecting rib. At least one element must repeat horizontally and no element shall repeat at intervals of greater than 30' horizontally or vertically.
- 3) Roof lines shall be varied with a change in height every 100 linear feet in the building length.
- 4) Predominate exterior building materials shall be high quality materials including, without limitation, the following: brick, native/natural stone, synthetic stone, concrete masonry units (smooth face units with integral color), synthetic stucco/EFS, architectural precast concrete, decorative face concrete tilt-up panels, glass, wood (natural or composite).\
- 5) Predominant exterior building materials shall not be: smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.
- 6) When a commercial development includes a fence or wall, the following guidelines and standards apply:
  - a. 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.
- 7) Submit a unified lighting plan per Springdale Commercial Design Standards.

## Engineering Comments

- 1) **Concept of Detention must be approved by Planning Commission.**  
An On-site Detention pond is proposed with a total tributary basin of 2.33 acres. Controlled releases for 2/10/25/50/100 year storm events.  
Total volume = 5,165 cf. Max depth = 4-ft Outfall connection to existing storm sewer in 40<sup>th</sup> Street.
- 2) Revisions to the Final Drainage Report are still pending and must be addressed prior to final approval of construction plans.
- 3) Additional items need to be addressed on construction drawing submittal for final approval.
- 4) **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 owner and a Covenant is required to be filed on the property for a maintenance agreement and access easement to the city.

- 5) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

**RESPONSES TO TECHNICAL PLAT REVIEW COMMENTS  
LARGE SCALE DEVELOPMENT  
ELLIOTT ELECTRIC  
L13-08  
March 20, 2013**

**Planning Comments**

- 1) 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.  
**Response: A notice has been sent to all adjacent property owners. The white mail receipts have been included with this submittal.**
- 2) This Large Scale Development Plan has been given the number L13-08. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.  
**Response: L13-08 will be included on all future correspondence and plats.**
- 3) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.  
**Response: An authorization to represent form is included with this submittal.**
- 4) Need State Plane Coordinates (NAD 83, Feet) for all fire hydrant locations.  
**Response: State Plane Coordinates are shown for each hydrant.**
- 5) Show the number of each type of dwelling unit and the total number of units.  
**Response: The dwelling units are shown on the plans.**
- 6) Show the location of the handicapped parking signs.  
**Response: The location of the handicapped parking signs are shown on the plans.**
- 7) A screening fence is required in accordance with Chapter 56. Show trees associated with screen.  
**Response: A screening fence is shown on the plans. Existing trees along the property will remain to provide additional screening.**
- 8) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.  
**Response: Landscape islands are shown at a rate greater than 1 per 15 spaces.**
- 9) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.  
**Response: A variance has been requested for this item.**
- 10) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.  
**Response: The location of the street lights are shown on the plan.**
- 11) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.  
**Response: A note has been added stating the fixture model.**

- 12) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.  
**Response: The comments from the utility companies have been addressed below.**
- 13) 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 (23 copies). See attached design standard comments.  
**Response: Several variances have been requested for the commercial design standards. The elevations have been included with this submittal.**
- 14) 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.  
**Response: This development will comply with this requirement.**

### **Commercial Design Standards Comments**

- 1) **The concept of detention must be approved by the Planning Commission.**
- 2) Front, side, and rear elevations are required. Elevations shall include type and color of materials used, foundation landscaping, and any architectural features used to comply with the Commercial Design Standards.  
**Response: Revised elevations have been included with this submittal.**
- 3) 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.  
**Response: A screening fence is shown around the dumpster area.**
- 4) Façades over 100' in linear length shall incorporate wall projections and/or recesses per Springdale Commercial Design Standard.  
**Response: A variance has been requested for this requirement.**
- 5) Building façades shall include a repeating pattern with no less than three of the following: color change; texture change; material module change; expressions of architectural or structural bay through a change in plane no less than 12 inches in with, such as an offset, reveal, or projecting rib. At least one element must repeat horizontally and no element shall repeat at intervals of greater than 30' horizontally or vertically.  
**Response: A variance has been requested for this requirement.**
- 6) Roof lines shall be varied with a change in height every 100 linear feet in the building length.  
**Response: A variance has been requested for this requirement.**
- 7) Predominate exterior building materials shall be high quality materials including, without limitation, the following: brick, native/natural stone, synthetic stone, concrete masonry units (smooth face units with integral color), synthetic stucco/EFS, architectural precast concrete, decorative face concrete tilt-up panels, glass, wood (natural or composite).  
**Response: A variance has been requested for this requirement.**
- 8) Predominant exterior building materials shall not be: smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.

- Response: A variance has been requested for this requirement.**
- 9) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.  
**Response: Trash containers, trash compactors, and recycling bins will be screened.**
- 10) 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.  
**Response: These items will be screened from public view.**
- 11) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.  
**Response: No rooftop equipment is proposed for this project.**
- 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'  
**Response: The height of the fence will be 6'.**
  - b. Constructed of high quality materials such as, decorative blocks, brick, stone, cypress, cedar, redwood, and/or wrought iron.  
**Response: The fence will either be redwood or cedar.**
  - 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) Submit a unified lighting plan per Springdale Commercial Design Standards.  
**Response: A lighting plan has been included with this submittal.**
- 14) **ect 112-8(i)** Need to show
- a. Location of existing and proposed streetlights.  
**Response: The location of the street lights is shown.**
- 15) **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.  
**Response: The streetlights are shown the plan.**
- 16) **Sect 106** Submit a preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual.
- b. Need to provide the City Staff with detailed calculations to support all drainage improvements.
    - i. Please include time of concentration calculations.
    - ii. Please add a printout of the Springdaleidf.idf file.
    - iii. Please include weighted basin impervious calculations.
    - iv. Please provide capacity analysis for receiving storm system in 40<sup>th</sup> Street.
  - c. Proposed drainage map – Please delineate subbasins used for inlet calculations.
  - d. Please confirm there are no offsite basins contributing flow from the east.  
**Response: A final drainage report will be submitted prior to planning commission.**

17) Need to show spot elevations at the drives to prove that there is a high spot so that water does not drain to the street. Provide spot elevation at the south drive inlet to define drainage pattern at the south drive.

**Response: Spot elevations are now shown at the drives.**

18) Please consider drawing the FES's and outlet structure into the slope to provide stability to the outlet structure and cover for the FES's.

**Response: The FES's and Outlet Structure is now shown to be built into the slope.**

19) Provide slope protection at locations of curb cuts into the detention pond to prevent bank erosion.

**Response: Slope protection is now shown at the curb cuts.**

20) Where does the flow convey to from the north side of the building? May need to provide a curb cut at the northeast corner of the parking area to convey flow to the pond.

**Response: A curb cut is now shown.**

21) Please revise typical driveway detail to reflect max slope of 10% in Section A-A.

**Response: The driveway detail has been revised.**

22) You may want to consider moving your trees in the pond to avoid planting over the pipes and too close to the outlet structure.

**Response: The trees in the pond have been moved away from the outlet structure.**

23) Please add an inlet protection for the 40<sup>th</sup> Street inlet immediately adjacent to the project site.

**Response: Inlet protection is now shown.**

24) Show the size and location of all freestanding signs. Show distances from street right-of-way.

**Sect 98-60(c)(1) Front Set back = 2-feet (leading edge) from ROW**

**Sect 98-60(c)(2) = 10-ft side PL**

**Response: The location of the sign is unknown at this time. This requirement will be satisfied once the location is known.**

25) **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 owner and a Covenant is required to be filed on the property for a maintenance agreement and access easement to the city.

**Response: This easement will be provided prior to the approval of the construction plans.**

26) Need to submit a floodplain determination application at the time of resubmittal. See [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures).

27) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

**Response: These items will be submitted prior to approval of construction plans.**

**Utility: Ed Stith – Springdale Fire Department**

The Arkansas Fire Prevention Code, Volume I, requires a minimum fire flow of 3250 GPM @ 20 psi and 3 fire hydrants for an 24,067 sq. ft. type IIB constructed building. A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. If approved by the authority having jurisdiction. A reduced fire flow of greater than 1500 GPM @ 20 psi and the 2 fire hydrants is acceptable to the Springdale Fire Department. Proposed fire hydrant location adjacent to the Fire Department Connection is acceptable. Provide an additional hydrant along the right of way 40<sup>th</sup> St. (west side is acceptable)

**Response: A sprinkler system is proposed for this project. An additional hydrant is now shown on the west side of 40<sup>th</sup> Street.**

Fire department access is acceptable.

The automatic sprinkler system shall be installed in accordance with NFPA 13. FDC location is acceptable. Knox Company locking FDC caps are required for the FDC. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

**Response: The owner and architect have been notified of this requirement.**

The new building is required to have an automatic fire alarm system installed in accordance with NFPA 72 to monitor the automatic sprinkler system only. A remote enunciator panel must be installed at the primary entrance if the fire alarm control panel is not at that location. The fire alarm system must monitor valve tamper, and water flow. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

Please have the architect consult with the fire marshal for additional high pile storage (>12 ft) requirements if any.

**Response: The owner and architect have been notified of this requirement.**

A Knox Box is required at the primary entrance. Box may be ordered at [www.knoxbox.com](http://www.knoxbox.com) or an order form can be obtained from the Fire Marshal.

**Response: The owner and architect have been notified of this requirement.**

Need to coordinate with the Fire Marshal for FIRE LANE striping.

**Response: The owner and architect have been notified of this requirement.**

Need to have a 911 address assigned by the Planning Department.

**Response: Noted**

**Utility: Danny Wright – Springdale Police Department**

Fencing on the west side of the property.

**Response: This is the 40<sup>th</sup> Street side. A fence is shown on the south side of the property.**

Handicapped parking signs on poles or attached to the building.

**Response: Handicapped signs are shown on the building.**

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water Utilities.

**Response: The location of water and sewer facilities are shown on the plans.**

The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading or paving or lot line adjustments.

**Response: The owner will be notified of this.**

Please be advised that the proposed 6" water main shall be class 50 ductile iron pipe along with the proposed fire line for the building.

**Response: The proposed main and fire line will be class 50 ductile iron pipe.**

Submit detailed plans and specifications to the Springdale Water Utilities for review and approval prior to submittal to the Arkansas Department of Health.

**Response: Detailed plans will be submitted.**

Submit detailed plans and specification to Chris Pickard at Springdale Water Utilities for review and approval of the proposed fire line.

**Response: Noted.**

The configuration of existing sanitary sewer does not match current records of the Springdale Water Utilities. A water and sewer location drawing will be provided to the designer with these comments.

**Response: The existing sewer configuration has been revised.**

Reconfigure the location of the existing fire hydrant to a location outside of the proposed slopes within the storm water facilities. We recommend setting up a meeting with the Springdale Water Utilities to discuss the design of the proposed facilities.

**Response: The location of the fire hydrant has been modified to satisfy SWU.**

**Utility: Jamie Boyd – Arkansas Western Gas**

Comments not returned

**Utility: John Hill – ATT**

Comments not returned.

**Utility: Mike Phipps – Ozarks Electric Cooperative**

Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.

All property corners and easements must be clearly marked before construction will begin.

If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin. On site easements must be shown on plat and recorded with the county.

All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3-4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign.

Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.

Developer will need to contact Justin Northcutt at Ozarks Electric (684-4911) and provide him with electrical load information before any cost to developer can be determined.

Developer to provide all trench and PVC conduits including PVC sweeps in accordance with OECC specifications. No metal conduit or metal sweeps are to be used.

Developer must provide Ozarks Electric with a Digital copy (AutoCAD2004) of the Final plat as well as a hard copy.

All utility easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer ay be subject to extra charges.

Developer or contractor must apply for electric temporary construction and permanent service before any design and cost is determined by Ozarks.

Please contact me when construction begins on this project and again when construction is within three months of completion. Mike Phipps OECC 684-4695, e-mail [mphipps@ozarksecc.com](mailto:mphipps@ozarksecc.com).

**Response: All Ozarks Electric comments have been noted and sent to the owner and architect.**

#### **Additional comments**

Street lights installed by OECC will be at full cost to the developer.

**Response: The owner and architect have been notified of this.**

Need to see the electric utility plan for this project.

**Response: This plan will be provided by the architect.**

#### **Utility: Sam Goade – Street Department**

No comments.

#### **Utility: Tom Evers - Building Inspection Department**

When approved by the City of Springdale Planning department please provide 3 sets of plans to the buildings department. 1 set of plans will be given to the fire department.

You will need to provide an approval from the state for the plumbing.

A manual N for the HVAC needs to be submitted before the project can be permitted, along with a load calculation.

Other items may be needed as issues may come up during review and construction.

**Response: Noted**

#### **Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT COMMENTS  
LARGE SCALE DEVELOPMENT  
ELLIOTT ELECTRIC  
L13-08  
March 14, 2013**

**Utility: Ed Stith – Springdale Fire Department**

The Arkansas Fire Prevention Code, Volume I, requires a minimum fire flow of 3250 GPM @ 20 psi and 3 fire hydrants for an 24,067 sq. ft. type IIB constructed building. A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. If approved by the authority having jurisdiction. A reduced fire flow of greater than 1500 GPM @ 20 psi and the 2 fire hydrants is acceptable to the Springdale Fire Department. Proposed fire hydrant location adjacent to the Fire Department Connection is acceptable. Provide an additional hydrant along the right of way 40<sup>th</sup> St. (west side is acceptable)

Fire department access is acceptable.

The automatic sprinkler system shall be installed in accordance with NFPA 13. FDC location is acceptable. Knox Company locking FDC caps are required for the FDC. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

The new building is required to have an automatic fire alarm system installed in accordance with NFPA 72 to monitor the automatic sprinkler system only. A remote enunciator panel must be installed at the primary entrance if the fire alarm control panel is not at that location. The fire alarm system must monitor valve tamper, and water flow. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

Please have the architect consult with the fire marshal for additional high pile storage (>12 ft) requirements if any.

A Knox Box is required at the primary entrance. Box may be ordered at [www.knoxbox.com](http://www.knoxbox.com) or an order form can be obtained from the Fire Marshal.

Need to coordinate with the Fire Marshal for FIRE LANE striping.

Need to have a 911 address assigned by the Planning Department.

**Utility: Danny Wright – Springdale Police Department**

Fencing on the west side of the property.

Handicapped parking signs on poles or attached to the building.

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water Utilities.

The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading or paving or lot line adjustments.

Please be advised that the proposed 6" water main shall be class 50 ductile iron pipe along with the proposed fire line for the building.

Submit detailed plans and specifications to the Springdale Water Utilities for review and approval prior to submittal to the Arkansas Department of Health.

Submit detailed plans and specification to Chris Pickard at Springdale Water Utilities for review and approval of the proposed fire line.

The configuration of existing sanitary sewer does not match current records of the Springdale Water Utilities. A water and sewer location drawing will be provided to the designer with these comments.

Reconfigure the location of the existing fire hydrant to a location outside of the proposed slopes within the storm water facilities. We recommend setting up a meeting with the Springdale Water Utilities to discuss the design of the proposed facilities.

**Utility: Jamie Boyd – Arkansas Western Gas**

Comments not returned

**Utility: John Hill – ATT**

Comments not returned.

**Utility: Mike Phipps – Ozarks Electric Cooperative**

Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.

All property corners and easements must be clearly marked before construction will begin.

If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin. On site easements must be shown on plat and recorded with the county.

All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3-4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions so that they are accessible during construction.) There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign.

Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.

Developer will need to contact Justin Northcutt at Ozarks Electric (684-4911) and provide him with electrical load information before any cost to developer can be determined.

Developer to provide all trench and PVC conduits including PVC sweeps in accordance with OECC specifications. No metal conduit or metal sweeps are to be used.

Developer must provide Ozarks Electric with a Digital copy (AutoCAD2004) of the Final plat as well as a hard copy.

All utility easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.

Developer or contractor must apply for electric temporary construction and permanent service before any design and cost is determined by Ozarks.

Please contact me when construction begins on this project and again when construction is within three months of completion. Mike Phipps OECC 684-4695, e-mail [mphipps@ozarksecc.com](mailto:mphipps@ozarksecc.com).

**Additional comments**

Street lights installed by OECC will be at full cost to the developer.  
Need to see the electric utility plan for this project.

**Utility: Sam Goade – Street Department**

No comments.

**Utility: Tom Evers - Building Inspection Department**

When approved by the City of Springdale Planning department please provide 3 sets of plans to the buildings department. 1 set of plans will be given to the fire department.

You will need to provide an approval from the state for the plumbing.

A manual N for the HVAC needs to be submitted before the project can be permitted, along with a load calculation.

Other items may be needed as issues may come up during review and construction.

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT REVIEW  
LARGE SCALE DEVELOPMENT  
ELLIOTT ELECTRIC  
L13-08  
March 14, 2013**

**Planning Comments**

- 1) 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.
- 2) This Large Scale Development Plan has been given the number L13-08. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.
- 3) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 4) Need State Plane Coordinates (NAD 83, Feet) for all fire hydrant locations.
- 5) Show the number of each type of dwelling unit and the total number of units.
- 6) Show the location of the handicapped parking signs.
- 7) A screening fence is required in accordance with Chapter 56. Show trees associated with screen.
- 8) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 9) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
- 10) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
- 11) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 12) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 13) 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 (23 copies). See attached design standard comments.
- 14) 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**

- 2) Front, side, and rear elevations are required. Elevations shall include type and color of materials used, foundation landscaping, and any architectural features used to comply with the Commercial Design Standards.
- 3) 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.
- 4) Façades over 100' in linear length shall incorporate wall projections and/or recesses per Springdale Commercial Design Standard.
- 5) Building façades shall include a repeating pattern with no less than three of the following: color change; texture change; material module change; expressions of architectural or structural bay through a change in plane no less than 12 inches in with, such as an offset, reveal, or projecting rib. At least one element must repeat horizontally and no element shall repeat at intervals of greater than 30' horizontally or vertically.
- 6) Roof lines shall be varied with a change in height every 100 linear feet in the building length.
- 7) Predominate exterior building materials shall be high quality materials including, without limitation, the following: brick, native/natural stone, synthetic stone, concrete masonry units (smooth face units with integral color), synthetic stucco/EFS, architectural precast concrete, decorative face concrete tilt-up panels, glass, wood (natural or composite).\
- 8) Predominant exterior building materials shall not be: smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels.
- 9) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.
- 10) 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.
- 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) Submit a unified lighting plan per Springdale Commercial Design Standards.

### **Engineering Comments**

- 1) **Concept of Detention must be approved by Planning Commission.**  
An On-site Detention pond is proposed with a total tributary basin of 2.33 acres.  
Controlled releases for 2/10/25/50/100 year storm events.

Total volume = 5,165 cf. Max depth = 4-ft Outfall connection to existing storm sewer in 40<sup>th</sup> Street.

- 2) Revisions to the Final Drainage Report are still pending and must be addressed prior to final approval of construction plans.
- 3) Additional items need to be addressed on construction drawing submittal for final approval.
- 4) ***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 owner and a Covenant is required to be filed on the property for a maintenance agreement and access easement to the city.
- 5) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

Fee Paid (\$75) (If an Exhibit Fee)  
 Warranty Deed  
 Authorization of Representation  
 Drawings/Photos or Other Exhibit  
 Name of Vendor (If a Vendor is a Party to the Property Deed)

File # 613-1

**L13-08**

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

Applicant's Name: Elliott Electric Supply, Inc.

Applicant's Mailing Address:

P.O. Box 630610  
 Street Address or P.O. Box  
Nacogdoches, TX 75903  
 City, State & Zip Code

Property Owner's Name  
 (If different from Applicant: Elliott Real Estate LP)

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

Same as Above  
 Street Address or P.O. Box  
 \_\_\_\_\_  
 City, State & Zip Code

Address of Variance Request: Located on the E. side of 40<sup>th</sup> St. Approx. 400' From the Elm Springs Road Intersection.

Zoning District: C-2

**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. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. 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" setbacks)

**VARIANCES OTHER THAN SETBACK**

*Not Applicable*

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

1. Request a variance for the minimum distance between the building and the street to be 110' instead of the required 150'.
2. Request a variance for the requirement for wall projections or recesses on building facades over 100' to allow no projections or recesses on the north and south sides of the building.
3. Request a variance for the requirement for a repeating pattern for the building facades to allow no repeating pattern for the north, south and east facades.
4. Request a variance of the requirement for roof lines to be varied in height every 100 linear feet in the building length to allow no change in height on the north and south sides of the building.
5. Request a variance for the requirement for exterior building materials to be predominately high quality materials to allow metal on the north, south and east facades. The street facing facade will have a mixture of materials including masonry units, glass and metal.
6. Request a variance for not allowing metal panels to allow metal panels.
7. Request a variance for the requirement of foundation landscaping to allow no foundation landscaping.

*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):**

1. The size and shape of the parcel (amount of available frontage) does not allow two drives that will meet city regulations. 2-6. The proposed building will be consistent with existing buildings in the area which is commercial/industrial in nature. 7. The proposed building will include an awning that will not cover the sidewalk with the addition of foundation landscaping.

2. That the literal interpretation of the provisions 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 owner's 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):**

1. The size and shape of the parcel are not the result of any actions taken by the applicant. 2-6. The commercial/industrial nature of the area as well as the architectural style of the existing buildings does not result from any actions by the applicant. 7. The awning is included to improve the overall appearance of the building and provides shade along the sidewalk which will not be possible with the inclusion of foundation landscaping.



# Memo

**To:** Planning Commission  
**From:** Staff  
**Date:** April 2, 2013  
**RE:** L13-09 Large Scale Development Wal-Mart Store #4108

---

**Concept of Detention  
Variance (B13-13) for modification of Commercial Design Standards**

---

## Planning Comments

- 1) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 2) 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 (23 copies). See attached design standard comments.

## Commercial Design Standards Comments

- 1) A 5' wide sidewalk along the full length of the building along any side that features a customer entrance is required. This sidewalk shall be setback from the building foundation at least 6' to provide areas for foundation landscaping.
- 2) Foundation landscaping is required.
- 3) Outdoor storage, trash collection, and loading areas must not be visible from the public right-of-way.
- 4) 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.
- 5) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood,

masonry, or other compatible building material, and shall be appropriately landscaped.

### **Engineering Comments**

1) **Concept of Detention must be approved by Planning Commission.**

A Regional Detention pond is proposed with a total tributary basin of 107 acres. Offsite basin of 36.4 Acres east of I-540. Controlled releases for 2/10/25/50/100 year storm events. Total volume = 26.7 ac-ft.

**Outfall routing still to be determined, intends to convey 100-year release flow.**

2) The storm sewer design requires some additional detail. The city standards are valid for maximum depth of 10-feet. Please revise the 48<sup>th</sup> Street main storm sewer route or provide a structural design for the inlets that includes drop scour protection for the bottom of the inlets.

3) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)



ENGINEERS ■ SURVEYORS ■ PLANNERS  
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2  
Bentonville, AR 72712  
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

March 20, 2013

Patsy Christie  
Planning Director  
201 Spring Street  
Springdale, AR 72764

**RE: L13-09 Large Scale Development Walmart Store #4108**

Dear Ms. Christie;

CEI has received the comments from the Large Scale Development review of the proposed Walmart Store on Elm Springs Road. We have made revisions to the drawings and offer the following response to each of your comments:

Planning Comments:

**Comment:** This Large Scale Development Plan has been given the number L13-09. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.

**Response:** The LSD plan number has been indicated on the drawings as requested.

**Comment:** Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.

**Response:** The authorization of representation form has been submitted by Mr. Stephen Giles, legal counsel for Walmart.

**Comment:** Need to identify the zoning of all the adjacent properties.

**Response:** The zoning of all adjacent properties is indicated on the Overall Site Plan as part of the drawing package.

**Comment:** Need to show the legal description of the property.

**Response:** The legal description of the property has been added to the Overall Site Plan.

**Comment:** Need State Plane Coordinates (NAD 83, Feet) for all fire hydrant locations.

**Response:** State Plan Coordinates of fire hydrants are shown on the Overall Site Plan.

**Comment:** Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.

**Response:** Landscaping has been designed to meet the requirements of Chapter 56. Section 56-31(2) Paragraph "d" allows for a reduction in the number of landscaped islands for parking lots over 150,000 SF but the overall area of green space must be maintained.

**Comment:** Show width of drive aisles.

**Response:** Width of drive aisles has been added on the site plans.

**Comment:** The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.

**Response:** The required streetlight fixtures have been noted on the 48<sup>th</sup> Street design drawings.

*Providing Consolidated Land Development Services*

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

Comment: Need to show dumpster location.

**Response: The Walmart development will not utilize a dumpster. A haul off trash compactor is included in the delivery dock on the west side of the building and is indicated by note 02F. Recycling and pallet storage areas are also indicated on this plan.**

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

**Response: Utility and other department's comments have been addressed with this submittal.**

Comment: 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 (23 copies). See attached design standard comments.

**Response: Variance applications have been submitted for those items we have not addressed in this resubmittal. Building elevations and lighting plans have already been submitted and have not been included with this resubmittal due to no change in those items.**

Comment: 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.

**Response: Our design is compliant with this requirement.**

Commercial Design Standards Comments:

Comment: Front, side, and rear elevations are required. Elevations shall include type and color of materials used, foundation landscaping, and any architectural features used to comply with the Commercial Design Standards.

**Response: Building elevations have been submitted meeting these requirements with the exception of foundation landscaping which a variance has been requested.**

Comment: A 5' wide sidewalk along the full length of the building along any side that features a customer entrance is required. This sidewalk shall be setback from the building foundation at least 6' to provide areas for foundation landscaping.

**Response: A variance has been requested from the requirement for foundation landscaping. Pedestrian access is provided to all public entrances.**

Comment: Foundation landscaping is required.

**Response: A variance from this requirement has been requested.**

Comment: Provide at least two of the items listed under Central Feature and Community Spaces in the Springdale Commercial Design Standard.

**Response: Benches have been added to the site plan (indicated with note 70D) with direct access to the sidewalk from the public way, meeting this requirement. See Site Plan A.**

Comment: Central features and community spaces shall have direct access to the public sidewalk.

**Response: Direct access from the public sidewalk to the community spaces is provided.**

Comment: Outdoor storage, trash collection, and loading areas must not be visible from the public right-of-way.

**Response: Due to the orientation of the building and the construction of the 48<sup>th</sup> Street extension, a variance has been requested from this requirement.**

Comment: 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.

**Response: Screening of these items has been accomplished from adjacent properties but a variance has been requested for the right of way screening requirement.**

Comment: Need detailed drawings of enclosures and screening methods.

**Response: The building elevations show screening of the trash compactor against the building. The screening of the recycle and pallet area is depicted in the detail attached to this response letter. The architect has provided this detail and it will be included on their construction drawings.**

Comment: Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.

**Response: A variance has been requested to allow screening of trash compactors and recycle areas on three sides instead of the required four sides.**

Comment: 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.

**Response: Landscape screening has been added to exterior mechanical and utility equipment.**

Comment: All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.

**Response: All rooftop equipment will be screened from public view as directed.**

#### Engineering Comments:

Comment: Concept of Detention must be approved.

**Response: It is our understanding the concept of detention has been agreed to by staff but must be approved by the Planning Commission.**

Comment: **Sect 112-8(i)** Need to show Benchmark data, coordinate system and basis of bearing. We would prefer the survey coordinate to Arkansas State Plain and NAVD 88.

**Response: Benchmark data has been added to the site plan as requested.**

Comment: Please add details for commercial drive and modified curb. Please add details for typical sidewalk construction including slope.

**Response: Details for City of Springdale public improvements have been included in the design plans for the 48<sup>th</sup> Street extension.**

Comment: Provide plans for 40<sup>th</sup> Street and storm sewer lines with profiles.

**Response: Plans for 48<sup>th</sup> Street design including storm lines and profiles has been added to the plan set.**

Comment: The details related to drainage included in the drawings will be allowed for onsite private storm systems. Please add Springdale Standard drawings for public storm system items and designate on plans.

**Response: Details for City of Springdale public improvements have been included in the design plans for the 48<sup>th</sup> Street extension.**

Comment: **Sect 110-7** Maintain obstruction free (3-ft above street pavement) area on the drive corners within 30-ft of the street line (ROW) and drive back of curb. Some of the trees along 48<sup>th</sup> Street appear to be encroaching on this requirement.

**Response: The landscape plan has been revised to demonstrate compliance with this requirement.**

Comment: **Sect 112-4** The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing ROW of 48<sup>th</sup> Street.

**Response: A separate dedication document will be submitted to the City as required for the 48<sup>th</sup> Street ROW dedication.**

Comment: **Sect 106** Preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual. Please revise as follows for the Final Drainage Report.

- a. Please reevaluate the delineation of basins along the I-540 corridor. Not all of the offsite area 1 will be in the pipe. There appears to be additional overland flows to those lots from the centerline of the south bound lane and exit ramp.
- b. It is difficult to identify your basin lines. Is it possible to plot them in color?
- c. You will need to provide additional sewer analysis and capacity analysis for the outfall when finalized.
- d. Provide analysis of curb capacity within 48<sup>th</sup> Street for the minor and major storm vents.
- e. Provide inlet capacity calculations.
- f. Please revise hydrologic modeling to reflect a Type III storm instead of the Type II.
- g. Provide a basin summary printout that includes time of concentration, weighted basin impervious
- h. The outfall design does not match the detail in the drawings. Please provide printout of pond criteria from the computer program.
- i. Please consider modifying the outlet detail to provide more coverage into the slope of the pond instead of locating it at the pond bottom. This would provide more structure stability and be less visually intrusive.
- j. Storm sewer calculations: Please provide printout that includes ground elevations, velocity in pipes and profile plots. Instead of the Storm Sewer Summary Report, please provide printout of DOT report.
- k. Provide outfall protection measures at the flared end section and add detail to drawings.

**Response: The comments listed above have been addressed in the revised drainage report with the exception of the final sewer capacity and analysis of the pond discharge line. Design of that culvert is still pending and will be submitted for approval upon completion.**

Comment: **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 owner and a Covenant is required to be filed on the property for a maintenance agreement and access easement to the city.

**Response: The requested easements have been added to the plat of the property and the design drawings. The maintenance agreement will be filed upon completion.**

Comment: **DCM Section 8.1** Where storm drainage crosses between lots to continue into other facilities, as swale shall be constructed to allow flows in excess of the design flows....A drainage easement shall be provided that prohibits structures from blocking that flow. Drainage easements will be required for the existing storm sewer system connections through platted lots.

**Response: The requested easements have been added to the plat of the property and the design drawings.**

Comment: **Sect 112-16** All utility wires shall be placed underground.

**Response: Our development is compliant with this requirement with.**

Comment: **Sect 107** 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.

**Response: This requirement will be met before any ground disturbing activity takes place.**

If there are any questions or additional comments regarding this resubmittal of Large Scale Development plans, do not hesitate contact me.

Sincerely,

Nate Bachelor, PE  
Project Manager

**TECHNICAL PLAT COMMENTS  
LARGE SCALE DEVELOPMENT  
WAL-MART STORE #4108  
L13-09  
March 14, 2013**

**Utility: Ed Stith – Springdale Fire Department**

The Arkansas Fire Prevention Code, Volume I, requires a minimum fire flow of 8000 GPM @ 20 psi and 8 fire hydrants for an 185,189 sq. ft. type IIB constructed building. A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system. If approved by the authority having jurisdiction a reduced fire flow of greater than 2000 GPM @ 20 psi and the 5 fire hydrants shown is acceptable to the Springdale Fire Department. Proposed fire hydrant locations and spacing is acceptable.

Fire department access is acceptable.

The automatic sprinkler system shall be installed in accordance with NFPA 13. A remotely located FDC will be required immediately adjacent to a hydrant at the front of the building. Knox Company locking FDC caps are required for the FDC. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

The new building is required to have an automatic fire alarm system installed in accordance with NFPA 72. A remote enunciator panel must be installed at the primary entrance. The fire alarm system must monitor valve tamper, water flow and kitchen suppression system. In lieu of a mechanical or electric bell installed adjacent to the fire sprinkler riser to indicate sprinkler water flow, a water proof horn/strobe shall be installed on the exterior wall directly perpendicular to the free standing FDC. Horn strobe should activate upon water flow only.

The kitchen fire suppression system shall be installed in accordance with NFPA 17.

A Knox Box is required at the primary entrance. Box may be ordered at [www.knoxbox.com](http://www.knoxbox.com) or an order form can be obtained from the Fire Marshal.

Need to coordinate with the Fire Marshal for FIRE LANE striping.

Need to have a 911 address assigned by the Planning Department.

**Utility: Danny Wright – Springdale Police Department**

No Comments.

**Utility: Chris Byrd – Cox Communication**

Any damage to or relocation of existing facilities will be at owner's expense.

**Utility: Rick Russell - Springdale Water Utility**

Field locate and verify the location of existing water and sewer facilities. Indicate the location of these facilities on the drawing and provide adequate easements acceptable to the Springdale Water Utilities.

The owner/developer shall be responsible for the cost of any required adjustments to the existing water and sewer facilities due to site grading or paving or lot line adjustments.

Submit detailed plans and specifications to the Springdale Water Utilities for review and approval prior to submittal to the Arkansas Department of Health.

Submit detailed plans and specifications to Chris Pickard at Springdale Water Utilities for review and approval of the proposed fire line.

Please submit details, specifications and sizing information for review and approval for all grease traps, grease interceptors or other devices that may be installed on this project prior to installation. Submit the required information to Mr. Brad Stewart of the Springdale Wastewater Treatment Facility at (479) 756-3657 or by email at [bstewart@sprintgdalewater.com](mailto:bstewart@sprintgdalewater.com). Additional approvals may be required through the Building Inspections Department of the City of Springdale or through other local or state agencies.

Easements of sufficient width acceptable to the Springdale Water Utilities shall be provided for all proposed and existing public water and sewer facilities.

Sufficient clearance acceptable to the Springdale Water Utilities shall be provided between all utilities.

**Utility: Jamie Boyd – Arkansas Western Gas**

Comments not returned.

**Utility: John Hill – ATT**

Comments not returned.

**Utility: Ozarks Electric – Mike Phipps**

Any relocation of existing facilities or extension of line that has to be built specifically to feed this project will be at full cost to the developer.

All property corners and easements must be clearly marked before construction will begin.

If off site easements are needed for Ozarks to provide electricity to the development, easements must be obtained by developer and provided to Ozarks before the design will begin. On site easements must be shown on plat and recorded with the county.

All conduits placed at road crossings by developer must have 48 inch of cover at final grade and marked with post to identify end of conduits. (3-4 inch schedule 40 conduits to be used for electric only at all road crossings, conduits must extend past the edge of any obstructions to that they are accessible during construction. There must be minimum separation of 12 inches between conduits for electric and conduits for other utilities. This is NESC code 354. All conduits for road crossings and specific widths of U.E. must be shown on final plat before Ozarks Electric will sign the final plat.

Transformer must have a minimum of 30 feet clearance from any structure. Any variation of this requirement must have written approval from an Ozarks representative.

Developer will need to contact Justin Northcutt of Ozarks Electric (684-4911) and provide him With electrical load information before any cost to developer can be determined.

Developer to provide all trench and PVC conduits including PVC sweeps in accordance with OECC specifications. No metal conduit or metal sweeps are to be used.

Developer must provide Ozarks Electric with a Digital copy (AutoCAD 2004) of the Final plat as well as a hard copy.

All Utility Easements to be cleared of all trees, brush, dirt piles, buildings and debris so that the easement is accessible with equipment. If easement is not cleared developer may be subject to extra charges.

Developer or contractor must apply for electric temporary construction and permanent service before any design and cost is determined by Ozarks.

Please contact me when construction begins on this project and again when construction is within three months of completion. Mike Phipps OECC 684-4696, e-mail [mphipps@ozardsecc.com](mailto:mphipps@ozardsecc.com)

**Additional comments:**

Street lights installed by OECC will be at full cost to the developer.

OECC will need 15' UE from the main transformer at the North side of store running west along AEP transmission line to Oak Grove Road for back feed for this development.

**Utility: Sam Goade – Street Department**

No comment.

**Utility: Tom Evers - Building Inspection Department**

When approved by the City of Springdale Planning department, please provide 3 sets of plans to the buildings department. 1 set of plans will be given to the fire department.

Will need to furnish our office with a copy of NOI Notice of Intent from the state and an asbestos report for all buildings to be removed.

You will need to provide an approval from the state for the plumbing.

A manual N for the HVAC needs to be submitted before the project can be permitted, along with a load calculation.

Other items may be needed as issues may come up during review and construction.

**Utility: United States Postal Service**

Comments not returned

**TECHNICAL PLAT REVIEW  
LARGE SCALE DEVELOPMENT  
WAL-MART STORE #4108  
L13-09  
March 14, 2013**

**Planning Comments**

- 1) This Large Scale Development Plan has been given the number L13-09. This number should be placed on the plat and all future correspondence and plats pertaining to this large-scale development.
- 2) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 3) Need to identify the zoning of all the adjacent properties.
- 4) Need to show the legal description of the property.
- 5) Need State Plane Coordinates (NAD 83, Feet) for all fire hydrant locations.
- 6) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 7) Show width of drive isles.
- 8) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.
- 9) Need to show dumpster location.
- 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 (23 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) Front, side, and rear elevations are required. Elevations shall include type and color of materials used, foundation landscaping, and any architectural features used to comply with the Commercial Design Standards.
- 2) A 5' wide sidewalk along the full length of the building along any side that features a customer entrance is required. This sidewalk shall be setback from the building foundation at least 6' to provide areas for foundation landscaping.
- 3) Foundation landscaping is required.
- 4) Provide at least two of the items listed under Central Feature and Community Spaces in the Springdale Commercial Design Standard.
- 5) Central features and community spaces shall have direct access to the public sidewalk.
- 6) Outdoor storage, trash collection, and loading areas must not be visible from the public right-of-way.

- 7) 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.
- 8) Need detailed drawings of enclosures and screening methods.
- 9) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.
- 10) 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.
- 11) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.

### **Engineering Comments**

- 1) **Concept of Detention must be approved by Planning Commission.**  
A Regional Detention pond is proposed with a total tributary basin of 107 acres. Offsite basin of 36.4 Acres east of I-540. Controlled releases for 2/10/25/50/100 year storm events. Total volume = 26.7 ac-ft.  
**Outfall routing still to be determined, intends to convey 100-year release flow.**
- 2) The storm sewer design requires some additional detail. The city standards are valid for maximum depth of 10-feet. Please revise the 48<sup>th</sup> Street main storm sewer route or provide a structural design for the inlets that includes drop scour protection for the bottom of the inlets.
- 3) Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

# ENGINEERING REVIEW

1. **Sect 112-8(i)** Need to show
  - 1.1. Benchmark data, coordinate system and basis of bearing. We would prefer the survey coordinate to Arkansas State Plain and NAVD 88.
  - 1.2. Please add details for commercial drive and modified curb.
  - 1.3. Please add details for typical sidewalk construction including slope.
    - 1.3.1. **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line.
      - 1.3.1.1. Sidewalks shall be constructed with a minimum transverse slope of one-fourth inch (1/4") per foot.
      - 1.3.1.2. The sidewalk shall have a minimum width of five feet (5') and a minimum thickness of four inches (4").
      - 1.3.1.3. The sidewalk shall have expansion joints at each structure, curb and at minimum intervals of 200 feet. Transverse joints between expansion joints shall be scored at five-foot (5') intervals.
      - 1.3.1.4. Need to show details of sidewalks on the right-of-way.
  - 1.4. Provide plans for 40<sup>th</sup> Street and storm sewer lines with profiles.
  - 1.5. The details related to drainage included in the drawings will be allowed for on site private storm systems. Please add Springdale Standard drawings for public storm system items and designate on plans.
2. **Sect 110-7** Maintain obstruction free (3-ft above street pavement) area on the drive corners within 30-ft of the street line (ROW) and drive back of curb. Some of the trees along 48<sup>th</sup> Street appear to be encroaching on this requirement.
3. **Sect 112-4** The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing ROW of 48<sup>th</sup> Street.
4. **Sect 106** Preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual. Please revise as follows for the Final Drainage Report.
  - 4.1. Please reevaluate the delineation of basins along the I-540 corridor. Not all of the offsite area 1 will be in the pipe. There appears to be additional overland flows to those lots from the centerline of the south bound lane and exit ramp.
  - 4.2. It is difficult to identify your basin lines. Is it possible to plot them in color?
  - 4.3. You will need to provide additional sewer analysis and capacity analysis for the outfall when finalized.
  - 4.4. Provide analysis of curb capacity within 48<sup>th</sup> Street for the minor and major storm vents.
  - 4.5. Provide inlet capacity calculations.
  - 4.6. Please revise hydrologic modeling to reflect a Type III storm instead of the Type II.
  - 4.7. Provide a basin summary printout that includes time of concentration, weighted basin impervious
  - 4.8. The outfall design does not match the detail in the drawings. Please provide printout of pond criteria from the computer program.

- 4.9. Please consider modifying the outlet detail to provide more coverage into the slope of the pond instead of locating it at the pond bottom. This would provide more structure stability and be less visually intrusive.
  - 4.10. Storm sewer calculations: Please provide printout that includes ground elevations, velocity in pipes and profile plots. Instead of the Storm Sewer Summary Report, please provide printout of DOT report.
  - 4.11. Provide outfall protection measures at the flared end section and add detail to drawings.
5. The concept of detention must be approved by the Planning Commission.
  6. **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 owner and a Covenant is required to be filed on the property for a maintenance agreement and access easement to the city.
  7. **DCM Section 8.1** *Where storm drainage crosses between lots to continue into other facilities, as swale shall be constructed to allow flows in excess of the design flows....A drainage easement shall be provided that prohibits structures from blocking that flow.* Drainage easements will be required for the existing storm sewer system connections through platted lots.
  8. **Sect 112-16** All utility wires shall be placed underground.
  9. Sect 107 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 [www.springdalear.gov/planning/applications\\_forms\\_procedures](http://www.springdalear.gov/planning/applications_forms_procedures)

**Staff Use Only**

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

File # **B13-13**

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

**L13-09**

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

Applicant's Name: **Stephen R. Giles (sgiles@gileslaw.net)**  
by Nate Bachelor (nbachelor@ceieng.com)

Applicant's Mailing Address:

**425 West Capitol Ave.**

Street Address or P.O. Box

**Little Rock, AR 72201**

City, State & Zip Code

**501-687-0836**

Telephone Number

Property Owner's Name

(If different from Applicant): **Hall Family Investments LLC.**

Property Owner's Mailing Address:

(If different from Applicant):

**1327 Elm Springs Road.**

Street Address or P.O. Box

**Springdale, AR 72762**

City, State & Zip Code

**479-751-0314**

Telephone Number

Address of Variance Request: **4976 Elm Springs Road**

Zoning District: **C-5 (Thoroughfare Commercial)**

**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. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. 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.*

- 1. Applicant requests variance from the Commercial Design Standards and Guidelines requirement for foundation landscaping adjacent to the building.**
- 2. Applicant request variance from the Commercial Design Standards and Guidelines requirement that outdoor storage, trash collection, and loading areas not be visible from public right of way.**
- 3. Applicant request variance from the Commercial Design Standards and Guidelines requirement that trash compactors and recycling bins be screened from public view on all four sides with a fence or wall.**

*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):**
  1. Applicant desires to utilize a prototypical building footprint design which has significant time and cost already incorporated into the design, analysis, and approval of the interior and exterior systems. Pedestrian circulation and safety is of highest importance to applicant.
  2. Applicant's desire to construct a large commercial retail facility necessitates the use of multiple loading and delivery areas, one of which will be visible from the east side (48<sup>th</sup> street).
  3. Applicant's building design efficiencies incorporate screening of the trash compactor and recycle areas on 3 sides but allow one open side to facilitate collection and removal.

7

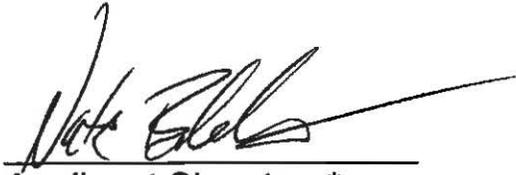
2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. **Use the space below to explain the rights of which the applicant is being deprived (attach a separate sheet if necessary):**

1. **Applicant understands that other commercial developments in the City of Springdale utilizing a prototypical building footprint design are allowed consideration of variance from the foundation landscaping requirement. Applicant requests similar considerations from the Springdale Planning Commission.**
2. **Applicant maintains that significant revisions to the engineered design of the building footprint would be required in order to comply with this requirement.**
3. **Applicant maintains that screening has been provided to the maximum extent possible for the trash compaction and recycle storage facilities.**

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):**
  1. Applicant maintains that installation of foundation landscaping has potential to attract trash, debris, and litter to the facility, causing an unnecessary maintenance concern. Furthermore, applicant asserts that the management of the foundation plantings has the potential to introduce water to the structural foundation of the building, thereby weakening it.
  2. Applicant has proposed through the LSD process to construct the extension of 48<sup>th</sup> Street through the length of the project. The extension of this street has created the visibility concern mentioned above.
  3. Applicant maintains that in order to properly utilize any trash compaction and recycle storage facilities that one side must be maintained accessible at all times or undue hardship is placed on the employees and service personnel.
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)*

**Staff Use Only**

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

File # B1310

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: Jenkins Surveying, William C. Jenkins

Applicant's Mailing Address:

1552 Cedar St.  
Street Address or P.O. Box

479-521-5231  
Telephone Number

Fayetteville, Ar 72703  
City, State & Zip Code

Property Owner's Name: Margaret Cole

Property Owner's Mailing Address:

1102 N Gutensohn Rd.

Street Address or P.O. Box

479-751-4302  
Telephone Number

Springdale, Ar 72766  
City, State & Zip Code

Address of Variance Request: 1102 & 1104 N Gutensohn, Springdale, Ar

Zoning District: SF-2

**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. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. 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: \_\_\_\_\_ Side: 2' Back: \_\_\_\_\_  
(If granted what the setback would be.)

Variance: Front: \_\_\_\_\_ Side: 6' 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.*

---

(SEE ATTACHED)

---



---



---

*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):**

---

Requesting a TRACT SPLIT for a 1.19 acre tract located

---

1102 N. Gutensohn Rd. Springdale, AR.

---

The house on the south side and the metal garage on the  
North side are within the required set-backs 6 feet.

---

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):**

---

If the TRACT SPLIT is denied Mrs. Cole won't be able to  
sell her daughter and her family the house next door.

---

---

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):**
- 
-

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13<sup>th</sup> day of March, 2013.

Linda D. Pellegrini  
Notary Public



**Authorization of Representation**

**TO THE SPRINGDALE PLANNING COMMISSION:**

I, MARGARET COLE hereby authorize  
(Property owner/applicant)

WILLIAM C. JENKINS to represent me and to  
(Authorized representative)

make decisions on my behalf TRACT SPLIT which is  
(Rezoning, Conditional use, Variance, Large-Scale Development, Subdivision)

to be presented to the Springdale Planning Commission at their meeting to be held on

5 March 2013  
(Meeting date)

Dated: 3-13-2013

Margaret Cole  
Property Owner/Applicant

\_\_\_\_\_

February 12, 2013

City of Springdale  
Board of Adjustments  
201 Spring Street  
Springdale, AR 72764

RECEIVED  
MAR 12 2013  
PLANNING OFFICE  
CITY OF SPRINGDALE

Re: Variance Request for Margaret Cole Revocable Trust

To: City of Springdale, Board of adjustments

From: William C. Jenkins  
Jenkins Surveying

Re: Variance Request for Tax Parcel Id 815-29805-300, located at 1102 & 1104 N Gutensohn Rd,  
Springdale, Ar.

As you will see by the attached zoning map we are currently Zoned SF-2, surrounded by both agricultural zoning and MF-12. At this time we are not requesting any new zoning, we are simply trying to separate the existing buildings onto two separate parcels. As you can see by the attached drawing, the existing buildings are well into the current SF-2 setbacks.

The existing buildings preceded the current zoning regulations; hence we are asking for a variance on the existing buildings setbacks only. No new building would be allowed to be constructed that doesn't meet the current zoning regulations, whichever that zoning regulation might be at the time of a future building permit..

We hope that you agree that for future prosperity of our current structures we are allowed to separate these buildings into separate tax parcel entities.

Thank You.

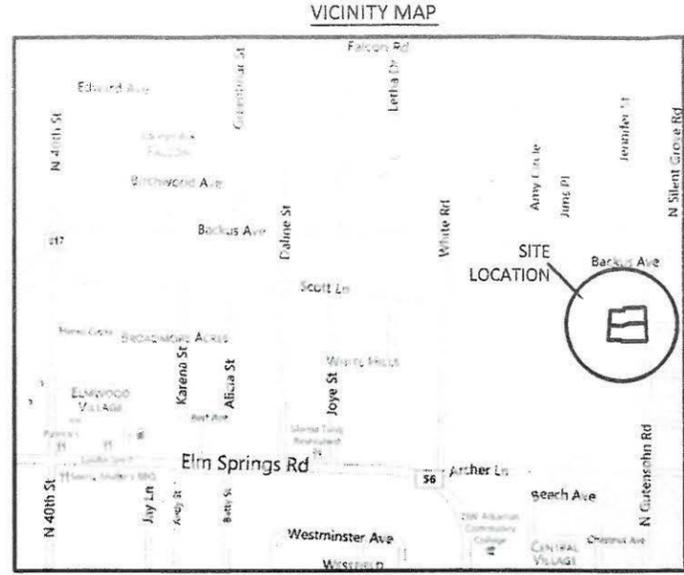
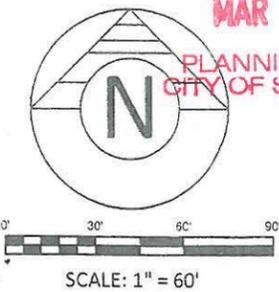
Margaret Cole  
& William C. Jenkins  
Jenkins Surveying

Let me know if you any questions or concerns.

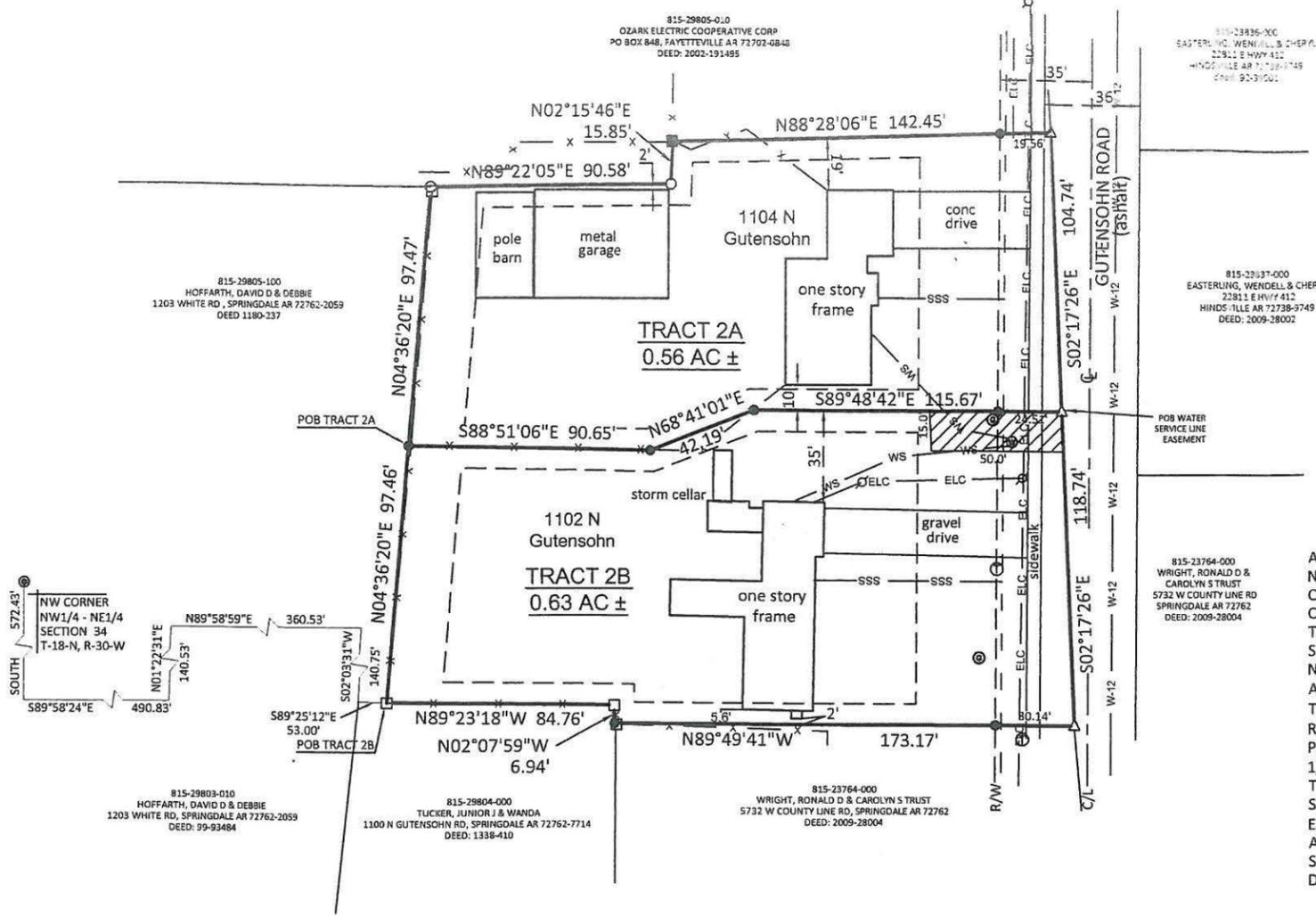
Sincerely,

William C. Jenkins  
William Jenkins





SURVEY DESCRIPTION TRACT 2A - 0.56 ACRES



A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 34, TOWNSHIP 18 NORTH, RANGE 30 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN ARKANSAS GEOLOGICAL COMMISSION ALUMINUM MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 572.43 FEET; THENCE S89°58'24"E 490.83 FEET; THENCE N01°22'31"E 140.53 FEET; THENCE N89°58'59"E 360.53 FEET; THENCE S02°03'31"W 140.75 FEET; THENCE S89°25'12"E 53.00 FEET TO A FENCE CORNER; THENCE N04°36'20"E 97.46 FEET TO A 1/2" REBAR FOR THE POINT OF BEGINNING; THENCE N04°36'20"E 97.47 FEET TO A 1/2" REBAR; THENCE N89°22'05"E 90.58 FEET TO A 1/2" REBAR; THENCE N02°15'46"E 15.85 FEET TO A 1/2" REBAR; THENCE N88°28'06"E 142.45 FEET TO A PK NAIL; THENCE S02°17'26"E 104.74 FEET TO A PK NAIL; THENCE N89°48'42"W 115.67 FEET TO A 1/2" REBAR; THENCE S68°41'01"W 42.19 FEET TO A 1/2" REBAR; THENCE N88°51'06"W 90.65 FEET TO THE POINT OF BEGINNING, CONTAINING 0.56 ACRES, MORE OR LESS. SUBJECT TO THE GUTENSOHN ROAD RIGHT-OF-WAY ALONG THE EAST SIDE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD. ALSO, A WATER SERVICE LINE EASEMENT DESCRIBED AS 15 FEET OF EQUAL AND UNIFORM WIDTH SOUTH OF AND CONTIGUOUS TO A LINE THAT BEGINS AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT 2A AND RUNS N89°48'42"W 50.0 FEET.

SURVEY DESCRIPTION TRACT 2B - 0.63 ACRES

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER SECTION 34, TOWNSHIP 18 NORTH, RANGE 30 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN ARKANSAS GEOLOGICAL COMMISSION ALUMINUM MONUMENT LOCATED AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 572.43 FEET; THENCE S89°58'24"E 490.83 FEET; THENCE N01°22'31"E 140.53 FEET; THENCE N89°58'59"E 360.53 FEET; THENCE S02°03'31"W 140.75 FEET; THENCE S89°25'12"E 53.00 FEET TO A FENCE CORNER FOR THE POINT OF BEGINNING; THENCE N04°36'20"E 97.46 FEET TO A 1/2" REBAR; THENCE S88°51'06"E 90.65 TO A 1/2" REBAR; THENCE N68°41'01"E 42.19 TO A 1/2" REBAR; THENCE S89°48'42"E 115.67 TO A PK NAIL; THENCE S02°17'26"E 118.74 FEET TO A PK NAIL; THENCE N89°49'41"W 173.17 FEET TO A 1/2" REBAR; THENCE N02°07'59"W 6.94 FEET TO A WOODEN FENCE POST; THENCE N89°23'18"W 84.76 FEET TO THE POINT OF BEGINNING, CONTAINING 0.63 ACRES, MORE OR LESS. SUBJECT TO THE GUTENSOHN ROAD RIGHT-OF-WAY ALONG THE EAST SIDE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD. ALSO, SUBJECT TO A WATER SERVICE LINE EASEMENT DESCRIBED AS 15 FEET OF EQUAL AND UNIFORM WIDTH SOUTH OF AND CONTIGUOUS TO A LINE THAT BEGINS AT THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT 2A AND RUNS N89°48'42"W 50.0 FEET.

- LEGEND**
- ⊕ TELE RISER
  - △ PK NAIL
  - ⊙ ARK GEO COM ALM MONUMENT
  - ⊕ POWER/LIGHT POLE
  - ⊙ DOUBLE WATER METER
  - ⊙ GAS METER
  - WOODEN FENCE POST
  - FOUND 1/2" REBAR
  - SET 1/2" REBAR
  - CENTERLINE
  - ELC
  - SSS
  - WS
  - ROW/BLDG SETBACKS
  - BOUNDARY
  - x — FENCE LINE

SF-2 ZONING SETBACK REQUIREMENTS  
FRONT - 30'  
SIDE - 8'  
REAR - 20'

FLOOD CERTIFICATION  
THE HEREIN DESCRIBED TRACT IS LOCATED IN FLOOD ZONE "X" AND NOT WITHIN THE 100 YEAR FLOOD ZONE PER F.I.R.M. NO. 05143C0060F, WASHINGTON COUNTY, ARKANSAS, EFFECTIVE DATE 5/16/2008.

BASIS OF BEARINGS  
WARRANTY DEED, FILED IN BOOK 1172, PAGE 719 FILED IN THE OFFICE OF THE CIRCUIT CLERK WASHINGTON COUNTY, ARKANSAS.

SURVEYORS CERTIFICATION  
I HEREBY CERTIFY I HAVE SURVEYED HEREIN DESCRIBED TRACT AND THAT THE PROPERTY LINES AND CORNER MONUMENTS ARE, TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED AS SHOWN. ALSO, ANY EASEMENTS AND/OR ENCROACHMENTS REVEALED BY SAID SURVEY ARE SHOWN HEREON.

PLAT CODE: 500-18-30-0-34-140-72-0688

**CERTIFICATE OF ACCEPTANCE**

THE UNDERSIGNED HERE BY CERTIFY THAT THIS PLAT MEETS CURRENT REGULATIONS OF THE CITY OF SPRINGDALE AND REGULATIONS OF THE ARKANSAS STATE BOARD OF HEALTH AS EACH PERTAINS TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.

ACCEPTANCE OF DEDICATION	DATE: _____	SIGNATURE: _____
		CITY CLERK
		MAYOR
APPROVAL FOR RECORDING		SECRETARY, PLANNING COMMISSION
CHAIR PERSON		PLANNING COMMISSION
WATER AND SEWER		ENG, SPRINGDALE WATER UTILITIES
STREETS AND DRAINAGE		DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT



OWNER/DEVELOPER  
MARGARET COLE  
PO BOX 6815  
SPRINGDALE, AR 72766-6815  
PARCEL # 815-29805-300  
DEED: 2007-38407

**TRACT SPLIT**  
FOR  
**MARGARET COLE**

JENKINS SURVEYING 1552 CEDAR ST. FAYETTEVILLE, AR 72703 P/F 479-521-5231	DATE: 3/12/13 DRAWN BY: DWJ SCALE: 1" = 60' JOB NO.: 13-001
---	--

**Staff Use Only**

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

File # B13-11

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:** Eugene H. Kordsmeier and Deborah K. Kordsmeier, husband and wife

**Applicant's Mailing Address:**

P.O. Box 162

Street Address or P.O. Box  
Springdale, AR 72765-0162  
City, State & Zip Code

Care of ESI at (479) 751-8733  
Telephone Number

**Property Owner's Name**

*(If different from Applicant):* Eugene H. Kordsmeier and Deborah K. Kordsmeier, husband and wife

**Property Owner's Mailing Address:**

*(If different from Applicant):*

P.O. Box 162

Street Address or P.O. Box  
Springdale, AR 72765-0162  
City, State & Zip Code

Care of ESI (479) 751-8733  
Telephone Number

**Address of Variance Request:** 3973 Elm Springs Road, Springdale, Washington County, Arkansas

**Zoning District:** Current Zoning is C-2 (Gen. Comm.), Proposed Zoning is C-5 (Thoroughfare Comm.)

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

**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' / 50' Side: 0' Back: 20'  
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 16' / 27' Side: 0' Back: 20'  
(if granted what the setback would be.)

Variance: Front: 14' / 23' Side: 0' Back: 0'  
(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.*

A) Applicant requests a variance of the required building setback from 30' with no parking in front of the building to 16' with no parking in front of the building and from 50' with parking in front of the building to 27' with parking in front of the building as shown above.

(List of Additional Variances Requested is Attached)

**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 special conditions necessitating a variance are the size and shape of the parcel and the presence  
of an existing building, which severely limit the ability of applicant to make improvements on the  
property. Variances will allow continued use of the property in its current configuration, with the only  
change proposed being addition of a drive-through window accessed by a proposed drive around the  
south end of the building.

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):**

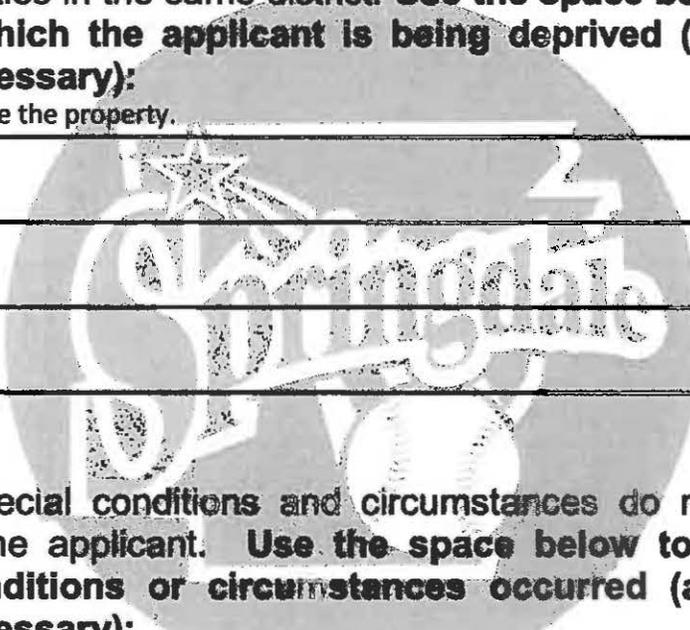
The right to utilize the property.

---

---

---

---



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):**

According to information from the office of the Washington County Assessor, the existing building on

the property was constructed in 1977. Applicant purchased the property in 1998. Constraints due to

the existing building and parcel size pre-date applicant's ownership/control of the parcel.

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.

### ***Additional Variances Requested***

B) Applicant requests a variance reducing the number parking spaces required for the property to allow the building to be served by 8 parking spaces, including 1 handicapped accessible space.

C) Applicant requests a 4% variance of the 10% green space requirement for the property reducing the required greens pace to 6%.

D) Applicant requests a variance deleting the requirement that the property include a loading/unloading area.

E) Applicant requests a variance of the driveway requirements to allow existing drives providing access from 40th Street and Elm Springs Road to remain in their current condition as shown on the attached exhibit.

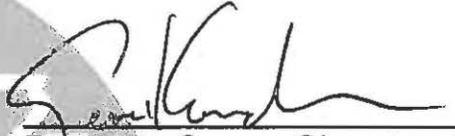
F) Applicant requests a variance of interior and perimeter landscaping requirements to allow continued use of property in its current state.

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.

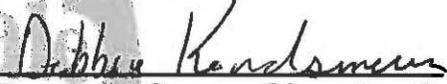
**VERIFICATION**

**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 )  
County of Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13 day of March, 2013.

CYNTHIA SANDERS  
NOTARY PUBLIC - ARKANSAS  
WASHINGTON COUNTY - #12385015  
My Comm. Expires Nov. 4, 2021

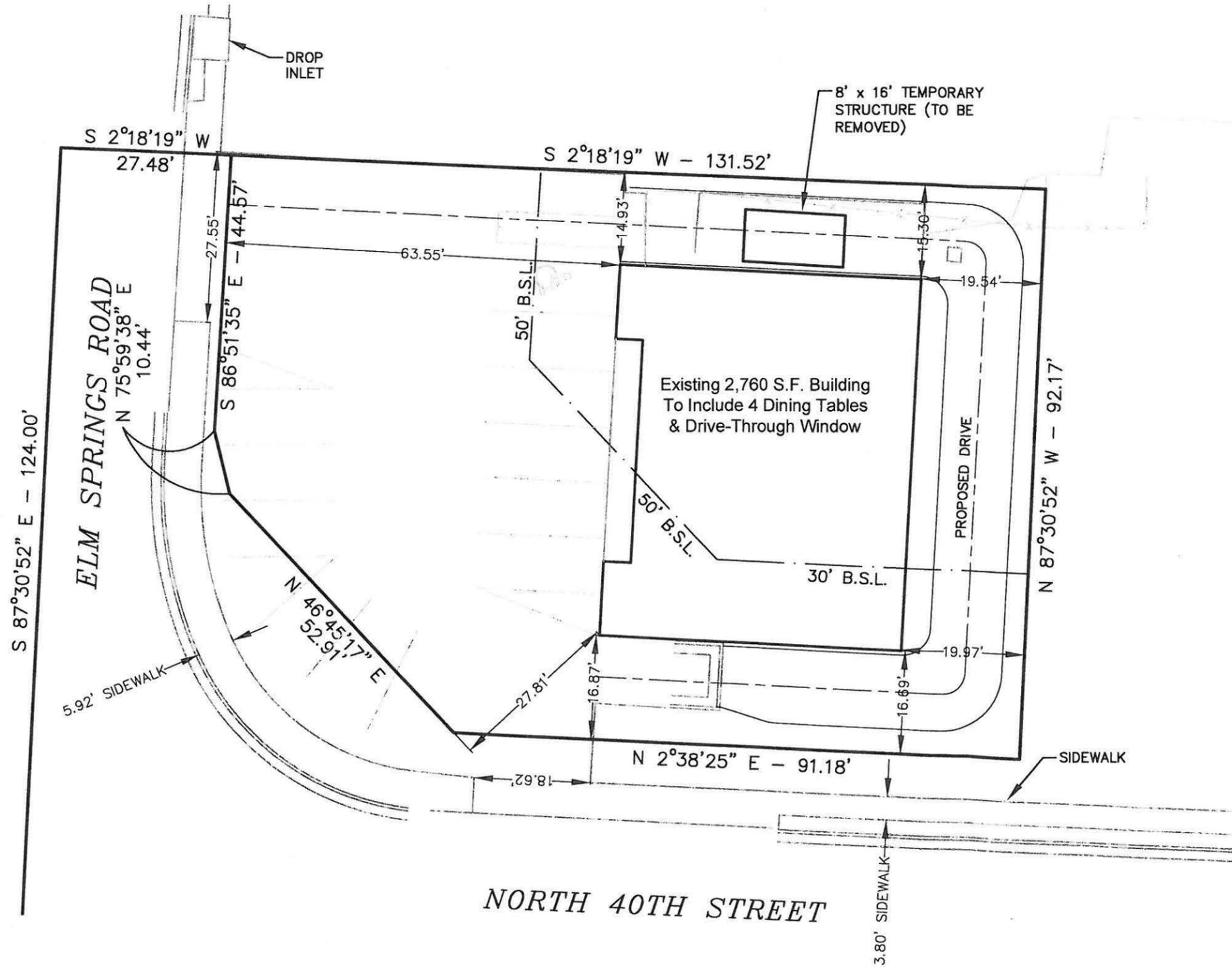
  
\_\_\_\_\_  
Notary Public



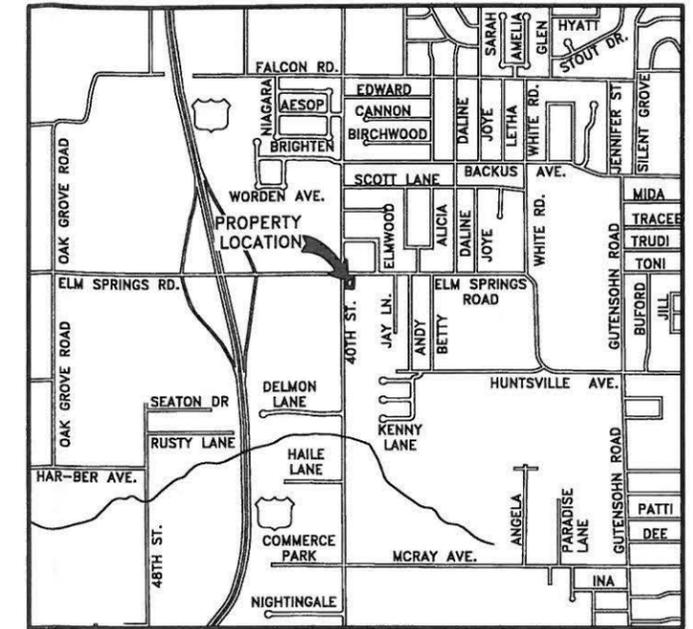
**LEGAL DESCRIPTION:**

Part of the Southwest Quarter of the Northwest Quarter of Section 34, Township 18 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at an existing railroad spike marking the Northwest Corner of the Southwest Quarter of the Northwest Quarter. Thence along the North line of said Forty, South 87 degrees 30 minutes 52 seconds East, 124.00 feet. Thence leaving said North line, South 02 degrees 18 minutes 19 seconds West, 27.48 feet to an "X" cut in concrete on the South right of way line of Elm Springs Road and the Point of Beginning. Thence continue South 02 degrees 18 minutes 19 seconds West, 131.52 feet to a set rebar with cap. Thence North 87 degrees 30 minutes 52 seconds West, 92.17 feet to a set rebar with cap on the East right of way line of North 40th Street. Thence along said right of way, North 02 degrees 38 minutes 25 seconds East, 91.18 feet to an "X" cut in the concrete at the intersection of the East right of way line of South 40th Street and the South right of way line of Elm Springs Road. Thence along the South right of way line of said Elm Springs Road the following bearings and distances: North 46 degrees 45 minutes 17 seconds East, 52.91 feet to an "X" cut in the concrete. North 75 degrees 59 minutes 38 seconds East, 10.44 feet to an "X" cut in the concrete. South 86 degrees 51 minutes 35 seconds East, 44.57 feet to the Point of Beginning, containing 0.26 of an acre and subject to any Easements of Record.



**VICINITY MAP**



**PARCEL #: 815-29819-110**

**PARCEL INFORMATION:**

CURRENT ZONING: C-2  
 PROPOSED ZONING: C-5

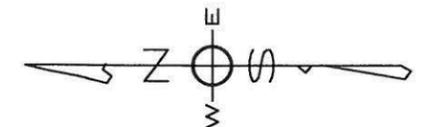
SITE ACREAGE: 0.26 ACRES  
 EXISTING BUILDING: 2,760 S.F.

**PARKING SPACE CALCULATIONS:**

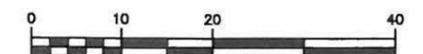
PROPOSED USE: RESTAURANT  
 (1 SPACE PER 100 S.F.)

REQUIRED # OF SPACES: 2,760/100 = 28 SPACES  
 (WITH 2 HANDICAPPED ACCESSIBLE SPACES)

EXISTING SPACES: 8 (W/1 HANCICAPPED ACCESSIBLE)



SCALE: 1" = 20'



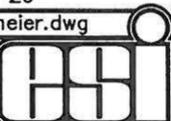
**VARIANCE EXHIBIT**

Parcel Number 815-29819-110  
 Eugene H. And Deborah K. Kordsmeier  
 P.O. Box 162  
 Springdale, AR 72765-0162

DATE: March 6, 2013 SCALE 1" = 20'

DWG: Eng\Daniel\Rezoning\13908-Kordsmeier.dwg

ENGINEERING SERVICES, INC.  
 CONSULTING ENGINEERS AND SURVEYORS  
 1207 S. OLD MISSOURI ROAD  
 SPRINGDALE, ARKANSAS





or licensed land surveyor within the past sixty (60) days. 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.*

DELETION OF PAVED ACCESS REQUIREMENT FOR A TANDEM

LOT SPLIT.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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):

ERIC HUDSON OWNS THE ADJACENT PROPERTY WHICH PROVIDES  
HIM ACCESS TO THE ACREAGE IN QUESTION. IN ADDITION,  
THE 412 BY-PASS IS COMING THROUGH THE LAND, THIS WOULD  
COME ACROSS THE ACCESS AREA.

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):

ARVEST SOLD PART OF THE PARCEL TO ERIC HUDSON, MR. HUDSON  
WAS TOLD IT WOULD NOT BE APPROVEN FOR THE LOT SPLIT.  
SINCE THIS HAS NOT BEEN COMPLETED TO DATE WACO CAN NOT  
ISSUE CLEAR TITLE.

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):

ARVEST SOLD A PORTION OF THE PARCEL TO MR. HUDSON.

---

---

---

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\*

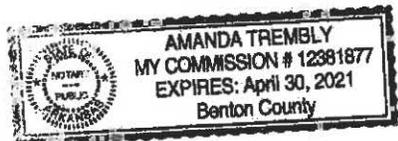
\_\_\_\_\_  
Property Owner Signature\*  
(If different from Applicant)

*\*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 Benton ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 19 day of March, 2013.

[Handwritten Signature]  
Notary Public





Patsy Christie  
Director  
Planning And Community  
Development Division

201 Spring Street  
Springdale, Arkansas 72764  
(479) 750.8550  
(479) 750.8539 fax  
[www.SpringdaleAR.gov](http://www.SpringdaleAR.gov)

## Waiver Request

**Applicant:** City of Springdale, on behalf of the property owner.

**Location:** Wagon Wheel Bend Subdivision (all lots)

**Waiver request:** Size and location of sidewalk due to improperly place utility facilities.

Due to the placement of some of the utility facilities in the Wagon Wheel Bend Subdivision the property owner/developer is unable to place the sidewalks as required by City standards. The Planning and Building Inspection Staff would like to recommend the following waiver request:

In lieu of a 5' sidewalk, allow the property owner/developer to construct a 4' sidewalk on all lots. In areas where utility facilities interfere with the placement of the 4' sidewalk, the owner/developer will be allowed to reduce the sidewalk width to 3' in order to maneuver around said facilities. A 4' sidewalk would also match the existing sidewalk on lot 5.

W13-06

**Patsy Christie**

**From:** Tom Evers [tevers@springdalear.gov]  
**Sent:** Friday, March 15, 2013 11:36 AM  
**To:** pchristie@springdalear.gov  
**Cc:** mchamlee@springdalear.gov  
**Subject:** Wagon Wheel Bend

Hope this is helpful and if you have any questions please call me.

March 14, 2013

Patsy Christie  
Planning Director

Re: Wagon Wheel Bend Subdivision

Patsy,

Here is a brief summary of the sidewalk issue that exists in the Wagon Wheel Bend Subdivision in the western part of the City Of Springdale. As you know the City Of Springdale requires that all new houses in the city have sidewalks built 1' behind the property pin, with 5' sidewalk and 4' green spaces. However this will not be possible in this subdivision as some of the utilities are situated in the area in which the sidewalks are required to be built. Here are a couple of options for you to consider.

It would be possible to build the 5' sidewalk in most locations, but the builder will have to reduce the sidewalk to 3' to maneuver around the electric pedestal and the front curb. This will be a very noticeable reduction and will occur at about 35 to 40% of the lots in this subdivision.

The other option would be to have the builder construct a 4' sidewalk. The builder will still have to reduce the sidewalk to 3' to maneuver around the electric pedestal and the front curb, but it would be less noticeable.

Just so you know lots 23 and 24 that back to Wagon Wheel Road they have a curb however there is an electric pedestal situated in such a manner that only a 3' sidewalk could be built behind the pedestal. This occurs on lot 1 as well in this subdivision.

Tom Evers

Chief Building Inspector  
479-750-8154 Ext 212

3/19/2013











**BILL OF ASSURANCE**

This declaration of a Bill of Assurance made and published on this 1st day of *March, 2011* by *Kenneth K. Austin*, owner of real estate located in the City of Springdale, Washington County, Arkansas, and more particularly described as follows:

**LEGAL DESCRIPTION:**

COMMENCING AT THE SE CORNER OF SAID SECTION 25, THENCE NORTH 88 DEGREES 06 MINUTES 13 SECONDS WEST 473.90 FEET, THENCE NORTH 02 DEGREES 38 MINUTES 11 SECONDS EAST 547.56 FEET TO THE POINT OF BEGINNING, THENCE NORTH 87 DEGREES 58 MINUTES 17 SECONDS WEST 282.30 FEET TO THE EAST RIGHT OF WAY OF NORTH JEFFERSON STREET, THENCE ALONG SAID RIGHT OF WAY NORTH 06 DEGREES 32 MINUTES 00 SECONDS EAST 235.18 FEET, THENCE LEAVING SAID RIGHT OF WAY SOUTH 87 DEGREES 49 MINUTES 49 SECONDS EAST 266.34 FEET, THENCE SOUTH 02 DEGREES 38 MINUTES 41 SECONDS WEST 233.81 FEET TO THE POINT OF BEGINNING, AND BEING SHOWN AS TRACT "B" ON PLAT RECORD "2006" AT PAGE 27985, RECORDS OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO ANY AND ALL EASEMENTS OR RECORD OR FACT.

WHEREAS: the aforesaid owners of the real property have secured from the City of Springdale a temporary waiver of the requirements of certain improvements in connection with following proposed development in the City of Springdale, Arkansas: *at 1129 North Jefferson Street.*

It is hereby agreed that all parties hereto are desirous of making a declaration in the form of this Bill of Assurance of the intention of guaranteeing the preservation of certain values and amenities in the community and binding the owners of the real estate described in the Bill of Assurances, and all subsequent owners of said real estate, concerning the obligations and restriction set forth herein, as such shall be covenants running with the land.

It is further agreed that the above described real property shall be developed, transferred, sold, conveyed, and occupied subject to the following covenants and restrictions:

1. The owners shall construct at their expense the following improvements:

CITY OF SPRINGDALE  
201 SPRING ST., ROOM 203  
SPRINGDALE, AR 72764

