

**SPRINGDALE PLANNING COMMISSION  
COUNCIL CHAMBERS  
5:00 P.M.  
201 SPRING  
APRIL 7, 2015  
Agenda**

- I. **Pre-Meeting Activities**  
Pledge of Allegiance  
Invocation
  
- II. **Call to Order**
  
- III. **Roll Call**
  
- IV. **Approval of Minutes (March 3, 2015)** **PP 4-23**
  
- V. **Tabled Items**
  - A. **R15-09** **Elm Springs Center, LLC**  
**NW corner of Elm Springs Rd. & N. 40<sup>th</sup> St.** **PP 37-44**  
**From C-2 to C-5**  
Presented by Crafton Tull
  
- VI. **Public Hearing – Rezoning**
  - A. **R15-10** **Randall C. Evans Revocable Trust**  
**1123 Crutcher** **PP37-44**  
**From MF-12 to C-2**  
Presented by Randy Evans
  
  - B. **R15-11** **Glen Fenter**  
**Vacant lot directly east of** **PP 45-52**  
**607 James Avenue**  
**From MF-12 to C-2**  
Presented by Mike Price
  
  - C. **R15-12** **Storm Brewery, LLC**  
**321 & 323 E. Emma Avenue** **PP 53-59**  
**From C-2 & I-1 to C-3**  
Presented by Trey Holt, or Leonard Orpin  
or John A. Handley
  
  - D. **R15-13** **Edward & Leticia Vega**  
**1100 S. Thompson** **PP 60-67**  
**From C-2 to C-6**  
Presented by Tim Salmonsens

**VII. Public Hearing – Conditional Use**

- A. C15-05 Michael D. Cross **PP 68-75**  
13168 Robbins Road
- LS15-05 Tandem Lot Split on  
13168 Robbins Road
- B15-11** **Variance for deletion of paved**  
**access requirement**  
 Presented by USI Consulting Engineers

**VIII. Lot Split**

- A. LS15-05 Michael D. Cross  
Tandem Lot Split  
13168 Robbins Rd.  
 Presented by USI Consulting Engineers

**IX. Large Scale Developments**

- A. L15-06 Multi-Craft Contractors **PP 76-80**  
2300 N. Lowell Road  
 Presented by Engineering Services, Inc.

**X. Board of Adjustment**

- A. B15-11 Michael D. Cross  
13168 Robbins Road  
 Variance for deletion of paved  
 access drive requirement  
 Presented by USI Consulting Engineers
- C. B15-13 D&K Investments, Inc. **PP 81-84**  
5299 Callahan Mountain Road  
 Variance for deletion of paved  
 access requirement  
 Presented by Blew & Associates
- D. B15-14 Ozark Import Specialists, Inc. **PP 85-89**  
3802 Kelley  
 Variance for deletion of opaque  
 fence requirement  
 Presented by Eric or Shandra Vining
- D. B15-15 Furniture Max **PP 90-96**  
216 W. Robinson Ave.  
 Variance for off-site sign  
 at above location  
 Presented by Mark Osburn

- E. B15-16**      **Furniture Max**  
**105 W. Robinson Ave.**      **PP 97-120**  
Variance for off-site sign  
at above location  
Presented by Mark Osburn
  
- XI. Waivers**

  - A. W15-01**      **Jim Jones Construction Co.**      **PP 121**  
**115 Blue Stem**  
Waiver of sidewalk requirement  
Presented by Jim Jones
  
- XII. Other**

  - A. C15-01**      **Naan Eo Emman (Good News Church)**      **PP 122-130**  
**3020 W. Huntsville Road**  
**Use Unit 42 (Church/Synagogue) in a**  
**C-2 Zone**  
Presented by Larry Graber
  
- XIII. Planning Director's Report**
  
- XIV. Adjourn**

The Springdale Planning Commission met in regular session on Tuesday, March 3, 2015 at 5:00 p.m. in the City Council Chambers.

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

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

Roll call was answered by:

Bob Arthur – Vice Chairman  
 Gary Compton  
 Roy Covert  
 Joe Dunn  
 Vivi Haney – Secretary  
 Mitch Miller  
 Kevin Parsley – Chairman  
 Brian Powell

Mr. Parsley welcomed two new Planning Commissioners, Gary Compton and Joe Dunn.

Also in attendance were Ms. Patsy Christie, Director of Planning and Community Development, Clayton Sedberry, GIS and Planning Coordinator and Sara Sparkman, Assistance City Attorney.

Ms. Vivi Haney moved to approve the February minutes. Mr. Miller seconded the motion. By a voice vote of all ayes and no nays the February minutes were approved by a unanimous vote.

Public Hearing

- A. Proposed update to the Master Trail Plan  
 Presented by Patsy Christie

Ms. Christie said the city has had a Master Trail Plan for years and the Northwest Arkansas Regional Planning Commission has been working with the cities in the region to develop a region-wide Master Trail Plan so that all the trails can be connected so that persons can travel from one city to another by way of the trail system. She noted the best example is that of the Razorback Greenway which connects Bella Vista to Fayetteville.

She stated the trail plan that is being displayed on the wall is the same as the city has had for several years with the addition of a connection, what is referred to as Deane's trail, which takes off from the Razorback Greenway and across 265 and follows the property that belongs to the Rodeo and crosses the creek and goes along the industrial property and goes down to the area around Parson Hills school and crossing or maybe a tunnel that would go under Highway 412 close to the fire station and the school property. It would follow the creek down and going underneath Don Tyson Parkway where there is already a tunnel and eventually tying into the Botanical Gardens. It also shows an extension of a trail that has been identified by the Trails Committee that has

been identified as the "Pride of Springdale" trail which would connect Springdale High School and Har-Ber High School which would also give a connection to the Razorback Greenway on the west side. It also shows the extension of a trail from the Lake Springdale Trailhead that would go by the mountain bike trail just west of the wastewater treatment plant. There would be a concrete trail that would follow the creek and go underneath I-49 to 56<sup>th</sup> Street.

She further stated it includes secondary trails that tie all the school systems together. She said she thought all the schools in Springdale have a joint use agreement trail built on the school trail itself.

She said that those are the major changes that will be seen on the site plan. The trails committee has been working on the plan for about a year with the Regional Planning Commission and the other cities in the area.

She further stated that the Master Trail plan gives cities the opportunities for future funding.

The design and layout of Deane's Trail is underway. The Council approved hiring an engineering firm and has been out walking and looking at different locations for the trail to go through. There should be a conceptual plan ready by the first of May. She also said the grand opening for the Razorback Greenway is May 2, 2015 in downtown Springdale. Different groups will begin in the various cities and converge at downtown Springdale at approximately 11:00-11:30 a.m.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Parsley asked if the Master Trail Plan would be on a rotation for review with the Street Plans.

Ms. Christie stated they would in all likelihood add the Master Trail Plan to the same rotation as the Master Street Plan.

The motion would be to forward to Council with a recommendation for approval.

Mr. Arthur made the motion. Ms. Haney seconded the motion.

**VOTE:**

**YES:** Arthur, Compton, Covert, Dunn, Haney, Miller, Parsley, Powell

**NO:** None

The motion to forward to Council with a recommendation for approval was approved by a unanimous vote.

- B. Proposed Amendment to the Master Street Plan to remove extension off Electric Avenue as a minor collector From Butterfield Coach Road to Habberton Avenue  
Presented by Patsy Christie

Ms. Christie stated that the school district is looking to build the new school of innovations on the east side of Hylton Road across from the junior high. The Master Street Plan shows an extension of Electric Avenue through there. She said that she met with Dr. Rollins and Staff members to talk about options that might be available. It was determined that rather than taking action at this time and taking the proposal completely off, it was decided to table it so that the interested parties could sit down and work out a way that will make that connection work for the school and be able to preserve a corridor through there as the development moves forward. She said this is the year to review the Master Street Plan and at the next work session the Commissioners will begin looking at the overall Street Plan and will look at this section in particular.

Public Hearing – Rezoning

- A. R15-07 B & J Family Limited Partnership  
2757 Lowell Road  
From C-2 to I-1  
Presented by Bob Wood

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

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates Commercial use.

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

Encourage the development of industries that further diversify and stabilize the City's economic base that are compatible to the labor force, raw materials and industrial climate and provide space for new and expanding high technology industries with low environmental impact.

Assure adequate land allocation for industrial growth protected from encroachment by non-industrial use.

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

There were none.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Arthur, Compton, Dunn, Covert, Haney, Miller, Parsley

**NO:** None

**ABSTAIN:** Powell

The rezoning was approved by a vote of seven (7) yes and one (1) recusal.

Ms. Christie stated for the record that Staff would prepare the ordinance to go to Council, at the request of Mr. Wood, on Tuesday, March 10, 2015 at 6:00 p.m.

B. R15-08      Temple Baptist Church  
                    2987 Cambridge  
                    From SF-2 to P-1  
                    Presented by Don Elmore

Mr. Don Elmore, pastor of the church, was present to answer any questions or comments. He stated they wanted to open a day care facility in the church and to do so would require the rezoning to P-1.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

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

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. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Mr. Miller called for the vote.

**VOTE:**

**YES:** Compton, Dunn, Covert, Haney, Miller, Kevin Parsley, Powell,  
                    Arthur

**NO:** None

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record that Staff would prepare the Ordinance to go to Council on Tuesday, March 24, 2015 at 6:00 p.m.

- C. R15-09 Elm Springs Center, LLC  
NW corner of Elm Springs Road  
And North 40<sup>th</sup> Street  
From C-2 to C-5  
Presented by Crafton Tull

This request was tabled due to no one being present to present the request.

Public Hearing – Conditional Use

- A. C15-01 Naan Eo Emman (Good News)  
3020 W. Huntsville Avenue  
Use Unit 42 (Church/Synagogue) in C-2  
Presented by Larry Graber

Mr. Graber was present to answer any questions or comments. He said that he owned the building and was previously used as a church and church offices.

Mr. Parsley asked for Staff comments.

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

**Unacceptable** 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.  
**Occupancy established by Fire Marshal 298. Requires 63 spaces, only 39 provided.**

**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.

**Acceptable** Screening and buffering with reference to type, dimension and character.

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

**Acceptable** Yard requirements and other open space requirements.

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

**Acceptable** 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.

General compatibility with adjacent properties and other property in the general district. **Services to be as follows:**

**Monday/Tuesday 10:00 a.m.-11:00 a.m.  
6:00 p.m. – 7:00 p.m.**

**Thursday 6:00 p.m. – 7:00 p.m.**

**Friday 6:00 p.m. – 7:00 p.m.**

**Saturday 9:00 a.m. – 10:00 a.m.**

**Sunday All Day**

**Must comply with sound ordinance & must comply with building and Fire code requirements.**

Ms. Christie asked Fire Marshall Duane Miller about the occupancy on the building.

Mr. Miller stated that the total building occupancy was 298 for an A3 church facility. There are two suites and as long as they use the areas and rooms for what the church said they would which made it come out just under 300 which would require alarms and sprinklers.

Ms. Christie asked what the occupancy was at the church before the Good News.

Mr. Miller said he did not.

Ms. Christie asked if the church was going to use both sides of the building.

Mr. Graber said one side would be the church and the other offices.

Ms. Christie pointed out that if the conditional use is granted, it will be with the understanding that only the side designated for assembly may be used for that purpose.

She further stated that the required parking spaces were for 63 and there are only 39 parking spaces provided.

Mr. Graber said he owned the lot next to it and he will provide a shared parking agreement for the church.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney wanted it noted that they must provide a shared parking agreement before the conditional use goes to council.

Mr. Brian Powell called for the vote.

It should be noted at this time that Commissioner Charles Gaines was present.

**VOTE:**

**YES:** Covert, Gaines, Haney, Miller, Parsley, Powell, Arthur, Compton, Dunn

**NO:** None

The conditional use was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the Resolution to go to Council on Tuesday, March 24, 2015 at 6:00 p.m.

- B. C15-02 Smith Communications, LLC  
Grimsley Road  
Use Unit 33 (Self-supporting tower, or  
Antenna structure or monopole  
Presented by David Reynolds

David Reynolds with Smith Communications, LLC was present to answer any question or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

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

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

**N/A** Refuse and service areas, with particular reference to the item in 1 and 2 above.

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

- Acceptable** Screening and buffering with reference to type, dimension and character.
- N/A** Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
- N/A** Yard requirements and other open space requirements.
- Acceptable** The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.
- N/A** Proposed landscaping meeting the requirements of this ordinance. Landscaping may be increased in accordance with the judgment of the planning commission to accomplish the desired protective and aesthetic effect.
- Acceptable** General compatibility with adjacent properties and other property in the general district.

Mr. Parsley asked if there were those in the audience that had any questions or comments.

There were none.

Mr. Miller called for the vote.

**VOTE:**

**YES:** Dunn, Covert, Gaines, Haney, Miller, Parsley, Powell, Arthur, Compton  
**NO:** None

Ms. Christie stated for the record that Staff would prepare the Resolution to go to Council on Tuesday, March 24, 2015 at 6:00 p.m.

- C. C15-03 D&K Investments, LLC  
5299 Callahan Mountain Road
- LS14-23 Tandem Lot split  
5299 Callahan Mountain Road  
Presented by Blew & Associates

Mr. David Carpenter was present on behalf of D&K Investments, Inc. to answer any questions or comments regarding his request.

Heath Myers with Blew and Associates was also present.

Mr. Carpenter said he wanted to separate the two acre lot from the rest of the parcel.

Mr. Parsley asked for Staff comments.

A conditional use for a tandem lot must be applied for and approved by the Planning Commission and City Council.

A 25' access easement with a minimum 15' wide paved drive is required to the tandem lot.

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

Ms. Christie further stated since Mr. Carpenter didn't ask for a variance regarding the paving of the access easement, it must be paved.

If he doesn't want to pave the access drive, she told Mr. Carpenter that he must apply for a variance.

Mr. Parsley asked if there were comments from the audience.

There were none.

Mr. Covert called for the vote on the conditional use.

**VOTE:**

**YES:** Gaines, Haney, Miller, Parsley, Powell, Arthur, Compton, Dunn, Covert

**NO:** None

Ms. Haney moved to approve the lot split subject to Staff comments. Mr. Miller seconded the motion.

**VOTE:**

**YES:** Haney, Miller, Parsley, Powell, Arthur, Compton, Dunn, Covert, Gaines

**NO:** None

The lot split was approved, subject to Staff comments, by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the resolution to go to Council on Tuesday, March 24, 2015 at 6:00 p.m.

- D. C15-04 Dusty & Veronica Graham  
SW corner of 56<sup>th</sup> St. & Bob Mills Rd.
- LS15-06 Tandem lot split  
SW corner of 56<sup>th</sup> St. & Bob Mills Rd.  
Presented by Engineering Services, Inc.

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

He said his client is proposing to split the eleven (11) acre tract into three (3) large tracts that will be over three (3) acres each. They will pave the 25' access easement and 15' access road.

He said they are potentially looking for a secondary access to tract one (1) in the back in the Elm Springs portion. It could potentially come from the north on lot 9. Right now they are proposing to pave and access tract one from Janice but potentially through Bob Mills in the future. He said they might eliminate the paving along tract 2 which is the middle piece from Janice. They would pave all the way to tract 2 from Janice but just not the piece in tract 2.

Ms. Christie stated they have to have a paved access to that lot from a public street.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

A conditional use for a tandem lot must be applied for and approved by the Planning Commission and City Council.

A 25' access easement with a minimum 15' wide paved drive is required to the tandem lot.

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

Mr. Parsley asked if there were those in the audience that had any comments.

Ms. Leanne Franco asked if they were planning on paving an access from Bob Mills to Janice Lane.

Mr. Appel said they have no plans to improving the access point.

Ms. Christie asked Mr. Appel to show Ms. Franco on the site plan where the access road will be going.

Ms. Haney called for the vote on the conditional use.

**VOTE:**

**YES:** Miller, Parsley, Powell, Arthur, Compton, Dunn, Covert, Gaines, Haney

**NO:** None

The conditional use was approved by a unanimous vote.

Ms. Haney moved to approve the lot split subject to Staff comments. Mr. Miller seconded the motion.

**VOTE:**

**YES:** Parsley, Powell, Arthur, Compton, Dunn, Covert, Gaines, Haney, Miller

**NO:** None

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

Ms. Christie stated for the record Staff would prepare the resolution to go to Council on Tuesday, March 24, 2015 at 6:00 p.m.

Preliminary Plats, Replats and Final Plats

- A. RP15-02 Legendary Subdivision Phase I  
Lots 224 & 225  
SE corner of Devonshire & W. Miller Rd.  
 Presented by Engineering Services, Inc.

Mr. Jason Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments. He said they were basically taking two lots in Legendary and combining them into one.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

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

Mr. Parsley asked if there were those in the audience that had any questions or comments.

There were none.

Mr. Covert moved to approve the replat subject to Staff comments. Ms. Haney seconded the motion.

**VOTE:**

- YES:** Powell, Arthur, Compton, Dunn, Covert, Gaines, Haney, Miller, Parsley
- NO:** None

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

Lot Splits

- A. LS14-23 D&K Investments, Inc.  
Tandem Lot Split  
5299 Callahan Mountain Road  
 Presented by Blew & Associates

This tandem lot split was approved in conjunction with the conditional use.

- B. LS15-06 Dusty & Veronica Graham  
Tandem Lot Split  
SW corner of 56<sup>th</sup> St. & Bob Mills Rd.  
 Presented by Engineering Services, Inc.

This tandem lot split was approved in conjunction with the conditional use.

Large Scale Developments

- A. L15-05 Fig Tree Steel  
SE corner of Carondelet & County Line Road  
Concept of Detention
  - B15-10 A. Variance for reduction of required parking Spaces from 93 to 50
  - B. Variance for overhead utilities to remain as is
  - C. Variance for deletion of requirement that all storage Areas be paved or chip sealed
  - D. Variance for deletion of requirement for screening
  - E. Variance to allow existing screening along residential Properties to remain
- Presented by Engineering Services, Inc.

Mr. Appel with Engineering Services, Inc. was present on behalf of his client to answer any questions or comments. He said the main goal is to add a paint booth to the southern end of the property and to add a paved driveway back to that area. They are also doing some re-grading in the back area as they were experiencing some flooding problems. He further stated they had added parking and some landscaping to the front.

Mr. Appel further stated along the west property line there is a heavily vegetated fence line that they didn't want to disturb and the paved storage area variance request is for the east side of the property that is adjacent to the railroad tracks.

Ms. Christie asked if the overhead power line was along the railroad.

Mr. Sedberry pointed out that it was the service line to the building.

Ms. Christie asked if they were going to put down 4" of gravel.

Mr. Appel said they could put down 4" of gravel.

Ms. Christie then read the Staff comments.

Planning Comments

Add additional parking stall to meet minimum requirements or a variance is required.

All storage areas are to be paved or chip sealed.

All open storage areas must be screened with an 8' opaque screening fence.

A screening fence is required in accordance with Chapter 56. Show trees associated with screen.

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.

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

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**

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

**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 .

Sect 107 The site area of disturbance is greater than 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$500.00 fee, in accordance with Chapter 107, must be submitted to the Planning Office prior to final approval of construction plans. See Applications & Forms / Grading at [http://www.springdalear.gov/departments/planning and community development/](http://www.springdalear.gov/departments/planning%20and%20community%20development/)

She further stated the 20' wide drainage has to have access from the road.

Mr. Appel asked if that had to be a filed access and Ms. Christie stated that it did.

Mr. Parsley asked if there were those in the audience that had comments or questions.

There were none.

Mr. Covert asked that if they were going to consider a parking variance then he would request that there be three (3) landscaped parking islands across the property.

Mr. Arthur and Ms. Haney both stated that the overall visual appearance of the property needed to be cleaned up.

Ms. Christie said that talking about the screening and being able to enforce it are two different things. She wanted to know how the commission wanted to deal with the variance for the screening.

Ms. Haney stated she wanted to take the variance regarding the existing screening along the residential properties separately. It is the screening regarding the north and west side of the property.

After some discussion, it was decided by Mr. Appel to withdraw the variance request to allow existing screening along residential properties to remain.

It was determined that instead of paving or putting down a chip seal, the client will put down four (4) inches of gravel. There will not be a Bill of Assurance.

Ms. Haney called for the vote on the Concept of Detention.

**VOTE:**

**YES:** Arthur, Compton, Dunn, Covert, Gaines, Haney, Miller, Parsley, Powell  
**NO:** None

The Concept of Detention was approved by a unanimous vote.

Mr. Arthur called for the vote on all the variances as modified.

**VOTE:**

**YES:** Compton, Dunn, Covert, Gaines, Haney, Miller, Parsley, Powell, Arthur  
**NO:** None

All variances, as modified, were approved by a unanimous vote.

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

**VOTE:**

**YES:** Dunn, Covert, Gaines, Haney, Moller, Parsley, Powell, Arthur, Compton  
**NO:** None

The large scale development was approved subject to Staff comments by a unanimous vote.

Board of Adjustment

- A. B15-05 RC Eastview, LLC  
1945 Butterfield Coach Road  
Variance for off-site sign  
Presented by Justin Williams

Mr. Williams was present on behalf of RC Eastview, LLC to answer any questions or comments. He said his request is for signage on Butterfield Coach Road for a subdivision. It will be located at Butterfield Coach Road and Highway 412.

Mr. Parsley asked for Staff comments.

Ms. Christie stated that she is not a proponent of off-site signs.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Ms. Haney said she had an issue because Rausch Coleman already has three (3) signs regarding the Eastview Subdivision on the corner of Butterfield Coach and Friendship Roads. She said there was one in the middle of a lot and there is a huge banner on the fence line. She felt the problem they will be running into is if this variance is granted then others will follow with other subdivisions.

Mr. Covert asked if this sign would be replacing any other signs.

Mr. Williams said that it would. He said the sign to the north of Friendship Road is getting taken down per the City of Springdale. The City has asked them to remove that sign.

Ms. Christie asked how long they intended the sign to stay.

Mr. Williams thought it would be eight to twelve months. He said it would be promoting the open house that begins on April 1. It isn't a permanent sign, it is a sled sign. They will be removing it after eight to twelve months.

Mr. Arthur said that if they go south of 412 and go down Butterfield Coach Road, there are many signs.

Mr. Williams said that it will be a directional sign and it will be temporary.

Mr. Arthur asked if they could put a time parameter on how long the sign could remain.

Ms. Christie stated they don't normally do a variance with a time limit.

Per Ms. Brakeman, the assistant City Attorney, a time limit could be set.

Ms. Christie said they could have the variance read the sign must be removed by March 1, 2016. She said that is assuming the variance passes.

Mr. Miller asked if Rausch Coleman would be the only one building houses in the subdivision.

Mr. Williams said they would be.

Ms. Christie asked if RC owned all the lots.

Mr. Williams stated he thought Crye Leike has some lots. He said there will not be anyone else developing on the property.

Ms. Christie pointed out that RC could sell some of the lots to another developer for them to build on.

Ms. Christie asked if they would put into the variance if RC sells a lot to another builder the sign has to come down.

Mr. Williams said they could do that.

Mr. Mike Chamlee with Building Inspection said he thought Riggins Construction had some lots in the Eastview Subdivision.

Mr. Parsley said he thought there were a lot of stipulations being added to the variance.

He also stated that Rausch Coleman has come before the Commission with several requests in the past and he feels that it is as if they assume they will get what they ask for. His example was that RC had built a house and the driveway wasn't as it should have been as far as the slope goes. The Commission denied the request. He said that if RC is going to be a responsible they need better representation in the future. He pointed out that what he said was in no means directed at Mr. Williams, just at RC in general.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Arthur

**NO:** Covert, Gaines, Haney, Miller, Parsley, Powell, Compton, Dunn

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

Ms. Christie stated for the record that RC may be appealed to City Council through the City Clerk's office. It must be filed within fifteen (15) days in writing stating why the Commission erred in its decision.

- B. B15-07 Triple "T" Foods  
1013 N. Jefferson St.  
Variance for deletion of paved parking requirement  
Presented by Glen Carter

Mr. Carter was present on behalf of his client to answer any questions or comments. He said this is an update to a large scale development. He stated it their intention to show Staff and the commission exactly what is there and what their plans are.

Mr. Parsley asked for Staff comments.

Ms. Christie asked if they were asking for the deletion of paved parking without a two year Bill of Assurance.

Mr. Carter said their intention is to pave the area to the west.

Ms. Christie asked if they would be switching where they park to the west after it is paved.

Mr. Carter said that was correct.

Ms. Christie stated it is just a temporary time to park on the gravel until they get the parking paved.

Mr. Carter said that was correct.

Ms. Christie asked how long that would take.

Mr. Carter said he didn't know. The negotiations with the lot owners are taking longer than they had anticipated. He said they have one lot purchased and they need one more.

Ms. Christie said that if the variance was granted with a two year Bill of Assurance, then it would give Mr. Carter's client two years to get everything in order. She said this way there is a time frame attached and not just left open.

She further stated that they could not park in the grass and that they would have to have four (4) inches of gravel for parking.

The variance would be amended to include a two year Bill of Assurance and that there would be no parking in the grass and four (4) inches of gravel would be in place for vehicles to park on.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Ms. Haney called for the vote on the variance as amended.

**VOTE:**

**YES:** Gaines, Haney, Miller, Parsley, Powell, Arthur, Compton, Dunn, Covert

**NO:** None

The variance as amended was approved by a unanimous vote.

C.     B15-08     Charlene Simmons  
                  515 Park Street  
                  Variance for deletion of paved parking  
                  Requirement subject to a two year Bill  
                  Of Assurance  
                  Presented by Charlene Simmons

Ms. Simmons was present to answer any questions or comments. She said she would pave her parking but due to unforeseen medical problems and the associated bills she is unable at this time to pave. She has gravel so there is no parking on grass.

Mr. Jim Reed who is on the Springdale City Council spoke on Ms. Simmons behalf. He further stated that he feels due to her circumstances that a three year Bill of Assurance would probably work better for Ms. Simmons.

Mr. Parsley asked if there were those in the audience that had questions or comments.

There were none.

Mr. Arthur asked why the house to the north of Ms. Simmons and has a drive that is next to hers doesn't have to pave their driveway.

Ms. Simmons said her neighbor has some gravel on her driveway.

Ms. Missha Wagoner, with Community Engagement said that they have addressed every property on both sides of the street on Park Street. She said that if there is an existing gravel driveway and they can go back several years and see that it has always been gravel, then they will allow them to keep it as long as they keep gravel on it.

Ms. Christie stated the variance would be for gravel to be placed in the driveway with a three year Bill of Assurance.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Haney, Miller, Parsley, Powell, Arthur, Dunn, Covert, Gaines

**NO:** None

**ABSTAIN:** Compton

The variance for gravel to be placed in the driveway with a three year Bill of Assurance was approved by a vote of eight (8) yes and one (1) recusal.

- D. B15-09 Nancy Kessler  
710 Mill Street
    - A. Variance for a reduction of side setback  
From 8' to 5'
    - B. Variance for reduction of rear setback  
From 20' to 15'
- Presented by Nancy Kessler

Ms. Nancy Kessler and Ms. Rebecca Kessler were both present to answer any questions or comments regarding the variance requests. Ms. Rebecca Kessler said they had built a hobby shed. She thought they were building without a permit as they thought they had looked up the correct building codes for the shed. She said it was built under a tree which is in the rear setback.

Ms. Nancy Kessler said they built it under the Magnolia tree because nothing was growing there anyway and if they built it further out, it would infringe on their garden area.

Mr. Parsley asked for Staff comments.

Ms. Christie asked Mr. Chamblee if the Kessler's were required to have a building permit.

He said they needed one but started without it.

Ms. Christie said she had an email that needed to be set in the record.

I urge the Planning Commission to not grant a set back variance to the residents at 710 Mill Street. The photos show a fire hazard, an ugly building that looks like it was started without permission, and it looks like a place for junk. The idea it is for hobbies is amazing since it looks like it does not have much room. "Eyesore that needs a set back???" was my first reaction.

It appears they should have went through the process before they started building and they got caught. They should move it if permitted and be required to finish it, or tear it down. If they would have followed the process and law, they would not have this issue.

With all the money and attention to downtown and the movement of citizens to clean up Mill Street through private investment and requested public investment in sidewalks from the city, I think this kind of structure is incompatible with the future of the downtown area and needs to be discouraged.

Thank you.

Heath Ward  
Resident of Mill Street

Ms. Rebecca Kessler said she had pictures in addition to the pictures that were included in the planning packets.

Mr. Parsley asked if the fire department had any comments.

Mr. Duane Miller, Springdale Fire Marshal, stated that the fire department does not support either side or rear setbacks. The building code would require if it is within ten feet of the lot lines to be fire rated inside and out.

Ms. Rebecca Kessler said that Mr. Tom Evers with building inspection suggested they ask for the variances.

Mr. Parsley asked if there were those in the audience with questions or comments.

There were none.

Mr. Miller asked what the time frame for finishing the project and he wanted to know if the Kessler's were doing the building or if they had it contracted.

Ms. Rebecca Kessler said they are doing it themselves and it would be finished by the end of the summer. She said all they have left is the siding and the roof.

Ms. Christie stated if they keep the shed in the present location, from what Mr. Chamlee and Mr. Miller said, the Kessler's would have to have fire rated walls which would create a longer time to finish.

Mr. Chamlee said if it remains where it is, sheetrock would have to be installed on the inside as well as the outside.

Mr. Covert called for the vote.

**VOTE:**

**YES:** Miller, Powell, Arthur, Covert

**NO:** Parsley, Compton, Dunn, Gaines, Haney

The variances were denied by a vote of four (4) yes and five (5) no.

Mr. Christie stated for the record that they may appeal the decision through circuit court within thirty (30) days. If they choose not to appeal, the building must come down within seven (7) days.

Planning Director's Report

Ms. Christie said there would be a work session on March 17, 2015 at 5:30 in the Multi-purpose room. They will start on the Master Street Plan.

There being no further business, the meeting was adjourned at 6:38 p.m.

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**Kevin Parsley, Chairman**

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**Vivi Haney, Secretary**

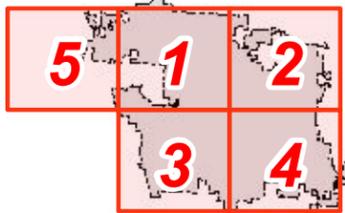
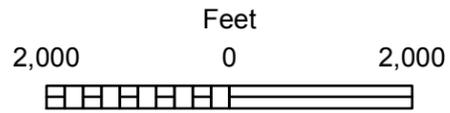
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**Patsy Christie, Director  
Planning and Community Development Division**

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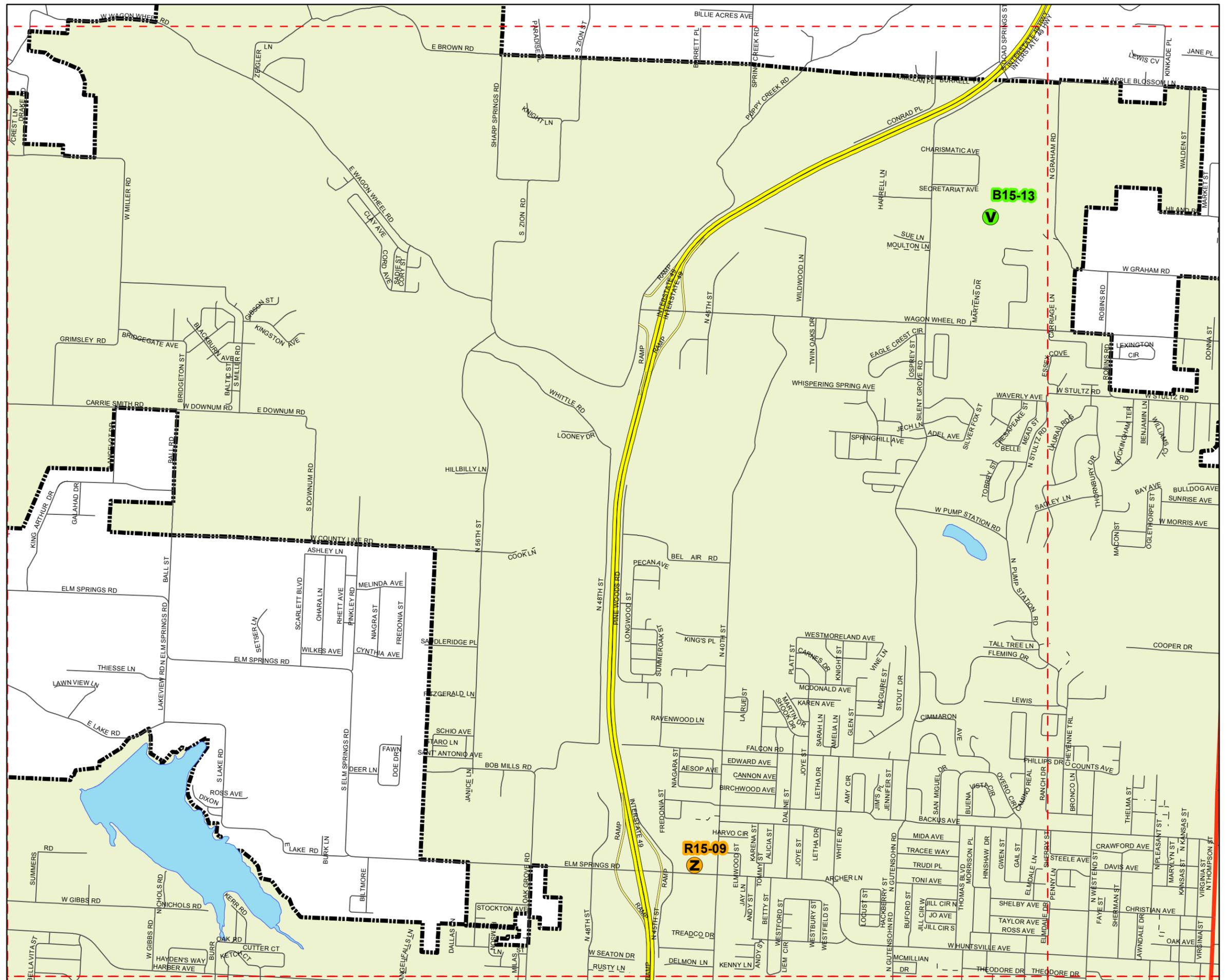
**Debbie Pounders, Recording Secretary**

**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 7, 2015**

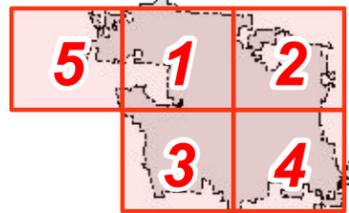
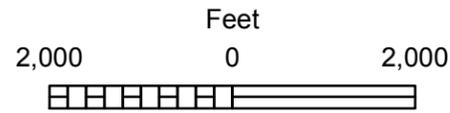


**SHEET 1**

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

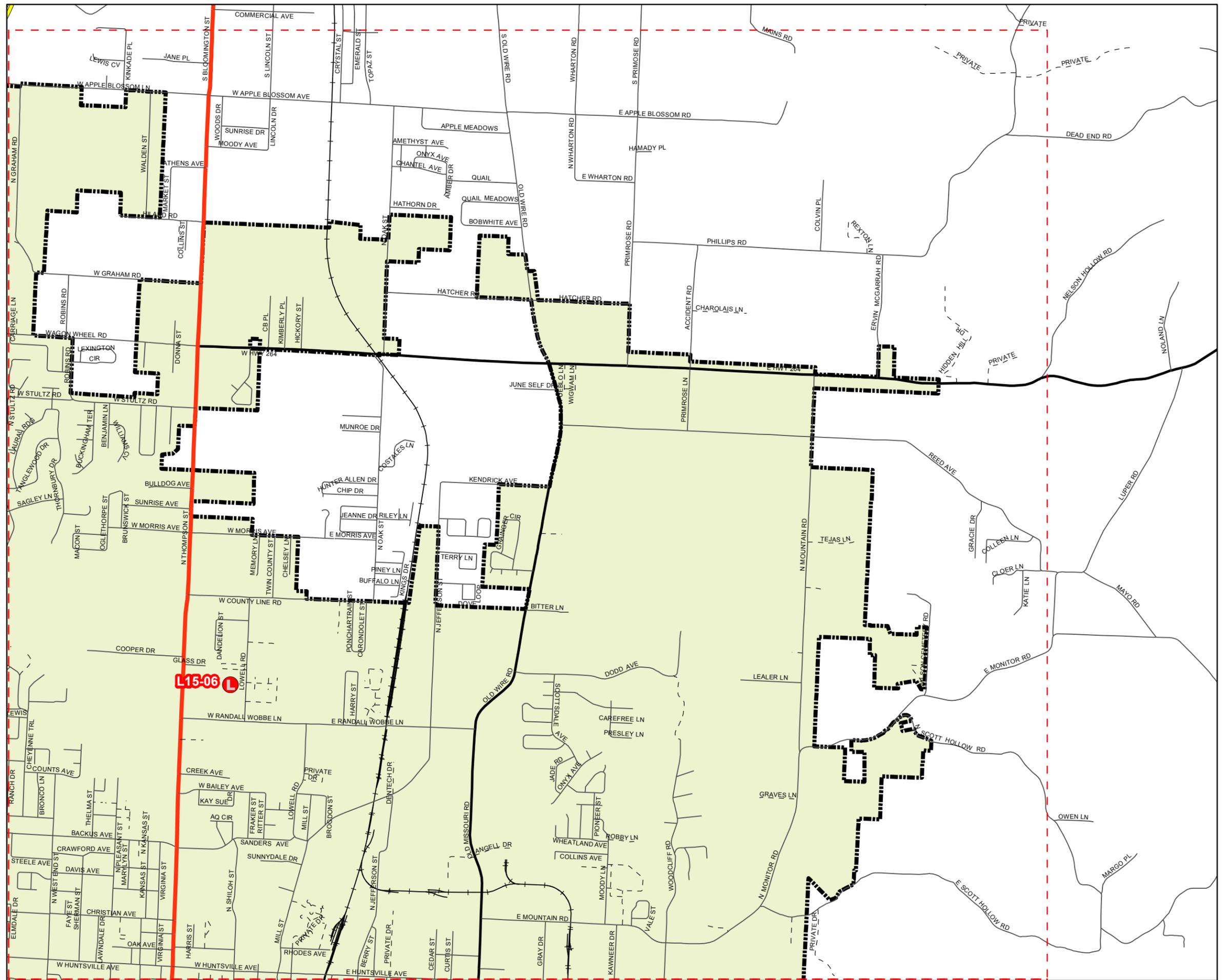


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 7, 2015**

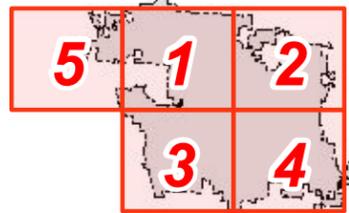
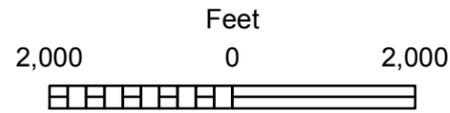


**SHEET 2**

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

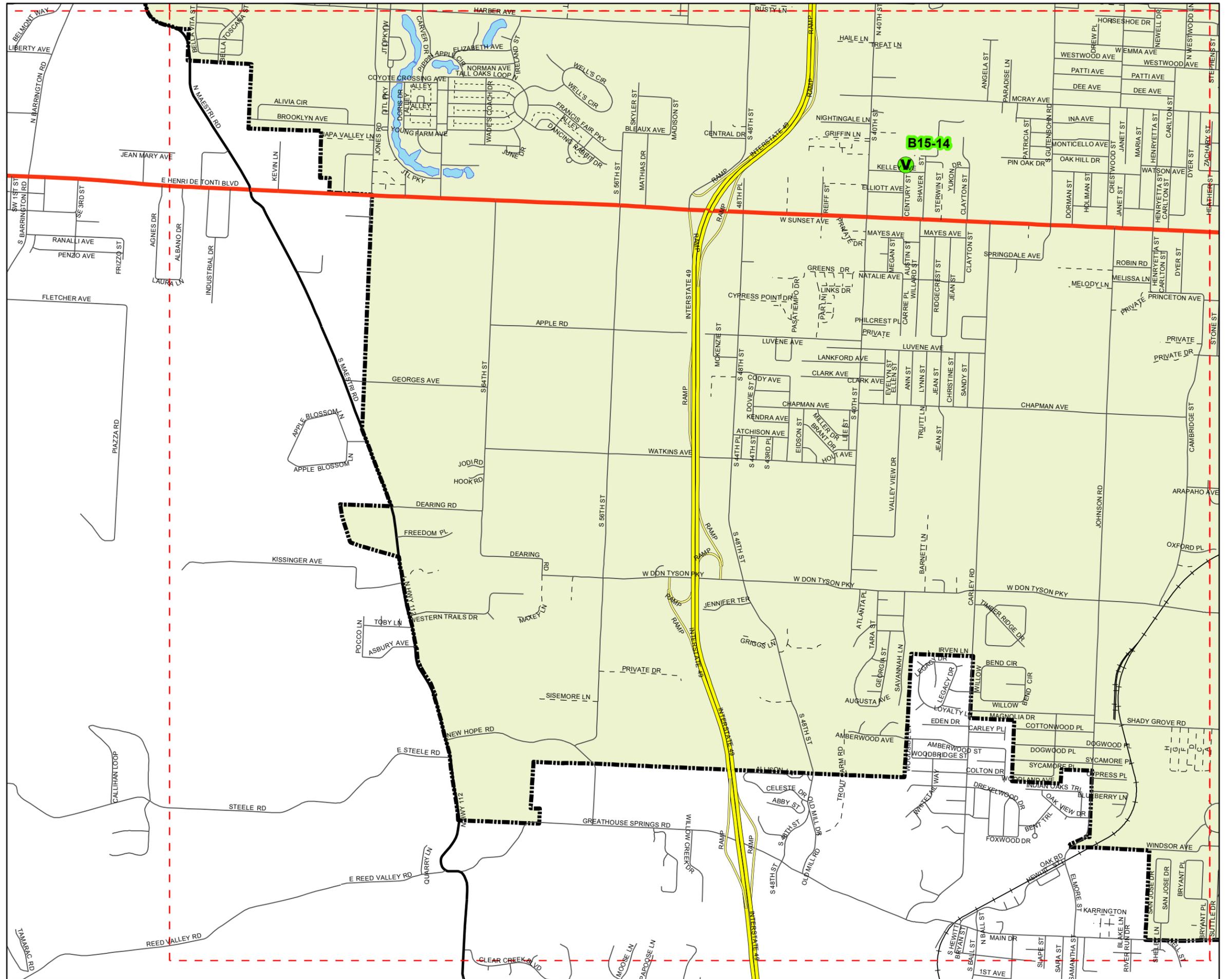


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 7, 2015**

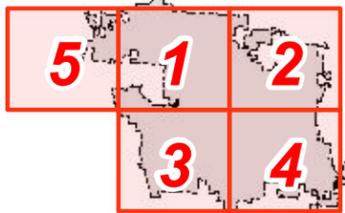
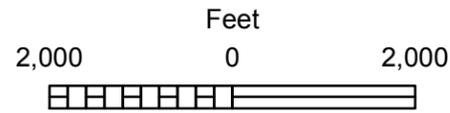


**SHEET 3**

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

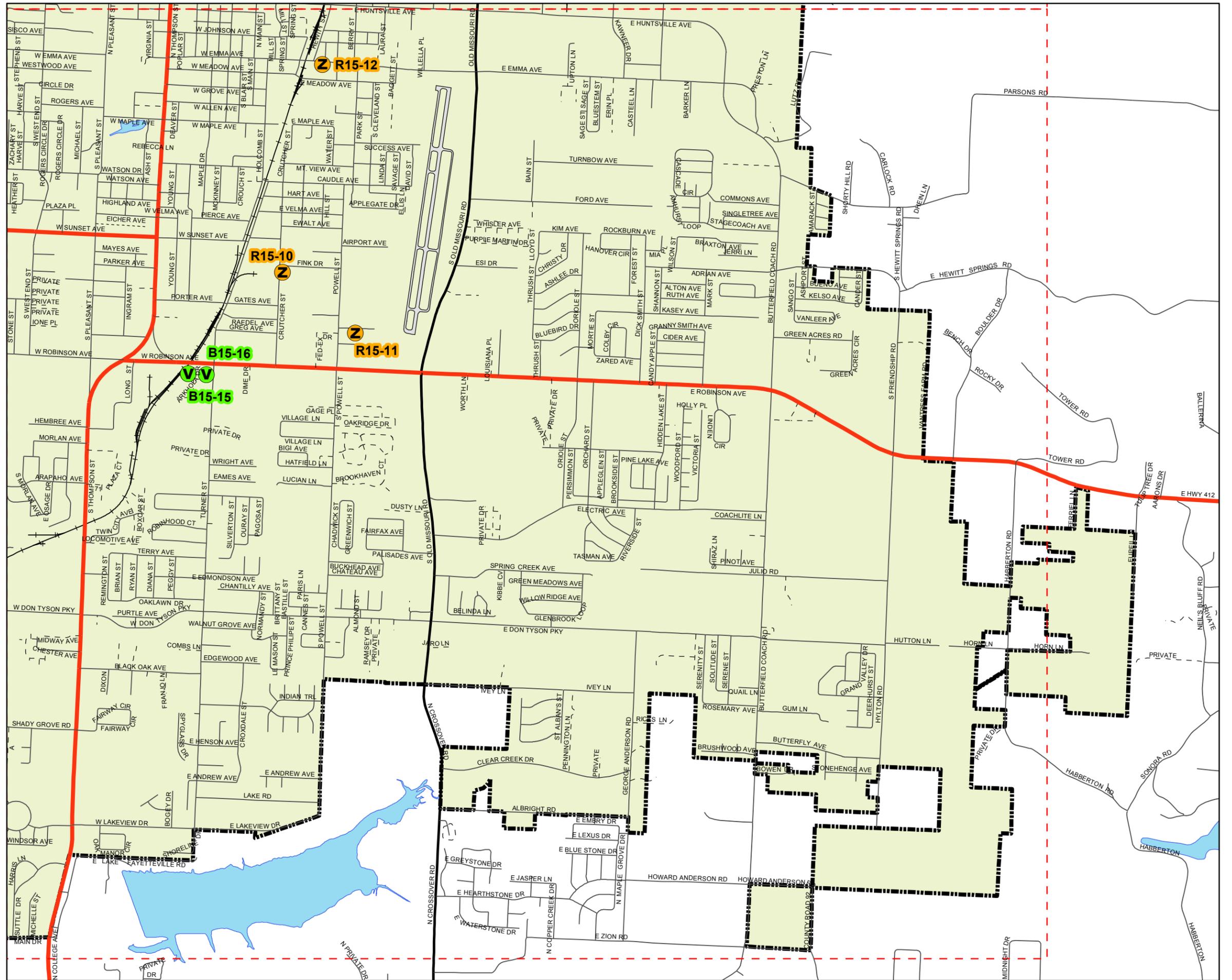


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 7, 2015**

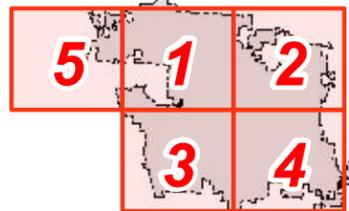
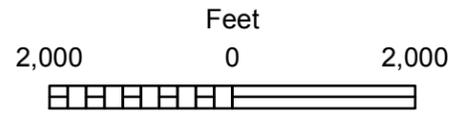


**SHEET 4**

- Z** Rezoning Requests
- C** Conditional Use Requests
- S** Subdivisions (Prelim. & Final)
- R** Replats
- L** Large Scale Developments
- V** Variance Requests
- LS** Lot Splits
- W** Waivers

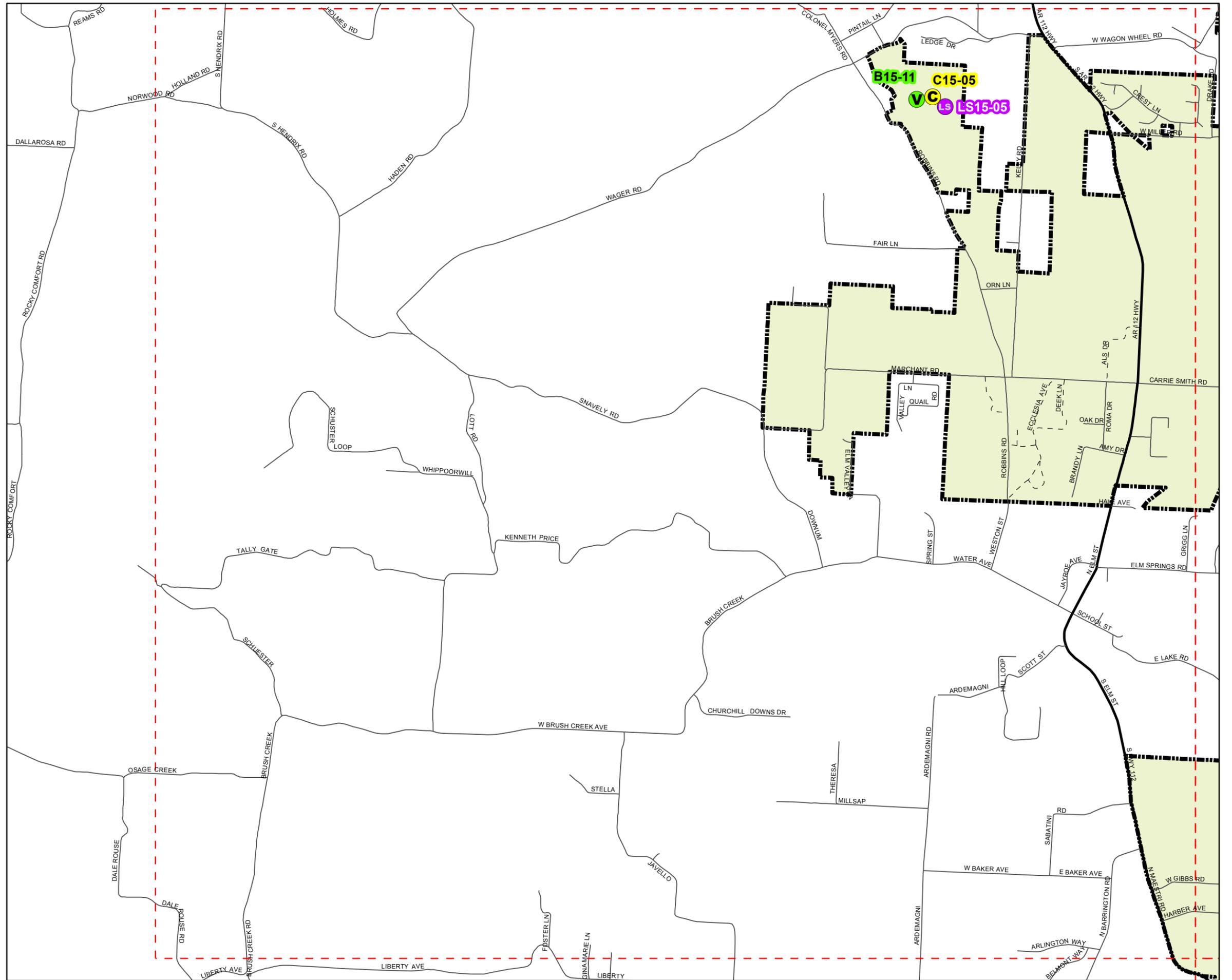


**CITY OF SPRINGDALE  
PLANNING COMMISSION  
AGENDA ITEMS  
APRIL 7, 2015**



**SHEET 5**

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



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**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** March 3, 2015  
**Re:** R15-09 Rezone

A request by Elm Springs Center, LLC, John Pak 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 1.12 acres.

## LOT LOCATION AND SIZE

The 1.12 acre tract is located at the northwest corner of the intersection of Elm Springs Road and N. 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 is 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 has recently been cleared. The area to the north contains a single family structure and a commercial building in C-2 zoning. The area to the east contains commercial uses in A-1 and C-2 zoning. The area to the south and west contain commercial uses in C-2 and C-5 zoning.

### LAND USE PLAN AND MASTER STREET PLAN

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

The Master Street Plan indicates Elm Springs Road as a major collector.

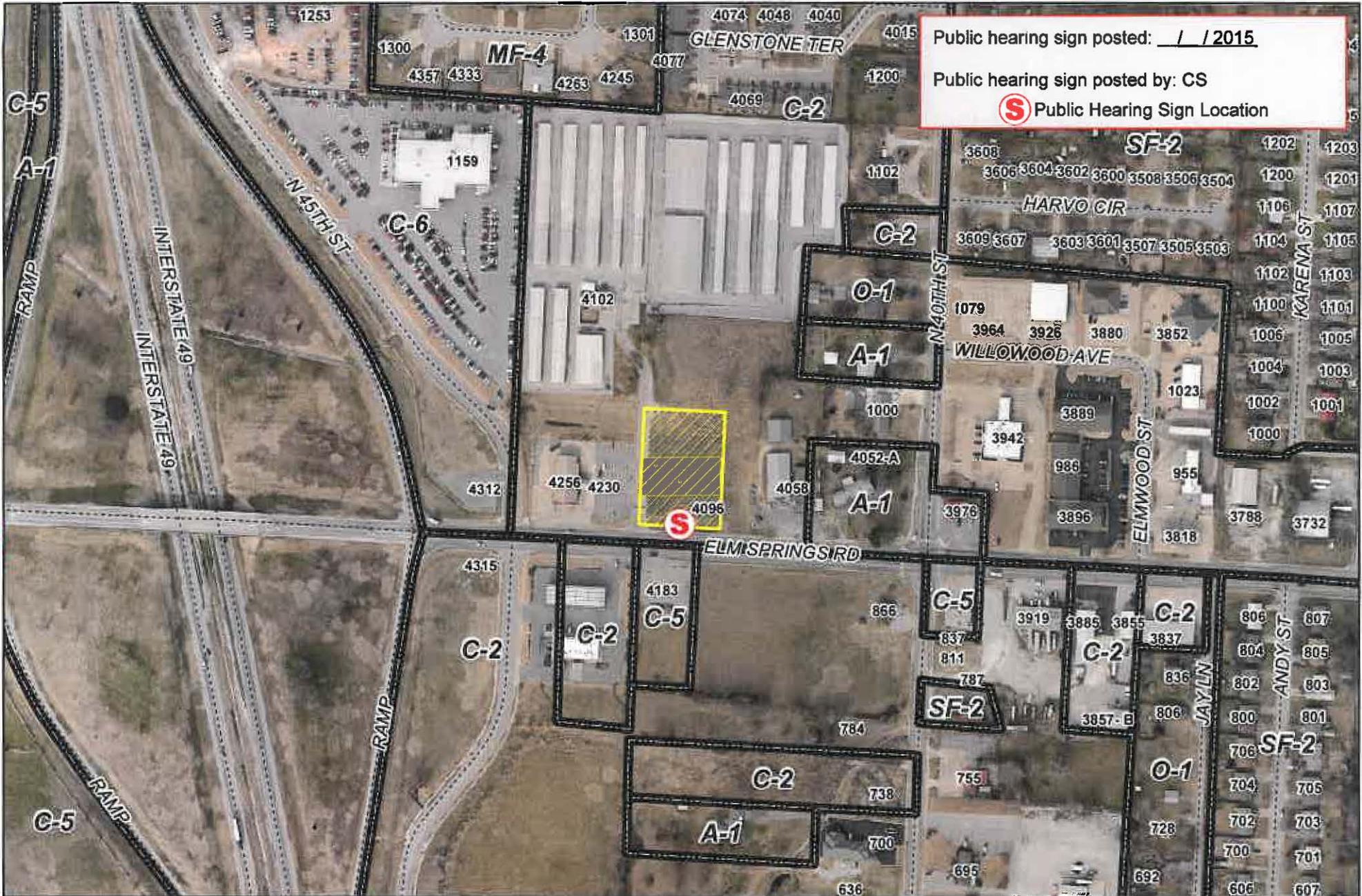
### STAFF COMMENTS AND RECOMMENDATIONS

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

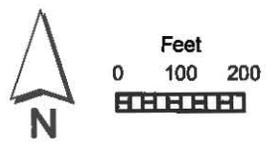
Assure adequate land allocation for commercial areas of sufficient size and in proper locations

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



Public hearing sign posted:    /    / 2015  
 Public hearing sign posted by: CS  
 (S) Public Hearing Sign Location

P33



**FILE NUMBER: R15-09**  
**APPLICANT: ELM SPRINGS CENTER, LLC**  
**REZONING REQUEST: FROM C-2 TO C-5**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**3/3/2015**

File No. \_\_\_\_\_

R15-09

### 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 Elm Springs Center, LLC

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

Legal Description:  
Legal Description:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 30 WEST, SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 87°04'06" WEST A DISTANCE OF 401.25 FEET; THENCE NORTH 03°22'08" EAST A DISTANCE OF 51.66; THENCE NORTH 86°59'36" WEST A DISTANCE OF 75.50 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF ELM SPRINGS ROAD FOR THE POINT OF BEGINNING; THENCE NORTH ALONG SAID RIGHT OF WAY NORTH 86°59'36" WEST A DISTANCE OF 24.50 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86°57'37" WEST A DISTANCE OF 160.42 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 02°39'26" EAST A DISTANCE OF 264.51 FEET; THENCE SOUTH 87°05'04" EAST A DISTANCE OF 185.00; THENCE SOUTH 02°40'27" WEST A DISTANCE OF 264.89 FEET TO THE POINT OF BEGINNING. CONTAINING 1.12 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

Layman's Description: NW Corner of Elm Springs Road x N. 40th Street

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 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 or No).
2. Develop the property yes (Yes or No), and if so, the proposed use is To build Whataburger.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: None.

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: \_\_\_\_\_

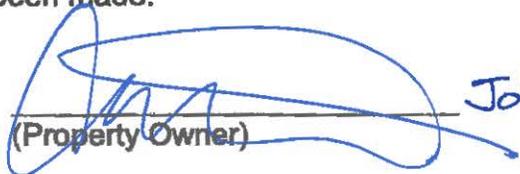
PETITIONER/OWNER: John Pak

MAILING ADDRESS: 3520 N Buckingham Dr Fay. 72703

TELEPHONE: 479-957-1590 DATE: Feb-11-15

# 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) John Pak

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

State of Arkansas        )  
                                  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 11 day of February, 2015.

DEBBIE A. POUNDERS  
WASHINGTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires December 10, 2024  
Commission No. 12402006

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

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**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 7, 2015  
**Re:** **Randall C. Evans Revocable Trust**      **Rezone**

A request by Randall C. Evans Revocable Trust, Randy Evans for Planning Commission approval of a zone change from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2) for a tract of land containing .4 acres.

## LOT LOCATION AND SIZE

The .4 acre tract is located at 11223 Crutcher Street.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a MF-12 Medium Density Multi-family Residential District. The district is established to provide areas for development allowing more units per structure and a higher density. Provides more compact residential development, and promotes more efficient use of land and utilities, and the development of less expensive housing on smaller lots.

Uses permitted: - 1, 8, 10, 11, 13, 29  
Conditional Uses Permitted on Appeal: - 2, 3, 4, 9, 12, 28  
Temporary Uses – 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 as set for in Article 6, Section 2.7 of this chapter.
- (2) Private greenhouses and horticultural collections.
- (3) Flower and vegetable gardens.

- (4) Swimming pools, tennis courts and similar recreation facilities.

**SITE PLAN REVIEW**

When a conditional use is proposed in an MF-12 district, except for Use Unit 28 home occupation a site plan review shall be required. See Article 6, Section 13 of this chapter for the procedure and requirements of a site plan review.

**HEIGHT REGULATIONS**

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

**AREA REGULATIONS**

- (1) **LOT AREA.** There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling; ten thousand five hundred (10,500) square feet for a duplex; fourteen thousand (14,000) for a triplex; twenty thousand (20,000) for a four-plex and twenty thousand (20,000) plus two thousand five hundred (2,500) for each unit over five. In addition, there shall be a minimum lot width of not less than sixty (60) feet for a one family; seventy (70) feet for a two family; eighty (80) feet for a three family or larger on a public street.
- (2) **DENSITY -** 12 units per acres
- (3) **FRONT SETBACK.** There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.
- (4) **SIDE SETBACK.** There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.
- (5) **REAR SETBACK.** There shall be a rear setback having a depth of not less than twenty (20) feet.

	LOT MINIMUMS		SETBACKS					
	Widths	Area	Front	Back	Side			
					Interior	Corner		
						Interior	Exterior	
One Family	60	6,000	30	20	8/8	8	30	
Two Family	70	10,500	30	20	8/8	8	30	
Three Family	80	14,000	30	20	8/8	8	30	
Four Family	80	20,000	30	20	8/8	8	30	
Four or more families	80	20,000 + 2,500/unit						
Zero Lot Line	60	as above	30	20	16/0	16/0	30	
Townhouse	Interior 20	Corner/end 50/28						
			30	20	8/0	8	30	

**BUILDING AREA**

On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot.

**OFF-STREET PARKING**

See Article 7 of this chapter.

**LANDSCAPED OPEN SPACE**

On any lot, there shall be a minimum of ten (10) percent of landscaped open space in accordance with Article 6 Section 2.16 of this chapter.

**MULTIFAMILY PLAY AREAS**

See Article 6 Section 2.17 of this chapter.

**REQUESTED ZONING**

The requested 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	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 small structure. The area to the north and east contains residential structures in an MF-12 zoning district. The area to the south and west contains an industrial use in I-1 zoning district.

## LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Light Industrial/Warehouse use.

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

## STAFF COMMENTS AND RECOMMENDATIONS

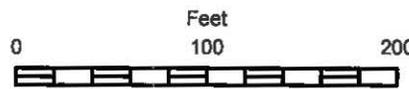
The rezoning request is in keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval:

Encourage the development of light to medium-intensity commercial development that provides buffering to adjacent residential neighborhoods.



Public hearing sign posted: / / 2015  
Public hearing sign posted by: CS  
**S** Public Hearing Sign Location

P41



**FILE NUMBER: R15-10**  
**APPLICANT: RANDY EVANS REVOCABLE TRUST**  
**REZONING REQUEST: MF-12 TO C-2**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/7/2015**

File No. R 15-10

### 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 Raymond C. Evans

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

**Legal Description:**

Part of Block 5 See Warranty Deed

**Layman's Description:** 1123 Crutcher St.

**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) MF-12

**TO** (proposed zoning) C-2

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: No effect

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: Randall E Ewins

Address: 1123 Crutcher St. Springdale AR 72764

PETITIONER/OWNER: Randall E Ewins

MAILING ADDRESS: Same

TELEPHONE: (479) 530-0801 DATE: 3/6/15

# VERIFICATION

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

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

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

State of Arkansas        )  
                                  ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 9 day of March, 2015.

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

DEBBIE A. POUNDERS  
WASHINGTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires December 10, 2024  
Commission No. 12402006

+++++

**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 7, 2015  
**Re:** R15-11 Rezone

A request by Glen and Jo Ellen Fenter for Planning Commission approval of a zone change from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2) for a tract of land containing .57 acres.

## LOT LOCATION AND SIZE

The .57 acre tract is the vacant lot located directly east of 607 James.

A vicinity map is attached.

## EXISTING ZONING

The existing zoning of this tract is a MF-12 Medium Density Multi-family Residential District. The district is established to provide areas for development allowing more units per structure and a higher density. Provides more compact residential development, and promotes more efficient use of land and utilities, and the development of less expensive housing on smaller lots.

Uses permitted: - 1, 8, 10, 11, 13, 29

Conditional Uses Permitted on Appeal: - 2, 3, 4, 9, 12, 28

Temporary Uses – 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 as set for in Article 6, Section 2.7 of this chapter.
- (2) Private greenhouses and horticultural collections.
- (3) Flower and vegetable gardens.
- (4) Swimming pools, tennis courts and similar recreation facilities.

**SITE PLAN REVIEW**

When a conditional use is proposed in an MF-12 district, except for Use Unit 28 home occupation a site plan review shall be required. See Article 6, Section 13 of this chapter for the procedure and requirements of a site plan review.

**HEIGHT REGULATIONS**

No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet.

**AREA REGULATIONS**

- (1) **LOT AREA.** There shall be a lot area of not less than six thousand (6,000) square feet for a single family dwelling; ten thousand five hundred (10,500) square feet for a duplex; fourteen thousand (14,000) for a triplex; twenty thousand (20,000) for a four-plex and twenty thousand (20,000) plus two thousand five hundred (2,500) for each unit over five. In addition, there shall be a minimum lot width of not less than sixty (60) feet for a one family; seventy (70) feet for a two family; eighty (80) feet for a three family or larger on a public street.
- (2) **DENSITY -** 12 units per acres
- (3) **FRONT SETBACK.** There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.
- (4) **SIDE SETBACK.** There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.
- (5) **REAR SETBACK.** There shall be a rear setback having a depth of not less than twenty (20) feet.

	LOT MINIMUMS		SETBACKS				
	Widths	Area	Front	Back	Side		
					Interior	Corner	
						Interior	Exterior
One Family	60	6,000	30	20	8/8	8	30
Two Family	70	10,500	30	20	8/8	8	30
Three Family	80	14,000	30	20	8/8	8	30
Four Family	80	20,000	30	20	8/8	8	30
Four or more families	80	20,000 + 2,500/unit					
Zero Lot Line	60	as above	30	20	16/0	16/0	30
Townhouse	Interior 20	Corner/en d 50/28					
	20	50/28	30	20	8/0	8	30

**BUILDING AREA**

On any lot, the area occupied by all buildings shall not exceed forty (40) percent of the total area of the lot.

**OFF-STREET PARKING**

See Article 7 of this chapter.

**LANDSCAPED OPEN SPACE**

On any lot, there shall be a minimum of ten (10) percent of landscaped open space in accordance with Article 6 Section 2.16 of this chapter.

**MULTIFAMILY PLAY AREAS**

See Article 6 Section 2.17 of this chapter.

**REQUESTED ZONING**

The requested 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.

## SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is undeveloped. The area to the north is undeveloped in MF-12 and C-2 zoning. The area to the east and south contains a single family dwelling in C-2 zoning. The area to the west contains a commercial use in C-2 zoning.

## LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates commercial use.

The Master Street Plan indicates James Avenue 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

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

### 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 GLEN FENTER

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

**Legal Description:**

PT N1/2 SE SE 118.8 X 208 FT 8 IN. .57 A. FURTHER DESCRIBED AS: Part of the North half of the Southeast Quarter of the Southeast Quarter of Section one, Township Seventeen North, Range Thirty West, more particularly described as follows, to wit Beginning at a point 298 75' East of the Southwest corner of said 20 acre parcel, and running thence North 208 75', thence East 118. 75', thence South 208. 75', thence West 118.75 to the point of beginning, containing .57 acres more or less.

**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) MF 12

**TO** (proposed zoning) C 2

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 Build a 4-6000 sf office/warehouse building
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: None

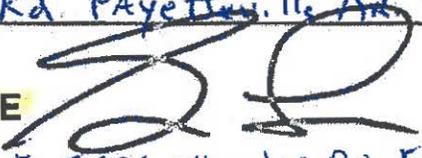
The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than 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: MIKE PRICE

Address: 5686 Wheeler Rd. Fayetteville, AR 72704

PETITIONER/OWNER SIGNATURE



MAILING ADDRESS: % MIKE PRICE 5686 Wheeler Rd. Fayetteville, AR 72704

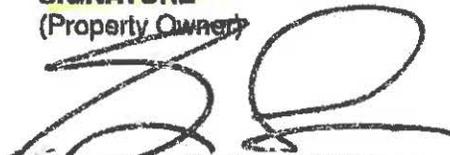
TELEPHONE: 479-263-9400

DATE: MARCH 13, 2015

**VERIFICATION**

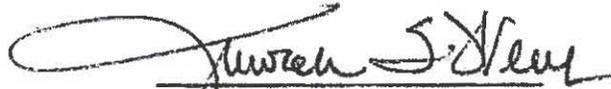
I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts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

**SIGNATURE**  
(Property Owner)

  
(Property Owner)

State of Arkansas )  
County of Crittenden ) ss.

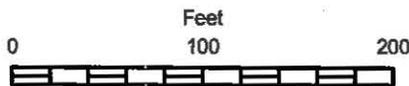
SUBSCRIBED AND SWORN TO before me, a Notary Public, this 13 day of March, 2015.

  
Notary Public

Public hearing sign posted: / / 2015

Public hearing sign posted by: CS

 Public Hearing Sign Location



**FILE NUMBER: R15-11**  
**APPLICANT: GLEN FENTER**  
**REZONING REQUEST: MF-12 TO C-2**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/7/2015**

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**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS  
**From:** Patsy Christie, Planning Director  
**Date:** April 7, 2015  
**Re:** R15-12 Rezone

A request by Strom Brewery, LLC (Holt, Orpin, Handley) 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 .22 acres.

## LOT LOCATION AND SIZE

The .22 acre tract is located at 321 & 323 E. Emma Avenue, south side of Emma Avenue, west of Water 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 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 tract is surrounded by commercial uses in C-2 and I-1 zoning with the exception of a church in a P-1 District to the southeast.

**LAND USE PLAN AND MASTER STREET PLAN**

The adopted Comprehensive Land Use Plan indicates Downtown District.

The Master Street Plan indicates Emma Avenue as a downtown commercial 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 the viability of older commercial properties as well as new commercial developments.

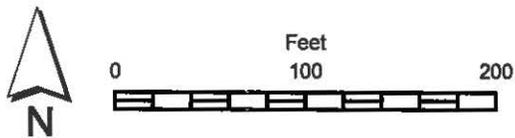
Continue to develop the central business with a full range of cultural, government and professional services by maintaining and improving parking, circulation and other functions that provide a convenient, safe and attractive location for the activities that are unique to the downtown district.

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.



Public hearing sign posted: / / 2015  
 Public hearing sign posted by: CS  
 S Public Hearing Sign Location

PS6



**FILE NUMBER: R15-12**  
**APPLICANT: STORM BREWERY, LLC.**  
**REZONING REQUEST: C-2 & I-1 TO C-3**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/7/2015**

File No. R15-12

### 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 STORM BREWERY L.L.C

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

Legal Description: See Exhibit "A"

Layman's Description: 321 + 323 E. Emma Ave

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 + I-1

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 CIDER HOUSE, TAP ROOM, PATIO, PARKING LOT.
3. Effect of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: ENTERTAINMENT

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: Jim Hold III

MAILING ADDRESS: 402 Indian Trail Springdale AR 72764

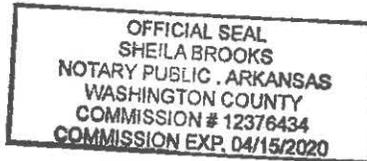
TELEPHONE: (501) 837-0007 DATE: 3/17/15

**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 A. Hendley III  
(Property Owner)

Hyman H. III  
(Property Owner)



State of Arkansas        )  
                                          ) ss.  
County of Washington    )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 17<sup>th</sup> day of March, 2015.

Sheila Brooks  
Notary Public

+++++

**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

**To:** PLANNING COMMISSION MEMBERS

**From:** Patsy Christie, Planning Director

**Date:** April 7, 2015

**Re:** R15-13 Rezone

A request by Edward and Leticia Vega for Planning Commission approval of a zone change from General Commercial District (C-2) to Large Product Retail Sales (C-6) for a tract of land containing .4 acres.

## LOT LOCATION AND SIZE

The .4 acre tract is located at 1100 S. Thompson, the southwest corner of the intersection of Sunset Avenue (Highway 412) and Thompson Street (Highway 71B).

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 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 lots 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 commercial structure and is surrounded by commercial uses in C-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates commercial use.

The Master Street Plan indicates Sunset Avenue and Thompson Street as principal arterials.

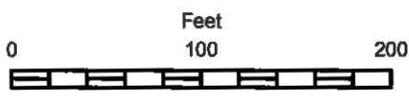
STAFF COMMENTS AND RECOMMENDATIONS

The current zoning district is in keeping with the Comprehensive Land Use Plan and the rezoning request is not recommended for approval.



Public hearing sign posted:    /    / 2015  
Public hearing sign posted by: CS  
**S** Public Hearing Sign Location

R-9



**FILE NUMBER: R15-13**  
**APPLICANT: EDWARD & LETICIA VEGA**  
**REZONING REQUEST: C-2 TO C-6**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**4/7/2015**

File No. R15-13

## 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 EDUARDO and Leticia Vega  
The record property owner(s), petitioning to rezone the following described area:

Legal Description:

*please see attached property description(s)*

Layman's Description: 1100 S Thompson

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) C1 - Comm. Impr.

**TO** (proposed zoning) C6

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

1. **Sell** the property Yes (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title Yes (Yes or No).
  
2. **Develop** the property NO (Yes or No), and if so, the proposed use is \_\_\_\_\_
  
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: minimal to none

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: Tim Salmonsen

Address: 3105 NE 11<sup>th</sup> St #5 Bentonville Ar 72712

**PETITIONER/OWNER SIGNATURE**

MAILING ADDRESS: 3105 NE 11<sup>th</sup> St #5 Bentonville Ar 72712

TELEPHONE: 479-366-6737 DATE: 3-13-15

# 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)

Edward Vega / Patricia Vega  
(Property Owner)

State of Arkansas            )  
                                          ) ss.  
County of Washington        )

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 17th day of March, 2015.



Eric J. Vega  
Notary Public

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

1. APPLICANT: Samuel Cross  
Address: 13168 Robbins Road  
Springdale, AR 72762  
Phone: 479-883-0499 Profit: \_\_\_\_\_ Non-Profit

2. Property Location (street address or layman's description):  
13168 Robbins Rd. Springdale, AR

3. Record Title Holder of Property: Samuel Cross  
(A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested \_\_\_\_\_ in A-1 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:  
tandem lot split  
This should be approved so the current owner can complete a sale of land with parcel lines adjusted as agreed by the current owner and the prospective buyer.

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?  
The only effect will be that the updated shape of the parcel lines will follow existing fence lines and will provide the current owner a prospective buyer with their desired property boundaries. It will not effect the use of the land or the character of the neighborhood.

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.

10. Attach a site plan for the proposed conditional use. A site plan shall apply to all conditional uses as specified in each of the zoning districts.

Signature of Record Property Owner(s)

Signature of Applicant

*[Handwritten Signature]*

*[Handwritten Signature]*

Date: 2/18/15

Date: 2/18/15

**VERIFICATION**

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit 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]*

State of Arkansas )  
County of Benton ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 18th day of February, 2015.

*[Handwritten Signature: Betty Griffin Cook]*  
Notary Public

My commission expires: Oct 4, 2021

BETTY GRIFFIN-COOK  
BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires October 04, 2021  
Commission No. 12384693

# Memo

**To:** Planning Commission

**From:** Staff

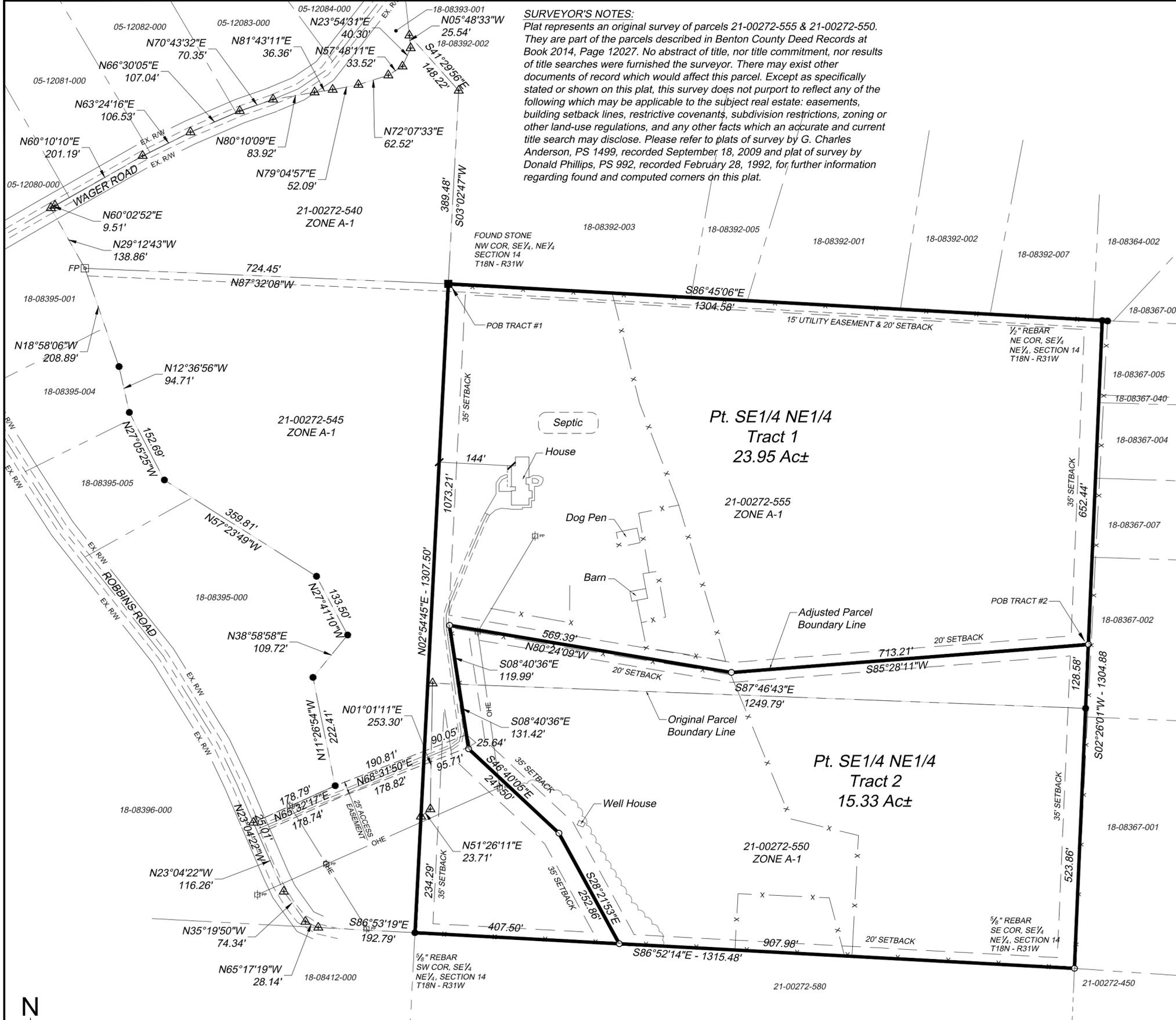
**Date:** April 7, 2015

**Re:** LS15-05 Lot Split

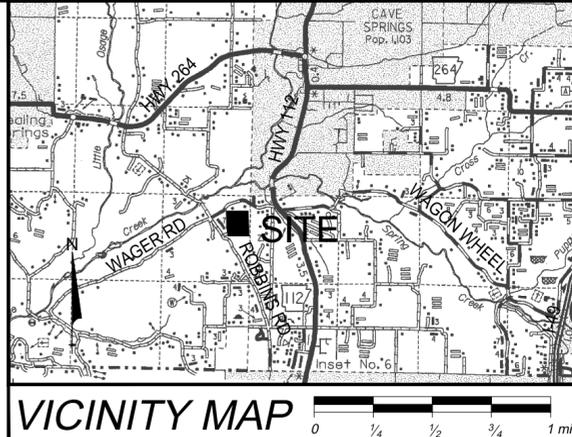
**Samuel D. Cross**

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1. A conditional use for a tandem lot must be applied for and approved by the Planning Commission and City Council.
2. A 25' access easement with a minimum 15' wide paved drive is required to the tandem lot.
3. Need scale. Scale shall be no smaller than 1"=100' per City Ordinance.
4. Need surveyor's certification.
5. Need names, addresses, and zoning of all adjacent property owners (including those across the road).
6. All comments from the utility companies and other city departments must be addressed prior to approval of lot split drawings.
7. All requested easements will need to be dedicated by separate document.



**SURVEYOR'S NOTES:**  
 Plat represents an original survey of parcels 21-00272-555 & 21-00272-550. They are part of the parcels described in Benton County Deed Records at Book 2014, Page 12027. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel. Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, building setback lines, restrictive covenants, subdivision restrictions, zoning or other land-use regulations, and any other facts which an accurate and current title search may disclose. Please refer to plats of survey by G. Charles Anderson, PS 1499, recorded September 18, 2009 and plat of survey by Donald Phillips, PS 992, recorded February 28, 1992, for further information regarding found and computed corners on this plat.



**LEGAL DESCRIPTION OF PARENT TRACT**  
 PARCELS: 21-00272-555, 21-00272-550, 21-00272-540, 21-00272-545  
 The Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) and a part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and a part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 14, Township 18 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas being more particularly described as follows to-wit:

Beginning at the Northwest corner of said SE¼ of the NE¼ of Section 14; thence along the North line of said SE¼ of the NE¼ S 89°27'54" E, 1,304.60 feet to the Northeast corner of said SE¼ of the NE¼; thence along the East line of said SE¼ of the NE¼ S 00°16'32" E, 1,305.06 feet to the Southeast corner of said SE¼ of the NE¼; thence along the South line of the NE¼ of said Section 14 N 89°34'45" W, 1508.17 feet to the centerline of Benton County Road 71B; thence along said centerline of Benton County Road 71B, N 68°00'07" W, 28.14 feet; thence N 38°02'38" W, 74.34 feet; thence N 28°04'51" W, 35.22 feet; thence N 25°47'10" W, 116.26 feet; thence leaving said centerline of Benton County Road 71B; thence N 62°47'52" E, 178.61 feet; thence N 14°10'40" W, 222.35 feet; thence N 36°20'47" E, 109.93 feet; thence N 30°26'44" W, 133.47 feet; thence N 60°08'39" W, 360.02 feet; thence N 29°48'09" W, 152.78 feet; thence N 15°23'57" W, 94.86 feet; thence N 21°30'05" W, 209.06 feet; thence N 31°55'31" W, 138.86 feet to the centerline of Benton County Road 202; thence along said centerline N 57°20'04" E, 9.51 feet; thence N 57°27'22" E, 201.19 feet; thence N 60°41'28" E, 106.53 feet; thence N 63°47'17" E, 107.04 feet; thence N 68°00'44" E, 70.35 feet; thence leaving said centerline of Benton County Road 202 N 77°27'21" E, 83.92 feet; thence N 79°00'23" E, 36.43 feet; thence N 76°21'56" E, 52.02 feet; thence N 69°24'45" E, 62.52 feet; thence N 55°05'23" E, 33.52 feet; thence N 21°11'43" E, 40.30 feet; thence N 08°31'21" W, 25.54 feet; thence S 44°12'44" E, 148.22 feet; thence S 00°19'59" W, 389.50 feet to the point of beginning.

Subject to easements, right-of-ways, and protective covenants of record, if any.  
 Subject to all prior mineral reservations and oil and gas leases, if any.

**BOUNDARY DESCRIPTION OF TRACT 1**  
 Part of the SE¼ of the NE¼, Section 14, Township 18 North, Range 31 West, Benton County, Arkansas, described as follows:  
 Beginning at a stone at the NW corner of the SE¼ of the NE¼, thence South 86°45'06" East, a distance of 1,304.58 feet to an iron pin at the NE corner of the SE¼ of the NE¼; thence South 02°26'01" West, a distance of 652.44 feet to an iron pin; thence South 85°28'11" West, a distance of 713.21 feet to an iron pin; thence North 80°24'09" West, a distance of 569.39 feet to an iron pin; thence South 08°40'36" East, a distance of 251.41 feet to an iron pin; thence South 46°40'05" East, a distance of 247.50 feet to an iron pin; thence South 28°21'53" East, a distance of 252.86 feet to an iron pin on the south line of said SE¼ of the NE¼; thence North 86°52'14" West, a distance of 407.50 feet to an iron pin at the SW corner of the SE¼ of the NE¼; thence North 02°54'45" East, a distance of 1,307.50 feet to the POINT OF BEGINNING.  
 Containing 1,043,197.05 square feet or 23.95 acres, more or less.

**BOUNDARY DESCRIPTION OF TRACT 2**  
 Part of the SE¼ of the NE¼, Section 14, Township 18 North, Range 31 West, Benton County, Arkansas, described as follows:  
 Commencing at a stone at the NW corner of the SE¼ of the NE¼; thence South 86°45'06" East, a distance of 1,304.58 feet to an iron pin at the NE corner of the SE¼ of the NE¼; thence South 02°26'01" West, a distance of 652.44 feet to an iron pin at the POINT OF BEGINNING on the East line of the SE¼ of the NE¼; thence continue southerly along said line, a distance of 652.44 feet to an iron pin at the SE Corner of the SE¼ of the NE¼; thence North 86°52'14" West, a distance of 907.98 feet to an iron pin on the south line of the SE¼ of the NE¼; thence North 28°21'53" West, a distance of 252.86 feet to an iron pin; thence North 46°40'05" West, a distance of 247.50 feet to an iron pin; thence North 08°40'36" West, a distance of 251.41 feet to an iron pin; thence South 80°24'09" East, a distance of 569.39 feet to an iron pin; thence North 85°28'11" East, a distance of 713.21 feet to the POINT OF BEGINNING.  
 Containing 667,846.00 square feet or 15.33 acres, more or less.

**SURVEYOR'S CERTIFICATION**  
 I hereby certify that the above-described property was surveyed by me, or under my direct supervision, and that all monuments were found or set by me to the best of my knowledge and ability.

**OWNER**  
 Samuel D. and Rebecca Cross  
 13168 Robbins Road  
 Springdale, AR 72762  
 SURVEY CODE: 500-18N-31W-0-14-104-04-1172

**BASIS OF BEARING**  
 Bearings are derived from static GPS observations, Arkansas State Plane, North Zone. Convergence angle, 01°18'25", was measured at a control point number one located at:  
 Lat. 36°14'06.995"  
 Long. 94°14'45.989"

**FLOOD CERTIFICATION**  
 The above described property is not within a Federal Emergency Management Agency Flood Zone A, or AE as shown on Flood Insurance Rate Map 05007C0430 J, Effective Date September 28, 2007.

Scale: 1"=150'

**LEGEND**

	PROPERTY LINE
	EASEMENT LINE
	ADJACENT LOT (APPROXIMATE)
	BUILDING SETBACK LINE
	EDGE OF ROAD OR DRIVEWAY
	BARBED WIRE FENCE
	FOUND IRON PIN
	SET IRON PIN
	COMPUTED POINT
	FENCE POST
	FOUND STONE

Ron L. Herrington  
 Arkansas Professional Surveyor No. 1172  
 Herrington Surveying Service  
 1806 Countryside Lane  
 Rogers, Arkansas 72758  
 Ph. 479-426-0211



<b>BENTON COUNTY, ARKANSAS</b>				
<b>SECTION 14 - T18N - R31W</b>				
PLAT OF LOT SPLIT SURVEY FOR				
<b>SAMUEL D. CROSS</b>				
Herrington Surveying Service	JOB	DATE	SCALE	DRAWN
	LS15-05	02/13/15	1"=150'	JBB
				CKD
				RLH

**Staff Use Only**

File # **B15-11**

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

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

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

Applicant's Name: Samuel Cross

Applicant's Mailing Address:

13168 Robbins Road  
Street Address or P.O. Box  
Springdale, AR 72762  
City, State & Zip Code

479-883-0499  
Telephone Number

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

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

Same  
Street Address or P.O. Box  
City, State & Zip Code

Same  
Telephone Number

Address of Variance Request: Parcel # 21-00272-550

Zoning District: Agriculture (A1)

**The following information should be attached to this application:**

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

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

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

**SETBACK VARIANCES:**

Not Applicable

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

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

Requested: Front: \_\_\_\_\_ Side: \_\_\_\_\_ Back: \_\_\_\_\_  
(If granted what the setback would be.)

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

**VARIANCES OTHER THAN SETBACK:**

Not Applicable

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

The paved driveway to the parcel is less than 15' wide, but the land-owner and the purchaser agree that this is not an issue, and the cost of extending the width of the drive would effect an undesired burden on all parties with vested interest in the parcel.

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):**

There is an existing, paved driveway to the parcel, and the ordinance requiring a 15' driveway would place an undesired burden on the current owner of the land, and on all parties interested in use of the land.

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 use and manage my land without undue cost for improvements that are not needed or desired would be deprived to me, if I were required to expand my driveway to 15' width. There are multiple neighbors with driveways/access in-roads of less width.

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):**

I purchased the property as it is, today. The driveway was already completed and is sufficient for accessing the land. Requiring additional capital outlay for its expansion would be an undue, un-expected, and un-beneficial burden on the owner and/or parties interested in purchasing the land.

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.**

*[Signature]*  
Applicant Signature\*

*[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 Benton            )

BETTY GRIFFIN-COOK  
BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires October 04, 2021  
Commission No. 12384693

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 18<sup>th</sup> day of February, 2015.

*[Signature]*  
Notary Public

# Memo

**To:** Planning Commission

**From:** Staff

**Date:** April 7, 2015

**Re:** L15-06 Large Scale Development Multi-Craft

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1. Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
2. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

PLANS FOR A  
**LARGE SCALE DEVELOPMENT**  
 TO SERVE THE  
**MULTICRAFT CONTRACTORS**

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

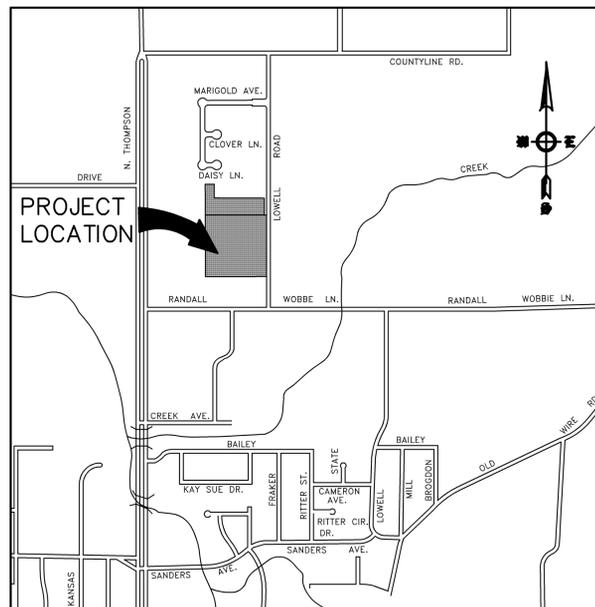


A COMMERCIAL DEVELOPMENT  
 IN THE CITY OF  
**SPRINGDALE, ARKANSAS**

**L15-06**

March 18, 2015

INDEX OF SHEETS	
SHEET No.	DESCRIPTION
1	OVERALL SITE PLAN
2	LARGE SCALE DEVELOPMENT
3	TYPICAL DETAILS



VICINITY MAP

BY  
**ENGINEERING SERVICES INC.**



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

PROPOSED USES AND BUILDING SIZES:

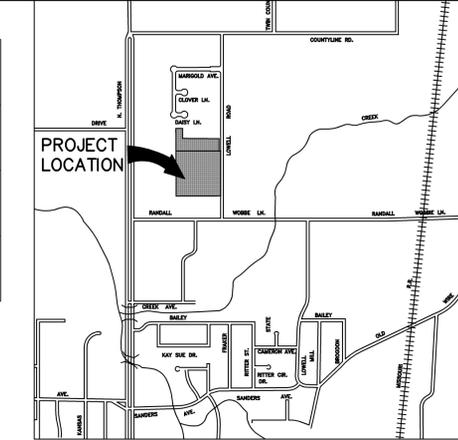
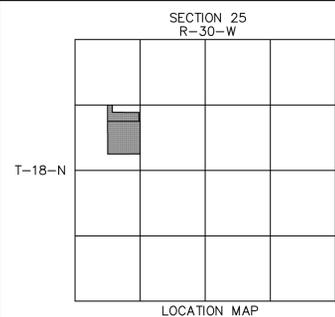
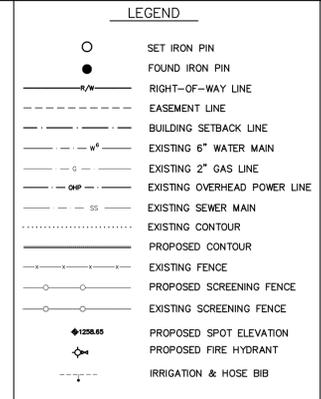
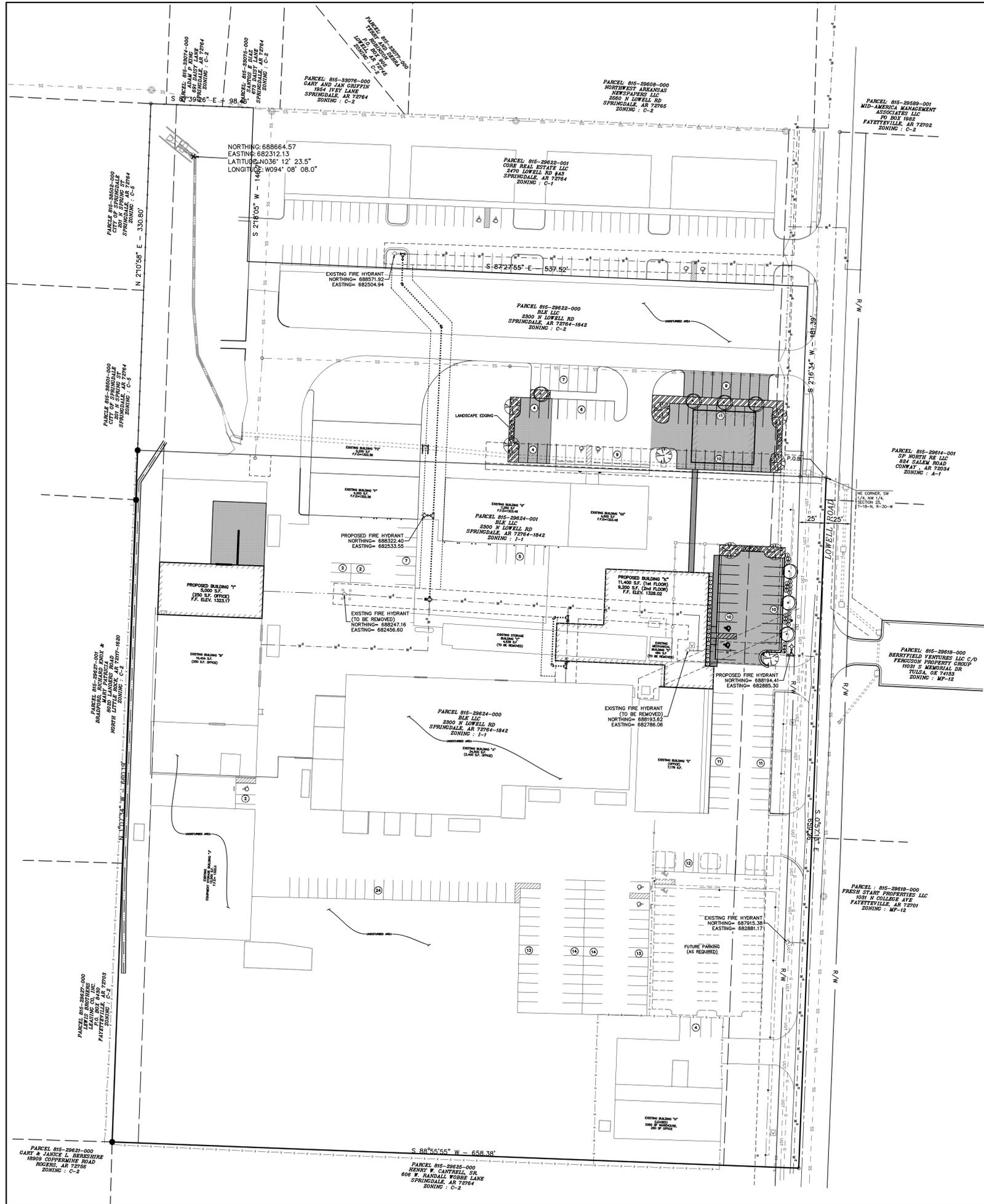
Existing Building A -	34,500 Sq. Ft. ± Total 15,432 S.F. - Maintenance 16,668 S.F. - Warehouse/Storage 2,400 S.F. - Office
Existing Building B -	10,404 Sq. Ft. ± Total 10,154 S.F. - Fabrication/Maintenance 250 S.F. - Office
Existing Building E -	7,176 Sq. Ft. ± Total 7,176 S.F. - Office
Existing Building F -	4,200 Sq. Ft. ± Total 4,200 S.F. - Warehouse/Storage
Existing Building F2 -	5,200 Sq. Ft. ± Total 5,200 S.F. - Warehouse/Storage
Existing Building G -	7,250 Sq. Ft. ± Total 7,250 S.F. - Fabrication/Maintenance
Existing Building G2 -	4,500 Sq. Ft. ± Total 4,500 S.F. - Office
Existing Building H -	3,600 Sq. Ft. ± Total 3,350 S.F. - Warehouse/Storage 250 S.F. - Office
Proposed Building I -	5,000 Sq. Ft. ± Total 4,750 S.F. - Warehouse/Storage 250 S.F. - Office
Existing Building J -	12,500 Sq. Ft. ± Total 12,500 S.F. - Warehouse/Storage
Proposed Building K -	20,600 Sq. Ft. ± Total 18,400 S.F. - Office 2,200 S.F. - School

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

NOTES :

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

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



**OWNER / DEVELOPER:** BLK, LLC  
2300 NORTH LOWELL ROAD  
SPRINGDALE, AR 72764

**ENGINEER / SURVEYOR:** ENGINEERING SERVICES, INC.  
1207 S. OLD MISSOURI RD.  
P.O. BOX 202  
SPRINGDALE, AR 72762

ZONING: I-1 AND C-2  
GROSS SITE ACREAGE: 15.00 Acres  
NET SITE ACREAGE: 15.00 Acres  
PROPOSED USES AND BUILDING SIZES:

Existing Building A -	34,500 Sq. Ft. ± Total 15,432 S.F. - Maintenance 16,658 S.F. - Warehouse/Storage 2,400 S.F. - Office
Existing Building B -	10,404 Sq. Ft. ± Total 10,154 S.F. - Fabrication/Maintenance 250 S.F. - Office
Existing Building E -	7,176 Sq. Ft. ± Total 7,176 S.F. - Office
Existing Building F -	4,200 Sq. Ft. ± Total 4,200 S.F. - Warehouse/Storage
Existing Building F2 -	5,200 Sq. Ft. ± Total 5,200 S.F. - Warehouse/Storage
Existing Building G -	7,250 Sq. Ft. ± Total 7,250 S.F. - Fabrication/Maintenance
Existing Building G2 -	4,500 Sq. Ft. ± Total 4,500 S.F. - Office
Existing Building H -	3,600 Sq. Ft. ± Total 3,350 S.F. - Warehouse/Storage 250 S.F. - Office
Proposed Building I -	5,000 Sq. Ft. ± Total 4,750 S.F. - Warehouse/Storage 250 S.F. - Office
Existing Building J -	12,500 Sq. Ft. ± Total 12,500 S.F. - Warehouse/Storage
Proposed Building K -	20,600 Sq. Ft. ± Total 18,400 S.F. - Office 2,200 S.F. - School

**PARKING SPACES REQUIRED:** 159 (w/ 5 A.D.A. Accessible)  
Office Area @ 1 per 300 Sq. Ft. to 33,226 Sq. Ft. = 111  
School @ 1 per 300 Sq. Ft. to 2,200 Sq. Ft. = 8  
Warehouse & Storage Area @ 1 per 1200 Sq. Ft. to 46,668 Sq. Ft. = 39  
Fabrication & Maintenance Area @ 1 per 600 Sq. Ft. to 32,836 Sq. Ft. = 55

**PARKING SPACES PROVIDED:** 213 (w/ 7 A.D.A. Accessible)  
214 (w/ 7 A.D.A. Accessible)

**PARCEL NUMBERS:** 815-29622-000  
815-29624-000  
815-29624-001

**SURVEY DESCRIPTION TRACT 1:**  
PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTEEN NORTH (T-18-N), RANGE THIRTY WEST (R-30-W) OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
**COMMENCE** A FOUND 1/2 INCH IRON PIN BEING THE NORTHEAST (NE) CORNER OF THE SAID 40 ACRE TRACT; THENCE ALONG THE EAST LINE OF THE SAID 40 ACRE TRACT, S02°28'28"W A DISTANCE OF 329.87 FEET TO A FOUND NAIL WITH SHINER AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, S02°28'28"W A DISTANCE OF 668.26 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID EAST LINE, N07°30'30"W A DISTANCE OF 657.99 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N02°18'05"E A DISTANCE OF 990.52 FEET TO A FOUND IRON PIN WITH CAP "C DAVIS LS 1188" AND THE NORTH LINE OF SAID 40 ACRE TRACT; THENCE ALONG SAID NORTH LINE, S87°27'55"E A DISTANCE OF 99.85 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID NORTH LINE, S02°18'05"W A DISTANCE OF 152.10 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S87°27'55"E A DISTANCE OF 535.66 FEET TO A SET IRON PIN WITH CAP "PLS 1439" AND THE WEST RIGHT-OF-WAY LINE OF LOWELL ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, S02°28'28"W A DISTANCE OF 177.81 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, S87°32'29"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 12.93 ACRES (963,108 SQ. FT.), MORE OR LESS.

**FLOOD ZONE NOTE:**  
THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN IN THE F.I.R.M. MAP #05007C0435J OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, DATED SEPTEMBER 28, 2007.

**CAUTION:** OTHER UTILITY LINES MAY BE PRESENT ON THIS SITE. CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES AND FIELD VERIFY ALL UTILITY LOCATIONS BEFORE BEGINNING ANY CONSTRUCTION.

- NOTES:**
- ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED (EXAMPLE: 15'BC) AS TO BACK OF CURB.
  - ALL PROPOSED CURBING SHALL BE 6" WIDE X 6" HIGH.
  - A.D.A. ACCESSIBLE RAMPS TO HAVE A MAXIMUM INCLINATION RATIO OF 12:1.
  - ANY COST OF ADJUSTMENTS, RELOCATION OR DAMAGE OF EXISTING UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNERS/DEVELOPERS.
  - MODIFIED CURB REQUIRED AT ALL DRIVES.
  - ALL UTILITY WIRES, LINES, AND/OR CABLE UTILIZED BY ELECTRIC AND/OR TELECOMMUNICATIONS COMPANIES SHALL BE PLACED UNDERGROUND, EXCLUDING 12KV AND ABOVE.
  - 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.
  - EXTERIOR GROUND-MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES AND BANKS OF METER SHALL BE SCREENED FROM PUBLIC VIEW WITH LANDSCAPING OR WITH AN ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.
  - ALL ROOFTOP EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW WITH AN ARCHITECTURAL TREATMENT THAT IS COMPATIBLE WITH THE BUILDING ARCHITECTURE.
  - THE GLOBAL POSITIONING SYSTEM (GPS) AND CONVENTIONAL TERRESTRIAL SURVEYING EQUIPMENT PROVIDED THE RELATIVE POSITIONING FOR THE TOPOGRAPHIC, PLANIMETRIC AND BOUNDARY LOCATIONS SHOWN HEREON.
  - THE MAP PROJECTION IS REFERENCED TO THE HORIZONTAL CONTROL DATUM OF NAD83 (NORTH AMERICAN DATUM OF 1983), STATE PLANE COORDINATE SYSTEM, ARKANSAS NORTH ZONE (0301). THE BASIS OF BEARINGS FOR THIS PLAT ARE STATE PLANE GRID BEARING.
  - THE VERTICAL DATUM IS REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88). TWO TEMPORARY BENCHMARKS UTILIZING THIS DATUM ARE SHOWN HEREON.
  - IF REQUESTS FOR METER SERVICES LARGER THAN A 5/8" METER SETTER FOR POTABLE WATER WILL HAVE TO BE APPROVED IN WRITING BY THE ENGINEERING DIRECTOR OF SPRINGDALE WATER UTILITIES.
  - ALL FIRE HYDRANTS AND METER SERVICES MUST BE LOCATED IN A GREEN SPACE A MINIMUM OF 4' BEHIND ANY CURB AND GUTTER AND 4' BEHIND ANY SIDEWALKS.
  - UNDERGROUND PRIMARY CONDUITS AND TRANSFORMERS TO BE LOCATED IN DESIGNATED UTILITY EASEMENT. CUSTOMER IS RESPONSIBLE FOR INSTALLATION OF ALL NEW PRIMARY CONDUIT, STEEL LONG SWEEP 90's, TRANSFORMER PADS AND BOLLARDS - TO BE INSTALLED PER THE SWECO ELECTRIC SERVICE HANDBOOK.

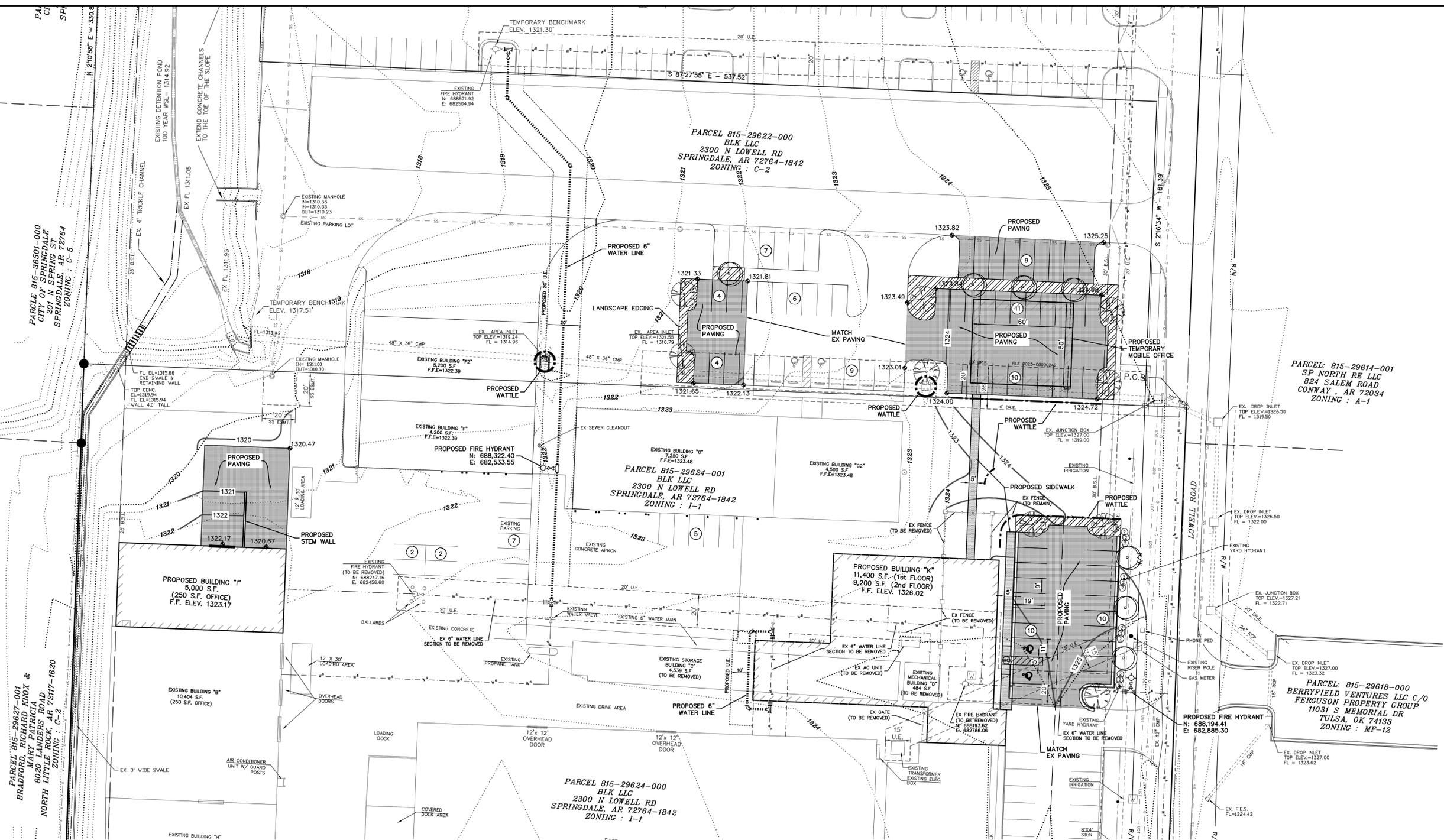


**ENGINEERING SERVICES, INC.**  
SPRINGDALE, ARKANSAS 72764

**OVERALL LAYOUT  
MULTICRAFT CONTRACTORS  
SPRINGDALE, ARKANSAS**

REVISION	DATE	DESCRIPTION

SCALE: 1"=30'  
DATE: Mar, 2015  
ENGINEER: TJA  
DRAWN BY: JJC  
W.O. #: 15908

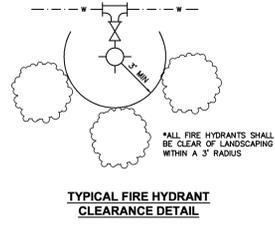


**INTERIOR PARKING LOT LANDSCAPING PROVIDED:**

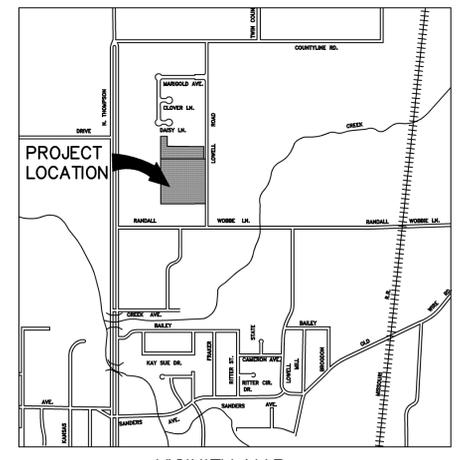
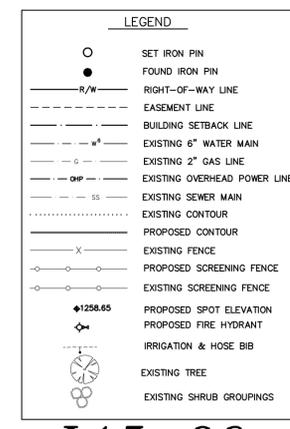
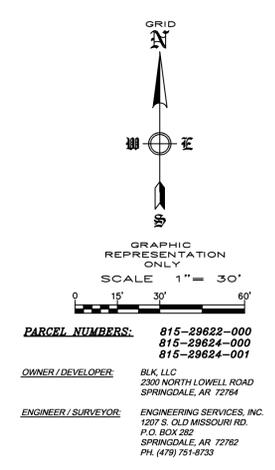
TOTAL REQUIRED: 8% OF TOTAL PARKING LOT AREA = 1,158 SQ. FT.  
 TOTAL PROVIDED = 2,783 SQ. FT.  
 PROPOSED PARKING LOT ADDITION AREA: 14,474 SQ. FT. TOTAL  
 % TOTAL AREA OF LOT: 2,783 / 14,474 = 19.23 %

INDEX OF PLANTS				
PLANT SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # PLANTS	SIZE
①	WINTERGREEN BOXWOOD	Buxus sempervirens	46	2 GAL.
②	GLOSSY ABELIA	Abelia x grandiflora	12	2 GAL.

INDEX OF TREES				
TREE SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # TREES	SIZE
	REDBUD	Cercis canadensis	9	B & B
	WATER OAK	Quercus nigra	7	B & B



- LANDSCAPING NOTES:**
- ALL LANDSCAPING SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE CITY OF SPRINGDALE LANDSCAPE ORDINANCE # 3306.
  - ALL TREES, SHRUBS, AND PLANTS USED IN THE PROPOSED LANDSCAPING SHALL BE SELECTED BY THE OWNER FROM THE RECOMMENDED LISTS IN SAID LANDSCAPE ORDINANCE # 3306.
  - ALL TREES TO BE MINIMUM 8' TALL WITH MINIMUM 2" CALIPER
  - LANDSCAPING SHALL BE GUARANTEED FOR TWO YEARS.
  - EXISTING IRRIGATION SHALL BE USED.
  - ALL LANDSCAPING TO BE DRESSED WITH 4" OF PINE BARK MULCH AFTER INSTALLATION.
  - ALL DISTURBED AREAS TO BE SEEDDED.
  - METAL EDGING TO BE PLACED AROUND ALL PLANTING BEDS, AS SHOWN ON PLANS
  - A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS.



REVISION	DATE	DESCRIPTION

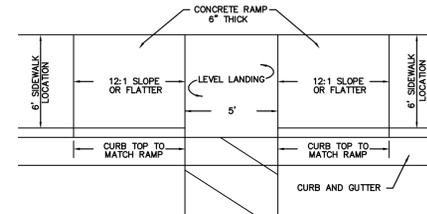
SCALE: 1"=30'

DATE: Mar, 2015

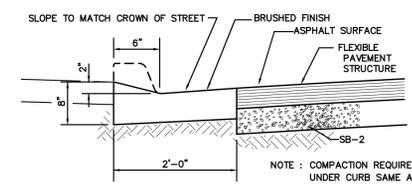
ENGINEER: TJA  
DRAWN BY: JJC

W.O. #: 15908

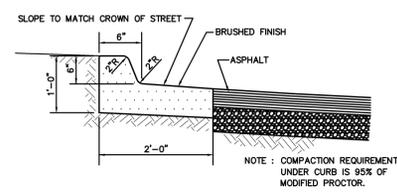
**L15-06**



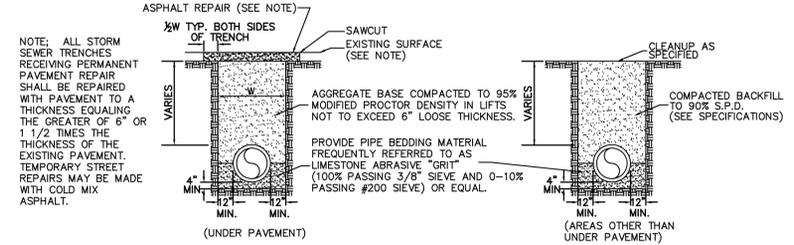
**HANDICAPPED RAMP  
 DETAIL**  
 (TO BE PLACED AT LOCATIONS  
 SHOWN BY (HR) ON PLAN)



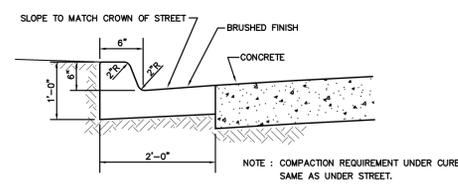
**MODIFIED  
 CONCRETE CURB & GUTTER**



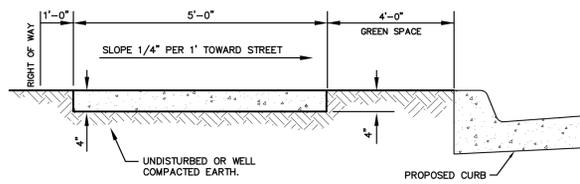
**CONCRETE  
 SPILL CURB & GUTTER**



**STORM SEWER BEDDING  
 AND BACKFILL**  
 NOT TO SCALE

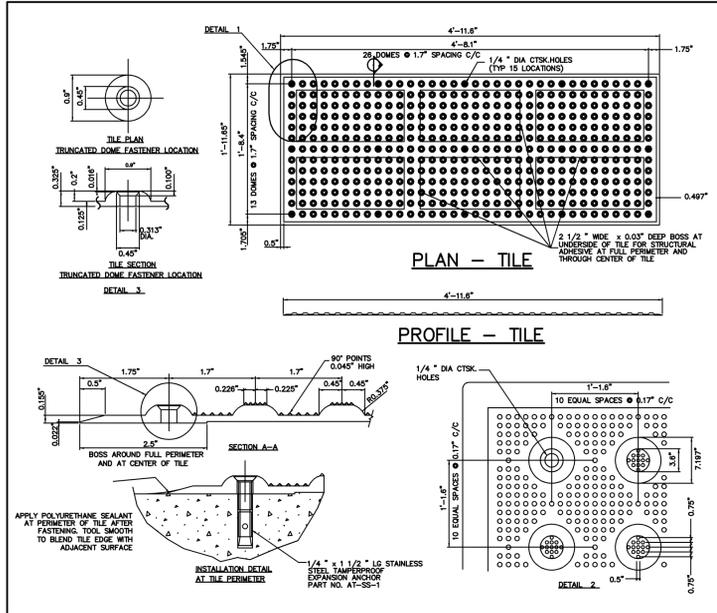


**STANDARD  
 6" CONCRETE CURB & GUTTER**

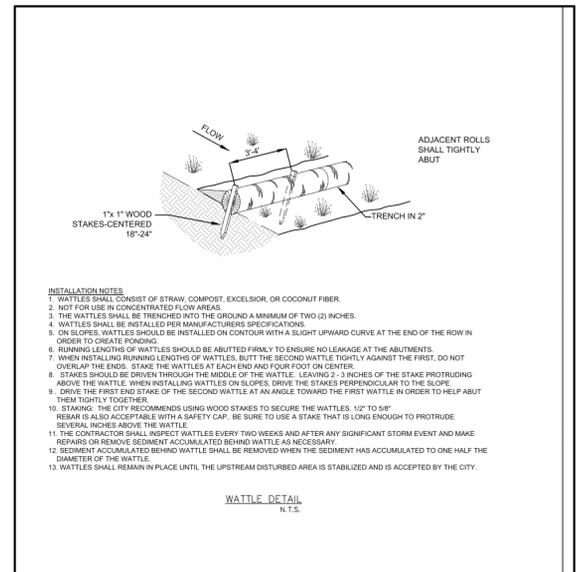


NOTE: PROVIDE EXPANSION JOINTS AT EACH STRUCTURE, CURB, AND A MINIMUM INTERVAL OF 200 FEET.  
 NOTE: TRANSVERSE JOINTS BETWEEN EXPANSION JOINTS TO BE SCORED AT 5 FOOT INTERVALS.

**SIDEWALK DETAIL**



**TRUNCATED DOMES DETAIL**



- INSTALLATION NOTES:**
1. WATTLES SHALL CONSIST OF STRAW, COMPOST, EXCELSIOR, OR COCONUT FIBER.
  2. NOT FOR USE IN CONCENTRATED FLOW AREAS.
  3. THE WATTLES SHALL BE TRENCHED INTO THE GROUND A MINIMUM OF TWO (2) INCHES.
  4. WATTLES SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS.
  5. ON SLOPES, WATTLES SHOULD BE INSTALLED ON CONTOUR WITH A SLIGHT UPWARD CURVE AT THE END OF THE ROW IN ORDER TO CREATE FLOWING.
  6. RUNNING LENGTHS OF WATTLES SHOULD BE ADJUSTED FIRMLY TO ENSURE NO LEAKAGE AT THE ABUTMENTS.
  7. WHEN INSTALLING RUNNING LENGTHS OF WATTLES, BUTT THE SECOND WATTLE TIGHTLY AGAINST THE FIRST. DO NOT OVERLAP THE ENDS. STAKE THE WATTLES AT EACH END AND FOUR FOOT ON CENTER.
  8. STAKES SHOULD BE DRIVEN THROUGH THE MIDDLE OF THE WATTLE, LEAVING 2-3 INCHES OF THE STAKE PROTRUDING ABOVE THE WATTLE. WHEN INSTALLING WATTLES ON SLOPES, DRIVE THE STAKES PERPENDICULAR TO THE SLOPE.
  9. DRIVE THE FIRST END STAKE OF THE SECOND WATTLE AT AN ANGLE TOWARD THE FIRST WATTLE IN ORDER TO HELP ABUT THEM TIGHTLY TOGETHER.
  10. STAKING: THE CITY RECOMMENDS USING WOOD STAKES TO SECURE THE WATTLES. 1/2" TO 5/8" REBAR IS ALSO ACCEPTABLE WITH A SAFETY CAP. BE SURE TO USE A STAKE THAT IS LONG ENOUGH TO PROTRUDE SEVERAL INCHES ABOVE THE WATTLE.
  11. THE CONTRACTOR SHALL INSPECT WATTLES EVERY TWO WEEKS AND AFTER ANY SIGNIFICANT STORM EVENT AND MAKE REPAIRS OR REMOVE SEDIMENT ACCUMULATED BEHIND WATTLE AS NECESSARY.
  12. SEDIMENT ACCUMULATED BEHIND WATTLE SHALL BE REMOVED WHEN THE SEDIMENT HAS ACCUMULATED TO ONE HALF THE DIAMETER OF THE WATTLE.
  13. WATTLES SHALL REMAIN IN PLACE UNTIL THE UPSTREAM DISTURBED AREA IS STABILIZED AND IS ACCEPTED BY THE CITY.

**WATTLE DETAIL**  
 N.T.S.

REVISION	DATE	DESCRIPTION

SCALE: NTS  
 DATE: Mar, 2015  
 ENGINEER: T/A  
 DRAWN BY: J/C  
 W.O. #: 15908

Staff Use Only

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

File # B15-13

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

LS14-23  
C15-03

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

Applicant's Name: Blew + Associates D+K Investments

Applicant's Mailing Address:

524 W. Synamore Suite 4  
Street Address or P.O. Box

479-443-4506  
Telephone Number

Fayetteville, AR 72703  
City, State & Zip Code

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

D+K Investments

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

2419 W. Bordeaux Pl.  
Street Address or P.O. Box

479-879-7768  
Telephone Number

Fayetteville, AR 72704  
City, State & Zip Code

Address of Variance Request: 5299 Callahan Mountain Rd.

Zoning District: A-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. The notice to all adjacent property owners must be

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

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

**SETBACK VARIANCES:**

*Not Applicable*

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

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

Requested: Front: \_\_\_\_\_ Side: \_\_\_\_\_ Back: \_\_\_\_\_  
(If granted what the setback would be.)

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

**VARIANCES OTHER THAN SETBACK:**

*Not Applicable*

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

*The purpose of this request is to waive  
the required 15' paved drive to the tandem  
lot.*

**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 existing 12' gravel drive is used only  
for the sole purpose of access by "American  
Tower" to their communication towers and  
will continue to be used only by them.

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):**

Neither D+K Investments or American Tower  
want to pave this existing drive because they  
wish not to attract attention to the site and  
want no sight-seers or visitors.

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 tandem lot being split was previously  
a lease site location with access to said site  
being built to American Tower specs at time  
of construction.

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.

Wesley Luke  
Applicant Signature\*

David A Carpenter  
Property Owner Signature\*  
(if different from Applicant)

\_\_\_\_\_  
Applicant Signature\*

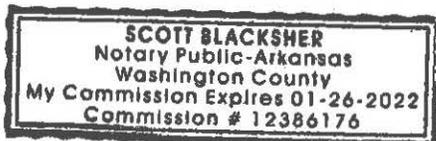
Conita Carpenter  
Property Owner Signature\*  
(if different from Applicant)

\*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 9<sup>th</sup> day of March, 2015.

Scott Blacksher  
Notary Public



**Staff Use Only**

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

File # B15-14

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: Ozark Import Specialists Inc.

Applicant's Mailing Address:

3802 Kelley Ave  
Street Address or P.O. Box Telephone Number  
Springdale AR 72762  
City, State & Zip Code

Property Owner's Name  
(If different from Applicant): Eric & Shandra Vining

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

314 S. Goad Springs Rd (479) 750-4289  
Street Address or P.O. Box Telephone Number  
Lowell AR 72745  
City, State & Zip Code

Address of Variance Request: 3802 Kelley Ave

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. 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 opaque fence requirement  
portion of the amendment from Article 6,  
Section 3.3 of the Zoning Ordinance.

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:**

\* Please see attached letter that was emailed to each member of the Springdale City Council which explains our position.

**\*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 fence in question protects customer vehicles and our own property from theft and/or vandalism. Patrolling officers need to have a clear view of our backlot without obstruction.

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):**

We need to be able to depend on the Springdale Police patrolling our area to protect the property of our customers as well as our own 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):**

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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.**

*Eric Voss*  
Applicant Signature\*

\_\_\_\_\_  
Property Owner Signature\*  
*(If different from Applicant)*

*Shandra Vining*  
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 18<sup>th</sup> day of MARCH, 2015.

*Banks Conditt*  
Notary Public



March 11, 2015

My name is Eric Vining and I am the owner of Ozark Import Specialists Inc. which is located at 3802 Kelley Ave. Springdale, AR. Ozark Import has been in business in Springdale for 40 years and at our current location since approximately 1980.

I am contacting you regarding the recently passed amendment from Article 6, Section 3.3 of the Zoning Ordinance that applies to auto repair shops within Springdale. I attended a City Council meeting in January and raised my concerns with the council. Specifically, the requirement to make the fencing opaque. We have a lot behind our shop building where we store vehicles that are work in progress. It is surrounded by a chain link fence. My concern is the security of my customers' vehicles and my property. We have had a few break ins at our shop in recent years, some of which involved vandalism and/or theft of vehicles and/or property owned by ourselves as well as our customers. I depend on the patrols conducted by the Springdale Police Department in our area to protect our property. If the fence cannot be seen through, I believe this will give potential criminals the luxury of privacy to damage and/or steal property and cars and make the job of our police officers more difficult. Just as we leave the lights on in our office area when we are closed so that patrolling officers may see into our office and building, I believe their ability to see into our back lot without obstruction is crucial.

I realize that appearance matters and I feel that I take pride in my business by keeping it neat and clean. I also believe that there are legitimate security issues that might not have been considered when this ordinance was passed.

I would like to respectfully request that you consider bringing this concern up for discussion at a future meeting.

Cordially,

Eric Vining  
Ozark Import Specialists Inc.  
(479) 751-0800

Staff Use Only

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

File #

15-15

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: Furniture Max - Mark Osburn

Applicant's Mailing Address:

2100 S. Turner St.  
Street Address or P.O. Box  
Springdale, AR 72764  
City, State & Zip Code

(479) 283-1079  
Telephone Number

Property Owner's Name  
(If different from Applicant): K & H INVESTMENTS LLC

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

216 E. ROBINSON  
Street Address or P.O. Box  
SPRINGDALE, AR 72764  
City, State & Zip Code

(479) 751-7483  
Telephone Number

Address of Variance Request: 216 E. Robinson Ave.

Zoning District: I-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. 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.

Construct a sign on the SW corner of Robinson  
& Arkhola Dr. for tenants in this area - see  
attached drawing / example (sign shown is  
5' tall x 8' wide)

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):**

We would like a sign to direct customers  
to our business which is located at  
2100 S. Turner St.

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):**

this higher traffic area would help  
direct customers to our business

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):**

see attached photo showing example  
6' x 10' W sign which would make our  
business more visible

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.

[Signature]  
Applicant Signature\*

Mark Osborn, President  
Applicant Signature\*

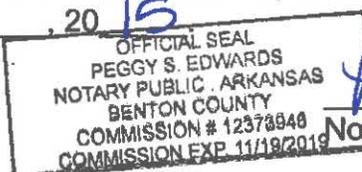
KKH, Investments LLC  
MARY MARY  
Property Owner Signature\*  
(If different from Applicant)

Property Owner Signature\*  
(If different from Applicant)

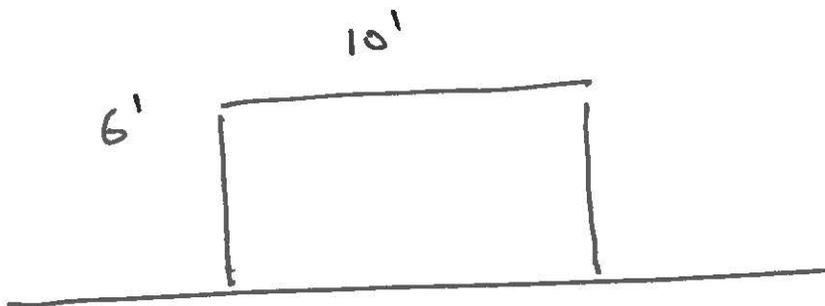
\*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas )  
County of Benton ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 18th day of March, 2015



Peggy S. Edwards  
Notary Public



**Your Business**

**Your Business**

**Your Business**

**FURNITURE**

**MAX**





Staff Use Only

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

File # B15-16

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: Furniture May - Mark Osborn

Applicant's Mailing Address:

2100 S. Turner St.  
Street Address or P.O. Box  
Springdale, AR 72764  
City, State & Zip Code

(479) 283-1079  
Telephone Number

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

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

P.O. Box 365  
Street Address or P.O. Box  
SPRINGDALE, AR 72765  
City, State & Zip Code

(479) 751-4819  
Telephone Number

Address of Variance Request: 105 W. Robinson Ave.

Zoning District: I-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. 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.

Place company sign (Furniture Max) on existing  
sign located on the corner of Turner St. &  
Robinson Ave. (SW corner); Dime's Meat  
Market Sign

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

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

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

A sign at this location would be much more visible than to the south of our address, 2100 S. Turner St.

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):**

We need a sign to direct customers to our business

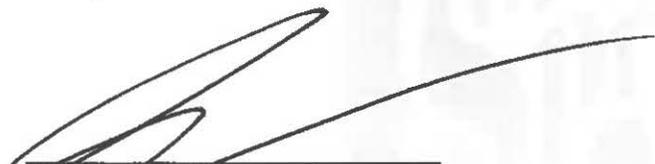
3. That the special conditions and circumstances do not result from the actions of the applicant. **Use the space below to explain how the special conditions or circumstances occurred (attach a separate sheet if necessary):**

See attached photo showing minor modification to existing sign which would direct people to our business

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\*

Mark Osborn, President  
 Applicant Signature\*

  
 \_\_\_\_\_  
 Property Owner Signature\*  
 (If different from Applicant)

\_\_\_\_\_  
 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 17<sup>th</sup> day of March, 2015.

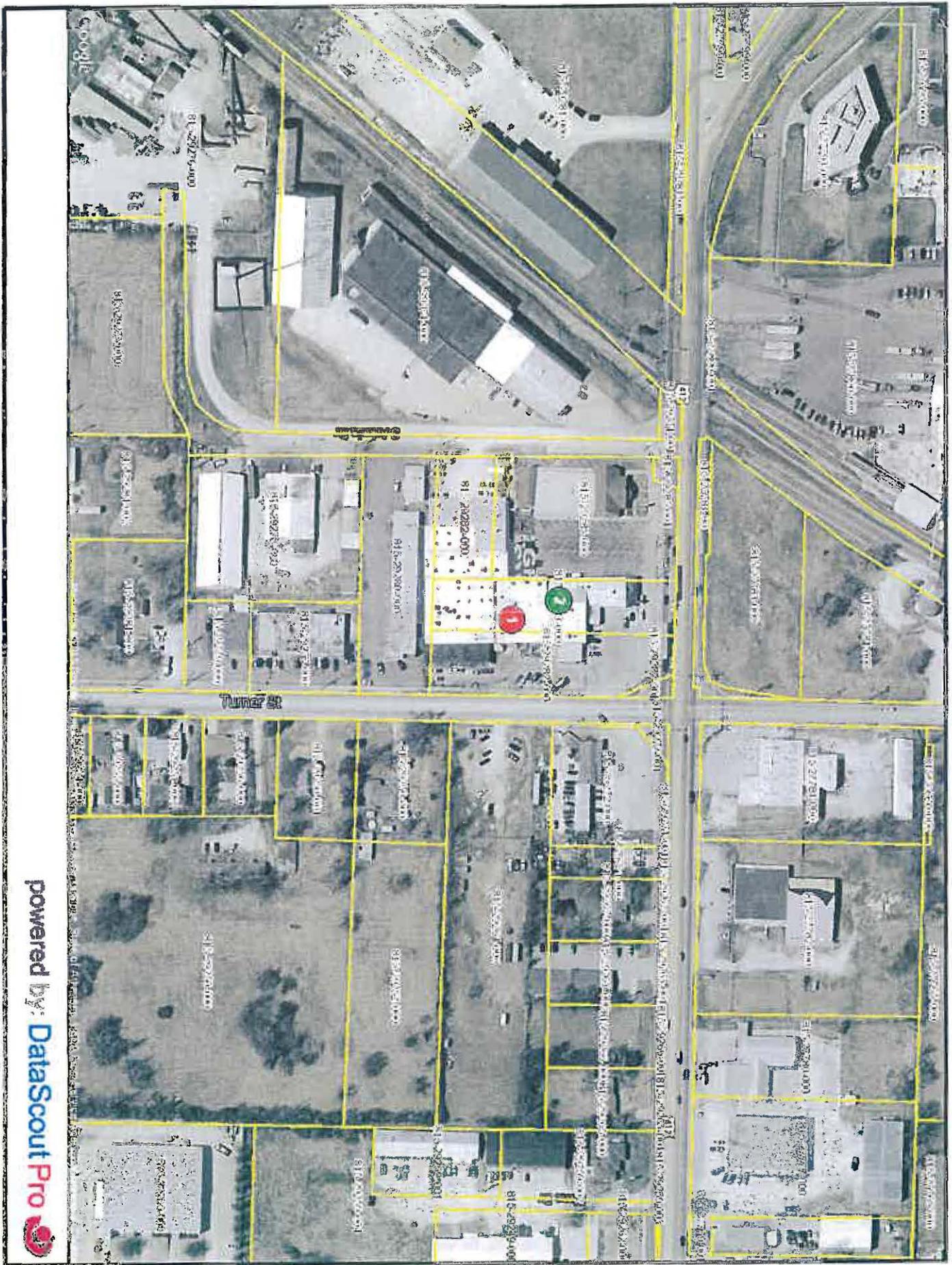
  
 \_\_\_\_\_  
 Notary Public

SUE CAUDLE NOTARY PUBLIC - STATE OF ARKANSAS WASHINGTON COUNTY Commission Exp. 05-31-2022 Commission #12387819
----------------------------------------------------------------------------------------------------------------------------



SW CORNER OF ROBINSON & TURNER





powered by: DataScout Pro



**City of Springdale  
Code Enforcement**

210 Spring Street - Springdale, AR 72764 - Office 479-796-7752

**CITATION / SUMMONS TO APPEAR - 3/17/2015 4:38 PM (TINA -1)**

State of Arkansas, County of Washington, City of Springdale

1 Citation Number 30115  
Date and Time of Citation 3/17/2015 3:38 PM

The undersigned, upon oath deposes and says:

1 Name of Violator Last, First and Middle Osborn Mark Allen  
Photo ID Attached Data



Date of Birth 4/3/1969

**Demographics**

Drivers License AR 918647125  
Race White  
Sex Male  
Ht 6-2  
Hair Blonde  
Eyes Blue

Address of Violation 2100 Turner  
Relationship to Property Property Owner  
Address of Property Owner 2100 Turner

Narrative Can not place matter on side walks, can not have open display of merchandise. Need to remove junk ( Mattress) from property

Has committed violation(s) of the City of Springdale Code or Ordinance as follows: #42 Unsightly and Unsanitary,#110 Streets, Sidewalks and Public Places

Total Number of Charges 3

**YOU ARE REQUIRED TO APPEAR IN COURT ON THIS DATE**

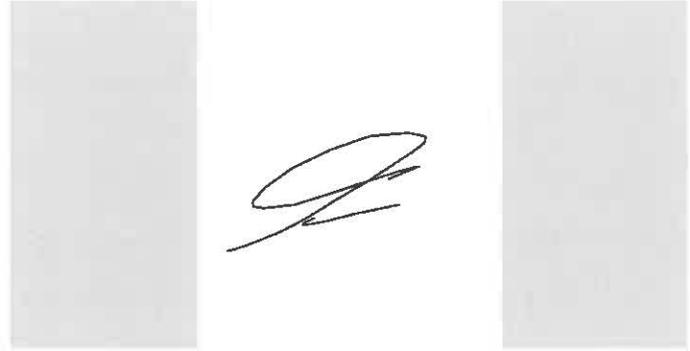
Date & Time of Court 3/24/2015 8:30 AM

I agree to appear in said Court at said time and place

1 Springdale District Court Address of Court: 201 Spring Street Springdale, AR 72764, Failure to Appear will result in a Warrant for your arrest.

I PROMISE TO APPEAR IN COURT AT SAID TIME AND PLACE. I UNDERSTAND THAT MY SIGNATURE IS NOT AN ADMISSION OF GUILT.

1 Violators Signature Attached Data



Signature of City of Springdale Code Enforcement Officer

- 1 The undersigned further states that he has probable cause to believe and does believe that the person and/or business named above is in violation of the ordinance(s) set forth above.

Attached Data

Code Officer  
Picture of Violation

Tina Haden (479-263-4221)  
Attached Data



Picture of Violation

Attached Data



Picture of Violation

Attached Data



**FURNITURE  
MAX**

2200-ED

2200-D

**FURNITUREMAX**

479-283-1079

**HOURS**

Monday - Saturday

9 a.m. - 6 p.m.



Handicap Accessible

80012

Handicap Accessible

8012

RESERVED  
PARKING





3-17-15

PIII



PH12

3-17-15



**City of Springfield**  
**Community Engagement**  
**Code Enforcement**  
A Division of Public Works

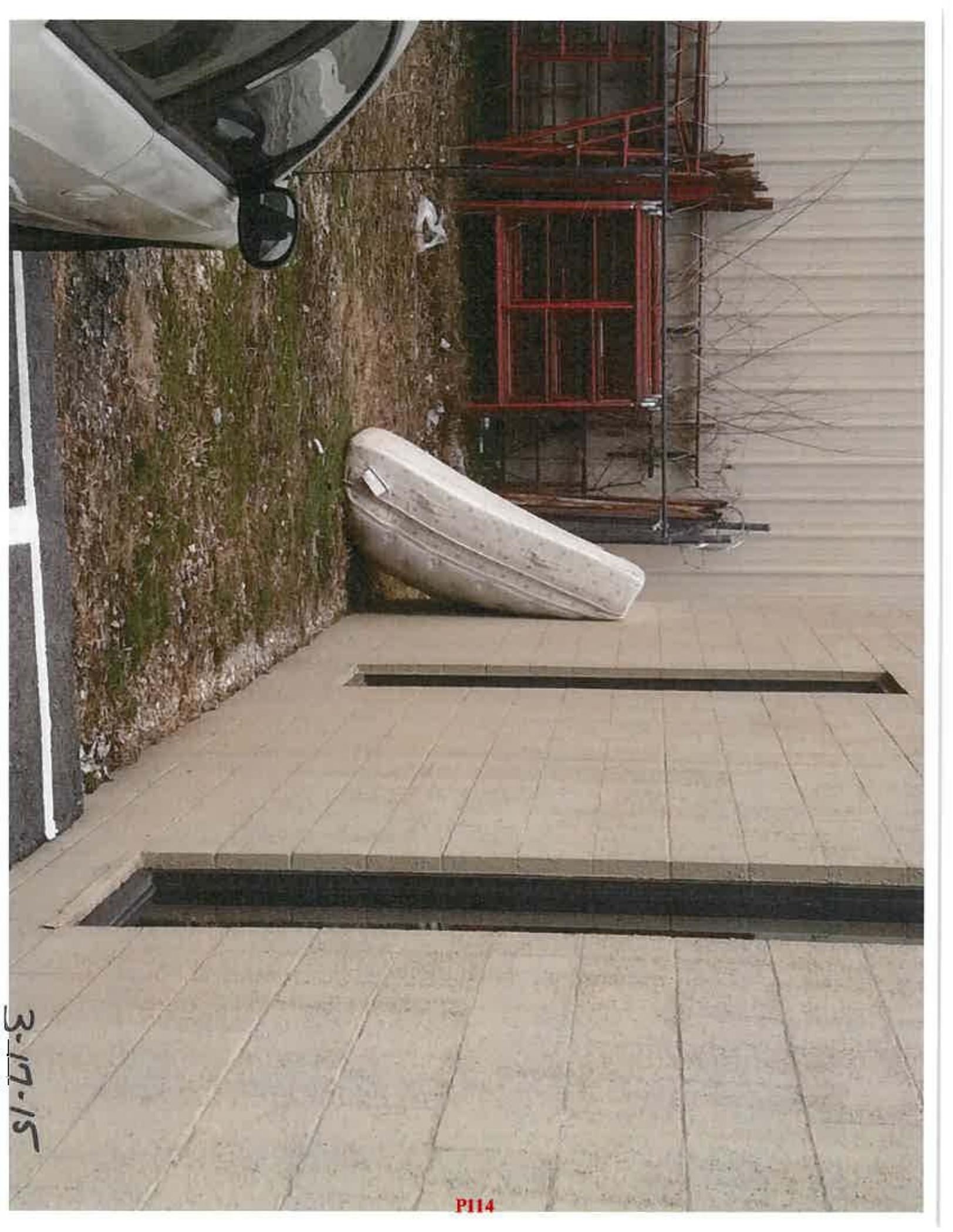
SILVERADO

ENTRANCE

REPAIRS

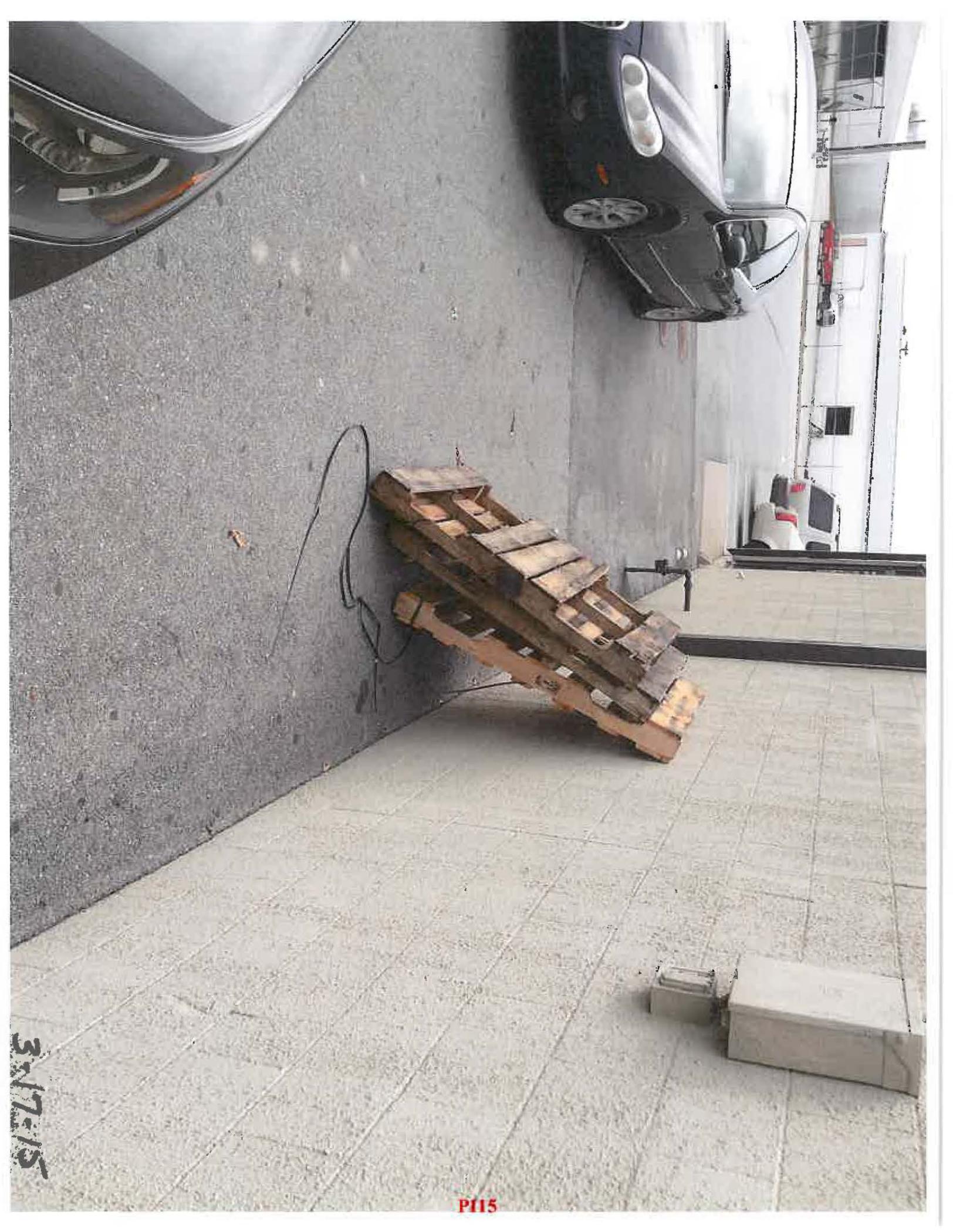
PL13

3/17/15



3-17-15

P114



3-17-15

PI15

3-17-15

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MATTRESS

Signs removed  
from Robinson  
on 3-17-15

Pictures of violations  
taken on  
3-23-15

2100A  
ENTRANCE  
←  
EMERGENCY  
EXIT  
479.288.1079  
10 TO 6 MON THRU SAT

3-73-15

P118





P119



Red rectangular object on the green wall.

X

2/23/15

2/23/15

March 26, 2015

To the City Planning Dept  
Springdale, AR

From: Jim Jones Construction Co.  
15531 Cow Face Rd  
Lowell AR 72745

Jim ~~St~~  
530-8919

Re: 115 Blue Stem

I am requesting a waiver of  
sidewalk requirement on the  
Emma side of our duplex lot  
at this location.

Thank you for your consideration.

Jim Jones

W15-01

**PLANNING & COMMUNITY  
DEVELOPMENT DIVISION**

# Memo

To: PLANNING COMMISSION MEMBERS  
From: Patsy Christie, Planning Director  
Date: March 3, 2015  
Re: C15-01

A request by Naan EO Emman (Good News) Marshallese Assembly of God, Inc. for a Conditional Use Permitted on Appeal as a Use Unit 42 (Church/synagogue) in a General Commercial District (C-2).

## LOCATION

3020 W. Huntsville Avenue, north side of Huntsville Avenue, west of Gutensohn Road.

## EXISTING CONDITIONS

Commercial structures. Commercial uses to the east, south, and west, single family dwellings to the north.

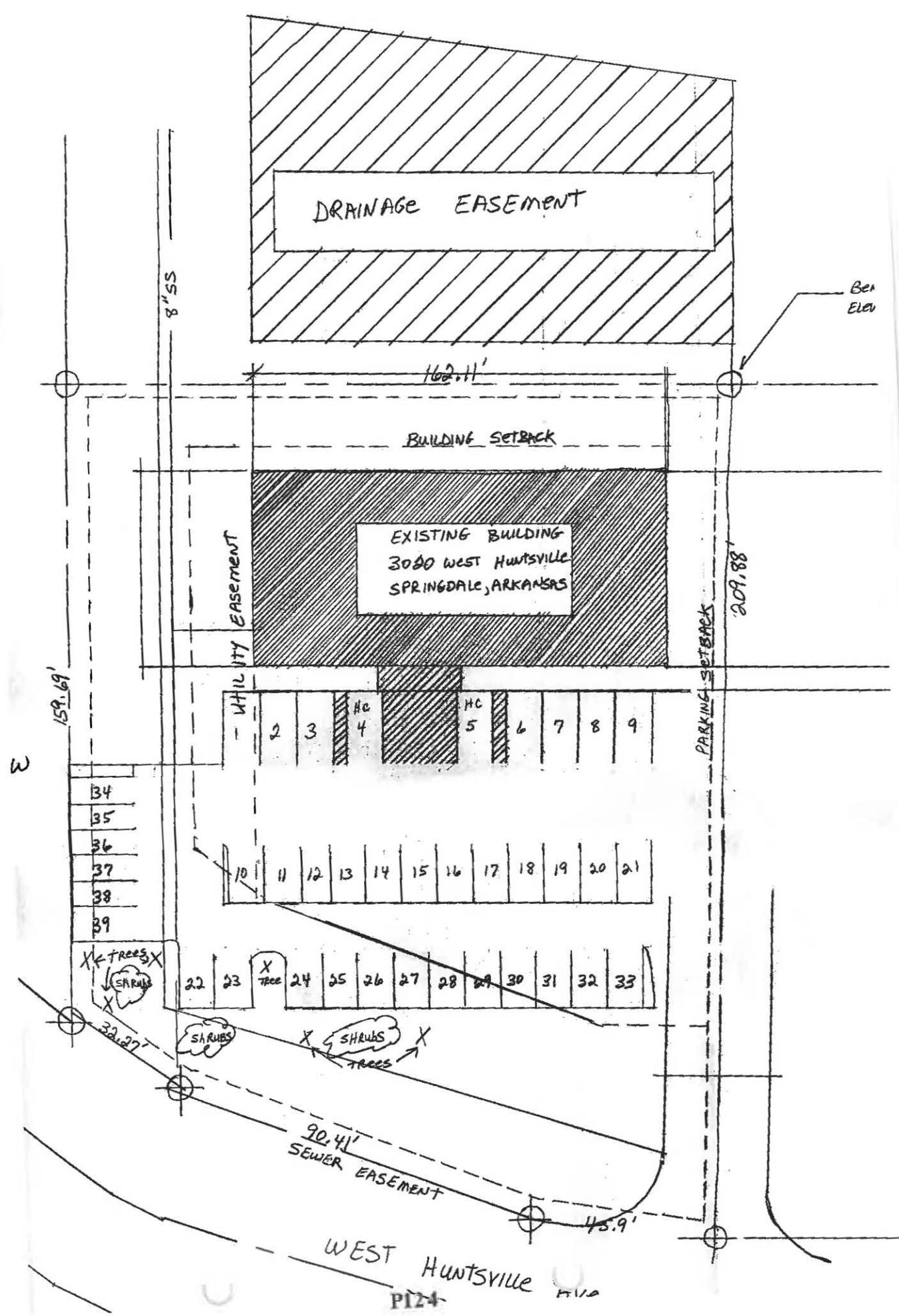
SITE PLAN REVIEW REQUIRED:  Yes  No

## 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>Unacceptable</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.<br><b>Occupancy established by Fire Marshal 298. Requires 63 spaces, only 39 provided.</b> |
| <b>Acceptable</b>   | Refuse and service areas, with particular reference to the item in 1 and 2 above.                                                                                                                                                                                                                                                               |

- Acceptable** Utilities, with reference to locations, availability and compatibility.
- Acceptable** Screening and buffering with reference to type, dimension and character.
- Unknown not shown** Sign, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
- Acceptable** Yard requirements and other open space requirements.
- The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of this chapter.
- Acceptable** 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.
- General compatibility with adjacent properties and other property in the general district. **Services to be as follows:**
- |                       |                                                        |
|-----------------------|--------------------------------------------------------|
| <b>Monday/Tuesday</b> | <b>10:00 a.m.-11:00 a.m.<br/>6:00 p.m. – 7:00 p.m.</b> |
| <b>Thursday</b>       | <b>6:00 p.m. – 7:00 p.m.</b>                           |
| <b>Friday</b>         | <b>6:00 p.m. – 7:00 p.m.</b>                           |
| <b>Saturday</b>       | <b>9:00 a.m. – 10:00 a.m.</b>                          |
| <b>Sunday</b>         | <b>All Day</b>                                         |
- Must comply with sound ordinance & must comply with building and Fire code requirements.**



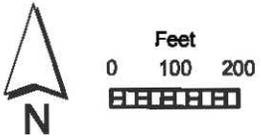


Public hearing sign posted: / / 2015  
 Public hearing sign posted by. CS  
 Public Hearing Sign Location

P125

**FILE NUMBER: C15-01**  
**APPLICANT: NAAN ED EMMAN**  
**CONDITIONAL USE REQUEST: USE UNIT 42 -**  
**CHURCH**

**CITY OF SPRINGDALE**  
**PLANNING OFFICE**  
**PLANNING COMMISSION MEETING**  
**3/3/2015**



**PREAPPLICATION FOR CONDITIONAL USE**  
(For any conditional use request other than a tandem lot)

PROPERTY LOCATION: <u>3020 WEST HUNTSVILLE, SPRINGDALE, AR</u> <small>(street address or layman's description)</small>	
PROPERTY OWNER: <u>LARRY + BONNIE GRABER</u>	
(Record Title Holder of the Property as shown on a deed of record in the County): <u>LARRY + BONNIE GRABER</u>	
<small>Note: If property is in the ownership of someone other than individuals documentation must be included that indicates who is authorized to represent the property owner(s)</small>	
Zoning District of Property: <u>C-2</u>	
Description of the Conditional Use sought: <u>SUIT A - church</u>	
Use Unit Designation: <u>42 Church / Synagogue</u>	
Is the Use Unit allowed as a Conditional Use on Appeal to the Planning Commission in the Zoning Ordinance: <input checked="" type="checkbox"/> yes, <input type="checkbox"/> no.	
<small>(If the answer is no then the intended use can only be allowed if the property is rezoned.)</small>	
<b>Occupancy Classification of the structure as determined by the Building/Fire Code:</b>	
Current Occupancy Classification	<u>A3 Church</u>
Chief Building Official	<u>Michael D. Usher</u> Date: <u>1/2/15</u>
Fire Marshal	<u>Chris J. [Signature]</u> Date: _____
Occupancy Classification required for intended use	<u>A3 church</u>
Chief Building Official	<u>Michael D. Usher</u> Date: <u>1/2/15</u>
Fire Marshal	<u>Chris J. [Signature]</u> Date: _____
Does the structure have an occupancy permit for the intended use? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

If yes, proceed with an **Application for a Conditional Use on Appeal**.

If no, an **Application for a Conditional Use on Appeal** **cannot** be filed until:

1. A statement has been obtained from the chief building official and fire marshal indicating compliance of the structure to adopted building and fire codes for the proposed conditional use or required upgrades and/or improvements required for use of the structure for the proposed conditional use.
2. A notarized statement by the property owner and applicant recognizing all structural alterations requirements that must be completed inspected and approved prior to occupancy of the structure.

Note: If upgrades and/or improvements are required for the conditional use to be allowed in the structure a registered design professional would need to submit plans per the 2012 Arkansas Fire Prevention Code, Volume II: Building – Section 107.1, "....A registered design professional, an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering shall be required and shall affix his or her official seal to said drawings, specifications, and accompanying data....."

**STATEMENT OF RECOGNIZATION OF  
STRUCTURAL REQUIREMENTS IN CONJUNCTION WITH A  
CONDITIONAL USE ON APPEAL**

I/We the undersigned do hereby recognize, by execution of this statement, that the structural alterations identified by the chief building official and fire marshal as stated below and attached and made a part of this statement are required in order for a Use Unit 42 in a C-2 zoning district to be considered as a Conditional Use on appeal for a structure located at 3020 WEST HUNTSVILLE, SPRINGDALE

**Please attach statement obtained from the chief building official and fire marshal of required upgrades and/or improvements for compliance of the structure for the above cited conditional use.**

I/We the undersigned do further recognize, by execution of this statement, that the structural alterations identified above must be completed, inspected and approved prior to occupancy of the structure as identified above

  
\_\_\_\_\_  
Applicant

  
\_\_\_\_\_  
Property Owner

State of Arkansas )

County of Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 2 day of

January, 2015

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

My commission expires: 12/10/2024

DEBBIE A. FOUNDER  
WASHINGTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires December 10, 2024  
Commission No. 12402008

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

1. APPLICANT: NAAN ED EMMAN  
Address: 3020 West Hannaford Rd  
Springdale AR 72762  
Phone: (479) 422-6917 Profit: \_\_\_\_\_ Non-Profit

2. Property Location (street address or layman's description):  
\_\_\_\_\_  
\_\_\_\_\_

3. Record Title Holder of Property: \_\_\_\_\_  
(A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested 42 in C-2 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:  
REQUEST USE OF BUILDING FOR A CHURCH AND SINCE IT HAS  
BEEN IN USE BY A CHURCH, THERE REALLY ISN'T ANY CHANGE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?  
SHOULD IMPROVE THE CHARACTER OF THE NEIGHBORHOOD  
\_\_\_\_\_  
\_\_\_\_\_

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.

10. Attach a site plan for the proposed conditional use. A site plan shall apply to all conditional uses as specified in each of the zoning districts.

Signature of Record Property Owner(s)

Larry Haber  
Bonnie Haber

Signature of Applicant

[Signature]

Date: 1-8-15

Date: 1/9/15

**VERIFICATION**

I/We, the undersigned, herewith state on solemn oath that we have read the attached application for a conditional use permit 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.

x [Signature]  
x [Signature]

State of Arkansas )  
County of Washington ) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 9<sup>th</sup> day of January, 2015

[Signature]  
Notary Public

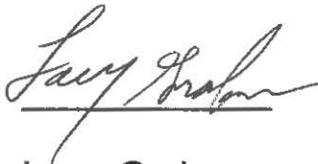
My commission expires: 12/10/2024

DEBBIE A. POUNDERS  
WASHINGTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires December 10, 2024  
Commission No. 12402006

March 5, 2015

## SHARED PARKING AGREEMENT

I Larry Graber, owner and sole manager for Candy LLC do hereby give permission for the parking on Lot 11, Block 2, Central Village Addition to the City of Springdale, Washington County Arkansas (2988 West Huntsville) to be shared with Lot 10 Block 2, Central Village Addition to the City of Springdale, Washington County Arkansas (3020 West Huntsville) on any days that it might be needed.

A handwritten signature in cursive script, appearing to read "Larry Graber", is written over a horizontal line.

Larry Graber