

**SPRINGDALE PLANNING COMMISSION
COUNCIL CHAMBERS
5:00 P.M.
201 SPRING
OCTOBER 6, 2015
Agenda**

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

II. Call to Order

III. Roll Call

IV. Approval of Minutes (September 1, 2015)

V. Public Hearing

A. C06-22 Ken Warner **PP34-38
103 & 105 Spring Street
Use Unit 33 (Auction House)
In C-3 zone
Presented by Patsy Christie**

VI. Tabled Items

A. B15-46 Leonel Rivas **PP39-44
838 Underhill Lane
Variance for reduction of side setback from 20' to 13'
Presented by Leonel Rivas**

VII. Public Hearing – Rezoning

A. R15-23 Eileen Zarowsky **PP45-52
307 N. 48th Street
From A-1 to C-5
Presented by Eileen Zarowsky**

B. R15-24 Blue Ribbon Properties, LLC **PP53-60
4149 N. Thompson
From C-2 to C-5
Presented by Presley, Brannan Associates**

C. R15-25 SmitCo Eateries, Inc. **PP61-68**
909 S. Thompson
From C-2 to C-5
 Presented by CEI Engineering

D. R15-26 Kenneth & Rosalie Dunk **PP69-76**
3448 Wagon Wheel Road
From A-1 to C-2
 Presented by Blew & Associates

VIII. Public Hearing – Conditional Use

A. C15-12 Robert Krizan **PP77-83**
3358 N. 48th Street
Conditional use for a tandem
Lot split
 LS15-25 Tandem Lot Split
B15-52 Variance for deletion of paving requirement
 Presented by Robert Krizan

B. C15-14 Karl & Terri Ralston **PP84-89**
5115 Har-Ber Avenue
Use Unit 28 (Home Occupation)
In an Agricultural District (A-1)
 Presented by Karl or Terry Ralston

IX. Lot Splits

A. LS15-25 Robert Krizan
3358 N. 48th Street
Tandem Lot Split
 Presented by Robert Krizan

X. Preliminary Plats, Replats, & Final Plats

A. RP15-05 Replat of Lots 2B & 2C-1 **PP90-91**
SW curve of White & Elm Springs Rds
 Presented by Ryan & Holly Robertson

XI. Large Scale Developments

A. L15-18 Lakeside at Har-Ber Meadows **PP92-109**
E. side of Founder's Park Drive
At end of & north side of Lynch's
Prairie Court
B15-59 (A) Variance for modification of Multi-
Family design standards
B15-59 (B) Variance for modification of landscaping
Requirements per Chapter 56
 Presented by Bates & Associate

- B. L15-19 Tyson's Parking Lot **PP110-119****
SE corner of Meadow & Railroad tracks
 Presented by Engineering Services, Inc.

XII. Board of Adjustment

- A. B15-50 Larry & Pam Mynat **PP120-124****
6447 New Hope Road
 Variance for reduction of side setback
 From 20' to 8'
 Presented by Larry Mynatt
- B. B15-51 Eleazar Mota, Blanca Flores & Nancy Flores **PP125-133****
303 Hart venue
 Variance for reduction of front setback from
 30' to 13'
 Presented by Nancy Flores
- C. B15-52 Robert Krizan **PP134-137****
3358 N. 48th Street
 Variance for deletion of paving requirement
 Presented by Robert Krizan
- D. B15-53 Gabriel Quinonez **PP138-143****
1541 Monitor Road
 Variance for reduction of side setback from
 20' to 9'
 Presented by Gabriel Quinonez
- E. B15-54 Charles Cuadra & Wanda Braswell **PP144-149****
3037 American Street
 (A) Variance for modification of Commercial Design Standards
 (B) Variance for modification of landscaping Requirements per Chapter 56
 Presented by Kellye Hamblen
- F. B15-55 SmitCo Eateries, Inc. **PP150-158****
909 S. Thompson
 (A) Variance for modification of Commercial Design Standards
 (B) Variance for modification of landscaping Requirements per Chapter 56
 (C) Variance for reduction of distance between Drives
 Presented by CEI Engineering

- G. **B15-56** **James Clinger** **PP159-164**
 7522 W. Gibbs Road
 Variance for reduction of rear setback from
 20' to 15'
 Presented by James Clinger

- H. **B15-57** **Jessica Ware** **PP165-168**
 1014 Parker Avenue
 Variance for reduction of front setback from
 30' to 20'
 Presented by Jessica Ware

- I. **B15-58** **Eva Lopez** **PP169-173**
 2589 Lakeside
 Variance for reduction of rear setback from
 20' to 18'
 Presented by Eva Lopez

- J. **B15-59** **Michael Pennington – Gateway Homes** **PP174-180**
 (L15-18) Lynch's Prairie Cove – Lot 2 Block 43
 (A) Variance for modification of Multi-family
 Design Standards
 (B) Variance for modification of landscaping
 Requirements per Chapter 56
 Presented by Bates & Associates

XIII. Waivers

- A. **W15-09** **Barry Brant** **PP181**
 5692 W. County Line Road
 Waiver of sidewalk requirement
 Presented by Barry Brant

- B. **W15-10** **Phil & Sheena Daniel** **PP182-187**
 7948 Gibbs Road
 Waiver of sidewalk requirement
 Presented by Phil Daniel

XIV. Other

- John B. Backus** **PP188**
 2126 Maestri Road
 Expand existing non-conforming
 Use in an A-1 zone
 Presented by Engineering Services, Inc.

XV. Planning Director's Report

XVI. Adjourn

The Springdale Planning Commission met in regular session on Tuesday, September 1, 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
- Charles Gaines
- Mitch Miller
- Kevin Parsley – Chairman
- Brian Powell

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

Commissioner Vivi Haney was not in attendance.

Commissioner Brian Powell moved to approve the minutes for August, 2015. Commissioner Mitch Miller seconded the motion. By a voice vote of all ayes and no nays the August 2015 minutes were approved.

Tabled Items

- A. B15-36 Eric & Katlyn Siebert
SE corner of DTP & Highway 265
 Variance for reduction of required parking
 Spaces from 3 to 2
 Variance for reduction of setback from 50' to 30'
 Presented by Eric and Katlyn Siebert

Both Eric and Katlyn Siebert were present to answer any questions or comments regarding their variance.

Ms. Christie asked Mr. Sedberry to put the map on the wall so that everyone could see where the Siebert's wanted to locate. Ms. Christie said that they didn't meet the setback requirements.

Mr. Siebert said where they wanted to set up wouldn't need a setback but the property owner didn't want them at that spot so they had to request a setback variance.

Ms. Christie said that this wasn't the intent of the kind of places to put mobile vending units. This is creating an issue with the parking. This particular lot is very small and all the other locations for mobile vending are much larger and pose no threat to traffic

backing up. She said Staff recommends that the variances be denied and not be allowed to have a conditional use.

Mr. Seibert stated that on any other street in Springdale it would meet the setback but 265 is a State highway. He said there was also an agreement between the Sieberts and the property owner that if the mobile vending does create a traffic flow problem, their agreement would be null and void.

Ms. Christie stated that if the variance requests are approved, the Sieberts will have to go back to Council and Council has to overturn the decision denying the conditional use. If that is the case it will go to Council on September 22, 2015 and they would have to make the determination.

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

There were none.

Mr. Miller called for the vote on both variances.

VOTE:

YES: Parsley, Powell

NO: Arthur, Compton, Covert, Dunn, Gaines, Miller

The variance requests were denied by a vote of seven (7) no and two (2) yes.

Ms. Christie stated for the record that variances could only be appealed through Circuit Court.

- B. B15-37 RC Eastview, LLC
1945 Butterfield Coach Road
 Variance for an off-site sign
 Presented by Justin Williams

This was tabled for a second time therefore the applicant must re-apply.

- C. C15-11 Darrellann Wise
7954 W. Miller Road
 Use Unit 14 (MHP) in an A-1 zone
 Presented by Clifton Wise
- B15-38 Darrellann Wise
 Variance for reduction of side setback from
 20' to 7'
 Presented by Clifton Wise

Mr. and Mrs. Wise were both present to answer any questions or comments. Mr. Wise said the mobile home is for his elderly mother-in-law so that they can better care for her.

Ms. Christie asked them to explain why they need the setback as they have a fairly large property.

Mr. Wise stated that in the back of the property there is a pretty steep slope that would be difficult to place a mobile home on. He said it is for his mother-in-law and is temporary. It is closer to the utilities that they would have to hook up to.

Ms. Christie asked the fire department if they had an issue with the location of the mobile home.

Mr. Kevin McDonald with the fire department stated that normally they don't support any reduction of side setbacks; however, in this situation it is in a rural setting. They would like to see the 8' but would not object too strongly to the 7'.

Ms. Christie asked about the access to the structure.

Mr. Wise stated they are not building a driveway or additional parking spaces to the mobile home. The only driveway that will be used is his.

Ms. Christie asked about the septic system.

Mr. Wise said they had a perc test done and it will support a septic system.

Ms. Christie read the rest of the Staff comments.

Unacceptable 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.

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

Unknown Utilities, with reference to locations, availability and compatibility.
Septic system requirements not addressed

N/A 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.

Unacceptable Yard requirements and other open space requirements.

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

- 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.

- Unacceptable** General compatibility with adjacent properties and other property in the general district.

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

There were none.

Mr. Parsley said that Mr. Patterson who is a neighbor of the Wise's called and stated his concern was it was going to be a mobile home park. Mr. Parsley said he told him that was not the case. Mr. Patterson said he had no problem with what the Wise's were going to do.

Mr. Covert called for the vote on the Conditional Use. The conditions placed on the conditional use are:

1. 10 year length of stay for the mobile home
2. Separate septic system and utilities
3. No additional driveway or parking spaces.

VOTE:

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

NO: Compton

The conditional use with the above conditions was approved by a vote of seven (7) yes and one (1) no.

Mr. Miller called for the vote for the variance.

VOTE:

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

NO: Compton

The variance was approved by a vote of seven (7) yes and one (1) no.

Ms. Christie stated for the record that Staff would prepare the Resolution to go to Council on Tuesday, September 22, 2015 at 6:00 p.m.

Public Hearing – Rezoning

- A. R15-21 James & Joy Mathias
2.70 acres east of the intersection of
Wagon Wheel Road and Arrowhead Cove
From A-1 to MF-2
Presented by Leonard Gabbard

Mr. Gabbard was present on behalf of his clients 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 low 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:

Appropriate locations for single-family and multi-family residential development should be provided based on accessibility, site suitability, utility availability, neighborhood compatibility and environmental factors.

Assure adequate land allocation for residential purposes by providing lots of adequate size.

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

There were none.

Mr. Arthur called for the vote.

VOTE:

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

NO: None

The rezoning request was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the Ordinance to go to Council on Tuesday, September 22, 2015 at 6:00 p.m.

- B. R15-22 El Centro Cristiano Hispano
1751 N. 56th Street
From A-1 and SF-2 to P-1
Presented by Leonard Gabbard

Mr. Gabbard was present to address any questions or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

The adopted Comprehensive Land Use Plan indicates low 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 with questions or comments.

Ms. Brenda Allison who lives at 1823 N. 56th Street, she said she was also speaking for Dorcas and Bill Johnson and for Earl Lyman.

Ms. Allison said that after reviewing the plans they did not see the need to change the zone of the whole property. She thought that the church was rezoning so that they could expand but also sell it as well.

She further stated this is a family and residential area whose ownership has been kept in the families for several generations. She said she didn't feel that this area should be labeled as an institutional district.

Mr. Parsley asked Ms. Christie to read what can go into a P-1 zone.

Ms. Christie read the permitted uses in a P-1.

The P-1 zone Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. The only permitted uses are:

- Unit 1: Citywide public uses by right
- Unit 4: Cultural, recreational and health facilities
- Unit 5: Institutional facilities
- Unit 40: Temporary classrooms
- Unit 42: Church/Synagogue
- Unit 45: Health Care Clinic

The uses allowed upon a conditional use being approved are:

- Unit 2: Citywide uses by conditional use permit
- Unit 3: Utility facilities
- Unit 27: Parking lot
- Unit 49: Commercial assembly

In an A-1 zone as the property is currently zones allows:

- Unit 1: Citywide public uses by right

Unit 6: Agriculture
Unit 7: Animal husbandry
Unit 29: Home office
Unit 50: Agricultural Occupation

Uses allowed upon a conditional use being approved are:

Unit 2: Citywide uses by conditional use
Unit 3: Utility facilities
Unit 4: Cultural, recreational and health facilities
Unit 5: Institutional facilities
Unit 9: Zero lot line
Unit 14 (Residential manufactured housing (RMH))
Unit 17: Eating places
Unit 23: Commercial large sites
Unit 28: Home occupation
Unit 30: Recreational vehicle park
Unit 33: Self-supporting tower or antenna structure or monopole
Unit 36: Horses kept in residential areas
Unit 37: Auction houses
Unit 40: Temporary classrooms
Unit 42: Church/synagogue
Unit 45: Health care clinic

Mr. Parsley pointed out that a P-1 is much more restrictive on what can be allowed.

Mr. Arthur pointed out that in the paperwork the commission received there is no indication that after rezoning the church was planning on selling the property.

Ms. Christie also stated there is nothing in the paper work that the church was going to sell the property.

Mr. Sedberry stated that was just an option and doesn't mean they are going to sell the property.

Ms. Dorcas Johnson spoke. She wanted to know if they decided to sell the land and the buyer decides to building something on it will it go to the commission again.

Ms. Christie said they would have to come back with a large scale development and the adjacent property owners would have to be notified.

Mr. Powell called for the vote.

VOTE:

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

The rezoning was approved by a unanimous vote.

Ms. Christie stated for the record Staff would prepare the Ordinance to go to City Council on Tuesday, September 22, 2015 at 6:00 p.m.

Lot Splits

- A. LS15- 20 Mike "Milo" Myers
N. side of McRay, E. Side of Paradise Lane
- W15-08 Waiver of subdivision requirements
Presented by Blew and Associates

These requests were tabled per the applicant.

Large Scale Developments

- A. L15-14 El Centro Cristiano Hispano
1751 N. 56th Street
- B15-49 Variance to allow existing sidewalk to remain as is
- B15-49 Variance for modification of landscaping requirements
Per Chapter 56
Presented by Leonard Gabbard

Mr. Gabbard was present on behalf of his client to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

She first talked about the variances the first being to allow the existing sidewalk to remain as is. She asked Mr. Gabbard to explain where the existing sidewalk is.

Mr. Gabbard said the sidewalk is immediately west of the existing building, he said that on the expansion his client would be putting in the green space that is required.

Planning Comments

- 1) This property must be rezoned.
- 2) Need State Plane Coordinates (NAD 83, Feet) for all fire hydrant locations.
- 3) A screening fence is required in accordance with Chapter 56. Show trees associated with screen.
- 4) Minimum width of drive for two-way traffic is twenty-four feet (24'). Show drive widths.
- 5) Minimum radius to the face of the curb for driveways is twenty-five feet (25').
- 6) Show all existing easements.
- 7) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight.
- 8) The streetlight fixture shall be by LSI Lighting Model Crossover XRM, #SPL-XRM3-119W/LED/UE-MSV-IPC-PC-COS.

- 9) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 10) This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. See attached design standard comments.

Commercial Design Standards Comments

- 1) Where a façade faces adjacent residential uses or an area on the Comprehensive Land Use Plan designated for residential use an earthen berm shall be installed, no less than 6' in height containing at a minimum a double row of evergreen or deciduous trees planted at a 15' interval plus all landscaping requirements set forth in Chapter 56 of the Springdale Code of Ordinance.
- 2) Continuous internal pedestrian walkways, no less than 5' in width from the public sidewalk to the principal customer entrance of all principal buildings on the site are required.
- 3) Provide at least two of the items listed under Central Feature and Community Spaces in the Springdale Commercial Design Standard.
- 4) Trash containers, trash compactors, and recycling bins shall be screened from public view on all four sides with a solid fence, wall, or gate constructed of cedar, redwood, masonry, or other compatible building material, and shall be appropriately landscaped.
- 5) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meter shall be screen from public view with landscaping or with an architectural treatment compatible with the building architecture.
- 6) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.
- 7) When a commercial development includes a fence or wall, the following guidelines and standards apply:
 - a. Maximum height of a fence or wall shall be 8'
 - b. Constructed of high quality materials such as, decorative blocks, brick, stone, cypress, cedar, redwood, and/or wrought iron.
 - c. Maximum length of a continuous, unbroken, and uninterrupted fence or wall shall be 50'. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.
- 8) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) Provided a more detailed SWEPPP and drainage calculations for the culvert.
- 2) The site area of disturbance is less than 0.5-acre, so a Grading Permit is not required. However, please advise the contractor/owner that although the site is less than 1-acre, we do expect all grading and erosion BMP's to be used to

protect the existing storm drainage system. We will require a SWPPP and erosion control plans in the event of discharges of sediment from the site.

Mr. Gabbard stated that he thought he had addressed most of the comments.

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

Mr. Alan Bearden spoke. He lives/owns 10 acres immediately south of the large scale development. His concern was regarding the fencing and privacy barriers. He said right now there is a lot of activity and it does create noise at times.

Mr. Gabbard said they were using the Commercial Design Standards. He said their intent is to meet the requirements.

Mr. Sedberry stated a fence is not required; however, there is a landscaping requirement.

Mr. Gabbard said there would be an evergreen screening down the southern side of the property.

Mr. Terry McGuire who did the original large scale spoke. He asked Mr. Bearden how much of his land bordered the large scale.

Mr. Bearden said his was a 10 acre square that bordered the church.

Ms. Christie suggested that Mr. Bearden get with the property owner and get the fence issue worked out.

Mr. Dunn called for the vote on both of the variances to be voted on simultaneously.

VOTE:

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

NO: None

The variances were approved by a unanimous vote.

Mr. Powell moved to approve the large scale development subject to Staff comments. Mr. Miller seconded the vote.

VOTE:

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

NO: None

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

- B. L15-15 Captain D's
909 S. Thompson
B15-41 Variance for modification of landscaping requirements
Per Chapter 56
Presented by CEI Engineering

Mr. Thomas Oppenheim engineer with CEI Engineering was present on behalf of his client to answer any questions or comments. He said the owner of the property is proposing a Captain D's on the site.

He said they are constrained on three sides, Velma, Eicher and Thompson. The variance is the frontage on the north and south side. They would be improving both of those streets with the addition of sidewalks. With the addition of the sidewalks would make the landscape requirements slightly less than the required 10 feet.

He further stated there will be some additional variances requested at a later date before construction begins as well as a rezoning request.

Mr. Parsley asked for Staff comments.

Ms. Christie read the Staff comments.

Planning Comments

- 1) This property must be rezoned.
- 2) Frontage landscaping is required in accordance with Chapter 56.
- 3) Landscape islands are required at a rate of 1 per 15 parking spaces, in accordance with Chapter 56.
- 4) 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.
- 5) Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
- 6) Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street. Show location and the State Plane Coordinates (NAD 83, Feet) for each streetlight. Show existing lights.
- 7) The developer is required to dedicate right-of-way of an abutting street in conformance with the City of Springdale Master Street Plan. A separate dedication document shall be submitted to the City for filing.
- 8) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 9) This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. See attached design standard comments.

Commercial Design Standards Comments

- 9) All sides of a principal building that directly faces an abutting public right-of-way shall feature at least one customer entrance unless, the principal building directly faces more than 2 abutting rights-of-way then only 2 entrances are required, one along the primary street and one along a secondary street.
- 10) A 5' wide sidewalk along the full length of the building along any side that features a customer entrance is required. This sidewalk shall be setback from the building foundation at least 6' to provide areas for foundation landscaping.
- 11) Provide at least two of the items listed under Central Feature and Community Spaces in the Springdale Commercial Design Standard.
- 12) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities and banks of meter shall be screen from public view with landscaping or with an architectural treatment compatible with the building architecture.
- 13) All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building architecture.
- 14) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) **Parking Ch130-Art 7 Sect 9.** Entrance/Exit Drives
 - a. **Sect 9.5.** Minimum radius to the face of the curb for driveways is twenty-five feet (25').
 - b. **Sect 9.8.** Minimum distance of a drive from the projected curb line at the street intersection is fifty feet (50') for a local street, sixty feet (60') for a collector street, one hundred twenty feet (120') for an arterial street.
- 2) Need to obtain an AHTD permit for all work done on their right-of-way. Submit a copy to City Staff.
- 3) **Sect 106** Submit a preliminary drainage report, as outlined in the City of Springdale Drainage Criteria Manual.
- 4) 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/

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

Mr. Jerry Davis spoke. He stated that he owns property at 906 and 908 Young Street. His concern is the lighting and on Eicher Avenue he has a problem with people possibly running through the yards and into the back fence. He stated he is constantly working on the back fence and repairing the yard from people who run through it.

Ms. Christie was speaking but unable to discern what she is saying. (There were problems with the PA system and she had to use a hand held mike).

Mr. Davis said he would like to see Eicher closed.

Again, Ms. Christie is speaking, but unable to understand her.

Mr. Davis asked about the lighting.

Ms. Christie said that the requirement is all the lighting must be contained on their site. She further stated the lighting plan will show how it will be contained.

Mr. Davis asked about the drive-through and wanted to know where the drive through would be located.

Per the plans, the drive through will be at the rear of the building adjacent to Mr. Davis' property.

Mr. Miller called for the vote for the variance.

VOTE:

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

NO: None

The variance was approved by a unanimous vote.

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

VOTE:

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

NO: None

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

- C. L15-16 Acme Brick Company
N. of Wagon Wheel Road,
E. side of 45th Street
- B14-48 Variance for reduction of parking space requirement
From 47 to 24
- B14-48 Variance for deletion of requirement for storage areas
To be paved or chipped sealed
- B14-48 Variance for reduction of distance between drives from
150' to 98'
- B14-48 Variance for modification of Commercial Design Standards
Presented by Engineering Services, Inc.

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

Mr. Parsley asked for Staff comments.

Planning Comments

- 1) Additional parking spaces will be required to meet minimum standards.
- 2) All storage areas are to be paved or chip sealed.
- 3) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 4) This development must comply with the City Of Springdale Commercial Design Standards or a variance is required. See attached design standard comments.

Commercial Design Standards Comments

- 1) Roof lines shall be varied with a change in height every 100 linear feet in the building length.
- 2) Predominate exterior building materials shall be high quality materials including, without limitation, the following: brick, native/natural stone, synthetic stone, concrete masonry units (smooth face units with integral color), synthetic stucco/EFS, architectural precast concrete, decorative face concrete tilt-up panels, glass, wood (natural or composite).\
- 3) When a commercial development includes a fence or wall, the following guidelines and standards apply:
 - a. Maximum height of a fence or wall shall be 8'
 - b. Constructed of high quality materials such as, decorative blocks, brick, stone, cypress, cedar, redwood, and/or wrought iron.
 - c. Maximum length of a continuous, unbroken, and uninterrupted fence or wall shall be 50'. Breaks shall be provided through the use of columns, landscaping pockets, transparent sections, and/or a change to different materials.
- 4) Submit a unified lighting plan per Springdale Commercial Design Standards.

Engineering Comments

- 1) Entrance/Exit Drives
 - a. **Sect 9.6.77.** Minimum distance between driveways on adjoining properties is fifty feet (50') and 150' on a single tract.
- 2) **Sects 110-31(a)** Sidewalks are required one-foot (1') inside the right-of-way line.
- 3) **Sect 112-4** Streetlights are required at each intersection and along the street at intervals of 300 to 350 feet as measured along the centerline of the street.
- 4) SWPPP
 - a. Add inlet protection to the detention pond outlet
 - b. Relocate the concrete washout from the detention pond

- 5) **The concept of detention** must be approved by the Planning Commission.
- 6) **DCM Section 5.4.10** *“An easement shall be provided in Plans for detention facilities. A minimum 20’ wide drainage easement shall be provided around the 100-year flood pool, connecting the tributary pipes and the discharge system along the most passable routing of piping system.”* Ownership of the detention facility will remain with the land .
- 7) 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/)

Ms. Christie stated that the variance for the modification of Commercial Design Standards is down to the roof line of the rear building and the brick facades shown on the new elevations.

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

There were none.

Mr. Powell called for the vote on all the variances to be voted on simultaneously.

VOTE:

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

NO: None

The variances were approved by a unanimous vote.

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

VOTE:

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

NO: None

The concept of detention was approved by a unanimous vote.

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

VOTE:

YES: Dunn, Gaines, Miller, Parsley, Powell, Arthur, Compton

NO: None

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

Board of Adjustment

- A. B15-39 Miller Commercial
388 N. 40th
A) Variance for Modification of Commercial Design Standards
B) Variance for modification of screening Requirements
C) Variance to allow canopy to connect 2 buildings
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 the large scale was approved at the September Planning Commission. He said the modification of Commercial Design Standards is specific to a second entrance to the north off Dixie Industrial. The main and only customer entrance will be off of 40th Street. The screening requirement is on the south lot line adjacent to the residential area on Delmon Lane. There is an existing privacy fence and they are proposing to leave that in place. All the improvements will be on the north side of the facility. They are trying to connect the old building to the new building with a canopy that is 13.6' to the bottom which meets the fire code for access.

Mr. Parsley asked for Staff comments.

Ms. Christie said that Staff doesn't have any comments.

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

There were none.

Mr. Miller called for the vote on all the variances together.

VOTE:

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

NO: None

The variances were approved by a unanimous vote.

- B. B15-40 American Tubing Arkansas, LLC
2206, 2264 & 2326 Turnbow Ave.
 A) Variance to divert storm water
 B) Variance to delete requirement that all drives & parking
 Areas be paved.
 Presented by Engineering Services, Inc.

Mr. Jason Appel was present on behalf of his client to answer any questions or comments. He said the plans have been modified. He said that variance B regarding the drives and parking will now be paved, so he requested that it be withdrawn. He said the first variance is to allow the water to drain into the street. He said they tried to catch most of the water but there is a minimal amount that goes into the street.

Ms. Christie asked Mr. Jason Aist, Staff engineer if there were any problems with the variance to divert the water. Mr. Aist there was not.

There were no other Staff comments.

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

There were none.

Mr. Covert called for the vote.

VOTE:

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

NO: None

The variance was approved by a unanimous vote.

- C. B15-41 Smitco D. Inc.
909 S. Thompson
 Variance for modification of landscaping
 Requirement per Chapter 56
 Presented by CEI Engineering

This variance was approved by a unanimous vote in conjunction with the large scale development for Captain D's.

- D. B15-42 Evans Construction & Remodeling, LLC
1123 Crutcher
 Variance for deletion of paved parking requirement
 Presented by Randy Evans

Mr. Randy Evans was present to answer any questions or comments regarding his variance request.

Mr. Parsley asked for Staff comments.

Ms. Christie asked if there were any paved areas at this location.

Mr. Evans stated that there is some pavement in the back going toward the garage doors.

Ms. Christie stated that in the past the Commission has granted this type of request with a two (2) year Bill of Assurance. She asked if that would be acceptable.

Mr. Evans said that would be good for him.

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

There were none.

Mr. Miller called for the vote.

VOTE:

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

NO: None

The variance was approved subject to a two (2) year Bill of Assurance being signed, by a unanimous vote.

- E. B15-43 Steven & Cindy Jeffcoat
307 Lakeview Drive
 Variance to increase height of fence from 3'
 To 4'
 Presented by Steven Jeffcoat

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

Mr. Parsley asked for Staff comments.

Ms. Christie said Staff had no comments.

Mr. Jeffcoat stated that the reason behind the addition one foot in height is because of the increased traffic travelling Lakeview, many of which are commercial vehicles and the commuter traffic consists largely of SUV type vehicles. He said the vehicles set up higher and his property sets lower to the street and it tends to be noisier.

Mr. Covert called for the vote.

VOTE:

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

NO: None

The variance request was approved by a unanimous vote.

- F. B15-44 Michael & Kathy Huskey
3900 Primrose Lane
 Variance for deletion of paved drive requirement
- W15-07 Waiver of sidewalk requirement
 Presented by Michael Huskey

Mr. Huskey was present to answer any questions or comments. He said he is building a house on three acres in an A-1 zone. He said he works as a commercial construction superintendent and he often brings heavy equipment and trailers for use the next day.

Mr. Parsley asked for Staff comments.

Ms. Christie stated that Staff did not have any comments.

Mr. Parsley asked for comments or questions from the audience.

There were none.

Mr. Covert called for the vote.

VOTE:

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

NO: None

The variance was approved by a unanimous vote.

Mr. Covert moved to send the waiver to Council with a recommendation for approval. Mr. Miller seconded the motion.

VOTE:

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

NO: None

The recommendation to send the waiver with a recommendation for approval was approved by a unanimous vote.

- G. B15-45 Earvel & Carolyn Fraley, Co-Trustees
Of Earval Fraley Revocable Trust
1075 Schmieding Ave.
 Variance for deletion of paved parking requirement
 Presented by Jim Crouch

This request was withdrawn per the applicant.

H. B15-46 Leonel Rivas
838 Underhill Lane
Variance for reduction of side setback
From 20' to 13'
Presented by Leonel Rivas

Mr. Rivas and his daughter, who served as his representative, were present to answer any questions or comments.

Ms. Christie asked if they had the actual list of the adjacent property owners that were notified of the variance.

Mr. Rivas daughter said she did not have the list with her but she turned it in to the Planning Office.

Ms. Debbie Pounders stated that she did not have the list and wanted to know if the Rivas had any of the returned green cards.

Mr. Rivas' daughter said she just realized that they forgot to bring them to the meeting.

Ms. Christie stated the problem is the white mail receipts do not indicate who the letters were sent to. As it stands, Staff is unable to identify who should have received the letters. She said one of the property owners is in the audience and they claim they did not receive a notice.

Ms. Rivas' daughter asked if the commission wanted the list of the adjacent property owners that she sent the letters to.

Ms. Christie stated that the white mail receipts do not show who the letters were sent to, so Staff has no way of knowing who was supposed to receive the letters.

Mr. Rivas left and returned with the green receipts showing who had received the letters.

Ms. Christie asked Mr. Chamlee with building inspection to explain what is going on with this request.

He stated that there is an existing house although most of the structure has been removed and they are remodeling what is left. They are encroaching on the setback and they are creating the hardship.

Mr. Kevin McDonald, Assistant Fire Chief, spoke. He said any time there is an encroachment on the side or rear setback, the fire department has concerns, because they don't want fire spreading from one structure to the next. He further stated that in agricultural the side setback is 20' and Mr. Rivas is asking for a reduction to 13'. The position of the fire department is if the reduction is less than 8' then they will oppose it; however, since this is in a rural setting and the setback request is still greater than 8' he would leave it up to the planning commission to make the decision.

Mr. Parsley asked for comments from the audience.

Mr. Don McCandles who lives on Underhill Lane spoke. He said this is the third set of footings by Mr. Rivas, and every time a footing is dug, they get red mud onto their property. He said he doesn't feel that all neighbors were notified.

Ms. Christie said that a notice was sent to Carol Dean and Lois Guest (?), a Steven and Rhonda Welkley. Ms. Christie stated that it appears that all the adjacent property owners were notified.

It was determined that not all of the property owners were notified. Ms. Christie said her recommendation would be to table the variance to the October meeting. She suggested that Mr. Rivas go back to the court house and get all the adjacent property owners and re-send the notices.

Ms. Sparkman suggested that if Staff isn't sure about the notification process, then the variance needs to be tabled to the October meeting.

Ms. Christie asked Mr. Aist, Staff engineer, if he had had any conversations with any of the property owners on Underhill about drainage issues.

Mr. Aist said that he had not heard from anyone. He said generally that if there isn't a drainage easement or a public right of way, there is nothing the city can do as far as what is allowed and what is not allowed.

Mr. Wayne Graham said the Rivas' have dug out the hillside. He feels they are creating a "wash area".

Mr. Arthur said there are too many questions and recommended that the variance be tabled.

Mr. Powell stated he felt like the biggest concern is if everyone was notified. He further stated that is the commission was 100% sure that everyone was notified they could move on it tonight.

He further stated that if Staff and/or the commission can't verify that all the adjacent property owners were notified, then the request needs to be tabled.

Mr. Parsley said the variance would be tabled the variance until the October meeting.

- I. B15-47 Capho Investments, LLC
3497 Wagon Wheel Road
Variance for modification of Commercial
Design Standards
Presented by Bates & Associates

Mr. Geoff Bates of Bates & Associates was present on behalf of his client to answer any questions or comments. He stated that his client didn't want to have to do the central features as they don't sell anything from this location and don't have customers coming in and most of the employees work from their homes. He said his client wanted a variance from the façade and exterior. The building that is to be built will look just like the one that is already there.

Ms. Christie asked about a direct access to the public sidewalk.

Mr. Bates said they could put steps and put a direct access.

Ms. Christie asked if there was a reason Mr. Bates' client couldn't at least brick the front of both buildings. She further stated they were trying to raise the standard on commercial structures inside the city limits.

Mr. Bates said he thought his client would be willing to brick the front.

Ms. Christie stated that because the front would be the main entrance, which is the reason, they are trying to raise the standards of commercial buildings' appearance.

Mr. Parsley asked if there were any comments or questions from the audience.

There were none.

Mr. Parsley commented that the buildings are clean but he felt there needs to be some added aesthetics to the front of them.

Mr. Bates stated that when his client went through large scale they added foundation landscaping, trees and other landscaping requirements.

He further stated his client would brick on the east side of the building up to four feet in height.

Ms. Christie stated that Mr. Bates was modifying his request to brick the front of the buildings, and brick the sides and have wainscoting.

Mr. Bates agreed with Ms. Christie on what would be done.

Mr. Miller called for the vote.

VOTE:

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

NO: None

The variance request was approved by a unanimous vote.

- J. B15-48 Acme Brick Company
Lot 3 Diesel Downs Subdivision
 A) Variance for reduction of required parking Spaces from 47 to 24
 B) Variance for deletion of requirement for storage Areas to be paved or chip sealed.
 C) Variance for reduction of distance between Drives from 150' to 98'
 D) Variance for modification of Commercial Design Standards
 Presented by Engineering Services, Inc.

These variances were approved by a unanimous vote in conjunction with the large scale development.

- K. B15-49 El Centro Cristiano Hispano
1751 n. 56th Street
 A) Variance to allow existing sidewalk to remain as is
 B) Variance for modification of landscaping requirement Per Chapter 56
 Presented by Leonard Gabbard

These variances were approved by a unanimous vote in conjunction with the large scale development.

Waivers

- A. W15-06 Ignacio Martinez
3903 Southland Drive
 Waiver of sidewalk requirement
 Presented by Ignacio Martinez

Mr. Martinez was present and he had as his interpreter Ms. Alejandra Lopez to answer any questions or comments.

Mr. Parsley asked for Staff comments.

Ms. Christie asked Mr. Sedberry to show the area on the wall so the Commissioners could see the area. She asked if they were building a new home and they were asking to not have to build a sidewalk at that location.

Ms. Lopez said that he was, indeed, building a new house at that location and because it is so rural and there are no other sidewalks, he was asking for a waiver.

Ms. Christie stated Staff's position is to not support a sidewalk waiver.

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

There were none.

Mr. Miller asked if the commission could ask for a Bill of Assurance.

Ms. Christie asked if they build a house and move into it how does the Staff call on a Bill of Assurance. She said payment in-lieu of improvements could be made where they pay for the cost of the sidewalk and it is put in the City's account and is held until the rest of the sidewalks are built. She said Bill of Assurance is hard because they want to move into their house. She said the commission could do a five (5) year Bill of Assurance. She further stated that this would be a recommendation to Council.

Ms. Lopez said that Mr. Martinez said he could build a sidewalk in the future.

Ms. Christie asked Mr. Martinez that he would sign a Bill of Assurance if sidewalks were built in that area within five (5) years he would have to build his.

Ms. Lopez stated that if the neighbors were willing to build sidewalks, then he would too.

Ms. Christie said Staff would ask him to sign a five (5) year Bill of Assurance, which would put a lien on the property, that will state that if sidewalks are being built then he must build one on his property too.

Mr. Parsley moved to send the waiver to council with a recommendation for approval subject to a five (5) year Bill of Assurance being signed. Mr. Miller seconded the motion.

VOTE:

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

NO: None

The recommendation to forward to Council for approval subject to a five (5) year Bill of Assurance was approved by a unanimous vote.

- B. W15-07 Michael & Kathy Huskey
3903 Primrose Lane
 Waiver of sidewalk requirement
 Presented by Michael Huskey

This waiver was approved by a unanimous vote in conjunction with the variance.

- C. W15-08 Mike "Milo" Meyers
 N. of McRay, E. side of Paradise Lane
 Presented by Blew & Associates

This waiver was tabled per the applicant.

Planning Director's Report

Ms. Christie stated the commissioners should have received a letter on or around August 13, 2015 from Community Engagement regarding a request for a conditional use hearing for the property located at 105 Spring Street. The conditional use was for a Use Unit 37, which is an Auction House in a C-3 zone.

All the commissioners stated they did not receive the letter.

Ms. Christie stated that it is a request from Community Engagement asking the commission to set a hearing. The division of Community Engagement is filing a complaint against the property owner based on a continuous Ordinance violation and violations of the terms of the Conditional Use. The violations include holding auctions on days other than Friday and Saturdays, meeting the parking requirements, changing the use of the building, having dinner gatherings in the building, ordinance violations that include unsanitary and unsightly conditions, screening of commercial properties, and number of loading spaces required in the fire prevention code.

Ms. Christie stated that she is asking the Commission to hold a public hearing at the October Planning Commission meeting and the property owner will be notified that the Planning Commission will hear a request to review the conditional use.

She said she needed a motion to hear the request by Community Engagement at the October Planning Commission meeting.

Mr. Dunn moved to hold the public hearing regarding the conditional use. Mr. Miller seconded the motion.

VOTE:

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

NO: None

The motion to have a public hearing at the October Planning Commission meeting regarding a conditional use at 105 Spring was approved by a unanimous vote.

Ms. Christie said the work session for September will coincide with weeklong meetings regarding the downtown master planning process.

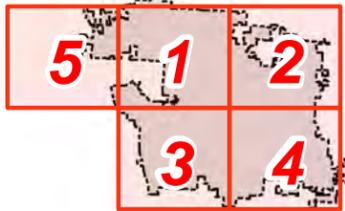
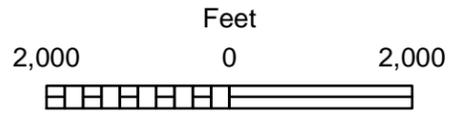
There will be a launch meeting on September 14, 2015 from 6:00 p.m. to 8:00 p.m. There will be drop in design sessions by the consultants at the ACO. On Wednesday, September 16, 2015 there will be another public design session from 4 to 7:00 p.m. and again on Thursday from 3 to 6:00 p.m. and on Friday there will be a presentation of the consultants' recommendations from 4 to 5:30 p.m.

Ms. Christie said after it is completed the consultants will come back with their draft master plan. There will be a session with the commission and City Council to review them. The plan is to have a formal public hearing in November and then it will go to Council after that and hopefully have the master plan approved by the end of the year.

Adjourn

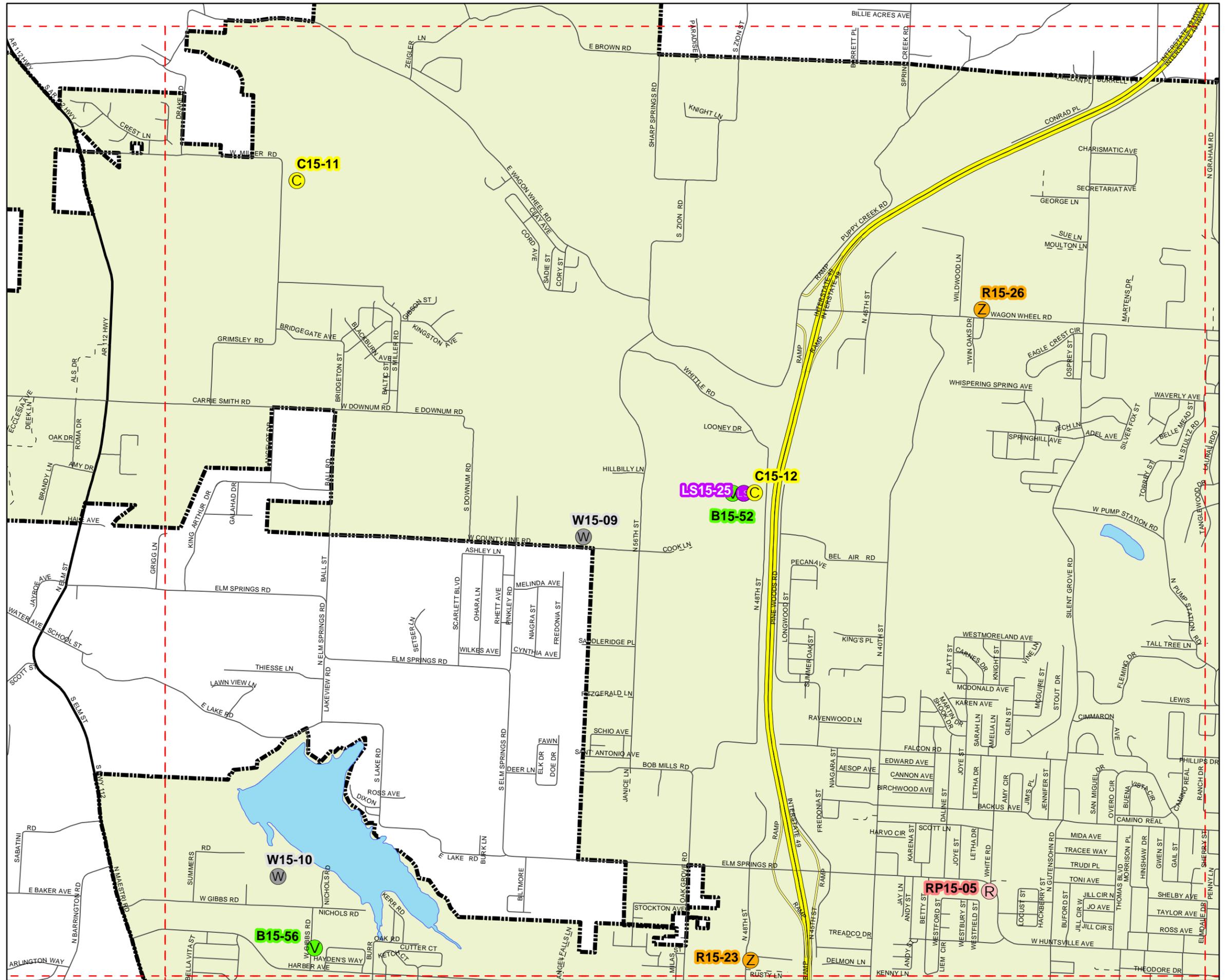
There being no further business, the meeting was adjourned at 7:15 p.m.

**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
OCTOBER 6TH, 2015**

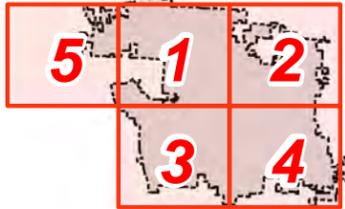
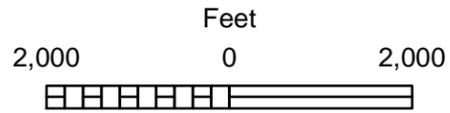


SHEET 1

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

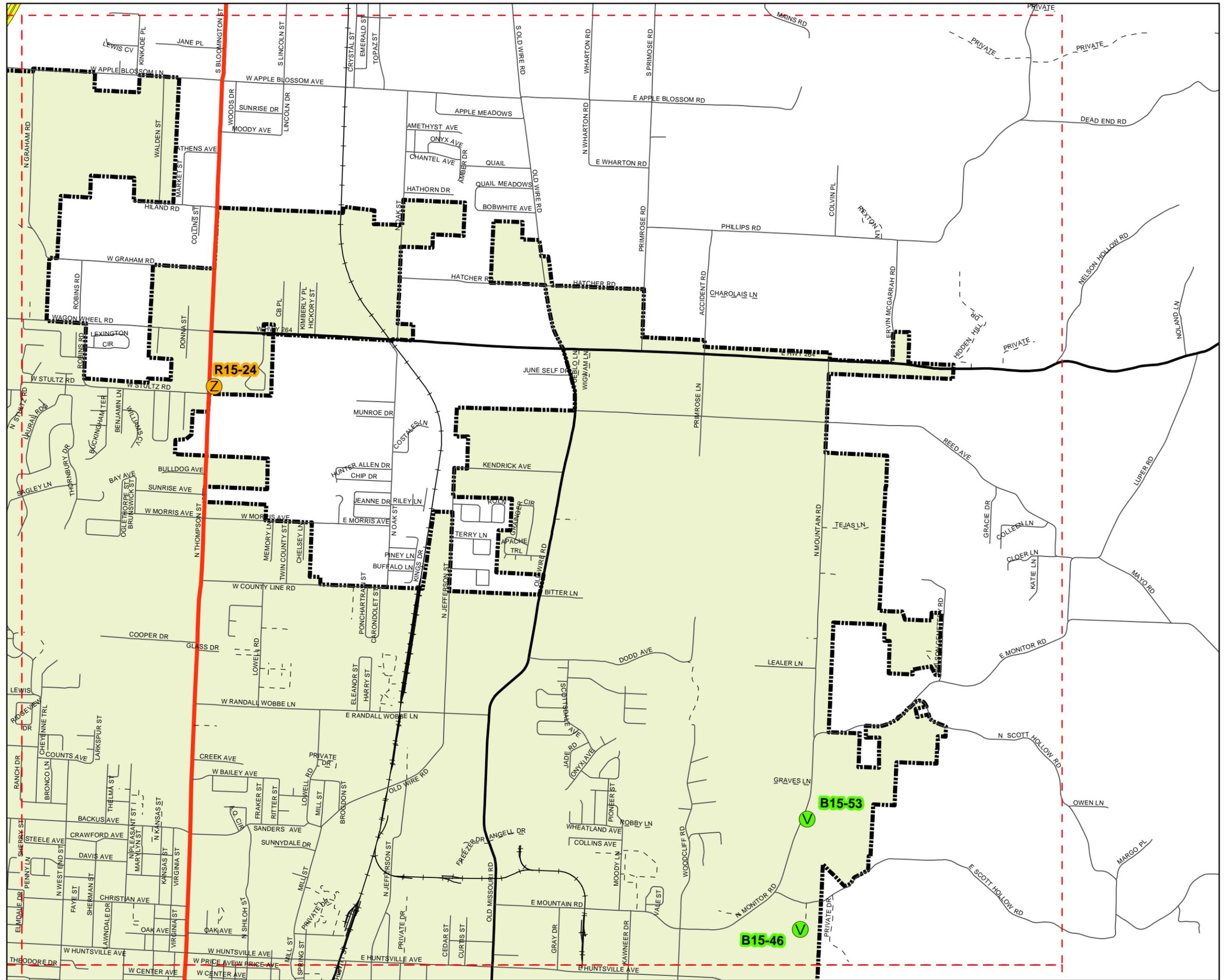


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
OCTOBER 6TH, 2015**

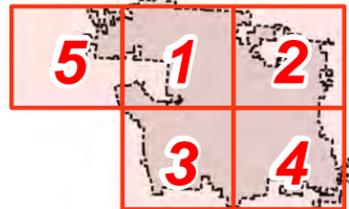
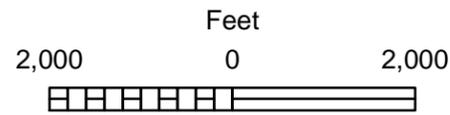


SHEET 2

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

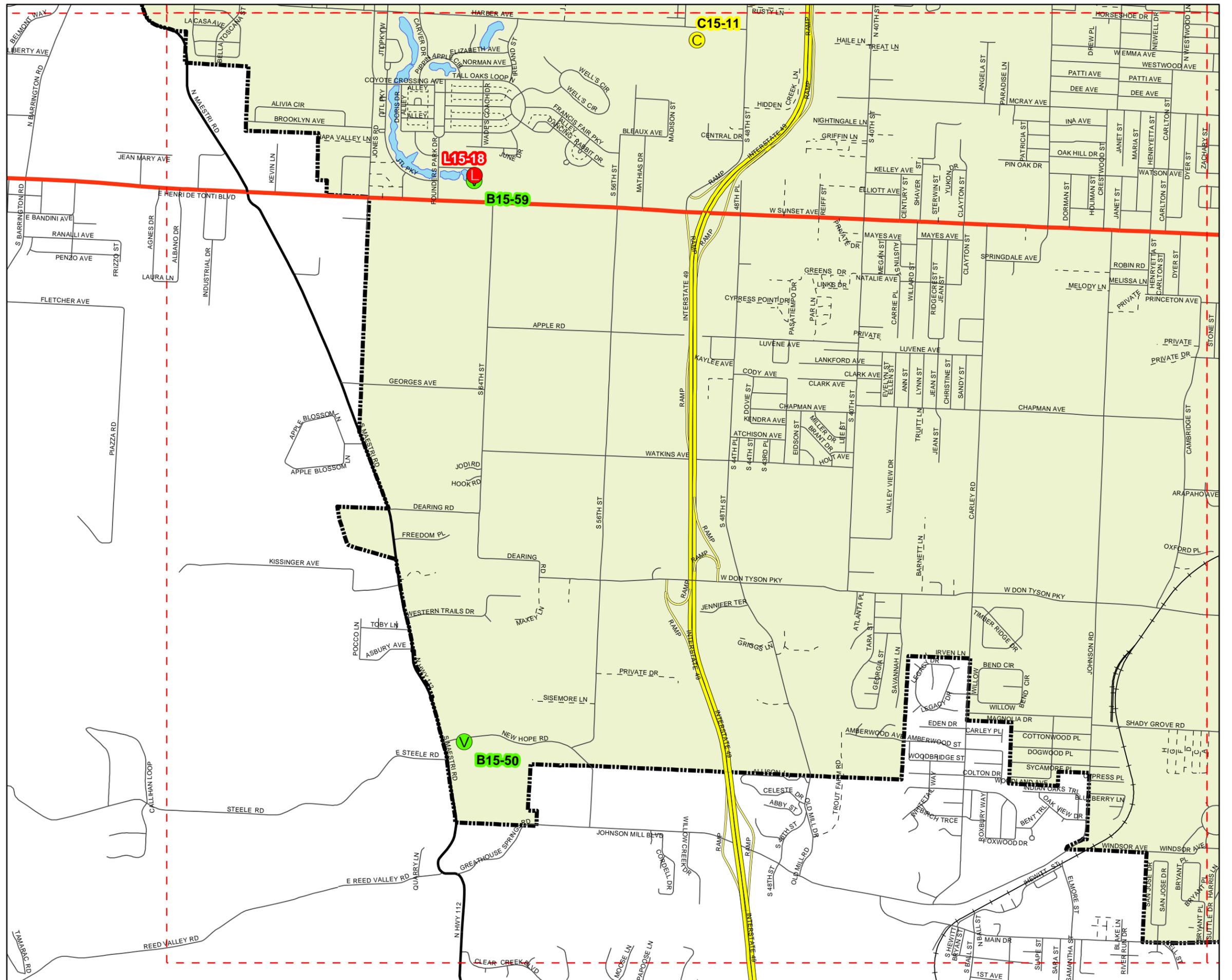


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
OCTOBER 6TH, 2015**

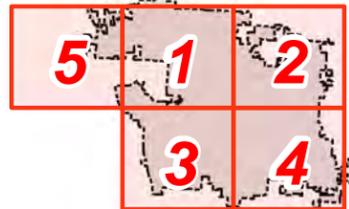
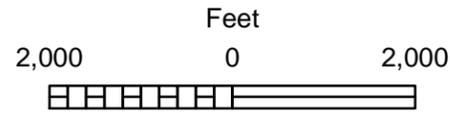


SHEET 3

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

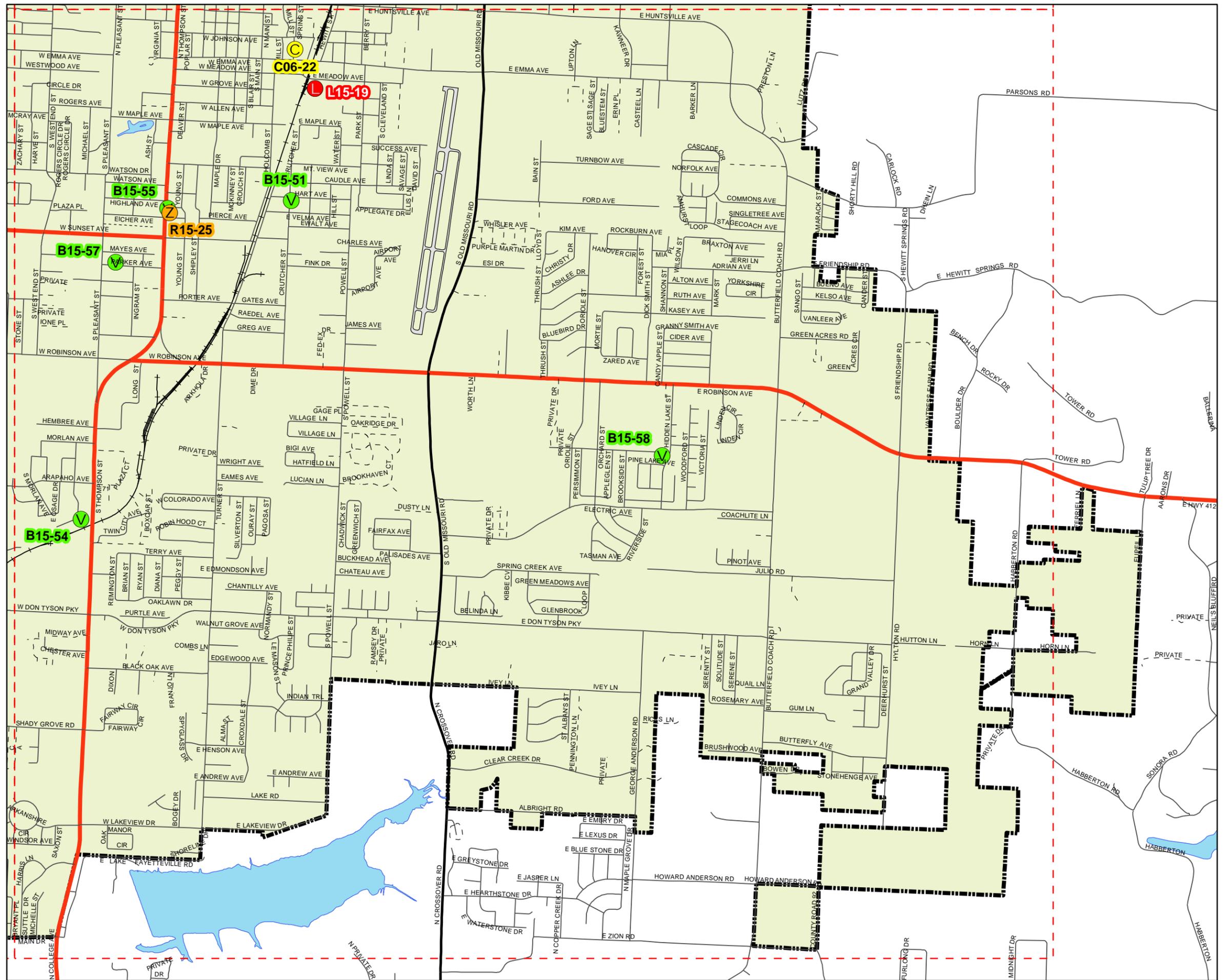


**CITY OF SPRINGDALE
PLANNING COMMISSION
AGENDA ITEMS
OCTOBER 6TH, 2015**



SHEET 4

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





City of Springdale

Community Engagement Division

210 Spring St • Springdale, AR 72764 • Office 479-756-7712

August 13, 2015

Planning Commission Members

Brian Powell

Kevin Parsley, Chairman

Gary Compton

Bob Arthur

Roy Covert

Patsy Christie, Planning Director

Roy Covert

Charles Gaines

Joe Dunn

Vivi Haney

Mitch Miller

RE: 105 Spring St Request for Conditional Use Hearing

Commission Members,

On May 2, 2006 the Planning Commission approved a conditional use request for 105 Spring St. The conditional use was for Use Unit 37, Auction House, in a C-3 Zoning. The terms of the conditional use are included in this packet. The Community Engagement Division is filing a complaint against the aforementioned property based on continuous ordinance violations and violations of the terms of the conditional use as stated in Chapter 130, Article 2, Section 12.

If a complaint is filed with the planning commission by an adjoining property owner or city employee concerning an alleged violation of a conditional use, the planning commission shall notify the property owner of the complaint and schedule a public hearing. If after the public hearing the planning commission finds a violation to exist and that violation is not corrected within thirty (30) days, the planning commission may vote to discontinue the conditional use. The property owner shall be notified of the action of the planning commission and shall have fifteen (15) days from the date of the notice to discontinue the use or file and appeal with the city council. The filing of an appeal stays all proceeding and the city council shall make the final determination.

Below you will find a list of violations to both our ordinances and the terms of conditional use.

Violations of the Terms of the Conditional use

Holding Auctions on days other than Fridays and Saturdays

Meeting the Parking Requirements

Changing the use of the building (having dinner gatherings in the building)

Working Together to Foster a Healthy, Safe and Attractive Springdale

Ordinance Violations include:

- Chapter 42-76 & 77 Unsanitary and Unsightly Conditions on Private Property
- Chapter 130, Article 6, Section 3.10 Screening of commercial businesses
- Chapter 130, Article 7, Section 9.3 Number of loading spaces required
- Chapter 46 Fire Prevention Code

The property is a continuous eyesore. Items are stored on the sidewalk before auctions anywhere from 24 hours to 2-3 days making the sidewalk a hazard to pedestrians. The back of the building, which should be the loading and unloading area and truck storage, is full of junk and trash along with items that are being stored for sale at a later date. The trash dumpsters regularly overflow and there is always trash surrounding the property. The parking is a nuisance for the public on a regular basis. Many auction patrons will park in city designated parking spots and on other parking lots that are not associated with the property in question. A Box truck regularly blocks traffic on one way Spring St. while loading or unloading for sale or already sold items. When the box truck is not loading or unloading, it is being stored in an adjacent parking lot. Also being stored with the box truck is an open top trailer that is most times full of merchandise and covered in tarps. The grass is always tall on the north side of the building and the trees and shrubs are overgrown and climbing the building. Code Enforcement along with other city departments has spoken with the property owner who has never brought the property into full compliance with the city's requests.

I am also including a copy of a citizen complaint that was given to our office which initiated an inspection where multiple violations were found. Our department is concerned about the constant unsightliness of the property along with the safety of residents going in and out of the building. Once you include the nuisance of the parking, loading and unloading situation and the hazards created for drivers, we are asking that the commission would consider a revision or revocation of the conditional use if the terms of the original conditional use cannot be maintained.

On the original application for conditional use, dated April 6, 2006, Question 6 asks; what effects would the proposed conditional use have on the character of the neighborhood and residents? The applicant stated, *"Maintain the integrity, ambiance & historical nature of downtown Springdale, "keep the area beautiful"."*

We believe that through the continuous abuses that have been detailed in this letter it shows that this property has been kept in a way that has done the opposite of what was stated in the application and we are asking the commission to set a hearing to address the violations of the conditional use.

Missha Wagoner
Community Engagement Supervisor
City of Springdale, AR

landscaped area subject to presentation and approval of a drawing by the Planning Commission.

Mr. Ferguson stated they would have one sign that sits out by the driveway.

Ms. Christie stated no other sign could be placed until the Planning Commission has granted approval.

Chairman Barrows asked for public comment. There was no public comment.

Mr. Cherry called for the question.

VOTE:

Yes: LeFevre, Bayyari, Barrows, Cherry, Kelsey, Williams, Horton

No: None

Recuse: None

Chairman Barrows stated the Conditional Use was approved unanimously.

C. C06-22 CONDITIONAL USE—Ken Warner

103/105 Spring Street

Conditional Use for Use Unit 37, Auction House, in C-3 zoning
Presented by Ken Warner

Chairman Barrows announced the request.

Mr. Ken Warner was present. He stated he planned on having an office and conducting gallery specialty type auctions of art, antiques, jewelry and coins.

Ms. Christie stated the ordinance was amended to allow a Use Unit 37, Auction House in commercial zones. Building permit requirements will have to be met including parking.

Mr. Warner stated he didn't think there would be an issue with parking. The auctions would be held on Friday or Saturday nights.

Chairman Barrows asked for public comment. There was no public comment.

Mr. Bayyari called for the question.

VOTE:

Yes: Bayyari, Barrows, Cherry, Kelsey, Williams, Horton, LeFevre

No: None

Recuse: None

Chairman Barrows stated the Conditional Use was unanimously approved.

City of Springdale
APPLICATION FOR BUSINESS LICENSE

DATE: 5-14-06
NAME OF BUSINESS: Ken's Auction Service OWNER: Ken Warner
TYPE OF BUSINESS: Auction House TAXPAYER I.D. #: 870730607
LOCATION: 103/105 Spring St. LOCAL PHONE NUMBER: 531-8122
BUILDING OWNER & ADDRESS: (If other than Business Owner:)

BILLING ADDRESS: 103/105 Spring St
(STREET OR BOX NO.)
Springdale Ar PHONE: 531-8122
(CITY) (ST) (ZIP)
NUMBER OF FULL TIME EMPLOYEES _____ PART TIME EMPLOYEES _____
24 HOUR EMERGENCY CONTACT: 1. Ken Warner 531-8122
(NAME) (PHONE NUMBER)
2. _____
(NAME) (PHONE NUMBER)
Ken Warner OWNER
Signature of Person Filing Application Title

PLANNING OFFICE - ZONING AND STREET ADDRESS CERTIFICATION

PROJECT LOCATION: _____ SEC: 36T:18R:30
ATLAS PAGE NO: 89 W ADDRESS ASSIGNED: 103/105 Spring St.
ZONING DISTRICT: ___ A-1, ___ O-1, ___ C-1, ___ C-2, X C-3, ___ C-4, ___ C-5, ___ W-1
___ I-1, ___ I-2, ___ I-3, ___ P-1, ___ PUD, ___ Other: _____

DESIGNATED USE UNIT # _____
PROPOSED USE IS PERMITTED IN THE ZONING DISTRICT INDICATED ABOVE
 PROPOSED USE WAS GRANTED A CONDITIONAL USE BY THE PLANNING COMMISSION ON 5/2/06
PROPOSED USE HAS BEEN RECOGNIZED AS A NON-CONFORMING USE

By: [Signature] Date: 5/15/06

FIRE PREVENTION BUREAU

SIGNATURE [Signature] DATE: 5/18/06

BUILDING OFFICIAL

SIGNATURE [Signature] DATE: 5/19/06

BUILDING INSPECTION DEPARTMENT

CERTIFICATE OF OCCUPANCY # 8268 RA

BUSINESS LICENSE ISSUED:

NUMBER: 06-04253 DATE: 5/18/06 BY: Debra Clark

Ken's Auction Service & Gallery

105 Spring Street
Historic Downtown Springdale Ar., 72764
Phone (479) 531-8122
kensauction@SBCGlobal.Net
AuctionZip.com ID 8335

September 28, 2015

Planning Commission:

RE: Conditional Use Hearing

Timeline & Action Taken by Ken Warner:

August 13, (Thurs.), 2015 Letter from Missha Wagoner Community Engagement Supervisor to Commission Members Request for Conditional Use Hearing due to violations
September 2 (Wed.), 2015 Certified Letter from City sent to Ken Warner concerning Complaint from Community Engagement including Public Hearing Date & Time
September 4 (Fri.), 2015 Erin Spandorf from Democrat Gazette comes to Ken's Auction Gallery for interview concerning violations; for which I had not received the letter outlining violations, Photo to follow in afternoon
September 5 (Sat.), 2015 Certified Letters delivered to Ken Warner

In Response "Violations of the Terms of Conditional Use"

1) Immediately upon receipt of letters from the City of Springdale & a copy of Missha Wagoner's Letter: All Future Thursday Night Estate Auctions Cancelled via Website, Newspaper Ads, Radio Ads, and Local Pass outs, Customers, Clients, Families & Arvest Bank Notified of Changes to our weekly operations. I did not realize in 2006 when I suggested auctions on Friday & Saturday nights that, that part of the conditional use was written in stone. I thought that the conditional use was for the building & not when business could be conducted. I honestly remembered very little of the proceedings.

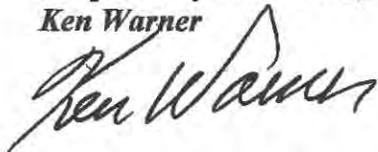
2) Meeting Parking Requirements: No more loading or unloading in drive adjacent to building, No more parking trucks in side drive. Parking, loading & unloading to be done only in rear of building.

3) Changing the use of the building (having dinner gatherings in the building) These were my annual "Thank You" parties for my Staff & Clients. In 2014 we did have 2 because one of my regular customers Howard Alley turned 100. He still attends auctions after turning 101.

In the previous 9 years if any ordinance violations were noted they were corrected not in 7 days or 30 days but immediately.

I am looking forward for the opportunity to discuss with you any of the above during the Public Hearing.

Respectfully Submitted,
Ken Warner



Staff Use Only

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

File # B15-46

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: Leonel Rivas

Applicant's Mailing Address:

638 Underhill Ln.
Street Address or P.O. Box
Springdale, Ar 72764
City, State & Zip Code

(479) 879-2304
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

Telephone Number

City, State & Zip Code

Address of Variance Request: same -

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: 20' Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: 13' Back: _____
(if granted what the setback would be.)

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

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

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

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

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

In order to Construct my master bathroom I am asking for a reduction of setback from 20' to 13', only to complete ~~the~~ the home I am trying to build.

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):**

I am being deprived the space necessary for the completion of ~~the~~ my future home's master bathroom. Therefore, I would appreciate the space necessary to complete ~~the~~ my bathroom.

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):**

As of now, no circumstances or special conditions should result from my actions. I am aware that I am the one creating the issue by asking for a reduction of setback but I find it necessary to complete my master bathroom.

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.

Leonel Rivas
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Leonel Rivas R
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

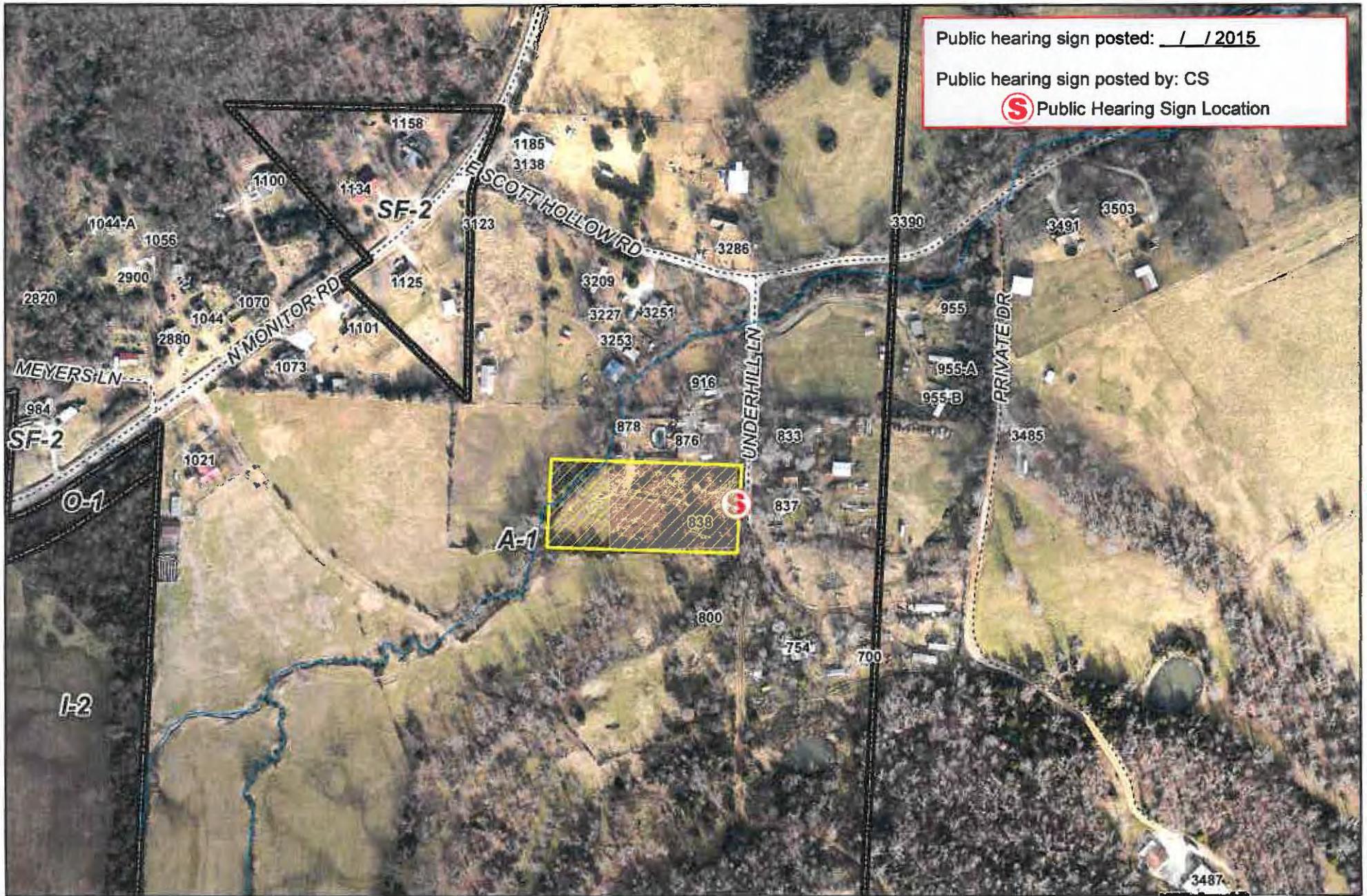
*If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 11 day of August, 2021.

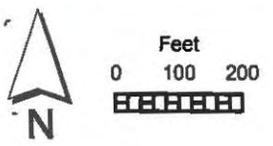
Debbie A. Ponders
Notary Public

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



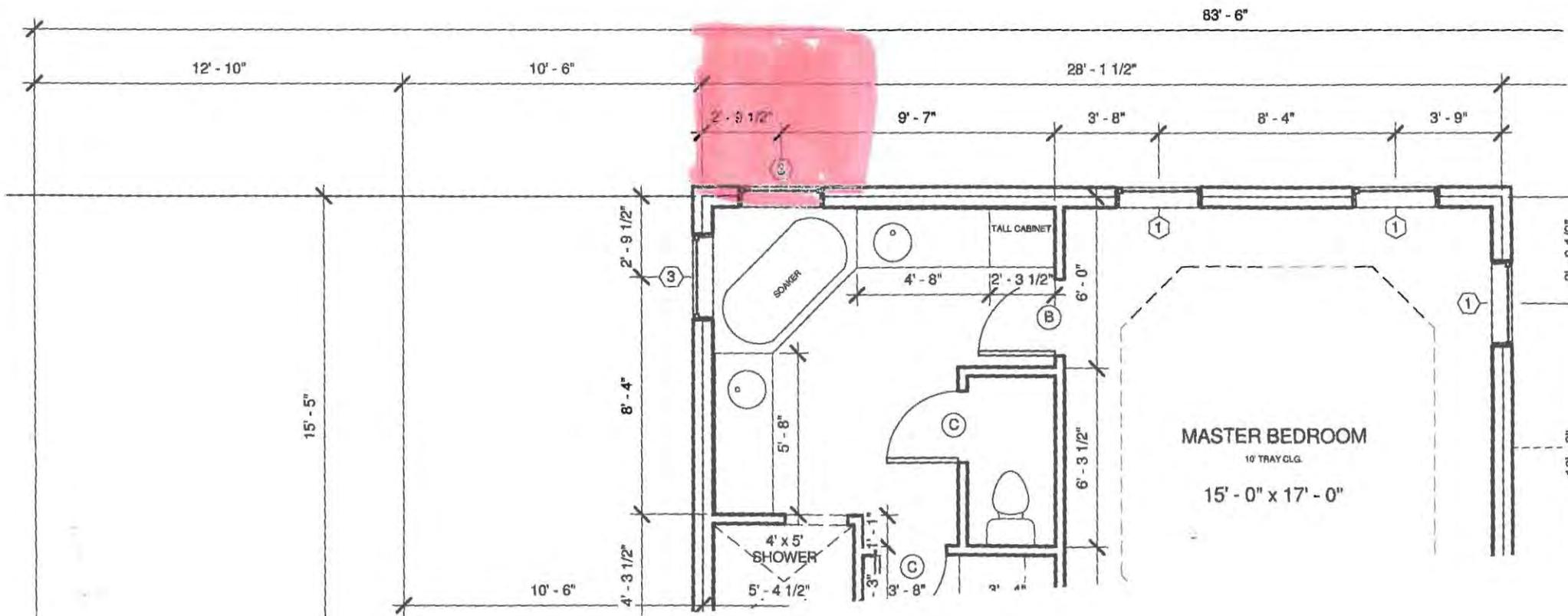
Public hearing sign posted: / / 2015
 Public hearing sign posted by: CS
 (S) Public Hearing Sign Location

P43



FILE NUMBER: B15-46
APPLICANT: LEONEL RIVAS
VARIANCE REQUEST: SETBACK

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
9/1/2015



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**PLANNING & COMMUNITY
DEVELOPMENT DIVISION**

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: October 6, 2015

Re: R15-23 Rezone

A request by Eileen Zarowsky for Planning Commission approval of a zone change from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) for a tract of land containing 1.14 acres.

LOT LOCATION AND SIZE

The 1.14 Acre tract is located at 307 N. 48th Street, east side of 48th Street, south of Weston Drive.

A vicinity map is attached.

EXISTING ZONING

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

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

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

Temporary Uses – 32, 34

ACCESSORY USES

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

- (1) Accessory buildings, including private garages, storage facilities and children's playhouses.
- (2) Private greenhouses.
- (3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS

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

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

REQUESTED ZONING

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

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

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

Temporary Uses: - 32

DEVELOPMENT CRITERIA

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

- ii. All of the lot used for the parking of vehicles, for the storage and display of merchandise shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- iii. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the C-5 open display district:
 - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
 - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
 - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
 - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-5 district a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

There shall be no maximum height limits in C-5 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

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

SETBACKS:

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

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract contains a single family dwelling. The area to the north and south contain single family dwellings in SF-2 zoning. The area to the east and west contains single family dwellings in A-1 and SF-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates regional commercial uses.

The Master Street Plan indicates N. 48th Street as a minor collector.

STAFF COMMENTS AND RECOMMENDATIONS

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

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

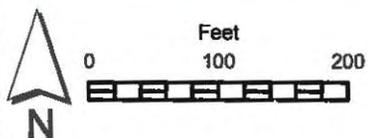
Assure adequate land allocation for commercial areas of sufficient size and in proper locations

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



P49



FILE NUMBER: R15-23
APPLICANT: EILEEN ZAROWSKY
REZONING REQUEST: A-1 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
10/6/2015

FP

File No. R15-23

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 EILEEN ZAROWSKY

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

Legal Description:

Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township Eighteen (18) North, Range Thirty (30) West, more particularly described as beginning at a point 495.0 feet North of the Southwest corner of said 40 acre tract, thence North 279.77 feet, thence South 88 degrees 35 minutes 52 seconds East 177.10 feet, thence South 279.77 feet, thence North 88 degrees 35 minutes 52 seconds West 177.10 feet to the point of beginning, containing 1.14 acres, more or less.

Layman's Description: 307 N. 48th 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) A-1

TO (proposed zoning) C-5

The Petitioner's immediate intentions are to:

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

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: EILEEN ZAROWSKY

MAILING ADDRESS: 307 N 48TH ST SPRINGDALE, AR 72762-3747

TELEPHONE: (479) 756-0996 DATE: SEPTEMBER 14, 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.

Elisa Zarowsky
(Property Owner)

(Property Owner)

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 14 day of September, 2015.

Debbie A. Ponders
Notary Public

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

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**PLANNING & COMMUNITY
DEVELOPMENT DIVISION**

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: October 6, 2015

Re: R15-24 Rezone

A request by Blue ribbon Properties, LLC (Carol J. Delaughter) 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 4.64 acres.

LOT LOCATION AND SIZE

The 4.64 acre tract is located at 4149 N. Thompson, east side of N. Thompson, north of W. Stultz Road.

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	(subject to applicable fire and building codes)
Side setback when contiguous to a residential district	20'	

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is currently undeveloped. The property to the north contains a commercial use. The area to the east is undeveloped in SF-3 zoning. The area to the south is outside the city limits. The area to the west is undeveloped in C-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

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

The Master Street Plan indicates Thompson Street as a Principal arterial.

STAFF COMMENTS AND RECOMMENDATIONS

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

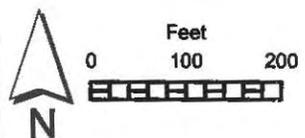
Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

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



FILE NUMBER: R15-24
APPLICANT: BLUE RIBBON PROPERTIES, LLC
REZONING REQUEST: C-2 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
10/6/2015

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,

x by Care De Saenger

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

Legal Description:

2005 23451
Recorded in the Above
Deed Book & Page
05-13-2005 09:32:29 AM

EXHIBIT "A"

A part of the NW 1/4 of the NW 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Commencing at the SW corner of said 40 acre tract; thence N 89°10'26" E along the South line of said 40 acre tract 42.88 feet to a set 1/2" iron rebar for the True Point of Beginning, said point being on the East right of way of U.S. Highway 71 (Thompson Avenue); thence leaving the South line of said 40 acre tract along said right of way N 00°21'07" W 333.50 feet to a set 1/2" iron rebar on the South line of Lot 1, Bassett Place North Subdivision, Phase I; thence leaving said right of way along the South line of said Lot 1, N 89°19'00" E 606.40 feet to an existing iron on the West boundary of Bassett Place North Subdivision, Phase II; thence S 00°40'30" E 331.98 feet to a point on the South line of said 40 acre tract, from which an existing iron at the SW corner of said Bassett Place North Subdivision, Phase II, bears N 00°40'30" W 1.65 feet; thence S 89°10'26" W 608.29 feet to the Point of Beginning, containing 4.64 acres, more or less. Subject to covenants, easements and rights of way, if any.

Layman's Description: 4149 N. 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) C-2

TO (proposed zoning) C-5

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 Build.

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: Charles Presley

Address: P.O. Box 607, Huntsville, AR 72740

PETITIONER/OWNER SIGNATURE x Carrie DeLaughter
MAILING ADDRESS: P.O. Box 178 Lowell AR 72745

TELEPHONE: 479-236-4115 DATE: 9/15/15
636-1717

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)

X Cari McLaughlin
(Property Owner)

State of Arkansas)
 Madison) ss.
County of ~~Washington~~)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 14th day of September, 2015.



Phyllis A. Villines
Notary Public

+++++

**PLANNING & COMMUNITY
DEVELOPMENT DIVISION**

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: October 6, 2015

Re: R15-25 Rezone

A request by Smitco Eateries, Inc. 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 .92 acres.

LOT LOCATION AND SIZE

The .92 acre tract is located at 9909 S. Thompson Street, east side of Thompson Street, south of W. Velma Avenue.

A vicinity map is attached.

EXISTING ZONING

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

Uses permitted: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

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

HEIGHT REGULATIONS

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

AREA REGULATIONS

SETBACKS:

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

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

REQUESTED ZONING

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

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

DEVELOPMENT CRITERIA

- i. All yards unoccupied by buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in an orderly condition.
- ii. All of the lot used for the parking of vehicles, for the storage and display of merchandise shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- iii. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
- iv. No article or material stored or offered for sale in connection with the permitted or conditional uses listed herein shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the C-5 open display district:
 - b. Automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
 - c. No permanent open display will be permitted on sidewalks, or public right-of-way.
 - d. Automobile service stations shall be permitted open display of merchandise commonly sold by such operations as long as the area of said display is not taller than the building nor larger than an area equal to one-half of the façade areas of the front of the building.
 - e. Automobile service stations may be used for the storage of rental trucks or trailers, provided, however, the storage space shall be paved, shall not exceed four thousand (4,000) square feet in area and the above screening requirements are met.
- i. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-5 district a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS

There shall be no maximum height limits in C-5 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

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

SETBACKS:

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

GREENSPACE

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a 5' landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is currently under construction. The area to the north, south and west contains commercial uses in C-2 zoning. The area to the east contains residential 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 Thompson Street as a principal arterial and Velma 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

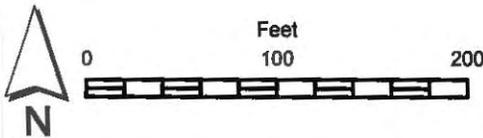
Assure adequate land allocation for commercial areas of sufficient size and in proper locations

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

P65



FILE NUMBER: R15-25
APPLICANT: SMITCO EATERIES, INC.
REZONING REQUEST: C-2 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
10/6/2015

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 Smith's Eateries, Inc

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

Legal Description:

Attached

Layman's Description: 909 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) C-2

TO (proposed zoning) C-5

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 N/A (Yes or No).
2. **Develop** the property Yes (Yes or No), and if so, the proposed use is Captain D's Restaurant.
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: None anticipated.

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

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

Authorized Representative: CEI Engineering & Tom Oppenheim - Project Manager

Address: 3108 SW Regency Pkwy., Suite 2, Bentonville, AR 72712

PETITIONER/OWNER **SIGNATURE**

MAILING ADDRESS: 3108 SW Regency Pkwy., Suite 2 Bentonville, AR 72712

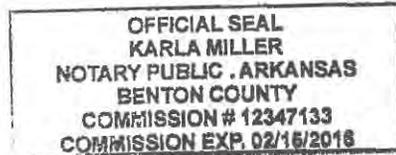
TELEPHONE: 479-273-9472 DATE: _____

VERIFICATION

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

SIGNATURE
(Property Owner)

Thomas C. Appenheimer
(Property Owner)



State of Arkansas)
 Benton) ss.
County of ~~Washington~~)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of
September, 2015.

Karla Miller
Notary Public

+++++

**PLANNING & COMMUNITY
DEVELOPMENT DIVISION**

Memo

To: PLANNING COMMISSION MEMBERS

From: Patsy Christie, Planning Director

Date: October 6, 2015

Re: R15-26 Rezone

A request by Kenneth and Rosalie Ann Dunk for Planning Commission approval of a zone change from Agricultural District (A-1) to General Commercial District (C-2) for a tract of land containing 5.04 acres.

LOT LOCATION AND SIZE

The 5.04 acre tract is located at 3448 Wagon Wheel Road, northeast corner of the intersection of Wagon Wheel Road and Wildwood Lane.

A vicinity map is attached.

EXISTING ZONING

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

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

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

Temporary Uses – 32, 34

ACCESSORY USES

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

- (1) Accessory buildings, including private garages, storage facilities and children's playhouses.
- (2) Private greenhouses.
- (3) Swimming pools, tennis courts and similar recreation facilities.

SITE PLAN REVIEW

When a conditional use is proposed in an A-1 district, except for Use Unit 28 home occupation and Use Unit 36, horses kept in residential areas; a site plan review shall be required. See Article 2, Section 13 of this chapter for the procedure and requirements of a site plan review.

AREA REGULATIONS

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

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

REQUESTED ZONING

The requested zoning of this tract is a C-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 currently undeveloped. The area to the north contains a single family dwelling in A-1 zoning. The area to the east contains a single family dwelling and a commercial use in A-1 zoning. The area to the south contains a commercial use in A-1 and C-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates neighborhood commercial use.

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

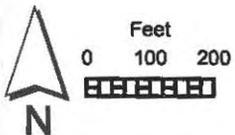
Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations

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

Encourage the development of light to medium-intensity commercial development along arterial streets that provide adequate setbacks and buffering to adjacent residential neighborhoods.



P73



FILE NUMBER: R15-26
APPLICANT: KENNETH & ROSALIE DUNK
REZONING REQUEST: A-1 TO C-2

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
10/6/2015

File No. R15-25

PETITION FOR REZONING

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

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

Legal Description:

Layman's Description: 3448 Wagon Wheel Road

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

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

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

FROM (current zoning) A-1

TO (proposed zoning) C-2

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 Yes (Yes or No), and if so, the proposed use is corporate offices.
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: Commercial use.

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: Blew and Associates

Address: 524 W. Sycamore St. Suite 4 Fayetteville, AR

PETITIONER/OWNER SIGNATURE

MAILING ADDRESS:

TELEPHONE:

DATE:

VERIFICATION

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

SIGNATURE
(Property Owner)

[Handwritten Signature]
[Handwritten Signature]
(Property Owner)

State of Arkansas)
 Benton) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 16 day of
September, 2015.



[Handwritten Signature]
Notary Public

APPLICATION FOR CONDITIONAL USE
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT: Joshua Lawson
Address: 410 Audley Bolton Dr. Searcy, AR 72143
Phone: 479-409-2871 Profit: Non-Profit
2. Property Location (street address or layman's description):
3358 N 48 St. Springdale, AR 72762
3. Record Title Holder of Property: Robert Krizan
(A copy of the warranty deed should be attached as Exhibit "A")
4. Use Unit requested Tandem Lot Split in A1 Zoning District.
5. Description of the conditional use sought and the reasons why it should be approved:
To build permanent residence for my wife and I.

TANDEM LOT SPLIT

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?
A custom home will improve the property value
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)

Robert W. King
Diana J. Krizan

Signature of Applicant

[Signature]

Date: 8-19-15

Date: 8-19-15

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.

State of Arkansas)
County of Washington) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 19 day of August, 20 15.

Diane M Mitchell
Notary Public

My commission expires: August 30, 2026



Memo

To: Planning Commission

From: Staff

Date: October 6, 2015

RE: **LS15-25 Tandem Lot Split** **Robert Krizan**

1. Submit \$50.00 fee.
2. A conditional use for a tandem lot must be applied for and approved by the Planning Commission and City Council.
3. A 25' access easement with a minimum 15' wide paved drive is required to the tandem lot.
4. Need surveyor's stamp and signature.
5. All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
6. Show an accurate scale no small than 1" = 100'

Staff Use Only

File # B15-52

- 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: Joshua Lawson

Applicant's Mailing Address:

410 Audley Bolton Dr. 479-409-2871
Street Address or P.O. Box Telephone Number
Searcy, AR 72143
City, State & Zip Code

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

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

3358 N. 48th St. 479-263-2767
Street Address or P.O. Box Telephone Number
Springdale, AR 72762
City, State & Zip Code

Address of Variance Request: 3358 N. 48th St. Springdale, AR 72762

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.

Deletion of parking requirement

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

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

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

1) The length of driveway from N. 48th St. to proposed house location is excessively long (>1,000 ft).

2) The driveway that connects to N 48th St was established prior to becoming annexed to the City of Springdale.

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):**

There are no driveways located on N. 48th St that are paved.

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 driveway that connects to N. 48th St (owned by Robert Krizan) was established prior to becoming annexed to City of Springdale and prior to the paved driveway requirement.

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*

Applicant Signature*

[Signature]
Property Owner Signature*
(If different from 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 19 day of August, 2015.

[Signature]
Notary Public



Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: October 6, 2015
Re: C15-11 Conditional Use

A request by Karl and Terri Ralston for a Conditional Use Permitted on Appeal as a Use Unit 28 (Home Occupation-Dress making, sewing and tailoring) in an Agricultural District (A-1).

LOCATION

5115 Har-Ber Avenue

EXISTING CONDITIONS

Single Family Dwelling

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.

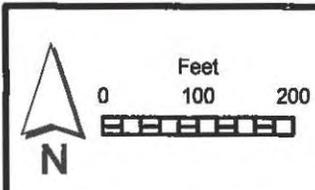
- | | |
|-------------------|--|
| Acceptable | Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe. |
| N/A | Off-street parking and loading areas where required, with particular attention to the items mentioned above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district. |
| Acceptable | Refuse and service areas, with particular reference to the item in 1 and 2 above. |
| Acceptable | Utilities, with reference to locations, availability and compatibility. |
| N/A | Screening and buffering with reference to type, dimension and character. |

- 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.
- Acceptable** Yard requirements and other open space requirements.
- N/A** 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. **Operated on a limited bases, incidental to the residential character.**



Public hearing sign posted: 1 / / 2015
 Public hearing sign posted by: CS
 (S) Public Hearing Sign Location

P86



FILE NUMBER: C15-14
APPLICANT: KARL & TERRI RALSTON
CONDITIONAL USE REQUEST: HOME OCCUPATION

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
10/6/2015

APPLICATION FOR CONDITIONAL USE
CITY OF SPRINGDALE, ARKANSAS

1. APPLICANT: Karl & Terri Ralston
Address: 5115 Har-Ber Ave.
Springdale, AR 72762
Phone: 479-756-5387 Profit: Profit Non-Profit

2. Property Location (street address or layman's description):
5115 Har-Ber Ave.

3. Record Title Holder of Property: Karl W. & Terri L. Ralston
(A copy of the warranty deed should be attached as Exhibit "A")

4. Use Unit requested 2B in A-1 Zoning District.

5. Description of the conditional use sought and the reasons why it should be approved:
Conditional use is requested to establish a business in the home. The business will consist of sewing pet-related accessories such as coats, slings, harnesses, and bandanas in one room of the residence. Supplies and inventory will be stored and transported to craft fair venues periodically. The approval should be granted to allow the homeowners the right to conduct the business, since it will not affect other adjacent properties due to quiet operations, have no related customer traffic, and location of the residence on the property.

6. What effects would the proposed conditional use have on the character of the neighborhood and residents?
none

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)

Karl W. Rabston
Verni L. Rabston

Signature of Applicant

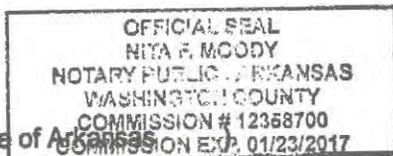
Karl W. Rabston
Verni L. Rabston

Date: 8/14/15

Date: 8/14/15

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.



Karl W. Rabston
Verni L. Rabston

State of Arkansas
County of Washington

SUBSCRIBED AND SWORN TO before me, a Notary Public, this the 15th day of August, 2015.

Nita E. Moody
Notary Public

My commission expires: 01-23-2017

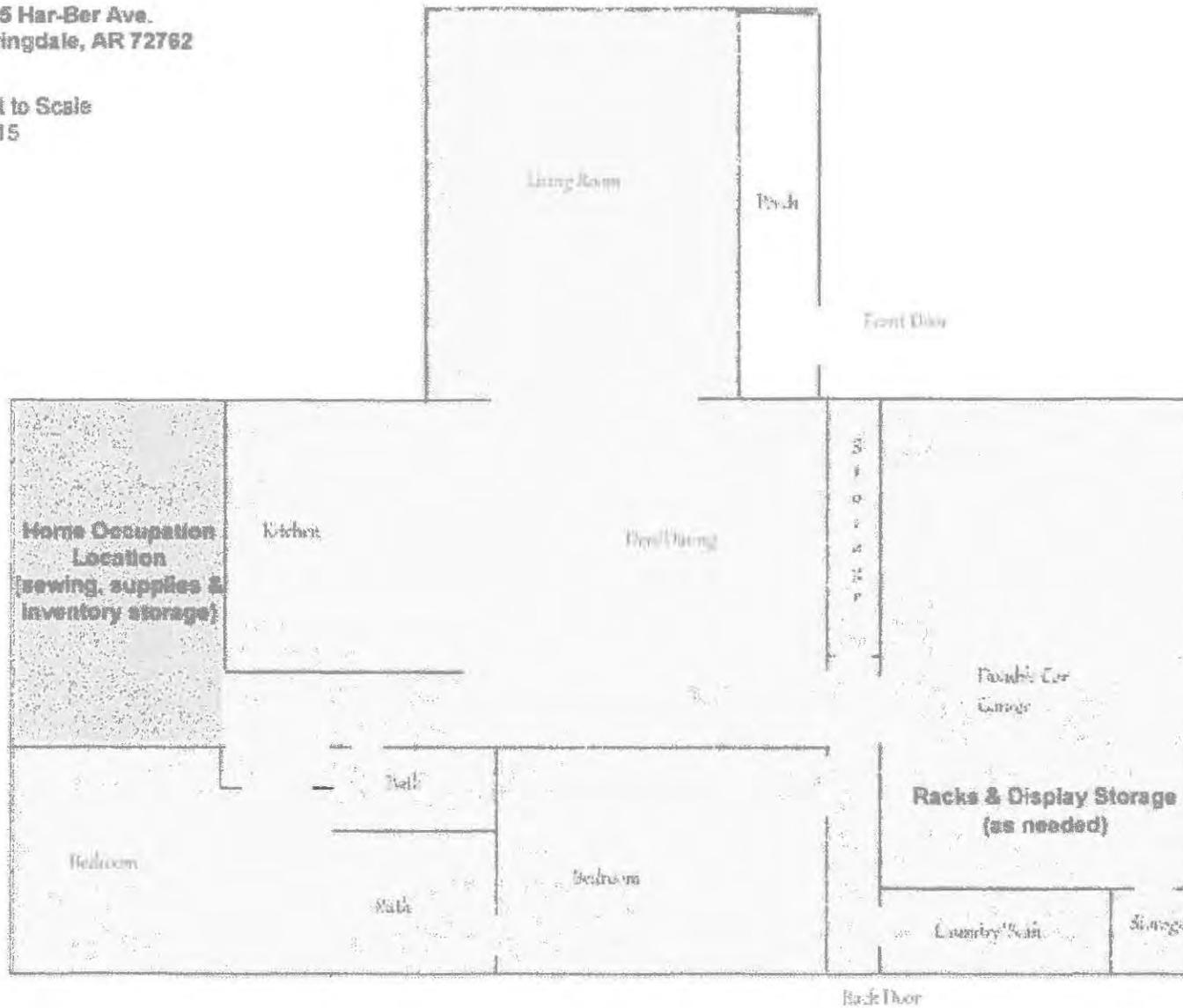
Site Plan for Home Occupation License

Karl & Terri Ralston

August 18, 2015

5115 Har-Ber Ave.
Springdale, AR 72762

Not to Scale
2015



Memo

To: Planning Commission

From: Staff

Date: October 6, 2015

RE: RP15-05 Replat

**Lots 2B & 2C-1
Westfield Subdivision**

-
1. Need locations and sizes of all utilities, including storm sewer.
 2. All comments from the utility companies and other city departments must be addressed prior to approval.

CERTIFICATION OF TRANSMITTAL, OWNERSHIP, AND ORDINANCES

The undersigned hereby transmit this plat to the City of Springdale for approval and acceptance and certify to be the owner of the property described and hereby dedicate all streets, alleys, easements, parks, and other open spaces to public or private use as noted. The undersigned certify that the plotting as filed on record cannot be changed unless vacated pursuant to the applicable local or other law. The undersigned further certify that the required ordinance of acceptance is in order having been approved by the city attorney on _____.

STATEMENT OF RESOLUTION

Transmittal, Ownership, and Ordinance _____ has the authority to execute the Certificate of

CERTIFICATE OF ACCEPTANCE

The undersigned hereby certify that this plat meets current regulations of the City of Springdale and the regulations of the Arkansas State Board of Health as each pertains to this plat and to the offices of responsibility shown below.

Date	Signature
_____	City Clerk
_____	Mayor
_____	Secretary, Planning
_____	Chairman, Planning Commission
_____	Engineer, Springdale Water Utilities
_____	Director, Planning and Community Development Division

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY, THAT THIS PLAT ON JULY 29, 2015, REPRESENTS A SURVEY MADE BY SATTERFIELD LAND SURVEYORS AND THAT SAID SURVEY MEETS OR EXCEEDS THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS.

RICKY HILL
PROFESSIONAL LAND SURVEYOR
ARKANSAS REGISTRATION 1443

DATE _____

LEGEND

- C.P. - COMPUTED POINT
- 1/2" E.R.B. - 1/2" DIA. EXISTING REBAR
- FIRE MORGANT
- POWER POLE
- SANITARY SEWER MANHOLE
- TREE
- W.V. - WATER VALVE
- ▨ PAVEMENT
- ▨ CONC. - CONCRETE
- ▨ BOUNDARY
- ▨ CENTERLINE
- ▨ CONC. - CONCRETE
- ▨ EASEMENT
- ▨ FENCE
- ▨ LOT LINE
- ▨ EDGE OF PAVEMENT OR GRAVEL
- ▨ OVERHEAD ELECTRIC
- ▨ SANITARY SEWER LINE
- ▨ DRAINAGE PIPE
- ▨ COMMUNICATIONS



PROPERTY DESCRIPTION

Parent Tracts
 Lot 2B - PARCEL #815-36042-001
 Lot 2B of Westfield Subdivision, Phase 1, to the City of Springdale, Washington County, Arkansas, containing 43,241.85 square feet or 0.99 of an acre and subject to any Easements of Record.
 Lot 2C-1 - PARCEL #815-36042-004
 Lot 2C-1 of Westfield Subdivision, Phase 1, to the City of Springdale, Washington County, Arkansas, containing 17,829.11 square feet or 0.41 of an acre and subject to any Easements of Record.

Beginning at an existing rebar marking the Northwest Corner of Lot 2B, said point being on the Southerly right of way line of Elm Springs Road. Thence along the North line of Lots 2B and 2C-1 and said right of way line, around curve to the right having a radius of 436.37 feet, and subtended by a chord bearing and distance of South 61 degrees 16 minutes 59 seconds East, 333.04 feet to an existing rebar marking the Northeast Corner of Lot 2C-1. Thence leaving said right of way line and along the East line of said Lot 2C-1, South 40 degrees 50 minutes 02 seconds West, 239.73 feet to the Southeast Corner of Lot 2C-1. Thence along the South line of Lots 2C-1 and 2B the following bearings and distances: North 18 degrees 54 minutes 35 seconds West, 38.57 feet to an existing rebar. North 52 degrees 17 minutes 24 seconds West, 107.15 feet to an existing rebar. North 84 degrees 38 minutes 53 seconds West, 51.85 feet to an existing rebar marking the Southwest Corner of Lot 2B. Thence along the West line of said Lot 2B, North 03 degrees 18 minutes 37 seconds East, 234.94 feet to the Point of Beginning, containing 61,070.96 square feet or 1.40 acres and subject to any Easements of Record.

BUILDING SETBACKS (C-2)
 30' FRONT
 50' FRONT W/PARKING
 0' SIDES
 20' SIDES ADJACENT TO RESIDENTIAL
 20' REAR

NOTE:
 NO FENCES SHALL BE CONSTRUCTED WITHIN ANY DRAINAGE EASEMENT.

CURVE	DELTA	CHORD BEARING	CHORD DIST.	RADIUS	LENGTH	TANGENT
C1	34°23'53"	S 66°31'02" E	258.06'	436.37'	261.98'	135.07'
C2	10°28'05"	S 44°05'02" E	79.62'	436.37'	78.73'	39.97'

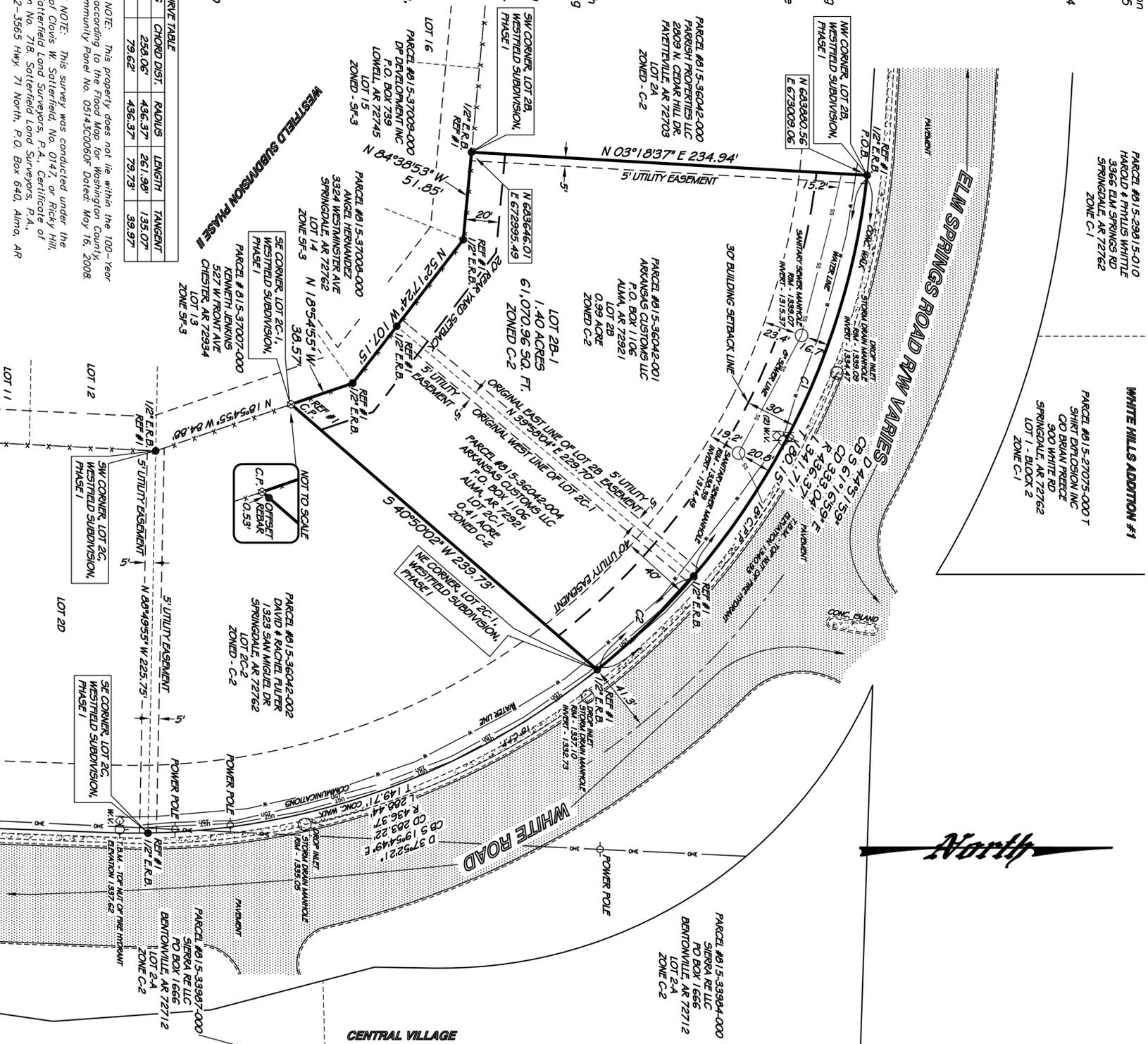
SURVEYOR'S NOTE: This property does not lie within the 100-Year Flood Zone, according to the Flood Map for Washington County, Arkansas Community Panel No. 03143C0060P Dated: May 16, 2008.

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clouis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718. Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Almo, AR 72921.

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or use by as shown on this plat. No one has the authority to use the date or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

WESTFIELD SUBDIVISION - PHASE I - LOT 2B-1
 BEING A REPLAT OF OF LOTS 2B & 2C-1, WESTFIELD SUBDIVISION, PHASE I, TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS



CURVE	DELTA	CHORD BEARING	CHORD DIST.	RADIUS	LENGTH	TANGENT
C1	34°23'53"	S 66°31'02" E	258.06'	436.37'	261.98'	135.07'
C2	10°28'05"	S 44°05'02" E	79.62'	436.37'	78.73'	39.97'

NOT TO SCALE
 C.P. IN REBAR
 10.53'

OWNERS & DEVELOPERS: RYAN & HOLLY ROBERTSON
 P.O. BOX 1106
 ALMA, AR 72921
 PHONE: (479) 841-0518

SATTERFIELD LAND SURVEYORS P.A.
 1928 HWY. 71 NORTH, ALMA, ARK. - PHONE NO. (479) 632-3565
 FAX (479) 632-5002 - WEBSITE: <http://www.satterfield.com>

Memo

To: Planning Commission
From: Staff
Date: October 6, 2015
RE: L15-18 Large Scale Development Lakeside at Har-Ber

Variance (B15-59) for modification of Multi-family design standards
Variance (B15-59) for modification of landscaping requirements per Chapter 56

Planning Comments

- 1) Submit the approved authorization of representation form, if property owner will not be present at Planning Commission meeting.
- 2) Multi-family play area is required by Ordinance. 125 square feet per bedroom.
- 3) Perimeter landscaping is required in accordance with Chapter 56.
- 4) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.

Multi-family Design Standards

- a. 20% Common Open Space
 - a. The following areas are not allowed as part of common open space:
 - i. Private lots, balconies and patios dedicated for use by a specific unit
 - ii. Public right-of-way or private streets and drives
 - iii. Open parking areas and driveways for dwellings
 - iv. Land covered by structures except for ancillary structures associated with the use of open space.
 - v. Designated outdoor storage areas
 - vi. Land areas between buildings of less than 40'.

- vii. Strips along buildings, sidewalks, streets, parking lots and property lines less than 25' in any dimension.
 - viii. Required perimeter setbacks
 - ix. Detention/retention facilities, including drainage swales, except as permitted (on page 6).
- b. Common open space shall contain at least three of the following features:
- i. Seasonal planting areas
 - ii. Adequate large trees
 - iii. Adequate seating
 - iv. Pedestrian-scaled lighting
 - v. Gazebos or other decorative shelters
 - vi. Adequate play structures for children
 - vii. On-site community recreation amenities.
- b. Amenities Required
- a. Multi-family developments with 5-25 dwelling units – 1 amenity; 25-150 dwelling units – 2 amenities; 150+ - 3 amenities, and an additional one (1) amenity for each 150 units.
 - b. Amenities cannot be duplicated until 3 different ones have been used.
 - c. See page 9 for approved amenities.

Engineering Comments

- 5) Sect 107 The site area of disturbance is between 0.5 and 1 acre. A storm Water Pollution Prevention Plan, Grading Permit Application and \$250.00 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/department/planning_and_community_development/

LAKESIDE AT HAR-BER

SPRINGDALE, ARKANSAS

LARGE SCALE DEVELOPMENT PLAN L15-18

INDEX OF DRAWINGS

01	COVER SHEET
02	SITE + UTILITY PLAN
03	GRADING AND DRAINAGE PLAN
04	LANDSCAPE PLAN
05	LIGHTING PLAN
06-08	DETAIL SHEETS

GENERAL NOTES TO CONTRACTOR

1. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION PROCEEDS. MEASUREMENTS SHOWN ON THESE PLANS SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO RECONCILE UTILITIES WHICH CONFLICT WITH THE RECORDS.
2. CONTRACTOR SHALL VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO STARTING CONSTRUCTION.
3. EXISTING GRADE CONTOURS ARE AT ONE FOOT INTERVALS.
4. PROPOSED CONTOURS ARE AT FINISH GRADE AND ARE AT ONE FOOT INTERVALS.
5. PROPOSED SPOT ELEVATIONS ARE TOP OF FINISH CURB UNLESS OTHERWISE INDICATED OR SHOWN.
6. THE CONTRACTOR SHALL ADHERE TO ALL TERMS AND CONDITIONS AS OUTLINED IN THE STORMWATER POLLUTION PREVENTION PLAN.
7. CONTRACTOR TO INSTALL AND MAINTAIN ENTRANCES AROUND PROPOSED STREETS ENTER EXISTING PUBLIC STREETS. ENTRANCE TO BE CONSTRUCTED A MIN. OF 50" IN LENGTH BY MIN. OF PROPOSED STREET AND TO A DEPTH OF 8" MINES.
8. CONTRACTOR TO INSTALL EROSION CONTROL FENCING PRIOR TO BEGINNING ANY CONSTRUCTION. FENCING SHALL BE MAINTAINED & REPAIRED AS NECESSARY BY THE CONTRACTOR DURING CONSTRUCTION.
9. CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
10. CONTRACTOR SHALL ADJUST AND/OR REPAIR CUT EXISTING PAVEMENT TO ASSURE A SMOOTH FIT AND TRANSITION.
11. ALL CONCRETE TO HAVE A MINIMUM 28 DAY COMPRESSION STRENGTH OF 3500 PSI.
12. DAMAGE DURING CONSTRUCTION TO ANY EXISTING STRUCTURES TO REMAIN SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE.
13. THE CONSTRUCTION AND INSTALLATION OF WATER AND SANITARY SEWER UTILITIES SHALL BE IN COMPLIANCE WITH THE CITY OF SPRINGDALE'S WATER AND SEWER SPECIFICATIONS, PROCEDURES AND DETAILS.
14. ALL MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE CITY OF SPRINGDALE'S REQUIREMENTS. IN THE CASE OF CONFLICTS, THE CITY'S CRITERIA SHALL GOVERN.
15. ALL SEWMASS AND HANDICAP RAMPERS SHALL BE BUILT TO THE CURRENT STANDARDS OF THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS.
16. IN ALL RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENTS SUBMITTED AFTER AUGUST 30, 2007, ALL UTILITY WRES, LINES, AND/OR CABLE IN SAID DEVELOPMENTS UTILIZED BY ELECTRIC AND/OR TELECOMMUNICATIONS COMPANIES SHALL BE PLACED UNDERGROUND, EXCLUDING TRAVEL AND ABOVE.

OWNERSHIP OF DOCUMENTS

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICES, IS THE PROPERTY OF BATES & ASSOCIATES, INC., AND IS NOT TO BE USED IN WHOLE OR PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF BATES & ASSOCIATES, INC.

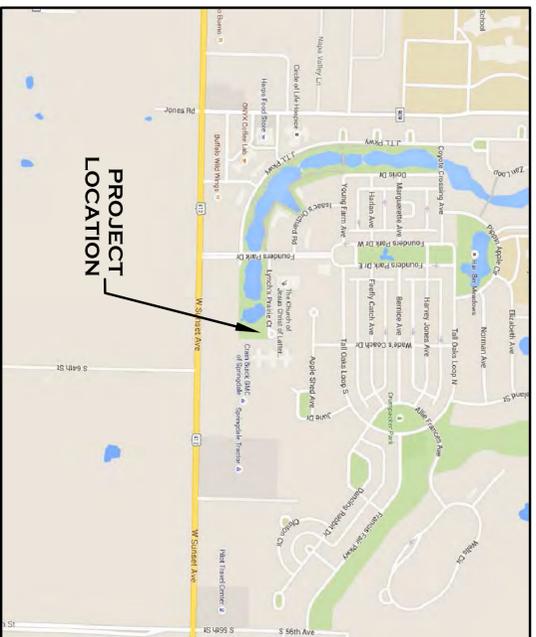
SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

THE DUTY OF THE ENGINEER TO CONDUCT CONSTRUCTION INSPECTIONS AND TO CORRECT DEFICIENCIES IS LIMITED TO THE CONTRACTOR'S SAFETY MEASURES, IN OR NEAR THE CONSTRUCTION SITE.

ENGINEER'S NOTICE TO CONTRACTOR

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY LINES OR STRUCTURES SHOWN ON THESE DRAWINGS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS, TO THE BEST OF OUR KNOWLEDGE. THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE DRAWINGS, AND WE ASSUME NO RESPONSIBILITY AS TO THE ACCURACY OF THEM DEPICTED LOCATION ON THESE DRAWINGS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN, AND ALL OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE DRAWINGS BY MEANS OF FIELD LOCATION OF THE LOCATION OF THE UTILITY LINES AND THE LOCATION OF THE ADJACENT PORTION OF THEIR WORK.



VICINITY MAP



BUILDING AREA INFORMATION:

10 TWO-BEDROOM UNITS
4 UNITS @ 1,290 SF
6 UNITS @ 1,051 SF
TOTAL HEATED AND COOLED AREA - 15,226 SF
FIRST FLOOR FOOTPRINT - 17,490

PARKING REQUIREMENTS:

ARTICLE X, SECTION 6, DEGRADATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT. (BOOK 96, PAGE 35592)

RESIDENTIAL - HIGH DENSITY (APARTMENTS OR CONDOMINIUMS) - 1.5 SPACES PER UNIT PLUS 10% OF TOTAL UNITS FOR GUESTS

NUMBER OF DWELLING UNITS:	10
PARKING SPACES REQUIRED:	17
STANDARD SPACES PROVIDED:	17
HANDICAP SPACES REQUIRED:	1
HANDICAP SPACES PROVIDED:	1
TOTAL PARKING SPACES PROVIDED:	18

UTILITY CONTACT INFORMATION

CITY:	CITY OF SPRINGDALE
CABLE:	COX COMMUNICATIONS JASON COBBS / MICHAEL MOORE 4901 S. 48th STREET SPRINGDALE, AR 72762 PHONE: (479) 717-3730
ELECTRIC:	CITY OF SPRINGDALE 417 HO-COMM STREET SPRINGDALE, AR 72764 PHONE: (479) 750-4910
GAS:	SOURCE GAS 655 E. MILSPA DRIVE FAVETTEVILLE, AR 72703 PHONE: (800) 563-0012
WATER & GWS:	SPRINGDALE WATER UTILITIES RICK RUSSELL 526 OAK AVE SPRINGDALE, AR 72764 PHONE: (479) 571-5751
WASTE:	WASTE MANAGEMENT 11979 ARBOR ACRES RD FAVETTEVILLE, AR 72701 PHONE: (800) 443-5588

GENERAL NOTES TO CONTRACTOR

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THE DUTY OF THE ENGINEER TO CONDUCT CONSTRUCTION INSPECTIONS AND TO CORRECT DEFICIENCIES IS LIMITED TO THE CONTRACTOR'S SAFETY MEASURES, IN OR NEAR THE CONSTRUCTION SITE.

BASES OF ELEVATION:

BM C-13 (PER FINAL PLAN)

BASES OF BEARING:

REAR OF BLOCK 43, HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT PHASE 9, FILED IN PLAT BOOK 23 AT PAGE 59

SITE AREA INFORMATION:

GROSS SITE AREA	42,324 SQ FT
SITE AREA IN RIGHT OF WAY	0.50 FT
NET SITE AREA	42,324 SQ FT

GREENSPACE CALCULATIONS:

TOTAL AREA OF SITE	42,324 SQ FT
PROPOSED IMPERVIOUS AREA	19,558 SQ FT
POST-DEVELOPED GREENSPACE	22,716 SQ FT
TOTAL PERCENTAGE GREENSPACE:	52.6%

BUILDING SETBACKS (PER PLAT):

FRONT SETBACK	5 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	70 FEET

FLOOD CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. (FIRM PANEL #054300065F DATED 05/16/2008)

SUBJECT DESCRIPTION:

LOT 2 OF THE BEAR AT BLOCK 43, HAR-BER MEADOWS PLANNED UNIT DEVELOPMENT PHASE IX IN THE CITY OF SPRINGDALE, ARKANSAS AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY OF RECORD.

GENERAL SURVEY NOTE:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

PARCEL NUMBERS:	815-34044-100
PROJECT SITE ADDRESS:	LINCH'S PRAIRIE COURT SPRINGDALE, ARKANSAS
ZONING CLASSIFICATION:	PUD
PROPOSED USE:	CONDOMINIUMS (10 UNITS)
OWNER:	JONES TRUST 927 E. EMMA AVE SPRINGDALE AR, 72768
DEVELOPER:	MIKE PENNINGTON GATEWAY HOMES, LLC P.O. BOX 6098 SPRINGDALE, AR 72766 PHONE: (479) 937-9422
CONTRACTOR/ARCHITECT:	HART CONSTRUCTION 100 SOUTH MAIN ST SEARCH, AR 72143 PHONE: (501) 279-2493 FAX: (501) 279-1562
ENGINEER/SURVEYOR:	BATES & ASSOCIATES, INC. 91 W. COLT SQUARE SUITE 3 FAVETTEVILLE, AR 72703 PHONE: (479) 442-9350 FAX: (479) 521-9350

LEGEND

PROPOSED	EXISTING	DESCRIPTION
[Symbol]	[Symbol]	ASPHALT (GRID)
[Symbol]	[Symbol]	ASPHALT (SURFACE)
[Symbol]	[Symbol]	BUILDING
[Symbol]	[Symbol]	BUILDING SETBACK LINE
[Symbol]	[Symbol]	ROAD
[Symbol]	[Symbol]	CABLE TV (UNDERGROUND)
[Symbol]	[Symbol]	CABLE TV (OVERHEAD)
[Symbol]	[Symbol]	CONCRETE
[Symbol]	[Symbol]	CONCRETE SURFACE
[Symbol]	[Symbol]	CONTIGUOUS
[Symbol]	[Symbol]	CURB & GUTTER
[Symbol]	[Symbol]	ELECTRICAL (UNDERGROUND)
[Symbol]	[Symbol]	ELECTRICAL (OVERHEAD)
[Symbol]	[Symbol]	ELECT TRANSFORMER
[Symbol]	[Symbol]	EXISTING (UNDERGROUND)
[Symbol]	[Symbol]	FIBER OPTIC CABLE
[Symbol]	[Symbol]	FIRE HYDRANT ASSEMBLY
[Symbol]	[Symbol]	FLOWLINE
[Symbol]	[Symbol]	FORCE MAIN
[Symbol]	[Symbol]	GAS MAIN
[Symbol]	[Symbol]	GAS WATER
[Symbol]	[Symbol]	GRAVEL SURFACE (GRID)
[Symbol]	[Symbol]	IRON PIN (5/8" RE-BAR)
[Symbol]	[Symbol]	LIGHT
[Symbol]	[Symbol]	MONUMENT (CONCRETE)
[Symbol]	[Symbol]	POWER POLE
[Symbol]	[Symbol]	PROPERTY LINE (EXTERNAL)
[Symbol]	[Symbol]	REINFORCED WALL
[Symbol]	[Symbol]	SANITARY SEWER
[Symbol]	[Symbol]	SANITARY SEWER PIPE
[Symbol]	[Symbol]	SANITARY SEWER MANHOLE
[Symbol]	[Symbol]	SANITARY SEWER SERVICE
[Symbol]	[Symbol]	SECTION LINE
[Symbol]	[Symbol]	SEWERMA
[Symbol]	[Symbol]	SON
[Symbol]	[Symbol]	SPOT ELEVATION
[Symbol]	[Symbol]	STORM SEWER PIPE
[Symbol]	[Symbol]	STORM SEWER INLET
[Symbol]	[Symbol]	STORM SEWER BULBS
[Symbol]	[Symbol]	TELEPHONE (PD/MANHOLES)
[Symbol]	[Symbol]	TELEPHONE (UNDERGROUND)
[Symbol]	[Symbol]	TIE LINE TO BE DEMOLISHED
[Symbol]	[Symbol]	UTILITY EMBLEM
[Symbol]	[Symbol]	WATER MAIN PIPE
[Symbol]	[Symbol]	WATER VALVE
[Symbol]	[Symbol]	WATER THREAT BLOCK
[Symbol]	[Symbol]	WATER MAIN REDESK
[Symbol]	[Symbol]	WATER MAIN BENT/WATER VALVE

REVISIONS

REVISIONS	DATE
FIRST SUBMITTAL	08/26/15
REVISIONS PER 9/10/15 TECHNICAL PLAT REVIEW	19/17/15

DRAWN BY: J. Young ENGINEER: G. Bates

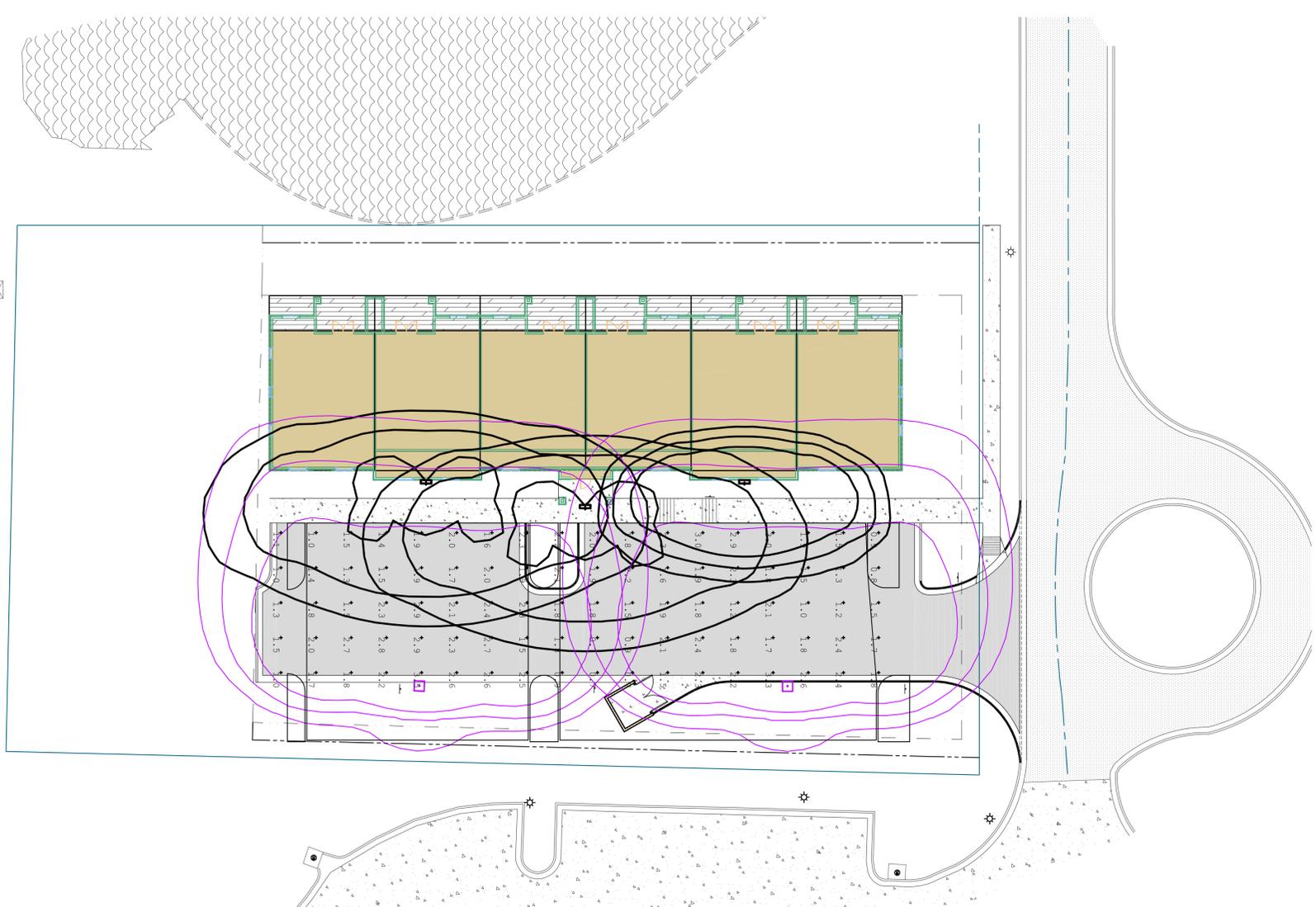
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LAKESIDE AT HAR-BER
LARGE SCALE DEVELOPMENT PLANS
L15-18
COVER SHEET
SPRINGDALE, ARKANSAS

Bates & Associates, Inc.
Civil Engineering & Surveying

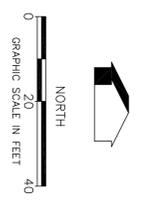
91 W. Colt Square Dr. Suite 3
Fayetteville, Arkansas 72703 Phone - 479.442.9350 Fax 479.521.9350

DRAWING NO
PROJECT NO
15-201
01



Symbol	Qty	Label	Arrangement	Total Lamp Lumens	Life	Description
1	3	157-B02-LED-E1-B12	SINGLE	N.A.	0.920	157-B02-LED-E1-B12
2	2	GLEBON-AR-03-LED-E1-S14	SINGLE	N.A.	0.920	GLEBON-AR-03-LED-E1-S14

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Foot Top	Illuminance	FC	1.88	3.5	0.7	2.69	5.00



DRAWING NO
05

PROJECT NO
 15-201

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 www.nwbatesinc.com **Civil Engineering & Surveying**
 91 W. Colt Square Dr. Suite 3
 Fayetteville, Arkansas 72703 Phone • 479.442.9350 Fax 479.521.9350

LAKESIDE AT HAR-BER
 LARGE SCALE DEVELOPMENT PLANS
 L15-18
 LIGHTING PLAN
 SPRINGDALE, ARKANSAS

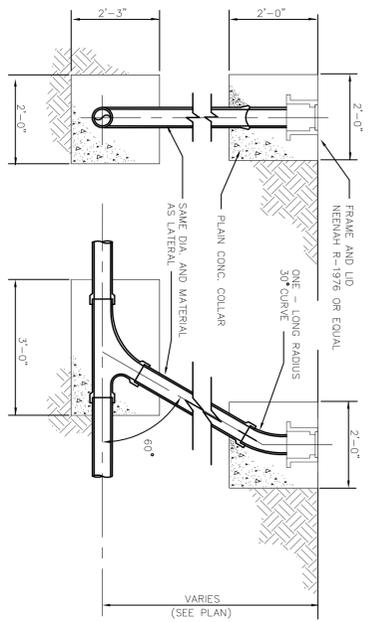
REVISIONS	DATE
FIRST SUBMITTAL	08/26/15
REVISIONS PER 9/10/15 TECHNICAL PLAT REVIEW	19/17/15

DRAWN BY: J. Young ENGINEER: G. Bates

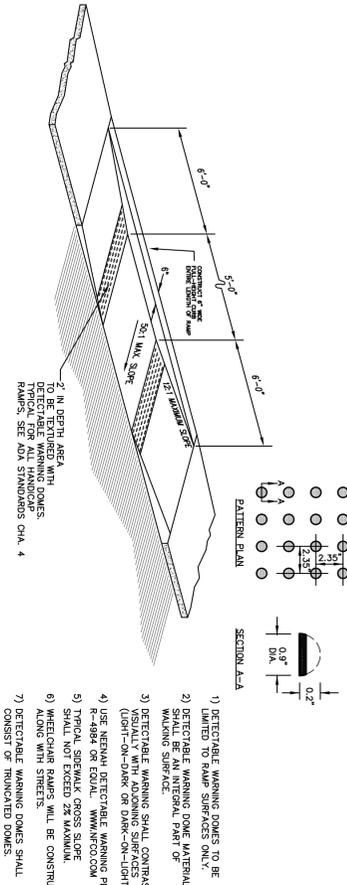
CERTIFICATE OF AUTHORIZATION
 BATES & ASSOCIATES, INC.
 ASSC
 GOSFREY H. BATES
 REGISTERED PROFESSIONAL ENGINEER
 NO. 9810
 STATE OF ARKANSAS

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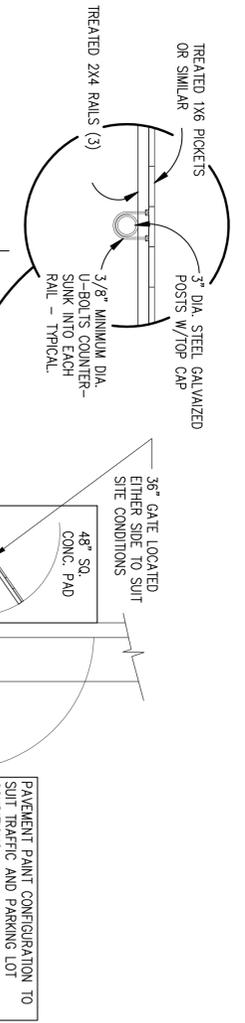
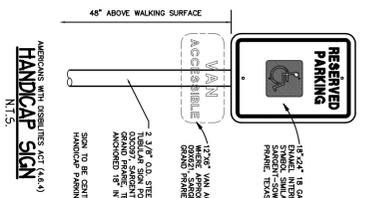
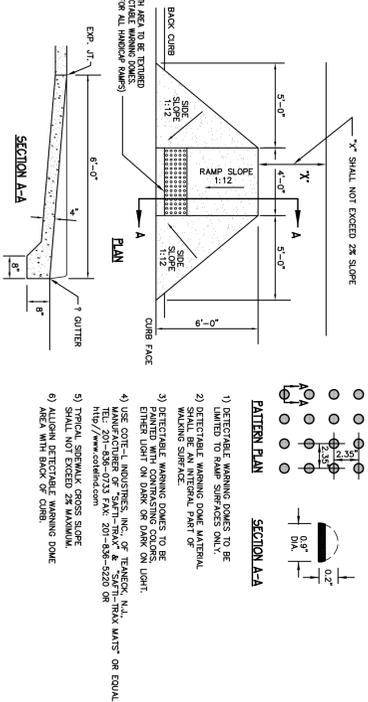
TYP. SANITARY SERVICE CLEANOUT
 N.T.S.



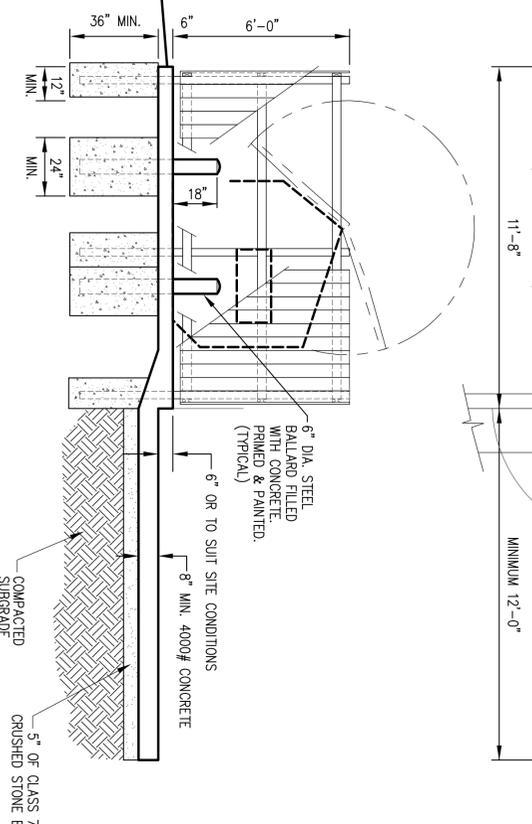
HANDICAP RAMP
W/DETECTABLE WARNING/TRANSITION TRUNCATED DOMES
 N.T.S.



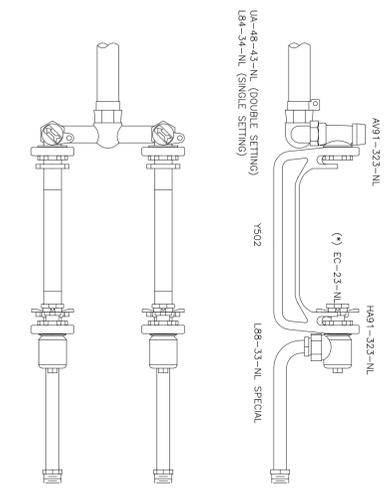
HANDICAP/PEDESTRIAN RAMP DETAIL
W/DETECTABLE WARNING/TRANSITION TRUNCATED DOMES
 N.T.S.



GENERIC SCREENED DUMPSTER
 N.T.S.



TYPICAL 5/8" DOUBLE METER SETTING
 N.T.S.



NOTES:
 ALL MATERIALS INSTALLED IN PORTABLE WATER SYSTEMS ARE REQUIRED TO COMPLY WITH THE FEDERAL DEFINITION OF "LEAD FREE" CONTAINED IN PUBLIC LAW 111-380.
 *METER AND EXPANSION CONNECTION EC-23-NL ARE PROVIDED BY THE DEPARTMENT.

SINGLE SETTING MATERIAL LIST

QTY	DESCRIPTION	EQ#	CATALOG NUMBER	MANUFACTURER	AK MATERIAL#
1	INLET CONNECTION	L84-34-NL		P-15531N	747794-22 1X3/4
1	YOKER BAR	H91-323-NL		H-5052N	14624 3/4X40Z
1	YOKER ANGLE CHECK VALVE	H91-323-NL		H-14248N	702-3YE 33
1	METER BOX ASSEMBLY	34P-182424D W/4D		H-15538N	7102P# 358908

DOUBLE SETTING MATERIAL LIST

1	ANGLE U BRANCH	U48-43-65-NL		P-15369N	708724 1X3/4X6.5
2	YOKER ANGLE KEY VALVE	A91-323-NL		H-14278N	74824 3/4X40Z
2	YOKER ANGLE CHECK VALVE	H91-323-NL		H-14248N	702-3YE 33
2	YOKER ANGLE CHECK VALVE	H91-323-NL		H-14248N	702-3YE 33
2	METER BOX ASSEMBLY	34P-182424D W/4D		H-15538N	7102P# 358908

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 www.nwabatesinc.com
 Civil Engineering & Surveying
 91 W. Colt Square Dr. Suite 3
 Fayetteville, Arkansas 72703
 Phone - 479.442.9350 Fax 479.521.9350

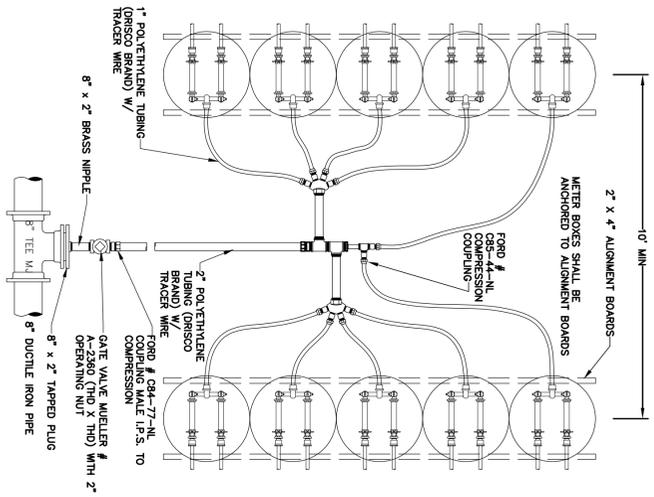
LAKESIDE AT HAR-BER
 LARGE SCALE DEVELOPMENT PLANS
 L15-18
 SITE DETAILS
 SPRINGDALE, ARKANSAS

REVISIONS	DATE
FIRST SUBMITTAL	08/26/15
REVISIONS PER 9/10/15 TECHNICAL PLAT REVIEW	19/17/15

DRAWN BY: J. Young
 ENGINEER: G. Bates
CERTIFICATE OF AUTHORIZATION
ARKANSAS REGISTERED PROFESSIONAL ENGINEER
 GEOFFREY H. BATES
 No. 9810
 BATES & ASSOCIATES, INC.
 No. 9810
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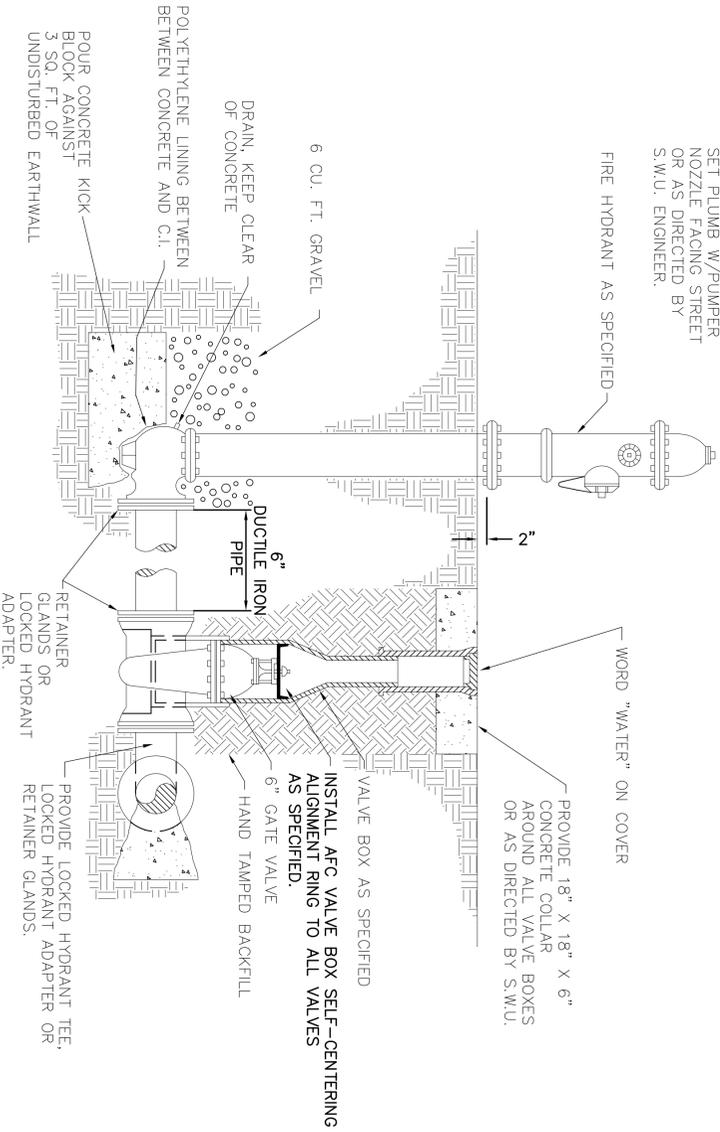
DRAWING NO
07

PROJECT NO
 15-201

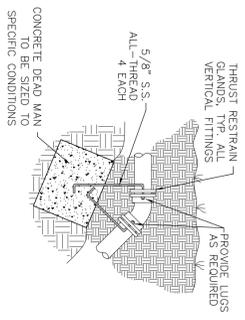


M-9 METER ARRAY
 N.T.S.

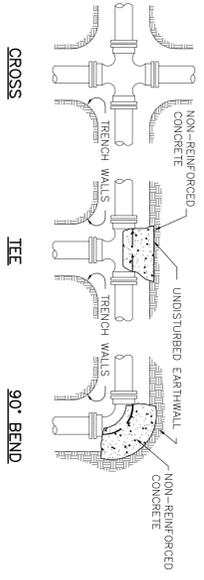
NOTE:
 ALL HYDRANTS TO BE SET PLUMB W/PUMPER NOZZLE FACING STREET OR AS DIRECTED BY S.W.U. ENGINEER.



FIRE HYDRANT & GATE VALVE
 N.T.S.
 S-1



TYPICAL VERTICAL BEND



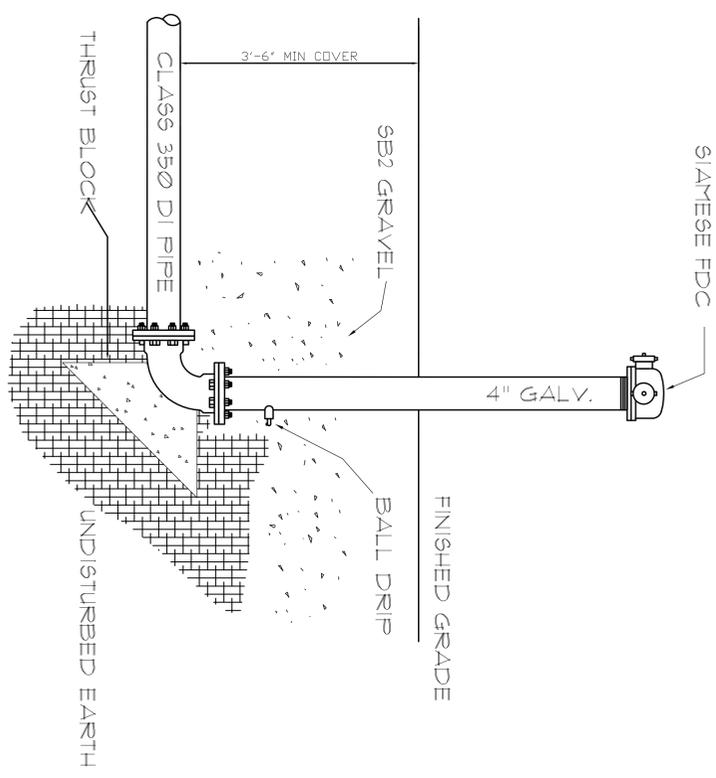
CROSS W/P/LUG

TEE W/P/LUG

- NOTES:
1. ALL FITTINGS SHALL BE MECHANICAL JOINTS, UNLESS OTHERWISE SPECIFIED.
 2. DO NOT COVER BELLS OR FLANGES WITH CONCRETE.
 3. WRAP ALL FITTINGS WITH POLYETHYLENE AS SPECIFIED.
 4. BACK ALL TEES ACCORDING TO SIZE OF BRANCH.
 5. BACKING FOR FUTURE LINE EXTENSIONS SHALL BE SUCH THAT REMOVAL OF BACKING IS POSSIBLE IN THE FUTURE.
 6. ALL BENDS WHERE FITTINGS ARE USED, BOTH HORIZONTAL AND VERTICAL, SHALL BE BACKED.
 7. THE REACTION BACKING TABLE IS BASED ON 150 LB/50 FT. ADDITIONAL BACKING MAY BE REQUIRED IN SOME AREAS AS DIRECTED BY THE ENGINEER.

REACTION BACKING TABLE	
SIZE	REQUIRED SQ. FT. OF UNDISTURBED EARTHWALL FOR REACTION BACKING
3"	TEE 1 1 1 1 1 1 1 1 1 1
4"	TEE 1 1 1 1 1 1 1 1 1 1
6"	TEE 1 1 1 1 1 1 1 1 1 1
8"	TEE 1 1 1 1 1 1 1 1 1 1
10"	TEE 1 1 1 1 1 1 1 1 1 1
12"	TEE 1 1 1 1 1 1 1 1 1 1
14"	TEE 1 1 1 1 1 1 1 1 1 1
16"	TEE 1 1 1 1 1 1 1 1 1 1
18"	TEE 1 1 1 1 1 1 1 1 1 1
20"	TEE 1 1 1 1 1 1 1 1 1 1
24"	TEE 1 1 1 1 1 1 1 1 1 1
30"	TEE 1 1 1 1 1 1 1 1 1 1
36"	TEE 1 1 1 1 1 1 1 1 1 1

REACTION BACKING
 N.T.S.
 S-3



FDC DETAIL
 N.T.S.

REVISIONS

REVISIONS	DATE
FIRST SUBMITTAL	08/26/15
REVISIONS PER 9/10/15 TECHNICAL PLAT REVIEW	19/17/15

DRAWN BY: J. Young ENGINEER: G. Bates

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LAKESIDE AT HAR-BER
 LARGE SCALE DEVELOPMENT PLANS
 L15-18
 SITE DETAILS
 SPRINGDALE, ARKANSAS

Bates & Associates, Inc.
 Civil Engineering & Surveying
 www.nwabatesinc.com
 91 W. Colt Square Dr. Suite 3
 Fayetteville, Arkansas 72703 Phone - 479.442.9350 Fax 479.521.9350

PROJECT NO: 15-201
 DRAWING NO: 08

NOT FOR
CONSTRUCTION
Joshua W. Stewart
- Architect



① EAST ELEVATION
1/8" = 1'-0"



② WEST ELEVATION
1/8" = 1'-0"



③ NORTH ELEVATION
1/8" = 1'-0"



④ SOUTH ELEVATION
1/8" = 1'-0"

LAKESIDE AT HAR-BER MEADOWS

Lynch's Prairie Court
Springdale, Arkansas

L15-18

Project number: - - - -
Date: 15 September, 2015
Revisions:

PRELIMINARY
ELEVATIONS

A1

Staff Use Only

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

File #

B15-59

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

L15-18

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

Applicant's Name: Michael Pennington – Gateway Homes, LLC

Applicant's Mailing Address:

P.O. Box 6095

Street Address or P.O. Box

Springdale, AR 72766

City, State & Zip Code

479-957-5422

Telephone Number

Property Owner's Name

(If different from Applicant): Jones Trust

Property Owner's Mailing Address:

(If different from Applicant):

922 E Emma Ave

Street Address or P.O. Box

Springdale, AR 72768

City, State & Zip Code

479-756-8090

Telephone Number

Address of Variance Request: Lynch's Prairie Cove (Lot 2 Block 43, Har-Ber Meadows Phase IX)

Zoning District: Har-Ber PUD

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit

5. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.
6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

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

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

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

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

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

The Petitioner is seeking a variance from the Multi-Family Design Standards Site Planning requirements of a Multi-Family Play Area, Common Open Space, and On-Site Community Recreational Amenities (Multi-Family Design Guidelines and Standards III.A.2, 3, & 4). The Petitioner is also seeking a variance from the Perimeter Landscaping Requirements (Ch. 56, Section 31.3).

*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:***

- 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.**

Multi-Family Design Standards:

Multi-Family Play Area – This development is intended for residents of age 60 and older, and is next door to an assisted-living facility, therefore a required Play Area is unnecessary for the development's proposed use. The topography of the undeveloped portion of the lot is also not conducive to constructing a 2,500 square foot play area.

Common Open Space – A large portion of the southern area of the lot contains a drainage swale. Per the Design Standards, this area cannot be counted towards the Common Open Space requirements unless it is determined by the City that the area is useful for recreation. The Petitioner submits that this area and the lake area in the Har-Ber Property Owner's Association-owned property to the west provide adequate fulfillment of the recreational requirement.

On-Site Community Recreational Amenities – Within the vicinity of this project, there is a swimming pool, a resident clubhouse, a playground, multiple park areas with gazebos/pavilions, picnic tables, etc. As this development is only required to have one amenity, the Petitioner feels that the Har-Ber Meadows PUD provides more than what is required for Recreational Amenities.

Perimeter Landscaping Requirements:

Along the western boundary is a nice lake and open common area to be used by the residents of the Har-Ber Meadows PUD. The apartment building was sited along the western property so there are views of the green from the balconies of the properties. These homes will be marketed toward an aging demographic, so it would be wonderful if they could see out over the lake without having to venture out as often.

Along the eastern boundary there is a nicely landscaped property with shrubs. This property is also at the end of the street where there would be less visibility from other external properties.

The owner is, however, proposing to install perimeter trees along the rear of the property.

- 2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.**

Multi-Family Design Standards:

Multi-Family Play Area – The Petitioner feels that as the Har-Ber PUD provides children's play areas, and no other surrounding developments have play areas (including the Church of Jesus Christ of Latter-Day Saints that is within the immediate vicinity of the proposed development), that this requirement would place an undue burden on the developer that has not been placed on any other development in the area.

Common Open Space – The Petitioner feels that this development should be able to utilize the Common Areas as set forth by the Har-Ber PUD to fulfill this requirement. There is ample space in the immediate vicinity that can be, and is currently used as, recreation areas. This property is already dedicated as common property and is owned by the Har-Ber Property Owner's Association.

On-Site Community Recreational Amenities – The Petitioner feels that this proposed development should be able to use the amenities that are already in the vicinity to fulfill this requirement. Other nearby properties in Har-Ber Meadows have not been required to install separate Recreational Amenities. The PUD established these amenities, and the further requirement of more amenities would be redundant and an unnecessary expense to the developer.

Perimeter Landscaping Requirements:

Literal interpretation would force the owner to install some 28 trees along it boundary when no other properties in the area have done so. The owner will though install 6 perimeter trees along the drainage swale as perimeter trees.

- 3. That the special conditions and circumstances do not result from the actions of the applicant.**

Multi-Family Design Standards:

Multi-Family Play Area – The granting of a variance from the requirement of a multi-family play area is a case of limited space, unsuitable topography, and that a Play Area would not be utilized by the residents. No action taken by the Developer resulted in this hardship.

Common Open Space – The need of a variance from Common Open Space requirements results from the existence of a large drainage easement and swale on the southern end of the property that cannot be used to meet this requirement. It also results from the fact that the Har-Ber Meadows PUD provides ample open space in the form of lakes and parks, much of which is within the immediate vicinity of the property. There was no action taken by the Developer that resulted in this hardship.

On-Site Community Recreational Amenities – A variance from the requirement of On-Site Community Recreation Amenities would not be the result of any action taken by the Developer. Rather, the existence and establishment of ample recreation amenities as a part of the Har-Ber PUD, many that are in the immediate vicinity of the proposed development, negates the need for additional amenities.

Perimeter Landscaping Requirements:

The special conditions are the result of general idea of the Har-Ber community being one whole. The intent of the landscape ordinance is to provide separation from properties and protection from incompatible uses. The intent of the PUD, however, is not to provide separation, but allow the properties to be compatible with one another.

This along with the fact that no other properties in the area have not completed perimeter landscaping to this extent makes these circumstances not the result of the applicant's actions.



VERIFICATION

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


Applicant Signature*

Property Owner Signature*
(If different from Applicant)

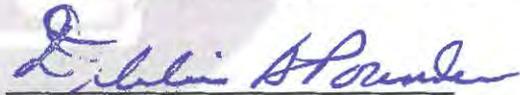
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
) ss.
County of Washington)

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


Notary Public

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

Memo

To: Planning Commission
From: Staff
Date: October 6, 2015
RE: L15-19 Large Scale Development Tyson Parking Lot

Planning Comments

- 1) All comments from the utility companies and other city departments must be addressed prior to approval of construction plans.
- 2) Alley and street rights-of-way not in use should be abandoned.

Engineering Comments

- 1) 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/department/planning>

PLANS FOR

LARGE SCALE DEVELOPMENT

TO SERVE

POULTRY GROWERS, INC

A PARKING LOT

IN THE CITY OF

SPRINGDALE, ARKANSAS



INDEX OF SHEETS	
SHEET No.	DESCRIPTION
1	OVERALL LAYOUT
2-3	LARGE SCALE DEVELOPMENT
4	LANDSCAPING PLAN
5	TYPICAL DETAILS
6	LIGHTING PLAN
7	STORM WATER POLLUTION PREVENTION PLAN
8	PAVING PLAN

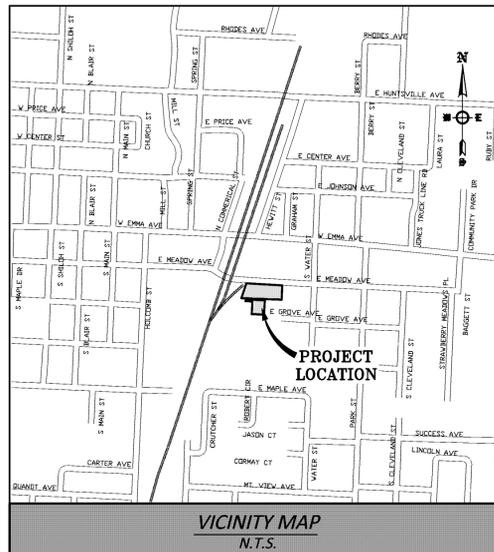
L15-19

September 28, 2015

BY
ENGINEERING SERVICES INC.



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



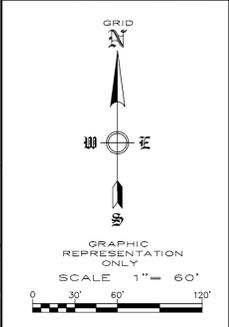
REVIEW OF THESE PLANS IS LIMITED TO COMPLIANCE WITH CITY CODES AND REGULATIONS. BY REVIEWING AND APPROVING THESE PLANS THE REVIEWER AND THE CITY OF SPRINGDALE ASSUME NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS IN THE PLANS. THE ADEQUACY OF THE PLANS IS THE SOLE RESPONSIBILITY OF THE DESIGN ENGINEER.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

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

NOTES :

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

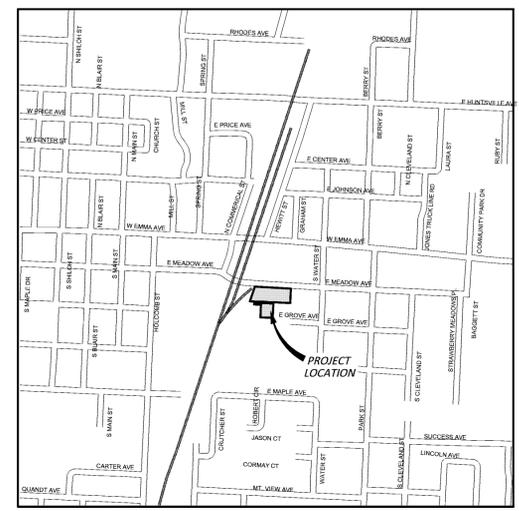
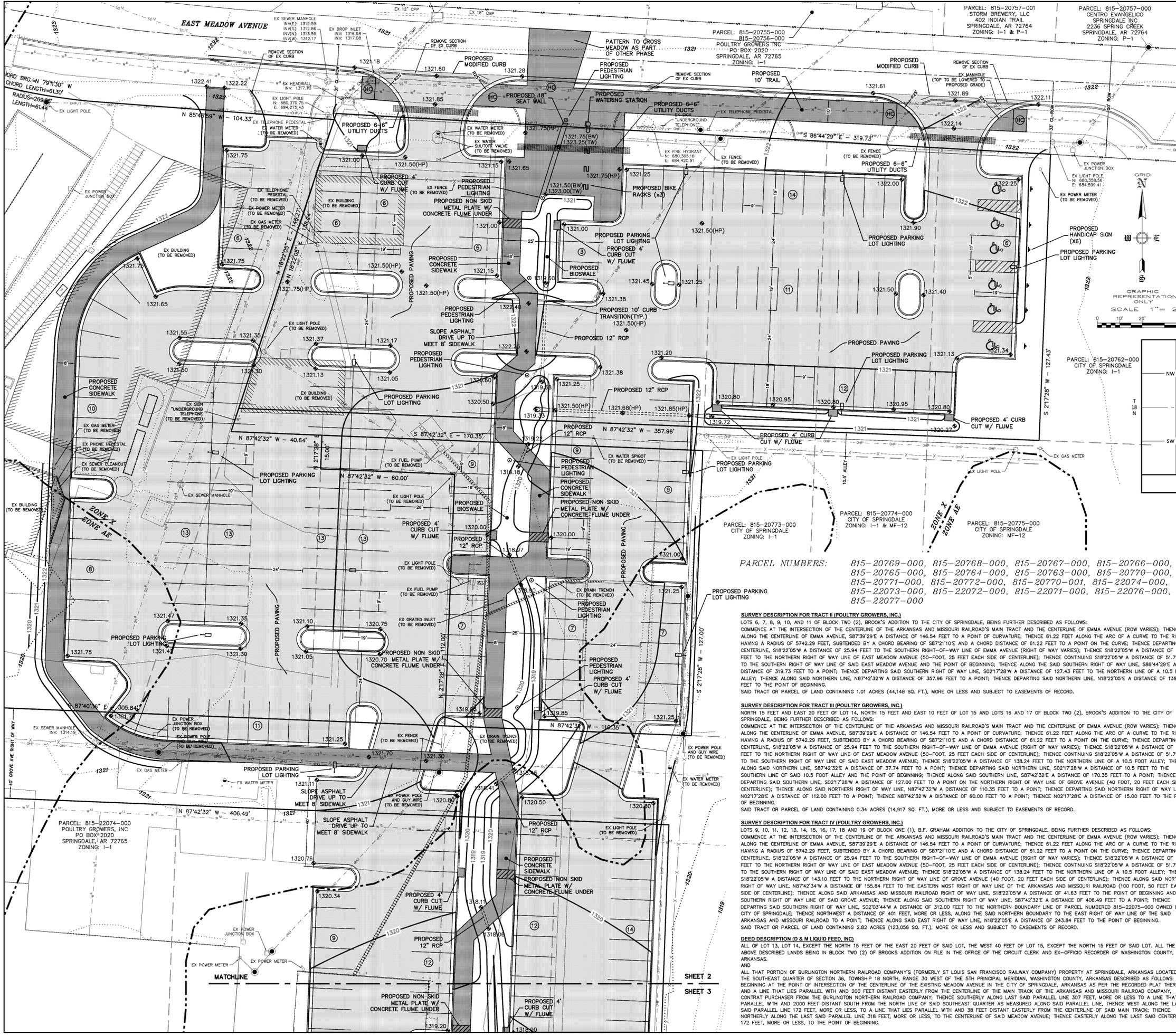
ALL WATER AND SEWER CONSTRUCTION MUST COMPLY WITH THE SPECIFICATION REQUIREMENTS FOR THE CONSTRUCTION OF WATER AND SEWER FACILITIES OF THE CITY OF SPRINGDALE WATER UTILITIES.



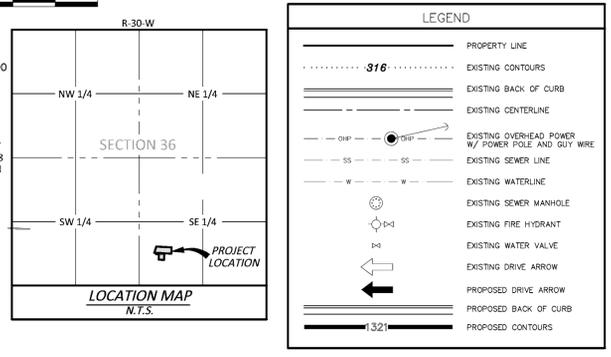
**OVERALL LAYOUT
POULTRY GROWERS, INC
SPRINGDALE, ARKANSAS**

REVISION	DATE	DESCRIPTION

SCALE: 1"=60'
 DATE: Sep, 2015
 ENGINEER: TJA
 DRAWN BY: JJC
 W.O. #: 15946



VICINITY MAP
NTS



OWNER/DEVELOPER: POULTRY GROWERS, INC.
P.O. BOX 2020
SPRINGDALE, AR 72765

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

ZONING: I-1

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'
REAR SETBACK - 25'
SETBACKS ADJACENT TO RESIDENTIAL USES - 50'

PARCEL NUMBERS: 815-20769-000, 815-20768-000, 815-20767-000, 815-20766-000, 815-20765-000, 815-20764-000, 815-20763-000, 815-20770-000, 815-20771-000, 815-20772-000, 815-20770-001, 815-22074-000, 815-22073-000, 815-22072-000, 815-22071-000, 815-22076-000, 815-22077-000

SURVEY DESCRIPTION FOR TRACT II (POULTRY GROWERS, INC.)
LOTS 6, 7, 8, 9, 10, AND 11 OF BLOCK TWO (2), BROOK'S ADDITION TO THE CITY OF SPRINGDALE, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF THE ARKANSAS AND MISSOURI RAILROAD'S MAIN TRACT AND THE CENTERLINE OF EMMA AVENUE (ROW VARIES); THENCE ALONG THE CENTERLINE OF EMMA AVENUE, S87°39'29"E A DISTANCE OF 146.54 FEET TO A POINT OF CURVATURE; THENCE 61.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5742.29 FEET, SUBTENDED BY A CHORD BEARING OF S87°21'10"E AND A CHORD DISTANCE OF 61.22 FEET TO A POINT ON THE CURVE; THENCE DEPARTING SAID CENTERLINE, S18°22'05"W A DISTANCE OF 25.94 FEET TO THE SOUTHERN RIGHT-OF-WAY LINE OF EMMA AVENUE (RIGHT OF WAY VARIES); THENCE S18°22'05"W A DISTANCE OF 347.80 FEET TO THE NORTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE (50'-FOOT, 25 FEET EACH SIDE OF CENTERLINE); THENCE CONTINUING S18°22'05"W A DISTANCE OF 51.79 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, S86°44'29"E A DISTANCE OF 319.73 FEET TO A POINT; THENCE DEPARTING SAID SOUTHERN RIGHT OF WAY LINE, S02°17'28"W A DISTANCE OF 127.43 FEET TO THE NORTHERN LINE OF A 10.5 FOOT ALLEY; THENCE ALONG SAID NORTHERN LINE, N87°42'32"E A DISTANCE OF 357.96 FEET TO A POINT; THENCE DEPARTING SAID NORTHERN LINE, N18°22'05"E A DISTANCE OF 138.24 FEET TO THE POINT OF BEGINNING.

SURVEY DESCRIPTION FOR TRACT III (POULTRY GROWERS, INC.)
NORTH 15 FEET AND EAST 20 FEET OF LOT 14, NORTH 15 FEET AND EAST 10 FEET OF LOT 15 AND LOTS 16 AND 17 OF BLOCK TWO (2), BROOK'S ADDITION TO THE CITY OF SPRINGDALE, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF THE ARKANSAS AND MISSOURI RAILROAD'S MAIN TRACT AND THE CENTERLINE OF EMMA AVENUE (ROW VARIES); THENCE ALONG THE CENTERLINE OF EMMA AVENUE, S87°39'29"E A DISTANCE OF 146.54 FEET TO A POINT OF CURVATURE; THENCE 61.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5742.29 FEET, SUBTENDED BY A CHORD BEARING OF S87°21'10"E AND A CHORD DISTANCE OF 61.22 FEET TO A POINT ON THE CURVE; THENCE DEPARTING SAID CENTERLINE, S18°22'05"W A DISTANCE OF 25.94 FEET TO THE SOUTHERN RIGHT-OF-WAY LINE OF EMMA AVENUE (RIGHT OF WAY VARIES); THENCE S18°22'05"W A DISTANCE OF 347.80 FEET TO THE NORTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE (50'-FOOT, 25 FEET EACH SIDE OF CENTERLINE); THENCE CONTINUING S18°22'05"W A DISTANCE OF 51.79 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE; THENCE S18°22'05"W A DISTANCE OF 138.24 FEET TO THE NORTHERN LINE OF A 10.5 FOOT ALLEY; THENCE ALONG SAID NORTHERN LINE, S02°17'28"W A DISTANCE OF 37.74 FEET TO A POINT; THENCE DEPARTING SAID NORTHERN LINE, S02°17'28"W A DISTANCE OF 170.35 FEET TO A POINT; THENCE DEPARTING SAID SOUTHERN LINE, S02°17'28"W A DISTANCE OF 127.00 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF GROVE AVENUE (40 FOOT, 20 FEET EACH SIDE OF CENTERLINE); THENCE ALONG SAID NORTHERN RIGHT OF WAY LINE, N87°42'32"E A DISTANCE OF 110.35 FEET TO A POINT; THENCE DEPARTING SAID NORTHERN RIGHT OF WAY LINE, N02°17'28"E A DISTANCE OF 112.00 FEET TO A POINT; THENCE N87°42'32"W A DISTANCE OF 60.00 FEET TO A POINT; THENCE N02°17'28"E A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SURVEY DESCRIPTION FOR TRACT IV (POULTRY GROWERS, INC.)
LOTS 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19 OF BLOCK ONE (1), B.F. GRAHAM ADDITION TO THE CITY OF SPRINGDALE, BEING FURTHER DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF THE ARKANSAS AND MISSOURI RAILROAD'S MAIN TRACT AND THE CENTERLINE OF EMMA AVENUE (ROW VARIES); THENCE ALONG THE CENTERLINE OF EMMA AVENUE, S87°39'29"E A DISTANCE OF 146.54 FEET TO A POINT OF CURVATURE; THENCE 61.22 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5742.29 FEET, SUBTENDED BY A CHORD BEARING OF S87°21'10"E AND A CHORD DISTANCE OF 61.22 FEET TO A POINT ON THE CURVE; THENCE DEPARTING SAID CENTERLINE, S18°22'05"W A DISTANCE OF 25.94 FEET TO THE SOUTHERN RIGHT-OF-WAY LINE OF EMMA AVENUE (RIGHT OF WAY VARIES); THENCE S18°22'05"W A DISTANCE OF 347.80 FEET TO THE NORTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE (50'-FOOT, 25 FEET EACH SIDE OF CENTERLINE); THENCE CONTINUING S18°22'05"W A DISTANCE OF 51.79 FEET TO THE SOUTHERN RIGHT OF WAY LINE OF SAID EAST MEADOW AVENUE; THENCE S18°22'05"W A DISTANCE OF 138.24 FEET TO THE NORTHERN LINE OF A 10.5 FOOT ALLEY; THENCE S18°22'05"W A DISTANCE OF 143.10 FEET TO THE NORTHERN RIGHT OF WAY LINE OF GROVE AVENUE (40 FOOT, 20 FEET EACH SIDE OF CENTERLINE); THENCE ALONG SAID NORTHERN RIGHT OF WAY LINE, N87°42'34"W A DISTANCE OF 155.84 FEET TO THE EASTERN MOST RIGHT OF WAY LINE OF THE ARKANSAS AND MISSOURI RAILROAD (100 FOOT, 50 FEET EACH SIDE OF CENTERLINE); THENCE ALONG SAID ARKANSAS AND MISSOURI RAILROAD RIGHT OF WAY LINE, S18°22'05"W A DISTANCE OF 41.63 FEET TO THE POINT OF BEGINNING AND THE SOUTHERN RIGHT OF WAY LINE OF SAID GROVE AVENUE; THENCE ALONG SAID SOUTHERN RIGHT OF WAY LINE, S87°42'32"E A DISTANCE OF 406.49 FEET TO A POINT; THENCE DEPARTING SAID SOUTHERN RIGHT OF WAY LINE, S02°13'44"W A DISTANCE OF 312.00 FEET TO THE NORTHERN BOUNDARY LINE OF PARCEL NUMBERED 815-22075-000 OWNED BY THE CITY OF SPRINGDALE; THENCE NORTHERLY A DISTANCE OF 401 FEET, MORE OR LESS, ALONG THE SAID NORTHERN BOUNDARY; THENCE EAST ALONG THE SAID BOUNDARY OF SAID ARKANSAS AND MISSOURI RAILROAD TO A POINT; THENCE ALONG SAID EAST RIGHT OF WAY LINE, N18°22'05"E A DISTANCE OF 243.84 FEET TO THE POINT OF BEGINNING.

DEED DESCRIPTION (D & M LIQUID FEED, INC.)
ALL OF LOT 13, LOT 14, EXCEPT THE NORTH 15 FEET OF THE EAST 20 FEET OF SAID LOT, THE WEST 40 FEET OF LOT 15, EXCEPT THE NORTH 15 FEET OF SAID LOT. ALL THE ABOVE DESCRIBED LANDS BEING IN BLOCK TWO (2) OF BROOKS ADDITION TO FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.
AND
ALL THAT PORTION OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY ST LOUIS SAN FRANCISCO RAILWAY COMPANY) PROPERTY AT SPRINGDALE, ARKANSAS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS DESCRIBED AS FOLLOWS:
BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF THE EXISTING MEADOW AVENUE IN THE CITY OF SPRINGDALE, ARKANSAS AS PER THE RECORDED PLAT THEREOF, AND A LINE THAT LIES PARALLEL WITH AND 200 FEET DISTANT EASTERLY FROM THE CENTERLINE OF THE MAIN TRACT OF THE ARKANSAS AND MISSOURI RAILROAD COMPANY, CONTRAST PURCHASER FROM THE BURLINGTON NORTHERN RAILROAD COMPANY; THENCE SOUTHERLY ALONG SAID PARALLEL LINE 307 FEET, MORE OR LESS TO A LINE THAT LIES PARALLEL WITH AND 2000 FEET DISTANT SOUTH FROM THE NORTH LINE OF SAID SOUTHEAST QUARTER AS MEASURED ALONG SAID PARALLEL LINE, THENCE WEST ALONG THE LAST SAID PARALLEL LINE 172 FEET, MORE OR LESS, TO A LINE THAT LIES PARALLEL WITH AND 38 FEET DISTANT EASTERLY FROM THE CENTERLINE OF SAID MAIN TRACT; THENCE NORTHERLY ALONG THE LAST SAID PARALLEL LINE 318 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID MEADOW AVENUE; THENCE EASTERLY ALONG THE LAST SAID CENTERLINE 172 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARKING SPACES PROVIDED: 300 (INCLUDING 6 A.D.A. ACCESSIBLE)

FLOOD PLAIN ZONING:
THIS PROPERTY IS WITHIN THE FLOOD PLAIN ZONE "X", DESIGNATED AS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD PLAIN AND ZONE "AE", AS SHOWN ON THE F.I.R.M. MAP # 0514300070.F, PANEL 70 OF 575, WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: MAY 16, 2008.

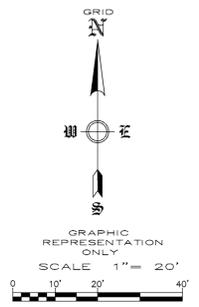
- NOTES:**
- 1) ALL PARKING LOT DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED (EXAMPLE: 15'80" AS TO BACK OF CURB).
 - 2) ALL PROPOSED CURBING SHALL BE 6" WIDE X 6" HIGH.
 - 3) A.D.A. ACCESSIBLE RAMPS TO HAVE A MAXIMUM INCLINATION RATIO OF 12:1.
 - 4) ANY COST OF ADJUSTMENTS, RELOCATION OR DAMAGE OF EXISTING UTILITIES WILL BE THE RESPONSIBILITY OF THE OWNERS/DEVELOPERS.
 - 5) THE MINIMUM INITIAL RATING FOR THE STREETLIGHTS SHALL BE 6,000 LUMENS FOR A LOCAL STREET, 11,000 LUMENS FOR A COLLECTOR STREET, OR 20,000 LUMENS FOR AN ARTERIAL STREET. FIXTURES SHALL BE BY IES LIGHTING MODEL CROSSOVER XRM, #SPL-XRM3-119W/LED/UE-MSW-PC-COS.
 - 6) MODIFIED CURB REQUIRED AT ALL DRIVES.
 - 7) ALL UTILITY WIRES, LINES, AND/OR CABLE UTILIZED BY ELECTRIC AND/OR TELECOMMUNICATIONS COMPANIES SHALL BE PLACED UNDERGROUND, EXCLUDING 12kv AND ABOVE.
 - 8) THE GLOBAL POSITIONING SYSTEM (GPS) AND CONVENTIONAL TERRESTRIAL SURVEYING EQUIPMENT PROVIDED THE RELATIVE POSITIONING FOR THE TOPOGRAPHIC, PLANNING 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 PLAN 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.

SHEET 2
SHEET 3

REVISION	DATE	DESCRIPTION

SCALE: 1"=20'
DATE: Sep, 2015
ENGINEER: TIA
DRAWN BY: JIC
W.O. #: 15946



LEGEND	
	PROPERTY LINE
	EXISTING CONTOURS
	EXISTING BACK OF CURB
	EXISTING CENTERLINE
	EXISTING OVERHEAD POWER W/ POWER POLE AND GUY WIRE
	EXISTING SEWER LINE
	EXISTING WATERLINE
	EXISTING SEWER MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	EXISTING DRIVE ARROW
	PROPOSED DRIVE ARROW
	PROPOSED BACK OF CURB
	PROPOSED CONTOURS



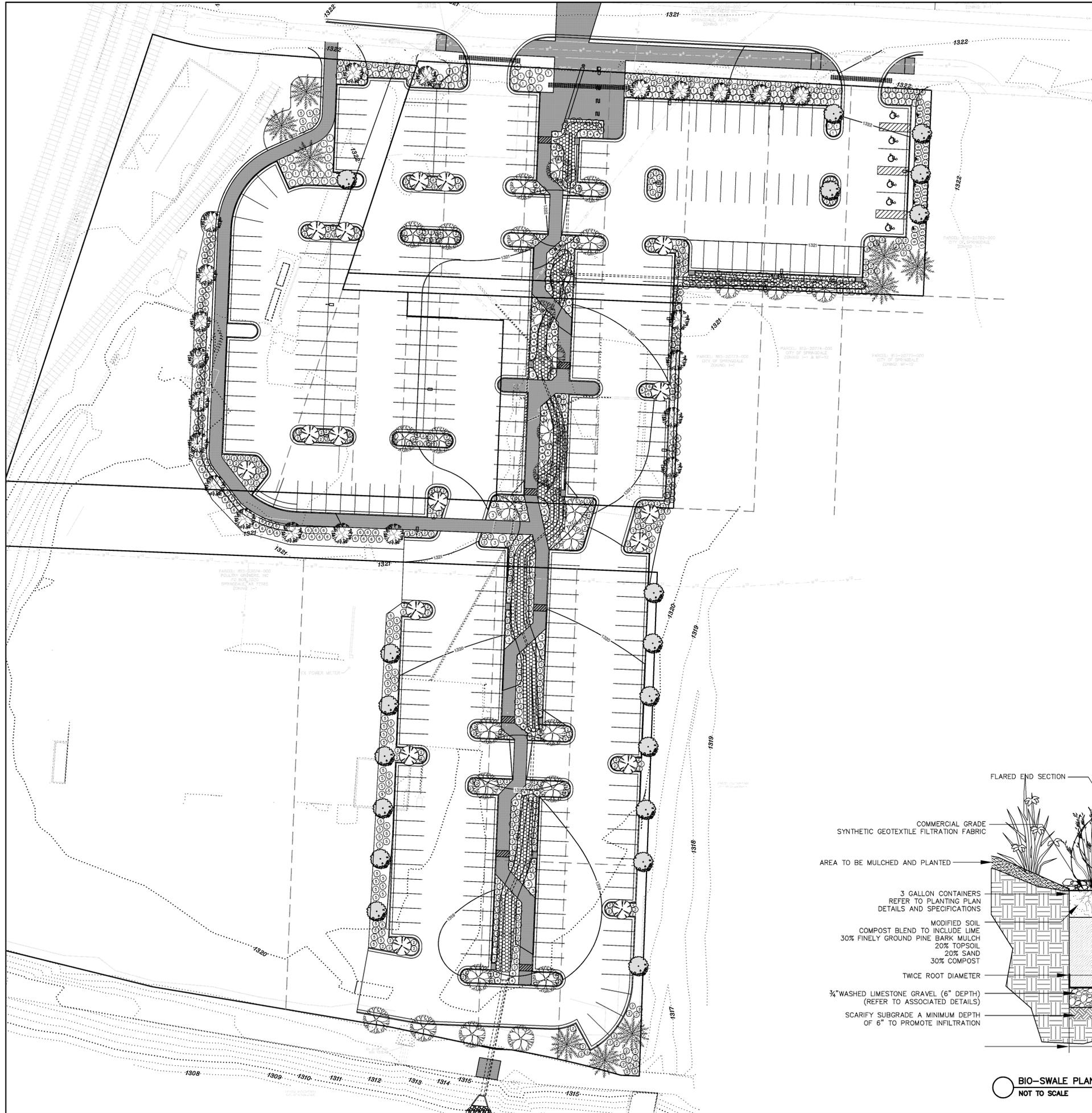
**LARGE SCALE DEVELOPMENT
POULTRY GROWERS, INC
SPRINGDALE, ARKANSAS**

REVISION	DATE	DESCRIPTION

SCALE: 1"=20'
DATE: Sep, 2015
ENGINEER: TJA
DRAWN BY: JJC
W.O. #: 15946

L15-19

3



LANDSCAPING NOTES:

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

INTERIOR PARKING LOT LANDSCAPING PROVIDED:

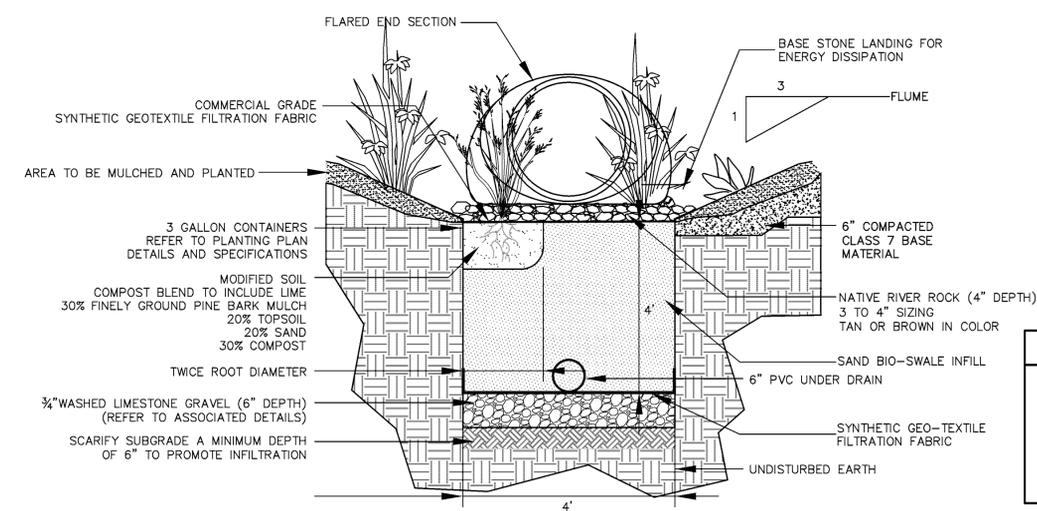
TOTAL REQUIRED: 8% OF TOTAL PARKING LOT AREA = 8,545 SQ. FT.
 TOTAL PROVIDED = 23,040 SQ. FT.
 PARKING LOT AREA: 106,814 SQ. FT. TOTAL
 TOTAL AREA OF LOT: 23,040 / 106,814 = 21.57 %

INDEX OF TREES

TREE SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # TREES	SIZE
	WATER OAK	Quercus nigra	30	2" CAL 8' MIN
	RED BUD	Cercis canadensis	19	2" CAL 8' MIN
	RED MAPLE	Acer rubrum	22	2" CAL 8' MIN
	CHINESE PISTACHE	Pistachia chinensis	17	2" CAL 8' MIN
	BALD CYPRESS	Taxodium distichum	9	2" CAL 8' MIN

INDEX OF PLANTS

PLANT SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # PLANTS	SIZE
①	GREY OWL JUNIPER	Juniperus virginiana 'Grey Owl'	107	3 GAL.
②	PRAIRIE DROPSEED	Sporobolus heterolepis	413	1 GAL.
③	RED TWIGGED DOGWOOD	Cornus stolonifera	26	3 GAL.
④	SWITCH GRASS	Panicum virgatum	120	1 GAL.
⑤	BLACKHAW VIBURNUM	Viburnum pruniflorum	72	5 GAL.
⑥	WINTERTHUR VIBURNUM	Viburnum nudum 'Winterthur'	127	5 GAL.



GRID

GRAPHIC REPRESENTATION ONLY
SCALE 1" = 30'

LANDSCAPE LEGEND

	BERMUDA SODDED AREA
	GRAVEL AREA (PER BIO-SWALE DETAIL)

BIO-SWALE PLANTING DETAIL
NOT TO SCALE



LANDSCAPE PLAN
POULTRY GROWERS, INC
SPRINGDALE, ARKANSAS

REVISION	DATE	DESCRIPTION

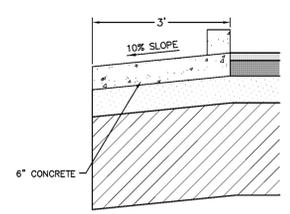
SCALE: 1"=30'
 DATE: Sep, 2015
 ENGINEER: TJA
 DRAWN BY: JJC
 W.O. #: 15946

L15-19

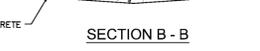
4

REVISION	DATE	DESCRIPTION

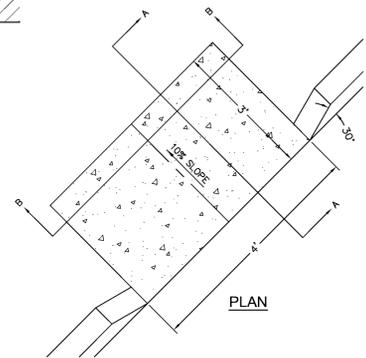
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 DATE: Sep, 2015
 ENGINEER: TJA
 DRAWN BY: JJC
 W.O. #: 15946



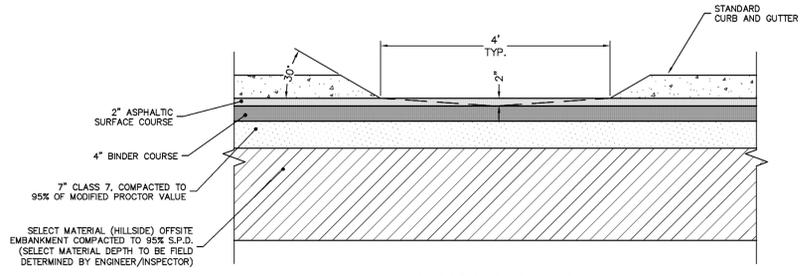
SECTION A - A



SECTION B - B

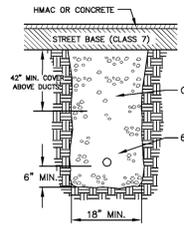


PLAN

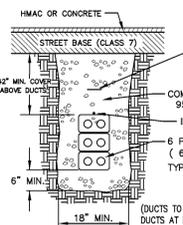


CROSS SECTION AT CURB

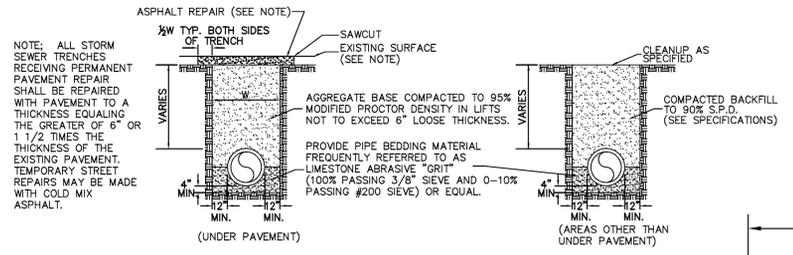
TYPICAL 4' CURB CUT WITH CONCRETE FLUME



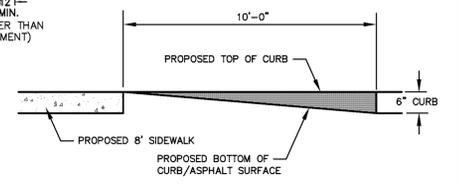
TYPICAL SECTION
6" PVC UNDER DRAIN



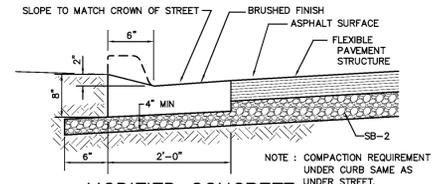
TYPICAL SECTION
6-6" UTILITY DUCTS



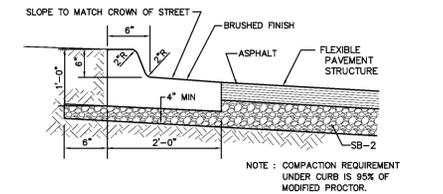
STORM SEWER BEDDING
AND BACKFILL
NOT TO SCALE



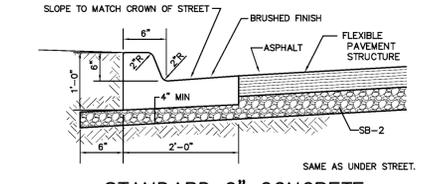
CURB TRANSITION DETAIL



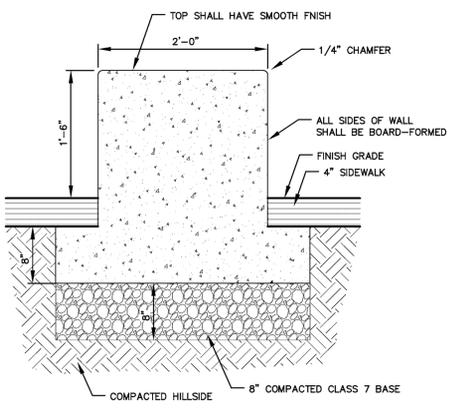
MODIFIED CONCRETE
CURB & GUTTER



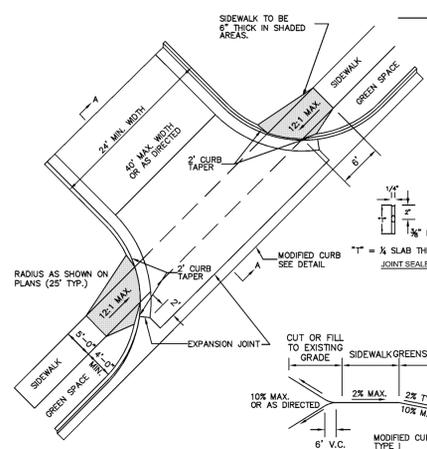
STANDARD 6" CONCRETE
SPILL CURB & GUTTER



STANDARD 6" CONCRETE
CURB & GUTTER

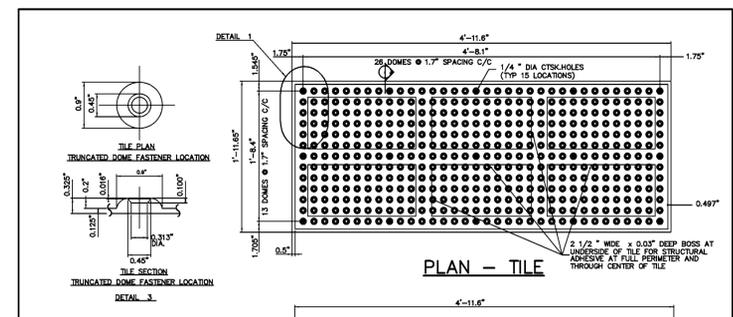


BOARD-FORMED CONCRETE
SEAT WALL



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

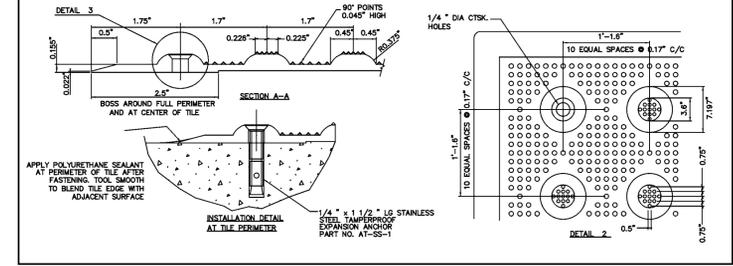
DRIVEWAY DETAIL



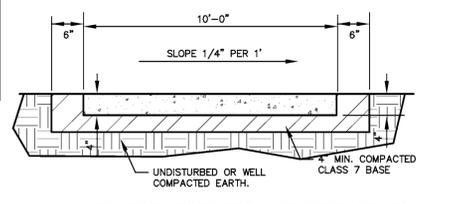
PLAN - TILE

PROFILE - TILE

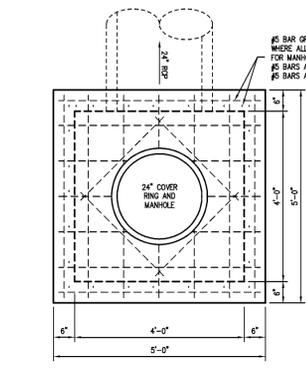
TRUNCATED DOMES DETAIL



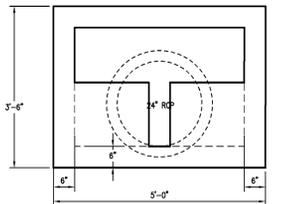
DRAINAGE FLUME AT SIDEWALK



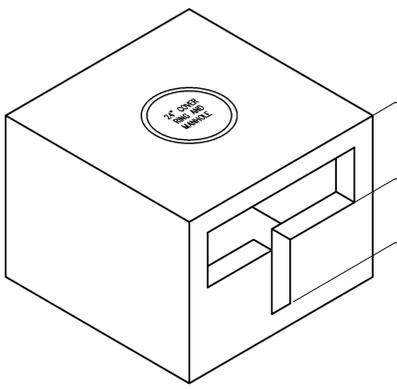
10' TRAIL DETAIL - CONCRETE



PLAN



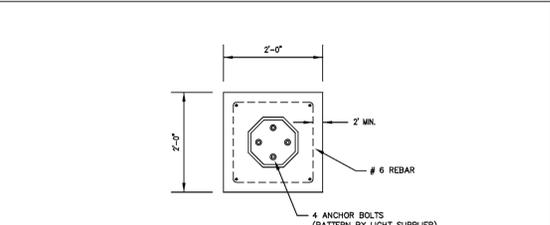
FRONT ELEVATION



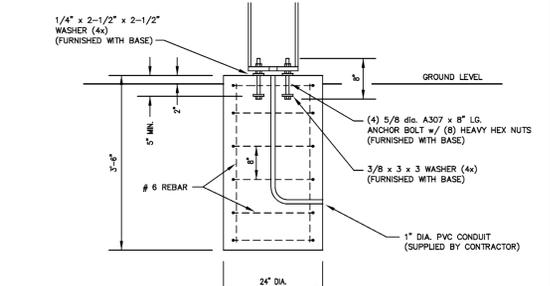
ISOMETRIC VIEW

- NOTES:
1. ALL EXPOSED CORNERS TO HAVE 3/4" CHAMFER.
 2. ALL REINFORCEMENT BARS SHALL BE GRADE 60 AND SHALL HAVE A MINIMUM 1-1/2" COVER UNLESS OTHERWISE NOTED.
 3. CURB INLET BACK OPENING LOCATIONS SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER.
 4. WHEN AN INLET IS PLACED ADJACENT TO CONCRETE PAVEMENT, THE GUTTER DEPRESSION SHALL BE FORMED IN CONCRETE PAVEMENT.
 5. PIPES MAY ENTER BOX FROM ANY ANGLE OF ELEVATION AS DIRECTED BY THE ENGINEER. REINFORCING BARS SHALL BE CUT TO CLEAR PIPE BY 1-1/2".
 6. THE EXPANSION JOINT SHALL HAVE A THICKNESS OF 1-1/2" AND CONFORM TO AASHTO M213.
 7. REFER TO PLAN AND PROFILE SHEETS TO DETERMINE EXTENSIONS AND SIZE (IF ANY).
 8. EXTENSIONS WITH LENGTHS DESIGNATED ON THE PLANS EXCEEDING 6'-0" SHALL HAVE THE SAME INSIDE DEPTH DIMENSIONS AS STATED ON DETAILS UNLESS OTHERWISE NOTED.
 9. CONCRETE FOR CIRCULAR DROP INLETS SHALL BE CLASS A, 3000 PSI, 5.5 BAG MIX WITH 4-7% AIR ENTRAINMENT.
 10. ALL REINFORCING TO BE #5 BAR GRID @ 10" O.C., E.W. EXCEPT WHERE ALLOWANCES MUST BE MADE FOR PIPES, OPENING, OR MANHOLE RING.
 11. NEOPRENE-COATED STEEL STEPS ARE TO BE INSTALLED IN ALL DROP INLETS AND JUNCTION BOXES WITH A DEPTH OF 4'-0" OR GREATER. STEP SPACING TO BE 12".
 12. BOTTOM OF DRAINAGE BOX TO BE AT 0.5% MINIMUM SLOPE FROM INLET TO OUTLET.

AREA INLET DETAIL



PLAN



SECTION

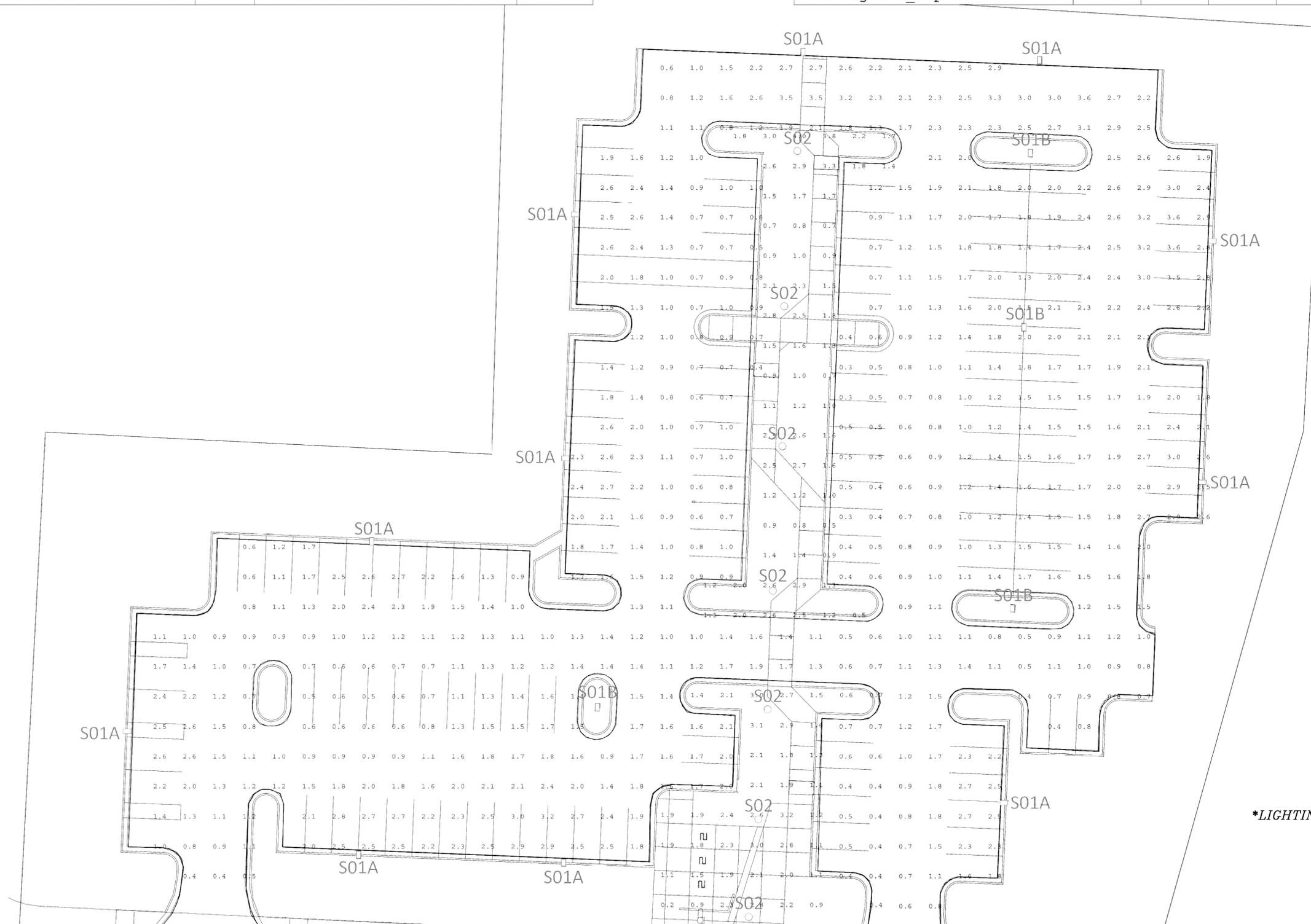
LIGHT POLE FOOTING DETAIL

Luminaire Schedule

Symbol	Label	LLF	Description	Qty
S01A	□	0.800	GL18-BLC-200LA-NW	11
S01B	□	0.800	GL18-5-200LA-NW	4
S02	○	0.800	SAC2L-1-LG3500-R5-35-120	7

Calculation Summary

Label	Avg	Max	Min	Avg/Min	Max/Min
Main Sidewalk_Top	1.71	4.0	0.5	3.42	8.00
Northern Sidewalk	1.79	3.2	0.2	8.95	16.00
Parking Lot_Top	1.52	3.6	0.3	5.07	12.00



*LIGHTING PLAN BY HOK LIGHTING

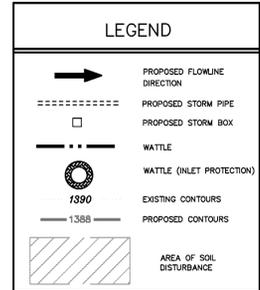
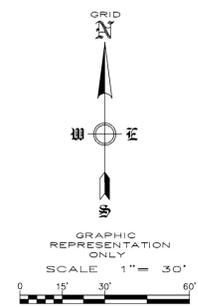
2015.09.09 Tyson PIHD Parking Lot Lighting - Updated HOKLG JNH



LIGHTING PLAN
POULTRY GROWERS, INC
SPRINGDALE, ARKANSAS

REVISION	DATE	DESCRIPTION

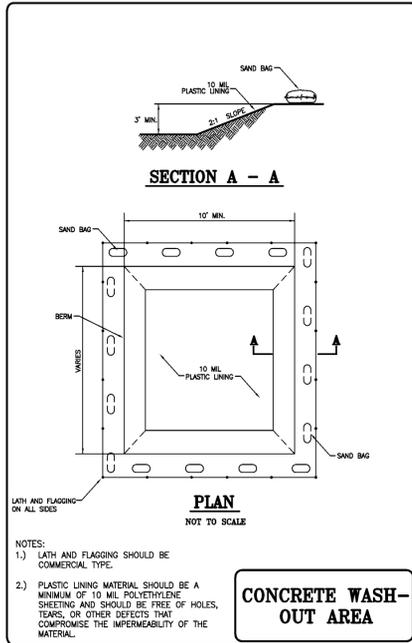
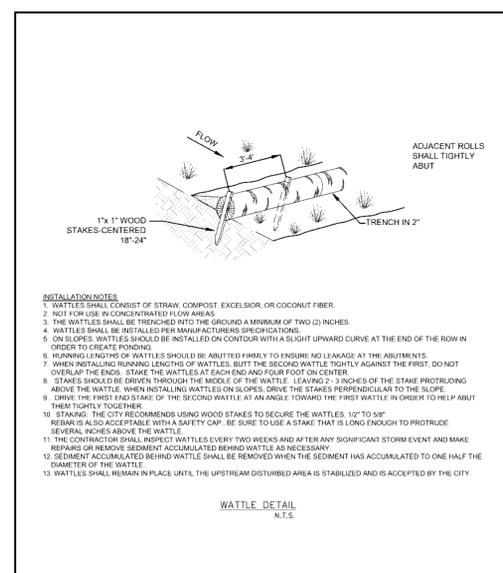
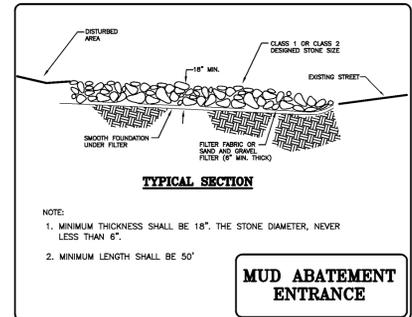
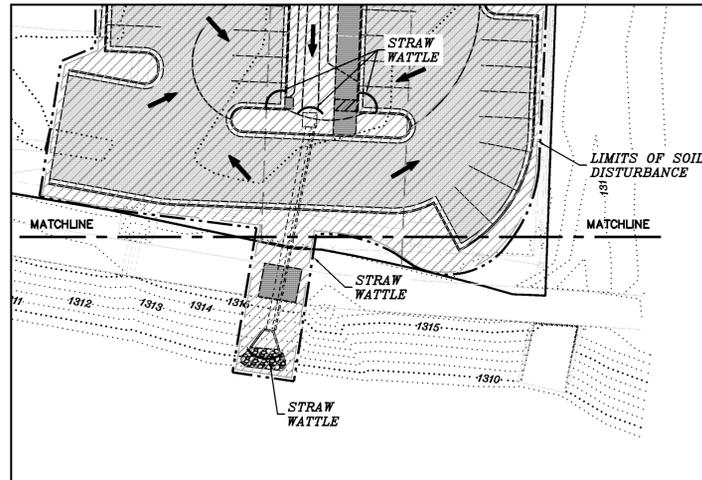
SCALE: NTS
DATE: Sep, 2015
ENGINEER: TJA
DRAWN BY: JJC
W.O. #: 15946



- NOTES:**
- 1) NATURAL VEGETATION SHALL BE RETAINED WHEREVER POSSIBLE.
 - 2) SOD SHALL BE PLACED IN ALL AREAS WHERE VEGETATION IS DISTURBED, OUTSIDE OF LANDSCAPED AREAS
 - 3) STRAW AND WOOD CHIPS SHALL BE PLACED TO PROVIDE TEMPORARY PROTECTION WHILE FINAL GRADING IS BEING COMPLETED.
 - 4) PLACE FILTER FABRIC ON ALL CURB INLETS.

*WATTLES ARE USED AS ENERGY DISSIPATION DEVICES
 *WATTLES ARE USED TO CONTROL POLLUTANTS DURING STORM WATER DISCHARGE
 *WATTLES MUST BE MAINTAINED UNTIL SITE IS PERMANENTLY STABILIZED

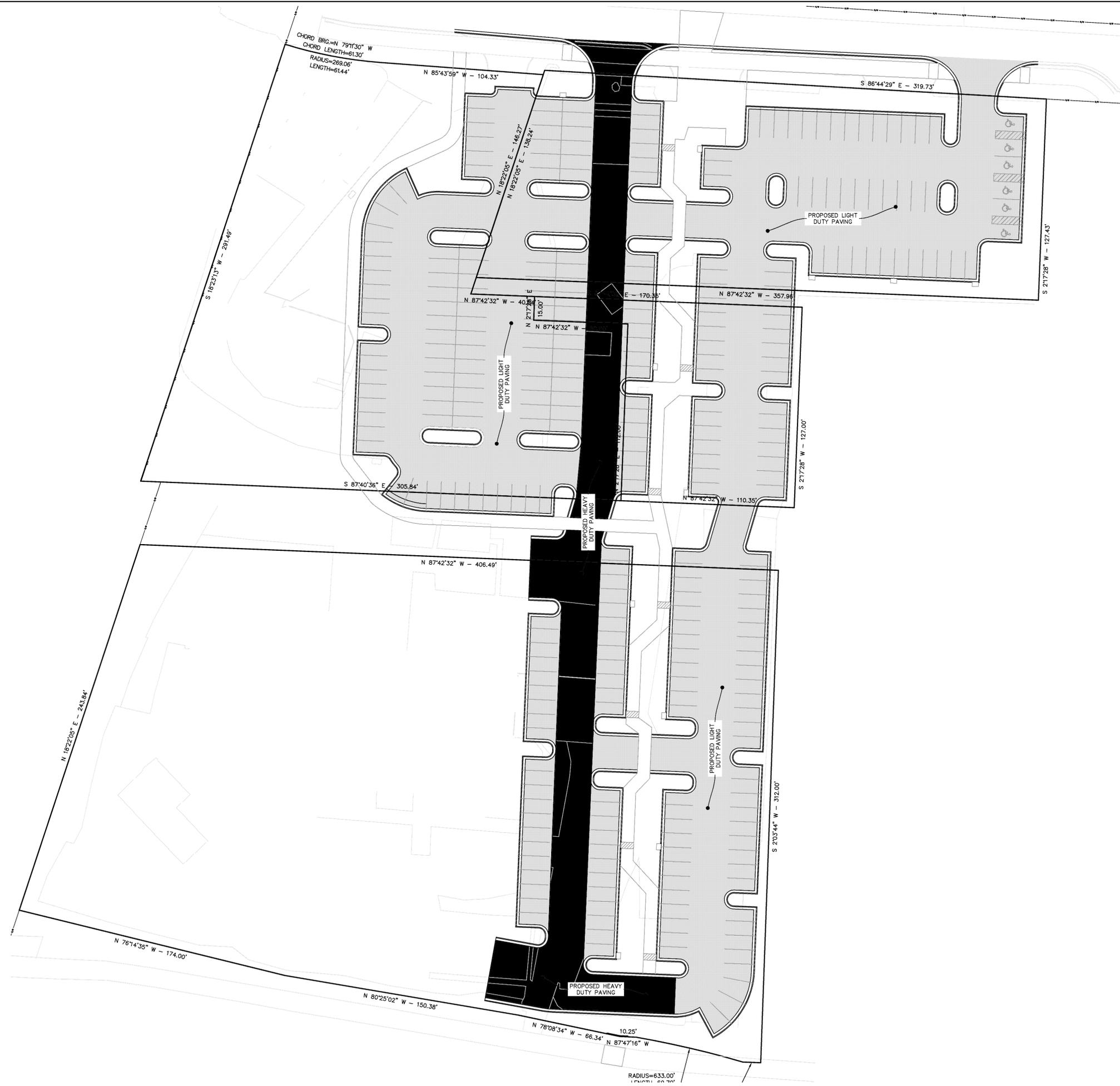
TOTAL AREA OF SOIL DISTURBANCE = 3.67 ACRES



REVISION	DATE	DESCRIPTION

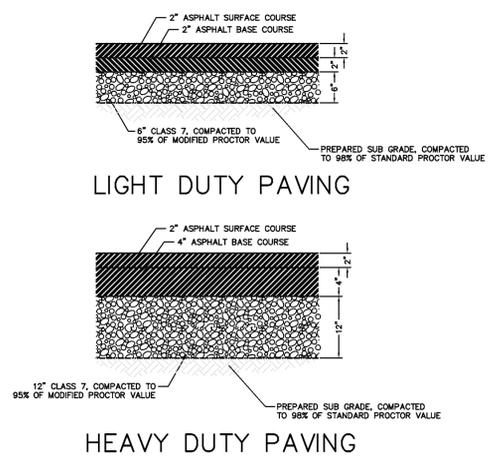
SCALE: 1"=30'
 DATE: Sep, 2015
 ENGINEER: TJA
 DRAWN BY: JJC
 W.O. #: 15946

**PAVING PLAN
 POULTRY GROWERS, INC
 SPRINGDALE, ARKANSAS**



LIGHT DUTY PAVING:
 CLASS 7 BASE 6" THICK
 BASE COURSE, 2" THICK
 SURFACE COURSE, 2" THICK

HEAVY DUTY PAVING:
 CLASS 7 BASE 12" THICK
 BASE COURSE, 4" THICK
 SURFACE COURSE, 2" THICK



REVISION	DATE	DESCRIPTION

SCALE: 1"=30'
 DATE: Sep, 2015
 ENGINEER: TJA
 DRAWN BY: JJC
 W.O. #: 15946

L15-19

Staff Use Only

File # B15-50

- 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: Larry R. Mymatt and Pamela H. Mymatt

Applicant's Mailing Address:

6447 New Hope Rd
Street Address or P.O. Box
Springdale, AR 72762
City, State & Zip Code

479-361-2215
Telephone Number

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

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

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: _____

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: 20' Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: 8' Back: _____
(if granted what the setback would be.)

Variance: Front: _____ Side: 12' Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

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

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

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

We were annexed into the City of Springdale. We didn't know they annexed us in as agriculture.

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

If this were residential we would be meeting the set back requirements.

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):**

Annexed in as agriculture. If residential we wouldn't need to ask for a variance.

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*

Property Owner Signature*
(If different from Applicant)

[Signature]
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
County of Washington) ss.

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

[Signature]
Notary Public





Staff Use Only

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

File # 1557

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: Nancy Mota Flores, Eleazar Mota-Herrera, Blanca Flores

Applicant's Mailing Address:

303 Hart Ave Springdale AR

(479) 387-2980

Street Address or P.O. Box

Telephone Number

Springdale AR 72764

City, State & Zip Code

Property Owner's Name

(If different from Applicant): _____

Property Owner's Mailing Address:

(If different from Applicant):

2379 Eleanor St

(479) 387-2980

Street Address or P.O. Box

Telephone Number

Springdale AR 72764

City, State & Zip Code

Address of Variance Request: 303 Hart Ave Springdale AR 72764

Zoning District: MF-12

The following information should be attached to this application:

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

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

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

SETBACK VARIANCES:

Not Applicable

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

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

Requested: Front: 13' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 17' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

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

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

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

I have built a deck on the back part of house, the house is located in a corner and the northwest side of the pergolla is not making set back regulations. The Pergona is 13' and the set back regulations are 30'

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):**

I have seen decks in the neighborhood, and I think they are a place where you can relax after a long day of work and I just want to have that a place to relax while my kid play and enjoy the afternoons

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

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

VERIFICATION

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

Nancy Mota Flores
Applicant Signature*

~~Elena Mota Flores~~
Property Owner Signature*
(If different from Applicant)

Rafael Flores
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
County of Washington) ss.

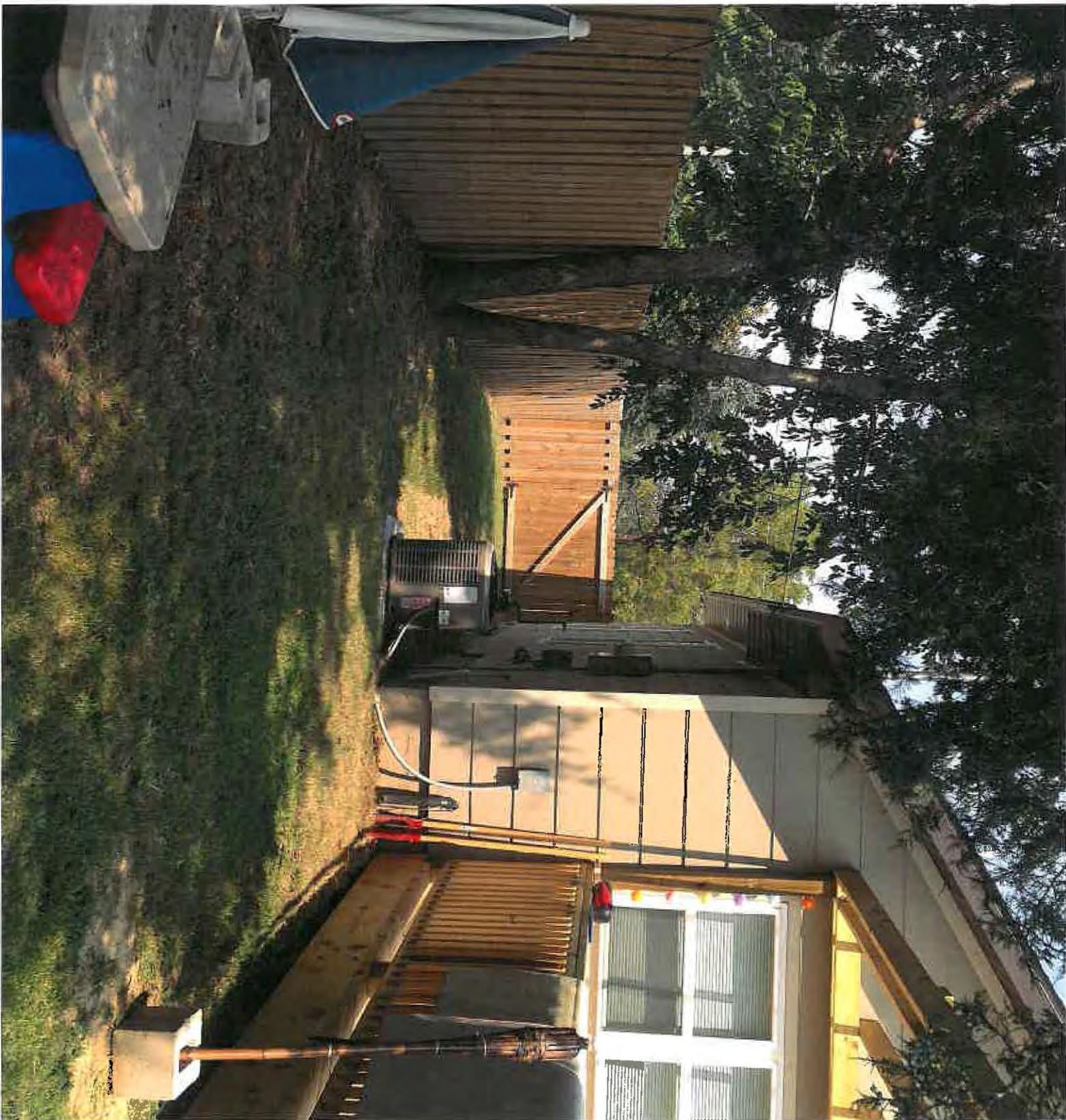


SUBSCRIBED AND SWORN TO before me, a Notary Public, this 8th day of Sept, 2015.

[Signature]
Notary Public

This is a 1927 house. When we bought it was in non living condition. We decided to remodel it. In fact we had planned to build the deck when we were doing the remodeling but we ran out of money so we decided to wait. We asked the contractor about building it in a future. He said that it was OK, it was something we could do ourselves and the lincense was not necessary just to be sure to go 3' inside of the edges on both sides of the house and not have work done that involve plumbing or electric. Then nine months later I receive a promotion from my credit card of 0% of interest rate for a year. The first thing that came to my mind was building the deck. I had always imagine it as a perfect place to watch my kids play while I relaxed after a long day of work. Having the opportunity of not paying interest and using the information the contractor had given us, I asked my uncle if he could build it. He told me that with help of my dad, he believe it could happen. So it was built. After a month of being accomplished I got a note from the city asking for my permit. But it was done so I went and got it and that's when I found out of the regulations. Please accept my apologies I did not mean to break the regulations nor do it my way. I just wanted to have a relax place to be with my kids and it is exactly what it is right now.





PI31





Staff Use Only

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

File # B15-52

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

0-15-12
LS 15-25

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

Applicant's Name: Joshua Lawson

Applicant's Mailing Address:

410 Audley Bolton Dr. 479-409-2871
 Street Address or P.O. Box Telephone Number
Searcy, AR 7243
 City, State & Zip Code

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

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

335 1/2 N. 48th St. 479-263-2767
 Street Address or P.O. Box Telephone Number
Springdale, AR 72762
 City, State & Zip Code

Address of Variance Request: 335 1/2 N. 48th St. Springdale, AR 72762

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.

Deletion of parking requirement

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

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

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

1) The length of driveway from N. 48th st. to proposed house location is excessively long (>1,000ft).

2) The driveway that connects to N 48th st was established prior to becoming annexed to the City of Springdale.

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):**

There are no driveways located on N. 48th st that are paved.

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 driveway that connects to N. 48th st (owned by Robert Krizan) was established prior to becoming annexed to City of Springdale and prior to the paved driveway requirement.

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.

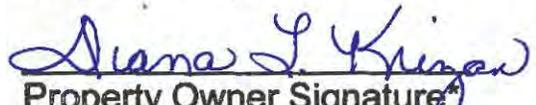
VERIFICATION

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*

 Applicant Signature*

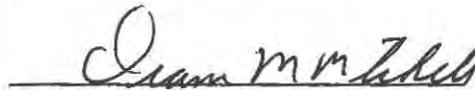

 Property Owner Signature*
 (If different from Applicant)


 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 19 day of August, 2015.


 Notary Public



Staff Use Only

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

File # B15-53

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: Gabriel Quinones

Applicant's Mailing Address:

1541 N Monitor
Street Address or P.O. Box

(479) 313-5612
Telephone Number

Springdale AR 72764
City, State & Zip Code

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

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

Street Address or P.O. Box

Telephone Number

City, State & Zip Code

Address of Variance Request: 1541 N Monitor 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: 20' Back: _____
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: _____ Side: 9' Back: _____
(If granted what the setback would be.)

Variance: Front: _____ Side: 11' Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

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

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

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

slab was poured before annexation so it
was ~~at~~ already in existence

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):**

want to use slab for a storage
building 30'x40' in size I have building permit
but was told upon inspection ~~the~~ slab was in
set back + needed a variance.

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):**

as stated slab was already in existence
therefore no specific conditions or circumstances
shall result from building a storage building

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.

Gabriel Demoner
Applicant Signature*

Gabriel Demoner
Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
County of Washington) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 1st day of September, 2015.

Debbie A. Ponders
Notary Public

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

Back



FENCE
FENCE
40 FT

Side

FENCE
FENCE

Front



P143

Staff Use Only

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

File #

815-73
57

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: Charles Michael Cuadra and Wanda Jane Braswell

Applicant's Mailing Address:

414 Bauxhall Ct.,

Street Address or P.O. Box

Katy, TX 77450

City, State & Zip Code

281-455-7499

Telephone Number

Property Owner's Name

(If different from Applicant): Charles Michael Cuadra and Wanda Jane Braswell

Property Owner's Mailing Address:

(If different from Applicant):

414 Bauxhall Ct.,

Street Address or P.O. Box

Katy, TX 77450

City, State & Zip Code

281-455-7499

Telephone Number

Address of Variance Request: 3037 American St.

Zoning District: C-2

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit

5. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.
6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

x 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.

To relocate landscaping from along 71B to the south side of the property; to eliminate the requirements for a streetlight, internal walkways, sidewalk along the side of the building with an entrance, and central features; to allow storage building facades to be constructed as presented.

*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):**

Due to the topography of this property, the landscaping will not be visible from the public right-of-way if placed along 71B. However, it will be visible from a distance if placed along the south side as shown. There are no streetlights along American St. at present, and the facility will be adequately lit for safety. Due to the nature of a self-storage facility, internal walkways, sidewalk along the entrance side and central features would encourage pedestrians, which contradicts the intended security at the facility. The intent of the proposed building is to expand the existing operation, and therefore the developer wishes to match the existing facilities.

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):**

none

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 topography, nature of use, and existing facilities are the circumstances for the requested variances.

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

VERIFICATION

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

[Handwritten Signature]
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

[Handwritten Signature]
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 TEXAS)
County of Harris) ss.



SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of September, 2015.

[Handwritten Signature]
Notary Public

N15-10
3037 American Street Self Storage
A NON-LARGE SCALE DEVELOPMENT PLAN TO THE
CITY OF SPRINGDALE, ARKANSAS



1. EXTERIOR ELEVATION



2. EXTERIOR ELEVATION



3. EXTERIOR ELEVATION



4. EXTERIOR ELEVATION

PRELIMINARY
NOT FOR CONSTRUCTION

ENGINEER/SURVEYOR James Layout Services, LLC P.O. Box 811 72720 Telephone: (479) 459-8589 E-mail: survey@jls.com James L. Shroyer, L.L.C. 2008, 2014, 2015	TITLE: 3037 American St. Self Storage COUNTY: SPRINGDALE PARCEL: 14124210 ALUM: See Storage Unit Design	REVISIONS	
		DATE:	BY:
	SHEET NO. EL	DATE:	BY:
		DATE:	BY:

Staff Use Only

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

File #

B15-55

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: CEI Engineering Associates, Inc.

Applicant's Mailing Address:

3108 SW Regency Pkwy., Suite 2 479-273-9472

Street Address or P.O. Box
Bentonville, AR 72712

Telephone Number

City, State & Zip Code

Property Owner's Name

(If different from Applicant): Smitco Eateries, Inc.

Property Owner's Mailing Address:

(If different from Applicant):

31 E. Center St., Ste 24 479-802-5505

Street Address or P.O. Box
Fayetteville, AR 72701

Telephone Number

City, State & Zip Code

Address of Variance Request: 909 S. Thompson St. Springdale, AR (Captain D's)

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. **Any attachments must be labeled as "Exhibit A, B, C" etc.***

Lot size constraints dictate variances for i) landscape islands; ii) one-way drive aisle widths; iii) foundation plantings; & iv) driveway separation distances.

Please see attached Exhibit A letter and Exhibit B for details and responses

to items 1, 2, & 3.

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):**

See attached letter.

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):**

See attached letter.

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 letter.

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.

Thomas C. Johnson
Applicant Signature*

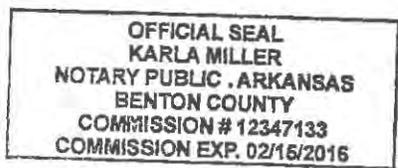
Property Owner Signature*
(If different from Applicant)

Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
County of Benton) ss.



SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of September, 2015.

Karla Miller
Notary Public



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

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

September 14, 2015

Patsy Christie
Planning and Community Development Division
City of Springdale
201 Spring Street
Springdale, Arkansas 72764

Dear Mrs. Christie,

**RE: L15-15, Large Scale Development – Captain D’s
Application for Variance
Exhibit A - Supplemental Information**

This letter provides supplemental information to accompany an Application for Variance, submitted herewith. Information is addressed for the following:

- A. Landscape Islands;
- B. One-Way Drive Aisle Widths;
- C. Foundation Plantings;
- D. Driveway Separation

A. Landscape Islands

Springdale Code Chapter 56, Section 56-31(2)d. requires one planting island per 15 parking spaces. Providing the required landscape islands would result in a shortage of parking spaces of approximately 10 %. Item responses as follows:

1. The proposed project is redevelopment of a former, dilapidated service station and the property size is limited by public street or alley rights-of-way on all four sides. Because of space limitations, meeting the provisions of the cited code would result in a reduction of 3 parking spaces below the counts required by Springdale Code Chapter 130, Article 7, Section 7.4. Parking is provided on all 4 sides of the property with no more than 11 spaces on the longest row (the others being 10, 7, and 7). Each row of parking has been provided with greenspace on both ends. Limitations or reduction of parking spaces could result in poor or slowed traffic circulation with a potential to impact traffic flow on the adjacent public streets.
2. Springdale city ordinances have been revised since the majority of development in this district (along South Thompson) has occurred. A review of aerial imagery along Thompson Avenue between Baccus and E. Robinson reveals that only one site at Northwest Health appears to meet the ordinance.

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ LOUISIANA ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

3. No actions of the Applicant have caused the special conditions and circumstances related to this request. In attempting to meet the spirit of City ordinances, the project layout within the limited site boundaries has necessitated numerous compromises while still providing generous landscaping relative to adjacent commercial properties; access and circulation that will minimize impacts to the traveling public; and parking to accommodate anticipated patrons.

B. One-Way Drive Aisles

Springdale Code Chapter 130, Article 11.2.b requires minimum drive aisle widths of 15 feet. Parallel one-way drives provide a combined width of 29 feet, 1 foot less than literal interpretation of the code. Item responses as follows:

1. As described under above, the proposed project is redevelopment of a former, dilapidated service station and the property size is limited by public street or alley rights-of-way on all four sides. The site layout provides essentially 2 parallel one-way drives which encircle the building in a counterclockwise direction. The drive closest to the building will accommodate a proposed drive-thru window (pending rezoning) with the outer drive providing access to the parking spaces. The two drives combined provide a total driving width of 29 feet, just short of 30 feet required by code. Because of space limitations, meeting the provisions of the cited code would necessitate either a reduction in parking stall depth or perimeter landscaping or both in combination. Because the variance request requires only a net overall width reduction of one foot, the Applicant believes that the proposed layout provides the best mix of drive aisles, parking stall depths, and landscaping.
2. A review of aerial imagery along Thompson Avenue between Baccus and E. Robinson reveals that other developments in the area do not clearly delineate drive aisle widths. The particular circumstances of the site and project layout results in two one-way drives; in combination, the code suggests that a total of 30 feet width would be required, but it would seem that the intent of the code is to provide sufficient width for a single-aisle drive; the two drives combined actually result in a total width exceeding the typical 2-way drive width of 24 feet.
3. As stated above, no actions of the Applicant have caused the special conditions and circumstances related to this request. In attempting to meet the spirit of City ordinances, the project layout within the limited site boundaries has necessitated numerous compromises while still providing generous landscaping relative to adjacent commercial properties and access and circulation that will minimize impacts to the traveling public.

C. Foundation Plantings

Springdale Commercial Design Standards and Guidelines, Section III.B.5.b.3 provides that a 6-foot planting bed be provided between the building and sidewalk. Due to the lot width, a greenspace along the south building foundation cannot be accommodated. Item responses as follows:

1. As described under above, the proposed project is redevelopment of a former, dilapidated service station and the property size is limited by public street or alley rights-of-way on all four sides. In order to provide safe access to the customer entry along the south side of the building, a 5-ft sidewalk is provided in accordance with the guideline. However, providing the code-required landscape buffer along the street, public sidewalks to be dedicated along the north and south streets, code-required parking stall depths, and drive aisle depths does not provide sufficient room for the recommended foundation plantings stipulated in the guideline.
2. A review of aerial imagery along Thompson Avenue between Baccus and E. Robinson reveals that other developments in the area do not provide the recommended foundation plantings on any side of the building. Greenspace adjacent to the east and west sides of the building have been provided.
3. No actions of the Applicant have caused the special conditions and circumstances related to this request. In attempting to meet the spirit of City ordinances, the project layout within the limited site boundaries has necessitated numerous compromises to provide generous access and circulation and landscaping.

D. Driveway Separation

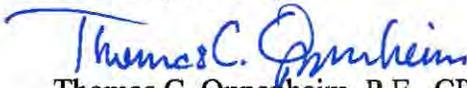
The City of Springdale Large Scale Development Checklist, Site Plan requirements no. 47 requires 150 feet between driveways on a single tract; the driveway separation as presented is less than 75 feet. Minimum distance from drive to a projected curb of a minor street is 40 feet; the south drive separation from Eicher Avenue is about 39 feet and the north drive separation from Velma Avenue is about 33 feet. Item responses are as follows:

1. The proposed project is redevelopment of a former, dilapidated service station that provided 2 driveway access points onto South Thompson Avenue. Because of the limited width of the site, it is not possible to provide the recommended separation between internal drives or separation from the low-volume public streets situated along the north and the south boundaries of the lot. The project layout incorporates 2 driveway access points at locations close to the original service station driveways, but clearly marked with entry and exit signs, pavement markings, and curbed drives that did not exist in the former site. It is our belief that providing the access points as presented will provide improved distribution of access into and out of the site and will have minimal impact to the adjacent low-volume public streets.
2. A review of aerial imagery along Thompson Avenue between Baccus and E. Robinson reveals that other developments in the area enjoy multiple access points, access points less than the code-required separation from public drives, and in some locations very wide, uncontrolled entry driveways, essentially full-lot-width entry.
3. No actions of the Applicant have caused the special conditions and circumstances related to this request. With the one-way circulation provided to the site, restricting access points or limiting access to a single point along South Thompson could impede traffic within the public right-of-way. Each of the entry points is shown as one-way and are not anticipated to impact traffic on the adjacent low-volume public streets to the north and south.

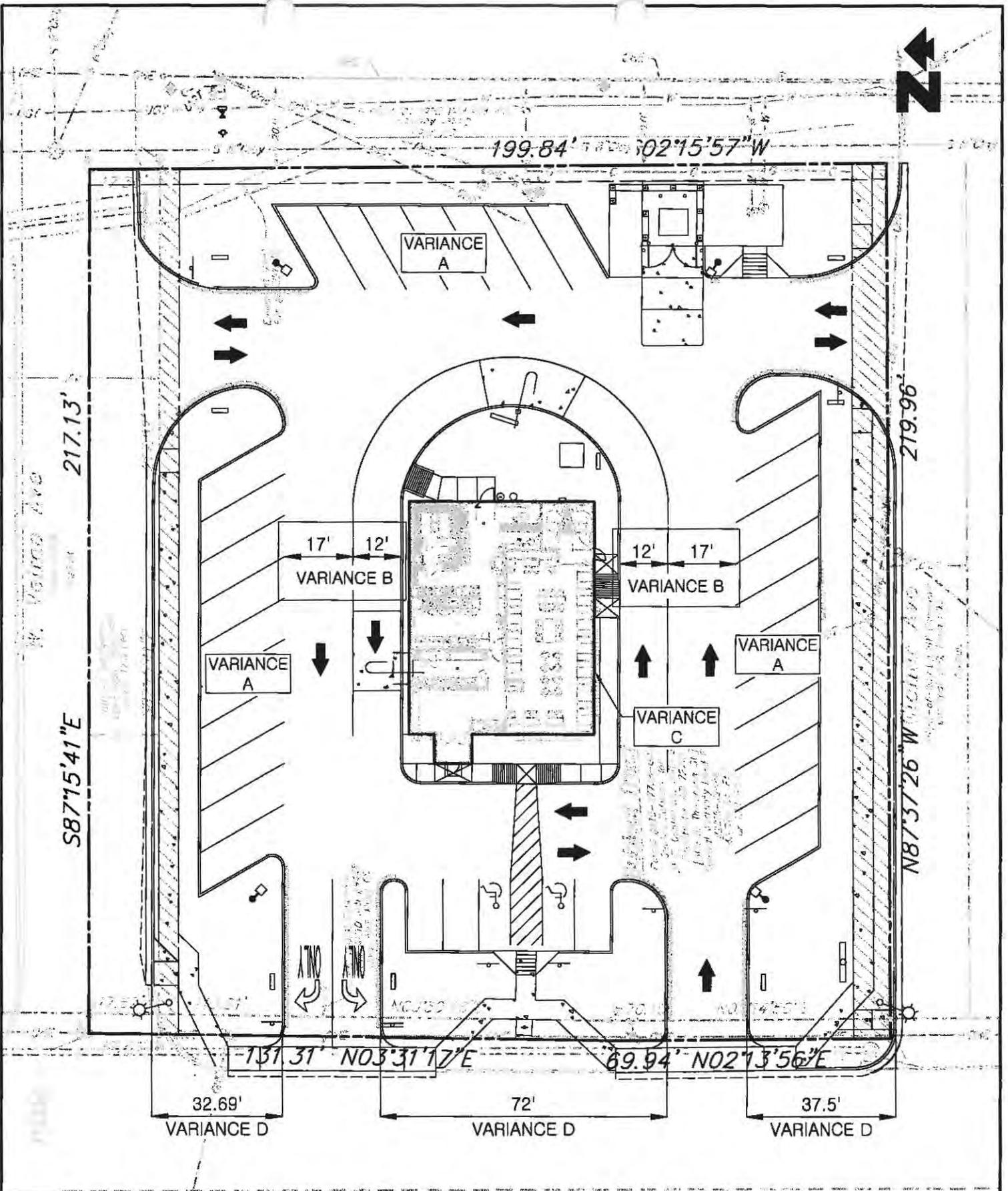
Patsy Christie, Springdale Planning
Captain D's Variances – Exhibit A
September 15, 2015
Page 4

We appreciate consideration of the requested variations. Development of this project will result in a significant improvement from the previous business and we believe it provides a reasonable balance of public access and accommodations and generous landscaping improvements.

Sincerely,
CEI Engineering


Thomas C. Oppenheim, P.E., CPESC
Project Manager

Cc: Keith Coats, K2M Architects



CEI Engineering Associates, Inc.
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway
 Bentonville, AR 72712

PH: (479)273-9472
 FAX: (479)273-0844

CAPTAIN D'S

N.T.S.

9-15-15	TCO	TCO	DKH	DKH
DATE	DPOR	PM	DRW	CHK'R

VARIANCE EXHIBIT B
 909 S. THOMPSON ST.
 SPRINGDALE
 Arkansas

DATE: 9-15-15
 12:50 PM

SHEET NO. 1 OF 1
 Rev-2

© 2015 CEI ENGINEERING ASSOCIATES, INC.

Staff Use Only

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

File # B15-56

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: JAMES Clinger

Applicant's Mailing Address:

7522 W Gibbs Rd. 479 715-9778
Street Address or P.O. Box Telephone Number
Springdale, AR 72762
City, State & Zip Code

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

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

Same as above
Street Address or P.O. Box Telephone Number
City, State & Zip Code

Address of Variance Request: 7522 W Gibbs rd.

Zoning District: Washington County / Parcel # 815-33683-081 / SF-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: 30' Side: 8' Back: 20'
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 30' Side: 8' Back: 15'
(if granted what the setback would be.)

Variance: Front: 0' Side: 0' Back: 5'
(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.

Only the N.E. of the ^(Garage) Workshop would require the 15' Variance, the structure would slant along the property line in order to allow room to Back a trailer into the structure.

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 are unable to drive on the South side of our home due to septic lines that run 100' to the South. The only option is to build on the rear portion of our property and the only access would be on the North side of our house. There is a gas line running on the North side that forces us to push the structure back and closer than 20' to the property line.

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 purchased our home with the plan of building a garage to support our needs, we later learned that the septic and utility locations limited us on how and where we can build.

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):**

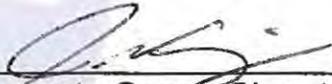
The location of said utilities and septic system were done prior to us taking possession, therefore beyond our control and our knowledge of such issue.

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

VERIFICATION

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

Applicant Signature*



Property Owner Signature*
(If different from Applicant)

Applicant Signature*



Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15 day of September, 2015.



Notary Public

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

30' from neighbors back fence

Gas meter

Gas Line and cable lines

Property line

15'

20'

Proposed garage/
workshop

If we move the garage any further to the South or closer to the house than we wont be able to back a trailer into the garage door, if we build any smaller than it will not support all of our items that we need to store.

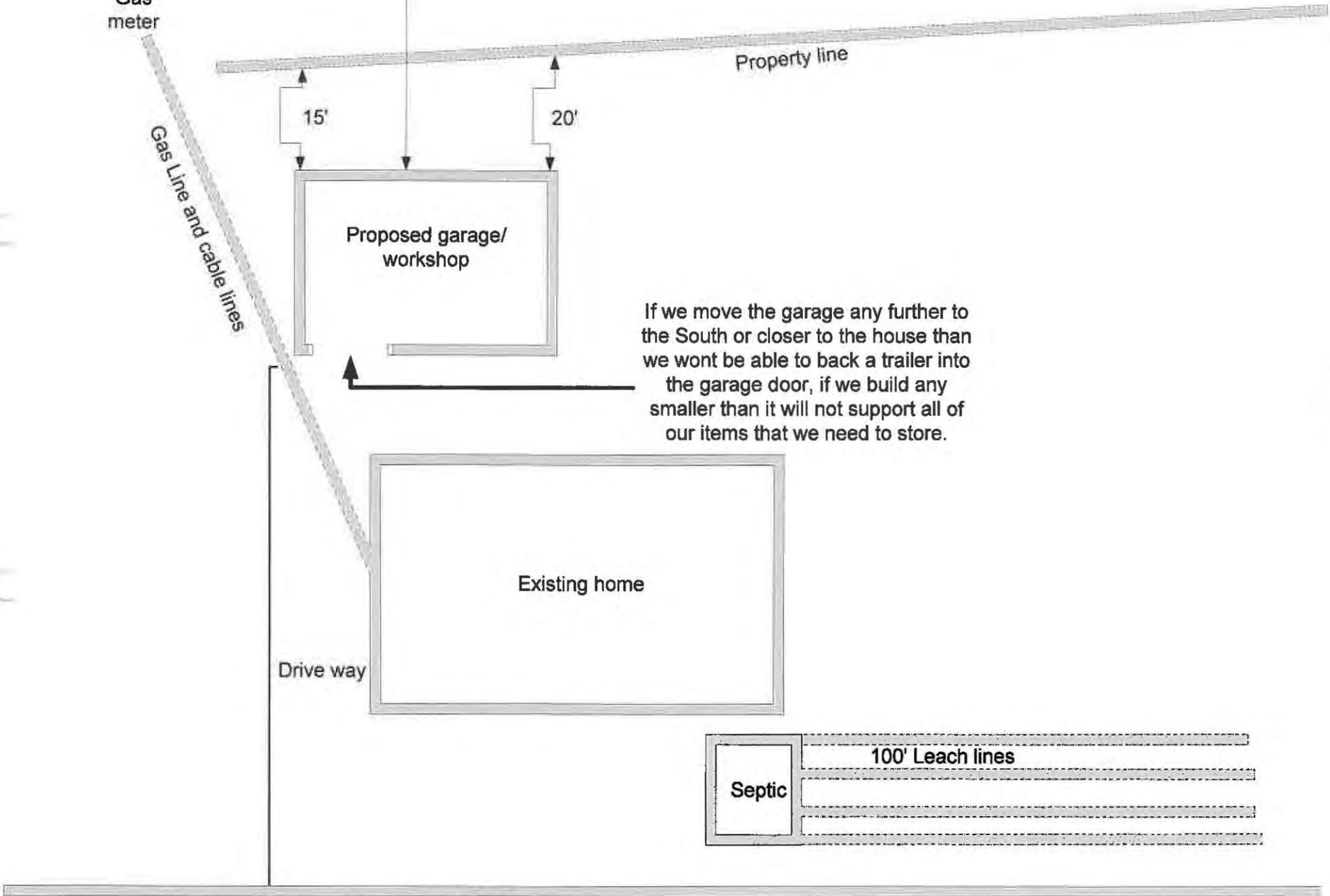
Existing home

Drive way

100' Leach lines

Septic

Street



PARCEL NUMBER: 815-33683-081

SURVEY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S86°57'33"E 175.95', THENCE N03°02'27"E 159.41', THENCE N13°01'35"E 76.76' TO THE POINT OF BEGINNING, THENCE N86°57'22"W 153.48' TO THE RIGHT-OF-WAY OF GIBBS ROAD, THENCE N03°14'51"E 419.46' ALONG SAID RIGHT-OF-WAY, THENCE LEAVING SAID RIGHT-OF-WAY S87°19'36"E 155.90', THENCE S03°02'27"W 398.12', THENCE S13°01'35"W 22.69' TO THE POINT OF BEGINNING, CONTAINING 1.51 ACRES, MORE OR LESS, SUBJECT TO ALL THAT PORTION OF A 100' ELECTRIC LINE EASEMENT ALONG THE NORTH AND TO ALL OTHER EASEMENT, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD.

TRACT A:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S86°57'33"E 175.95', THENCE N03°02'27"E 159.41', THENCE N13°01'35"E 76.76', THENCE N13°01'35"E 22.69', THENCE N03°02'27"E 258.91' TO THE POINT OF BEGINNING, THENCE N87°19'36"W 156.40' TO THE RIGHT-OF-WAY OF GIBBS ROAD, THENCE N03°14'51"E 139.21' ALONG SAID RIGHT-OF-WAY, THENCE LEAVING SAID RIGHT-OF-WAY S87°19'36"E 155.90', THENCE S03°02'27"W 139.21', TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES, MORE OR LESS, SUBJECT TO ALL THAT PORTION OF A 100' ELECTRIC LINE EASEMENT ALONG THE NORTH AND TO ALL OTHER EASEMENT, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD.

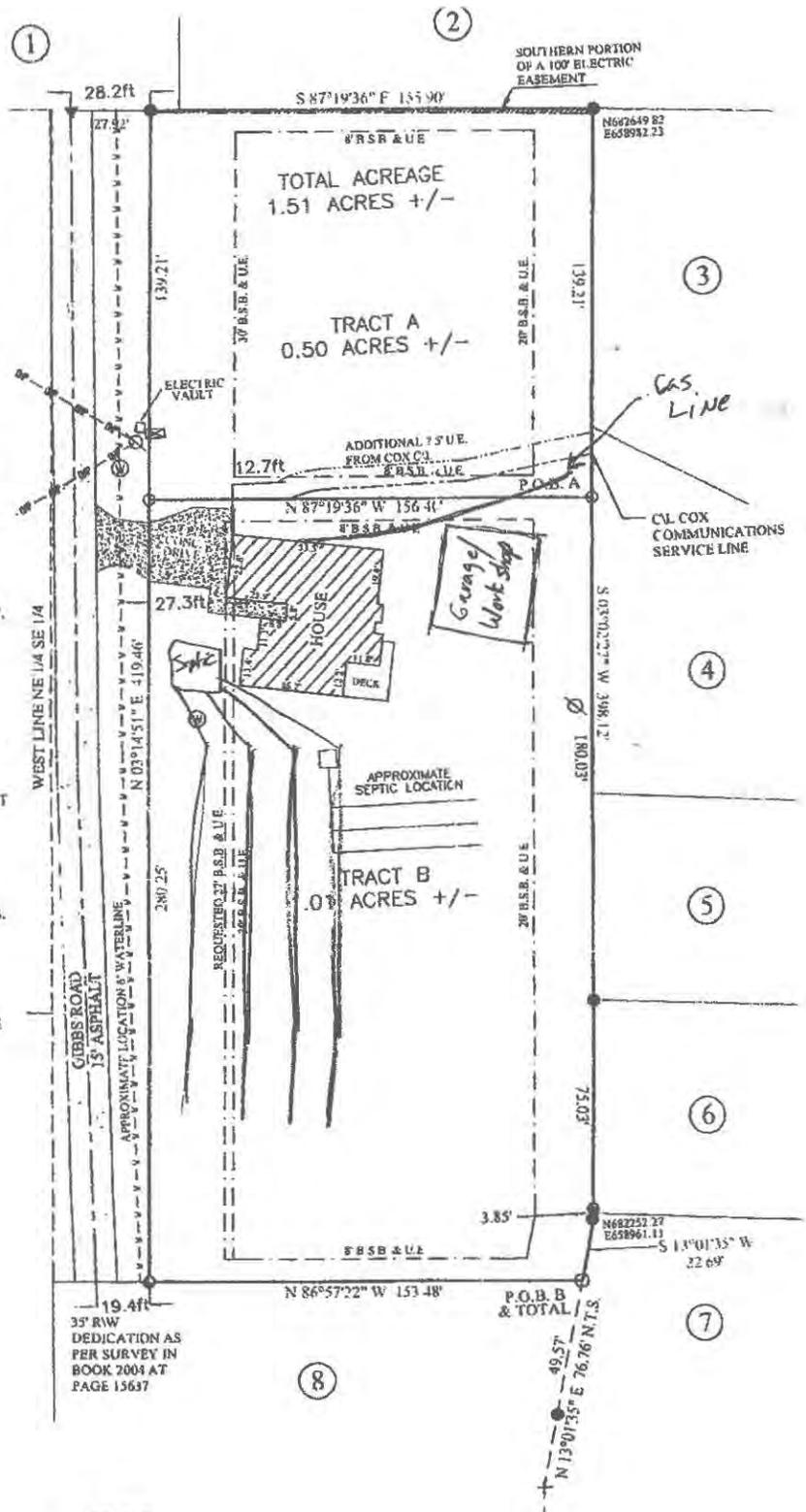
TRACT B:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S86°57'33"E 175.95', THENCE N03°02'27"E 159.41', THENCE N13°01'35"E 76.76' TO THE POINT OF BEGINNING, THENCE N86°57'22"W 153.48' TO THE RIGHT-OF-WAY OF GIBBS ROAD, THENCE N03°14'51"E 280.25' ALONG SAID RIGHT-OF-WAY, THENCE LEAVING SAID RIGHT-OF-WAY S87°19'36"E 156.40', THENCE S03°02'27"W 258.91', THENCE S13°01'35"W 22.69' TO THE POINT OF BEGINNING, CONTAINING 1.01 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD.

SURVEYOR'S NOTES:

THE COX COMMUNICATION SERVICE LINE AS SHOWN ON THIS PLAT CARRIES A 15' UTILITY EASEMENT 7.5' EITHER SIDE OF THE CENTERLINE AS SHOWN

A VARIANCE HAS BEEN FILED TO REDUCE THE FRONT BUILDING SETBACK ON TRACT B FROM 30' TO 23'



Staff Use Only

File # B15-57

- 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: Jessica Ware

Applicant's Mailing Address:

1014 Parker Ave
Street Address or P.O. Box
Springdale, AR 72764
City, State & Zip Code

479-409-8452
Telephone Number

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

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

n/a
Street Address or P.O. Box
n/a
City, State & Zip Code

n/a
Telephone Number

Address of Variance Request: 1014 Parker Ave Springdale, AR 72764

Zoning District: MF-12

The following information should be attached to this application:

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

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

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

SETBACK VARIANCES:

Not Applicable

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

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

Requested: Front: 20' Side: _____ Back: _____
(if granted what the setback would be.)

Variance: Front: 10' Side: _____ Back: _____
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

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

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

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

The area that I live in is an older Neighborhood. The Houses were built on this street before the set back Rules were set.

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):**

My Neighbors have front porches on their houses where they can sit out and enjoy the outside. I would like to be able to sit outside watch my kids play as well as to watch for the Bus in the Morning time with my kids.

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 area that I live in is an older neighborhood. The Setback Rules were not in place at that time

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.

Justica Ware
Applicant Signature*

Justica Ware
Property Owner Signature*
(If different from Applicant)

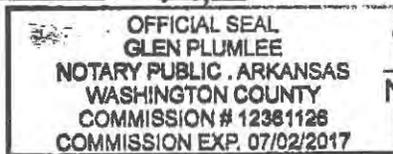
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

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

State of Arkansas)
) ss.
County of _____)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 15th day of September, 2015.



Glen Plumlee
Notary Public

Staff Use Only

File # 318-58

- 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: Eva Lopez

Applicant's Mailing Address:

2589 Lakeside Ave
 Street Address or P.O. Box
Springdale AR 72764
 City, State & Zip Code

(479) 306-2431
 Telephone Number

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

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

 Street Address or P.O. Box

 City, State & Zip Code

Telephone Number

Address of Variance Request: 2589 Lakeside

Zoning District: MF4

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

List of

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: 18' Side: _____ Back: 20'
(This is the minimum required by the Springdale Code of Ordinance)

Requested: Front: 18' Side: _____ Back: 18'
(if granted what the setback would be.)

Variance: Front: 18' Side: _____ Back: 2'
(The difference between the "Required" and the "Requested" setback)

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

Reduction of back setback

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 zoning we are in MF-4 requires 20 feet back setback and we built a porch that leaves 18 feet from porch to fence-property line.

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):**

A neighbor has a porch similar to the one at my house. The porches don't cause problems for anyone nearby

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 did not know you needed a permit for a porch built close to the nearby fence. It has already been up for 1 1/2 years with no complaints from neighbors.

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.

Eva Lopez
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

Eva Lopez
Applicant Signature*

Property Owner Signature*
(If different from Applicant)

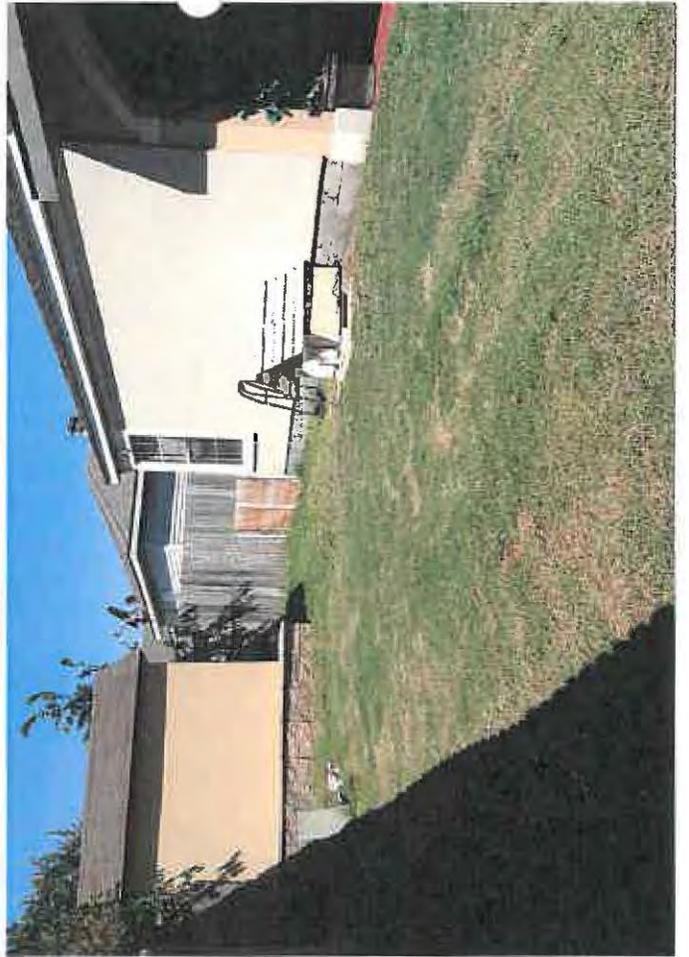
**If the Applicant or Property Owner is a Trust (Living, Revocable, etc.) or a corporation (Inc., LLC, LLP, etc) or another type organization provide staff with documentation stating that the person signing the application is authorized to do so.*

State of Arkansas)
) ss.
County of Washington)

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

YUDITH TORRES
WASHINGTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires November 06, 2024
Commission No. 12401954

Yudith Torres
Notary Public



Staff Use Only

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

File #

B15-59

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

L15-18

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

Applicant's Name: Michael Pennington – Gateway Homes, LLC

Applicant's Mailing Address:

P.O. Box 6095

Street Address or P.O. Box

Springdale, AR 72766

City, State & Zip Code

479-957-5422

Telephone Number

Property Owner's Name

(If different from Applicant): Jones Trust

Property Owner's Mailing Address:

(If different from Applicant):

922 E Emma Ave

Street Address or P.O. Box

Springdale, AR 72768

City, State & Zip Code

479-756-8090

Telephone Number

Address of Variance Request: Lynch's Prairie Cove (Lot 2 Block 43, Har-Ber Meadows Phase IX)

Zoning District: Har-Ber PUD

The following information should be attached to this application:

1. \$75.00 Fee
2. Warranty Deed
3. Authorization of Representation (If the Property Owner will not be present at the meeting.)
4. Drawings, Photos, or Other Exhibit

5. The applicant shall be responsible for providing the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.
6. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting date.

SETBACK VARIANCES:

Not Applicable

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

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

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

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

VARIANCES OTHER THAN SETBACK:

Not Applicable

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

The Petitioner is seeking a variance from the Multi-Family Design Standards Site Planning requirements of a Multi-Family Play Area, Common Open Space, and On-Site Community Recreational Amenities (Multi-Family Design Guidelines and Standards III.A.2, 3, & 4). The Petitioner is also seeking a variance from the Perimeter Landscaping Requirements (Ch. 56, Section 31.3).

*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:***

- 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.**

Multi-Family Design Standards:

Multi-Family Play Area – This development is intended for residents of age 60 and older, and is next door to an assisted-living facility, therefore a required Play Area is unnecessary for the development's proposed use. The topography of the undeveloped portion of the lot is also not conducive to constructing a 2,500 square foot play area.

Common Open Space – A large portion of the southern area of the lot contains a drainage swale. Per the Design Standards, this area cannot be counted towards the Common Open Space requirements unless it is determined by the City that the area is useful for recreation. The Petitioner submits that this area and the lake area in the Har-Ber Property Owner's Association-owned property to the west provide adequate fulfillment of the recreational requirement.

On-Site Community Recreational Amenities – Within the vicinity of this project, there is a swimming pool, a resident clubhouse, a playground, multiple park areas with gazebos/pavilions, picnic tables, etc. As this development is only required to have one amenity, the Petitioner feels that the Har-Ber Meadows PUD provides more than what is required for Recreational Amenities.

Perimeter Landscaping Requirements:

Along the western boundary is a nice lake and open common area to be used by the residents of the Har-Ber Meadows PUD. The apartment building was sited along the western property so there are views of the green from the balconies of the properties. These homes will be marketed toward an aging demographic, so it would be wonderful if they could see out over the lake without having to venture out as often.

Along the eastern boundary there is a nicely landscaped property with shrubs. This property is also at the end of the street where there would be less visibility from other external properties.

The owner is, however, proposing to install perimeter trees along the rear of the property.

- 2. That the literal interpretation of the provision of the Springdale Code of Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.**

Multi-Family Design Standards:

Multi-Family Play Area – The Petitioner feels that as the Har-Ber PUD provides children's play areas, and no other surrounding developments have play areas (including the Church of Jesus Christ of Latter-Day Saints that is within the immediate vicinity of the proposed development), that this requirement would place an undue burden on the developer that has not been placed on any other development in the area.

Common Open Space – The Petitioner feels that this development should be able to utilize the Common Areas as set forth by the Har-Ber PUD to fulfill this requirement. There is ample space in the immediate vicinity that can be, and is currently used as, recreation areas. This property is already dedicated as common property and is owned by the Har-Ber Property Owner's Association.

On-Site Community Recreational Amenities – The Petitioner feels that this proposed development should be able to use the amenities that are already in the vicinity to fulfill this requirement. Other nearby properties in Har-Ber Meadows have not been required to install separate Recreational Amenities. The PUD established these amenities, and the further requirement of more amenities would be redundant and an unnecessary expense to the developer.

Perimeter Landscaping Requirements:

Literal interpretation would force the owner to install some 28 trees along it boundary when no other properties in the area have done so. The owner will though install 6 perimeter trees along the drainage swale as perimeter trees.

- 3. That the special conditions and circumstances do not result from the actions of the applicant.**

Multi-Family Design Standards:

Multi-Family Play Area – The granting of a variance from the requirement of a multi-family play area is a case of limited space, unsuitable topography, and that a Play Area would not be utilized by the residents. No action taken by the Developer resulted in this hardship.

Common Open Space – The need of a variance from Common Open Space requirements results from the existence of a large drainage easement and swale on the southern end of the property that cannot be used to meet this requirement. It also results from the fact that the Har-Ber Meadows PUD provides ample open space in the form of lakes and parks, much of which is within the immediate vicinity of the property. There was no action taken by the Developer that resulted in this hardship.

On-Site Community Recreational Amenities – A variance from the requirement of On-Site Community Recreation Amenities would not be the result of any action taken by the Developer. Rather, the existence and establishment of ample recreation amenities as a part of the Har-Ber PUD, many that are in the immediate vicinity of the proposed development, negates the need for additional amenities.

Perimeter Landscaping Requirements:

The special conditions are the result of general idea of the Har-Ber community being one whole. The intent of the landscape ordinance is to provide separation from properties and protection from incompatible uses. The intent of the PUD, however, is not to provide separation, but allow the properties to be compatible with one another.

This along with the fact that no other properties in the area have not completed perimeter landscaping to this extent makes these circumstances not the result of the applicant's actions.



To: Planning and Community Development Division

Date: September 15, 2015

Subject: Waiver of Sidewalk requirement

Location: 5962 W County line Rd
Springdale, AR 72762

In April of 2015 permits were requested by Riverwood Homes to build a new home on a 10 acre parcel zoned for agriculture. The existing home was demolished and removed. At the time of permitting no requirement was mentioned regarding an ordinance requesting a sidewalk. The property is adjacent to other large parcels of land where there are no sidewalks, curbs or gutters within a ½ mile or greater distance by roadway. The property and adjacent properties are single family dwellings. Our property is to be used for farming purposes.

We are asking for a waiver of the ordinance requiring a sidewalk. The sidewalk would be unusable for any foreseeable purposes and would be an eye sore to our property and the surrounding properties. In addition, if we had been made aware of such a requirement, the cost of a sidewalk for such a long property line (exceeding 270 feet) we would not have purchased the property. The expense of such a sidewalk would cause an unexpected financial hardship on us beyond the scope of our financial planning for this new home and property.

Our plan was to receive a certificate of Occupancy this Friday September 14. Upon the inspection by the City Inspector this was brought to the attention of Riverwood Homes and caught us all by surprise. I hope this will be received well and our request fulfilled. Upon granting of the Variance I would like the Letter of Credit returned to me unused.

Please notify me of the date and time I will need to present this at a commission hearing or meeting if necessary.

Sincerely,



Barry Bryant

Barry.bryant@hjcinc.com

8739 Crest Lane

Springdale, AR 72762

479.899.3555

Phil and Sheena Daniel
PO Box 726
Tontitown, Ar. 72770
479-530-3696

September 16, 2015

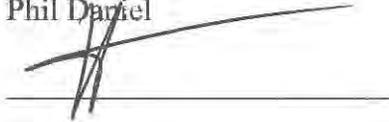
Re: 7948 West Gibbs

To City of Springdale,

Phil and Sheena Daniel would like to waive sidewalk and curbing due to we only have a 25' easement to our property. We also feel this would not blend in with the other properties because there is no curbing or sidewalk on any part of Gibbs Road.

Thanks for your consideration in this matter.

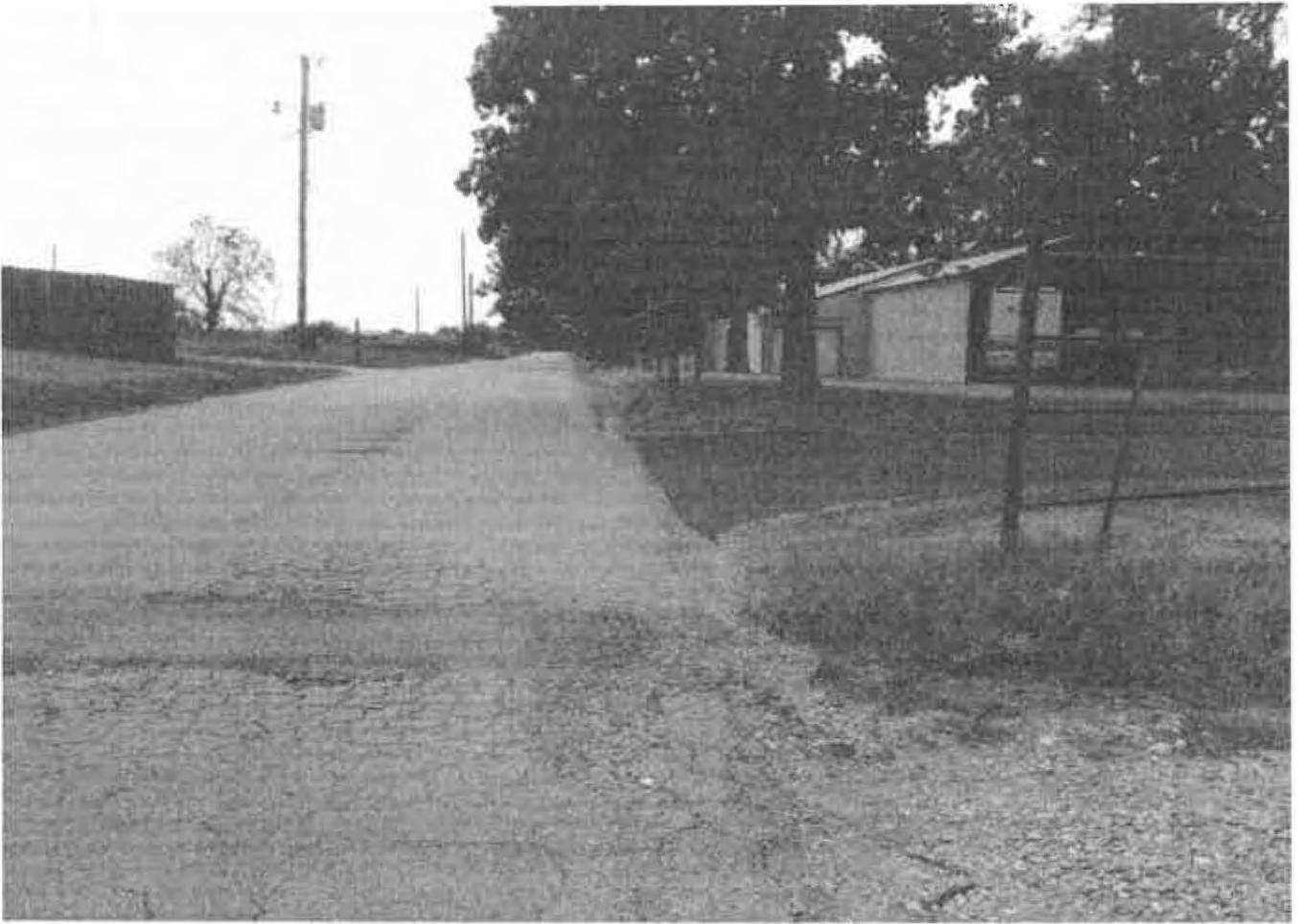
Phil Daniel



W 15-10



7948 W. Gibbs - 25 foot easement - lane



To the right of lane - going west.



To the left of lane - going east



Across road directly looking west.



Across road directly looking east.

ENGINEERING SERVICES INC.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Ph: 479-751-8733 • Fax: 479-751-8746

September 16, 2015

Mr. Clayton Sedberry
Springdale Planning Division
201 Spring Street
Springdale, Arkansas 72762

*Not a Conditional
Use - Expansion of
a NON-conforming use
IN A-1*

RE: John Backus Conditional Use Application

Dear Mr. Sedberry:

On behalf of our client, we are submitting the enclosed application for a conditional use to allow expansion of an existing non-conforming use within the A-1 zoning district in the City of Springdale. The property became a non-conforming use when it was annexed into the City of Springdale in 2011. The County Assessor's Parcel Data sheet attached with this letter shows the estimated market value of the property to be \$298,200, of which \$244,450 is attributed to the existing buildings. The proposed improvements are not anticipated to exceed 50% of the current value of the property. Attached please find the following application materials:

- Signed Conditional Use Application and \$75 Application Review Fee
- Signed Authorization to Represent Form
- Copy of the Public Hearing Notice
- Certified List of Adjacent Property Owners
- Variance Application and \$75 Review Fee
- Certified Mail Receipts from Adjacent Owner Notifications
- Affidavit of Mailing
- Site Plan Showing Proposed Improvements
- Corporation Deed
- Washington County Assessor's Parcel Data Sheet

Please contact me if you have any questions or need additional information regarding this project.

Sincerely,



Brian Moore, P.E.
Vice President

Enclosures

RECEIVED
SEP 16 2015
PLANNING OFFICE
CITY OF SPRINGDALE



Jerry W. Martin, P.E.
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.
President

Brian J. Moore, P.E.
Vice President

Tim J. Mays, P.E.
Secretary / Treasurer

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