



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
SEPTEMBER 9, 2014**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM AUGUST 12, 2014

III. STAFF COMMENTS AND PROCEDURES

1. Conditional Use #10-9-14; A request by Dean Clow, agent for Rodney Ghan and Stuart Ghan, for a conditional use for an adult day care center located at 2801 McKinley.
2. Conditional Use #11-9-14; A request by Jeffrey Nelson, agent for Valley Behavioral Health, for a conditional use for a building addition to a mental health hospital located at 10301 Mayo Drive. (companion item to item #7)
3. Conditional Use #13-9-14; A request by Jeff Lee, agent for Souvankham Phatthong, for a conditional use for a detached restroom and pavilion for the Buddhist Temple located at 4625 Armour.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

4. Variance #23-9-14; A request by The Hill Firm, agent for River of Life Church, for a variance from UDO Section 27-602 (C) (8) abutting residential screening located at 6101 Kinkead Avenue.
5. Variance #24-9-14; A request by Katrina Cheshier for a variance from 25 feet to 20 feet rear yard setback (lot with double frontage) located at 5514 Callaway Lane.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2216
FAX (479) 784-2462

6. Variance #25-9-14; A request by Hugh Maurras, agent for Gary Monroe, for a variance from 30 feet to 10 feet rear yard setback located at 1610 South 46th Street.
7. Variance #26-9-14; A request by Jeffrey Nelson, agent for Valley Behavioral Health, for a variance from 40,000 square feet to 65,600 square feet maximum building size located at 10301 Mayo Drive. (companion item to item #2)
8. Variance #27-9-14; A request by John Griffin, agent for Larry Cochran, for a variance from 15 feet to 2 feet exterior side yard setback located at 2401 South "Q" Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
AUGUST 12, 2014**

On roll call, the following Commissioners were present: Brandon Cox, Marshall Sharpe, Bob Cooper, Jr., Don Keesee, Rett Howard, Michael Redd and Richard Spearman. Commissioners Jennifer Parks and Vicki Newton were absent.

Chairman Sharpe called for the vote on the Planning Commission minutes from the July 8, 2014, meeting and the August 5, 2014, special meeting. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to approve the minutes from the July 8, 2014, meeting. Chairman Sharpe then called for the vote on the minutes from the Planning Commission special meeting on August 5, 2014. Motion was made by Commissioner Keesee, seconded by Commissioner Howard and carried unanimously to approve the minutes from the August 5, 2014, special meeting.

Mr. Wally Bailey spoke on the procedures.

Chairman Sharpe stated that since there was only one item on the Board of Zoning Adjustment agenda that item would be heard first.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

- 7. Variance #22-8-14; A request by Fred Kirkwood, agent for Arkansas Oklahoma Gas, for a variance from Section 27-602-5 commercial and outdoor lighting located at 4315 Savannah Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow for two (2) street light type fixtures to be installed at the entrance of 4315 Savannah Street. Ms. Rice noted that the Planning Commission had previously approved the development and three other variance requests for the site during their October 2013 Planning Commission meeting. Ms. Rice also noted that planning staff believes that this approval would have minimal changes to the previously approved development and would not affect the surrounding property owners. Ms. Rice also stated that the FAA had supplied a letter verifying that the lighting would have no affect on air navigation.

No one was present to speak either in favor or in opposition to this request.

Chairman Sharpe called for the vote on the variance request. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to all construction complying with the submitted development plan with any Planning Commission amendments.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

RECESS BOARD OF ZONING ADJUSTMENT RECONVENE PLANNING COMMISSION

1. Final Plat – Horseshoe Ridge – Lots 1 thru 24 and Tracts A & B – Mickle-Wagner-Coleman

Ms. Brenda Andrews read the staff report indicating that this plat is for the development of single family detached homes.

No one spoke either in favor or in opposition to this final plat.

Chairman Sharpe called for the vote on the final plat and the Subdivision's Protective Covenants and Bill of Assurance. The vote was 7 in favor and 0 opposed. The final plat was approved subject to all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plat being filed with the county recorder.

- 2. A request by Ron Brixey, agent for Thomas & Nancy Spahn, for a Master Land Use Plan Amendment from Residential Detached to General Commercial located at 9900 Highway 71 South. (companion item to items #3 & #4)**
- 3. Rezoning #18-8-14; A request by Ron Brixey, agent for Thomas & Nancy Spahn, for a zone change from Residential Estate One (RE-1) to Commercial Heavy (C-5) by Extension located at 9900 Highway 71 South. (companion item to items #2 & #4)**
- 4. A request by Ron Brixey, agent for Thomas & Nancy Spahn, for development plan approval for a mini-storage development located at 9900 Highway 71 South. (companion item to items #2 & #3)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an undeveloped portion of the site to be utilized for climate controlled mini-storages.

Ms. Rice stated that a neighborhood meeting was held on Thursday, August 7, 2014, on site, with two (2) people in attendance. Ms. Rice noted that one neighboring property owner had no issues or problems with the development and the other neighbor had questions regarding the limited lighting for the facility and the requirement for a wood fence. The neighbor indicated that chainlink fencing would provide better security so that neighbors could see what activities occurred at the mini-storages. The neighbor also stated that more lighting for security would be beneficial to the development.

No one spoke either in favor or in opposition to these requests.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items.

2. **A request by Ron Brixey, agent for Thomas & Nancy Spahn, for a Master Land Use Plan Amendment from Residential Detached to General Commercial located at 9900 Highway 71 South. (companion item to items #3 & #4)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 7 in favor and 0 opposed.

3. **Rezoning #18-8-14; A request by Ron Brixey, agent for Thomas & Nancy Spahn, for a zone change from Residential Estate One (RE-1) to Commercial Heavy (C-5) by Extension located at 9900 Highway 71 South. (companion item to items #2 & #4)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 7 in favor and 0 opposed.

4. **A request by Ron Brixey, agent for Thomas & Nancy Spahn, for development plan approval for a mini-storage development located at 9900 Highway 71 South. (companion item to items #2 & #3)**

Chairman Sharpe called for the vote on the development plan. Motion was made by Commissioner Cooper, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the following:

- Approval of the master land use plan amendment and rezoning requests by the Board of directors.
- A lighting plan shall be submitted with the building permit plans verifying that the proposed exterior complies with the Commercial and Outdoor Lighting Requirements-UDO Section 27-602-5.
- All drainage improvements shall be approved by the Engineering Department.

Chairman Sharpe then called for the vote on the development plan as amended. The vote was 7 in favor and 0 opposed.

5. Conditional Use #9-8-14; A request by The Hill Firm, agent for River of Life Fellowship, for a conditional use for a new sanctuary for a church located at 6101 Kinkead Avenue.

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow the construction of a new 6,515 square foot sanctuary located south of the existing church facilities.

Ms. Andrews stated that a neighborhood meeting was held on Monday, August 4, 2014, at 6101 Kinkead Avenue with two (2) neighboring property owners in attendance with no objections to the proposed project.

Mr. Don Bandy, 501 North 66th Street, addressed the Commission with photographs of his water fall. He also advised the Commission that his relatives that live close to this proposed project have more money than they know what to do with.

Chairman Sharpe then called for the vote on the conditional use request. Motion was made by Commissioner Howard, seconded by Commissioner Spearman and carried unanimously to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- A variance application requesting the elimination of approximately 226 feet of privacy fencing along the southern portion of the eastern property line shall be

submitted for the Board of Zoning Adjustment's consideration at the September 2014 meeting or the fence shall be constructed.

- A lighting plan shall be submitted with the building permit plans verifying that all proposed exterior lights comply with the Commercial and Outdoor Lighting Requirements – UDO Section 27-602-5.
- Any proposed trash receptacles shall be completely screened from adjoining properties and street right-of-ways.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

6. UDO Amendments

Mr. Wally Bailey noted the following six (6) proposed Unified Development Ordinance (UDO) Amendments:

1. When the UDO was adopted, the section exempting the Commercial Downtown (C-6) zone from the parking requirements was inadvertently omitted. This amendment includes that section in the UDO. (see attached amendment #1)
2. The proposed amendment makes it clear that this section only applies to residential subdivisions. (see attached amendment #2)
3. For consistency, this amendment makes the standard for landscaping industrial properties the same as it is for architectural design standards. (see attached amendment #3)
4. This amendment simply corrects an incorrect section reference. (see attached amendment #4)
5. The proposed amendment allows residential subdivisions to have two (2) signs per entrance. (see attached amendment #5)
6. The land use change permits by right bicycle sales and service with no outdoor storage in all commercial zoning districts, as well as the Industrial Light zoning district. (see attached amendment #6)

No one was present to speak in opposition to these proposed UDO amendments.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the proposed UDO Amendments. The vote was 7 in favor and 0 opposed.

Meeting Adjourned!

1. Vehicle servicing and equipment assembly as part of a sales operation shall be conducted within an enclosed building unless adequate visual screening from the public and adjoining properties
2. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
3. No display of merchandise shall be permitted on public sidewalks or rights-of-way.
4. Special sales merchandise may be temporarily displayed outdoor, but not to exceed a period for more than 14 days or no more than two occasions per year (total of 28 days per year) provided:
 - a. The display shall be limited to the private walk in front of the store.
 - b. No required parking area shall be used as a display or sales area.
5. There shall be no open display in the first twenty (20) feet of the required front yard setback.

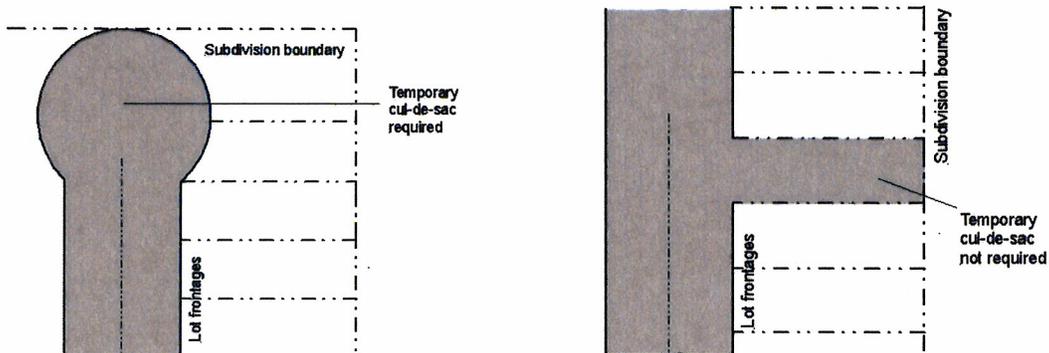
27-427 COMMERCIAL DOWNTOWN (C-6)

- A. Purpose** To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) Zoning District establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.
- B. Land Uses.** Permitted, Conditional and Accessory land uses in the C-6 District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.
- C. Area and Bulk Regulations**

Max. Lot Size/Max. Bldg (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height
n/a	n/a	100%	n/a	n/a
Setbacks (feet)				
Front Setback	Side Setback	Street Side	Rear Setback	
		206		

6B

3. Dead-end streets shall be designed according to Fort Smith Street Standards.



27-503-11 Landscaping

A. Applicability

The Residential subdivisions shall include perimeter frontage landscaping and subdivision entry landscaping as provided below. Replats of existing residential lots and residential subdivisions with no more than five (5) lots are exempt from perimeter frontage landscaping and subdivision entry landscaping. **This requirement does not include residential for multifamily development.**

B. Perimeter Frontage Landscaping

Perimeter frontage landscaping shall comply with the following:

1. Perimeter landscaping shall be located along the entire perimeter of the subdivision that fronts the right-of-way of a public street. The perimeter landscaping shall be located on the subdivision property. The landscaping shall be parallel and adjacent to the public right-of-way line.
2. The perimeter landscaping area shall have a minimum width of ten (10) feet.
3. At a minimum, the perimeter landscaping planting strip shall be planted with one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.

C. Subdivision Entry Landscaping

1. Applicability. Proposed developments subject to this requirement shall provide subdivision entry landscaping. Subdivision entry landscaping must conform to the standards in subsection (b), below.
2. Standards

5. Parking lots should be divided into blocks of 40-50 spaces. Where blocks are not easily defined, groups of 20 spaces should be divided by a landscaped median island at least the size of one stall.
6. Accessible parking must be provided according to the City of Fort Smith requirements
7. Parking lots should include appropriately marked locations with racks for bicycle parking.
8. Dead-end parking (parking without a clear turn-around area) should be avoided and shall not be permitted on any non-infill or redevelopment projects.
9. Structured parking (e.g., parking decks or ramps) shall conform to the following:
 - a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
 - b. Structured parking shall integrate with adjacent buildings by using similar materials, alignments, and architectural finishes.

F. Phased Development. If a development is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project during the time of project development approval, but may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements

27-602-3 Landscaping and Screening

A. Applicability.

1. The Landscaping and Screening requirements of the Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.
2. The Design Guidelines apply to existing multifamily, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also

include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. ~~Industrial subdivisions are required to provide perimeter landscaping only.~~

Industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential zoning districts or single family development, and/or those buildings at the perimeter of an industrial subdivision shall provide perimeter landscaping only.

5. Parking lots used solely for the display of vehicles at an approved auto and vehicle dealer are required to provide perimeter landscaping only.
6. Development or properties in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the site will be in noncompliance with these regulations.

B. Perimeter Landscaping Perimeter landscaping requirements along public rights-of-way are as follows:

1. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.
2. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.
3. To insure that landscape materials do not constitute a sight hazard, a clear sight visibility triangle shall be observed at all street intersections or intersections of driveways with streets. Within the designated sight visibility triangle, no landscape material exceeding twenty-four (24) inches in height shall be permitted; provided, trees may be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground and the tree does not otherwise present a traffic visibility hazard. The dimensions of the sight visibility triangle are as indicated in the attached diagram for driveways for street intersections.

C. Parking Lot Screening.

Parking lot screening shall be placed in the ten-foot landscaped area reserved for the perimeter landscaping. The parking lot screening can satisfy the perimeter landscaping requirements, when the parking lot screening is installed in compliance

Street Classification

Major Arterial/Boulevard

Freeway

Grand

I-540

Rogers

I-49

Zero

Phoenix Avenue

Wheeler

North 6th

North 10th & 11th

Riverfront

Waldron (Rogers to Grand)

North 50th

South 74th (Phoenix to Dallas)

Massard Road (from Dallas South)

Rye Hill Road East (from Hwy. 71 to Massard)

Custer

Roberts Boulevard

North 23rd (Kelley Highway to Spradling Avenue)

Kelley Highway

Garrison Avenue (Dodson to Rogers)

Taylor Avenue

Highway 71

Highway 271

Towson

Highway 253

Chad Colley

Highway 45

Old Greenwood Road

6H

2. The Design Guidelines apply to existing multifamily, commercial and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.
3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. Buildings in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the building will be in noncompliance with these regulations.

C. Transitional and Commercial Building Design Standards.

1. Any development that contains more than one building shall incorporate a recurring, unifying and identifiable theme for the entire development.
2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all commercial buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade. Applicants with commercial development adjacent to residential development may incorporate residential materials on the side of the development that faces the residential development.
3. All facades of a building that are visible from the finished grades of adjoining properties or public streets shall have design characteristics similar to the building's front facade. This shall be implemented by requiring the same treatment as discussed in **B C.2** above.
4. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.
 - a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.

b. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with section 27-704-5.

(5) Subdivisions, developments signs: ~~One~~ **Two** (~~4~~ **2**) signs per entrance, **Signage shall** not ~~to~~ exceed twenty-four (24) square feet in area per sign.
 (Ord. No. 3391, as amended, § 10-10(B), 11-1-76; Ord. No. 64-99, § 2, 10-5-99)

27-704-2 Permitted business signs in transitional zones

The following types of signs are permitted and the following regulations shall apply to all signs in transitional zones:

- (1) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.
- (2) Pedestal or monument type signs are permitted and shall conform to the following regulations:
 - a. Such signs, if illuminated, shall be illuminated with indirect lighting only;
 - b. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any local street, identified from time to time by the City of Fort Smith Master Street Plan, shall not exceed twelve (12) square feet;
 - c. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Fort Smith Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

d. If directional sign(s) are utilized within a development on a lot or parcel, the size of the directional signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall

Appendix A

	Districts	RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
Boat or marine craft dealer																												
Car wash - full service																												
Car wash self-service																												
Gasoline service station																												
Motorcycle or ATV sales & service																												
Tire sales																												
Truck stop/travel plaza																												
Heavy Consumer Goods Sales or Service																												
Agricultural equipment and supplies (sales & service)																												
Appliance repair - (Large)																												
Appliance repair (Small)																												
Bus, truck sales and service																												
Clothing and personal items (repair)																												
Commercial, industrial machinery & equipment (sales & service)																												
Department store, warehouse club or superstore																												
Computer and software shop																												
Electronics and appliances (new)																												
Electronics and appliances (used)																												
Floor, paint, wall coverings, window treatments																												
Furniture or home furnishings (new)																												
Furniture or home furnishings (used)																												
Furniture repair and upholstery shop																												
Greenhouse (sales)																												
Hardware store																												
Hardware store (neighborhood)																												
Home improvement center																												
Lawn and garden supplies																												
Locksmith																												
Lumber yard and building materials																												
Mall or shopping center																												
Manufactured home and mobile home sales and service																												
Oil and gas equipment (sales and service)																												
Sand, gravel, stone, or earth sales and storage																												
Swimming pool sales and supply store (w/o storage yard)																												
Truck or tractor sales and service facility																												
Durable Consumer Goods Sales or Service																												
Bait and tackle shop																												
Bicycle sales and service																												
Bicycle sales and service (no outside storage)																												
Bookstore																												
Bridal shop																												
Cameras, photographic supplies and services																												

6K

Memo

To: City Planning Commission

From: Planning Staff

Date: August 27th, 2014

Re: Conditional Use #10-9-14 - A request by Dean Clow, agent for Rodney Ghan and Stuart Ghan, for Planning Commission consideration of a Conditional Use for an adult daycare center located at 2801 McKinley Avenue.

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for the existing vacant building to be utilized for an adult day care center. The current floor plan expects to use approximately 4,200 s.f. for the day care center with a possibility of future expansion.

LOT LOCATION AND SIZE

The subject property is on the northeast side of the McKinley Avenue and South 28th Street intersection. The tract contains an approximate area of 0.78 acres with approximately 126 feet of street frontage along McKinley Avenue and approximately 260 feet of street frontage along South 28th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

1A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 14,000 square feet
- Maximum Height - 45 feet (1+1)
- Maximum Lot Coverage - 75%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- Existing District (By Extension) – 14,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Side/Rear (adjoining SF Residential District/Development) – 30 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the east, south, and west are zoned Commercial Heavy (C-5) and are developed as a church and Commercial, industrial machinery and equipment rental and leasing, and undeveloped.

The areas to the north are zoned Industrial Light (I-1) and are developed as a warehouse and wholesale paint supply.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

1B

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as **Mixed Use E.** This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur at the existing driveways located on McKinley Avenue and South 28th Street.

Easement/utilities – No additional easements are required.

Drainage – No new drainage requirements are required or proposed.

Right-of-way dedication – All right-of-way dedication has already taken place. The current property line extends to the existing parking lot.

Multi-Use bike path – This area does not require a multi-use bike path.

Landscaping – The applicant has stated that they will clean and replant the existing flower beds.

Screening – The application states that they tenant will install a screened fence for the dumpster.

Parking – The existing site has 19 parking spaces.

Signage – The development plan proposes 2 wall sign that will comply with the commercial signage regulations as shown.

Lighting – No new lighting is proposed or shown on the development plan. If any new lighting is proposed, it shall comply with the city's Commercial and Outdoor Lighting requirements – Section 27-602-5 of the Unified Development Ordinance

Architectural features – The existing building has a front façade of brick and metal siding with a covered canopy. The other facades are completed with metal.

Height and Area – The existing building complies with the height requirements in the Commercial Zone.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held on Friday August 22, 2014 on site. Six people were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed. Also, the Planning Department received a phone call from Nick Cox located at 6200 South 29th Street who stated that he believed an adult day care was an incompatible land use with the surrounding industrial area and was concerned that someone could get hurt in the vicinity.

10

Staff recommends approval of the application with the following comment:

1. Any new exterior lighting shall comply with the Commercial and Outdoor Lighting requirements – UDO Section 27-602-5.
2. No new signage is approved with this review.

Conditional Use # 10-9-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Westbrook Development, LLC

Name of Authorized Agent (if applicable) Dean Clow

Legal Description of property included in the conditional use request:

Lot 30 Johnny Cake Commercial

Street Address of Property:

2801 McKinley, Fort Smith, AR

Existing Zoning Classification:

C-5

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Adult Day Care Center

What amenities are proposed such as landscaping and screening?

Fenced dumpster area, clean and replant existing flower beds, back fenced area

to be used for outside space for clients with raised flower beds, reface & reuse exiting signage

Dean Clow, Agent
Owner or Agent Name (please print)

2409 South 56th Street, #121, Fort Smith, AR 72903
Owner or Agent Mailing Address

479-926-7244
Owner or Agent Phone Number

Signed:

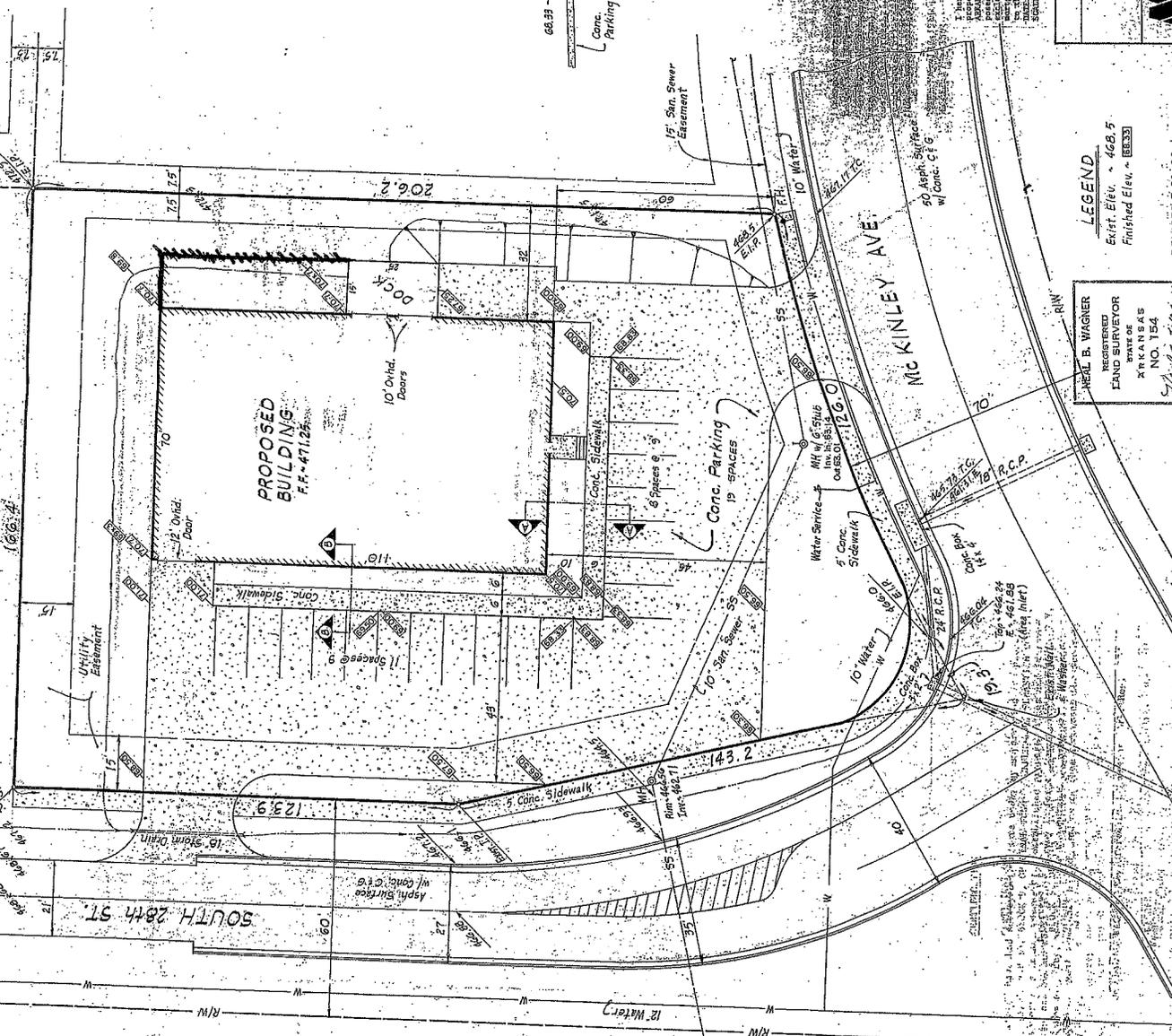
Owner

Or

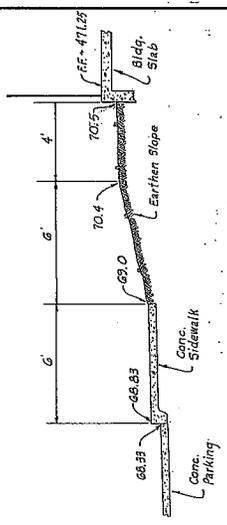
Agent

TE

Employees



LOT 29



SECTION B-B SCALE: 1/8\"/>

SECTION B-B
SCALE: 1/8" = 1'-0"

This cross-section shows a different part of the building's profile. It includes a concrete parking area, a concrete sidewalk, and an exterior slope. Elevation markers include 68.83 and 70.5. A note indicates 'Blkg. Slab'.

CERTIFICATION
I hereby certify that the above plat was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Missouri. I am duly Licensed Professional Engineer in the State of Missouri. I am duly Licensed Professional Engineer in the State of Missouri.

REAL B. WAGNER
REGISTERED
LAND SURVEYOR
STATE OF MISSOURI
NO. 154

SITE PLAN

LOT 30
JOHNNY CAKE COMMERCIAL PARK
Fort Smith, Sebastian County, Ark.

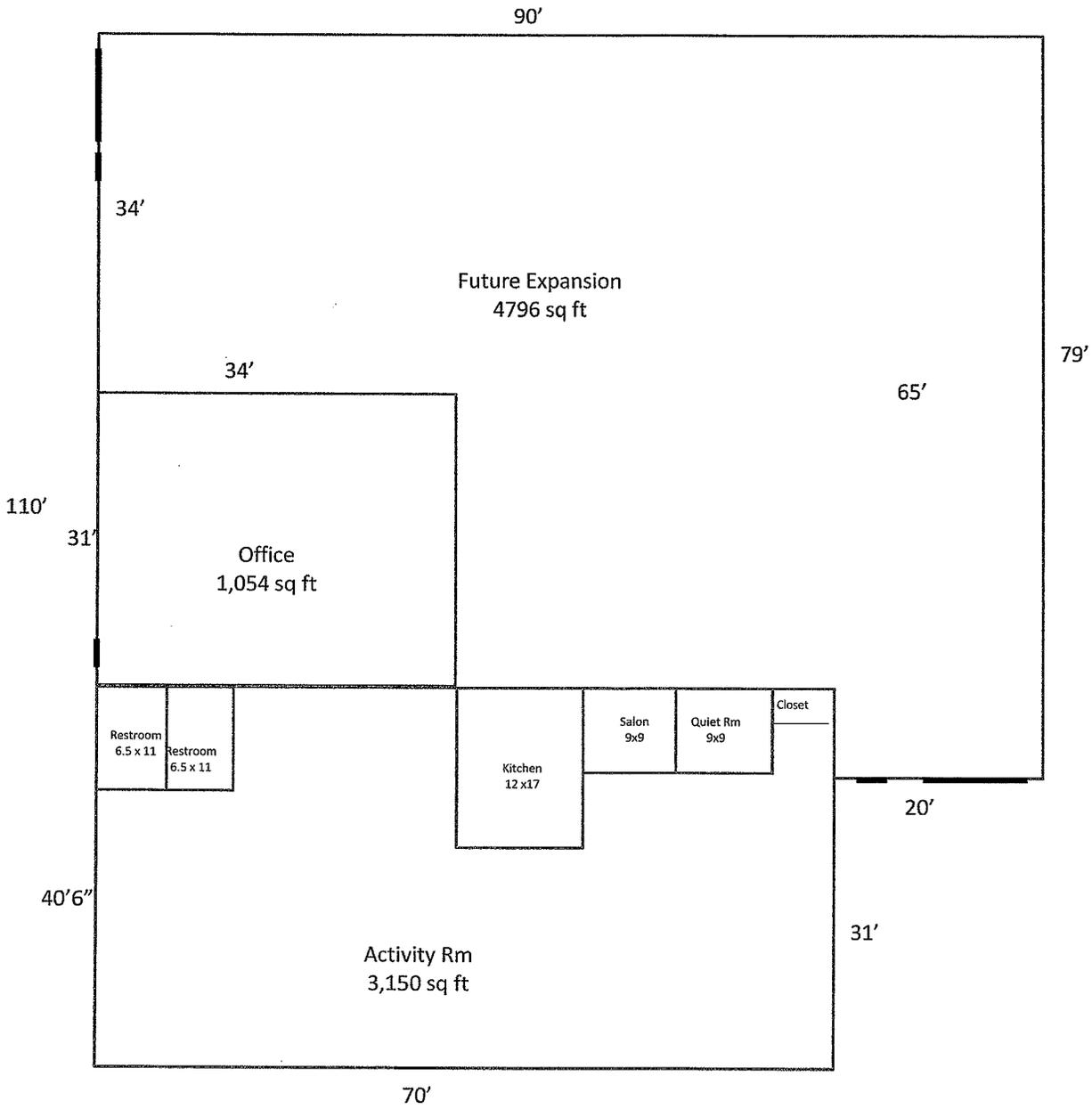
DATE: 5/9/86
APPROVED: [Signature]
DRAWN: [Signature]
JOB NO. 7882

LEGEND

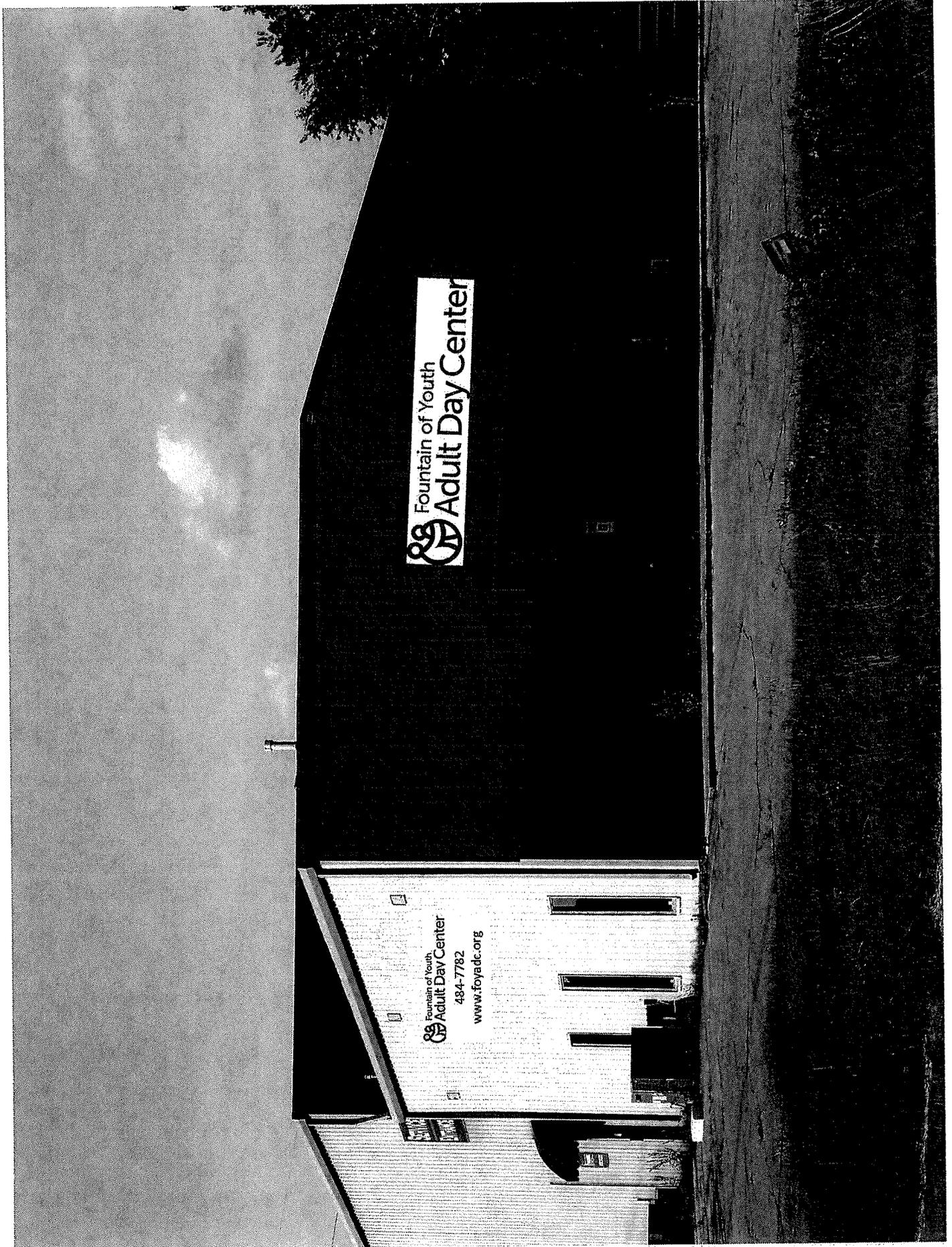
Exist. Elev. ~ 468.5
Finished Elev. ~ 467.55

REVISION 7-29-86

IF



IG



Fountain of Youth
Adult Day Center

Fountain of Youth
Adult Day Center
484-7782
www.foyadc.org

17

**FOUNTAIN OF YOUTH
Conditional Use Neighborhood Meeting
Friday, August 22, 2014**

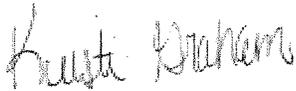
Present:

Marilyn Alley, President, FOY Board of Directors
Kristi Graham, Executive Director, FOY
Stuart Ghan, RH Ghan, Building Co-Owner
Tyler Miller, City of Fort Smith
Gerry McEvoy, Sutherlands
Dean Clow, Project Manager, FOY

The meeting was called to order by Dean Clow at 2:00 pm. Dean gave a brief overview of Fountain of Youth's mission along with Powerpoint presentation. Gerry McEvoy asked a few questions regarding number of enrollees, staff, and payment sources that were available for clients to attend.

All were in agreement that FOY provides a valuable service to the community and there were no issues with FOY moving into the 2801 McKinley location.

Meeting adjourned at 2:30pm.



Respectfully Submitted,
Kristi Graham, Executive Director

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 2801 McKinley

Meeting Time & Date 2pm Friday, August 22, 2014

Meeting Purpose Adult Day Care Center Plans

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. <u>DEAN CLOW</u>	<u>2409 So 36th #121</u>	<u>(FOY)</u>
2. <u>KRISTI GRAMM</u>	<u>2409 S. 56th #121</u>	<u>484-7782</u>
3. <u>Stuart Chan</u>	<u>4700 U. Street</u>	<u>478-6161</u>
4. <u>Tyler Miller</u>	<u>City of Fort Smith</u>	<u>479-784-2241</u>
5. <u>Gayle McCoy</u>	<u>Southland</u>	<u>883-9815</u>
6. <u>Marilyn Allen</u>		<u>(FOY)</u>
7.		
8.		
9.		
10.		
11.		

Memo

To: City Planning Commission

From: Planning Staff

Date: August 26th, 2014

Re: Conditional Use #11-9-14 - A request by Jeffrey Nelson, agent for Valley Behavioral Health, for Planning Commission consideration of a Conditional Use request for a building addition to a mental health hospital at 10301 Mayo Drive (Companion to item #7)

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for a 12,000 s.f. building expansion for additional medical beds and a new classroom to the existing building.

LOT LOCATION AND SIZE

The subject property is on the east side of Mayo drive down a secluded private street. The tract contains an area of 7.79 acres with approximately 30 feet of street frontage along Mayo Drive.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

All of the surrounding areas are zoned transitional and undeveloped.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Public Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature. A companion variance application from 40,000 s.f. to 65,600 s.f. maximum building size was submitted in conjunction with this conditional use.

2B

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur at the current drive located on Mayo Drive.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – No new drainage improvements are required or proposed.

Right-of-way dedication – No new right-of-way dedication is proposed or required.

Multi-Use bike path – No bike path is required or proposed at this location.

Landscaping – No new landscaping is required or proposed at the project site. The current facility is surrounded by heavy vegetation.

Screening – No screening will be required or proposed. The current surrounding vegetation will act as a screening buffer.

Parking – The new plan will show the addition of 28 new parking spaces. The entire site will have 137 parking spaces.

Signage – No new signage is proposed.

Lighting – No new lighting is proposed.

Setbacks – The transitional zone required a 5 feet side yard setback. The new construction will adhere to the setback requirements.

Architectural features – The elevations appear to show 100% of high quality materials with brick and windows. This exceeds the UDO requirements.

Height and Area – The elevations show that the new additions will be 24 feet tall. This complies with the Transitional zoning height restrictions.

20

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, September 8th 2014 on location. A summary meeting will be provided to the planning commission.

Staff recommends approval of the application with the following comment:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the companion variance application.
3. The lighting shall not produce light trespass and all new lighting shall comply with the UDO Section 27-602-5.
4. The site shall acquire construction approval to build within the airport approach zone.

Conditional Use # 11-9-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: VALLEY BEHAVIORAL HEALTH SYSTEM, LLC

Name of Authorized Agent (if applicable) JEFFREY P. NELSON

Legal Description of property included in the conditional use request:

LOT 1A, MASSARD OAKS, FILED FOR RECORD 2014.07.30
AS PLAT RECORD 17096.

Street Address of Property:

10301 MAYO DRIVE, FORT SMITH, AR

Existing Zoning Classification:

T-3

Proposed Zoning Classification (if applicable):

—

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

NEW 32 PATIENT WING / SEPARATE BUILDING ADDITION
TO NORTH EAST CORNER OF EXISTING BUILDING

What amenities are proposed such as landscaping and screening?

NONE. BUILDING IS ON A LONG PRIVATE DRIVE. ADDITION IS
NOT VISIBLE FROM STREET OR ADJACENT PROPERTY.

JEFFREY P. NELSON
Owner or Agent Name (please print)

330 S FAIRBANK
Owner or Agent Mailing Address

630.628.7930
Owner or Agent Phone Number

Signed:

Owner

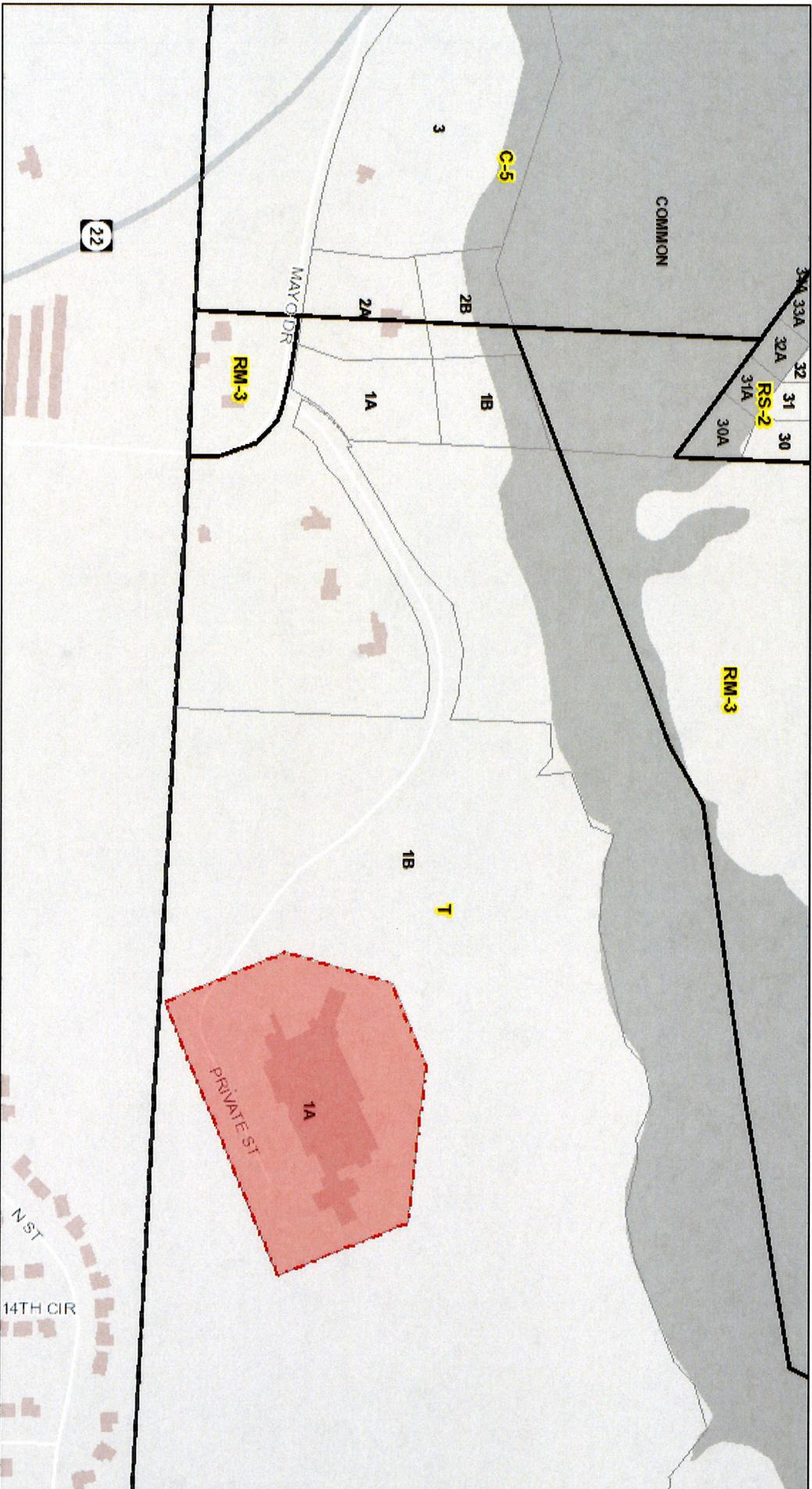
Or

Agent

2 E

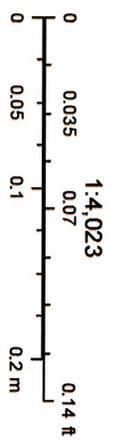
Conditional Use #11-9-14: Building Addition 10301 Mayo Drive

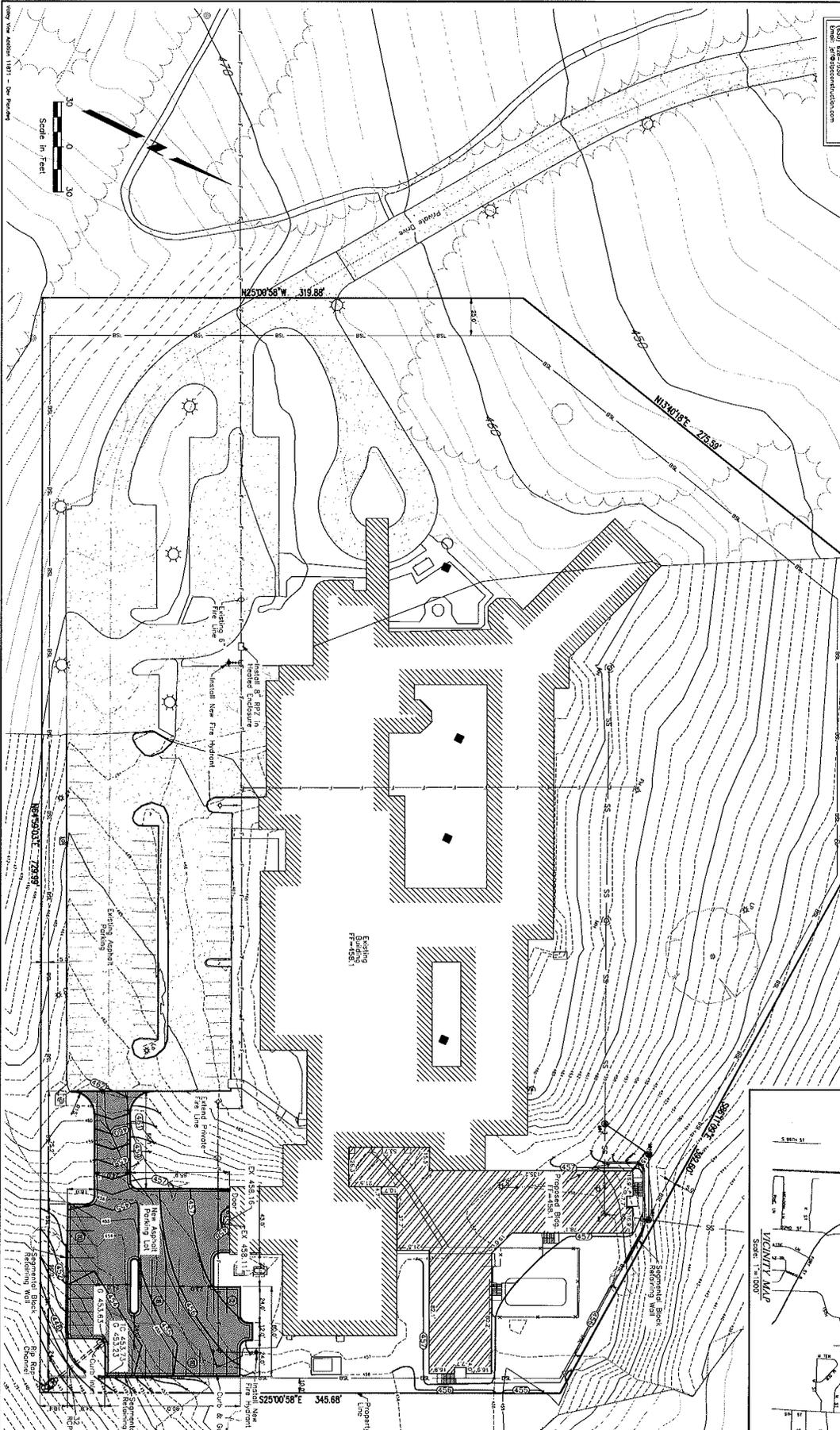
Handwritten initials: "H" and "C" with a checkmark.



August 19, 2014

- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints





CONTACTS

Owner: Valley View Addition
 Project No: 11671
 Date: 6/15/2014
 Author: MWC
 Title: Surveyor
 License No: 11671
 State: AR
 Address: 3154 Country Club Ave.
 P.O. Box 1507
 Fort Smith, AR 72533
 Phone: (479) 649-8484
 Fax: (479) 649-8485
 Email: info@mw-c.com

UTILITY CONTACTS

City of Fort Smith Utility Dept.
 2000 Main St
 Fort Smith, AR 72533
 Phone: (479) 784-2211
 Fax: (479) 784-2211
 Website: www.fortsmith.gov

Arkansas Electric Power & Light
 115 North 20th Street
 Fort Smith, AR 72533
 Phone: (479) 783-1181
 Fax: (479) 783-1181
 Website: www.aep.com

GENERAL INFO

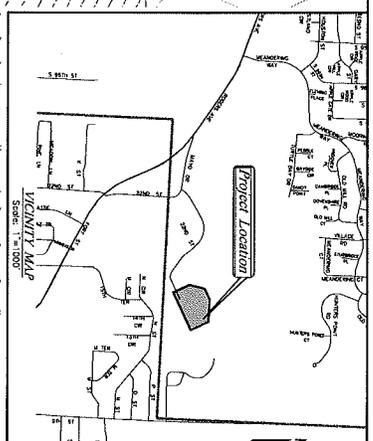
Lot: 1A
 Building Area - Existing (sf): 53,844
 Building Area - Proposed (sf): 63,944
 Total Area: 7.79 Acres
 Total Number of Gar. Spaces Proposed: 135 (100 ea. + 35 New)
 Note: By Final Medical Staff and Construction
 Zoning: I-3

BUILDING INFO

Building Height: 25 feet
 Number of Floors: 2
 Proposed by: Fortsize, Inc. - 11,000
 Address: 10301 Mayo Drive
 Memphis, TN 38133

LEGAL DESCRIPTION

Lot 1A - Massard Oaks, 7.79 Acres.



PRELIMINARY DEVELOPMENT PLAN

VALLEY VIEW ADDITION
10301 MAYO DRIVE
 BARLING, SEBASTIAN COUNTY, ARKANSAS

MICKLE WAGNER COLEMAN Engineers-Consultants-Surveyors
 3154 Country Club Ave. (479) 649-8484
 P.O. Box 1507 (479) 649-8485
 Fort Smith, Arkansas info@mw-c.com

DATE	REVISION	BY

26

Memo

To: City Planning Commission

From: Planning Staff

Date: August 26, 2014

Re: Conditional Use #13-9-14 - A request by Jeff Lee, agent, for Planning Commission consideration of a Conditional Use request to develop a detached restroom and pavilion facility at 4625 Armour Street

PROPOSED CONDITIONAL USE

With the approval of this Conditional Use the church would like to construct a 29' x 30' restroom building with an attached 43' x 20' covered pavilion.

LOT LOCATION AND SIZE

The subject property is on the north side of Armour Street and the south side of High Street and east of North 46th Street. The tract contains an area of 6.5 acres with approximately 660 feet of street frontage along High Street and approximately 264 feet of street frontage along Armour Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- | | |
|---|--------------------------------|
| Minimum Lot Size – 6,500 square feet | Maximum Height - 40 feet (1+1) |
| Maximum Density – 20 Dwelling Units/Acre | Maximum Lot Coverage - 65% |
| Minimum Lot Width at Building Line – 60 feet | |
| Minimum Street Frontage – 20 feet | |
| Front Yard Setback - 25 feet | |
| Side Yard on Street Side of Corner Lot - 15 feet | |
| Side Yard Setback – 7.5 feet | |
| Rear Yard Setback - 10 feet | |
| Side/Rear adjacent to RS district/development – 30 feet | |
| Minimum building separation – 10 feet | |

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

The areas to the east are zoned Residential Single Family Duplex High Density (RSD-4) and are developed as single family residences.

The areas to the south are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences and a men’s club.

The areas to the west are zoned Residential Multifamily Medium Density (RM-3) and are developed as single family residences.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached and Open Space. The classification of Residential Detached is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values and the classification of Open Space is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will be through existing driveways.

Easement/utilities – No additional easements are required.

Drainage – No drainage improvements are proposed are required.

Right-of-way dedication – No additional right-of-way is required.

Multi-Use bike path – Bike path is not required for this site.

Landscaping – The existing site is covered with mature trees.

Screening – The property is screened with a masonry and wrought iron fence.

Parking – No additional parking is required.

Signage – No additional signage is proposed.

Lighting – No new lighting is noted on the plans. If any new exterior lighting is proposed, it shall comply with the Commercial and Outdoor Lighting requirements – UDO Section 27-602-5.

Setbacks – The proposed structure meets all required setbacks.

Architectural features – The building will be constructed of split face block with architectural shingles.

Height and Area – The height of the building will be approximately 21 feet tall. The entire structure will be approximately 2,450 square feet in area.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday August 28, 2014 at 4625 Armour Street. No neighboring property owners were in attendance.

Staff recommends approval of the application or for the reasons stated in the staff report.

1. Construction must comply with the submitted development plan. Changes or

amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

2. Any new exterior lighting shall comply with the Commercial and Outdoor Lighting requirements – UDO Section 27-602-5.
3. No new signage is approved with this review.

Conditional Use # 13-9-14

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Wat Buddha Samakitham

Name of Authorized Agent (if applicable) P. Jeffery Lee

Legal Description of property included in the conditional use request:
Part of N/2 Lot 6, Block 46, Midland Hts

Street Address of Property:
4625 Armour St.

Existing Zoning Classification:
RM-3

Proposed Zoning Classification (if applicable):
RM-3

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:
Bathrooms 660 sq / Pavilion 1400

What amenities are proposed such as landscaping and screening? None required:
There exists ample natural tree/shrub landscape on site, plus exterior perimeter site fencing.

JEFF LEE
Owner or Agent Name (please print)

3409 Village Rd / PSM / 72903
Owner or Agent Mailing Address

479-452-9226
Owner or Agent Phone Number

Signed:

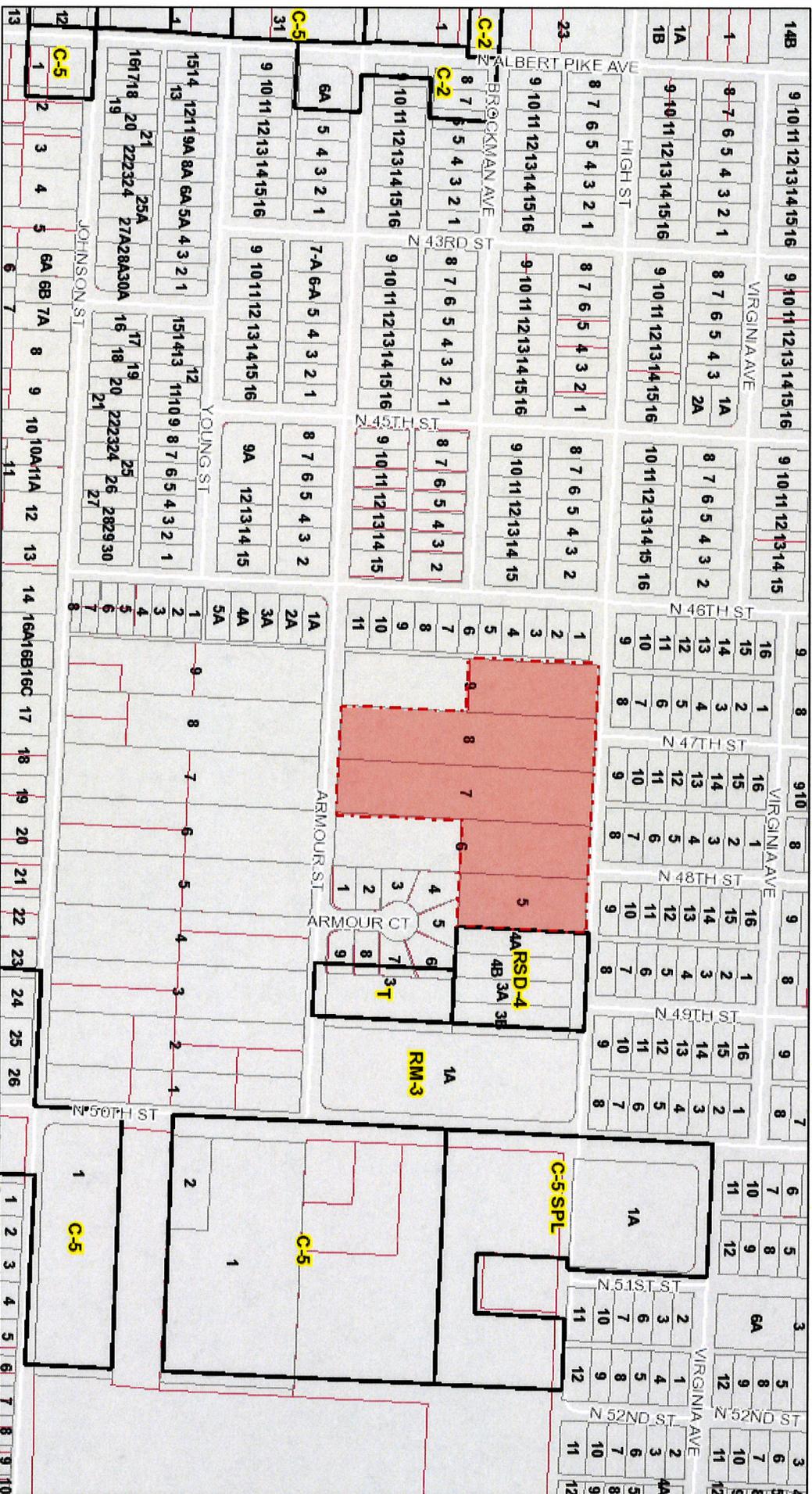
Owner

Or

Jeff Lee
Agent

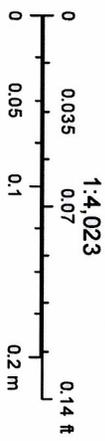
Conditional Use #13-9-14: Detached Restroom and Pavilion Facilities 4625 Armour Street

34



August 26, 2014

- Fort Smith City Limits
- Parcels
- Zoning
- Subdivisions



Approximate Location of the Proposed Pavilion and Restroom Building

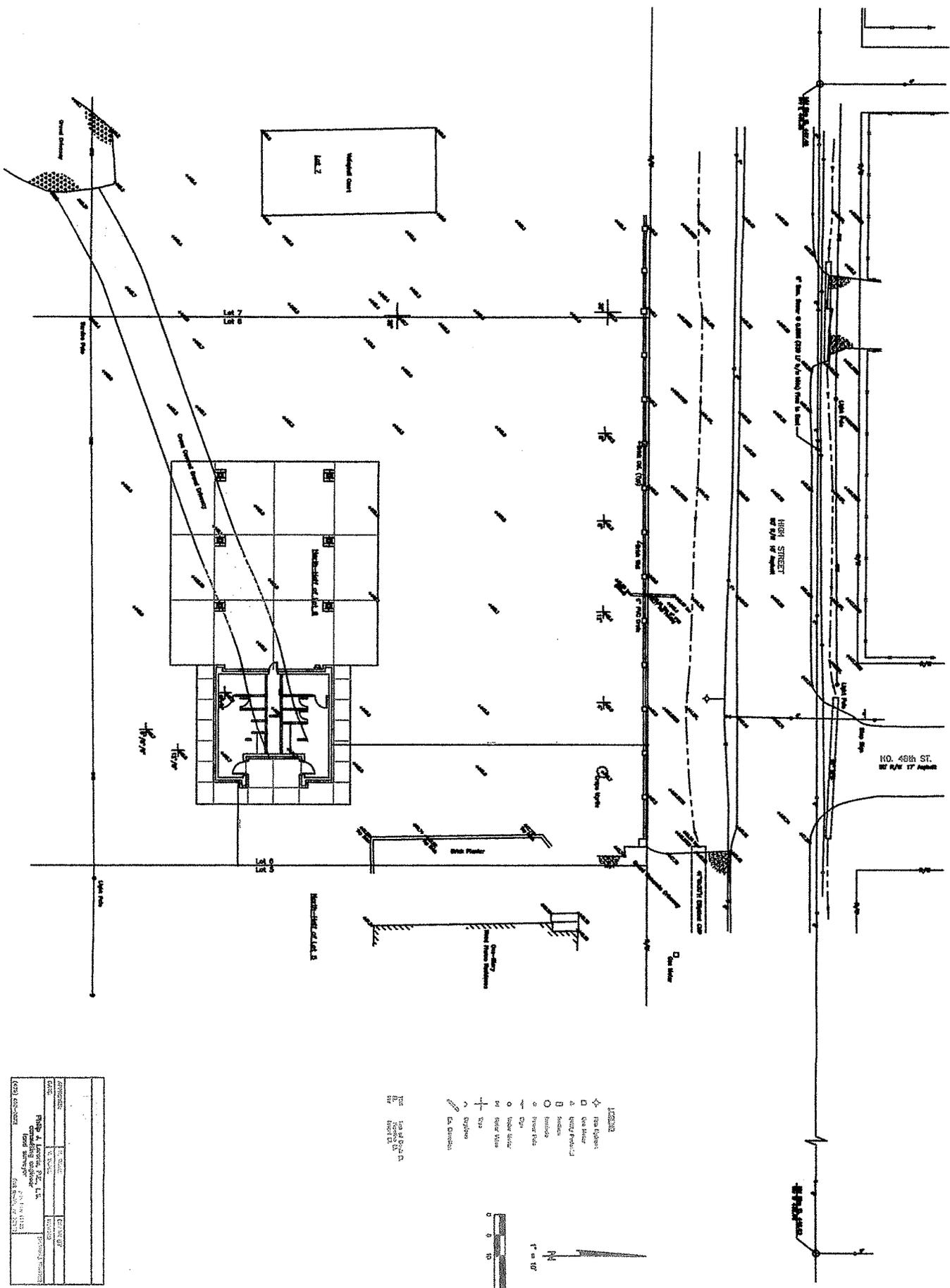
36



September 2, 2014

-  Fort Smith City Limits
-  Parcels
-  Zoning
-  Subdivisions





DATE	1/11/01
PROJECT	PAVILION/TOILETS FOR BUDDHIST TEMPLE
CLIENT	BUDDHIST TEMPLE
ARCHITECT	P. JEFFERY LEE, AIA
ADDRESS	3409 VILLAGE RD., FORT SMITH, AR 72903
PHONE	479.492.9226
FAX	479.492.9226
EMAIL	PJL@ARCHITECT.COM
SCALE	1" = 10'
DATE	1/11/01
BY	P. JEFFERY LEE

PRELIM

NO.	1
DATE	1/11/01
BY	P. JEFFERY LEE
SCALE	1" = 10'
DATE	1/11/01
BY	P. JEFFERY LEE

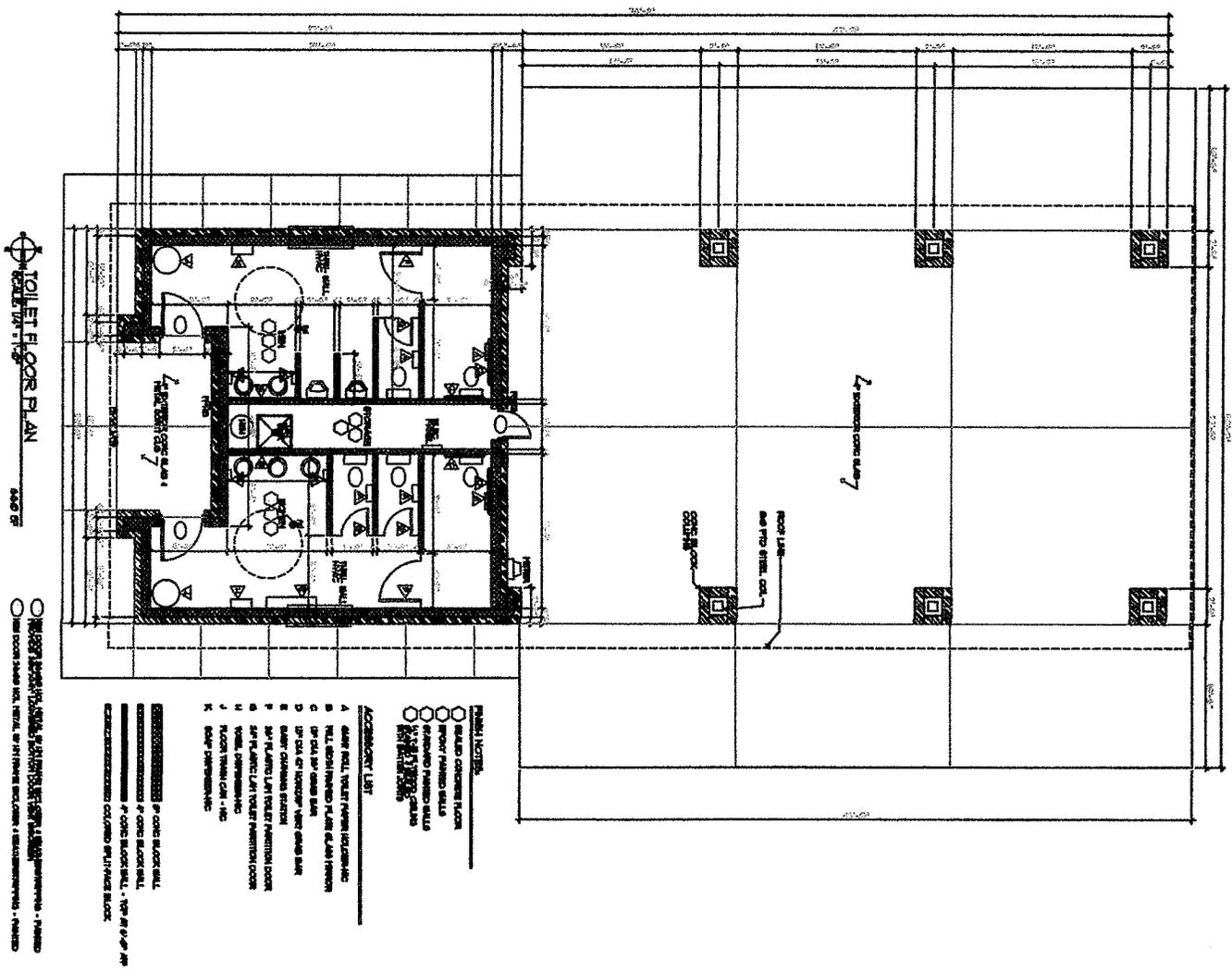
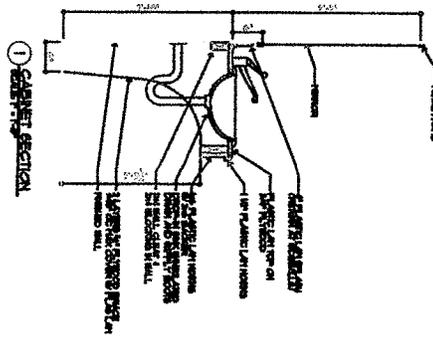


PAVILION/TOILETS FOR:
BUDDHIST TEMPLE
 4625 ARMOUR ST. FORT SMITH, ARKANSAS

P. JEFFERY LEE, AIA
 3409 Village Rd., Fort Smith, AR 72903
 ph/fax: 479.492.9226
 e-mail: PJLArchitect@aol.com



3H



PRELIM

NO.	DATE	DESCRIPTION
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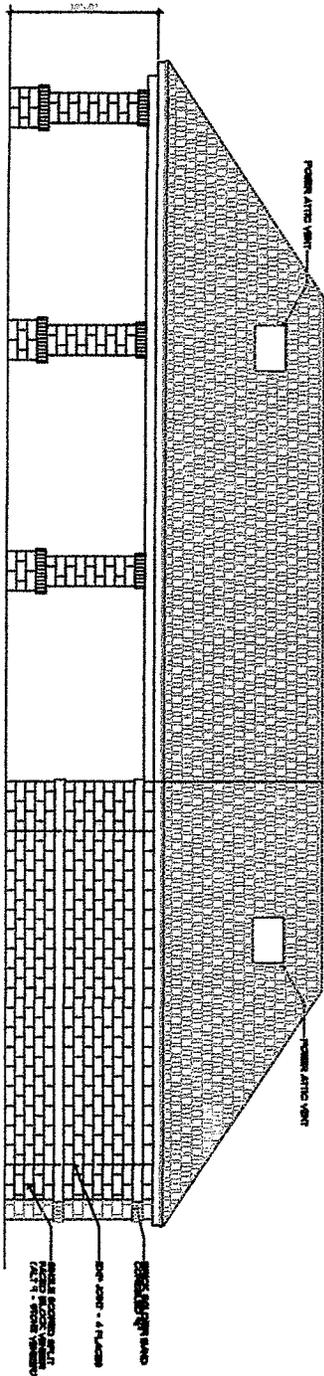
PAVILION / TOILETS FOR:
BUDDHIST TEMPLE
 4625 ARMOUR ST. FORT SMITH, ARKANSAS

P. JEFFERY LEE, AIA
 3409 Village Rd., Fort Smith, AR 72909
 ph/fax: 479.482.9226
 e-mail: PJJlarchitect@aol.com

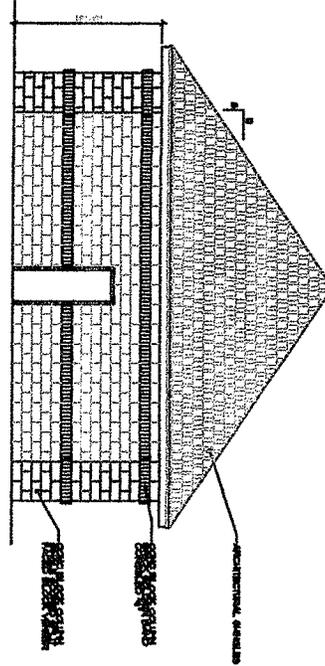


31

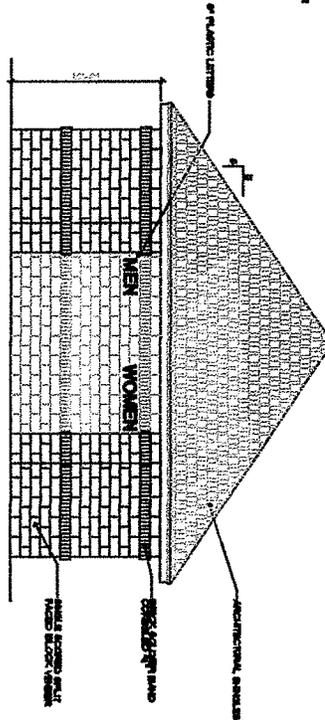
SOUTH ELEVATION - NORTH OFF HAND



EAST ELEVATION



EAST ELEVATION



PRELIM

DATE	BY	APP'D
A2		



PAVILION / TOILETS FOR:
BUDDHIST TEMPLE
 4625 ARMOUR ST. FORT SMITH, ARKANSAS

P. JEFFERY LEE, AIA
 3409 Village Rd., Fort Smith, AR 72903
 ph/fax: 479.452.9226
 e-mail: PJJArchitect@aol.com



35

Memo

To: City Planning Commission

From: Planning Staff

Date: August 27, 2014

Re: Variance #23-9-14 - A request by The Hill Firm, agent, for Board of Zoning Adjustment consideration of a zoning variance request from screening requirements per Section 27-602(C)(8) of the UDO at 6101 Kinkead Avenue

REQUESTED VARIANCE

If approved this variance would allow for the omission of 227 feet of screening along the east side of the property.

LOT LOCATION AND SIZE

The subject property is on the north side of Kinkead Avenue, between North 62nd Street and Jeffrey Way. The tract contains an area of 5.51 acres with approximately 400 feet of street frontage along Kinkead Avenue

EXISTING ZONING

The existing zoning on this tract is Residential Single Family – Duplex Low/Medium Density (RSD-2). Characteristics of this zone are as follows:

Purpose:

To provide for attached and detached homes in low-to-medium density neighborhoods where adequate public services and facilities are available. The RSD-2 zoning district is appropriate in suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 4 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2 SPL) and are undeveloped.

The area to the east is zoned Residential Single Family Duplex Low/Medium Density and is developed as a single family residence.

The areas to the south are zoned Residential Single Family Low Density and is undeveloped.

The area to the west is zoned Transitional (T SPL) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Kinkead Avenue as a Local Road.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The applicant has requested the variance because the neighboring property owners, Alan and Debra Smith at 6105 Kinkead, do not wish to have the screening along the front 227 feet of their side property line adjacent to their home because it would obstruct their view. A letter from the Smith's as well as a letter from the applicant are enclosed regarding the request.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, August 4, 2014 at 6101 Kinkead Avenue. Two neighboring property owners attended the meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

The remaining portions of the east property line will have privacy fencing as required. In staff's opinion, installation of privacy fencing extending to the front of the property would be out of character for the neighborhood.

4B

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

HC

August 9, 2014

To whom it may concern:

Because a fence would impede the view of our neighbors and the church from street view and would tend to "box in" the home of Debra and Alan Smith the River of Life Fellowship respectfully requests that the city of Fort Smith grant a variance declining the construction of a fence on the east side of property toward the street on the south portion of the property (the front portion of the property).

Thank you for your consideration.

Phil Redding
Pastor

August 12, 2014

To Whom it May Concern:

Our names are Alan and Debra Smith and we reside at 6105 Kinkead Ave in Fort Smith, Arkansas. We understand that our neighbors, River of Life Fellowship, are in the process of building a new sanctuary. In addition, the city of Fort Smith is requiring a privacy fence be installed by the church from the present fence extending to the front of the property and from the end of this fence to the end of the property in back. We are in agreement that this is not required in the front of the property, as it would obstruct and take away from the view; However, the fence in the back of the property is still needed.

If further clarification is needed, please advise.

Respectfully,



Alan and Debra Smith

Property owners at 6105 Kinkead Ave, FS

4E

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

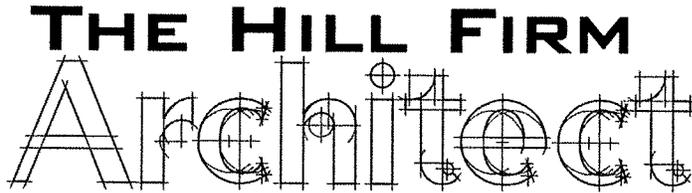
List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location 6101 KINKHEAD AVE.

Meeting Time & Date 8/4/14 @ 5:30

Meeting Purpose C.V. CHURCH

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	<u>Tom Monaco</u>	<u>6174</u>	<u>784-2218</u>
2.	<u>KEVIN CLAUSON</u>	<u>6609 ROGERS AVE.</u>	<u>494-1808</u>
3.	<u>Houston Beckham</u>	<u>1535 Construction Way VB</u>	<u>479-295-7669</u>
4.	<u>Robert Schibelbusch</u>	<u>191 Juniper, Greenwood</u>	<u>479-653-1773</u>
5.	<u>E.L. Redding</u>	<u>918 S. Ryline Dr. Van Buren</u>	<u>477-474-4256</u>
6.	<u>Jarrett</u>	<u>6609 ROGERS AVE</u>	<u>494-1808</u>
7.	<u>Phil Redding</u>	<u>505 Ledanna Dr Van Buren</u>	<u>650-7452</u>
8.	<u>Debra Smith</u>	<u>6105 Kinkhead Fort Smith</u>	<u>648-9494</u>
9.	<u>Alan Smith</u>	<u>6105 " " "</u>	<u>" "</u>
10.	_____	_____	_____
11.	_____	_____	_____



6609 ROGERS AVE.
OFFICE SUITE A
FORT SMITH, AR 72903
479 494 1808
FAX 479 494 1843



MEMO

DATE: August 5th, 2014

TO: Brenda Andrews - bandrews@FortSmithAR.gov
Phil Redding - philredding@cox.net
Houston Beckham - Houston@bcincorp.com
Jay Hill - jay@hillfirm.net
File

FROM: Kevin Clauson

SUBJECT: Neighborhood Meeting Minute

PROJECT: River of Life – Sanctuary Addition

COMMENTS See below

Meeting started at approximately 5:35 p.m. in the River of Life sanctuary.

- THF gave overall description of the scope of the project.
- Location of project on the site was given.
- Proposed approximate square feet were given.
- Proposed seating capacity was mentioned.
- Traffic flow and site circulation was discussed.
- Exterior finishes were mentioned (brick, stone, E.I.F.S, etc...)
- Proposed landscaping was covered (street buffer & around building)

Question(s):

Would a privacy fence be required to be installed the full length on the property on the Eastern side with the adjacent property? It was mentioned that this is a City requirement.

Does the chain link fence have to be removed and replaced with a privacy fence? It was mentioned that this is a City requirement.

Attendees discussed not installing a privacy fence along the front half of the property. Adjacent property owner agreed and is willing to provide written documentation stating that they do not wish to have the privacy fence installed on the Southeastern side of the site. All parties are in agreement and would like to request that this portion of fencing not be installed.

The adjacent property owner stated that they would like to address the replacement of the chain link fence between the back (North) portion of the property. Parties discussed possibly splitting the cost of this portion of the fence replacement.

Meeting closed at approximately 5:50.

END OF MEMO

Kevin Clauson

The Hill Firm, Inc.

6609 Rogers Ave., Ste A

Fort Smith, AR 72903

o. (479) 494-1808

f. (479) 494-1843

kevin@hillfirm.net

Enclosure

Var# 23-9-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 6101 Kinkead Ave., Existing or Proposed

Zoning Classification RSD-2, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- _____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way
- _____ - _____ Exterior Side Yard Setback
- _____ - _____ Interior Side Yard Setback
- _____ - _____ Rear Yard Setback
- _____ - _____ Maximum Height of Structure
- _____ - _____ Minimum Distance Between Structures on the Same Lot
- _____ - _____ Minimum Lot Area (Square Feet)
- _____ - _____ Minimum Lot Frontage
- _____ - _____ Maximum Size of a Sign
- _____ - _____ Abutting Residential Screening - Omission (Front 1/2)
- 227'-0" - 0 Other: UDO Design Guideline / Section. 27-602 (C)(8).

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 8th day of August, 2014.

Signed:

The Hill Firm - Architect
Kevin Clauson

Owner or Agent Name (*please print*)

Owner

or

(479) 494-1808

Owner or Agent Phone Number

Agent

6609 Rogers Ave. Suite A
Fort Smith, AR 72903

Owner or Agent Mailing Address

Variance # _____

45

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> X </u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u> X </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u> X </u>	Is the lot of an odd or unusual shape?
_____	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u> X </u>	Is any part of the lot in a flood plain or flood way?
_____	<u> X </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u> X </u>	Is the lot developed with structures in violation of current zoning requirements?
_____	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

4R

Explanation of question #4 (if applicable)

N/A

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

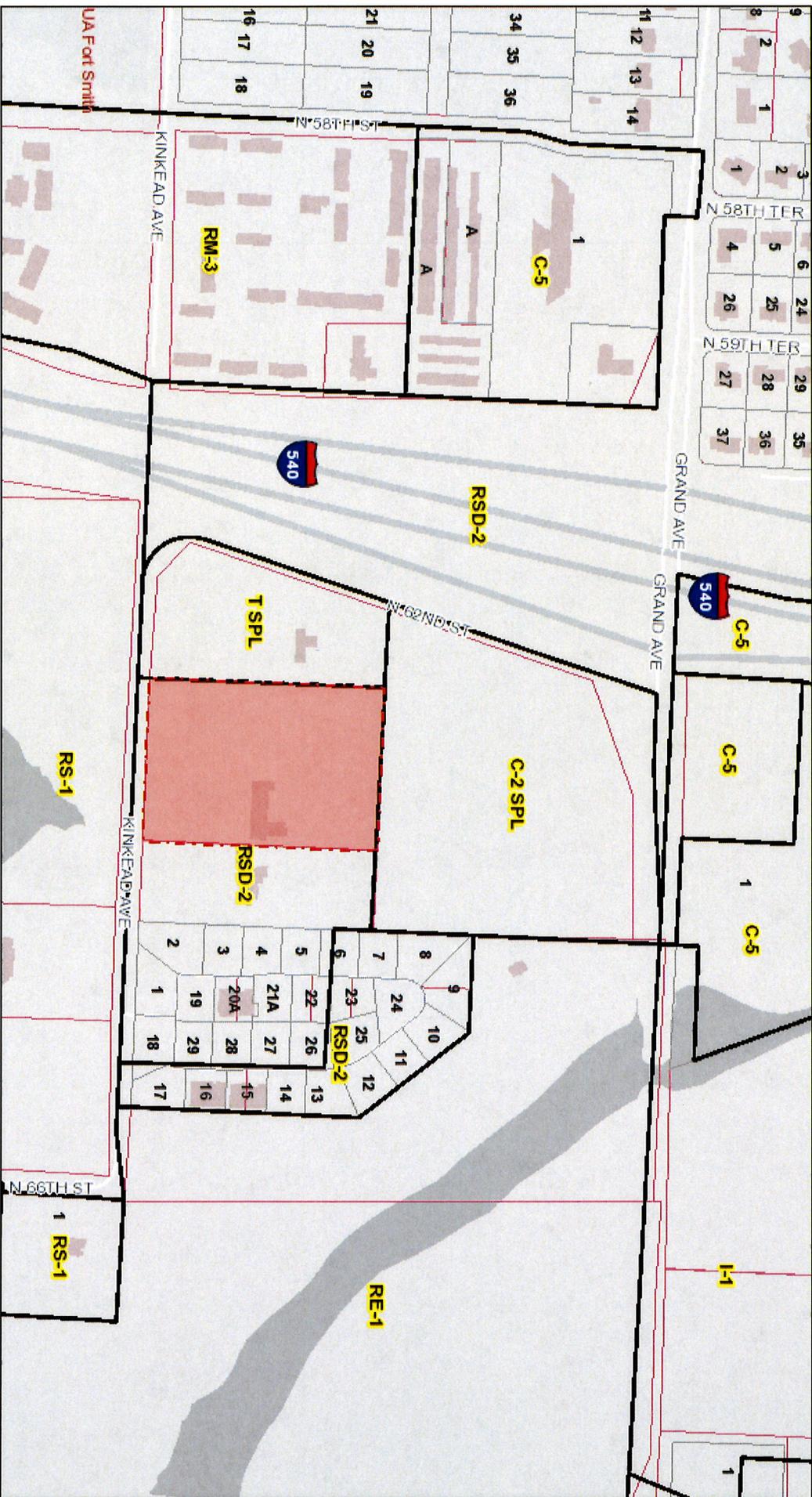
A permanent opaque six-foot screening fence, wall or landscape buffer shall be provided along any side or rear property line adjacent to property zoned for residential purposes including alleys. The applicant (River of Life Fellowship) and the abutting neighbor agree that the continuation of the fence between the front half of the properties would interfere with street views and both wish to eliminate this portion of fencing.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

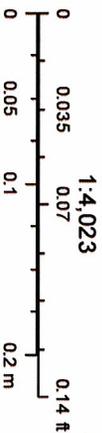
Variance #23-9-14: UDO, Section 27-601(C)(8). Delete (front 1/2) of abutting residential screening
6101 Kinkead Avenue

37



August 15, 2014

- Fort Smith City Limits
- Parcels
- Zoning
- Building Footprints
- Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: August 26th, 2014

Re: Variance #24-9-14 - A request by Katrina Cheshier, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 25 feet to 20 feet rear yard setback on a lot with double frontages located at 5514 Callaway Lane.

REQUESTED VARIANCE

The variance if approved will allow for the owner to install an in-ground pool inside a fenced rear yard.

LOT LOCATION AND SIZE

The subject property is on the south side of Callaway lane directly across from the Callaway Lane and Wilmington Way intersection. The rear yard with the second front yard setback borders Tennessee Circle Road between Dunstan Drive and Thomas Road. The tract contains an area of 0.22 acres with approximately 70 feet of street frontage along Callaway Lane and 70 feet for street frontage along Tennessee Circle Road.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family Medium/High Density (RS-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium-to-high density, compact single family detached development on new sites or as infill construction. Adequate public services and facilities shall be available with sufficient capacity to serve the proposed development. This zoning district is intended to serve as a transition between the lower density single family districts and the multifamily of commercial districts. RS-3 zoning as appropriate in urban and suburban areas and primarily applies to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 6.7 Dwelling Units/Acre

Maximum Lot Coverage - 60%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 25 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

All of the surrounding areas are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Tennessee Circle Road and Callaway Lane as local roads.

LAND USE PLAN COMPLIANCE

The property does not have a land use classification.

APPLICANT HARDSHIP

The applicant states that two front yard setbacks along with existing easements take up a large portion of front yard and rear yard.

STAFF COMMENTS AND RECOMMENDATIONS

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

5B

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet

Maximum Height - 35 feet (1+1)

Maximum Density – 6.7 Dwelling Units/Acre

Maximum Lot Coverage - 60%

Minimum Lot Width at Building Line – 60 feet

Minimum Street Frontage – 20 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 25 feet

Side Yard Setback – 7.5 feet

Rear Yard Setback - 10 feet

Minimum building separation – 10 feet

SURROUNDING ZONING AND LAND USE

All of the surrounding areas are zoned Residential Single Family Medium/High Density (RS-3) and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Tennessee Circle Road and Callaway Lane as local roads.

LAND USE PLAN COMPLIANCE

The property does not have a land use classification.

APPLICANT HARDSHIP

The applicant states that two front yard setbacks along with existing easements take up a large portion of front yard and rear yard.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held August 29th, 5:30 p.m. Two neighboring property owners attended the meeting. No objections or concerns regarding the requested variance were expressed.

The variance for the pool will not have any visual or aesthetic impacts on the street corridor.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 74 Williamson Place

Address of property 5514 Callaway Lane, Existing or Proposed

Zoning Classification RS-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

- | <u>FROM</u> | | <u>TO</u> | |
|--------------------|---|-------------------------------|--|
| <u>25'</u> | - | 20' ^{20'} | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Katrina M Chesher
Owner or Agent Name (please print)

Katrina M Chesher
Owner

or

479-461-1148
Owner or Agent Phone Number

Agent

5514 Callaway Lane
Ft. Smith, Ar 72916
Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	_____	Is this variance needed because of previous actions taken by yourself?
_____	_____	Is this variance needed because of previous actions taken by a prior owner?
_____	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	_____	Is the lot of an odd or unusual shape?
_____	_____	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_____	Is any part of the lot in a flood plain or flood way?
_____	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	_____	Is the lot developed with structures in violation of current zoning requirements?
_____	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

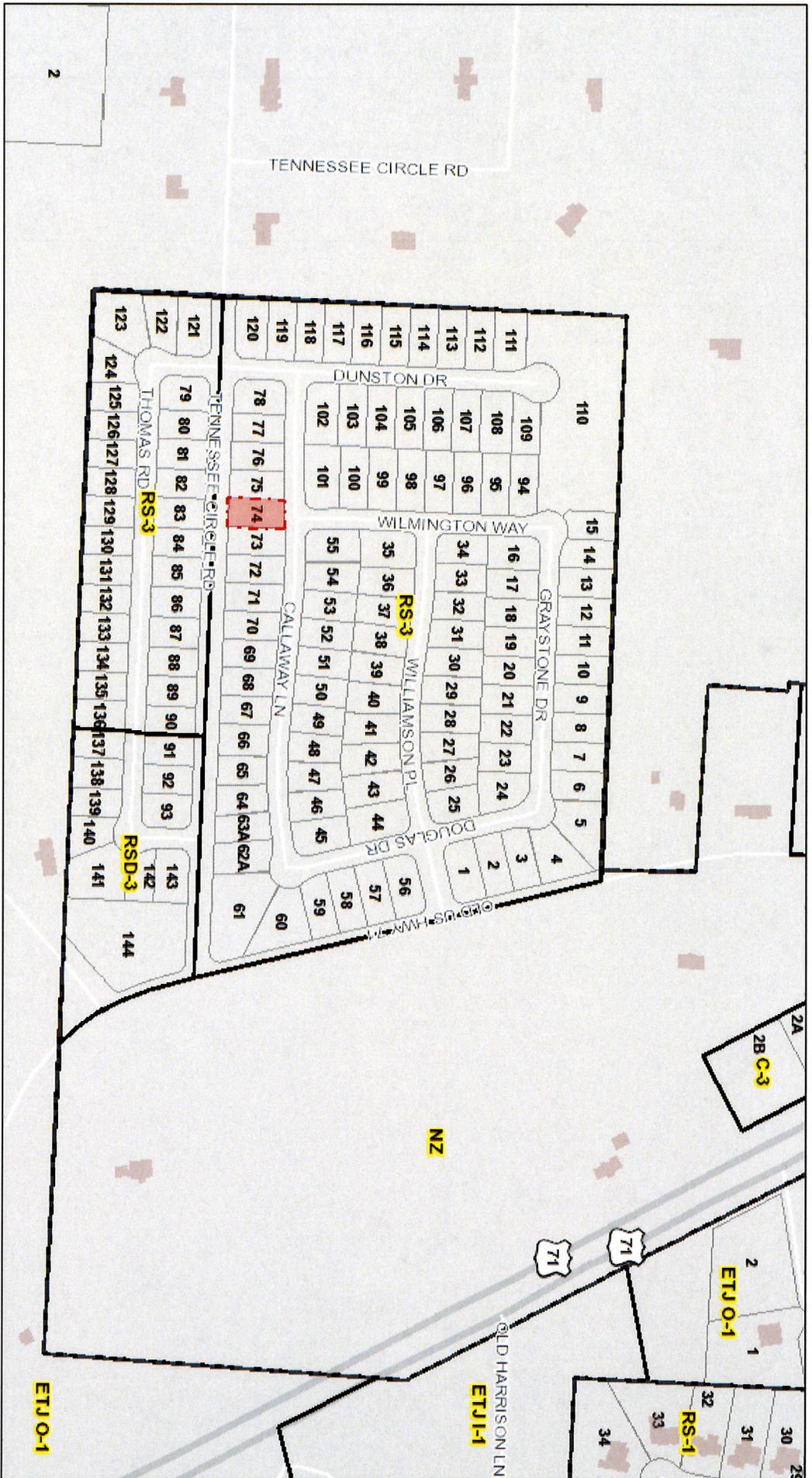
Having 2 Front Yard Set Backs Has Been a Challenge. The backyard has an easement and building setback that leaves me only 15ft from my house to enjoy my new home. (which is my patio) An extra (approx) 4ft would allow me to complete the vision I have for my family.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

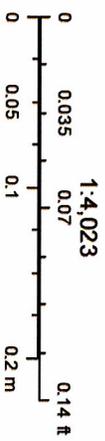
Variance #24-9-14: From 25' to 20' rear yard setback (double frontage lot)
5514 Callaway Lane

FS



August 19, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions



Katrina Cheshier Residential Pool
 Lot #74 Williamson Place at Rye Hill
 5514 Callaway Lane
 Fort Smith, Arkansas



BIGGERSTAFF MINDEN & HALL P.A.
 ARCHITECTS & PLANNERS
 305 NORTH GREENWOOD FORT SMITH, ARKANSAS 72901 (479) 782-5049 FAX 782-5040

SITE PLAN

BM & H

REVISIONS:

DATE:
08-11-14

PROJECT NO.:
14-11

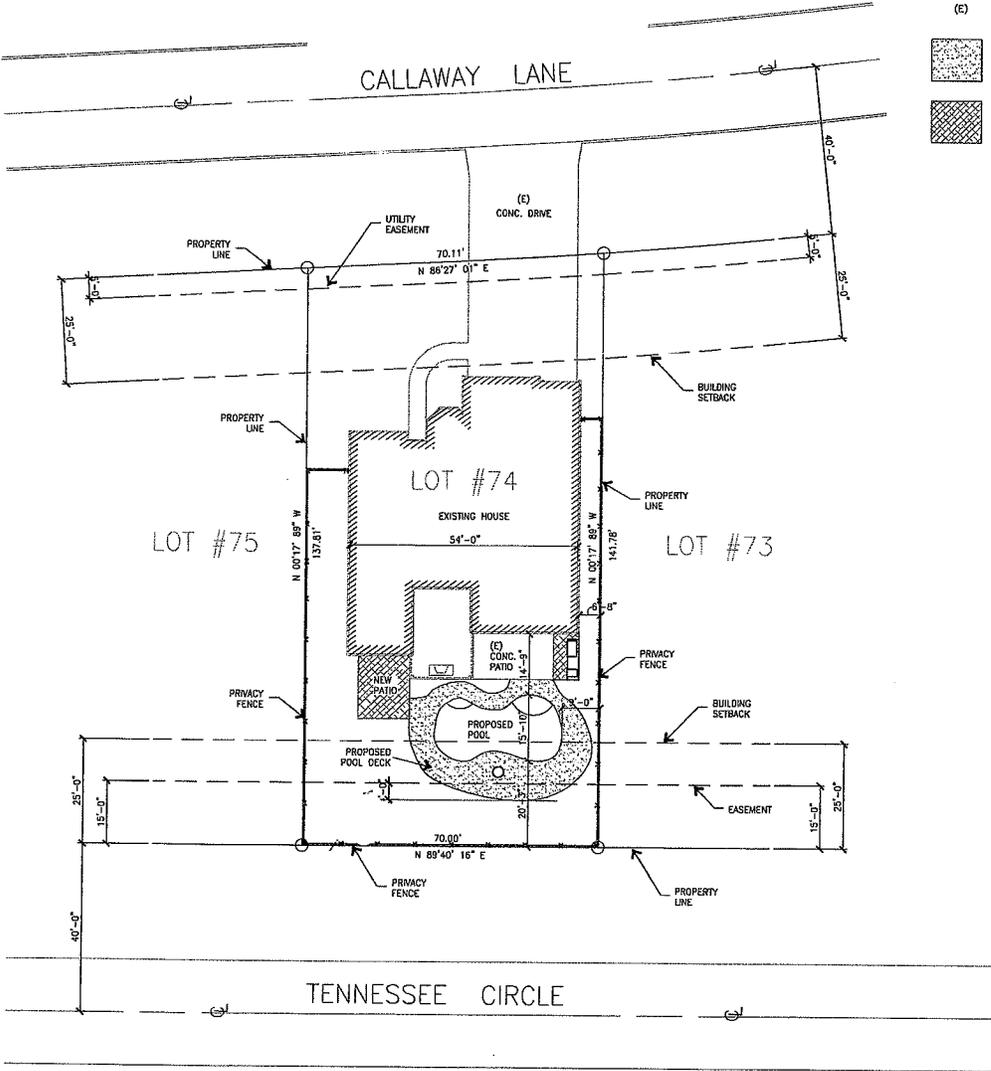
SHEET:
C1 OF 1

FINAL

51

SITE LEGEND

-  EXISTING BUILDING
-  EXISTING CENTER LINE
-  PROPERTY LINE
-  BUILDING SETBACKS AND EASEMENTS
-  (E) FENCE
-  (E) EXISTING CONCRETE
-  PAVERS



SITE PLAN
 SCALE: 1" = 20'-0"

A

NOTE:

OWNER SEEKS A VARIANCE TO INSTALL POOL AND POOL DECK IN THE 25' BUILDING SETBACK AND THE 15' EASEMENT LOCATED ON THE SOUTH PROPERTY LINE. PROPOSED POOL DECK WILL ENCRÖACH 4' INTO THE SOUTH EASEMENT.

Andrews, Brenda

From: Miller, Perry
Sent: Friday, September 05, 2014 10:17 AM
To: Andrews, Brenda
Subject: FW: Neighborhood Meeting

From: Katrina Cheshier [<mailto:kmcheshier@hotmail.com>]
Sent: Friday, September 05, 2014 9:54 AM
To: Miller, Perry
Subject: Neighborhood Meeting

Tyler,

Here is the email per our conversation this morning. The meeting was held as scheduled and I had 2 neighbors that came to the meeting. They had no questions and no concerns.

Memo

To: City Planning Commission

From: Planning Staff

Date: August 27, 2014

Re: Variance #25-9-14 - A request by Hugh Maurras, agent for Gary Monroe, for Board of Zoning Adjustment consideration of a zoning variance request from 30 feet to 10' rear yard setback at 1610 South 46th Street.

REQUESTED VARIANCE

If approved this variance would allow for the construction of a 30' x 28' garage addition to the rear of the structure.

LOT LOCATION AND SIZE

The subject property is on the west side of South 46th Street at the intersection with South "P" Street. The tract contains an area of approximately 0.31 acres with approximately 100 feet of street frontage along South 46th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2). Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

GA

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 7,000 square feet
- Maximum Building Size – 30,000 square feet
- Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet
- Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)
- Minimum Lot Width – 50 feet
- Minimum Street Frontage – 20 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 10 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback - 10 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light and is developed as a parking lot.

The areas to the east are zoned Residential Single Family Duplex Low/Medium Density and is developed as single family residences.

The area to the south is zoned Commercial Light and is developed as an office.

The area to the west is zoned Commercial Light and is developed as a single family residence.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 46th Street as a Residential Collector.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

6B

APPLICANT HARDSHIP

The hardship is due to the enhanced rear yard setback when adjacent to a single family residential or to single family zoning. The rear yard setback under normal circumstances is 10 feet, but when adjacent to a single family residential development it increases to 30 feet. There is an existing single family residential to the rear of the property located at 4517 South P Street.

STAFF COMMENTS AND RECOMMENDATIONS

Mr. Maurras has talked with the owner of the single family house regarding the requested variance. The owner has indicated that he has no opposition to the requested variance. Staff has received no objections or concerns regarding the variance.

The single family house is currently zoned C-2, which would allow the property to be converted to a non-single family use.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

If approved, staff would also recommend the following comment:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Var. # 25-9-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

N 100' OF E 136' OF LOT 8 BLK 1

Address of property 1610 S. 46TH ST., Existing or Proposed

Zoning Classification C-2, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

- | <u>FROM</u> | | <u>TO</u> | |
|--------------------|---|------------------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| <u>30'</u> | - | <u>10'</u> | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

6D

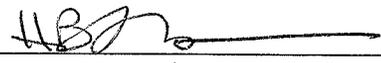
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

HUGH MAURRAS
Owner or Agent Name (please print)

Owner

479-414-2495
Owner or Agent Phone Number

or

Agent

3509 Old Oaks Lane Fm, 03
Owner or Agent Mailing Address

Variance # _____

6E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>✓</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>✓</u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>✓</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>✓</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>✓</u>	Is the lot of an odd or unusual shape?
_____	<u>✓</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>✓</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>✓</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>✓</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>✓</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>✓</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

6F

Explanation of question #4 (if applicable)

The variance is needed due to set-back requirements regarding property zoned C2 adjoining residential. I am requesting a variance from a 30' set-back on the west side of said property to a 10' set-back as per C2 zoning limits.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

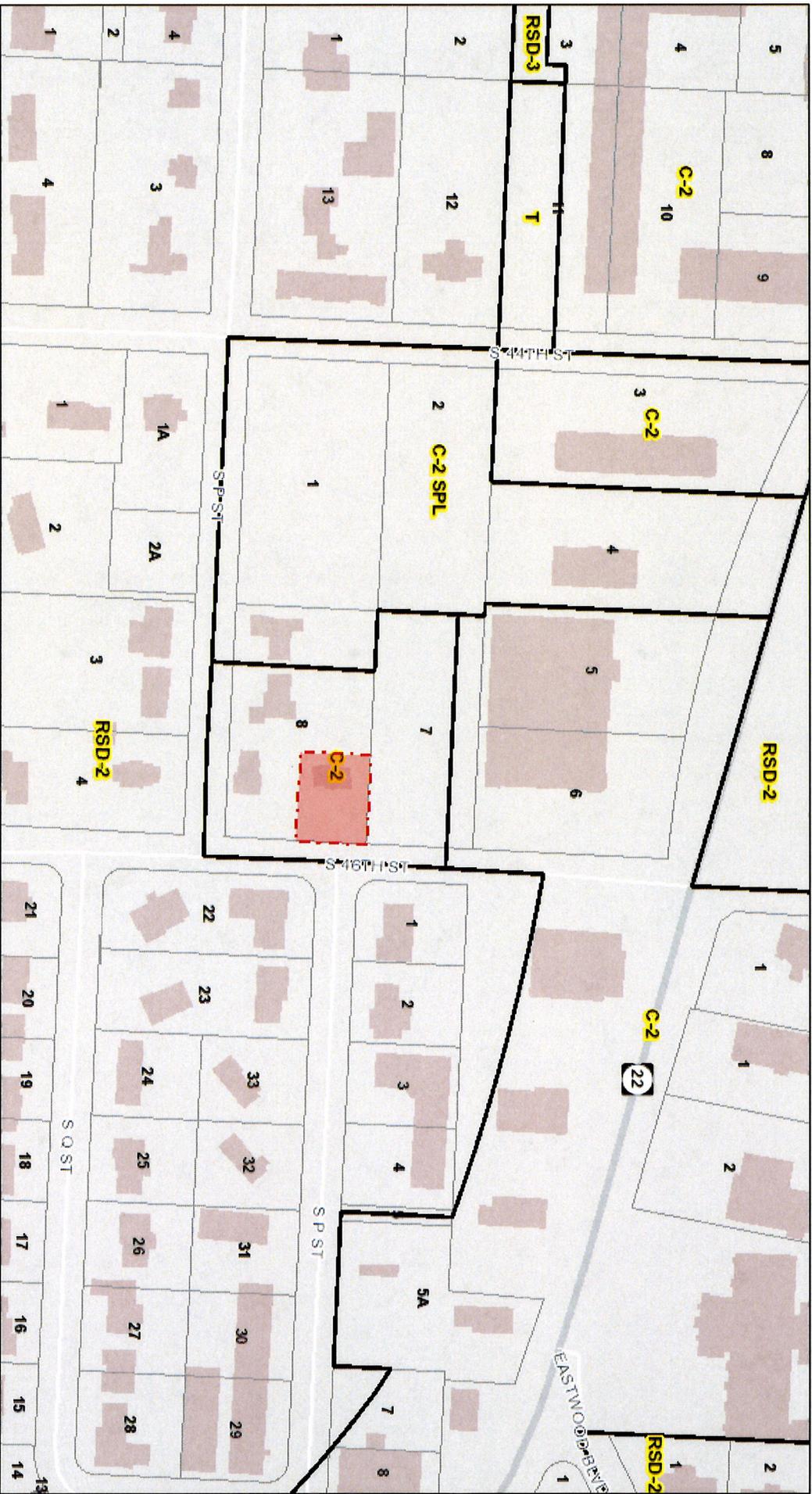
Current zoning restricts the construction of additional 'covered' parking due to set-back limitations.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

LG

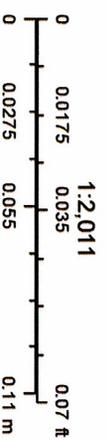
Variance #25-9-14: From 30' to 10' rear yard setback 1610 South 46th Street

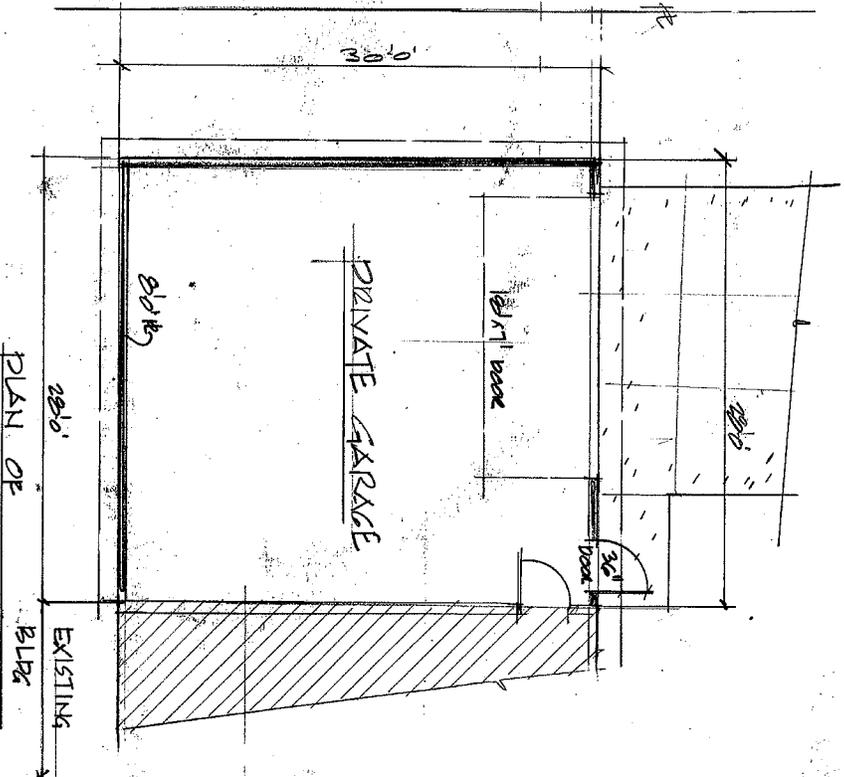
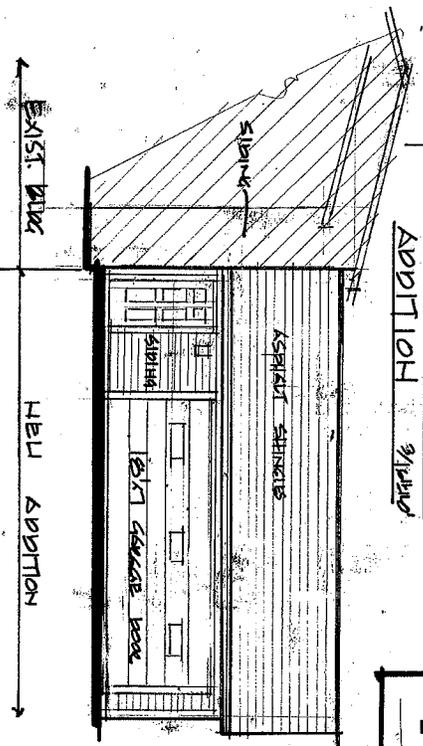
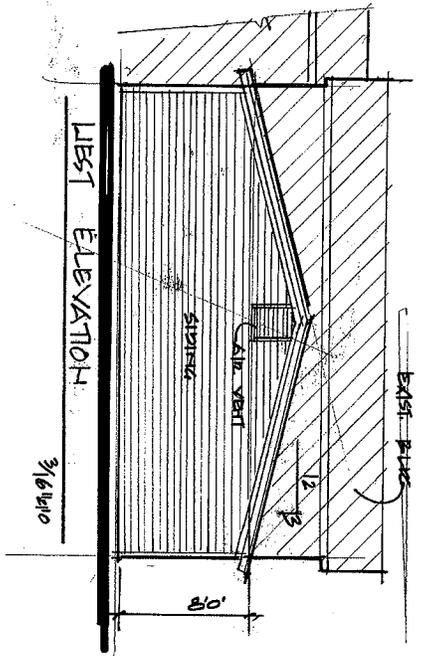
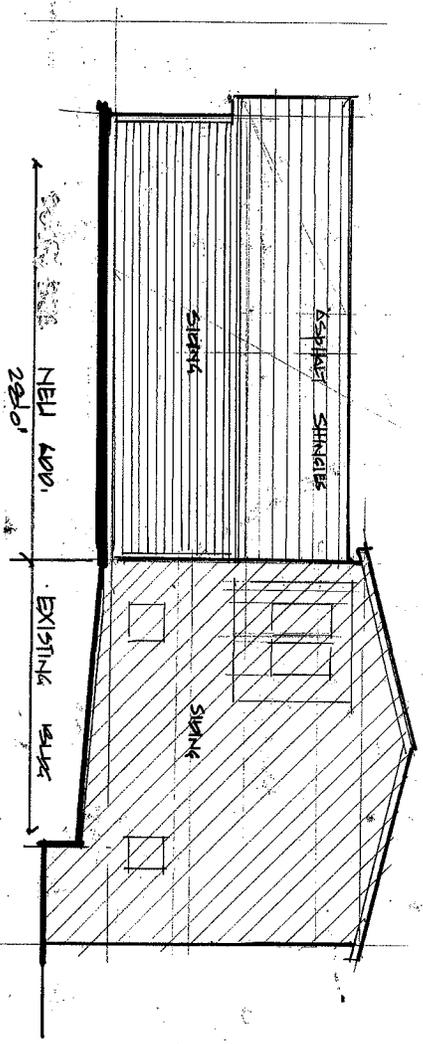
6H



August 18, 2014

-  Fort Smith City Limits
-  Building Footprints
-  Zoning
-  Subdivisions





PLAN OF
ADDITION
28'-0"
EXISTING
BLDG
31'-6"

Plans for addition at
1610 South 46th street
 Fort Smith, Arkansas

65

Sheet
1-1

Memo

To: City Planning Commission

From: Planning Staff

Date: August 26th, 2014

Re: Variance #26-9-14 - A request by Jeffrey Nelson, agent for Valley Behavioral Health, for Board of Zoning Adjustment consideration of a zoning variance request from 40,000 square feet to 65,600 square feet maximum building size located at 10301 Mayo Drive (Companion to item #2)

REQUESTED VARIANCE

The variance if approved will allow for a 12,000 s.f. building expansion for additional medical beds and a new classroom to the existing building.

LOT LOCATION AND SIZE

The subject property is on the east side of Mayo drive down a secluded private street. The tract contains an area of 7.79 acres with approximately 30 feet of street frontage along Mayo Drive.

EXISTING ZONING

The existing zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

NA

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

All of the surrounding areas are zoned transitional and undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Mayo Drive as a local road.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Public Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature.

APPLICANT HARDSHIP

The applicant states that the existing structure already exceeds the allowable size and the building is located on a larger 7.79 acre site. The applicant also states that if the expansion is approved it would not create a hardship to any adjacent property owners because the building addition would not be visible.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting will be held Monday, September 8th 2014. Details of the meeting will be provided to the planning commission.

The existing development was originally constructed before the current regulations. In staff's opinion, the increase in the building size will have no impact on surrounding properties.

7B

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Van #26-9-14

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 1A, Massard Oaks

Address of property 10301 Mayo Drive, Existing or Proposed

Zoning Classification T-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

FROM

TO

_____ - _____ Front Yard Setback or Minimum Distance from Right-of-Way

_____ - _____ Exterior Side Yard Setback

_____ - _____ Interior Side Yard Setback

_____ - _____ Rear Yard Setback

_____ - _____ Maximum Height of Structure

_____ - _____ Minimum Distance Between Structures on the Same Lot

_____ - _____ Minimum Lot Area (Square Feet)

_____ - _____ Minimum Lot Frontage

_____ - _____ Maximum Size of a Sign

40,000 - 65,600 Other: Maximum Building Size

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 15 day of AUGUST, 2014.

Signed:

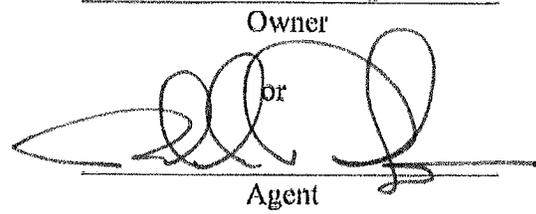
Jeffrey P. Nelson
Owner or Agent Name (please print)

630-628-7930
Owner or Agent Phone Number

330 S. Fairfank St. Addison IL 60101
Owner or Agent Mailing Address

Owner
or

Agent



Variance # _____

7E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	_____ <u>X</u> _____	Is this variance needed because of previous actions taken by yourself?
_____	_____ <u>X</u> _____	Is this variance needed because of previous actions taken by a prior owner?
_____	_____ <u>X</u> _____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	_____ <u>X</u> _____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	_____ <u>X</u> _____	Is the lot of an odd or unusual shape?
_____	_____ <u>X</u> _____	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u>X</u> _____	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	_____ <u>X</u> _____	Is any part of the lot in a flood plain or flood way?
_____	_____ <u>X</u> _____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>X</u> _____	_____	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u> _____	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

7 F

Explanation of question #4 (if applicable)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

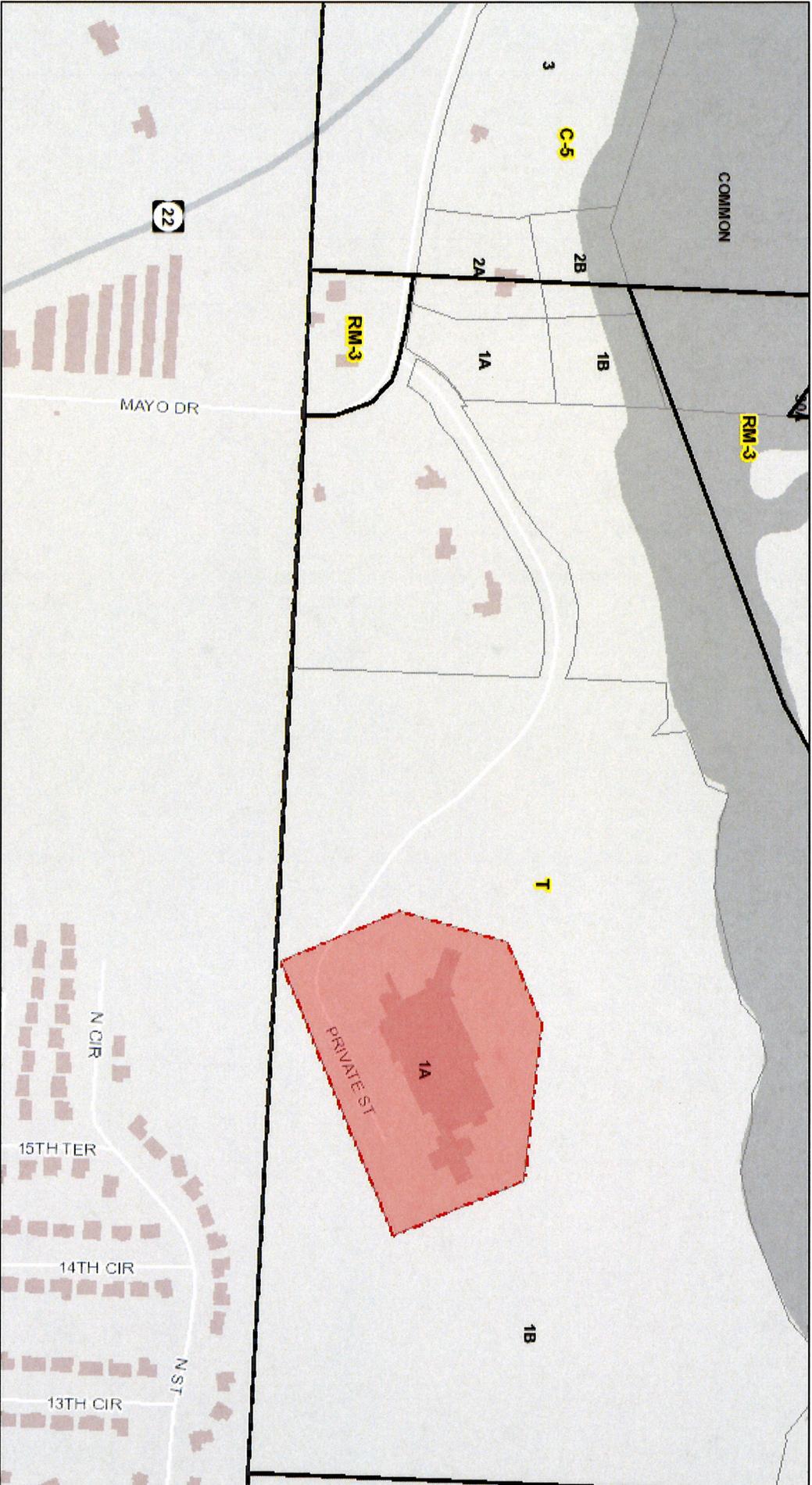
The existing structure is already larger than the allowable size. A new addition on the 7.79
acre site would not cause hardship to any adjacent owner as the addition is not visible
from the street or adjacent property.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Building existed before the zoning and falls into conditional use as a hospital, but
building size was never appropriate.

Variance #26-9-14: From 40,000 to 65,600 Maximum Building Size 10301 Mayo Drive

HC



August 18, 2014

-  Fort Smith City Limits
-  Building Footprints
-  Zoning
-  Subdivisions

CONTACTS

Client: Sebastian County
 Project: Valley View Addition
 Project No: 22013
 Date: 08/15/2014
 Project Location: 10301 Mayo Drive, Barling, AR 72003
 Architect: Morgan & Lutz, Inc.
 10301 Mayo Drive, Barling, AR 72003
 Phone: (479) 649-8484
 Email: jmorgan@morganandlutz.com
 Engineer: MCKE WAGNER COLEMAN, INC.
 3434 Country Club Ave., Fort Smith, AR 72204
 Phone: (479) 649-8486
 Email: info@mwc-engr.com

UTILITY CONTACTS

City of Fort Smith
 200 N. Main Street, Room 200
 Fort Smith, AR 72201
 Phone: (479) 792-4233
 Fax: (479) 792-4233
 Email: info@cityofsmith.com

Arkansas Electric Cooperative
 1000 N. Main Street
 Fort Smith, AR 72201
 Phone: (479) 649-3900
 Fax: (479) 649-3901
 Email: info@arkpower.com

GENERAL INFO

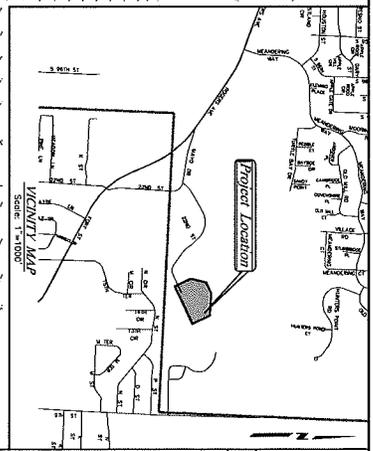
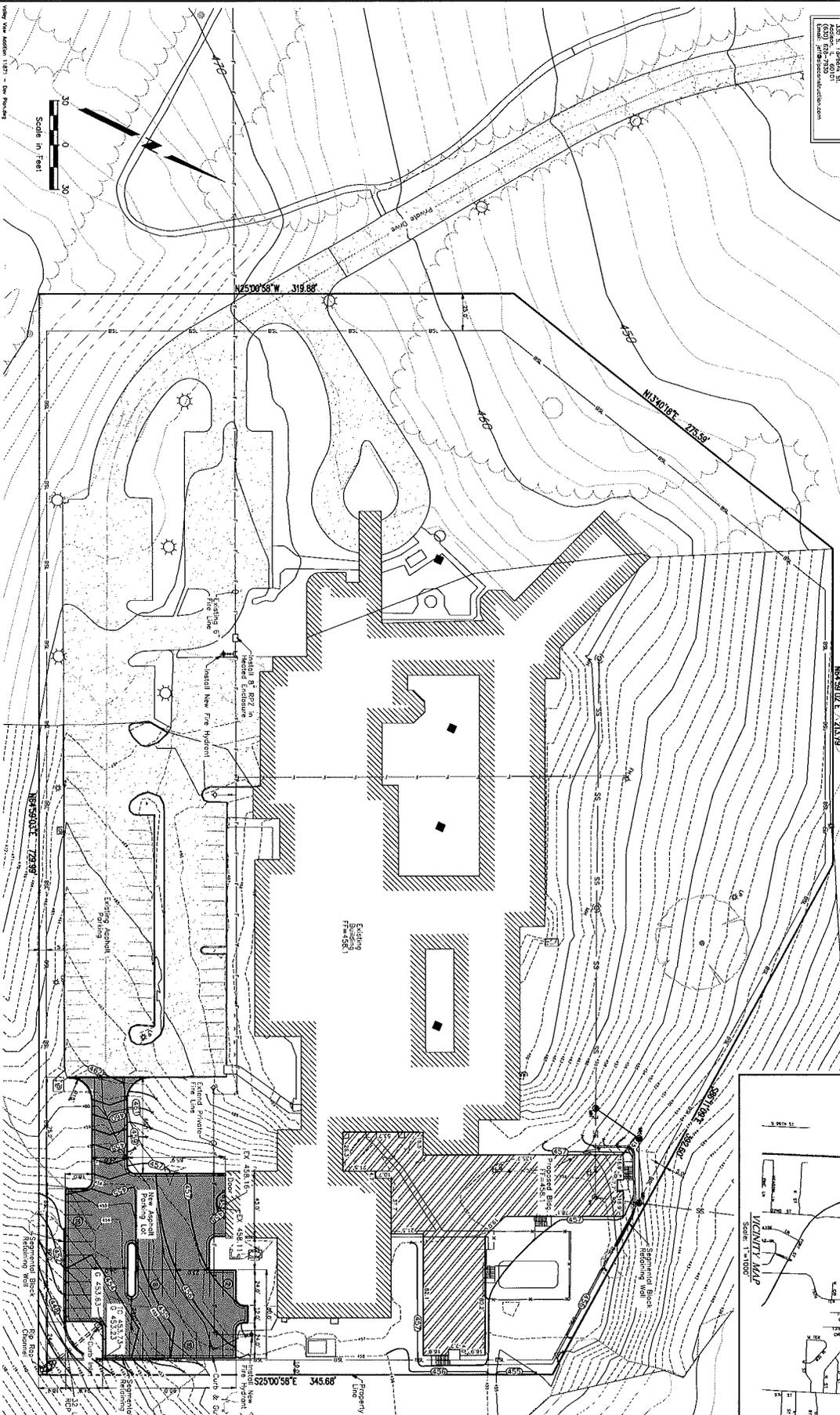
Lot 1A
 Building Area - Existing (sf): 53,644
 Building Area - Proposed (sf): 68,544
 Total Area: 7,779 sqm
 Total Number of 2nd-Story Spaces Proposed: 132 (139 sq. ft. = 28 sqm)
 Uses by Town Model Code and Ordinance
 Zoning: T-3

BUILDING INFO

Building Height: 25 feet
 Number of Floors: 2
 Proposed Sq. Footage: 68,544
 Address: 10301 Mayo Drive
 Barling, AR 72003

LEGAL DESCRIPTION

Lot 1A - Mossard Oaks, 7.79 Acres.



PRELIMINARY DEVELOPMENT PLAN
VALLEY VIEW ADDITION
 10301 MAYO DRIVE
 BARLING, SEBASTIAN COUNTY, ARKANSAS

MICKLE WAGNER COLEMAN Engineers-Consultants-Surveyors
 3434 Country Club Ave. (479) 649-8484
 P.O. Box 1507 Fax: (479) 649-8486
 Fort Smith, Arkansas info@mwc-engr.com

DATE	REVISION	BY

7

Memo

To: City Planning Commission

From: Planning Staff

Date: August 28, 2014

Re: Variance #27-9-14 - A request by John Griffin, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 15' to 2' exterior side yard setback at 2401 South "Q" Street

REQUESTED VARIANCE

The approval of this variance would allow for a garage (under construction) to have a reduced setback from 15' to 2' exterior side yard setback.

LOT LOCATION AND SIZE

The subject property is on the north east side of the intersection of South 24th Street and South "Q" Street. The tract contains an area of 0.16 acres with approximately 50 feet of street frontage along South "Q" Street and approximately 140 feet of street frontage along South 24th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- | | |
|---|--------------------------------|
| Minimum Lot Size – 6,500 square feet | Maximum Height - 40 feet (1+1) |
| Maximum Density – 20 Dwelling Units/Acre | Maximum Lot Coverage - 65% |
| Minimum Lot Width at Building Line – 60 feet | |
| Minimum Street Frontage – 20 feet | |
| Front Yard Setback - 25 feet | |
| Side Yard on Street Side of Corner Lot - 15 feet | |
| Side Yard Setback – 7.5 feet | |
| Rear Yard Setback - 10 feet | |
| Side/Rear adjacent to RS district/development – 30 feet | |
| Minimum building separation – 10 feet | |

SURROUNDING ZONING AND LAND USE

All areas surrounding this property are zoned Residential Multifamily Medium Density and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both South 24th Street and South “Q” Street as Local Roads.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance will not conflict with the goals and objectives of the Unified Development Ordinance.

APPLICANT HARDSHIP

The contractor applied and received a building permit for the proposed garage. The contractor failed to get his foundation inspection and proceeded with the construction. As a result, the garage was two feet in the right-of-way. The contractor constructed the front of the garage in line with the deck addition on the house. To facilitate the variance request, the contractor has proposed to remove four feet from the front of the garage.

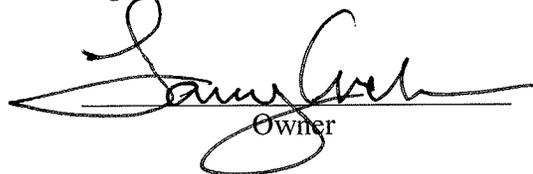
Upon field observation, the error was apparent because of the location of the existing fence and existing structures on the street. The building construction was started based on alignment with the other structures on the street. The new building should not be out of character or alignment with other buildings on the street.

8B

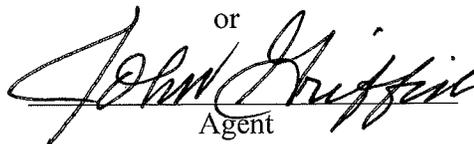
If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:


Owner

Larry Cochran
Owner or Agent Name *(please print)*

or

Agent

479-996-1214
Owner or Agent Phone Number

 2401
~~2300~~ South "Q" Street, Fort Smith, AR 72901
Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
_____	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
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_____	<u> X </u>	Is the lot of an odd or unusual shape?
_____	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> X </u>	_____	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u> X </u>	Is any part of the lot in a flood plain or flood way?
<u> X </u>	_____	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> X </u>	_____	Is the lot developed with structures in violation of current zoning requirements?
_____	<u> X </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

8F

Explanation of question #4 (if applicable)

Original platted Lot 15, 50' wide and a corner lot.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Current zoning setback requirements restricts the buildable area size.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

A garage is being constructed on this site and encroached into setback as shown on the attached survey.

Variance #27-9-14: From 15' to 2' exterior side yard setback 2401 South "Q" Street

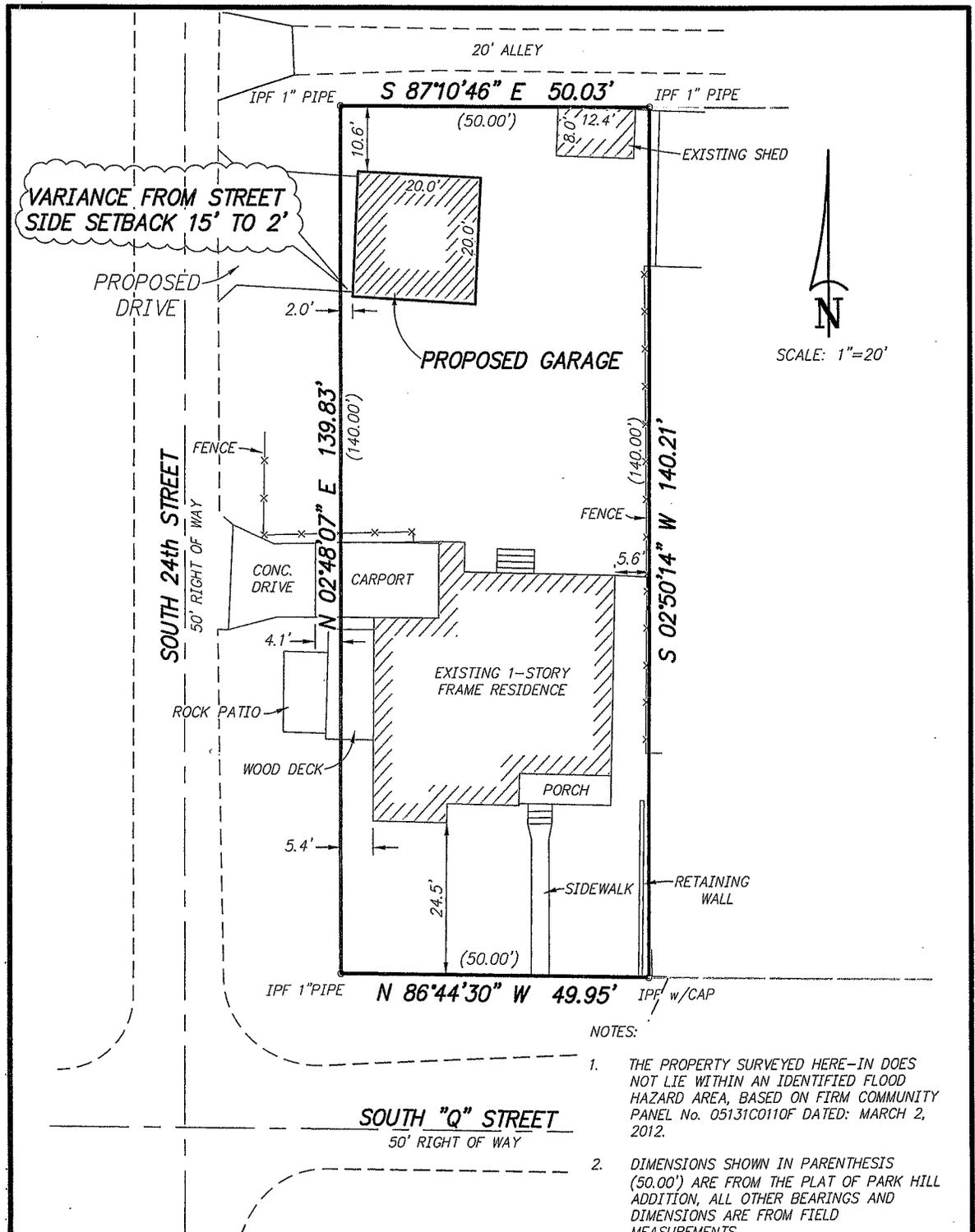
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August 18, 2014

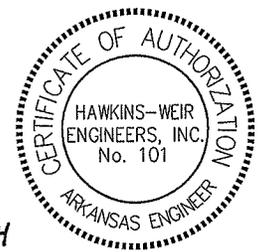
- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions





- NOTES:
1. THE PROPERTY SURVEYED HERE-IN DOES NOT LIE WITHIN AN IDENTIFIED FLOOD HAZARD AREA, BASED ON FIRM COMMUNITY PANEL No. 05131C0110F DATED: MARCH 2, 2012.
 2. DIMENSIONS SHOWN IN PARENTHESIS (50.00') ARE FROM THE PLAT OF PARK HILL ADDITION, ALL OTHER BEARINGS AND DIMENSIONS ARE FROM FIELD MEASUREMENTS.

FORT SMITH, ARKANSAS
SURVEY AND PLOT PLAN
 OF:
LOT 12, BLK. 6, PARK HILL
 2401 SOUTH "Q" STREET
 FOR: LARRY COCHRAN
 DATE: AUGUST 14, 2014



HW HAWKINS & WEIR ENGINEERS, INC.
 110 South 7th Street • Van Buren, Arkansas 72956 • (479) 474-1227
 211 Natural Resources Drive • Little Rock, Arkansas 72205 • (501) 374-4846
 www.hawkins-weir.com

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