PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MARCH 8, 2016

I. ROLL CALL

II. APPROVAL OF MINUTES FROM FEBRUARY 9, 2016

III. STAFF COMMENTS AND PROCEDURES

1. Conditional Use #4-3-16; A request by Rodney Ghan, agent for the City of Fort Smith, for a conditional use for a school located at 622 North 7th Street. (companion item to item #2)

2. A request by Rodney Ghan, agent for the City of Fort Smith, for an extension of time from 120 days (UDO Section 27-327-1) to 60 months for a temporary classroom located at 622 North 7th Street. (companion item to item #1)

3. Conditional Use #5-3-16; A request by Breck Childers, agent for James R. Childers for a conditional use for a parking lot located at 74 South 4th Street. (companion item to item #4)

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

4. Variance #7-3-16; A request by Breck Childers, agent for James R. Childers, for a variance from Section 27-602-3(B)(C) landscaping requirements located at 74 South 4th Street. (companion item to item #3)

RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISISON

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

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5. Conditional Use #6-3-16; A request by Renea Spoon, agent for Kevin and Carlena Weakley, for a conditional use for a daycare home with one (1) employee located at 6900 South 9th Street.

6. Home Occupation #1-3-16; A request by Redd Rahman for a home occupation for a custom leather goods and accessories business located at 1525 North Greenwood Avenue.

RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT

7. Variance #6-3-16; A request by Sam & Jessica Swilling for a variance from 7.5 feet to 5 feet interior side yard setback located at 4106 South "P" Street.

8. Variance #8-3-16; A request by Lachanthay Phoumy for a variance from 20 feet to 16.1 feet front yard setback located at 3713 Young Street.

9. Planning Commission discussion regarding a Resolution related to city projects.

PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 9, 2016

On roll call, the following Commissioners were present: Marshall Sharpe, Vicki Newton, Sarah Howe, Josh Carson, Bob Cooper, Jr., Talicia Richardson, Michael Redd and Rett Howard.

On roll call, the following Commissioners were absent: Don Keesee

Chairman Sharpe called for the vote on the Planning Commission minutes from the January 12, 2015, meeting. Motion was made by Commissioner Newton, seconded by Commissioner Howard and carried unanimously to approve the minutes as written

Mr. Wally Bailey spoke on the procedures.

1. **Rezoning #2-2-16; A request by Ron Brixey, agent for Vinson Williams, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by Classification located at 7821 Texas Road.**

   Ms. Maggie Rice read the staff report indicating the approval of this rezoning request would allow for the existing facility to be used for a family Support Services business. (The ARC for the River Valley). The land uses in the PZD are limited to churches and family support services.

   Ron Brixey was present to speak on behalf of this request.

   No one was present to speak in opposition to the request.

   Chairman Sharpe then called for the vote on the rezoning request. Motion was made by Commissioner Howard, seconded by Commissioner Newton and carried with a vote of 8 in favor, 0 opposed to approve the rezoning request subject to the following:

   - Compliance with the submitted project booklet.
   - Any required construction will require plans to be submitted for a building permit review.

   Chairman Sharpe then called for the vote on the rezoning request as amended.

The vote was 8 in favor and 0 opposed.

2. **A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson for a Master Land Use Plan Amendment from Open Space/Residential Detached to Office Research Light Industrial (ORLI) located at 5500 Massard Road.**

3. **Rezoning #3-2-16; A request by Jeff Lee, agent for John, Bequita, Mark, Janice, Kevin and Patti Goodson, for a zone change from Commercial Light (C-2) to a Planned Zoning District (PZD) by Classification located at 5500 Massard Road.**

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to allow for the existing facility to be used for an indoor mini-storage facility with the construction of new storage building and covered RV parking in the future.

Jeff Lee was present to speak on behalf of this request.

Ron Yates @ 8310 Rosewood Drive was present to speak in opposition to these requests citing his concerns relative to security lighting, property devaluations and the fact that tenants will have 24 hour access to the facility. Mr. Yates also submitted a photograph as an exhibit to the Planning Commission showing the view of this property from his property.

Ms. Andrews also referenced an e-mail from Mr. Jim Post who noted his opposition to these requests as being property devaluation and traffic hazards.

Chairman Sharpe then called for the vote on the master land use plan.
The vote was 7 in favor and 1 opposed. (Howe)

Chairman Sharpe then called for the vote on the rezoning request. The vote was 7 in favor and 1 opposed (Howe).

Motion was made by Commissioner Howard, seconded by Commissioner Redd and carried to approve these requests subject to the following:

1) The proposed pole barn structures for RV and boat storage are limited to the location at the rear of the property as shown in the PZD booklet.
2) The rooftops for the new storage buildings in Phase I shall consist of a muted color.

3) The rooftop equipment on the existing building shall be screened from the right-of- way.

4. **Rezoning #4-2-16; A request by Nick Griffin, agent for GLS properties, LLC, for a zone change from Commercial Light (C-2) and Commercial Heavy (C-5) by extension located at 5710 Rogers Avenue.**

5. **A request by Nick Griffin, agent for GLS Properties, LLC, for a development plan approval for a retail development located at 5710 Rogers Avenue.**

Ms. Maggie Rice read the staff reports indicating the purpose of these requests is to allow for the construction of a new Discount Tire facility.

Nick Griffin was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the rezoning request.
The vote was 7 in favor and 1abstention (Cooper).

Chairman Sharpe then called for the vote on the development plan.

Motion was made by Commissioner Redd, seconded by Howard and carried with a vote of 7 in favor and 1 abstention (Cooper) to approve the conditional use 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 described in this section will require Planning Commission approval.
- The shared parking agreement shall be filed at the courthouse for both properties.
- Western Sizzlin shall remove the existing pole sign to allow to allow Discount tire to place a new pole sign on the property.
- All signs require a separate plan submittal and approval prior to the issuance of a building permit to install the sign.

Chairman Sharpe then called for the vote on the development plan as amended.
The vote was 7 in favor and 1abstention (Cooper).

6. **Rezoning #5-2-16; A request by Pat Mickle, Agent for KMW Properties, LLC for a zone change from Commercial-5 Special (C-5-SPL to Commercial Heavy (C-5) by Extension located at 4501 & 4801 Phoenix Avenue.**

   Mr. Wally Bailey read the staff report indicating the approval of this rezoning will remove the special requirements placed on the property at an earlier rezoning which was for the property to be subject to site/development plan approval by the Planning Commission. The current requirement would require each building in the five (5) lot subdivision to be approved by the Planning Commission. With the UDO and the Phoenix Avenue Overlay Design Standards, this additional layer of approval should not be necessary.

   Pat Mickle was present to speak on behalf of this request.

   No one was present to speak opposition to this request.

   Chairman Sharpe then called for the vote on the rezoning request.

   Motion was made by Commissioner Redd, seconded by Commissioner Carson and carried with a vote of 5 in favor and 3 opposed (Redd, Newton and Carson) to approve the rezoning request, subject to the following:

   - Development shall occur in accordance with the submitted concept plan. Any significant changes from the submitted concept plan will require Planning Commission approval.
   - The development shall have access connectivity with the adjacent property to the east (Academy Sports & Outdoors).

   Chairman Sharpe then called for the vote on the rezoning request as amended. The vote was 5 in favor and 3 opposed. (Redd, Newton and Carson)

7. **A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a Master Land Use Plan Amendment from Residential Detached to Residential Attached located at 2511 Spradling Avenue.**

8. **A. Rezoning #6-2-16; A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for a zone change from Industrial Light (I-1) to Residential Single Family Duplex High Density (RS-4) by Classification located at 2511 Spradling Avenue.**

B. A request by Travis Brisendine, agent for Thongsavanh & Bouakham Mixayvanh, for deferral on development plan/preliminary plat located at 2511 Spradling Avenue.

Ms. Brenda Andrews read the staff reports indicating the purpose of these requests is to allow for a residential subdivision that will be developed as a Tax Credit Program development. Ms. Andrews noted that the proposed single family and duplex subdivision will be developed in phases. The first phase consisting of approximately 45 lots with single family homes which will require the submittal of a major plat and planning commission approval which at this time the developer is requesting be deferred until the plat has been completed.

Travis Brisendine was present to speak on behalf the request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the master land use plan.
The vote was 8 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the rezoning request.
The vote was 8 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the deferral of the development plan/preliminary plat.
The vote was 8 in favor and 0 opposed.

9. **Rezoning #7-2-16; A request by Michael Riley, agent for Southpointe Church, for a zone change from Not Zoned (NZ) to Residential Multifamily Medium Density (RM-3) by Classification located at 10001 Chad Colley Boulevard.**

10. **Conditional Use #3-2-16; A request by Michael Riley, agent for Southpointe Church, for a conditional use for a new church located at 10001 Chad Colley Boulevard.**

Ms. Maggie Rice read the staff reports indicating the purpose of these requests is to allow for the construction of an approximately 20,000 square foot church.

Michael Riley was present to speak on behalf the request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the rezoning request.
The vote was 8 in favor and 0 opposed.

Chairman Sharpe then called for the vote on the conditional use request.
Motion was made by Commissioner Newton, seconded by Commissioner Carson and carried with a vote of 8 in favor and 0 opposed to approve the conditional use request subject to the following:

- Construction must comply with the submitted development plan. Changes for 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 the section will require Planning Commission approval.
- Signage shall comply with the UDO and CCDG. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at the time of permit issuance certifying the digital sign has been set to be incapable of exceeding 0.3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.
- FCRA Design Review Committee approval is required prior to the issuance of a building permit.
- Approval of the rezoning application by the City board of Directors.

Chairman Sharpe then called for the vote on the conditional use request as amended.
The vote was 8 in favor and 0 opposed.

11. **A request by Branden Harris, agent for Sunchase Partners, LLC, for development plan approval for a multi-family development located at 3515 South 66th Street.**

Mr. Wally Bailey read the staff report indicating that the purpose of this development plan is to allow for the single family home to be removed and two new duplexes to be installed in its place.

Bransen Harris was present to speak on behalf the request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the development plan.
Motion was made by Commissioner Newton, seconded by Commissioner Carson and

carried with a vote of 8 in favor and 0 opposed to approve the development plan subject to the following:

- Construction must comply with the submitted development plan. Changes for 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 the section will require Planning Commission approval.
- All exterior lighting must comply with Section 27-602-5 of the Unified Development.
- The drainage shall be approved by the City Engineering Department.

Chairman Sharpe then called for the vote on the development plan as amended.
The vote was 8 in favor and 0 opposed.

RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT

12. **Variance #3-2-16; A request by Sisouphanh Linthavong, for a variance from 20 feet to 4.9 feet front yard setback and from 5 feet to 2.5 feet interior side yard setback located at 3409 Ridgeway Drive.**

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow for a two vehicle carport to be constructed.

Sisouphanh Linthavong was present to speak on behalf the request.

No one was present to speak in opposition to the request.

Chairman Sharpe then called for the vote on the variance request.
Motion was made by Commissioner Newton, seconded by Commissioner Howe and carried with a vote of 8 in favor and 0 opposed to approve the variance request subject to the following:

- The carport being attached to the structure and of conventional construction matching the house.
- Additionally, the carport cannot be located within the existing 15' utility easement.

Chairman Sharpe then called for the vote on the variance request as amended.

The vote was 8 in favor and 0 opposed.

Meeting Adjourned!

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2016

Re: Conditional Use #4-3-16 - A request by Rodney Ghan for Planning Commission consideration of a Conditional Use request for a secondary school located at 622 North 7th Street.

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for The Future School of Fort Smith (a public charter school) to operate at 622 North 7th Street.

LOT LOCATION AND SIZE

The subject property is the block contained within North G Street, North F Street, North 7th Street, and North 8 Street. The tract contains an area of 2.25 acres with approximately 327 feet of street frontage along North G Street, 300 feet of street frontage along North 8th Street, 300 feet of street frontage along North 7th Street and 324 feet of street frontage along North F Street. Additionally, the property includes one lot at the northwest corner of North 8th Street and North G Street and two lots at the southwest corner of North 8th Street and North F Street.

EXISTING ZONING

The existing zoning on this tract is Residential Historic (RH).
Characteristics of this zone are as follows:

Purpose:

To preserve and promote the educational, cultural and general welfare of the public through the preservation, protection, and restoration of the traditional architectural character and historic significance of structures located in the RH district. The RH zoning district is appropriate in the Residential Attached, Residential Detached, General Commercial, Mixed use Residential and Mixed Use Employment of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), family group home, retirement housing, bookstores, bridal shop, gift shop, art dealers, art galleries, hobby shop, bakery or confectionery shop, fruit and vegetable store, neighborhood store, financial

establishment, offices, restaurant, barber shop, salon, photography studio, tanning salons, performance theater, historical or archaeological institution, fire and police substations are examples of permitted uses.

Conditional Uses:

Multifamily, assisted living, bed and breakfast inn, goods sales (clothing, jewelry, luggage, shoes, accessories) utility substation, parks, fine art and performance education, library, primary and secondary schools, school business professional, preschool, nursery schools, daycare homes, churches, lodge or fraternal organization are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet
Maximum Density – 8.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 50 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 10 feet
Side Yard on Street Side of Corner Lot - 10 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 5 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The area to the northwest is zoned Residential Historic (RH) and is developed as an apartment complex.

The areas to the southeast, southwest, and northwest are zoned Residential Historic (RH) and are developed primarily as single family residences.

The area to the south is zoned Residential Historic (RH) and is developed as a warehouse.

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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 7th, North 8th, North G, and North F Streets as local roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies half of the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature. The other ½ of the site is classified as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – This property encompasses an entire city block with the majority of pick-up and drop-off occurring in the closed alley.

Drainage – No drainage plans have been submitted for review. All drainage documents shall be provided to the engineering department and shall be approved by the City of Fort Smith Engineering Department.

Landscaping – Landscaping shall not be less than what is required within the UDO but will require Fort Smith Historic District Commission approval.

Screening – No information has been provided for any screening for the site.

Parking – All parking is purposed on the southeast side of the block and also located on the corners on North G Street and North 8th Street and on North 8th Street and North F Street.

Signage – No new signage is purposed at this time. All new signage will require Fort Smith Historic District Commission approval.

Lighting – No new lighting information has been provided. All new lighting shall comply with the UDO and be approved by the Fort Smith Historic District Commission.

Architectural features – No elevations have been provided at this time. Any exterior changes or additions will require Fort Smith Historic District Commission approval.

Height and Area – No elevations have been provided at this time.

NEIGHBORHOOD MEETING

A neighborhood meeting was held February 23rd at 4:00 p.m. on site. Five surrounding property owners attended the meeting. The property owners did not oppose the request but they had questions. Enclosed is a summary of the report as well as an attendance record.

STAFF COMMENTS AND RECOMMENDATIONS

The Future School of Fort Smith is requesting to operate at this location. The school at maximum capacity will have 450 students in grades 10, 11, and 12. They have submitted a five year master plan for approval. In Phase I the school is requesting to place a temporary structure for classroom space but at the end of the five year period the temporary structure will be removed.

Any exterior changes to the property including parking, building additions, landscaping, lighting, and signage will require Fort Smith Historic District Commission approval prior to work beginning.

Staff recommends approval of the application contingent upon:

1. Fort Smith Historic District Commission approval of all exterior changes or additions.
2. Landscaping shall not be less than what is required in the UDO but will require Fort Smith Historic District Commission approval.
3. A traffic study is being prepared. The traffic study / information was not ready for inclusion within the Planning Commission packet.

Conditional Use # 4-3-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: City of Fort Smith

Name of Authorized Agent (if applicable) Rodney H. Ghan

Legal Description of property included in the conditional use request:

All of Block 35 & Lot 12 of Block 36 & Lots 7 & 8 of Block 34 original City of Fort Smith

Street Address of Property:

622 N 7th Street Fort Smith AR 72901

Existing Zoning Classification:

H-1

Proposed Zoning Classification (if applicable):

N/A

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

Requesting a conditional use for a school at the described property.

What amenities are proposed such as landscaping and screening?

N/A

Rodney H. Ghan
Owner or Agent Name (please print)

4611 Rogers Ave, Ste 201
Owner or Agent Mailing Address

479-478-6161
Owner or Agent Phone Number

Signed:

Owner

Or

Agent

1E

Miller, Perry

To: Rice, Maggie
Subject: RE: 622 N 7th Street

Maggie,
A short summary of the concerns and/or questions posed at the neighborhood meeting for 622 N. 7th Street, Fort Smith, AR.

- The types of landscaping along the sidewalks, particularly the trees. Making sure the roots of the trees used would not end of destroying the sidewalks.
  Answer ~ all landscaping will have to be approved by Belle Grove Historic District all neighbors will have a chance to review it then, once it has been decided on.

- Would there be speed limit signs put up to control the speed on 7th Street? This is currently an issue pursuant to a couple of the neighbors present.
  Answer~ Maggie, representing the City, will request speed limit signs be installed now. This is outside of everyone's are of specialty but the discussion was it is likely that when the school opens signs will have been installed for school zone speed limit laws.

- The question was asked would the school provide security. Also, would it barricade or fence the parking lot and gate it after hours. One neighbor was concerned about parties being hosted in the parking lot after hours. Same neighbor was also concerned that it would bring more opportunity for thieves to break into cars during hours.
  Answer~ Purchaser of real estate currently has no intentions of barricading or fencing the parking lot or school grounds at this time. School representative stated it would be monitored as needed to maintain the student safety. Also, other neighbors noted if you see a party after hours you should contact the police.

- One neighbor asked if a there would be a band, there was a concern that the band may practice outside.
  Answer ~ School Representative no marching band, yes possibly orchestra type band. Typically practice and class would occur in a class room setting no guarantees on a nice day that a student may not take advantage of the weather and practice outside. It was also noted the hours of the school are 9am – 4 or 5pm.

- There was discussion that it would be a good idea for the school to work closely with the police department with regards to the sex offender's list prior to opening day of the school.
  There was no real question to answer here it was just a discussion that it may help improve the neighborhood by forcing some of the offenders to relocate.

I think I got all the questions here, Rodney is out of the office so I didn't have back up to double check my memory! Let me know if you need anything else or missed something.
Thanks EL

Thanks,
Evea Lomon
Assistant to Rodney H. Ghan
Ghan & Cooper Commercial Properties
4611 Rogers Avenue, Suite 200
Fort Smith, AR 72903
Phone (479) 478-6161
Fax (479) 478-6160
Email: evea@rhghan.com

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ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 622 N 7th Street, Ft Sm, AR

Meeting Time & Date 4pm - February 23, 2016

Meeting Purpose Discuss Conditional Use Application

	NAME	ADDRESS	PHONE #
1.	Shandrah Bremner	418 N. 7th	479-285-8241
2.	Barbara Gann	708 N. 7th	479-414-0595
3.	Emory DOCKERY	The Ozark Home	311 General Delivery 479-782-3388
4.	[illegible]	524 N 8th	479 782 7859
5.	Alicia Richardson	509 N. 7th	214 912-0353
6.			
7.			
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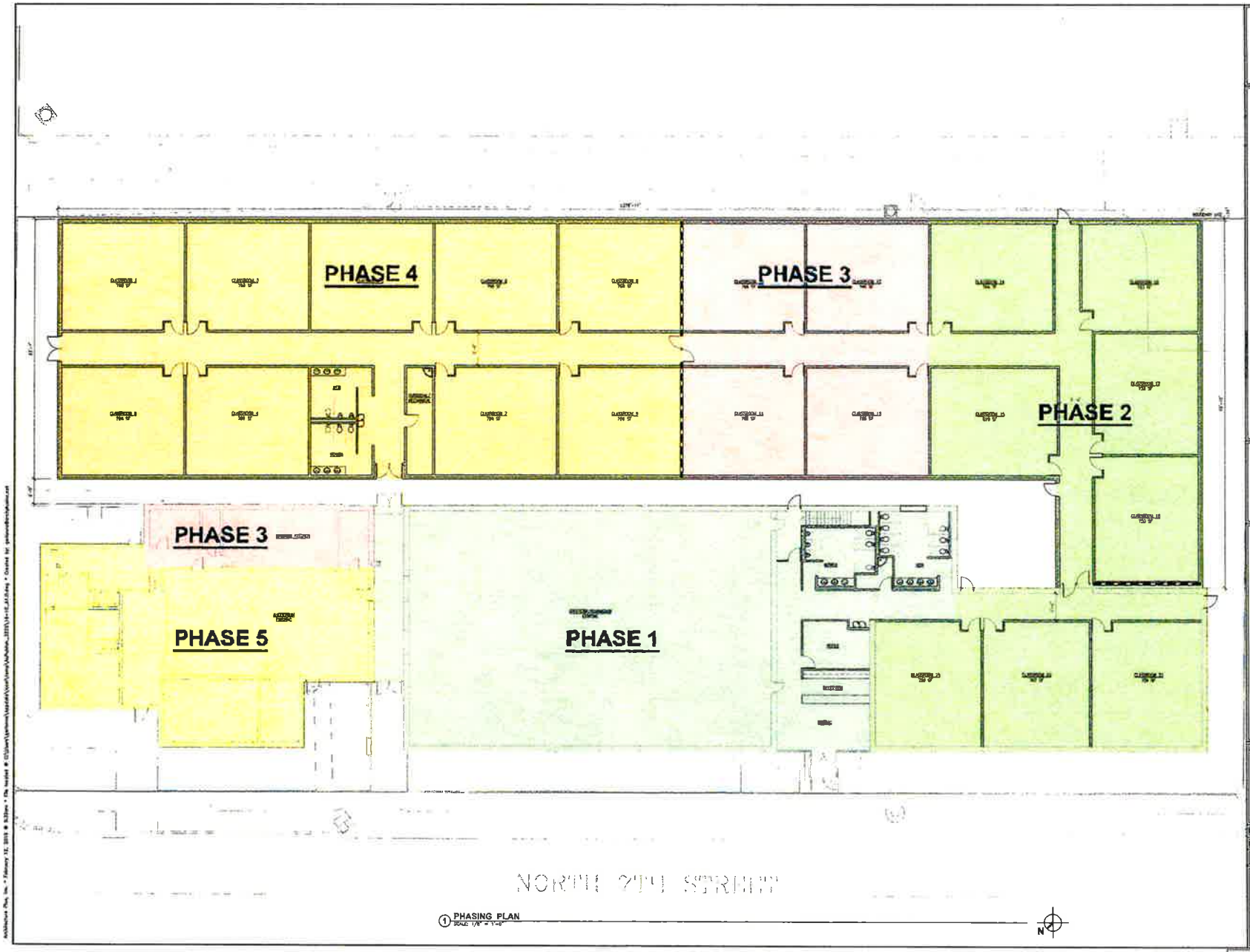
11.			



1 PHASING PLAN
SCALE: 1/8" = 1'-0"

FUTURE SCHOOL OF FORT SMITH
CHARTER SCHOOL
622 N. 7TH
FORT SMITH, ARKANSAS

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-6395

PHASING PLAN

REVISIONS:

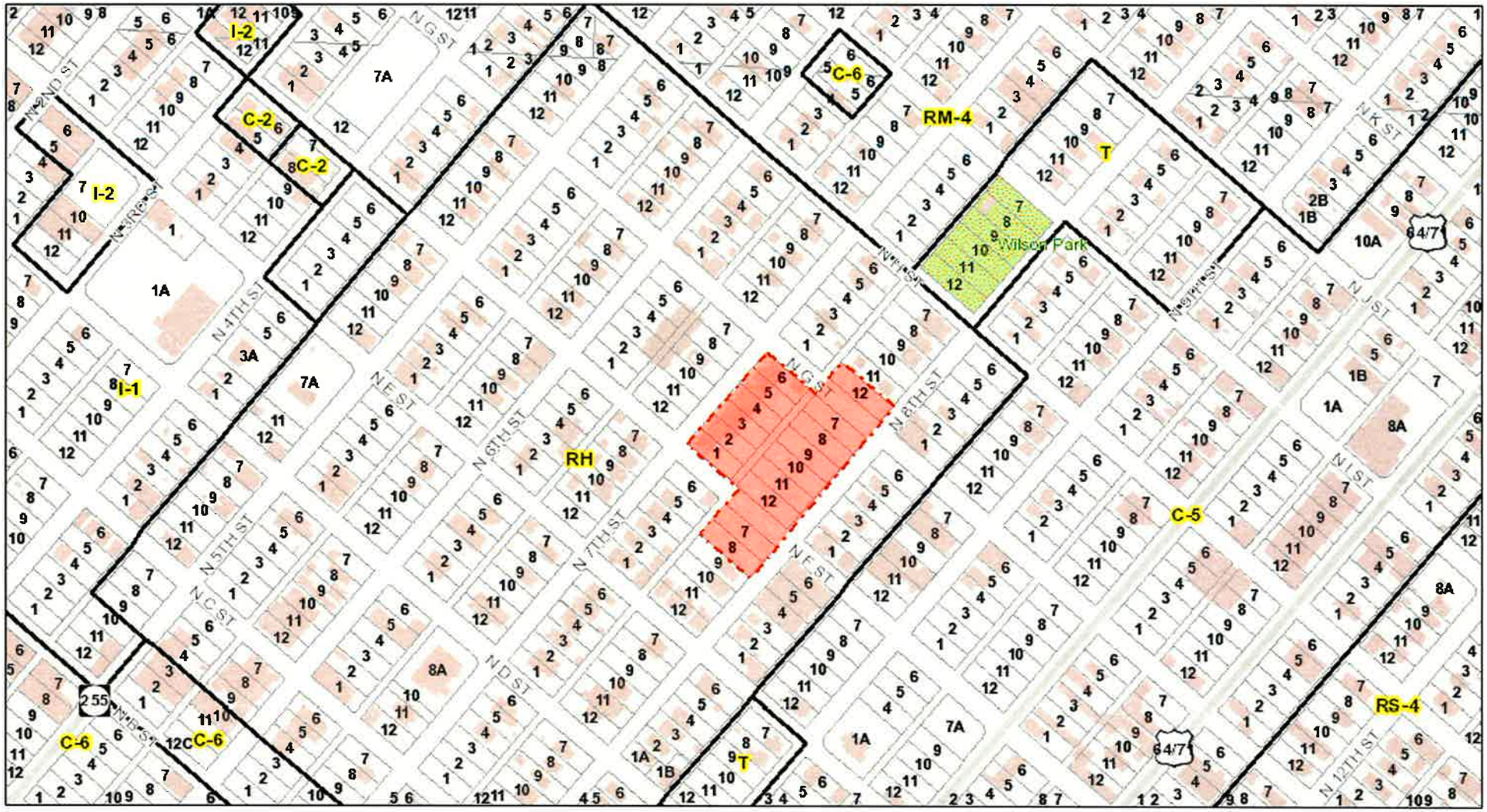
PROJECT: 16-10
DATE: 02-12-18
1 OF 1

ARCHITECTS • PLANNERS

NOT FOR CONSTRUCTION

H1

Conditional Use #4-3-16: School
622 North 7th Street



February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

Building Footprints

1:4,023

0 187.5 375 750 ft

0 55 110 220 m

City of Fort Smith GIS
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The City of Fort Smith ARKANSAS

March 3, 2016

Marshall Sharpe, Chairman
Fort Smith Planning Commission

Dear Marshall:

The Fort Smith Historic District Commission is in support of the Future School of Fort Smith locating at 622 North 7th Street. This item was discussed at the February 4, 2016 meeting. If you have any questions please do not hesitate to ask.

Thanks,

Graham Sharum, Chairman
Fort Smith Historic District Commission

623 GARRISON AVENUE
P.O. BOX 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

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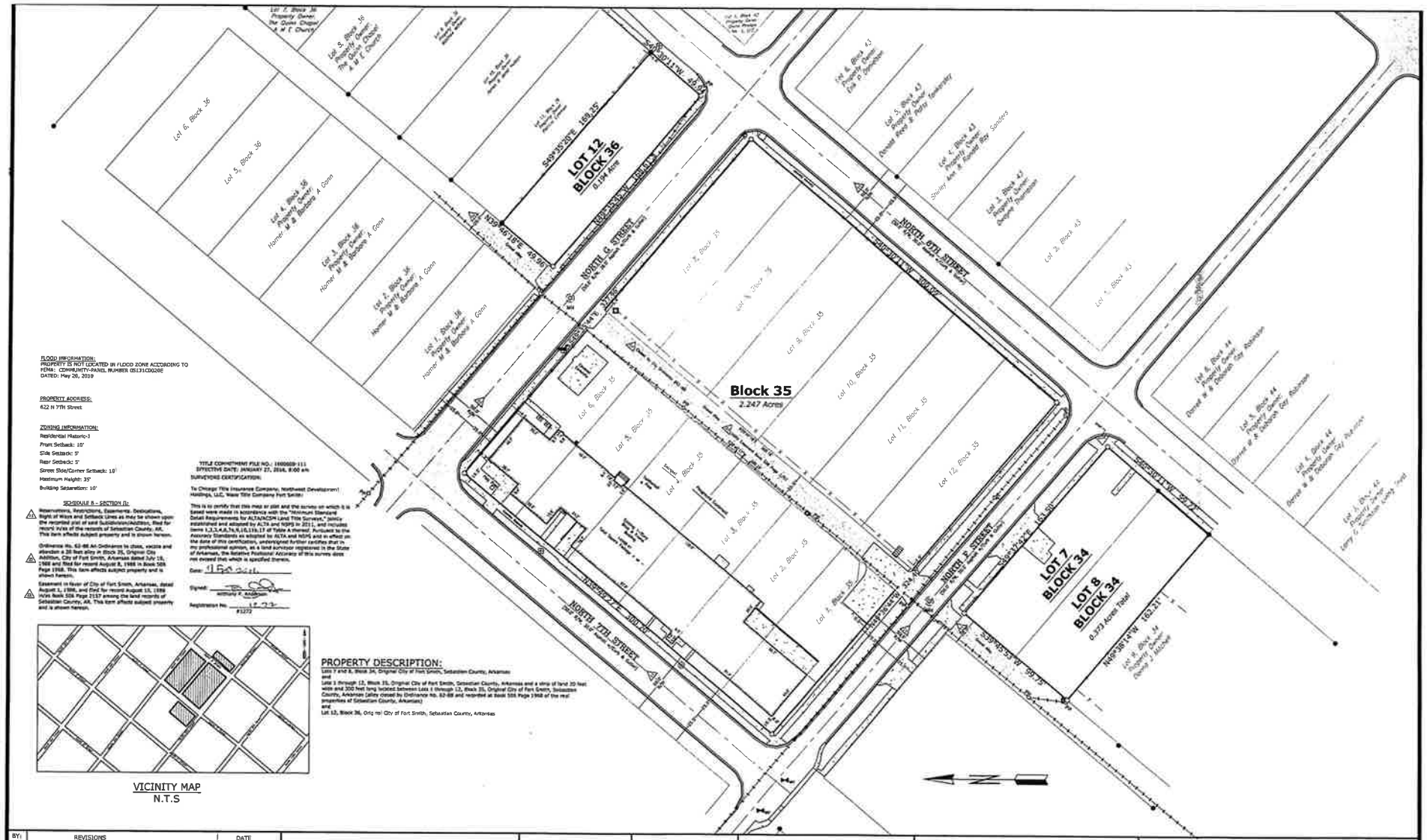
Miller, Perry

From: Bailey, Wally
Sent: Tuesday, February 23, 2016 9:55 AM
To: Andrews, Brenda; Buckner, Janey; Miller, Perry; Monaco,Tom; Perceful, Lestene; Rice, Maggie; Striplin, Bill
Subject: 622 North 7th - School

Mr. Eric Danielson from Fayetteville owns property near the proposed school. Mr. Danielson called me this morning (479-675-6447) to ask questions about what was planned. After explaining this to him he was favorable for the development. He had received the invitation for the neighborhood meeting but would not be able to make it to the meeting.

Wally Bailey
Director of Development Services
P.O. Box 1908 (02)
623 Garrison Avenue (01)
Fort Smith, AR 72901
479-784-2216

1K



FLOOD INFORMATION:
PROPERTY IS NOT LOCATED IN FLOOD ZONE ACCORDING TO FEMA: COMMUNITY-PANEL NUMBER 05131C0020E DATED: May 20, 2010

PROPERTY ADDRESS:
422 N 7TH Street

ZONING INFORMATION:
Residential Historic-1
Front Setback: 10'
Side Setback: 5'
Rear Setback: 5'
Street Side/Corner Setback: 10'
Maximum Height: 35'
Building Separation: 10'

SCHEDULE B - SECTION II:

(1) Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon the recorded plat of said Subdivision/Addition, filed for record in/as of the records of Sebastian County, AR. This item affects subject property and is shown hereon.

(2) Ordinance No. 62-88 An Ordinance to close, vacate and abandon a 20 feet alley in Block 35, Original City Addition, City of Fort Smith, Arkansas dated July 19, 1988 and filed for record August 8, 1988 in Book 508 Page 1968. This item affects subject property and is shown hereon.

(3) Easement in favor of City of Fort Smith, Arkansas, dated August 1, 1986, and filed for record August 13, 1986 in/as Book 506 Page 2157 among the land records of Sebastian County, AR. This item affects subject property and is shown hereon.

TITLE COMMITMENT FILE NO.: 1600669-111
EFFECTIVE DATE: JANUARY 27, 2016, 8:00 am

SURVEYORS CERTIFICATION:

To Chicago Title Insurance Company; Northwest Development Holdings, LLC; Waxe Title Company Fort Smith:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2011, and includes items 1,2,3,4,6,7a,8,9,10,11b,13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Arkansas, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Date: 15 March

Signed: Anthony F. Anderson

Registration No. 1523 #1272

VICINITY MAP
N.T.S

PROPERTY DESCRIPTION:

Lots 7 and 8, Block 34, Original City of Fort Smith, Sebastian County, Arkansas
and
Lots 1 through 12, Block 35, Original City of Fort Smith, Sebastian County, Arkansas and a strip of land 20 feet wide and 200 feet long located between Lots 1 through 12, Block 35, Original City of Fort Smith, Sebastian County, Arkansas (alley closed by Ordinance No. 62-88 and recorded at Book 508 Page 1968 of the real properties of Sebastian County, Arkansas)
and
Lot 12, Block 36, Orig nal City of Fort Smith, Sebastian County, Arkansas

BY:	REVISIONS	DATE

LEGEND

- = SET REBAR
- = EXISTING IRON PIN
- = SET MAG/SPIKE
- = EXISTING RR/SPIKE
- = SET NAIL
- = EXISTING NAIL
- = EXISTING STONE
- = EXISTING MONUMENT
- = EXISTING FENCE
- = EXISTING FENCE POST
- = OVER HEAD POWER LINE
- = POWER POLE
- = MAN HOLE
- = WATER METER
- = ELECTRIC/TELEPHONE PEDESTAL
- = GAS METER
- = LIGHT POLE
- = WATER VALVE
- = FIRE HYDRANT
- = CLEANOUT

BASIS OF BEARING:
Arkansas State Plane NORTH based on GPS observation

30 0 30
Scale in Feet

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — NO. 1523 — ANTHONY F. ANDERSON

CERTIFICATE OF AUTHORIZATION — ANDERSON SURVEYING INC. — No. 1001 — ARKANSAS

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Ar 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
ALTA/ACSM LAND TITLE SURVEY OF
ALL OF BLOCK 35 &
LOT 12 OF BLOCK 36 &
LOTS 7 & 8 OF BLOCK 34
Original City of Fort Smith

DATE: 2-9-2016
JOB NO: 16-01-17
SCALE: 1"=30'

FOR USE BY:
Northwest Development Holdings, LLC

E:\Projects\16-01-17\16-01-17.dwg, 2/9/2016 12:33:31 PM, MDG

12

MOT FOR CONSTRUCTION

ARCHITECTS · PLANNERS

SITE

DATE: 03-12-16

PROJECT: 16-10

REVISIONS:

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-8385

MASTER SITE PLAN

FUTURE SCHOOL OF FORT SMITH
CHARTER SCHOOL
622 N. 7TH
FORT SMITH, ARKANSAS

IM

Extension of Time

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2016

Re: Extension of Time - A request by Rodney Ghan, agent for the City of Fort Smith, for Planning Commission consideration of an extension of time from 120 days (UDO Section 27-327-1) to 60 months for a temporary classroom located at 622 North 7th Street.

The Planning Department is in receipt of a request from Rodney Ghan for the approval of a modular building for a temporary classroom located at 622 North 7th Street.

Section 27-327-1 allows the Director to grant temporary use permits for classroom facilities (for public or private institutions) and similar uses that do not involve retail or ford or beverage sales activities. This is provided that the uses shall comply with parking, signs, sanitation requirements, etc. for the area and shall not constitute a nuisance for adjacent neighboring or nearby properties. Permits for periods in excess of one hundred twenty (120) days must be reviewed and approved by the Planning Commission.

The attached letter from Mr. Rodney Ghan includes a request for a time extension from 120 days to 60 months. The request is for a temporary classroom that will be used while the existing building is being remodeled and additions to the building are being constructed. A phasing plan showing the development of the school is enclosed.

STAFF COMMENTS AND RECOMMENDATIONS

The Fort Smith Historic District Commission approved the temporary classroom at their February 4th meeting.

Staff recommends approval of the application contingent upon the following:

1. Approval of the companion Conditional Use application.
2. The proposed structure must comply with the minimum building and life safety and fire code requirements.

Fort Smith City Planning Department
Attention Maggie Rice

To Whom It May Concern,

This letter represents my formal request to extend the time allowed in the Fort Smith City Ordinance, Section 27-327-1 from 120 days to 60 months for the continual use of a modular building. The modular building will be used for the Future School, which is a Public Charter School. The location proposed for the modular building will be at the northwest corner of North 8th and North F Street.

The modular building will be used for temporary classrooms during the renovations of the Girls, Inc. property. The requested time needed to complete the renovation is to allow renovations in phases as the school grows. Phases will be complete in July of each year for the next five years.

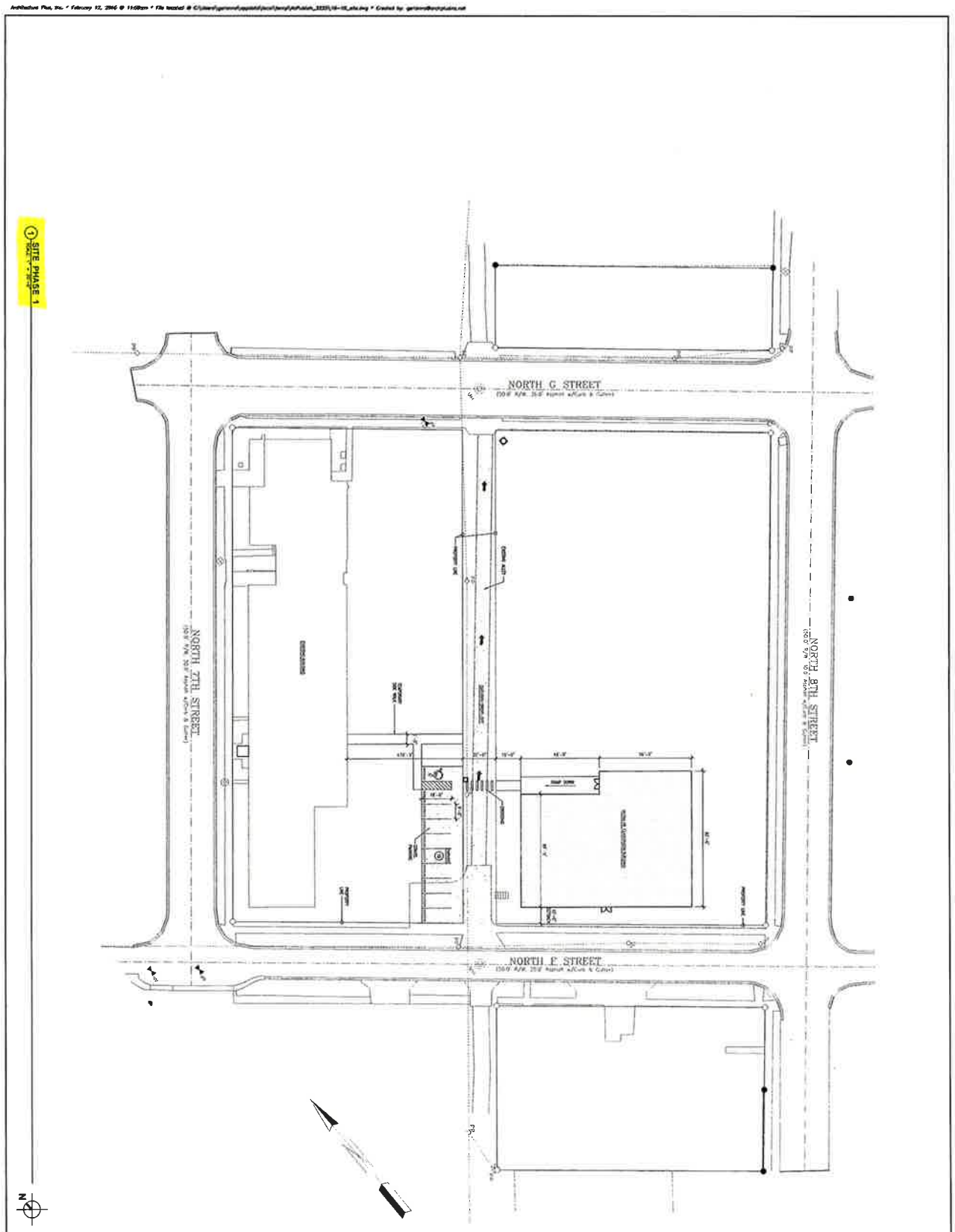
I have provided a site plan showing the proposed location and a set of plans for your review.

Thank you for your time and consideration in this matter.

Sincerely,

Rodney H. Ghan

2B



NOT FOR CONSTRUCTION

ARCHITECTS - PLANNERS

SITE PHASE 1

PROJECT: 16-10

DATE: 02-12-18

REVISIONS:

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-8395

SITE PHASE 1

FUTURE SCHOOL OF FORT SMITH
CHARTER SCHOOL

622 N. 7TH
FORT SMITH, ARKANSAS

2C

1 PHASING PLAN
SCALE: 1/8" = 1'-0"

FUTURE SCHOOL OF FORT SMITH
CHARTER SCHOOL
622 N. 7TH
FORT SMITH, ARKANSAS

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-8393

PHASING PLAN

REVISIONS:

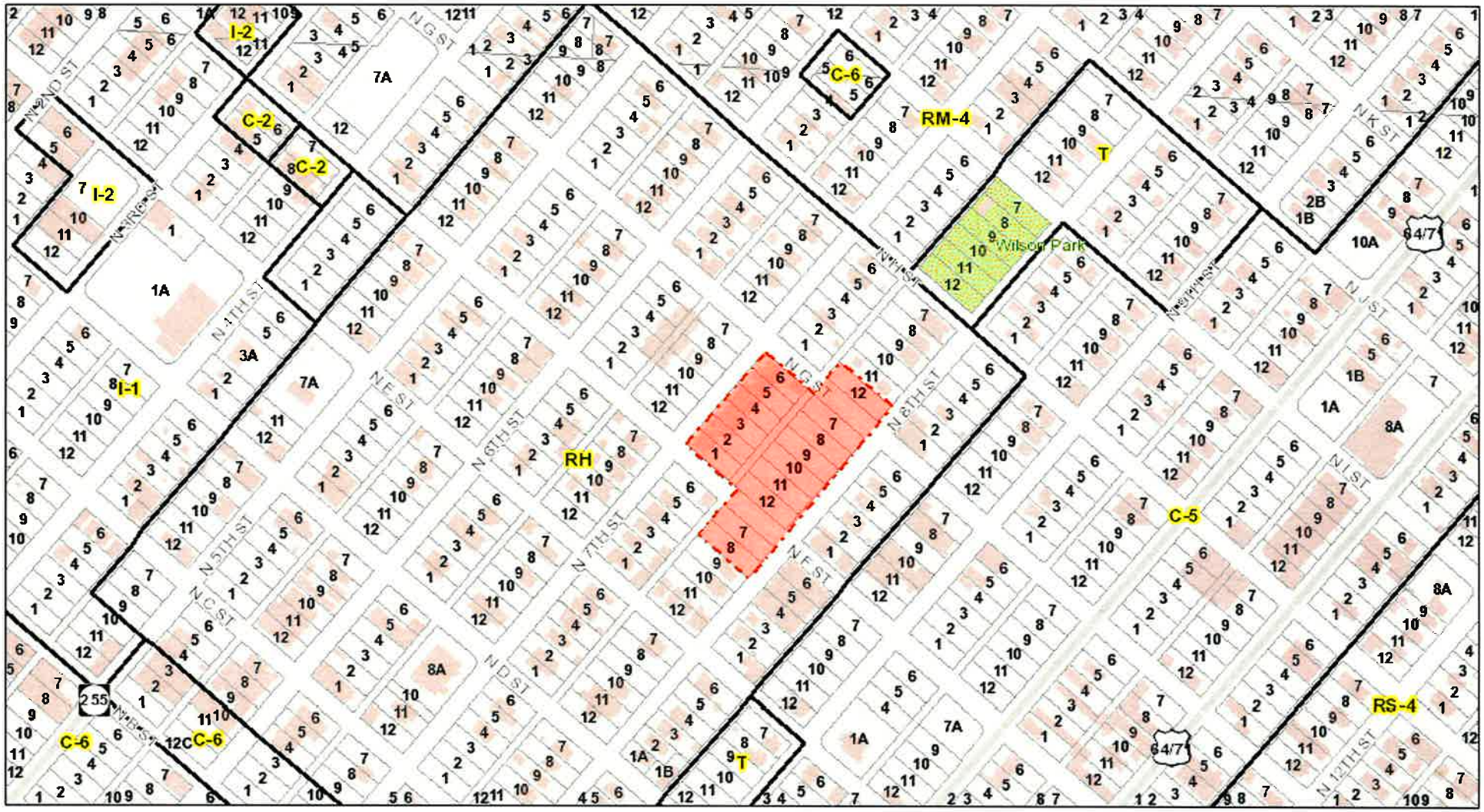
PROJECT: 16-10
DATE: 02-12-16
1 OF 1

ARCHITECTS - PLANNERS

NOT FOR CONSTRUCTION

20

Time Extension from 120 days to 60 months
622 North 7th Street



February 15, 2016

Fort Smith City Limts

Building Footprints

Zoning

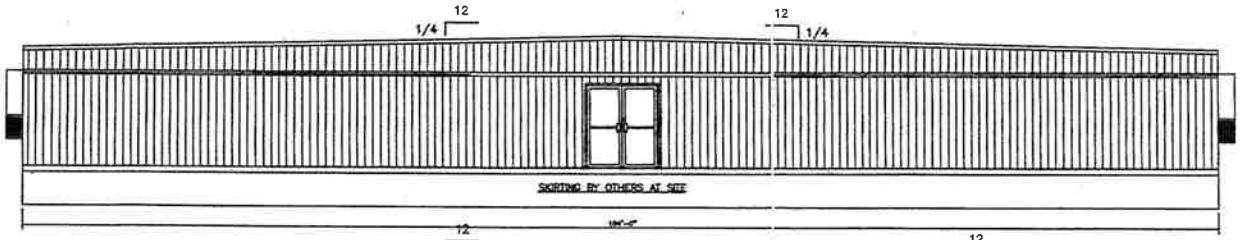
Subdivisions

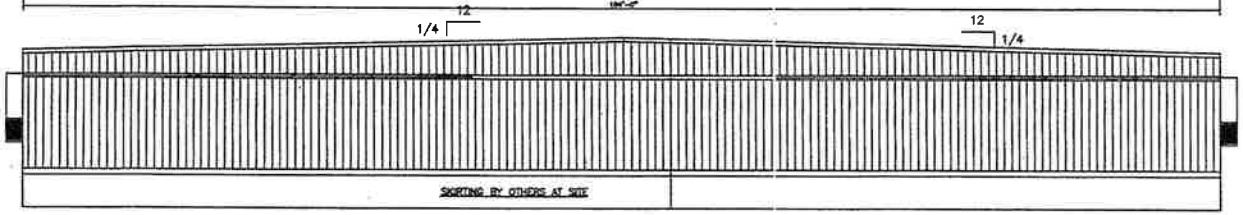
1:4,023

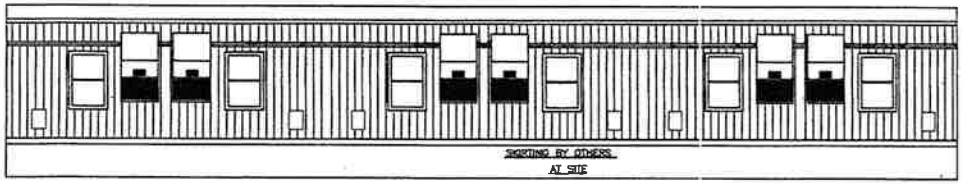
0 187.5 375 750 ft

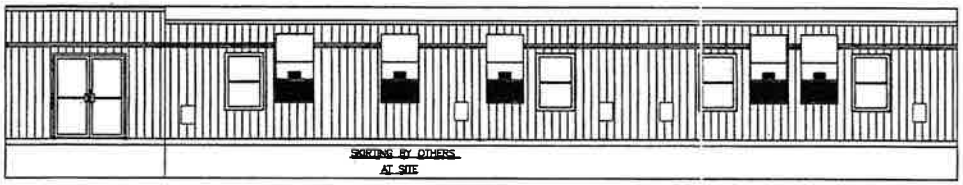
0 55 110 220 m

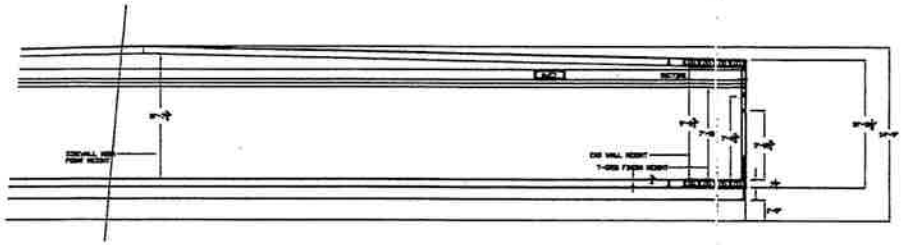
City of Fort Smith GIS
Copyright 2013, City of Fort Smith

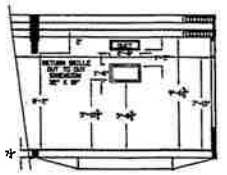










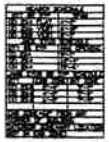


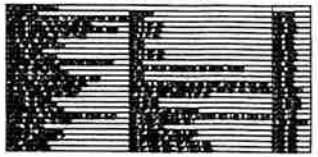
MISSOURI
PUBLIC SERVICE
COMMISSION
APPROVED
7/22/11
MANUFACTURED
HOUSING

APPROVED BY

JUL 19 2011

NTA INC.





PROFESSIONAL ENGINEER
STATE OF MISSOURI
ERIC
TOMIUS
NUMBER
PE-2006002634
07/19/2011

ELEVATIONS/ CROSS SECT.

SOUTHERN MODULAR INDUSTRIES

SMI

2701 Magnet Street
Houston, TX 77054

2830 Barrett Ave
Perris, CA 92571

84x112 (82'-6"X104'-0") CLASSROOM/LAB

SCALE: 1/8"=1'-0"	DATE: 6/28/11	PROJ# 2963.01.11
DRAWN BY: BS/RB	PAGE: 6OF7	DWG# SM11052-06

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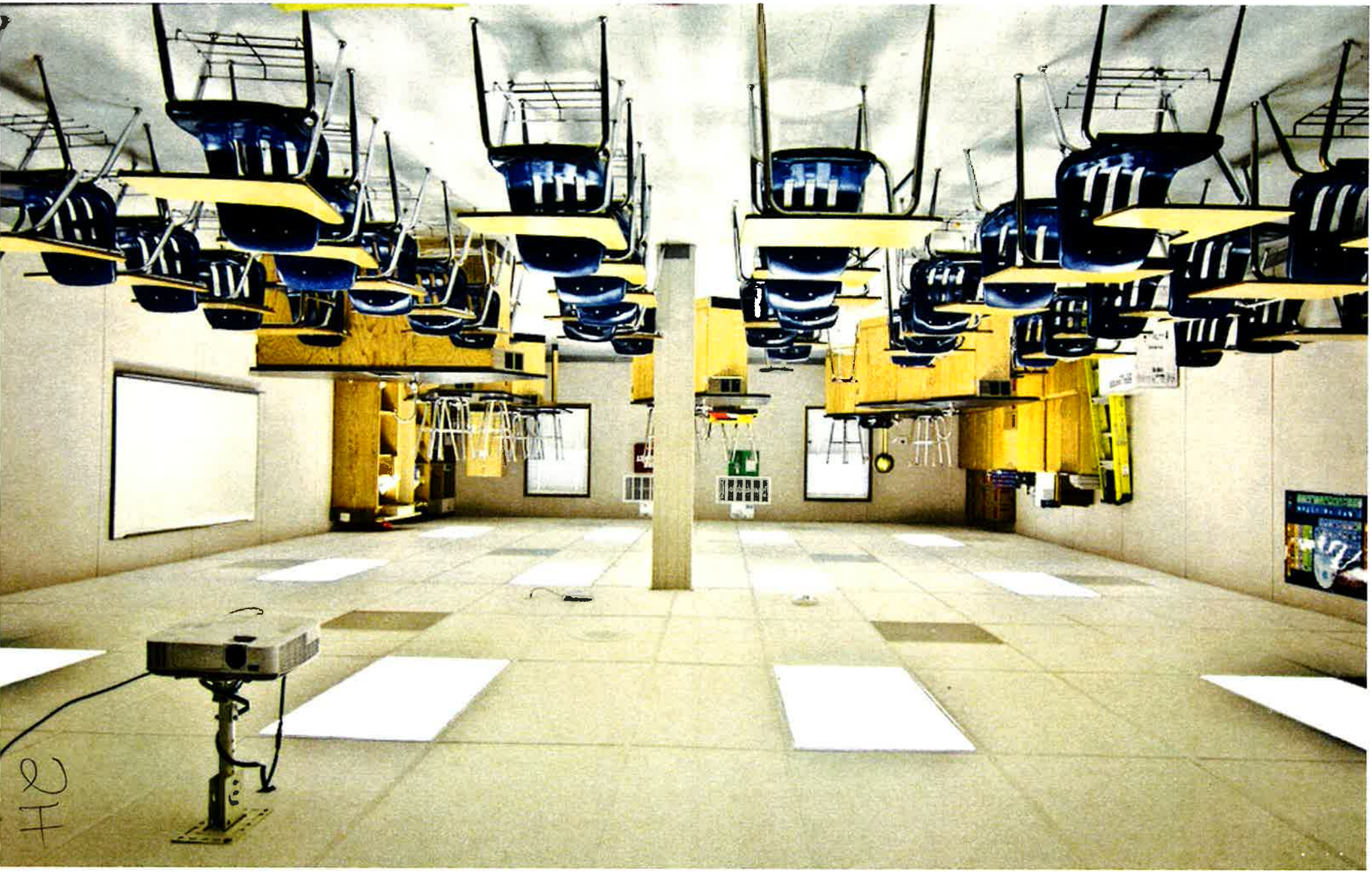
8

2G



Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: February 19, 2016

Re: Conditional Use #5-3-16 - A request by Breck Childers, agent for James R. Childers, for Planning Commission consideration of a Conditional Use request to develop a parking lot at 74 South 4th Street – a companion variance application accompanies this application

PROPOSED CONDITIONAL USE

Approval of this request will allow for the construction of a 17 space parking lot. The lot will serve as employee parking for Childers' architectural firm at 45 South 4th Street.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Garland Avenue and South 4th Street. The tract contains an area of 0.16 acres with approximately 140 feet of street frontage along Garland Avenue and approximately 50 feet of street frontage along South 4th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6).
Characteristics of this zone are as follows:

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.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A
Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet
Minimum Lot Width – N/A
Front Yard Setback – N/A
Side Yard on Street Side of Corner Lot – N/A
Side Yard Setback – N/A
Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Downtown (C-6) and undeveloped.

The area to the east is zoned Commercial Downtown (C-6) and developed as an office.

The area to the south is zoned Commercial Downtown (C-6) and developed as Central Records Services.

The area to the west is zoned Commercial Downtown (C-6) and developed as part of the Trolley Museum.

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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Garland Avenue and South 4th Street as Local Roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress for the lot will occur on South 4th Street and Garland Avenue.

Easement/utilities – Not applicable to this project.

Right-of-way dedication – Not applicable to this project.

Multi-Use bike path – Not applicable to this project.

Sidewalk – a sidewalk is proposed on the southwesterly side of parking lot adjacent to Garland Avenue, which will enhance the existing sidewalk network at that area.

Landscaping – Landscaping is provided along both street frontages. A variance is requested to omit the landscaping on the applicant's property adjacent to Garland Avenue due to the narrow width of the lot. To accomplish the landscaping requirement, the applicant has received approval on March 1, 2016, for a Temporary Revocable License from the City Board of Directors to place the 10' wide landscaping strip in the Garland Avenue right-of-way.

Screening – Not required.

Parking – Seventeen parking spaces will be provided on the lot

Signage – No signage is proposed.

Lighting – No lighting is proposed.

NEIGHBORHOOD MEETING

A waiver of the neighborhood meeting was requested and approved. It was determined that the project had minimal impact to surrounding property owners. As required, the applicant mailed letters and a site plan to surrounding property owners within 300 feet of the proposed parking lot. No responses or comments were received by the applicant.

STAFF COMMENTS

The CBID has reviewed the request for the parking lot and voted to recommend approval of the conditional use and the companion variance application.

STAFF RECOMMENDATIONS

Staff recommends approval with the following comments:

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. Board of Zoning approval of the companion variance application.

Conditional Use # 53-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: James Childers

Name of Authorized Agent (if applicable) Breck Childers

Legal Description of property included in the conditional use request:

Lot 12, Block 526, Reserve Addition, and addition to the city of Fort Smith,

Sebastian County, Arkansas.

Street Address of Property:

74 S. 4th Street Fort Smith AR

Existing Zoning Classification:

Proposed Zoning Classification (if applicable):

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

New landscaped parking lot for our remodeled office building at 45 S. 4th Street.

What amenities are proposed such as landscaping and screening?

New landscaping, new public sidewalk that gives pedestrians a path to the trolley stop,

new stone pillars with iron fencing to define block edge. There will be no signage.

Breck Childers
Owner or Agent Name (please print)

Signed:

45 S. 4th Street
Owner or Agent Mailing Address

Owner

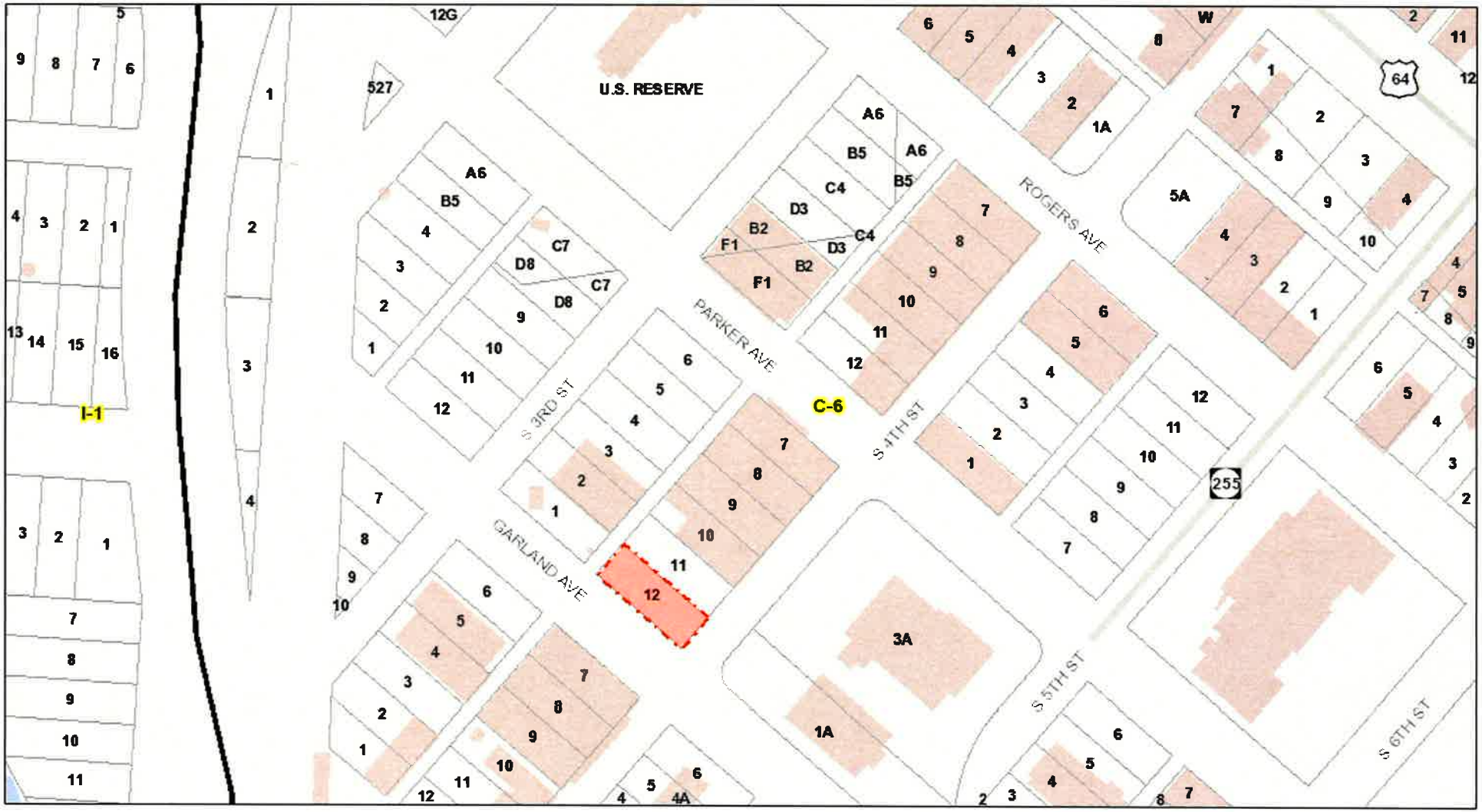
Or

479.461.4201
Owner or Agent Phone Number

J Breck Childs
Agent

3E

Conditional Use #5-3-16: Parking Lot
74 South 4th Street



February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

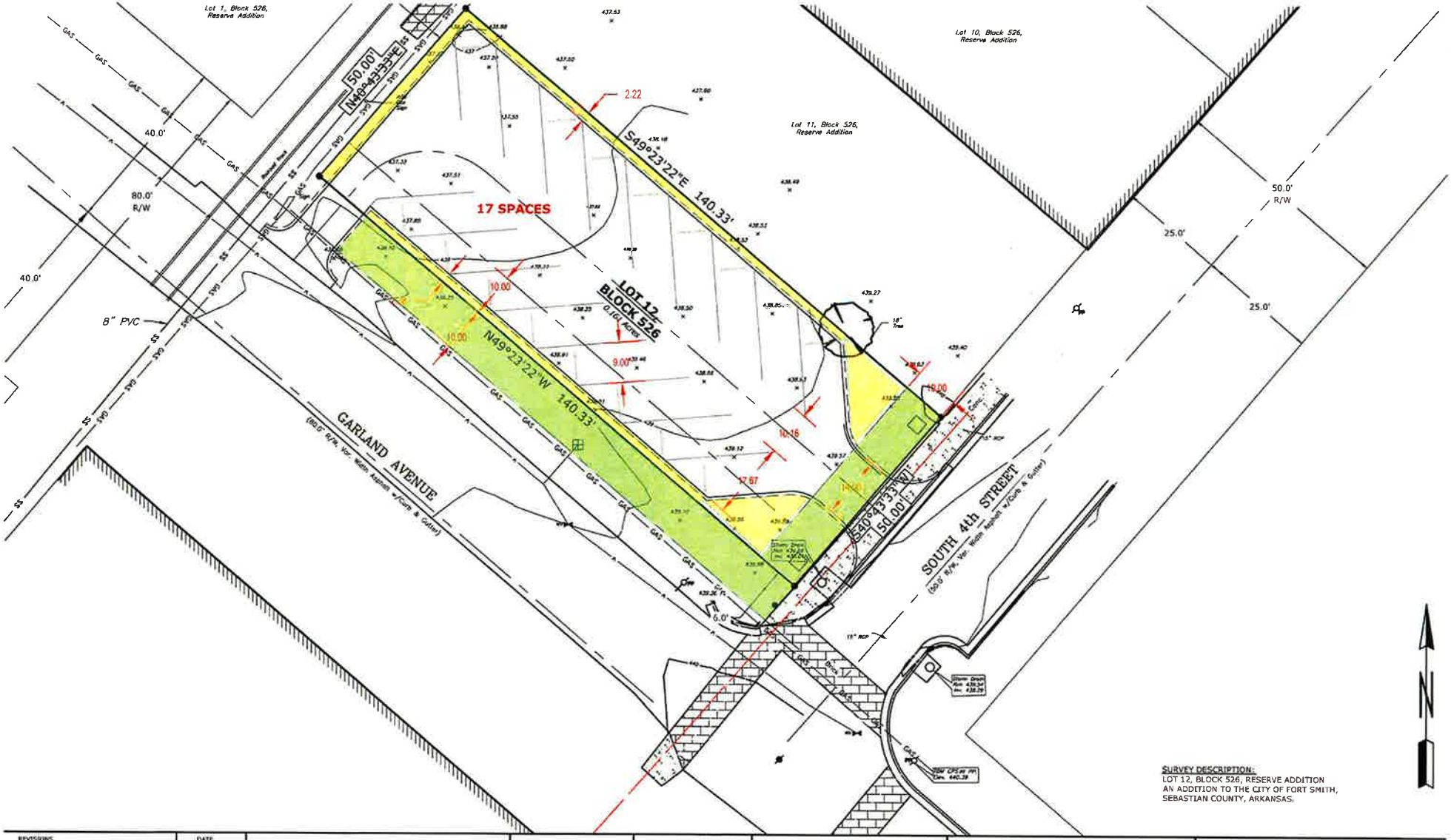
Building Footprints

1:2,011

0 90 180 360 ft

0 25 50 100 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



SURVEY DESCRIPTION:
LOT 12, BLOCK 526, RESERVE ADDITION
AN ADDITION TO THE CITY OF FORT SMITH,
SEBASTIAN COUNTY, ARKANSAS.

REVISIONS	DATE

LEGEND

- SET REBAR
- EXISTING IRON PIN
- SET RR/SPIKE
- EXISTING RR/SPIKE
- SET NAIL
- EXISTING NAIL
- EXISTING STONE
- EXISTING MONUMENT
- EXISTING FENCE
- EXISTING FENCE POST
- OVER HEAD POWER LINE
- POWER POLE
- MAN HOLE
- WATER METER
- ELECTRIC/TELEPHONE PEDESTAL
- GAS METER
- LIGHT POLE

10 0 10
Scale in Feet

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE PERSON NAMED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 18th DAY OF January, 20 16, TO THE BEST OF MY KNOWLEDGE AND ABILITY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR. PLS. 1272

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Ar 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARK
SURVEY OF
LOT 12, BLOCK 526,
RESERVE ADDITION

DATE: 1-18-2016
JOB NO. 16-01-16
SCALE: 1"=10'

FOR USE BY:
James R. Childers

SITE PLAN
1/8" = 1'-0"

SITE PLAN	SP-1	2-15-16	14-08	PROJECT PHASE -	PARKING LOT FOR 45 S. 4TH STREET FORT SMITH, ARKANSAS		James R. Childers Architect, Inc.

3H

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: February 22, 2016

Re: Variance #7-3-16 - A request by Breck Childers, agent for James R. Childers, for Board of Zoning Adjustment consideration of a zoning variance request from UDO, Section 27-602-3(B)(C) at 74 South 4th Street

REQUESTED VARIANCE

Approval of this variance request will allow the applicant to omit the landscaping on the southwesterly side of the parking lot site and place the landscaping in the Garland Avenue right-of-way. In order to accomplish the landscaping requirement, the applicant received approval on March 1, 2016, for a Temporary Revocable License from the Board of Directors to place the 10' wide landscaping strip in the Garland Avenue right-of-way.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the intersection of Garland Avenue and South 4th Street. The tract contains an area of 0.16 acres with approximately 140 feet of street frontage along Garland Avenue and approximately 50 feet of street frontage along South 4th Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6).
Characteristics of this zone are as follows:

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.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A
Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet
Minimum Lot Width – N/A
Front Yard Setback – N/A
Side Yard on Street Side of Corner Lot – N/A
Side Yard Setback – N/A
Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Downtown (C-6) and undeveloped.

The area to the east is zoned Commercial Downtown (C-6) and developed as an office.

The area to the south is zoned Commercial Downtown (C-6) and developed as Central Records Services.

The area to the west is zoned Commercial Downtown (C-6) and developed as part of the Trolley Museum.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Garland Avenue and South 4th Street as Local Roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Regional Center. This classification is to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting.

APPLICANT HARDSHIP

The landscaping is proposed in the Garland Avenue right of way, which has an extensive right of way width of 80 feet. Because the proposed parking lot is only 50 feet wide and is a corner lot

with two street frontages, placing the landscaping on the applicant's property would greatly reduce the number of parking spaces and render the parking lot infeasible.

NEIGHBORHOOD MEETING

A waiver of the neighborhood meeting was requested and approved. It was determined that the project had minimal impact to surrounding property owners. As required, the applicant mailed letters and a site plan to surrounding property owners within 300 feet of the proposed parking lot. No responses or comments were received by the applicant.

STAFF COMMENTS

The CBID has reviewed the request for the variance and conditional use application and voted to recommend approval of both applications.

STAFF RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

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. Trees planted shall be species that do not exceed a maturity height of approximately 15 feet to avoid conflicts with OG&E's existing overhead power lines.

Var # 7-3-16

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 12, Block 526, Reserve Addition, An Addition to the City of Fort Smith, Sebastian County, Arkansas.

Address of property 74 S. 4th Street Ft. Smith, AR 72901, Existing or Proposed

Zoning Classification C-6, 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:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

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
_____	-	_____	Other: Landscaping Requirement 27-602-3(B)(C)- (Required Landscaping adjacent to Garland Ave.

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:

James R. Childers
Owner or Agent Name *(please print)*

James R. Childers
Owner

or

_____
Agent

(479) 783-2480
Owner or Agent Phone Number

45 S. 4th St Ft. Smith, AR 72901
Owner or Agent Mailing Address

Variance #_____

4E

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.

Yes	No	
____	X	Is this variance needed because of previous actions taken by yourself?
____	X	Is this variance needed because of previous actions taken by a prior owner?
____	X	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?
X	____	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.
____	X	Is the lot of an odd or unusual shape?
____	X	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?
____	X	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?
____	X	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)

Development of this lot would require 45° parking configuration to accomodate required spaces needed, with required 10 ft landscaping strip /new public sidewalk outside property line.

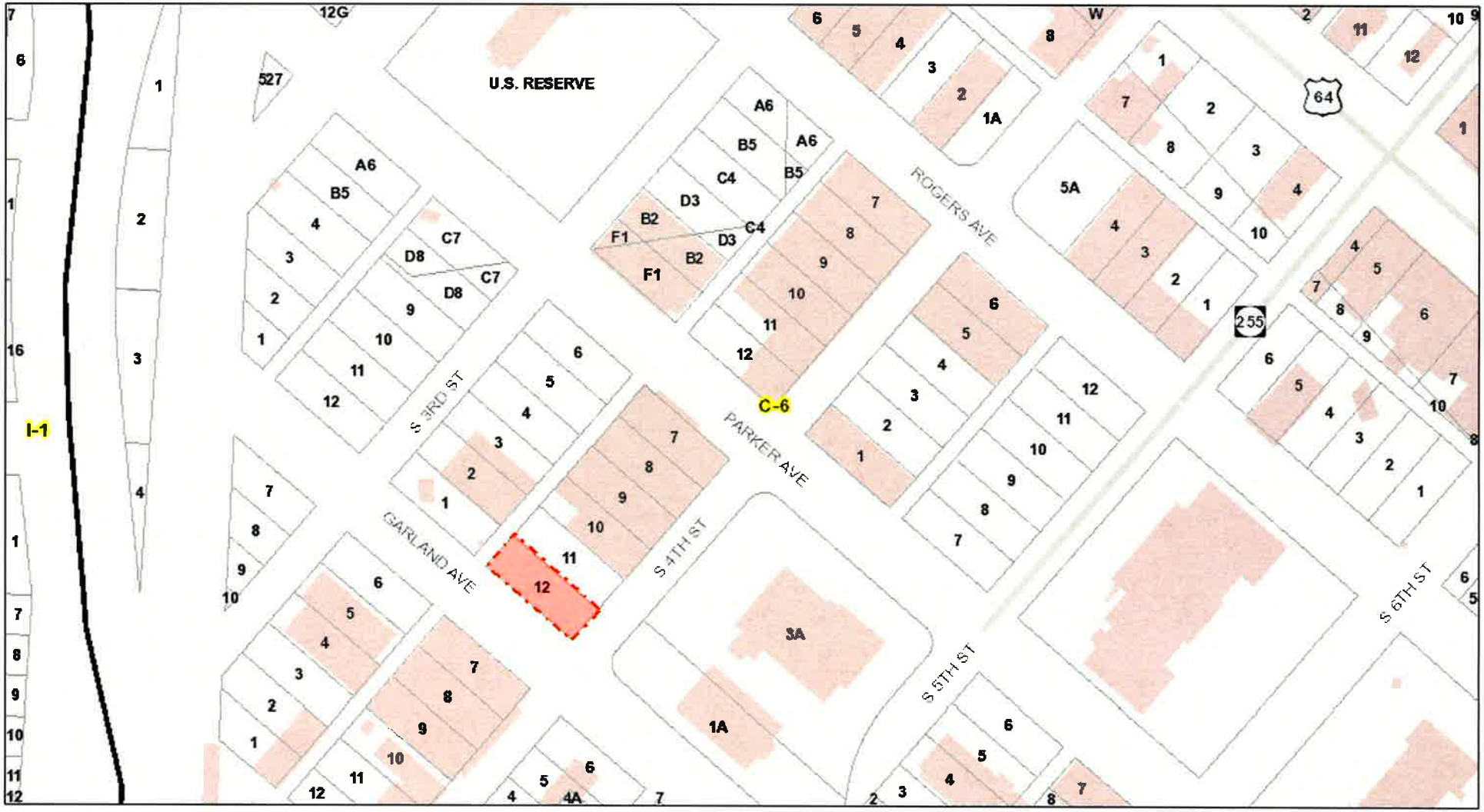
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Required parking spaces needed could not be met.

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:

Public trolley stop /rail runs along west side of our property, with no public access to stop. Our proposed layout (if approved) would increase property value, allow for defined public access to trolley and further beautify downtown.

Variance #7-3-11: From landscape requirements adjacent to Garland Avenue
74 South 4th Street



February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

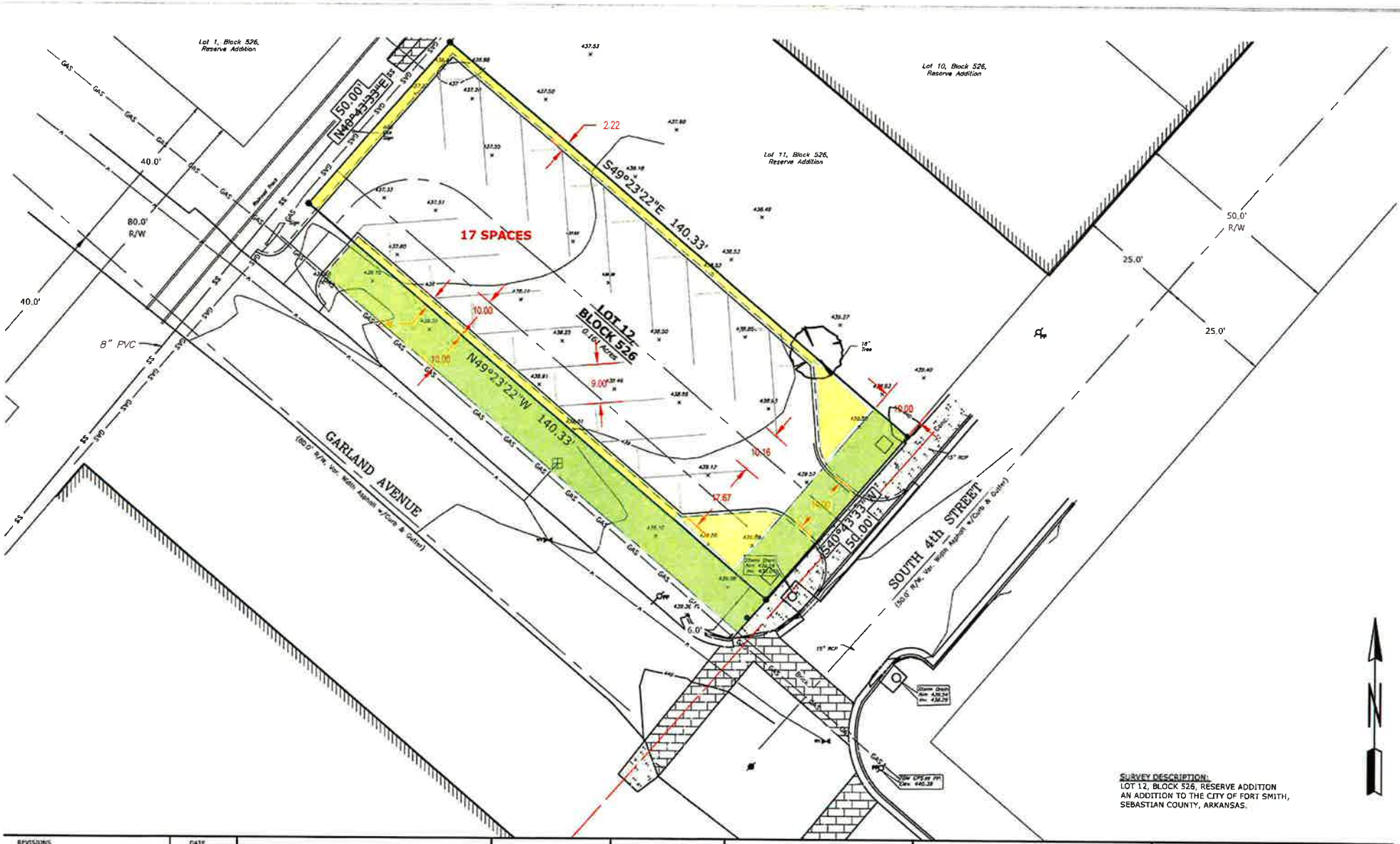
Building Footprints

1:2,011

0 90 180 360 ft

0 25 50 100 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



SURVEY DESCRIPTION:
LOT 12, BLOCK 526, RESERVE ADDITION
AN ADDITION TO THE CITY OF FORT SMITH,
SEBASTIAN COUNTY, ARKANSAS.

REVISIONS	DATE

LEGEND

- SET REBAR
- EXISTING IRON PIN
- SET MAG/SPIKE
- EXISTING MAG/SPIKE
- SET NAIL
- EXISTING NAIL
- EXISTING STONE
- EXISTING MONUMENT
- EXISTING FENCE
- EXISTING FENCE POST
- OVER HEAD POWER LINE
- POWER POLE
- MAN HOLE
- WATER METER
- ELECTRIC/TELEPHONE PEDESTAL
- GAS METER
- LIGHT POLE

10 0 10
Scale in Feet

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 3RD DAY OF JANUARY, 2016.
TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO MORTGAGE OR GUARANTEE THE TITLE THERETO, WITHIN ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT THE ACCURACY OF SAID SURVEY.

ANTHONY P. ANDERSON AR. PLS. 1272

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, Ar 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARK
SURVEY OF
LOT 12, BLOCK 526,
RESERVE ADDITION

DATE: 1-18-2016
JOB NO. 16-01-16
SCALE: 1"=10'

FOR USE BY:
James R. Childers

Ch

SITE PLAN
1/8" = 1'-0"

PARKING LOT FOR 45 S. 4TH STREET
FORT SMITH, ARKANSAS

SP-1
SITE PLAN

2-15-16
14-08

James R. Childers Architects, Inc.

4K

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: February 22, 2016

Re: Conditional Use #6-3-16 - A request by Renea Spoon, agent for Kevin and Carlena Weakley, for Planning Commission consideration of a Conditional Use request to develop a daycare home with one employee at 6900 South 9th Street

PROPOSED CONDITIONAL USE

The approval of this Conditional Use application will allow for a daycare home with one employee to occur at this location. The proposed daycare home will have no more than 12 children at any time. The hours of operation will be from 7:00 a.m. to 5:30 p.m., Monday through Friday. The parents will be required to park in the driveway for drop off and pick up. The parents will have a staggered drop off and pick up times to ensure that they will not cause traffic congestion.

LOT LOCATION AND SIZE

The subject property is on the west side of South 9th Street just north of Hillside Drive. The tract contains an area of 0.36 acres with approximately 80 feet of street frontage along North 9th Street.

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 Density – 6.7 Dwelling Units/Acre
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

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The areas completely surrounding this property are zoned Residential Single Family Medium/High Density (RS-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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 9th Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, February 25, 2016, at the Miller Branch Library at 8701 South 28th Street. Two neighbors attended the meeting. Joan Day of 6821 South 9th Street opposed the request due to concerns regarding traffic, narrow roads, noise, and devaluation of property values. David Bryan of 6908 South 10th Street had no objections. A copy of the meeting summary is enclosed. Ms. Day also relayed these concerns to the planning department and has submitted a petition signed by five people in the neighborhood opposed to the home daycare. Ms. Day's concerns and the petition are enclosed.

STAFF RECOMMENDATIONS

Should the planning commission wish to approve the request, the planning staff has the following comments:

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. All parking associated with the home day care shall occur on the driveway. No on-street parking is permitted.
3. The Fire Marshal will require an inspection of the premises.
4. The structure and operations shall comply with the Arkansas DHS requirements for a home daycare and any Arkansas Fire Codes that apply for a home daycare.
5. The hours of operation are limited to 7:00 a.m. to 5:30 p.m., Monday through Friday.
6. No dumpster shall be allowed.
7. The existing gravel parking area in the front yard shall not be expanded.

Conditional Use # 6-3-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Kevin & Carolena Weakley

Name of Authorized Agent (if applicable) Renea Spoon

Legal Description of property included in the conditional use request:

05-07-32 Lot 91 - Ramden acres

Street Address of Property:

6900 So. 9th St. Fort Smith AR 72908

Existing Zoning Classification:

RS-3

Proposed Zoning Classification (if applicable):

N/A

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

In home day care w/ one employee
Birth to 12 yr olds, will keep up to 12 children.
*See neighborhood letter for more details

What amenities are proposed such as landscaping and screening?

None proposed at this time

Renea Spoon
Owner or Agent Name (please print)

Signed:

1221 Mabel Ave F.S. AR. 72908
Owner or Agent Mailing Address

Owner

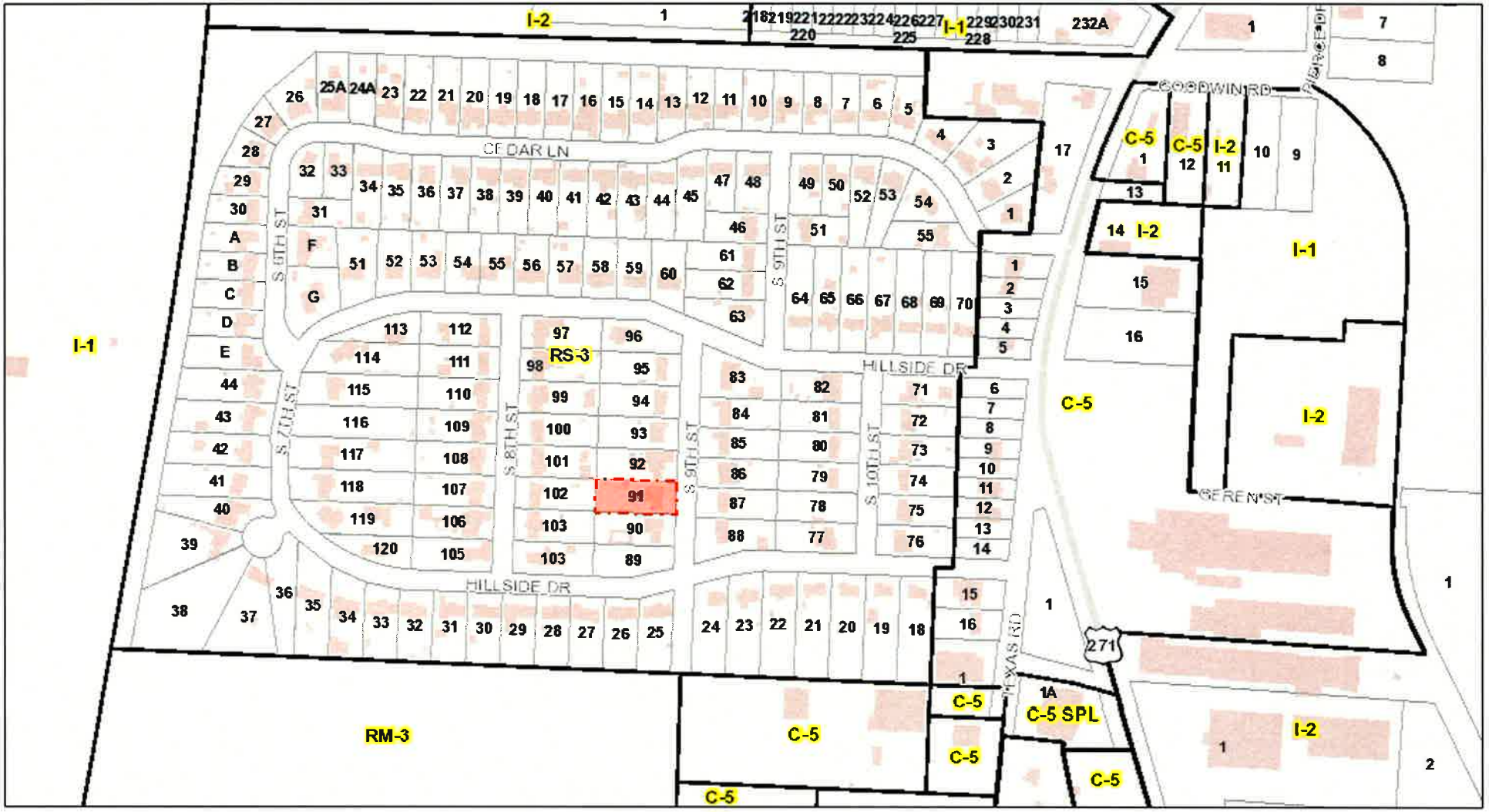
Or

479-650-7787
Owner or Agent Phone Number

Agent

5D

Conditional Use #6-3-16: Home Daycare with one employee
6900 South 9th Street



February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

Building Footprints

1:4,023

0 187.5 375 750 ft

0 55 110 220 m

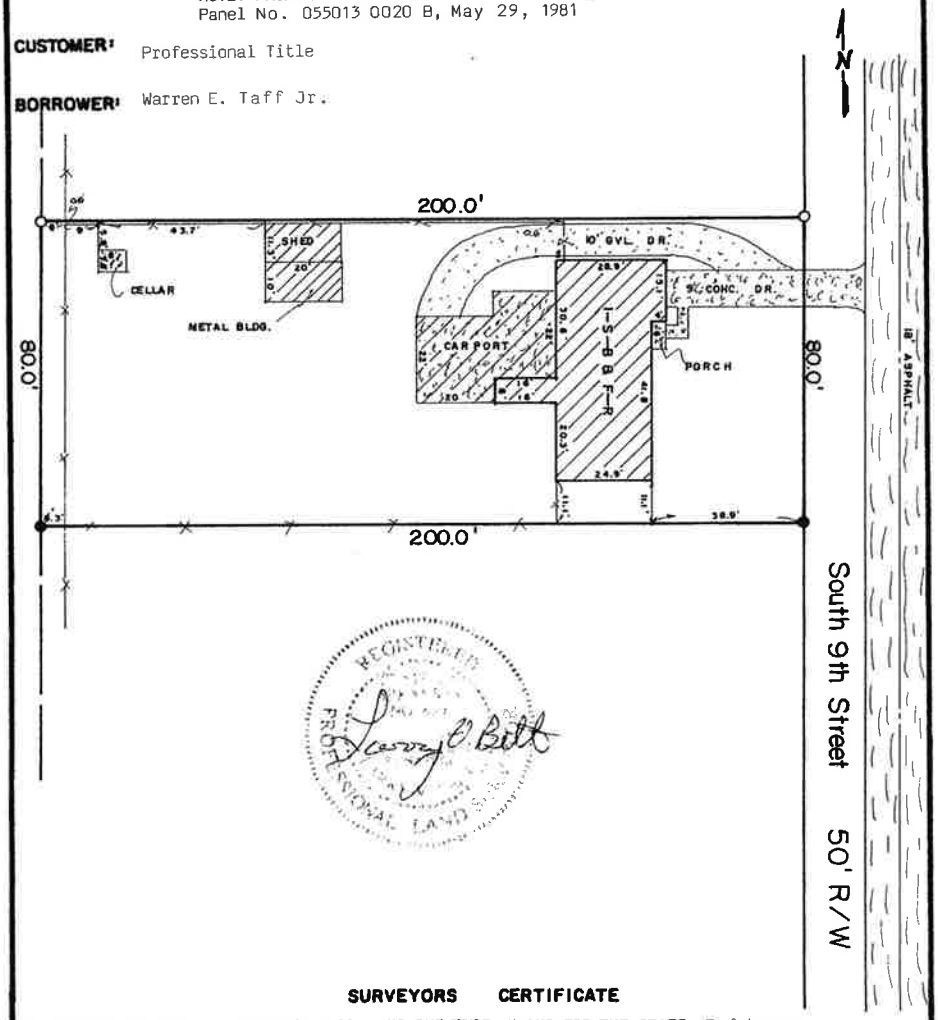
City of Fort Smith GIS
Copyright 2013, City of Fort Smith

REGISTERED LAND SURVEYOR'S INSPECTION PLAT AND CERTIFICATE FOR MORTGAGE LOAN PURPOSES

NOTE: PROPERTY NOT IN 100 YEAR FLOOD ZONE.
Panel No. 055013 0020 B, May 29, 1981

CUSTOMER: Professional Title

BORROWER: Warren E. Taff Jr.



SURVEYORS CERTIFICATE

I, LARRY V. BELT A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF Arkansas DO HEREBY CERTIFY TO THE TITLE ATTORNEY OR UNDERWRITER THAT THIS IS A TRUE AND CORRECT PLAT TO THE BEST OF MY KNOWLEDGE OF A SURVEY OF:

Lot 91, Random Acres Addition to the City of Fort Smith, Arkansas,

ALSO DESCRIBED AS (STREET) 6900 So. 9th Street (TOWN) Fort Smith,

(COUNTY) Sebastian, (STATE) Arkansas, THAT SAID PLAT CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES, AND IMPROVEMENTS ON SAID DESCRIBED PROPERTY. THAT THERE ARE NO PARTY WALLS, VISIBLE RIGHT OF WAYS AND EASEMENTS, OR VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON SAID PLAT OF SURVEY.

LEGEND: ● = EXISTING IRON PIN FOUND
O = CORNER SET ON THIS SURVEY
-x-x- = EXISTING FENCE

WITNESS MY HAND AND SEAL THIS 19 DAY OF December 19 88 Larry V. Belt R.L.S.

SCALE: 1" = 30'

B & J SURVEYING
8 PLEASANT VALLEY
REG. LAND SURVEYORS 501-474-0212 VAN BUREN, ARKANSAS

JOB NO. 88-1260

5F

Miller, Perry

From: renea spoon <missrenea@sbcglobal.net>
Sent: Friday, February 26, 2016 1:29 PM
To: Miller, Perry
Subject: Neighborhood meeting (Renea Spoon 6900 South 9th)

During the neighborhood meeting that was held February 25, 2016 at the Fort Smith Library two people attended. Joan Day opposed with the complaint of traffic, narrow roads, children causing the neighbor dog to bark and property value. David Bryan attended with no objection.

Renea Spoon
Jacobs Ladder In-Home Childcare
6624 South 9th
Fort Smith, Ar. 72908
479-648-9658

5G

Andrews, Brenda

From: Andrews, Brenda
Sent: Wednesday, February 24, 2016 1:25 PM
To: Monaco,Tom; Miller, Perry; Rice, Maggie; Striplin, Bill; Bailey, Wally
Subject: Home Day Care - 6900 South 9th Street - Conditional Use File

Joan Day of 6821 South 9th Street is opposed to the proposed home day care at 6900 South 9th Street due to concerns regarding traffic and devaluation of property values. She stated that South 9th Street is a narrow street and is concerned that people will park on the street when dropping off or picking up their children. She does not believe that a staggered drop off and pick up schedule can be maintained. She plans to gather names on a petition from others in the neighborhood who are opposed.

Brenda Andrews, senior planner
City of Fort Smith
479-784-2219 (phone)
479-784-2462 (fax)

5H

Petition Against Child Care in Neighborhood
at 6900 S. 9th ST. F.S. AR. 72908

1. This is a Residential Neighborhood NOT Commercial there are places on Hwy. 271 for a Child Care Business along with other Businesses.

2. Child Care Business will cause our houses to depreciate in Value when we want to sell. People won't want to live or buy near a Child Care Facility.

3. The driveway is too small for cars to drop off and pick up children. There will be 2 people working and that's already 2 cars in driveway and it's a 3 car driveway.

4. Neighborhood Dogs Barking, Noise when people come around that don't live here. Extra noise and children playing cause dogs to bark.

5. Too Much Traffic can cause people to park in front of our houses who don't live here and traffic jams as it is a narrow street. Also you can't guarantee the times of drop off or pick up because things come up like off work late, had an errand to do, running late, had to work late, etc.

6. Let Child Care come in later they can have children at night and weekends and Holidays for people who work at these times and they can go from 12 children to more. 7:00AM & 5:30PM are times neighbors are going to work and coming home.

7. This is more of an Adult queit Elderly Street not many children.

Owner → Eula M. Pettigrew
6815 So 9th
Ft Smith, Ar. 72908

Cindy Sweat family
6815 S 9th
Fort Smith Ar 72908

Joseph Pettigrew
6815 S 9th family
Ft Smith Ar 72908

Jason Day Property owner
6821 S 9th
FS Ar 72908

Joan Davis-Kenter
Mom @ 6821 S. 9

5T

Home Occupation

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2016

Re: Home Occupation #1-3-16 - A request by Redd Rahman for Planning Commission consideration for a custom leather goods and accessories business located at 1525 North Greenwood Avenue in a Commercial Heavy (C-5) zone.

PROPOSED HOME OCCUPATION

The home occupation if approved will allow for Mr. Rahman to make custom leather goods and accessories including but not limited to wallets, purses, bible covers, tool pouches, and knife covers.

LOT LOCATION AND SIZE

The subject property is on the west side of North Greenwood Avenue between North M Street and North O Street. The tract contains an area of 0.15 acres with 50 feet of street frontage along North Greenwood Avenue.

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.

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 north and east are zoned Commercial Heavy (C-5) and are developed as a carpet cleaning business and auto parts and accessories sales and service.

The area to the south is zoned Residential Multifamily High Density (RM-4) and is developed as a single family residence.

The area to the west is zoned Commercial Heavy (C-5) and is developed as a single family residence.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North Greenwood Avenue as a Minor Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan 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.

6B

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

NEIGHBORHOOD MEETING

A neighborhood meeting was not required and was not held.

STAFF COMMENTS AND RECOMMENDATIONS

Mr. Rahman indicates he will have deliveries via UPS, FedEx, of USPS up to twice a month. Deliveries associated with a home occupation are required to be approved by the Planning Commission.

In addition to Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

1. Approval of deliveries arriving by UPS, etc twice a month.
2. All vehicles shall be parked in compliance with the Fort Smith Parking Regulations.
3. The business license cannot be transferred to another residence without a new Home Occupation Application.
4. No commercial trash container will be placed at the residence.
5. No sale of any retail or wholesale item or items shall take place on the premises.
6. See the attached Home Occupation requirements.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.

6D

APPLICATION FOR HOME OCCUPATION
(Please print or type)

Name of Applicant: Redd Rahman

Legal Description of property included in the home occupation request:

Street Address of Property: 1525 North Greenwood Ave.

Zone Classification: C-5

Type of Business Requested: Home-Based, Custom Leather Goods and Accessories

Signed:

Redd Rahman
Applicant's Name *(please print)*

Redd Rahman
Applicant

(479) 926-5063
Phone Number of Applicant

1/21/16
Date

P.O. Box 2233 Fort Smith, AR 72902
Applicant Mailing Address

Property Owner

1-21-16
Date

(if rental property)

6E

Home Occ. # 1-3-16

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. Home-Based, Custom made leather products, i.e. belts, purses, wallets, book covers, etc.

2. Will this business be completely contained in the residential structure? Yes ✓ No ___

   If no, described location. N/A

3. What percentage of the residential floor area will be required to operate the business?

   Approximately 25%

4. Will operation of the business utilize any persons other than members of the immediate household? Yes ___ No ✓

5. At what hours and days of the week do you plan to operate the business? 4pm-8pm, as time permits

6. Will there be any noise yes, odor no, or other outdoor activity no associated with the business? If yes, explain. minimal noise from an air compressor that cannot be heard outside the structure

7. Will materials or supplies be stored at this location? Yes ✓ No ___

8. How much storage will be needed? approximately 100 square feet

9. Will merchandise be sold at this location? Yes ___ No ✓ If yes, explain. Some merchandise may be picked up here from time to time, but most orders will be delivered.

10. Will you have any business vehicles? Yes ___ No ✓ If yes, describe below.

    Type of Vehicle:

    Make N/A Model N/A

    Color N/A Length (trailer) N/A

11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ___ No ✓ What type? ___

12. Can you operate this business by appointment only? Yes ✓ No ___

    Explain: I only produce the orders at home. It isn't necessary to conduct business there.

6F

13. Will customers come to this location? Yes ✓ No ____
Not regularly, but sometimes customers will stop by to pick up a completed order.

14. How many customers do you expect to have coming to your home at any one time?

No more than one at a time

15. Do you expect any drop-in customers? Yes ____ No ✓ By appointment only.

16. How do you plan to provide parking for customers? My driveway provides ample temporary parking for the rare appointment customers.

17. Do you plan to advertise this business? Yes ✓ No _____

If yes, by what methods? Word of mouth, internet, and business cards

18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ✓ No _____

19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ✓ No _____

20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes _____ No ✓

21. Do you own or rent this property? Rent

22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.

23. Do you live at this location? Yes ✓ No_____

24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes ✓ No ____

25. Provide any other information that you feel helpful.

RP
~~None~~ I would expect UPS deliveries approximately once every two weeks.

6 G

Home Occupation #1-3-16: Leather products
1525 North Greenwood Avenue

February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

Building Footprints

1:2,011

0 90 180 360 ft

0 25 50 100 m

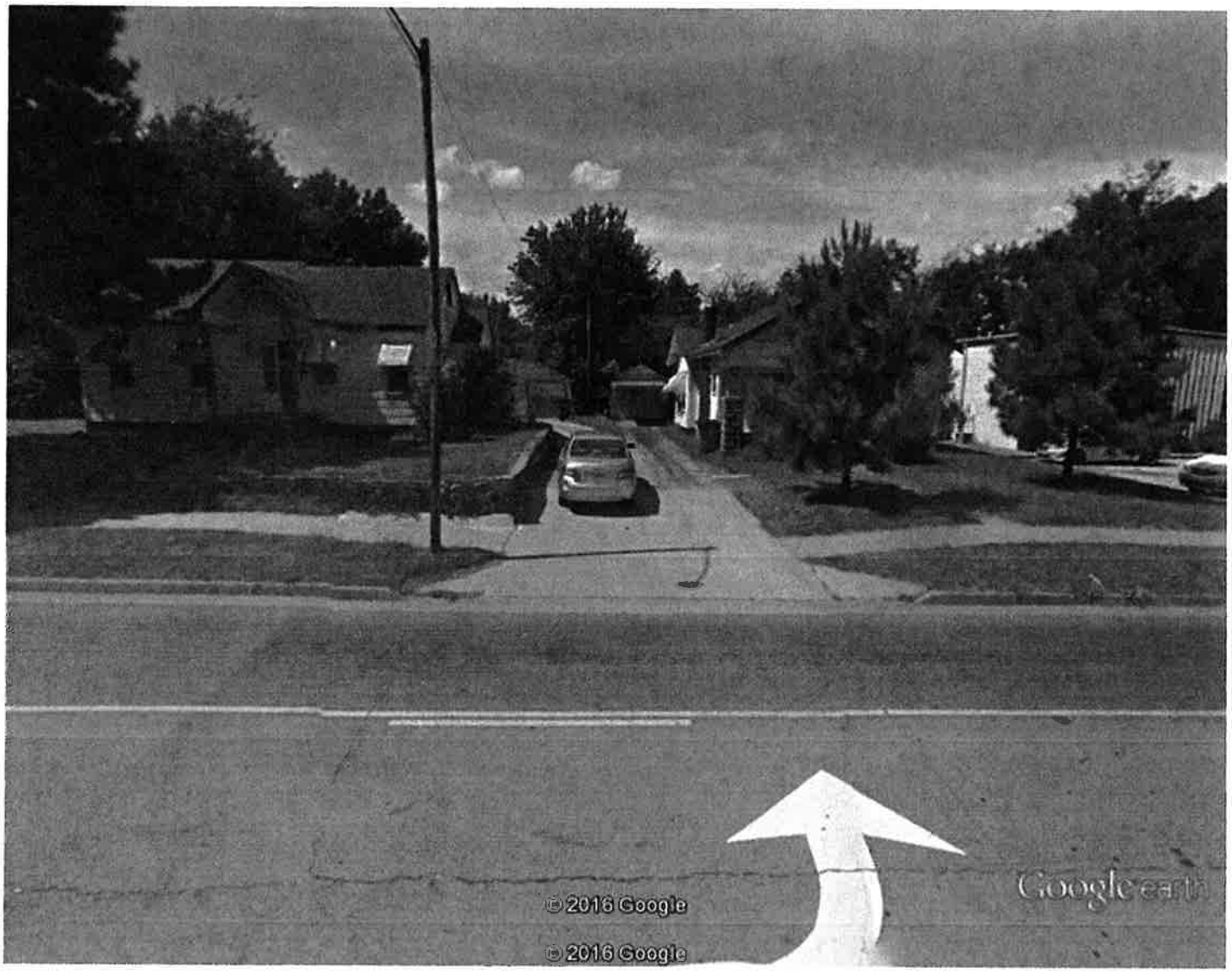
City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Google earth feet 100 meters 40

Parking Plan

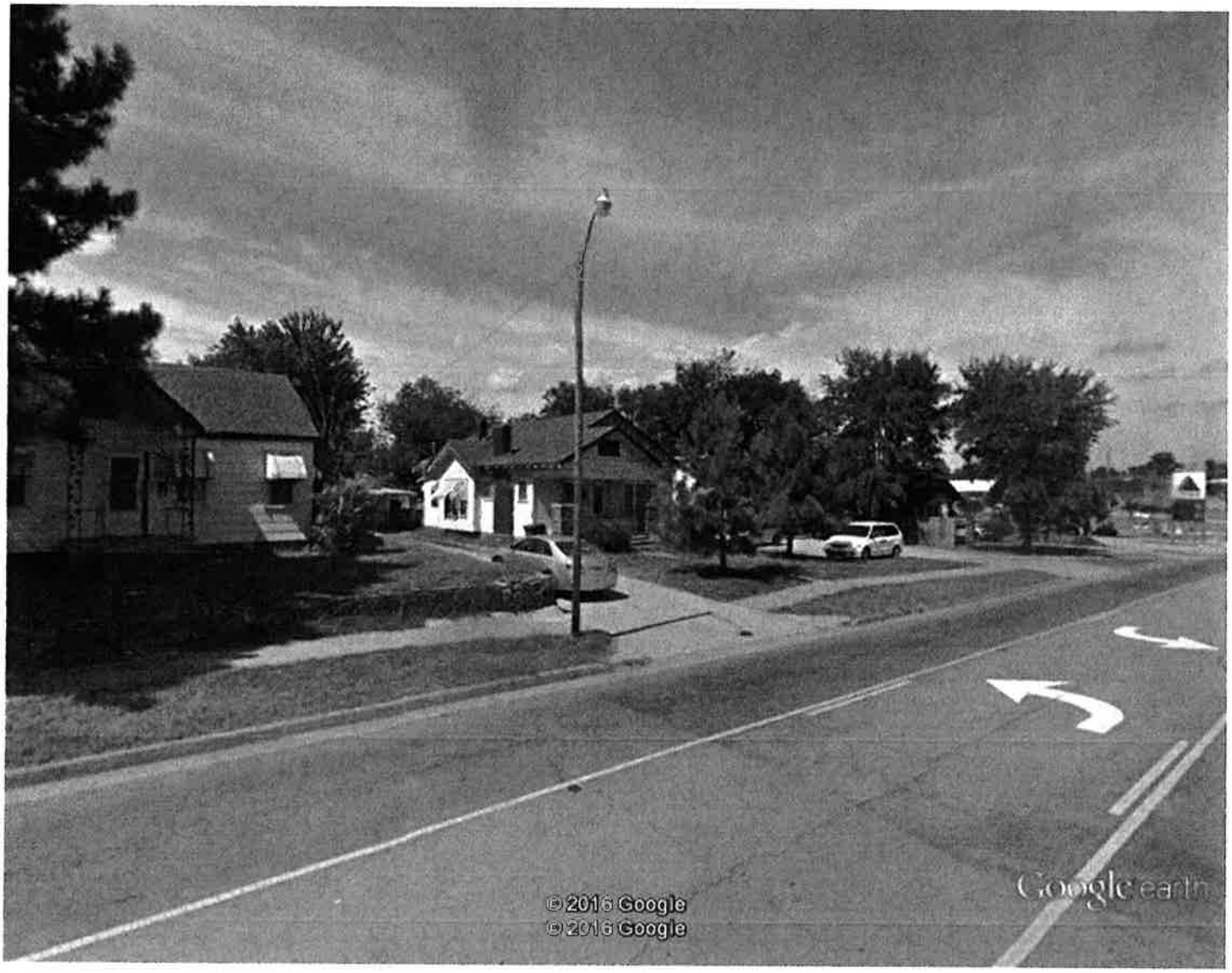
I have one vehicle which is parked under the carport which leaves 90 feet of driveway open for parking by the rare and occasional customer. There will never be any more than one customer at a time.

6I



Google earth

feet 8
meters 2



Google earth

feet 10
meters 3

6K

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: February 22, 2016

Re: Variance #6-3-16 - A request by Sam & Jessica Swilling, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 7.5' to 5.0' interior side yard setback at 4106 South "P" Street

REQUESTED VARIANCE

Approval of this variance will allow for the construction of a duplex at this location. The entire structure will be approximately 3,758 square feet in area and each unit will have three bedrooms. Access to the duplex is proposed from the alley.

LOT LOCATION AND SIZE

The subject property is on the south side of South "P" Street just west of South Albert Pike Avenue. The tract contains an area of 0.23 acres with approximately 60 feet of street frontage along South "P" Street.

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 Density – 4 Dwelling Units/Acre
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
Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 50%

SURROUNDING ZONING AND LAND USE

The areas completely surrounding this property are zoned Residential Single Family Duplex Low/Medium Density and are developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South "P" Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant states that the original single family home on the lot, which was destroyed by fire, had 5' sideyard setbacks. Also, all homes on this street have 5' sideyard setbacks.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, February 23, 2016 at 4106 South "P" Street.

There were eleven neighboring property owners in attendance.

The main issues were the impact a duplex would have to their property values, the potential for increased traffic, and appearance of the duplex not conforming to the existing homes on the street. The owner showed the rendering of the proposed duplex and most of the neighbors concerns were resolved. The owners stated that they would like to build a three bedroom duplex so that it would be attractive to families instead of singles with a possible roommate and potentially more traffic issues than a family.

The Planning office has also received telephone comments from two neighboring property owners in opposition to this variance request. Those concerns are included in the packet.

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.

Also, should the planning commission wish to approve the request, we recommend the following comments:

1. The duplex shall comply with the city's parking regulations – Section 14-52 of the Fort Smith Municipal Code.

2. The duplex shall not exceed 50% lot coverage as required by the RSD-2 zoning district's bulk and area regulations.

3. The front-yard setback for the duplex shall be approximately 63 feet in order to be consistent with the setbacks with existing homes on South P Street. *Note: The applicant is indicated would like to have some flexibility of the front yard setback in order to maximize the back yard square footage. See the attached information from the applicant.*

4. The architectural style, roof lines, and exterior finishes shall conform to the color rendering provided by the applicant.

5. While the city has no objections to the duplex having alley access, the city shall not be responsible for alley maintenance.

nc

February 24, 2016

Samuel & Jessica Swilling
2300 South 24th Street
Fort Smith, AR. 72901

RE: Possible Front Yard Setback

Property Length:	171	Ft
Structure:	82.6	Ft
Rear Driveway:	20	Ft
Rear Retaining Wall:	5	Ft

Front Yard Setback: 63.4 Ft*

*Front Yard Setback is not an exact dimension. Property owner retains the right to increase/decrease the front yard setback in order to maximize back yard square footage.

However, it is the property owners intent, to the best of their ability, to maintain the neighborhood front yard set back currently in use.

7D

Var H6-3-16

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 4106 South P St., Existing or Proposed

Zoning Classification R5D-Z, 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:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM		TO	
_____	-	_____	Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____	Exterior Side Yard Setback
7 1/2'	-	5	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

7E

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 22nd day of FEBRUARY, 2016.

Signed:

Sam & Jessica Swilling
Owner or Agent Name *(please print)*

Owner

or

479-650-5958
Owner or Agent Phone Number

Agent

2300 South 24th St.
Owner or Agent Mailing Address
Ft. Smith, AR.
72901

Variance #_____

7F

Explanation of question #4 (if applicable)

The original structure along with current homes on this street all have side yard setback of 5 foot. The home that was originally built on this lot was destroyed by fire in August of 2015.

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

See Attachment #A

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

Note: Certified Site Plan to be emailed to Planning Dept. by Satterfied Land Surveyors on Friday, Feb. 12th by 4:30 p.m.

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.

Yes	No	
	✓	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?

7H

#A

DUE TO THE CURRENT NEIGHBORHOOD DEMOGRAPHIC, IT IS MY BELIEF THAT A 'FAMILY' SIZE DUPLEX WOULD BE IN THE BEST INTEREST OF OUR NEIGHBORHOOD.

I FEEL THAT IN ORDER TO ATTRACT STABLE RENTAL CLIENTELE, THAT WOULD BEST SUIT OUR NEIGHBORHOOD, IT IS NECESSARY TO BUILD A THREE BEDROOM DUPLEX.
UNFORTUNATELY, THE MODIFIED SIDE YARD SETBACKS OF SEVEN AND HALF FEET DO NOT ALLOW ENOUGH ROOM ON THIS LOT TO CONSTRUCT A DUPLEX LARGE ENOUGH FOR A FAMILY TO LIVE COMFORTABLY.
THEREFORE, IF MY VARIANCE REQUEST FOR FIVE FOOT YARD SETBACKS IS APPROVED, IT WILL RESULT IN ME BEING ABLE TO BUILD A PROPERTY BEST SUITED FOR A FAMILY.

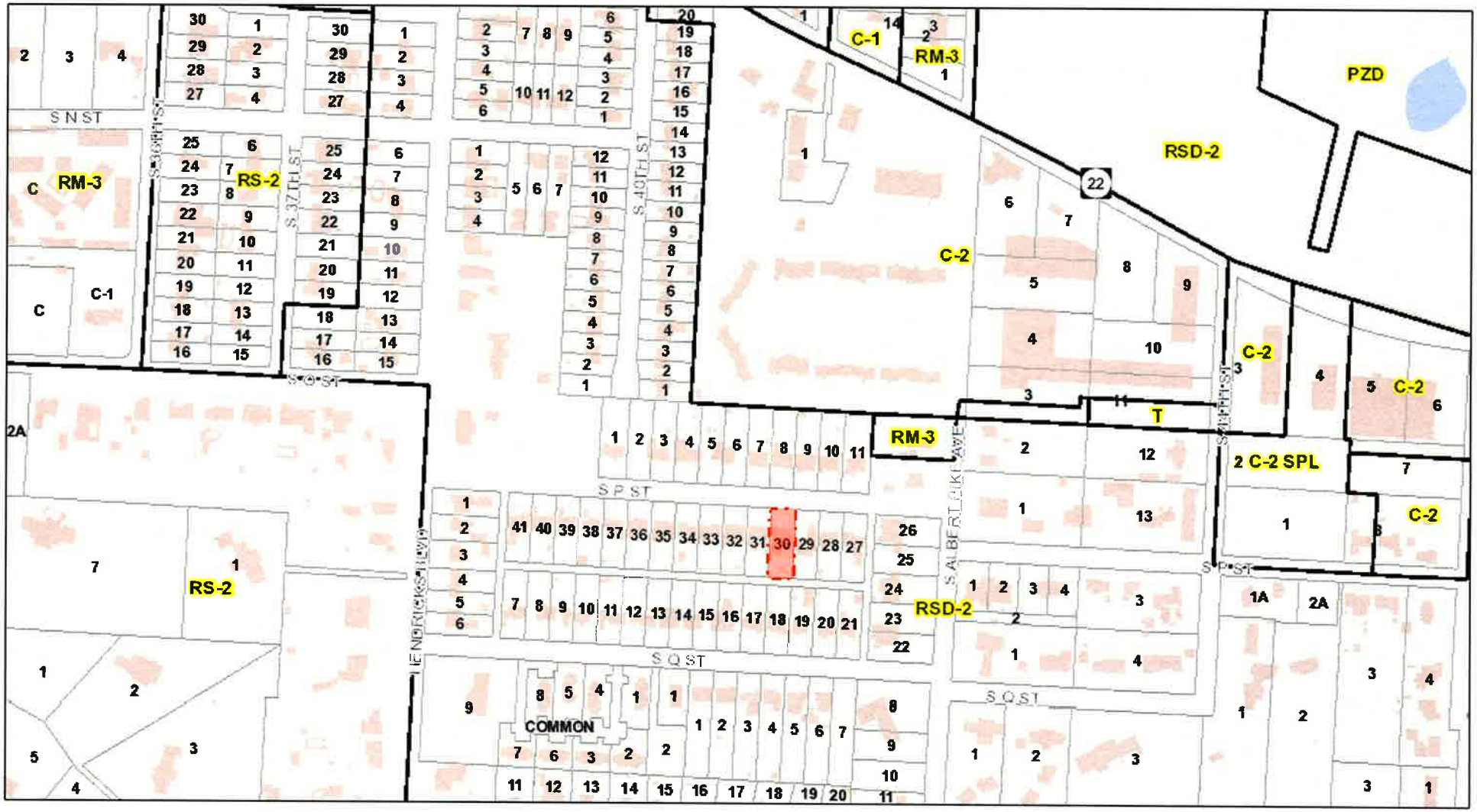
SECONDLY, IF THE VARIANCE IN NOT APPROVED, IT LEAVES NO OTHER OPTION BUT TO BUILD A TWO BEDROOM UNIT, WHICH I FEEL, WILL RESULT IN A RENTER THAT IS LESS STABLE, INCREASE TRAFFIC FLOW IN THE NEIGHBORHOOD AND WILL RESULT IN SHORTER RENTAL PERIODS.

ADDITIONALLY, HAVING BEEN IN THE RENTAL BUSINESS FOR SEVERAL YEARS, IT'S MY PERSONAL EXPERIENCE THAT 3 BEDROOM UNITS HAVE LONGER RENTAL PERIODS, HIGHER INCOME RENTERS AND REDUCED IMPACT ON THE NEIGHBORHOOD.

LASTLY, WHEN MAKING THE DECISION TO BUILD A 2 BEDROOM VS. 3 BEDROOM UNIT, A MAJOR CONCERN WAS TO ENSURE WHAT I BUILD HAVE A POSITIVE EFFECT ON MY NEIGHBORS AND INCREASE THEIR HOMES VALUE, NOT REDUCE THIER HOME VALUES, LIKE SO MANY OF THE CHEAPLY BUILT DUPLEXES SEEN THROUGHOUT OF TOWN.

7I

Variance #6-3-11: From 7.5' to 5' interior side yard setback
4106 South "P" Street



February 15, 2016

Fort Smith City Limts

Zoning

Subdivisions

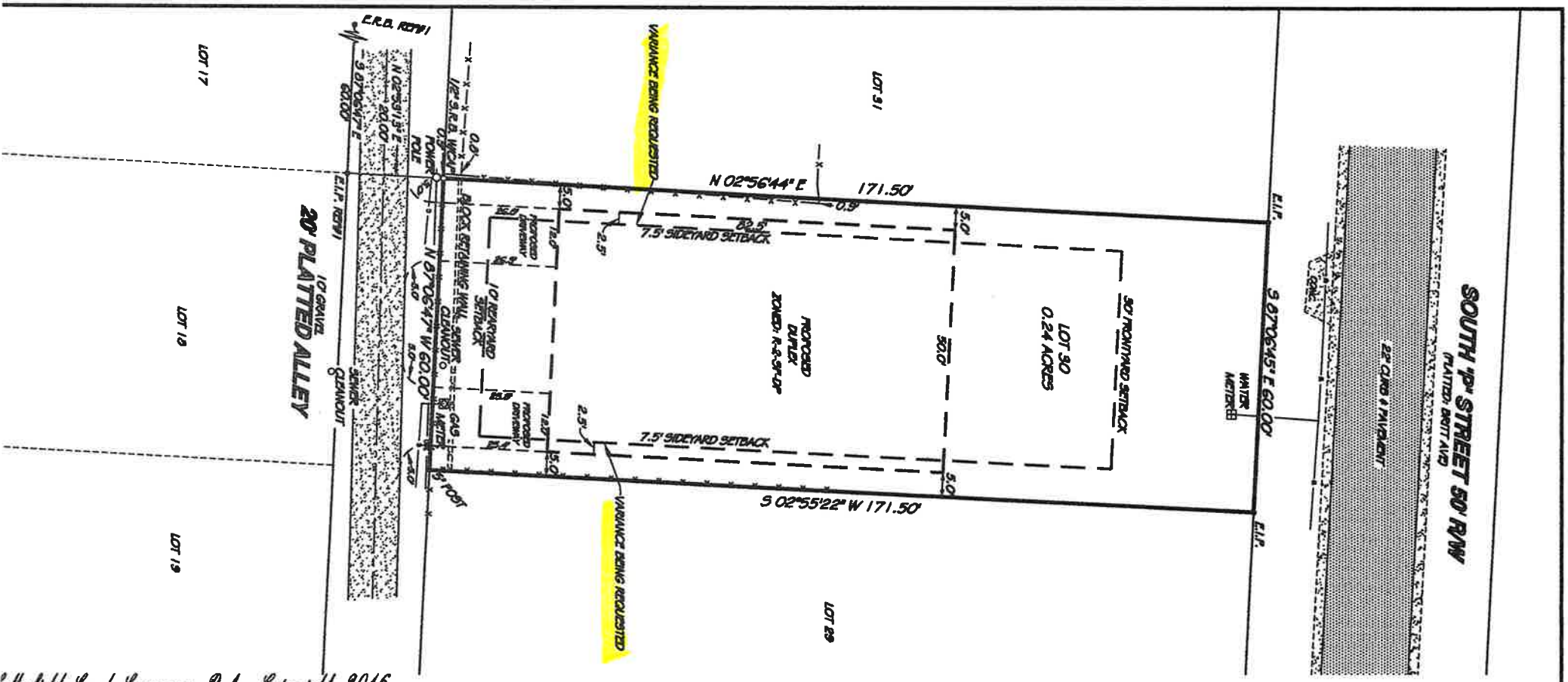
Building Footprints

1:4,023

0 187.5 375 750 ft

0 55 110 220 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



Satterfield Land Surveyors P.A., Copyright 2016

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A.. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

North

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

PROPERTY ADDRESS: 4106 S. P STREET FORT SMITH

10 10 0 GRAPHIC SCALE 20 40

RENCE DEED

EY REFERENCES

SATTERFIELD LAND SURVEYORS - 432391 - 71805

S OF BEARING

KANSAS STATE PLANE COORDINATES GRID NORTH

LEGEND

- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P.K.N. = SET P.K. NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- E.R.B. = EXISTING REBAR
- E.I.P. = EXISTING IRON PIN
- E.P.K.N. = EXISTING P.K. NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- E.N. = EXISTING NAIL
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/R MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF

LOT 30, MORNINGSIDE ADDITION TO THE CITY OF FORT SMITH, AR

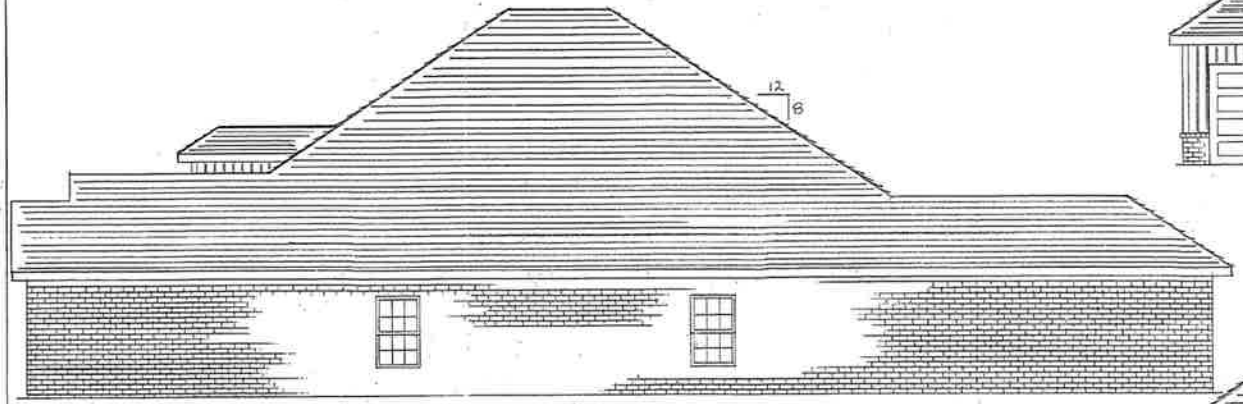
FOR USE BY: JESSICA SWILLING

DRAWN BY:	J.D.B.D.
SCALE:	1"=20'
DATE:	2-11-16
JOB NO.	41,415

Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: http://www.slsurveying.com

JR

BACK ELEVATION
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

FRONT ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATIONS
FOR: SWILLING CONSTRUCTION
DRW. BY: BRENDA GANN
DATE: 12-13-2015 | SHEET NO. 1 of 2

TM

February 24, 2016

Samuel & Jessica Swilling
2300 South 24th Street
Fort Smith, AR. 72901

RE: Variance Application, Neighborhood Meeting

To Whom it May Concern,

I held my neighborhood meeting Tuesday, February 23rd, at 5:30 pm at #4106 South P St., Fort Smith, AR.
I had approximately eleven neighbors attend, eight of which agreed to sign the 'Attendance List' provided by the City.
Initially, the majority of my neighbors voiced their disapproval with the decision to build a duplex on my property.
However, I explained due to my properties zoning status, I was within my right to build a duplex, and regardless of whether my variance request is approved or denied, ultimately, I would be moving forward with the construction of a duplex whether it ended up being a two bedroom single story unit or a three bedroom two story unit.
Additionally, I explained to everyone my primary concern when I decided to build a multi-family unit on my property, was to design a plan that would have the least impact on their families and homes.
Also, I shared with my neighbors all the effort, thought, and time I've personally invested designing a plan best suited for our neighborhood.

After listening to my neighbors concerns, their main issues were the impact a duplex would have to their property values, the potential for increased traffic, and appearance of the duplex not conforming to the existing homes on the street.
First, I addressed their concerns regarding how the duplex would look. After showing them the architectural rendering of the front exterior elevation, along with a photograph of how the exterior will look once completed, this concern was resolved.
Secondly, we discussed concerns regarding increased automobile traffic/parking. I explained that I felt by building a three bedroom unit vs. a two bedroom unit, the renter I would attract with a three bedroom unit will be a 'family', not a 'roommate' situation. My previous experience is that a 'family' rental will result in a two automobile renter where as a roommate situation had a higher probability of additional traffic/parking needed due to boyfriend/girlfriend relationships and friends visiting.
Next, we discussed the impact a duplex would have to their property values. I explained this was my greatest concern, therefor, I chose a duplex floor plan that is approximately 16% more expensive to build due to the exterior and interior finishes I selected.
Lastly, I explained that because I feel so strongly my duplex design is in the best interest of my neighbors, that the additional cost and time required with the variance application process, is worth it.

7N

In closing, I emphasized the fact I could have chosen to save time and money by building a cheaper unit, however, I believe the plan I designed is in the best interest of the neighborhood, a neighborhood that I personally lived in for seven years.

Samuel & Jessica Swilling

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4106 South P Street

Meeting Time & Date 2-23-16

Meeting Purpose Variance

	NAME	ADDRESS	PHONE #
1.	Tyler Miller	City of Fort Smith Employee	784-2241
2.	[illegible]	4110 S. P St.	479 806 2859
3.	[illegible]	4018 S. P St	479-462-1850
4.	[illegible]	4116 S P St	479 831 7311
5.	Sara Baker	1720 So. Albert Pike	(479) 783-6185
6.	Clara Rabideaux	1621 S Albert Pike	782-9763
7.	[illegible]		401450
8.	Cathy [illegible]	4023 South Q	
9.	Mahmoud Ihmeidan	4102 South P. St	479-285-95[illegible]
10.			
11.			

7P

Rice, Maggie

From: Rice, Maggie
Sent: Tuesday, March 01, 2016 2:01 PM
To: Planning Email Group
Subject: Variance - 4106 South P Street

Emily Oakes, 4119 South P Street, is opposed to the construction of a duplex but realizes the zoning on the property is not the issue at hand. She stated she was interested in pursuing a neighborhood rezoning. Her number is 479-459-0540 if there are any other questions.

I will place a copy in the file.

Maggie

10

27-4__ Residential Single Family - Duplex Low/Medium Dens

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

E. Land Uses. Permitted, Conditional and Accessory land uses in district are identified on the Land Use Matrix, Chapter 27-400, A Specific land uses not identified on the matrix are subject to clas pursuant to Section 27-336. No more than one principal structur on each defined lot.

F. Area and Bulk Regulations

Density/ Min. Lot Size (s.f.)	Min. Lot Width at Bldg Line	Max Lot Coverage	Minimum Street Frontage	Ma
4 dwellings per acre/ 10,500 s.f.	75 feet	50%	50 feet	35 27-

Setbacks			
Front	Side	Street Side /Corner Setback	Rear
30 feet	7.5 feet	30 feet	10 feet

1. Minimum building separation shall be 10 feet.

From: Cathy Armstrong [mailto:mcavelvet@yahoo.com]
Sent: Monday, February 22, 2016 12:33 PM
To: Planning Email Group
Subject: Size of lot required for duplex

Can you tell me the minimum size a lot is required for a duplex? I have looked through a number of documents on the website and cannot find anything.

I own the house directly behind 4106 S. P street. A duplex on that lot would be the equivalent of parking a big seburban in a compact parking space. It will look out of place, similar to the one that was built on South Q after a fire.

7R

It is a shame a duplex can be squeezed into a lot less than a quarter of an acre and betwen two established homes. The placing of duplex where a single dwelling home has been takes away from the neighborhood. The front lawn disappears, all you see is an oversize structure and concrete parking lot.

Cathy Armstrong
4023 South Q
mcavelvet@yahoo.com

75

Miller, Perry

From: Miller, Perry
Sent: Monday, February 22, 2016 3:01 PM
To: Planning Email Group
Subject: 4106 South P Street Variance

Sarah Baker at 1720 South Albert Pike has called and is opposed to the variance request for 4106 South P Street. I will add this to the file.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

TT

Miller, Perry

From: Miller, Perry
Sent: Tuesday, February 23, 2016 11:34 AM
To: Monaco,Tom; Andrews, Brenda; Rice, Maggie; Striplin, Bill; Bailey, Wally
Subject: RE: 4106 South "P" Street

The phone call Tom mentions below is from Cathy Armstrong who also sent a few extra e-mails listed below that ask further detail regarding lot size, lot coverage, front yard coverage and access from the alley. Cathy Armstrong's residents is directly behind 4023 South Q Street and doesn't want the alley blocked. I sent the site plan and elevations to Mrs. Armstrong and spoke about lot size requirements and the actual zoning district and that it allows duplexes. We further discussed the 2.5 side yard setback on both (interior sides) for the proposed duplex.

Cathy is strongly against the variance application.

I will add the list of emails below to the red file fold and the application folders.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

From: Monaco,Tom
Sent: Monday, February 22, 2016 12:01 PM
To: Andrews, Brenda; Rice, Maggie; Miller, Perry; Striplin, Bill
Subject: 4106 South "P" Street

I just received a phone call from a neighbor that is opposed to the variance at 4106 South "P" Street. She doesn't want a duplex in the neighborhood, and loose the character of the neighborhood. I will put this in the file.

Tom

From: Miller, Perry
Sent: Monday, February 22, 2016 1:20 PM
To: 'Cathy Armstrong'
Subject: RE: Size of lot required for duplex

Cathy,

I attached the site plan and façade for the duplex.

70

Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: February 25, 2016

Re: Variance #8-3-16 - A request by Lachanthay Phoumy, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 16.1 feet front yard setback located at 3713 Young Street.

REQUESTED VARIANCE

The variance if approved will allow for a carport to be constructed at 3713 Young Street.

LOT LOCATION AND SIZE

The subject property is on the north side of Young Street between North 37th Street and North 38th Street. The tract contains an area of 0.18 acres with approximately 57 feet of street frontage along Young Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily High Density (RM-4). Characteristics of this zone are as follows:

Purpose:

To provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist, or where such buildings would be consistent with an area's established development pattern and character. The RM-4 zoning district is appropriate in urban areas in the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial 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 – 5,000 square feet
Maximum Density – 30 Dwelling Units/Acre
Minimum Lot Width at Building Line – 50 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 5 feet
Side/Rear adjacent to RS district/development – 40 feet
Minimum building separation – 10 feet
Maximum Height - 40 feet (1+1)
Maximum Lot Coverage - 70%

SURROUNDING ZONING AND LAND USE

The areas to the north, east, and west are zoned Residential Multifamily High Density (RM-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.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Young Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan 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.

APPLICANT HARDSHIP

The applicant has stated that he does not have a carport at his house and would like one.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, February 10th on site. Seven neighboring property owners attended the meeting and according to the applicant all of them are in favor of the variance.

STAFF COMMENTS AND RECOMMENDATIONS

If the BZA approves this variance, staff requests that it be contingent upon the carport being attached to the structure and of conventional construction matching the house. The City staff with the help of an interpreter has explained this to Mr. Phoumy. He understands the Board of Zoning Adjustment wants to see conventional construction and that no metal carport can be used. He also understands that the carport should meet and be incorporated with the roofline and have shingles that match the house. If approved, he plans to hire a contractor after the PC meeting to draw the plans and submit for a building permit.

Additionally, the BZA should 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.

Var. # 8-3-16

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 3713 Young St., Existing or Proposed

Zoning Classification RM-4, 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:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM		TO	
20'	-	16.1'	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

8D

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

Signed:

Lacharthay Phoumy
Owner or Agent Name *(please print)*

Lacharthay Phoumy.
Owner

or

_____
Agent

479-430-0681
Owner or Agent Phone Number

3713 Young St. Fortsmith
Owner or Agent Mailing Address

Variance #_____

8E

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.

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

8F

Explanation of question #4 (if applicable)

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

I don't have carports in my house.

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:

None

8G

Miller, Perry

From: Miller, Perry
Sent: Monday, February 29, 2016 9:59 AM
To: Rice, Maggie; Andrews, Brenda; Bailey, Wally
Cc: Monaco,Tom; Striplin, Bill
Subject: RE: Neighborhood Meeting on February 10th.

To All:

I got hold of (Lachanthay) for 3713 Young Street. We all got tied up and could not attend the neighborhood meeting for the front yard setback variance of the carport. He has stated that for the neighborhood meeting (7 attendees) that everyone who appeared at the meeting was "for" his variance so he could have the carport. Our conversation was difficult, but this was what I understood.

I will make a copy of this e-mail and add this to the file.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

8H

Variance #8-3-11: From 20' to 16.1' front yard setback
3713 Young Street

February 15, 2016

Fort Smith City Limts

Building Footprints

Zoning

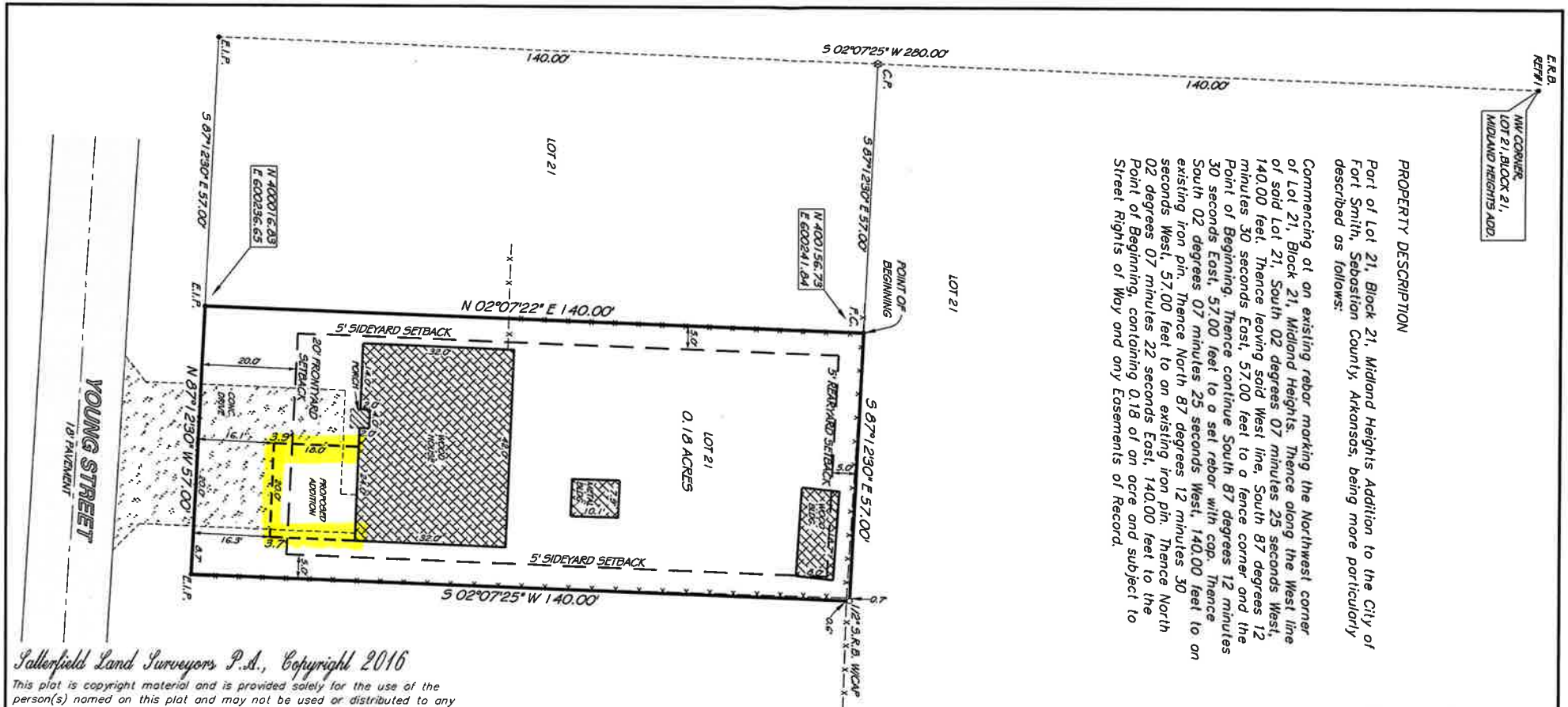
Subdivisions

1:2,011

0 90 180 360 ft

0 25 50 100 m

City of Fort Smith GIS
Copyright 2013, City of Fort Smith



PROPERTY DESCRIPTION

Part of Lot 21, Block 21, Midland Heights Addition to the City of Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at an existing rebar marking the Northwest corner of Lot 21, Block 21, Midland Heights. Thence along the West line of said Lot 21, South 02 degrees 07 minutes 25 seconds West, 140.00 feet. Thence leaving said West line, South 87 degrees 12 minutes 30 seconds East, 57.00 feet to a fence corner and the Point of Beginning. Thence continue South 87 degrees 12 minutes 30 seconds East, 57.00 feet to a set rebar with cap. Thence South 02 degrees 07 minutes 25 seconds West, 140.00 feet to an existing iron pin. Thence North 87 degrees 12 minutes 30 seconds West, 57.00 feet to an existing iron pin. Thence North 02 degrees 07 minutes 22 seconds East, 140.00 feet to the Point of Beginning, containing 0.18 of an acre and subject to Street Rights of Way and any Easements of Record.

North

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SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search my disclose.

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

20 10 0 GRAPHIC SCALE 20 40

REFERENCE DEED: WARRANTY DEED: DOC#2010F-18689

SURVEY REFERENCES

1. SATTERFIELD LAND SURVEYORS - #23936 - G25/98

BASIS OF BEARING

ARKANSAS STATE PLANE COORDINATES-GRID NORTH

LEGEND

- S.R.B. = SET 1/2" REBAR W/ CAP
- S.P./K.N. = SET P/K NAIL
- S.R.R.S. = SET RAILROAD SPIKE
- S.N. = SET NAIL
- F.R.B. = EXISTING REBAR
- E.I.P. = EXISTING IRON PIN
- E.P./K.N. = EXISTING P/K NAIL
- E.R.R.S. = EXISTING RAILROAD SPIKE
- E.N. = EXISTING NAIL
- = EXISTING GOVERNMENT MONUMENT
- = EXISTING STONE
- = EXISTING STATE MONUMENT
- = EXISTING R/W MARKER
- = EXISTING FENCE
- = COMPUTED POINT
- F.C. = FENCE CORNER

SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

SEBASTIAN COUNTY, ARKANSAS
SURVEY OF PART OF

LOT 21, BLOCK 21, MIDLAND HEIGHTS ADDITION, TO THE CITY OF FORT SMITH, AR

FOR USE BY: LACHANTHAY PHOUMY

DRAWN BY:	J.D.B.D.
SCALE:	1"=20'
DATE:	01-21-16
JOB NO.	41,374

Satterfield Land Surveyors P.A.
REG. ARK. & OKLA.
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: http://www.slsurveying.com

ALL STEEL CARPORTS Incorporated

Local Dealer
Phone Number _____

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Affordable Buildings, Exceptional Quality!

Any Size Carport, Garage, Storage Building or Motor Home Cover! CUSTOM SIZES AVAILABLE!

Before You Buy Anywhere Else, Compare Our Installation Schedules and Value-Added Standard Features!

Optional Anchors Available at $25 each.
Highly recommended for sand & clay!
Temporary anchors included at no cost.

Engineered Certified Carports & Buildings

18' X 26' X 7'
14 gauge, 7' legs
REGULAR GARAGE

18' X 26' X 8'
14 gauge, 8' legs
A-FRAME GARAGE

18' X 26' X 8'
14 gauge, 8' legs
A-FRAME VERTICAL ROOF GARAGE

AVAILABLE IN 12 COLORS! | **FREE INSTALLATION!** | **BRACES ON EVERY LEG & CENTER!**

29 Gauge
TEEL Roof
18' X 21' X 6'
2½" 14 gauge, 6' legs standard
REGULAR CARPORT
$795.00

18' X 21' X 6'
2½" 14 gauge, 6' legs standard
A-FRAME CARPORT
$895.00

18' X 21' X 6'
2½" 14 gauge, 6' legs standard
A-FRAME VERTICAL ROOF CARPORT
$1,295.00

Prices for regular style, open carport with 6 ft. legs — *We Recommend Adding extra in Height For Future Garage*

STANDARD 14 GAUGE 2½" STEEL

12 X 21	$695.00	12 X 26	$945.00	12 X 31	$1,145.00	12 X 36	$1,395.00	12 X 41	$1,590.00
18 X 21	$795.00	18 X 26	$1,195.00	18 X 31	$1,395.00	18 X 36	$1,595.00	18 X 41	$1,790.00
20 X 21	$1,045.00	20 X 26	$1,395.00	20 X 31	$1,595.00	20 X 36	$1,895.00	20 X 41	$2,190.00
22 X 21	$1,295.00	22 X 26	$1,695.00	22 X 31	$1,995.00	22 X 36	$2,295.00	22 X 41	$2,590.00
24 X 21	$1,495.00	24 X 26	$1,845.00	24 X 31	$2,245.00	24 X 36	$2,595.00	24 X 41	$2,990.00
26 X 21	$1,795.00	26 X 26	$2,295.00	26 X 31	$2,695.00	26 X 36	$3,195.00	26 X 41	$3,590.00
28 X 21	$2,095.00	28 X 26	$2,595.00	28 X 31	$3,095.00	28 X 36	$3,595.00	28 X 41	$4,190.00
30 X 21	$2,295.00	30 X 26	$2,895.00	30 X 31	$3,495.00	30 X 36	$4,095.00	30 X 41	$4,690.00

NOTE: Frames are 1 foot shorter than roof length-wise

PREMIUM 12 GAUGE 2¼" STEEL

12 X 21	$895.00	12 X 26	$1,140.00	12 X 31	$1,340.00	12 X 36	$1,540.00	12 X 41	$1,840.00
18 X 21	$995.00	18 X 26	$1,295.00	18 X 31	$1,495.00	18 X 36	$1,845.00	18 X 41	$2,140.00
20 X 21	$1,245.00	20 X 26	$1,565.00	20 X 31	$1,895.00	20 X 36	$2,195.00	20 X 41	$2,490.00
22 X 21	$1,445.00	22 X 26	$1,795.00	22 X 31	$2,145.00	22 X 36	$2,545.00	22 X 41	$2,990.00
24 X 21	$1,745.00	24 X 26	$2,195.00	24 X 31	$2,595.00	24 X 36	$2,995.00	24 X 41	$3,490.00
26 X 21	$2,095.00	26 X 26	$2,695.00	26 X 31	$3,195.00	26 X 36	$3,795.00	26 X 41	$4,190.00
28 X 21	$2,295.00	28 X 26	$2,895.00	28 X 31	$3,495.00	28 X 36	$4,095.00	28 X 41	$4,690.00
30 X 21	$2,595.00	30 X 26	$3,295.00	30 X 31	$3,895.00	30 X 36	$4,695.00	30 X 41	$5,190.00

ATTENTION: COLORS BELOW ARE REPRESENTATIONS ONLY. PLEASE SPEAK TO AN ALL STEEL CARPORT REPRESENTATIVE OR DEALER FOR ACTUAL COLOR SAMPLE

Burgandy | Forest Green | Hawaiian Blue | Zinc Grey | Black | Bright White | Barn Red | Light Stone | Pebble Beige | Pewter Grey | Brown | Mocha Tan | Taupe

12 Gauge – 20 year limited warranty on rust through out the framing assuming normal care and maintenance on the 12 gauge only.
22 feet wide and up, recommend using 12 gauge material.
See Reverse Side For Useful Options

Oklahoma/Arkansas/Kansas/Texas/Missouri

MasterCard VISA DISCOVER

Planning and Zoning

Memo

To: City Planning Commission

From: Planning Staff

Date: March 3, 2016

Subject: Public Storm Drainage Projects

Pursuant to your request at the March 1, 2016, study session, staff has prepared the enclosed resolution regarding your aesthetic and safety concerns regarding recently completed public storm drainage projects.

The resolution identifies your concerns and states that you believe that these types of projects should comply with the UDO design and construction standards. It also asks the Board to support a process that would require storm drainage projects to include landscaping and safety features and that the planning commission review and approve the projects.

Please let us know if you have questions, comments or concerns about the resolution.

Enc.

9A

RESOLUTION NO. 16-01

A RESOLUTION REQUIRING PUBLIC DRAINAGE PROJECTS TO COMPLY WITH THE UNIFIED DEVELOPMENT ORDINANCE DESIGN AND CONSTRUCTION STANDARDS AND REQUIRING REVIEW AND APPROVAL BY THE FORT SMITH PLANNING COMMISSION

WHEREAS, the Planning Commission has observed recent storm drainage improvements projects within the city that involved replacing grass lined ditches with concrete-lined ditches ; and,

WHEREAS, the Planning Commission believes the concrete-lined ditches are aesthetically detrimental to the neighborhoods where the projects have occurred due to the large amounts of concrete and no landscaping; and,

WHEREAS, the Planning Commission believes the public projects should follow the same UDO design and construction standards as private development is required to follow; and,

WHEREAS, the planning commission also believes the projects recently completed are potentially dangerous to motorists and pedestrians due to the lack of safety features.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION THAT:

Due to the above- mentioned aesthetic and safety concerns, the Planning Commission requests that the Board of Directors support a process that will require that all city drainage projects be required to include landscaping and safety features and be required to be reviewed and approved by the planning commission.

THIS RESOLUTION ADOPTED THIS _____ DAY OF _____2016.

APPROVED:

_____

Marshall Sharpe, Chairman

ATTEST:

_____

Vicky Newton, Secretary

9B