



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
AGENDA  
EXHIBIT HALL A-3  
FORT SMITH CONVENTION CENTER  
6:00 P.M.  
NOVEMBER 10, 2016**

**I. ROLL CALL**

**II. APPROVAL OF MINUTES FROM OCTOBER 11, 2016 AND FROM  
NOVEMBER 1, 2016 SPECIAL MEETING**

**III. STAFF COMMENTS AND PROCEDURES**

1. Conditional Use #23-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC, for a conditional use for a multifamily development located at 423 North 7<sup>th</sup> Street. (companion item to item #2)

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

2. Variance #26-11-16; A request by Justin Skinner, agent for Historical Holdings, LLC, for a variance from the density requirements to allow 3 dwelling units in a Residential Historic Zone located at 423 North 7<sup>th</sup> Street. (companion item to item #1)
3. Variance #27-11-16; A request by Joey Miller for a variance from Section 27-602-3 perimeter landscaping requirements located at 1300 Wheeler Avenue.

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

4. Conditional Use #19-10-16; A request by Dennis Siebenmorgen, agent for Fort Smith Public Schools, for a conditional use for a driveway on Houston Street for access to bus parking located at 3600 Jenny Lind Road. (tabled from October)

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

5. Preliminary Plat – Valley of Stoneshire – Mickle-Wagner-Coleman (companion item to items #6 & #7)
6. Rezoning #21-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc., for a zone change from Not Zoned and Residential Single Family Duplex Medium/High Density (RSD-3) to Residential Single Family Medium/High Density (RS-3) by Extension located at 9400 Wey Bridge Drive. (companion item to items #5& #7)
7. Subdivision Variance #2-11-16; A request by Pat Mickle, agent for Fort Chaffee Redevelopment Authority and Shire, Inc., for a subdivision variance from Section 27-503-10(B) to increase from 200 to 260 number of average day trips generated on a cul-de-sac located at 9400 Wey Bridge Drive. (companion item to items #5 & #6)
8. Conditional Use #22-11-16; A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for a conditional use for a nursing home located at 6301 Riley Park Drive. (companion item to item #9)

**RECESS PLANNING COMMISSION**

**RECONVENE BOARD OF ZONING ADJUSTMENT**

9. Variance #28-11-16; A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for a variance from the maximum size of a building in a Transitional zone located at 6301 Riley Park Drive. (companion item to item #8)

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
SPECIAL MEETING  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
11:30 A.M.  
NOVEMBER 1, 2016**

**1. Resolution concerning the location, date and time for the November 2016 Planning Commission meeting.**

Mr. Bailey stated that the standing rules of the Planning Commission state that the regular meeting of the Fort Smith Planning Commission shall be held on the second Tuesday of each month in the Rose Room of the Creekmore Park Community Center. Mr. Bailey noted that the November 8, 2016, Planning Commission scheduled meeting date coincides with the general election day and the Creekmore Park Community Center building is used as a polling place for four precincts and since the expected participation at the November 2016 meeting is expected to exceed the occupancy allowed in the building, the meeting date, location and time needs to be changed to Thursday, November 10, 2016, at 6:00 p.m. in Exhibit Hall A3 of the Fort Smith Convention Center located at 55 South 7<sup>th</sup> Street.

Mr. Bailey noted the following steps that would be taken in order to make sure all citizens were aware of the revised date, time and location of the Planning Commission November meeting:

- A city staff person will be placed at Creekmore Park on November 10<sup>th</sup> to direct any citizen that may need assistance with the correct time and location of the Planning Commission meeting.
- Notification by first class mail to all applicants and property owners as required in the UDO for notice.
- City facebook page
- City access channel
- City website

- Media releases
- Legal ad in the Times Record newspaper

No one was present to speak either in favor or in opposition to the meeting change.

Chairman Sharpe then called for the vote on the Resolution to change the date, location and time of the November 2016 Planning Commission meeting. The vote was 6 in favor and 0 opposed.

**2. Election of a chairman pro tem for the November 2016 Planning Commission meeting.**

Chairman Sharpe noted that he would be unable to attend the November 10<sup>th</sup> Planning Commission meeting and since the Vice-Chairman, Don Keese lived in the area of a controversial item on the agenda did not feel he should chair this meeting.

Since there were no volunteers to chair the November meeting, motion was made by Commissioner Richardson, seconded by Commissioner Keese and carried unanimously to appoint Commissioner Howard as the chairman pro tem for the November 2016 meeting.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM  
CREEKMORE PARK COMMUNITY CENTER  
5:30 P.M.  
OCTOBER 11, 2016**

On roll call, the following Commissioners were present: Marshall Sharpe, Talicia Richardson, Josh Carson, Bob Cooper, Jr., Sarah Howe, Don Keesee, Joshua Kilgore and Rett Howard. Commissioner Vicki Newton was absent.

Chairman Sharpe called for the vote on the minutes from the September 13, 2016, Planning Commission meeting. Motion was made by Commissioner Keesee, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

**1. Conditional Use #18-10-16; A request by Effie Drosopoulos/Vasiliki Investments LLC, for a conditional use for an auto and vehicle impoundment and holding yard (no salvage) located at 1220 Atlanta and 2912 South 12<sup>th</sup> Street.**

Ms. Maggie Rice read the staff report indicating that the purpose of the conditional use request is to permit the auto and vehicle impoundment and holding yards to be in compliance. Ms. Rice stated that with approval of this application, the vehicles parked in the RM-3 zoning district at 2901 South 12<sup>th</sup> Street would be moved to the two approved locations.

Ms. Rice noted that a neighborhood meeting was held on Friday, September 30, 2016, with no surrounding property owners in attendance.

Mr. Chris Drosopoulos was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe then called for the vote on the conditional use request. Motion was made and seconded to amend this request to make approval subject to the following conditions:

- All vehicles currently stored at 2901 South 12<sup>th</sup> Street shall be relocated to the properties at 1220 Atlanta Street and 2912 South 12<sup>th</sup> Street. No further vehicles shall be stored at 2901 South 12<sup>th</sup> Street.

- Access to 1220 Atlanta Street and 2912 South 12<sup>th</sup> Street shall be accessed from Towson Avenue only. Access from South 12<sup>th</sup> Street and Atlanta Street is prohibited.
- A minimum six-foot opaque screening fence shall be installed along the west, north and east property lines of 1220 Atlanta Street and along the east, south and west property lines of 2912 South 12<sup>th</sup> Street.
- The barb wire on the existing chainlink fencing and portable building at 2901 South 12<sup>th</sup> Street shall be removed.
- The three properties shall be brought into compliance within 180 days (6 months).

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

**2. Conditional Use #19-10-16; A request by Dennis Siebenmorgen, agent for Fort Smith Public Schools, for a conditional use for the use of an abandoned driveway for bus parking located at 3600 Jenny Lind Road.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow the applicant to utilize a vacant residential lot on Houston Street (Lot 65) as access to an existing school bus parking lot located at 3600 Jenny Lind Road. Ms. Andrews stated that the applicant is planning to demolish the existing building at 3600 Jenny Lind and utilize the concrete slab to park approximately 30 school buses on the site. Ms. Andrews noted that the property is currently used to park school buses. Ms. Andrews also noted that in conjunction with this plan, the applicant is proposing to utilize a vacant residential lot (Lot 65) also owned by the applicant on Houston Street as ingress and egress to the school bus site and the applicant is also proposing to install a gate on the north side of Lot 65.

Mr. Jeff Tomlin, Director of Transportation for the Fort Smith Public School District, was present to speak on behalf of this request.

Several persons were in attendance opposing this request citing safety concerns.

Following a discussion by the Commission, motion was made and seconded to table this item until such time as the applicant can meet with the city engineering department to evaluate the possibility of a signal light on Jenny Lind Road that would allow protected left turns from the parking lot at 3600 Jenny Lind Road.

The vote was 8 in favor and 0 opposed to table this request.

**3. Conditional Use #20-10-16; A request by Charles Lauver, agent for River Valley Church of the Nazarene, for a conditional use for a preschool located at 2401 South Savannah Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow a preschool for up to 21 children to operate in the existing River Valley Church of the Nazarene.

Mr. Charles Lauver was present to speak on behalf of this request.

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

Following a discussion by the Commission, Chairman Sharpe called for the vote on the conditional use request. The vote was 8 in favor and 0 opposed. The conditional use was approved subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
  - If any new signage is proposed, the applicant shall submit a sign permit application for staff review and approval.
  - The existing dumpster shall be completely screened from adjoining properties and street rights-of-way.
  - Any new exterior lighting proposed shall comply with the Commercial and Outdoor Lighting Requirements of the Unified Development Ordinance.
- 4. Conditional Use #21-10-16; A request by Adam Whitlow, agent for New Life Church of Arkansas, for a conditional use for a church addition and additional parking located at 9000 South Dallas Street (companion item to item #5)**
- 5. Variance #25-10-16; A request by Adam Whitlow, agent for New Life Church of Arkansas, for a variance from Section 27-602-4C-8 screening requirements located at 9000 South Dallas Street. (companion item to item #4)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the development of a new 12,680 square foot sanctuary addition with 97 new parking spaces without the required screening along the west property line adjacent to the Fort Smith Boys & Girls Club ballfields, detention pond and landscaping.

Mr. Adam Whitlow was present to speak on behalf of these requests.

No one was present to speak in opposition to these requests.

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

**4. Conditional Use #21-10-16; A request by Adam Whitlow, agent for New Life Church of Arkansas, for a conditional use for a church addition and additional parking located at 9000 South Dallas Street. (companion item to item #5)**

Chairman Sharpe called for the vote on the conditional use request. Motion was made and seconded by amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All new exterior lighting shall comply with the Commercial and Outdoor Lighting Requirements of the Unified Development Ordinance.
- If any new signage is proposed, the applicant shall submit a sign permit application for staff review and approval.

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

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

**5. Variance #25-10-16; A request by Adam Whitlow, agent for New Life Church of Arkansas, for a variance from Section 27-602-4C-8 screening requirements located at 9000 South Dallas Street. (companion item to item #4)**

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

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

**6. Amendment to the Unified Development Ordinance – Sign Regulations (tabled from September)**

Mr. Wally Bailey submitted the proposed language for a UDO amendment concerning the brightness levels of electronic message center (digital) signs. Mr. Bailey noted that the proposed language has been vetted with the city attorney and has been discussed by the Planning Commission at two study sessions. Mr. Bailey also noted that letters had been mailed to all sign companies advising them of the proposed amendments relative to signs and asked for their review and input relative to these amendments.

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

Chairman Sharpe then called for the vote to recommend these proposed sign regulation changes to the Board of Directors for their review and approval. The vote was 8 in favor and 0 opposed.

**7. Cisterna Park Mobile Food Vending Lottery (November & December)**

Mr. Bailey stated that there were no lottery applications from mobile food vendors to vend from the parking spaces adjacent to Cisterna Park. Therefore, a lottery drawing did not occur. Mr. Bailey stated that mobile food vendors could still apply for the parking spaces for the months of September and October until they were filled.

**Meeting Adjourned!**

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 27, 2016

**Re:** Conditional Use #23-11-16 - A request by Justin Skinner, agent for Historical Holdings, LLC, for Planning Commission consideration of a Conditional Use request for a multifamily development located at 423 North 7<sup>th</sup> Street

## PROPOSED CONDITIONAL USE

The conditional use will allow the applicant to develop a multifamily development of three dwelling units on the property at 423 North 7<sup>th</sup> Street.

## LOT LOCATION AND SIZE

The subject property is on the west corner of North 7<sup>th</sup> Street and North E Street intersection. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along North 7<sup>th</sup> Street and 140 feet of street frontage along North E 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 properties to the north, south, east, and west are zoned Residential Historic (RH) and are developed as single family or duplex dwellings.

**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 7<sup>th</sup> Street and North E Street as local roads.

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## **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.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – The site utilizes the alley for all of the egress, ingress, and parking.

**Drainage** – No applicable

**Right-of-way dedication** – No new R.O.W. dedication is required.

**Multi-Use bike path** – Not applicable

**Landscaping** – No landscaping is proposed.

**Parking** – The parking is located off of the alley.

**Signage** – No signage is proposed.

**Lighting** – No lighting is shown.

**Setbacks** – The building setbacks are not changing for the existing structures.

**Architectural features** – This property is located in the Belle Grove Historic District and all exterior changes to structures require Historic District Commission approval.

## **NEIGHBORHOOD MEETING**

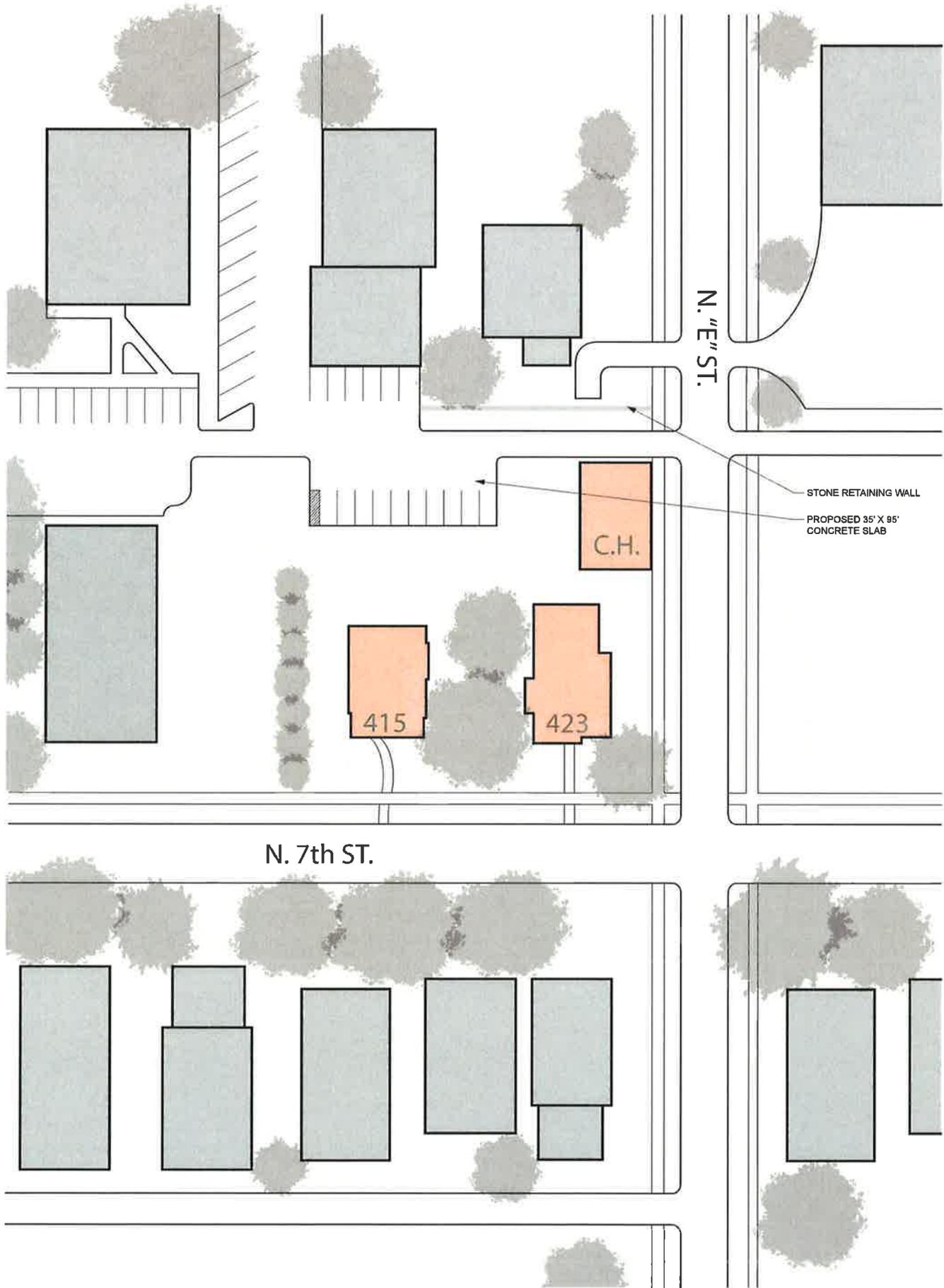
A neighborhood meeting was held Tuesday October 25<sup>th</sup>, 2016 at 6:00 P.M. on site.

Four (4) neighboring property owners attended the meeting with no objections.

## **STAFF COMMENTS AND RECOMMENDATIONS**

This property is located within the Belle Grove Historic District. At the February 2016 Fort Smith Historic District Commission meeting the Commission recommended the Planning Commission approve a Conditional Use request for a multifamily development on this property.

Staff recommends approval of the request contingent upon approval of the companion variance request that will allow three dwelling units on the property.



STONE RETAINING WALL  
 PROPOSED 35' X 85'  
 CONCRETE SLAB

N. 7th ST.

N. 'E' ST.

EXISTING SITE PLAN - 415 N. 7th St.  
 1" = 32'

PLAN NORTH TRUE NORTH

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Conditional Use # 23-1116

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Historical Holdings, LLC

Name of Authorized Agent (if applicable) Justin Skinner

Legal Description of property included in the conditional use request:  
LOT 7 & N 25' OF LOT 5 BLK U

Street Address of Property:  
East Smith Rd

Existing Zoning Classification:  
R-1

Proposed Zoning Classification (if applicable):

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:  
Development of a 2000 sq ft building for use as a storage facility.

What amenities are proposed such as landscaping and screening?  
Landscaping and screening to be provided.

Justin Skinner  
Owner or Agent Name (please print)

P.O. Box 1972 Greenwood, AR 72936  
Owner or Agent Mailing Address

(479) 650-3484  
Owner or Agent Phone Number

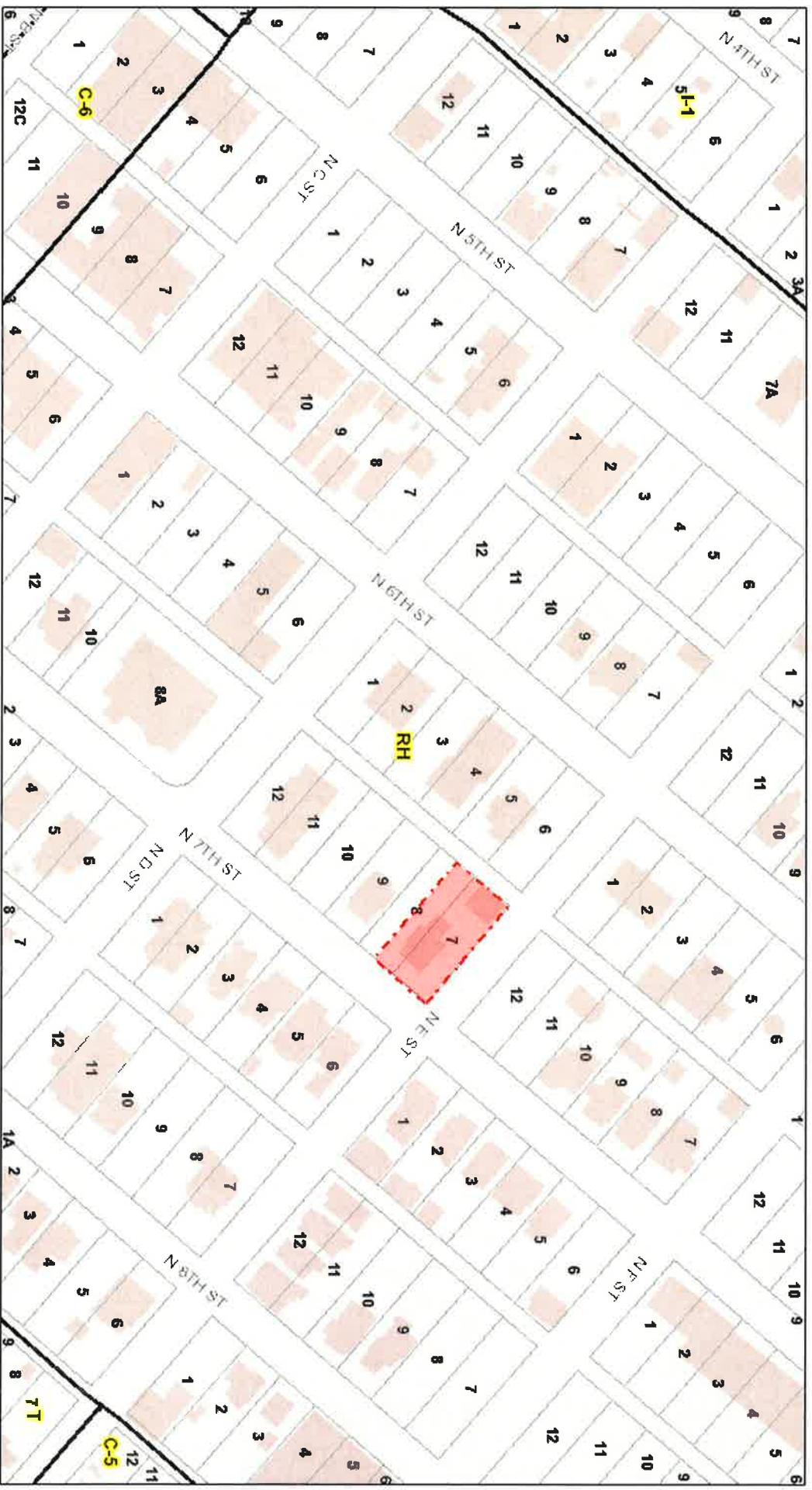
Signed: \_\_\_\_\_  
Owner

Or  
  
Agent

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# Conditional Use #23-11-16: Multifamily Development 423 North 7th Street

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October 19, 2016

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



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 27, 2016

**Re:** Variance #26-10-16 - A request by Justin Skinner, agent for Historical Holdings, LLC, for Board of Zoning Adjustment consideration of a zoning variance request from the density requirements to allow three dwelling units located at 423 North 7<sup>th</sup> Street.

## REQUESTED VARIANCE

The variance will allow the applicant to utilize the existing structures for a total of three dwelling units. The variance will allow the former carriage house to be remodeled for one residence which would create the third dwelling unit on the property.

## LOT LOCATION AND SIZE

The subject property is on the west corner of North 7<sup>th</sup> Street and North E Street intersection. The tract contains an area of 0.24 acres with approximately 75 feet of street frontage along North 7<sup>th</sup> Street and 140 feet of street frontage along North E 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 properties to the north, south, east, and west are zoned Residential Historic (RH) and are developed as single family or duplex dwellings.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies North 7<sup>th</sup> Street and North E Street as local roads.

**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 explained when he purchased the property the carriage house was a duplex and the principle structure was a single family home. The applicant has converted the principle structure to a duplex and would like to make the carriage house a single unit.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Tuesday October 25<sup>th</sup>, 2016 at 6:00 P.M. on site. Four (4) neighboring property owners attended the meeting with no objections.

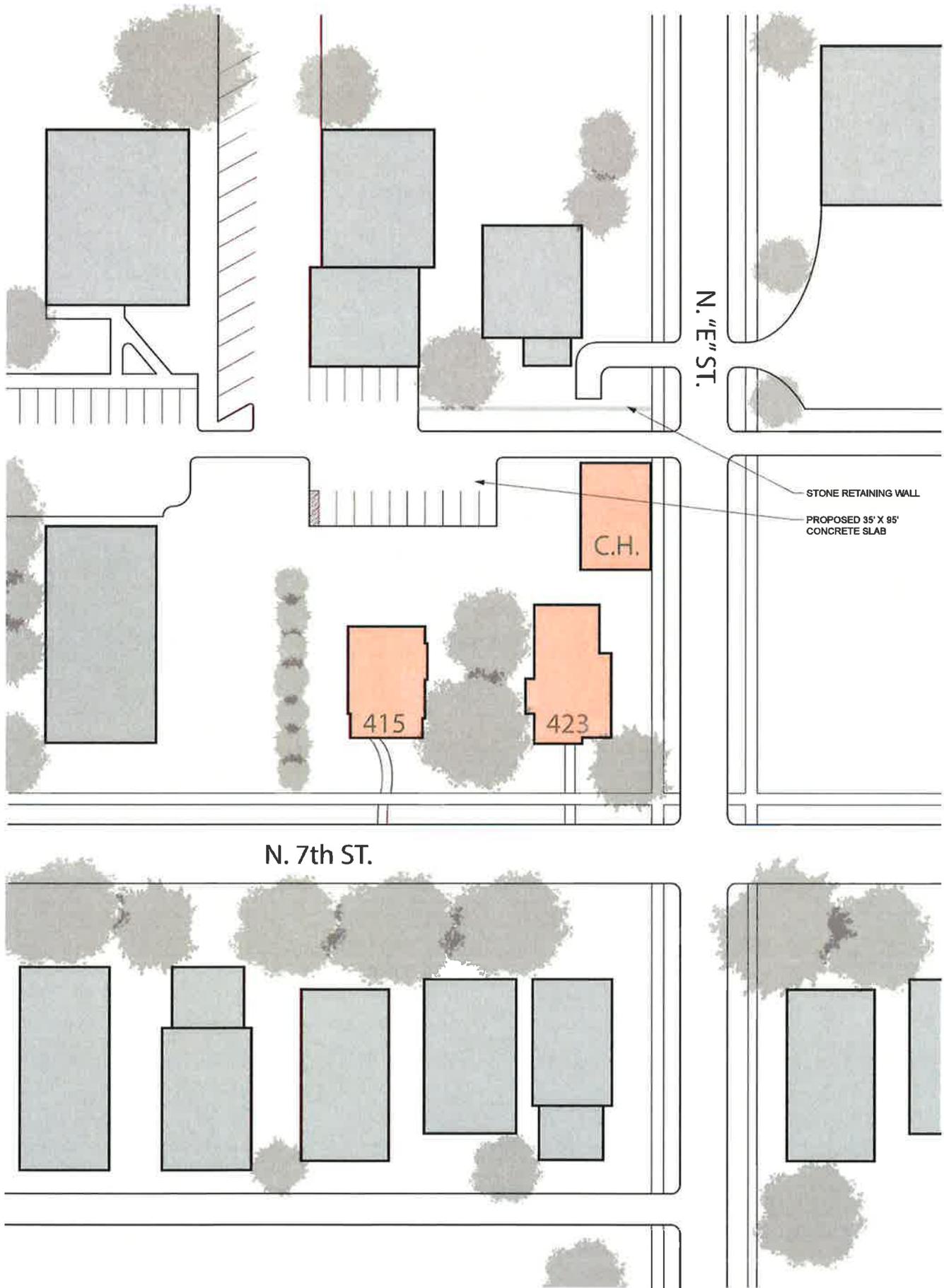
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**GRANTING OF A VARIANCE**

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.

**STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends approval of the variance.



EXISTING SITE PLAN - 415 N. 7th St.

1" = 32'

PLAN NORTH ▲

TRUE NORTH ▲

20

Var. #26-11-16

**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 423 North 7th street, Existing or Proposed

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

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

**FROM**

**TO**

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback
- Interior Side Yard Setback
- Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign
- 2   -   3   Other:   Dwelling units

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

QE

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

Signed:

Justin Skinner

Owner or Agent Name *(please print)*

\_\_\_\_\_  
Owner

or

(479) 650-3484

Owner or Agent Phone Number

  
Agent

P.O. Box 1972 Greenwood, AR 72936

Owner or Agent Mailing Address

Variance # \_\_\_\_\_

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**VARIANCE INFORMATION FORM**

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

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

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

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

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Explanation of question #4 (if applicable)

There are two dwellings that were built on a lot and 1/2 (original plat). There is a motor court in the back of the main house at 423 referred to as a carriage house. When it was built there were 2 units (614 and 616 N. "E" street) and the main house 423.

I'm looking at making the motor court one unit and the main house 2.

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

We bought 2 houses (415 and 423 N. 7th) right next to each other to allow for proper parking and proper square footage to allow 3 dwellings and up to 6 dwelling units.

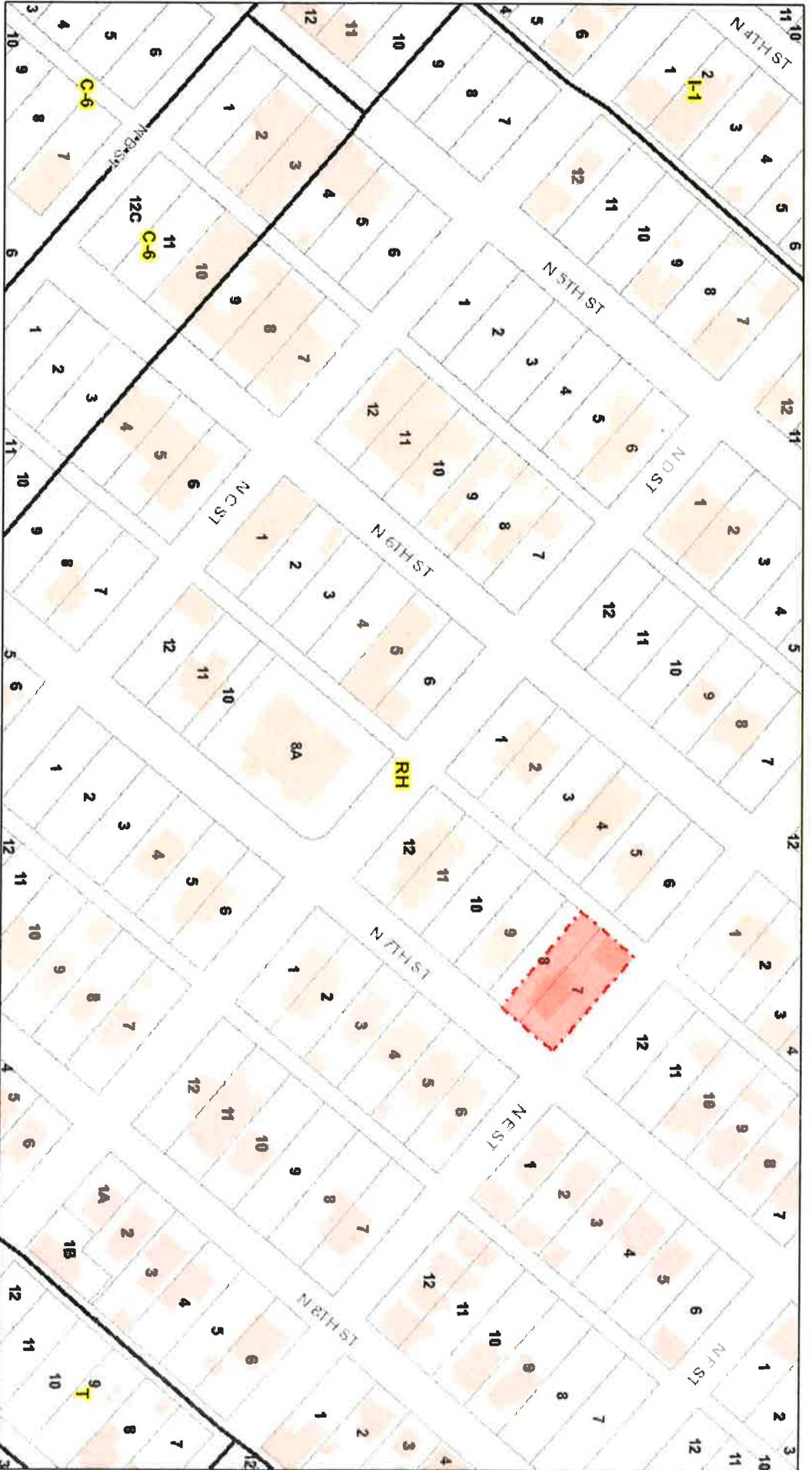
Though after looking at the layout we only decided to seek 5 units.

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:

All the buildings were built between 1888 to 1920. We are only trying to save and restore what is existing.

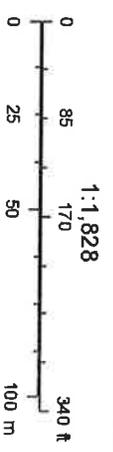
# Variance #26-10-16: From 2 to 3 dwelling units 423 North 7th Street

HR



October 19, 2016

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



# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** November 2, 2016

**Re:** Variance #27-11-16 - A request by Joseph Miller, owner, for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-602-3 perimeter landscaping requirements located at 1300 Wheeler Avenue.

## REQUESTED VARIANCE

The variance will allow the applicant to not install perimeter landscaping.

## LOT LOCATION AND SIZE

The subject property is on the west side of Wheeler Avenue between South O Street and Dodson Avenue. The tract contains an area of 1.88 acres with approximately 700 feet of street frontage along Wheeler Avenue.

## EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1).  
Characteristics of this zone are as follows:

### Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

### Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

**Conditional Uses:**

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

- Minimum Lot Size – 20,000 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) – 20,000 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 – 10 feet
- Rear Yard Setback - 10 feet
- Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Arterial or higher

**SURROUNDING ZONING AND LAND USE**

The areas to west, north, and east are zoned Industrial Light (I-1) and are developed as motor freight terminal, durable goods whole sale and distribution, electrical, plumbing, heat and air conditioning wholesales, and other similar industrial uses.

The area to the south is zoned Industrial Moderate (I-2) and is developed as the riverside furniture corporation (furniture and home furnishings manufacturing).

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Wheeler Avenue as a Major Arterial.

**MASTER LAND USE PLAN COMPLIANCE**

The Master Land Use Plan classifies the site as Office, Research and Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

**APPLICANT HARDSHIP**

The applicant has stated that the landscaping will not allow enough maneuvering for vehicles when backing out of parking spaces and leaving.

### **NEIGHBORHOOD MEETING**

The neighborhood meeting is scheduled for November 4<sup>th</sup> at 5:00 p.m. Staff will provide a summary of the meeting at the Planning Commission meeting.

### **GRANTING OF A VARIANCE**

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.

### **STAFF COMMENTS AND RECOMMENDATIONS**

When the plans were submitted for a building permit it showed the required perimeter landscaping along the Wheeler Avenue frontage. During construction the landscaping was omitted. The applicant stated they misread the scale and the asphalt was laid to the property line. The retaining wall and asphalt are on the property line and in order to install landscaping along the perimeter the asphalt will have to be removed. Additionally, the applicant states if the landscaping were installed there would be insufficient maneuvering room for the large vehicles that frequent his business.

Var # 27-11-16

**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 1300 WHEELER AVE, Existing or Proposed

Zoning Classification I-1, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

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

**FROM**

**TO**

- \_\_\_\_\_ - \_\_\_\_\_ Front Yard Setback or Minimum Distance from Right-of-Way
- \_\_\_\_\_ - \_\_\_\_\_ Exterior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Interior Side Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Rear Yard Setback
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Height of Structure
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Distance Between Structures on the Same Lot
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Area (Square Feet)
- \_\_\_\_\_ - \_\_\_\_\_ Minimum Lot Frontage
- \_\_\_\_\_ - \_\_\_\_\_ Maximum Size of a Sign

10 - 0 Other: UDO 27-1102-3(c)

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

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

JOEY MILLER  
Owner or Agent Name (please print)

479-806-7056  
Owner or Agent Phone Number

P.O. Box 1543 A.S. 72902  
Owner or Agent Mailing Address

Signed:   
\_\_\_\_\_ Owner

or

\_\_\_\_\_  
Agent

Variance # \_\_\_\_\_

**VARIANCE INFORMATION FORM**

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

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

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

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)?

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?

\_\_\_\_\_

\_\_\_\_\_

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

PARKING LOT IS NOT DEEP ENOUGH FOR LANDSCAPING  
BED TO BE ABOVE THE RETAINING WALL

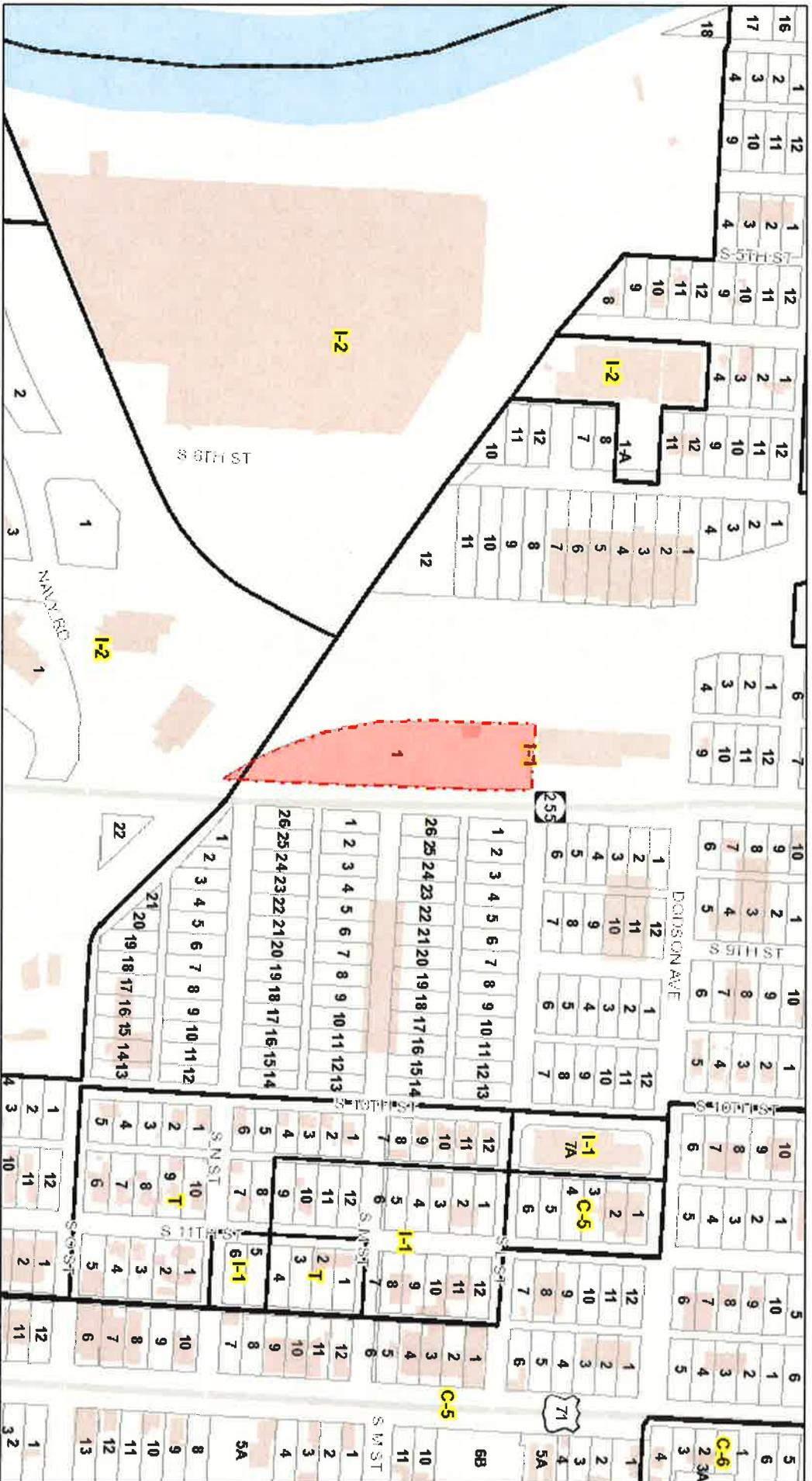
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

IT WOULD NOT ALLOW FOR SUFFICIENT PARKING  
SPACES, AND WOULD MAKE BACKING OUT WHEN  
LEAVING DIFFICULT.

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:

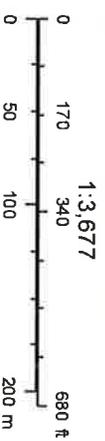
# Variance #27-11-16: From 10' to 0' Parking Lot Screening 1300 Wheeler Avenue

FR



October 19, 2016

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





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** September 29, 2016

**Re:** Conditional Use #19-10-16 - A request by Dennis Siebenmorgen, agent for Fort Smith Public Schools, for Planning Commission consideration of a Conditional Use request to utilize Lot 65 on Houston Street as ingress and egress for a bus parking lot at 3600 Jenny Lind Road

## **PROPOSED CONDITIONAL USE**

Approval of the requested conditional use will allow the applicant to utilize a vacant residential lot on Houston Street (Lot 65) as access to and egress from an existing school bus parking lot at 3600 Jenny Lind Road.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of Houston Street between Jenny Lind Road and South 16<sup>th</sup> Street. The tract contains an area of 0.25 acres with approximately 75 feet of street frontage along Houston Street.

## **EXISTING ZONING**

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

### **Purpose:**

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

### **Permitted Uses:**

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

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

The area to the north is zoned Industrial Light and is utilized as school bus parking for the Fort Smith Public Schools.

**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.

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## **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Houston Street as a Local Road and Jenny Lind Road as a Minor Arterial Street.

## **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.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – Currently, the applicant utilizes an existing driveway on Jenny Lind Road as ingress and egress to the school bus parking lot. The applicant proposes to use Lot 65 Donoho Addition #2 on Houston Street as ingress and egress access in order to utilize the traffic signal at the intersection of Houston Street and Jenny Lind Road.

**Landscaping** – No landscaping is proposed.

**Screening** – The site plan submitted shows the installation of 6' wood privacy fencing on the east and west sides of Lot 65. The applicant also proposes to install 150' of woven fabric on the existing 6' chain link fence on the south property line of the property where the buses are parked.

**Signage** – No new signage is proposed.

**Lighting** – No new lighting has been proposed. If new site lighting is installed, the lighting shall comply with the shielding and no light trespass requirements.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Thursday, September 29, 5:30 p.m., Fort Smith School Service Center, 3205 Jenny Lind Road. Nine residents attending the meeting who were opposed to the applicant's request to utilize Lot 65 as a driveway. Reasons for opposition included noise and lights from the buses, dust associated with the proposed gravel drive, traffic problems due to the buses, and security concerns due to increased number of buses parked at 3600 Jenny Lind Road. The Planning Department also received a phone call from an individual calling on behalf of a relative who lives at 1915 Independence with concerns about bus traffic and wanting to make sure that the entrance from Houston would be gated to discourage foot traffic utilizing Lot 65 as a shortcut to the shopping center/grocery store.

## **STAFF COMMENTS AND RECOMMENDATIONS**

This item was tabled in October to allow the applicant time to meet with the City Engineering Department to discuss the installation of a traffic signal for the northern driveway on Jenny Lind. Included in your packet is a memo from Stan Snodgrass detailing the reason he does not recommend a signal at this location.

The applicant plans to demolish the existing building at 3600 Jenny Lind and utilize the concrete slab to park approximately 30 school buses on the site. The property is currently used to park school buses. In conjunction with this plan, the applicant proposes to utilize a vacant residential lot (Lot 65), also owned by the applicant, on Houston Street as ingress and egress to the school bus site. The applicant proposes to install a gate on the north side of Lot 65.

The request is prompted by the applicant in order to create a safer situation for bus drivers making left turns onto Jenny Lind Road thereby utilizing the signalized intersection at Houston Street and Jenny Lind Road. There are currently two driveways on the school bus property that access Jenny Lind Road. The applicant indicates that for the most part, the existing northerly driveway on Jenny Lind Road would be used for right turns in and out of the bus lot and the proposed driveway on Houston Street would be used for left turns to enter and exit the bus lot. The existing southerly driveway on Jenny Lind Road would be used for emergencies.

On a daily basis, the applicant indicates that seven buses will depart at the Houston Street entrance between 6:45 a.m. and 7:15 a.m. The buses generally remain at their designated schools until the end of the day. In the afternoon, six buses will enter the Houston Street driveway between the hours of 3:35 p.m., and 4:20 p.m. In addition to the scheduled daily trips, the applicant indicates that 15 buses may depart and return at various times for student activities (ballgames, band trips, etc). The applicant has provided a summary of the proposed school bus activities and a chart showing the number and times when buses would depart and return via the Houston Street entrance.

Although the city does not enforce restricted covenants, it is noted by staff that the plat for Donoho Addition, No. 2 indicates that the lots in the subdivision shall be used as residential purposes only.

If the planning commission is inclined to approve the request, staff offers the following recommendations for consideration:

- The Houston Street driveway shall not be used by the buses in the evening hours after 9:00 p.m.
- In order to eliminate dust, the driveway surface shall be a hard surface, other than gravel or crusher dust.
- Trees shall be planted along the south property line of the existing school bus property with a spacing of 1 tree every 50 feet between Jenny Lind Road and the proposed driveway.
- If exterior lights are proposed, a lighting plan shall be submitted for staff review that complies with the Commercial and Outdoor Lighting Requirements of the Unified Development Ordinance.

Since this item was tabled in October, we have received one phone message in opposition to this proposal.

**INTER-OFFICE MEMO**

TO: Brenda Andrews, Senior Planner

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: October 25, 2016

SUBJECT: 3600 Jenny Lind Road – School Bus Parking  
Evaluation of Traffic Signal for northern driveway on Jenny Lind Road

As you are aware, we met with representatives of the Fort Smith Public School District on October 14<sup>th</sup> to discuss the possible installation of a traffic signal for their property located at 3600 Jenny Lind Road. The school property along the west side of Jenny Lind Road currently has two driveways fronting on Jenny Lind Road. One driveway is approximately 150 feet north of the signalized intersection of Houston. The second driveway is approximately 150 feet further north making it about 300 feet north of the signalized intersection of Houston.

Our understanding is that there are currently a total of 56 route buses leaving and returning to the Service Center bus lot every day. The initial plan would be to move 15 of those route buses to the 3600 Jenny Lind Road lot. The school has indicated there is further potential in several years to move up to a total of 30 buses where the current warehouse is located with ultimate plans to move the entire transportation operation to the 3600 Jenny Lind Road lot.

A question was raised about the possibility of signalizing the most northern driveway along Jenny Lind Road. The Manual on Uniform Traffic Control Devices (MUTCD) created by the Federal Highway Administration details very specific requirements or warrants that must be met to install traffic signals. The MUTCD also notes that unjustified traffic control signals can result in excessive delay, significant increases in the frequency of collisions (especially rear-end collisions), excessive disobedience of the signal indications and increased use of less adequate routes as road users attempt to avoid the traffic control signals.

A traffic signal at the northern driveway would align with the small Pradco parking lot on the east side of Jenny Lind Road. The 15 to 56 buses and the small parking lot would not generate enough traffic to meet the requirements of the MUTCD to justify the installation of a traffic signal. A traffic signal at this location would actuate when traffic is sensed on the driveway or parking lot at various times throughout the day. This would cause additional traffic delays/issues and also create issues with the operation of the five legged signalized intersection of Houston Street / Jenny Lind Road / Independence Street / Old Jenny Lind Road. A traffic signal at this location is not recommended.

Conditional Use # 19-10-16

**APPLICATION FOR CONDITIONAL USE**

Name of property owner: Fort Smith Public Schools

Name of Authorized Agent: Dennis Siebenmorgen  
(if applicable) Director Buildings + Grounds

Legal Description of property included in the conditional request:  
Tract A and Lot 65, Revised Plat of Donoho Addition #2

Street Address of Property:  
3600 Jenny Lind Road

Existing Zoning Classification:  
I-1 for Tract A and RM-3 for Lot 65

Proposed Zoning Classification (if applicable):

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

The Fort Smith Public Schools request approval to resume the use of an abandoned driveway on Lot 65 Donoho Addition #2 for buses parked at 3600 Jenny Lind (Tract A). Buses on Tract A, would use the driveway (Lot 65) to access Houston St., utilizing the traffic signal at the intersection Jenny Lind Ave. and Houston St. Approval of this request and the use of that signal would help ensure the safety of our students, the residents, and our bus drivers.

What amenities are proposed such as landscaping and screening?

Fence along the property boundry.

Owner or agent Name: Fort Smith Public Schools

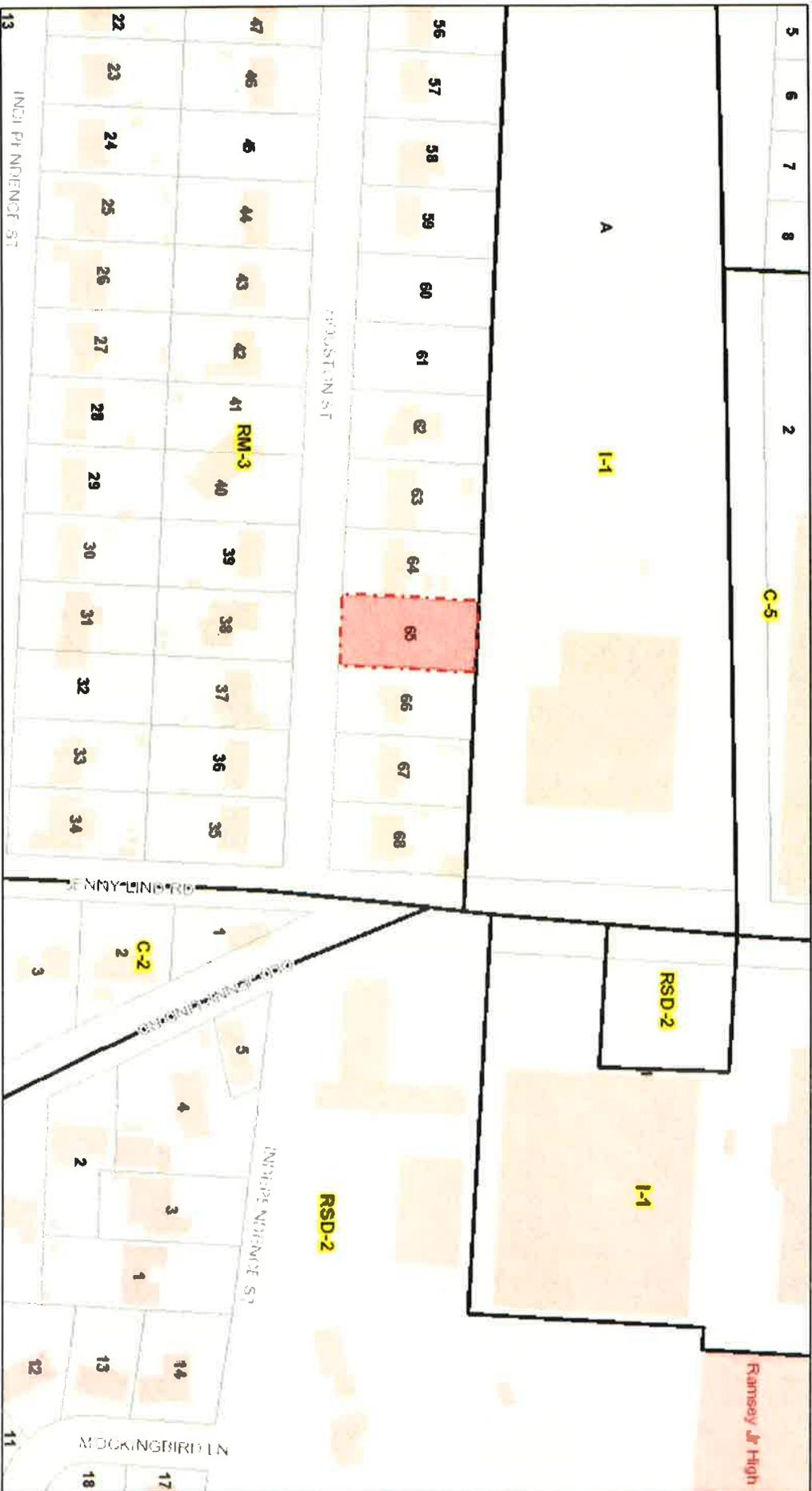
Owner or Agent Mailing Address: 3205 Jenny Lind Road

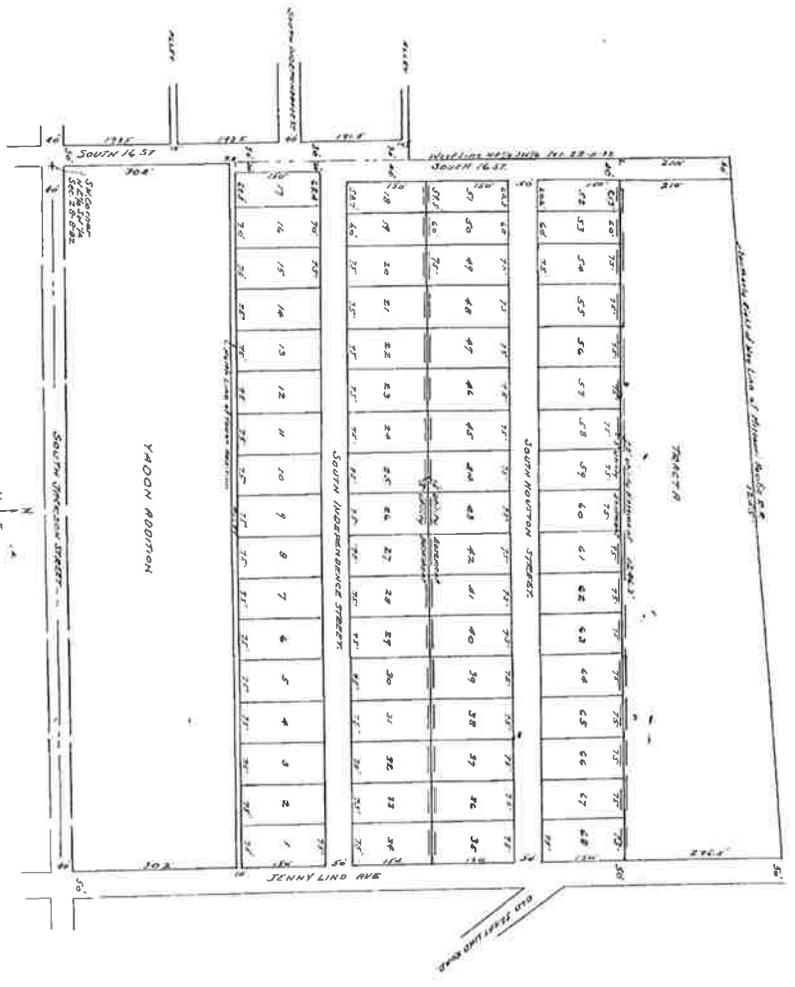
Owner or agent Phone Number: (479) 785-2501

Signed:   
\_\_\_\_\_  
Owner  
or  
\_\_\_\_\_  
Agent

4F

Conditional Use #19-10-16: Driveway access and egress for school buses  
 3600 Jenny Lind Road





**REVISIONS:**  
 1. 10/15/2018  
 2. 10/15/2018  
 3. 10/15/2018

**REVISIONS:**  
 1. 10/15/2018  
 2. 10/15/2018  
 3. 10/15/2018

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1. 10/15/2018  
 2. 10/15/2018  
 3. 10/15/2018



Lot 2

15' Spn. Sagar Esm't  
(Doc. 7013025)

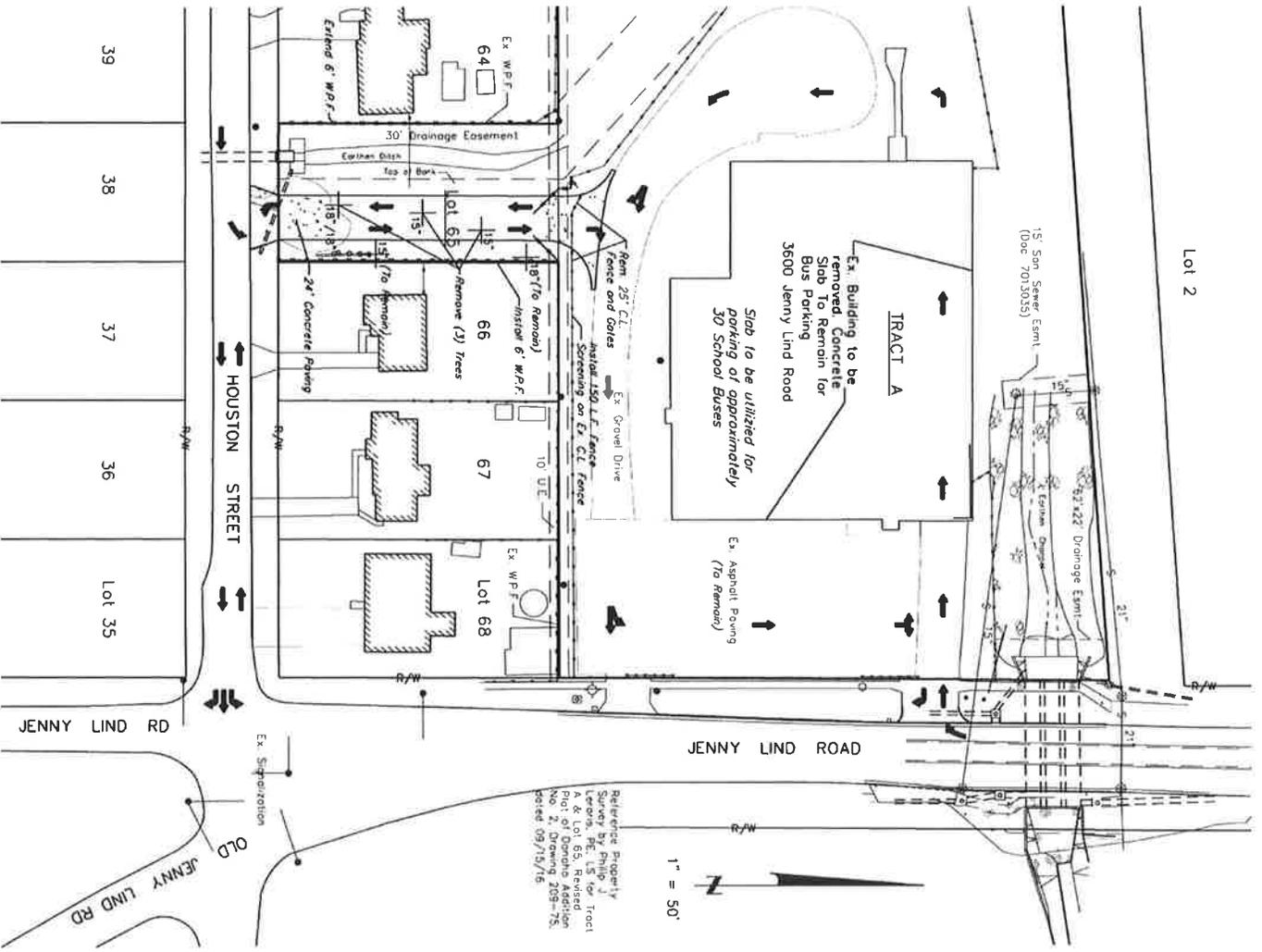
TRACT A  
Ex. Building to be removed. Concrete Slab To Remain for Bus Parking  
3600 Jenny Lind Road

Slab to be utilized for parking of approximately 30 School Buses

Ex. Asphalt Paving (To Remain)

Reference Property Survey by Philip J. Lewis, PE, LS for Tract A & Lot 65, Revised 08/13/16  
No. 2 Drawing 208-75, dated 09/13/16

1" = 50'



4J

## SUBDIVISION COMMENTS

November 4, 2016

### 5. **The Valley of Stoneshire at Chaffee Crossing, Lots 1-27 and the Crest of Stoneshire at Chaffee Crossing, Lots 1-35 - Preliminary Plat – Mickle-Wagner-Coleman**

Proposed Zoning District: Residential Single Family – Duplex Medium/High Density (RSD-3).

Land Uses: To provide for medium-to-high density, compact single family detached development on new sites or as infill construction.

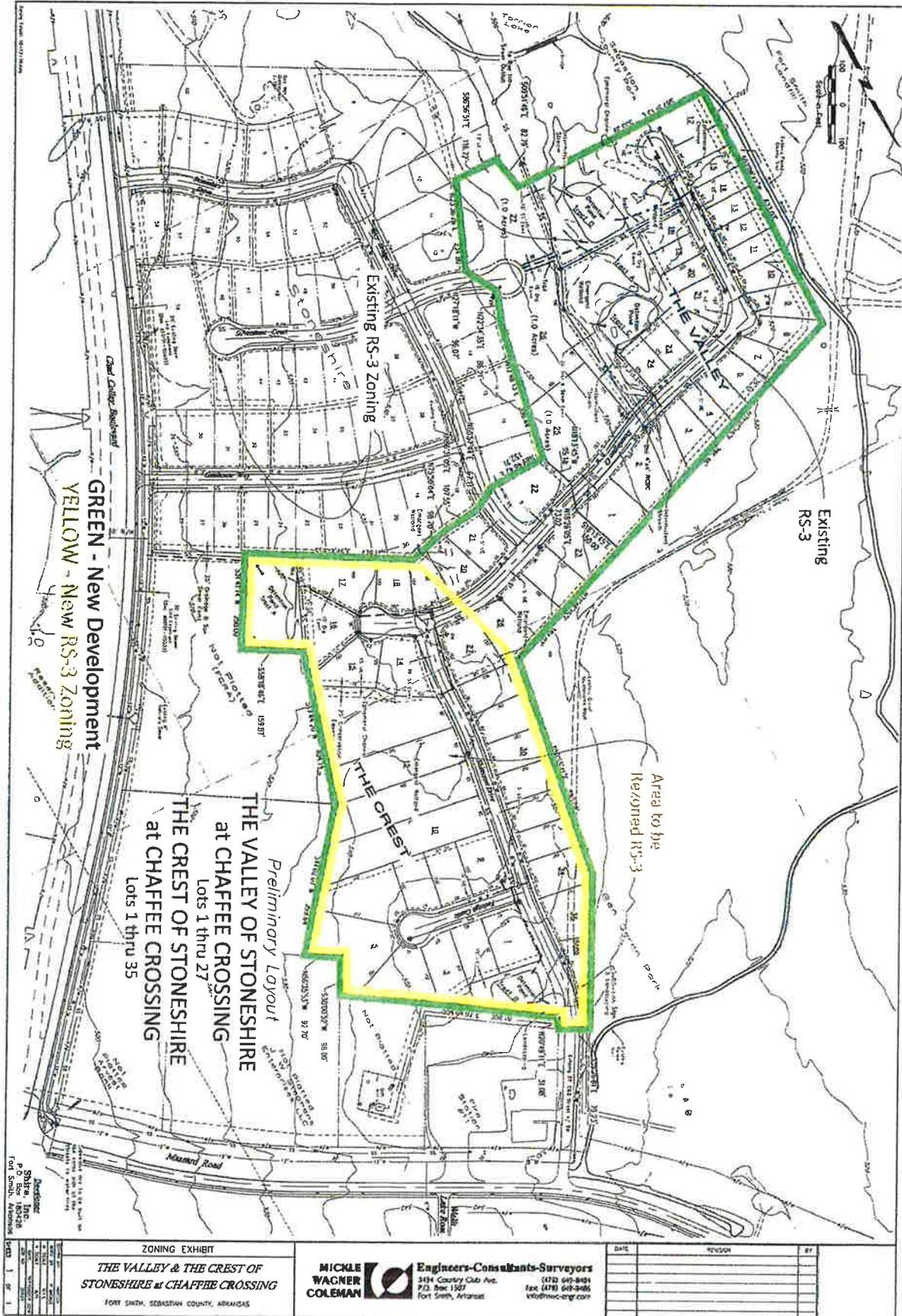
Proposed Land Uses: Single Family Homes

We recommend approval of the preliminary plat with the following comments:

- 1) The developer must agree to meet all franchise and City utility easement requirements.
- 2) The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- 3) The note on the plat regarding 5' side yard setbacks shall be deleted.

5A





# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 27, 2016

**Re:** Rezoning #21-11-16 - A request by Pat Mickle, agent, for Planning Commission consideration of a zone request from Not Zoned (NZ) and Residential Single Family Duplex Medium/High Density (RSD-3) to Residential Single Family Medium/High Density (RS-3) by extension at 9400 Wey Bridge Drive

## PROPOSED ZONING

The approval of the requested rezoning will allow for the development of two additional phases of Stoneshire at Chaffee Crossing that will consist of 62 single family lots.

## LOT LOCATION AND SIZE

The subject property is on the west side of Chad Colley Boulevard south of Massard Road. The tract contains an area of 16.62 acres.

## REQUESTED ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

- |  |                                |
|--|--------------------------------|
| Minimum Lot Size – 6,500 square feet             | Maximum Height - 35 feet (1+1) |
| Maximum Density – 6.7 Dwelling Units/Acre        | Maximum Lot Coverage - 60%     |
| Minimum Lot Width at Building Line – 60 feet     |                                |
| Minimum Street Frontage – 20 feet                |                                |
| Front Yard Setback - 25 feet                     |                                |
| Side Yard on Street Side of Corner Lot - 25 feet |                                |
| Side Yard Setback – 7.5 feet                     |                                |
| Rear Yard Setback - 10 feet                      |                                |
| Minimum building separation – 10 feet            |                                |

**EXISTING ZONING**

Not Zoned and Residential Single Family – Duplex Medium/High Density (RSD-3).  
Characteristics of this zone are as follows:

**Purpose:**

To provide for medium-to-high density, compact single family detached and duplex 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-duplex districts and the multifamily or commercial districts. RSD-3 zoning is appropriate in urban and suburban areas and primarily applies to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification 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 – 6,500 square feet         | Maximum Height - 35 feet (1+1) |
| Maximum Density – 6.7 Dwelling Units/Acre    | Maximum Lot Coverage - 60%     |
| Minimum Lot Width at Building Line – 60 feet |                                |

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Minimum Street Frontage – 20 feet  
Front Yard Setback - 25 feet  
Side Yard on Street Side of Corner Lot - 25 feet  
Side Yard Setback – 7.5 feet  
Rear Yard Setback - 10 feet  
Minimum building separation – 10 feet

**SURROUNDING ZONING AND LAND USE**

The area to the north includes an area not zoned and undeveloped and an area zoned Transitional (T) and developed as a fire station.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and Commercial Moderate (C-3) and is currently undeveloped. However, a dental office is proposed in the C-3 location.

The area to the south is zoned Residential Single Family Medium/High Density (RS-3) and developed as single family residences.

The area to the west is not zoned and undeveloped.

**MASTER LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan Future Land Use Plan* currently classifies the site as Single Family Residential and Mixed Use: Residential/Commercial/Office.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Wednesday, October 26, 5 p.m., at 8200 Chad Colley Boulevard. Five surrounding property owners attended the meeting. No objections were expressed regarding the project.

**STAFF COMMENTS AND RECOMMENDATIONS**

In staff's opinion the requested zoning district is compatible with the surrounding area and recommends approval of the application.

6C

**Neighborhood Meeting Minutes**  
**The Valley & The Crest of Stoneshire at Chaffee Crossing**  
**Rezoning**  
**October 26, 2016 5:00 PM**  
**Justin Green Custom Homes – 8200 Chad Colley Blvd.**

A public neighborhood meeting was held Wednesday, October 26, 2016 at 5:00 p.m. at the office of Justin Green Custom Homes. Those in attendance were Pat Mickle, Wally Bailey, the developers, Justin Green & Rocky Walker, and six property owners shown on the attached attendance sheet. Pat Mickle discussed the proposed layout. Development will be similar to the existing Stoneshire subdivision. The zoning change requested is RS-3 which matches the Phase 1 zoning. Pointed out that there will be direct access to Massard Road. All attendees seemed pleased. The meeting adjourned 5:30 pm. See attached sign in sheet.

No phone inquiries were received regarding this project.

Submitted to file and to CFS November 4, 2016.

Pat Mickle,  
Owner Representative

f:\doc\misc\Neighborhood Meeting Minutes – Stoneshire Phase 2-2016.doc

60

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

**Meeting Location** Justin Green Custom Homes, 8200 Chad Colley Blvd, Fort Smith, AR

**Meeting Time & Date** Wednesday, October 26, 2016 @ 5:00 p.m.

**Meeting Purpose** Discuss rezoning for Stoneshire Phase 2 subdivision

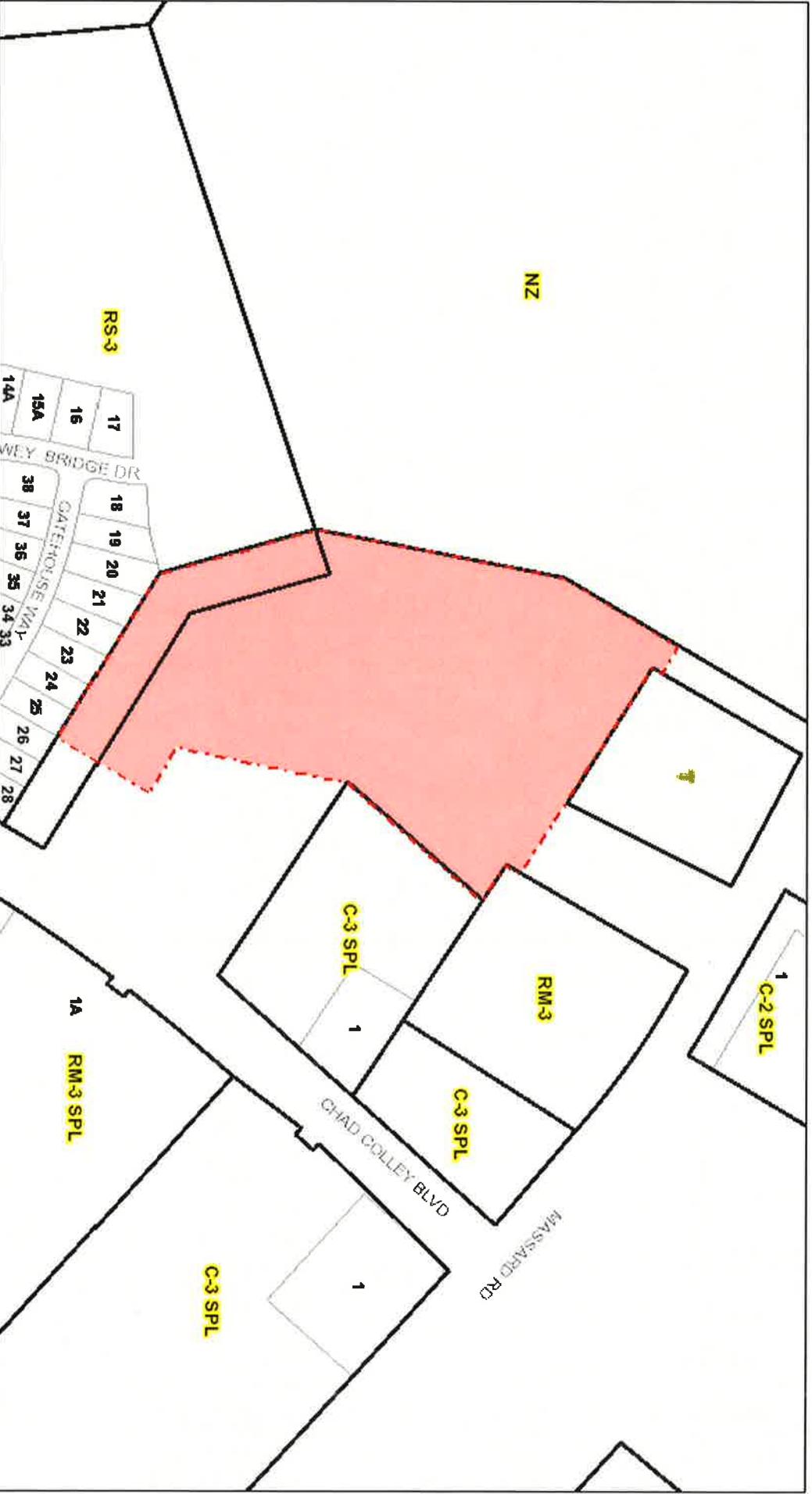
<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Terry & Schree Bryant	8517 Gatehouse Way	479-222-5785
1. Beverly Johnson	8500 Gatehouse Way	870-818-4139
2. Tim Taylor	8409 Gatehouse Way	479 649 0380
3. Bob Blansett	8400 Gatehouse Way	763-1538
4. Hope Lefler	8423 Gatehouse Way	501 230 9412
5.		
6.		
7.		
8.		
9.		
10.		
11.		

f:\doc\forms\CFS Applications\2010 Conventional Rezoning Application\_Update – Stoneshire Ph 2.docx



# Rezoning #21-11-16: From Not Zoned and Residential Single Family - Duplex Medium Density (RSD-3) to Residential Single Family Medium/High Density (RS-3) at 9400 Wey Bridge Drive

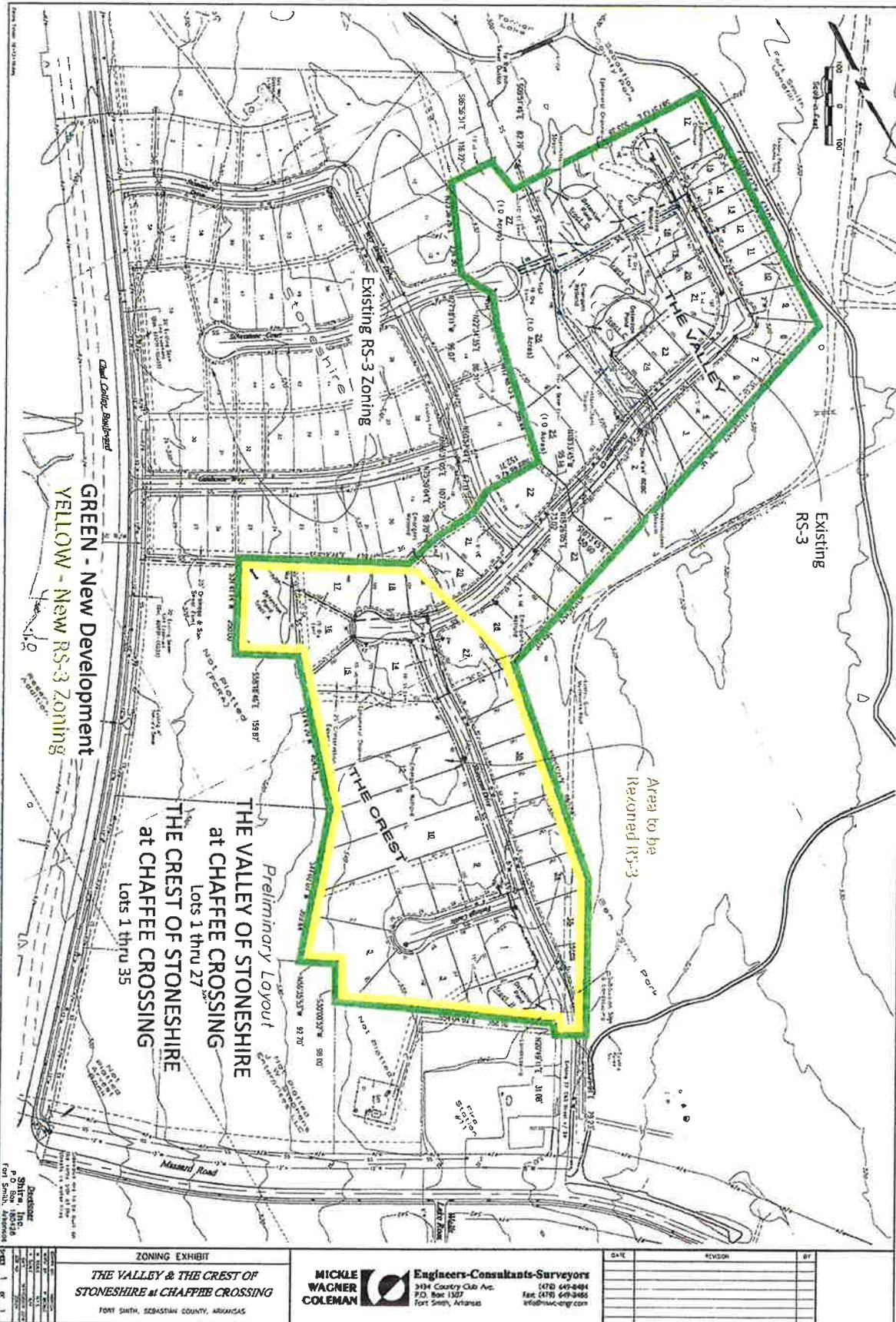
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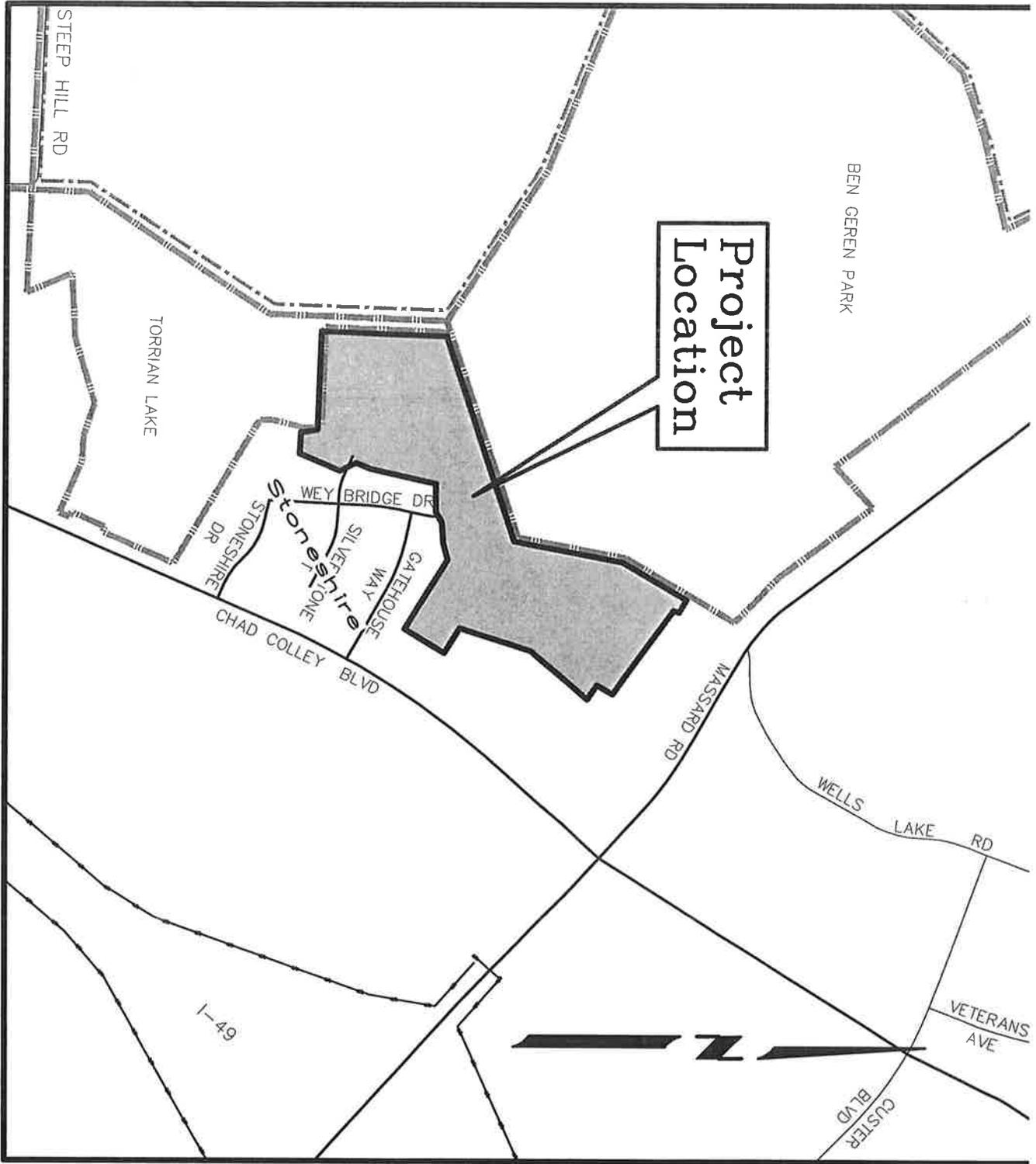
October 18, 2016

-  Fort Smith City Limits
-  Parks
-  Zoning
-  Subdivisions





6H



# Vicinity Map

Scale: 1"=1000'

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 27, 2016

**Re:** Variance #2-11-16 - A request by Pat Mickle, agent, for Planning Commission consideration of a subdivision variance request from 200 to 260 average daily trips on a cul-de-sac at 9400 Wey Bridge Drive

## REQUESTED VARIANCE

Approval of the requested variance will allow for the construction of 26 lots on a cul-de-sac.

## LOT LOCATION AND SIZE

The subject property is on the west side of Chad Colley Boulevard south of Massard Road. The tract contains an area of 16.62 acres.

## EXISTING ZONING

The proposed 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

7A

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 area to the north includes an area not zoned and undeveloped and an area zoned Transitional (T) and developed as a fire station.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and Commercial Moderate (C-3) and is currently undeveloped. However, a dental office is proposed in the C-3 location.

The area to the south is zoned Residential Single Family Medium/High Density (RS-3) and developed as single family residences.

The area to the west is not zoned and undeveloped.

**MASTER LAND USE PLAN COMPLIANCE**

The *Chaffee Crossing Redevelopment Plan Future Land Use Plan* currently classifies the site as Single Family Residential and Mixed Use: Residential/Commercial/Office.

**APPLICANT HARDSHIP**

The applicant states that originally a looped street was planned for this area; however, an environmental survey identified several ephemeral channels, intermittent channels, and wetlands in and adjacent to the path of the return leg of the loop. No additional property is available to be purchased to allow an alternate route.

**NEIGHBORHOOD MEETING**

A neighborhood meeting was held Wednesday, October 26, 2016 at 8200 Chad Colley Boulevard. A copy of the attendance record and meeting summary is included with the zoning application.

**GRANTING OF A VARIANCE**

If the Planning Commission approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-516-2 of the Unified Development Ordinance, which

7B

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 Subdivision Design and Improvement Standards chapter.

**STAFF COMMENTS AND RECOMMENDATIONS**

In staff's opinion the estimated 60 daily vehicle trips generated by the additional six lots will not create any traffic issues for the proposed cul-de-sac. The variance was also reviewed by the city engineering department and had no objections.

**APPLICATION FOR VARIANCE FROM SUBDIVISION DESIGN  
AND IMPROVEMENT STANDARDS**

Owner or Agent Name (please print): Pat Mickle, Mickle Wagner Coleman, Inc.

Street Address or Location: 9400 Wey Bridge Drive

Legal Description of Property (attach separate sheet if necessary): The Valley of Stoneshire at Chaffee Crossing

See Attached

Zone: RS-3

Specific article and section of the Unified Development Ordinance which necessitates the subdivision variance request:

Article: 27 Section: 503-10-B

The specific request is as follows:

To increase from 200 to 260 the number of average day trips (ADT) generated on a cul-de-sac; Donnington Court west of Wey Bridge Drive

Signed:

P.O. Box 1507, Fort Smith, AR. 72902

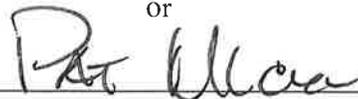
~~Owner~~ or Agent Mailing Address

479-649-8484

~~Owner~~ or Agent Phone Number

Owner

or



Pat Mickle

Variance # \_\_\_\_\_

**VARIANCE INFORMATION FORM**

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

The inability to develop all twenty six lots on this cul-de-sac will negatively impact the viability of this subdivision. Likely it would not be built.

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2. 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:

Originally a looped street was planned for this area, however, an environmental survey identified several ephemeral channels, intermittent channels, and wetlands in and adjacent to the path of the return leg of the loop. No additional property is available to be purchased to allow an alternate route as these. These areas have county parks or city property on three sides.

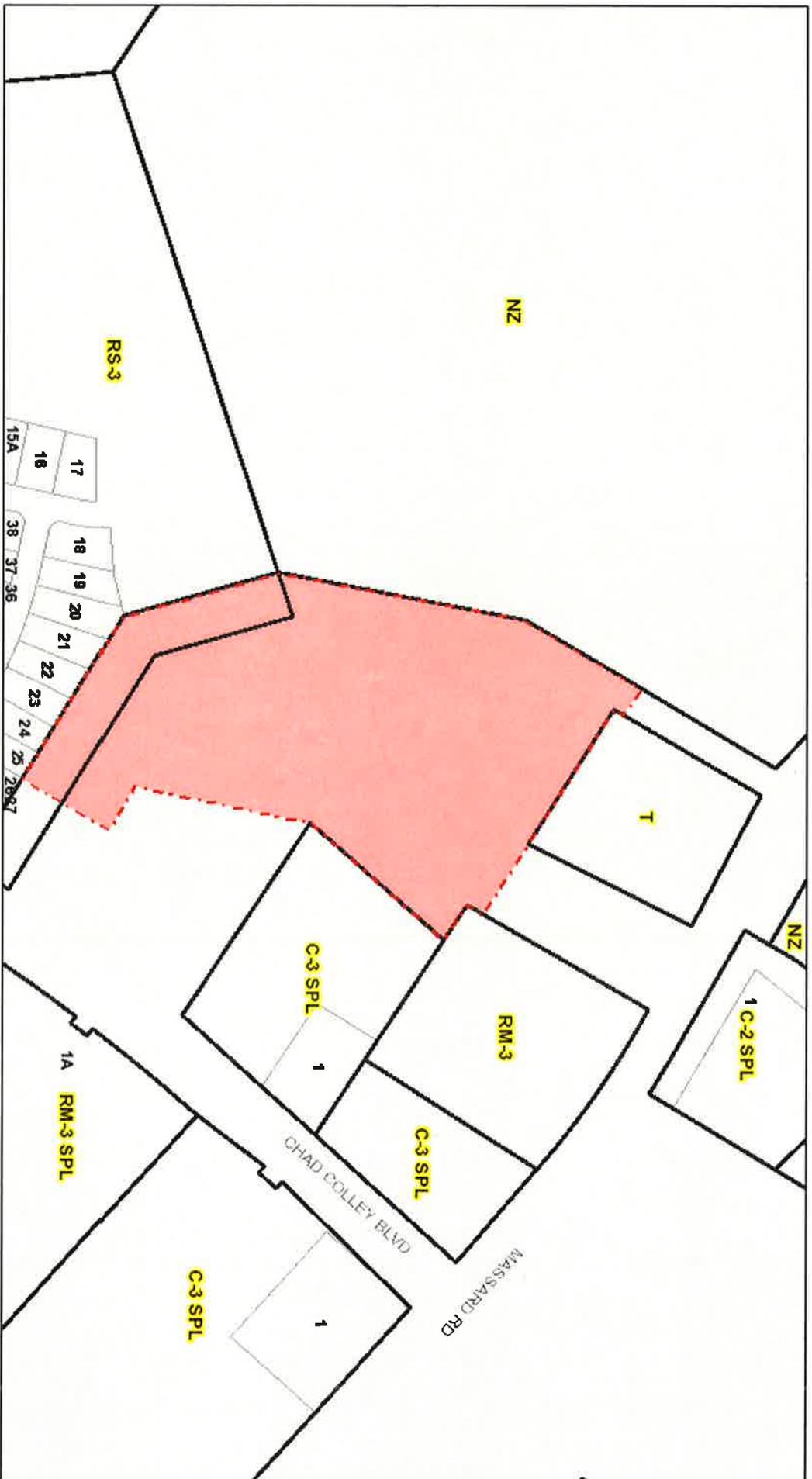
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# Subdivision Variance #2-11-16: From 200 to 260 maximum number of day trips on a cul-de-sac 9400 Wey Bridge Drive

6



October 18, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions
- Parks

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 28, 2016

**Re:** Conditional Use #22-11-16 - A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for Planning Commission consideration of a Conditional Use request to develop a nursing home located at 6301 Riley Park Drive.

## PROPOSED CONDITIONAL USE

Approval of the conditional use and companion variance will allow for development of a 120 bed, 85, 485 s.f. single story nursing home with 133 parking spaces, landscaping, and detention pond.

## LOT LOCATION AND SIZE

The subject property is on the north side of Riley Park Drive between Maple Park Drive and State Hwy 71. The tract contains an area of 14.33 acres with approximately 1114 feet of street frontage along Riley Park Drive.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and is an undeveloped wetland.

The areas to the east and southeast are zoned Residential Single Family Low Density (RS-1) and developed as single family residences.

The area to the south is zoned Transitional (T) and developed as condominiums, contractors office, and professional offices.

The area to the west is zoned Residential Single Family High Density (RS-4) and developed as a gated community with 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 Residential Collector street classification.

## **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.

## **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – Ingress and egress will occur at the two proposed drives located on the western and eastern portions of the property. The site plan shows a circular rotation for traffic to allow utilization of both entrances. The applicant's traffic information statement is also enclosed.

**Drainage** – A detention pond is located at the north side of the property.

**Right-of-way dedication** – The property has already been platted. No additional R.O.W is required or purposed.

**Multi-Use bike path** – No multiuse bike path is proposed or required for this for the site.

**Landscaping** – A conceptual landscaping plan has been provided showing perimeter landscaping, interior landscaping, and parking lot screening. A detailed landscaping plan will be required during the building permit review.

**Screening** – Parking lot screening is shown on the conceptual landscaping plan. A detailed landscaping plan must be submitted during the building permit review. The plan also shows a privacy fence on a portion of the east property line. A 6' opaque privacy fence, wall or landscape buffer is required on east and west property lines adjacent to the residential properties.

**Parking** – The site plan shows 133 parking spaces. Based on the UDO requirements of 1 space per 4 beds plus 1 space per each 2 employees at maximum shift (60 employees at maximum shift), the proposed number of parking spaces exceeds the UDO minimum requirements.

**Signage** – Entryway signage is shown at the eastern driveway. Detailed signage information must be provided that complies with signage allowed in Transitional zone districts. Submittal of a sign permit application must also be reviewed and approved by staff prior sign installation.

**Signage** – Entryway signage is shown at the eastern driveway. Detailed signage information must be provided that complies with signage allowed in Transitional zone districts. Submittal of a sign permit application must also be reviewed and approved by staff prior sign installation.

**Lighting** – No site lighting information has been provided. The site lighting when utilized shall comply with the UDO lighting ordinance.

**Setbacks** – The proposed development shows that the building setbacks exceed the UDO requirements.

**Architectural Features** – The exterior facades are EIFS and cultured stone veneer.

**Height and Area** – The elevations show the building to be single story and 85,485 s.f.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Monday, October 24, 2016, at 6:00 p.m., at Rye Hill Baptist Church at 11512 Old Highway 71. Approximately 200 people attended the meeting. Concerns regarding the project included the size of the proposed nursing home, traffic, and removal of trees on the site. A summary of the meeting and sign-in sheet are enclosed.

### **STAFF COMMENTS AND RECOMMENDATIONS**

If the planning commission is inclined to approve the application, staff offers the following recommendations:

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. The Phase 2 Assisted Living development shown on the site plan is a proposed future development and not part of the submitted conditional use or companion variance application.
2. Board of Zoning approval of the companion variance application.
3. During the building permit review process, submit the following information:
  - Final landscaping plan
  - Final screening details (privacy fencing, mechanical equipment, and dumpster)
  - Site lighting details that comply with the UDO Commercial and Outdoor Lighting Regulations
  - Proposed signage information that complies allowed signs in the Transitional zoning district.

Conditional Use # 22-11-16

**APPLICATION FOR CONDITIONAL USE**

Name of Property Owner: Riley Farm Health and Rehab, LLC

Name of Authorized Agent (if applicable) Pat Mickle, Mickle Wagner Coleman, Inc.

Legal Description of property included in the conditional use request:

Maple Park on Riley Farm, Lot 5

Street Address of Property:

6301 Riley Park Drive Fort Smith AR 72916

Existing Zoning Classification:

Transitional

Proposed Zoning Classification (if applicable):

n/a

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

Nursing, convalescent or rest home. A new 85,485 sq.ft. structure will be built.

What amenities are proposed such as landscaping and screening?

Parking will be screened 3', residences will be screened 6', by berms or landscaping

or privacy fence or a combination thereof. Landscaping will exceed minimum requirements.

Mickle Wagner Coleman, Inc.

~~Owner or Agent Name (please print)~~

~~P.O. Box 1507, Fort Smith, AR 72902~~

~~Owner or Agent Mailing Address~~

~~479-649-8484~~

~~Owner or Agent Phone Number~~

Signed:

~~Owner~~

*Pat Mickle*  
Pat Mickle

Agent

8E

## Miller, Perry

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**From:** Miller, Perry  
**Sent:** Wednesday, October 26, 2016 2:58 PM  
**To:** Planning Email Group  
**Subject:** 6301 Riley Park Drive C.U. for nursing home

I received a call from Roy Slagle 479-459-6271 who lives at 6701 Woodland Circle in reference to 6301 Riley Park Drive. He did not comment if he was for or against the conditional use at this location. However, he did want the definition of the Transitional (T) zoning district. I walked Mr. Slagle through our website online to page 214-215 Section 27-4\_ of the UDO giving him the information about the purpose, land uses, area and bulk regulations, and other information pertaining to the transitional zoning district.

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

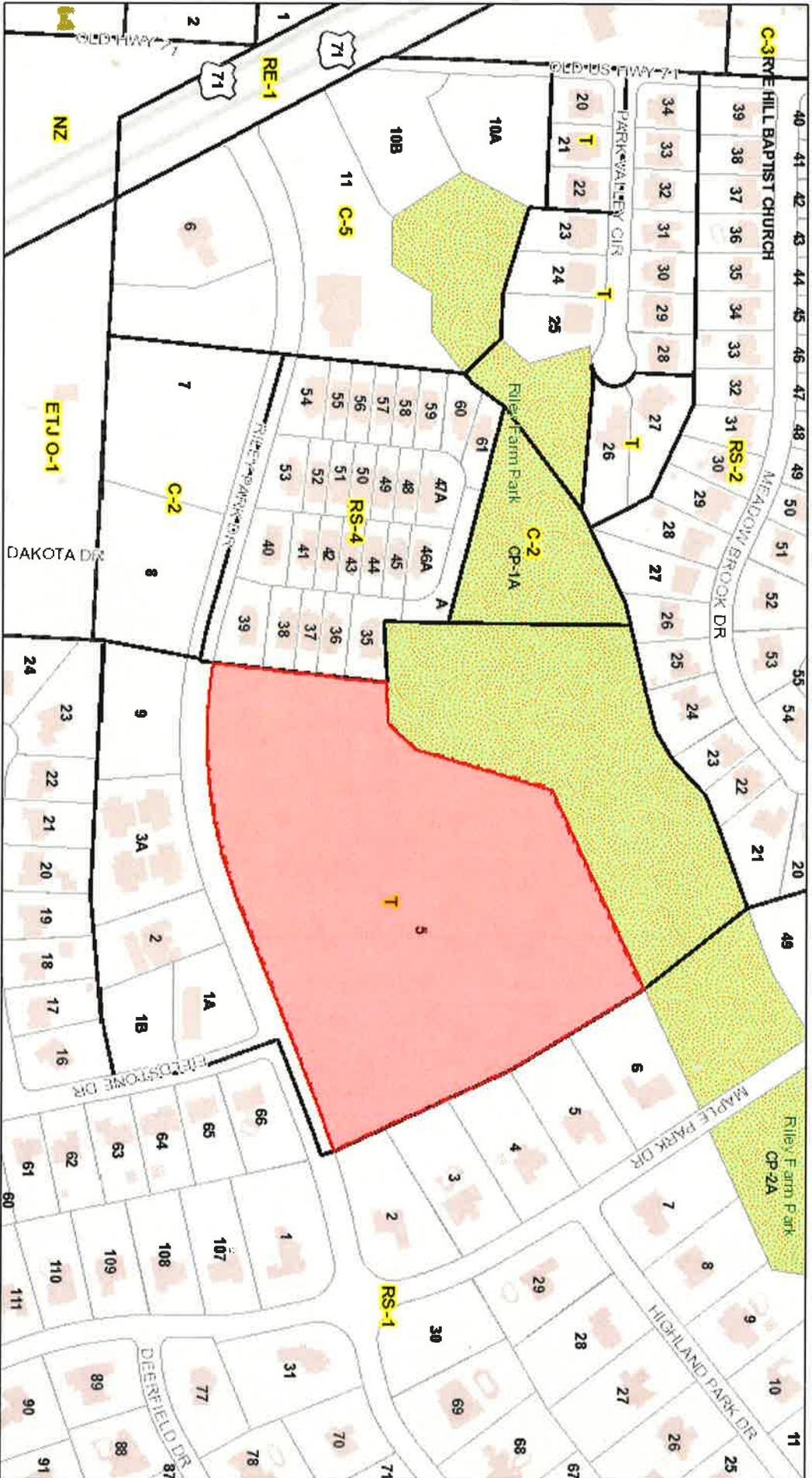
Thank you,

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

# Conditional Use #22-11-16: Nursing Home

## 6301 Riley Park Drive

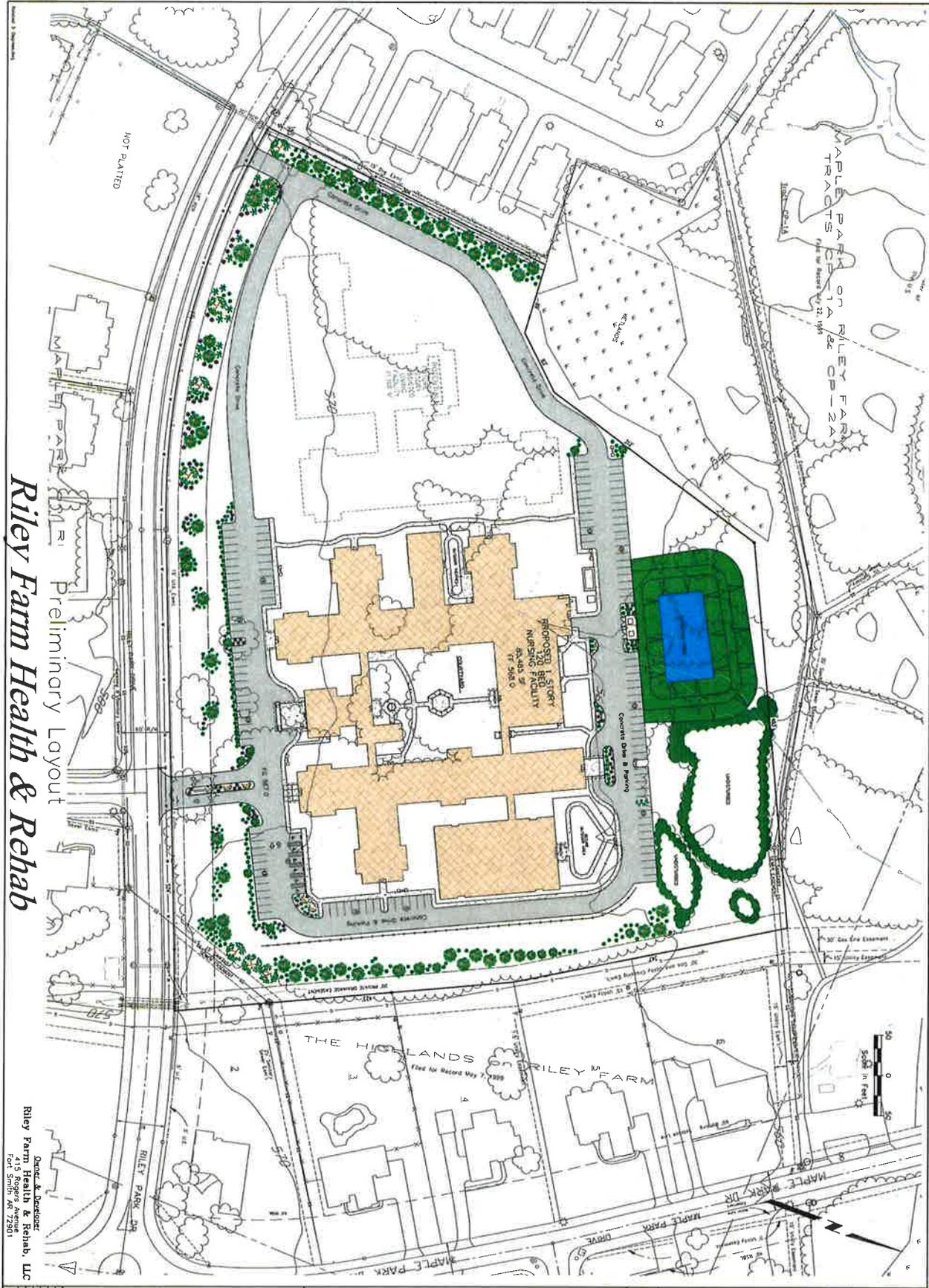
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October 18, 2016

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





**Riley Farm Health & Rehab**

Preliminary Layout

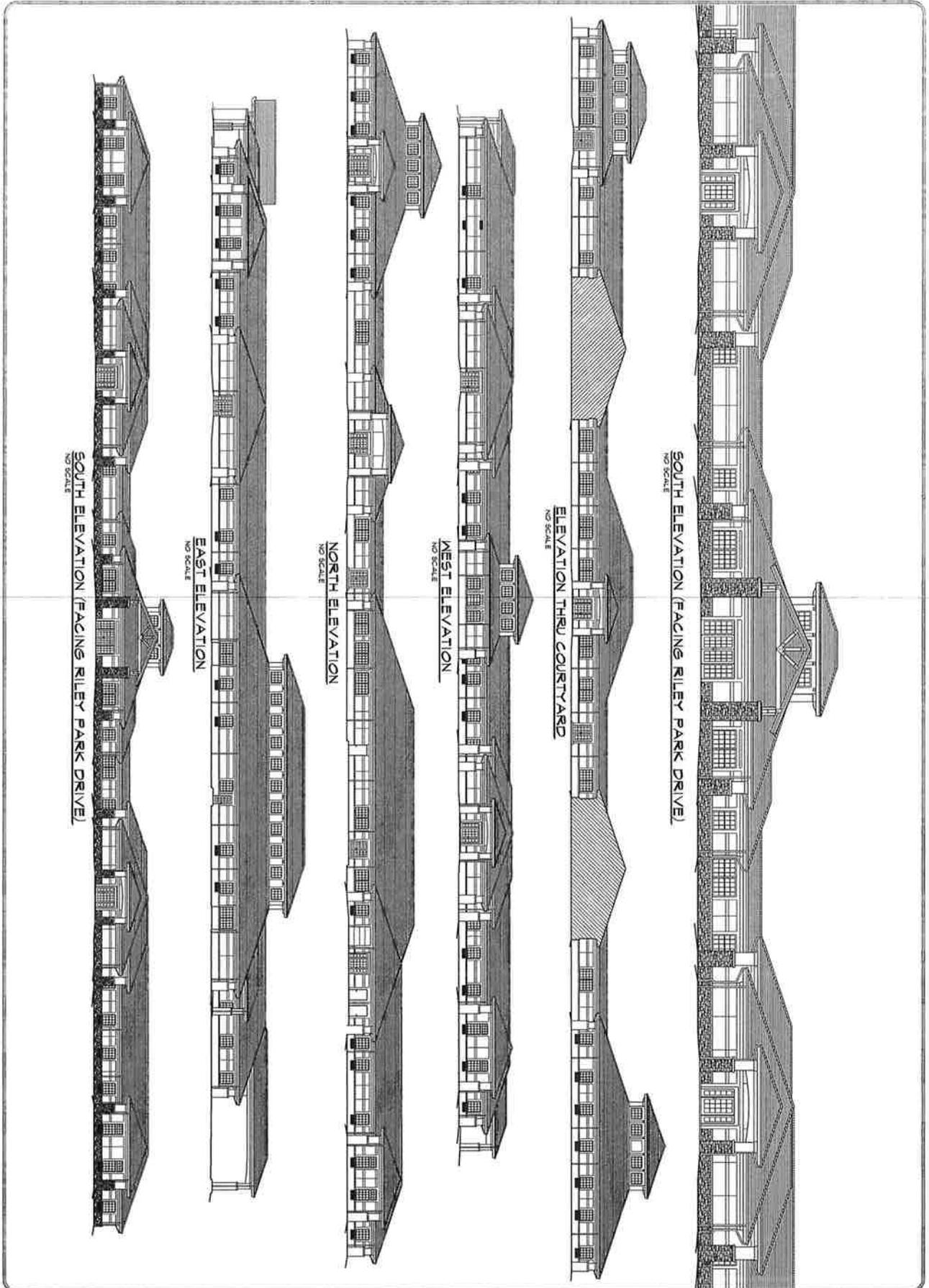
Daniel & Deborah  
 Riley Farm Health & Rehab, LLC  
 Fort Smith, AR 72901

PRELIMINARY LAYOUT	
RILEY FARM HEALTH AND REHAB	
MAPLE PARK	
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS	

**MICKLE WAGNER COLEMAN** Engineers-Consultants-Surveyors  
 3434 Country Club Ave. (478) 649-8484  
 P.O. Box 1507 (478) 649-8486  
 Fort Smith, Arkansas info@mwc-eng.com

DATE	REVISION	BY
11/04/16	Revised Building Location	JAM

8H



A  
 6  
 Date: 03/16  
 ELEVATIONS

PROPOSED 120 BED:  
**RILEY FARMS HEALTH & REHAB**  
 RILEY PARK DRIVE FORT SMITH, AR

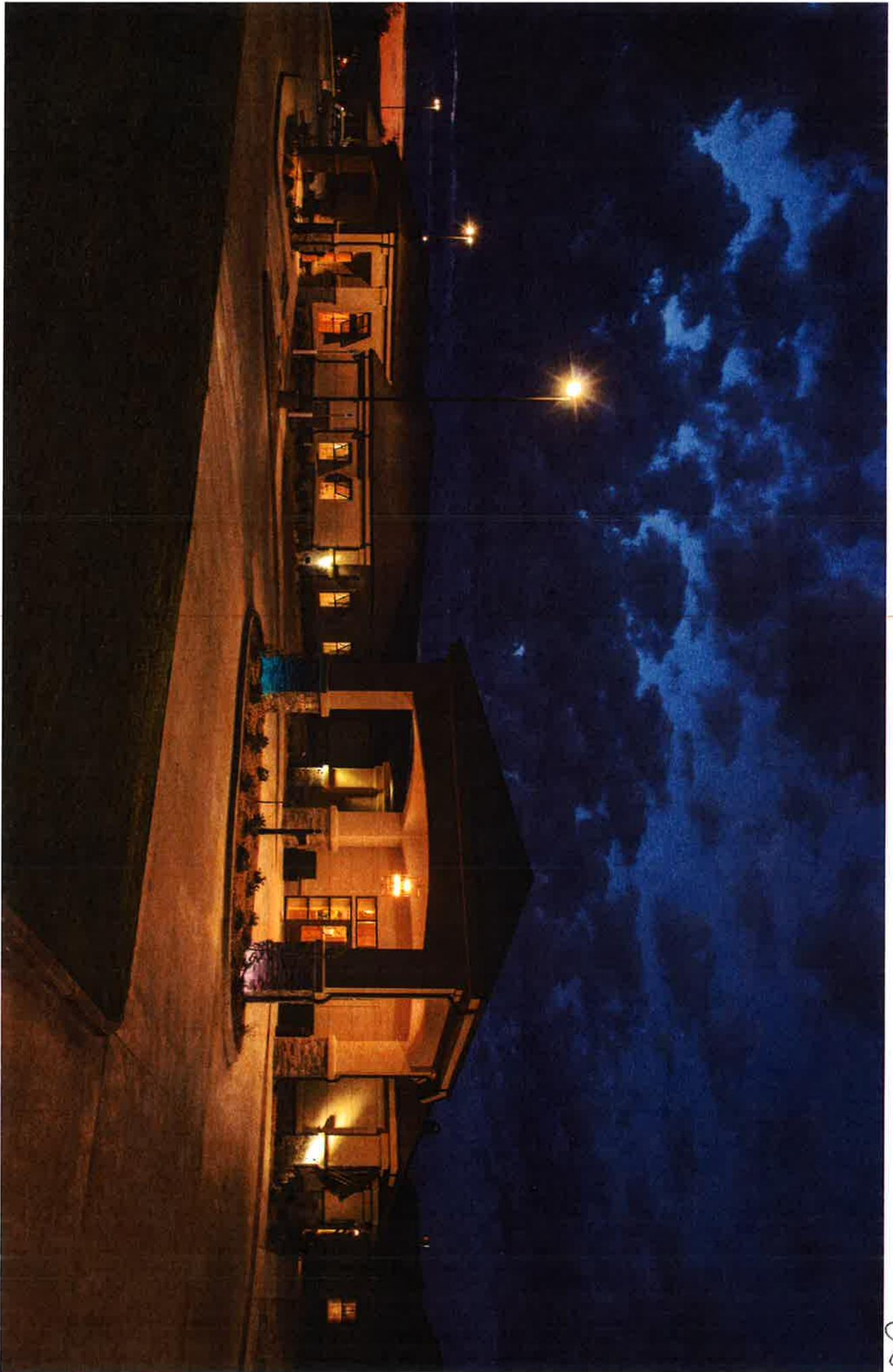

**Richard Humiston**  
 ARCHITECT  
 4100 SO 36th ST. FORT SMITH AR 72503  
 (479) 785-4355  
 richardh@architects.com



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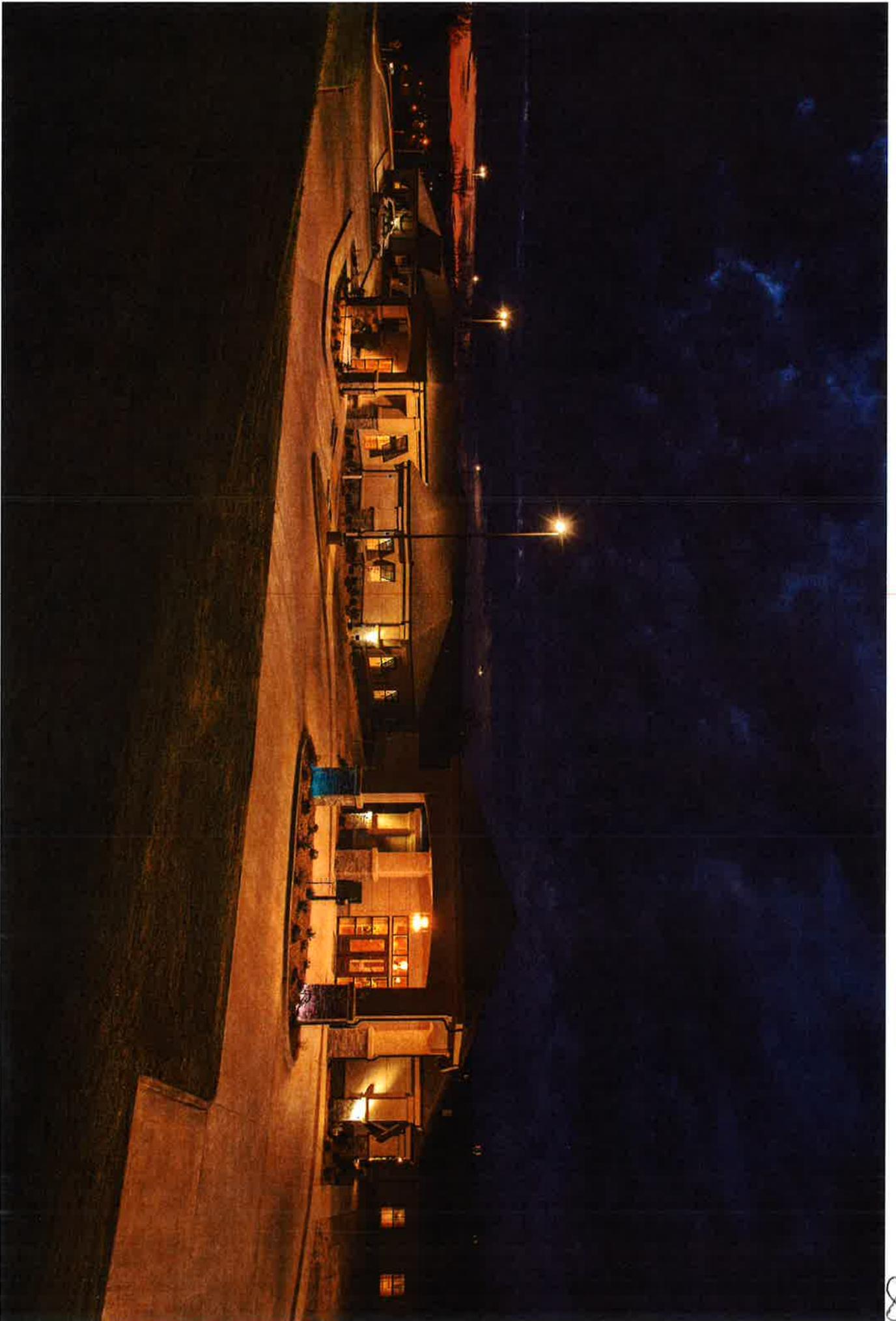


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SM



Patrick J. Mickle, P.E.  
Neal B. Wagner, PLS  
Randell C. Coleman, P.E.  
Andrew J. Dibble, P.E.

November 4, 2016

Mr. Wally Bailey  
City of Fort Smith Planning Department  
P.O. Box 1908  
Fort Smith, Arkansas 72902

Re: Riley Farm Health & Rehab

Dear Mr. Bailey:

At the Neighborhood Meeting for the Riley Farm Health & Rehab project it was suggested that additional buffering or separation would be desirable, particularly on the east side of the site. Attached is an updated layout which provides a buffer of at least fifty feet between the property boundary and the nearest driveway or parking area. All parking spaces along the eastern side of the property facing outward have been relocated to the rear of the site. The building location itself has been adjusted to be more than 80' from the eastern property line. The front building setback is more than 120'. A six foot screening fence will be erected parallel with the drive along the east side to negate car headlight glare. A six foot screening fence will also be erected along the portion of the western boundary that is opposite the Stonegate development. The areas along both the east and west lines that abut residential lots will also be planted with trees in those areas where there are no existing trees.

This week the Traffic Control Department conducted traffic counts on both Valley View and Woodland Drive. These two streets are the other two entries into the Riley Farm subdivision. We have updated the Traffic Impact Statement to include these results. The twenty-four hour counts were 500 vpd and 750 vpd, respectively. The counts confirm that both streets will have adequate capacity with the additional traffic from this development. Attached is an updated Traffic Information Statement.

Sincerely,

A handwritten signature in black ink that reads "Patrick Mickle". The signature is written in a cursive, somewhat stylized font.

Patrick J. Mickle, P.E.



Patrick J. Mickle, P.E.  
 Neal B. Wagner, PLS  
 Randell C. Coleman, P.E.  
 Andrew J. Dibble, P.E.

October 12, 2016  
 Revised Oct. 26, 2016  
 Revised Nov. 3, 2016

**Traffic Information Statement**

**Riley Farm Health & Rehab, Maple Park Lot 5**

Site Location – Maple Park Lot 5 – North side of Riley Park Drive in the 6221-6499 blocks. Riley Park Drive is a 37' wide residential collector street. U.S. Hwy 71 is 1/4 of a mile to the west. U.S. Hwy 71 is a 4 lane divided major arterial with protected and signaled left turn lanes at Riley Park Drive. Riley Park Drive serves as access for the surrounding residential and commercial populations. AHTD traffic counts on Hwy 71 varied between 20,000 & 26,000 vpd (vehicles per day). No existing traffic loading can be inferred from these counts.

Pursuant to this evaluation (3) traffic counts were conducted by the City of Fort Smith for Riley Park Drive, Valley View, and Woodland Drive. They are attached as Appendix "A". To compare volume to capacity the following assumptions and data were considered. The section of Riley Park Drive from the stop sign at Fieldcrest to the Hwy 71 intersection can be best classified as intermediate with characteristics falling between typical suburban and urban definitions as defined by the 'Highway Capacity Manual'. For additional reference the term Type II is also an appropriate designation based on speed, parking, driveway access density, and signaling.

The development will be a nursing home with occupational and physical therapy provided. Due to the size of the property space is provided to allow future expansion. One possible use is an assisted living facility. One structure is planned with a floor area of 85,485 SF, and another 77,700 SF assisted living is considered as future but within the scope of interest. Total gross square footage is 163,185 SF. The data below includes the effects of both developments.

Per the ITE Trip Generation Manual, this type of development is classified as Nursing Home (Land Use 620) and Assisted Living (Land Use 254). Trip factors are as follows:

Nursing, convalescent and rest (620)		For 120 Beds	
Weekdays:			
ADT / Bed	2.37	284	vpd
AM Peak Hr / Bed	0.2	24	vph
PM Peak Hr / Bed	0.22	26	vph
Weekends:			
ADT / Bed	2.1	252	vpd
Peak Hr / Bed	0.4	48	vph

Assisted Living (254)		For 120 Beds	
Weekdays:			
ADT / Bed	2.66	319	vpd
AM Peak Hr / Bed	0.14	17	vph
PM Peak Hr / Bed	0.22	26	vph
Weekends:			
ADT / Bed	2.44	293	vpd
Peak Hr / Bed	0.38	46	vph

For traffic planning purposes a few items were of note in the context of residential collector traffic analysis. Based on the recent data it is reasonable to assume the AM peak hour for this use coincides with adjacent residential traffic. This analysis for AM peak does not differentiate those coming from those going. For the purpose of calculation 50% of peak hourly flow is considered egress and 50% of peak hourly flow is considered ingress to account for uncertainty. Any concerns about turn delays to the south at the Hwy 71 intersection left turn lane would require delineating between turns north and south from Riley Park Drive.

The peak weekday hourly generator for the proposed use does not coincide with the residential peak PM hourly volumes. Peak PM hour of adjacent residential traffic is 17:00 – 18:00. While some salaried and professional employees will end their workday in this timeframe, shift change is either 2 hours before or 2 hours later. This phenomenon accounts for the difference in peak PM hourly volume and Peak hour of Adjacent Street Traffic – one hour between 4 and 6 p.m. (ref. pages 1129, 1131 *ITE Trip Generation 7<sup>th</sup> Ed.*) For this calculation the Peak Hour of Adjacent Street Traffic – one hour between 4 and 6 p.m. is the critical comparison of interest.

Considering the weekend flow of vehicles is also interesting as visitors of the nursing residents come and go more regularly on the weekend. This pattern is also found in worship facilities where Sundays see increased activity. To accommodate the visitors the facility operator has planned to exceed the Fort Smith Unified Development Ordinance required parking by more than double to account for their experience in visitor parking needs.

To compare pre development flows to post development flows is desirable. The following uses data from *ITE* and the results of the recent studies by the City. The comparison is achieved by dividing the volume by the theoretical capacity. The result can be looked upon as a percent of capacity and extrapolated to some level of service (LOS) grade with values between .00 and .60 indicating LOS “A”. The capacity was estimated based on a saturation flow rate of 1,900 vehicles per lane per hour.

Predevelopment Volume / Capacity Riley Park Drive

Average Daily Traffic (ADT) 1417vpd

A.M. Peak Hour is  $(153 / 2) / 1900 = 0.04 \Rightarrow$  LOS "A".

P.M. Peak Hour is  $(166 / 2) / 1900 = 0.04 \Rightarrow$  LOS "A".

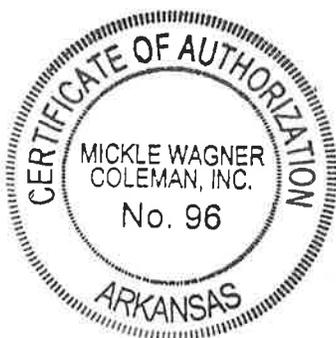
Post development Volume / Capacity Riley Park Drive

Average Daily Traffic (ADT) 2029vpd

A.M. Peak Hour is  $((153+17+24)/2) / 1900 = 0.05 \Rightarrow$  LOS "A".

P.M. Peak Hour is  $((166+26+26)/2) / 1900 = 0.06 \Rightarrow$  LOS "A".

Localized impacts should be minor, comparable to the current office space directly across the street. The current traffic infrastructure is adequate without modification and presents no demonstrable impediment to future development within the broader area. The current infrastructure allows the street to be striped with a left turn lane at such time as it seems beneficial. Left turns from Hwy 71 can be adjusted by traffic light timing or removing the protected turn feature as warranted.



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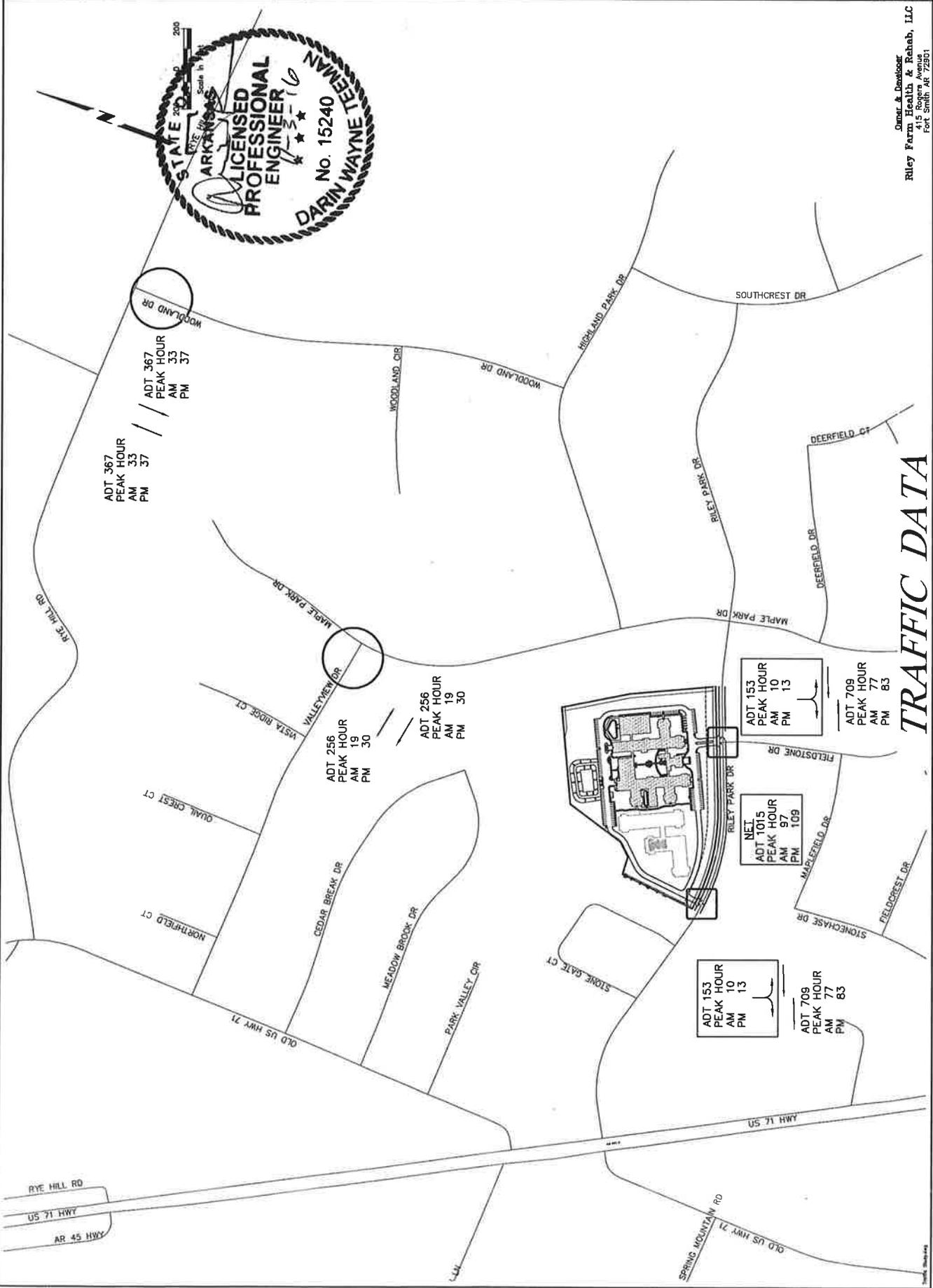
**Owner & Developer**  
 Riley Farm Health & Rehab, LLC  
 Fort Smith, AR 72501

DATE: 11/04/16  
 DRAWN BY: J. WOOD  
 CHECKED BY: J. WOOD  
 PROJECT NO: 13040  
 SHEET NO: 1 OF 1

**RILEY FARM HEALTH AND REHAB**  
 MAPLE PARK  
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

**MICKLE WAGNER COLEMAN**  
 Engineers-Consultants-Surveyors  
 304 County Club Ave.  
 Fort Smith, Arkansas  
 P.O. Box 1507  
 (479) 649-8484  
 info@mwc-eg.com

REVISION	DATE



## Basic Volume Report: Riley Park west of Fieldstone

**Station ID : Riley Park west of Fieldstone**

Info Line 1 : City of Fort Smith  
 Info Line 2 : 30772

Last Connected Device Type : Omega  
 Version Number : 1.36  
 Serial Number : 25496

GPS Lat/Lon :

DB File : Riley Park west of Fieldstone.DB

Number of Lanes : 1  
 Posted Speed Limit : 0.0 mph

### Lane #1 Configuration

#	Dir.	Information	Volume Mode	Volume Sensors	Divide By 2	Comment
1.	East		Normal	Axle	Yes	

### Lane #1 Basic Volume Data From: 09:00 - 10/25/2016 To: 08:59 - 10/26/2016

Date	Time	:00	:15	:30	:45	Total
10/25/16	09:00	24	13	20	12	69
Tue	10:00	12	16	19	14	61
	11:00	16	12	21	19	68
	12:00	19	20	24	26	89
	13:00	18	14	18	20	70
	14:00	32	26	26	19	103
	15:00	20	24	32	29	105
	16:00	23	38	29	29	119
	17:00	45	51	39	31	166
	18:00	30	26	24	28	108
	19:00	13	10	21	14	58
	20:00	14	10	14	8	46
	21:00	15	7	7	9	38
	22:00	0	3	2	1	6
	23:00	5	0	1	0	6

Day Total : 1112

AM Total :	198 (17.8%)	Peak AM Hour : 09:00 =	69 (6.2%)	Peak AM Factor : 0.719	Average Period :	18.5
PM Total :	914 (82.2%)	Peak PM Hour : 17:00 =	166 (14.9%)	Peak PM Factor : 0.814	Average Hour :	74.1

85

## Basic Volume Summary: Riley Park west of Fieldstone

Grand Total For Data From: 09:00 - 10/25/2016 To: 08:59 - 10/26/2016

Lane	Total Count	# Of Days	ADT	Avg. Period	Avg. Hour	AM Total & Percent	PM Total & Percent
#1.	1417 (100.0%)	1.00	1417	14.8	59.0	503 (35.5%)	914 (64.5%)
ALL	1417	1.00	1417	14.8	59.0	503 (35.5%)	914 (64.5%)

Lane	Peak AM Hour	Date	Peak AM Factor	Peak PM Hour	Date	Peak PM Factor
#1.	07:00 = 153	10/26/2016	0.736	17:00 = 166	10/25/2016	0.814

8T

Station: Riley Park west of Fieldstone

Lane #1 Data From: 09:00 - 10/25/2016 To: 08:59 - 10/26/2016

Date	Time	:00	:15	:30	:45	Total
10/26/16	00:00	4	0	1	0	5
Wed	01:00	0	0	0	0	0
	02:00	0	0	2	2	4
	03:00	0	1	1	1	3
	04:00	2	1	0	2	5
	05:00	2	1	0	5	8
	06:00	12	5	18	6	41
	07:00	32	42	52	27	153
	08:00	23	26	19	18	86
Day Total :						305

AM Total : 305 (100.0%)    Peak AM Hour : 07:00 = 153 (50.2%)    Peak AM Factor : 0.736    Average Period : 8.5  
PM Total :                    Peak PM Hour :                    Peak PM Factor :                    Average Hour : 33.9

80

# Basic Volume Report: Valley View W of Maple Park

**Station ID : Valley View W of Maple Park**

Info Line 1 :  
Info Line 2 :

GPS Lat/Lon :

DB File : Valley View W of Maple Park.DB

Last Connected Device Type : Omega

Version Number : 1.36

Serial Number : 25500

Number of Lanes : 1

Posted Speed Limit : 0.0 mph

## Lane #1 Configuration

#	Dir.	Information	Volume Mode	Volume Sensors	Divide By	Comment
1.	East		Normal	Axle	Yes	

Lane #1 Basic Volume Data From: 09:00 - 11/01/2016 To: 08:59 - 11/02/2016

Date	Time	:00	:15	:30	:45	Total
11/01/16	09:00	6	6	7	7	26
	10:00	6	8	7	7	28
	11:00	2	4	8	6	20
	12:00	10	6	8	5	29
	13:00	4	11	8	10	33
	14:00	16	8	13	14	51
	15:00	9	8	15	10	42
	16:00	7	10	14	12	43
	17:00	6	15	11	27	59
	18:00	5	13	8	10	36
	19:00	5	5	7	2	19
	20:00	5	3	2	3	13
	21:00	1	2	5	2	10
	22:00	0	0	0	0	0
	23:00	0	0	0	0	0
<b>Day Total :</b>						<b>409</b>
<b>AM Total :</b>		74 (18.1%)		Peak AM Hour : 09:30 =		28 (6.8%)
<b>PM Total :</b>		335 (81.9%)		Peak PM Hour : 17:00 =		59 (14.4%)
				Peak AM Factor : 0.875		Average Period :
				Peak PM Factor : 0.546		Average Hour :
						6.8
						27.3

Date	Time	:00	:15	:30	:45	Total
11/02/16	00:00	2	0	0	0	2
Wed	01:00	0	0	0	0	0
	02:00	0	0	0	0	0
	03:00	0	0	0	0	0
	04:00	0	0	0	2	2
	05:00	0	1	1	2	4
	06:00	2	5	1	9	17
	07:00	3	11	11	8	33
	08:00	8	7	9	12	36
Day Total :						94

AM Total : 94 (100.0%) Peak AM Hour : 07:15 = 38 (40.4%) Peak AM Factor : 0.792 Average Period : 2.6  
 PM Total : Peak PM Hour : Peak PM Factor : Average Hour : 10.4

# Basic Volume Summary: Valley View W of Maple Park

Grand Total For Data From: 09:00 - 11/01/2016 To: 08:59 - 11/02/2016

Lane	Total Count	# Of Days	ADT	Avg. Period	Avg. Hour	AM Total & Percent	PM Total & Percent
#1	503 (100.0%)	1.00	503	5.2	21.0	168 (33.4%)	335 (66.6%)
ALL	503	1.00	503	5.2	21.0	168 (33.4%)	335 (66.6%)
Lane	Peak AM Hour	Date	Peak AM Factor	Peak PM Hour	Date	Peak PM Factor	
#1	07:15 = 38	11/02/2016	0.792	17:00 = 59	11/01/2016	0.546	

X  
8

# Basic Volume Report: Woodland Dr. S of Rye Hill Rd

**Station ID : Woodland Dr. S of Rye Hill Rd**

Last Connected Device Type : Omega

Info Line 1 : City of Fort Smith

Version Number : 1.36

Info Line 2 :

Serial Number : 25496

GPS Lat/Lon :

Number of Lanes : 1

DB File : Woodland Dr S of Rye Hill Rd.DB

Posted Speed Limit : 0.0 mph

## Lane #1 Configuration

#	Dir. Information	Volume Mode	Volume Sensors	Divide By 2	Comment
1.	North	Normal	Axle	Yes	

Lane #1 Basic Volume Data From: 09:00 - 11/01/2016 To: 08:59 - 11/02/2016

Date	Time	:00	:15	:30	:45	Total
11/01/16	09:00	11	16	8	13	48
	10:00	11	9	14	10	44
Tue	11:00	17	5	5	11	38
	12:00	11	15	13	18	57
	13:00	9	9	14	10	42
	14:00	10	13	9	19	51
	15:00	13	12	16	15	56
	16:00	9	12	19	19	59
	17:00	16	16	22	18	72
	18:00	11	10	17	8	44
	19:00	10	5	16	7	38
	20:00	3	6	4	6	19
	21:00	2	9	3	1	15
	22:00	2	0	1	2	5
	23:00	0	0	0	1	1
<b>Day Total :</b>						<b>589</b>

AM Total :	130 (22.1%)	Peak AM Hour : 10:15 =	50 (8.5%)	Peak AM Factor : 0.735	Average Period :	9.8
PM Total :	459 (77.9%)	Peak PM Hour : 16:45 =	73 (12.4%)	Peak PM Factor : 0.830	Average Hour :	39.3

84

28

Date	Time	:00	:15	:30	:45	Total
11/02/16	00:00	0	0	1	1	2
	01:00	1	0	0	0	1
	02:00	0	0	0	0	0
	03:00	1	0	0	0	1
	04:00	0	0	2	1	3
	05:00	2	1	1	2	6
	06:00	2	4	0	12	18
	07:00	10	13	22	15	60
	08:00	15	10	17	11	53
Day Total :						144

AM Total : 144 (100.0%)      Peak AM Hour : 07:15 = 65 (45.1%)      Peak AM Factor : 0.739      Average Period : 4.0  
 PM Total :                              Peak PM Hour :                              Peak PM Factor :                              Average Hour : 16.0

# Basic Volume Summary: Woodland Dr. S of Rye Hill Rd

Grand Total For Data From: 09:00 - 11/01/2016 To: 08:59 - 11/02/2016

Lane	Total Count	# Of Days	ADT	Avg. Period	Avg. Hour	AM Total & Percent	PM Total & Percent
#1	733 (100.0%)	1.00	733	7.6	30.5	274 (37.4%)	459 (62.6%)
ALL	733	1.00	733	7.6	30.5	274 (37.4%)	459 (62.6%)
Lane	Peak AM Hour	Date	Peak AM Factor	Peak PM Hour	Date	Peak PM Factor	
#1	07:15 = 65	11/02/2016	0.739	16:45 = 73	11/01/2016	0.830	

1-28

**INTER-OFFICE MEMO**

**TO:** Brenda Andrews, Senior Planner

**FROM:** Stan Snodgrass, P.E., Director of Engineering

**DATE:** November 4, 2016

**SUBJECT:** Review of Traffic Information Statement  
Riley Farm Health and Rehab, Maple Park Lot 5

A traffic information statement for the proposed Riley Farm Health and Rehab development was prepared by Mickle Wagner Coleman engineers. Due to traffic concerns raised from the citizens at the developer held meeting, the traffic information statement was forwarded to Traffic Engineering Consultants, Inc. (TEC) of Oklahoma City for their review. TEC is an engineering firm that specializes in traffic engineering and has completed numerous traffic studies for the City.

TEC's review of the traffic information statement agreed with the conclusion that the current traffic roadway system is adequate without modification to accommodate the projected increase in traffic from the proposed development. TEC's review also stated that "Impacts to the traffic flow as a result of the development are expected to be very minimal."

The letter from TEC which details their review and findings is attached.

Attachment



November 4, 2016

Mr. Stan Snodgrass, P.E.  
City of Fort Smith  
P.O. Box 1908  
623 Garrison Ave.  
Fort Smith, AR 72901

RE: Review of Traffic Information Statement (TIS) – Riley Farm Health and Rehab,  
Maple Park Lot 5

Dear Stan:

Per your request, I have reviewed the Traffic Information Statement submitted by Mickle Wagner Coleman (MWC) on the proposed development referenced above. The proposed development is initially a Nursing Home on the east end of the property with a planned expansion of an Assisted Living Facility on the west side in the future. According to the site plan, the buildings will be separate with an adjoining hallway/passage way.

The TIS used the Institute of Transportation Engineers (ITE) Trip Generation Handbook as the source for determining the amount of traffic to be generated by the planned facilities. The ITE Nursing Home land use trip projections were used for the initial phase and the ITE Assisted Living land use trip projections were used for the future phase. The site plan for the development shows 120 beds to be provided for each land use.

A check of the calculations of the amount of traffic expected to be generated by the two land uses yielded slightly different results than reported in the Mickle Wagner Colman TIS. The differences are minor and a result of using the provided equations in the handbook instead of averages. My analysis also breaks the projected trips into the number of trips coming to the site and the number of trips leaving the site for each land use and each time period.

	ADT	AM	PM	AM	PM		
				In	Out	In	Out
Nursing Home (120 Beds)							
MWC	284	24	26				
TEC	330	20	26	14	6	9	17
Assisted Living (120 Beds)							
MWC	319	17	26				
TEC	315	17	26	11	6	12	14

**Traffic Engineering Consultants, Inc.**

6000 S. Western Avenue, Ste. 300 | Oklahoma City, Oklahoma 73139 | Ph. 405-720-7721

6931 S. 66<sup>th</sup> E. Avenue, Ste. 100, | Tulsa, Oklahoma 74133 | Ph. 918-481-8484

Website: [www.tecok.com](http://www.tecok.com)

82-3

The ITE Trip Generation Handbook denotes details about the land uses for which it reports projected trip rates. The handbook states for Nursing Homes, none of the residents own or drive vehicles. For Assisted Living Facilities, virtually none of the residents own vehicles or drive them. The trips generated by both of these types of land uses are from the staff and from visitors. As a result, the actual peak trip period for both land uses is the shift change periods which are not the same time periods as the peak hour traffic of the roadway.

For larger developments, the projected trips would be distributed onto the surrounding roadway network to help determine the traffic impacts. The City of Fort Smith's TIS requirements do not ask for this level of detail for small traffic generators as being proposed. The information was not provided by MWC. However, to assist staff in their analysis, the following information is provided.

Adding all of the traffic together from both the Nursing Home and Assisted Living Facility, the total a.m. peak hour traffic expected to come to or enter the site is 25 vehicles in an hour. The total a.m. peak hour traffic expected to leave the site is 12 vehicles in an hour. For the p.m. peak hour and assuming both buildings are constructed, the total number of vehicles entering the site is 21 vehicles per hour and the total leaving the site is 31 vehicles per hour.

Looking at the roadway system surrounding the site, most of the vehicle trips (staff and visitors) will be coming from and going to the intersection of Riley Park Drive and Hwy 71. There may be times when someone in the adjacent neighborhood would have a reason to visit the proposed facility but the number of trips should be quite low. It was assumed to be zero. There is access from the adjacent neighborhood to the north to both Old Hwy 71/Hwy 45 and Rye Hill Road. If traffic from the proposed development came from or left to this area, they would use Maple Park Drive between Riley Park Drive and Highland Park. The Rye Hill Road traffic would then use Highland Park to Woodland Drive. The Old Hwy 71/Hwy 45 traffic would use Maple Park Drive to Valley View Drive.

A projection of 10% of the total traffic would use this route is believed to be high. However, if one assumes 20% of traffic would use this route, the results are as follows:

	In	Out
a.m. peak hour	5	3
p.m. peak hour	4	6

The total projected traffic above would only be added to the section of Maple Park Drive between Riley Park Drive and Highland Park in one hour. If one assumes half of the

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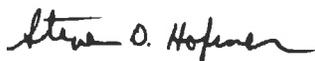
82-4

traffic uses Old Hwy 71/Hwy 45 and half uses Rye Hill Road, the above numbers are further divided in half for each of these streets.

The site plan proposes two driveways. Typically, the traffic would be divided between the driveways 50/50, 60/40 or possibly 70/30. If it is assumed 100% of the trips are made on Riley Park Drive to and from Hwy 71, and 100% of the trips use the east drive, the total eastbound left turns at the driveway would be 25 vehicles in the morning peak hour, and 21 vehicles in the p.m. peak hour. The total exiting southbound right turn trips from the driveway would be 12 vehicles in the a.m. peak hour and 31 vehicles in the p.m. peak hour. This example is shown to demonstrate how low the traffic projections are from the proposed site. The highest traffic projection is 31 vehicles in an hour which is just over 1 vehicle every two minutes. With two driveways the traffic projections would not necessary be cut in half for each driveway but spread out between the driveways. As stated above, some of the vehicles would proceed east as well.

The added analysis is being provided to show additional detail on the traffic projections. The MWC TIS was conducted in accordance with accepted guidelines. The conclusion that the current traffic roadway system is adequate without modification to accommodate the projected increase in traffic from the proposed development is accurate. Impacts to the traffic flow as a result of the development are expected to be very minimal. The statement that signal timing could be adjusted at Riley Park Drive and Hwy 71 would probably not be necessary and the removal of a protected left turn would not be recommended.

Sincerely,



Steven D. Hofener, P.E., PTOE  
Principal

**Traffic Engineering Consultants, Inc.**

6000 S. Western Avenue, Ste. 300 | Oklahoma City, Oklahoma 73139 | Ph. 405-720-7721  
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Website: [www.tecok.com](http://www.tecok.com)

82-5

October 26, 2016

## Neighborhood Meeting Report

### Riley Farm Health & Rehab, Maple Park Lot 5

On Monday, October 24<sup>th</sup>, 2016 a neighborhood meeting was held at Rye Hill Baptist Church, 11512 Old Hwy 71, Fort Smith, AR 72916 to discuss the conditional use and variance applications for the Riley Farm Health and Rehab Facility. A notification was sent to all owners within 300 feet of the proposed site at their address of record. Sign in sheets were available and are attached. About 200 people attended.

Pat Mickle of Mickle Wagner Coleman, as agent for the applicant, spoke on the topics pertaining to the function, size, site characteristics, and traffic impact. Additionally, numerous questions were asked and statements were made by attendees. Where possible the location of their specific property was asked and the distance from the parcel included in the discussion.

A layout of the proposed facility was presented and explained. The property is a single lot encompassing 14.7 acres. The facility is a nursing home with an occupational/physical therapy component. The nursing home will have 120 beds. The therapy unit is an inpatient facility; however, about 5% of the patients will be outpatient. Mickle responded to an inquiry explaining that this was not a drug or alcohol rehabilitation facility.

Mickle explained the proposed facility is single story and contains 88,000 square feet. The tallest point of the roof will be 36' above floor elevation. The front of the building will be setback over 100 feet from the street right-of-way. The building is located on the eastern half of the lot as the owner may wish to consider constructing a complimentary assisted living facility in the western portion of the site. This second facility is not part of this application, but illustrates why the proposed facility is located as proposed. Drainage will be directed to a single stormwater detention facility which slows flows to the predeveloped runoff rates. Water will be discharged to the same area that drainage currently leaves the site.

Mickle noted the parking lot elevation in front of the facility will be 5' to 8' lower than Riley Park Drive. This will minimize headlight glare into the street. It was noted that the delivery will be at the rear of the building, as will the sanitation dumpsters. Mickle noted that the property backs up to a city park, which acts as a significant buffer to the houses to the north. The nearest home to the north is about 300' from the rear of the property and over 400' beyond the parking lot at the back side of the building.

82-6

The neighbors to the east pointed out that a driveway along the east side of the building comes very close to their rear property line and asked for clarification. Mickle explained that relative to the parking lot and driveway, a six foot fence would be erected on the east side of the improvements to screen the vehicles and headlights. Concerns were expressed about the removal of trees on this eastern boundary. The project architect, Richard Humiston, indicated the building can be rotated creating a wider buffer (about 40') between the driveway and the property line. This will save additional trees in this area. The plan depicted 16 parking spaces on the east side of the building pointing east. The architect agreed to move these spaces to the rear of the building which also will save some existing trees.

A question was asked about the traffic impact of this proposal. Mickle pointed out that Riley Park Drive is a residential collector street that is 37' wide. A recent traffic count was conducted by the City. It showed the Average Daily Traffic (ADT) was about 1400 cars per day which is well below the street's capacity. The proposed facility will have about 150 employees, with the day time shift being the largest with 60 employees. Residents expressed concern about left turns into the facility creating traffic problems on Riley Park Drive. One of the two entries onto the site aligns with the Riley Park Drive/Fieldstone intersection which has an all way stop. Mickle pointed out that if in time left turns became a traffic hindrance, the street can be striped for three lanes; two thru lanes and a turn lane. The left turn storage will minimize impedance of the thru traffic.

One attendee wondered if turns into the subdivision off Hwy 71 could be a problem. Mickle noted the intersection is signalized with a protected left turn onto Riley Park Drive for south bound traffic. Mickle noted if delays began to occur, the signal phasing could be adjusted. The same is true for outbound traffic. The audience pointed out that there were two other entrances into the Riley Farm area, Valley View and Woodland Drive. Both streets are 27' wide, curb and guttered.

Many attendees stated they did not want this type facility in the neighborhood, even if the impacts were minimal. Others asked if other sites had been looked at; Mickle said he assumed so, but had no direct knowledge of it. One attendee questioned if the meeting notices had been sent to all required; Mickle said they had.

A question was asked about the variance request. Mickle explained that the current Transitional zone has two limitations on the maximum structure size; one is 65% of lot area which in this case is over 400,000 square feet, and the other is 40,000 square feet. Variance application is requesting that this 88,000 square foot building be allowed. There was a question about the scale. Mickle pointed out the facility will be one story and that the high point of the roof is 36' which is lower than many houses in the Riley Farm area. The lot coverage being requested is less than 25% of the lot area.

Neighborhood Meeting  
Riley Farm Health & Rehab  
October 26, 2016  
Page 3 of 3

The meeting was adjourned after about an hour and a half. Over 180 attendees signed the meeting register.

A handwritten signature in black ink, appearing to read "Pat Mickle". The signature is written in a cursive, somewhat stylized font.

Pat Mickle

f:\doc\misc\neighborhood mtg – Riley Farm Health & Rehab.doc

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Rye Hill Baptist Church Reception Room, 11512 Old Hwy 71, Fort Smith, AR.

Meeting Time & Date 6 P.M. Monday, October 24th, 2016

Meeting Purpose Riley Farm Health & Rehab Conditional use permit

NAME ADDRESS PHONE #

1. Richard Demmons 34 Stone Gate Ct 479-651-1867
2. Jim Wiley & Chris 54 Stonegate Ct 479-646-9259
3. Michele Neles 11401 Maple Park Dr 479-322-9575
4. Ken Hulen 11401 Maple Park Dr 479-322-9576
5. Will Harmon 2825 Grinnell 479-650-0082
6. Maria Miller 6000 Fieldcrest Dr 479-461-0747
7. Sharla Law 2825 Grinnell 479-651-6953
8. Judy Embury 6404 Southfield Dr 479-420-1240
9. Bryant R. Smith " " " " 719-5262
10. Ronnie Fox 2825 Grinnell 479-252-0599
11. Ronald E. & Janet S. Moore 11800 MAPLE PARK DR. 479-649-9957
12. Rick & Leanne Jones 12008 Maple Park 918-691-7619  
479-976-9360
13. Karl & Susan May 6700 Riley Park 479-646-5752  
801-330-1658
14. Ramon Relabo
15. Bob & Irene Barker 7001 Highland Park Dr 479-648-6956
- He Sherr. Williams 6408 Maplefield Dr 479-420-6869
17. M. K. Posey 12000 Stonegate Dr. 479-648-1779

**ATTENDANCE LIST FOR NEIGHBORHOOD MEETING**

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

Meeting Location Rye Hill Baptist Church Reception Room 11512 Old Hwy 71, Fort Smith, AR

Meeting Time & Date 6 P M. Monday, October 24th, 2016

Meeting Purpose Conditional use permit

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. Kettle Kettle	49 Stonegate Ct	646 5678
2. Linda Massey	22 Stone Gate Ct	479 806 7910
3. Norma Lee	5100 Pine Valley Cir	479 252 0197
4. Doyle and Shanon Shreeley	6804 Southfield Circle	648-0387
5. Day Blau	11111 Maple Park	214 960 9620
6. Anita Knight Longmire	6200 Valley View	479 806-5109
7. Eddie Thiele	6306 B, Riley Park Dr	870-222-8056
8. Brenda Drosopoulos	1608 Highland Park Dr.	479-648-1876
9. Richard Humiston	1600 S. 96 <sup>th</sup> St	479 651 1974
10. Roy & Cathy Tjiston	6408 Fieldcrest Dr.	452-3259
11. VITAS BIRGELIS	6307 FIELDCREST DR	462 837
12. Beth & Charles Medlock	6500 Southfield Dr	
13. Margaret Cox	11600 Maple Park Drive	430-3812
14. Alison & Peter Feru	6008 Meadowbrook Dr	
15. Richard & Jan Cannon	12301 Stonehenge Dr	479 222 6176
16. Jenny & Todd Chaffey	11000 Maple Park Drive	479-353-5074

Jean Spearman	11212 Maple Park Dr,	420-3422
Rick Spearman	11212 Maple Park Dr	420-3982
Jory McCutchen	7207 Highland Park	479-806-4878
JOHN JENKINS	6701 SOUTHFIELD CIR	207-299-4372
Buddy R. Ridenour	6520 SOUTHFIELD DR.	479-646-6080
Steve Deckman	11905 Fieldstone Dr	479-646-7493
Bobbie Lipps	6707 Deerfield Dr.	479-414-8435
Op Bearden	11800 Southeast Dr	479-461-1006
Betty & Ricky Jones	11200 Northfield Ct.	405-227-4774
Rick and Brenda Parker	7007 Highland Park Dr.	479-461-3983
John + Laura Reith	6311 Fieldcrest Dr.	479-806-8466
Brian + Christen Warefield	6212 Meadow Brook Dr.	479-414-4062
John + Ruth Stankard	6609 Meadow Brook Dr.	479-649-3101
Larry Lומר	6400 Mayfield Dr.	479-806-1351
Bill + Marie Little	6700 Hunter Crossing	479-800-1097
Denny, Mary Rogers	6600 Southfield Dr	479-648-0448
Chris + Melissa Blevins	12223 Lynwood Dr	501 529 3108
Michael + Dottie Bloom	6306 Fieldcrest DR	(479) 222-6942
Hamden Durrant	6601 Highland Park Dr	214 254-1773
JAVED RANA	11608 Southeast Dr.	479-806-6411
Bobbie Miller	11101 Maple Park Dr	
Julie Orsina	11007 Maple Park Dr	479-624-2343
Carl Allison	6511 Southfield Dr	479-646-721
Faetta Allison	"	"
Bobby E Fletcher	11908 Maple Park Drive	479-426-7944

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location Rye Hill Baptist Church Reception Room, 11512 Old Hwy 71, Fort Smith, AR.

Meeting Time & Date 6 P.M. Monday, October 24th, 2016

Meeting Purpose Riley Farm Health & Rehab Conditional use permit

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1. David Edwards	11700 Myrtle Park	651-1045
2. Ann Edwards	11700 Myrtle Park	651-5560
3. Dr. Keece	6607 Highland Park	629-8135
4. Dianne O'Donnell	6007 Meadowbrook Dr	479-431-7668
5. Elaine Birgeles	6307 Fieldcrest DR	479-629-0595
6. Leg L. Shaeffer	1115 Vista Ridge CT	479-414-3543
7. Lewis M. Shaeffer	1115 Vista Ridge ct	479-414-3523
8. Rachel + Thomas Brown	6703 Deerfield Drive	479-651-1878
9. Sheila Corbin	58 Stonegate Ct.	479-252-1789
10. Jewel Smith	4700 Highlands Park	479-226-3212
11. Dabon Brees	5811/4809 Park Valley Cir	479-649-0490
12. Bob Cowan	6101 HIGHLAND PARK DRIVE	479-231-4915
13. Ross Hayes	6801 Hunter Crossing	259-249-9944
14. IVA FRIEDEL	MEADOWBROOK DR	479-646-5205
15. CARL NEVEN	6107 MEADOWBROOK DR	479-739-6073
16. Kelly + Alex Sharum	6601 Southfield dr. FSM 72916	(479)466-6241
17. Robert + SUSAN PRICE	6701 SOUTH HIGHLAND DR. FSM 72916	479-646-3282

**MICKLE  
WAGNER  
COLEMAN**

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



JOB \_\_\_\_\_

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

DAVID CHAPMAN	#33 Stone Gate	651-3635
John K. Vaughn } Dolores Vaughn }	6200 meadow brook	
Bruce Andrus	City of Fort Smith Planning Dept	
Charles and Pam Craft	7009 Highland Park Dr.	
Blake & Kim Weiler	11211 Maple Park Dr.	
KAY & LILLIAN FOWLER	25 Stone Gate Ct.	
Mike & Jennifer Atchley	6521 Southfield Dr.	
Robby Walker	6808 Hunter crossing	
Jerry, Bernice Rhodes	10 Stonegate Ct.	
Garry, Debbie Rhodes	Riley Park Dr.	
Bennett & Tammy Baker	6905 Riley Park Dr	
Maria Christall	11750 Southeast Dr. Ft Smith	
Leather England	5900 Meadow Brook Dr	
Steve & Janice	5900 Meadow Brook Dr	
Grace Caldwell	11201 Maple Park Dr 479-646-0514	
SYED HAMID	11609 Southcrest Drive Fort Smith AR 72916	
Richard Johnson	11506 Maple Park Dr 72916	
BILL CHANDLER & Debbie	6301 Maple Leaf Dr. 479-646-4979	
Dorinda Fletcher	11908 Maple Park Dr. F.S.	
Madeline Hirschman	41 Stone Gate Ct Ft Smith 72916	
Sheifa Bentley	6301 Fulkrest Dr.	
Ken St. Germain	6704 Southfield Dr	NO
Anna Henson	6401 Southfield Dr	NO
Robert M. Benedek	11800 Southcrest Dr	NO
Michael Demmer	6305 Maplefield Dr 72916	NO
Joseph Plummer	6305 MARENGO DRIVE	AS
Ed McNally	11006 MAPLE PARK DR	NO
ROSS BURNETT	12005 FIELDSIDE DR	?
Eric & Sarah Johnson	6904 RILEY PARK	,
Jerry Meador	6304A Riley Park Dr	NO
Robin H. Meador	6304A Riley Park Dr	NO

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Rick Congdon 6200 Valley View Drive 479-652-0146  
JAMES ADAMS + BEVERLY ADAMS 6708 Highland Park 646-6523  
Vieng Siripoun 6508 Fieldcrest Dr.  
Zy Siripoun 6508 Fieldcrest Dr  
Elizabeth Allison 6510 Fieldcrest Drive  
Judy Whitt 11507 Southcrest Drive  
Garrett Nelson 11801 Deerfield ~~Dr~~ Court  
Cara Nelson 11801 Deerfield Court  
Ashley Nelson 11801 Deerfield Court 870-321-7007  
Roy + Karen Slagle 6701 Woodland Cir 479-459-6271  
Tim + Tracie 11406 Maple Park Dr.  
Ricky + Darbie Davis 11212 Vista Ridge Ct.

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CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

Marlin Freeman	42 Stonegate Ct	479-646-0307
Jane Kuykendall	6208 Valley View DR	479-459-8853
Gary Kuykendall	6208 Valley View DR	479-459-8853
CON GRISBAUER	5109 CEDAR BASIN DR	479-459-0667
LINDA CHUNN	6407 Maplefield Drive	479-353-1800
Eric Graves	5905 Cedar Break Drive	479-719-4125
Jonella Graham	1105 Quail Crest Court	479-459-5079

82-15

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CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

11

NOEL & BEVERLY SOUCY	12014 MAPLE PARK DR	479 459 8905
RACHEL & SAMMIE FLORI	11200 VISTA RIDGE CT	
JOHN & MICHELLE FOSTER	11400 MAPLE PARK DR	479-646-8375
WANDA L. WEBB	6306 A RILEY PARK DR	479 806. 4347
G. L. Webb	6306 A RILEY PARK DR	479 653-2272
Dick Pulliam & Paula	7207 Shady Ridge Ct	479-646-0313
© Pulliam		
Madelene Martinez	479-414-4810	5804 Meadow Brook Dr

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WAGNER  
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Fort Smith, Arkansas E-mail: info@mwc-engr.com



JOB \_\_\_\_\_ 14 \_\_\_\_\_  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

Patwosha Stewani	11707 Southwinds Dr	918-497-9048
Dorin & Nancy Starn	6708 Deerfield Dr	479-434-3877
Mary Trimble	5904 Meadow Brook Dr	479-646-1509
John Reneke	S Stone Gate Court	479-646-1031
Debbie Reneke	S Stone Gate Court	479-646-1031
Ladry Duncan	11106 Maple Park	479-649-2041
Martha Duncan	11106 Maple Park	479-649-2041
Janet Fretheim	42 Stonegate Court	479-646-0309
Severly & Larry Jones	6100 Valley View	479-926-5238
Sall Little	6700 Acacia Crossway	646-9402
Dorlene Kewin	5900 Meadow Brook Dr	
Heather Englund	5900 Meadow Brook	461-8890

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** October 28, 2016

**Re:** Variance #28-11-16 - A request by Pat Mickle, agent for Riley Farm Health & Rehab, LLC, for Board of Zoning Adjustment consideration of a zoning variance request from the 40,000 s.f. maximum size of a building in a Transitional zone located at 6301 Riley Park Drive.

## REQUESTED VARIANCE

The variance and conditional use if approved will allow the development of 85, 485 s.f. single story nursing home.

## LOT LOCATION AND SIZE

The subject property is on the north side of Riley Park Drive between Maple Park Drive and State Hwy 71. The tract contains an area of 14.33 acres with approximately 1114 feet of street frontage along Riley Park Drive.

## EXISTING ZONING

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

### Purpose:

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

### Permitted Uses:

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

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**Conditional Uses:**

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

**Area and Bulk Regulations:**

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

**SURROUNDING ZONING AND LAND USE**

The area to the north is zoned Transitional (T) and is an undeveloped wetland.

The areas to the east and southeast are zoned Residential Single Family Low Density (RS-1) and developed as single family residences.

The area to the south is zoned Transitional (T) and developed as condominiums, contractors office, and professional offices.

The area to the west is zoned Residential Single Family High Density (RS-4) and developed as a gated community with single family residences.

**MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Residential Collector street classification.

**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 states the subject property was annexed into the city limits and received a Transitional-2 zoning district designation in January 1998, and the property was platted into Maple Park at Riley Farm, Lot 5 in April 2001. At the time the property was annexed, zoned and platted, the T-2 zoning district did not have limitations on lot or building size. The only

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limitation was that a building could not cover more than 65% of a lot. In May 2009, the city adopted the Unified Development Ordinance and consolidated the three Transitional Zoning Districts (T-1, T-2, and T-3) into one Transitional Zoning District. The new Transitional zoning regulations limit the maximum lot area/parcel for rezoning to Transitional to two acres and the maximum size of a building to 40,000 s.f.

The applicant states that strict enforcement of the code denies the owner to construct a 88,000 s.f. (rounded up from proposed 85,485 s.f. nursing home) on a pre-established lot with a pre-established zoning district. The applicant states that the lot coverage is only 21% of 14.7 acres calculated with a 88,000 s.f. building.

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held Monday, October 24, 2016, at 6:00 p.m., at Rye Hill Baptist Church at 11512 Old Highway 71. Approximately 200 people attended the meeting. Concerns regarding the project included the size of the proposed nursing home, traffic, and removal of trees on the site. A summary of the meeting and sign-in sheet are included with the conditional use application.

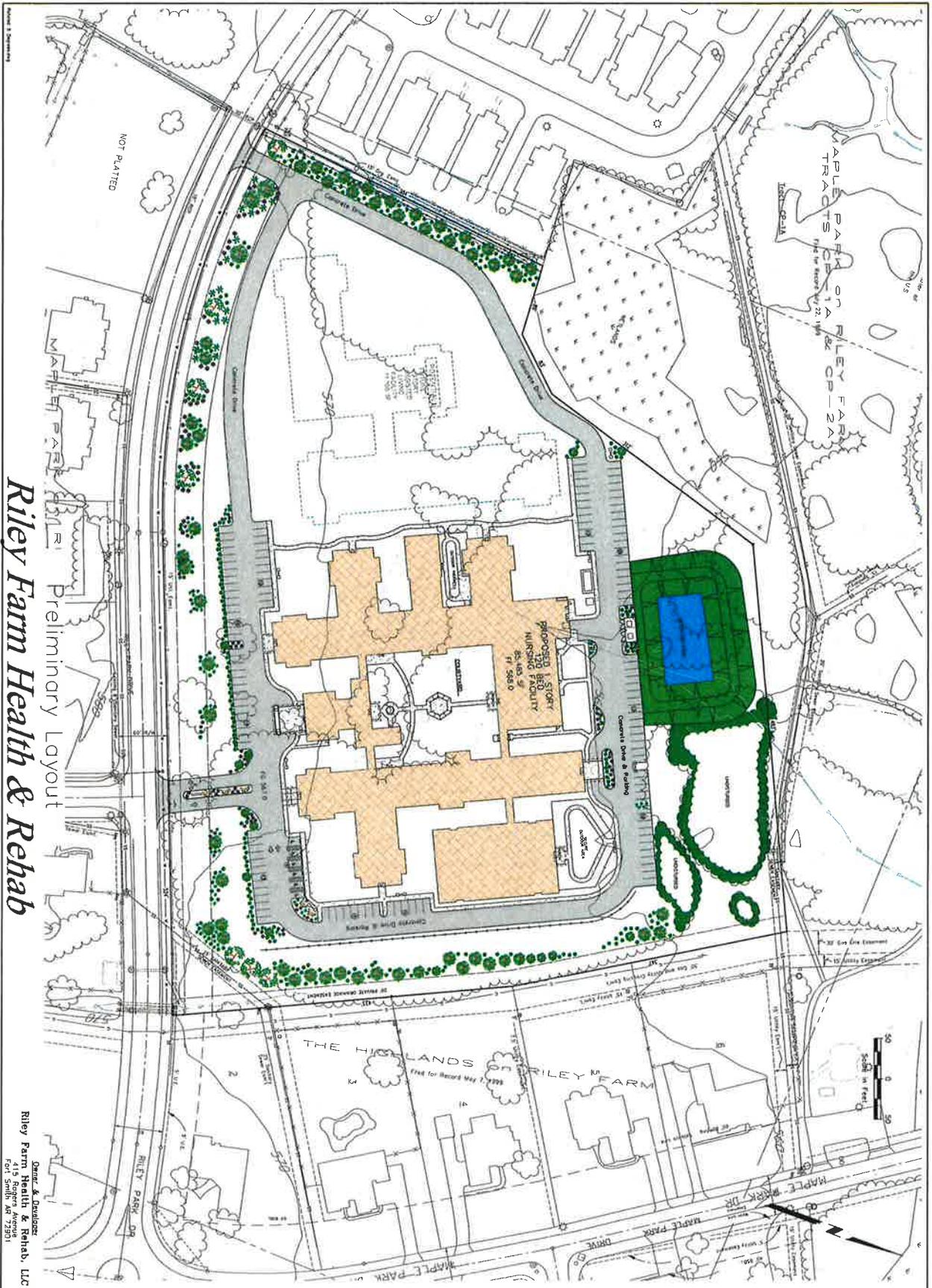
### **GRANTING OF A VARIANCE**

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.

### **STAFF COMMENTS AND RECOMMENDATIONS**

If the BZA is inclined to approve the application, staff offers the following recommendation:

1. Construction must comply with the submitted development plan for the nursing home. 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.



**Riley Farm Health & Rehab**  
Preliminary Layout

Owner & Developer:  
Riley Farm Health & Rehab, LLC  
Fort Smith, AR 72301

NO.	DATE	DESCRIPTION
1	11/24/15	REVISED BUILDING LOCATION

PRELIMINARY LAYOUT  
RILEY FARM HEALTH AND REHAB  
MAPLE PARK  
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

**MICKLE WAGNER COLEMAN** Engineers-Consultants-Surveyors  
3434 Country Club Ave.  
P.O. Box 1507  
Fort Smith, Arkansas  
(478) 649-8484  
FAX (478) 649-8486  
info@mwc-eng.com

DATE	REVISION	BY
11/24/15	REVISED BUILDING LOCATION	PJM

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**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)

Maple Park on Riley Farm, Lot 5

Address of property 3601 Riley Park Drive, Existing or Proposed

Zoning Classification Transitional, 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:

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

**FROM**

**TO**

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback
- Interior Side Yard Setback
- Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign
- 40,000 - 88,000 Other: Maximum Building Size (SF)

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 GE

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

Signed:

Mickle Wagner Coleman, Inc.  
~~Owner or~~ Agent Name *(please print)*

\_\_\_\_\_  
Owner

or

479-649-8484  
~~Owner or~~ Agent Phone Number

*Pat Mickle*  
Agent

P.O. Box 1507, Fort Smith, AR 72902  
~~Owner or~~ Agent Mailing Address

Variance # \_\_\_\_\_

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**VARIANCE INFORMATION FORM**

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

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

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

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

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1. Explanation of question #4 (if applicable)

This area of Riley Farm was zoned Transitional-2 concurrently with annexation of the property into Fort Smith in January, 1998. Maple Park at Riley Farm, Lot 5 was platted in April, 2001. The platting established the lot area as 14.7 acres. The Transitional-2 zone had no limitation on lot size. The only limitation on building size was that it could not cover more than 65% of the property. Thus for this Lot 5, the maximum lot coverage allowable was 416,000 square feet.

In May, 2009 the City adopted a new zoning & development ordinance, referred now as the UDO. With this revision the pre-existing three transitional zones were consolidated into a single Transitional zone, which is the current designation. Although the UDO kept the 65% limitation of lot area limitation for building coverage, it added a second restriction of a maximum building size of 40,000 square feet. This represents over a 90% reduction in the permissible building coverage on this pre-existing lot. Thus, due to these unusual set of circumstances, this pre-established and zoned lot lost over 90% of its building potential.

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

The strict enforcement of the code creates the hardship of denying the owner the ability to construct an 88,000 square foot structure on a 14.7 acre (416,000 square foot) parcel by revising the code on a pre-established lot with a pre-established zoning designation. This 88,000 square foot is a lot coverage of 21%.

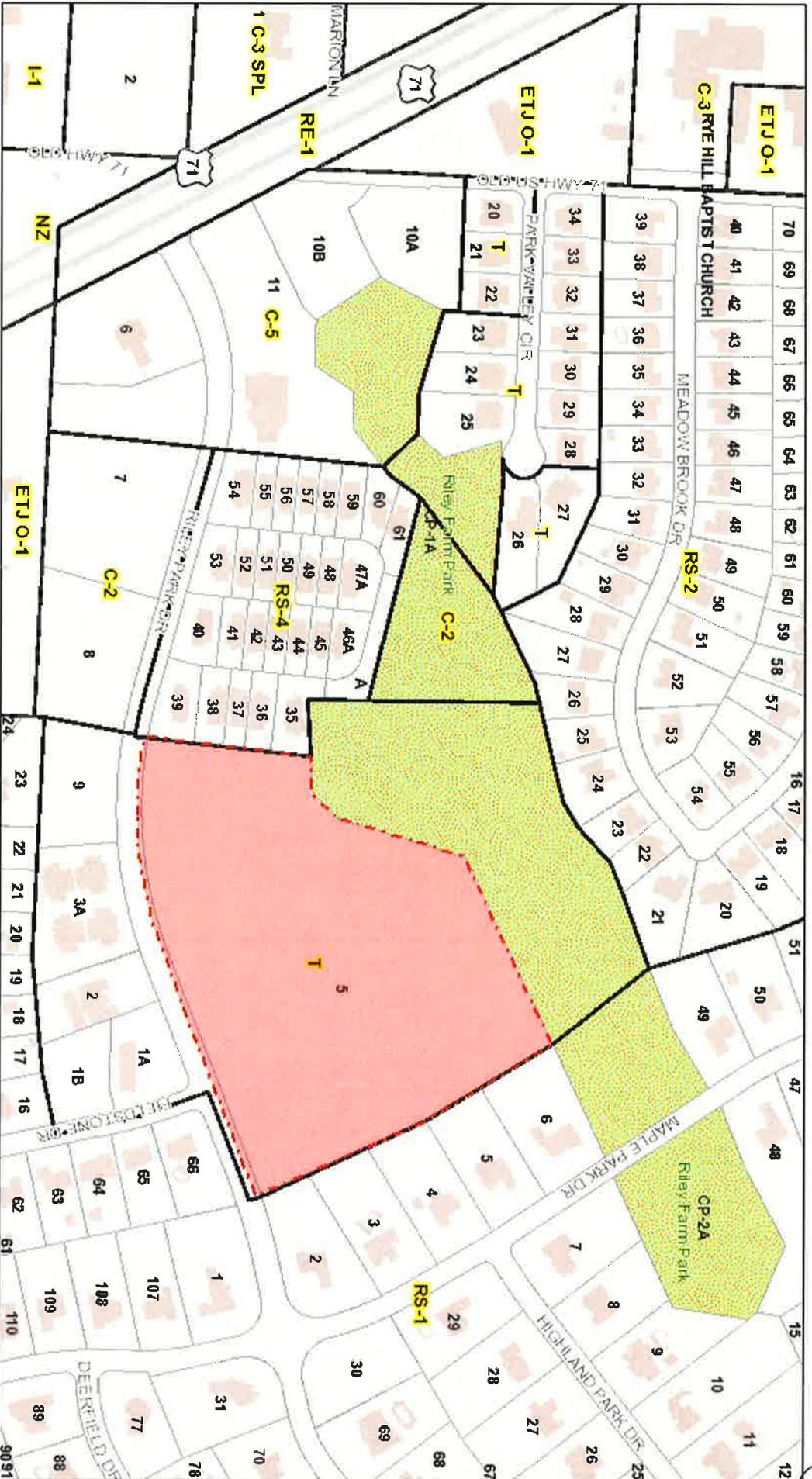
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The conditions that exist were created by the City adopting, with the UDO, the secondary building size restriction of 40,000 square feet versus the single limitation of 65% lot coverage on a pre-existing platted lot with a transitional zoning.

PH

# Variance #28-11-16: Maximum size of building in a Transitional zone 6301 Riley Park Drive

Handwritten initials: *HS*



October 28, 2016

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

