



Application updated May 2022

DEV. PLAN REVIEW

- I. The filing deadline will be Friday, _____, 20____, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.
- II. There will be a study meeting of the Planning Commission on Tuesday 20____, at 11:30 a.m. at the Creekmore Park - 3301 South M Street (Rose Room). The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be Tuesday, 20____, at 5:30 p.m. at the Creekmore Park - 3301 South M Street (Rose Room). The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of \$300.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. A processing fee of \$100.00 is required if the development plan application is submitted with another application. **This fee is Non-Refundable. TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.**



CHECKLIST FOR DEVELOPMENT PLAN REVIEW APPLICATION

Development Standards Utilized *(If submitted with planned development district rezoning)*

- Site Standards ○
- Density Bonus

Submit Master Land Use Plan Amendment (if required)

Signature of Owner or Agent Authorized by Owner

Indicate Whether Restrictive Covenants Apply

List of Property Owners Within 300 Feet

List of all Property Owners to be Rezoned

Vicinity Map of Subject Property

Zoning & Land Use Maps *(Staff will assist applicant in preparing these maps)*

Processing Fee of \$300.00 or \$100.00

Neighborhood Meeting *(At the discretion of the Director Pursuant to Section 27-304)*

A. Landscape

1. Turf areas with approximate dimensions.
2. Shrubs, ornamental trees and shade trees.
3. Botanical names, sizes when planted, quantities.
4. Trash/dumpster bin enclosure(s).
5. Details of the screening method to be employed.

6. Photometric site lighting plan, sign locations, elevations, dimensions and descriptions.
7. Irrigation plans to be submitted by the contractor at the time of installation unless the landscape is xeriscape.

B. Architecture. Architectural plans which show the following:

1. Floor plans with gross square footage and total number of floors
2. All four (4) building elevations with dimensions
3. Location of mechanical equipment, screening details if on roof, building materials, colors, signs and other details.
4. Trash/dumpster enclosures and grease traps.

C. Final Engineering Plans. Final engineering plans which show the following:

1. Sanitary sewer improvements
2. Street improvements
3. Storm water control
4. Any necessary revisions to a previously submitted traffic study
5. Water improvements
6. Parking area, if applicable, including handicap/accessible parking
7. Grading and drainage improvements

CHECKLIST FOR DEVELOPMENT PLAN REVIEW APPLICATION

Please use this checklist to verify that your application is complete.

Pre-Application Conference (Pursuant to Section 27-302)

Complete Application & Submit Preliminary Development Plan which includes:

- A. Submit electronic PDF file and paper copies.
- B. Submit owner and architect name, address, phone number & e-mail address.
Submit authorization of Agent-Owners Names & Signatures.
- C. Provide date, north arrow & map scale. Provide existing & proposed (if applicable) zoning classifications.
- D. Provide vicinity map at a scale of not less than 1" =500'.
- E. Provide location & size of existing & proposed infrastructure & utilities. (See Section 27-331-4-E.)
- F. Provide size, use , & location of existing & proposed structures and drives. (See Section 27-331-4-F.)
- G. Identify existing zoning, structures, and driveways on surrounding properties within 300 feet of the subject property.
- H. Show street address, legal description & total acreage of subject property.
- I. Show existing topography with a maximum contour interval of 5 feet except 2 feet for slopes of less than 2%.
- J. Show proposed finished grades may be shown either as percentages or with finished contours.
- K. Show location of floodplains, areas subject to flooding, centerlines of drainage courses and finished floor elevations of proposed buildings.
- L. Show the height, number of floors, proposed square footage of buildings, both above and below or partially below the finished grade.
- M. Show the setback dimensions from the development boundaries and adjacent streets and alleys

CHECKLIST FOR DEVELOPMENT PLAN REVIEW APPLICATION

- N. Show existing and proposed traffic and pedestrian circulations system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.
- O. Show off-street parking and loading areas, including dimensions or proposed drives and parking spaces, and structures and landscaping for parking areas.
- P. Describe outdoor surfacing and/or paving for all parking and loading areas.
- Q. Show improvements and activities in recreation & greenspace areas (See Section 27-331-4-Q.)
- R. Show the proposed location, description, and screening plan for dumpster facilities for garbage drop off, storage, disposal, and pick-up.
- S. If the development is to be constructed in phases provide a development schedule showing the order of construction and approximate completion date for each phase.
- T. Provide preliminary architectural building elevations, listing of proposed building materials, a material and color palette (where required by specific zoning district), and proposed written design guidelines (for non-residential development that supplements the City's existing regulations).
- U. Provide a master sign plan which details the proposed signage for the site (including flat signs on building facades).
- V. Provide a landscape buffer concept plan that details the basic size, quantity, and type of screening material (fences, walls, and plants) to be used for the perimeter treatment of the property. The concept plan should also have a description of land uses, setbacks, and the relationship of the subject property to the surrounding areas.
- W. Provide preliminary drainage and erosion control information which meets City, State and Federal requirements.
- X. Provide a chart displaying the following information as applicable: **1.** Total number of dwelling units; **2.** Residential density and units per acre; **3.** Gross floor area per floor (in square feet), number of floors, height of building, total floor area, and floor area ratio for each structure; **4.** Total acres in open space; **5.** Total number of off- street parking spaces required, method of calculation and the number of spaces provided; **6.** Seating capacity (where appropriate); **7.** Uses by floor.



Application updated May 2022

CITY OF FORT SMITH, ARKANSAS DEVELOPMENT PLAN REVIEW APPLICATION

<i>FOR STAFF USE ONLY</i>	<i>FEE: \$300</i>
<i>Date Application Submitted:</i>	<i>Zone:</i>
<i>Date Accepted as Complete:</i>	
<i>Project Number:</i>	
<i>Public Hearing Date:</i>	

Application:

Indicate one contact person for this request:

Applicant

Agent

Applicant (person making request):

Agent (engineer, surveyor, realtor, etc.):

Name:

Name:

E-mail:

E-mail:

Address:

Address:

Phone:

Phone:

Fax:

Fax:

Site Address / Location:

Current Zoning District:

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a development plan in the City of Fort Smith, Arkansas, pursuant to Ordinance 87-19, representing to the Planning Commission as follows:

Does the development plan include a companion application?

Yes

No

If yes, please specify the companion applications submitted:

Conventional Rezoning

Planned Zoning District

Conditional Use

Master Land Use Plan Amendment

Variance

If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

(Zoning Classification) by (Extension or classification)

Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

Total Acreage:



AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and do hereby authorize to act as our agent in the _____ (Print Name of Agent) matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

This form is necessary only when the person representing this request does not own all the property.



LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET

This information shall be obtained at the County Assessor's Office.

The Planning Department is required to give notice (in writing) of this application to all property owners within a 300 foot radius of the subject property. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107, for a small fee. Please call the Tax Assessor's Office at 479-783-8948 to setup an appointment. (The Planning Department will mail the notices for you.) Include map and property owners list from the County Tax Assessor's Office as an attachment to the application packet.

L&R PROPERTIES, LLC
CT/ BOZE, PATRICK 500 N 7TH ST # 2
Fort Smith, AR 72901

MITCHELL, DONNA JEAN
418 N 6TH ST
FT SMITH, AR 72901

OBERSTE, WILLIAM L & JENNIFER M
716 N 6TH ST
FORT SMITH, AR 72901

DIXON RENTALS NO. 1, LLC
7203 KENSINGTON CT
FORT SMITH, AR 72903

GANN, HOMER M & BARBARA A
708 N 7TH ST
FORT SMITH, AR 72901

FORT SMITH HERITAGE FOUNDATION
514 N 6TH ST
FORT SMITH, AR 72901-2006

CULPEPPER, CLIFTON
404 N 7TH ST
Fort Smith, AR 72901

KURSH, VELMA
1912 N L ST
FORT SMITH, AR 72901

L & R PROPERTIES, LLC (BOZE,
PATRICK)
500 N 7TH ST #2
Fort Smith, AR 72901

VALENTINI, JOSEPH & BILLIE
4800 S W ST
FT SMITH, AR 72903

THOMPSON, DWAYNE
606 N 8TH ST
FT SMITH, AR 72901

TIDWELL, JULIA ET AL
1306 MAY AVE
FT SMITH, AR 72901

TRAN LIVING TRUST
1804 FIANNA WAY
FORT SMITH, AR 72908

HANSEN, LINDA F
514 N 7TH ST
FT SMITH, AR 72901

MORROW, CECIL & WIFE
1306 MAY AVE
FT SMITH, AR 72901

BROWN, MICHAEL J
16211 S E 23RD ST
Choctaw, OK 73020

KURSH, VELMA
1912 N L ST
FORT SMITH, AR 72901

QUINN CHAPEL AFRICAN METHODIST
EPIS
4200 YOUNG ST
Fort Smith, AR 72904

BELLE GROVE FUTURE SCHOOL, LLC
4611 ROGERS AVE STE 201
Fort Smith, AR 72903

SAMUELSON, SHIRLEY ANN & RONALD
RYAN
602 N 8TH ST
FORT SMITH, AR 72901

DANIELSON, ERIK P
P O BOX 1150
BOONEVILLE, AR 72927

GRISSOM, PAULA
504 N 8TH ST
FORT SMITH, AR 72901-2206

OBERSTE, WILLIAM L & JENNIFER
MARIE
716 N 6TH ST
FORT SMITH, AR 72901

ROBINSON, DARRELL W & DEBORAH
GAY
P. O. BOX 11523
FT SMITH, AR 72917-1523

L & R PROPERTIES, LLC
723 N 6TH ST
FORT SMITH, AR 72901

BEASLEY, CHARLES CAMERON
518 N 7TH ST
FORT SMITH, AR 72901

BLANZY, JAMES P
722 N 6TH ST
Fort Smith, AR 72901

BRADLEY, SAM B & MITZI 1/2 %
BRADLEY FAMILY TRUST)
& LINIMON, STUART LANCE 1/2%
INTERE 2509 S 87TH ST
Fort Smith, AR 72903

WILLIAMS, JESS RAY SR
4209 MUSSETT RD
Fort Smith, AR 72904

AFRICAN METHODIST EPISCOPAL
CHURCH, INC
4200 YOUNG ST
Fort Smith, AR 72904



Attendance List for Neighborhood Meeting

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

Meeting Location

Meeting Time & Date

Meeting Purpose

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>

F. **LETTER REGARDING RESTRICTIVE COVENANTS**

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. (*See attached additional information on restrictive covenants*)

TO: Planning Department

SUBJECT: Legal Description of Property. Provide legal description in a word document.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows: **ATTACH COVENANTS WITH SUBMISSION**

Attach all supporting documentation to the application packet.

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.

REQUESTING A DEVELOPMENT PLAN REVIEW

ITEMS REQUIRED FOR EACH APPLICATION.

A. PRE-APPLICATION CONFERENCE

1. A meeting with the Planning & Zoning Department is required (To be held at least ten (10) days before the submission date. (application deadline)

B. SUBMITTAL OF PRELIMINARY DEVELOPMENT PLAN

1. Complete the application.
2. Submit preliminary development plans.
3. Submit companion Master Land Use Plan Amendment and Rezoning Application (if necessary). *(Note: Development plans will not be required for neighborhood or corrective rezonings)*

C. TRAFFIC STUDY FOR REZONING *(If submitted with rezoning request)*

1. Submit Traffic Impact Analysis or Traffic Statement per Section 27-503-7.

D. DEVELOPMENT STANDARDS OPTIONS *(If submitted with planned development district rezoning)*

1. Revisions to Site Standards Option-(setbacks or lot sizes up to 25% reduction)
2. Density Bonus Option-(15% increase in density for higher development standards and enhanced site amenities)

(See Unified Development Ordinance, Section 27-329-6)

E. NOTICE OF PUBLIC HEARING *(If submitted with rezoning request)*

1. Provide the legal description of the property included in the rezoning request in the space indicated.
2. Provide the street address of the property.
3. Provide the existing zoning classification of the property.
4. Provide the proposed zoning classification.
5. Date of hearing will be provided by the City.
6. The notice must be signed by the owner.

F. LETTER REGARDING RESTRICTIVE COVENANTS

1. If you have restrictive covenants, enter any part of a restrictive covenant applicable to the property that appears to prohibit this rezoning request.
2. If there are no restrictive covenants in effect or no statement in your existing covenant, enter the word NONE on the attached statement.

G. LIST OF OWNERS OF SURROUNDING PROPERTY WITHIN 300 FEET

List the names and addresses of the owner(s) of all property within 300 feet of the

petitioned property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107. Please call the Tax Assessor's Office at 783-8948 to schedule an appointment. A small charge will be assessed for this service. (The Planning Department will mail the notices for you.)

H. AUTHORIZATION OF AGENT

1. If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

I. MAPS OF THE AREA

1. Provide a vicinity map showing the location of the property requested for development.
2. Provide a zoning district map.
3. Provide a land use map.

K. FILING FEE AND OTHER COSTS

1. A processing fee of \$300.00 or \$100.00, if submitted with another application must be paid to the City of Fort Smith at the time of filing the application. **This fee is Non-Refundable.**

L. NEIGHBORHOOD MEETING (If required)

1. Notify all properties within 300 feet of the petitioned property.
2. Written notice of meeting time & place provided to Planning Department and residents/ property owners seven days prior to neighborhood meeting. Meeting should be held at least six days before the planning commission voting meeting.
3. Provide summary report and attendance list of meeting to Planning & Zoning Department.

27-331 Development Plan

27-331 Development Plan

27-331-1 Purpose A Development Plan may be submitted as a single approval project or concurrently as part of another application or approval process. The approval process is necessary to ensure that the proposed development shall conform to the Unified Development Ordinance and shall incorporate a compatible arrangement of buildings, parking, lighting, signage, landscaping, circulation, drainage, and open spaces.

27-331-2 Applicant When no rezoning request is required, a development plan is submitted by the applicant to the Director. When other applications or permits are sought, a development plan is submitted concurrently with other development applications. (e.g., variances, conditional uses)

27-331-3 Applicability

A. Approval Procedures. When no other development approvals are required before submitting for a building permit, a development plan shall be required for all new nonresidential construction of 5,000 square feet or more, or multifamily construction of 8 units or more.

Type	Size	New/Rehab	Submission
Multifamily residential/ no subdivision application required	8 units or more	New	Development Plan
Office, Commercial	5,000 s.f. or larger	Both	Development Plan
Industrial	5,000 s.f. or larger	Both	Development Plan
Downtown and Existing Buildings	all	Both	Development Plan

B. Use As Preliminary Plat. A Development Plan is first submitted as a preliminary plan and later revised and refined before the submittal of the final plan. A Preliminary Development Plan may be used as a Preliminary Plat where all of the information required on the Preliminary Plat has been included on the Preliminary Development Plan.

27-331-4 Development Plan: Preliminary

The size, scale and number of copies (paper and digital) required to be submitted shall be established by the Planning and Zoning Department. The Department shall establish a checklist of Preliminary Development Plan requirements that includes the following:

- A.** The development plan shall be submitted electronically as a PDF file and on paper no larger than twenty-four by thirty-six inches (24 x 36), with at least one copy of each page provided on an 11" x 17" paper. The development plan shall be drawn to a scale of no less than one inch equals twenty feet (1:20) unless the Director approves a different scale.
- B.** The name, address, phone number, and e-mail address of the landowner and architect/engineer/surveyor/ planner/contractor shall be provided. An authorization of agent from the property owner shall also be provided, which acknowledges and approves the application submitted on the owner's behalf.

- C.** The date, north arrow, scale, existing zoning classification and proposed zoning classification;
- D.** Vicinity map at a scale of not less than 1" = 500';
- E.** Location and size of existing and proposed right-of-ways, easements, public improvements, infrastructure, overhead transmission lines, sewer lines, water mains, gas mains, culverts, and other underground installations.
- F.** Size dimensions, use and location of, and entrances to existing and proposed structures and drives on the subject property. This includes the dimensioned distances between buildings (existing that shall remain and proposed) and the distances from the structures (existing that shall remain and proposed) to the property lines;
- G.** Identification of existing zoning, structures, and driveways on the properties within 300 feet of the subject property.
- H.** The street address or address of entire property and a legal description of the property, showing the location and type of boundary and including a statement of the total area of the property;
- I.** Existing topography with a maximum contour interval of 5 feet, except where existing ground is on a slope of less than 2%, then either two-foot contours or spot elevations shall be provided;
- J.** Proposed finished grades may be shown either as percentages or with finished contours;
- K.** Location of floodplains and areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed buildings;
- L.** The height, number of floors, proposed square footage of buildings, both above and below or partially below the finished grade;
- M.** The setback dimensions from the development boundaries and adjacent streets and alleys;
- N.** Existing and proposed traffic and pedestrian circulations system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;
- O.** Off-street parking and loading areas, including dimensions or proposed drives and parking spaces, and structures and landscaping for parking areas;
- P.** Description of outdoor surfacing and/or paving for all parking and loading areas;
- Q.** Green belt and other active recreation and greenspace areas, together with proposed private recreation areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreation facilities;
- R.** The proposed location, description, and screening plan for dumpster facilities for garbage drop off, storage, disposal, and pick-up;

- S.** When the development is to be constructed in phases provide a development schedule showing the order of construction and approximate completion date for each phase;
- T.** Preliminary architectural building elevations, listing of proposed building materials, a material and color palette (where required by specific zoning district), and proposed written design guidelines (for non-residential development that supplements the City's existing regulations);
- U.** A master sign plan which details the proposed signage for the site (including flat signs on building facades);
- V.** A landscape buffer concept plan that details the basic size, quantity, and type of screening material (fences, walls, and plants) to be used for the perimeter treatment of the property. The concept plan should also have a description of land uses, setbacks, and the relationship of the subject property to the surrounding areas.
- W.** Preliminary drainage and erosion control information which meets City, State and Federal requirements;
- X.** A chart displaying the following information as applicable:
 - 1. Total number of dwelling units;
 - 2. Residential density and units per acre;
 - 3. Gross floor area per floor (in square feet), number of floors, height of building, total floor area, and floor area ratio for each structure;
 - 4. Total acres in open space;
 - 5. Total number of off-street parking spaces required, method of calculation and the number of spaces provided;
 - 6. Seating capacity (where appropriate);
 - 7. Uses by floor.

27-331-5 Application and Review Procedures.

A. Determination of Completeness. Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303.

B. Neighborhood Meeting. When a Development Plan is submitted concurrently with another application (e.g.-rezoning, conditional use) the neighborhood meeting requirements of that application shall apply. When no other application is submitted, the Director shall determine if a neighborhood meeting is necessary based upon the following:

1. The impact of the project on surrounding properties.
2. The impact of the project on the neighborhood as a whole.
3. The interest expressed by the neighborhood to have a public meeting regarding the project.

C. Notice.

1. When a Development Plan is submitted concurrently with another application, public notice shall be provided according to the requirements for that application (e.g., published, mailed and/or posted).
2. Review by the Director does not require public notice.

27-331-6 Preliminary Development Plan Review

A. Director Review. If the Preliminary Development Plan is submitted as a single application in a conventional district (Non-Planned Development District), the Director shall review the application. If it is determined that the application shall meet the terms of the Unified Development Ordinance, the application shall be approved.

B. Additional Applications. If the Preliminary Development Plan is submitted concurrently with any supplemental or additional applications (e.g., rezoning) or as a requirement of a Planned Development district, it shall be reviewed by the Planning Commission.

C. Appeal. Decisions made by the Director may be appealed to the Planning Commission. No further action shall be taken to process the application pending the Planning Commission's final determination.

27-331-7 Submission Requirements: Final Development Plan The final development plan shall include the following information, with separate sheets for each category below:

A. Landscape

1. Turf areas with approximate dimensions.
2. Shrubs, ornamental trees and shade trees.
3. Botanical names, sizes when planted, quantities.
4. Trash/dumpster bin enclosure(s).
5. Details of the screening method to be employed.

6. Photometric site lighting plan, sign locations, elevations, dimensions and descriptions.
7. Irrigation plans to be submitted by the contractor at the time of installation unless the landscape is xeriscape.

B. Architecture. Architectural plans which show the following:

1. Floor plans with gross square footage and total number of floors
2. All four (4) building elevations with dimensions
3. Location of mechanical equipment, screening details if on roof, building materials, colors, signs and other details.
4. Trash/dumpster enclosures and grease traps.

C. Final Engineering Plans. Final engineering plans which show the following:

1. Sanitary sewer improvements
2. Street improvements
3. Storm water control
4. Any necessary revisions to a previously submitted traffic study
5. Water improvements
6. Parking area, if applicable, including handicap/accessible parking
7. Grading and drainage improvements

27-331-8 Final Development Plan Review

A. Director Review. If the Final Development Plan is submitted as a single application in a conventional (Non-Planned Development District), the Director shall review the application. If it is determined that the application meets the terms of Unified Development Ordinance and conforms to the approved Preliminary Development Plan, the Director shall approve the application.

B. Additional Applications. If the Final Development Plan is submitted concurrently with any supplemental or additional applications (e.g., rezoning) or as a requirement of a Planned Development District, the Final Development Plan shall be reviewed pursuant to the provisions of that application.

27-337-8 Appeal of Planning Commission Decisions

A. Decisions of the Planning Commission shall be appealable to the Board of Directors. Any such decision may be appealed by any person having an interest therein by the filing of a written notice of appeal with the City Clerk before 5:00 p.m. on the tenth calendar day following the date of the decision of the Planning Commission. A fee in the amount established by Board of Directors shall be required at the time any appeal is filed. The appeal shall be placed on a study session of the Board of Directors prior to action being taken on the appealed item.