

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JULY 11, 2017**

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

Chairman Sharpe then called for the vote on the minutes from the June 13, 2017, Planning Commission special meeting. Motion was made, seconded and carried unanimously to approve the minutes as written. Chairman Sharpe then called for the vote on the minutes from the June 13, 2017, regular meeting. Motion was made, seconded and carried unanimously to approve the minutes as written.

Ms. Brenda Andrews spoke on the procedures.

Ms. Andrews read the consent agenda and noted if a Planning Commissioner or member of the audience did not request an item be pulled from the consent agenda and discussed separately, the consent agenda would be voted on as one item.

1. CONSENT AGENDA

- A. Preliminary Plat – River City Center – Phase II – Cedar Creek**
- B. Conditional Use #15-7-17; A request by Jason Emmett, agent for Fort Smith Holdings, LLC, for a conditional use for a new church development located at 1900 North 62nd Street.**
- C. Preliminary Plat – Stonebrook at Chaffee Crossing – Brixey Engineering**
- D. Final Plat – The Crest and The Valley of Stoneshire at Chaffee Crossing – Mickle-Wagner-Coleman**
- E. Final Plat – Providence – Phase I – Crafton Tull**
- F. Conditional Use #16-7-17; A request by Darrin Smith, agent for Baptist Missionary Association of Arkansas Revolving Loan Fund, for a conditional use for a new church located at 5704 South 14th Street.**

No one requested an item be pulled from the consent agenda.

Chairman Sharpe then called for the vote on consent agenda items #1A - #1F. The vote on the consent agenda was 9 in favor and 0 opposed. The consent agenda was approved subject to all staff comments and recommendations.

2. **A request by Brian Richards, agent for Green Meadow Properties, LLC, for a Master Land Use Plan Amendment from Residential Attached to Commercial Neighborhood located at 2120 South Waldron Road. (companion item to item #3)**
3. **Rezoning #13-7-17; A request by Brian Richards, agent for Green Meadow Properties, LLC, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 2120 South Waldron Road. (companion item to item #2)**

Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for the use of a fitness center and similar uses permitted in the C-2 zone. It was noted that the applicant has a potential tenant that would like to utilize a 700 square foot area as a fitness room but a rezoning is required to accommodate this request.

Mr. ~~Joseph Meadows~~Brian Richards 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 requests.

2. **A request by Brian Richards, agent for Green Meadow Properties, LLC, for a Master Land Use Plan Amendment from Residential Attached to Commercial Neighborhood located at 2120 South Waldron Road. (companion item to item #3)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 9 in favor and 0 opposed.

3. **Rezoning #13-7-17; A request by Brian Richards, agent for Green Meadow Properties, LLC, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 2120 South Waldron Road. (companion item to item #2)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 9 in favor and 0 opposed.

4. **Conditional Use #13-7-17; A request by Rodger Baker, agent for Paul Hoover, for a conditional use for a restaurant with outdoor dining located at 7719 Rogers Avenue. (companion item to item #5)**
5. **Variance #20-7-17; A request by Rodger Baker, agent for Paul Hoover, for a variance from 47 to 30 minimum number of parking spaces located at 7719 Rogers Avenue. (companion item to item #4)**

Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the owners to remodel the old Kentucky Fried Chicken location and add a covered outdoor dining area with four tables seating 24 persons. It was noted that the site plan of this facility requires 47 parking spaces but only has 30 existing on site with no room to add the additional parking.

Mr. Rodger Baker 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 requests.

4. **Conditional Use #13-7-17; A request by Rodger Baker, agent for Paul Hoover, for a conditional use for a restaurant with outdoor dining located at 7719 Rogers Avenue. (companion item to item #5)**

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior building and site lighting shall comply with the UDO, Section 27-602-5.
- All signage requires a separate application, review and building permit.
- Existing landscaping along Rogers Avenue shall remain.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 9 in favor and 0 opposed.

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- 5. Variance #20-7-17; A request by Rodger Baker, agent for Paul Hoover, for a variance from 47 to 30 minimum number of parking spaces located at 7719 Rogers Avenue. (companion item to item #4)**

Chairman Sharpe called for the vote on the variance request. The vote was 9 in favor and 0 opposed.

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- 6. Conditional Use #14-7-17; A request by Tim Risley, agent for the Fort Smith Public School District, for a conditional use for a canopy addition to Tilles Elementary School located at 815 North 16th Street.**
- 7. Variance #21-7-17; A request by Tim Risley, agent for the Fort Smith Public School District, for a variance from 15 feet to 6 feet 6 inch exterior side yard setback located at 815 North 16th Street. (companion item to item #6)**

Brenda Andrews read the staff reports indicating that the purpose of these request is to allow for the construction of a canopy cover at the pick-up/drop off area along with a canopy connecting to the building. A new wrought iron fence will also be installed between the building and the new canopy.

Mr. Tim Risley was unable to attend the meeting but Rhett Howard advised the Commission that he would be able to answer any questions relative to this project.

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 requests.

- 6. Conditional Use #14-7-17; A request by Tim Risley, agent for the Fort Smith Public School District, for a conditional use for a canopy addition to Tilles Elementary School located at 815 North 16th Street.**

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

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those

described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor, 0 opposed and 2 abstentions (Richardson, Howard)

**RECESS PLANNING COMMISSION
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7. **Variance #21-7-17; A request by Tim Risley, agent for the Fort Smith Public School District, for a variance from 15 feet to 6 feet 6 inch exterior side yard setback located at 815 North 6th Street. (companion item to item #6)**

Chairman Sharpe called for the vote on the variance request. The vote was 7 in favor, 0 opposed and 2 abstentions (Richardson, Howard)

8. **Variance #22-7-17; A request by Russell Hayes, agent for Mars Petcare, for a variance from I-3 to I-1 bulk and area requirements located at 10000 Roberts Boulevard.**

Maggie Rice read the staff report indicating that the purpose of the variance request is to allow Mars Petcare to have the bulk and area requirements and setbacks for the Industrial-1 zone.

Mr. Russell Hayes, representing Mars Petcare, 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 variance request. The vote was 9 in favor and 0 opposed.

9. **Variance #23-7-17; A request by David Edwards for a variance from 6,500 to 5,662.80 square feet minimum lot area and from 60 feet to 57.12 feet minimum lot frontage located at 4701 North "J" Street.**

Brenda Andrews read the staff report indicating that the purpose of this variance request is to allow the applicant to replat four lots into two lots and develop a duplex on one of the lots.

Mr. David Edwards was present to speak on behalf of this request.

J.R. and Laurie Bergenstock at 4623 North J Street, Sharon Bray at 1208 North 47th Street, Ray Mauldin at 4715 North J Street, Jack Sparks at 1211 North 47th Street, and Sandra Shores ~~Several persons were in attendance + spoke in voice their~~ opposition to this request. The residents cited traffic concerns, property values, parking issues, narrow streets, and strangers in the neighborhood as reasons for their opposition. Following a discussion by the Commission, Chairman Sharpe called for the vote on the variance request. The vote was 5 opposed and 4 in favor (Howard, Cooper, Laster & Howe). The variance was denied.

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10. Variance #24-7-17; A request by David Damron, for a variance from 7.5 feet to 1.4 feet interior side yard setback located at 2020 Garner Lane.

Maggie Rice read the staff report indicating that the purpose of the variance request is to allow the owner to enlarge his existing garage.

Mr. David Damron, 2020 Garner Lane, 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 variance request. The vote was 9 in favor and 0 opposed. The approval was contingent upon all construction complying with the submitted site plan.

11. Variance #25-7-17; A request by Sisouphanh Linthavong for a variance from 20 feet to 10.1 feet front yard setback and from 7.5 feet to 5.6 feet interior side yard setback located at 3509 Ridgeway Drive.

Maggie Rice read the staff report indicating that the purpose of this variance request is to allow the construction of a 20' x 20' carport.

Mr. Sisouphanh Linthavong, 3509 Ridgeway Drive, 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 variance request. The vote was 9 in favor and 0 opposed.

Meeting Adjourned!

