



**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JUNE 14, 2016**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM MAY 10, 2016

III. STAFF COMMENTS AND PROCEDURES

1. Preliminary Plat – Oak Crest Estates – Lots 1-16 - Hawkins-Weir Engineers
2. Rezoning #12-6-16; A request by Ron Brixey, agent for William B. Lovvorn III Living Trust, William B. Lovvorn, Trustee, for a zone change from Industrial Light (I-1) to Industrial Moderate (I-2) by Extension located at 400 Phoenix Avenue. (companion item to items #3 & #4)
3. A request by Ron Brixey, agent for William B. Lovvorn III Living Trust, William B. Lovvorn, Trustee, for development plan approval for a building addition located at 400 Phoenix Avenue. (companion item to item #2 & #4)

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

4. Variance #17-6-16; A request by Ron Brixey, agent for William B. Lovvorn III Living Trust, William B. Lovvorn, Trustee, for a variance from the required street access for an Industrial Moderate (I-2) zone located at 400 Phoenix Avenue. (companion item to items #2, & #3)

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

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

5. A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of Building Committee for Rye Hill Baptist Church, for a Master Land Use Plan Amendment from Unclassified and Extra Territorial Jurisdiction Commercial Neighborhood to General Commercial located at 11512 Old Highway 71 South. (companion item to items #6, #7 & #8)
6. Rezoning #13-6-16; A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of Building Committee for Rye Hill Baptist Church, for a zone change from Not Zoned (NZ) and Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Commercial Moderate (C-3) by Classification located at 11512 Old Highway 71 South. (companion item to items #5, #7 & #8)
7. Conditional Use #8-6-16; A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of Building Committee for Rye Hill Baptist Church, for a church expansion located at 11512 Old Highway 71 South. (companion item to items #5, #6 & #8)

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

8. Variance #18-6-16; A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of Building Committee for Rye Hill Baptist Church, for a variance from Section 27-602-4(C)(8)-6 ft. screening fence, wall or landscape buffer adjacent to property zoned for residential purposes located at 11512 Old Highway 71 South. (companion item to items #5, #6 & #7)

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

9. Conditional Use #9-6-16; A request by Tony Pham, agent for Vasiliki Investments LLC, for a conditional use for a pool hall located at 1217 South Waldron Road.
10. Conditional Use #10-6-16; A request by Ron Brixey, agent for Ferguson Childcare, Inc., for a conditional use for a temple located at 5201 Virginia Avenue.
11. Conditional Use #11-6-16; A request by Terry Burruss, agent for Joseph Meadows, for a conditional use for the construction of a deck to be utilized as an outdoor dining area located at 8302 Phoenix Avenue.

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

12. Variance #13-5-16; A request by Mickle-Wagner-Coleman, Inc., agent for Cuong Phan, Treasure Dairy, for a variance from 15 feet to 0 feet exterior side yard setback and from 45 feet to 53 feet maximum height of structure located at 415 South "C" Street. (tabled from May 10, 2016)

13. Variance #16-6-16; A request by Ricky Hill, agent for Connie Johnson, for a variance from 60 feet to 22 feet minimum lot width at building line located at 3415 North 23rd Street.

14. Variance #19-6-16; A request by Chris Trager, agent for Cary Moore, for a variance from 50 square feet to 162 square feet cumulative total for all free standing signs located at 1600 North 50th Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
MAY 10, 2016**

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

Chairman Sharpe called for the vote on the Planning Commission minutes from the April 12, 2016, meeting. Chairman Sharpe noted the following corrections to the minutes:

The vote on several of the items should be corrected to note 8 commissioners present and voting rather than 7.

Motion was made by Commissioner Howard, seconded by Commissioner Carson and carried unanimously to approve the minutes as amended.

Ms. Brenda Andrews spoke on the procedures.

- 1. Final Plat – The Havens at Chaffee Crossing – Crafton Tull**
- 2. Final Plat – Highland Crossing at Chaffee Crossing – Crafton Tull**

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to allow for single family and duplex dwellings.

Brad Peterson with Crafton Tull was present to speak on behalf of these plats.

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

Following a discussion by the Commission, motion was made by Commissioner Howard, seconded by Commissioner Carson and carried unanimously to amend these requests to make approval subject to the following:

- Submittal by the developer of the final draft and budget associated with the maintenance entity documents that will provide maintenance for all common areas.
- All required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents prior to the plants being filed with the county recorder.

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

- 3. Rezoning #10-5-16; A request by Sara Baker/Emily Oakes, agents for Morningside Addition neighborhood rezoning for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Residential Single Family High Density (RS-4) by Classification located at 1700-1730 South Albert Pike, 3901-4111 South "Q" Street; 1701-1721 Hendricks Boulevard and 4001-4199, 3904-3923, 4002-4120 South "P" Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this rezoning request is to eliminate the possibility of future duplexes in the subdivision by requesting a zoning district that allows single family residential only. Ms. Andrews noted that the applicants wish to maintain a single family atmosphere for the neighborhood.

Mr. Al Baker and Mrs. Sara Baker, representing the Morningside Subdivision spoke on behalf of this request.

Mr. Dennis Rupp, 1601 Hendricks Street requested his single family properties at 3904 and 3923 South P Street be removed from the rezoning application.

Following a discussion by the Commission, Chairman Sharpe called for the vote on the rezoning request as submitted. The vote was 6 in favor and 1 opposed (Richardson).

- 4. Rezoning #11-5-16; A request by Mickle-Wagner-Coleman, agent for Free Will Baptist Family Ministries, for a zone change from Not Zoned to a Planned Zoning District by Classification located at 11201 Custer Boulevard.**

Ms. Maggie Rice read the staff report indicating that the purpose of this rezoning request is to allow for a development of four (4) multifamily children's home with the capability of adding two (2) additional group homes in the future with one administration building to oversee the homes. It was noted that each of the four (4) homes will house eight (8) children.

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

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

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

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

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

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

5. Variance #13-5-16; A request by Mickle-Wagner-Coleman, agent for Cuong Phan, Treasure Dairies, for a variance from 15 feet to 0 feet exterior side yard setback located at 400 South “C” Street.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow for the construction of a 30,000 gallon storage tank adjacent to an existing storage tank along South “C” Street. It was noted that the new tank would be 53 feet in height and approximately 9’ in diameter. It was also noted that it would be partially located within the street right-of-way and that the applicant has submitted an application for Board of Director approval of a temporary revocable license to allow the tank to occupy a portion of the right-of-way.

It was also noted that an additional variance would be needed for maximum height and therefore this item was requested to be tabled so the height variance could be added to the application.

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

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

Chairman Sharpe then called for the vote to table this item until the June 14, 2016, Planning Commission meeting. The vote was 7 in favor and 0 opposed.

6. Variance #14-5-16; A request by J.S. “Pete” & Mary Ramsey for a variance from 25 feet to 4.5 feet and from 25 feet to 6 feet exterior side yard setback and from 10 feet to 6.5 feet minimum distance between structures on the same lot located at 600 Lecta Avenue.

Ms. Maggie Rice read the staff report indicating that the purpose of this variance request is to allow the applicant to build a detached garage with a carport that is architecturally compatible with the existing single family home.

Pete & Mary Ramsey 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 7 in favor and 0 opposed.

7. Unified Development Ordinance Amendment – Mobile Food Trucks

Ms. Brenda Andrews indicated that staff is proposing an amendment to the UDO Outdoor Mobile Vending Section 27-327-6 to allow food truck vending from 7:00 a.m. to 9:00 p.m. in limited locations in the C-6 zoning district. Ms. Andrews stated that the specific location for the amendment was the right-of-way adjacent to Cisterna Park downtown. She stated that as a result from interest from food vendors and the parks department, staff investigated the possibility of allowing vending at this location.

Ms. Andrews stated that input was sought from CBID property owners, downtown restaurants, and food vendors. Staff also presented the proposed amendment to the Central Business Improvement District committee, which was in favor of the amendment and unanimously recommended it for approval.

Ms. Andrews stated the vendors would be selected through a lottery system, which would be held every two months. She then reviewed the key features of the amendment.

Anna Conner of 121 Paddock Lane spoke against the proposed ordinance stating the amendment could have negative impacts on Savoy Tea and Coffee located at 925 Garrison Avenue.

Three people interested in food vending at this location spoke in favor of the amendment, Patricia Dye, Melina Hines, and Alton Jones.

Following a discussion by the planning commission, Chairman Sharpe called for the vote on the UDO amendment. The vote was 7 in favor and 0 opposed.

Meeting Adjourned!

SUBDIVISION COMMENTS
June 14, 2016

1. Oak Crest Estates, Lots 1-16 - Preliminary Plat – Hawkins-Weir Engineers

Existing Zoning Designations: Residential Single Family Medium Density (RS-2)

Land Uses: The RS-2 zoning district provides for detached homes in low to medium density single family neighborhoods where adequate public services and facilities are available.

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.

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Rezoning #12-6-16 - A request by Ron Brixey, agent for William Lovvorn, for Planning Commission consideration of a zone request from Industrial Light (I-1) to Industrial Moderate (I-2) by extension at 400 Phoenix Avenue

PROPOSED ZONING

This proposed rezoning will bring the current use of the property into compliance with the zoning requirements and facilitate an expansion.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the intersection of State Line Road and Phoenix Avenue. The tract contains an area of 5.29 acres with approximately 484 feet of street frontage along State Line Road and approximately 330 feet of street frontage along Phoenix Avenue.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex 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), 27-431(C)3
Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet
Front Yard Setback - 50 feet
Side Yard on Street Side of Corner Lot - 50 feet
Side Yard Setback – 25 feet
Rear Yard Setback - 20 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

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
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 20,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
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 area to the north is zoned Industrial Light (I-1) and is developed as a machine shop.
The area to the east is zoned Industrial Light (I-1) and is developed as a vacant warehouse.
The area to the south is zoned Industrial Moderate (I-2) and is developed as Hickory Springs Manufacturing.
The area to the west is located in Oklahoma.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies State Line Road as a Local Road and Phoenix Avenue as a Major Collector.

MASTER LAND USE PLAN COMPLIANCE

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

NEIGHBORHOOD MEETING

The neighborhood meeting was waived this requirement due to the fact that there will be minimum impact to surrounding property owners.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon approval of the companion variance application.

PETITION FOR CHANGE IN ZONING MAP

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 change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

- 1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Tract 1, Valmont Addition – Lot split
 And a Part of the Fractional SE/4 of the NW/4
 Section 32, Township 8 North, Range 32 West
 Sebastian County, Arkansas
 SEE ATTACHED EXHIBIT

- 2. Address of property: 400 Phoenix Avenue

- 3. The above described property is now zoned: I-1 (Industrial Light)

- 4. Application is hereby made to change the zoning classification of the above described property to I-2 (Industrial Moderate) by Extension.
 (Extension or classification)

- 5. Why is the zoning change requested?

Request is made in order to bring the current use of the property into compliance with City zoning requirements and to facilitate future expansion and development

- 6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Ron Brixey
 Owner or Agent Name
 (please print)

 Owner

5223 E. Highway 45, Fort Smith AR 72916
 Owner or Agent Mailing Address

or


 Agent

479-646-6394
 Owner or Agent Phone Number

NOTICE OF REQUEST FOR A ZONE CHANGE, A REQUEST FOR A VARIANCE, AND A DEVELOPMENT PLAN REVIEW FOR PROPERTY LOCATED AT 400 PHOENIX AVENUE

DESCRIPTION OF PROPERTY:

The property is currently used as a wood products manufacturing facility. Products include wood pallets and crates. An addition to the cutting and assembly building is proposed. No change in use is proposed.

REASON FOR ZONE CHANGE REQUEST:

The Zoning of this property is currently I-1, Industrial Light. The current use is non-compliant with uses allowed by I-1 zoning. In order obtain a building permit for the addition, the City has required that the zoning be changed to I-2, Industrial Moderate. This change will bring the operation into compliance with zoning regulations.

REASON FOR VARIANCE REQUEST:

I-2 zoning regulations require that street access be from a street designated as Major Arterial or higher. Phoenix Avenue is classified as a Major Collector. The requested variance will bring the current access into compliance with the proposed zoning by variance.

REASON FOR DEVELOPMENT PLAN REVIEW:

The City needs to review the Development Plan to understand and document exactly what is proposed.

The applications for Zone Change, a Request for Variance, and a Development Pan Review all require that a Neighborhood Meeting be conducted to allow the neighboring property owners the opportunity to ask questions and to comment on the proposal. However, due to the minimum potential impact to the neighborhood, the City has waived this requirement and instead has required that notice of the proposals be sent to all owners of property located within 300 feet of the subject property and that an opportunity to comment or ask questions be provided.

WHAT IS REQUESTED:

Any concerns or comments or objections the neighboring owners might have with regard to the proposals.

DEADLINE TO RESPOND:

June 7, 2016 at 10:00 AM

HOW TO RESPOND:

By Mail to:

Brixey Engineering & Land Surveying, Inc.
Attn: Ron Brixey
P.O. Box 6180
Fort Smith, Arkansas 72906

By E-Mail:

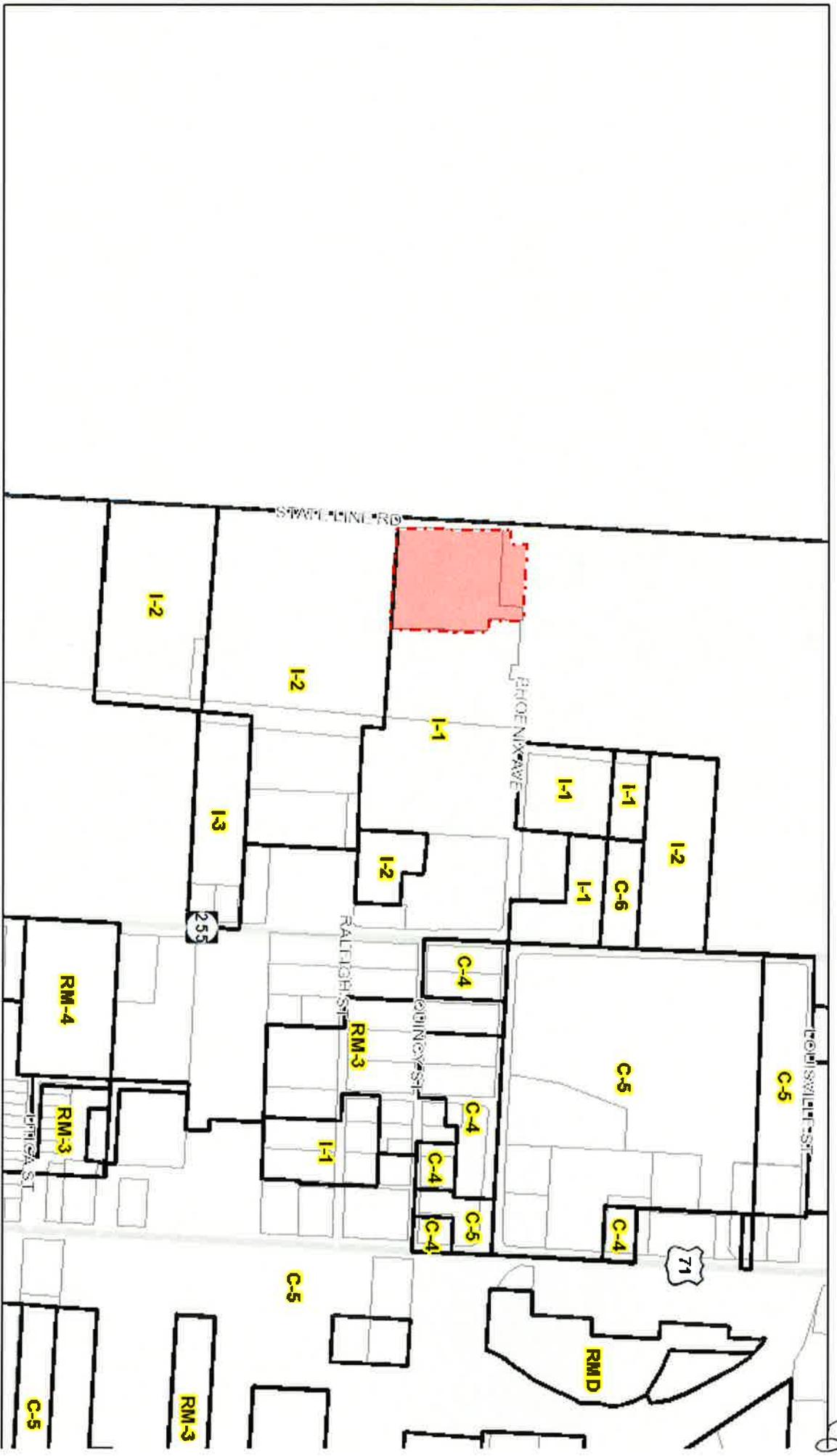
ron@ brixeyeng.com

By Telephone:

Ron Brixey at 479-646-6394, ext. 1

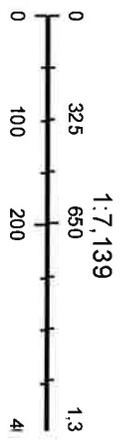
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Rezoning #12-6-16: From Industrial Light (I-1) to Industrial Moderate (I-2) by extension 400 Phoenix Avenue



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Development Plan Review - A request by Ron Brixey, agent for William Lovvorn, for Planning Commission consideration of a Development Plan request to develop an addition to an existing wood products manufacturing plant at 400 Phoenix Avenue

PROPOSED DEVELOPMENT PLAN

The owner proposes to expand his pallet making business with an approximate 22,000 s.f addition. The Industrial Building Standards are not applicable to this project.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the intersection of State Line Road and Phoenix Avenue. The tract contains an area of 5.29 acres with approximately 484 feet of street frontage along State Line Road and approximately 330 feet of street frontage along Phoenix Avenue.

PROPOSED ZONING

This proposed rezoning of Industrial Moderate (I-2) will bring the current use of the property into compliance with the zoning requirements facilitate expansion.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex 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), 27-431(C)3
- Maximum Lot Coverage - 60%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 50 feet
- Side Yard on Street Side of Corner Lot - 50 feet
- Side Yard Setback – 25 feet
- Rear Yard Setback - 20 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 area to the north is zoned Industrial Light (I-1) and is developed as a machine shop.

The area to the east is zoned Industrial Light (I-1) and is developed as a vacant warehouse.

The area to the south is zoned Industrial Moderate (I-2) and is developed as Hickory Springs Manufacturing.

The area to the west is located in Oklahoma.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies State Line Road as a Local Road and Phoenix Avenue as a Major Collector.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Truck traffic will use the existing driveway on Phoenix Avenue and a new parking area will be constructed from State Line Road.

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

Drainage – The drainage will be reviewed at the time of building permit submittal. The site plan shows a detention pond in the southwest corner of the property.

Parking – A new parking lot is being constructed off of State Line Road. There will be 20 spaces. The parking spaces and maneuvering areas shall comply with the UDO.

Signage – No new signage is proposed.

Lighting – All exterior building and site lighting shall comply with the UDO Section 27-602-5.

Architectural features – The addition will be a metal building.

Height and Area – The addition will be approximately 22,000 square feet in area with a height of 26 feet.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived this requirement due to the fact that there will be minimum impact to surrounding property owners.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application for the reasons stated in the staff report along with the comments listed below.

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All exterior and building lighting shall comply with Section 27-602-5 of the UDO.

DEVELOPMENT PLAN REVIEW APPLICATION

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 change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Tract 1, Valmont Addition – Lot split
And a Part of the Fractional SE/4 of the NW/4
Section 32, Township 8 North, Range 32 West
Sebastian County, Arkansas
SEE ATTACHED EXHIBIT

2. Address of property: 400 Phoenix Avenue

3. The above described property is now zoned: I-1 (Industrial Light)

4. Does the development plan include a companion rezoning request?

Yes X No _____

5. If yes, please specify the companion application submitted:

- Conventional Rezoning
- Planned Rezoning
- Conditional Use
- Master Land Use Plan Amendment
- Variance

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

I-2 (Industrial Moderate) by Extension
(Zoning Classification) (Extension or classification)

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

Zoning to North and East is I-1 (Industrial Light), Zoning to South is I-2
(Industrial Moderate), Property to West is in Oklahoma

8. Total acreage of property 5.29 acres

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 E. Hwy. 45, Fort Smith, Ar 72916

Owner or Agent Mailing Address

or

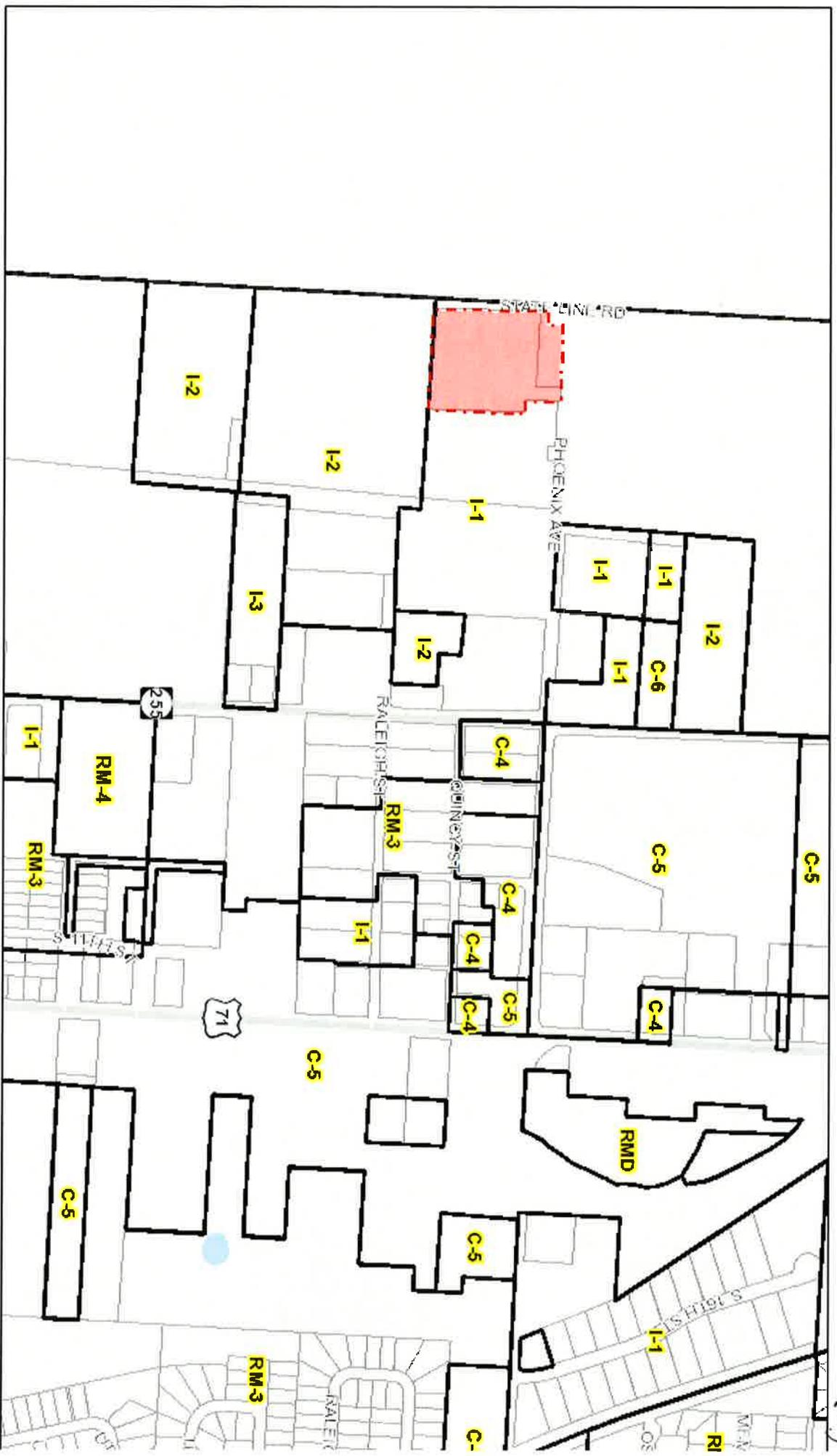
Ron Brixey

Agent

479-646-6394

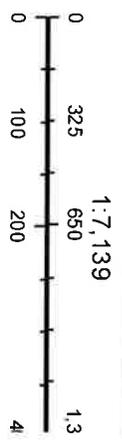
Owner or Agent Phone Number

Development Plan: Building addition for wood products manufacturing 400 Phoenix Avenue

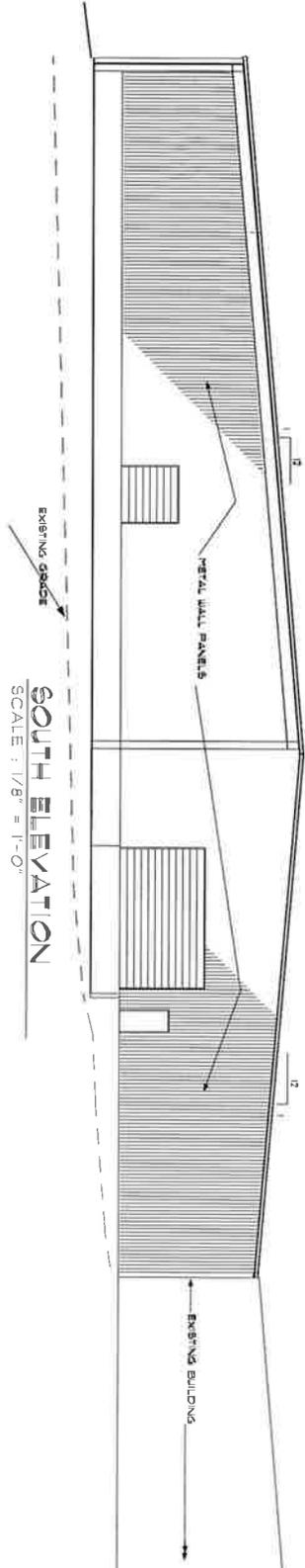


May 24, 2016

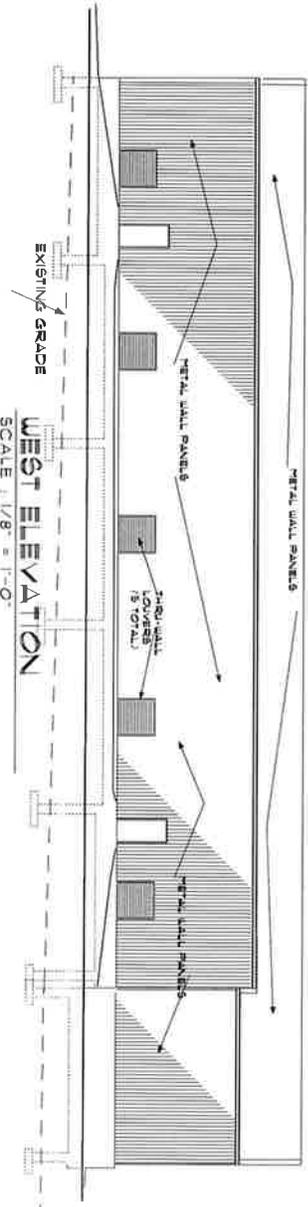
-  Fort Smith City Limits
-  Zoning
-  Subdivisions



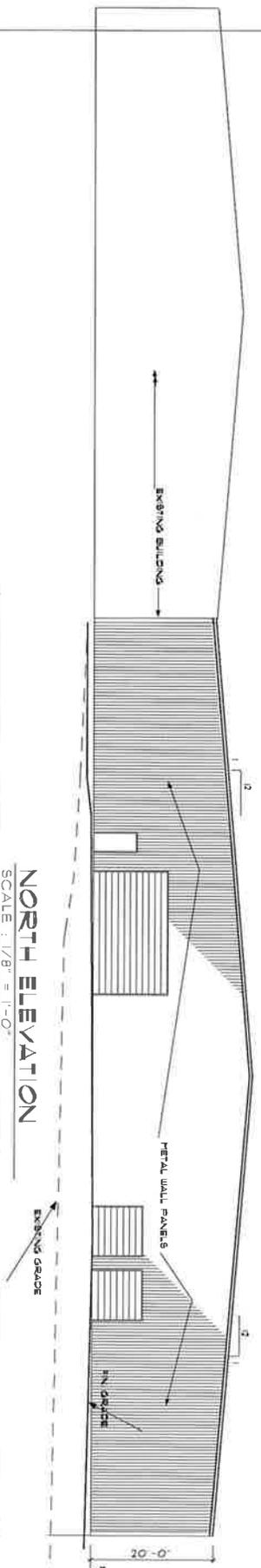
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SOUTH ELEVATION
SCALE : 1/8" = 1'-0"



WEST ELEVATION
SCALE : 1/8" = 1'-0"



NORTH ELEVATION
SCALE : 1/8" = 1'-0"

DATE	
SCALE	

DAVID R. RIGGS ARCHITECT
2917 TILLES AVENUE, FORT SMITH, ARKANSAS 72901
(479) 783-8314

PROPOSED ADDITION TO
LOVVORN LUMBER
PHOENIX AND STATE LINE ROAD

A.I.A.



REVISION	
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3H

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Variance #17-6-16 - A request by Ron Brixey, agent for William Lovvorn, for Board of Zoning Adjustment consideration of a zoning variance request from the required street access of major arterial or higher to major collector at 400 Phoenix Avenue

REQUESTED VARIANCE

The proposed Industrial Moderate (I-2) requires the street classification of major arterial or higher. The existing street classification for Phoenix Avenue is major collector. Approval of the variance will waive this requirement.

LOT LOCATION AND SIZE

The subject property is on the southeast corner of the intersection of State Line Road and Phoenix Avenue. The tract contains an area of 5.29 acres with approximately 484 feet of street frontage along State Line Road and approximately 330 feet of street frontage along Phoenix Avenue.

REQUESTED ZONING

The proposed zoning on this tract is Industrial Moderate (I-2). Characteristics of this zone are as follows:

Purpose:

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Truck stop, pet cemetery, animal food processing, bus station, sports complex 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), 27-431(C)3
- Maximum Lot Coverage - 60%
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres
- Existing District (By Extension) – 20,000 square feet
- Minimum Lot Width – 100 feet
- Front Yard Setback - 50 feet
- Side Yard on Street Side of Corner Lot - 50 feet
- Side Yard Setback – 25 feet
- Rear Yard Setback - 20 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 area to the north is zoned Industrial Light (I-1) and is developed as a machine shop.

The area to the east is zoned Industrial Light (I-1) and is developed as a vacant warehouse.

The area to the south is zoned Industrial Moderate (I-2) and is developed as Hickory Springs Manufacturing.

The area to the west is located in Oklahoma.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies State Line Road as a Local Road and Phoenix Avenue as a Major Collector.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The current use of the property is wood products manufacturing. This use is non-conforming to the current zoning classification of Industrial Light (I-1). The proposed project involves an

expansion to the work area. In order to obtain a building permit for the expansion, a zone change to Industrial Moderate (I-2) is required. Both the I-1 and the I-2 require the street access to be major arterial or higher.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived due to the fact that there will be minimum impact to surrounding property owners.

STAFF COMMENTS AND RECOMMENDATIONS

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

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)

SEE ATTACHED EXHIBIT

Address of property 400 Phoenix Avenue, Existing or Proposed

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

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

<u>FROM</u>		<u>TO</u>
<u>N/A</u>	-	<u> </u> Front Yard Setback or Minimum Distance from Right-of-Way
<u>N/A</u>	-	<u> </u> Exterior Side Yard Setback
<u>N/A</u>	-	<u> </u> Interior Side Yard Setback
<u>N/A</u>	-	<u> </u> Rear Yard Setback
<u>N/A</u>	-	<u> </u> Maximum Height of Structure
<u>N/A</u>	-	<u> </u> Minimum Distance Between Structures on the Same Lot
<u>N/A</u>	-	<u> </u> Minimum Lot Area (Square Feet)
<u>N/A</u>	-	<u> </u> Minimum Lot Frontage
<u>N/A</u>	-	<u> </u> Maximum Size of a Sign
<u> </u>	-	<u> </u> Other: <u>REQUIRED STREET ACCESS FOR AN I-2 ZONE</u>

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

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 7th day of June, 20 16.

Signed:

Ron Brixey
Owner or Agent Name (*please print*)

Owner

479-646-6394
Owner or Agent Phone Number

or

Agent

5223 E. Highway 45, Fort Smith, Ar 72916
Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

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

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

I. 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?

Explanation of question #4 (if applicable)

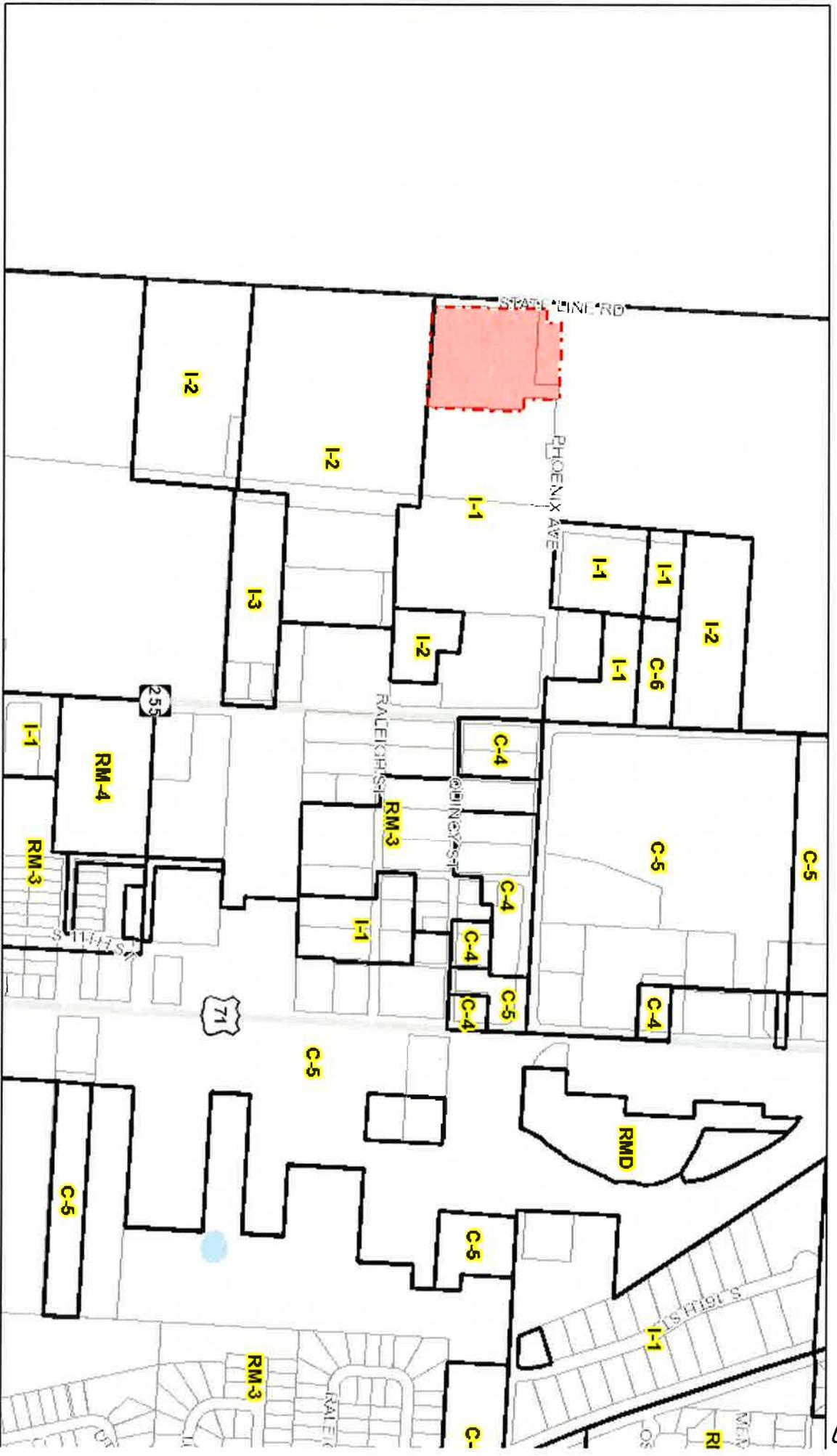
N/A

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

The current use of the property is wood products manufacturing. This use is non-conforming to the current zoning classification (I-1). The proposed project involves an expansion to the work area. In order to obtain a building permit for the expansion, a zone change to I-2 is required. The I-2 zoning requires street access to a major arterial street or higher. Phoenix Ave. is a Major Collector.

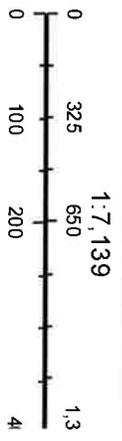
- 3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

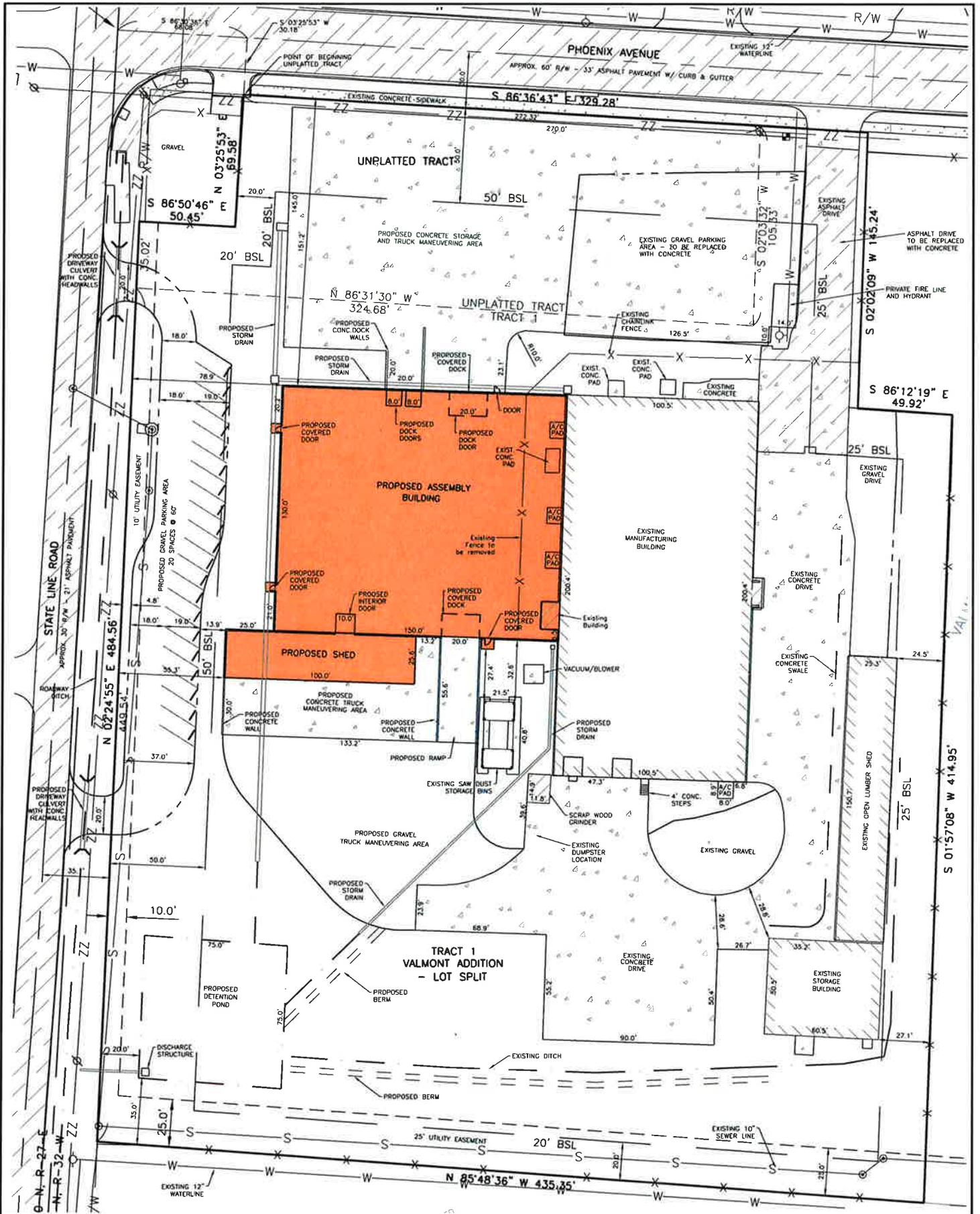
Variance #17-6-16: From required street access for a Major Arterial or higher for an (I-2) zone 400 Phoenix Avenue



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions





BRIXEY ENGINEERING & LAND SURVEYING, INC.
 CONSULTING ENGINEERS -- LAND SURVEYORS
 8223 East Highway 48 P.O. Box 0190 Fort Smith, Arkansas 72908 (479) 648-8394

LEGEND
 Computed Point
 Set 1/2" Iron Pin
 Exist. 1/2" Iron Pin
 Set R.R. Spike
 Exist. R.R. Spike
 Set Nail
 Exist. Nail
 Exist. Stone
 Exist. Monument
 Exist. Fence



DIMENSION PLAN
 TRACT 1
 VALMONT ADDITION - LOT SPLIT
 FORT SMITH - ARKANSAS
 Prepared For: Franklin Construction

Date: 05/18/2016
Drawn By: RNB
Computed By: DPB
Job No. 16-0103
Scale: 1" = 30'

40

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: June 3, 2016

Re: Proposed Master Land Use Plan Amendment by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the building Committee for Rye Hill Baptist Church, at 11512 Old Hwy 71 from Not Classified and ETJ Neighborhood Commercial to General Commercial.

The Planning Department is in receipt of an application from Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the building Committee for Rye Hill Baptist Church, to amend the Master Land Use Map from Not Classified and ETJ Neighborhood Commercial to General Commercial to accommodate a proposed Commercial Moderate (C-3) zoning request and annexation of 2.68 acres. The subject property is on the west side of Old Highway 71 and on the east side of U.S. Highway 71 South between Park Valley Circle and Valley View Drive. The tract contains an approximate area of seven acres with approximately 228 feet of street frontage along Old Highway 71 South and approximately 511 feet of street frontage along Highway 71 South.

The property is currently Not Zoned and ETJ Open-1. A companion zoning application requests a Commercial Moderate (C-3) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north and east is classified as ETJ Neighborhood Commercial and ETJ Light Commercial Office and is developed as a fence contractor, HVAC contractor, and mini storage units.

The area to the east across Old Highway 71 is classified as Residential Detached and is developed as single family residential neighborhood.

The area to the south is classified as ETJ Neighborhood Commercial and developed as a single family residence.

The area to the west across U.S. Highway 71 is classified as ETJ Neighborhood Commercial and developed as auto sales, carport sales, trailer sales and other commercial developments.

Purposed Land Use

The proposed Land Use classification of General Commercial is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|--|-----|
| • Compatible with and complimentary to surrounding uses. | YES |
| • Located on high volume arterials and collectors | YES |
| • Located as a cluster of like services | YES |
| • Accessible by most modes of transportation | YES |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | YES |

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies U.S. Highway 71 South as a Boulevard and Old Highway 71 South as a Local Road.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, June 2, 2016, at 5:30 P.M. on site. One neighboring property owner attended the meeting and did not have any concerns.

STAFF COMMENTS AND RECOMMENDATIONS

Based on compatibility with surrounding land use classifications and land uses, staff recommends approval of the application contingent upon approval of the companion rezoning and conditional use applications, and Board of Directors' approval of the annexation petition.

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).

Rye Hill Baptist 7.22 Acre Legal (Overall Site)

Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 7 North, Range 32 West, Sebastian County, Arkansas. Being more particularly described as follows:

Beginning at the Southeast Corner of said Southeast Quarter of the Northeast Quarter; Thence along the south line of said Southeast Quarter of the Northeast Quarter, N86°58'05"W, 437.57 feet to the easterly right-of-way of U.S. Highway 71; Thence along said easterly right-of-way, N27°53'30"W, 306.93 feet; Thence continuing along said easterly right-of-way, N28°03'12"W, 205.23 feet; Thence leaving said right-of-way, N33°38'34"E, 555.59 feet; Thence S86°50'50"E, 60.58 feet; Thence S03°49'34"W, 270.20 feet; Thence S86°50'56"E, 104.00 feet; Thence S03°38'52"W, 208.65 feet; Thence S86°54'10"E, 12.79 feet; Thence S02°36'14"W, 208.75 feet; Thence S86°51'42"E, 243.58 feet to a point on the east line of said Southeast Quarter of the Northeast Quarter; Thence S02°34'27"W, 228.87 feet to the Point of Beginning. Containing 7.22 acres, more or less, and being subject to any rights-of-way, easements or other matters of record or fact.

2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

3. The area dimensions of the property in square feet or acres.

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

The property lies between Old Highway 71 South and Highway 71 South. Old Highway 71 South is two lanes and Highway 71 South is a 4 lane divided highway. The impact from this development will be minimal on both roads.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

The Site currently has Fort Smith water and sewer service. A 6" fire line and hydrant will be extended to the property for fire protection. Fort Smith Fire and Police Department will serve the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

N/A; the proposed development is a church and parking lot.

7. Identify any known or anticipated environmental concerns:

None.

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

a. Describe potential changes to development patterns in terms of local and regional impacts:

None

b. Describe the consistency in zoning between existing and planned uses:

The property is currently not zoned.

c. Provide explanation of the need for and demand in the proposed uses:

The Church continues to grow and needs the additional space.

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

This area is along Highway 71 South and the future uses will likely be commercial, transitional, or residential. The Church will fit well for these land uses. There will be minimal impact on land use, transportation, or infrastructure.

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

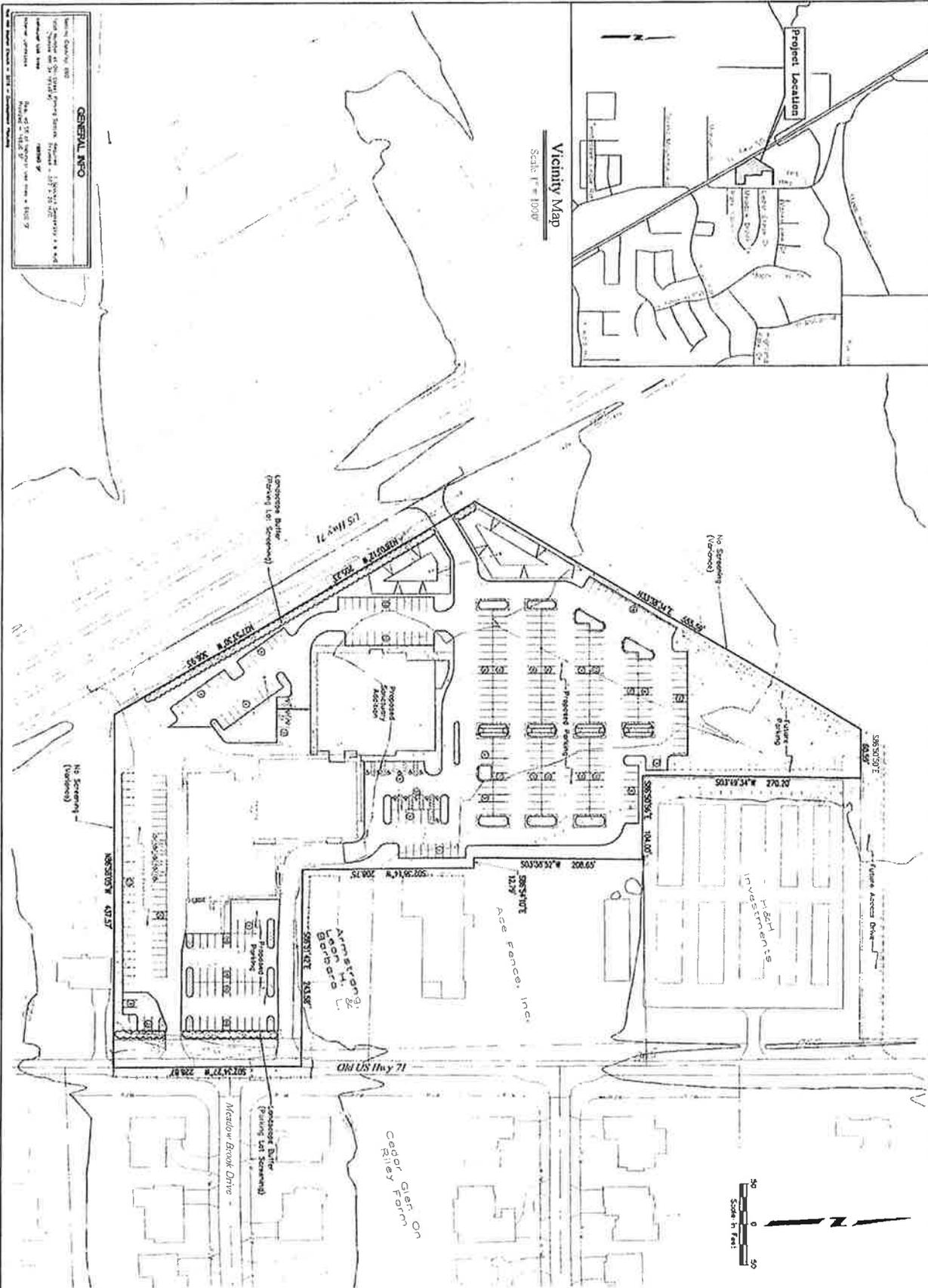
MLUPA - from Neighborhood Commercial & Unclassified to General Commercial 11512 Old Highway 71

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- June 7, 2016
- Fort Smith City Limits
- Zoning
- Subdivisions
- Parcels





GENERAL INFO

Project Name: RYE HILL BAPTIST CHURCH

Site Number: 10000' Scale

Project Location: 10000' Scale

Project Date: 10/15/10

Project Status: 100%

Project Owner: RYE HILL BAPTIST CHURCH

Project Address: 10000' Scale

Project City: FORT SMITH, ARKANSAS

Project State: ARKANSAS

Project Zip: 72301

Project Contact: 10000' Scale

Project Phone: 10000' Scale

Project Fax: 10000' Scale

Project Email: 10000' Scale

DEVELOPMENT PLAN	
RYE HILL BAPTIST CHURCH	
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS	

MICKLE WAGNER COLEMAN Engineers-Consultants-Surveyors

3434 Country Club Ave
P.O. Box 1507
Fort Smith, Arkansas

(479) 649-8484
Fax: (479) 649-8486
info@mwc-eng.com

DATE	REVISION	BY

5H

Rye Hill Baptist Church

NEIGHBORHOOD MEETING

June 2, 2016

<u>NAME</u>	<u>COMPANY</u>	<u>PHONE #</u>
1. Ronnie Keener	Rye Hill Baptist Church Chairman Building Committee	479-883-3929
2.		
3. Nick GRIFFIN	MWC	479-644-8184
4. Frank Hug Jr	Hug PreOwned	479.629.6822
5. BRENDA (Mrs)	Fort Smith Planning	
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19.		

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Rezoning #13-6-16 - A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the building Committee for Rye Hill Baptist Church for Planning Commission consideration of a zone request from Not Zoned (NZ) and Extra Territorial Jurisdiction Open-1 (ETJ-O-1) to Commercial Moderate (C-3) by classification at 11512 Old Hwy 71 South

PROPOSED ZONING

Approval of the rezoning will allow for the annexation of 2.68 acres and an expansion of the existing Rye Hill Baptist church sanctuary addition along with additional parking and landscaping.

LOT LOCATION AND SIZE

The subject property is on the west side of Old Highway 71 and on the east side of U.S. Highway 71 South between Park Valley Circle and Valley View Drive. The tract contains an approximate area of 7 acres with approximately 228 feet of street frontage along Old Highway 71 South and approximately 511 feet of street frontage along U.S. Highway 71 South.

REQUESTED ZONING

The requested zoning on this tract is Commercial Moderate (C-3). Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses. A complete list of the uses permitted by right and by conditional use approval is enclosed.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1) and not zoned (NZ). Characteristics of the ETJ Open-1 zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city’s extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction’s population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

6B

SURROUNDING ZONING AND LAND USE

The area to the north and east is zoned ETJ O-1 and developed as a fence contractor, HVAC contractor, and mini storage units.

The area to the east across Old Highway 71 is zoned Residential Single Family Medium Density (RS-2) and developed as single family residences.

The area to the south is zoned ETJ-Open-1 and is developed as a single family residence.

The area to the west across the U.S. Highway 71 is zoned ETJ-Open-1 and developed as auto sales, carport sales, trailer sales and other commercial developments.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies U.S. Highway 71 South as a Boulevard and Old Highway 71 South as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial and not classified. ETJ Neighborhood Commercial classification is intended to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The use is intended to be located within small districts located within walking distance from the edge of surrounding residential areas. A companion Master Land Use Plan amendment has been submitted to change the land use classification to General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, June 2, 2016, at 5:30 P.M. on site. One neighboring property owner attended the meeting and did not have any concerns.

STAFF COMMENTS AND RECOMMENDATIONS

Based on compatibility with surrounding land uses, staff recommends approval of the request subject to approval of the Master Land Use Plan amendment, Conditional Use Application, and the Board of Director's approval of the annexation petition.

PETITION FOR CHANGE IN ZONING MAP

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 change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached

2. Address of property: 11512 Old Highway 71 South

3. The above described property is now zoned: Not Zoned ¹/₃ ETJ Area -1

4. Application is hereby made to change the zoning classification of the above described property to Commercial Moderate C-3 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

To permit church expansion

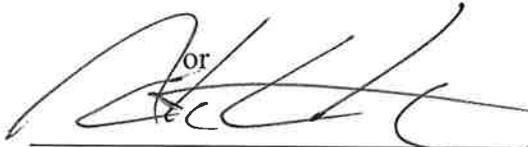
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

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

Owner

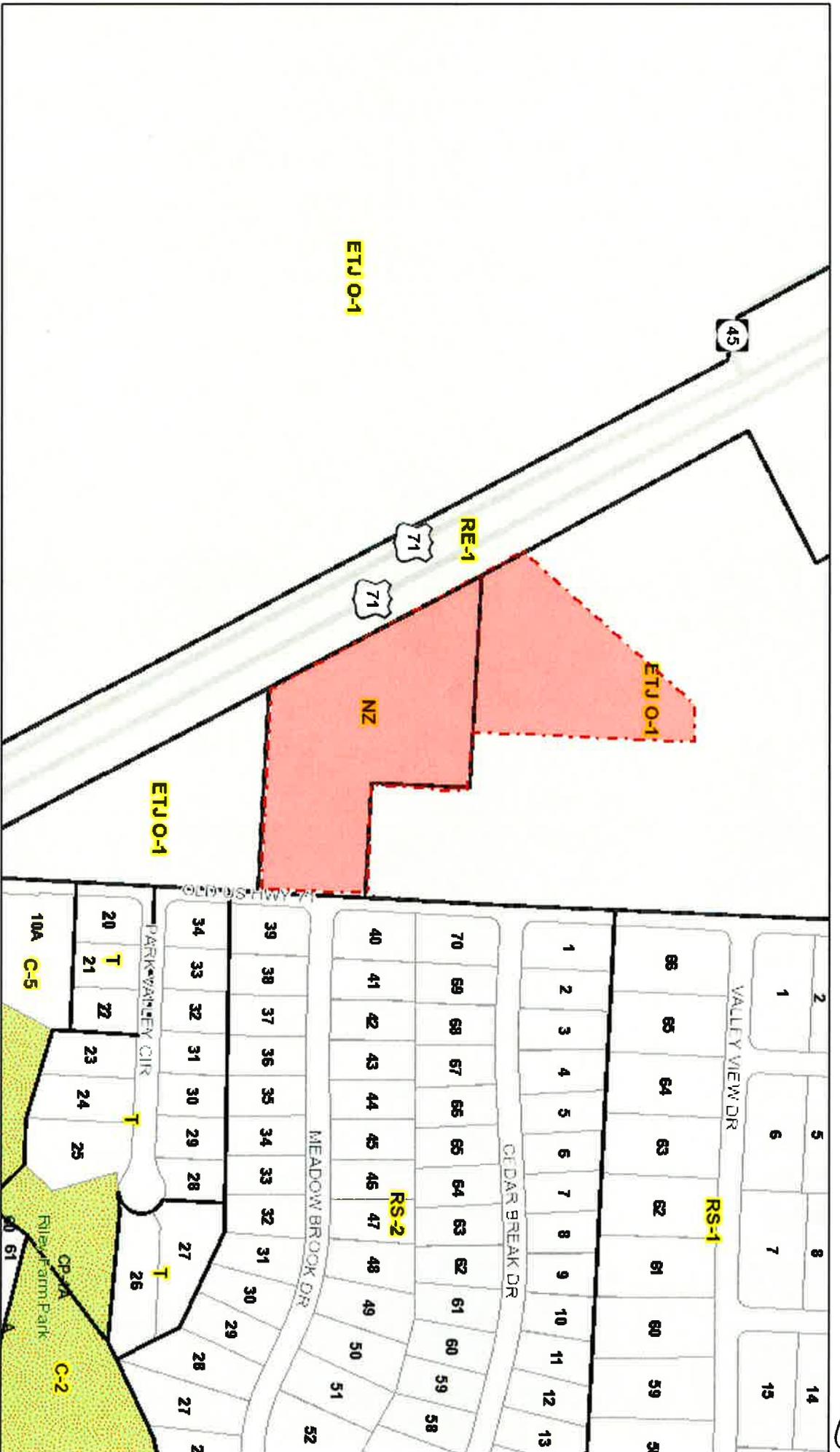
P.O. Box 1507, Ft. Smith, AR. 72902
Owner or Agent Mailing Address


Agent

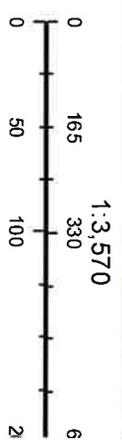
479-649-8484
Owner or Agent Phone Number

Rezoning #13-6-16: From Not Zoned & ETJ Open-1 to Commercial Moderate (C-3) 11512 Old Hwy 71 South

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- May 24, 2016
- Fort Smith City Limits
- Zoning
- Subdivisions



Rye Hill Baptist Church
NEIGHBORHOOD MEETING

June 2, 2016

	<u>NAME</u>	<u>COMPANY</u>	<u>PHONE #</u>
1.	Ronnie Keener	Rye Hill Baptist Church Chairman Building Committee	479-883-3929
2.			
3.	Nick GRIFFIN	MWC	479-604-8484
4.	Frank Hug Jr	Hug PreOwned	479-629-6822
5.	BRENDA Anderson	Fort Smith Planning	
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**PERMITTED AND CONDITIONAL USES ALLOWED IN THE
COMMERCIAL MODERATE (C-3) ZONING DISTRICT**

Fort Smith Use Matrix		Y
		C-3
Districts		C-3
P = Permitted Use, C = Conditional Use, A = Accessory Use		
<i>Size or density restrictions for any use may be noted in the district</i>		
Residence or Accommodation		
Private Household		
St	Single Family building	
	Accessory residential dwelling unit	P
	Multifamily development	P
	Community residential facility	P
	Group home, neighborhood	P
	Orphanage	C
Housing for the Elderly		
	Assisted living	P
	Retirement housing	P
Hotels, Motels, or other Accommodations		
	Bed and breakfast inn	P
	Dormitory, sorority, fraternity	C
	Rooming or boarding house	P
General Sales or Services		
Automobile Sales or Service		
	Auto detailing service	P
	Auto glass, muffler, and seatcover shop	C
	Auto parts and accessories sales	P
	Auto quick lube	P
	Car wash self-service	P
Heavy Consumer Goods Sales or Service		
	Appliance repair (Small)	P
	Clothing and personal items (repair)	P
	Computer and software shop	P
	Electronics and appliances (new)	P
	Floor, paint, wall coverings, window treatments	P
	Furniture or home furnishings (new)	P
	Hardware store	P
	Lawn and garden supplies	P
	Locksmith	P
	Swimming pool sales and supply store (w/o storage yard)	P
Durable Consumer Goods Sales or Service		
	Bait and tackle shop	P
	Bicycle sales and service	P
	Bicycle sales and service (no outside storage)	P
	Bookstore	P
	Bridal shop	P
	Cameras, photographic supplies and services	P
	Clothing, jewelry, luggage, shoes, accessories	P
	Gift shop	P
	Sewing machine store (sales & service)	P
	Sporting goods, toys, & musical instruments	P
	Thrift store	P
Consumer Goods, Other		
	Antique shop	P

6H

Districts		C-3
P = Permitted Use, C = Conditional Use, A = Accessory Use		
	Art dealers, art studio, galleries, supplies	P
	Arts and craft shop	P
	Florist shop	P
	Hobby shop	P
	Office supply store	P
	Pawnshop (no outside storage)	P
	Tobacco shop	P
Grocery, Food, Beverage, Dairy		
	Bakery or confectionery shop	P
	Beer, wine and liquor store (with drive-through)	P
	Beer, wine and liquor store (without drive-through)	P
	Convenience store (with gasoline sales)	P
	Farmer's market	P
	Fruit and vegetable store	P
	Grocery store or supermarket	P
	Neighborhood store	P
Health and Personal Care		
	Cosmetics, beauty supplies, and perfume stores	P
	Medical appliance services	P
	Optical shop	P
	Pharmacy or drug store	P
Finance and Insurance		
	Auto insurance claims office	P
	Automatic teller machine	P
	Bank, credit union, or savings institution	P
	Credit and finance establishment	P
	Fund, trust, or other financial establishment	P
	Insurance office	P
	Investment banking, securities, and brokerages	P
Rental and Leasing		
	Consumer rental center	P
	Video, music, software	P
Business, Professional, Scientific, and Technical Services		
Professional Services		
	Abstract services	P
	Accounting, tax, bookkeeping, payroll	P
	Advertising and media services	P
	Architectural, engineering	P
	Carpet and upholstery cleaning	P
	Consulting services	P
	Graphic, industrial, interior design	P
	Investigation and security services	P
	Janitorial services	P
	Legal services	P
	Medical laboratory (no animal research/testing)	C
	Offices, corporate	P
	Offices, general	P
	Property management services (office only)	P
	Real estate agency	P

Districts		C-3
P = Permitted Use, C = Conditional Use, A = Accessory Use		C-3
	Travel arrangement and reservation services	P
	Administrative Services	
	Business support services	P
	Collection agency	P
	Employment agency	P
	Facilities support services	P
	Office and administrative services	P
	Telemarketer/call center	P
	Food Services	
	Bar or tavern	C
	Beer garden	C
	Catering service	P
	Microbrewery/microwinery/microdistillery	C
	Restaurant	P
	Restaurant (with drive-in services)	P
	Restaurant (with drive-through services)	P
	Restaurant (with outdoor dining)	C
	Specialty Manufacturing	C
	Personal Services	
	Barber shop/salon/spa/massage services	P
	Laundry and cleaning facilities (self-service)	P
	Laundry, cleaner	P
	Laundry, cleaner (drop-off station)	P
	Photocopy shop	P
	Photography studio	P
	Print shop	P
	Shoe repair shop	P
	Tailor shop	P
	Tanning salons	P
	Tattoo/body piercing parlor	P
	Weight loss centers	P
	Pet and animal services	
	Animal and pet services (indoor)	P
	Pet cemetery	C
	Pet shop	P
	Pet supply store	P
	Veterinary clinic (no outdoor kennels)	P
	Automobile Parking Facilities	
	Parking garage	C
	Parking lot (off site) (See Section 27-601-11)	P
	Transportation, Communication, Information and Utilities	
	Transportation Services	
	Courier and messenger services	P
	Heliport	A
	Mail services	P
	Communications and Information	
	Commercial communication towers	P
	Data processing facility	P
	Motion pictures and sound recording studios	P

Districts		C-3
P = Permitted Use, C = Conditional Use, A = Accessory Use		C-3
Telecommunications and broadcasting studios		P
Utilities and Utility Services		
Amateur radio transmitting towers		P
Radio, television, and microwave transmitting towers		P
Recycling collection station		C
Utility substation		C
Arts, Entertainment, and Recreation		
Performing Arts or Supporting Establishments		
Carnival or circus (temporary with permit)		P
Museums and Other Special Purpose Recreational Institutions		
Museum		C
Amusement, Sports, or Recreation Establishment		
Amusement center (indoor)		P
Convention/Event center		C
Country club		C
Fitness, Recreational Sports, Athletic Club		
Bowling alley		P
Community recreation center		C
Golf course		C
Health club		C
Fitness studio		P
Indoor Games Facility		
Miniature golf course		P
Pool hall		C
Swimming pool		C
Camps, Camping, and Related Establishments		
Park or playground (public and nonpublic)		C
Education, Public Administration, Health Care and Other Institutions		
Educational Services		
College, university, or seminary		C
Fine art and performance education		C
Library or public arts complex		C
Nursery school		C
Preschool		C
Primary and secondary school		C
School, business professional		C
Public Administration - Government		
Government office		P
Public Safety		
Emergency response station		P
Fire and rescue station		P
Police station		C
Police substation (no incarceration)		P
Health and Human Services		
Community health and welfare clinic		C
Diagnostic laboratory testing facility		C
Doctor office and clinic		P
Hospice residential care facility		P
Hospital		P

				Districts	C-3
P = Permitted Use, C = Conditional Use, A = Accessory Use					C-3
			Mental health hospital		C
			Nursing home		C
			Substance abuse treatment facility		C
Social Assistance, Welfare, and Charitable Services					
			Child and youth services (office)		P
			Day care center		C
			Emergency and relief services		P
			Senior citizen center		C
Religious Institutions					
			Church, synagogue, temple, mosque		C
			Rectory, convent, monastery		A
Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership					
			Wedding chapel		P
Death Care Services					
			Cemetery, mausoleum, crematorium, funeral home, & m		C
			Monument (sales)		P
Associations, Nonprofit Organizations					
			Lodge or fraternal organization		C
Construction-Related Businesses					
			Contractor's office		P

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Conditional Use #8-6-16 - A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the building Committee for Rye Hill Baptist Church for Planning Commission consideration of a conditional use request to expand the sanctuary and parking for the Rye Hill Baptist Church located at 11512 Old Highway 71 South.

PROPOSED CONDITIONAL USE

Approval of the conditional use application will facilitate the annexation and expansion of the existing Rye Hill Baptist church sanctuary addition along with additional parking and landscaping.

LOT LOCATION AND SIZE

The subject property is on the west side of Old Highway 71 and on the east side of Highway 71 South between Park Valley Circle and Valley View Drive. The tract contains an approximate area of seven (7) acres with approximately 228 feet of street frontage along Old Highway 71 South and approximately 511 feet of street frontage along U.S. Highway 71 South.

REQUESTED ZONING

The requested zoning on this tract is Commercial Moderate (C-3). Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

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Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north and east is zoned ETJ O-1 and developed as a fence contractor, HVAC contractor, and mini storage units.

The area to the east across Old Highway 71 is zoned Residential Single Family Medium Density (RS-2) and developed as single family residences.

The area to the south is zoned ETJ-O-1 and is developed as a single family residence.

The area to the west across the U.S. Highway 71 is zoned ETJ-Open-1 and developed as auto sales, carport sales, trailer sales and other commercial developments.

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

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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 U.S. Highway 71 South as a Boulevard and Old Highway 71 South as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as ETJ Neighborhood Commercial and not classified. This classification is intended to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The use is intended to be located within small districts located within walking distance from the edge of surrounding residential areas. A Master Land Use Plan amendment has been submitted to change the land use classification to General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The existing site has two existing driveways. One driveway is located on Old Highway 71 South and another located on U.S. Highway 71 South. A new driveway is proposed on U.S. Highway 71 South and would give the site three (3) ingress/egress points.

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

Drainage – Detention ponds are proposed on the eastern side of the property and will be reviewed for complete compliance during the building permit submittal.

Right-of-way dedication – R.O.W. dedication will take place during the platting and annexation of the property.

Multi-Use bike path – No new bike path is required or proposed.

Landscaping – New perimeter and interior landscaping along with parking lot screening is proposed along U.S. Highway 71 South and Old Highway 71 that complies with the UDO.

Screening – A variance has been submitted to omit the screening fence to the south and north of the property. All other screening (parking lot, dumpster, and HVAC) will be required to comply with the UDO.

Parking – The plan shows 377 plus 20 accessible parking, which exceeds the minimum parking spaces required by the UDO. Additional future parking on the north side of the property is also proposed.

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Signage – No new signage is purposed at this time. If new signage is purposed it shall comply with the UDO requirements.

Lighting – No new lighting is proposed at this time. If lighting is installed during the building permit phase, it shall comply with the UDO requirements.

Setbacks – The current design exceeds the UDO requirements for setbacks located in the C-3 zone.

Architectural features – The design of the building has a pitched roof and will utilize brick veneer, EIFS, and other high quality exterior building materials.

Height and Area –The proposed sanctuary contains 17,695 square feet. The height of the sanctuary is approximately 35 feet in height with the tallest point of the tower measuring approximately 52 feet in height. The height and area comply with the UDO standards.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, June 2, 2016, at 5:30 P.M. on site. One neighboring property owner attended the meeting and did not have any concerns.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Signage shall comply with the Unified Development Ordinance for signage permitted in commercial zones. Should any digital face sign be installed, the digital face shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter. Documentation shall be provided to the City at time of permit issuance certifying the digital sign has been set to be incapable of exceeding .3 foot candles above ambient light. Each display on a digital face must have a light sensing device that will adjust the brightness as ambient light conditions change.

Conditional Use # 10-6-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Rye Hill Baptist Church

Name of Authorized Agent (if applicable) Nick Griffin, Mickle Wagner Coleman

Legal Description of property included in the conditional use request:

Street Address of Property:

11512 Old Highway 71 South Fort Smith AR 72916

Existing Zoning Classification:

Not Zoned

Proposed Zoning Classification (if applicable):

Commercial Moderate (C-3)

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

Church Sanctuary and parking lot

What amenities are proposed such as landscaping and screening?

Landscaping will meet UDO requirements with the exception of the variance for screening residential and ETJ properties to the south and north.

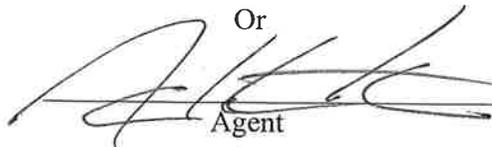
Nick Griffin
Owner or Agent Name (please print)

Signed:

3434 Country Club
Owner or Agent Mailing Address

Owner

479-649-8484
Owner or Agent Phone Number

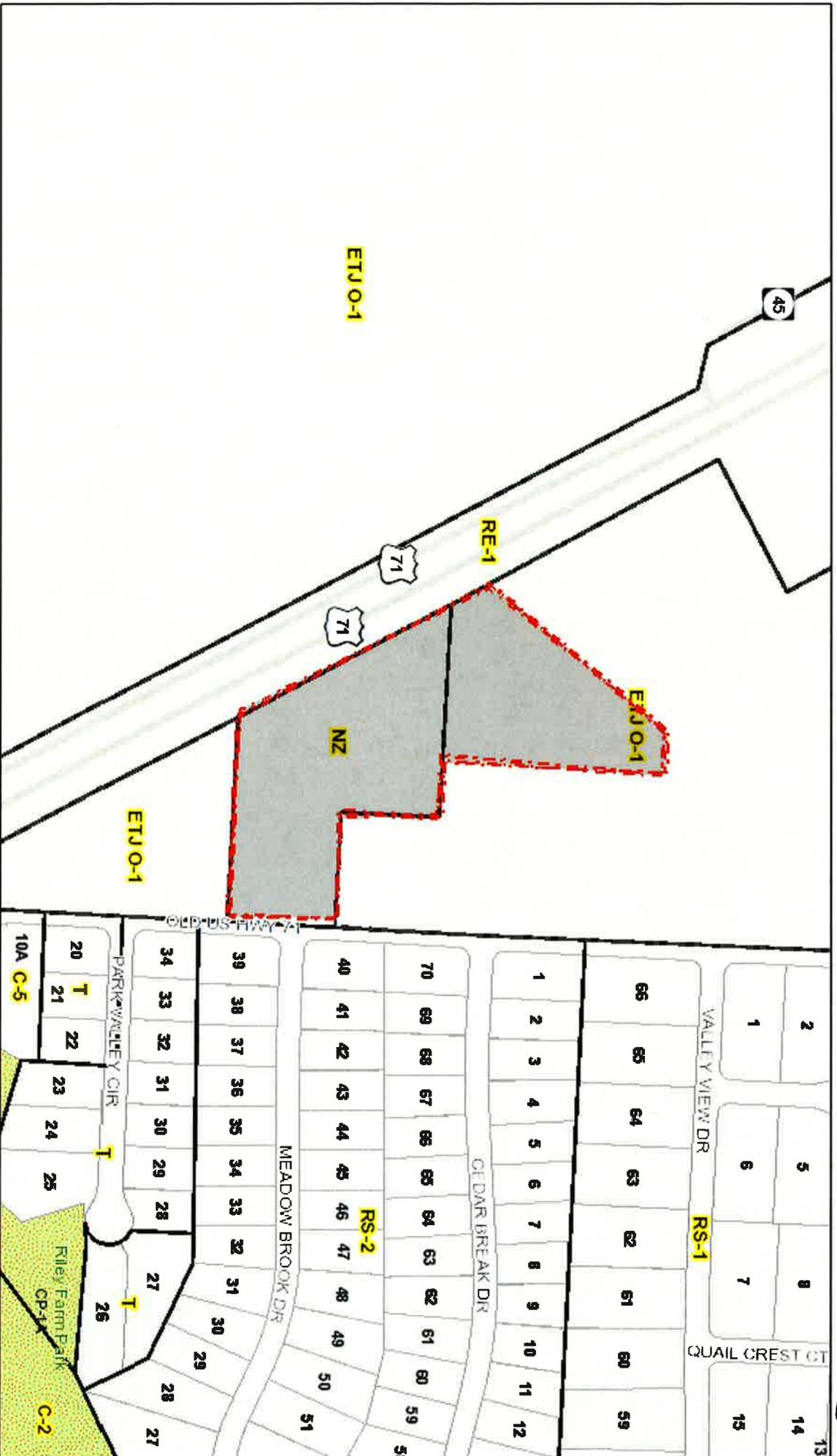
Or

Agent

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Conditional Use #8-6-16 - Church Expansion

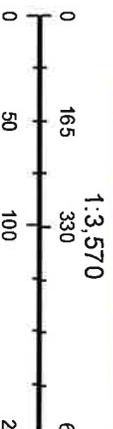
11512 Old Hwy 71 South

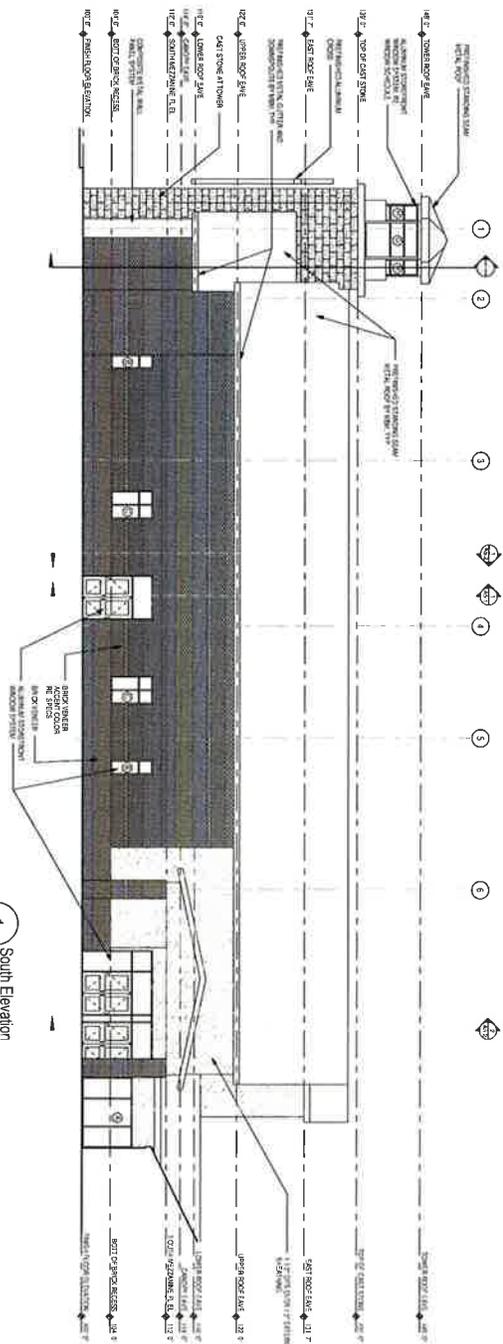
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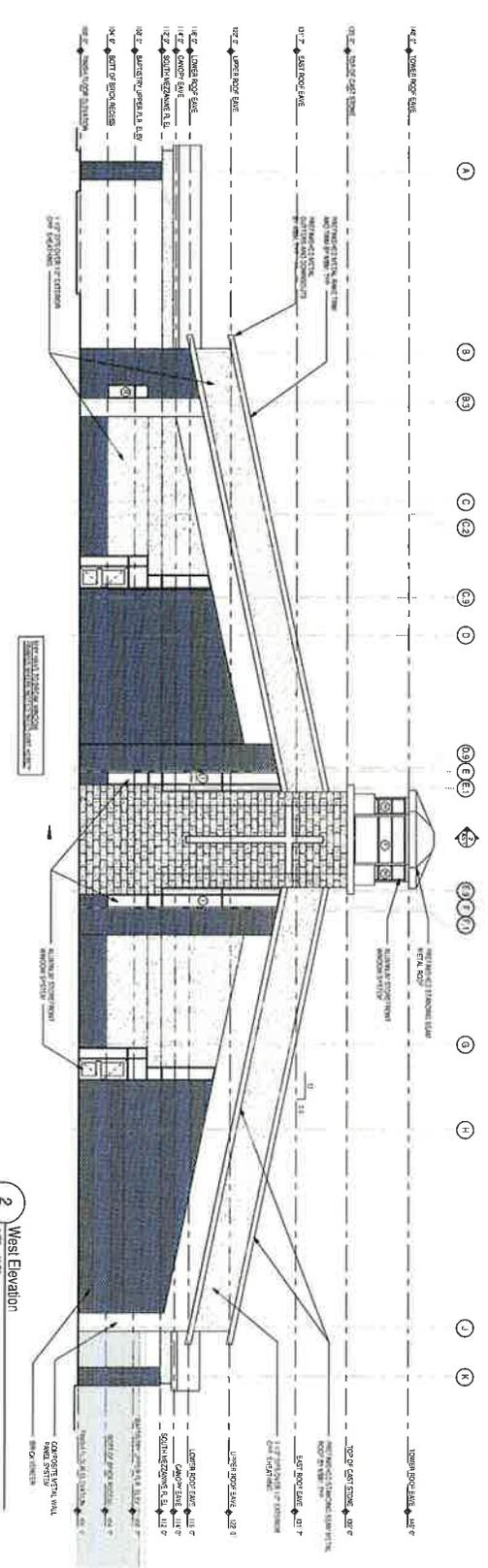
May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions

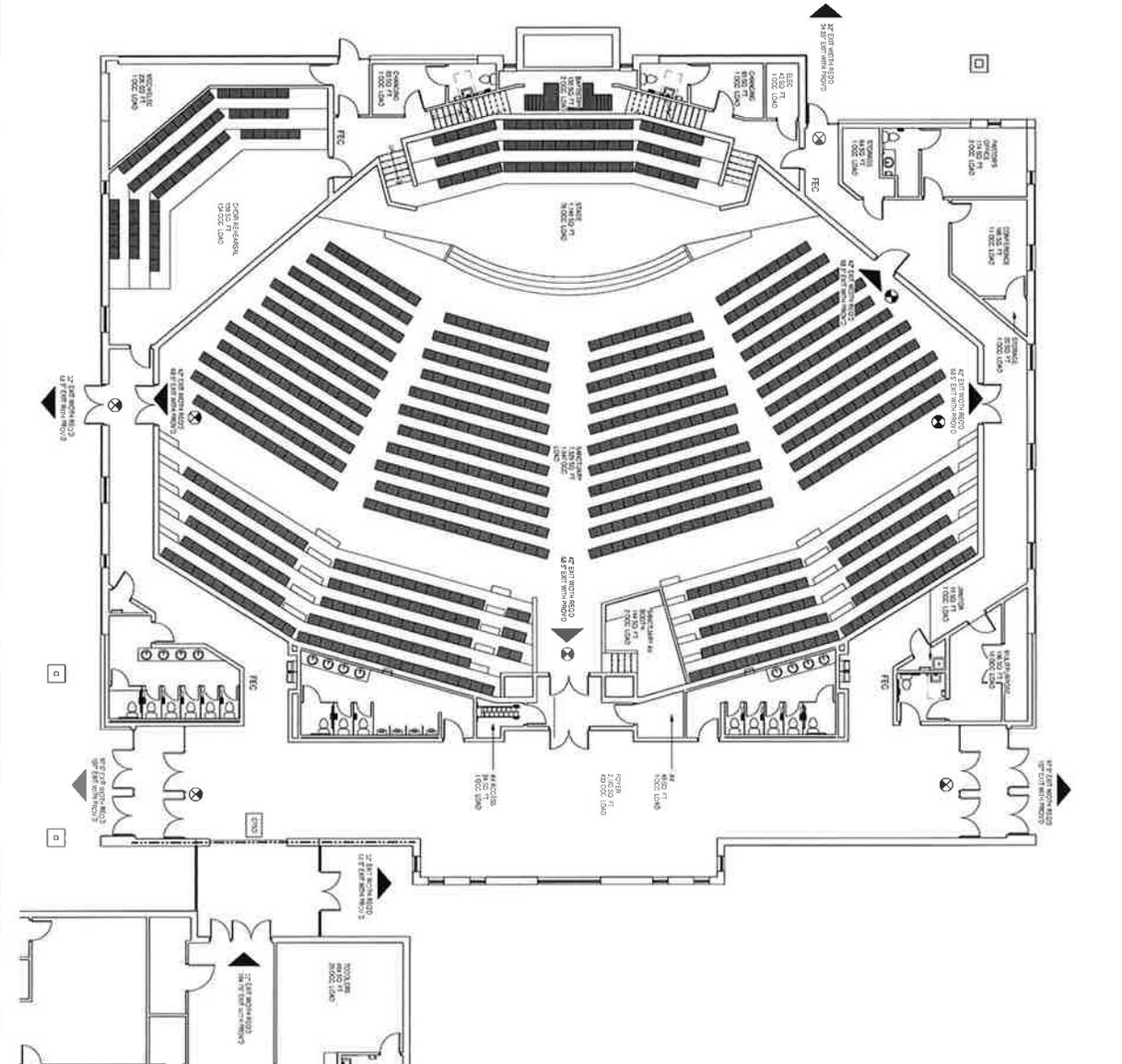




1 South Elevation
1/8" = 1'-0"



2 West Elevation
1/8" = 1'-0"



SYMBOL LEGEND

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NEW CONSTRUCTION

ACTIVE SAFETY TABLES

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Rye Hill Baptist Church
NEIGHBORHOOD MEETING

June 2, 2016

<u>NAME</u>	<u>COMPANY</u>	<u>PHONE #</u>
1. Ronnie Keener	Rye Hill Baptist Church Chairman Building Committee	479-883-3929
2.		
3. Nick GRIFFIN	MWC	479-629-8484
4. Frank Hug Jr	Hug PreOwned	479-629-6822
5. Brenda Anderson	Fort Smith Planning	
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Memo

To: City Planning Commission

From: Planning Staff

Date: June 3, 2016

Re: Variance #18-6-16 - A request by Nick Griffin, Mickle-Wagner-Coleman, agent for Ronnie Keener, Chairman of the building Committee for Rye Hill Baptist Church for Board of Zoning Adjustment consideration of a zoning variance request from Section 27-602-4(C) (8) the requirement of a 6 feet screening fence, wall or landscape buffer adjacent to property zoned for residential located at 11512 Old Highway 71 South

REQUESTED VARIANCE

Approval of the variance will allow the omission of a six foot opaque fencing on the south and north property lines in connection with the expansion of the church.

LOT LOCATION AND SIZE

The subject property is on the west side of Old Highway 71 and on the east side of U.S. Highway 71 South between Park Valley Circle and Valley View Drive. The tract contains an approximate area of 7 acres with approximately 228 feet of street frontage along Old Hwy 71 South and approximately 511 feet of street frontage along U.S Highway 71 South.

REQUESTED ZONING

The requested zoning on this tract is Commercial Moderate (C-3). Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services for the community. The C-3 zoning district promotes a broad range of commercial activities, operations, and services that are dispersed throughout the City and designed at a smaller scale than a regional center. The C-3 zoning district is appropriate in the General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-3 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, parking garage, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

- Minimum Lot Size – 12,000 square feet
- Maximum Building Size – 60,000 square feet
- Minimum Parcel/Lot Size for Rezoning – 2 acres
- Minimum Lot Width – 75 feet
- Front Yard Setback - 25 feet
- Side Yard on Street Side of Corner Lot - 15 feet
- Side Yard Setback – 20 feet
- Rear Yard Setback - 20 feet
- Minimum building separation – to be determined by current City building and fire code.
- Required street access – Major Collector or higher
- Maximum Height - 35 feet (1+1)
- Maximum Lot Coverage - 60%

SURROUNDING ZONING AND LAND USE

The area to the north and east is zoned ETJ O-1 and developed as a fence contractor, HVAC contractor, and mini storage units.

The area to the east across Old Highway 71 is zoned Residential Single Family Medium Density (RS-2) and developed as single family residences.

The area to the south is zoned ETJ-O-1 and is developed as a single family residence.

The area to the west across the U.S. Highway 71 is zoned ETJ-Open-1 and developed as auto sales, carport sales, trailer sales and other commercial developments.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies U.S Highway 71 South as a Boulevard and Old Highway 71 South as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

A Master Land Use Plan Amendment has been submitted to change the land use classification to General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant has stated that the area of fence required would screen property that is not within the city limits. Also, the applicant has attached letters from the neighboring property owners requesting that a fence not to be installed.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, June 2, 2016, at 5:30 P.M. on site. One neighboring property owner attended the meeting and did not have any concerns.

STAFF COMMENTS AND RECOMMENDATIONS

The applicant has submitted letters from both property owners stating that they concur with the request to omit the screening fence. The property to the south contains a vacant residential structure. The property to the north is zoned ETJ Open-1 and has undeveloped property and is also developed with mini storages and a contractor storage yard.

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

APPLICATION FOR VARIANCE

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

Address of property 11512 Old Highway 71 South, Existing or Proposed

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

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

FROM

TO

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

Screened - Not Screened Other: 27-602-4(C)(8) – 6ft screening fence, wall, or landscape buffer adjacent to property zoned for Residential Purposes.

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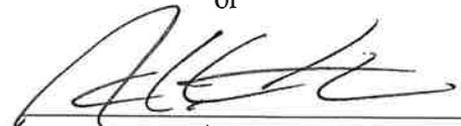
said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20 ____.

Signed:

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

Owner

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

or


Agent

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

Variance # _____

VARIANCE INFORMATION FORM

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

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

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

<u>Yes</u>	<u>No</u>	
<u> </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> X </u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> 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> X </u>	<u> </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?

Explanation of question #4 (if applicable)

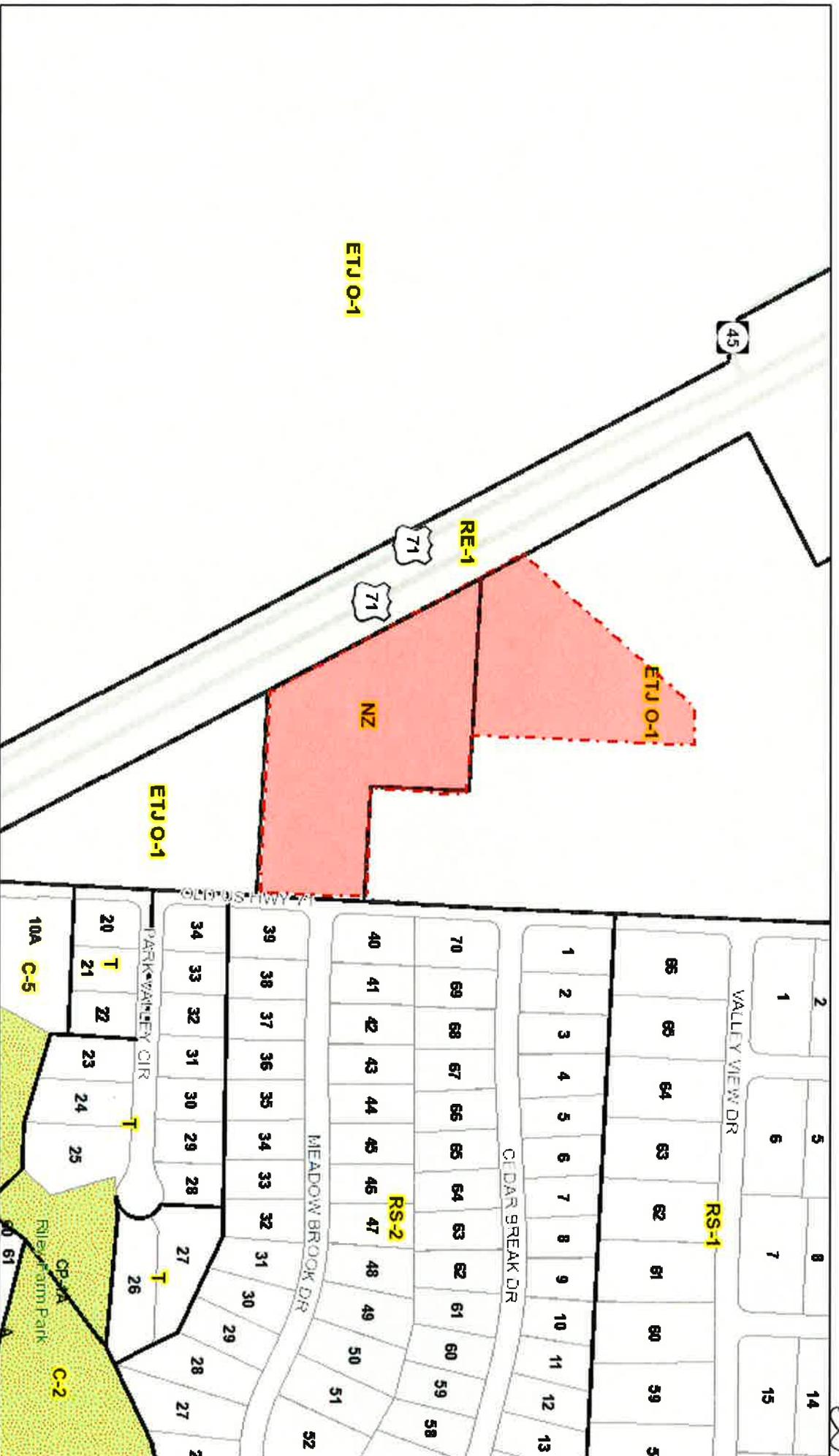
The adjacent property is currently outside City limits and is zone ETJ-O-1. The UDO requires commercial zones to screen against residential property (or ETJ-O-1). However, if the adjacent property were to annex, it would likely develop as commercial.

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

Strick enforcement would require a fence and or additional property for a landscaping screen.

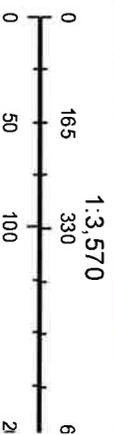
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

#18-6-16: From the requirement to screen residential zoned properties with a fence, wall, or la
 11512 Old Hwy 71 South



May 24, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions





**RYE HILL BAPTIST CHURCH
11512 OLD HIGHWAY 71 SOUTH
FORT SMITH, AR 72916
PHONE: 479-646-1044**

April 25, 2016

Brenda Andrews
Fort Smith Planning Department
623 Garrison Avenue, Room 331
Fort Smith, AR 72901

The neighboring property owner (Frank A. Hug, Jr. of Stovebolt, LLC) is aware of the Unified Development Ordinance requirement adopted by the City of Fort Smith under (Section 27-602-3, C and D, Landscaping and Screening) that requires a neighboring Commercial development to screen its parking from an adjacent residential property owner and is in agreement with Rye Hill Baptist Church that the screening is not required. The church parking lot is not used but only a couple days each week and does not warrant screening.

Based on the above, we asked for an exclusion of this requirement. We have provided a space for Mr. Frank Hug's signature signifying his approval.

Thank you for your consideration of this request.

Rye Hill Baptist Church

Ronnie Keener, Chairman of Building Comm

Attention: Brenda Andrews

I am in agreement with Rye Hill Baptist Church and It is my wish that the privacy fence (screening) requirement be excluded from the Unified Development Ordinance Requirement adopted by the City of Fort Smith under (Section 27-602-3, C and D, Landscaping and Screening) for Rye Hill Baptist Church as the screening is not necessary.

Stovebolt, LLC

Frank A. Hug, Jr.

81



**RYE HILL BAPTIST CHURCH
11512 OLD HIGHWAY 71 SOUTH
FORT SMITH, AR 72916
PHONE: 479-646-1044**

May 10, 2016

Brenda Andrews
Fort Smith Planning Department
623 Garrison Avenue, Room 331
Fort Smith, AR 72901

The neighboring property owner (James A Gaines, President of Gaines Construction Company, Inc.) is aware of the Unified Development Ordinance requirement adopted by the City of Fort Smith under (Section 27-602-3, C and D, Landscaping and Screening) that requires a neighboring Commercial development to screen its parking from an adjacent residential property owner and is in agreement with Rye Hill Baptist Church that the screening is not required. The church parking lot is not used but only a couple days each week and does not warrant screening.

Based on the above, we asked for an exclusion of this requirement. We have provided a space for Mr James A. Gaines' signature signifying his approval.

Thank you for your consideration of this request.

Rye Hill Baptist Church

Juanita Culverson
Juanita Culverson, Treasurer

Attention: Brenda Andrews

I am in agreement with Rye Hill Baptist Church and It is my wish that the privacy fence (screening) requirement be excluded from the Unified Development Ordinance Requirement adopted by the City of Fort Smith under (Section 27-602-3, C and D, Landscaping and Screening, for Rye Hill Baptist Church as the screening is not necessary.

Gaines Construction Company, Inc.

James A. Gaines

James A. Gaines, President

James A. Gaines

Rye Hill Baptist Church
NEIGHBORHOOD MEETING

June 2, 2016

<u>NAME</u>	<u>COMPANY</u>	<u>PHONE #</u>
1. <u>Ronnie Keener</u>	<u>Rye Hill Baptist Church</u> <u>Chairman Building Committee</u>	<u>479-883-3929</u>
2. _____	_____	_____
3. <u>Nick GRIFFIN</u>	<u>MWC</u>	<u>479-629-8484</u>
4. <u>Frank Hug Jr</u>	<u>Hug PreOwned</u>	<u>479-629-6822</u>
5. <u>BRENDA (Mrs)</u>	<u>Fort Smith Planning</u>	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____
11. _____	_____	_____
12. _____	_____	_____
13. _____	_____	_____
14. _____	_____	_____
15. _____	_____	_____
16. _____	_____	_____
17. _____	_____	_____
18. _____	_____	_____
19. _____	_____	_____

8K

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Conditional Use #9-6-16 - A request by Tony Pham, agent, for Planning Commission consideration of a Conditional Use request to develop a Pool Hall (Billiards) at 1217 South Waldron Road

PROPOSED CONDITIONAL USE

The tenant proposes to open a pool hall at this location in an existing space at LaVilla Shopping Center.

LOT LOCATION AND SIZE

The subject property is located within the LaVilla Shopping Center on the east side of South Waldron Road. As a point of reference, the shopping center is at the northeast intersection of South Waldron Road and Gordon Lane. The shopping center site contains 2.21 acres.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The area to the west is zoned Commercial Regional (C-4) and developed as a shopping center.

The area to the east is zoned as Residential Single Family-Duplex Low/Medium Density (RSD-2) and developed as single family residential.

The area to the north is zoned Commercial Moderate (C-3) and Transitional (T) and is developed as a shopping plaza and chiropractic clinic.

The area to the south is zoned Commercial Light (C-2) and Transitional (T) and is developed as the Benefit Bank and retirement homes.

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.

9B

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 Classification classifies South Waldron Road as a Major Arterial street and Gordon Lane as a Local Street.

MASTER LAND USE PLAN COMPLIANCE

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

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, May 24, 2016, at 1217 South Waldron Road. There were no neighboring property owners in attendance.

STAFF COMMENTS AND RECOMMENDATIONS

In your packet are copies of two phone calls we've received from adjacent property owners concerned about the sale of alcohol at this location. The applicant has stated alcohol will not be served.

Staff recommends approval of the application.

Conditional Use # 9-6-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Vasiliki Investments LLC

Name of Authorized Agent (if applicable) Tony Pham

Legal Description of property included in the conditional use request:

LA VILLA SHOPPING CENTER WALDRON PLAZA
23-083 parcel# 18386-0001-00000-00

Street Address of Property:

1217 S. Waldron Rd Fort Smith AR 72903

Existing Zoning Classification:

C-2

Proposed Zoning Classification (if applicable):

not changing zoning

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

want to use as pool hall (billiards) NO Alcohol.
NO construction

What amenities are proposed such as landscaping and screening?

none

Effie Drosopoulos
Owner or Agent Name (please print)

Signed: [Signature]

2701 Cowson Ave Ft Smith, AR
Owner or Agent Mailing Address

[Signature]
Owner

479-221-3332
Effie Drosopoulos
Owner or Agent Phone Number

Or
[Signature]
Agent

90

Miller, Perry

From: Miller, Perry
Sent: Tuesday, June 07, 2016 11:22 AM
To: Planning Email Group
Subject: C.U. 1217 Waldron Road Pool Hall

Pat Jenkins 452-2547 at 5923 Gordon Lane called and is against the pool hall if alcohol is going to be served. If they will not serve alcohol then she and her husband have no issues with the business.

I will add a copy of this letter to the file and packet.

Thank you,

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

Miller, Perry

From: Miller, Perry
Sent: Wednesday, June 08, 2016 2:12 PM
To: Planning Email Group
Subject: Pool Hall at 1217 Waldron Road C.U.

Rosemary Lelemsis at 5804 Gordon Lane does have concerns about the pool hall. She is concerned if they sell alcohol at the location and also concerned with the operating hours. She doesn't want this to be a "Bar".

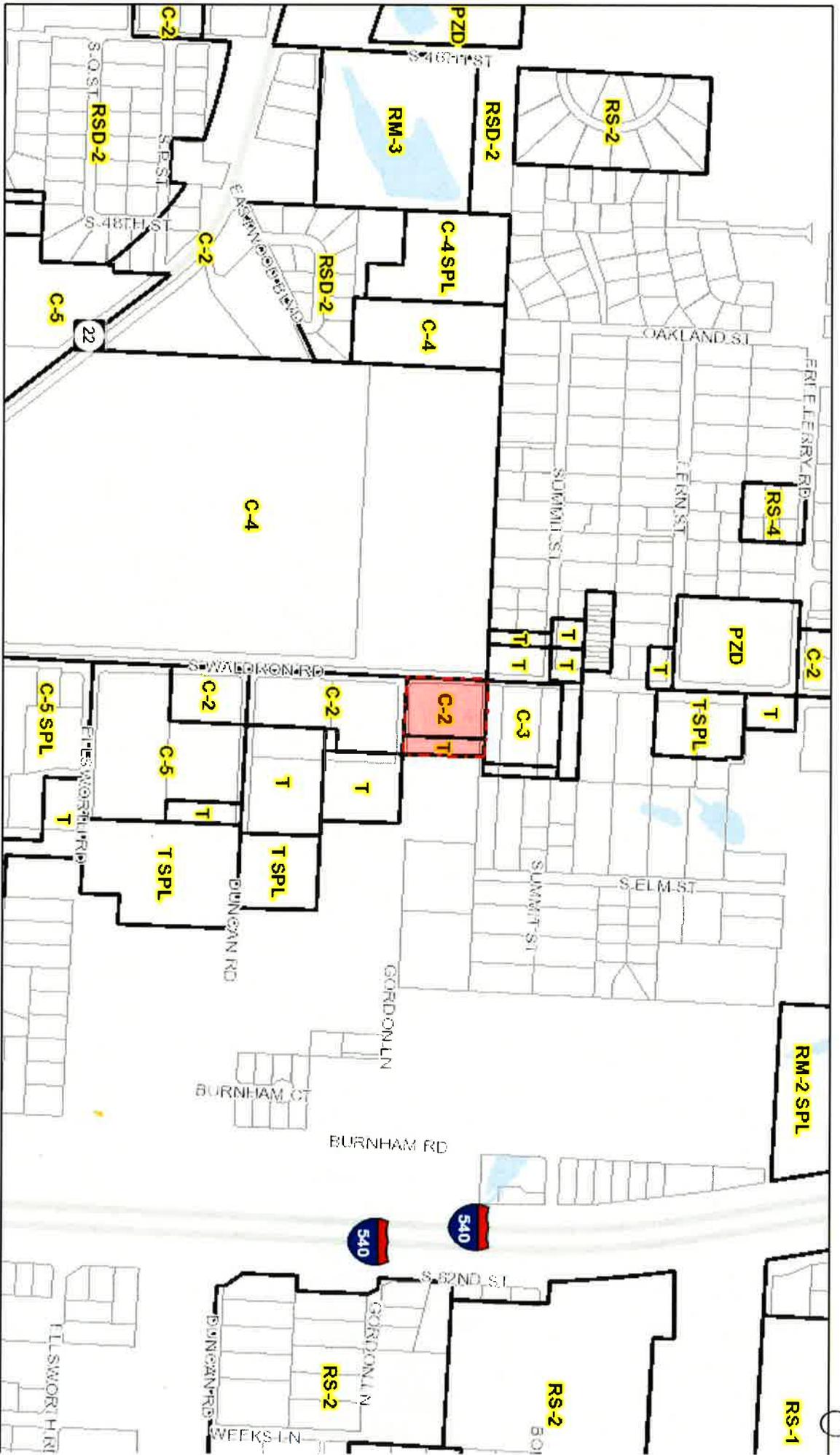
I will add a copy to the file and packet.

Thank you,

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

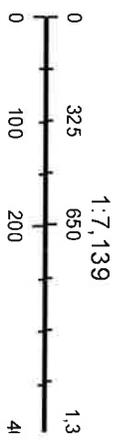
Conditional Use#9-6-16: Pool Hall 1217 South Waldron Road

PG



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Conditional Use #10-6-16 - A request by Ron Brixey, agent for Ferguson Childcare, for Planning Commission consideration of a Conditional Use request for a temple located at 5201 Virginia Avenue.

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow for an existing child care facility to be remodeled for a temple. The site will add some additional parking to comply with the minimum number of parking spaces.

LOT LOCATION AND SIZE

The subject property is on the north side of Virginia Avenue at the end of North 52nd Street. The tract contains an area of 3.05 acres.

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 surrounding areas are zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

PURPOSE OF CONDITIONAL USE

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

CONDITIONS FOR A CONDITIONAL USE

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

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Virginia Avenue and North 52nd Street as local roads.

10B

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 – All ingress and egress will occur on the existing driveway that starts and ends on North 52nd Street.

Easement/utilities – N/A

Drainage – N/A.

Right-of-way dedication – N/A.

Multi-Use bike path – N/A

Landscaping – No new landscaping is proposed for the development.

Screening – No new screening is proposed for the temple.

Parking – Eighteen (18) new parking spaces are proposed to comply with the minimum number of parking spaces.

Signage – No new signage is proposed at this time. An existing daycare sign is located offsite on Virginia Avenue.

Lighting – No new lighting is proposed at this time.

Setbacks – The building is currently existing.

Architectural features – No new architectural features are proposed.

Height and Area – The building is an existing building.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, May 25, at 4611 Rogers Avenue at 4:30 P.M. Two (2) neighboring property owners attended the meeting with concerns about noise, hours of operation, and traffic generation from the new use. Upon further discussion, the concerns were satisfied.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon the following:

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

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

2. The existing off-site sign located on Virginia Avenue is permitted to remain. Face changes shall be permitted. Other changes to sign shall require planning commission approval.

10-6-16
Conditional Use # ~~10-6-16~~

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Ferguson Childcare, Inc.

Name of Authorized Agent (if applicable) Ron Brixey

Legal Description of property included in the conditional use request:

Lot 2, Moore Acres

Street Address of Property:

5201 Virginia Avenue Fort Smith AR

Existing Zoning Classification:

RM-3 Residential Multifamily Medium Density

Proposed Zoning Classification (if applicable):

No Change

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

Utilize existing structures as a Buddhist Church. No new exterior construction proposed
Remodeling and some interior wall adjustments are proposed.

What amenities are proposed such as landscaping and screening?

No amenities are proposed.

Ron Brixey

Owner or Agent Name (please print)

5223 East Hwy. 45, Fort Smith, Ar 72916

Owner or Agent Mailing Address

479-646-6394

Owner or Agent Phone Number

Signed:

Owner

Or

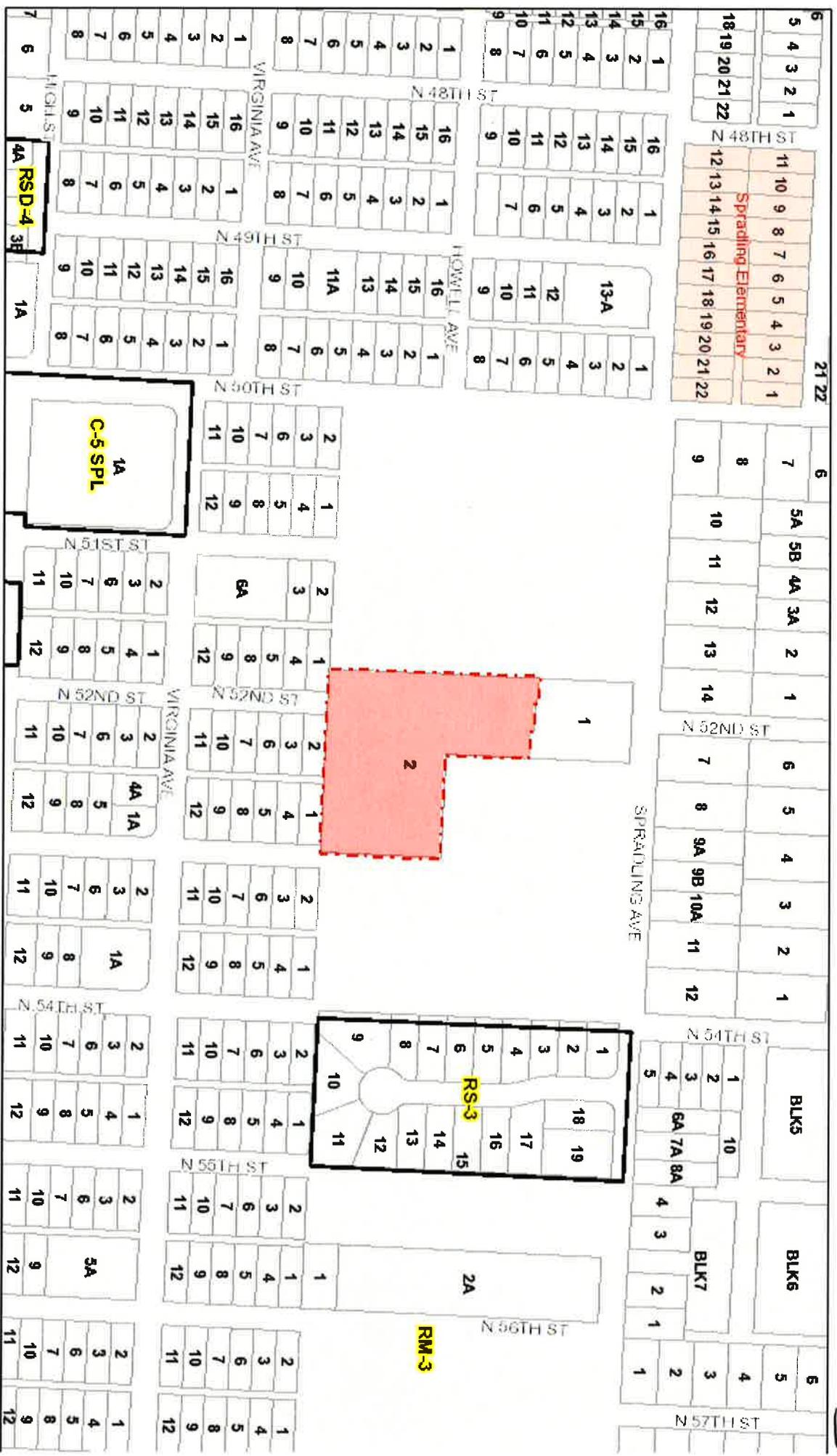
Ron Brixey

Agent

10E

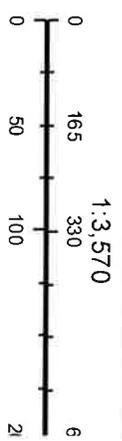
Conditional Use#10-6-16: Temple 5201 Virginia Avenue

LO



May 24, 2016

- Fort Smith City Limits
- Zoning
- Subdivisions



May 26, 2016

MINUTES OF NEIGHBORHOOD MEETING
5201 VIRGINIA AVE., LOT 2 MOORE ACRES

On May 25, 2016 at 4:30 p.m. a Neighborhood meeting was held at the offices of Ghan & Cooper Commercial Properties located at 4611 Rogers Avenue, Suite 201, Fort Smith, Arkansas to discuss a proposed conditional use with neighboring property owners. The change was initiated by the "Chua Phap Hai" Buddhist Temple, a potential buyer of the property.

Five people were in attendance. The City was represented by Maggie Rice of the Planning Department. Ron Brixey of Brixey Engineering presided. Of those in attendance, two were local residents and two were representing the "Chua Phap Hai" Buddhist Temple.

A general discussion of the proposed usage and potential repercussions to the community was conducted including proposed hours and days of operation and actual activities to be conducted, effects on traffic, possible future improvements of the property under the conditional use, and effects on property values. Some concern was expressed concerning noise. Mrs. Rice explained the limitations of the proposed conditional use in detail. The representatives of the Temple contributed details concerning the scheduling and general operations. Assurances were given concerning the noise issue.

There were no objections voiced by anyone in attendance.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location 4611 ROGERS AVE.

Meeting Time & Date 4:30 PM - 5/25/16

Meeting Purpose CONDITIONAL USE - 5201 VIRGINIA AVE.

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Sandra Baustley	5117 Virginia Ave	782-6527
2.	Cedric Baustley	" " "	"
3.	Chris Griffin	4611 Rogers Ave, STE 200	479-478-6161
4.	Kimberly Nguyen	1905 N. 47	479-462-8941
5.	Maggie Rice	City of Fort Smith	
6.	RON BRIXEY	BRIXEY ENGINEERING	
7.			
8.			
9.			
10.			
11.			

**PROPOSED TEMPLE – 5201 VIRGINIA
EXISTING OFF-SITE SIGN**



06/08/2016

10K

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Conditional Use #11-6-16 - A request by Terry Burruss, agent, for Planning Commission consideration of a Conditional Use request to develop an outdoor dining area at 8302 Phoenix Avenue

PROPOSED CONDITIONAL USE

Approval of the Conditional Use would allow for the construction of a deck on the north side of the existing restaurant building for outdoor dining. The deck will seat 36 people.

LOT LOCATION AND SIZE

The subject property is on the south east corner of the intersection of Massard Road and Phoenix Avenue. The tract contains an area of 1.41 acres with approximately 169 feet of street frontage along Massard Road and approximately 250 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and developed as a dentist office and an undeveloped lot.

The area to the east is zoned Commercial Heavy Special (C-5 SPL) and developed as a grocery store.

The area to the south is zoned Commercial Heavy (C-5) and developed as a bank and retail business.

The area to the west is zoned Residential Single Family Duplex Low/Medium Density (RSD-2) and developed as single family residences and an undeveloped lot.

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.

11B

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

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies both Massard Road and Phoenix Avenue as Major Arterial streets.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – the existing driveways will be utilized.

Easement/utilities – N/A

Parking – there are 119 existing parking spaces, which complies with the UDO minimum parking space requirements.

Lighting – no new exterior building or site lighting is noted on the plans.

Architectural Features – deck will be constructed of wood with a three foot metal guard rail painted black.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, June 7, 2016 at 8302 Phoenix Avenue. There was one surrounding property owner in attendance with no objections.

STAFF COMMENTS AND RECOMMENDATIONS

Staff received a phone call from one surrounding property concerned about noise associated with the outdoor dining. The applicant states that only recorded music will be utilized.

Staff recommends approval with the following comment:

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.

11C

Conditional Use # 11-6-16

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Joseph Meadows

Name of Authorized Agent (if applicable) Terry Burruss

Legal Description of property included in the conditional use request:
Eastpointe Business Park, Lot 11C

Street Address of Property:
8302 Phoenix Ave. Fort Smith AR

Existing Zoning Classification:
Commercial Heavy (C-5)

Proposed Zoning Classification (if applicable):
N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:
To allow construction of a deck to be utilized as an outdoor dining area.

What amenities are proposed such as landscaping and screening?
n/a

Terry Burruss
Owner or Agent Name (please print)

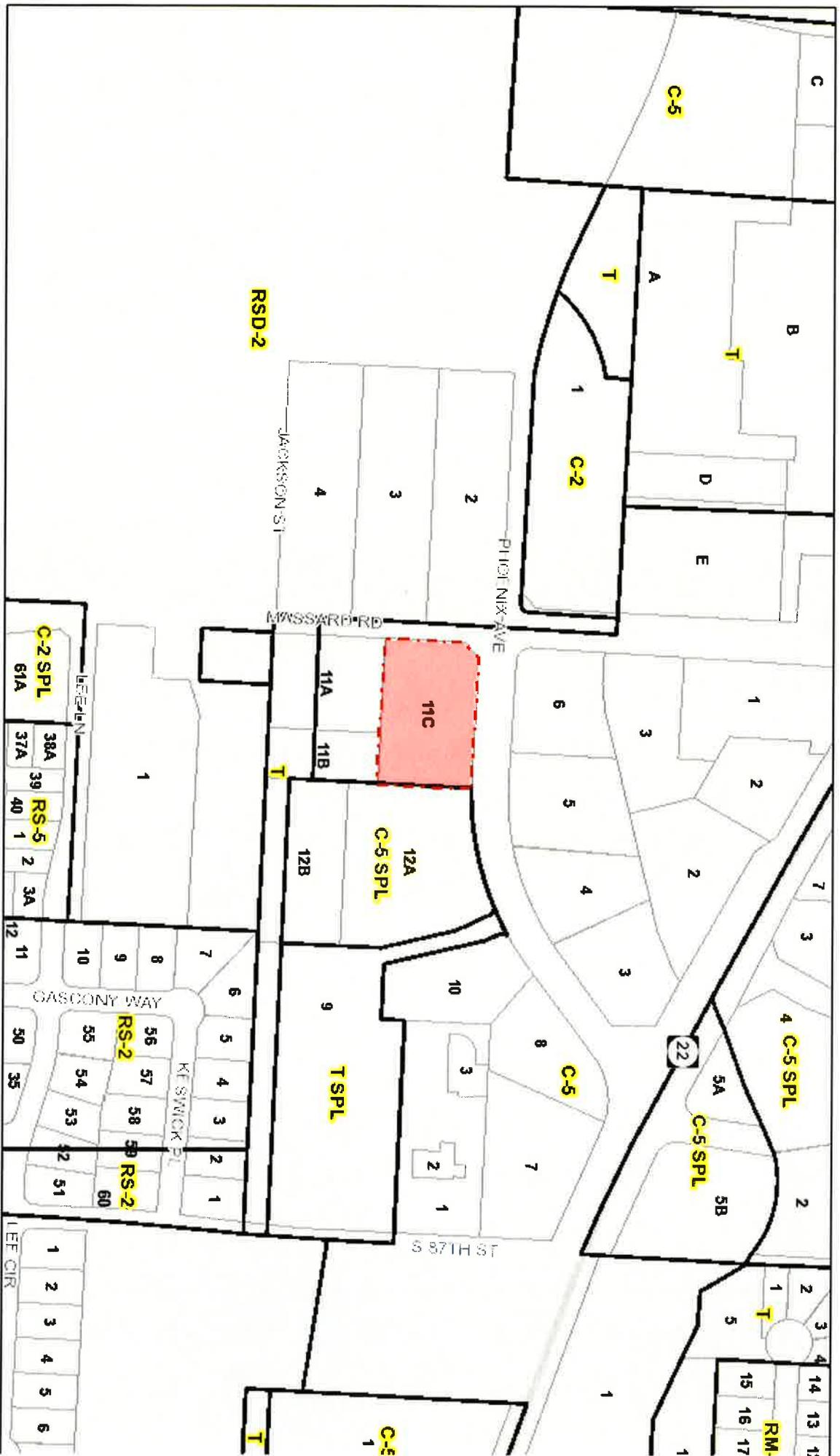
11912 Kanis, F. 8 LR, AR 72211
Owner or Agent Mailing Address

501-376-3676
Owner or Agent Phone Number

Signed: _____
Owner

Terry Burruss Or
Agent HD

Conditional Use#11-6-16: Outdoor Dining Area 8302 Phoenix Avenue

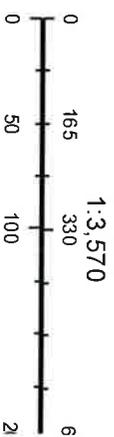


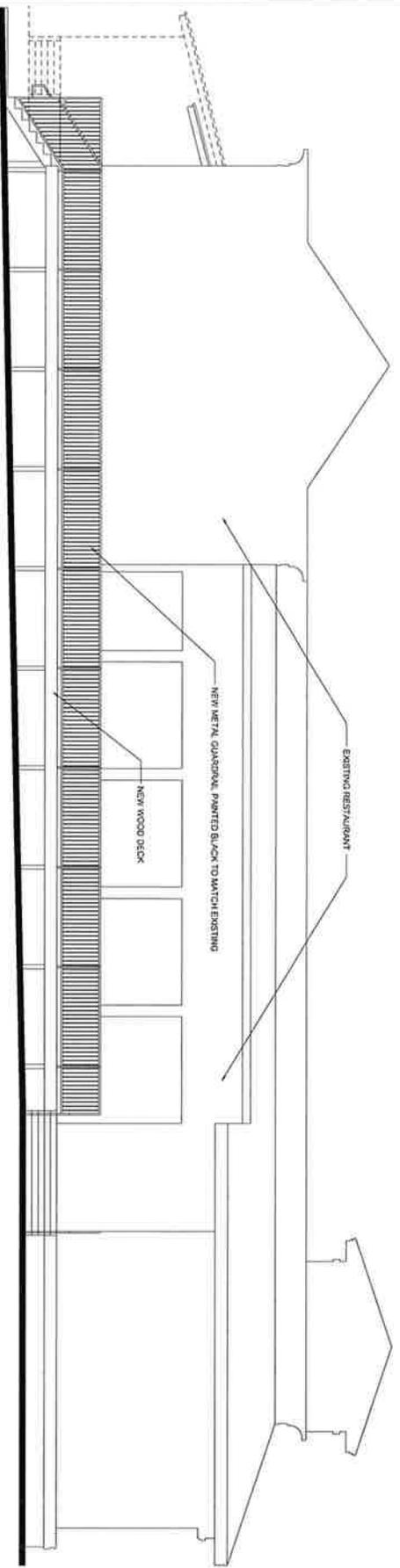
May 24, 2016

Fort Smith City Limits

Zoning

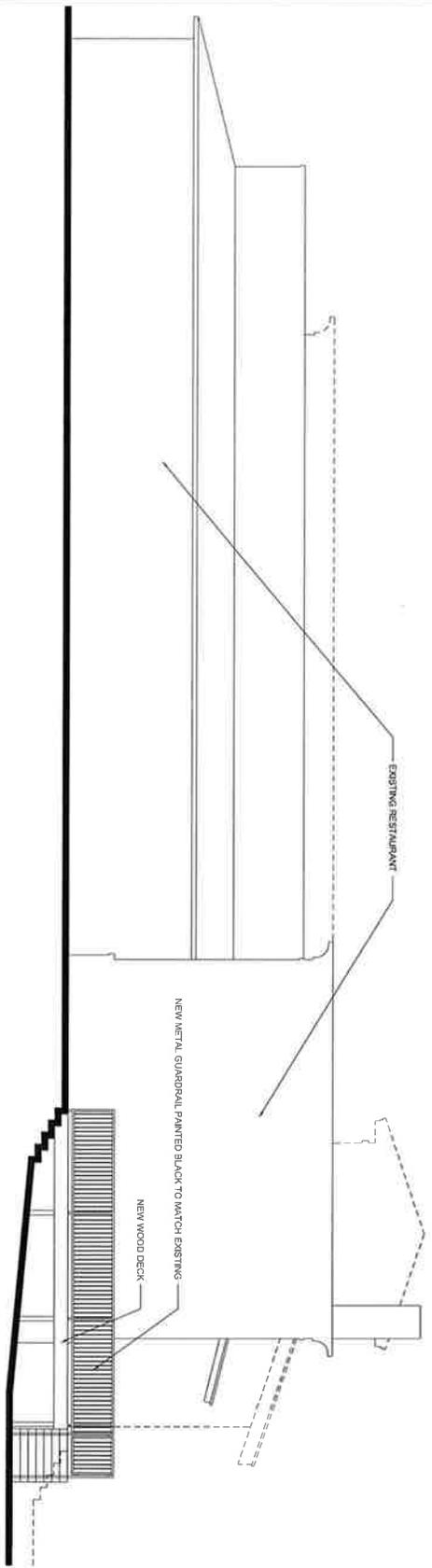
Subdivisions





NORTH ELEVATION

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



EAST ELEVATION

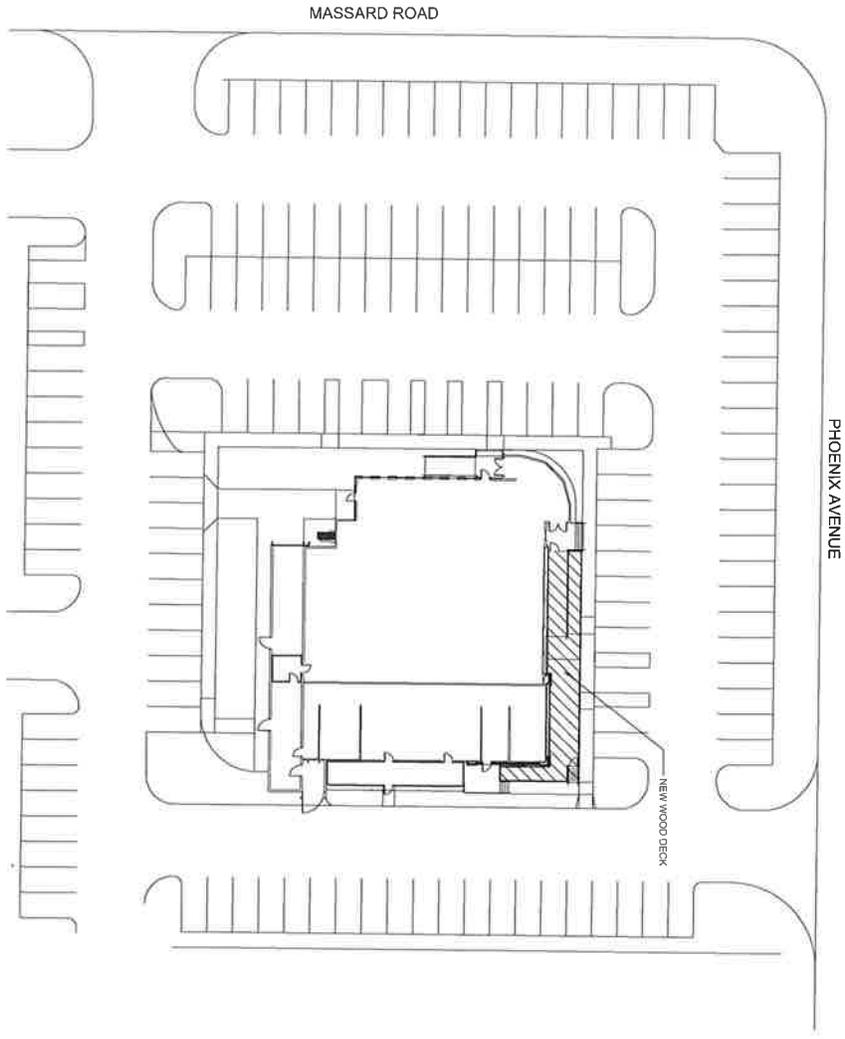
SCALE: 1/4" = 1'-0"

<p>COPYRIGHT TBA</p>	<p>REVISED: 10/1/18 DATE: 10/1/18 DRAWN BY: JACOB CHECKED BY: JACOB PROJECT: GRUBBS BAR & GRILL</p>	<p>DATE: 10/1/18 ELEVATIONS</p>	<p>PROPOSED OUTDOOR DINING FOR <u>GRUBBS BAR & GRILL</u></p>	<p>A 2.0</p>
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11F

SITE PLAN

SCALE: 1" = 20'-0"

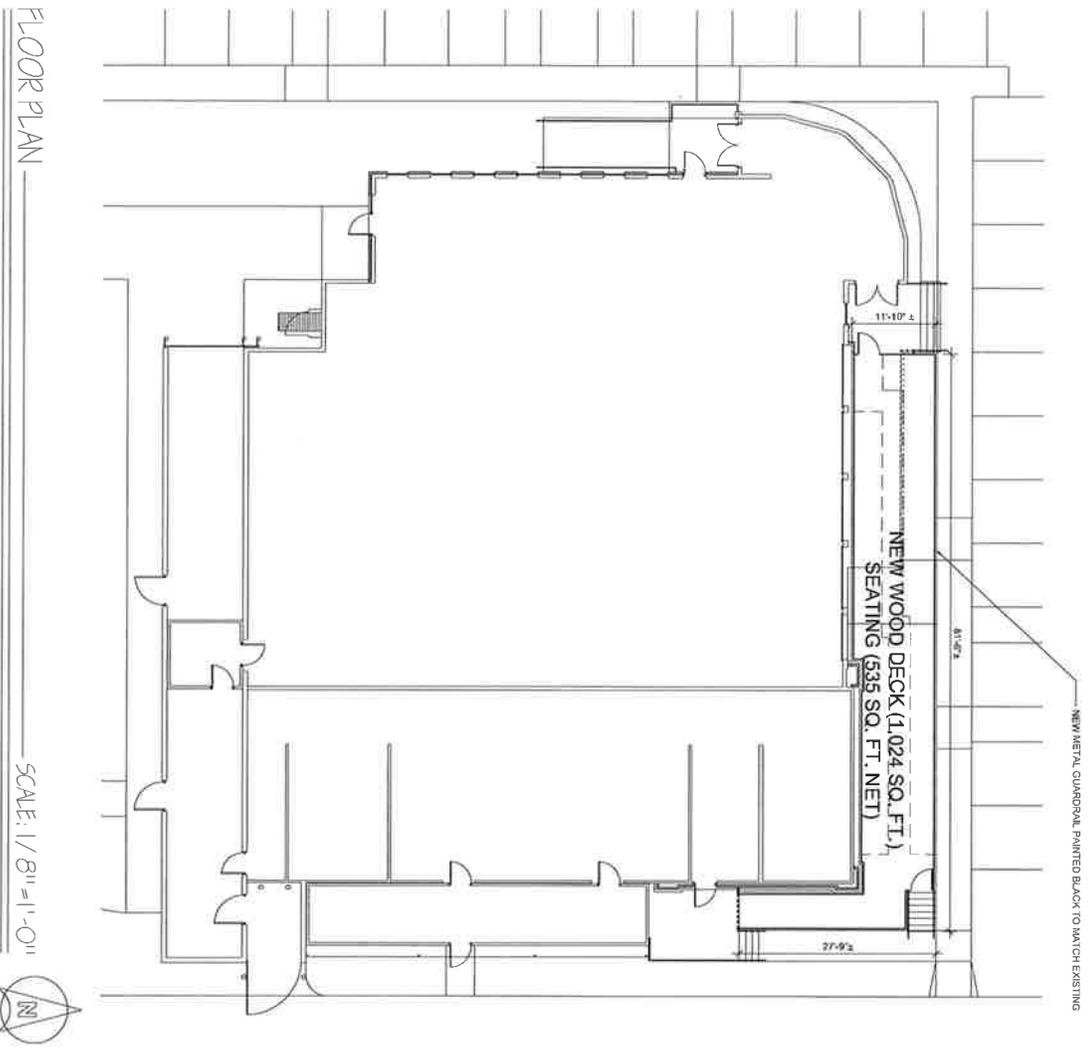


PARKING INFORMATION

EXIST. SEATING — 260 PERSONS / 3 = 87 P.S.
 NEW SEATING — 38 PERSONS / 3 = 12 P.S.
 EMPLOYEE — 20 PERSONS = 20 P.S.
 TOTAL P.S. REQUIRED — 119 P.S.
 TOTAL P.S. PROVIDED — 119 P.S.

<p>COPYRIGHT, TBA</p>		<p>SITE PLAN</p>	<p>PROPOSED OUTDOOR DINING FOR: <u>GRUBBS BAR & GRILL</u></p>	<p>C10 REV. 05/28/16</p>
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11G



FLOOR PLAN

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



SEATING INFORMATION

EXIST. TABLES	154
EXIST. BOOTHS	77
EXIST. BAR	28
TOTAL SEATING	260
EMPT. CHAIRS (MAX. SEAT)	20
PROPOSED OUTDOOR SEATING	359 S.F. / 153 S.E. = 98 PERSONS

<p>PROPOSED OUTDOOR DINING FOR: GRUBBS BAR & GRILL</p>	<p>3441 BLVD FLOOR PLAN</p>	<p>TRIVY ARCHITECTS</p>	<p>DATE: 02/22/16 REV: 02/26/16</p> <p>PROJECT: GRUBBS BAR & GRILL 1000 10TH AVE NW ALBANY, GA 31707</p> <p>ARCHITECT: TRIVY ARCHITECTS</p>	<p>COPYRIGHT: TBA</p>
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11H

Andrews, Brenda

From: Terry Burruss Architect [tbadesignplanning@sbcglobal.net]
Sent: Monday, June 06, 2016 1:07 PM
To: Andrews, Brenda
Subject: Re: 8302 Phoenix Avenue

Only music will be "piped, recorded stuff"

Sent from my iPhone

On Jun 6, 2016, at 12:46 PM, Andrews, Brenda <bandrews@FortSmithAR.gov> wrote:

Terry:

We received a phone call from Mr. Sharum concerned about noise associated with the outdoor dining area. You might give him a call to hear his concerns. Did you ever confirm with Joseph that there will be music on the deck? Brenda

From: Rice, Maggie
Sent: Monday, June 06, 2016 11:05 AM
To: Planning Email Group
Subject: 8302 Phoenix Avenue

Lawrence Sharum, 3812 Massard, is concerned about the noise level associated with the outdoor dining deck. He's not opposed to the application but would like to make certain the noise doesn't get out of control. His phone number is 452-2555 and he will not be able to attend the meeting.

I will place a copy in the file.

Maggie

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

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

Meeting Location GRUBBI

Meeting Time & Date 6/7/16 10AM

Meeting Purpose REVIEW OUTSIDE DECK

NAME

ADDRESS

PHONE #

1. SCOTT WESTON 8300 PHOENIX 479-424-2366
2. TERRY BURROUS, ARCHITECT 11912 KANY LR 7211 501-376-3676
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

Memo

To: City Planning Commission

From: Planning Staff

Date: June 2, 2016

Re: Variance #13-5-16 - A request by Mickle Wagner Coleman, Inc., agent, for Board of Zoning Adjustment consideration of a zoning variance request from 15 feet to 0 feet exterior side yard setback and from 45' to 53' maximum height of structure at 415 South "C" Street

REQUESTED VARIANCE

The approval of this variance request will allow for the construction of a 30,000 gallon storage tank adjacent to an existing storage tank along South "C" Street. The new tank will be 53 feet in height and approximately 9' in diameter. It will be partially located within the street right-of-way. On May 17, 2016, the Board of Directors approved a temporary revocable license to allow the tank to occupy a portion of the right-of-way.

LOT LOCATION AND SIZE

The subject property is on the South side of South "C" Street between South 10th Street and South 11th Street. The tract contains an area of 2.0 acres with approximately 300 feet of street frontage along South 10th Street, South 11th Street, South "C" Street and South "D" Street.

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
- Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
- 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

Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%

Existing District (By Extension) – 20,000 square feet

SURROUNDING ZONING AND LAND USE

- The area to the north is zoned Industrial Light (I-1) and developed as Hiland Dairy and an office.
- The area to the east is zoned Industrial Light (I-1) and developed as a machine shop.
- The area to the south is zoned Industrial Light (I-1) and developed as Hiland Dairy and a sign company.
- The area to the west is zoned Industrial Light (I-1) and developed as Hiland Dairy.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 10th, South 11th, South “C” and South “D” Streets as Local Roads.

12B

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The applicants states a hardship exists due to the existing building, which is just few feet off the right-of-way. The applicant also states that this variance will allow construction of the new tank adjacent to an existing tank that was previously constructed after receiving a variance.

NEIGHBORHOOD MEETING

The neighborhood meeting was waived in accordance with UDO Section 27-337-5, which allows the Director to waive neighborhood meetings when the project represents a minor change to the development and has little or no effect on surrounding properties. In lieu of the neighborhood meeting, the applicant sent letters to adjacent property owners with a description of the project and a copy of the site plan. The applicant nor staff has received any calls or correspondence objecting to the tank.

STAFF COMMENTS AND RECOMMENDATIONS

The site is also within the warehouse district of the Central Business Improvement. On May 10th, the CBID recommended approval of the 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.

12C

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)

Lots 1-12, Block 565, Reserve Addition

Address of property 415 South C Street, 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

- 15 - 0 Front Yard Setback or Minimum Distance from Right-of-Way
- 0 Exterior Side Yard Setback
- Interior Side Yard Setback
- Rear Yard Setback
- 45 - 53 Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign
- Other:

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

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?

12E

Explanation of question #4 (if applicable)

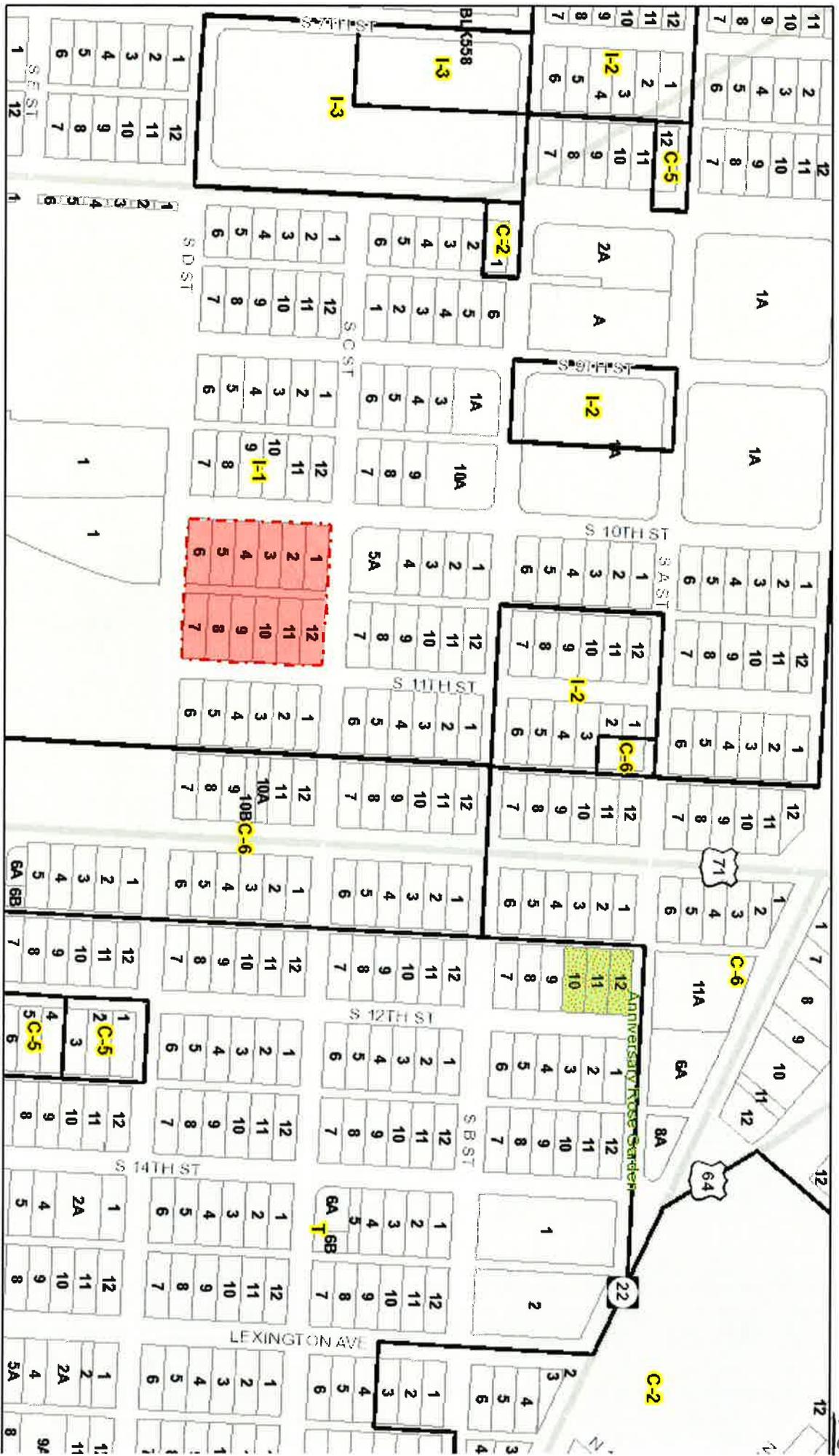
The building is only a few feet off of the right-of-way. This variance will allow construction of another storage tank identified to the existing tank that was previously constructed after getting a variance.

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

Would not be able to add another tank

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#13-5-16 - From 15' to 0' exterior side yard setback; from 45' to 53' maximum height of str
 415 South 10th Street

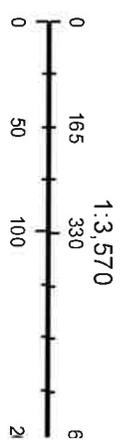


May 24, 2016

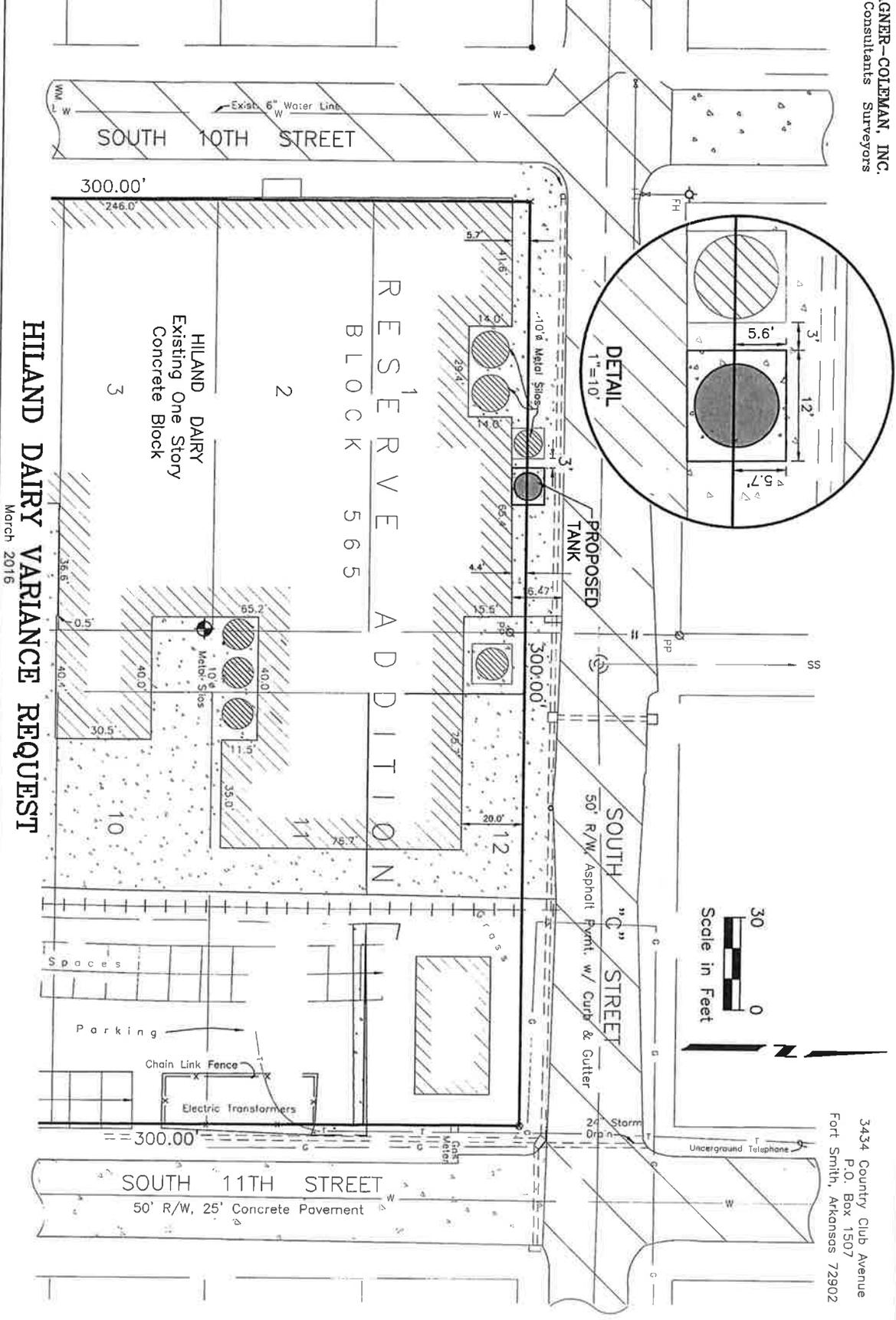
Fort Smith City Limits

Zoning

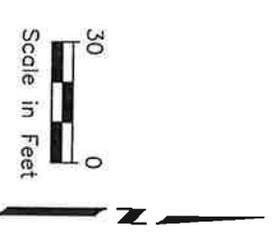
Subdivisions



MCKLE-WAGNER-COLEMAN, INC.
 Engineers Consultants Surveyors

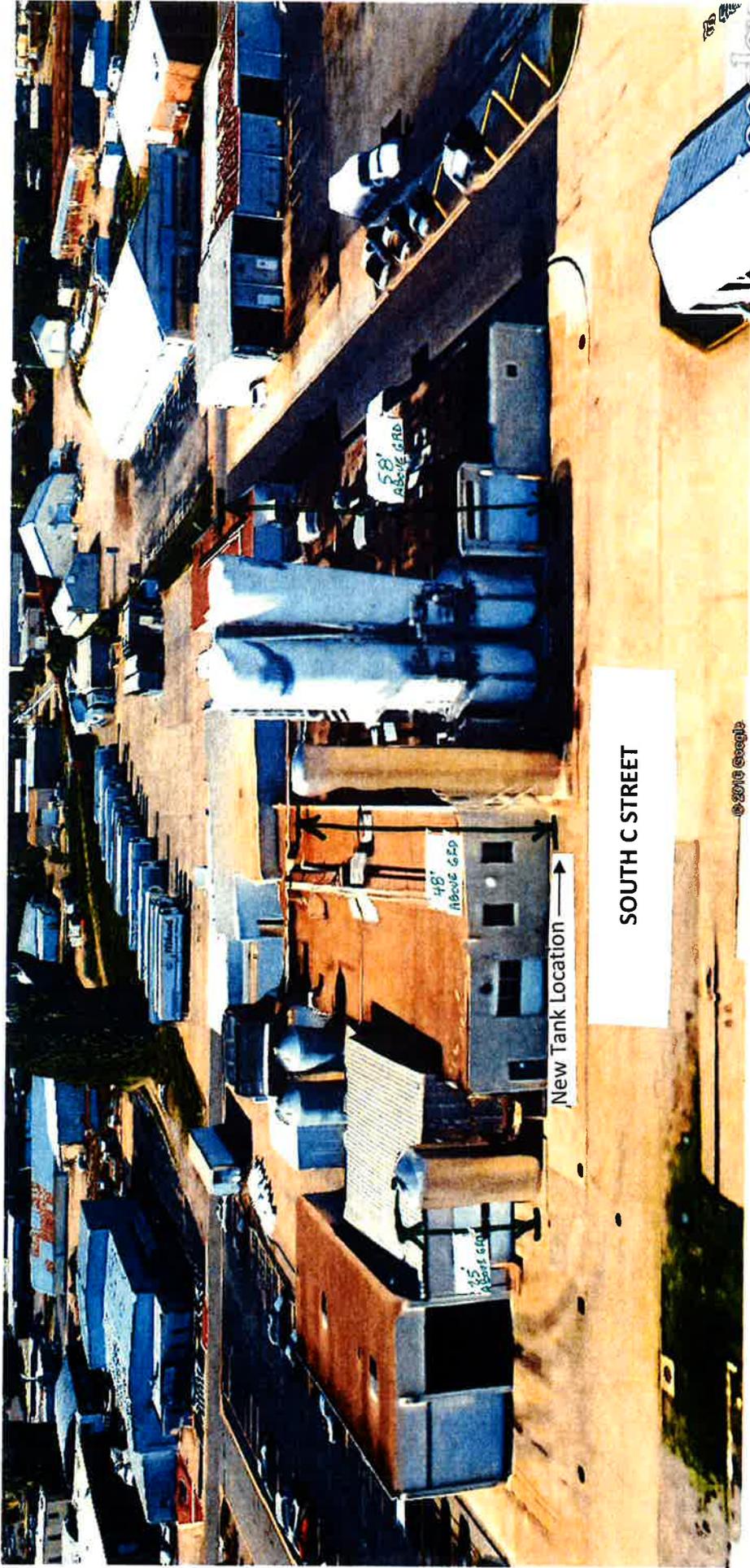


HILAND DAIRY VARIANCE REQUEST
 March 2016

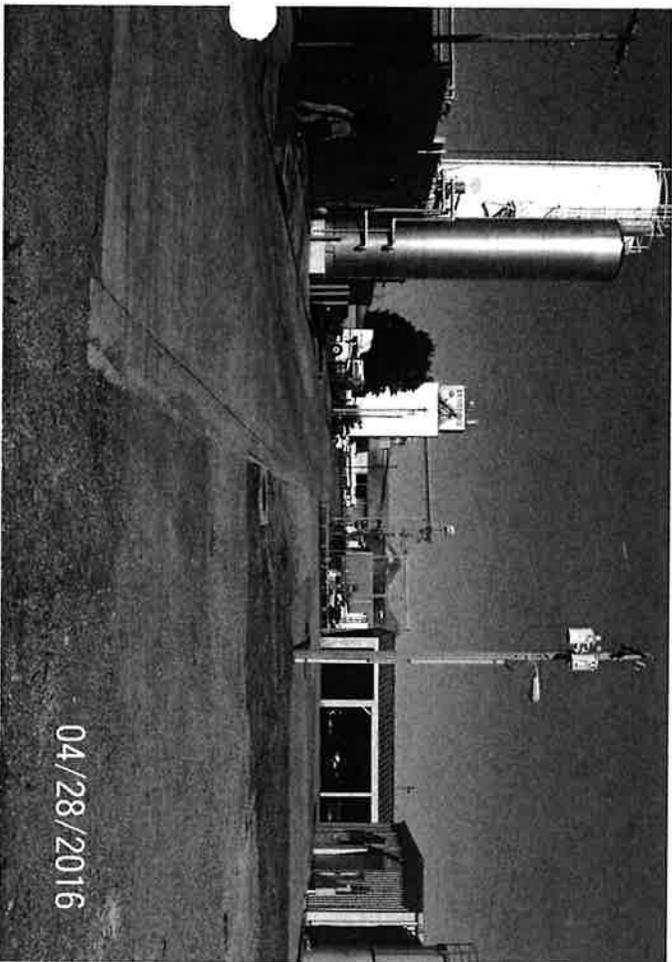


3434 Country Club Avenue
 P.O. Box 1507
 Fort Smith, Arkansas 72902

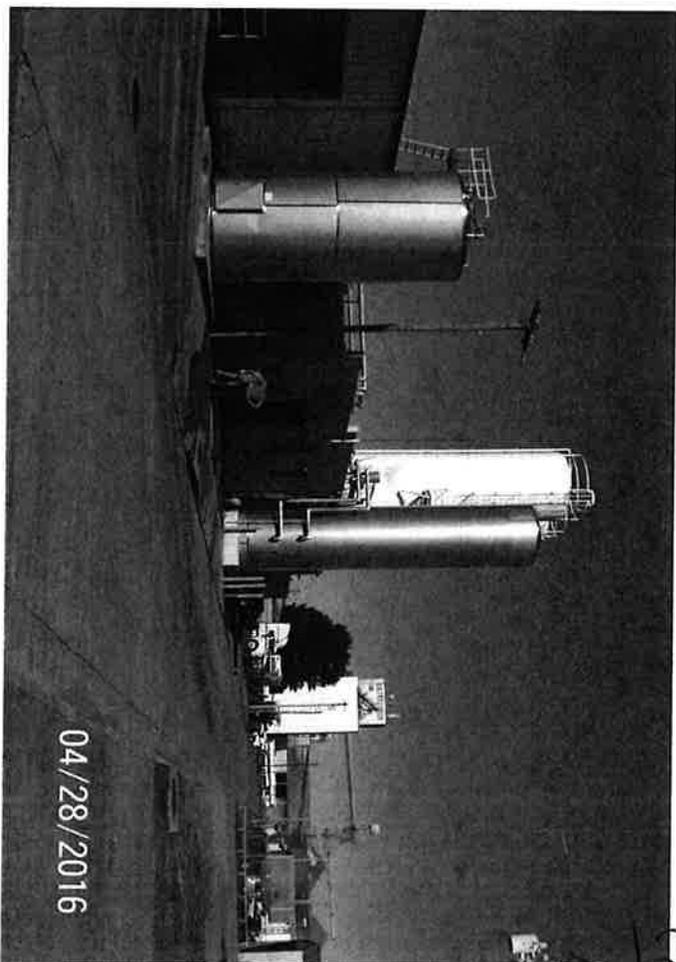
121



SOUTHERLY VIEW

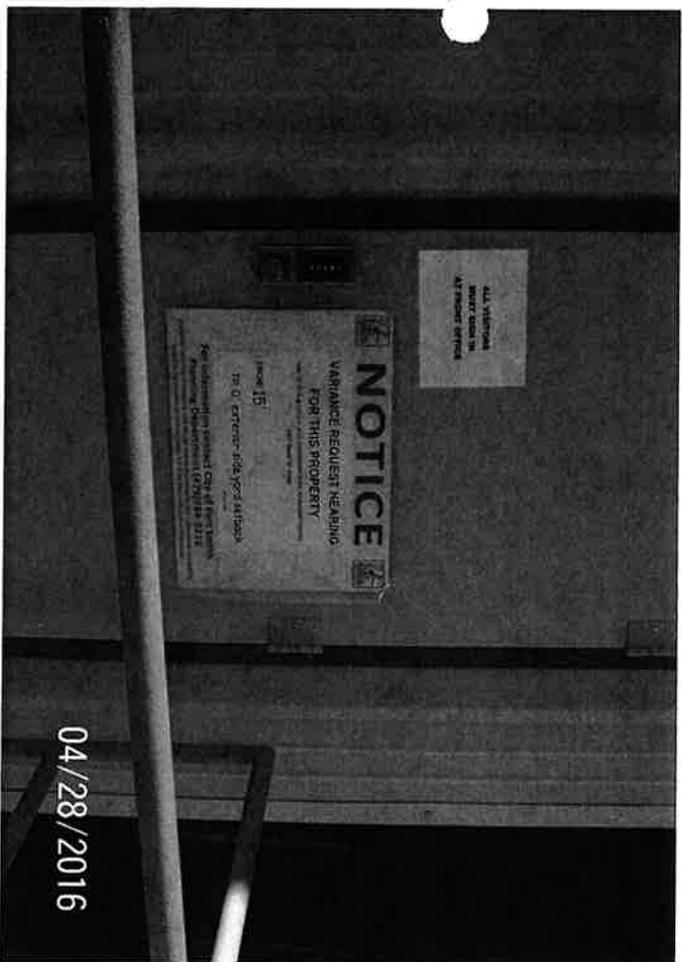


04/28/2016

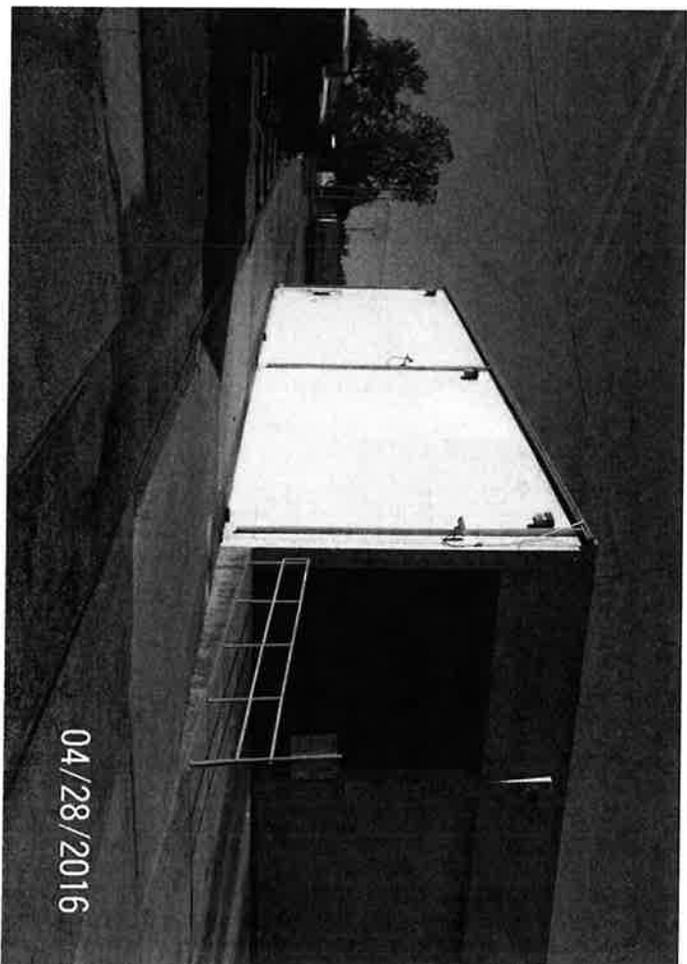


04/28/2016

125



04/28/2016



04/28/2016

Memo

To: City Planning Commission

From: Planning Staff

Date: June 3, 2016

Re: Variance #16-6-16 - A request by Ricky Hill, agent for Connie Johnson, for Board of Zoning Adjustment consideration of a zoning variance request from 60 feet to 22 feet minimum lot width at building line located at 3415 North 23rd Street

REQUESTED VARIANCE

Approval of the variance will allow an unplatted lot with two single family homes to be platted into two tracts. The proposed Tract 2 would be a “flagpole” lot with a portion of the lot measuring 22 feet in width.

LOT LOCATION AND SIZE

The subject property is on the west side of North 23rd Street between Spradling Avenue and High Street. The tract contains an area of 0.99 acres with 22 feet of street frontage along North 23rd 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 area to the north is zoned Industrial Moderate (I-2) and Residential Single Family High Density (RS-4) and developed as a single family residences and a storage facility.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and developed as a temple.

The area to the west is zoned Industrial Moderate (I-2) and is developed as a single family house.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 23rd Street as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The applicant has stated that compliance with the zoning code would require the lot line to run through the existing home on proposed Tract 1. Without the variance, the property owner will not be able to plat the property into two tracts.

NEIGHBORHOOD MEETING

The applicant requested and received a waiver of the neighborhood meeting based on the criteria of Section 27-337-5(B). The Director may waive the requirement for a neighborhood meeting where:

- 1) The proposed variance shall allow development in compliance with surrounding land uses.
- 2) The variance request represents a minor change in the development requirements that shall have little or no effect on surrounding properties.

STAFF COMMENTS AND RECOMMENDATION

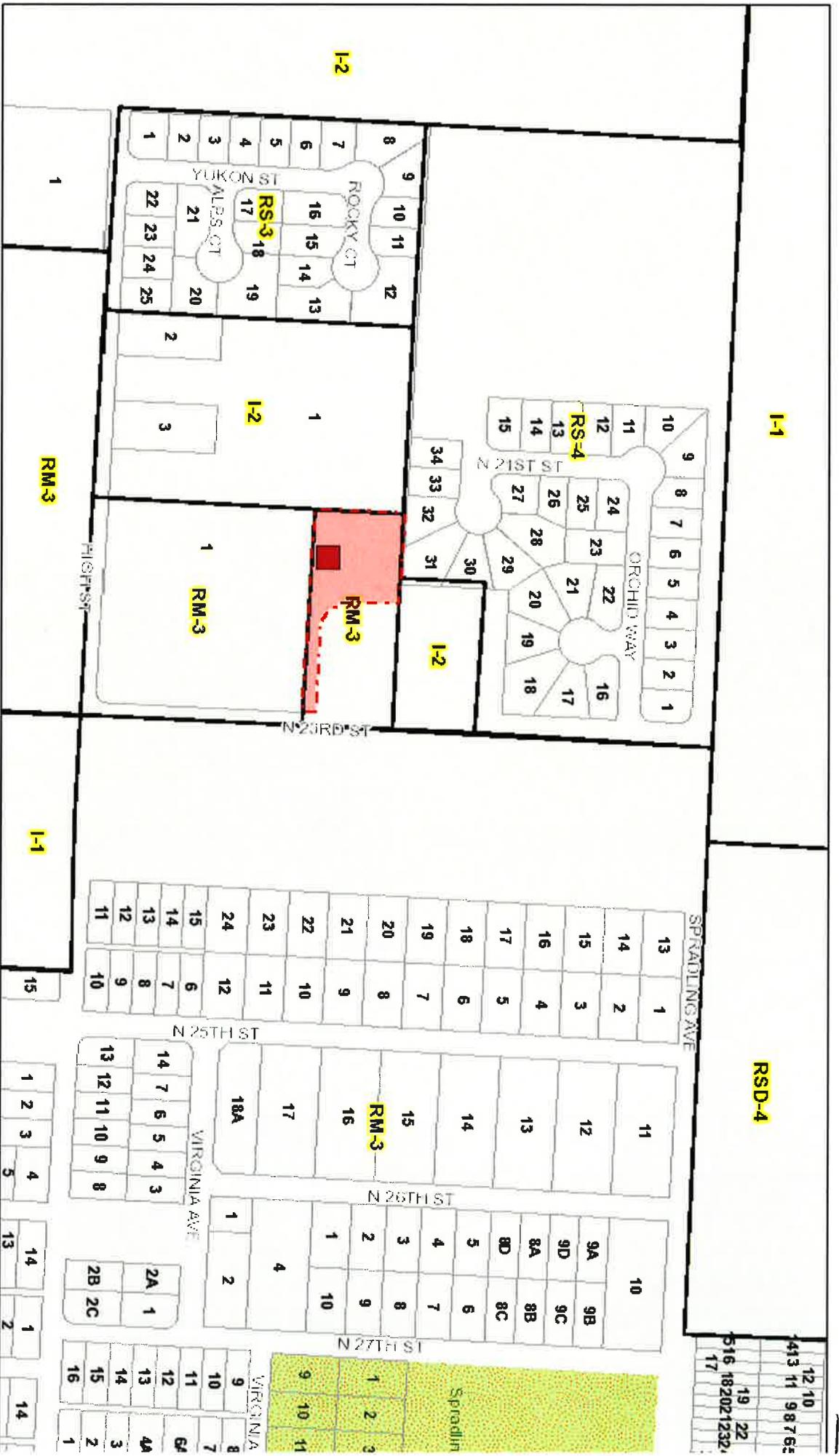
In staff's opinion, the requested variance will have no negative effects on surrounding properties. The variance will allow the property to be platted into two tracts so that each single family home is on separate lots. No new construction is proposed at this time.

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.

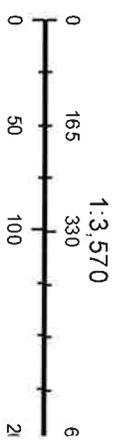
Staff recommends approval of the variance request based on the existing development.

Variance #16-6-16: From 60 feet to 22 feet minimum lot width at building line 3415 North 23 Street

30



- May 24, 2016
- Fort Smith City Limits
- Zoning
- Subdivisions



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 3415 14 23rd Street, Existing or Proposed

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

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

- | <u>FROM</u> | | <u>TO</u> | |
|-------------|---|-----------|--|
| _____ | - | _____ | 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 |

60' - 22' Other: Minimum Lot Width at Building Line

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

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

Signed:

Ricky Hill
Owner or Agent Name (please print)

Alfred M Johnson
Owner

479-648-3850
Owner or Agent Phone Number

or
Ricky Hill
Agent

P.O. Box 640 Alma Ar. 72921
Owner or Agent Mailing Address

Variance # _____

Explanation of question #4 (if applicable)

Do to the unique location of the adjoining driveway, the variance is needed to maintain clear ownership of both parcels without causing any encroachments on the existing driveways.

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

Enforcement of the zoning code would cause the property line to run through the existing home on tract 1

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 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>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<input checked="" type="checkbox"/>	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?
<input checked="" type="checkbox"/>	<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>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<u> </u>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input checked="" type="checkbox"/>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<u> </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

JOHNSON TRACTS 1 & 2 - SECTION 4

BEING A PART OF NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 4, TOWNSHIP 8 NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. No title search was done and record owners, rights of way of road and easements to and across this property must be confirmed by others. The Buyer or Owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney.

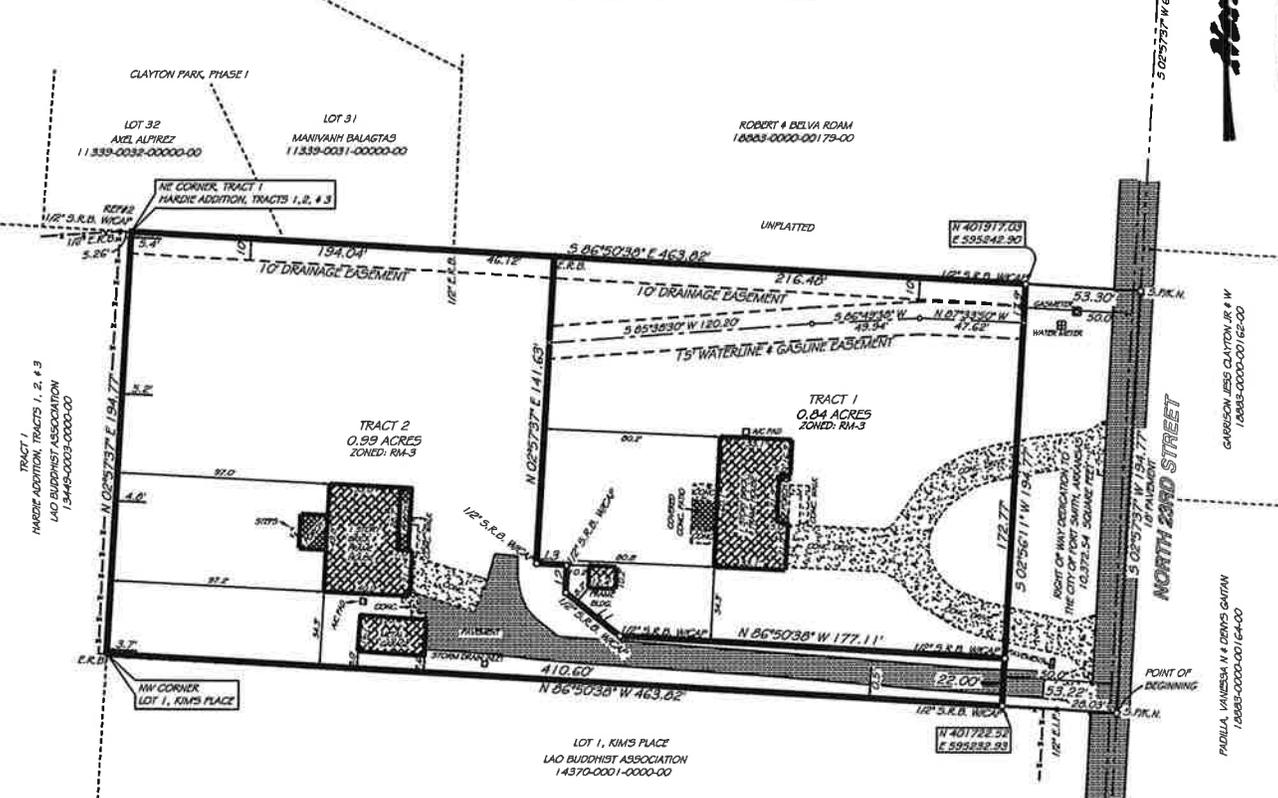
SURVEYOR'S NOTE: This survey was conducted under the supervision of David R. Satterfield, No. 0147, or Ricky Nix, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718, Satterfield Land Surveyors, P.A., 1-(479)-532-3865 Hwy. 77 North, P.O. Box 640, Alma, AR 72821

SURVEYOR'S NOTE: This property does not lie within the 100-Year Flood Zone, according to the Flood Map for the City of Fort Smith, Arkansas Community Panel No. 05131000000 Dated: MAY 20, 2010.

N 77°50'00" W, 2.35 TO AN E.R.R.S.
E.C.R.S. REF#1
NE CORNER NW 1/4 NE 1/4 SEC4-0N-32W
5 02°57'37" W 667.09'
500-0N-32W-Q-E-140-65-0147-1443

CONTACT: ALFRED JOHNSON
5338 WILDWOOD ROAD
VAN BUREN, AR 72956
PHONE: (479) 459-0494

Satterfield Land Surveyors P.A.
1439 Hwy. 77 North, Van Buren, AR 72956
Tel: (479) 532-3862 - 800-532-3862
Fax: (479) 532-3865
www.satterfield.com



LINE TABLE

LINE	BEARING	LENGTH
L1	N51°04'23"W	31.59
L2	N02°09'23"E	12.72
L3	N07°02'11"W	13.70

NOTE: The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith (City) for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed any dedicated easements trees, hedges, and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

PROPERTY DESCRIPTION
Part of the Northwest Quarter of the Northeast Quarter, Section 4, Township 8 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing nail marking the Southeast Corner of the Northeast Quarter of the Northeast Quarter, Thence along the east line of said forty, North 02 degrees 57 minutes 37 seconds East, 462.46 feet to a set p/k nail and the Point of Beginning. Thence leaving said east line and along the north line of Lot 1, Kim's Place, North 86 degrees 50 minutes 38 seconds West, 463.82 feet to an existing rebar marking the Northeast Corner of Lot 1, Kim's Place, some being on the east line of Tract 1, Hordie Addition, Tracts 1, 2, and 3. Thence along the east line of Tract 1, North 02 degrees 57 minutes 37 seconds East, 194.77 feet to an existing rebar marking the Northeast Corner of Tract 1, Hordie Addition, Tracts 1, 2, and 3, some being on the south line of Clayton Park, Phase I. Thence South 86 degrees 50 minutes 38 seconds East, 463.82 feet to a set p/k nail on the east line of the Northeast Quarter of the Northeast Quarter. Thence along the east line of said forty, South 02 degrees 57 minutes 37 seconds West, 194.77 feet to the Point of Beginning, containing 2.07 acres including right of way dedication to the City of Fort Smith, Arkansas and subject to any Easements of Record.

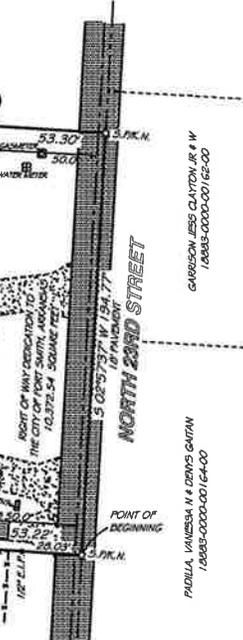
PLANNING COMMISSION APPROVAL:
Chairman _____ Date _____
Secretary _____ Date _____

ALLOTTERS:
BY _____ BY _____
BY _____ BY _____

STATE OF ARKANSAS,
COUNTY OF _____ SUBSCRIBED AND SWORN BEFORE
ME THIS DAY _____,
Notary Public _____
My Commission Expires _____

FILED FOR RECORD This _____ day of _____, 20____,
at _____ o'clock _____ m., County _____
Clerk and Ex-Officio Recorder.

TOTAL ACREAGE: 2.07 ACRES (90,336 SQ.F.)

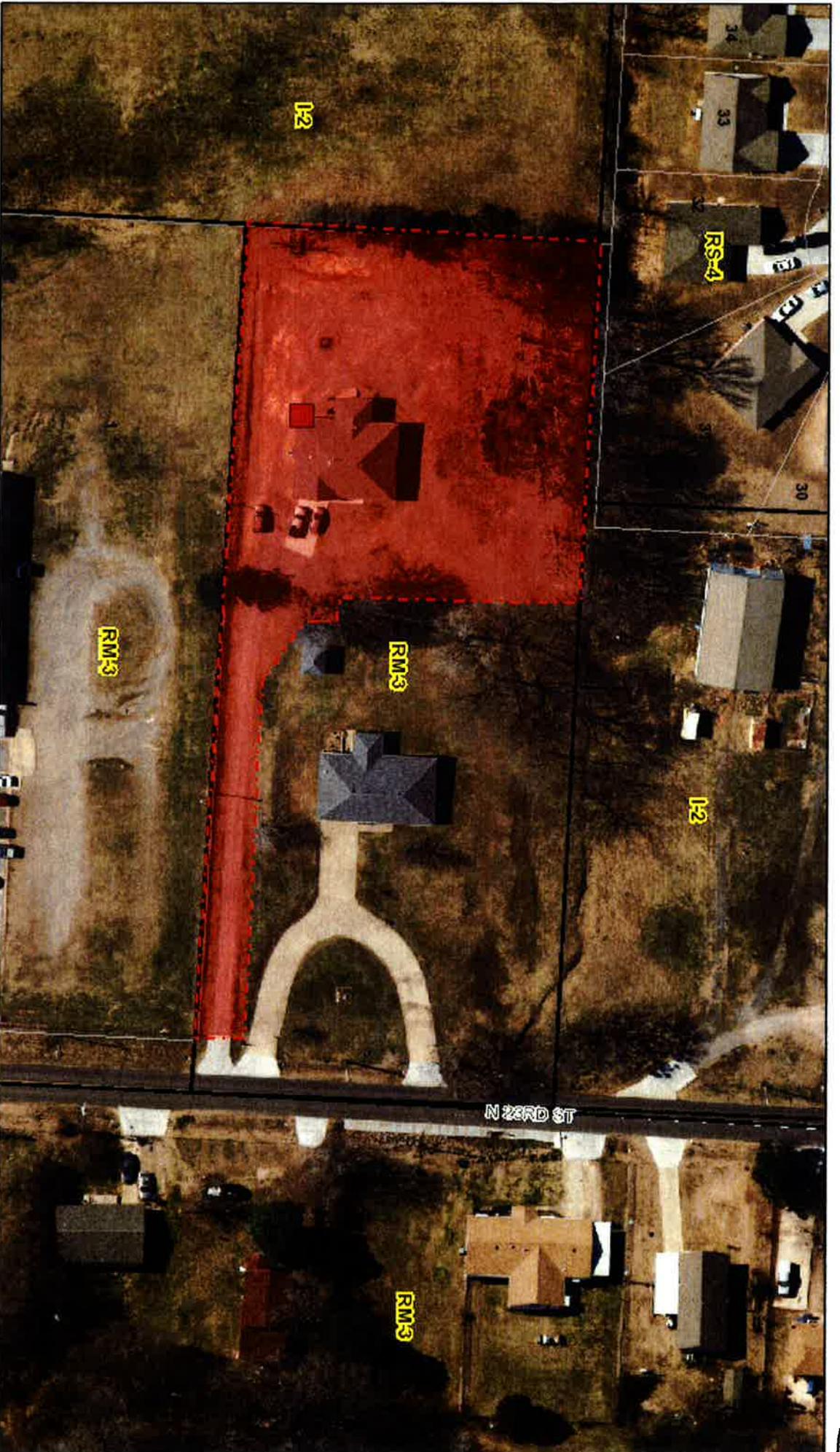


SURVEYOR'S RESPONSIBILITY AND STATEMENT OF USE
This survey was conducted by the written or verbal authorization of the person named as the buyer and/or use by as shown on this plat. No one has the authority to use the data or legal description from this survey is only certified to the title shown agents and the survey is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization.

- 1/4" = 100' SCALE
- 1/8" = 200' SCALE
- 1/16" = 400' SCALE
- 1/32" = 800' SCALE
- 1/64" = 1600' SCALE
- 1/128" = 3200' SCALE
- 1/256" = 6400' SCALE
- 1/512" = 12800' SCALE
- 1/1024" = 25600' SCALE
- 1/2048" = 51200' SCALE
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- 1/16384" = 409600' SCALE
- 1/32768" = 819200' SCALE
- 1/65536" = 1638400' SCALE
- 1/131072" = 3276800' SCALE
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- 1/1048576" = 26214400' SCALE
- 1/2097152" = 52428800' SCALE
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Variance #16-6-16: From 60 feet to 22 feet minimum lot width at building line
3415 North 23 Street

13



May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: June 3, 2016

Re: Variance #19-6-16 - A request by Chris Trager, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 50 square feet to 162 square feet cumulative total for all free standing signs at 1600 North 50th Street

REQUESTED VARIANCE

Approval of the variance will allow a second church on this site to construct a 64 square foot sign. The section of building leased by the church does not front on a street so the signage is needed to direct people to the church.

LOT LOCATION AND SIZE

The subject property is on the north east corner of the intersection of North 50th Street and North "O" Street. The tract contains an area of 4.01 acres with approximately 430 feet of street frontage along North 50th Street and approximately 425 feet of street frontage along North "O" Street.

EXISTING ZONING

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

Purpose:

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

Permitted Uses:

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

Conditional Uses:

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

Area and Bulk Regulations:

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

SURROUNDING ZONING AND LAND USE

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

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

The areas to the south are zoned Residential Single Family Medium Density (RS-2) and are developed as single family residences.

The areas to the west are zoned Residential Multifamily Medium Density (RM-3) and are developed as a boy’s and girl’s club.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 50th Street as a Major Arterial and North “O” Street as a Residential Collector.

MASTER LAND USE PLAN COMPLIANCE

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

APPLICANT HARDSHIP

The section of the building the church leased is just not visible to the public without the sign to direct people to the entrance.

14B

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, May 19, 2016, at 5001 North "O" Street. No neighboring property owners were in attendance.

STAFF COMMENTS AND RECOMMENDATIONS

Two churches operate at this location. One of the churches (Faith Assembly of God) has existing signage at the corner of North 50th and North O Street. Heart of Worship Baptist Church proposes to install a sign further to the east adjacent to the driveway. The sign would be approximately 126 feet from the North "O" right-of-way. A map in the packet depicts the location of the signs and the division of the building for the two churches. This property is zoned residential and is allowed 50 square feet of signage for the entire property.

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

If the variance is approved staff recommends the following comment:

The applicant shall obtain a sign permit prior to installation of the sign.

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)

1600 Nth 50th street

Address of property ~~5001 0th street, Fort Smith, Ar. 72904~~, Existing or Proposed

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

<p><u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u></p> <p><u>Section 27-704-1 (3)</u></p> <hr/> <hr/> <hr/> <hr/>
--

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

50sf. - 162sf Other: Cumulative total of 50sf. for all-free standing signs

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

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

Signed:

Chris Trager
Owner or Agent Name (please print)

Owner

479-226-1975
Owner or Agent Phone Number

or
Chris Trager
Agent

P.O. Box 3327 Ft. Smith Ar. 72913
Owner or Agent Mailing Address

Variance # _____

Explanation of question #4 (if applicable)

The location of the part of the building we are renting does not face a public road. A sign placed on the exterior wall would not be visible to the public.

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

Without a sign the public is not able to easily find the entrance to the church, and the location of the church is unknown otherwise.

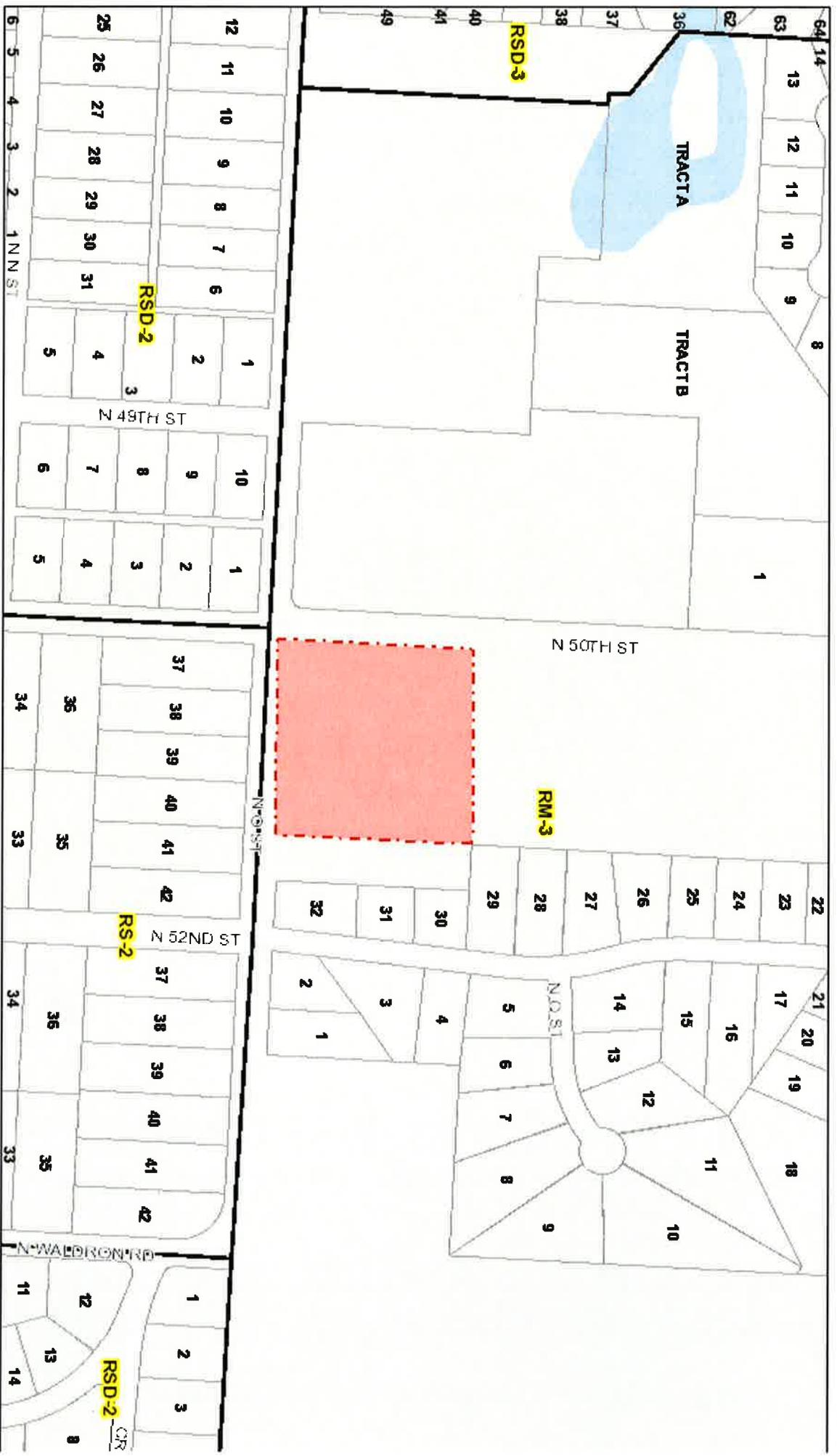
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The space we are renting is simply not visible to the public without a sign.

Variance #17-6-16: From 50 s.f. to 162 s.f. cumulative total for all free standing signs

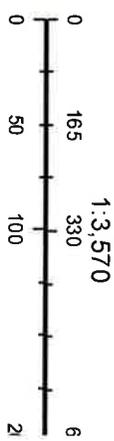
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1600 North 50th Street

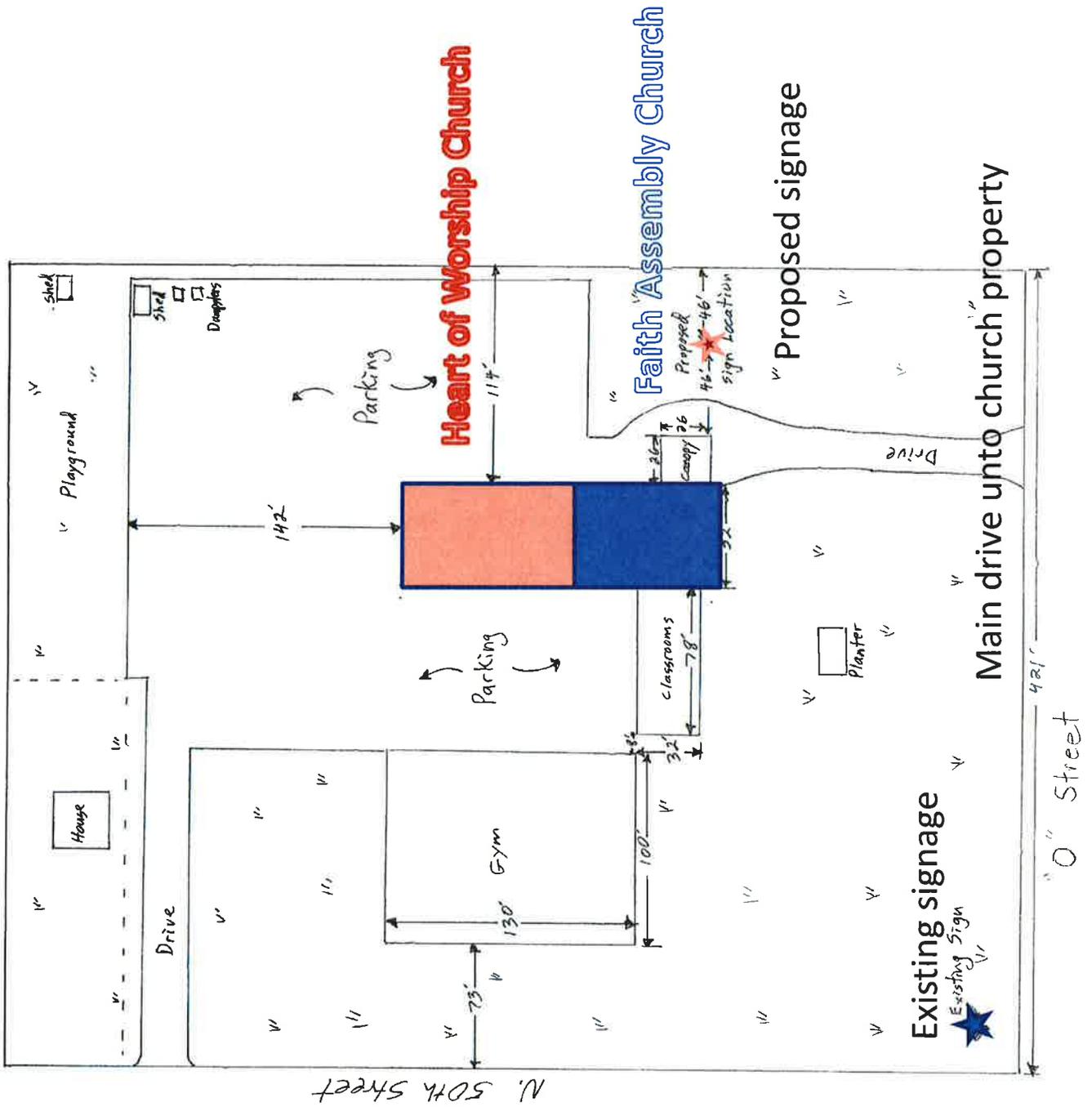


May 24, 2016

-  Fort Smith City Limits
-  Zoning
-  Subdivisions



1:3,570





1600 N O ST

NEW CHURCH

ORIGINAL CHURCH

PROPOSED SIGN

EXISTING SIGNAGE



N 50th St

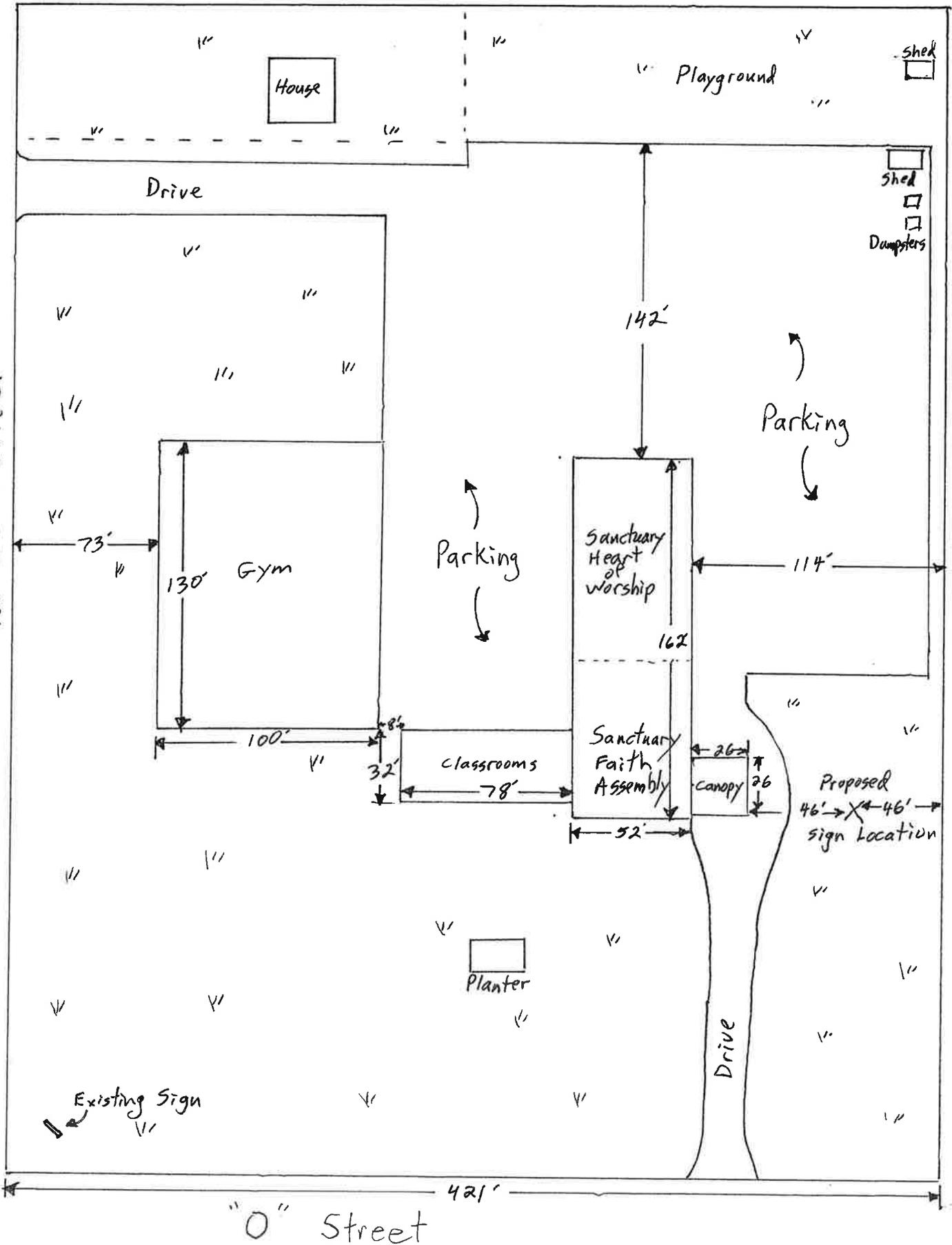
N 52nd St

©2016 Google

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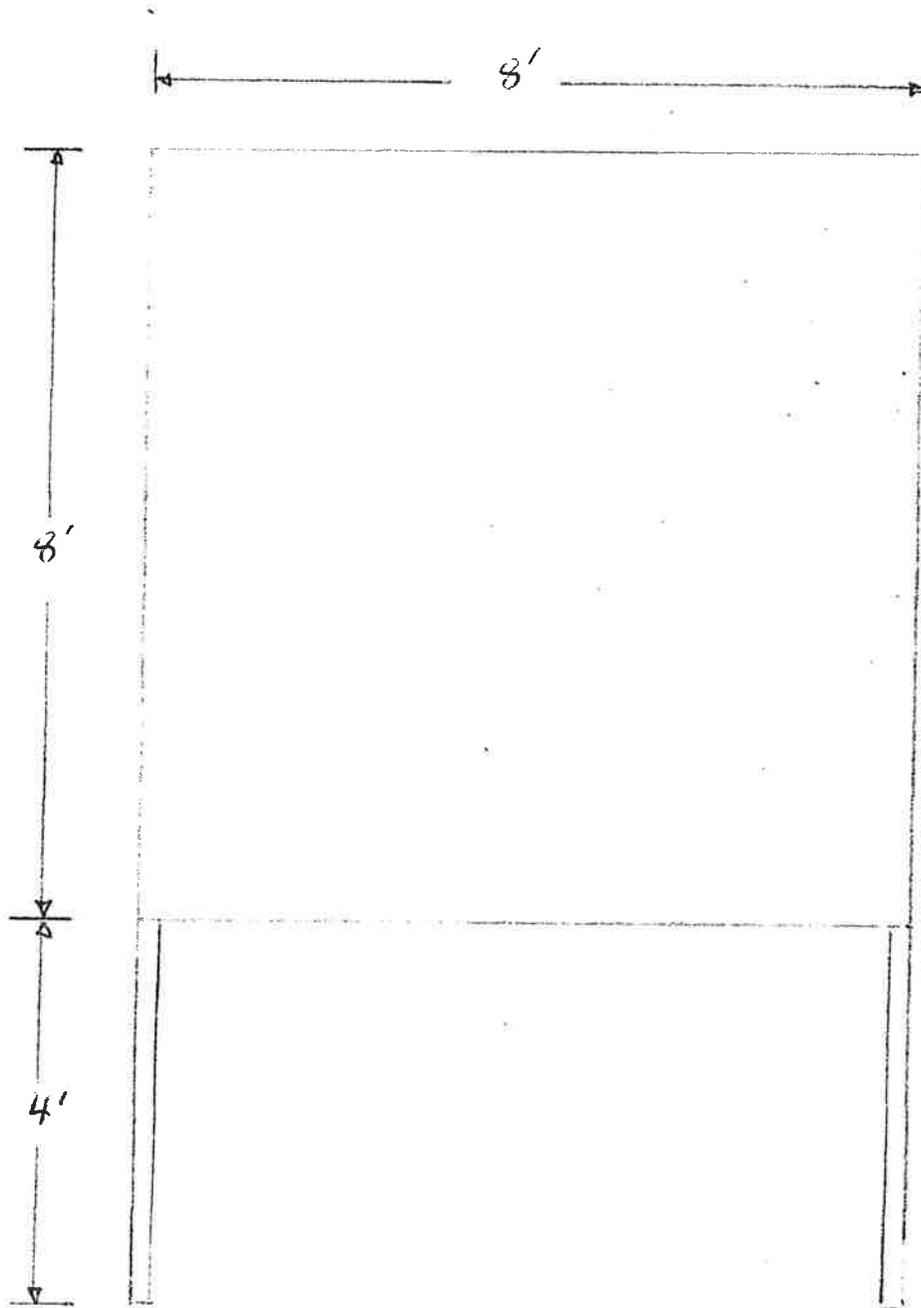
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N. 50th Street



145

PROPOSED 8' X 8' SIGN



*Heart of Worship
Baptist Church*



Love God Love Others

479-782-7722

heartofworshipfortsmith.com

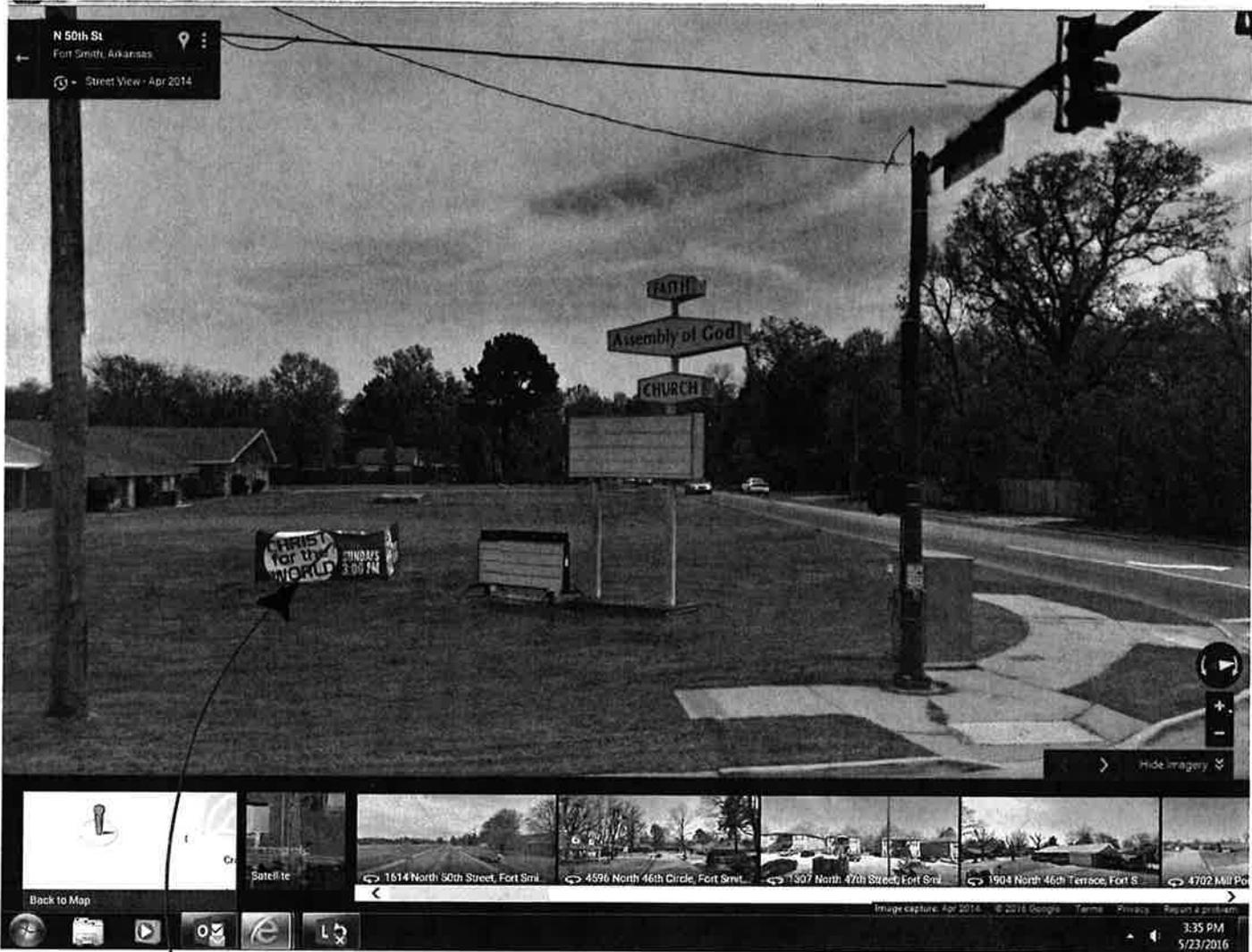
Wednesday

Supper 6pm, Bible Study & Prayer 6:30pm

Sunday

Breakfast 9am, Bible Study 9:45am, Worship 11am

EXISTING SIGNAGE



Banner is Removed

14M

