

**Planning Commission
Minutes
May 8, 2012**

The City of Sherwood Planning Commission met for their regular scheduled meeting on May 8, 2012 at 7:00 p.m. at 2201 East Kiehl Avenue, Sherwood, Arkansas.

Members Present

Lucien Gillham – Chairman
Scott Miller
Mike Berg
Forrest Penny

Members Absent

Albert Harris

Staff Present

Ellen Norvell – City Engineer
Dwight Pattison – City Planner
Steve Cobb – City Attorney
Ashley Taylor - Secretary

Chairman Gillham called the meeting to order.

Commissioner Penny made a motion to approve the minutes of the April 10, 2012 meeting. Commissioner Berg seconded the motion. The roll call vote was unanimous to approve the minutes.

A request for a temporary use in an R-1 zone for a model home at 6101 Trammel Estates Drive. Rausch Coleman Homes. Kenneth Hays from Rausch Coleman Homes was present to discuss the request. Staff Comments: City Engineer, Ellen Norvell said she does not have any problems with it. She said our zoning does allow for a temporary use permit for a model home in a residential zoned neighborhood. She said there would need to be a time frame indicated seeing how the word temporary is not really defined in the zoning ordinance. Mr. Hays said as long as there are still lots available for homes to be built on is the period of time that they would like for it to be used as the model home. He said it could be a year or two years. City Planner, Dwight Pattison said the R-1 zoning regulations

allow for a model home for 18 months then if they want it extended beyond that time they would need to come back to the Planning Commission for approval. He said Planning Staff would recommend for approval for 18 months as indicated in the ordinance. There was no public comment. Commissioner Penny made a motion to approve the request for a temporary use in an R-1 zone. Commissioner Berg seconded the motion. The roll call vote was unanimous to approve the request.

A zoning request at 17101 Highway 107 from R-1 to C-3 Conditional Use. Jacksonville Water Commission, Owner. Kirby Roland with Garver Engineers was present to discuss the request. Staff Comments: City Engineer, Ellen Norvell said Engineering Staff recommends for approval. She said this is necessary to serve the Air Base and some of the surrounding areas. She said the only thing the City asks is that they not put “City of Jacksonville” on the elevated tank since it will be located in Sherwood city limits. City Planner, Dwight Pattison said our ordinance does address public utility buildings in the R-1 zoning as a conditional use so there does not have to be a commercial zoning which would be a spot zoning. He said Planning Staff recommends for approval for the conditional use in an R-1 zone. Mr. Roland said they would not have a problem not putting “City of Jacksonville” in the tank. He said they have talked with the city about putting a Little Rock Air Force Base logo on the tank if the Air Base would allow it. There was no public comment. Commissioner Berg made a motion to approve zoning request from R-1 to C-3 Conditional Use with staff approval of anything painted on the tank. Commissioner Miller seconded the motion. The roll call vote was unanimous to approve the zoning request.

A discussion to amend Ordinance No. 729 regulating accessory buildings. City Engineer, Ellen Norvell said city staff has had discussions with Mr. Magee after last month’s meeting. She said after discussing with Metroplan it appears that the way the city has been interpreting the existing ordinance has not been the way that Metroplan intended the ordinance to be read. She said in their way of looking at it is the use is what is to be determined, which would mean that a garage that is attached to the house is considered an accessory use to the structure. She said if you have an 1800sq. ft. house 2-car garage then basically you could not put any other accessory use structures on the lot. She said that what is stated in the regulation seemed to be different from what the Planning Commission and even city staff had in mind as for what the city was trying to regulate with accessory structures and residential homes.

Andy Wilson, Building Code Inspector, said the city has been operating under a different interpretation of our ordinance for years. He said Mr. Magee said that parking cars in a garage whether it is attached to the house or not is an accessory use to the primary structure.

City Planner Pattison said “accessory use” is very important.

Andy said an example Mr. Magee used is that you don’t want someone to build a 1500 sq. ft. house and attach an 8-bay garage to it. Andy said we certainly want our ordinance to be as clear as possible. We have never considered an attached garage as an accessory structure. He said under our existing ordinance, unless someone is building a 2250 sq. ft. heated and cooled house they can’t have a 3-bay garage. He said we have a lot of people now building 1900 sq. ft. houses that want the third bay. Andy said he revised the proposed ordinance that the Planning Commission discussed last month to include the definition of the ordinance and to separate detached from attached when listing the restrictions for accessory uses. Andy said he would recommend increasing the size restriction from 25% of the sq. ft. of the house to 35% to allow for those who want to build a smaller house but still have a third bay on their garage could do that without requesting a variance.

Chairman Gillham said the proposed ordinance looks good to him.

Andy said what we are basically trying to accomplish is that on regular city lots allowing a 10% to 15% increase in the size of their storage buildings then what we have traditionally allowed because we are getting so many requests for them seeing how people now days have more cars and more things that they did 25 years ago when this ordinance was written.

Becki Vassar said she couldn’t fathom a garage being attached to the house being an accessory use. She said if people have too much stuff then they need to put it somewhere out of site so that it is not objectionable to the neighbors. She said she thinks the Planning Commission, Board of Adjustments and Permits and Planning need to be sitting on top of everybody that wants to build an accessory building. She said she feels that a person’s house is the most expensive thing they buy in their lifetime and to have a neighbor a few doors down ruin your investment by being able to stick accessory buildings everywhere is not fair. She said people need to realize that they live in the city limits and they have to maintain a certain

appearance as far as the property is concerned. She said if you can afford to have all of that stuff then you can afford to rent a storage building somewhere off premise. She said her conversation with Richard Magee was that everyone needs to be very careful with accessory buildings in Sherwood and everywhere else.

City Engineer Norvell said if we are going to start enforcing that an accessory building is included in the 25% of the square footage of the house requirement then we will have houses that will have to wait 2 months before they can start construction because they could have to get a variance for the garage that is attached to the house.

Andy said he agrees that we should be very careful in dealing with this issue. He said there have been several hours of meetings between Ellen, Paul Brown and himself as the department that deals with this area. He said they have also conferred with Steve Cobb. He said we are not trying to make a big change we are just trying to have an ordinance that is clear as to what we will allow as well as make a slight increase in what people are able to do in terms of their storage buildings. He said he feels that the ordinance that is being proposed is a great solution to solve all of the current issues. He said he thinks the size restriction should not be tied to the size of the house but to the size of the lot and that is what we are trying to accomplish. He said it may be argued that it shouldn't be a maximum of 750 sq. ft. and that is should only be 600 sq. ft. but what needs to be considered and be simple as to how many square feet we would allow.

City Engineer Norvell asked Ms. Vassar what her recommendation would be.

Ms. Vassar said she thinks that storage buildings need to be seriously located because after people fill up their garage or carport or whatever they have and then park something in the yard then they go get a permit and put up a storage building and they keep on and on and there is no limit.

City Engineer Norvell asked Ms. Vassar what she considers a reasonable size for a storage building.

Ms Vassar said she doesn't think there is that many people that want bigger storage buildings than the current ordinance allows.

City Engineer Norvell said there are several permit applications turned down. They are told that they would have to apply for a variance to be able to construct a bigger storage building than our ordinance allows. City Engineer Norvell again asked Ms. Vassar what she felt was a reasonable size because we need to determine what is a reasonable size and make that the rule and stick with it.

Ms. Vassar said she thinks the Permit and Planning staff has done a good job in the past but that they need to explain to people that there are rules within the city and that if they want to go beyond those rules than they can apply for a variance and explain to them what a variance is.

City Engineer Norvell said that is exactly what her staff does. She said a variance is not supposed to be granted unless there is a hardship created by the lot. She said she thinks we are causing some problems if we keep granting variances that are not based on a hardship.

Chairman Gillham said he feels that the proposed ordinance is not unreasonable at all.

Andy said he is open to suggestions as to what is the right size for storage buildings if the size is being opposed. He said the proposed ordinance is a very restrictive ordinance, which contains two pages of rules.

City Engineer Norvell explained that in many cases people are going to be restricted to a smaller size storage building because of all of the other restrictions such as setbacks and only being allowed to cover 1/3 of your lot with structures, etc.

Ms. Vassar said she doesn't know what the right size is she just doesn't want to see Sherwood junked up. She said the new kink in it is the attached garage being an accessory use.

Commissioner Miller made a motion to recommend the proposed ordinance to the City Council as written. Commissioner Penny seconded the motion. The roll call vote was Berg-nay, Penny-aye, Miller-aye, Gillham-aye to recommend the ordinance to City Council.

Change of meeting time. A brief discussion took place regarding changing the meeting time for all future meetings from 7:00p.m. to 5:00p.m. on the

second Tuesday of the month beginning with the July 10, 2012 meeting. Commissioner Penny made a motion to change the meeting time to 5:00p.m. on the second Tuesday of the month beginning with the July meeting. Commissioner Berg seconded the motion. The roll call vote was unanimous to change the meeting time.

Under Old Business, Commissioner Berg asked City Engineer Norvell about traffic counts being taken on Maryland and Brockington whether it had to do with the study with opening Maryland Avenue. She said if it was Garver Engineers then they are doing some preliminary work and design on Maryland. Commissioner Berg said they want a round a bout on Maryland. City Engineer Norvell said they would be studying that.

There being no further business, Commissioner Penny made a motion to adjourn. Commissioner Berg seconded the motion. The roll call vote was unanimous to adjourn.

ATTEST:

Ashley Taylor, Secretary

Lucien Gillham, Chairman