

**Planning Commission
Minutes
March 12, 2013**

The City of Sherwood Planning Commission met for their regular scheduled meeting on March 12, 2013 at 5:00 p.m. at 2201 East Kiehl Avenue, Sherwood, Arkansas.

Members Present

Lucien Gillham – Chairman
Scott Miller
Forrest Penny
Albert Harris

Members Absent

Andrew Phillips

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 regular meeting on February 12, 2013. Commissioner Harris seconded the motion. The roll call vote was unanimous to approve the minutes.

A Preliminary Plat to include a variance for a private service easement for Lot 1R & 2R, Block 25 Sylvan Hills Addition, Crafton Tull, Agent.

Jerry Kelso was present to discuss the request. He said the preliminary plat contains two lots. He said one would be where the proposed Kum & Go would be and the other would be for a possible office building in the future. He said agreements for access have been made with the sellers and buyers. City Engineer, Ellen Norvell said she wants it understood that this does include a variance that can be approved by the Planning Commission instead of the Board of Adjustment for the access easement. Commissioner Penny made a motion to approve the Preliminary Plat and the variance for a private service easement for Lot 1R & 2R, Block 25 Sylvan Hills Addition.

Commissioner Harris seconded the motion. The roll call vote was unanimous to approve the Preliminary Plat and the variance.

A Site Plan for Kum & Go in the 9300 Block of Highway 107. Crafton Tull, Agent. Jerry Kelso was present to discuss the request. Staff Comments: City Planner, Dwight Pattison said all of his comments were addressed in the revision of their site plan. He said Planning Staff recommends for approval. City Engineer, Ellen Norvell said all of engineering comments have been taken care of and Engineering Staff would recommend for approval. Chairman Gillham said he thinks there should be about four or five more bushes on the east side. Mr. Kelso said that would not be a problem. There was no public comment. Commissioner Penny made a motion to approve the Site Plan for Kum & Go in the 9300 Block of Highway 107. Commissioner Harris seconded the motion. The roll call vote was unanimous to approve the Site Plan.

A Revised Site Plan for On The Border at 6000 Warden Road. Thomas Engineering Company, Agent. Thomas Pownall was present to discuss the request. Staff Comments: City Planner, Dwight Pattison said his main concern is the proposed new access easement on Warden Road. He said part of the parking area is backing into the access easement and the driveway is in the corner of the property and there is already a driveway right next to that on the adjoining property. He said there are potential conflicts there. Economic Development Director, Kelly Coughlin said there would not be any problems with the driveway as far as potential developments on the two adjoining lots. City Engineer Ellen Norvell said Engineering Staff is agreeable to the location. She said they just want to make sure that they do realize it requires the Highway Department's approval as well. There was no public comment. Commissioner Penny made a motion to approve the revised site plan for On The Border at 6000 Warden Road. Commissioner Harris seconded the motion. The roll call vote was unanimous to approve the revised site plan.

A Zoning Request for 15002 Highway 107 from R-1 to C-4. L & M Realty, Owner. Mark Weber was present to discuss the request. Staff Comments: City Engineer, Ellen Norvell said we originally were not going to allow C-4 along Highway 107 but we have allowed some. She said Engineering Staff would rather see C-3. She said she is not sure if that is appropriate for what they want to do there. Chairman Gillham said he

would prefer C-3 too. He said most of the C-4 that we have allowed out there was an existing non-conforming use. City Planner, Dwight Pattison said he has the same opinion as the City Engineer to recommend C-3 if at all possible. Mr. Weber said he bought the property as an investment back before it was Sherwood and there were no restrictions. He said he would like to have no restrictions. He said he will keep it nice and has already torn down 3 structures that were on the property that were falling down. He said he would like to keep his options open by being zoned C-4 because he is looking for a commercial leaser. Elizabeth Smith who lives next door to the property said she was opposed to the property being rezoned for commercial use. Chairman Gillham said on our Master Plan we have made all of Highway 107 from the Air Base to North Little Rock commercial. He said he would like to see C-3 instead of C-4. He said they could rezone it C-3 and in the event that he gets a buyer that would need a C-4 the owner could come back and ask for a C-4 zone or conditional use in the C-3 zone. Commissioner Penny made a motion to approve the zoning request at 15002 Highway 107 from R-1 to C-3. Commissioner Miller seconded the motion. The roll call vote was unanimous to approve the zoning to C-3.

A Zoning Request for the rear portion of 4101 E. Kiehl Avenue from C-1 to C-3. Asbury Real Estate Services, Agent. Olan Asbury was present to discuss the request. He said they are planning to put an indoor mini storage in the existing vacant building. Staff Comments: City Planner, Dwight Pattison said the shopping center that is there is a C-1 and the intent of that was to be a buffer between the C-3 zoning in front and the residential behind it. He said the expansion of the C-3 area should not have any negative impact on the residential area behind it due to the wooded buffer in between. He said Planning Staff would recommend for approval of the rezoning. City Engineer, Ellen Norvell said Engineering Staff would recommend for approval also. Thuanv Nguyen said he would like for a retail business go into the vacant building so it would generate more revenue in for everyone around. Commissioner Penny said he hates that another grocery store is not going back in there but the building has been vacant for so long we need something to go back in there. Commissioner Penny made a motion to approve the rezoning for the rear portion of 4101 E. Kiehl Avenue from C-1 to C-3. Commissioner Miller seconded the motion. The roll call vote was unanimous to approve the rezoning.

A Zoning Request for 9616 Highway 107 from R-1 to C-3. Kelsey Dum, Agent. Kelsey Dum was present to discuss the request. Staff Comments:

City Planner, Dwight Pattison said the Land Use Plan recommends for strip commercial in the area and C-3 is a allowable zone in the area. He said C-1 is preferred but C-3 is allowable based on the Land Use Plan. He said his major concern is the Cardinal Lane neighbors however it has been commercial for years. He said approval of the C-3 is what he would recommend but C-1 is an allowable use. City Engineer, Ellen Norvell said she wanted to clarify if the intent of the request included both structures on the lot. Mr. Dum said both buildings are owned by the same property owner and he was under the impression that it was already zoned C-3 as is his business therefore he recommended the C-3 so it would be the same as his current business that is there. City Engineer Norvell said she just wanted to make sure that was the intent was to include the entire lot and not just a portion of the lot. She said Engineering Staff would recommend for approval. She said is has been in use for a long time as a commercial lot and it meets the size requirements for a commercial lot. There was no public comment. Commissioner Penny made a motion to approve the zoning request for 9616 Highway 107 from R-1 to C-3. Commissioner Harris seconded the request. The roll call vote was unanimous to approve the zoning request.

A Zoning Request for 101 Hillwood Drive from R-1 to C-1. Marlar Engineering, Agent. Jason Bouwknecht was present to discuss the request. Staff Comments: City Engineer, Ellen Norvell said this request is a little different in that the property itself would probably lend itself to C-1 usage since it does front on Highway 107 however if it is rezoned that does not mean that the house that is on that lot would work for a C-1 use. She said it is difficult to get the parking and setbacks and some of those things. She said the access is off of a residential street so if they were able to get access off of Highway 107 it might be acceptable. She said it has been a neighborhood and would hate to see the neighborhood turn into a commercial area. She said Engineering Staff doesn't really have a problem with rezoning the property on Highway 107 but they would want to see a site plan for the development of that property and not accept the structure that is there as a commercial building just because of the rezoning. City Planner, Dwight Pattison said this is a real difficult situation. He said looking at the submitted site plan if they wanted to utilize parking in the rear but access the property from Hillwood Drive there is virtually no way to get around the house. He said if they had access from Highway 107 to the rear of the property you have the school crosswalk right there and that is a concern. He said if redeveloped they would have to meet a 40' front setback

and a 20' rear setback and the lot is only 67' wide on the north property line so there would only be 7' for a building. Mr. Bouwknecht of Marlar Engineering said his client planned to open a nail salon there with parking behind the house. He said they planned to remodel the inside of the house but were not going to change the existing exterior of the house. Sonny Sisson, Ann Lang and Karen Peterson all of Hillwood Drive spoke of their concerns of increasing the traffic flow into the neighborhood on Hillwood Drive if rezoned. Mr. Sisson presented a petition with 54 signatures against the rezoning from the neighborhood. There were approximately 20 people from the neighborhood in attendance that were in opposition of the rezoning. Commissioner Penny made a motion to deny the zoning request of 101 Hillwood Drive from R-1 to C-1. Commissioner Harris seconded the motion. The roll call vote is unanimous to deny the zoning request.

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

ATTEST:

Ashley Taylor, Secretary

Lucien Gillham, Chairman