

Sherwood Planning Commission Minutes

January 11th, 2022 – 5:00 p.m.

Zoom Meeting

Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Knight
 - Martin
 - Middleton
 - Bruno
 - Gillham
3. Approval of December 14th, 2021 Meeting Minutes
 - Martin made a motion to approve the December 14th, 2021 Meeting Minutes.
 - Bruno seconded the motion.
 - Unanimous roll call vote to approve the December 14th, 2021 Meeting Minutes.
4. Approval of the Agenda
 - Chairman declared the agenda as set.
5. Election of Chairman
 - Gillham nominated Robert Middleton as Chairman.
 - Martin seconded the nomination.
 - Middleton abstained. Knight, Martin, Bruno and Gillham voted to elect Robert Middleton as Chairman.
6. Election of Vice-Chairman
 - Bruno nominated Blake Martin as Vice-Chairman.
 - Knight seconded the motion.
 - Martin abstained. Knight, Middleton, Bruno and Gillham voted to elect Blake Martin as Vice-Chairman.
7. Preliminary Plat of Lots 18 and 19, Hum's Subdivision. Jim Butler Surveying, Agent.

- Shelby Schmittou, City Planner, stated that the applicant never addressed Staff comments and asked the Commission to table this item.
- Bruno made a motion to Table.
- Jim Bagwell, representing Jim Butler, stated the comments were emailed to Staff the day he received them.
- Ms. Schmittou stated that the .dwg file sent back did not address Staff comments.
- Mr. Bagwell stated that he did address every comment.
- Chairman asked for the plat to be pulled up on the screen.
- Mr. Penn stated that he was able to pull up the submittal and he sees that several items were addressed.
- After several attempts to pull up a digital copy of what was submitted by the applicant, Mr. Penn stated that he feels comfortable recommending the Commission approve the Preliminary Plat and resolve any details before the approval of the Final Plat. This is not a full subdivision and has been platted a lot at a time. He stated that he is familiar with these lots and is not opposed to the Planning Commission approving this Plat.
- Chairman stated that with the holidays, things could definitely fall apart. But he made a commitment to the Mayor years ago that the Planning Commission would only approve the Plats that were ready to be approved. He left it to the other Commissioners.
- Martin stated that the item is for a Preliminary Plat, not a Final.
- Staff confirmed that was correct.
- Martin asked why the plat shown states Final.
- Ms. Schmittou stated that this was what was sent to Staff as an update.
- Mr. Penn stated that he was looking at the Preliminary in the Packet.
- Mr. Bagwell stated that he dropped this item off in November in addition to submitting .pdf files.
- Martin stated that the comments made were not very significant and he doesn't see an issue approving a Preliminary Plat and that all things can be completed before the Final Plat.
- Chairman stated that would need to be corrected before the signature of the Chairman.
- Martin agreed to make that part of the motion.
- Martin made a motion to approve Preliminary Plat of Lots 18 and 19, Hum's Subdivision pending the Staff comments are addressed.
- Bruno seconded the motion.
- Unanimous roll call vote to approve Preliminary Plat of Lots 18 and 19, Hum's Subdivision pending the Staff comments are addressed.

8. Replat of Lot 5RR, Sherwood Commercial Park. Holloway Engineering, Agent.

- Ms. Schmittou explained this a Replat. The applicant has addressed Staff Comments.
- Chairman stated that the signature block needs to state Chairman or Vice-Chairman.
- Ms. Schmittou stated that Staff would take note of that amendment.
- Gillham asked for clarification of the location of this property.
- Ms. Schmittou explained it is off of Lantrip and Hunter's Cove. The request is to absorb the northern lot into the main lot where Interstate Battery exists.
- Martin made a motion to approve Replat of Lot 5RR, Sherwood Commercial Park.
- Bruno seconded the motion.
- Unanimous roll call vote to approve Replat of Lot 5RR, Sherwood Commercial Park.

9. Site Plan of The Woodland's. Crow Group, Agent. (Public Hearing)

- Chairman stated that in reviewing this item and the Planned Unit Development section in the Zoning Code, the first step in the Long Form, requires the Preliminary Plat be approved first. That does not require a Public Hearing. Secondly, there is no Public Hearing required for the Final Development Plan, but in being totally transparent, we will hold a Public Hearing. Additionally, it is not a Site Plan. The Preliminary Plat must be approved by the Commission and the Final Development Plan can be approved by the Enforcement Officer or City Engineer, unless the City Engineer asks the Commission to approve in his stead. The first item to be heard would need to be the Preliminary Plat.
- Mr. Penn stated that as a complete submittal (set), he thinks everything is available so that the Preliminary Plat can be approved.
- Chairman read the section from the Zoning Code regarding approval of the Final Development Plan. If all the information is available, just not in a stand-alone document, he feels the Commission can go ahead and approve this. The Preliminary Plat still needs to be created for signatures and recording.
- Martin stated that he agrees that everything required is included to create the necessary document.
- Gillham made a motion to approve Preliminary Plat of The Woodland's.
- Martin seconded the motion.
- Unanimous roll call vote to approve Preliminary Plat of The Woodland's.
- Chairman explained that the second part of this is that this is a Final Development Plan. This can be approved by the City Engineer, however, because it was advertised as a Public Hearing, he will open that up.
- Chairman opened public hearing and asked if anyone online wished to speak or if any written comments had been sent to staff.

- Ms. Ussery stated no comments were provided to Staff.
- Chairman closed the Public Hearing.

10. Rezone Request at Lot A, Wandering Ridge Subdivision. Minton Engineering, Agent.
(Public Hearing)

- Ms. Schmittou stated that this is a Rezone request for a C-3 Conditional Use for a vacant lot to potentially develop a mini-storage development.
- Chairman asked if they provided any documentation regarding the special conditions required in a C-3.
- Ms. Schmittou stated that they were provided the requirements and have provided the correct documentation.
- Mr. Minton, with Minton Engineering, and Mr. Jez, the owner, were available to answer questions from the Commission.
- Chairman stated that this is a permitted use with Conditions.
- Mr. Minton stated that he is aware of the requirements for Storage Facility and the building requirements.
- Chairman stated that it is possible to add conditions with how it relates to the adjoining properties.
- Chairman opened the Public Hearing.
- Ms. Ussery stated no comments were provided to Staff.
- There being no comments submitted or requests to speak, Chairman closed the Public Hearing.
- Chairman stated that he went and looked at the site and this development will block the houses back there and that fifty (50) foot buffer will need to be significant to protect those houses. He asked the applicant what was going to be placed in the buffer.
- Mr. Minton stated that the landscaping has not been determined. He agreed to discuss it now or at the Site Plan Review. He stated that they would plant something fast growing, evergreen foliage.
- Chairman asked specifically what he suggested planting.
- Mr. Minton stated that he didn't have a plan at this time, he was reading the requirements in the Code.
- Chairman explained that this is a two-step process because the Commission needs to be comfortable in what they think would protect the adjacent residential units and two, if the City Council approves this Conditional Use it becomes a Site Plan Review.
- Mr. Minton stated that they would be open to specific landscaping.
- Chairman asked if they would be open to fencing.
- Mr. Minton stated that the building would act as the fence.
- Mr. Penn stated that the application of an expansion of a mini-storage facility and the property abutted R-3 apartments and the requirement was for visual

screening which could be achieved of a fence of sufficient height, maximum of eight (8) feet screening the facility from the adjacent property. If the objective is to have the facility open, he believes that a fifty (50) foot buffer would be a sound buffer and to obscure visibility.

- Chairman stated that the elevation of the property is similar to that of the houses. How tall are the ten buildings going to be?
- Mr. Minton stated that they will not be as tall as a commercial building, typically the eave height is around eight (8) feet and they will only be one story. He stated that his understanding was that the vegetative buffer acts as screening.
- Chairman stated that several of the houses did have some evergreens on the back of their properties.
- Mr. **Jim** Jez, owner, stated that he and his son are the builders of the homes in that subdivision. He further stated that they are building the storage units and they want to have a very good looking buffer and screening the evergreens or whatever trees chosen will follow the City stipulations.
- Chairman stated that the proof will be in the Site Plan.
- Mr. Jez stated that the building and then adding a fence would be redundant. He stated that there will be screening and a buffer to make it look good.
- Gillham stated that the vegetative buffer should be thick, deep, and high...possibly fifteen (15) feet deep and just as high. The local residents should look out and not see any buildings.
- Mr. Jez disagreed stating that the buildings will look good and be uniform. The trees out there are already twelve (12') tall. He stated you don't want a wall of vegetation, you want nice landscaping.
- Mr. Penn stated that he has learned that the houses are on the natural grades, ten (10) feet higher than the front of the storage buildings. If a resident had a six (6) foot privacy fence and the storage building is downhill, it is likely they will not see the buildings anyway. So, including a fifty (50) foot buffer and the trees that are already there, the elevations are working in our favor.
- Bruno asked if the City was at the saturation level of mini-storages along Hwy 107.
- Chairman stated that that question keeps coming up but, it is a permitted use and we can't tell them they can't do it.
- Knight asked what Mr. Penn's recommendation was.
- Mr. Penn stated that it needs to be defined what goes into the buffer, the height is the most critical component. Vegetation that has the ability to mature in the ten (10) to twelve (12) foot range.
- Chairman stated that the Landscaping Section states that it must reach the height by three (3) years.

- Ms. Schmittou confirmed that three (3) years is correct.
- Martin made a motion to recommend the City Council approve the Rezone Request at Lot A, Wandering Ridge Subdivision with the Condition of plantings in the buffer that will reach twelve (12) to fifteen (15) foot maturity within three (3) years.
- Knight seconded the motion.
- Bruno and Gillham voted no. Knight, Martin, and Middleton voted to approve the Rezone Request at Lot A, Wandering Ridge Subdivision with the Condition of plantings in the buffer that will reach twelve (12) to fifteen (15) foot maturity within three (3) years.

11. Amend the Land Use Plan at 502 E. Kiehl Avenue from Office/Buffer Area, Conservation, and Suburban Single Family to Large Scale Multi-Family. Whitlow Engineering, Agent. (Public Hearing)

- Ms. Schmittou stated the current zoning is R-2. Staff sees issues with the applicant's request due to the current zoning and buildable area. She pulled up a map showing the FEMA defined regulatory floodway and explained during a hundred year flood event, that's where water moves the quickest and the fastest, therefore a third of this property is floodplain to some degree. The R-2 Small-Scale Multi-Family is more inline with the applicant request, so Staff sees issues with amending the Land Use Plan.
- Chairman opened the Public Hearing.
- The below comments were read by Staff on behalf of the applicants: the entirety of the comments submitted in writing are maintained in the files, but are summarized here for the sake of brevity.
 - Ronald C. O'Neill, 502 E. Lee Avenue, spoke against this item stating issues with flooding,
 - C. Dean and Helen Freeman, 1 Overton Cove, spoke against this item stating issues with flooding, sewage issues, entry/exit points for emergency vehicles, and insufficient easement.
 - Bob Osborne, 11511 Crystal Bay Circle, spoke against this item stating issues with flooding, lack of notification,
 - Nikita Sanders, 2 Overton Cove, spoke against this item stating potential privacy issues along the back of her house, dumpsters that would attract more animals in addition to the smell, and decreasing property values.
 - Shirley Stephens Benda, 416 E. Lee, spoke against this item stating issues with narrow roads, lack of sidewalks, and flooding. All have been issues for over 50 years.
 - Rebecca White, 423 E. Lee Avenue, spoke against this item stating issues with flooding, decreased property values, lack of privacy, an increase of crime and create safety issues, and lack of notification.

- Mark Osborne spoke against this item stating issues with lack of notification, flooding, decreased property values,
- Keith Heslep, 3 Overton Cove, spoke against this item stating issues with flooding, lighting concerns, unsuitable ingress/egress,
- Rick Shockley, spoke against this item stating issues with lack of notifications, flooding, and sewer issues.
- Mr. Whitlow, with Whitlow Engineering, stated that they are aware of the drainage and regulatory floodplain that runs along the east side of this property. That is partially why they brought in this request. The current zoning is R-2 allowing up to a fourplex unit. There is a previous Site Plan approved for this site of about 27 units, the acreage can hold up to about 40 units under an R-2 zone. They are proposing to essentially sprawl the units across the site. They are not seeking Rezone at this time, simply amending the Land Use Plan. He believes that a PUD would benefit the site more than an R-3 would be more conducive to this property by going vertical and allowing for trails and a clubhouse. He stated that with the current R-2, he wasn't sure the R-2 would allow them to do what they are requesting in an R-2, they are more than happy to do that. Their understanding was to change the Land Use Plan before coming back with any time of Multi-Family development.
- Ms. Schmittou stated that the applicant would need to submit something to Staff for review under R-2 or PUD.
- Chairman stated that is premature to determine what to do, depending on how tonight goes, then they would need to read the regulation and submit appropriately.
- Chairman closed the Public Hearing.
- Gillham stated that he has crossed that bridge for 47 years and has seen it flood many times. The developments north of Kiehl, both Wal-Marts, turned grass fields into paved areas and the runoff has been tremendous.
- Knight made a motion to deny to Amend the Land Use Plan at 502 E. Kiehl Avenue from Office/Buffer Area, Conservation, and Suburban Single Family to Large Scale Multi-Family.
- Gillham seconded the motion.
- Unanimous roll call vote to deny to Amend the Land Use Plan at 502 E. Kiehl Avenue from Office/Buffer Area, Conservation, and Suburban Single Family to Large Scale Multi-Family.

12. Old Business

- Chairman mentioned the work being done on the Air Force Base Compatible Use Study and Implementation Plan. The Committee held a meeting this week and are starting to work on what type of legislation may be necessary

to clarify where the City's responsibilities lie. There is a question right now about Sherwood, Jacksonville and North Little Rock need to zone five (5) miles outside their zoning boundaries. It is ongoing, stay tuned.

13. New Business

- Jim von Tungeln –Zoning Code Revision Update
 - Mr. von Tungeln stated that the Commissioners will be receiving a first draft of the Zoning Code revisions. He explained that what is struck through he is proposing to be omitted, what is underlined is what has been added, things with neither remain the same. Staff will clean up any misspellings or grammatical issues. He stated that he revised a Landscape code from another City that is much more readable and understandable than what Sherwood currently has. He is also reviewing the Land Subdivision and Development Code. The Planning Doctrine states that Planning Commissioners act as three (3) different categories including the Board of Zoning Adjustment. Reviewing the Zoning Code, the Commissioners act in a legislative capacity and while reviewing the Subdivision Code which is an administrative posture, reviewing Plats. In Board of Zoning Adjustment you are in a quasi-judicial phase. He stated that he is available if the Commissioners would like to have a special meeting in order to review the Code. He asked the Commissioners to review the Schedule of Use section and Conditional Use. A Conditional Use in Sherwood has been treated like a Rezoning and that's not how he has been trained. It is more of a special permission only allowed on specific sites with critical review.
 - Knight asked when they would get a copy.
 - Ms. Ussery stated the copies and emails would go out tomorrow.
 - Chairman advised the Commissioners to study the updates and to not be afraid to ask questions.

14. Adjournment

- Bruno made a motion to adjourn.
- Martin seconded the motion.
- Unanimous roll call vote to adjourn.

PASSED AND ADOPTED THIS 9th DAY OF February, 2022.



PLANNING COMMISSION CHAIRMAN

Almy

PLANNING COMMISSION SECRETARY