

Sherwood Planning Commission Minutes

March 14th, 2023 – 6:00 p.m.
2201 E. Kiehl Avenue, Sherwood, AR 72120
Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Middleton
 - Bruno
 - Gillham
 - Martin
3. Approval of February 14th, 2023 Meeting Minutes
 - Martin made a motion to approve the February 14th, 2023, meeting minutes.
 - Bruno seconded the motion.
 - Unanimous roll call vote to approve the February 14th, 2023, meeting minutes.
4. Approval of the Agenda
 - Shelby Schmittou, City Planner, stated that the applicant has requested to table Item #6, Watts Subdivision. (See item #6 for vote.)
 - Ms. Schmittou added two Final Plats to Old Business and a discussion item to New Business.
 - Chairman declares the agenda as set.
5. Replat of Lots 30R and 31R, Stone Subdivision, also known as 8 Frostwood. Bond Consulting Engineers, Agent.
 - James Walden, Consultant City Planner stated that this application is not within City limits but is within the territorial jurisdiction. Staff has conferred with Pulaski County Planning Department and their practice is that if it falls within the Cities territorial jurisdiction, they will defer review. The applicant wants to plat the parsonage separately in order to sell. This consists of two properties, Lot 31 and Lot 30. There is some additional property to the North that has not been included in this application. This is an area set aside for single family homes, based on that, it is consistent with the Land Use Plan for that purpose. Jacksonville Cato is a minor arterial. The frontage of this particular lot is on Frostwood, whereas the other lots are fronted

along Jacksonville Cato. During Staff review, it was determined that the inclusion of the northern property be included in the plat. The church building is located on both lots 32 and 31R. Staff recommends tabling this item to allow the applicant to make changes to the plat or deny it if the applicant is unwilling to do that.

- Chairman stated that he looked at Pagis and he did not see Lot 31, only Lot 30 and 32. He requested clarification/confirmation that they are not subdividing two lots into three.
- Mr. Walden stated that is functionally treated as one parcel on Pagis by the county because there are two lots where a structure has been built over them, but it is lots 31, 32 and 30.
- Chairman asked if it was never re-platted.
- Mr. Walden confirmed that it was not re-platted when the structure was built. When a lot is platted, that confers the idea that it is a legal piece of land that can be transferred.
- Chairman stated that the buildings need to be shown on the survey.
- Tommy Bond, Bond Consulting Engineers, stated that the church's objection is the additional cost to plat.
- Rickey Stone, 31 Single Oak Drive, is a church member. He stated that the parsonage, Lot 30, was the original church. They bought the other lots and built the new churches. The parsonage has been used as a rent house and the church has decided to sell it. He understands the building encroaches.
- Chairman asked if there was a survey when the Education Building was built.
- Mr. Stone stated that he was told there was when they built the building.
- Chairman stated that he doesn't have any issues with what they want to do, but his concern is platting something and leaving an encroachment on a piece of property. He would like to see the survey to make sure the platting is being done legally.
- Martin agreed, he doesn't want to approve a plat that doesn't solve one of the problems.
- Bruno agreed.
- Chairman stated that they can only disapprove the plat or table it and let them get it into compliance.
- Martin stated if the line on the North side is wrong, this would turn into a replat of 30, 31 and 32.
- Mr. Stone stated that if the church owns all remaining property, until such a time they decide to sell the rest of it, he asked if they could replat it at that time.

- Chairman stated that it should have been platted at the same time so the buildings were all on one parcel.
- Mr. Bond stated that he heard conversation that the building is 4 feet north of the proposed property line. He does not believe that the building is on Lot 30, but he doesn't have proof of that with him. Mr. Stone is concerned about losing his buyer if they delay it. He asked if they could provide proof that the building is on the lot...
- Bruno asked about the lay out of the lot.
- Chairman stated that they are trying to ensure the building line of Lot 31, making sure that the building does not encroach on Lot 32.
- Martin stated that they are changing the boundary of Lot 31, so if there is an encroachment from 31 to 32, it needs to be resolved. It is modifying the boundary. There is an encroachment on a lot that is not on this plat.
- There was discussion on the technicalities of the lot and how to resolve the issues.
- Chairman stated that he prefers to table this to next month. The solution is to replat three lots or sell of Lot 30.
- Martin agreed. However, he isn't convinced the Family Life Center doesn't cross that line either, that building looks way wider than the lot dimension.
- Mr. Walden stated that would also allow you the opportunity to fix the easement encroachment and relocate the easements between Lots 31 and 32.
- Chairman stated that if it is tabled, you can bring it back with a redesign. Otherwise, it would have to go through the entire platting process.
- Martin stated that if they table it, the applicant can come back next month, however, if they deny it, they'd be in the May meeting.
- Mr. Stone agreed to table the item, stating, "Yes, if that's the best deal we're going to get."
- Martin made a motion to table the Replat of Lots 30R and 31R, Stone Subdivision, also known as 8 Frostwood.
- Bruno seconded the motion.
- Unanimous roll call vote to table the Replat of Lots 30R and 31R, Stone Subdivision, also known as 8 Frostwood.

6. Preliminary Plat of Lots 1 and 2, Watts Subdivision. Thomas Engineering, Agent.

- See #4, Approval of the Agenda.
- Bruno made a motion to Table the Preliminary Plat of Lots 1 and 2, Watts Subdivision.
- Martin seconded the motion.

- Unanimous roll call vote to Table the Preliminary Plat of Lots 1 and 2, Watts Subdivision.

7. Site Plan at 103 Hunter's Cove. Thomas Engineering, Agent. [Public Hearing]

- Ms. Schmittou stated that the original Site Plan was approved in June 2022. They are now requesting a phased additive to the Site Plan that will encompass a gravel storage area to the East, along with an additional curb cut. She noted that there is an existing gravel area as part of the original Site Plan to the North. They are additionally requesting a waiver of the fence requirements, they have encroached 10 feet into the front yard setback. They will have two gates for security purposes.
- Chairman suggested two separate motions: one for the waiver and one for the Site Plan.
- Chairman opened the Public Hearing.
- There being no comments, Chairman closed the Public Hearing.
- Martin made a motion to approve the fence waiver at 103 Hunter's Cove.
- Bruno seconded the motion.
- Chairman asked for a vote on the Site Plan.
- Unanimous roll call vote to approve the fence waiver at 103 Hunter's Cove.
- Martin made a motion to approve the Site Plan at 103 Hunter's Cove.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the Site Plan at 103 Hunter's Cove.

8. Discussion regarding amendments to Planning Commission Bylaws.

- Chairman stated that at the last Commission meeting, there was discussion on changing bylaws for the Planning Commission and Board of Zoning Adjustment in order to change the starting time. During that conversation, there were several questions, one of which was in regards to Public comments times. He doesn't know where it came from, it is similar to Council's. He used that as an opportunity to review the bylaws.
- Chairman read through the suggested updates.
- Martin asked if January would be an appropriate month for Staff to give an update.
- Ms. Schmittou stated that would be fine.
- Mr. Walden believes that it would be a good thing to do. It doesn't mean Staff would produce a lot of data, but throughout the year, we could identify certain issues.
- Chairman stated that he likes to note what rezones are happening where. That would explain the bigger picture of what the Plan is for.
- Chairman continued to read through the suggested updates.
- Bruno stated that he liked the way this was written.

- Chairman will work on a draft of the bylaws.

9. Old Business

- Final Plat of Lots 1-7, Patton Addition.
 - Ms. Schmittou stated that the Preliminary Plat of this item was approved in November 2022. As of yesterday, CAW was out projecting to place the fire hydrants, which was the last step for improvements. Staff sees no issues with approval.
 - Bruno made a motion to approve the Final Plat of Lots 1-7, Patton Addition.
 - Martin seconded the motion.
 - Unanimous roll call vote to approve the Final Plat of Lots 1-7, Patton Addition.
- Final Plat of Trammel Loop Phase 1.
 - Ms. Schmittou stated that this item was originally approved in March 2022. She has a letter from the Engineering Inspector, who has done a walk through, and he sees no issues.
 - Martin made a motion to approve the Final Plat of Trammel Loop Phase 1.
 - Bruno seconded the motion.
 - Unanimous roll call vote to approve the Final Plat of Trammel Loop Phase 1.

10. New Business

- Discussion regarding determination of uses not listed in the Sherwood Zoning Code.
 - Ms. Schmittou stated that Staff has received a request from an applicant for 8700 Warden Road. Greyhound Bus Services is wanting to acquire the building and start a Greyhound service here. Staff has an issue because this particular use is not included in the Schedule of Uses, but we do not have an option to allow Staff to make a determination. The best reference Staff could obtain is to taxicab companies and services, which goes back to Ordinance 1029. She reviewed the uses in the Industrial Classification Manual, Major Group 41 encompasses taxi cabs as well as intercity and rural bus transportation services. Staff is seeking discussion and a recommendation from the Commission.
 - Chairman stated that there will not be a vote, this is just for discussion and advice.
 - Bruno asked if this is for a bus terminal.
 - Ms. Schmittou stated that the request has not gotten that far. But everything involving tax cab services is allowed in a C-4.

- Chairman stated that it would be valuable to hear from someone from the Company.
- Alex Merceyo stated that he will be the purchaser and will lease the property to Greyhound. The plan would be to house about three buses at this substation. Mr. Arnett spoke to Josh Alexander and he referenced a C-4 zoning classification, such as a semi-truck terminal.
- Bruno asked about the acreage.
- Mr. Merceyo stated that it is about an acre and a half and there's a 5000 square foot building to house the people.
- Chairman stated that this is typical. He's never seen a Use Table that encompasses everything that's been requested. He believes a terminal is close enough to taxi cabs.
- Chairman stated that this would be close enough to the existing use for Staff to make that determination.
- Martin and Bruno agreed.
- Chairman stated that it is the sense of the Commission that it will be a permitted use.

11. Adjournment

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

PASSED AND ADOPTED THIS 11th DAY OF April, 2023.



PLANNING COMMISSION CHAIRMAN



PLANNING COMMISSION SECRETARY