

# Sherwood Planning Commission Minutes

April 11<sup>th</sup>, 2023 – 6:00 p.m.  
2201 E. Kiehl Avenue, Sherwood, AR 72120  
Rob Middleton, Chairman

## Agenda Items

1. Call to Order
2. Roll Call
  - Bruno
  - Gillham
  - Martin
  - Middleton
  - Abernathy
3. Approval of March 14<sup>th</sup>, 2023 Meeting Minutes
  - Bruno made a motion to approve the March 14<sup>th</sup>, 2023, meeting minutes.
  - Martin seconded the motion.
  - Unanimous roll call vote to approve the March 14<sup>th</sup>, 2023, meeting minutes.
4. Approval of the Agenda
  - Chairman added Millers Glen Phase 9 as an item to Old Business.
  - Shelby Schmittou, City Planner, added two items under New Business; 1 – Final Plat of Lots 59-60, Block 60 of Creekside 8 and 2 – Replat of Lot 19R, Block 18 of Stonehill Phase 7.
  - Chairman declares the agenda as set.
5. Replat of Lots 30R and 31R, Stone Subdivision, also known as 8 Frostwood. Bond Consulting Engineers, Agent.
  - Ms. Schmittou stated that this replat was heard last month. It is within the City's territorial boundary. Staff provided comments and the applicant has made amendments.
  - Martin made a motion to approve the Replat of Lots 30R and 31R, Stone Subdivision, also known as 8 Frostwood.
  - Bruno seconded the motion.
  - Unanimous roll call vote to approve 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.

- Ms. Schmittou stated this item was tabled last month. Staff requests this item be tabled again due to redesign. The amended plat came in on Monday, April 10<sup>th</sup> and Staff has not completed a thorough review.
- Martin made a motion to table the Preliminary Plat of Lots 1 and 2, Watts Subdivision.
- Gillham seconded the motion.
- Unanimous roll call vote to table the Preliminary Plat of Lots 1 and 2, Watts Subdivision.

7. Replat of Lots 2 and 3, Griffin Legacy Addition. Crafton Tull, Agent.

- Ms. Schmittou stated the applicant is acquiring a portion of Lot 2 to include in Lot 3. This replat is for Lots 2 and 3 only and Lot 1 will remain untouched.
- Bruno made a motion to approve the Replat of Lots 2 and 3, Griffin Legacy Addition. Crafton
- Gillham seconded the motion.
- Unanimous roll call vote to approve the Replat of Lots 2 and 3, Griffin Legacy Addition. Crafton

8. Rezone of 405 E Lee Avenue from C-3 to R-1. Crafton Tull, Agent. [Public Hearing]

- Ms. Schmittou stated that Staff recommended the applicant apply for this rezone along with the replat. Although not illegal, Staff doesn't recommend split zoning property.
- Chairman opened the public hearing.
- Billy Richards, 303 E Lee, stated that there are light, sound and traffic problems already. He spoke against apartments.
- Chairman stated that this will not be apartments.
- Ms. Schmittou explained the request to Mr. Richards.
- Mr. Richards then asked for a Stop Light.
- Chairman recommended he take the request to Staff.
- John Fedar, owner of 405 E Lee, he stated that this would not be buildings or anything.
- Chairman closed the public hearing.
- Martin made a motion to approve the Rezone of 405 E Lee Avenue from C-3 to R-1.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the Rezone of 405 E Lee Avenue from C-3 to R-1. The item will go to City Council on April 24<sup>th</sup> at 6pm for final approval.

9. Rezone at 604 Ridgelea from R-1 to R-2. Paul Wilson, Owner. [Public Hearing]

- Ms. Schmittou stated that this property is existing Single Family Residential, R-1. There is a vacant existing residence. Staff sees no issues with the request as it is consistent with Vision 2040.
- Chairman opened the public hearing.
- Candi Ussery, Planning Commission Secretary read three written comments. (Attached)
  - Kathryn Brush, 507 Ridgelea, spoke in opposition to this item due to decreased value of existing homes and raised concerns of them not being well maintained.
  - Julie Shamhart, 508 Ridgelea, spoke in opposition to this item. She has concerns about upkeep and criminal activity. She also had concerns about the certified letter requirements.
  - Anna Haver, 509 Ridgelea, spoke in opposition to this item. She has concerns about upkeep and criminal activity in addition to the decreased value of existing homes. She also had concerns about the certified letter requirements.
- Leila Perez, 108 Red River Drive, spoke on behalf of Paul Wilson, stated that Paul Wilson owns Salon Professional Academy and owns several rental properties in Sherwood. Ms. Perez and her husband will co-own this property with Mr. Wilson. She stated that she understands the concern of rental properties not being maintained. She did meet the mail out requirements as required by the City. She stated that this will be brand new duplexes and will not have riff-raff in them. Mr. Wilson maintains a high standard of properties and renters. Regardless of homeowners liking rental properties, people need places to rent and if there are not nice, high-quality places to live in Sherwood, they will go elsewhere. As business owners, they have an interest in improving Sherwood. The goal is to build nice duplexes. Not everybody that rents is a lower-class citizen, it is not right that all rental properties be seen this way. She brought drawings of the proposed duplexes.
- The Chairman stated that if it is approved through Council, then a Site Plan would be required, then the Commission would want to see drawings.
- Ms. Perez also stated that the structure is a dilapidated mobile home. Given the state of the property currently, she does not believe that building duplexes will decrease the value of property, but rather increase the property value.
- Chairman closed the public hearing.

- Chairman stated that the vote should be for the best use of the property, it does not negate the rights of the surrounding owners and is consistent with the plan.
- Chairman stated that the reason to vote needs to be clear. Additionally, he wants a positive motion.
- Martin stated that Office should be a buffer between commercial and residential, the multi-family would adhere to that.
- Chairman agreed, residential would likely be better than commercial.
- Martin made a motion to approve the Rezone at 604 Ridgelea from R-1 to R-2.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the Rezone at 604 Ridgelea from R-1 to R-2. The item will go to City Council on April 24<sup>th</sup> at 6pm for final approval.

10. Site Plan at 2020 Lantrip (Interstate Battery). Bond Consulting Engineers, Agent. [Public Hearing]

- Ms. Schmittou stated that the applicant has addressed all Staff comments and Staff sees no issues.
- Chairman opened the public hearing.
- Chairman closed the public hearing.
- Bruno made a motion to approve the Site Plan at 2020 Lantrip (Interstate Battery).
- Gillham seconded the motion.
- Unanimous roll call vote to approve the Site Plan at 2020 Lantrip (Interstate Battery).

11. Rezone at 1417 Hatcher from R-1 to C-1. Bond Consulting Engineers, Agent. [Public Hearing]

- Ms. Schmittou stated that Staff had no comments. Originally Staff thought the request was for C-3, it was indeed for C-1. Although this is not the highest zoning classification along Highway 107, the sale is contingent upon the Commercial zoning. There is potential for the applicant to come back and request C-3 in the future.
- Chairman opened the public hearing.
- Don Ellis, 25 Cinnamon Drive, asked what they were proposing to put at this location. There is limited property and access.
- Chairman stated that he doesn't know. Anything allowed in the commercial zone would be eligible to locate there. They can only determine if the use is appropriate for the location regardless of what type of use goes there. Other elements of the Zoning Code will dictate how they can locate on the

property, what the setbacks would be, what kind of landscaping would be required and so forth.

- Mr. Ellis asked if C-1 was limited to small businesses.
- Chairman stated that C-1 is Neighborhood Commercial.
- Mr. Ellis asked if a junk yard was allowed.
- Chairman confirmed a junk yard would not be allowed.
- Joy Evans, 7608 Hayley Drive, spoke in opposition to this item because it would disrupt their quiet neighborhood with noise, traffic, lights and decreased property values.
- Richard Davis, 1501 Hatcher, spoke against this item due to increased traffic and decreased value of homes.
- Tommy Bond, applicant, stated that a condition of purchase is obtaining a commercial zoning. This property has a Hatcher address, but the drive on Hatcher is only 20 feet wide. The main frontage is along Highway 107.
- Chairman closed the public hearing.
- Chairman reminded the Commissioners that the vote should be for the best use of the property. He noted that the Plan calls for Corridor Commercial and the Plan does not mention C-1 zoning classification. In fact, the recommended zoning classification would be C-3 or C-4. Which C-4 is not allowed except along 67/167. Additionally, it does not make sense to have any access on Hatcher. When comparing the lot requirements of C-1 to C-3, there are extensive in C-3, but hardly any in C-1. In his opinion, C-3 makes more sense in this location. The Commission can decide what the appropriate classification should be and recommend to the Council. Neighborhood Commercial does not make sense on Highway 107. C-3 requires extensive setbacks and screening abutting residential properties.
- Martin agreed that C-3 would be more appropriate.
- James Walden, Consultant Planner, clarified that there is no mention for C-1 in any land use types. The purpose is that C-1 was not contemplated to be a district going forward for many of the reasons that were identified.
- Chairman stated that Neighborhood Commercial is typically a conditional use in residential or mid-density commercial location. C-3 makes more sense to him.
- Gillham asked if they are contemplating C-3.
- Chairman stated the request was for C-1, however, what do they want to recommend to the Council.
- Martin stated that he prefers C-3 because of the stricter Site Plan with setbacks and screening to protect the neighbors.

- Martin made a motion to approve the Rezone at 1417 Hatcher from R-1 to C-3.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the Rezone at 1417 Hatcher from R-1 to C-3. The item will go to City Council on April 24<sup>th</sup> at 6pm for final approval.

#### 12. Amendments to Planning Commission Bylaws.

- Chairman asked if there were any questions or suggestions to the draft bylaws.
- Bruno stated that they looked good.
- Martin made a motion to approve the amendments to the Planning Commission Bylaws.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the amendments to the Planning Commission Bylaws.

#### 13. Old Business

- Final Plat of Millers Glen Phase 9; Miller Ridge Estates Phase 1. Thomas Engineering, Agent.
  - Chairman stated that this was a Final Plat that was approved in November 2022. At the time it was called Millers Glen Phase 9, but now the developer wants to call it Miller Ridge Estates. He does not want to sign a plat whose name was not approved by the Commission. This is not a review of the plat, but simply due to a name change.
  - Martin stated that this happened when he worked for the City. He stated that as long as there is a way to track it back, he sees no issues with it.
  - Chairman agreed. He just preferred it be approved under the new name.
  - Martin made a motion to approve the amendments to the Miller Ridge Estates Phase 1.
  - Bruno Unanimous roll call vote to approve the amendments to the Miller Ridge Estates Phase 1.

#### 14. New Business

- Final Plat of Lots 59-60, Block 60 of Creekside 8. Thomas Engineering, Agent.
  - Ms. Schmittou stated that this is a two-lot subdivision in an R-1 zone. These approvals were previously done in-house by the City Engineer, however, in the interim, they need Planning Commission approval. The Consultant City Engineer has reviewed this item and sees no issues.

- Bruno made a motion to approve the amendments to the Final Plat of Lots 59-60, Block 60 of Creekside 8.
- Gillham seconded the motion.
- Unanimous roll call vote to approve the amendments to the Final Plat of Lots 59-60, Block 60 of Creekside 8.
- Replat of Lot 19R, Block 18 of Stonehill Phase 7. Thomas Engineering, Agent.
  - Ms. Schmittou stated that this plat is same in nature. This is combining two lots in a subdivision to create one lot.
  - Martin made a motion to approve the amendments to the Replat of Lot 19R, Block 18 of Stonehill Phase 7.
  - Bruno seconded the motion.
  - Unanimous roll call vote to approve the amendments to the Replat of Lot 19R, Block 18 of Stonehill Phase 7.
- Bruno stated that he is resigning and will be moving to San Diego, California at the end of the month.

15. Adjournment

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

PASSED AND ADOPTED THIS 9<sup>th</sup> DAY OF May, 2023.

*Robert Dudditt*

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PLANNING COMMISSION CHAIRMAN

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PLANNING COMMISSION SECRETARY