

Sherwood Planning Commission Minutes

July 11th, 2023 – 6:00 p.m.
2201 E. Kiehl Avenue, Sherwood, AR 72120
Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Martin
 - Middleton
 - Gillham
 - Jones
 - Abernathy
3. Approval of June 13th, 2023 Meeting Minutes
 - Gillham made a motion to approve the June 13th, 2023 meeting minutes.
 - Martin seconded the motion.
 - Unanimous roll call vote to approve the June 13th, 2023 meeting minutes.
4. Approval of the Agenda
 - Chairman declares the agenda as set.
5. Preliminary Plat for The Refuge (along Jacksonville Cutoff). Holloway Engineering, Agent.
 - Shelby Schmittou, City Planner, stated that the applicant revised their submittal based on the Staff Report creating a one lot subdivision due to the proximity of Bayou Meto with the floodplain and floodway consisting of a little over two acres. Staff sees no issues, however, there are two waivers requested by the applicant: 1 – half street improvements and 2 – sidewalks.
 - Chairman asked if the subdivision is one lot or the whole 35-acre tract.
 - Ms. Schmittou stated that it will be a one lot subdivision. Staff recommended based on the buildability of the land that it wasn't suitable to create a lot and block for a future residential development for public health and safety reasoning.
 - Chairman stated that it was confusing that the plat shows 35 acres when the lot is only 2 acres.
 - Chairman asked if the legal description was accurate.
 - Ms. Schmittou stated that it matches.
 - Martin stated that the tract would be metes and bounds.
 - Chairman stated that the signature block for Preliminary Plat Approval must state Chairman or Vice-Chairman.
 - Martin stated that the owners address information needs to be corrected.

- Chairman stated that there should be a reason to allow the modifications on the record.
- Gillham asked if this property was located in the floodplain.
- Ms. Schmittou stated that Lot 1 is only in the 100-year floodplain meaning there are stricter requirements for the developable lot.
- Ms. Schmittou stated that Jacksonville Cutoff is denoted as an 80-foot ROW so future development could be possible, but half street improvements do not exist out there and it is a very significant open ditch making sidewalks a financial hardship on the owner.
- Martin stated that the bridge was a Federal Aid – LPA job intended to elevate the road over the 100 year floodplain.
- Finley Vinson, Contracted City Engineer, stated that the primary reason is there is not a lot of frontage. Jacksonville Cutoff is a two-lane, open ditch road. Half street improvements would not be usable for the travelling public unless it would taper on each side allowing a left turn lane. This would not be appropriate as it does not benefit the travelling public nor financially feasible. If sidewalk was built for this lot, there will likely be no development, therefore requiring the applicant to build a sidewalk to nowhere.
- Martin stated that there is no ROW shown. He doesn't believe that the 80 foot is accurate, it would vary.
- Gillham made a motion to approve the Preliminary Plat for The Refuge with two waivers; 1 – half street improvements and 2 - sidewalks.
- Martin seconded the motion.
- Unanimous roll call vote to approve the Preliminary Plat for The Refuge with two waivers; 1 – half street improvements and 2 - sidewalks.

6. Rezone at 5845 Roundtop Drive from R-1 to O-2. North River Christian Academy, Agent. [Public Hearing]

- Ms. Schmittou stated that this is a rezone with a conditional use tied to it. The request is to continue using this facility as a church/religious institution as well as implying the use as an educational institution. Both uses are allowed in an O-2 zone. The conditional use is to allow a childcare facility along with the other two uses.
- Chairman opened the Public Hearing.
- There being no comments, Chairman closed the Public Hearing.
- Ms. Schmittou stated that Staff recommended the following contingencies on the conditional use; 1 – operations of the childcare facility shall not extend past 6pm on weekdays, 2 – any expansion of outdoor play areas shall be subject to Staff review, and 3 – any play areas within 50 feet of the property line shall include decorative fencing and/or evergreen buffer approved by the City Planner.
- Chairman asked why O-2 was selected when the Land Use Plan says that Commercial or Residential was appropriate and the area doesn't suggest office use.
- Ms. Schmittou stated that when Staff reviewed this request with our Consultant, childcare facilities are not permitted in R-1 and are not allowed as a conditional use.

Staff believes that O-2 would be a less intensive use when related to a Commercial zoning.

- Chairman doesn't believe that Office zoning makes sense given the residential nature of the neighborhood. Educational and Churches are allowed in residential areas, therefore R-2 makes more sense to him. This would allow single family up to a fourplex. The Land Use Plan suggests residential, commercial doesn't really make sense.
- Chairman stated that he is also concerned about the hours of operation stating until 6:30 on weekdays, which suggests they can be open all night on weekends. He has concerns of dictating operating hours.
- Ms. Schmittou asked if the Chairman would recommend amending the Land Use Plan.
- Chairman does not believe that is an issue. The only real difference is that the use is allowed by-right in an O-2. Chairman asked if the applicant was present and would have a problem with a residential zoning.
- Tammy Fletcher, applicant, was amenable to any motion that allowed them to utilize the property for their intended use without delay.
- Jones made a motion to recommend the Rezone at 5845 Roundtop Drive from R-1 to R-2 to the City Council for approval.
- Martin seconded the motion.
- Unanimous roll call vote to recommend the Rezone at 5845 Roundtop Drive from R-1 to R-2 to the City Council for approval.

7. Conditional Use at 5845 Roundtop Drive to allow a Child Care Facility in an O-2 zone. North River Christian Academy, Agent. [Public Hearing]

- Chairman stated that he is concerned about the hours of operation stating until 6:30 on weekdays and he prefers the wording to state that it would run consistent with DHS requirements.
- Abernathy asked about the proposed hours of operation.
- Ms. Fletcher stated that their standard hours are 7am to 6pm, but DHS oversees the times and it has to fall within those parameters anyway.
- Chairman opened the Public Hearing.
- There being no comments, Chairman closed the Public Hearing.
- Martin made a motion to recommend the Conditional Use at 5845 Roundtop Drive to allow a Child Care Facility in an R-2 zone to the City Council for approval with the following conditions: hours of operation be limited to State Department of Human Services licensing requirements; any expansion of outdoor play areas shall be subject to Staff review; and, any play areas within 50 feet of the property line shall include decorative fencing and/or evergreen buffer approved by the City Planner.
- Gillham seconded the motion.
- Unanimous roll call vote to approve the Conditional Use at 5845 Roundtop Drive to allow a Child Care Facility in an R-2 zone to the City Council for approval with the following conditions: hours of operation be limited to State Department of Human Services licensing requirements; any expansion of outdoor play areas shall be subject to Staff review; and, any play areas within 50 feet of the property line

shall include decorative fencing and/or evergreen buffer approved by the City Planner.

8. Rezone at 10303 Highway 107 from R-1 to C-3. Eric Wolfe, Owner. [Public Hearing]
 - Ms. Schmittou stated that this rezone request is on two individual properties, however the property will need to be replatted before the Site Plan can be approved. The Land Use Plan denotes this area as Office/Buffer Area. Staff believes a precedent has been set as there are other C-3 properties in this area and abutting this property along with C-1 and C-2. Mr. Walden, Consultant Planner, drafted Vision 2040 stated that Office/Buffer Area was based on the width and length of the lots so now that these two will be replatted, he sees no issue with this property being Commercial Corridor.
 - Chairman opened the Public Hearing.
 - Brett and Terri Moore, owners of 10315 Highway 107, provided a written comment as read by the Planning Commission Secretary. The comment raised concerns with water flow from the creek that could adversely affect neighboring properties.
 - Chairman closed the Public Hearing.
 - Ms. Schmittou stated that in response to the grading comment; there was no dirt-work done. Any work done to the stream will come at a later date when before the site can be developed.
 - Chairman stated that this is a Site Plan issue, not a zoning issue.
 - Martin made a motion to recommend the Rezone at 10303 Highway 107 from R-1 to C-3 to the City Council for approval.
 - Gillham seconded the motion.
 - Unanimous roll call vote to recommend the Rezone at 10303 Highway 107 from R-1 to C-3 to the City Council for approval.
9. Old Business
10. New Business
 - Service Station Moratorium – Resolution 40-2023
 - Ms. Schmittou stated that in the June City Council meeting, there was a moratorium that was placed on gasoline service stations. This is allowing Staff to make amendments to the Zoning Code to allow them in C-3 by Conditional Use and in C-4 by right solely, no longer in a Shopping Center District. Staff will be working on the amendments and will get them to the Commission.
 - Chairman asked if that will be a Public Hearing in August.
 - Ms. Schmittou stated that it would be.
 - Chairman stated that gas stations impact on surrounding properties and their sustainability needed to be considered. He recommends taking a good look at the conditional uses and where they're located in C-3.
 - Jones agreed.
 - Discussion regarding amendment to Chapter 14.11 of the Zoning Code

- Ms. Schmittou stated that an amendment to Chapter 14.11 of the Zoning Code was added as a last-minute item to the City Council agenda in June as a result of the rezone request of 2428 Wildwood. That request was a result of the utilization of a pole sign. The Council requested an amendment to the Zoning Code and was heard in the June meeting. The item did not come to the Commission first because of the urgency, however, it was not approved in June's City Council due to there not being enough members to approve with an emergency clause.
- Chairman stated that he recalls there were no concerns from the Commission to change the Code.

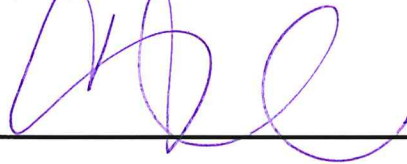
11. Adjournment

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

PASSED AND ADOPTED THIS 04th DAY OF August, 2023



PLANNING COMMISSION CHAIRMAN



PLANNING COMMISSION SECRETARY

From: [BCMoore](#)
To: [Planning](#)
Cc: [Candi Ussery](#)
Subject: [EXT]:Rezone at 10303 Highway 107 from R-1 to C-3
Date: Monday, July 10, 2023 3:20:00 PM

CAUTION: External email.

To whom it may concern:

We own the property at 10315 Highway 107 which is adjacent to the 10303. Tracy Sims (at Sherwood Public Works) confirmed that both 10303 and 10315 have a shared creek running through the property. We are concerned that current and/or future land alterations could lead to changes in the flow of said creek, and those could potentially adversely affect our property next door. Even just the clearing of the land on 10303 will undoubtedly change the speed at which the water flows -- this is concerning because the water from 10303 flows onto 10315. Has there been any engineering assessment/study made of the water flow impact of the both initial development as well as the future development? Has anything been done or is anything planned to mitigate changes to the water flow between the aforementioned properties?

Sincerely,
Brett and Terri Moore
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PS - Could someone please let me know this email has been received and will be included in the Public Hearing tomorrow?