

Sherwood Planning Commission Minutes

August 8th, 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
 - Gillham
 - Jones
 - Abernathy (absent)
 - Martin (absent)
3. Approval of July 11th, 2023 Meeting Minutes
 - Gillham made a motion to approve the July 11th, 2023 meeting minutes.
 - Jones seconded the motion.
 - Unanimous roll call vote to approve the July 11th, 2023 meeting minutes.
4. Approval of the Agenda
 - Chairman stated that under Old Business that they are going to look at an overview of proposed amendments to gas station regulations that were questioned by the City Council.
 - Under New Business, the Commission will discuss the Brockington Road Access Management Plan and the Special Called Meeting later this month.
 - Chairman declares the agenda as set.
5. Preliminary Plat for The Phoenix (along Hwy 107 & Kellogg Acres Road). Holloway Engineering, Agent.
 - James Walden, Contracted Planning Consultant, stated that currently the property is vacant; this property was recently rezoned. Lot 1 would be developed for a gas station. And Lot 2 will be future development. The property is to be served with access off of Highway 107 as well as Kellogg Acres. There will be a shared Access Easement between lots 1 & 2. Staff recommends approval of the plat with contingencies on 14 items that the staff provided.
 - Chairman asked on Item 8 that it says determined the Right of Way for Highway 107 and add to the amended Site Plan; he asked if it had anything to do with the plat.
 - Mr. Walden stated that it should say the amended plat; and that it is not exactly measured out on the plat; but do believe it meets that 100ft requirement of continuous 50ft along the entirety of frontage along Highway 107. If there are

areas where it is less than the required 50ft for a major arterial; we would need some additional dedication.

- Chairman asked if this is to amend part of the contingencies for the plat.
- Mr. Walden confirmed.
- Gillham asked if Sherwood had a Moratorium for no more gas stations.
- Chairman stated that he understood this was applied for before the Moratorium was passed.
- Mr. Walden confirmed.
- Gillham made a motion to approve the Preliminary Plat for The Phoenix (along Hwy 107 & Kellogg Acres Road) subject to the 14 contingencies.
- Jones seconded the motion.
- Unanimous roll call vote to approve the Preliminary Plat for The Phoenix (along Hwy 107 & Kellogg Acres Road).

6. Site Plan for The Phoenix (along Hwy 107 & Kellogg Acres Road). Holloway Engineering, Agent. [Public Hearing]

- Mr. Walden stated that this is for approval of a Site Plan for Lot 1 of The Phoenix Addition; for a gas service station; for automobiles only and not for a truck stop. The site is in compliance of the Land Use Plan for S-Cen for Commercial Center that would include sites like this. In terms of access, with Kellogg Acres & Highway 107 which are minor arterials and principal arterials. With the Right of Way dedication will have improvement come with it. Staff had 14 comments on this item. Including Landscape plan, parking lot requirements, and technical requirements. Staff recommends approval with the updated contingencies, which would have to be addressed prior to approval being affective.
- Chairman opened the Public Hearing.
 - Don and Mindy Barranco, address unknown, stated in email that this is Sherwood's opportunity to soar above; and have nice housing developments to grow in a positive direction and that the city does not need another gas station. Why would we need another gas station behind one of Sherwood's nicest and newest neighborhoods.
 - Jenifer Gordon, address unknown, stated in email that they built their home in this area because it is quiet; and safe and that this is poor use of that land; and will not bring any benefit to our community. And that this will drive more traffic to this area; and take away the things that makes this area so appealing to those that live there.
 - Roy Andrews with Holloway Engineering stated they put the fuel center on the corner to get it away from the residential areas. There are potentially 5 or 6 other parcels on this site; with the possibility of a daycare knowing it would be more applicable being backed up to a neighborhood. The intent is to cater to nicer facilities.
 - Byron Hurst, 9917 Laurel Oak Drive, asked if the developer bought the whole parcel.
 - Roy Andrews confirmed.

- Mr. Hurst asked what happens if another restaurant like “Waffle House” comes in and decides to build?
 - Chairman stated that they would have to review that as a Site Plan. Any use of this land would have to be reviewed by Planning Commission.
 - Mr. Hurst stated there are concerns on what it would bring to this area; like have people hang out. And being a property owner, there are concerns of the property value.
 - Chairman stated that one of the first things they would have to look at is the permitted use and then would have a Site Plan to make sure there is no adverse impact on the property or surrounding area.
 - Chairman closed the Public Hearing.
 - Jones had a question about signage. She didn’t see any plans about signage.
 - Mr. Walden stated that it would be separately permitted.
 - Chairman stated that this is a use that is permitted by-right and stated they can’t stop it; and can only evaluate the quality of the proposal; and it was permitted by right as of the time the item was submitted. A truck stop would not be allowed in a C-3 zone. He stated that there is a lot of contingencies on both the Preliminary Plat and the Site Plan. In future, he would like to see a Site Plan that is restricted to the site and not just a re-hash of the preliminary plat.
 - Jones made a motion to approve, subject to the contingencies mentioned by staff;
 - Gillham asked if he could move to deny.
 - Chairman stated “No”, but that he could vote “No” to the motion to approve, but that we need a second to the motion.
 - Gillham then voted “No”
 - Chairman then declared that we did not have a second and it was tabled to the September Commission meeting
 - Mr. Walden asked to clarify what the status of this application was in light of what just occurred.
 - Chairman stated that because there was no second, therefore no vote was taken and that this item defers to next month; Chairman stated that perhaps some of the contingencies can be taken care of; and a more focused drawing can be shown at that time.
7. Expansion of a Non-Conforming Use at 231 Newman Drive. Bond Consulting Engineers, Agent. [Public Hearing]
- Mr. Walden stated that the applicant is intending to construct an additional storage building on the existing site that is located with multiple building sites. When this site was originally developed mini storage was an approved use at this location, so it was legally conforming at that time. Since then, the zoning has been changed to where this is no longer a permitted use, which is why this is an Expansion of a Non-Conforming Use. All comments have been addressed except for number 8 & 12. Number 8 was determined by the Fire Marshall based on the fire access route and items that there is no variation based on that requirement. Item 12 is that area subject to traffic accessibility to the public must have a 26ft

paved path be constructed around the entire proposed structure according to the Zoning Code These two items have not been addressed according to Staff comments.

- Chairman opened the Public Hearing.
- Tommy Bond, with Bond Consulting Engineers, speaking on behalf of the property owner, stated that the main intention for the 24ft is that is where the current pavement ends and makes it easier to do that. The public access section that this facility has no public access; you have to be a renter to gain access. It was their understanding that the current fire code requires 20ft lanes for traffic and 24ft is more than that.
- Chairman stated that this was submitted as an application to expand a non-conforming use; and questioned what is the non-conforming use.
- Mr. Bond stated the non-conforming is that when it was built it was conforming; but since then, the zoning was changed.
- Chairman asked if it was proposing the addition of more storage buildings.
- Mr. Bond confirmed it is for a climate-controlled facility.
- Chairman closed the Public Hearing.
- Mr. Walden clarified that Staffs interpretation of that area that has to be paved as public access; that would include a customer or a member of the public visiting the site.
- Chairman stated his concern is that the reason it is non-conforming is because it is not permitted in this zoning district. With the amendment of the Zoning Code, storage facilities were only permitted in I-1.
- Mr. Walden confirmed it is.
- Chairman read from the non-conforming uses provision of the zoning code that a nonconforming use of a building or a land shall not be changed, extended, reconstructed, enlarged, or structurally altered unless: 1) the changes are required by law or order, 2) appeal or variance is granted by Board of Zoning Adjustment, 3) repairs are made to keep the building structurally sound, or 4) comes into Sherwood as non-conforming that is destroyed by arson or an act of God may be rebuilt to city standards and ordinances if rebuilt the same size and purpose. Chairman stated that his concern is whether the applicant satisfies the basis to approve a non-conforming use expansion.
- Gillham stated there is no use there at all.
- Chairman stated it is an existing storage facility; and that they want to add a structure which would be an air conditioned, inside facility; which is an expansion of the existing use of the property.
- Gillham noted that if it's not legal it could not be approved and made a motion to deny the Expansion of a Non-Conforming Use at 231 Newman Drive.
- Jones seconded the motion.
- Unanimous roll call vote to deny the Expansion of a Non-Conforming Use at 231 Newman Drive.

8. Site Plan at 9860 Brockington Road. Thomas Engineering, Agent. [Public Hearing]

- Mr. Walden stated that this Site Plan is for the Church of the Nazarene; for development of an exercise center to be located on the eastern (rear) part of the site. The staff looked at it and had questions about exterior wall covering and was noted to the applicant that this would have to be addressed in part of the process. They had questions about bearings for the location, some questions about drainage and making sure it is properly mitigated, some questions regarding the buffer to the east, compliance with the buffering requirements, and amending for any proposed fire hydrants. Staff recommends approval with the contingencies on items 2,3,5,6, &7.
 - Chairman opened the Public Hearing.
 - Thomas Pownall, with Thomas Engineering, stated all the contingencies have been addressed with the new Site Plan they submitted. The applicant at some point is going to pursue some kind of variance. He stated that the wall covering will follow the Code. They changed the bearings. The detention area is shown now. They proposed to retain the existing vegetation. They noted that they would provide hydrants as required by Central Arkansas Water and the Fire Marshal.
 - Chairman asked if there was anything for the buffer that they would need to approve specifically.
 - Mr. Walden stated the buffer would be approved with the Site Plan. And that the comment was made to make it clear they were not clearing any trees.
 - Chairman closed the Public Hearing.
 - Gillham made a motion to approve the Site Plan at 9860 Brockington Road.
 - Jones seconded the motion.
 - Unanimous roll call vote to approve the Site Plan at 9860 Brockington Road.
9. Land Use Plan amendment at 10303 Highway 107 from Office/Buffer Area to Commercial Corridor. [Public Hearing]
- Mr. Walden stated that there was a previous rezoning. This was brought to make sure the Land Use Plan was cleaned up for consistency's sake. There were 2 properties that were zoned from R-1 to C-3 during the July 11th 2023 Planning Commission Meeting. He stated that their original land use plan analysis predicts suburban office buffer area. One of the issues was the narrowness of the properties and the depth of the property, therefore the property couldn't really be used for higher order type commercial uses. That would require wider pieces of property. When that zoning was brought in and had multiple lots; and being adjacent to other C-3 lots; it mitigated a lot of those issues. Staff wanted to come back and reflect this on the Land Use Plan to more accurately reflect the appropriate use of that site.
 - Chairman opened the Public Hearing.
 - There being no comments, Chairman closed the Public Hearing.
 - Chairman stated that this is basically to bring the Land Use Plan into conformance with the current zoning as a result of the Planning Commission and City Council actions. This is a resolution to adopt the amendment to the Plan.
 - Mr. Walden confirmed.

- Gillham made a motion to recommend the Land Use Plan amendment at 10303 Highway 107 from Office/Buffer Area to Commercial Corridor to the City Council for approval.
- Jones seconded the motion.
- Unanimous roll call vote to recommend the Land Use Plan amendment at 10303 Highway 107 from Office/Buffer Area to Commercial Corridor to the City Council for approval.

10. Amendment to the Planning Area Boundary. [Public Hearing]

- Mr. Walden stated that this item is simply for Planning Commission consideration; they have discovered some technical issues that would need to be resolved with the City of Jacksonville. Currently the present Planning Area Boundary for the City covers an area in the northwest. The City recently acquired some property near the Two Pines Land Fill for Public Works facility. The City is requesting to add that to the Planning Area Boundary. We recently found out that city of Jacksonville has passed an ordinance declaring their Planning Area Boundary. Both cities will have to come to some type of agreement regarding territorial jurisdiction before Sherwood can place in its planning boundaries. Staff is recommending this item be tabled.
- Chairman stated that it is outside of our territorial jurisdiction; and until that gets fixed; we can't do anything even though we think it may make sense.
- Mr. Walden confirmed.
- Gillham made a motion to table the Amendment to the Planning Area Boundary until Sherwood and Jacksonville come to an agreement.
- Jones seconded the motion.
- Unanimous roll call vote to table the Amendment to the Planning Area Boundary until Sherwood and Jacksonville come to an agreement.

11. Old Business

- Chairman stated that they are going to hold a called commission meeting and a public hearing regarding Zoning Code amendments on Gas Stations on August 21st at 6pm to take this up because it wasn't announced for tonight's meeting. The Staff wasn't ready to provide draft amending language, nor was a public hearing advertised for that purpose.
- Mr. Walden stated that the amendments on changes to the zoning code in regard to gas stations; would be changing from permitted by-right in C-3 to a conditionally permitted use in C-3. It is currently permitted in the C-SC Shopping Center District zone. It's a 60s & 70s legacy zone. Staff more than likely will recommend abandoning the C-SC Zone in future.

12. New Business

- Discussion of Brockington Road Access Management Plan
 - Mr. Walden stated that at the time Brockington Road was improved with the Metroplan grant, there was consideration of adopting an Access

Management Plan for that corridor. That fizzled out but the plan revived based on development that has occurred along the corridor. He stated that one of the reasons for adopting an Access Management Plan is there has been a lot of money that has been put in to improve the roadway, such as a divided median. Through Access Management, it is a way to prevent or delay future widening to preserve the function of how that corridor works. The fewer penetrations of the medians along that way; the better it will preserve the function of that roadway in safety and traffic flow. This will set locations or parameters for where future median breaks can be and additionally setting requirements for how much distance can be between driveways and a street connection.

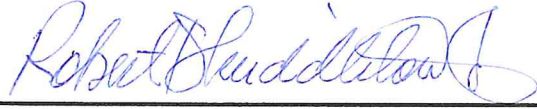
- Chairman noted that it says that upon recommendation of the Planning Commission; Is this something that is subject to a Public Hearing or simply a Recommendation based on presentation.
- Mr. Walden stated this would be the adoption process. They would consider this and if they have comments and questions, then they can address those tonight or if you want to ask Staff at a later date and have them address those in a document. They would bring it back after it's been advertised for a Public Hearing for consideration by the Planning Commission. It would be reviewed by the Planning Commission, during a Public Hearing. The Planning Commission can advance it to City Council, hold it in Committee, advise it, or throw it out the door. He stated if it advances to City Council, then at that time; the City Council could consider it for adoption.
- Chairman asked if the references to "continuous cross access" was, in effect, a side road serving multiple uses to cut down on the number of driveways.
- Mr. Walden stated that continuous cross access can be a side road; but doesn't necessarily have to be. He stated you could look like you have a parking aisle in the front, a 24ft drive aisle that goes through and additional parking behind that. As long as there is continuous cross access of that drive aisle through the property to meet the requirement.
- Chairman stated that the more obvious use for that would be for a strip mall or multiple buildings.
- Mr. Walden stated you will see in a fast-food restaurant a drive aisle in front for people to move from property to property.
- Chairman stated that he noticed several undeveloped sites, where would be a design consideration for Site Plan.
- Mr. Walden stated that those considerations are for safety and traffic flow.
- Chairman asked why East Maryland and Highway 107 are not considered major intersections.
- Mr. Walden stated there is a key distinction of a median break and major intersection. A major intersection means something that would be signaled; or an alternative intersection; like a round-a-bout. It is not envisioned that it would be a median break in that location. Those locations have no median breaks; so, we can consider it a major intersection.
- Chairman stated it struck him odd that those intersections are signaled but not considered "major".

- Mr. Walden stated that anywhere there might be a median; Whether you consider a large intersection or not; if the median is there, then it considered a median; if no median, then it would be called a major intersection. It is based on whether a median was present or not.
- Gillham asked if there were numerous owners along Brockington Road.
- Mr. Walden confirmed there are a lot of owners along Brockington Road. He showed on the screen that the median stops at Calloway. They are trying to use a different terminology; other than median break to indicate a location where we might have signalization.
- Chairman asked what is median break 11. If it was an off ramp to a freeway.
- Mr. Walden confirmed that is a current median break 11 would be access to those two commercial properties.
- Mr. Walden stated that in the North Pulaski East West Connector that potential arterial street on the Master Street Plan would have a connection to Rapid Water Drive. The median break 11 would primarily be for access to significant commercial parcels to the southwest and northeast.
- Chairman asked if Mr. Walden anticipated this coming to the Planning Commission in September.
- Mr. Walden stated if the Planning Commission is ready and don't have any major issues with it.
- Chairman stated they may not know that until they have a Public Hearing. He thinks City Council had some comments addressed to them.
- Jones asked if the main intent was to relieve the traffic on Brockington Road and move them to the Commercial zones.
- Mr. Walden confirmed and stated there are a few proposed future additional median breaks; but the idea behind this. You don't have so many median breaks that you have some type of basis as to why those decision. So that having a median has a benefit to it.
- Chairman stated is so you don't have another East Maryland situation with a lot of driveways that messes up the flow of traffic on an arterial.
- Chairman asked if commissioners had an opinion as to whether we were ready to schedule a public hearing. Jones said she would leave it up to the chairman.
- said why wait and have a Public Hearing and have our members. And if we have concerns after that time; we may not vote on it just yet.
- Jones agreed.
- Mr. Walden confirmed that staff will schedule a Public Hearing for this item next month.

13. Adjournment

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

PASSED AND ADOPTED THIS 12th DAY OF September, 2023.



PLANNING COMMISSION CHAIRMAN



PLANNING COMMISSION SECRETARY