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Candi Ussery, Planning Coordinator

August 18, 2023

Re: **Special Called Planning Commission Meeting – August 2023**

To Whom It May Concern,

On August 21st, 2023 at 6pm, the Planning Commission will hold a public, live-streamed Special Called Planning Commission Meeting to hear the following item:

1. Amendment to the Zoning Code regarding Gasoline Service Stations. [Public Hearing]

If you are unable to attend and would like to comment on this item, please send your comment in an email with your name and address to planning@cityofsherwood.net before Friday, August 18th at 4:30pm. Please note that these comments will be read aloud in the public meeting and need to be concise and accurate.

To watch the live-streamed meeting, please go to <https://www.youtube.com/c/CityofSherwoodArkansas>.

Respectfully,

Candi Ussery

Planning Commission Secretary

City of Sherwood

31 Shelby Road

Sherwood, AR 72120-6256

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Sherwood Special Called Planning Commission Agenda

August 21st, 2023 – 6:00 p.m.

2201 E. Kiehl Avenue, Sherwood, AR 72120

Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
3. Amendment to the Zoning Code regarding Gasoline Service Stations. [Public Hearing]
4. Adjournment

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE EXISTING ZONING CODE WITH RESPECT TO THE LOCATION OF GASOLINE SERVICE STATIONS AND FOR OTHER PURPOSES

WHEREAS, the Sherwood City Council adopted a resolution requesting that the Sherwood Planning Commission revise the Sherwood Zoning Code to limit the location of new gasoline service stations; and,

WHEREAS, the Sherwood Planning Commission, having conducted a properly advertised public hearing on August 21, 2023, and,

WHEREAS, the Sherwood Planning Commission having voted at a special called meeting on August 21, 2023, to recommend a revision to the Zoning Code to limit new gasoline service stations to General Commercial (C-3) with a Conditional Use Permit and to Highway Commercial and Open Display District (C-4) zoning districts by right; and,

WHEREAS, the Sherwood City Council concurs with the finding of the Planning Commission that limiting such future facilities to General Commercial (C-3) with a Conditional Use Permit and to Highway Commercial and Open Display District (C-4) zoning districts zoning districts is in the best interests of the health, safety and welfare of the citizens of Sherwood.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SHERWOOD, ARKANSAS

Sec. 1. Section 14.18 (Schedule of Uses) of the Sherwood Zoning Code is hereby amended as follows:

- a. The line entitled “Service Station is amended to delete “Permitted Use” in C-SC zoning district column; and
- b. The line entitled “Service Station” is amended to add “Conditional Use” in the C-3 zoning district column.

Sec 2. Section 14.05.04 of the Sherwood Zoning Code is hereby amended as follows:

- a. Subsection B.2. is amended to delete the words “and the normal pump island services of service station operations”.

Sec. 3. Section 14.05.05 of the Sherwood Zoning Code is hereby amended as follows:

- a. Subsection B.2. is amended to delete the words “and the normal pump island services of service station operations”.

Sec. 4. Chapter 14.10. of Sherwood Zoning Code is hereby amended to add Section 14.10.15. as followed:

14.10.15. Service Stations

A. Purpose and Intent

Service stations are intensive uses characterized by large areas of paving which permit vehicles to freely maneuver. As a result, these locations have the potential to create significant adverse impact for adjoining streets and properties. These standards are intended to mitigate the potential impacts of

service stations on adjoining areas. The following requirements apply to all service stations regardless of zoning district.

B. Development and Design Standards

1. A minimum thirty-six (36) foot drive aisle shall be required between the canopy and principal building or parking aisle adjacent to the building.
2. Canopies shall not exceed twenty (20) feet in height or the height of the principal building, whichever is greater.
3. Canopies and canopy support columns shall meet the exterior wall surface requirements of Section 14.10.10.

C. Landscape and Pedestrian/Vehicular Circulation Requirements

1. Landscaping requirements shall meet full Type A standards, as indicated in Section 14.16.03.E.
2. Where perimeter landscaping buffers are required along a street frontage or public right-of-way, the buffer shall be increased to ten (10) feet.
3. The dumpster shall be screened with a finished masonry wall enclosure such as split face block or brick, but shall not be composed of standard concrete masonry units (CMU). The dumpster shall be located adjacent to the principal building or within twenty (20) feet of the principal building, and be oriented away from the street side of the property in line with Section 14.05.02.B.
4. Drive-throughs on-site shall be located along the side or rear of the principal building with stacking for the drive-through placed at the rear of the principal building.
5. Underground storage tanks shall be located in a manner to not impede circulation of traffic on the site during filling.
6. Where a canopy is located closer to a street frontage than the principal structure, a durable landscape barrier at least thirty (30) inches and no more than thirty-six (36) inches in height shall be required in all cases and be composed of brick or stone. The barrier shall be located in the landscaping buffer along the street frontage, directly adjacent to the vehicular use area with landscaping placed on the street frontage side of the barrier. No barrier shall be allowed to impede sight distance for vehicles.
7. All areas of the principal building directly adjacent parking shall have at least a five (5) foot sidewalk separating the building from the parking.
8. A five (5) foot continuous concrete walkway shall be required connecting the primary building to the sidewalk.

Sec. 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 6. Because a sixty-day moratorium on permitting any new gasoline service station applications adopted by the City Council is due to expire, the health, safety and welfare of the citizens of Sherwood is at risk and an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its adoption.

ADOPTED on this _____ day of _____, **2023**.

Mary Jo Heye-Townsell, Mayor

ATTEST:

Charolette Watson, City Clerk

APPROVED AS TO FORM:

Stephen Cobb, City Attorney

14.05.04. Light Commercial District (C-2)

A. Purpose and Intent

The "C-2" Light Commercial District is intended to accommodate retail development that is limited by the size of the area devoted to the district in any one (1) location. The development will be expected to create a moderate level of traffic generation, noise, light glare and the need for storage. The "C-2" Light Commercial District shall preferably be located with arterial street frontage. The preferred development for "C-2" shall be in small shopping center arrangement designed to accommodate one (1) and up to fifteen (15) retail businesses on a site up to five (5) acres.

B. Development Criteria

The following development criteria shall apply in the "C-2" district. In addition, if the shopping center arrangement is utilized a site plan review is required (Section 14.02.11).

1. Open storage can be temporary stored or displayed during normal business. Normal business hours shall be construed as hours of business operating for the purpose it is intended.¹
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, and promotional events, and the normal pump island services of service station operations. In additional, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building, as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.
3. All detached buildings shall be separated by a distance of not less than twenty (20) feet.
4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision Regulations and any special circumstance which may prevail at the specific site. The special circumstances will be addressed in the required site plan.
5. The required forty foot (40') front yard setback shall be landscaped and maintained by the property owner(s). No parking of wheeled vehicles shall be allowed within ten feet (10') of the public street right-of-way.
6. Freestanding ancillary structures subordinate to but compatible with the shopping center shall not occupy more than forty percent (40%) of the frontage of any abutting boundary street.

C. Permitted and Conditional Uses

Retail only: Refer to the "Schedule of Uses" in Chapter 14.18 of this Code.

D. Height

The principal structure shall be a maximum height of eighty feet (80'), however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35').²

E. Yard Standards

1. Front Yard

There shall be a front yard having a setback of not less than forty feet (40') from the front property line to the front line of the building (See definition of Lot Line, Front).³

¹ Amended by Ordinance 1513 – Adopted January 22, 2001

² Amended by Ordinance 1353 – Adopted August 25, 1997

³ Amended by Ordinance 934 – Adopted July 23, 1990

2. *Side Yard*

Side yard setback shall be a minimum of ten feet (10'), except where side yards abut a street or a residential lot line where the side yard setback shall be no less than twenty-five feet (25').

3. *Rear Yard*

There shall be a rear yard having a depth of not less than twenty-five (25) feet. In the case of a corner lot (abutting a street), however, when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than eight (8) feet.

F. Lot Area

The site area for the zoning of the C-2 district shall not be more than five (5) acres. When the lots in a C-2 zone are under separate ownership and are designed to accommodate separated single buildings there shall be a lot area of not less than ten thousand (10,000) square feet.

G. Lot Coverage

Maximum lot coverage for all principal and accessory buildings shall be thirty-three-and-one-third percent (33⅓ %) of the total area of the site.

H. *Deleted by Ordinance 2313 – Adopted August 24, 2020.*

I. Parking

Any area subject to wheeled traffic and devoted to parking, driveways and off-street maneuvering space developed to meet the requirements of this district shall be paved. The minimum pavement requirement shall be as follows: one and one-half (1 ½) inch asphaltic concrete hot mix with a six inch (6") compacted base, or a six inch (6") reinforced concrete slab, and shall have appropriate bumper guards where needed. See Chapter 14.12.

14.05.05. Shopping Center District (C-SC)

A. Purpose and Intent

The "C-SC" Shopping Center District is established in order to provide for the unitized design of commercial areas rather than the piece-meal accrual of independent, free standing buildings. No outside storage of products for sale or raw materials shall be permitted. Temporary outdoor display of merchandise is allowed intended for neighborhood and community shopping centers in appropriate locations as shown on the Sherwood Land Use Plan. Developments in the "C-SC" district are intended to serve a broad-based need of the community and shall be laid out and developed as a unit according to an approved plan. The "C-SC" Shopping Center District will frequently be situated in close proximity to residential development, therefore, building setback, screening and other development criteria are included to achieve a compatible relationship between the retail development and adjacent residential areas. The "C-SC" district shall be limited to locations with frontage on arterial streets and preferably at the intersection of arterial streets.

B. Development Criteria

The following development criteria shall apply in the "C-SC" district.

1. All properties within this district shall be contiguous and shall be totally developed under a unified site plan submitted to and approved by the Planning Commission.
2. All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, and promotional events, ~~and the normal pump island services of service station operations~~. In

addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.

3. All detached buildings shall be separated by a distance of not less than twenty (20) feet.
4. Provision for ingress, egress and service easements shall be subject to the requirements of the Sherwood Subdivision Regulations and any special circumstances which may prevail at the specific site. The special circumstances will be addressed in the required site plan.
5. The required forty foot (40') front yard setback shall be landscaped and maintained by the property owner(s). No parking of wheeled vehicles shall be allowed within ten feet (10') of the public street right-of-way.
6. Free standing ancillary structures subordinate to but compatible with the shopping center shall not occupy more than forty (40) percent of the frontage of any abutting boundary street.

C. Permitted Uses and Conditional Uses

Retail only: Refer to the "Schedule of Uses" in Chapter 14.18 of this Code.

D. Height

The principal structure shall be a maximum height of eighty feet (80'); however, all other structures or man-made objects, except accessory buildings, shall not exceed a height of thirty-five feet (35').⁴

E. Area Standards

1. *Yard Setbacks*: The required front, side and rear yard setbacks shall be a distance of not less than forty feet (40') from the property line to the respective face of any building.
2. *Site Area*: The minimum site area for the "C-SC" District shall be five (5) acres. In addition, there shall be not less than three hundred feet (300') of frontage on at least one (1) abutting boundary street.

F. Deleted by Ordinance 2313 – Adopted August 24, 2020.

G. Parking Requirements

Any area subject to wheeled traffic and devoted to parking, driveways and off- street maneuvering space developed to meet the requirements of this district shall be paved. The minimum pavement requirements shall be as follows: one and one-half inch (1 ½") asphaltic concrete hot mix with a six inch (6") compacted base or a six inch (6") reinforced concrete slab, and shall have appropriate bumper guards where needed. (See Chapter 14.12.)

⁴ Amended by Ordinance 1353 – Adopted August 25, 199714.12.03.

SCHEDULE OF USES		OS	R-1	R-2	R-3	R-4	MHP	C-1	C-2	CS	C-3	C-4	O-1	O-2	I-1	PARKING TYPE
		OPEN SPACE	SINGLE FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	MANUFACTURED HOUSING	MOBILE HOME PARK	NEIGHBORHOOD COMMERCIAL	SHOPPING CENTER	COMMUNITY SHOPPING	GENERAL COMMERCIAL	HIGHWAY & OPEN SPACE DISPLAY	SPECIAL PURPOSE OFFICE	GENERAL OFFICE	LIGHT INDUSTRY	
Service Station [5541]										X	C	X				6
Sexually Oriented Business ¹⁰⁸												X				
Shoe Repair [7251]								X	X	X	X	X				6
Sign Painting Shops [7389]												X			X	6
Single Family Residential			X	X		X	C									1
Stone and monument sales (no milling) [5999]												X				6
Storage Garages [4226]												X			X	7
Storage Yards for Commercial Vehicles [4226]												X			X	7
Studio (Art, Dramas, Speech or similar skills) [8999]								X	X	X	X	X	C	C		6
Studio (Broadcasting or Recording) [Group 483, 7389]								C	C	C	X	X		C		6
Studio (Music, Dance or Ceramics) [8299]								C	X	X	X	X				6
Swimming Pool, Tennis Courts, Other Private Recreation [7389]			A	A	A	A										3
Swimming Pool Sales and Display [1799, 7399]									X		X	X				6
Tailor [5699]								X	X	X	X	X				6
Taxicab Companies ¹⁰⁹											X	X				
Taxicab Service (storage, maintenance & repair) ¹¹⁰												X			X	
Taxidermists [7699]											X	X				6