

Sherwood Planning Commission Minutes

January 18th, 2023 – 6:00 p.m.
51 Shelby Rd, Sherwood, AR 72120
Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Gillham
 - Martin
 - Middleton
 - Bruno
3. Approval of December 13th, 2022 Meeting Minutes
 - Bruno made a motion to approve the December 13th, 2022_meeting minutes.
 - Martin seconded the motion.
 - Unanimous roll call vote to approve the December 13th, 2022 meeting minutes.
4. Approval of the Agenda
 - Chairman stated that under Old Business, Staff will give a report on the business conducted last year. Under New Business, we have a Discussion about Bylaws.
5. Election of Chairman
 - Martin nominated Robert Middleton as Chairman.
 - Gillham seconded the nomination.
 - Middleton abstained. Gillham, Martin, and Bruno voted to elect Robert Middleton as Chairman.
6. Election of Vice-Chairman
 - Bruno nominated Blake Martin as Vice-Chairman.
 - Gillham seconded the nomination.
 - Martin abstained. Gillham, Middleton, and Bruno voted to elect Blake Martin as Vice-Chairman.
7. Discussion to Repeal Ordinance 1714. [Public Hearing]
 - James Walden, Consultant Planner, stated this item is connected to the Preliminary Plat and Rezone items of the Horizon Addition. The principle

issue is that the Sherwood Vision 2040, which was adopted by Resolution, was that the legislative intent was for Vision 2040 to serve as the Land Use Plan and Master Street Plan as it contained both elements. However, there are existing versions of the Master Street Plan in the form of Ordinances 1714, 371, 1736, 1818, 1896 and 2107. In order to clean things up, it would be good to repeal those ordinances and reinforce Vision 2040 as the correct version.

- City Attorney, Steve Cobb, agreed with Mr. Walden's analysis.
- Mr. Walden stated that in Ordinance 1714, it specifically calls for a Connector Street between Indian Bay Drive and Austin Bay Court. There are two critical issues, a fire/safety aspect of how emergency services would get to the residential areas if Brockington was blocked. Since then, Brockington, has been widened into a four-lane boulevard. It is highly unlikely that all four lanes would be blocked. The completion of Maryland Avenue has made multiple routes available. There are emergency services that have been placed on the north side of town. He believes that maintaining a fire access easement across the property would suffice. He believes it would be appropriate to take action to repeal Ordinance 1714 to amend the Connector Street.
- Chairman asked if the intent was to repeal Ordinance 1714 or to repeal all of the Master Street Plan ordinances.
- Mr. Walden stated that his recommendation is to be inclusive of 371, 1736, 1818, 1896, and 2107.
- Chairman opened the Public Hearing.
- Doris Anderson, 2507 Bearskin Drive, and she worked with Mayor Harmon when there were numerous times when all four lanes of Brockington was blocked. As recently as last year, there was an emergency situation with a child at a daycare, Brockington was blocked and the fire department had to use the bumpers to push vehicles out of the way. There are numerous occasions when Brockington is blocked even down to Kiehl. She supports the emergency access easement. She wants it to be recorded as a permanent easement at the Court House. She is not against the development.
- Chairman closed the Public Hearing.
- Mr. Walden asked if he should address the concerns.
- Chairman told Mr. Walden the time to address the concerns is during the Plat and the Site Plan. The discussion now is Ordinance 1714.
- Bruno agreed with Mrs. Anderson's comments, he lives in the area and is affected by this also.
- Gillham is rarely in this area and is not aware of the issues.
- Martin stated that the property needs a second way out.

- Bruno made a motion to recommend the City Council appeal Ordinances 1714, 371, 1736, 1818, 1896 and 2107 and to recommend the Master Street Plan in the Vision 2040 control.
- Gillham seconded the motion.
- Unanimous roll call vote to recommend the City Council appeal Ordinances 1714, 371, 1736, 1818, 1896 and 2107 and to recommend the Master Street Plan in the Vision 2040 control.

8. Preliminary Plat of Lots 1 and 2, Horizon Addition. Thomas Engineering, Agent.

- Shelby Schmittou, City Planner, stated that Staff acknowledges the Preliminary Plat did not include the easement. Staff recommends the Plat delineate and detail the access easement.
- Mr. Walden stated that there are four recommended contingencies; 1 – Repeal of Ordinance 1714, 371, 1736, 1818, 1896, and 2107 being iterations of the Master Street Plan adopted by ordinance. 2 – Approval of an amendment of Vision Sherwood 2040 (R26-2019) to remove the local connector between Indian Bay Dr. and Austin Bay Ct. 3 – Approval of the preliminary plat and site plan shall not be effective until the above items are addressed by City Council. 4 – Horizon Addition Site Plan and Preliminary Plat both reflect an emergency access easement prior to approval.
- Mr. Walden explained that the plat will reflect the easement, so it is not just a recorded easement. The access easement will be on the recorded plat which means that anytime someone looks at the plat, it will be shown.
- Chairman stated that the earliest the plat would be signed would be after the Council Meeting in February.
- Martin made a motion to approve the Preliminary Plat of Lots 1 and 2, Horizon Addition with four contingencies; 1 – Repeal of Ordinance 1714, 371, 1736, 1818, 1896, and 2107 being iterations of the Master Street Plan adopted by ordinance. 2 – Approval of an amendment of Vision Sherwood 2040 (R26-2019) to remove the local connector between Indian Bay Dr. and Austin Bay Ct. 3 – Approval of the preliminary plat and site plan shall not be effective until the above items are addressed by City Council. 4 – Horizon Addition Site Plan and Preliminary Plat both reflect an emergency access easement prior to approval.
- Gillham seconded the motion.
- Unanimous roll call vote to approve the Preliminary Plat of Lots 1 and 2, Horizon Addition with four contingencies; 1 – Repeal of Ordinance 1714, 371, 1736, 1818, 1896, and 2107 being iterations of the Master Street Plan adopted by ordinance. 2 – Approval of an amendment of Vision Sherwood

2040 (R26-2019) to remove the local connector between Indian Bay Dr. and Austin Bay Ct. 3 – Approval of the preliminary plat and site plan shall not be effective until the above items are addressed by City Council. 4 – Horizon Addition Site Plan and Preliminary Plat both reflect an emergency access easement prior to approval.

9. Rezone of Lot 1, Horizon Addition. Thomas Engineering, Agent. [Public Hearing]

- Ms. Schmittou stated that the underlying zoning of this property is C-2, per Ordinance 2025 nursing home facilities are allowed in a C-2 with a Conditional Use. The Schedule of Uses references the Standard Industrial Classification Manual from 1987 and its use encompasses the request. Staff sees no issues with the applicant's request for Lot 1. Lot 2 will remain undeveloped.
- Chairman opened the Public Hearing.
- There being no comments, Chairman closed the Public Hearing.
- Chairman asked if it was a nursing home or assisted living facility.
- Ms. Schmittou stated that this is an assisted living facility housing 75 occupants in a single story structure.
- Chairman stated that it's not really a rezone, it's a Conditional Use.
- Martin made a motion to approve the C-2 Conditional Use of Lot 1, Horizon Addition contingent upon a permanent emergency access easement.
- Bruno seconded the motion.
- Unanimous roll call vote to approve the C-2 Conditional Use of Lot 1, Horizon Addition contingent upon a permanent emergency access easement. The item will go to City Council for final approval.

10. Site Plan of Lots 1 and 2, Horizon Addition. Thomas Engineering, Agent. [Public Hearing]

- Ms. Schmittou stated that the applicant subsequently provided a Schematic Landscape Plan inclusive of fencing and buffer along the R-1 east side of the lot. We have received phone calls from residents and Staff has provided copies of the submittal. After discussion with the Fire Marshal, Staff requested the vehicular access be increased to 26 feet. The Engineering Department requested a drainage analysis be completed, she deferred to Thomas Pownall, Thomas Engineering.
- Mr. Pownall thanked the Commission for rescheduling the meeting. He asked the Commissioners if they had any questions about the project. All the drainage is being routed to the lower lot, Lot 2.
- Martin asked where the easement will be on the Lot.
- Mr. Pownall stated that the easement will be located along the east side and the dumpsters will be relocated.
- Martin and Pownall discussed the particulars of where the easement will go.
- Chairman opened the Public Hearing.

- There being no comments, Chairman closed the Public Hearing.
- Angie Manek, 6964 Waterview Place, has concerns about the fencing requirements. She recently updated her wood fence. She is requesting the applicants be required to use a concrete or brick wall due to the fact that wood deteriorates.
- Chairman asked Mr. Pownall to speak to that.
- Mr. Pownall stated that the dumpsters will be moved to the West a bit. He stated that his client would prefer to stick with the wood fence, as required.
- Chairman asked if the applicant would replace it.
- Mr. Pownall confirmed that it would be maintained.
- Ms. Manek asked about the chain link fence on the Site Plan.
- Martin looked it up and stated that it was the neighbor's chain link fence.
- Martin made a motion to approve the Site Plan of Lots 1 and 2, Horizon Addition.
- Gillham seconded the motion.
- Unanimous roll call vote to approve the Site Plan of Lots 1 and 2, Horizon Addition.

11. Old Business

- Ms. Schmittou stated that in 2022 Planning Commission saw 3 Replats, 9 Preliminary Plats, 7 Final Plats, 8 Site Plans, 8 Rezoning, 2 Conditional Uses, 1 Zoning Code Amendment, 1 Sign Variance, 2 Special Exceptions, 5 Land Use Plan Amendments, 1 Variance.

12. New Business

- Chairman stated that the Mayor has requested we meet at 6pm instead of 5pm, like the City Council. The Bylaws require it being brought up in a meeting prior to amending the Bylaws.
- Gillham stated that he remembers they used to meet at 7pm and moved it to 5pm. He's retired and can be here anytime.
- Bruno stated that he was amenable to anything prior to 7pm.
- Mayor Mary Jo Heye-Townsell stated that it would be easier on the public to be available, as many residents work in Little Rock. She stated that she prefers all meetings to start at 6 as a consistent time.
- Chairman asked the City Attorney if a discussion and "straw poll" tonight would meet the requirements of the by-laws and be sufficient grounds to place a formal vote on the agenda of the meeting next month.
- Mr. Cobb affirmed.

- Mr. Walden stated that next month he will be bringing forth the Access Management Plan for Jacksonville Cato Road. The discussion about finalizing plans and standards.
- Mr. Walden also introduced Finley Vinson who will be working with the City as the Consultant Engineer.

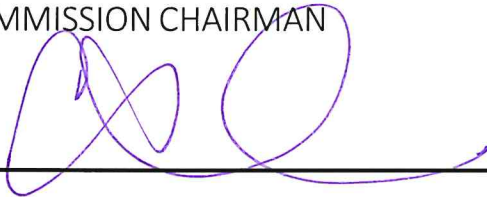
13. Adjournment

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

PASSED AND ADOPTED THIS 14th DAY OF February, 2023.



PLANNING COMMISSION CHAIRMAN



PLANNING COMMISSION SECRETARY