

Sherwood Planning Commission Minutes

January 12th, 2021 – 5:00 p.m.
2201 E. Kiehl Avenue, Sherwood, AR 72120
Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Bruno
 - Gillham
 - Knight
 - Martin
 - Middleton
3. Approval of December 8th, 2020 Meeting Minutes
 - Bruno made a motion to approve the December 8th, 2020 meeting minutes.
 - Knight seconded the motion.
 - Unanimous roll call vote to approve the December 8th, 2020 meeting minutes.
4. Approval of December 11th, 2020 Special-Called Meeting Minutes
 - Knight made a motion to approve the December 11th, 2020 Special Called meeting minutes.
 - Bruno seconded the motion.
 - Unanimous roll call vote to approve the December 11th, 2020 Special Called meeting minutes.
5. Approval of the Agenda
 - Chairman added donation of a park to the city of Sherwood.
 - Chairman declares the Agenda set.
6. Election of Chairman
 - Bruno made a motion to nominate Rob Middleton as Chairman of the 2021 Planning Commission
 - Knight seconded the motion.
 - Bruno, Gillham, Knight, and Martin voted to elect Rob Middleton as Chairman of the 2021 Planning Commission. Middleton Abstained.

7. Election of Vice-Chairman

- Bruno made a motion to nominate Blake Martin as Vice-Chairman of the 2021 Planning Commission
- Knight seconded the motion.
- Bruno, Gillham, Knight, and Middleton voted to elect Blake Martin as Vice-Chairman of the 2021 Planning Commission. Martin Abstained.

8. Preliminary Plat for Lot 1, Tropical Smoothie, also known as 1510 Country Club. Crafton Tull, Agent.

- Richard Penn explained that everything was in order to proceed with the approval of the Preliminary Plat. There were no questions by the Commissioners.
- Martin made a motion to approve the Preliminary Plat
- Knight seconded the motion.
- Unanimous roll call to approve the Preliminary Plat.

9. Site Plan for 1510 Country Club. Crafton Tull, Agent. [Public Hearing]

- Richard Penn stated that the location of the dumpster has been moved to keep it away from single family dwellings that border the property. That has been submitted to the Permits and Planning office. The ingress and egress easement was discussed and provides access to the lot behind this property and allows it to be a legal lot. There is 26 feet of pavement for the fire department to access the property. It was also discussed that none of the exterior lighting can illuminate beyond the property line.
- Chairman opened the public hearing. There were no comments submitted so he closed the public hearing.
- Bruno made a motion to approve the Site Plan.
- Martin seconded the motion.
- Unanimous roll call to approve the Site Plan.

10. Old Business

- Amend the Zoning Code regarding Sight Distance Triangle – Discussion
 - Mr. Penn provided a set of diagrams that show the property lines for interior lots. There is a clear sight triangle that shows how to measure 25 feet from the back of the curb in each direction. In that triangle area there needs to be clear sight, which means nothing taller than 2 feet or lower than 10 feet. He asks if we could extend this and use it for driveways. It would be applied to every situation where there is a fence or landscape request. For existing driveways, these diagrams would be used as a guide to make sure that property owners and neighbors can see when trying to back out of their driveway. If it is new

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construction, the builder should use the sight distance diagram to locate their driveway. Chairman stated that the whole point of this is to create a mechanism to make sure that no one puts anything up that can obstruct the vision to the property next door.

- Chairman set a Public Hearing to amend the zoning code for the February meeting.
 - Bruno made a motion to hold a public hearing in the February meeting.
 - Martin seconded the motion.
 - Unanimous roll call to hold a public hearing in the February meeting.
- Home Occupations
 - This revision to the zoning code has been suspended until Mr. Penn, the City Clerk, Angela Nicholson, and City Attorney, Steve Cobb can meet to discuss this item due to a section of the draft regulation that conflicts with the existing home occupation tax requirements in the City Clerk's office. Attorney Cobb stated that this needs to be moved to next month.

11. New Business

- Additional Qualifications for PUD Application Discussion
 - Mr. Penn explains that a developer submitted a site plan that shows part commercial and part residential. In order to accept a PUD application in the current zoning code it must either conform to the current zoning of the property or be consistent with the general character of the land use classification for the property, or be substantially similar and compatible with adjacent properties. There was no way to accept the application based on the current requirements. He states that the best thing to do at this point is to review the qualifications for submittals.
 - Mr. Penn told commissioners that Jim von Tungeln has come up with alternative language for the zoning code submittal requirements. The new alternative wording draft states:
 - “The PUD shall meet at least one of the following threshold requirements; (1) Conform to the permitted uses within the existing zoning district that the PUD is proposed, (2) Be consistent with the general character of the Land Use Classification of the subject property in the City's Land Use Plan, (3) Be substantially similar to or compatible with adjacent property, or (4) permit the development of an infill property, that because of existing limitations, could not be developed under the provisions of any existing zoning district, in a manner that would be physically possible or reasonably profitable and remain in conformance with policies or provision of the City's adopted plans. Further implementation of a PUD applies only to the provisions of zoning

and to subdivision codes, does not imply approval of developments that violate any other municipal laws or codes of the State or Federal government.”

Mr. Penn stated that we want to help development while still maintaining control over development.

- Chairman stated that Mr. von Tungeln advised that we could make a simple revision in our zoning code. The two options are to change the Land Use Plan or make a simple revision to the zoning code to allow PUDs to be applied for.
 - The commissioners all like the concept of revising the zoning code to reflect this.
 - Chairman scheduled a public hearing for the February meeting to consider a change in the zoning code to allow this revision. Attorney Cobb will help with language before it goes for a public hearing.
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- Hemphill Road Project Discussion
 - Mr. Penn gave an update on the Hemphill Road Project informational meeting that was held with the residents. He stated that the City hopes to have another zoom meeting where the residents can speak and voice their concerns.
 - Mr. Penn stated that Hemphill has a 50 foot right of way, and that it is shown as a collector road on the Master Street Plan. He stated that collector streets require a 60 foot right of way, which cannot happen on Hemphill due to conflict with structures. The question is now what can be built that will address the classification of a collector (more traffic than a local street that does not connect jurisdictions). In the past, ordinances have been created for special designs. Mr. Penn now asks if we want to make a change to the Subdivision regulations to add an option for the City Engineer to be able to adjust the design the design of a cross section that’s either local or collector and maybe minor arterials as required. This would address special designs for streets and not violate subdivision regulations.
 - Chairman stated that there are a few options to deal with this but this is bond money so it is very time sensitive. Chairman also stated that he does not think that it would be a good idea to keep creating separate cross sections for specific streets. The City needs to get a typical cross section design standard that is appropriate for built up areas, which differ from new subdivisions.
 - Mr. von Tungeln stated that the City should shy away from coming up with new regulations, standards, cross sections etc., every time there is a problem. He suggests a simple addition to the subdivision regulations.
 - Chairman asked Attorney Cobb if he sees any red flags with this and Attorney Cobb stated that he does not, and he thinks that an addition to the subdivision regulations is a good idea.

- Mr. Penn stated that this can be an item of business for the February Planning Commission meeting, and then the Planning Commission would have the opportunity to make a recommendation to the Council and they can adopt this in the February Council meeting. He will move ahead with the best design that he can that way it will be ready for the Council's decision and if they approve the item they can move quickly with construction.
- Chairman stated that the City's street standards are based on old Metroplan CARTS design standards and our subdivision requirements date back to the 1970s even though there have been several revisions. He stated that he would like draft language to be put together for a Public Hearing for February Planning Commission Meeting.
 - Gillham asked what exactly is going to be done with Hemphill Road.
 - Mr. Penn stated that the City is going to make the connection on the North end to connect to Maryland and the 50 foot right of way would suggest that it is a local street. That would create a problem with on street parking because the more they widen the road the more people will have to park in the street because it will eliminate the driveway. He said right now they are focused on finding the best width to accommodate everything that's needed for the street improvement. He said that at this point a single sidewalk is going to be the best option and bike lane requirements are being mitigated to the new powerline trail one block East of Hemphill. The city is accommodating everything the neighborhood needs along with the traffic in the city. There will be larger drainage under the road because they will put in curb and gutter.
 - Gillham stated that he does not think that connecting Maryland and Hemphill is a good idea due to the increase in traffic for the residents of Hemphill. He then asked about building a bridge on Maryland and Chairman stated that we will come back to that later and that we need to stay on topic.
 - Chairman stated that this project is going to be built and it is a priority for the bond funding. The only question about it now is how is it going to be built to create the least problem to the residents. There needs to be draft language to allow the City Engineer to make appropriate revisions and modifications of standards in existing neighborhoods without doing special legislation for every one that may come up in the future, and to be able to consider it at a Public Hearing in February.
- Proposed Donation of a Park to the City of Sherwood
 - Mr. Penn showed where the park location would be, near Kellogg Creek. He stated that the idea would be for the land to be excavated and become a permanent water body for recreation and enjoyment of the neighborhood. It

would be accessible by a future trail. He emphasized that this does match the Vision 2040 Comprehensive Plan. He stated this will go to the City Council in the form of a resolution to accept the donation of land to the Parks Department. The Vision 2040 Plan does show a potential park in the area of this land.

- Chairman stated that we should have a discussion on whether or not the donation of land is acceptable based on the Land Use Plan. Mr. Penn stated that it is important to show that the plan is working.
- The Commission was unanimously agreeable to this donation.

- Year in Review
 - Chairman stated that the Planning Commission is required to submit a report on the last year's activities to City Council every January. He stated that the lack of Preliminary plans suggest that Covid-19 has slowed everything down, but the number of Final Plats suggest that we have finished projects.
 - Mr. Penn stated that we are running out of buildable lots in Sherwood, so we need the Preliminary Plat activity to increase in 2021, and that is expected to happen North of Kellogg Creek. He stated that there will be a lot of work done in 2021 looking at sewer systems that are there and how they work and provide for their district and citizens. He states that he hopes there will be a lot of significant activity in 2021.
 - Chairman stated that there were 7 zoning code revisions made last year, and none were major. He states that he can see future revisions to the Land Use Plan as well as the Zoning Code.

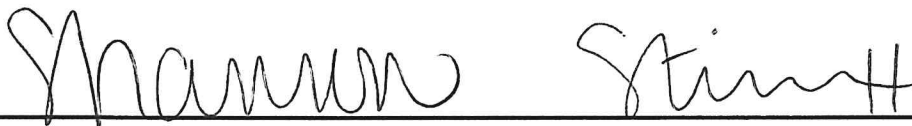
12. Adjournment

- Knight made a motion to move Adjourn.
- Martin seconded the motion.
- Unanimous roll call vote Adjourn.

PASSED AND ADOPTED THIS 9th DAY OF February 2021.



PLANNING COMMISSION CHAIRMAN



PLANNING COMMISSION SECRETARY