

# Sherwood Planning Commission Minutes

June 9<sup>th</sup>, 2020 - 5:00 p.m.

2201 E. Kiehl Avenue, Sherwood, AR 72120

Rob Middleton, Chairman

## Agenda Items

1. Call to Order
2. Roll Call
  - Gillham
  - Knight
  - Martin
  - Middleton
  - Bruno
3. Approval of May 12<sup>th</sup>, 2020 Meeting Minutes
  - Bruno made a motion to approve the May 12<sup>th</sup>, 2020 meeting minutes.
  - Martin seconded the motion.
  - Unanimous roll call vote to approve the May 12<sup>th</sup>, 2020 meeting minutes.
4. Approval of the Agenda
  - Chairman stated that Mr. Penn would like to make a statement about a pending issue.
  - Richard Penn, City Engineer, added a Final Plat of Millers Glen, Phase 4 under New Business.
  - Chairman declared the Agenda set.
5. Zoning Amendment to Parcel#: 23S0016000101 off Hatcher Road and Bobbitt Lane from R-1 to R-2. Bond Consulting Engineering, Agent. [Public Hearing]
  - Mr. Gambrell, Contracted City Planner, read the Staff Report. He stated that the property has two frontages. Some of the property is vacant and wooded. The request is to rezone a portion of the property. The east side of the property, approximately 1.881 acres is where the request is for R-2.
  - Chairman opened a Public Hearing.
  - Tom Clouette, 1802 Bobbitt, has been there since Gravel Ridge was annexed. He stated that the water lines and sewer lines are ancient and was asked if there were improvements coming, when they were annexed. They were assured it was in the works, it's been several years and those plans have not taken place. When you start adding traffic and more homes, you will add to the problem.
  - Kyndall Rogers, Hayley Drive, spoke with some of the residents and had no idea this was going on, but she spoke with staff and the Engineers did their due diligence. She asks for the Planning Commission to table this item so that she could rally the

neighborhood. She doesn't feel like stacking people in out there is the best method. She stated that it is relatively quiet.

- Tommy Bond, Bond Consulting Engineers, he stated that he did do as the City required. They sent out 41 certified letters and only had 22 returns. He stated that Bobbitt Lane will remain single family and this change would not affect the traffic or utilities. The property asking to be changed would be next door to existing duplexes.
- Gillham wanted to clarify the letter from Bond stated that the west end be R-2, and the east end be R-1.
- Mr. Gambrell did clarify that the letter of request was incorrect but the Staff Report spoke to that.
- Knight asked where the two citizens that spoke lived. Both confirmed that they live on the Bobbitt side.
- Mr. Clouette stated that Mr. Bond stated one house would not make a difference. However, there are single family homes on the east side and fully populated. He does not feel that the utilities or roads can handle more.
- Leo Roberts, 1605 Bobbitt Lane, spoke about traffic issues and there are other duplexes down the road. He claims there are drug issues and speeding. He doesn't want duplexes in his neighborhood.
- Gillham stated that Hayley Drive is all R-1 single family homes. There is a trailer park which is R-1 too and he thinks we should leave it R-1.
- Mindy Poppy, 7606 Hayley Drive, her backyard butts up to the area. She has lived there for 14 years. She is concerned about the traffic from the existing duplexes. She asked where in Sherwood are there duplexes being developed or are they all just being put out there. They do take pride in their area and they try to keep it nice, the roads are terrible. There have been no upgrades and this will add to the traffic. On the right side of Hatcher and Hayley intersection, there are two homes and two duplexes, since those have been put in, the water drainage goes along the fence line in her back yard. She feels like there is enough multi-family in the area.
- Ms. Thomas, 7704 Hayley Drive, she is concerned about security in her back yard.
- Chairman stated that there is some confusion. There will be a lot between the houses on Hayley and the lot of request.
- Ms. Kyndall Rogers, spoke again and stated that they are worried that the Commission approving this is a gateway to allow more duplexes to come in.
- There being no further comments, Chairman closed the Public Hearing.
- Knight stated that having a knee surgery, he hasn't had the opportunity to drive out to see this. He isn't prepared to vote. He understands things happening in your area and he understands the traffic.
- Gillham stated that if it's zoned R-2 it will be duplexes. If it is R-1, it may be owned by the occupant.
- Gillham made a motion to deny this item.
- Knight seconded the motion.
- Gillham and Knight voted yes to deny. Martin, Middleton and Bruno voted no.
- Chairman ruled that failure to approve the motion meant that no action has been taken by the Commission to either approve or deny.

- Bruno made a motion to table for the July meeting.
  - Knight seconded the motion.
  - Unanimous roll call vote to Table the Zoning Amendment of Parcel#: 23S0016000101 off Hatcher Road and Bobbitt Lane from R-1 to R-2 to the July Planning Commission meeting.
6. Zoning Amendment to 7517 Hwy 107 from R-3 and C-2 to C-3. Bryan Pitts, Realtor. [Public Hearing]
- Mr. Gambrell, Contracted City Planner, read the Staff Report. He stated that this request was to rezone all of one lot from C-2 to C-3 and a small portion of a larger adjacent lot (0.92 acres) from R-3 to C-3. Without it being re-platted, this would result in a split zone issue. They are asking for it to be rezoned to C-3 for a standalone liquor store. They applicant would like to keep the remaining property as R-3.
  - Steve Cobb, City Attorney, questioned the ability for a liquor store to be allowed to be placed there. His understanding that the per capita is full.
  - Mr. Gambrell stated that this was not addressed by staff. However, staff did discuss that we have not been given ad metes and bounds survey for the property. There is also the issue of a non-conforming use, it appears that a re-plat would encroach on the structure in the adjacent lot.
  - Chairman opened a Public Hearing.
  - Billy Tarpley, Executive Director of the Arkansas State Dental Association, which is directly across the street from the subject property. He stated that he was not there to make a complaint, he is only there to seek information. He asked if it was intended to be a standalone liquor store.
  - Chairman confirmed that was the request.
  - Mr. Tarpley stated that his concern was what was to be done with the entire property.
  - Bryan Pitts, with iRealty, represents the owner. He received a call from Candi or Shannon and asked if they were interested in rezoning the entire property as C-3. They were interested, but there was a time constraint and an issue with the property closing. The white house behind this lot of request will be torn down. The legal description he received from Marlar Engineering (Halff Engineering) but he can re-plat it if that's necessary.
  - Mr. Gambrell stated that the graphic provided did not show the metes and bounds, all you have is a line on a map. We need the legal description included on the plat or graphic.
  - Mr. Cobb stated that Pulaski County was full, on a per capita basis, regarding liquor licenses.
  - Mr. Weinzimer stated that it would be moving about 300 yards.
  - Knight asked if he was going to tear all that down to build a liquor store and already have a store and want to build a new one in this location.
  - Mr. Weinzimer confirmed.
  - City Planner, Shannon Meinhold, read a letter from resident Xavier Jones (attached).
  - There being no further comments, Chairman closed the Public Hearing.

- Chairman stated that the only way this would work is to re-plat this lot so that we would have a legal description to tie the zoning to. The original issue was that a portion of the larger lot was requested to be rezoned and we don't do split zoning. The only way this would work would be to re-plat those two lots and make the requested lot larger so that we would have a legal description and we could zone that specific parcel, which would make everything copasetic. We can take up rezoning the larger portion of the property later.
- Martin stated that if we rezone it, does it need to be contingent upon platting that lot. Will the remainder of the lot be able to be a legal lot afterwards, with the frontage on Hwy 107?
- Mr. Gambrill confirmed that it would be a legal lot.
- Gillham stated that this property is on Hwy 107 and all of that is going to go Commercial all the way to Gravel Ridge. It's not like someone is going to build a house on this property.
- Gillham made a motion to recommend this item to the City Council for approval contingent upon a re-plat defining the legal description.
- Martin seconded the motion.
- Unanimous roll call vote to recommend the Zoning Amendment of 7517 Hwy 107 from R-3 and C-2 to C-3 to City Council for approval contingent upon a re-plat defining the legal description.

7. Approving a Conditional Use Permit in a C-3 Zone at Parcel#: 23S0420600100 off North Hills Blvd. LeCraw Engineering, Agent. [Public Hearing]

- Mr. Gambrill, Contracted City Planner, read the Staff Report. He stated that the subject property encompasses two parcels of property. This property is included in the Entertainment District. There are a few staff comments that were added to the report, such as; Public Sewer easement shall be obtained, and property recorded on the requisite re-plat as a condition of building permit issuance. Hours of operation shall be no earlier than 6am and an no later than 7pm. No outdoor storage of any kind between the northern façade of the proposed building. There are stipulations in the zoning regulations for conditional use permits for automotive repair that do not need to be listed but would need to be adhered too and will be discussed under the Site Plan review.
- Martin asked about the shared use driveway. If they don't have an agreement from the adjacent property owner, then they don't have an appropriate driveway. Would that need to be a condition?
- Mr. Gambrill confirmed that would need to be addressed on the Site Plan.
- Knight asked what this did for Entertainment District.
- Chairman referred to Ms. Meinhold.
- Ms. Meinhold gave an overview of the Christian Brothers model as presented to staff, in addition to photos taken of the North Little Rock site. They are considered a light automotive repair service. We could put time stipulations on them with the Conditional Use permit. The Site Plan submitted to the City Engineers office includes landscaping, signage, irrigation, a retaining wall. In August of 2019, the City of Sherwood passed an Ordinance #2265 designating this area as an Entertainment

District. This district does not control land use, but rather activities during designated times. The western area of Sherwood is a historic district and the Vision2040 Comprehensive Plan does encourage development that creates amenities or a place to gather. This can be achieved through mixing land use. She attended the Parks and Recreation Committee meeting where she learned of an additional development proposed in this area called Sherwood Station. Which is a city park concept. It's a multi-phase approach located south of the sub-station. There are plans to move the Public Works facility and we are in the preliminary phases of analyzing this city park. This area is important. The Staff comments and items to consider, the conditions attached may include hours of operation, landscape buffering, limiting outdoor display, repairs, etc. The cities of Little Rock and North Little Rock have placed similar conditions. A re-plat is necessary to prevent encroachment and Christian Brothers is aware, in addition to attaching sewer.

- Chairman opened a Public Hearing.
- Neil Bryant, owner of Gadwall's Grill, says that he bought the property and put the mini storages on the back. They had to take the tree down because it was dead. As far as the Entertainment Districts, he thought that someone would've contacted them asking them about their property. This is a national company, it would benefit the city to have them here. He would appreciate consideration and a positive response to the Conditional Use permit.
- Ms. Meinhold showed photos taken of the existing Christian Brothers on Maumelle Blvd. She read a statement from the City of Sherwood's Economic Development Director, Colleen Carr. (attached)
- Mr. Bryant stated that all of that sounded really good but he isn't interested in an Entertainment District. There's a gas station on the corner.
- Knight asked if the Entertainment District would bring more business.
- Mr. Bryant said no. He doesn't think that people would walk across North Hill Blvd. He said that people sit on their patio and drink now.
- There being no further comments, Chairman closed the Public Hearing.
- Chairman stated that normally we would want to know what the Land Use Plan for this property. However, this property is in the correct zoning. The Entertainment District can only provide one thing, allow you to have mixed drinks outside the restaurant and only at certain times. The only thing the Planning Commission can do is to recommend conditions necessary to make the Plan work. Our options are somewhat limited.
- Knight stated that it's pretty simple, you either have a plan or you don't.
- Bruno said that on the other side of it, he is familiar with Christian Brothers and it's a nice operation.
- Chairman stated that it probably wouldn't detract from whatever the Entertainment District or whatever the Planned Development is going to be, but again, he doesn't know what that is.
- Mr. Gambrill stated that beyond what the Staff report provides, to supplement what you're seeing on the screen from the report and what Ms. Carr submitted to us; is continuing the idea of screening and buffering. You cannot prevent uses, by right, from coming in and seeking approval. But within reason, you can speak to hours of operation and noise that will impact things at the Site Plan level.

- Chairman agreed but at this point, we need to state what appropriate conditions we would send to the City Council for this permitted use. He doesn't think they have the authority to say that they can't do it, because it is a permitted use.
- Mr. Cobb said that you can deny, attach requirements, or table.
- Chairman asked what would be the basis of the denial when it's a permitted use.
- Knight made a motion to deny this item.
- Gillham seconded the motion.
- Gillham and Knight voted yes to deny. Martin, Middleton and Bruno voted no.
- Martin stated that they have a nice building on Maumelle Blvd. But the Entertainment District, will the days and hours effect when Christian Brothers isn't in operation.
- Mr. Cobb stated that some municipalities is all the time. The consideration for Sherwood is that it was on a more limited basis with regard to the alcohol consumption. The planned use south is a much bigger project with an amphitheater and planned destination. But, to answer your question, there will be designated days and hours.
- Chairman asked if that would be on City property.
- Mr. Cobb stated that it would be a partnership between the City and a private ownership. There is discussion of some development of what we call the old Bowling Alley property and hopefully that would connect the walking trails that goes down by Animal Control. It is still in the planning phases, they held the second meeting on June 8<sup>th</sup>. Converting some of the Public Works facility into plazas and making the Animal Shelter a focal point and possibly expanding that a little too.
- Bruno asked if that would encompass Christian Brothers.
- Mr. Cobb stated that it does not, that its south of there.
- Martin clarified as far as the Entertainment District concept as far as this piece of property is concerned, is having a trail in the back and screening this business from the trail potentially or utilize a walking path in the right of way, which looks like there might be room for that to occur and what's recommended by Staff is in line with the operating hours of the Entertainment District.
- Chairman stated that the mini-storages are probably more detrimental to the plan than Christian Brothers. But again, for the Planning Commission, what are the conditions that would be conducive to what that plan is going to be.
- Karen Bryant stated that you could use the trail behind the bowling alley. She went to the meeting and saw the plan, it was wonderful. But, Christian Brothers, with the hours and everything, would be fine there.
- Chairman stated that no matter what we do here, the final analysis it is up to the City Council. We need to provide the best recommendation we can make based on the facts before us and the authority that we've got.
- Knight made a motion to table this item.
- Gillham seconded the motion.
- Gillham, Knight, Martin and Bruno voted to table the Conditional Use Permit in a C-3 Zone at Parcel#: 23S0420600100 off North Hills Blvd. Chairman voted no.

## 8. Old Business

- Discussion on Amending the Zoning Code regarding Fences
  - Chairman stated that Staff decided to table the Fence discussion to allow our new City Planner an opportunity to review the materials provided so far.
  - Mr. Penn stated that we have a request for a waiver or exception of the requirement for not allowing a fence in the front yard. The request comes from a property owner on Tammy Lane, a large lot in R-1, the request is to replace an existing barbed wire fence with a split rail fence. We cannot approve it because our regulations do not allow a fence in the front yard setback. The request is that you would allow a waiver to replace a barbed wire fence with a split rail fence. This request will remain, so if by some way or another, we have a fence discussion that says we will allow A, B, C, or D it will take some time. The property owner is quite anxious to move ahead with this project.
  - Gillham asked what the location was.
  - Mr. Penn stated that it is Tammy Lane, on the back side of Trammel Estates.
  - Martin asked if there were any more parameters on the fence.
  - Mr. Penn stated that the fence was 42", rather 3½ to 4 feet. We received a legitimate request but we are unable to approve the request and the landowner is asking for a waiver.
  - Chairman stated that it was the sense of the Commission that something in the front yard is acceptable with some limitations. What we need to come up with is, what those limitations are, such as sight distance and materials.
  - Mr. Penn stated that historically, residents have applied for a Variance to the Board of Zoning Adjustment up until last year. So, now we need to consider someone that has a special request and address that. The only way he knows to do that is by waiver.
  - Martin asked if it would create a sight distance issue for anybody.
  - Mr. Penn is not aware of any issues.
  - Chairman stated he couldn't imagine a split rail causing a sight distance.
  - Martin is inclined to grant the waiver with a maximum 42" height.
  - Gillham agreed. He believes that a split rail was congruent with Tammy Lane.
  - Mr. Penn asked if we will need that on the agenda for next month.
  - Chairman confirmed it will need to be placed on the agenda.
- Final Plat of Millers Glen Addition, Phase 4, off of Oakdale. Thomas Engineering, Agent.
  - Mr. Penn stated that there is a substantial part of that subdivision built. We have Millers Glen, Phase 6 right now. This is for Phase 4, containing 27 lots. The owner is requesting approval subject to the City Inspection and other close-out documents. He stated that had it not rained, they would be asphaltting today. He is convinced that it will be ready before the next Planning Commission and will be held for Mr. Middleton's signature until all items are completed.
  - Martin made a motion to approve.
  - Knight seconded the motion.
  - Unanimous roll call vote to approve the Millers Glen Addition, Phase 4 Final Plat.

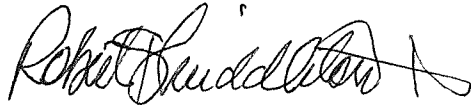
- Chairman stated that this is Mr. Kevin Gambrell's last meeting with us, and thanked him for the work he has done for Sherwood for the past year and a half.

9. New Business

10. Adjournment

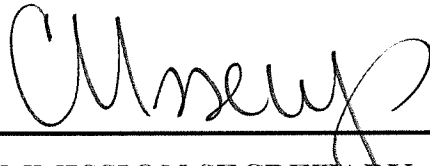
- Knight made a motion to Adjourn.
- Martin seconded the motion.
- Unanimous roll call vote to Adjourn.

PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF July, 2020.



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PLANNING COMMISSION CHAIRMAN



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PLANNING COMMISSION SECRETARY