

# Sherwood Planning Commission Minutes

July 14<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
  - Knight
  - Martin
  - Middleton
  - Bruno
  - Gillham
3. Approval of June 9<sup>th</sup>, 2020 Meeting Minutes
  - Bruno made a motion to approve the June 9<sup>th</sup>, 2020 meeting minutes.
  - Knight seconded the motion.
  - Unanimous roll call vote to approve the June 9<sup>th</sup>, 2020 meeting minutes.
4. Approval of the Agenda
  - Chairman declared the Agenda set.
5. Waiver from Fence Regulations at 6124 Tammy Lane. Denise Davis, Owner.
  - Shannon Meinhold, City Planner, read the Staff Report. She stated that the request is for a fence in the front yard. It is a large, R-1 zoned lot. An application was submitted for a fence but was denied because it didn't meet our current fence regulations. The request is to remove the existing barbed wire and be replaced by a two-rail wood fence across front yard and pasture. The height will be around 3 ½ feet. This request does meet the draft proposed revision to current fence requirements that the Commission has been discussing. Staff recommends approval.
  - Knight made a motion to approve the waiver.
  - Gillham seconded the motion.
  - Mrs. Meinhold read a letter from the applicant explaining that she didn't come to the hearing due to Covid-19 and she explained her request as well as why she was requesting to replace this fence.
  - Gillham stated that he felt this fence was consistent with the area, it's a big lot.
  - Knight and Bruno agreed that it makes it look better.
  - Martin asked if we should put a restriction on the height.
  - Knight stated the request was for 42 inches.
  - Gillham agreed to the amended motion
  - Unanimous roll call vote to approve the Waiver from Fence Regulations at 6124 Tammy Lane with a maximum height of 42 inches.

## 6. Old Business

- Fence Discussion

- Mrs. Meinhold stated that we've had ongoing and numerous discussions that were necessary to provide a new draft. She stated that this draft is cleaner, more brief language makes text easier to read and understand, and more specifically:
  1. Removed repetitive 'Screening' language; instead addressing it once for commercial and office districts.
  2. Allows for fences in front yards, 3.5 feet.
  3. Finished side faces out from property.
  4. Allows City Staff to review corner lots based on sight triangle safety precautions.
  5. Allows material/design flexibility.
  6. Adds clear diagrams to demonstrate concepts efficiently.
  7. Clear language for Waivers to Planning Commission.
- Bruno stated that he agreed with the language of public way.
- Knight asked for clarification on the definition of 'public way.'
- Ms. Meinhold deferred to the Chairman, who stated that he believed it referred to streets and trails
- Mrs. Meinhold stated that the finished side facing outward deters climbability, or the ladder effect.
- Chairman said that the original draft wording suggested the finished surface facing the outside of the property. That would be easy to describe but hard to enforce; the current draft definition was harder to define but easier to enforce. He noted that the current language in each section for commercial and office zoning district that states there has to be a fence between a commercial district and residential district. The discussion was we shouldn't have that on an empty lot, only a developed commercial lot. The biggest thing to him, is the issue primarily is going to be public safety. Our job tonight is to decide if the Commission is comfortable tonight to go to a public hearing in August.
- Gillham asked if a person could have a wood board fence that is solid.
- Mrs. Meinhold referred to page 5, there is a section discussing materials. We felt that restricting materials is not in our purview. That's why the draft is cleaned up and easy to understand. Not lenient, but flexible and enforceable.
- Chairman asked if we are comfortable going to Public Hearing on this.
- Bruno made a motion to hold a Public Hearing in August.
- Knight seconded the motion.
- Unanimous roll call vote to hold a Public Hearing on Fence Requirements in the August Planning Commission meeting.

## 7. New Business

- Pool Discussion

- Mrs. Meinhold stated that this draft language creates a new subsection in the Zoning Code for "Pools" at Section 14.10.14 "Residential. Swimming Pools".

It simplifies to one set of rules, treats pools same for all residential type pools (above and in-ground the same and both considered accessory uses).

Changing two things: 1) Changes setbacks from rear and side property lines, from ten feet to five feet (10' to 5') 2) Requires pools to be at least five feet (5') from principal structure. Most items in pool draft already enforced due to language in International Building Code (i.e. fence requirement) So, what we need to discuss tonight is that the draft language has one grey area and that is dealing with pools on deep lots. As currently worded, a residential swimming pool must be located behind the principal structure, or on the rear one-half (1/2) of the lot, at a distance not less five feet (5') from the pool basin to any dwelling or building existing or under construction on the same lot. This would technically allow for pools in front of structure on long lots. Does Planning Commission want to consider back half of lot to allow a pool in front 1) by right as written in regulations, OR 2) leave it to applicant pursuing a waiver to Planning Commission?

- Chairman stated that the way it's currently worded, in the accessory structures language, is that you'd have an option with a pool. It could be behind the house or it could be in the back half of the lot. He noted that, while most people probably wouldn't put a pool in front of the house, the proposed wording made it an option by right. He also noted that it could make the required fence height taller than the required height limit for a front yard just reviewed in the draft fence revisions. It seems to him that it would be cleaner to not allow this by-right. He acknowledges that there could very well be circumstances where a pool in front on a very large lot, such as an estate, particularly areas in the north part of the city where you couldn't see it would be appropriate. He would rather see it come to the Commission rather than allow it by-right as currently worded.
- Martin agreed with the Chairman.
- Knight agreed and was concerned about a variance on property by where he lives. There's a drainage ditch, but people are wanting to put their pool in the back yard, if we don't issue a variance for that 5 feet, they're out of luck. And, all they're doing is improving their property. It's certainly worth the Planning Commission to look at each one of these situations that might arise and us dig a deep hole that we can't climb out of. He would just like to make sure that the Planning Commission has the opportunity to look at each one of them.
- Mrs. Meinhold read Item D. A residential swimming pool or swimming pool appurtenances cannot be located in any easement, setback, or separation requirement, except for on grade concrete decking.
- Martin asked if anyone checked the 5 feet separation with the Fire Department.
- Andy Wilson, Building Inspector, stated that they have not talked to the Fire Department about that but they can. He noted that North Little Rock's rear setback and side property line is 5 feet and the separation is 10 feet. Little Rock is 3 feet setbacks and 6 feet separation and Bentonville is 7 feet.
- Mr. Wilson stated that he'd like to make a statement regarding the location of pools on a lot. If the idea is for the Planning Commission to make an

informed decision, he wants to give them the benefit that he can to help. Historically, with accessory structures, including swimming pools, we've always said it has to be on the front half of the lot and if it's not, it doesn't necessarily apply. The reason that works in a rural setback, is when there's a house set back in the woods or off the road a ways. He can't think of a case where someone complained that someone put their pool in front of their house on a rural lot. He requests there be some sort of guideline so when someone applies, his answer is to have them go to the Planning Commission or Board of Zoning Adjustment. Historically, if the request is on the front half of the lot, he tells them they can't do that. He read the Variance section of the Zoning Code and stated that depth is one of the criteria to apply for a variance. What depth would trigger the idea that this is something that needs to be considered?

- Steven Cobb, City Attorney, asked what was driving the discussion about a pool being in front of a house.
- Chairman answered that it was the language that you could put a pool anywhere on the back half of the lot, regardless of where the house is.
- Mr. Cobb asked so, in Miller's Crossing, you could put a pool in front of your yard.
- Chairman said if you have a 200 foot lot and the house is 50 feet from the back line. You'd have 50 feet to put a pool in front of your house.
- Mr. Wilson said that's not a good analogy because the lots are too shallow. Where it makes sense is where you have 600-700 foot deep.
- Martin mentioned the lots off of Oakdale.
- Mr. Wilson stated that he's an advocate for leaving it the way they have been, but if it changes, he wants to know what the trigger is for the depth to go to Planning Commission or do we let them all go.
- Chairman replied it would come to Planning Commission if someone wants to put a pool in front of the house. Not to be allowed by-right and there wouldn't be very many cases and we will base those on their own merits.
- Bruno agreed.
- Chairman has a problem with allowing a pool to go in front of a house by right. If the house is 400 feet back in the woods, in that case it might be appropriate for a pool to be somewhere in front of the principal structure
- Mr. Cobb stated that you keep the control here if you take the by-right part out.
- Chairman asked if we were ready to have a Public Hearing.
- Bruno made a motion to hold a Public Hearing in August.
- Knight seconded the motion.
- Unanimous roll call vote to hold a Public Hearing on Pool Requirements in the August Planning Commission meeting.
- Updated Boundaries on Land Use Plan
  - Mrs. Meinhold explained there was a land swap between Jacksonville and Sherwood in 2019 in northeast Sherwood. The Land Use Plan needs to be amended to reflect this change in the city limits, so this is just to update the maps and keep them current. We need to address the discrepancies and strike those from our map. The Vision 2040 does call for floodway and rural

reserve in the vicinity of the new city territory. We are asking for a public hearing in August to decide the appropriate land use and correct the map boundaries. This area is a transitional point between Jacksonville and Sherwood. There is no water or sewer out there. These are very big considerations and it makes perfect sense to analyze it from the floodplain. She noted that north Sherwood, the area of the city north of Kellogg Creek is zoned at a very high percentage, 97.9%, as single family residential (R-1). She believes, as an Urban Planner, that Sherwood would benefit to zone this property as parks and conservation. It could also go in as R-1.

- Chairman stated that in all his years, he's never seen a Single Family Residential as high as Sherwood, and North Sherwood in particular. One thing he's heard from people is that they wanted more recreational opportunities, such as parks. But the truth is, the City would have to buy that land in order to make that happen. Single Family Residential is kind of a default, so that would make sense.
- Bruno stated that if you do Single Family Residential, you'd have to bring in water and sewer and that's going to be very expensive going across a floodway.
- Richard Penn, City Engineer, stated that in this land swap, the City of Jacksonville committed to provide Sewer and Water to that area because the gradients will allow the gravity of sewer to Jacksonville. They already have water in that area and the parts that came to Sherwood, they already knew how they were going to serve those. We would not have to cross Bayou Meto. It would be Gravel Ridge Sewer district and Central Arkansas Water.
- Ms. Meinhold, added that in our Sherwood Vision 2040 Plan, this is from the Goal Area 3. Growth Management and Fiscal Health Policies says, to encourage development in areas already served by city services, where service provision is most cost effective, ensure new developments locate where they can be accommodated by existing public infrastructure, and encourage development that is compatible with the natural and built environment of the surrounding area.
- Chairman stated that the Commission didn't have to come up with a recommendation tonight, it could schedule a Public Hearing. He asked if the trail plan would affect that area.
- Mr. Penn doesn't know how it will connect, but it will connect. It will connect to Jacksonville, there's a benefit to looking at Bayou Meto with the water access. Jacksonville has the Bayou Meto Canoe area there on West Main. So, there's already a specific use that's recreational and we could benefit with a Cooperative effort. Single family residential is currently in the mind of the owner of that 150 acres. Some staff has mentioned there may be a reason to have Commercial in that area. There's not anything on that side of Jacksonville and it may have some value to have something there, people are driving all the way to Gravel Ridge. There may be some benefit to having some commercial at the gateway of Sherwood. But, he does know they have long range plans for Single Family Residential.
- Chairman announced that this was Mrs. Meinhold's last Planning Commission meeting.

- Mrs. Meinhold thanked the Commission for the opportunity and she's only been here for 12 weeks. Her husband applied for a job as a NATO officer, and he got it. They will be moving to Madrid, Spain for three years. Her only regret is that she didn't apply for the job 2 years ago.
- Mr. Penn was quite surprised when he saw her application and the more they talked the more he became convinced that she was the person we were waiting on and we will go back to waiting again. We will hope and pray to find someone equal caliber as her. She's been great and he appreciates the job she's done. She came in with an immediate fit with our Planning, Permitting & Inspections and Engineering family.
- Chairman has shown us what we should expect, she has set the bar high.
- Mrs. Meinhold said that she's appreciated the opportunity to learn and get better and if the job's open in three years, she'll be back.

8. Adjournment

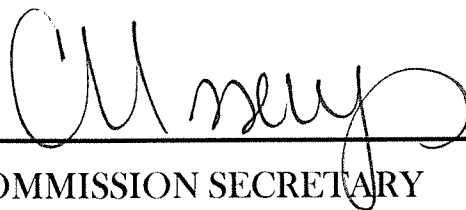
- Knight made a motion to Adjourn.
- Martin seconded the motion.
- Unanimous roll call vote to Adjourn.

PASSED AND ADOPTED THIS 11<sup>th</sup> DAY OF August, 2020.



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PLANNING COMMISSION CHAIRMAN



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PLANNING COMMISSION SECRETARY