

**MINUTES**  
**Goshen Planning Commission**  
**April 04, 2023 at 5:30PM**  
**Goshen Community Building, 244 Clark Street**

**Call to Order:** Chairman Tom Hennelly called the meeting to order at 5:30PM.

**Roll Call:** Tom Hennelly, Lisa Skiles, Liz Mashie, Michael Thompson and Scott Stokenbury were present. James Garner and Loren Shackelford was absent. City Attorney Brian Hogue was present.

**Approval of Agenda:** Motion made by Tom Hennelly to move item 5-E citizen concern submitted by Cathy Johnson, that needs to go down item 6 as public input. 2<sup>nd</sup> by Lisa Skiles. All in favor yea. The motion carried.

**Approval of Minutes:** March 7, 2023 minutes Motion made by Lisa Skiles to table minutes until May 2, 2023 meeting. 2<sup>nd</sup> by Michael Thompson. Motion carried

**Planning Commission Business:**

**5A. Lot split: Bearing Fruit Farms, LLC-Brian Glenn**

**18108 Edgewood Road, Parcel #001-14309-002** Presenter Jose Rios from Bates & Assoc.

After much discussion, a motion by Lisa Skiles, 2<sup>nd</sup> by Liz Mashie all those in favor yea. Motion carried.

**5B Lot Split Maria & Lacount Reber**

**Mill Branch Lane, Parcel #001-1402-013** Presenter Lacount Reber

We've got a six-acre piece that comes off Firetower and Mill Branch we looking into, trying to do a family request division from land into parcels for purpose of selling parcels to family members. Two acre and then four acre an easement coming along South side of the two acres. Liz: What's that property address I only see the PO Box. Lacount they just recently changed the address to Mill Branch from Firetower the last five years. Tom: This is utilizing a 60-foot access easement off of mill branch to get back to the six acres? Liz: Does Bianca have two access points I see the right angle? Lacount: There's a road that was put in we sold that piece there so there's a row that comes in right with that property line just to the north of the property line between the six acres and the three acres. Brian: This also exempt from our regulations for family members, as long as it's at least 2 acres. Tom: Out of curiosity how does that get validated? Tom: Do we have obligation to get utilities to the property? Brian: No just a motion and vote. Lisa: I think what I was confused about is how this dissects this property, in here but appears as if that is not even a concern outside because there is another pathway. Is there any member of the public that would like to speak to this? Seeing none I'll bring it back to the Commission. Motion by Michael Thompson and 2<sup>nd</sup> by Liz Mashie all those in favor yea, none opposed. Motion carried.

**5C. Buell Storage Units: Dr. Brian & Donna Buell, Crafton-Tull,  
180 Church Street, Presenter Caroline Gardner**

There was much discussion about the ordinance's, lighting, parking and landscaping. Crafton-Tull will bring back more detailed plans. Motion to table to May 2, 2023 meeting by Liz Mashie, 2<sup>nd</sup> by Michael Thompson. All in favor yeah, opposed none. Motion carried.

## 5D. Approval process for Tandem lot splits including road design & approval

Presenter, Tom Hennelly

There's a couple of issues here that I've been wanting to bring up and just have the opportunity to discuss and this is really the only form that we could do that and get public input. but you know we approve a lot of these tandem lots and family lots. We're always requiring people to have roads capable of supporting fire apparatus and then they walk out the door and we never see them again. To me that just seems like it's lip service we're really not doing anything and it's all fine until that fire engine tries to get up that road, gets stuck and somebody's house burns to the ground. I understand that in an environment like we live here in Goshen where there are large tracts of land people want to split for their family or they want to split it to generate some income. To sell a piece of property is 100% legitimate but there are obligations. I get that you say I'm going to sell this piece of property to my son or my nephew, that son or that nephew is likely not going to be the only person that owns this piece of property it may be the first person that owns that piece of property. They can sell it and then you've got somebody that's completely disconnected that may or may not be assured that they have access to utilities, fire access to their property. I don't have a solution necessarily other than the building permit process to do that and there is some financial pain associated with this. You just want to go out, you're already paying for a survey which aren't cheap. The obligation to provide a road that is capable of supporting the fire apparatus can be an expensive proposition as well. I don't think there's any way around supplying that to the person that's going to buy it whether they're related to you or not. I'm just curious what y'all thoughts are on ideas about how to enforce the regulations we already have on our books that are required for fire apparatus, utilities and that's sort of thing. I don't know if you guys have given that any thought or whether it's crossed your mind. Michael: How does the city inspector fact into that? Tom: If they're qualified you know that's the logical solution to verify that it's done during the building permit process. If it's not and that's kind of the logical solution two concerns, I have with that one who reviews the design of that and then we need to make sure that the inspector because he's we're now obligating him to review something completely different than what he's normally used to. Normally you know looking at studs and wiring and plumbing and all that. Michael: I'm not saying our particular inspector, but an inspector. Mayor Stroud: I've asked for our Fire Chief, for Goshen fire district would have to review that and they would have to inspect that road before we would sign off on it. Michael: If it's just limited to roads, and you're not just saying it's limited to roads there are others requirements that need to be met as well or you just need to the fire road, because I agree with you on, that would be an easy. Tom: That's the logical solution to the fire road. I think that's the biggest probably the biggest hurdle is when that is reviewed and the building permit time is the obvious time to do it. If we get the fire and it's a Volunteer Fire Department right now so you know they've got to commit to review these things inspect these things everyone said the status the Fire Chief. Michael: In the past the growth of the city and making sure that the city grows in a way that allows us to provide the needed services to the people in the city. we. If you have an environment now where we do approvals and we're not really sure what happens on the back end. Part of the growth of the city and the responsible way is making sure that we have somebody who is going out of ensuring that what needs to be done is being done. If it's not the correct inspector or the addition of a part-time resource on the paper source for the city. That maybe is what we need to do, it's a growing pain but it has to happen because if it doesn't happen, we all know what the outcome will be down the road. We're going to have a bunch of homes that are not going to be able to be serviced that are going to have to be retrofitted if that's even possible at much greater expense. So, you work 20 hours a month for the city or 10 hours a month, whatever the requirement would be. It has to be a paid person it can't be a volunteer in my opinion a qualified individual. Mayor Stroud: We could come up with a pay scale for our chief to do the inspection. That would be easy enough for us to negotiate something to pay a certain amount for everyone that he inspects. Michael: It's bigger than the Fire Chief and who does the work it's an about closing the loop to the city to make sure that the planning development for the city is occurring as it's supposed to occur based on what guidelines that have been built by this Commission. Mayor Stroud: That is part of Alisha's job, our new zoning official. Michael: I think that definitely accomplishes a lot. Lisa: So, they currently have to submit an engineer designed road design, you know that takes a specialty knowledge to be able to

probably inspect and know the base thickness and the aggregate compaction. Tom: there are some general guidelines that we can probably put in there that they would have to meet that would probably satisfy that engineering requirement. Lisa: Can we shift it to the subcontractor who installs it that they have to provide documentation that it meets a certain industry standard? Tom: Yes, we can and then we get back to who verifies, fire marshals not qualified to verify an engineering design on a road section. Brian: You get a stamped drawing and it does, you get what's out there right. Tom: That's right and at the basic level you have the E&O insurance that an engineer would have if he's going to stamp the drawing and rely on his knowledge and his expertise to provide a design. The fire access is one thing we've had numerous situations where we have these tandem lots where somebody's got a private drive that runs back that serves a number of homes and we've heard complaints all the time about how they had to back up to let somebody in or out. I think that's something that needs to be addressed and when and how we do that doesn't mean they need to build a road that's 24 feet or 28 feet wide all the way back. But there too ought to be opportunities for somebody to pull out and I think those probably need to be verified that they get installed and people can actually have access to the property. Lisa: We have the expertise of construction and engineering here so I'm curious what you see in other municipalities. Brian: Typically, there's a building inspector that's performing this type of stuff commercial project you have a mechanical inspector, electrical inspector and it could be a third-party inspection company can be whoever the city designates internally usually has a PUD beside their name. Tom: What I've seen in other municipalities is an engineer or an engineering firm that provides those services that the city invoices the applicant for when they're done so the applicant pays for the inspection. You can limit it to a certain amount per job. Lisa: Threshold at X number of home service in a tandem situation it triggers a higher level of performance verification. Tom: Yes, normally what we've seen is there's an hourly rate that they build a city for and then before the city issues to the home or the business, they too collect that fee to get reimbursed. I just think there needs to be something in place otherwise I think the term I've used as a paper tiger you know we just really have no enforcement of what we're trying, we sit up here and spend a lot of time reviewing things and we have no idea whether anything that's in our code is being complied with. So, I'm not trying to solve this tonight I just think we need to think about it and talk about it. Liz: Well right but I don't know the answer tonight, either but we've got to figure it out. Michael: We all agree it needs to be enforced yes, does everybody agree with that statement. Then we agree that somebody needs to enforce it right. Liz: Now that Alisha has started, in a few months we'll see some improvement some changes. My bigger concern is to Lisa's point. What's the threshold at which something is triggered in terms of improving an existing access in our Rd. That seems to be really where it gets tricky. Like the bearing fruit example. You've got an 18-acre parcel at what point if we say the threshold is four homes. Once it services more homes, we need to see an actual road. If you're the one building you know adding lots 2-3 and four, are you now obligated to do that, are we able to obligate that as a city or if the developers putting right, what if it's a family situation is it exempt. I think we have to really reexamine our exemptions, Tom: I think we're on the threshold of that shift from being a small little rural community all you got to do is look at the traffic count on 45 now. I too don't think we're a small little rural community anymore. Liz: Yeah, and I'm not saying I'm right I'm ready to like abandon the family before add friendly nature of clearly. I'm not but I think we have to reexamine where there are just blanket exemptions like that's really getting us into trouble. I don't know what to do with that. Mayor I'm too afraid to say that we may need a Commission or something outside of this meeting once a month we may need to really start brainstorming some solutions and bringing forward some ways to change because otherwise we're just lamenting, we're like oh really stinks really sorry. I'm like well I think this is grudgingly moving forward continuously. Tom: These are the kind of discussions we had when Max asked us to look at the subdivision regulations you know and that got accomplished. I just think it's a process and we're not going to fix it all at once but we've got to do something. Michael: Do we have a list of the items that the Commission feels like we need fixed? Tom: No, I've got a couple of ideas. Liz: I think every agenda November and this year has had some of these, that we've talked about notice to adjacent land owners and even where that sits and moving forward there's a few things. Tom, so that's one side and I guess because this is agenda item, we have to offers the opportunity for the public to comment

on this and give us your thoughts if you have any. Jose: I'm kind of on bored with what you guys are saying that I've noticed in a lot of other cities that once you start reaching specifically in Fayetteville you're allowed one tandem law by right now once you start getting into two or three then I think that's probably when you all need to start saying hey if we're gonna do this and we're going to prove it then at that point it's when you needed to improve the infrastructure and have something available for an emergency vehicle can turn around properly just for normal traffic. If you're gonna have that many people accessing from one, how often do you see these larger acreage exemptions? A lot all the time. Jose: Ok I don't know really big parcels are around here in Goshen. Liz: This one of the biggest I would say, normally we're seeing where it's like 6 and 12 like you know little smaller. Jose: You guys have biggest planning area I've ever seen in any city around here when I found out that bearing fruit farms in your planning areas like this is all the way out to 303 north. Mike Dichut: I just had a question on talking about the road you know the narrow roads and does this pertain to only planning zone or planning area because bearing fruit planning. Tom: I think the only place we can really enforce it is in the city limits. Brian: yeah, I mean if there's even things that you all proven are planning area, they're required to adhere to whatever our regulations are enforcing it is another issue and that's the big issue. Mayor Stroud: Yes, well that's our public comments, the public input from the land owners that are at the top of Firetower Rd. and that's why it's on the agenda. Because the problem has been that we approve it, then the county doesn't want to touch it and then they say it needs to come back to us but then the people that are at the end of those roads they don't have any recourse at that point. Mike Dichut: I live on Ball Rd. and it's about 67 feet wide bottom and then there's two headstones up there by the Boyd's, you go past that to get to my house and the road narrows and you have to stop to let somebody through. To make a private landowner have a road that you pass on when the public road isn't even wide enough. Seems like an issue but that's the planning area right not the zone so I'm just curious if it pertained or county roads aren't even that good. Lisa: Is your concern that your road is not adequate for your needs or that the land owners might be asked to upgrade? Mike Dichut: That the land owners might be asked to upgrade their roads when the County Road isn't even sufficient.

#### **5F. Unified Development Codes:** presenter Tom Hennelly

Unified development code we've got a bit of a hodgepodge and there was a lot of work that went in on getting these regulations put together. They only really apply to subdivisions, they don't really process and so when they come here, they don't know what I need to submit who can approve what, there's administrative approvals that we have that I'm not sure clearly identified as to what level of approval and individual needs and whether or not the Loren has done it and the time, he was chairman signed plats that we're administratively approved. I've done the same thing but I've also brought them brought to the Commissions, so you guys can look at them. I'm not the only one with a limited amount of time to, give a good review that you guys can give your input and we can all collectively give the applicant some positive feedback on what they need to do to get their plat in order. Like Liz mentioned that the other thing is adjacent property owner notification. I think that if there's a zoning change or any sort of condition or you think that if you're proposing the splitting of your property, you are to notify the people who are adjacent to your property that are going to be affected by what you've just spoken about and know that there's a problem here. I'm not sure anybody was aware of but you know if we had some input from people who were already inconvenience by a situation that we're just going to make worse if we approve it. That would be good to know and I don't think we ever get to know that until we will make sure that everybody that has a piece of property adjacent to it knows that something's coming before us so they have the opportunity to get up to the podium and give their concerns. That's something I'd like to bring to council as well. Get that as a part of the application process print this stuff out of PDF thinking 2023 we can actually print a document to PDF where it's crystal clear you can zoom in on it you can read, I think that needs to be a submittal requirement that everything that gets submitted is printed not scanned to a PDF but printed to PDF and they supply hard copies and PDF copies those are just some of the things that I see that we can do a lot better. Brian: So, do you want like you said come back in order for these regulations to be changed you all would first have to hold a public hearing 15 days next; I'm not

necessarily suggesting next month you all would want to do that maybe next month. You all want to come here with ideas and discuss details and then at that point the next month or if it only makes sense to do the public hearing on your regular meeting night. But you all need to hold that before you make any formal recommendations to City Council does to make amendments it can and want to in this venue, is what we're talking about public. But it's a specific hearing not part of the official meeting it's a separate meeting requires notice to be published in the newspaper. I think 15 days in advance just so you're aware. When we get to the point that you all want to make specific changes it needs to be discussed with public hearing before the it goes to City Council. Mayor Stroud: I would recommend that you guys create a subcommittee that's going to just look at this bring your ideas next month we devise a subcommittee that can work on it and then bring it back. Brian: You'll need to because there's a law requirement, you're going to have to form a committee that would just have one member off of this and then another body you could have City Council and then other citizens but I think that does make sense to do it that way. Tom: You guys got any other input on I feel like I've dominated this conversation. That sounds like probably the best way to go forward is for next month. We'll put something on the agenda and you bring some ideas forward and then move forward with the subcommittee and going go that route. I think it's this not overnight it's going to take a lot of discussion, just wanted to point out the formal procedural requirements. Lisa: The Unified Development Code makes it easier for the applicant to find the code. Mayor Stroud: No part of it is codification of our ordinances, we do not have our ordinance codified on our website So what we do have is we have a codification book in City Hall but it's not accessible to the public yet our website is being redeveloped and it will be on our new website. Tom: Have you looked at Muni code going to probably that would be something worth looking into if you any local municipalities web page they're going to code all their city codes whether that ordinances development codes everything every ordinance that they have on the books is searchable. Mayor Stroud: That's how at Muni we wanted our website. Tom: Muni code will collect all that data for you to organize it, it's a service that cities pay for but right if Fayetteville is the perfect, I mean it just Rogers everybody you'll going to click on one and it looks exactly like Fayetteville, it's super easy for any member of the public to go on there and find an ordinance. There was a lot of work that went into this, believe me, we know but it's not user friendly. I just think we can do a better job with that.

**5G. Rezoning Mill Branch Park, The community Building & Property adjacent to the community building: Presenter Mayor Stroud**

One of the questions that came up because of the public land. we probably ought to zone it as public land you can have public land in any zone. You don't have to rezone it but we probably ought to list it as public land and not just on our maps. I think it also impacts some of our grants so you want to do it more because we're planning on applying for more grants. That is that they want to see that its public, that it's been donated to public use. Brian: We have to go through it, I'm to figure out where that would fit. Well, you're still have to require that 15-day notice from paper and then it has to come before the planning and create. We don't have that zoning district, I can contact through our joint regional planning and find out, what the process is for us to do that. Tom: What I've seen is they want certain uses, like citywide uses by right or you need some sort of a municipal, like a water tower. Not a perfect example of something that's allowed to be constructed on city property and those things are specific to that citywide users' rights. Lisa; City property sounds like a better moniker than public right. Tom: Mayor, I think I can go to northwest regional planning find out how we need to actually get to that zoning process and then we can bring it back and we can submit it for rezoning if it's needed. We're going to have to make a recommendation to the city council to create the zoning district. Brian: Yes, have a hearing for that 15 days' notice push for that hearing to be held and then you all would make a recommendation to amend the zoning regulations in whatever form or fashion you all deemed appropriate to accomplish that objective. Tom: Then the following month we would need to address

rezoning the property if council adopted them. Brian: correct. Lisa: No action tonight. Scott: City Hall fall in the same zoning area? Mayor: It would be all of City Hall all of these 12 acres behind City Hall and then all of the Community Building. Brian: The leased portion of land, Daugherty would have to make an application to rezone that. Mayor Stroud: By the time we get through all this we'll probably have it purchased. Brian: Hopefully so but I'm just pointing that out, because I know there's a concern on grant. Tom: So: you're all going to come back with something next month, OK perfect.

**5H. Planning Commission Financial Report:** presenter KaSeana Williams

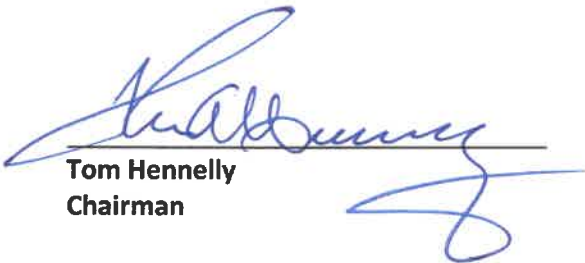
We made \$100 the swope #1 was the previous month and then number #2 Bearing Fruit Farms \$200. and #3 LaCount Reber \$200.00 were for this month Tom: Is that included in our packet that financial reporting ---yeah.

**6.Public Input:** Cathy Johnson

Discussed Cathy Johnson driveway issue, it's out of the planning Commissions realm. There is a covenant in place and it needs to be discussed with adjoining property owner.

**7. Adjournment:**

A motion to adjourn was made by Lisa Skiles at 7:06 pm. Seconded by Liz Mashie. All in favor Yea. Motion carried. The meeting adjourned at 7:06



Tom Hennelly  
Chairman