

MINUTES
Goshen Planning Commission
February 6, 2024 at 5:30PM
Goshen Community Building,
244 Clark Street

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

Roll Call: Tom Hennelly, Lisa Skiles, Loren Shackelford, Scott Stokenbury, Liz Mashie James Gardner were present. Michael Thompson was absent.

Approval of Agenda: Additional item added to agenda. Item C. Number of digital copies for preliminary review and final. Moving Ordinance 119 to Item D. Moving Planning Commission Reports to City Council to Item E. Motion made by Loren Shackelford to approve the agenda with changes. Seconded by Liz Mashie. All in favor. Yay (6) Opposed. (0). The motion carried.

Approval of Minutes: December 5, 2023 and January 2, 2024. Motion by Loren Shackelford to approve minutes. Seconded by Scott Stokenbury. All in favor. Yay (6). Opposed (0). The motion carried.

Planning Commission Business:

A. Lot Split: Bill & Kathy Potter Parcel #770-17613-016 Lacie Lawson presented. Tom: Is someone from Milholland present? Lacie: No. Tom: When reviewing this, the only thing that I see on it, I would have normally approved this administratively, but the only thing I see on this was potential offside 20-foot UE and that could be a point of contention if they do not have control of that property. That showed going across the Eldridge property. So being able to procure that easement could be significant. Lacie: Right now, there is no water that goes up that part of Wilson. So, the Milholland group does engineering and surveying, they have been working with Fayetteville water department to get water to go up there. And so that is a proposed utility easement, right now there is nothing there at all. Tom: It is going to be difficult. Lacie: That was something I had them add after they talked with the water company. Because I figured you would want to know where utilities are coming in. Liz: It has been proposed, but it has not been granted. Lacie: Correct, there is technically nothing even there yet. Liz: Is there a risk that we approve it and then this piece of properties ends up without utilities? Tom: This is a situation that we would need to table until we have some assurance that the potential buyers of tract A & tract A1 can get water to the property. Lacie: There is a well on the track that has the tin shop on it, but there is not a well on the other. If you are talking about Fayetteville bringing in water, and if you need to see where there would be possible proposed utility access for the water. Tom: This is a no brainer if they have everything available for development. James: The road that comes up that says right of way, I am trying to figure out if that is a County Road or if it is a private drive. Loren: It is a private drive because the County Road turns at Wilson. James: Because whatever that road is, it is accessing already like 6 properties. I think this would be the 6th or the 7th that we are that we are adding up this either right of

way and well it says right here 30-foot ingress and egress easement recorded. It says right away coming up here, but this is an access easement which is creating another tandem lot. On a section of properties that already have like 5 or 6 tandem lots, and this will be under the minor subdivision regulations I am assuming right now tract split. It would certainly be beneficial to have the applicant, or the surveyor, available to us this kind of clarified. Lacie: Milholland was asked to be here, no one was able to attend. Loren: I am looking on Land Glide, it is tagged County 359 up that easement, but it also is tagged 359 where Wilson turns back to the West also. Tom: The survey that was submitted to us shows it as an ingress and egress, easement. In my mind, we really need to talk to the applicant about this and we need some more supporting data. Is this the only thing that was submitted? Lacie: Theres an application, that just says the tract split, from my understanding it was if they want to sell it in the future. Tom: Theres no place on here for the Eldridge's to sign, which would indicate that they know this easement is being proposed across their property, the utility easement. Anybody else have any more input questions? I am in that case if unless we have something different in front of us, I am just going to make a motion that we table this until we get that information. Tom motioned we table this for more information regarding utility easement and the ability of that road to provide fire access to those 2 lots and a copy of the access easement and to say Minor Subdivision instead of lot split. Seconded by Lisa Skyles. All in favor. Yay (6). Opposed. (0). The motion carried.

B. Lot Line Adjustment Evan Niehues & Christina Zweig Parcel #770-17632-003: Bates & Associates presented. Mr. Niehues: My sister-in-law and their family want to buy these two acres off us in the back of our lot. We are splitting it off and going to sell it to them. Liz: They'll get access on the private drive. Mr. Niehues: Yes. Liz: Can you explain this a little bit about the agreement or what that looks like? Do you have any neighbors or Co owners of the have any sort of maintenance agreement between what happens if the roads need repair? Tom: I do not even think we have anything in place on this, but this comes up every single time we have access to the back. When that person sells that lot. And they say, hey, the roads, you know I cannot get back to my lot. Who handles it then? And I know you got two houses, accessing this property off that drive. It is not that we have on the books right now, but it is something to think about. You know how we handle that because we are not taking ownership of any it. Brian: If it is two acres or more. Which it looks like it is. Tom: Any further questions? Loren motioned to approve as purposed. Seconded by James Gardner. All in favor. Yay (6). Opposed. (0). The motion carried.

C. Digital Number of Copies: Lacie Lawson presented. We are proposing that the number of plans change for Preliminary, right now it is 6 or 7 plus like 2 11 by 17 and no digital copy. I am asking that be changed to 3 large ones, one for each Table. The process that right now is doing right now is send me the digital. If anything needs to be changed, we can go back and_forth with any changes. If yes, I think that I could administratively do these., I will Bring in three copies signed. If done administratively, I will have the mayor sign them. Then you get all three of those, copies back. As far as a final I will need 1 Physical and 1 digital. If I must bring it to you and those 3 preliminaries go to each table. I still have 11 by 17 in the file and the digital copy as well. Tom: The proposal is that we change the submittal

requirements, 3 full size copies and 1 digital copy and 1 11 by 17 as well. Lacie: just preliminary. Tom: Until you have approved everything, everything has been signed? Lacie: Right? Tom: Everybody understand that? Any comment? Is there public comment on the number of copies that are needed? Seeing none, we will bring it back. Tom Hennelly motioned to approve the change in the required number of copies submitted and recommend bringing it the City Council for approval of changes. Seconded by Lisa Skyles. All those in favor. Yay (6) opposed. (0). The motion carried.

D. Review of Ordinance 119: Lacie Lawson presented. It was brought up at the City Council meeting that you did not recommend a change or an amendment of Ordinance 119 to go to Council. There were some citizens that had questioned its private property. Why can't we have these changes? The suggestions were made up, but nobody was there. I did not even go to the meeting. Nobody was there to reiterate what the Planning Commission intended, what they meant. There was no report. So, Council, based on citizen input, asked for a re-approach to amending Ordinance 119, asking you to reconsider. Brian: They want you all to approve or recommend some amendment, but if there are certain restrictions that you all deem appropriate or necessary to make that amendment, they want you to be the ones to consider whether it gets changed. Scott: So, everybody, for the benefit of the room, tell us what the proper protocol is to modify this. Brian: It is really confusing, but the way the City's subdivision regulation read, public hearings be held, which we have had, and then the City Council is to consider any amendments as recommended by you all. Scott: So, it starts here. Brian: Yes. Scott: I want to make sure everybody understands that. Brian: The problem that the Council, or their frustration that they expressed, was that if you all do not recommend an amendment, by technical reading of this, it stops here and it never even gets to them when they are the lawmaking body as it is. And so, they want you all to look at this and see, from a public safety standpoint, if there are any restrictions that you all think would make sense and be necessary, and then make a note of them for them to incorporate if they vote. Scott: And so, if the citizens have some, is there another form of relief if there are some of these citizens out there that do not agree with what we are doing? Brian: They can show up to City Council and object or raise an opinion there. Loren: So, what if we change it to where it took a conditional use permit to have a gate? Because I still philosophically, as a planning commissioner, after all the years of training that we have done in metropolitan planning, I do not know how you can say continuing to develop gated communities adds to a walkable, connected, easy travel community. Brian: But a gate does not really apply to the use of the land, the purpose of what the land is. I mean, that is what a conditional use can be used for, and that is through our zoning code. I understand where you are going with that, but I do not think it would apply under a conditional use scenario. Tom: So, you technically still allow a pedestrian gate, right? And foot traffic going through development and vehicular traffic. Loren: You cannot have connectivity, though. You could not have one subdivision connected to another subdivision, multiple access and ingress and egress to Highway 265. I mean, there

is a reason in cities like Fayetteville, who have done years and years of research for urban growth, require all streets to stub out for future development. I mean, there's a lot of people in here that are a lot smarter than me, and a lot of them are training on planning, but that is one of the cruxes of urban planning, is connectivity. Lisa: The nightmare is that if you have a bunch of small subdivisions, you end up with 50 curb cuts along 45, as opposed to ring roads that are connected and neighborhoods that are connected, where kids and families can meet each other and form a neighborhood. Otherwise, we have isolated islands. That the developer is making that decision on the front end before the residences are even there to make that decision. Loren: Well, you know, I used the example of the Hunt Farm. I looked on Land Glide and did the math. There is 609 acres of property there. Mrs. Hunt does not need to develop it. Her kids may not, her grandkids may not. That will develop into subdivisions someday. So, you are going to have potential, I do not know, if you zone it at 40 acres at a time, you are talking 15, 16 phases of a subdivision. Lacie: I think that the point of all of this is that you are supposed to look at the future. Right now, Goshen is not in a place where those kinds of changes are going to happen. Especially not right away. Tom: What do you mean by that? Lacie: Right now, Goshen cannot build another subdivision. We do not have the water to do so. And the subdivisions that we have right now, the ones that do not have gates, if you look at their topography, the Knolls are the only one that can even possibly connect to anything. Not to mention, these are all privately owned subdivisions, and you guys are taking the right of a privately owned citizen, who owns private property, taking that away from them. Lisa: That is what land planning is. We are making decisions that affect. Lacie: But if you took a landowner, so say the Hunts, because they do own right off 45, if the Hunts wanted to put a gate up at every driveway entrance that they have, they would be allowed to do so because they privately own that property. Tom: We're not talking about restricting people from gating their private home. Lacie: But technically you are because these are private, they are private property. Loren: We are trying to plan of those 600 acres, there could be 300 homes under our current ordinances built there. We are trying to plan the ingress and egress and the attachability of the difference of those 300 homes. Lacie: And I think you should look again at the topography and the size of the subdivisions, right? So, Asher, Riverside, they both have... Loren: But if we change the ordinance, it does not just affect the current subdivision, it affects everything that is developed for the next 30, 40, 50, 60 years in Goshen. That is my hang up. That's why if we could address it a different way, if we could have existing subdivisions that want to appeal to the city council, so be it. If you can convince the city council that you can get their approval to do it, you can convince what most HOAs take, 65%, 75% of homeowners both have at it. But I do not think we need to lose control for the next 40, 50, 60 years of what the subdivisions that develop out here... I mean, go ask Centerton, go ask Pea Ridge. Those municipalities 10 years ago, 15 years ago, development is never going to get to us. We are never going to grow like that. Lacie: So, what is the possibility, again, of a conditional use? Liz: This does not feel productive. This is the third time this discussion's been in front of the body. I do not hear many of us changing our opinions very much. I'm not

sure what the right protocol is for presenting this to the council, but at this point, you're talking over us and not allowing us to have our conversation. I do not know what public input we need to get. At this point, we need to follow the process and get it, and we need to move forward. There are people here who want to follow the process. Let us open it up. That is what we need to do. If you want to speak, please just go to the podium, state your name, and address, and speak your mind. I am Dan Padula, I have spoken here before. I do not have a lot of new information. After hearing what you said tonight, one thing that has changed for me a bit is I think that what you are saying is a lot of substance. I understand it from a planning perspective. You have a mission. All of you have a job to do. It makes sense to me. As a citizen, right? And I do not mean to say this disrespectfully or unprofessionally, but I do not care what Fayetteville's doing. I do not care what Pea Ridge and Centerton are doing. I do not care about people that might live here 30 years from now. I do not care about meeting families, walking around neighborhoods, and sharing public spaces. That is not of interest to me. That does not align necessarily with your interest as a body, and I understand that. So, I do not mean to discount the substance of what you are saying. You certainly are subject matter experts in planning, and I am not. All I can tell you is that I think that this ordinance, as somebody mentioned, we discussed this at city council, and it turned out that Mr. Poye, Max Poye, was there. He is the only one from the council, as we discussed last time I was here, that was on the council, except for Paula at the time this was put in place. The expectation was, or at least my expectation was, that this law was put in place because, not because of an incident or an instance, but because somebody sat around and thought that they had a good idea for safety. And that turned out to be, and I like to paraphrase, I like to speak for people, but that is what he said, that it would be safer if we, you know, had fire access and emergency access. And my basis still sits on the same line. I do not rely on the government to protect me. I do not rely on it; it is not the government's responsibility to protect me. I need to make decisions for my safety, okay? I like to keep things at the lowest level possible. And to me, any law that gets put in place on the foundation of somebody sitting around, coming up with ideas as a government body on how to make us safer in case something goes wrong someday, sounds a lot like it parallels with all the justifications to keep this in place, which is these hypothetical down-the-road future subdivisions that may or may not get built out, and how many gates are going to be on 45, and this and that. It feels, and it sounds like a fistful of really, short straws, and we are grabbing at the longest ones we can to keep this in place. That is my opinion. But I do not mean to discount the substance of what you are saying. As a planner, it makes sense to me. You have responsibilities. For me, this is a resident-level issue. This should be decided by the residents in the neighborhoods. We are the ones most affected by it. I absolutely agree with Lacie. We cannot discount the reality that of the three neighborhoods left in this entire city that are here today, three out of 10 or three out of 11 do not have gates. Two out of the three of those are never going to connect to anything, ever. Those people are here now. Those neighborhoods are here now. We are not. I am not factoring in future people that may or may not exist someday 30 years down the road. But I am not factoring them in. Okay? So

that is where I am. Again, nothing new. I support this on the local level. I still ask you to reconsider this, and I am going to continue to press it from the citizen's side. Thanks for your time. Mr. Lesinski: I have been a resident of the Knolls for about 17 years. I have been in federal law enforcement for about 19 years. So, I deal with violent crime and various things. Since we have lived here, I have asked why the Knolls did not have a gate and what the thought process was about that. I spoke to the police chief at the time. I worked with that police chief at the time. He gave me an answer. At the same time, somewhere, just personally, I have observed different things happening in the Knolls because there is not a gate. There is not a way to prevent people from just randomly driving in. I appreciate comments about connectivity and all that kind of stuff, too. The reality is the subdivisions that are there, that are existing right now in Goshen, comparatively the ones that have gates that are here as well. I can tell you, I am arguing, I live in the Knolls, and I am simply looking at that from a perspective of security, safety, and whatnot. I mean, years ago, my wife was with two little boys. ASP had driven into the Knolls pursuing one subject, fled in the woods, by my house, she locked the doors. She calls me. My wife's standing at my door with a .45 in her hand. Two boys upstairs because it is easy access to get in there. It is an ingress and egress off 45, that is super easy. And if I am a criminal, I am going to go in for the path of least resistance. You all have locks on your doors. Why do you have locks? The simple answer is that I understand that a gate is like I want to walk there. If I am a bad guy, I am going to walk and I am going to survey every single space and every single house out there that I can to make sure that there is an easy way to be able to get in and out. I have known of various properties that I have gone into where it is easy to drive in, I can take a van up, and I can unload somebody's house simply because I am walking my dog in that neighborhood, and I can find out who is there and who is not. Just like the last gentleman had said, I am concerned about the issues that I deal with and the perspective in terms of having a secure environment that I am living in. We have law enforcement; we have whatever it might be. But my concern is that, going forward, we already have tons of people around here that know that there is an opening with easy access to different homes. Those homes are not always occupied. My suggestion is for you all to consider looking at what's existing right now. In my case, I am asking you about the Knolls, and other subdivisions as well that do not have gates, which wish to have a gate, that you consider that individually. I am William Griffin; I live in the Knolls also. I do support what they are saying, absolutely. It should be, you know, the community's decision, especially when it is private. You know, we take care of the roads out there at the Knolls. It would be interesting to see how somebody thinks they can connect to the Knolls, because my understanding is that it is private, you know, owners all around there. I mean, could they sell off eventually? Yes. But interesting fact here, I drove today from Dollar General to the Knolls sign there going up the hill toward Fayetteville, and there were like 20 driveways, 17 of which were gated, private and, you know, the other communities. This is a neighborhood, a city of gates, right? So, you know, I think we should almost look toward it. It is already here. So, I think the security issues, I can tell you that my biggest concern, I've got two little girls, and it's my understanding that Goshen PD came into our neighborhood

about a month ago and said that, hey, there was an attempted kidnapping out here, you know, and there were like warning the kids. The second thing that I want you guys to think about is, you know, I hear your arguments, like, hey, we want people to have access to all this land, but then the question is, why is there a gate at the park over here? You guys put the park in, you put the gate in, so it is something to think about. You are taking away from citizens and stuff. It is my understanding that PD locks up the gates at night. I have seen them shut before. There is a cow gate down there. And my numbers, that is just one Street. We've got the backside of Goshen over here that has gates on their neighborhood. So, you are, in some sense, discriminatory, right? Three neighborhoods out of over a dozen do not have gates. So, it is just something to consider. I think the motion, the proposal here, is a request to go back to the city council to say, hey, what is the opportunity of changing this ordinance? Tom: Anybody else? You guys got thoughts? I mean, I get it. Look, I get it. I understand the connectivity issue. I do this every day. I fight against it every day. Not fight against it but try and minimize it. It is an increased cost for development. I see both sides of the issue. My biggest issue is emergency access. There is some common ground we could get to. And believe me, I also understand the whole connectivity and planning. I do not know. I think everybody that lives out here lives out here for a reason. We like the rural nature of Goshen. And we understand that they are all big lots. We are not going to put stub-outs every 660 feet like they do in all these other towns. But I do think we need to pay a lot closer attention to creating secondary access points to developments that the fire department or the police department can control to route traffic through there when it needs to get through there. To me, that's common ground. Mayor: I would like to see our subdivision regulations changed to require that you do not have one access point, that you have an access entry in some way to exit that neighborhood. I would agree that they do not need gates. But I do think that these communities that are already there, it is no way for them to ever connect anything on the backside of their subdivisions. This is the time we think about doing what Loren was suggesting, a conditional permit for them at that point to have the option for their POA to decide whether they want a gate. I think going forward, I agree with you guys wholeheartedly, but I also think that if we are going to have subdivisions in Goshen, we need to have, like you are saying, a way to get in and a way to get out. Because I am like you. I do not want to see a 200-home subdivision with one access point. It is against the fire code. Yeah, it is. We violated the fire code by approving that. I mean, there is a whole host of different things that we should look at. And I do not know what the next step is to be able to change the zoning regulations to require that kind of subdivision, that it has at least an entrance and an exit point somewhere or some sort of way to be connected, if possible, to poverty, notwithstanding. But I do think that is something that is important going forward. And I agree. I think that open access to neighborhoods and connectivity is extremely important. But I think that these subdivisions that are requesting these, we need to look at those more individually and not. I agree with you going forward. Yeah, absolutely. We need not be looking at any kind of relocated communities started. But I also think we should look at entrance and exit and connectivity of future developments. Loren: And that is the

direction I was trying to go. Because, I mean, we all know there is no ordinance that fits every model. I am less concerned about existing subdivisions that are landlocked. I mean, that, to me, is the epitome of a conditional use. We do not allow them, but we have a special conditional use based on the topography of our land. It is not attachable to anything else we want a gate. And that is completely different than giving up control on subdivision development from 2024, February 5th, forever moving forward. Brian: You all could recommend, based on what you are talking about, amend the ordinance pertaining to gates and allow for a variance application for any subdivisions that exist as of a date certain, which will take, it will only apply to any currently existing subdivisions. And then, within that, you all can require that they come here for the variance application and you all can approve it. You can place any restrictions on it, anything else that you all wanted to do, and you all can get as specific as you want. But at least you opened the door to that application. And then they can appeal it to the city council. If you all do not give an appeal process. Lisa: It would also be nice to be assured that those are coming the P.O.A. and the P.O.A. has endorsed it. James: I recall a few months ago when we visited this for the first time, we had proposed changes in front of us that we were reviewing that we found unfavorable to recommend to city council for approval. And so, for us to get anywhere different than where we are today, we would have to see a different set of recommended changes that addresses a little more of what we are talking about. It was more of a blanket change to the ordinance that just either allowed with some conditions, but it did not address, and we are not going to address every concern, but it did not address some of the ones that we could not get past. Loren: It was a repeal. Scott: And that is why I asked the councilor over here what the protocol is and how it works. After much more discussion, it was recommended the Planning commission and the city council have a working session to discuss changes to Ordinance 119. Loren Shackelford motioned to request City Council to join the planning commission in a working session. Seconded by Liz Mashie. All in favor. Yay (6). Opposed. (0). The motion carried.

E. Planning Commission Reports to city Council: Lacie Lawson presented. The City Council would like a Planning Commission report at their meetings.

6. Public Input:

7. Adjournment: Scott Stokenbury motion to adjourn at 6:53 pm. Seconded by Liz Mashie. All in favor. Yay (6). Opposed. (0). The motion carried.



Tom Hennelly, Chairman