

MINUTES
Goshen Planning Commission
January 2, 2024 at 5:30PM
Goshen Community Building,
244 Clark Street

Call to Order: Co-Chair Lisa Skiles called the meeting to order at 5:30 PM.

Lisa: The BZA was posted to this body. There is no business on the BZA, we will go right into Planning Commission Business.

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

Approval of Agenda: Motion made by Loren Shakelford to approve the agenda with addition of Gates. Seconded by Scott Stokenbury. All in favor. Yay (5) Opposed. (0). The motion carried.

Approval of Minutes: Meeting changed from BZA to Planning. Minutes will be approved at the February 6, 2024 meeting.

Planning Commission Business:

- A. Public Hearing: Going More Digital change:** Lacie Lawson presented. It is beneficial for you to at least have one copy per table. You get them digitally as well. We can put it on the TV if that helps. We just do not need as many copies. We are going from seven of the 18 by 24 to three of the 18 by 24 and we are going from two of the 11 by 17 to one of the 11 by 17 and including a digital copy. Liz: I suspect that we wanted 7 copies at one point for each of us to have one, but there is no reason in the office that you need that many copies. Lacie: correct, I need 1 stamped copy in the file.
Motion by Michael Thompson to move more digitally with suggested changes. Seconded by Liz Mashie. All in favor. Yay (5). Opposed (0). The motion carried.
- B. Public Hearing: Driveway Ordinance:** Lacie Lawson presented. Right now, the biggest issue is gravel driveways and the washout on to our city streets just pivot and tear apart city streets. We would like to increase the length of the driveway apron from flat or downward grading at 15 feet to 25 feet and an upward greater slope from 25 feet to 50 feet. After more discussion, driveway ordinance was tabled. Commissioners are asking for more specifics or justification for that large of an increase in the length.
- C. Discussion of Other Changes to Come In 2024:** Lacie Lawson presented. Ordinance 2 back in like 1983 stated that if you were going to build you had to have a permit somewhere, it got lost in translation and it is not in our code that says that you must have a permit. I am reinserting that. Lisa: This email came in late today, most of the commissioners have not had a chance to go through it. Do you want to do a quick summary, are you looking for action tonight? Lacie: No, this is a discussion. This is what can I bring to you next month? I

must talk about it before I bring anything to the public here. So, is this something that you would even be willing to hear at a public hearing? Is this something that we want to do? You can look at the packet that I put in front of you. I can take emails, opinions before we are like, yeah, let us do a public hearing. I think that the accessory dwelling, the one that I printed out and the permits. Loren: Does this apply to only our planning area and city limits? Lacie: I cannot do anything in the planning area. We do not issue permits in the planning area. Loren: So, permits are required to include things like storage buildings, fences over 7 feet tall. I do not know that I have ever seen the permit that had to be required for a storage unit for storage building. Lacie: In Goshen, if a structure is over 400 square feet, or if the value of it is over \$3500, you have a permit and that is already in the code. Loren: So, if I own a 40-acre piece of land and I want to put a storage unit in my backyard, I must come to the city and get a permit. Lacie: Yes, if it is over 400 square feet or the value over \$3500. Lacie: The permits, which is the first one. And then the accessory dwellings, everything else really, for now is like, well, we should change some verbiage. Brian and I had talked about how things would get taken if anybody were issued a citation, who would that go to if we wanted to avoid citation. So, they are just things really to like review and discuss. Lisa: On page 198, there is a change from one year to six months for the certificate of occupancy. Can you give us some background on why that would reduce. Because there was one part and it was, a continuance abuse for a non-conforming structure for abandonment. And if you read right there it is 198. It is discontinuance of use #2 when a non-conforming use been discontinued or abandoned for a period of the six months, and I changed that because it did not match the following page, damage, and destruction. If something is damaged and destroyed and nobody does anything for it for six months, it is considered abandoned. Why would that be considered abandoned at six months but something that is not used or left would not. I just made those times match. Lisa: My question is if Properties for Sale and have a conditional or have a use and it is on the market for a while and then it sells to somebody. Does that use continue? Lacie: Yes. That not considered abandonment. Lisa: That is what I wanted to know. Lacie: An abandoned structure is something that there have been no utilities, nobody lives there, nobody has been doing anything. The yard is overgrown and if it is like that for six months, it is considered abandoned. Not if it is like that for an entire year. Lisa: But if it is on the market, it is vacant, but it is being uncapped, the use can continue. Lacie: Correct. Lisa: We had a question in this Planning Commission about use by right of city Parkland infiltrating all the zoning uses. Commissioner Henley brought it up that he was interested in seeing that if the city had Parkland in any of our zoning categories that it would be permitted by right. Lacie: It is not just Parkland, it was any, it was city properties. So that if it is city property, if the city decides to use that however the city deems necessary, whether it be away station, a park, a new community building, whatever that is that the city has that use by right instead of having to go through a due process of getting a variance or rezoning. Lisa: I just want to make sure that was reflected because that had been a request of this body in the past. On page 203 there is a reference in red. It is changing to the main dwelling, and I am wondering if main is needs to be defined. For example, does it? Should it be a single family or a two family? Because dwellings and definitions can be single family or duplex. Lacie: I only added the word main, when I was going through this, I meant like

single family right, because if there's if it's a multi-family, whether it's a duplex or a triplex or an apartment building, typically those people aren't going to be asking to put an accessory building next to that and that allow which is what you see in front of you. Yes, it is an accessory. Lisa: I am just saying it might be helpful to say single family. There is a mention in there about ADU you might look at, there is a reference to it being 40 feet from the main resident, we do not have to answer that now. But that was a question as accessory dwelling units. Lacie: That is all-accessory structures, any accessory structure must be 40 feet, which is the setback. Lisa: 9C. The authority of the BZA, it is limited to variance requests and does not include use. So, there is some wording in there that will be looked at by you and the council. What do you all think about it? Accessory dwellings. Loren: I get asked by constituents a lot about this all the time because I mean we have, correct me if I am wrong, city attorney, but we have an ordinance that you have one structure per lot. One home per lot. Lacie: The way that it reads is that you are allowed one dwelling per lot up to four acres. If you have more than four acres, you can have an accessory dwelling. But that it allows for, like you said, one dwelling per two acres. Not per lot, but every 2 acres.

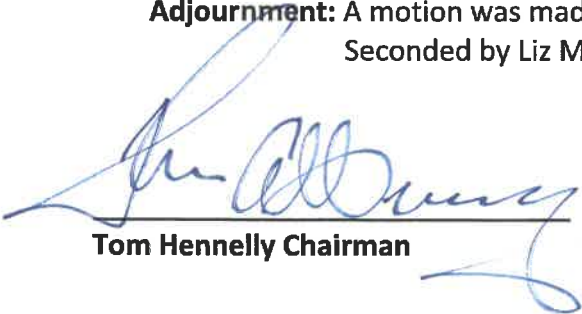
Commissioners agree it is worthwhile in our definitions to make the distinction of accessory buildings that are unconditioned, like a garage and a workshop from accessory dwelling's.

- D. Gated Community:** Lisa: We had a public input session last month, on amending our ordinance to incorporate gated communities, the motion that was made. Brian: The issue as whether you all would propose to City Council to amend the gate ordinance that prohibits any future gates from being installed in subdivisions. You all voted unanimously not to make any recommended changes to City Council. Lisa: Yes, I will read that sentence. Tom Hanley motioned that we do not act, and we do not recommend it. And we do recommend that the Fire Marshall ensures that the existing gated subdivisions follow the fire code. The motion was unanimous to support that we do not act and that the current ordinance would stand. Lisa: Any members of the public, have a comment? Yes, my name is Dan Padula, I live in Riverside Estates. I am the originator of this effort for the gate ordinance. I was out of town last month. Thank you for listening again. I wanted to ask you directly so I could hear from myself the thought on the decision to vote to not repeal the ordinance. Lisa: Would you like to state your position. Dan: My position is that this is a rule or an ordinance that is in place. Which is one of those unnecessary additional governmental ordinances. This is a topic that should be voted on by the residents that are impacted and that that vote lies with the residents of the communities. I think it should be left up to their majority decision. There is an obvious conflict, which is seven out of the 10 neighborhoods in the city currently exist with gates, and so my position is that it should be left to the residents of the neighborhoods and not the government. So that is why I pushed to have this brought for the appropriate parties so it could be reassessed. Lisa: Do we have any volunteers from our body that would like to? Loren: So, the conversation was that where we sit, as we sit as planning commissioners, our job is to plan for progressive growth in the community. So, you know I made the comments on the meeting that I sit on two very different sides be as an individual, be as a Planning Commission. What I am doing here is what delegated to do by the City Council, which is for planned progression of growth in

Goshen. So, one of the things that we are challenged with is connectivity, walkability, that sort of thing. So, as our direction as planning commissioners is to plan for more structured growth that would allow connection of neighborhoods, allow trails, allow that sort of thing and just the basic concept of a gated community. Goes against that connectivity of planning that we are challenged to do. If you look at most communities, they require stub outs of all the roads and neighborhoods for future development so that the next subdivision can tie to this subdivision which will create greenways. So that was kind of at least my opinion. You know I might support something individually, as I said in the planning commissioner challenged with progressive planning of our community, we talked about large tracts of lands that developed. I mentioned specifically Ms. Hunts farm. If that were to develop someday, it would make sense to have a subdivision that has numerous entries and exits and not mutable gated community with 10 houses. So that was a lot of conversation. And then I was on the original Planning Commission when this ordinance was impacted, and you mentioned a lot of the older subdivisions have gates. At that time, it was unanimous that the Mayor and City council wanted to get away from that and go towards more of a development of land. So, I do not know if that has changed. But as we said as planning commissioners, it really goes against a lot of what we are directed to do as far as connectivity, walkability, investment. Lisa: Since that ordinance was enacted, there just have not been new subdivisions brought to Goshen. So that was setting a stance for the future. Of course, there are now two on Blue Springs that are designed to not have gates. The idea of neighbors being able to I heard from a couple of constituents that they did not want the Goshen to just put forth that presence that everywhere you go there is a gate. They like walking in the neighborhoods and saying hi to neighbors and having the ability to do that. Lacie: Since the ordinance has been brought up. What has the Planning Commission done in the new neighborhoods to promote that connectivity? Loren: The neighborhood, in particular Ashers Ranch with the ability to develop the land on less than two acres and allow some green space. I mean hopefully you are going to have an opportunity that those to tie into parks at some point and tie into each other. Lacie: Topographically where would Asher Ranch tie into anything? The Planning Commission reviewed the mayor's task force recommendations for updating the subdivision ordinance, which had a hefty update that allowed for the equation of two acres minimum to take some of that to go to lots less than two acres and take some of that land and put it towards green space. So, there is more green space at Ashers Ranch than the prior subdivision. Lacie: We are talking about connectivity though, between subdivisions. We are not talking about connectivity within. Loren: Were talking about all of it. Lacie: you're talking about stub outs, right. Not one neighborhood in Goshen has a sub out for connectivity of a future subdivision to connect to it, not one. Liz: It is not just subdivision to subdivision, it is just the city like we hope in our future planning that Goshen will be connected to Fayetteville through the Greenway that's Northwest Arkansas wide, right. And so, I think it's a broader connectivity conversation, not just like the very tactical of 1 subdivision to another, it's broadly and it's also I agree the attitude of just are we a gated community that's very clearly communicates we are a bedroom community where people like walk away from their neighbors, and Dan I'd like to know what you feel or what the neighborhood feels you are or are not getting, with this being applied. To Lisa and Loren's point and I agree. I just

pulled up the ordinance to look. The way that it was brought up and then and who was sitting on the council at the time. And I agree. I do not think the attitude of the city has changed and that is where that is the only the only place where I say we have after this the citizens have asked because the City Council, we are all appointed with the City Council is elected. So, in 2015 when the decision was made, those are elected officials acting on behalf of the citizens who did elect them in place. And so that is the only place where I think we have followed as much process as we can, and to Loren's Point. We are trying to really understand our purpose in this. And for me it is about the future planning. Loren: Question for our attorney. Seems like everybody has an appeal process, can the City Council pick this item up without a recommendation from planning? Brian: The way I read the ordinance, no, you all must make a recommendation to modify or amend the ordinance and if you all recommend that, then it goes to City Council if you all do not think it dies. Loren: So, can I ask a question if this is inappropriate? You can tell me for FOI and everything else from the mayor's perspective have you had conversation with a City Council Member, do they want to hear this item? Mayor: We cannot discuss it outside of a meeting. My opinion may differ with Brian on this can be brought back up if a council person or if myself wanted to bring it to the council as an issue to put forward to discuss the ordinance. I am sure we could discuss it and decide on whether we wanted to pursue changes to it. I do not know if anybody is wanting or trying to do that. I just know that that I think from Mr. Padula's point of view, if there was a specific community that wanted to challenge the ordinance and imagine that we could do the same thing as we do with conditional use permits, that they could challenge it, then the council would have to go and vote on whether or not a conditional use can. Brian: No, the Ordinance would have to be enforced as it stands. There is not a variance allowed or anything of that nature to get around it. The City Council could ask you all to reconsider an issue and then make a recommendation back to them. Lisa: The motion that was made last month, there is a motion to keep the Ordinance as it stands currently without modifications. Lisa: I will make that motion on behalf of Tom's motion last month. Seconded by Michael Thompson All in favor? Yay (5). Opposed. (0) With the specific finding effect that it goes against connectivity walkability.

Adjournment: A motion was made by Loren Shackelford at 6:53 pm.
Seconded by Liz Mashie. The meeting adjourned at 6:53.



Tom Hennelly Chairman