

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

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

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

Approval of Agenda: James Gardner motion to approve the agenda as written. Seconded by Loren Shackelford. All in favor? Yay (6). Opposed? (0). The motion carried.

Approval of Minutes

May 7, 2024. Loren Shackelford motion to approve May 7, 2024 minutes as written. Seconded by Scott Stokenbury. All in Favor? Yay (6). Opposed? (0). The motion carried.

June 10, 2024 Special Session. Loren Shackelford motioned to approve June 10, 2024 Special Session minutes as written. Seconded by Scott Stokenbury. All in favor? Yay (6). Opposed? (0). The motion carried.

Planning Commission Old Business:

- A. Public Hearing DesignScapes Conditional Use:** Lacie: I know that DesignScapes met with some of the neighboring property owners to discuss changes to the initial plan. The changes that were made after those meetings. All the property owners, they were given notice of the hearing. The public notice was put in the paper. Liz: So, you audited and you're comfortable. Lacie: Yes. Liz: If you're comfortable with that, I don't think we need to speak to those. Lacie: Yes, we sent out a map to all the properties. That's all been taken care of. Loren: So, Mr. Chair, we had this come back to verify a few specifics. Tom: That is correct. I had to go back and look at the minutes. Peyton Bentley: I can provide a statement. Tom: Give us an update on what's going on. Peyton Bentley: I've come in front of you before about two months ago on this very issue. So, what happened is we inquired for the city attorney on the process to follow on whether we need to apply for amended conditional use permit. He advised us that we did not. We just need to submit a plan to you for your approval. That kind of got mixed in the weeds. Brian contacted me later before the city council meeting and said, hold up. We're going to have to start this process over. We're going to hold it off the city council meeting for you to come back to the planning commission to submit the application, which I think was what you even know at that meeting. So now we are here to follow the proper process. We've applied and are seeking approval of the application for amended conditional use permit. So that's how we got here. So now we're back in front of you. This plan is remarkably like the plan you looked at, but it includes revisions on the double row vegetation at the southern boundary. So, the issue was removal of the buffering and vegetation between the neighboring property owners and the street buffering, which was a condition of approval number one in the conditional use permit. So that was the issue, was getting this plan back into compliance with those conditions on street buffering as well as neighbor buffering. So, the plan in front of you was presented at the May city council meeting. At that time, the plans totaled 537. Now they're at 604. The discussion

came up at that meeting that DesignScapes not have to do the planting until the fall because the plant's going to die now. And the growth between now and the fall will be very, very minimal on the actual vegetation. The new landscape design plan provides for double vegetation on the southern boundary. That includes 52 trees, which include 10 different types of trees. One suggestion at the city council meeting was that DesignScapes meet with the southern property owners, show them the landscape plan, and get their input on what they would like to see in addition to what's there. And that's how the variety of plants got there. The neighbors wanted more variety. So, the variety was put there. One other suggestion is a right where the properties meet is a berm. So, there will be actual height on the difference on the plants. Another suggestion that DesignScapes move some of the equipment to the back for offloading and loading to quiet the noise. And I think that has been well taken. So, in addition to the 10 or the 52 trees, there are 43 shrubs, 177 perennials on that southern border. The plan also calls for 88 shrubs and 150 perennials to be planted along the drainage ditch to help with the drainage issues and to stabilize the soil further. And based on the suggestion from Chair Hennelly, DesignScapes received their erosion control plan as well as their storm water protection plan today. And they will be getting that in and outside before any other plantings or works done on the property. So that's going to be in place. The new plan, I think on comments from this commission, they lowered their screening fence in front of the parking. It's a six-foot instead of an eight-foot. So, they're in compliance with the code. They're also going to be planting 14 trees, I think 27 shrubs and 39 perennials in front of that. They're increasing the buffering on the front of the road by doubling the plantings and doubling the plantings on the north border. They realize the mistake they made and they're trying to account for those plantings and increase the vegetation. So as a reminder, the prior plan called for – had 20 existing trees on the property, called for 64 other trees to be planted, 43 shrubs and 14 perennials for a total of 141 plants. This plan calls for 604 plants, which is 463 more plants than the prior plan. This shows a legitimate effort to not only replace but to increase the buffering between the adjacent property owners, this new plan includes 67 more plants than the one you saw before and includes some neighbor input. So, we believe this new plan follows the condition of approval number one to provide street and neighbor buffering, and we'd ask that you approve this and then pass it on to the city council. Loren: So, our conversation was about what you talked about, changing that screening. The other conversation was timing. Yeah. And obviously you just mentioned the desire is to not plant in the summertime, which makes a lot of sense. What's the proposed timing to complete this plan? Payton: I would ask for input from my clients. The actual suggestion for the fall planting came from Mr. McGurk. He was incredibly wise in saying the plants are going to die no matter what if they plant them right now, so we're going to have to replant them, and the growth will be minimal. Loren: Do you all have any timing in this? Greg: I think we'll have most of it done, you know, fall, winter kind of thing. The only thing is I promised Dana that we would try to find the absolute three biggest trees that I could find, right there, you know, for that spot between her house and my shop. And so sometimes if I find a tree in the field somewhere that hasn't been dug, they don't dig those until late winter. So, they want them to still be in dormancy, but they want to get them delivered right before spring. So that might be a holdup if I don't find, but again, it's going to be a bare tree. Loren: That was a lot of the comments from the commission. Tom: I completely agree with that. But I do think we need some sort of date, as opposed to fall, winter. Liz: Is it 95% completed by the end of the calendar year and 100% by March 31 or something? Like, that's what I think we're going to need. Greg: That sounds reasonable. And there are some things we can start on the summer, like the screening. Tom: All planting conditions would be, what you're suggesting is that all conditions related to new plantings would be completed 100% by March 1? Greg: I would say March 31 because it really

becomes dependent upon the shipping of the trees and when they start. And a lot of the stuff is not especially special, you know. I don't have trouble getting, but if I'm going to go try to find three big specimen things, it might be a little bit of an issue. Tom: If I understand you correctly, there'll be progress made between now and then, just not everything completed. Greg: And some things even like to go in the heat, like the grasses and things that we're going to put in, just as soon go in some of the heat of the summer and start to get established before they go into winter. They don't want to go in any winter. So, progress will be made. Tom: You mentioned something about loading and unloading and equipment in the back. What's the commitment to that? Greg: So, we have a little pre-lean-to shed on the south border. We've moved all our mowing equipment to that. And Dana had asked us if we could do that somewhere else. So, we moved out. It was our potting shed, and we flip-flopped it with mowing. And so, we just flip-flopped it back, and it's no problem for us. Tom: So, the truck staging area that's over on the west side, that's where everything will be parked at the end of the day? Greg: That's right. Most of the equipment is back there. Occasionally we must bring a piece of equipment out front. Like we've got a trailer or something out there we've got to unload. Tom: But everything will be parked at the end of the day. Greg: It's all in the back, yes. In the back. Lacie: I have one thing. So, when Peyton first started explaining things, he said that this was an amended conditional use. I just want to make note that this is not an amended conditional use. It is a new conditional use permit. Tom: Any Public comment? Any member of the public would like to address this? Is anybody in the public adjacent? How many adjacent property owners do we have? Did you get a copy of this plan? Dana Quinn: Yes, I did. And, we understand, it takes time to put them in and grow. The noise issue, they addressed that right away after our conversation. And we really appreciated that. That loading in back made a lot of difference. Greg: I think communication being open between all of us now has improved the situation. We had a morning. One of my guys was anxious to get a piece of equipment back in. He started unloading at 6:45. Start time is 7. Kyle texted and said, hey, your guys are running equipment at 6:45. And we jumped right on that. We've got to shut it down and never let it happen again kind of thing. So hopefully that communication might stay open there. Okay. We'll try to work together on all this. Any other member of the public? Kyle McGurk: I think what they've put together here is substantial improvement from what was presented two months ago based on input and the opportunity for that time. I guess the question that I have is just regarding protection of landscaping. That's near where a lot of equipment is going to be operating. Do you have plans for that? Greg: I into considering your thoughts on that. And in the berm area, especially, you know, we are going to have some stuff that still stays there, so I did set some boulders in that little area. And the rest of it, I think, is going to be protected. It's not places where we're typically driving. And then along the front of the property, it looks like there's some disease on some of the maples there. We lost one in the spring. We had a guy come out and spray. He said we may have caught him. We may not have. We had another one die. A second one blew over during the windstorm on Wednesday. So, we'll replace it this fall. Kyle: I appreciate the effort to minimize the outside of operation. I just appreciate it. Thank you. Loren: I appreciate you working with the neighbors. I think we're getting to a lot better place. So, I appreciate the neighbors' patience and the applicants' willingness to work with them. Liz has a great idea just to keep that good faith momentum going. I would like to see 75% completion by the end of calendar year and 100% completion by March 1st. I thought that was a great idea. Tom: And I'd like to reiterate what he's saying. I appreciate you guys making the effort. I appreciate you guys being patient. This is how it's supposed to work. Liz: For what it's worth, full disclosure, my mom still owns the property directly across from the driveway. She received one of your letters. She mentioned to me. So, the consensus matter from other

non-boring neighbors is not a lot of concern about the operations, right? I'll just triple echo. Thank you so much for coming together, being good neighbors, and we've got to continue that. Liz Mashie motioned to agree with the same five conditions. 75% completed by December 31st, 2024, and to 100% completion by April 1st, 2025. The motion will reflect recommendation to City Council. Seconded by Loren Shackelford. All those in favor? Yay (6). Opposed? (0). The motion carried.

Planning Commission New Business:

A. Minor Subdivision:

Ben Booth, 3190 W. Bowen, Parcel #770-17653-000. Lacie: Based on current regulations, he's going above and beyond. He's putting in infrastructure that really doesn't need to be there. I'm in favor. See the report, I made a recommendation to put an access easement up through the center of the property for future development behind it. The developer didn't want to do that. So, he gave an access easement that goes off the east side of the property and kind of curves around to the south. The only future problem that I would see in this is having those, like, continual streets that are so close together that we really didn't want for stacking reasons on Bowen. Like I said, our regulations don't prevent that right now. I know that that's something that we're transitioning into. So, there's really nothing. All the lots on there, they all have potential to perk. There's a well on the existing property. That's going to be taken out. He's building nice new homes. He's already agreed to put the Y at the end and get fire district approval. So, I'm in favor. Tom: The only thing I see on this plan is on the east and west boundaries, you've got a 15-foot utility easement. Normally, those are 20 feet, and you've got a 20-foot building set back anyway. So, if we could make that a 20-foot building set back in NUE, that'd be, a lot of the utilities are going to require 20 feet anyway. Ben: Our intention is to run the gas and the electric on the east and west boundaries, so that we don't have gas meters and transformers and stuff down the street, so it can be clean. We split that up into both sides. Michael Thompson motioned to approve. Seconded by Scott Stokenbury. With the utility easement 15 to 20 feet. All those in favor? Yay (6). Opposed? (0). The motion carried.

B. Property Line Adjustment: (Correction)

Mary Lighthouse Living Trust, Parcel #770-17366-003. Allen Reid: Mary Lighthouse and her son on a property line adjustment. Mary had this property set for quite a while, and her son had a piece right in the middle, so they decided to expand his piece out and expand it from like four acres to almost 13 acres. And hers is reduced from 13 down to almost five. They both had adequate road frontage and utilities. Everything's in place. It's just a family transfer from one person to the other. Liz: The properties already deeded to Mary and the Chad? Lacie: Yes. James Gardner motioned to approve the property line adjustment. Seconded by Liz Mashie. All those in favor? Yay (60). Opposed? (0). The motion carried.

Public Input: None offered.

Adjournment: Liz Mashie motioned to adjourn at 6:00 pm. Seconded by Loren Shackelford All in Favor? Yay (6). Opposed? (0). Adjourned at 6:00 pm.


Chairman Tom Hennelly