

MINUTES
Goshen Planning Commission
March 5, 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 and Michael Thompson were present.

Approval of Agenda: Motion made by Lisa Skyles to approve the agenda as written. Seconded by Michael Thompson. All in favor. Yay (7) Opposed. (0). The motion carried.

Approval of Minutes: February 6, 2024. Motion by Loren Shackelford to approve minutes. Seconded by Scott Stokenbury. All in favor. Yay (7). Opposed (0). The motion carried.

Planning Commission Business:

A. Minor Subdivision: Kendal Riggins Blue Springs Road, Parcel #770-174453-005.Kendall Riggins presented. We're just splitting that track of land into two individual lots. To build two residential houses. It has PERC and everything by Linda Mayo. Loren: No tandem lot, individual driveways, is that correct? Kendall: Individual driveways. Tom: Got frontage on Blue Springs. Kendall: Yes, sir. Loren: Any idea what the approximate acreage is outside the floodplain on the two lots? Kendall: That I would have to check with ESI to see what that is. Lisa: Mr. Chair, I had the same question. The buildable acreage that's in zone X would be a concern. Kendall: It would be a house on each lot. Liz: Procedurally, just noting that it was just split a couple years ago, can we even split it again yet? Brian: That's what I was trying to look up. Liz: The letter indicates 2021, it was already split then. What did the council do? It was changed to every Ten years. Kendall: I don't think it ever got split off from the original. I believe the front parcel got split. But I believe that was always the individual. Ownership might have changed, but I didn't think that was split off from the original. There were other tracks up front that got split, but not that back parcel. Liz: So, you're saying that it wasn't split? Kendall: That back seven and a half acres, I believe that was split. That should have always been its own little parcel. Now, ownership changed in 2021. Liz: When was that track six created? Kendall: I think that was back when Jim Lindsay owned it. He owned two separate parcels. He owned that seven-acre track plus the front 40 section that he got from JB. James: I think that's what's confusing here is what we're seeing in front of us is new track six per survey filed 2021. So, I think that's what we're trying to dig into. Liz: And that's what the letter says. The parent property, parent track was created as track six in 2021. Kendall: And it's going to be the same as everything else out there. Individual

house on one acre, one acre plus. So very similar to what we built just up the road from it.

Lisa: Mr. Chair, I go back to the comment we had about the buildable area. The intent is that we're on two-acre minimums. And my concern is that we don't have a two-acre minimum that's buildable. And that may not be a direct reflection of the ordinance. But in terms of intent, given we have no city sewer. And then my follow-up would be, given the proximity to zone A and the floodplain, I'm wondering how placement of septic and homes to be outside of that floodplain is verified and monitored. Tom: that's a good point. Because everything's in a zone, whether it's zone A or zone X. The entire property is. Lisa: And we're very close to Richland. So, we're going to have to modify that. Kendall: Yes, zone X is everything. But there's over an acre of it. There's more than probably an acre of house for the house plus the septic. And Linda Mayo, she went out there and she verified all the land, where lateral lines would go and everything. So, there's no perky issues. There's nothing. The lateral lines being in any of the flood zone, it all would be outside the flood zone. Lisa: The one acre relates to major subdivisions. Minor subdivisions, the intent is two-acre buildable area. So that was my point. Kendall: I thought it was a two-acre tract. Not two-acre, because there's several places. I mean, they developed just up the road, on Hill Road. Those were two-acre tracts, but they're flood zones. So that's a two-acre area. It's probably less than an acre. Right? Lisa: Yes, but you have a very unique property in that it's one of those quadrants that's quite small and buildable, it appears. Tom: Have you gotten soil morphology done by Linda? Kendall: I'd have to check. I mean, it was when she did a soil test, it was about three months ago. Loren: And you say you have got PERC tests? Kendall: Yes. Loren: So, they did PERC? Kendall: Yes, everything PERC. James: Do you have a copy those permits? Kendall: I do not. Tom: I think it would be pertinent to see a copy of the permits in order to be able to permit a house out there. James: I just want to see what it ties back to in our minor of subdivision regulations. If we're requiring that permit, and we copy it, if not, I don't know how much more we need to talk about that part. Tom: But we could be approving a parcel of land for a building permit that can't be permitted. James: Is the septic permit required for a building permit in the city? Loren: It's not for a lot split, it is for a building permit. Kendall: Yes, you must get a septic permit to get a building permit. James: It can only be split once. You can only do a minor subdivision once for a 10-year following period. But, if anything else was done, it wouldn't have to be done within those 10 years. You'd have to adhere to the major subdivision regulations. Is that how it reads? Loren: I think that's right. James: So, what might the major subdivision regulations mean for these two lots? Does this need to be resubmitted as a major subdivision? Brian: It would have to be applied that way. James: that's how we apply it to get approved? Brian: This isn't updated with the most recent ordinance. It looks like this tract was created by a lot split in 2021. So, I think short of a major subdivision, I don't think we can do anything to divide that tract. Tom: Because that parent tract was created as part of a major subdivision back in 21, right? Brian: No, it was just split off. It looked like Ms. Hunt had it surveyed and split that parcel off. And that was, best I can tell from the county records, there was a 2021

survey done for that tract split. It was just a lot split. That's what it looks like. Tom: Is there any member of the public that would like to comment on this? I'm Jim Haston. I'll speak from an experience of living on Blue Springs Road for over 40 years. And I have to bring up the topic of a safety concern with the location we're discussing. That's a double-blind dead man's curve. From living out here, the time I've told you about, any number of times I've seen that a vehicle has left the road and has gone into the property aforementioned where they happen to have the barbed wire fence cut right now. And you can't see a car coming from either direction there. And I particularly think it would be a bad idea to have two driveways on a dead man's curve. But I really think you're setting up a situation to seriously injure somebody and do serious damage to a vehicle or maybe even the house because cars are going to go through that fence. And just because you live in the other direction, you have to have responsibility to take care of this. And this is where my wife and I will drive and a number of you will drive. Think about it seriously. Tom: Any other member of the public like to speak on this? We'll bring it back to the commission. Any thoughts, comments? Lisa: I drive that road and I find the visibility concerning. Loren: I defer to the attorney on if we can take action on it. I mean, it's new tract six. I've got land glide and it's 2021. Brian: So, I don't think you all can approve it as it's been applied for. It can come back to you as a subdivision application. The concerns that are being addressed, you all can certainly discuss those tonight, but it's going to have to come back up under a new application. James: I think addressing those concerns with the lens of our subdivision regulations is probably the next step. It's been a while since we've looked at a subdivision application. Scott Stokenbury motioned upon council's recommendation that the application be denied. Seconded by Liz Mashie. All in favor? Yay (7). Opposed (0). The motion carried.

- B. Regulating & Maintaining Conditional Use Permits DesignScapes:** Lacie Lawson/Kyle McGurk presented. Lacie: Per citizen complaint, the city has done inspections at Designscapes due to the conditional use permit that was granted in 2019. The conditional use permit with the original landscape design was officially signed in 2023 based on incomplete records at City Hall. In 2023, per citizen complaint, via city councilmen, an inspection was done of the property with the original landscape design in hand and reviewed by both Designscapes and myself. This inspection found that natural screening barriers were wiped out due to acts of God, and Designscapes was given grace to make the situation correct and reinstall the natural screening barriers based on its original landscape design. Around or on February 13th, another citizen complaint was turned in, and the city inspected. In summary, the initial inspection showed that Designscapes violated two of the five conditional uses on their conditional use permit. Per the fine print on their landscape design, certain areas were to be preserved during initial construction. After reviewing all agreement paperwork between the city and Designscapes, an alternative landscape design was not required for future construction or renovation projects. However, trees removed from the

fence line did take down the natural screening barrier near the property line. It also has been said that some refuge has been applied as a filler to level off a portion of the property adjacent to neighboring properties. I made copies of an engineering report that you also have seen in front of you that was turned in today. The city more or less has found that through the engineering report that DesignScapes is actually only in violation of one of their five conditions of the conditional use permit, and that's taking down the natural barrier. Loren: I'm looking back at the original conditional use permit. There are five conditions of approval. One is the landscape design should be submitted and approved by the Planning Commission to address Section 4 and 5, specifically street frontage buffering and adjoining property buffering. Also, on-site parking should be noted on location and screen as part of the landscape plan. That's the one we're saying we're in violation of. Lacie: Correct. Loren: The other four we are not. The commercial lighting is within standards. Hours of operation are within standards. No on-site retail within standards. The storage of refuse should not be long-term, longer than seven days. We're not saying any of that throughout the compliance. Lacie: It was citizen complaint originally that plant waste and refuge was used as a filler. Now, DesignScapes is what they do for a living. And not to mention they did take out some trees. So, when I went and inspected, I didn't see piles of leaves being kept. I saw leaves and soil mixed together as a filler. There were some trees and things like that that had still been knocked down. They had put some trees up against the fence line trying to prevent what they were doing from getting onto the adjacent properties. But those, I've been told, are all going to be removed. The project is still under construction. Loren: I guess my question, and maybe more for the attorney, if I'm correct, as Planning Commission, the only thing we can regulate are the conditions of approval, correct? Brian: Correct. Loren: There's no grading permit. We're not. It's not in our purview for anything other than the conditions of approval that were set by this body. Brian: That's correct. Kyle McGurk: Thank you for the opportunity. In 2019, DesignScapes was granted the privilege to operate their commercial landscape business within an area zoned residential. At that time, 28 neighbors expressed clear dissent against the proposed conditional use. Had I owned my property adjacent to DesignScapes at the time of that hearing, I likely would not have been one of the 28 neighbors opposed to the permitted operation. The record is clear that reasonable operating guidelines were in place and a professionally prepared site plan was submitted. That if implemented and respected would have caused minimal nuisance to adjacent property owners and further improved a blinded commercial property that at no fault of the current permittees was constructed without sufficient permits within a residentially zoned area. Over the years, however, I have observed willful disregard towards neighboring property owners that has led me to lose faith in both the permittees promise of respecting the terms of the conditional use permit and the city's willingness and ability to enforce the conditions of the operating permit. This pattern started in the spring of 2019 when this body allowed DesignScapes to begin operation prior to fulfilling all conditions of their conditional use. It continued in the fall of 2019 when they were permitted to continue operating without fulfilling their site buffering obligations. It continued in 2022 when I watched all of the buffer trees be replaced

with diseased nursery stock. And it continued the last four years when the permittee operated outside of their weekday operating hours, most recently this Saturday when I was serenaded by the rumbling equipment while trying to enjoy our first opportunity to eat breakfast outside. Most principally, it has continued in the fall of 2023 when Mr. Hyatt wrote a letter to City Hall stating following improvements to the front of the property that in general terms, they're doing everything in their power to preserve the neighboring property buffers. It was following that inspection that saws started up and trees were cleared to make way for the issue now before you today. All the mature trees and vegetation neighboring the back half of my property have been cleared, and the few that remain are buried under 12 feet of leaves, rocks, topsoil, and woody debris that both myself and my partner watched be dumped out of a dump trailer multiple times. Their inevitable death of the trees, I'm sure, will too be deemed an act of God. Soil spills over our shared fenced property line by up to three feet, all within what most states would consider a wet weather karst creek, as shown in the site plan to preserve vegetative buffer to protect both the riparian area and the neighboring property owners from the sights, sounds, and sediment of a growing commercial equipment yard. In summary, DesignScape has violated out of the five conditions of their per-conditional use, three of them, failure to respect the set operating hours, failure to refrain from permanently dumping job site waste, and failure to maintain vegetative buffers as specified in the submitted site plan. I believe that this is not an isolated action. Instead, it represents the culmination of four years of willful disregard towards neighboring property owners that this commission now has the opportunity to correct. The zoning ordinance is clear that the city has full authority to revoke the conditional use permit if any one of the conditions are not met. While I could be calling for this action, I am not. I'm calling for the simple action of issuing immediate stop work order on additional grading and excavation activities, the immediate removal of all soil that is exited off the permittee's property onto neighboring properties, the removal of the requirement for the permittee to resubmit a site plan showing their plans to re-establish vegetative buffering, the opportunity for public input on such plan, and the city work internally to establish clear guidelines to implement and enforce future conditional use authorizations from now on. Thank you. We're Sarah & Greg Hyatt, we're co-owners of DesignScape. We've got some comments that we would like to respond with. You've got that in your packet, as well as a letter from our state-certified engineer that did a review of the property yesterday. We've also got a statement from the City of Fayetteville Waste Management that gives some more information on the amount of waste and job site debris that is directed to the appropriate sites. And we've also got a copy of the site survey that was given to us when we purchased the property that shows the boundaries. So, in response to the citizen complaint filed against DesignScape and to the interpretation of conditional use violations, we wish to offer the following response. Condition 1, a landscape plan will be submitted and approved by the Planning Commission to address Section 4 and 5, specifically street and frontage, left-of-range, and adjoining property properties. DesignScape understood the no-zone site plan, which was approved by the Planning Commission and the City Council, to be conditions followed during the initial landscaping

required. We did not interpret this to mean site improvements could not be made in the future. DesignScape would like to request clarification on this matter and guidance on what site improvements rise to the level of notification or approval to the Planning Commission. What we understood to be perennially important to the Planning Commission and to nearby property owners was screening from the road and the adjoining properties. We understand that Mr. McGurk's initial complaint was due to the removal of some trees along the shared property line. In consideration of the City and nearby residents, we had hoped to use this specific area for additional material storage, as it was naturally obscured from the road and from Mr. McGurk's property line due to his existing vegetative buffer. Because of the existing buffer on Mr. McGurk's property line, we did not consider this to be a site line issue. To make this area usable, the area was filled, flattened, and leveled. Now we are in the process of installing a dry stacked stone retaining wall that is referenced in the attached letter from our engineer to retain this fill. While the vegetative buffer does remain in this area, after meeting with Mr. McGurk, we elected to reinstall some additional vegetative screening to better align with his own site improvement plans. We understand that Mr. McGurk had concerns over the quality of the fill used in this area and the soundness of the retaining wall. Please see the attached letter from State Certified Gavin Smith of Civil Smith Engineering attesting to the soundness of the retaining wall and the fill used. Condition number 5, which it sounds like the City has determined, was not a violation. We have had a response to that. A material pile did, in fact, exceed the 7-day limit, but the rest used, and the plant material left by Mr. McGurk was primarily dirt, rock, and minimal leaf mold. This was left on the property to help level and create the usual space referenced earlier. The material was not brush or unused. We understood the condition of our permit to prohibit brush piles and the burning of brush piles. However, following Mr. McGurk's complaint, we prioritized the completion of the project in this area. As a matter of reassurance, we have included an attached statement from the City of Fayetteville Waste and Recycling detailing the number of loads of job site waste taken from 2022 through February 2024. As shown, site waste was routinely disposed of in the appropriate manner. This is in addition to other approved dumping sites we use in the area with materials not allowable at the City Waste and Recycling Center. We have been informed of some additional concerns related to the drainage ditch running through the property. This is also addressed in the letter from our engineer. Finally, we understand that there is some uncertainty related to the section of the barbed wire fence that separates our property from Mr. McGurk's. Included in this packet is a copy of the site survey provided to us upon purchase of the property. It shows the fence within the boundaries of our property. We look forward to your guidance and resolution. Additionally, we wish to seek input and report from the zoning and committee official MS Lawson and, if appropriate, the Planning Commission on how DesignScape may continue to operate within the regulations stated along with the situation where complaints become a hindrance to our operations. Tom: I'll bring it back to the Commission. Loren: I initially asked if the city was... City reports stated we're in violation of 1 of 5. The complainant also mentioned hours of operation. Can you address that a little bit, please? Greg: We were out there Saturday trying to do some

maintenance work on our property. We need clarification on this, but our thought was that hours of operation, that's pertaining to our business where we show up and get in our vehicles and leave and go do our jobs. That doesn't pertain to me or one of my people being there trying to perform maintenance on the property specifically. Sarah: In this specific instance, it was a response to the complaint. So, we felt at that time there was a sense of urgency to get the situation rectified. And that's why we're there on Saturday. Loren: Do you have standard hours of operation on Saturday currently? Greg: No, in five years, we have been there doing something three to five times on a Saturday. Additionally, there's some comments made about how we've knowingly not done what we said we'd do from 2019 on. We want to clearly object to that. We're not in agreement. We have done everything we were asked initially to the point that our immediate neighbors next door to Mr. McGurk and myself came over two years after we were there and thanked me for doing everything, we said we would do and for following through with maintaining the property in an appropriate manner. Tom: Any other comments from the commission? Kyle: I would define the operation of the property as an employee employed by the business, operating, physically operating equipment, causing a noise disturbance. That is my understanding of the intent. And while you say three to five times, employees came and left on Sunday as well. I didn't bring it up. But, you know, it does happen. And it is far more regular than I brought up tonight. Also, I don't know if this was in your packet or not, but I've got photos to share. If they were, I apologize for the redundancy. Lacie: There are pictures that originally that I went on the inspection a couple of weeks ago and then there's updated pictures as well. The inspection that I did today, those are not in your packet. And I think that some of the pictures that Kyle has presented are pictures throughout the project. Kyle: One of the pictures, I think it's towards the end, is the March 4th picture of the retaining wall in progress. And I'd like to call into question the fact that the retaining wall is being built up against trees that are in place. I would question any qualified engineer that would establish that as best practice. I've worked in the natural service and hardscaping construction space for six years, and none of that stuff would be accepted by any qualified engineer. So, I just wanted to bring questions to that. Sarah: Could we just note that it's the existing certified engineer? The project's not complete either. Liz: Why did the trees come down in the beginning? Greg: We were trying to develop space behind our building, out of the side of the street, so that we could store materials and have... And there was a section of trees there. We took the trees down. There's a whole section of trees on his property that is a pretty good buffer between his house and our property. So, at the time, we didn't think that it was going to create a sideline problem for him, you know, because he had a pretty good buffer on his property. Tom: Was there a planting plan that you guys had to submit with this? A landscape plan that showed the buffer? Lacie: There's the original landscape design that they had to meet after they got the conditional use. Loren: I pulled it up from the original approval. Item 1 requirement is, a landscape design plan will be submitted and approved by the Planning Commission to address Section 4 and 5, specifically street frontage buffering and adjoining property buffering. Our role with the Planning Commission is specifically to see if they're complying

with the conditions of use, or the conditions of requirement for the conditional use permit. We don't have grading permits. I'm not an engineer. Fortunately, we've got smart people here. But I don't know that, you know, retaining walls and creeks are within our purview. I think we have to look at the specific requirements for the conditional use permit. Which is why I was trying to ask specifically what ones that we feel like there's a violation of. Lisa: Certainly, my interest is in protecting the tree canopy. Loren: I think the intent when we did this was that screening would be put in place and maintained. Lisa: And our intent was also, because we were both on this board, that rear boundary of natural tree canopy would remain undisturbed. And that was an advantage to the applicant, and it's been disturbed. Tom: When I read this, and I don't know who prepared this landscape plan for you guys, but it specifically says, erosion and sedimentation control barriers shall be installed and maintained in a manner that does not result in soil build up within tree drip lines. And when I look at the pictures, that's clearly not the case. And I guess the question is, Brian, you might be able to give some insight. Because I remember this plan coming before us when we approved this condition. I took this document when I looked at it. If this was part of the approval, I feel like this needs to be implemented. Brian: That must be adhered to throughout the entire usage of that property under the conditional use permit. Tom: And I think that's really the crux of the matter. Brian: Conditional use permits should be strictly adhered to. If there's any variation from that, or a failure to follow whatever was contemplated and approved, that could be grounds for revocation of the Conditional Use Permit. Liz: So, what is somebody who gets a Conditional Use Permit? If they want to make improvements to a property and make changes? Brian: They need to come back and reapply for a new Conditional Use Permit. Or an amendment to the Conditional Use that was approved. Tom: My motion would be that we take into consideration the public's complaint and give the applicant 60 days to resubmit a conditional use permit application with landscape plan and all the conditions that were listed on the original approval. Hours of operation, those type things. So, all that would still apply. In 60 days, come back to the May meeting, if we don't get anything within 60 days, then we'll revoke the conditional use. Seconded by Loren Shackelford. All those in favor? Yay (7). Opposed? (0). The motion carried.

- C. Tandem Lots & Private Road Responsibilities:** Lacie Lawson/Bill Potter presented. There's kind of two situations. He's asking for a lot split, that's what initially started all of this. Based on the way that we have our subdivision regulations in the tandem lot situation, he cannot have the lot split, like, regardless, because of our code. There is no lot split whatsoever, so that's been kind of thrown to the side. But the question has arised, again, that since there is no lot split, is he going to be able to build on his property? Is he going to be able to build a home on his property? The width of the road is not up to the fire code. Section 50311 of that fire code states that the newest person who's building a home has the responsibility to bring access to the building, which lays responsibility on the property owner, to do the widening of the road. There are two homes before this property that

would have to give permission for taking a chunk of their property because the east side of the road slants down towards the river or is a huge cliff. So, widening the road is an issue in all its own. I've got the fire department here. Brad's here to back me up on the fire code and answer any questions that you may have based on that fire code. After I told the property owner that he was going to be responsible for the widening of the road, his representative, Mr. Mulholland, stated that the Corps of Engineers owned that property, and that the Corps could be responsible for widening the road. I went and took the initiative. I reached out to the Corps. The Corps is not responsible for widening that at all. So, all of this really goes back to Mr. Potter and being responsible for that. It's really a tandem lot situation. This is how we're avoiding the tandem lot situation, the unmaintained road situation. Somebody's going to be upset about the situation now. And is this the right way to approach this? People have questions. I think a lot of the citizens here tonight, I know Mr. Calhoun, Mr. Watson. They're here actually to give comment about the road, about widening the road. Mr. Mulholland at one point told me that Fayetteville was going to bring water in because when I looked at the split originally, I was like, where's the utility? Like, where, you know, have you got a well? Is there going to be Fayetteville water? So, he drew in, those split shows that the Fayetteville utility goes up through the Eldridge property and the Watson property. That's a proposed utility, and Fayetteville's not bringing in water. Not to mention that the property owners, especially, I talked with Daniel Eldridge. And he, when he first bought the house on the corner, he reached out to Fayetteville and Fayetteville was like, it's going to be \$80,000 to bring in water, and he was like, I'll put in a well and a filtration system. So, he's, you know, has significant financing in his water on his property. So, they're not giving permission for a utility easement to go up through that side of the property. They're not really giving permission for portions of their property to be taken for a road widening. And Mr. Potter's like, well, what do I do? You know, I just bought this property, is it just going to sit down? And that's where we're at. James: Just a point of clarification, this is the tract split we looked at last month. Lacie: Right, that we tabled. The last split's out of the question, based on the tandem code that we have, or the subdivision code for tandem lots. Lacie: It's already 6 tandem lots. So, we're really looking at one tract. Tom: Members of the public who want to talk to this. Bernadette: Where is she talking about? Because there's nothing on here as to where it's located. Tom: It's located on Oxford Bend, north of, where it makes the turn. To Wilson. and it goes back out to Habberton. Liz: So, the rural water on here is not real? It's not real? Or that it does exist? Tom: It shows pavement water stops, looks like about a quarter mile south of it. Tom: Are there any members of the public that would like to speak to this? Any comments? Because this is going to become a bigger issue than just a lot split for Potter. This is a much bigger situation that we're going to have to deal with as a city. To be able to, because I live on Wyman Road. We don't have a fire hydrant. You know, anywhere near our house. That's not a gravel road, but there are people that live on gravel roads. And if the city's not going to take ownership of it, seems hard to regulate it. If we're going to require somebody to dedicate right of way, or we're going to require them to build a street out of asphalt or

concrete or something like that. If we don't take ownership of it seems hard to regulate it. So, there's a whole host of issues, and this being one of them, that if you bring water down this road, if by some chance the property owner is able to bring water down that road and gain access easement for the fire department. Have you guys been down the road? What's your sense of being able to get a fire engine down there? Brad: The fire department overcomes obstacles. The faster we can circulate water, the better chance we have of saving structure. But the way that it is right now, something caught on fire down there. Unless we put a whole lot of water on the scene right off the bat, it's going to take a little while. We're probably not going to save anything that catches on fire down there. I mean, that's not because of anything we can do. It's just that we just don't have the ability to do it. Tom: And you're also bound by the code? Brad: That's correct. As far as the fire code states, it doesn't matter whether it's gravel, asphalt, concrete, it has to be 26 feet wide for the fire code. And he is responsible to make it 26 feet wide. Tom: The 26-foot-wide threshold that I've always dealt with was for structures that are over 30 feet. Brad: The way the fire code works, there's two different things that require you to be 26 feet wide. The 26 feet wide falls under the, if it's between 501 and 750 feet, it has to be 26 feet wide. This is longer than 750 feet. So, there's special considerations for the authority having legal control, which is ours. 26 feet is it. The second thing is if there's a possibility that we may need an aerial ladder truck to respond down there, and if there is, it has to be 26 feet wide. So, there are two things in the fire code that says that it must be 26 feet wide. So, however they come up with that, however they do that, working it out with people who own the property or whatever, that's between them. We're just here to say the road's got to be 26 feet wide. Tom: So, to help me understand for clarity, the easement needs to be 26 feet wide? Brad: The driving surface needs to be 26 feet. It's nowhere near that, I think it's maybe 11. Brian: Our easement requirement on tandem lots is a 30-foot easement, which would obviously accommodate a 26-foot road. Lacie: The narrowest part of the road is 13 feet, 6 inches, and the widest part is 16 feet, 5 inches. Loren: There are four houses existing there now. Lacie: Correct. Loren: I guess, how did they get built without this requirement? Do they have fire coverage? What happens if an existing house catches fire versus a new house that catches fire? Tom: These are going to be grandfathered. Brian: Anything that's there right now, yes. I'm Mr. Calhoun. I live at the end, 2620 Wilson Lane. I've been there about 18 years. We've had two fires, one inside the house. And we've had a spontaneous combustion of a tree on the field. The fire department came out both times. Quick response time to care both issues. They turned around in our circle drive that we have. And I do have an interest in what Potter is doing, because I'm at the end. I have two plus acres of my current house is on. I own the seven, almost eight acres at the end of the lot, so it's open. And I do have plans to have my children build on my property as well. And I would like a pathway to do that, too. But being grandfathered in and hearing what I hear tonight, I feel it is frustrating. I feel like I have a roadblock as well, because the city can't absorb the cost. And it's not right for the city to put on the citizens, either all the costs. And so, we are at a grandfather improvement, what that looks like going down the road. I don't have the

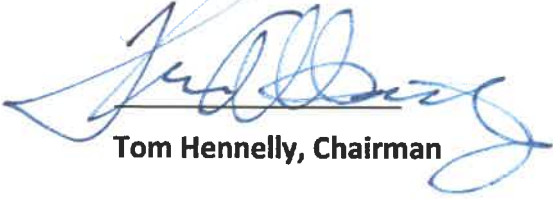
answers. But I just want it to be known that I have intentions to build. I would like to build as well. At least subdivide three lots. And I've heard tonight that that would look like something else. A bigger structure, sidewalks possibly. I mean, we're in the world, we live in the country. So, I guess the city being part of it now, learning more about it because of this issue, I'm forced to be here to learn about it and what the growth of the city wants to do. But it needs to be also, I also hear things that we want to keep it country. I hear we want to be business friendly and citizen friendly. I just want to have my family live on my property. I want to be quiet. I want to be quiet in my neighborhood. You know what I mean? And so, what I hear to be maybe red tape for Mr. Potter applies to all of us. Because it does affect all of us. And I don't want to give up easement. The issue was, she asked me, would you give a variance? I need to really think about a variance. And variances should we never go away. If I was to say yes, then what does that do to my property? Does it limit my growth in the future? So, I'm all about helping. But it needs to be to where benefits everybody. And so, I don't think 26 feet, the alley next to me behind this that Mr. Hyde built on, you can't drive a dually down there without getting scratches. And he has probably a half a million-dollar home. And so those things make me question, what are we doing? Why is it OK for one and not the other? Because maybe one's not getting approval, and one's trying to do it the right way. I just want to say that about it. I don't think talking, not speaking for my neighbors, but we want to keep the road where it is. And the city can't afford to take it. I wouldn't even know if we would want the city to take it. It would be like a private driveway. Liz: On that point, have you and your neighbors talked about how does the room gets maintained? How does it get repaired, if anything happens to it? Mr. Calhoun: it's a well-taken-care-of room. We do maintain it. My wife and I with shovels, and we bought the rock. And the professor who had the ten acres before he sold, I would just call him, and he would send us a check for his portion of usually \$700, \$800, and he'd send it to us. But we do the manual work because he was a university guy, so we would go out there and maintain the road. And then Steve, before the two new guys, we haven't... I don't think we've had to do it since you've been there. Me and my wife patch it, but that's about it. And it's just SP2 base with white on top of it. Tom: It's in good shape and would obviously support one of your rigs. The question is... Brian and I have been talking about this. You know, we have regulations for subdivisions, whether it's Asher's Ranch, you know, up on the hill, or if you want to split it off for your kids, that would become a subdivision. And we've not regulated that in the past, but we understand that, well, you might build a house for your kids, your kids probably won't always be living there. They're going to sell that house to somebody. We have an obligation to make sure that people have the city service is available, and so that's what we're trying. And it's going to be a painful process, I'll just tell you that. Mr. Calhoun: I'd just like to know, too, that there's a path to my dream. Whether it's variances or agreements or, you know, things like that. Brian: Currently, on the books, there are exceptions when you're splitting it for family. Or can you get exempt from all of it? They're going to be discussed at different times. Tom: And I think there are time constraints associated with that as well. Lacie: I just wanted to clarify something for

you. The conversation that we had when I came and I saw you, and I said that there might have been a variance based on widening the road. There is no variance when it comes to fire code. So, the width of the road is 26 feet. And I did learn that after our meeting when I talked to the fire marshal. So, the width of the road is 26 feet. There is no variance. Mr. Calhoun: Is that set houses or any new builds? Lacie: Any new builds. So, all of you that live there now are grandfathered in. But any new builds, whoever is building, it would be their responsibility to bring that access to Oxford Bend. And that would be at the 26-foot width. Liz: The way that we're grandfathering them in is just that we're not making them put any road in. The fire department considers the road currently out of compliance? Lacie: Correct. Brad: It's out of compliance, yes, as far as fire code goes. It's very specific about any improvements, anything new that's built. Brian: Or we must regulate it as an issue in the building permits. Max Poye: We have talked to the city council. We've had people there lately talking about putting new gates up and things like that. And part of that conversation was the fact that Goshen does not have a lot of places where you can go into adjoining property. A lot of the subdivision roads are in and out. And I've been thinking this tandem lot business and limiting the number of residences on the dead-end road, we may have to revisit that because there aren't a lot of in and out loops that you can do, 45 being one of the only main arteries. There's Tuttle and Blue Springs, but that's about it. So, you're going to have a lot of in and out on one road. My drive is an example. We do have a roadway maintenance agreement with the people that live there. It's a half mile long. And I have seven pieces of property since 1982 that are off that. So somewhere down the line, my kids or somebody is going to want to change that. And I think it would serve us well to start thinking about the tandem lot and private road business because I'm with you. If the city can't maintain it and bring it to standards, how do you dictate what a private road is? We kind of, in the last subdivision task force job, we put in that five-acre limit thinking about that kind of thing, trying to keep it rural like you were saying. Because unless you're a big-time developer, you can't afford it, the average person can't afford to build a quarter mile, half mile, 26-foot-wide road and maintain it on their own, especially if you're limited to five houses. So, I think it's a conversation that's going to have to be had. And we've kind of touched on it twice now in city council meetings about the fact that we're a dead-end subdivision kind of place. Lisa: I was just going to add, the distinction is the planning commission is tasked with looking forward to the future and saying what would we like to look like. And then trying to figure out how to get there. Whereas the city council is often working with more short-term concerns. So, it goes back to what are our tools, what would we like it to be. Tom: It's a much more complicated issue than we can solve tonight. Lacie: Correct. Tom: I guess the point is, and I don't even know, really, what we have on the agenda before us other than just to discuss this. Lacie: The question initially was, who's responsible for the cost of widening the road? Because regardless, the road must be brought up to code for anybody to build. So that's been answered. So, my next question is tandem lots, lot splits, lot combos, minor, major subdivisions. What's the real process? What does the process need to be? There's a set of questions that are asked when we have

a lot split, right, versus a set of questions that are asked when we get a building permit. Even JD and I, like we were talking the other day, we don't ask, how wide is the road in front of the lot that you want to build a house on? That's not something we ask when we issue a building permit. But we do ask that when we're like, okay, where's your lot being split? Where is the property? What's the parcel? What are your utility easements? What's your access? What's your road frontage? Those are the questions that we ask. So, I'm kind of wanting you guys to vote more so on like a working session. I know you guys are planning to do one with council. I don't know if that's something that maybe needs to be added to that working session agenda. Liz: I'm not sure I understand the question. You're looking for what? Lacie: I'm asking you guys to figure out what's the process of these tandem lots, what's the process of these lot splits, and when are we going to allow the lot split versus the building permit? What questions are we going to ask? What questions need to be asked? Because right now, it's kind of backwards. Brian: The building permit issue is not ever before this body. Mayor: I think what Lacie is referring to is, you are having a working session with the city council. Part of that is to discuss gated communities going forward in the city. What she's asking is that you also look at tandem lots and how that interfaces with this body and permits being issued from City Hall because often times a lot split can come before you guys and the requirement isn't there in the lot split for them to have a road that is capable to have a fire apparatus to issue a building permit, but then they come to us and want to get a building permit. We say, well, you can't get a building permit until that road is up to standard. Well, the planning commission has authorized this lot split. Why can't we build on it? Liz: Because they're different things. Lacie: Absolutely, but the thing is those questions are asked. After more discussion on lot splits, permits and road frontage and possibly changing codes, Commissioners may make a recommendation to the City Council. More discussion will be at the Council and Commissioner working session.

6. Public Input: Bernadette Boyle: Just quickly, thank you very much for listening to us. I really appreciate it. You listen to both sides and then form an opinion. Can you start putting the parcel number on the item being discussed, as well as the street? I also asked about the city council. Is there a reason why none of your minutes were posted since October? Because I like to read your minutes. Liz: I have the same question. Marge: Lacie takes care of the website, and she posts the minutes. Citizen: Does the city have current rules on 26-foot rules versus the county road, city road, highway, and private drive? Tom: I don't think they're prepared that way, but in the city code, there are requirements for streets and subdivisions. And then you've got the fire code. Brad: Fire code is the fire code that the state of Arkansas uses is the international fire code. If Mr. Potter is denied, does that mean all future growth on that road is denied as well? Tom: Until we get this sorted out? Yes. Okay, you need to go out. If he must go to 26th Road and he chooses to do that, does it become city property or is it still his property? That's an excellent question. Brian: No, it's still a private road.

7. Adjournment: Loren Shackelford motioned to adjourn at 7:30 pm. Seconded by Michael Thompson. All in favor. Yay (7). Opposed. (0). The motion carried.



Tom Hennessey, Chairman