

**MINUTES**  
**Goshen Planning Commission**  
**November 7, 2023 at 5:30PM**  
**Goshen Community Building, 244 Clark Street**

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

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

**Approval of Agenda:** Lisa Skiles added process of adopting recommended changes from City Staff. Motion made by Michael Thompson to accept the agenda. Seconded by Liz Mashie. All in favor. Yea (5). Opposed (0). The motion carried.

**Approval of Minutes:** Motion made by Liz Mashie approve the October 3, 2023; minutes as written. Seconded by Loren Shackelford. All in favor. Yea (5). Opposed (0). The Motion carried.

**Planning Commission Business:**

- 1. Updating Zoning Code:** Liz Mashie/Lacie Lawson presented.
  - **NWARPC Process;** Lacie and I spent a couple of hours with Tim and Jeff of the Northwest Arkansas Regional Planning Commission a couple of weeks ago or planning Council the name is and got some good input from them and just talked through some of our concerns. Things of this subcommittee is brought up that we want to be able to come to this Commission and eventually to the City Council with good recommendations. One of the three things. The first was about an NWARPC process. Jeff referenced an ordinance that was passed about 2019-2020 when Mayor Oliver was in seat, it was intended to just provide additional review to all our development plans. But there is an ordinance that has just understood it and if it is strictly enforced requires all development plans to go through Northwest Arkansas Regional Planning review, which is an additional step in the process. Now that we have a zoning official and other staff in the City Hall that are more involved, I do not know if we really need that extra process, it is a cost to the city. Do not think at this point we are passing that on to the applicant. We are just eating that cost. We need to reexamine.
- 2. Driveway Ordinance(s):** We spent a lot of time on the driveway ordinances. How have the driveway ordinance has been applied in these PUD subdivisions? I think through that conversation with Jeff, we really realized that it should be one or the other. If it is a PUD, you are no longer supposed to be applying the regular city zoning. You are supposed to be going to that ordinance that created that land use development that should have considered all those things. I just do not know, honestly, on Asher where Lacie was getting a lot of the questions, I have not pulled that myself to remember what level of review or detail. I was on the commercial design standards, not on the subdivision. I am not as familiar, but yes, updated that. So just some additional things to consider there. I think just making sure that Lacie's armed with what she needs to know which organ supplies where, and we know that cleaning this up could give her some more clarity, and I think would give

the citizens more clarity too. It is like what is the goal, what is attainable as a citizen, what can you understand to do.

3. **The process of adopting:** Brian stated to make any revisions to our zoning regulations or subdivision regulations, it would have to go through the process of a public hearing. You can have a working session any time before, to discuss the revisions and then put out a notice for the public hearing.
4. **PUD Subdivisions:** We have some older subdivisions that were created under as PUDs. Then we have these new subdivisions that give this the same feeling as a conservation subdivision, but we call them something else. One of the pathways under the new subdivision ordinance allows a neutral density, no more houses, the lots can be smaller, that land is allocated towards green space. Commissioner Hennelly, Ken Smith, Darren Riggins and Albert Skiles were on that committee. And not to be technical, I do not think the 2 older subdivisions were done under PUDS. There were specific conservation easement ordinances passed to allow it. The plan used development is a great planning tool. You can do it for a commercial piece, you can do it for residential piece, you can do it for different things. You just must have the ordinances that allow the Planning Commission and or City Council the authority to make those decisions all at one time when considering the applicant. I do think we need to be specific about what we want to do in that work session. Brian stated when the City Council did their working session a couple of weeks ago. There was no public comment that night just so that they could work through the issues they needed to. You could do it however you wanted to. It might be advisable for you to do the same and then once you have some planning ideas, then at the public hearing that is when they can offer their opinions. Lisa: I think we will do that and then have the public hearing after the review the findings of the first. Loren: Obviously, this is a tough time of year to plan meetings with holidays between Thanksgiving and Christmas and travel and all that. I know we do not want to put it off but let us be considerate of everyone's schedule. It will be hard to get everybody on the same schedule.
5. **Planning Official Training Program:** Lisa Skiles presented I am going to talk about is zoning and rezoning course three. Obviously, the purpose of zoning, health, safety, welfare, and there are six bullet points I think about the most. The whole thing to us right now in terms of developing a rural character and maintaining that while we are under high growth pressure is this kind of second bullet point. Orderly and efficient development, which is a challenge, balancing the needs in future growth, protecting our residential areas which were primarily residential, assuring the growth of the community is consistent with our plans that we adopt and maintaining a stable investment environment. The main takeaway I want you to have right now. It relates to the committee work. The future land use plan is not the same as our zoning code. Future land use plan is what is aspirational for us as a community and evolves from the comprehensive Plan. We have a data comprehensive plan in the books. That has been adopted. So future land use plan is something that the intention is that cities update that and that it is aspirational, and it is a basis for us. It is adopted by resolution, not by ordinance and it is intended to help us with rezoning decisions and decision making in general. So, it was confusing, which is why it has come up that every class I think and even I have been staring at this map forever and I think of it as the zoning map. But you look at the title and it is the land use plan. So, cities must adopt

something like our area of planning and then they have the option of adopting other documents such as the Land Use plan, Master Street Plan and Facilities plan. To me this is something that needs updating as my takeaway from this class. As a resolution and not as an ordinance. It is intended to be the basis of ordinance updates. Zoning Ordinance shall provide for BCA Board of Zoning adjustments to hear appeals of decisions and request for variance. This but does not deal with land use and typically there are at least three members, and it is quite common that it is the Planning Commission. The other thing that I think is from this class, that there are some other bullet points you can read. I am being selective. That as we look forward and talk about updating the comprehensive plan or zoning is that types of land use we are used to the very prescriptive commercial residential industrial. But there are precedents out there and examples that types of land use zoning do have alternate ways that could be addressed. So, for example form based might be more about physical area. Uptown, downtown, it is easy to think of Fayetteville that way. Eastside Historical District, but you could adopt that for forms that fit your community. Intensity is another one, where it might be from high density to low density and incentive, where you are trying to have development happen in a certain way and the city might incentivize that. Whereas we have low density residential and rural, commercial, and public. So, to say that this is not a given that it always must have these categories. So that was another take away that I have. And then the other thing is we looked at examples of land use plans that have been updated from other municipalities and the instructors made the point that some parcels by parcel and some were not parcel by parcel but were more general areas. It is hard to do parcel by parcel and I know we have struggled with that with ours as well. But again, the land use plan is intended to be a resolution. It is a planning guiding document that should be kept updated versus the zoning code which is adopted by ordinance. Loren: If you. Remember at the back the other building where we used to have our meetings. We had big maps on the wall. Those were land use plans or were they zoning maps? Do you remember? Brian: Those were zoning maps, Loren: Because we showed commercial nodes. I remember the ones I think of Oxford Bend and 45. There was a proposed commercial node there. There was a proposed commercial node, in front of Waterford, but those were not zoned commercial. They just showed as proposed nodes, it might have been land use planning aspirational. Lisa: I have wondered the same thing. There was always confusion every time anything came up. Lisa: I do remember, my husband was on the Planning Commission during that tenure and worked on that project. This is what we need, an aspirational document that says, this is where this will grow, whether it is whatever category you want to give it. Liz: We could not find a good zoning map, so we just took one and we were like as of this date we are adopting this as our current zoning. Wonder if we did that with the land use plan. Loren: I do like the idea of having a land use map and a zoning map and having them separate. What question should I ask, If I'm doing a rezoning conditional use or a board of zoning adjustments and for rezoning request it was emphasized, that the questions we would ask ourselves are, is it consistent with our comprehensive plan which may need updating, is it compatible in that location or on all permitted uses compatible? Does it benefit one landowner who will have opposition? For variance request, we are more familiar with that as having unique circumstance and does it benefit just one person. Subdivisions were defined as any division

of land. A lot split is one into two and a subdivision is one into more than two. Where it involves the need for extension of public infrastructure. I know we have had an adjustment were calling 3 lots a subdivision. It offered a little clarity, but that threshold is adjustable based on the community. Then moving existing lines is a replat lot Line adjustment or recombination? We have the authority to regulate and should approve any subdivision before it is recorded by the county. The emphasis was made that subdivisions are prescriptive. There is no discretion and that it should be a noticeably clear process, we went through the process, the plat, final plat, construction inspection and then final plat. And there were checklists for things that should be in that subdivision ordinance. If we want to check some of that training material against what we have for the committee, that might be useful. There was some discussion about cities requiring assurance of installation of public improvements and streets and whether an engineering consultant is hired to check the work. Because what we have at risk is a city is failing roads, failing water treatment, water drainage issues and that work. Many cities that are small that might not have engineers on staff hire that out to double check the work of subdivisions before it is filed for the final plat. The last one Course 5. The only thing I pulled out to highlight was the Land Use Plan and text cannot change unless amended by ordinance. Land Use Plan is a resolution and the zoning map and text are law.

**Public Input:**

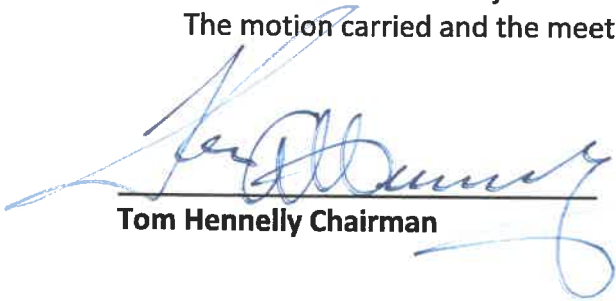
Linda Moore asked about the driveway ordinance, her driveway does not have an apron, her driveway is in the city, but her house is in the county. Lacie stated any driveway done before the ordinance went into effect in 2014 would be grandfather in. This ordinance will be discussed at the next City Council Meeting.

Lacie asked about conditional use, we have someone who is adhering to the conditions, but neighbors are complaining. Brian: if they are complying there is nothing we can do.

The commission discussed doing a working session, after the Holidays.

**Adjournment:**

Loren Shackelford to adjourn at 6:21 pm. The motion was seconded by James Gardner. The motion carried and the meeting was adjourned at 6:21 pm.



Tom Hennelly Chairman