

MINUTES
Goshen Planning Commission
September 19, 2023 at 5:30PM
Goshen Methodist Church

Call to Order: Chairman Tom Hennelly called the meeting to order at 6:11PM.

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

Approval of Agenda: Motion made by Loren Shackelford renumber letter B to C. add Item D. Discussion Variance application. Item E. City Staff to add discussion of Planning & Zoning meeting night and time. Seconded by James Gardner. The motion carried.

Approval of Minutes: Motion made by Michael Thompson to approve July 10, 2023 Planning and Zoning minutes into separate minutes. Seconded by James Gardner. The motion carried. James Gardner made a motion to accept minutes with changes. Seconded by Scott Stokenbury. The motion carried.

Planning Commission Business:

- A. Discussion of Asher Ranch Driveway Ordinance: Lacie Lawson:** There are contractors who have complained that their driveway apron is the first 15 feet. The driveway has to be 20 feet away from the property line. The driveways have a big S, because of the ways that these are showing. I brought a couple of examples. Loren: I'm aware I had to build it on my house for the exact same reason. Lacie: I had approved because there actually is no ordinance that says that the front of the driveway can't face the road. I know a lot of contractors like to put it like on the side or behind the house because it makes things look prettier. But it I feel like contractors don't have those options. This is what I'm getting when contractors, don't want to redo their plots for me. This is what they do when they come in after I tell them, hey, you have to be 20 feet first. You know your apron has to be 20 feet away. They're coming in mad and upset and signing a little scribble that says fine, we'll make it 20 feet. This is good, I'm getting kickback because oh well, I'm friends with JD or I know Tom, He's the planning commissioner and I can come in and I can just sign this instead. I'm getting way more comfortable in my position at City Hall, so I can say that's not OK. I don't care who you know, which is kind of where I've gone with this. But it's still a lot of kickback from the contractors, from the homeowners. They're just like, I don't want this big S driveway, in my front yard. Not to mention as long as it's not blocking any kind of lighting or hydrant or something like that, I think that the driveway ordinance needs to be a little bit more lenient in subdivisions anyway. Tom: If I understand you right, we're not limiting this to Asher Ranch.? Lacie: No, I would say all subdivisions. I think that there are other subdivisions that allow for that variance a little more easily and don't need a variance. But I don't see why. Tom: When you get on a curb or a cul-de-sac, it's nearly impossible. Loren: Mr. Chair, this is kind of been a hot topic of mine. I've had this conversation now with two mayors. I was on Planning Commission when the driveway

ordinance was passed by City Council without any input from the city Planning Commission issued under emergency order to stop one specific proposed development in Goshen. It was a horribly written, horribly executed and horrible system in which that ordinance was put in place. Lacie: In defense of the driveway ordinance and having it more than so many feet away from a property line, the apron has to be paved, if your property goes at a slant upward, it has to be 25 feet. If it goes at a slant downward, it has to be at least the 15 feet and it's for gravel, which is a huge issue with gravel coming on the onto the roads. Loren: Lisa Skiles, has some comments she sent Tom and I an e-mail. considering you're in the conversation about driveway ordinance, it's not for ongoing discussion. She participated in Arkansas Planning Association training course for the topic was subdivisions, brought up the driveway question to the expert panel during Q&A. Your response was the question was thoughts on distance between driveways and subdivisions. Their response? Driveways are not a typical item that are considered for subdivisions other than those related to aesthetics. Driveway distances are related to function safety implied as the Master St. plan, for example. A primary arterial and collector street should have different considerations based on road intensity. The function and performance should be to consider driveway distances based on functional use and what street they're affront to according to your master street plan. A subdivision or residential street is low traffic condition and the function can be typically treated completely different, and that was what my argument was from day one when this driveway ordinance went into effect. The driveway ordinance is not is written for access to state highways, collectors, that sort of thing. Very rarely do you see it applied through platted subdivisions. It has been something since all my time I've served on Planning Commission that this has been an impact. If it's this has been in effect, it's been a problem. Waterford had issues with double driveways and three people had to come in and get variances after their houses were built. Because if you implied it, it was the double cut driveway didn't match. I think that as we push through these conservative neighborhoods to where we allow houses on a lot smaller than two acres to allow green space to save topography, to save runoff, all that we have to rethink this ordinance. It's, not, if the distance should be completely different from a state highway versus a county highway versus a cul-de-sac versus commercial and residential. So county, City of Fayetteville, they have different requirements based on the density of the road that their cutting into. Loren: I can say my neighborhood and any other neighborhood platted out here. We've seen numerous variances for every lot that comes in with cul-de-sac. I had to comply to with this. I do think there are some good too for the ordinance. I don't think the ordinance should be acting applicable in a lot block subdivision. I think it was a bad ordinance that was done in knee jerk reaction to stop one developer, one property owner from instead of doing a subdivision just dropped two acre lots down a County Road and it's just implied over everything we do out here and it doesn't work a lot of blocks. City staff would ask that you guys would recommend to City Council that the driveway ordinance be amended based on subdivisions versus non subdivision. Loren: We were working on that a couple years ago. There was a group that was looking at ordinances but then I moved, so I don't know whatever became of that. Tom: We completely redid the subdivision ordinance and that's kind of an access management and subdivision ordinance combination. There are, curb cuts, for instance on Blue Springs. You know when you have this curve cut and I

think we discussed other lots that may front Blue Springs and they do have to have separation. They are located in a lot and block subdivision even some of the ones that were required. So, I'm thinking that this isn't something we can make a recommendation to City Council about tonight. It sounds like we need to make recommendation to council for us to convene some group, whether we do it at Planning Commission or do a separate subcommittee, whoever wants to be a part of it, that would take a look at revising that ordinance. Lacie: Would you consider the planning subcommittee to look at that? Tom: Yeah. and then that subcommittee would make a recommendation to council, this is what we think we ought to do to that ordinance. In the interim we've got this subdivision to deal with. Loren: In my opinion, I don't mean step on city councils' toes, but there should not be ordinances in place involving planning of roads and driveways and anything without Planning Commission input and that's how this ordinance was written. I wanted you guys to be aware of that and I do think we need to address it at an ordinance level and I am 100% agreement we are not in a position to make that recommendation tonight. Lacie: I need to take something back to my contractors, I've got houses being built, I hate to put pressure on the Commission. But I've got to be able to say Nope, we're not doing this or this is going to take another six months. Tom: Has anybody submitted a specific lot that they want a variance on and is there a way where, that in the interim stopgap we can for this subdivision or consider them? That we can wave. Loren: I think that's what you're going to have to do. Liz: The ordinance was in place when they bought the lots. James: They have been heard and we will work on it. Tom: I think we need somebody to make a motion to direct the planning subdivision committee. Loren Shackelford made a motion that we ask our planning subcommittee to take a look at the driveway ordinance and recommendation changes to the ordinance to subdue to the Planning Commission consideration. Seconded by Scott Stokenbury. All in favor Yea (6). Opposed (0). The motion carried.

B. Lot Line Adjustment: Joe and Sue Finney

Parcel #001-10257-000, Presented by Nikki, Blew & Associates: My clients are Steve and Karen Finney, Joe and Sue Finney are Steve's parents. They are purchasing this 4-1/2-acre tract. To build a house, Joe and Sue are retaining the other 55 acres. Liz: Is there a house on the 55 acres? Nikki: No. Liz: There just breaking of 4 ½ acres from a family field? Nikki: Yes. Liz: It has sufficient road frontage. Loren: What's the road frontage on the 55-acre tract? Tom: 129 1/2 feet. James: Is this supposed to be a minor subdivision? Tom: I think it is supposed to be a minor subdivision instead of a tract split. Tom: I never could keep straight. Loren: I'm confused because I thought if you're only creating 2 tracts and the parent track was in excess of whatever that number was, 40 acres or 50 acres than it is not a minor subdivision. It's a tract split. Fayetteville signature block needs to be changes to Goshen Signature block. Liz Mashie made a motion to approve subject the changing out the Signature block to Goshen. Seconded by Scott Stokenbury. All those in favor Yea. Opposed. (0).

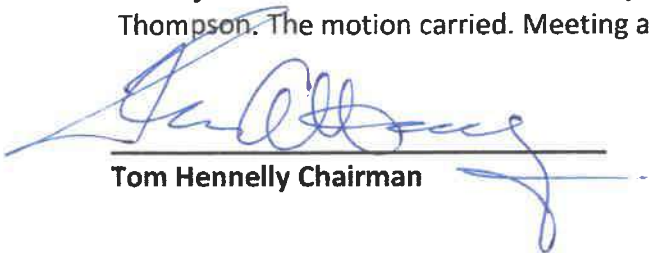
C. Discussion of Contractor Insurance Requirements: City Council passed it. We had a death at 302 Paul Pray, based on that we are making sure contractors have general liability. The copy that we had gotten for that job the insurance had expired.

D. Discussion of Variance Application: Tom: I think what we were talking about doing was we've got we're probably going to need to sounds like we'll need to revise the application where there are five places for them in addition to the letter, because I think the letter is still part of it or they could put those five conditions in the letter. Loren: I would suggest that we share that with them and tell them they have to specifically address those five for actually it's four, the fifth one is on us. So, that could be in the letter and then if we're if we're going to want site plans to include septic and elevation lines, I think we need to add that requirement to the application as well. It's hard to find those findings of fact if there's not some sort of topographical and septic layout. Evidence to support. Tom: I'm thinking that we need to revise the application, that requires them to write the letter stating and give them a place on the application where they can specifically state where they've met all those conditions, all four conditions. Then if they turn in an incomplete application, they can get tabled automatically. James: It's having that requirement in the application and then including any supporting documents that justify these four items including but not limited to topo line, septic permit, septic area, letters of support from adjacent neighbors, whatever. Lacie will bring Brian up to date, so he can review it the changes before the next meeting.

E. Planning and Zoning Meeting Night and Times: Tom: Sounds like 5:30 is going be the time. It's better than 5:00. If we could just have 5:30 all the time, whether there's a zoning adjustment or just planning. Changin days, tabled until Liz and Lisa are present.

F. Public Input:

G. Adjournment: A motion was made by Scott Stokenbury at 7:04 pm. Seconded by Michael Thompson. The motion carried. Meeting adjourned at 7:04 pm.



Tom Hennelly Chairman