

**MINUTES**  
**Goshen Planning Commission Special Session**  
**September 9, 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, Lisa Skiles were present. Michael Thompson was absent.

**Approval of Agenda:** Chairman Hennelly added Item B. discussion of new Chairman. Lisa Skiles motion to approve agenda with change. Seconded by Liz Mashie. All in favor? Yay (6). Opposed? (0). The motion carried.

**Approval of Minutes**

July 2, 2024. Loren Shackelford motioned to table approving July 2, 2024 minutes until October meeting. Seconded by Liz Mashie. All in favor? Yay (6). Opposed? (0). The motioned carried.

**Planning Commission Business:**

- A. Zoning Ordinance Discussion:** Lacie: It's been ongoing since the working session. A lot of it has to do with driveway regulations, those are in front of you. More is accessory dwelling units. I could not tell you how many citizens have come to me. And that's probably one of the biggest complaints that I have with citizens is that they can't build an ADU. Whether it's a mother-in-law suite or it's an apartment above a garage or a pool house, they're, why? So, I kind of sat down and did some research. What you have in front of you is very, minimal because I don't know what direction we need to go. I don't know if we need to put regulations on what they look like. Do they need to look like the primary dwelling? What is the planning commission wanting to do as far as moving forward? I think it's worth asking council to consider it because of what citizens want. If you have an, I used a lot in the Knolls. It was a two-acre lot. You can have a 1,200 square foot shop or garage. Plus, you can have an 800 square foot pool house and still have plenty of space that wouldn't even take up half of the backyard for an 800 to 1,200 square foot ADU. I don't see why we can't say, okay, well, you can have a 1,200 square foot garage, build an apartment above it. Have your mother-in-law stay in it when she visits. Have Aunt Sue come in and stay in it when she visits. Move your 18-year-old freshman in college into it. Why not? I do think that those things need to be regulated a little bit. I don't think that, especially with, like, we all talked about multi-family and things like that. I don't think that those should be available necessarily for rental unless we have those conditional use permits in place so that we know exactly what they're used for. They must adhere to the conditional use permit because those things can get revoked. I also think that it's a possibility for the stipulations or, like, the requirements for those to be that, you know, you can only have a shared driveway. Or if you do have, like, an additional driveway, that it goes with the driveway regulations that, you know, you must have so much road frontage. Or if you have a shop building that's 1,200 square foot, we'll put an apartment above it. Or choose to have an accessory like a mother-in-law suite. Like, choose one or the other. Obviously, these are all recommendations. They're opinions. This is what we could do. I'm looking for that guidance. Like, how do we want these changed? And

how can we appease what our citizens are wanting and how we, as Goshen, want to move forward. Liz: So, the top is what the current language and then you've got your proposed? Lacie: Yeah, it's very minimal. Tom: You're recommending that the residential accessory units be a conditional use. Is that right? Lacie: No, I would say that if somebody wants to use them as like an Airbnb, that there be a conditional use. Because I think that Airbnb's need to be held to a different standard versus moms staying in them or your kids staying in them. So, if that is something that's allowed, because I know some people are like, why not have an Airbnb? Other people are like, absolutely no way. So, to kind of regulate those, it could be a conditional use permit. Something that must be inspected once a year. Something that must be kept up with. Obviously, it's just something else to consider. Liz: My two cents is that I don't care for it in the current version. And I wouldn't support it in a new one. This accessory dwelling unit shall not be used for general rental purposes or any discussion around Airbnb. This doesn't seem the right place for that. I would think that would go in zoning. And it would be permitted and not permitted. Or like, I don't know. Lacie: This is, oh, because that's pulled out of the zoning. Lisa: this would be the zone. Lacie: Correct. Liz: Yeah, I was saying, why would they be where we describe our zones and permitted uses? Why are we putting it in this ADU stuff? Lacie: I pulled that from zoning, that's literally, a section of the zoning regulations. So, accessory dwelling units is already in the zone. Liz: Does it today address Airbnb's? Lacie: No. Liz: I don't think it needs to, is my point. I don't think there's any reason to bring Airbnb even as a topic in ADU conversations. Oh, I think if the city wants to take a position on Airbnb's, we need to do that in a separate conversation as a separate part of our zoning. I just don't understand, this doesn't make sense to me here. I get that it's like, worst case scenario, someone's going to put in an apartment and rent it out and there's going to be double the families, because I get that we're afraid of that, but I don't want the regulation to be written that way. This doesn't make any sense to me here. I think we should keep it clean, and it's like ADUs are ADUs, and ADUs in this zone can be used for this. ADUs in this zone to be used for this have-to-have additional use permit. And that, to me, makes sense. And I clearly like to find, you can do this in the RR zone, this in the AG zone, these in the B zones, or whatever. Tom: But in each, and to y'all's point though, an ADU can be listed as a conditional use in every zone. Liz: Yes, and I think we're saying it won't need to have additional use in RR and R1. Right. Or it should allow it by right in RR and by R1. That's right. Which I'm fine with, I just don't think there's any need. Tom: To allow it by right, or to keep it? Liz: I'm fine with that. I just don't think we have any need to get into the Airbnb or rental in this language. I don't understand how it's relevant. James: Well, if you address it here, somebody could live in their ADU and do a short-term rental in the primary residence. You're not really addressing it. Liz: So, I just encourage us to be clean about language in this ordinance. Tom: Totally understand people's concerns about Airbnb's or VRBO or whatever. You know, I do understand that. But I also completely understand somebody has a mother-in-law that they need to provide residence for that is not ready to go into CL. Lacie: I think the reason I brought up conditional use was maybe to put the people who are absolutely against ADUs, like, no way because we're going to rent them out. We're going to have Airbnb's all over Goshen. We don't want that. Maybe to create a way for people to have an Airbnb without it being just, oh, you have an Airbnb. Who cares? Who comes? Who goes? What's the state of it is in? Nobody is keeping up with it. You know what I mean? That was the reasoning for the conditional use. I don't care if you have an Airbnb. I don't care if mom stays in it. But I think that a lot of people in Goshen do, especially when it comes to our two-acer minimum. We don't want the density. We don't want the traffic in and out. And we don't want to change what Goshen is, but we want to accommodate Goshen citizens. And how do we do that? How do we regulate those things? And what's the correct recommendation? Tom: Could be there's septic issues? Lacie: That could be handled by the state, though. If somebody wants to build an ADU, then they must present me a letter from the health department saying their septic system can

take it. Tom: We just need to have a process in place that would require it. Lacie: Permanent process. It's the same thing. I must process every building, unless it's a shop that doesn't have a bathroom. But as a bathroom, I must have a letter from the health department saying that the septic system can handle the extra bathroom, the extra rooms. Loren: So, Ordinances trump HOA/POA, correct? So that's a huge issue, too. Lacie: Not necessarily. Loren: If it's a use-by right. Brian: What's the scenario you're talking about? Loren: HOA/POA says no ADU in the subdivision. Brian: No subdivision can regulate that. Tom: Just so I'm clear on this, and I understand what you're saying, we can pass whatever it is we want to pass. The POA can trump that? James: They can have something more stringent. Brian: Yes. Lacie: This is an open discussion. I'm not even sure we need to open it to public. Not at this point. Like I said, this is something that's been in the works, and now it's, like, getting written on paper. So, what exactly do we want written? How do we plan? We know about the driveways. You guys have the driveway regulations in front of you. What's been worked on the most? I've got the Arkansas Department of Transportation. I've got, the Highway Department. I've got fire district recommendations. That's been worked on the most. Now it's let's move on to the next one, Let's get the driveways approved. Let's recommend that to city council. And then let's move forward. Where do we move forward? How do we move forward? What's the next best topic? And I've got ADUs. What else suffices in that? Lisa: I am not opposed to having no rental language in there, but let's go on that. I'm curious why you're supposed to find four acres and not two acres in the proposed. Lacie: Because right now you must have four acres to build an ADU. So, we have a two-acre minimum. So, if you have those two acres, that minimum allows you to have an ADU or a shop or both. Lisa: I would support a 2-acre minimum, rather than, this is reading as a 4-acre minimum. Loren: No, it changes to a 4-acre minimum. Lacie: It changes. Lisa: Okay, because on number 2, if an accessory dwelling unit is on less than 4 acres, the accessory dwelling shall not be in addition to the accessory structures, such as a detached garage. So, it must be incorporated into it, that's what you're saying? Lacie: It's a recommendation, so that means if you have a detached garage, or you choose to have a detached garage or a pool house, that way we don't have this, you know, on top of each other feeling, let's give them a choice. You can have a detached garage with an apartment above it, or you can have another in-law suite, but you can't have both. Lisa: Or you do an addition to the pool house if the pool house is smaller. All the points on page 2, I support. Distance from primary structure, 40 feet. Why do we care? Lacie: So right now, it's 40 feet. That's the way that it's written in the code. So, I just left it. Lisa: Building code is 7 feet for a separated building. I just think it needs to qualify our code. That's 7 feet. But in our code right now, it does say 40 feet. Tom: And this, what we're talking about does not apply to a shop or a pool house? Lacie: Right. Tom: It applies only to a residential dwelling unit. That has a bedroom and a bathroom and a kitchen area. Correct. Lacie: You can only have one on four acres or more right now. And it does have to be 40 feet from the primary dwelling. Liz: I think we can change that. I don't know that it needs any distance. Lisa: And I certainly would support two acres. Liz: I agree. I'm trying to make sense of the distinction between the two and the four. I think it's that we're basically trying to say you're not going to put a bunch of things on just two acres. So, they'll have four or more to have all these extra buildings. What if they have six acres and they want two accessory dwellings in addition to their home? So, I have six. I want a detached pool house with an apartment. And I want a detached garage with an apartment. James: Step one says one accessory dwelling. Lacie: What does the commission want? Where are we going with that? Because that's a good question. Tom: I think if you get past one, then we're talking about density. And that's where I get hung up. As well as additional driveways. I think the accessory dwelling unit ought to access off the main driveway. Lacie: So, I have a lady who has five acres right now. She lives on Missy Valley Lane. And she has, I want to say it's like over half the cul-de-sac is her road frontage. So, her septic tank, if you're looking at the front door, on the left is where her septic tank

is. So, she can't build on top of her leach lines. But if you put the accessory unit on the right-hand side of the house where she's not in conflict with the septic. The topography of the property kind of like goes down. And she can have that secondary driveway. Because she has over 300 foot of road frontage. And the driveways are over 50 feet apart. Which is in the driveway regulations. And recommended by Arkansas Highway Department as well as the Fire Department. Liz: She can get a variance. We don't need to create all our rules to allow for these one-off exceptions. Of course you're hearing about the squeaky wheels. They're the ones calling City Hall. That's fine. There's a process for folks like that. And I would be shocked if this commission or a reasonable council denies someone the enjoyment of their property. If they're just asking for a variance. That's the design process. Lacie: Let's move back to the driveway regulations. Because we might need to change those. The reason I'm bringing up the driveways is for that secondary driveway for an ADU. The driveway regulations state that if you have over 300 foot of road frontage, you can have a secondary driveway as long as they're 50 feet apart. That's Arkansas State Highway. Liz: Then it doesn't even need to be mentioned in here. Lacie: Just take it out completely? Liz: Yes. Because that tells me that the property can have two driveways. I don't care who accesses it. What do we care if it's the main home or the ADU going out of each driveway? If they have the available frontage. James: Walk me through the setbacks back on page one. We've got the setbacks listed. Are these different than what's in our general zoning? What are we doing listing them here? Lacie: It was just to let you know that these are still the setbacks unless you want them changed. Do we want them changed? Do we want the ADU behind the house? What do we want? It's there so you know what's written. It's there so that it's clear so that I know when I change it in the big book that I know what I'm changing. Liz: Well, we're going to get rid of the 40 feet because that only existed in the language above that we're striking completely. And then all the sides front, rear, and utilities and setbacks. As long as it's still the same. I agree with James. I would just remove that whole section. Tom: We'll just remove all that setback. Lacie: Underneath, in the zoning regulations, we have each of our zones. And it was recommended that maybe we need to pull out our driveway regulations instead of shoving them into subdivisions and have a driveway regulation. Strike them out of, you know what I mean? See driveway regulations under each zone. See setback regulations. How Simplified do we want to make our zoning regulations? So, if we pull out, drive way regulations, and they're right there. They're in layman's terms. I would even like to take out all of that and just simplify it. I don't know how that looks legally. Brian: We'd probably rather not do that from the city's perspective. But, you know, what do we do to make them simplified? Do we pull out accessory dwellings and make an accessory dwellings regulation? Do we leave it in the zoning or if it's under use? Tom: I think it needs to be quantified. And it can be used, you know, however somebody wants to use it because it doesn't sound like there's any heartburn about an Airbnb. Unless the neighborhood has heartburn about it through their POA. The setbacks are all the same. Driveways are all the same. Everything is the same. So, all we would need to do is just quantify the allowable accessory, residential accessory. Lacie: Are we good with just in, like, the NRR1 and RR zones? Do we want to allow them? Because right now, I think it's in the general commercial, which is, like, our, you know, not major commercial, but, like, in front of Bordeaux, you're allowed to have houses there. Do we, are we in all, you know, where do we want to cut the line ADU's? Tom: Do we get tax revenue off that? On a residential unit built in a commercial zone. Mayor: We don't get tax revenue. Lisa: I think where it comes into play, a lot of cities are getting away from very categorical zoning and getting more to density, low density, medium density, high density. And it allows us in an RR really to think twice if somebody's applying for a conditional use. I don't know what that's for. It also gives you the opportunity to come back on it. If, you know, what they said they were going to use it for at this meeting turned out to be something completely different, then you can revoke a conditional use approval. Lacie: And that's where that

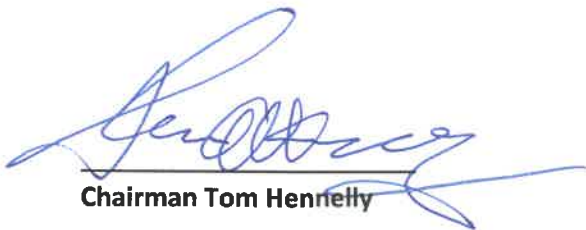
conditional use comes in. You know, they're not using it like they're supposed to be. Does the city have, I guess, a legacy on it? Tom: I can't remember, are the setbacks the same in the commercial zones as there are in residential? Lacie: No. Tom: Because we'll need to clarify that if we're going to allow these accessory units. Lacie: The zoning regulations are on your table. Loren: If you leave it as it is, they must come in for a conditional use. James: Number six, parking spaces may not cause high ratios of impervious ground cover. Lacie: More or less, you can't come in and create, four parking spaces for an ADU that's going to take away from the green space in your yard. It's just, without so much as saying you can only have two parking spaces, it says you can't create a concrete jungle out of your two acres. We really want to maintain that green space. And that's the wordage that it uses now for driveways. For the off-street parking. So, I honestly just copied and pasted what it already said. If it needs to be more detailed, if it needs to be, you can only have one, extra parking space for an ADU. James: I'm just trying to figure out how to define it. How can we say you have a high ratio of impervious ground cover or you don't? Lacie: I would say that, maybe 25% of your property can't be paved. Or only 25% of it can be paved. Tom: If somebody wanted to make their entire two acres. Liz: They're allowed. I don't feel any teeth in the second sentence at all. Tom: Going back to the setback deal. So, the commercial, the setbacks in the commercial zone are different than they are in residential zones. So, in that regard, it seems like we ought to keep some setback specifications for these residential accessory units. Lacie: I don't think so, because I think they're the same for R1 and RR. I think they're the same for NR, R1, and RR, which is where we're allowing them by right. And then the conditional use comes with it. Tom: So, everything else will be a conditional use. Liz: And that would have to dictate. James: Well, is B1 and B2, they're bigger or smaller? Scott: 10 foot smaller. Tom: Is there any way we can change that to like C1 and C2? Lacie: I also put the sign thing up for you. Can we change the signs? Liz: City Council has a strong opinion on that one. Tom: Five. The definition of an accessory dwelling unit. Lacie: That is almost verbatim from what Fayetteville has. Well, I just had the attorney look at it. Brian, because it didn't make any sense. It doesn't provide any clarity to me. And it's always been one of those things that you should never use the word. The definition of what you're trying to describe. So, when you say an accessory structure, a structure that is accessory. You know what I mean? Lacie: So, I was going to, and Lisa, she caught on to this one. I went even further, and I was like, what's an accessory dwelling unit versus a dwelling unit? Tom: It's a secondary residence on the property. In its most simple terms. That's what we're talking about. Discussion continued size of ADU's. Liz: two acres, you could have your house and 1 ADU, three to four acres, house and 2 ADU's, four to five acres, house and 3 ADU's. Cap it at 3 ADU's. Commissioners will send Lacie their notes for discussion at next meeting.

- B. Discussion of Chairmans Position:** Tom: I know everybody's busy. I think it's appropriate to ask who might be willing. Lisa: I'd like to interject something that came up at our training session, which is once the city council appoints the language that has this body active, what we learned is this body adopts bylaws. And one of the hurdles is that I don't know that we have bylaws that help us define the officers and the terms. So, it feels like there's no exit strategy. We used to have a schedule somewhere, I can't find it in my notes, where it came up every couple of years. We at least had a nomination process. As part of the bylaws, it also specifies the terms of recusal, what are the situations in which somebody would be recused, and what's the attendance policy. If we opted to put something in there where a commissioner would be removed if they missed enough spots, and then you have an opening for them. Mayor: I've got it pulled up right now. I don't know what the process is. You guys appoint your own chairperson. And for one year, it's the chairperson appointed by the commission. So, Ordinance 27 was the one that was the ordinance that put it together. And then it was revised by the ordinance 95. And that was to add seats to the planning

commission, Ordinance 90. Tom: We also revised that to add, I think, up to two residents in the planning area. And they're not restricted to the office they can hold? Mayor: No, everybody can hold the same office. And essentially, you guys are appointed, and then you serve a term of three years. Three-year terms. And then after that third year, you can decide to, you know. I mean, technically, it's the mayor that appoints. But if you want to stay on, I'm not going to say don't. And if you want to be reappointed, that's reappointment. And then, but as far as how you guys elect your chairperson, it's every year annually you're supposed to select a chairperson and a vice chair. So, there's a chair and a vice chair that are supposed to be selected annually amongst your group. Lisa: I guess I'm just proposing that perhaps there are bylaws that would define that for this group. Mayor: I think it's on our website. So, if you go on the city website, your terms of when you expire. Lisa: I'm not talking about terms. I'm talking about bylaws for the body that go deeper, that talk about the officers. When we used to have a secretary, and we don't have a secretary, that they define the officers of the body and the code of conduct of the body itself that we agree to, which is absenteeism when we recuse ourselves and how we govern ourselves. And that's the bylaws. Loren: I wouldn't mind being vice chair. I don't want to take on the chair role right now because I'm chair of the Washington County Planning Board. And that takes a lot of my time to chair that role. Tom: And I just want you guys to just give it some thought. And if we want to be hard line one year and you're done, I'm fine with that. And we'll just roll back around.

**Public Input:**

**Adjournment:** Loren Shackelford motioned to adjourn at 7:04 pm. Seconded by Liz Mashie. Adjourned at 7:04 pm.



Chairman Tom Henrielly