

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
March 14, 2022**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday March 14, 2022. Chair Grafing called the meeting to order at 7:01 p.m. Chair Grafing led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

Commission members present were:

Doug Hall, Jamie Coyne, Shane Grafing, Jody Crow, Darrin Cline, Ryan Walker

Commissioners absent were:

Justin Parks

Also present were: Micah Scoggan Community Development Director; Thatcher Moddie Assistant to the City Administrator; Christopher Bohm of Garver LLC.

APPROVAL OF THE AGENDA

MOTION: *Commissioner Cline* moved to approve the agenda. *Commissioner Coyne* seconded the motion. The motion carried unanimously.

6-0

APPROVAL OF THE MINUTES

MOTION: *Commissioner Hall* moved to approve the minutes from February 14, 2022. *Commissioner Crow* seconded the motion. The motion carried unanimously.

6-0

CITIZEN COMMENTS

None

Chair Grafing [closed the portion of citizens comments]

BOARD OF ZONING

F.1 Rezoning of City Land for Bob Armstrong Development (ZONE-22-1)

Scoggan introduced the subject. He stated that Garver LLC has submitted a rezoning application on behalf of the developer Bob Armstrong for the city owned property generally located off of Goddard Rd and 23rd Street as shown on the map on Exhibit F.1a. The properties are bounded by S Goddard Rd on the east, Swanee Dr on the North, S Main St on the West and W 23rd St on the south.

This property is currently zoned R-1 and the developer would like to rezone it to R-2 to allow for the development of duplexes on the property.

The property to the east was approved to be rezoned by the Planning Commission on September 13, 2021. The city council approved the rezoning on October 4, 2021. The properties to the north are zoned Single Family R-1 and the properties to the west are zoned R-3 multi-family.

Scoggan went through the 17-point questions derived from the City of Overland Park versus Donald Golden in the 1978 Kansas Supreme Court case.

Scoggan mentioned the predominant reason why it was not developed sooner was most likely because of the dominant easement for a gas line that runs through the lot and the restrictive covenants that run with the land.

Commissioner Cline asked about the restrictive covenants.

Scoggan explained the restrictive covenants and how the Heart Of Kansas Southern Baptist Association (HOKSBA) has agreed to lift the covenants upon the sale of the land for \$15,000 or 50% whichever is greater.

Commissioner Hall said of all the spaces in town it makes the most sense for this to be R-2 since it is surrounded by higher density zoning already.

Chair Grafing said it is only abutting a couple of houses.

MOTION: *Commissioner Cline* motioned to approve the rezoning case number ZONE-22-1 as outlined in exhibit F.1. *Commissioner Coyne* seconded the motion.

Motion carried **6-0**

NEW BUSINESS

H.1 Preliminary Plat for Big Arm development

Scoggan introduced the subject. He stated that Garver, LLC has submitted a preliminary plat on behalf of the developer Bob Armstrong. This plat is for the Big Arm Development located off of 23rd and 199th (Goddard Rd).

This plat is in line with the sale of the city owned land under contract by Mr Bob Armstrong and approved by the city council.

This development is going through engineering review for final drainage requirements. The development is being plated for 29 duplexes, taking into account the Philips pipeline that runs diagonally through the property.

One lot is remaining for the existing church building which has yet to be determined to what purpose it will be used.

This development has restrictive covenants on it by the Heart Of Kansas Southern Baptist Association (HOKSBA). The HOKSBA has agreed to lift the covenants upon the sale of the land. They will receive 50% of the proceeds from the sale or \$15,000 whichever is greater.

Commissioner Coyne asked if there was going to be a big “Highway” through it with that easement if he was understanding correctly?

Scoggan said that was correct the easement prohibits buildings from being located on top of the 40-foot easement but there is also a 55’ foot setback requirement pushing buildings back further from the gas line.

Commissioner Crow asked if you could put playground equipment or something similar?

Scoggan said he was not sure. As soon as you start digging it would raise some red flags with the pipeline company.

Commissioner Cline asked about putting a sidewalk on top?

Scoggan said that would be acceptable because it runs over the top. He mentioned that the easement runs to the northeast as well and you have streets and sidewalks running over the top of it in Wichita.

Commissioner Hall asked how deep the line was?

Scoggan said he did not know.

Christopher Bohm said he was not sure either. He said they would have to work with them for road clearance.

Commissioner Hall asked about Reserve A.

Scoggan said it was a drainage and utility easement.

Commissioner Crow said she remembered rezoning the land to the north and was it not a different developer?

Scoggan said it was the same developer, but the property owner was Mr. Pio Hernandez.

Commissioner Hall asked about the storm water drainage.

Christopher Bohm said the drainage was done by Ken Lee of Garver and has engineered it accordingly including the pond.

Commissioner Crow asked about the existing building and if there was a known purpose.

Scoggan said he was not sure what the purpose would be for now.

Commissioner Walker asked about the southeast corner property.

Scoggan said it was outside the development and it was owned by one property owner.

MOTION: *Commissioner Cline* motioned to approve the preliminary plat for the Big Arm Addition contingent upon final engineering review for necessary storm water drainage requirements. *Commissioner Hall* seconded the motion.

Motion carried **6-0**

H.2 Final Plat for Big Arm development

Scoggan introduced the subject. He stated that Garver, LLC has submitted a final plat on behalf of the developer Bob Armstrong. This plat is for the Big Arm Development located off of 23rd and 199th (Goddard Rd). This plat is in line with the sale of the city owned land under contract by Mr. Bob Armstrong and approved by the city council. This development is going through engineering review for final drainage requirements. The development is being plated for 29 duplexes, taking into account the Philips pipeline that runs diagonally through the property. One lot is remaining for the existing church building which has yet to be determined to what

purpose it will be used.

This development has restrictive covenants on it by the Heart Of Kansas Southern Baptist Association (HOKSBA).

The HOKSBA has agreed to lift the covenants upon the sale of the land. They will receive 50% of the proceeds from the sale or \$15,000 whichever is greater.

MOTION: *Commissioner Coyne* motioned to approve the final plat for the Big Arm Addition contingent upon final engineering review for necessary storm water drainage requirements. *Commissioner Cline* seconded the motion.

Motion carried **6-0**

H.3 Final Plat for Trails End development

Scoggan introduced the subject. He stated that Garver L.L.C has submitted a final plat on behalf of the developer Bryan Lagaly and Kirk Richards for the development Trails End. This development is located east of 215th and north of 23rd. The city council annexed this development on December 20th, 2021, bringing it into the corporate limits of the city of Goddard. The city council agreed to the rezoning for the development if it was accompanied by a restrictive covenant limiting the number of duplexes to 80 duplexes or 40% whichever is less for the development which has been submitted by Garver and approved by the city attorney. The restrictive covenant has been approved to be filed with the register of deeds.

Garver has submitted the final drainage plan to the city engineer who is reviewing it now. The final plat, if approved, will be finalized by the City Council on March 21, 2022, or April depending on engineering review. The proposed plat incorporates a wall easement on the south and west which in addition to inclosing the development from view will help slow the rate of runoff for the development.

The development is proposing 3 retention ponds to manage water runoff which is being worked on by the City Engineer and Garver Engineering.

Scoggan stated the Planning Commission is considering approving a final plat for the Trails End Development. Plat for 200 residential lots

80 Duplex's/120 single family detached houses

Gross acres: 92.53

Area in sq ft: 4,030,761.1

Proposed zoning: R-2

Currently annexed.

Commissioner Crow asked why it said proposed zoning R-2

Scoggan said technically it is R-2 now he just put proposed because it had not be platted yet.

Commissioner Cline asked if there was any space for playgrounds?

Christopher Bohm identified a playground area with a pool and open green space. He mentioned that all the lots will be facing side streets and not the main drive.

Commissioner Coyne asked if there was access to the north of the development to the trail?

Christopher Bohm identified a reserve that would be used for a trail to lead into the trail. He mentioned that kids can access the school from the trail.

Commissioner Crow asked about reserve N

Christopher Bohm said it was a retention pond.

Commissioner Crow said there is no retention in the northeast corner?

Christopher Bohm said it drains from the northeast to the retention ponds and there was a large storm sewer to capture the storm water from the fields.

Commissioner Crow asked if it was an empty field on the east side and the development captures that field?

Christopher Bohm said that was correct. He mentioned the old railroad trail has a low spot that would be picked up by the drainage.

Commissioner Crow asked if it would be all one builder

Christopher Bohm said he was not sure if it would all be one builder. He mentioned the developers will be building some of the homes themselves and the first phase was about 100 lots.

Commissioner Crow said she would just be concerned with the homeowners having to work out the drainage with the homebuilder.

MOTION: *Commissioner Hall* motioned to approve the final plat for the Trails End Development contingent upon final engineering review

Commissioner Cline seconded the motion.

Motion carried **6-0**

CITY PLANNER REPORT

I.1 Ryan Walker

Scoggan introduced the subject. He stated that Mr. Ryan Walker was approved by the City Council to join the Planning Commission on March 7, 2022. Ryan Walker qualifies as one of the two required positions, per state law, that resides outside of the city limits but within 3 miles. He said that they are excited to have Mr. Ryan Walker join the team.

I.2 Paternity Leave-Community Development Director

Scoggan introduced the subject. He stated that The Community Development Director will be expecting a child soon and at that time he will be taking four weeks off to be with his wife, current children and new addition to the family.

He will be monitoring his emails and will respond to phone calls periodically as necessary for emergency items. Thatcher Moddie (Assistant to the City Administrator) will be available for questions and may lead the April 11th meeting if necessary.

PLANNING COMMISSIONER COMMENTS

Commissioner Hall said he thinks the Trails End will be a good use of the space.

Commissioner Coyne said it will take care of a lot of the water problems.

Commissioner Crow said it was good that they dedicated more land for ROW.

Scoggan agreed and mentioned his conversation with Garver for additional land for ROW.

Commissioner Coyne asked if the annexation was a single lane or both?

Scoggan said right now it was a single lane. It came up at Council and some have expressed a desire to annex the whole road.

Commissioner Grafing asked if the pothole was annexed that was mentioned during the December meeting.

Scoggan said he was not sure where the pothole was.

Commissioner Hall asked about the property that was on Walnut and 23rd and if it was annexed.

Scoggan said that property was still in the county.

Commissioner Hall asked if they annexed the whole street on that side?

Scoggan said it depends on city council and how much they want to maintain roads with capital expenses being what they are now.

Scoggan outlined where the city limits were and how they related to the streets and annexation.

Commissioner Coyne asked about Kansas State Law and annexation.

Scoggan said state law requires that if you annex a road you have to annex the land abutting it. If that was done unilaterally the property owner may not like that.

Commissioner Hall asked about the map being presented.

Scoggan said it was a complete map of the city of Goddard limits.

Commissioner Walker asked about 215th and annexation.

Scoggan outlined the annexation of the Trails End Development and city owned streets.

Commissioner Walker said he appreciates the opportunity to serve.

ADJOURNMENT

MOTION: *Commissioner Cline* motioned to adjourn the meeting. *Commissioner Coyne* seconded the motion.

Motion carried **6-0**

Meeting adjourned at 7:55 pm.

Micah Scoggan, Community Development Director