

**MINUTES-REGULAR SESSION  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
April 10, 2023**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday April 10, 2023. Vice-Chair Hall called the meeting to order at 7:00 p.m. Vice-Chair Hall led in the Pledge of Allegiance and Jamie Coyne led the Invocation.

**Commission members present were:**

Doug Hall, Daniel Hayden, Jamie Coyne, Ryan Walker, Justin Parks.

**Commissioners absent were:**

Shane Grafing, Darrin Cline

Also present were: Micah Scoggan Community Development Director ; Thomas Joyce of Baughman Engineering.

**APPROVAL OF THE AGENDA**

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

**5-0**

**APPROVAL OF THE MINUTES**

**MOTION:** *Commissioner Coyne* moved to approve the minutes from March 13, 2023. *Commissioner Hayden* seconded the motion. The motion carried unanimously.

**5-0**

**CITIZEN COMMENTS**

*Vice-Chair Hall [Opened Citizens Comments]*

*Denise Heick [2300 S Leo St]* said she wanted to discuss duplexes and she wanted to hear what they had to say before she spoke about them. She said her understanding of duplexes is that the investors are purchasing them, and they are all being rented out. She wanted to know if this was correct. She said thank you for bringing up the fact that 400 duplexes is actually 800 units. When they are talking about the 60-40 mix being built behind her house, she considers that to be 120 single family and 162 duplex units.

*Denise Heick* said she disagrees with the comment that people want to build and live in old town. Both of her kids love that area. She said she thinks it would sell right away if they built more single-family homes on those lots. She said if their goal is to increase the tax base more than what single family can provide, she would recommend owner occupied condos.

*Vice-Chair Hall* [*Closed Citizens Comments*]

## **BOARD OF ZONING**

### **F.1 Zone Change Ben Healy Land Case #ZONE-23-1**

*Scoggan* introduced the subject. He stated that Baughman Company has submitted an application on behalf of the developer Ben Healy to rezone a tract of land from “R-1” Single Family Residential to “C-2” General Business District.

He said that the land is currently zoned “R-1” Single Family Residential and is around 9.45 acres. And the developer would like to build commercial properties in this area.

The land has a horse barn on it currently and final consideration for the rezoning will be before the City Council.

*Scoggan* read the requirements outlined in article 13, Amendments, Section 100.H.1-17.

*Scoggan* said It is recommended that the Planning Commission approve the rezoning request case # ZONE-23-1

*Scoggan* said at this point the vice-chair can open the public hearing related to case # ZONE-23-1 for consideration of a rezoning application to rezone a tract of land from ‘R-1’ Single Family Residential to ‘C-2’ General Business District.

*Scoggan* said the public is invited to offer comment regarding this matter. He said please limit comments to 3 minutes or less and state your name and address before beginning comment.

*Vice Chair Hall* [*Opened the Public Hearing*]

*Mike Longshaw* [*Kansas Department of Transportation*] said they have a project which is the northwest bypass which has controlled access through US 54. There is controlled access to 183<sup>rd</sup> and on the north directly abutting US 54. In the future there will be a frontage road to access the development in the future.

*Mike Longshaw* said at this time they are allowing access to 183<sup>rd</sup> since they are not sure when their project will be built.

*Vice Chair Hall* [Closed the Public Hearing]

*Vice Chair Hall* asked about the houses on the north side of the development.

*Scoggan* mentioned one of the houses burned and the other gentlemen said he might be in favor of it because it made his house more desirable to KDOT with the commercial growth happening around it.

*Vice Chair Hall* asked about the other gentlemen.

*Scoggan* said he had not heard anything from that property owner.

[Unknown] The owner of the property said he never received a letter.

*Scoggan* explained the process for sending out letters.

*Vice Chair Hall* asked the property owner if he had any comments or thoughts about the project.

The property owner said at this time he had no objections.

*Commissioner Coyne* asked if he acquired this after the other land.

*Scoggan* said yes.

*Commissioner Coyne* said he had no objections.

*Commissioner Coyne* asked *Commissioner Parks* if he had any objections.

*Commissioner Parks* said he didn't have any comments.

**MOTION:** *Commissioner Coyne* moved to approve the rezoning request case # ZONE-23-1.

*Commissioner Walker* seconded the motion. The motion carried unanimously.

**5-0**

**OLD BUSINESS**

*None*

## **NEW BUSINESS**

### **H.1 Discussion about special use for a temporary building.**

*Scoggan* introduced the subject. He stated that the developer Ben Healy would like to inquire if the Planning Commission would consider approving a special use application for a temporary bar for the year of 2023. The location of the bar would be at the land considered for rezoning in agenda item F.1 Currently there is an empty horse barn that the developer would like to retrofit into a temporary bar for the year of 2023.

*Scoggan* said temporary uses are outlined in Article 6.101. A bar is not outlined in article 6 so the developer is asking if they can be considered for temporary use with a special use permit.

The developer is asking for a temporary use delineation such that the general provisions under Article 3 100.B for new uses of old structures would not apply. New uses of old structures would require all the zoning and subdivision regulations to come into play.

A special use permit needs to be reviewed by the Planning Commission and then approved by the city council. Publication is also required allowing 20 days to elapse prior to consideration by the Planning Commission.

*Scoggan* said the city attorney confirmed that a special use can be approved with a time limit such that if the Planning Commission and City Council wanted to limit the time of the special use it could be considered. The building under consideration would need to go through MABCD for conversion and modification to a bar to allow the occupancy to reflect it. If the Planning Commission is willing to accept the conversion of a barn to a bar city staff will publish in the city newspaper a public notice to begin the special use application process.

*Scoggan* said this is a deliberation item. Formal consideration will be in May.

*Commissioner Walker* asked Mr Healy why it would be temporary? Why not long term.

*Ben Healy* said he does have on the PUD a bar location that is penciled in. This is just highly accessible and highly visible and it would be difficult to bring in anything in the near future so he thinks it would bring in a nice venue immediately. He mentioned some of the games and locations for outdoor covered seating and he mentioned just keeping the dollars in Goddard.

*Ben Healy* said he had a long term goal for that area and it wouldn't be a bar in that area.

*Commissioner Coyne* said what is the season he was seeing?

*Ben Healy* said he didn't want to call it a pumpkin patch but if he could see it going until October 31<sup>st</sup> He could see it going during the spring baseball season.

*Vice Chair Hall* asked if that was a fence near the containers.

*Ben Healy* said yes, he wanted to line the property with boulders and containers to accommodate state liquor licenses. He showed where the entry points would be. He said he would have wanted to go further however he said the architects wanted it to be pulled back some.

*Vice Chair Hall* asked about the entry way being paved or gravel.

*Scoggan* the entry way would be but the rest of it would be gravel.

*Vice Chair Hall* asked if the parking lot would be graveled.

*Ben Healy* showed areas that would be graveled and mentioned that the ADA parking spots might have to be paved. He showed areas that could possibly be turf or sand.

*Vice Chair Hall* asked if there would be lighting?

*Ben Healy* said he would have hanging lights but in the corners or parking he would have a guys with lights to help manage the parking. Pole lights in the locations for corners.

*Commissioner Walker* mentioned the liquor license and the possibility of kids and families. He asked if there would be restrictions.

*Ben Healy* was not sure. He mentioned Chicken and Pickle and that was acceptable. He didn't want this to be a downtown club. He mentioned the hours and said the days would be Thursday through Sunday.

*Commissioner Parks* said it looked good to him.

*Commissioner Hayden* asked Micah how to proceed. He mentioned it said to direct staff accordingly.

*Scoggan* said this was not a formal special use application. He said the Planning Commission has the ability to be candid now and say if they like or not or at least let the developer know that they would not consider it.

*Vice Chair Hall* asked about time restrictions.

*Scoggan* mentioned what the city attorney said about time restrictions and how they can be applied to the development.

*Commissioner Coyne* said they don't need to do that today.

*Scoggan* said they have time to deliberate.

*Commissioner Walker* asked if that was part of the application process.

*Scoggan* said you could direct him during the application process to state the time and how long.

*Commissioner Walker* asked if it came to the end of the application time it would just become null and void at that point?

*Scoggan* said yes typically you would want to put additional provisions on there to allow it to be extended without having to go through the process over again. *Scoggan* mentioned this was all scheduled to go away in the next couple of years anyway.

*Commissioner Coyne* said he was in favor.

*Vice-Chair Hall* said he thinks there will be some hurdles with MABCD.

*Scoggan* said yes, there is no way to circumnavigate MABCD. The developer will have to pay MABCD directly for review of architectural and engineering stamped drawings.

*Scoggan* mentioned the klausmeyer pumpkin patch and that patrons do not stay when it becomes 20 degrees outside. Mentioned article 6 seasonal uses.

*Vice-Chair Hall* said he thinks it is something that needs to be considered but he thinks they should limit the use.

*Commissioner Hayden* said he agrees but he thinks with the bureaucracy he thinks they should approve two years because you don't know what it might look like in two years.

*Commissioner Coyne* said with perhaps the option of a third?

*Commissioner Hayden* said right that way they don't have to come back and go through the process again.

*Commissioner Coyne* said if it works well and there is nothing wrong with it.

*Vice-Chair Hall* said he thinks this is a good use in the interim since it is an objective of the city to bring in more growth and development.

*Scoggan* said if they are in favor, they city staff will get the public notice scheduled.

Several Planning Commissioners affirmed they were in favor of the public notice.

## **H.2 Preliminary plat for 167th West Addition.**

*Scoggan* introduced the subject. He stated that the engineering firm Baughman Co. has submitted a plat application on behalf of Paul Kelsey of Kick N Development for a tract of land generally located on the west side of 167th St W and South of US 54.

*Scoggan* said the land is around 60.57 +/- acres and is anticipated to be divided into 155 residential lots. The northern lots will be two-family twin homes and the southern lots will be single family detached with the southernmost lots being smaller patio home lots.

This land was approved for rezoning on December 12, 2022, for the Planning Commission and finalized with City Council on January 3, 2023.

The drainage and utility plans have been submitted to the City Engineer for review.

*Scoggan* said that the Planning Commission is reviewing the preliminary plat for consideration of approval. He said that the zoning is R-1 and R-4, the acreage is 60.57, gross square footage 2,638,429.2, he the lots are 155, the general location is 167th and US 54. He said the developer is Paul Kelsey. The Engineering Firm is Baughman, and the housing is Twin home, Patio shot gun, Single-family detached.

*Commissioner Coyne* asked if this was down by 23<sup>rd</sup> ?

*Scoggan* said that was another development. This development is by the trail and US 54.

*Commissioner Hayden* asked about the storm water discharge. He mentioned some homeowner concerns from previous statements made during the rezoning process. Does Baughman think it has been sufficiently addressed?

*Thomas Joyce* asked if the property owner said he was being flooded today?

*Commissioner Hayden* said he thinks so. The property owner said they get flooded because the Walmart changed the drainage. He said they were concerned they would not get enough water or they would have to much.

*Thomas Joyce* said they are looking at that. He pointed out an existing pond that would need to be reshaped to manage the water. He said there would not be more water leaving that site than what exists today.

*Thomas Joyce* mentioned KDOT has an easement, and they are working with them to see if they can reshape the easement there as well.

*Thomas Joyce* mentioned that Walmart is in a separate drainage basin so with how water flows he would be surprised.

*Scoggan* asked *Thomas Joyce* if he had any idea what the price point on those patio homes would be?

*Thomas Joyce* said he did not.

*Scoggan* said he is not sure what the price point is on patio homes now.

*Commissioner Coyne* said too much.

*Thomas Joyce* said he thinks they are looking at two story patio homes.

*Commissioner Coyne* said they discussed that during the rezoning.

*Commissioner Hayden* asked if they were going to leave the tree row in?

*Thomas Joyce* said they want to leave the trees in as much as possible. Utilities need to lay back there so some of them would have to come out.

*Scoggan* asked if there was any idea on phasing?

*Thomas Joyce* said no.

*Commissioner Coyne* asked how wide is the trail?

*Thomas Joyce* said it is 100 feet.

*Commissioner Coyne* said it would be 50 on each side.

*Commissioner Coyne* said if they remove all the trees could they make them put them back?



**Scoggan** said someone could only really remove trees on their property. If they removed trees on the trail that was not on their property prairie travelers could move into litigation.

**Commissioner Coyne** said if they remove the trees along one side is there anything that the city has in place to make them put the trees back?

**Scoggan** said he doesn't think they have anything in place for that.

**Commissioner Coyne** said he was just curious.

**Scoggan** said they could ask him to replant them but there is nothing in place to force him to do it.

**Vice Chair Hall** said the sanitary sewer is what he is seeing.

**Scoggan** said the sanitary sewer typically runs in the back of properties so they would probably have to remove trees for that.

**Thomas Joyce** said the patio home should have sewer in the front.

**Scoggan** said that would help a lot.

**Thomas Joyce** pointed out where the water and sewer would lay.

**Scoggan** said that was a huge difference. The only reason they would remove trees would be Kansas gas or Evergy.

**Commissioner Coyne** said people who enjoy the trail and who live in those future patio homes would probably want the trees.

**Scoggan** mentioned they could require only having the easement in the front forcing Kansas Gas and Evergy to use the only easement available.

**Thomas Joyce** said there is an existing 20' easement today.

**Commissioner Coyne** said he didn't want to make a big deal out of it.

**Scoggan** said they are looking at a tree removal policy towards the city's tree planting initiative but there is nothing yet.

**MOTION:** *Commissioner Parks* motioned to approve the preliminary plat for the 167th West Addition. Commissioner Hayden seconded the motion. The motion carried.

**5-0**

**H.3 Discussion Boat and RV storage commercial lot.**

*Scoggan* introduced the subject. He stated that the property owners of Lot 15,14,13 Block 1 of Casado-Martens First Add want to use the three adjoining lots for outdoor Boat and RV storage. The properties are currently zoned as C-2 General Business District which allows for boats and RVs.

*Scoggan* stated that C-2 states as a use limitation the following:

“All business, servicing, storage and display of goods; except for the operation of car washes, the sale of self-service gasoline and the operation of automobile service stations and truck stops, shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or conditional use.”

The property owners want to put up a chain link fence with slats to screen the lots off as part of the requirement for screening.

These lots do not have a building and as such it will be open land use. The subdivision regulations require a principal building before an accessory use is erected but there are no provisions for a building to exist for a tract of land to be used for a business.

*Scoggan* read verbatim from the subdivision regulations the following:

Article 4.105.A. Permitted Uses 19.) “Boat and RV Storage.”

Article 4.105.F. Use Limitation “All business, servicing, storage and display of goods; except for the operation of car washes, the sale of self-service gasoline and the operation of automobile service stations and truck stops, shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or conditional use.”

Article 2.102 FENCE: “A free-standing structure of customary materials such as metal, masonry, glass, plastic or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes, but which does not pose a threat to public safety or health and is designed and constructed in such a manner as to produce an aesthetically pleasing appearance. Fences constructed of metal roofing materials, fork-lift pallets, chicken wire, portions of vehicles or appliances and the like are not permitted. (See Section 6-100B for zoning permit For fence.)”

Article 2.102 SCREENING: “Fencing or evergreen vegetation maintained for the purpose of

concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet high, unless otherwise provided”

Article 3.103.F.3 Permitted Obstructions in Required Yards. “Fences in a front yard: On lots with single or two-family dwellings and all types of manufactured and mobile homes, fences not exceeding four feet in height are permitted which are constructed with at least 75% open space; however, no chain link fences are permitted unless approved as a conditional use. In all other circumstances, including decorative walls as perimeter boundaries and entryways to subdivisions, open and closed. Fences are permitted which do not exceed six feet in height. Additional security design measures may be placed above the six feet limitation.”

*Commissioner Coyne* asked if the corner was the veterinary clinic?

*Scoggan* said yes.

*Commissioner Walker* asked if it was the land in blue.

*Scoggan* said yes. He said the property owners were informed of what they needed to do to accomplish the regulations of the city.

*Vice-Chair Hall* said they wanted to do a six foot fence?

*Scoggan* said they would have to at a minimum. They could go up to eight but they said they wanted to do a six foot fence.

*Vice-Chair Hall* said those are businesses on the south side of the lots?

*Scoggan* said yes.

*Commissioner Coyne* said he is thrilled they are going to do something besides just chain link.

*Commissioner Walker* asked what kind of action do they need to take?

*Scoggan* said this is deliberate receive and file. If they are any concerns, they would pass it on to the property owners.

*Scoggan* said they have a right to build a boat and RV, the question is the aesthetically pleasing for the screening.

*Vice Chair Hall* asked if they could ask them to do picket since residential across the street.

*Scoggan* said he can't enforce it, but he can convey it to them.

*Commissioner Parks* asked if they mentioned what color?

*Scoggan* said they didn't.

*Commissioner Hayden* asked should they consider making it more detailed what the requirement is for screening?

*Scoggan* said whatever the Planning Commission wanted. He said sometimes developers wanted more defined guidelines because it helps their architectural firm when making material choices. Sometimes they don't because they want to make the cheapest choice possible to save on cost.

*Scoggan* explained the process for amending the subdivision regulations.

*Commissioner Coyne* said he would like to see something more appealing on the residential side.

*Scoggan* mentioned the requirement for the slats came from the screening requirement to block from view and chain link doesn't really accomplish that.

*Commissioner Coyne* said if the slats get broken can we require them to fix it?

*Scoggan* said yes.

*Commissioner Parks* asked about the screening requirements for distance between evergreens.

*Scoggan* said he was not certain.

*Commissioner Parks* mentioned landscape architecture probably has a calculation.

*Scoggan* mentioned the business incentive behind the boat and RV for open land.

*Commissioner Parks* mentioned having the fence be flat on top looks better.

*Scoggan* said he could relay this to the property owner but he can't enforce it.

## **CITY PLANNER REPORT**

Background: Micah Scoggan, Community Development Director, compiles a short concise report outlining relevant information and presents it to the Planning Commission.

### **I.1 Joint Workshop Update**

*Scoggan* stated that The Governing Body has agreed to meet on June 12th at 7:00 PM during the regular Planning Commission meeting such that the Planning Commission can host the City Council for a joint workshop. He said discussion items will include special zoning for older lots in Goddard and the percentage of duplexes in newer developments.

*Vice Chair Hall* asked if the meeting would be public?

*Scoggan* said yes it would.

### **I.2 Economic Update**

*Scoggan* stated that on May 6th Cofellow coffee is anticipated to open. He mentioned that Starbucks is anticipated to open by the end of the year. He also mentioned that the Rusted Bean is anticipated to open by the end of the year as well.

He stated that the Hampton is anticipating a soft opening by the end of this month, beginning of May. City Staff want to have the Planning Commission for a walkthrough prior to the full opening.

## **PLANNING COMMISSIONER COMMENTS**

*None*

## **ADJOURNMENT**

**MOTION:** *Commissioner Hayden* motioned to adjourn the meeting. *Commissioner Walker* seconded the motion.

Motion carried **5-0**

*Meeting adjourned at 8:23 pm.*

*Micah Scoggan, Community Development Director*