

**MINUTES-REGULAR SESSION  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
September 12, 2022**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday September 12, 2022. Chair Grafing called the meeting to order at 7:00 p.m. Chair Grafing led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

**Commission members present were:**

Doug Hall, Darrin Cline, Justin Parks, Ryan Walker, Jamie Coyne, Daniel Hayden, Shane Grafing

**Commissioners absent were:**

None

Also present were: Micah Scoggan Community Development Director; Thatcher Moddie Assistant to the City Administrator; Marvin Schellenberg (Developer) ; Martin Hanney of Hanney and Associates ; Mark Savoy of Savoy Company ; Harlan Foraker of Certified Engineering Design (CED) ; Joey Deneke of MKEC

**APPROVAL OF THE AGENDA**

**MOTION:** *Commissioner Cline* motioned to approve the agenda for September 12, 2022, regular Planning Commission meeting with the addition of Item H.3 & H.4. *Commissioner Walker* seconded the motion. The motion carried unanimously.

**7-0**

**APPROVAL OF THE MINUTES**

**MOTION:** *Commissioner Hall* moved to approve the minutes from August 8, 2022. *Commissioner Coyne* seconded the motion. The motion carried unanimously.

**7-0**

**CITIZEN COMMENTS**

*None*

**BOARD OF ZONING**

**F.1 Lot Split 207 E 1st Ave case # SPLT-22-2**

*Scoggan* introduced the subject. He stated that Ward Hilyard has hired Savoy Company surveying to perform a lot split at 207 E 1st Ave. The property is located at the northwest corner of 1st Ave and N Cedar St.

*Scoggan* said that lot splits do not require publication, but they do follow the subdivision regulation under article 12 section 122. Final approval for lot splits is done by the Planning Commission and are recorded with the register of deeds.

*Scoggan* outlined Article 12.122 approval guidelines and his comments were represented for the agenda item.

*Scoggan* said the lot split was to introduce one new home on a vacant lot.

*Scoggan* stated that article 6.100.C states that accessory buildings shall be set back at least three feet from the rear lot line, except that garages with entrances facing alleys shall be set back at least 20 feet. He mentioned that the garage exits unto first ave and as such only requires a 3-foot rear yard setback.

*Scoggan* said it is recommended that the Planning Commission:  
Approve the lot split application for 207 E 1st Ave Case # SPLT-22-2

*Mark Savoy* said he had no comment on this and that he agreed with the Community Development Director.

*Chair Grafing* asked if there was any discussion.

*Commissioner Coyne* said it was pretty cut and dry.

*Scoggan* said it is recommended that the Planning Commission approve the lot split application for 207 E 1st Ave Case # SPLT-22-2

**MOTION:** *Commissioner Coyne* moved to approve the lot split application for 207 E 1st Ave Case # SPLT-22-2. *Commissioner Walker* seconded the motion.

**7-0**

**F.2 Lot Split 300 E 2nd Ave case # SPLT-22-3**

**Scoggan** introduced the subject. He stated that Andrew Koeppen has hired Garber surveying to perform a lot split at 300 E 2nd Ave. The property is located at the northeast corner of 2nd Ave and N Elm St. Lot splits do not require publication, but they do follow the subdivision regulation under article 12 section 122. Final approval for lot splits is done by the Planning Commission and are recorded with the register of deeds.

**Scoggan** said that discussion about easements were started when it was noted that the sewer line ran through the adjoining neighbors' lots with no apparent easement. It was discovered through a title company that there was an easement recorded in 1950 with those properties.

Mr. Koeppen has agreed to dedicate a 10' easement to the city for the purpose of accessing the main from his side of the property. Public works has determined they can access the main from the east and no additional easement would be required.

**Scoggan** said that lot splits do not require publication, but they do follow the subdivision regulation under article 12 section 122. Final approval for lot splits is done by the Planning Commission and are recorded with the register of deeds.

**Scoggan** outlined Article 12.122 approval guidelines and his comments were represented for the agenda item.

**Scoggan** said that public works said they have enough easement within that 20' on the neighbor's lot to maintain the sewer line if need be. He mentioned that typically the easement is shared 10' on one side and 10' on the other.

**Scoggan** showed where the easement was located on a map. He stated that he hired Security 1<sup>st</sup> Title to find any recorded easement which they did find one recorded in 1950.

**Scoggan** mentioned the neighbor to the east had a garage on the easement which means that a private service line would have to connect south or north of the garage to the main.

**Scoggan** said it is recommended that the Planning Commission:  
Approve the lot split application for 300 E 2nd Ave Case # SPLT-22-3

**Commissioner Hall** asked how old the mains were?

**Harlan Foraker** said probably 40-50 years.

**Commissioner Coyne** said it doesn't really matter if there is additional easement because it doesn't do any good with the other properties carrying the easement.

**Scoggan** said that is what Public Works was telling him. He mentioned that Public Works said if they dig to excavate the line, they would not be 6' away from the line they would be right over it maybe 2' such that they would not even be on the other property.

**Scoggan** mentioned that according to public works some companies can shoot a foam or inlay through the pipe that hardens and creates a pipe casing inside the old pipe instead of having to replace the old pipe.

**Harlan Foraker** said it was a fiberglass liner that gets pulled through the pipe and then they shoot steam through it to expand the sock and it cures inside the pipe. He mentioned it had been done in other small communities.

**Commissioner Cline** said he thinks they need to have an easement. He said there was probably overhead lines in that area and he said if the future property owners built a fence it would be difficult to access the easement.

**Scoggan** replied there is a fence there now and if need be the city would knock the fence down to access the easement. There are some things that are allowed on an easement a fence is one of them.

**Chair Grafing** said so fences aren't an issue.

**Commissioner Coyne** said now would be the time to get one.

**Scoggan** said certainly. The property owner is willing to give them one. However, he was not sure how far away that garage was from the fence line.

**Harlan Foraker** said he would suggest the easement go up to the foundation of the garage, so it doesn't create an issue in the future.

**Commissioner Parks** said in those situations you would abandon the easement instead of doing the fiberglass inlay. You have to assume the garage will be there in the future and it would be best to get the easement now.

**Commissioner Coyne** said there might be a property owner in the future who is not willing to give up that space.

**Commissioner Parks** said he believes Harlan is right make it be up to the garage foundation.

**Commissioner Hall** asked if they were just talking about lots 1 and 2?

*Scoggan* said that was correct.

*Commissioner Hall* asked about the north property there was another white line and what was that supposed to be?

*Scoggan* said many things happened in the past and even with the surveyor Garber they were running into awkward situations with trying to figure out legal descriptions and where the boundaries were.

*Harlan Foraker* asked if the property owner owned the house to the north.

*Scoggan* said no and showed where the boundaries were on the map.

*Commissioner Parks* asked about the odd shaped piece to the north.

*Scoggan* said *Commissioner Hall* was asking about that too and he was not sure what they were hoping to do there. He mentioned when you go back int time things can get odd.

*Chair Grafing* said it might make sense further down the road to ask for the easement now.

**MOTION:** *Commissioner Cline* moved to approve the lot split application for 300 E 2nd Ave Case # SPLT-22-3 contingent upon obtaining an easement from the property owner.

*Commissioner Walker* seconded the motion.

7-0

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **H.1 Goddard Genesis Development (preliminary re-plat)**

*Scoggan* introduced the subject. He stated that Certified Engineering Design (CED), PA has submitted an application for re-plating the Goddard Genesis development. The re-plat would increase the total lot count from 5 lots to 12 and would help distinguish lots that will have ad-valorem tax applied, compared to those that will be abated per the development agreement. The re-plat will also help place essential city infrastructure in dedicated easements for the purpose of long-term maintenance by the city and will help distinguish these easements from reserves that will be used for detention ponds to be maintained and owned by the developer's property management team.

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The city follows the plating process for re-plating in the same way it would for new plats requiring both a pre-plat and a final plat.

With changing design plans comes the necessity for a revised storm water engineering study which is being reviewed by the city engineer.

A pre-plat and a final plat can be considered concurrently within the same meeting. Final plats must go before the City Council for a final decision.

**Scoggan** said that the re-plat would be for 8 lots/total of 12 lots in this development and it would come with a revised storm water management plan. He said the land use is currently commercial and the gross acreage is 87.04 with the gross square feet: 3,791,462.4

**Scoggan** said he asked for some minor changes including dark solid line for the replat area, a “R/W” text on the plat to call out Right Of Way dedication. Text stating the building setback lines dictated on this plat either proposed or as is, shall govern in accordance with Article 3.103.B– Zoning Regulations of the Code of the City of Goddard, Kansas.

Removing depicted access easement and will leave it on the platters text as perpetual access easement for all lots both now and in the future for this development.

**Scoggan** mentioned removing the depicted easement but keeping it on the platters text so if there are any changes to the private drives it can still serve all the lots.

**Scoggan** went into detail about access control onto 199<sup>th</sup> from the Goddard Genesis development. He outlined some of the concerns from staff about depositing cars from the development so close to the Prairie Travelers trail. He outlined the developers concerns about not allowing for it and how that would create issues within the development if the access point was not across from Santa Fe.

**Scoggan** said it is recommended that the Planning Commission approve the preliminary re-plat for the Goddard Genesis Development contingent upon final ingress/egress access control management.

**Harlan Foraker** said this was originally plated as the Goddard Aquatic Center back in 2015 and it has been through several developers, and he thinks it is pointed in the right direction now. He said there were a lot of utility easements that were platted and now they have changed so the city wanted some of these easements cleaned up.

**Harlan Foraker** mentioned the star bond development agreement called for some parcel numbers to be created and the lots created generates those parcel numbers for the requirements set out in the development agreement.

**Harlan Foraker** said he thinks that the drainage will actually be better than anticipated.

**Harlan Foraker** said they were anticipating removing the easement being depicted as mentioned to allow *carte blanche* access unto the public roads to not restrict any parcels.

**Harlan Foraker** said with regard to the south access from a traffic engineering and transportation engineering perspective it is best to have the roadways line up. It could create possible conflicts for traffic, and he said he felt it was best for it to line up with Santa Fe as opposed to mid-block.

**Harlan Foraker** said the majority of the movement would be heading north but some could be heading south.

**Martin Hanney** said the Genesis of the second access point was due to the fire department noticing during a weather event that it caused traffic to build up at the north point. He said with another egress spot at the sand sports section it would allow another get out point, so people don't build up going out unto Crowne Drive.

**Martin Hanney** said you have sight lines looking north and south and lights are there as well, so he didn't see it as a particular issue. He said if a truck was in the drive, and it pulled up to Goddard Rd someone could see past it because they have a clear line of sight.

**Harlan Foraker** said there was some utility poles in that area that would have to be relocated.

**Martin Hanney** said without the second access point the fire truck will have to do all of its maneuvering within the parking lot or they would have to have a hammerhead turnaround.

**Commissioner Hall** said there are tree rows that run on both sides of the trail. Does that belong to the trail?

**Martin Hanney** said it runs off of their land, but it must have been a railroad easement.

**Harlan Foraker** said this plat runs down and lies directly on the old railroad Right Of Way (ROW) He said he didn't know if it was a 50 or 100 foot ROW.

**Commissioner Hall** said it might be a visible issue for anyone coming off the bike path for looking south than looking north.

**Harlan Foraker** asked if the access lane unto the development was it narrower than the approach unto first?

**Martin Hanney** said they made it tighter, but He had had it aligned center and he moved it.

**Harlan Foraker** said he would rather have it aligned up straight. He asked if there was a field entrance?

**Martin Hanney** said he was not sure about that trail.

**Scoggan** said that was for the bush hogs that go in there to clean up the brush and grass.

**Commissioner Hall** said he felt that a west exit off the property would be advantageous to the city. There would be a lot of people leaving the Genesis development that could visit the other businesses downtown.

**Scoggan** summarized some of the discussion and mentioned the motion should reflect what was discussed.

**Harlan Foraker** said just for clarification they are not showing an access unto 2<sup>nd</sup> avenue it would just be 1st Ave and Santa Fe.

**Scoggan** said that was correct and he reiterated where the concern was for access unto 199<sup>th</sup>. He showed on the image where a temporary fire access route was and how it had been graded when there was a power line down in front of the Pate addition.

**Chair Grafing** said he thinks they definitely need the second access point, and he thinks it should be across from Santa Fe instead of being offset.

**Commissioner Hayden** said he uses the trail and he said it is easier to spot one intersection than one intersection with another one further up.

**Commissioner Cline** said he didn't see anything but was there anything coming out of the east side of the Pate Addition?

**Scoggan** said Pate addition was completely closed off except for one access point unto 199<sup>th</sup>. He mentioned at one point the city looked at extending Cindy Street up to the frontage road but that was met with some disdain and consternation.

**Commissioner Cline** said when they wanted to bring Cindy to the frontage road, they had an audience that night.

**MOTION:** *Commissioner Coyne* moved to approve the preliminary re-plat for the Goddard Genesis Development contingent upon final ingress/egress access control management off of Santa Fee for the second entrance.

*Commissioner Walker* seconded the motion.

**7-0**

## **H.2 Goddard Genesis Development (final re-plat)**

*Scoggan* introduced the subject. He stated that everything in this agenda item was already discussed in the first Item so it will mostly be rinse and repeat.

*Harlan Foraker* said they will be removing the illustrated easement from the plat.

*Scoggan* said they will keep it in the plat's text.

*Commissioner Coyne* asked if that could be explained one more time.

*Scoggan* explained that showing the easement as opposed to just referencing it could create nonconformity if the road changed or deviated from what was being presented as an access easement. Simply saying all lots have access to all parts of the development allowed free range of movement for the lots and did not prevent any lots from being cut off to the public roads.

**MOTION:** *Commissioner Hall* moved to approve the final re-plat for the Goddard Genesis Development contingent upon final ingress/egress access control management and the approved second access point off of Santa Fe.

(MOTION)

*Commissioner Coyne* seconded the motion.

**7-0**

## **H.3 Arbor Creek Phase 3 (preliminary re-plat)**

*Scoggan* introduced the subject. He stated that MKEC engineering has submitted an application for a re-plat of a portion of the Arbor Creek development. This re-plat will add two new lots and allow for walk out basements in and around the second entrance location unto 23rd street. The city follows the plating process for re-plating in the same way it would for new plats requiring both a pre-plat and a final plat.

*Scoggan* said with changing design plans comes the necessity for a revised storm water engineering study which is being reviewed by the city engineer and MKEC.

A pre-plat and a final plat can be considered concurrently within the same meeting.

He further said that final plats must go before the City Council for a final decision.

*Scoggan* re-iterated that the re-plat was for 44 lots and would come with a revised storm water management plan. He stated that the development's land use would remain Single family-detached and the current and existing zoning R-1 "Single Family Residential"

*Scoggan* showed that the developer was proposing an off-site detention pond.

*Scoggan* said if the pond does not move forward the developer can build up the pad sites higher to manage for the increased impervious surface area.

*Scoggan* said it was staff's recommendation that the Planning Commission approve the preliminary re-plat for the Arbor Creek Second Addition contingent upon the final storm water management engineering requirements.

*Joey Deneke* said to re-cap the existing plat compared to the old plat does not show much change. The driving force for the re-plat was an open space that was a reserve to act as a buffer between the road and the lots. It was redesigned to push the lots further to the east to create the two new lots.

*Joey Deneke* said the developer was asking for an off-site detention pond because the farmer to the east was willing to sell him some dirt to build up the developers pad sites for new homes. During the dirt excavation a pond could be created to help manage storm water in the area.

*Joey Deneke* mentioned the neighbor in Arbor Creek who took the picture was in a drainage easement with the expected water to be in the backyard area.

*Harlan Foraker* said he reviewed the drainage plan provided by Scott Evans the drainage engineer for the development. He noted that the detention provided some detention although it was slight. He said this detention pond will not necessary improve what those folks saw on the back of their lots.

*Harlan Foraker* said he said the rain was in that area, but it was not threatening their structures and there was a creek back there. He said there might be some additional phases and improvements that will mitigate that stream flow, but that stream has to flow.

*Joey Deneke* said they have minimum pads in that area and the homes will be built up.

*Harlan Foraker* asked where the outlet was for the offsite detention pond.

*Joey Deneke* showed on the plat where a reserve would allow the water to drain.

*Harlan Foraker* said it was a storm sewer or open ditch?

*Joey Deneke* showed where it was an open ditch before it hits the storm sewer.

*Chair Grafing* asked how off-site detention works? If it is a private landowner and he sells the land and the new landowner doesn't want to detain the water anymore, now where are they at?

*Scoggan* said that was one of the concerns and it was conveyed to the developer if they can make the two additional lots work without the detention pond that would be ideal.

*Harlan Foraker* said he was not sure how that would be handled but they are meeting with the developer tomorrow to discuss how this development would be handled in perpetuity and that question would be answered tomorrow.

*Chair Grafing* asked if the HOA would take over the maintenance of the pond?

*Harlan Foraker* said he believed that was the city's preference.

*Scoggan* explained that detention ponds are usually in reserves on the plat and not in private agreements off the property. It can make it more difficult to manage.

*Commissioner Cline* asked if it needs to be tabled until it has been ironed out?

*Scoggan* said he didn't think so because the Planning Commission is reviewing if all the subdivision regulations are being met and the legal team will look at the legal agreement. If the Planning Commission is happy with the plat it is simply a matter of having the legal team sign off on the agreement.

*Commissioner Walker* said it is more about the storm water detention and not so much about the legality of who owns it.

*Scoggan* said that was correct. The review today was the creation of two more lots which he believes everyone is in favor of because it generates more money for the developer and gets more property taxes for the city.

*Harlan Foraker* said he agrees with what *Scoggan* said. He doesn't have any issues with the drainage plan that was submitted. That was not the issue. It was the structure of the agreement on how the detention pond maintenance will be written.

*Chair Grafing* said this piece of property will only increase in value over the years. He said he is

okay with everything as it is as long as the legal team is okay with the written agreement.

**Marvin Schellenberg** said they are trying to get the next phase going because they are running out of lots.

**Marvin Schellenberg** said the next phase will re-route some of the water and make a difference. It won't solve the problem, but it will help mitigate it. He did notice a lot of water came down through that way by the lots during the rainy months.

**Marvin Schellenberg** said there is a reserve, but it is public. He asked Harlan if the city would take care of anything in the reserve if there was an issue.

**Harlan Foraker** said he would have to read the text on the plat. He asked **Scoggan** if reserves are maintained by the HOA?

**Scoggan** said they are maintained by the HOA

**Marvin Schellenberg** said it is maintained by the HOA but if there was a water problem the city would fix it?

**Scoggan** said it depends on the water problem. If there was a blockage problem the city usually will step in to remove the issue but in terms of water and water flow in the reserve, it is supposed to be owned and managed by the HOA.

**Marvin Schellenberg** said worst case scenario it has minimal impact on the detention. The neighbor is using it as a burn pile, and he wants to use it as a detention pond and dirt for building pads. He said without the detention pond it would require the homes to be built up on higher pads. He said specials are getting expensive now.

**MOTION: Commissioner Coyne** moved to approve the preliminary re-plat for the Arbor Creek Second Addition contingent upon the final storm water management engineering requirements.

**Commissioner Cline** seconded the motion.

**7-0**

#### **H.4 Arbor Creek Phase 3 (final re-plat)**

*Scoggan* introduced the subject. He stated that everything in this agenda item was already discussed in the first Item so it will be the same as the previous agenda item.

*Scoggan* said the plat name is the second addition, but this is the third phase of the overall development.

**MOTION:** *Commissioner Walker* moved to approve the final re-plat for the Arbor Creek Second Addition contingent upon the final storm water management engineering requirements.

*Commissioner Hall* seconded the motion.

**7-0**

#### **CITY PLANNER REPORT**

*None*

#### **PLANNING COMMISSIONER COMMENTS**

*None*

#### **ADJOURNMENT**

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

Motion carried **7-0**

*Meeting adjourned at 8:20 pm.*

*Micah Scoggan, Community Development Director*