

**AGENDA-REGULAR MEETING
GODDARD PLANNING COMMISSION
118 NORTH MAIN
GODDARD, KANSAS**

October 12, 2020
7:00 P.M.

A) CALL TO ORDER

B) PLEDGE OF ALLEGIANCE AND INVOCATION

C) APPROVAL OF THE AGENDA

D) CITIZEN COMMENTS

E) CONSENT AGENDA:

Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, the item will be removed from the Consent Agenda and considered separately.

1. Approval of Minutes

- a. Regular Meeting – September 14, 2020

F) BOARD of ZONING APPEALS

1 Braum's sign variance request

G) OLD BUSINESS

None

H) NEW BUSINESS

None

I) CITY PLANNER REPORT

1. Baptist Church update
2. Rustic Creek
3. Genesis lot split

J) COMMISSIONER COMMENTS

K) ADJOURNMENT

The Next Regular Meeting of the Planning Commission is scheduled for
November 9, 2020 at 7pm.

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
September 14, 2020**

The Goddard Planning Commission met in a Regular Session at Goddard City Hall on Monday September 14, 2020. Chairman VanAmburg called the meeting to order at 7:02 p.m. Chairman VanAmburg led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

Commission members present were:

Justin Parks, Jody Dendurent, Jamie Coyne, Doug VanAmburg, Darren Cline, Shane Grafing, Doug Hall

Commissioners absent were:

None

Also present were: Micah Scoggan, City Planner; Thatcher Moddie Fellowship Intern ; Tom of Ron's Signs

APPROVAL OF THE AGENDA

MOTION: Commissioner *Cline* moved to approve the agenda. Commissioner *Grafing* seconded the motion. The motion carried unanimously.
6-0

APPROVAL OF THE MINUTES

MOTION: Commissioner *Hall* moved to approve the minutes from August 10, 2020. Commissioner *Coyne* seconded the motion. The motion carried unanimously.

CITIZEN COMMENTS

None

BOARD OF ZONING

F.1 Goddard Outdoor Power Sign Variance

Scoggan introduced the subject. He stated that a company by the name of Goddard Outdoor Power Goddard Outdoor Power, a property located at 20410 W Kellogg Dr, wants to be considered for a sign variance to allow five (5) wall signs on the front of their property. They originally requested five signs when applying for a sign permit in April but their request was denied due to the number of wall signs allowed in a commercial district. This led to conversations about sign variances and the resulting application.

Scoggan mentioned that the subdivision regulations allowed variances to apply to signs. He also mentioned that there were criteria that must be abided by in making a determination of findings of fact for the variance request.

Tom of Ron's signs handed out images to illustrate what they were proposing.

Commissioner Dendurent asked what happens when they receive another supplier and they also need a sign for them?

Chair VanAmburg asked what happens if another business wants to change their signs as well.

Commissioner Parks asked if the sign were lit.

Tom said they were going to be lit.

Commissioner Parks stated that it could show a bias but these signs look appealing with their placement whereas another sign for another company may not.

Commissioner Dendurent asked that since this was a sign variance it was not changing the existing policy for signs.

Scoggan replied that these sign variances are coming up more frequently.

Chair VanAmburg mentioned this has come up before with Vermeer.

Commissioner Cline said he thinks the signs and the placement looks good.

Chair VanAmburg agreed and said he was playing devil advocate to consider both sides.

Commissioner Coyne asked if this was a requirement by his vendors.

Tom said yes it was.

Commissioner Hall asked if there was a pole sign in this consideration.

Scoggan replied there was not.

Commissioner Dendurent said this could be a consideration for the variance. It has limited space on its frontage to allow for a pole sign and this could be the reason for its unique character.

Chair VanAmburg said he was looking for a yes or no.

MOTION: *Commissioner Cline* motioned to accept the sign variance request for Goddard Outdoor Power. *Commissioner Parks* seconded the motion.

Motion carried **6-0**

F.2 Clover Leaf Sign Variance

Scoggan introduced the subject. He stated that Paul Kelsey, the developer for Clover Leaf, submitted a sign variance request to get a marketing sign that exceeds the maximum square footage for a R-2 zoning classification. Sign variances must come before the Planning Commission for consideration.

Scoggan further went on to state that were criteria for approving a sign variance which followed the same guidelines as the previous sign variance request.

Chair VanAmburg asked if anyone had questions on this one.

Commissioner Grafing asked if it was permanent or temporary.

Scoggan replied it was temporary in the sense that it gets removed when the development is finished.

Commissioner Coyne asked if the signs come down when a development is complete.

Scoggan replied that he would call them when the development is complete.

MOTION: *Commissioner Grafing* motioned to approve the sign variance request for the Clover Leaf Farms subdivision. *Commissioner Cline* seconded the motion.

Motion carried **6-0**

OLD BUSINESS

None

NEW BUSINESS

None

CITY PLANNER REPORT

Scoggan spoke stating that the Baptist Church had sold to a family business that worked with pediatric speech therapy. He informed the Planning Commission that the buyers want to rezone the development from R-1 to C-1. He said that rezoning to C-1 would allow for the offices being requested.

Scoggan said right now they do not know if they are going to tear down the church.

Commissioner Dendurent asked if the lots that were purchased run up to the Main St.

Scoggan replied that two lots that were purchased are currently C-1 and the third lot to the west is zoned R-1.

Commissioner Hall asked if the Church could stay in the R-1 since they are only going to use the annex.

Scoggan replied stating they could not because both buildings exist on the same lot and would have to be rezoned together. They could not do a lot split because that would put the church on a smaller lot and become non-conforming.

Scoggan mentioned that he was dissuading people away from a historic designation on this property.

Scoggan also mentioned that they have the right to tear down the church, but nothing has been confirmed yet and all the talk has been on the annex.

Commissioner Coyne asked if any other properties are zoned C-1 that are not located on the Main St.

Scoggan replied no, there was not. The C-1 district runs along main from Santa Fe to 3rd St

Scoggan also mentioned in an unrelated statement that Braum's has submitted all the forms they need for the sign variance request.

PLANNING COMMISSIONER COMMENTS

Chair VanAmburg stated they required The Assemble of God church on the west end to incorporate a nice façade when they built their building. It changed the building dramatically.

Commissioner Coyne said he was more concerned about the parking spaces and lack of screening and vegetation than if it was a metal building.

ADJOURNMENT

MOTION: Commissioner *Cline* moved to adjourn the regular meeting.
Commissioner *Grafing* seconded the motion.

The motion carried **6-0**

Meeting adjourned at 7:33 pm.
Micah Scoggan, City Planner

**City of Goddard
Goddard Planning Commission
October 12, 2020
7:00 PM**

TO: Planning Commission
SUBJECT: Sign Variance Request-Braums
PREPARED BY: City Planner
AGENDA: Board of Zoning Adjustment

Background: On Monday July 9th, 2018, Braum’s Ice Cream & Dairy Store petitioned the Planning Commission for a sign variance. This variance was for the purpose of exceeding the maximum gross square feet, and to exceed the maximum height for signs inside a C-2 “General Business District” lot.

The variance was approved but according to the code of the City of Goddard variances have a life span of 180 days after which they expire. Braum’s sign variance has expired, and they are now required to petition the Planning Commission again for a sign variance.

Analysis: Authorized Variances and Findings of Fact

Article 10-107.C. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 10-107.D, and may be granted only in the following instances and in no others:

1. To vary the applicable minimum lot area, lot width and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height and lot coverage and minimum yard requirements.
3. To vary the dimensional provisions for permitted obstructions in required yards including fences in Section 3-103F.
4. To vary the applicable number of required off-street parking spaces and the amount of off-street loading requirements of Article 5.
5. To vary the applicable dimensional sign provisions of Section 7-102 regarding general standards and Section 7-104 regarding district regulations.
6. To vary the applicable requirements in Sections 10-107 C1 through 5 above in conjunction with conditional use applications for nonconforming, nonresidential structures and uses under provisions of Section 8-105.
7. To vary the applicable provisions permitted by the Floodplain Regulations. (See Appendix for Floodplain Regulations.)

1. The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented to it at the hearing that all the conditions required by K.S.A. 12-759(e) have been met which are listed below:

i. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district. and is not created by an action or actions of the property owner or the applicant; **Unique due to its distance to and speed of US-54. Not created by the property owner.**

ii. That granting of the variance will not adversely affect the rights of adjacent property owners or residents; **It will not adversely affect the property owners**

iii. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application; **The marketing of Braums will become more successful with a sign that is noticeable from US-54. Due to the speed of the cars as they pass it could be difficult for impulse spending if they cannot see the sign.**

iv. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

v. That granting the variance desired will not be opposed to the general spirit and intent of these regulations. **It will not affect health, safety or welfare.**

Financial: Public notice was given incurring a small cost.

Legal Considerations: Approved as to form

Recommendation/Actions: It is recommended that the Planning Commission approve the sign variance request for Braum's Ice Cream and Dairy (**VOICE**)

Attachments: Exhibit F.1a Application for sign variance (7 Pages)



APPLICATION FOR A VARIANCE FROM CITY OF GODDARD ZONING REGULATIONS

118 North Main, PO Box 667
Goddard, KS 67052
P. 316.794.2441
F. 316.794.2401
goddardks.gov

Case Number _____

This application for a variance from the City of Goddard Zoning Regulations must be completed in accordance with accompanying instructions and filed with the City Planner at City Hall, 118 N. Main, PO Box 667, Goddard, KS 67052, www.goddardks.gov.

(INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED)

The City's Zoning Regulations are located at: Goddard Zoning Regulations

Filing Deadline: September 12, 2020

Applicant Name: Chris Hampton (Springfield Sign) Phone: 417-862-2454

Applicant Address: 4825 E. Kearney, Springfield, Mo. 65803

Name of Agent, if applicable: Chris Hampton Phone: 417-862-2454

Agent Address: 4825 E. Kearney, Springfield, Mo. 65803

Relationship of applicant to the property is: Agent/Sign Contractor (Owner, Tenant, Agent, Lessee, etc.)

Property Location: Southwest Corner of Kellog Drive and Res. D on plfat of Goddard Galleria, South of Highway 54 and West of 183rd St. W. approximately 860'.

Legal Description: Lot 3 Block C Goddard Galleria

Zoning Classification (District): Commercial C-2 General Business District

Application for a variance must contain the following information:

1. Requirements of these regulations which prevent the proposed use or construction: _____

See Attached Answers

2. Characteristics of the subject property which prevent compliance with the requirements of these regulations:

See Attached Answers

3. Reduction of minimum requirements of these regulations necessary to permit the proposed use/construction:

See Attached Answers

4. Hardship resulting if the particular requirements of the regulations were applied to the property:

See Attached Answers

The applicant or his/her authorized agent acknowledges that:

- A. He/she has received informational material concerning the filing and hearing of this matter, and
- B. He/she has been advised of the fee requirements established and that the appropriate fee has been paid, and
- C. He/she has been advised of his/her right to bring action in District Court of Sedgwick County to appeal the decision of the Goddard Board of Zoning Appeals, and
- D. All documents are attached hereto as required in the instructions, and
- E. The Goddard Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Chris Hampton
Applicant/Agent Signature

9-11-2020
Date

(FOR OFFICE USE ONLY)

Accepted by:

City Planner

Date

Meeting Date: _____

cc: Applicant

Goddard Board of Zoning Appeals.

118 North Main, P.O. Box 667

Goddard, Ks. 67052

Variance request:

Freestanding Sign 35' Tall

Braums of Goddard, Ks.

Lot 3, Block C Goddard Galleria

Answers to Application for a variance:

- 1. Requirements of these regulations which prevent the proposed use or construction:**
- 2. Characteristics of the subject property which prevent compliance with the requirements of these regulations.**

We are to understand from the current sign code Article 7, 104 C. 3 and 4, that the maximum gross surface area is 150 square feet and the maximum height is ten feet (10'). The subject property sits approximately 200' South and adjacent to US Highway 54 and on Kellogg Drive (outer road). Due to the fact of the property sitting so far off of the Highway and the higher posted speed limits, potential guests are limited in reaction time and visual knowledge of our proposed establishment. We are in a mixed use development with several large and small retail businesses planned, and with the amount of potential signage in the development we believe this will negatively impact us, as we consider our service more of an impulse buy.

- 3. Reduction of minimum requirements to these regulations necessary to permit the proposed use/construction.**

We believe the request for reduction in requirements to be a 35' Height and a square footage of sign area being 319.82 Square Feet, Due to

Conditions and characteristics of the subject property such as way finding and visual knowledge.

4. Hardship resulting if the particular requirements of the regulations were applied to the property.

We are requesting this variance to ensure a business of growth and potential employment to local members of the community. The company has decreased sales with reduced signage, and this will allow us to increase our sales and increase employment in the community.

The granting of this request would not be detrimental to the public's health, safety or welfare. Our signs are modest in sizing and coloring, nor do they “overwhelm” the building design or compromise the buildings architectural appeal. Granting of this request will provide visual knowledge to the public to provide them with proper way finding which will decrease potential traffic congestion and improve public safety.

We are respectfully asking for you to review our requests, see our need, and approve our request.

Sincerely,

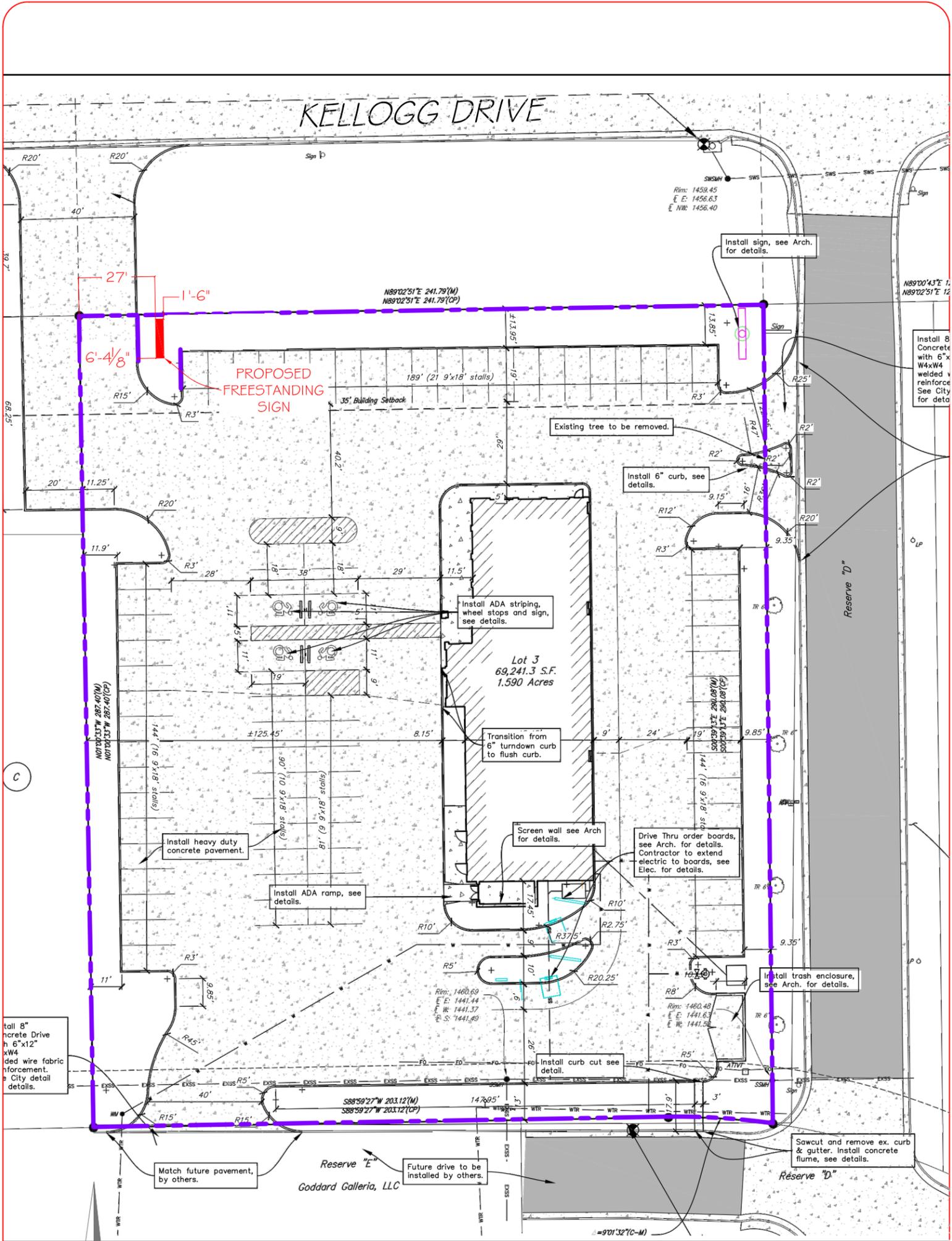

Chris Hampton

Springfield Sign

4825 E. Kearney St., Springfield, Mo. 65803,

chrish@springfieldsign.com

417-862-2454



SCALE 1" = 40'

Project No.: 26735
 Drawn By: CLH
 Reviewed By: MW
 Date: 9-11-20

Sheet Number
1 OF 1

**BRAUMS
 PROPOSED-SIGNAGE
 LOT 3, BLOCK C GODDARD GALLERIA
 GODDARD, KS.
 SIGN PLACEMENT PLAN**

LOCATION:
GODDARD, KS.

SPRINGFIELD SIGN
 4825 E. Kearney St.
 Springfield, MO 65803
 (417) 862-2454



SPRINGFIELD SIGN

design | build | install | service

Braum's

Presented by Dave Schridde

 800.845.9927

 springfieldsign.com

DISCLAIMER

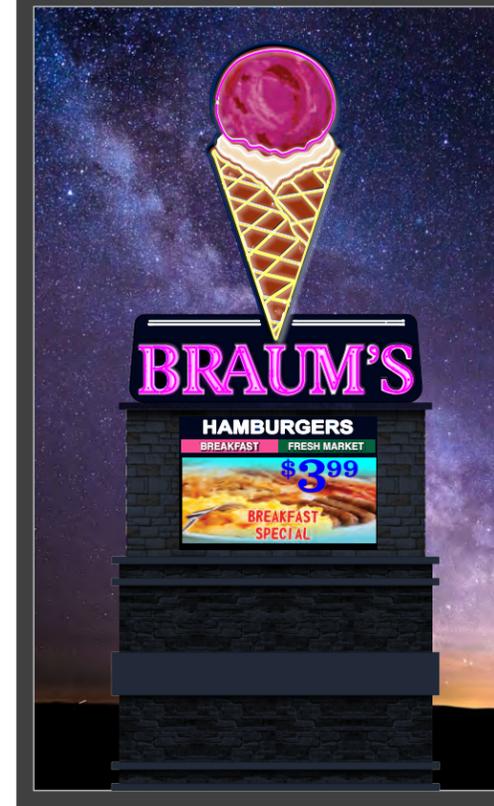
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PROPOSED SIGNAGE

MONUMENT



NIGHT VIEW (NTS)



SIGN SPECIFICATIONS

MONUMENT

- A= .063" THICK ALUMINUM CABINET NON ILLUMINATED / PAINTED TO MATCH PMS 281 C. A-1 .080" THICK ALUMINUM SHEET w/ 2" RAISED CONTOUR PAINTED TO MATCH PMS 281 C. GRAPHICS TO BE DIGITAL PRINT AND SKELETAL NEON / WELDED TO TOP CABINET & OVER LAPPING BOTTOM CABINET.
- B= .063" THICK ALUMINUM CABINET NON ILLUMINATED PAINTED TO MATCH PMS 281 C. ALUMINUM FACE w/ OPEN CHANNEL LETTERS AND ACCENT LINES MOUNTED FLUSH TO CABINET "BRAUM'S" TO BE WHITE INSIDE w/ PINK RETURNS & NEON / ACCENT LINES TO CABINET "BRAUM'S" TO BE WHITE INSIDE w/ PINK RETURNS & NEON / ACCENT LINES TO BE BLUE INSIDE w/ BLUE RETURNS AND WHITE NEON.
- C= ACCENT LINES TO BE 2" RAISED CONTOUR w/ TWO STROKES SKELETAL NEON.
- HAMBURGERS CABINET: LED int. illum. cabinet w/ routed faces and backed w/ push thru acrylic. Cabinet to be painted to match PMS 281c.
- BREAKFAST/FRESH MARKET: LED int. illum. cabinet w/ flat faces with embossed letters "Faces to be back sprayed". Cabinet to be painted to black.
- EMC: Full color Watchfire EMC 4'-5" x 9'-3" cabinet / 10 mm / 54 x 162 matrix.
- BASE MASONRY: Granbury yellow,(mix) Auston white lime stone w/ rain cap. Lower to be a contrasting masonry color. 4" concrete footer pad.
- RAIN CAP: Painted Silver

CLIENT

Braum's

SALES

Dave Schridde 800.845.9927

SCALE

3/16"=1'

AO#

26735

ARTIST

R Hicks

REVISION HISTORY

08.24.20 - NEW

T:\Cyrious\Doc\Order\26000\o26735 - Braums (498)\Art\Working Files

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APPROVED BY

DATE