

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
January 9, 2023**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday January 9, 2023. Chair Grafing called the meeting to order at 7:00 p.m. Chair Grafing led in the Pledge of Allegiance and Commissioner Hall led the Invocation.

Commission members present were:

Doug Hall, Shane Grafing , Justin Parks, Daniel Hayden.

Commissioners absent were:

Darrin Cline, Jamie Coyne, Ryan Walker.

Also present were: Micah Scoggan Community Development Director; Thatcher Moddie Assistant to the City Administrator; Sam Malinowsky of SM Engineering

APPROVAL OF THE AGENDA

MOTION: *Commissioner Hall* moved to approve the agenda. *Commissioner Hayden* seconded the motion. The motion carried unanimously.

4-0

APPROVAL OF THE MINUTES

MOTION: *Commissioner Hayden* moved to approve the minutes from December 12, 2022. *Commissioner Hall* seconded the motion. The motion carried unanimously.

4-0

CITIZEN COMMENTS

Justin Meng [2250 S Leo St] said he was there for the zoning case 22-5. He said at the last council meeting the council talked about a percentage and he was obviously still against that. He said he did some research about what was happening around town and he felt there was a saturation. He said he would like the Planning Commission to consider that maybe too much might be too much.

Jeff Tibbitts [2210 S Leo St] said he was in opposition of zoning case 22-5. He said he thinks the Planning Commission got it right the first time and he said he doesn't think it follows the standards set by the Comprehensive Plan. He read (verbatim) from the comprehensive plan. He

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said there 1,700 two family units within 2.5 miles of the city. He said some are occupied and some are going to the county next week for consideration.

He also stated that the perception matters and when is to much and you drive around here on a Sunday afternoon what are you going to see? Duplexes. He said he understands the developer wants duplexes and apparently that is the new thing. He said when you see 1,700 going in that should tell you something and that does not included trials end and the other one.

He stated that it was noted that opposition was against change. But he said that is not true. He is for change but no this type of change.

He said that council member Leland said it right when she said we are building too much too soon. He said he agreed with the mayor in terms of what they can do that is not all duplexes. He said he heard it said that developer might be willing to introduce some single family homes on the west side to separate them from the duplexes. He is not opposed to that at all. He said he does want the development he does think it is good but it needs to be thought over a little bit more.

Denise Heick [2300 Leo St] she said the city council did not vote on it because they were asking for something else?

Scoggan said they will go over it during the agenda item. He said at this time she would want to state whether or not she was in favor or against the development and why for her 3 minutes.

Denise Heick [2300 Leo St] she said she would like to see the development stay R-1. Even though she does not live in the city limits she does consider Goddard her city. She said her kids went to school and had a good experience there. She said everyone who is saying they want the rental properties to come in because it will be nurses and school teachers and other great renters.

She said she wishes it would be 100% accurate. As much as she would not want to see it. As soon as one renter moves in that has questionable character all the other renters move out because they are not motivated to stay. It may be five years before it happens, but she perceives that she would see the city of Goddard going downhill.

She said with no kids in the School district it would be easy for her to sell and move somewhere else but she is speaking on behalf of the good Goddard residents. She said please keep your values high.

Sherry Breckenridge [2341 S Leo St] said she would rather see single family homes something similar to Arbor Creek.

She said when you see 189 duplexes times two you have a lot of people in a small area. She said

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it is going to be congested with the traffic.

She said the developer says they will maintain but she said her daughter lived in one in Derby and it looked awful.

She said there would be a better chance of vandalism so the city would have to spend more time with that. She said the mayor mentioned a mix and personally she said she would prefer the majority of them be single family homes.

She said she supports Goddard, and she recently got a membership to the Genesis, and she wants the city to grow but she wants it to be a desirable place for people to come to.

Sarah Meng [2250 S Leo St] said she agrees with what everyone here said tonight. She said she came with a lot of questions and she hopes to get more answers with Micah Scoggan and with the developer.

She wanted to know what was driving all R-2 on this particular piece of land instead of a mix. She mentioned that another developer did a mix on another piece of land. She said it seems odd since it was not a major artery.

She said the if we keep diluting it with people who are not going to be a stable part of the community it will drive the educators and others away from Goddard.

She said she hopes they develop Goddard in a way that keeps steadfast community members.

Chair Grafing [Closed Citizens Comments]

BOARD OF ZONING

F.1 Public Hearing for Rezoning 321 N Pine St Case # ZONE-22-8

Scoggan introduced the subject. He stated that Kirk Richards had submitted an application for rezoning one lot located off of Pine St with the address 321 N Pine St. The land is currently zoned “R-1” Single Family Residential and is around 0.16 acres. The developer would like to build a duplex on the lot and wants to rezone it to “R-2” Two Family Residential.

Scoggan stated that the lot is currently vacant and final consideration for the rezoning will be before the City Council.

Scoggan introduced the requirements found in Article 13, Amendments, Section 100.H.1-17

Scoggan gave the answers from city staff for Article 13, Amendments, Section 100.H.1-17.

Scoggan outlined the minor differences between a Conditional Use Permit (CUP) and a rezoning.

Scoggan showed a multi-variate regression analysis showing that the impact on housing value for single family-detached in proximity to duplexes was statistically insignificant.

Scoggan mentioned he spoke with a private appraiser appraising a house next to a duplex and the appraiser said there was no impact on the appraised value.

Scoggan showed a map which outlined the renter versus owner occupied housing.

Scoggan showed a map which outlined the year built for each house in the neighborhood.

Chair Grafing [opened the public hearing for ZONE-22-8]

Melissa Silver [327 N Pine] said she has lived in Goddard for 30 years. She has no family ties to Goddard right now. She said she stayed and talked her two sisters into staying in the area. She said her neighbors offered to buy the land but were told it was too small to build on. She said that two other people tried to buy it but they were told the same thing.

Her concern is that she doesn't see how anything can be built there and she is afraid people will park on the street.

She said there is no sidewalk, so they are walking in the street, so it is a safety issue.

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Denise Heick [2300 Leo St] said he son bought a house in the heart of Goddard and would have made it here if he could. She mentioned that think thought the city was trying to get renters out of the heart of Goddard.

She mentioned her son's house is being remodeled and she noticed that there are a lot of cars packed there along the street already.

She mentioned her son said if he had known about the duplexes coming to Goddard he would have bought elsewhere. She is afraid the city is going to lose a lot of young people that want owner occupied homes.

Ward Hilyard [2531 S Leo Cir] said the duplex could go either way. You have multiple families move in with teenagers and they have multiple cars or you have a family move in with young kids with no room for the kids to play so they play in the street. They could walk to the park, but they would have to walk in the street.

He said if you have to build something there build a house there. He said you could have kids speeding up and down the road it is a very congested area.

Chair Grafing [closed the public hearing for ZONE-22-8]

Scoggan said staff's recommendation was to approve the rezoning request case # ZONE-22-8.

Commissioner Hall asked for clarity on the minimum requirements for lots.

Scoggan said in an R-2 the minimum requirement is 35' by 100' for a two-family and 50' by 100' for a single family.

Commissioner Hall asked to clarify when the lady asked when the city turned away someone who wanted to build a house there?

Scoggan said he was not sure how long ago that was. He mentioned that the city has changed the subdivision regulations several times to allow for smaller houses to be built on. He mentioned no one has reached out to him for that property since he was here.

Scoggan said that R-1 in the past had a minimum lot size of 75 for the width so the city was probably right. He mentioned that *Commissioner Cline* brought this up before about the potential for a tornado to come through and demolish homes that are non-conforming and cannot be rebuilt.

Commissioner Hall said they have had conversations with the city council about what would be the best locations for R-2 and the heart of downtown Goddard was discussed before about the possibility of allowing that.

Commissioner Hall said he thinks the lot is small, but it would fit the area.

Chair Grafing said it would be tough to get someone to build in that area on those lots.

Chair Grafing asked what *Commissioner Parks* thought on the matter?

Commissioner Parks said it is a small lot.

Chair Grafing agreed.

Commissioner Parks asked about the width of the building.

Scoggan said the building is meeting the bare minimum for the setback's requirements. The lot is 50' by 140' and front yard setback is 25' and the side yard setback is 6'

Chair Grafing said in Saint Andrews and Seasons the typical lot is 80'?

Scoggan said the typical is 75' to 80'. Back than R-1 required 75' as the minimum but you could go bigger.

Chair Grafing asked if there was a plot plan?

Scoggan said he thought it was in the agenda packet.

Commissioner Parks said it was not included.

Scoggan reiterated the setbacks for the proposed building to craft a mental image.

Commissioner Parks asked if the majority of zoning is R-1 in this area?

Scoggan said yes. Main street is close by and when you head further north it becomes commercial.

Commissioner Parks said the majority is R-1.

Scoggan said yes. He showed on the map locations where zoning changed from R-1 at different

locations.

Chair Grafing said it is possible that lot would sit there without anything ever being built on it.

Chair Grafing asked if there was any more discussion or if anyone would like to make a motion?

Commissioner Hall motioned to approve the rezoning request case # ZONE-22-8

[*No second motion*]

Scoggan asked if there was an alternative motion.

Commissioner Parks asked if they could table it?

Scoggan said yes, they can table it.

Commissioner Parks motioned to table the agenda item until the next meeting.

Commissioner Hayden seconded the motion.

MOTION: *Commissioner Parks* motioned to table the agenda item. *Commissioner Hayden* seconded the motion.

Motion carried **4-0**

F.2 Reconsideration of rezoning case # ZONE-22-5

Scoggan introduced the subject. He stated that Baughman Company has submitted an application on behalf of the developer Paul Kelsey for rezoning one tract of land from “R-1” Single Family-detached to “R-2” Two-Family Residential. The land is generally located on the northwest corner of 167th St and Pawnee/ W 23rd.

The land is around 69.9+/- acres and it is intended to be developed into duplexes.

This land is not abutting the greater corporate city limits of Goddard which required it to be annexed as an island annexation per K.S.A 12-520c.

Scoggan said the City Council reviewed the request on October 3, 2022, and per state law agreed to a resolution requesting findings of fact from the Board of County Commissioners (BOCC) determining if the tract of land was a reasonable annexation.

The BOCC met on November 2nd at 9:00 am and determined, based on the facts presented to them, that this request was reasonable and approved the request for annexation.

Once annexed the land defaults to “R-1” Single-family at which point the developer can ask for a

rezoning hearing to change the classification.

Scoggan said the Planning Commission Denied the Recommendation for a Rezoning Request with a Unanimous Vote Against the consideration at the December 12, 2022, Meeting.

This required a super majority of the vote of the City Council to approve the rezoning which is 4/5 members voting in favor of the ordinance for rezoning.

On January 3rd, 2023, the City Council decided by a majority vote to send the rezoning request back to the Planning Commission to ask for clarity on the decision by the Planning Commission to determine what the Planning Commission felt was an acceptable land use composition in this area.

Scoggan said that the request was to ask the Planning Commission what they feel is an acceptable number of duplexes and single family in the area or other types of land uses permissible under R-1 and R-2.

Scoggan said the developer noted that on January 5, 2023, the Metropolitan Area Planning Commission (MAPC) approved a similar development with an HOA and that passed the MAPC with 11 to 1.

Scoggan read (verbatim) from Article 13.104.3 regarding the actions the Planning Commission can take when it comes back to them from the City Council.

Scoggan showed the revised map of what the developer was proposing.

Chair Grafing asked **Commissioner Parks** what his thoughts were?

Commissioner Parks said he would propose to deny.

Chair Grafing asked **Commissioner Parks** what percentage he would like to see?

Commissioner Parks said he thinks 20 percent would be acceptable. He said he likes that they pushed it to the east side, so it is a stepped density. He still thinks 40 percent is excessive.

Chair Grafing asked **Commissioner Hall** what his thoughts were.

Commissioner Hall said he thinks that the general population of this area where it is located is already heavily built out for duplexes. He said we have to pick and choose where they are multi-family units that still allows growable area for R-1. He said Wichita is at their doorstep and they have to allow areas for developers to build R-1.

Commissioner Hall said he would motion to deny it.

Commissioner Hayden said he agrees with what was said. He said with the other projects where

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they were located made sense. He said this area does not seem right for duplexes. He said he agrees with the setting of percentages but it has a slippery slope too because you have other developments and whether or not that percentage works there or not would have to be seen. He said he would still deny it.

Commissioner Parks asked if they could do a lot split and rezone just the east portion?

Scoggan said it would be difficult because the developer asked for the whole thing. A developer can ask for the rezoning to be reduced but not increased. So it could be reduced but the developer is asking for the whole amount.

Commissioner Parks said or deny it and ask them to come back asking for a portion of it to be R-2.

Chair Grafing said he agrees with Commissioner Parks that 20% would be better than 40%

Scoggan asked if the planning Commission was looking at zero duplexes or more at 20% ? because that was what the city council was looking for.

Chair Grafing said it was hard telling because it is a 50/50 split because it be of only four of them being in the room.

Scoggan asked if there were any questions for the agent for the applicant?

Chair Grafing said he liked the berms. It blocks things off and makes people feel more secluded. He said he liked that it was buffered.

Chair Grafing said he needs a motion.

MOTION: *Commissioner Hall* motioned to deny zone case # ZONE-22-5. *Commissioner Hayden* seconded the motion.
Motion carried **4-0**

OLD BUSINESS

None

NEW BUSINESS

H.1 Sign Regulation Amendment

Scoggan introduced the subject. He stated that the sign regulations of the City of Goddard help to regulate the types and number of signs existing in the City limits.

These regulations can be changed with the approval of the Planning Commission and of the Governing Body.

Due to a large request for sign variances the Planning Commission is reviewing the possibility of changing the General Business District sign regulations only to reflect the changes desired by businesses.

These changes include the increased height maximum, the increased gross square footage, the maximum number of wall signs.

Scoggan spoke about how Camp Bow Wow asked for another sign, and they were denied since they needed a variance. Wall signs are only really allowed for the number of streets abutting.

Scoggan outlined the changes to the sign regulations for the C-2 general business district. He mentioned the 500 square footage increase to try and accommodate everyone without having more variances.

Chair Grafing said 35' for the height was the maximum they every approved?

Scoggan said Genesis was 40. However, the developer for the Genesis has pulled back a little from his original idea because he can't get the location he wanted for the sign.

Commissioner Hall said most of these businesses are on Kellogg anyway?

Scoggan said yes, the vast majority. He mentioned the Braums conversation were the builder was saying the larger the sign for Braums the greater the sales for that store.

Chair Grafing said 500 does not bother him because you would see more monuments signs with multiple faces promoting multiple businesses.

Commissioner Parks asked for clarity on the number of signs.

Scoggan elucidated and said they were going big realizing that cost would probably bring the signs back down for each development and that way the Planning Commission does not see every variance.

Chair Grafing what's stop us from having the liquor store?

Commissioner Parks said the two amount would stop that.

Scoggan said yes the two amount would prohibit the 100 signs that you see on the liquor store.

Scoggan mentioned Goddard Outdoor power wanted five wall signs on the front.

Chair Grafing said he is not opposed to two per wall face.

Commissioner Parks asked if the 500 sq ft for the cumulative or for each individual face?

Scoggan said each individual face.

Chair Grafing said not a lot of people will put 500 sq ft because of cost.

Commissioner Parks agreed.

Scoggan said the closest he saw was Genesis. He mentioned the sign was close to half a million.

Chair Grafing said a half million for 500 square feet. You are probably only getting one or two.

Commissioner Hayden said there was something about pole signs?

Scoggan said they still do not allow pole signs.

Chair Grafing said except the ones that exist are grandfathered in?

Scoggan said yes except if they sell the business. He mentioned anytime anyone sells the business they would have to put up a monument sign.

Chair Grafing asked about the composition of the monument sign.

Scoggan said it was defined in the regulations and said it has to have a base that is 50% or the face.

Chair Grafing gave an explanation for how he perceived a pole sign could be modified into a monument sign.

Scoggan agreed.

Chair Grafing asked *Commissioner Hall* what he thought.

Commissioner Hall said he thinks 35' is acceptable. He said 500 square feet for wall face he is not sure what that would be comparable to.

Chair Grafing said it would be comparable to the Genesis sign.

Scoggan said one of the criteria of the variance is it is unique to the lot but if every lot starts to have variances they should consider changing the subdivision regulations. That is not unusual.

Chair Grafing said in *Scoggan* opinion would this help attract a sit-down restaurant.

Scoggan said that would be hard to say it would benefit them because if it is in the Goddard galleria it would help them market to cars on 54 which is what all the businesses ask for.

Chair Grafing said that was something Ben Healy's development would look at.

Scoggan said ben Healy's land is a P.U.D so it allows for more discretion on the part of the developer.

Chair Grafing asked if people wanted a taller sign or more square feet?

Scoggan said both. People commonly ask for greater than 10 feet in height or more than 150 square feet of sign face or both.

Commissioner Hayden said he thinks it makes sense.

Commissioner Parks said he doesn't have a problem with it.

MOTION: *Commissioner Parks* motioned to approve the amendment to the sign regulations for the "C-2" general business district.

Commissioner Hayden seconded the motion.

Motion carried **4-0**

H.2 Site Plan Starbucks

Scoggan introduced the subject. He stated that Sam Malinowsky of SM Engineering has submitted a site plan application for a Starbucks Coffee Shop located at 18731 W. Kellogg Dr just to the west of Braums.

All commercial buildings require site plans which need to be approved by the Planning Commission.

All site plans must show elevations and any façade coverings must be approved by the Planning Commission if they are proposing metal type buildings.

After the Planning Commission each commercial building must have the Architectural and Engineering plan reviewed by the Metropolitan Area Building and Construction Department (MABCD) before they can pull a building permit.

Chair Grafing asked if it was fiber cement and [inaudible].

Commissioner Hayden said the Starbucks at central has a stacking problem and he sees on this one it seems to have a longer queue line to avoid it.

Sam Malinowsky said that was correct. They are very conscience of stacking.

Scoggan asked if after the review has been approved by MABCD how long before the building is open?

Sam Malinowsky said they want to open it this year.

Chair Grafing said he thought it was odd to have another coffee shop but all of sudden he noticed in Wichita multiple coffee shops within close proximity to each other.

Scoggan said it is not unique to coffee shops but some businesses move close to other similar businesses because it is often the case that one businesses will not capture 100% of the demand.

Chair Grafing said size looks good. Plenty of parking and they do have a screen for the dumpster?

Scoggan said yes.

MOTION: *Commissioner Parks* motioned to approve the site plan for the new Starbucks Coffee Shop contingent upon the façade approval and sign regulation amendment by the city council.

Commissioner Hall seconded the motion.

Motion carried **4-0**

H.3 Bridger at Maple Final Plat

Scoggan introduced the subject. He stated that Baughman company has submitted an application on behalf of the development firm Angel Fire UW, LLC for a final plat for the development

located on Maple between 167th and 183rd street.

This development is for 179 lots that has been rezoned as R-2 for the building of duplexes and some single family detached housing.

The Planning Commission approved the preliminary plat on November 14, 2022.

Final storm water engineering is under review by the City Engineer and Baughman company.

The Planning Commission is now considering approving the final plat for Bridger & Maple.

After consideration by the Planning Commission the final plat will go to the City Council for final review and approval.

Scoggan showed the lots dedicated to single family.

Scoggan mentioned that *Commissioner Cline* asked about having only one entrance.

Scoggan explained that Maple rd. speed limit is 40 MPH requiring at least 350 feet of separation between openings. He mentioned some of the streets were left open for future development.

Chair Grafing mentioned Talia only has one entrance.

Scoggan said he believes they have a gate on the west portion into a cul-de-sac for emergency use by the fire department if need be. He mentioned that there is nothing that requires it in the city's subdivision regulations however he considers it good practice to try and introduce multiple, entry points.

MOTION: *Commissioner Hall* motioned to approve the final plat for the Bridger at Maple Development.

Commissioner Hayden seconded the motion.

Motion carried **4-0**

CITY PLANNER REPORT

I.1 Chair and Vice Chair nomination scheduled for 2.13.2023

Scoggan said that nominations for chair and vice chair happen in January, but he wanted to give them time for consideration of the zoning requests.

I.2 Joint meeting of City Council and Planning Commission TBD

Scoggan said that Mayor Zimmerman and the city council want to have a joint meeting with the Planning Commission to discuss growth. The approach of Wichita and rental properties ect.

PLANNING COMMISSIONER COMMENTS

Commissioner Hall asked about the vacancy at the city council and how it will be filled?

Thatcher Moddie commented and said there is an application on the city website so if anyone is interested they can apply to be considered. So if anyone is interested they go can go to the website and be at the next city council meeting on Tuesday January 17, 2023.

Commissioner Hall asked about the land that was acquired for the new library over off of Goddard Rd?

Scoggan said city council has approved and the city attorney is approaching the Perez family and BNSF to pay the amount necessary. He stated there was some confusion about the land ownership by the Perez family and BNSF. He said the city attorney files a condemnation with the courts and the courts determine who owns the land the city writes a check and leaves it for whomever wants to claim it.

Chair Grafing asked where it was located?

Scoggan gave a general location of where the land was located.

ADJOURNMENT

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

Motion carried **4-0**

Meeting adjourned at 8:41 pm.

Micah Scoggan, Community Development Director