

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
February 8, 2021**

The Goddard Planning Commission met in a Regular Session at Goddard City Hall on Monday February 8, 2021. Chair VanAmburg called the meeting to order at 7:03 p.m. Chair VanAmburg led in the Pledge of Allegiance and led the Invocation.

Commission members present were:

Justin Parks, Jamie Coyne, Doug VanAmburg, Shane Grafing, Jody Crow

Commissioners absent were:

Doug Hall, Darrin Cline

Also present were: Micah Scoggan, City Planner; Thatcher Moddie Assistant to the City Administrator

APPROVAL OF THE AGENDA

MOTION: Commissioner *Grafing* 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 January 11, 2021. Commissioner *Crow* seconded the motion. The motion carried unanimously.
5-0

CITIZEN COMMENTS

None

BOARD OF ZONING

None

OLD BUSINESS

None

NEW BUSINESS

H.1 Review the subdivision regulations

Scoggan introduced the subject. He stated that according to Article 13.105 of the subdivision regulations, an annual review of the subdivision regulations shall be undertaken by the Planning Commission in January. This will help the Planning Commission give their ideas on how best to improve the regulations that will be used for development moving forward.

Items of note that have come up in the past year can be discussed and were documented for this meeting to help guide the conversation.

He further stated in order to maintain these regulations including the Official Zoning Map(s), the Planning Commission shall annually hold a public review at their first regular meeting in January to consider amendments, if any, to these regulations.

Preceding such a review, the Governing Body and other affected governmental agencies and interested parties should be notified of the intent to review and their ideas requested.

In preparation for such a review, the Community Development Director shall maintain a master copy of the current zoning regulations on which are recorded comments and ideas brought to the attention of the Director during the preceding year in order to maintain the intent and purpose of these regulations under changing conditions and to implement the Comprehensive Plan.

Information on any relevant changes in state statutes shall be compiled for the review.

Scoggan explained he split the subdivision regulations into 4 sections for review and to solicit the opinions of the Planning Commission.

Scoggan spoke on adopting a new zoning classification and using that new zoning classification for up zoning a portion of “Old Goddard” he described as north of Santa Fe road and west of Goddard road.

Scoggan stated that requests for duplexes and re-zoning is still on going and he stated that a rezoning or a conditional use permit would have to be approved by the Planning Commission first and require public notice.

Commissioner Crow asked would the process speed up the rezoning process or pulling the building permit.

Scoggan stated if there was a blanket rezoning they would not have to go through the rezoning procedure, and it would speed up this process.

Scoggan stated there was a possibility for engaging the public with an open meeting to show how a citizens property value would increase or benefit from the up zoning.

Chair VanAmburg asked if this would put the Planning Commission out of the picture which he stated he didn’t necessarily feel was a bad thing. He asked if there was a blanket rezoning anyone could pull a building permit and it wouldn’t need to be reviewed.

Scoggan replied there were several ways you could approach it. One was to have a blanket rezoning that did not require a site plan review or you could require a site plan review for any multifamily building inside of that geography.

Commissioner Crow asked if the blanket rezoning could just be an existing zoning classification like R-3.

Scoggan replied each zoning classification comes with bulk regulations and R-3 has specific bulk regulations that would make it more cumbersome for density building within Old Goddard. If a new zoning classification was created, it would be able to have different bulk regulations custom to that zoning classification.

Commissioner Crow said something else to think about was the perception and multi-family was not viewed favorably. If a blanket rezoning is not going to fly with the public could there be a process in place to expedite the re-zoning procedure.

Scoggan replied not necessarily due to the fact that rezoning is influenced by state law and requires the Planning Commission to be notified and citizens within 200 feet to be notified.

Scoggan mentioned that the industrial zoning classification was prohibitive and exclusive in its application. This was troublesome when businesses wanted to move into Goddard but the only area available was industrial which prohibited other land uses.

Commissioner Crow said we would simply be changing the specifications from exclusion to inclusion.

Scoggan agreed.

Scoggan said with sign regulations a moratorium might want to be considered since December 31, 2021 is the cutoff date for compliance.

Scoggan mentioned Wichita has a one-step final platting process. He elaborated that in some situations a one-step final platting process would be beneficial because what would be required on the preliminary plat is either not applicable to the development or it will be repeated on the final plat.

Chair VanAmburg asked if the plat would still come before Planning Commission.

Scoggan replied all plats at some point must come before Planning Commission, either as a final plat or a pre-plat and final plat.

Commissioner Coyne asked would this be another zoning classification for the industrial park or would there be another location for industrial.

Scoggan replied it could be a new zoning classification or it could be an amendment to the existing zoning classification which wouldn't require any existing industrial businesses to be changed in their zoning classification.

Scoggan further stated without rail and a seaport it is unlikely heavy industrial, like oil or textile manufacturing, would want to locate into the City.

Commissioner Crow asked which specific land uses were prohibited.

Scoggan replied certain land uses were not necessarily prohibited but they would have to go through a lengthier application process for being allowed to exist in that industrial park.

Scoggan asked about having a sign moratorium.

Commissioner Coyne stated there should be a sit down to discuss with the Governing Body.

Commissioner Crow agreed and said the moratorium would be kicking the can down the road but it would help if we met with the Governing Body and businesses for a design workshop.

Scoggan asked if they were in favor of considering a one-step final platting process.

Commissioner Coyne asked if it would apply to all plats.

Scoggan replied it would apply to certain plats that had either already been platted once and didn't need a preliminary again or smaller lots or plats for developments that also required a site plan where most of the information on the site plan would also be on the preliminary plat.

Commissioner Grafing said it made sense to him.

Scoggan stated according to the city's subdivision regulations under article 6 home occupation sale of firearms or ammunition was prohibited. He further stated that according to K.S.A 12-16124 the Kansas Attorney General Opined in No. 2012-2, that this provision preempted local zoning regulations that prohibited home-based businesses engaged in the sale of firearms and ammunition. The Attorney General noted that the intention of the enactment was to remove the authority of cities to regulate firearms licensees. Because of this, the Goddard provision that prohibited the sale of firearms and ammunition in the Goddard zoning code is inconsistent with the Kansas statute and was rendered null and void by the enactment of that statute.

A Federal Firearms License (FFL) was applied for from a gentleman in the City Limits of Goddard. The Kansas City Department of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reached out to City to see if there were any limitations to prohibit the issuance of the license.

Scoggan reiterated to say that the existing Home Occupation rule was rendered null and void by the Attorney General of Kansas.

MOTION: None required

CITY PLANNER REPORT

Scoggan stated that as the City grows, land adjoining the City limit will go through the annexation process involving the Planning Commission, as necessary, to consider the advisability of annexing certain lands. If the property owner of the land is petitioning the City to be annexed, no review is necessary. The Governing body would sign an ordinance annexing the land and the City would inform the Register of Deeds and the County Clerk.

If the property owner does not want to be annexed the City will unilaterally annex the property and it will trigger a review process involving the Planning Commission and other interested parties.

Commissioner Coyne asked when this would begin.

Scoggan replied it would first require a resolution to be adopted by the Governing Body.

Commissioner Coyne asked would you ask the property owners to petition first before they are unilaterally annexed.

Scoggan replied yes, they would be asked first if they want to be annexed and it is at the discretion of the Governing Body.

Commissioner Crow stated that even if the property owner did not want to be annexed the City could annex them anyway.

Scoggan replied that was correct.

Chair VanAmburg asked if the Dillon's warehouse was in the City limits.

Scoggan replied it was in the City limits.

Scoggan stated Baughman Company has submitted a revised site plan for the Dove Estates memory care patio homes. After the site plan has been approved the pre-plat and final plat will need to be approved for the re-plating of the patio homes. The new patio home builder wants to sell the homes individually instead of having them as a buy back policy. This requires individual parcels for taxing purposes.

The site plan can be approved by the City Planner but the plats, both the preliminary and the final plat, must be approved by the Planning Commission. The Final plat must be approved by the Governing Body.

Scoggan mentioned it was originally one large lot for patio homes and now it is being considered for individual lots for tax purposes and to do away with a buy back policy.

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

MOTION: Commissioner *Grafing* moved to adjourn the regular meeting.
Commissioner *Crow* seconded the motion.
The motion carried **5-0**

*Meeting adjourned at 7:47 pm.
Micah Scoggan, City Planner*