

**MINUTES-REGULAR SESSION  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
March 13, 2023**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday March 13, 2023. Vice-Chair Hall called the meeting to order at 7:00 p.m. Vice-Chair Hall led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

**Commission members present were:**

Doug Hall, Daniel Hayden, Darrin Cline, Jamie Coyne, Ryan Walker.

**Commissioners absent were:**

Shane Grafing, Justin Parks

Also present were: Micah Scoggan Community Development Director.

**APPROVAL OF THE AGENDA**

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

**5-0**

**APPROVAL OF THE MINUTES**

**MOTION:** *Commissioner Walker* moved to approve the minutes from February 13, 2023. *Commissioner Cline* seconded the motion. The motion carried unanimously.

**5-0**

**CITIZEN COMMENTS**

*Vice-Chair Hall [Opened Citizens Comments]*

*None*

*Vice-Chair Hall [Closed Citizens Comments]*

## **BOARD OF ZONING**

*None*

## **OLD BUSINESS**

*None*

## **NEW BUSINESS**

### **H.1 Discussion about duplexes**

*Scoggan* introduced the subject. He stated that Goddard has been experiencing significant residential growth and with that growth comes a variety of housing types. Some of those housing types include two-family dwellings which commonly come in the form of duplexes.

The request by developers to build duplexes has increased over the years and has led to many questions being asked by citizens, the Planning Commission and the City Council.

On February 13, 2023, the Planning Commission requested that at the next regular Planning Commission meeting an agenda item be added to include discussion about duplexes.

This agenda item will be received and filed no action taken.

*Scoggan* outlined some of the definitions in the subdivision regulations that defined residential dwellings.

*Scoggan* showed some images of different residential types.

*Scoggan* read a text from *Chair Grafing* saying that he believed they should stop approving duplexes until the ones that are approved have moved further along.

*Vice-Chair Hall* said he believes they have approved plenty of duplexes already. He said many citizens have said one these are built the city will have a sufficient amount of duplexes. He said if they keep bringing in duplexes into developments they will not have single family homes.

*Vice-Chair Hall* he said that being said they have had conversations with the city council before about confining it to a development area.

*Commissioner Coyne* asked how many doors does the city have?

*Scoggan* said they are 42 duplexes built.

*Commissioner Coyne* asked if that was 84 doors?

*Scoggan* said yes 84 units.

*Commissioner Coyne* said how many have been approved?

*Scoggan* said if everything came online it would be about 420. He mentioned the existing one in Hopper Addition and South St and the ones built in Clover Leaf.

*Commissioner Coyne* asked about 215<sup>th</sup> and 23<sup>rd</sup> if construction has started yet?

*Scoggan* said it is underway, but it will be a while before there are houses there. He mentioned the first phase was a large phase.

*Commissioner Coyne* asked about the development between 183<sup>rd</sup> and 167<sup>th</sup> north of Maple?

*Scoggan* said that development was 155 duplexes and 24 single family detached homes.

*Commissioner Coyne* said they have not seen any action over there yet.

*Scoggan* said in terms of action it can take time between what the Planning Commission sees and when something actually gets built to live in. Sometimes 12 months.

*Commissioner Coyne* said he is still moving forward, correct?

*Scoggan* said yes.

*Commissioner Coyne* said between those two it will be a while before they see doors?

*Scoggan* said yes.

*Commissioner Coyne* said his opinion was similar to Doug's in that they do not know what the success rate would be. He knows they can't stop them but it would be nice to slow them down.

*Scoggan* said that would be up to the Planning Commission what they would want to see and the city council would have to weigh in on that.

**Scoggan** mentioned it was possible that some council members would not be there by the end of 2023 and then there would have to be another workshop in 2024 and they would have to start over again with new council members.

**Commissioner Coyne** said he thinks it would be constructive because if they are against duplexes and they are for them, other than a super majority, if they approve them all the Planning Commission should refocus their efforts to minimizing them or asking for a 60-40 split. He believes they should have that conversation and have some direction in relation to that. Because if the city council likes it they are going to move forward.

**Scoggan** mentioned it is also difficult for developers because they do not know what the city wants. One duplex was approved by the Planning Commission and then denied by the City Council. Another development was denied by the Planning Commission and then approved by the City Council. If the split was defined at as an example 80-20 by the Planning Commission and the City Council, it removes ambiguity.

**Commissioner Coyne** said he thinks it is a worthwhile discussion.

**Commissioner Cline** said you can't tell a developer we are not letting anymore duplexes in the city?

**Scoggan** said no he can't say that.

**Commissioner Cline** said but **Scoggan** could say one percent or two percent or five percent?

**Scoggan** if there was a collective understanding. Because if the Planning Commission says 20% but the city council says 40% I am not sure what to tell someone.

**Commissioner Cline** said does he need something in writing?

**Scoggan** said or at least something that is collectively agreed upon were the Planning Commission and City Council are in the same room.

**Commissioner Cline** said it also makes the city look more cohesive he thinks it would be worthwhile.

**Scoggan** said he thinks it would be good because it helps alleviate the stress of the developer because they incur a lot of cost up front.

**Commissioner Walker** asked what the population was going to look like in the next 24 months?

**Scoggan** said that was more difficult to say and encourage the commissioners who worked in the construction side of things. He said homes are being built faster now and so in 24 months maybe another 300 people over the next 7 years the city could double if everything that was approved came online. It would be around 11,000.

**Commissioner Walker** said 11,000 people?

**Scoggan** said yes.

**Commissioner Walker** asked about rents in Goddard versus a mortgage in Goddard and that comparison what is Goddard seeing?

**Scoggan** said yes there is a lot of data out there. The average mortgage in Goddard was about \$1,800 a month with 6-7% rates it could be \$2,000 or greater. Duplexes tend to rent at \$1,200, \$1,300, \$1,400 or higher. Duplexes act as transitional housing as well. You sell your house in Saint Andrews and move into a duplex while your other house is being built.

**Scoggan** mentioned that **Commissioner Cline** had a neighbor who was renting their house.

**Commissioner Cline** mentioned that his neighbor house is renting for \$1,750 and it was built for \$71,000.

**Scoggan** said you can see duplexes fill a renting need. Not just homeowners moving from one house to another but people who are trying to break into the housing market in Goddard and perhaps cannot afford the down payment and the mortgage yet.

**Commissioner Coyne** said they can't afford the down payment either.

**Scoggan** said that is another factor that has been discussed. 20 years ago 20% down was less than 10% down today so saving for a down payment takes longer.

**Scoggan** mentioned the state has programs to help with first time homeowners. He mentioned special assessments and how developers want to spread it out further with smaller lots or more land. He mentioned how someone would pay for the specials out of their escrow or they pay for it upfront with their principal and interest. Her mentioned how the city gets a better interest rate on financing improvements than a developer would.

**Commissioner Cline** said he thinks they should come up with a percentage.

**Vice-Chair Hall** asked if he meant percentage per development.

*Commissioner Cline* said yes per development.

*Commissioner Hayden* said what about individual lots?

*Commissioner Cline* said he thinks that would be a case-by-case basis.

*Commissioner Coyne* said those will be based on location.

*Scoggan* said infill is rare compared to new developments. However, he does not see a lot of people buying homes in old town to build a single family detached house.

*Commissioner Walker* said he thinks the percentage is a good guideline but he is worried about locking it in because as the market dictates if single family rises and rents don't stay up. He wants to be in line with the city, but he doesn't think it should be in stone.

*Commissioner Walker* said a population increase or decrease could see rents increase or decrease dramatically or housing increase or decrease. He said rates change.

*Commissioner Cline* said and then there might be someone who buys a quarter section and wants to fill it with nothing but duplexes.

*Commissioner Walker* said city council has to be on the same page, that would be the most pivotal part.

*Commissioner Hayden* said during that meeting it might be helpful to discuss how the city is keeping pace with law enforcement and those kind of things. He said it might not be true but what is the city going to do to compensate for that.

*Commissioner Cline* said during that meeting with city council there could be questions about infrastructure. Can water be supplied to all these houses?

*Scoggan* said there is discussion about a new water tower and water wells and water rights to go with it. There is some very strong proactive work being done with that. He said that is a good question.

*Commissioner Cline* said it is a very important question because if you double the size of the city.

*Commissioner Walker* said what is the relationship with the county. Every time there is a development near the county there are people in here from the county and what does that

relationship look like? Is there a way we would want to grow geographically? This way is better than that way.

**Scoggan** said that is a really good conversation to be had. One thing of note would be rural water district. He said anytime there is development in the rural water district the developer has to pay for that cost, or the city has to incur debt to pay the rural water district and assess it as specials.

**Scoggan** said he will talk to council and see if they want to have a workshop this year.

*[No formal action taken. Receive and file]*

## **H.2 Discussion about non-conforming lots.**

**Scoggan** introduced the subject. He stated that Goddard has subdivision regulations that dictate the built environment. From time to time reviewing the subdivision regulations helps to understand current regulations and how they can be improved moving forward to help the city grow and protect the existing built environment.

**Scoggan** said recent conversation about non-conforming lots has come up which has caused a greater scrutiny of the subdivision regulations by city staff triggering some interesting questions that should be shared with the Planning Commission for review and comment. This is a receive and file no action will be taken on this agenda item.

**Scoggan** read from Article 8.101 and Article 8.102 and Article 10.107.

**Scoggan** stated that it reads as if you could build on a smaller lot in old town however it was not interpreted that way by the city attorney.

**Scoggan** explained some of the history behind lot sizes over time. He also explained how zoning regulations are a technical restriction on building.

**Scoggan** explained that conditional use permits and variances and special uses can be approved with limitations and an expiration period.

**Scoggan** talked about his discussion with the city attorney regarding the interpretation of the text for non-conforming structures.

**Scoggan** said any decision of the community development director can be appealed to the Planning Commission.

**Commissioner Cline** asked if there could be a Conditional Use Permit?

**Scoggan** said they could grant them a variance.

**Vice-Chair Hall** asked if there were 24 of the lots?

**Scoggan** said yes. The lots are typically 50 by 100. Some of the smaller lots were collected and put together in the 1960 and 1970 to make larger lots to build on.

**Scoggan** said if any of the non-conforming lots were destroyed by natural disaster or anything else they could be rebuilt. But if they are destroyed and a demolition permit is pulled to demolish and they sit vacant for a year or more they possibly could not pull a new building permit.

**Commissioner Cline** said what if they changed the R-1 to make smaller lots acceptable? Then developers would ask for smaller lots.

**Scoggan** said that is true and in fact they might ask anyway since they want to split the specials between as many lots as possible.

**Commissioner Hayden** said could they create a special zoning classification just for that area?

**Scoggan** said yes cities do it all the time. Some cities can have up to 50 zoning classifications to handle different situations. They also create overlay districts that are supplemental to the zoning districts.

**Commissioner Coyne** said he thinks that makes sense since they do not want those lots to sit empty. Something will happen eventually.

**Scoggan** gave the example of a property that got demolished and has sat vacant for several years. He said hypothetically if the lot was too small and he came back to pull a permit now he couldn't build on it.

**Commissioner Walker** asked what would be the worst case situation of changing the regulations to simply say if a property was damaged you could build back.

**Scoggan** said that could happen as well. He explained the process to change the subdivision regulations. He also mentioned sociologist Robert Merton and his ideas on unintended consequences.

**Commissioner Hayden** asked how do they go about fixing this?



**Scoggan** said however the Planning Commission wants to fix it. He mentioned the empty lot at 321 N Pine would sit empty for a while.

**Commissioner Coyne** said he would be open to special zoning classification for that area. He said it would take care of everything but the 25 footers.

**Scoggan** said that was like a California lot. His parents bought a house on a 25 by 100 lot and bought a second one next to it to join it together for 50 by 100.

**Commissioner Coyne** said that would be a special case anyway and they would have to come to Planning Commission to discuss anyway.

**Commissioner Walker** asked what is needed to get started.

**Scoggan** explained the process to get it approved and a new zoning classification created. He mentioned once it was published in the city newspaper you don't have to publish it again and again.

**Scoggan** asked if it was something they would want to consider?

**Commissioner Coyne** said he thinks so.

**Commissioner Hayden** said he thinks so.

**Commissioner Coyne** said they could also discuss it during the joint workshop.

**Scoggan** mentioned other uses that they didn't have to get into at the moment like a house in an industrial district.

**Mayor Larkin** said on the duplexes he was hoping to show up to more of the meetings to cut through the back and forth. He says it can take forever to get anything done. He mentioned the percentage of duplexes and said he thinks it was a good idea. He mentioned one of the problems they are having right now is from the Planning Commission bench to the City Council bench is where does the council stand and where does the city stand.

**Mayor Larkin** said when developers come to the city, they don't know which way the city will stand. Sometimes the Planning Commission and City Council differ and that is fine but they need to have a plan in place where it is percentage so they know. Because that will determine whether they want to come to Goddard or not.

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**Mayor Larkin** said having something in place that the Planning Commission agrees on that makes them feel comfortable would make future growth easier. One thing he discussed with city staff is having a formal plan for each and every development. Right now and in the past the city has just shot from the hip.

**Mayor Larkin** said each development that comes in is different. He said to some extent that is understandable because each development is different. He said Goddard is really flat just like the rest of Kansas is and they need lift stations and sewer mains to service these developments. He said they need some kind of structure so that when the Planning Commission leaves and the City Council leaves they need to know that the city has the same process every single time.

**Mayor Larkin** said it would be like a plant manager leaving and the staff know how to run the plant in his absence. He said they need to change that, and it was discussed with the city staff already. He mentioned the zoning for old Goddard, and he agreed with **Commissioner Hayden** that having a district that pertains to those lots would be clean cut and the best.

**Mayor Larkin** said in regard to **Commissioner Walkers** remarks about changing the code. He said it was not a bad idea but it could lead to other things. What happens if someone interprets it differently, but if you draw a district there are no questions about what it applies to.

**Mayor Larkin** asked if the Planning Commission had any questions for him. Where they might be standing or concerned about where they might be standing.

**Commissioner Cline** said he believes they will have a joint meeting and discuss all of those things and come up with a plan.

**Mayor Larkin** said one thing he didn't want to see is what happened with the sign ordinance where they would kick things back and forth. He would like to show up to these meeting and hear what the Planning Commission has to say and present it to the next council meeting. He mentioned **Scoggan** does a good job of that already. He said they can discuss and talk through some of the noise.

**Commissioner Coyne** that would be nice.

## **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 Governance Change**

The Governing Body appointed Teri Laymon, Matt Lawn and Micah Scoggan as interim administrators to delegate the day-to-day operations until a new city administrator is hired. The city council approved the Request For Proposals (R.F.P) for hiring a headhunter firm to begin the process of locating a new administrator.

They will also host an open meeting at 6:00 PM on Monday March 20, 2023, to solicit comments about what the next administrator's role should be and how this role should function.

The city is currently interviewing for a code enforcement and building inspector position a several quality applicants have applied. We are hoping to fill this position before the end of March.

***Commissioner Hayden*** asked what the format of the open meeting for comments on the City Administrator position will look like?

***Scoggan*** said he was not sure and asked ***Mayor Larkin***

***Mayor Larkin*** said lately and in the past we have regulated the citizens comments and he thinks the community wants to have more say in the meeting. He said Terry has been yelling at him for letting people in the audience speak, he said he is kinda of breaking the rules right now. He said but for right now the circumstances that they are in the more communication they have right now the better. As a chair you will have to manage that as you see fit in the meetings.

***Mayor Larkin*** said he would recommend if you have people who want to express their concerns you let them do it and you let them do it freely at least for the next few months because he thinks people want to be heard right now. He said he knows it is difficult when you may be trying to learn at the same time. He said the community has a lot of questions on what is going on in Goddard and there is a lot of misinformation out there. He said as a Planning Commission and as a City Council we need to clear that up and they need to communicate better amongst each other and fix whatever's happened in the past.

***Mayor Larkin*** said he is not afraid of fixing it however he sees fit. Sometimes they need to make tough decisions and the City Council has proven that they can make tough decisions. He said he thinks the Planning Commission handles it well but he recommends that they let the community talk and manage it from there.

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*Scoggan* asked the Planning Commission if they had any questions? He said he hopes to fill the building inspector and code enforcement position soon so he can focus more on Planning and Zoning and Economic Development.

**PLANNING COMMISSIONER COMMENTS**

*None*

**ADJOURNMENT**

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

Motion carried **5-0**

*Meeting adjourned at 8:04 pm.*

*Micah Scoggan, Community Development Director*