

**MINUTES-REGULAR SESSION  
CITY OF GODDARD  
118 NORTH MAIN, GODDARD, KS  
April 12, 2021**

The Goddard Planning Commission met in a Regular Session at Goddard City Hall on Monday April 12, 2021. Chair VanAmburg called the meeting to order at 7:00 p.m. Chair VanAmburg led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

Commission members present were:

Jamie Coyne, Doug VanAmburg, Doug Hall, Shane Grafing, Darrin Cline, Justin Parks

Commissioners absent were:

Jody Crow

Also present were: Micah Scoggan City Planner; Thatcher Moddie Assistant to the City Administrator; Harlan Foraker City Engineer; Phil Meyer of Baughman Co; Philip Zevenbergen of the Metropolitan Area Planning Department.

**APPROVAL OF THE AGENDA**

*Scoggan* asked for a motion to amend the agenda to include agenda item F.1. The following motion included the approval of the agenda including item F.1

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

**APPROVAL OF THE MINUTES**

**MOTION:** Commissioner *Hall* moved to approve the minutes from March 8, 2021. Commissioner *Coyne* seconded the motion. The motion carried unanimously.  
**6-0**

**CITIZEN COMMENTS**

*Vickie Strelow [838 199<sup>th</sup> St W]* Asked will the new zoning classification become public and when? And are you planning on any annexations north on Kellogg and 199<sup>th</sup>?

*Chair VanAmburg* stated none that have not already been made. He asked the City Planner if this was correct so far.

*Scoggan* replied there has been no official plans as of yet only the ones that have petitioned the city to be brought onboard.

Vickie Strelow stated there was a vehicle storage yard at 19721 W Maple. They have been operating as a business against County code for several years and it has now come to county

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attention. He stores RV, Boats, Trailers and school buses. She stated she was worried about her property being devalued. She stated if they were to plat into 5 acre lots and sell them off she feels she wouldn't be able to get as much money for it.

She also stated if it was approved it would open up the possibility for this to happen to other properties near their property. She further stated that if this was approved the Wilson house at 700 S 199<sup>th</sup> St W would be surrounded by storage.

She further stated there is a storage unit in Goddard so he would be taking business away from the city. She stated security has been an issue recently as no they have to lock their vehicles where they never had to do it before. She further stated there are restrictive covenants on the land but the covenants are being ignored.

She stated she doesn't feel it is appropriate for the area because the area is predominantly agricultural and residential, and she feels it is an eyesore.

She stated at the last Planning Commission meeting the City planner (*Micah Scoggan*) paraphrased from a 1968 book where he stated you agree to not do anything which would impact me negatively and I agree to do the same.

She stated the vehicle storage unit impacts them negatively and she hopes the Planning Commission would not allow for its approval.

*James Strelow [838 199th St W]* stated the code section for a Conditional Use Permit (CUP) did not allow for businesses in the county. He further stated these lots are covered by covenants for over 30 years now. He stated the property owner has been there for 5 years and should still abide by the covenants. 60 days ago the yard was covered with vehicles, boats, non-running cars and the property owner was told to clean it up. James Strelow said he is fearful it will turn around and become the same.

He further stated this body is empowered to control the growth and land uses of Goddard and when he bought the ground, they had the intent [*sic*] that they have abided by the covenants of the rules and covenants of the land and now someone comes in a few years later and they want to change it to make a few bucks off of it. They do not care about what impact it has on anybody else.

Last time he was down here it was 16 months ago about rezoning Tanganyika Wildlife Park. The last thing he said to the body was he did not want any manure piles next to his property. What did he get? 90 days later he had a pile of manure next to the property and he had to hire an attorney to get it moved. He stated it should not be that he has to do the work that is the responsibility of the Planning Commission right here.

He stated all four lots are covered by the covenants and he expects the Planning Commission will not approve of this and send it back to Sedgwick County with their disapproval. He further stated there is nothing good that can happen from this except for one person. So why should they pay the bill for one person?

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*Craig McCuller [14012 W Taylor Circle]* He stated he has an RV at the property in question for about 7-8 months. When he bought the RV he did not have anywhere to put it and he checked a number of different areas and he is on the waiting list for others. The places out there are limited for RV storage and he said he feels the location is safe and they all look out for each other's stuff. He says he has a one on one experience with the property owner and he feels it is a better experience. He can check on the RV at any time. It is a deal of convenience and he feels the place it is safer.

*Josh Newman [425 S Fawnwood Ct]* stated he also stores an RV on the property in question and he said it is a similar deal to the previous speaker. He was on a waiting list for two years and now it is even harder to find storage for campers. He stated it is near his home and he does appreciate that they do look out for each other on the site. He further stated the property owner has made constant improvements and the property owner is making his property better. He said he has seen him plant trees and make a nicer garage. He stated the property owner keeps the property mowed and well kept.

*John Ely [1809 N McRae Dr]* stated he just bought their camper and they searched for storage over and over again. He said they reached around and never got a phone call back. He said his neighbor knew Terry the property owner and that was how they found out about it. He stated he was a first time RV owner and did not know how to park one and Terry parked it for him. He stated you cannot get that type of service at one of the bigger chain locations. Close proximity makes it an ideal location and it is clean and safe. He stated he would like the money to stay in Goddard.

*Matt Buchanan [2103 N Dakota]* stated he also has a trailer at the property in question. He asked for the Planning Commission to approve the use permit to allow the trailers to stay. He agreed with everything everyone else had said. He stated they look after each other's stuff and Terry is always available. He stated he likes the proximity and the security. He mentioned picking up his trailer in the morning and he received a text from the property owner showing he was watching his trailer and keeping an eye on things. He stated he appreciated the convenience and the safety and the security.

*Joel Blasi [1851 E Autumn Circle]* He stated keeping a motor home at Terry's is very convenient. He stated he takes weekend trips and the big thing he really appreciates about it is you feel very safe and the property has security cameras and the guard deal at the gate. It makes you feel more comfortable. He stated it took him three years to find this deal and he has been really happy with it. He stated he does not know why or how it is that big of an eyesore. He said he guarantees there is not a cleaner place in the county because they are mowing in between the motor homes, under the motor homes and its not like they let weeds grow. He stated if this is the biggest problem they have in the City of Goddard we are not in very much trouble.

*Lana Tillotson [14102 W Sheriac St]* She stated they bought their camper from first choice there in Goddard. They called everywhere and even Goddard said they would not take a 30 foot travel trailer. They drove down Maple and stopped to talk to Terry about the storage of their RV. They have never had one problem and they know people who have storage units and trailer storage that are broke into [*sic*] and have the TV taken out and destroyed. They have not had any

problems there and they can go in at any time and they feel like the campers safe and people watch out for them. He does have cameras and he helped them once during a terrible rainstorm to get the camper parked. She stated she felt really grateful to have him doing this service for them. She stated it was in a farm field and it did not feel like it was some big business trying to take over their neighborhood. It is just a place for them to store their camper. They appreciate it and they have never heard any loud noise or torn up stuff it has just been nice campers.

*Chair VanAmburg* [closed the portion of citizens comments]

## **BOARD OF ZONING**

### **F.1 Conditional Use Permit for RV & Boat Storage 19721 W 6<sup>th</sup> St**

*Scoggan* introduced the subject. He stated normally for a Conditional Use Permit (CUP) it would require publication in the city newspaper and time to elapse prior to consideration but since this is outside the city limits it falls on the Metropolitan Area Planning Department (MAPD) to abide by all state laws regarding this CUP. It was originally going to be a receive and file in the City Planners report since they missed their comment period. Items being considered by the MAPD that fall within the area of influence around the City of Goddard are sent as notices to the Planning and Zoning department for comments. *Scoggan* reiterated the property is outside the city limits of Goddard and falls under the jurisdiction of the Board of County Commissioners (BOCC) for the ultimate decision on whether or not to move forward with the CUP. The comments of the Planning Commission are received and filed and brought back to the BOCC. *Scoggan* asked *Phillip Zevenbergen* to step up to go into detail about the CUP for this property.

*Phillip Zevenbergen* spoke on the item. He stated if the Planning Commission denied the request, it would require a super majority vote to for the BOCC to pass the CUP. He stated the Planning Commission does not have veto power but they do have some influence. He further stated it is a property on 6<sup>th</sup> street and the permit is for the storing of boats and RVs. It has been going on now for a couple years and the applicant is not in compliance with the zoning code as it is right now. *Phillip* outlined the requirements for the property owner to comply with the requirements to be considered for a CUP. He further stated the background of the zoning code and how it works with home occupations. He stated Mr Hettinger cannot operate the business at the current square footage of 29,000 square feet, he must reduce it to 10,000 square feet, about 1/3 of his current capacity. *Phillip* defined storage according to their code and how it applied to the property in question. He further stated it did not apply to salvage or maintenance. He further stated the business had to be behind the principal building.

*Chair VanAmburg* asked for clarity on the square footage allowed.

*Phillip* replied it anything two acres or larger is limited to 10,000 square feet, it is not based on a ratio. If you are under two acres you can do 11% of your property.

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He further stated what is not allowed under the code of the county. He reiterated minor improvements are allowed like oil changes, but it is mostly only for storage.

He further stated the surfaces must be all weather paving which includes small gravel. Screening is necessary to protect values of adjacent property. Screening is allowed to be landscaping and gaps in the existing landscaping is being filled by the property owner with mature trees.

He further stated the lighting requirements and stated the property owner will not have lights, so it does not apply.

He further stated no outdoor sound amplification systems are allowed.

**Phillip** stated Mr Hettinger has provided a site design of about 100' by 100' in the back of the property making up the maximum 10,000 square feet he is allowed.

**Phillip** further stated that as long as the CUP is in play the screening has to be there and if the trees die he will be required to plant new trees and keep the screening in working condition.

He further stated all the lots surrounding the property are zoned Rural Residential similar to the property in question. They vary in size from a couple acres to the Strelow property of 42 acres. Access to the property is off of 6<sup>th</sup> street.

**Phillip** stated they don't have a comprehensive plan that overlaps with the City of Goddard comprehensive plan area so it would be up to the planning Commission to determine if it was in line with the City of Goddard comprehensive plan.

He further stated that several advisory boards had already voted on this item in unanimous consent. He also stated that right now it is in a protest period and they have already received one protest from the neighbors so it will have to go before the BOCC for final approval. Protests do not have veto power either. If 20% or more of the land surrounding the property is protesting the request it would also trigger a super majority.

**Phillip** outlined the stipulations set by the citizen advisory board as well as the Planning Commission of the county. He further elaborated it must be for operable boats and RVs and no sales or repair work is allowed on the property.

**Phillip** stated that normally CUP run with the land just like zoning but since it was so close to Goddard, they decided to have it be applicable for 10 years. The county legal department approved this measure, and the property owner would have to get it approved again after 10 years for 5 years increment after an administrative adjustment by the county Planning Department. He further stated he was not sure of the legality of the situation if or when Goddard annexes the land how it would play out.

**Phillip** reiterated the requirements again for the CUP.

**Phillip** mentioned the City of Overland Park versus Golden as a precedent for rezoning or Conditional Use Permits. He further stated they use this as a template for considering different factors for approval or denial. He mentioned that the street abutting the property is a two-lane arterial and can handle the traffic flow without undue impacts. The property has sewer and water onsite with a water well and septic system so there would be no impact on the city's water or sewer system.

**Commissioner Coyne** asked if the pond was sufficient for rainwater runoff or did it have insignificant lot coverage to consider this?

**Phillip** said with gravel surfacing of the lot it would be permeable so it should allow the water to drain. He further mentioned that google aerial images were out of date and the lagoons in the image were no longer in existence.

**Scoggan** closed the agendas item and further mentioned that it would be receive and file and brought before the BOCC.

**Commissioner Cline** said they should vote on it because it would be brought before the BOCC anyway.

**Commissioner Coyne** agreed.

**Chair VanAmburg** asked how many square feet the property owner was using now.

**Commissioner Parks** stated it was 29,000. One third of what he was using now.

**Phillip** stated that was correct.

**MOTION:** Commissioner **Grafing** moved to approve the Conditional Use Permit for 19721 W 6th St. Commissioner **Coyne** seconded the motion. The motion carried unanimously.

**6-0**

**Chair VanAmburg** asked for clarity if this was a recommendation.

**Phillip** stated it was a recommendation.

**Commissioner Coyne** asked if they still needed a super majority vote or not.

**Phillip** replied it is still in a protest period. If citizen opposition forces a super majority vote it would require it.

**Chair VanAmburg** asked about the protest and how it is calculated.

**Phillip** stated it was based on land area. One property owner could have 20% of the land area that is within 1000 feet of the property or multiple property owners could. All it takes is one property owner with 20% or more of the land surrounding the property to protest to trigger a super majority vote.

## **OLD BUSINESS**

### **G.1 Detached garage allowable square footage for residential lots.**

*Scoggan* introduced the subject. He elaborated that the Planning Commission approved this item on December 14, 2020. He stated that a missed publication requires it to be voted on again. The Planning Commission has issued several Conditional Use Permits (CUP) to allow for the increased allowable square footage of detached garages on residential lots. Noticing the increasing trend towards larger detached garages and wanting to avoid the issuance of CUP the Planning Commission requested the possible revision of the subdivision regulations as needed to correct this. The revised the regulations, if accepted, would have to then be approved by the Governing Body and finally published in the City newspaper. The revised regulations would take effect 30 days after publication.

*Scoggan* further stated that the current regulations are found in Article 6, 100.B.1. He stated that Current regulations require that detached garages cannot exceed 720 square feet unless approved as a Conditional Use Permit by the Planning Commission. The revision increases the allowable square footage to 1440 square feet. He stated that no other revisions are made to this article and section. He mentioned his conversation with Jack Manion (Sedgwick County Land Analyst) allowing for detached garages may increase the appraised value if it's found that detached garages make the property more desirable. It also adds the extra benefit of allowing people to store their boats RV ect out of the driveway and City Right Of Way (ROW).

*Chair VanAmburg* said he thinks they just want a motion.

**MOTION:** Commissioner *Cline* moved to approve the revised regulation to the allowable square feet for detached garages on residential lots.  
Commissioner *Grafing* seconded the motion. The motion carried unanimously.  
**6-0**

## **NEW BUSINESS**

### **H.1 Preliminary re-plat Dove Estates 2<sup>nd</sup> Addition**

*Scoggan* introduced the subject. He stated that Baughman Company has applied for considering a re-plat application for the Dove Estates patio homes inside a property zoned Planned Unit Development (PUD). This property was approved for a PUD in July of 2018. The new proposed plat falls within the guidelines of the existing PUD so no new site plan needs to be considered for this development. The plat needs to be approved for both a preliminary and a final with the final plat being approved by the Governing Body. The Planning Commission will be considering a preliminary plat on this agenda item.

He reiterated that he proposed re-plat falls within a PUD and does not deviate from the parameters of this PUD allowing the plat to be considered without modifying the PUD site plan.

It is currently Zoned PUD. This is the first item which is the Preliminary Plat consideration for the re-plating of the Dove Estates patio homes. The Plat has been changed from one parcel with 35 patio homes to 31 parcels with 31 patio homes. Utility and drainage plans have been approved by the City Engineer and Public Works Director subject to provision of additional information.

**Chair VanAmburg** asked if the main difference was now they will be sold individually as opposed to being part of Dove Estates?

**Scoggan** introduced Phil Meyer of Baughman to speak on the development.

**Phil Meyer** stated he was the agent for the applicant and yes that was the change tonight. He stated the original plan was for Dove Estates to buy back each patio home as someone left but they chose not to do that. He stated that the developer wanted to sell 31 lots and the developer was Steve Seiler, the same developer who built the patio homes in Dove Estates. The HOA of the area will maintain the properties for paint and mowing.

**Chair VanAmburg** stated they had been through this before and he personally had no problem with it.

**Commissioner Grafing** said this was typical of Patio homes these days. Someone buys them and the yard and maintenance are covered by someone else. Pretty standard deal as far as he was concerned.

**MOTION:** Commissioner **Grafing** moved to approve the preliminary re-plat for Dove Estates 2nd Addition subject to provision of additional information.  
Commissioner **Hall** seconded the motion. The motion carried unanimously.  
**6-0**

## **H.2 Final re-plat Dove Estates 2<sup>nd</sup> Addition**

**Scoggan** introduced the subject. He mentioned the format was generally the same as the previous item. Analysis for this item was the same and he showed an image of the Final Plat.

**Scoggan** stated it was recommended; The Planning Commission approve the final plat for Dove Estates 2nd Addition subject to provision of additional information.

**MOTION:** Commissioner *Coyne* moved to approve the preliminary re-plat for Dove Estates 2nd Addition subject to provision of additional information. Commissioner *Grafiug* seconded the motion. The motion carried unanimously.  
**6-0**

### **CITY PLANNER REPORT**

*Scoggan* stated that the staff report was a receive and file. He apologized for F.1 being introduced on such a short timeline. He said they were originally going to have it as a staff report item since they missed their comment period. After speaking with Phillip of MAPD he felt it relevant to have a vote on the item so there could be some clarity on the CUP in the county district.

He further reiterated that April 8 the Planning Commission of the County had already voted on it and so it was received and file for that particular item.

*Chair VanAmburg* said he thinks it was good because now they know they could trigger a super majority on the item if necessary.

*Scoggan* stated it was good information because he was unaware of it and it was good for the Planning Commission to be aware of it too.

*Scoggan* introduced the subject he stated that the Transfer of Development Rights (TDR) allows a developer to move some of the square footage that is considered developable from one site to another. There are limitations on this, for example the developer must get permission from the Planning Commission and the square footage being moved must be transferred to another lot within the same area that is zoned to allow for the movement of that square footage.

He stated you normally see this on Historic Buildings or properties with restrictive covenants.

*Scoggan* introduced the subject. He stated that Floor Area Ratio (FAR) is a metric showing the allowable square footage of a property in relation to the lot square footage it sits on. It is often used in lieu of lot coverage and gives buildings a sense of 3-D scale for potential development.

*Scoggan* introduced the subject. He stated that with our current zoning classification of C-2 “General Commercial District” this zoning classification prohibits residential structures from being located in commercial districts. This restricts the ability for mixed use developments from being considered in C-2 districts.

*Scoggan* introduced the subject. He stated that a workshop has been scheduled for May 10th to host both the Planning Commission and the Governing Body. This workshop will help collect ideas and feedback for designing the zoning and subdivision regulations for the city into the future. It will take place during regular Planning Commission hours at 7 PM. It will be open to the public, but no agenda items will be voted on. Receive and file only.

*Commissioner Coyne* asked if there will be direction given during the meeting.

*Scoggan* replied there will be direction. He stated most of the agenda items were items brought up by the Planning Commission or the Governing Body at one time or another.

### **PLANNING COMMISSIONER COMMENTS**

*Chair VanAmburg* said as long as signs are brought up during that joint workshop, he will be happy.

*Commissioner Grafing* asked if the meeting will include rezoning Old Goddard.

*Scoggan* replied it would include this.

*Commissioner Grafing* said it would be better to get their feelings on it before the Planning Commission has pitchforks in the building.

### **ADJOURNMENT**

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

Motion carried **6-0**

*Meeting adjourned at 8:15 pm.*  
*Micah Scoggan, City Planner*