

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
May 8, 2023**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday May 8, 2023. Vice-Chair Hall called the meeting to order at 7:00 p.m. Chair Grafing led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

Commission members present were:

Doug Hall, Daniel Hayden, Jamie Coyne, Ryan Walker, Justin Parks, Shane Grafing, Darrin Cline.

Commissioners absent were:

None

Also present were: Micah Scoggan Community Development Director ; Ben Healy of Healy Investments ; Sean Kane of 2009 N Hawkins

APPROVAL OF THE AGENDA

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

7-0

APPROVAL OF THE MINUTES

MOTION: *Commissioner Coyne* moved to approve the minutes from May 8, 2023. *Commissioner Hall* seconded the motion. *Chair Grafing* abstained from the vote. The motion carried unanimously.

7-0

CITIZEN COMMENTS

Chair Grafing [Opened Citizens Comments]

Chair Grafing [Closed Citizens Comments]

BOARD OF ZONING

F.1 CUP for detached garage case # CUP-23-1

Scoggan introduced the subject. He stated that Sean Kane has submitted an application for a Conditional Use Permit (C.U.P) to add a detached garage and pool house to his property that exceeds 1,440 square feet. The current subdivision regulations state that a detached garage cannot exceed 1,440 square feet unless a C.U.P has been approved by the Board of Zoning Appeals (BZA) for a larger structure.

Scoggan said a C.U.P requires publication in the city newspaper and 20 days to elapse before they can be considered by the BZA. C.U.P also require letters to be sent out to everyone within 200' of the property within city limits and 1000' outside city limits.

Scoggan quoted the subdivision regulations, *“Permitted Accessory Uses. Any structure or use that complies with the terms of Section 6-100A may be allowed as an accessory use or structure and may be included, but is not limited to the following list: **

1. Off-street parking and loading space as regulated by Article 5 of these regulations, including detached garages and carports. On lots for single and two-family dwelling units and all types of manufactured and mobile homes such structures may contain incidental space for storage and other uses and are limited to one each per zoning lot not over 1,440 square feet in gross floor area for a garage and 400 for a carport, unless a conditional use is approved by the Board of Zoning Appeals for a larger structure.”

Scoggan reiterated what the Board of Zoning Appeals was considering approving in a detached garage that exceeded the maximum 1,440 square feet. The property owners are asking for 2,312 square feet. The request does not exceed the maximum lot coverage of 35%

Lot sq feet: 41,040

Total lot coverage (House + Detached Garage + Covered Porch): 5,322

Total lot coverage percent: 12.9%

All set back regulations are being met.

Scoggan said it is recommended that the Board of Zoning Adjustment : Approve the Conditional Use Permit for the detached garage at 2009 N Hawkins Lane case # CUP-23-1.

Commissioner Walker asked what was the rationale to increase the detached garage square footage?

Scoggan said it was to accommodate the many requests for CUP to exceed the original 720 amount. He also said with the many “toys” that Kansans have including boats, rv riding lawn mowers it was preferable to have them stored in detached garages as opposed to finding them in

the driveway.

Commissioner Cline asked about the location of the easements. He asked if there was one located on the west side of the property.

Scoggan pointed out where the easements were and where the property lines were and said there was no easement on the west side.

Chair Grafing said he didn't have any issues with it. They are large lots.

Commissioner Cline said he didn't either.

Commissioner Parks said no in agreement.

MOTION: Commissioner Coyne moved to approve the Conditional Use Permit for the detached garage at 2009 N Hawkins Lane case # CUP-23-1.

Commissioner Hayden seconded the motion. The motion carried unanimously.

7-0

F.2 Special Use Permit for Temporary bar and Outdoor Venue Case # SUP-23-1

Scoggan introduced the subject. He stated that Ben Healy of Healy Investments has submitted an application for a Special Use Permit (S.U.P). The use will be for a seasonal temporary bar outdoor venue located around 183rd St and US 54 across from Walmart.

The developer introduced the possibility on April 10, 2023, before the Planning Commission to determine if the idea would be possible.

The Planning Commission indicated they did not foresee any potential problems with the proposed idea.

Scoggan said the applicant is now going through the formal process of applying for a special use application to forgo certain subdivision regulations that would pertain to permanent structures and is seeking approval for the seasonal bar and outdoor venue.

It was mentioned during the regular Planning Commission meeting on April 10th that if the Planning Commission felt that they wanted to place a time limit on the special use this request could be conveyed to the City Council.

The final decision for the S.U.P would be before the city council.

Scoggan said that the Planning Commission is reviewing if they want to approve a Special Use Permit for a temporary seasonal bar located across from Walmart on the east side of 183rd.

Special uses are found in Article 13, Amendments, Section 101

“Because of particular factors associated with their activities, certain uses which might have an

adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are allowed as "special uses" when their proposed location is supplemented by additional conditions such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning district."

Scoggan mentioned that temporary uses are outlined in Article 6.101. A bar is not outlined in article 6 so the developer is asking if they can be considered for temporary use with a Special Use Permit.

The developer is asking for a temporary use delineation such that the general provisions under Article 3 100.B for new uses of old structures would not apply. New uses of old structures would require all the zoning and subdivision regulations to come into play.

A S.U.P needs to be reviewed by the Planning Commission and then approved by the city council. Publication is also required allowing 20 days to elapse prior to consideration by the Planning Commission.

The city attorney confirmed that a special use can be approved with a time limit such that if the Planning Commission and City Council wanted to limit the time of the special use it could be considered.

Commissioner Cline asked about the parking lot composition.

Scoggan said the parking lot is gravel and dirt and that the developer was foregoing certain requirements of the subdivision regulations with the special use due to the fact that this development was going away in the future.

Scoggan mentioned the ADA requirements for parking might be more robust and invited Ben Healy to speak about it.

Ben Healy said he was not sure about the ratio of parking for ADA, but the architects do. He mentioned working through the details with MABCD and Law Kingdom.

Chair Grafing said he saw a stage and wanted to know if he was going to have a concert.

Ben Healy said yes. He mentioned firepits but he was not sure and said the Fire Marshall will be there so if they say no to firepits they won't have them.

Ben Healy said with a liquor license the State would require a fence.

Ben Healy mentioned different events and outdoor activities.

Chair Grafing asked if the food trucks would be the main food source or would there be something else?

Ben Healy said yes it would be. They might have someone bring a smoker and have a Blackstone grill or something similar.

Chair Grafing said what about the restrooms?

Ben Healy said they would have portable potties for the site, and it would be based upon the number of people. He mentioned he had a friend that ran a septic service to manage the portable potties.

Commissioner Cline asked what the surface would be inside the site.

Ben Healy said gravel, artificial turf and sand in some locations or grass.

Commissioner Hall asked about trash?

Ben Healy mentioned where he could have a dumpster location.

Chair Grafing asked **Scoggan** if they needed anything for the toilets and dumpster?

Scoggan said typically they would require screening of the dumpster but since this a special use request to forgo certain requirements for a short term use they would not require it. Mentioned the seasonal use aspect similar to the pumpkin patch.

Scoggan showed the time table for when the area would be open and mentioned the time frame for which years the use would be open.

Chair Grafing asked were letters went out for the application process?

Scoggan said yes they sent out letter treating it like a rezoning per the subdivision regulations and per state law for notification. The Kansas Department of Transportation showed up to mention that they had given the developer limited access. He further mentioned that the owner of the House of Blues had showed up but had no objections.

Chair Grafing asked if there were any discussions.

Commissioner Parks said he had no objections.

Commissioner Coyne asked if there was anything about the timeframe for the use?

Commissioner Parks said ten years.

Chair Grafing asked if this was connected to the development to the south.

Scoggan said no. This development was separate, but it was the same developer for both. The PUD was to the south of the proposed outdoor venue.

Commissioner Coyne said the season has already started he would like to see it go to 2025 with an option for an additional year.

Commissioner Cline asked if that was his motion?

Commissioner Coyne said it could be.

MOTION: *Commissioner Coyne* motioned to approve the Special Use Application for the seasonal bar and outdoor venue case #SUP-23-1 through 2025 with the option for another year.

Commissioner Cline seconded the motion.

7-0

OLD BUSINESS

None

NEW BUSINESS

H.1 Administrative Fee for Temporary Note Petitions.

Scoggan introduced the subject. He stated that the developers submit petitions to city council for consideration of financing improvements. These petitions ask the city if they would be willing to incur debt to finance the improvements and have that debt be assessed against the properties over time.

Scoggan said those petitions come with cost estimates, contingency fees and administrative fees for that phase of the development.

Scoggan when the temporary notes get converted to permanent financing in the form of bonds there is a submittal to the bond attorneys which outlines those costs such as construction, engineering, administration ect. The city would add a five percent cost for administration based on the true and

actual construction costs to the total overall costs for the phase of the development. It would then be sent off to the county for special assessment.

This fee would help recover costs incurred by the city for work done on new development. This would help prevent the city at large covering these costs through the general fund which is cash flowed by tax collection.

Scoggan said the Planning Commission is reviewing adding additional text to Article 12, Section 133.B of the subdivision regulations. **Scoggan** read verbatim the following:

Section 1. Text Change

Article 12, Section 133.B shall hereby be changed to read as follows:

Petitions to the Governing Body, submitted as a means of guaranteeing to the Governing Body the authority to install improvements at such time as they deem appropriate.

Petitions may be submitted only when the following conditions exist:

- 1. The petitions (to be secured from the appropriate engineer) must be valid petitions as may be provided for under Kansas law.*
- 2. The engineer must concur in said petitions, and said petitions must be accepted and approved by the Governing Body, concurrently with the approval of the subdivision.*
- 3. The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval, or as soon thereafter as may be provided by law.*
- 4. The cost of the publication of said resolution shall be borne by the subdivider.*
- 5. The developer must record in the office of the Sedgwick County Register of Deeds, either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a Governing Body, that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.*
- 6. Costs for improvements designed, constructed, managed, engineered and financed through the petition and temporary note and bond process shall include an administrative fee paid to the City in an amount equal to 5% The 5% fee shall be determined based on the true and actual design and construction costs of that phase of the development, and collected at the completion of assessment proceedings for that phase of that development.*
- 7. The developer shall furnish a letter of credit in the sum of 35% of the total improvement cost. Terms for the release of the letter of credit will be as follows:*
 - (1) 50% release of the letter of credit when 50% of the number of homes are occupied.*
 - (2) 100% release of the letter of credit when 80% of the number of homes are occupied.*

Commissioner Cline asked if this could be applied to other recent developments?

Scoggan said yes as long as it hasn't been turned into permanent financing.

Commissioner Cline said like the projects that have been approved recently in like the last 6

months.

Scoggan said yes as long as it hasn't been turned into permanent financing. If they have already gone through the assessment hearing which they did recently with Arbor Creek Phase 1 they could not apply it but if it hasn't, they could apply it.

Commissioner Coyne asked if that was the plan?

Scoggan said yes. As soon as it gets adopted as formal policy, they would start applying it right away.

Chair Grafing said he thinks it is a good idea.

Commissioner Walker asked how much would that 5% look like on average?

Scoggan said he doesn't have an average but if there was 10 million issue in debt it would be \$500,000.

Commissioner Hayden asked if other cities do this as well?

Scoggan said yes, they are basically emulating Bel Aire. He said Wichita does it as well, but it is a little bit different with Wichita as Wichita has different fee structures.

Chair Grafing said he was looking for a motion.

MOTION: *Commissioner Cline* motioned to approve the proposed changes to Article 12, Section 133.B of the subdivision regulations. *Commissioner Hall* seconded the motion.

7-0

CITY PLANNER REPORT

Scoggan gave a general reminder that the Governing Body has agreed to meet on June 12th at 7:00 PM during the regular Planning Commission meeting such that the Planning Commission can host the City Council for a joint workshop.

He stated that discussion items will include:

Special zoning for older lots in Goddard.

Percentage of duplexes in newer developments.

Scoggan said Stroots Meat Locker has pulled their building permit for 111 N Main St. The permit fee was \$6,062 and the building valuation is \$1,135,330. Construction is anticipated to begin shortly.

Scoggan stated that seven single family building permits for the month of April averaging \$260,486. The city collected \$34,409 in permit, tap and equity fees.

PLANNING COMMISSIONER COMMENTS

None

ADJOURNMENT

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

Motion carried **5-0**

Meeting adjourned at 7:37 pm.

Micah Scoggan, Community Development Director