

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
August 9, 2021**

The Goddard Planning Commission met in regular session at Goddard City Hall on Monday August 9, 2021. Chair VanAmburg called the meeting to order at 7:01 p.m. Chair VanAmburg led in the Pledge of Allegiance and led the Invocation.

Commission members present were:

Doug VanAmburg, Doug Hall, Shane Grafing, Jody Crow, Justin Parks

Commissioners absent were:

Jamie Coyne, Darrin Cline

Also present were: Micah Scoggan Community Development Director; Thatcher Moddie Assistant to the City Administrator; Phil Meyer of Baughman Co; Philip Zevenbergen of MAPD; Mark Savoy of Savoy land surveyors; Harlan Foraker of Certified Engineering Design

APPROVAL OF THE AGENDA

MOTION: *Commissioner Grafing* moved to approve the agenda. *Commissioner Crow* seconded the motion. The motion carried unanimously.

5-0

APPROVAL OF THE MINUTES

MOTION: *Commissioner Grafing* moved to approve the minutes from July 12, 2021. *Commissioner Hall* seconded the motion. The motion carried unanimously.

5-0

CITIZEN COMMENTS

Vickie Strelow [838 S 199TH ST W]

Said she was here last time opposing the vehicle storage unit for an adjoining property. She said a quarter mile of her north property line would be affected from the last Conditional Use Permit (CUP).

She read a portion of the requirements for screening from the Sedgwick County regulations and she showed a picture of what existed now for that property and she said it was none of what was required.

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She asked why should she believe that the new applicant will follow the rules if the existing one is not? And what sort of guarantee does she have that they will? She said they had a protest petition signed and filed against the storage yard.

She said ultimately the only recourse is for the county to go to court and sue Mr. Hettinger for violation of the regulations. She said this is the position that the Planning Commission has helped put them in. She asked how many of the Planning Commissions constituents would want to live next to two vehicle storage yards.

She said she protests this storage yard.

Strelow said she wanted to talk about the STAR Bond site plan amendment. She wanted to know what the significant site plan changes are and for each site plan change that it be disclosed to the public because of minimum drainage that has been place and it will have to be readdressed. Drainage studies will have to be available to the public and she doesn't not feel that EPA requirements are presently being met.

James Strelow [838 S 199TH ST W]

Said he did not know why there was a rush for this meeting. He said he got the notice for the meeting 14 days ago and he can't understand the rush on it. He felt it should be after the Sedgwick County Advisory board meeting which is not until after September 13th which he thought it was appropriate time.

He said the planning Commission was questioning what their position was in regard to county CUP and he said what their position should be is looking at it as advisory.

He said keep the fingers off the scale and what he was asking for is don't make a position tonight to approve or disapprove.

He said take the information as advice and don't make decision tonight.

He said he wants a fair decision making process and not with someone with their finger on the scale already.

Chair VanAmburg [closed the portion of citizens comments]

BOARD OF ZONING

F.1 CUP for Boat and RV Storage 740 S 199th St W (In the County)

Scoggan introduced the subject. He stated that the city receives notification of zoning changes, Conditional Use Permits (CUP) and other developments outside of the city limits if it is in the city's area of influence. This is to notify the city to request comments on these projects to be courteous of the cities growth and inevitable annexation of those properties. This is a formality, and these developments can be approved without the consent of the City of Goddard Planning Commission. However, these projects can trigger a super majority from the Board of County Commissioners (BOCC) if the local Planning Commission decides to vote against the proposed project.

He further stated that a similar CUP was considered on April 12, 2021, for a property to the east of this property at 19721 W 6th ST and that CUP was approved both by the Goddard Planning Commission and the Board of County Commissioners. Commissioner Jim Howel of District 5 voted against the CUP. Commissioner David Dennis of District 3, Goddard's district, voted yes.

He stated that is was staff recommendation to the Planning Commission to direct staff accordingly.

Zevenbergen stepped up to continue to outline the details of the CUP. He said he was with the Metropolitan Area Planning Department and he reiterated that it was in the county and the total size of the property was around 5 acres and the CUP request was for 10,000 sq ft of the property.

He stated that this means he cannot move the site location it must remain where it is.

Chair VanAmburg asked if with the original one if it is still required that it only be 10,000 square feet.

Zevenbergen said that was correct except that with the original one he applied the CUP to the whole property so it could only be 10,000 square feet but it could be relocated anywhere on the property.

Zevenbergen reiterated that the CUP for the property in question is only for that 10,000 sq ft area.

Commissioner Crow said that this case is just for the 10,000 sq ft as outlined in the slide?

Zevenbergen said that was correct.

He further stated that the storage yard has to be behind the principal structure, and it cannot be for the sale of vehicles.

Zevenbergen went on to describe the requirements set by the Metropolitan Area planning Department (MAPD) including vegetation for screening and site plan requirements.

Zevenbergen went on to describe what would be required for meeting the screening requirements.

He further stated that if the provisions of the CUP are not met it can be rescinded.

Commissioner Parks asked if he owned a lot and he bought an old school bus and parked it on the lot would that be permissible?

Zevenbergen said yes that would be acceptable because it is yours. It becomes a different matter if you are profiting off the storage of the vehicles for someone else.

Commissioner Parks said the real problem could be you have people showing up at all hours of the night moving vehicles on and off the property?

He stated he could park ten school buses that are inoperable, but they belong to him but on the south end of the lot.

Zevenbergen said yes.

Commissioner Crow asked if the other property owner is in compliance?

Zevenbergen said he is not aware if they are in full compliance or not. It falls more on code enforcement in the county.

Commissioner Crow asked if there are avenues for people to fill a code complaint if needed.

Zevenbergen there are avenues for filing a code compliance complaint, but it does not fall under his purview.

Chair VanAmburg asked if there was a time limit required for complying with the conditions set for the permit?

Zevenbergen said there was not, and it was left that way intentionally because it would be difficult to manage the different steps of compliance.

Commissioner Crow asked if a formal site plan has to be submitted and nothing can begin until the site plan has been submitted?

Zevenbergen said that was correct and it had to be approved.

Zevenbergen as a reminder if this is voted no it would have an effect on the Board of County Commissioners because it would require them to vote 4 of 5 in favor of to pass.

Scoggan asked if the Planning Commission would like to entertain any comments from the property owner?

Chair VanAmburg said it has been well covered but if he has anything to say it would be good to hear it.

Mark Savoy said he represented the property owner, and he was the one who prepared the documents. He also said he was sympathetic to the concerns of the Sreelows and there was no intention of parking buses.

Mark Savoy said Mr Alexander was there in the room and he had some ideas about moving some trees around to fill in gaps in the coverage.

Chris Alexander [12718 W Hardtner Cir] He said he was not trying to put the cart in front of the horse. He was not trying to do something in town that is not okay with everyone in town or the neighbors. He said he wanted to make sure he did everything right and he went before the right channels before he moves forward.

Commissioner Crow asked what the motion was?

Scoggan replied the Planning Commission could motion to approve, motion to deny or motion to table which would be similar to a denial as it has to go before the Board of County Commissioners after this meeting.

Zevenbergen said it could be approved with conditions if the planning Commission did not like the conditions set before them.

Chair VanAmburg asked if the screening has to come before the MAPD anyway?

Zevenbergen said that was correct.

MOTION: *Commissioner Crow* moved to approve the CUP for boat and RV storage at 740 S 199th St W. *Commissioner Grafing* seconded the motion. The motion carried unanimously.

5-0

OLD BUSINESS

None

NEW BUSINESS

H.1 JAL Preliminary Plat

Scoggan introduced the subject. He stated that Baughman Company had submitted an application for considering a preliminary plat for the development of the ground located at Main St and US-54. The property had a restaurant and a gas station located on it at one time however, the property was unplatted and the city of Goddard subdivision regulations require all new developments to be on platted land.

He mentioned that Article 3, 100.A New Structures of the subdivision regulations stated that all structures-built hereafter shall comply with all of the provisions of these regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage, by any means, shall be considered to be a structure built hereafter, unless Article 8 of these regulations permits such structures to be rebuilt or restored.

Scoggan further stated that Article 9, 101.A.2 said that except for a continuation of an existing use or occupancy, accessory structures or uses, or additions to existing structures or uses, permits must also meet the requirements of the City Subdivision Regulations and, thus, shall not be issued on land which is not shown on a recorded plat or replat, or a lot split or exempted from the platting requirements.

Scoggan went on to say that the Planning Commission was considering approving a preliminary plat for the JAL Subdivision and the land is unplatted and must be platted. He further stated that the current zoning is C-2 “General Commercial District” with the gross acres around 2.64 with a total number of two lots.

Scoggan said the land was going to be divided up with a portion given to JAL Investments and

portion given to the Kansas Department of Transportation (KDOT) for future right of way.

Chair VanAmburg asked why KDOT would want that land?

Scoggan replied at some point KDOT is anticipating expanding US-54 and would need additional ROW to accomplish this.

MOTION: Commissioner Grafing to approve the preliminary plat for the JAL subdivision contingent upon final review and approval for drainage by the city engineer. **Commissioner Hall** seconded the motion.

Motion carried **5-0**

H.2 JAL Final Plat

Scoggan introduced the subject. He stated that Baughman Company has submitted an application for considering a final plat for the development of the ground located at Main St and US-54. The property had a restaurant and a gas station located on it at one time however, the property was unplatted and the city of Goddard subdivision regulations require all new developments to be on platted land.

Scoggan mentioned that most of the background information and analysis was the same. He mentioned that a sanitary sewer easement was going to be vacated and pushed to the south side of the lot.

Commissioner Hall asked about the easement on the east side of the lot.

Scoggan said there are no lines in it now, but it is existing or will be existing when they add the lines.

Harlan Foraker asked about the easement on the south side of the lot to accommodate the sewer.

Phil Meyer said it was difficult to see on the power point presentation, but it was there.

Harlan Foraker said he reviewed the drainage and made a request to the developers engineer to accommodate detention on the site. He stated a lot of what would be required is contingent upon what is going to be developed on the site.

Harlan Foraker said a site plan would be required to be reviewed correct?

Scoggan said yes all commercial developments have to be accompanied by a site plan.

James Strelow said he had a comment about that.

Scoggan said he was sorry, but comments were closed and there is no open discussion during the development period.

Harlan Foraker asked if it would be in the records.

Scoggan said yes.

MOTION: *Commissioner Crow* moved to approve the final plat for the JAL subdivision contingent upon final review and approval for drainage by the city engineer. *Commissioner Grafing* seconded the motion.

Motion carried **5-0**

H.3 Administrative Cleanup

Scoggan introduced the subject. He stated that with the adoption of the Rural Urban Intent zoning classification the city will want to adopt new land use classifications to classify some of the rural land uses previously undefined. Having the land uses defined will help clarify if a land use is considered acceptable within that zoning classification or not.

This will require adopting an ordinance that will change Article 2 of the city subdivision regulations that lists out the definitions of land uses.

He further stated that the Planning Commission is considering approving amending Article 2 of the city's subdivision regulations. He mentioned that the following list showed what land uses will be added for definitions in Article 2 which included: AGRICULTURAL SALES AND SERVICE, AGRICULTURAL STORAGE, CHURCH or PLACE OF WORSHIP, EVENT CENTER, GOLF COURSE, LIVESTOCK, SCHOOL, STABLE, STOCKYARDS & COMMERCIAL HOLDING PINS, UTILITY.

Scoggan said that with the adoption of the RUI zoning classification some of the land uses are not defined in Article 2 so if someone wanted to know how it was defined, they would flip to Article 2 and it would define that land use.

MOTION: *Commissioner Grafing* moved to approve the amendment to Article 2 of the city's subdivision regulations. *Commissioner Crow* seconded the motion.

Motion carried **5-0**

CITY PLANNER REPORT

I.1 STAR Bond site plan amendment

Scoggan introduced the subject. He stated that he was speaking with Martin Hanney of Hanney Architects and there are potentially several significant changes happening to the overall site plan of the Goddard Genesis development. These changes will need to be approved by the Planning Commission for any significant changes that will happen on site.

This site plan review will be for the overall development and as each new building is ready to be built, they will be accompanied by individual site plans for their construction.

He further stated that this project is ongoing and several of the ideas proposed are not finalized but those that are will be presented as they come online.

Scoggan also mentioned that the development will most likely have to be re-platted to accommodate these changes as well.

Commissioner Crow asked if there will be a new drainage study.

Scoggan said yes there will have to be one.

Commissioner Grafing asked if they will have to go through Harlan?

Scoggan said yes. The developer has his own engineering firm, but it is reviewed and approved by Harlan who represents the city.

PLANNING COMMISSIONER COMMENTS

Commissioner Crow asked about the R-4 zoning classification and where that was in the approval process?

Scoggan said it is being scheduled to be presented to the City Council down the road since it is considered non-urgent. It was slated for August 16th but it will have to be considered possibly at a later date.

Moddie said city staff was trying to knock them out one at a time during the year to in order of importance before the City Council.

Chair VanAmburg asked about another joint session of the Planning Commission and City Council.

Scoggan said they have not hammered out a date yet because there might be some council turn

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over and they are not sure yet what that might look like. They were going to wait until the new year to decide when to try and schedule another joint session.

Commissioner Grafing asked if the ball tournament was a success?

Scoggan said he presumed so, but he did not have any numbers yet but he would reach out to get them when he gets a chance.

Commissioner Grafing asked if they knew how many teams were in it?

Scoggan said no he did not have any numbers for that at this time.

Chair VanAmburg said he was there and some of the scheduling was not correct, but it seems that everyone they talked said the concerts were not the draw it was someone playing in the games or in the bands. He also mentioned that there was a bad overlap between the final game and the concert.

Commissioner Grafing said the fireworks show at the Summer Ball Showdown went on for quite a while.

ADJOURNMENT

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

Motion carried **5-0**

Meeting adjourned at 8:16 pm.

Micah Scoggan, Community Development Director