

**MINUTES-REGULAR SESSION
CITY OF GODDARD
118 NORTH MAIN, GODDARD, KS
October 12, 2020**

The Goddard Planning Commission met in a Regular Session at Goddard City Hall on Monday October 12, 2020. Vice-chair Grafing called the meeting to order at 7:02 p.m. Vice-chair Grafing led in the Pledge of Allegiance and Commissioner Cline led the Invocation.

Commission members present were:

Jody Dendurent, Jamie Coyne, Darren Cline, Shane Grafing, Doug Hall

Commissioners absent were:

Justin Parks, Doug VanAmburg

Also present were: Micah Scoggan, City Planner; Thatcher Moddie Fellowship Intern ; Chris Hampton of Spring Field Sign

APPROVAL OF THE AGENDA

MOTION: Commissioner *Cline* moved to approve the agenda. Commissioner *Coyne* seconded the motion. The motion carried unanimously.

4-0

APPROVAL OF THE MINUTES

MOTION: Commissioner *Cline* moved to approve the minutes from September 14, 2020. Commissioner *Dendurent* seconded the motion. The motion carried unanimously.

4-0

CITIZEN COMMENTS

None

BOARD OF ZONING

F.1 Braum's Variance Sign Request

Scoggan introduced the subject. He stated that on Monday July 9th, 2018, Braum's Ice Cream & Dairy Store petitioned the Planning Commission for a sign variance. This variance was for the purpose of exceeding the maximum gross square feet, and to exceed the maximum height for signs inside a C-2 "General Business District" lot.

The variance was approved but according to the code of the City of Goddard variances have a life span of 180 days after which they expire. Braum's sign variance has expired, and they are now required to petition the Planning Commission again for a sign variance.

Scoggan mentioned that the subdivision regulations allowed variances to apply to signs. He also mentioned that there were criteria that must be abided by in making a determination of findings of fact for the variance request.

Scoggan presented findings of fact in regard to the request and open it up to questions and comments. He also stated Chris Hampton was on the zoom meeting to represent the developer and answer any questions from the Planning Commission

Commissioner Dendurent said she did not have any questions.

Hampton stated that he knew it was approved at one time in the past and it was a logistic deal as to why they didn't get it done.

He further stated that going west bound on Highway 54 is a big deal to the developers because if you do not see that sign before you get to the intersections most people will continue on. They do consider their business an impulse buy and in terms of architecture it is a nice design which will help the development.

Commissioner Coyne asked what the average height of the Braum signs was.

Hampton this sign is average or smaller given the sign type. Some signs reach 50 to 75 feet.

Commissioner Cline asked if there was an image of the new sign in the packet.

Commissioner Coyne confirmed it was included in the packet.

Commissioner Coyne stated the dairy queen sign does not seem to impede the business of the store and this sign will be bigger than the Walmart sign.

Hampton reiterated that the concern is the speed and distance for westbound cars and the ability to capture impulse buying. He reiterated that it is a good sign and it is a smaller than average sign for the development.

Commissioner Coyne stated that the speed limit is 50 and not your average highway speed.

Hampton stated that the cars are set several hundred feet away from the business. He stated it was more of a visibility issue.

Commissioner Grafing stated he understood the visibility issue but several people having been waiting for the Braums and it will and recognize the brand.

Hampton said he understood that but they were hoping to get more business at least travel wise. It is not just about the brand recognition but travelers along US-54 who wouldn't recognize the Braum's brand.

Commissioner Grafing mentioned the Goddard Genesis and baseball diamonds and the volume of cars as something to be considered. He stated it was a great looking sign but it bothered him that it was going to be larger than Walmart's sign.

Commissioner Cline said he liked the sign and thought it would be an improvement out in that area.

Commissioner Grafing said he liked the sign it was just the extra five feet of height.

Commissioner Hall said he agreed with what Chris was saying about driving through town and looking for a place to stop. If you don't see it ahead of time you will skip over it.

Commissioner Dendurent said she did not see how it would be any different than any other sign that it currently out here. She stated she felt that Braums would get most of its business from the Goddard Genesis baseball diamonds.

Commissioner Dendurent said she did not buy the impulse buy requiring it to be thirty five feet.

Hampton said Walmart and McDonalds is a national chain and Braums is a regional chain. They try to push for the region.

Commissioner Dendurent said the region recognizes that brand.

Commissioner Dendurent said she drives into Wichita just to go to Braums.

Commissioner Dendurent said she looks at precedent and she does not see a lot of difference and if they set this precedence.

Commissioner Grafing said most of the height is the cone on top.

Hampton said to be honest it is like the M on McDonalds. If you are traveling westbound and you don't see the cone you are not going to stop.

Commissioner Grafing said if you get west of Goddard there is nothing to stop at.

Hampton said most of the people on the highway wouldn't know that. They do studies and Braums with less signage do less business.

Commissioner Grafing said I appreciate the precedent that allows other to say you gave them a thirty-five-foot sign.

Commissioner Grafing said that shortening it a little bit will not hurt your business one bit. Those ball fields host hundreds of people.

Commissioner Dendurent asked where is it at compared to Dairy Queen.

Commissioner Coyne stated if he is looking at it right it would be on the east side of the drive into Walmart. He reiterated to the west side.

Commissioner Grafing said that's more towards the middle of the development giving people more of a chance to turn in.

Commissioner Grafing asked what we are thinking height wise if it is not approved.

Commissioner Coyne said that he is not necessarily opposed he was just thinking if they could maintain the thirty feet because it would save them potential...

Commissioner Grafing said he would agree with thirty feet.

Commissioner Coyne said there are some benefits with being the first to the table too. He said he was in the thirty-foot range. He didn't know if it was enough to warrant a change.

Commissioner Dendurent said she didn't see anything special about it to go above the thirty feet.

Commissioner Hall he was not opposed to it since it was a matter of five feet. He understood it was setting a precedent. He said the US 54 corridor would be increasing in speeds and not going down.

Commissioner Coyne said that was a good point.

Commissioner Cline said he is not opposed to the thirty-five-foot sign. He said it is far enough away you would not notice the difference of thirty five or thirty feet.

Commissioner Grafing said if there was nothing else to talk about he was looking for a motion.

MOTION: *Commissioner Hall* motioned to accept the sign variance request for Braums. *Commissioner Cline* seconded the motion.

Commissioner Dendurent Yes

Commissioner Coyne Yes

Commissioner Grafing No

Motion carried **4-1**

OLD BUSINESS

None

NEW BUSINESS

None

CITY PLANNER REPORT

Scoggan stated that the first buyers of the Baptist church have rescinded their offer and have dropped out of process. The church is now being sold to the second in line for purchasing the property. He had spoken with the purchasers of the church and they want to turn the annex next to the church into office buildings. They want to have commercial buildings along the two empty lots facing main street. Ultimately, they will want to remove the church, but they are not going to focus on that portion yet.

Scoggan stated that Rustic Creek has submitted their letters of credit to the City last week. The City will begin to open-up the bidding process for streets, gradings, water and sewer piping. Once the bidding has completed the City and the selected contractors will have a preconstruction meeting to designate timelines for completing the project. This project has 106 lots designated for Single Family-detached housing.

Scoggan stated that the Genesis/STAR Bond project is under way but there are two situations that need to be resolved for the Hampton.

1.) The bank that will be underwriting the financing of the construction loan wants the Hampton building to be on its own Tax ID. This will require a lot split so the Hampton will be considered a separate parcel. Lot splits must be approved through the Planning Commission.

2.) Parking requirements dictate that the parking spots must be on the same lot as the land use they are servicing (Article 5, 100.5.h)

A Conditional Use Permit must be applied to the development if they want to host parking spaces off their parcel on another parcel. Certain conditions apply found in Article 5, 102.A

PLANNING COMMISSIONER COMMENTS

Commissioner Cline asked if they would be considering the lot split next Planning Commission meeting.

Scoggan said since the lot split doesn't require public notice or a time delay per state law, they could consider it the next meeting, but they would need the survey done first. The developer said to the bank they would achieve this in 90 days. He stated that perhaps the bank just wants the tax id and not necessarily the parking requirement which could be done later.

Commissioner Grafing said would the lot split put them in trouble if they wanted to sell it later. **Scoggan** said that he didn't think so since that was why the bank wanted the lot split so it can be sold separately.

Commissioner Grafing asked would the Conditional Use Permit follow the sale?

Scoggan replied that it was a good question. Since Conditional Use Permits stay with the property technically anyone who bought the Genesis would have to accommodate the Hampton.

Commissioner Coyne asked the City Planner what his thoughts were on the sign variance request. He wanted to know if they were going to be chasing this thing for every business trying to go in.

Scoggan replied that once a door is open usually it stays open unless it is changed in the subdivision regulations.

Commissioner Coyne said he was just curious, and he supposes they could dictate some of that criteria.

Scoggan replied no one is guaranteed a variance or a conditional use permit. The variance request allows for the Planning Commission to review and make a determination based on the individual criteria presented.

ADJOURNMENT

MOTION: Commissioner *Cline* moved to adjourn the regular meeting.
Commissioner *Coyne* seconded the motion.
The motion carried **6-0**

*Meeting adjourned at 7:49 pm.
Micah Scoggan, City Planner*