



**CITY OF GOODLAND**  
**PLANNING COMMISSION AGENDA**  
TUESDAY, January 14th 2025 AT 6:00P.M.  
CITY HALL, 204 W. 11<sup>th</sup> ST., GOODLAND, KS

- 1. Call to Order**
  - a. Roll Call
- 2. Public Comment**
- 3. Adult Entertainment Establishments – Permitted/Conditional Use Zone Districts; Limitations of Distance;**
- 4. Proposed Ordinance to add Plat Amendment and Plat Correction Procedures to the Subdivision Regulations**
- 5. Storage Containers Discussion – follow up**
- 6. Reports**
  - A. Planning Commissioners
  - B. Staff –
- 7. Minutes**
  - a. November 12, 2024 Minutes
- 8. Adjournment**



City of Goodland  
204 W. 11<sup>th</sup> Street  
Goodland, KS 67735

## MEMORANDUM

TO: Planning Commissioners  
FROM: Kent Brown, City Manager  
Zach Hildebrand, Building Official  
DATE: January 14, 2025  
SUBJECT: Agenda Report

### **3. Adult Entertainment Establishments – Permitted/Conditional Use Zone Districts; Limitations of Distance;**

See the Planning Commission Communication Form for details. Staff will present various options for the Commission to consider. Commission will be asked to give staff direction on what to prepare for formal consideration on amending the language in the Zoning Code of the City of Goodland.

### **4. Proposed Plat Amendment and Plat Correction Procedures to be added to Subdivision Regulations**

Was presented at the November 12, 2024 Planning Commission meeting. This would add sections to the Subdivision process for a plat amendment and a plat correction process. A **plat amendment** does not create additional lots but . . . lot lines that may be relocated as part of a boundary line adjustment, or lots may be merged as part of a lot consolidation. The **plat amendment** process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission.

A **plat correction** is a one (1) phase administrative process and may be used only to correct errors on an existing approved subdivision plat.

Planning Commissioners will be asked to review the actual ordinance. If there are minor changes or none at all, staff will request the Planning Commission to make a motion to set a public hearing date on February 11, 2025 to allow for the proper timing for notice for the proposed ordinance.

### **5. Storage Container Discussion – follow up**

At the end of the last planning commission meeting, there were questions raised by Planning Commissioners about storage containers and whether there needed to be additional rules or guidelines for the location and placement of storage containers in commercial zone districts.

**6. Reports:**

A. Planning Commissioners

The Chair will ask each Planning Commissioner for their comments or questions for staff on any other topic not on the agenda at this time.

B. Staff

**6. Minutes:**

A. 11-12-2024 Planning Commission Meeting Minutes

Staff recommends approval of the Meeting Minutes with any changes requested by the commission.

*RECOMMENDED MOTION: "I move that we approve the planning commission meeting minutes of November 12, 2024."*



## AGENDA ITEM

### PLANNING COMMISSION COMMUNICATION FORM

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**FROM:** Zach Hildebrand, Building Official  
Kent Brown, City Manager

**DATE:** January 14, 2025

**ITEM:** Adult Entertainment Establishments – Permitted/Conditional  
Use Zone Districts; Limitations of Distance;

**NEXT STEP:** Discussion

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ORDINANCE  
 MOTION  
 INFORMATION

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**I. REQUEST OR ISSUE:**

A business owner would like to sell adult toys in an establishment located at 2423 Enterprise Road. This is the old ConocoPhillips/Travel Stop gas station located between Subway and Arby's. City Code prohibits adult entertainment establishments in all zone districts. State Statute states that a municipality cannot prohibit a use in all zone districts. A zone district must be designated and limitations can be placed to prevent certain types of businesses in unwanted areas by the community.

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff will present various options for the Commission to consider. Commission will be asked to give staff direction on what to prepare for formal consideration on amending the language in the Zoning Code of the City of Goodland.

**III. FISCAL IMPACTS:**

None

**IV. BACKGROUND INFORMATION:**

The business contacted the Building Official the second week of January asking if they would be permitted to sell adult toys/novelties. The Use Standards(Section 19-502,C) prohibit all adult entertainment establishments in any zoning district within the City of Goodland and unincorporated planning areas. It reads as follows:

*C. Adult Entertainment Establishments are hereby prohibited in all zoning district within the City of Goodland and the unincorporated planning area and no building, structure, premises or land shall be used, constructed, reconstructed, altered or expanded as or for an Adult Entertainment Establishment.*

When you read the definitions (Section 19-202) of Adult Entertainment Establishments it states as follows:

*Adult Entertainment Establishment: Any business, premises or establishment including, without limitation, adult bookstores, adult video stores, adult motion picture theaters, adult mini-motion picture theaters, adult cabarets, adult live performance theaters which has any of the following:*

*(1) Thirty percent (30%) or more of its annual gross receipts derived from:*

*(a) the offering of entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or*

*(b) the offering of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or*

*(2) Thirty percent (30%) or more of its inventory on hand at any time consisting of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined; or*

*(3) Thirty percent (30%) or more of its floor area at any time allocated to*

*(a) entertainment, performances, scenes, visual representations, or other presentations which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, or*

*(b) the offering, display and storage of stocks in trade of books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other photographic materials which are characterized by emphasis on depiction or description of "specified sexual activities" or of "specified anatomical areas" as herein defined, and instruments, devices, or paraphernalia designed for use in connection with "specified sexual activities" as herein defined, and instruments, devices or paraphernalia designed for use in connection with "specified sexual activities" as herein defined.*

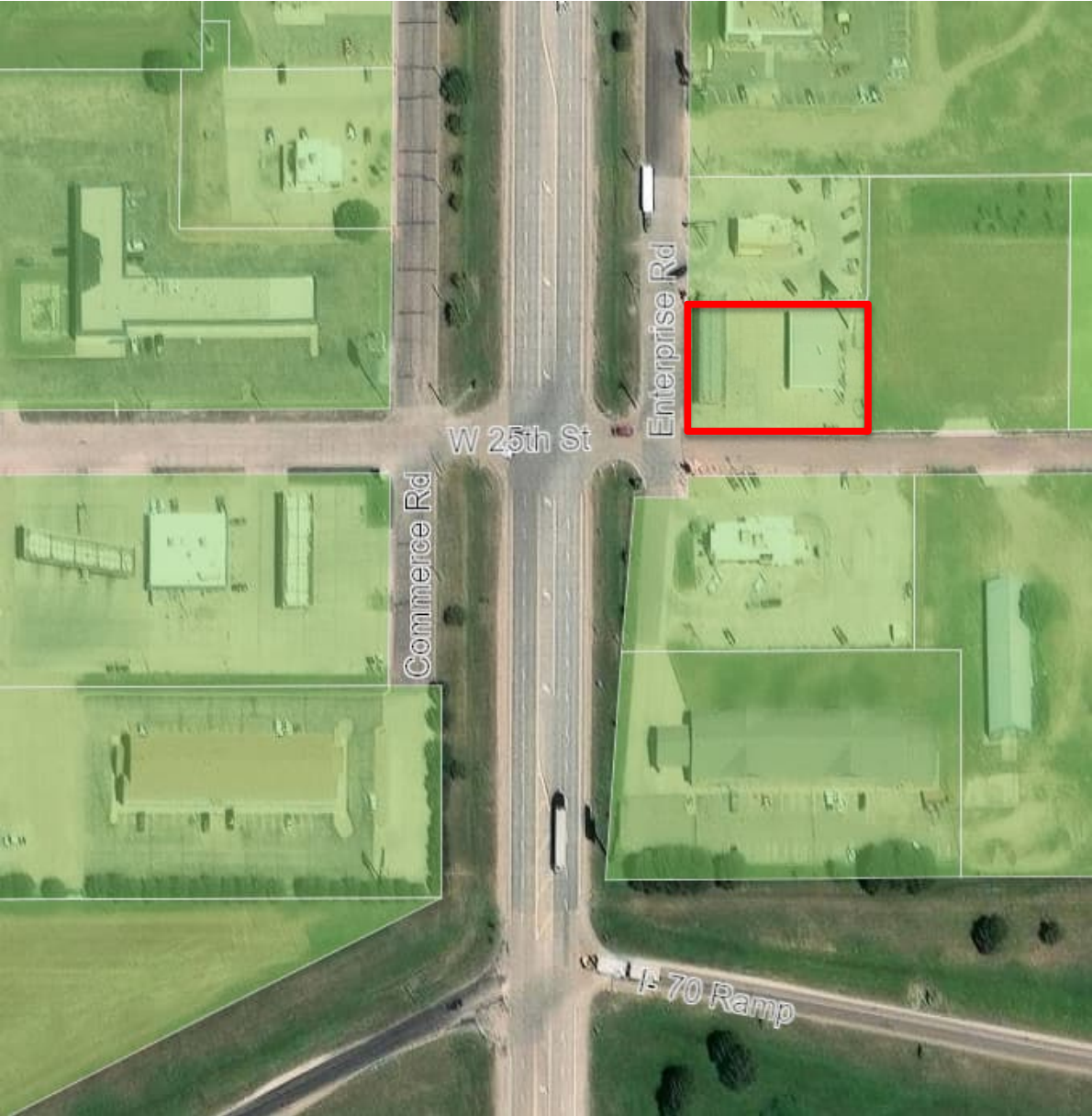
Specified sexual activities is defined as follows:

*Specified Sexual Activities: (1) Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast; (2) Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) Sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.*

2423Enterprise Road outlined in red.



2423 Enterprise Road outlined in red.





**ORDINANCE NO. 179\_**

**AN ORDINANCE ADOPTING AND AMENDING SECTIONS 18-401 OF CITY OF GOODLAND MUNICIPAL CODE TO ADD A PLAT AMENDMENT AND A PLAT CORRECTION PROCESS AND TO ADD SECTIONS 18-404.5 AND 18-404.7 TO THE CITY OF GOODLAND MUNICIPAL CODE.**

*WHEREAS, the City of Goodland Planning Commission has recommended to approve and adopt the amendments to Section 18-401 and add Sections 18-404.5 and 18-404.7 to the Municipal Code; and*

*WHEREAS, after a public hearing was held, the Planning Commission has recommended to approve and adopt the amendments to the Municipal Code; and*

*WHEREAS, the Governing Body finds it is in the best interest of the City to adopt and approve the amendments to Section 18-401 and add Sections 18-404.5 and 18-404.7 to the City of Goodland Municipal Code.*

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOODLAND, KANSAS:**

**Section 1.** The City of Goodland Municipal Code Section 18-401 is amended to add the following:

Sec. 18-401. - General procedure.

A. Classification of Subdivisions. Land proposed to be subdivided shall be classified according to one of the following:

- 4. Plat Amendment.** The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. Plat amendments shall not create additional lots or interests in property but are subdivision actions allowed when an existing plat meets current code requirements and where no public improvements are required to the extent that lot lines may be relocated as part of a boundary line adjustment, or lots may be merged as part of a lot consolidation. Multiple plat amendments cannot be pursued by one or more property owners to circumvent the resubdivision (replat) process.



**5. Plat Correction.** Plat Correction is a one (1) phase administrative process and may be used only to correct errors on an existing approved subdivision plat.

B. Procedure by Classification. Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

4. Plat Amendment or Plat Correction

a. Copy of current recorded Plat

b. Final Plat.

Official Submission Dates. For the purpose of these regulations, for major subdivisions, minor subdivisions, **plat amendments, plat corrections,** and staged subdivisions, the date of the Planning Commission meeting at which the application is first considered, shall constitute the official submission date of the plat on which the statutory period required for formal approval, conditional approval or disapproval of the Preliminary or Final Plat shall begin.

**Section 2.** Sections 18-404.5 and 18-404.7 are added to the City of Goodland Municipal Code as follows:

**Sec. 18-404.5 Plat Amendment.**

- A. **Type of Review.** Plat amendments require review by the City staff and the Planning Commission.
- B. **Purpose.** Plat amendments are intended to provide a prompt, efficient process to approve minor lot line adjustments in cases meeting the requirements of Subsection (C) below.
- C. **Criteria.** For the purposes of this Section, plat amendment means a subdivision of lands already in an approved plat that meets all of the following criteria:
- (1) The amendment involves minor lot line adjustments which do not increase the number of lots previously included within the area involved in the amendment, and which meet the requirements of the zoning district in which the lots are located.
  - (2) The lots must be under the same ownership and shall not be separated by non-owned lots.
  - (3) No public improvements are required.
  - (4) The amendment affects minor adjustments in the boundaries of street right-of-way or utility easements.

- (5) The plat amendment does not result in any lot or lots that cannot be built upon in accordance with the requirements of this Code.
  - (6) The requirements of any utility companies serving the property have or will be satisfied, and any required utility easements are properly maintained or granted in the deed(s) effecting the plat amendment; and
  - (7) The plat amendment will not change the overall perimeter boundary of the lots.
- D. **Procedure.** The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. All plat amendments shall adhere to the Final Plat procedures in Sec. 18-404 (C).
- E. **Submittal Requirements.** All Final Plats shall be prepared and stamped by a professional surveyor licensed in the State of Kansas and shall adhere to the Final Plat preparation standards in Sec. 18-404 (D).

#### **18.404.7 Plat Correction.**

- A. Type of Review. Plat corrections use an administrative process with review by staff.
- B. Purpose. The purpose of the plat correction is to amend minor errors on a plat including, but not limited to:
- 1. typographical and spelling errors or transpositions,
  - 2. incorrect seal,
  - 3. incorrect dates,
  - 4. monumentation incorrectly noted or drawn,
  - 5. missing or incorrectly displayed arrows or symbols.
- C. Criteria. The plat correction is limited to those items in subsection B. above.
- D. Procedure. The plat correction is submitted to the Building Department and if necessary the City Engineer/Consultant.
- E. Submittal requirements. The existing plat and the corrected plat must meet the requirements of Sec. 18-115. - Plat preparation.

**SECTION 3.** This ordinance shall be in force and take effect after its publication in the Goodland Star News.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the Governing Body of the City of Goodland, Kansas.

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Jason Showalter, Mayor

ATTEST:

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Mary P. Volk, City Clerk

## City of Goodland Planning Commission Minutes

11/12/2024

### 1. CALL TO ORDER:

The November 12, 2024 meeting of the Planning Commission was called to order at 6:01 p.m. Planning commissioners in attendance: Matt McKenzie, Grady Bonsall and Wallace Hansen. Mary Ellen Coumerilh and Dennis Snethen were absent. Staff in attendance: Zach Hildebrand, Building Official, Kent Brown, City Manager and Joshua Jordan, IT Director.

### 2. Public Comment

There was no public comment

Kent stated he would request one item be added to the agenda. It was already published in the newspaper, notifications were sent to neighbors regarding a rezoning request for 425 Center Av. Requesting to add it as an official agenda item even though it was not in the published agenda that was sent out. Brown also asked that the item be placed first on the agenda since the applicant is present.

### 3. Public Hearing – Request to Rezone 425 Center Av. – R-1 to D-MU (added)

Chairman McKenzie opened the public hearing at 6:01 p.m. Brian Morales introduced his wife, Leah, and his son Ezekiel. Brian said his wife was born and raised in Colby. They came and settled here for 10 years. When they were looking for a place to live, they didn't want to settle in Colby. They found the property discussed today which is the old First Baptist Church at 425 Center Av. They saw a lot of tv shows that renovated old churches into residences. Through the years, Brian said he had a business of website design. For the last 3 years, he worked for MasterCard and everyone knows how that ended up. After that ended, his wife encouraged him to take the opportunity to open up a coffee shop that he had always dreamed of doing. At the fair, he had a canopy serving coffee and the response from the community was great. It has been a passion for a long time.

Brian said he talked with Nathan at Good Grounds and discussed his plans. There was no animosity there as Good Grounds is out by the highway. What we are trying to do with the property because it is zoned residential, the whole main level of the building is the sanctuary of the old church. For 10 years, it has just been storage for us. We would love to make that building a community building again. At one time, it was used for 100 individuals at one time when it was a church. There was a question on the application regarding parking or the neighbors. We know a lot of our neighbors in the area and they are so excited to see that turn into a coffee house if that would be possible.

Brian reviewed a former business called Clark's Crossing that operated in a similar fashion. It was by First National Bank. Brian stated we knew what they were doing that we would want to do someday. We would like to take up that piece that's missing. A sort of place where people can come and have a book reading club, a place for coffee and good fellowship. The building has an altar, a little bit of a stage that could be used for jazzy music and develop a vibe.

Commissioner Hansen asked how they came up with the name, Tinkering Owl. Brian stated he has had insomnia since high school. He ended up walking or working until late in the night. His wife said he was just tinkering away in the night. As they were thinking of an animal to complement the name, they thought of a night owl. A tinkering owl. Chairman McKenzie asked if they were still going to live in the downstairs. Brian said yes it has been fully renovated as a home. The renovation of the main center could be 2 or 3 years down the road when there's enough money for a bathroom and other things for a coffee house. The decision to be made now would mean that there's a smaller portion – Brian passed out some floor plans. He said in the former pastoral offices is where he is currently making drinks; but, it's currently delivery only. We can't have people come on the property. It's wonderful to see that our profits have been doubling each month even with delivery only. Brian continued to describe possible improvements if the rezoning is approved.

Commissioner Bonsall asked what kind of hours would the business have? Brian said it wouldn't be that crazy. Currently, with the delivery business it has been from 7 am to noon Monday thru Friday. If it gets rezoned, I would immediately switch it to 7 am to 4 pm or something like that.

Chairman McKenzie then asked for the staff report. Zach Hildebrand reviewed the staff report Staff report went over the character of the neighborhood, consistency with the comprehensive plan, adequacy of utilities, suitability of the uses, compatibility with adjacent properties, detrimental affects, and a proportionate great loss to neighboring properties. The staff report raised a couple concerns. The D-MU zoning allows structures up to a height of 75 feet. There was also a concern regarding other businesses allowed in D-MU if the current business no longer continued to operate and how that could affect the neighboring properties.

Upon reviewing the aerial map, Chairman McKenzie asked the applicant if they have any plans for the open lot on the north side of the property. Brian stated there are no current plans but would like eventually to build a house on the open lot. McKenzie then asked Zach and Kent if the entire property is changed to D-MU, does it create a problem to build a house there? Would there have to be a conversion back to R-1? Kent stated that would be a future decision and without all of the details on any proposal, don't know for sure.

Staff emphasized the concerns on potential businesses allowed in D-MU and the height limitation. Staff also stated that the applicant has not mentioned any other business in any manner, but, wanted to point it out to the Commission once it is rezoned.

Zach mentioned he had received several calls from neighboring property owners but did not received a single negative response to the rezoning request once they understood what the request was.

Chairman McKenzie closed the public hearing at 6:20 p.m. Kent stated that the role of the planning commission is to hold a public hearing and then make a recommendation on the rezoning to the City Commission. Kent then reviewed the city code on the rezoning request.

Kent did suggest that since the materials on the rezoning was not given to the Commission ahead of time that the Planning Commission could table the decision and reconvene at a future meeting to make the decision on the recommendation. If the Planning Commission is comfortable with what has been presented, they can go ahead and make a recommendation at this time. Kent stated that was the only additional result to be suggested since staff is asking the Planning Commission to make a decision on the fly. Kent stated staff is supportive of Brian's application and the coffee house, it is just the concerns regarding the D-MU zoning and possible other businesses.

Chairman McKenzie said if someone wanted to build a structure to 75 feet, they would have to come to the Planning Commission with a site plan anyway. Even though the zoning allows it, we don't have to approve their site plan. Chairman McKenzie stated he hated to stand in the way of a business because we're worried about something that may not ever exist in the future. McKenzie was concerned that there were only 3 members here and wished the other 2 members were here to help make the decision. Kent stated that whoever is here is able to make the decision. McKenzie said the documents say we have a quorum so we can make the decision.

McKenzie moved to recommend to the City Commission to approve the rezoning request from R-1 to D-MU for 425 Center Av. Commissioner Hansen seconded the motion. Motion carried unanimously. McKenzie stated that we are excited that a new business wants to do some good things in Goodland and that's what we are trying to promote. More community gathering space is all good. Yes there are some concerns but let's cross that bridge when it actually comes up and not stand in the way of progress. Commissioner Bonsall hearkened back to the Carriage Crossing and how we all enjoyed that place and just see this business doing the same thing.

#### **4. Public Hearing on an Ordinance adopting and amending Section 19-202 Definitions of City of Goodland Municipal Code.**

Chairman McKenzie opened the public hearing at 6:33 p.m. Zach stated there were no phone calls or contacts on the proposed ordinance. McKenzie stated there was no one there to make any public comment. Kent stated that this ordinance would be combined with Ordinances on amending Section 19-501 and Section 19-502 regarding the use table and the use standards when it would be presented to the City Commission. Other than that, it is just another text amendment trying to adjust the code a little bit. Zach stated that there was a question on religious institution and the short answer is that the land use provisions of the religious land use institutionalized persons act of 2000 protect individual, houses of worship and other religious institutions from discrimination and zoning and landmark laws. That would also cover parsonages, which was a question from last meeting. McKenzie then officially closed the public hearing at 6:34 pm.

Chairman McKenzie then moved for approval an ordinance amending the text for Section 19-202 definitions to the City Commission. Commissioner Bonsall seconded the motion. Motion carried unanimously.

## **5. Proposed Plat Amendment and Plat Correction Procedures to be added to Subdivision Regulations**

City Manager Brown stated this is just a couple more corrections. One is a plat amendment and it's basically allowing in our subdivision process a simpler procedure. Kent stated a lot of times you will have a preliminary plat and a final plat or in a larger subdivision you will have a sketch plan, preliminary plat and final plat. A plat amendment is talking about just one phase, the final plat. It's a plat that is not creating additional lots or public improvements; but, it's for a situation that the owner could split the lot. Or it is for a boundary line adjustment. Kent reviewed some examples of adding 10 feet to a lot. He stated there are several lots in town that are lot 5 and 10 feet of lot 6. This would approve the boundary line adjustment.

Kent then reviewed the plat correction. If there is a date incorrectly printed on a subdivision plat or some other minor error, it allows an administrative solution to that problem rather than have the owner go back and have to go through the final plat process again. Then the criteria is listed on the second page of the documents provided to the Commission. Kent then reviewed the criteria which included no new lots, no public improvements, lots must be under the same ownership. There might be a minor adjustment to the street right of way or utility easement. But it doesn't change the perimeter boundary of the lots. It really only adjust the internal lot lines. We don't have this currently in our code. That's why we have a number of instances in town where it would have been better to have this tool. Kent stated he just wanted to present to the Commission to see if they thought it was a good enough idea to have staff go ahead and put it in ordinance form for the Commission to review. Chairman McKenzie stated that we need an administrative process that makes it easier to deal with those issues. After further discussion, Kent stated staff would bring it back in Ordinance form.

## **6. Reports**

### **A. Planning Commissioners**

Commissioner Bonsall had nothing to report.

Commissioner Hansen had nothing to report.

Chairman McKenzie had one question on a property that was a discussion a while back. When we changed the zoning for the new storage units on 16<sup>th</sup> St., there was another lot right there on Kansas. McKenzie stated he noticed that storage units showed up there and wanted to ask if that is all within the rules. Zach stated that it was. McKenzie stated he has been asked by a few people in the public whether it is ok to continue to let storage containers pop up all over the place. Main Street is the biggest concern. It's not highly regarded by the general public. Kent stated they are becoming more prevalent. Zach stated that if they meet the setbacks and location, he can't enforce anything else if it is allowed. Kent said it is allowed in the commercial districts. Kent said the lot on Kansas was already zoned commercial and it is allowed in that district.



McKenzie stated that so far the storage containers that have showed up in town are newer and the paint is decent. It's when one shows up that is unsightly we are going to have a bigger issue. For now the price keeps coming down. It is a cheap way to get storage built. Zach stated one thing that could be up for discussion is whether to require some sort of outside covering for them to make them look more like a commercial type building. Commissioner Bonsall asked is there anything that requires them to be a fixed structure. Zach replied no because they are still technically movable. Bonsall stated since he works at the Weather Service that the concern for tornadoes and how buildings are fastened down. Zach stated that is something that could be put in the uses as well. McKenzie stated he would ask that we leave that as a future discussion about container storage and whether we need to have more rules or guidelines about what we want to see.

## **B. Staff**

Building Official Zach Hildebrand stated he had a few conversations with people talking about a development. Smaller housing types from 600 square feet to 900 square feet. They're still in the planning stages so nothing to get too excited about but there has been discussion. Commissioner Bonsall asked about location. Zach said there is no specific location. Wherever they can get land at this point. It is the same people that can help people get ADU's (accessory dwelling units) if they want ADU's.

City Manager Kent Brown stated he had nothing to report.

## **7. Minutes**

### **a. October 8, 2024 Minutes**

Chairman McKenzie moved, seconded by Commissioner Bonsall, to approve the October 8 minutes as presented. Motion carried unanimously.

## **8. Adjournment**

Chairman McKenzie moved to adjourn, seconded by Commissioner Bonsall. Motion passed unanimously. The meeting was adjourned at 6:47 p.m.