



CITY OF GOODLAND
PLANNING COMMISSION AGENDA
TUESDAY, March 11th 2025 AT 6:00P.M.
CITY HALL, 204 W. 11th ST., GOODLAND, KS

- 1. Call to Order**
 - a. Roll Call
- 2. Public Comment**
- 3. Adult Entertainment Establishments – Review of Proposed Zoning Ordinance Changes and Review of Licensing Ordinance**
- 4. Vacant Building Ordinance Example - Discussion**
- 5. Reports**
 - A. Planning Commissioners
 - B. Staff –
 - a. Board terms
- 6. Minutes**
 - a. February 11, 2025 Minutes
- 7. Adjournment**



City of Goodland
204 W. 11th Street
Goodland, KS 67735

MEMORANDUM

TO: Planning Commissioners
FROM: Kent Brown, City Manager
Zach Hildebrand, Building Official
DATE: March 11, 2025
SUBJECT: Agenda Report

3. Adult Entertainment Establishments – Review of Proposed Zoning Ordinance Changes and Review of Licensing Ordinance

Planning Commissioners will be asked to review certain sections of proposed Ordinance 1796 to update Section 19-202 Definitions, and amending Sections 19-501 Use Table and 19-502 Use Standards that would handle the distancing requirement.

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 April 8, 2025 to allow for the proper timing for notice for the proposed ordinance to amend Sections 19-202, 19-501 and 19-502.

RECOMMENDED MOTION: “I move to set the public hearing for Ordinance 1796 at the next meeting on March 11 to amend Sections 19-202, 19-501 and 19-502 regarding Adult Entertainment Establishments.”

The licensing requirement should be a separate ordinance. The separate ordinance would add a section to Chapter 8 – Licenses and Business Regulations. Planning Commissioners will be asked to review proposed Ordinance 1797 to add a section in Chapter 8. Most of the proposed Ordinance 1797 has portions from other communities for this type of licensing. Since it would not be amending the text from the Chapter on Zoning or the Chapter on Subdivisions, it would follow a simpler process that does not involve a public hearing. A simple recommendation to the City Commission would be sufficient.

Staff will be continuing to look at the licensing ordinance before the meeting on Tuesday. May have additional changes and/or an addendum to present to the Planning Commission for your consideration. What’s included in the Ordinance is the following:

License required
Lic required for mgrs, srvrs, entertainers (if needed for type of business)

License period
License application
License limited to one use
Fees
Entry / Inspection
License processing
License issue / approval
renewal
Non - Transfer of license
Penalty

Staff did put 2 different examples for license application and also for fees. Staff will also include the spreadsheet comparing different ordinances.

4. Vacant Building Ordinance Example – Discussion

Staff has included an example of a vacant building program. The ordinance example includes procedures for registration, inspection, fees and exemptions. Zach is working on a proposal that includes many of the same features that also fit the Goodland community.

5. 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. 2-11-2025 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 February 11, 2025."

ORDINANCE NO. 1796

AN ORDINANCE ADOPTING AND AMENDING SECTIONS 19-202, 19-501 and 19-502 OF CITY OF GOODLAND MUNICIPAL CODE TO ADOPT AN AMENDED DEFINITION, USE TABLE AND USE STANDARD FOR ADULT ENTERTAINMENT ESTABLISHMENT.

WHEREAS, after a public hearing was held, the Planning Commission has recommended to approve and adopt the amendments to Section 19-202, 19-501 and 19-502 of 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 19-202, 19-501 and 19-502 of 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 19-202 be amended as follows:

Sec. 19-202 – Definitions.

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

Section 2. The City of Goodland Municipal Code Section 19-501 Use Table be amended as follows:

Use Regulations	Zoning Districts								Use Standards
	Residential				Non-Residential				
	R-1	R-2	M-P	A-P	C-1	D-MU	I-1	I-2	
COMMERCIAL USES									
Adult Entertainment Establishment					C				

Section 3. The City of Goodland Municipal Code Section 19-502 be amended as follows:

(C) Adult Entertainment Establishments may be located only in a C-1 (General Business District) zoning classification under the Zoning Ordinances of the City, and only in such locations within such a zoning classification which complies with the following requirements and restrictions.

- (1) No adult entertainment establishment may be located within 1,000 feet of any of the following:
 - (A) A licensed day care center;
 - (B) A public or private educational facility (although not including any building owned or occupied by an educational institution which is not used principally for student instruction or activities);
 - (C) A public park or playground, including but not limited to nature, hiking or biking trails, swimming pools, athletic fields or athletic playing surfaces, picnic areas and wilderness areas;
 - (D) A church, synagogue, mosque, temple or other building which is used primarily for religious worship and related religious activities;
 - (E) A boundary of a residential district;
 - (F) Any other sexually oriented business as to which a license is required under this ordinance.

SECTION 4. 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.

Jason Showalter, Mayor

ATTEST:

Mary P. Volk, City Clerk

ORDINANCE NO. 17__

AN ORDINANCE PERTAINING TO THE LICENSING OF ADULT ENTERTAINMENT ESTABLISHMENTS WITHIN CORPORATE LIMITS OF THE CITY OF GOODLAND, KANSAS AND AMENDING CHAPTER 8 OF THE GOODLAND CITY CODE

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

Chapter 8 – Licenses and Business Regulations is hereby amended to add and establish a new Article 5. Adult Entertainment Establishments to read as follows:

ARTICLE 5. – ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 8-501 - Definitions.

“Adult Entertainment Establishments” shall mean any business, premises or establishment as defined in Article 19 Zoning Regulations, Section 19-202 Definitions in the Municipal Code.

Sec. 8-502 – License—Required for adult retail business. (Winfield & McPherson)

It shall be unlawful for any person to operate or maintain an adult retail business in the city unless the owner, operator or lessee thereof has obtained an adult retail business license from the city, or to operate such business after such license has been revoked or suspended by the city.

(b) It is unlawful for any employee, manager, operator or owner to knowingly perform any work or service directly related to the operation of an unlicensed adult retail business.

(c) The failure to post an adult business license in the manner required in this article shall be prima facie evidence that an adult retail business has not obtained such a license. In addition, it shall be prima facie evidence that any employee, manager or owner who performs any business, service or entertainment in an adult business in which an adult business license is not posted in the manner required in this article had knowledge that such business is not licensed.

(d) Any business that engages in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate city officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an adult retail business as defined in this article. This entry and inspection shall take place during hours when such business is open to the public, unless

otherwise requested by the business, and shall not unreasonably interfere with the conduct of such business.

Sec. 8-503 - Adult retail business license application. (Winfield example)

All persons desiring to secure a license to operate an adult business as required by this article shall make a verified application with the city clerk. All applications shall be submitted in the name of the person who owns the adult business. The application shall be signed by the applicant. If the applicant is a corporation, the application shall be signed by its president. If the applicant is a partnership, the application shall be signed by a partner. In all other instances where the owner is not an individual, where applicable, the application shall be signed by an authorized representative of the owner. The city clerk may require proof of authorization before accepting an application. All applications shall be submitted on a form supplied by the city clerk and shall require all of the following information:

(1) The name, residence address, home telephone number, occupation, date, place of birth and social security number of the applicant.

(2) The tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.

(3) The name of the adult retail business, a description of the type of adult business to be performed on the licensed premises, and the name of the owner of the premises where the adult business will be located.

(4) The names, residence addresses, social security numbers and dates of births of all partners, if the applicant is a partnership or limited liability partnership; and if the applicant is a corporation or limited liability company, the same information for all corporate officers and directors and stockholders or members who own more than 25 percent interest in the corporation.

(5) A statement from the applicant whether the applicant, or any corporate officer or director, or stockholder, partner or member who owns more than 25 percent interest in such entity in previously operating in this or another city, county or state, has had an adult business license of any type revoked or suspended, and if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation.

(6) A statement from the applicant, all partners or each corporate officer and director that each such person has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of, or diverted from prosecution on, a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography or related offenses, or controlled substances or illegal drugs or narcotics offenses as defined in the state, statutes or municipal ordinances. The statement shall also indicate that the applicant, each partner or each corporate officer and director has not been convicted of a

municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

(7) If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Kansas secretary of state.

(8) A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this article regulating adult businesses.

(b) Manager, employee or independent contractor license. All persons desiring to secure a license to be a manager, employee or independent contractor shall make a verified application with the city clerk. All applications shall be submitted in the name of the person proposing to be a manager, employee or independent contractor. All applications shall be submitted on a form supplied by the city clerk and shall require all of the following information:

(1) The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used.

(2) If applicable, the name and address of each adult retail business where the applicant intends to work as a manager, employee or independent contractor.

(3) A statement from the applicant that the applicant has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of, or diverted from prosecution on a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or controlled substances or illegal drugs or narcotics offenses as defined in the state statutes or municipal ordinances. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

(4) The applicant shall present to the city clerk, who shall copy documentation that the applicant has attained the age of 18 years at the time the application is submitted. Any of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state, bearing the applicant's photograph and date of birth.

b. A state-issued identification card bearing the applicant's photograph and date of birth.

c. An official and valid passport issued by the United States of America.

d. An immigration card issued by the United States of America.

e. Any other form of picture identification issued by a governmental entity that is deemed reliable by the city clerk.

f. Any other form of identification deemed reliable by the city clerk.

Failure to provide the information required by this article shall constitute an incomplete application. The city clerk shall notify the applicant whether or not the application is complete within ten working days of the date the application was received by the city clerk.

(c) Application processing. Upon receipt of an application for an adult business, manager, employee or independent contractor, the city clerk shall immediately transmit one copy of the application to the chief of police for investigation of the application. In addition, the city clerk shall transmit a copy of the application to the director of public works and the fire inspector. It shall be the duty of the chief of police or his designee to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements of this article for issuance of the license for which the application is made. The chief of police shall report the results of the investigation to the city clerk not later than ten working days from the date the application is received by the city clerk. It shall be the duty of the director of public works and the fire inspector to determine whether the structure where the adult business will be conducted complies with the requirement and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the city. The fire inspector shall report the results of his investigation to the city clerk no later than ten working days from the date the application is received by the city clerk. Upon receipt of the reports from the chief of police, the director of public works and the fire inspector, the city clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with the notification requirements established by law, provided the license application for an adult business, manager, employee or independent contractor license shall be approved or disapproved within 30 days from the date the application is received by the city clerk. The applicant shall be notified in writing of the date when the governing body will consider the application and shall be afforded an opportunity to be heard at that meeting.

**Sec. 8-503 – 2nd EXAMPLE from Newton.
License required; application.**

(a) It shall be unlawful for any person to establish, to operate, to be an operator of, or to cause to be operated any sexually oriented business in the City of Newton, Kansas, without a valid license issued by the City for the particular type of business, or to employ a person who is not licensed as a sexually oriented business employee as provided by

subsection (b) of this section or who is not authorized to work or perform services pursuant to subsection (c) of this section.

(b) Except as provided in subsection (c) of this section, it shall be unlawful for any person to be an employee of a sexually oriented business without a valid license; provided, however, that the provisions of this subsection shall not apply to an employee of an adult bookstore, adult novelty store or adult video store unless such bookstore; and provided, further, no person in whose name a license is issued to operate a sexually oriented business shall also be required to have a sexually oriented business employee license.

(c) Upon receipt by the City Clerk of a complete application for a sexually oriented business employee license, the City Clerk shall issue the applicant a temporary work permit and the applicant may work or perform services without an employee license until such time as the license is granted or the decision to deny the license becomes final pursuant to Section 12-1210. The applicant shall keep the temporary work permit on his or her person or on the premises where the applicant is then working or performing services, and shall produce such permit for inspection upon request by a law enforcement officer or other authorized city official.

(d) An application for a sexually oriented business license or a sexually oriented business employee license must be filed at the office of the City Clerk on an application form prescribed and provided by the City Clerk, and must include one or more addresses at which the applicant agrees to accept any notices hereunder. If the applicant resides or maintains a residential or business address in the city, then at least one of the addresses provided for notice must be a local address. An application shall not be considered complete until it includes all of the information and satisfies all of the requirements of this Section and until the license fee is paid in full.

(e) A sexually oriented business employee license may be issued only to an individual who is not less than 18 years of age and who has submitted a complete application which provides all of the information set forth in subsection (g) below and which meets all of the requirements and qualifications herein.

(f) A sexually oriented business license may be issued to any of the following:

(1) To an individual, if:

(A) Such person is the sole owner of the business;

(B) Such person is not less than 18 years of age;

(C) Such person and such person's spouse has submitted a complete application which provides all of the information as to each such person as set forth in subsection (g) below; and

(D) Such person and such person's spouse meet all of the requirements and qualifications herein;

- (2) To two or more individuals jointly or as members of a general partnership if:
 - (A) All of the persons joining in the application constitute all of the owners of the business;
 - (B) Each such person is not less than 18 years of age;
 - (C) Each such person and each such person's spouse has submitted a complete application which provides all of the information as to each such person as set forth in subsection (g) below; and
 - (D) Each such person and each such person's spouse meets all of the requirements and qualifications herein;
 - (3) To a corporation, limited partnership, limited liability company or other legal entity if:
 - (A) Each person who is a stockholder or holder, directly or indirectly, of any other ownership or equitable interest in the entity constituting not less than a twenty-five percent (25%) ownership or equitable interest is not less than 18 years of age, these provision applying also to each person who owns or holds in joint ownership a twenty-five percent (25%) or more ownership or equitable interest;
 - (B) The complete application includes all of the information as to each such person and each such person's spouse as set forth in subsection (g) below; and
 - (C) Each such person and each such person's spouse meets all of the requirements and qualifications herein.
- (g) The application shall include all of the following as to each individual described in subsection (f) above:
- (1) The full true name of the individual and the individual's spouses, and any other names used by any such person and such person's spouse in the preceding five years, and the current residential mailing address and phone number of each.
 - (2) The Social Security number of the individual and the individual's spouse.
 - (3) Documentary proof of the individual's identity and age, with must include a current driver's license with the person's picture or other picture identification document issued by a governmental agency, and which may include a copy of a birth certificate. The City Clerk shall be entitled to make and retain a copy of such documentary proof.
 - (4) A photograph of the individual and a set of the individual's complete fingerprints suitable for conducting necessary background checks pursuant to this ordinance. At the City Clerk's option, the City Clerk may provide for the taking of the photograph and/or the

fingerprints at the office of the City Clerk or at any other city location; provided, however, that at the City Clerk's option a photograph and fingerprints taken within the preceding one month by a law enforcement agency and accompanied by a notarized verification by that agency may be accepted.

(5) Sufficient identifying information regarding any prior application by the individual in any jurisdiction, or any prior or existing license or permit of the individual from any jurisdiction, relating to the conduct of any business which would constitute a sexually oriented business as defined herein, and whether any such application, license or permit has been denied, revoked or suspended. If any such application, license or permit has been denied, revoked or suspended, the reason or reasons therefor shall be provided.

(6) All pending criminal charges, complaints, informations or indictments against the individual in any jurisdiction for any offense described in Section 12-1204(a)(6), and all convictions within the preceding five years in any jurisdiction for any offense described in Section 12-1204(a)(6). Any offense committed or alleged to have been committed outside of the State of Kansas shall be reportable hereunder if the elements of such an offense would constitute an offense described in Section 12-1204(a)(6) if committed in the State of Kansas.

(7) If the application is for a sexually oriented business license, the operating name, business location, business mailing address and phone number of the proposed sexually oriented business, and the classification of sexually oriented business for which the license is sought.

(8) Each such individual shall provide a signed and notarized verification that all of the information provided above is true, correct and complete.

(9) Each such individual shall provide a written release or releases in such form as will permit the City Clerk to conduct the necessary criminal and civil background checks to confirm the information provided in the application.

(h) If the license is to be issued to a corporation, limited partnership, limited liability company or other legal entity, the application shall include all of the following as to the entity:

(1) The entity's full legal name, and any prior legal name and any other name in which it has done business in the preceding five years.

(2) The entity's taxpayer identification number as issued by the Internal Revenue Service, current mailing address and telephone number for the entity's principal place of business, and local mailing address and telephone number.

(3) Each State under whose laws the entity's organizational documents are recorded or in which it has authorization to do business.

(4) The name of each person who is a stockholder or holder, directly or indirectly, of any other ownership or equitable interest in the entity constituting not less than a twenty-five percent (25%) ownership or equitable interest, including the name of each person who owns

or holds in joint ownership a twenty-five percent (25%) or more ownership or equitable interest.

(5) Sufficient identifying information regarding any prior application by the entity or by any parent company or subsidiary in any jurisdiction, or any prior or existing license or permit of the entity, its parent or subsidiary from any jurisdiction, relating to the conduct of any business which would constitute a sexually oriented business as defined herein, and whether any such application, license or permit has been denied, revoked or suspended. If any such application, license or permit has been denied, revoked or suspended, the reason or reasons therefor shall be provided.

(6) All pending criminal charges, complaints, informations, or indictments against the entity or against any parent company or subsidiary in any jurisdiction for any offense described in Section 12-1204(a)(7), and all convictions within the preceding five years in any jurisdiction for any offense described in Section 12-1204(a)(7). Any offense committed or alleged to have been committed outside of the State of Kansas shall be reportable hereunder if the elements of such an offense would constitute an offense described in Section 12-1204(a)(7) if committed in the State of Kansas.

(7) The business operating name, business location, mailing address and phone number of the proposed sexually oriented business, and the classification of sexually oriented business for which the license is sought.

(8) The application must be signed by a duly authorized officer or official of the entity, whose signature must be notarized and must contain a verification that all of the information provided above is true, correct and complete.

(i) The information provided pursuant to subsections (g) and (h) above shall be supplemented by written notice conveyed by certified mail, return receipt requested, to the City Clerk within 10 working days of any changes which would render the information originally submitted to be no longer current or complete, including any changes as to or in the individuals who are described in subsection (f) above. If such change includes there being a new or different individual involved in the entity meeting the description in subsection (f) above, then all of the information and requirements as to such individual as in an original application must be provided and satisfied within 10 working days after the conveyance of such written notice.

(j) The application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with Section 12-1213 shall submit a diagram meeting the requirements of Section 12-1213.

(k) A person who possesses a valid business license of any other type than that provided under this ordinance is not exempt from the requirement of obtaining a sexually

oriented business license or from complying with the requirements and provisions of this article.

(l) The information provided by an applicant in connection with the application for a license under this ordinance shall be maintained by the City Clerk on a confidential basis, except that such information may be disclosed to other governmental agencies in connection with law enforcement, public safety or other administrative investigative or adjudicative functions, or as may otherwise be required or provided by law.

Sec. 8-504- License period, classification and fees. (McPherson example)

(a) The license year for all fees required herein shall be from January 1 through December 31. The application for a license shall be accompanied by payment in full of the fee stated herein by cash, certified or cashier's check, or money order, and no application shall be considered complete until such fee is paid.

(b) All licenses shall be issued for a specific location and shall be nontransferable, and license fees shall be nonrefundable.

(c) The classification of licenses and fees for each shall be as follows:

(1) Adult media or merchandise outlet—\$500.00 for first year's license, and \$250.00 yearly renewal fee.

(2) Adult entertainment business—\$500.00 for first year's license, and \$250.00 yearly renewal fee.

(3) Adult news rack—\$250.00 for first year's license, and \$100.00 yearly renewal fee.

(4) Managers, servers and entertainers—\$10.00 per year.

Sec. 8-504 – 2nd EXAMPLE – Newton Fees.

(a) The annual nonrefundable application fee for a sexually oriented business license or for the renewal thereof is \$2,000.00.

(b) The annual nonrefundable application fee for a sexually oriented business employee license or for the renewal thereof is \$250.00.

Sec. 8-505- License limited to one identifiable type of adult use. (McPherson)

Sexually oriented business licenses may be issued only for the one sexually oriented business use listed on the application. Such use must be either as an adult media or merchandise outlet or as an adult entertainment business. A single sexually oriented business operating as both an adult media or merchandise outlet and an adult entertainment business must have a separate license for each use. As to any sexually oriented business holding a single license, any change in the type of adult use shall

invalidate the sexually oriented business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use, except that an adult news rack, if operated on the same business premises as an adult media or merchandise outlet, shall not require a separate license. All adult retail business licenses shall be issued only for the one adult business use listed on the application. Any change in the type of adult use shall invalidate the adult retail business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

Sec. 8-406- Examination of application; issuance of license; disapproval. (McPherson)

(a) The city administrator shall examine each complete application for a sexually oriented business license, or a manager, server, or entertainer license, including all investigation reports, within 30 days of the date such complete application was received by the city administrator. After such examination, the city administrator shall approve the issuance of a license only if the appropriate license fee has been paid, the applicant is qualified, and all the applicable requirements set forth herein are met. No license shall be approved for any person ineligible pursuant to the provisions herein. All incomplete applications shall be denied.

(b) The city administrator's report on license examination shall be in writing and show the action taken on the application. If the license is granted, the city administrator shall issue the proper license.

(c) If an application for a license is disapproved, the applicant shall be immediately notified by certified mail, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may appeal the denial to the governing body by submitting a request for the appeal, in writing, to the city administrator. An appeal shall be considered by the governing body at a regular or special meeting to be held within 15 days of receipt of the appeal. Any applicant aggrieved by the governing body's disapproval of a license application may seek judicial review in a manner provided by law.

Sec. 8-507- Renewal. (McPherson)

(a) A license may be renewed by making application to the city administrator on application forms provided for that purpose. Licenses shall expire on December 31 of each calendar year, and renewal applications for such licenses shall be submitted between November 1 and December 10.

(b) Upon timely application and review as provided for a new license, a license issued under the provisions of this ordinance shall be renewed by issuance of a new license in the manner provided herein.

(c) If the application for renewal of a license is not made during the time period provided herein, the expiration of such license shall not be affected and a new application shall be required. If a license is issued pursuant to such an application treated as a new application, the license fee shall be the fee for an initial license and not a renewal license.

Sec. 8-508 Transfer of license. (Newton)

No license issued under this ordinance shall be transferable to another person or property. No license issued under this ordinance shall serve to permit the conduct of any licensed business activities at any business location other than the location designated in the application. No license issued under this ordinance shall serve to permit the conduct of any sexually oriented business activities other than those within the classification for which application was made and for which the license was issued. Any change in the classification of sexually oriented business to be conducted at a location shall first require that a new license application for such other classification be submitted and approved, with the prior license then being revoked upon the granting of such approval.

Sec. 8-509- Penalty for violation. (Winfield & Goodland)

Any person, partnership or corporation who violates any provision of this article shall be punished by a fine of not more than \$500.00 for each violation. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this article shall constitute a separate and distinct offense.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

**PASSED AND APPROVED by the Governing Body of the City of Goodland, Kansas,
on this ____ day of _____, 2025.**

JASON SHOWALTER, Mayor

ATTEST:

MARY VOLK, City Clerk

CHAPTER 1341

Vacant Building Enforcement Program

- 1341.01 Purpose.**
- 1341.02 Definitions.**
- 1341.03 Vacant building registration.**
- 1341.04 Inspections.**
- 1341.05 Fees.**
- 1341.06 Exemptions.**
- 1341.07 Appeals.**
- 1341.99 Penalty.**

1341.01 PURPOSE.

Structures which are left vacant for extended periods of time have been shown to breed crime, pose public safety risks, and reduce property values and the economic viability of the community in which they are found. The purpose of this chapter is to establish a program for identifying and registering vacant buildings; to determine the responsibilities of owners of vacant buildings and structures; and to provide incentives for the rehabilitation and productive use of vacant buildings. Shifting the cost or burden of the existence of vacant structures from the general citizenry to the owners of the buildings is an intended result of this chapter.

(Ord. 4484-17. Passed 10-17-17.)

1341.02 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section.

- (a) "Secured by other than normal means." - A building secured by means other than those used in the design of the building.
- (b) "Unoccupied." - A building which is not being used for occupancy authorized by the owner. The term "unoccupied" shall only be applicable to multi-unit structures when more than half (1/2) of the units and more than half (1/2) of the available space are not currently occupied by a tenant or tenants.
- (c) "Unsecured." - A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.
- (d) "Vacant building." - A structure (excluding government-owned buildings) which is:
 - (1) Unoccupied and unsecured; or
 - (2) Unoccupied and secured by other than normal means; or
 - (3) Unoccupied and an unsafe building as determined by the Director of Administration or his duly designated representative; or
 - (4) Unoccupied and having utilities disconnected; or
 - (5) Unoccupied and has housing or building code violations; or
 - (6) Illegally occupied, other than during a pending dispute between landlord and tenant, but including loitering and vagrancy; or
 - (7) Unoccupied for a period of time over 90 days and having an existing code violation issued by a City or State housing, building, health or fire official; or
 - (8) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
 - (9) Unoccupied and abandoned by the property owner.
- (e) "Evidence of vacancy." - Any condition that on its own or combined with other conditions present would lead a reasonable person to believe the property is vacant. Such conditions include, but are not limited to: significantly below standard utility usage, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, accumulation of trash, junk, and/or debris, broken or boarded up windows, abandoned vehicles, auto parts or materials, the absence of window coverings, such as curtains, blinds, and/or shutters, the absence of furnishings and/or personal items consistent with habitation or occupation, statement(s) by governmental employee(s) that the property is vacant.

(Ord. 4484-17. Passed 10-17-17.)

1341.03 VACANT BUILDING REGISTRATION.

(a) In all areas within the corporate limits of the City of Urbana, an owner of a structure which meets the definition of a "vacant building" as set forth in this Chapter shall register such structure with the Office of the Director of Administration or his duly designated representative not later than 90 days after it becomes a vacant building as defined herein, or not later than 30 days of being notified by the Director of Administration or his duly designated representative of the requirement to register based on evidence of vacancy, whichever event first occurs.

(b) The registration shall be submitted on forms provided by the Office of the Director of Administration and shall include the following information supplied by the owner:

- (1) The name(s) and address(es) of the owner or owners;
- (2) If the owner does not reside in a location in the State of Ohio within 60 miles of the Urbana City corporate limits, a property agent, manager or caretaker residing or doing business within the State and within said 60-mile-radius shall be designated and identified by name, address and telephone number. By designating an authorized agent under the provisions of this section, the owner is consenting to the service of any and all notices required or allowed under this Chapter upon said agent;
- (3) The names and addresses of all known lien holders and all other parties known or believed upon information to have a claim of an ownership interest in the building;
- (4) A telephone number where a responsible party can be reached at all times during business and non-business hours; and
- (5) A vacant building plan as described in division (c) of this section.
- (6) Proof of insurance.
- (c) The owner shall submit a vacant building plan which must meet the approval of the Director of Administration or his duly designated representative. The plan, at a minimum, must contain one of the following:
 - (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition which includes starting

within 30 days of acceptance of the proposed demolition timeline and does not exceed one year in accordance with the Ohio Building Code; or

(2) If the building is to remain vacant, a plan for ensuring the building is secured in accordance with all applicable building and fire codes along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (e.g., building is for sale, etc.); or

(3) If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building and grounds. The rehabilitation plan shall not exceed 12 months from the time they obtain permits, unless the Director of Administration or his duly designated representative grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation.

(d) All applicable laws and codes shall be complied with by the owner. The owner shall notify the Director of Administration or his duly designated representative of any changes in information of their vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the Director of Administration or his duly designated representative.

(e) The owner and subsequent owners shall keep the building secured and safe and the building and grounds properly maintained in accordance with all applicable health codes, property maintenance codes and fire codes. A new owner(s) shall register or re-register a vacant building with the Office of the Director of Administration within 30 days of any transfer of an ownership interest in the vacant building, unless the building is to become occupied upon transfer. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Director.

(f) Failure of the owner or any subsequent owners to maintain the building and premises that result in remedial action taken by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by the law.

(g) The provisions of this Chapter apply to all owners of record and both the vendor and vendee under any actual or alleged land contract or lease-purchase agreement, whether recorded or unrecorded.

(h) The registration and all associated processes must be completed in its entirety annually for as long the property remains vacant.

(i) The Director of Administration or his duly designated representative shall maintain a record of any property-specific written statements from community organizations, other interested parties, or citizens regarding the history, problems, status, or blighting influence of a vacant building. Such written statements shall become part of the permanent record pertaining to such property. (Ord. 4484-17. Passed 10-17-17.)

1341.04 INSPECTIONS.

The Director of Administration or his duly designated representative reserves the right to inspect any premises in the City for the purpose of enforcing and assuring compliance with the provisions of this chapter. Upon the request of the Director of Administration or his duly designated representative, an owner shall provide access to all interior and exterior portions of a vacant building in order to permit a complete inspection of the premises. If the owner does not provide access, the City may pursue Court action seeking admission. Any civil penalties under this Section which remain unpaid for more than 10 days may be collected in an action at law by any method permitted for collection of an unpaid account. Nothing in this Section shall limit the right of the Director of Administration or his duly designated representative to seek a search warrant for the vacant building from a court of competent jurisdiction.

(a) Vacant buildings will be subject to an exterior inspection at least twice per year at the Zoning/Code Enforcement Officer's discretion to ensure the compliance with property maintenance codes;

(b) Vacant buildings will be subject to both an interior and an exterior inspection at the start of each registration period (new and renewal) and when a registration under this Chapter is terminated by the property owner;

(c) Vacant buildings will be subject to both an interior and an exterior inspection upon acquisition of the property by a new owner.

(d) Any inspection that is to take place within 30 days of a previous inspection may or may not be conducted at the discretion of the Director of Administration or his duly designated representative.

(Ord. 4484-17. Passed 10-17-17.)

1341.05 FEES.

The fees described in this Section are established in order to defray the cost to the City government and community as a whole related to the health, safety and economic impacts of structures which remain vacant for long periods of time, including but not limited to administrative costs for registering and processing the vacant building owner registration form and for the costs incurred by the City in monitoring the vacant building site. The fees are also structured in order to provide appropriate incentives for owners of vacant buildings to care for them properly, seek to fill them, and in appropriate cases demolish them. The annually increased fee amounts are intended to absorb the costs incurred by the City for demolition and hazard abatement of or repairs to vacant buildings, as well as the continued normal administrative costs stated above.

(a) The owner of a vacant building shall pay a fee of two hundred dollars (\$200.00) for the first year the building remains vacant. For every consecutive year that the building remains vacant, an annual fee will be assessed at double the previous year's fee amount for a maximum annual fee equaling the five-year fee of three thousand two hundred dollars (\$3,200) to be used for the fifth and for all consecutive, subsequent years of vacancy.

(b) The first annual fee shall be paid at the time the building is registered. If the owner successfully restores the building to occupancy or demolishes it in accordance with applicable law during the first year following registration, the fee shall be refunded, less an administrative charge equal to 5% of the amount refunded. In each subsequent year, if the registration is renewed in timely fashion, there have been no violations associated with the property in the previous year, and re-inspection reveals no significant housing, building or fire code violations, one-half of the previous year's registration fee shall be refunded to the owner, less an administrative charge equal to 5% of the amount refunded.

(c) The fee shall be paid in full prior to the issuance of any building permits unless the property is granted an exemption.

(d) All delinquent fees shall be paid by the owner prior to any transfer of an ownership interest in the vacant building. A lien may be placed on the property to collect delinquent fees.

(e) Absent a showing of good cause, if a building is not registered within the time frame required in Section 1341.03, or the registration is not renewed within 30 days after the expiration of one year from the date of the previous registration, a

penalty shall be paid in addition to the annual registration fee. The penalty shall be equal to one-half of the current annual fee or one thousand dollars (\$1,000), whichever is less. (Ord. 4484-17. Passed 10-17-17.)

1341.06 EXEMPTIONS.

(a) A building under active construction, reconstruction or renovation and having a valid building permit(s) at the time of initial inspection shall be exempt from registration until the expiration of the longest running, currently active building permit.

(b) A building which has suffered fire damage or damage caused by extreme weather conditions shall be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Director of Administration or his duly designated representative. This request shall include the names and addresses of the owner or owners, and a statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building. One extension of not more than 90 days' duration may be granted for good cause shown.

(c) A building that is for sale and listed with a licensed State of Ohio Realtor shall be exempted for a period of 12 months from the start of vacancy, provided that the owner submits proof to the Director of Administration or his duly designated representative of such listing and for sale status, and the building and premises is maintained free of any property maintenance violations. A building that has been granted an exemption pursuant to the following: Any owner of a vacant building may voluntarily register the same and request an exemption from the remaining provisions of this chapter by filing a written application with the Director of Administration or his duly designated representative, who shall timely consider same. In determining whether a request for exemption should be granted, the Director shall consider the following: the applicant's prior record as it pertains to City Zoning Code, City Nuisance Code, and/or Building Code violations; the amount of vacant property the applicant currently has within the City; the length of time that the building for which the exception is sought has been vacant; the reason or reasons for the vacancy; and the difficulty or expense involved in any necessary remediation or demolition. No exemption from registration shall be granted unless the owner or representative first completes a vacant building plan under Section 1341.03(c) and addresses any and all existing code violations. An owner who believes he or she is being denied an exemption for arbitrary or capricious reasons may file an appeal of such denial within ten days with the Board of Nuisance Appeals, which may sustain, overturn or modify the action of the Director of Administration or his duly designated representative.

(Ord. 4484-17. Passed 10-17-17.)

1341.07 APPEALS.

Any owner who is served a notice of vacant property registration, may, within ten (10) calendar days of receipt of such notice, apply for an exemption or appeal the decision as set forth in Section 1339.05 of the Codified Ordinances of the City of Urbana.

(Ord. 4484-17. Passed 10-17-17.)

1341.99 PENALTY.

Any person violating any provision of the Vacant Building Registry shall be subject to the penalties provided by Section 1339.99 of the Codified Ordinances of the City of Urbana.

(Ord. 4484-17. Passed 10-17-17.)

City of Goodland Planning Commission Minutes

2/11/2025

1. CALL TO ORDER:

The February 11, 2025 meeting of the Planning Commission was called to order at 6:00 p.m. Planning commissioners in attendance: Matt McKenzie, Grady Bonsall and Mary Ellen Coumerilh. Wallace Hansen and Dennis Snethen was absent. Staff in attendance: Zach Hildebrand, Building Official, Kent Brown, City Manager and Joshua Jordan, IT Director. Andrew Osborne from 3V3I Engineering and Andres from IONNA also attended thru video conference.

2. Public Comment

There was no public comment

3. Public Hearing – Ordinance 1795 to add Plat Amendment and Plat Correction Procedures to the Subdivision Regulations

Chairman McKenzie formally opened the public hearing at 6:01 p.m. City Manager Brown stated this Ordinance was discussed at the November and January Planning Commission meetings. The public hearing was set at the January 14 meeting for today's date. The ordinance adds a couple minor tools to help with the plat amendment and the plat correction procedure. The ordinance makes adjustments to one section and adds two other minor sections to the code. McKenzie stated there was no public comment. Kent stated there was nothing more to add. McKenzie closed the public hearing at 6:02 p.m.

Commissioner Bonsall moved, seconded by Commissioner Coumerilh, to recommend for approval Ordinance 1795, AN ORDINANCE AMENDING THE TEXT FOR CHAPTER 18 SUBDIVISION REGULATIONS, SECTION 401 General Procedure and ADDING SECTION 404.5 PLAT AMENDMENT and SECTION 404.7 PLAT CORRECTION, to the City Commission." Motion carried unanimously.

4. Site Plan – EV Charging Station – addition to 24/7 Travel Store

Building Official Hildebrand reviewed the EV Charging Station site plan. It states on the form - Does the Site Plan comply with or show the following?

For Section A2, Zach stated that the name and address of the owner of record and developer are on the set of plans, however the stamp and seal of the engineer is not. For them to obtain a building permit, there will need to be stamped set of plans.

For Section A8, location and type of illumination was not included in these plans.

For Section A9, a proposed monument sign in the plans – but, no additional details of the sign.

For Section A12, no plans for the runoff on the property. It was more of an issue when the development was going on the south side of the property.

For Section A14, current zoning not shown on the site plan but completed by Building Official.

For Section A15 and A16, no traffic study required since there was one required with the original development.

For Section C (Section 10) Architectural design standards do not apply since the buildings will just be shade structures and not enclosed buildings.

Going back to the zoning, Zach stated that it is zoned C-1 in all directions except directly west of the property, which is zoned mobile home park even though it is mainly used as a RV park. An RV park would fall under C-1 zoning.

Kent stated that the original plans by IONNA were going to build on the south side of the 24/7 parcel. The revised plan is to put the charging stations on the north side next to the dog park. The frontage road will be extended and then curve into the area on the north side of the dog park. There is enough room to back in and back out of the parking spaces. The revised set of plans was placed at each commissioner's seat before the meeting. Zach stated that the drive does not extend around to the west side of the station because there is a shop building in the way and the concrete pad which all of the fuel tanks sit under. Zach stated that the applicants were available via video if the Commission wanted to ask them questions.

Commissioner Coumerilh asked about the drainage identified on the plan. Zach stated there was more stated when it was on the south side of the property. Zach stated that all the drainage on the north side of the parcel flows to the east. Andrew from 3V3I Engineers answered that this is the intention of where it should flow. Chairman McKenzie asked about the no on the lighting plan. Is that something we need to see before construction? Zach stated it should not affect the structures, just the lane that runs towards the off ramp of I-70. Commissioner Bonsall confirmed that there are only 5 charging stations. Kent mentioned the sewer manhole and the water valves are not in the roadway surface right at that corner. Andrew stated that they did survey that location to make sure it was going to be out of the road surface. Commissioner Bonsall asked if there is any plan for removal if it was ever going to no longer be operational. Andres from IONNA stated they are signing a long term deal and intend to have it for up to 20 years. Chairman McKenzie asked if EV charging is just wiring going into a base for charging and there is no battery charging. For now, Andres stated they are just running off a transformer. May come back when battery technology is more efficient. Zach pointed out the location of the transformers on the plan profile on the screen. Andrew of 3V3I mentioned that they are coming off the power pole about 150 feet to the north from this location and then coming underground to the transformer.

Chairman McKenzie stated: "I move that we approve the site plan review for the addition to the 24/7 Travel Store property at 2710 Commerce Rd. as completed by the Building Official." Motion seconded by Commissioner Bonsall. Motion carried unanimously.

5. Adult Entertainment Establishments – Permitted/Conditional Use Zone Districts; Limitations of Distance;

Commissioner Coumerilh found 2 things. One item was in Section 19-502(c), it said no adult entertainment establishment within a 1,000 feet but back here it said 500 feet. Kent stated that what was in the packet started with the page that had Ordinance 1796 on the top of the page.

Below that, it had Section 1 of the Ordinance, and it has Section 202 – Definitions - of the current code. That's just to show you what the current code says. It would not be there in the final version of the Ordinance. Then the amended code has that much simpler definition which is what the recommendation from the Commission was. Kent asked if there were any questions for Section 1 of the Ordinance.

Then, Section 2 of the Ordinance says Section 19-501 Use Table of the Goodland Municipal Code which included the large multicolored table. Kent stated if we are going to change a part of that use table to allow this use somewhere as a conditional use, then it will change this Use Table. So this Section 2 has just a small portion of the table as the current table. It changes the name of the Use Category from Adult Entertainment Facility to Adult Entertainment Establishment. Then it also has a C for Conditional Use under C-1 General Business District.

Then, Section 3 of the Ordinance which amends Section 19-502 Use Standards was discussed. Kent says then there is letter C which goes over the Adult Entertainment Establishments and the current code says they are prohibited in all zoning districts within the City of Goodland. Kent stated that the amended code goes over Adult Entertainment Establishments may be located in a C-1 (General Business District) zoning classification and only in such locations within such a zoning classification which complies with the following requirements and restrictions. Then it gives a list. The list included the following:

- (1) No adult entertainment establishment may be located within 1,000 feet of any of the following:
 - (A) A licensed day care center;
 - (B) A public or private educational facility (although not including any building owned or occupied by an educational institution which is not used principally for student instruction or activities);
 - (C) A public park or playground, including but not limited to nature, hiking or biking trails, swimming pools, athletic fields or athletic playing surfaces, picnic areas and wilderness areas;
 - (D) A church, synagogue, mosque, temple or other building which is used primarily for religious worship and related religious activities;
 - (E) A boundary of a residential district;
 - (F) Any other sexually oriented business as to which a license is required under this ordinance.

Kent stated that this is one question that staff wanted to ask of the Commission. What would they want identified in this list. Kent said staff looked through a number of other examples and a spreadsheet was included in the packet that covered those 9 other cities. Kent then reviewed the zoning map and the areas that would be covered that would not allow an establishment in that portion of the C-1 District. Chairman McKenzie stated it needs to be very clear so that there is no confusion on what sites are allowed and which are not allowed to be a site.

Kent continued that the properties outside the city whether the church on K-27 south of the south city limits or the residential properties in the Armstrong addition do not count as affected properties because Goodland does not have extra territorial zoning or even land use restrictions. After further discussion, Chairman McKenzie said that it basically left the area on K-27 north of I-70 up to the intersection of Highway 24 and K-27 and then a little bit on Highway 24.

After discussion, Kent stated that there is one caveat and that's Walmart. Zach stated that Walmart is 500 feet from the ballfields property line. McKenzie stated that they have said merchandise in their store. Zach stated that they have had it for 6 or 7 months. IT Director Jordan stated they have it in a display case with other adult use items. Kent stated that the code with the restriction of 30% of sales, etc. excluded Walmart. McKenzie stated the code was so unclear. Commissioner Coumerilh states that doesn't solve the problem of whether it is accessible to kids. McKenzie stated it is in a locked cabinet; but, still a concern. McKenzie stated we keep making progress. We got the rule out of the definitions. We got some very clear language. The amendments that are being proposed seem pretty clear to me. Let's get that out of the way and then we'll figure out the Walmart piece. Kent said our concerns are when it is a specific part of the business rather than an almost indistinguishable part of the business that no one is aware of. McKenzie said he doesn't want the dilution of the business as part of the overall business be an excuse than they can get away from the regulations. What we are getting at right here is someone to have a very specific store with this product. Kent stated that this is the only caveat to what is proposed with the zoning regulations.

Then, Kent said the only other thing provided to the Commission was the example of a code section on licensing. The licensing is a different section that doesn't relate to zoning. It is related to the operations of the business. It acts real similar to CMB licensing or liquor licensing where it goes through those type of procedures. Kent said he couldn't get to it enough to provide a sample Ordinance for you so what was included was an example Ordinance from another community, McPherson. Kent said he also put together a spreadsheet of 12 other communities across the state and their licensing procedures which was not in the agenda packet. It is on the screen and paper copies are being handed out. Included in the licensing spreadsheet is the city of Newton which Commissioner Coumerilh had pointed out. Newton's licensing requirements included a lot of details. Coumerilh stated if they don't meet all those requirements, then they can't sell. Kent stated there is a lot of opportunity for mistakes on the administration side for the licensing requirements as in the Newton example.

Staff then reviewed the categories listed on the spreadsheet. Requiring city commission approval was only identified in 3 other cities. The category of licensing managers, servers or entertainers was more focused on person to person interaction instead of adult material sales. Requiring a license for each store clerk was seen as not appropriate for just sales of adult entertainment materials or equipment. The category of entry and/or inspection was not seen as necessary because officers already have the ability to enter the premises. Commissioner Coumerilh asked about the 30% limit of sales or inventory. Zach stated if there is a 30% limit, who is going to count the inventory? Chairman McKenzie stated we've tried to eliminate that type of code

section where there is too much room for error because of the math involved or ways to hide things.

Commissioner Coumerilh does not like what the store owner wants to do. McKenzie stated that we don't have to like it; but, we have to follow the statutes. Coumerilh stated she respected their right to have that business and she didn't want the administrative burden to be too heavy. But, we need to have licensing to know what is going on and that they have to declare themselves. Coumerilh was concerned that a minor would work there. After discussion, Zach stated you have to be 21 to work at the vape shop already. Kent stated Goodland police officers have already stopped and inspected both vape shops already that are currently operating. Kent stated the issue is that the vape shop on K-27 is still a gas station. Commissioners expressed a concern about the age of the employees. Zach raised a question whether it would be required of Walmart employees. Commissioner Bonsall said it should be just like alcohol that it is a requirement to sell these items to be 21 years of age. Commissioner Coumerilh stated that high school age is more problematic than college age.

Commissioner Bonsall said he liked the proposals and want to be fair. But, if the City can make it as difficult as possible, he would be ok with it. Chairman McKenzie went back to the categories listed and stated he liked the categories that were highlighted. Kent stated that this is a good start for the category of adult entertainment material sales; but, he wanted to confer with legal about the other categories of adult entertainment establishments. Staff could continue to work on the licensing requirements ordinance which doesn't require a public hearing while the Planning Commission could go ahead and set a public hearing for the changes in the Zoning definitions, Use Table and Use Standards ordinance. After discussion, the Commission decided to hold off on setting a public hearing for the changes in the Zoning ordinance until both the Zoning ordinance and the licensing ordinance were ready. Chairman McKenzie said the Commission is still unsure on all the items that should be in the licensing ordinance. Commissioner Bonsall asked what is the penalty if they don't abide by the regulations of the ordinance. Kent said it is usually a part of the licensing ordinance. Sometimes there is suspension or revocation parts; although that is usually for the other categories of adult entertainment establishments. Chairman McKenzie encouraged the Commissioners to look through the prepared Ordinance on the zoning as well as the items in the licensing ordinance for the meeting on March 11.

6. Reports

A. Planning Commissioners

Commissioner Bonsall said that he had noticed something at 10th/Caldwell where golf carts were for sale. Zach said he had contacted the owner of the lot on site and addressed it with him. Owner quit for a couple weeks and then it started up again. It is occurring only on weekends. Staff will be contacting the owner again. The lot is up for sale now.

Commissioner Bonsall also asked if any other cities or planning commissions put in place a requirement if someone moves out or leaves that they clean up the site or remove structures

that were not completed. Zach mentioned that he has been looking to put together a program for vacant buildings. Anyone that owns a vacant building would have to register it with the city and have a game plan what they are going to do. If the game plan is not completed each year, the fee for the vacant building increases.

Commissioner Coumerilh had nothing to report.

Chairman McKenzie had nothing to report.

B. Staff

Zach had nothing to report.

City Manager Kent Brown had nothing to report.

7. Minutes

a. January 14, 2025 Minutes

Chairman McKenzie moved, seconded by Commissioner Bonsall, to approve the January 14 minutes as presented. Motion carried unanimously.

8. Adjournment

Commissioner Coumerilh moved to adjourn, seconded by Commissioner Bonsall. Motion passed unanimously. The meeting was adjourned at 6:41 p.m.