AGENDA
HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA PLANNING COMMISSION
THURSDAY, OCTOBER 17, 2024
9:00 AM
CITY COMMISSION CHAMBERS - GARDEN CITY, KANSAS

Note: If you require any accommodation (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify this office at (620) 276-1170 no later than 48 hours prior to the scheduled commencement of the meeting.

Workshop

I. Chairman calls regular meeting to order

II. Approval of Minutes

a. Planning Commission Minutes-September 19, 2024
Planning Commission Minutes- September 19, 2024.pdf

III. PUBLIC COMMENT - Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)

IV. General Staff Report and Update

a. General Staff Report- October 17, 2024
General Staff Report- October 17, 2024.pdf

V. Submittal of Exhibits for the Record

A. Finney County Zoning Regulations, Garden City Zoning Regulations and City of Holcomb Zoning Regulations all as amended
B. Finney County, City of Garden City, and City of Holcomb Subdivision Regulations all as amended
C. Finney County, City of Garden City, and City of Holcomb Comprehensive Plans all as amended
D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
E. All application files in their entirety including Staff Reports

VI. New Business

a. GC2024-41: Rezoning from "I-2" Medium Industrial District to "C-2" General Commercial District for the property generally located at 1404 W. Mary Street, Garden City, Kansas.
GC2024-41 VICINITY MAP
GC2024-41 GENERAL INFORMATION

VII. Report of the Planning Secretary

a. Commission Expiration

VIII. Planning Commission Reports

IX. Adjourn

MINUTES

HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA
PLANNING COMMISSION

September 19, 2024

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, September 19, 2024, in the City Commission Chambers at the City of Garden City Administrative Center located at 301 N 8th Street, Garden City, Kansas.

1. CALL TO ORDER

Chair Germann called to order the Area Wide Planning Commission meeting at 9:00 a.m. The following Commission members were present: Member Anliker, Member Collins, Member Crist, Member Crockett, Member Glass, Member Randall and Member Rupp. Also present were Staff Charles, Staff Presisto, and Staff Thompson.

2. **APPROVAL OF MINUTES –** August 15, 2024

Member Rupp made a motion to approve the minutes from August 15, 2024. *Member Glass* seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

3. PUBLIC COMMENT- Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)

OPEN PUBLIC COMMENT for items not on agenda.
CLOSED PUBLIC COMMENT

4. GENERAL STAFF REPORT AND UPDATE

Staff Charles presented the General Staff Report, copies of which are available through the Neighborhood & Development Services office.

5. SUBMITTAL OF EXHIBITS FOR THE RECORD

- **a. Finney County Zoning Regulations, Garden City Zoning Regulations and City of Holcomb Zoning Regulations all as amended.**
- **b. Finney County, City of Garden City, and City of Holcomb Subdivision Regulations all as amended**
- **c. Finney County, City of Garden City, and City of Holcomb Comprehensive Plans all as amended**
- **d. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats**
- **e. All application files in their entirety including Staff Reports**

6. NEW BUSINESS

FC2024-18: Parcel Plat-LNC Addition

Staff Thompson- Presented staff report.

Member Rupp- Is this something that should have been done before the building permit was issued or is it just taking a chance?

Staff Charles- Staff has worked with multiple commercial developments to where we don't want to prolong them starting and we are lacking surveyors as you know. They did find a surveyor that we don't normally see around here but I do know that to get a survey right now its months, almost to a year out, so we do try to work with them and if it's a County project we do ask the County if its ok with them moving forward and we'll just work with them and as long as they can show us that they actively hired a land surveyor we'll go ahead and issue the building permit, but we hold off on the certificate of occupancy as Daunte mentioned.

MEMBER RANDALL MADE A MOTION TO RECOMMEND APPROVAL OF THE LNC ADDITION PARCEL PLAT PER STAFF RECOMMENDATION ALTERNATIVE 1. MEMBER ANLIKER SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-37: Preliminary Plat- Stone Creek Station Addition

Staff Presisto- Presented staff report.

Member Crist- I am reading into this that the concerns have been addressed?

Staff Charles- Some of the concerns have been addressed in another submittal we'll continue to work with them to get through those. You do have the ability to approve those contingent to them getting those. However, before we go to the governing body, we need to make sure that they do meet the minimum requirements and have all comments addressed before that final approval. This gives them a little bit of time between meetings to work through those comments.

MEMBER COLLINS MADE A MOTION TO RECOMMEND APPROVAL OF THE STONE CREEK STATION ADDITION PRELIMINARY PLAT PER STAFF RECOMMENDATION ALTERNATIVE 1. MEMBER RANDALL SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-38: Final Plat- Stone Creek Station Addition

Staff Presisto- Presented staff report.

Member Crist- So if it's approved it is only approved if the conditions are met?

Staff Charles- That is correct.

Chair Germann-If you make that part of the motion contingent on option one based on the above.

MEMBER ANLIKER MADE A MOTION TO RECOMMEND APPROVAL OF STONE CREEK STATION ADDITION FINAL PLAT PER STAFF RECOMMENDATION ALTERNATIVE 1. MEMBER RUPP SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-34: Rezone from "I-3" Heavy Industrial District to "C-2" General Commercial District, 804 E Fulton Street, Garden City, KS 67846, Compass Behavioral Health.

Staff Thompson- Presented staff report.

Member Glass- Have they gone through this or is it yet to come? The character and existing zoning, A through I?

Staff Charles- Those are the criteria that you guys look at when you are considering the rezone request.

Member Crist- This is a remodel, are you just remodeling the existing buildings that are there?

*Lisa K*ay-*Garica, Representative for Applicant*- The plan is to just remodel the existing building. Planning on holding 30 people max is what we are looking at to move over into that building.

Member Randall- What building is this and what did it use to be?

Lisa Kay-Garcia- It used to be Redline Motors.

Member Crist- On the parking aspect of it, that seems to be something that can hold things. There is plenty of parking for what you are planning to do.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

MEMBER RUPP MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE FORM "I-3" HEAVY INDUSTRIAL DISTRICT TO "C-2" GENERAL COMMERCIAL DISTRICT PER STAFF RECOMMENDATION ALTERNATIVE 1. MEMBER COLLINS SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-35: Rezone from "R-R" Rural Residential District to "I-1", "I-2" Light-Medium Industrial District, 3095 Mason Court, Finney County, KS, Applicant Marilyn Ollarzabal.

Staff Thompson- Presented Staff Report.

Chair Germann- If we were to approve this today and then they have to get their conditional use permit and for whatever that is not approved what happens?

Staff Charles- That could be an issue and then we would have created a non-conforming property. They do have a couple of options. We could hold off on the zoning and go before the board of zoning appeals to see if it is an option. The Board of Zoning Appeals has the ability to grant conditional use permits with conditions. The Planning Commission for a rezone request has no ability to create or approve or recommend approval of a rezoning with a contingency. Those would be some of the options. There is no way to undo a rezone. If the rezoning was approved and they didn't get the conditional use permit they would have to come back to you and pay again to rezone it. Those are the two options that they would have. It would be appropriate to hear from the applicant to see what they would like to do with the property. Where they are located at it is quite a commercial area however there are some vacant residential lots that are adjacent as well.

Member Crist- What are the plans? It says require plans from a license design professional and completed by a licensed contractor.

Staff Charles- So we don't have them submit those plans at the time of the rezoning request because it is a cost that they would have to occur themselves by hiring a license architect/design professional to design those plans. So basically, if the rezoning and everything went through then at that point we would ask for those plans, but at this time for the rezoning request we do not ask that they provide those type of plans.

Member Crist- What do those plans entail? There is no building modifications and new building.

Staff Charles- Since it is a semi-truck parking and it would be an industrial use, and industrial zoning, they would have to have the right surface for that. In industrial uses I believe it is concrete so they would have to show us where they are going to put that concrete and make sure that it was enough for multiple trucks and also accommodate for drainage. If you start adding surfaces out there you are changing the current drainage on the property. So that is something that we would look at as well.

Member Glass- I was troubled because I was looking at the picture of all the other semis that are out there. I understand what we are doing it just seems like if she's got to do it then everybody else around her has got to do it as well. Have they also been served these papers?

Staff Thompson- Yesterday Staff Presisto went out and looked at the properties that were mentioned in the staff report and from Mason Court and from Kathryn Drive we could only see one each (semi's) on the residential lots, and that is something that we can start enforcement with as well, but we didn't see any more than just those.

General discussion regarding neighboring properties with conditional use permits and the conditional use permit process for semi-trucks.

Staff Charles- When we did the amendment back in 2018 to allow one semi-truck and one trailer in residential zoning districts and we did create a separate zoning district that allows for the same thing. However they have more uses that they can do with it, and that is working on the semi-truck. The conditional use permit limits the changing of tires and things like that. The zoning district allows them to do some of that on their property however it is outside of the development envelope for the county. So that is quite a way out there. If you have more specific questions, I would ask Mackenzie to come up and address that, but I don't believe that the county is looking to move in any direction that allows more than one truck and trailer in residential districts. We all understand that we live in a rural community. There are a lot of semi-trucks and trailers, and we visited with Economic Development in trying to find some places for them go and trying to get some one here that will put some real semi-truck parking that has lighting and security and things like that. I know they are working to get through some of that, but I don't believe that the county is looking to move in the direction of allowing more than one semi-truck and trailer. With the zoning district that they are going to, should they be rezoned and get a conditional use permit, the conditional use permit is not for the semi-truck and trailer. The conditional use permit would be for a night watchman quarter. So, what that is if you have a business in industrial you can convert and existing structure, you can move in a structure that is for security purposes of your business. So typically, if they want to hire someone that is there throughout the night, or they have the people live on premise at all times to watch over their business. That would be what they are looking to do since they have more than one truck and trailer.

Member Crist- If this were to proceed, I'm understanding that you are saying there has to be a design plan, an architect, we might be talking significant cost incurred because you're talking maybe drainage. You are talking concrete at a minimum. How does that affect the other people that are doing that same thing in that district?

Staff Charles- So we are going through the enforcement process. We had that communication with the county. As it is stated in the memo we went through, and we looked at all of the applications for a conditional use permit for a semi-truck and trailer. And that was more than just what was approved also the ones that were denied. As we did those inspections, we did look at the surrounding properties. We've communicated and sent what we put together to the county. They haven't quite had the time to with scheduling and some people have been out sick to meet internally before they discuss it with the board of county commissioners. So that is the only information that we have at this point. We'll go through the process before we have any other violation. We'll send them a letter before if they don't comply and then we send it on to the county.

Member Crist- But it is not just this property that is involved in it?

Staff Charles- It is the only one that you are addressing today.

Member Crist- So this property individually is asking for a rezone?

Staff Charles- Yes.

Member Anliker- My concern is you've got the person living across the street that has a residential property. They purchased as residential and then you have someone that says ok maybe there is not a whole lot of building going on and then all of a sudden, we want to change this because they are doing that. I have a problem with that. Especially if I was that property owner because they went into this subdivision thinking this is rural residential.

Chair Germann- However, industrial is an acceptable zoning next to a residential. What is the size of these lots. Are they an acre or half acre? And would there be a maximum number of trucks that they would be allowed to park there?

Staff Thompson- So the acreage of the specific lot that is requesting to rezone is 2.25 acres. It was combined last year, and I believe the other ones are typically around an acre each. If the rezone is approved, to my understanding

there would not be a maximum she could park on the property, just as long as they have the right amount of improved surface then they can park as many as they can on there.

Chair Germann- The improved surface, can it be anything other than concrete? Can it be a blacktop surface or anything else?

Staff Charles- The zoning regulations say that the county engineer has the ability to evaluate it and recommend a different type of surface. I can't speak for the county engineer, I don't know if Mackenzie can or not, but they do have that ability to accept an alternative surface.

Chair German- The county engineer would also recommend if there was a need of drainage? Would they require that as well?

Staff Charles- If it was rezoned it would be industrial it would require the site plan review process. We would get a site plan from a design professional. The zoning regulations layout exactly what we need for a site plan and that does include drainage. So just like anybody's property, weather its commercial or residential or industrial, for drainage you have to accommodate your current drainage and then when you add surface parking structures you have to be able to maintain what ever the increase is before it dumps on to the street.

Chair Germann- Would there be a limit on the number of trucks?

Staff Charles- There is not. Industrial commercial does not have a limit on the number of trucks that you can have as Daunte stated. We would look at how much room they have to add surface parking there, but there is no limit and no true way for us to limit the number of trucks that someone could have in an industrial/commercial property.

Member Glass- I was curious if her surrounding neighbors also have semis and if each one of those would have to come in and ask for a rezoning. Or are we just rezoning her property?

Chair Germann- I'm wondering if some of these questions might be answered by some of these folks here.

Marilyn Ollarzabal, Applicant- We didn't get the letter. I filed for a social security card back in May and still haven't gotten it. Our mail there doesn't always get to us. So, we assumed the ones that were parked there was alright to park there. Other than our truck we have 2 semi-trucks and trailers and one flatbed trailer and a loader. The gentleman that owns them is out in the field six months out of the year. He does not come and go, he's out there. The rest of the time he is parked there and does not go anywhere. His loader is what cleans our road and if it snows, he cleans it because the three families that live on the other side have babies and if they have to get out with them babies to go to daycare he comes in and cleans them. If I fell and broke my hip or something an ambulance wouldn't get down there without him. I've contacted our commissioner for the district to get the county to clean the road several times. After I call, they come and clean it and we just said wait a minute, we'll take care of it and that is what we have done. As far as where they are parking, we've got crushed asphalt on the parking area and we also take care of the neighbors that are on the other side, their driveways and their mailboxes, because if it rains the mailman can not get to their mailboxes. We've helped them with that. He's the one that levels it out and does everything. The three neighbors have asked us to come and make sure he can be there because they rely on him. We have another neighbor that instead of working where he is working now is going back to trucking. I don't know where he wants to park his truck and that is up to him. All we want is what we have requested for. I don't want to have other trucks parked there because I don't want that responsibility. It is more or less here to help us and all of us. There are only three other houses. I look out my kitchen window I'm seeing trucks. They have over ten trucks they park there at any given time. They have a truck that is completely destroyed. It's there all the time. If I look out my front porch, I see nothing but trucks. This place has way over ten trucks. I tried to count them one time and I couldn't. They are coming and going and coming and going. Kathryn Street is zoned so that they can have trucks coming and going from J-Mart. Their road is a disaster and ours is not because we take care of it. That is all we are asking. We don't want more trucks. We don't leave tires and stuff laying around. If there are tires that we have to change the same company that brings in the new tires takes the old ones. Any oil or anything like that is not left laying around is gone because we have it picked up. It isn't that we are trying to hurt anybody in the neighborhood, we are helping them in the long run. This gentleman that owns the trucks, he comes over and he helps when I am by myself because my husband is gone a week at a time and sometimes longer. So that small amount of time that he is there, if I need help, he (neighbor) is there. That is all I am requesting. I'm not requesting to be able to park fifty trucks or whatever. We don't charge him, and he doesn't charge the neighbors for what he does for them. It is just we're there.

Member Glass- Would her house then be considered the nightwatchmen quarters?

Staff Charles- She would have to apply for a conditional use permit for it to be considered. What gets approved or not approved is just for the zoning change.

Member Rupp- Vicki (Chair Germann) made a comment about industrial areas considered residential.

Chair Germann- It is an acceptable zoning right next to residential. We've dealt with that on several issues. The biggest one I remember is Towns Riverview (subdivision).

Member Rupp- As a night watchman quarters?

Chair Germann- A night watchman is not.

Marilynn Ollarzabal- Is security cameras considered night watchman?

Chair Germann- No, your home.

Marilyn Ollarzabal- But could security cameras?

Chair German- They could but you would want your home to remain on the property. That is the issue, if we approve this rezoning then your house would be out of compliance in that zone. So that means you would have to get a special permit to allow you to even remain there and live in your home.

Member Collins- It seems that either way she needs to have either a special permit for additional parking of semis or a special permit to live in your house if this changes.

Staff Charles- So yes for the house. For the additional truck there is no special permit. The conditional use permit that they got was for the one truck and one trailer. If they want to go to the county commission and ask for a waiver of the zoning regulations, they can do that.

Member Collins- There is only a CUP that allows for one?

Staff Charles- Correct.

Chair Germann- A waiver might be an option, and it would probably be a more affordable option for you. If the county commission would be open to it that is certainly an option.

Marilyn Ollarzabal- Just whatever option I can do. Like I said, it is not just us, it's the three houses that are there and we own all the property around the cul-de-sac. That is all ours.

Member Crist- There are four lots around that and do you own all of them?

Marilyn Ollarzabal- Yes. Whatever I can do is what I want to do. I threw all this on Daunte when we got the letter because I didn't know because the gentleman that come in, he just called me and said its all done everything is okay. I thought he had also put in for the two trucks that are there. It kind of came as a surprise.

Member Randall- The truck and trailer you mentioned out the window that you see, are those in the red or in the green.

Marilyn Ollarzabal- Those are in the green.

Member Randall- So the area that is considered residential is not being used appropriately as residential.

Marilyn Ollarzabal- I had taken pictures of it and sent them to Daunte of the trucks parked there. That is on an everyday basis.

Member Glass- Is that a county road that needs to be maintained there or is it even a county road?

Chair Germann- The county maintains it when they ask.

Marilyn Ollarzabal- When we purchased this property, the one we purchased it from, Kathlene, had moved to Nebraska and she literally said its your baby you take care of it. I said what do you mean, and she said we always take care of the road. So, we do that. There is no doubt about it.

Member Anliker- So is that subdivision a PUD?

Staff Charles- No.

Member Crist- Would you be amenable to looking for that waiver rather than have this process go forward?

Marilyn Ollarzabal- I would do anything. Like I said, I called and dumped it on Daunte because I didn't know what to do when we got the letter because literally it was a surprise. It was kind of one of those days and so I called and dumped it on him, and this is what he told me to go for so that is what I'm in for. I didn't know if the permit that we had, the conditional permit, would allow us to say this is what we wanted. I don't know how to do that.

Staff Charles- Before we open public comment I'll address a couple of things. Obviously as staff our first option is never to ask for a waiver. We need to try to find something that is useful through the current zoning regulations. I think it is appropriate that we hear from the public for the surrounding property owners and then we can discuss some other options as well, but I think the most appropriate thing next would be to open it for public comment and hear from the neighbors before we ask more questions and what her other options would be.

Marilyn Ollarzabal- I can get one of the neighbors down here now if you need him.

Chair Germann- He's not here now?

Marilyn Ollarzabal- He's working but he said to call him.

Chair Germann- He owns what property?

Marilyn Ollarzabal- He owns the house on the opposite side of us. The middle house of the three.

Chair Germann- It would be helpful if you can call him and see if he could come down while we are in public comment.

Member Crist- You say you own the other four plots around the cul-de-sac, what about straight west of your property who owns that?

Marilyn Ollarzabal- Jose Palacios. He owns both of them.

Member Crist- That is part of the residential?

Marilyn Ollarzabal- He says its residential-commercial.

Chair Germann- That is what the property owner thinks it is, residential-commercial?

Staff Charles- Part of it is. I'm assuming he probably bought them separately at the time. As you can see there is quite a significant amount of commercial around this area.

Marily Ollarzabal- Right on the corner of our road is a truck repair shop and OJ's and I can't even tell how many trucks park there all the time besides what he is working on. The one next to him is the one that shows residential, and he is the one that has the trucks that are completely destroyed. I counted ten and then I couldn't see the rest to be able to count them all. That is what I see through my front porch. I do know that the property owners know we are here and are for it.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

Member Anliker- In this little subdivision when it was originally designed was it a PUD? What was it?

Staff Charles- How it was originally designed was how it is laid out. It was platted and intended to be developed as a residential subdivision.

Member Anliker- So when three people purchased them as rural residential and that is what their expectations were.

Member Randall- So you have a development that starts like residential, and I don't disagree with Marilyn, they are in favor of it, but how does a development like that then maintain. Is there not a development agreement and a way that it is maintained? So, somebody can come in and take an R-1 and request to go to industrial in a residential development and if we approve it, you can slowly change the whole development on people? I understand this is a very mixed area and I know we have a lot of these in Garden City and Finney County where you have industrial next to residential, I'm just curious if you have a residential development and somebody can come in, is the development I don't want to say abandon, but the person who did the development had certain

intentions and the people who bought the residences, I assumed had certain intentions that it would be residential. How do we handle this. I understand the problem. I just don't know.

Staff Charles- The only way that I see preventing it in the future is a lot of subdivisions put restrictive covenants on it and that would be their way of doing that. There are a couple of subdivisions in the county that do have restrictive covenants. We see a lot in the city where they have those restrictive covenants and those run with the land. It is a little bit more process to amend or remove restrictive covenants. I don't believe there are restrictive covenants for this area.

Member Randall- So there are no covenants on this?

Staff Charles- It's the only for the developers to restrict what they do for the land.

General discussion regarding covenants.

Chair Germann- It appears that our applicant owns everything around the cul-de-sac. It is only kind of in the entry where it is owned by other. How many of those others are parking trucks out there. They are not here to say we don't want trucks here because several of them apparently have trucks.

Member Anliker- Of the three lots that have properties do any of those have a truck that is parked on them?

Staff Thompson- When we did our inspection the only one that we saw was this one (pointed on aerial photo) and a truck that we could see from the right-of-way. Those were the only two trucks that we could see in the R-R zone, Rural Residential, that had trucks at the time.

Chair Germann- And they have been notified?

Staff Thompson- Not yet. We just went out yesterday and when we did our original inspection on all the CUP's we did not see any residential on that lot.

Chair Germann- I would definitely be inclined to at least table this and let the applicant decide if she would like to pursue getting approval for a night watchman quarters from the board of zoning appeals prior to us making this decision so that we don't create another issue potentially or alternatively if she would like to pursue getting a waiver from the county commission. There's a couple of other things that could happen here and I think she could think about that and discuss it with staff and decide which way she would like to proceed, but I think we might want to consider just tabling it.

Member Rupp- All the other properties were notified. Did any of them reply or complain?

Staff Thompson- No I didn't receive any communication from them.

Member Rupp- I'm really struggling with rezoning just that small portion. If the whole development, that whole cul-de-sac, got rezoned I'd say go for it.

Member Glass- That is why I asked if we rezone is it just her property and nobody else. I think then we set it up to everybody coming back to getting the same thing. In my mind if we are going to rezone, we should rezone the whole thing.

Chair Germann- Or at least rezone all the properties they own.

Member Randall- I agree with Vickie on the tabling because if we did approve this you would hate to be onerous to Marilyn to have to spend one hundred thousand dollars on concrete and drainage. I'm not saying that the county engineer would say that it has to be done, but there might be a better option. It seems like there is a lot still to study here.

Chair Germann- I would like to hear from the neighbors. If the neighbors are like we want them here, we want them doing this, this is a great service for us, the problem that you run into is we change it and then ten years from now, fifteen years from now, these people move on and somebody else comes in and does something entirely different in an industrial zone area, it is like I said and I keep repeating myself, industrial is an acceptable use right next to residential. So, they can do it. Is it desirable? Probably not.

Member Anliker- But then I also look at the resale of the property. If you are that owner that came in and purchased that residential, we are being a detriment to that property owner when then want to resell.

Member Crist- What would the waiver process be and what would the end result look like?

Chair Germann- They would ask the county commissioners to grant them a waiver to park more trucks three trucks there instead of just the one that is allowed right now.

Member Crist- But granted you are not talking about permits?

Chair Germann- That seems like the best option.

Staff Charles- It is worth tabling to see what other options are available. By tabling it gives her the ability to really weight those options out instead of denying it. That way if she decided to do something different or continue with the rezone process, she wouldn't have to pay that application fee again, but that would be the most appropriate. If she decides that she does want to rezone the other parts of it, we may need a new application. You have the ability to change if you wanted to give them a new zoning district you have that ability, but it would only be what we notify the surrounding property owners. So, if it does increase you have to start that process over as it would probably notify more surrounding owners within a thousand feet.

Chair Germann- In my opinion having them rezone the whole property would be more of a detriment to the whole neighborhood. If somebody else potentially bought it, it could be a huge problem. So, rezoning the whole thing may not be the best idea. I think tabling it is probably our best option if everybody is good with that.

Mackenzie Phillips, Finney County Development and Administrative Coordinator- I really don't have much to add unless you have questions for me, based on the county. I will say that waivers from the county commission recently haven't had the best of luck, but it is always worth a shot. This is a little bit more of a unique situation so either way it has risk to it whether it be from the board of zoning appeals or from the commission.

Chair Germann-Is there a cost?

Mackenzie Phillips- No there is not.

Chair Germann- That would be affordable and at least worth a shot if the applicant is interested in that. It might be worth while for you to visit with staff after the meeting today to decide which way you would like to go.

Member Anliker- One thing to remember too is if you move that up to an industrial, there will be an increase in property taxes. Significant increase.

REOPEN PUBLIC COMMENT

Casie Price, Neighboring Property Owner- She is wanting to do the light industrial. I don't see any problem with it. There are semi's that pull up at 3135 (Mason Court) all the time. It's already zoned light industrial. There are other people that live around that are running semis on residential all time anyways. For them to come up and down the road honestly will make no difference for us. If anything, it will impact us better with the heavy trucks driving up and down the road. We don't have the county come out and grade the roads so with the heavy trucks actually it will pack down some of the holes better than tear them up. They've done a lot of work trying to keep the roads good even with his semi going on there and it hasn't impacted in anything. There is more impact from the UPS, Fed-Ex and mailman that drive and put ruts in our road where they are down there every day. Her husband Hector's semi is there maybe a couple of times a week, out of that he is on the road trucking, so it is not going to impact us or the roads. I grew up in a small town where you had semis in everybody's front yard and so it didn't bother me one bit at all.

Member Crist- Always with trucks there's the issue of traffic but what I am hearing you say, and Marilyn say is the trucks aren't coming in and out daily?

Casie Price- Correct. We live in a cul-de-sac. There is one way in and one way out. There is not a whole lot of traffic. Honestly, the most traffic that is there would be the neighbors that drive up and down about thirty times a day in their vehicles. The semis would be very minimal up and down the road.

CLOSE THE PUPLIC HEARING.

MEMBER RUPP MADE A MOTION TO TABLE THE REZONE REQUEST TO THE NEXT PLANNING COMMISSION MEETING. MEMBER CRIST SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp

Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-36: Rezone from "G-G" General Commercial District (County Zoning) to "C-2" General Commercial District (City Zoning), 3208 E Mary Street, Garden City, KS, Applicant O'Reilly Enterprises, LLC.

Staff Presisto- Presented Staff Report.

Paul Engle, Representative for Applicant- Thank you everyone, this is kind of the final step in this process. Thank you everyone for helping us get here. It makes sense and this is the last part, and we are getting ready to start work so we are excited to be there and happy to answer any questions.

Member Rupp- Is every time that something goes from county zoning to city zoning, the naming is a little different, so they have to go through this process on everything or is it just commercial?

Staff Charles- When you annex land into City boundaries the current zoning district that they are runs with the land. It is when they decide to develop that we request that they rezone to a city zoning district. If it was a residential or ag in the county and they were ready to develop we would ask that they rezone to a city zoning district so that they would comply with the current zoning regulations.

Member Crist- Hypothetically if they were wanting to put three more auto stores on this piece of property and if they wanted to develop three smaller plots half an acre or less each of those would have to go through the rezoning?

Staff Charles- What we are looking at right now, just what they are rezoning just the .888 acres, which is only enough to develop one lot essentially, for the surrounding ones we do have another item on the agenda, and I could address that question at that time too.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

MEMBER CROCKETT MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE FROM "GC" GENERAL COMMERCIAL (COUNTY DISTRICT) TO "C-2" GENERAL COMMERCIAL DISTRICT (CITY ZONING). MEMBER GLASS SECONDED THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-39: Rezone from "C-2" General Commercial District, "R-2" Single Family Residential District and "R-C" Condominium-Townhouse District to "C-2" General Commercial District, property generally located at 900 Lareu and E. Schulman Avenue, Garden City, KS 67846

Staff Charles- Presented Staff Report.

Kurth Lancaster, SMH Consultants, Representative for Applicant- We went through this process back in the day and of course 2020 hit and things happened, and the project became kind of fluid and went on hold for various reasons. When things fired back up that's when we started to revisit and like she mentioned, revising some of the site plan, we are going through some of those revisions now. That has been a fluid situation as far as what kinds of elements they want to have. The big building and the sports use has always stayed. The type of restaurant and that kind of stuff has been kind of fluid, and I think that has finally calmed down but we know this is what we are doing so we can get those plans revisions and go from there. I can answer any questions best I can if you have any.

Member Crist- This is just a technical glitch in the process?

Kurth Lancaster- In my opinion yes. The building pad was done in 2020 and then it sat and so when they decided okay we are ready to fire back up again we said ok and then we started looking at some site plan revisions and things like that because they wanted to rearrange some things and we said ok we can do that and I don't know

what brough it up and I went over to the County and there is no plat. What happened to the plat? It never got finished. It went through commission and everything, but it didn't get finished, it didn't get recorded. And then they went back and looked at the rezone and it went through and everything but there was a glitch in the description, and I had to go and correct everything.

OPEN PUBLIC COMMENT
CLOSE PUBLIC COMMENT

MEMBER RANDALL MADE A MOTION TO APPROVE THE REZONE FROM C-2 GENERAL COMMERCIAL DISTRICT, R-2 SINGLE FAMILY RESIDENTIAL DISTRICT, AND R-C TO CONDEMINIUM-TOWNHOUSE DISTRICT TO "C-2" GENERAL COMMERCIAL. MEMBER CRIST SECONDED THE MOTION.

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

MEMBER CROCKETT MADE A MOTION TO AMEND THE AGENDA TO ADD CASE GC2024-41 TO THE AGENDA. MEMBER GLASS SECONDED THE MOTION.

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

GC2024-11: Rezone from "G-C" General Commercial District (County Zoning) to "C-2" General Commercial District, E. Mary Street and Highway 156, Garden City, KS, Applicant Worf Land, LLC.

Staff Charles- Presented Staff Report.

Chair Germann-So this remaining parcel is all that remains of what has been annexed already?

Staff Charles- Correct.

Chair Germann- But there will be some additional ones that they will have to deal with at a later date?

Staff Charles- There could be some of these areas that you see, we've got rural residential there and commercial, we have had the discussions but this time we are just kind of looking for some options and some ways for us to get the remainder part of the road, because it does become a little confusing on enforcement when part of it is county and part of it is City.

Member Crist- What are you asking us to do?

Staff Charles- I'm asking you to rezone from county general commercial to city general commercial as they are in city limits now.

Chair Germann- It is interesting for the same property and very similar uses, even residential, the city has zoning districts like R-1, R-2, R-3, and they each have different uses residentially whether it is single family attached, detached, condominium, apartments, that kind of thing. In the county they don't have R-1, R-2, they have rural residential, suburban estates, but they are completely different titles that what the city has and that is what we have in this instance. The commercial zoning in the city is called one thing and it is called another thing if it is in the county. So, once it was annexed into the city, we just have to change it to a city commercial zoning rather than a county commercial zoning.

General discussion regarding zoning regulation uses.

Member Anliker- recused herself from the vote.

Member Rupp- When the city annexes the streets, does the property owner that used to own to the center of the road, there's not reimbursement they don't pay for the road, the city just takes over?

Staff Charles- It be dedicated to the city. There are not always those instances that it happens. It just kind of ends up on the property itself and sometimes there are some areas. I would say that this is one of the areas that we would have to go get additional right-of-way and we've been in talks with the property owner. If you aren't

aware, they are extending the trail out in this area, a ten-foot trail. So, all along Jennie Barker we have done a ten-foot trail or sidewalk, and it will extend into this area.

OPEN PUBLIC COMMENT

Polly Witt, Neighboring Property Owner- We are not opposed to the rezoning. Our concern is drainage, to make sure that it is in compliance with the overflow on the highway and come on to our property because that area can get very low, and water can stand there and historically it has gone across the highway. Its much better since Wal-Mart and Sam's and all of that and they reconfigured the drainage ditches, but it is a concern with that much development coming in. Just make sure that they comply with all the drainage rules. It always happens with the hotel, and we don't want it to happen again. Please just be aware of that as an issue. Again, we are not opposed to the zoning at all, but just make sure that drainage is looked at very carefully.

CLOSE PUBLIC COMMENT

MEMBER CROCKETT MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE FROM "G-C" GENERAL COMMERCIAL (COUNTY DISTRICT) TO "C-2" GENERAL COMMERCIAL DISTRICT (CITY ZONING). MEMBER GLASS SECONDED THE MOTION.

Anliker	Collins	Crockett	Crist	Germann	Glass	Michel	Randall	Rupp
Abstain	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

7. COMMISSION MEMBER REPORTS

Member Rupp- Asked for an update on amending the regulation regarding residential storage container units.

Staff Charles- Gave a brief update regarding the amendment of the zoning regulations to allow residential storage container units and let the board know that more research will need to be completed, and a study session will be done at a later time for this discussion.

Chair Germann- Asked staff if industrial zoning next to residential zoning is a state statute.

Staff Charles- Let board know that there is nothing stating that industrial zoning is not allowed by residential zoning and to consider the criteria listed in the staff report when making their decision for a rezone. *Discussion ensued.*

8. ADJOURN

The meeting was adjourned at 10:40 A.M.

Trent Maxwell	Secretary	Vicki Germann	Chairman
Aleecya Charles	Staff	Sean Collins	Vice-Chairman

GENERAL STAFF REPORT AND UPDATE
October 17, 2024

City of Garden City, Kansas
Neighborhood & Development Services Department

Site Plans Approved: September 12, 2024 – October 10, 2024

Site Plan	SP#	Landscape	Address	Project

No site plan approvals.

Lot Splits & Parcel Plats Approved Administratively: September 12, 2024 – October 10, 2024

No lot split or parcel plat approvals.

Jurisdiction	Request	Description	Applicant/Surveyor

Commercial Certificate of Occupancies Issued: September 12, 2024 – October 10, 2024

Project	Address
Black Bear Restaurant	1265 Solar Avenue

Discussion:

GARDEN CITY
KANSAS

MEMORANDUM

TO: Holcomb - Garden City - Finney County Area Planning Commission Agenda
THRU: Trent Maxwell, Neighborhood and Development Services Director
FROM: Daunte Thompson, Planner
DATE: October 17, 2024
RE: GC2024-41: Rezoning from "I-2" Medium Industrial District to "C-2" General Commercial District for the property generally located at 1404 W. Mary Street, Garden City, Kansas.

ISSUE:
The Planning Commission is asked to consider and provide a recommendation for the rezoning request at 1404 W. Mary Street, Garden City, Kansas.

BACKGROUND:
On behalf of Caros Electric, Jorge Caro requests to rezone the property generally located at 1404 W. Mary Street from "I-2" Medium Industrial District to "C-2" General Commercial District. The property contains +/- 3.91 acres, is currently vacant and the owner intends to construct a event venue. Event venues are a permitted use within the "C-2" district but not within the "I-2" district.

STAFF ANALYSIS:
The proposed use conforms with the Garden City Comprehensive Plan's Future Land Use Map, which identifies this property as mixed-use potential that generally consists of commercial and residential uses. The surrounding properties' zoning districts include the "G-C" General Commercial District (County zoning) and "I-2" Medium Industrial District. Given the commercial and industrial districts and uses surrounding the property, the proposed use conforms with the neighborhood and will have no adverse effects on the nearby properties. If approved, the development is required to go through the site and building plan review process before the issuance of any building permits. The Planning Commission may make its recommendation and state its findings according to the criteria in Section 27.040. Below is the complete list of these criteria:

27.040. AMENDMENT EVALUATION CRITERIA. Prior to taking any action on a request for an amendment which is not a general revision of the Zoning Regulations and which will affect specific property, the Planning Commission shall give consideration to the following evaluation criteria:
(A) The physical character of the neighborhood surrounding the property under consideration.
(B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
(C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned
(D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
(E) The length of time the subject property has remained vacant as zoned (if applicable),
(F) The relative gain to the public health, safety and welfare by the change of value of tthe landowner’s property compared to any hardship that may be imposed upon the landowner,

(G) The consideration of recommendations of permanent or professional staff (if applicable),
(H) The conformance of a proposed zoning change to the adopted or recognized Comprehensive Plan being utilized by the City of Garden City, Kansas, and
(I) Other factors relevant or specific to a particular proposed zoning amendment. (Ord. #1770, 11/2/91)

ALTERNATIVES:

1. The Planning Commission may recommend approval of the rezoning request.
2. The Planning Commission may not recommend approval of the request.

RECOMMENDATION:

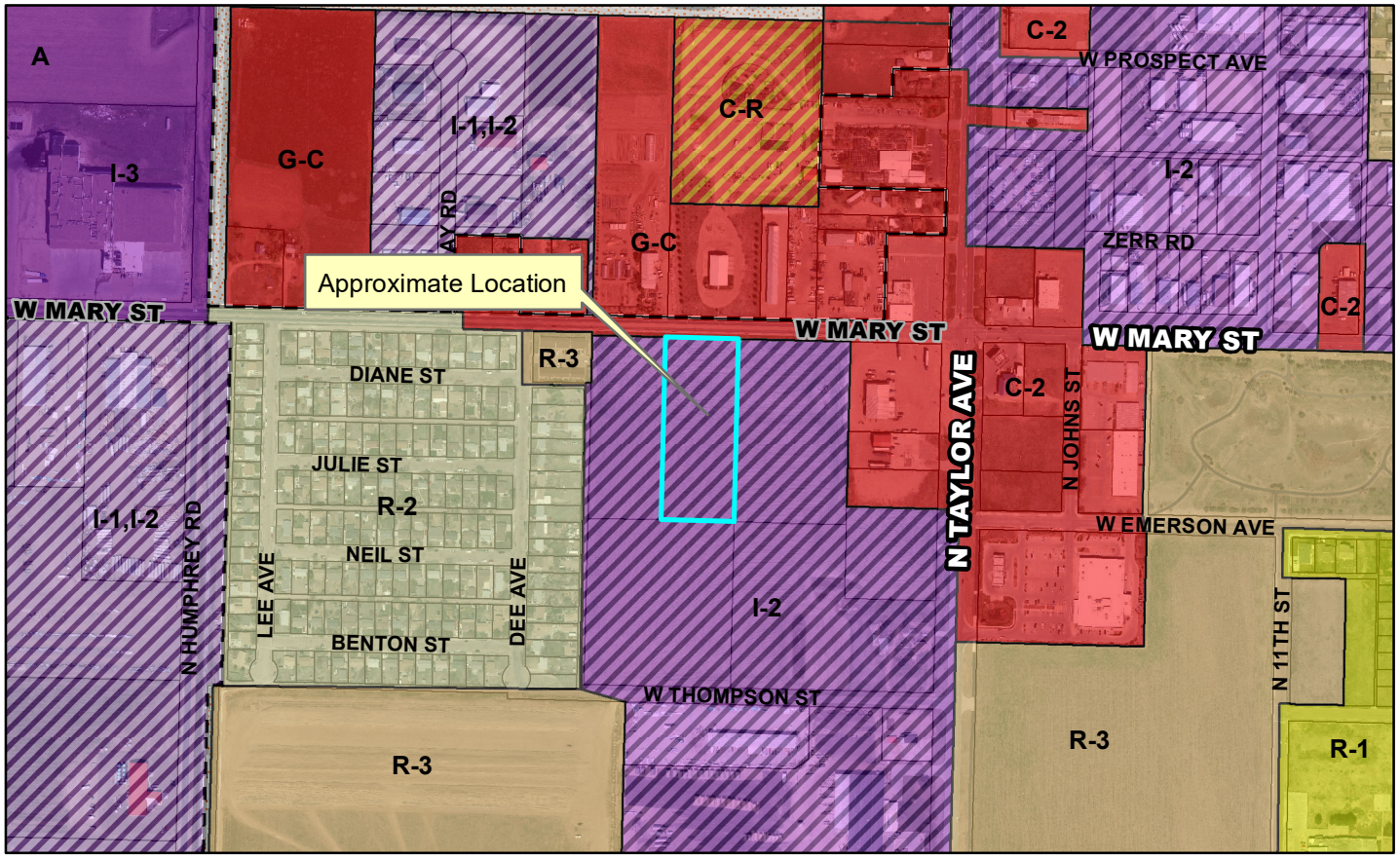
Staff recommends the Planning Commission recommend approval of the rezoning request.

FISCAL NOTE:

None.

ATTACHMENTS:

GC2024-41 VICINITY MAP
GC2024-41 GENERAL INFORMATION



Case Number: GC2024-41
Applicant: Jorge Caro
Address: 1404 W. Mary Street
Request: Rezone request from "I-2" Medium Industrial District to "C-2" General Commercial District.



GC2024-41: Rezoning from "I-2" Medium Industrial District, "C-2" General Commercial District for the property generally located at 1404 W. Mary Street, Garden City, Kansas.

GENERAL INFORMATION

Date:	October 17, 2024	**Jurisdiction:**	Garden City
Owner:	Caros Electric, LLC		
Applicant:	Jorge Caro		
Requested Action:	Rezone to “C-2” General Commercial District		
Purpose:	To construct an event venue.		
Location address:	The property is generally located at 1404 W. Mary Street		
Comprehensive Plan:	The proposed land use is not consistent with the Comprehensive Plan.		
Sites Existing Zoning:	"I-2" Medium Industrial District		
Surrounding Zoning:	North “G-C” General Commercial District (County) South “I-2” Medium Industrial District East “I-2” Medium Industrial District West “I-2” Medium Industrial District		
Land Area:	Contains +/- 3.91 acres		
Notice Date:	This project was published and noticed by mail as required by code.		