**AGENDA**
**GARDEN CITY BOARD OF ZONING APPEALS**
**TUESDAY, SEPTEMBER 10, 2024**
**9:00 AM**
**CITY COMMISSION CHAMBER - GARDEN CITY, KS**

**Note: If you require any additional 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.**

**The agenda for the meeting is as follows:**

**I. Chairman calls regular meeting to order**

**II. Approval of Minutes**

A. August 13, 2024 Meeting Minutes
GCBZA August 13, 2024 Minutes

**III. Submittal of Exhibits for the Record**

A. City of Garden City Zoning Regulations as amended.
B. City of Garden City Subdivision Regulations as amended.
C. City of Garden City Comprehensive Plan 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

**IV. New Business**

A. GCBZA2024-18: Variance for a front building setback line at 304 N. 12th Street, Garden City, Kansas.
GCBZA2024-18 SITE PLAN
GCBZA2024-18 VICINITY MAP

B. GCBZA2024-20: Conditional Use Permit to allow for automobile sales at 310 W. Kansas Avenue.
GCBZA2024-20 VICINITY MAP
GCBZA2024-20 SITE PLAN

**V. Adjourn**

**MINUTES**
**BOARD OF ZONING APPEALS**
**GARDEN CITY, KANSAS**

August 13, 2024

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, August 13, 2024, in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

## I. CALL TO ORDER

Meeting called to order at 9:00 a.m. Present were Vice-Chairman Acosta, Member Collins, and Member Mesa. Also in attendance were Staff Presisto and Staff Thompson.

## II. APPROVAL OF MINUTES

Member Mesa made a motion to approve the minutes from July 9, 2024. Member Collins seconded the motion. Votes were taken by yeas and nays and recorded as follows:

| Mesa | Rishel | Acosta | Karhoff | Collins |
|---|---|---|---|---|
| Yea | Not Present | Yea | Not Present | Yea |

Motion passed.

## III. SUBMITTAL OF EXHIBITS FOR THE RECORD

- **A. City of Garden City Zoning Regulations as amended**
- **B. City of Garden City Subdivision Regulations of 1996 as amended**
- **C. City of Garden City 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**

## IV. OLD BUSINESS

**GCBZA2024-15:** Condition Use Permit to allow for automobile sales at 2006 E. Schulman Avenue, Garden City, KS, Applicant David Fernandez.

*Staff Presisto*- Presented staff report.

*Member Collins*- Is there any long-term plans to figure out how traffic is working in that general big circle in between Schulman, Campus and where you have to go around to gain access to it? I have tried to imagine how that might look. With Schulman becoming as prevalent as it, it's a corridor now. I was just wondering now if we are talking about this corner if you guys know of any plans regarding that.

*Staff Thompson*- Not that I am aware of.

*OPEN PUBLIC COMMENT*

*David Fernandez, Applicant*- I don't have any questions at the moment. The way I see it the traffic has always been an issue in Garden City. I've been here since 1990. On Schulman there has always been a lot of traffic there. So, the traffic I don't think will be a problem for my business. There's plenty of space there and also in the evenings it's always packed. So, I don't think there will be an issue for my business.

*Member Mesa*- Mr. Fernandez have you talked to the brewery about your plan?

*David Fernandez*- Yes.

*Member Mesa*- Any comments out of that discussion from them? Were they fine with what you are wanting to do there?

*David Fernandez*- Positive comments, not negative comments.

*Member Mesa*- Were they fine with what you are wanting to do there?

*David Fernandez*- The owner of the business right now, Martin Boyles, he and I went to talk to them. It was a very good conversation with them.

*Member Mesa*- When you purchased that property were you aware of the zoning at that time and were you aware of what you might have to do before purchasing the property?

*David Fernandez*- Not exactly.

*Member Thompson*- You'll just be renting. You didn't purchase that.

*David Fernandez*- That is why I am here. I haven't bought it. That's actually why I am here. I don't want to buy the property and not be able to do the things that I want to do.

*CLOSE PUBLIC COMMENT*

*Member Collins*- Looking at this we've got to look at the thirteen things we've got going on here and I had heard about this from the guys at the brewery and just like he said they are fine with it. They think that they can come to a resolution. That doesn't concern me. I just know what that intersection looks like and at the moment having a print shop there, or whatever use it is, is a very low-profile business and part of being in auto sales, a good dealership is very visible. That is why you guys want to be there and I understand. But because it is so congested and it is not that there is so much traffic that goes through it, it's that it is not designed for the traffic that it has now much less traffic that it has now plus a big car lot where you want people to slow down and look at your cars when you've got cross pedestrian traffic coming in right there as well. That is my biggest concern, pedestrian safety because people don't treat it like it's a pedestrian area and there is too much going on in that corner as is it visually. And as it is there is hardly anything with the proposed use. It seems too flashy and like it would draw too much attention. And number four the prevention of traffic congestion, traffic safety and orderly parking- number five; six-safety of individuals; envision of inappropriate uses, not so much morally I guess but we said there are no other car lots within a quarter mile.

*Staff Presisto*- The closest one would be the Schulman Crossing one. The majority are on Fulton and a couple are on Kansas.

*Member Mesa*- What is on the back side (of property)? Is that a paved road?

*Staff Presisto*- That is drainage.

*Member Mesa*- That won't work. His front is facing west, right?

*Staff Presisto*- Its facing north.

*Member Mesa*- It's not going to work. I thought if you closed off access from Schulman and put a back access on the west side that would ease the traffic to Sean's concern.

*Member Collins*- The only way I thought about it is taking it down south and cutting across probably even south of that water tower and making a road that just loops around.

*REOPENED PUBLIC COMMENT*

*David Fernandez*- On Fulton Street where may business is right now at 1103 E Fulton there is a lot of traffic there and next to it is Big L Rentals and Unique Automotive and there is always a lot of traffic here and there is not congestion because it is Fulton Street. It will be the same at this location. Schulman Avenue and Campus, a lot of people drive through there. I never see any congestion in that area. I don't see any problem with the traffic if you allow me to put my business in there. It would be great if I had a lot of traffic coming through my business but that doesn't always happen. A lot of people can see my inventory going through Kansas, Campus and Schulman. It would great if people always stop by, but that is not always the case. The traffic will not be a problem for the business.

*Member Mesa*- Not to disagree with you but I traveled that road frequently and there are times when that traffic is backed up because you can't turn left. You've got to work your way back right depending on which lane you want. So, there are times that it does back up a little bit. Not often but it does back up.

*Member Collins*- The traffic on Fulton Street is a four-lane street with no big crazy intersections like we have going on here. This intersection is not adequate right now as it is with nothing else on it. The traffic congestion I'm talking about is when people slow down to look at your inventory like you would want them to do. It's just adding to an already congested area. I wouldn't be able to recommend it.

*Member Mesa*- What are the businesses that are allowed? Can you give me a few ideas?

*Staff Presisto*- Apparel stores, supply stores, bike shops, your general commercial uses, retail, car rental, convenience stores.

*Member Collins*- I can see that in all of those stores their goods are inside.

*Vice-Chair Acosta*- So car rental is good but not car sales?

*Member Collins*- What is the reason between the two different levels?

*Staff Thompson*- I don't see a difference in the use.

*Member Collins*- In conditional use, what other businesses are allowed?

*Staff Presito*- Auto repair shops, parking lots, bars.

*Member Mesa*- That is interesting.

*Member Collins*- Interesting, but I don't know that it changes the numbers of the listed reasons that we have in front of us.

*Member Mesa*- I don't understand why you allow car rentals, convenience stores. I mean that creates a lot of traffic. Why wouldn't car sales be in there? You just listed a whole host of things that would create a lot of traffic. If somebody else buys that building and sticks a convenience store over there you are going to create a lot of traffic. The City doesn't have any plans with the way that is flowing right now?

*Staff Thompson*- Not that I am aware of. During the site plan review process that the car dealership will have to go through, if the City Engineers determine that it might need to be looked at to see how it will affect the traffic, they could request a traffic impact study. If that is requested and if it is significant from that there could be some changes that might be needed. This was done with Maverick in front of the high school and as a result of that there are changes to the lanes that are going to happen. The thresh hold for that I am not sure.

*Member Mesa*- Sean raises a very important concern. That is a thorough fair. I know I go through there a lot. There are people going to the clothing store there or to the shopping area, you have a church over there, you have a garden over there, a brewery there.

*Member Collins*- Anyone who wants to continue going west from Schulman on to Kansas Avenue is trying to snake their way through it. It wasn't built for it.

*Member Mesa*- If development continues to happen on the south end you are probably going to have to do something because there are some vacant lots there.

*Member Collins*- What I am afraid might happen in the short term if it becomes a huge problem is that Schulman would just get cut off right there rendering that corner and traffic would just go up whatever that is and we would have to put a light. All of this is just speculation, and my mind has just gone to this intersection many times.

*Vice-Chair Acosta*- That is my concern. I understand number four, the prevention of traffic congestion, I just don't know how they are supposed to prevent it if there already is traffic.

*Member Mesa*- So there is no clear reason why car sales are not allowed there?

*Staff Presisto*- No.

*Member Collins*- I agree that it is an odd double standard.

*CLOSED PUBLIC COMMENT*

*MEMBER MESA MADE A MOTION TO APPROVE THE CONTIONAL USE PERMIT PER STAFF RECOMMANDITON ALTERNATIVE ONE. VICE-CHAIRMAN ACOSTA SECONDED THE MOTION.*

*Member Collins*- Before the vote actually goes forward, I want to point out that my vote will be in consideration of number four, number five, number six, number eight, and number twelve.

*Member Mesa*- I respect that. The problem that I have is you just listed a slew of businesses that you said is kind of almost a double standard, but it is kind of hard to say no when we may possibly allow other retail service or what ever in there. A car lot to me, yes, he's going to have several cars, but its not like you are going there every day. I get what Sean is saying but to me it is a double standard.

*Member Collins*- I agree it is a double standard, but we are not asked right now to judge upon whether it is a double standard or not. We are just asked for the information that we have available right now. With that being said if you want to go through and start looking at why this is not allowed.

*Member Mesa*- Somewhere when we address the driveway issue, we have something in the books that is clearly not enforced, but it is still on the books. Things like that.

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

| Mesa | Rishel | Acosta | Karhoff | Collins |
|---|---|---|---|---|
| Yea | Not Present | Yea | Not Present | Nay |

Motion passed.

## V. NEW BUSINESS

**GCBZA2024-16:** Condition Use Permit to allow for a metal garage at 2602 E. Schulman Avenue, Garden City, KS, Applicant Duane Palmberg.

*Staff Thompson*- Presented staff report.

*OPEN PUBLIC COMMENT*

*Duane Palmberg, Applicant*- He's got a little tiny garage on the house, and he's got a really nice CR2 Colorado and with all the stuff in his garage he's got little space on each side, and he needs a place to put his pickup and clean out the garage, so he's got a place to park his nice truck. As far as the metal structures you've got across the street to the north and the east you've got a building, and the church next door has got a metal building and the building next to that has got a metal building. I understand the R-1 designation does not have a metal building over one hundred square feet. You don't want your neighbor building a steel shed in his back yard in his neighborhood. The college owns the ground behind him. There is a church next door. There is not much growth going to happen there residentially. It fits the characteristics of the neighborhood. I've seen the paperwork that he's got for the building permit. It's a pretty nice building. They are going above and beyond with a long concrete driveway to get access to it. The driveway is probably going to cost more than the building.

*CLOSE PUBLIC COMMENT*

*MEMBER COLLINS MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT PER STAFF RECOMMENDATION ALTERNATIVE ONE. MEMBER MESA SECONDED THE MOTION.*

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

| Mesa | Rishel | Acosta | Karhoff | Collins |
|---|---|---|---|---|
| Yea | Not Present | Yea | Not Present | Yea |

Motion passed.

## VI. ADJOURN

*Member Collins made a motion to adjourn. Member Mesa seconded the motion. Votes were taken by yeas and nays and recorded as follows:*

| **Mesa** | **Rishel** | **Acosta** | **Karhoff** | **Collins** |
|---|---|---|---|---|
| Yea | Not Present | Yea | Not Present | Yea |

Motion passed.

The meeting was adjourned at 9:36 A.M.

| | | | |
|---|---|---|---|
| Trent Maxwell | Secretary | Geoff Karhoff | Chairman |
| Aleecya Charles | Staff | Isaac Acosta | Vice-Chairman |

**MEMORANDUM**

**TO:** Garden City Board of Zoning Appeals
**THRU:** Trent Maxwell, Neighborhood and Development Services Director
**FROM:** Daunte Thompson, Planner
**DATE:** September 10, 2024
**RE:** GCBZA2024-18: Variance for a front building setback line at 304 N. 12th Street, Garden City, Kansas.

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**ISSUE:**
The Garden City Board of Zoning Appeals is asked to consider the variance request to the front building setback line at 304 N. 12th Street, Garden City, Kansas.

**BACKGROUND:**
The applicant is requesting a variance for a building setback to construct a covered porch. This property is currently zoned "R-3" Single Family Residential and contains +/- 0.17 acres. The house is currently setback approximately 14-feet from the front property line, and may have met the setback requirements at the time the house was constructed. The applicant intends to construct a porch on the front of the house, which would extend approximately 5-feet out and approximately 13-feet long along the house. The proposed porch would be approximately 8-feet away from the front building setback line. According to Section 7.020(G), all new construction for single-family dwellings will need to meet the "R-1" Single-Family Residential District, so the applicant is requesting a 7-foot variance for the front yard building setback to be able to construct a covered porch.

**STAFF ANALYSIS:**
The property is zoned "R-3" Multiple Family Residential District but must conform with the "R-1" Single Family Residential District setbacks, which are the following:

- Front Yard: Fifteen (15) feet for dwelling units, all garages and accessory structures shall maintain twenty-five (25) feet unless otherwise provided in Article 25.
- Rear Yard: Ten (10) feet.
- Side Yard: Three and one half (3 ½) feet, unless otherwise provided in Article 22. Whenever a side yard abuts an alley.

The applicant's house is currently consistent with houses on the block. Constructing the front porch would make the applicant's home inconsistent with a majority of the surrounding properties.

**29.010 VARIANCE - PROCEDURE.** An application for a variance may only be granted upon a finding by the Board of Zoning Appeals that the applicant has shown by clear and convincing evidence that ALL of the following conditions have been met:

A. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the applicant.
B. The granting of the variance will not adversely affect the rights of adjacent landowners or

residents.

C. The granting of the variance will not be opposed to the general spirit and intent of these regulations.
D. The variance desired will not adversely affect the public health, safety or general welfare.
E. The variance requested arises from a condition that is unique to the property in questions, is not ordinarily found in the same zoning district, and is not created by an action or actions of the landowner or the applicant.

**ALTERNATIVES:**

1. The Board may approve the requested 7-foot variance.
2. The Board may not approve the requested 7-foot variance.

**RECOMMENDATION:**

Staff is unable to recommend approval of the variance request.

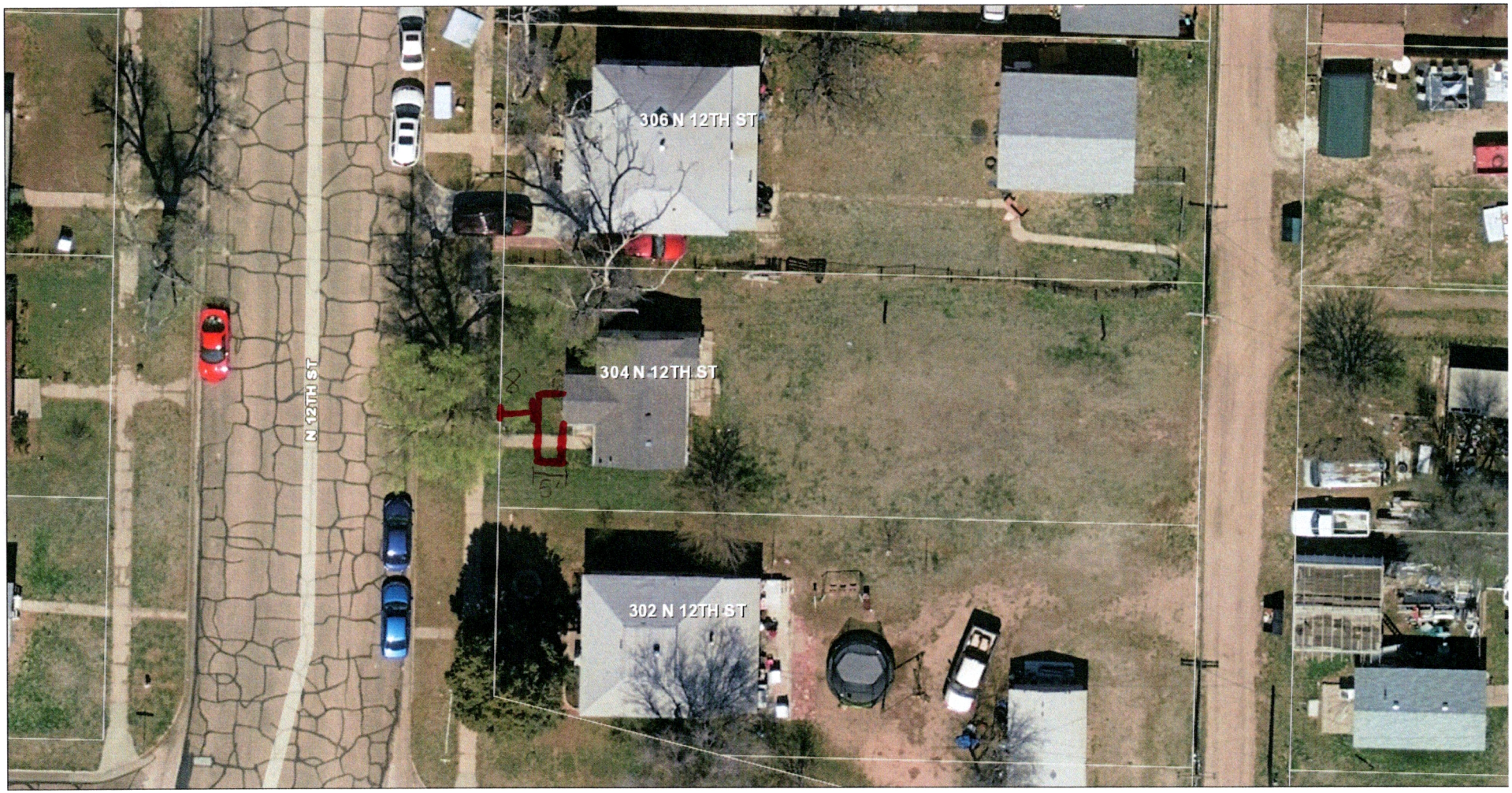
**FISCAL NOTE:**

none.

**ATTACHMENTS:**

GCBZA2024-18 SITE PLAN
GCBZA2024-18 VICINITY MAP

# General Zoning Lookup




July 12, 2024

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**Case Number:** GCBZA2024-18
**Applicant:** Daniel Guebara and Silvia Cordes
**Address:** 304 N. 12th Street
**Request:** Approval of a building setback variance.



GARDEN CITY
— KANSAS —

**MEMORANDUM**

**TO:** Garden City Board of Zoning Appeals
**THRU:** Trent Maxwell, Neighborhood and Development Services Director
**FROM:** Daunte Thompson, Planner
**DATE:** September 10, 2024
**RE:** GCBZA2024-20: Conditional use permit request to allow automobile sales at 310 W. Kansas Avenue.

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**ISSUE:**

The Garden City Board of Zoning Appeals is asked to consider the conditional use permit request to allow for automobile sales at 310 W. Kansas Avenue.

**BACKGROUND:**

The applicant, Jairo Armenta, is requesting a conditional use permit to allow for automobile sales according to Article 15.030(C) of the Garden City Zoning Regulations for the property generally located at 310 W. Kansas Avenue. The property was previously a tire repair shop the applicant intends to use the property for a car dealership.

**STAFF ANALYSIS**

The property is currently zoned "C-2" General Commercial District and contains +/-0.34 acres. Automobile sales are a conditional use within the "C-2" General Commercial District according to Article 15.030(C). There are other car dealership locations west of the property along Kansas Avenue. The applicant intends to have no more than 10 cars displayed on the lot at a time. The lot has adequate parking for the proposed 10 cars and any additional parking for customers and employees. There is an existing ice machine on the property and if the conditional use permit is approved the car dealership should be mindful of where they have their employees and customers park.

**29.050 CONSIDERATION OF A CONDITIONAL USE.** In considering an application for a conditional use permit hereunder, the Board of Appeals shall give consideration to the Comprehensive Zoning Plan of the City, the health, safety, morals, comfort, and general welfare of the inhabitants of the City, including but not limited to the following factors:

(A) The stability and integrity of the various zoning districts to include:

1. Conservation of property values.
2. Protection against fire and casualties.
3. Observation of general police regulations.
4. Prevention of traffic congestion.
5. Promotion of traffic safety and the orderly parking of motor vehicles.
6. Promotion of the safety of individuals and property.
7. Provision for adequate light and air.
8. Prevention of over-crowding and excessive intensity of land uses.

9. Provision for public utilities and schools.
10. Invasion by inappropriate uses.
11. Value, type, and character of existing or authorized improvements and land uses.
12. Encouragement of improvements and land uses in with overall planning.
13. Provisions for orderly and proper urban renewal, development, and growth.

**ALTERNATIVES:**

1. The Board may approve the conditional use permit to allow for automobile sales.
2. The Board may not approve the conditional use permit to allow for automobile sales.

**RECOMMENDATION:**

Staff recommends approval of the conditional use permit.

**FISCAL NOTE:**

None.

**ATTACHMENTS:**

GCBZA2024-20 VICINITY MAP
GCBZA2024-20 SITE PLAN




**Case Number:** GCBZA2024-20
**Applicant:** Jario Armenta
**Address:** 310 W. Kansas Avenue
**Request:** A conditional use permit to allow for automobile sales.



# Zoning




August 30, 2024

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Finney County, Garden City

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