HOLCOMB-GARDEN CITY-FINNEY COUNTY AREA PLANNING COMMISSION
AGENDA

Thursday, August 20, 2020
9:00 A.M. City Commission Chamber – Garden City, Kansas

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.

**8:30 A.M. WORKSHOP - AGENDA REVIEW BETWEEN STAFF AND COMMISSION MEMBERS**

*Public Comments/questions are welcome - NO DECISION CAN BE RENDERED.*

The agenda for the meeting is as follows:

I. Chairman calls regular meeting to order
II. Approval of Minutes – July 16, 2020
III. PUBLIC COMMENT - Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)
IV. General Staff Report and Update
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. **REZONE (RZ)** (Public Hearings)
   1. **GC2020RZ-53**: A rezone from “C-O” Office & Service Business District to “C-2” General Commercial District at property generally located at 1021 Fleming St., at the request of Winston Parks. (Staff – Aleecya Charles)

B. **ZONING REGULATIONS AMENDMENT (ZRA)** (Public Hearings)
   1. **FC2020ZRA-36**: An amendment to Articles 2, 4, 15, 16, 17 and 23 of the Finney County Zoning Regulations regarding communication towers, at the request of the Planning Commission. (Staff – Aleecya Charles)

VII. Adjourn
MINUTES
HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA
PLANNING COMMISSION

July 16, 2020

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, July 16, 2020 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
Chairman Germann called to order the Area Wide Planning Commission meeting at 9:00 a.m. The following Commission members were present: Chairman Germann, Member Stewart, Member Rupp, Vice-Chairman Hitz, Member Holub and Member Anliker. Also present were Secretary Davidson and Staff Dougherty-O’Hara.

Member Stewart made a motion to approve the minutes from June 18, 2020. Member Holub seconded the motion. Votes were taken by yeas and nays and recorded as follows:

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Motion passed.

III. PUBLIC COMMENT- Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)
OPEN PUBLIC COMMENT for items not on agenda.
NO COMMENT
CLOSED PUBLIC COMMENT

IV. GENERAL STAFF REPORT AND UPDATE
Secretary Davidson presented the General Staff Report, copies of which are available through the Neighborhood & Development Services office.

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
FC2020RZ-37: A rezone from “L-R” Low Density Residential District with “AIO” Airport Overlay District to “R-R” Rural Residential District with “AIO” Airport Overlay District of 19 properties generally located east of S Rolling Hills Rd. and west of Raceway Rd, at the request of County Commission.

Staff Dougherty-O’Hara read the staff report.
OPEN PUBLIC HEARING
NO COMMENT
CLOSE PUBLIC HEARING
Vice-Chairman Hitz – You can have a variety of animals according to lot size, so you could have a hundred cows in there?
Staff Dougherty-O’Hara – Under the rural residential district it is listed in the regulation an allowance of one equine or bovine on lots two acres or less. Larger lots can have more, it comes out to up to two animals per fenced acre.
Staff Dougherty-O’Hara read through allowances listed on proposed amendment.
Vice-Chairman Hitz – Who monitors that?
Staff Dougherty-O’Hara – Our code compliance is on a complaint basis. For example, if a neighbor sees that a surrounding owner has 12 horses and 2 cows, it would be upon the neighbor to call in and report it.
Vice-Chairman Hitz – There is no enforcement until somebody complains?
Staff Dougherty-O’Hara – Correct, the enforcement is on a complaint basis.
Chairman Germann – Are there limits on the rabbits and fowl?
Secretary Davidson read through allowances listed on proposed amendment.
Member Stewart – Nineteen of the properties were for this rezone, correct?
Staff Dougherty-O’Hara – Correct.
Chairman Germann – The people who are applying for this rezone, will they become compliant, with the animals that they currently have now?
Staff Dougherty-O’Hara – Yes.
Member Rupp – The people who were not for the rezone, did they have any concerns or complaints?
Staff Dougherty-O’Hara – No, nothing that was brought up against the other properties rezone.
Secretary Davidson – They just did not want their own property rezoned.

VICE-CHAIRMAN HITZ MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE OF 19 PROPERTIES. MEMBER ANLIKER SECONDED THE MOTION.

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

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Motion passed.

GC2020RZ-50: A rezone from “G-C” General Commercial District (County) to “C-2” General Commercial District (City) at the property generally located at 3455 E. Hwy 50, at the request of Roserock Holdings, LLC.
Staff Dougherty-O’Hara read the staff report.
OPEN PUBLIC HEARING
Roman Halbur – Where is this exactly?
Staff explained in detail where the proposed rezone would be.
CLOSE PUBLIC HEARING
Chairman Germann – I have to say that I am glad to see this proposal because I was questioning if the property would be big enough for a truck stop and this will definitely help that. The neighboring building has been sitting vacant for quite some time.
Member Stewart – Is there going to be another entrance off of Hwy 50?
Secretary Davidson – There will be. They are in the preliminary steps of the site plan review process, but they have already spoken with KDOT, and they have been approved for the additional entrance.
Discussion ensued on the location of the subject property.

MEMBER ANLIKER MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE. MEMBER STEWART SECONDED THE MOTION.

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

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Motion passed.

FC2020ZRA-36: An amendment to Articles 2, 4, 15, 16, 17 and 23 of the Finney County Zoning Regulations regarding communication towers, at the request of the Planning Commission.
Staff Dougherty-O’Hara read the staff report.
OPEN PUBLIC HEARING
NO COMMENT
CLOSE PUBLIC HEARING

Member Rupp – What are the setbacks in this amendment?
Staff Dougherty-O’Hara read through the proposed amendment setbacks for towers.
Staff Dougherty-O’Hara – The way towers are engineered is to collapse upon themselves, that is why we propose that half the height tower is an appropriate setback.

Member Rupp – Do you always have the option to refuse a permit to do this? My concern is having these towers on single acre lots with housing all around it. That is too close to residents for me.
Staff Dougherty-O’Hara – The tower height would be restrictive upon the relation of the property lines and public right of way. You would not be allowed to build any other structures in that setback requirement either.

Member Stewart – This does not really change anything other than the fact that they will not have to take each case one by one, the city would be able to take care of it on their own.
Vice-Chairman Hitz – What are the height restrictions?
Secretary Davidson – 75-feet and that is the same in all districts. We did research potential lots where towers could be constructed because of our concern as well. We actually could not find any lots that would meet the requirements, but if there was one they would still have to meet the setbacks and the buffers when surrounded by residential. Unless there is a rezone, but we could not find any properties that would currently be an issue.

Staff Dougherty-O’Hara – They can always ask for a height variance, which would then have to go to the Board of Zoning Appeals.

Chairman Germann – With the expansion of services we are seeing more towers come through, and as we continue to become wireless we will continue to see more and more towers. Every single tower was having to go through the Board of Zoning Appeals and it was approved every time because they already met the requirements. They do not typically come in and buy land, they come in and make an agreement with a property owner to place the tower on their land. This really does not change that they must meet requirements, it just makes it so that they do not have to go through the board process.

Curtis Peterson asks Chairman Germann permission to speak.
Curtis Peterson – I work with Wheatland Electric and we have seen a lot of these towers come in and some of them are on very small properties. They are putting 300-foot towers on one acre or less parcels and most of those self-supporting with no guide wires or anything like that. That is just for your information. I do not really have anything to say for or against it, I just want you to have the information.

Member Stewart – Were they all permitted?
Secretary Davidson – Yes and they go through site plan review. Typically, the people who come in and place towers do not try to skirt the regulations. They contact our office and go through all of the steps.

MEMBER RUPP MADE A MOTION TO RECOMMEND APPROVAL OF THE ZONING REGULATION AMENDMENT AS PRESENTED. MEMBER ANLIKER SECONDED THE MOTION.

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

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Motion passed.

FC2020ZRA-43: An amendment to Articles 2, 4, 15, 16, 17 & 23 of the Finney County Zoning Regulations regarding renewable energy, at the request of staff.
Staff Dougherty-O’Hara read the staff report.
OPEN PUBLIC HEARING
Curtis Peterson – I am the District Manager with Wheatland Electric and I am here to answer any questions on our renewable energy process. We do not get a lot of these; they seem to come in about every year or year and a half. Every time seems like a long hard process because we are not familiar with it. We would like to ensure that our members and the city’s customers as well know that before they enter into a contract with these wind or solar companies, to make sure that they go to their power provider first and find out what their application and engineering processes are. We have had customers come say to us and say we have bought a solar panel and they are coming to...
install it next week and we want to sell back our excess power to Wheatland. Wheatland has a $100 non-refundable application fee and they need to make decisions on their end and take a look at our grid access. We do not have anything against renewable energy coming in, in fact we encourage it, we just want to make sure citizens are educated and know exactly what they are going to have to do before they sign a contract. They come to us and find out it really is not as good of a deal as they were told. They are a very large expense and have been told an average size home install price range of fifty to seventy-five thousand dollars. We are not trying to discourage renewable energy we just want homeowners to be fully informed. 

*Staff Dougherty-O’Hara:* In order for someone to apply for a conditional use permit for single site wind energy they will have to have an interconnection agreement. They would have to work these things out with you and prove to us that they have been in contact in some way. When it comes to commercial renewable energy systems as well we also proposed that they must present their power purchase agreement information. We can always within the office building permit processes not allow to issue anything without the power purchase agreement.

*Member Stewart:* Is there any evidence that these renewable energy sources are self-sufficient without tax subsidies?  

*Staff Dougherty-O’Hara:* That depends on state by state regulation. Some of the larger farms do not get tax subsidies because they are purchased for large tech industries. Microsoft for example would help support that solar energy project for their servers. They still have to plug in to the grid to use those solar farms. We have proposed decommissioning for these sites in our regulation as well so that for an abandoned solar farm that does not work out, we are able to ensure we get that infrastructure removed so that we can reuse the land for agriculture or whatever it may be. 

*Staff Dougherty-O’Hara* reviews the proposed amendment regarding decommissioning or coming into compliance for farms that are no longer in use.

*Curtis Peterson:* One more note I would like to add. You will have those who come in who want to go off grid who have put in solar or wind and a large battery store tower facility. There won’t be any sort of interconnection agreement with us or the city because they are not wanting to cogenerate, or they want to disconnect the meter. Those renewables would be completely separate from their utilities. There needs to be something in the permit that covers that.  

*Staff Dougherty-O’Hara:* This has not come up, so we did not prepare any language for that. If that does come up, I think we will have to independently evaluate that situation as it presents itself. In that case we would also definitely be in contact with you in regard to your recommendations. 

*Chairman Germann:* What I am hearing you say is that people may be approached by some of these companies and spend maybe fifty to seventy-five thousand dollars on equipment before they investigate and they come to find out that they will not be able to pay for all of this equipment within two years by selling the excess energy, that is what you are hoping to avoid?  

*Curtis Peterson:* Yes, we want to make sure the public are fully informed and contact their utility provider before signing a contract. 

*Member Stewart:* By requiring that agreement with the power company that at least forces them to go to talk to these guys. 

*Staff Dougherty-O’Hara:* Yes, we hope to work in partnership with Wheatland Electric. 

*Member Rupp:* My understanding is that not only is there a hundred-dollar application fee, but is there not a monthly fifty dollar fee as well?  

*Curtis Peterson:* There is a grid access fee per kw of generation charge. If you put in a 10kw solar you are going to pay $40 a month. You are going to have a $33 a month meter charge as well so your electric bill is going to be $73 a month no matter if you use any power for the month. The thought people had was that they are going to go solar and not have to pay the city or Wheatland’s anything at all but unless you go completely off the grid and put in a large battery system where you can store that energy your electric bill is not going to go away completely. 

*Vice-Chairman Hitz:* Is Wheatland’s anticipating more and more of these requests? Do you see that it is working for them?  

*Curtis Peterson:* Yes. We have done about one a year for the last four or five years and I think people want to become environmentally friendly and reduce their carbon footprint. People are reducing their power bills with us. They are not eliminating them, but they are reducing them. All of the ones that we have are currently net metering where they hook up to us and we hook a meter that keeps track of what they have used from us and what they have put back on us. Basically, Wheatland Electric is their battery system. 

*Discussion ensued on the billing cycles for Wheatland Electric members who have renewable energy installed.*

**CLOSE PUBLIC HEARING**

*Vice-Chairman Hitz:* It sounds like this is something we are going to be seeing and we need to plan a way to be ahead of it, and that is what this amendment is doing.
Chairman Germann – We have done something similar before with geothermal energy that has lowered bills, and I appreciate these partnerships.

MEMBER STEWART MADE A MOTION TO RECOMMEND APPROVAL OF THE ZONING REGULATION AMENDMENT AS PRESENTED. MEMBER RUPP SECONDED THE MOTION.

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Motion passed.

**FC2020PA-45**: Cornerstone Professional Services filed an application for consideration of the Kleysteuber Addition, generally located at 13000 Block of S. Beefland Road, Finney County, KS.

Member Anliker recuses herself from FC2020PA-45.  
Secretary Davidson read the staff report.  
Vice-Chairman Hitz – This is across from the feedlot correct?  
Discussion ensued on the location of the plat.

VICE-CHAIRMAN HITZ MADE A MOTION TO RECOMMEND APPROVAL OF THE PLAT CONTINGENT TO MEETING THE MINIMUM REQUIREMENTS OF THE SUBDIVISION REGULATIONS. MEMBER HOLUB SECONDED THE MOTION.

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Motion passed.

**FC2020PA-46**: Cornerstone Professional Services filed an application for consideration of the Askren Facility No. 1 Addition, generally located 8520 N. Scott Rd., Finney County, KS.

Secretary Davidson read the staff report.  
Secretary Davison – This item and the next item we have for Askren Facility No. 2 were both originally presented on one single plat. The Register of Deeds was going to have a problem recording it as one plat and was asked to split into two plats, therefore this has technically not gone through site plan review yet as two separate plats. I do not imagine there will be any big issues with this as staff has preliminary reviewed the plats when submitted on a single document. The Garden City Coop. is going through the process of purchasing this land, they are currently leasing, and that is why they are going through the platting process.  
Discussion ensued on the difference between Airport Influence Overly District and Flight Safety Overly District.

VICE-CHAIRMAN HITZ MADE A MOTION TO RECOMMEND APPROVAL OF THE PLAT CONTINGENT TO MEETING THE MINIMUM REQUIREMENTS OF THE SUBDIVISION REGULATIONS. MEMBER ANLIKER SECONDED THE MOTION.

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FC2020PA-51: Cornerstone Professional Services filed an application for consideration of the Askren Facility No.2 Addition, generally located 8170 N. Scott Rd., Finney County, KS.

Secretary Davidson read the staff report.

Ken Parks of Cornerstone Professional Services – I have a question, why does it say to meet the minimum requirements of the subdivision regulations? We just spent 6 weeks of twenty something people reviewing to make sure that it meets the minimum requirements of the subdivision regulations. It is already done. Are they saying that after you approve it, down the road you can go back and say all of a sudden it did not meet the minimum requirements of subdivision regulations?

Secretary Davidson – No. The reason why we do that is because if we could wait until all of the plats were reviewed for the subdivision regulations, we would not have to put that in there, but typically every single step is not quite finished up yet at this stage. Most of the items are minor at this point.

Ken Parks – But that puts us in jeopardy.

Secretary Davidson – If you would like to wait until the plat has met all of the regulations we can. We normally continue with taking the plats to the commission before it fully meetings the requirements because the few items left to meet requirements are minor.

Ken Parks – But if we have already been given a letter that says it is approved then why does it have additional notes?

Secretary Davidson – I think that is just a matter of staff being over meticulous. Usually the notes left on the letter are just for your information. The Planning Commission is looking at the general information stated. Let’s say this item has not gone completely through the site plan review processes but the one change left does not affect anything. We just had an administrative plat that went through and received their letter, but the acreage was not put on the plat. It can be something like that, that is not affecting the layout of the plat at all, so that is why we put that in there.

Ken Parks – As much as we have gone through at this point, the majority of time, the plat is done by this meeting and it should be stated here.

Secretary Davidson – We do that to help the plats continue along the process and not hold anything up. If you would like for us in the future to not accept your plats until they are fully compliant with the minimum subdivision regulations, we can do that.

Ken Parks – When we have received notice that the plat has been approved with no issues then it should state that here. If there are issues, then it should be run through with the contingency. It should not however be a blanket statement.

Vice-Chairman Hitz – Does this have anything to do with what we are voting on?

Member Aniker – It does. When it comes to the Planning Commission and it comes to us as approved, I am taking that it has been approved. If there are issues going on, then we should know that prior to us accepting it. I think if we are going to get something ahead in the process but there are questions, we need to know that.

Chairman Germann – By the time it gets to us those things should be already met or specified, and then it would be contingent.

Secretary Davidson – And we do put those in the staff report. Sometimes there could be an issue such as forgetting a letter in someone’s name, and something like that we do not bring up. The map is there and drawn correctly, it is just a technicality.

Ken Parks – Something like that does not have anything to do with the subdivision regulations.

Staff Dougherty-O’Hara – Correct. We just make sure that there is something within our staff report that states there could potentially be edits to the plat before it goes to final Governing Body, and then it will meet the minimum requirements of the subdivision regulations.

Chairman Germann – At this point it sounds like there is an issue here but that would probably not have a direct bearing on this particular case. I would like that staff look into that.

Secretary Davidson – Honestly when I was on staff a few years back we did not add that language, but that is definitely something we can look in to now. Here in Garden City we have always been instructed to be very customer friendly and want things to move fairly quickly for them and push their projects ahead. We have a deadline to turn in items for the Planning Commission which is almost thirty days before the meeting. Most people at that time do not have a everything reviewed. Most of these plats are turned in after that deadline and we can make that more of a hard deadline. If the plat has met requirements, we can take out the contingency.

Chairman Germann – Do we want to amend the motion then?

Secretary Davidson – In that case staff would ask that you do not recommend approval and table this item. We received this plat the day the packet went out. This is one of those situations where we put it through site plan review and found out from the county they were going to need two separate plats and that it took all of this time to get to this point now.
Ken Parks – The change made to the plat was to meet the request to meet the minimum requirements of the subdivision regulations. It has been through site plan and the change was as a result of the site plan process. With this case I would be okay with the subdivision regulation contingency.

Discussion ensued on the site plan process, and Planning Commission and Governing Body approval processes. Staff will put together documentation on these items to discuss during August Planning Commission Workshop.

MEMBER STEWART MADE A MOTION TO RECOMMEND APPROVAL OF THE PLAT CONTINGENT TO MEETING THE MINIMUM REQUIREMENTS OF THE SUBDIVISION REGULATIONS. MEMBER HOLUB SECONDED THE MOTION.

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

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Motion passed.

Chairman Germann requested a recess.
Recess commenced 10:13 a.m.
Meeting brought back to order 10:16 a.m.

FC2020PA-47: Cornerstone Professional Services filed an application for consideration of the Baker Addition, generally located at the 9000 Block of E. Parallel Rd., Finney County, KS.

Secretary Davidson read the staff report.
Ken Parks of Cornerstone Professional Services – The plat displayed is stamped Reviewed for Compliance, does that not mean that it has met all of the regulations?
Staff Dougherty-O’Hara – This plat has been Reviewed for Compliance; however, the county surveyor has not seen it, is that correct Mr. Parks?
Ken Parks – No. He has seen it but he has not gotten comments in.
Staff Dougherty-O’Hara – So we have not received comments yet on the plat from the county surveyor. As a procedural review we have evaluated the reviewed for compliance and we have been gracious in having our staff review the document for compliance while still allowing review and changes be made by the county surveyor. However, while we are evaluating our reviewed for compliance process, we will probably not be placing the reviewed stamp on these plats until they have been through the county surveyor. This is one of the procedural changes we will bring forward at the next Planning Commission pre-meeting. While the Baker Addition has met site plan review comments, we have not gotten the comments from the county surveyor yet.

MEMBER ANLIKER MADE A MOTION TO RECOMMEND APPROVAL OF THE PLAT CONTINGENT TO MEETING THE MINIMUM REQUIREMENTS OF THE SUBDIVISION REGULATIONS. MEMBER HOLUB SECONDED THE MOTION.

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

<table>
<thead>
<tr>
<th>Stewart</th>
<th>Gigot</th>
<th>Knoll</th>
<th>Rupp</th>
<th>Hitz</th>
<th>Germann</th>
<th>Diaz</th>
<th>Holub</th>
<th>Anliker</th>
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<tbody>
<tr>
<td>Yea</td>
<td>Not Present</td>
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<td>Yea</td>
<td>Yea</td>
<td>Not Present</td>
<td>Yea</td>
<td>Yea</td>
<td>Yea</td>
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</table>

Motion passed.

GC2020RP-49: Cornerstone Professional Services filed an application for consideration of the Love’s Subdivision Phase 2, generally located at 3285 & 3455 E. Hwy 50, Garden City, KS.

Secretary Davidson read the staff report.
Secretary Davidson – As stated in the report, staff has not found any major concerns in reviewing this plat; however the acreage is missing on the lots and we will require that be shown.
MEMBER HOLUB MADE A MOTION TO RECOMMEND APPROVAL OF THE PLAT CONTINGENT TO MEETING THE MINIMUM REQUIREMENTS OF THE SUBDIVISION REGULATIONS. MEMBER ANLIKER SECONDED THE MOTION.

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

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</tbody>
</table>

Motion passed.

VII. ADJOURN

MEMBER ANLIKER MADE A MOTION TO ADJOURN. MEMBER STEWART SECONDED THE MOTION.

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

<table>
<thead>
<tr>
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<th>Stewart</th>
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<tr>
<td>Yea</td>
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</table>

Motion passed.

Meeting adjourned at 10:21 am.

Carol Davidson Secretary
Aleecya Charles Staff
Melissa Dougherty-O’Hara Staff

Vicki Germann Chairman
Leonard Hitz Vice-Chairman
GENERAL STAFF REPORT AND UPDATE
August 20, 2020

City of Garden City, Kansas
Neighborhood & Development Services Department

**Site Plans Approved:** July 9, 2020 – August 13, 2020

<table>
<thead>
<tr>
<th>Site Plan</th>
<th>SP#</th>
<th>Landscape</th>
<th>Address</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moors Metals</td>
<td>SPGC20-58</td>
<td>No</td>
<td>1724 Lincoln Rd.</td>
<td>Install Industrial Equipment</td>
</tr>
</tbody>
</table>

**Lot Splits & Parcel Plats Approved Administratively:** July 9, 2020 – August 13, 2020

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Request</th>
<th>Description</th>
<th>Applicant/Surveyor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden City</td>
<td>Replat</td>
<td>Moss Addition</td>
<td>Palmberg Land Surveying Services</td>
</tr>
<tr>
<td>Garden City</td>
<td>Replat</td>
<td>The Community Subdivision</td>
<td>Palmberg Land Surveying Services</td>
</tr>
<tr>
<td>Finney County</td>
<td>Replat</td>
<td>Tyler’s Addition</td>
<td>Palmberg Land Surveying Services</td>
</tr>
</tbody>
</table>

**Commercial Certificate of Occupancies Issued:** July 9, 2020 – August 13, 2020

<table>
<thead>
<tr>
<th>Project</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T Cell Tower</td>
<td>2118 W. Jones Avenue, Finney County</td>
</tr>
<tr>
<td>Dollar General</td>
<td>1505 N. Jones Avenue, Holcomb</td>
</tr>
<tr>
<td>Nail Salon remodel</td>
<td>406 N. Main St., Garden City</td>
</tr>
<tr>
<td>Remodel for GCCC Training Room</td>
<td>2112 Gene Avenue, Garden City</td>
</tr>
<tr>
<td>Zoo Carousel, Animal Hospital/Quarantine, Flamingo Exhibit, &amp; Primate Exhibit</td>
<td>312 E. Funnup Dr., Garden City</td>
</tr>
</tbody>
</table>

**Discussion:**
STAFF REPORT
GC2020RZ-53: Rezoning from “C-O” Office and Service Business District to “C-2” General Commercial District, 1021 Fleming St, Garden City, Kansas

GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Date:</th>
<th>August 20, 2020</th>
<th>Jurisdiction:</th>
<th>Garden City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Helen Michel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Winston Parks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requested Action:</td>
<td>“C-O” Office and Service Business District to “C-2” General Commercial District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purpose:</td>
<td>Rezone property to allow for the use of Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location address:</td>
<td>1021 Fleming St</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comprehensive Plan:</td>
<td>The proposed land use is consistent with the Comprehensive Plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sites Existing Zoning:</td>
<td>“C-O” Office and Service Business District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surrounding Zoning:</td>
<td>North “C-2” General Commercial District</td>
<td></td>
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<tr>
<td></td>
<td>South “C-O” Office and Service Business District</td>
<td></td>
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<tr>
<td></td>
<td>East “C-1” Neighborhood Shopping District</td>
<td></td>
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<tr>
<td></td>
<td>West “C-2” General Commercial District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Area:</td>
<td>Contains 0.36 +/- acres</td>
<td></td>
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<tr>
<td>Notice Date:</td>
<td>This project was published and noticed by mail as required by code.</td>
<td></td>
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</tr>
</tbody>
</table>

COMMENTS & REQUIRED IMPROVEMENTS

The applicant Winston Parks is requesting to rezone the property located at 1021 Fleming St from “C-O” Office and Service Business District to “C-2” General Commercial District. The property currently has a building located on it that had the offices of; Jerry Soldner, Green Tech Restorations and Farmers Insurance of America.

The applicant would like to raze the existing building on 1021 and 1015 Fleming in order to build Xpress Wellness, which will be a new medical clinic. The existing zoning district “C-O” Office and Service Business District does not allow for a medical clinic, which is why the applicant is requesting to rezone to “C-2” General Commercial District. The project will be developed over three lots, however there was a legal publication error made by staff leaving off the last lot from the rezone. The property located at 1015 Fleming St (Lot 3) will need to be rezoned to “C-2” General Commercial and will be on the agenda for the next Planning Commission meeting. The second rezone will not slow down the development of the project as whole, as the second rezone will be completed before a Certificate of Occupancy is issued.

This project will need to run through the Site Plan Review process, and the applicant is currently in the process (SPGC20-56).

The Planning Commission may make their recommendation and state their 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.
   Staff Findings: The surrounding properties are commercial.
(B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
   Staff Findings: The surrounding zones and uses are commercial.

(C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned
   Staff Findings: The property is currently zoned “C-O” Office and Service Business District; the property has the potential to be used for commercial uses.

(D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
   Staff Findings: The current zoning is commercial, and has commercial zoning next to this parcel; there will be no effect to nearby properties.

(E) The length of time the subject property has remained vacant as zoned (if applicable),
   Staff Findings: The property was used for the offices of an attorney, insurance and restoration services.

(F) The relative gain to the public health, safety and welfare by the change of value of the landowner’s property compared to any hardship that may be imposed upon the landowner,
   Staff Findings: There is no hardship since it will be rezoned to another commercial zoning district.

(G) The consideration of recommendations of permanent or professional staff (if applicable),
   Staff Findings: See staff recommendation

(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
   Staff Findings: The proposed zoning change is consistent with Garden City’s Comprehensive Plan/Future land use.

(I) Other factors relevant or specific to a particular proposed zoning amendment. (Ord. #1770, 11/2/91)
   Staff Findings: Any proposed development will need to go through the site plan process.

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 approval of the rezoning request.

PLANNING COMMISSION RECOMMENDATION:

Members Present-
Yea vote-
Nay vote-
Case Number: GC2020RZ-53
Applicant: Winston Parks
Address: 1021 Fleming St., Garden City, KS.
Request: A rezone from “C-O” Office & Service Business District to “C-2” General Commercial District
Disclaimer: This map is produced by Neighborhood & Development Services and is for informational purposes. This map is not prepared for or suitable for legal, engineering, or surveying purposes.
Figure 1: 1021 Fleming, building to be demoed.
Figure 2: View of building facing south
Memo

To: Planning Commission
From: Carol Davidson
CC: File
Date: August 20, 2020
Re: FC2020ZRA-36: Amendment to Article 23 regarding towers

ISSUE: The Planning Commission is asked to consider and recommend an amendment to the Finney County Zoning Regulations to amend Section 23.140.

BACKGROUND: At the July 16, 2020 Planning Commission meeting, staff brought an amendment regarding towers to amend sections 2.030, 4.020, 4.030, 15.020, 16.020, 16.030, 17.020 and 23.140. The proposed amendment was to remove towers as a conditional use and add them as a permitted use to agriculture and industrial zoning districts. The amendment also added a definition for towers, setback requirements and the removal of abandoned or unused towers. The proposed amendment was recommended for approval by the Planning Commission at the July 16, 2020 meeting.

After reviewing the amendment, staff noticed the maximum height of a tower was left out of the amendment. The change to add the maximum height of a tower to not exceed 400 feet is needed under the supplemental standards in order for towers to be a permitted use. If the maximum height of the tower is not in the supplemental standards, the height of the tower would be determined by the zoning district and would require a variance for height for each tower. By adding the maximum height of 400 feet to the supplemental standards, all towers 400 feet and under will be permitted and not require a variance for height.

The previous amendment that came before the Planning Commission on July 16, 2020 has not gone before the Governing Body yet. If the Planning Commission recommends approval of this amendment, staff will add it to the amendment from July 16, 2020 and bring it before the Governing Body for approval.

All previous proposed changes will remain the same, below is the additional amendment added:

\[23.140\] TOWERS HEIGHT AND SETBACK REQUIREMENTS.

1. The maximum height of a tower shall not exceed 400-feet. Towers over 400-feet shall require a variance for height.

ALTERNATIVES:

1. The Planning Commission may recommend approval of the amendment as presented.
2. The Planning Commission may recommend approval of the amendment with changes.
3. The Planning Commission may not recommend approval of the amendment

RECOMMENDATION: Staff recommends Alternative 1.
PLANNING COMMISSION RECOMMENDATION:

Present -
Yea -
Nay -