

**AGENDA**  
**CITY COMMISSION SPECIAL MEETING**  
**Thursday, November 10, 2016**  
**9:00 A.M.**  
**City Administrative Center, 301 N. 8<sup>th</sup> Street**

**I. SPECIAL MEETING CALLED TO ORDER AND CITY CLERK ANNOUNCING QUORUM PRESENT.**

A. The Governing Body is asked to consider a comprehensive plan amendment and rezone of properties located between South Farmland Road, Mansfield Road along the adjacent BNSF rail corridor, Towns Riverview subdivision, and East Allen Drive from Finney County "A" Agricultural District and "I-3" Heavy Industrial District to Garden City "I-3" Heavy Industrial District.

1. Ordinance No. \_\_\_\_\_-2016, an Ordinance approving the rezoning of land from "I-3" Heavy Industrial District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas; and approving the rezoning of land from "A" Agricultural District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas; amending the Zoning Ordinance, the Comprehensive Plan of the City, and the District Zoning Map of the City; repealing the current Zoning Ordinance, Comprehensive Plan, and District Zoning Map; all to the Code of Ordinances of the City of Garden City, Kansas.

**II. ADJOURN.**



# Memo

**To:** Governing Body  
**From:** Kaleb Kentner  
**CC:** File  
**Date:** November 10, 2016  
**Re:** GC2016-60&61: Comprehensive Plan Amendment and Rezone from Finney County "A" and "I-3" to Garden City "I-3".

**ISSUE:**

The Governing Body is asked to consider a comprehensive plan amendment and rezone of properties located between South Farmland Road, Mansfield Road along the adjacent BNSF rail corridor, Towns Riverview subdivision, and East Allen Drive from Finney County "A" Agricultural District and "I-3" Heavy Industrial District to Garden City "I-3" Heavy Industrial District.

Ordinance No. \_\_\_\_\_-2016, an Ordinance approving the rezoning of land from "I-3" Heavy Industrial District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas; and approving the rezoning of land from "A" Agricultural District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas; amending the Zoning Ordinance, the Comprehensive Plan of the City, and the District Zoning Map of the City; repealing the current Zoning Ordinance, Comprehensive Plan, and District Zoning Map; all to the Code of Ordinances of the City of Garden City, Kansas.

**BACKGROUND:**

<b>General Information</b>			
<b>Date:</b>	October 20, 2016	<b>Jurisdiction:</b>	Garden City
<b>Owner(s):</b>	The City of Garden City		
<b>Applicant:</b>	The City of Garden City		
<b>Requested Action:</b>	Comprehensive Plan Amendment and Rezoning Finney County "A" Agricultural District and "I-3" Heavy Industrial District to Garden City "I-3" Heavy Industrial District		
<b>Purpose:</b>	Rezone properties for heavy industrial potential		
<b>Location Address:</b>	900 S Farmland Rd (Parcel #028-276-23-0-00-01-031.00-0) 865 S Farmland Rd (Parcel #028-275-22-0-00-01-016.00-0) S Farmland Rd (Parcel #028-277-26-0-00-01-003.00-0) E Mansfield Rd (Parcel #028-277-26-0-00-01-002.00-0) S Towns Rd (#028-277-26-0-00-01-001.01-0)		
<b>Comprehensive Plan:</b>	The Comprehensive Plan does not delineate future land use for this location and will need to be created for this area.		
<b>Sites Existing Zoning:</b>	County: "I-3" and "A"		
<b>Surrounding Zoning:</b>	North	County: "A" Agricultural District & "MHP" Manufactured Home Park District	
	South	County: "I-3" Heavy Industrial District & "MHP" Manufactured Home Park District	
	East	County: "L-R" Low-Density Residential District, "R-R" Rural Residential District, & "A" Agricultural District	
	West	City: "I-3" Heavy Industrial District	
<b>Land Area:</b>	Contains 387.1 acres +/-		

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<b>Notice Date:</b>	This project was published and noticed by mail as required by code.
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Comments & Required Improvements

1. The applicant is requesting to rezone these properties from the Finney County "A" Agricultural and "I-3" Heavy Industrial Districts to Garden City "I-3" Heavy Industrial District. One property and parts of three others are located in the 1% annual chance event (100-year) floodplain. (See **Exhibit 1.**)
2. This request is made up of four parcels. While in the County, two of them were zoned I-3, Heavy Industrial district, and one of them was zoned Agricultural District. The fourth parcel was partially zoned Heavy Industrial and partially zoned Agricultural. This proposal is to rezone all of the listed parcels to the I-3, Heavy Industrial District for the City of Garden City.
3. The applicant proposes to rezone these properties in connection to a recent annexation of the same to accommodate an anticipated Transload Facility. A grant was recently awarded to the City to assist in the development of this facility. TP&L is leasing the property from the City and would like to use a portion of the land for a rail spur for them to load and unload their products. A preliminary site plan has been provided to outline the potential use for this property. (**See Exhibit 2.**) Kansas Department of Transportation (KDOT) would also like to use a portion of the land for aggregate storage.
4. A drainage ditch commonly referred to as DD2 runs through one of the parcels. TP&L is relocating this ditch to give them more land to work with. They have received the proper KDHE permits to undertake this project at this time.
5. The Zoning Regulations require at least a buffer strip that contains a fence to serve as a screen between this property and any developed residentially zoned property. Staff would recommend a minimum of 100' buffer. (see **Exhibit 3**)
6. The proposed use may have the potential to affect neighboring properties with increased noise, dust, and vehicle traffic.
7. The Garden City Comprehensive Plan does not illustrate the potential land use of these properties that had been until recently outside of the city limits (see **Exhibit 4**). It does show neighboring properties as Industrial potential. The applicant is requesting that the Comprehensive Plan be amended to show all parcels as industrial potential, to allow for the rezone.
8. At the Planning Commission meeting a petition was filed in objection to the rezone. According to K.S.A. 12-757 (f) (1), in order to adopt the amendment, a ¾ vote of all of the Governing Body is needed. This would be a 4-1 vote.

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.



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- (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 the 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 County of Finney County, Kansas, and
- (I) Other factors relevant or specific to a particular proposed zoning amendment.

**ALTERNATIVES:** The Governing Body may:

1. Approve both the comprehensive plan amendment and rezoning request with the buffer as recommended by the Planning Commission. (This will require a 4-1 vote.)
2. Approve both the comprehensive plan amendment and rezoning request with the buffer as required by the Zoning Regulations. (This will require a 4-1 vote.)
3. Not recommend approval of the comprehensive plan amendment and rezoning request. (This will require a 4-1 vote.)
4. Return the recommendation to the Planning Commission with a written statement explaining the basis for the Governing Body's failure to approve or disapprove the recommendation. (This will require a 2-3 vote.)

**RECOMMENDATION:**

**Staff Recommendation:** Staff recommends approval of this comprehensive plan amendment and rezoning of the property as long as an adequate buffer between the residential zoning districts to the north and east property lines is installed as required by the zoning regulations.

**Planning Commission Recommendation for the Comprehensive Plan Amendment and Rezone:** On October 20, 2016, the Planning Commission recommended to approve the comprehensive plan amendment and to recommend approval to rezone the property from "A" Agricultural to "I-3" Heavy Industrial with the required buffer to be the distance between the rail spur and the edge of the property lines to the north and to the east where it abuts residential properties. And that within the buffer strip, only an access road is allowed and landscaping will be required according to item C in the Landscaping Regulations. (see **EXHIBIT 5**)

Since the Planning Commission, the applicant has submitted an example of the type of buffer they would like to put in at this location. (see **EXHIBIT 6**)

Members Present- 7 Yea vote- 7 Nay vote- 0

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\*Attached are the minutes from the Planning Commission pertaining to this case.

**GC2016-60/61 Comprehensive Plan Amendment and Rezone from FC “A” and “I-3” to GC “I-3”. Staff**

*Staff Davidson reads staff report.*

*Kaleb Kentner* – As a point of clarification for everyone in the public as well as the Planning Commission, clearing and grubbing of properties is allowed without having any permits in place. Relocating a drainage ditch without a permit is also allowed because drainage is not controlled by zoning regulations and neither is relocating utility infrastructure. Installation of new utility infrastructure is part of the platting process and is part of the development of the property. Zoning is particularly about how the use of the property is going to be utilized and what they’re requesting to do. This case is somewhat unique for this Planning Commission because we haven’t had a case like this in a while in regards to the fact that the City’s comprehensive plan did not go outside the city limits in this area. With that, you have to make the decision on the comprehensive plan amendment first, and that will determine your direction on the rest of the actions because this property was initially in the County with County zoning classifications.

*Jim Orr* – I am with TP & L. I will let Ryan talk a little bit about what our comprehensive plan is going to be.

*Ryan McCune* – I am with ASM Engineering. Basically what we are doing here is installing a rail spur and taking it up to the north, then curving it back to the west. Currently, there’s an existing drainage ditch running through the property that’s undersized; so what we did to help the drainage in that situation, we left that current ditch in place and worked with DWR to reroute that ditch and widened the new ditch to eighteen feet to increase the capacity. We also lowered the hill side to allow more of a flow through there and protect everybody to get that water through the property quicker. There’s also an existing gas line that cuts across our property; we relocated that and went one-hundred and thirty-five feet off the property line on the inside of the proposed channel to have it clear of TP&L. The rest of this is basically just going to be graded and it all drains toward the railroad tracks. We kept the drainage pattern as it was and basically opened up those channels so that water can drain through that property a lot better than it does today. I think there’s a long term plan down the road to increase the channel width because that was one of the concerns with DWR.

*Jim Orr* – There will be nothing stored on the northeast side of the track. Everything will be to the west of the proposed railroad track. The only thing that is on the east side of the railroad track would be a road to inspect track and once the aggregate dump gets in to the south side, then it would be for trucks to come in and out of. We plan on putting a six foot chain link fence around the whole property. Along the housing side, we’re going to change that to an eight-foot fence along with putting slats on the fence to block that view. It would be a ten-foot high fence on that side including the two-foot barbed wire going on top of that.

***OPEN PUBLIC COMMENT***

*Lori Carter* – I was asked to speak on behalf of the homeowners from the Towns Riverview subdivision. I am a long term resident and an officer of our homeowners committee. I live on Randy Lane which is the road directly across from the project. The project the media releases has always mentioned it to be off of Farmland Road, but this part of the project that we are hearing about is much closer to Randy Lane. We want to express appreciation to TP&L for their contribution to our local economy, but it is, however, an overwhelming majority of the residents in our area who will be affected by and are adamantly opposed to the zoning change in question because of what the proposed property uses would mean to us, our quality of life, and safety. The reasons for our opposition are many and marked by surprise, confusion, and lack of vital information about the project and its possible consequences. Surrounding owners received letters on the same day that dirt work began in the area, which also happened to be a day that the wind was blowing at forty miles per hour. It has continued every weekday from 7:30am to 6:30pm, and we wonder if it will be like that from now on. From the little information we have, it seems that the plan is to remove an existing drainage ditch that divides the industrial zoned area near the old Monford plant and the agriculturally zoned area bordering our subdivision, and to bring a rail spur within two-hundred of our homes. We have heard there will be storage for windmill parts and aggregate material. We do not know if the drainage ditch change will impact the floodplain and our proximity to it, or if that has even been concerned. Lori Carter expresses some of her concerns to be a possible change in property value, safety for children and quality of life. All of you should have the zoning regulations and what they’re meant to do. Changing the zoning to allow for the proposed activity so near a

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residential area is not consistent with the goals put in place for our City leaders; including orderly development, security of home life, stabilizing property value, conserving agricultural land and informing the public of future development.

Lori Carter recites the amendment evaluation criteria and states which principles are not being met in her opinion as follows:

27.040(A): Staff already went over the physical character of the neighborhood surrounding the site, which is low density residential and the majority agricultural.

27.040(B): The existing zoning around the property is similar.

27.040(C): Land is suitable for Agricultural zoning- it has been for over thirty years. The Milo crop there was off less than twenty-four hours before dirt work began.

27.040(F): The relative gain to the public health, safety, and welfare- it's actually not a gain, it's a loss. There has been excessive dirt causing respiratory issues, loss of a sense of safety, possible flooding issues, intolerable noise levels and spotlights on 24/7. The removal of the existing zoning will negatively impact those in the low-density residential zones

27.040(H): As far as conforming to the comprehensive plan, which focuses on quality of life, preservation of property values, and a thoughtful mix of blending housing and commerce, this does not comply with the comprehensive plan.

Lori Carter refers to page sixteen of the comprehensive plan where she believes it is mentioned that railroads are inappropriate near residences due to noise, function, and potential fatal injury.

Additional concerns are the possible end to government subsidies, mandates for windfarms, and resulting in temporary or permanent shut down of the industry that may result in a wind blade graveyard right next to our homes. Every real estate agent we contacted has agreed that the homes will lose desirability and property value, possibly in an excess of twenty percent. Another concern is the repositioning of a drainage ditch, an effect on our insurance rate due to floodplain issues and simple proximity to an industrial site. The addition to already troublesome traffic issues between our homes and towns is now happening in two places, soon a third, without a plan to deal with it. If the area is zoned industrial, and the windfarm industry leaves the area, it leaves it set up for unknown industrial activity of any kind. Our number one solution is to not pass the zoning change for the portion zoned agricultural, and allow it to be a natural buffer zone between residential and industrial activity. If you do decide to pass the zoning change, do not do so until there is a comprehensive plan to mitigate the environmental, dirt, noise and safety issues, and information about the floodplain, insurance rates and property values. We are not trying to put a stop to the project; we believe there is sufficient property already zoned industrial on the other side of the existing drainage ditch where all of this activity could be done.

*Jeannie Riead* – I own the Cottonwood Mobile Home Park on Mansfield Road. Is this going to take away some of my income? This is my job. The drainage ditch also runs on the side of the road where my sister and I live. I need to know if that is going to take away from our road and the entries to our park.

*Judith Morales* – I live on Donna Avenue out in Towns Riverview my husband and I live out there with our two little girls and moved out there three years ago because we heard it was a great place to live. We own the house closest to all the construction happening right now. We chose this house because it was next to agricultural land and thought it would be a safe and quiet place to raise our children. When you move to a neighborhood you expect it to stay that way and you don't expect it to change, especially with industrial moving in right next to you. I am concerned, because of my children, with the noise at night when they are trying to sleep, lights that may shine close to my home at night, and with safety with the drainage ditch and gas line. Where are they going to place it and what does this do to our homes? They just said something about a chain link fence; to me that is a big safety concern with the people on the other side of that chain link fence. Even though it is at a distance, maybe I could still see. What is happening to our subdivision when were home or when were not home? Our kids will have to see that every day and may experience respiratory problems. My four month old daughter already has allergy issues so what will this do to her now? I hope you take all of this into consideration.

*Brad Walter* – I would like to thank TP&L; you have been a big boost to Garden City and the community and we are very proud to have you here. I would like to have you consider our homeowners. We have been hearing from real estate agents that living right next to an industrial zone will drop our property values. If it does do that twenty percent, I have lost fifty thousand dollars. The best case scenario, I think, would be to have a little bit of a buffer. I don't want to run TP&L out, but I am concerned about the future. If the blade farm does lose its subsidies, what will



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happen to that property in the future? Will another industry come in and be worse than what could possibly be coming now? I would just like for you to consider that.

*Dawn Scholtz* – I am a homeowner in the Towns Riverview subdivision. My family and I moved here a little over a year ago from Colorado. People asked why we moved here and I said it was because Garden City feels like home. Our realtor showed us the house and the area, and we knew this was what we wanted to do. We loved that it was in the country and that it was quiet. Now, our little oasis within Garden City is being disrupted. For a week we have had dust flying and machinery running right next to our homes, and we are all afraid that this is just the beginning of what is to come. We are afraid for the safety of our children and our health as the excess dust in the air is already affecting several of our community members with already existing health issues. We are afraid of the lasting effects of this heavy industrial activity, our property values and our insurance rates. We are afraid that our quiet oasis won't be quiet anymore with railway, trucks and heavy machinery being a constant noise in our backyard. We are afraid that our quality of life that we come to expect in Garden City won't be much quality anymore due to the noise, light and air pollution. I understand that TP&L does a lot of good things for Garden City like the business that they bring into town, but we are not asking them to not use the area that is already industrial. We are just asking for a buffer between the heavy industrial area and our little oasis. Kaleb just stated this morning to consider what is reasonable and what is debatable, so we are asking the Planning Commission to consider our quality of life and what is reasonable.

*Hannah Morales* – I am a resident of Towns Riverview and live about two to three houses down form where all the construction is going on. I have three small kids who love to go outside and play and I have had to tell them that they can't do that because there is constant traffic going down Allen Drive of the corner of where I live. There are Black Hills Energy trucks, Lynn Energy trucks, TP&L trucks and City of Garden City trucks with no regards to there being twenty to thirty kids that live in that corner that ride their bikes every night. I have had to tell my kids to stay in the driveway because I don't know who is going to drive down that road. Is this traffic going to continue or is it temporary? Am I going to have to tell my kids that they can't walk their dog or ride their bikes because of all the traffic? I also have a son who has allergies and asthma and I can't open my windows at night because of all of that dust. A chain link fence is going to do nothing to block out the sound or sight; it's just going to be an eyesore for all of us. It's the countryside and it's beautiful, and now we are going to have to look at a chain link fence with barbed wire on the top and that's not right for our kids to grow up by.

*Tim Livermore* – I am a two time resident out in Town Riverview because it is a nice and quiet place to live. The agricultural land is right next to our housing and we want that area to stay agricultural. They have the land that is around the old packing plant that is zoned industrial and we are happy for them to be there. When I lived there in 1989 through 1996, Mumford was operational at that time and we had no problem with industrial being that far away because we had that big buffer of agricultural land that kept that away from us. We are fine if TP&L does that and leaves that agricultural so that we have a big buffer of more than a one-hundred feet because one-hundred feet is not very much if you have trains and trucks moving. Another thing is that they have the ditch already dug and started digging it right away; it's a big ditch. They are talking about putting a fence on the west side of that ditch, but what's going to protect the kids on our side from getting in that ditch? I understand the plans are laid out with the fence being on the west side. Am I right about that?

*Ryan McCune* – We have changed that.

*Tim Livermore* – Is your fence going in our ditch? Because we have a current ditch there that is just a regular ditch off the road.

*Ryan McCune* – It will be right on the right-of-way line.

*Tim Livermore* – So there will be a chain link fence, which we can see and hear through. My house sits about a block and a half from there but I live directly to the west. I sit on my front porch and look right out into that field so they're going to have to put up a one-hundred foot fence up there to block the view for me. A six, eight, or ten foot fence is not going to block the cranes or the rail line that comes through. We are fine with TP&L being around, but just not in that agricultural area that gives us a buffer and lets us have our country living. We are concerned with quality of life like noise, pollution and the lights that are out there. I have pictures that I can give you all that show the lights that are blaring when you drive out there to, I guess, keep security on their props. Property value is a big concern for us because we have been told by real estate agents and appraisers that we will not have as much value on our house when that moves in next to us. We also wonder about our homeowners insurance because we have been told it will go up being next to an industrial plant.



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Why should we be penalized when we're there and they want to move in and do business? They have an area to do business in and there's plenty of other land around Garden City that they could move to if they needed to. Floodplain is a big concern because it currently runs up to where there land is, where the current drainage ditch is. With them moving that ditch over, the concern is that the floodplain is going to move over and all of a sudden we're going to be in that floodplain. They told us that they have heard from people that the train is going to move slowly because they want to put a rail spur closest to our housing addition, probably around two-hundred feet from Randy Lane which is the furthest east road. It would be around two-hundred feet out but that's not much. They say the train is going to move slowly so it's not going to make much noise. This morning I went over right by D&H Homes and recorded one of the trains coming in.

Tim Livermore shares the recording of the train.

This is just the train noises and we are going to hear that every day. They said they move out about one-hundred trucks a day out of there so how many trains are going to be coming in? A chain link fence or trees isn't going to stop the noise. The only thing that is going to stop the noise is to have a buffer that keeps it over on that side. We ask to keep the buffer of that agricultural land and we would be fine with that. Finney County and TP&L want the Trans load facility to create jobs and make money for businesses, but it should not come at the cost of taking away the quality of life for eighty plus homes and families out in Towns Riverview. We had someone talk about their property with the trailers and people along Old Post Road are concerned because they say it's going to keep wrapping around and end up right next to them. We as citizens of Finney County have the right to raise our families in liberal lives without the fear that making money for businesses is more important than our right to live peacefully in our own home. We don't want to stop anything but do want to keep it to where it's zoned now and keep our quality of life the same.

Tim Livermore provides pictures to the Planning Commissioners illustrating the sites they see on the land undergoing construction.

*Wade Kromer* – I have lived there almost thirty-five years. I did get a letter but I don't need to add anything that hasn't already been covered. I do, however, want to address your statement on the ditch not being adequate. I get a notification every year of a meeting for that drainage ditch association. I know we've had one five-and-a-half inch rain and everything worked fine; so the reason to move that ditch is not true.

Lori Carter presents a petition opposed to the zoning signed by more than eighty people in their area.

*Ashley Oylar* – I actually don't live out there but have friends who live out there. Straight from the zoning manual, explaining the "I-3" Heavy Industrial, it reads verbatim: "these uses may have safety, nuisance, or environmental effects which make them undesirable neighbors to residential areas." To touch on what Hannah commented about her kids not being able to ride bikes, they don't have sidewalks out there, just the street. They don't have the same things we have here in town being a low-density residential district. We have spoken to residents who live close to current TP&L yards and they have made the comment that trains come in the middle of the night. We're not looking at just during the day that these people are going to have to deal with these things. She says she's a decent sleeper but has still heard them several times a week. I ask you to take these things into consideration.

*Matthew Morales* – I am a homeowner out at Towns Riverview subdivision. I don't have a problem with TP&L being rezoned to the "I-3" but I do have a problem with having the drainage ditch really close to my house. With the rezoning deal, obviously the ditch is already there and being built because we have dust everywhere with people having allergies. My neighbor is an older gentleman with really bad health problems right now with all the dust. My problem with my kids is not being able to play outside or go for walks with all the traffic coming in and out from Lynn Energy, Black Hills Energy, or any other person in our subdivision. The chain link fence is another issue; if we're going to have excavators out there we need something to keep kids from wandering out there. I do see a lot of younger children walking out there. If we're going to have excavators out there working on the drainage ditch already, we need to have a fence put up right away. If you guys are going to go through with everything that's fine, but the safety of our kids is the most important thing. Another thing is that we need to have a buffer zone from our subdivision for what's going on right now.

*Dwayne Dwyer* – I have lived out on Farmland Road before the Beef Plant was even built. Since the beef plant has burned down and shut down, the quality of living has gone up out there. Farmland road has never been wide enough for all the semis going back and forth, yet it's going to get even worse. I know this government program isn't going to last a lot longer like all of them. I am against



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all of this because it's always been a mess and now I have a railroad being built right next to my property. This is not going to help my property value or lower my taxes and that's wrong. It's already being done and the City doesn't care and it's obvious. They don't care about the people out there; they're just going to do whatever they want because they're already doing it. We don't matter and that needs to change.

*Lon Pishny* – I have been a resident of Finney County since 1981, more specifically a resident of Towns Riverview, and in the last couple of years a County Commissioner. I would have some homeowners out in my area that would be very disappointed if I didn't get up here and speak. Mostly everything that I have in my thoughts has been expressed by Lori and Tim and some of the other homeowners. There's definitely an appreciation for what TP&L has brought to Finney County. I was at the ground breaking and was asked by Lona DuVall to make a couple of comments on behalf of the County. I am paraphrasing because I don't remember exactly what I said but I said something to the effect that Finney County does welcome new businesses and existing businesses who desire to be here and expand. What I didn't anticipate was that after I said that I received this letter about this hearing. I didn't realize that soon after I got that letter and after the ground breaking that dirt was going to be moving, although I did hear Jim say that product was going to be here within two weeks. I knew something was going to happen quickly. I appreciate the fact that our control committee, as we call it, has met several times and Lori (Carter) did a great job of not only saying we have concerns about this and we oppose it, but here are some alternatives. Tim (Livermore) stated, which would be my opinion as well, that we should leave that property alone even though that's what has been disturbed dirt wise already. We should leave that alone as our buffer to be used as a buffer for eighty-five homeowners in that subdivision. That's about all that subdivision is going to hold because all of the lots have been built on at this point. The thing that I'm most disappointed about, and I guess I'm pointing this toward Jim, TP&L, economic development, and the City, is that there wasn't conversation with our control committee. It should be widely known that we have covenants for this community. I don't know if my comments are going to help with this particular decision because I don't know that there has been any violation with rules and regulations; but I would hope that in the future at least that the Planning Commission would ask the applicants if they have previously visited with the folks about what is going on. There has been a plan in place since early August, if not earlier, and there was no communication with our control committee that I know of until the letters were received by the residents in that area. That's extremely disappointing to me from a good neighbor standpoint, even if the rules and regulations have been followed.

*Lori Carter* – There was not. The very first day that dirt work began I discussed the letter with Kaleb on whether there was a site plan in place. He said there was not and there did not have to be one in order to apply for a zoning change. The reason that the residents in my area know about the site plan is because I looked on KDHE for information. It was there that I found a document center for someone who would like to place a bid on the project, and I got the documentation myself. My question for TP&L is why has it not been considered to place the rail spur they want to build on the part of the property that is already zoned industrial and that is away from the homeowners subdivision? If you look at the map you would see that it would be a shorter distance and more direct line off of the existing railroad than what is proposed at this time.

*Judith Morales* – Is there any way that there could be some consideration about putting in a nicer and environmentally friendly looking buffer rather than a chain link fence with barbed wire right next to our properties?

*Chairman Lopez* – We will accept that as a comment right now and will wait until we are finished with public comment.

*Charlie Robinson* – I am with Robinson Oil here in Garden City and have been in business since 1970. I am here to speak in support of TP&L. The appreciation for them coming to this community has been expressed through public comment. We obviously have invested interest in working with them. We supply fuel to the railroad and to TP&L as well as oils and chemicals. We started doing business when they first came here and we are on their property multiple times a week. I appreciate the relationship we have with them. I found Jim, Billy, Ryan, and all their staff to be really kind and considering individuals. I think they run a clean operation and watched them water the dirt out there multiple times, which is an issue living here in western Kansas. We obviously work directly with the railroad and that activity. There is concern about the noise but I think it's a positive thing for the community to have the railroad. I don't know what we can do about the noise level with some of that and I don't know that they have to honk their whistles coming in and out of the sites like they do going up and down crossings. I also sit on the airport board and for that matter I have noticed, as



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you all have, the growth that the community has had. We have had salesman come to town numerous times during the course of a month and they appreciate all the growth that Garden City has experienced. The community has also talked many times about adversity here and I believe this is one very good aspect for that. I don't live out in Towns Riverview or out in that area but I can appreciate being a homeowner. I would just like to re-emphasize the idea that I find TP&L, the people they do business with, and the activity we watch and observe out there to be a respectable business and a good neighbor. They live here and I would think they would do what they could to support the community and they have.

*David Jones* – I am a pastor of Faith Baptist Church and a resident of Towns Riverview. Everything that I wanted to say has pretty much been said but I want to thank my neighbors for their due diligence and for putting together a great package. Four years ago right before the election, the TP&L yard was a dust bowl. I was just reading a news article and multibillions of dollars are put into subsidies for the wind energy program. Studies have shown that it does not generate or bring in the power necessary to pay for itself. I am concerned that this annex is going to turn into a dust bowl after the subsidies run out. Like it's been said before, what other industrial is going to come in? We moved here eight years ago and wanted to live out there because of its proximity to Garden City and we do have criteria in our community that doesn't allow for certain things. We liked it because it wasn't as stringent as Southwind but if this was proposed in Southwind it would've been shut down a long time ago. That piece of land out there is a buffer to the industrial and there is a large piece of property that is already zoned industrial. We need to keep that buffer there because of what we have seen with the wind energy industry being up and down. You're talking about dropping property values by twenty percent. One of your commissioner's husbands built a large majority of those homes in that subdivision. We like it out there and moved there for a reason and if we would have wanted to live in an industrial park then we would have bought a house in an industrial park.

*Tim Livermore* – Is this something that has to be decided today? Would there be a time for you all to go look at the property? I don't know if anybody has been out there since all the work started, I know Vicki's been out there.

*Member Hitz* – I have been out there.

*Chairman Lopez* – I have been out there too.

*Tim Livermore* – That's something we want everyone to see is how close it is. It's right across the street from our houses. We just want everyone to see what's going out there and how it will affect us.

*Dwayne Dwyer* – When the beef plant was there they had to ask landowners permission to build a big pond. It was right across the road from my property. They were making a whole road to the east side of their plant for their cattle to be hauled in. When it would rain on the dirt road, the trucks would just slide off into the ditch and their plant would shut down because they would run out of cattle and wondered why. I told them that they had to pave that road but they wouldn't do it, and so I wouldn't agree with anything and neither would any other of the landowners. Why don't we get a choice in this industrial rezoning and industrial development? They're already doing it and the rail spur is already being built; they just haven't laid the tracks on there yet. There's all the noise we'll be getting and that's very wrong. They need to go through us first.

*Cecil Obrate* – I understand their concerns but it's across the road and there's not going to be a dust wind since they're worried about moving the ground around. We can't put up a sign that says Garden City is closed for business. If we can't keep building and making the town grow, then you might as well stick a sign out there that says Garden City is closed and we don't want any business. This is not going to be any different than what they have now inventoried out there on the road after all that dirt. I think they should just pass this so they can get to work on it.

*Tim Livermore* – We have all driven out on the highway where TP&L currently is. You've seen the dust storms that blow and you can hardly see to drive down the street some days so dust will be an issue out there. Garden City does need to grow but it doesn't need to grow and affect our lives. They can stay on the property that they have as industrial right now and leave our property alone. That way it doesn't affect growth, they won't shut down and they won't close their doors. Just leave the buffer there and everything will be fine.

**CLOSE PUBLIC COMMENT**

*Secretary Kentner* – I want to start with the zoning classifications and the uses that were brought up. With any zoning, the Planning Commission takes into consideration all possible uses of the property not just the use that's there at the time because people come in and out of zoning and I assure the public that that's all the things that the Planning Commission considers.



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Secretary Kentner goes over the permitted uses listed under the “A” Agriculture District and the “I-3” Heavy Industrial District.

Secretary Kentner pulls up the floodplain map.

As far as the issue in regards to the floodplain, there were very reasonable concerns and questions brought up. As part of their permit for relocating the drainage ditch, they have to show that there is no additional floodplain or floodplain impacts that will go on to adjacent properties; they must keep that all on their property as part of that relocation of that ditch. Their engineers have to provide the calculations showing that when the ditch is relocated that it will not impact the neighboring properties by reason of requiring them to have flood insurance. That’s one thing that their engineer expressed was that they kept the direction of the drainage away from the adjoining property because the local regulations and the state required them to do that. That is a very valid concern but I believe those issues have been permitted or are going through the permitting process and have been addressed in that. In regards to the concern about “I-3” districts being close to residential districts, this has been taken into consideration. The zoning regulations have been in place since the sixty’s and the comprehensive plan has been in place since 2009. We currently do have many residential locations located next door to industrial. Is it the highest and best situation? Probably not. It is something that you (Planning Commission) should take into consideration. The buffer requirements that is established in the “I-3” zoning is a buffer strip which states that, “Whenever the “I-3” district adjoins a residential district an additional side yard and rear yard should be provided for a buffer strip. The buffer strip should be at least five feet wide and should contain an approved permanent fence to serve as a screen between the residentially zoned properties”. That does say that the five-foot buffer is the minimum but one of the comments that staff made was that we recommended that the minimum buffer be more; we recommend one-hundred foot buffer in that situation. It does not limit the Planning Commission or your discussion with the applicants in regards to the buffer; it just says a minimum of five feet. In the landscape regulations of the City, there are three different buffers that are included in the regulations that can be done and considered which include a combination of fences with heavy landscaping, or a multiple fence system that can be put in place. As far as the noise, that’s definitely something for you to consider. It appears that the acreage of that lot that is currently zoned Agriculture is around eighty acres. In consideration of reasonableness, I am not sure that there are many jurisdictions that would consider a buffer of that magnitude and size. That doesn’t mean it’s wrong or right but that’s your call to make. I believe a buffer is definitely needed as it’s written in the regulations and staff recommended that it be a consideration. Dirt and noise are definite issues that are there. We have been out a lot visiting with people about controlling dust. They have done their best on every site that we visit to keep it wet and accommodate that. There are some issues with continued dust from driving on those areas and I believe that they’re addressing those. There are things that can be put on the road and I know that the County deals with this issue of dust control on busy county roads. There are things that can be applied that are not harmful to the environment that can be used as dust control and last a lot longer than water after the project is built. I do believe that is a consideration that they are taking on their existing site to help control that. There was question about whether or not this needed to be done right away. The applicant is here for the question that is at hand but you have the ability to table this if you feel that you don’t have enough information. That is your call based on the information that you have. As far as the combination of the buffer, whether it’s a fence or multiple fences with landscaping, that’s something you can take into consideration as well. The site plan itself would cover exactly what happens on that buffer. They would have to submit a detailed set of plans on that. If you would prefer to see those plans before taking action then you could do that. As far as the question about the rail spur location, I am going to allow the applicant to explain that because it’s their business and operation and they can explain that better than I can. As far as the health implications of those things that are out there, those are definitely things you need to consider and you will need the evidence to be able to make a determination on whether that is beyond verbal statements or not. The safety issue is one thing that has been discussed with this project. There will be no access on the back side along the residential properties so that will actually cut down on some of the traffic that goes through that area because were cutting off the mix of that traffic.

*Jim Orr* – To answer the question about moving the rail spur to the other side to stay on the already zoned “I-3” is no. The BNSF has put in stringent guidelines to bring in a unit train. It has to stay completely off the main line because of the Amtrak traffic and other rail traffic. One of their mandates is that the train leaves the main line to go all the way into the facility and then get off the main line. If we move it to the west then we are not going to have enough tracks to do that. If we move it partway then we have to maintain a ninety degree angle because that’s the max angle that



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you have to have coming into the property. We could move it about twenty feet but it's still going to be in the agricultural area so it will still have to be rezoned if we're going to continue to move forward. That is a mandate from the BNSF. In order to put the Trans load facility in there they have to be able to dominate a unit train which is eight thousand feet. As far as safety in the area we are putting in the fence and we are going to cut off the access to that. To my knowledge, the only access would be coming down the road from Highway 50 to get into that property. I suppose maybe from Mansfield you can crossover to get in there but you won't be able to get in there from your property. We're actually putting millings on the road that's on the east side so that will cut down any dust that you may have on County road, and that's in our site plan. We are also going to put the slabs through the fence to help control noise and dust. Noise is a concern and I get that. I have a friend that lives up there and I was sitting on his deck and you can hear exactly when the train from the main line is going by. The train tracks are there and you're going to have noise. There's really not a whole lot that we can do about that. We can't build a two-hundred foot high wall to block this view but we can do the best we can. We are the type of company and the type of people that if it's good for the community then we'll bear that extent; but to move it and leave that agricultural buffer, it's not possible.

*Secretary Kentner* – Are there plans for improvements on Farmland Road?

*Ryan McCune* – Either first quarter or second quarter of next year, it will be upgraded from Highway 50 to Mansfield Road. It will be widened and it will be concrete instead of asphalt, and it will have three-foot shoulders on each side. Part of the grant from the state was to address farmland road and the traffic.

*Citizen* – What about the drainage?

*Secretary Kentner* – As far as the drainage, that will be addressed with the road improvements on Farmland Road. Drainage in the system is in the ditch. They do have to submit a plan to have drainage on their site and that is all taken care of as well.

*Chairman Lopez* – That has to be contained within their area.

*Secretary Kentner* – Correct.

*Ryan McCune* – We're working through the plans. I think toward Highway 50 we're going to do some storm sewer and go back to an open ditch.

*Citizen* – When it did rain a little bit you were pumping on the other side of the road and ruining our driveway going down there.

*Ryan McCune* – We're going to address all of that with the improvements of Farmland Road.

*Chairman Lopez* – We are done with public comment.

*Staff Davidson* – Jim, what about lighting?

*Jim Orr* – For security reasons we do light up the yard. We have Alex Wallace with Wallace Electric. The only lighting will be facing from that community into our yard. Will you see the illumination of the lights? Absolutely. Will they be shining in your windows? Absolutely not.

*Member Schneider* – In regards to the fence, I have seen industrial areas next to residential all over the state. I have seen everything from standard chain link with the barbed wire to the higher end brick fence. Is there anything you can do to make this a little bit more aesthetic to the community? You can have the fence but maybe put in some trees or bushes to hide the fence.

*Jim Orr* – There's currently two-hundred and eighty feet from the property line to the access road. So there's basically a two-hundred and eighty foot buffer there and we can leave that and seed it and have vegetation. We can plant trees along the fence line; I have no problem with that. From a security standpoint, I don't know that building a brick fence with barbed wire at the top is the right way to go. I would personally like to have the chain link fence with the slats for security reasons because barbed wire on top will detour the kids from wanting to climb the wall.

*Chairman Lopez* – As I understand, what has happened to date that has been by right such as the moving of the earth and digging the ditch, it could have been done regardless of us hearing this case, correct?

*Secretary Kentner* – That's correct. They can move up to a foot of dirt except for the area where the ditch has been approved where they can move more dirt for that. As far as the rail spur, we got that complaint and I talked to them just yesterday. They have not gone over that amount from what they told us and we sent staff out there to look at it. It is not until the zoning goes through that the rail spur can be installed or completed.

*Chairman Lopez* – We keep hearing references to windmills but as I follow this project, as I understand it, it is going to include additional transportation or the transporting of other things. Is that correct?

*Jim Orr* – Yes.



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*Chairman Lopez* – So windmills aren't the only purpose of this facility?

*Jim Orr* – No.

*Member Stewart* – You brought up the possibility of trees and that type of thing. Could that fence be set back just far enough to where that landscaping could be on that residential side? That way, it will eventually grow to where you know the fence is still there but it wouldn't be quite so visible

*Jim Orr* – Yes, that is definitely an option and I have no issues with that. We can put the trees or bushes on the east side of the fence.

*Chairman Lopez* – I had a question about the train speed within your property. We heard a train today so what kind of speeds would you be running on your property?

*Jim Orr* – The max (speed) that they could have coming in to that facility is five miles per hour.

*Chairman Lopez* – So the sound would be significantly decreased, is that correct?

*Jim Orr* – That is correct. What you heard today is coming in to our facility as well. It's a five mile an hour max coming into any switch yard and we have to follow that because of the BNSF. What you're hearing is the wheels of the rail cars as they're turning that corner. They don't blow the horns because there's no crossing so they don't have to. They do have to blow their horns when they're going sixty miles an hour down the main line so you will hear the horns and high speeds there.

*Chairman Lopez* – But that is something that already exists though.

*Member Hitz* – I understand that the red line (on the map) is the property line where the fence will be on the outside. I also understand that there will be nothing stored from the point of the railroad trucks and the property line. You are willing to put fence, trees, and whatever makes it look better, am I correct?

*Jim Orr* – Yes you are absolutely correct.

*Member Hitz* – We are still going to have trees going up and down the main line anyway if there's noise. In the area that you are putting your line, it can't go past five miles per hour and can't blow the horns. In the area where you store stuff, you have ways of keeping that dust down as I have observed. In western Kansas dust is always going to be a problem.

*Jim Orr* – We are trying to address the road where the traffic is going to be coming in and out of by putting in milling tailings, which will cut down on the dust maybe ninety percent. As far as in the yard itself, we have two water trucks running in our current yard all day long. Someone from the city asked if we could go over to our neighbors and water their yard and we did because they don't have any dust control. It's a problem along Highway 50 especially when the wind is coming in on the south. We are doing the best that we can do to control that problem. We have two water wagons running up and down that have ten thousand gallons of water to knock the dust down. It's not perfect but we are spending the money to do the best we can to control that dust. Once the fence is up then it will help as well.

*Member Hitz* – I had a concern that someone couldn't let their children play in the street because of all the traffic. Your traffic is not going to be going through Towns Riverview or even on the eastside of Towns Riverview, is that correct?

*Jim Orr* – Yes, we will fence it off so there's no way to get to Towns Riverview.

*Vice-Chairman Germann* – Apparently there's suppliers that are going to be going through Towns Riverview right now.

*Member Hitz* – But that's not these people.

*Jim Orr* – The only way to get in to our facility once it's fenced is to come in through Farmland Road. I don't know what traffic is going in there now; our people are working up the yard. I believe there are some pipeline people in there that are probably driving through that area to stay away from the scrapers. I don't know if that is them or not but it won't be our traffic and that I can assure you.

*Secretary Kentner* – There are some chemicals that can be placed that can help with the dust

*Jim Orr* – There's calcium chloride which is one that they use a lot in the coal mines. The problem with that is that it's a short term solution because it will deteriorate and you will have the issues. It lasts about six months.

*Member Schneider* – Do you feel that the majority of the dust right now is the construction and getting the property ready? Do you think it will cut back a little bit once that's all in place and the facility is up and being used? I do agree that when the fence and landscaping is in place that it will cut back a little bit.

*Jim Orr* – Most definitely. Our cranes move less than two miles an hour. With the trucks going in and out we have a fifteen mile an hour maximum speed in our current yard now, loaded or empty. You won't see the scrapers that are moving the dirt for that ditch because they're moving out. I can definitely ask them to slow down to help today, but it is a short term problem.



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*Member Schneider* – They mentioned dust bowl and I know how it gets on the highway just between here and Holcomb sometimes. I just wanted you to clarify for me that that's not something that will be a regular occurrence after everything is built up.

*Jim Orr* – I don't believe so.

*Vice-Chairman Germann* – I think that one of the suggestions that Kaleb had would be good as far as multiple barriers like a couple of fences and some significant trees. I don't want to see you go out and plant little things that won't help these people right now. I would like to see significant things planted on their side of the fence that is going to do some good immediately. You talked about possibly moving the rail a bit further to the west and I would like to see that happen as much as possible.

*Jim Orr* – Right now the rail is three-hundred and thirty-eight feet from the property line.

*Chairman Lopez* – One thing that I keep thinking about is that in the mid sixty's that was a packing plant, they started out as producers. I wonder as far as any sound or noise if this would be preferable to what used to be there until the year 2000. I've heard a lot of people talk about insurance rates. I am licensed to sell insurance with multiple companies that insure homes and I've never seen them consider something like this to be detrimental to their insurance rates. The only thing that I can think of, which has been addressed already, would be a change in the floodplain. It does sound like they have the engineering behind this to show that it's not going to cause that problem for them so I feel better about that. As far as the values of their property, we do have some real estate people better versed in that who could probably address that better than I could. We have a history of industrial there and I think this would be preferable than a packing plant. As far as the lights and drainage are concerned, it sounds like they have addressed that. It has been addressed that it's not only for windmills. They're going to put up a fence and I think trees and bushes are a good idea. I'm hoping that would absorb some of the sound if in fact sounds are going to be a big issue and gather some of the dirt or dust if that's going to be an issue as well. Many of the things we have heard from the public I think are temporary and something they have been able to do by right without any change. We have been assured by the applicant that this is a temporary situation and it will be considerably less than what the public has been concerned about up to this point. I think that we need to take all of this into consideration.

*Vice-Chairman Germann* – Kaleb, I have a concern as far as what happens when the windmills are no more. I would have a bit of a concern to what could happen in that area after. Are there any stipulations that could be placed on that as to what could or couldn't go into that area in any event that they no longer store windmill parts in there?

*Secretary Kentner* – The buffer designation that would be on there would lay with that land and would not be allowed to be used for storage, build anything, or anything else. The buffer can be done in a combination of different ways to help out with the noise but it won't do everything for noise. It's always something that when you're beside an industrial use that you're going to have issues with. Really there would also be issues with noise even if they were staying agriculture and someone were to put an agricultural use on it, but there actually aren't any buffer requirements in the agricultural section.

*Member Stewart* – They could now and have been able to for a long time put feedlots out there.

*Secretary Kentner* – There's a lot of different uses that could go in there. Once it's zoned that category, everything that is a by right use is allowed to go in there and we would review it accordingly. We would only be able to regulate them by what is in the regulations that we have adopted at the time.

Staff explains and discusses landscaping and buffer options for the Planning Commissioners to consider. Discussion ensued regarding a variety of options that could be put in place as a buffer area.

*Member Howard* – You said currently the tracks are about three-hundred and thirty-eight feet from the property line. Could we make it mandatory that the buffer has to be three-hundred and thirty-eight feet and give him a conditional use instead of guaranteeing this to be heavy industrial in case they move out someday and someone else wants to move in?

*Randy McCune* – That (three-hundred and thirty-eight feet) is to the edge of the track. There's actually an access road and some dead space in there. So I think it's about two-hundred and eighty to the property line

*Member Howard* – Can we make that mandatory with the two-hundred and eighty foot minimum buffer and a conditional use permit? That way if they move out someone just can't move in and put something that would really be horrible.



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*Secretary Kentner* – One thing that we need to look at when you’re talking about distance of the buffer is that we are talking about from all residential areas.

*Secretary Kentner* refers to the vicinity map to point out the different proximities from the multiple residential areas around to the project site. He explains that the distance for the designation of the buffer would vary from different points.

*Chairman Lopez* – The closest points are away from the residential areas, correct?

*Secretary Kentner* – Well those properties are zoned residential. So we’re talking from the nearest residentially zoned properties.

*Member Stewart* – Can we add the point that nothing can ever be stored past that road?

*Secretary Kentner* – That inherently goes with the buffer; it can’t be used for anything except the buffer. If you feel more comfortable in seeing and approving that on your own, we can get that put together and bring it back to you so you can see exactly what the buffer is going to be. This way, if it does meander in certain areas or get narrower in certain spots, you can see exactly what that is. You can also direct staff to make sure that it’s adequate and give us some type of direction on how you want us to do that.

*Member Howard* – I would like to see something like that then come back so they could let u know exactly what the buffer is going to be. I am really bothered with this because for some reason the County chose to go ahead with this project without taking the zoning into consideration. Now they want us to take care of the zoning for them.

*Lon Pishny* – I would like record to show that it is the City not the County.

*Secretary Kentner* – This property is owned by the City right now and leased to TP&L with the purchase agreement that is moving forward.

*Secretary Kentner* explains the recommendation and approval process from the Planning Commission and Governing Body.

*Chairman Lopez* – Jim (Howard), I think that we could all take action if we wanted to with the stipulation that the site plan be presented to staff prior to presenting it to the City Commissioners.

*Member Hitz* – The only thing we’re going to do by delaying this is delay these people. We can make a decision today. It’s our job to make that decision. They have already said that they are willing to be friendly with the neighbors and try to do what’s right for them. I am sure they’re willing to work on that and do something that will accommodate and satisfy the people of the development. I don’t see a reason to delay it for another month.

*Secretary Kentner* – If you want to make the decision to go on with the project, you can recommend that they visit with the homeowners association to show them the landscape plan at the same time it is submitted to staff before going to the Governing Body. That way anyone that is interested would have a chance to see that.

Discussion ensued regarding the wording of the motion on the table. The Planning Commissioners discuss with staff the different options and stipulations that could be placed for the requirements of the landscaping and buffer.

**MEMBER HITZ MAKES MOTION TO APPROVE THE COMPREHENSIVE PLAN AMENDMENT AND THE REZONE OF THE PROPERTY FROM “A” AGRICULTURAL TO “I-3” HEAVY INDUSTRIAL WITH THE REQUIRED BUFFER TO BE THE DISTANCE BETWEEN THE RAIL SPUR AND THE EDGE OF THE PROPERTY LINES TO THE NORTH AND TO THE EAST WHERE IT ABUTS RESIDENTIAL PROPERTIES AND THAT WITHIN THAT BUFFER STRIP ONLY AN ACCESS ROAD IS ALLOWED AND LANDSCAPING WILL BE REQUIRED WITHIN THAT BUFFER STRIP ACCORDING TO STAFF RECOMMENDATION OF ITEM C IN THE LANDSCAPING REGULATIONS. MEMBER LAW SECONDS THE MOTION.**

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

Germann	Hitz	Gigot	Howard	Law	Lopez	Schneider	Schwindt	Stewart
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Not Present	Yea

*\*These minutes are draft only. They have not been approved by the Planning Commission.*



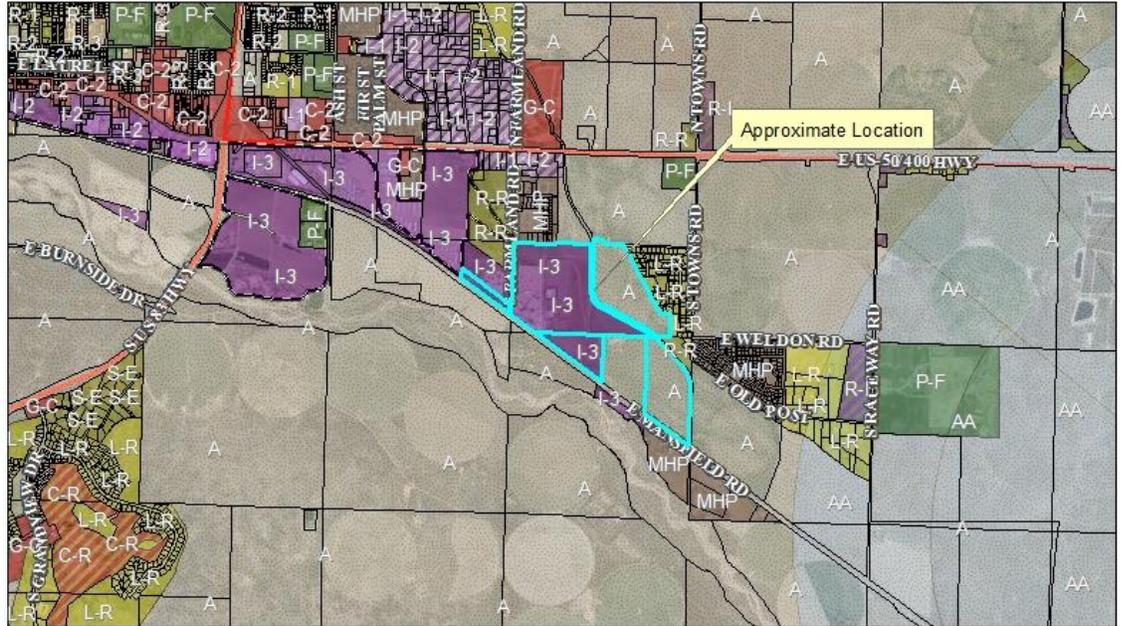
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Case Number: GC2016-60/61  
Applicant: City of Garden City  
Address: S22, 23, and 26, T24S, R32W, generally located in the 900 block of Farmland Rd  
Request: Rezone from Finney County Zoning "A"  
Agricultural District and "I-3" Heavy Industrial  
District to the "I-3" Heavy Industrial District of the  
City of Garden City Zoning Regulations

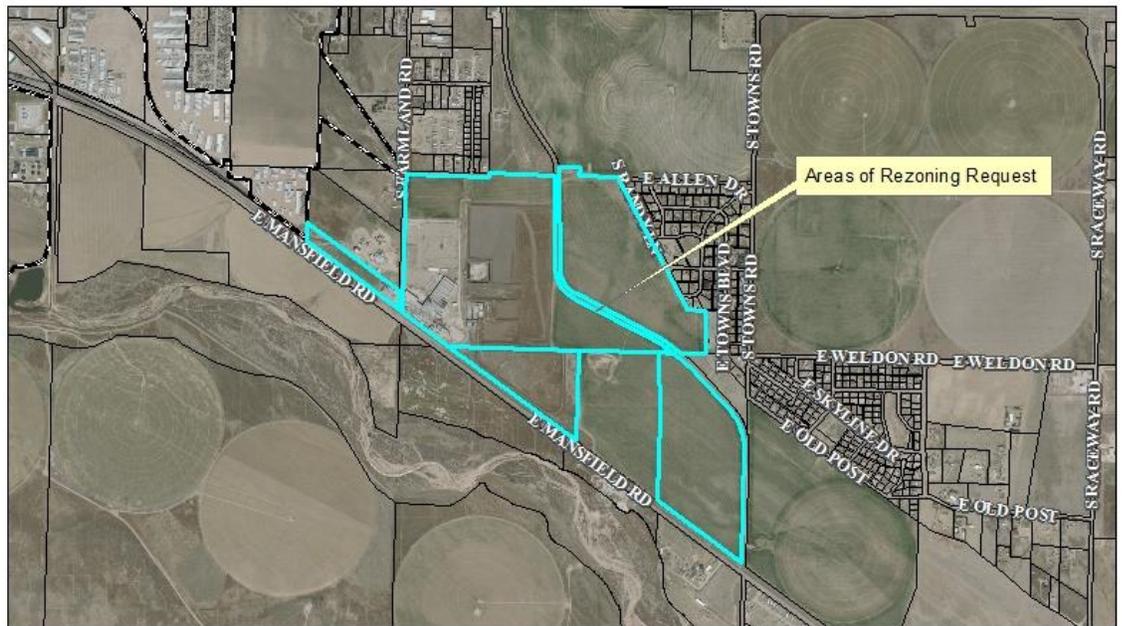




Exhibit 1

Proposed Flood Plain

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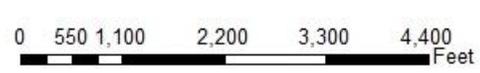
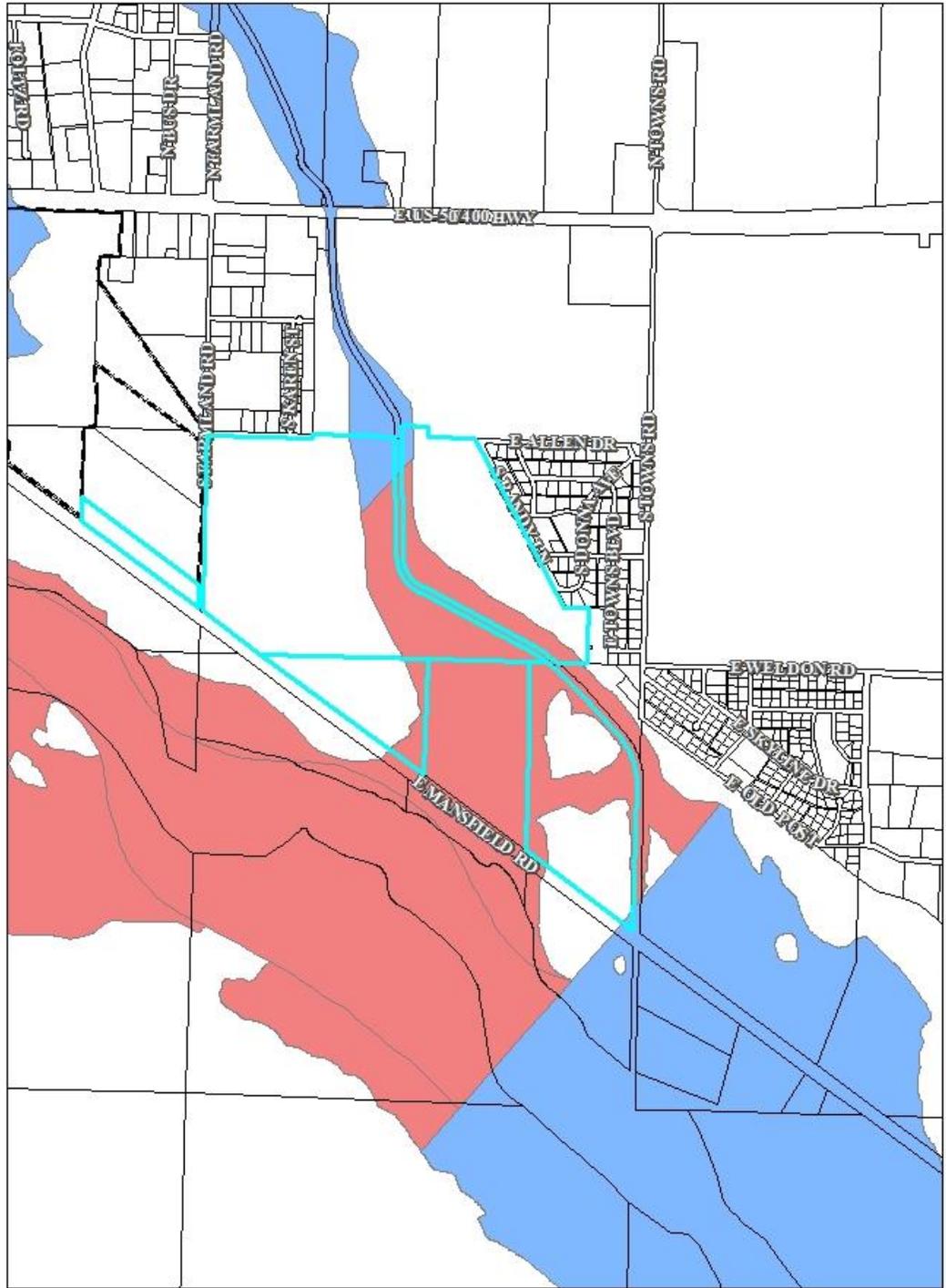
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## Exhibit 2: Preliminary Site



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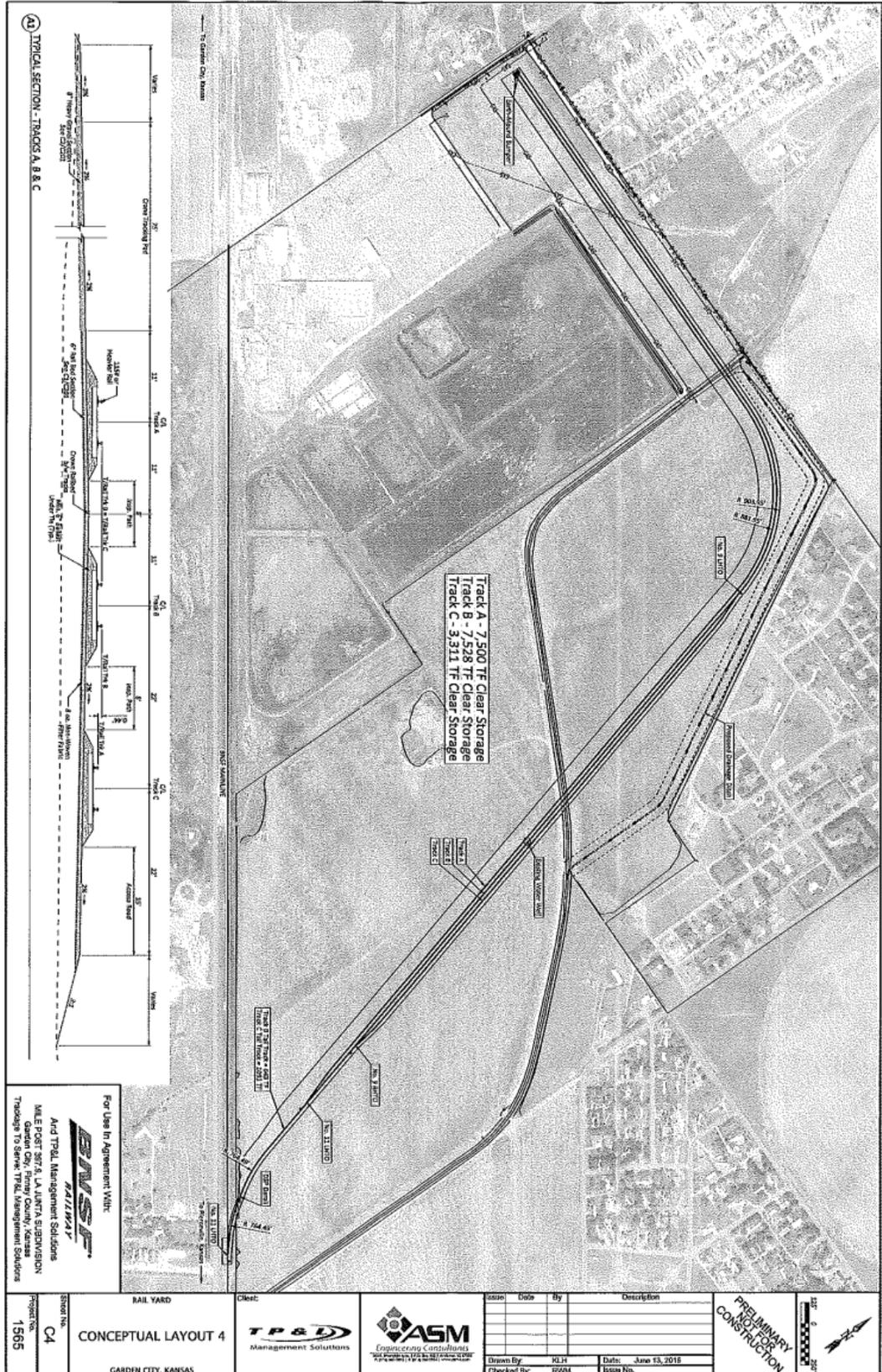
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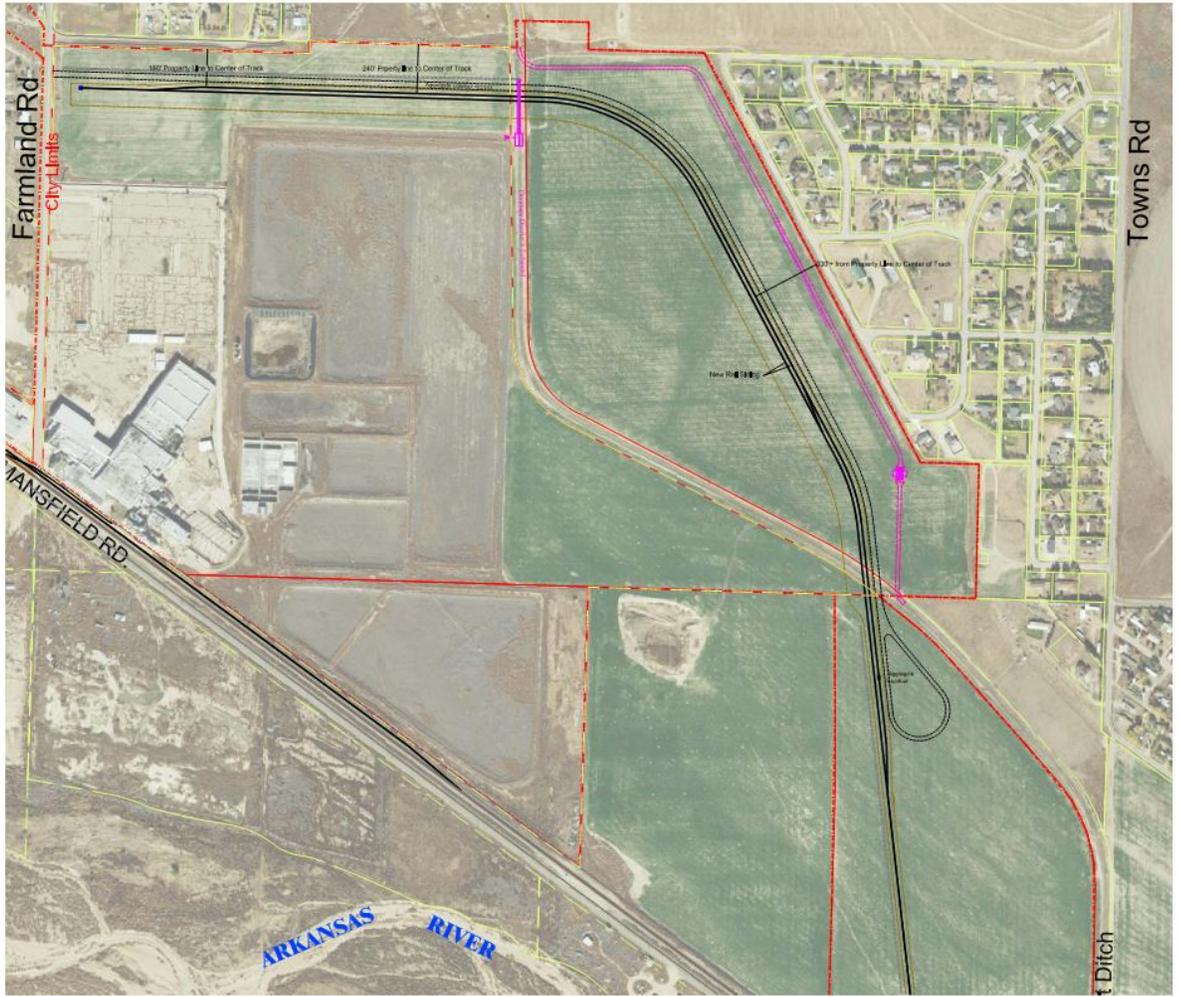
**Exhibit 3: Proposed site plan with dimensions**

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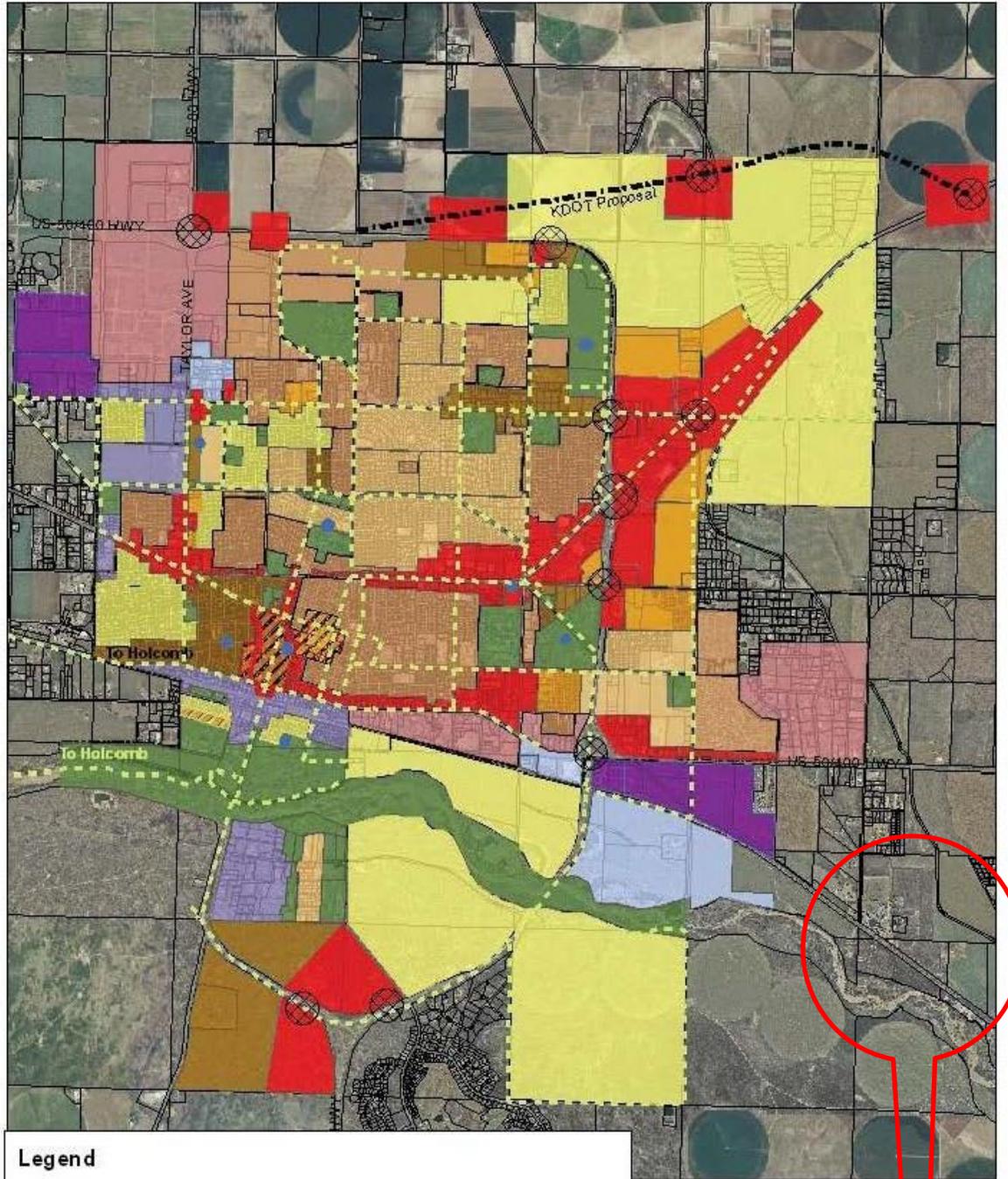
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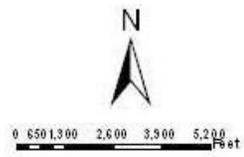
**Exhibit 4: Garden City Comprehensive Plan Future Land Use Map**



**Legend**

**Future Land Use**

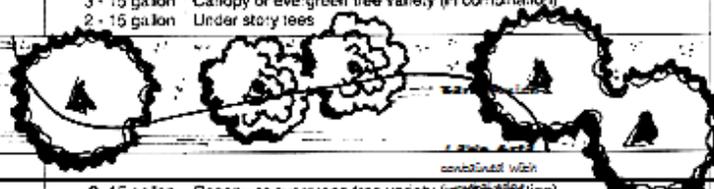
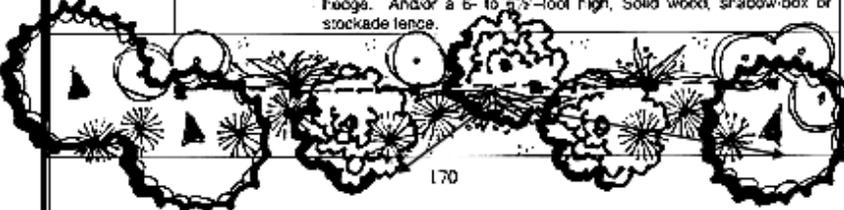
Activity Center	Horse Overlay	Sign Overlay
Commercial	Heavy Industrial	Single Family
CBD	Indus/Com m	Up To 2 Families
Comm Indus/Res	Light/Med Indus	2 or More Families
Comm /Res	Hospital Overlay	Single Fam/Multi Mix
	Pub Open/Fac	Trail



**Approximate area of proposed land use change**

## Exhibit 5: Landscape Regulations

### EXHIBIT II. BUFFER YARD REQUIREMENTS

DEVELOPING USE	ABUTTING CONDITIONS	REQUIRED BUFFER YARD
<b>Residential District</b>	Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	<b>A</b>
<b>Commercial District</b>	Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	<b>B</b>
<b>Agricultural, Industrial or Public Facilities District</b>	Residential, Commercial, Public Facilities, Industrial, Agricultural Districts.	<b>C</b>
Buffer Yard Category	Qty & Size <small>(Estimated per 100 sq. ft. x 30'-0" wide x 100 sq ft. of planting bed)</small>	Description of Plant Type
<b>A</b>	3 - 15 gallon 2 - 15 gallon	Canopy or evergreen tree variety (in combination) Under story trees 
<b>B</b>	3 - 15 gallon 3 - 15 gallon 11 - 5 gallon	Canopy or evergreen tree variety (in combination) Small understory trees Shrubs and/or a 6- to 6 1/2' - foot high solid wood, shadow-box or stockade fence 
<b>C</b>	3 - 15 gallon 3 - 15 gallon 18 - 5 gallon	Canopy or Evergreen trees Small understory trees Shrubs or Small evergreen, broadleaf, or conifers trained as a hedge. And/or a 6- to 6 1/2'-foot high, Solid wood, shadow-box or stockade fence. 



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ORDINANCE NO. \_\_\_\_\_-2016

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "I-3" HEAVY INDUSTRIAL DISTRICT, FINNEY COUNTY, KANSAS TO "I-3" HEAVY INDUSTRIAL DISTRICT, GARDEN CITY, KANSAS; AND APPROVING THE REZONING OF LAND FROM "A" AGRICULTURAL DISTRICT, FINNEY COUNTY, KANSAS TO "I-3" HEAVY INDUSTRIAL DISTRICT, GARDEN CITY, KANSAS; AMENDING THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN OF THE CITY, AND THE DISTRICT ZONING MAP OF THE CITY; REPEALING THE CURRENT ZONING ORDINANCE, COMPREHENSIVE PLAN, AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

**BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:**

**SECTION 1.** The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2528-2011, with all amendments thereto, is hereby amended to rezone the below described real property from "I-3" Heavy Industrial District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas:

Parcels of land located in Sections 22, 23, and 26, all in Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows:

PARCEL I: A tract of land situated in the Southeast Quarter (SE/4) of Section 22, Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Beginning at a point on the East line of said Section 22, said point being 509.58 feet North of the Southeast corner of said Section, thence in a Northwesterly direction at an angle of 55° 03' and along the Northerly right-of-way line of the Atchison, Topeka, and Santa Fe Railroad as it passes through said section a distance of 1770.0 feet, thence North at an interior angle of 124° 57' a distance of 283.0 feet, thence in a Southeasterly direction at an interior angle of 55° 03' a distance of 1770.0 feet to the East line of said Section, thence South at an interior angle of 124° 57' and along the East line of said Section a distance of 283.0 feet to the point of beginning.

PARCEL II: A tract of land situated in the Southwest Quarter (SW/4) of Section 23 Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Starting at the Southwest corner of said Section 23, thence North 0° 00' along the West line of said Section 23 a distance of 509.58 feet to the actual point of beginning, thence continuing North 0° 00' along said West line of said Section a distance of 480.42 feet, thence South 89° 47' East a distance of 1868.24 feet, thence South 0° 00' a distance of 990.0 feet to the South line of said Section 23, thence North 89° 47' West along the said South line of Section 23 a distance of 1136.0 feet to the Northerly right-of-way line of the A.T. & S.F. Railroad, thence North 55° 03' West along the said Northerly right-of-way line of said railroad a distance of 893.25 feet to the point of beginning, EXCEPT THE FOLLOWING TRACT: A tract of land in the Southwest Quarter (SW/4) of Section 23, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Section and assuming the West line of said Section to bear North 0° 00' East; thence North along the West line of said section a distance of 234.81 feet; thence East at right angles to said West line a distance of 990.9 feet to the point of beginning, thence North 0° 40' 31" East a distance of 485.0 feet; thence South 89° 19' 29" East a distance of 415.0 feet; thence South 0° 40' 31" West a distance of 485.0 feet; thence South 89° 19' 29" West a distance of 415.0 feet to the point of beginning.

PARCEL III: A tract of land situated in the North Half (N/2) of Section 26, Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Starting at the Northwest corner of said Section 26, thence South 89° 47' East along the North line of said Section 26 a distance of 732.21 feet to the actual point of beginning, said point being on the Northerly right-of-way line of the A.T. & S.F. Railroad, thence South 55° 03' East along the said Northerly right-of-way line of said railroad a distance of 2416.0 feet, thence North 0° 13' East a distance of 1376.53 feet to the North line of said Section 26, thence North 89° 47' West along the said North line of Section 26 a distance of 1985.5 feet to the point of beginning.

That portion of Parcel V lying west of the Second Drainage District right-of-way:

PARCEL V: A tract containing 200.0216 acres, more or less, located in Section 23, Township 24 South, Range 32 west of the 6th P.M., and more particularly described as: Beginning at the West Quarter Section Corner of said Section 23; thence East on half section line bearing North 89° 51' 30" East to a point on the center line of Drainage Ditch No. 2 a distance of 2298.92 feet; thence North Northwesterly on a line bearing North 02° 43' 00" West along the center line of said Drainage Ditch No. 2 to a point of curvature a distance of 108.40 feet; thence along a curve to the left to a point on said curve (being on the center line of said Drainage Ditch No. 2) a distance of 25 feet; thence East on a line bearing North 89° 51' 30" East to a point on the North-South half section line of said Section 23 a distance of 348 feet; thence South on half section line bearing South 00° 18' 30" East to the Center Section Corner of said Section 23 a distance of 130 feet; thence East on half section line bearing North 89° 51' 30" East a distance of 574.90 feet; thence Southeasterly on line bearing South 29° 38' 30" East a distance of 2275.52 feet; thence East on line bearing North 89° 52' 00" East a distance of 287.50 feet; thence South on line bearing South 00° 20' 00" East to a point on the South section line of said Section 23 a distance of 660 feet; thence West on section line bearing South 89° 52' 00" West a distance of 2749.15 feet; thence North on line bearing North 00° 18' 00" West a distance of 990 feet; thence West on

line bearing South 89° 52' 00" West to a point on the West Section line of said Section 23 a distance of 1868.24 feet; thence North on Section line bearing North 00° 18' 30" West to the place of beginning a distance of 1650.60 feet.

PARCEL VI: A tract of land in the Southwest Quarter (SW/4) of Section Twenty-three, (23), Township Twenty-four South, (T24S), Range Thirty-two West, (R32W), of the Sixth Principal Meridian, Finney County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said section and assuming the West line of said Section to bear North 0°00' East; thence North along the West line of said section a distance of 234.81 feet; thence East at right angles to said West line a distance of 990.9 feet to the point of beginning; thence North 0°40'31" East a distance of 485.0 feet; thence South 89°19'29" East a distance of 415.0 feet; thence South 0°40'31" West a distance of 485.0 feet; thence South 89°19'29" West a distance of 415.0 feet to the point of beginning.

**SECTION 2.** The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2528-2011, with all amendments thereto, is hereby amended to rezone the below described real property from "A" Agricultural District, Finney County, Kansas to "I-3" Heavy Industrial District, Garden City, Kansas:

PARCEL IV: Lot Four and the East Half of the Northeast Quarter (E/2 NE/4) of section 26, Township 24 South, Range 32 West of the 6th P.M., lying Southerly and Westerly of the Second Drainage District Ditch and North of the Arkansas River, including: The following described lot, tract, or parcel of land, lying, being and situate in the County of Finney and State of Kansas, to-wit: Commencing for a point of reference at the Northeast corner of said Section 26 and thence North 90° 0' West along the North line of said Section for 1319.62 feet to a 1/2" rebar found for the point of beginning; thence continuing North 90° 0' West along the North line of said Section for 31.0 feet to a 1/2" by 24" rebar set; thence South 01° 49' 21" East for 955.38 feet to a 1/2" by 24" rebar set; thence North 0° 02' 13" East along the west line of the East one-half of the Northeast Quarter (E/2 NE/4) of said Section for 954.00 feet to the point of beginning, and excepting a tract or parcel of land situated in the county of Finney and State of Kansas, to-wit: Commencing for a point of reference at the Northeast corner of said Section 26 and thence North 90° 0' West along the North line of said Section for 1319.62 feet to a 1/2" rebar found, thence South 0° 02' 13" West along the West line of the East One-Half of the Northeast Quarter (E/2 NE/4) of Section 26 for 954.90 feet to a 1/2" by 24" rebar set for the point of beginning; thence continuing South 0° 02' 13" West for 1286.33 feet to a 1/2" rebar found on the North right-of-way line of the A.T. & S.F. Railroad; thence South 55° 12' 20" East along said right-of-way line of 52.0 feet to a 1/2" by 24" rebar set; thence North 01° 49' 21" West for 1316.67 feet to the point of beginning and excepting: that part of Lot 4 and the East One-Half of the Northeast Quarter (E/2 NE/4) of Section 26, Township 24 South, Range 32 lying South of the A.T. & S.F. Railroad and North of the Arkansas River in Finney County, Kansas.

That portion of Parcel V lying east of the Second Drainage District right-of-way:

PARCEL V: A tract containing 200.0216 acres, more or less, located in Section 23, Township 24 South, Range 32 west of the 6th P.M., and more particularly described as: Beginning at the West Quarter Section Corner of said Section 23; thence East on half section line bearing North 89° 51' 30" East to a point on the center line of Drainage Ditch No. 2 a distance of 2298.92 feet; thence North Northwesterly on a line bearing North 02° 43' 00" West along the center line of said Drainage Ditch No. 2 to a point of curvature a distance of 108.40 feet; thence along a curve to the left to a point on said curve (being on the center line of said Drainage Ditch No. 2) a distance of 25 feet; thence East on a line bearing North 89° 51' 30" East to a point on the North-South half section line of said Section 23 a distance of 348 feet; thence South on half section line bearing South 00° 18' 30" East to the Center Section Corner of said Section 23 a distance of 130 feet; thence East on half section line bearing North 89° 51' 30" East a distance of 574.90 feet; thence Southeasterly on line bearing South 29° 38' 30" East a distance of 2275.52 feet; thence East on line bearing North 89° 52' 00" East a distance of 287.50 feet; thence South on line bearing South 00° 20' 00" East to a point on the South section line of said Section 23 a distance of 660 feet; thence West on section line bearing South 89° 52' 00" West a distance of 2749.15 feet; thence North on line bearing North 00° 18' 00" West a distance of 990 feet; thence West on line bearing South 89° 52' 00" West to a point on the West Section line of said Section 23 a distance of 1868.24 feet; thence North on Section line bearing North 00° 18' 30" West to the place of beginning a distance of 1650.60 feet.

**SECTION 3.** The "Future Land Use Map" of the City of Garden City, Kansas adopted by Ordinance No. 2469-2010 with all amendments thereto, is hereby amended as follows:

The boundary of Heavy Industrial Potential overlay is hereby amended to include the following described real property:

Parcels of land located in Sections 22, 23, and 26, all in Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows:

PARCEL I: A tract of land situated in the Southeast Quarter (SE/4) of Section 22, Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Beginning at a point on the East line of said Section 22, said point being 509.58 feet North of the Southeast corner of said Section, thence in a Northwesterly direction at an angle of 55° 03' and along the Northerly right-of-way line of the Atchison, Topeka, and Santa Fe Railroad as it passes through said section a distance of 1770.0 feet, thence North at an interior angle of 124° 57' a distance of 283.0 feet, thence in a Southeasterly direction at an interior angle of 55° 03' a distance of 1770.0 feet to the East line of said Section, thence South at an interior angle of 124° 57' and along the East line of said Section a distance of 283.0 feet to the point of beginning.

PARCEL II: A tract of land situated in the Southwest Quarter (SW/4) of Section 23 Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Starting at the Southwest corner of said Section 23, thence North 0° 00' along the West line of said Section 23 a distance of 509.58 feet to the actual point of beginning, thence continuing North 0° 00' along said West line of said Section a distance of 480.42 feet, thence South 89° 47' East a distance of 1868.24 feet, thence South 0° 00' a distance of 990.0 feet to the South line of said Section 23, thence North 89° 47' West along the said South line of Section 23 a distance of 1136.0 feet to the Northerly right-of-way line of the A.T. & S.F. Railroad, thence North 55° 03' West along the said Northerly right-of-way line of said railroad a distance of 893.25 feet to the point of beginning, EXCEPT THE FOLLOWING TRACT: A tract of land in the Southwest Quarter (SW/4) of Section 23, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said Section and assuming the West line of said Section to bear North 0° 00' East; thence North along the West line of said section a distance of 234.81 feet; thence East at right angles to said West line a distance of 990.9 feet to the point of beginning, thence North 0° 40' 31" East a distance of 485.0 feet; thence South 89° 19' 29" East a distance of 415.0 feet; thence South 0° 40' 31" West a distance of 485.0 feet; thence South 89° 19' 29" West a distance of 415.0 feet to the point of beginning.

PARCEL III: A tract of land situated in the North Half (N/2) of Section 26, Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas, more particularly described as follows: Starting at the Northwest corner of said Section 26, thence South 89° 47' East along the North line of said Section 26 a distance of 732.21 feet to the actual point of beginning, said point being on the Northerly right-of-way line of the A.T. & S.F. Railroad, thence South 55° 03' East along the said Northerly right-of-way line of said railroad a distance of 2416.0 feet, thence North 0° 13' East a distance of 1376.53 feet to the North line of said Section 26, thence North 89° 47' West along the said North line of Section 26 a distance of 1985.5 feet to the point of beginning.

PARCEL IV: Lot Four and the East Half of the Northeast Quarter (E/2 NE/4) of section 26, Township 24 South, Range 32 West of the 6th P.M., lying Southerly and Westerly of the Second Drainage District Ditch and North of the Arkansas River, including: The following described lot, tract, or parcel of land, lying, being and situate in the County of Finney and State of Kansas, to-wit: Commencing for a point of reference at the Northeast corner of said Section 26 and thence North 90° 0' West along the North line of said Section for 1319.62 feet to a 1/2" rebar found for the point of beginning; thence continuing North 90° 0' West along the North line of said Section for 31.0 feet to a 1/2" by 24" rebar set; thence South 01° 49' 21" East for 955.38 feet to a 1/2" by 24" rebar set; thence North 0° 02' 13" East along the west line of the East one-half of the Northeast Quarter (E/2 NE/4) of said Section for 954.00 feet to the point of beginning, and excepting a tract or parcel of land situated in the county of Finney and State of Kansas, to-wit: Commencing for a point of reference at the Northeast corner of said Section 26 and thence North 90° 0' West along the North line of said Section for 1319.62 feet to a 1/2" rebar found, thence South 0° 02' 13" West along the West line of the East One-Half of the Northeast Quarter (E/2 NE/4) of Section 26 for 954.90 feet to a 1/2" by 24" rebar set for the point of beginning; thence continuing South 0° 02' 13" West for 1286.33 feet to a 1/2" rebar found on the North right-of-way line of the A.T. & S.F. Railroad; thence South 55° 12' 20" East along said right-of-way line of 52.0 feet to a 1/2" by 24" rebar set; thence North 01° 49' 21" West for 1316.67 feet to the point of beginning and excepting: that part of Lot 4 and the East One-Half of the Northeast Quarter (E/2 NE/4) of Section 26, Township 24 South, Range 32 lying South of the A.T. & S.F. Railroad and North of the Arkansas River in Finney County, Kansas.

PARCEL V: A tract containing 200.0216 acres, more or less, located in Section 23, Township 24 South, Range 32 West of the 6th P.M., and more particularly described as: Beginning at the West Quarter Section Corner of said Section 23; thence East on half section line bearing North 89° 51' 30" East to a point on the center line of Drainage Ditch No. 2 a distance of 2298.92 feet; thence North Northwesterly on a line bearing North 02° 43' 00" West along the center line of said Drainage Ditch No. 2 to a point of curvature a distance of 108.40 feet; thence along a curve to the left to a point on said curve (being on the center line of said Drainage Ditch No. 2) a distance of 25 feet; thence East on a line bearing North 89° 51' 30" East to a point on the North-South half section line of said Section 23 a distance of 348 feet; thence South on half section line bearing South 00° 18' 30" East to the Center Section Corner of said Section 23 a distance of 130 feet; thence East on half section line bearing North 89° 51' 30" East a distance of 574.90 feet; thence Southeasterly on line bearing South 29° 38' 30" East a distance of 2275.52 feet; thence East on line bearing North 89° 52' 00" East a distance of 287.50 feet; thence South on line bearing South 00° 20' 00" East to a point on the South section line of said Section 23 a distance of 660 feet; thence West on section line bearing South 89° 52' 00" West a distance of 2749.15 feet; thence North on line bearing North 00° 18' 00" West a distance of 990 feet; thence West on line bearing South 89° 52' 00" West to a point on the West Section line of said Section 23 a distance of 1868.24 feet; thence North on Section line bearing North 00° 18' 30" West to the place of beginning a distance of 1650.60 feet.

PARCEL VI: A tract of land in the Southwest Quarter (SW/4) of Section Twenty-three, (23), Township Twenty-four South, (T24S), Range Thirty-two West, (R32W), of the Sixth Principal Meridian, Finney County, Kansas, more particularly described as follows: Commencing at the Southwest corner of said section and assuming the West line of said Section to bear North 0° 00' East; thence North along the West line of said section a distance of 234.81 feet; thence East at right angles to said West line a distance of 990.9 feet to the point of beginning; thence North 0° 40' 31" East a distance of 485.0 feet; thence South 89° 19' 29" East a distance of 415.0 feet; thence South 0° 40' 31" West a distance of 485.0 feet; thence South 89° 19' 29" West a distance of 415.0 feet to the point of beginning.

**SECTION 4.** The "Future Land Use Map" adopted by Ordinance No. 2469-2010, as previously existing and amended, be and the same is hereby amended, to be replaced and continue hereafter as amended in this ordinance.

**SECTION 5.** The District Zoning Map referred to in the Zoning Regulations, Section 3.020, of the City of Garden, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

**SECTION 6.** The current Zoning Ordinance, Zoning Regulations, and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance. All sections of the Zoning Ordinance, Zoning Regulations, and District Zoning Map not specifically amended herein, shall remain in full force and effect.

**SECTION 7.** That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 10<sup>th</sup> day of November, 2016.

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CHRIS LAW, Mayor

ATTEST:

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CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

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RANDALL D. GRISELL, City Counselor