

MINUTES

**HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA
PLANNING COMMISSION**

August 17, 2023

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, August 17, 2023, in the City Commission Chambers at the City of Garden City Administrative Center located at 301 N 8th Street, Garden City, Kansas.

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES – July 20, 2023

Vice-Chair Germann made a motion to approve the minutes from June 15, 2023. *Member Michel* seconded the motion. Votes were taken by yeas and nays and recorded as follows:

Anliker	Collins	Crockett	Germann	Glass	Haeck	Hitz	Michel	Rupp
Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea

Motion passed.

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

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

IV. GENERAL STAFF REPORT AND UPDATE

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

V. SUBMITTAL OF EXHIBITS FOR THE RECORD

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

VI. NEW BUSINESS

GC2023-34: A rezone from “I-1” Light Industrial District to “C-2” General Commercial District for the property generally located at 105 N. 12th Street, Garden City, Kansas, at the request of Medina Adventures Inc.

Staff Presisto- Presented staff report.

John Lindner-Representative for applicant- I have not seen the document that the gentleman was reading and from what I was able to hear is the recommendation from staff are that this not be approved.

Vice-Chair Germann- They did recommend approved.

John Lindner- Then mostly we are here to answer any questions. I didn't know what the recommendation was going to be. Honestly, I just recently got involved in this and I'm not so sure that this prior use isn't grandfathered in. My understanding is that this location has been a club since I was a pup. It just always has been, and Mr. & Mrs. Medina ran it as a club in 2017 to 2019 and then a Texas company took it over and they were going to change it into some other kind of club and eating establishment and they never did. As I understand it just sat vacant. This is the best proposed use. Mr. & Mrs. Medina re-acquired the property. I don't think that the period of 2020 to 2023 that this Texas company owned the property and didn't use it destroys the grandfathered aspect of it. I don't think the commission would be changing anything. It would be normal. Anybody buying property in that area would have bought their property knowing that there was a pub that had virtually always been there. We've got history back to 1984 and the history goes way beyond that. In 1976 and 1982 I represented a couple of owners, Mr. & Mrs. Barraza that owned it for a while. As I said, it's always been a club location. Mr. & Mrs. Medina are responsible owners. They ran a good club when they had it between 2017 and 2019 and they will continue to do so. Thank you for your favorable recommendation.

OPEN PUBLIC COMMENT

Pete Delgado, Neighboring property owner- I've lived right behind there for 56 years and Jaime is a good guy and I think it is a good thing. My uncle used to own that place back in the fifties and I think it's a good thing.

Jaime Medina, Applicant- I came over here a while back to open a restaurant too. I own the restaurant El Patron. It is right across the street from this club, and I've been open since 2014 and it is still open. I haven't had any problems at all that I know of. I hired a few people and I'd like to continue this business and I want to hire more people if you give me a chance to reopen the place again. My place is kind of narrow (El Patron Restaurant). I have a lot of people that want to do quinceaneras, wedding and stuff like that. They like to make quinceaneras in my place right now, but it is too small. Now that I have this place behind me, we can do those kinds of things there too. It came with a parking lot, so we have the set up for that.

Vice-Chair Germann- So this is kind of an event center?

Jaime Medina- It will be both.

Chairman Haeck- I appreciate you all respecting the process. I know when transfer of ownership happens it does reset some stuff. The grandfathering does have to change with the transfer of ownerships. Regulations do come into play there. We appreciate you going to the process.

CLOSE PUBLIC COMMENT

Chairman Haeck- In 2020 was there a reason why approval was not recommended?

Staff Charles- The Planning Commission did not recommend approval because there were several neighbors that had attended the meeting and did not like the previous night club that was there. They said they had a lot of people dropping bear bottles and cans to the neighbor's properties and drinkers going into the neighbor's properties. That is why they did not recommend approval. They decided not to pursue the City Commission to see if they would overturn (Planning Commission denial).

Vice-Chair Germann- Today we are just approving the rezone. They would still have to get a conditional use permit and still have and abide by all those restrictions?

Staff Charles- If the rezone is recommended approval and approved, in the meantime of them getting a conditional use permit, they could operate as an event center as that is a permitted use within "C-2". For reference, the parking lot that he is talking about is 508. He owns 508 as well.

Chairman Haeck- Is 508 "C-2"?

Staff Charles- 508 is already "C-2".

Chairman Haeck- So they would just be continuing "C-2".

General discussion regarding area parking and past rezoning request.

MEMBER COLLINS MADE A MOTION TO RECOMMEND APPROVAL OF THE REZONE FROM "I-1" LIGHT INDUSTRIAL DISTRICT TO "C-2" GENERAL COMMERCIAL DISTRICT PER STAFF ALTERNATIVE 1. MEMBER ANLIKER SECONDED THE MOTION.

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

Anliker	Collins	Crockett	Germann	Glass	Haeck	Hitz	Michel	Rupp
---------	---------	----------	---------	-------	-------	------	--------	------

Yea	Yea	Yea	Yea	Yea	Yea	Not Present	Yea	Yea
-----	-----	-----	-----	-----	-----	-------------	-----	-----

Motion passed.

VII. ADJOURN

The meeting was adjourned at 9:18 A.M.

Trent Maxwell
Aleecya Charles

Secretary
Staff

Nathaniel Haeck
Vicki Germann

Chairman
Vice-Chairman