



COUNTY COMMISSION SPECIAL SESSION MINUTES

Finney County, dedicated to its citizens, serving its taxpayers

COUNTY ADMINISTRATIVE CENTER

May 25, 2017

8:00 AM

May 25, 2017

Opening Statement

The special meeting of the Board of the Finney County Commission was called to order by Chairman Lon Pishny in the Commission Chambers of the Finney County Administrative Center at 8:30 a.m., Thursday May 25, 2017 with Commissioner William S. Clifford M.D., Commissioner Dave Jones, Commissioner Larry Jones and Commissioner Duane Drees. County Administrator Randy Partington and County Clerk Anita Garcia were present.

Chairman Pishny opened the meeting by asking those in attendance to stand for the Pledge of Allegiance to the Flag. Chairman Pishny also gave the invocation.

Chairman Pishny announced an addition to the agenda to include a request from Katrina Pollet, Executive Director of Community Services and Beth Beavers, Director of Community Services.

Neighborhood and Development Services

FC2017-09 Resolution Rezoning

A motion was made by Commissioner Clifford and seconded by Commissioner Dave Jones to approve the rezoning of a parcel of land located at 4390 West Jones to "G-C" General Commercial. The vote was taken by ayes and nays.

Ayes: Clifford, Drees, Jones, Jones, Pishny

Motion Carried

FC2017-13 Mies Addition Parcel Plat

A motion was made by Commissioner Drees and seconded by Commissioner Clifford to approve the letter of agreement and parcel plat for the Mies Addition, contingent upon approval of the development agreement. The vote was taken by ayes and nays.

Ayes: Clifford, Drees, Jones, Jones, Pishny

Motion Carried

FC2017-12 Rezoning Resolution

A motion was made by Commissioner Dave Jones and seconded by Commissioner Larry Jones to approve the rezoning of a parcel of land located at 3850 Mansfield Road from the "S-E" suburban Estates District to the "G-C" General Commercial District and amend Resolution 16-2015 of the Finney County Zoning Regulation. The vote was taken by ayes and nays.

Ayes: Clifford, Drees, Jones, Jones, Pishny

Motion Carried

Finney County Comprehensive Plan Update

Carol Davidson, City of Garden City presented the update of the Finney County Comprehensive Plan including a new project schedule.

Public meetings will be conducted the week of June 19-23 with WSP (formally WSP Parsons Brinckerhoff) in various locations. Stakeholder meetings will also be conducted during this week.

Kevin Ash, Finney County intern will be working closely with the City on this project.

Chairman Pishny requested the possibility of setting a meeting time with WSP for June 19, 2017 following the Commission's regular session meeting.

2018 Prevention and Graduated Sanction Block Grant

A motion was made by Commissioner Clifford and seconded by Commissioner Drees to approve authority to Katrina Pollet, Executive Director of Community Services to apply for the 2018 Prevention and Graduated Sanctions block grant. The vote was taken by ayes and nays.

Ayes: Clifford, Drees, Jones, Jones, Pishny

Motion Carried

County Commissioner Reports

- Commissioner William S Clifford M.D. - Attended reception for Leadership Kansas
- Commissioner Dave Jones - Keith Downer will be moving the genealogy records from the Library to the Historical Society
- Chairman Pishny - Attended Economic Development meeting

ADJOURNMENT



MEMORANDUM

TO: County Commission
THRU: Randy Partington, County Administrator
FROM:
DATE: May 25, 2017
RE: Neighborhood and Development Services

DISCUSSION:

Discussion of Planning

RECOMMENDATION:

N/A



MEMORANDUM

TO: County Commission
THRU: Randy Partington, County Administrator
FROM: Carol Davidson
DATE: May 25, 2017
RE: FC2017-09 Resolution Rezoning

DISCUSSION:

Consider and Recommend approval of a rezone of a parcel of land located at 4390 West Jones to "G-C" General Commercial

RECOMMENDATION:

Adopt Resolution 4-2017 approving the rezoning

ATTACHMENTS:

Description

[FC2017-09](#)



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Memo

To: Governing Body

From: Kaleb Kentner

CC: File

Date: May 25, 2017

Re: FC2017-09: Rezoning from "S-E", Suburban Estate District to "G-C", General Commercial District, 4390 W. Jones, Garden City, KS

ISSUE:

The Governing Body is asked to consider and recommend approval of a rezone of a parcel of land located at 4390 W. Jones from the "S-E" Suburban Estates District, to the "G-C" General Commercial District.

Resolution No. ____-2017, a resolution relating to the zoning of a parcel of land in Finney County, Kansas from "S-E" Suburban Estate District to "G-C" General Commercial District; zoning parts of said county and amending the district zoning map adopted by resolutions no. 16-2015 of the Finney County Zoning Regulation.

BACKGROUND:

General Information			
Date:	May 11, 2017	Jurisdiction:	Finney County
Owner:	Jane Frazier		
Applicant:	County		
Requested Action:	Rezoning from “S-E”, Suburban Estate District to “G-C”, General Commercial District.		
Purpose:	Rezone property to allow for the use of the property as commercial.		
Location Address:	4390 W. Jones, Garden City, KS		
Comprehensive Plan:	The proposed land use is consistent with the Comprehensive Plan		
Sites Existing Zoning:	“S-E” Suburban Estate District		
Surrounding Zoning:	North	“A” Agricultural District	
	South	“S-E” Suburban Estate District	
	East	“S-E” Suburban Estate District and “A” Agricultural District	
	West	“S-E” Suburban Estate District	
Land Area:	Contains 3.57 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

Comments & Required Improvements

1. In 1995 Jane Frazier had this property rezoned from "S-E" Suburban Estate District to "G-C" General Commercial District to accommodate her husband's business on this parcel. The rezone request was approved at that time, but do to an error it was never recorded.



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2. Staff would like to correct this error and reestablish this property as a commercially zoned parcel.
3. Ms. Frazier recently had the property split into two lots (as shown in Figure 1). Although Ms. Frazier no longer operates her own business on this parcel, she would like it commercially zoned for potential buyers of the new lot.

The Governing Body may approve according to the criteria in Section 27.040. Below is the complete list of these criteria:

27.040. AMENDMENT EVALUATION CRITERIA.

Prior to taking any action on a request for an amendment which is not a general revision of the Zoning Regulations and which will affect specific property, the Planning Commission shall give consideration to the following evaluation criteria:

- (A) The physical character of the neighborhood surrounding the property under consideration.
- (B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
- (C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned
- (D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
- (E) The length of time the subject property has remained vacant as zoned (if applicable),
- (F) The relative gain to the public health, safety and welfare by the change of value of 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:

1. The Governing Body may approve the rezoning request.
2. The Governing Body may not approve the rezoning request.

RECOMMENDATION: Staff recommends approval of the rezoning request.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the rezoning request on May 11th, 2016.

Members Present- 8

Yea vote- 8

Nay vote- 0

**Please see attached minutes from the Planning Commission pertaining to this case. The minutes have not been approved.*



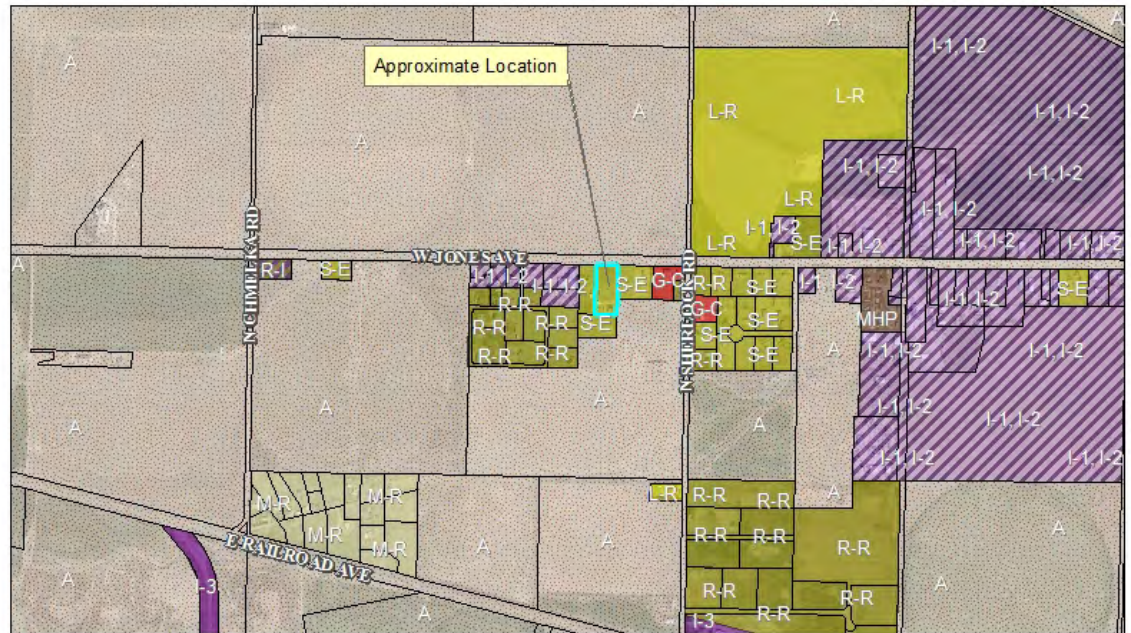
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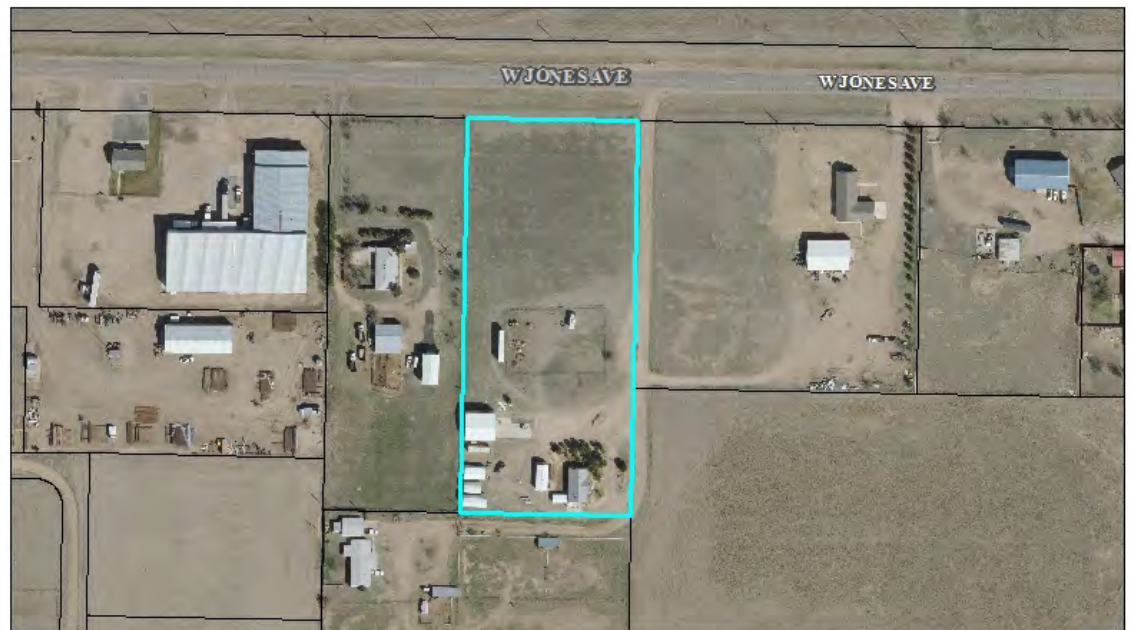
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Case Number: FC2017-09
Applicant: County
Address: 4390 W Jones Ave.
Request: Rezone "S-E" to "G-C"





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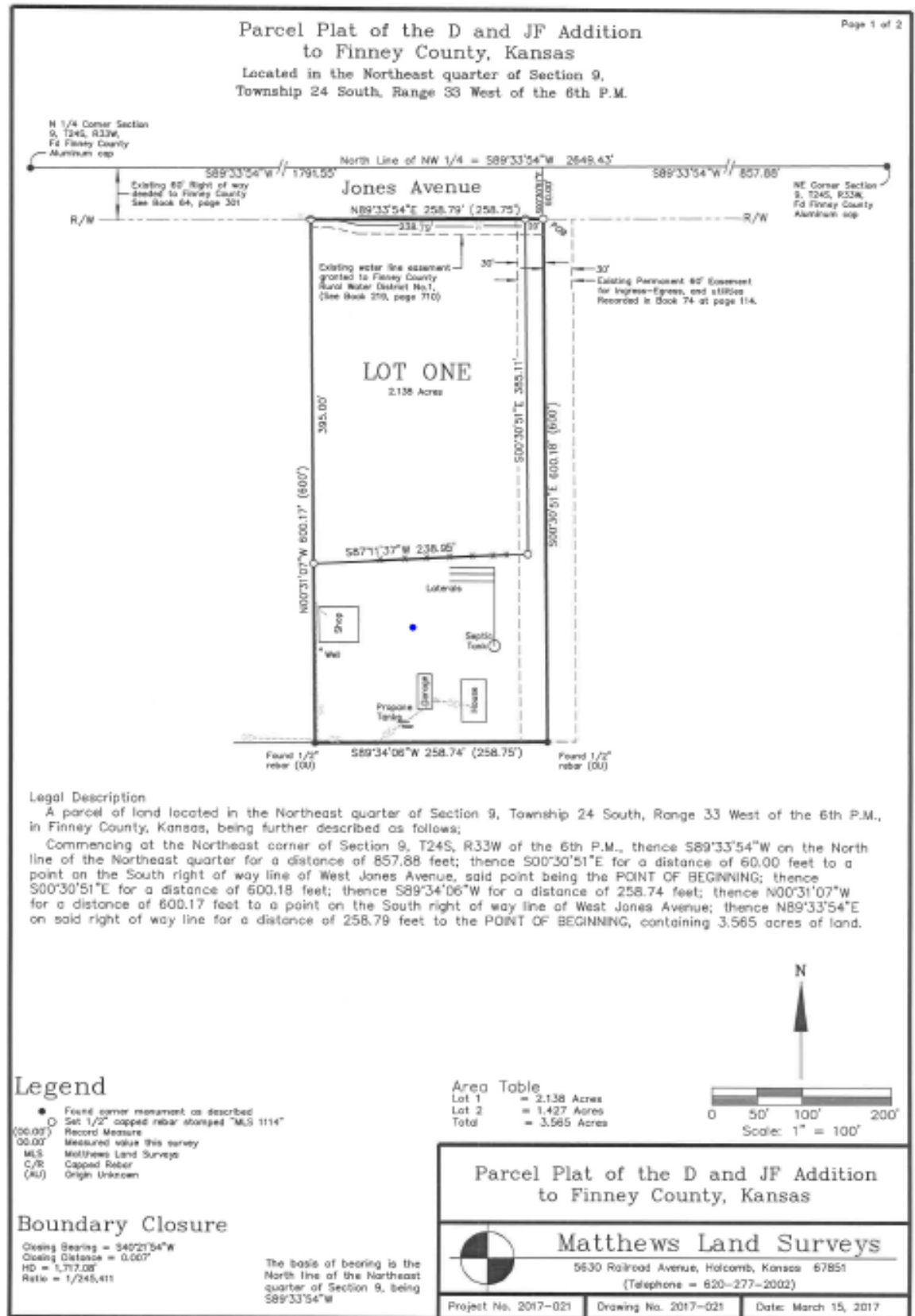
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Figure 1: View of the property from the northeast corner looking southwest.



Figure 2: View of the property from the southeast corner looking northwest.



Figure 3: View of the property from the east side looking west.



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

May 11, 2017

FC2017-09 To consider the rezone of 4390 W Jones Avenue in Finney County, from “SE” Suburban Estates District to “GC” General Commercial District, at the request of Staff and Jane Frazier

Secretary Kentner reads the staff report and explains the case’s history.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Applicant, Jane Frazier – I did sell a parcel, and I did guarantee them it would be Commercial.

Discussion ensued regarding access to the lot and easements.

Chairman Lopez – Now, she wants to make the whole lot, including what’s already on the property, part of the same?

Secretary Kentner – Correct. As you can see in the picture, her house is located here, and this is the building that is the shop that is designed for – he was a welder and worked on large equipment and things like that – so it is built for that. It has – I don’t know the exact term for it, but the drop down area underneath where you can work on trucks and larger equipment from underneath.

Member Gigot – So it was already zoned and they didn’t record it?

Secretary Kentner – Yes, what happened was, as far as we can tell, it went through the process of approval by the Planning Commission, approval by the County Commission, but this was right when the county adopted zoning. So, for whatever reason, they did not pass a resolution to make it legal.

Member Gigot – So we’re just righting a wrong.

Secretary Kentner – Exactly.

Staff Davidson – They published it in the paper, but they didn’t actually do the resolution.

Chairman Lopez – I think I’d be kind of concerned if we had any public comments on this, but by the same token, I agree with Commissioner Gigot, that this should have been taken care of beforehand.

Applicant, Jane Frazier – I would say also, it was kind of a shock to me when they called and I go, “What?” because we were shut down for two (2) months trying to get this resolved back in 1995. And there’s gobs of articles in the newspaper, and thankfully, I saved everything. I paid \$12,000 for the property, and two months with no income.

Secretary Kentner – At the time, it was a very heated topic for the County Commission, and the County had shut down the operation of their business – I think it was over two months to get through that process. And they followed all of the rules to get through it, and we’re just trying to correct that. I appreciate Jane’s patience through the whole process. She’s worked with us to help us get this taken care of, and she’s been great to work with.

Chairman Lopez – Now, despite the fact this had already been supposedly settled over twenty (20) years ago, you were still soliciting public comments. And no problems this time.

MEMBER STEWART MAKES MOTION TO APPROVE THE REZONE OF 4390 W JONES AVENUE IN FINNEY COUNTY, FROM “SE” SUBURBAN ESTATES DISTRICT TO “GC” GENERAL COMMERCIAL DISTRICT. MEMBER GIGOT SECONDS THE MOTION.

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

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

Motion passed.

RESOLUTION NO. _____

A RESOLUTION RELATING TO THE ZONING OF A PARCEL OF LAND IN FINNEY COUNTY, KANSAS FROM "S-E" SUBURBAN ESTATES DISTRICT TO "G-C" GENERAL COMMERCIAL DISTRICT; ZONING PARTS OF SAID COUNTY AND AMENDING THE DISTRICT ZONING MAP ADOPTED BY RESOLUTION NO. 16-2015 OF THE FINNEY COUNTY ZONING REGULATION.

BE IT ORDAINED by the Board of County Commissioners, Finney County, Kansas:

SECTION I: Statement of Purpose. It is the purpose of this Resolution to amend the approved Zoning Map of Finney County, Kansas, adopted by Resolution No. 16-2015:

SECTION II: Identified Area of Amendment. The boundaries of the "G-C" General Commercial District are hereby amended to include the following described real property:

A parcel of land located in the Northeast quarter of Section 9, Township 24 South, Range 33 West of the 6th P.M., in Finney County, Kansas, being further described as follows;

Commencing at the Northeast corner of Section 9, T24S, R33W of the 6th P.M., thence S89° 33' 54"W on the North line of the Northeast quarter for a distance of 857.88 feet; thence S00° 30' 51"E for a distance of 60.00 feet to a point on the South right of way line of West Jones Avenue, said point being the POINT OF BEGINNING; thence S00° 30' 51"E for a distance of 600.18 feet; thence S89° 34' 06"W for a distance of 258.74 feet; thence N00° 31' 07"W for a distance of 600.17 feet to a point on the South right of way line of West Jones Avenue; thence N89° 33' 54"E on said right of way line for a distance of 258.79 feet to the POINT OF BEGINNING, containing 3.565 acres of land.

SECTION III: Further Amendment. That the District Zoning Map referred to in Article 3, Zoning Regulations of Finney County, Kansas, adopted by Resolution No. 16-2015, on file with the County Clerk of Finney County, Kansas, as previously existing and amended, be and the same, is hereby repealed if inconsistent with the amendments set forth herein.

SECTION IV: Effective Date. This Resolution shall take effect and be in force from and after its publication in the official County newspaper.

PASSED AND APPROVED by the Board of County Commissioners, Finney County, Kansas on this the 25th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS OF FINNEY COUNTY, KANSAS

Lon E. Pishny, CHAIRMAN

Duane Drees, COMMISSIONER

William S. Clifford, MD, COMMISSIONER

Larry C. Jones, COMMISSIONER

Dave Jones, COMMISSIONER

ATTEST:

Anita Garcia, COUNTY CLERK

MEMORANDUM

TO: County Commission
THRU: Randy Partington, County Administrator
FROM: Carol Davidson
DATE: May 25, 2017
RE: FC2017-13 Mies Addition Parcel Plat

DISCUSSION:

Consideration of the Mies Addition Parcel Plat

RECOMMENDATION:

Approval of the Mies Addition parcel plat

ATTACHMENTS:

Description

[FC2017-13](#)



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Memo

To: Governing Body
From: Kaleb Kentner
CC: File
Date: May 25, 2017
Re: FC2017-13 Mies Addition Parcel Plat

ISSUE: Consideration of the Mies Addition Parcel Plat

BACKGROUND: Mies and Sons Trucking, LLC, the applicant, is requesting an approval of the Mies Addition, Parcel Plat. The parcel is located in the Southwest Quarter of Section 22, Township 24 South, Range 32 West of the 6th P.M., in Finney County, Kansas. This plat is being presented to the Planning Commission because this parcel has not been previously platted and there are easement dedications. The plat has one twenty five foot (25') easement and one ten foot (10') easement. The twenty five foot (25') easement is a utility easement and extends around the developed portion of the property. The ten foot (10') easement is an ingress egress easement and is located on the western side of Lot 1.

The applicant will be required to make certain improvements to the property at the time of development. There will be a letter of agreement between the County and Mies Trucking, LLC. Staff is working on the letter of agreement and has provided a draft copy in this packet. (The highlighted portion of the attached agreement is still under review by the County Engineer and County Council.) This agreement requires the developer to adhere to the subdivision regulations, and the subdivision regulations require the developer to improve half of the right-of-way along their property frontage before the plat is signed.

In this situation, Mies Trucking is on a short timeline to get their project finished before the opening of the DFA plant. Therefore, they would like to get started on their project while completing the infrastructure simultaneously. To make this happen, the Governing Body may waive the completion requirement as stipulated in Article 4.1(2) in the Finney County Subdivision Regulations. By signing the letter of agreement, the developer will be allowed to proceed without having the improvements completed. The agreement outlines the timeline for the improvements to be made.

ALTERNATIVES:

1. The Governing Body may approve the letter of agreement and plat.
2. The Governing Body may approve the plat only.
3. The Governing Body may not approve the letter of agreement and plat.

RECOMMENDATION: Staff recommends approval of the plat.



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PLANNING COMMISSION RECOMMENDATION:

The Planning Commission approved the parcel plat on May 11th, 2017.

Present- 8
Yea- 8
Nay- 0

**Please see attached minutes from the Planning Commission pertaining to this case. The minutes have not been approved.*

MINUTES

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

May 11, 2017

FC2017-13 To consider the final plat of the Mies Addition located on East Mansfield Road, the west portion of Section 22, Township 24 South, Range 32 West, Finney County, at the request of Mies & Sons Trucking, LLC.

Staff Larsen reads staff report.

Secretary Kentner gives further explanation of final plat.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

MEMBER GERMANN MAKES MOTION TO APPROVE THE FINAL PLAT OF THE MIES ADDITION LOCATED ON EAST MANSFIELD ROAD, THE WEST PORTION OF SECTION 22, TOWNSHIP 24S, RANGE 32W, FINNEY COUNTY. MEMBER GIGOT SECONDS THE MOTION.

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

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

Motion passed.

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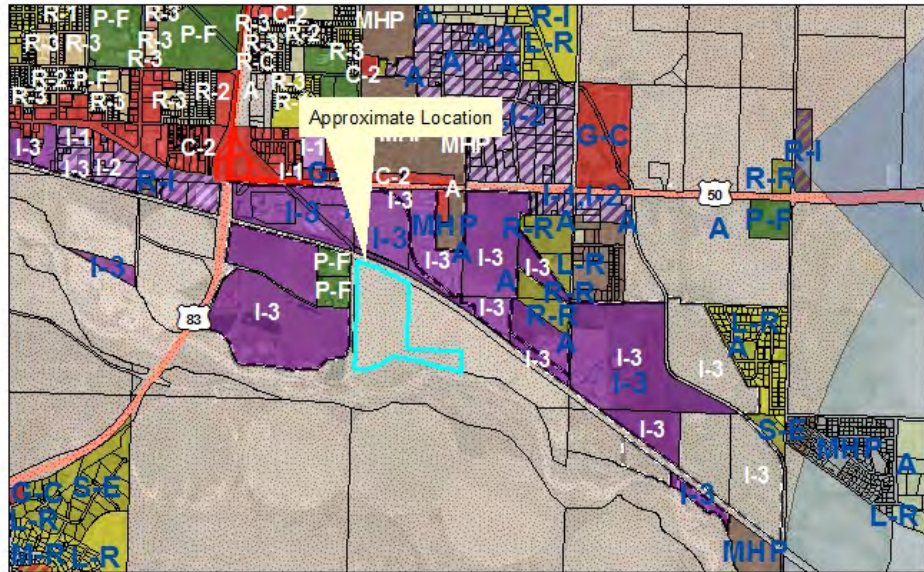
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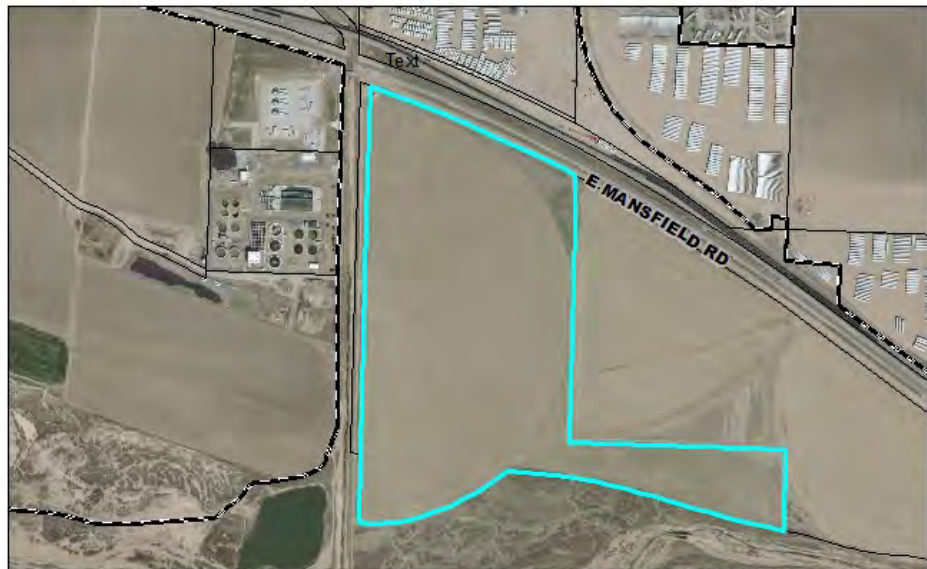
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Case Number: FC2017-13
Applicant: Phil Meyer - Baughman Company, PA
Address: 3850 Mansfield Road
Request: Plat Meis Addition





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Figure 1: View of the property from the northwest corner looking south.

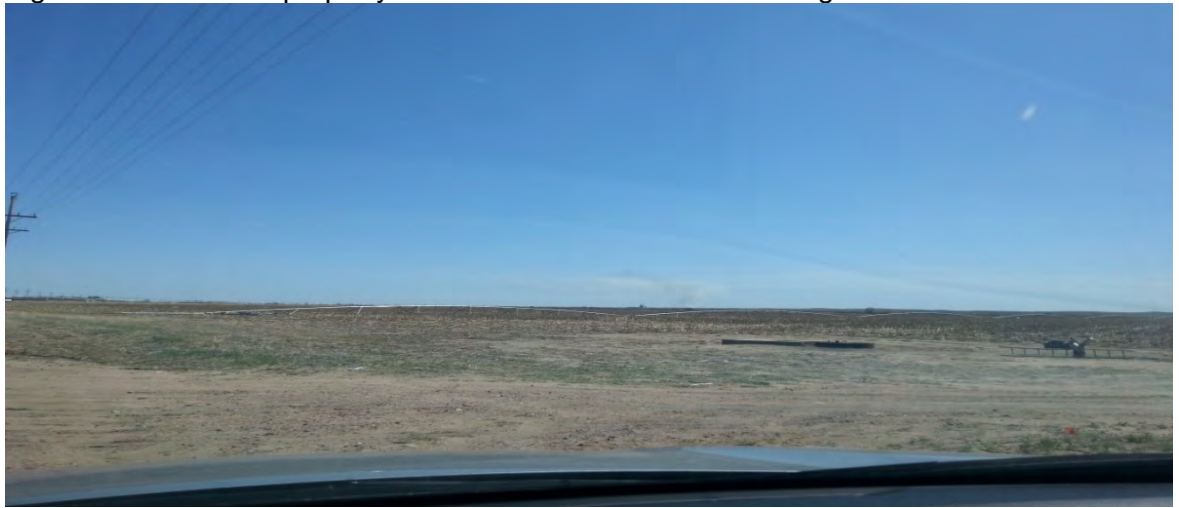


Figure 2: View of the property from the northwest corner looking southeast.

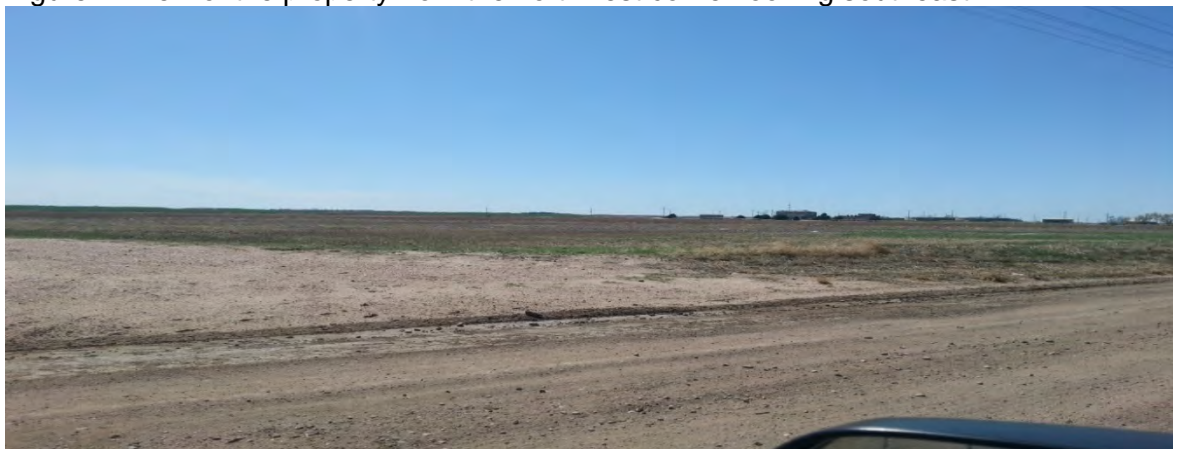


Figure 3: View of the property from the northeast corner looking west.



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Figure 4: View of the property from the northeast corner looking south.

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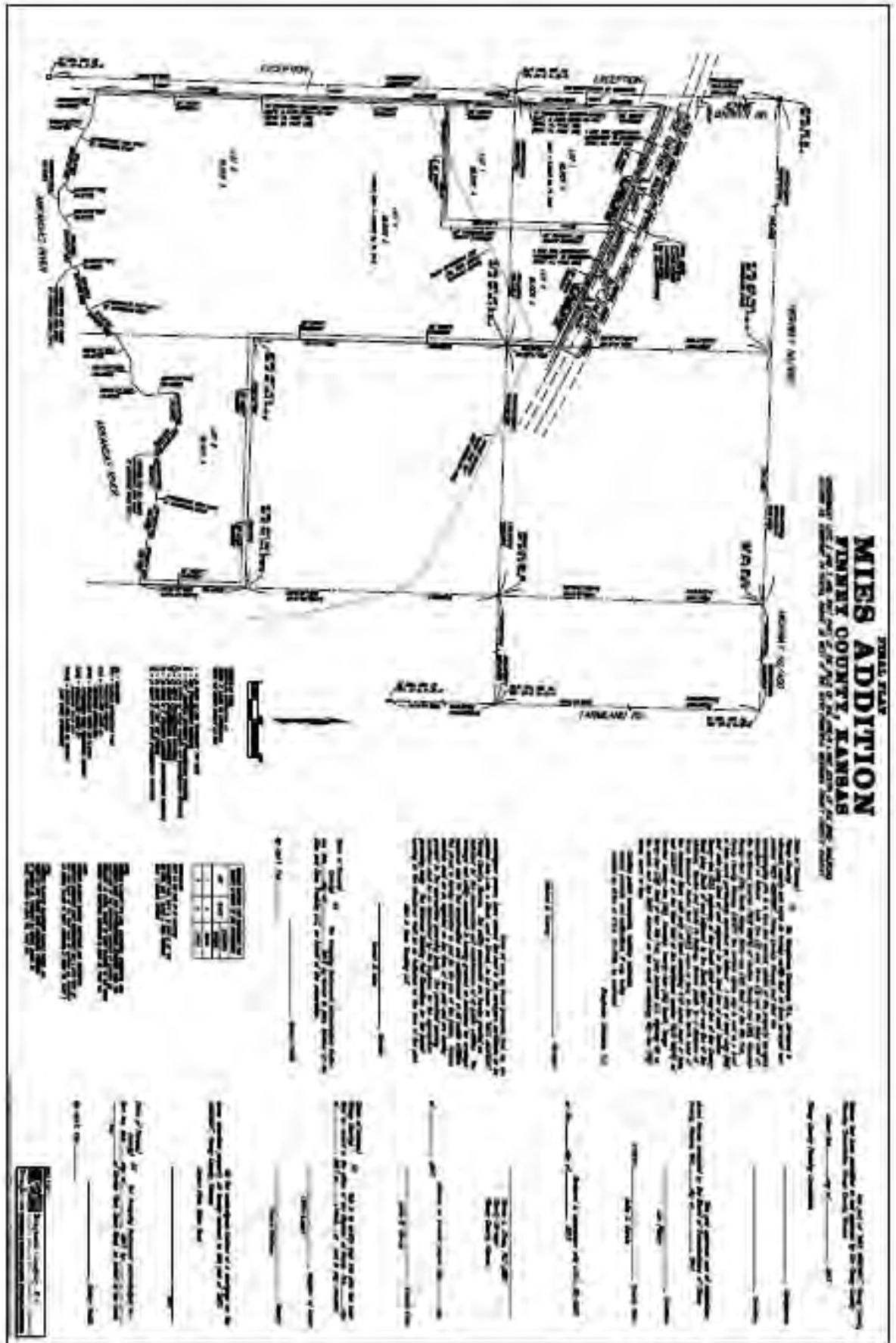
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FINAL PLAT
MIES ADDITION
FINNEY COUNTY, KANSAS

GOVERNMENT LOTS 2 AND 3 AND THAT PART OF THE W1/2 OF THE NW1/4 LYING SOUTH OF THE BNSF RAILROAD,
SECTION 22, TOWNSHIP 24 SOUTH, RANGE 32 WEST OF THE SIXTH PRINCIPAL MERIDIAN, FINNEY COUNTY, KANSAS

This plat of "MIES ADDITION", Finney County,
Kansas has been submitted to and approved by the Finney County
Planning Commission, Finney County, Kansas.

Dated this _____ day of _____, 2017.

Finney County Planning Commission

_____, Chairperson

_____, Secretary

This plat approved and all dedications
shown hereon accepted by the Board of Commissioners of Finney
County, Kansas, this _____ day of _____, 2017.

_____, Chairman
Lon Pishny

ATTEST: _____, County Clerk
Anita K. Garcia

Reviewed in accordance with K.S.A. 58-2005
on this _____ day of _____, 2017.

State of Kansas) SS We, Baughman Company, P.A., Surveyors in
Finney County) aforesaid county and state do hereby certify that we have surveyed and
platted "MIES ADDITION", Finney County, Kansas and that the
accompanying plat is a true and correct exhibit of the property surveyed,
described as follows: Lots Two (2) and Three (3) and the West Half of
the Northwest Quarter (W/2 NW/4) of Section Twenty-two (22), Township
Twenty-four (24) South, Range Thirty-two (32) West of the 6th P.M.,
Finney County, Kansas, EXCEPT the surface rights only in and to a tract
of land more particularly described as follows: A strip of land sixty (60)
feet wide lying East of and adjacent to the West line of said Section
Twenty-two (22), beginning at the South right-of-way line of the County
Road lying South of and adjacent to the South right-of-way line of the
Atchison, Topeka and Santa Fe Railway; thence south for a distance of
Three Thousand Twelve feet (3,012'), more or less, to the North bank of
the Arkansas River, said strip of land containing 4.15 acres, more or less,
and EXCEPT all of the West Half of the Northwest quarter (W/2 NW/4) of
Section Twenty-two (22), Township Twenty-four (24) South, Range
Thirty-two (32) West of the 6th P.M., lying between U.S. Highway 50 on
the north and the BNSF Railroad on the south containing fifty-five (55)
acres, more or less.

Existing public easements, building setbacks,
access controls, and dedications, if any, being
vacated by virtue of K.S.A. 12-512b, as amended.

Baughman Company, P.A.

_____, Surveyor
Michael G. Conrey

Know all men by these presents that we, the
undersigned owners, have caused the land in the surveyors certificate to be
platted into Lots, a Block, and a Street, to be known as "MIES ADDITION",
Finney County, Kansas. The utility easements are hereby granted as
indicated for the construction and maintenance of all public utilities. The
drainage and utility easement is hereby granted as indicated for drainage
purposes and for the construction and maintenance of all public utilities.
The street is hereby dedicated to and for the use of the public. Access
controls shall be as depicted on the face of the plat and are hereby
granted to the appropriate governing body. The permitted opening
locations shall be as determined by the Engineer for the appropriate
governing body. The Minimum Building Pad Elevations for the lowest
opening to the structures shall be as indicated on the face of the plat.
Mies & Sons Trucking LLC

_____, Member
Gerald W. Mies

State of Kansas) SS The foregoing instrument acknowledged before
County) me, this _____ day of _____, 2017, by Gerald W. Mies, Member of the
Mies and Sons Trucking LLC, on behalf of the corporation.

_____, Notary Public

My App't. Exp. _____

Entered on transfer record this _____ day
of _____, 2017.

_____, County Clerk
Anita K. Garcia

State of Kansas) SS This is to certify that this plat has been
Finney County) filed for record in the office of the Register of Deeds, this _____ day
of _____, 2017 at _____ o'clock _____ M; and is duly recorded.

_____, Register of Deeds
Ulrike Lappin

_____, Deputy
Connie Hoffman

We the undersigned holders of a mortgage on the
above described property, do hereby consent to this plat of "MIES
ADDITION", Finney County, Kansas.

Garden Plain State Bank

State of Kansas) SS The foregoing instrument acknowledged be-
County) fore me, this _____ day of _____, 2017, by _____,
(Title) _____ of Garden Plain State Bank, on behalf of the bank.

_____, Notary Public

My App't. Exp. _____

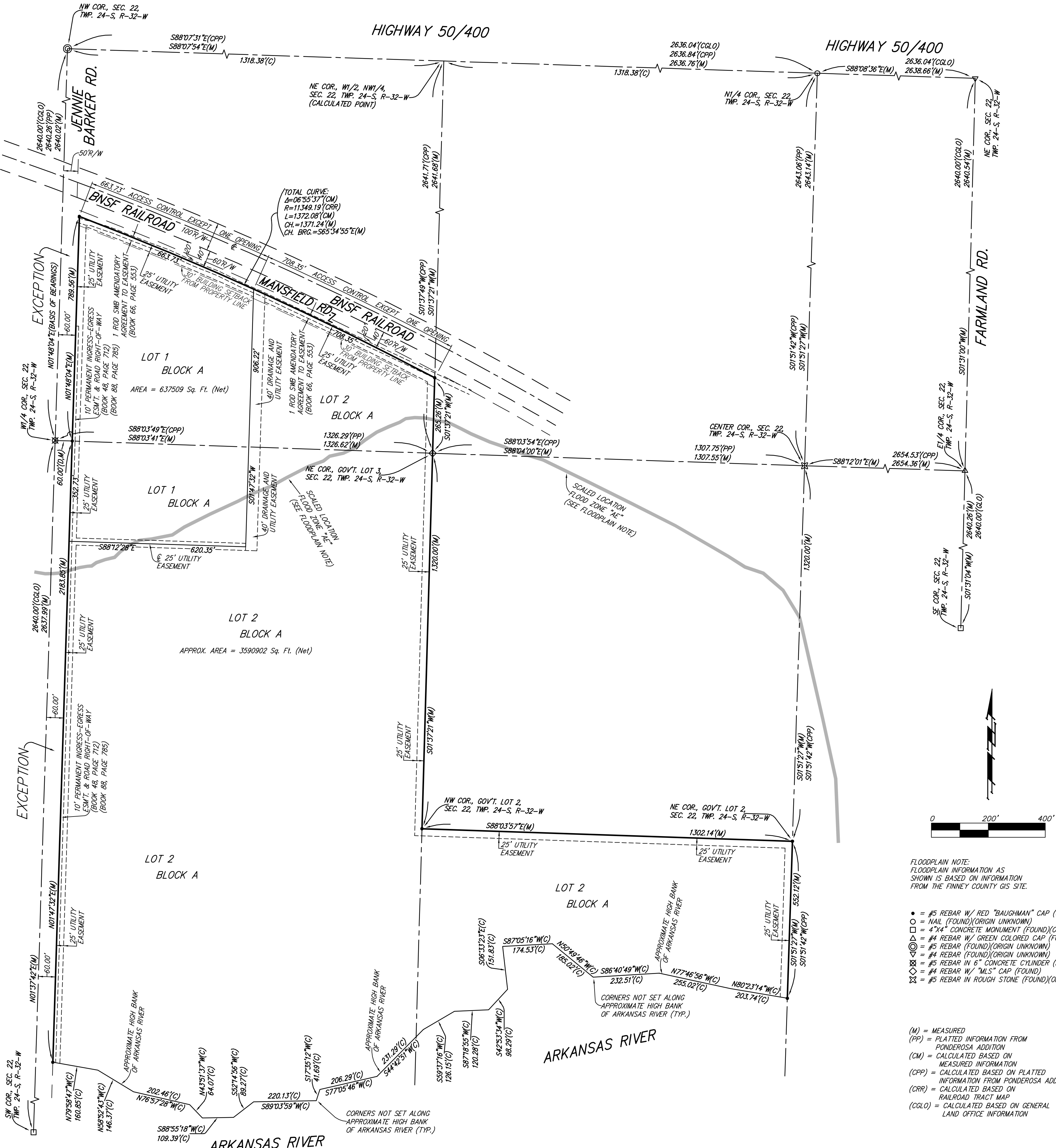
MINIMUM BUILDING PAD ELEVATIONS FOR LOWEST OPENING TO THE STRUCTURES		
LOT	BLOCK	ELEVATION
1	A	2818.6
2	A	2818.6

BENCHMARK:
DISK ON NW SIDE OF 5' DIAMETER
CONCRETE PAD, 54.4' S. & 39.6' E. OF THE
NW COR., LOT 1, BLOCK A, MIES ADDITION.
ELEV. = 2819.64 NAVD88

NOTE:
EXISTING BLANKET PIPE LINE, TELEPHONE, TELEGRAPH, AND
ELECTRIC LINES AND APPURTENANCES EASEMENT OVER THE
WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 24 SOUTH, RANGE 32 WEST GRANTED TO THE CITIES
SERVICE GAS COMPANY, RECORDED IN BOOK 35, PAGE 167.

NOTE:
EXISTING BLANKET KANSAS TELEPHONE AND TELEGRAPH
COMPANY EASEMENT OVER GOVERNMENT LOT 3 AND PART OF
THE WEST HALF OF THE WEST HALF OF SECTION 22, TOWNSHIP
24 SOUTH, RANGE 32 WEST, RECORDED IN BOOK 161, PAGE 3.

NOTE:
POSSIBLE BLANKET SOUTHWEST KANSAS POWER, INC.,
RIGHT-OF-WAY GRANT OVER UNDERTAINED PORTIONS
OF SECTION 22, TOWNSHIP 24 SOUTH, RANGE 32
WEST, RECORDED IN BOOK 211, PAGE 288.



FLOODPLAIN NOTE:
FLOODPLAIN INFORMATION AS
SHOWN IS BASED ON INFORMATION
FROM THE FINNEY COUNTY GIS SITE.

- #5 REBAR W/ RED "BAUGHMAN" CAP (SET)
- = NAIL (FOUND)(ORIGIN UNKNOWN)
- = 4"x4" CONCRETE MONUMENT (FOUND)(ORIGIN UNKNOWN)
- = #4 REBAR W/ GREEN COLORED CAP (FOUND)(ORIGIN UNKNOWN)
- = #5 REBAR (FOUND)(ORIGIN UNKNOWN)
- = #4 REBAR (FOUND)(ORIGIN UNKNOWN)
- = #5 REBAR IN 6" CONCRETE CYLINDER (FOUND)(ORIGIN UNKNOWN)
- = #4 REBAR W/ "MLS" CAP (FOUND)
- = #5 REBAR IN ROUGH STONE (FOUND)(ORIGIN UNKNOWN)

(M) = MEASURED
(PP) = PLATTED INFORMATION FROM
PONDEROSA ADDITION
(CM) = CALCULATED BASED ON
MEASURED INFORMATION
(CPP) = CALCULATED BASED ON PLATTED
INFORMATION FROM PONDEROSA ADDITION
(CRR) = CALCULATED BASED ON
RAILROAD TRACT MAP
(CGLO) = CALCULATED BASED ON GENERAL
LAND OFFICE INFORMATION

NOTE:
EXISTING BLANKET PIPE LINE, TELEPHONE, TELEGRAPH, AND
ELECTRIC LINES AND APPURTENANCES EASEMENT OVER THE
WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 24 SOUTH, RANGE 32 WEST GRANTED TO THE CITIES
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OF SECTION 22, TOWNSHIP 24 SOUTH, RANGE 32
WEST, RECORDED IN BOOK 211, PAGE 288.

LETTER OF AGREEMENT

May 25, 2017

Mies & Sons Trucking, LLC
c/o Gerald W. Mies
ADDRESS
CITY, STATE, ZIP

Dear Mr. Mies,

This Letter of Agreement summarizes the mutual understanding between Finney County, KS ("County") and Mies & Sons Trucking, LLC ("Developer") of the agreement that was reached at the County Commission meeting on May 25, 2017, as follows:

1. **Infrastructure.** The Developer is to improve Mansfield Road by paving the entire width of the road (xx) on Mansfield Road in asphalt or concrete from the east side of the bridge to the east boundary line of Lot 1, Block A, extending approximately 750', including the property's own access approach into Lot 1, Block A located on the right-of-way. All improvements shall be designed in compliance with standards and specifications of County and applicable State agencies. The County shall approve all plans prior to construction. The County may elect to allow the Developer to escrow the cost of the improvements. The escrow would then be used by the County to complete the improvements within one (1) year of the execution of this agreement.
2. **Terms.** Construction of improvements shall not commence until the plans and specifications have been approved by the County Engineer. All infrastructure shall be constructed as depicted on Article 4 - Assurance for Completion and Maintenance of Improvements and Article 5 - Requirements for Improvements, Reservations, and Design of the Finney County Subdivision Regulations. The Developer agrees to assume and satisfy all other requirements stated in the Finney County Subdivision Regulations.
3. **Exhibits.** The exhibits listed on the page immediately following the signature page are attached hereto and shall be deemed to have been incorporated herein.

IN WITNESS WHEREOF, this Letter of Agreement is executed by County and Developer effective as to the day and year in which the plat is approved.

DEVELOPER – Mies & Sons Trucking, LLC

By: _____
Gerald W. Mies, Owner

ACKNOWLEDGEMENT

STATE OF KANSAS)

COUNTY OF FINNEY)

Ss.

The foregoing document was acknowledged before me this _____ day of _____, 2017, by _____ (Developer)

Notary Public

My Commission Expires:

EXHIBITS

- Exhibit "A" Legal Description of the Parcel Plat of Mies Addition
- Exhibit "B" Final Plat – Mies Addition
- Exhibit "C" Site Plan – Mies & Sons Trucking, LLC

DRAFT



MEMORANDUM

TO: County Commission
THRU: Randy Partington, County Administrator
FROM: Carol Davidson
DATE: May 25, 2017
RE: FC2017-12 Rezoning Resolution

DISCUSSION:

Consider the rezoning of 3850 Mansfield Road and amend resolution 16-2015 of the Finney County Zoning Regulation

RECOMMENDATION:

Approve Resolution 5-2017

ATTACHMENTS:

Description

[FC2017-12](#)



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Memo

To: Governing Body

From: Kaleb Kentner

CC: File

Date: May 25, 2017

Re: FC2017-12: Rezoning from "A" Agriculture District to "I-3" Heavy Industrial District, 3850 Mansfield Rd, Garden City, KS

ISSUE:

The Governing Body is asked to consider and recommend approval of a rezone of a parcel of land located at 3850 Mansfield Rd from the "A" Agriculture District, to the "I-3" Heavy Industrial District.

Resolution No. ____-2017, a resolution relating to the zoning of a parcel of land in Finney County, Kansas from "A" Agricultural District to "I-3" Heavy Industrial District; zoning parts of said county and amending the district zoning map adopted by resolutions no. 16-2015 of the Finney County Zoning Regulation.

BACKGROUND:

General Information			
Date:	May 11, 2017	Jurisdiction:	Finney County
Owner:	Mies and Sons Trucking, LLC		
Applicant:	Mies and Sons Trucking, LLC		
Requested Action:	Rezoning from “A” Agricultural District to “I-3” Heavy Industrial District		
Purpose:	Rezone property to allow for the use of the property as industrial.		
Location Address:	3850 Mansfield Rd, Garden City, KS		
Comprehensive Plan:	The proposed land use is consistent with the City’s Comprehensive Plan. Future land use categorized as Industrial.		
Sites Existing Zoning:	“A” Agricultural District		
Surrounding Zoning:	North	“I-3” Heavy Industrial District	
	South	“A” Agricultural District	
	East	“A” Agricultural District	
	West	“P-F” Public Facilities District, “I-3” Heavy Industrial District	
Land Area:	Contains 75.79 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

Comments & Required Improvements

1. The applicant is requesting to rezone this parcel from "A", Agricultural District to "I-3", Heavy Industrial District.



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2. Their property is currently vacant. Certain improvements to the property will need to be made by the applicant when this property is developed. This will include road and utility improvements.
3. The applicant purchased this property with the intention of building a trucking facility on it. This facility will serve the DFA plant hauling, storing and washing out milk container trucks. The current zoning of this property will not allow for this business to operate here. Rezoning this property will allow for this business to be built and operate here.
4. The applicant will be required to meet all other development requirements when this property is developed.

The Governing Body may approve according to the criteria in Section 27.040. Below is the complete list of these criteria:

27.040. AMENDMENT EVALUATION CRITERIA.

Prior to taking any action on a request for an amendment which is not a general revision of the Zoning Regulations and which will affect specific property, the Planning Commission shall give consideration to the following evaluation criteria:

- (A) The physical character of the neighborhood surrounding the property under consideration.
- (B) The existing zoning and land uses of properties both adjacent and near the property under consideration,
- (C) The suitability under existing conditions of the subject property for the land uses to which it has been zoned
- (D) The extent to which removal or alteration of the existing zoning classification will affect nearby properties (outlined in (B) above),
- (E) The length of time the subject property has remained vacant as zoned (if applicable),
- (F) The relative gain to the public health, safety and welfare by the change of value of 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:

1. The Governing Body may approve the rezoning request.
2. The Governing Body may not approve the rezoning request.

RECOMMENDATION:

Staff recommends approval of the rezoning request.



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PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the rezoning request on May 11th, 2016.

Members Present- 8

Yea vote- 8

Nay vote- 0

**Please see attached minutes from the Planning Commission pertaining to this case. The minutes have not been approved.*

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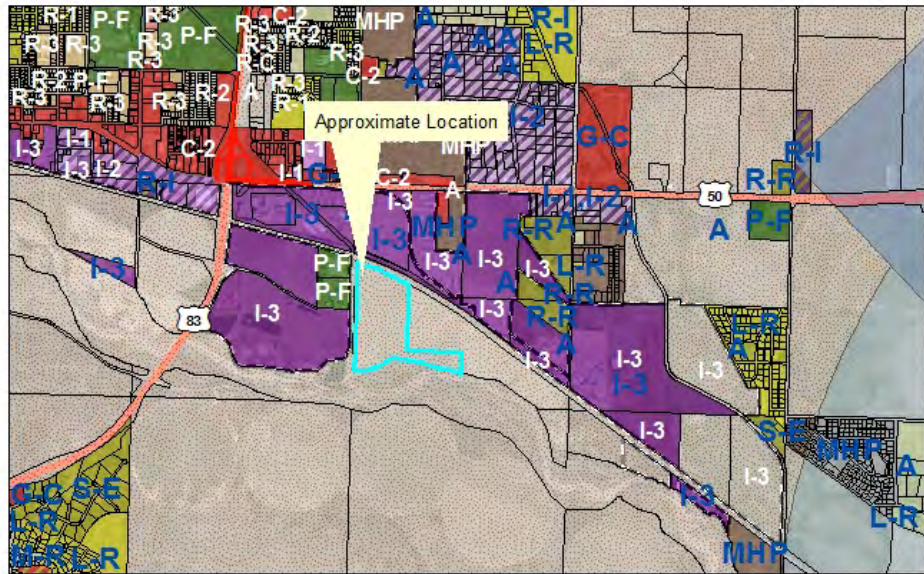
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Case Number: FC2017-12
Applicant: Phil Meyer - Baughman Company, PA
Address: 3850 Mansfield Road
Request: Rezone





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Figure 1: View of the property from the northwest corner looking south.



Figure 2: View of the property from the northwest corner looking southeast.



Figure 3: View of the property from the northeast corner looking west.



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Figure 4: View of the property from the northeast corner looking south.

MINUTES

HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA PLANNING COMMISSION

May 11, 2017

FC2017-12 To consider rezoning the west portion of Section 22, Township 24 South, Range 32 West, Finney County, from "A" Agricultural District to "I-3" Heavy Industrial District, at the request of Baughman Company, P.A., Phil Meyer.

Staff Larsen reads staff report.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Discussion ensued regarding business operations, accessibility and community impact.

MEMBER HITZ MAKES MOTION TO APPROVE THE REZONE OF THE WEST PORTION OF SECTION 22, TOWNSHIP 24S, RANGE 32W, FINNEY COUNTY FROM "A" AGRICULTURAL DISTRICT TO "I-3" HEAVY INDUSTRIAL DISTRICT. MEMBER SCHNEIDER SECONDS THE MOTION.

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

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

Motion passed.

RESOLUTION NO. _____

A RESOLUTION RELATING TO THE ZONING OF A PARCEL OF LAND IN FINNEY COUNTY, KANSAS FROM "A" Agricultural DISTRICT TO "I-3" HEAVY INDUSTRIAL DISTRICT; ZONING PARTS OF SAID COUNTY AND AMENDING THE DISTRICT ZONING MAP ADOPTED BY RESOLUTION NO. 16-2015 OF THE FINNEY COUNTY ZONING REGULATION.

BE IT ORDAINED by the Board of County Commissioners, Finney County, Kansas:

SECTION I: Statement of Purpose. It is the purpose of this Resolution to amend the approved Zoning Map of Finney County, Kansas, adopted by Resolution No. 16-2015:

SECTION II: Identified Area of Amendment. The boundaries of the "G-C" General Commercial District are hereby amended to include the following described real property:

Mies Addition Lots 2 and 3 and that part of the W ½ of the N/W ¼ lying south of the BNSF Railroad, Section 22, Township 24 South, Range 32 West of the Sixth Principle Meridian, Finney County, Kansas

SECTION III: Further Amendment. That the District Zoning Map referred to in Article 3, Zoning Regulations of Finney County, Kansas, adopted by Resolution No. 16-2015, on file with the County Clerk of Finney County, Kansas, as previously existing and amended, be and the same, is hereby repealed if inconsistent with the amendments set forth herein.

SECTION IV: Effective Date: This Resolution shall take effect and be in force from and after its publication in the official County newspaper.

PASSED AND APPROVED by the Board of County Commissioners, Finney County, Kansas on this the 25th day of May, 2017.

BOARD OF COUNTY COMMISSIONERS OF FINNEY COUNTY, KANSAS

Lon E. Pishny, CHAIRMAN

Duane Drees, COMMISSIONER

William S. Clifford, MD, COMMISSIONER

Larry C. Jones, COMMISSIONER

Dave Jones, COMMISSIONER

ATTEST:

Anita Garcia, COUNTY CLERK



MEMORANDUM

TO: County Commission
THRU: Randy Partington, County Administrator
FROM: Carol Davidson
DATE: May 25, 2017
RE: Finney County Comprehensive Plan Update

DISCUSSION:

Update of Finney County Comprehensive Plan

RECOMMENDATION:

N/A

ATTACHMENTS:

Description

[Comprehensive Plan Update](#)



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Memo

To: Finney County Commission
From: Kaleb Kentner
CC: File
Date: May 25, 2017
Re: Comprehensive Plan Update

ISSUE: An update on the Finney County Comprehensive Plan.

BACKGROUND: Staff has been working with Parsons Brinckerhoff on the update for the Finney County Comprehensive Plan. The contract was signed on February 6, 2017, and since then staff has been working with Parsons Brinckerhoff to gather data.

There have been some changes that have occurred since the signing of the contract. First of all, WSP Parsons Brinckerhoff have changed their name to just WSP. Second, our lead consultant has changed. We were working with Tom Hester out of Phoenix and are now working with Will Wagenlander out of Denver. Due to the changes, the project schedule has been adjusted. I have attached the new project schedule.

The WSP team will be coming during the week of June 19-23 to conduct several public meetings. The meetings will be held in various locations to be able to reach as much of the public as possible. The meetings are considered open house/ kickoff meetings. In the meetings WSP will deliver a presentation to explain their process, project goals and desired outcomes. WSP will also gather public input. To conclude the meetings, WSP will close with a summary of the shared issues and concerns as well as a recap of the project goals, project schedule and upcoming events.

WSP will also be conducting Stakeholder meetings during the week of June 19-23. The stakeholder meetings will provide an opportunity for WSP to gather input on what they would like to see done in the plan and their priorities. WSP will present the initial findings to the stakeholders. The stakeholders will include this Governing Body, select Finney County staff, major employers of the County, members of Garden City Public Schools and GCCC, and select agricultural users.

When the time is appropriate, staff will reassemble the Selection Committee who recommended this firm for this project to review drafts of the comprehensive plan as they come out. We will also be getting input from the Area Planning Commission members.

As we move forward, staff will be giving monthly updates to this Commission on the progress of the project. The attached schedule outlines the final draft to be completed by the middle of December, 2017.

Exhibit B - Bi-weekly Project Schedule

