

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

**September 9, 2010
7:00 P.M.**

Members Present

Brandon Dibben
Maureen Gustafson
Ken Mortensen
John Moyer
Mike Ryan
Mike Steinfort

Members Absent

Rick Ziegler

Staff

David Yearout
Shari Lenhart

1. CALL TO ORDER AND ROLL CALL

Chairman Mike Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

2. APPROVAL OF MINUTES

Commissioner Gustafson moved to approve the minutes of the August 19, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

3. OLD BUSINESS

None.

4. NEW BUSINESS

Item No. 1 – Case No. Z-09-01-10 – Public Hearing on request to rezone property at the northwest corner of Webster and Pine from “RG” General Residential to “RD” Duplex Residential District.

Chairman Steinfort called the public hearing to order on the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from “RG” General Residential to “RD” Duplex Residential.

Mr. Yearout stated the applicant is requesting a straight zoning change to “RD” Duplex Residential, which is similar to the zoning immediately to the east. In previous discussions with several people regarding this property, staff has recommended using the “PDD” Planned Development District in order to provide the greatest level of assurances that the infill development would be compatible with the surrounding

neighborhood. Regardless of the other zoning in the area, the vast majority of dwellings are single-family. This rezoning allows duplexes.

He compared this proposal with the Good Samaritan development on 5th Street that came through the "PDD" Planned Development District rezoning in order to address the adjustments necessary for that project to move forward. Staff strongly believes that this property should be handled in the same manner in order to provide both the flexibility in the approval process and the higher degree of assurances to the neighbors of what specifically is being approved.

Mr. Yearout stated that if the rezoning is approved as requested, the only review by staff will be for the building permits. And because this will only be a duplex or a single-family home. And staff believes it is likely that variances will be necessary for the duplex development to fully work, based on information reviewed by staff to date. Mr. Yearout stated the "PDD" Planned Development District would allow those modifications to the setbacks and other development related issues in the proper manner. The use of the "variances" in the past is not the way to deal with these types of issues.

Mr. Yearout stated it is staff's recommendation to deny the proposed rezoning from "RG" General Residential to "RD" Duplex Residential because it would not be in the best interest of the City for the reasons stated in the staff report and at this public hearing.

Chairman Steinfert asked if there were any questions from the Commissioners for staff.

Commissioner Mortensen asked if the rezoning would just allow duplexes and that a "PDD" would allow the Commission to review layout design and construction proposals.

Mr. Yearout stated the "RD" zone would also allow single family. The "PDD" would allow for review of a proposed development. The current lot size is 50' x 140' which is not enough width for duplex development without reconfiguration of the lot lines and possible variances for setback requirements. The "PDD" allows the City to grant setback exceptions and address other development-related issues. Mr. Yearout noted the adjustments granted in the "PDD" for the Good Samaritan project.

Commissioner Ryan questioned whether there were storm sewers underneath any of the property and if development would impact the sewer and drainage issues.

Mr. Yearout stated that the storm sewer lines are along Pine and Webster and that poses a potential problem for driveways. The overall drainage issues have been resolved because of the storm sewer improvements, but the integrity of the storm sewer improvements will need to be managed as development moves forward.

Commissioner Gustafson asked for clarification on the aerial, because it only indicated one large lot for this property and there has been discussion regarding reconfiguration of the lots.

Mr. Yearout stated the property is platted as six lots, all the 50' by 140' size. However, because the property is under one ownership the City's GIS map shows this as one lot.

There being no further questions of staff, Chairman Steinfort opened the hearing for comments or questions from the public.

Mr. Larry Johnson, representing the applicant, reviewed the reason for the rezoning request. He indicated they wished to have simple "RD" Duplex Residential zoning because that was consistent with the zoning to the east and the "PDD" process was too costly. The proposal is to build two units immediately and more in the future as demand dictates. The PDD would require a development plan showing how the property would be developed and the applicant has not determined exactly what would be done beyond the first two duplexes.

Mr. Johnson indicated the duplexes would be under single ownership at this time but it is possible the units could be sold separately in the future. He stated the fire hydrant on Pine Street creates a problem for driveways, which will most likely result in variance requests. He noted the setback approved for the lots on Pine Street and Clay Street are only 20 feet and what is desired on this property is similar to that project. Mr. Johnson said the trees will be removed at the northwest corner of the property and some of the dirt will be used to help fill the low spots on the property to create pad sites for the duplexes. Mr. Johnson presented sample pictures of what the proposed duplexes could resemble.

Mr. Yearout noted that the Hidden Valley development that resulted in the reduced front yard setbacks was because of the platting of the property and not separate variances. There is no replatting of this property proposed or required by the current regulations based on the proposed development. Mr. Yearout further stated the fact that variances or other adjustments were going to be necessary was the primary reason for recommending this be processed as a Planned Development District, which allows all the adjustments that will be necessary.

Chairman Steinfort asked if there was anyone else wishing to speak on this application.

Martin Hemmingway, 506 W. Oak, stated he is the owner of the property, although it is titled in his wife's name. He stated they have owned the property for a number of years and just want to be able to develop the property. He stated he believes the rezoning to duplex development is the best avenue for this property. He was led to believe that a PDD rezoning was too expensive. He stressed that he had maintained the property, paid all his taxes, and did not want to develop anything that would harm the neighborhood or the community.

Abe Burke, 611 W. Pine, stated he lives in the area and he believed there are too many "what if's" regarding the proposed duplex zoning. Six lots could mean 12 duplexes, which could mean twelve families with children. He stated he was concerned with the development of rental property in the area since virtually all of the new homes are owner occupied. He stated he believed the rezoning for this type of use was not appropriate for the area.

Hugh Dill, 911 Sunrise Hill Drive, stated he was a partner in the project and was the general contractor. He believed the maximum number of duplexes for this site would probably be three. The other lots, if built upon at all, will most likely be single-family homes.

There being no more comments, Chairman Steinfert closed the public hearing and opened the discussion to the Commission for questions or a motion.

Several Commissioners engaged in comments and observations that this was a difficult project because the individuals involved are well known and their reputations show that what is proposed would most likely be built. However, it was acknowledged that there are no guarantees the project would move forward once rezoned and without the overall development plan control of the PDD there are no assurances how the property would be developed. In addition, there has been acknowledgement by the applicant that some variances or other adjustments would be needed for the project to proceed as planned and the Commissioners did not like feeling forced into granting those because of the rezoning.

Mr. Yearout stated all these reasons were the basis for the recommendation to deny this request and why staff had urged the application for the PDD.

There being no further discussion, Chairman Steinfert asked for a recommendation from the Commission.

Commissioner Mortensen moved to recommend to the City Commission that Case No. Z-09-01-10, concerning the request of Larry Johnson, Cornerstone Realty, LLC, agent for Sheree L. Hemmingway, owner, to rezone the property at the northwest corner of Webster Street and Pine Street from "RG" General Residential to "RD" Duplex Residential be recommended for denial based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion. Commissioners Dibben, Mortensen, Moyer, Ryan and Steinfert voted aye. Commissioner Gustafson voted nay. Chairman Steinfert noted that the motion carried 5 to 1.

Item No. 2 – Case No. FP-09-01-10 – Final Plat of Simpson 2nd Addition.

Chairman Steinfert called the case open for consideration of the final plat of the Sampson 2nd Addition, a replat of Lot 2, Block 1, Sampson Addition to Junction City, Kansas, as submitted by Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner.

Mr. Yearout stated the staff is generally in support of the replat, but the staff report lists some minor modifications needed to the final plat document and the need to obtain direction from the MPC on a more serious issue. Mr. Yearout noted the minor issues of removing the signature block for the County Commission, which is not needed since this is a plat within the City, and to locate the printed names and titles for the MPC signature block below the signature lines. He also pointed out the request to obtain full access control along Chestnut Street and East Street in order to maintain safety to the traffic.

Mr. Yearout noted the major issue deals with the intent to utilize the existing drive access to East Street from the Holiday Inn Express to the north and the access point for this commercial development. Staff, including the City Engineer, is very supportive of this design, but the documents necessary to complete the designation of that drive entrance as a shared drive with this property must be done separately from this plat. Staff is aware of the intent to extend Hammonds Drive from the west to either a public road connection with East Street or at least with Cotty Drive. The idea of providing access on through to East Street is desirable, but if it is intended to be a public street additional right-of-way may be needed from this property. This plat is the proper vehicle to obtain that right-of-way.

Josh Junghans, Kaw Valley Engineering, presented a concept plan showing the proposed access easements and the road to connect Hammond Drive with Cotty Drive as a public street and then provide a "travel easement" from that intersection to East Street along the south side of the Holiday Inn Express. As for the plat of Sampson's 2nd Addition, all the issues identified by staff have been resolved and shown on revised drawings presented to the MPC at this meeting.

Several Commissioners noted that the specific document dealing with all the issues regarding the proposed travel easement on the north side of this property needs to be prepared and submitted with the plat before the Commissioners would be comfortable with approving the replat. Virtually all of the Commissioners noted anecdotal instances of "promises" being made on development issues that never materialized because there were no written requirements and they did not want to continue that practice.

Commissioner Ryan moved to table Case No. FP-09-01-10, application of Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner, requesting approval of Sampson 2nd Addition, a Replat of Lot 2, Block 1, Sampson Addition, Junction City, Kansas, until the next meeting in order for the documentation needed to address the travel easement and all the other issues raised by staff at this meeting are submitted. Commissioner Moyer seconded the motion and it passed unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION

Commissioner Dibben moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ryan seconded the motion and it carried unanimously.

CONVENE AS BOARD OF ZONING APPEALS

1. OLD BUSINESS

Item No. 1 – Case No. BZACU-08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.

Chairman Steinfort called the continued public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., leaseholder, on land owned by Poland Farms

requesting a Conditional Use Permit to operate a concrete batch plant on property adjacent to Highway 57, just north of Junction City, Kansas.

Mr. Yearout stated the applicant has requested another extension. He explained the time between the last meeting and this one was rather short and the applicant has not been able to acquire all the necessary data from the equipment manufacturer to prepare all the supporting documentation for the request.

Commissioner Gustafson moved to continue this case to the October 14, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

2. NEW BUSINESS

Item No. 1 – Case No. BZACU-09-01-10 – Pubic Hearing on request for a Conditional Use Permit to allow the establishment of a fuel outlet for Dillon’s.

Chairman Steinfort called the public hearing to order to consider the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting approval of a Conditional Use Permit to operate a fuel outlet at 1015 West 6th Street, Junction City, Kansas.

Mr. Yearout stated the proposed use requires a Conditional Use Permit in the “CSP” Special Commercial District, which is how all of 6th Street is zoned from the central business district to Eisenhower. He stated there are some other fuel facilities on 6th Street and this use will not be out of character with the development in the area. A site plan is submitted and the only issues that need to be addressed will be taken care of when the building permit is issued. The access from 6th Street is existing and there are no other issues that need addressed for the Conditional Use Permit action.

There being no questions of staff, Chairman Steinfort opened the public hearing for comments from the floor.

Mr. Rob Hartman, Professional Engineering Consultants, agent for the applicant, indicated the request was pretty straight forward. He stated that the kiosk facility will be manned from 7:00 a.m. to 10:00 p.m., but the pumps will be operational 24-hours a day. Mr. Hartman indicated that the trees would probably be retained for a buffer on the south side of the property and that the paved area will be completely redone. This would be necessary due to the construction anyway. He pointed out the location of the underground fuel tanks and the manner in which the pump island will be placed on the property.

There being no other appearances, Chairman Steinfort closed the public hearing and asked for discussion or a motion.

Commissioner Gustafson moved that Case No. BZACU-09-01-10 the application of Rob Hartman, Professional Engineering Consultants, agent, for John Maldonado Centro Management, Inc., owner, requesting Conditional Use Permit to operate a fuel outlet at

1015 West 6th Street, Junction City, Kansas, be approved as shown on the site plan dated August 12, 2010. Commissioner Ryan seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS

Commissioner Moyer moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

RECONVENE AS METROPOLITAN PLANNING COMMISSION

5. GENERAL DISCUSSION

Mr. Yearout informed the Commission that Lisa Davies would be at the Work Session meeting next Thursday to present information regarding an update to the Sanitation Code.

Mr. Yearout then questioned the meeting schedule for November, which calls for the MPC meeting being on November 11. That is Veteran's Day and a holiday for the City and County. Mr. Yearout suggested moving the November meeting to November 18 and not having the work session unless there is a light agenda.

Commissioner Gustafson moved to cancel the November 11 meeting because of the holiday and reschedule the regular meeting for November to November 18, 2010. Commissioner Moyer seconded the motion and it carried unanimously.

6. ADJOURNMENT

Commissioner Gustafson moved to adjourn at 8:43 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

PASSED AND APPROVED THIS _____ day of October, 2010.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary