

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

**July 8, 2010
7:00 p.m.**

Members Present

Brandon Dibben
Maureen Gustafson
John Moyer
Mike Ryan
Mike Steinfort

Members Absent

Ken Mortensen
Rick Ziegler

Staff

David Yearout
Jill Iwen

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 June 10, 2010. Commissioner Moyer seconded the motion and it passed unanimously.

3. OLD BUSINESS

None.

4. NEW BUSINESS

Item No. 1– Case No. TA 07-01-10 – Public Hearing on text amendment to the Junction City Subdivision Regulations concerning exemptions from platting and issuance of certain types of building permits.

Chairman Steinfort called the public hearing to order on the consideration of the application initial by the Metropolitan Planning Commission to amend the Junction City Subdivision Regulations by adding a new exemption from the platting requirement and allowing certain improvements to unplatted properties within the City of Junction City.

Mr. Yearout reviewed the substance of proposed text amendment and pointed out the intent was to allow building permits to be allowed for certain improvements to existing improved properties within the City of Junction City that are on unplatted property without requiring a formal plat. If the land is unimproved and the owner wishes to build a home or other principal structure, the land will still be required to be platted before a building permit can be issued. This is a process that many other cities use for these types of properties.

Chairman Steinfort called for comments from the public. Hearing none, the public hearing was officially closed.

In response to a question from the MPC, Mr. Yearout confirmed this issue was originally identified because of a building permit for an addition to an existing home on McFarland and that, if the amendment is approved, that building permit will be allowed to move forward.

Mr. Yearout also noted the ordinance by the City Commission to complete the text change will have language addressing some other sections of the City Code concerning this issue, but the statutes require the MPC to hold the hearing and make recommendations on the portion that amend the Subdivision Regulations.

There being no further discussion, Commissioner Dibben moved to recommend approval of the text amendment to the Junction City Subdivision Regulations concerning exemption from platting for certain properties and the issuance of building permits. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 2 - Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.

Chairman Steinfort called the public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover Bachman & Associates, to rezone property at 416 West Spruce Street from “RD” Duplex Residential to “PDD” Planned Development District.

Mr. Yearout reviewed the staff report and noted that the challenge with this project is to provide an adequate mixture of uses designated within the Planned Development District and still retain enough flexibility to accommodate the changes being made to the property as a result of the closure of the Good Samaritan Center. In particular is the concern to accommodate the division of the land with the single-family home on Walnut away from the balance of the property. Mr. Yearout also noted the list of proposed uses and the changes noted in the staff report that need to be reviewed by the MPC in the final approval of the zoning change. Further, a Restrictive Covenant must be prepared which identifies the long-term commitment to maintenance of the common areas.

Mr. Yearout noted the proposed development plan showed the manner in which the overall modifications to the buildings will occur. In short, little change is proposed except for some removal of some structures that connect the single family home to the east wing of the housing complex that was Good Samaritan. The plan shows that the breezeway and the northern rooms are to be removed and a new wall constructed. Additionally, the single-family home is being sold separately from the balance of the property, which is being accomplished by the plat of this activity which will be addressed later in the meeting. Also, the intention is to draw the line between the single-family home and the balance of the operation in a manner which changes access to the alley that is on the east side of the property. Staff is questioning whether the land division should be shown differently in order to better afford access to the single-family home; especially for the utility services in that alley.

Mr. Justin Hoover, President of Hoover, Bachman & Associates, reviewed the overall development intentions for the facility. He indicated the listed uses on the development plan were prepared by his staff and that the modifications could be made. The intent was to provide as much flexibility as possible.

Mr. Hoover stated the location of the lot line shown on the site plan is where they wish to divide the property. The intent is to develop the land off the alley as parking for staff as the need arises. The necessary easements can be provided for the utilities.

Mr. Hoover stated the overall desire for the balance of the facility is to provide office space for various aspects of the business and to establish some “apartments” for seniors within the living quarters of the facility. It is not the intent to reestablish this as any type of a care home facility and that the residents would be provided a living arrangement that was more conducive to the social interaction between the residents, rather than any housing arrangement with some level of care provided. That would not preclude the potential the residents may be clients of the medical services offered within the facility, but that is not the purpose of the living quarters.

As for the list of uses, Mr. Hoover indicated he was willing to adjust the list in accordance with staff recommendations. As previously stated, the desire was to maintain as much flexibility as possible for both now and into the future.

Chairman Steinfort opened the hearing for other comments from the public. There were none. Chairman Steinfort closed the public hearing and called for questions or comments from the MPC.

Several members had specific questions regarding the ultimate uses and were interested in the adjustments to the list of uses on the development plan because that list is what will control the development, rather than just the Zoning Regulations. Mr. Hoover indicated they would work with the staff to adjust the list of uses in order to resolve any differences.

The MPC discussed the need to assure themselves the list was accurate before final approval was granted and the final development plan needs to reflect the actual development activity proposed since it will control all future development on the site.

Commissioner Moyer moved to continue consideration of Case No. Z-07-01-10 until the August meeting in order for the final development plan to be modified showing the actual construction, including the parking off the alley, and the revisions to the list of permitted uses. Commissioner Gustafson seconded the motion and it passed unanimously.

Item No. 3 - Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.

Chairman Steinfort called to order the consideration of the final plat of the Ziegler Addition as submitted by Kaw Valley Engineering, agent, on behalf of Justin A. Hoover, President, Hoover, Bachman & Associates, Inc. for the approval of the plat of 416 West Spruce Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report and noted the issues that had been identified in the discussion on the zoning case that was just heard. The primary issues on the plat are the need to resolve the location of the property line on the east side of the plat between the two lots and the placement of a utility easement from the alley on the east side to the lot serving the single-family home. Both Westar and the phone company provide service to the existing home from the alley and will need the line within an easement since the property will be in two ownerships. Mr. Yearout also noted the sewer line serving the existing single-family home will need to be identified and covered by an easement since the sanitary sewer main runs east/west in the alley.

Mr. Josh Junghans of Kaw Valley Engineering was present and acknowledged the comments from staff and that those issues would be addressed.

Mr. Justin Hoover, President of Hoover, Bachman & Associates, noted the desire to keep the lot line between the two lots as shown for the reasons stated earlier. He said he was not aware of where the sewer line is located from the single-family home, but that the necessary easements can be shown once that is known.

Commissioner Moyer moved to continue the consideration of Case No. FP-07-01-10, the final plat of the Ziegler Addition, to the August meeting in order for the corrections to be made to the final plat drawing. Commissioner Gustafson seconded the motion and it carried unanimously.

Item No. 4 – Case No. SUP-07-01-10 – Public Hearing on request for a Special Use Permit to allow the construction of a communications tower at 4110 Shandy Lane, Geary County, Kansas.

Chairman Steinfort called the public hearing to order on Case No. SUP-07-01-10, the application of Rick Goetz, Black & Veatch, agent, on behalf of New Cingular Wireless (AT&T), tower owner and lessee, and Gary and Joy Shandy, landowners, for a Special Use Permit to construct a communications tower at 4110 Shandy Lane, Geary County, Kansas. Commissioner Moyer noted for the record that he is a cousin of the landowner, but would continue to participate in this case as he felt there was no conflict.

Mr. Yearout reviewed the staff report and noted this request is for a 250-foot, self-support tower on the property owned by Gary and Joy Shandy just to the east of the City of Milford, and on the east side of US 77 Highway. Mr. Yearout noted there is an existing tower on this property that staff has been told was constructed for the cable television system serving Milford years ago, but this tower has been nearly abandoned, or at least its usage has been reduced considerably from what was there in the beginning. However, it has been determined by the engineers for AT & T the tower is neither fully capable of supporting the placement of the equipment needed for this cell site, nor does it provide sufficient height. That has resulted in the proposal to construct another tower.

Mr. Yearout reviewed the requirements of the regulations as adopted by the County Commission within the past year regarding these types of facilities and pointed out the issues that were not clearly covered within the submittals with the application. Mr. Yearout stated staff is recommending a recommendation of approval for the Special Use Permit subject to the modifications or submission of documents addressing the requirements of the Zoning Regulations.

Lori Hatfield, engineer with Black & Veatch, stated she was present to cover for Mr. Goetz, who was unavailable due to an assignment to a project out of state. Ms. Hatfield stated the applicant was aware of the issues addressed by staff and that all the documentation required by the County Zoning Regulations would be provided with the application for the building permit to construct the tower if the zoning is approved. She acknowledged the approvals from both the FAA and FCC had been obtained, subject to final approval by the local officials and that copies of that information would be provided. The FAA approval would include acknowledgement from the Army regarding this location in respect to its impact upon Fort Riley.

Chairman Steinfort opened the public hearing to questions or comments from the public. Hearing none, Chairman Steinfort closed the public hearing and called for further discussion or a motion from the Commission.

Commissioner Gustafson moved the MPC recommend the Board of County Commissioners approval a Special Use Permit for the property owned by Gary and Joy Shandy near Milford, as requested in Case No. SUP-07-01-10, in order for a 250-foot self-support communications tower to be constructed, subject to the conditions outlined in the staff report and based on the findings and reasoning provided in the staff report and as heard at this hearing. Commissioner Ryan seconded the motion and it carried unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION

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

CONVENE AS BOARD OF ZONING APPEALS

1. OLD BUSINESS

Item No. 1 – Case No. BZACU-06-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a self-storage facility at 2721 Gateway Court, Junction City, Kansas.

Chairman Steinfort called the continued public hearing to order on the application of Triangle Self Storage, owner, requesting a Conditional Use Permit to operate a self-storage facility at 2721 Gateway Court, Junction City, Kansas.

Mr. Yearout reviewed the information that had been received from the applicant and from Kansas Gas Service regarding the usage of the land within the 100-foot easement Kansas Gas Service has at the southern end of this property. In short, Kansas Gas Service has consented to the usage of the northern 25 feet of the easement on a limited basis for access, subject to not having this area paved. Mr. Yearout noted the waiver of the paving could only be done by the City Commission and staff recommends any approval be subject to the City Commission giving that approval.

Mr. Charles Woodard, representing Triangle Self Storage, stated his company had extensive discussions with Kansas Gas Service and the compromise for usage outlined by staff was correct and the manner in which his company wished to proceed.

Mr. Yearout stated the review of the site plan was showing that the paving of the balance of the property was not extended to the easement line, which was what had been stated previously to the Board of Zoning Appeals. He stated it was staff's opinion the entire area being utilized by Triangle Self Storage for access to the storage units should be paved except for the area within the gas line easement in accordance with the letter of consent from Kansas Gas Service.

Mr. Woodard acknowledged the site plan would be modified to reflect the paving of the areas in accordance with the staff recommendations.

Chairman Steinfert opened the public hearing for other comments from the public. Hearing none, the public hearing was closed and Chairman Steinfert called for questions or comments from the BZA.

Upon a question from the Board, Mr. Woodard acknowledged that if his company was not able to utilize the 25 feet within the gas line easement as proposed the project would not go forward. He further acknowledged that area will be limited for access only and that nothing can be stored in that area.

Commissioner Gustafson moved to approve Conditional Use Permit, Case No. BZACU-06-01-10, authorizing Triangle Self Storage to construct mini-storage facilities on property located at 2721 Gateway Court, subject to the site plan being modified to show that the paving shall extend to the easement line and that the use of the northern 25 feet of land within the Kansas Gas Service easement receive a waiver of paving by the City Commission of the City of Junction City. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 2 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, KS.

Chairman Steinfert call the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout noted staff had several conversations with various city and county officials, as well as representatives from Kansas Department of Health and Environment, concerning the changes to the child care laws being implemented as a result of the changes to statutes in this past legislative session. In short, there have been no definitive direction given as to what specifically will be done or whether there is still the latitude to make modifications at the local level to deal with the impacts. Mr. Yearout noted that not all communities have the number of day care operations like what exists in Junction City and Geary County; and not all communities manage how those day care operations are permitted.

Mr. Yearout stated staff is preparing a text amendment to all the local codes and regulations to establish a local category of licensed day care home which limits the number of children to 6 and that will be maintained as a permitted "home occupation" for usage. If the licensed day care home wishes to operate with up to 10 children, which is the upper limit under current state law, then a local zoning approval will still be necessary. Mr. Yearout stated he felt since the Army's program for the child care off post limits to 6 children, the City and County doing the same thing can be defended and will allow the majority of day care operations to continue without having to go through a zoning process for each one.

Mr. Yearout stated it was staff's recommendation to continue this application in order to finalize the amendments and that if those amendments are approved this application becomes moot.

Commissioner Gustafson moved to continue Case No. BZACU-06-02-10 be continued until the next meeting. Commissioner Dibben seconded the motion and it carried unanimously.

2. NEW BUSINESS

Item No. 1 – Case No. AP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.

Chairman Steinfort called the public hearing to order the appeal of the decision by the Junction City/Geary County Planning and Zoning Director that the property located at 4718 Liberty Hall Road is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout reviewed for the Board of Zoning Appeals its responsibilities when an administrative appeal is made. The options available to the Board are as outlined in both the Geary County Zoning Regulations and Kansas State Statutes. In short, the Board can uphold the administrative decision, overturned the administrative decision, or do anything in between. The only note is that to overturn the administrative decision, a majority of the entire Board must be obtained, which means at least 4 votes are necessary. A simple majority of a quorum, or 3 votes, will not suffice.

Mr. Yearout reviewed the history of the issue at question. Munson Angus Farms – Black Horse Hitch, LLC, which has control of the single-family home at 4718 Liberty Hall Road, has allowed Lead Horse Technologies, a computer software development company that is still in a "start-up" stage and located in Junction City, to relocate its operations to the home at 4718 Liberty Hall Road. Mr. Yearout informed both Lead Horse Technologies and Munson Angus Farms – Black Horse Hitch, LLC, this action constituted conversion of the building from a residential use to a commercial use and that the property would have to be rezoned under the terms of the Geary County Zoning Regulations. Mr. Yearout stated he had an extensive discussion on this matter with Mr. and Mrs. Munson, who did not agree with the interpretation. A letter was sent to Mr. and Mrs. Munson on April 19, 2010, stated the decision and noting the option to appeal. Mr. and Mrs. Munson notified the office of the intent to appeal, which leads to this hearing.

Mr. Yearout stated the basis for the disagreement was the belief by Mr. and Mrs. Munson that the use of the building by Lead Horse Technologies constituted an "agricultural" operation because it was part of the overall "agritourism" business at the Munson Angus Farms – Black Horse Hitch, LLC, facility. Mr. Yearout stated he had researched every aspect of "agritourism" as envisioned with both Kansas law and how other operations exist and promote themselves, and could come to no rational connection between using a building for computer software development and agriculture. As such, the final decision was that the use is commercial and not agricultural. Under the terms of the Geary County Zoning Regulations, the only available action to make the use conform to the zoning is for the property to be rezoned. The most restrictive commercial zoning for this use is "CN" Neighborhood Commercial, which permits "business and professional offices." It is the opinion of the Zoning Administrator that this use must be zoned at least to this category to be in conformance with the Zoning Regulations.

Mrs. Deanna Munson addressed the Board and stated she was very confident the use of the building by Lead Horse Technologies was within the agritourism operation and that no commercial rezoning of the property was necessary. She also stated Lead Horse Technologies would only be at this location on a temporary basis because a new building is to be built within the Tom Neal Business Park in Junction City. Mrs. Munson also went on to state she believed that any use of any building on the farm should be considered as agricultural since it provided an income to the owners, which allowed them to remain on the farm. Further, she stated that once Lead Horse Technologies left, the intention is for her daughter's software company to locate an office in the same building.

John Armstrong, Chairman and CEO of Lead Horse Technologies, Inc., spoke to the benefit of his firm being located in this building. He stated Lead Horse Technologies is still in the "start-up" phase of its operations, but that product development has reached the point where it was expected to produce income in the very near future. The company still plans to occupy a building that will be built by the City of Junction City in the Tom Neal Business Park in the near future, which will mean they will leave this building. As such, it is considered a temporary situation.

Chuck Munson spoke to the desire to retain Lead Horse Technologies at this location in order to continue to showcase the ability to expand the agricultural operation as Munson Angus Farms. He echoed the comments from Deanna Munson that this was a "perfect fit" for the desire to find a use for the old farm home and still retain the agricultural heritage of the property. He stated the idea of operating a bed and breakfast has been discussed, but this is a much less intensive operation. As the landowners and managers, he stated they had no problem with this operation. He said the desire was to retain the agricultural zoning and not allow the area to become a "commercial" area; which is why he does not want to see the property zoned commercial.

Chairman Steinfort called for other comments from the public. Being none, the Chairman declared the public hearing closed and opened the meeting for questions or comments from the Board.

Chairman Steinfort stated he had questions for the applicants. He directed his first question to John Armstrong with Lead Horse Technologies, inquiring why the company moved? Mr. Armstrong stated it was to reduce the costs to the company.

Chairman Steinfert then asked Mr. Armstrong why the company had placed a sign on the property? Mr. Armstrong stated it was to provide identity for Lead Horse Technologies, which allows the company to attract “partners” for its continued effort to grow.

Chairman Steinfert then asked Mr. Armstrong why the company chose to locate in the dwelling at “Liberty Hall”, rather than in his own home? Mr. Armstrong stated the company needed a presence as a business and having the operation within his home was not conducive to business development.

Commissioner Gustafson asked Mr. Armstrong if, in his opinion, the operation of Lead Horse Technologies as a software development company was “agritourism?” Mr. Armstrong stated he believed it was because the business was connected to an agricultural pursuit.

Commissioner Gustafson asked Mrs. Munson if it is still the intent for her daughter’s software company to locate to this property? Mrs. Munson said yes.

Mrs. Munson then noted that electrical improvements had been made to “Liberty Hall” in order to accommodate Lead Horse Technologies because the electrical demands were greater than what was needed for the residence.

Ramie Leibnitz, President of Lead Horse Technologies, stated the company was committed to the Junction City community and was only trying to position itself in order to grow. It Lead Horse Technologies wants to grow, which will promote additional growth within the community.

Several members of the Board of Zoning Appeals stated they were supportive of Lead Horse Technologies as a company and wished to do what can be done to assist in the success of the company. Likewise, there was support of the efforts of Munson Angus Farms – Black Horse Hitch, LLC, to promote the agricultural activities and the agritourism aspect of that business. However, there was a strong feeling among the members that the use of the “Liberty Hall” building as the location for Lead Horse Technologies was not an agricultural pursuit.

Mrs. Munson indicated the desire from the beginning was to avoid having the property zoned for commercial uses because they do not wish to set a precedent for the area for that type of activity.

Mr. Yearout noted the original discussion with the Munson’s had included the potential of seeking an amendment to the Zoning Regulations to deal with these types of development as either a Conditional Use Permit or a Special Use Permit, which would allow the underlying zoning of Agriculture to remain. At that time the Munson’s stated they were not interested in that option because of their insistence the use of the “Liberty Hall” structure by Lead Horse Technologies is an “agritourism” and agricultural use. That is why an appeal of the original decision was taken.

Mr. Yearout was asked by the Board whether that course of action was still an option. Mr. Yearout stated it was, but the motion to start the public hearing process would have

to be made as the Metropolitan Planning Commission and not by the Board of Zoning Appeals.

Commissioner Ryan moved to continue Case No. AP-07-01-10, the request filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC, appealing the decision of the Zoning Administrator concerning the use of the property at 4718 Liberty Hall Road, until the next meeting. The motion was seconded by Commissioner Gustafson and it passed unanimously.

Item No. 2 – Case No. BZACU-07-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.

Chairman Steinfort opened the public hearing on the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57.

Mr. Yearout reviewed the staff report and stated the applicant had acquired a tract of land just off Highway 57 north of Junction City and was requesting authorization to establish a concrete batch plant. There already was a plant in the area and this would add a second operator. There were no objections to this from surrounding property owners and the facility would use the existing entrance to the Highway, which meant there would be no real changes to the traffic patterns.

Mr. Matt Eichman spoke on behalf of Midwest Concrete Materials and stated the intention is to move a batch plant to this site in order to better serve the operations at Fort Riley. This would be a site enabling Midwest Concrete Materials to enhance its ability to serve the area as well. Mr. Eichman indicated he was in agreement with all the comments in the staff report.

Having no further questions of the applicant or staff from the Board, Chairman Steinfort opened the public hearing for comments or questions from the public. Hearing none, Chairman Steinfort closed the public hearing and asked for comments or a motion from the Board.

Commissioner Moyer moved to approve the Case No. BZACU-07-01-10, the application of Matt Eichman, agent for Midwest Concrete Materials, requesting a Conditional Use Permit to operate a concrete batch plant on property just north of Junction City on the northeast side of Highway 57. Commissioner Ryan seconded the motion and it carried unanimously.

Item No. 3 – Case No. BZAV 07-01-10 – Public Hearing on request for a Variance in the side building setback requirements at 404 West 13th Street, Junction City, Kansas.

Chairman Steinfort opened the public hearing on the application of Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report and it was noted the property address for the property was on 13th Street, which is how the legal notice identified the case. The agenda and staff report stated 14th Street, which is wrong.

Mr. Yearout stated this lot is too large to qualify for relief under the provisions of the Zoning Regulations because it has more than the minimum of 50 feet of frontage. As such, a variance was necessary to allow a home to be built on the property. The property is being acquired under the Self Help Housing program and in order for a home to be constructed on the lot the side yard setbacks were necessary. Mr. Yearout noted several other properties within the City had received this type of relief because of the stated requirements of the Zoning Regulations in the City which imposed a full front yard setback of 25 feet along every street frontage. If imposed here, the lot would be virtually unbuildable. Staff is recommending approval of the variance as requested, which would provide a setback of 10.8 feet along the street side yard frontage and in interior side yard setback of 5 feet.

Daniel Pfizenmaier, Director of Self Help Housing and the agent for this request, noted the information provided by the staff was correct. Other variances of a similar nature had been granted and this would be consistent with those requests.

Chairman Steinfort opened the public hearing for comments from the public.

Kenneth Poe, 414 West 13th Street, stated he owned the vacant lot between his home and this property. He was concerned with the setback and whether it would encroach onto his property or harm his fence.

Both Mr. Yearout and Mr. Pfizenmaier responded there would continue to be a setback of 5 feet from his property line, so his fence would not be harmed. Mr. Pfizenmaier noted he was happy to finally talk to that property owner and provided information on how to contact him during the construction phase. Mr. Poe indicated he was happy with the information.

Chairman Steinfort asked for other comments from the public. Hearing none the public hearing was declared closed and Chairman Steinfort asked for comments or a motion from the Board.

Commissioner Gustafson moved to approve the variance as requested by Daniel Pfizenmaier, Director, Self-Help Housing, and agent for Jacqueline M. Mintz, owner, requesting a variance to decrease the side building setback requirements for the property located at 404 West 13th Street, Junction City, Kansas; granting the relief as requested in the application. Commissioner Moyer seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS

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

RECONVENE AS METROPOLITAN PLANNING COMMISSION

5. GENERAL DISCUSSION

Several Commission members requested confirmation again regarding the process to set a public hearing to consider a text amendment to the County Zoning Regulations in order to address the issue under the appeal by the Munson's. Mr. Yearout noted a motion by the Commission was necessary to call a public hearing and it should indicate the nature of the change.

Following general discussion, Commissioner Gustafson moved to set a public hearing for the August meeting to consider a text amendment to the Geary County Zoning Regulations establishing a Special Use Permit process for the establishment of a commercial office operation in an Agricultural district. Commissioner Moyer seconded the motion and it carried unanimously.

Several members of the Metropolitan Planning Commission noted they would be unavailable at the time of the next regularly scheduled MPC meeting because of vacations. It was suggested that the August meeting be moved to the third Thursday and the scheduled work session on the update to the County Zoning Regulations be cancelled for August. Commissioner Gustafson moved to change the August meeting to August 19. The motion was seconded by Commissioner Dibben and it passed unanimously.

Mr. Yearout reminded the Metropolitan Planning Commission of the Work Session on the update to the Geary County Zoning and Subdivision Regulations next week.

6. ADJOURNMENT

Commissioner Moyer moved to adjourn at 9:55 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2010.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary