

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

**March 11, 2010
7:00 p.m.**

Members Present

Brandon Dibben
Maureen Gustafson
Ken Mortensen
John Moyer
Mike Steinfort

Members Absent

Rick Ziegler
Mike Ryan

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.

Chairman Steinfort asked for consideration of the minutes of the January 14, 2010, and February 11, 2010, meetings. Chairman Steinfort noted the minutes for the February meeting were just received. Mr. Mortensen moved to approve the minutes of January 14, 2010, as presented at the previous meeting and to continue the consideration of the minutes of the February meeting until the next meeting. Mr. Moyer seconded the motion and it passed unanimously.

3. OLD BUSINESS

Item No. 1 – Planning Study Report – Students from KSU

Chairman Steinfort noted the students from Kansas State University were not set up to make their presentation; therefore this item will be continued to later in the meeting.

Item No. 2 – Continued Public Hearing on Case TA-01-01-10 – Public Hearing on the proposed text amendment to the City Zoning Regulations regarding the requirements for approval of communication towers.

Chairman Steinfort called the continued public hearing to order on the case to amend the City Zoning Regulations to require a Special Use Permit for the placement of new communication towers, including certain performance standards for the same.

Mr. Yearout shared that under the present City Zoning Regulations these uses are a permitted use in the “IR” Restricted Industrial and the “IL” Light Industrial Districts only. Further, the provisions of Section 400.310, Lot Size Requirements and Bulk Regulations

for Public Utility Facilities, has apparently been interpreted to apply to a communications tower as well, which totally exempts the structures from all lot size and bulk regulations.

Mr. Yearout stated that after discussion with several affected Departments, staff is recommending the City Zoning Regulations be amended to require a Special Use Permit, with a public hearing by the Planning Commission and final approval by the City Commission, for all new communication towers or other similar commercial tower structures within the corporate limits of the City. In addition, there are specific construction and design standards for all new towers proposed with this amendment. Staff is cognizant of the impact these standards may have on the towers supporting the radio station west of 77 Highway, but believes the bulk of new towers placed within the community most likely will be for expansion of the cellular services.

Commissioner Mortensen asked about the FAA lighting requirements. Mr. Yearout advised the standards address lighting requirements in the same manner which was done for the amendments to the County regulations. The only time FAA might get very specific on a lighting question was when a tower is in close proximity to an airport.

Chairman Steinfort opened the public hearing for comments from the public. No one present spoke to this issue.

There being no questions, Chairman Steinfort closed the public hearing and called for further questions, discussion or a motion.

Chairman Steinfort stated he had questioned whether satellite dishes were subject to this new language. Mr. Yearout confirmed that satellite dishes were already addressed within the Zoning Regulations and this text amendment did not apply to that activity.

Commissioner Moyer moved to recommend approval of the text amendment to the Junction City Zoning Regulations concerning communication tower approval through a Special Use Permit. Commissioner Mortensen seconded the motion and it carried unanimously.

Item No. 1 – Planning Study Report – Students from KSU

Chairman Steinfort welcomed the students from Kansas State University. Cody Berg, who is acting as manager of the project, introduced the students in attendance and presented the mid-term update on the study of the downtown area. Mr. Berg stated the students reviewed a lot of materials and have met with different groups so far, mostly working through the Chamber of Commerce. Mr. Berg then had different students review the portion of a powerpoint show of the findings to date and the additional issues to be addressed before the final report is completed at the end of the semester. Mr. Berg confirmed the students will share the final presentation during the May, 2010, MPC meeting.

Several questions on sources and conclusions were asked of the students, but it was acknowledged the final report will provide full details of those issues.

Item No. 3 – Continued Public Hearing on Case TA 01-03-10- Public Hearing on the proposed text amendment to the City Zoning Regulations regarding the establishment of an Overlay District for the “RD” Residential Duplex zoning and allowing certain development activities to occur.

Chairman Steinfort called the continued public hearing to order to consider amending the City Zoning Regulations concerning the establishment of an Overlay District for the “RD” Residential Duplex to allow flexibility in the design of certain developments and establishing procedures for such approvals

Mr. Yearout stated that the initial proposal was to create the “RDO” Duplex Residential Overlay District and to grant that zoning designation to all of Sutter Highlands only. The overlay district would allow the division of the platted lots into small lots for the construction of individual homes similar to the “single-family row houses” being constructed in Olivia Farms, without having to be re-platted.

The proposed “RDO” district, as initially drafted, would allow lots with a minimum of 3,500 square feet of lot area; a minimum lot width of 30 feet; reduced setbacks of 12 feet in the front, 10 feet in the rear, and 5 feet on the side; a building height up to 40 feet; and lot coverage up to 40%.

Mr. Yearout continued the “RDO” District would require approval of a Development Plan by the MPC before building permits could be approved for any development in the district. The development plan requires significant detail on the proposed buildings, including full building elevations with design, materials and color schemes shown. The intent is that once the development plan is approved, the actual construction must follow the plan.

Mr. Yearout noted previous discussion indicated the initial draft might not prevent this from being implemented on a “lot-by-lot” basis, which would not be acceptable. The draft has been modified to require a minimum of 10 contiguous lots in order to be considered. In addition, because of the proposed modifications to the setbacks, it has been confirmed that Sutter Highlands will require some replatting in order to deal with the setback restrictions shown on the plat. As such, the new language confirms that the approval process may require a replat or some other action to allow the development to occur.

Mr. Yearout stated the proposed amendment was discussed at the Housing Committee of the Economic Development Commission meeting on March 10. No specific recommendations were received, but there was good discussion on the fact that this type of development appears to have a place within the community.

Commissioner Mortensen stated that he continues to struggle with the mixed-neighborhood design. He questioned whether it would be possible to designate certain areas of a subdivision for this development rather than on a street-by-street basis.

Mr. Yearout replied that could be done, but the question of where to draw those boundaries is still in play. Regardless, the idea is presented to the MPC for those specific discussions.

Chairman Steinfort stated he did not support going below 10 lots when applying the overlay design.

Commissioner Mortensen stated he realizes houses need to be built, however he is still not comfortable with the mixed-neighborhood design factor.

Commissioner Gustafson concurred with Commissioner Mortensen in that she understands the builder's need for flexibility, but does not care for the mixed-neighborhood feel.

Commissioner Mortensen moved to table the proposed amendments to the City Zoning Regulations for the Duplex Overlay District until the April meeting in order for further deliberations. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 4 – Case FP-01-01-10 – Reconsideration of Final Plat of Goff Addition, located immediately south of Laurel Canyon Addition, Geary County, Kansas

Chairman Steinfort called the hearing to order on the reconsideration of the Final Plat of Goff Addition, located south of Laurel Canyon Addition, Geary County, Kansas.

Mr. Yearout stated this is a reconsideration of the request of Kaw Valley Engineering, Inc., applicant, on behalf of James Goff and Tim C. Schaller, owners, for approval of the Final Plat of Goff Addition to Geary County, Kansas. This original plat created two lots, one at the east end of the tract that containing the existing home; and the other on the west end of the tract which is anticipated for a future home. The plat now shows a total of five lots; three owned by Tim Schaller including the existing home and two additional lots to the west of the travel easement; and two at the west end of the plat presently owned by James Goff but under contract for purchase by Frank Lewis. At the request of Mr. Schaller and Mr. Lewis, the plat has been redrawn and is being presented for reconsideration before it is sent on to the County Commissioners.

Mr. Yearout also reported the petition for expansion of the sewer system to serve the newly created lots has been finalized by the owners. A meeting was held on Wednesday, March 3, 2010, at Kaw Valley Engineering and attended by Mr. Goff, Mr. Schaller and Mr. and Mrs. Lewis. Dennis Cox, Geary County Public Works, was also in attendance. All agreed to the sewer system expansion and have signed the petitions necessary to make that happen. The petitions will move forward to the County Commission for execution in concert with the plat. As such, all necessary utility services for the newly formed lots are in place or being addressed by the petition for sewer expansion.

Mr. Yearout stated that staff recommends the revised Final Plat of Goff Addition be approved as submitted. Final action by the Board of County Commissioners is contingent upon completion of the necessary steps to finalize the sewer line expansion.

Mr. Yearout announced that both Jason Loader from Kaw Valley Engineering and John Goff, property owner, were present to answer questions.

Chairman Steinfort opened the hearing for comments from the public.

Mr. Goff explained that the plat will create five lots, of which all owners are in agreement and have signed documents stating that they are aware of and support the expanded water and sewer development. He also stated that the new lots will conform nicely with the existing neighborhood.

There being no other comments, Chairman Steinfort closed the hearing and called for further questions, discussion or a motion.

Commissioner Gustafson moved to approve Case No. FP 01-01-10, the application of Kaw Valley Engineering, Inc., applicant and James Goff and Tim C. Schaller, requesting approval of the revised 5-lot Final Plat of Goff Addition be approved, subject to the conditions recommended by staff and stated in the staff report, and that the Chairman be authorized to sign the revised plat. Commissioner Mortensen seconded the motion and it carried unanimously.

4. NEW BUSINESS

None.

RECESS AS METROPOLITAN PLANNING COMMISSION

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

CONVENE AS BOARD OF ZONING APPEALS

1. OLD BUSINESS

Item No. 1- Case No. BZACU-10-01-09-Request for Conditional Use Permit to allow a Day Care Home at 2420 Deer Trail.

Continuation of a public hearing on the request of Nicole Buckwalter, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 2420 Deer Trail, Junction City, Kansas.

This case has been withdrawn due to recent amendments made regarding day care operations.

Commissioner Gustafson moved to accept the withdrawal of Case No. BZACU-10-01-09. Commissioner Dibben seconded the motion and it was carried unanimously.

2. NEW BUSINESS

None.

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 Gustafson seconded the motion and it carried unanimously.

RECONVENE AS METROPOLITAN PLANNING COMMISSION

5. GENERAL DISCUSSION

Mr. Yearout shared that Lisa Davies would be present at the MPC work session next Thursday to go over the Sanitation Code issues and present additional information for review.

Mr. Yearout also gave a brief overview of the Planning Commissioner Workshop that will be held on May 8th at Junction City. Handouts and registration forms will be brought to the April meeting for anyone interested in attending. This workshop will feature Dwight Merriam, a land use attorney from Connecticut that is recognized as one of the best in the nation.

6. ADJOURNMENT

Commissioner Moyer moved to adjourn at 8:34 p.m. Commissioner Gustafson seconded the motion and it carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2010.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary