

**JUNCTION CITY - GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
AND
BOARD OF ZONING APPEALS
September 10, 2009
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
Kim Moyer**

1. CALL TO ORDER AND ROLL CALL

Mike Steinfort called the meeting to order of the Joint Metropolitan Planning and Board of Zoning Appeals (7:07 pm) and noted a quorum present.

2. APPROVAL OF MINUTES

Approval of the minutes of previous meeting. The Chair stated that the minutes for the July 9, 2009, and August 20, 2009 meetings were handed out at the meeting and will be carried over until next month for consideration.

3. OLD BUSINESS

Item Number 1: Public hearing on Case Number Z-8-09, the consideration of an amendment to the Planned Development District Final Development Plan for a portion of Olivia Farms, and consideration of Case No. FP-8-1-09, a replat of the portion of Olivia Farms covered by this zoning case, to be named Olivia Farms 4th Addition.

This is the request of Paul Werner Architects & Landplan Engineering, P.A., applicants, on behalf of the owner/developer, Fort Development, LLC, for an amendment to the Final Development Plan for a portion of the Planned Development District at Olivia Farms located immediately north of Rucker Road and east of Fort Avenue, and the replat of the same area to be named Olivia Farms 4th Addition.

Mr. Yearout indicated there have been changes made to the plan since the initial submission and there has not been adequate time to have those changes reviewed by all interested parties. Mr. Yearout stated that since the representatives are not present, this matter be continued until later in the meeting for any action. The Chair stated the matter would be considered later in the meeting.

4. NEW BUSINESS

Item Number 1: Public hearing on Case Number VC-9-1-09, the consideration of the petition of Steve Krajkoski and others, praying for the vacation of Winchester Estates, a subdivision in Geary County, Kansas, generally located between Dietrich Road and Milford Lake Road and between Old Highway 40 and I-70.

Ms. Gustafson stated that she would be abstaining from voting and discussing this item as the applicant is her step-brother.

Mr. Yearout stated that Winchester Estates was platted in 1990 and proposed the creation of a new east/west public road that connected Milford Lake Road and Dietrich Road. There were lots created on both sides of the proposed new road, as well as lots that fronted on Old 40 Highway. Subsequent to the plat being recorded, the ownership changed and lots started to be sold that did not conform to the plat. Unfortunately, building permits had been issued for some of these lots and, according to the Geary County Subdivision Regulations, the property either should have been replatted or vacated. Following conversations with many of the owners and the presentation of the forms and process to vacate the plat, the owners have determined it is best to follow this course of action. Mr. Yearout stated that petitions for vacation of Winchester Estates have been signed by all but one owner in the subdivision. Mr. Yearout recommended that the plat be vacated, subject to the retention of the right-of-way for Milford Lake Road and Dietrich Road and retention of any utility easements that are determined to be used.

Chairman Steinfert opened the public hearing to public comments. Steve Krajkoski, 1317 South Spring Valley Road, stated it was his building permit that started this issue and that he was supportive of the vacation. He acknowledged that John Kozlowski was also present and that Mr. Kozlowski had recently purchased the bulk of the land within this plat, including all the land on which the road would have to be built, and that Mr. Kozlowski also had petitioned for the vacation. Mr. Krajkoski stated he had also talked to most all of the other owners and they all had submitted signed petitions to staff and supported the vacation.

There being no further comments from the public, Chairman Steinfert closed the public hearing and asked for comments or a motion from the Commission.

Mr. Mortensen moved to recommend to the Geary County Board of County Commissioners that the plat of Winchester Estates be vacated, subject to the conditions outlined in the staff report. Mr. Moyer seconded the motion and it passed 5 to 0, with Ms. Gustafson abstaining.

Item Number 2: Public hearing on Case Number VC-9-2-09, the consideration of the petition of Ian and Kimberly Mann, owners, praying for the vacation of the building setback line of two lots in Moske Addition to Cedar Estates, a subdivision in Geary County, Kansas, generally located west of US 77 and south of Cedar Road.

Mr. Ian Mann, 11101 Cedar Cove, stated that he and his wife own Lots 61, 60 and a portion of Lot 59 in this addition and are wanting to build a 32-foot by 56-foot detached accessory building to the north and east of his home. In order to have room to build the

building on the only area available to construct on the lot, he would need to get relief from the setback requirements of the Zoning Regulations. In researching all that with staff, it was determined the plat for Moske Addition to Cedar Estates had a 40-foot building setback line on the plat. Before a variance can be granted, the building setback line needs to be vacated and have the Zoning Regulations control setbacks. The 40-foot building setback vacated on his property makes most of the affected lot unbuildable because the setback line is virtually at the point where his lot slopes into a ravine.

Mr. Steinfort asked if the property had been surveyed or if it is known exactly where the front property line is.

Mr. Yearout stated he had visited the site with Mr. Mann and they had measured from 30 feet from the center of the road and used that as a general measurement for the purposes of determining how the existing restrictions would impact the proposed construction. But to staff's knowledge, there was no specific survey of the property.

Mr. Mann stated that a survey was done about 2 years ago, but was not sure whether the front property lines were pinned. The survey was done before they purchased the property.

Mr. Yearout stated the vacation request was only to vacate the building setback line. The subsequent case on the variance will deal with setback issues.

Chairman Steinfort opened the public hearing and called for comments from the audience. None were made and the Chair declared the public hearing closed and asked from comments or a motion from the Commission.

Ms. Gustafson moved to recommend to the Board of County Commissioners the approval of the vacation of the building setback line for the lots owned by Mr. Mann in Moske Addition to Cedar Estates. Mr. Mortensen seconded the motion and it carried unanimously.

Item No. 3: A public hearing on Case Number TA-9-1-09, a proposed text amendment to the Junction City Zoning Regulations concerning minimum parking space requirements for multiple-family residential developments.

Mr. Yearout reviewed the staff report on this item and noted the number of communities that were reviewed for current requirements for off-street parking for multiple-family residential projects. Mr. Yearout also reviewed the issue of whether it was appropriate to allow some parking demands to be constructed in the right-of-way rather than on private property. He pointed out the design allowed at the Hunter's Ridge project, as well as several projects that allow this condition in the older part of the City.

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

Clint Junghans presented a list of reasons he felt the standards should be reduced for multiple-family housing. He stated he supported the reduction to 1.5 spaces per dwelling unit and also was supportive of the idea of allowing the spaces to be built in the right-of-way. He stated he believed this action would assist in keeping overall costs down for builders and developers, would allow more "green space" on the lots, and

assist in keeping the construction of new housing at a more affordable rate. He also present several photos of parking within a number of multiple-family projects that showed empty spaces in the evening after residents had returned from work.

Gary Junghans stated he supported the comments presented by Clint Junghans and, as the owner and manager of many multiple-family projects within the community, the fear that the lower number of spaces would result in not enough spaces was not supported by his experience. While there was the occasional instance where parking spaces were in demand, for the most part the existing projects in the City had spaces that remained empty on a regular basis because there was not the demand in the projects. In short, the present standard should be modified to allow more flexibility.

There being no further comments from the public, Chairman Steinfort declared the public hearing closed and called for comments or a motion from the Commission.

In response to general questions, Mr. Yearout reviewed the various standards used by several communities around Kansas and noted the range in place. In short, there is no single standard in effect and it is staff's position that some modification be made to allow greater flexibility in the design of multiple-family developments.

Ms. Gustafson moved that the item be tabled to the next meeting and that staff be directed to develop language to modify the Zoning Regulations on this issue using the general guidelines wherein there would be fewer spaces required for developments used exclusively by the elderly or handicapped, and that the overall standard be reduced to 1.75 spaces per dwelling. Also, language should be drafted for review that would set standards for the possible use of the public right-of-way for the placement of parking for multiple-family projects. Mr. Mortensen seconded the motion and it carried unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION

Mr. Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Ms. Gustafson seconded the motion and it passed unanimously.

CONVENE AS BOARD OF ZONING APPEALS (8:03PM)

1. NEW BUSINESS

Item Number 1: A public hearing on Case Number BZAV-9-1-09, the request of Ian and Kimberly Mann, owners, for a variance from the front yard setback requirements for an accessory garage on property located at 11101 Cedar Cove, Milford, Kansas.

Mr. Yearout gave a brief overview of the issues in this case, which is the second step necessary for the construction of the accessory garage on this property. The first step was the vacation of the platted building setback line, which was addressed earlier. Mr. Yearout noted that the reasoning for the variance was essentially the same as for the vacation case heard earlier.

Mr. Mann addressed the Board concerning the variance and affirmed the rationale is the same as discussed in the vacation case.

Chairman Steinfort asked if the variance was to allow the building out to the property line, or whether a lesser variance would allow the construction of the building.

Mr. Yearout stated the application was to allow construction to the property line, but the staff had discussed the idea of determining the back line of the building in relation to the ravine in order to determine the amount of variance needed. Obviously, since no survey had been done, it was not possible at this point to say exactly how much variance would be necessary.

Mr. Ryan asked if the applicant was also aware of the impact of the right-of-way from the cul-de-sac in the area generally proposed for the location of the accessory building.

Mr. Mann said he understood the issue, but that he was still flexible on the exact location of the building. His desire was to construct as close to the existing home as possible, but if the building needed to be further to the north, then that would also work.

Chairman Steinfort opened the public hearing and called for comments from the audience. None were made and the Chair declared the public hearing closed and asked from comments or a motion from the Board.

Following general discussion by the Board, Ms. Gustafson moved that a variance be granted to Mr. Mann to reduce the front yard setback for a detached accessory building on Lot 61 from 25 feet to 10 feet, based on the reasons outlined in the staff report and as stated at this public hearing. Mr. Mortensen seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS

Mr. Dibben moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Mr. Mortensen seconded the motion and it passed unanimously.

RECONVENE AS METROPOLITAN PLANNING COMMISSION

Chairman Steinfort called for discussion on Item Number 1 on the MPC agenda concerning Olivia Farms.

Mr. Yearout stated that the largest change from the original design was that Lucy Court would remain a public street rather than be converted to private property. However, the design still called for parking in the public right-of-way and the use of the existing 60 feet of right-of-way is all that is proposed. The entire impact of the redesign still needs to be reviewed by all service providers and the applicant had concurred to continue this item until the October meeting to address these issues and be in a position to respond to any comments received.

Mr. Moyer moved to continue the cases concerning Olivia Farms, Case Number Z-8-2-09 and Case Number FP-8-1-09, to the October meeting. Mr. Ryan seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Mr. Yearout stated the idea of holding the kick-off meeting on the revision to the County Zoning and Subdivision Regulations would not be held on September 24 due to scheduling conflicts. It is the intent of staff to set that for the 4th Thursday in October, which will be October 22. A time and place will be confirmed and reported at the next MPC meeting.

6. ADJOURNMENT

Mr. Mortensen moved to adjourn at 8:15 p.m. Ms. Gustafson seconded the motion and it passed unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 2009

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary