

**JUNCTION CITY - GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
AND  
BOARD OF ZONING APPEALS  
July 9, 2009  
7:00 P.M.**

**MEMBERS PRESENT**

**Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
John Moyer  
Mike Ryan  
Rick Ziegler**

**MEMBERS ABSENT**

**Mike Steinfort**

**STAFF**

**David Yearout  
Kim Moyer  
Tricia Gowen  
John Gary**

**1. CALL TO ORDER AND ROLL CALL**

Vice-Chair Gustafson called the meeting to order and noted a quorum present.

City Clerk Tricia Gowen conducted the oath of office for Mr. Ryan and Mr. Ziegler, who were not present at the last meeting.

**2. APPROVAL OF MINUTES**

Mr. Mortensen noted that the minutes of the June meeting had his name incorrectly spelled. Mr. Mortensen moved to approve the minutes of the June 10, 2009 meeting with the spelling of his last name corrected. Mr. Moyer seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

**Item No. 1: Continuation of Public Hearing on Case # Z-6-1-09.**

This is the request of Mike Harris, contract buyer, and Patsy Zeik, owner, for the rezoning of the land at 7326 Laurel Canyon Road, from "CR" Restricted Commercial (non County Zone) to "CG" General Commercial. Mr. Yearout stated this is voided because of procedural errors. Notification was not provided to property owners within Dickinson County within the 1000 foot notification area. Staff will meet with the applicant to determine what they want to do. They would have to start all over again. It could be on the August agenda.

**Item No. 2: Continuation of Public Hearing on Case # Z-6-2-09.**

This is the request of Todd Godfrey, contract buyer, and Johnson Family Acquisitions, Inc., owner, to rezone property at 1301 West 8<sup>th</sup> Street, from "RS" Suburban Residential to "CS" Service Commercial. Mr. Yearout stated that no

new information on this matter has been provided concerning the ability of the sale to proceed under the terms of the “buy back” clause from the original Country Club membership. Vice-Chair Gustafson stated the case will remain tabled until further information is provided.

**Item No. 3: Consideration of Bylaws for the Metropolitan Planning Commission.**

Mr. Yearout recommended this be discussed at the end of the meeting. The Planning Commission

**4. NEW BUSINESS**

**Item # 1: Consideration of Preliminary and Final Plat for Pfizenmaier Addition.**

Mr. Yearout noted the new version of this plat and to ignore the one in the packet. This is the platting of the property essentially at the northeast corner of 14<sup>th</sup> Street and Jackson. It covers some lands that were previously platted and some lands that have never been platted. The ultimate intent is to make these lots available for the Self-Help Housing program for new homes.

The new plat does not show the alley going through and all the lots facing Jackson now meet the 50-foot lot width requirement. The alley is now shown as a 20-foot easement for utilities; but the lot width includes this area, which allows the lots fronting Jackson to increase width to meet the regulations.

The only other comment yet received is from Westar, which has some existing power poles in an area that doesn't appear to be covered by an easement. There are easements for this area on the final plat, but the applicant is waiting for response of what will happen to the existing poles.

Mr. Moyer asked if the intent was to build the same type of homes that were built on 16<sup>th</sup> Street and 16<sup>th</sup> Street Circle. Mr. Yearout stated that they would be.

Vice-Chair Gustafson asked about the parking situation since parking is not permitted on Jackson and the parking on 14<sup>th</sup> Street is very limited. Mr. Leon Osbourn of Kaw Valley Engineering stated the homes will all have a single-car garage and driveway; thereby meeting the requirements of the Zoning Regulations for off-street parking for single-family homes.

Mr. Yearout suggested that there be two separate motions made for this item, one for the preliminary plat and one for the final plat.

Mr. Moyer moved to approve preliminary plat as shown in the revised version provided at the meeting. Mr. Mortensen seconded the motion and it passed unanimously.

Mr. Ryan moved to approve final plat as presented at the meeting and in conformance to the approved preliminary plat, subject to final adjustment

necessitated by comments from the utility or service entities.. Mr. Ziegler seconded the motion passed unanimously.

**Item #2: Consideration of the Final Development Plan for the Planned Development District at Olivia Farms, and the replat of two blocks within Olivia Farms in conformance with the revised Final Development Plan.**

This is the request of Landplan Engineering, applicant, and Fort Development, LLC, owner, for the approval of the Final Development Plan for the Planned Development of Olivia Farms and a replat of two blocks within that development from single lots to individual lots for the proposed townhouse development shown on the Final Development Plan.

Mr. Yearout stated that a review of the files for this development showed some issues that need completed before the Final Development Plan can be finalized. There is not enough change in this request from the approved Preliminary Development Plan for a formal public hearing, but there are issues that need addressed before action by the Planning Commission. In particular, since this development has a pool, a clubhouse, and some other park amenities and city is not accepting them as public amenities, and the regulations require some "ownership" entity within the development to provide for these areas. Presently the Restrictive Covenants of record show no such entity and do not address how this area is to be handled. There are other details that will need to be addressed, along with some legal questions on how those changes will be made since some lots are now in separate ownership.

Mr. Yearout stated that the replatting of the two blocks is very minor and the only item needing addressed is labeling of the setback lines on the face of the plat. However, until the Final Development Plan issues are resolved, staff would request to have the replat continued until next month.

Janelle Phillips, Landplan Engineering, agreed with Mr. Yearout that they should be given a little more time to finalize the Final Development Plan, but would like to see the Final Plat be approved. She stated the owner would agree to not have the plat filed until after the Final Development Plan issues are resolved and the Plan is approved. The owner is anxious to begin construction of the next phase of the townhomes because demand has been high.

Mr. Mortensen moved to table Final Development Plan until the next meeting to allow the applicant and staff to address the issues identified. Mr. Ziegler seconded the motion and it passed unanimously.

Mr. Moyer moved to table replat of Olivia Farms 3<sup>rd</sup> Addition and not consider it until the Final Development Plan is approved. Mr. Mortensen seconded. the motion and it passed unanimously.

**Item #3: Proposed Text Amendments to Junction City Zoning Regulations**

Mr. Yearout identified two items that staff is recommending be approved to proceed to a public hearing as text amendments. The first item is the provision that prohibits vehicles from backing into thoroughfares or alleys. The staff believes this is an unenforceable provision and makes many properties within the city nonconforming.

The second item establishes a 10-foot separation requirement between accessory buildings and the main structure on a residential lot. The staff believes the building codes provide a better method to address concerns on this issue.

Mr. Yearout stated it takes a motion of the Planning Commission or Governing Body to call a public hearing on changing the text of the regulations. Staff is recommending such a motion be made concerning these two items, which would allow the legal notice to be published for a public hearing at the next meeting.

Mr. Mortensen moved to set a public hearing to consider the changes to the Zoning Regulations outlined by staff. Mr. Ziegler seconded the motion and it passed unanimously.

**5. RETURN TO OLD BUSINESS - BYLAWS**

The board indicated there were clarifications on some of the items that they wished to review prior to any action. Mr. Ziegler moved to postpone making any decisions until the next meeting. Mr. Moyer seconded the motion and it passed unanimously.

**6. ADJOURNMENT**

Mr. Ziegler moved to adjourn at 8:30 p.m. Mr. Mortensen seconded the motion and it passed unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**