

**JUNCTION CITY - GEARY COUNTY  
METROPOLITAN PLANNING COMMISSION  
AND  
BOARD OF ZONING APPEALS  
June 11, 2009  
7:00 P.M.**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**Rick Ziegler  
Mike Ryan**

**STAFF**

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

1. Mike Guinn, Acting Planning and Zoning Director, called the meeting to order of the newly reorganized Junction City/Geary County Metropolitan Planning Commission (MPC) at 7:00 P.M., and noted a quorum present. Tricia Gowen gave the board members present the Oath of Office as required by state law.

2. Election of Officers for MPC. Mr. Guinn noted the Planning Commission needed to elect a Chairman, Vice-Chairman, and Secretary. The Secretary typically is the Planning and Zoning Director. Ms. Gustafson nominated Mr. Steinfort as Chairman. No others were nominated. Ms. Gustafson moved to elect Mr. Steinfort as Chair and Mr. Mortensen seconded. Motion passed unanimously.

Mr. Steinfort assumed the position of Chair and called for nominations for Vice-Chairman. Mr. Moyer nominated Ms. Gustafson for Vice-Chairman. No others were nominated. Mr. Moyer moved to elect Ms. Gustafson for Vice-Chairman and Mr. Mortensen seconded. Motion passed unanimously.

Chairman Steinfort called for nominations for Secretary. Ms. Gustafson nominated David Yearout as Secretary. No others were nominated. Ms. Gustafson moved to elect Mr. Yearout as Secretary and Mr. Dibben seconded. Motion passed unanimously.

Mr. Steinfort asked for a motion to accept the current MPC/BZA Bylaws until review of revised Bylaws can be reviewed. Mr. Moyer moved to approve the current Bylaws of the MPC until review of new Bylaws is complete. Mr. Mortensen seconded. Motion passed unanimously.

3. Mr. Steinfort introduced the new Planning and Zoning Director, David Yearout, and welcomed him to the job.

4. Approval of the minutes of the April 16, 2009 meeting of the MPC. Ms. Gustafson moved to approve the minutes of the April 16, 2009 meeting as presented and Mr. Mortensen seconded. Motion passed unanimously.

5. Public hearing on Case No. Z-6-1-09.

Chairman Steinfort called the public hearing to order on Case No. Z-6-1-09, a request to rezone from Restricted Commercial (CR) District to General Commercial (CG) District property at Lots 1 & 2 Thunderbird Village, Unit No. 2, and addressed at 7326 Laurel Canyon Road., Geary County, Kansas. This is a request of Mike Harris, contract buyer, and Patsy Ziek, owner, to rezone the property to allow Mr. Harris to reopen the bait shop as a vending operation, maintain the storage operation, and to add an RV Park and use the existing manufactured home as a rental as a “bed and breakfast” type operation.

Mr. Guinn stated the existing zoning on the property is apparently a zoning district from the Junction City Zoning Regulations and not the Geary County Zoning Regulations. This case is intended to resolve that error and to provide a zoning classification that will support the proposed uses.

Mr. Harris provided an overview of his proposal. He indicated his desire to establish the RV Park and use the existing buildings, both the manufactured home and the bait shop building, for the “bed and breakfast” type operation. He said he felt this would be a good use of the property and would compliment his present operation of the Acorn Resort nearby.

There were no questions of the applicant by the MPC.

Chairman Steinfort opened the public hearing to the public.

Stephan Havener, 6914 Canyon Road, stated he had resided in the Laurel Canyon area for many years and did not believe the proposed uses were appropriate for the area. The bait shop and outdoor storage areas were not a concern, however the other proposed uses, which were for transient occupants, were incompatible with the residential neighborhood and he was opposed to the zoning change to allow those uses. He also indicated he was representing a number of other owners who present but wanted him to speak for them.

Betty Ann Bolte, 7722 Canyon Road, stated she was the owner of the home closest to the property in this case, right across the street from the Fire Station, and that she was opposed to any further commercialization of the property.

Mr. Havener again spoke and questioned whether this property could support the proposed uses because it was not hooked up to the Laurel Canyon Sewer District and he wasn't sure whether it was hooked up to the Water District in the area.

There were no further public comments.

Mr. Harris responded that he was trying to make the operation better than it is now and he didn't have clear information regarding access to the utilities.

Chairman Steinfort closed the hearing to further public comments and returned the case to the MPC. Several Commission members had questions concerning the permitted uses in the CG zoning in the County Regulations and also whether the property was served or could be served by the utilities.

Ms. Gustafson moved that Case No. Z-6-1-09 be tabled until the next meeting in order for staff and/or the applicant to provide additional information. The motion was seconded by Mr. Moyer and it passed unanimously.

6. Public Hearing on Case No. Z-6-2-09.

Chairman Steinfort called the public hearing to order on Case No. Z-6-2-09, a request to rezone property from Suburban Residential (RS) District and Rural Residential (RR) District to Service Commercial (CS) District for the north 750' of Lots 1 & 2, Block 2, Junction City Country Club Annex to Junction City, Geary County, Kansas. The property contains approximately 5.68 acres and is addressed as 1301 West 8<sup>th</sup> Street. This is a request of Todd Godfrey, contract buyer, and Johnson Family Acquisitions, Inc., owner, to rezone a portion of the former Junction City Country Club property, primarily the clubhouse and property to the north to 8<sup>th</sup> Street, for recreational, lodging and other commercial uses.

Mr. Mortensen stated that he would be abstaining from discussion and voting on this matter due to a conflict of interest.

Mr. Todd Godfrey, 9170 Clarks Creek Road, stated he has a purchase contract and is seeking a zoning change so that he can establish a lodge for guests (like a hotel), provide an archery range, provide kennel facilities for customers, and other potential retail services. He also intends to develop an indoor shooting range and submitted materials indicating the type of equipment to be used, the nature of that equipment to suppress noise and odors from the shooting facility, and how much of the equipment is designed to capture the recyclable materials from the operation, especially the shell casings and lead and other bullet materials.

Mr. Godfrey also stated that he intends to use part of the clubhouse and convert it to a bed & breakfast with additional uses being restaurant, pro shop and dog boarding facility. Mr. Godfrey stated that the shooting range would be at the west end of the clubhouse.

Chairman Steinfort asked if any Commission members had questions of the applicant.

Mr. Moyer asked how much noise would be generated from the gun range. Mr. Godfrey stated that it would not be any more noise than hammering on a nail in your backyard.

Chairman Steinfort opened the hearing to comments from the public.

Steve Locke, 1317 Country Club Lane, spoke in opposition of the application. He stated that the residential area was immediately adjacent to the clubhouse area and the proposed uses, as well as potential uses if rezoned, were incompatible with the residences in the area.

Several other residents along Country Club Land and Country Club Terrace indicated they had the same concerns as Mr. Locke.

Mr. Mark Edwards, Attorney representing John Montgomery who owns property adjacent to the former Country Club, stated there were a number of issues still in question regarding the ability of Johnson Family Acquisitions, Inc., to sell all or any portion of the Country Club due to provisions in the original contract from the former stockholders of the Country Club signed by Mr. Harold Johnson. Mr. Edwards stated there had been attempts to open dialogue with the Johnson family regarding this property and its pending sale, but to no avail.

Scott Johnson, 602 Stone Ridge Drive, stated he was the contact person on this property and that he believed the provisions of the contract were being met because he had not received an offer to meet the provisions of this sale. He then expressed frustration with many of the former stockholders in being uncooperative in allowing the Johnson family to move forward on the future use of the property and they the family was investing a significant amount of money to keep the property in a condition for a potential sale.

Mr. Guinn suggested that the MPC table this matter until all legal matters regarding the sale of this property could be resolved so the City was not involved in a private contractual dispute.

Mr. Moyer also stated that he was not comfortable making a decision on this until some legal matters were resolved.

Ms. Gustafson moved to table Case No. Z-6-2-09 until all legal matters concerning the sale and/or ownership of the property could be resolved. Mr. Moyer seconded the motion and it passed 4 – 0 – 1, with Mr. Mortensen abstaining.

#### 7. Public hearing on Case No. Z-6-3-09.

Chairman Steinfert called the public hearing to order on Case No. Z-6-3-09, a request to rezone from Multiple-Family Residential District (RM) to Service Commercial Restricted (CSR) District the property described as the west ½ of Lot 7, Block 23, Railroad Addition, and located at 116 E. 16<sup>th</sup> Street, Junction City, Kansas. This is a request of Kazuko Barksdale, owner, and Larry Rexrode, buyer, to rezone to property to Service Commercial Restricted, which is the same zoning on the land to the west across the alley, in order to use the property in conjunction with the business Mr. Rexrode operates on the south side of 16<sup>th</sup> Street. Mr. Rexrode indicated the stated purpose is consistent with his plans. He intends to pave the property to meet City Code and that he might construct a building on the property at some point in the future. There were no questions from the MPC.

Chairman Steinfert opened the hearing for comments from the public and there were none.

Chairman Steinfert closed the public hearing and called for a motion on the case.

Mr. Dibben moved to recommend approval of Case No. Z-6-3-09, recommending the rezoning of the vacant lot at 116 East 16<sup>th</sup> Street from (RM) Multiple-Family Residential to (CSR) Service Commercial Restricted. Mr. Mortensen seconded the motion and passed unanimously. Mr. Yearout noted this case will be set before the City Commission on July 7, 2009, and that the protest period will end June 25.

Chairman Steinfort recessed the MPC and called the meeting to order of the newly reorganized Junction City/Geary County Board of Zoning Appeals.

Chairman Steinfort noted the first order of business was the election of Officers. Mr. Moyer moved to elect same officers for the BZA that were elected for the MPC. Mr. Mortensen seconded the motion and it passed unanimously.

8. Case No. BZAV-6-1-09.

Case No. BZAV-6-1-09 concerns the property at 116 East 16<sup>th</sup> Street, which was the subject of the rezoning case just heard. Mr. Guinn stated the case was scheduled because of a provision in the City Zoning Regulations that establishes a minimum lot size for commercial property that is not contiguous to other commercially zoned property. Since an alley separated the lot from the commercial zoning to the west, he had advised the BZA needed to act. However, Mr. Yearout had advised that the zoning was considered contiguous even though separated by an alley and that other provisions of the City Zoning Regulations covered this situation. As such, this case is considered moot and no further action is necessary.

9. Case No. BZAV-6-2-09.

Chairman Steinfort called the public hearing to order on the request of David Holman, 710 West 5<sup>th</sup> Street, who is seeking a variance to allow a 1' set back on the west side of his property in order to construct an additional carport behind his existing garage.

Mr. Holman spoke to this request. He said the access to the garage is off the alley and drive has been paved. He said he is simply wanting additional space under a roof in order to protect his vehicles. There would be no portion of the structure closer to the property line than the existing garage.

Mr. Dibben asked about the run off of stormwater. Mr. Holman stated that stormwater runs to the alley and into his yard.

Ms. Gustafson asked if the neighbors were notified of the hearing and if any had made comments or objections. Mr. Holman stated he had received no negative comments from any neighbors. Mr. Guinn stated no comments had been received.

Mr. Yearout reminded the BZA that its decision is final and the only appeal is to District Court.

There being no further comments from the public, Chairman Steinfort closed the public hearing.

Mr. Mortensen moved to approve Case No. BZAV 6-2-09, the request of David Holman, 710 West 5<sup>th</sup> Street, for a variance to allow the placement of a carport within 1 foot of the west property line as requested. Ms. Gustafson seconded the motion and it passed unanimously.

There being no further business, Chairman Steinfert adjourned the BZA and reconvened the MPC.

10. General Discussion.

Mr. Yearout handed out a copy of draft Bylaws for the MPC. These will be placed on the agenda for consideration at the July meeting. Mr. Yearout also advised that the work program of the Department would include beginning the work to update the City and County Zoning and Subdivision Regulations. The MPC is charged with the oversight of that effort, so there would be a lot of work in the near future. Discussion will be held regarding the manner in which that needs to be scheduled, including a possible separate Work Session meeting to focus on the regulations.

Mr. Yearout also informed the MPC that a Training Workshop is being planned in the very near future to go over all the duties of the MPC and BZA. More information would be provided on that at the July meeting.

Finally, Mr. Yearout introduced John Gary, who is serving as an intern in the Planning and Zoning Department through July. Mr. Gary will assist in getting the information together for the MPC, especially copies of the County Zoning Regulations and numerous other items as the office is reorganized after being moved back into the Municipal Building.

11 Adjournment:

There being no further business, Ms Gustafson moved to adjourn the meeting at 9:00 p.m. Mr. Moyer seconded the motion and it passed unanimously.

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

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**Mike Steinfert, Chairman**

**ATTEST:**

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