

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

MINUTES

**January 10, 2013
7:00 p.m.**

**Members
(Present)**

**Staff
(Present)**

**Staff
(Absent)**

Maureen Gustafson
Mike Ryan
John Moyer
Ken Mortensen
Chuck Mowry
Mike Watson
Brandon Dibben

Shari Lenhart

David Yearout

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 7:00 p.m. and noted all members present.

Commissioner Ryan stated that his son and daughter-in-law live in Country Meadows; therefore, he is reclusing himself from participation in Case No. GCCU-01-01-13, Mr. Goff's application. Chair Gustafson noted Commissioner Ryan's disclosure and asked the minutes to reflect such.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the December 13, 2012, meeting as presented. Commissioner Mortensen seconded the motion and it passed unanimously.

3. OLD BUSINESS

Item No. 1 – Case No. SUP-12-01-12 – Continuation of Public Hearing to consider a Special Use Permit to allow use of a recreational vehicle for a night watchman facility at 239 East 7th Street.

Chair Gustafson reopened the public hearing on the application of Sean Riley, agent, on behalf of Roger Seymour, owner, requesting a Special Use Permit to allow placement of a Recreational Vehicle for a night watchman facility on property zoned "IL" Light Industrial District at 239 East 7th Street, Junction City, Kansas, and asked for the staff report

Ms. Lenhart stated this case was tabled at the December 8, 2012, meeting due to a tie vote on a motion to recommend approval.

Ms. Lenhart reviewed the staff report, which states that staff believes the spirit and intent of the Regulations is to allow a limited residential use within the building when the business is not operating. Permitting use of the recreational vehicle for living quarters in an industrial area within the City would set a bad precedent.

Ms. Lenhart concluded by stating that staff believes that nothing has changed with respect to this situation; therefore, staff still recommends denial based on the reasons as stated in the Staff Report and the December, 2012, minutes. If in the alternative the MPC makes a favorable recommendation,

staff would recommend conditions be placed on the Special Use Permit as outlined in the Staff Report.

There being no questions of staff, Chair Gustafson opened the hearing for public comment.

Roger Seymour, 1181 Rock Springs Lane, Manhattan, gave a brief history of the building and renovations that he has done to the building. Mr. Seymour then reiterated that Mr. Riley would like Junction City to be his home base, that he provides for additional jobs, and contributes to the tax base in the local community. Mr. Riley has several thousand dollars worth of tools and there is definitely a need for a night watchman until an adequate security system can be installed in the building. A couple of cameras have been installed outside and inside of the building to assist with security issues.

Mr. Seymour stated, as recommended at the December meeting, the trailer has been connected to City water and sewer. Mr. Seymour stated that Mr. Riley is not proposing this to be his permanent residence but only for a limited time until his business is better established.

Mr. Seymour stated the requirement to pave the parking area seems out of place since the alley is gravel. He indicated this requirement would place an undue burden on him, as the property owner, and asked the Commission to recommend exception to the paving requirement. Mr. Seymour stated that the concern of "setting a precedent" could be handled by putting stipulations on the year or model of the travel trailer used for a night watchman facility. In addition, if the Commission is concerned about it appearing "residential" additional stipulations relating to bar-b-ques, lawn chairs, cloths lines, etc., be prohibited. If Mr. Riley violates the conditions, the Special Use Permit can be voided. Mr. Seymour concluded by asking the Commission to approve the Special Use Permit for Mr. Riley.

Mr. Sean Riley, 239 East 7th, stated he just wanted to make clear about what Mr. Seymour said about the security cameras. There were some there before and now there are more. Some night vision cameras have been installed. The wires from the top of the building appear to be a mess but they are for the cameras. Mr. Riley stated that he has skirted the trailer. He asked the Commission to approve the Special Use Permit.

Chair Gustafson asked if there were cameras now covering 7th Street and what type of alarms are installed.

Mr. Riley stated there are two cameras in the front along 7th Street and the back by the alley is covered by the trailer. There is a camera in the showroom and workspace. Mr. Riley explained that if he is in the work area, the showroom camera allows him to know if anyone has come into the building. He stated no alarms have been installed.

Commissioner Dibben asked Mr. Riley how long he anticipates needing the night watchman facility. Mr. Riley indicated he believes one year should allow enough time to get the building where he needs it, an alarm system installed, and possibly internal living quarters. Mr. Riley stated that the building is not quite, what he needs but is making it work.

There being no further questions of staff or the applicant, Chair Gustafson closed the public hearing.

Commissioner Mortensen stated his position has not changed as far as approving a Special Use Permit for a limited time, 9 months to one year, and meeting City code requirements. He indicated he was up in the air on the paving issue.

Commissioner Moyer stated he felt one year would be a reasonable period.

Chair Gustafson stated she believed one year should be adequate to give Mr. Riley time to see if this location is going to work for him.

Commissioner Mowry stated that no matter what the Commission's recommendation is, the final decision lies with the Governing Body.

There being no further discussion, Chair Gustafson called for a motion.

Commissioner Mortensen moved that Case No. SUP-12-01-12, the application of Sean Riley, agent, on behalf of Roger Seymour, owner, requesting a Special Use Permit to allow placement of a Recreational Vehicle for a night watchman on property zoned "IL" Light Industrial District at 239 East 7th Street, Junction City, Kansas, be recommended for approval by the City Commission of Junction City, Kansas, based on the recommendations outlined in the staff report and as presented at this and the December 13, 2012, public hearings; subject to the conditions of:

1. The recreational vehicle shall be connected to City water and City sanitary sewer services.
2. The recreational vehicle shall be secured in the same manner as required by the City Code for placement of a recreational vehicle in a Recreational Vehicle Campground.
3. All property used for parking, access drives and loading areas shall be paved with asphalt or concrete as required by City ordinances.
4. The Special Use Permit shall be applicable for one year. In the event the motorcycle repair business of Mr. Riley moves to another location or ceases to operate, the Special Use Permit shall be deemed null and void and no recreational vehicle shall be permitted to be placed on this property for any purpose. This Special Use Permit is non-transferable and intended for the sole purpose of providing a night watchman facility for Mr. Sean Riley as a security measure for his business at this specific location.

Commissioner Moyer seconded the motion and it carried by the following show of hands: ayes by Commissioners Mortensen, Moyer, Dibben and Gustafson; nays by Commissioners Ryan, Watson and Mowry.

Item No. 2 – Case No. TA-12-01-12 – Continuation of Public Hearing to consider a Text Amendment to the Junction City Zoning Regulations concerning churches, schools and other places of assembly.

Chair Gustafson opened the public hearing on the application of the Metropolitan Planning Commission to amend the Junction City Zoning Regulations relating to where churches, schools, and other places of assembly are authorized; and the process for approval, and asked for the staff report.

Ms. Lenhart stated that due to Mr. Yearout's absence, the text amendment language is not complete and asked the Commission to table this item until the February meeting.

Commissioner Moyer moved to table this item until the regular February, 2013, meeting date. Commissioner Ryan seconded the motion and it carried unanimously.

4. NEW BUSINESS

Item No. 1 – FP-01-01-13 – Final Plat for Chestington Addition No. 2, a Replat of Chestington Addition to Junction City, Kansas.

Chair Gustafson opened discussion on the request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, requesting final plat approval for the Chestington Addition No. 2, a replat of Chestington Addition to the City of Junction City, Kansas, and asked for the staff report.

Ms. Lenhart stated the staff report outlines Mr. Yearout's assessment of the proposed replat. Staff recommends approval of the proposed replat subject to execution of a formal development agreement. Ms. Lenhart pointed out a highlighted copy of the replat is in front of the Commission showing the relocation of the sewer line required by this plat.

Mr. Leon Osbourn, Kaw Valley Engineering, agent, briefly stated the original Chestington Addition plat vacated Walnut Street and the two alleys. The two alleys were subsequently identified as 20-foot utility easements for sanitary sewer purposes, until actual development. Since that time, It has also been determined that a 10-foot gas right-of-way was recorded at the south end of the property. The gas company is being asked to release the right-of-way since there are no gas lines remaining on the property. The gas company has indicated a willingness to release the right-of-way. The right-of-way cannot be "vacated" by this plat because it was not created by a plat.

Mr. Osbourn stated the proposed Chestington Addition No. 2 consists of two lots and identification of utility easements. He stated the north 20-foot utility easement where the old alley was located would be vacated and the sewer line would be redirected as highlighted. There is also a 20-foot utility easement shown on the property line between Lots 1 and 2 on the east and south, which is shared by the two lots (10-foot each). The new owner of Lot 2 has requested specific building setback lines be shown on this plat, which has been done.

Mr. Osbourn acknowledged that a developer's agreement would be prepared and executed prior to submission of the plat to the City Commission.

In response to questions, Mr. Osborne indicated the Chestington Addition was platted as one Lot with the knowledge that it would be replatted when a developer was secured.

There being no further questions or discussion, Chair Gustafson called for a motion.

Commissioner Moyer moved that Case No. FP-01-01-13, concerning the request of Kaw Valley Engineering, agent, on behalf of Crown Investment Company, owner, requesting final plat approval for the Chestington Addition No. 2, be approved as submitted with the requirement of a developer's agreement as noted in the staff report; the Chairman and Secretary be authorized to sign the final plat; and it be forwarded to the City Commission of the City of Junction City, Kansas, for approval and acceptance of the dedications shown thereon. Commissioner Watson seconded the motion and it carried unanimously.

Item No. 2 – GCCU-01-01-13 – Public Hearing for Conditional Use Permit to conduct auctions at 2717 Meadowlark Drive, Milford, Kansas.

Chair Gustafson reminded the Commission that Commissioner Ryan would not be participating on this matter and opened the public hearing on the application of James and Donna Goff, owners, requesting a Conditional Use Permit to operate an auction business on property located at 2717 Meadowlark Drive, Milford, Geary County, Kansas, and asked for the staff report.

Ms. Lenhart stated the staff report completely outlines what Mr. Goff intends to do and some history of the area. The factors to be considered for a Conditional Use Permit are also addressed in the staff report. Based on evaluation of the criteria, staff recommends denial of the Conditional Use Permit. Ms. Lenhart stated several phone calls and letters were received in opposition to the proposed auction business and copies were made available for each Commissioner.

There being no questions of staff, Chair Gustafson opened the meeting for public comment.

Mr. Jim Goff, 2717 Meadowlark Drive, Milford, indicated he is scheduled to go to auctioneers school to get his auctioneer's license. He stated his intention is to conduct an auction maybe once a month at this location. Mr. Goff said the buildings used by the previous owner to raise birds have been removed. This is a one-acre lot mostly covered by plum and grape vines. Mr. Goff stated he felt this would be a good place to put up a 30 x 50 metal building for an occasional auction. He stated he intends to install bathroom facilities and a refreshment area inside the building. Mr. Goff concluded by stating he had no idea the neighborhood would be opposed.

There being no questions of Mr. Goff, Chair Gustafson opened the public hearing for public comments and asked if anyone wished to comment on this application.

Mr. Scott Woodward, 2708 Meadowlark Drive, stated he and his wife enjoy fishing, boating, sunsets and the close-knit community neighborhood that consists of families with children and retired couples that are like neighborhood grandparents in this neighborhood. The quality of life is great with minimal traffic, safe for children to play outside and no crime making this an ideal location for families.

Mr. Woodward handed out several pictures showing the area proposed for the auction building and how it could affect surrounding properties in regards to parking. The pictures included an existing auction business showing numerous vehicles. Mr. Woodward stated negative impacts could include noise, trash, strangers, portable toilets, inadequate road for increased traffic, parking in yards, only one entrance for ingress and egress and potential crime. He elaborated on his concern for children playing and pedestrians due to the roadway terrain. Mr. Woodward stated that any commercial business in the area could have a detrimental effect on the residential property values, especially since this area is not conducive to becoming a commercial area.

Mr. Woodward concluded by stating that Mr. Goff should have the right to have an auction business, but not in Country Meadows. Mr. Woodward asked the Commission to deny the request for a Conditional Use Permit for an auction business.

Mr. Don Sheffield, 2809 Mockingbird Road, stated he wishes Mr. Goff the best in his pursuit of becoming an auctioneer. Mr. Sheffield stated that even if restrictions were applied, enforcement could be an issue. This housing development is not a place for this type of business.

Mr. Mike Greenwalt, 2715 Mockingbird, stated his property is right next to Mr. Goff and this is where the customers would park. Mr. Greenwalt stated he believed the patrons have to bring in trailers to haul off purchases and his property is where they would likely park. The road is only one lane and in one place there is a big dip in the road. This is a safety hazard. The bird business did not generate any significant outside traffic, but he believed this would be a different situation.

Mr. Gordon Knize, 2800 Mockingbird, stated that he is paying specials for the road, which is falling apart now, and additional traffic will only make it worse. He stated it would not be fair to the neighborhood if they had to pay additional monies for road upkeep due to increased traffic.

Ms. Heather Ryan, 2807 Meadowlark Drive, stated she lives next door to Mr. Goff, who has been a wonderful neighbor. She stated her family moved there two years ago and have started a family. There is no traffic except for maybe three vehicles, herself, her husband and the mail carrier. Stated she is looking forward to their one-year-old daughter going outside to play without having to worry about traffic or strangers in the area. Everyone in Country Meadows helps each other and work together to have a nice and safe neighborhood. Ms. Ryan concluded by stating that the only time that she and her husband have together is during the weekends and they do not want to see the area full of cars and to worry about their daughter playing outside.

Mr. Tony VanBuren, 8006 Redbird Drive, stated he lives on the corner of Mockingbird Drive where all the traffic comes in and out. His home was the fifth one built in the area back in the 1984. The road areas were gravel and as the area become more and more populated, the neighborhood agreed to pay to have the roads paved. Over time, the streets need repair. The streets need to be sealed now and definitely do not need more traffic in the area. Mr. VanBuren stated he is opposed to allowing the auction business.

There being no further public comments, Chair Gustafson closed the public hearing, and asked for comments from the Commission.

Commissioner Mowry stated he agreed with Mr. Woodward's comment about a commercial business in the area. He stated that when a real estate agent is showing a home, they are required to disclose any businesses in the area. Commissioner Mowry stated he has sold homes in this area and the main reason clients choose this location is that it is a secluded residential area with minimal traffic concerns.

Chair Gustafson commented that the one-acre lot is probably inadequate for potential parking requirements and any overflow would have the customers parking on the road or in neighbors' yards.

Mr. Goff interceded and stated he is not proposing to have an auction every day of the week, maybe one day a month. Mr. Goff said that he did not think it would be that upsetting. He stated that in his opinion an additional 50 to 75 cars per month would not destroy the road. Mr. Goff said he understands everyone's concerns but feels that one auction a month will not disrupt the neighborhood. Mr. Goff indicated that if the Commission wished to put a stipulation on the Conditional Use Permit to conduct an auction only once a month that would be okay.

Mr. Goff further stated that, on the other hand, he has to live with them for the rest of his life. He said that he and his wife love the area and that is why he bought the property. Mr. Goff stated that when the owner put the adjoining property up for sale he also purchased it. He again reiterated that the proposed building would have bathrooms and a refreshment area. He stated that most of his business would be estate auctions and they are normally held at the homes. Mr. Goff concluded by stating that he plans to put a building up either way.

Chair Gustafson commented that Mr. Yearout makes a valid point on the fact that there is no control over how well the business will do and to what proportions it will grow. Chair Gustafson stated she did not think this is the right spot for Mr. Goff's proposed business.

Commissioner Mortensen stated the area is residential and it should stay that way. The proposed business would create more noise, traffic congestion and other undesirable effects as previously mentioned.

Commissioner Watson stated he agreed with all of the comments in opposition to an auction business at this location. If it grows and prospers, it opens the door for someone else in the area to consider turning their lot into some type of business. This is not the place to encourage commercial businesses.

There being no further comments, Chair Gustafson called for a motion.

Commissioner Watson moved that Case No. GCCU-01-01-13, the request of James and Donna Goff, owners, seeking a Conditional Use Permit to operate an auction business on property located at 2717 Meadowlark Drive, Milford, Geary County, Kansas, be recommended for denial by the Board of County Commissioner, based on the reasons stated in the staff report and as heard at this public hearing. Commissioner Mowry seconded the motion and it carried 6 to 0, with Commissioner Ryan abstaining.

Mr. Goff stated he wished to withdraw his application in light of the recommendation to deny the request. Mr. Goff stated he still intends to put up a building. Ms. Lenhart reminded Mr. Goff that the County Zoning Regulations limit the size of an accessory building to 900 square feet in the SR Suburban Residential District unless a Special Exception for a larger building is granted by the Board of Zoning Appeals. She advised Mr. Goff to visit with Mr. Yearout prior to applying for a building permit.

Item No. 3 – TA-01-01-13 – Public Hearing to consider a Text Amendment to the Junction City Zoning Regulations.

Chair Gustafson opened the public hearing on the application initiated by the Metropolitan Planning Commission to amend the Junction City Zoning Regulations relating to the keeping of animals, and asked for the staff report.

Ms. Lenhart stated due to Mr. Yearout's absence, the text amendment language is not complete and asked the Commission to table this item until the February meeting.

Commissioner Mortensen moved to table this item until the regular February, 2013, meeting date. Commissioner Ryan seconded the motion and it carried unanimously.

THERE ARE NO CASES FOR THE BOARD OF ZONING APPEALS

5. GENERAL DISCUSSION

Item No. 1 – Update on status of MPO ~ No report given due to the absence of Mr. Yearout.

Item No. 2 – Comprehensive Plan Update Status ~ No report given due to the absence of Mr. Yearout.

Item No. 3 – Added to Agenda ~ Resolution of Support

Ms. Lenhart stated a copy of a Resolution of Support for a Kansas Department of Transportation Enhancement Grant for the K-18 Bicycle and Pedestrian pathway Project within the City of Junction City was passed out prior to the meeting for the Commissioners review.

Greg McCaffery, Municipal Services Director for the City of Junction City, explained KDOT would be making improvements along US-77 and K-18 Highway over the next several years. City staff is recommending the City pursue this grant for a non-motorized pathway in conjunction with the reconstruction of the US-77/K-18 interchange. Mr. McCaffery stated the proposed pathway goes from the Junction City Middle School along Wildcat Lane to Spring Valley Road, north to K-18 and then east to Rucker Road. The project is broken into three phases with this grant being for phase one. Mr. McCaffery explained the Resolution simply acknowledges that the Metropolitan Planning Commission agrees with the proposed pathway and the final decision to submit the grant lies with the City Commission. Mr. McCaffery elaborated on the detailed aspects of the overall projects and responded to questions from the Commissioners.

Commissioner Mortensen moved to approve the Resolution of Support for a Kansas Department of Transportation Enhancement Grant for the K-18 Bicycle and Pedestrian pathway Project within the City of Junction City and authorize Chair Gustafson and Secretary Yearout to sign the document. Commissioner Ryan seconded the motion and it carried unanimously.

6. ADJOURNMENT

Commissioner Watson moved to adjourn. Commissioner Mortensen seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 8:21 p.m.

PASSED AND APPROVED this _____ day of February, 2013.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary

Not sent out~~info only

Typographical errors were noted on page 5 of the minutes after being prepared and dispersed.

Please *replace* the original page 5 with the attached page 5 with the corrections.

Errors noted at:

**Paragraph 1, line three:
'Mr. Scott' replaced with 'Mr. Woodward'**

**Paragraph 4, line two:
'Mr. Grrenwalt' replaced with 'Mr. Greenwalt'**

**Paragraph 4, line 4:
;. . . there a big. . .' replaced with '. . . there is a big . . .'**

Thank You