

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

**MINUTES**

**August 8, 2013  
7:00 p.m.**

Members  
(Present)

Members  
(Absent)

Staff  
(Present)

Maureen Gustafson  
Ken Mortensen  
Mike Watson  
John Moyer

Brandon Dibben  
Chuck Mowry

David Yearout  
Shari Lenhart

**1. CALL TO ORDER & ROLL CALL**

Chair Gustafson called the meeting to order at 7:00 p.m. A quorum was declared with all members present except for Commissioner Mowry and Commissioner Dibben.

**2. APPROVAL OF MINUTES**

Commissioner Mortensen moved to approve the minutes of the July 11, 2013, meeting as written. Commissioner Moyer seconded the motion and it carried unanimously.

**3. OLD BUSINESS**

**Item No. 1 – TA-01-01-13 – Continuation of Public Hearing to consider a Text Amendment to the Junction City Zoning Regulations.**

Chair Gustafson reopened 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. Chair Gustafson stated the staff report indicated the status on this case remains unchanged and asked staff if the recommendation is to continue the public hearing. Mr. Yearout replied it was.

Commissioner Moyer moved to continue case TA-01-01-13 until the September, 2013, meeting. Commissioner Watson seconded the motion and it carried unanimously.

**4. NEW BUSINESS**

**Item No. 1 – Public Hearing to consider a request to rezone certain property from “RM” to “CSR”.**

Chair Gustafson opened the public hearing on the application of Sergio Torres, owner, to rezone certain property in the 200 Block of East 2<sup>nd</sup> Street and certain property in the 200 Block of East 3<sup>rd</sup> Street, Junction City, Kansas, from "RM" Multiple Family Residential District to "CSR" Central Commercial Restricted District, and asked for the staff report.

Mr. Yearout stated that Mr. Torres owns and operates a car repair business on the southeast corner of Franklin Street and 3<sup>rd</sup> Street, which is zoned "CSR" Service Commercial Restricted. Mr. Torres also owns an additional three properties close to his business which are the subject of this application. Mr. Torres owns a single lot on the northeast corner of 2<sup>nd</sup> Street and Franklin which has a single-family home on it; a single lot on the south side of 3<sup>rd</sup> Street east of Franklin Street which has a single-family home on it; and owns two vacant lots on the north side of 2<sup>nd</sup> Street east of Franklin Street. Mr. Torres has used these properties for overflow parking of vehicles, which is not a permitted use in the Multiple Family Residential District. Mr. Torres has been repeatedly cited for violation of the Zoning Regulations and other provisions of the Municipal Code, including "blight" violations. Mr. Yearout indicated Mr. Torres wants to use the vacant lot for storage of vehicles that come through his business; thus, this request to rezone his properties. The two properties which have homes on them would apparently continue to be used as residences; but the history has shown these have been used for parking and storage of vehicles as well.

Mr. Yearout explained Mr. Torres indicated he wishes to use the vacant lots on 2<sup>nd</sup> Street for storage of vehicles from his business in the same manner being done by Auto Craft Collision Repair in the 200 Block of East Chestnut. Mr. Yearout stated the Commission approved Auto Craft's application to rezone and create a storage area for the repaired vehicles last year. Even though Mr. Torres' situation is similar, East Chestnut Street is more of a commercial corridor, which in the opinion of staff, creates a different circumstance. Mr. Yearout stated the Commission could consider recommending approval to rezone the two vacant lots; however, that location in the middle of the block would permit a multitude of commercial uses that might be undesirable for this location.

Mr. Yearout stated that in every zoning case, specific requirements must be met. He indicated the staff report addresses the issues and guidelines, along with staff comments. Mr. Yearout stated that staff is recommending denial of the rezoning; but is also recommending an amendment to the Junction City Zoning Regulations to consider this type of use as a Special Use Permit. An amendment could be drafted to provide for "off-site" parking/storage of motorized vehicles in conjunction with an automotive repair business. Mr. Yearout stated that staff would encourage the Commission to set a public hearing date to consider such an amendment, if the rezoning is recommended for denial.

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

Mr. Yearout stated, for the record, a letter was received from Larry Huffman, 240 East 2<sup>nd</sup> Street, in opposition to the rezoning. Mr. Huffman indicated he would be unable to attend the meeting. A copy of his letter has been provided to the Commissioners.

**Mr. Gary Olds, 3308 Frontier Circle**, Manhattan, Kansas, stated he owns the property at 223 East 2<sup>nd</sup> Street, which is a rental. Mr. Olds stated he was pleased the staff did not recommend the rezoning even for the two vacant lots. Mr. Olds indicated for the past couple of years there has been a problem with vehicles parked on the vacant lots and in the area and the Police Department has constantly been notified. There are cars sitting on the public street not tagged or registered. Mr. Olds stated it is understandable because of the amount of business Mr. Torres does that he does not have enough space. He stated he believed Mr. Torres has more vehicles than appropriate for the area.

Mr. Olds stated he did not know how many other property owners were present or objecting to the rezoning. He stated he wasn't sure of what a Special Use Permit might mean and whether such an action, if approved, would have some restrictions. He suggested a very high fence might be appropriate so neighbors don't have to see the vehicles being stored. He stated he felt that even though the neighborhood was occupied by many transient people, there are still children living in the area and the autos become an attractive nuisance and he was concerned for the safety of the children.

In response to questions from Mr. Olds on the procedure for this case, Mr. Yearout explained that the Commission has the ability to recommend approval, recommend denial, or recommend partial approval. Regardless, a final decision is to be made by the City Commission on this case. If this use becomes a Special Use Permit, specific conditions and requirements can be made in the Regulations. As for the paving of the parking area, current ordinances require the parking area be paved and only the City Commission has the authority to grant a waiver of the paving requirement.

**Wilfrido Torres, 430 West 3<sup>rd</sup>**, stated he was Sergio Torres' son and worked in the business. He stated his father pursued the rezoning in order to get the overflow vehicles off of the street; recognizing this would be good for the neighborhood. There are commercial uses in the area such as the bus barn, even though it is zoned multi-family. Franklin Street has a lot of traffic and most of the property owners are renters. Mr. Torres stated they are trying to comply with City regulations by "cleaning" up the streets and parking the overflow vehicles legally. He stated he felt the neighborhood problems were not just from their business, but others as well. He stated the intent is to provide for proper areas at this location for the business to continue. Mr. Torres said staff had noted this is one step to possible resolution of the continual zoning violation problem.

In response to questions from the Commission, Mr. Torres stated the reason for adding the lots with the homes is because he and his wife have contemplated renovating the property on the corner of Franklin and 2<sup>nd</sup> into a bakery someday. They are not sure

what they will do with the individual lot facing 3<sup>rd</sup> Street. The house may eventually have to be demolished; but the property is presently rented. There are no plans to turn the auto repair business into a salvage yard. They have tried to buy the lot between their business and the lot they own on 3<sup>rd</sup> Street, but the owner will not sell. It is presently a rental property.

There being no further appearances or questions, Chair Gustafson closed the public hearing.

Discussion ensued between the Commissioners and staff on the advisability of rezoning and possible amendment to the Zoning Regulations to address this type of use as a Special Use Permit.

Commissioner Moyer indicated he would be supportive of the Special Use Permit option because it deals only with the single use and not all the other uses allowed when a property is rezoned to a commercial classification.

Mr. Yearout explained the current Zoning Regulations provide guidelines when considering an application for a Special Use Permit and provide the flexibility for the Commission to recommend conditions be applied to any particular case, if necessary, to mitigate any conflicts. Mr. Yearout encouraged the Commission to consider an amendment to the Zoning Regulations if this case is recommended for denial. Mr. Yearout stated if that occurred, staff would recommend the City initiate a new case for Mr. Torres to consider his request as a Special Use Permit application.

Commissioner Watson stated the two vacant lots that Mr. Torres proposes to store/park vehicles is very similar to what was approved for Auto Craft. The proximity of the vacant lots to his business appears to be a viable solution to deal with the overflow vehicles. However, Commissioner Watson did state that he was not in favor of rezoning the lots with homes.

Commissioner Mortensen concurred that rezoning the homes would not be advisable. He also stated he was not in favor of "piece-meal" zoning. Commissioner Mortensen stated he did not have a problem with handling this situation as a Special Use Permit.

Chair Gustafson stated if a bakery is proposed at a later date, consideration could be given to rezoning that particular lot. Chair Gustafson indicated she did not have a problem with a Special Use Permit. She indicated that if the two vacant lots were properly screened it should not be distracting to the neighborhood and would be a positive move to get the cars off of the streets.

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

Commissioner Mortensen moved that Case No. Z-08-01-13, concerning the request of Sergio Torres, owner, to rezone certain property in the 200 Block of East 2<sup>nd</sup> Street and certain property in the 200 Block of East 3<sup>rd</sup> street, Junction City, Kansas, from "RM"

Multiple Family Residential District to “CSR” Central Commercial Restricted District, be recommended for denial, based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

Commissioner Moyer moved to call a public hearing for September, 2013, for a proposed text amendment to the City’s Zoning Regulations to authorize a Special Use Permit as the means to deal with the storage of vehicles for automotive repair businesses on other property from the business. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 2 – Z-08-02-13 – Public Hearing to consider a request to rezone property from “IL” to “CCS”.**

Mr. Yearout stated that the applicant, Vincent Spencer, officially withdrew the request to rezone the property at 303 East 7<sup>th</sup> Street, on July 31, 2013. The case is now closed.

**Item No. 3 – Z-08-03-13 – Public Hearing to consider a request to rezone certain property from “RM” to “CN”.**

Mr. Yearout stated that the applicant, Beth Mathis, officially withdrew the request to rezone property located on the southeast corner of Ash Street and St. Mary’s Street, on July 24, 2013. The case is now closed.

**Item No. 4 – GCCU-08-01-13 – Public Hearing to consider a request for a Conditional Use Permit for a rock quarry in Geary County.**

Chair Gustafson opened the public hearing on the application of Jim Didas, agent, on behalf of Scott Johnson, owner, seeking a Conditional Use Permit to reopen and operate a rock quarry on property located on the east side of Munson Road between Rucker Road and K-244 Highway, Junction City, Geary County, Kansas, and called for the staff report.

Mr. Yearout stated Mr. Didas owns Range and Civil Construction, LLC, and does contract construction work on Fort Riley which includes the use of rock. Mr. Didas has indicated his intention is to reopen this quarry primarily for that purpose. The documentation submitted and information received in the office has indicated the applicant also plans to provide other rock materials for commercial use throughout the area.

Mr. Yearout stated zoning approval was granted in May of 1965 for two years to quarry, crush, and remove rock from this location as “rip rap” for the Milford Lake project. Mr. Dave Walker has confirmed that information since it was his father’s company that had the original lease on this property for quarrying purposes at that time. Once the project for the lake was completed, no other quarrying at this site has occurred.

Mr. Yearout stated the applicant was advised of the information that needed to be submitted for review with the application for a Conditional Use permit. He was also provided a copy of the relevant sections of the Zoning Regulations. Those requirements are set out in detail in the staff report, along with staff's comments.

Mr. Yearout indicated the packet given the Commission does contain a lot of information concerning this request, including copies of documents received from some state officials as part of the review and approval process from those agencies. However, it is the opinion of staff that some details and other information are still lacking regarding various issues. Mr. Yearout raised the following issues as needing additional information in order to pass an informed recommendation forward to the Board of County Commissioners:

1. Staff believes geological reports based on actual core drilling at this location should be provided to determine the quantity and quality of rock that would be quarried. Staff believes this is necessary to confirm the resources will be available for commercial uses within the community; especially if proposed for use as road rock. There is no specific geological information on this site...just a generic report taken from some other source that discusses general rock formations within Geary County.
2. Kansas Statutes require that all quarries opened or operated new in Kansas must obtain a license or permit from the Conservation Division of the Kansas Department of Agricultural, which is the agency responsible to enforce the provisions of the Surface Mining Act. This will also require a reclamation plan to be filled with the State, along with bonds for the reclamation of the property. Staff checked with that agency this week and no inquiries or applications for this property have been submitted.
3. Staff has not talked with the responsible people at Fort Riley, but has been advised the Army is in the process of establishing specifications on the type of rock they will allow for projects on Post. Staff believes this information is important to assist in confirming the rock from this location will meet those requirements.
4. As noted in the Staff report, the County Public Works Department has confirmed the request from the Board of County Commissioners that an independent engineer provide a specific report on the impact of the additional truck traffic on the culvert on Munson Road immediately north of this property; as well as a traffic impact analysis of the additional truck traffic on Munson Road and all other County roads identified as "haul roads" for this proposed quarry. This information has not been provided.
5. The Geary County Zoning Regulations specifically require a proposal for the maintenance of the impacted County roads. No proposal has been provided.

6. Staff believes more information should be provided concerning the full plans on managing the blasting at this proposed quarry. The applicant has stated that no blasting will occur; however the County has been informed by the previous quarry operator that blasting was required to obtain the rock from the site. Staff believes it is appropriate to presume blasting will be required and that the applicant should address the plans for that action as part of the Conditional Use Permit review process.
7. Staff does not believe the site drawings presented are appropriately acknowledged as being prepared for this site. In particular, none of the site plan drawings are signed by a licensed engineer, the source of the contour information shown for this site is not identified, the "proposed" contour lines are not labeled to show what elevation is being proposed, the proposed ingress and egress locations have never been submitted for approval by the County Public Works office and it is not known whether these locations are even approvable, and the overall site plan is somewhat generic in nature.

In essence, staff believes that the documentation submitted does not provide enough information to act on this request at this time. Staff recommends this case be tabled until the September meeting to provide time for the applicant to provide the requested information.

Several Commissioners acknowledged the lack of overall knowledge of operations of a quarry and that more detailed information would be beneficial in formulating a recommendation on this application.

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

**Craig Paxton, 3525 N. Munson Road**, stated he bought his home 19 years ago and the back portion borders along the proposed rock quarry area. Since then several more homes have been built. Mr. Paxton stated his concerns include the noise generated by the quarrying operation, hills up and down on Munson Road, trucks entering and exiting Munson road, and destruction of a beautiful natural area. Mr. Paxton stated he has over \$25,000 invested in wells and is concerned that any blasting done on the quarry could affect the water quality for the area. Mr. Paxton stated there are other options available for rock and urged the Commission to keep that in mind. Mr. Paxton indicated he was opposed to reopening the quarry and thanked the Commission for their time.

**Bobby White, 3129 N. Munson Road**, stated he is a neighbor to Mr. Paxton and his property also borders the proposed quarry area. Mr. White indicated when this area was first approved for a quarry in the 1960's, all the blasting caused his well and others in the area to go bad with muddied water. Mr. White said an asthmatic child lives in the area and cannot handle the dust. Trucks from the quarry, carrying several tons of rock, will fly up and down the hills, raising dust and also contribute to traffic safety. There is a natural springs in the area that feeds the drinking water. Mr. White indicated this is a historic area and reopening the quarry will distract from the natural beauty. Mr. White

concluded by stating he is opposed to the operation of a quarry on this property because of the impact of the dust, concern for the wells, and traffic safety issues.

**Gary Kaehler, 3200 Rucker Road**, stated he also is concerned about what effect blasting could have on his well. He indicated the well is cased for the first 25 feet and if that falls down, there will be a problem. Mr. Kaehler said he is also concerned about noise and night operations. Mr. Kaehler indicated there are horses and cattle in the area. He stated there are dairy cows in the area and excessive noise could upset them. Mr. Kaehler stated when he purchased his property around 2000 there was no mention of a rock quarry in the area. Mr. Kaehler concluded by stating he is opposed to a rock quarry at this location.

**Phyllis Kotoyantz; 2716 Munson Road**, stated she lives across the road west from the quarry. She indicated there is an old stone house on her property that is supplied by a natural spring well. She said the property in question was owned by Louie Zumbrunn in 1964, who leased to Walker Stone Company for a quarry to supply rock for the Milford Lake project. The blasting caused the spring house and the well on her property to be muddied. Ms. Kotoyantz stated because of the dust and individuals with asthmatic problems, some property owners spend up to \$600 per year of their own money for dust control chemicals to be put on the roads. Ms. Kotoyantz concluded by stating she was very much against the quarry proposal as she believes there are other areas to get rock.

**Donna Houser, 3709 Hwy K-244**, commented about the condition of the roads and traffic issues. She stated the Munson Road and K-244 Highway intersection is dangerous. Ms. Houser said traffic backs up at the Rucker Road and Highway K-77 intersection and additional construction trucks will make it worse. Ms. Houser said with all the construction equipment the quarry would require, there is concern about oil leakage and when it rains it will leach down and contaminate the ground water. Ms. Houser asked the length of time proposed to quarry from this site if approved. Ms. Houser concluded by saying she is totally against reopening the quarry.

**Cindy Ahlers, 3029 Walla Walla Road**, stated when construction for Olivia Farms was being done, the blasting caused a problem with their well and the proposed rock quarry is a lot closer. Stated she has a concern for the stream becoming contaminated because of the quarry work. The fish could die and there are children in the area that play in the stream. Ms. Ahlers stated the sight distance for traffic is short due to Munson Road being very hilly, and questioned whether the culvert on Munson Road would be able to handle the heavy trucks. Walla Walla Road access to US-77 Highway will be eliminated when the construction projects on 77 Highway are concluded, which will contribute to traffic congestion to Munson Road and Rucker Road. Adding trucks from the rock quarry will make it worse. Ms. Ahlers stated this operation would create a lot of dust and she is against the proposed project.

**Scott Johnson, 702 Stone Ridge Drive**, stated he is the property owner and lived there since the mid '80's. Mr. Johnson said he put in most of the wells in the area and they are all cased to the bottom; not just 25 feet as Mr. Kaehler stated. Mr. Johnson

said he did not have a problem with cloudy well water during the blasting when Olivia Farms was developed. Mr. Johnson stated he understood the dust concern; however, that can be controlled. Mr. Johnson stated there is good rock available on this property for Mr. Didas to quarry. In addition, this location is closer to his projects at Fort Riley, which will reduce costs because of the shorter haul requirements. Additionally, Mr. Johnson stated his agreement prevents blasting and that he does not believe blasting will be required to obtain the rock. Mr. Johnson stated he wanted the quarry approved.

**Anthony Ricks, 2715 N. Munson Road**, stated he bought his property from Scott Johnson. Mr. Ricks said he chose this area for the peace and quiet and now Mr. Johnson wants to start up a quarry. Mr. Johnson used to live out here, but not any longer. Mr. Ricks stated he believed Mr. Johnson was only interested in this because of the financial gain he can obtain. Mr. Ricks stated he was opposed to the quarry proposal.

**Carlos Roman, 3524 Munson Road**, stated their house was built on the top of the hill in 1995. Mr. Roman indicated there is a lot of dust, and all he does is clean house because of the dust. Mr. Roman stated he also has concerns about his well going bad because of a quarry operation. Mr. Roman said he always gets caught at the intersection trying to leave Munson Road. Mr. Roman stated because of the dust, hills, children playing in the area and other issues, he is against the quarry.

**Linda DeWitt, 2628 Walla Walla Road**, stated they moved to this area in 1991 and have not had any problems. She indicated they live farther away but still have concerns about any quarry effects on their well. Ms. DeWitt stated they spend between \$600 and \$700 per year for chemicals on the road to control the dust problem. Ms. DeWitt stated the trucks will destroy that and cause more of a dust problem. She said if something happens to the water, the property owners will not be able to use their homes. Ms. DeWitt inquired about presenting a petition in opposition to the quarry.

Mr. Yearout explained State Statutes govern petitions presented by citizens. Mr. Yearout outlined the protest petition process for benefit of the audience.

**Leo Henry, 3215 Walla Walla Road**, stated in 1965 there were only about three houses in this area when the original quarry was operating. Today there are at least 10 new homes in the area. Mr. Henry said his wife has breathing problems and additional truck traffic would cause dust; exasperating her problem. Mr. Henry concluded that if Fort Riley needs gravel, they should use their own since there are quarry sites on Fort Riley. Mr. Henry stated he is opposed to the quarry.

**Jim Didas, 2823 Rucker Road**, stated he owns and operates Range and Civil Construction, Inc., which does contract construction work on Fort Riley. His plan is to operate the quarry so that he has his own rock for the work he does on post. He stated his belief was the location served his needs well because it was close to Fort Riley and is close to his home and his office, which is on K-244.

Mr. Didas stated this site was chosen because it was a pre-existing quarry and he believed that would make it easier to reestablish as a quarry. He stated there was considerable rock material already quarried that was left in the open when the former operator left the site, which will make the establishment of the rock crushing operation more feasible because material is already available.

Mr. Didas stated he understood the concerns of the residents of the area, but his operation would address all those concerns. His operation would address the dust onsite because that was required by the State. As for the other issues, those would be addressed once the approval was granted. He stated his operation would help the local economy by creating more jobs and hiring more people.

Several questions were directed from the Planning Commission members to Mr. Didas concerning the request.

Commissioner Watson inquired that, if approval is granted, how long his operation intended to quarry at this site and how much of the rock would require blasting? Commissioner Watson also asked how many trucks would be used for the hauling of the rock and the approximately round trip length; the type of equipment that would be used at this site such as crushers; which roads would be the primary haul routes; and what specifically was the intention to address maintenance on those roads caused by the increase in heavy truck traffic?

Mr. Didas stated he believed there was enough rock at this site to last for decades. He stated the rock can be ripped, but there might be some layers that have to be blasted. As for the truck traffic, he stated it was hard to say for sure. The traffic varies depending upon the size and scope of the projects on post. Presently, there would be two trucks with 6 to 8 round trips per day; however the projects are becoming smaller. The crusher would be a portable crusher doing about 200 tons per day. The dust abatement would be with chemicals on the roads, but there might be the option to pave with millings. There are options that can be explored once the quarry is operating.

Commissioner Moyer state he has bought from a quarry but doesn't understand its operations. He asked whether water is needed to create washed rock?

Mr. Didas stated there would not be any washed rock, so no water for that purpose would be needed. If water is needed for dust control, a well would have to be drilled.

Commissioner Moyer asked if the rules on Ft. Riley would allow the rock to be quarried on Post?

Mr. Didas stated he thought that might be possible, but it would only be feasible for larger projects that last a longer time.

Commissioner Mortensen asked about the loudness of the equipment, and whether it would operate around the clock?

Mr. Didas stated the operations would be from 8:00 in the morning to around 5:00 in the evening. The hours of operation would be scheduled to be neighborly.

Chair Gustafson stated she felt there were still issues that have not been addressed. She stated she did not want to get into a debate between the audience and the applicant because this is not the forum for that.

A member of the audience stated he worked at Fort Riley and the contact for contract issues is David Wild, whose office is at the 12<sup>th</sup> Street gate. Mr. Wild could provide information concerning the use of rock from quarry sites on the installation.

**Troy Peterson, 2914 Hwy K-244**, works for the applicant but don't live close to this area. Mr. Peterson stated he was the person that put the information together for this application. He stated he has worked in construction for many years and knows this will be a good location for getting rock.

Mr. Peterson stated they had been told by the owner that no blasting was to occur. He believed between the rock previously left at the site and the material that could be obtained by machine without blasting, there would be sufficient material for as long as they need it. He stated he believed the existing rock could be crushed in a couple of days and would provide rock for the construction projects for up to two years.

Mr. Peterson stated the intent behind this request is to provide local rock for a small company so it can be more competitive. Having to buy rock from existing operations makes it hard to compete for jobs. He stated this would allow for another source of rock material in the market for competition purposes.

**Scott Johnson** stated as the landowner he didn't want any blasting to occur. The existing rock left behind from the last operation decades ago, plus what can be stripped without blasting is sufficient. There is only about 6 acres of land to be quarried.

Commissioner Moyer asked if any core drilling at the site had been done?

Mr. Yearout stated no information had been provided to indicate core drilling had occurred. The Geological report cited generic information taken from previous studies of Geary County and there was nothing specific to this site.

**Mr. Peterson** stated the rock face was open from when it was quarried in the 1960's and before. The rock at the site does not change.

Chair Gustafson asked if approved whether restrictions on the permit could be stated, such as the size of the quarry, the length of time of the permit, restrictions on blasting, the hours of operation, and issues such as that?

Mr. Yearout stated all those issues can be addressed in the conditions placed on a Conditional Use Permit.

**Mr. Peterson** stated the quality and quantity of the rock at this location made it viable for operation as a quarry.

Mr. Yearout asked Mr. Peterson if he was a licensed engineer or geologist?

**Mr. Peterson** said he was not, but had many years experience in this field.

**Mr. Didas** asked if the staff was questioning the professionalism of the application? He stated his company had answered every question listed in the Regulations and by the State of Kansas.

Mr. Yearout stated his question was only to ask for the credentials of the person representing to be the one that submitted the information in the application. Since there were detailed site plans submitted without the signature of any licensed professional, staff was only wishing to clarify the issue.

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

Commissioner Watson stated this being the first time many people had heard the substance of this request, a lot of information was presented that makes it hard to digest everything. He felt the applicant should have met with the neighborhood prior to the public hearing to get the information out. But since that didn't happen, he felt more time and more information was needed before he would be ready to make a recommendation to the County Commission.

Commissioner Moyer stated he would like to continue until someone from the County Public Works could be here to answer questions concerning the impacts on the roads and the road budget. He stated he has serious concerns about the truck traffic and the impact on the roads.

Chair Gustafson stated she had driven the area and was also concerned with the heavy trucks traveling the roads that are not constructed for that constant usage. She also stated she lives in the country on a water well and was concerned with the impacts that might occur to the water wells, both from blasting and potentially another well in the area that is for commercial use. She stated she understands it was a quarry in the 1960's, but the area was mostly agricultural at that time and there have been a lot of new homes built since the quarry was abandoned.

Commissioner Mortensen stated he was concerned about the wells, the impact on the roads, and the general operation of the quarry if approved.

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

Commissioner Mortensen moved that Case No. GCCU-08-01-13, the request of Jim Didas, agent, on behalf of Scott Johnson, owner, seeking a Conditional Use Permit to reopen and operate a rock quarry on property located on the east side of Munson Road between Rucker Road and K-244 Highway, Junction City, Geary County, Kansas, be

continued to the September meeting to allow the applicant to submit additional requested information based on the information in the staff report and as presented at this public hearing. Commissioner Moyer seconded the motion and it carried unanimously.

## **BOARD OF ZONING APPEALS**

Chair Gustafson declared the Metropolitan Planning Commission recessed and the Board of Zoning Appeals convened.

### **5. OLD BUSINESS – None**

### **6. NEW BUSINESS**

#### **Item No. 1 – BZACU-08-01-13 – Public Hearing to consider a request for a Conditional Use Permit**

Chair Gustafson opened the public hearing on the application of Cynthia Groth, agent, on behalf of Gery Schoenrock, owner, seeking a Conditional Use Permit to operate a dealership to sell motorized scooters on property located at 509 North Washington, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the Groth's own and operate a dealership for motorized scooters. They wish to use the building formerly occupied by Hallmark located at the southeast corner of 6<sup>th</sup> and Washington. This property is zoned "CC" Central Commercial District, which does not allow vehicle sales by right, but may be authorized by issuance of a Conditional Use Permit. Mr. Yearout stated the staff report outlines in detail the Board's authorization, the standards to be considered and staff's comments. Mr. Yearout concluded by stating that staff is recommending approval of the Conditional Use Permit with no stipulations attached.

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

**Cynthia Groth, 1329 Fogarty Drive**, stated a few years ago they got into the moped business and now wish to join the business community. She explained the mopeds provide an alternate transportation for individuals to get to jobs or just to see different areas of the community. Ms. Groth elaborated on the business operation and how it will be an asset to Junction City. Ms. Groth concluded by stating the moped requires very little maintenance; however, any maintenance will be done off-site.

**Mr. Groth, 1329 Fogarty Drive**, presented a book of the different scooter types. He indicated that all safety equipment will be provided; (e.g., vests, helmets, etc.). The mopeds are easy to operate and, if necessary, instructions provided to clients. Mr. Groth stated delivery of the scooters is done in wooden crates that will be broken down and recycled. Delivery is scheduled for outside of normal business hours so as not to disrupt traffic.

In response to questions, Mr. Groth stated there would be no skateboards and very little, if any outside display area.

There being no further appearances or questions, Chair Gustafson closed the public hearing and called for a motion.

Commissioner Mortensen moved that Case No. BZACU-08-01-13, the request of Cynthia Groth, agent, on behalf of Gary Schoenrock, owner, seeking a Conditional Use Permit to operate a dealership to sell motorized scooters on property located at 509 North Washington, Junction City, Kansas, on property zoned "CC" Central Commercial District, be approved based on the findings outlined in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

**Item No 2. – BZAV-08-01-13 – Public Hearing to consider a Variance Request.**

Chair Gustafson opened the public hearing on the application of Steve Struebing, agent, on behalf of UMA Hospitality Ventures, LLC, owner, requesting a variance from the maximum building height and off-street parking requirements in the "CSR" Service Commercial Restricted District for property located at 1039 South Washington, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this application arose as part of a refinancing effort on the part of the property owner. As indicated in the staff report, in 2009 the building permit for the Hampton Inn was issued in error because the necessary procedures to identify these types of problems was not in place at that time. The internal procedures by City staff have been established to remedy this situation. The current Zoning Regulations set a height limit of 40 feet and the building height is actually 55.05 feet. Per the Zoning Regulations, the minimum number of off-street parking spaces should be 94 based on the size of the building; however there only are 77 spaces available on this property. Mr. Yearout stated the aerial map provided with the staff report shows additional parking is available in the general area. The open property to the northwest of the hotel owned by the applicant is being marketed as a "pad site" for another commercial use. The overall parking issue would be addressed at the time a building permit might be presented for development of that property.

As an aside, Mr. Yearout informed the Board there are other locations in Junction City where the buildings exceed the maximum height and that consideration is being given to amending the Zoning Regulations. He stated one reason to do an amendment on the height limitation is because the Fire Department is purchasing a new ladder truck with higher height ability.

Mr. Yearout concluded by stating the staff report outlines in detail the Board's authority to grant certain variances, including adjustments to the height limitation and parking requirements; and reviews the guidelines to be followed based on evidence presented in each case. Mr. Yearout stated that staff recommends the variance be granted.

Discussion ensued between the Board and staff relative to parking in the area, businesses in the area, and the procedures for reviewing building plans.

There being no further comments, Chair Gustafson opened the meeting for public comment.

Mr. Steve Struebing, representing the applicant, stated the height and parking requirements were missed by the architect, client and City when the building permit application was submitted, and as Mr. Yearout stated, the building permit was issued in error. If the requested variances are denied, Mr. Yearout has indicated that it would be necessary to apply for a PDD, which will involve a lot more money and a considerable time delay. Mr. Struebing indicated it is really important the variances be approved and asked the Board to so order.

In response to a question from the Board concerning the size of the hotel, Mr. Struebing indicated there are maybe 60 rooms, and there have been no parking problems to date.

There being no further questions of Mr. Struebing or appearances, Chair Gustafson closed the public hearing.

Additional discussion ensued between staff and the Board. It was noted that the hotel could maybe add some of the required additional parking spaces but they would take away from the small amount of green area. The consensus was that this happened through errors on both ends.

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

Commissioner Mortensen moved that Case No. BZAV-08-01-13, the request of Steve Struebing, agent, on behalf of UMA Hospitality Ventures, LLC, owner, requesting a variance from the maximum building height and minimum off-street parking requirements in the "CSR" Service Commercial Restricted District for property located at 1039 South Washington, Junction City, Kansas, be so ordered by the Board of Zoning Appeals, thereby allowing the maximum height of the building to be 55.05 feet or the height of the existing building, whichever is appropriate, and to vary the number of required off-street parking spaces from 94 minimum to 77 spaces or the number actually provided onsite, based upon the reasoning stated in the staff report and as heard at this public hearing. Commissioner Moyer seconded the motion and it carried unanimously.

## **METROPOLITAN PLANNING COMMISSION**

Chair Gustafson declared the Board of Zoning Appeals recessed and the Metropolitan Planning Commission reconvened.

## 7. GENERAL DISCUSSION

### **Item No. 1 – Metropolitan Planning Organization Report**

Mr. Yearout reported the Metropolitan Planning Organization has completed its full organization and the work continues to get all the formal documents necessary for compliance with the requirements of the State and federal transportation agencies adopted. The Technical Advisory Committee is working with staff to complete the selection process for the consultant that will develop the Transportation Demand Model, which will be helpful in the work of Junction City and Geary County on transportation issues in the future.

### **Item No. 2 – Comprehensive Plan Update Status**

Mr. Yearout stated the preparation continues for the Stakeholder's meeting on September 19. Invitations will be mailed soon to those identified at the previous meeting, as well as other community members that are identified in the preparation process. The intent is to schedule the meetings at the Opera House, with the Steering Committee meeting to be held that evening.

All other work continues forward in gathering data and collecting other information. Staff will be meeting with the consultant before the end of the month to finalize more of that work.

### **Item No. 3 – Presentation by Greg McCaffery, Municipal Service Director**

Mr. McCaffery gave a brief review of the memo provided for the Commission's consideration concerning upcoming changes to the Engineering Standards for Junction City. He explained the intent is to consolidate various City Code requirements into an Engineering Design Standards Handbook to help alleviate inconsistencies. Mr. McCaffery cited five different sections of the City Code that will require amendments as set out in his memo.

Mr. McCaffery asked the Commission to set a public hearing to consider the proposed amendments that will impact Title IV of the City Code, which is where the Zoning and Subdivision Regulations are found. He explained staff is finalizing the relevant language, but in essence the citations for improvements would be a reference to the Engineering Design Standards Handbook, rather than giving specific direction within the Regulations. Mr. McCaffery stated a copy of the proposed amendments would be given to each Planning Commissioner.

A brief discussion followed with the Commissioners preferring to have a copy of the proposed Land Use amendments prior to scheduling a public hearing. Mr. McCaffery indicated the proposed changes would be made available at the public hearing.

No further discussion, Chair Gustafson called for a motion.

Commissioner Moyer moved to schedule a public hearing for the September, 2013, meeting of the Metropolitan Planning Commission to consider amendments to the City's Zoning and Subdivision Regulations concerning the design standards for improvements within the City of Junction City. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 4 – Other**

Mr. Yearout stated that the City of Milford has asked to join the Metropolitan Planning Commission. The current interlocal agreement between the City of Junction City and Geary County is being amended to include the City of Milford. More information will be provided once that document is drafted.

**8. ADJOURNMENT**

Commissioner Mortensen moved to adjourn. Commissioner Watson seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 10:05 p.m.

**PASSED and APPROVED this \_\_\_\_\_ day of September, 2013.**

\_\_\_\_\_  
Maureen Gustafson, Chair

**ATTEST:**

\_\_\_\_\_  
David L. Yearout, Secretary