

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

MINUTES

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

Members
(Present)

Members
(Absent)

Staff
(Present)

Maureen Gustafson
Mike Watson
John Moyer
Brandon Dibben
Chuck Mowry

Ken Mortensen

David Yearout
Shari Lenhart

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 7:00 p.m. and declared a quorum with all members present except Commissioner Mortensen.

2. APPROVAL OF MINUTES

Commissioner Dibben moved to approve the minutes of the September, 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 noted the staff report indicates the need for another continuance and asked for staff comments.

Mr. Yearout reported the Junction City Commissioners discussed the proposed ordinance at the September 17, 2013, meeting and concluded further discussion was required. Mr. Yearout stated the proposed ordinance is on the agenda for the October 15th City Commission meeting. Mr. Yearout stated until adoption of the ordinance, staff recommends continuation of this case so the text amendments in the Zoning Regulations can be finalized based on the actual action by the City Commission.

Commissioner Mowry moved to continue case TA-01-01-13 until the November, 2013, meeting. Commissioner Dibben seconded the motion and it carried unanimously.

Item No. 2 – GCCU-08-01-13 – Continuation of Public Hearing to consider a request for a Conditional Use Permit for a rock quarry in Geary County.

Chair Gustafson stated the applicant, Mr. Didas, requested continuance from the September meeting, and had contacted her regarding a request for a continuance again until the November meeting.

Mr. Yearout confirmed staff received a formal request from Mr. Didas for another continuance to the November meeting. A copy of the e-mail from Mr. Didas and staff's response is provided in the agenda packets. Mr. Yearout reviewed the options available to the Commission and noted that Mr. Didas and Mr. Johnson were present to formally present their request for a continuance and answer any questions the Commission may have.

Chair Gustafson asked Mr. Didas to explain the necessity for a continuance.

Mr. Didas stated his firm is working on the engineering requirements and other items identified within the previous materials and had retained engineering assistance in completing those items. Mr. Didas indicated it was taking longer than anticipated to complete the necessary documents, but felt sure the reports would be completed by the end of October for review at the November meeting. He asked the case be continued until that time.

Discussion ensued between Mr. Didas and Commissioners concerning the necessity for so many continuances.

Commissioner Moyer asked why it was taking so long to address the issues that were discussed at the August meeting. Mr. Didas responded they did not get the full written request until about a month ago and it was taking more time to address those issues.

Commissioner Moyer indicated the issues were identified at the August hearing and the verbal acknowledgement of those issues was as valid as the written document. Commissioner Moyer questioned Mr. Didas on what the difference was between a verbal and "formal" request.

Mr. Didas said a lot of stuff was said at the August meeting and he wasn't sure what was right and what was not.

Commissioner Mowry asked, in light of the negative public opinion, whether Mr. Didas still wishes to pursue the Conditional Use Permit.

Mr. Didas stated a local engineer has been engaged to do some work and he wishes to continue with the process. Mr. Didas stated he has received all the necessary environmental permits from the State and would be completing the reports on the local issues soon.

Commissioner Mowry asked what assurance the Metropolitan Planning Commission has that another request for a continuance does not happen again.

Mr. Yearout stated it is at the discretion of the Metropolitan Planning Commission whether or not to grant a continuance. Mr. Yearout explained, if a continuance is granted to the November meeting, the Commission might stipulate it is their intention to act upon this case based on the information that has been submitted. If no new information is available, then the action will be based on what has been received to date.

Commissioner Watson commented, since he has been on the Commission, normally an applicant would only ask for one continuance. If all the necessary information is unavailable at the continued meeting, the applicant would withdraw their application and resubmit at a later

date. That would prevent the Metropolitan Planning Commission and other interested parties from having to go through so many delays.

Commissioner Dibben commented he concurred that multiple continuances were not advisable and also questioned Mr. Didas on the need for the continuance and whether or not they would be ready to proceed at the November meeting or if the applicant would ask for another continuance. Mr. Didas again reiterated his firm is in the process of putting together all the requested information and it would be available.

Commissioner Watson asked Mr. Didas if the reports would be completed and available for the November meeting. Mr. Didas responded they would.

Commissioner Watson indicated he would be willing to do one more continuance; however, he suggested the Commission would take action at the November meeting and make a recommendation based on the information available, unless the case is withdrawn. Commissioners expressed their agreement with this suggestion.

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

Commissioner Watson moved to continue Case No. GCCU-08-01-13 until the November 2013, meeting, with the understanding formal action will be taken at that time; unless the applicant has asked the case be withdrawn. Commissioner Mowry seconded the motion and it passed unanimously.

In response to a question from the audience, Mr. Yearout stated the next MPC meeting is scheduled for November 14, 2013, and anyone wishing to speak would be afforded the opportunity to do so since the public hearing would still be open.

Mr. Craig Paxton handed out information to the Commission prepared by the neighbors. Staff acknowledged this would be placed in the record.

4. NEW BUSINESS

Item No. 1 – GCCU-10-01-13 – Public Hearing to consider a Conditional Use Permit request to operate a used auto dealership in Geary County.

Chair Gustafson stated, due to a conflict of interest by being related to the applicant, she would reclude herself from this case. Since the Vice-Chair is absent, Chair Gustafson designated Commissioner Moyer to Chair the hearing on this case.

Commissioner Moyer opened the public hearing on the application of Steve Krajkoski, owner, seeking a Conditional Use Permit to operate a used auto dealership and repair business on property located at 6706 Old Highway 40, Junction City, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated that Mr. Krajkoski owns and operates Foxy's Body Shop in Junction City. Mr. Krajkoski has indicated he wishes to "downsize" and relocate the business to his home property. Mr. Yearout explained the applicant desires to maintain an auto dealers license with the State. In order for staff to approve the application, the property must have the correct zoning. This action will complete the necessary steps needed to make this transition to the new location possible.

Mr. Yearout stated the applicant intends to use the existing 40-foot by 60-foot building on the property for the business. The applicant has indicated all restoration activity, including parking of vehicles, will be inside the building. Mr. Yearout stated the Building Code Enforcement Office and the Geary County Health Department are working with Mr. Krajkoski to confirm all code requirements associated with the conversion of this building for automobile restoration are met.

Mr. Yearout stated staff has provided an aerial photo showing existing improvements on the property, which is being used as the Development Plan because no new construction is planned. Mr. Yearout indicated the Regulations also outline several factors and criteria the Commission may consider in making a recommendation to the County Commission. These are set out in detail in the staff report and include staff comments. Mr. Yearout stated staff is recommending approval of the Conditional Use Permit, subject to four conditions, as specified in the staff report. Mr. Yearout indicated the conditions listed are based on information that all activities would be inside the existing building. If the applicant plans on potential activity being outside the building, including the possibility of constructing a fence or other issues, the applicant needs to identify those issues at this time.

Mr. Yearout stated that Mr. Poland, property owner across Old 40 Highway to the south, came into the office inquiring about this case. After staff explained the extent of the proposal, Mr. Poland had no objections.

There being no questions of staff, Commissioner Moyer opened the hearing for public comment.

Steve Krajkoski, 6706 Old Highway 40, stated he might have some cars on the north side of the building, but a privacy fence would be installed and he would like to have that included in the request. Mr. Krajkoski explained the dealer's license allows him to purchase and sell vehicles, as well as acquire vehicles at the auctions. Mr. Krajkoski indicated he would be dealing only in classic and antique vehicle restoration and would not be conducting a "repair" business.

In response to a question about signage, Mr. Krajkoski stated his automobile dealer's license requires a sign. The sign will be small and placed on the building in conformance with the applicable sign code.

There being no other appearances, Commissioner Moyer closed the public hearing.

A brief discussion between Commissioners and staff ensued regarding the possibility of a future fence, the required sign, and adding the wording in the motion to address those issues. There being no further discussion, Commissioner Moyer called for a motion.

Commissioner Mowry moved that Case No. GCCU-10-01-13, the request of Steve Krajkoski, owner, seeking a Conditional Use Permit to operate a used auto dealership and repair business on property located at 6706 Old Highway 40, Junction City, Geary County, Kansas, be recommended for approval by the Board of County Commissioners of Geary County, Kansas; subject to the conditions recommended in the staff report and adding conditions for outside storage of vehicles with privacy fencing for screening and to permit the necessary signage, based on the information in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

Chair Gustafson resumed her position.

BOARD OF ZONING APPEALS ~ Recess as the Metropolitan Planning Commission and Convene as the Board of Zoning Appeals.

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

5. OLD BUSINESS

Item No. 1 – BZASE-09-01-13 – Continuation of Public Hearing to consider a Special Exception from the Geary County Zoning Regulations.

Mr. Yearout stated the applicants, Duwayne and Rebecca Durham, officially withdrew their application for a Special Exception to allow construction of an accessory structure prior to the primary structure at 2900 Lakeview Terrace, Milford, Kansas. Mr. Yearout indicated a copy of the e-mail was provided in the Commissioners packets. The case is now closed and no action is required, except to make this notation on the record.

6. NEW BUSINESS ~ None

METROPOLITAN PLANNING COMMISSION – Adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission.

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

7. GENERAL DISCUSSION

Item No. 1 – Metropolitan Planning Organization Report

Mr. Yearout reported the MPO is in the process of completing the contract with the consultant hired to prepare the Transportation Demand Model for the area. Staff will be providing a lot of data and information to the consultant for that work. The TDM will be beneficial in future transportation plans and will be included in the Comprehensive Plan update to the degree possible. As work continues on this issue, the MPC will be kept informed and a presentation from the MPO Transportation Planner may be scheduled in the near future.

Item No. 2 – Comprehensive Plan Update Status

Mr. Yearout stated the summary had been received from the comments obtained at the Stakeholders meetings. The consultant was very pleased with the results from those meetings and was particularly impressed with the value identified on the diversity within the community, which speaks well of the citizenry. The next major interaction with the consultant will be the “design workshops” scheduled in December. More information will be presented for discussion at the November meeting on those workshops.

8. ADJOURNMENT

Commissioner Moyer moved to adjourn. Commissioner Watson seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 7:37 p.m.

PASSED and APPROVED this _____ day of November, 2013.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary