

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

**MINUTES**

**December 12, 2013  
7:00 p.m.**

Members  
(Present)

Members  
(Absent)

Staff  
(Present)

Maureen Gustafson  
Mike Watson

David Yearout  
Shari Lenhart

John Moyer  
Brandon Dibben  
Chuck Mowry  
Ken Mortensen

**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.

**2. APPROVAL OF MINUTES**

Commissioner Watson moved to approve the minutes of the November 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 asked for staff comments.

Mr. Yearout reported the Junction City Commissioners did take final action on this matter; however, the end result does not affect the Zoning Regulations. Mr. Yearout briefly explained no change was made concerning the number of pets allowed by the original ordinance; therefore, there is nothing to modify in the Zoning Regulations. Mr. Yearout stated staff recommendation is for the MPC to withdraw the case.

Commissioner Mortensen moved to withdraw case TA-01-01-13; thereby, no further action required. Commissioner Dibben seconded the motion and it carried unanimously, thereby closing all further action on this case.

#### 4. NEW BUSINESS

##### **Item No. 1 – Z-12-01-13 – Public Hearing to consider a rezoning of certain property from County “SR” to City “RS”.**

Chair Gustafson opened the public hearing on the application of Kaw Valley Engineering, agent, for Scott Johnson, owner, to rezone from “SR” County Suburban Residential District to “RS” City Suburban Residential District the property located adjacent to Stone Ridge Manor Addition Unit No. 2, in Geary County, Kansas, in anticipation of the annexation and platting thereof, and asked for the staff report.

Mr. Yearout stated this property is included in the case for replat that is next on the agenda; however, procedurally the request for annexation and rezoning must first be resolved. Mr. Yearout explained the portion of land being annexed and rezoned would carry the same City zoning classification as presently established on the City portion of this property. Mr. Yearout indicated the annexation and rezoning is necessary Mr. Johnson to consider the proposed replat for this area.

Mr. Yearout stated staff recommends approval of the request to annex and rezone as it is in keeping with the surrounding area and as stated in the staff report.

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

**Scott Johnson, 702 Stone Ridge Drive,** stated he also owns the adjoining property, which is in the county; however, at this time he only wishes to annex and rezone the proposed portion needed to create two additional lots as shown on the proposed plat. Mr. Johnson explained rather than just one home if the replatting is not approved, the replatting would allow development of two homes, which benefits the City by adding to its tax base.

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

Commissioner Moyer stated this is a pretty straight forward matter and did not see any problems with the annexation and rezoning. Commissioner Moyer moved that Case No. Z-12-01-13, concerning the request of Kaw Valley Engineering, agent, for Scott Johnson, owner, to rezone from “SR” County Suburban Residential District to “RS” City Suburban Residential District the property located adjacent to Stone Ridge Manor Addition Unit No. 2, in Geary County, Kansas, be recommended for approval to the City Commission based on the reasoning stated in the staff report and as presented at this public hearing; and that the property be annexed into the City of Junction City, Kansas.

Commissioner Watson seconded the motion and it carried unanimously.

**Item No. 2 – FP-12-01-13 – Public Hearing to consider Final Plat.**

Chair Gustafson opened the public hearing on the application of Kaw Valley Engineering, agent, for Scot Johnson, owner, to consider the Final Plat for Stone Ridge Manor Addition Unit No. 2, a Replat of a portion of Lot 1, Block 1, Stone Ridge Manor Addition, and certain adjoining unplatted land in Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated Mr. Johnson is proposing to replat the existing lot along the west side of Stone Ridge Drive into two lots and extend the west property line all the way to US-77 Highway right-of-way. Access to the new lots will still be from Stone Ridge Drive, which was dedicated as a public street in 2012 on the replat of the original Stone Ridge Addition. Mr. Yearout noted the remaining portion of the original Lot 1 is technically landlocked and unbuildable, per se; however, the owner is aware of the situation and will either incorporate that land into another replatting in the future concerning other adjoining lands he owns, or attempt to sell the land to the owner of the property to the east of that tract.

Mr. Yearout stated two issues were identified at the plat review meeting held on December 9, 2013, which dealt with the fact this area is not served by public sewers, thereby requiring acknowledgement of the use of on-site wastewater treatment systems in compliance with the City Code, and issues concerning the water line serving the area. Mr. Yearout explained the City Code requires all new construction within the City Limits be connected to the public sewer system; however, an exception may be granted by the Governing Body. Mr. Yearout pointed out the distance from public sewers meets the requirements and guidelines of the City's new policy to grant an exception, which staff is recommending.

Mr. Yearout stated the water line issues deal with City Engineering staff requiring the extension of the public water line from the existing fire hydrant needs to meet the size requirements for a public water line, the standards require the line to be looped by extending the public line along Stone Ridge Drive to 8<sup>th</sup> Street and then back east to the existing main, and that an additional fire hydrant will be required to meet the new Engineering Design Standards and new City policy requirements. Mr. Yearout noted the Fire Department indicated the existing hydrant is adequate to provide fire protection for the two new lots and there will be no further homes constructed on this property given that public sewers are not available. Mr. Yearout indicated Mr. Johnson has requested an exception be granted from the Engineering Design Standards based on several factors as set out in the staff report. Mr. Yearout noted there are other properties within the City with the same conditions, and granting an exception would not create a precedent; however, these issues can only be resolved by the City Commission.

Mr. Yearout concluded by stating staff is recommending approval of the final plat based on the information in the staff report and as stated at this public hearing. This recommendation includes recommending the exception for the use of on-site wastewater treatment systems in accordance with City ordinances. Planning and Zoning staff is not taking a position on the issues regarding the water line extension.

Commissioner Dibben asked for clarification of the Engineering Design Standards requirements. Mr. Yearout stated, as he understood it, the public water line along Stone Ridge Drive must be enlarged from a 4' line to an 8" line, and the line must extend from the existing fire hydrant and make a "loop" north to 8<sup>th</sup> Street and back east along 8<sup>th</sup> Street to the existing main. It is the contention of Mr. Johnson and his agent this is an unnecessary request and that many other locations exist within the city where similar line sizes serve existing homes. Mr. Yearout stated staff is not taking a position on whether an exception should be made; however, the MPC may submit a position.

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

**Scott Johnson, 702 Stone Ridge Drive,** stated his uncle paid to have a 14" water main installed from the City to his property. Mr. Johnson stated the proposed development density for this area is minimal, the existing water service lines are sufficient for the proposed homes; the fire department has verified fire protection can be provided from the existing fire hydrant, and replacement of the existing water line is unnecessary and cost prohibitive. Mr. Johnson indicated if replacement and looping were required, he would most likely withdraw the replat and develop the one lot as currently established. Mr. Johnson stated he did not want any kind of special exception but did not believe his proposal warranted the requested changes to the water line.

Commissioner Mortensen questioned Mr. Johnson's uncertainty about whether he would or would not build the houses. Mr. Johnson stated if there were no demand at present, he would not build the houses; however, the situation could change by April. Mr. Johnson pointed out there are a lot of houses for sale and foreclosures happening in Junction City now.

Mr. Yearout clarified that Mr. Johnson is requesting the plat not be present to the City Commission until April, due to the housing market. Mr. Yearout explained there is nothing in the Kansas Statutes or the Subdivision Regulations that specifies a time limit; however, staff would recommend the case be revisited if no action has been taken within a year.

Discussion ensued between Commissioners, staff, and Mr. Johnson clarifying proposed development time and matters concerning the water line and sewer service issues. Following review and discussion, it was the consensus of the Commission the applicant had valid reasons not to be required to meet the recently adopted new Engineering Design Standards for the water line and the on-site wastewater treatment option was applicable.

**Leon Osbourn, 2319 N. Jackson**, stated the staff forgot to note that restricted access to 8<sup>th</sup> street would be shown on the final plat before it went to the City Commission for final action; therefore, Stone Ridge Drive will be the only access to the proposed two lots. Mr. Osbourn also agreed the new Engineering Design Standards for the water pipeline size and required looping is unnecessary for this particular plat situation.

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

Commissioner Mortensen moved that Case No. FP-12-01-13, the application of Kaw Valley Engineering, agent, for Scott Johnson, owner, to consider the Final Plat for Stone Ridge Manor Addition Unit No. 2, a replat of a portion of Lot 1, Block 1, Stone Ridge Manor Addition, and certain unplatted land in Geary County, Kansas, be approved and the Chair and Secretary be authorized to sign the plat; and the plat be forwarded to the City Commission of Junction City for final approval and acceptance. The MPC also recommends the granting of an exception to permit the use of on-site wastewater treatment systems for these two new lots. Commissioner Mowry seconded the motion and it carried unanimously.

In addition, and based on the evidence presented, the MPC feels the City Commission should give favorable consideration to permit an exception from the Engineering Design Standards on water pipeline size and looping requirements for the proposed development of this particular area and allow the lots to be created and homes built without extending, enlarging or looping the water line along Stone Ridge Drive.

**Item No. 3 – FP-12-02-13 – Consideration of Final Plat (City).**

Chair Gustafson stated this is the application of Kaw Valley Engineering, agent, for Hobby Lobby Stores, Inc., owner, to consider the final plat for Caroline Addition, a replat of Lot 1, Block 1, R.M. Johnson Addition Unit No. 2, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this property is located north of Coach's Restaurant on the west side of Caroline Avenue. The replat will create three lots, with the south lot (Lot 1) under contract for a medical facility. Mr. Yearout stated at the plat review meeting two issues were identified which need to be addressed within the action of this Commission. The first issue is the proposed name, "Caroline Addition", cannot be used because the City already has a plat with that name. The second issue is the request of Westar to create a 20-foot utility easement along the common interior lot lines on the final plat. Mr. Yearout stated the applicant was advised of these requests and indicated the revised plat drawing will incorporate the changes.

Mr. Yearout concluded staff is recommending approval of the plat; provided, a different name is chosen and the requested utility easements are shown on the final plat.

Commissioner Moyer stated the plat did not designate driveways and asked if they needed to be shown as being allowed only along Caroline Avenue. Mr. Yearout indicated access control already exists along US 77 Highway and it is not believed a driveway would work along McFarland Road because of the topography. A preliminary site plan for the development of Lot 1 indicates the driveway toward the north and anticipates no problem with driveway locations off of Caroline Avenue for the remaining two lots. Mr. Yearout explained that driveway locations are normally addressed when development plans are submitted.

There being no further questions of staff, Chair Gustafson asked for public comment.

**Leon Osbourn, 2319 N. Jackson**, stated he agreed with the staff report. Mr. Osbourn indicated he was present representing the survey company from Oklahoma. Mr. Osbourn stated another reason to replat this property is because of the storm sewer concerns at the intersection of Ash Street and Caroline Avenue. Mr. Osbourn briefly explained the situation and indicated how drainage structures for Lot 1 will be provided as part of the building permit approval process. He stated all current and future property owners are aware of this matter.

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

Commissioner Mowry moved that Case No. FP-12-02-13, the application of Kaw Valley Engineering, agent, for Hobby Lobby Stores, Inc., owner, to consider the final plat for Caroline Addition, a replat of Lot 1, Block 1, R.M. Johnson Addition Unit No. 2, Junction City, Kansas, be approved and the Chair and Secretary be authorized to sign the plat; and the plat be forwarded to the City Commission of Junction City for final approval and acceptance. The MPC recommendation is based on the requirement to give the plat a different name and that utility easements requested by Westar be shown. Commissioner Watson seconded the motion and it carried unanimously.

***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 convened as the Board of Zoning Appeals.

**5. OLD BUSINESS ~ None**

**6. NEW BUSINESS**

**Item No. 1 – BZASE-12-01-13 – Public hearing to consider a Special Exception from the Geary County Zoning Regulations.**

Chair Gustafson opened the public hearing on the application of James Goff, owner, requesting a Special Exception from the Geary County Zoning Regulations to allow

construction of an accessory structure in excess of the allowable 900 square feet, at 2717 Meadowlark Drive, Milford, Geary County, Kansas, and asked for the staff report.

Mr. Yearout noted the applicant was absent and stated staff had not received any notification Mr. Goff would be unable to attend this hearing. Mr. Yearout proceeded to give a brief overview of the case.

Mr. Yearout noted the Geary County Zoning Regulations authorize an accessory building to be permitted for properties in the "SR" Suburban Residential District up to 900 square feet in size. Larger buildings can be approved only if the Board of Zoning Appeals approves a Special Exception. Mr. Goff's contractor applied for a building permit the measurements indicated a 40-foot by 50-foot accessory building. Staff explained this was in excess of the 900 square feet allowed and a Special Exception was needed. A few days later, the contractor resubmitted the permit with the dimensions changed to a 25-foot by 36-foot building; consequently, the building permit was issued. Upon inspection, it was noted the concrete pad was poured for the 40-foot by 50-foot building; therefore, construction was stopped by the Building Official.

Mr. Yearout explained that Mr. Goff was unaware of the discrepancy; hence, this application for a Special Exception. In addition, staff was informed by Mr. Goff he purchased materials for the 40x50 building based on information from his contractor; and, has since been unable to locate the contractor.

Mr. Yearout stated the applicant applied for a Conditional Use Permit in January of 2013 to build a large building to run an auction business, which was vehemently opposed by the neighbors. Mr. Yearout stated at the time Mr. Goff applied for this Special Exception, he was advised to contact the neighbors and explain the proposed building is for storage of his personal vehicles. Mr. Yearout indicated a couple of calls were received from neighbors, but no complaints to the building being used for Mr. Goff's personal vehicles were received. Mr. Yearout explained this request is similar to the special exceptions granted for the Rockwood area; wherein, property owners also desired larger accessory buildings for storage of personal vehicles.

Mr. Yearout concluded by stating the specific guidelines in dealing with special exceptions are set out in detail in the staff report. Mr. Yearout stated, based on the information in the staff report, staff is recommending approval of the Special Exception subject to the size limitation as requested by the applicant.

Commissioner Mowry commented he was not in favor of taking final action on this case in the absence of Mr. Goff. Mr. Yearout reported that staff is not advocating for the case and it has been the Commission's unwritten policy to not move forward with an application if there is no one present to represent the applicant. Following brief comments between Board members, it was the consensus to table the case for one month to give the applicant an opportunity to appear, as has been done for other cases. Chair Gustafson called for a motion.

Commissioner Mowry moved that Case No. BZASE-12-01-13, be tabled to the January 2014 meeting, to allow the applicant an opportunity to appear and be heard. Commissioner Moyer seconded the motion and it carried unanimously.

***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.

## **5. GENERAL DISCUSSION**

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

Mr. Yearout stated work is proceeding on the Transportation Demand Model since the consultant has been selected for that work. Additionally, staff is working with the County GIS personnel in identifying information that will be used in that project, as well as other work with the MPO and Flints Hills Regional Council. Mr. Yearout noted a public hearing was held on Monday of this week for public to interact with the MPO staff concerning the Public Participation Plan, which is one of many documents that must be adopted as part of the establishment of the MPO. Stephanie Watts, the Transportation Planner for the MPO, will be asked to make a presentation to the MPC soon.

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

Mr. Yearout stated RDG Planning and Design staff had been at the City offices that last two days to work on this Comprehensive Plan update. Along with the meeting held with the MPC on Wednesday morning, a “public meeting” was held at 5:00 p.m. tonight for the purpose of reviewing some of the comments and findings of the consulting staff to date. That meeting was well attended and a lot of ideas and suggestions were reviewed and will ultimately be incorporated into the final plan presented in a few months. Mr. Yearout noted among the topics discussed at the public meeting were ideas on expansion of the “hike/bike path” system, redesign of several intersections, modifications of access to some properties to make them more acceptable for redevelopment, some discussion on the overall transportation system and possible expansions and modifications to that, and some general land use ideas for the community. More work will be completed and the MPC should start to see some “drafts” of the planning documents sometime in the first quarter of 2014.

### **Item No. 3 – Other Items**

In response to the question on the status of Milford joining the MPC, Mr. Yearout indicated he is working to finalize the agreement based on comments from the governing bodies and attorneys. It is hoped the agreement can be completed and approved very soon, but it does not appear that will be completed before January. There are clarification issues concerning inspection services to Milford that will be

resolved by the changes to the agreement, but it is anticipated an appointment to the MPC from Milford will occur as soon as the agreement is completed.

**8. ADJOURNMENT**

Commissioner Moyer moved to adjourn. Commissioner Watson seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 8:10 p.m.

**PASSED and APPROVED this \_\_\_\_\_ day of January, 2014.**

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

**ATTEST:**

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David L. Yearout, Secretary