

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

MINUTES

**March 13, 2014
7:00 p.m.**

Members
(Present)

Members
(Absent)

Staff
(Present)

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

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.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the February, 2014, meeting as written. Commissioner Watson seconded the motion and it carried unanimously.

4. NEW BUSINESS

Item No. 1 – SUP-03-01-14 – Public Hearing to consider a request for a Special Use Permit to allow ammunition manufacturing.

Chair Gustafson opened the public hearing on the application of Todd Godfrey, owner, requesting a Special Use Permit to allow ammunition manufacturing on property zoned “CC” Central Commercial District at 920 North Washington Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated Mr. Godfrey has acquired equipment from an existing business in the region and proposes to reload ammunition for the existing business known as Godfrey’s Indoor Shooting and Archery Range at 920 North Washington. As indicated in the staff report, ATF regulations consider this “ammunition manufacturing”, which, as a standalone business requires industrial zoning. Mr. Yearout stated, in staff’s opinion, this location is not suitable for industrial zoning; hence, Mr. Godfrey’s request for a Special Use Permit, as authorized by the amendments to the City’s zoning regulations.

Mr. Yearout stated the Building and Codes Department and Fire Department were contacted regarding this application. Both departments indicated the location within the building to be used for the reloading activities meets all code requirements and no further modifications to the building are necessary. Mr. Yearout stated, in visiting with Mr. Godfrey, the operation will remain very small; however, should it out-grow this location, Mr. Godfrey has indicated an appropriate industrial site will be found and the ammunition manufacturing business will be relocated.

Mr. Yearout stated staff is recommending approval of the Special Use Permit for ammunition manufacturing at 920 North Washington for the reasons stated in the staff report, subject to the conditions listed in the staff report.

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

Todd Godfrey, 920 North Washington, stated he recently purchased three ammunition manufacturing machines from Sand Creek Ammunition, LLC; previously, located in a 12-foot by 15-foot building in Wells, Kansas. Mr. Godfrey indicated the gentleman in the audience, Mr. Maurey Rose, is the primary employee for the ammunition manufacturing business. Mr. Godfrey stated Mr. Yearout's report basically covered the operation of the business and the ATF requirements. The reloading machines are located in a separate room in the building specifically retrofitted to meet ATF and City guidelines for the storage and handling of ammunition. Mr. Godfrey confirmed this is a small reload operation and, in the event there is a need to expand, an appropriate location for ammunition manufacturing will be sought.

Discussion ensued between Commissioners, staff, and Mr. Godfrey on how the ammunition is stored, how much is kept on hand, occasional testing of the reloaded shells, segregation of this operation from the shooting range business, the distinction between product sold "in-house" and very limited retail sales to general public, approval of the Fire Chief and Building Code Inspector, excess supply of empty shells, and general ATF issues.

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

Commissioner Mortensen asked if one of the conditions is to limit the business to three reload machines, how compliance is monitored. Mr. Yearout indicated the Fire Department inspects on an annual basis and this would be added to their check list for this particular business.

Commissioner Moyer stated, regardless of inspection requirements, as a volunteer fire fighter knowledge of the business existence would be better than not knowing.

Additional discussion ensued on issues of insurance and fire retardant requirements. Mr. Godfrey stated the area is an existing concrete room, double sheetrock and fire rated doors have been installed; and as previously mentioned, meets all fire and building code requirements.

In response to a question, Mr. Godfrey stated he has been buying ammunition from Mr. Rose for the last 3-4 years and has not had any trouble with the product supplied. In response to questions, Mr. Rose explained the reloading process, the powder dispenser is automatic, and test firings are done for every 1,000 rounds produced.

Commissioner Mortensen moved that Case No. SUP-03-01-14, the request of Todd Godfrey, owner, requesting a Special Use Permit to manufacture ammunition on property zoned "CC" Central Commercial District at 920 North Washington Street, Junction City, Kansas, be recommended for approval to the City Commission of the City of Junction City based on the reasoning provided in the staff report and as discussed at this hearing, subject to the three conditions outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 2 – Z-03-01-14 – Public Hearing to consider a rezoning of certain property from "CG" General Commercial District and "MH" Mobile Home Park District to "RM" Multiple Family Residential District.

Chair Gustafson opened the public hearing on the application of Kaw Valley Engineering, agent, on behalf of Kansas CVS Pharmacy, LLC, and Crown Investment Company, owners, and MW Development Enterprises, LLC, contract buyer, to rezone from "CG" General Commercial District and "MH" Mobile Home District to "RM" Multiple Family Residential District for property located in the 100 Block of East Spruce Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout briefly reviewed the history of the area and stated just a portion of the Chestington No. 2 Addition north of Spruce Street is proposed for rezoning to allow residential development. The one area on the south side of Spruce Street is still carrying the mobile home designation left over from the time that was a mobile home park. The lots west of this area are already zoned "RM" and the proposed rezoning from "MH" to "RM" will combine the properties into the single zoning classification.

Mr. Yearout stated the proposed area in the Chestington Addition to be rezoned borders Franklin Street south of where Walnut Street used to be, and Spruce Street to the alley on the south side of Spruce. Staff is of the opinion that future commercial development will most likely be confined to the property fronting on South Washington Street and East Chestnut Street. Therefore, staff is of the opinion that the requested zone change for the proposed apartment development would not be detrimental to future commercial development for the remainder of the Chestington No. 2 Addition.

Mr. Yearout stated this case is contingent upon the contract buyer securing tax credits to develop senior housing apartments. The contract buyer has indicated they hope to have an answer back from the State on their application for housing tax credits to develop a senior apartment complex sometime in May. Mr. Yearout indicated informational documents on the proposed development project were included with the staff report for the Commission's information along with a very preliminary site plan.

Mr. Yearout stated staff is recommending approval of the applicant's request to rezone these properties as requested for the reasons stated in the staff report.

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

Leon Osbourn, presenting on behalf of the applicants and contract buyer, stated he had no additional information to add to Mr. Yearout's presentation, but was available to answer any questions the Commission might have.

Brief discussion ensued among the Commissioners on whether the proposed residential development would be appropriate or if the property on the north side of Spruce should remain for commercial development. The question was posed as to what would happen if the area were rezoned to residential and the proposed project fall through.

Mr. Yearout explained if the development project fails, this rezoning application will be "withdrawn" and the current zone classifications will stay in place. At this time that is the stated desire of all the applicants.

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

Commissioner Mortensen moved that Case No. Z-03-01-14, concerning the request of Kaw Valley Engineering, agent, on behalf of Kansas CVS Pharmacy, LLC; and Crown Investment Company, owners; and MW Development Enterprises, LLC, contract buyer, to rezone certain property generally located in the 100 Block of East Spruce Street on both the north and south side, Junction City, Kansas, from "CG" General Commercial District and "MH" Mobile Home Park District to "RM" Multiple Family Residential District, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing, contingent upon the developer securing the housing tax credits for the proposed senior apartment development project. Commissioner Dibben seconded the motion and it carried unanimously.

Item No. 3 – FP-03-01-14 – Consideration of Final Plat.

Chair Gustafson stated this is the application of Kaw Valley Engineering, agent, on behalf of Kansas CVS Pharmacy, LLC, and Crown Investment Company,

owners, and MW Development Enterprises, LLC, contract buyer, to consider the Final Plat for the Chestington Addition No. 3, a replat of Lot 1, Block 1, Chestington Addition No. 2, for property located East of South Washington Street between East Chestnut Street and East Spruce Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this plat proposal is presented in conjunction with the previous rezoning case and is also contingent on the contract buyer being approved under the Housing Tax Credit program for the proposed development. The plat is only for the property on the north side of Spruce Street and does not affect the property on the south side of Spruce Street included in the rezoning.

Mr. Yearout briefly reviewed the items in the staff report, including comments from the various utility companies and city staff. The main issues identified were the need to replace the water line along Franklin Street to meet City standards; the need to design around the sanitary sewer main that runs from Washington to Franklin in the vacated alley now designated as a utility easement; and that any modifications to the gas line that may be needed will be addressed as the development moves forward.

Mr. Yearout stated staff is recommending approval of the Final Plat of Chestington Addition No. 3, subject to finalization of a development agreement covering public utility modifications. In addition, the applicant has requested the plat not be presented for final City Commission action until the contract buyer is approved for the housing tax credit program through the State.

Mr. Leon Osbourn, representing the applicants, indicated he had no additional information to present; however, would be glad to answer any questions.

Questions were raised about a parking lot being built over the easements and why the different building setback requirements along Chestnut, Franklin and Washington.

Mr. Yearout stated parking areas throughout the city are constructed over easements and, if utility repairs become necessary, the lot is torn up and then replaced.

Mr. Osbourn indicated the building setback requirements shown on the plat may vary due to the distance from a street centerline, easements, or in the case of CVS Pharmacy, they requested a more restrictive building setback line.

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

Commissioner Moyer moved that Case No. FP-03-01-14, the application of Kaw Valley Engineering, agent, on behalf of Kansas CVS Pharmacy, LLC, owner, and MW Development Enterprises, LLC, contract buyer, the final plat of Chestington Addition No. 3, a Replat of Lot 1, Block 1 of Chestington Addition No. 2 to the City of Junction City, Kansas, be approved and the Chairman 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, subject to the finalization of a Development Agreement covering any public utility modifications. Commissioner Watson seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – Comprehensive Plan Update

Mr. Yearout stated that since last month's meeting with the consultant, he met with Chuck Otte on ag policy questions. Mr. Otte expressed a willingness to review the draft prepared by staff. Mr. Yearout stated he was excited about the possibility of including detailed policy issues within the Plan for the agricultural activity within the County.

Mr. Yearout indicated additional data has been submitted to RDG relating to the social economic data being used. Manhattan is in the process of updating their comprehensive plan, and a transportation demand model is being coordinated through the Flint Hills Regional Council.

Chair Gustafson asked about the article in the paper that mentioned hiring outside firms to identify developmental sites when it is already being done with the comprehensive plan.

Mr. Yearout explained that particular type of study is more detailed than the Future Land Use designations that would come from the Comprehensive Plan. The intent is to provide a more detailed analysis of the potential business development sites and determine the viability of those properties for industrial development.

Mr. Yearout stated the Flint Hills Economic Development District is also being formed and intends to map sites for potential commercial/industrial development. There are very few areas in Manhattan, Riley County, or Pottawatomie County that meet the criteria for commercial and/or industrial development. Some of the best sites have preliminarily been identified as being in Geary County, and more particularly adjacent to Junction City. This issue is what would be the focus of the type of studies being considered by the Economic Development Commission.

Chair Gustafson suggested web sites are a good media; however, current promotional information requires timely update. Mr. Yearout agreed that is part of the problem in attracting commercial/industrial development to the Junction City/Geary County area.

Mr. Yearout concluded by stating RDG will be at the April meeting to cover changes made based on input from the last meeting. This will be an important discussion as we move to finalize the Plan update in preparation of public hearings later in the year.

Item No. 2 – Metropolitan Planning Organization

Mr. Yearout reported the Technical Advisory Committee continues to work with the consultant on the Transportation Development Model (TDM). That work is in the very early stages of preparation and more information will be shared with the MPC once information is available. It is anticipated a presentation will be made on the TDM later in the year.

Item No. 3 – Other Items

Mr. Yearout stated the Interlocal Agreement between Junction City, Milford and Geary County is virtually complete. As a result, there will be a new member on the MPC at the next meeting. The City of Milford is to act on the ordinance/resolution to re-establish the Metropolitan Planning Commission tonight and that will include making the appointment of the Milford member to the MPC. The ordinance/resolution will be considered by the County Commission on Monday of next week, and the Junction City City Commission on Tuesday of next week. Mr. Yearout stated Chair Gustafson and Commissioner Mortensen have agreed to serve for another three-year term and will be officially reappointed with the actions under consideration next week.

Mr. Yearout stated the number of appointees will remain at seven; three from Junction City, three from Geary County, and one from Milford. Mr. Yearout explained Commissioner Mowry would be moved to the position vacated by City Commissioner Mike Ryan, and the terminology “at-large appointment” deleted from the membership and replaced by the representative for Milford.

6. ADJOURNMENT

Commissioner Moyer moved to adjourn. Commissioner Watson seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 7:56 p.m.

PASSED and APPROVED this _____ day of April, 2014.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary