

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

MINUTES

May 8, 2014

**Members
(Present)**

Maureen Gustafson
John Moyer
Brandon Dibben
Ken Mortensen
Mike Watson
Gayle Edmiston

**Members
(Absent)**

Chuck Mowry

**Staff
(Present)**

David Yearout
Shari Lenhart

Work Session - Comprehensive Plan Update

Chair Gustafson called the Metropolitan Planning Commission work session to order in the basement conference room of the Municipal Building, 700 North Jefferson, Junction City, Kansas, at 5:30 p.m. The only item for the work session was the presentation and discussion on updates to the Comprehensive Plan, presented by Amy Haase with RDG Planning & Design, consultants. Other individuals present included: Cheryl Beatty, Interm City Manager; Gary Stith and Jeff Adams, Flint Hills Regional Council; Stephanie Watts, Flint Hills Transportation Planner; Craig Phillips, Fort Riley; and Tom Weigand, Chamber of Commerce.

Ms. Haase briefly reviewed the changes made to the draft documents based on input and discussion at the April meeting. Ms. Haase reviewed a slide presentation summarizing those changes, as well as covering the next portion of the proposed 2014 Comprehensive Plan which includes Development Principles, and County and City Land Use Plan Updates. Copies of the material to be reviewed were provided to those present.

General discussion addressed issues relative to floodplain and greenways, both within the City of Junction City and the changes being made to floodplain data in the rural areas; agricultural policies, especially concerning more than just traditional agricultural issues such as agri-tourism and attempting to define the bright line when those uses convert to a commercial operation; reaffirming the ban on wind farm development because of the negative impacts on Fort Riley; reinforcing the noise zone impacts surrounding Fort Riley; and general development policies for both the rural areas and the urban fringe areas.

The MPC members asked when a draft document would be available to begin to read. They were informed the intent is to have a document available in June so there is time to prepare for the July public forums that will be scheduled soon.

Chair Gustafson concluded the review and discussion of the Comprehensive Plan at 6:50 p.m. The Commission reconvened in the City Commission chambers for the regular meeting.

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 with the exception of Commissioner Mowry.

2. APPROVAL OF MINUTES

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

3. NEW BUSINESS

Item No. 1 – Z-04-01-14 – Public Hearing to consider a request to rezone property from “RM” to “CSP”.

Chair Gustafson opened the public hearing on the application of Central National Bank, owners, to rezone the property located at 535 West 7th Street, Junction City, Kansas, from “RM” Multiple Family Residential District to “CSP” Special Commercial District, and called for the staff report.

Mr. Yearout reported this case concerned the rezoning of the vacant lot at the southeast corner of 7th Street and Webster Street. The lot was included in the downzoning done in 2012, when the property was rezoned from “CSP” Special Commercial to “RM” Multiple Family Residential. All property owners were notified at that time that if the desire was to retain the “CSP” zoning, it would not be changed. Nothing was received concerning this property at that time. Now the owner, Central National Bank, intends to sell the land to Dillon’s for expansion of parking spaces for the grocery store. According to preliminary reports from Dillon’s, the intent is for this lot to be for employees, even though that can hardly be guaranteed. In order for the property to be converted to a parking lot it must be rezoned to a commercial district.

Mr. Yearout stated the rezoning would permit the proposed use. Additionally, in accordance with the requirements of the Zoning Regulations, a privacy fence or other appropriate screening would be required along the east property line which abuts property residentially zoned.

Mr. Yearout stated staff is recommending the rezoning be granted as outlined within the staff report.

There being no questions from the Commissioners, the Chair opened the public hearing for comments from the audience.

Don Boyer, Sr., who owns the property immediately to the east, stated he was concerned about the screening issue and did want a privacy fence installed. He was also concerned on the final grading planned for the parking lot. He stated the lot naturally drains toward his property and if it was paved over the drainage could cause serious damage.

Mr. Yearout stated the grading plans would be submitted with the parking lot plans and would be addressed at that time. It is not a direct issue connected to the zoning, but it is important to put the issue on record. Mr. Yearout stated the rules, regulations and ordinances of the City would require appropriate drainage controls in the parking lot to prevent the type of problems outlined by Mr. Boyer. Once those plans are submitted to the City, they are public record and can be reviewed if desired by Mr. Boyer.

Jacob Coday, representative from Dillon's, was present to respond to any questions. He advised all the requirements of the City for the parking lot and crossing of the street will be met.

There being no further comments or questions, the Chair closed the public hearing and opened the case for action by the Commission.

Commissioner Mortensen move to recommend Case No. Z-04-01-14, concerning the request of Central National Bank, owners, to rezone certain property generally located at 535 West 7th Street, Junction City, Kansas, from "RM" Multiple Family Residential District to "CSP" Special Commercial District, be recommended for approval by the City Commission based on the reason stated in the staff report and as presented at this public hearing. Commissioner Watson seconded the motion and it carried unanimously.

Item No. 2 – GCCU-05-01-14 – Public Hearing requesting a Conditional Use Permit to install District Regulator Stations in Geary County.

Chair Gustafson opened the public hearing on the application of Black Hills Energy, owner, requesting a Conditional Use Permit to construct two gas District Regulator Stations on property zoned "AG" Agricultural District on the east side of US-77 Highway near the intersections of Cedar Road and Mockingbird Road, Geary County, Milford, Kansas, and asked for the staff report.

Mr. Yearout reviewed the staff report for this case and noted the regulator stations were relatively small operations. A copy of a photo of a typical station was included in the packet for the Commissioners. Mr. Yearout noted the installations would be within the existing easement for the gas company and not require additional lands or easements. Mr. Yearout stated staff is recommending approval of these requests and also noted the intentions of the company to expand natural gas service into the adjacent residential developments in the future.

There being no questions from the Commissioners, the Chair opened the public hearing for comments from the audience.

Mr. Kelly Krause of Black Hills Energy of Wichita was present to provide a short overview of the project. He explained his company was the new gas provider for the City of Milford and this is part of the planned enhancements of the distribution system in this area. The company's maintenance operator that lives in Wakefield will be responsible for these facilities and would be available to address any issues that might arise. The company's experience has been there are very few problems that develop at these locations.

Mr. Harlan Bitterlan, 816 Walker, a property owner in the area, indicated he was concerned with the protective enclosure around the facility and whether it would go into his field and create any hazard for farm equipment. Mr. Krause indicated the facility would not encroach into his field.

Mr. Yearout stated a number of inquiries had been received in the office on this case, but the discussions with those people resolved all the questions. Most dealt with information concerning the expansion of the gas distribution system and how that would work. Mr. Yearout noted all people were encouraged to contact the gas company. There being no further comments or questions, the Chair closed the public hearing and opened the case for action by the Commission.

Commissioner Watson inquired about whether the proposed pipe enclosure would provide adequate protection for the facility since it was remote and open to the public; especially being located right along the highway. He stated he would prefer to see a chain-link fence enclosure to provide protection security.

Mr. Krause indicated that had been done at other locations and could happen here as well.

There being no further questions or comments, Commissioner Mortensen moved that Case No. GCCU-05-01-14, the request of Black Hills Energy, owner and lessee, requesting a Conditional Use Permit to construct two District Regulator Stations on property zoned "AG" Agricultural District on the east side of US-77 Highway, one at the intersection of Cedar Road and US-77 Highway and the other at the intersection of Mockingbird Road and US-77 Highway, Geary County, Kansas, be recommended for approval by the Board of County Commissioners of Geary County, Kansas, based on the information in the staff report and as presented at this public hearing. The motion died for lack of a second.

Commissioner Watson moved that Case No. GCCU-05-01-14, the request of Black Hills Energy, owner and lessee, requesting a Conditional Use Permit to construct two District Regulator Stations on property zoned "AG" Agricultural District on the east side of US-77 Highway, one at the intersection of Cedar Road and US-77 Highway and the other at the intersection of Mockingbird Road and US-77 Highway, Geary County, Kansas, be recommended for approval by the Board of County Commissioners of Geary County, Kansas, with the condition that a chain link fence be installed around each of the District Regulator Stations. The motion was based on the information in the staff report and as presented at this public hearing. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 3 – FP-05-01-14 – Public Hearing to consider approval of a Final Plat located in Geary County, Kansas.

Chair Gustafson opened the public hearing on the application of Kaw Valley Engineering, agent, for Rodney Glessner, trustee, on behalf of the Harold W. Glessner Trust, owners, seeking approval of the Final Plat for the Muriel and Bummie Glessner Subdivision, located at the southeast corner of I-70 Highway and Highway 57, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated this plat will create a total of 8 lots. The configuration of the lots conforms to the general pattern of how lots were created over the years by the Glessner's as land was acquired and new parcels created for family members and other business ventures. However, with the passing of Mr. Glessner, the family desires to bring all the lots into conformance with the rules and regulations, as best can be done, in order to settle the estate and to sell Mr. Glessner's home.

Mr. Yearout indicated all the lots conform in spirit with the rules and regulations because they all have frontage on public roads. However, some of the lots front on K-57 Highway and between the topography and the access controls by KDOT, creating drive entrances are highly unlikely. The plat proposes a "travel easement" across some of the lots to provide access from existing drives, which can be approved by a "rule exception" by the County Commission under the County Subdivision Regulations. There is an existing drive entrance off of Highway 57 to an old "pit quarry" (Lot 6); however, it is currently unknown whether KDOT will approve this entrance for residential purposes. Mr. Yearout pointed out the intent is to provide a means of internal access between the lots in order to minimize conflict with the policies of KDOT.

Mr. Yearout stated that at the plat review meeting, discussion was held with all utility providers and no issues were identified. The Glessner family is working with Lisa Davies, County Sanitarian, on water and wastewater issues and everything has been brought into compliance. There were no other issues identified.

Mr. Yearout concluded that staff believes granting the rule exception and providing access with "travel easements" for these lots is acceptable for this proposal, falls within the spirit and intent of the regulations, and recommends approval of the plat as submitted.

Commissioner Moyer asked if the only access for Lot 6 is from where the old rock quarry entrance was. Mr. Yearout indicated "yes"; and, in talking with KDOT it does not have a residential classification. Discussion ensued between Commissioners and staff on the "travel easements" and KDOT classification of roadway cuts. Mr. Yearout indicated he would continue to work with KDOT officials regarding this issue, and would encourage the owners to confirm all access issues before the plat is recorded.

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

Leon Osbourn, Kaw Valley Engineering, 2319 N. Jackson, representing the applicant, stated they would work with KDOT on the access issues but felt the plan as submitted would be approved.

Mr. Yearout responded he would prefer to see the plat at least indicate a "cross-access" agreement; in the event that KDOT refuses the access on Highway 57.

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

Commissioner Moyer moved that Case No. FP-05-01-14, the application of Kaw Valley Engineering, agent, for Rodney Glessner, trustee, for the Harold W. Glessner Trust, owner, seeking approval of the Final Plat for the Muriel and Bummie Glessner Subdivision, located at the southeast corner of I-70 Highway and Highway 57 intersection, Geary County, Kansas, be approved and the Chairman and Secretary be authorized to sign the plat; and the plat be forwarded to the Geary County County Commission for final approval and acceptance. The MPC recommendation includes making adjustments as needed to comply with requirements from KDOT for access. Commissioner Dibben seconded the motion and it carried unanimously.

Item No. 4 – FP-05-02-14 – Public Hearing to consider approval of a Final Plat located in Geary County, Kansas.

Chair Gustafson opened the public hearing on the application of Kaw Valley Engineering, agent, for Scott Johnson, owner, seeking approval of the Final Plat for Stone Ridge Subdivision, located south on 8th Street and east of Stone Ridge Manor Addition, Replat of Lot 1, Block 1, Geary County, Kansas, and asked for the staff report.

Mr. Yearout reviewed the staff report and indicated there were a few issues discussed at the plat review meeting. Mr. Yearout indicated the existing "farm" entrance from 8th Street will need to comply with the City requirements for a driveway since the right-of-way for 8th Street is totally within the City; the use of the existing water wells and an onsite wastewater treatment system is acceptable, provided compliance with Geary County Sanitation Code is met; and Westar is requesting an easement for electric service that must be provided by a separate instrument. As indicated in the staff report, Mr. Johnson has agreed to comply with the required standards.

Mr. Yearout noted there was discussion at the review meeting about annexation of the property; however, no regulations mandate annexation and the plat complies with the provisions of the Geary County Subdivision Regulations. Mr. Yearout concluded by stating staff is recommending approval of the plat with the proviso the applicant understands he is required to develop the driveway entrance to City standards, comply with the Geary County Sanitation Code requirements for wells and wastewater, and provide additional easement for Westar.

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

Leon Osbourn, Kaw Valley Engineering, 2319 N. Jackson, stated Mr. Yearout has covered everything. Mr. Osbourn stated he was present to represent the applicant and answer any questions the Commission may have.

Commissioner Mortensen asked about the proposed 8th Street expansion and if there would be a turning lane at the entrance location to this property. Mr. Osbourn stated the proposed 8th Street improvement is down the road a ways and to his knowledge there is no "turning lane" proposed; however, during discussion, the main concern was installation and design for a sidewalk to handle pedestrian traffic along 8th Street.

Scott Johnson commented there are two wells on the property, both were dug within the last couple of years. Mr. Johnson confirmed he is working with Lisa Davies of the County Health Department and she will be testing the existing septic system next week to see if it will meet the current Sanitation Code standards. Mr. Johnson also indicated he understood the "field" entrance will be designed and constructed to City Code for a residential drive entrance.

The question was posed about the advisability of approving another residential drive entrance off of 8th Street at this location due to the hilly terrain. Mr. Osbourn responded there were no engineering concerns about the location because the sight distance is more than adequate.

There being no further appearances or questions, Chair Gustafson closed the public hearing and opened the issue for discussion or action by the Commission.

Commissioner Moyer moved that Case No. FP-05-02-14, the application of Kaw Valley Engineering, agent, for Scott Johnson, owner, seeking approval of the Final Plat for Stone Ridge Subdivision, located south of 8th Street between Stone Ridge Drive and Oakridge Drive in Geary County, Kansas, be approved and the Chairman and Secretary be authorized to sign the plat; and the plat be forwarded to the Geary County County Commission for final approval and acceptance. The MPC recommendation is conditioned on the stipulations that the easement for Westar is provided and that the requirements of the Geary County Sanitation Code are met. Commissioner Watson seconded the motion and it carried unanimously.

Item No. 5 – SUP-05-01-14 – Public Hearing to consider a request for a Special Use Permit to conduct trailer sales.

Chair Gustafson opened the public hearing on the application of Pierre and Kathy Roberge, owners, requesting a Special Use Permit to allow sales of light duty utility trailers on property zoned "RG" General Residential District, located at 1325 Thompson Drive, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this case resulted from a zoning violation letter sent to the applicant after staff observed the sign in the applicant's yard advertising trailers for sale. As noted in

that letter, one solution was to seek zoning approval for the activity, which does not qualify as a home occupation. Mr. Roberge submitted the application requesting to continue the use.

Mr. Yearout stated the applicant has confirmed he acquired this property in 2009. Before that time, he was apparently using the land for storage and other purposes by “jumping the curb” along Thompson Drive. Mr. Yearout noted a drive entrance was constructed along Thompson Drive to gain access to the land where the trailers are kept. The applicant constructed a carport on this property in 2010, but no other structures are there at this time.

As noted in the staff report, Mr. Yearout stated the topography at this property precludes its development for residential purposes, which was how it was originally platted in the 1960’s. The use may be the best use of the property that has occurred to date. However, the one big challenge is the lack of compliance with the City ordinances regarding paving of driveways and areas used for the parking or storage of all vehicles, including trailers. Staff has advised the applicant of this requirement and informed him that neither the staff nor the MPC has the ability to waive that requirement. As noted in the staff report, the paving requirement has been an ordinance longer than the applicant has owned this property.

Staff is recommending the Special Use Permit be recommended for approval, subject to a number of requirements outlined in the staff report.

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

Mr. Pierre Roberge stated he was unaware of the requirements for all of this until he received the letter from Mr. Yearout. He expressed his displeasure with the manner in which all of this had been handled because he felt like he was being accused of being a criminal, especially since the letter had been copied to the Police Department.

Mr. Roberge stated the staff report states he must become a “licensed vehicle dealer”, which he does not believe to be true. Also, he stated he could not afford to have his driveway and parking area paved and, if the City insisted on seeing this done, he would have to stop using the property. Mr. Roberge felt this was an unreasonable requirement and said there were many properties around the City that did not comply with this requirement and he could also cite a number of alleys that were not paved either.

Mr. Roberge requested the Special Use Permit be approved, but without the requirements of paving. If he is required by the State to obtain a dealer’s license, he will obtain one. Further, if the sign is an issue, he will not have one.

Mr. Yearout noted for the record that a number of phone calls had been received from people that were notified of this public hearing, but there were no objections to the request once staff explained what was being requested.

There being no further appearances or questions, Chair Gustafson closed the public hearing and opened the issue for discussion or action by the Commission.

Discussion ensued regarding the signage and whether there should be restrictions on the size of the signs. Staff indicated that, without any limitations, the Sign Code would treat this as a “commercial use” and permit a sign accordingly, which could be very large. The Commission felt there should be some limitation on the size of the sign.

Commissioner Moyer moved that Case No. SUP-05-01-14, concerning the request of Pierre and Kathy Roberge, owners, requesting a Special Use Permit to conduct sales of light duty utility trailers, on property zoned “RG” General Residential, located at 1325 Thompson Drive, be recommended for approval, subject to the conditions stated in the staff recommendation and that any sign placed on the property be no larger than a 2-foot by 3-foot sign; based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Mortensen seconded the motion and it carried unanimously.

Item No. 6 – FP-05-03-14 – Final Plat for property located in Junction City.

Chair Gustafson stated this is the application of Kaw Valley Engineering, agent, for Dave Alexander, owner, seeking approval of the Final Plat for Alexander Estates, located along the 1400 and 1500 blocks of McFarland Road on the north side, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated this case had been withdrawn and would be resubmitted with a rezoning case later. Mr. Yearout noted the plat did not comply with the Junction City Subdivision Regulations as submitted and, therefore, would be recommended for denial. The proposed plat creates three lots, but the property does not have direct frontage on a public street and the access relies on a “private access easement” for the existing home only. Staff has encouraged the applicant to pursue a rezoning to the Planned Development District (PDD) and include the land that the travel easement crosses so all the properties affected by the amenities are include in the same plat.

4. GENERAL DISCUSSION

Item No. 1 – Metropolitan Planning Organization

Mr. Yearout stated work continues as previously reported and there is no new information at this time.

Item No. 2 – Other Items

Mr. Yearout indicated there was nothing further to be reported at this time.

5. ADJOURNMENT

Commissioner Dibben moved to adjourn. Commissioner Mortensen seconded the motion and it carried unanimously. Chair Gustafson declared the meeting adjourned at 8:34 p.m.

PASSED and APPROVED this 12th day of June, 2014.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary