

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

**August 19, 2010  
7:00 p.m.**

**Members Present**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
Mike Ryan  
Mike Steinfort  
Rick Ziegler

**Members Absent**

John Moyer

**Staff**

David Yearout  
Shari Lenhart

**1. CALL TO ORDER AND ROLL CALL**

Chairman Mike Steinfort called the meeting to order at 7:00 p.m and noted a quorum present.

**2. APPROVAL OF MINUTES**

Commissioner Gustafson moved to approve the minutes of the July 8, 2010, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

**3. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for Chairman for this term. Commissioner Gustafson moved to retain the slate of officers for the Metropolitan Planning Commission as it exists, with Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ziegler seconded the motion and it passed unanimously.

**4. OLD BUSINESS**

**Item No. 1 – Case No. Z-07-01-10 – Public Hearing on request of Justin Hoover, President, Hoover, Bachman & Associates, Inc., to rezone property at 416 West Spruce, Junction City, Kansas, from “RD” to “PDD”.**

Chairman Steinfort called the reconvened public hearing to order on the request of Kaw Valley Engineering, agent, on behalf of Justin Hoover, President, Hoover, Bachman & Associates, owner, to rezone property at 416 West Spruce from “RD” Duplex Residential to “PDD” Planned Development District. It was noted that Mr. Justin Hoover and Mr. Leon Osbourn were present.

Mr. Yearout noted that a copy of the revised site plan was made available for review at this meeting by Mr. Osbourn. He indicated the plan has incorporated suggested changes requested by the Commissioners at the last meeting. The list of proposed uses has been cleaned up better; however, some additional modifications could be made that would allow more flexibility and provide easier administrative overview as uses might change in the future. Mr. Yearout noted the proposed exterior lighting still needs to be addressed in the documentation for the development. Mr. Yearout said a video was taken of the sanitary sewers under this property which showed the service line from the single-family home under the east wing of the facility. The plan is to abandon that line during the time of renovation and connect the home to the sewer main in the alley to the east of the property in an easement provided for utility services.

Mr. Yearout stated staff still had not seen restrictive covenants for the property. The Zoning Regulations require the covenants to address maintenance of common areas and other joint amenities being provided and the covenants will need to do that.

Mr. Yearout stated that, irrespective of these issues, staff believes all the relevant issues have been addressed or will be accounted for in the balance of the documents to be submitted. As such, staff is recommending approval to move this project forward, recognizing the replat approval will also address certain issues of concern.

Commissioner Ziegler asked if everything has been taken care of in the rezoning. Mr. Yearout stated he believed it has been. Mr. Yearout noted there needs to be a separate document for the covenants, but everything else has been addressed that has been talked about.

Chairman Steinfert asked if there was anyone present wishing to speak on this application.

Mr. Leon Osbourn, Kaw Valley Engineering, stated that all of the Commissioners requests have been incorporated into the final development plans. Exterior lighting will be submitted to the City prior to installation. They will make sure that the light will not bleed onto the neighbors; the foot-candle requirements will be met. The issue of the common open space will be taken care of the Restrictive Covenants. He stated they have shown how the sewer can be rerouted, including the calculation of a general slope of 1-2% for the service line from the house, which is more than adequate for a new sewer line.

There being no more comments, Chairman Steinfert closed the public hearing and opened the discussion to the Commission for questions or a motion.

Commissioner Gustafson moved to recommend to the City Commission that the rezoning request for the property at 416 West Spruce, Junction City, Kansas, from "RD" Residential Duplex to "PDD" Planned Development District be approved for a mixed-use facility, as modified, based on reasons stated in the staff report and information presented at the public hearings, and subject to submission of the restrictive covenants addressing the issues identified at the meetings and in the staff reports. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 2 – Case No. FP 07-01-10 – Final Plat of the Ziegler Planned Development District.**

Chairman Steinfort opened the floor for consideration of the Final Plat of the Ziegler Addition.

Mr. Yearout stated that the revised final plat submitted by the applicant shows the 20-foot utility easement between from the alley on the east side of the property to Lot 2 that was requested by Westar for access to the single family residence. This is also the easement to be used to install the new sanitary sewer service line from the house to the sewer main in the alley. Mr. Yearout also noted the proper acknowledgement of the book and page recording of the vacation of the alley is properly shown on the plat. Staff is recommending the final plat be approved.

Chairman Steinfort asked if there was anyone present wishing to address this application. There were no appearances. There being no questions or discussion, Chairman Steinfort asked for a motion.

Commissioner Ryan moved to recommend that Case No. FP-07-01-10, application of Kaw Valley Engineering, agent; on behalf of Justin Hoover, President; Hoover, Bachman & Associates, Inc., owner; for approval of the Ziegler Addition, a replat of the property at 416 West Spruce, Junction City, Kansas, be approved, subject to all corrections recommended by the City Engineer; and the Chairman and Secretary be authorized to sign the plat and forward it to the City Commission for final approval. Commissioner Ziegler seconded the motion and it carried unanimously.

**5. NEW BUSINESS**

**Item No. 1 – Case No. TA 08-01-10 – Public Hearing on text amendment to the Geary County Zoning Regulations concerning zoning action required for commercial office uses within the unincorporated portion of Geary County.**

Chairman Steinfort called the public hearing to order on the proposed text amendment to the Geary County Zoning Regulations.

Mr. Yearout briefly reviewed the history of issued that resulted in this case. The matter arose from the appeal being considered concerning the determination that commercial zoning is the only recourse to establish a commercial office use in the agricultural areas in the County. At the direction of the MPC, staff has drafted proposed text amendments to the Geary County Zoning Regulations to allow business and professional offices, which will include technical development businesses, as a Special Use Permit in the Agricultural District, rather than require the change in zoning to a commercial district. The suggested text changes are completely outlined in the staff report. Mr. Yearout noted staff had concluded the Special Use Permit procedure, as currently used in the Geary County Zoning Regulations, was the best approach to an action that results in a change in land use, rather than rely on the Conditional Use Permit that is considered only by the Board of Zoning Appeals.

Chairman Steinfort opened the public hearing for discussion from the public. Hearing none, discussion among the MPC members ensued on the pros and cons of expanding this text change to all commercial and industrial uses in the current Geary County Zoning Regulations. Mr. Yearout noted staff had published so that this change could include a broader range or all of the commercial and industrial uses, but staff believed it was better to address those changes in the rewrite of the entire County Zoning Regulations now being prepared by the MPC. It was the consensus of the Commissioners to just deal with this particular issue now.

There being no further discussion Chairman Steinfort asked for a motion. Commissioner Mortensen moved that the proposed amendments to the Geary County Zoning Regulations concerning adding business and professional offices by Special Use Permit only in the Agricultural District within the unincorporated portion of Geary County be recommended for adoption by the Board of County Commissioners of Geary County. Commissioner Ziegler seconded the motion and it carried unanimously.

## **RECESS AS METROPOLITAN PLANNING COMMISSION**

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

## **CONVENE AS BOARD OF ZONING APPEALS**

### **1. ELECTION OF OFFICERS**

Chairman Steinfort opened the floor for nominations for officers for the Board of Zoning Appeals. Commissioner Gustafson moved to retain the current slate of officers, namely Mike Steinfort, Chairman, Maureen Gustafson, Vice-Chairman, and David Yearout, Secretary. Commissioner Ryan seconded the motion and it carried unanimously.

### **2. OLD BUSINESS**

**Item No. 1 – Case No. BZACU 06-02-10 – Public Hearing on request for a Conditional Use Permit to allow a Day Care Home at 109 Arapahoe Court, Junction City, Kansas.**

Chairman Steinfort called the continued public hearing to order on the application of Renee A. Taggart, owner, for a Conditional Use Permit to allow the operation of a Licensed Day Care Home for not more than 10 children at 109 Arapahoe Court, Junction City, Kansas.

Mr. Yearout stated that if the proposed amendments to the zoning ordinance relating to day cares is approved, this application will be moot. That item is scheduled to be considered at the end of this meeting. He recommended the public hearing be continued to at least October 14, 2010, since that is the earliest a public hearing on the text amendments can be held. There were no other appearances on this matter.

Commissioner Gustafson moved to continue the public hearing on this case to the October 14th meeting. Commissioner Ryan seconded the motion and it carried unanimously.

**Item No. 2 – Case No. BZAAP-07-01-10 – Public Hearing on appeal of decision by the Junction City/Geary County Planning and Zoning Director.**

Chairman Steinfert reconvened the public hearing on the appeal of the decision by the Zoning Administrator concerning the property located at 4718 Liberty Hall Road that said property is being used as commercial property, filed by Deanna Munson, agent, for Munson Angus Farms - Black Horse Hitch, LLC.

Mr. Yearout stated he believed the case should be acted upon in order to close the file. In essence, there are three alternatives before the Board on this matter. It may choose to deny the appeal and uphold the decision of the Zoning Administrator. It may choose to overturn the decision of the Zoning Administrator and allow the use to continue under the Agricultural Zoning designation. Or it may continue the matter until the text amendment is finalized by the County Commission and an application for a Special Use Permit would be granted, assuming that is what happens. Mr. Yearout stated he still believes the decision under the current language of the Geary County Zoning Regulations is correct and the proposed amendment is the best method to deal with this type of development.

Mr. Yearout provided a review of the time frame to complete the text amendment and stated the earliest a public hearing could be scheduled for a Special Use Permit would be at the October 14th meeting.

Chairman Steinfert asked if there was anyone present wishing to speak on this application.

Deanna Munson, 4820 Liberty Hall Road, indicated that rezoning the property definitely was not an option in her opinion. The area needs to remain zoned as agricultural. They are agreeable to applying for a Special Use Permit when that option is available.

John Armstrong, 2703 Valley Drive, thanked the board for addressing their concerns and also hopes the text amendment will be approved by the County Commission. He agreed that the Special Use Permit appropriately addressed the issue.

There being no further appearances, Chairman Steinfert closed the public hearing and asked if there were any further questions or comments from the Board. There being none, he asked for a motion.

Commissioner Gustafson moved that Case No. BZAAP 07-01-10, the request of Chuck and Deanna Munson, agents for Munson Angus Farms-Black Horse Hitch, LLC, and Michelle Munson, owners, appealing the decision of the Zoning Administrator concerning the use of the home at 4718 Liberty Hall Road by Lead Horse Technologies as its main business office, be denied based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion.

Commissioner Gustafson stated she wished to convey this was neither a reflection of error on the part of Lead Horse Technologies, nor on Munson Angus Farms; but she felt the use in question was clearly a commercial activity that required the rezoning under the current Zoning Regulations. As such, the decision of the Zoning Administrator to require the rezoning was the only choice that could be made. There was no factual basis for a determination that use could be found as a permitted use in the Agricultural District or as an agricultural use.

Thereupon, the Board passed the motion unanimously.

### **3. NEW BUSINESS**

#### **Item No. 1 – Case No. BZACU -08-01-10 – Public Hearing on request for a Conditional Use Permit to allow the operation of a concrete batch plant.**

Chairman Steinfort called the public hearing to order on the request of Jon Penny, agent, for Penny Concrete, Inc., for a conditional use permit to operate a concrete batch plant.

Mr. Yearout informed the Board that the applicant has requested a continuance to the next meeting in order to more fully prepare the site plan for the proposed facility.

Commissioner Gustafson moved to continue this case to the September, 2010, meeting as requested by the applicant. Commissioner Ryan seconded the motion and it carried unanimously.

### **ADJOURN AS BOARD OF ZONING APPEALS**

Commissioner Mortensen moved to adjourn as the Board of Zoning Appeals and reconvene as the Metropolitan Planning Commission. Commissioner Dibben seconded the motion and it carried unanimously.

### **RECONVENE AS METROPOLITAN PLANNING COMMISSION**

### **6. GENERAL DISCUSSION**

#### **Item No. 1 – Set public hearing for amendments for Day Care Homes.**

Mr. Yearout stated the history of the need for the text amendments has been heavily discussed by the MPC. A motion must be made to set the public hearing, which can not happen earlier than the October meeting because of the timing for publications. All the issues associated with the text amendments have been researched with attorneys for both the City and County and staff is recommending to move forward. That actual text will be made available, which will be modifications to the language acted upon earlier this year.

Commissioner Mortensen moved to schedule a public hearing regarding amendments to the Zoning Regulations for both the City and County dealing with changes for Day Care Homes for the October, 2010, meeting. Commissioner Gustafson seconded the motion and it carried unanimously.

**7. ADJOURNMENT**

Commissioner Gustafson moved to adjourn at 7:58 p.m. Commissioner Mortensen seconded the motion and it carried unanimously.

**PASSED AND APPROVED THIS \_\_\_\_\_ day of September, 2010.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, AICP, Secretary**