

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

**January 20, 2011  
7:00 P.M.**

**Members Present**

Maureen Gustafson  
Ken Mortensen  
Brandon Dibben  
Mike Steinfort  
John Moyer

**Members Absent**

Mike Ryan  
Rick Ziegler

**Staff**

David Yearout  
Shari Lenhart

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

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

**2. APPROVAL OF MINUTES**

Commissioner Moyer moved to approve the minutes of the December 9<sup>th</sup> meeting as written. Commissioner Dibben seconded the motion and it passed unanimously.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1 – Case No. SUP-01-01-11 – Public Hearing for Special Use Permit for a Communications Tower at 703 West Ash.**

Chairman Steinfort called the public hearing to order on the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report giving all the background on this matter, including a report of the chronology of inquiries from representatives from Verizon Wireless for a tower site. Past discussions have included sites in South Park, as well as other locations in the southern portion of the City. Mr. Yearout noted the site proposed for the tower, as evidenced by this application, is in the southeast corner of the Highland Cemetery.

Mr. Yearout noted staff's recommendation is for denial of this request, primarily because of the incompatibility of a tower within the cemetery. Mr. Yearout reported all the reasoning and rationale for that recommendation was contained in the staff report.

Mr. Yearout noted the introduction of a "commercial use" into property that was set aside for a cemetery in 1870 and used exclusively for that purpose is wrong for the land and is not compatible with the general use of the property.

Chairman Steinfort asked if there were questions of staff from the Commission. Hearing none he opened the public hearing to comments from the public.

Randy Powers, a property owner along Webster Street east of the cemetery, spoke in opposition to the request. He indicated he would be able to see the tower from his property and he did not believe it was appropriate for that type of structure to be located at this location. He stated he believed the communications tower should not be allowed because of concerns its placement may have to the health of residents in the area; because of general unsightliness of the tower; because of a potential loss of value to the residential properties; because of general safety concerns in the event of a collapse of the tower; and because of the intrusion of maintenance trucks and other vehicles into the neighborhood.

Doug Dolan, owner of Dolan Realty Advisors, the agent for Verizon Wireless, spoke to the request. He reviewed documentation submitted in support of this site, including a study conducted by a Verizon engineer that purported to show the cemetery location would provide the best enhancement of coverage for this portion of Junction City. That study also evaluated other sites previously discussed with staff, including land in South Park. The conclusion of the study is the cemetery being the best location to improve coverage.

Mr. Dolan further stated the evaluation process had been going on for several months and the company appreciated the difficulty in citing a tower in an urban area.

Terry Redel, owner of land on Webster Street, indicated he is building two new homes on Webster Street that will back up to the cemetery in the general vicinity of the proposed new tower. He stated he believes the tower would impact the potential sale of the homes and would possibly devalue the new homes. He stated he was opposed to the tower at this location.

Casey Gorham, manager and Sexton of the Highland Cemetery, addressed the Commission concerning the rationale of the Cemetery in pursuing the lease for the tower. He stated the location chosen is an area that will not be used for any burials and the Cemetery board felt the additional revenue would assist in the ongoing maintenance demands.

There being no further comments from the public, Chairman Steinfort closed the public hearing and called for questions or comments from the Commission, of which there were several.

Mr. Gorham was asked about the ownership structure of the Cemetery Association. Mr. Gorham stated the ownership is comprised of everyone that owns lots, but the operations are addressed by a Board elected from the members. It was this Board that approved the lease for the tower. Mr. Gorham was asked if the decision had been made exclusively by the Board, or whether the full membership had been polled. Mr. Gorham stated it was a decision of the Board only. The Commissioner's noted this new activity impacted all "owners" and their heirs that had family buried at the Cemetery and most Commissioners felt all those opinions should have been sought before a decision by the Board was made.

Commissioner Mortensen stated he did not agree with the staff position and did not believe the placement of the tower would be harmful to either the cemetery or the area. He asked if other locations had been reviewed and if this site had been evaluated with additional screening or other actions to "soften" the impact. Mr. Gorham stated the Cemetery Association had not made any specific demands on the placement. Mr. Dolan briefly reviewed the other locations considered and then noted that Verizon would be willing to place landscaping around the equipment compound.

There were no further questions, but several members offered comments. Commissioner Mortensen again noted he did not believe this was an inappropriate use or location and felt modifications to the site plan requirements regarding landscaping could be made to improve the placement of the tower.

Commissioner Gustafson noted she was not persuaded this was an appropriate use in the cemetery. She stated she had family members buried there and did not feel the tower was a compatible use in the cemetery. She also stated she felt there were other locations that would work as well. Commissioners Moyer and Dibben agreed with those comments.

Chairman Steinfort noted he felt an approval of the tower at this location would open other areas of the cemetery for potential commercial uses. He was concerned this would open the way for the Cemetery Association to decide other parts of the cemetery could be leased or sold for other commercial purposes, which would be potentially more incompatible with the commitment of the land for cemetery purposes.

There being no further comments, Chairman Steinfort called for a motion.

Commissioner Mortensen moved to recommend the Special Use Permit for Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, to install a communications tower at 703 West Ash Street be recommended to the City Commission for approval, with the requirement the site plan be modified to add landscaping around the equipment compound and submitted with the recommendation to the City Commission. The motion died for a lack of a second.

Commissioner Gustafson moved to recommend denial of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of

Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, based on the facts presented in the staff report and as heard at this hearing. Commissioner Dibben seconded the motion and it passed 4 to 1, with Commissioner Mortensen voting no.

**Item No. 2 – Case No. Z-01-01-11 – Public Hearing to Rezone Property at 518 North Madison.**

Chairman Steinfort opened the public hearing on the application of Jodie Wilkey and/or Beth Mathis, agent, for Steven and Norma Stanislow, owners, to rezone property at 518 North Madison from “CSP” Special Commercial District to “RM” Multiple Family Residential.

Mr. Yearout noted this is the property located north of the alley between 5<sup>th</sup> Street and 6<sup>th</sup> Street on the west side of Madison Street. Mr. Yearout stated research of records show the property was zoned for multiple-family uses on the 1936 Zoning Map, but the land was shown on the 1975 Zoning Map as being zoned “CSP” Special Commercial District. Staff is unsure of when the change occurred. The records show this property has only been used for residential purposes since the home was built many years ago.

There be no questions of staff, Chairman Steinfort opened the hearing for comments from the public.

Beth Mathis and Jodie Wilkey addressed the Commission and acknowledged this rezoning is in response to the desire of the owners to sell the property. The buyers are not able to complete the financing because the present zoning classification does not allow the residence to be rebuilt in the event it is destroyed or damaged beyond 50% of its value. Both indicated the property had been recently remodeled and the buyers were ready to move forward with closing the sale once the zoning is changed. Copies of pictures of the remodeled home were provided.

There being no further comments from the public, Chairman Steinfort closed the public hearing and asked for questions, comments or a motion from the Commission.

Commissioner Gustafson moved to recommend approval of the request of Wilkey and/or Beth Mathis, agent, for Steven and Norma Stanislow, owners, to rezone property at 518 North Madison from “CSP” Special Commercial District to “RM” Multiple Family Residential to the City Commission. Commissioner Moyer seconded the motion and it passed unanimously.

**Item No. 3 – Case No. Z-01-03-11 – Public Hearing to Rezone Property at 239 West 9<sup>th</sup> Street.**

Chairman Steinfort opened the public hearing on the application of Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, to rezone property at 239 West 9<sup>th</sup> Street, Junction City, Kansas, from “RM” Multiple Family Residential District to “PDD” Planned Development District.

Mr. Yearout reviewed the staff report and noted this request also grew from a desire of the present owner to sell the property. Because two residences are located on a single lot, most interested buyers are having difficulty in obtaining financing to buy the property. Mr. Yearout noted a review of the records from the County Appraiser's Office show the house facing 9<sup>th</sup> Street was constructed in 1912 and the house facing Adams Street was constructed in 1915. The property was never split and it appears each owner has had the two homes from that time.

Mr. Yearout stated the intent of the PDD rezoning is to allow the land to be divided into two lots. No changes to the use are to be done, with each maintaining the residential structure. This process will allow the lots sizes to accommodate what can be attached to each without creating any nonconformities; as well as deal with the reduced setbacks resulting from the existing construction. The development plan presented shows all the existing conditions and, if approved, will not permit expansions of any of the buildings without having the development plan modified and reapproved. The necessary notations concerning easements and other rights to provide access to all supporting infrastructure will be shown on the replat of the property.

Chairman Steinfert opened the hearing to comments from the public.

Jason Loader of Kaw Valley Engineering, agent for the owner, reviewed the overall plan and stated the issues discussed within the staff report would be addressed. The intention is to use the easements on the plat as a means of access to the utility mains and not to have the mains extended to the north lot.

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

Commissioner Gustafson moved to recommend approval of the request of Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, to rezone property at 239 West 9<sup>th</sup> Street, Junction City, Kansas, from "RM" Multiple Family Residential District to "PDD" Planned Development District, including the final development plan to be modified as outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

**Item No. 4 – Case No. FP-01-01-11 – Consideration of Final Plat of the Phillips Planned Development District.**

Chairman Steinfert opened the meeting for consideration of the final plat of the Phillips Planned Development District, a replat of Lot 10, Block 14, Junction City Original Townsite, submitted by Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner.

Mr. Yearout reviewed the staff report and noted this is in association with the rezoning of the property to the Planned Development District that was just considered. As previously stated, the only change proposed is to clarify the easement on the east side of Lot 2 is for

extension of the service lines from the home on 9<sup>th</sup> Street to the utilities located in the alley and not to be for extension of any main lines.

Jason Loader, Kaw Valley Engineering, agent for the owner, confirmed the clarification on the easement on Lot 2 would be made.

There being no further questions or comments, Commissioner Mortensen moved to approve the final plat of the Phillips Planned Development District, a replat of Lot 10, Block 14, Junction City Original Townsite, submitted by Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, and authorize the Chairman and Secretary to sign the plat and submit it to the City Commission for final approval. Commissioner Dibben seconded the motion and it carried unanimously.

**Item No. 5 – Case No. FP-01-02-11 – Consideration of Final Plat of the Madison Street Addition.**

Chairman Steinfort opened the meeting for consideration of the Final Plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition, submitted by Kaw Valley Engineering, agent, on behalf of Donald S. Boyer, owner.

Mr. Yearout reviewed the staff report and noted this replat is intended to combine the properties Mr. Boyer has recently acquired, which will also remove some easements on the common lot lines. Mr. Yearout stated he had received confirmation from the utility companies that no existing lines are in these easements and that no future lines will be necessary given the manner in which the land is being redeveloped. Mr. Yearout noted Mr. Boyer is present.

Donald S. Boyer, owner, stated his intention is to combine the lots into a single lot and develop the property for storage units. He was aware the land recently acquired behind the Subway building in the Rexrode Addition will require a rezone before building permits can be approved.

There being no further questions, Commissioner Mortensen moved to approve the final plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition, submitted by Kaw Valley Engineering, agent, on behalf of Donald S. Boyer, owner, and authorize the Chairman and Secretary to sign the plat and submit it to the City Commission for final approval. Commissioner Gustafson seconded the motion and it carried unanimously.

**5. GENERAL DISCUSSION**

**Item No. 1 – Discussion on Comprehensive Plan review and update.**

Mr. Yearout noted the need to have a review of the Comprehensive Plan. It is supposed to be reviewed annually, and updated as needed. The Commissioners noted they had copies of the Comprehensive Plan, but were unsure of what needed to be done. Mr.

Yearout stated the formal action would be placed on an agenda in the near future and staff would provide a memo on what steps need to be taken. Staff is aware of a desire to update the Plan, but funds are not available for that project.

**6. ADJOURNMENT**

There being no further business, Commissioner Gustafson moved to adjourn at 8:47 p.m. Commissioner Moyer seconded the motion and it carried unanimously.

**PASSED AND APPROVED this \_\_\_\_\_ day of March, 2011.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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