

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

**MINUTES**

**February 10, 2011  
7:00 P.M.**

**Members Present**

Rick Ziegler  
Ken Mortensen  
Brandon Dibben  
Mike Steinfort  
John Moyer

**Members Absent**

Mike Ryan  
Maureen Gustafson

**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**

The minutes of the January 20, 2011, meeting were not available for approval. Chairman Steinfort noted the minutes would be considered at the next meeting.

**3. OLD BUSINESS**

None.

**4. NEW BUSINESS**

**Item No. 1 – Case No. FP-02-01-11 – Consideration of Final Plat for a Replat of Lot 24, Block 1, Michael’s Run**

Chairman Steinfort opened the meeting for consideration of the application of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, for the Final Plat of A Replat of Lot 24, Block 1, Michael’s Run Addition to the City of Junction City.

Mr. Yearout stated this property is located North of McFarland Road and West of Caroline Avenue. This is the property rezoned to a Planned Development District in December, and this Final Plat creates the eight lots proposed for duplex development. Mr. Yearout reported the staff review of the Plat noted that additional sewer and water mains will need to be extended from Caroline Avenue in order to provide full service to the lots without cutting the street in Michael’s Court. This will occur in the front of the lots along Michael’s Court. Individual diagrams showing the existing sewer and water service

were provided for review. Other required utilities (electric, phone & gas) will be located in the same easement, but there is adequate room to accommodate this situation.

Mr. Yearout stated staff has encouraged the owner to provide a new name for the replat. The name shown does not lend itself to clear legal descriptions in the future, which is one of the purposes of the platting process. Other than that, staff is recommending approval.

Several Commissioners raised questions on the manner in which existing and proposed sewer and water lines would be extended. Mr. Yearout noted the final locations will be designed by the engineer and must receive approval by the City and KDHE before any work can be done.

Commissioner Mortensen noted the Bank where he works has business dealings with Mr. Baszak, but he does not feel it constitutes a conflict.

Mr. Josh Junghans, Kaw Valley Engineering, stated that Mr. Baszak notified him today he has agreed to rename the plat to 'The Villa's at Michael's Run'. The mylar copy of the final plat will reflect this name change when it goes to the City Commission for final action.

There being no further discussion, Commissioner Mortensen moved that Case No. FP-02-01-11, the application of Kaw Valley Engineering, agent, on behalf of Ernest Baszak, owner, on the Final Plan of The Villa's at Michael's Run, a replat of Lot 24, Michael's Run Addition to Junction City, Kansas, be approved, 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.

**RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS BOARD OF ZONING APPEALS.**

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

**1. OLD BUSINESS – None**

**2. NEW BUSINESS**

**Item No. 1 – Case No. BZACU-02-01-11 – Public hearing on the application for a Conditional Use Permit for a Group Day Care Home at 840 West 8<sup>th</sup> Street, Junction, Kansas.**

Mr. Yearout stated Heide and Kim Slaght submitted application for a Conditional Use Permit to allow a Group Day Care Home, which allows up to a maximum of 12 children, at 840 West 8<sup>th</sup> Street. The applicant's had submitted a request for this to be a Family Day Care Home, with no more than 6 children, in order to have the inspections completed on the property. The Fire Department and Code Enforcement Department

inspections resulted in denials, plus an acknowledgement the structure could not accommodate more than six children.

As a result of this information, the applicant's have submitted a written request to withdraw the application for a Conditional Use Permit for the Group Day Care Home. They intend to continue pursuing a Family Day Care Home, which allows a maximum of six children. Staff recommends the Board acknowledge withdrawal of this application.

Commissioner Mortensen moved that Case No. BZACU-02-01-11, request of Heide and Kimberly Slaght, renters and agents, on behalf of Roy and Sheila Fausnett, owners, requesting a Conditional Use Permit to conduct a Group Day Care Home for not more than twelve (12) at 840 West 8<sup>th</sup> Street, Junction City, Kansas, be recoded as being formally withdrawn. Commissioner Ziegler seconded the motion and it carried unanimously.

**ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION**

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

**5. GENERAL DISCUSSION**

**Item No. 1 – Text Amendment to Geary County Zoning Regulations concerning Special Use Permits**

Mr. Yearout briefly reviewed the staff report indicating the need to provide for land uses not specifically listed as a 'use by right' in any zoning district to be considered by a Special Use Permit. He elaborated on a couple of instances of property owners wishing to resolve issues on their property and there is either no clear or easy solution under the current language in the County Zoning Regulations, or the regulations do not address the activity at all. The intent of this text amendment would be to allow these uses with a Special Use Permit. Staff is requesting the MPC set a public hearing date for such consideration.

Several Commissioners asked if the proposed text amendment could apply to the City's Zoning Regulations. Mr. Yearout indicated an amendment to the City's Zoning Regulations could be considered at the same public hearing.

Commissioner Moyer moved to set March 10, 2011, for a public hearing to consider proposed text amendments to the Geary County and Junction City Zoning Regulations incorporating language to allow application for a Special Use Permit to cover land uses not otherwise listed. Commissioner Mortensen seconded the motion and it carried unanimously.

**Item No. 2 – Comprehensive Plan Review and Update**

Mr. Yearout stated staff did not have any additional information to impart; except, staff is recommending the MPC set a public hearing date to acknowledge review of the City's Comprehensive Plan.

Several Commissioners questioned what "acknowledge" meant. Mr. Yearout stated that State Statute requires cities to formally review their Comprehensive Plans on a yearly basis. The intent is to determine whether the Comprehensive Plan is still relevant, or whether an update needs to be done. Staff is aware an update needs to be done, especially with respect to how development within the rural areas should be managed, but there are no monies available to do the work. Additionally, building more accurate data will be easier after the 2010 Census data is available. Staff does not know for sure whether a public hearing needs to be held at this time, but a motion authorizing one would be appreciated. Part of the benefit of this action will be to allow the Economic Development office to provide documentation to the State of Kansas of the "currency" of the Comprehensive Plan in order to maintain the Enterprise Zone designation within Junction City.

Commissioner Ziegler moved to set March 10, 2011, for public hearing, if necessary, in order to address the Comprehensive Plan, as adopted in April of 2007. Commissioner Mortensen seconded the motion and it carried unanimously.

### **Item No. 3 – Work Session – Review of County Zoning Regulations**

Mr. Yearout stated staff has not completed the rewrite of the draft Zoning and Subdivision Regulations and Sanitation Code, due to illness and a significant amount of time spent on regular business. It was the consensus of those present to cancel the work session scheduled for Thursday, February 17<sup>th</sup>.

## **6. ADJOURNMENT**

There being no further business, Commissioner Mortensen moved to adjourn at 7:27 p.m. Commissioner Zeigler 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**