

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

**MINUTES**

December 8, 2011  
7:00 P.M.

**Members  
(Present)**

Brandon Dibben  
Maureen Gustafson  
Ken Mortensen  
Mike Steinfort  
Mike Watson

**Members  
(Absent)**

John Moyer  
Mike Ryan

**Staff**

David Yearout  
Shari Lenhart

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

Chairman Steinfort called the meeting to order at 7:02 p.m. and noted a quorum present with Commissioners Moyer and Ryan absent. Commissioner Dibben arrived at 7:05 p.m.

**2. APPROVAL OF MINUTES**

Commissioner Watson noted that the minutes of November 10, 2011, should be changed from all members present to note his absence. Commissioner Mortensen moved to approve the minutes of the November 10, 2011, meeting as corrected. Commissioner Watson seconded the motion and it passed unanimously.

**3. OLD BUSINESS - None**

Commissioner Mortensen indicated his business had dealings with some of the applicants on tonight's agenda but it would not affect his responsibilities as a Planning Commission member.

**Item No. 1 – Case No. SUP-11-01-11 - Public hearing for a Special Use Permit to install a parking lot at J-Hill Road and Smokey Lane, Geary County, Kansas.**

Chairman Steinfort called the hearing to order on the above case and called for comments from staff.

Mr. Yearout stated that both parties involved in this application have requested an extension until the February meeting. The cost of completing the proposed parking area is being discussed and the parties are not in agreement and wishing more time. There is the

possibility that the applicants may withdraw; therefore, staff is recommending that the extension be granted on a monthly basis.

Commissioner Gustafson moved that Case No. SUP-11-01-11, the application of Carl Corey, agent for Harold Glessner, owner, requesting a Special Use Permit on property zoned "A" Agricultural to install a parking lot near the southwest corner of the intersection of Smokey Lane and J-Hill Road, Junction City, Kansas, be continued to the January meeting. Commissioner Mortensen seconded the motion and it carried unanimously.

#### 4. NEW BUSINESS

##### **Item No. 1 – Case No. FP-12-01-11 – Final Plat for Norman White Addition, Replat of Lots 16 through 23, Block 6, Callen's Addition to the City of Junction City, Kansas.**

Chairman Steinfort called the hearing to order on the above case and called for comments from the staff.

Mr. Yearout stated that this is the request of Flint Hills Land Surveying, agent, on behalf of the University National Bank of Lawrence, Kansas, owner, for the final plat approval for the Norman White Addition, a replat of Lots 16 through 23 of Block 6, Callen's Addition, located at the southeast corner of 13<sup>th</sup> Street and Madison Avenue. Mr. Yearout stated that Self Help Housing has contracted with the bank to acquire the property for new home sites.

Mr. Yearout stated that in order for the lots to meet Self Help Housing guidelines the 8 lots would all have to be resurveyed and eventually reduced to 6 lots. Therefore, the decision was made to simply replat the original 8 lots into 6 lots. He explained that the corner lot at 13<sup>th</sup> & Madison shows a platted building setback of 15 feet along Madison Street. There are no alley or easement dedications and all other design issues on the proposed plat conform to the current standards and requirements of the City. Mr. Yearout also indicated that there will be no additional demands on the infrastructure or public services by reason of this plat, so no additional comments were required by service providers. This plat simply re-defines the lots. Mr. Yearout concluded that staff has no problems with the final plat and recommends approval.

John York, Flint Hills Land Surveying, noted an error in the heading on the agenda that stated these lots were in Block 1 of Callen's Addition and it should read the lots are in Block 6 of Callen's Addition. Mr. York stated this is a very straight forward plat, taking a vacant piece of ground and re-platting from 8 small lots into 6 buildable lots. Mr. York gave a history on how the plat became named the Norman White Addition. Mr. White is Mr. York's uncle and was born and raised in Junction City and lived most of his life across the street from this land. The land was owned by the school district for many years and was originally used as a practice field for the high school. Mr. White had just recently died at the age of 106, but was aware the plat was being named for him.

Several Commissioners asked questions regarding the street setbacks for corner lots and why the difference between the variance to be considered later and what is shown on the plat. Mr. Yearout reviewed the rationale for that decision, which causes no problems for anyone, and possible zoning regulation modifications in the future. There being no other comments, Chairman Steinfort called for a motion.

Commissioner Gustafson moved that Case No. FP-12-01-11, the application of Flint Hills Land Surveying, agent for University National Bank of Lawrence, Kansas, owner, to replat Lots 16 through 23, Block 6, Cullen's Addition, as the Norman White Addition to the City of Junction City be approved and the Chairman and Secretary be authorized to sign the plat and forward it to the City Commission for final approval. Commissioner Watson seconded the motion and it carried unanimously.

**Item No. 2 – Consideration of request for Finding of Consistency with the Comprehensive Plan for the amended Development Plan for the Golden Belt Tax Increment Financing (TIF) District.**

Chairman Steinfert called the hearing to order and called for comments from the staff.

Mr. Yearout stated that this is the request for a finding of consistency with the Comprehensive Plan of the revised development plan for the Golden Belt Tax Increment Financing (TIF) District on the east side of US 77 Highway between I-70 and Golden Belt Boulevard. The original development plan called for a shopping facility and the amended plan is for an auto sales facility. As stated in the staff report, the City Commission has adopted Resolution No. R-2657 setting a public hearing for January 17, 2012, to consider amending the original Redevelopment District Plan as required by Kansas Statutes.

Following general discussion, Commissioner Gustafson moved that the proposed amendment to the Development Plan for the Golden Belt Tax Increment Financing District be found to be consistent with the Comprehensive Plan for Junction City and Geary County, Kansas. Commissioner Mortensen seconded the motion and it carried unanimously.

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

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

**5. OLD BUSINESS - None**

**6. NEW BUSINESS**

**Item No. 1 – Case No. BZAV-12-01-11 – Public hearing for Variance to decrease street yard setback along Madison Avenue for property located at 333 West 13<sup>th</sup> Street, Junction City, Kansas.**

Chairman Steinfert opened the public hearing on the application of Daniel Pfizenmaier, Director of Self Help Housing, agent, on behalf of LaTaisha Shumpert, contract buyer, and University National Bank of Lawrence, Kansas, owner, requesting a variance to decrease the Madison Street setback for property located at 333 West 13<sup>th</sup> Street, Junction City, Kansas, to allow a home construction.

Mr. Yearout stated this issue was addressed in the previous case on the replat of the same property; wherein the plat has set a 15-foot building setback. However, it will be another two weeks before the plat can be finalized and filed. The applicant is asking to reduce the

required 25-foot setback from Madison Street to 18 feet. Approval of this variance will allow staff to process the building permit application. This new setback will still be greater than the existing homes on the same side of Madison Street to the north and south. Mr. Yearout stated that the staff report addresses the five standard criteria to be considered by the Board when determining whether or not to approve a variance to the Zoning Regulations. Staff believes this request conforms to the spirit and intent of the Zoning Regulations and recommends the variance be approved base on the reasons stated in the staff report and as discussed at this hearing.

The question was raised about the plat setback of 15-feet versus the 18-feet that the applicant is requesting. Mr. Yearout stated that at the time Mr. York was preparing the plat, it was unknown exactly how much setback would be required for the proposed home.

In response to a sight line question from Commissioner Watson, Mr. Yearout stated the construction of the proposed home will not adversely affect visual safety concerns along Madison Street from 13<sup>th</sup> Street. It was noted there are stop signs at 13<sup>th</sup> Street anyway, so this should cause no problems.

In response to a question about the status of the current Self Help Housing projects, Mr. Phizenmaier, Director, indicated this would be the fourth house completed out of a total of six approved for the current project period.

There being no other appearances or discussion, Chairman Steinfert closed the public hearing and called for a motion.

Commissioner Mortensen moved that Case No. BZAV-12-01-11, the request of Daniel Pfizenmaier, Director of Self Help Housing, agent, on behalf of LaTaisha Shumpert, contract buyer, and University National Bank of Lawrence, Kansas, owner, requesting a variance to decrease the Madison Street setback for property located at 333 West 13<sup>th</sup> Street, Junction City, Kansas, from 25 feet to 18 feet to allow a home construction, be approved for the reasons stated in the staff report and as stated at the public hearing. Commissioner Gustafson seconded the motion and it passed unanimously.

**Item No. 2 – Case No. BZACU-12-01-11 – Public hearing for Conditional Use Permit to operate a Day Care Home in the “RG” General Residential District at 415 South Clay, Junction City, Kansas.**

Chairman Steinfert opened the public hearing on the application of Bienvenida Copas, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 415 South Clay, Junction City, Kansas.

Mr. Yearout stated the applicant has been operating as a Family Day Care Home and wishes to expand the number of children permitted. He explained that if a provider is associated with the ACCYN program through Ft. Riley, which allows up to eight (8) children, the City is honoring that number without the necessity of securing a conditional use permit. However that is not the case here as the applicant indicates a desire to keep other children than through the Army program.

Mr. Yearout indicated that the staff report outlines the criteria to be considered by the Board when making a determination regarding a conditional use permit along with staff's

response. He stated that in order to remain consistent with previous recommendations, staff is of the opinion the use of this property as a more intensive day care operation would be out of character with the neighborhood. Based on the findings outlined in the staff report, staff recommends denial of the conditional use permit for up to 10 children.

Brief discussion ensued wherein it was noted that Clay Street does not function as a through street and basically only local residents will be traversing the area. No other commercial activities are known to be in this residential neighborhood.

Bienvenida Copas, 415 South Clay and the applicant, addressed the Board and stated that two of the children she keeps regularly have school age siblings and the parents need day care for these children during the summer and school holidays. This would increase the number of children to eight (8) for the summer and school closure days. She explained that two of the children are her own, which count toward the six (6) allowed. Ms. Copas stated that she is associated with the HOPS program through Ft. Riley and must also get their approval for an additional two (2) children for the summer and school holidays.

In response to a question, Ms. Copas stated that the back yard is a solid privacy fence. All daycare activity is kept within the fenced area, with the exception when she and the children go on a walk around the neighborhood during nice weather.

Juanita Garcia, Geary County Health Department, responded to an inquiry by the Board that the area is safe and secure and the house has always been clean. Ms. Garcia stated she is responsible for conducting the required KDHE surveys for day care providers. There have been no problems noted at Ms. Copas' day care.

There being no further appearances or questions, Chairman Steinfort closed the public hearing.

Commissioner Gustafson stated that she had visited with a neighbor in the area and they did not have any problem or issue with Ms. Copas' day care. Commissioner Watson stated he wished to be consistent also and felt there should be no permanent playground equipment in the front yard, no sign and hours of operation should be limited.

Chairman Steinfort asked if the Board could stipulate the operation be limited to 8 children. Mr. Yearout stated the Board did have that discretion. There being no further comments, Chairman Steinfort called for a motion.

Commissioner Watson moved to approve the Conditional Use Permit for Bienvenida Copas, 415 South Clay, Junction City, Kansas, owner, to operate a Day Care Home for not more than eight (8) children, that there be no on-site signage permitted, and that no permanent playground equipment be in the front yard based on the findings presented at the public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

**Item No. 3 – Case No. BZACU-12-02-11 Public hearing for Conditional Use Permit to reestablish the mining of rock in the “A” Agricultural District on a parcel of land in the Southeast Quarter of Section 27, Township 11 South, Range 7 East, Geary County, Kansas.**

Chairman Steinfert opened the public hearing on the application of Greg Jueneman, agent, for Daniel Boller, owner, requesting a Conditional Use Permit to reestablish the mining of rock in the "A" Agricultural District on property located North of I-70 Highway and West of K-18 Highway on a parcel of land in the Southeast Quarter of Section 27, Township 11 South, Range 6, Geary County, Kansas.

Mr. Yearout stated this request is to re-open the same area for rock removal that was approved in 2010 (Case No. BZACU-04-02-10). This rock has been pre-approved for the bank stabilization programs along the Smokey Hill River under the NRCS program. There is nothing different from the original request, the boundaries remain the same. The staff report itemizes the Zoning Regulation requirements along with staff's response. Based on the findings in the staff report and that documentation has been obtained confirming that the site is registered with the Kansas State Conservation Commission and all other appropriate agencies are well aware of this use, staff recommends that this case be approved as submitted.

Greg Jueneman, applicant, indicated that the project he's working on will probably only take 3 to 4 months to complete, but there may be other nearby projects approved in the near future. In response to Board questions, Mr. Jueneman stated that any disturbed area will again be reclaimed as required by the State; the proposed excavation will not adversely affect the ground water; approximated 8,000 ton of rock is required for this project; and other general information.

There being no further appearances, questions or comments, Chairman Steinfert closed the public hearing.

Commissioner Mortensen moved to approve Case No. BZACU-12-02-11, the request of Greg Jueneman, operator, on behalf of Daniel Boller, owner, requesting a Conditional Use Permit to operate a rock quarry excavation site just north of I-70 and west of K-18, on a portion of Section 27, Township 11 South, Range 6 East, Geary County, Kansas, based on the findings outlined in the staff report and as presented at the public hearing, with this approval to be valid until the end of December, 2012. Commissioner Gustafson seconded the motion and it carried unanimously.

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

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

### **7. GENERAL DISCUSSION**

Mr. Yearout stated that the governing bodies have approved conducting a community survey as early as January of 2012. Documents are being drafted to contract with a nationally recognized company known for excellent survey return results. It is anticipated there will be approximately 500 surveys mailed throughout the City and approximately 100 within the County. Mr. Yearout stated he is also working on preparing questions for the survey and more information will be forthcoming after the first of the year.

Mr. Yearout noted that Lewis Schunk at the County Assessor's Office has prepared the proposed County Zoning Map and another map that identifies the Conditional Use locations.

Staff is reviewing the maps for possible modifications prior to submitting to the County Commission for approval with the Zoning Regulations. The intent is to complete this process and have final adoption before the end of the year.

**8. ADJOURNMENT**

There being no further business, Commissioner Gustafson moved the meeting be adjourned. Commissioner Watson seconded the motion and it carried unanimously. Chairman Steinfort declared the meeting adjourned at 8:07 p.m.

**PASSED AND APPROVED this \_\_\_\_\_ day of January, 2012.**

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**Mike Steinfort, Chairman**

**ATTEST:**

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**David L. Yearout, Secretary**