

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

MINUTES

**March 8, 2012
7:00 P.M.**

**Members
(Present)**

Brandon Dibben
Maureen Gustafson
Ken Mortensen
John Moyer
Mike Ryan
Mike Watson
Mike Steinfort

**Members
(Absent)**

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 all members present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the January 19, 2012, meeting as written. Commissioner Ryan seconded the motion and it passed unanimously.

3. OLD BUSINESS

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 opened the hearing, continued from the January meeting, on the application of Carl Corey, agent, for Harold Glessner, owner, requesting a Special Use Permit to install a parking lot near Corey's Country Corral at the intersection of J-Hill Road and Smokey Lane, Geary County, Kansas. Chairman Steinfort asked for staff comment.

Mr. Yearout stated that written confirmation was received from the owner requesting withdrawal of this case. Staff recommends this case be acknowledged as withdrawn and officially closed.

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 "AG" Agricultural to install a parking lot near the southwest corner of the intersection of Smokey Lane and J-Hill Road, Junction City, Kansas, be declared officially withdrawn. Commissioner Dibben seconded the motion and it passed unanimously.

4. NEW BUSINESS

Item No. 1 – Case No. GCCUP-03-01-12 – Public hearing requesting a Conditional Use Permit to operate a boat repair business in the “AG” District.

Chairman Steinfort opened the public hearing, stating that this is an application initiated by the Metropolitan Planning Commission concerning the request of Chad Ziegler, owner, seeking a Conditional Use Permit to operate a boat repair business on property located at 11606 South Highway K-57, Junction City, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated this matter was originally considered as a rezoning request, identified as Case No. Z-08-01-11. Mr. Ziegler requested the rezoning in response to correspondence from staff concerning the illegal operation of his boat repair business at this location. It was explained the property was zoned “AG” Agricultural which does not permit commercial uses and that he either needed to cease the operation or apply to have the property rezoned for commercial use.

At the original consideration of Mr. Ziegler’s application, the MPC continued his case with the expectation the new County Zoning Regulations would address these types of business operations as a Conditional Use Permit; thereby eliminating the need to rezone the property commercial. As stated in the staff report, the County Commission has adopted said zoning regulations and the MPC did authorize this public hearing at their January, 19, 2012 meeting.

Mr. Yearout stated the Conditional Use Permit for Mr. Ziegler is limited to the boat repair business and the storage of boats during the off season. The repair shop is attached to the residential home which raises building code concerns. The actual area proposed for outdoor storage is unclear. Mr. Yearout explained that a Conditional Use Permit can be limited to just a portion of the property in question, which is the case in Mr. Ziegler’s situation. The applicant is required to provide a development plan in conjunction with a request for a conditional use permit. The development plan will designate the area to be utilized for the businesses, the screening or fencing to be used, the business signs, ingress/egress from K-57, the parking layout, any future buildings planned, and any other issue the applicant wishes to address.

Mr. Yearout indicated that he has been in contact with the County Health Department regarding any waste chemicals used in the business, and that Lisa Davies will address that issue with Mr. Ziegler in the near future. Mr. Yearout concluded that based on the evaluation of criteria guidelines, staff supports a favorable recommendation of the requested Conditional Use Permit subject to the conditions listed in the staff report.

Commissioner Mortensen asked if the Commission would be afforded the opportunity to review the revised site plan or if it would be handled by staff. Mr. Yearout stated it would be up to the Commission as to whether or not to continue the hearing until next month in order to see the revised site plan.

Commissioner Watson asked how large the parcel was and what screening was proposed. He was concerned that stored boats would result in clutter for the area.

Mr. Ziegler stated his property is approximately 10 acres with about 6 acres being usable for the buildings and other uses. He stated he was open to discussing any required screening.

There being no further questions of staff, Chairman Steinfert opened the hearing for public comment.

Chad Ziegler, applicant/owner, stated he was willing to discuss any concerns the Commission might have in regard to fencing and security. He stated that security cameras have been installed and there is a hot wire fence in place to keep the cattle out of the work area. In reference to the aerial photo showing several parked boats, Mr. Ziegler stated that two were his and the others belonged to customers.

Discussion ensued among the Commissioners, staff and Mr. & Mrs. Ziegler relating to location and type of fencing/screening, aesthetics of the area, security, and other site development issues. Mr. Ziegler indicated that due to the topography of the area very little of the commercial operation is visible from K-57 Highway. He used the aerial photo and drew a line indicating approximate location for a fence to screen the outdoor boat storage area.

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

Commissioners discussed the idea of having the CUP cease upon the closing of the business; allowing staff to review the revised site plan prior to this case going to the governing body rather than return the matter to the MPC; the type of screening needed (i.e. trees or privacy fencing) as well as where the screening should be required; the location of the outdoor boat storage area and whether it should be limited in area; and wanting assurances this would not become a "boat junkyard".

Commissioner Mortensen moved that Case No. GCCUP-03-01-12, the request of Chad Ziegler, owner, requesting a Conditional Use Permit in the "SR" Suburban Residential District for property at 11606 South Highway K-57, Junction City, Geary County, Kansas, to establish a boat repair business and outdoor storage of boats be recommended for approval by the Board of County Commissioners, subject to the conditions recommended by staff, which includes submission of a detailed site plan prior to this going to the Board of County Commission, plus expiration of the Permit if or when both businesses cease to exist; based on the reasons stated in the staff report and as heard at this public hearing. Commissioner Watson seconded the motion and it passed unanimously.

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

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

5. OLD BUSINESS - None

6. NEW BUSINESS

Item No. 1 – Case No. BZACU-03-01-12 – Public hearing for a Conditional Use Permit to operate at Day Care Home in the "RG" General Residential District.

Chairman Steinfert opened the public on the application of Latoya Palmer, owner, requesting a Conditional Use Permit to operate a Day Care Home to a maximum of 10 children in the

“RG” General Residential District, located at 1521 North Monroe, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the applicant wishes to establish a Day Care Home, which allows up to 10 children, because she has three of her own that count toward the total number of children authorized by the KDHE license. This would allow her to keep up to seven children that are not her own. Mrs. Palmer has resided at this location since 2009. The home is located in an area that was redeveloped with single-family homes through the Self-Help Housing program.

Mr. Yearout reviewed the staff report which sets out the standards to be considered for a Conditional Use Permit under the City’s Zoning Regulations. The applicant has passed the Fire Department inspection and has had a wooden privacy fence installed. However, as outlined in the staff report and to remain consistent with previous recommendations regarding day care homes, staff is recommending denial of the Conditional Use Permit. Mr. Yearout stated that if the Board chooses to approve the Conditional Use Permit, staff has recommended the Permit be subject to certain conditions as set out in the staff report.

Commissioner Watson stated his concern regarding play equipment in a front yard was directed at “permanent” playground equipment and not intended to restrict front yard play toys that are removed at the end of play time. Commissioner Ryan concurred, stating that a basketball goal was in the driveway, which was removable. If Mrs. Palmer was not requesting this Permit, there would be no issue about the basketball goal or toys in the front yard. Commissioner Mortensen wondered why she had installed the solid four foot privacy fence in the front yard.

There being no other comments or questions of staff, Chairman Steinfert opened the hearing for public comment.

Latoya Palmer, 1521 North Monroe, stated that in response to the reason for the four foot privacy fence in the front yard was because her children play in the front yard and the fence was installed primarily for their protection. The rear yard has a six foot privacy fence where outdoor day care activities will be contained. Mrs. Palmer stated there are two gates to the rear yard, that her children’s ages are 11, 4 and 3, that there is a full basement at the home, and that there is very little heavy truck traffic on Monroe Street.

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

There being no further comments or questions, Commissioner Watson moved that Case No. BZACU-03-01-12, the request of Latoya Palmer, owner, for a Conditional Use Permit to operate a Day Care Home in the “RG” General Residential District, located at 1521 North Monroe, Junction City, Kansas, be approved based on the findings at this public hearing and subject to the conditions outlined in the staff report and that the Conditional Use Permit become null and void if the business ceases. Commissioner Moyer seconded the motion and it passed unanimously.

Item No. 2 – Case No. BZASE-03-01-12 – Public hearing for a Special Exception to allow placement of a manufactured home in the “AG” Agricultural District.

Chairman Steinfert opened the public hearing on the application of Robert Boller, agent, for Peggy Ann Boller, owner, requesting a Special Exception to allow placement of a

manufactured home as a second residence at 11822 Boller Road, Junction City, Geary County, Kansas, and asked for the staff report.

Mr. Yearout stated state law allows the Board of Zoning Appeals to consider special exceptions, if identified in the local zoning regulations. Placement of a manufacture home as a second residence was specifically included in the new Geary County Zoning Regulations as a Special Exception. The intent was to recognize that situations often arise, especially in rural areas, where family demands result in a need to provide a second dwelling on a temporary basis due most often to health needs.

Mr. Yearout stated the applicant wishes to bring in a 1984 Detroit model; which does not comply with the regulations adopted by Geary County. Mr. Boller was advised of this regulation and his decision was to seek the Special Exception for placement of a second residence; and, if approved, approach the Board of County Commissioners for a waiver or modification regarding the model year requirement. Mr. Yearout stated that, if the County Commission chooses to allow a manufactured home older than a 1994 model, it would involve an amendment to county codes.

Mr. Yearout stated, as outlined in the staff report, this request is to place a manufactured home as a second residence on a lot under instances of extreme hardship or necessity. Staff is recommending approval of the Special Exception subject to the conditions listed in the staff report, but with the understanding the manufactured home actually placed on the property must meet the requirements of the County regulations regarding the age of the home. He also stated he had talked with Lisa Davies, County Health Department, and she will help deal with setting up the manufactured home to meet the County Sanitation Code.

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

Mr. Robert Boller, 3000 Tuttle Creek Blvd, Manhattan, KS, stated he has owned and lived in his mobile home for 17 years. He stated he cannot work an 8-hour day because of his disability. Due to his mother's health he wants to live on the farm to be able to help maintain the property. He stated he has kept very good care of his 1984 home and feels it is up to these standards. He stated he is not sure what the 1994 standards are, but that he believes his home is very well built and in good condition.

Mr. Boller confirmed his plan was to connect to the existing water well and not rural water, and that he would install a separate septic system according to the county Sanitation Code.

Mrs. Peggy Boller, 11822 Boller Road, stated that the mobile home is one of the few possessions owned by her son. If he is not allowed to move this manufactured home to the farm, it will take time to make other arrangements. The lot rent is over \$300 per month in Manhattan and the delay would place a financial hardship of Mr. Boller. His siblings are supportive of this move. The proposed location is somewhat secluded but will make sure it is kept attractive. Mrs. Boller presented pictures of Mr. Boller's mobile home and of the farm site. Mrs. Boller concluded by saying that his brothers and sisters will help in the relocation.

Commissioner Dibben asked if the trailer could be reconstructed to meet the 1994 HUD Code. Mr. Yearout indicated this would not be possible because it is a structural issue.

Commissioner Gustafson stated it is out of the Board of Zoning Appeals hands as to whether or not to allow the 1984 home because that is a standard in the Zoning Regulations and other Geary County rules and regulations.

Commissioner Gustafson moved that Case No. BZASE-03-01-12, the request of Robert Boller, agent, for Peggy Ann Boller, owner, requesting a Special Exception from the Geary County Zoning Regulations to allow placement of a manufactured home as a second residence at 11822 Boller Road, Junction City, Geary County, Kansas, be approved subject to the conditions listed in the staff report and based on the reasons stated in the staff report and as heard at this public hearing, specifically that the manufactured home must be a 1994 model or newer. Commissioner Moyer seconded the motion and it passed unanimously.

Mr. Yearout informed Mr. Boller that this matter will be considered by the Board of County Commissioner on Monday, March 19, 2012, at 11:30 a.m., at the Geary County Offices. Mr. Boller can present his request to the Board at that time.

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

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

7. GENERAL DISCUSSION

Mr. Yearout noted the Community Survey would be finalized in the very near future and would be mailed out by the consultants from Olathe. The results will be shared with the Metropolitan Planning Commission when they are received.

8. ADJOURNMENT

Commissioner Gustafson moved to adjourn. Commissioner Ryan seconded the motion and it passed unanimously. Chairman Steinfort declared the meeting adjourned at 8:12 p.m. The next meeting is scheduled for April 12, 2012.

PASSED AND APPROVED this _____ day of April, 2012.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, Secretary