

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

MINUTES

**May 10, 2012
7:00 p.m.**

**Members
(Present)**

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

**Members
(Absent)**

Ken Mortensen

Staff

David Yearout
Shari Lenhart

1. CALL TO ORDER & ROLL CALL

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present except Commissioner Mortensen.

2. APPROVAL OF MINUTES

Commissioner Gustafson moved to approve the minutes of the April 12, 2012, meeting as written. Commissioner Dibben seconded the motion and it passed unanimously.

3. OLD BUSINESS - None

4. NEW BUSINESS

Item No. 1 – Case No. Z-05-01-12 - Public Hearing to Rezone from “CR” Restricted Commercial District to “CSR” Service Commercial Restricted.

Chairman Steinfort opened the public hearing on the application of Ron and Rebecca Bramlage, owners, requesting to rezone the property at the northwest corner of Ash Street and Eisenhower Street from “CR” Restricted Commercial District to “CSR” Service Commercial Restricted District and called for the staff report.

Mr. Yearout stated this property has been zoned “CR” for many years. This classification is the most restrictive of the commercial zones, with only eight permitted uses and two by conditional use permit. The “CSR” district is the one of the broadest classification that lists 54 different permitted uses; along with another 9 by conditional use permit. The neighborhood is dominated by single-family residential uses zoned either “RS” or “RG”, which is restricted to single-family homes. The hospital is zoned “RS” and all the “office uses” to the west are zoned “CR”. The property on the northeast corner of Eisenhower and Ash is zoned “CSR”; however it is developed as a dental office and a relatively small lot. The current use as a dental office is allowed in the “CR” district.

The existing building was established a year ago as a spec building and a portion has been occupied. To the west is another pad for a future building at a lower level. The request for the "CSR" district is to broaden the potential for tenants in the building.

Mr. Yearout stated it is the opinion of staff that this property is properly zoned. The uses to which it is restricted are sufficient to allow the development of the property; it just may take longer than the owner wishes. As previously stated, the area is dominated by residential uses; but because of the hospital, low impact commercial development has continued without any undue burdens on the infrastructure of the City or any harm to the uses established. For these reasons, staff is recommending that the request to rezone to the "CSR" district be denied. Mr. Yearout stated that the owner did receive a copy of the staff report.

Mr. Yearout informed the Commission they have three options available in making a recommendation to the City Commission. The Commission may recommend approval of the application as submitted; it may recommend denial of the application as submitted; or it may recommend a change to a more restrictive classification than requested. As explained in more detail in the staff report, the Commission could opt to recommend the "CN", Neighborhood Commercial, "CS" Service Commercial, or the "CSP" Special Commercial districts. This option is always available any time there is a request for a rezoning.

Commissioner Gustafson asked what was allowed in the three Zoning Districts staff has identified. Mr. Yearout stated there were 18 uses by right and 4 uses by Conditional Use Permit in the "CN" district; 43 uses by right and 6 uses by Conditional Use Permit in the "CSP" district; and, 52 uses by right and 12 uses by Conditional Use Permit in the "CS" district. At the request of the Commission, Mr. Yearout read the uses listed in the "CN" district. Several Commissioners and staff engaged in a discussion regarding the differences between the uses in the different classifications.

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

Clint Francis, 308 Linden Street, Clifton, KS; stated he works for the Bramlage's. Mr. Bramlage and his attorney are out of town; therefore, Mr. Francis was present as the representative for the applicant. Mr. Francis stated they were surprised about the staff report. There has been little interest in the property for the last five years; therefore, the decision was made to go ahead and build a spec building. Currently there is one tenant and they feel they have not had much success in getting the other spaces filled due to the use limitations of the current zoning.

Mr. Francis noted the property across Eisenhower Street to the east is zoned "CSR" and has been that way for some time and nothing detrimental has happened to the neighborhood. The "CSR" zone would allow more uses and the owners could use their good judgment to get tenants. The traffic count is not high enough to attract any of the "undesirable" uses.

Mr. Francis stated there are two potential tenants for the existing building but the present zoning does not permit those businesses. One is for a self-service Laundromat like the one on North Washington, and the other is a carpet warehouse with a

showroom. These two uses could be allowed without any negative impact on the surrounding properties.

Mr. Francis noted the staff report is incorrect in its claim of a negative impact potential because it should read "sporting goods sales, *not including* outside storage" is actually how the restriction in the Zoning Regulations reads. Mr. Yearout acknowledged the error.

Mr. Francis concluded by stating that the owner is asking for the zone change to open up the area for more uses. The uses that would be considered detrimental would need a higher traffic count and would not fit into this area.

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

Mr. Yearout informed the Commission he had received an inquiry call from the Hospital administrator who was opposed to the change to the "CSR" classification.

General discussion among all Commissioners ensued regarding the proposed use of a Laundromat being good for the area; the impact of too many allowable uses in the "CSR" district regardless of the owners intent; the location at a busy intersection and eventually appropriate tenants will chose to locate in this area; the fact the "CN" district would allow a Laundromat and/or carpet store; that the property across the street is zoned "CSR"; however, the current use of a dental office; and the previous use of that building was as a drug store, which is allowed in the "CR" District.

Chairman Steinfert asked if the Special Use Permit option could be done. Mr. Yearout stated that was a possibility; however, a potential tenant usually would not be willing to wait 60 to 90 days before knowing whether it was approved. Mr. Yearout pointed out that each proposed use would be required to go through the public hearing process, which is time consuming. The intent of using the Special Use Permit process is to deal with a specific use at a location that another zoning classification would not be acceptable. That may not be the best approach at this location.

Commissioner Dibben asked staff's opinion about recommending the "CN" zone. Mr. Yearout responded that it would more than double the uses but not the full big "laundry list" of uses. He stated that he struggled a long time whether to recommend denial or the option of the "CN" district. At the staff level it is only a recommendation, both the MPC and the Governing Body have taken different positions from the staff recommendation, which is how it should be. Staff understands the desire of the owner to obtain viable tenants. This is a good location with a lot of traffic along Eisenhower and Ash Streets. There is a lot of activity going on in the area. The building is attractive and appropriate uses for the area will happen.

Commissioner Dibben asked Mr. Francis if the owner would be amenable to accepting the "CN" classification. Mr. Francis stated it would "get them down the road". He stated they understand the concerns of the community regarding the "CSR" district. He indicated that the Special Use Permit makes everything take too long. The "CN" district would at least allow the owner to proceed with what they have in mind.

There being no further discussion or questions, Chairman Steinfert called for a motion.

Commissioner Gustafson moved that Case No. Z-05-01-12, concerning the request of Ron and Rebecca Bramlage, owner, requesting to rezone from "CR" Restricted Commercial District to "CSR" Service Commercial Restricted District be amended to "CN" Neighborhood Commercial District for property at the northwest corner of Ash Street and Eisenhower Street, Junction City, Kansas, be recommended for approval by the City Commission based on the information presented at this public hearing. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 2 – Case No. Z-05-02-12 - Public Hearing to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District

Chairman Steinfort opened the public hearing on the application initiated by the Metropolitan Planning Commission to rezone from "CSP" Special Commercial District to "RM" Multiple Family Residential District the residential properties in the vicinity of West 8th Street and Eisenhower Street, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated this case was initiated by the Commission for the same reasons as the homes along 7th Street earlier this year, which is to place the homes in a residential zoning to remove the "grandfathered" status which virtually makes financing the single-family homes impossible. There are 20 individual properties affected by this rezoning. These homes are adjacent or near the rezoning initiated by John York on behalf of Sally Jardine last month.

Mr. Yearout reported one call was received but after explaining the issue there was no objection. As before, if a landowner wishes to retain the commercial zoning they may. To date, there has been no such request. Mr. Yearout stated that staff is recommending approval of the rezoning.

There being no questions of staff, Chairman Steinfort opened the hearing for public comments. There being no appearances, Chairman Steinfort closed the public hearing and called for a motion.

Commissioner Moyer moved that Case No. Z-05-02-12, initiated by the Metropolitan Planning Commission to consider the rezoning of the residentially used properties on the south side of 8th Street on either side of Eisenhower Street from "CSP" Special Commercial District to "RM" Multiple Family Residential District be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing. Commissioner Ryan seconded the motion and it passed unanimously.

Item No. 3 – Case No. VC-05-01-12 - Public Hearing for Vacation of a Portion of a Platted Utility Easement, Junction City, Kansas.

Chairman Steinfort opened the public hearing on the application of Kaw Valley Engineering, agent, on behalf of Hickory Hills Residences I, LC, owners, requesting the vacation of a portion of the platted utility easement on the north side of Lot 1, Block 4, Hickory Hill Addition, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated the owner wishes to vacate the south 10 feet of the 20-foot easement because all the utilities are installed in the northern 10 feet of the easement and there is also a 10-foot easement along Lots 2 through 13 of Block 4, which abuts

the apartment lot on the north side. The current situation effectively establishes a 30-foot easement. This vacation will reduce that to a normal 20-foot easement.

Mr. Yearout stated staff has received comments from the utility companies indicating they do not oppose the vacation. The City has confirmed no water or sewer lines are in the easement and the applicant indicates there are no existing utilities in the portion of the easement to be vacated. Therefore, based on the fact the public will suffer no loss or inconvenience and no private rights will be injured or endangered, staff is recommending approval of the vacation.

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

Leon Osbourn, Kaw Valley Engineering, stated the applicant is wishing to install a retaining wall based on grading issues. The desired retaining wall will be within the area proposed for vacation. If the easement were to remain in place, any utility company would have the right to push it out. As previously stated by staff, there are no utilities in this area and no foreseen reason for this 10-foot portion of the 20-foot dedicated easement to remain in place.

Chairman Steinfert asked about the water lines relative to required fire hydrants; whether they came from the parking lot or behind the units. Mr. Osbourn stated they are located in the parking lot area. Mr. Yearout and Mr. Osbourn both confirmed the area to be vacated was not necessary for any required installation of fire hydrants or water lines.

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

Commissioner Watson moved that Case No. VC-05-01-12, the request of Kaw Valley Engineering, agent, on behalf of Hickory Hills Residences I, L.C., by A&S/HHC, LLC, its manager, requesting the vacation of the south ten (10) feet of the twenty (20) foot platted utility easement on the north side of Lot 1, Block 4, Hickory Hill Addition to Junction City, Kansas, and described in the petition for vacation be recommended for approval to the City Commission of Junction City, Kansas. Commissioner Moyer seconded the motion and it passed unanimously.

Item No. 4 – Case No. VC-05-02-12 - Public Hearing for Vacation of a Platted Cross Access Easement, Junction City, Kansas.

Chairman Steinfert opened the public hearing on the application of Kaw Valley Engineering, agent, on behalf of James Sampson, owner, requesting the vacation of the platted cross access easement on Lot 3, Block 1, Sampson 2nd Addition, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated that when the Planning Commission considered this plat in the fall of 2010, the applicants were asked to establish a Cross Access easement in anticipation of the development of more restaurants and to assure access to the parking lot at Holiday Inn Express. Since that time, the area has developed as anticipated and the Cross Access easement has indeed assisted in the traffic flow for East Street and Chestnut Street. The owner now wishes to relocate the current platted easement in

anticipation of a new building; and by separate document, will dedicate a new cross access easement.

Mr. Yearout stated that staff is recommending approval of the vacation request based on the fact that the public will suffer no loss or inconvenience and no private rights will be injured or endangered; subject to the presentation of the dedication of a new cross access easement for approval at the same meeting as the vacation is considered.

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

Leon Osbourn, Kaw Valley Engineering, representing the applicant stated that all he could say was that "architects like to change things"! The proposed building was enlarged and faced at a different angle. The cross access easement to the Holiday Inn Express will still be there, just slightly relocated.

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

Commissioner Moyer moved that Case No. VC-05-02-12, the application of Kaw Valley Engineering, agent, on behalf of James D. Sampson, owner, requesting the vacation of the platted cross access easement in Sampson's 2nd Addition to Junction City, Kansas, described in the petition for vacation be recommended for approval to the City Commission of Junction City, Kansas, subject to the presentation of the dedication of a new cross access easement for approval at the same meeting as the vacation. Commissioner Dibben seconded the motion and it passed unanimously.

Item No. 5 – Case No. SUP-05-01-12 Public Hearing requesting a Special Use Permit for massage therapy and personal fitness training, Junction City, Kansas

Chairman Steinfert opened the public hearing on the application of Audrey Vieux, owner, requesting a Special Use Permit for massage therapy and personal fitness training activities at 222 Caroline Court, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated that Ms. Vieux wishes to establish these activities in her home and Staff has determined they do not qualify as a "home occupation"; therefore, the special use permit process was the most reasonable approach for consideration of these uses in a residential district. The only other option would be to request a commercial rezoning which undoubtedly would not be approved. Ms. Vieux has indicated the proposed operation will be located in the basement of her home and has provided pictures and an outline of the personal fitness program.

Mr. Yearout stated staff received calls from Garry Burges, Steve Roles and Richard Rothfuss, property owners in the notification area. All calls were just asking for clarification and, in the end, there were no objections. Mr. Yearout concluded by stating that staff is recommending approval of the special use permit for reasons outlined in the staff report; subject to the limitation of one sign as stated in the staff report.

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

Audrey Vieux, 222 Caroline Court, stated she has been doing this for eight years. She is a military wife and it is much easier to work out of her home. They will be stationed here for 2 to 3 years and then plan to rent the property. She stated there is a double car garage with driveway where clients can park and that all her clients are by appointment only. She does not put her address on the web page, only a phone number. Ms. Vieux stated the fitness training program will not start until she has the necessary equipment, the yard is finished and she obtains proper insurance and documentation. The fitness group sessions will be running in the neighborhood or parks as permitted.

In response to questions from Commissioners, Ms. Vieux stated her group license is for a maximum of 5 per class, with classes running from 9:00 a.m. to 10:00 a.m. Mondays, Wednesdays and Fridays, and from 5:00 p.m. to 6:00 p.m. on Tuesdays and Thursdays. There is a privacy fence installed around the back yard because most people do not like to be seen working out. Ms. Vieux stated she will not have any employees; is agreeable to no front yard equipment; and will not take appointments after 7:00 p.m.

Commissioners discussed requiring the same type of restrictions that have been applied to the day care homes. The advisability of including no employees and setting a time frame on the Permit were discussed. Mr. Yearout stated he did not discuss a time length with the applicant because it had been assumed the property would be sold when they left. However, in light of the fact the Vieux's intend to retain the property a condition of the Permit could be that it become null and void when Ms. Vieux leaves.

There being no other appearances or questions of staff, Chairman Steinfort closed the public hearing and called for a motion.

Commissioner Gustafson moved that Case No. SUP-05-01-12, the application of Audrey Vieux, owner, requesting a Special Use Permit on property zoned "RS" Suburban Residential District to allow massage therapy and personal fitness training at 222 Caroline Court, Junction City, Kansas, be recommended for approval by the City Commission of Junction City subject to the following conditions: 1) one sign no more than one (1) square foot in area, which shall be the same color and contrast in message content as is provided for the street address on the property (i.e. black lettering against a background of the color of the exterior of the home); 2) no permanent equipment in the front yard; 3) hours of operation from 7:00 a.m. to 7:00 p.m.; 4) privacy fenced area for training purposes shall be maintained; 5) no employees from outside the home; and 6) permit to become null and void if or when applicant no longer resides at 222 Caroline Court; based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Ryan seconded the motion and it carried unanimously.

Item No. 6 – Case No.TA-05-01-12, Public Hearing to consider an amendment to the Junction City and Geary County Zoning Regulations.

Chairman Steinfort opened the public hearing on the application initiated by the Metropolitan Planning Commission to amend the Junction City Zoning Regulations and the Geary County Zoning Regulations by deleting language referencing Family Day Care Homes and allowing Day Care Homes by right in residential districts, and called for the staff report.

Mr. Yearout stated the proposed amendment was from a motion by the MPC at the last meeting. The intent is to allow a Day Care Home by right and eliminate the Family Day Care Home category from the rules and regulations. KDHE has changed its licensing standards, and it no longer has a Family Day Care Home category limited to 6 children. The minimum license a provider now receives from KDHE is a maximum of 10 children. Four specific "performance standards" comparable to the conditions the Board of Zoning Appeals has been placing on Conditional Use Permits for a Day Care Home will be added as a requirement for a Day Care Home. In addition, the Child Care Code will be amended to make it compatible to the new Zoning Regulations for both the City and County. Mr. Yearout stated that the biggest issue will be the change in the fee for inspections, which will go from a minimum of \$35.00 to \$100.00. But there are higher requirements of a Day Care Home and the City incurs the expenses of providing the inspections, so this is reasonable.

Mr. Yearout noted numerous providers have applied to the Board of Zoning Appeals for a Conditional Use Permit to allow the maximum of 10 children as they receive their KDHE licenses. It is anticipated there will be some complaints about these changes; however, staff believes it is time to accept the situation and adjust the local policies, rules and regulations to match what is happening with KDHE.

Commissioner Watson commented that the fee of \$100 was not out of line for two different required inspections by City staff. Being a child care provider is a business providing a service to the community and the fee is part of that business' operating expenses.

Chairman Steinfort asked if the proposed amendments would be more in line with KDHE licensing standards. Mr. Yearout stated that it would because the proposal will eliminate the Family Day Care Home category, which does not exist with KDHE; and allow the Day Care Home by right with performance standards.

Commissioner Gustafson questioned the hours of operation limitation. She suggested an option of no set hours but based perhaps upon a neighborhood complaint. Mr. Yearout explained the wording is in place to allow drop-off and pick-up outside the general operational hours. If there were a complaint, the set hours provide for enforcement, if needed.

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

Commissioner Watson moved that the proposed amendments to the Junction City and Geary County Zoning Regulations concerning Day Care operations be recommended for adoption by the City Commission of the City of Junction City and the Board of County Commissioners of Geary County. Commissioner Moyer seconded the motion and it passed unanimously.

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

Commissioner Ryan 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.

5. OLD BUSINESS - None

6. NEW BUSINESS

Item No. 1 – Case No. BZACU-05-01-12 - Public Hearing for Conditional Use Permit to operate a Day Care Home.

Chairman Steinfort opened the public hearing on the application of Erin Smith, owner, requesting a Conditional Use Permit to operate a Day Care Home, with a maximum of 10 children, in the “RG” General Residential District at 1504 Rockledge Court, Junction City, Kansas, and called for the staff report.

Mr. Yearout stated that the staff report outlines the guidelines required for the Board of Zoning Appeals when considering an application for a Conditional Use Permit. Based on previous cases and the proposed amendment to the Zoning Regulations, staff is recommending approval of the conditional use permit subject to the four conditions set out in the staff report.

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

Erin Smith, 1504 Rockledge Court, stated that she was the owner of the All Stars Day Care. She has two nieces and nephews that come after school; therefore the need to increase the maximum number of children allowed by the City Certificate.

Commissioner Gustafson asked Ms. Smith if she accepted the conditions as outlined by staff. Ms. Smith indicated she was.

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

Commissioner Gustafson moved that Case No. BZACU-05-01-12, the application of Erin Smith, owner, requesting a Conditional Use Permit to operate a Day Care Home for a maximum of 10 children in the “RG” General Residential District at 1504 Rockledge Court, Junction City, Kansas, be approved subject to the conditions listed in the staff report and based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Ryan seconded the motion and it passed unanimously.

Item No. 2 – Case No. BZACU-05-02-12 - Public Hearing for Conditional Use Permit to operate a Day Care Home.

Chairman Steinfort opened the public hearing on the application of Lacey Landreville, owner, requesting a Conditional Use Permit to operate a Day Care Home for a maximum of 10 children in the “RG” General Residential District at 413 West Vine Street, Junction City, Kansas, and asked for the staff report.

Mr. Yearout stated the staff report provides the guidelines for consideration of a Conditional Use Permit and that staff is recommending approval subject to the four conditions as listed in the report.

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

Lacy Landreville, 413 West Vine Street, stated she has two children of her own that count toward the six allowed by the City Certificate. She would like to be able to take care of more children.

In response to questions from Commissioners, Ms. Landreville stated that once the ground settles from a sewer line repair, the rear yard will be again fenced as a play area for the children; and had no problem with the conditions attached to the Permit.

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

Commissioner Ryan moved that Case No. BZACU-05-02-12, the application of Lacy Landreville, owner, requesting a Conditional Use Permit to operate a Day Care Home in the "RG" General Residential District at 413 West Vine Street, Junction City, Kansas, be approved subject to the conditions listed in the staff report and based on the findings outlined in the staff report and as presented at the public hearing. Commissioner Moyer seconded the motion and it passed 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 Watson seconded the motion and it passed unanimously.

7. GENERAL DISCUSSION

Item 1 – General Zoning Text Amendments

Mr. Yearout handed out a staff memo referencing General Zoning Text Amendments. As indicated in the memo, a couple of issues have arisen over the past few months that have raised some questions regarding potential amendments to the City and County zoning regulations. The first issue being where churches and schools are allowed by right, and the other issue being the limitations on certain home occupations.

The Economic Development Commission broached concerns relative to allowable locations for churches. Mr. Yearout stated that churches are allowed by right in all the residential and commercial districts, with the exception of the "CC" Central Commercial district which requires a Conditional Use Permit and churches are prohibited in the "CSS" Commercial Service Special district, which is exclusively for adult entertainment operations.

With respect to churches and schools, there is the issue of the required 200-foot separation from any establishment dispensing alcoholic beverages. This occurred within the last year when the Nazarene Church/School located in the old Wal-Mart building across from the Napolis restaurant on South Washington. Measuring from doorway to doorway exceeded the 200 feet; however, property line to property line did

not. This separation requirement has been rescinded by the Kansas Statutes and ABC licensing requirements.

The proposed Dick Edwards development at I-70 and Hwy 77 will have some out-parcels available for other development along Golden Belt Boulevard. If a church or school were to locate on that property, there would be no property or sales tax income to go toward payment of the bonds.

Mr. Yearout stated that staff is recommending that the issue regarding requirements and restrictions on churches and schools be set for discussion only at the next meeting. At that time, the MPC can determine whether or not to schedule a public hearing for amendments to the Zoning Regulations.

Commissioner Moyer asked if there was any type of recommendation from the Economic Development Commission on this matter. Mr. Yearout stated the Commission did not make a recommendation per se, but they talked about three options: 1) churches should never be restricted; 2) churches should be restricted; and 3) the 200-foot separation issue. This is obviously a sensitive issue, which is one reason staff is recommending a "discussion only" session which may or may not help in determining whether or not any amendments are warranted to the City or County codes.

It was the consensus of the Commission to place this item on the next agenda for discussion.

As for the second issue, Mr. Yearout explained that an individual recently inquired about selling firearms from the home. The practice of buying and selling firearms from another state or through the internet requires the recipient to have some sort of federal ATF license. Apparently, the practice is to find a licensed "buyer" to receive the weapon and in turn pass it on to the purchaser. This could have been handled as a Special Use Permit; however, staff believes this type of business transaction does not need to be advertised for various reasons. It would be best if handled as a "home occupation". The current restrictions on "home occupations" clearly restrict sales and distribution of merchandise from the home. But, this technically should prohibit other "sales" operations from the home such as jewelry, Mary Kay, internet sales and many other similar operations that staff knows exists. This needs to be address so the Zoning Regulations deal with the reality of what occurs within the community. Staff is suggesting a public hearing be set on a potential text amendment for home occupations.

Discussion ensued among the Commissioners regarding "monthly/weekly" garage sales, and the multiple types of sales from the home. It was the consensus of the commission that the Zoning Regulations should encourage home based businesses and still protect the integrity of residential neighborhoods. The question was raised about sales tax, and Mr. Yearout stated sales tax issues are handled by the State and there is no way to monitor that locally.

Commissioner Gustafson moved that the Metropolitan Planning Commission set a public hearing on a potential text amendment to the Zoning Regulations of Junction City concerning home occupations and the performance standards and range of activities permitted for home occupations and direct staff to draft suggested amendment and to publish the required notice of public hearing for the next meeting. Commissioner Moyer seconded the motion and it carried unanimously.

Item 2. – Commissioner Terms Expiring

Mr. Yearout stated the terms for Chairman Steinfert (City/County appointee), Commissioner Ryan (City appointee), and Commissioner Moyer (County appointee) expire next month. He asked if they wished to be considered for reappointment.

Chairman Steinfert stated he would not be seeking reappointment. He stated he has been a board member for a number of years, and is ready to step down.

Commissioner Ryan also politely declined. Mr. Ryan has been a board member since 2009.

Commissioner Moyer indicated he was unsure at the moment but would let Mr. Yearout know as soon as possible.

8. ADJOURNMENT

There being no further business, Commissioner Gustafson moved to adjourn. Commissioner Moyer seconded the motion and it carried unanimously. Chairman Steinfert declared the meeting adjourned at 8:52 p.m.

PASSED AND APPROVED this _____ day of July, 2012.

Maureen Gustafson, Chair

ATTEST:

David L. Yearout, Secretary