

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

**MINUTES
February 13, 2020**

**Members
(Present)**

Maureen Gustafson, Chair
Sheila Burdett
Cindy Carlyon
Brandon Dibben
Dan Roether

**Members
(Absent)**

Ken Mortensen, Vice-Chair
John Moyer

**Staff
(Present)**

Troy Livingston
Marissa Jones-Flaget

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 5:15 p.m. declaring a quorum with five members present.

2. APPROVAL OF MINUTES – Consideration of the November 14, 2019 minutes.

Commissioner Burdett moved to approve the minutes as written. Commissioner Carlyon seconded the motion and it carried unanimously.

3. OLD BUSINESS – None

4. NEW BUSINESS

Item No. 1 – Case No. TA-02-01-20 Public Hearing to consider a Text Amendment to the Junction City Zoning Regulations

Chair Gustafson opened the hearing and called for the staff report.

Ms. Jones-Flaget outlined the history of the fee schedule used for all of the applications utilized by the office of Planning and Zoning and indicated that the schedule printed in the current Junction City Zoning Regulations is outdated and does not reflect our current charges. Ms. Jones-Flaget also noted that Geary County's fee schedule was somehow dropped from the formal regulations during the transition from the 2011 regulations to what we currently have in place.

Chair Gustafson asked if this hearing was to address both Junction City and Geary County regulations and Ms. Jones-Flaget noted that the legal noticed published in the Daily Union was for a text amendment to both sets of regulations. She went on to cover each change for the Junction City schedule noting that we would drop inspection fees and fees for stop-work orders since those activities are the responsibility of the Code Enforcement office. In addition, Ms. Jones-Flaget indicated that we would drop the fee for zoning certificates but would need to add fees for Special Use and Special Exception applications.

Ms. Jones-Flaget said that the Geary County fee schedule would basically mirror that of Junction City with the notable exception of the fee for Special Use permits because the County does not utilize those.

Chair Gustafson asked about the need for the increase in fees and Ms. Jones-Flaget noted that we really would not be increasing fees, but rather updating the printed schedule to reflect what we do charge. She also noted that current charges have been in place at least since 2012 and that the public would not see an actual increase. Ms. Jones-Flaget went on to say that although our current fees reflect charges from surrounding communities, Junction City and Geary County are still cheaper.

General discussion ensued regarding a difference in fees for applications, with some reflecting a \$75.00 fee and others a \$100.00 fee. Commissioner Roether wanted to see all fees set at \$100.00 for simplicity. Commissioner Burdett noted that she felt \$100.00 was reasonable and that she had noticed an increase in fees imposed by the Geary County Health Department for well water inspections. Commissioner Roether made a motion to recommend the Junction City Commission and the Geary County Board of Commissioners approve the change in fee schedules to reflect a \$100.00 fee for all applications. Commissioner Carlyon seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – March Meeting

Ms. Jones-Flaget noted that she and Director Livingston will be attending a conference during the week of our March meeting and that it would be cancelled.

Item No. 2 – April Cases

Ms. Jones-Flaget indicated that we already have cases for April - one being a conditional use permit to allow sales of cereal malt beverage in the "CS" Service Commercial District and one being a special use permit to allow a tattoo studio in the "CSP" Special Commercial District.

Item No. 3 - Religious Land Use and Institutionalized Persons Act (RLUIPA)

Ms. Jones-Flaget noted that under our current zoning regulations we only allow churches with a special use permit and then only in residential districts. It has come to that attention of the zoning office that we may be in violation of RLUIPA by not allowing churches in commercial districts. Ms. Jones-Flaget indicated that our office has forwarded concerns to the City Attorney's office for further investigation, but that there may be a need for a text amendment in the near future so that we are in compliance.

Commissioner Roether stated that he thinks churches abuse their tax-exempt status and that it should only apply to the church and a parsonage, not rental properties the church may own. Mr. Livingston noted that even the State of Kansas recognizes there are problems with the exemptions but there is nothing that we can do locally to address the issue and that our state legislature will have to fix it.

Further discussion occurred regarding RLUIPA and associated issues, but the conclusion was that there will be more consideration required, especially from legal counsel, before drafting a text amendment.

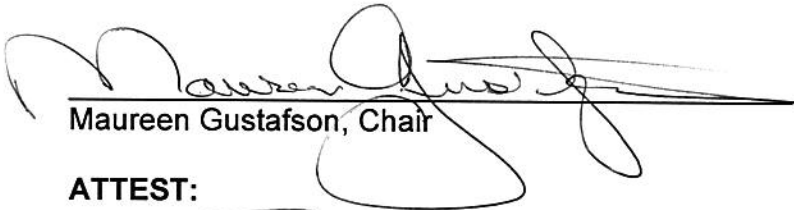
Item No. 4 – Comprehensive Plan Implementation

Ms. Jones-Flaget indicated that she will be reaching out to various City and County departments to track the level of completion of various goals outlined in the Comprehensive Plan adopted by both the City and County in 2017. Commissioner Burdett noted she thought that was an excellent idea.

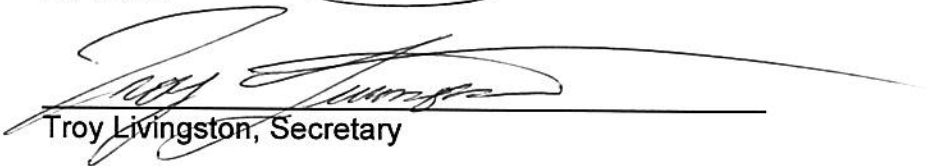
6. ADJOURNMENT

Commissioner Roether motioned to adjourn, Commissioner Carlyon seconded the motion. Chair Gustafson declared the meeting adjourned at 6:06 p.m.

PASSED and APPROVED this 9th day of April 2020.


Maureen Gustafson, Chair

ATTEST:


Troy Livingston, Secretary