

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

**MINUTES
April 9, 2020**

**Members
(Present)**

Maureen Gustafson, Chair
Cindy Carlyon
Brandon Dibben (arrived 5:17)
John Moyer
Dan Roether

**Members
(Absent)**

Ken Mortensen, Vice-Chair
Sheila Burdett

**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 four members present.

2. APPROVAL OF MINUTES – Consideration of the February 13, 2020 minutes.

Commissioner Roether 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. Z-04-01-20 Public Hearing requesting a rezone

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

Mr. Livingston stated the request was by Tyler Oliver, agent, on behalf of Mark Powers, owner to rezone the property at Rucker Road and North US 77 Highway from “CG” General Commercial District to “CSP” Special Commercial District. Mr. Livingston noted that when the property was platted it was zoned commercial, but it is not the appropriate commercial zone for what they are wanting to do. Mr. Livingston stated that a retailer called wanting to put a specific retail business at that location. Mr. Livingston stated that the retailer is Dollar General, and they initially called back in January.

Chair Gustafson asked the proximity of the site to residential. Mr. Livingston stated that Patriot Pointe Townhomes is relatively close with a few acres in between. Mr. Livingston stated the current commercial zone is geared towards farm implement and suggested a commercial district that allows for general merchandise would be more appropriate so if they want, they can apply for a cereal malt license with the city like they have with other locations.

Commissioner Moyer noted that he believed Mr. Powers had intended for some kind of convenience store to go in at that location originally. Commissioner Roether inquired about it the City would have to approve the zoning. Mr. Livingston confirmed that the City would have to approve.

There being no further questions of staff, Chair Gustafson opened the hearing for public comment.

There being no public comment Chair Gustafson closed the public hearing and called for a motion. Commissioner Roether moved that case Z-04-01-20 be recommended for approval to the City Commission. Commissioner Carlyon seconded, and the motion carried unanimously.

Item No. 2 – Case No. SUP-04-01-20 Public Hearing requesting a Special Use Permit

Mr. Livingston stated this was the request of Omar Rodriguez, dba New Era Tattoo Studio, agent, on behalf of Gery H. Schoenrock, owner, to establish a tattoo studio in the “CSP” Special Commercial District in the building located at 905 W 6th St. Mr. Livingston stated that Mr. Rodriguez formerly worked for Mr. DeLafuente on Washington but he and other former employees have been starting their own businesses. Mr. Livingston stated that Mr. Rodriguez’s studio will be by-appointment only so will be fairly upscale. Mr. Livingston further noted the location is conducive to this type of business as it is a retail space, being in the same building as the FroYo Junction, and has plenty of parking. Mr. Livingston stated that since his office has not received complaints and to his knowledge law enforcement has not had issues with the existing tattoo studios in town that he does not see an issue with Mr. Rodriguez’s request.

There being no further questions of staff, Chair Gustafson opened the hearing for public comment.

There being no public comment Chair Gustafson closed the public hearing and called for a motion. Commissioner Roether moved that case SUP-04-01-20 be recommended for approval to the City Commission. Commissioner Moyer seconded, and the motion carried unanimously.

Item No. 3 – Case No. SUP-04-02-20 Public Hearing requesting a Special Use Permit

Mr. Livingston stated this is the request of Jetaime Paker, agent, on behalf of Four Seasons, LLC, owner, for a Special Use Permit allowing sales of manufactured homes in the “MH” Mobile Home District at 820 Grant Ave. Mr. Livingston stated that Meadowlark and Northwind Mobile Home Parks had the same request in the past and the Commission and the City approved it. Mr. Livingston stated that the State requires them to have zoning verification before they can proceed with sales. Mr. Livingston stated that Ms. Parker has been working on cleaning up Four Seasons. Commissioner Roether agreed, noting he was recently in the area and he noticed they were putting in brand new trailers.

Chair Gustafson asked if they bring a trailer in and set it up on a lot if it is meant to be used on that lot. Commissioner Roether stated that was the case, as he tried to purchase one to use on a different site and they would not sell to him. Chair Gustafson inquired about if the Fire Department is involved when they move a new home in and if they are notified if this request is

approved. Mr. Livingston stated that the Fire Department is involved as a building permit has to be issued for each one and that he has been in contact with the Fire Department anyway regarding mobile homes since Cottonwood Mobile Home Park was recently purchased. Chair Gustafson inquired about if there was space for these new trailers. Mr. Livingston stated that he has had discussions with Chief Johnson since when the regulations were written trailers were not this large. Mr. Livingston noted they ran into an issue of a gas main running in the middle of Cottonwood.

Chair Gustafson noted that it is nice bringing in the newer trailers since it cleans up the look of that area. General discussion ensued.

Mr. Livingston noted his office received a letter of concern from the Village at Freedom Place HOA, with the HOA requesting that Four Seasons put up a privacy fence if they are going to be moving trailers in and out to help ensure the safety of their residents. Mr. Livingston stated that there used to be a fence between Four Seasons and the Village at Freedom Place, but it was built in City right-of-way so was torn down. Mr. Livingston noted that staff informed the Village of Freedom Place HOA that the requirements for a privacy fence are outside the scope of the Special Use Permit, and that the concern would need to be brought to the City Code Enforcement Department.

There being no further questions of staff, Chair Gustafson opened the hearing for public comment.

There being no public comment Chair Gustafson closed the public hearing and called for a motion. Commissioner Moyer moved that case SUP-04-02-20 be recommended for approval to the City Commission. Commissioner Dibben seconded, and the motion carried unanimously.

5. BOARD OF ZONING APPEALS – None

6. GENERAL DISCUSSION

Mr. Livingston stated that the Geary County Office Building is closed to the public through May 15th and that he would keep the Commission updated as the status changes. Mr. Livingston stated that there were not any cases on the agenda for next month, so would realistically be cancelled.

6. ADJOURNMENT

Commissioner Roether motioned to adjourn, Commissioner Carlyon seconded the motion. Chair Gustafson declared the meeting adjourned at 5:35 p.m.

PASSED and APPROVED this 9th day of April 2020.

Maureen Gustafson, Chair

ATTEST:

Troy Livingston, Secretary