

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

**MINUTES
May 9, 2019**

**Members
(Present)**

Maureen Gustafson, Chair
Ken Mortensen, Vice-Chair
Sheila Burdett
Cindy Carlyon
Brandon Dibben
John Moyer
Dan Roether

**Members
(Absent)**

**Staff
(Present)**

Troy Livingston
Marissa Jones-Flaget

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 5:13 p.m. declaring a quorum with seven members present.

2. APPROVAL OF MINUTES – Consideration of the April 11th, 2019 minutes.

Chair Gustafson noted a misspelling in the first paragraph to be corrected. Vice-Chair Mortensen moved to approve the minutes as amended. Commissioner Roether seconded the motion and it carried unanimously.

3. OLD BUSINESS – None

4. NEW BUSINESS

Item No.1- Case No. SUP-04-01-19 Consideration of Special Use Permit for tobacco shop (hookah lounge).

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

Mr. Livingston noted that this was the request of Chance Neace, agent, on behalf of Terry Heldstab, owner, requesting a Special Use Permit to allow a hookah lounge in the "CC" Central Commercial District on property located at 111 W 7th St., Junction City, Geary County, Kansas.

Mr. Livingston states that for the purposes of this application, the proposed hookah lounge will be classified as a "Tobacco shop", defined in Title II – Public Health, Safety, and Welfare of the Junction City Code of Ordinances. A hookah lounge ("tobacco shop") is not listed as either "permitted" or "conditional" in the "CC" District or any other zoning district; therefore, based on the amendments made to the Junction City Zoning Regulations, the use is being considered as a Special Use Permit.

Chair Gustafson inquired about applicable sections of the K.S.A. Mr. Livingston noted that tobacco shops are exempt from provisions of the Kansas Indoor Clean Air Act.

Chair Gustafson then opened the floor for public comment.

Drew Delafuente, 703 N Washington Street, Junction City, Kansas

Mr. Delafuente and Mr. Neace are business partners who own Upscale Social, LLC and plan to open Studio 111 Hookah Lounge. Mr. Delafuente provided background on his current involvement in the Junction City community and his vision for downtown. Lengthy discussion occurred between Mr. Delafuente and the Planning Commission addressing questions about the nature of the proposed business, how hookah works, the sanitation process, the products and services offered at the business, and parking concerns, until the Planning Commission was clear about how the hookah lounge would operate.

Bill Dodin, 622 N Washington Street, Junction City, Kansas

Mr. Dodin is the owner of NetQuest Computer Sales and Repair and was present at the hearing to voice concerns he had about public health and parking, siting there are apartments above the proposed location and limited parking along N Washington Street. Mr. Delafuente addressed these concerns.

Chair Gustafson asked for additional comments and there being none closed the floor for public comment and called for a motion.

The Commission indicated a desire to see the next generation of businesses succeed and Commissioner Mortensen made the motion to recommend approval of the Special Use Permit. Commissioner Roether seconded the motion and it carried unanimously.

Item No.2- Case No. FP-05-01-19 Consideration of Final Plat of Sonic Addition to Junction City, Kansas

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

Mr. Livingston noted that this was the request of Kaw Valley Engineering, agent, on behalf of Darrell Rogers, owner, seeking approval of the Final Plat of the Sonic Addition to Junction City, Kansas, generally located at 827 S. Washington Street.

This platting involves combining 2 tax parcels into a single lot for the purposes of constructing a new Sonic Drive-In restaurant. The new lot will encompass the south 225 feet of Tract 1 of the Big Bowl Addition that contains the current Sonic Drive-In and the associated playground.

Vice-Chair Mortensen inquired about the need for the plat. Mr. Livingston noted that currently the area is two separate tax parcels; the plat would help clean up the legal description of the property.

Commissioner Moyer moved that the application be approved and that the Chair and the Secretary of the Planning Commission be authorized to sign the plat and forward it to the City Commission of Junction City for final approval and acceptance. Vice-Chair Mortensen seconded the motion and it carried unanimously.

Chair Gustafson declared the Metropolitan Planning Commission in recess and reconvened as the Board of Zoning Appeals.

5. BOARD OF ZONING APPEALS – None

6. GENERAL DISCUSSION

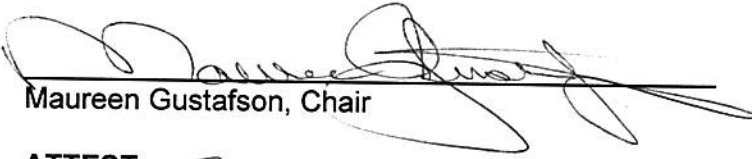
Mr. Livingston provided the Commission with general information regarding Governor Brownback's informal moratorium on wind development in the Flint Hills ecoregion noting that all of Geary County, except three sections in the extreme southwest corner, is included in the ecoregion. The moratorium is not legally enforceable and nothing in the current zoning regulations addresses commercial wind energy, so further research will need to be conducted to see about introducing wind energy into the zoning regulations. Staff and the Commission discussed various wind developments in the state and further details.

Mr. Livingston provided a summary on Staff's attendance at the Kansas Association of County Planning and Zoning Officials Spring Conference in Russell, KS. Mr. Livingston highlighted information covered in a session about the legalization of industrial hemp in Kansas and possible local outcomes. General discussion ensued.

7. ADJOURNMENT

Commissioner Roether motioned to adjourn, Commissioner Carylton seconded the motion. Chair Gustafson declared the meeting adjourned at 6:15 p.m.

PASSED and APPROVED this 13th day of June 2019.


Maureen Gustafson, Chair

ATTEST:


Troy Livingston, Secretary