

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

**MINUTES  
June 13, 2019**

**Members  
(Present)**

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

**Members  
(Absent)**

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 six members present.

**2. APPROVAL OF MINUTES – Consideration of the May 9<sup>th</sup>, 2019 minutes.**

Chair Gustafson noted a clerical error in New Business Item No. 2 to be corrected. Commissioner Moyer moved to approve the minutes as amended. Commissioner Dibben seconded the motion and it carried unanimously.

**3. OLD BUSINESS – None**

**4. NEW BUSINESS**

**Item No. 1 – Case No. TA-06-01-19** Request amendment to Geary County Zoning Regulations governing parking.

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

Mr. Livingston stated that this request would amend the Geary County Zoning Regulations as it pertains to parking, as requested by the Geary County Board of Commissioners. He then explained this request was a result of the Geary County Road and Bridge Department encountering numerous instances of citizens parking on roads and/or right-of-way in the unincorporated part of the County during snow/ice removal events, which is a hazard for not only the county equipment operator, but it creates the potential for substantial property damage to both county and landowner assets.

Mr. Livingston stated that **Article 10 – Parking Regulations**, as they are currently written, do not specifically forbid parking on roads or in public rights-of-way, therefore, adding specific language regulating the use of said roads and rights-of-way is imperative for public safety and the prevention of property damage. Although K.S.A. 68-545 declares obstruction of any right-of-way a violation punishable by fines and restoration costs, the fine is only \$10 per day. By explicitly listing right-of-way obstruction as a violation in our parking regulations, we can recover costs for towing, restoration, etc.

Commissioner Moyer inquired about the applicability of the amendment to vehicles temporarily in the rights-of-way, such as trucks during harvest. General discussion followed.

Commissioner Moyer suggested the amendment be reworded to address owners, occupants, and renters. Mr. Livingston stated that the rewording could be accomplished and will meet with Counselor Opat to do so.

Vice-Chair Mortensen moved that the request to amend **Article 10** of the Geary County Zoning Regulations governing parking be recommended for approval by the Geary County Board of Commissioners as amended by staff and based on the information heard at this public hearing.

**Item No. 2 – Case No. TA-06-02-19** Request amendment to Geary County Zoning Regulations limiting maximum lot size in the “SR” Suburban Residential district to 3 acres.

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

Mr. Livingston stated that this request would amend the Geary County Zoning Regulations as it pertains to the maximum lot size in the “SR” Suburban Residential district. In Geary County Zoning Regulations adopted in November 2011 the number of zoning districts in the unincorporated part of the county from 11 to 3. With that reduction came a more complex set of bulk regulations and design standards that govern minimum and maximum lot size, design and layout of subdivisions and infrastructure. At issue is the maximum lot size allowed in the “SR” Suburban Residential district.

Mr. Livingston noted that at the time of adoption, the County Zoning Regulations assigned all property under 40 acres to the “SR” Suburban Residential district and required that any further subdivision of property within this district be platted into lots not less than 1 acre and not to exceed 3 acres. The rationale behind those limitations was to allow landowners to more easily maintain the property and reduce any negative impacts on neighboring properties in anticipation of conversion from agriculture to a use more residential in nature.

Staff believes amending the bulk regulations outlined in **Article 3 “SR” Suburban Residential District Regulations**; Section 3-107-Part 5- *Minimum Lot Size and Dimensions* to increase the maximum lot size from 3 acres to 10 acres and to amend **Article 4**, Section 4-101, Part 1- *Suburban Residential District* of the Geary County Subdivision Design standards to reflect the increase in maximum lot size from 3 acres to 10 acres will improve the Geary County Zoning Regulations by allowing greater flexibility.

General discussion between the commissioners ensued about why the maximum lot size was set as 3 acres originally, citing fire hazards as a concern as increasing the lot size can lead to increased overgrown acreage.

Further discussion followed regarding if/when a plat is required and what changing the acreage maximum would do.

Chair Gustafson noted that most mortgages are for 5 or less acres. Mr. Livingston stated that the maximum could be changed from 3 acres to 5 acres instead of 10 acres and noted the request stems from complaints received by staff about the acreage maximum.

Vice-Chair Mortensen moved that the request to amend bulk regulations in **Article 3** of the Geary County Zoning Regulations and **Article 4** of the Geary County Subdivision Regulations governing design standards be recommended for approval by the Geary County Board of Commissioners as amended by staff and based on the information heard at this public hearing.

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

5. **BOARD OF ZONING APPEALS – None**

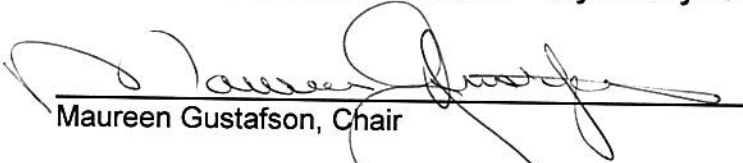
6. **GENERAL DISCUSSION**

Mr. Livingston provided a summary of next month's agenda item.

**7. ADJOURNMENT**

Commissioner Roether motioned to adjourn, Commissioner Carylson seconded the motion. Chair Gustafson declared the meeting adjourned at 6:01 p.m.

**PASSED and APPROVED this 11<sup>th</sup> day of July 2019.**

  
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Maureen Gustafson, Chair

**ATTEST:**

  
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Troy Livingston, Secretary