

**GEARY COUNTY PLANNING COMMISSION
BOARD OF ZONING APPEALS**

**MINUTES
September 9, 2025**

**Members
(Present)**

Maureen Gustafson, Chair
John Moyer, Vice Chair
Katie Lilly
Cindy Carlyon
Lance Anttila

**Members
(Absent)**

**Staff
(Present)**

Troy Livingston

1. CALL TO ORDER & ROLL CALL

Chair Gustafson called the meeting to order at 5:30 p.m. declaring a quorum with all commissioners present.

- 2. APPROVAL OF MINUTES** – Chair Gustafson asked if the Board had taken the opportunity to review the May minutes and if there were any comments, questions, or suggestions for change. Commissioner Moyer moved to approve the minutes as written, Commissioner Carlyon seconded, and the motion passed unanimously.

3. OLD BUSINESS – NONE

- 4. NEW BUSINESS ~ Case No. GCCU-09-01-25;** Request for a conditional use permit allowing a R.V. park and outdoor recreation on property zoned “AG” Agricultural.

5. BOARD OF ZONING APPEALS ~ None

Chair Gustafson called the meeting to order at 5:30, noting that all board members were present and called for the staff report.

Mr. Livingston noted that this was the request of Kelly Niemczyk and Tony McDonald for a Conditional Use permit that would allow them to establish an R.V. park and various outdoor recreation opportunities on property they own at 2621 N. K57 Hwy. Mr. Livingston noted that the County has only 3 zoning districts that consist of agriculture and residential uses and that any other use requires a conditional use permit. He indicated that Article 20 of the Geary County Zoning Regulations outline all of the criteria that need to be addressed regarding consideration of a request for a conditional use permit. The Board having read the staff report listing all those criteria and the appropriate zoning responses to each were satisfied and had no specific questions for Mr. Livingston.

Chair Gustafson noted that there were no questions from the Board and opened to meeting to the public for comment. No one offered comment so Chair Gustafson asked the applicant to briefly describe the proposed uses.

Kelly Niemczyk, owner of 2621 N. K57 Hwy described their intent for the property and basically where the campground would be located and where the outdoor recreation would be.

Chair Gustafson noted that the property is located in the floodplain and asked how that would be handled.

Mr. Livingston informed the Board that any structures built in the floodplain require a floodplain development permit and that the lowest level of a given structure need only be one (1) foot above the Base Flood Elevation as indicated on FEMA's Flood Insurance Rate Maps to be considered out of the floodplain for insurance purposes. He went on to indicate that any vehicles stored in a floodplain need to be road worthy and mobile to vacate the property in advance of a pending flood event.

Chair Gustafson asked the applicant about the noise level of the property as it sits in a more industrial type of a setting.

Ms. Niemczyk stated that the trees surrounding the property tend to act as a natural sound barrier and that the neighboring businesses are 9-5 type and that the noise level is minimal.

Chair Gustafson also asked about the rafting/kayaking opportunities and what distances those might be.

Ms. Niemczyk noted that it takes about 2 1/2 hours to float to the existing pick-up point at Odgen, but they are willing to let clients go the Manhattan if they choose.

Commissioner Carlyon asked if there were 2 entrances or just 1 and **Ms. Niemczyk** stated that there is a single entrance but there is another off N. K57 Hwy but that KDOT probably would not let them use it. **Commissioner Lilly** confirmed that the entrance from the highway was in a controlled access area and that it would not be allowed.

Commissioner Moyer stated that he really didn't have a problem with the location or the intended use, but he was concerned about fire safety and what the water supply would look like should there be a fire on the premises. **Mr. Livingston** noted that there is an existing six (6) inch water main as well as a sanitary sewer main that basically stops right at the entrance to the property and that City Manager Kim Zimmerman has committed to allowing the property owners to utilize city water and sewer should the owners ultimately secure the Conditional Use permit. **Commissioner Moyer** indicated that he felt like a six (6) inch main should be adequate for fire fighting purposes but also felt like the park needed to be served by one or two fire hydrants on premises. He also noted that due to the proximity to the City municipal boundary, our mutual aid agreement would kick in and the City fire department would also respond.

Commissioner Anttila asked if the camping opportunities would include yurts and **Ms. Niemczyk** indicated that was part of the plan.

Commissioner Lilly noted with a single entrance/exit that an emergency evacuation plan should be considered, especially if a flood event occurs. **Commissioner Moyer** stated that it would be a good idea to include Geary County Emergency Management in those discussions to assist in developing the plan.

Tony McDonald, co-owner, added that the proposed bath house would also serve as an emergency storm shelter.

Additional discussion occurred regarding legal access to the river and neighboring landowner rights.

Chair Gustafson, noting no further discussion, closed the public comment portion of the hearing and asked the Board if they had any additional questions.

Citing no additional questions, **Commissioner Moyer** moved to recommend approval of the Conditional Use permit with the stipulation that the park would include fire hydrants and that there needs to be an emergency evacuation plan filed. **Commissioner Anttila** seconded the motion, and it passed unanimously.

6. **GENERAL DISCUSSION** – The Board discussed the County’s current subdivision regulations related to recent arguments that they be amended. All agreed that the current configuration reflects a lot of hard work and time by current and previous board members to get the regulations as they are, and they see no need to change them.

7. **ADJOURNMENT**

Chair Gustafson adjourned the meeting at 6:30 p.m.

PASSED and APPROVED this 9 day of December 2025.


Maureen Gustafson, Chair

ATTEST:


Troy Livingston, Secretary