

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, June 11, 2012  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Lorn Clement, Chairman  
Dr. Tom Taul, Vice-Chair  
Julie Henton  
Diane Hoobler  
John Wienck

Members Absent:

Staff Present: Monty Wedel – Director, Bob Isaac – Planner and Lisa Daily –  
Administrative Assistant

Others Present: Lynn Flack, Margaret Davies, Michael Jones and Jerry Morehead

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the May 14, 2012 meeting were presented and approved. The Report of Fees for the month of May 2012 (\$479.25) were presented and approved.

Tom Taul moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning and convene as the Board of Zoning Appeals. John Wienck seconded. Carried 5-0.

#### **RILEY COUNTY BOARD OF ZONING APPEALS**

##### **Flack – Conditional Use**

Lorn Clement opened the public hearing at the request of Lynn Flack, petitioner, and Robert & Lynn Flack, owners, to amend Conditional Use Authorization #01-21, which permits a horse boarding operation in the “AG” (Agricultural District) zoning designation.

Bob Isaac presented the request. Mr. Isaac stated in 1996, a Conditional Use Authorization was approved (Pet. #96-12) for a horse boarding stables operation. In 2001, under different ownership, the Conditional Use Authorization was amended (Pet. #01-21) to allow more horses while also implementing certain restrictions. Mr. Isaac stated that the applicant has recently

made certain improvements to the property/horse boarding facility and wished to amend the conditional use/site plan to reflect those changes.

Mr. Isaac said staff recommends that the requested Conditional Use be approved with the following conditions.

1. Supervised horse boarding and training facility limited to a maximum of 15 horses boarded between stalls, paddocks and pasture.
2. Adequate shelter/housing shall be provided, having a combination of windbreaks, stalls or similar provisions, per horse.
3. The following measures shall be taken to ensure that the overgrazing of pastures does not occur:
  - A maximum number of one (1) horse shall be permitted on not less than five (5) acres of native grass at any given time (including supplemental feeding);
  - A maximum number of one (1) horse shall be permitted on not less than ten (10) acres of native grass, at any given time (strictly pasture feeding);
  - A maximum number of one (1) horse shall be permitted on not less than 4.5 acres of fertilized brome grass at any given time (strictly pasture feeding).
4. The primary hours of operation shall be limited to the hours between 6:00 AM to 10:00 PM, seven days per week.
5. Adequate parking shall be provided and limited to on-site parking areas only, with adequate room for maneuvering.
6. Designated parking areas shall consist of gravel or similar aggregate material.
7. To minimize horse fly infestation, sanitary measures shall be as follows:
  - a. Pastures and dry lots shall be maintained as to prevent large piles of manure from developing;
  - b. Proper means of manure disposal shall be taken by utilizing a manure spreader to distribute manure over pastures.
8. Glare from exterior illumination of the establishment shall be primarily contained to the site by using directional lighting or alternative methods.
9. Business signs advertising the establishment shall meet the minimum requirements of the Riley County Zoning Regulations.
10. The use of the Clear Span Arena shall be limited to the owners/operators and boarders of the facility. Rodeos, horse shows, tournaments or other equestrian events, regardless of size, shall be prohibited.
11. Any improvements or modifications to the boarding facility that is not shown on the site plan shall require prior approval from the Riley County Planning & Development.

Chairman Clement asked the Applicant if she would like to speak.

Lynn Flack said she did not realize she needed to get permission to build the clear span arena. She stated this business is a small scale family owned operation and is her primary occupation.

Chairman Clement asked if there are any proponents within 1,000 feet.

Margaret Davies stated that Lynn Flack does a wonderful job and is dedicated to her work. Mrs. Davies said as a neighbor, they have never had issues with horses getting out or odor problems.

Chairman Clement asked if there are any opponents within 1,000 feet. There were none.

Tom Taul moved to close the public hearing. Julie Henton seconded. Carried 5-0.

Diane Hoobler moved to approve the request to amend Conditional Use Authorization #01-21 with the conditions stated in the staff report. Julie Henton seconded. Carried 5-0.

Diane Hoobler moved to adjourn as the Board of Zoning Appeals and convene as the Riley County Planning Board. John Wienck seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Jones Plat & Rezone**

Lorn Clement opened the public hearing at the request of Michael A. Jones, petitioner, and Harry C. Puett Trust, owner, to rezone a tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential) and to plat said tract into two (2) residential lots.

Bob Isaac presented the request. Mr. Isaac said the subject property is an approximately 20-acre portion of a larger 75.5-acre unplatted parent tract. He said that currently, the subject property is developed with two residential structures (one built in 1969 and the other in 1890) and one outbuilding. He stated the older of the two homes has recently been declared uninhabitable by the Environmental Health Officer and is slated for demolition by the applicant. Mr. Isaac said the home site has been classified by the Riley County Appraiser's Office as farm residential. Mr. Isaac explained the property is currently in a trust that, due to certain circumstances, must now be divided up among members of the applicant's family. He said the request to plat and rezone the property is legally necessary to close the estate and to also remedy a nonconforming use.

Mr. Isaac stated that although the final score of the LESA analysis for the subject property was 2345 points (Strong for Preservation), the applicant was filing the petition under a hardship (i.e. division of land to reconcile the trust).

Mr. Isaac said staff recommends that the Planning Board forward a recommendation of approval to the Board of County Commissioners based on the following:

- Existing residential development for several years;
- The site has existing ingress/egress onto a paved Kansas highway (K-18), with no additional impact to existing traffic patterns;
- Generally conforms to the objective of the "extraneous farmstead" language found in Chapter 14: Action Plan (6), of the Vision 2025 Comprehensive Plan, which strongly

encourages the continued use of these sites by developing regulations that facilitate the process as much as possible;

- Continued use of an existing residential structure will sustain the tax value of the property;
- Platting and rezoning the property will allow the farmstead (home and outbuilding) to continue to be used for residential purposes, while allowing the surrounding cropland to stay in agricultural production.

Staff also recommended approval of the request to plat the proposed property, as it was determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code were met.

Chairman Clement asked the Applicant if he would like to speak.

Michael Jones stated that Harry C. Puett was his grandfather and set up the trust so that the land can't be mortgaged or used as collateral. Mr. Jones stated that his brother, Brewster Jones, will become the owner of the 8-acre lot with the newer home and he will become the owner of the 10-acre lot with the home that will be demolished.

Mr. Jones said that it is his intentions to someday to build a house with a detached garage on his lot. He stated he grew up helping his grandfather farm the land and they have established a purchaser for the remaining agricultural acres.

Chairman Clement asked if there were any proponents within 1,000 feet.

Jerry Morehead said he is neutral. Mr. Morehead stated he is fine with Mr. Jones building one home. However, reading the zoning regulations for SF-5 Single Family Residential, he said that he was concerned about the future potential of multiple homes being allowed through a replat.

Monty Wedel stated SF-5 Single Family Residential does allow for a density of one home for every 2 acres.

Diane Hoobler asked the Applicant if the lots with the houses could possibly be made smaller.

Mr. Jones stated his brother wants a bigger garden area and that neither have plans to sell the two proposed lots and plan to pass the lots onto family members.

Julie Henton moved to close the public hearing. Tom Taul seconded. Carried 5-0.

Tom Taul stated the role of the Planning Board is to make land use decisions and trust manipulation is not part of the process. He said he believes the intentions to keep both lots with one house each is solid at this time, however, he is concerned the property could be sold later on. Mr. Taul stated that the property consists of prime soil and he is reluctant to recommend that it be rezoned to single family residential with the possibility of multiple homes being built in the future.

Diane Hoobler suggested reducing the number of acres being rezoned to single family residential to just that portion of the property already developed.

John Wienck stated he is not in favor of that much agricultural land being rezoned to single family residential and also recommended reducing the acres to be rezoned.

Chairman Clement concurred.

Michael Jones stated he did not feel it was that much land.

Diane Hoobler stated that it was unfortunate and suggested reducing the number of acres being rezoned for single family use and leaving the remaining acres in agricultural use.

Chairman Clement suggested reconfiguring the lots more to the northern part of the property to respect the soils.

John Wienck also suggested the possibility of rezoning a smaller number of acres to single family residential and keep the remaining acres in agricultural use.

Tom Taul stated there are too many acres of the proposed lots with road frontage and if rezoned to single family residential will make the site prime for building multiple homes.

Tom Taul moved that the Board forward a recommendation of denial to the Board of County Commissioners, to rezone a tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential) as presented based on the Vision 2025 Land Evaluation System Analysis (LESA).

Diane Hoobler seconded. Motion carried 5-0.

Tom Taul moved to deny the Final Plat of Pleasant Valley Addition, due to the number of agricultural acres and prime soil.

John Wienck seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, June 28, 2012 at 10:15 AM.

The meeting was adjourned at 8:52 P.M.