

## MINUTES

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

Monday, May 13, 2013  
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  
Diane Hoobler  
Julie Henton  
John Wienck

Members Absent: None

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

Others Present: Brad Sinn, Drew Brokenicky and Justine Staten

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the April 8, 2013 meeting were presented and approved. The Report of Fees for the month of April 2013 (\$4,287.00) were presented and approved. The Final Development Plans for Jorgenson Addition, Heritage Estates and Pope Addition were approved and signed. The modified Final Plat of Heritage Estates was also signed.

Diane Hoobler moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Board of Zoning Appeals.

Julie Henton seconded. Carried 5-0

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

##### **American Cancer Society – Conditional Use**

Lorn Clement opened the public hearing at the request of the American Cancer Society, petitioner, and Jon W. & Angie Pope and Andrew & Katherine Pope, owners, for a conditional use authorization in Grant Township, Section 30, Township 8 South, Range 7 East in Riley County, Kansas, to permit a Type - III Special Event in the "AG" (Agricultural District) zoning district.

Bob Isaac presented the staff report. Mr. Isaac described the background, location and physical characteristics of the subject property. Mr. Isaac then reviewed the site plan for the proposed

event. Mr. Isaac referenced the list of conditions within the staff report. He said the permit shall apply exclusively to the proposed event, Cattle Baron's Ball scheduled for August 24, 2013. Mr. Isaac stated the permit will only be valid for the duration of the event on the date mentioned from 6:00 p.m. to 11:00 p.m. and the permit shall not be transferable if the event is rescheduled or relocated. He said the conditional use authorization will expire at the conclusion of the event.

Staff recommends the requested Conditional Use for the Type III Special Event be approved with the conditions listed in the staff report.

Chairman Clement asked about a rain date.

Justine Staten, representing the applicant, stated if the event should need to be rescheduled, they have chosen September 28, 2013 as an alternative date.

Chairman Clement suggested including the contingency date in the list of conditions.

Justine Staten stated that Jason Palinski, Emergency Preparedness Coordinator for Geary County, will have an emergency management team on site for the event.

Tom Taul moved to close the public hearing.

John Wienck seconded. Carried 5-0.

Diane Hoobler moved to approve Conditional Use Petition #13-21 with the conditions recommended, along with the addition of the alternate date, and for reasons stated in the staff report.

John Wienck seconded. Carried 5-0.

John Wienck moved to adjourn as the Board of Zoning Appeals and reconvene as the Riley County Planning Board.

Julie Henton seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Brokenicky - Plat & Rezone**

Lorn Clement opened the public hearing at the request of Drew Brokenicky, petitioner, and Francis Schurle, owner, to rezone Lots 1 and 2 of Schurle Ranch Addition from Zone SF-5 (Single Family Residential) to Zone R-PUD (Residential Planned Unit Development) and replat the aforementioned lots into two (2) lots, in Wildcat Township, Section 5, Township 10 South, Range 7 East in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac described the history, location and physical characteristics of the subject property. Mr. Isaac explained Lot 1 is developed with a single-family dwelling and a barn while Lot 2 is in the final stages of construction of a new home. The

applicant is requesting to reconfigure the lot line that separates the two lots, acquiring the east third of Lot 1. He said the purpose is to locate an alternative septic system that will serve the home on Lot 2.

Mr. Isaac said with the proposed decrease in size, Lot 1 would no longer meet the area requirements for “SF-5” (Single Family Residential) zoning district, requiring the lot to be rezoned to a different residential designation. Mr. Isaac explained that, due to the subject property being located within the Fort Riley noise zones, it was advised to rezone both lots to “R-PUD” (Residential Planned Unit Development). He explained that this would give decision makers the ability to require a Fort Riley Noise Disclosure be filed with the plat. Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners and also recommended that the Board approve the concurrent plat of Schurle Ranch Subdivision, Unit Two.

Monty Wedel asked Mr. Isaac to explain why a building permit was issued for the home under construction without an adequate septic system.

Bob Isaac explained that the building permit was approved based on the written affirmation that an alternative system would be installed to serve the house. Mr. Isaac stated that the applicant wishes to acquire the eastern portion of current Lot 1 in order to install a conventional septic system. Mr. Isaac stated that, unfortunately, discussions with the Riley County Environmental Health Specialist, the chosen location still would only support an alternative system. Mr. Isaac also explained that a portion of the house and the fill from the basement were placed in the original location designated for the alternative system.

Diane Hoobler said she thought lots could not be smaller than 2 to 3 acres.

Bob Isaac explained both lots are served by rural water allowing lot sizes as small as 1.4 acres.

Tom Taul and Diane Hoobler expressed concerns about if the ground supporting the septic system on Lot 1 fails, will there be adequate room to relocate the system considering the reduced lot size.

Chairman Clement asked the Applicant if he had any comments to add. He had none.

Chairman Clement asked if there were any proponents within 1000 feet. There were none.

Chairman Clement asked if there any opponents within 1000 feet. There were none.

Tom Taul moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Tom Taul asked what options are available for the property owner of Lot 1 if the septic system fails and the Board approves the R-PUD.

Bob Isaac said the lot meets the Sanitary Code minimum acreage requirement.

Tom Taul questioned the requested zoning and would this potentially come back before the Board.

Bob Isaac explained that there may be adequate room on Lot 1 to relocate the septic system and if need be, a variance to the Sanitary Code could be granted by the Board of County Commissioners.

Tom Taul moved to recommend approval of petition #13-19 (rezoning) and for reasons listed in the staff report and approve petition #13-20 (plat).

John Wienck seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on May 30, 2013, at 9:30 am, in the County Commission Chambers.

**Amend Section 2, 6, 10 and 16 of the Riley County Zoning Regulations and Section 2, 4, and 5 of the Riley County Subdivision Regulations.**

The Board agreed 5-0 to table the item to the June 10, 2013 meeting.

**Wildcat Creek Watershed Management Plan**

Monty Wedel discussed the Plan. The Board did not recommend any changes.

**Vision 2025**

Monty Wedel asked the Board members if they are hearing any negative comments about the Plan or if it may be too restrictive.

Julie Henton said she has heard from some landowners that they can't use their own land.

Mr. Wedel stated that educational material highlighting the Plan will be implemented.

John Wienck moved to adjourn. Tom Taul seconded. Carried 5-0.

The meeting was adjourned at 8:43 P.M.