

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, January 13, 2014
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th 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: Robert Boyd, Barbara Huston, Brady & Jennifer Colp, Raymond Shultz,
Clancy Holeman, Richard & Laura Soash and Linda Morse

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the November 18, 2013 meeting were presented and approved. The Report of Fees for the month of November (\$2,113.00) and December 2013 (\$4,306.00) were presented and approved.

Diane Hoobler moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board.

John Wienck seconded. Carried 5-0

RILEY COUNTY PLANNING BOARD

Cheatom – Plat & Rezone

Lorn Clement opened the public hearing at the request of Jerry W. Cheatom, petitioner and Jerry W. and Judith L. Cheatom, owner, to rezone a tract of land from Zone AG (Agricultural District) to Zone SF-5 (Single Family Residential) and plat said tract into one (1) lot, in Grant Township, Section 9, Township 9 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. He said the site was determined to not be a “lot of record”; thus for the site to be developed, it must be platted and rezoned. Staff recommended approval of the request.

Tom Taul asked about the parent tract and how the site came to be.

Bob Isaac explained there was a larger parent tract and years ago, several larger tracts were sold leaving this residual tract, creating a subdivision violation. He said that at the time, many subdivisions of land went undetected or unreported because the use as agriculture (pasture) never changed.

Barbara Huston, representative for the Applicant, introduced Brady and Jennifer Colp, who are interested in purchasing the property to build a single family dwelling.

Tom Taul moved to close the public hearing.

John Wienck seconded. Carried 5-0.

Tom Taul moved to recommend approval of Petition #13-33 (rezoning) for the reasons listed in the staff report and moved the Board approve Petition #13-24 (plat).

John Wienck seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on January 30, 2014, at 9:30 am, in the County Commission Chambers.

Soash – Replat

Lorn Clement opened the public hearing at the request of Richard L. and Laura N. Soash, petitioner and owner, to replat Lots 216, 241 and 242 of University Park into a single lot, in Sherman Township, Section 12, Township 8 South, Range 6 East, in Riley County Kansas.

Bob Isaac presented the request. Mr. Isaac described the history, location and physical characteristics of the subject property. He stated that the portion of Redbud Drive that separates the lots will not be vacated as a part of this action. Mr. Isaac said the building located on Lot 216 does not meet the minimum 25-foot front yard setback requirement and is thus a nonconforming structure. He explained that if the property owners wish to modify the structure, they must do it in a way that won't increase the degree of nonconformity or seek a variance approval.

Staff recommended approval of the final plat of University Park Unit Nine based on a determination that the minimum requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

The Applicant had no comments.

Tom Taul moved to close the public hearing.

Diane Hoobler seconded. Carried 5-0.

Diane Hoobler moved to approve the Final Plat of Petition #14-01, University Park Unit Nine, based on reasons listed in the staff report.

Julie Henton seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on January 23, 2014, at 10:00 am, in the County Commission Chambers.

Shultz – Residential Use Designator & Plat

Lorn Clement opened the public hearing at the request of Raymond L. Shultz, petitioner, and Evelyn J. Shultz Family Trust, owner, to receive a Residential Lot Designator – Extraneous Farmstead and plat the tract into one (1) lot, located in Swede Creek Township, Section 20, Township 6 South, Range 6 East and Section 21, Township 6 South, Range 6 East, in Riley County Kansas.

Bob Isaac presented the request. Mr. Isaac described the background, location and physical characteristics of the subject property. Staff recommended approval of the concurrent plat of Shultz Estates based on a determination that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met. Staff also recommended approval of the request to receive a Residential Use Designator – Extraneous Farmstead based on a determination that it met the minimum requirements of the Riley County Zoning Regulations.

The Applicant had no comments.

John Wienck moved to close the public hearing.

Diane Hoobler seconded. Carried 5-0.

John Wienck moved to approve petitions #14-02 and #14-03, for reasons listed in the staff report.

Julie Henton seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on January 23, 2014, at 10:10 am, in the County Commission Chambers.

Cheatom – Plat & Rezone (cont'd)

Bob Isaac explained to the Board that a request regarding the plat was not presented during the earlier public hearing. He said the Applicant is requesting that the required 200-foot agricultural buffer on the property lines that border the active agricultural operation, which is the south and west lines, be reduced to 50 feet.

Diane Hoobler moved to reconsider the recommendation of approval for Petition #13-33 (rezoning) and approval Petition #13-34 (plat).

Julie Henton seconded. Motion carried 5-0.

Lorn Clement reopened the public hearing.

Dan Manly, with Schwab-Eaton P.A., presented the plat illustrating the reduced agricultural buffer setback requirement. He explained the 200-foot requirement excessively limits the choices for location of the future home site location.

John Wienck questioned the buffer on the plat.

Dan Manly explained the place in question would be the only available area to build the home.

Diane Hoobler asked about the buildings located on the property to the south.

Lorn Clement said the land use will mostly remain grazing and the rationale for the agricultural buffer is to protect against chemical spray, dust and smoke from cropping activities.

Diane Hoobler stated she is concerned that there is concentrated agricultural activity on the property to the south.

Lorn Clement suggested a 100-foot agricultural buffer on the southern property line.

Julie Henton moved to close the public hearing.

John Wienck seconded. Carried 5-0.

Tom Taul moved to reduce the agricultural buffer from 200-foot to 100-foot.

John Wienck seconded. Motion carried 5-0.

Advisory Council for Public Building Commission

Robert Boyd, Riley County Commissioner, said the commission has come up with a plan to institute a public building commission. He said after the State was formed and up until World War II, all counties built their public buildings and infrastructures without any bonding. After World War II, there became a need for municipalities and localities to bond, to subsidize their growth.

Mr. Boyd said in 1963 the Kansas Legislature wanted to interject more public input into the process of bonding with counties. He said the legislature put two covenants into the bonding proposal:

1. Create a public building commission in which counties establish a public corporation for building. No limit was set on bonding but did require two public meetings giving the public the ability to protest.
2. Limit bonding to \$100,000 per project which was later changed to \$300,000, up to the bonding limit. The bonding limit is set by the counties by statute at 3%.

Mr. Boyd explained that anything over \$300,000 and up to the bonding limit has to be approved by the voters. He said the 3% bonding limit also includes any type of infrastructure, except for a few roads, are included in that process.

Mr. Boyd stated that after 1963, there were basically three ways a county could build something:

1. Pay as you go
2. Bond
3. Public building commission

Mr. Boyd stated the bond limit for Riley County is about \$16,900,000. He said the commission has begun the process of establishing a public building commission because they don't see any way of meeting the building needs in the future with a bond limit of \$16,900,000. Mr. Boyd said Riley County has \$5,000,000 in bonds for the Konza water and landfill closure ongoing projects. He said Riley County just recently bonded a project for McDowell Creek Road for \$7,000,000-\$8,000,000. He said Riley County is already at \$12,000,000 which is very close to being bonded out. Mr. Boyd said if Riley County had an emergency such as a tornado, anything that could compromise our infrastructure, debt would have to be paid with cash, of which there is not a lot available.

Mr. Boyd said the Commission has agreed to some of the organizing documents for a public building commission, however, it has not been voted on. He said one of the organizing documents is to create an advisory council to obtain public input. He said the Commission would like to supplement the Riley County Planning Board/Board of Zoning Appeals with two additional people from the public, thus creating an advisory council for each project.

Lorn Clement voiced his concern with design decisions.

Mr. Boyd said the Planning Board would work with architects.

Lorn Clement said he teaches at the College of Architecture, Planning and Design and this is a huge undertaking and does not agree with it. He said meetings could be held as often as weekly.

Diane Hoobler stated she was on the Vision 2025 committee for a project that was supposed to last one year but ended up being two and half years. She said meetings were every month and sometimes several times a month.

Monty Wedel explained that a representative from the County or a hired consultant would come before the advisory council with a project. Mr. Wedel said that person would explain the project, what is planned and why the project is needed. He said the advisory council would hold a public hearing or meeting and provide recommendations. He said it would generally just be one meeting.

Tom Taul said he believes the idea of a public building commission is very political and the meetings could become contentious.

Lorn Clement said any new building is complicated and was not sure the Planning Board has the qualifications.

Monty Wedel said the statues allow for the Planning Board to be involved in public buildings and even some financing. He said if it is kept very broad and generic, it should work within the scope of comprehensive planning.

Mr. Boyd asked if the Commission structures an organizing document that specifies the conceptual nature of the advisory council; would the Planning Board be agreeable to serve as such?

Monty Wedel suggested language similar to what is in the statute, such as recommendations for the major sources and expenditures of public revenue with long range financial planning for financing public facilities and capital improvements. He suggested having Larry Couchman with EMS come to the next meeting for a mock presentation process.

The Board agreed to the mock presentation.

Election of Officers

By unanimous vote, the Board re-elected Lorn Clement as the Chairman and Tom Taul as Vice-Chair for 2014. The Board also re-elected Bob Isaac to serve as Planning Board Secretary.

Annual Comprehensive Plan Update

Bob Isaac stated that the annual review of the comprehensive plan process will begin in February. He said that staff will provide materials for feedback at the February meeting.

Manhattan Urban Area Comprehensive Plan Update

Monty Wedel said Diane Hoobler will be replacing Tom Taul as the Riley County Planning Board's representative due to a scheduling conflict. He said one of the major things the county is interested in looking at is the future potential growth area north of the County shops.

Big Blue River Floodplain Management Plan

Monty Wedel said the City of Manhattan received a grant from the Corp of Engineers to study areas along the Big Blue River. He said a project advisory committee is being formed. He said that there will be three of the major property owners from the area representing Riley County: the Irvine family, CK Processing and Moyer Ranch.

Solid Waste Management Plan 5-year update

Monty Wedel said the Solid Waste Management Committee will be doing a 5-year update of the plan. He said there could be some aspects of the 5-year update that could come to the Planning Board for review.

Digital Sign Moratorium

Monty Wedel said the moratorium expires in June and a consultant, Elizabeth Garvin, has been hired to help complete the rewrite of the digital on-premises sign regulations.

John Wienck moved to adjourned.

Tom Taul seconded. Carried 5-0.

The meeting was adjourned at 9:28 P.M.