

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 10, 2014
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Lorn Clement, Chairman

Staff Present: Bob Isaac – Planner and Lisa Daily – Administrative Assistant

Others Present: Kris Springer, Steve Springer, Ian Reekie, Wayne Kendall, Lorene Kendall, Vern Bulk, Ryan Lynch, Bill Carson, Leon Hobson, Kelly Adams, Duane Sherwood and Wayne Goff

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the October 13, 2014 meeting were presented and approved. The Report of Fees for the month of October (\$2,212.00) were presented and approved. The modified Final Development Plan Tegtmeier Winery was approved and signed.

Julie Henton moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and convene as the Board of Zoning Appeals. Diane Hoobler seconded. Carried 4-0.

BOARD OF ZONING APPEALS

Carson – Variance

Vice-Chair Taul removed from the table the request of Bill Carson, petitioner and Russell Briggs Trust, owner, for a variance authorization to permit construction of a detached accessory structure (garage) 2.8 feet below the required elevation of one (1) foot above base flood elevation.

John Wienck motioned to remove the request from the table. Diane Hoobler seconded. Carried 4-0.

Vice-Chair Taul opened the public hearing.

Bob Isaac explained to the Board that the request is for a vertical floodplain variance. Mr. Isaac described the history, location and physical characteristics of the subject property. He explained the building permit is pending and that even if the variance were to be approved, the structure must also meet the wet-floodproofing requirements found in the zoning regulations.

Mr. Isaac stated FEMA recognizes the “wet floodproofing” technique as acceptable and appropriate for accessory structures and certain criteria that should be followed, such as:

- Using flood-resistant building materials; adequately anchor the structure to prevent flotation, collapse or lateral movement;
- requiring the structure to contain openings that will permit the automatic entry and exit of floodwaters, locate all mechanical, electrical or other utility equipment above the base flood elevation or flood-proofed so they are in a watertight enclosure; and
- limiting the size of the accessory structures to no greater than 700 square feet.

Staff recommended approval of the request.

Diane Hoobler asked if staff has inspected the structure to verify if the electrical and other requirements have been met.

Bob Isaac explained the structure is not completed with the wet-floodproofing requirements pending the approval of the variance.

Vice-Chair Taul asked the Applicant if he had any comments.

Bill Carson apologized to the Board for missing the October meeting and that it was not intentional. Mr. Carson said he got the cart before the horse regarding building prior to obtaining a permit.

Vice-Chair Taul asked if there were any proponents or opponents. There were none.

John Wienck moved to close the public hearing. Julie Henton seconded. Carried 4-0.

Diane Hoobler moved to approve the request for a variance authorization to permit construction of a detached accessory structure (garage) 2.8 feet below the required elevation of one (1) foot above base flood elevation. John Wienck seconded. Carried 4-0.

Kendall – Variances

Vice-Chair Taul removed from the table the request of Wayne Kendall, petitioner and L M Kendall Trust, owner, for a variance authorization to reduce the front yard requirement of the north property line from 25 feet to two (2) feet.

John Wienck moved to remove the request from the table. Diane Hoobler seconded. Carried 4-0.

Vice-Chair Taul opened the public hearing.

Bob Isaac asked if the Board would also open up the public hearing for the variance authorization request Pet. #14-29, to reduce the rear yard requirement of the east property line from 10 feet to 5 feet, as it pertains to the same structure, location and applicant.

Vice-Chair Taul asked if the other Board members concurred and they did.

Bob Isaac displayed a visual layout of the property explaining the front yard and rear yard requirements. Mr. Isaac explained that fences are allowed in setbacks and that the existing garage is already in noncompliance. He said if the variance for the rear yard is approved, it will bring the garage into compliance and allow for the construction to enclose the existing carport. He also stated that approval of Pet. #14-25 variance for the north property line will assist with bringing the house into compliance as well. Staff recommends that both variances be approved.

Diane Hoobler asked the Applicant if vehicles will be parked in front of the carport once it is enclosed.

Wayne Kendall replied no.

Vice-Chair Taul asked if there were any proponents or opponents.

Wayne Goff stated he is the local mailman and drives Ada Lane every day. He said he didn't see any obstructions being created from enclosing the structure.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 4-0.

Vice-chair Taul stated he drove by the site and noticed that the north end of the carport is exactly in line with the north side of the house. He said there is plenty of room.

John Wienck moved to approve the request for Petition #14-25 - a variance authorization to reduce the front yard requirement of the north property line from 25 feet to two (2) feet and Petition #14-29 - a variance authorization to reduce the rear yard requirement of the east property line from 10 feet to 5 feet. Julie Henton seconded. Carried 4-0.

Wildwood Estates, Inc. – Conditional Use

Vice-Chair Taul opened the public hearing at the request of Wildwood Estates, Inc., petitioner and Steven & M. Kristine Springer, owners, for a conditional use authorization to allow for a commercial outdoor recreational facility (zipline park) in the "AG" (Agricultural District) zoning designation.

Bob Isaac presented the request. Mr. Isaac described the history, location and physical characteristics of the subject property. He stated that although the current floodplain map do not show any portion of the subject site within the designated 1% annual chance floodplain or floodway, the new FEMA FIRM maps (not yet formally adopted by Riley County), shows a portion of the subject site now within an unnumbered A Zone; such area will be used as the accessway connecting the park to Johnson Road.

Mr. Isaac said a stormwater drainage study was completed by Schwab-Eaton and reviewed by the County Engineer. He stated that since the total area proposed to be disturbed (cleared/developed) was insignificant in relation to the size of the entire site, the study focused on the capacity of the drainage tubes located on the subject site that will be utilized as part of the accessway into and out of the park. He said the study concluded that the existing tubes are more than adequate and in good condition to handle a ten year storm. The County Engineer agreed with the findings and provided a list of conditions, which are included in this authorization, for all areas where the accessway may become inundated.

Mr. Isaac described the park and stated that it will consist of nine (9) ziplines, with associated take-off and landing points/towers, walking trails and natural areas.

- The park will be open late March through early November, with 2-4 full-time employees and 8-10 part-time employees.
- Park tours will be by appointment only and will take approximately 2½ - 3 hours to complete.
- Park hours will be from 10:00 am to 7:00 pm, Friday, Saturday and Sunday, and also Monday-Thursday by reservation only.
- The park will serve approximately 60 customers a day.

Mr. Isaac said staff recommended, as per the Table of Allowed Uses in Section 8 of the Riley County Zoning Regulations, that the requested Conditional Use be approved with the following conditions:

1. This Conditional Use permit shall only be for a Commercial Recreational Facility (outdoor), specifically, a Zipline Park. There shall be no overnight lodging.
2. All requirements of the Riley County Sanitary Code and/or Kansas Department of Health & Environment shall be met. A minimum of two (2) sanitary facilities must be provided with

one (1) portable hand washing station (if not part of the port-a-potty unit). If the Riley County Environmental Health Specialist finds that additional facilities are necessary to ensure public health, the park owner shall provide the recommended number or shall restrict patrons to the number that corresponds to the sanitary facilities available.

3. In the event permanent sanitary facilities are to be constructed, as per the future conditions of the site plan, the property owner must contact the Riley County Environmental Health Specialist and Riley County Planning & Development for permitting procedures.
4. All drives and parking areas (including handicap parking) shall be located within the conditional use boundary and consist of all-weather surfacing (asphalt, concrete or gravel). Such areas shall be maintained on a regular schedule or resurfaced as needed, to provide safe access for all vehicles year round and be traversable by emergency response vehicles.
5. Parking shall be permitted in designated parking areas only. Such areas shall be designed to allow for adequate maneuvering of motor vehicles. Parking along Johnson Road or along the accessway to parking areas shall be prohibited.
6. The accessway from Johnson Road to the parking area shall be a minimum of 20 feet wide in accordance with fire code and to provide two-way traffic. Additionally, the accessway shall end in a cul-de-sac treatment with a bulb no less than 100 feet in diameter.
7. The entrance into the park must have adequate site distance; existing vegetation and trees shall be removed during the installation of the entrance.
8. The two corrugated metal drainage pipes under the accessway into the park shall be kept cleared of debris, trees, brush, sediment and/or other obstructions to allow the full intended flow.
9. As per the recommendation of the County Engineer, in all areas where the accessway may become inundated the property owner shall:
 - Excavate the existing ground to a depth of 4 to 6 inches;
 - Place and compact a minimum of 4 inches of 2 inch road stone, with fines, in this area;
 - Place and compact 2 to 3 inches of 1.25 inch road stone on top of the base;
 - Refrain from raising the elevation of the surrounding ground more than 2 to 3 inches; and
 - Create a small ditch on the east side of the drive which drains to the Johnson Road ditch, if possible.
10. Emergency services shall be provided the ability to respond to emergency situations, including police, fire and emergency medical response needs.
11. All proposed lighting sources shall be aimed or shielded so the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.
12. One non-illuminated 4'x6' entrance sign, subject to all applicable provisions of Section 15 – Signs and Exterior Lights is permitted. Way-finding signs shall be permitted within the conditional use boundary.
13. Trash receptacles shall be located in appropriate locations throughout the park. The site shall be maintained and left free of debris or litter.
14. Designated personnel from Riley County Police Department, Riley County Fire District No. 1, Riley County Emergency Medical Service and/or Riley County Planning & Development shall be authorized to inspect the premises for compliance with the provisions of the conditions of this authorization.
15. The maximum number of persons on site at any given time shall be 100 persons, including patrons, guests, employees, etc., regardless of age.

Vice-Chair Taul asked if the Applicant would like to speak.

Steve Springer said he has received a lot of community support for this venture and feels a real need to get kids out in the woods.

Vice-Chair Tom Taul asked if there is a similar type facility anywhere close.

Mr. Springer replied no. He said they have been working closely with the Chamber (Manhattan Chamber of Commerce) and feels this will bring people to the area. He said that in between

ziplines there will be nature trails in which the tour guides will provide information, such as the native limestone rock used for buildings on K-State, type of trees and wildlife.

John Wienck asked if the Applicant will live on site.

Mr. Springer replied yes.

Vice-Chair Tom Taul asked if there were any proponents or opponents.

Duane Sherwood stated he is the treasurer for Manhattan Township and said it looks like a fun activity. He said speaking on his behalf, there are not any problems as far as the township is concerned. He told the Applicant if there are any trees in the right-of-way that need to be cut down or cleaned up to let the township know.

Vern Bulk stated he is also with Manhattan Township. He said a small portion of Johnson Road is gravel and services about five (5) vehicles per day. Mr. Bulk said he would like to request to require the applicant to apply an annual dust treatment in the spring at the applicant's expense.

Kelly Adams stated he lives directly east of the subject site which he hopes to develop someday. He said he would speak in favor of the request and that it will be unique to the area.

Diane Hoobler stated she took a tour of the site and was amazed at how hilly the site is. She said the Gateway Plan designated this area for housing but stated she didn't know how houses could be built in this area. Mrs. Hoobler said she thinks this is a really good idea because it keeps the site in its natural state and also cleans it up.

Vice-Chair Taul thanked Leon Hobson, County Engineer, for all his work on the drainage issues. He said the cleanup of the tubes should also benefit others.

Julie Henton moved to close the public hearing. John Wienck seconded. Carried 4-0.

Diane Hoobler moved to approve the request for a conditional use authorization to allow for a commercial outdoor recreational facility (zipline park) in the "AG" (Agricultural District) zoning designation with the addition of the following condition:

16. The applicant shall be responsible for the application of dust control materials on that gravel portion of Johnson Road, from the end of the asphalt to just west of the park entrance, annually, at the applicant's expense.

John Wienck seconded. Carried 4-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and convene as the Riley County Planning Board. Julie Henton seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Hargrave – Residential Use Designator & Plat

Vice-Chair Tom Taul opened the public hearing at the request of Steven L. Hargrave, petitioner, and Steven L. & Debbie L. Hargrave, owners, to receive a Residential Use Designator - Extraneous Farmstead and plat a tract of land into one (1) lot in Sherman Township, Section 32, Township 7 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. Mr. Isaac said the applicant wishes to sell the house to his daughter; such transaction will require a mortgage, thus requiring the subdivision of the parent tract.

Mr. Isaac said the shape of the lot is typically known as a "flag lot", which although are not encouraged, they are not prohibited and maybe necessary in certain circumstances. He said as typical with a flag lot and in this case, the flag pole portion is used for locating the driveway. Mr. Isaac said the Applicant wished to avoid taking any additional land out of agricultural production or out of his operation.

Staff recommends approval of the request to receive a Residential Use Designator – Extraneous Farmstead and the concurrent plat of Hargrave Addition based on a determination that all requirements of the Riley County Zoning and Subdivision Regulations, and Sanitary Code have been met.

The Applicant had no comments.

Diane Hoobler moved to close the public hearing. John Wienck seconded. Carried 4-0.

John Wienck moved to approve Petitions #14-31 and #14-32, for reasons listed in the staff report. Julie Henton seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat request on November 24, 2014, at 9:00 am, in the County Commission Chambers.

Manhattan Urban Area Comprehensive Plan update

Bob Isaac said the Manhattan Urban Area Comprehensive Plan and the Manhattan Area Transportation Strategy (MATS) drafts will be released on November 12, 2014. He said an open house will be held November 19, 2014 in the City Commission room to get feedback for the Plan. He stated that a Technical Advisory Committee meeting is scheduled for November 20, 2014 to review any feedback acquired.

Big Blue Floodplain Management Plan Update

Bob Isaac said he had spoken with Steve Higgins and he reported that there are no new meetings scheduled.

Agritourism Task Force update

Bob Isaac stated the task force will meet November 12, 2014. He reported that Monty Wedel collected some definitions from various municipalities and added a few items to the use table and use specific standards for discussion.

Sign Regulations Update

Bob Isaac said public hearings are scheduled for December 1, 2014 for the Manhattan Urban Area Planning Board and December 8, 2014 for the Riley County Planning Board. Mr. Isaac said the Riley County Board of Commissioners will hear the request on December 11, 2014.

John Wienck moved to adjourned. Diane Hoobler seconded. Carried 4-0.

The meeting was adjourned at 9:06 P.M.