

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, May 11, 2015
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 and Lisa Daily -
Administrative Assistant

Others Present: Ron Wells, Ed Behnke, Tom Abbott and Dave Lewis

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the April 13, 2015 meeting were presented and approved. The Report of Fees for the month of April (\$3,814.00) were presented and approved.

John Wienck 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.

Julie Henton seconded. Carried 5-0

RILEY COUNTY PLANNING BOARD

Amend Section 2 – Definitions, Section 8 – AG (Agricultural District) and Section 22B – Special Events of the Riley County Zoning Regulations

Lorn Clement opened the public hearing to amend Section 2 – Definitions, Section 8 – AG (Agricultural District) and Section 22B – Special Events, of the Riley County Zoning Regulations.

Monty Wedel stated that Manhattan Urban Area Planning Board will hear the request on June 1, 2015. He said recommendations from both boards will then be presented to the Riley County Board of County Commissioners.

Mr. Wedel stated a task force was created to review and recommend proposed amendments to the current regulations. Mr. Wedel stated the Task Force was made aware of the meeting and that there was a unanimous consensus of the proposed amendments. He said Task Force

member, Dave Lewis is in attendance and Sue Stringer provided her comments via email which were read aloud:

All,

I will not be able to make it this evening. I'm double booked with 2 grandkids ballgames in Paola.

I would urge those locally that participated in the Riley County Agritourism Taskforce, that are able, to attend tonight's hearing. I don't know that I repeated something Robin Jennison said when talking to a group of Kansas Agritourism folks, but he said something to this effect, "even though you may not think you are into politics, when your business or home may be positively or adversely impact by a decision made by people in politics, you either need to get into the political game or watch decisions made without your voice being heard."

I am very pleased with the foresight of the Riley County Planning Office in bringing the mix of people to the table with the Task Force and thank them for doing so. I have used the Task Force way to come to a resolution in other work within my career and feel it allows individuals to speak their mind in a civil and reasonable manner without fear.

I appreciate the support for Kansas Agritourism in Manhattan/Riley County and hope to see continued growth with the proposed agritourism zoning amendments in the area.

Sue

Dave Lewis stated staff did a great job. He said there were lots of discussion and at times was pretty intense. Task Force members felt the process worked well and had a chance to make sure their own specific concerns were addressed. Mr. Lewis said believes that was accomplished. He said Riley County has been in the forefront in leading a lot of different charges and the proposed regulation amendments will be used as examples by other counties.

Monty Wedel said several counties have already asked for copies of the draft amendments.

Julie Henton moved to close the public hearing.

John Wienck seconded. Motion carried 5-0.

Tom Taul stated he felt the Task Force did a good job.

Diane Hoobler moved to forward a recommendation of approval of the proposed amendments to amend Section 2 – Definitions, Section 8 – AG (Agricultural District) and Section 22B – Special Events, of the Riley County Zoning Regulations to the Board of County Commissioners.

John Wienck seconded. Motion carried 5-0.

Annual Comprehensive Plan Update

Bob Isaac asked the Board if there were any questions, comments or suggestions after reviewing the report. He said if not, a memo to the Board of County Commissioners had been prepared for the Chairman's signature. Mr. Isaac said staff will proceed with making changes to the agricultural buffer as suggested in last year's annual review. He said staff is still in discussions regarding increasing the notification area.

The Board members unanimously agreed to have Chairman, Lorn Clement, sign the memo.

Discussion - Accessory Building or Use Definition (Interpretive Policy #01-01 rev., 2003)

Monty Wedel said there are two individuals that have interest in this issue. He stated Mr. Ed Behnke is in attendance and was mentioned in the memo. Mr. Behnke has an unplatted, grandfathered .82-acre lot on Purcell Road zoned agricultural.

Mr. Wedel said Tom Abbott has a 14-acre tract and noted that there are considerable differences between the two tracts. Mr. Wedel asked why shouldn't a bigger accessory structure to store equipment necessary to maintain a 14-acre tract, be allowed.

Mr. Wedel referred to the main questions and concerns in the memo and interpretative policies that were provided. He said the issue is with the definition of "subordinate" for accessory building. Mr. Wedel said there have been property owners in the past that have questioned the interpretative policy and after being provided an explanation came to understand the need for the regulation, particularly in a residentially zoned area.

Mr. Wedel asked the Board if the interpretation of the definition is correct. He asked the Board if it made sense to have this requirement and is it serving a useful purpose. He said that if the Board agreed then, should there be some type of relief valve for a physical restriction. Mr. Wedel explained at this time, we don't have a mechanism for this type of a variance.

Mr. Wedel said he visited with legal counsel and said legal concurs that any physical requirement within the regulations should have some relief option. He said other options could be maximum lot coverage or increasing the 25% maximum height. He asked the Board for their thoughts on this issue and the questions asked within it and asked if the Board feels Staff should research ideas to resolve it. He stated the variance would be one idea. If the Board suggests the current interpretation is working fine, then the definition and interpretation will remain as is.

Diane Hoobler asked if this applies in residential zones only.

Mr. Wedel explained this is a definition of an accessory building and applies to all zones.

Diane Hoobler asked even the Agricultural District?

Mr. Wedel affirmed. He said if it is truly an agricultural building, it will be exempt.

Mr. Wedel asked the Board for feedback.

Lorn Clement stated his interpretation of question #2 – does it make sense, does it serve a useful purpose and the rule has been enforced for some time addressed two of his concerns; first, avoiding something that is totally out of character and scale with the neighborhood. He said we are trying to discourage the use of these buildings for commercial type uses because he feels it has been happening here and there in the County. Mr. Clement said we don't want to do things that promote subverting the zoning ordinance by allowing too much. He stated the appeal process for a variance would allow the applicant to come before the Board to explain the circumstances if there is a chance to override the strict application of the rule.

Ron Wells said one of the reasons he has been interested in this issue is because within the last 30 years, a lot of these things haven't been a problem because they were told no and sent down the road. He said he wants to check with the City of Manhattan on its use limitations for accessory structures. He said in one particular case, the home was 2,500 sq. ft., which would allow a 2,500 sq. ft. accessory structure on the same lot. He said he is not asking the Board to make any changes tonight either, but just wanted to point out that having been in this County all his life and even having a reason to run for office is to help the citizens. He said he just came back from a KCCA meeting and he guarantees the State of Kansas won't be doing any of us any favors. He stated he wants our citizens to be happy for the tax money they're spending in Riley County.

Mr. Wells stated he feels there should be a method within a modest increase. He said for example, he is looking to buy a 129-acre tract in which he would probably build a 1,200 sq. ft. house. He said that he would like to, however, build a 100,000 sq. ft. building to store his toys. Mr. Wedel said he doesn't like the idea that if you have that much acreage, the size of an accessory structure is limited to the size of the house. Mr. Wells asked the Board to consider having Monty research options. He said the City limits the use of such structure, in that it can't be converted into a principal structure at any point down the road.

John Wienck asked if you have your house built and now want to build a building twice the size to store antique tractors, would that be allowed?

Monty Wedel said the biggest concern staff has run into with the large buildings is the tendency to rent out or part of the building for storage to bring in revenue and what point is that commercial.

Tom Taul said the goal of the Planning Board has always been to provide options for applicants and suggested pursuing a study. He said anyone would like to have a double car garage and that would be bigger than some principal structures. He said lifestyles have changed.

Lorn Clement stated he hears five factors to consider in the study:

1. Square footage
2. Use and activity
3. Zoning category
4. Acreage of tract
5. Attached or detached structures

Diane Hoobler moved to recommend staff complete a study on subordinate building regulations.

Julie Henton seconded. Moved carried 5-0

Tom Taul moved to adjourned.

John Wienck seconded. Carried 5-0.

The meeting was adjourned at 8:06 P.M.