

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

**Monday, June 8, 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: Bob Isaac – Planner and Lisa Daily - Administrative Assistant

Others Present: Jack Scheidt, Russell Peterson and Linda Morse

OPEN PUBLIC COMMENTS

Russell Peterson stated he lives near Randolph and has noticed over the years that a lot of housing has developed a long Tuttle Creek Boulevard and now on Highway 24, particularly north of Riley. He said a majority of the driveways access the highway. He suggested for properties that have multiple road accesses that the driveways be directed to township roads for safety reasons.

CONSENT AGENDA

The minutes of the May 11, 2015 meeting were presented and approved. The Report of Fees for the month of May (\$2,751.00) were presented and approved.

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

John Wienck seconded. Carried 5-0.

BOARD OF ZONING APPEALS

AT&T Mobility – Conditional Use

Lorn Clement opened the public hearing at the request AT&T Mobility, petitioner and Russell & Theresa Peterson Trust, owner, to amend Conditional Use Authorization (#08-05) for an existing 250-foot self-supporting communications tower to allow for the installation of parabolic dish type antennas.

Bob Isaac presented the request. Mr. Isaac described the history, location and physical characteristics of the subject property. He said the proposed parabolic dish antenna will be installed approximately 135 feet from the base of the tower. Mr. Isaac said the Applicant wishes to modify the language of condition #5 of the existing Conditional Use Authorization to allow for parabolic dishes. Staff recommended approval of the request with the conditions as listed in the staff report.

Tom Taul asked for clarification of the number of antennas already on the tower.

Lorn Clement stated the eight-foot diameter maximum is pretty amazing in terms of wind load and asked what will be the actual size of the proposed antenna be.

Bob Isaac replied that it would be an 8' diameter parabolic dish.

Jack Scheidt, representative for the Applicant, replied in regard to the size, that a structural analysis was completed. He said that the tower has the capacity to carry the proposed antenna and is one of the reasons for placement of the dish as low as possible. He said the proposed antenna will be facing north, away from the road. He said that the installation of the dish antenna will allow AT&T to move forward with LTE technology.

Julie Henton moved to close the public hearing. John Wienck seconded. Carried 5-0

Tom Taul moved to approve the request to amend Conditional Use Authorization (#08-05) for an existing 250-foot self-supporting communications tower to allow for the installation of parabolic dish type antennas with the conditions and reasons stated in the staff report.

Diane Hoobler seconded. Carried 5-0.

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

RILEY COUNTY PLANNING BOARD

Big Blue Floodplain Management Plan update

Bob Isaac stated staff has received a copy of the draft plan and will begin the review process.

Accessory building regulation amendments update

Bob Isaac reported that Staff has started collecting zoning regulations from several counties inside and outside of the state. He said that staff has identified different strategies of handling accessory structures and uses, of which are being used to formulate regulation that is tailored to the needs of Riley County. He said when that the regulation amendments are completed, they will be brought before the Board for feedback.

Other discussion:

Diane Hoobler stated that she recently discovered an advertisement from Prairiewood Retreat and Preserve that it will be opening "HomePlace" later this summer. She said that she had contacted Planning and Development staff and found out that Prairiewood had not obtained a building permit. She said she would really like to see some type of fine be imposed for property owners that do not obtain a building permit. She said that although the building permit fee is doubled if construction commences prior to issuance of a permit, it isn't much of a fine.

Bob Isaac stated that he believes Diane's concern is the actual *use* of advertised "HomePlace".

Diane Hoobler replied it is a commercial use.

Bob Isaac said staff is aware that construction is being done without a permit and the property owner has been notified of the violation.

Diane Hoobler mentioned that Prairiewood is a church.

Bob Isaac explained that Prairiewood refers to their Blue Sage Rhythms (barn) as a religious entity, not so much a church.

Lorn Clement replied that this is how Prairiewood became exempt from zoning regulations.

Diane Hoobler mentioned that Prairiewood didn't get a building permit on another house.

Lorn Clement agreed that staff needs to look into the use and that the Board stands behind Diane Hoobler that this is outrageous.

Diane Hoobler said she understands there is another entity that was on the Agritourism Task Force and is also in violation of zoning regulations.

Several of the Board members wanted to know which entity she was referring to.

Diane Hoobler replied The Lazy T Ranch and she is not sure of the exact nature of the violation but mentioned that staff is working with the property owner, Ron Wilson.

John Wienck said he filed a complaint with Planning & Development on what used to be the RB Outpost. He said they are advertising and holding church services in the building, which is not zoned properly.

Lorn Clement asked if the Board should have a discussion with the County Commissioners.

Diane Hoobler said she intends to visit with Commissioner Ron Wells.

Bob Isaac explained the property John Wienck is referring to is zoned PUD and that being able to hold meetings is a permitted use. He said that PUD does not specify what type of meetings can be held, the number of meetings, or the content of the meetings.

Lorn Clement said he is concerned that the general perception in Riley County is, "just go ahead and do what you want, you aren't going to pay any sufficient fine".

Bob Isaac explained that the evolution of the zoning enforcement process is if the violation is not abated, the case is referred to the County Counselor's Office for possible litigation.

Lorn Clement suggested that staff have a serious discussion about this situation in terms of timing, waiting and prosecutorial discretion. The Board needs to know what the policy from the legal component of our organization really is and if changes need to be made. He suggested possibly having a meeting between the Planning Board/Board of Zoning Appeals and the County Commissioners to discuss legal backup of zoning enforcement.

He said everyone that was discussed or referred to is well known in the community, so this is serious.

Julie Henton moved to adjourned. John Wienck seconded. Carried 5-0.

The meeting was adjourned at 8:05 P.M.