

## MINUTES

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

Monday, October 10, 2016  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Lorn Clement, Jr., Chair  
John Wienck  
John Osarczuk

Members Absent: Dr. Tom Taul, Vice-Chair  
Diane Hoobler

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

Others Present: Dave Carlson, Joy-Lynn Carlson, Rebecca Lanigan, Bill Lanigan, Larry  
Larson, Mike Hufnagel and Shad Hufnagel

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#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the September 12, 2016 meeting were presented and approved. The Report of Fees the month of September (\$2,647.00) were presented and approved. The Final Development Plan for Fancy Creek was approved and signed.

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. John Osarczuk seconded. Carried 3-0.

#### **RILEY COUNTY PLANNING BOARD**

Chairman Clement asked the Board Members to declare any ex parte contact they may have had regarding this item and to declare any conflict of interest or communications they've had that could influence their ability to be impartial.

All Board members confirmed no ex parte contact.

#### **Lanigan – Residential Use Designator – Reconversion Lot**

Chairman Clement opened the public hearing at the request of William Lanigan, petitioner and William & Rebecca Lanigan Trust, owners, to receive a Residential Use Designator – Reconversion Lot for a 20-acre unplatted tract of land in Jackson Township, Section 8, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the property has been developed for several years. Mr. Isaac said the owner is currently haying the subject site, while he leases the remaining portion of the parent tract for pasture. Mr. Isaac stated that the applicant is interested in selling that portion to the lessee. He explained with the exception of the home, garage and barn, the entire 98-acre parent tract is predominantly pasture, which includes a small pond located on the east portion of the tract.

Mr. Isaac said typically, the request for a Residential Use Designator – Reconversion Lot involves a much smaller developed portion of the parent tract. He said however, in this case, the home and fenced yard portion is 20 acres, which by the Riley County Subdivision Requirements, does not require platting. He explained that due to the size of the subject site and the way the tract is separated from the surrounding farm ground, staff recommends that the Planning Board waive the requirement for the site to be platted.

Staff recommended that the Board approve the request to receive a Residential Use Designator–Reconversion Lot, waiving the requirement to plat the subject property, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations.

The applicant had no comment.

There were no other proponents or opponents.

John Wienck moved to close the public hearing. John Osarczuk seconded. Carried 3-0.

John Wienck moved to approve the Residential Use Designator – Reconversion Lot and waive the requirement to plat for reasons listed in the staff report.

John Osarczuk seconded. Motion carried 3-0.

### **Hufnagel – Replat**

Lorn Clement opened the public hearing at the request of Michael D. Hufnagel, petitioner and Michael D. Hufnagel Trust, Alan Vaughn, Lynnette Vaughn and Mathew Vaughn, owners, to replat Lots 12 and 13 of Sky View Ranches Subdivision, all in Manhattan Township, Section 34, Township 10 South, Range 8 East, in Riley County Kansas.

Mr. Isaac presented the request stating the property owners wish to realign the common property line between Lots 12 and 13 to transfer that portion of Lot 13 to Lot 12 that is currently being used as the driveway/access for Lot 12.

Mr. Isaac stated there is a utility easement that runs along the common property line that is to be vacated with the plat. He said signed utility release forms were provided by SMH Consultants to all persons, entities and/or utility companies, having property rights or interests in the utility easement, as shown on the original plat of Sky View Ranches subdivision. Mr. Isaac said the signed forms affirm no existing use of or future interest in the easement. There were no objections to vacating the aforementioned utility easement.

Staff recommends approval of the request to replat Lot 12 and Lot 13 of Sky View Ranches subdivision into two (2) lots, as it has been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

The Applicant had no comments.

There were no other proponents or opponents.

John Wienck moved to close the public hearing. John Osarczuk seconded. Carried 3-0.

John Wienck moved to approve the request to Lot 12 and Lot 13 of Sky View Ranches subdivision into two (2) lots, for the reasons listed in the staff report and vacate the utility easement.

John Osarczuk seconded. Motion carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on October 17, 2016, at 9:00 am, in the County Commission Chambers.

### **Carlson Rezoning**

Larry Larson, Trustee for Jackson Township said the township has concerns about the road located within the Fancy Creek PUD. He asked if the road has to meet county standard, will the township be responsible for maintaining it.

Monty Wedel stated the internal roads would be improved for rural fire and emergency management accessibility, but not to the standard as those roads dedicated to the public.

### **Update on Zoning and Subdivision Regulations re-write**

Monty Wedel stated the Diagnosis report received from the consultant, Elizabeth Garvin was included in the agenda packet. The report will be presented to the Board of County Commissioners on Monday, October 17, 2016 and to the Steering Committee that evening.

Mr. Wedel said the report basically provides the framework to get started on the rewrite. He said Elizabeth Garvin will start drafting the regulations.

Mr. Wedel said that the agenda for the steering committee is to cut down the potential peer communities down to maybe three (3) or four (4). He explained the reviewing of the drafts will be very tedious, with a lot of attention to detail, how will the wording be interpreted and how will it be implemented.

John Osarczuk asked when you say create an overlay district, will that actually all be spelled out?

Monty Wedel replied yes. He said there will be one for Fort Riley Adjacency Overlay, Airport Noise Hazard Zone Overlay, so we will then have to determine what the underlining zoning will be. Mr. Wedel explained anytime this done, there will be issues and details that have to be worked out.

Mr. Wedel said that a special zone for small towns, such as Keats, will be included in the diagnosis. He stated this area has been an issue for years, as the area is zoned agricultural. Mr. Wedel said Keats has "town size" lots and the zoning doesn't make any sense. He explained the zoning has made it difficult to enforce the livestock requirement.

### **Update on Big Blue Floodplain Management Plan**

Monty Wedel stated staff has submitted collective revisions to City staff. Mr. Wedel said at this time we are waiting on comments.

### **Update on Fort Riley Joint Land Use Study**

Nothing to update from the last meeting.

### **Update on Corridor Overlay Districts**

Nothing to update from the last meeting.

### **State of Kansas Agritourism Task Force**

Monty Wedel said the task force strategy is the assertion that agricultural use is exempt from zoning regulations by statute; agritourism is part of agricultural use; therefore, agritourism should be exempt from zoning as well.

Chairman Clement commented it is not.

Mr. Wedel said he mentioned a court case out of Shawnee County that started up a shooting preserve. He said the property owner stated he was managing his cropland to have birds so he could offer the experience. He said the court confirmed an agricultural use. Mr. Wedel asked does this allow the property owner to put in a lodge and start having weddings.

Mr. Wedel said he gave the task force a court case from the APA Legal Journal. He said in Tennessee, a property owner started a similar agritourism operation and it kept growing. He said they started having helicopter rides all day long; the neighbors sued.

Mr. Wedel said they want the state to exempt agritourism from all rules. He said this is not right, that we, at the county level, should decide what is right for our area. Mr. Wedel asked what about the neighbors of these activities; what rights do they have?

Monty Wedel said when the task force comes out with something formal, we will oppose it and explain why. He said our County Counselor and the Board of Commissioners don't agree with the agritourism exemption approach either.

John Wienck moved to adjourn. John Osarczuk seconded. Carried 3-0.

The meeting was adjourned at 8:13 P.M.