

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, September 11, 2017
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Tom Taul, Vice-Chair

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

Others Present: Mr. & Mrs. Darrell Westervelt, Pat Collins, Jeff Smith, BJ Westberg (BG
Consultants), Aaron Tremblay and Clint Sandmann

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the July 10, 2017 meeting were presented and approved. The Report of Fees for the month of July (\$4,314.00) and August (\$2,030.00) were presented and approved.

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

BOARD OF ZONING APPEALS

Sandmann – Variances

Chairman Clement opened the public hearing to consider the request of Clint and Stacy Sandmann, petitioners and owners, for a variance authorization to reduce the front yard (setback) requirement from 25 feet to 15 feet and a variance authorization to increase the maximum calculated floor area of a proposed accessory structure (1850 sf.) by 20% (2200 total sf.) all in Section 19, Township 8 South, Range 7 East; Sherman Township.

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

All Board members confirmed no ex parte contact.

Bob Isaac presented the request stating the applicant wishes to construct an accessory structure/shop building in a location on the lot that would require the reduction of just one of the four (4) required 25-foot front yard building setbacks (Elk Court) to 15 feet and to maximize, as much as possible, the size of the proposed accessory structure. He described the background, location and physical characteristics of the proposed site.

Staff recommended approval of the requested variances based on reasons listed in the staff report and criteria found in K.S.A. 12-759. Mr. Isaac stated that the Riley County Zoning Regulations were updated in 2015 which provided the Board authority to allow the increase of the total square footage of an accessory structure or combination of accessory structures of up to 20%. Mr. Isaac stated that the applicant is requesting the full 20%. Mr. Isaac explained the calculated area for an accessory structure prior to the update was based strictly on the size of the principal structure (house); now it is calculated on the acreage of the property upon which the accessory structure will be located.

Chairman Clement asked if a cross sectional view of the subject site was available to allow the Board to address concerns contained in a written letter that the Board received from a neighboring property owner opposing the request. Mr. Clement stated that some concerns mentioned were regarding the overall size of the proposed structure, screening, and potentially blocking views of Tuttle Creek.

Mr. Isaac stated that he did not have cross sections showing elevations of the property in relation to surrounding properties, but suggested the use of Google Earth. He stated that Google Earth would provide a simulated view of existing trees and changes in elevation, but cautioned the Board that the results may be a bit exaggerated.

Chairman Clement stated that it appeared Elk Court slopes downhill in an easterly direction and the house is tucked into the slope. He said his concern is with the vertical bulk of the structure due the concerns of the opposing property owners indicating it would block the view.

Mr. Isaac showed the Board members the relationship of the Applicant's home and the opposing property owner's property which currently doesn't have a residence on it. He explained the subject site is zoned "SF-1" (Single Family Residential), which has a height limitation of 35 feet.

Clint Sandmann stated the proposed structure will have 10-foot side walls.

Mr. Isaac said the proposed structure is not a prohibited building in the current zoning and is residential developed. The regulations for accessory structures were amended to add flexibility to allow property owners to have larger structures for storage of boats, recreational vehicles, etc.

John Osarczuk asked what the approximate height of the existing trees were lining the property.

Bob Isaac replied, based off of memory from being at the subject site, anywhere from 20 to 40 feet. He stated that the applicant had planned on retaining as many trees as possible for screening and shade purposes. Mr. Isaac also responded to the concern of blocking views of the lake; stating that all along the lake, there are many hills and valleys and if a property owner wants to avoid having future buildings obstruct their view, then they need to buy the land they are needing to control.

Chairman Clement asked if the Applicant wanted to speak.

Clint Sandmann stated their house is designed very odd and there is no storage. He said they are needing household, toys and hobby storage. He said he didn't know the exact height of the trees but couldn't foresee the shop being above the tree line with a 10-foot ceiling. Mr. Sandmann said his intentions are to have the shop blend in as much as possible and said that even he doesn't want to see it as he's coming into his property.

Mr. Sandmann stated about two years ago he had between 20 to 30 truckloads of rock and dirt hauled in to level the area out. He said there is no other location on his property to build the proposed shop due to topography. The request for the reduction of the setback is because if he were to go further north, there would be potential erosion issues down the road from hauling in the rock and dirt.

John Wienck stated 10 feet really isn't that high.

Clint Sandmann stated he has no intentions of taking any trees out. He said if any were to be lost he would replant for wind block.

Chairman Clement asked if there were any proponents within 1,000' of the request.

There were none.

Chairman Clement asked if there were any opponents within 1,000' of the request in the audience.

There were none present.

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

Diane Hoobler stated with 10-foot walls the structure would not be a monstrosity.

John Wienck stated that judging by the pictures of the subject site, the tree line and proposed 10-foot walls, the structure would be acceptable.

John Osarczuk stated he didn't see how it would impinge on anybody's pleasure of their property.

Chairman Clement said there is a speculative nature to the submitted opposition letter about future uses and there is no residence there now. He said that is important for him to take into account and can't really support speculative decision making. Chairman Clement stated this seems to be a pretty reasonable request to work with the land as well as possible and to avoid future erosion issues.

Diane Hoobler moved to approve the request for a variance authorization to reduce the front yard (setback) requirement from 25 feet to 15 feet and the variance authorization to increase the maximum calculated floor area of a proposed accessory structure (1850 sf.) by 20% (2200 total sf.).

John Wienck seconded. Carried 4-0.

Chairman Clement stated that if anyone is dissatisfied with the decision made by the Board, they have 30 days in which to file an appeal in the District Court and advised the Applicant to not go too fast with the building permit process.

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

RILEY COUNTY PLANNING BOARD

Board of County Commissioners of Riley County, Kansas – Special Use Authorization

Chairman Clement opened the public hearing to consider the request of the Board of County Commissioners of Riley County, Kansas, petitioner and owner, for a Special Use Authorization to permit the construction and use of a rural fire station in Zone “AG” (Agricultural District) for a tract of land in Ogden Township, Section 6, Township 11 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the Board of County Commissioners of Riley County have submitted a petition requesting a special use to permit a 50’x 80’ fire station at the intersection of Riley Avenue and Skyway Drive. He stated the structure is to be owned and used by Riley County Fire District #1.

Mr. Isaac stated the subject site is an approximately 5.3 acre tract which was recently transferred/ converted from KDOT right-of-way to a taxable unit of land owned by Riley County. He said prior to KDOT acquiring the property as part of the K-18 Highway Realignment in 2009, the property was zoned “AG” (Agricultural District) and simply reverted to the zoning designation following the transfer to Riley County. He explained that although many locations were considered to construct a new station that would satisfy the needs of the District, many were in the floodplain or were not large enough.

Mr. Isaac explained the subject site is bounded on the east and west by the City of Ogden; however, he said it was not the desire of the Director Emergency Management, Pat Collins, to be annexed into the City of Ogden. He said that the entrance and parking area will consist of concrete surfacing and water and sewer will be provided by the City of Ogden. He explained that the County will be responsible for funding the traffic signal improvements necessary to serve site.

Staff recommended approval of the request for a special use permit to allow the construction and use of a rural fire station, as it has been determined that it meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code.

Chairman Clement asked if a representative was present.

Pat Collins, Riley County Fire Chief explained that an extensive search was made throughout the City of Ogden for a suitable site for the fire station. He said the City Council for Ogden and citizens of the community came to them (EMS) with their suggestions for a site. He said that Ogden even tried to purchase the Legion building, which was out of the floodplain. He said the other property was the Kansas State Bank property, but was not quite big enough for the size of the station proposed. He said options to purchase additional lots were made available; however, there were citizens who were opposed to the site due to stopping traffic on main street. Mr. Collins stated the County even offered to provide traffic lights at that location.

Mr. Collins said then KDOT offered the subject site, which saved the County from purchasing the bank property. He said clarified an earlier statement, saying they would have liked to be annexed into the City of Ogden. He said, however, the City chose not to annex, possibly due to the cost of the traffic lights. Mr. Collins explained that the fire station will support the City of Ogden and pretty much all properties to the city limits of Manhattan. Mr. Collins stated the subject site is an ideal location.

Chairman Clement asked if there were any proponents within 1,000' of the request.

Jimmy Bond stated he is the Treasurer for the Ogden Township Board. He said the City of Ogden has been trying for years to get a traffic light at the intersection of Walnut Street and Riley Avenue. Mr. Bond stated it is a school crossing and the best the City has been able to get is a flashing light and a crossing guard.

Chairman Clement asked if he was talking about the subject site intersection.

Mr. Bond said he was referring to an intersection inside the city. He said the Kansas State bank property and the property adjacent are on the corner of Riley Avenue and Walnut Street. He stated in his opinion, having the facilities centrally located to the density of population of the township would be an argument as opposed to being geographically centered. He also stated these sites are already developed and have multiple access points, which may help off-set some of the cost.

Pat Collins stated he agreed with Mr. Bond that there is a need for a traffic light at the intersection and had Kansas State Bank site been chosen, a traffic light would have been needed for the fire station. Mr. Collins explained that the size of the lot just wasn't quite big enough, no room for expansion in the future, and no parking.

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

Chairman Clement said from his own personal experience with sirens going off when calls are answered and although he agreed with the idea of density and repurposing existing buildings, in this case, more people would be negatively affected by the noise if the station located within the city limits.

John Wienck moved to forward a recommendation of approval to the Board of Commissioners of Riley County for a Special Use Authorization to permit the construction and use of a rural fire station. John Osarczuk seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on September 28, 2017, at 9:50 am, in the County Commission Chambers.

Smith – Rezoning

Chairman Clement opened the public hearing at the request of Jeff and Eryn Smith, petitioners and owners, to rezone an unplatted tract of land from "SF-5" (Single Family Residential) to "C-PUD" (Commercial Planned Unit Development) in Wildcat Township, Section 36, Township 9 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating in May 2009, the applicant rezoned the property from "C-PUD" (Commercial Planned Unit Development) to "SF-5" (Single Family Residential) in order

convert the former school building into a home. He said the brick building had been used for Keats High School, a heavy equipment operation, an antique shop, an activity center, and had been abandoned at various points in time. He said the applicant has successfully converted the building into a single family residence, along with two “home occupations”: an interior design business and a leadership coaching/consulting business. He stated that both of these businesses are by appointment only so the home is not open to the general public. Mr. Isaac explained that the applicant wishes to rezone the subject property back to “C-PUD” (Commercial Planned Unit Development) for the primary purpose of erecting a directional/business sign on the property to assist clients/customers in locating the place.

Mr. Isaac stated the subject site is located within the Fort Riley Noise Zone II, a Fort Riley, Kansas Area of Military Impact Real Estate Disclosure form be filed with the Register of Deeds office. He said that although the proposed “C-PUD” zoning designation is to allow the home occupations occurring at the subject site to evolve into full commercial uses, it also provides for single family residential uses to continue as well.

Mr. Isaac reviewed the development plan noting that the business sign will actually be located east of the westerly driveway. Mr. Isaac displayed a rough rendering of the sign.

Diane Hoobler asked if the sign would be illuminated.

Mr. Isaac said there will be low-intensity solar bulbs at the base of the sign.

Mr. Isaac reviewed the details of the development plan, which included:

Permitted Uses:

1. Single family residence and accessory uses
2. Professional office space
3. Business sign advertising the establishment shall meet the minimum requirements of the Riley County Zoning Regulations.
4. Showroom and sales
5. Meeting rooms
6. Storage
7. Consulting services
8. Deliveries and pick up
9. Retreats and Training
10. Private Parking – adequate parking shall be provided and limited to on-site parking only, with adequate room for maneuvering
11. Recreational area (existing)

Permitted Structures:

1. One (1) Single Family Residence – Home of the Caretaker’s family.
2. Three (3) accessory structures
3. Business sign – 6’ x 4’ (approx.) externally illuminated sign
4. Parking signage – directional signs to assist customers

Notes:

1. If an entrance pipe is required, the minimum size shall be calculated in accordance with the Riley County Standards and Specifications. In no case shall the diameter of the pipe be less than 15-in.
2. All drives and parking areas shall consist of all-weather surfacing.
3. Owners will resurface and maintain all drives and parking area surfaces on a regular schedule or as needed to provide overall good-looking appearance for visitors maintained for complete access to all vehicles year round.
4. Site and all uses therein shall be in compliance with the Riley County Sanitary Code.
5. Current stormwater drainage patterns shall not be altered as to negatively impact surrounding properties.
6. Mobile Homes are prohibited.
7. A Fort Riley, Kansas area of Military Impact Real Estate Disclosure form provided by Riley County Planning and Development shall be completed and filed in the Office of the Register of Deeds.
8. Advertising signs shall be prohibited.
9. The business sign and associated structures shall be removed upon the discontinuance of the businesses.
10. Business signs shall meet the minimum requirements of Section 15 – Signs and Exterior Lights of the Riley County Zoning Regulations.

Schedule for Improvements:

1. A externally illuminated business sign – January 2018

Mr. Isaac indicated notes #8, #9 and #10 were added to the preliminary development plan and will be added to the final development plan, if approved.

Mr. Isaac stated the Applicant expressed that a hardship would result if the request was denied. He stated that the Applicant submitted that 100% of the family's income is dependent on the ability to operate their businesses from this location and the need for appropriate signage at said location is vital.

Mr. Isaac showed photos of the subject site and the proposed location of the proposed business sign.

Diane Hoobler asked what would happen when the trees got bigger.

Mr. Isaac said the Applicant would need to address that question.

Staff recommended that the Planning Board forward a recommendation of approval of the request to rezone the subject property to the Board of Commissioners of Riley County, as it was determined that it meets the requirements of the Riley County Zoning Regulations and Sanitary Code.

John Osarczuk asked if the "C-PUD" would allow for future development that was not being proposed now.

Mr. Isaac explained that for future uses or modifications not included on this development plan would require the development plan to be amended.

Chairman Clement asked if the Applicant wanted to speak.

Jeff Smith said the trees in question were planted to give the residence a visual break. He said they have realized that having two businesses at the site, customers do not know where to go. He said the specific location chosen for the business sign is to direct the customers to use that specific entrance, since there are two driveway entrances. Mr. Smith said the trees will be transplanted to another location on the property. Mr. Smith added that the request is simply for a directional sign because they have found their customers do not know where they are located and end up returning to Manhattan.

Chairman Clement asked if there were any proponents within 1,000 feet of the request.

There were none.

Chairman Clement asked if there were any opponents within 1,000 feet of the request.

There were none.

Pat Collins, Riley County Fire Chief stated he is neither a proponent nor opponent. He stated a site inspection was conducted on the principal building and the applicant has done a great job. He said it concerns him anytime there is commercial property in a rural residential area because there is not enough water supply available to fight fires.

Mr. Collins said he spoke with the Applicant and explained there is good separation between the commercial and residential uses. Mr. Collins, explained however, if the building should catch fire, there will not be sufficient water flow for fire protection for the size of the building. Mr. Collins said water would have to be hauled by tanker from Manhattan which normally can provide about 400 to 500 gallons per minute; a building this size would need approximately 1,500 gallons per minute.

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

Diane Hoobler moved to forward a recommendation of approval of the request to rezone the subject property from "SF-5" (Single Family Residential) to "C-PUD" (Commercial Planned Unit Development) for reasons listed in the staff report and the additional notes #8, #9 and #10 be added to the final development plan. John Wienck seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on September 28, 2017, at 10:10 am, in the County Commission Chambers.

Tremblay – Plat & Rezone

Chairman Clement opened the public hearing at the request of Aaron and Heather Tremblay, petitioners, and Autumn Hills LLC, owner, to rezone an unplatted tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential) and plat said tract together with Lot 1 of Schurle Addition into two (2) lots, all in Madison Township, Section 35, Township 8 South, Range 5 East and Section 2, Township 9 South, Range 5 East, in Riley County, Kansas.

Bob Isaac presented the request stating that due to the need to reconfigure the north property line of Lot 1 Schurle Addition so the septic system and garage that serves said Lot 1, will be located on existing Lot 1, the unplatted tract situated north of said Lot 1 Schurle Addition would need to be subdivided. Mr. Isaac explained that the unplatted tract is developed with a retirement home

(Autumn Hills), built in 2011, when group homes were a permitted use in the agricultural zoning district; thus, Mr. Isaac explained that, based on the size and use of the unplatted tract, said subdivision requires the property to be platted, along with replatting Lot 1 Schurle Addition. Mr. Isaac stated that, considering the existing land use and surrounding residential zoning designations, it was recommended by staff to rezone the unplatted tract to a single family residential zoning designation in which group homes are a permitted use. Mr. Isaac said that currently, the group home is considered a legal nonconformity.

Mr. Isaac stated the request was reviewed by the Fort Riley Environmental Division staff and confirmed the subject site is located within the Land Use Planning Zone (LUPZ). He explained that the LUPZ encompasses areas where during periods of increased military operations at the installation, increased levels of community annoyance can be expected as a result of noise generated by the increased operations. Mr. Isaac stated that the applicants have proactively signed and recorded a Fort Riley, Kansas Area of Military Impact Real Estate Disclosure certifying that they have been informed that their property is located within the Land Use Planning Zone of Fort Riley and that said property may therefore be exposed to periodic low-level military aircraft over-flights, large artillery noise, small arms noise, and impacts associated with other such military training activities.

Staff recommended the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from “AG” (Agricultural District) to “SF-5” (Single Family Residential), as it has been determined that it meets the requirements of the Riley County Zoning Regulations, Riley County Subdivision Regulations and the Riley County Sanitary Code. Staff also recommended the Board approve the Concurrent Plat of Tremblay Addition, as it has been determined that it meets the requirements of the Riley County Zoning Regulations, Riley County Subdivision Regulations and the Riley County Sanitary Code.

Chairman Clement asked if the Applicant wanted to speak.

Aaron Tremblay stated that he and his wife own Autumn Hills LLC and the house to the southeast of the facility. He said they simply want to have the shed and lateral field on their personal property.

There were no proponents or opponents.

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

Diane Hoobler moved to recommend approval of the request to rezone the subject property from “AG” (Agricultural District) to "SF-5" (Single Family Residential) and approve the concurrent plat of Tremblay Addition, for the reasons in the staff report. John Osarczuk seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on September 28, 2017, at 10:25 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations re-write

Bob Isaac stated that staff has been working on reviewing each section of the Land Development Regulations provided by the consultant. He said that each section then needs to be reviewed by legal counsel. Staff and legal counsel are working diligently to go through all of the sections thoroughly as quickly as possible.

Update on Fort Riley Joint Land Use Study

Bob Isaac said a final draft was sent out, but without the implementation section. Mr. Isaac stated that a copy of the implementation section was eventually sent out by the consultant. He stated that Monty Wedel is currently working with the consultant to modify the implementation section to what would work best for Riley County.

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

The meeting was adjourned at 8:53 P.M.