

AGENDA

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, December 11, 2017
7:30 p.m.

Commission Meeting Room
Courthouse Plaza East

(Procedure: Open joint meeting of the Riley County Planning Board/Board of Zoning Appeals.)

I. OPEN PUBLIC COMMENTS

II. CONSENT AGENDA

1. Consider the minutes of the November 13, 2017 meeting.
2. Consider the Report of Fees for the month of November 2017.

(Procedure: Adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and due to no agenda items for the Board of Zoning Appeals, convene as the Riley County Planning Board.)

III. GENERAL AGENDA - RILEY COUNTY BOARD OF ZONING APPEALS

1. No agenda items.

IV. GENERAL AGENDA - RILEY COUNTY PLANNING BOARD

(Declaration: At this time the Board Members may declare any conflict of interest or communications they've had that could influence their ability to consider any items on today's agenda impartially.)

1. Public Hearing at the request of the Riley County Planning Board to amend Section 18 – Nonconformities of the Riley County Zoning Regulations. **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**
2. Public Hearing at the request of the Board of County Commissioners to amend Section 13 – Accessory Structures, Buildings & Uses of the Riley County Zoning Regulations. **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**
3. Riley County Zoning and Subdivision Regulations Rewrite Steering Committee – replacement for Lorn Clement as the Riley County Planning Board representative.
4. Zoning and Subdivision Regulations re-write update.

(Procedure: Adjourn the Riley County Planning Board meeting.)

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 13, 2017
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Lorn Clement, Jr., Chair
Dr. Tom Taul, Vice-Chair
Diane Hoobler
John Wienck
John Osarczuk

Members Absent: None

Staff Present: Monty Wedel – Director and Bob Isaac – Planner

Others Present: Rob Karsmizki, Connie Karsmizki, Larry Hoobler, Lon & Janet Paquette,
Dana Batt, David Batt, Kenneth Seematter, George Sutterlin, Mary
Sutterlin, Marlene Budden and Shari Morrand.

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the October 9, 2017 meeting were presented and approved. The Report of Fees for the month of October (\$2,440.25) 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 5-0.

BOARD OF ZONING APPEALS

Paquette – Variance

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.

John Osarczuk stated he lives in the same neighborhood but does not know the applicants.

Chairman Clement asked if there were ex parte communications to be concerned with.

Mr. Osarczuk replied no.

Chairman Clement opened the public hearing at the request Lonnie and Jean Paquette, petitioners and owners, for a variance authorization to reduce the required front yard (setback) requirement from 25 feet to 18 feet.

Bob Isaac presented the request stating the subject property was platted as Lot 4 Driftwood Estates in February 1967 and that the plat did not have building setback lines included. He said the existing home was constructed in 1968 prior to county zoning and was not subject to a front yard (setback) requirement. Mr. Isaac explained that the home is currently a “legal” non-conformity due to the front porch extending into the front yard setback. He stated the applicant wishes to construct/reconstruct a larger front porch. He said that if the variance is approved, the entire home would be brought into compliance and allow the applicant to construct the aforementioned addition to the home.

Staff recommended approval of the requested variance based on the evaluation of variance criteria listed in the staff report.

Chairman Clement asked if the Applicant wanted to speak.

Lonnie Paquette stated that they live across the street from the subject property. He said the bedrooms in their current home are all upstairs and they are wanting to downsize. He said they have lived on Driftwood Drive for 27 years. Mr. Paquette stated the subject property came up for sale; everything will be on the same floor, so they purchased it.

There were no proponents or opponents.

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

Diane Hoobler moved to approve the request for a variance authorization to reduce the required front yard (setback) requirement from 25 feet to 18 feet.

Tom Taul seconded. Carried 5-0.

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.

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

RILEY COUNTY PLANNING BOARD

Karsmizki – Replat

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.

John Osarczuk clarified that this is the neighborhood he lives in.

Chairman Clement opened the public hearing at the request of Robert C. Karsmizki, petitioner and Robert C. and Connie F. Karsmizki, owners, to replat Lots 11, 13, 14, 15, 16, 17, 18 and 19, Sedam Subdivision into two (2) lots, in Manhattan Township, Section 34, Township 10 South, Range 8 East, in Riley County Kansas.

Mr. Isaac presented the request stating several of the lots that make up Sedam Subdivision have never been developed, presumably due to the inability to meet the minimum requirements of the Sanitary Code. The applicant wishes to combine several original lots (8) into two larger lots that can meet the area requirements of the Sanitary Code.

Mr. Isaac explained the existing utility easements will not be vacated with the replat. Proposed Lot 1 is a combination of five (5) original lots which will constitute a little over five and a half (5 ½) acres and Lot 2 will constitute three (3) acres. He stated tests have already been conducted on the property regarding the sanitary code and lagoons will be required, thus the minimum lot size requirement of three (3) acres. Mr. Isaac said ingress/egress will be limited to Dawn Avenue and Sedam Avenue by recommendation of the County Engineer.

Staff recommended that the Board approve the Final Plat of KARS Subdivision, as it had been determined to meet the minimum requirements of the Riley County Zoning Regulations, Subdivision Regulations and Sanitary Code.

John Osarczuk asked for clarification on road access from Dawn Avenue and Sedam Avenue only.

Mr. Isaac confirmed that access will be either from Dawn Avenue or Sedam Avenue. He said Deep Creek Road has evolved into somewhat of a paved speedway and there is also sight distance issues east of the intersection of Deep Creek Road and Sedam Avenue.

Chairman Clement asked if the Applicant wanted to speak.

Rob Karsmizki stated they purchased the property for single family development use only and have been looking for land outside of Manhattan for quite some time.

Chairman Clement asked if there were any proponents.

Marlene Budden stated she owns the house in the middle of the proposed lots and doesn't have any problems with the request. She said their main concern is with the lagoon placement and wanted to know if there will there be a lagoon on each lot.

Chairman Clement said there will be two (2) lots and a lagoon for each lot/residence.

Ms. Budden replied, so there would be two separate lagoons.

Chairman Clement stated that is what would be legally required for two different houses.

Ms. Budden wanted to know how lagoons are taken care of such as with chemicals.

Mr. Isaac stated once it is constructed, it needs to be kept free of debris, weeds and trees and otherwise properly maintained. He said chemicals are not needed and if sized properly, will not smell.

Chairman Clement stated a fence is required.

Chairman Clement asked if anyone in favor of the request would like to speak or have any questions.

Chairman Clement asked if there were any opponents. No one spoke.

Chairman Clement asked the Applicant if he would like to rebut. He declined.

Dana Batt stated she and her husband live near the intersection of Sod Lane and Dawn Avenue. She asked who maintains the lagoons since they will be on County property, the resident or the County.

Chairman Clement replied it is private property and the property owner will be required to maintain their own lagoon.

Mrs. Batt asked if the fence would be able to keep family pets such as dogs from getting into the lagoon.

Chairman Clement replied it should.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler moved to approve the request to replat Lots 11, 13, 14, 15, 16, 17, 18 and 19, Sedam Subdivision into two (2) lots, for the reasons listed in the staff report.

John Osarczuk seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on November 27, 2017, at 10:45 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations re-write

Monty Wedel stated there were no new updates at this time.

Update on Fort Riley Joint Land Use Study

Monty Wedel said the study has been completed and the County will begin implementation such as the noise disclosure.

The meeting was adjourned at 8:00 P.M.



RILEY COUNTY
PLANNING & DEVELOPMENT

REPORT OF FEES

November 2017

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
11-07-2017	Svejda, Copy fee	\$ 2.00
11-07-2017	Thomas, Water Screening Report	10.00
11-08-2017	Nelson, Profile Evaluation	150.00
11-08-2017	Shultz, Well Permit	75.00
11-08-2017	Anderson, Copy fee	1.00
11-08-2017	Colbert, Repair Permit	75.00
11-09-2017	Miller, Repair Permit	75.00
11-13-2017	Zeka, Building Permit #17-0085	150.00
11-13-2017	Zeka, Repair Permit	75.00
11-15-2017	BAM Excavation, Repair Permit	75.00
11-16-2017	Karsmizki, Profile Evaluation	150.00
11-16-2017	Davenport, Water Screening Report	10.00
11-21-2017	Riley Construction, Building Permit #17-0084	200.00
11-21-2017	Dechant, Building Permit #17-0086	150.00
11-22-2017	Pepperd, Copy fee	1.00
11-27-2017	Perkett, Water Screening Report	10.00
11-27-2017	Simons, Building Permit #17-0088	150.00
11-28-2017	North Crest, Mobile Home Park License	60.00
11-28-2017	O'Callaghan's, Mobile Home Park License	40.00
11-30-2017	Connet Excavation, Repair Permit	75.00
11-30-2017	Frankfort Porta Potty, Septage Hauler's License	50.00

TOTAL

\$ 1,584.00

DEPOSITS MADE:

11-09-2017	\$ 313.00
11-22-2017	886.00
11-28-2017	10.00
11-30-2017	375.00

TOTAL

\$ 1,584.00

Permit #	App Date	Ownr	Property Address	City & Zp	Type of Bldg	Use of Bldg	Type of Permission	Inside DGA	Amnt Paid	Const Cost
17-0084	11/17/2017	Rob Taylor	6363 Tuttle Creek Blvd	Manhattan (66503)	Storage (commercial)	Storage Rental Units			\$200.00	\$82,811.00
17-0085	11/13/2017	Jacob B. Zeka & Shannon M. Greenwood	3718 N Seth Child Rd	Manhattan (66502)	Addition (residential)	Adding bedrooms, garage and living room			\$150.00	\$400,000.00
17-0086	11/14/2017	Alan J Sink	5621 High Meadow Cir	Manhattan (66502)	Addition (residential)	Enclosing breezeway to make a laundry room			\$150.00	\$70,000.00
17-0087	11/27/2017	Jay Mall	17970 Sherman Rd	Leonardville (66449)	Addition (residential)	1 bedroom, 1 bath, great room & garage			\$0.00	\$100,000.00
17-0088	11/27/2017	Michael Simons	6034 Flintstone Cir	Manhattan (66503)	Storage (residential)	Tractor storage			\$150.00	\$35,000.00



PLANNING & DEVELOPMENT

STAFF REPORT

Regulation Amendment

PETITION: #17-43

APPLICANT: Riley County Planning Board

REQUEST: Amend Section 18 - Nonconformities of the Riley County Zoning Regulations

PUBLIC NOTICE EXCERPT:

Additions are italicized and deletions are struck through.

RILEY COUNTY ZONING REGULATIONS

SECTION 18 – NONCONFORMITIES

4. Any structure or land use in existence, or for which a building permit has been issued, prior to the effective date of this regulation, for a use that does not conform to those permitted in the district in which it is located shall be designated as a lawful nonconforming use and may continue in otherwise lawful use provided that:
 - a. In no case shall such a structure or use be extended or enlarged so as to increase the area, extent or intensity of the nonconformity, *with the exception that educational facilities, such as schools, and buildings used for religious assembly may construct accessory structures or additions, provided such accessory structures or additions do not necessitate additional parking spaces, as required in Section 14 - Minimum Parking and Loading Requirements of these regulations.*

BACKGROUND: May 2012, the Vision 2025 amendments to the Riley County Zoning Regulations were adopted and included considerable changes to Section 8 – AG (Agricultural District). One such change was removing religious facilities (e.g. churches, mosques, synagogues, etc.) and educational facilities (e.g. schools) from the list of Permitted Uses and placing them on the list of Conditional Uses. The reasons for the change were due to concerns of adverse impacts such land uses can create (e.g. traffic, stormwater drainage, etc.) and having no formal review or mitigation measures in place. Thus, by requiring conditional use authorization, such formal review can occur with the intent of allowing such land uses while minimizing negative impacts on the surrounding community.

However, it recently became apparent that the change in the regulation immediately resulted in all religious and educational facilities in Riley County to become legal nonconforming uses. Consequently, any exterior change or modification to a facility (i.e. constructing an addition to an existing building, adding an accessory structure, etc.), regardless of how minor, would “increase the degree of nonconformity” and would therefore not be permitted unless such facility obtained conditional use authorization prior to any such modification. Unfortunately, this was an unintended consequence of the regulation change and determined to be unacceptable by staff.

Thus, it is proposed that a change be made to the regulations allowing religious and educational facilities to make minor modifications/additions to their facilities without acquiring conditional use approval, as long as such changes do not necessitate additional parking spaces, as required in Section 14 - Minimum Parking and Loading Requirements of the Riley County Zoning Regulations.

STAFF RECOMMENDATIONS: Staff recommends that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as published.

POSSIBLE MOTION(S)

ACTION NEEDED:

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations as published.

Or

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations with the following changes:

Or

B. Move to forward a recommendation of denial to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations as published.

Prepared by: Bob Isaac, Planner
November 29 2017



PLANNING & DEVELOPMENT

STAFF REPORT

Regulation Amendment

PETITION: #17-44

APPLICANT: Board of Commissioners of Riley County

REQUEST: Amend Section 13 - Accessory Buildings, Structures & Uses, of the Riley County Zoning Regulations

PUBLIC NOTICE EXCERPT:

Additions are italicized and deletions are struck through.

RILEY COUNTY ZONING REGULATIONS

SECTION 13 – ACCESSORY BUILDINGS, STRUCTURES AND USES

3. DENSITY REQUIREMENTS

- c. Except for commercial and industrial zoning districts, accessory buildings shall not exceed a sidewall height of sixteen (16) feet.
- d. Except for commercial and industrial zoning districts, a maximum of ~~two (2)~~ *three (3)* detached accessory structures shall be permitted.
- e. Whether one or multiple accessory structures, the total cumulative floor area shall not exceed the maximum size allowed per lot size/zoning district calculations (see Table 1) or the maximum square footage of the footprint of the principal structure; whichever is greater.
- f. *Buildings used solely for the housing of livestock or horses shall be exempt from the provisions of c, d and e above, provided the following criteria are met:*
 - 1. *The building shall be constructed in compliance with the Sanitary Code;*
 - 2. *Unless a waiver is granted by an affected neighbor for any of the following, the building shall not be located within:*
 - i. *100 feet of a residential district;*
 - ii. *200 feet of a residence on an adjacent property;*
 - iii. *50 feet of a property line.*

BACKGROUND: The Planning & Development Department recently received an application for a building permit to construct an accessory building on a tract of land that already exceeded the maximum limitations of both size and number of accessory buildings allowed for the property. The proposed structure, similar to some of the existing accessory structures on the site, is to be used to house horses.

In September 2015, the Board of County Commissioners approved amendments to Section 13 - Accessory Buildings, Structures and Uses and associated sections of the zoning regulations. Prior to these amendments, the method used to calculate the size of any accessory building, for

purposes other than agricultural, was based strictly on the size of the house on the property. This method was determined to be unreasonable as it did not provide a logical nexus between the size of the building and its function. Although the changes made to the zoning regulations introduced a new method of calculating the size of an accessory structure, which is now based on the size of the tract on which it is to be located and the zoning designation of such tract OR the size of the footprint of the principal structure, whichever is greater, critical text regarding accessory structures for the housing of livestock and/or horses was not included.

This text amendment seeks to address this issue by exempting structures used solely for housing livestock and/or horses from the maximum cumulative square footage calculations and from the maximum number of detached accessory structures permitted, provided certain conditions are satisfied. This amendment also proposes to change the maximum number of other detached accessory structures permitted from two (2) to three (3), based on an analysis from the Appraiser's office that demonstrated there is a considerable number of residential tracts currently that contain at least three accessory buildings. It is thought that restricting the number of accessory structures to only two may have been unrealistic.

STAFF RECOMMENDATIONS: Staff recommends that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as published.

POSSIBLE MOTION(S)

ACTION NEEDED:

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations as published.

Or

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations with the following changes:

Or

B. Move to forward a recommendation of denial to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations as published.

Prepared by: Bob Isaac, Planner
November 29, 2017