

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, May 14, 2018
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
Diane Hoobler, Vice-Chair
John Wienck
Nathan Larson
Joe Gelroth

Members Absent: None

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

Others Present: Larry Larson, Chris Riley, Eric Farwell, Lauren Farwell and Todd
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OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the April 9, 2018 meeting were presented and approved. The Report of Fees for the month of April (\$4,328.00) were presented and approved.

John Wieck moved to approve the consent agenda as presented. Diane Hoobler seconded. Carried 5-0.

Diane Hoobler 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. Joe Gelroth seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Riley – Residential Use Designator – Reconversion Lot & Plat

Chairman Taul opened the public hearing at the request of Chris & Emily Riley, petitioners and owners, to receive a Residential Use Designator – Reconversion Lot and plat the tract of land into one (1) lot in Swede Creek Township, Section 25, Township 6 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property is a 10-acre portion of a larger 147-acre parent tract. Mr. Isaac said the site has been recently developed with a home that is currently under construction. Mr. Isaac stated that the Applicant's primary reason for the subdivision was due to a financing strategy. Mr. Isaac explained that the Applicant dammed up a first order

stream that transected the parent tract from the north to south. He said a portion of the proposed lot encompasses the dam and a portion of the pond.

He explained that the design of the proposed lot was created to include the house, driveway, water well and septic system, but not be more than 10 acres in size. Mr. Isaac said it was the intention of the Applicant to keep remaining portion of the parent tract. He said an Agricultural Protection Easement will be filed with the plat.

Staff recommended approval of the request to receive a Residential Use Designator – Reconversion Lot, as it was determined that the request met the minimum requirements of the Riley County Zoning Regulations. Staff also recommended that the Board approve the concurrent plat of T5 Farm, as it was determined that it met all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code.

Diane Hoobler asked why only half of the pond will be included on the proposed lot.

Nathan Larson asked if the remaining portion of the parent tract will remain agricultural.

Bob Isaac replied the dam portion of the pond was to be included on the proposed lot and the remaining unplatted tract will remain agricultural.

Nathan Larson asked if someone will be using the pond for livestock water but not own the dam that controls it.

Bob Isaac explained the property owner will still own the remaining unplatted tract of land.

Joe Gelroth asked if surrounding property owners burn pastures.

Mr. Isaac said there has been some recent burning done by the Applicant on the property.

Mr. Gelroth asked what type of protection would there be for the house.

Mr. Isaac replied there are no buffers in place.

Chairman Taul asked if the Applicant or representative wanted to speak.

Chris Riley explained when he and his wife sought out financing to build a house on the 147-acre tract, no bank was willing to give them a conventional loan. He said they had to take out a 10-year adjustable loan and in order to get a conventional loan, they have to plat the house with up to 10 acres. He said the remaining unplatted acres will be put into an agricultural loan.

Diane Hoobler asked if they still own the land.

Mr. Riley replied yes and they have no intentions of selling the land. He said the question concerning burning, a large area will be put into fescue. He said there will not be any cattle and a portion will remain in CRP.

Diane Hoobler asked why only a portion of the pond and not all of the pond will be located on the proposed lot.

Chris Riley replied that the financing company would only allow 10 acres or less for a conventional loan. He said the platted area needed to include the well, septic tank and lateral field. He said the boundary line was supposed to be at the edge of the dam, but apparently, to get the full 10 acres, it included a portion of the pond.

Chairman Taul asked if there any proponents or opponents. There were none.

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

John Wienck moved to approve the Residential Use Designator – Reconversion Lot and the concurrent plat of T5 Farm for reasons listed in the staff report.

Diane Hoobler seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request to plat the property on May 24, 2018 at 10:00 am, in the County Commission Chambers.

Farwell – Replat and Rezone

Chairman Taul opened the public hearing at the request of Eric & Lauren Farwell, petitioners and owners, to replat Lots 1 and 2 of Clouston Subdivision into a single lot, while vacating the west 135.29 feet of Lot 1 and rezone said vacated portion from “SF-5” (Single Family Residential) to “AG” (Agricultural District) all in Grant Township, Section 26, Township 8 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property was originally platted as Lots 1 and 2 Clouston Subdivision in December 2007. He said the property was zoned “SF-5” (Single Family Residential) at that time. He said a building permit was issued in April 2011 for the only home that occupies the subject property.

Mr. Isaac said the applicants wish to sell the west 135.29 feet of Lot 1 to their neighbor in order to accommodate their neighbor’s slightly misplaced driveway and associated landscaping. He explained that since the applicants also wish to prevent the remainder of Lot 1 from being developed, it was recommended that the applicants replat Lots 1 and 2 of Clouston Subdivision into a single lot, while vacating the west 135.29 feet of Lot 1. He said the vacated portion would be required to be rezoned from "SF-5" (Single Family Residential) to "AG" (Agricultural District) to match the zoning designation of the neighboring 20-acre unplatted tract. He said the vacated portion and said 20-acre tract would be combined under one Parcel Identification Number through the Riley County Appraiser’s Office following the recording of the proposed replat.

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 “SF-5” (Single Family Residential) to “AG” (Agricultural District), 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 Final Plat of Farwell Acres Subdivision, 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. The Applicant had no additional comments.

There were no proponents or opponents.

The Applicants did not wish to speak.

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

Diane Hoobler moved to approve the Final Plat of Farwell Acres Subdivision, for the reasons in the staff report. Joe Gelroth seconded. Carried 5-0.

John Wienck moved to forward a recommendation of approval to the Board of County Commissioners to rezone the subject property from "SF-5" (Single Family Residential) to "AG" (Agricultural District), for the reasons listed in the staff report. Joe Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on May 31, 2018, at 9:20 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Monty Wedel said staff would have a conference call the next day with the consultant regarding Article 3.

John Wienck moved to adjourn. Diane Hoobler seconded. Carried 5-0.

The meeting was adjourned at 8:08 P.M.