

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, September 10, 2018
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Diane Hoobler, Vice-Chair
John Wienck
Nathan Larson
Joe Gelroth

Members Absent: Dr. Tom Taul, Chair

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

Others Present: Ev & Dan Landon, Peter J. Rosario, Tom & Pansy Hoover, Marlene
Irvine, Pamela Frost and Jeff Neel.

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the August 13, 2018 meeting were presented. Diane Hoobler stated the third paragraph of the consent agenda needed to be corrected from “reconvene as the Board of Zoning Appeals to the Riley County Planning Board”. The Report of Fees for the month of August (\$2,193.00) were presented and approved.

John Wienck moved to approve the consent agenda as presented with the correction to the minutes. Nathan Larson seconded. Carried 4-0.

Joe Gelroth 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 Wienck seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Vice-Chair Hoobler asked members of the Board to declare any ex parte contact they may have had regarding any items on the agenda 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.

Neel-Kleffman Replat & Rezone

Vice-Chair Hoobler opened the public hearing at the request of Jeffery C. Neel, petitioner, and Jeffery C. Neel and Gene A. & Debra Kleffman, owners, to rezone Lots 8-16, Block 7, Lots 24-

40, 42-43, 62-63, Block 8, and a portion of Lot 61, Block 8, Lakeside Heights from “SF-3” (Single Family Residential) to “SF-5” (Single Family Residential) and replat Lots 8-16, Block 7, and Lots 24-40, 42-63, Block 8, Lakeside Heights and Replat of Lots 17 & 18, Block 7, Lakeside Heights, together into three (3) lots, all in Section 12, Township 8 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property was originally platted as Lakeside Heights in June 1962 and later zoned “SF-3” (Single Family Residential) during the 1974 Zoning Conversion Process (A-3 Pet. #12). Lots 17 and 18, Block 7 were replatted into a single lot in May 1984 and was named Replat of Lots 17 and 18 Lakeside Heights. He said it was later rezoned from “SF-3” (Single Family Residential) to “SF-5” (Single Family Residential).

Mr. Isaac reviewed the proposed final plat of Lakeside Heights, Unit Four showing the existing lots, streets and utility easements. He said the proposed layout for the replat of Lots 1, 2 and 3 will vacate High Point Drive and a majority of the easements. Mr. Isaac said Westar Energy requested one easement be left in place as they have power lines occupying it.

Mr. Isaac stated that Mr. Neel’s home is already zoned “SF-5” Single Family Residential and he would like the remainder of his property to be rezoned from “SF-3” (Single Family Residential) to “SF-5” (Single Family Residential) for consistency. Mr. Isaac stated Mr. Kleffman isn’t interested in rezoning his lots at this time, all of which will remain zoned “SF-3” (Single Family Residential).

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners of Riley County to rezone Lots 8-16, Block 7, Lots 24-40, 42-43, 62-63, Block 8, and a portion of Lot 61, Block 8, Lakeside Heights from “SF-3” (Single Family Residential) to “SF-5” (Single Family Residential), as it was determined that the request met the minimum requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code. Staff also recommended approval of the final plat of Lakeside Heights, Unit Four as it was determined that it met all requirements of the Riley County Subdivision Regulations and the Sanitary Code.

Vice-Chair Hoobler said the petition is to rezone from “SF-3” to “SF-5” but questioned Mr. Isaac’s statement that the Mr. Kleffman didn’t want to rezone.

Mr. Isaac explained that Mr. Kleffman just wanted to replat his lots into a single lot to satisfy the requirements of the Riley County Sanitary Code for a lagoon. He said Mr. Neel is interested in uses that are permitted in the “SF-5” zoning district and would like to maximize the area. He said Mr. Neel is interested in vacating High Point Drive as part of the replat in order to have his house and garage on the same lot.

Vice-Chair Hoobler asked if the Applicant wanted to speak.

Jeff Neel, applicant, stated he is wanting to combine his lots so he can do high tunnel agriculture, a community type garden and possibly create a wildlife tour.

There were no proponents or opponents.

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

Joe Gelroth moved to forward a recommendation of approval of the request to the Board of County Commissioners to rezone Lots 8-16, Block 7, Lots 24-40, 42-43, 62-63, Block 8, and a portion of Lot 61, Block 8, Lakeside Heights from "SF-3" (Single Family Residential) to "SF-5" (Single Family Residential).

John Wienck seconded. Motion carried 4-0.

John Wienck moved to approve the Final Plat of Lakeside Heights, Unit Four, for the reasons in the staff report. Nathan Larson seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on September 27, 2018, at 9:50 am, in the County Commission Chambers.

Frost – Plat & Rezone

Vice-Chair Hoobler opened the public hearing at the request of Roger & Pamela Frost, petitioners and owners, to rezone a tract of land from "AG" (Agricultural District) to "SF-5" (Single Family Residential) and plat the said tract of land into a single lot in Wildcat Township, Section 18, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property is an approximately 5-acre portion of a larger 31± acre, residentially developed, parent tract. He stated the applicants wished to plat and rezone the 5-acre portion in order to allow their daughter the opportunity to later develop with a home. Mr. Isaac said according to the applicants the remaining portion of the parent tract will remain farm residential and hay the undeveloped areas.

Mr. Isaac stated the subject site is located within the Fort Riley, Kansas noise zone (LUPZ). He said the request had been reviewed by the Fort Riley Environmental Division staff, which confirmed the subject property is located within the land use planning zone which encompasses areas where during periods of increased military operations at the installation levels of community annoyance can be expected as a result of noise generated by the increased operations. Mr. Isaac explained that the applicants have agreed to sign and record a Fort Riley, Kansas Area of Military Impact Real Estate Disclosure.

Mr. Isaac stated due to the subject site being on a corner lot, it will have two (2) front yard building setback requirements, a 25-foot setback along 63rd Avenue and a 50-foot setback along Tuttle Creek Boulevard. He stated the existing accessory structure is nonconforming and the plan is to eventually replace it with an actual home. He said, however, the new home will be required to meet the setback requirements of the zoning regulations. The existing ingress/egress onto Tuttle Creek Boulevard will remain a shared entrance for both the parent tract and the proposed lot.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners of Riley County, as it was determined that the request met the minimum requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code. Staff also recommended that the Planning Board approve the concurrent plat of Frost Family Estate as it was determined that it met all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code.

John Wienck asked if house on the parent tract will share a driveway with the platted lot.

Mr. Isaac said there are actually two existing driveways that diverge at a point within the right-of-way of Tuttle Creek Boulevard. The two properties share the entrance only.

Vice-Chair Hoobler asked if the Applicant wanted to speak.

Pam Frost, applicant, stated they have owned the property for twenty years and her husband, Roger works out of town. She said they are empty nesters and the house is very large. She said that to satisfy all family members, keeping the platted lot will allow either their daughter or themselves to build a home in the future.

There were no proponents or opponents.

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

John Wienck moved to 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). Joe Gelroth seconded. Carried 4-0.

Joe Gelroth moved to approve the concurrent plat of Frost Family Estate as it had been determined to meet the requirements of the Riley County Subdivision Regulations. John Wienck seconded. Motion carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on September 27, 2018, at 10:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Monty Wedel stated there are nine (9) different articles. Article 1: General Provisions and Article 2: Review Authority have been completed, reviewed by this Board and the Board of County Commissioners. He said those articles are ready for Preliminary Public Review Draft.

Mr. Wedel said staff has completed and forwarded Article 3: Development Review Procedures, to the consultant. He said Staff is still waiting for a response. He said staff has completed rough drafts and forwarded Article 4: Zone Districts and Article 5: Use Regulations, to the committee. Mr. Wedel said they haven't completed the University zone but he has been working with the university and has a rough draft completed.

Mr. Wedel said staff has been working on the floodplain regulations which will be part of the Land Development Regulations. He said the City of Manhattan has higher standards that they adopted, which include regulating to the "future conditions" floodplain. He explained once the City is all built out, according to the Urban Area Comprehensive Plan, the future conditions floodplain will be the floodplain at that point. He said it is larger than the FEMA floodplain and the City is regulating according to this higher standard. Mr. Wedel said the County will move forward with regulating to the future conditions floodplain for the unincorporated area. He stated it is proposed that the freeboard will be increased from 1-foot above base flood elevation to 2-foot. He said, additionally, staff is also recommending that residential uses be prohibited within the floodway. Mr. Wedel said staff is almost done with this rewrite.

Mr. Wedel said part of the zone districts section is the Corridor Overlay Districts, which staff has worked on with the City. He said staff sent the proposed language for the overlays to the consultant a long time ago, but haven't reviewed them with the consultant yet. Mr. Wedel said

the overlays have been drafted but still need work. He stated the Airport Overlay section has not been done yet, but staff will be using the City overlay as a model. He said staff is considering a Township Overlay District for areas such as Keats and Zeandale that would allow and regulate certain things within the town site, as opposed to keeping these areas zoned AG.

Mr. Wedel stated that he and Bob Isaac are working on Article 7: Subdivision Regulations and received a draft from the consultant for Article 6: Development Standards. He said this article includes parking, signs, lighting, traffic, drainage, steep slopes and screening. He said the last two articles are Article 8: Violations and Enforcement and Article 9: Definitions, which some work has been completed.

Joe Gelroth moved to adjourn. John Wienck seconded. Carried 4-0.

The meeting was adjourned at 8:26 P.M.