

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

**Monday, June 10, 2019
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Dr. Tom Taul, Chair
Diane Hoobler, Vice-Chair
Joe Gelroth

Members Absent: John Wienck
Nathan Larson

Staff Present: Bob Isaac – Planner and Lisa Daily - Administrative Assistant

Others Present: Eugene Lindgren and Pat Collins

OPEN PUBLIC COMMENTS

Eugene Lindgren stated he was representing the Mill Cove homeowners and temporarily representing University Park homeowners. He said the homeowners have concerns with Airbnb rentals that come into their communities and have disrupted their lives.

Mr. Lindgren stated he understands that the County is working on regulations and that he has been before this Board about this issue. He expressed these short term rentals are putting people in danger. He said that in the Mill Cove area, a short term rental home was occupied during the recent flooding. He said the septic system was under water and, during the cleanup, they found hypodermic needles. He said the house is being used as transient housing, which is a commercial use. He said the County hasn't been able to classify these properties as commercial as previously discussed with planning and zoning.

Mr. Lindgren said reckless endangerment is what local residents and those staying in the short term rental, endured during the flooding. He claimed the occupants were playing in the floodwater near the septic system that was inundated. He said regulations for these types of rentals needs to happen as soon as possible to keep the general public from being hurt.

Mr. Lindgren said the ten occupants had five vehicles parked at the location during the flooding. He said they were having a party and were walking around the rear of the neighbor's property to get to it. He said the property owner should have closed the rental due to an unsafe situation.

Mr. Lindgren stated he himself has used an Airbnb, but they were regulated; here, though, there are no regulations in the county. He said he has visited with his attorney, Joe Knopp, and he suggested the homeowners encourage the County to establish regulations as soon as possible. He said when the trespassing and noise happen, it is usually during a big event, such as the Country Stampede or football games, when police enforcement are busy. He said the homeowners don't want to tie up enforcement with these issues. He said the property owner of the short term rental should be on site when it is being rented.

Chairman Taul thank Mr. Lindgren for his comments.

CONSENT AGENDA

The minutes of the May 13, 2019 meeting were presented and approved. The Report of Fees for the month of May (\$2,958.00) presented and approved.

Diane Hoobler moved to approve the consent agenda as presented. Joe Gelroth seconded. Carried 3-0.

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. Diane Hoobler seconded. Carried 3-0.

RILEY COUNTY PLANNING BOARD

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

Chairman Taul opened the public hearing to consider the request of the Board of County Commissioners of Riley County, Kansas, petitioner and Edgar J. and Vonda L. Copeland, owners, for a Special Use Authorization to permit the construction and operation of a public communications facility, including a 300-foot guyed radio tower in Zone “AG” (Agricultural District) for a tract of land in Wildcat Township, Section 22, Township 9 South, Range 9 East, in Riley County, Kansas.

Bob Isaac presented this request stating the 500 x 500 site would not be subdivided from the tract, but rather leased as the area for the tower. He explained that Riley County purchased a new public safety radio system and to accomplish the installation of this system, the County must build three, new “Green Field” radio towers. He said the County has already secured one location owned by Darren Drake at 540 Deep Creek Road via a lease agreement. He said that special use was approved by the Board of County Commissioners on November 29, 2018.

Mr. Isaac said Pat Collins, Riley County Emergency Director has made arrangements with Jay and Vonda Copeland to lease a similar size portion of their 160-acre parent tract for the second of the three green field towers.

Mr. Isaac reviewed the site plan stating the site will be accessed from 52nd Street via an existing entrance. Mr. Isaac stated that Fort Riley Directorate of Plans, Training, Mobilization and Security had reviewed the request and determined that construction and operation of the proposed facility would not adversely impact the installation’s aviation operations. The facility is also not expected to otherwise conflict with Fort Riley’s operations.

Staff encouraged the Board that a recommendation be based on consideration of the following conditions:

1. Tower height shall not exceed 300 feet.
2. The lighting shall be in accordance with the requirements of the FAA.
3. All drives and parking areas shall consist of all-weather surfacing including crushed stone or gravel as a minimum.
4. The tower and all ancillary structures shall be made secure by the installation of fencing with a minimum height of six (6) feet.

5. Existing areas with native tree stands, as shown on the site plan, shall remain intact as much as possible to retain the existing beauty and character of the property and to serve as screening.
6. The site shall be in compliance with the Riley County Sanitary Code.
7. The communication facility shall meet all design standards and abandonment criteria for communication facilities, as per the Riley County Zoning Regulations.

Staff recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners of the request for a special use authorization to allow the construction and operation of a public communications facility, including a 300-foot guyed radio tower, in “AG” (Agricultural District), as it had been determined that it met the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code.

Joe Gelroth said in the last year, there had been news about tower cranes falling down. He said if the tower were to fall to the north it would land on N. 52nd Street.

Mr. Isaac explained the zoning regulations require that self-supporting towers have to be setback 100% of the height of the tower. He said guyed-wire towers to be setback 70% of the tower height.

Mr. Gelroth noted that two of the towers are located in the southern part of the county and asked if one would be located in the far northern portion.

Mr. Isaac said the third request for a special use authorization for the new “Green Field” radio towers will be heard at the July 8, 2019, and it’s proposed to be located in the McDowell Creek area.

Pat Collins stated there will be one big ring around the county. He explained there are two towers on Fort Riley; one on Custer Hill, which is 400-ft. and the other tower, 120 ft., which sits on a hill just north of Keats. He said there would have been cost to the County to use those towers, however, both failed the structural analysis. He said the Board of County Commissioners decided not to build a new tower on Fort Riley and give it away eventually.

Diane Hoobler said that all three of the towers are located in the southern part of the county and asked what is covering the northern portion.

Mr. Collins said the Hargrave site is outside of Randolph and already had a special use permit from an older tower. He said another tower will be located within the city limits of Riley. He said there will be a tower on the Drake property off of Deep Creek Road, the Copeland site and one off of McDowell Creek Road (Lyons property). He stated there are also towers in the Miller Ranch area and on K-State for a total of seven towers.

Diane Hoobler moved to close the public hearing. Joe Gelroth seconded. Carried 3-0.

Diane Hoobler 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 operation of a public communications facility, including a 300-foot guyed radio tower in Zone “AG” (Agricultural District). Joe Gelroth seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on June 27, 2019, at 9:50 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Bob Isaac stated Article 4 had been completed, however, after visiting with the consultant, staff needed to be meet with Public Works on a few things. He said changes have since been made so once the draft is received from the consultant, he will to reconcile those changes with the current changes.

Mr. Isaac said staff is also working on Article 5 and the use table is almost done. He said they are a quarter of way through the Use Specific Standards.

Diane Hoobler moved to adjourn. Joe Gelroth seconded. Carried 3-0.

The meeting was adjourned at 8:10 P.M.