

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, July 8, 2019
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Dr. Tom Taul, Chair
Nathan Larson

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

Others Present: Patrick O’Neal, Lourin Bergstrom, Pat Collins, Jim Lynn, Gary Fike and
Ray Burns

OPEN PUBLIC COMMENTS

Gary Fike stated he started as the Riley County Extension Director on March 11, 2019 and is interested in community and economic development. He said he has visited with the cities of Riley and Leonardville, and several local businesses. He stated he is very much interested in the future of rural America.

CONSENT AGENDA

The minutes of the June 10, 2019 meeting were presented and approved. The Report of Fees for the month of June (\$4,475.00) was presented and approved.

John Wienck 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. John Wienck seconded. Carried 3-0.

RILEY COUNTY PLANNING BOARD

Didas – Replat

Vice-Chair Hoobler opened the public hearing at the request of James R. Didas, petitioner, and James Roman and Julie Anne Didas, owners, to replat Lots 56-69, Block 1, Bridge View Heights, into two (2) lots in Jackson Township, Section 23, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac described the background, location and physical characteristics of the subject property. Mr. Isaac said the applicant wishes to combine the lots to increase the overall size of the property serving the home in order to be compliant with the

requirements of the Riley County Sanitary Code. He said additionally, the applicant wishes to combine the remainder of his lots in order to create a second buildable lot.

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

Vice-Chair Hoobler opened the public hearing.

The applicant wasn't present.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 3-0.

John Wienck moved to approve the request to replat Lots 56-69, Block 1, Bridge View Heights, into two (2) lots for the reasons listed in the staff report.

Joe Gelroth seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on July 18, 2019, at 10:55 am, in the County Commission Chambers.

Mahone – Replat

Vice-Chair Hoobler opened the public hearing at the request of Marion Mahone, petitioner, and Irmgard E A Dannatt Trust; Irmgard E A Dannatt Trustees, owners, to replat Lot Six (6), Foxridge Addition and Lot Ten (10), Replat of Lots 7 and 8, Foxridge Addition into one lot in Grant Township, Section 23, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating that recently, it was determined that the home needed a new septic/lateral system to comply with the Riley County Sanitary Code. He explained that, due to lot size and topography, the best location for the new system was located on neighboring Lot 6. He said in order to comply with the sanitary code, the system and the home must be located on the same lot; thus, the applicant was requesting to combine Lot 6 Foxridge Addition together with Lot 10, A Replat of Lots 7 and 8 Fox Ridge Addition into a single lot.

Mr. Isaac described the background, location and physical characteristics of the subject property. He said the existing access off Tuttle Cove Road will remain and that the majority of the driveway is located within the road right-of-way.

Staff recommended that the Riley County Planning Board approve the Final Plat of Foxridge Addition Unit Two, a replat of Lots 6 and 10 Foxridge Additions, as it had been determined to meet the minimum requirements of the Riley County Zoning and Subdivision Regulations and Sanitary Code.

Joe Gelroth wanted to know what type of issues there would be in the future with the driveway being located within the road right-of-way.

Bob Isaac stated that due to topography, the property couldn't be accessed from the cul-de-sac off of Foxridge Ridge Drive. He said the entrance off of Tuttle Cove Road has been there since the house was built in the 80's.

Monty Wedel asked Bob Isaac if the County Engineer had reviewed the request. Mr. Isaac stated he had and that he didn't have any concerns.

Vice-Chair Hoobler opened the public hearing.

The Applicant wasn't present.

Vice-Chair Hoobler asked if there were any proponents.

Jim Lynn stated he has lived at 3116 Foxridge Drive for over 30 years and the applicant's parents built the home. Mr. Lynn stated they have done nothing but improve the property over time. He said the speed limit between Canyon Road and the subject site is reduced to 30 mph and doesn't pick back up until almost Foxridge Drive.

Vice-Chair Hoobler asked if there were any opponents. There weren't any.

Joe Gelroth moved to close the public hearing. John Wienck seconded. Carried 3-0.

Joe Gelroth moved to approve the request to replat Lot Six (6), Foxridge Addition and Lot Ten (10), Replat of Lots 7 and 8, Foxridge Addition into one lot for the reasons listed in the staff report.

John Wienck seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on July 18, 2019, at 9:50 am, in the County Commission Chambers.

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

Vice-Chair Hoobler opened the public hearing to consider the request of the Board of County Commissioners of Riley County, Kansas, petitioner and Frank and Jan Lyons, property 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 Ashland Township, Section 21, Township 11 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented this request stating Riley County has purchased a new public safety radio system. He explained that to accomplish the installation of this system, the County must build three, new "Green Field" radio towers. He said the County is proposing to build one of these towers on property owned by Frank Lyons. He said the proposed 300 ft. guyed tower will be located approximately 1,185 feet north of S. 52nd Street, on the east side of W. 57th Avenue, on a 600-ft. x 600-ft. portion of the 240-acre parent tract. He said the Lyons agreed to lease that portion of their property to Riley County for the proposed use.

Mr. Isaac described the background, location and physical characteristics of the subject property.

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.

Monty Wedel said due to the height of the tower being 300 feet, lighting would be required; typically the conditions would state no white strobe light at night time. He said the requirement should be daytime white and night time red.

Pat Collins stated the white strobe is set to run during the day time only. He said the only time the white strobe light would run at night time would be due to power loss to the tower which kicks in the backup power source.

Vice-Chair Hoobler asked why this site was larger than the Copeland site.

Pat Collins said the Lyons site goes all the way to W. 57th Avenue and the tower has to be setback two-thirds of its height from the road.

Mr. Isaac stated the area will be leased and not subdivided from the tract.

Vice-Chair Hoobler stated the fenced area will be larger.

Pat Collins explained the fenced area around the tower would only be 50 feet x 50 feet. He said as far as the condition for all-weather surfacing, Riley County will improve and maintain that portion of the road from S. 52nd Street to W. 57th Avenue.

Ray Burns stated he was representing the Heidel Ranch. He said their only concern was who was going to maintain the road and take care of any trees that would need to be removed.

Vice-Chair Hoobler asked if there were any other proponents or opponents. There were none.

Joe Gelroth stated the subject site is located in the tallgrass prairie and what precautions would be taken for the tower due to frequent burning.

Pat Collins stated there will be concrete pad surrounded by 50 feet of gravel. Riley County will be required to maintain the weeds around the fencing.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 3-0.

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 operation of a public communications facility, including a 300-foot guyed radio tower in Zone “AG”

(Agricultural District) with the amendment to the list of conditions requiring daytime white/nighttime red lighting. Joe Gelroth seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on July 25, 2019, at 10:10 am, in the County Commission Chambers.

Amend Section 8 – Agricultural District (AG) of the Riley County Zoning Regulations

Vice-Chair Hoobler opened the public hearing to amend Section 8 – Agricultural District (AG) of the Riley County Zoning Regulations.

Bob Isaac presented the request stating the Manhattan Urban Area Planning Board heard the request on July 1, 2019 and have recommended approval to the Board of County Commissioners.

He provided the following background information:

1. According to Section 3 - General Requirements of the Riley County Zoning Regulations, in no case shall there be more than one principal building on one lot.
2. K.S.A. 12-758b states that, with the exception of floodplain regulations, regulations adopted by a county pursuant to this act shall not apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes.
3. Section 3a – Determination Of Agricultural Use Exemption:

The Director of the Riley County Planning & Development Department is granted the authority to determine when an agricultural use exemption is warranted in accordance with the criteria specified in Section 3a of the Riley County Zoning Regulations.

Mr. Isaac said with an agricultural exemption, an additional residence may be placed or constructed on a lot or parcel on which a house is already located, without platting, rezoning or other formal action, for the purpose of housing a family member or workhand employed or directly involved with the agricultural/ranching operation.

Mr. Isaac reviewed the proposed text amendments which are in italics.

1. The site to be divided from the existing agricultural operation should be the minimum required to accommodate the existing residence(s) and any outbuildings or to accommodate a site that is logically separated from the existing agricultural operation. Conversion of existing productive agricultural land should be avoided.
2. The site shall be large enough to meet sanitary code minimum requirements.
3. A residential use designator for an extraneous farmstead is limited to one per original parent agricultural tract. ***One additional residential use designator for an extraneous farmstead may be permitted when it has been determined by the Planning and Development Department that the additional residence on the original parent tract has been supporting the agricultural operation on such tract.***
4. The site must be platted and must meet all requirements for a plat, including adequate public road access as specified in the subdivision regulations. The platted lot may not be further subdivided unless approved through the standard platting/rezoning process.

5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.

Staff recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as published.

John Wienck stated the current situation with two houses on one tract troubles him. He asked if Tony Nelson should relocate his manufactured home, would there still be a residential use designator and could someone else build a house on it.

Bob Isaac replied yes. He explained once the residential use designator is approved and the Agricultural Protection Easement is filed, it will no longer be an “agricultural” piece of land.

John Wienck wanted to know what will happen with the current driveway.

Monty Wedel said the lots will have to be platted and design details would need to be discussed with the property owner after the regulation amendments are made.

Vice-Chair Hoobler asked if one of her children wanted to move back to help with the farm and build a house; would staff recommend looking at other land options before moving forward with two homes on one tract of land.

Monty Wedel replied that staff would review the agricultural operation and determine whether or not the additional house would be warranted to support the operation. Mr. Wedel stated where they choose to build the house would not be for staff to determine because they would be agriculturally exempt.

Mr. Isaac stated the only thing that would dictate the location of the house would be floodplain regulations and sanitary code.

Vice-Chair Hoobler asked if there were any proponents or opponents. There were none.

Joe Gelroth moved to close the public hearing. John Wienck seconded. Carried 3-0.

Joe Gelroth moved to forward a recommendation of approval of the amendment to Section 8 of the Riley County Zoning Regulations to the Board of County Commissioners as published and for the reasons listed in the staff report.

John Wienck seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on July 18, 2018, at 10:45 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Monty Wedel stated there was no update.

John Wienck moved to adjourn. Joe Gelroth seconded. Carried 3-0.

The meeting was adjourned at 8:44 P.M.