

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, August 12, 2019
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
John Wienck
Joe Gelroth
Nathan Larson

Members Absent: Diane Hoobler, Vice-Chair

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

Others Present: Frank and Janis Carpenter, Larry Larson, Vince and Tina Hammeke, Cody Sump, Becky Schwab and Jonathan Broeckelman

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the July 8, 2019 meeting were presented and approved. The Report of Fees for the month of July (\$3,231.00) was presented and approved.

Joe Gelroth moved to approve the consent agenda as presented. John Wienck seconded. Carried 4-0.

John Wienck 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. Nathan Larson seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Hammeke – Replat

Chairman Taul opened the public hearing at the request of Vincent A. Hammeke, petitioner, and Tina M. and Vincent A. Hammeke, owners, to replat Lots 145, 146 and 147, Block 1, Bridge View Heights, into one (1) lot in Jackson Township, Section 23, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. Mr. Isaac stated the subject property was originally platted in July 1964 as Bridge View Heights and later zoned residential. He said a building permit was issued August 1967 for a summer cabin to be constructed on Lot 146. He said the applicant wishes to combine the lots to increase the overall size of the property serving the home in order to install a modern wastewater system and come into compliance with the requirements of the Sanitary Code.

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

Chairman Taul opened the public hearing.

The applicant was present but didn't wish to speak.

Chairman Taul asked if there any proponents.

Becky Schwab stated she represents Faith Lutheran Church, which owns a platted lot in Bridge View Heights. She stated she totally supports the request to replat and was wanting to know how to obtain property owner information on lots within the subdivision.

Larry Larson stated he is the Jackson Township Trustee and wanted to know if there would be any new road entrances to the property.

Mr. Hammeke replied no.

Larry Larson stated the brush is over grown onto the road and asked the property owner for approval to spray the brush.

Mr. Hammeke stated he had no issues with spraying.

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

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

Joe Gelroth moved to approve the request to replat Lots 145, 146 and 147, Block 1, Bridge View Heights, into one (1) lot for the reasons listed in the staff report.

John Wienck seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on August 22, 2019, at 9:50 am, in the County Commission Chambers.

Carpenter-Benton – Plat & Rezone

Chairman Taul opened the public hearing at the request of Frank and Janis L. Carpenter, petitioners, and Frank and Janis L. Carpenter, Norma M. Benton, owners, to rezone a tract of land from "B-1" (Two Family Residential) and "AG" (Agricultural District) to "SF-5" (Single Family Residential) and plat/replat Lots 1, 2, and 6 of Harbour View Addition together with a 3.07-unplatted tract into two (2) lots in Grant Township, Section 10, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He said Lots 1, 2 and 6 were rezoned from "G-1" (General Agricultural) to "B-1" (Two Family Residential) in August 1976. He said the existing home that occupies Lots 1 and 2 was built in 1983, with a building permit issued in 1976. He said the home was added onto in July 2016.

He explained the Carpenters desire to increase the size of their home lot, while making existing Lot 6 buildable and in compliance with the Sanitary Code. He explained that the Bentons have agreed to sell a small portion of their unplatted tract to the Carpenters to assist with their goals. He said the remainder of the Benton tract will remain in agricultural use and will not be required to be platted or rezoned. Mr. Isaac stated the property owners involved agreed that a travel easement be granted across proposed Lots 1 and 2 to allow access from Harbour View Road to the Benton tract.

Staff recommended that the Planning Board forward a recommendation of approval of the rezoning 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 Harbour View Addition Unit Two, as it was determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code have been met.

Chairman Taul asked for clarification on the travel easement and asked if it was for the remainder of the agriculture tract.

Mr. Isaac stated the travel easement is for a south entrance to the Benton agricultural tract. He explained the entrance is already there and will allow the Benton's to continue to use it.

Chairman Taul asked if the travel easement could be used for a new house.

Mr. Isaac said if the Benton tract were to be subdivided and the subject lots were replatted, the travel easement could be extended and upgraded to a dedicated public road, if necessary. Mr. Isaac stated however, at this time, it is a private travel easement and platted lots cannot be served off of it.

Chairman Taul opened the public hearing.

Chairman Taul asked if the applicants wanted to speak.

Mr. Carpenter replied that Mr. Isaac did a great job covering everything.

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 forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from "B-1" (Two Family Residential) to "SF-5" (Single Family Residential). Nathan Larson seconded. Carried 4-0.

Nathan Larson moved to approve the concurrent plat of Harbour View Addition Unit Two 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 August 29, 2019, at 9:20 am, in the County Commission Chambers.

Sump– Residential Use Designator – Extraneous Farmstead & Plat

Chairman Taul opened the public hearing at the request of Cody A. and Jenny M. Sump, petitioners and owners, to receive a Residential Use Designator – Extraneous Farmstead and plat a 10.32-acre tract of land in Swede Creek Township, Section 18, Township 6 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is a 4.3-acre portion of a larger 55.6-acre parent tract. He said the subject site served as the residential portion of the larger agricultural tract and is currently developed with an aging home built in 1910. He said the intent is to replace the old home with a more modern one to be occupied by a farmhand for Sump's agricultural operation. He said the majority of the parent tract will remain in agricultural production.

Mr. Isaac described the background, location and physical characteristics of the subject property. He said there will not be any additional driveways, however, the current driveway may be relocated.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, as it had been determined that it met the minimum requirements of the Riley County Zoning Regulations.

Staff also recommended that the Planning Board approve the Concurrent Plat of Sump Ag Addition, as it had been determined that all requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code had been met.

Joe Gelroth asked what the advantage of an extraneous farmstead was when there is an existing house. He said he wasn't sure he understood why they couldn't just replace the hold house with a new house.

Mr. Isaac explained the advantage is the lot won't be rezoned to single family residential. He stated the house is being taken out of agriculture use and becoming a non-agricultural residence. He explained that this allows the owner to live in the existing house as is or tear down and build a new one because it is non-agricultural residence. Mr. Isaac also mentioned that the residential use designator requires that an Agricultural Protection Easement be filed with the plat. He said that this grants the farmers within a mile radius of the subject site to continue doing what they do without the threat of frivolous lawsuits.

Chairman Taul questioned the irregular shaped lot.

Mr. Isaac stated the Applicant was present and could offer clarity, but thought it had to do with choosing the best location for the new house and waste stabilization pond.

Chairman Taul opened the public hearing.

Cody Sump described the reasons for the irregular shaped lot. He said that on the east side is diagonal because of an existing pasture fence. He said the rest of it had to do with the location of the waste stabilization pond, which made it turn out a little longer north to south.

Nathan Larson asked Mr. Sump if owned the additional parent tract.

Mr. Sump stated he owns the additional parent tract.

Mr. Larson asked why the 4.3 acres was being subdivided from the parent tract.

Mr. Isaac explained that Mr. Sump has several employees and one of them is present, Jonathan Broeckelman. He said Jonathan will be purchasing the 4.3-acre lot from Mr. Sump. He explained that earlier this year, Mr. Sump and Mr. Broeckelman applied for an agricultural exemption to subdivide and it was denied.

Mr. Isaac said usually an exemption is granted for a subdivision when it is for a family member. He explained if Mr. Sump lived on the tract and wanted to build a house for an employee, it could be done through an agricultural exemption. He said since the exemption was denied, Mr. Sump is seeking a residential use designator.

There were no proponents or opponents.

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

John Wienck moved to approve the request to receive a Residential Use Designator–Extraneous Farmstead and the concurrent plat of Sump Ag Addition, as both met the minimum requirements of the Riley County Zoning Regulations, Subdivision Regulations and Sanitary Code. Nathan Larson seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat portion of the request on August 22, 2019, at 10:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations Re-write

Bob Isaac stated staff hadn't been in contact with the consultant for several months. Staff is continuing to work on Article 5.

Mr. Isaac stated that Monty Wedel will be presenting the JLUS Notice of Potential Noise Impact at the Joint City/County/County meeting on August 15, 2019.

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

The meeting was adjourned at 8:20 P.M.