

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, October 21, 2019  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

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

Members Absent: None

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

Others Present: Lonnie and Karen Baker, Jordy Nelson

#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the September 9, 2019 meeting were presented and approved. The Report of Fees for the month of September (\$2,904.00) was presented and approved.

John Wienck 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. John Wienck seconded. Carried 5-0.

#### **RILEY COUNTY PLANNING BOARD**

##### **Baker – Residential Use Designator – Country Estate**

Chairman Taul opened the public hearing at the request of Lonnie L. & Karen L. Baker, petitioners and owners, to receive a Residential Use Designator – Country Estate in Grant Township, Section 9, 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 stated there are two First Order streams that intersect on the site to form a Second Order stream. He said portions of these streams result in areas located in an unnumbered “A” zone.

Mr. Isaac reviewed the conditions for approval for a Country Estate. He said there wasn't a request to plat the tract.

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

Joe Gelroth asked if the proposed site of the lateral field was reviewed by staff.

Mr. Isaac stated that as part of the application for such a request, a determination had to be made that the site was soil tested for a wastewater system and had a potable water source.

Chairman Taul opened the public hearing.

Lonnie Baker, the applicant, stated they had been looking for six years for a property to purchase and build a home. He said Mr. Isaac had been wonderful to work with.

There were no proponents or opponents.

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

Diane Hoobler moved to approve the request to receive a Residential Use Designator – Country Estate as it was determined it met the minimum requirements of the Riley County Zoning Regulations. Nathan Larson seconded. Carried 5-0.

### **Nelson – Residential Use Designator – Extraneous Farmsteads & Plat**

Chairman Taul opened the public hearing at the request of Jordy Nelson, petitioner and J & E Real Estate LLC, owner, to plat a 10.3-acre tract of land into two (2) lots and receive a Residential Use Designator – Extraneous Farmstead for each lot in Sherman Township, Section 16, Township 8 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. He stated that the subject site is a 10.3 acre portion of an approximately 160-acre parent tract. Mr. Isaac clarified that the subject site was originally nine (9) acres, but due to a modification of the plat, was changed to 10.3 acres. He explained that the site has been developed with two single family dwellings and various outbuildings. The owner wishes to divide the homesteads from the parent tract as he is only interested in keeping the surrounding farm ground.

Mr. Isaac stated there will be a shared entrance and a shared well for both lots.

Nathan Larson asked if the owner of Lot 1 will have to create a new driveway.

Mr. Isaac stated Lot 1 will have a half of a driveway.

Staff recommended that the Planning Board approve the Concurrent Plat of J & E 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.

Staff also recommended that the Board approve the request to receive a Residential Use Designator for an extraneous farmstead for Lot 1 and Lot 2 of J & E Addition, as it had been determined it met the minimum requirements of the Riley County Zoning Regulations.

John Wienck wanted to clarify if a motion needed to be made for each lot.

Mr. Isaac said one motion could be made for the residential use designators and plat or separate motions.

Chairman Taul opened the public hearing.

The applicant did not wish to speak.

There were no proponents or opponents.

Diane Hoobler moved to close the public hearing. Joe Gelroth seconded. Carried 5-0.

John Wienck stated he was concerned for EMS; if there was medical issue, not knowing which house to go to on a shared driveway.

Joe Gelroth asked if markers would be required.

Diane Hoobler asked if the requirement for markers at the beginning of the driveway could be required.

Mr. Isaac explained that this is a shared entrance not a shared driveway. He explained the County Engineer is generally opposed to additional curb-cuts, as it increases traffic hazards on the road. He stated that if we can do a shared entrance, it is better.

John Wienck asked if there will be a split on the addresses.

Mr. Isaac explained both houses have been addressed for years and both houses are visible from the road. He stated nothing is physically changing with this request.

John Wienck replied but we are starting over.

Mr. Isaac replied not exactly.

Chairman Taul replied yes we are.

John Wienck stated the property owner is going to sell the lots so it is starting over.

Mr. Isaac stated it has been common policy for the Planning and Development Department to use a shared entrances whenever possible.

Chairman Taul stated we have been trying to get away from the shared entrances and private driveways. He said in the beginning he was opposed to the whole process of two extraneous farmsteads and understood although both lots meet the qualifications of the residential use designator.

Chairman Taul stated the biggest problem is that sometime down the road, the property will be sold. He stated he felt Lot 1 should have its own separate entrance/driveway because there is always going to be discrepancy on who takes care of what leading to disagreements. He stated he is all on-board with both lots being extraneous farmsteads. There are a lot of addressing problems throughout the county and wanted to know if an entrance could be installed on the west side of Lot 1.

Mr. Isaac showed the location of the lagoon in relation to the home. He also pointed out that the western portion of the proposed Lot 1 will most likely continue to be farmed. He said, however, the County Subdivision Regulations do not have any standards requiring Lot 1 to have its own entrance, although driveway standards are currently being worked on with the regulation rewrite.

John Wienck replied let's start tonight.

Mr. Isaac replied it can't be enforced if there aren't any regulation to base it on.

Joe Gelroth stated he looked at things a little bit different. He said if a second entrance was to be installed, there would more of a "public" problem. He explained that the shared entrance would be a problem between two private land owners. He stated he was more inclined to just let the two private landowners deal with their private problems.

Joe Gelroth moved to approve the request for two Residential Use Designators for an Extraneous Farmstead, as it had been determined it met the minimum requirements of the Riley County Zoning Regulations. Nathan Larson seconded. Carried 3-2, Chairman Taul and John Wienck dissenting.

Diane Hoobler moved to approve the Concurrent Plat of J & E 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 seconded. Carried 3-2, Chairman Taul and John Wienck dissenting.

Mr. Isaac announced that the Board of County Commissioners would hear the request on October 31, 2019, at 9:20 am, in the County Commission Chambers.

#### **Update on Zoning and Subdivision Regulations Re-write**

Bob Isaac stated staff had a conference call with the consultant concerning some issues with Article 4 and 5. He said staff is moving forward with Article 6 and shaping up Article 7.

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

The meeting was adjourned at 8:12 P.M.