

## MINUTES

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

**Monday, March 9, 2020  
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: Monty Wedel – Director, Bob Isaac – Planner and Lisa Daily -  
Administrative Assistant

Others Present: Dennis Blick and Jose Arrendoudo

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the February 10, 2020 meeting were presented. Joe Gelroth indicated the word “Wildcat” was misspelled in the title for the KanGolf Inc. conditional use. He also suggested to combine the two paragraphs that approved the Residential Use Designator - Extraneous Farmstead and concurrent plat for Rivera Addition. The Report of Fees for the month of February (\$1,236.00) was presented.

Joe Gelroth moved to approve the consent agenda with the noted changes to the minutes. John Wienck seconded. Carried 5-0.

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. Diane Hoobler seconded. Carried 5-0.

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

##### **Blick – Residential Use Designator – Extraneous Farmstead & Plat**

Chairman Taul opened the public hearing at the request of Dennis G. Blick, petitioner and Shirley J. Stadel Trust and Shirley J. Stadel Trustee, owner, to receive a Residential Use Designator – Extraneous Farmstead and plat a 10-acre tract of land in Grant Township, Section 9, Township 9 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is an approximately 10-acre portion of a larger 29.67-acre parent tract, which has been primarily used for pasturing cattle and hay. He said the property is developed by an existing single family dwelling originally constructed in

1976. He said the applicant wishes to sell the home and the 10 acres and retain the surrounding property.

Mr. Isaac reviewed the preliminary layout of the site and explained the proposed east line follows an established terrace rather than the existing tract boundary. He explained that the proposed south line will follow the fence line that transects the existing pond. He said the applicant owns the neighboring tract to the south and east and explained when the water level in the pond is higher, the cattle on the south tract will be able to utilize the pond.

Nathan Larson asked if there was any other water source for the cattle other than the pond shown plat.

Mr. Blick stated there are two smaller ponds behind two terraces but they dry up quickly. He said the pond in reference is the primary water source for the approximate 30-acre pasture to the south.

Mr. Isaac explained the two smaller tracts to the south and east are under the same ownership.

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 Stadel 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 if there would be any issues with the plat not showing the driveway to the house.

Mr. Isaac replied it is not a requirement for the driveway to be shown on the plat, so there should be no issues.

Nathan Larson expressed concern for future property owners that might not agree to the shared water source.

Mr. Isaac said the property owners will need to do something similar to a travel easement or access agreement. He said it will need to be put in writing and filed with the Register of Deeds.

Diane Hoobler questioned the two smaller tracts and asked if they had already been sectioned off. She stated she hoped the property owner understood they can't put houses on those tracts.

Mr. Isaac explained that if someone wanted to build a house on any of the other tracts, the petition would have to be weighed on its own merits.

Mrs. Hoobler stated there is only one house per parent tract.

Mr. Isaac explained it is one residential use designator type per parent tract.

Chairman Taul opened the public hearing.

The applicant, Dennis Blick explained he was representing his mother-in-law, Shirley Stadel. He said she had lived at that residence since it was built in the 70's and both she and Melvin Stadel (deceased) own quarter sections on both sides of Anderson Avenue. He explained that Russell Wahl is the tenant who leases the farm ground.

Mr. Blick stated Ms. Stadel's health has declined and can no longer live by herself. He said they do not want the house to sit empty for very long and have a contract of sale pending.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Diane Hoobler seconded. Carried 5-0.

John Wienck moved to approve the request for a Residential Use Designator – Extraneous Farmstead and the Concurrent Plat of Stadel Addition, as it was determined it met the minimum requirements of the Riley County Zoning Regulations, Riley County Subdivision Regulations and Sanitary Code. Nathan Larson seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat portion of the request on March 19, 2020, at 9:50 am, in the County Commission Chambers.

### **Annual Report**

Monty Wedel stated there was a lot of data in the report and wanted to focus on two areas. He reviewed Page 7, Total Residential Building Permits and meeting the goal of directing a majority of the non-ag residential growth to the designated growth and urban areas. The chart showed 60% inside the growth area, which is exceeding the goal.

Mr. Wedel then referred to the eleven Agricultural Exemptions that were received in 2019, which was a higher than normal amount. He explained that not all the requests involved a new house.

Nathan Larson questioned the 60% of building permits issued within the target areas. He asked if it the result of action taken by staff or just the way it worked out; choosing to build in the those areas.

Mr. Wedel stated staff has to explain to citizens that the ag zone is very limited and therefore encourages building in the growth areas. He said it is becoming common knowledge what will be required to build in the ag zone, thus, there are less requests as time goes on.

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

Monty Wedel reviewed the following draft articles as follows:

#### **Article 4: Zoning Districts**

Monty Wedel said staff tried to simplify the zoning structure. The hierarchy explains which districts are more restrictive and higher intensity.

Diane Hoobler stated she has issues with the 10-foot setback not being large enough.

Monty Wedel stated lot sizes are much smaller in subdivisions and if the setback is too large, there will likely be numerous variance requests.

Joe Gelroth asked why there were quotation marks around the word "intensity" in Section 4.2. He wanted to know if it was to give it a special meaning or should it be worded, "references to the intensity".

Monty Wedel said the quotation marks would be removed and "the" added.

Diane Hoobler stated she would like to see modifications made to the 10-foot setback.

Mr. Wedel asked if she would be comfortable with an increased setback depending on the height of the building.

Mrs. Hoobler replied that was better than nothing.

Mr. Wedel stated the single-family zoning will change from five categories down to three. "SF-1" will have a 2-acre minimum lot requirement and the difference between "SF-2" and "SF-3" would depend on central sewer.

He said there will be a new zoning district for duplexes which is "TF" Two-Family. He said the category multi-family would be for apartment complexes which would most likely have central sewer. He said the City of Manhattan has changed their policies and are allowing areas to hook onto central services without requiring the properties to be annexed; however, they are still required to sign an agreement stating they would not oppose annexation.

He explained Mobile Home Park is being changed to Manufactured Home Park. He said the commercial districts will include general business and highway business and the industrial districts will have light and heavy industrial uses.

Mr. Wedel said the airport overlay will match the City of Manhattan. He said there will also be the two corridor overlays, which staff will need to make sure we have the same requirements as the City of Manhattan.

Mrs. Hoobler asked if tiny houses will be allowed.

Mr. Wedel stated as long the home meets the Sanitary Code, the setback requirements and have a permanent foundation, tiny homes will be allowed in any zoning district that allows a site-built home.

Mr. Wedel explained that staff is taking a "hands-off" approach to the University Development district; however, he also stated that if Kansas State University would propose something like a large wind farm, the County would want some oversight as with all special or conditional uses.

Mr. Wedel said the complete process for the Planned Unit Development (PUD) and Subdivision Plat will be in Article 4 instead of separated into Article 3 and Article 4. He said the Notice of PUD Approval form, which had to be filed with the Register of Deeds, will no longer be required. He said the PUD will ideally be used only for unique situations and mixed uses such as residential and commercial in the same project.

Mr. Wedel said the floodplain regulations have been streamlined, reviewed and approved by the State. He explained the freeboard requirement will be changed from one foot to two feet above base flood elevation. He said the Future Conditions floodplain has been added, which is an estimate of future runoff conditions assuming a complete buildout of projected land use in the Manhattan Urban Area Comprehensive Plan.

Mr. Wedel stated the Urban Service Area will be required to follow the standards of City (Manhattan Urban Area Subdivision Regulations), as those areas are subject to annexation. He explained that the urban area outside of the urban service area, development will be required to follow the Riley County Subdivision Regulations.

## **Article 5: Use Regulations**

Monty Wedel explained Article 5 is what uses are allowed in each zone and referred to the Use Table 5-1 Land Uses.

Explanation of Table Abbreviations

A = Accessory Use

C = Conditional Use

P = Permitted Use

S/C = Conditional Use (private) or Special Use (public)

T = Temporary Use

Mr. Wedel said a departure from what has been done in the past, an accessory apartment will be allowed in any single family, two family and multi-family zone.

Bob Isaac explained that a blank box on the use table indicates the use is not permitted.

Mrs. Hoobler asked about licensing requirements for short-term rentals.

Mr. Wedel replied this will a completely new requirement. He stated there are a lot of people wanting to do short-term rentals, but we have also received complaints on some of them. He explained staff needs the ability to address the issues and the concerns of the neighbors. He said there is a neighborhood that has already secured an attorney and staff has met with them. He said they want these short-term rentals to be regulated, at least to some degree.

Mr. Wedel said another use that has been added is Residential Livestock and that staff reviewed a lot of different examples. He said this addresses chickens, other poultry, rabbits and stock animals in residentially zoned lots and parcels.

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

The meeting was adjourned at 9:18 P.M.