

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 9, 2020
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Nathan Larson

Staff Present: Amanda Smeller – Director (Zoom), Bob Isaac – Planner and Lisa Daily -
Administrative Assistant

Others Present: Kim Luna, James Slaymaker, Cim Roesener, Tonya Hoobler, Larry
Hoobler, Scott Leitzel and Dustin Moody

OPEN PUBLIC COMMENTS

James Slaymaker stated that he moved to the University Park area in 2014. He said since then he has noticed numerous towers with reds lights have been erected. He asked what is being done with the towers that are no longer in use.

Bob Isaac replied that the Riley County Zoning Regulations require a reclamation plan for towers when they are no longer in use. He said in the unincorporated area of Riley County, a conditional use is required for privately owned towers and a special use for publicly owned towers.

CONSENT AGENDA

The minutes of the September 14, 2020 meeting and the Report of Fees for the month of September (\$2,913.00) and October (\$5,297.00) were presented and reviewed.

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

Joe Gelroth moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Board of Zoning Appeals. Diane Hoobler seconded. Carried 4-0.

RILEY COUNTY BOARD OF ZONING APPEALS

Twin Valley Communications – Conditional Use

Chairman Taul opened the public hearing at the request of Twin Valley Communications, petitioner, and Stanley E. Schurle Trust and Stanley E. Schurle Trustee, owner, for a **conditional**

use authorization to allow an 85-foot self-supporting internet communications tower on a tract of land in Section 36, Township 9 South, Range 6 East; Wildcat Township.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He explained that due to the novel coronavirus (COVID-19), many workers, students and patients are staying home. He said the CARES Act recognized the pressing and continuing need for people to remain connected during this public health crisis.

Mr. Isaac explained that the applicant has received a grant from the State of Kansas for the aforementioned purposes and is planning to install an 85-ft. wireless internet communications tower just west of Keats, in order to provide stronger internet service in a rural area where service is weak or non-existent. He said in order to comply with the current CARES Act rules, Twin Valley Communications must have the broadband project up and running by December 30, 2020 or lose the funding.

Mr. Isaac stated the subject site is located within the 1% annual chance floodplain and all ancillary structures electrical compartments, etc. will be required to be located at least one-foot above base flood elevation.

Mr. Isaac said the request was reviewed by Fort Riley's External Encroachments Management Coordinator and he reported that the proposed location of the communications tower is nearby a principal route of military aviation, Fort Riley's Military Helicopter Blue Route (reference: Regional Development Constraints and Growth Areas, May 2017 map; Flint Hills / Fort Riley Joint Land Use Study Update; August 2017). He said that Fort Riley's Directorate of Plans, Training, Mobilization and Security has reviewed the request and determined because of the proximity of the proposed location to Military Helicopter Blue Route, it is advisable that the described tower be lighted as recommended by paragraph 5.4.1.a of the Federal Aviation Administration's Advisory Circular 70/7460-IL, i.e., with two or more steady-burning red (L-810) top-mounted lights installed in a manner to ensure an unobstructed view of one or more lights by a pilot.

Mr. Isaac stated that although the staff report indicates the minimum fencing height requirement of six (6) feet, the regulations require an 8-ft. fence and is listed as such on the list of conditions of the conditional use authorization. He stated the applicant asked if the fencing requirement could be removed. Mr. Isaac explained the fencing requirement is for safety reasons and would not recommend removing the condition, especially with a recreation park within close proximity.

Staff recommended the requested Conditional Use be approved with the following conditions:

1. Tower height shall not exceed 85 feet.
2. As recommended by paragraph 5.4.1.a of the Federal Aviation Administration's Advisory Circular 70/7460-IL, i.e., two or more steady-burning red (L-810) top-mounted lights shall be installed in a manner to ensure an unobstructed view of one or more lights by a pilot.
3. The tower and all ancillary structures shall be made secure by the installation of fencing with a minimum height of eight (8) feet.
4. All ancillary structures electrical compartments etc., shall be located at least one-foot above base flood elevation.
5. The tower and associated uses shall not interfere with existing radio frequencies.

6. The tower and all ancillary structures shall be constructed and arranged as per the site plan approved by the Riley County Board of Zoning Appeals.
7. If the tower is abandoned for a period of 120 days, the Applicant will have 90 days to remove the tower and reclaim the site to its original condition.

Diane Hoobler asked if there would be anything else placed on the tower.

Bob Isaac replied that the proposed tower would be for internet and is much different than a cellular tower.

Chairman Taul asked if technology changes, could the conditional request be amended.

Bob Isaac replied yes.

Joe Gelroth asked why the floodplain requirement was only one-foot and asked when last time the regulations were updated.

Bob Isaac stated that the new Land Development Regulations include revisions to the Floodplain Regulations, which have already been reviewed by the State. He explained that if they are adopted, the freeboard requirement will be increased to two (2) feet above base flood elevation.

Joe Gelroth stated the County Engineer mentioned the driveway but didn't see one on the site plan.

Bob Isaac stated Twin Valley will use the agricultural road entrance used by the property owners and will not create a new entrance.

Chairman Taul opened the public hearing and asked if there were any proponents or opponents for the request.

Scott Leitzel, CEO for Twin Valley stated the tower will provide much better internet speed service to the area.

Dustin Moody stated he lives on Neef Drive. He and his wife have had to work from home and are very much in support of the internet tower.

John Wienck moved to close the public hearing.

Diane Hoobler seconded. Carried 4-0.

John Wienck moved to approve the request for a Conditional Use Authorization to allow an 85-foot self-supporting internet communications tower to include of the minimum fencing height requirement from six (6) feet to (8) feet.

Diane Hoobler seconded.

Carried 4-0.

John Wienck moved to adjourn the Riley County Board of Zoning Appeals and reconvene as the Riley County Planning Board. Joe Gelroth seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Diane Hoobler recused herself from the next agenda item.

Hoobler – Plat & Rezone

Chairman Taul opened the public hearing at the request of Larry and Diane Hoobler, petitioners, and Wayne L. Roesener Trust and Wayne L. Roesener Trustees, owners, to replat Lot 1 of Roesener Subdivision, vacating a portion of said lot, and rezone said portion from “SF-5” (Single Family Residential) to “AG” (Agricultural District) in Zeandale Township, Section 20, Township 10, Range 9 East in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical characteristics of the subject property. He stated in June 2006, the subject property was platted as Lot 1 Roesener Subdivision and rezoned from “G-1” (General Agricultural) to “A-5” (Single Family Residential), essentially as an extraneous farmstead. He said in May 2012, the “A-5” (Single Family Residential) zoning designation was renamed to “SF-5” (Single Family Residential). Mr. Isaac stated the request is to vacate a portion of the lot that is essentially being used for row crops by the neighboring farmer.

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 is in general conformance with the comprehensive plan and 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 final plat of Roesener Subdivision 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 opened the public hearing.

Chairman Taul asked if the applicants wanted to speak.

Larry Hoobler stated his family has farmed the Roesener property since the 1990’s and purchased a majority of the farm ground in 2006.

There were no proponents or opponents.

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

John Wienck moved to forward a recommendation of approval of the request to the Board of County Commissioners to rezone the portion of the subject property to be vacated with the replat from "SF-5" (Single Family Residential) to “AG” (Agricultural District). Joe Gelroth seconded. Carried 3-0.

Joe Gelroth moved to approve the final plat of Roesener Subdivision Unit Two, as it had been determined to meet the requirements of the Riley County Subdivision Regulations. John Wienck seconded. Motion carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on November 30, 2020, at 9:20 am, in the County Commission Chambers.

Diane Hoobler rejoined the meeting.

Luna – Replat

Chairman Taul opened the public hearing at the request of Kim Luna, petitioner and Jeffrey Elmo and Kimmie Sue Luna, owners, to replat Lots 143, 144, and 145 of University Park (subdivision) into a single lot in Sherman Township, Section 12, Township 8 South, Range 6 East in Riley County, Kansas.

Bob Isaac presented the request stating the subject site was originally platted as Lots 143, 144, and 145 of University Park in September 1959. He said the applicant wishes to combine the aforementioned lots into one lot in order to construct a house and an accessory structure (garage) on the same lot, as required by the Riley County Zoning Regulations.

Mr. Isaac explained the 15-foot utility easement between Lots 143 and Lot 144 will not be vacated and it is currently being used. He showed where the property owner is installing a storm water drainage culvert to divert the stormwater run-off through the lots onto a natural area northeast of the subject property.

Staff recommended that the Planning Board approve the Final Plat of University Park Unit 12, as it has been determined to meet the minimum requirements of the Riley County Zoning and Subdivision Regulations and Sanitary Code.

Chairman Taul opened the public.

The applicant had no comments. There were no proponents or opponents.

Diane Hoobler moved to close the public hearing. Joe Gelroth seconded. Carried 4-0.

Joe Gelroth moved to approve for request to replat Lots 143, 144 and 145 of University Park into one (1) lot, to be known as University Park Unit 12 for reasons stated in the staff report. Diane Hoobler seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on November 19, 2020, at 9:25 am, in the County Commission Chambers.

Development Guidance System

Bob Isaac explained that modifications to the Insurance Services Offices (ISO) rating could be found on page 12 of the Development Guidance System document. He said Class 5Y is changing to Class 6, Class 9 is changing to Class 10.

Diane Hoobler asked why Ashland and Ogden townships were excluded.

John Wienck, who serves on the Rural Fire District Board, stated it has to do with the type of equipment located at the individual fire stations.

Mr. Isaac stated that if suggested changes to the DGS were approved, there would be nothing to sign, but the action would be acknowledged in the minutes.

Joe Gelroth moved to approve the text amendments and recommend approval of the recommended changes of the Development Guidance System as shown to the Board of County Commissioners. John Wienck seconded. Carried 4-0.

Update on Zoning and Subdivision Regulations Re-write

Bob Isaac stated staff is working with the County Counselor's office to work out the details of the contract with Stantec, whom will be doing the illustrations. He said once the contract is accepted, illustrations completed, staff will need to develop a game plan to get the regulations adopted.

Diane Hoobler moved to adjourn. Joe Gelroth seconded. Carried 4-0.

The meeting was adjourned at 8:36 P.M.