

## MINUTES

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

**Monday, May 10, 2021  
7:30 pm**

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

Members Present: Diane Hoobler, Vice-Chair  
John Wienck  
Nathan Larson

Members Absent: Dr. Tom Taul, Chair  
Joe Gelroth

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

Others Present: Shaun Linenberger, Daniel Sharp, LaRae Kraemer, Oneita Bohlenblust,  
Matt Mackeprang and Curt Friedrich

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the March 8, 2021 meeting were presented.

Nathan Larson moved to approve the March 8, 2021 minutes. John Wienck seconded. Carried 3-0

The Report of Fees for the month of March (\$4,643.75) and April (\$2,294.00) were presented.

John Wienck moved to approve the Report of Fees for March and April. Nathan Larson seconded. Carried 3-0.

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 3-0.

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

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

Vice Chair Hoobler opened the public hearing at the request of LaRae Kraemer, petitioner and LeRoy K. and Claryce J. Bohnenblust Trust, owner, to receive a Residential Use Designator – Extraneous Farmstead for an unplatted tract of land and plat said tract of land into a single lot in Bala Township, Section 22, Township 8 South, Range 5 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is a 10-acre portion of a larger 80-acre parent tract; one of two contiguous 80-acre parent tracts in the trust. He stated the subject site served as the residential portion of the larger agricultural tract and is currently developed with an

aging home, built circa 1883, and a garage, built circa 1945. He said the parent tract gently slopes from east to west, with the home established on a slightly higher point of the property.

Mr. Isaac stated the property owner to the south of the subject site called into the office and expressed his opposition to the request due to the potential for agricultural “run-off” being washed down onto his property. Mr. Isaac explained that any kind of agricultural activity is exempt from the zoning regulations, regardless of the outcome of the Board’s decision.

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 Kraemer 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. Mr. Isaac stated that the plat portion will be heard by the Board of County Commissioners on May 20, 2021, at 9:50 am, in the County Commission Chambers.

Vice Chair Hoobler opened the public hearing and asked if the applicant wanted to speak.

LaRae Kraemer stated she is the daughter of Leroy and Claryce Bohnenblust. She stated she has four older brothers, one of which would really like to keep the family home. She said the remaining farm ground will be sold.

Vice Chair Hoobler asked if all the remaining ground is tilled.

Mrs. Kraemer replied yes.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Nathan Larson seconded. Carried 3-0.

Nathan Larson expressed that he doesn’t understand why the neighbor to the south has concerns when nothing is changing.

John Wienck moved to approve the request for a Residential Use Designator – Extraneous Farmstead, as it was determined it met the minimum requirements of the Riley County Zoning Regulations. Nathan Larson seconded. Carried 3-0.

John Wienck moved to approve the Concurrent Plat of Kraemer 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 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the plat portion of the request on May 20, 2021, at 9:50 am, in the County Commission Chambers.

### **Friedrich – Replat**

Vice Chair Hoobler opened the public hearing at the request of Curt and Cindy Friedrich, petitioners and owners, to replat Lots 92, 92A, 93 and 93A of University Park (subdivision) into a single lot in Sherman Township, Section 8, Township 6 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property was Lots 92, 92A, 93, and 93A of University Park, in September 1959. He said that the applicant wishes to combine the lots in order to construct an accessory structure northwest of his home.

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

Nathan Larson asked why the house is located on two different lots.

Mr. Isaac explained that Riley County allows for structures to straddle a lot line if there are no utility easements.

Mr. Larson asked why this couldn't be done with the other two lots.

Vice Chair Hoobler opened the public hearing and asked if the applicant wanted to speak.

Curt Friedrich explained that Lot 92 was just purchased in the last year. He said due to the way the house and landscape are laid out, they will not be able to place the accessory structure across a lot line. He said they would like to clean it up and make into one lot.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Nathan Larson seconded. Carried 3-0.

John Wienck moved to approve the request to replat Lots 92, 92A, 93 and 93A of University Park (subdivision) into a single lot, for reasons stated in the staff report.

Nathan Larson seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on May 20, 2021, at 10:30 am, in the County Commission Chambers.

### **KDOT - Rezone**

Vice Chair Hoobler opened the public hearing at the request of Kansas Department of Transportation, petitioner and State Highway Commission, owner, to rezone the approximately east half of an unplatted tract of land from "AG" (Agricultural District) to "D-2" (Light Industrial) in Manhattan Township, Section 23, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac explained when the west portion of the tract was zoned to "D-2" (Light Industrial District) during the 1974 County Zoning Conversion process (Petition #17), the entire parent tract was not zoned to "D-2" (Light Industrial District) and there was no documentation as to why this was done. He explained the request is to rezone the rest of the tract from "AG" (Agricultural District) to "D-2" (Light Industrial) so that they can replace the main shop building (built circa 1960) located on the site that serves as the Tuttle Creek Boulevard KDOT shops/office. He explained that KDOT is planning to raze the building and replace it with a larger and more modern building. He explained, in order for the aforementioned building to be replaced, the proper zoning has to be in place for the existing/proposed use; thus the reason for the proposed zoning change. He said the existing building was built prior to the 1974 Zoning Conversion so it is not understood why the entire tract wasn't rezoned.

Staff recommended the Planning Board forward a recommendation of approval of the request to rezone the subject property to the Board of County Commissioners, as it has been determined that it is in general conformance with the comprehensive plans and meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code.

Vice Chair Hoobler opened the public hearing and asked if the applicant wanted to speak.

Matt Mackeprang with the Kansas Department of Transportation stated they are working on modernization projects throughout Kansas and this is next one the list. He explained the size of trucks, snow plows and spreaders have gotten bigger and no longer fit in the existing building.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Nathan Larson seconded. Carried 3-0.

Nathan Larson 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 “D-2” (Light Industrial). John Wienck seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on May 27, 2021, at 10:20 am, in the County Commission Chambers.

### **Sharp – Plat & Rezone**

Vice Chair Hoobler opened the public hearing at the request of Daniel Sharp, petitioner and owner, to rezone two unplatted tracts of land from “AG” (Agricultural District) to “SF-4” (Single Family Residential) and plat/replat said tracts together with Lot 4 of Little Valley Addition, into a single lot in Manhattan Township, Section 22, Township 10 South, Range 8 East in Riley County, Kansas.

Bob Isaac presented the request and described the background, location and physical background. He explained the western portion of the subject property was platted as Lot 4 of Little Valley Addition in September 1985 and rezoned from “G-1” (General Agricultural) to “A-4” (Single Family Residential). He said until recently, the lot was developed with a single mobile home, served by an on-site water well and septic tank/lateral sanitary sewer system. He said the remainder of the subject property is unplatted, undeveloped and zoned “AG” (Agricultural District). Mr. Isaac explained the applicant wishes to construct a residence, as permitted, on existing Lot 4; however, due to the need to place the residence in the preferred location and meet the requirements of the Riley County Sanitary Code, it was necessary to expand the size of the lot and eliminate the property boundaries between Lot 4 and the unplatted tracts situated east of the lot. Mr. Isaac reviewed the floodplain map and said a large portion of the subject property is located with the 1% annual chance floodplain shown in red hatch on the map. He said the 0.2% annual chance floodplain is not considered part of the regulatory floodplain. Mr. Isaac said the area in which applicant wishes to develop is outside the regulatory floodplain. Mr. Isaac went onto explain that the applicant will be clearing out trees, dead fall and extraneous vegetation in order to develop the property.

Mr. Isaac said the applicant stated that he eventually will phase out the lease arrangement with the neighboring farmer using his property for crop production in order to plant several trees that will serve as an audio and visual buffer from Zeandale Road.

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 that it 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 Little Valley Addition Unit Three, as it was determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code have been met.

John Wienck said Mr. Isaac didn't mention anything about the agricultural buffers.

Mr. Isaac said the applicant is also seeking approval by the Planning Board for a reduction of the required agricultural buffer from 200-ft. to 100-ft., from the east property line, and a reduction from 200-ft. to 50-ft., from the north property line. He explained the reasons for the request stems from the limited building area of the proposed lot caused by the 80-foot from centerline building setback along K-18 Highway (Zeandale Road) and the large amount of the property located within the floodplain.

Vice Chair Hoobler opened the public hearing and asked if the applicant wanted to speak.

Daniel Sharp stated he purchased the property to build a single room cabin-style home with some privacy. He said for the last six months he has been clearing out a lot of the overgrowth, garbage and cleaning up the property.

There were no proponents or opponents.

Nathan Larson 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 a portion of the subject property from "AG" (Agricultural District) to "SF-4" (Single Family Residential). Nathan Larson seconded. Carried 3-0.

John Wienck moved to approve the final plat of Little Valley Addition Unit 3, 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 May 27, 2021, at 10:30 am, in the County Commission Chambers.

### **Annual Review of the Comprehensive Plan**

Mr. Isaac stated he would like for all Board members to be involved in the annual review. He indicated that, with two members absent, he would like to postpone this agenda item until the June 14, 2021 meeting or even the July 12, 2021 meeting.

He asked for all Board members to review the Executive Summary of the Plan and email him with any suggestions or comments so they can be collated and prepared for the next meeting.

John Wienck moved to adjourn. Nathan Larson seconded. Carried 3-0.

The meeting was adjourned at 8:41 P.M.