

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, August 9, 2021
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: Diane Hoobler, Vice-Chair

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

Others Present: Marc Rose, Xavier Almeda, Mike Sheffield, Dave and Carol Adams

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the July 12, 2021 meeting and the Report of Fees for the month of July (\$2,519.50) were presented and reviewed.

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

Joe Gelroth moved to take the general agenda item, “Continue with Zoom and YouTube meeting availability” from the table. Nathan Larson seconded. Carried 4-0.

Bob Isaac stated that since this item was put on the July agenda, things have changed concerning the COVID virus and staff recommends to continue with the Zoom and YouTube meeting availability.

Joe Gelroth moved to continue with the Zoom and YouTube availability. 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. Joe Gelroth seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Tegtmeier – Replat

Chairman Taul opened the public hearing at the request of David H. & Danielle B. Tegtmeier, LAWE LLC, petitioners and owners, to replat Lot 1 of Tegtmeier Addition with an unplatted

tract of land in Wildcat Township, Sections 8 & 17, Township 10 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the applicants wished to replat Lot 1 of Tegtmeier Addition together with an unplatted tract of land into a single lot and amend the Final Development Plan to reflect the proposed replat. He said the subject property is an approximately 37-acre tract that consists of platted Lot 1 of Tegtmeier Addition, with approximately 25 acres of unplatted land surrounding it.

Mr. Isaac stated in September 2014, the applicants successfully platted Lot 1 of Tegtmeier Addition and rezoned the lot and surrounding parent tract from “AG” (Agricultural District) to “A-PUD” (Agri-Business Planned Unit Development) in order to establish a viniculture operation, with a winery and events center. He said Lot 1 is developed with a single family residence. Mr. Isaac stated that the applicants recently discovered that a portion of the parent tract surrounding the subject lot became available for purchase. He said they wished to take advantage of the situation and add to their existing lot. Mr. Isaac said staff advised that a replat would be necessary, as well as amending the Final Development Plan to reflect the lot configuration of the proposed replat.

Mr. Isaac stated that the amended Final Development Plan remains in substantial conformance with the Preliminary Development Plan. He said it was recommended, however, that the map portion of the development plan be updated to show the proposed changes to Lot 1 and to also update certain text of the original document, as follows:

List of Permitted Uses:

Tract A – No changes.

Proposed LOT 1 Tegtmeier Addition Unit Two – No changes.

1. All permitted uses in the “SF-5” (Single Family Residential) zoning district, subject to the use limitations listed for that district.
2. Accessory apartment (as defined in Section 2 – Definitions of the Riley County Zoning Regulations)

List of Permitted Structures:

Tract A – No changes.

Proposed LOT 1 Tegtmeier Addition Unit Two

1. One single family residential dwelling (subject to the restrictions of the “SF-5” Single Family Residential zoning district)
2. Accessory structures (~~subordinate in size to the principal building, except those dedicated solely for housing stock animals as per Section 13 - Accessory Buildings, Structures and Uses of the Riley County Zoning Regulations~~)
3. One single bedroom accessory apartment (as defined in Section 2 – Definitions of the Riley County Zoning Regulations)

Notes:

#4. If it is determined that an entrance pipe is needed, a pipe shall be sized in accordance with Riley County Standards ~~and Specifications~~ *for Road Design in Platted Subdivisions*. In no case shall the pipe be less than ~~18~~ 15 inches in diameter.

#8. Site and all uses therein shall be in compliance with the Riley County Sanitary Code. Lot 1 Tegtmeier Addition is currently served by Rural Water and sanitary lateral field. ~~At build-out, Lot 1 will either be served by two separate lateral fields or an on-site wastewater lagoon.~~ Tract A ~~will be~~ *is currently* served by Rural Water District #1 and an on-site wastewater lagoon.

#15. All stormwater drainage from the developed areas of Lot 1 Tegtmeier Addition *Unit Two* and the winery/events center shall be directed to the existing pond.

Zoning: Existing

~~- AG (Agricultural District)~~ “A-PUD” (*Agri-Business Planned Unit Development*)

Zoning: Proposed

~~- ABPUD (Agri-Business Planned Unit Development)~~

Staff recommended that the Planning Board approve the Final Plat of Tegtmeier Addition Unit 2, as it has been determined to meet the minimum requirements of the Riley County Zoning and Subdivision Regulations and Sanitary Code. Staff also recommended that the Planning Board approve the proposed amendments to the existing Final Development Plan reflecting the proposed replat of Lot 1 Tegtmeier Addition.

Chairman Taul opened the public hearing and asked if the applicants wanted to speak. Mr. Isaac explained the applicants were unable to attend the meeting.

Chairman Taul asked if there were any proponents or opponents.

Mike Sheffield stated he lives east of the Tegtmeier’s and asked what all could be built on the newly replatted lot.

Mr. Isaac stated there is already an existing home occupying the lot and even after the lot is enlarged, Riley County Zoning Regulations and the Final Development Plan both state only one house per lot. He said the applicants, at this time, are not planning to develop anything else on the lot. He said, in time, the applicants will eventually want to build a new home and change the one bedroom home into a place for employees to stay. He stated when that time comes, the Final Development Plan will need to be amended.

Dave Adams stated he lives at 1725 Wildcat Creek Road. He said his driveway is 150 feet from the winery’s entrance. He said they are constantly getting winery traffic coming down their driveway. Mr. Adams stated he has even put signs up to direct traffic but it doesn’t stop them because they are using navigation on their cell phones and not paying attention to the signs.

Mr. Adams said the property is zoned agricultural and asked what type of animals are allowed.

Mr. Isaac explained the Final Development Plan lays out the specific types of agricultural uses allowed. He said, statutorily, if someone wanted to do agriculture, regardless of the zoning, they are exempt. He stated if they wanted to run cattle, they can.

Mr. Sheffield stated that the Tegtmeier's have been very good neighbors and are very open about what they do at the winery. He did say they can see winery traffic going in and out of the Adam's driveway and not sure what can be done about that.

Joe Gelroth moved to close the public hearing. Nathan Larson seconded. Carried 4-0.

Joe Gelroth moved to approve the request replat Lot 1 of Tegtmeier Addition with an unplatted tract of land, for reasons stated 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 19, 2021, at 9:50 am, in the County Commission Chambers.

Rose/Almeda – Replat

Chairman Taul opened the public hearing at the request of Marc & Andrea Rose and Xavier & Alisah R. Almeda, petitioners and owners, to replat Lot 13-14 and 78-80 of Blue River Hills No. 1 into two (2) lots in Sherman Township, Sections 19 & 20, Township 8 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request, stating Mr. Rose is the property owner of Lots 78 through 80 situated on the north side of Sharm Drive and Mr. Almeda is the property owner of Lots 13 and 14 situated on the south side of Sharm Drive. He said each property owner wants to eventually build an accessory structure. Mr. Isaac stated this will require each property owner to combine their lots into single lots and vacate the utility easement between them.

Mr. Isaac explained the utility easement, shown in gray, is proposed to be vacated with the plat. He said Lot 13 developed with a single family residence and an accessory structure on Lot 14. The accessory structure is not in compliance with the requirements of the zoning regulations because it was placed on a lot that doesn't have a principal structure. He said Mr. Almeda would like to combine the lots to remedy this violation. He explained Mr. Almeda is unable to straddle the property line due to the inability to build over a utility easement.

Staff recommended that the Board approve the request to replat Lots 13-14 & 78-80 of Blue River Hills No. 1 into two (2) lots, to be known as Blue River Hills Unit Five, as it has been determined to meet the minimum requirements of the Riley County Zoning and Subdivision Regulations and Sanitary Code.

Chairman Taul stated he was confused with the lot numbers.

Mr. Isaac explained the lot lines are not visible on the map as it is a "parcel map" that outlines ownership parcels which could include multiple lots. He said that generally ownership parcels have a single PID number and receive one tax statement for all three lots.

Chairman Taul opened the public hearing and asked if the applicant wanted to speak.

Mr. Rose stated the presentation was presented well and didn't have anything else to add.

There were no proponents or opponents.

Nathan Larson moved to close the public hearing. Joe Gelroth seconded. Carried 4-0.

Joe Gelroth moved to approve the request replat of Lots 13-14 and 78-80 of Blue River Hills No. 1 into two (2) lots, for reasons stated in the staff report. John Wienck seconded. Carried 3-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on August 19, 2021, at 9:00 am, in the County Commission Chambers.

Mr. Isaac informed the Board that staff is wrapping up the Land Development Regulations. He explained that since it has been a while since the Board has reviewed the drafts, a work session will be schedule for the September meeting.

Chairman Taul stated he will not be attending the September meeting.

Nathan Larson moved to adjourn. Joe Gelroth seconded. Carried 4-0.

The meeting was adjourned at 8:16 P.M.