

## MINUTES

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

Monday, January 10, 2022  
7:30 pm

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

Members Present: Diane Hoobler, Chair  
John Wienck, Vice-Chair  
Joe Gelroth  
Nathan Larson  
Rita Cassida

Members Absent: None

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

Others Present: Mark and Stacey Lott, Russel Stuckey, Riley County Emergency Director,  
Andrew and Hilary Swindler, Doyle Jones, Tony Akin, Ron Cheney and  
Donnell Scott.

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#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the November 8, 2021 meeting were presented and approved. The Report of Fees for the month of November (\$3,382.95) and December (\$5,325.00) were presented and approved.

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

#### **Election of Officers and appointment of Secretary**

Nathan Larson nominated Diane Hoobler as Chair. Joe Gelroth seconded. Nomination passed 5-0.

Nathan Larson nominated John Wienck as Vice-Chair. Joe Gelroth seconded. Nomination passed 5-0.

John Wienck nominated Bob Isaac as Secretary. Joe Gelroth seconded. Nomination passed 5-0.

Joe Gelroth 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**

#### **Lott – Replat**

Chairman Hoobler opened the public hearing at the request Mark A. Lott, petitioner and Mark L. & Stacey L. Lott, owners, to replat Lots 9-11 of Crowl Addition into a single lot in Wildcat Township, Section 6, Township 10 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject property was platted in September 1974 as Lots 9, 10, and 11 of the Crowl Addition. He said the lots were never developed and remain vacant. Mr. Isaac stated the applicant wishes to combine the lots to increase the overall size of the property in order to build a home and meet the Sanitary Code.

Mr. Isaac said the Director of Public Works on Fort Riley reviewed the request. He said the site lies entirely within what is known as the Land Use Planning Zone (LUPZ). He said that due to the proposed residential use, the subject site is subject to the Notice of Potential Noise Impacts from Fort Riley, Kansas Military Installation and Noise Attenuation Building Methods.

Staff recommended that the Planning Board approve the Final Plat of Crowl Addition, Unit Two, as it has been determined to meet the minimum requirements of the Riley County Land Development Regulations and Sanitary Code.

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

The applicant had no comments to make.

Chairman Hoobler asked if there were any proponents or opponents.

Doyle Jones stated he lives at 6016 Anderson Avenue and asked if the applicant is planning to build a home on the subject site. He asked if there were issues with placing an on-site wastewater system on the site.

Bob Isaac explained a soil profile was completed. He said an area was found suitable for a raised bed alternative system. He said this type of system will require dirt to be hauled in and settled for at least a year before the system can be installed.

John Wienck moved to close the public hearing. Rita Cassida seconded. Carried 5-0.

John Wienck moved to approve the request to replat Lots 9-11 of the Crowl Addition into a single lot, to be known as Lot 1 of Crowl Addition, Unit Two, for reasons stated in the staff report.

Nathan Larson seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on January 20, 2022, at 9:50 am, in the County Commission Chambers.

### **Swindler – Residential Use Designator – Isolated Homesite**

Chairman Hoobler opened the public hearing at the request of Hilary Swindler, petitioner and Jack Otto & Mary Akin Trust, owners, to receive a Residential Use Designator – Isolated Homesite for a tract of land in Zeandale Township, Section 31, Township 10 South, Range 9 East, in Riley County, Kansas.

Bob Isaac presented the request stating the applicants wish to utilize unused, unproductive farm ground to build a homesite near the original farmhouse (north of subject site) to aid aging

grandparents and parents with homecare and property maintenance. He said the subject site is an approximately 22-acre portion of a 183.83-acre parent tract. He stated Pleasant Valley Road transects the parent tract from north to south, isolating the 22-acre portion west of Pleasant Valley Road from the rest of the parent tract.

Mr. Isaac reviewed the specific criteria for approving a residential use designator lot for an isolated homesite. He indicated a first order stream transects a portion of the subject site of which will require a Buffer Zone of 50 feet on either side of the stream. He said that if the request is approved, an Agricultural Protection Easement will be filed with the Register of Deeds.

Mr. Isaac stated any sufficient tree stand that isolates the tract shall be required to remain intact as much as possible to keep an agricultural buffer. He explained that changes to the site plan will be needed. He stated the applicant was seeking approval by the Planning Board for a reduction of the required agricultural buffer from 200-ft. to 50-ft., from the west property line. He said after speaking with the owner of the adjoining property, township trustee and the applicant, an agreement was reached to withdraw the request for the reduction. He said the site plan will be changed to reflect the 200-foot agricultural buffer setback.

Mr. Isaac stated there also was a concern with the location of the proposed driveway entrance. He stated the driveway will be approximately 100 feet further north than the proposed entrance.

Staff recommended approval of the request to receive a Residential Use Designator – Isolated Homesite, waiving the requirement to plat the subject property due to the size of the tract, as it has been determined that it meets the minimum requirements of the Riley County Land Development Regulations and Sanitary Code.

John Wienck asked about the type of trees on the property due to fire concerns and protection.

Mr. Isaac said he would let the applicant speak on this but staff always encourages wildland interface; distance between the home, not a lot of cedar trees, minimizing the accumulation of brush and tall grass around the home.

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

Hilary Swindler explained the land they are trying to parcel off belongs to her grandparents. She stated her grandparents are in their eighties and she lives in the Kansas City area. She said they are looking forward to moving back to the area and to assist with her grandparents.

Mrs. Swindler stated they will shift the driveway significantly north. She said when they initially had the site plan drawn up, they hadn't met with a builder yet. She said the builder suggested, due to the slope of the land, to move the driveway. She stated they plan to clear out as many cedars as possible.

Tony Akin stated he is the Zeandale Township Trustee and agrees with relocating the driveway further north. He stated that the applicant is his niece and this a good place for a house. He said he farms the adjoining property and was concerned about the reduction of the 200 foot agricultural buffer. He said they burn the pasture and felt 50 feet was not adequate with cedars. He stated if the applicant is good with 200 feet, then he has no opposition to the request.

There were no other proponents or opponents.

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

Chairman Hoobler asked what the difference is between a Country Estate and an Isolated Homesite.

Mr. Isaac stated typically, an Isolated Homesite is a lot like an Extraneous Farmstead whereas the requested acreage is quite a bit smaller and a plat is required. He said Country Estates start at 20 acres and do not require platting. He said in this case, there is a request to waive the requirement to be plat because the subject site exceeds the size threshold to plat and that it doesn't make sense to have a 20-acre lot. He said unlike a Country Estate, an Isolated Homesite is not subject to the Land Evaluation Site Assessment (LESA).

Joe Gelroth moved to approve the request for a Residential Use Designator – Isolated Homesite, waiving the requirement to plat the property, with the understanding the site plan will be modified to show a 200' foot agricultural buffer and the correct location of the driveway.

John Wienck seconded. Carried 5-0.

### **Riley County Board of Commissioners – Special Use Authorization**

Chairman Hoobler opened the public hearing to consider the request of Riley County Board of Commissioners, petitioner and owner, for a Special Use Authorization to permit the construction and operation of a rural fire station for a tract of land in Ashland Township, Section 11, Township 11 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the proposed fire station will eventually replace the current station and will serve an area encompassing a 5-mile radius. He stated the building that houses the current Ashland station, located at 2920 W. 40<sup>th</sup> Street, was originally constructed in 1916 and converted into a fire station during the 1960s when the rural fire district was formed. He said the station has been on the District's replacement schedule for years, as it has become inadequately sized to house the newer trucks.

Mr. Isaac said Riley County Fire District #1 provides and maintains all of the fire stations in the County Fire District. He said the Fire District is proposing a 50'x 40' fire station to be owned and used by the Rural Fire District.

Mr. Isaac reviewed the site plan and noted an existing record 20-foot travel easement across the subject tract that serves the residence south of the site. He said the request is not expected to have a detrimental effect on either the driveway, travel easement or nearby residence.

As per Section 22- Special uses of the Riley County Zoning Regulations, certain land uses are of such size or otherwise have the potential to significantly impact the economy, natural environment, social fabric or visual quality of the County that it is necessary to require a special review and permitting process. Since the aforementioned fire station will be a publicly owned building, a Special Use Authorization is required.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners to allow the construction and use of a rural fire station, as it has been determined that it meets the requirements of the Riley County Land Development Regulations and the Riley County Sanitary Code.

Mr. Isaac stated there are no future plans to have bathroom facilities in the building. He also stated traffic lights will not be installed on McDowell Creek Road.

Nathan Larson asked if the fire department will use the same driveway as that the residence south of the site.

Mr. Isaac replied yes.

Mr. Larson asked who will be required to maintain the driveway portion on the subject site.

Chairman Hoobler asked if the applicant wanted to speak.

Russel Stukey, Emergency Services Director stated Riley County Public Works will maintain the portion of the driveway located on the subject site.

Joe Gelroth asked why there would be no water source to the fire station and where would they get water from to fill the trucks.

Mr. Stukey stated when the trucks are sitting in the station, they are full. He said when they are called to a fire, they refill the trucks via a hydrant in Manhattan. Mr. Stukey said rural water is not available.

Mr. Gelroth asked if there are plans to drill a well.

Mr. Stukey replied no; they have multiple stations that do not have water. He said a well would have to be drilled and be large enough to get enough volume, gallons per minute to fill the tankers up in a timely manner. He said it's just easier and faster to refill the trucks in town.

There were no proponents or opponents.

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

John Wienck moved to forward a recommendation of approval to the Board of Commissioners of Riley County of the request for a Special Use Authorization for the subject property to construct a 50'x 40' fire station, at a site generally located approximately 1000 feet southwest of the intersection of McDowell Creek Road and W. 32nd Avenue, on the south side of McDowell Creek Road, to be owned and used by the Rural Fire District.

Joe Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on January 27, 2022, at 10:20 am, in the County Commission Chambers.

### **Annual Comprehensive Plan Review Reminder**

Bob Isaac stated that comprehensive plans usually have a 20 year horizon but need to get started half way through for the next plan. He explained it takes time to prepare and may need to involve a consultant.

John Wienck moved to adjourn. Joe Gelroth seconded. Carried 5-0.

The meeting was adjourned at 8:42 P.M.