

MINUTES

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

**Monday, June 13, 2022
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

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

Members Absent: None

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

Others Present: Shaun Linenberger and Kelly Keogh

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

Chairman Hoobler stated she would like to add an item to the Riley County Planning Board agenda, a discussion of time limitations.

The minutes of the May 9, 2022 meeting were presented and approved. The Report of Fees for the month of May (\$3,519.00) were presented and approved.

John Wienck moved to approve the consent agenda. Nathan Larson seconded. Carried 5-0.

Joe Gelroth moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Board of Zoning Appeals. John Wienck seconded. Carried 5-0.

BOARD OF ZONING APPEALS

No Stone Unturned Foundation, Inc. – Variance

Chairman Hoobler opened the public hearing at the request of No Stone Unturned Foundation Inc., petitioner and owner, for a variance authorization to reduce the building setback, as required in Section 6.6.D of the Riley County Land Development Regulations for a principal arterial, interstate or State Highway, from 50 feet to 40 feet from the south right-of-way line of Tuttle Creek Boulevard in Section 25, Township 9 South, Range East; Manhattan Township.

Bob Isaac stated the subject site is a 5.21-acre unplatted tract zoned “C-PUD” (Commercial Planned Unit Development). He said a building permit (#1300) was issued in 1976 for

Crestview Christian Church. He said the associated septic system and water well permits were issued at that time. He stated in 2010, a building permit (#10-0025) was issued for two satellite classroom buildings that were donated to the church by Colbert Hills Golf Course. He explained these structures were added northwest of the existing church. He said that in October 2020, the property was rezoned from “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) to accommodate an outpatient medical facility.

Mr. Isaac stated the applicant is seeking to amend their original final development plan, as they have discovered that the existing (main) building located on the site cannot be remodeled to fit their needs. He said the satellite classroom buildings slated for removal will be retained and configured into the layout of the new building; however, it was discovered that a portion of the satellite classroom buildings and attached deck extends into the required 50-ft. setback for buildings along a principal arterial or highway. He said the applicant is requesting a variance to reduce that setback requirement (as per Section 6.6.D of the Riley County Land Development Regulations) from 50 feet to 40 feet along the south right-of-way line of Tuttle Creek Boulevard.

Staff recommended that the Board of Zoning Appeals approve the request for a variance to reduce the building setback (as required in Section 6.6.D of the Riley County Land Development Regulations for a principal arterial, interstate or State Highway) from 50 feet to 40 feet, from the south right-of-way line of Tuttle Creek Boulevard.

Chairman Hoobler opened the public hearing.

John Wienck questioned how this happened.

Mr. Isaac stated he believed that the deck was not shown or mentioned when the previous owner applied for the permit to build.

Joe Gelroth questioned another structure that was shown in the photos.

Mr. Isaac replied due to the size it was not subject to a building permit.

Kelly Keogh, representing No Stone Unturned Foundation Inc., explained the structure in question is no longer located on the property.

John Wienck questioned if the lateral field is located out front.

Mr. Isaac replied yes and explained the Sanitary Code has its own setback requirements. He explained that the reduction of the setback in this case applies only to buildings and structures.

Mr. Isaac stated he contacted Matt Mackeprang with KDOT directly. He said that Mr. Mackeprang reviewed the development request and had no issues.

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

Kelly Keogh stated she is the Executive Director for No Stone Unturned Foundation and their address is 4761 Tuttle Creek Boulevard. She said they are requesting this variance so they can continue to move forward building their 501c3 not-for-profit center for children with disabilities. She said the intended use of the building will be for the foundation offices and they want to use all the donor money on the center piece and not renovating these buildings.

There were no proponents or opponents.

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

Nathan Larson moved to approve the request for a variance to reduce the building setback, as required in Section 6.6.D of the Riley County Land Development Regulations for a principal arterial, interstate, or State Highway, from 50 feet to 40 feet from the south right-of-way line of Tuttle Creek Boulevard. Joe Gelroth seconded. Carried 5-0.

Joe Gelroth moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Nathan Larson seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Final Report/Memo – Annual Comprehensive Plan review process

Mr. Isaac stated if the Board had completed its review and was satisfied with how the Plan is working, Chairman Hoobler could, on behalf of the Riley County Planning Board, sign the prepared memo to the Board of County Commissioners, notifying them that the Planning Board has completed their statutory obligated annual review the Comprehensive Plan.

Chairman Hoobler asked for a motion that the Riley County Planning Board had conducted the annual review of the Comprehensive Plan and for her to sign the memo on behalf of the Riley County Planning Board and forward it to the Board of County Commissioners.

Joe Gelroth moved and John Wienck second. Carried 5-0.

Discussion of time limitations

Chairman Hoobler stated she wanted to discuss time limits on comments with large crowds. After much discussion the Board decided that five (5) minutes for proponents and opponents, and unlimited time for the applicant. Staff said they will consult with legal counsel and get back with the Board.

John Wienck moved to adjourn. Rita Cassida seconded. Carried 5-0.

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