

**MINUTES**

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

**Monday, June 13, 2011  
7:30 pm**

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

Members Present: Jon Larson, Chairman  
Lorn Clement, Vice-Chair  
Dr. Tom Taul  
Diane Hoobler  
Julie Henton

Members Absent: None

Staff Present: Monty Wedel – Director, Bob Isaac – Planner and Lisa Daily –  
Administrative Assistant

Others Present: Mike Douchant, Mary Beth Irvine, Paul B. Irvine, Darrell Westervelt, Lea  
Westervelt, Linda Deemie and Robert Deemie.

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**OPEN PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

The minutes of the May 9, 2011 meeting were presented and approved. The Report of Fees for the month of May 2011 (\$575.00) were presented and approved.

Julie Henton moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and convene as the Riley County Board of Zoning Appeals Board. Tom Taul seconded. Carried 5-0.

**RILEY COUNTY BOARD OF ZONING APPEALS**

**Verizon Wireless – Conditional Use**

Jon Larson opened the public hearing request of Verizon Wireless, petitioner, and Paul B Irvine Trust and Mary Beth Irvine Trust, owners, for a conditional use authorization to permit the construction and operation of a 155-foot self-supporting (monopole) communications tower in the “G-1” (General Agricultural) zoning district.

Bob Isaac presented the request. Mr. Isaac stated the subject property is an agricultural tract owned by Paul and Mary Beth Irvine generally located approximately 8,400 feet east of Casement Road, on the north side of Knox Lane. Mr. Isaac mentioned that the site was chosen as the new capacity offload cell site because it is a better fit for Verizon existing network. He explained that it is expected to offload about 56% from Manhattan1 alpha and, in addition, will improve the coverage going east on Highway 24, between Manhattan and St George.

Mr. Isaac said the site is zoned G-1 (General Agricultural) and has some residential use within proximity of the tower site. Mr. Isaac said the subject site lies entirely within the .2% chance annual flood area, formerly known as the 500 year floodplain, which is not regulated.

Mr. Isaac displayed the site plan showing the relationship to the nearest property boundary. He said because the tower is self-supporting monopole it is a requirement of the Riley County Zoning Regulations that the distance to any property boundary must be equal to 100% of the tower height. Mr. Isaac said in this case, the proposed location of the tower will be 155 feet from the eastern boundary of the adjoining tract.

Mr. Isaac stated that the applicant is required to exhaust all collocation efforts. According to the applicant's engineer, two locations were evaluated for the proposed capacity offload for Verizon's Manhattan1 cell site and were found to be inadequate for various reasons.

Mr. Isaac stated Herb Abel, Chief, Environmental Division Directorate of Public Works on Fort Riley reviewed the request and he had no objections or concerns. Mr. Isaac said that a study was completed by the private consulting firm Airspace Consulting, Inc., in order to determine if the proposed use would have any adverse effect on navigable airspace, particularly the Manhattan Regional Airport. Mr. Isaac explained that based on this evaluation, the proposed structure will not exceed obstruction standards and would not be a hazard to air navigation. He further explained that marking and lighting are not necessary for aviation safety. Mr. Isaac informed the Board that a copy of this report was sent to the Airport Director for review. Mr. Isaac stated he spoke with Peter VanKuren, Director of the Manhattan Regional Airport and he concurs with the preliminary study but agrees that the Federal Aviation Administration (FAA) needs to make the final determination.

Staff recommended that the requested Conditional Use be approved, as it has been determined to be consistent with the minimum requirements of the Riley County Zoning Regulations. Said approval is also based on the approved site plan and on the understanding that the following conditions must be met:

1. The conditional use area shall be as shown on the site plan;
2. No structures, other than those ancillary to the tower, shall be permitted within the conditional use boundary;
3. Tower height shall not exceed 155 feet.
4. The tower and all ancillary structures shall be made secure by the installation of fencing with a minimum height of six (6) feet.
5. Tower must have the capacity to allow the collocation of other carriers.
6. No microwave dishes shall be attached to the tower prior to amending this conditional use authorization.
7. The tower and associated uses shall not interfere with existing radio frequencies.

8. 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.
9. Reclamation upon abandonment of tower facilities shall be in accordance with the Riley County Zoning Regulations.
10. An official determination by the Director of the Manhattan Regional Airport, confirming the proposed structure will not have an adverse effect on navigable airspace or operations of the Manhattan Regional Airport must be received by the Riley County Planning & Development Department prior to any building permits being issued for the project.

Jon Larson asked if there were any proponents or opponents. There were none.

Lorn Clement moved to close the public hearing. Tom Taul seconded. Carried 5-0.

Lorn Clement moved to approve the request of Verizon Wireless, petitioner, and Paul B. Irvine Trust and Mary Beth Irvine Trust, owners, for a conditional use authorization to permit the construction and operation of a 155-foot self-supporting (monopole) communications tower in the “G-1” (General Agricultural) zoning district with the conditions as listed in the staff report.

Diane Hoobler seconded. Carried 5-0.

### **Westervelt – Variance**

Jon Larson opened the public hearing request of Darrell D. Westervelt, petitioner and owner, for a variance authorization to permit the construction of a detached agricultural accessory structure, 4.24 feet below the required elevation of one (1) foot above base flood elevation.

Bob Isaac presented the request. He said the site is generally located at the southwest corner of the intersection of N. 52<sup>nd</sup> Street and Silver Creek Road. He stated that the specific location in which the applicant has decided to place the structure is within an unnumbered “A” flood zone (regulated the same as the 1% annual chance flood area). The site is zoned G-1 (General Agricultural) as is all the surrounding properties.

Staff recommended approval of the request as the Applicant has demonstrated that the proposed structure will meet the minimum requirements of the Riley County Floodplain Regulations.

Jon Larson asked Mr. Isaac what the difference was in construction due to the floodplain.

Mr. Isaac said the lowest floor of the structure must be one (1) above base flood elevation without needing a variance. However, he explained, because the proposed structure is being built below that requirement, it must meet the minimum standards for flood-proofing. He said that due to the size and type of the structure, along with built-in flood vents, it meets the requirements for wet flood-proofing.

Jon Larson asked if there were any proponents or opponents. There were none.

Diane Hoobler moved to close the public hearing. Julie Henton seconded. Carried 5-0.

Tom Taul moved to approve the request of Darrell D. Westervelt, petitioner and owner, for a variance authorization to permit the construction of a detached agricultural accessory structure, 4.24 feet below the required elevation of one (1) foot above base flood elevation for reasons as stated in the staff report.

Diane Hoobler seconded. Carried 5-0.

Lorn Clement moved to adjourn as the Riley County Board of Zoning Appeals and convene as the Riley County Planning Board. Julie Henton seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Deemie – (Plat & Rezone)**

Jon Larson opened the public hearing at the request of Robert Deemie, petitioner and Robert W. Deemie and Linda R. Deemie, owners, to rezone a tract of land from “G-1” (General Agricultural) to "A-5" (Single Family Residential) and to plat said tract together with Lot 5 of Tuttle Cove Addition Unit Two into a single lot.

Bob Isaac presented the request. Mr. Isaac stated that the site is generally located on the west side of Tuttle Creek, between Tuttle Cove Park on the south end and Stockdale Park on the north. He said that the Harbour Hills area is accessed off Tuttle Creek Boulevard via west 59<sup>th</sup> Avenue.

Mr. Isaac said the subject property consists of Lot 5 of Tuttle Cove North Addition Unit Two, replatted in March 2001, and an adjacent unplatted tract of land. He said the area consist of a mix of single family residential and general agricultural zoning designations. Mr. Isaac said the unplatted portion of the subject site is being proposed for rezoning to match that of existing Lot 5.

Mr. Isaac stated the property line between the two tracts will be eliminated through this action, however, replatting does not eliminate the utility easement. He said in order for the utility easement to be eliminated, it must be vacated through a separate process.

Mr. Isaac said due to the location of the subject property and the nature of the request, a LESA was not performed. He said the subject property has been developed for several years with a single family dwelling in a residential area. Due to the character of the existing and surrounding development, it is not anticipated that rezoning the unplatted portion of the subject property to a residential zoning district will cause conflicts. Therefore, the platting and rezoning proposed by the Applicant is consistent with the Plan.

Staff recommended that the Planning Board forward a recommendation of approval of the request to rezone the proposed property to the Board of County Commissioners, based on the following:

- Existing residential development for several years;
- The site has existing ingress/egress onto a county road, with no additional impact to existing traffic patterns;

Staff also recommended approval of the request to plat the proposed property, as it has been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met

Lorn Clement moved to close the public hearing. Tom Taul seconded. Carried 5-0.

Lorn Clement moved that the Board forward a recommendation of approval to the Board of County Commissioners, to rezone a tract of land from "G-1" (General Agricultural) to "A-5" (Single Family Residential) for reasons listed in the staff report.

Diane Hobbler seconded. Carried 5-0.

Lorn Clement moved to approve the Final Plat of Tuttle Cove North Addition, Unit Three.

Diane Hoobler seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, June 30, 2011 at 9:30 AM.

### **Review Draft Regulation Amendments to Implement Vision 2025**

Monty Wedel started the work session with the Table of Allowed Uses.

### **AGRICULTURE USES**

#### Animal Services

- Public animal shelter – no change
- Private animal shelter – no change
- Kennel – no change
  - Use Specific Standards – no change

### **PUBLIC AND INSTITUTIONAL USES**

#### Educational Facilities

- School, public – no changes
- School, private – no changes

#### Health Care Facilities

- Clinic, public – no changes
- Clinic, private – no changes
- Public Hospital – no changes
- Private Hospital – no changes

#### Parks and Open Space

- Recreational facility, public

- Definitions: Recreational Facility, Recreational Facility, Commercial (Outdoor), Recreational Facility, Public and Recreational Facility, Personal were reviewed. – no changes
- Use Specific Standards – no change
- Public or private community garden - no change
- Green open space – no change
- Park, passive use (public or private)
  - Definition: Discussed dog parks and it was decided dog parks do not fit into this category, but will be addressed separately.

#### Public Utilities and Facilities

- Fire, EMS and/or rescue station – no change
- Police station or substation – no change
- Private solid waste management facility – no change
- Public Utility – no change
- Private Utility – Monty indicated staff will look further into “private utility” to get more clarification.

#### Religious Assembly

- All uses – no change

Telecommunication Facilities – Monty indicated that Bob is currently working on this category to totally revise it. He indicated staff wanted to look into incorporating third party analysis.

#### Transportation Facility

- Public Airport/airfield – no change
- Private airport/airfield – no change
- Public park-and-ride lot – no change

### COMMERCIAL USES

#### Agricultural

- Grain Elevator – no change
- Hunting Lease – no change
- Greenhouse or nursery (no retail) – no change

#### Alternative Energy

- Solar energy conversion system, commercial – no change
  - Definition - no change
  - Use Specific Standards
    - V. Solar Energy Conversion Systems Non-Commercial
      - Height – Lorn Clement suggested reviewing this information with the KSU Engineering-Alternative Energy Department, Ruth Douglas Miller. Monty said staff would meet with her.

- Wind energy conversion system, commercial – no change

#### Recreation and Entertainment (Outdoor)

- Equestrian center/arena – no change
  - Definition – no change
  - Use Specific Standards
  - Boarding Components – Monty indicated commercial stables needed to be reviewed.

Lorn Clement indicated there are a number of arenas that are currently within 100 feet of the property boundaries. He said round pins or fenced areas where they are riding horses or unfenced areas due to topography. He stated there will be several properties that will be non-compliant.

Diane Hoobler asked if those properties will be grandfathered.

Monty Wedel asked if stables had been reviewed. It was discovered that stables were overlooked in the Animal Services section of the use table.

#### Animal Services

- Stable, commercial (major) – no change
- Stable, commercial (minor) – no change
- Stable, private
  - Definition: Need a definition for “Stable, private”.
  - Use Specific Standards – no change

### **RESIDENTIAL USES**

#### Household Living

- Dwelling, agricultural single-family (including earth-sheltered and residential design manufactured home) – no change
- Dwelling, non-agricultural single-family (including earth-sheltered and residential design manufactured home) – no change
- Accessory apartment
  - Definition: - no change
  - Use Specific Standards – no change

Lorn Clement stated he will not be able to attend the July Riley County Planning Board/Board of Zoning Appeals meeting.

Lorn Clement moved to adjourn. Julie Henton seconded.

The meeting was adjourned at 9:40 P.M.