

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, July 11, 2011
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Jon Larson, Chairman
Dr. Tom Taul
Diane Hoobler
Julie Henton

Members Absent: Lorn Clement, Vice-Chair

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

Others Present: Dan Troyer, Sara Troyer, Judd Swihart, Dan Swihart and Nancy Swihart

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the June 13, 2011 meeting were presented and approved. The Report of Fees for the month of June 2011 (\$1,000.00) were presented and approved.

Diane Hoobler moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals as there were no agenda items for the Board of Zoning Appeals and convene as the Riley County Planning Board. Julie Henton seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Swihart – (Plat & Rezone)

Jon Larson opened the public hearing at the request of Judson J. Swihart, petitioner and Daniel B. & Nancy L. Swihart, owners, to rezone a tract of land from “G-1” (General Agricultural) to “A-5” (Single Family Residential) and to plat said tract into one (1) residential lot.

Bob Isaac presented the request. Mr. Isaac stated the subject site is a 2.5-acre portion of a 37.5-acre parent tract which is generally located approximately 2,900 feet north of Anderson Avenue. He said the area along Kitten Creek Road consists of a mix of single family residential and general agricultural. He also pointed out that, although not zoned residential, the principal use of many of the tracts south of the subject property are residential.

Mr. Isaac stated that approximately 50% of the subject site lies within the 1% annual base flood and is divided by a heavily wooded ravine. He said the Applicant has indicated the building site will be west of the ravine, not in the 1% annual base flood.

Mr. Isaac said the odd shape of the proposed lot is due to the need to acquire as much land from the parent tract to meet the minimum size requirement for the proposed zoning while not negatively impacting the existing driveway that serves the existing home. Mr. Isaac said the existing entrance will not be shared; instead, a new entrance will be created to serve the proposed lot.

Mr. Isaac stated that as part of the request, the Applicant claimed a “hardship”, expressing that the need to rezone the subject site is to allow for a homesite that is more accommodating for the elderly and physically challenged. The Applicant also emphasized that he and his wife could remain in close proximity of family members, which would allow them to live independently for as long as possible.

Staff recommends that the Planning Board forward a recommendation of approval of the request to rezone the proposed property based on the following:

- The proposed residential development conforms to the character of the area.
- The request generally conforms to the goals, objectives and policies of the Vision 2025 Comprehensive Plan;
- The development is not expected to create any negative impact to existing traffic patterns along Kitten Creek Road.

Staff also recommends 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.

Diane Hoobler asked if the proposed new entrance will access Kitten Creek.

Mr. Isaac said yes.

Diane Hoobler stated one of the LESA points is to retain the rural character and asked why the home could not be built on the other side of the ravine.

Mr. Isaac explained that particular portion of the tract is within the 1% annual chance flood.

Diane Hoobler asked if there are concerns about numerous entrances onto a roadway and wouldn't it be better to share the entrance of the existing driveway.

Mr. Isaac explained it was the Applicant's preference and it is less confusing for emergency vehicles when locating homes.

Diane Hoobler stated the area seems to be getting built up quite a bit and this was a concern during the Vision 2025 meetings.

Mr. Isaac stated that, by looking at the aerial, several homes can be seen that cannot be seen from the roadway. He also stated that this particular area is not as cluttered as the area further south near Anderson Avenue.

Judd Swihart stated that within the 1000 foot radius of the subject site, there are eleven different property owners, which he is one of them. He said he has spoken with the other ten owners about the application and all are in support of the platting and rezoning request.

Tom Taul asked the Applicant if he lives on the west side of Kitten Creek Road.

Mr. Swihart affirmed. He said his current house sits on a hill and to get to the mailbox is a steep incline. Mr. Swihart informed the Board that his wife fell and broke the fibula bone in her leg going to the mailbox. He said they have realized, as they are getting older, the need to be on flat property for preventative measures and for health care.

Chairman Larson asked if there any proponents within 1000 feet.

Property owner, Dan Swihart, said he is in favor of the petition. He said he and his wife purchased the property from his parents with the understanding that his parents would eventually want to relocate to his property. He said the original site selected is on the west side of the driveway but failed perk testing.

Bob Isaac read an email from Jay and Sue Reppert expressing their support of the platting and rezoning request.

Chairman Larson asked if there any opponents within 1000 feet. There were none.

Diane Hoobler moved to close the public hearing. Julie Henton seconded. Carried 4-0.

Tom Taul 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 4-0.

Diane Hoobler moved to approve the Final Plat of Western View Subdivision.

Tom Taul seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, July 28, 2011 at 10:20 AM.

Wildcat Creek Working Group

Monty Wedel stated the City of Manhattan Mayor is forming a working group to examine the recent flooding situation along Wildcat Creek. Mr. Wedel said the County is going to co-chair the group with the City and will appoint two residential people and two business people to this group. He said it was decided it was necessary to have a representative of the Manhattan Urban Planning Board and the Riley County Planning Board in the group as policies will be reviewed.

Mr. Wedel asked for a volunteer. Tom Taul volunteered to be the representative and Diane Hoobler volunteered to be an alternate if Mr. Taul can not attend.

Quarterly Analysis of the LESA System

Bob Isaac stated the recent plat and rezone for the Swiharts is a good example that parts of the system needs evaluating. He said that several properties surrounding the subject site are zoned “G-1” (General Agricultural) but are not being used for agricultural use. Mr. Isaac stated at this time, the Appraiser’s code is being used to determine whether a property is being used agriculturally or not. He explained that since residential dwellings that are coded “farm” are not counted as a “similar” uses within the LESA analysis, this could inaccurately depict an area as farm residential rather than non-farm residential. Mr. Isaac stated that there needed to be more research for methods of determining ag residential versus non-ag residential and used consistently.

Review Draft Regulation Amendments to Implement Vision 2025

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

RESIDENTIAL USES

Household Living

- Secondary Dwelling
 - Definition - no change
 - Use Specific Standard – no change
- Group Home
 - Definition - no change

PUBLIC AND INSTITUTIONAL USES

Community and Cultural Facilities

- Public cemetery/Pet Cemetery – no change
- Private cemetery/Pet Cemetery – no change
- Community Center – no change
- Civic Center – no change
- Private social, fraternal lodge – no change

Day Care Facilities

- Day care center – no change
- Licensed day car home – no change

Parks and Open Space

- Park, active use (public) – no change
- Park, active use (private) – no change

Public Utilities and Facilities

- Public Utility
 - Definition – delete “or”

COMMERCIAL USES

Alternative Energy

- Meteorological tower
 - Definition - no change
 - Use Specific Standard – no change

Meeting Facilities

- Rural resort, retreat or events center
 - Definition – no change
 - Use Specific Standards – Tom Taul asked if something should be listed for noise in the use specific standards. Monty Wedel reminded the Board that this issue was brought up with Special Events. Jon Larson mentioned nuisance laws. Monty Wedel said staff will review. No other changes were suggested or made to the use specific standards.

Recreation and Entertainment (Outdoor)

- Recreational facility, commercial (outdoor)
 - Definition - no change
 - Use Specific Standard – no change
- Recreational facility, public
 - Definition - no change
- Shooting range (outdoor)
 - Definition - no change
 - Use Specific Standard – no change

Retail Sales

- Greenhouse or nursery (with retail)
 - Use Specific Standard – no change

Visitor Accommodations

- Bed and breakfast
 - Use Specific Standard – no change
- Campground/Recreational vehicle (RV) park
 - Definition – no change
 - Use Specific Standard – Staff will review sanitation issue.
- Hunting lodge or guest ranch (Monty Wedel stated that this category will be handled the same as the rural resort, retreat or events centers)

Tom Taul moved to adjourn. Diane Hoobler seconded.

The meeting was adjourned at 9:36 P.M.