

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, August 8, 2011
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th 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: Dennis & Donise Peterson, Bob Page, Kail Katzenmeier and Helen Hayes

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the July 11, 2011 meeting were presented and approved. The Report of Fees for the month of July 2011 (\$800.00) were presented and approved.

Lorn Clement 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 5-0.

RILEY COUNTY PLANNING BOARD

Katzenmeier– (Rezone)

Jon Larson opened the public hearing at the request of Kail Katzenmeier, petitioner and Robert L. and Joan J. Page, owners, to rezone a tract of land from “A-5” (Single Family Residential) to C-PUD (Commercial Planned Unit Development).

Board Member, Lorn Clement, asked that he recues himself due to the fact that he and the owner, Bob Page, were colleagues for 30 years at Kansas State University and felt this would be a conflict of interest. Mr. Clement left the meeting.

Bob Isaac presented the request. Mr. Isaac stated the subject site is generally located one (1) mile northwest of the intersection of Anderson Avenue and Scenic Drive on the north side of Anderson Avenue. He explained that the subject property was platted as Lot 3 of the Page Addition and rezoned from “G-1” (General Agricultural) to “A-5” (Single Family Residential) in

May 1996. Mr. Isaac stated that by that time, the site was already developed with the stone house and outbuildings that currently occupy the lot for several years.

Mr. Isaac said the subject property consist of a 2-story limestone house built in 1861 with a matching roof less barn, ice house which is attached to the home, and a barn all built approximately around 1910. He said the Applicant has indicated the proposed single family residential and office uses shall be limited primarily to the 2-story house while the outbuildings may be used for storage. Mr. Isaac said no new structures are being proposed.

Mr. Isaac stated that the existing parking area will meet the minimum requirements of Section 14 of the Riley County Zoning Regulations for offices.

Mr. Isaac pointed out that Single Family Residential was listed as a permitted use on the Preliminary Development Plan. He explained that the Applicant does not want to preclude this type of land use in case the commercial aspect re-locates to a different site. Mr. Isaac said this would allow the home and outbuildings to return to their original use. Mr. Isaac stated that the request was reviewed with the comprehensive plan and was found to be in general conformance with the residential and commercial goals, objectives and policies of the Plan.

Staff recommended that the Planning Board approve the preliminary development plan with/without modifications and forward a recommendation of approval of the request to rezone the proposed property based on reasons listed in the staff report.

Chairman Larson asked the Applicant if he would like to speak or make any comments.

Diane Hoobler asked the Applicant what is the business nature of Capstone.

Kail Katzenmeier said Capstone 3D Development Group is a small scale property management mostly for residential and some commercial. He said the subject site is going to be used for their business offices and have an off-site shop for all of their construction storage.

Chairman Larson asked if there were any proponents.

Helen Hayes asked how many persons Capstone currently employs.

Kail Katzemeier replied that there were eight (8) employees.

Helen Hayes said another neighbor wanted to verify if there will be a bed and breakfast.

Kail Katzenmeier said there will not be a bed and breakfast.

Dennis Peterson said that he and his wife Donise have been neighbors to Bob and Joan Page since 1979. He said he has known Kail Katzenmeier for a couple of years and Kail has visited with them several times about the use of the property. Mr. Peterson said they do not have any problems with what Capstone is doing. He said Mr. Katzenmeier has been very thorough with them by answering all their questions and makes for perfect neighbors.

Julie Henton moved to close the Public Hearing. Diane Hoobler 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 "A-5" (Single Family Residential) to "C-PUD" (Commercial Planned Unit Development) for reasons listed in the staff report and as indicated on the Preliminary Development Plan.

Julie Henton seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, August 25, 2011 at 10:20 AM. Mr. Isaac clarified that the Planning Board recommends approval of the rezoning to the Board of County Commissioners, of whom makes the final decision. He explained that if the rezoning is approved, a Final Development Plan will need to be created and brought back to the Planning Board next month.

Review Draft Regulation Amendments to Implement Vision 2025

Board member, Lorn Clement, returned to the meeting.

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

INDUSTRIAL USES

Resource Extraction

- Borrow pit (5 acres or less)
- Borrow pit (< 5 acres)
- Mining and quarrying
- Private oil or gas drilling
 - Use Specific Standard – no change

Warehouse and Storage

- Commercial storage and distribution of anhydrous ammonia or propane
 - Use Specific Standard - no change

ACCESSORY USES

- Accessory use/structure
- Greenhouse (accessory to single-family dwelling)
- Home Occupation (accessory to single-family dwelling)
- Outdoor storage
 - Definition - no change
 - Use Specific Standard – no change
- Recreational facility; personal
 - Definition - no change
 - Use Specific Standard – no change
- Solar Energy conversion system, non-commercial
 - Definition - no change
 - Use Specific Standard – Lorn Clement suggested changing the height requirement for free standing from 10 feet to 15 feet.
- Stable, private
 - Delete - Insert Equine facility, private
- Wind energy conversion system, Small

- Definition - no change
- Use Specific Standard – Wind tower height has been changed to 175 feet. The language authorizing variances to vary total height in Section 20 will be deleted.

TEMPORARY USES

- Asphalt/concrete batch plant – no change

SECTION 18 – NONCONFORMITIES

Monty Wedel stated this section addresses “grandfathering” and reviewed the information with the Board.

Lorn Clement agreed that some type of “grandfathering” is needed.

Monty Wedel said staff will meet with legal counsel regarding the potential need for a moratorium.

SECTION 21A – AGRICULTURAL PROTECTION EASEMENT (APE)

Monty Wedel said staff decided to change the name from “SALE” to “APE” to eliminate the confusion of buying or selling something. He said Agricultural Protection Easement is self-explanatory and protects agriculture uses. He said this is in draft form and legal counsel will need to review it.

Monty Wedel said that the section on Site Plan Review and Development Standards still need to be reviewed and staff is not quite finished. Mr. Wedel said that the site specific standards for “Communication Facilities” need reviewed as well.

Lorn Clement pointed out that “agricultural” is misspelled on the illustration on page 40.

Monty Wedel stated he would like to have Clarion review the draft before going to public hearing but is not sure what their interests are at this point. He said at the next meeting he plans to review Communication Facilities and the last two sections, which should complete the review.

Wildcat Creek Working Group

Tom Taul stated there will be a meeting Thursday night, August 11th at 6:30 pm. He said there is some interest in making the floodplain requirements a little more stringent than FEMA.

Monty Wedel said there was also discussion about doing things in the upper region such as how farmers farm and watersheds. He said this is worth paying attention to.

Tom Taul moved to adjourn. Lorn Clement seconded.

The meeting was adjourned at 9:08 P.M.