

## MINUTES

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

**Monday, February 10, 2020  
7:30 pm**

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

Members Present: Dr. Tom Taul, Chair  
Diane Hoobler, Vice-Chair  
John Wienck  
Joe Gelroth  
Nathan Larson

Members Absent: None

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

Others Present: Kevin Fateley and Ron Wells

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the January 13, 2020 meeting were presented and approved. The Report of Fees for the month of January (\$2,276.25) were presented and approved.

Diane Hoobler moved to approve the consent agenda as presented. John Wienck 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**

##### **Conditional Use – KanGolf Inc. DBA Wildcat Fitness & Fun**

Chairman Taul opened the public hearing at the request of KanGolf, Inc., petitioner and Ron E. Wells, owner, for a conditional use authorization to amend the boundaries of an existing Conditional Use (Pet. #93-06) for an outdoor recreational facility/golf course in Manhattan Township, Sections 14 and 15, Township 10 South, Range 7 East. Kevin Fateley represented KanGolf, Inc.

Bob Isaac presented the request providing information for the existing conditional use. He said it was recently discovered that the original conditional use boundary did not line up with the boundary legally described in the new lease. He said since portions of the golf course are outside of the original conditional use boundary, Mr. Fateley was requesting to simply amend the boundaries of the existing conditional use to line up with those of the lease agreement. He stated

that the conditions set forth in the original conditional use authorization were not modified with this request.

Staff recommended approval of the amended Conditional Use #93-06, based on the reasons listed in the staff report.

Chairman Taul opened the public hearing.

The applicant didn't have any comments.

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

Joe Gelroth ask how the discrepancy was found.

Kevin Fateley replied that it was his new banker that discovered the discrepancy in the boundary descriptions.

Monty Wedel stated the GIS Department also discovered it when comparing the lease agreement with the existing conditional use boundary.

Diane Hoobler moved to approve the request to amend the boundaries of the existing Conditional Use (Pet. #93-06) for an outdoor recreational facility/golf course. John Wienck seconded. Carried 5-0.

John Wienck moved to adjourn the Riley County Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Diane Hoobler seconded. Carried 5-0.

## **RILEY COUNTY PLANNING BOARD**

### **Rivera – Residential Use Designator – Extraneous Farmstead & Plat**

Chairman Taul opened the public hearing at the request of Esteban Rivera, petitioner and owner, to receive a Residential Use Designator – Extraneous Farmstead and plat a 15.30-acre tract of land in May Day Township, Section 14, Township 6 South, Range 4 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site is an approximately 15.3-acre portion of a larger 80-acre parent tract. He explained that the entire property has been used primarily for pasturing cattle and haying and is occupied by an existing single family dwelling originally constructed in 1984. He said the applicant wishes to retain the subject property along with the home and sell the surrounding farm ground.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, as it had been determined that it met the minimum requirements of the Riley County Zoning Regulations.

Staff also recommended that the Planning Board approve the Concurrent Plat of Rivera Addition, as it had been determined that all requirements of the Riley County Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code had been met.

Chairman Taul opened the public hearing.

The applicant wasn't present and there were no proponents or opponents.

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

John Wienck moved to approve the request to receive a Residential Use Designator–Extraneous Farmstead and the concurrent plat of Rivera Addition as it was determined it met the minimum requirements of the Riley County Zoning Regulations, Riley County Subdivision Regulations and Sanitary Code. Joe Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the plat portion of the request on February 20, 2020, at 9:00 am, in the County Commission Chambers.

### **Annual Comprehensive Plan Review**

Bob Isaac stated it wasn't imperative the review be done immediately because staff wanted the Board to have time to review draft articles of the regulation rewrite.

### **Notice of Potential Noise Impacts (NOPNI)**

Monty Wedel stated staff has the document ready that should be filed with the Register of Deeds office by the end of the month (February). He said once filed, any property that is sold in the notification area will have the NOPNI with the title work and will include recommendations that property owners consider noise attenuation building techniques when building.

### **Update on Zoning and Subdivision Regulations Re-write**

Monty Wedel reviewed the highlighted key differences of each article as follows:

#### **Article 1: General Provisions**

1. Section 1.5 Fort Riley Coordination is new. It has to do with the potential noise impacts and the Memorandum of Understanding with Fort Riley which will be adopted by reference and attached in an appendix.
2. Section 1.9 Exemption For Bona Fide Agricultural Uses
3. Section 1.13 Commentary, Mr. Wedel said staff is not positive if there will be commentary, which will be basic user explanations at strategic locations within the regulations.
4. Section 1.15 Relationship to the Comprehensive Plan

Diane Hoobler asked what was meant by Section 1.2, "11. Protect the tax base by managing growth within the unincorporated area."

Monty Wedel stated that a lot of studies have shown that the more development is spread out, cost to the public increases. He said by growing efficiently, it protects the tax base.

Diane Hoobler asked what was meant with Section 1.2, "16. Gradually eliminate uses, structures and situations that do not comply with these regulations."

Monty Wedel explained that it is basic grandfathering. He said if it is not in conformance, it will eventually be phased out.

Diane Hoobler asked about Section 1.2, "17. Provide appropriate penalties and enforcement mechanisms." She asked if there will be any penalties.

Monty Wedel said the civil procedure, as well as the criminal procedure, will be included. He explained, however, courts are reluctant to impose criminal penalties even

though they are in the statute for zoning violations. The county currently uses the injunctive process which is a civil procedure.

### **Article 2: Review Authority**

Monty Wedel stated this article is completely new and lists who has authority, who is the decision maker and who is the recommending body.

Joe Gelroth pointed out that Special Event, Type 3 – Conditional Use Permit does not list who has review authority or final approval body.

Monty Wedel corrected the chart by adding review authority to P&D and final approval body to BZA.

### **Article 3: Development Review Procedures**

Monty Wedel explained Article 3 takes every type of action and provides the basic process. He said certain actions such as special events, PUD and plats will be in one section so one doesn't have to go searching for information; thus, those actions are just referenced in this article.

1. Section 3.2 Land Development Process
  - a. A. Process Flowchart
2. Section 3.3 General
  - a. A. Authority to File Applications – 2.
  - b. F. Environmental Review/Reports and Studies – allows staff the authority to request reports or studies as deemed necessary.
3. Section 3.4 Pre-Application Conference
4. Section 3.5 Public Hearing Notice
5. Section 3.6 Action by Review And Decision-Making Authorities
  - a. B. Continuation of Public Hearings
  - b. E. Conditions of Approval – need to be careful of contract zoning which means offer and acceptance.
6. Section 3.11 Administrative Adjustment
7. Section 3.12 Exceptions – 20% relief from requirements
8. Section 3.13 Variances – over 20% relief from requirements
9. Section 3.16 Site Plan – explained the difference between building permit site plan and development site plan.
10. Section 3.17 Vacation
11. Section 3.18 Subdivisions and Platting
12. Section 3.23 Development Agreement
13. Section 3.24 Determination of Agricultural Use Exemption

John Wienck moved to adjourn. Diane Hoobler seconded. Carried 5-0.

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