

## MINUTES

### RILEY COUNTY BOARD OF ZONING APPEALS

**Monday, January 28, 2008**  
**1:30 p.m.**

**Riley County Office Building**  
**Second Floor Meeting Room**

Members Present:     Derek Mosier – Chair  
                              Bob Buchanan – Vice-chair  
                              Tom Finney

Staff Present:         Bob Isaac – Planner  
                              Steve Higgins – Zoning Enforcement Officer  
                              Destynee Brannon – Clerical Assistant

Others Present:       Robert Herlihy, representative and Ken & Cathy Scroggs, petitioner and owner, and Chuck & Dianna Orona, interested parties.

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The minutes of the December 17, 2007 meeting were approved.

#### **SCROGGS – CONDITIONAL USE**

Bob Buchanan, Vice-chair, opened the public hearing at the request of Ken & Cathy Scroggs, petitioners and owners, for a conditional use authorization to permit a 100 x 200 ft. indoor riding arena.

Bob Isaac, Planner, presented the staff report which included the background of the subject property. Mr. Isaac stated that the applicant not only wishes to continue the existing use of the property as a home site, but also utilize the site to relocate the Hope Ranch operation, to include a small horse boarding operation and a new indoor equestrian riding facility. The request for the horse boarding facility is scheduled for a later date.

Staff recommended approval of the request for a conditional use to permit a 100 x 200 foot indoor riding arena, with the understanding that the following conditions are met:

1. The primary hours of operation for the indoor arena shall be limited to the hours of 6:00 am to 10:00 pm.
2. Adequate parking shall be provided and limited to on-site parking areas only, with adequate room for maneuvering.
3. Sanitary measures be taken for stalls as follows:
  - a. stalls shall be cleaned daily; and
  - b. a Manure Disposal Plan shall be submitted and approved by the Riley County Zoning Enforcement Officer.
4. Glare from exterior illumination of the establishment shall be primarily contained by using directional lighting or alternative methods.

5. Business signs advertising the establishment shall meet the minimum requirements of the Riley County Zoning Regulations.
6. The indoor riding arena shall be limited to the use of the owners and patrons of the facility.
7. No tournaments, rodeos, or large-scale competitions that will generate more traffic than proposed shall be permitted.
8. The arena shall provide adequate restroom facilities.
9. Trash receptacles shall be provided and maintained to avoid problems with litter and rodent infestation.

The Board had no questions for Mr. Isaac.

Bob Buchanan asked the petitioners if they wanted to speak on behalf of the request.

Ken Scroggs, petitioner, stated that they have been running Hope Ranch Therapy Center on Tuttle Creek Boulevard and that the idea is to move the facilities to the proposed site in order to keep the site open year around.

Derek Mosier asked if anyone had any questions or comments for or against the request.

Diane Orona, 1000' owner, stated she had some comments and concerns. Mrs. Orona was concerned that the location of the entrance for the subject site was very unsafe, due to no speed limit signs and the curves in the road, causing the visibility problems. Mrs. Orona inquired about the disposal plans for manure and what the restriction on the number of horses on the property will be?

Tom Finney stated that the concern for the road has been referred to the Board of County Commissioners. He explained that the plan the County had approved was that the County will take over a certain portion of W. 69<sup>th</sup> Avenue.

Mr. Scroggs stated that the disposal of the manure is that a compost area behind the barn will be created and the compost will be spread around the property at later times. Mr. Scroggs stated that the number of horses the property will be subject to whatever the zoning district allows.

Derek Mosier asked the Board if they had any comments or questions.

Tom Finney asked Mr. Scroggs what the setback for the left side of the arena will be.

Mr. Scroggs stated the setback will be 30 feet from the property line.

No one else had any questions.

Mr. Mosier closed the public hearing.

The Board agreed that before they would be comfortable making a decision, they would like more information on the status of the road, establishing a speed limit and additional signage.

They instructed Staff to gather any information on improving the situation of the entrance to the proposed site.

Mr. Mosier asked if there was a motion to table the request until Monday, February 11, 2008.

Tom Finney moved to table the request of Ken & Cathy Scroggs, petitioner and owners, for a conditional use authorization to permit a 100 x 200 ft. indoor riding arena, until Monday, February 11, 2008.

Bob Buchanan seconded. The motion carried 3-0.

### **HORVATH TOWERS LLC – CONDITIONAL USE**

Derek Mosier, Chair, opened the public hearing at the request of Horvath Towers, LLC, petitioner and Russell & Theresa Peterson, owners, for a conditional use authorization to permit the construction and operation of a 250-foot self supporting communications tower in a “G-1” (General Agricultural) zoning district.

Bob Isaac, Planner, presented the staff report which included the background of the subject property. Mr. Isaac stated that the site is a high point of relatively treeless grassland. Mr. Isaac stated that he received a phone call from a 1000’ property owner, who expressed concern for the location of the tower. Mr. Isaac mentioned that the main concerns were the lights of the tower could have a negative impact on his amateur astronomy hobby and the possible diminution in value of his property. No written comments were submitted.

Staff recommended that the item be approved, with the understanding that the following conditions are met:

1. Tower height shall not exceed 250 feet.
2. The lighting requirements of the tower shall be as follows:
  - a. Day time – strobe;
  - b. Night time – red; and
  - c. all lighting requirements of the FAA.
3. The tower and all ancillary structures shall be made secure by the installation of fencing with a minimum height of six (6) feet.
4. Tower must have the capacity for the possible collocating of other carriers.
5. No microwave dishes shall be attached to the tower prior to amending this conditional use authorization.
6. The tower and associated uses shall not interfere with existing radio frequencies.
7. 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.
8. If the tower is abandoned, reclamation of the site shall be in accordance with the Section 8 of the Riley County Zoning Regulations.

The Board had no questions for Mr. Isaac.

Derek Mosier asked the petitioners if they wanted to speak on behalf of the request.

Robert Herlihy, representative for Comnet Communications, stated that the purpose of this tower is to improve coverage of cell phone providers in the area. Mr. Herlihy addressed the 1000' property owners' concerns. He stated that there was quite a bit of distance between the tower site and actual home site. He explained that due to the height of the tower, distance from the home and the lay of the land, the lights on the tower should not have a negative effect on neighboring properties.

Derek Mosier asked if there was anyone who wanted to speak for or against the request.

No one wished to speak for or against the request.

Mr. Mosier closed the public hearing.

Derek Mosier asked the Board if they had any comments or questions.

No one had any comments or questions.

Mr. Isaac interjected (for the Board's consideration) that an additional condition could be added regarding co-location on the proposed tower for the purpose of serving a public safety need for the community.

Mr. Herlihy explained that Horvath Towers has worked with communities before and have generally allowed co-location for a public purpose (less than 200 feet), free of charge.

Mr. Mosier asked if there was a motion to approve the request.

Bob Buchanan moved to approve the request of Horvath Towers, LLC, petitioner and Russell & Theresa Peterson, owners, for a conditional use authorization to permit a 250-foot self-supporting communications tower in a "G-1" (General Agricultural) zoning district, with the conditions listed in the staff report and the following:

9. If requested by Emergency Management, the Applicant shall supply a location for an antenna at any level 200 feet or below, free of charge.

Tom Finney seconded. The motion carried 3-0.

### **ELECTION OF OFFICERS - 2008**

Tom Finney nominated Derek Mosier for the position of Chairman. Bob Buchanan seconded. Motion carried 2-0.

Tom Finney nominated Bob Buchanan for the position of Vice-Chairman. Motion carried 2-0.

Bob Buchanan motioned to adjourn. Tom Finney seconded. Motion carried 3-0.

The meeting was adjourned at 3:10 p.m.