

MINUTES

RILEY COUNTY PLANNING BOARD

Monday, December 8, 2008
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Lorn Clement – Vice-chair
Tom Taul
Rebecca Mosier

Members Absent: Buck Gehrt
Jon Larson – Chair

Staff Present: Bob Isaac – Planner; Kelsey Strickler – Clerical Assistant

Others Present: Carol & Robert Shorman – Petitioners
Bill Moore – Land Company Real Estate Representative
Cindy Risch, John Ladsory – Westar Representatives
Marvin Rodriguez – Ogden Building Inspector
Don Bariks; Sam Reyn; Ken Carroll; Flira Graham;
Sherryl Swarts; Roger Graham

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the October, 2008 meeting were presented and approved. The Report of Fees for the months of October (\$1625.00) and November (\$470.00) were presented and approved.

HOWE LANDSCAPE INC. – (AMEND FINAL DEVELOPMENT PLAN)

Lorn Clement opened the public hearing at the request of Howe Landscape Inc., petitioner and owner, to amend the Final Development Plan for Howe Landscape Inc. maintenance shop.

Bob Isaac, Planner, presented the request. Mr. Isaac explained that the Applicant wished to add to the dimensions of a structure originally proposed on the preliminary development plan. Mr. Isaac explained that, so far, the site has been developed as per the preliminary development plan. Mr. Isaac stated that the objective of the Planning Board was to make a finding that the proposed modification is in substantial compliance with the preliminary development plan, based on the

Riley County Zoning Regulations. Mr. Isaac stated that staff reviewed the request, as per the regulations and found the request to be in compliance with the preliminary plan. Mr. Isaac also stated that the request was reviewed by the Health Department, County Engineer, Ft. Riley Public Works, Riley County Conservation District and Riley County Emergency Management, with no objections. Staff recommended approval of the request.

No opponents were present.

Becky Mosier stated that it seems that the request would not be a problem and wouldn't interfere with the neighbors.

Tom Taul motioned to approve the request.

Becky Mosier seconded. Motion carried 3-0.

SHORMAN – (PLAT & REZONE)

Lorn Clement opened the public hearing at the request of Robert and Carol Shorman, petitioners and owners, to rezone a tract of land from "G-1" (General Agricultural) to "A-5" (Single Family Residential) and plat the tract into one (1) residential lot.

Bob Isaac, Planner, presented the request. Mr. Isaac stated that the Applicants wished to separate their farmstead from the rest of their farmland. Mr. Isaac explained that although the request falls under the auspices of an extraneous farmstead, the Applicants plan on selling the agricultural land and continue to reside in the home. Mr. Isaac stated that the subject property has been used as farmland for several years and through this mechanism, the home will continue to be used as a residence while the cropland will remain in agricultural production.

Mr. Isaac stated that the request was reviewed with the Comprehensive Plan and found to be in conformance. Mr. Isaac also stated that the request was reviewed by the Health Department, County Engineer, Ft. Riley Public Works, Riley County Conservation District and Riley County Emergency Management, with no objections. Staff recommended approval of the request.

The Board had no questions for Mr. Isaac.

The Board asked Mr. and Mrs. Shorman if they would like to add to Mr. Isaac's presentation.

The Applicants said Mr. Isaac presented it well.

There were no opponents or proponents.

Becky Mosier motioned to close the Public Hearing. Tom Taul seconded.

Dr. Taul asked the Applicants what would happen to the buildings to the north that were not included in the Final Plat.

Mr. Shorman stated that the buildings would be sold with the farmland. If someone were to build a house on that property, the wells would be unusable.

Lorn Clement stated that he thought the request was promoting agriculture and keeping farming going.

Becky Mosier asked if anyone was interested in buying the property (cropland).

Mrs. Shorman stated that someone was interested.

Becky Mosier 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.

Tom Taul seconded. Motion carried 3-0.

Becky Mosier moved to approve the Final Plat of the Toy Shed Estate. Tom Taul seconded. Motion carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on December 22, 2008 at 9:20 AM.

LAND COMPANY REAL ESTATE SERVICES – (LOCATE AND OPERATE ELECTRICAL SUBSTATION)

Lorn Clement opened the public hearing at the request of Land Company Real Estate Services, petitioners, and Mary A. Grimes, et al, owner, to receive a special use permit to locate and operate an electrical substation (Westar Energy).

Bob Isaac, Planner, presented the request. Mr. Isaac stated that the City of Ogden has two substations that are operating at their maximum capacity and due to the proliferation of recent residential growth, an additional substation is needed. Mr. Isaac stated that the site does not have a direct access to K-18 Highway and that due to the 12th Street interchange project currently underway, KDOT did not grant access. Mr. Isaac explained that the intersection of K-18 and the “un-named” road that serves the site and Ogden’s sewer lagoons, would be eliminated as part of the K-18 reconstruction project. However, a frontage road would allow access to the site from 12th Street (Ft. Riley entrance). Nonetheless, in order for the site to have access to the proposed frontage road, a travel easement would need to be agreed upon by the owner of the site and the City of Ogden. Mr. Isaac explained that the proposed site is completely covered with mature trees that will serve as a visual buffer from surrounding properties and K-18 Highway. Mr. Isaac also mentioned that although the northern boundary of the site is within the 1% annual chance floodplain, the substation will be located outside of the floodplain. Mr. Isaac also stated that currently, there are abandoned mobile homes situated on the site that have been determined to be in violation to Riley County Zoning Regulations and must be removed.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners. Staff recommendation is based on the following findings:

- The proposed use and existing zoning is compatible with those of surrounding properties;
- The subject site is located within close proximity to those that will benefit most (City of Ogden), serving the public, yet minimizing the impact on the surrounding natural environment;
- Surrounding development should not be negatively impacted by the request;
- It has been determined that the request meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code; and
- The request conforms to the 1988 Urban Area Comprehensive Plan.

Furthermore, Staff recommended that the requested Special Use be approved with the understanding that the following conditions are met:

1. Any existing zoning violations must be abated within 45 days of the date Westar Energy assumes ownership of the property;
2. An ingress/egress easement must be provided by the City of Ogden and recorded with the Riley County Register of Deeds Office prior to construction of facilities;
3. The entrance and access road to the substation shall consist of all-weather surfacing;
4. The ingress/egress to the site shall be located or relocated in such a way that is consistent with the improvements of K-18 and 12th Street interchange, as per the project plans of KDOT; and
5. The construction entrance, as shown on the site plan, shall be eliminated upon completion of the construction of the substation.

Lorn Clement asked if there were any questions for Mr. Isaac.

Lorn Clement asked who will pay for this.

Mr. Isaac stated that there is an agreement between Westar Energy and The City of Ogden.

Lorn Clement asked if there was anyone that would like to add to Mr. Isaac's presentation.

Cindy Risch, Westar Engineer, stated that Ogden had outgrown its electrical needs. Mrs. Risch stated that they are trying to solve problems and that size of the lot and surrounding uses makes the location ideal for the proposed use. Mrs. Risch stated that the proposed substation will be conveniently tucked into the northwest corner of the site, bounded to the south and east by a 200-300 foot wide strip of 60-foot trees.

The Board asked if there were any proponents.

Marvin Rodriguez, City Engineer of Ogden, stated that this project is really needed. Mr. Rodriguez stated that the two electrical stations are almost at 100%. He stated that there are more houses being built that are dependent this project. Mr. Rodriguez stated we (Ogden) need the substation; it's a good thing. Mr. Rodriguez told the Board that everyone is excited about it.

No opponents.

Tom Taul motioned to close the public hearing.

Becky Mosier seconded. Motion carried 3-0.

Becky Mosier stated that she agreed that the site plan was well thought out and it (substation) was located in a ideal place.

Tom Taul stated that he thought this was a win-win for everyone.

Tom Taul motioned to forward a recommendation of approval to the Board of County Commissioners, based on the five conditions listed in the Special Use Authorization.

Becky Mosier seconded. Motion carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on December 22, 2008 at 10:30 AM, in the Board of County Commission's chambers.

Meeting was adjourned at 8:35 PM.