

AGENDA

RILEY COUNTY PLANNING BOARD

Monday, February 8, 2010
7:30 p.m.

Commission Meeting Room
Courthouse Plaza East

I. OPEN PUBLIC COMMENTS

II. CONSENT AGENDA

1. Consider the minutes of the January 11, 2010 meeting.
2. Consider the Report of Fees for the month of January 2010.
3. Review the Annual Report for 2009.

III. GENERAL AGENDA

1. Public Hearing at the request of the Riley County Area Transportation Agency, Applicant and Board of County Commissioners of Riley County, Kansas, owners for a **Special Use Authorization** permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage). **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**
2. Public Hearing at the request of Russell M. and Karla S. Simons, petitioners and owners, to **rezone** a tract of land from "G-1" (General Agricultural) to "A-5" (Single Family Residential). **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners**
3. Public Hearing at the request of Russell M. and Karla S. Simons, petitioners and owners, to **plat** a tract of land in Madison Township, Section 35, Township 8 South, Range 5 East, in Riley County, Kansas, into two (2) residential lots. **ACTION NEEDED: approve/deny plat.**
4. Public Hearing at the request of the Riley County Planning Board to amend Section 20 – Board of Zoning Appeals of the Riley County Zoning Regulations. **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**

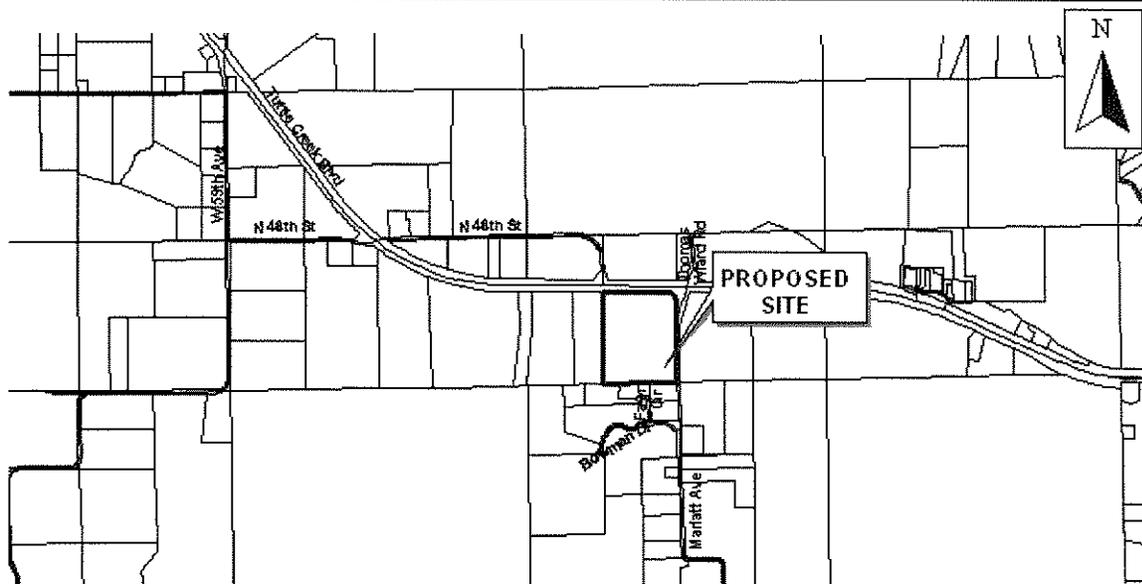


PLANNING & DEVELOPMENT

STAFF REPORT

Special Use Permit

- PETITION:** (#10-01) Special Use Permit
- APPLICANT:** Riley County Area Transportation Agency
115 N 4th St
Manhattan, KS 66502
- PROPERTY OWNER:** Board of Commissioners of Riley County
110 Courthouse Plaza
Manhattan, KS 66502
- REPRESENTATIVE:** Anne Smith
115 N 4th
Manhattan, KS 66502
- TYPE OF REQUEST:** A special use permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage).
- SIZE OF TRACT:** The subject site is approximately 3.10 acres.
- LOCATION:** Generally located at the southwest corner of the intersection of Tuttle Creek Boulevard and Marlatt Avenue; Section 21, Township 9 South, Range 7 East; Wildcat Township.
-



BACKGROUND: The Kansas Department of Transportation (KDOT) has received approximately \$30 million in American Recovery and Reinvestment Act or “stimulus” funding for transit projects across the state of Kansas. Late 2009, Riley County Area Transportation Agency (aTa) applied for \$2 million in ARRA funding for the purpose of building a transit facility. The Board of County Commissioners of Riley County (BOCC) has identified a location for the facility. The Federal Transit Administration (FTA) has requested that the special use permit process for the project get underway. Although the announcement for this request for funding has not been made yet, KDOT anticipates that the FTA will do so soon.

DESCRIPTION:

Physical site characteristics: The parent tract is currently developed with a mix of various structures and exterior storage areas, exhibiting little topographical variation. The portion of the tract on which the proposed ATA facility will be constructed consists primarily of open grassland and slopes toward the southeast. A small ravine is located at the southeast corner of the subject site and that drains toward the south and westerly. The County Engineer, Leon Hobson, has reviewed the stormwater drainage study completed by Schwab-Eaton. He stated that, in conjunction with the design and construction of the ATA bus facility, efforts will be taken by Riley County to assure that additional runoff will not create issues for downstream landowners, including the construction of a detention structure (see attached).

General character of the area: The general character of the surrounding area is a mix of agricultural uses, open space, rural residential and public works shop buildings.

SUITABILITY OF ZONING:

Zoning History: The subject site is situated at the southeastern corner of the County Shops and Facilities parcel and overlays two underlying zoning districts: “G-1” (General Agricultural) and “D-3” (Heavy Industrial). The entire parent tract was zoned “G-1” (General Agricultural) in 1974 as part of the Zoning Conversion Process. In 1987, the central portion of said tract was rezoned from “G-1” (General Agricultural) to “D-3” (Heavy Industrial) (Petition #87-24), for the establishment of a stone cutting operation. In 1995, Board of Zoning Appeals approved a Conditional Use Authorization for the “G-1” (General Agricultural) zoned portion (Petition # 95-39), to allow for publicly owned buildings & uses required for the operation of County.

Current zoning: The subject site is zoned “G-1” (General Agricultural) and “D-3” (Heavy Industrial).

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
NORTH	“C-4” (Highway Business) “G-1” (General Agricultural)	Open space and pasture
SOUTH	“A-5” (Single Family Residential)	residential
EAST	“G-1” (General Agricultural) w/CU for boarding stables	Pasture
WEST	“G-1” (General Agricultural)	County shops/storage yard

POTENTIAL IMPACT:**Public facilities and services:**

Streets and bridges: The site has existing access to Marlatt Avenue, a two-lane, unimproved (gravel) township road. Marlatt Avenue is paved from Tuttle Creek Boulevard to a point just beyond the existing Marlatt Avenue entrance into the shops (approximately 760 feet). A new point of ingress/egress is proposed with the special use request, located south of the existing entrance to the shop site. As part of the proposal, the paved surfacing of Marlatt Avenue will be extended to a point just south of the south property line of the parent tract (see site plan).

Water and sewer: RWD #1 shall serve the site. The proposed facility will also be served by Riley County's private central sewer system.

Fire: Riley County Fire District #1 will serve the site. The primary responder is Keats Station #4, located at 3141 W. 69th Avenue and the secondary responder is Tattarrax Station #17, located at 2920 Marlatt Avenue.

Effect on public facilities and services: It is not anticipated that the proposed development will have an adverse impact on public facilities and/or services.

CONFORMANCE TO THE LAND USE PLAN: According to the 2003 Manhattan Urban Area Plan, the subject site is located within the Northwest Planning Area. The projected land use for the subject property is a mix of public/semi-public, agricultural and rural residential uses. The proposed public/semi-public development of the area is consistent with the Comprehensive Plan.

Staff analysis: The request conforms to the goals and objectives of the Manhattan Urban Area Comprehensive Plan.

COMMENTS AND CONCERNS:

HEALTH DEPARTMENT: The Riley County-Manhattan Health Department staff has reviewed this request and found it in compliance with the Riley County Sanitary Code.

RILEY COUNTY CONSERVATION DISTRICT: The Riley County Conservation District staff has reviewed request and had no comment on the details of the facility, soils, etc. Staff cautioned that, because this is a "gateway" into the City of Manhattan and Riley County facilities, some care in how stormwater drainage, detention, right-of-way and on-site grading, screening, landscaping, lighting, etc. is encouraged to make an attractive entry to the community.

RILEY COUNTY EMERGENCY MANAGEMENT: The Director of Emergency Management has reviewed the request and recommended the installation of redundant piping to the Rural Water system and a fire hydrant.

COUNTY ENGINEER: The County Engineer has reviewed the request and stated that if asphalt paving on Marlatt Avenue is extended south past facility drive, he foresees no adverse impact by this facility.

STAFF RECOMMENDATIONS:

Staff recommends that the Board forward a recommendation of approval of the request for a special use permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage) for the following reasons:

1. The proposed zoning and existing uses of the subject property are compatible with those of surrounding properties;
2. The subject site is located in an area that has existing industrial type uses;
3. Surrounding development should not be negatively impacted by the request;
4. It has been determined that the request meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code; and
5. The request conforms to the 2003 Manhattan Urban Area Comprehensive Plan.

POSSIBLE MOTION(S)

ACTION NEEDED:

- A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County for a special use permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage)

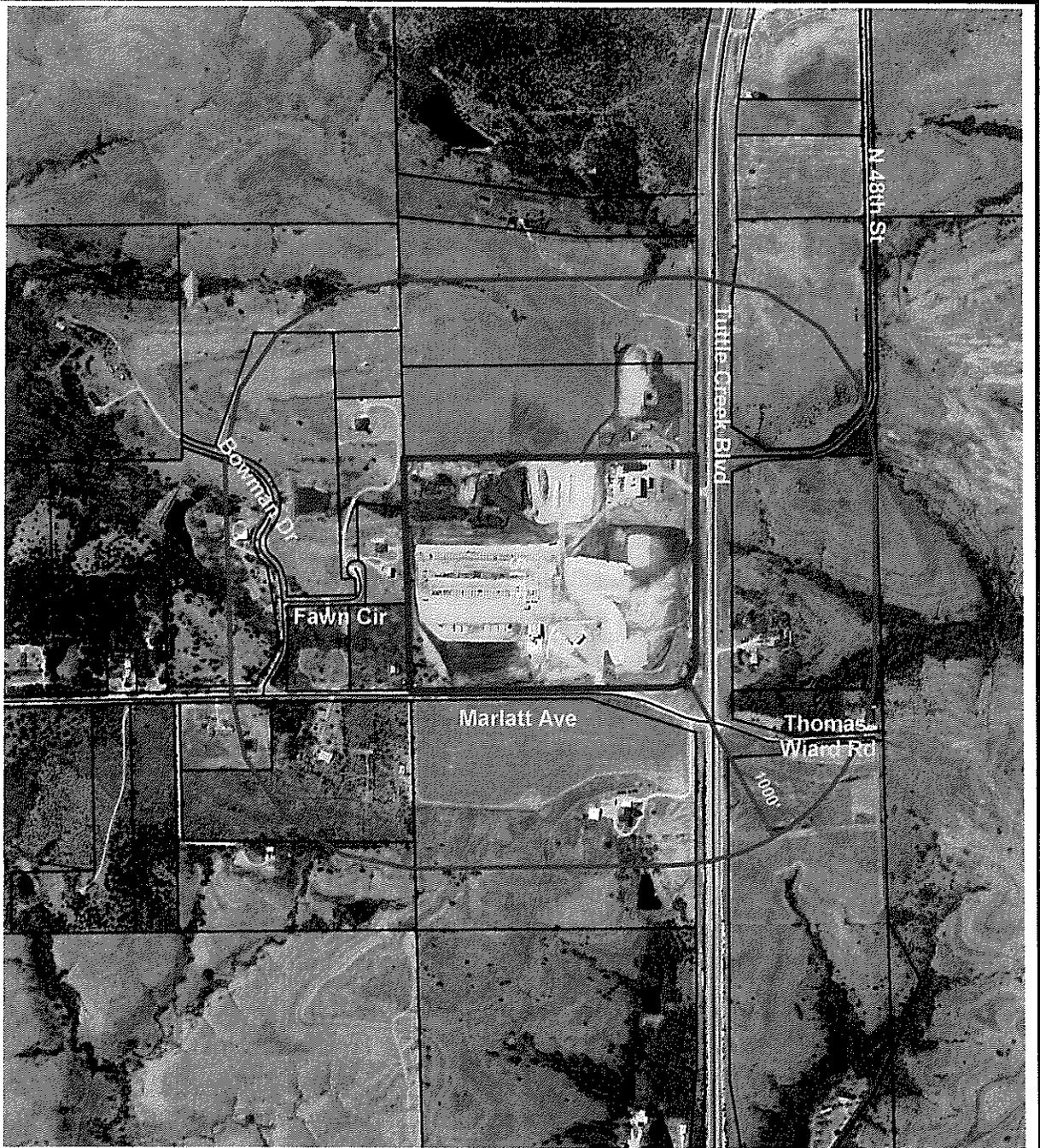
Or

- B. Move to forward a recommendation of denial to the Board of Commissioners of Riley County for a special use permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage).

ATTACHMENTS:

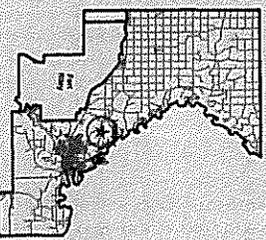
- Vicinity/site map
- Surrounding zoning map
- Site Plan
- Stormwater Drainage Study
- Memo from County Engineer

Prepared by: Bob Isaac, Planner
January 28, 2010



VICINITY & SITE

Riley County
Area Transportation
Agency (ATA)
Petition #10-01
Special Use
ATA Bus Transit Facility
21-9-7

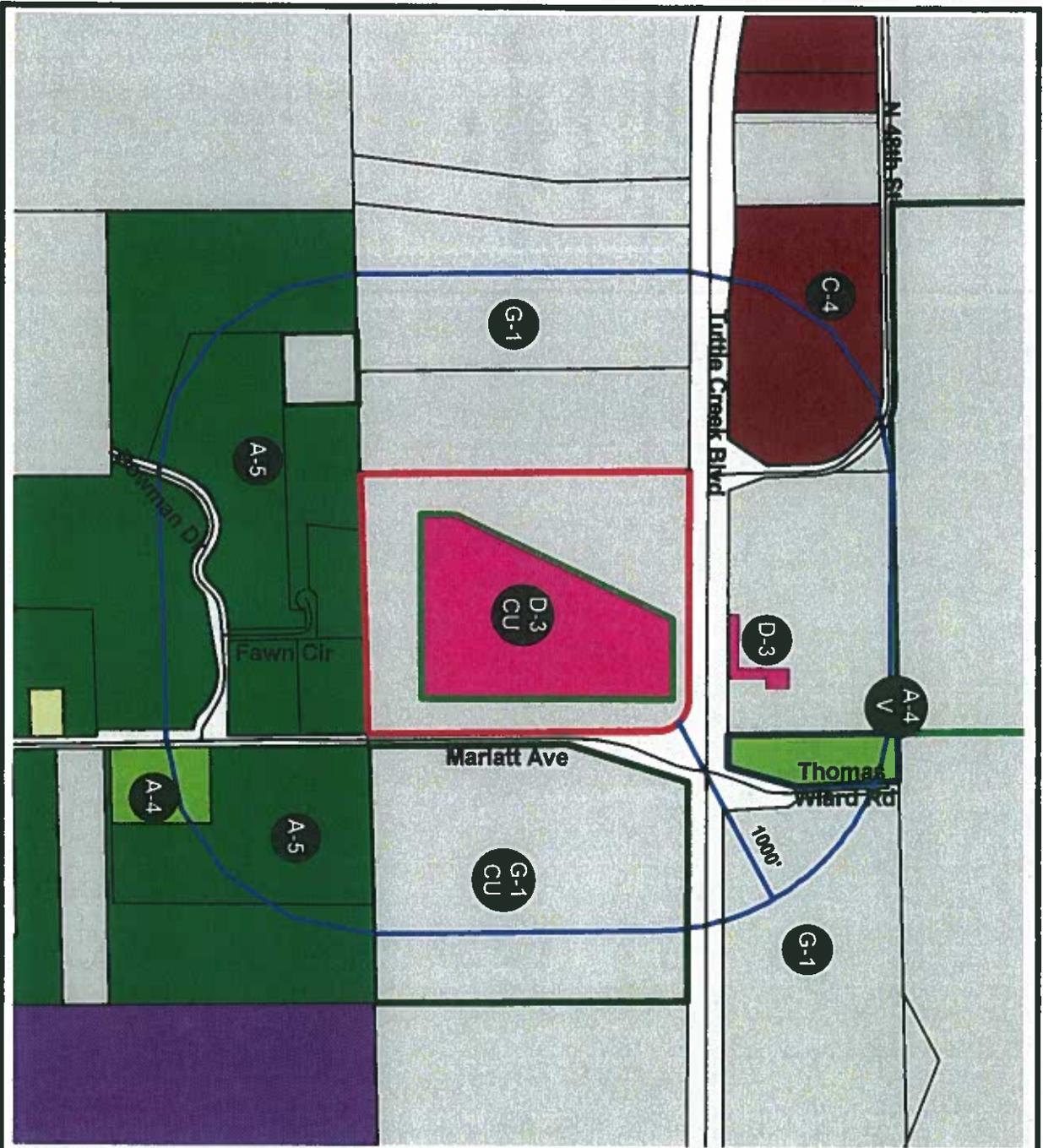


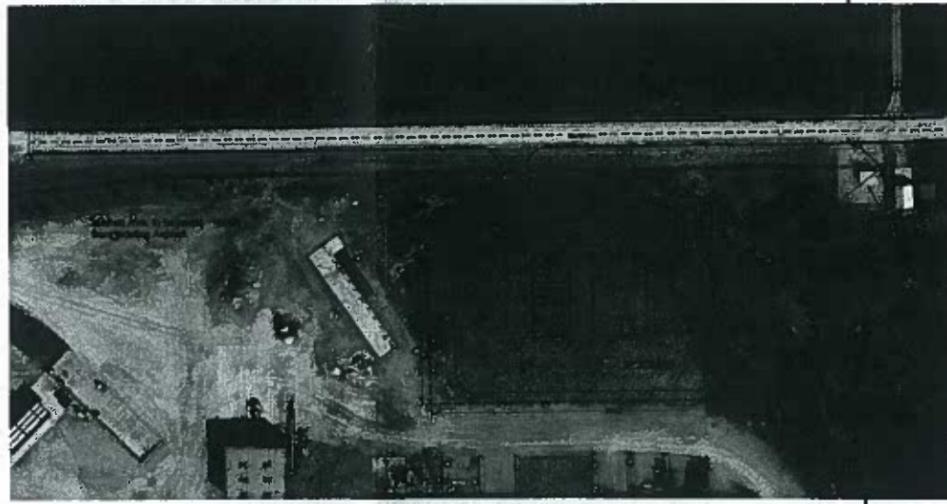
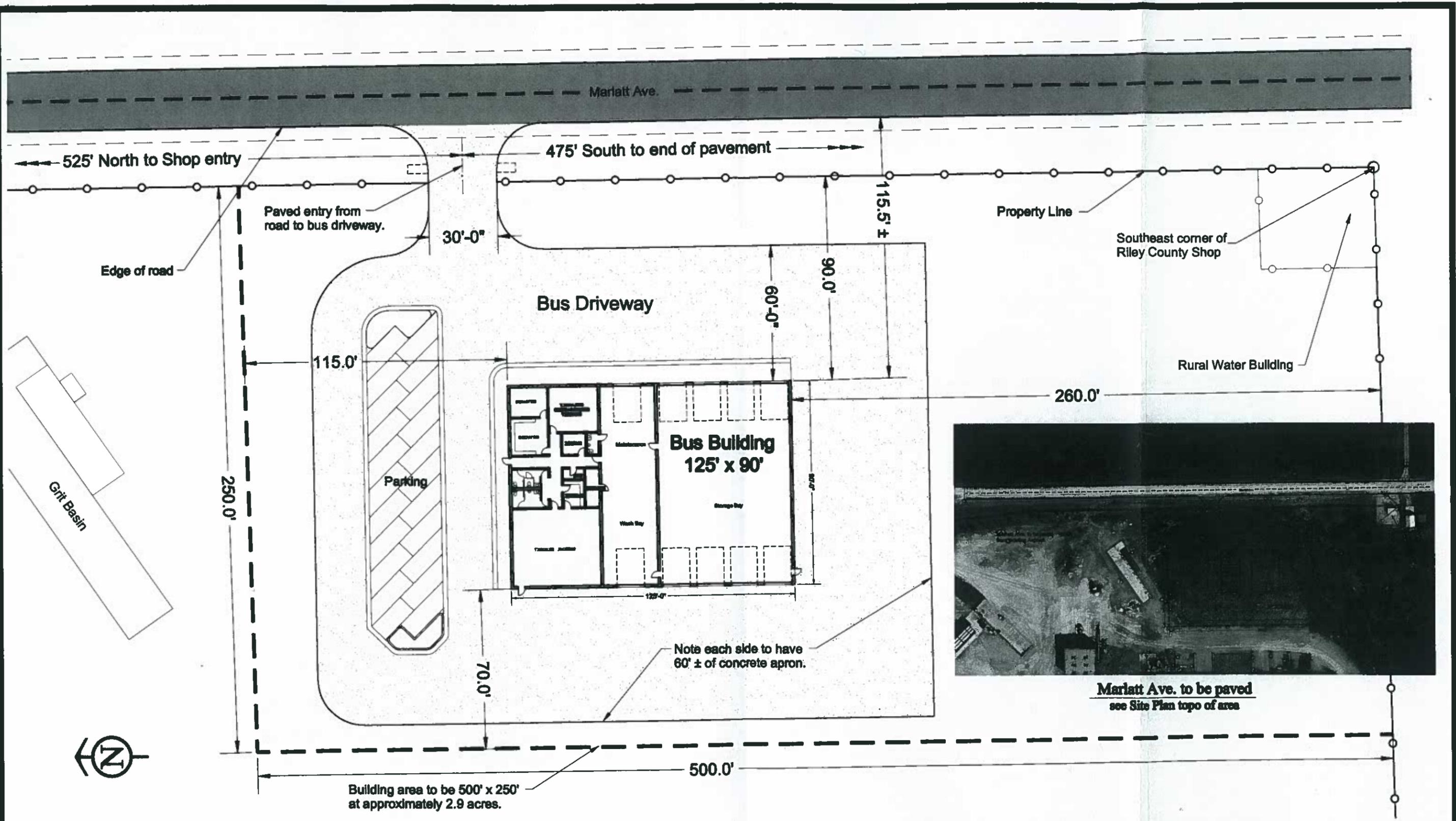


SURROUNDING ZONING

Riley County
 Area Transportation
 Agency (ATA)
 Petition #10-01
 Special Use
 ATA Bus Transit Facility
 21-9-7

- County Zoning
- A-1 Single Family
 - A-2 Single Family
 - A-3 Single Family
 - A-4 Single Family
 - A-5 Single Family
 - B-1 Two Family
 - B-2 Multiple Family
 - B-3 Mobile Home Park
 - C-1 Neighborhood Bus
 - C-2 Shopping Dist
 - C-3 General Business
 - C-4 Highway Business
 - D-1 Industrial Park
 - D-2 Light Industrial
 - D-3 Heavy Industrial
 - D-4 Business Park
 - H-1 General Ag
 - H-2 Horse Pasture
 - PD Planned Unit Dev
 - U University





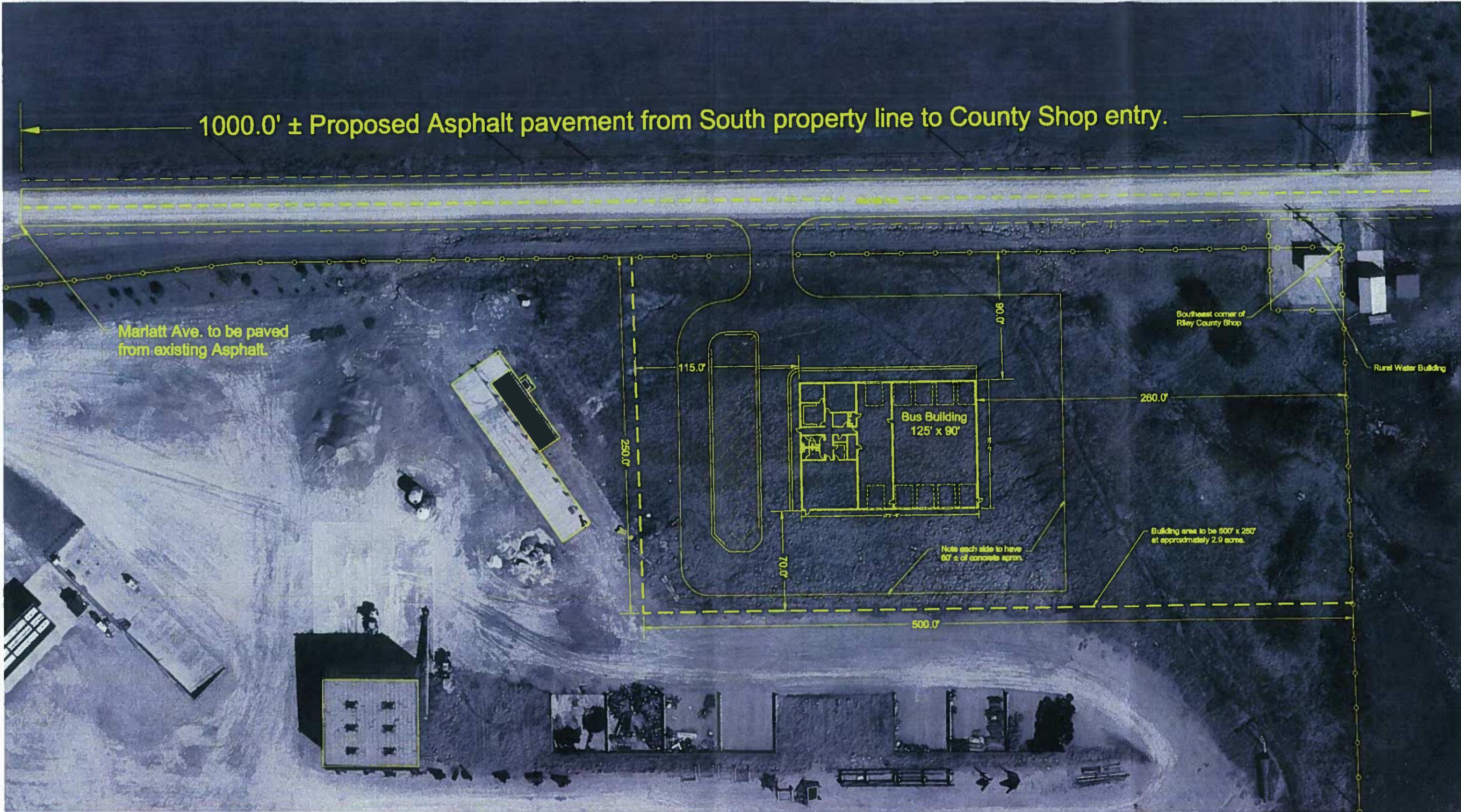
Marlatt Ave. to be paved
see Site Plan topo of area

Building area to be 500' x 250'
at approximately 2.9 acres.

ATA Bus Building
NOT TO SCALE

Drafted by W.L.S.
Assistant Director _____
Date 12-17-09

Riley County Public Works
SITE PLAN



ATA Bus, Area Topo
 NOT TO SCALE



Drafted by W.L.S.
 Assistant Director
 Date 2-1-10

Riley County Public Works
SITE PLAN, air photo

PROPOSED ATA BUS FACILITY
RILEY COUNTY SHOPS SITE
Riley County, Kansas

DRAINAGE STUDY
January 26, 2010



I. INTRODUCTION:

A new facility is proposed for ATA Bus at the Riley County Shops. As a part of the review by the Riley County Planning Department it was determined that a drainage study should be performed to evaluate the drainage impact of the proposed facility with respect to peak discharges occurring where drainage leaves the Riley County Shops site in the waterway behind the existing Rural Water District pump station. Schwab-Eaton was requested to assist with this need.

II. METHODOLOGY:

The Rational Method was used to determine peak runoff rates based on the formula:

$Q = ciA$, where:

“Q” represents the peak rate of flow in cubic feet per second (cfs).

“c” represents the runoff coefficient based on surface conditions. A composite “c” value is calculated based on the percentage of the site covered by various surfaces. The surfaces evaluated and respective values used include roof (c = 0.85), pavement (c = 0.85), gravel surfacing (c = 0.70), and landscape area (c = 0.20).

“i” represents the rainfall intensity in inches per hour derived from IDF tables for Riley County, Kansas for the respective storm recurrence interval based on the estimated Time of Concentration (Tc).

“A” represents the watershed area in acres.

The Tc is calculated using the formula:

$T = 0.0078(L^3/H)^{0.385}$, where:

“T” represents the Tc in minutes.

“L” represents the path of travel length in feet.

“H” represents the total change in elevation along the path of travel in feet.

The 2-year, 10-year and 100-year storm recurrence intervals were considered.

III. EXISTING CONDITIONS:

The watershed contains approximately 12.9 acres and was evaluated without the ATA Bus facility in place. Currently the watershed has an estimated composite "c" value of 0.54. The watershed contains approximately 1.1 acres of roof and pavement, 7.4 acres of gravel surfacing, and 4.4 acres of landscape area. However, the long-range plan for the Riley County Shops will be to replace approximately 6.1 acres of the gravel surfacing with pavement within this watershed. Whenever that occurs, the composite "c" value will increase to 0.61.

The Tc is estimated as follows: $T = 0.0078 (1,600^3/36)^{0.385} = 9.8 \text{ minutes} \approx 10 \text{ minutes}$.

The peak discharges for each storm interval under current conditions are estimated as follows:

$$\begin{aligned} \text{2-Year:} & \quad Q_2 = (0.54)(4.50)(12.9) = 31.3 \text{ cfs} \\ \text{10-Year:} & \quad Q_{10} = (0.54)(6.11)(12.9) = 42.6 \text{ cfs} \\ \text{100-Year:} & \quad Q_{100} = (0.54)(8.64)(12.9) = 60.2 \text{ cfs} \end{aligned}$$

Under long range conditions peak discharges for each interval are estimated as follows:

$$\begin{aligned} \text{2-Year:} & \quad Q_2 = (0.61)(4.50)(12.9) = 35.4 \text{ cfs} \\ \text{10-Year:} & \quad Q_{10} = (0.61)(6.11)(12.9) = 48.1 \text{ cfs} \\ \text{100-Year:} & \quad Q_{100} = (0.61)(8.64)(12.9) = 68.0 \text{ cfs} \end{aligned}$$

IV. PROPOSED CONDITIONS:

The only anticipated change that will occur under proposed conditions is the addition of the proposed ATA Bus facility. This facility will be located in the lower reaches of the watershed and will convert approximately 1.3 acres of the existing 4.4 acre landscape area to roof and pavement. This will increase the existing "c" value of 0.54 to 0.61. After the future paving is completed for the existing shops facility, the net change caused by the ATA Bus facility will be to increase the 0.61 value to 0.68.

The peak discharges for each storm interval under current conditions with the addition of the ATA Bus facility are estimated as follows:

$$\begin{aligned} \text{2-Year:} & \quad Q_2 = (0.61)(4.50)(12.9) = 35.4 \text{ cfs} \\ \text{10-Year:} & \quad Q_{10} = (0.61)(6.11)(12.9) = 48.1 \text{ cfs} \\ \text{100-Year:} & \quad Q_{100} = (0.61)(8.64)(12.9) = 68.0 \text{ cfs} \end{aligned}$$

Under long range conditions, with the addition of the ATA Bus facility, peak discharges for each interval are estimated as follows:

$$\begin{aligned} \text{2-Year:} & \quad Q_2 = (0.68)(4.50)(12.9) = 39.5 \text{ cfs} \\ \text{10-Year:} & \quad Q_{10} = (0.68)(6.11)(12.9) = 53.6 \text{ cfs} \\ \text{100-Year:} & \quad Q_{100} = (0.68)(8.64)(12.9) = 75.8 \text{ cfs} \end{aligned}$$

V. CONCLUSIONS:

As expected, there will be an increase in the peak discharge rates when the ATA Bus facility is developed. The increase is generally between 12 and 13 percent, depending upon whether it is compared between current conditions and the addition of ATA Bus, or long range conditions and the addition of ATA Bus. If it is determined by public officials that some sort of storm water management facility will be required with the development, the allowable release rates should be established.

If storm water detention will required based on a scenario where no increase in the rate of runoff would be allowed when comparing the proposed condition with the respective existing condition, a minimum basin storage volume of 0.107 ac.ft. should be provided to control the 100-year storm event based on the Modified Rational Method. This volume was determined using Haestad PondPack hydrological software.

895.82' S. 89°36'29" E. 1303.04'

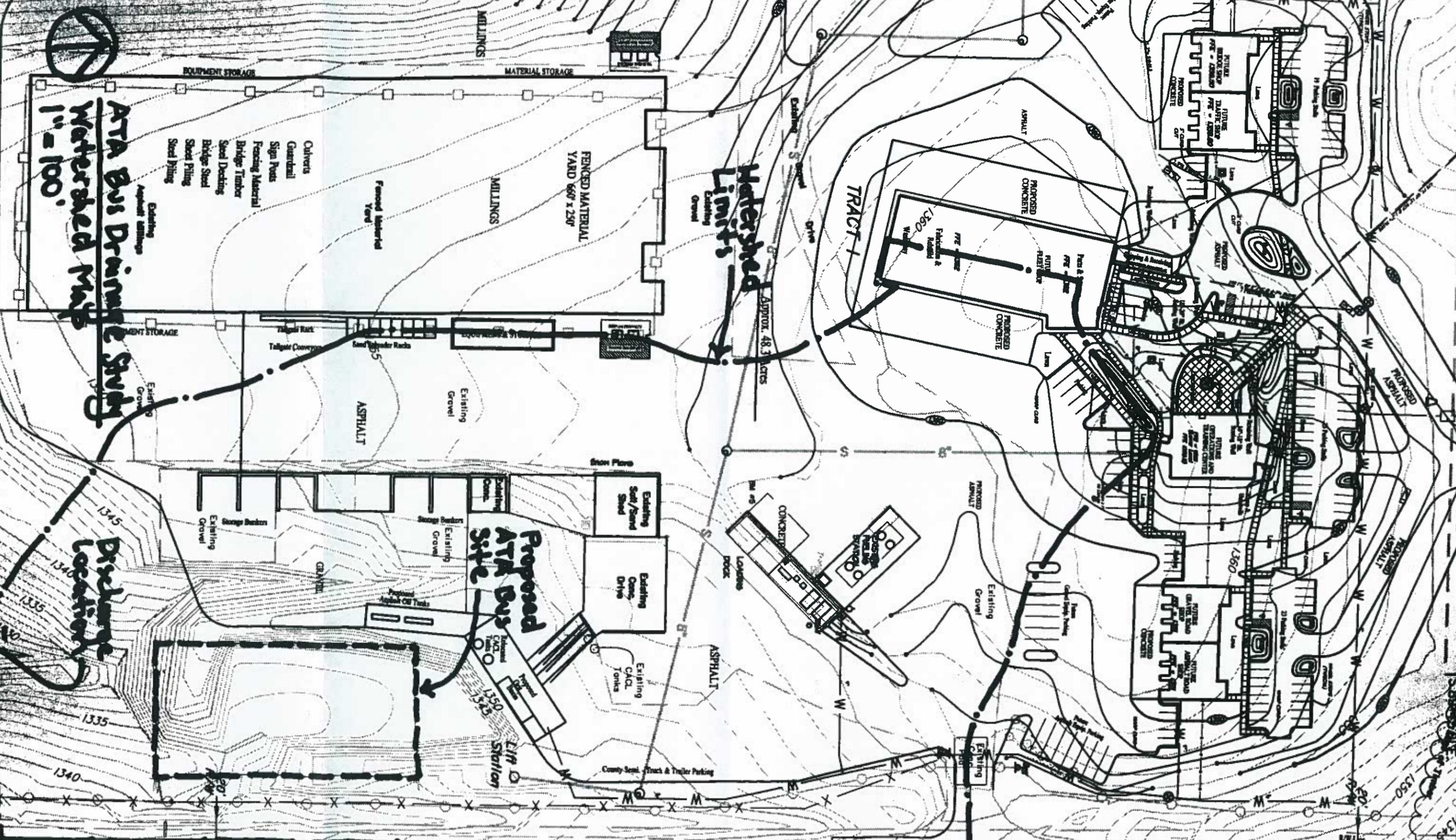
19.79'

N. 00°07'40" W. 2628.90'

MARLATT AVENUE

S. 89°03'28" W. 1303.38'

21.87'



ATA Bus Drainage Study
Watershed Map
1" = 100'

Watershed Limits
Approx. 48 Acres

TRACT 1

Proposed ATK Bus Site

Drainage Locations



S. 89°03'28" W. 1303.38'

21.87'

MARLATT AVENUE

N. 00°07'40" W. 2628.90'

19.79'

895.82' S. 89°36'29" E. 1303.04'



PUBLIC WORKS

110 Courthouse Plaza
Manhattan, Kansas 66502-0109
Phone: 785-537-6330
Fax: 785-537-6331

MEMORANDUM:

TO: Bob Isaac
FROM: Leon Hobson *LH*
DATE: February 1, 2010
SUBJECT: ATA Bus Facility Drainage Study

I have reviewed the Drainage Study which was performed by Schwab-Eaton on January 26, 2010 and have the following comments.

The study outlined the increase in runoff as a result of this facility as well as other proposed changes to the Riley County Public Works site. There is a potential overall increase in runoff of 12 to 13% when the ATA Bus Facility is constructed and a similar increase when additional area within the drainage area is paved.

To assure the additional runoff does not create issues for downstream landowners, the Riley County Public Works Department will construct a detention structure with allowable release rates to control the discharge from the entire drainage area.

The detention structure will be constructed with County funds and will be designed and constructed in conjunction with the design and construction of the ATA Bus Facility. The minimum storm water detention to be constructed will provide a no increase in the rate of runoff from this proposed facility and any future changes to the remainder of the drainage basin.



PLANNING & DEVELOPMENT

STAFF REPORT

Platting and Rezoning

PETITION: (#10-02) Rezone from "G-1" (General Agricultural) to "A-5" (Single Family Residential)
(#10-03) Plat

APPLICANT: Russell M. Simons
7765 Falcon Rd
Riley, KS 66531

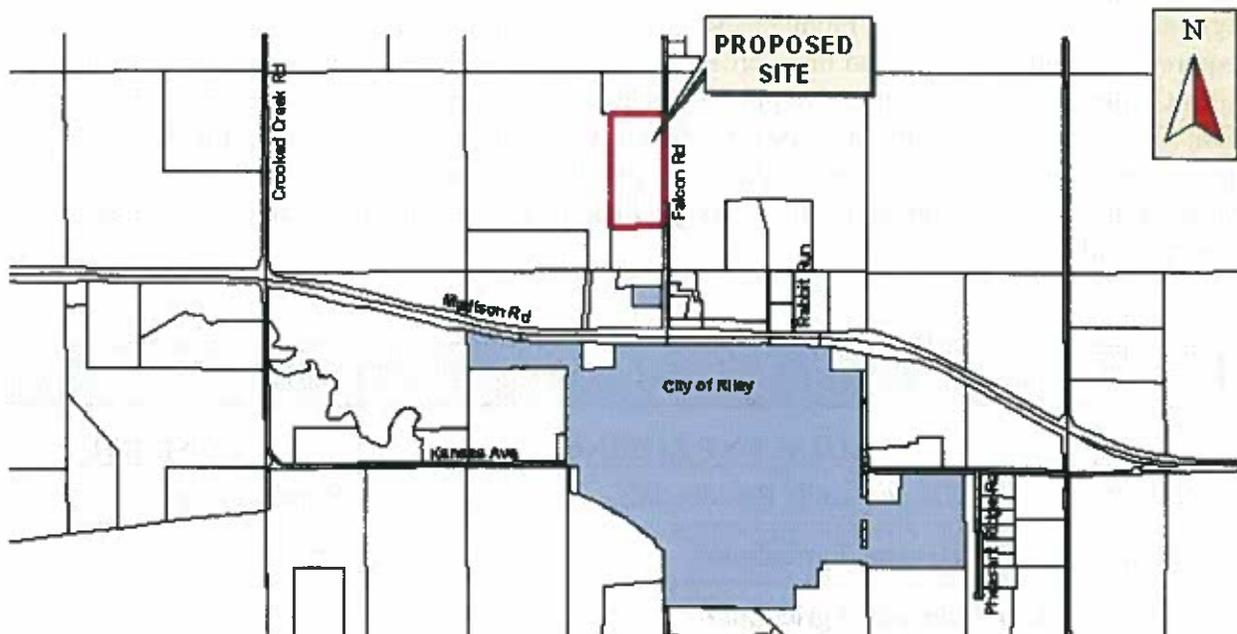
PROPERTY OWNER: Same as above

TYPE OF REQUEST: Rezone a tract of land from "G-1" (General Agricultural) to "A-5" (Single Family Residential) and plat said tract into two (2) lots.

SIZE OF TRACT: The subject site is approximately 23.38 acres.

LOCATION: Generally located approximately 1,500 feet north of the intersection of Falcon Road and Madison Road, on the west side of Falcon Road; Section 35, Township 8 South, Range 5 East; Madison Township.

JURISDICTION: This application is subject to the requirements of the Riley County Subdivision Regulations.



BACKGROUND: The subject property is an approximately 24-acre tract of land. The applicant seeks to subdivide the subject property into a two-lot residential subdivision.

DESCRIPTION:

Physical site characteristics: The subject property is transected by an un-named tributary (dry creek), bounded by several mature trees, that flows from north to south in a zigzag pattern. The dry creek drains south through a culvert under Falcon Road. The majority of the portion of the tract east of the stream is within the designated 1% annual chance floodplain and consists of prime agricultural soils, while the portion of the tract west of the stream is hilly. The subject property has been developed since early 2003 with a single family dwelling, situated in the southwest portion of proposed Lot 1. The existing home is accessed by a private driveway that crosses the aforementioned dry creek via a “low-water crossing”. Currently, the Department of Water Resources (DWR) has found that the Applicant has not received a permit for the current configuration of the “low-water crossing” and thus is in violation of the Obstructions in Streams Act, K.S.A. 82a-301 to 305a. The Applicant is working with DWR and the Riley County Floodplain Manager to get the issue resolved.

General character of the area: The area is a mix of suburban/rural, large lot residential development, extending north from the city limits of Riley and Riley County High School on Falcon Road.

SUITABILITY OF ZONING:

Current zoning: The subject site is currently zoned “G-1” (General Agricultural) and has been zoned as such since at least 1974.

Proposed zoning: The Applicant is proposing to rezone the property from “G-1” (General Agricultural) to “A-5” (Single Family Residential). The Riley County Subdivision Regulations require that any division of land into parcels less than 20 acres must be platted. Furthermore, the Riley County Zoning Regulations require tracts less than 20 acres be rezoned to something other than “G-1” General Agricultural, unless it is determined that the property is eligible for agricultural exemption. Thus, since each of the proposed lots will be less than 20 acres and intended for residential development, the logical zoning district classification is “A-5” Single Family Residential.

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
NORTH	“A-5” (Single Family Residential)	Rural residential
SOUTH	“G-1” (General Agricultural)	Open space
EAST	“G-1” (General Agricultural)	rangeland
WEST	“G-1” (General Agricultural)	cropland

POTENTIAL IMPACT:

Public facilities and services:

Streets and bridges: The subject property has direct access to Falcon Road, a paved, two-lane Kansas highway.

Water and sewer: Proposed Lot 1 is served by an on-site septic system and water well. Although City of Riley water is available to the site (east side of Falcon Road), on-site services are being proposed for Lot 2 as well.

Fire: Riley County Fire District #1 will serve the site. The nearest County Fire Station is located at 327 Main Street in Riley. The subject site is located within five road miles of a fire station.

Effect on public facilities and services: The proposed development seeks to minimize entrances onto Falcon Road, as it is currently designated as a Minor Trafficway. Thus, the Applicant wishes to utilize the same ingress/egress, splitting an existing driveway to serve both lots. It is not anticipated that the proposed development will have an adverse impact on public facilities and/or services.

CONFORMANCE TO THE LAND USE PLAN:

The request was reviewed with the 2009 Vision 2025 Riley County Comprehensive Plan, specifically the Development Guidance System (Chapter 12). The analysis is as follows:

Conformance to the Goals, Objectives and Policies

Goal for residential:

To allow for the development of a diversity of housing types, sizes and price levels to meet the changing needs of all county residents.

Objective R4: Allow for adequate amounts of single family housing in suitable locations throughout the county.

Policies:

R4.1 All new multiple-lot residential development should be encouraged to provide direct access onto a paved road.

R4.2 Roads serving residential developments should safely accommodate anticipated traffic.

R4.3 All new residential development should be encouraged to locate in identified growth areas of the county.

R4. 4 Water and sewer systems serving all new residential development shall comply with all applicable standards.

Future Land Use Map

According to the Future Land Use Map North (Figure 11.2) found in the Plan, the subject property is located within a designated growth area.

The Land Evaluation/Site Assessment (LESA) Score

According to the final score of the LESA analysis, the subject property achieved 4605 points (Strong for Development). No bonus points were factored into the analysis.

Hardship on the landowner

There currently is no hardship being claimed by the Applicant/property owner.

Staff analysis: The subject property has been developed since 2003 as a suburban residential tract. Due to the character and location of the existing development, it is not anticipated that rezoning the property to a residential zoning district will be contrary to the goals, objectives or policies of the Plan. Therefore, the platting and rezoning proposed by the Applicant is consistent with the Plan.

COMMENTS AND CONCERNS:

HEALTH DEPARTMENT: The Riley County-Manhattan Health Department staff has reviewed this plat and found it in compliance with the Riley County Sanitary Code.

RILEY COUNTY CONSERVATION DISTRICT: The Riley County Conservation District staff has reviewed the request and had no objections.

COUNTY ENGINEER: The County Engineer has reviewed the request and had no objections.

FORT RILEY: The Public Works Department on Fort Riley has reviewed the request and stated that the property is located in an area where noise generated by Fort Riley's military activities, while often perceptible to persons at that location, is generally considered compatible with the proposed use of the land.

STAFF RECOMMENDATIONS: Staff recommends that the Planning Board forward a recommendation of approval of the request to rezone the proposed property to the Board of County Commissioners, based on the following findings:

- The proposed zoning and existing uses of the subject property are compatible with those of surrounding properties;
- The rezoning generally conforms to the 2009 Vision 2025 Riley County Comprehensive Plan;
- The property is consistent with Riley County Zoning Regulations and Sanitary Code.

Staff also recommends approval of the Final Plat of Simons Subdivision, as it was found to be in compliance with the Riley County Zoning and Subdivision Regulations and Sanitary Code.

POSSIBLE MOTION(S)**ACTION NEEDED FOR REZONING:**

- A. Move to approve the request to rezone the subject property from “G-1” (General Agricultural) to “A-5” (Single Family Residential) for the following reasons:
- The rezoning is compatible with the character of the neighborhood.
 - The rezoning is compatible with the zoning and uses of properties nearby.
 - The subject property is not suitable for the uses allowed by the current zoning.
 - Removal of the current restrictions by rezoning will not detrimentally affect nearby property.
 - The subject property has remained vacant as zoned for a substantial time period.
 - The gain to the public health, safety and welfare by denying rezoning is not as great as the hardship imposed upon the individual landowner.
 - The rezoning is consistent with the recommendations of permanent or professional staff.
 - The rezoning conforms to the adopted comprehensive plan.
 - The rezoning will not detrimentally affect the conservation of the natural resources of the County.
 - The rezoning will result in the efficient expenditure of public funds.
 - The rezoning will promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the County.

Or

- B. Move to deny the request to rezone the subject property for the following reasons:
- The rezoning is incompatible with the character of the neighborhood.
 - The rezoning is incompatible with the zoning and uses of properties nearby.
 - The subject property is not suitable for the uses allowed by the proposed zoning.
 - Removal of the current restrictions by rezoning will detrimentally affect nearby property.
 - The subject property is developed or utilized as zoned for a substantial time period.
 - The gain to the public health, safety and welfare by denying rezoning is greater than the hardship imposed upon the individual landowner.
 - The rezoning is inconsistent with the recommendations of permanent or professional staff.
 - The rezoning does not conform to the adopted comprehensive plan.
 - The rezoning may detrimentally affect the conservation of the natural resources of the County.
 - The rezoning will result in the inefficient expenditure of public funds.
 - The rezoning will diminish the health, safety, convenience, prosperity and general welfare of the inhabitants of the County.

ACTION NEEDED FOR PLAT:

- A. Motion to approve the request to plat the subject property into two (2) lots, as it has been determined that it meets the requirements of the Riley County Subdivision Regulations.

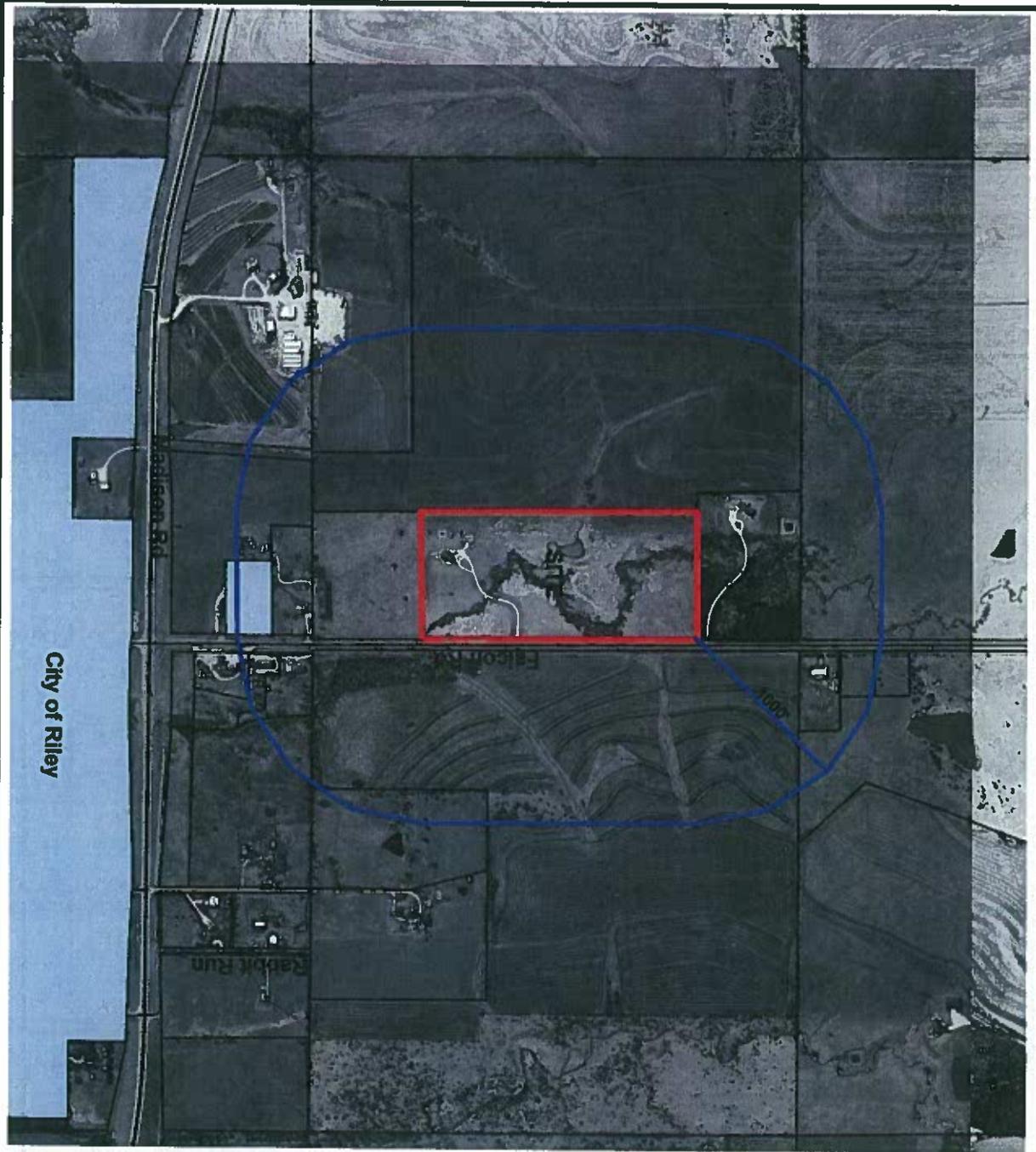
Or

B. Motion to deny the request to plat the subject property into two (2) lots, as it has been determined that it does not meet the requirements of the Riley County Subdivision Regulations.

ATTACHMENTS:

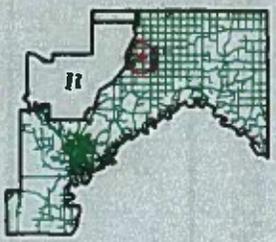
- Vicinity/site map
- Surrounding zoning map
- Soils map
- Final Plat map
- Fort Riley Noise Contour map
- LESA analysis

Prepared by: Bob Isaac, Planner
January 27, 2010



VICINITY & SITE

Simon
Petition #10-02
Rezoning G-1 to -5
Petition #10-03
Plat - Simon Subd
35-8-5





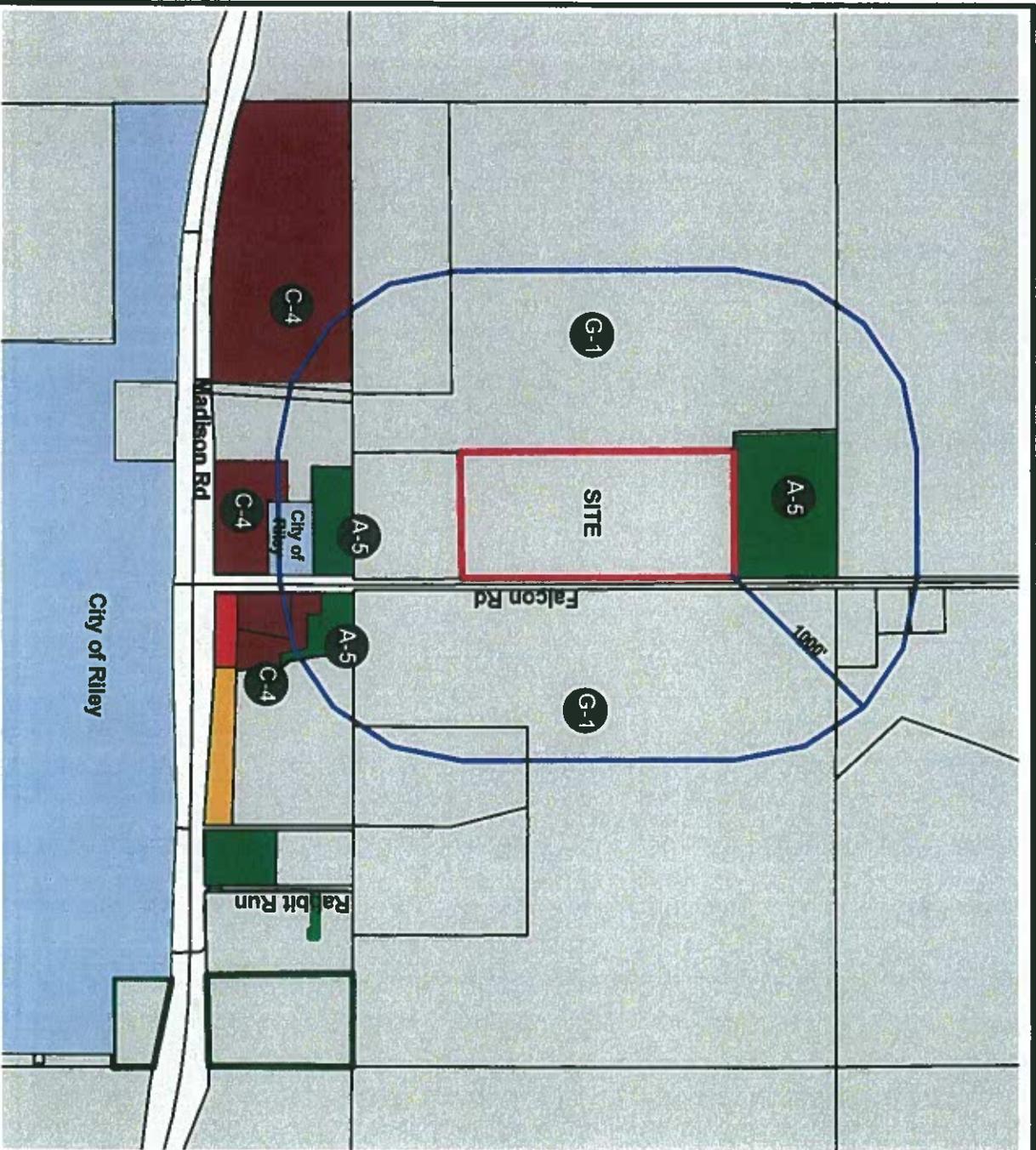
SURROUNDING ZONING

Simon

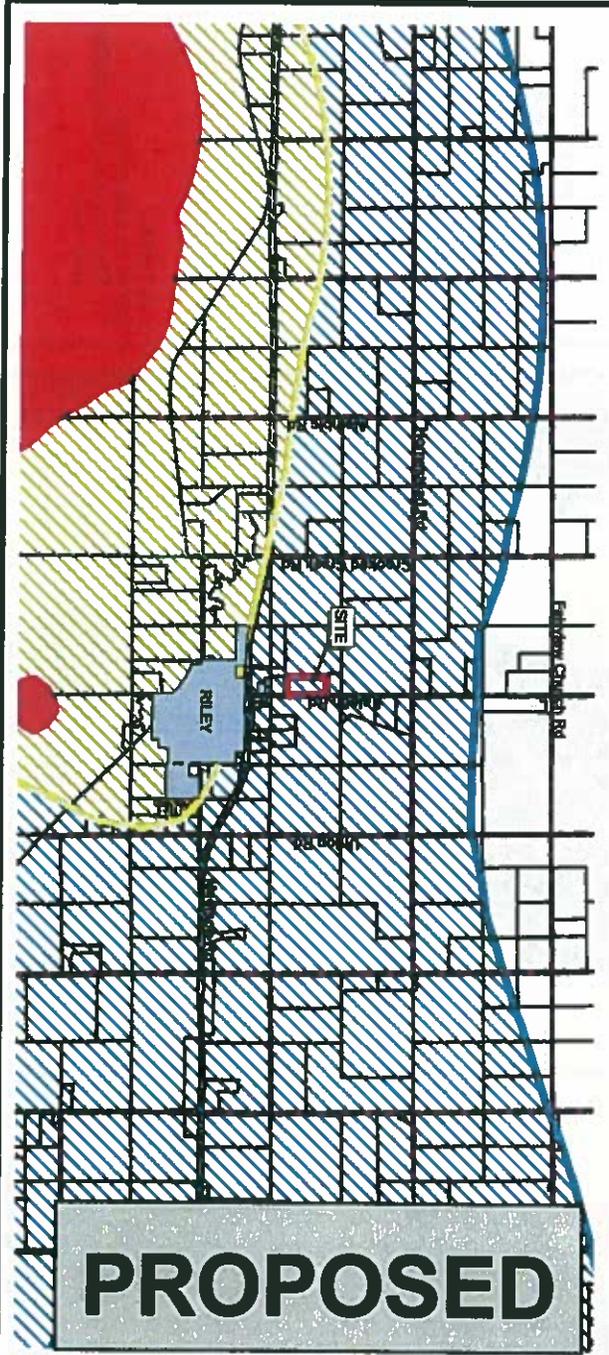
Petition #10-02
Rezone G-1 to -5

Petition #10-03
Plat - Simon Subd

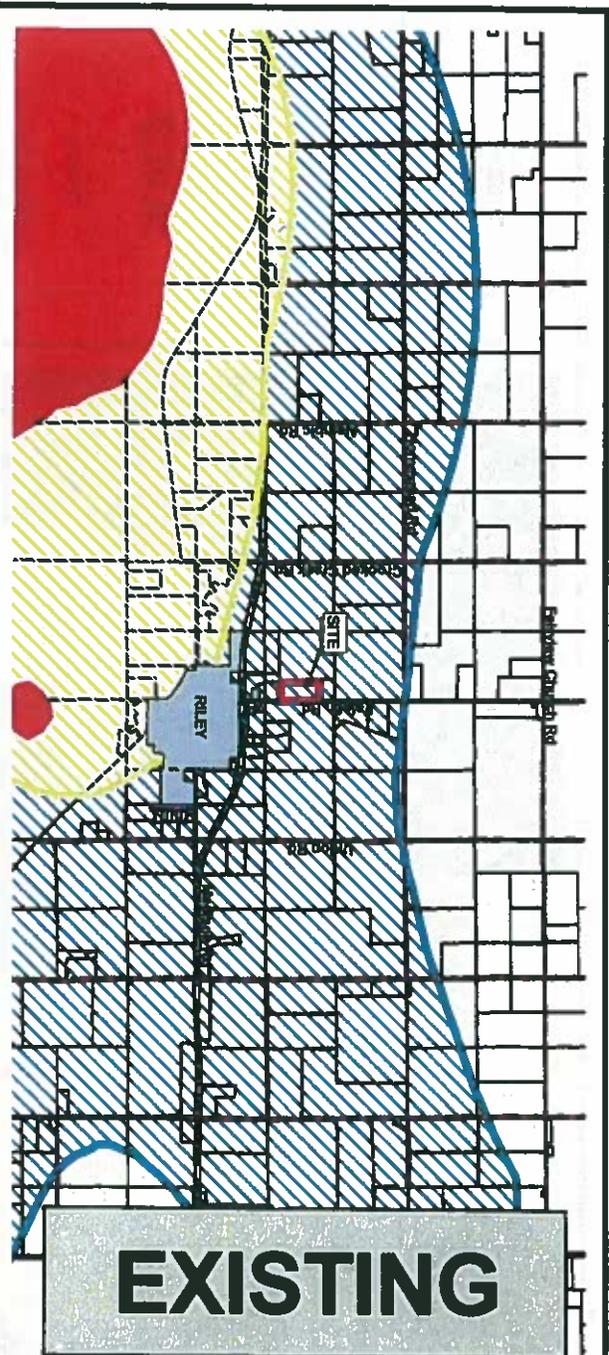
35-8-5



- County Zoning
- A-1 Single Family
 - A-2 Single Family
 - A-3 Single Family
 - A-4 Single Family
 - A-5 Single Family
 - B-1 Single Family
 - B-2 Medium Density Residential
 - B-3 Medium Density Residential
 - C-1 Neighborhood Business
 - C-2 Shopping District
 - C-3 General Business
 - C-4 Highway Business
 - D-1 Industrial Park
 - D-2 Light Industrial
 - D-3 Heavy Industrial
 - D-4 Business Park
 - G-1 General Office
 - M-1 Medium Density Residential
 - P-0 Planned Unit Development
 - U University



PROPOSED



EXISTING



**FORT RILEY
NOISE
CONTOURS
EXISTING &
PROPOSED**

Simon

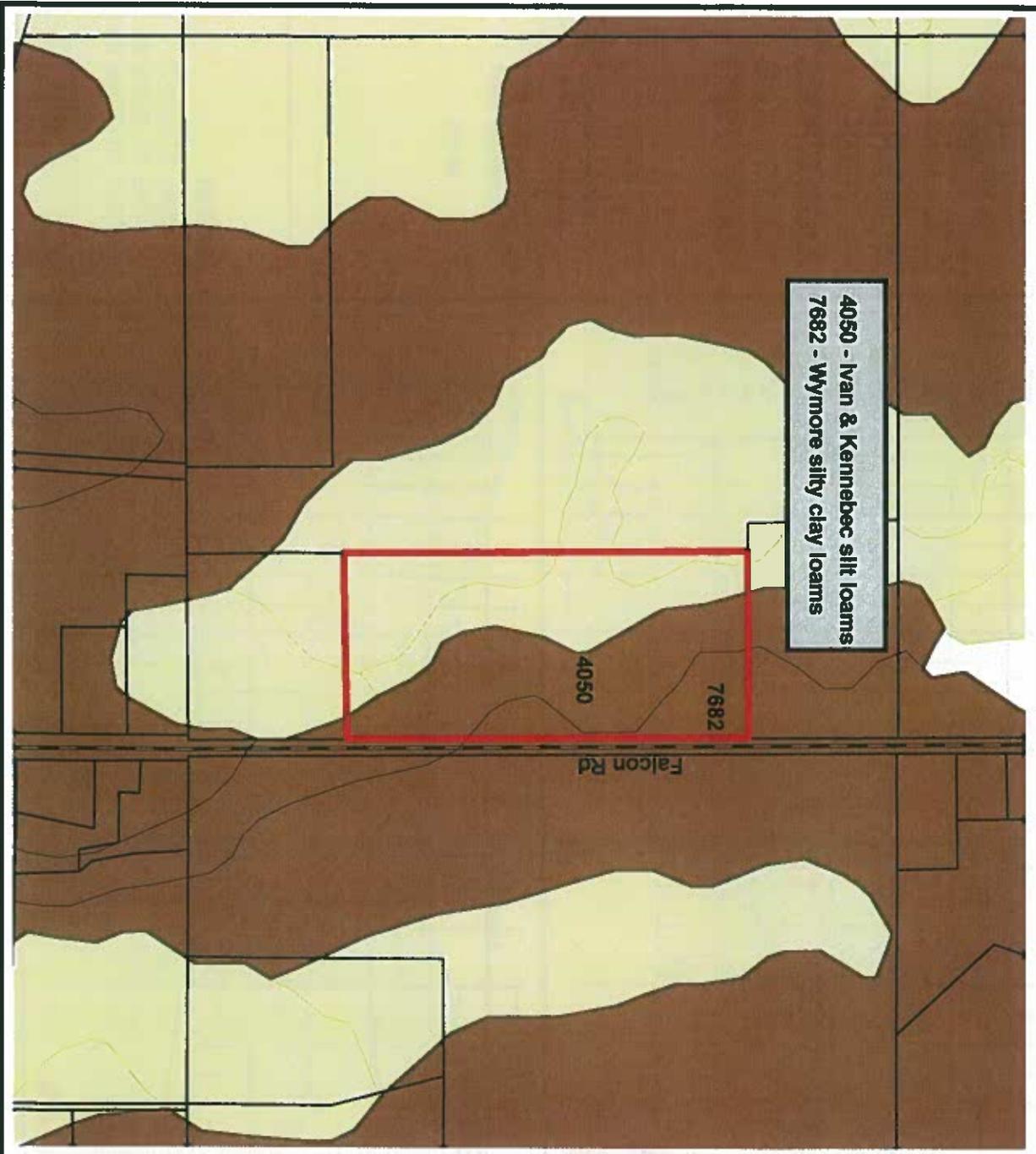
Petition #10-02
Rezone G-1 to -5

Petition #10-03
Plat - Simon Subd

35-8-5

LEGEND

-  CDNL 57 (LUPZ)
-  CDNL 62 (ZONE II)
-  CDNL 70 (ZONE III)



SOILS

Simon

Petition #10-02
Rezoned G-1 to -5
Petition #10-03
Plat - Simon Subd
35-8-5

- SOIL TYPES**
- Prime Soils (NRCS)
 - Statewide Importance (NRCS)
 - Other Soils

OWNER'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

This is to certify that the undersigned is/are the owner(s) of the land hereon described on this plat, and that said owner(s) has/have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under style and title indicated.

All street rights-of-way as shown on this plat are hereby dedicated to the public. Any easements or licenses as shown on this plat, to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, water, gas and sewer pipes or required drainage channels or structures upon the area marked for easements on this plat, are hereby granted to the public.

Given under my hand at _____ Kansas this _____ day of _____ 2009.

Russell M. Simons _____
Karla S. Simons _____

RILEY COUNTY PLANNING BOARD CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

Approved this _____ day of _____ A.D. 2009.
Riley County Planning Board.

Chairperson _____ Member _____
Member _____ Member _____
Member _____

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

BE IT REMEMBERED, that on this _____ day of _____ A.D. 2009, before me, the undersigned, a notary public in and for the County and State aforesaid, came

Russell M. Simons and Karla S. Simons, husband and wife

personally known to me to be the same persons who executed the foregoing Owner's Certificate, and duly acknowledged their execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public

My appointment expires: _____

CERTIFICATE OF THE COUNTY COMMISSION

STATE OF KANSAS)
COUNTY OF RILEY) SS

Approved this _____ day of _____ 2009.
Board of Commissioners, Riley County, Kansas.

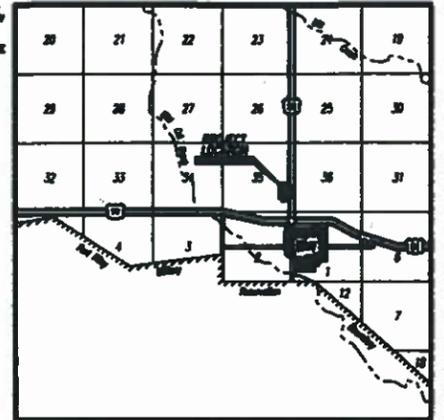
Chairperson _____
Commissioner _____ Attest County Clerk _____

APPROVAL OF COUNTY OFFICERS

STATE OF KANSAS)
COUNTY OF RILEY) SS

County Engineer _____
County Counselor _____
County Health Officer _____

Dist. 1/2" Cor. Sta. 24, 25, 26, 27
1. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
2. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
3. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
4. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907



VICINITY MAP (NOT TO SCALE)

OWNER:
Russell M. & Karla Simons
7705 Felton Road
Wray, KS 66203
Ph: 785-485-2185

ENGINEER:
Steyward H. Mohr, President
SMH Consultants
42019 Anderson Avenue, Suite 2,
Manhattan, KS 66503
Ph: 785-776-0541

OWNER'S ZONE: G-1
PROPOSED ZONE: A-4

BRUSH LOT SIZE: 2.03 ACRES

REMARKS:
East end of RCP of NE Corner of Intersection of Felton
Road and U.S. Highway 77.
Draw: 1288.04

LEGEND

- Monument Found (1/2" Iron Stake, 6000-Survey controlled by Steyward H. Mohr, dated February 2002)
1/2" Iron Stake with Aluminum Cap
Stake Corner, Found
Corner Number
Monument Found (1/2" Iron Stake, 6000-Survey controlled by Steyward H. Mohr, dated April 2002)
Post (Stake)
Surveyed Elevation
Fencing



Final Plat
of
SIMONS
SUBDIVISION
in the Southeast Quarter of Section 35,
Township 8 South, Range 5 East,
Riley County, Kansas



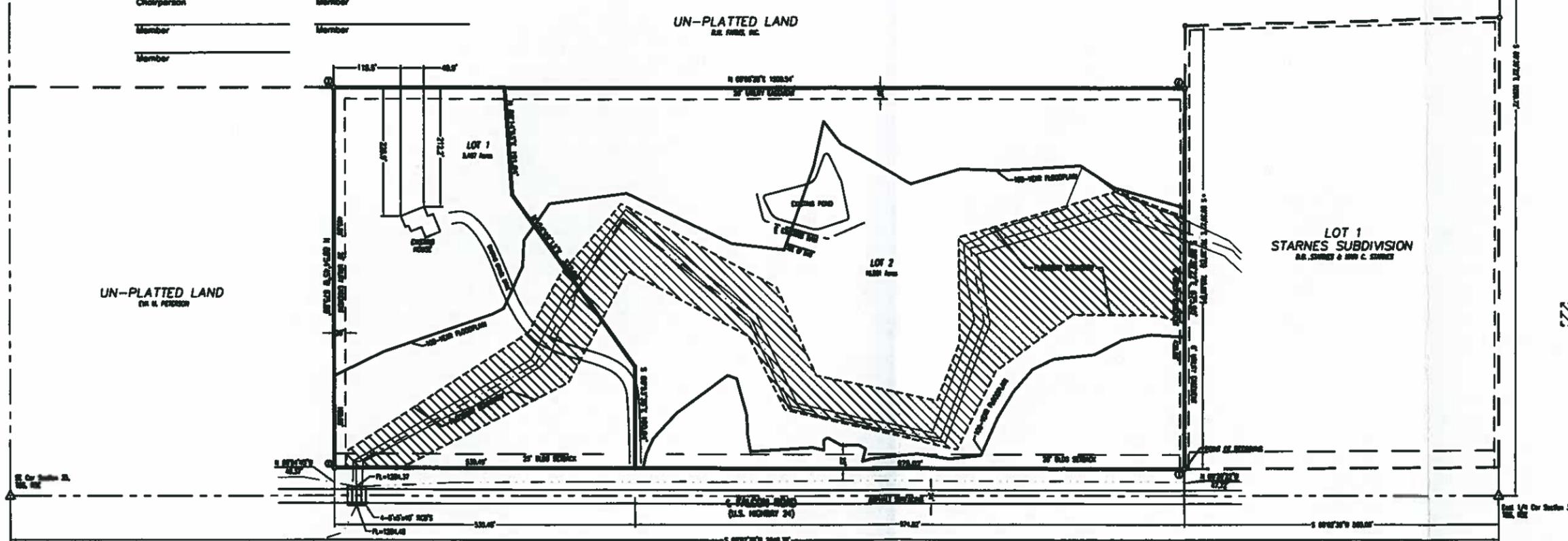
42019 Anderson Avenue, Suite 2 • Manhattan, Kansas 66503
(785) 776-0541 • Fax: 776-0700 • Email: slh@stewardmohr.com
Project #000227CS & 000721AG CD #01 & 03

DECEMBER, 2009

UN-PLATTED LAND
ON A PERSON

UN-PLATTED LAND
S.E. SIMONS, INC.

LOT 1
STARNES SUBDIVISION
S.E. SIMONS & SON CO. ENGINEERS



Dist. 1/2" Cor. Sta. 24, 25, 26, 27
1. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
2. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
3. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
4. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

I, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of Kansas, with experience and proficiency in land surveying; and that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision requirements of Riley County, Kansas, have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at Manhattan, Kansas this _____ day of _____ A.D., 2009.

Steyward H. Mohr, Registered Professional Engineer Surveyors



UN-PLATTED LAND
JONES & BIRD TRUST

RILEY COUNTY PLAT REVIEW SURVEYOR SIGNATURE BLOCK

This plat has been reviewed and approved for filing pursuant to K.S.A. 58-2005 and with the requirements of Riley County Resolution No. 080405-08. No other warranties are extended or implied.

Approved: _____ Date: _____
License Number: _____

CERTIFICATE OF THE REGISTER OF DEEDS

STATE OF KANSAS)
COUNTY OF RILEY) SS

This instrument was filed for record on the _____ day of _____ A.D. 2009, at _____ o'clock _____ M., and duly recorded in Book _____ on Page _____

Register of Deeds _____
Deputy _____

Dist. 1/2" Cor. Sta. 24, 25, 26, 27
1. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
2. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
3. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907
4. Found 1/2" Iron Stake with Aluminum Cap, 6000-Survey
Controlled by This State, dated March, 1907

NOTES:
1. The State of Burgeys of this plat are plotted S 87°30'22" E along the South line of Starnes Subdivision.
2. Water and sewer service to be indicated with red and purple lines.

NOTES:
1. Flood Insurance Rate Map, Community-Plan Number 200208 0225 B, identifies this property as being situated in both Zone A & Zone C. Zone A (shaded area, scaled from above noted map) is defined as "Areas of 100-year Recurrence Flood elevations and flood hazard factors not determined". Zone C is defined as "Areas of minimal flooding".

DESCRIPTION:
A tract of land in the Southeast Quarter of Section 35, Township 8 South, Range 5 East of the 6th Principal Meridian, Riley County, Kansas, described as follows:

Beginning at the southeast corner of the said Southeast Quarter of Section 35; thence S 89°03'30" W 605.00 feet along the east line of the said Southeast Quarter of Section 35; thence N 89°20'22" W 47.72 feet to the east line of U.S. Highway 24 and the point of beginning, being Corner 1, marked by a 1/2" iron stake; thence S 89°03'25" W 1505.81 feet along the said east line of U.S. Highway 24 to Corner 2, marked by a 1/2" iron stake; thence N 89°04'05" W 675.89 feet to Corner 3, marked by a 1/2" iron stake; thence N 89°03'25" W 1505.84 feet to the south line of Starnes Subdivision and Corner 4, marked by a 1/2" iron stake; thence S 89°20'22" W 675.89 feet along the said south line of Starnes Subdivision to the point of beginning, containing 23.584 acres. Subject to easements and restrictions of record.

FACTOR 1

CHARACTER OF THE NEIGHBORHOOD (Surrounding Area within 1/4 Mile)

Agricultural Character Test

	Points	Score
● Percent of Cropland/Grassland		
– More than 95%	0	
– 80% to 95%	80	80
– 60% to 79.99%	165	
– Less than 60%	250	
	TOTAL	80
● Overall Housing Density		
– Greater than 160 acres/residence	0	
– 80 to 160 acres/residence	65	
– 40 to 79.99 acres/residence	130	130
– 20 to 39.99 acres/residence	195	
– Less than 20 acres/residence	250	
	TOTAL	130
● Number of Non-Farm Residences		
– 0	0	
– 1	50	
– 2	100	
– 3	150	150
– 4	200	
– 5 or more	250	
	TOTAL	150
● Number of Tracts Less Than 20 acres		
– 0	0	
– 1	50	
– 2	100	
– 3	150	
– 4	200	
– 5 or more	250	250
	TOTAL	250
GRAND TOTAL	610	

SCALE

	Points
Strongly Agricultural	0
Moderately-Strong Agricultural	50
Moderately Agricultural	100
Moderately-Mild Agricultural	150
Mildly Agricultural	200
Mildly Non-Agricultural	250
Mildly Non-Ag Residential	300
Moderately-Mild Non-Ag Res.	350
Moderately Non-Ag Res.	400
Moderately-Strong Non-Ag Res.	450
Strongly Non-Ag Residential	500
	550
	600
	650
	700
	750
	800
	850
	900
	950
	1000

Rural Character Test

- Development conforms to rural character guidelines

	Bonus
	Points Score
	500
TOTAL	0

TOTAL POINTS AVAILABLE:
(Not Including Bonus Points)

1000 Points

FACTOR 2

THE ZONING AND USES OF NEARBY PROPERTY (Surrounding Area within 1 Mile)

Compatible Zoning Test

Perimeter Component

- Percent of Perimeter Adjacent to Similar Zoning

	Points	Score
- No Adjacency	0	
- 1% - 9.99%	50	
- 10% - 24.99%	100	100
- 25% - 50%	200	
- Over 50%	250	
TOTAL		100

Proximity Component

- Number of Acres of Similar Zoning Within Certain Distances

Acres	Points	Between 1000' Between 1/2 Mile			TOTAL
		Within 1000'	AND 1/2 Mile	AND 1 Mile	
0	0				
.1-2	10				
2.1-5	20				
5.1-10	30				
10.1-15	40				
Over 15	50	50	50	50	
Weighting		2.5	1.5	1	
SUBTOTAL		125	75	50	250

Compatible Land Use Test

Perimeter Component

- Percent of Perimeter Adjacent to Similar Land Use

	Points	Score
- No Adjacency	0	0
- 1% - 9.99%	50	
- 10% - 24.99%	100	100
- 25% - 50%	200	
- Over 50%	250	
TOTAL		100

Proximity Component

- Number of Acres of Similar Land Use Within Certain Distances

Acres	Points	Between 1000' Between 1/2 Mile			TOTAL
		Within 1000'	AND 1/2 Mile	AND 1 Mile	
0	0				
.1-2	10				
2.1-5	20				
5.1-10	30	30			
10.1-15	40				
Over 15	50		50	50	
Weighting		2.5	1.5	1	
SUBTOTAL		75	75	50	200

TOTAL POINTS AVAILABLE:

1000 Points

FACTOR 3

THE SUITABILITY OF THE PROPERTY FOR THE USES ALLOWED UNDER THE CURRENT ZONING

Crop Capability Test

LAND CAPABILITY CLASS	RELATIVE VALUE (RV)	NUMBER OF ACRES IN SITE	PRODUCT OF RV & NO. OF ACRES
1	0		0
2	25	9.35	233.75
3	50	3.41	170.5
4	75	11.21	840.75
5	150		0
6	225		0
7	300		0
8	375		0
TOTALS		23.97	1245

Product of RV & Acres / Number of Acres in Site = Average Site Value

Average Site Value

52

Rangeland Productivity Test

TOTAL DRY WEIGHT PRODUCTION - NORMAL YEAR (lbs)	RELATIVE VALUE (RV)	NUMBER OF ACRES IN SITE	PRODUCT OF RV & NO. OF ACRES
8500+	0		0
7500-8499	50	9.35	467.5
6500-7499	100		0
5500-6499	150		0
4500-5499	225		0
3500-4499	300	9.57	2871
2500-3499	375	5.05	1893.75
TOTALS		23.97	5232.25

Product of RV & Acres / Number of Acres in Site = Average Site Value

Average Site Value

218

Site Suitability Test

• Attributes Reducing Agricultural Site Suitability

– Size of Site in Acres

	Points	Score
0-3	125	
3.1-5	90	
5.1-10	45	
Over 10	0	
		0

TOTAL

0

– Isolation of Site from other Agricultural Land (Site must be less than 10 acres in Size)

(Isolation may be created by ownership or physical features, e.g. riparian areas, roads, topographic features, etc.)

	Points	Score
Isolated	125	
Not Isolated	0	
		0

TOTAL

0

TOTAL POINTS AVAILABLE:

1000 Points

FACTOR 4

THE IMPACT OF REZONING ON NEARBY PROPERTY

Agricultural Conflict Test

• Proximity of Residence to Confined Animal Feeding Operation (CAFO)

	Points	Score
– More than 1 mile from CAFO	250	250
– Between 1 mile and 1/4 mile	0	
– Within 1/4 mile	-250	
	TOTAL	250

• Proximity of Site to Other Agricultural Activities

DISTANCE	Permanently Preserved Land	Cropping Operation	Grassland Tract (>20 ac, No Home)	POINTS
Over 1000'	125			125
500 - 1000'				100
250 - 499'				75
50 - 249'			50	50
Less than 50'		0		0
SUBTOTALS	125	0	50	175
				TOTAL

DISTANCE	Livestock Enclosure (No CAFO)	POINTS
Over 2000'	125	125
1000 - 2000'		100
500 - 999'		75
100 - 499'		50
Less than 100'		0
TOTAL	125	

Non-Agricultural Conflict Test

• Proximity of Site to Fort Riley Noise Zones

	Points	Score
– Outside of Noise Zone II and LUPZ	250	
– Within LUPZ	125	125
– Within Noise Zone II	0	
	TOTAL	125

ADDITIONAL POSITIVE/NEGATIVE POINTS FOR MITIGATIVE/DETRIMENTAL IMPACTS

• Effect of Rezoning on Valuation of Adjoining Property*

	Points	Score
– Evidence that rezoning will increase value of adjoining property	250	
– Evidence that rezoning will not devalue adjoining property	125	
– No evidence that rezoning will/will not devalue adjoining property	0	
– Evidence that rezoning will devalue adjoining property	-250	
	TOTAL	0

* Evidence must be from a professional source

TOTAL POINTS AVAILABLE:

1000 Points

FACTOR 5

THE IMPACT OF REZONING ON PUBLIC HEALTH AND SAFETY

Public Health Test

• Availability of and Connection to Public Sanitary Sewer System

	Points	Score
- Available at site	200	
- Within 400'	175	
- 400' - .24 mile	150	
- .25 - .49 mile	100	
- .5 miles - .99 mile	50	
- More than 1 mile	0	0
TOTAL		0

• Availability of and Connection to Public Water Systems

	Points	Score
- Available at site	200	
- Within 400'	175	
- 400' - .24 mile	150	
- .25 - .49 mile	100	
- .5 miles - .99 mile	50	
- More than 1 mile	0	0
TOTAL		0

BONUS POINTS

	Points	Score
• Development will result in the creation/extension of new/addtional public sewer system	500	0
• Development will result in the creation/extension of new/addtional public water system	150	0

Public Safety Test

• Public Protection Classification (Fire Insurance Rating)

	Points	Score
- Within ISO Class 7	200	
- Within ISO Class 9	100	100
- Within ISO Class 10	0	
TOTAL		100

• Location of building site relative to floodplain

	Points	Score
- Not in the floodplain	200	200
- Within 500-year floodplain	0	
- Within 100-year floodplain	-200	
TOTAL		200

• Access to building site relative to floodplain

	Points	Score
- Not in the floodplain	200	200
- Within 500-year floodplain	0	
- Within 100-year floodplain	-200	
TOTAL		200

• Expected Impact of Proposed Development on Existing Road*

	Points	Score
- Current Road Adequate, No Changes Required	150	150
- Minor improvements Needed	0	
- Major improvements Needed	-150	
- Additional Off-Site Improvements Needed**	-150	
TOTAL		150

* Determination of anticipated traffic impacts from traffic study using assumed trip generation models. Minor/major improvements determined by County Engineer based on evaluation of degree of surface alterations required to meet the impact. Maximum points given for improvements funded by developer.

** Additional off-site improvements include addition of turning lanes, improvement of drainage structures and similar improvements that are not re-surfacing improvements. If alteration of surface and additional off-site improvements are needed, both point totals shall apply. No points subtracted for improvements funded by developer.

TOTAL POINTS AVAILABLE:

7150 Points

FACTOR 6

THE PUBLIC COST/BENEFITS OF REZONING

Transportation Test

• Adequacy of the Access Road Surface

	Points	Score
- Paved	150	150
- Gravel w/ 24' roadbed	100	
- Gravel w/ 22' roadbed	50	
- Gravel w/ 20' roadbed	0	
- Gravel w/ 18' or less roadbed	-50	
- Unimproved	-100	
- Trail or Undeveloped	-150	
	TOTAL	150

• Distance from site to Paved Road

	Points	Score
- Direct access onto paved road	150	150
- Within .25 mi	100	
- .25 to .49 mi	50	
- .50 to .99 mi	0	
- 1-3 miles	-50	
- Over 3 miles	-100	
	TOTAL	150

• Distance from site to major/minor trafficway

	Points	Score
- Direct access onto major/minor trafficway or frontage road	150	150
- Within .5 mi	100	
- .5 to .99 mi	50	
- 1 to 2.9 mi	0	
- 3-5 miles	-50	
- Over 5 miles	-100	
	TOTAL	150

Efficient Development Test

• Distance from a City*

	Points	Score
- Contiguous to City Limit	200	
- Within .25 mile of City Limit	150	
- .26 to .5 mile from City Limit	100	100
- .51 to 1 mile from City Limit	50	
- 1.1 to 3 miles from City Limit	0	
- Beyond 3 miles from City Limit	-50	
	TOTAL	100

* Any Incorporated City within Riley County

• Distance from Nearest Public School*

	Points	Score
- Within 1 mile	200	200
- 1.1 mile - 2 miles	100	
- 2.1 miles - 3 miles	0	
- Beyond 3 miles	-100	
	TOTAL	200

* Distance to Either Elementary or Secondary School
Using the Shortest Travel Distance Via Improved Roads

TOTAL POINTS AVAILABLE:

950 Points

FACTOR 7

CONFORMANCE TO THE COMPREHENSIVE PLAN

Future Land Use Map Test

- Conformance of the Proposal to the Future Land Use Map

	Points	Score
– Within a Designated Growth Area (DGA)	1000	1000
– Within 1/4 mile of DGA	500	
– Between 1/4 and 1/2 mile of DGA	250	
– Over 1/2 mile from DGA	0	
TOTAL		1000

TOTAL POINTS AVAILABLE:

1000 Points

SUMMARY SCORESHEET

Factor	Score
1 <u>Agricultural Character Test</u>	
Percent of Cropland/Grassland	80
Overall Housing Density	130
Number of Non-Farm Residences	150
Number of Tracts Less Than 20 acres	250
2 <u>Compatible Zoning Test</u>	
Perimeter Component	100
Proximity Component	250
<u>Compatible Land Use Test</u>	
Perimeter Component	100
Proximity Component	200
3 <u>Crop Capability Test</u>	52
<u>Rangeland Productivity Test</u>	218
<u>Site Suitability Test</u>	
Site Size	0
Site Isolation	0
4 <u>Agricultural Conflict Test</u>	
Proximity to CAFO	250
Proximity to Other Ag Activities	175
Proximity to Livestock Enclosures	125
<u>Non-Agricultural Conflict Test</u>	
Proximity to Fort Riley Noise Zones	125
5 <u>Public Health Test</u>	
Availability of Sewer	0
Availability of Water	0
<u>Public Safety Test</u>	
Fire Protection Rating	100
Site to Floodplain	200
Access in Floodplain	200
6 <u>Transportation Test</u>	
Adequacy of Road Surface	150
Distance to Paved Road	150
Distance to Trafficways	150
Impact on Existing Road	150
<u>Efficient Development Test</u>	
Distance to City Limits	100
Distance to Schools	200
7 <u>Future Land Use Map Test</u>	1000
SUBTOTAL	4605
 ADDITIONAL POSITIVE/NEGATIVE POINTS	
1 <u>Rural Character Test</u>	0
4 <u>Additional +/- Points</u>	
Effect on Valuation	0
5 <u>New/Additional Public Sewer System</u>	0
<u>New/Additional Public Water System</u>	0
SUBTOTAL:	0
GRAND TOTAL:	4605



PLANNING & DEVELOPMENT

STAFF REPORT

Regulation Amendment

PETITION: #10-04

APPLICANT: Riley County Planning Board

REQUEST: Amend Section 20 – (Board of Zoning Appeals) of the Riley County Zoning Regulations.

RILEY COUNTY ZONING REGULATIONS

SECTION 20 – BOARD OF ZONING APPEALS

Amend as follows: (Additions are in italics, deletions are struck out)

Insert the following:

4.

Variances may be granted only:

- d. ~~To increase the maximum building height not more than 25%.~~ To reduce the minimum yard requirements.
- e. To reduce minimum off-street parking requirements.
- f. ~~To reduce the size of a tract permitted to be rezoned to Zone A-3; except in no case shall the size of such tract be less than one acre.~~
- f. To increase the maximum building height not more than 25%.
- g. *To increase the maximum height of a non-commercial wind energy conversion system (as defined herein) by not more than 33%.*
- h. To permit the reconstruction or repair of and the continued nonconforming use of a structure that has been damaged by up to 75% of ~~it~~ *its* structural value; provided that the use of the structure is not changed nor its size increased.

BACKGROUND:**Item #1:**

In 2005, Riley County amended Section 22–Special Uses to include provisions for Wind Energy Conversion Systems (WECS). Since that time, there has been an increased state and national interest for renewable energy sources. Communities are strongly encouraged to formulate regulations that will make it easier for citizens to appropriately utilize renewable energy sources such as wind, solar and geothermal systems, while also protecting and maintaining community character. Recently, the Planning & Development Department has received several inquiries regarding the installation of private or non-commercial wind and solar energy systems.

One of the predominant issues that surfaced was that, in order for the installation of a non-commercial turbine to be economical and to operate efficiently, the turbine must be tall enough to receive unobstructed air flow. Although many jurisdictions have defined non-commercial wind energy systems as a single tower for private use, with a maximum height of 200 feet, Riley County Zoning Regulations require a maximum height of 150 feet. Consequently, many of the proposals seem to have considerable difficulty meeting this requirement and simultaneously providing a system that is functionally appropriate.

Rather than change the maximum height requirement for a non-commercial WECS, it was proposed to amend Section 20–Board of Zoning Appeals, of the Riley County Zoning Regulations, giving the Board of Zoning Appeals the authority to increase the maximum height of non-commercial WECS by no more than 33% (see g. above).

Item #2:

According to the density requirements in the Riley County Zoning Regulations, the minimum lot size for the “A-3” (Single Family Residential) zoning district is 6500 square feet. Thus, the struck out line above: “*f. To reduce the size of a tract permitted to be rezoned to Zone A-3; except in no case shall the size of such tract be less than one acre.*” was found to be inconsistent and therefore eliminated.

STAFF RECOMMENDATIONS:

Staff recommends approval of the amendment as published.

POSSIBLE MOTION(S)**ACTION NEEDED:**

A. Move to forward a recommendation of approval to the Board of Commissioners of Riley County of the amendments to the Riley County Zoning Regulations as published.

Or

B. Move to forward a recommendation of denial to the Board of Commissioners of Riley County of the amendments to the Riley County Zoning Regulations as published.