

# AGENDA

## RILEY COUNTY PLANNING BOARD

Monday, June 8, 2009  
7:30 p.m.

Commission Meeting Room  
Courthouse Plaza East

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### I. OPEN PUBLIC COMMENTS

### II. CONSENT AGENDA

1. Consider the minutes of the March 9, 2009 meeting.
2. Consider the Report of Fees for the months of March, April and May 2009.

### III. GENERAL AGENDA

1. Public Hearing at the request of Jeffrey David Smith, petitioner, and Jeffrey D. Smith and Eryn L. Smith, owners, to **rezone** a tract of land from "C-PUD" (Commercial Planned Unit Development) to "A-5" (Single Family Residential). **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners.**
2. Election of Officers.



# PLANNING & DEVELOPMENT

## STAFF REPORT

### Rezoning

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**PETITION:** (#09-04) Rezoning

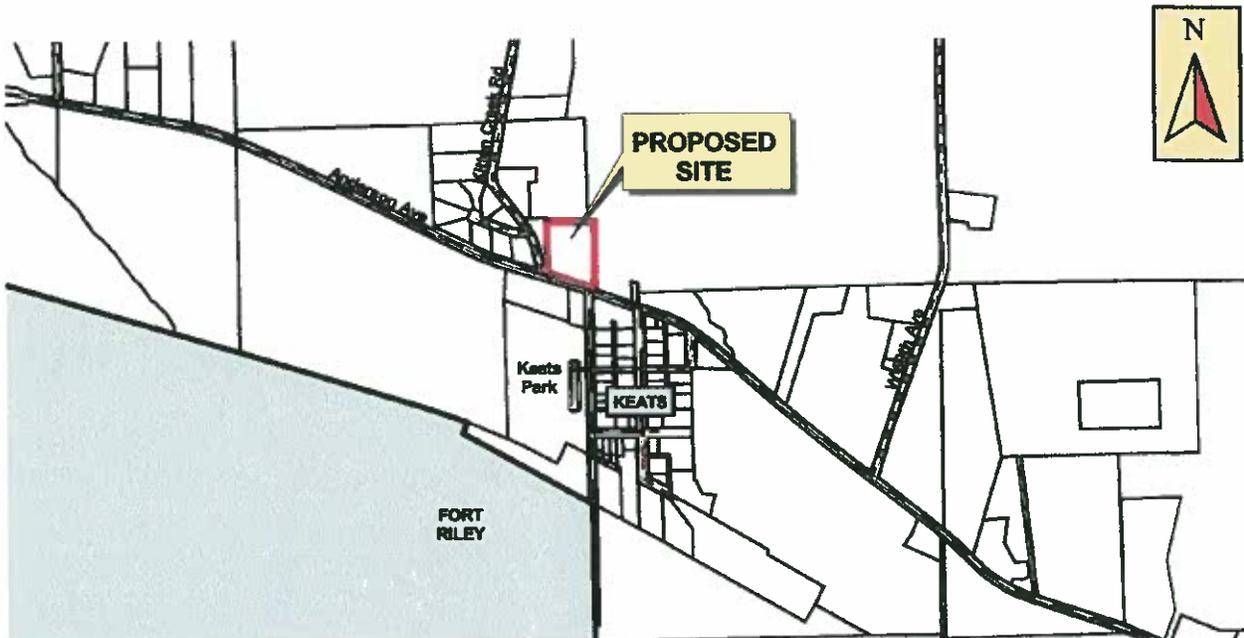
**APPLICANT:** Jeffrey David Smith  
4506 Kelsey Dr  
Manhattan, KS 66502

**PROPERTY OWNER:** Jeffrey D. Smith and Eryn L. Smith  
4506 Kelsey Dr  
Manhattan, KS 66502

**TYPE OF REQUEST:** Rezone a tract of land from “C-PUD” (Commercial Planned Unit Development) to “A-5” (Single Family Residential).

**SIZE OF TRACT:** The subject site is approximately 3.71 acres.

**LOCATION:** Generally located at the northwest corner of the intersection of Anderson Avenue and Reservation Drive (in Keats); Section 36, Township 9 South, Range 6 East; Wildcat Township.



**BACKGROUND:** The Applicant desires to rezone the property to a Single Family Residential (A-5) designation from a Commercial Planned Unit Development (C-PUD) in order convert the former school building into a home. The brick building has been used for Keats High School, a heavy equipment operation, an antique shop, an activity center, and has been abandoned at various points in time.

**DESCRIPTION:**

Physical site characteristics: The site contains a large brick building, accessory structures (two garage structures and a concessions stand), and a baseball field. The subject site has direct access to Anderson Avenue with two separate entrances. The west drive accesses the ball field and west side of the principal structure, while the drive along the eastern boundary of the property accesses the accessory structures and the east side of the principal structure. With the exception of the level ball field, the site generally slopes from north to south.

General character of the area: The subject site is located at the north end of the unincorporated townsite of Keats and is surrounded by a mix of rural and suburban residential uses.

**SUITABILITY OF ZONING:**

Zoning History: In June 1995, the property was rezoned from “D-2” (Light Industrial) to “C-PUD” (Commercial Planned Unit Development) to accommodate use as an activity center for sports and gatherings.

Current zoning: The current zoning of the property is “C-PUD” (Commercial Planned Unit Development). There are no variances or conditional uses associated with this property.

Proposed zoning: The Applicant wishes to rezone the subject property to “A-5” (Single Family Residential). The requested zoning designation will not be in violation of the Riley County Zoning Regulations or Sanitary Code.

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
NORTH	“G-1” (General Agricultural)	Residential
SOUTH	“G-1” (General Agricultural)	Residential
EAST	“G-1” (General Agricultural)	Agricultural / Residential
WEST	“G-1” (General Agricultural)	Residential

**POTENTIAL IMPACT:**

**Public facilities and services:**

Streets and bridges: As mentioned previously, the subject property has direct access to Anderson Avenue, a paved, two-lane county road. This portion of Anderson Avenue has the county designation of a major trafficway. No new entrances are proposed with this request.

Water and sewer: The site is currently served by rural water and an on-site septic system.

Fire: Riley County Fire District #1 currently serves this site. The nearest county fire station is located at 3141 W 69th Avenue in Keats.

Effect on public facilities and services: The request involves an existing structure with existing on-site water and sewer services. It is not anticipated that rezoning the subject property will have an adverse impact on public facilities and services. Down-zoning the property from a commercial planned unit development designation to a residential designation could minimize the potential traffic volumes typically associated with businesses or activity centers permitted by the current zoning designation.

#### **CONFORMANCE TO THE LAND USE PLAN:**

According to the Future Land Use Map found in the 1987 Riley County Comprehensive Plan, the subject site is projected for agricultural use. However, certain policies, goals and objectives of the Plan also support the need for new residential development and continued use of existing residential development. For example:

The Comprehensive Plan lists as its primary Goal of Residential Development:

*To provide decent and affordable housing for present and future populations of Riley County while preserving or protecting existing important agricultural, natural, cultural and historical resource areas.*

Staff analysis: The subject property has been developed for many years. Due to the character and location of the existing development, it is not anticipated that rezoning the property to a residential zoning district will conflict with nearby zoning designations and/or land uses. The requested zoning designation and proposed use of the property is consistent with the Plan.

#### **COMMENTS AND CONCERNS:**

HEALTH DEPARTMENT: The Riley County-Manhattan Health Department staff has reviewed this rezoning and found that the pending septic repair will bring the property into compliance with the Riley County Sanitary Code.

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

LAW ENFORCEMENT CENTER: The Assistant Director of the Law Enforcement Center has reviewed the request and had no comments.

RILEY COUNTY EMERGENCY MANAGEMENT: The Emergency Management Director has reviewed the request and had no comments.

FORT RILEY: The Director of Public Works 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 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 uses of the subject property are compatible with those of surrounding properties;
- The subject property has remained vacant as zoned for a substantial time period;
- The rezoning generally conforms to the 1987 Riley County Comprehensive Plan;
- The rezoning will not detrimentally affect the conservation of the natural resources of the County;
- The property is consistent with Riley County Zoning Regulations and Sanitary Code.

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

A. Move to approve the request to rezone the subject property from "C-PUD" (Commercial Planned Unit Development) 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:

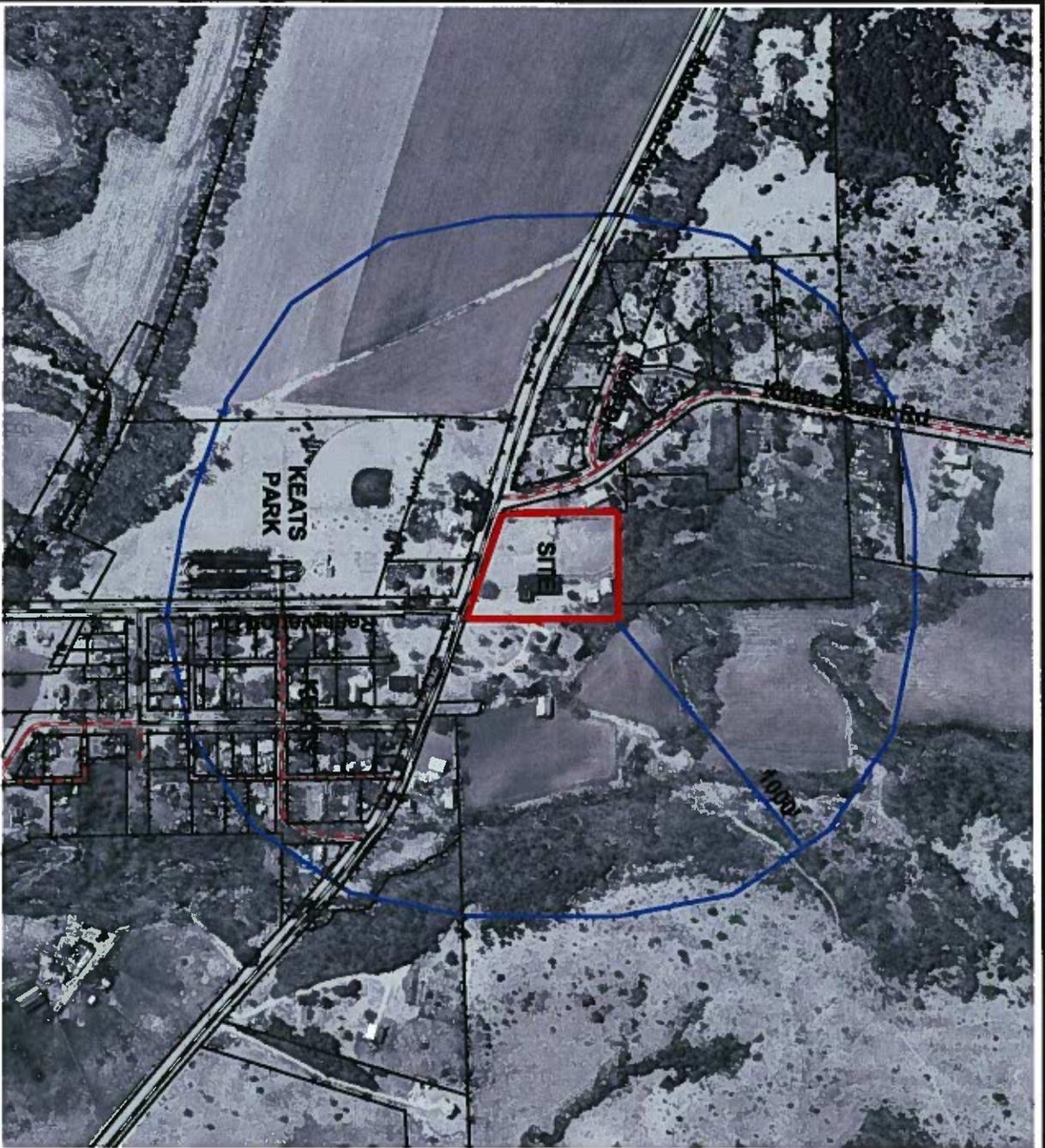
- The rezoning is incompatible with the character of the neighborhood.
- The rezoning is incompatible with the zoning and uses of properties nearby.
- The subject property is not suitable for the uses allowed by the proposed zoning.
- Removal of the current restrictions by rezoning will detrimentally 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.

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- ❑ 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.

**ATTACHMENTS:**

- Vicinity/site map
- Surrounding zoning map

Prepared by: Shannon Williams, Planning Intern  
May 27, 2009



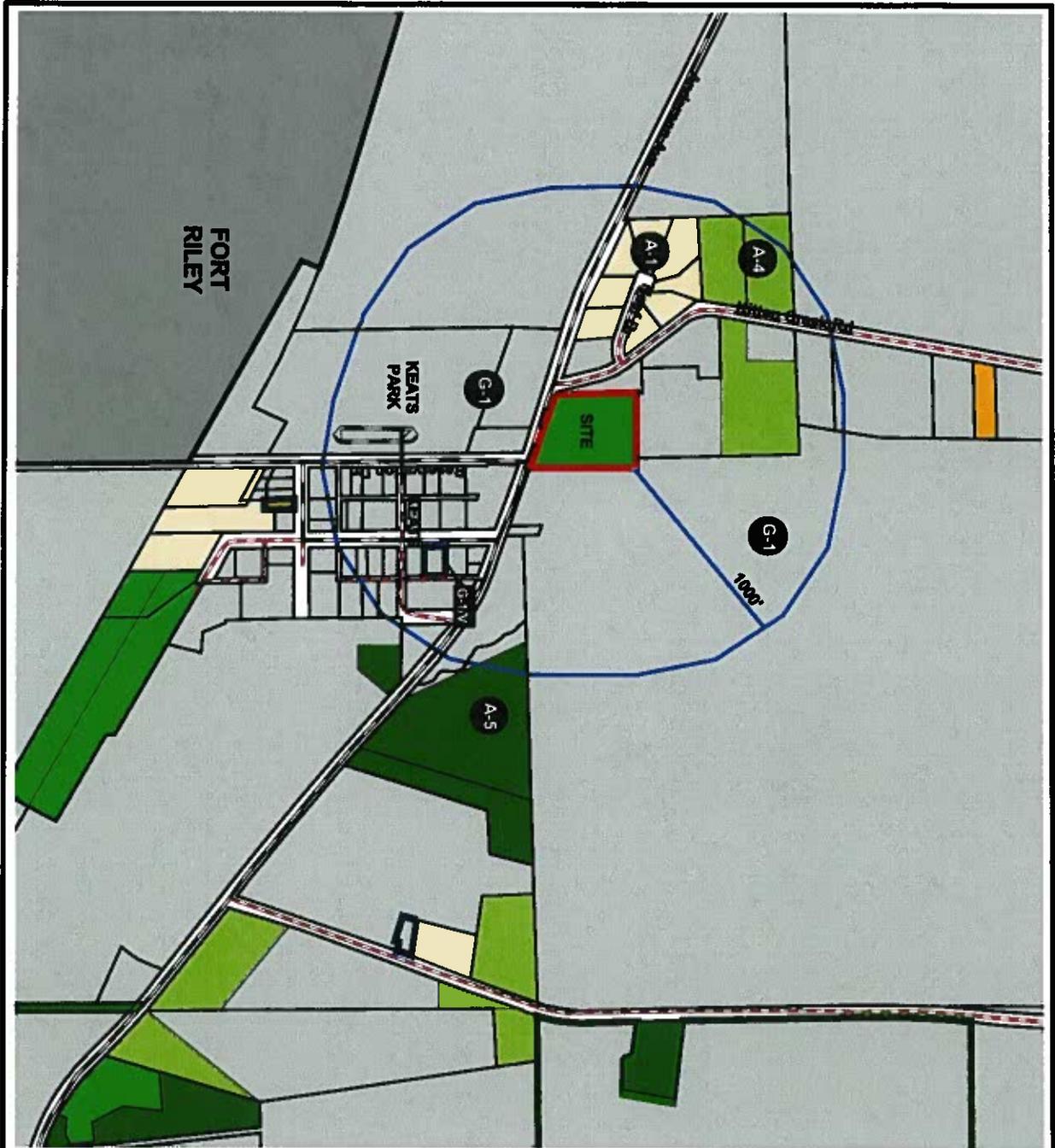
## VICINITY & SITE

Smith

Petition #09-04  
Rezone CPUD to A-5

36-9-6





# SURROUNDING ZONING

Smith  
 Petition #09-04  
 Rezone CPUD to A-5  
 36-9-6

- County Zoning
- A-1 Single Family
  - A-2 Single Family
  - A-3 Single Family
  - A-4 Single Family
  - A-5 Single Family
  - A-6 Single Family
  - B-1 Two Family
  - B-2 Multiple Family
  - B-3 Middle Income Park
  - C-1 Neighborhood Bus
  - C-2 Shopping Unit
  - C-3 Neighborhood Business
  - C-4 Highway Business
  - D-1 Industrial Park
  - D-2 Light Industrial
  - D-3 Int'l Industrial
  - D-4 Business Park
  - G-1 General Ag
  - H-1 Mobile Homez
  - PUD Planned Unit Dev
  - U University