

AGENDA

RILEY COUNTY PLANNING BOARD

Monday, July 13, 2009
7:30 p.m.

Commission Meeting Room
Courthouse Plaza East

I. OPEN PUBLIC COMMENTS

II. CONSENT AGENDA

1. Consider the minutes of the June 8, 2009 meeting.
2. Consider the Report of Fees for the month of June 2009.

III. GENERAL AGENDA

1. Public Hearing at the request of Galen and Nancy Hofman, 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**
2. Public Hearing at the request Galen and Nancy Hofman, petitioners and owners, to **plat** a tract of land in Fancy Creek Township, Section 20, Township 7 South, Range 5 East, in Riley County, Kansas, into one (1) residential lot. **ACTION NEEDED: approve/deny plat.**



PLANNING & DEVELOPMENT

STAFF REPORT

Platting and Rezoning

PETITION: (#09-05) Rezone from "G-1" (General Agricultural) to "A-5" (Single Family Residential)
(#09-06) Plat

APPLICANT: Galen and Nancy Hofman
15960 Walsburg Rd
Leonardville, KS 66449

PROPERTY OWNER: Galen and Nancy Hofman
15960 Walsburg Rd
Leonardville, KS 66449

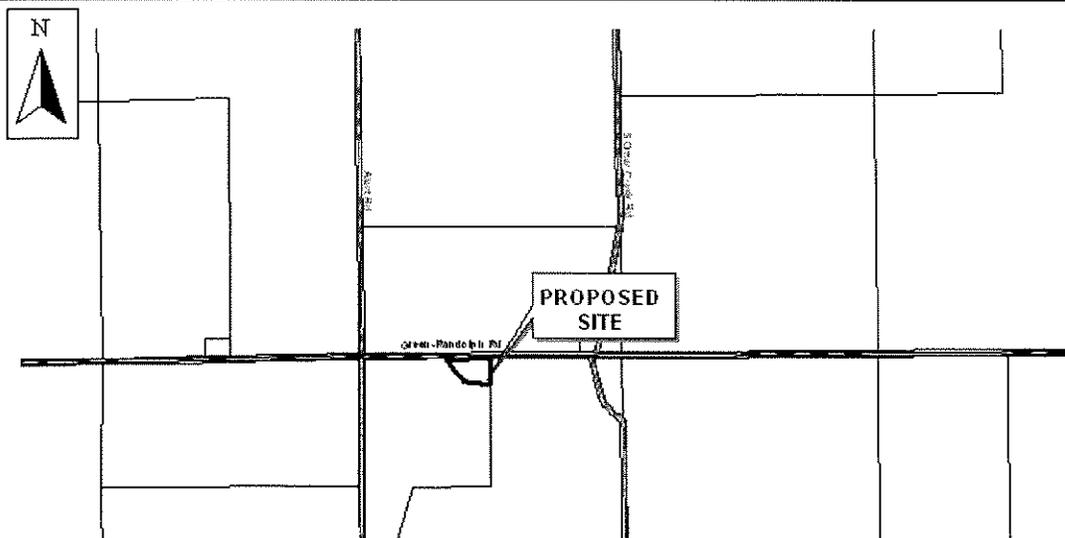
CONTRACT PURCHASER: Monte Adkins
3805 Almond Dr #108
St George, KS 66535

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

SIZE OF TRACT: The subject site is approximately 2.0 acres.

LOCATION: Generally located approximately 900 feet east of Alert Road, on the south side of Green-Randolph Road; Section 20, Township 7 South, Range 5 East; Fancy Creek Township.

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



BACKGROUND: The subject property is an approximately 2-acre portion of a larger tract of land. The applicant seeks to subdivide the subject property under the auspices of an “extraneous farmstead”, while keeping the remainder of the parent tract in agricultural production.

DESCRIPTION:

Physical site characteristics: The subject property has been developed as a farmstead for several years with a house, various outbuildings and several mature trees.

General character of the area: The area is predominantly agricultural in character.

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 state that the minimum lot area for a single-family dwelling in a “G-1” General Agricultural zoning district is 20 acres. Thus, being that the subject site is less than 20 acres and is developed with a single family dwelling, the logical zoning district classification is “A-5” Single Family Residential.

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

POTENTIAL IMPACT:

Public facilities and services:

Streets and bridges: The subject property has direct access to Green-Randolph Road, a paved, two-lane county road. No new entrances are proposed with this request.

Water and sewer: The subject property is served by an on-site septic system and water well. Municipal-type systems are not available in the area.

Fire: Riley County Fire District #1 will serve the site. The nearest County Fire Station is the May Day Fire Station, located at 17925 Mayday Road. The subject site is located within five road miles of a fire station.

Effect on public facilities and services: The request involves an existing single family dwelling with existing on-site water and sewer services. It is not anticipated that platting and rezoning the subject property will have an adverse impact on public facilities and services.

CONFORMANCE TO THE LAND USE PLAN:

According to the Future Land Use Map found in the 1987 Riley County Comprehensive Plan, this general area 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.

and:

Objective R1 - *Recognize and maintain or upgrade the particular residential, regional rural character of existing areas.*

Staff analysis: The subject property has been developed for several years as the residential portion of a farmstead. 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 normal farming operations. 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 comments.

COUNTY ENGINEER: The Riley County Engineer 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 stated that the property is on the edge of the 5-mile initial response area from the May Day Station. The homeowner may incur higher insurance rates and delayed response times from the fire district.

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 reasonably compatible with those of surrounding properties;
- The rezoning generally conforms to the 1987 Riley County Comprehensive Plan;
- Although spot zoning is not recommended to encourage new development or premature subdivision of agricultural land, the subject property has been developed for several years as a residential property. Rather than abandoning the house (and outbuildings) and allowing them to go into disrepair, property owners should be allowed to divide the property so that the extraneous home site (no longer needed as part of the farming operation) and the surrounding cropland can both remain in use;
- The property is consistent with Riley County Zoning Regulations and Sanitary Code.

Staff also recommends approval of the Final Plat of Hofman Addition, 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 one (1) lot, 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 one (1) lot, 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

Prepared by: Shannon Williams, Planning Intern
July 2, 2009



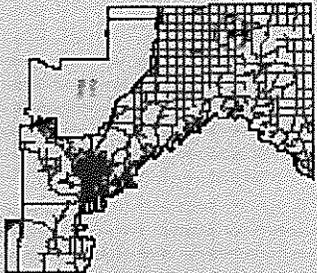
VICINITY & SITE

Hofman

Petition #09-05
 Rezone G-1 to A-5

Petition #09-06
 Plat - Hofman Addn

20-7-5





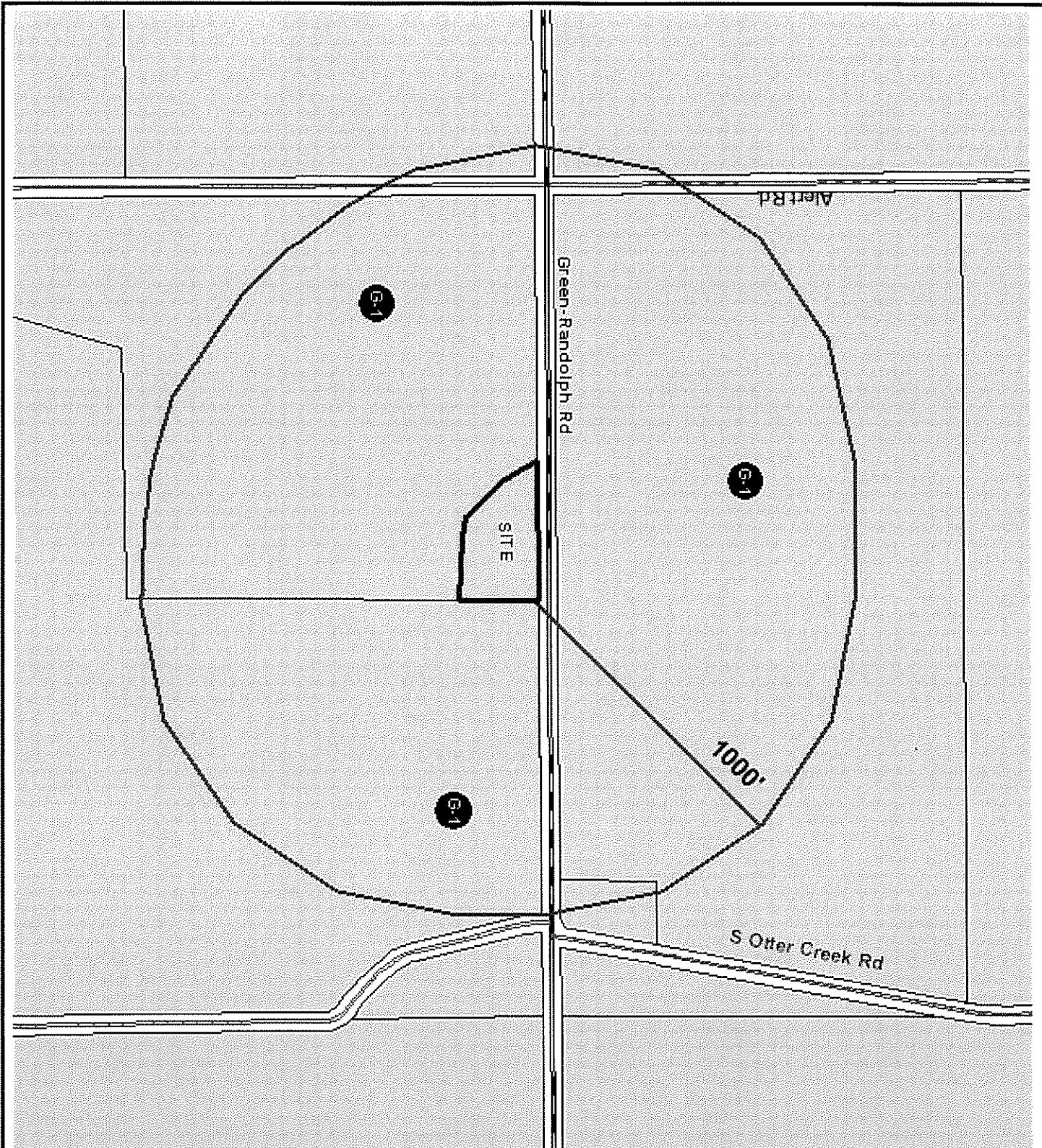
SURROUNDING ZONING

Hofman

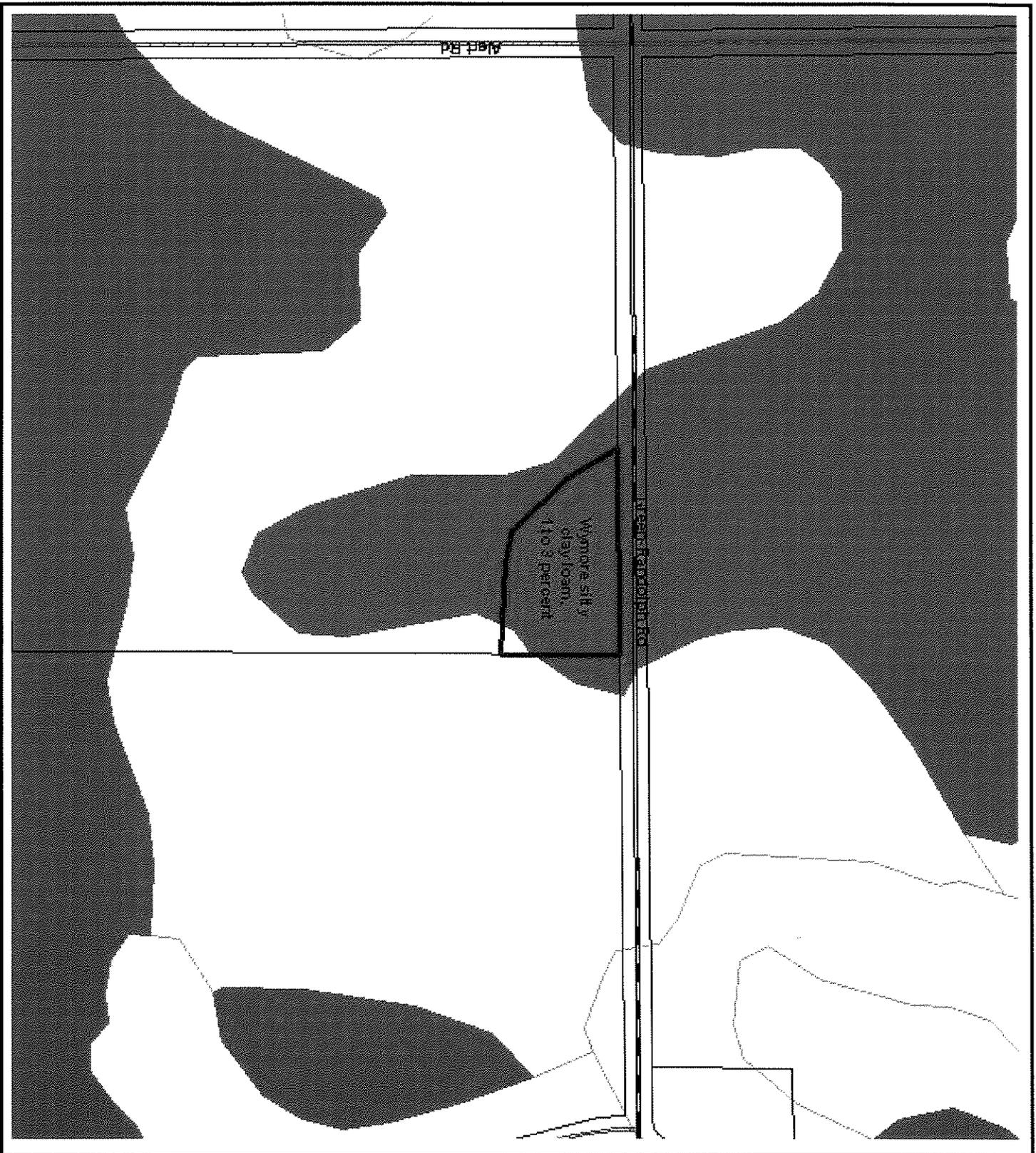
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 Plat - Hofman Addn

20-7-5



- County Zoning**
- A-1 Single Family
 - A-2 Single Family
 - A-3 Single Family
 - A-4 Single Family
 - A-5 Single Family
 - B-1 Neighborhood
 - B-2 Medium Density
 - B-3 Medium Density Parks
 - B-4 Neighborhood Open
 - B-5 Shopping Park
 - B-6 District Business
 - B-7 Regional Business
 - B-8 Retail Park
 - B-9 Light Industrial
 - B-10 Heavy Industrial
 - C-1 Cemetery Park
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 - C-100 Cemetery Park



SOILS

Hofman

Petition #09-05
Rezone G-1 to A-5

Petition #09-06
Plat - Hofman Addn

20-7-5

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

DESCRIPTION:

A tract of land in the West Half of the Northwest Quarter of Section 20, Township 7 South, Range 5 East of the Sixth Principal Meridian, Riley County, Kansas, described as follows:

Beginning at a point that is N 89°40'43" W 1311.27 feet from the Northeast Corner of the Northwest Quarter of said Section 20, said point being the Northeast Corner of the West Half of the Northwest Quarter of said Section 20 and Corner 1, marked by a 1/2" rebar; thence S 00°20'10" W 252.41 feet along the East Line of the West Half of the Northwest Quarter of said Section 20 to Corner 2, marked by a 1/2" rebar; thence N 88°22'56" W 198.94 feet to Corner 3, marked by a 1/2" rebar; thence N 78°38'42" W 70.89 feet to Corner 4, marked by a 1/2" rebar; thence N 43°15'09" W 188.48 feet to Corner 5, marked by a 1/2" rebar; thence N 29°53'57" W 156.72 feet to the North Line of the West Half of the Northwest Quarter of said Section 20 and Corner 8, marked by a 1/2" rebar; thence S 89°40'43" E 481.27 feet to the point of beginning, containing 2.32 acres. Subject to easements and restrictions of record.

OWNER'S CERTIFICATE

STATE OF KANSAS) SS
COUNTY OF RILEY)

This is to certify that the undersigned is/are the owner(s) of the land herein described on this plat, and that said owner(s) has/have caused the same to be surveyed and subdivided as indicated thereon, for the use and purpose 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.

Galen A. Hofman Nancy K. Hofman

NOTARY CERTIFICATE

STATE OF KANSAS) SS
COUNTY OF RILEY)

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

Galen A. Hofman and Nancy K. Hofman, 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) SS
COUNTY OF RILEY)

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

Chairperson Commissioner

Commissioner Attest: County Clerk

CERTIFICATE OF THE REGISTER OF DEEDS

STATE OF KANSAS) SS
COUNTY OF RILEY)

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

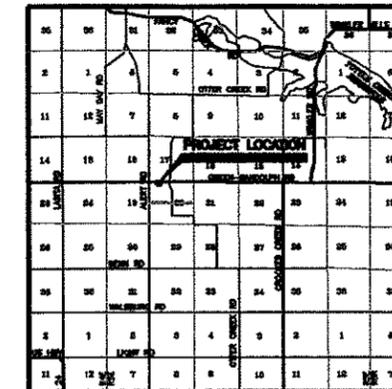
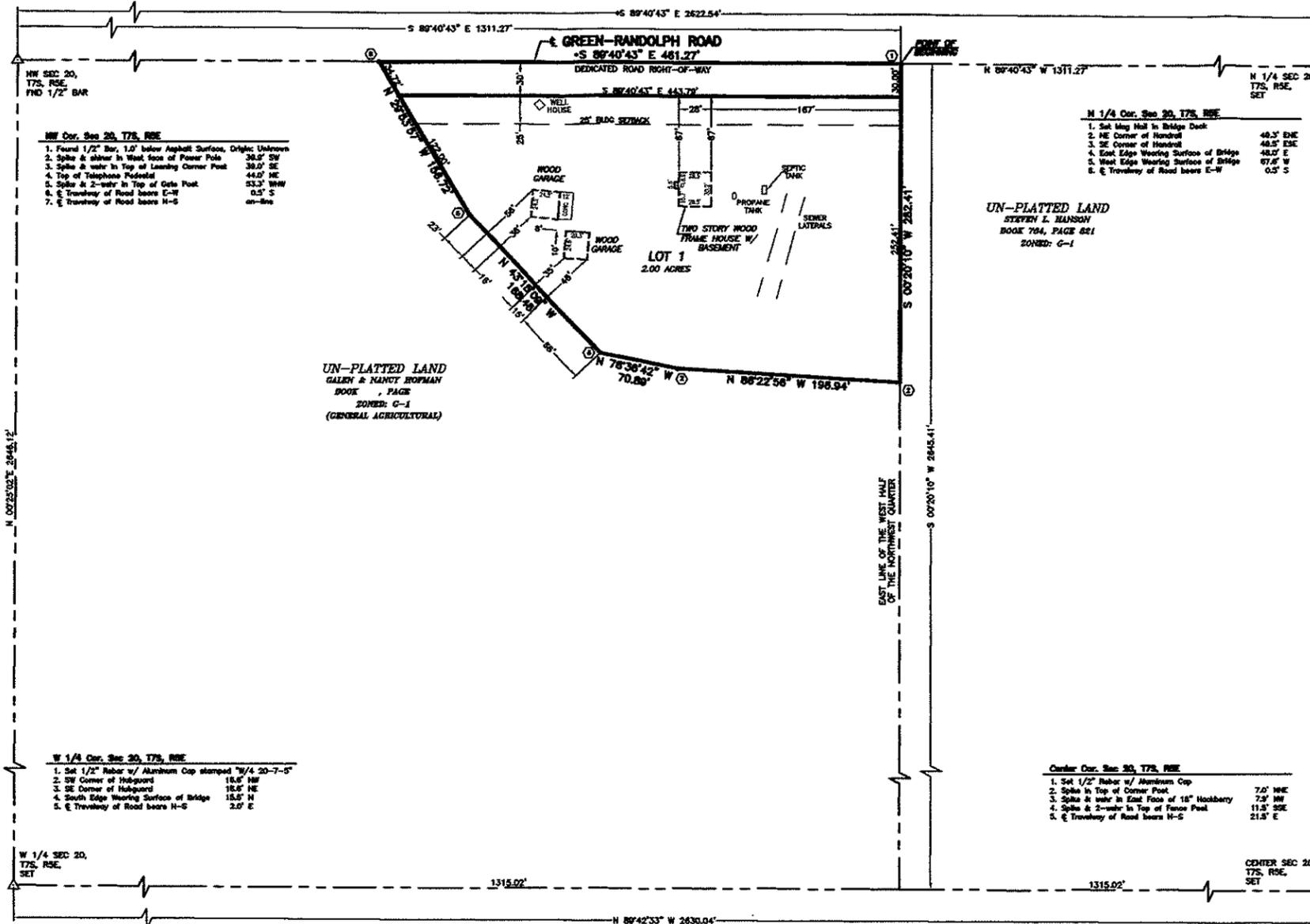
Register of Deeds

Deputy

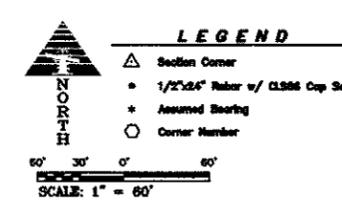
RILEY COUNTY PLAT REVIEW SURVEYOR SIGNATURE BLOCK

This plat has been reviewed and approved for filing pursuant to K.S.A. 88-2005 and with the requirements of Riley County Resolution No. 080405-48. No other warranties are extended or implied.

Approved: _____ Date: _____
License Number: _____



VICINITY MAP (NOT TO SCALE)



NOTE: If an entrance pipe is required, the minimum size shall be calculated in accordance with the Riley County Standards and Specifications. In no case shall the diameter of the pipe be less than 18 inches.

NOTE: The basis of bearings of this plat are assumed S 89°40'43" E on the North Line of Section 20-7-5.

FLOOD INFORMATION NOTE: Flood Insurance Rate Map, Map Number 201010122E, identifies this property as situated in Zone X, Zone X stated on "Flood Determined to be outside the 0.2% annual chance floodplain". FIRM effective date: November 10, 2003.

APPROVAL OF COUNTY OFFICERS

STATE OF KANSAS) SS
COUNTY OF RILEY)

County Engineer

County Counselor

County Health Officer

RILEY COUNTY PLANNING BOARD CERTIFICATE

STATE OF KANSAS) SS
COUNTY OF RILEY)

Approved this _____ day of _____, A.D. 2009.

Riley County Planning Board.

Chairperson Member

Member Member

Member

SURVEYOR'S CERTIFICATE

STATE OF KANSAS) SS
COUNTY OF RILEY)

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 regulations 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.

Sloan Meier Hancock - Engineers Surveyors
By: Tim Sloan

Tim Sloan, R.L.S.
Vice-President

Final Plat
HOFMAN ADDITION
in the Northwest Quarter of Section 20,
T7S, R5E, Riley County, Kansas



SLOAN MEIER HANCOCK

ENGINEERS - SURVEYORS P.A.

103 South 4th Street, Suite 1 - Manhattan, Kansas 66502

(785) 778-0541 • FAX 778-9780 • Email: tm@meierandhancock.com

Project #09050685 DD #15

JUNE 2009