

AGENDA

RILEY COUNTY PLANNING BOARD

Monday, December 14, 2009
7:30 p.m.

Commission Meeting Room
Courthouse Plaza East

I. OPEN PUBLIC COMMENTS

II. CONSENT AGENDA

1. Consider the minutes of the October 12, 2009 meeting.
2. Consider the Report of Fees for the month of October and November 2009.

III. GENERAL AGENDA

1. Public Hearing at the request of William J. Freeborn, petitioner, and Chester F. and Ella M. Allen and Ricky R. Allen, owners, to **rezone** a tract of land from "A-1" (Single Family Residential) to "A-5" (Single Family Residential). **ACTION NEEDED: Recommend approval/denial to the Board of County Commissioners**
2. Public Hearing at the request of William J. Freeborn, petitioner, and William J. Freeborn, Chester F. and Ella M. Allen, Ricky R. Allen, and Kurtis A. Lovgren, owners, to **plat** two unplatted tracts of land along with Lot 1 of Lovgren Addition in Wildcat Township, Section 28, Township 9 South, Range 7 East, in Riley County, Kansas. **ACTION NEEDED: approve/deny plat.**
3. Discussion on regulations with Clarion Associates.

BACKGROUND: The petition includes three individual, contiguous parcels described as follows:

1. An unplatted .89-acre tract that was rezoned from "G-1" (General Agricultural) to "A-1" (Single Family Residential) in 1988 (#88-04) in order to allow the replacement of an existing residence with a modular home on a permanent foundation. A building permit was issued in April 1988 for the existing residence.
2. An unplatted 9.7-acre tract that was rezoned from "G-1" (General Agricultural) to "A-5" (Single Family Residential) in 1978 (#78-56) for the purpose of establishing a residence. A building permit was issued in March 1979 for the existing residence.
3. Lot 1 of Lovgren Addition; platted and rezoned from "G-1" (General Agricultural) to "A-5" (Single Family Residential) in 1985 (#85-44 & #85-45) for the purpose of establishing a residential lot. A building permit was issued in August 1988 for the existing residence.

The Applicant and the owners of the aforementioned tracts wish to reestablish the property lines between each of the tracts via platting/replatting and rezone the .89-acre tract from "A-1" (Single Family Residential) to "A-5" (Single Family Residential).

DESCRIPTION:

Physical site characteristics: Each of the tracts is developed with a single family residence. The subject site consists predominantly of mature trees and other forms of vegetation.

General character of the area: The area is a mix of very low density residential development and heavily-wooded open space.

SUITABILITY OF ZONING:

Zoning History: (see background)

Current zoning: The current zoning of the subject property is "A-1" (Single Family Residential) and "A-5" (Single Family Residential).

Proposed zoning: The Applicant is proposing to rezone the aforementioned .89-acre tract from "A-1" (Single Family Residential) to "A-5" (Single Family Residential) to match to the zoning designation of neighboring properties.

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
NORTH	"A-5" (Single Family Residential)	Residential
SOUTH	"A-5" (Single Family Residential)	Residential
EAST	"A-5" (Single Family Residential) & "G-1" (General Agricultural)	Residential and open space
WEST	"A-5" (Single Family Residential) & "G-1" (General Agricultural)	Residential and open space

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

Streets and bridges: The subject property has direct access to Marlatt Avenue, a two-lane, gravel township road. No new entrances are proposed with this request.

Water and sewer: Each of the individual properties included with the proposed plat are served by on-site septic systems and RWD #1.

Fire: Riley County Fire District #1 will serve the site. The nearest County Fire Station is the Tuttle Cove Fire Station, located at 5175 Tuttle Cove Road. The subject site is located within five road miles of a fire station.

Effect on public facilities and 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 2003 Manhattan Urban Area Comprehensive Plan, this general area is projected for rural residential use.

Staff analysis: The subject property is in an area that is a mix of suburban residential and rural land uses. Due to the character and density of existing development, it is not anticipated that the request to plat and rezone the subject property will conflict with surrounding land uses.

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.

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 conforms to the 2003 Manhattan Urban Area Comprehensive Plan;
- The subject property has been residentially developed for several years;
- The request is consistent with Riley County Zoning Regulations and Sanitary Code.

Staff also recommends approval of the Final Plat of Freeborn-Allen Lovgren 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 “A-1” (Single Family Residential) 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 three (3) 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 three (3) 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
- Final Plat map

Prepared by: Bob Isaac, Planner
December 4, 2009



VICINITY & SITE

Freeborn

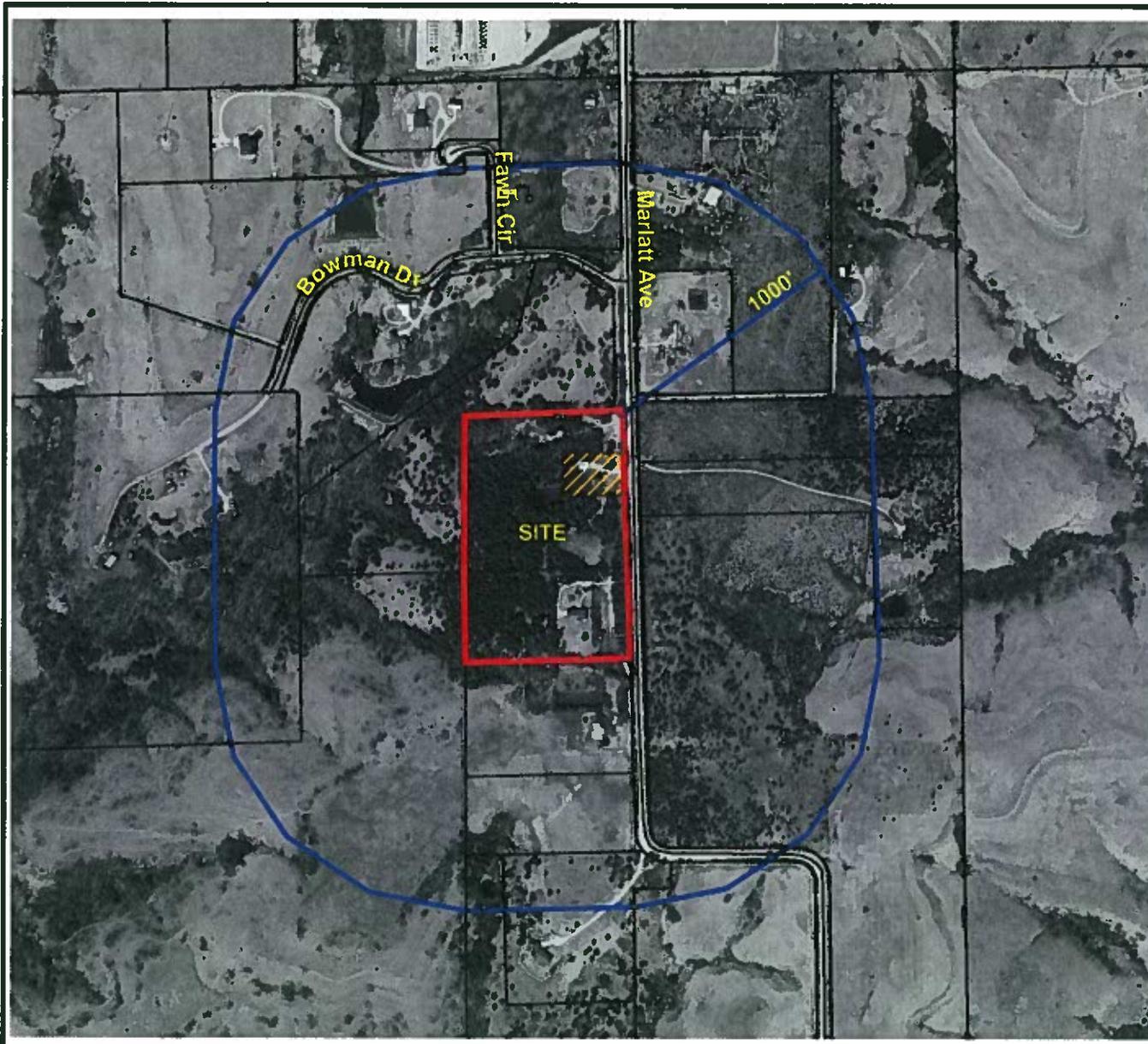
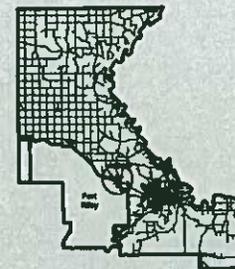
Petition #09-14
Rezone A-1 to A-5

Petition #09-15
Freeborn-Allen
Lovgren Addn

28-9-7

 Rezone A-1 to A-5

 Plat/Replat





SURROUNDING ZONING

Freeborn

Petition #09-14
Rezone A-1 to A-5

Petition #09-15
Freeborn-Allen
Lovgren Addn

28-9-7

- 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
 - G-1 General Ag
 - N-1 Noise Hazard
 - PUD Planned Unit Dev
 - U University
 - City Boundaries
 - Fort Riley

