

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**September 15, 2008**  
**7:00 p.m.**

**MEMBERS PRESENT**, Chairperson Jerry Reynard; Stephanie Rolley, Vice-Chairperson; George Ham; Mike Hill; Mike Kratochvil; and Bill Meredith.

**MEMBERS ABSENT**: Nikki Miller.

**YOUTH IN GOVERNMENT**: NONE.

**STAFF PRESENT**: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner II; Chad Bunger, Planner; and Rob Ott, P.E., City Engineer.

**OPEN PUBLIC COMMENTS**

No one spoke.

**GENERAL AGENDA**

**A PUBLIC HEARING TO REZONE AN APPROXIMATE SIX AND SIX TENTHS (6.6) ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH OF THE EASTERN INTERSECTION OF EUREKA DRIVE AND EUREKA TERRACE AND IMMEDIATELY SOUTH OF STAR LUMBER & SUPPLY, FROM C-6, HEAVY COMMERCIAL DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT, TO PUD, INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT. THE PROPOSED USE OF THE PROPERTY IS TO ALLOW A PERMANENT CONCRETE BATCH PLANT WITH OFFICE AND SHOP, A PORTABLE CONCRETE BATCH PLANT, THE PRODUCTION OF CONCRETE LANDSCAPING BLOCKS, A FUTURE SHOP, AND OTHER ACCESSORY USES AND IMPROVEMENTS. (APPLICANT: PENNY'S CONCRETE INC. -- DAVID HOOVER, PRESIDENT /OWNER: SSF DEVELOPMENT, LLC % SCI OF MANHATTAN, INC.-TIM SCHULTZ)**

Zilkie presented the staff report and recommended approval with nine conditions of approval.

Rolley asked about truck routes with the future alignment of K-18 and whether trucks would have difficulty navigating roundabouts. Zilkie said there is nothing out of the ordinary about the size of the trucks that would prevent them from being able to navigate roundabouts.

Kratochvil asked about the reference to a future shop under proposed uses, and whether that was being approved with this PUD. Zilkie said if this shop is shown in the Final Development Plan it would be approved at that point.

Kratochvil said he does not think there is enough parking shown with the PUD. Zilkie said the parking was calculated based on the permanent plant, and that the parking could be shown on the Final Development Plan.

David Hoover, President of Penney's Concrete, thanked the Board for considering the request. Hoover said their proposal is a strong package and will be a unique ready-mix operation in the midwest. Hoover said the operation will be very accommodating to the neighborhood. Hoover said most of the truck traffic will go east from the site although it is possible that some will go west. Hoover said roundabouts will be able to accommodate their trucks and that any road improvements will do nothing but enhance access to and from the site. Hoover said the site is as good as it can get in terms of location and access.

Ham asked if the fixed structure would be the principal plant. Hoover said that is the case and that the temporary structure would be for peak situations.

Rolley asked whether bad batches of concrete would be recycled. Hoover said bad batches typically become landscape blocks. Hoover said they hope to use well water for as much as they need, rather than using city water. Hoover said they do desire to be green; to be accommodating and responsible.

Rolley said she appreciates the use of Junipers for screening but asked whether they might consider a mix of species for more diversity rather than a monoculture, to prevent against disease. Hoover described what he had been told by their arborist; that these trees are fairly disease-resistant and that their main problem is bagworms.

Mark Bachamp, Schultz Construction, requested that Condition #8 be modified to remove the requirement that trash enclosures be masonry. Bachamp said the trash enclosures would be entirely inside the fully-screened facility. Bachamp said they would prefer to use landscape blocks on the sides of the dumpster.

Bachamp, in response to the question about parking, said there is ample space on site to handle parking demands. The plan shows designated parking spaces for visitor parking but they wanted more flexibility in terms of where trucks will park so those parking spaces are not designated on the plan.

Bachamp said they are looking at approximately 30 to 46 trucks per day exiting onto Eureka Drive under peak flow of traffic. Bachamp compared that to the traffic study that was done for the Eureka Addition that projects 785 vehicles per day exiting the east entrance of Eureka Addition and over 2000 vehicles per day exiting the west entrance.

Reynard opened the public hearing.

Nick Edvy (4813 Eureka Drive) said he has lived in the area since 1968. Edvy said he has concerns about increased traffic along Eureka Drive from the semi-trucks. Edvy said he is not convinced the product will be contained within the building or within the site. Edvy noted that the surrounding area includes neighborhoods with children and Job Corps students. Edvy said he doesn't think it has been desired or planned to have heavy industry in this area. Edvy said he is concerned that semi-truck traffic at late hours will destroy the neighborhood.

Tony Goebel, Vice President of Operations for Star Lumber, said his concerns are primarily about noise and visibility, although traffic may become an issue in the future. Goebel said he would prefer there be an 8' tall fence to screen the north and east sides of the property.

Clifford Thorburn (4905 Eureka Drive) said one of his major concerns is pollution from the plant. Thorburn expressed concerns about traffic, pollution and noise from trucks operating at all hours of the night, and about the plant operation leading to water contamination in Eureka Valley.

Paul Cassella (1211 Roever Road) said a concrete batch plant at this site will limit other types of businesses from locating in the park.

Meredith asked that the applicant talk about the dust issue.

Hoover discussed how they must get approval from the Kansas Department of Health and Environment and have to meet standards before receiving a construction permit and operational permit. Hoover said the State has authority to regulate the operation and that residents have the right to protest if there is fugitive dust coming from the property.

Hoover showed pictures of some of their other concrete batch plants and made mention of their proximity to other uses.

Hoover said the principal source of dust is cement powder, and explained that concrete is made up of cement, water, and fine and course aggregate. Hoover said the cement dust is delivered in bulk tankers and discharged it into a sealed pipe; it goes through a sealed tank, and then through a dust collector, which is 99.99% efficient.

Hoover said water is added to rock stockpiles to control fugitive dust.

Hoover, in response to questions raised about truck pollution, described the emission controls on their trucks.

Hoover, in response to the issue of water pollution, said that concrete is a clean product, in that it involves only water, cement, sand and rock. Hoover said they meet all Federal discharge rules and regulations.

Rolley asked for a response regarding Mr. Goebels' request for a screening fence.

Hoover said the screening being proposed exceeds what is normally required for typical situations. Hoover said they feel the trees will provide thorough screening, at a height of 25-feet and spaced 14-feet apart. Hoover said the trees, when planted, will be at the height of the fence and then will grow larger.

Rolley discussed the intent of Planned Unit Developments, to produce better plans that help both the property owner and the community. Rolley noted that this project is in a highly visible location at a gateway to Manhattan

Hoover said their intent is always to do the right thing, and said they want to follow the rules.

Rolley asked Mr. Goebel to discuss what he feels is insufficient about the "green screen." Goebel said he likes trees and believes they can provide good screening but, at some point, they are going to die. Goebel said he would not have a problem if the trees are kept up and dead trees are replaced.

Reynard closed the public hearing.

Ham asked what zoning districts would allow for concrete batch plants. Zilkie said those can only be done in the I-4 District or through a PUD.

Ham asked about the status of a county project to put in a new right-turn lane for eastbound traffic at the intersection of Eureka Drive and Scenic Lane. Ott said he'd had a recent conversation with Leon Hobson, the Riley County Engineer, and the project is scheduled to bid in the spring of 2009. Ott said he believes a left-turn lane from Scenic onto Eureka is also a component of the same project.

Reynard asked Ott to speak about the conditions of the roads and whether they can handle the additional traffic.

Ott said that, if the PUD is approved, approximately 25 percent of the lots within Eureka Addition would be occupied but less than 25 percent of its traffic capacity would be used up. Ott said there is still room for more growth compared to what was shown in the traffic study when the Eureka Addition was originally approved.

Ott said Eureka Terrace was designed to accommodate this type of traffic, with 7-inch concrete and 50-foot radii at the two connection points with Eureka Drive. There is also additional right-of-way dedicated on the south side of Eureka Drive so that it may be widened, when necessary.

In addressing a question brought up earlier about trucks being able to maneuver through roundabouts, Ott said he did not believe the width or turning radii of these trucks would be any different than any other concrete trucks that currently use the roundabout at Grand Mere.

Kratochvil said he does not feel comfortable allowing the portable concrete batch plant. Kratochvil said that after looking at several local concrete companies he feels there is enough space for a permanent batch plant at this site but that an additional portable batch plant is pushing it. Kratochvil said having two plants at this site may be detrimental to the quality of life of the neighbors. Kratochvil questioned whether there is enough space to store materials if there are two plants running at the same time.

Hoover said they have 6 ½ acres on this site, and stated they have built plants on 1 ¼ acres. Hoover said there will be area for stockpiling. Hoover said generally only one plant will be running at a time. Hoover said this development does not make economic sense without both plants.

Ham moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Penny's Concrete PUD, from C-6, Heavy Commercial District, with AO, Airport Overlay District, to PUD, Industrial Planned Unit Development District, with AO, Airport Overlay District, based on the findings in the Staff Report, with the nine conditions recommended by City Administration:

1. Permitted uses shall include a permanent Concrete Batch Plant, a portable Concrete Batch Plant, the production and storage of concrete landscaping blocks, and a vehicle and equipment maintenance shop.
2. Perimeter and front yard landscaping and screening shall be provided as proposed.
3. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
4. All landscaping and irrigation shall be maintained in good condition.
5. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall not cast direct light onto public or private streets or adjacent property and shall be full cut-off design.
6. Signage shall be provided as proposed to include one ground entry sign.
7. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
8. All trash enclosures shall be constructed of masonry walls with gates.
9. Dust control mitigation shall be provided as proposed for material storage areas and conveyors.

Meredith seconded the motion.

Ham and Meredith accepted a friendly amendment from Hill, to modify Condition #8, requiring the walls of the trash enclosure to be concrete blocks rather than masonry.

The motion passed on a vote of 5-1, with Kratochvil voting in opposition.

**REPORTS AND COMMENTS BY BOARD MEMBERS**

There were none.

Respectfully submitted,

Cam Moeller, Planner II