

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Monday, March 15, 2010
7:00 p.m.

MEMBERS PRESENT: Bill Meredith, Chairperson; Jerry Reynard, Vice-Chair; Linda Morse; and Mike Kratochvil.

MEMBERS ABSENT: Mike Hill; Stephanie Rolley; Nikki Miller.

STAFF PRESENT: Steve Zilkie, Senior Planner; Lance Evans, Senior Planner; Chad Bunger, Planner II; and Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE February 18, 2010, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Morse moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 4-0.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER A PRELIMINARY PLAT AND FINAL PLAT OF AN APPROXIMATE 95-ACRE TRACT OF LAND GENERALLY LOCATED EAST OF FOSSILRIDGE DRIVE IN THE SCENIC MEADOWS ADDITION, UNIT TWO. PROPOSED CHANGES INCLUDE A REVISED STREET LAYOUT, DELETING A CONDITION OF APPROVAL RELATED TO THE BASE FLOOD ELEVATION ESTABLISHED BY THE MANHATTAN URBAN AREA PLANNING BOARD, AND OTHER PLAT ISSUES. THE PROPOSED SCENIC MEADOWS ADDITION, UNIT THREE, WILL CONSIST OF 88 SINGLE-FAMILY RESIDENTIAL LOTS AND FOUR TRACTS OF COMMON AREA. (APPLICANT: SMH CONSULTANTS – JEFF HANCOCK ON BEHALF OF THE OWNERS: CEDAR HILLS DEVELOPMENT – FRANK TILLMAN; HARRIS CUSTOM HOMES, LLC – ROBERT HARRIS; TROY AND WENDY PFEIFER; JASON AND NICOLE PEABODY; BROOK SWARTZ; MICHAEL TYLER AND JANEL TYLER; GARY AND STEPHANIE STAATS; AND, RUSSEL AND LINDA WILSON)

Bunger presented the staff reports recommending approval of the Preliminary Plat and Final Plat.

Reynard asked if that part of the lot, which is currently dedicated as conservation easement, will remain with the lot after the conservation easement is vacated. Bunger said yes.

Reynard asked how flood insurance for the properties would be impacted if the base flood elevation (BFE) was altered to 1034 feet. Bunger responded that the flood insurance is based solely on the Flood Insurance Study, which established the BFE of 1033 feet. In some cases, adding additional fill above the minimum requirement of the Zoning Regulations would decrease the annual premium for flood insurance, however the condition to increase the BFE in the subdivision to 1036 feet requires more lots to be elevated than required by the floodplain regulations.

Reynard asked what impacts the realignment of K-18 Highway has on the storm water runoff of the area. Bunger deferred to the applicant's consultant and the City Engineer. Rob Ott, City Engineer, explained the plans for the K-18 Highway and KDOT's plans for managing the storm water runoff.

Meredith asked the requirements of flood insurance. Bunger explained the general requirements of flood insurance.

Morse asked if the lots along Shadowridge Drive will require in-home sprinkler systems. Bunger explained the requirement to require in-home residential sprinkler systems and the Fire Marshall has determined the 34 lots along Shadowridge Drive will not have to provide in-home sprinkler systems.

Morse asked how wide the street will be and if there will be parking on both sides. Bunger explained the width of the right-of-way (ROW), 60-feet, and the standard street width, 31-feet. Ott said, at this time, parking will be permitted on both sides of the street in the subdivision. Morse expressed her concerns about access for emergency vehicles along the long cul-de-sac to reach the houses. She felt that the long cul-de-sac was becoming the norm and the compromises were becoming the usual.

Meredith opened the public hearing.

Jeff Hancock, SMH Consultants and the applicant's consultant, explained his experiences with dealing with properties in the flood plain and the insurance requirements.

Hancock provided information about KDOT's K-18 Highway construction plans and how the construction plans impact the subdivision and the FEMA BFE. Hancock presented information that the proposed grade of the new highway is slightly below the FEMA BFE of 1033 feet. Hancock explained that the reason he noted the construction plans is that it is KDOT's standard to design a highway or freeway section to be able to support traffic during a 100 year storm event.

Hancock addressed Morse's concerns with length of the cul-de-sac and the width of the streets. Hancock explained that the diameter of the cul-de-sac on Shadowridge Drive has been widened to 96 feet so that a fire truck can be turned around, even with cars parked

in the street. Hancock said he was available for questions from the Board.

Morse asked who owned the development. Hancock said that the majority of the development was owned by Cedar Hills Development, but some lots are owned by individuals. Morse asked if the large area in the northern part of the subdivision could be developed. Hancock responded that it was a Common Area and homes would not be developed in the Common Area.

Russell Wilson, 5124 Shadowridge Drive, explained the terrain of the area and the types of soils in the development and surrounding area. Wilson provided information on the impacts of the conservation easement that is on his property and how it affects his house. He explained that because of the size of the house and the topography of the ground, a retaining wall was required, which was built in the easement. Wilson expressed his support for removing the conservation easement from the individual lots.

Reynard asked how his property was handling storm water runoff. Wilson answered that they are making minor adjustments to the property to improve the drainage on the site.

Morse asked if other property owners in the area have installed retaining walls. Wilson explained that a retaining wall was placed along the back side of the 4 lots to the east of his property.

Morse asked if he was aware of the conservation easement on the property. Wilson responded that he was aware of the easement, but was not aware of the fact that the easement started approximately 5 feet from the house.

Morse asked if there will be a similar grade issue with properties to the east along Shadowridge Drive. Wilson thought that the lots further to east would not have similar issues with grades.

Wilson did express his concern with the length of the cul-de-sac and how emergency personnel would be able to respond to that area.

With no further comments, Meredith closed the public hearing.

Morse expressed her concerns of compromising the safety and health of residents by developing in the floodplain and increasing the length of the cul-de-sac.

Reynard stated that he could support the proposed Preliminary Plat and Final Plat, including removing the condition of approval, which set the BFE at 1036, because information have been presented to him that explains that 1033 feet is a safe BFE.

Meredith expressed concern about properties being developed in the southern part of proposed Unit Three. He did say that the information presented about the BFE was convincing. Meredith said that he could vote in favor of the proposed Preliminary Plat and Final Plat, but with some concerns about developing in the floodplain.

Kratochvil stated that after reading the staff report and the information that Hancock presented, he was not completely convinced that it is right to reduce the BFE to the FEMA requirement. Kratochvil stated that he wished John Howe was consulted. Howe provided information at the Planning Board meeting in 2006 about the flooding of the area. Kratochvil also felt that the impacts of flooding in 1993 were lessened by the highway, which acted as a dam that prevented water backing up from the Kansas River. Kratochvil went on to further explain that he understands the impacts that the condition places on the development, but doesn't want to put people in danger when a severe flood occurs again in the area.

Meredith re-stated his concerns about the issue of the flooding in the development after hearing Kratochvil's comments.

Kratochvil said that he trusts the work that Hancock has done, but he does not trust the flood insurance rate maps.

Hancock addressed the concerns by the Board. He commented that there is a large difference between what happened to the development site in the 1993 flood when compared to the areas on the east side of town. Hancock addressed the Board's concern of compromising safety by saying that there is development in floodplains in other parts of town that follow the FEMA BFE. He explained how he came to the conclusion that the BFE is 1033 is accurate and sufficient and stated that he is confident that it is correct.

Kratochvil asked what the elevation of the church to the south of the development. Ott provided the Board with the information that the GIS data shows the elevation of the area as 1028 feet. Everyone agreed that the information may not be correct.

Ott also provided information about the FEMA Flood Insurance Study and other preliminary flood data by the Corps of Engineers. Ott said that the preliminary Corps study showed that the flow of water down the Kansas River has slowed and decreased.

Kratochvil said that he could support the proposed Preliminary Plat and Final Plat considered that the City Staff and Mr. Hancock agree that the BFE should be at 1033 feet. He is willing to rely on the experts.

Morse asked how buyers of the lots in the floodplain would know that flood insurance is required. Bunger explained that if the buyer uses a federally backed mortgage, the buyer of the land is required to get flood insurance.

Reynard asked how removing the conservation easements are addressed in the motion to approve the Preliminary Plat and Final Plat. Bunger said that the Final Plat shows those easements removed from the individual lots

Reynard moved that the Manhattan Urban Area Planning Board approve of a Variation of Article X, Subdivision Layout Standards, Section 10-205 (B) Standards for Layout and dedication of Temporary Dead-End Streets and Cul-de-sacs, based on the findings in the staff memorandum; and, approve the Preliminary Plat and Final Plat of the Scenic

Meadows Addition, Unit Three, based on conformance with the Manhattan Urban Area Subdivision Regulations for the reasons set out in the Staff Memorandum and the specific provisions of the Subdivision Regulations on which the recommendation is based, with the two (2) conditions recommended by City Administration:

1. Street improvements shall conform to the design requirements noted in the City Engineer's memorandum dated June 14, 2006.
2. Storm water improvements shall conform to the requirements of the Stormwater Management Master Plan.

Kratochvil seconded the motion, which passed on a vote of 3-1. Morse voted against the motion because she is fundamentally opposed to building in low areas where we are compromising safety.

REPORTS AND COMMENTS BY BOARD MEMBERS

There were no reports.

Respectfully submitted,

Chad Bunger, Planner II