

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
May 3, 2010
7:00 p.m.

MEMBERS PRESENT: Bill Meredith, Chairperson; Jerry Reynard, Vice-Chair; Linda Morse; Mike Hill; Stephanie Rolley; Nikki Miller; and Mike Kratochvil.

MEMBERS ABSENT: None.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Lance Evans, Senior Planner; Cam Moeller, Planner II; and, Chad Bungler, Planner II; Monty Wedel, Director Riley County Planning & Development; Bob Isaac, County Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE APRIL 5, 2010, AND APRIL 19, 2010, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

APPROVE THE FINAL PLAT OF GRANDE BLUFFS AT MILL POINTE SOUTH OF AN EXTENSION OF THE EXISTING DEAD-END OF LEONE RIDGE DRIVE. (APPLICANT/OWNER: MILL POINTE LAND COMPANY, LLC-TIM SCHULTZ)

Reynard moved that the Board approve the Consent Agenda. Rolley seconded the motion, which passed on a vote of 7-0.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE RILEY COUNTY ZONING REGULATIONS, ADDING SECTION 22B – SPECIAL EVENTS, IN ORDER TO REGULATE THE TEMPORARY USE OF LAND FOR FESTIVALS, OUTDOOR CONCERTS, ETC. (BOARD OF COUNTY COMMISSIONERS OF RILEY COUNTY)

Wedel presented the amendment to the board and asked for input.

Hill expressed concern about the definition of special events, particularly type one events and performance standards related to sanitary facilities and handicapped parking. Wedel

suggested the text may need to be changed. Hill said private events should not be regulated. Wedel said the performance standards should not apply to type 1 events.

Hill also had issues with type 2 events regarding the number, with 50 people being a relatively small event and the required notice within 1,000 feet, but over 200 people would be a reasonable number due to impact. Hill also mentioned type 3 events should not be automatic rather the staff could address them administratively. Wedel mentioned that type 2 events are by admission. Hill suggested the number of people was still an issue. Wedel asked for a consensus on text changes.

Rolley said she envisioned applicants stating they would not have more than 100 people at the event, while charging admission, with the hopes of having more than 100 people. She thought the admission fee was the controlling factor.

She also asked about the 1,000 foot notice and suggested that for large events 1,000 feet would not be sufficient. Wedel commented on the noise standard and thought the standard may need to be changed. She then said the purpose of the permit was to create noise or the permit wouldn't be needed, and suggested the limitation should be deleted. Rolley also said posting a sign, at a minimum, for the type 3 event should be required for greater public notice.

Morse thought the health and sanitation issues are important for attendees and not compromised.

Rolley asked if purchasing tickets for rides constitute paying admission because tickets are purchased for the County Fair. Wedel said the regulation would be interpreted as written and other creative ways would be no problem.

Meredith opened the public hearing.

No one spoke.

Meredith closed the public hearing.

Wedel asked the Board to make a recommendation and any changes.

Miller commented on Board comments and said that thinking about the 50 people and having that as the threshold for the type 2 event was a good idea because an applicant may low ball the number but in reality get up to 80 or 100 people. It's almost a worst case scenario and anticipates the best case. She thought the special event standard she clearly state type 2 and type 3, as Hill suggested. She also agreed on the noise standard being too hard to enforce.

Meredith agreed with the comments and thought the idea of a hearing before the Planning Board was needed. Wedel asked what the criteria would be to require a hearing? Reynard suggested the standard should begin with health department requirements. He wondered

if a public hearing was necessary. Rolley said if the four agencies express a concern, then a hearing should be required, and the surrounding owners do not express a concern, those could be the criteria. If there was no concern, then it would be an onerous requirement.

Kratochvil said the type three should have a public hearing for public input versus public input through staff. He mentioned last year's event and other events which could have an adverse impact. He agreed the definition of special events should change.

Wedel said the number 200 people came from emergency providers. Morse agreed with the sign and noise changes.

Kratochvil moved that the Planning Board forward a recommendation of approval to the Board of Commissioners of Riley County of the proposed amendment to the Riley County Zoning Regulations with the following changes:

1. Type 1 events should be eliminated from the Performance Standards.
2. Under the Performance Standards, the definition of Noise should be removed.
3. Under Type 2 and Type 3 events, signage will be required.

Morse seconded the motion.

Kratochvil said he would take friendly amendments.

Miller moved to amend the motion to allow the Riley County Planning Staff to decide on an application based on the feedback from the four departments that will review an application as well as public comments. If there are concerns, an application would go to a public hearing. Rolley seconded the motion

Kratochvil said he had to accept it. Rolley said he didn't, based on Robert's Rules of Order.

Hill asked Kratochvil to clarify if the Type 1 removal included a, b, and c. It was clarified that Type 1 events were deleted from the Performance Standards.

On a vote, the amendment passed 6-1, with Kratochvil opposed, who said he felt the amendment contradicted his original motion on the requirement for public hearing.

Wedel asked if there was an issue about the number of persons at 50? There was not.

On a vote, the original motion, and amendment, passed, 6-1, Kratochvil opposed.

Wedel said the item will go to the Riley County Planning Board on May 10th.

A PUBLIC HEARING TO AMEND THE MANHATTAN ZONING REGULATIONS CONCERNING ARTICLE X, FLOOD PLAIN REGULATIONS. PROPOSED CHANGES INCLUDE, BUT ARE NOT LIMITED TO, REFERENCE TO NEW FLOOD INSURANCE RATE MAPS (FIRM) AND THE FLOOD INSURANCE STUDY (FIS), AND OTHER CHANGES THAT MAY BE REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF WATER RESOURCES.

Bunger presented the staff report and recommended approval of the proposed amendments. He commented on a label error in the industrial park base flood elevation is not 1010 feet, but 1008 feet and the state contractor is making the correction. He also mentioned an error on map in the Heritage Square area, where 100 year and 500 year flood plains are reversed, and that error is also being corrected. He has not heard when the correction will be made to the maps, which will be effective July 6, 2010.

Morse asked about the Exception process noted in the staff report. Bunger said an example might be if someone wanted to build below the base flood elevation, in the 100 year flood plain, that would require an Exception, and staff would discourage that request. Zilkie mentioned there have been two requests since 1984. One was in Anneberg Park regarding floor elevations and a Conditional Use Permit and the second was for a house in the Dix Addition after the 1993 flood. The house was nonconforming and involved a remodeling. Both were approved by the Board of Zoning Appeals.

She also asked if the term Flood Plain Administrator should be defined. Bunger said the Flood Plain Administrator is designated in the department. Zilkie is currently designated the Flood Plain Administrator.

Kratochvil said a bridge connection to Pottawatomie County off an extension of Marlette Avenue and was concerned that land adjacent to the bridge could be developed on either side with the 500 year flood plain eliminated. Bunger said the 500 year flood plain is still in the area but wasn't shown with his presentation. Kratochvil said his concern might encourage development in the 1993 flood area. Cattell mentioned the Comprehensive Plan still designates the 1993 flood area as an area to prohibit development.

Rolley asked if there was a gain and loss on the numbers in the 100 year flood plain. Bunger said there was a net gain. He said property owners will be mailed a letter that are being added to contact their insurance agent to obtain flood insurance at current flood map designation and base flood elevation before the new maps are effective.

There was a brief discussion about the Marlatt ditch being designated as 100 year flood plain with the rear yards in the flood plain. Homes are outside the proposed 100 year flood plain.

Meredith opened the public hearing.

No one spoke.

Meredith closed the public hearing.

Rolley moved that the Planning Board recommend approval of the proposed amendments to the Manhattan Zoning Regulations, Article X, Flood Plain Regulations, based on the findings in the Staff Memorandum, and as approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.

Reynard seconded the motion, which passed on a vote of 7-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

Evans reported to the Board that the City's initial mail back response to the 2010 Census was 76% compared to the state at 75%, and a national return rate of 72 %. In 2000, the City's return rate was 77%. He said return rates in student neighborhoods were better than in years past.

Respectfully submitted,

Steve Zilkie, Senior Planner