

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
July 7, 2011
7:00 p.m.

MEMBERS PRESENT: Bill Meredith, Vice-Chair; Mike Kratochvil; Mike Hill; Linda Morse; and Stephanie Rolley.

MEMBERS ABSENT: Jerry Reynard and Gary Stith.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Chad Bunger, Planner II; Rob Ott, City Engineer; Robert Isaac, Riley County Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE JUNE 6, 2011, AND JUNE 20, 2011, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

Morse moved that the Planning Board approve the Consent Agenda. Rolley seconded the motion, which passed on a vote of 5-0.

GENERAL AGENDA

CONTINUATION OF A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE BELLERIVE ADDITION, AN APPROXIMATE 21 ACRE TRACT OF LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF GRAND MERE PARKWAY AND HEARTLAND DRIVE, AND ALONG THE WEST SIDE OF GRAND MERE PARKWAY. THE PLAT IS PROPOSED TO CREATE 28 SINGLE-FAMILY ATTACHED RESIDENTIAL LOTS (LOTS 1A AND 1B TO 14A AND 14B) AND 24 MULTIPLE-FAMILY RESIDENTIAL LOTS (LOTS 15-38). (APPLICANT: SMH CONSULTANTS – JEFFREY HANCOCK ON BEHALF OF THE OWNER, GRAND MERE DEVELOPMENT, MARY L. VANIER, AND THE DEVELOPER, FIELDHOUSE DEVELOPMENT, INC. – ZACHARY J. BURTON, PRESIDENT /OWNER: GRAND MERE DEVELOPMENT – MARY L. VANIER)

Kratochvil moved that the Planning Board remove the public hearing to consider the preliminary plat of the Bellerive Addition from the table.

Rolley seconded the motion, which passed on a vote of 5-0.

Zilkie presented the staff report for the revised preliminary plat and recommended approval.

Morse asked about the possibility of access to Grand Mere Parkway from an apparent curb cut at Lot 37.

Zilkie responded that there is in fact no access allowed by any of the lots to Grand Mere Parkway.

Meredith opened the public hearing.

Jeff Hancock, SMH Consultants, representing Grand Mere and Fieldhouse Development, described the changes that were made to the preliminary plat, now represented as the revised preliminary plat. He explained that, after the comments of the Board at the previous meeting, the revised plat was changed to accommodate the re-grading of the site to distribute more of the storm water drainage to the east, into a closed-conduit system on Grand Mere Parkway and eventually into existing detention basins owned by Grand Mere Development. He also explained the drainage characteristics of the entire Grand Mere development in more detail. As to the sight distance issues, he explained that while minor grading might be able to solve the sight distance issue from the preliminary plat at the Heartland Drive intersection, at Bellerive it is more difficult due to the need to lower the sidewalk. This led to the change in the revised plat, which moves the intersection about 1,000 feet to the north and provides almost unlimited sight distance although it does create a cul-de-sac that exceeds the maximum allowed distance. He also briefly addressed some of the other traffic issues that were raised at the previous Board meeting, including re-grading the existing intersection at Heartland Drive and Grand Mere Parkway, implementing a four-way stop at that intersection, and providing a roundabout at Grand Mere Parkway and Kimball Avenue.

Hill asked if the drainage structure that was previously shown controlled the flow of water, especially in the event of a 500-year storm. Hancock confirmed that the pipe regulates the drainage flow up to the point that water overruns the structure; essentially, up until point that water is flowing over the top of the road.

Kratochvil asked about the proportion of drainage, now being directed to the east according to the revised preliminary plat, which would flow through the Grand Mere system to the detention ponds. Hancock replied that all of it would.

Morse inquired as to the future capacity of the detention ponds at full build-out of the Grand Mere development—although they are over-designed now, would they be in the future? Hancock explained that they would.

Rolley asked about a previously-shown map, and what it was meant to display. Rob Ott, City Engineer, explained that it was an inter-office map created to generally show the areas that currently do and do not have detention capacity such that construction can begin at any time.

Tom Wright, 2310 Heartland Drive, stated that the sight distance issues had not been resolved to his satisfaction, and that he desired another tabling of the issue to produce an even better plan. He reiterated his opinion that the intersection is very hazardous. He also commented on the potential conflict of interest related to the procedural aspect of Mr. Hancock's memo to Mr. Burton.

Travis Dierenfeldt, 2610 Heartland Drive, commented on the concerns of homeowners as to the water drainage and explained the size of the portion of his lot that is subject to drainage flows. He also observed that, while the rate of flow would remain the same, the volume of water flowing into the shown detention ponds would certainly increase due to future development. He then displayed the typical flow of water across his property with a few photos and expressed his concern that even a small storm event causes water to flow across his land, which, while not within the fenced portion of his yard, is still space that is used frequently by his family. He also questioned how it could be cost-prohibitive to a new development to leave the sidewalk unconnected, as well as why it would be necessary for the cul-de-sac to be longer than the regulations allow: couldn't it just be shorter, with more green space provided?

Kratochvil asked whether the fence constructed on Dierenfeldt's property was for the pool, and if he was given direction by the City on where exactly the fence could be placed. Dierenfeldt confirmed that they had received direction, although he was not told exactly where to build the fence. Kratochvil then asked if the pie-shaped area of concern, outside of the fenced yard, was labeled as "drainage easement" on the plat. Dierenfeldt replied by showing the plat and explained that the drainage easement was supposed to be north of his property, not through his property, which is currently where the water drains. Kratochvil confirmed that, saying he had been on the property that morning to observe the flow.

Morse asked whether the lot to the north of his property was developable, or if it was entirely a drainage easement. Dierenfeldt replied that the water really only runs along the south portion of that lot, with the northern portion being very elevated, so that it could probably be developed in the future.

Hill clarified that none of Dierenfeldt's lot is in the designated drainage easement. Dierenfeldt confirmed that, and added that the pipe on the golf course seems to have been constructed to catch the drainage that would come across his lot—so how could there have been no drainage easement platted if the developer knew that water was going to flow across his lot?

Phil Brokenicky, 2421 Heartland Drive, spoke about the dangers of the intersection at Heartland Drive and Grand Mere Parkway, and added his opinion that a small amount of grading is not sufficient to solve the problem. Also, no one follows the 20 mile per hour posted speed limit. He also expressed his opinion that constructing additional multi-family housing that backs onto the golf course might ruin the value of the beauty of the golf course to the community.

Warren Weibert, 2731 Heartland Valley Road, explained his concern about the traffic safety issues in the area and expressed his feeling that the City should look in to traffic calming devices there.

Wright returned to reiterate Dierenfeldt's point that water had been flowing over the cart paths that morning, despite correspondence that had indicated it would not. He also seconded Brokenicky's concerns over the visual quality of future multi-family development.

No one else spoke and Meredith closed the public hearing and opened the floor to Board discussion.

Hill asked for Hancock to respond to some of the concerns raised by the residents.

Hancock returned and began by explaining the possible funding of intersection and road improvements by the city at-large. He then explained that the Grand Mere development is the only development in Manhattan that has been master-planned to deal with drainage issues, and while the volume of water will certainly increase with more development, the development has been designed to accommodate that increase without a corresponding increase in rate of flow, which is what causes structural damage. As far as the drainage behind Mr. Dierenfeldt's property is concerned, while there is not a platted drainage easement, it is simply a fact of life that water flows downhill and through natural areas. He also made clear that water is indeed intended to flow across the cart path, and apologized if he misspoke. As to the variation for the sidewalk, he explained in further detail that in order to get a majority of the water to drain from Bellerive to the east, it would make it cost-prohibitive to grade a sidewalk connection from the proposed cul-de-sac to the existing sidewalk along Grand Mere Parkway flat enough to meet ADA standards. He mentioned that the radius of the cul-de-sac is 96 feet rather than 100 feet noted in the staff report. Also, he explained how water enters the main detention structure.

Rolley inquired as to the height of one of the detention basins. Hancock explained that the final detention pond in the system has somewhere between 10-15 feet between the high-water mark of the last big storm to the top of the road.

Hill asked whether or not water could back up into Mr. Dierenfeldt's lot if the detention pond was filled, and, more generally, expressed confusion as to why the revised preliminary plat attempted to drain even more water to the east than had previously been the case. Hancock responded by saying that it was his impression, after the last Planning

Board meeting, that that the Board had wished for more of the drainage from Bellerive to flow into detention ponds, which is what the revised preliminary plat will accomplish. Hill responded that that was correct, but asked why Grand Mere development would not just put in a detention pond to the west now, due to the fact that it would have to build one anyway in the future to account for future development. Hancock answered with a question: why would building a new detention pond be necessary when all of the current and proposed drainage can be accommodated by existing structures? Hill agreed partially, but asked why a drainage easement was not put in place on Mr. Dierenfeldt's lot if there was a structure built anticipating drainage from his lot. Hancock replied that he didn't know because he didn't design it, but explained that Bellerive will have no significant impact on the rate of flow across Mr. Dierenfeldt's lot due to the fact that it will be completely regulated via the detention pond system.

Rolley commented that it seemed that Lot 14 (owned by Mr. Dierenfeldt) had its own issue, and that no change in the design of Bellerive would be able to mitigate the drainage problems there. Hancock concurred, and then Rolley asked for Ott's professional opinion on the site's drainage issues, which he had investigated that morning. Ott replied that there was indeed water flowing across the cart path but that the height in the pipe was not considerable. He reiterated that while Grand Mere has properly designed and explained the nature of its detention system, he cannot tell Mr. Dierenfeldt why a drainage easement was not platted on his property. Ott also explained that while some channel modifications or other steps could perhaps be taken to mitigate the amount of drainage across Lot 14, those discussions were outside the scope of the approval of the Bellerive plat. He added that he also received the clear impression from the Board, especially from members Hill and Morse, at the last meeting that not a drop of water should flow undetained towards Wildcat Creek that did not have to, and that he apologized if he was wrong in giving that direction to the developer and applicant.

Hill said that he still did not understand why it looked like the development was now intentionally draining water across Lot 14. He said that if this issue had been brought up at the last meeting, he would have adjusted his comments. Ott concurred that he did not have knowledge of Mr. Dierenfeldt's drainage issues at the time of the meeting.

Rolley asked Ott directly whether, in his professional opinion, the situation on Lot 14 was going to be exacerbated by the Bellerive development. Ott explained that the rate of flow would remain the same, but that the volume would increase, thus increasing the duration of time that water spends on the property. Rolley then expressed her concern that perhaps the neighbors had not been fully cognizant of the issues pertaining to this area at earlier stages in the process, during the annexation and rezoning meetings, and that they may have misrepresented Mr. Hancock as the "hired gun" of the developer. She emphasized that it is important for everyone to understand that professional engineers are charged with maintaining the health, safety, and welfare of the community, and that one doesn't hire an engineer to cover something up or make things up; also, it is the responsibility of City Staff to double-check the work of outside consultants, all of which has been done in this case. She also spoke to an e-mail that she received, and explained that just because she doesn't agree with everyone does not mean that she dismisses their opinions.

Kratochvil stated that while the situations on Lot 14 and at the intersection of Heartland Drive and Grand Mere Parkway both need to be solved, they are outside the scope of the current approval of the Bellerive preliminary plat. He then asked if he was correct in thinking that the associated traffic and drainage problems would be present whether or not this development was approved. Ott explained that adding traffic calming devices to Grand Mere Parkway is possible, but would broach a larger policy issue, and then agreed that the problems raised with this development would be present whether or not the Board approved the Bellerive plat.

Kratochvil then asked the developer of Grand Mere, Jerry Petty, to come forward and speak as to the reasoning behind placing the proposed multifamily units with their backs facing Grand Mere Parkway. Petty replied that the aesthetic concerns were always of a high priority to him, but that they had not yet talked about the specifics of installing landscaping, fences, or other screening measures along the Parkway.

Hill asked Petty about the drainage. Petty said that he wanted to clarify that no one has “directed the drainage” anywhere; it has simply been allowed to run in the natural courses—and through properties—where it would naturally run.

Kratochvil stated that in his 11 or 12 years of serving on the Planning Board, this has been the toughest topic that he has dealt with, because the issues being raised go far beyond this development; and while it bothers him that they were not addressed sooner, they cannot be taken into consideration when looking at the approval of this preliminary plat.

Kratochvil moved that the Manhattan Urban Area Planning Board approve the Variations of Article X, Subdivision Layout Standards, Section 10-205. Standards for Layout and Dedication of Temporary Dead-End Streets and Cul-de-Sacs, (B); Part 3, Standards for Blocks, Section 10-301 (B); and, Part 6, Standards for Easements, Section 10-601 (H), based on the findings in the staff memorandum; and, approve the Revised Preliminary Plat of the Bellerive Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations.

Rolley seconded the motion, and read aloud the standards of approval for a preliminary plat out of respect to the large number of people that had come and expressed their concern over the proposed development.

Morse added that she supported the variations and the preliminary plat, although she has some reservations about it—she is very concerned about flooding issues in the community. She expressed her concerns over preserving the natural views of the area, maintaining sidewalks, and planning for increases in storm water runoff and traffic.

Hill added that he would reluctantly support the motion as well, and expressed his regret that this developer seems to have been caught in the midst of a Board struggling with bigger issues that go beyond this specific development. Specifically, he thinks that

drainage has to become a bigger issue for the community, and, unfortunately, this development was placed first on that list. He also reiterated what Rolley said, that the engineering firms in Manhattan have always been completely forthright and professional in their activities.

Meredith expressed his agreement over the general concerns with the storm water and Grand Mere Parkway, but likewise stated that those were not the criteria by which this preliminary plat was intended to be judged by, and so would also vote in favor of this approval.

The motion passed with a vote of 5-0.

CONTINUATION OF A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE BRITT ADDITION, A 3.10-ACRE PARCEL OF LAND, GENERALLY LOCATED ½ MILE NORTH OF EUREKA DRIVE, ON THE WEST SIDE OF SCENIC DRIVE (APPLICANT/OWNER: RICHARD AND ANGELA BRITT).

CONSIDER THE FINAL DEVELOPMENT PLAN OF THE BRITT ADDITION, A COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ½ MILE NORTH OF EUREKA DRIVE, ON THE WEST SIDE OF SCENIC DRIVE. (APPLICANT/OWNER: RICHARD AND ANGELA BRITT).

Hill moved that the Planning Board remove the public hearing to consider the concurrent plat of the Britt Addition from the table, as well as begin consideration of the final development plan of the Britt Addition.

Kratochvil seconded the motion, which passed on a vote of 5-0.

Robert Isaac presented the staff report for the concurrent plat and final development plan with a recommendation of approval.

Meredith opened the public hearing.

Jeff Hancock, consultant, explained the traffic analysis that was undertaken, and that, with the given traffic volumes at that location, even a high-intensity use such as a convenience store would not warrant the installation of left-turn lanes.

No one else spoke.

Meredith closed the public hearing and opened the floor to Board discussion.

No one spoke.

Hill moved that the Planning Board approve the final development plan and concurrent plat of the Britt Addition.

Kratochvil seconded the motion, which passed with a vote of 5-0.

A PUBLIC HEARING TO CONSIDER THE REZONING OF FIRST UNITED METHODIST CHURCH GENERALLY LOCATED AT 612 POYNTZ AVENUE, 121 N. 6TH STREET, AND 621 HUMBOLDT STREET, INCLUDING THE ADJOINING PUBLIC ALLEY, FROM C-1, RESTRICTED BUSINESS DISTRICT, TO C-4, CENTRAL BUSINESS DISTRICT. (APPLICANT/OWNER: FIRST UNITED METHODIST CHURCH-JOHN LINDHOLM, CHAIRPERSON, BOARD OF TRUSTEES).

Hill moved that the Planning Board remove the public hearing from the table to consider the rezoning of the First United Methodist Church.

Kratochvil seconded the motion, which passed on a vote of 5-0.

Bunger presented the staff report for the rezoning with a recommendation of approval.

Morse asked what the zoning classification is for other churches in this area. Bunger replied that they are in a variety of different districts, including the C-1 and C-4 Districts. Morse then expressed her concern over the possible vacation of the alley adjoining the property, an item which will come before the Board at a future date.

Rolley expressed curiosity as to why they were being presented with a rezoning to C-4 rather than a Planned Unit Development, given the intent of the proposal. Bunger replied that while a Planned Unit Development certainly could be used, due to the fact that the requests of the applicant are not unique to the area or the C-4 District, a PUD in this case would be heavy-handed. Rolley stated that that explanation made sense, but expressed her concern over establishing a precedent, especially in regards to the fact that most of the planning going on in this case was being done via a development agreement directly with City Staff, which would not come before the Board until the approval of the final plat. Bunger explained that the development agreement was necessary due to the complexities of vacating the alley and the public utilities that are present in it. Rolley then expressed her opinion that, although it was a part of the official process, it was perhaps odd that the City Commission decides first on an issue as relevant to planning as an alley vacation, and the Planning Board is involved only in the approval of the final plat.

Thaniel Monaco, BG Consultants, said he was available for questions.

No one spoke.

Meredith opened the public hearing.

John Lindholm, Chairperson, Board of Trustees First United Methodist Church, said that he appreciated the Board's consideration of the rezoning.

Larry Fox, member of the First United Methodist Church, explained the difficulties that the Church has had in dealing with the site, which currently has two buildings separated by an alley; the education center was built in the 1950s and requires continual asbestos abatement, which is costly. He also explained the safety hazard created by excessive drainage in the alley for children and the elderly, who must access the building from that direction. He said that the proposed addition that will be considered in the future is a connection between the two current buildings, which will require utilities to be re-routed and the elevation of the alley to be raised.

No one else spoke.

Meredith closed the public hearing and opened the floor to Board discussion.

No one spoke.

Hill moved that the Manhattan Urban Area Planning Board recommend approval of the rezoning of First United Methodist Church at 612 Poyntz Avenue, 121 N. 6th Street and 621 Humboldt Street, from C-1, Restricted Business District, to C-4, Central Business District, based on the findings in the Staff Report.

Kratochvil seconded the motion, which passed with a vote of 5-0.

REPORTS AND COMMENTS BY BOARD MEMBERS

Rolley discussed Nikki Miller's official resignation from the Board, and Zilkie explained that Gary Stith, her replacement, would at the next Board meeting, but had a planned absence before being recently appointed.

Morse then inquired as to whether it was possible for the Board to get monthly updates on Wildcat and Little Kitten Creeks. Cattell explained that a new committee is in the process of being created to deal with flooding issues, so regular updates will soon be available.

Meredith adjourned the meeting.

Respectfully submitted,

Kevin Credit, Planning Intern