

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

MEMBERS PRESENT: Jerry Reynard, Chairperson; Phil Anderson; Linda Morse; Stephanie Rolley; Gary Stith; and Mike Kratochvil.

MEMBERS ABSENT: Mike Hill.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Lance Evans, Senior Planner; Chad Bunger, Planner II; Rob Ott, P.E., City Engineer; Peter Clark, P.E., Civil Design Engineer; Leon Hobson, P.E., Riley County Director of Public Works/County Engineer; and Bob Isaac, Riley County Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE SEPTEMBER 19, 2011, AND OCTOBER 3, 2011, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

Stith moved that the Board approve the Consent Agenda. Kratochvil seconded the motion, which passed on a vote of 5-0-1, with Kratochvil abstaining for the September 19th Minutes, and 6-0 for the October 3rd Minutes.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER A SPECIAL USE PERMIT TO ESTABLISH AND OPERATE AN ELECTRICAL SUBSTATION. GENERALLY LOCATED APPROXIMATELY 830 FEET WEST OF THE INTERSECTION OF TUTTLE CREEK BOULEVARD AND PURCELL ROAD, AND 800 FEET NORTH OF PURCELL ROAD. (WESTAR ENERGY)

Isaac presented the staff report and recommended approval with conditions.

Kratochvil said he was concerned about the changes proposed and affects on the hillside and the drainage. He said he would rely on the staff's review.

Morse asked about the ownership of the site. Isaac clarified that Westar has purchased easements from KSU, which continues to own the land.

Morse asked if the drainage plan and pond were part of the original proposal and have they changed since residents had drainage impacts. Isaac indicated Westar has worked

with the residents and his understanding is additional vegetation has been added. He deferred to the

Stith expressed concerns about erosion from the steep hill side and asked what steps will be taken to ensure erosion doesn't occur. He also raised the issue of water quality and the capacity of the pond to handle silt and siltation. He asked Westar if there are hazardous materials on-site and if there is a contingency plan if a problem arises.

Leon Hobson, Riley County Director of Public Works/County Engineer, said he reviewed the drainage report submitted by Bartlett and West, and there appears to be adequate storage for the 100 year (1%) storm. He said one of his concerns was outflow and long term maintenance. He said anything greater than the 100 year storm would overtop the road regardless, and are not part of the drainage proposal. As a result, Westar submitted a maintenance plan and it was acceptable and there is a condition of approval related to the maintenance plan and a condition allowing the county to enter the site to inspect the pond. He also mentioned that Westar has written a letter that Westar agrees to correct any future problems and will be responsible for all damages if the pond does not function as designed.

Stith said his concern was the removal of the native vegetation, which included a lot of cedar trees, and the grade was changed to be steeper, which means the rate of runoff will increase and erosion can be a more significant problem with the possibility of siltation and the capacity of the pond. He asked if Westar would leave the hill grassy or what was the final condition of the hill once the project is completed.

Allyson Wetter, Westar Energy, said they plan on establishing native grass on the hill side and no plans to add cedar trees. The project used the opportunity to remove cedar trees to clean the hillside. She said other plans to sediment controls include filter socks to slow the water and filter sediment.

Stith asked if the filter socks were permanent and Wetter said no and they will be used until the natural grass is established. She said it was the best method until the grass is established. She the maintenance plan will require the sediment to be removed.

Wetter said there were no hazardous materials on site. She explained the design of a transformer, which has mineral oil inside it. A secondary concrete containment wall would contain the oil in the event of a leak.

Rolley asked if the establishment of the native grass was explained in the documents because there is no condition about establishing the native grass. Isaac said a condition could be added. Wetter said it is Westar's agreement with K-State that Westar will re-establish the grass. Rolley said it appears the agreement with K-State didn't appear to require a lot.

Anderson asked about the size of the watershed that drains to the pond? Wetter said the entire watershed including the substation site and surrounding area was 14.7 acres.

Anderson then asked what the size of the pond was and Wetter said it was 1.09 acre feet, which is a volume calculation.

Anderson said the engineer's report indicates a rainfall of slightly over seven inches per hour would allow the water to rise to the overflow pipe. Wetter said that was correct and included a storage capacity up to elevation 1099 feet. Anderson asked if Westar would check the pond on Tuesday due to the amount of rain fall. Wetter said Westar would.

Kratochvil asked if Westar met with the neighbors. Wetter explained Westar's efforts to find a site. Once the K-State site was determined Westar held an informational meeting at the public library and invited owners within 1,000 feet of the substation site and the transmission lines.

Reynard asked which direction the water will drain. Will it all flow south? Wetter described the drainage pattern. Water from the hillside north of the substation site will be directed to the south in its original pattern. All rainfall onto the substation site will flow south to the pond. She said rainfall on the east side of the site will flow east and rainfall to the south of the substation will flow south.

Reynard opened the public hearing.

Jim and Deanna Defoor, 2801 Purcell Road, said they were very concerned about substation is an eyesore along with the poles along Purcell Road. She was concerned about noise, safety and flooding as if the pond overflows it will affect their house. She said no one came and talked to them and she couldn't attend the informational meeting as she was out of state. She said she was concerned about her property value. He said the road had millings when they moved in and now it is road rock. Dust is a concern especially when K-State football traffic uses the street. She said the dump trucks have destroyed the road and Westar has watered the road to reduce dust. She was also concerned about the 100 foot poles if there is an earthquake or tornado and the poles landing on their house. He described a five inch rain that overtopped the pond and flooded a house south of the road. He said the hillside was destroyed and wildlife is no longer on the hillside. He didn't think grass would never get established on the hillside due to its steepness.

James Gardner, Township Trustee, said the Township's concern was safety on the street due to the location of the poles.

Reynard asked if the Township had plans to address the road. Gardner said it was his understanding is Westar has tried to maintain the road as work has occurred, and has minimized the road dust. He assumed they would return it to the original condition. He also mentioned that an asphalt material was previously used but the material is no longer available. He wasn't sure what would be used and when rock is used then there is dust. He commented that football traffic creates a lot of dust.

Morse asked if the township had no plans to improve the road. Gardner said the road

would be maintained but there was no plan to upgrade the road, and it was likely rock would be used.

Mark Tausig, K-State Facilities Planning Office, said he has worked with Westar on the project and K-State has agreed to comply with the County's conditions related to access. He said the agreement with Westar is required to be restored to its natural state and replacement with native grasses. He said the restoration efforts have been superb given last summer's heat. He said the slopes are within engineering standards for establishing grasses. He asked if there any questions about the restoration.

Anderson asked how confident wildlife would return and the percentage that would return. Taussig said he anticipates no significant change once the grasses and cover are established. Anderson asked how long it will take to re-establish the grasses. Tausig said it will take several years to re-establish native grasses. He also expects cedar trees to re-establish as well.

Morse said she encouraged K-State to work closer with the community regarding the use of its land.

Kratochvil asked about the lease agreements with Westar and the poles along the street. Taussig said the poles are in easements acquired from K-State or right-of-way. Kratochvil asked for that to be verified based on safety concerns expressed by Gardner. Taussig said K-State would continue to clarify the location of the road with respect to right-of-way as some of the road is out of the right-of-way and on K-State property.

Derek Schafer, 1804 Rocky Ford Circle, said that last summer run-off from the substation site had crossed over his property. He also asked who would maintain Purcells Road due to the dust. He was also concerned about re-establishing the native grasses.

There were no other comments and Reynard closed the public hearing.

Reynard asked Wetter about noise. Wetter said the transformer vibrates and noise studies indicate noise at 300 feet are in the background level. She said a lot of wind on the site will diminish transformer noise as well.

Stith said he was concerned about the five inch rain and the problems that occurred and why there was a problem and what are the assurances it won't happen again. Wetter described the condition that allowed the pond to fill faster and sediment impacts that clogged the drainage pipe. When this happened the spillway pipe was not used. Slopes are now more established and a major ditch renovation was completed and channelization. She said the problem was the lack of a ditch and they have worked with the township to correct the problem.

Anderson asked what Westar did to repair and compensate the affected owner. Wetter said the yard and house were repaired and paid for the costs of the repairs. Anderson asked if the owner was satisfied and Wetter said yes they were.

Rolley asked if there were problems in the future would Westar be responsible. Wetter said if there were any deficiencies with the pond or the water, Westar would be responsible for the costs. She referred to the letter in the packet.

Rolley asked who was responsible over the next five years for monitoring the work while the landscaping is being restored. She asked if Westar doesn't perform the work, which will ensure the performance, K-State or Riley County. Taussig said K-State and Westar have an agreement and he was confident Westar will perform and, as the land owner, K-State is responsible to ensure Westar performs.

Kratochvil said he was uncomfortable with the situation and the conditions, specifically condition 7. He questioned if the Board could be more restrictive with the rainfall event. He also commented on the road condition and blocking Purcell Road for the last two football games. He suggested Westar should be required to return the road to its existing condition when the job is done, with existing conditioned to be determined by the County Engineer and Township Board. A last condition would require Westar and the Township to split the cost regarding dust abatement for Spring, Summer and Fall.

Anderson asked if the item should be tabled. Kratochvil said that given the late date of review by the Board, the Board's expectations are greater. Stith agreed that the project is nearing completion and additional conditions may be needed. He also suggested the County may want a performance bond to ensure certain improvements are provided as proposed.

Kratochvil asked Isaac if Condition 7 can be more restrictive due to safety. Isaac suggested Hobson should answer the question and it could be reviewed by the County Counselor. He said he would check with the Counselor if the Board can make a condition more restrictive and the Board can add a condition on hillside reclamation if necessary.

Kratochvil asked if the County has had problems in the past with Purcells Road. He said none to the Planning Department but maybe to the Township or County Public Works Department.

Wetter said they have a water truck with at least two passes per day. She also said they approached the Township about magnesium chloride treatment on the road but they were declined, but maybe next Spring. She said Westar will restore the road to its previous condition. She also said the language indicates a storm up to and including the 100 year storm addresses his concern. Isaac agreed but will check on the language with the engineer and counselor.

Anderson asked who will measure the seven inch rain and where will it be measured. Wetter said the closest weather station to the site should be designated.

Kratochvil moved that the Planning Board recommend approval of the Special Use Permit with 8 conditions of approval, with an additional condition related to a ten year inspection and monitoring of natural vegetation by the County. The motion died for lack of a second.

Rolley suggested the Board should table the item for specific language regarding landscaping.

Stith recommended the Board table the public hearing to the November 21, 2011, Manhattan Urban Area Planning Board meeting with instructions to staff for more specific language to condition 7 about the location of the weather station for measuring rainfall events (100 Year); add language about appropriate re-establishment of native vegetation on the hill and that it will be monitored to ensure its establishment and maintenance for a period of ten years; and return the road to its condition before construction to the satisfaction of the Township Trustees.

Kratochvil seconded the motion, which passed on a vote of 6-0.

IV. WORK SESSION

BLUEMONT CORRIDOR IMPROVEMENTS (N. MANHATTAN TO 11TH ST.) REPRESENTATIVES FROM SMH AND BARTLETT AND WEST WILL PRESENT ALTERNATIVE CONCEPTS FOR KDOT SAFETY IMPROVEMENTS TO THIS PORTION OF THE BLUEMONT AVENUE CORRIDOR.

Cattell introduced Jeff Hancock, SMH Consultants, who will discuss proposed alternative safety improvements to Bluemont Avenue from N. Manhattan Avenue to N. 11th Street, which will be funded by a KDOT safety grant. In addition, the location of the street improvement is covered by the Aggieville Campus Edge Master Plan.

Hancock introduced Nathan Bergman, Bartlett and West, who will also make a presentation. Hancock described the grant history and several improvements made to Bluemont. He mentioned a continuing accident problem in the area and a new grant awarded by KDOT. Hancock said Bartlett and West will design the street improvements and SMH is coordinating the public participation. He said public meetings have been held. Hancock said they will be meeting with Bicycle Committee on November 17th and then on November 29th they will meet with the City Commission and hopefully one of the alternatives will be selected.

Bergman discussed the four options. The plan involves replacing signals at Bluemont and N. Manhattan and Bluemont and N. 11th.

Option 1 involves a narrow median between the intersections with an opening at N. 12th Street with east and west left turns onto 12th and open curb cuts on the street.

Option 2 involves an east and west bound two way shared left turn lane. With this option, KDOT will require the closing of curb cuts on the south side of Bluemont. The access points to the city parking lot would remain and access to business would be routed to those curb cuts. Similar closing of curb cuts and limited access to the east of 12th and Bluemont intersection would. Creating the frontage road access will require purchase of right-of-way access.

Option 1A involves a narrow median between the intersections and a wider raised pedestrian median on the west side at 12th and prohibits east bound left turns and open curb cuts on the street.

Option 2A involves five lanes of traffic, with dedicated left turn lanes, and a pedestrian median at 12th, and the closing on curb cuts and limited access points similar to Option 3.

The majority of businesses preferred Option 2 rather than the median options, which be more detrimental to the businesses.

Bergman mentioned the left turn lane could be converted to median in the future if business development mimics the Aggieville Plan.

Kratochvil asked if traffic counts have been done. Hancock said vehicle volumes are 22,000 to 25,000 vehicles both ways. He asked if pedestrian crossing is needed at 12th and Hancock said the intent was to reflect the Campus Edge Plan. He then asked if the businesses expressed concern about closing curb cuts and Hancock said the only business, so far, to express a concern is Kansas State Bank. Hancock said the details of changes have not been discussed such as lost parking and signage changes.

Morse said there is a pedestrian access issue as well as the possible impacts on the alleys if curb cuts are closed. Is money available for alley improvements? Bergman said no money is available for the alleys and they have talked to the businesses. She suggested they check with other communities about alley deliveries.

Cattell and Hancock mentioned that access on the north side will be considered when redevelopment on the north side of the street occurs. Existing curb cuts would be dealt with redevelopment. Funding for improvements will cover the north and south sides of Bluemont.

Anderson suggested the curb cut to Starbucks creates traffic build up and should be considered as a part of the safety plan.

Stith said this is an opportunity to create a pedestrian friendly and safe environment. Option 2 will enhance vehicle and pedestrian safety. He suggested this is also an opportunity to allow the Planners to work with the businesses for redevelopment of the area. He suggested landscaping and the pedestrian crossing and signage should be considered as well. He also suggested traffic calming and eliminating the east bound left turn north at N. 12th Street.

Bergman said sidewalks will be replaced on the south side and will look at the north side if replacement is needed.

Rolley suggested the design of pedestrian, landscaping and sidewalk improvements can be designed to control pedestrian movements and the improvements should anticipate the future when funding is available. Bergman said BBN is also involved with the design.

Reynard asked if pedestrian overpasses were considered. Bergman said it is cost prohibitive but was suggested at the open house.

CONTINUATION OF A DISCUSSION REGARDING THE REGULATION OF CREMATORIALS IN MANHATTAN.

Zilkie presented information regarding mercury emission from crematoriums and processes to review crematoriums.

The Board suggested that contemporary standards should apply to crematoria. The Board also expressed a concern that as the community grows the need for a crematorium and how they can be accommodated should be considered.

Cattell said the City will need to decide how to regulate the use as there are no standardized regulations and there are no mercury emission thresholds except for one small community in Pennsylvania.

Anderson suggested Alternative 4 which would locate a crematorium in Sunrise Cemetery was a good approach. Rolley indicated a request for proposals could address the issues and Alternative 4 should be explored.

The Board took a ten minute recess.

Katie Harkin, 1610 Humboldt Street, said she agreed that mercury emissions are a huge issue that needs to be examined. She suggested that because there are crematoriums in other communities, Manhattan may not need one. She also suggested crematoriums as an accessory use could be deleted.

Robert Sinnett, 1625 Leavenworth Street, said existing communities with crematorium can deal with the issue.

Dr. Stephanie Van Wagenen, 1635 Osage Street, said she was a neurobiologist and the Board has not sufficiently discussed the toxicity of mercury. The affect on children in the area should be considered. The crematorium will also decrease her property value.

There were no other comments.

REPORTS AND COMMENTS BY BOARD MEMBERS.

Bunger presented an update on the Wildcat Creek Watershed Working Group's progress. He said the Silver Jackets project, the warning lights/signs that can be placed on Wildcat Creek Bridge, the National Weather Service is beginning discussion of a flood stage map, and a discussion with the Corps and DWR about management of the watershed will begin very soon. He mentioned the Freeboard Committee is considering a moratorium on development in the flood plain and other committee activities.

Respectfully submitted,

Steve Zilkie, Senior Planner