

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
November 4, 2013
7:00 p.m.

MEMBERS PRESENT: Linda Morse, Chairperson; Phil Anderson, Vice-Chairperson; Mike Kratochvil; Gary Stith; John Ball; Jerry Reynard; and, Ron Hageman.

MEMBERS ABSENT: None

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Lance Evans, Senior Planner; Steve Zilkie, Senior Planner; Chad Bungler, Planner II; Kevin Credit, Planner; Bob Isaac, Riley County Planner

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE OCTOBER 7, 2013, AND OCTOBER 21, 2013, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

Stith moved that the Board approve the minutes from the October 7, 2013 meeting. Ball seconded the motion, which passed on a vote of 7-0.

Stith moved that the Board approve the minutes from the October 21, 2013 meeting. Ball seconded the motion, which passed on a vote of 5-0 with two abstentions.

GENERAL AGENDA

TABLE A PUBLIC HEARING TO CONSIDER THE REPLAT OF LOT 1 OF MURRAY ADDITION UNIT TWO AND LOT 1 OF WILDCAT WRECKER SUBDIVISION INTO ONE (1) LOT. (BRIGGS)

Ball moved that the Planning Board table the public hearing. Stith seconded the motion, which passed on a vote of 7-0.

A PUBLIC HEARING TO CONSIDER THE REZONING OF AN UNPLATTED TRACT OF LAND FROM "AG" (AGRICULTURAL DISTRICT) TO "D-1" (INDUSTRIAL PARK), GENERALLY LOCATED APPROXIMATELY 2000 FEET EAST OF SCENIC DRIVE, ON THE SOUTH SIDE OF K-18 HIGHWAY.(THOMAS)

Kratochvil stepped down from the agenda item.

Isaac presented the staff report and recommended denial.

Stith asked about the status of the design guidelines. Isaac said that he wasn't sure and that they are working with the City to develop the guidelines.

Stith then asked if there was a timeline for the development of the guidelines. Cattell said that the City has not had discussions with the County about the guidelines.

Morse asked how many billboards are being proposed. Isaac explained the zoning regulations for the district in regards to billboards.

Stith asked about the statement in the staff report in regards to water and sewer not being necessary. Isaac said that there is City water going to the site but there is no sewer access.

Bart Thomas, applicant, said that sewer and water access is available to the site and then clarified the number of proposed billboards. Thomas then discussed the existing signs that are on the site and said that it is not cost effective to plan something negative for the property.

Thomas said that he contacted the adjacent property owners within 1,000 feet of his property and no one had negative comments. He then discussed the plans for the property and reasons for the rezoning request.

Ball asked what the objections are for rezoning the property to a commercial PUD. Thomas said that the survey was expensive and that the billboard would offset some of the costs he has in the property. He then said that he doesn't know exactly what will be developed on the property.

Morse said that she thinks the commercial PUD that Riley County recommended is the way forward as opposed to waiting on the design guidelines. Thomas said that he thinks there is another option for the property which is a commercial conditional use.

Morse asked if the request is more about the sign than the rezoning itself. Thomas agreed and said that he would be fine with a conditional use instead of the rezoning request.

Thomas discussed the recent change in legislation in regards to billboard signs and said that he now must go through extreme measures to build one or two signs.

Hageman said that the request to rezone is asking a lot for just wanting to build a billboard and that he is concerned about the property eventually changing ownership after the rezoning. Hageman then asked if there was another way the applicant could approach it.

Thomas said that he would love to but the State and Federal regulations have limited his choices. He then said sign manufacturing is an allowable use in the C-1 District and then discussed PUD zoning in relation to euclidean zoning.

Morse asked for clarification on the strip of land that is zoned D-2. Isaac clarified that the request is to rezone to D-1.

Isaac said that the proposal was for the number of signs allowed on the site and that there was never a certain number of signs proposed. He also said that the billboards are not allowed as a conditional use under the current zoning regulations and that it would still not meet the State regulations of a commercial or industrial use.

Isaac then expressed that there are cases of industrial users leaving negative impacts even on high value land.

Ball asked for some recommendations from the staff. Isaac said that there were a few options to rezone but none of them accommodate the applicant's objectives.

Thomas discussed his thoughts on the Riley County zoning regulations and the price of land around the Manhattan area.

Anderson asked if there were any signs lost during the K-18 realignment. Thomas said there have been clients lost due to the realignment and discussed the economic impacts of the new State regulations.

Morse opened the public hearing.

No one spoke.

Morse closed the public hearing.

Stith said that the value of land is not always adequate to control the kind of activities and that's why we have zoning. Stith then discussed that the change in zoning would run with the property and not the current owner and that is the concern. He then said that the design guidelines could address the billboards but that is unknown at this time and he couldn't support the request.

Anderson asked if the design guidelines will address billboards. Cattell said that it is not known at this time but that billboards will probably be erected under Riley County zoning regulations.

Stith said that he believes the real issue is the lack of design guidelines.

Isaac discussed the intent of the design guidelines in relation to the other sections of the design guidelines.

Ball asked why billboards are restricted in the C-4 District. Isaac said that is what the committee decided when the regulations were written.

Hageman asked if the sign regulations were established before the K-18 corridor and discussed the possibility of adjusting the zoning regulations.

Ball asked why the C-4 can't be amended to allow billboards. Isaac said that the regulations would have to be amended through the County Commission.

Ball said that it is important to make sure that we have regulations that do not restrict uses that seem to be expected.

Morse said that we need to be careful in specific areas and there needs to be a balance.

Stith moved that the Planning Board recommend denial of the proposed rezoning of the subject property from "AG" (Agricultural District) to "D-1" (Industrial Park) to the Riley County Board of Commissioners based on the findings in the Staff Report.

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

Kratochvil joined the meeting.

A PUBLIC HEARING TO AMEND ORDINANCE NO. 6936 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 3 DOWNTOWN ENTERTAINMENT DISTRICT, UNIT THREE, COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 3RD STREET AND FT. RILEY BOULEVARD. THE AMENDMENT MODIFIES THE APPROVED SIGN PLAN FOR A PROPOSED PROJECTING SIGN ON THE SOUTHEAST CORNER OF THE BLUE EARTH PLACE MIXED USE BUILDING. (APPLICANT: WADE RADINA/OWNER: GJL REAL ESTATE LIMITED PARTNERSHIP-GWYN RIFFEL)

Zilkie presented the staff report and recommended approval with three (3) conditions.

Stith asked if the sign was wall mounted, instead of projecting, would it be consistent with the zoning regulations.

Zilkie said that if the proposed sign was a wall sign, it would be about 16 square feet larger than what is allowed in the C-4 District. Zilkie said that there is likely to be another wall sign requested were the bakery is going to be located. Stith clarified the sign location.

Stith said that if you are going west bound on Fort Riley Boulevard you are likely to only see the edge of the proposed projecting sign due to its 45 degree orientation and the building that will be completed to the east in the near future. He then said that it seems they are spending a lot of money on a large sign that is not going to be of much value.

Ball clarified that the sign under discussion is catty-corner to the already approved sign and that the staff's recommendations are to make the proposed sign match the size of the already approved sign.

Morse expressed her concerns about the addition of more signs with the continuing development activity in the area. Zilkie said that the Board already approved the signs for the Holiday Inn.

Anderson asked about the distance to Fort Riley Boulevard from the proposed sign. Zilkie said that the sign is approximately 160 feet to the curb of Fort Riley Boulevard.

Anderson said that it's probably 200 feet from the north or the south. Zilkie said that he did not measure the distance.

Wade Radina, applicant, discussed the plans for the sign in relation to its visibility from Fort Riley Boulevard, saying that the business's location is setback far from the street, with difficult sight lines and high traffic speeds. He said he wanted the sign to be classic and unique. He then said that the comparison of the proposed sign to the previously approved sign is comparing apples to oranges in terms of visibility. The previously approved sign was designed for the area along 3rd Street with slow traffic speeds and pedestrians, whereas his proposed sign faced parking lots and higher speed traffic along Fort Riley Boulevard which posed a unique situation which is what PUD's are meant to address. Radina then cited the memo from Patrick Schaub, BBN, in regards to the signage Design Guidelines, which indicated the unique location of the proposed sign which faces away from the pedestrian area and towards a high traffic arterial street with a large setback. He said the sign's size is not overbearing.

Morse expressed her concern with the precedent that the proposed projecting sign might set for the district.

Radina said that the running lights were originally part of the proposed sign, but were no longer part of the proposal. He expressed concern with a precedent being set that the City of Manhattan is reluctant to work with the business community.

Anderson said that the design of the sign is attractive and nicely done.

Morse opened the public hearing.

Gwyn Riffel, property owner, discussed the applicant's plans and said that he thinks it's a great proposal. He then said that he thinks the sign will be a great compliment to the district and encouraged the Board to look at it favorably. Riffel then discussed the programming that is planned for the park during the holiday season.

John Stroh, JS Signs, discussed the size of the proposed sign in comparison to the parking garage sign, saying if it was reduced in size to be similar it would not be readable.

Morse closed the public hearing with no one else speaking.

Ball moved that the Manhattan Urban Area Planning Board recommend approval of the proposed amendment of Ordinance No. 6936 and the Final Development Plan's signage plan for Lot 3, Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, for the larger projecting sign as proposed by the applicant, based on the findings in the Staff Report and because: the proposed sign is consistent with the intent of the signage Design Guidelines; is consistent with the flexibility that is designed into the PUD; and because of the unique geographic location of the sign; subject to the following two conditions of approval:

1. The sign shall not flash nor have running or chaser lights.
2. A sign permit application shall be submitted and approved prior to installation of the proposed sign.

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

REPORTS AND COMMENTS BY BOARD MEMBERS

Cattell said that the scope of services for the Comprehensive Plan update is nearly completed and the kickoff date for the project should be mid December.

Anderson discussed the possibility of K-State updating the Board on the Campus Master Plan. Anderson moved that the Board request staff to cordially invite KSU to make a presentation on its Master Plan to the Board. Ball seconded the motion which passed on a vote of 7-0.

Stith discussed the economic development plan that the Flint Hills Regional Council is working on.

Respectfully submitted,
Chase Johnson, Planning Intern