

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**January 6, 2014**  
**7:00 p.m.**

**MEMBERS PRESENT:** Linda Morse, Chairperson; Phil Anderson, Vice-Chairperson; Gary Stith; John Ball; and Jerry Reynard

**MEMBERS ABSENT:** Ron Hageman; and Mike Kratochvil

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Lance Evans, Senior Planner; Chad Bunger, Senior Planner; Kevin Credit, Planner; Monty Wedel, Director Riley County Planning and Development; Bob Isaac, Riley County Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE DECEMBER 16, 2013, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

Ball said that the first line on page six should be changed from “completion” to “competition”. Ball moved that the Board approve the Consent Agenda as amended. Reynard seconded the motion, which passed on a vote of 5-0.

**GENERAL AGENDA**

**TAKE FROM THE TABLE, THE REQUEST OF THE BOARD OF COMMISSIONERS OF RILEY COUNTY TO RECONSIDER THE REQUEST TO REZONE AN UNPLATTED TRACT, FROM "AG" (AGRICULTURAL DISTRICT) TO "D-1" (INDUSTRIAL PARK), LOCATED APPROXIMATELY 2000 FEET EAST OF SCENIC DRIVE, ON THE SOUTH SIDE OF K-18 HIGHWAY. (THOMAS)**

Ball moved to remove the public hearing from the table and conduct the public hearing. Reynard seconded the motion, which passed on a vote of 5-0.

Wedel explained the purpose of the rezoning, as stated in the application, is for material storage and billboard structure storage. He said the application does not mention erection of billboard signs and therefore billboards are not mentioned in the presentation.

Anderson asked if the property was rezoned industrial would the applicant be able to apply for a billboard permit.

Wedel stated billboards could be put up in accordance with the spacing requirements etc., provided there is a business located on that tract.

Anderson asked normally in a rezoning you don't look at the specific use someone is intending but look at all the uses that are permitted in that zone?

Wedel replied yes.

Wedel said in reviewing what the applicant was proposing, it was determined either industrial or commercial zoning would be appropriate. The next step was deciding which zoning would be appropriate for the site. According to the Eureka Valley – Highway K18 Corridor Plan, commercial use is projected and strongly encourages visual quality control. Mr. Wedel said it's the opinion of staff that conventional industrial or conventional commercial zoning is not appropriate because neither provide for control of outdoor storage, which is of concern due to the site being so close to the highway. Mr. Wedel stated that staff recommended Commercial Planned Unit Development, which would permit the applicant's stated purpose, control visual quality and be consistent with previous rezonings in the area. Mr. Wedel reviewed the concerns that the applicant had with the C-PUD option and provided the Department's (Riley County Planning & Development) responses.

Stith asked if there is other D-1 zoning in the area.

Wedel replied the he is not aware of any other D-1 zoning in the area other than the current Thomas property where the current storage building is located.

Ball stated that the Board unanimously agreed it should not be D-1 and discussed that a PUD was a much better solution. He said it appears staff is recommending a PUD again.

Wedel replied yes and explained that the applicant wanted to proceed to the Board of County Commissioners for a decision. The Commission requested that the Planning Board take another look at the request.

Ball said he believes all are in agreement that it should not be D-1 and agrees with the County Commission that a PUD is a better way to address it.

Wedel stated the County Commission was not in total agreement and had some indications that the Planning Board was not either, which is why they decided to send the request back to the Planning Board for reconsideration.

Anderson said the Eureka Valley Plan does suggest that another way of dealing with this would be design standards/guidelines; however, since the guidelines are not in place, a PUD would be the only way to adequately control the aesthetics and visual impact. He said that this was the basis for their concern and is why they did not approve the D-1 zoning the first time.

Morse opened the public hearing.

Vernon Jarboe, lawyer for the applicant, stated in his opinion, that the Board should be reviewing the pros and cons of the D-1 zoning instead of the PUD option as suggested by staff. He said the applicant has pictures of at least eight D-zoned properties in the area. He stated the applicant's current business location is overcrowded, inefficient and is seeking rezoning for future relocation. Mr. Jarboe stated the applicant owns a piece of land that he wants rezoned to D-1, the neighboring property is zoned the same and based on the list of criteria, one could conclude that this is an appropriate land use for this site. Mr. Jarboe asked the board to consider D-1 zoning as applied for, based on the criteria listed in the original staff report.

Stith said that the biggest concern about the rezoning of the subject property is the allowance of outdoor storage under the proposed D-1 zoning. Mr. Stith then said that the Board did give adequate consideration of the rezoning request but the request did not sufficiently satisfy the requirements for approval.

Jarboe stated that the subject property has limited access, which makes it more suitable for industrial rather than commercial zoning.

Anderson asked if there has been discussion with the adjacent property owners about the rezoning.

Jarboe said that the applicant has discussed the rezoning with the adjacent property owners.

Wedel explained the process for public notice of rezoning for Riley County.

Morse closed the public hearing.

Morse discussed the previous public hearing in regards to signs and clarified the request made in the application.

Stith said that the issue is not the signs but the lack of regulations for outdoor storage in the D-1 district. He said as presented, it does not conform to the plan, which seeks to preserve the visual quality of the corridor. He said the applicant submitted a landscape plan which cannot be enforced by the County. He said he cannot vote in favor of this rezoning.

Anderson wondered if there were design regulations in place, would the decision for rezoning be any easier.

Reynard discussed the Board's duty to maintain the visual integrity of the urban area and said that he cannot support the approval of the rezoning.

Anderson said that it seems the applicant is trying to make up for the rerouting of K-18 by tying the subject property to the D-1 zoning. Anderson expressed his concerns that the applicant is losing some of the usefulness because of the road moving and encouraged the completion of the design guidelines to help adequately deal with this in a fair manner.

Anderson said if he votes no it would be to try to hurry along the design guidelines as a way of giving us an additional instrument to deal with these issues.

Morse stated she is reluctant to approve a D-1 zoning with 107 permitted uses but was more inclined to consider favorably a planned unit development because of the controls that would be possible.

Anderson asked what the cost would be to go through a PUD.

Fred Gibbs, BG Consultants, said he has done a lot of PUDs and does not like them because it limits what one can do with their property. He said any changes require the owner to come back before the Board to revise the PUD. Mr. Gibbs said that the cost stated in the staff report for a simple PUD is correct.

Ball clarified the intent of the PUD and said that the reasoning behind suggesting a PUD was to help satisfy the Board's concerns about the lack of regulations for outdoor storage under the D-1 zoning.

Bart Thomas, applicant, expressed his concerns of not being able to do what one wants with their land. He said the agricultural district zoning allows for visually horrid sites which this site is zoned. Mr. Thomas stated he sees other PUDs where there is not visual control over the site.

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.

Ball seconded the motion, which passed on a vote of 4-1.

**A PUBLIC HEARING TO AMEND ORDINANCE NO. 6607 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 10, HERITAGE SQUARE SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF U.S. 24 HIGHWAY AND SOUTH PORT DRIVE. THE AMENDMENTS ARE IN THE FORM OF A FINAL DEVELOPMENT PLAN. (APPLICANT: SCHULTZ CONSTRUCTION – BRETT BALLOU, OWNER: HERITAGE SQUARE LAND CO. LLC – TIM SCHULTZ.)**

**APPROVE THE FINAL PLAT OF Heritage Square South, Unit Three, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF U.S. 24 HIGHWAY AND SOUTH PORT DRIVE. (APPLICANT: SCHULTZ CONSTRUCTION – BRETT BALLOU, OWNER: HERITAGE SQUARE LAND CO. LLC – TIM SCHULTZ.)**

Bunger presented the staff reports and recommended approval.

Morse asked about the need for approving a Final Plat again. Bunger explained that they were splitting Lot 10 into two lots. In addition, development of Lot 10 necessitates an amendment to the PUD and a Final Development Plan.

Anderson asked if Salisbury Supply is a chain of some sort.

Brett Ballou, Schultz Construction and the applicant, said that Salisbury Supply is a small chain out of Topeka that sells construction supplies, tools and safety equipment.

Morse asked if the supplies were all stored within the building, or if some were displayed and stored outside. Ballou said that the supplies and inventory is stored within the building.

Morse opened the public hearing.

Anderson asked if there were similar products sold at other construction supply stores within Manhattan. Ballou said that Salisbury offers more for contractors than the average retailer.

Morse closed the public hearing with no one else speaking.

Stith moved that the Planning Board recommend approval of the proposed amendment of Ordinance No. 6607, and the Preliminary Development Plan of Lot 10, Heritage Square South Commercial Planned Unit Development, to be known as the Final Development Plan of Salisbury Supply, Lot 1, Heritage Square South, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report, with two conditions of approval listed in the Staff Report:

1. The Final Plat of Heritage Square South, Unit Three shall be approved.
2. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lot 2, Heritage Square South, Unit Three.

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

Stith moved that the Planning Board approve the Final Plat of Heritage Square South, Unit Three, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following condition of approval:

1. An amendment of the Heritage Square South Planned Unit Development and Ordinance No. 6607 shall be approved.

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

### **REPORTS AND COMMENTS BY BOARD MEMBERS**

Bunger said the City Commission will be discussing the Levee at its meeting on Tuesday, January 7th and develop a plan of action for the next several years. He then said that the

“Silver Jackets” Blue River Floodplain Management project is anticipated to start in February. Bunger addressed questions from the Board regarding the Levee study.

Anderson discussed the difficult balance that the Planning Board faces with regard to protecting private property rights and the Board’s responsibility to protect and look out for the public interest and vision of the community, such as on the first agenda item. He said once the design guidelines are in place it would provide another alternative to help resolve the issue they faced.

Ball said that when someone buys agricultural land, it is zoned for agricultural purposes and there is no guarantee that it will be rezoned for how a buyer might want to use it. However, there need to be controls in place. The Board was trying to maintain the public trust through wanting reasonable controls and suggesting reasonable alternatives to the applicant.

Stith expressed his concerns about the need to develop design guidelines for the K-18 corridor and that there will be a demand for the land along this corridor to change from agricultural uses, which is what eh community and Plan want. He said even with design guidelines they need to have enough teeth that they are effective. However if they are correctly developed, they can provide the level of comfort that is needed to guide development at the entrances to the city.

Morse asked if the Board could do something to facilitate the design guidelines.

Cattell explained that the city is working on them and views them as a high priority along with a number of other concurrent projects it is working on.

Morse acknowledged that the process of getting design guidelines written and discussed with the Board and through public hearing adoption process will take some time.

Cattell concurred with what the Board had already identified, that the Planned Unit Development process is a viable alternative to provide that level of comfort, while the guidelines are being developed.

Respectfully submitted,

Chase Johnson, Planning Intern, City of Manhattan

Lisa Daily, Administrative Assistant, Riley County Planning & Development