

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**December 1, 2014**  
**7:00 p.m.**

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; Lance Evans, Senior Planner; Chase Johnson, Planner; Monty Wedel, Planning and Special Projects Director; and Bob Isaac, Riley County Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE NOVEMBER 17, 2014, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

Stith asked for a minor correction to his motion on page 4 and moved that the Board approve the Minutes as corrected. Hageman seconded the motion, which passed on a vote of 7-0.

**GENERAL AGENDA**

**CONSIDER ANNEXATION OF THE PROPOSED PINEHURST ADDITION, AN APPROXIMATE 7.1 ACRE TRACT OF LAND, GENERALLY LOCATED IMMEDIATELY TO THE WEST OF THE INTERSECTION OF GRAND MERE PARKWAY AND COLBERT HILLS DRIVE. (APPLICANT: SMH CONSULTANTS – JEFF HANCOCK, OWNER: THE CARSON COMPANY – ANDREW CARSON.)**

**PUBLIC HEARING TO CONSIDER REZONING THE PROPOSED PINEHURST ADDITION, FROM COUNTY R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT, GENERALLY LOCATED IMMEDIATELY TO THE WEST OF THE INTERSECTION OF GRAND MERE PARKWAY AND COLBERT HILLS DRIVE. (APPLICANT: SMH CONSULTANTS – JEFF HANCOCK, OWNER: THE CARSON COMPANY – ANDREW CARSON.)**

**PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED PINEHURST ADDITION, AN APPROXIMATELY 7.1 ACRE TRACT OF LAND. THE SUBDIVISION IS PROPOSED TO CONSIST OF TWELVE (12) SINGLE-FAMILY ATTACHED LOTS AND FOUR (4) SINGLE-FAMILY DETACHED LOTS. (APPLICANT: SMH CONSULTANTS – JEFF HANCOCK, OWNER: THE CARSON COMPANY – ANDREW CARSON.)**

Bunger presented the staff reports on the three (3) related items and recommended approval of all three (3) related items with one (1) condition of approval on the Preliminary Plat.

Stith asked about Grand Mere Parkway north of the subject plat and if it was dedicated to as part of their plats to the east.

Bunger answered that the Grand Mere Parkway has been dedicated with the previous plats and actually extends farther north, past the golf course.

Stith asked if the undeveloped, county zoned property to the west was to ever be developed, would make sense to extend Pinehurst Drive to the west to provide access to any new additions.

Bunger answered that the consultant could answer the question about street connectivity and that the Pinehurst Drive right-of-way abuts the tract to the west and could possibly provide for future access.

Anderson asked under what circumstances would the developer need to come back before the Board if there were significant changes to the design of the Preliminary Plat for the development.

Bunger said if there were substantial changes to the Preliminary Plat. He explained that Preliminary Plats are the first step in determining how streets, utilities and lots are going to be laid out, initial site grading, etc., followed by a Final Plat which verifies the Preliminary Plat.

Morse asked where the school district boundary line is located in relation to the site.

Bunger explained that the development will be in the Riley County School District as the school district line lies to the east of the plat along the north-south section line.

Morse asked about the access to the site from Kimball and from Marlatt Avenues.

Jeff Hancock, SMH Consultants, explained that future extensions of Grand Mere Parkway will eventually connect north to Marlatt Avenue.

Morse asked how many more subdivisions will there be to the north before there is a connection with Marlatt Avenue.

Hancock answered that there is approximately 120 acres left to be developed to the north along the Grand Mere right-of-way. He also explained that the extension of Grand Mere Parkway and the connection to Marlatt Avenue cannot take place at this point in time because there are no financing mechanisms to do so. Future subdivision developments will finance that final extension of Grand Mere Parkway.

Morse asked about through-lots and restricting access from Grand Mere Parkway.

Bunger explained that access is restricted along Grand Mere Parkway and also along Pinehurst Drive, so that the proposed lots will only gain access from Pinehurst Circle.

Morse asked about pedestrian and bike connectivity in the Grand Mere Master Plan and if this subdivision would connect with other subdivisions or be a standalone subdivision.

Hancock explained that the Pinehurst development has sidewalk connection to Grand Mere Parkway and is largely isolated from other subdivisions because of topography and the golf course. However, future possible projects would create additional pedestrian access.

Hageman expressed concern about the aesthetics of the rear facades of the duplexes facing Grand Mere Parkway.

Hancock explained that the rear facades of the duplexes in the subdivision will be similar to the quality of the Grand Ridge Townhomes and will also go through the Grand Mere Architectural Review Committee.

Anderson opened the public hearing.

No one spoke.

Anderson closed the public hearing.

Ball moved that the Planning Board recommend approval of the annexation of the Pinehurst Addition, an approximate 7-acre tract of land, generally located to the west of Grand Mere Parkway and Colbert Hills Drive, based on conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program (CIP).

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

Stith moved that the Planning Board recommend approval of the proposed rezoning of Pinehurst Addition, an approximate 7-acre tract of land, generally located west of the intersection of Grand Mere Parkway and Colbert Hills Drive from County R-PUD, Residential Planned Unit Development District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

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

Ball moved that the Planning Board recommend approval of the Preliminary Plat of Pinehurst Addition, based on conformance with the Manhattan Urban Subdivision Regulations, with the following condition of approval:

1. Written approval from the Kansas State University Golf Course Management and Research Foundation stating that they approve of the use of the retention basin on the golf course property being used to store and manage the stormwater runoff from the proposed subdivision shall be provided at the time of the Final Plat application.

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

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTION 2 (DEFINITIONS) AND SECTION 15 (SIGNS AND EXTERIOR LIGHTS) OF THE RILEY COUNTY ZONING REGULATIONS (RILEY COUNTY PLANNING BOARD)**

Anderson opened the public hearing for the item.

Monty Wedel spoke on the item, explaining that there were only minor changes to the document that was brought before the Board's workshop meeting in November. He stated that in response to concerns brought to the Board by Bart Thomas regarding the requirement that any off premise advertising signs must be removed if the industrial use occurring on the same property ceases, he included a 90-day grace period to allow for removal of the sign(s).

Stith asked Wedel if the Manhattan Urban Area Planning Board (MUAPB) was the first public hearing for the amendment.

Wedel affirmed.

Stith was concerned that 90 days was not enough time to allow for the removal of off premise advertising signs because it can sometimes take much longer for a commercial or industrial property to change hands or get reestablished.

Ball asked that if a business goes out-of-business, wouldn't they take down their own sign.

Stith clarified that these signs typically advertise things off premise and are not necessarily associated with the industrial activity occurring on that site.

Anderson asked if ownership of the property had any impact.

Wedel explained that the property owner typically has a lease agreement with the sign owner that should have a built-in clause that reflects the requirements of the zoning regulations.

Anderson clarified that it's all about the language in the lease and once the industrial use is discontinued, the lease becomes null and void.

Morse agreed.

Ball stated that he understood and agreed with the purpose of the requirement to remove off premise advertising signs if an industrial use is discontinued to deter rezoning property for sham businesses that are discontinued as soon as the signs are erected. He stated that as long as the sign owner is informed of the regulations prior to installing a sign, then they have been informed and are understanding the risks involved.

Wedel stated that this provision is very similar to what the State has as they do not allow off premise advertising signs to be placed on property without having a legitimate industrial use on the property.

Stith stated that he doesn't have a problem with what the regulation is trying to accomplish, but feels 90 days is too short of a period of time.

Anderson agreed with Stith and asked Wedel if he would be amenable to six (6) months.

Wedel stated that he would need a consensus from this Board and would take the recommendation to the Board of County Commissioners.

Stith directed the Board and Wedel to Section 12 of the proposed amendment and asked if there was anywhere in the regulations that defined "abandoned signs" and how do you know when a sign has been abandoned.

Wedel stated that abandoned signs are not defined anywhere else in the regulations.

Anderson asked if sign owners were required to have their name anywhere on the sign.

Wedel stated that it was a State requirement.

Stith recommended that staff look into language regarding abandoned signs.

Stith asked if there was any thought given to the creation of nonconformities by having different standards for signs in the County versus the City when an area is annexed that includes signs.

Cattell stated that the City allows five (5) years for nonconformities to be brought into compliance. He also said that it depends on the facts as some signs may be conforming. Cattell also stated that with digital signs, it is easy to make adjustments regarding light intensity and animation.

Hageman commented that if you have a perfectly functioning sign on a site totally unrelated to the underlying industrial use on the site, what difference does it make if the industrial use is discontinued?

Wedel explained that the purpose was to deter sign businesses from rezoning property, temporarily establishing phony businesses that are discontinued as soon as the signs are erected. Wedel also clarified that if a billboard is already in place when the regulations are adopted, the sign is “grandfathered” and not subject to the particular requirement.

Morse asked if the KSU Foundation was considered a governmental entity by these regulations.

Monty stated that they are not considered a municipality.

Anderson asked Wedel if the digital sign on Anderson Avenue (KSU parking garage) conformed to the size requirements of the proposed regulations.

Reynard stated that the KSU sign was not in the jurisdiction of the proposed regulations.

Anderson clarified by asking if the sign *would* conform.

Wedel and Cattell stated that it appears to be smaller than the maximum size allowed in the proposed county regulations.

Parikh asked the Board that if the original purpose of the 90-day removal period was to act as a deterrent for businesses wanting to establish fraudulent industrial uses for the sole purpose of erecting a sign, would 180 days still be considered enough of a deterrent?

Stith stated that he believed that with the considerable cost that goes into erecting a billboard, sign companies would not likely take the risk for 180 days and may not even put up a sign.

Parikh stated that it could be construed that having a time limit could be infringing on the capital investment the sign company has with materials and advertising space leases.

Wedel stated that the regulations require an industrial use be located on the property and that it doesn't even require a building be constructed.

Stith asked if someone were to, with the proper screening, place a stack of palettes and call it an industrial use, they could have an advertising sign?

Wedel stated that it depends on whether the zoning district in which the storage is occurring permits it.

Ball asked how signs could be erected on the Thomas owned tract on K-18 without an existing industrial use.

Wedel explained that Mr. Thomas combined that property with a contiguous tract that had an existing, active industrial use and by doing so, was allowed to erect the signs.

Ball stated that it illustrates his point to the rest of the Board that there are those who will do this specifically to put up billboards.

Ball commented on how he appreciated the county/city sign comparison chart and found it very useful.

Anderson asked in regard to digital graphic signs why there was a limit to three (3) separate displays with a 24-hour hold time.

Wedel explained that if the display is static, there can be three (3) signs; if the displays are not static, there can only be one contiguous graphic display per sign face. He said that digital graphic includes logos, alpha-numeric, etc. He said it can't have movement, but the display can change every 30-60 seconds or so, depending on where you're at.

Anderson asked about the 24-hour change rate.

Wedel stated that applies to digital gas station signs displaying fuel prices.

Stith asked that a gas station won't be able to change its gas prices on their signs more than once every 24 hours.

Wedel said yes and emphasized that the amendments have been discussed with Chris Dara, the sign companies and both planning boards with no concerns with this specific criterion.

Anderson asked how NITs would be measured to ensure signs are in compliance.

Wedel stated that light intensity or NIT level can be measured with a NIT gun, but it would be required that the sign owner submit documentation of the NIT level which the sign would be operating and also require an automatic dimmer for cloudy days and lower ambient light levels.

Anderson asked if a government sign could be digital.

Wedel stated that they could be digital but would be subject to the minimum requirements for digital signs.

Ball moved to forward a recommendation to the Board of Commissioners of Riley County approving the proposed amendments of the Riley County Zoning Regulations with the following two modifications:

1. Staff explore adding a definition of "abandoned sign" to the amendments; and
2. Change the proposed 90-day sign removal period for off-premise advertising signs to 180 days.

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

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

Anderson asked if there are any future plans for the Community House on S. 4<sup>th</sup> Street.

Evans indicated that the Parks and Recreation Department uses the building for various activities. He said the building has been a topic of discussion for the Historic Resources Board (HRB) regarding its long term use. The HRB has asked for CIP funds to do a feasibility study to determine what might be possible, but it wasn't a high enough priority in the CIP process. Because it's listed on the National Register, the City had the State Historic Preservation Office look at it and because the gym in the middle of the structure would need to remain to keep it on the National Register, it could be challenging to find other uses.

Morse asked about the Comprehensive Plan Update and the consultants' comment about Planning Board review.

Ball said there was some discussion about the proposed down zoning area east of City Park and that many of the Project Advisory Committee members seemed to support going to R-1, Single-Family, instead of R-2, Two-Family.

Cattell indicated that no formal action was taken and the suggestion by staff for the possible R-2 designation was to limit the number of potential nonconformities that might be created. He said the Comprehensive Plan update process involves a higher level of policy analysis than the rezoning action will require in the future and that a final determination on which zone to apply has not been made.

Cattell indicated that the public can go on the project website [www.manhattanarea2035.com](http://www.manhattanarea2035.com) and make comments on each of the chapters of the draft Plan through December 19<sup>th</sup>.

Anderson said the keypad polling that was used during the community workshop on the Comprehensive Plan was very effective and informative and allows the public to weigh in anonymously.

With no further business, Anderson closed the meeting.

Respectfully submitted,

Everett Haynes, Planning Intern;  
Lisa Daily, Administrative Assistant II, Riley County Planning & Development