

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
December 15, 2014
7:00 p.m.

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

MEMBERS ABSENT: Gary Stith

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; Chase Johnson, Planner; and Ben Chmiel, Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

Morse asked to move the Final Plat of AIB Addition, Unit 2 to the General Agenda for a brief discussion.

APPROVE THE MINUTES OF THE DECEMBER 1, 2014, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Morse moved that the Board approve the Minutes of the December 1, 2014 Planning Board meeting. Reynard seconded the motion, which passed on a vote of 6-0.

GENERAL AGENDA

APPROVE THE FINAL PLAT OF THE AIB ADDITION, UNIT 2, GENERALLY LOCATED ON THE EAST SIDE OF N. MANHATTAN AVENUE AT 1213 BAKERS WAY (APPLICANT: BBN ARCHITECTS—PATRICK SCHAUB ON BEHALF OF THE OWNER, AMERICAN INSTITUTE OF BAKING—ANDRE BIANE).

Johnson provided a brief overview the Final Plat of American Institute of Baking Addition, Unit 2 and the reason for the replat to accommodate a proposed build addition to the existing AIB facility.

Anderson asked if the new building will be on Lot 1 of the plat.

Johnson the building will be on Lot 2 and that the existing AIB Building is on Lot 2 of the replat. The new building will serve as an accessory building to the existing administrative building.

Morse asked what will be north of the lot.

Johnson answered that there are no proposed modifications to Lot 1 north of Bakers Way which will remain with the off-street parking lot and areas of mature vegetation and trees to the east.

Morse asked how deep the northern lot is.

Johnson answered that the vegetation goes all the way to the east property line and explained the project in more depth.

Morse asked if a subsequent move would be to strip the vegetation on Lot 1.

Johnson answered that since the research user is a conditional use, every development proposal on the lots will have to be reviewed by the Board of Zoning Appeals. The current proposed modifications only includes moving the small warehouse building to the east of the AOB building.

Ball moved that the Board approve the Final Plat of American Institute of Baking Addition, Unit 2, based on conformance with the Manhattan Urban Area Subdivision Regulations.

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

TABLE THE PUBLIC HEARING TO CONSIDER REVISIONS TO ARTICLE X, FLOODPLAIN REGULATIONS (APPLICANT – CITY OF MANHATTAN).

Ball moved to table the Public Hearing for the proposed revisions to Article X, Floodplain Regulations, to the January 5, 2015, Manhattan Urban Area Planning Board meeting.

Morse asked for clarification about why the Board is postponing the item.

Bunger explained that the City is making a few final revisions to the floodplain regulations. He said there was still time to ensure that the maps and regulations are adopted by March 16, 2015.

The motion was seconded by Reynard and passed on a vote of 6-0.

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED GRAND ESTATES, AN APPROXIMATELY 23 ACRE TRACT OF LAND. THE SUBDIVISION IS PROPOSED TO CONSIST OF TWELVE (12) SINGLE-FAMILY DETACHED LOTS. (APPLICANT: SMH CONSULTANTS – JEFF HANCOCK, OWNER: THIERER CONSTRUCTION – LARRY THIERER.)

Bunger presented the staff report and recommended approval of the Variations of Article X, Subdivision Layout Standards, and approval of Preliminary Plat of the proposed Grand Estates Addition with one (1) condition of approval.

Morse asked for clarification about a typo on page eleven (11) of the staff memorandum.

Bunger explained and corrected the typo.

Morse asked who was responsible for maintaining the significant drainage area.

Bunger explained that it is private property and within a drainage and conservation easement and must be maintained in its natural state. The private property owners would maintain the area, not the city.

Anderson asked what the owners of Lots 6 and 7 could do with the drainage and conservation easement area, since no construction can take place in that portion of the lot.

Bunger explained that the easement area can be walked on, viewed, and enjoyed as long as it is preserved in its natural state. This condition will also be stated on the plat for homeowners to be aware of when buying the lot.

Anderson opened the public hearing.

Morse asked about a letter exchanged between City Staff and the applicant, Jeff Hancock of SMH Consultants, and a typo within the letter. Morse also asked if the large size of the easement space on Lot 7 will affect the property taxes for future property owners.

Hancock said that he did not know for sure, but that property is usually taxed by how it is used rather than its size and zoning.

Anderson stated that the lot would originally be appraised by the value of the lot.

Hageman asked if trees die in the drainage/conservation easement, can they be removed but not replaced.

Hancock answered that typically in a drainage easement, trees and shrubs cannot be planted. The notes on the plat about the easements make a note of this policy and maintenance of the easement.

Hageman said the current policy states that in a drainage easement, nothing can be done to restrict water flow, so trees can be removed if needed but not replaced or added.

Bunger explained that Hageman was correct and explained the drainage easement policies more in depth.

Hageman asked about the pedestrian easement and if it needs to be maintained by the property owners or by the city.

Bunger explained that it will depend on the final plan for the pedestrian trail and that the city requested the pedestrian easement. During Final Plat approval the City will discuss the maintenance with the Parks Department.

Morse and Anderson asked for clarification about type of grass that can be planted in the

easement and if it can be mowed.

Bunger explained that the steep slopes of the conservation/drainage easement will probably not be mowable.

Anderson asked if the trees and shrubs can be trimmed in order to make the area more conducive to walking and recreation.

Bunger explained that trimming and removal of small or dead trees is permitted.

Hancock explained that mowing won't necessarily hurt the land. He explained that the post-Best Management Practices (BMPs) were taking place because of the city's National Pollution Discharge Elimination System permit and in order to meet the guidelines, certain areas of land must be set aside for conservation.

Bunger explained that the natural vegetation helps filter pollutants and slow erosion, especially on slopes. The dual drainage and conservation easement gives the City more authority to prevent property owners from obstructing water flow and drainage.

Morse asked for clarification on where the pedestrian easement would be.

Hancock stated that it can be more clearly labeled on the Final Plat.

Anderson closed the public hearing.

Ball moved that the Board approve the Variations of Article X, Subdivision Layout Standards, set out in the Staff Memorandum, based on the findings in the Staff Memorandum and approve the Preliminary Plat of the Grand Estates Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following condition of approval:

1. Written approval from the Kansas State University Golf Course Management and Research Foundation and Grand Mere Developments stating that they approve the use of the detention/retention basin north of Vanesta Drive to be used to store and manage the stormwater runoff from the proposed subdivision shall be provided at the time of the Final Plat application.

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

REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

Cattell reminded the public that there is still time to comment and view the draft Manhattan Area Comprehensive Plan on the project website until December 19.

Anderson stated there is an issue between the City and a property owner in a recently approved plat at the end of Miller Parkway and the issue involves a survey that raised the plat a significant number of feet very close to the property line. This means that the proposed road extension will be approximately three (3) feet above the grade of the

fence. Anderson urged the Board to review the situation.

Bunger explained that it is a design issue of the street, water, and sewer and that the grade of the land had to have been raised to accommodate the infrastructure. Bunger explained that the Planning Board getting involved in the situation may create some conflicts of interest.

Cattell explained that the approval of plats is a ministerial act of the Board. The Board is obligated to approve a plat if it conforms to the Subdivision Regulations. Cattell explained the issue is more of a technical design issue and does not mean there is anything wrong with the plat. He cautioned the Board in getting involved with the issue since infrastructure design it is outside the Board's jurisdiction.

Anderson stated that he considers himself an observer and was asked by the owner as a Planning Board member to take a look. Anderson reiterated that he is just asking other Planning Board members to take a look at the issue.

Cattell reminded Board members to recognize if they are approached by property owners/applicants in the future on items that have not been acted upon by the Board, to disclose any discussion or contact with applicants before they vote on the item.

Bunger explained that Anderson may have created a line of contact and communication with the property owner, and to be mindful of any future communications.

Anderson adjourned the meeting.

Respectfully submitted,

Everett Haynes, Planning Intern