

**MINUTES  
MANHATTAN URBAN AREA PLANNING BOARD  
City Commission Room, City Hall  
1101 Poyntz Avenue  
September 10, 2015  
7:00 p.m.**

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

**MEMBERS ABSENT:** Jerry Reynard; Katie Stunkel

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Lance Evans, Senior Planner; Chase Johnson, Planner; Ben Chmiel, Planner; Monty Wedel, Planning and Special Projects Director - Riley County.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE AUGUST 17, 2015, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL DEVELOPMENT PLAN FOR PHASE 1 OF THE MANHATTAN CHRISTIAN COLLEGE PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF FAIRCHILD AVENUE AND N. 14TH STREET. (APPLICANT/OWNER: MANHATTAN CHRISTIAN COLLEGE – J. KEVIN INGRAM, PRESIDENT)**

**APPROVE THE FINAL DEVELOPMENT PLAN FOR LOT 11, GRAND MERE VILLAGE COMMERCIAL PLANNED UNIT DEVELOPMENT GENERALLY LOCATED APPROXIMATELY 950 FEET NORTHWEST OF THE INTERSECTION OF KIMBALL AVENUE AND VANESTA DRIVE. (APPLICANT: SMH CONSULTANTS-JEFFERY D. HANCOCK OWNERS FIELDHOUSE DEVELOPMENT-ZAC BURTON)**

Stith moved that the Board approve the Consent Agenda. Anderson seconded the motion, which passed on a vote of 3-0-2 with Hageman and Parikh abstaining on the Minutes and a vote of 5-0 on the two Final Plats.

## **GENERAL AGENDA**

### **A PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTIONS 2, 4, 5, 6, 7, 9A, 13 AND 20, OF THE RILEY COUNTY ZONING REGULATIONS, REGARDING ACCESSORY STRUCTURES. (RILEY COUNTY PLANNING BOARD)**

Monty Wedel presented the staff report indicating the proposed changes to accessory structures would allow more flexibility on larger tracts by allowing larger structures to accommodate equipment. He also stated there will be an option for a variance. He said it was brought to Staff's attention that basing the maximum structure size on the lot size would be more restrictive for subdivisions such as University Park, which has central sewer. Staff is recommending when determining the size of an accessory structure that you refer to the Table 1. Maximum Floor Area for Accessory Buildings or the maximum square footage of the footprint of the principal structure; whichever is greater.

Anderson asked what are the changes or violations driving these changes.

Wedel replied it is not from violations but several property owners with larger tracts of land wanting to build a structure larger than the house. He said Riley County Planning & Development staff recommends approval of the amendments with the suggested changes.

Ball opened the public hearing.

James Slaymaker stated he lives at University Park and due to the proposed amendments he just applied for and received approval for a permit to build a 2,000 square foot shop. He said that several property owners in University Park had applied for permits to build because the proposed amendments would limit them to only a 1,000 to 1,200 square foot accessory building.

Wedel stated it was residents in the University Park area that brought this restriction to Staff's attention. He explained to Mr. Slaymaker that the suggest change is either use the table or the size of the principal structure.

Anderson asked Mr. Wedel if someone wants to appeal would they go through the Board of Zoning Appeals.

Wedel replied yes that the variance option is up to 20% above the maximum size.

Ball closed the public hearing.

Reynard moved that the Manhattan Urban Area Planning Board forward a recommendation of approval of the amendments to the Board of County Commissioners, to also include the changes shown to the Manhattan Urban Area Planning board at the public hearing.

The motion was seconded by Anderson and passed on a vote of 5-0.

**A PUBLIC HEARING TO AMEND THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN (MUACP). THE PROPOSED AMENDMENT IS TO ADOPT BY REFERENCE AND INCORPORATE THE PROPOSED HARTFORD HILL MASTER PLAN, DATED SEPTEMBER 2015, AS A PART OF THE MUACP. THE HARTFORD HILL MASTER PLAN IS A SEPARATELY BOUND DOCUMENT THAT WILL BE CITED IN THE MUACP DOCUMENT. THE HARTFORD HILL MASTER PLAN PROVIDES ADDITIONAL GUIDANCE FOR DEVELOPMENT OF THE 320 ACRE SITE LOCATED GENERALLY NORTHWEST OF GRAND MERE, AND INCLUDES GUIDANCE ON DEVELOPMENT PHASING, ACCESS, DRAINAGE AND UTILITY SERVICE, PARKS AND TRAILS, LAND USE, AND MITIGATION OF FORT RILEY NOISE IMPACT. (APPLICANT: FIELDHOUSE DEVELOPMENT – ZAC BURTON, PRESIDENT)**

Evans presented the staff report and recommended approval of Resolution No. 091015-A, amending the Manhattan Urban Area Comprehensive Plan, by adopting and incorporating by reference the Hartford Hill Master Plan, dated September 2015, and incorporating the necessary citations in Chapter 3 and Appendix B, as proposed.

Stith asked for clarification on the second road access point to the site.

Evans clarified that it would go east from the northeast corner of the site and connect to Grand Mere Parkway, which would then head north to Marlatt Avenue.

Stith asked if it would go through Kansas State University property.

Evans said it would and he believed they had an easement from KSU.

Stith asked about the Memorandum of Understanding (MOU) between Fort Riley and surrounding jurisdictions and asked what concerns were raised by Fort Riley and how they were being addressed.

Evans described the noise mitigation strategies outlined in the Hartford Hill Master Plan and changes that had been made to the Plan based on input from the Fort. Through conversations with City Administration, the amount of residential development was decreased in the western portions of the site and non-residential office-research park and open space uses had been expanded. Noise disclosure measures would be provided on the plats, as well as on the deeds.

Hageman asked about the infrastructure capabilities between Hartford Hill and the build-out of Grand Mere.

Evans said they would be connected and Development Area A can be served by existing infrastructure. Future phases of Hartford Hill will need additional infrastructure improvements and other considerations would need to be addressed.

Hageman asked about the northern access point and if the easement would provide sufficient land for a road and that clarification with the University would be necessary.

Stith clarified that if the second access point was not able to be completed, the development itself could not go beyond Development Area A.

Evans said that was correct.

Anderson asked how many sewage treatment plants Manhattan has.

Evans said that there was one, on the east side of town.

Anderson asked if the distance between Hartford Hill and the Treatment Plant was an issue.

Cattell mentioned that Eureka Valley is actually farther from the treatment facility than Hartford Hill, and lift stations serve the Eureka Valley. Development Area A would mainly be served by gravity flow to the east. Later phases of development in Hartford Hill would be served by lift stations that bring it to a gravity flow sewer, utilizing newer technologies where the lift stations know when they can pump. The Urban Service Area will move west as infrastructure is built and the Hartford Hill Master Plan explains how the infrastructure will be handled as development moves west. Cattell said the site can be adequately served with the infrastructure improvements described in the Master Plan.

Stith pointed out the City provides sewer and water services to the Riley County Shops to the north on US 24.

Cattell said that was correct.

Stith asked about the lift stations required, beyond Development Area A and who would be responsible for them.

Cattell said that lift stations are generally not encouraged; however appeared to be the best solution for unique conditions at this site and the City would be responsible for them.

Anderson asked when the city sewage treatment plant would need to be expanded or updated.

Cattell said he did not know when that would be required and there are long term projects in the Capital Improvements Program to address any capacity issues. However, this development would not require modifications to the sewage treatment plant.

Ball opened the public hearing.

Jeff Hancock, SMH Consulting representing the applicant, addressed some of the infrastructure challenges that had been discussed. The Wastewater Treatment Plant had been expanded about five years ago, with the expansion serving growth for the next 20-25 years. The sewage from Hartford Hill will go into the Wildcat Creek lift station along Ft. Riley Blvd and then pumped and gravity flowed to the Treatment Plant. Hancock said the Director of Utilities had them analyze the capacity issues from Hartford Hill down to

Anderson Avenue and it was determined that the only potential capacity issue identified was north of Kimball Avenue, just south of Cedar Glen Addition, where an unlikely peak condition could arise. The Master Plan proposes that the lift stations are controlled by level and time of releases to the receiving system, through telemetry.

Hancock then addressed water capacity, saying there was plenty of water pressure at the highest point in Hartford Hill. There is an existing volume issue with keeping the Colbert Hills Water Tower filled at peak usage times. However the City is currently looking at options including a potential water tower at Hartford Hill. Hancock pointed out that the utility and traffic analyses for the Hartford Hill Master Plan were completed based on the earlier higher densities in the draft Master Plan, and had not been revised after the proposed densities were reduced, which allows for some additional buffer in capacities of infrastructure.

Zac Burton, Fieldhouse Development said the project had been in the works for about a year and a half and they had already presented a work session on an earlier draft to the Planning Board. They have spent countless hours working on issues with Planning and Public Works staff and Fort Riley. He mentioned that this is Manhattan's second large "master planned neighborhood". He said the Grand Mere Master Plan has been a helpful tool for implementing development of that area, and while they are not required to do a master plan, he has seen the value it provides during implementation. He said the Hartford Hill Master Plan goes into more detail and scope than the Grand Mere Plan. He said Manhattan is experiencing a lot of growth and there are not a lot of options on where to put the necessary residential growth and Hartford Hill will be a great resource for the City as businesses look to locate here.

Burton said he does have an access easement with Kansas State University and it is large enough for a city street and all the other necessary easements, and it runs from the northeast corner of the site to Marlatt Avenue. He said the final alignment of the road connection is still being worked out through discussions between Mary Vanier, who owns the northern 100 acres of Grand Mere, himself, Kansas State University and Riley County, to figure out the best route and location for connection to Marlatt Avenue to meet everyone's needs. He said the Hartford Hill Master Plan provides an opportunity for the City and County to address growth needs immediately, without having to fund an expensive bridge across the river to the east. He said there have been some challenges that have been addressed through the Master Plan, and he has already spent around \$150,000 developing the Plan. However, it will be valuable to the City and County for a long time into the future and make decision-making easier for everyone involved. Most importantly, similar to the Grand Mere Master Plan, it will provide continuity for people looking to purchase homes in the development and for developers and decision-makers in the future.

Hageman thanked Burton for being proactive with development in the community and expressed his support for the project, saying it looks like a good Master Plan. He asked about the implementation of the project.

Burton said the development will be phased, as has been worked out with the Fire Department, Public Works and City Administration, with Development A being first due

to its easy access to Grand Mere Parkway and use of gravity flow sewer. Then they will move to Area B to the north and finalize the alignment and provide the second access connection to the site and to Marlatt Avenue, and then move to the later phases to the west. This will provide the Fire Department two access points before Area B is developed.

Stith asked about the potential traffic generated from this project and if any improvements would need to be made to Marlatt Avenue since it is currently a rural gravel road.

Burton said all the traffic could go to the south to Kimball Avenue, but that would not be the best approach. He was not sure of the County's plans or timing of improvements to Marlatt Avenue. Improvements would likely involve paving it as a two-lane road and straightening some of the curves.

Hancock said that was correct. There are some geometric improvements that need to be made and there are two 90 degree curves that will need modification to improve sight distances. He did not know if curbs and gutters were being considered. It would need to be paved and some drainage improvements made as well. He said in their Traffic Study they only assigned 15% of the traffic from the development going north to Marlatt Avenue and that most traffic would continue to go south.

Burton added that Fort Riley also had concerns with extending additional connections to open up potential future development areas the west, north and south. He said he has been taking the Fort's concerns very seriously and has been doing so for the past five years as he has been developing in Grand Mere.

With no one else speaking, Ball closed the public hearing.

Stith asked for clarification on how noise disclosure would be provided.

Cattell described the range of strategies proposed by the applicant as outlined in the Hartford Hill Master Plan, including notes on the Final Plats, notification on deeds, and information in marketing and MLS documents. He said the City will also be developing an informational page on the City's web site that addresses both Fort Riley noise impact issues, as well as Airport noise impacts, to help inform and educate the public on what to expect in the western portions of Manhattan.

Stith moved that the Manhattan Urban Area Planning Board approve and adopt Resolution No. 091015-A, amending the Manhattan Urban Area Comprehensive Plan, by adopting and incorporating by reference the Hartford Hill Master Plan, dated September 2015; and, forward a recommendation of approval to the City Commission and Riley County Commission.

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

Ball thanked the applicants for their efforts in developing the Master Plan.

**AUTHORIZE CITY ADMINISTRATION TO INITIATE THE REZONING PROCESS, PURSUANT TO SECTION 15-102 OF THE ZONING REGULATIONS, FOR IMPLEMENTING THE DOWN-ZONING OF THE EAST CITY PARK AREA, TO R-1/TNO SINGLE-FAMILY RESIDENTIAL DISTRICT WITH TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, PURSUANT TO AND IN COMPLIANCE WITH THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN, DATED MARCH 2015, ORDINANCE NO. 7131, AS AUTHORIZED BY K.S.A. 2014 SUPP. 12-757, ET. SEQ. THE AREA CONSISTS OF APPROXIMATELY TEN AND A-HALF BLOCKS GENERALLY BOUNDED BY NORTH 11TH STREET ON THE WEST; NORTH JULIETTE AVENUE ON THE EAST; THE ALLEY NORTH OF POYNTZ AVENUE ON THE SOUTH; AND ON THE NORTH BY OSAGE STREET BETWEEN N. 11TH AND N. 9TH STREETS, AND THE ALLEY NORTH OF OSAGE STREET BETWEEN N. 9TH STREET AND N. JULIETTE AVENUE. THE AREA CONSISTS OF APPROXIMATELY 141 PROPERTIES.**

Evans reviewed the proposed ten and a-half block down-zoning area that had been identified during the fifteen month long public process to update Manhattan Urban Area Comprehensive Plan. The area identified to be down-zoned to either the R-1 or R-2 District was discussed by the community during that process which involved extensive input from the public, the Project Advisory Committee, the Planning Board and City Commission. He indicated the existing R-M, Four-Family zoning was not being significantly utilized and may be a barrier to reinvestment in the primarily single-family structures in the area. He said City Administration held a neighborhood meeting on June 23<sup>rd</sup>, attended by 22 people. There were a number of issues raised both for and against the down-zoning at the meeting. Attendees had general questions about the zoning process, nonconforming uses and policies that regulate nonconforming uses, potential impact on property values, the lack of off-street parking, drainage, absentee landlords, poorly maintained properties, and loss of value of investment property. There was a strong desire from residents to maintain and reinvest in the existing neighborhood and single-family homes. He said the proposed down-zoning of this area implements the Comprehensive Plan's Action Plan to help promote increased stabilization of this identified neighborhood.

Evans explained that the Zoning Regulations indicate that any legally nonconforming residential use can remain indefinitely and be rebuilt if destroyed by an act of god, but not the willful act of the owner. He said City Administration believes down-zoning this area to the R-1, Single-Family Residential District with retention of the existing TNO, Traditional Neighborhood Overlay will be more effective at stabilizing the area, than down-zoning it to the R-2/TNO, Two-Family Residential District. This area has seen a number of new larger infill duplexes that have gone to the Board of Zoning Appeals.

Evans said City Administration recommends that the Manhattan Urban Area Planning Board authorize initiation of the rezoning process, pursuant to the Zoning Regulations, for implementing the R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District on the identified ten and a-half blocks, generally bounded by North 11<sup>th</sup> Street on the west; North Juliette Avenue on the east; the alley north of Poyntz Avenue on the south; and on the north by Osage Street between N. 11<sup>th</sup> and N. 9<sup>th</sup>

Streets, and the alley north of Osage Street between N. 9<sup>th</sup> Street and N. Juliette Avenue, pursuant to and in compliance with the Manhattan Urban Area Comprehensive Plan, dated March 2015, Ordinance No. 7131, as authorized by K.S.A. 2014 Supp. 12-757, et. seq.; and,

Direct City Administration to:

- a) Finalize the application based upon this action of the Manhattan Urban Area Planning Board, and showing the MUAPB as the applicant;
- b) Establish date at which the public hearing can be conducted upon such applications; and,
- c) Provide the appropriate notice of such public hearings as required by law.

Anderson asked if the duplexes in the area were conversions, or built as duplexes.

Evans indicated both scenarios had occurred in the area.

Stith asked how many nonconforming structures there would be.

Evans did not know the specific number, said he could have that for the public hearing.

Cattell reminded the Board that in 2003, following the Traditional Neighborhood Study, the Zoning Regulations had been modified due to the large number of nonconformities created by those previous down-zonings, to allow that any legally established nonconforming residential property could continue to be used and even be rebuilt if it is destroyed, as long as it doesn't increase the degree of nonconformity.

Stith said the down-zoning on the west side of City Park had been effective in helping to promote reinvestment and to stabilize that neighborhood. He asked if the same would be true in this proposed down-zoning area east of City Park.

Chmiel said his research showed that for the neighborhood on the west side of City Park there was approximately 53% owner occupancy in the year 2000, and in 2015 it is approximately 43%. He said there would have had a greater decline in ownership if not for the down-zoning. This can be seen in the neighborhood east of City Park, where owner occupancy was approximately 43% in 2000, and is down to 28% in 2015.

Anderson asked why the proposed down-zoning area did not extend farther north.

Evans indicated that the proposed down-zoning area had been determined through extensive analysis of neighborhood characteristics and metrics, and that the neighborhood starts to change as you move to the north.

Ball said the area had been identified during the process for updating the Comprehensive Plan with extensive public input.

Ball asked if there were any public comments. There were no public comments.

Stith moved that the Manhattan Urban Area Planning Board authorize initiation of the rezoning process, pursuant to Section 15-102 of the Zoning Regulations, for implementing the R-1/TNO, Single-Family Residential District with Traditional Neighborhood Overlay District on the identified ten and a-half blocks generally located east of City Park pursuant to and in compliance with the Manhattan Urban Area Comprehensive Plan, dated March 2015, Ordinance No. 7131, as authorized by K.S.A. 2014 Supp. 12-757, et. seq.; and,

Direct City Administration to:

- d) Finalize the application based upon this action of the Manhattan Urban Area Planning Board, and showing the MUAPB as the applicant;
- e) Establish date at which the public hearing can be conducted upon such applications; and,
- f) Provide the appropriate notice of such public hearings as required by law.

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

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

Anderson gave a summary of a neighborhood survey he had conducted in the down-zoning area, looking at structural conditions, number of units, and type of structure. He said there are a significant number of structures that are in need of improvement and the down-zoning could help.

Parikh said it is a combination of the down-zoning in this area, with the up-zonings that are being done on both sides of campus, so the two approaches are working together to improve housing conditions overall.

Cattell provided an update on the Wildcat Creek Resiliency Project grant application. He also said there is an upcoming Four-State Planning Conference in Kansas City on October 21<sup>st</sup> – 23<sup>rd</sup> that includes a Friday track for Planning Commissioner training.

There being no further business, Ball closed the meeting.

Respectfully submitted,

Amelia Lewis, Planning Intern  
Eric Cattell, Assistant Director for Planning