

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**May 2, 2016**  
**7:00 p.m.**

**MEMBERS PRESENT:** John Ball, Chairperson; Gary Stith; Neil Parikh; Jerry Reynard; Phil Anderson; Debbie Nuss; and Ken Ebert.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; Lance Evans, Senior Planner; and Amelia Lewis, Planning Intern.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE APRIL 18, 2016, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 4, GRAND MERE VILLAGE, COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED APPROXIMATELY 350 FEET EAST OF THE INTERSECTION OF VANESTA DRIVE AND CLOCKTOWER PLACE, ON THE EAST SIDE OF CLOCKTOWER PLACE. (APPLICANT/OWNER: RFG PROPERTIES, LLC)**

Stith moved that the Board approve the Consent Agenda.

Reynard seconded the motion, which passed on a vote of 6-0-1 for the minutes with Parikh abstaining; and 7-0 for the Final Development Plan of Lot 4, Grand Mere Village.

**GENERAL AGENDA**

**A PUBLIC HEARING TO TABLE PUBLIC HEARING TO REZONE THE PROPOSED INTERLACHEN VILLAS PUD, 7.25 ACRE TRACT OF LAND FROM R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO PUD, INTERLACHEN VILLAS RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. (APPLICANT/OWNER: PMG PROPERTIES, LLC, TJ VILKANSKAS)**

Nuss made a motion to table the public hearing to the May 16, 2016 Manhattan Urban Area Planning Board meeting date.

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

**A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE MANHATTAN ZONING REGULATIONS, ARTICLE V, HOME OCCUPATIONS AND ARTICLE XVI, DEFINITIONS TO ALIGN CITY REGULATIONS WITH STATE REGULATIONS REGARDING DAY CARE AND GROUP DAY CARE CENTERS.**

Lewis presented the staff report and recommended approval.

Nuss asked about the other cities that were included in the research.

Lewis identified the other cities.

Nuss asked if those cities followed the State's regulations.

Lewis said it varied with some not following the state, but that most did align with the state requirements. She was not sure why some did not follow the state. It might be that the just haven't revised them yet.

Nuss asked if the City had contacted the Riley County Health Department about the proposed amendments and if they saw any issues this would cause for the daycare providers.

Lewis said the City had a meeting with the Health Department to discuss the issues and the proposed changes. Their concern was to make sure the providers are meeting all applicable requirements. Because the proposed amendments are to come into alignment with the state's requirements, there shouldn't be any issues. She said they are required to be inspected.

Stith commented that if the City doesn't make the changes it will be limiting the capacity of day care providers in Manhattan. He said there is a real demand for day care within the City for families and it can affect work force and the ability to have employment by both parents in a family. The change will help increase capacities and should be encouraged.

Ball agreed, saying the Social Service Advisory just did an on-site visit of the KSU Child Development Center which has waiting lists of 30 to 40 in each age category.

Anderson asked who conducted the inspections.

Lewis said it was the Health Department and the Fire Department.

Anderson asked how often that occurred.

Lewis said she was unsure.

Ebert asked if the inspection requirements would be the same even with the amendments.

Lewis said the inspection requirements are not changing.

Anderson commented on the number of facilities in the city and asked about the difficulty of operating a facility without a license.

Lewis said she was not sure how an unlicensed facility comes to the attention of the Health Department; however it would be an incentive to a provider to be licensed because parents might be less likely to want their kids at an unlicensed facility.

Bunger said he thought it was like any other business that's regulated by the Health Department and if you are not licensed then it becomes illegal. He said the issue with the City is that currently, the City requires a conditional use permit for day care homes with seven children or more and that the City relies on inspection by the Health Department and the Fire Department to meet KDHE licensing requirements. Because the state has changed the requirements, there are many in-home day cares that were licensed, but did not have the conditional use for more than seven kids. Without making the proposed changes to align with the state's provisions, the City might have to retroactively make a number of the existing day care homes jump through the conditional use hoop, even though they have been operating successfully for a number of years. The proposed amendments are to clean the regulations up and make the process more stream-lined and align the regulations with the state.

Ball opened the public hearing. No one spoke.

Ball closed the public hearing.

Stith moved that the Planning Board recommend approval of the proposed amendment to the Manhattan Zoning Regulations Article XVI, Construction and Definitions, Part 2, Definitions, Section 16-201 to define Day Care Home, Group Day Care Centers, and Nursery School; and to amend Article V, Accessory Uses, Temporary Uses, Home Occupations, Part 3, Home Occupations, Section 5-303, Use Limitations, based on the findings in the Staff Memorandum.

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

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE MANHATTAN ZONING REGULATIONS, ARTICLE VI – SIGNS, CONSISTING OF SEVERAL FOLLOW UP REVISIONS INVOLVING CORRECTIONS, CLARIFICATION, AND MODIFICATIONS TO THE REGULATIONS ADOPTED IN 2014.**

Cattell presented the staff report. He indicated that the Sign Regulations were extensively rewritten through a two-year community wide process consisting of multiple internal meetings, two separate rounds of community stakeholder meetings, and work sessions conducted by the Manhattan Urban Area Planning Board and City Commission. When the new regulations were adopted in December 2014, it was recognized that follow-up

revisions would be necessary to address any oversights, unintended consequences, corrections and/or need for clarification, following adoption of new sign regulations that so extensively revised the previous provisions. He outlined the six proposed revisions and recommended approval.

Anderson asked about an existing sign for McGraws in the Blue Hills Shopping Center along US 24.

Cattell said it was most likely legal.

Anderson asked if there were officials who checked the signs.

Cattell explained that there are four code and zoning inspectors in the city who inspect signage.

Stith asked about wall signs meeting the setback for the building and if the sign's thickness was an issue.

Cattell said there was a maximum thickness to the signs which prevents it from extending too far.

Stith asked about the number of temporary feather/flag signs around town.

Cattell said those are considered temporary signs, in that they can be removed and are not of permanent construction. Most retail zoning districts allow a business can have up to three signs on a property at any time. He said during the two-year community process to rewrite the regulations, there had been some debate about restricting temporary signs however this is the balance that came out of that process.

Bunger said another challenge to temporary signs is that there is no permitting process for them so it is a challenge to track when they go up and are taken down.

Ball opened the public hearing. No one spoke.

Ball closed the public hearing.

Stith moved that the Planning Board recommend approval of the proposed amendments to Article VI Signs, and the correction to Article V Home Occupations, of the Manhattan Zoning Regulations, to address the identified follow-up items, based on the findings in the Staff Memorandum.

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

#### **ELECTION of a VICE-CHAIRPERSON**

Ball asked for nominations.

Anderson nominated Parikh.

Nuss seconded the motion, which passed on a vote of (7-0).

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

Cattell indicated he had passed out a memorandum from Riley County which asked the Board to appoint a representative to serve on the Riley County Zoning Subdivision Re-Write Steering Committee.

Anderson nominated Nuss.

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

Cattell reported that there would be a joint meeting for the Manhattan Urban Area Planning Board and the Pottawatomie County Planning Commission on July 13<sup>th</sup> to discuss issues of mutual interest involving cooperative planning.

Evans provided an update on the Aggieville Community Vision Plan, indicating last Thursday there was an open house with about 50 people in attendance and the on-line survey has had over 4,000 responses which will stay open until May 16th. There will be a property owner meeting on May 12th.

The Board welcomed new member, Ken Ebert.

Anderson asked if a guard rail would be installed on North Manhattan Avenue, north of AIB.

Cattell said he has spoken with the City Engineer and a guard rail is not needed along the road.

Ball adjourned the meeting.

Respectfully submitted,

Amelia Lewis, Planning Intern