

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
October 3, 2016
7:00 p.m.

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

MEMBERS ABSENT:

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE SEPTEMBER 8, 2016, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

Anderson moved that the Board approve the Consent Agenda. Ebert seconded the motion, which passed on a vote of 5-0-2, with Reynard and Parikh abstaining because they were not at that meeting.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER THE REZONING THE HERITAGE SQUARE NORTH DEVELOPMENT, A 33-ACRE TRACT OF LAND GENERALLY LOCATED TO THE NORTH OF THE INTERSECTION OF U.S. HIGHWAY 24 AND SOUTH PORT DRIVE, FROM POTTAWATOMIE COUNTY CH, HIGHWAY COMMERCIAL DISTRICT, TO C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT. (APPLICANT/ OWNER: MCM PROPERTIES, LLC – ROB EICHMAN)

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED HERITAGE SQUARE NORTH DEVELOPMENT, A 33-ACRE TRACT OF LAND. THE SUBDIVISION IS PROPOSED TO CONSIST OF FOURTEEN (14) COMMERCIAL LOTS (APPLICANT/ OWNER: MCM PROPERTIES, LLC – ROB EICHMAN)

Bunger presented the Staff Reports on the rezoning and the Preliminary Plat of Heritage Square North, recommending approval of the rezoning, based on the findings in the Staff Report. He recommended approval of the Preliminary Plat, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following six (6) conditions of approval:

1. The proposed rezoning shall be approved by the City Commission.
2. Street names for the subdivision shall be approved by the Pottawatomie County Emergency Management Department and the Manhattan Fire Department.
3. The Final Plat shall not be considered for approval until FEMA approves the Letter of Map Revision based on the fill to the site.
4. Post-construction BMP's for water quality measures will be evaluated and installed, if needed, for each lot at the time of a building permit.
5. Designs to improve the outflow areas of existing stormwater sewer pipes to correct erosion issues, as needed, shall be submitted to and approved by the City Engineer and included with the construction of public improvements for the subdivision.
6. A restrictive covenant defining the on-going maintenance of the drainage easement along the Big Blue River shall be agreed upon at the time of the Final Plat.

Anderson asked how detailed the FEMA opinion on the Letter of Map Revision based on the fill would be. He suggested waiting on the rezoning and plat until the Board can read FEMA's response, due to the critical nature of the floodplain in the area. He also asked how the proposed development fits in with the Big Blue River Floodplain Management Plan.

Bunger explained that FEMA's analysis and letter are very succinct, specifically addressing if the site is out of the floodway, based on the applicant's submitted "No Rise Certificate" and analysis that the fill will not raise the flood elevation. He said FEMA requires the analysis to look at the impact both up and downstream from the site. They need to fill to an elevation of 1015 and from the LOMR-F application materials, they exceeded that elevation. He said he will share the LOMR-F when the Final Plat is reviewed.

Anderson asked if it this is a 100 year floodplain.

Bunger acknowledged that it's a 1% chance floodplain (i.e. 100 year).

Anderson asked how frequently there have been those events, because in 1993 it was a 500 year storm.

Bunger explained that based on extensive analysis of the 1993 event by the Corps of Engineers and AMEC during the recent FEMA map updates and elevation certification process, utilizing more years of flow data and better contour maps and computer modeling, it has been determined that the 1993 event was between a 65 and 75 year event. He said this area is somewhat unique in that it's a controlled river section and

Tuttle Creek Reservoir has been handling multiple storm events; that without the dam would have inundated the City. There is more flood protection than under normal circumstances with a 1% annual risk floodplain. He said the Big Blue River Floodplain Management Plan provides high level policy recommendations and action steps and does not get down to site-specific issues.

Anderson asked if US Highway 24 acts as a natural barrier to flooding.

Bunger said it does in some locations, but towards the western end of this corridor it does not. He explained the cut-bank issues along the Blue River by the site and the erosion control measures that have been taken, including construction of weirs and rip rap. He also said the drainage easement on the Preliminary Plat accounts for the natural erosion of the cut-bank and helps keep development away from that area.

Ebert asked if they filled to 1015 and would they have to raise the finished floor elevation two feet above that level.

Bunger explained that they filled above 1015, however if they had not filled and do not get approval of the LOMR-F and No Rise Certificate there cannot be any development in the Floodway area.

Ebert noted that the east half of the site is not in the floodplain.

Bunger confirmed that the east half has no floodplain restrictions, other than staying away from the river bank.

Ebert asked about the west end of the plat, as well as the reverse frontage road shown on the plat.

Bunger explained there is an existing open ditch that is in a platted drainage easement to address drainage coming off the highway. He said the reverse frontage road will eventually line up with future developments to the west and east of the site.

Stith asked about restricted access along the highway frontage and if Lot 13 was buildable, as it is about 2/3rds in a drainage easement.

Bunger confirmed that the only access to the lots in the development will be off the reverse frontage road and that Lot 13 is buildable for a smaller building.

Stith asked who will maintain the erosion control weirs in the river.

Bunger said the property owner will be required to maintain them, through a restrictive covenant that addresses maintenance of the drainage easement and will be filed as part of the Final Plat, and is a condition of approval on the Preliminary Plat.

Stith asked what they can do in the drainage easement and if they are required to maintain the trees.

Bunger explained they can't do anything except maintain the existing conditions in the drainage easement which would include maintaining the necessary vegetation, weirs and trees to control bank erosion.

Stith asked about a temporary turnaround at the end to the frontage road.

Bunger indicated that has been required by the Fire Department and provided on the east end. The west end connects to an existing access drive from the highway.

Parikh opened the public hearing on the rezoning and the Preliminary Plat.

Rich Seidler, Commercial Real Estate Services, said he represented the seller. He said the buyer/developer's engineering representative was going to be here, but had a family emergency. He commented that the LOMR process is very detailed and will attest to the fact that the fill won't impact the area. He said the Board has final oversight through the Final Plat. He said it's an infill project and asked the Board not to hold it up.

Anderson said he is not opposed to commercial development; he just wants to make sure the development won't further damage the Blue River through additional pollution. He recognizes that agriculture is one of the biggest polluters and that urban development may or may not be better.

Seidler noted that about 21 acres of the 33 acre site is developable, and the rest, about one-third, is devoted to erosion and stream bank control and pollution control.

Bunger explained the City's requirements for post-construction best management practices (BMP) to address water quality issues. He said the applicant is proposing to do a lot-by-lot BMP analysis. The BMP alternatives will help to ensure that water quality doesn't get worse as a result of urban runoff.

Seidler said it is the buyer's intention to develop medical uses and other office uses on the site, especially the western portion of the site.

Stith noted that the Board needs to assume that any C-5 land use might be developed.

Ball noted the conditions of approval on the Preliminary Plat include that the Final Plat won't be considered or approved until after the LOMR-F has been approved by FEMA, which is a third party certification. He said condition number 4 addresses the BMP's for water quality. The Board has the appropriate conditions for monitoring these issues before going forward with the development. He wasn't sure about agricultural uses versus urban uses. However he was inclined to think the restrictions tied with development may do a better job of runoff control.

Seidler said he received a text from the engineering consultant, who indicated that the stream bank setbacks were specifically designed in compliance with the City's Stormwater Master Plan and he is comfortable with the setbacks that have been incorporated in the Preliminary Plat.

Anderson said he assumes the Board won't be considering the Final Plat before they adopt the Big Blue River Floodplain Management Plan in December.

Bunger agreed that was most likely the case. He reminded the Board that the Big Blue River Floodplain Management Plan consists of very broad policy and action items and does not address specific properties.

Stith asked if it will suggest BMP's.

Bunger said not down to this level of detail.

Anderson asked about requiring flood insurance.

Bunger explained that there are extensive rules and regulations in place identifying when insurance is needed or required, and that development within the 1% annual chance floodplain has extensive regulations that must be followed. He said the LOMR-F will be a go, or no-go step in the process.

Anderson said the applicant has gone through some daunting requirements to get this far.

Nuss asked when the LOMR-F application was submitted to FEMA.

Seidler said it was submitted about three and a half months ago, and that five weeks ago FEMA requested some additional information from the engineer, which gives FEMA another eight to twelve weeks to respond. He said approval of the LOMR-F is a condition of the sale of the property.

Nuss asked why the applicant hadn't waited until LOMR-F had been approved.

Seidler indicated the buyer and consultant had anticipated they would have it prior to second reading of the rezoning by the City Commission.

Ebert asked for clarification on where the northern property line is located, where the fill was placed, and what can be done in the drainage easement along the river bank, such as building a parking lot.

Bunger explained the property line is approximately the middle of the river and the fill was placed in the western portion of the site but not up to the river bank. He said the drainage easement in this case will not permit parking lots and must be a natural area green space.

Stith suggested adding a conservation easement as well.

Bunger indicated the drainage easement is a better tool and has more restrictions. He said the engineer certified through their analysis that the bank has been adequately stabilized with various measures including trees, although there are some places where pipe outfalls are eroding and need to be repaired with additional rip rap. Water quality will be addressed through the required BMP's which will be done with a lot by lot analysis to

ensure each lot is addressing what's needed based on soils, impervious areas and filtration.

Parikh closed the public hearing.

Ebert suggested it is a timing question and asked about tabling the rezoning until the LOMR-F is approved.

Stith said that wasn't necessary because of the conditions being placed on the Preliminary Plat and the Board has control with the Final Plat if the LOMR-F is not approved.

Ebert said the site would be zoned but not Final Platted and a different solution would be needed to address the flood issue.

Stith said there will be engineering solutions that could be modified and resubmitted to FEMA. He said the Board still has control over the Final Plat approval to make sure things are done appropriately.

Nuss agreed with Stith's assessment and said her concerns have been addressed through this discussion and the Board still has control through the Final Plat. She asked what the FEMA rejection rate on a LOMR is.

Bunger said he didn't know, but that it should be straight forward if the applicant's engineer has stamped the no rise certificate and the site is elevated above the Base Flood Elevation. He said the east half is still out of the floodplain and the rezoning request meets the rezoning standards.

Anderson said he was happy to see the bike lane provisions have been addressed in the plat which will eventually connect east and west along USD 24 and McCall Road.

Nuss said she was happy to see the forethought given to pedestrian access in the development and for crossing the highway.

Stith moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Heritage Square North from Pottawatomie County CH, Highway Commercial District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

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

Stith moved that the Manhattan Urban Area Planning Board approve the Preliminary Plat of Heritage Square North, based on conformance with the Manhattan Urban Area Subdivision Regulations, with six (6) conditions of approval listed in the Staff Report.

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

WORK SESSION

**ANNUAL REVIEW OF THE WILDCAT CREEK FLOODPLAIN
MANAGEMENT PLAN.**

Bunger provided an overview and summary of the work that has been done over the past year on the Action items in the Wildcat Creek Floodplain Management Plan. He went through action matrix and addressed questions from the Board.

REPORTS AND COMMENTS BY BOARD MEMBERS

Stith announced the Final Draft of Fort Riley Force Reduction Economic Impact Analysis will be presented on Tuesday, October 18 at 10 a.m. at the Manhattan Public Library Auditorium, 629 Poyntz Avenue.

Nuss suggested live streaming it.

Anderson said the Mercury had an article indicating hotel occupancy has reached 60%.

Respectfully submitted,

Eric Cattell, AICP, Assistant Director for Planning