

MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall
1101 Poyntz Avenue

December 18, 2017

MEMBERS PRESENT: Debbie Nuss (chair), Phil Anderson, John Ball, Ken Ebert (vice-chair), Neil Parikh, Jerry Reynard

MEMBERS ABSENT: Gary Stith

STAFF PRESENT: Chad Bunger, Assistant Director of Community Development; Carol Davidson, Senior Planner; Bob Isaac, Planner, Riley County; John Adam, Senior Planner

Nuss called the meeting to order at 7:00 p.m.

I. OPEN PUBLIC COMMENTS

There were none.

II. CONSENT AGENDA

1. Approve the **MINUTES** of the December 4, 2017, Manhattan Urban Area Planning Board meeting.

Ball moved that the Board approve the Consent Agenda with the correction that Nuss opened the meeting, not Ebert; Ebert seconded. Motion passed 4–0–2, Ebert and Parikh abstaining.

III. GENERAL AGENDA

1. A **PUBLIC HEARING** to consider **AMENDMENTS** to Section 13 – Accessory Buildings, Uses, and Structures, and Section 18 – Nonconformities, of the Riley County Zoning Regulations (*applicant: Board of Commissioners of Riley County; file no. RCF-17-101*).

Isaac presented an amendment concerning accessory structures to address problems staff had found with 2015 amendments to this Section. The previous amendment did not include accessory structures for livestock or horses. He noted that large-lot single-family residential zoning, SF-4 and SF-5, allow stock animals. The previous amendment introduced a new method of calculating the allowable size of an accessory structure: based on the size of the tract and the zoning designation of such tract or the size of the footprint

of the principal structure, whichever is greater. He said critical text regarding accessory structures for the housing of livestock and/or horses had not been included.

Isaac said the proposed amendment would also change from two to three, the maximum number of other detached accessory structures permitted. The Appraiser's Office had found that a considerable number of residential tracts currently contain at least three accessory buildings.

Isaac said the Riley County Planning Board heard the request on December 11, 2017 and recommended approval to the Board of County Commissioners, who would be hearing the request on January 4, 2018, at 10:40 a.m., in the County Commission Chambers.

Public hearing open.

Jenny Borman, 3971 McDowell Creek Road, Manhattan, spoke in favor of the amendment, saying that their attempt to build a horse stable led to this amendment.

Public hearing closed.

Ball moved to recommend approval of the proposed amendment to Section 13 of the Riley County Zoning Regulations to the Riley County Board of Commissioners; Reynard seconded. Motion passed 6-0-0.

Isaac presented an amendment to allow schools and religious uses to expand or construct accessory structures without needing conditional use review as long as the new structures do not increase parking demand. He said this was an undesired outcome of a 2012 code amendment that made those institutions conditional uses, thereby rendering all existing uses "legally non-conforming". Consequently, any exterior change or modification to a facility, regardless of how minor, would "increase the degree of nonconformity" and would not be permitted unless such facility obtained conditional use authorization. The proposed amendment would correct that unintended consequence.

Ebert asked how parking was calculated for churches; Isaac answered that it was calculated by seats. Parikh asked if churches and schools had been singled out in 2012 or if the amendment applied to all types of gathering places. Isaac said it was particular to schools and churches because of their traffic and parking impacts.

Isaac said the Riley County Planning Board heard the request on December 11, 2017 and recommended approval to the Board of County Commissioners, who would be hearing the request on January 4, 2018, at 10:30 a.m., in the County Commission Chambers.

Public hearing open.

No one spoke.

Public hearing closed.

Ball moved to recommend approval of the proposed amendment to Section 18 of the Riley County Zoning Regulations to the Riley County Board of Commissioners; Reynard seconded. Motion passed 6-0-0.

2. A **PUBLIC HEARING** to consider the **ANNEXATION** of 8.54 acres, River Tract, Heritage Square North, Unit Two plat (*Applicant: Heritage Capital Investors, LLC; Agent: Jamie McAtee; file no. ANX-17-093*).
3. A **PUBLIC HEARING** to consider the **REZONING** of 8.54 acres, River Tract, Heritage Square North, Unit Two plat from County CH, Highway Commercial, to C-5, Highway Service Commercial District (*Applicant: Heritage Capital Investors, LLC; Agent: Jamie McAtee; file no. REZ-17-100*).

Davidson presented the staff report on the request to annex and zone land lying within the Blue River that belongs to land owners who had annexed the adjacent dry land years ago.

Anderson asked what responsibility the owner had for the health of the river. Jeff Hancock, SMH Consultants, 2017 Vanesta Place, Suite 110, offered to explain. Although rivers—with the exception of the Kansas and Arkansas Rivers—are privately owned in Kansas, the waters are still under the jurisdiction of the Corps of Engineers, and the health of waters is governed by National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency. NPDES permits limit the amount of pollutant that a site can discharge and contains provisions for monitoring and reporting.

Reynard asked Hancock to explain the river protections that had been put in years ago. Hancock said the owners had constructed small jetties and planted shrubs and trees to stabilize the banks.

Ebert asked what happens to the property line if the river moves. He also asked how that might affect taxes. Hancock suggested that would be a question for the County Assessor. Ebert asked if adding the area would affect the building coverage calculation. Staff said the applicant would not be including the river tract in any future subdivision, so it would not change the coverage calculation. Staff clarified that the speculative subdivision drawing used in the staff report and slides, which showed lot lines extending into the river, was now a defunct idea; the applicant would retain the tract whole.

Anderson asked if the fill the owners brought in removed the property from the floodplain. Bunger confirmed that it had.

Public hearing open.

Hancock apologized if any oversight in information that may have misled the Board.

Public hearing closed.

Ball moved to recommend approval of the proposed annexation to the City Commission; Ebert seconded. Motion passed 6–0–0.

Ball moved to recommend approval of the proposed rezoning to the City Commission; Reynard seconded. Motion passed 6–0–0.

4. REPORTS and COMMENTS by Board Members and Staff

Anderson and Parikh both reported that they would be absent on 1/4/2018. Nuss noted that Stith was going to be absent the same evening. She encouraged the rest of the members to attend so they would have a quorum.

Meeting was adjourned at 7:47 p.m.

Submitted by John Adam, Senior Planner