

# MINUTES

## MANHATTAN URBAN AREA PLANNING BOARD

City Commission Room, City Hall  
1101 Poyntz Avenue

**November 5, 2018**

### MEMBERS PRESENT

Ken Ebert, *chair*

Phil Anderson

John Ball

Neil Parikh

Jerry Reynard, *vice-chair*

Gary Stith

### MEMBERS ABSENT

Debbie Nuss

### STAFF PRESENT

Chad Bunger, Asst. Director of Community Development

John Adam, Senior Planner

### 1. CALL TO ORDER

- 1.1. Ebert called the meeting to order at 7:04 p.m. Adam called roll and stated there was a quorum.
- 1.2. Open Public Comments: there were none.

### 2. CONSENT AGENDA

- 2.1. Approve the **Minutes of the October 15, 2018**, Manhattan Urban Area Planning Board meeting.
- 2.2. Consider the **FINAL DEVELOPMENT PLAN** of Aggieville Hotel PUD, a 127-room, five-story hotel on a 0.69-acre tract at the southeast corner of North 12th Street and Bluemont Avenue. (Applicant: Bluemont 12, LLC/Eric Gonsler; File No. PUD-18-035)

**Stith moved that the Board approve the Consent Agenda; Reynard seconded. Item 2.2 passed 6–0–0; item 2.1 passed 5–0–1 with Parikh abstaining.**

### 3. GENERAL AGENDA

- 3.1. **TABLE** the **PUBLIC HEARING** to consider the SUBDIVISION of a 4-acre lot into two lots located at 1132 Hayes Drive. (*Applicant: Larry Hill; File No. SUB-18-063*)

**Stith moved to table the motion until the November 19, 2018 meeting; Reynard seconded. Motion passed 6–0–0.**

- 3.2 A **PUBLIC HEARING** to consider the request for the **REZONING** of a 1.27-acre unplatted tract of land from “AG” (Agricultural District) to “C-4” (Highway Business), generally located approximately 1,475 feet south of Eureka Drive, on the west side of Skyway Drive. (*Applicant: Skyway Crossing, LLC; file no. RCF-18-073*)

Isaac presented the staff report which described the history, location and physical characteristics of the subject property. Staff recommended approval of the rezoning.

Isaac announced that the Board of County Commissioners would hear the request on November 26, 2018, at 10:45 a.m., in the County Commission Chambers.

Ebert asked if the subject site was carving off a portion of the industrial lots to the north. Isaac replied no.

Stith asked when the City extends water and sewer, is there something in the agreement about future annexation. Bunger replied there is a specific clause that basically states the property owner will not protest any future annexation.

Ebert opened the public hearing.

There were no public comments.

Ebert closed the public hearing.

**Stith moved to recommend approval of the proposed rezoning to the Board of Commissioners of Riley County to rezone the subject property from county zoning designation “AG” (Agricultural District) to county zoning designation “C-4” (Highway Business); Reynard seconded. Motion passed 6–0–0.**

- 3.3 A **PUBLIC HEARING** to consider the request for a **SPECIAL USE** to permit the construction and operation of a public (Riley County) communications facility (including tower). (*Applicant: The Board of Commissioners of Riley County; file no. RCF-18-074*)

Isaac presented the staff report which described the history, location and physical characteristics of the subject property. Staff recommended approval of the special use.

Isaac announced that the Board of County Commissioners would hear the request on November 26, 2018, at 10:50 a.m., in the County Commission Chambers.

Ebert opened the public hearing.

There were no public comments.

Ebert closed the public hearing.

**Stith moved to recommend approval of the proposed Special Use to the Board**

**of Commissioners of Riley County to permit the construction and operation of a public (Riley County) communications facility (including tower) with the conditions in the staff report; Reynard seconded. Motion passed 6–0–0.**

3.4 A **PUBLIC HEARING** to consider the island **ANNEXATION** of 28.2 acres on the south side of Anderson Avenue, approximately 3,500 feet west of the intersection of Anderson Avenue and Kimball Avenue/N. Scenic Drive. (*Applicant: St. Luke's Lutheran Church; File No. ANX-18-059*)

3.5 A **PUBLIC HEARING** to consider the **REZONING** of 28.2 acres on the south side of Anderson Avenue, approximately 3,500 feet west of the intersection of Anderson Avenue and Kimball Avenue/N. Scenic Drive, from County AG, Agricultural, to R-1, Single-Family Residential. (*Applicant: St. Luke's Lutheran Church; File No. REZ-18-060*)

Adam presented the staff report for the annexation and rezoning of a 28.2-acre tract, recommending approval based on compliance with the Comprehensive Plan and Sec. 15-403.

Stith asked what the intended use of the site is. Adam said the current intent is to build a church.

Anderson asked if the property was affected by the recent Wildcat Creek flooding. Adam said he does not know but the applicant may. Anderson asked what percent of the tract of land is within the floodplain. Adam said nearly half is in the floodplain. Stith asked if they could build in the floodplain as long as they meet the regulations. Adam replied yes.

Bunger said he does not know how much flood occurred on the site in September, but they could build within the floodplain as long as they mitigate any fill by removing 1.5 times as much elsewhere and structures are elevated above the future conditions flood model. From his understanding the development is not intended to go in the floodplain.

Ebert asked why the staff report said the use was not compatible with the surrounding uses. Adam replied that any use other than agriculture would be incompatible because it is an island annexation of county land. However, when considering all 13 factors for a rezoning, the incompatibility seems negligible.

Ebert asked if incompatibility would not be a factor if it was adjacent to the nearest residential development. Adam said that would be at the judgement of the Board. The subject site is within the identified growth area; while there will be a period of incompatibility, it is anticipated that the adjacent properties will eventually be annexed and it would become compatible.

Stith said asked if the letter in the staff report from Fort Riley was shared with the

applicant. Adam said not directly but they can. Stith suggested staff shares the notification. Bunger said the staff report was sent to the applicant with the letter included so they are aware but it can be sent individually.

Ebert opened the public hearing.

Clint Hibbs, 4806 Vue Du Lac Place, BG Consultants Architect, commented that the applicant is aware that the site is within the noise impact zone. They are excited about the location because it will allow full access to the church for all of its congregation. They are proposing development on the northern half of the site to more easily connect to utilities. Hibbs expressed the value of annexing the property to utilize the City's utilities and provide a safer building.

Stith shared with Hibbs that the Flint Hills Regional Council is doing a noise study that will result in recommendations for building specifications that can be used to mitigate the impact of noise from Fort Riley on the interior of structures.

Stith asked if the existing church on Poyntz Avenue historic. Hibbs said no, it is not listed on the register at this time, clarifying that the church that is relocating is located is the one across from the Girl Scout Park.

Pat Collins, 115 North 4th Street, Emergency Management Director of Riley County, said he supports the action and recommends annexing the property. He commented that the county could have issues with adequate water to protect the structure in the event of a fire. He does not support island annexation because it can create other problems but it is within the growth area so he supports the project.

Ebert asked what the approximate seating capacity of the proposed church is. Hibbs said he believes the seating capacity will be approximately 400.

Ebert closed the public hearing.

Stith commented that they will require a fair amount of parking. He asked if the onsite drainage detention requirements go into effect. Bunger said if they disturb more than a half acre they will have to work with the City Engineer and storm-water staff to ensure the proper detention or retention of water is achieved.

Anderson suggested that permeable concrete be used since it is so close to Wildcat Creek. He asked if that could be a requirement for developments within the floodplain.

Bunger said it is currently not a requirement. It could be proposed by the owner as a technique to manage stormwater but the City does not have the ability to require permeable pavement to be used. He commented that the floodplain regulations are being reviewed so that is a topic that could be discussed for the future.

**Stith moved to recommend approval of the proposed annexation of 28.2 acres on the south side of Anderson Avenue, approximately 3,500 feet west of the intersection of Anderson Avenue and Kimball Avenue/N. Scenic Drive; Reynard seconded. Motion passed 6-0-0.**

**Stith moved to recommend approval of the proposed rezoning of 28.2 acres on the south side of Anderson Avenue, approximately 3,500 feet west of the intersection of Anderson Avenue and Kimball Avenue/N. Scenic Drive, from County AG, Agricultural, to R-1, Single-Family Residential; Reynard seconded.**

Ball commented that he is not concerned about the island annexation because it has been clearly identified within the future growth boundary and the island will eventually be eliminated with future annexation.

**Motion passed 6-0-0.**

#### **4. REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF**

##### **4.1. Planning updates from staff**

Adam noted that he added a roll call to the agenda. It was included to provide transparency for the public and to state that a quorum has been established. He said the same is being instituted for the Board of Zoning Appeals, which is also implementing roll call voting; he is not recommending that style of voting for the Planning Board because they utilize a show of hands, but if the Board is interested it could be implemented.

##### **4.2. Comments from Board members**

Reynard said a few years ago the Board discussed developing to the west and there was an infrastructure issue. He asked how much land is available westward and if the infrastructure will support continued development. Adam replied that a trunk line goes through the previously annexed site and the infrastructure supports development along Anderson Avenue up to the growth boundary.

Reynard asked if they can expand to Keats. Adam and Bunger replied no. Bunger said they cannot expand past the Joint Land Use Study Boundary to not encroach on Fort Riley.

Reynard asked if the growth boundary is as far west as the City can develop before continuing north. Bunger said yes; the city is fairly limited to development westward.

Stith commented that within the Joint Land Use Study an extension of sewer to Keats was possible to eliminate some environmental problems but not to provide any development capacity. Bunger agreed.

Ball announced he will be absent for the November 19th meeting.

Stith asked for an update on the planning coordination with Green Valley in Blue Township. Adam said they have had one meeting to discuss the planning boundary. There is another meeting on Wednesday to finalize the boundary and begin discussing governance and service issues. Reynard and Adam are serving on the steering committee for the project.

Ebert said that the Aggieville Streetscape Plan has been presented to the Historic Resource Board and the City Commission; he asked if it would be presented to the Planning Board. Adam said the consultants are finalizing the plan and staff can present it to the Board at an upcoming meeting. He said the plan acts as a menu of options for the streetscape of Aggieville not an action plan and the Planning Boards input will be most valuable when action begins to implement strategies within the plan.

Bunger said the discussion have dealt with infrastructure more than land use but he wants the Board to be involved.

Ebert asked if there were any new proposals for the site at the intersection of Laramie Street and North Manhattan Avenue. Bunger said they submitted a set of building plans that required various exceptions and variances because it did not meet the current Aggieville District Regulations. The design met the proposed UDO regulations but it was denied by the BZA. They will now have to wait for the UDO or form a PUD.

Stith said he hopes a low density development is not constructed because that does not align with the vision of Aggieville. Bunger said he does not think that will happen and Staff will try to work with them as best they can.

Ebert asked if the developer is local. Bunger said yes; it is the Chen family.

Ebert asked if there is any interest being expressed to develop in the Urban Core Residential District. Adam said someone was seeking guidance with Ben Chmiel a few months prior but has gone silent recently. Otherwise there has not been any interest.

Stith commented that he is pleased that the old building at the corner of North Manhattan Street and Moro Street is enclosed and will be saved.

**4.3. Next meeting.** Ebert announced that the next meeting is on November 19th.

## **5. ADJOURNMENT**

Meeting was adjourned at 7:50 p.m.

Submitted by Lesley Frohberg, Planning Intern