

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, March 14, 2011
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Jon Larson, Chairman
Lorn Clement, Vice-Chair
Dr. Tom Taul
Julie Henton
Diane Hoobler

Members Absent: None

Staff Present: Monty Wedel – Director, Bob Isaac – Planner and Lisa Daily –
Administrative Assistant

Others Present: Kent Sons, Lugen Lutz, Michael McKeeman, Karen McKeeman, Kenneth
Seematter, Leon Havens, Jack Scott, Joyce E. Furney, Mark Furney,
Janice Pride, Alice Pride and Lance Evans, Senior Planner, City of
Manhattan

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the February 17, 2011 meeting were presented and approved. The Report of Fees for the month of February 2011 (\$350.00) were presented and approved.

RILEY COUNTY BOARD OF ZONING APPEALS

No agenda items.

Lorn Clement moved to adjourn as the Riley County Board of Zoning Appeals and reconvene as the Riley County Planning Board. Diane Hoobler seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Gateway to Manhattan Plan

Monty Wedel opened the public hearing amending the Manhattan Urban Area Comprehensive Plan by adopting and incorporating the proposed Gateway to Manhattan Plan as a part of the Manhattan Urban Area Comprehensive Plan. Mr. Wedel stated that the Manhattan Urban Area

Planning Board held a public hearing on the Plan, March 7, 2011. Mr. Wedel said that both the Manhattan Urban Area Planning Board and the Riley County Planning Board must adopt the Plan. Mr. Wedel said the Plan will then proceed to the Manhattan City Commission and the Riley County Board of Commissioners for their respective adoptions.

Monty Wedel presented the amendments to the plan via a power point presentation. Mr. Wedel asked the Board if they had any questions before opening up discussion to the public.

Monty Wedel explained that if there were any questions that have more to do with the City, Lance Evans, Senior Planner for the City of Manhattan is in attendance and will be able to field those questions.

Mr. Clement stated he has concerns about the road layout (shown on Map 2) as they appear to run north and south through open meadowlands. He said the link towards K-177 appears to be going through a valley and links into Sugarbush Lane on the north end and chaises to the left, and then comes straight down property lines. Mr. Clement asked what the engineers used for the criteria for locating those roads.

Mr. Wedel explained that the map is strictly conceptual and is not proposing the exact location of future roads. He said the engineers were asked to look at how to get connections up to the ridge, in the event development is desired. Mr. Wedel said that it wasn't anticipated that a lot of development would occur on the ridge. Mr. Wedel further explained that a connection to Sugarbush Lane was one criteria and a connection to the upper part of the ridge was another.

Lorn Clement stated he knows a colleague, Howard Hahn, and asked if Mr. Hahn has contacted Lance Evans about doing a study of the area and the ridge line.

Lance Evans said Howard Hahn called around the time of the open house meetings and discussed his property in that area and its uses.

Lorn Clement stated that Mr. Hahn is in the Landscape Architecture Department at Kansas State University and teaches our Systems, Community Design, Scale and Construction course, which includes roads, sewer and water lines. Mr. Clement added that Mr. Hahn also has a software program for reviewing and visualizing land form. Mr. Clement stated that he was under the impression that Mr. Hahn is very interested in taking this project on as a study. Mr. Clement stated Mr. Hahn commented to him that if a road is built down the middle of a pasture, it will destroy the natural resource.

Mr. Clement said his question goes to the issue of locating the roads as a primary component in the infrastructure and shouldn't be down the middle of the amenity or along an edge. Mr. Clement stated he is very concerned about the location that is proposed in the document for where this road might be, unless a caveat can be placed stating that this is an extremely tentative location for future roads and could be changed substantially. Mr. Clement said that it more than just engineering criteria, like slope that is too steep. He said he has a feeling that these slopes are more than 10%.

Monty Wedel asked Mr. Clement if he is referring to getting up to the road or the road running along the ridge.

Lorn Clement said he is talking about two things; one is running the road right down the middle of the meadow and the second is accessing the ridge from the east where it is pretty steep.

Monty Wedel instructed the Board to not read the locations of the proposed roads as precisely where they are supposed to go. Mr. Wedel said that the County was primarily interested in the connections in the area, primarily below the ridge line, and to development in this area. Mr. Wedel stated that for convenience and cost, an exhaustive analysis was not done, thus, the proposed network follows property lines. Mr. Wedel reiterated that Map 2- Roads and Access is very conceptual and does not mean that is where the roads will be located.

Mr. Wedel also explained that the approaches up onto the ridgeline are very problematic. Mr. Wedel said if and when a property owner is interested in development, staff will have to review the proposal presented by the developer that shows how issues with the slope grade will be mitigated.

Lorn Clement stated these are very firm lines appearing in the document. Mr. Clement asked if the drawing could be modified.

Monty Wedel said if we want to come up with a whole new drawing, we can, but as of now, all we are doing is referencing the study by Butler and Associates.

Lorn Clement acknowledged that the map does say conceptual road work in the legend. Mr. Clement said he would want the minutes to show that some Board members are very concerned about meeting the first four goals in the Plan if indeed this were proposed and followed through.

Monty Wedel affirmed and stated that when development is proposed, staff will determine if all the goals are being met. Mr. Wedel said strict adherence to the roads and access map is not what staff will follow.

Monty Wedel said the big question is, if we have the development in the area below the ridge line and we want to make sure that we are providing connection to adjoining properties, do we want to provide a potential connection to the ridgeline. He asked the Board how important is the connection?

Lorn Clement said we probably do in terms of principle and good intentions, but there is a totally different situation with the proposed road layout below the 1120 contour where water pressure is going to be acceptable as compared to that above the ridgeline.

Monty Wedel said that was a question the Committee had; if development is allowed in the area below the ridge line, do we want to allow for future connection to the ridge. Mr. Wedel said if we do, the connection is going to have to make sense. He stated there are goals and objectives to be followed.

Lorn Clement stated that Howard Hahn would like to have his class do this. He said his academic exercise could show a more environmentally sensitive way.

Monty Wedel stated that was fine but staff is going to put the responsibility on the developer to provide an acceptable plan when development occurs in the area. Mr. Wedel said he is not saying we would not benefit from a more elaborate study.

Monty Wedel said that when a developer comes in with a proposal, staff places major emphasis on ensuring the developer is providing future connection to adjoining properties, particularly those below the 1120 elevation line, and that the developers evaluate the feasibility of providing some future connection, if it makes sense.

Chairman Larson asked if there were any other questions from the Board.

Monty Wedel asked the Board if they were ready to open the meeting to the general public.

Joyce Furney stated she lives at 572 Pillsbury Drive and wants to highly underscore master plan development from a landscape architecture class at K-State, which is an outstanding idea. She said she highly recommends a master plan be done, as some areas will become land locked and her property is one of them.

Mark Furney stated he is presently staying at 572 Pillsbury Drive. Mr. Furney said Mr. Clement was "right on" with his thinking. Mr. Furney said he has not seen the whole plan but his concern is that years from now, people coming in with development proposals will declare their request to be consistent with the Plan that was adopted in March 2011. He said within the last couple of weeks he has familiarized himself with the conceptual road network and asked the Board that if the Plan includes pictures and diagrams as part of the Plan, can a development request be labeled as not in conformance if a developer comes in with a development plan that follows the adopted plan.

Ms. Furney asked how many people signed over land to the County in 2008, have been connected to that sewer. She said that she will eventually have to connect to the sewer and has recently discovered that she has to contact the City of Manhattan. Ms. Furney said the hoops they have to jump through with the City is different than what they were told when they gave the land to the County.

Monty Wedel stated he was not involved in that situation. He explained that there are currently people that are hooked up and those wanting to be hooked up have to contact Manhattan Public Works.

Ms. Furney asked if any of it was done through the county before it was given to the City.

Mr. Wedel said no. He explained that, via our agreement with the City, the County delayed any hookups until the City actually took control.

Ms. Furney asked if people were informed that it would eventually be turned over to the City?

Monty Wedel replied he did not know and was not involved in that aspect.

Ms. Furney said she was not told that. She said she was happy to dedicate her property to the County for the betterment of the area. She said now the fees and additional things we have to do

to hook onto the City is more than what were told. Ms. Furney stated she is confused with how it has been handled and asked if she is going to be annexed into the City if she hooks up to the city sewer.

Monty Wedel said in accordance with our agreement that the County signed with the City, you may or may not be annexed, but you will, at the very least, be required to sign an agreement that you will not oppose annexation if and when the City decides to annex. Mr. Wedel said the whole idea is this area will eventually be in the City and that the City/County wants to promote logical urban development of the City.

Diane Hoobler asked Ms. Furney if she is land locked now.

Ms. Furney said close. She stated she has a permanent travel easement through the old Briggs Jeep Eagle dealership.

Mr. Furney said it is a private easement and with all that development, the bridge goes out, she will be land locked because it will cost too much.

Monty Wedel said, as part of the development process, the County wants to preserve the ability for adjoining properties to be able to develop if they so choose, however, part of that process is providing connectivity.

Chairman Larson asked if there any other questions or comments.

Diane Hoobler moved to close the public hearing. Tom Taul seconded. Motion carried 5-0.

Lorn Clement stated he agrees with the principles of the plan but remains very concerned about the roads, as suggested, even though it is labeled "conceptual road network". Mr. Clement said the proposed roads are indicated by a solid line and the alternate roads by a dash line on Map 2. He stated he would be much more comfortable if the only solids lines were the lower elevation roads, which he expressed to be more feasible without doing so much environmental damage. Mr. Clement said there are no contours on this drawing or on the aerial photo however, if you look at the aerial photo, the implications of topography can be seen. Mr. Clement stated he realizes that it would cost a lot more money to run along edges as opposed to straight down the middle of a flat pasture.

Monty Wedel said that a developer will have to meet the Manhattan Urban Area Subdivision Regulations and the Riley County Zoning Regulations, plus get the zoning approved. Mr. Wedel said the regulations include maximum grades for roads.

Lorn Clement stated the engineers who did this study should have been aware of the regulations and topography and shouldn't be drawing lines that are impossible. Mr. Clement said he does not think these roads are impossible but only through tremendous environmental degradation. So, Mr. Clement continued, from a feasibility study of just engineering, it is possible to do this, but flies in the face of the first four goals of the plan.

Chairman Larson asked Mr. Clement if the other goals in the plan prevent these roads from ever happening.

Lorn Clement replied no, frankly I don't.

Diane Hoobler said she feels people will see this map in 10-15 years and feel the proposed roads were intended for the locations indicated.

Lorn Clement stated the goals of promoting an attractive gateway, protecting scenic views, conserving natural environmental resources, respecting the natural urban and rural character, will all lose out against where is the most pragmatic place to put a road. Mr. Clement suggested that the proposed road network should be shown in dashed lines.

Monty Wedel asked Lance Evans if we modify the map, would we need to go back to the Manhattan Urban Area Planning Board, since they have already adopted the Plan.

Lance Evans said he hears the concern and the simple solution is to change a solid line to a dashed line. Mr. Evans said if the word "conceptual" does not demonstrate that it is a concept only, change the solid line to a dashed line. Mr. Evans said it is not a substantial enough change and would not have to go back to the MUAPB. Mr. Evans suggested the Riley County Planning Board make a recommendation to change the solid lines depicting the proposed roads to dashed lines.

Monty Wedel said we would also need to possibly change the text of the plan, as it references the study.

Bob Isaac cautioned the Board that on Map 2, illustrates the difference between proposed and alternate routes by the use of solid and dashed lines.

Lance Evans said, in reference to Mr. Isaac's statement, the study basically calls out and says the solid line is the ideal location to minimize grade and minimize cut.

Lorn Clement said he does not believe it.

Lance Evans said he has to trust the work of the engineers who did the study. Mr. Evans said the dashed lines indicate the alternates of potentially acceptable road lines that are not quite as good as those depicted by the solid lines, but do follow property lines, which tends to be a preference as well.

Monty Wedel said the major emphasis of that study was the area below the ridge line. Mr. Wedel said the change to dashed lines, along with possible changes to the terminology can be made for potential future roads.

Lance Evans said there are multiple goals about preserving views, making sure we do not have road scars on the hillside and there is only one page in the entire document that refers to a "conceptual road network" that was laid out in a study. He said it is not definitive by any means; it's strictly a concept idea to look at.

Tom Taul said he is not an architect like Lorn Clement, but after Lorn raised the question, he shares the idea that a solid line becomes stamped. Mr. Taul said he feels the change needs to be made.

Diane Hoobler stated at the public meetings they did not have boards out in front of everyone but had the maps for the public to view. Mrs. Hoobler said people tend to look at the maps first and then read later. She stated she is concerned the public will not put the two together in the future.

Chairman Larson said, looking back, it would have been good to have someone put a little more detail into the study. He said the way he views the whole document, before anything is approved by any future boards, if the document is followed, they will have to take into account all the other items. Mr. Larson said he feels there is some protection there but personally thinks the change is needed for dashed lines and minor changes in terminology.

Lorn Clement said he does not think changing the solid lines to dashed lines is the right solution because it is identifying it as an alternative route versus proposed routes. Mr. Clement suggested bright orange and a very pale orange for road line indicators, instead of dashed lines.

Monty Wedel said we should put everything in dashes except below the ridge line and mandate that connections to the ridge line must meet requirements. Mr. Wedel said he would suggest if the Board wants to adopt the plan that it be noted with these changes. Mr. Wedel said he believes the revisions need to go back to the MUAPB for their adoption of the changes.

Lorn Clement moved to approve Resolution 031411 amending the Manhattan Urban Area Comprehensive Plan by adopting and incorporating by reference the updated Gateway to Manhattan Plan dated April 2011 and incorporating the necessary citation in Chapter 4 as proposed and by adding a cross reference to Vision 2025 A Comprehensive Plan for Riley County, KS as proposed, but with modifications to the graphics on Map 2-Roads and Access and accompanying text to reflect short range view versus a long range view of conceptual proposed roads and then to forward that recommendation of approval to the Board of County Commissioners for Riley County.

Monty Wedel said the action must be to adopt the Plan with a slight modification and that modification has to be agreeable to the MUAPB. He said if the MUAPB adopts the revisions then the Plan would proceed to the commissions.

Monty Wedel said an option, since the Board will not be able to review the changes before adoption, is to table until the next meeting. He said staff will have the revisions completed and may need to delay the commission hearings.

The motion to approve Resolution 031411 failed due to lack of a second motion.

Lorn Clement moved to table the adoption amending the Manhattan Urban Area Comprehensive Plan to the April 11, 2011 Riley County Planning Board meeting. Tom Taul seconded. Carried 5-0.

Annual Comprehensive Plan review

Bob Isaac stated that during the February Planning Board meeting he requested that the Board review the Goals, Objectives and Policies of the Vision 2025 Comprehensive Plan for Riley County, Kansas. Mr. Isaac explained that if there were no changes or modifications to the Plan, then he can proceed with the memorandum to the Board of County Commissioners. Mr. Isaac said if there were changes or modifications proposed by the Board, staff would need to begin procedures to amend the Plan.

Chairman Larson asked the Board members if they had any changes or modifications.

There were no changes or modifications recommended by the Board.

Diane Hoobler moved that Chairman Jon Larson sign the memo on behalf of the Planning Board stating that the annual review of Vision 2025-A Comprehensive Plan for Riley County was completed during the March 14, 2011 meeting and to forward this memo to the Board of County Commissioners. Julie Henton seconded. Motion carried 5-0.

Annual Report

Bob Isaac presented the 2010 Annual Report stating improvements have been made to the graphics due to the new software being utilized the GIS Department. Mr. Isaac said the overall layout has not changed from last year and provides the Board information regarding activity of the Planning and Development Department for 2010.

Chairman Larson asked the Board members if they had any questions or comments.

There were none.

Review Draft Regulation Amendments to Implement Vision 2025

Monty Wedel said the focus for tonight's meeting is the Development Guidance System. Mr. Wedel stated that the document will be adopted and referenced in the regulations. Mr. Wedel said by referencing the document and not actually including it in the regulations will allow the document to be changed or modified by the Planning Board and Board of County Commissioners approval without having to do a full text amendment.

Monty Wedel asked the Board if a review of the LESA component was needed

Lorn Clement stated he felt it was not needed as the LESA component has been used for the last two years.

Monty Wedel said the last item in the document is determination of hardship. He said this section was taken directly from the Comprehensive Plan. Mr. Wedel said as discussed in Vision 2025, there is no way to objectively measure or identify what hardship is for scoring.

Monty Wedel ask the Board if they are comfortable with the Development Guidance System document.

Chairman Larson asked the Board members if they had any questions or comments.

Lorn Clement stated the language is solid and in the determination of hardship, there is a key sentence in Part Two of the Analysis that states, “local governments are presumably free to determine what may constitute a hardship.” He said that is essential and the County Commissioners will use their judgment based on whatever is put in front of them for determining hardship. He suggested that to point out to the reader, this sentence should be bolded.

The Board affirmed the Development Guidance System.

Monty Wedel stated he will not be in attendance at the April meeting but would like to finish up the Site Specific Standards, Development Standards and have the draft plan ready for the May meeting.

Julie Henton stated she will not be at the April 11, 2011 Planning Board meeting.

Tom Taul moved to adjourn. Motion seconded by Lorn Clement.

The meeting was adjourned at 9:12 P.M.