

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**August 6, 2007**  
**7:00 p.m.**

**MEMBERS PRESENT:** George Ham, Vice Chairperson; Mike Kratochvil; Jerry Reynard; Mike Hill; Bill Meredith; Stacy Kohlmeier.

**MEMBERS ABSENT:** Stephanie Rolley.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Jane Winslow, Senior Planner; Chad Bunger, Planner; Cam Moeller, Planner; Rob Ott, City Engineer; Frank Gibbs, Parks Planner.

Ham welcomed Stacy Kohlmeier as a new Board member.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE JULY 16, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF DENISON ADDITION, UNIT TWO, GENERALLY LOCATED AT 1117 HYLTON HEIGHTS ROAD. (APPLICANT/OWNER: GINA K. RIFFEL)**
3. **APPROVE THE FINAL PLAT OF THE OAK HOLLOW ADDITION, UNIT TWELVE, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF FT. RILEY BLVD. AND DAVIS DRIVE. (APPLICANT/OWNER: THOMPSON CONSTRUCTION AND REMODELING, INC. – TODD THOMPSON)**
4. **APPROVE THE FINAL PLAT OF THE SWANSON LAND ADDITION, GENERALLY LOCATED WEST OF 17<sup>TH</sup> STREET AT THE INTERSECTION OF 17<sup>TH</sup> STREET AND HOUSTON STREET. (APPLICANT/OWNER: PATRICIA L. MURRAY AND RONALD W. AND PATRICIA L. SANCHEZ)**
5. **APPROVE THE FINAL DEVELOPMENT PLAN AND THE FINAL PLAT OF THE BARTON PLACE ADDITION, GENERALLY LOCATED SOUTH OF WILDCAT CREEK GOLF & FITNESS, AND APPROXIMATELY 950 FEET WEST OF AMHERST AVENUE. (APPLICANT/OWNER: CEDAR HILLS DEVELOPMENT INC. – FRANK TILLMAN)**

Kratochvil moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 6-0.

### GENERAL AGENDA

1. TABLE A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE PURPLE WAVE ADDITION, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF US HIGHWAY 24 AND LEVEE DRIVE, 825 LEVEE DRIVE. THE CONCURRENT OF THE PROPOSED PURPLE WAVE ADDITION, A PRELIMINARY AND FINAL PLAT, WHICH WILL CONSIST OF PROPOSED LOT 1 FOR ONE (1) PROPOSED HIGHWAY COMMERCIAL LOT. THE FINAL PLAT ALSO INCLUDES LOT 2 OF MANHATTAN INDUSTRIAL PARK (OWNER/APPLICANT: PURPLE WAVE HOLDINGS, LLC-AARON MCKEE) (NOTE: THIS ITEM WAS PREVIOUSLY TABLED BY THE PLANNING BOARD.)

Hill moved that the Board table the Public Hearing to the August 20, 2007, Manhattan Urban Area Planning Board meeting. Kratochvil seconded the motion, which passed on a vote of 6-0.

2. A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE FINAL DEVELOPMENT PLAN OF LOT 5 IN THE SOUTH WIND OFFICE PARK PLANNED UNIT DEVELOPMENT AT 222 SOUTHWIND PLACE; AND, THE REZONING OF AN APPROXIMATE ONE (1) ACRE TRACT OF LAND AT 230 SHUSS ROAD FOR THE PROPOSED SOUTHWIND LOFTS PLANNED UNIT DEVELOPMENT FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. (APPLICANT/OWNER: FOWLES-RIFFEL, LLC - RON FOWLES AND GWYN RIFFEL) (NOTE: THIS ITEM WAS PREVIOUSLY TABLED BY THE PLANNING BOARD.)

Zilkie presented the Staff Report, recommending approval with conditions.

Kratochvil moved that the item be removed from the table. Meredith seconded the motion, which passed on a vote of 6-0.

Gwyn Riffel and Ron Fowles, applicants, addressed the Board. Riffel said his property has been in the family for 25 years while Mr. Fowles has owned the adjacent property for more than 15 years. Riffel said the two of them are consolidating the properties to create the development. Riffel discussed the character of the development and how it would fit in with the surrounding area. Riffel said there have been discussions with Parks and Recreation about providing some parking off Shuss Road that would be accessible to the Military Trail and Warner Park. Riffel said they

would like to see Shuss Road improved now through a Benefit District.

Ham said it was great that they are saving and building around the large oak tree. Riffel said the tree is probably around 150 years old.

Ham opened the Public Hearing.

Mike Mecseri, architect with Timber & Stone, provided an overview of the project. Mecseri said the development will include residential cottages and lofts, with 16 total bedrooms and 19 parking spaces. The color palette of the buildings will be “warm neutral” colors to blend in with surrounding buildings. The development will be a transitional site with adjacent commercial, office, and residential uses.

Ham closed the Public Hearing.

Meredith moved that the Board recommend approval of the proposed Amendment to Final Development Plan of the Final Development Plan of Lot 5 of the Southwind Office Park Planned Unit Development, and approval of the rezoning of Southwind Lofts from R-2, Two-Family Residential District, to PUD, Planned Unit Development District, with the following conditions:

1. Permitted uses shall include two-family and multiple-family residential dwelling units.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit.
3. All landscaping and irrigation shall be maintained in good condition.
4. Two wall signs shall be permitted, as proposed. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations shall also be permitted.
5. Lighting shall be a full cut-off design.
6. The development shall be required, at a minimum, to bring that portion of Shuss Road abutting the Southwind Lofts PUD to the City of Manhattan current urban standards for public streets. The developer shall be required to construct new curb and gutter, new street pavement, any required storm sewers structures and new sidewalks to be in conformance with the City’s current specifications for city streets.
7. If Shuss Road is not constructed to an urban section, pedestrian access to Southwind Road shall be provided and shown on the Final Development Plan.
8. The proposed Travel Easement street name shall conform to the requirements Manhattan Urban Area Subdivision requirements.

Kohlmeier seconded the motion.

Reynard asked about the possibility of a Benefit District being formed to pay for improvements to Shuss Road. Rob Ott, City Engineer, said he could not speak as to

whether or not the City would participate in such a Benefit District. Zilkie said the way the conditions of approval have been written ensure that a street will be built.

Reynard asked if the conditions, as written, are handcuffing the developer from doing a Benefit District. Zilkie said he does not think the conditions preclude that from being done.

Kratochvil said the partners have put together a phenomenal project. Kratochvil said he would support the motion with the conditions as written.

Hill said he believes it is prudent and wise to ensure the street will be built so he is supportive of leaving the conditions as written.

Frank Tillman, a neighboring property owner, said he would be reluctant to participate in a Benefit District that includes improvements to all of Shuss Road.

On a vote, the motion passed 6-0.

3. **CONSIDER A REQUEST FOR THE ANNEXATION OF THE PROPOSED KNIGHT'S PARK ADDITION, AN APPROXIMATE 135-ACRE TRACT OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF CASEMENT ROAD AND MARLATT AVENUE BETWEEN THE BIG BLUE RIVER AND CASEMENT ROAD. (APPLICANT: RUSS WEISBENDER/OWNER: NANCY K. ABBOTT)**
4. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED KNIGHT'S PARK ADDITION AN APPROXIMATE 135-ACRE TRACT OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF CASEMENT ROAD AND MARLATT AVENUE BETWEEN THE BIG BLUE RIVER AND CASEMENT ROAD FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT. (APPLICANT: RUSS WEISBENDER/OWNER: NANCY K. ABBOTT)**

Zilkie presented the Staff Reports for items #3 and #4, recommending denial of both items, based on the findings in the reports.

Ham asked about release rates at Tuttle Creek Dam during the 1993 flood event. Zilkie said they released 60,000 cubic feet per second (cfs) during the 1993 flood. Ott indicated the maximum capacity for releases is around 612,000 cfs.

Chris Bohm, engineer with Ruggles-Bohm, said the average fill required on the site is two feet, to match the 1993 flood event. Bohm said they are proposing to go one foot above the 1993 flood event. He spoke of the investments the City has made in the area, including sanity sewer and water lines, and noted that the site is within the

Urban Service Area. Bohm said that Casement Road is scheduled to be improved to a three-lane arterial in 2009 and that Marlatt Avenue will also be improved by the County.

Bohm said the 1993 flood event was in excess of a 100-year flood. He said that in 1993, the eastern portion of the annexation/rezoning site was inundated to 3 feet 6 inches in depth, gradually decreasing to zero feet of depth on the west side. Bohm said they are proposing to have the Marlatt drainage channel cut out wider to create a recreational trail on either side of the channel. The excavated soil would be used for fill for the development. Bohm indicated they would work with the Parks Department during the platting process to identify a playground location.

Ott spoke about some of the engineering issues identified by the City. He said that while the plans are conceptual, there needs to be a greater separation between the Marlatt Avenue-Casement Road intersection and any streets leading into the development off Casement Road. He said there would need to be sidewalks provided along both sides of Casement Road.

Ott said there is an opportunity with the Marlatt ditch to keep it more natural. The box culvert under Casement Road is undersized and will need to be increased. He said his concern is to not flood out adjacent neighbors.

Hill asked for information about the inundation of water with the 1993 flood. Bohm explained how Scott Crain, a former City Engineer, had developed a model that looks at different storm scenarios on the Blue River. Ott explained the predictive flood model and said if given time he could look up the extent and depth of various scenarios.

Russ Weisbender, applicant, spoke of the positive attributes of the development, indicating the development will provide green space and linkages for the Linear Trail. He said the development will provide starter homes for the area and that the flood elevation issues have been addressed to protect above the 1993 flood level and it is time to move forward with the project. He said the property owners north of Marlatt Avenue don't want to develop and it is difficult to find sites for starter homes.

Ott showed the Board the extent of flooding under different scenarios on the blue and Kansas Rivers using the flood predictive model.

Kratochvil said the Board has a responsibility to protect citizens from hazards and also to be fair to developers.

The Board discussed the flood elevation under different scenarios and how the proposed site would be impacted compared to other, already developed portions of the City. Hill said the 1993 event might not be the worse case and it is hard to predict what the Corps of Engineers might have to release.

Cattell explained why the community chose the 1993 flood event as a threshold during the planning process that developed the Comprehensive Plan, which had been adopted by the City and County. Cattell suggested the Board keep the broader policy picture in mind, instead of focusing on the numerous potential flooding scenarios. He said the Board needs to determine the acceptable level of risk for the Community. The Comprehensive Plan process established that as the 1993 flood event. However, the potential for much larger releases exists.

After an ADA break, Ham opened the Public Hearing.

Paul Irvine (3370 Casement Road) said he has been farming the property to the north of the site since 1947. He said it is the base of their cattle operation and his sons would like to continue farming the land. Irvine expressed concern that fill being brought in for the proposed development would hold back water on his own property and act like a dam. He said that bringing in fill would alter drainage patterns along the river and potentially cause problems downstream. Irvine said the site is prime agricultural land. He had concerns about traffic conflicts on Casement Road, because farmers use that road. Irvine said the proposed development will not protect his own property values and noted that the Comprehensive Plan does not recommend development east of Casement Road.

Ham closed the Public Hearing with no one else speaking.

Bohm responded to some of the comments and concerns from the Board. He said the changes made to the site would not affect flow, only the storage of backwater. Bohm said the drainage situation east of Casement Road is the same as west of Casement.

The Board asked how the elevations west of Casement Road compare to east of Casement Road. Zilkie said the lowest enclosed floor within Brookfield, Unit 8, which is west of Casement, is a minimum of 1020.5 feet.

Bohm said the lowest opening within the proposed development would be 1019.6 feet. Weisbender said the intent is that the homes would be built as slab on grade, with the slab at the elevation proposed and that crawl spaces and basements would not be built.

Reynard said he basically likes the proposal; however Mr. Irvine's comments reminded him of the Board's role to make broader decisions and look at the big picture. Reynard said that even if the site can be engineered to reduce the flood hazard on the site itself, this may potentially mess-up the drainage somewhere else. Reynard said he could not support the proposal for that reason.

Meredith said the applicant has made a good presentation, however he too is concerned about how the development will affect drainage patterns elsewhere.

Hill asked for Ott's opinion about the big picture impact of filling in the floodplain on

individual sites. Ott said the fills have some impact, but it is difficult to gauge the extent of the impact. Ott said the impact is dependent on the size of the drainage basins.

Bohm said that the proposed changes to the site, which includes widening the Marlatt drainage channel, will result in a net zero change in drainage, compared to existing conditions.

Kohlmeier said she could not support the proposal because the community has to draw a line somewhere.

Kratochvil referred to comments made by Cattell about what is an acceptable level of risk. Kratochvil said the risk on this property is no different than the properties west of Casement Road.

Reynard moved that the Board recommend denial of the annexation of Knight's Park, based on the site not being in conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas and the Growth Vision.

Kohlmeier seconded the motion, which passed on a vote of 4-2 (Hill and Kratochvil voting against).

Reynard moved that the Board recommend denial of the proposed rezoning of Knight's Park from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report.

Meredith seconded the motion, which passed on a vote of 4-2 (Hill and Kratochvil voting against).

5. **A PUBLIC HEARING TO AMEND THE LIMEY POINTE PLANNED UNIT DEVELOPMENT DISTRICT FOR LOT 5 FOR A PROPOSED FIRESTONE STORE, WHICH WILL BE LOCATED ON THE NORTHEAST CORNER OF HOSTETLER DRIVE AND MCCALL ROAD. (APPLICANT/OWNER: DIAL-MCCALL ROAD, LLC - ROBERT WELSTEAD)**

Bunger informed the Board that the Public Hearing sign had not been in place for the full 20 days in advance of the meeting and had only been up for 14 days. However, Bunger said that Staff still thinks adequate notice has been made for the Public Hearing to proceed. The Board agreed.

Bunger presented the Staff Report, recommending approval with one condition.

Ham asked if the 30 foot pole sign is typical of the development. Bunger said that is the maximum height allowed within the PUD.

Spencer Lombardo, Dial Realty the applicant, offered to answer questions.

Ham opened and closed the Public Hearing with no one speaking.

Hill moved that the Board recommend approval of the proposed Amendment of Lot 5, Limey Pointe Commercial Planned Unit Development District and Ordinance No. 6566, and the Final Development Plan, with the following condition of approval:

1. The Final Development Plan shall be subject to the conditions of approval of Ordinance No. 6566.

Reynard seconded the motion, which passed on a vote of 6-0.

**6. REPORTS AND COMMENTS BY BOARD MEMBERS.**

Cattell informed the Board about an upcoming joint work session with the City Commission, and the upcoming Kansas APA conference in Manhattan.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II