

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

MEMBERS PRESENT: Stephanie Rolley, Chairperson; George Ham, Vic Chair; Mike Hill; Bill Meredith and Stacy Kohlmeier.

MEMBERS ABSENT: Jerry Reynard; Mike Kratochvil

YOUTH IN GOVERNMENT:

STAFF PRESENT: Eric Cattell, Assistant Director For Planning; Steve Zilkie, Senior Planner; Jane Winslow Senior Planner; Chad Bunger, Planner; Rob Ott, City Engineer; Bob Isaac, Riley County Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE AUGUST 21, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF THE GTM SPORTSWEAR ADDITION, UNIT THREE, GENERALLY LOCATED NORTH OF US 24 HIGHWAY FRONTAGE ROAD AND SOUTH OF MCCALL ROAD. (APPLICANT/OWNER: DAVE DREILING)**
3. **APPROVE THE FINAL PLAT OF STONE POINTE ADDITION, UNIT THREE, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STONE GROVE DRIVE AND HIGHLAND RIDGE DRIVE. (APPLICANT/OWNER. (STONE CREST LAND CO. LLC. – THOMAS M. FARR)**

Kohlmeier moved that the Board approve the Consent Agenda. Meredith seconded the motion, which passed on a vote of 5-0.

GENERAL AGENDA

1. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THREE RESIDENTIAL LOTS ON THE NORTHWEST CORNER OF SOUTH**

JULIETTE AVENUE AND FT. RILEY BOULEVARD, AND THE POWELL BROTHERS PLUMBING BUSINESS AT 515 S. 8TH STREET AND 520 S. 8TH STREET FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND R-2, TWO-FAMILY RESIDENTIAL DISTRICT WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO LM-SC, LIGHT MANUFACTURING-SERVICE COMMERCIAL DISTRICT. (OWNERS: POWELL BROTHERS INC. AND PREMIER COMMERCIAL EQUITY LLC /APPLICANT: DIAL REALTY)

Ham moved to remove the rezoning from the table. Hill seconded the motion which passed on a vote of 5-0.

Zilkie presented the staff report and recommended approval, based on the findings in the report.

Rolley opened the public hearing.

Spencer Lombardo, Dial Realty Corp. representing the applicant indicated he was available to answer any questions.

Mary Ann Fleming, representing South Manhattan Neighborhood Association, indicated they had met with Dial and seen the plans and they had also reviewed the LM-SC District regulations. She expressed concerns about the lack of pedestrian access on the site along Juliette Avenue, which doesn't connect to the pedestrian crossing at the intersection of Fort Riley Boulevard. That crossing provides access to the Linear Trail and other parts of town. People would have to walk through the proposed bushes. She said someone needs to take responsibility to keep one of the Fort Riley Boulevard crossings open. She said vehicular access to the site is also a concern, not knowing what might locate there other than O'Reilly Auto. Juliette Avenue will become busier and they don't want traffic in a residential area. El Paso Lane is more like an alley, not suitable for two-way traffic. She said they had concerns about several LM-SC land uses that are not compatible with area, such as storage of hazardous materials, in an area that includes several churches, day cares and the Douglass Center. Many uses could have extended, or 24-hours of operation. She had questions about the screening requirements in the LM-SC District. She said the site plan was too vague and until they have answers, they can't encourage the development. They understand that Dial and the City need relocation sites and that Powell Brothers wants to take advantage of this, but why should the neighborhood suffer for it.

Mike Cardella, 323 S. 14th Street, a member of the South Manhattan Neighborhood Association, said they met with Dial to discuss the O'Reilly relocation. He wondered why the City needs three auto parts stores located within two blocks of each other. There is room in other parts of the city for the store. He had concerns about the site utilizing Juliette Avenue for access, with six businesses in the existing strip center to the east already using Juliette Avenue at this location. This combined with traffic on 8th Street will cause a bottleneck, which will pose a risk to the churches and day care

centers in the area. He was concerned about loss of green space and cutting down the 40 foot tall trees on the site, to be replaced with paving, which will affect the air quality in the neighborhood. He cited the loss of the affordable house on the site. He said the sidewalk on the site is covered over and needs to be reestablished. During the neighborhood meeting, Dial indicated they would take care of a sidewalk from Yuma to Fort Riley Boulevard. and they would landscape the site. Due to the many issues, the auto parts store should not be moved to this area. He showed pictures of the site and the neighborhood.

Kathy Dzewaltowski, 1715 Laramie Street, said she attends the South Manhattan Neighborhood Association meetings as a representative for Theodore Roosevelt Elementary School. She agreed with the previous speakers, that the proposed rezoning is not compatible with the residential nature of the neighborhood. She was not opposed to O'Reilly Auto, if the site is to be developed, but why not do it as a PUD (Planned Unit Development) so you can limit the uses, instead of accepting the whole range of LM-SC District uses.

Robert Caniff, owner of the house on the site (512 S. Juliette Ave.), indicated that he had developed the center to the east to help clean up the area and that the intersection at Fort Riley Boulevard and Juliette Avenue is not residential, but commercial. He said the traffic counts along Fort Riley Boulevard are high and it's not safe, or conducive to residential uses. He said a developer is going to put in something nice and it will help shield and buffer the neighborhood from the commercial uses, traffic and noise along the Fort Riley Boulevard corridor. He said everyone knows it's just a matter of time before the site develops commercial.

Spencer Lombardo, Dial Realty Corp. responded to concerns, saying that Dial is working on relocating O'Reilly Auto Parts as part of the south end redevelopment project. He said O'Reilly identified the proposed site during a City Commission meeting as being important to them to locate close to competitors. He said auto parts stores like to cluster together. If O'Reilly does not get this site they said they would leave the market with a loss of jobs. He said O'Reilly will take up most of the site on Juliette Avenue. Regarding traffic, there are some commercial uses that generate a lot of traffic; however he said auto parts stores won't create a traffic problem. Regarding sidewalks, he said the rezoning request doesn't affect the sidewalks. Dial is willing to look at putting a sidewalk in, as they previously told the neighborhood. He said that Gary Duncan, as part of the contract to sell the land to Dial, asked Dial to rezone his whole parcel. There is not much room on the west side of S. 8th Street, about a 1,500 square foot parcel, to do much with and something like a McDonald's would need 30,000 square feet. The uses and traffic are limited by the size of the parcels. He asked the neighborhood if they would prefer the old sheds associated with the existing plumbing business, or a nice new brick structure. He said the rezoning is good for the area.

Hill asked about screening and landscaping. Lombardo said they have a preliminary site plan, but still need to finish the process of designing the screening and

landscaping. They will provide screening of the dumpster that will be on the rear to the building and the site will conform to the landscaping requirements of the district.

Zilkie explained the LM-SC District landscaping requirements compared to the C-5 District, saying it is more stringent and was designed for specific site issues along the Fort Riley Boulevard corridor.

Hill asked about screening. Zilkie explained that one of the reasons the street and alley right-of-ways were included in the rezoning is because, unlike other districts, the LM-SC requires six foot tall screening along any property line that abuts a residential district, even if it's a public right-of-way. That would have required the entire north, west and south sides of the site to have six foot screening, as well as around the entire site on the west side of S. 8th Street. It would be unreasonable and impracticable to screen the entire site. In other commercial zoning districts, screening is required along property lines abutting a residential district, however not along a public right-of-way. Screening of storage areas and loading docks is required.

Lombardo indicated there would be double doors for deliveries on the alley side, but no loading docks.

Zilkie clarified that there are no homes that front onto El Paso Lane (alley) on the segment that adjoins the rezoning site. There are some homes farther to the west that front on the alley.

Rolley asked if there would be no screening along the rear alley side of O'Reilly Auto. Zilkie said more likely not, except for the dumpster.

Zilkie also clarified that bulk storage of chemicals and petroleum products, drive-ins, kennels and recycling centers are all a conditional use in the LM-SC District, requiring a public hearing with the Board of Zoning Appeals.

The Board asked if sidewalks can be required with the rezoning. Zilkie indicated that it is recognized that sidewalks are needed; however the Planning Board cannot condition the rezoning request to require the sidewalk. The Board can forward a separate comment to the City Commission regarding that issue. He said if site ever is replatted then sidewalks could be looked at within the platting process. He said the City does have a sidewalk fund that might be able to be used.

Kohlmeier said the applicant has already agreed to provide the sidewalk.

Rolley asked if the first speaker was correct that there is access south of Fort Riley to the Linear Trail. Zilkie said it would be difficult to get to the trail on the existing sidewalk system south of Fort Riley Boulevard because it is inadequate in places.

Hill asked if Dial will provide the sidewalk on the site. Lombardo indicated that if the site needs to be platted, and he expects it will be, then the City could require the

sidewalk.

Hill said he will make a recommendation that when they forward the item to the City Commission, there should be a representative from O'Reilly Auto that can answer that question of providing the sidewalk.

Kay Cardella, 323 S. 14th Street, said the photos they were shown, were taken at 11 am in the morning. There are schools along Juliette Avenue and El Paso Lane leads into housing areas. Two streets were closed by Fort Riley Boulevard and if you put in a store that uses the alley, there will be cars going by the houses. She said they need to save the neighborhood and affordable housing in the area.

Hill said it's unfortunate when we lose green space and have to cut down trees. However, the site is along a major corridor on Fort Riley Boulevard and it's going to redevelop at some point. The other three corners of the intersection are already zoned LM-SC and it would be unreasonable to deny the request.

Hill moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of three residential lots on the northwest corner of Ft. Riley Boulevard and S. Juliette Avenue and the Powell Brothers Plumbing business at 515 S. 8th Street and 520 S. 8th Street, and portions of El Paso Lane, S. 8th Street and Ft. Riley Boulevard rights-of-way from PUD, Planned Unit Development District, and R-2, Two-Family Residential District with TNO, Traditional Neighborhood Overlay District, to LM-SC, Light Manufacturing-Service Commercial District, based on the findings in the Staff Report.

Ham seconded the motion, saying he agreed with Hill's comments that this area will develop with commercial uses.

Kohlmeier said that residential uses would be inconsistent with the existing zoning of the neighborhood and from a safety standpoint, promoting residential in the area would not be smart, based on the traffic on Fort Riley Boulevard.

Meredith agreed the corner has the appearance of a commercial district, not a residential area and would be in favor of the rezoning.

Rolley appreciated the comments and participation of the neighborhood. She said the Comprehensive Plan was developed through extensive citizen input and it was determined that this intersection should be commercial. She said it is important that a sidewalk be provided on the site now, even if it doesn't connect yet. The City needs to start insuring that sidewalks are provided.

On a vote, the motion passed 5-0.

Hill recommended that the Planning Board forward a recommendation to the City Commission that one of two things happen with regard to the sidewalk:

1. Determine if there is a historical sidewalk on the site that can be uncovered, rebuilt, or improved to a point where it is useable; or,
2. If there is not sidewalk on the site, that a sidewalk be constructed and that the City Commission use whatever powers they have to make that happen.

The Board voted 5-0 to forward this sidewalk recommendation to the City Commission.

2. 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. (OWNER/APPLICANT: PURPLE WAVE HOLDINGS, LLC-AARON MCKEE)

Ham moved to remove the Plat from the table. Hill seconded the motion which passed on a vote of 5-0.

Zilkie presented the staff report and recommended approval with the variation of the requirement for a sidewalk as noted in the report, sand with a condition that street improvements shall be provided by the owner of Lot 1 as shown on the Preliminary Plat. Zilkie explained that he and the City Engineer had a discussion that day with the applicant regarding the turn lane improvements to accommodate the Purple Wave Auction business and that modifications were proposed by the applicant from what was shown on the Preliminary Plat. He said the City had not really had time to respond to the changes and the City Engineer would address the modifications.

Ott said the applicant's traffic study did not recommend a right turn lane on Levee Drive. However, Ott explained the standards for when turn lanes are needed and said that he recommends that a right turn lane be provided on Levee Drive, due to its relationship with US 24. He did not recommend an acceleration lane on US 24, although there will need to be some taper curb improvements. He said the City will need to work with KDOT on how the right turn lane is constructed and how it ties in with the highway. If the acceleration lane is decreased to a taper, he has no issues with the revised proposal.

Ott answered questions from the Board, saying he is comfortable with the Plat and that the right turn lane is needed on Levee Drive; however the acceleration lane is not needed on US 24.

Rolley opened the public hearing.

Jerrod Westfall, representative for the applicant Purple Wave Holdings - 825 Levee Drive, appreciated consideration of the last minute changes to the plat for a right turn lane on Levee Drive, versus the acceleration lane on US 24. he said Purple Wave will fund the right turn lane improvements on Levee Drive at its expense, and will work with KDOT on future taper improvements on US 24, if needed.

Ham asked what was being done with the pond. Westfall said it will be modified to make room for parking, but will not be removed.

Rolley closed the public hearing with no one else speaking.

Zilkie and Ott gave suggestions to the Board on a modified condition of approval, to reflect the modified plat regarding the right turn lane.

Kohlmeier moved that the Planning Board approve the Preliminary and Final Plat of Purple Wave Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations with the following condition of approval:

1. Street improvements, to include a right turn lane on Levee Drive, shall be provided by the owner of Lot 1, as shown on the revised Plat submitted on September 6, 2007; and,

The Manhattan Urban Area Planning Board recommends to the City Commission that street improvements on Levee Drive, as shown on the Preliminary Plat dated September 6, 2007, be provided.

Ham seconded the motion, which passed on a vote of 5-0.

3. A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE MANHATTAN ZONING REGULATIONS CONCERNING ARTICLE XVI, CONSTRUCTION AND DEFINITIONS, PART 2, DEFINITIONS, SECTION 16-201, TO MODIFY THE DEFINITION OF THE TERM "SCHOOL" TO ADD PRE-K CLASSES. (APPLICANT: MANHATTAN-OGDEN USD 383)

Zilkie presented the staff report, recommending approval of the proposed amendment to the definition of School, based on the findings in the Staff Memorandum.

Rolley opened the public hearing.

Robert Seymour, Associate Superintendent USD 383, asked the Planning Board to approve the requested amendment on behalf of the Board of Education. He explained that the nature of schools has changed over the years and that USD 383 has buildings that are in need of providing pre-kindergarten programs. The School District wants to make sure they are in line with the zoning provisions.

Rolley closed the public hearing with no one else speaking.

Meredith moved that the Manhattan Urban Area Planning Board recommend approval of the amendment to the Manhattan Zoning Regulations Article XVI, Construction and Definitions, Part 2, Section 16-201, to amend the definition of the term school, as proposed, based on the findings in the Staff Memorandum.

Kohlmeier seconded the motion, which passed on a vote of 5-0.

4. **A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE MERRITT ADDITION, A 2-ACRE PARCEL OF LAND, GENERALLY LOCATED APPROXIMATELY 1800 FEET EAST OF THE INTERSECTION OF SETH CHILD ROAD AND TUTTLE CREEK BOULEVARD, ON THE SOUTH SIDE OF TUTTLE CREEK BOULEVARD. (THE TRUST COMPANY OF MANHATTAN); AND,**
5. **A PUBLIC HEARING TO CONSIDER THE REZONING OF A 2-ACRE TRACT OF LAND, FROM "G-1" (GENERAL AGRICULTURAL) TO "A-5" (SINGLE FAMILY RESIDENTIAL), GENERALLY LOCATED APPROXIMATELY 1800 FEET EAST OF THE INTERSECTION OF SETH CHILD ROAD AND TUTTLE CREEK BOULEVARD, ON THE SOUTH SIDE OF TUTTLE CREEK BOULEVARD. (THE TRUST COMPANY OF MANHATTAN)**

Isaac presented the staff reports on the Concurrent Plat and rezoning, recommending approval of the rezoning to A-5 Single-Family Residential, based on the findings in the Staff Report; and, recommending approval of the concurrent plat and requested variations of Article X of the Manhattan Urban Area Subdivision Regulations.

Rolley opened and closed the public hearing with no one speaking.

Hill moved that the Manhattan Urban Area Planning Board forward a recommendation of approval of the proposed rezoning of the subject property from G-1, General Agricultural to A-5, Single-Family Residential, based on the reasons listed in the Staff Report.

The motion was seconded by Kohlmeier and passed on a vote of 5-0.

Hill moved that the Manhattan Urban Area Planning Board approve the request to plat the subject property into one (1) lot, as it has been determined that it meets the requirements of the Manhattan Urban Area Subdivision Regulations.

The motion was seconded by Ham and passed on a vote of 5-0.

6. **A PUBLIC HEARING TO CONSIDER THE REZONING OF LOTS 2 AND 3, IN THE MAA AMBA ADDITION, FROM C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO I-2, INDUSTRIAL PARK DISTRICT. (OWNER/ LLC /APPLICANT: DAVE DREILING)**

Zilkie presented the Staff Report, recommending approval based on the findings in the Staff Report.

Rolley opened the public hearing.

John Strawn, President of GTM Sportswear, asked if there were any questions.

Rolley closed the public hearing with no one else speaking.

Meredith moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lots 2 and 3, MAA AMBA Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

Kohlmeier seconded the motion, which passed on a vote of 5-0.

7. **A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE WESTERN EXTRALITE ADDITION GENERALLY LOCATED NORTH OF THE INTERSECTION OF MCCALL ROAD AND KRETSCHMER DRIVE. (OWNER/APPLICANT: WESTERN EXTRALITE – LEITH WINSOR)**

Bunger presented the Staff Report, recommending approval based on conformance with the Subdivision Regulations, with one the variation of the requirement for a sidewalk, as noted in the report.

Rolley opened the public hearing.

Jeff Hancock, Sloan, Meier and Hancock, representing RW Real Estate and Western Extralite asked if there were any questions.

Rolley closed the public hearing with no one else speaking.

Ham moved that the Planning Board approve the Preliminary and Final Plat of Western Extralite Addition, and the one variation of the Subdivision Regulations, based on conformance with the Manhattan Urban Area Subdivision Regulations.

Hill seconded the motion, which passed on a vote of 5-0.

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

Rolley reminded the Board that the City Commission identified three tasks from their joint work session, that it would like the Board to undertake:

1. Address the possibility of changing the jurisdictional boundary and make-up of the Planning Board;
2. Determining an appropriate method for undertaking area plans for the Northeast and Southwest portion of the community; and,
3. Consider the possibility of utilizing Form Based Codes.

Cattell indicated that City Administration will be discussing these issues and getting back with the Board to discuss them in a work session. He also indicated that the Community Development Department has a project in the Capital Improvements Program for 2009, to update the Zoning and Subdivision Regulations. Form Based Zoning is just one of many alternatives that would be considered within that project.

Kohlmeier asked what steps the Planning Board can take to further the discussion on the Board's jurisdiction and make-up. Cattell indicated that City Administration will initiate discussions with the two Counties and will get the Planning Board involved in the process once that is determined.

Hill said he would like to add the Storm Water Management Master Plan to the list of study items, to see if there are some things that need to be done, due to the recent flooding in the community and because it is getting out of date.

Rolley suggested that the Storm Water Management Master Plan might need to be incorporated into the area plan discussions, similar to the City of Lenexa's Rain to Recreation Plan. Cattell said the Public Works Department and City Administration will discuss how to coordinate the two studies and would be reporting back to the Board.

There being no further business, Rolley closed the meeting.

Respectfully submitted,

Eric Cattell, AICP,
Assistant Director for Planning