

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**March 3, 2008**  
**7:00 p.m.**

**MEMBERS PRESENT:** George Ham Vice-Chair; Jerry Reynard; Mike Hill; Mike Kratochvil; Bill Meredith and Stacy Kohlmeier.

**MEMBERS ABSENT:** Stephanie Rolley, Chairperson

**YOUTH IN GOVERNMENT:**

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Jane Winslow, Senior Planner; Chad Bunger, Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE FEBRUARY 21, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

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

**GENERAL AGENDA**

1. **A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE 1.68 ACRE TRACT OF LAND CONSISTING OF LOTS 3, 4, 9, 10, AND 11, UNIVERSITY ACRES ADDITION AND LOT 6, NORTH TIMBERLANE ADDITION, GENERALLY LOCATED SOUTH OF CLAFLIN ROAD AND NORTH OF BUENA VISTA DRIVE, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO C-1, RESTRICTED BUSINESS DISTRICT. (OWNERS/APPLICANTS: THE MANHATTAN MEDICAL CENTER – RICK G. FULTON, PRESIDENT; AND, CLYDE AND JANE WASSOM) (NOTE: THE ITEM WAS TABLED BY THE MANHATTAN URBAN AREA PLANNING BOARD ON FEBRUARY 4, 2008, TO THE MARCH 3, 2008 MANHATTAN URBAN AREA PLANNING BOARD MEETING.)**

2. **CONSIDER THE FINAL PLAT OF Manhattan Medical Center Addition, Unit II, GENERALLY LOCATED SOUTH OF CLAFLIN ROAD AND NORTH OF BUENA VISTA DRIVE. THE FINAL PLAT IS PROPOSED TO CREATE ONE LOT ASSOCIATED WITH THE ABOVE REZONING DESCRIBED IN AGENDA ITEM NUMBER 1. (OWNERS/APPLICANTS: THE MANHATTAN MEDICAL CENTER – RICK G. FULTON, PRESIDENT; AND, CLYDE AND JANE WASSOM)**

Ham asked staff to present Agenda Items 1 and 2 together, indicated the Board would then vote on each separately.

Kratochvil moved that Agenda Item 1 be removed from the table. The motion was seconded by Meredith and passed on a vote of 6-0.

Bunger presented the staff reports on Agenda Items 1 and 2, indicating the applicants had filed a self-imposed Restrictive Covenant on the lots proposed to be rezoned, that limits permitted land uses on those lots and removes access to Buena Vista Drive if the two houses fronting Buena Vista Drive are removed at some time in the future. City Administration recommended approval of the rezoning to C-1 Restricted Business District, based on the findings in the Staff Report; and recommended approval of the Final Plat, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the condition that the Final Plat is contingent on the lots being rezoned to the C-1, Restricted Business District.

Ham opened the public hearing.

Bob Dieball, Facility Manager – Manhattan Medical Center, indicated the proposed building would consist of an imaging center on the lower level, which is a joint venture of Manhattan Radiology and Mercy Hospital. He said the replat was necessary to relocate utility easements for sewer and power lines, which need to be moved to make room for the building. He said the Medical Center has expanded approximately every seven or eight years and that the growth of the community and consolidation of the imaging services is the reason for the request.

Responding to a question from Hill, Dieball indicated that due to the topography of the site, it will be a two-story building with the lower ground-level entrance to the imaging center on the east, and a ground-level entrance to the second floor on the west, with 12,000 square feet per floor.

Reynard asked if the two houses fronting on Buena Vista Drive are to be removed. Dieball indicated the intent was to leave the houses in place as long as possible, 5-10 years, and if a future addition to the proposed building necessitated land for parking, then the houses would be removed. He said they would be rented as houses, to buffer the neighborhood for as long as possible.

Reynard asked if the existing parking lot lights are on timers to turn off at night, as is

proposed for the new parking lot lighting. Dieball indicated they were not on timers.

Michael Perl, 2424 Buena Vista Drive, asked what a self-imposed restrictive covenant was. Bunger outlined the Restrictive Covenant, which was contingent upon the rezoning, indicating it would be enforceable by the City and could not be removed except by written permission by the City Commission.

David Rintoul, 1124 Woodland, handed out photographs of the existing parking lots around the Medical Center and indicated his house is to the south of the proposed southern parking area. He said he was not opposed to the rezoning; however he had concerns about the size of the parking addition. He said Westar had clear-cut his rear yard near the existing parking lot and the existing parking lot lighting shines on the residential neighbors. He suggested that expanding the southern parking lot behind his property was not necessary, because much of the northwestern portion of the existing parking lot is seldom used, as shown by the photographs taken throughout the week. He asked if they could get a variance of the parking requirements, so that parking would not extend near the natural drainage area along his backyard. He said he preferred natural area to a parking lot.

Responding to a question from Reynard, Rintoul clarified where the drainage area extended northward behind his lot, indicating that there would need to be a significant amount of fill to put in the parking. He said the southern parking expansion was not needed.

Ham asked about parking requirements. Bunger indicated staff has not seen a final floor plan for the proposed building, so a final calculation of required parking could not be done yet.

Kratochvil asked why they had not proposed a Planned Unit Development, given its location next to the residential neighborhood. Dieball indicated the eastern portion of the medical center complex was a PUD; however the most recent western building was in the C-1, District and they thought continuing the existing C-1 District was the better approach.

Troy Sanders, Hutton Construction, indicated the proposed building will eliminate a significant amount of the existing parking. He said they have to take into account parking needs for both the new and existing building. He said they were asking for a reduction of the parking for the imaging center, because it's parking demand would be less than the typical medical office building.

Dieball indicated parking in that part of the complex is about 50 percent full and primarily used by employees. He said the imaging center would have 40 employees and around 120 to 140 appointments throughout the day, so the parking demand would be less than other commercial uses.

Kohlmeier said that through the restrictive covenant's limitations, the applicant was

being sensitive to the neighborhood. She asked if they had considered putting the existing parking lot lighting on timers.

Dieball said no neighbors had raised that issue previously, but the existing lighting could be put on timers.

Meredith asked if they thought they needed the additional parking, given that the existing parking was only about 50 percent full.

Sanders said that based on the numbers required by the City, they would need additional parking for the new building.

Reynard asked if the parking expansion could be reconfigured to follow the tree-line of the drainage area. Sanders said that an odd shaped parking lot is more difficult to configure and they would have to study it to see if it was possible or not.

Hill asked if the building could be moved to the west. Sanders indicated they already need to relocate a sewer line to go around the building and that the building cannot be moved farther to the west, due to limitations on how far the sewer line can be relocated.

Ham said they would not be able to resolve the parking layout and numbers of stalls during the hearing and urged the applicant to work with the City to address the issues and concerns regarding the parking and do what they can to resolve it.

Hill said the Planning Board is aware of the need for adequate parking, which needs to be balanced with providing too much parking in a given situation that might impact neighbors. He said in working with city staff and the Board of Zoning Appeals, there may be more confidence in that the long term use of the building is known, unlike a commercial building where the tenants are going to change, so a reduction in parking spaces might not be difficult to accomplish.

Michael Perl said it seemed clear that the two houses on Buena Vista Drive are not needed for five to ten years for the project, and questioned why they are being rezoned to the C-1 District at this point in time.

Richard Iman, surveyor with BG Consultants, indicated the two lots are being included because of the need to relocate the utilities, which involves vacating the existing utility easements and dedicating new utility easements. He said the easiest way to accomplish that is through the platting process and to include the lots in the plat, they need to have consistent zoning across all the lots.

Fred Gibbs, BG Consultants, added that they need to utilize a portion of the two lots for the proposed building site plan layout and reducing those two lot sizes creates a problem with minimum lot size requirements. Therefore they included the two lots in the overall development.

Kerry Ingersoll, 1113 Woodland, said their neighborhood had always been zoned R-1 since they moved there, which was one reason they chose that location. He said a private corporation wants to slice out a portion of the neighborhood, because it's apparently cheaper than reconfiguring their own area, some of which hasn't seen modifications since the 1970's. He said zoning is supposed to help protect residential neighborhoods and questioned why a corporation would be allowed to buy houses and expand into the area, instead of upgrading their own property. He said it will degrade future property values of those who remain in the area and he asked the Board to deny the request.

Elizabeth Dodd 2328 Bailey Drive, said she has lived on the east side of the medical complex since 1993 and that the complex has been a stable neighbor in the area, which has undergone many changes. She asked that the medical complex put all the parking lot lighting on timers to turn off at night.

Sladana Hudson, 2408 Buena Vista Drive, said she lives directly south of the proposed western parking lot and asked if there would be a fence or something else to screen the parking from her lot.

Sanders said there is a required six foot tall screening fence to separate the commercial lot from the residential lots.

Ham closed the public hearing with no one else speaking.

Kohlmeier noted that the Restrictive Covenant limits the use of the two houses on Buena Vista Drive to only single-family residences as long as they remain, and shall not otherwise be converted, transferred or used for any other function. She was comfortable that it was a strong enough limitation to help protect the use as residential, until they came back to change the use of the area.

Hill asked if it would have to come back before the Planning Board, if the houses are taken down.

Bunger indicated they would not have to come back to the Planning Board. He said the Covenant runs with the land and restricts the use of the entire rezoning site to those noted in the covenant. If the two houses are ever removed, then the access to Buena Vista Drive is eliminated. He confirmed that as long as they met the C-1 zoning, they would not have to come back to the Board.

Hill suggested the Board forward a recommendation that the applicant look at their parking needs as part of the platting motion.

Bunger recommended that the Board not link a parking condition to the platting or zoning action. He noted that a representative of the Medical Center had submitted an application for an exception to the Board of Zoning Appeals, based on discussions

during a pre-application meeting with the city. While he had not had time to look through the application yet to see if they were requesting a reduction in parking, Bunger said one of the topics of the meeting was parking numbers. He said that is a process whereby parking count and other site plan issues could be discussed through the hearing process in April with the Board of Zoning Appeals.

Hill said the Board can offer suggestions and it appeared there was a willing applicant that understands the Board's and public's desire to provide an appropriate amount of parking, to help preserve areas that should be preserved.

Kratochvil moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lots 3, 4, 9, 10 and 11, University Acres Addition and Lot 6, North Timberlane Addition from R, Single-Family Residential District, to C-1, Restricted Business District, based on the findings in the Staff Report.

The motion was seconded by Kohlmeier and passed on a vote of 6-0.

Ham said he hoped the parking and lighting issues will be addressed by the applicant, based on the comments of the Board and the apparent willingness of everyone to work thing out.

Kratochvil moved that the Manhattan Urban Area Planning Board approve the Final Plat of Manhattan Medical Center, Unit II, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following condition: Lots 3, 4, 9, 10, and 11, University Acres Addition and Lot 6, North Timberlane Addition, shall be rezoned, as proposed, from R, Single-Family Residential District, to C-1, Restricted Business District.

The motion was seconded by Kohlmeier. During discussion, Hill asked that the Planning Board's comments and Minutes regarding parking concerns be included with the information that is sent to the Board of Zoning Appeals for its consideration.

On a vote, the motion passed on a vote of 6-0.

**3. SUMMARY-ANNUAL REVIEW OF COMPREHENSIVE PLAN:  
PLANNING BOARD REVIEW AND DISCUSSION OF COMMENTS  
RECEIVED DURING ANNUAL REVIEW PROCESS.**

Winslow summarized the public comments received during the annual review process and updated the Board on actions being taken to address the issues. She said the comments on parks and recreation issues had been forwarded to the Parks and Recreation Department for consideration and the suggestion to incorporate the Charleston Principles had been forwarded to the Historic Resources Board for consideration. Answering a question from Kohlmeier, Winslow said the Historic

Resources Board would be discussing the Charleston Principles at its next meeting. She did not know the timeframe for the Parks and Recreation Department's consideration of the park issues. She also updated the Board on the status of several items identified for Manhattan in the Flint Hills Regional Growth Plan. Winslow said the Community Development Department did not see a need to amend the Comprehensive Plan at this time, based on the public comments and that staff will keep the Planning Board updated on the status of these projects, including the ongoing work plan items previously identified by the Planning Board and City Commission.

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

There were no comments or reports.

Respectfully submitted,

Eric Cattell, AICP, Assistant Director for Planning