

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
April 21, 2008
7:00 p.m.

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

MEMBERS ABSENT:

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.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE APRIL 7, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

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

GENERAL AGENDA

1. **TABLE THE PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF BARTON PLACE ADDITION, UNIT TWO, GENERALLY LOCATED SOUTH OF WILDCAT CREEK AND APPROXIMATELY 950 FEET WEST OF AMHERST AVENUE. (OWNER/APPLICANT: CEDAR HILLS DEVELOPMENT CORP. - FRANK TILLMAN)**

Reynard joined the meeting.

Kratochvil moved that the Planning Board table the public hearing on the Concurrent Plat of Barton Place Addition, to the May 5, 2008, Manhattan Urban Area Planning Board meeting. The motion was seconded by Kohlmeier and passed on a vote of 7-0.

2. **REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED MCCALL LANDING COMMERCIAL PLANNED UNIT DEVELOPMENT FROM I-2,**

INDUSTRIAL PARK DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE SITE IS AN APPROXIMATE 26-ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF MCCALL ROAD AND CARLSON STREET, SOUTH OF LEVEE DRIVE, WEST OF MCCALL PATTERN COMPANY, AND EAST OF ABBOTT MANAGEMENT AND SUNFLOWER STORAGE. (OWNER: MCCALL PATTERN COMPANY /APPLICANT: MCCULLOUGH DEVELOPMENT INC.– CHARLES BUSCH.)

Ham moved that the Planning Board remove the item from the table. The motion was seconded by Reynard and passed on a vote of 7-0.

Zilkie presented the staff report and recommended approval based on the findings in the Staff Report with fifteen (15) conditions.

Kratochvil asked if any of Orscheln's outdoor storage would be in the parking lot. Zilkie said it would be confined to the sidewalk area along the two building fronts and in the screened outdoor storage area.

Rolley opened the public hearing.

Charlie Bush, McCullough Development, briefly explained the project and the relocation of Orscheln to the second lot to the north of McCall Road, so that the outdoor display area would be less visible from the McCall Road corridor. He said they have set the guidelines for a good development.

Brent Bowman, Bowman-Bowman-Novick, indicated the design of the Orscheln store would utilize similar exterior materials and colors as the McCall Pattern building and that it provides well thought-out screening of the outdoor storage area with the masonry piers and wrought iron fencing. He said the building and site will be a significant improvement compared to the existing store.

Rolley closed the public hearing with no one else speaking.

Reynard asked about the future widening of McCall Road from three to five lanes.

Ott indicated that McCall Road acts like a pseudo-bypass of US 24 and that the City has applied for a five-year grant to KDOT for upgrading the corridor. He said there is currently no funding source; however Transportation Development Districts (TDD's) and Tax Increment Financing Districts (TIF's) are tools that can be considered. He said the City Commission would need to discuss preserving the TDD financing option. He mentioned the US 24 Corridor study that is about to be initiated from east of Wamego, all the way to Tuttle Creek Boulevard, including the McCall Road corridor. That study will look at various issues including funding. He said the Office of Economic Adjustment, (OEA) might also be a funding source for McCall Road improvements based on growth impacts.

Kohlmeier asked if the PUD layout was compatible with the future widening of

McCall Road.

Ott indicated that adequate additional right-of-way has been provided with the PUD that will accommodate the widening, as well as space for the sidewalk along the north side of McCall Road.

Kratochvil noted the letter from Joe Farrar expressing concern about conversion of the industrial area to commercial retail activity. Kratochvil asked if the City's policy is changing in this area and if the City had discussed with the applicant the potential for manufacturing instead of retail.

Zilkie said the City had not discussed that. He said the City recognizes the changing economic conditions along the tracts abutting the McCall Road corridor and that this site has remained vacant since the 1960's when it was zoned industrial. He said the areas further to the north of the McCall corridor would remain industrial.

Kratochvil expressed concern about the community getting too caught up with retail commercial versus industrial services and manufacturing. He asked if the Carlson Circle – McCall Road intersection will be signalized.

Ott said that intersection will be signalized in the future and the PUD design includes lining up Carlson Circle with Carlson Road to the south; potential development of a reverse frontage road concept; and providing radius points on entry curves that account for the future widening of McCall Road.

There being no further questions, Meredith moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of McCall Landing from I-2, Industrial Park District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report, with the fifteen (15) conditions of approval recommended by City Administration.

The motion was seconded by Ham and passed on a vote of 7-0.

3. **CONSIDER THE ANNEXATION OF A 106-ACRE TRACT OF LAND FOR THE PROPOSED NORTHWING ADDITION, GENERALLY LOCATED APPROXIMATELY 1,400 FEET EAST OF THE MARLATT AVENUE AND TUTTLE CREEK BOULEVARD INTERSECTION ALONG THE NORTH SIDE OF MARLATT AVENUE, ADJOINING TUTTLE CREEK RESIDENCE SUBDIVISION, COLONIAL GARDENS TRAILER COURT AND VALLEYWOOD SUBDIVISION, SOUTH OF STAR FARMS, AND APPROXIMATELY 430 FEET WEST OF NELSON'S LANDING STREET. (OWNER: ANDERS TRUST, ISAAC W. ANDERS AND JANET J. ANDERS/APPLICANT: FREY PROPERTY DEVELOPMENT CORPORATION)**
4. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED NORTHWING ADDITION, GENERALLY LOCATED APPROXIMATELY 1,400 FEET EAST OF THE MARLATT AVENUE AND**

TUTTLE CREEK BOULEVARD INTERSECTION ALONG THE NORTH SIDE OF MARLATT AVENUE, ADJOINING TUTTLE CREEK RESIDENCE SUBDIVISION, COLONIAL GARDENS TRAILER COURT AND VALLEYWOOD SUBDIVISION, SOUTH OF STAR FARMS, AND APPROXIMATELY 430 FEET WEST OF NELSON'S LANDING STREET, FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (OWNER: ANDERS TRUST, ISAAC W. ANDERS AND JANET J. ANDERS/APPLICANT: FREY PROPERTY DEVELOPMENT CORPORATION)

5. **A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE NORTHWING ADDITION, A 106-ACRE TRACT OF LAND TO CONSIST OF 286 SINGLE-FAMILY RESIDENTIAL LOTS AND EIGHT (8) COMMON TRACTS, GENERALLY LOCATED APPROXIMATELY 1,400 FEET EAST OF THE MARLATT AVENUE AND TUTTLE CREEK BOULEVARD INTERSECTION ALONG THE NORTH SIDE OF MARLATT AVENUE, ADJOINING TUTTLE CREEK RESIDENCE SUBDIVISION, COLONIAL GARDENS TRAILER COURT AND VALLEYWOOD SUBDIVISION, SOUTH OF STAR FARMS, AND APPROXIMATELY 430 FEET WEST OF NELSON'S LANDING STREET. (OWNER: ANDERS TRUST, ISAAC W. ANDERS AND JANET J. ANDERS/APPLICANT: FREY PROPERTY DEVELOPMENT CORPORATION)**

Kratochvil and Reynard stepped down on items 3, 4 and 5, due to conflicts of interest.

Bunger presented the Staff Reports on all three items, indicating that City Administration recommended approval of the annexation, based on conformance with the Comprehensive Plan; recommended approval of the rezoning, based on the findings in the Staff Report; and recommended approval of the Preliminary Plat, based on conformance with the Manhattan Urban Area Subdivision Regulations, with two conditions applicable to the Preliminary Plat:

1. The two requested Variations shall be approved, and
2. Northwing Addition shall be annexed and rezoned, as proposed.

Hill asked how wide the streets will be. Bunger indicated there will be 31-foot wide streets in 60-foot wide rights-of-way.

Rolley asked for clarification of the two requested variations on the Preliminary Plat.

Bunger explained that the variations to allow longer block lengths on two streets and provision of eyebrow cul-de-sacs were necessary, due to the unique coving design of the development.

Ham asked about access to the north and Valleywood.

Bunger explained that the Plat provides three future access points to the property to the northeast and the connection into Valleywood, which Riley County wanted to be

limited to emergency vehicles only by use of bollards.

Rolley opened the public hearing.

Greg Anders, Frey Property Development Corporation, indicated that he and his brothers, Doug and Max, were available for questions, as well as their consultants from Schwab-Eaton.

Hill asked for an explanation of the drainage plan.

Leon Brown, Schwab-Eaton, provided an overview of the watershed and proposed drainage plan for the development. He said there is considerable pass-through runoff through the development site from the agricultural lands to the north. He said there are three discharge areas planned, one at the southwest corner that takes water from Valleywood to the Marlatt ditch; a second at the southeast corner of the site that takes water from the development through a series of on-site dry detention basins, then under McCall Road to the Marlatt ditch; and a third at the northeast corner of the site that takes water from the agricultural lands to the north, and some from the development in certain overflow conditions, and directs it into an existing ditch that passes through the northern end of Nelson's Landing. Brown explained that the post-development rates of runoff are reduced significantly compared to the existing conditions at the northeast and southeast discharge points. For a 100 year storm event the rates were reduced from 372 cfs, to 293 cfs and from 86 cfs, to 43 cfs respectively. He said their modeling also takes into account the flows in the Marlatt ditch.

Rolley asked for an explanation of the proposed coving design for the development.

Kirk Hoke, Schwab-Eaton, explained that coving provides a layout of curved streets that has more curb-appeal because houses don't all line up on each other and there are varied setbacks along the streets that provide a feel of more open space and larger lots. He said all the setbacks would be equal to, or greater than the minimum 25 foot front yard requirement. He said the design allows for fewer cross-streets and more "T" intersections which are safer, and reduces the amount of street paving necessary to serve the proposed development by about 38 percent when compared to typical layouts. This results in reduced costs for construction, maintenance, and snow removal; lower specials, less impervious area, less storm water runoff; and fewer cul-de-sacs, which are inefficient. He said most lots back up to open space and streets are less dominated by garages, due to the varied setbacks and curvilinear street layout.

Hill asked about traffic impacts of the coving design. Hoke indicated the curvilinear street layout helps to act as a traffic calmer and should reduce vehicle speeds and improve safety.

Rolley expressed concern about the large number of lots, 100 plus, along Northwing and the number of cars that will have to pass Lot 9 to get to their house to the north because there is no other access point.

Hoke said in the future there is potential access to Barn and Casement Roads to the north. However at this point in time, access is limited as there is no access to the west because of the private streets in Colonial Gardens and no access into the apartment community to the southwest. There is no access to the northwest into Valleywood, due to Riley County's concern about those substandard streets handling more traffic in that neighborhood. In meetings with the Township, County, City and emergency personnel, it was decided to allow a controlled emergency access at that location. He said it is a nine-phase development, and the northern end would be the last phase.

Diane Novak, 11330 Military Trail Road, St. George, asked about the Bicycle Master Plan and what accommodations for bicyclists have been made on the streets in the development, given that there will be parking on both sides of the streets. She asked how children will get to school and if there would be bike paths. She said sidewalks should not be used by bicyclists.

Hoke said that the 31-foot wide streets are the typical width in Manhattan and that there are no plans for bicycle paths. However, he said the common areas will be connected with about 4-foot wide shallow concrete pilot channels for the detention basins. He said these could be used by children during dry periods to shortcut through the common areas and not utilize the sidewalks.

Bunger said the proposed route shown in the Bicycle Master Plan for this area would be along Marlatt Avenue, which is not proposed to be annexed at this time. He said the policy statements in the Bicycle Master Plan indicate that local streets be used as "share-the-road" facilities. He said the interior streets of the development meet the policies of the Bicycle Master Plan and meet the engineering standards.

Ott said the minimum radiuses for curves have been met. He indicated that the Bicycle Master Plan identifies the Linear Trail along Marlatt Avenue and that the necessary right-of-way for the Linear Trail has been set aside on the south side of the Marlatt ditch. In addition, the County's construction of Marlatt Avenue includes a sidewalk along the south edge of Marlatt Avenue. The intersection of US 24 and Marlatt Avenue will include a Linear Trail tunnel under US 24 to accommodate pedestrians and bicycles. He said if in the future it is decided to provide bike lanes along the 31-foot wide streets in this development, then parking will need to be removed, so there are tradeoffs that will need to be considered.

Winslow added that it was the intent of the Bicycle Master Plan that on local streets it would be a shared use plan on low volume 31-foot wide streets and that bicycle traffic is allowed along with vehicular traffic. She said it doesn't necessarily warrant a separate bicycle lane.

Bunger said the proposed development meets the Comprehensive Plan, engineering designs and Bicycle Master Plan and does not warrant anything higher than a shared use approach.

Joe Knopp represented Mel Vanderstelt who owns the property to the east of the proposed development, which is zoned county industrial. He said there is an issue

with sanitary sewer manholes in the area that are located in the ditch and have potential infiltration and capacity problems. He said adding this development to the system is an issue that the City will need to address at some point. He also addressed the status of Julie Lane, which has been dedicated across Mr. Vanderstelt's tract from Nelson's Landing and could give the residents on Nelson's Landing a second access out. He said there should be more than one way out of a development and connecting Julie Lane to the proposed development could address the block length issue in the development and provide a second access for Nelson's Landing. He said it is a policy issue that should be considered to not have each development stand alone.

Steven Jones, 1188 Julie Lane, said he agreed with Knopp that Julie Lane goes nowhere. He said they would like to be a part of the growth in the area and asked how soon the development would begin.

Greg Anders indicated the first phase of 31 lots would be done as soon as possible and the remainder would be based on market conditions.

Jones suggested waiting on the development, until the Marlatt Avenue improvements are completed. He questioned if there was a need for 286 more houses and asked if traffic impacts on the area have been considered. He asked when construction on the Marlatt Avenue - US 24 intersection would begin.

Ott said there is an October 2008 bid date to start construction of the intersection.

Jones asked that the development wait until the intersection is done. He said he has lived there for fourteen years raising three kids, one of which put a car in the ditch. He there a numerous accidents at that intersection and locating another 286 families in the area is playing Russian roulette. He asked that consideration be given to connecting Julie Lane to the proposed development, to provide a second access for Nelson's Landing.

Paul Irvine, 3370 Casement Road, expressed concern about drainage and the amount of water that will flow through his farm land. He appreciated the developers' and engineers' efforts and expense in addressing drainage and said that if it works like they say it will and the figures are accurate then things should be alright and not adversely affect neighbors. He said he is not opposed to the development if there is no reshaping, or modification that will be required on his land, and that water flows do not change as it goes across his property.

Responding to citizen questions, Hoke indicating the development will be phased starting with 31 lots, not all 286 lots at once. He said benefit districts still have to be formed and construction plans prepared, and that utilities and streets have to be put in which will all take time. He said Marlatt Avenue is to be completed in July, long before the development ties streets to it and the Marlatt intersection will be under construction. He said the timing of the development and Marlatt Avenue will be good. He said their traffic impact analysis determined that Marlatt Avenue and US 24 can handle the increased traffic and that levels of service will be good. He said they looked at connecting Julie Lane to the development; however it is bad planning

to connect a single family neighborhood into an industrial zone. He said the connection also did not appear to be that much of a benefit to the Nelson's Landing neighborhood, as it would be a longer route to Marlatt Avenue.

Rolley closed the public hearing.

Hill said he was somewhat torn about making the Julie Lane connection; however he said it doesn't make sense to connect an industrial area to a residential area. He said the tract was not very usable as industrial and asked Knopp to comment.

Knopp said Mr. Vanderstelt has had the tract zoned industrial for a long time and was not sure what land uses would develop around it, so he didn't want to give it up. It's a very narrow strip between residential areas and was once an air strip. He said they don't know what they will use it for, but that it is looking more likely to be used for residential, than for industrial. Drainage from Star Farms crosses the northern end of the tract and he was glad to hear that the proposed development could reduce that impact. Knopp said the tract has limited use, but that Julie Lane could help provide access. He was not asking Northwing to solve his development problems, but suggested the Board should consider access to adjoining tracts.

Hill agreed the Planning Board generally tries to provide connectivity and access between adjacent areas. However, he was concerned about potential impacts of an industrial area connecting to a residential neighborhood. He said it didn't appear that the tract was wide enough to accommodate a street for residential development.

Meredith agreed with Hill's comments regarding Julie Lane connection.

Zilkie cited the Manhattan Zoning Regulation's restriction on access to commercial and industrial tracts from a residential area and noted a similar situation involving the Eureka Addition industrial park, which was required to plat no access onto an adjoining pre-existing public street in a residential area. He said the Subdivision Regulations have a strong emphasis on connectivity between adjoining areas and the proposed development does provide three future access points northward to the adjoining land and to Valleywood for the emergency access.

Rolley agreed it is a difficult issue to resolve. She appreciated the applicant's efforts to be creative and use concepts not familiar to the community. She is familiar with the coving technique and has concerns about access issues. She said the winding streets of the coving technique provide a reputation for good traffic calming and creating a certain quality of life. However, the varied setbacks typical of coving are not being emphasized very much in this proposal. She was concerned that over a hundred households would be traveling on Northwing, to a dead-end area at the north end of the development. She said future potential connections are provided, however the one existing connection point to Julie Lane is not being used as a through street, as requested by one of the residents in the area. She wanted to be supportive of innovative ideas, however was concerned about the impact on the health, safety and welfare of the community.

Hill asked if the applicant is opposed to connecting to Julie Lane.

Ott informed the Board that the western portion of the Julie Lane right-of-way is not actually a constructed street and would not connect to the site.

Hill said while he wanted to provide connectivity, he was concerned about the county's industrial zoning on the adjoining tract. He could not support the connection and agreed with the applicant and city staff.

Ott indicated that the specifications used for constructing Nelson's Landing were probably similar to those for Valleywood's streets. The Board may be faced with the same situation if the County Engineer says he doesn't want connectivity due to street conditions. Ott was concerned that the County Engineer has not has the opportunity to weigh-in on this issue.

Kohlmeier questioned if the Board could address the Julie Lane connection, if it is not brought as part of the application they are considering, beyond just saying the Board might consider looking at it in the future.

Hill agreed that the Board could not insure Julie Lane's connection to the proposed development even if they approved of it.

Rolley said it is an annexation issue where many of the surrounding tracts are still in county and it will come up sooner or later. She asked for clarification between the front yard setbacks shown on the Preliminary Plat at 25 feet, and the diagram shown during the hearing with greater coving setbacks.

Hoke said the Preliminary Plat does not show the coving setbacks that are shown on the diagram and which are part of the private covenant deed restrictions. He said the City preferred that the greater "private setbacks" not be shown on the Preliminary Plat, since 25 feet is the minimum setback under the zoning.

Rolley said the coving setbacks are a big part of the design and asked if the restrictive covenants will be part of the Final Plat, so there would insurance that the coving setbacks would be followed.

Bunger said the covenants would be filed with the Final Plat, but they are private restrictions and not enforced by the City.

Rolley said that while it is the intention of the developer to follow the coving setbacks, they are not being required through the Plat. She said without following the setbacks that go along with the coving street layout, it results in bad developments which she has seen examples of in other communities.

Kohlmeier asked if the Board could make the coving setbacks a condition of approval of the Preliminary Plat.

Zilkie informed the Board that if it approves an unusual setback as a part of the Plat,

the Board will need to cite the applicable section of the Subdivision Regulations it is relying on to impose the condition.

Rolley asked why the development was not proposed as a Planned Unit Development (PUD), so the varying setbacks could be required as part of the development.

Zilkie said the applicants had not proposed a PUD, which requires a much greater level of information to be submitted, including building and landscaping designs. He said they might be able to plat greater setbacks than required by the zoning district, but it would still be up to the developer to insure that homes are built accordingly. It still doesn't address the issue of conditioning approval of the Preliminary Plat.

Rolley said the applicant is asking for substantial variations from the Subdivision Regulations for the development and there needs to be insurance that the rational for the variations can be carried out. She asked how to insure that the proposed concept will actually be built.

Hoke said they are not opposed, if staff can identify a way to require that the greater setbacks are followed.

Hill said there are many areas with restrictive covenants controlling development that have been approved, so the Board's condition could be to follow the covenant that is filed with the Final Plat.

Rolley said the covenants would only be enforceable by the residents in the development and not the city.

Cattell confirmed that the City usually is not a party to private covenants except in some specific situations where it needs to be party to them, such as with maintenance of drainage basins. Cattell said it is difficult for the Planning Board to require a Final Plat that doesn't conform with the Preliminary Plat. He suggested the applicant may want to submit a revised Preliminary Plat.

Rolley asked if the Board could approve the Preliminary Plat on the condition that a revised Preliminary Plat be submitted showing the coving setbacks.

Cattell said that conditions placed on the Preliminary Plat by the Board need to relate as best as possible to the variations necessary for the unique coving layout.

Zilkie suggested the Board could cite Section 10-301(A)(1) of the Subdivision Regulations relating to block configurations, which provides "for adequate building sites suitable for the special needs of the type of use contemplated".

Cattell suggested the applicants could submit a revised Preliminary Plat along with the Final Plat.

Anders agreed that was acceptable and that following the coving setbacks was a key to a successful development. They had planned to file the setbacks through the private

covenant.

Cattell said the covenants would still need to be filed with the Final Plat, and that with submission of a revised Preliminary Plat showing the coving setbacks, the covenants would no longer conflict.

Hill moved that the Planning Board recommend approval of the annexation of the 106-acre tract of land for Northwing Addition, generally located north of Marlatt Avenue, based on the findings in the Staff Report and conformance with the Manhattan Urban Area Comprehensive Plan.

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

Hill moved that the Planning Board recommend approval of the proposed rezoning of Northwing Addition from County G-1, General Agricultural District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

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

Hill moved that the Planning Board approve the Preliminary Plat of Northwing Addition, based on conformance with the Manhattan Urban area Subdivision Regulations, with the two conditions recommended by City Administration (i.e. 1. The requested variations shall be approved; 2. Northwing Addition shall be annexed and rezoned as proposed), and adding a third condition that: to insure the development is carried out as proposed, a revised Preliminary Plat shall be submitted with the Final Plat reflecting the coving setbacks that are necessary to provide adequate building sites, as per Section 10-301(A)(1) of the Subdivision Regulations.

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

3. REPORTS AND COMMENTS BY BOARD MEMBERS

Ham urged the City and Riley County Commissions to continue to address infrastructure needs in the growth areas of the community, such as in the Marlatt Avenue and McCall Road corridors.

Respectfully submitted,

Eric Cattell, AICP,
Assistant Director for Planning