

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

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

**MEMBERS ABSENT:** None.

**YOUTH IN GOVERNMENT:** None.

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE JUNE 2, 2008, AND JUNE 16, 2008, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 13, GRAND MERE VILLAGE PUD FOR A HOMECARE AND HOSPICE FACILITY, GENERALLY LOCATED APPROXIMATELY 1,600 FEET NORTH OF KIMBALL AVENUE AND VANESTA DRIVE INTERSECTION. (APPLICANT/OWNER: HOME CARE AND HOSPICE FOUNDATION INC.).**

Rolley noted a correction to the Minutes of June 2, 2008 on page 3 regarding Kratochvil, not Ham, opening the public hearing. Reynard moved that the Board approve the Consent Agenda with the corrected Minutes. Kratochvil seconded the motion, which passed on a vote of 7-0.

**GENERAL AGENDA**

1. **REMOVE THE ITEM FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE KSU FOUNDATION ADDITION, AN APPROXIMATE 16-ACRE TRACT OF LAND, FOR TWO LOTS ZONED U, UNIVERSITY DISTRICT, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF KIMBALL AVENUE AND DENISON AVENUE. (OWNER/APPLICANT: KANSAS STATE UNIVERSITY FOUNDATION - DAVID WEAVER)**

Hill moved that the item be removed from the table. Kratochvil seconded the motion which passed on a vote of 7-0.

Zilkie presented the staff report, recommending approval of the concurrent plats, with the requested variation regarding the travel easement.

Rolley opened the public hearing.

David Weaver, KSU Foundation, briefly summarized the request, noting the street name change to Legacy Place.

Rolley closed the public hearing with no one else speaking.

Meredith moved that the Manhattan Urban Area Planning Board approve the Preliminary and Final Plats of the KSU Foundation Addition, and a Variation of Section 10-206 (C)(1) to allow a Travel Easement in a zoning district other than a Planned Unit Development District, based on the findings in the staff memorandum and conformance with the Manhattan Urban Area Subdivision Regulations. Ham seconded the motion, which passed on a vote of 7-0.

2. **REMOVE THE ITEM FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED WESTPORT SOUTH COMMERCIAL PLANNED UNIT DEVELOPMENT, AN APPROXIMATE FOUR (4) ACRE TRACT OF LAND, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF WESTPORT DRIVE AND ANDERSON AVENUE. THE PROPOSED COMMERCIAL PUD WILL CONSIST OF A WALGREENS' DRUG STORE AND A SONIC DRIVE-IN RESTAURANT. (OWNER/APPLICANT: WEST ANDERSON PARTNERS, LLC - STEVEN R. STRUEBING, MANAGER)**

Reynard moved that the item be removed from the table. Meredith seconded the motion, which passed on a vote of 7-0.

Hill stepped down from the Board due to a conflict of interest.

Zilkie presented the staff report and recommended approval with nine (9) conditions.

Rob Ott gave a presentation summarizing his Memorandum, which discusses the recommendations of the Drainage Report. Ott said the water surface of Wildcat Creek will not increase.

Miller asked about traffic studies. Ott described the improvements made as part of the Anderson Avenue improvement project, including a traffic light at the intersection

of Anderson and Westport Drive.

Rolley opened the Public Hearing.

Nancy Hardy (2623 Georgetown Place) said she had recently purchased her home. Hardy said the proposal will change the character of the neighborhood, which is now quiet and has lots of trees. Hardy expressed concern over 24-hour uses and the location of the dumpster. Hardy said that while that section of Anderson Avenue is a commercial corridor there are not 24-hour uses with the exception of Dillon's and no other commercial uses extend that far south. Hardy said she would personally urge the Board to not approve the rezoning.

Sally Yahnke (2627 Georgetown Place) had concerns about drainage and said there is significant erosion undercutting her own property. Yahnke asked that the Board be diligent in analyzing the impacts of the project on the neighborhood.

Mildred Polley (2625 Georgetown Place) said she is not opposed to a commercial endeavor at this location but is opposed to the way it is laid out, and cited the location of the dumpster behind Sonic as a concern. Polley said she would like to see Walgreens' and the Sonic flip-flopped on the site. Polley said she is one of the original owners in the neighborhood, having lived there 20 years. Polley had concerns about the level of noise at 3 a.m. Polley said there is lots of dense foliage which the residents enjoy. Polley cited discussion of a footbridge over the creek and said that would be disastrous.

Reynard asked if the residents currently hear noise from Anderson Avenue during peak periods of traffic. Polley said they do not hear it.

Agnes Morton (2620 Georgetown Place) said there are no businesses behind her home that include deliveries in back. Morton described the back of her yard as forest-like. Morton said she would like to see any plans for a footbridge over the creek scratched. Morton said the surroundings of the neighborhood allow for a very quiet and peaceful environment and is concerned that if the rezoning is approved the neighborhood will be ruined. Morton said she is not looking forward to the 3 a.m. traffic and noise associated with the Sonic. Morton had concerns about traffic flow with automobiles turning off Anderson into the project. Morton said the properties would be better left zoned residential. Morton asked the Board to do what is right for the citizens of Manhattan and the neighborhood.

Kathleen Ward (2621 Georgetown Place) said she bought the first property in the neighborhood when it was still wilderness. Ward said the entrance off Anderson into the Washington Square neighborhood includes commercial properties but the businesses are quiet places. Ward said Walgreens' fits as a quiet commercial use but the Sonic does not.

Nancy Hardy spoke again and said she doesn't understand how the engineers can say that drainage into Wildcat Creek will not be affected. Hardy questioned whether

Sonic would be dumping storm water into Wildcat Creek. Hardy said the project will change the neighborhood and the wildlife. Hardy said the traffic will get worse if a highly popular fast food place is located there. Hardy questioned who could be sued if the project does increase drainage problems.

Larry Lawhon (1024 Connecticut Ave) expressed his concern about the impact of 24-hour services on the neighborhood.

Rolley closed the Public Hearing.

Meredith asked what was being done to remove junk from the drainage areas into Wildcat Creek.

Leon Osbourn, P.E., (Kaw Valley Engineering) said that the majority of the drainage area is not located on the subject property.

Ott described how storm water pipe would be extended to the edge of the property to limit erosion and discussed underground detention. Ott said the release rate into Wildcat Creek will be no greater than today.

Rolley raised the issue of how existing development was creating drainage problems. Ott said that there are improvements needed further up in the basin.

Reynard mentioned how Hill had brought up looking at opportunities for “bigger solutions” to the Wildcat Creek issue at a previous meeting. Reynard said he liked the idea of having Sonic and Walgreens’ flip-flopped on the site to help with noise abatement.

Osbourn said they had explored rearranging the location of Sonic and Walgreens’ but there are complications, including truck deliveries. Osbourn also said that Walgreens’ does not want to move from the proposed location because they want to be on the corner.

Rolley asked whether the 24 hour a day seven days a week commercial use is consistent with the definition of “Community Commercial” in the Comprehensive Plan. Zilkie said there was nothing he was aware of in the Plan that refers to hours of operation. Zilkie said he could not think of other examples of developments where conditions had been placed on limiting hours, other than discussions with Wal-Mart when the Supercenter was originally proposed on the west side of town. Zilkie said that hours of operation and the arrangement of Sonic and Walgreens’ on the site may be worth discussing with the applicant.

Rolley said the PUD should lay out what is to be done to ensure that the project is an asset to the community.

Reynard said he could not support the project as it is arranged.

Meredith said he would like to hear what the developer has to say.

Steve Struebing (West Anderson Partners, LLC) said he is one of the management partners. Struebing said they have discussed many of these same issues and are sensitive to the neighbor's concerns. Struebing said they can only address the issues pertaining to their own site, and many of the concerns raised, particularly drainage, cannot be corrected with this individual project. Struebing said that there are already other ordinances that address trash and unreasonable noise. Struebing said they have no intention of changing the foliage on their side of Wildcat Creek.

Kratochvil asked for clarification on Condition #8 that the landscape buffer would be the same height as the proposed wood fence. Zilkie said it would be at the same grade as the parking lot and storage building and dumpster enclosure.

Kratochvil said he is very sensitive to the drainage issue but the issue is much larger than this site. Kratochvil mentioned all of the paving that has been required for the Manhattan Medical Center that eventually drains into this site. Kratochvil said he can support the proposal.

Meredith said his biggest concern about the project was drainage but that has been addressed. Meredith said he can support the project.

Miller said she agreed, that her biggest concerns have been addressed, and she can support the project.

Ham said he is also concerned with the same issues, in addition to some others. Ham said there may be a better alternative for the dumpster location. Ham said that whatever comes into this area will increase noise.

Rolley thanked the applicants for listening to the Board's discussion. Rolley said the neighbors understand they are bordered by a property that will be retail but they have very specific concerns. Rolley said the PUD is a "special privilege" which also provides opportunities. Rolley said she struggles with the idea of a 24/7 operation next to a neighborhood. Rolley said she believes the project can work out but, as presented, she cannot support it. Rolley said she wants to resolve the issue with the dumpster location.

Osborn said they will talk with Sonic. Osborn noted that the Sonic would not be open 24 hours a day, seven days a week, but to 2 a.m. or 3 a.m. at the very latest.

Gary Conwell (Paul Properties representing Walgreens') said their deliveries occur usually between 7 a.m. to 8 a.m.

Kratochvil moved that the Board recommend approval of the proposed rezoning of Westport South PUD from R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions:

1. Permitted uses shall include a Sonic Drive-in Restaurant and Walgreens.
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. Light poles shall be provided as described in the application documents and shall be full cutoff design. Building lighting shall be provided as proposed and shall not cast direct light onto public or private streets or adjacent property.
5. Skirted poles signs shall be permitted as proposed.
6. Wall signs shall be permitted as proposed.
7. Temporary banner signs shall be limited to no more than one (1) banner sign per lot. Exempt signage shall include 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
8. In lieu of a proposed six (6) foot tall wood fence east of the Sonic trash enclosure and storage building, a landscape buffer shall be provided, such as, but not limited to, viburnum shrubs or 6-foot evergreen trees, adjacent to the Sonic trash enclosure and storage building, a distance equal to the abutting residential district, or approximately 55-feet; and, a six (6) foot tall wood fence shall be provided along the entire edge of the southern eleven (11) off-street parking lot spaces.
9. Storm water drainage improvements shall be provided as described in the City Engineer's Memorandum, dated June 30, 2008, as follows:
  - a. The development shall include either an underground detention or traditional open pond system such that sedimentation is removed for this specific site to protect Wildcat Creek habitat; and, the development's underground detention or traditional open pond system shall have a post development storm water runoff rate that is not greater than the predevelopment rate.
  - b. An existing 30 inch storm water pipe from the Sonic site, which is generally located west of Lot 19, Washington Square Addition, shall be extended approximately 100 feet to the south.

Meredith seconded the motion, which resulted in a 3-3 vote (Kratochvil, Meredith, and Miller voting in support; Reynard, Rolley, and Ham voting against).

City Administration advised the Board that in the case of a tie vote, or a failure to make a recommendation, then the Board's action was a recommendation for disapproval.

**3. ANNUAL ORGANIZATIONAL MEETING AND ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON.**

Kratochvil made a motion to nominate Jerry Reynard as Chairperson of the Board. Ham seconded the motion, which passed on a vote of 6-0 (Reynard did not vote).

Kratochvil made a motion to nominate Stephanie Rolley as Vice-Chairperson of the

Board. Meredith seconded the motion, which passed on a vote of 6-0 (Rolley did not vote).

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

There were no comments or reports.

Respectfully submitted,

Cam Moeller, Planner II