

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**July 6, 2009**  
**7:00 p.m.**

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

**MEMBERS ABSENT:** Mike Kratochvil.

**YOUTH IN GOVERNMENT:**

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE JUNE 15, 2009 MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL DEVELOPMENT PLAN AND THE FINAL PLAT OF WILLIE'S VILLAS RESIDENTIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED AT 1021 VATTIER STREET AND 1029 VATTIER STREET. (APPLICANTS: JOHN AND HOLLY IRVINE /OWNERS: WILLIE'S VILLAS LLC; AND, JOHN AND HOLLY IRVINE)**

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

**GENERAL AGENDA**

**A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED WESTPORT COMMONS COMMERCIAL PLANNED UNIT DEVELOPMENT, FROM PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED NORTH OF CLAFLIN ROAD, EAST OF BROWNING AVENUE, SOUTH OF WILLIAMSBURG DRIVE, AND WEST OF WESTPORT STREET. (APPLICANT/OWNER: WESTPORT COMMONS LLC - MARK BACHAMP)**

Zilkie presented the Staff Report, recommending approval with conditions.

Rolley commented that the internal circulation plan is unusual and asked if the City staff reviewed the circulation plan.

Rob Ott, City Engineer, stated that he typically looks at how the development will impact City Streets.

Rolley asked if the intersection onto Westport Street could be moved further south to improve the internal traffic circulation. Ott stated that the intersection would need to meet the spacing requirements of intersections according to the Manhattan Area Transportation Strategy (MATS). Ott suggested that the applicant may want to address the questions.

Morse asked about the drainage to the property to the north. Zilkie stated that a portion of the site will drain to the north to the adjacent site. Ott commented that in order for the development to have stormwater runoff equal to or less than the pre-development conditions, a portion of the site needs to drain to the north in a planned detention basin.

Miller asked about what traffic studies on Browning Avenue were done for the project. Ott answered that the applicant's consultants produced a complete traffic analysis using the projected number of vehicles generated by the development during the a.m. and p.m. peak hours. The traffic analysis found that the proposed development meets the minimum MATS standards and that the intersection of Browning Avenue and Claflin Road does not warrant a traffic signal at this time.

Miller asked that her concerns about traffic at the intersection of Browning Avenue and Claflin Road be noted.

Miller asked the applicant to discuss where the sidewalk will be on Browning Avenue.

Meredith opened the public hearing.

Mark Bachamp from Schultz Construction, spoke for the applicant and addressed the concerns of the Board. He explained that he and the City had looked at several options to provide the sidewalk along Browning Avenue. They have finally decided to construct a sidewalk along the Browning Avenue road right of way.

Bachamp explained that their plan was to only have one entrance to service both lots on Westport Street. In his opinion the internal "Y" intersection was the least restrictive.

Rolley asked if the Westport Street intersection could be moved 10 – 15 feet to the south to improve the internal traffic flow. Bachamp responded that they would look at that design, but did not want an entrance to appear to be only for the proposed bank lot.

Bachamp answered the question about the site's drainage. He said that a detention basin on the adjacent north property will be built with a future development.

Bachamp noted that the intersection at Claflin Road and Westport Street is already setup

for a traffic signal and the conditions just need to be present to warrant the installation of one.

Morse asked how many cars could be stacked along Westport Street from the development's intersection. Ott stated that the intersection is properly spaced and that there is adequate stacking space.

Sherlund Prawl, 1504 Williamsburg Drive, commented on the applicant's efforts to inform the Williamsburg neighborhood about the development and their attempts to address the drainage of the site and the tree preservation concerns of the neighbors. Prawl stated his support for the project. He did express concerns about the traffic from the development traveling north through the neighborhood.

Mike Toy, 1552 Williamsburg Drive, asked if the stormwater drainage will travel down the curb and gutters of Williamsburg Drive. Bachamp responded that the drainage will travel northwest via a proposed street into a detention basin and not down Williamsburg Drive.

With no further comments or questions from the public, Meredith closed the public hearing.

Rolley moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of the Westport Commons Commercial Planned Unit Development, from PUD, Residential Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the seven conditions recommended by City Administration, and adding Condition 8 as follows:

1. The Permitted Uses shall include: Business and professional offices, as defined in the Manhattan Zoning Regulations, and a Bank, with drive-in facilities.
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. Signage shall be limited to signs proposed in the application.
5. Exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(1) and (2), of the Manhattan Zoning Regulations shall be permitted.
6. A sidewalk shall be constructed along the east side of Browning Avenue concurrent with the construction of the improvements in the PUD.
7. Pedestrian sidewalks shall be provided connecting the sidewalk along Browning Avenue to the buildings on Lot 1 and Lot 2, and shall be shown on the Final Development Plan.
8. Provide re-alignment of the Westport Drive entrance to eliminate conflicting internal travel paths.

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

**A PUBLIC HEARING TO CONSIDER THE REZONING OF 519 N. 11<sup>TH</sup> STREET, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF LARAMIE STREET AND N. 11<sup>TH</sup> STREET, FROM R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, TO C-3, AGGIEVILLE BUSINESS DISTRICT. (APPLICANT: CHRISCHELLE BORHANI/OWNERS: RAHIM AND MARTHA BORHANI)**

Bunger presented the staff report, recommending approval.

Morse stated that the proposed rezoning would square off the Aggieville boundary and wondered if this would set a precedent to expand the Aggieville Business District. Both Bunger and Cattell clarified that this rezoning request conforms to the Comprehensive Plan and that the Aggieville – Campus Edge District Plan recommends confinement of Aggieville’s south and east boundaries to the alley south of Laramie Street and N. 11<sup>th</sup> Street.

Meredith opened the public hearing.

Chrischelle Borhani, the applicant, provided information on the property and their desire to open a retail business on the ground floor of the building.

Hill asked if the development would be in the existing building and not in a new building. Borhani stated that it would be in the existing building.

With no comments from the public, Meredith closed the public hearing.

Hill stated that he would abstain from any vote because he owns the property next door to the subject site.

Morse moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of 519 N. 11<sup>th</sup> Street from R-3, Multiple-Family Residential District, to C-3, Aggieville Business District, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 5-0-1, with Hill abstaining.

**CONSIDER A REQUEST FOR ANNEXATION OF AN APPROXIMATE 26-ACRE TRACT OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FORT RILEY BOULEVARD AND MILLER PARKWAY. (APPLICANT/OWNER: BAYER CONSTRUCTION CO., INC.-NEIL HORTON, VICE PRESIDENT/CEO)**

**A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE 26-ACRE TRACT OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF FORT RILEY BOULEVARD AND MILLER PARKWAY FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO C-2, NEIGHBORHOOD SHOPPING DISTRICT, AND AO,**

**AIRPORT OVERLAY DISTRICT. (APPLICANT/OWNER: BAYER CONSTRUCTION CO., INC.-NEIL HORTON, VICE PRESIDENT/CEO)**

Zilkie presented the staff reports for agenda items 3 and 4 together, recommending approval of both.

Morse asked about the K-18 highway realignment plans. Ott explained that the K-18 Highway realignment would happen in three phases, with the last phase being near this development and the Miller Parkway/Davis Avenue intersection.

Morse then asked where the access to the site will be. Ott stated that he has requested and will continue to request that access to the site be in line with the new alignment of Arbor Lane.

Morse asked about the scenic buffer shown on the Comprehensive Plan. Cattell explained that the scenic buffer area is a conceptual area not defined by a legal boundary to protect scenic areas along K-18 and Scenic Drive. The Stone Haven Preliminary Plat dedicated a large Conservation Easement to accommodate the scenic buffer area.

Morse asked when the traffic impact analysis for the development would be addressed. Zilkie said with the future Preliminary Plat and Final Plat.

Morse asked about the comment relating to the Capital Improvement Plan. Zilkie replied that the development is within the Urban Service Area boundary and can be adequately served by the extension of existing public utilities and streets.

Morse asked when will Miller Parkway be connected to Scenic Drive and Wreath Avenue be extended to Anderson Avenue? Ott said that there is over 5,000 linear feet of property to be developed before Miller Parkway connects to Scenic Drive and that a bridge to cross Wildcat Creek to connect Wreath Avenue to Anderson Avenue is not feasible at this time.

Meredith opened the public hearing.

Neil Horton, Vice President of Bayer Construction Company, as applicant, provided information about the history of the property and their development plans for the site. Horton stated that their development plans are conceptual, with no prospects for the commercial development. Horton's opinion is that a commercial development is more appropriate than a residential development on the site considering its location to K-18. He said that he held a neighborhood meeting on the site with approximately 30 people in attendance. Most of the people were associated with the area's neighborhood associations. At that meeting, they discussed the possible uses on the site within the C-2, Neighborhood Commercial District.

Doug King, 1032 S. Wreath Avenue, stated his concerns of traffic congestion along Miller Parkway and Amherst Avenue. King expressed his opinion that the streets are not adequate to handle the amount of traffic generated by the existing homes. He felt that the proposed commercial development would worsen the traffic congestion on Miller

Parkway and that the development should be put on hold until the street can be connected to Scenic Drive or Wreath Avenue is connected to Anderson Avenue so that there are more points of access into the residential area.

Ron Forkenbrock, President of the Townhomes at Miller Ranch Homeowners Association, expressed that the association does not object to the annexation or the rezoning to establish a neighborhood shopping center. The objection is that the development is only conceptual with no detailed plans. He requested that the Board deny the rezoning request and ask for a Planned Unit Development with architectural controls and so that the neighborhood can have more of a voice in the commercial development.

Mike Walter, representing Caroline Anderson and the Arbor Heights/Warner Park Neighborhood Association, expressed the support for the neighborhood shopping center, but felt a Planned Unit Development would be a better zoning district for the area so that the neighborhood would have an opportunity to have some say on the tenants of the commercial center. He also expressed his concerns of the location of the commercial development and the traffic impacts that would be created. He asked that the Board delay this request so that the neighborhood could provide more input into the development. If that was not possible, he asked that the request be denied and ask the developer to submit a Planned Unit Development request.

The Board took a five minute recess.

Kay Stewart, President of the Miller Ranch Home Owners Association, expressed her opinion that there are too many unknowns to approve the commercial development.

John Johannes, member of the Arbor Heights/Warner Park Association, expressed his concern that there have been several attempts in the past to change the character of the area. He expressed his concern about the traffic generated by the commercial development and that he did not want a commercial center this close to his neighborhood. He felt that a Planned Unit Development was more appropriate so that the neighborhoods could have some say on the development.

Neil Horton addressed the issues raised by the neighborhood associations. He said that the access into the proposed development will be in line with the new alignment of Arbor Heights and will establish a travel easement with USDA. He said that the platting process will address any engineering issues. Horton stated that the Comprehensive Plan has three types of commercial designations: Central Core, Community Commercial and Neighborhood Commercial. The proposed Neighborhood Commercial is the lesser of the three and fits the neighborhood. Horton stated that a Planned Unit Development is for projects that are outside of the box for special circumstances and this site does not appear to have any of those circumstances. He also said that his family has owned the property for 82 years and wants to have a high quality commercial development.

Morse asked how much of the site will be taken by the K-18 right of way acquisition? Horton said that the southern edge, as shown on the concept plan provided, is based on the most recent Department of Transportation plans.

Doug King asked where the proposed freeway overpass ends in relation to the site. Ott did not have the information readily available, but could find out.

With no further comments or questions from the public, Meredith closed the public hearing.

Reynard expressed his support for the proposed annexation and rezoning. He stated the annexation and rezoning allows the owners to market the site without having an actual development time or plans. Reynard said that the preliminary plat of the site would be the appropriate time to address the traffic, drainage and other site specific questions. Reynard stated his confidence in the applicant in doing a quality development.

Hill expressed his support for the proposal. He said that the preliminary plat of Stone Haven Addition already showed the site as commercial in concept and that the site is more appropriate for a commercial use compared to a residential use due to its location to the K-18 Highway. Hill said that Bayer Construction Company cares about the community and that they will do a good job in developing the site. Hill mentioned that the new traffic light at the intersection K-18 and Miller Parkway and Davis Drive addressed his concerns for traffic in the area.

Miller thanked the community for their input and stated that it helped her make a decision and hoped it will help the applicant in developing their site.

Rolley thanked the surrounding neighborhoods coming to the meeting to express their opinions. She said that traffic along Miller Parkway and Amherst Avenue are a major issue and that she hopes that attention is given to the issue at the public hearing for the Capital Improvement Plan. She said that the request is only to annex and rezone the property and that the development has not gone through the platting process yet, which is where the issues with the traffic and the City codes will be addressed. Rolley stated that the Comprehensive Plan promotes neighborhood commercial uses in proximity to residential areas. Rolley stated that she supports the proposed annexation and rezoning.

Morse said that the Special Planning Area Action Plan for Miller Ranch states *“Work with property owners to facilitate neighborhood level master planning in Miller Ranch, Blue River Valley and Eureka Valley growth areas and ensure that the special planning area policies are addressed during the planning process (natural resources protection, neighborhood commercial areas, mixed-use development).”* Morse also read the Miller Ranch Special Planning Area policy *MR6: Views on K-18 Approach into Manhattan: “The corridor along Fort Riley Boulevard/K-18 Highway cut, leading up the west side of Stagg Hill, should be protected through use of buffer zone or overlay, designed to protect views, existing vegetation and other important scenic attributes.”* Morse expressed her concerns that the needs of a commercial center and the buffer zones are opposing policies. She also said that we don’t know enough about the future design of K-18 Highway. She didn’t want to hold this site hostage by the future design of the highway. Morse was not comfortable to vote on the zoning because she did not have enough information.

Meredith stated that he felt the use was appropriate for the site, but also felt that there

were a lot of legitimate concerns expressed that will be addressed in the future with the development.

Reynard moved that the Manhattan Urban Area Planning Board recommend approval of the annexation of an approximate 26 acre tract of land, generally located south of Miller Parkway and Ft. Riley Boulevard intersection, based on conformance with the Future Land Use Map of the Comprehensive Plan for the Manhattan Urban Area and the City of Manhattan, Kansas, the Growth Vision, and the Capital Improvements Program (CIP).

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

Reynard moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of an approximate 26 acre tract of land from County G-1, General Agricultural District, to C-2, Neighborhood Shopping District with AO, Airport Overlay District, based on the findings in the Staff Report.

Rolley seconded the motion, which passed on a vote of 5-1, with Morse voting in opposition.

#### **REPORTS AND COMMENTS BY BOARD MEMBERS**

Evans asked the Board for a volunteer to serve on the Gateway to Manhattan Corridor Plan Steering Committee. Morse volunteered to serve on the committee.

Morse indicated that she serves on the Riley County's Vision 2025 Committee and that the County will be scheduling two additional public forums on the Plan in August.

Respectfully submitted,

Chad Bunger, Planner II