

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**January 21, 2010**  
**7:00 p.m.**

**MEMBERS PRESENT:** Bill Meredith, Chairperson; Jerry Reynard, Vice-Chair; Linda Morse; and Mike Kratochvil.

**MEMBERS ABSENT:** Mike Hill; Stephanie Rolley; Nikki Miller

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE DECEMBER 7, 2009, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

**APPROVE THE FINAL DEVELOPMENT PLAN OF LOTS 1-4 OF THE DOWNTOWN ENTERTAINMENT DISTRICT COMMERCIAL PUD, GENERALLY LOCATED NORTH OF FT. RILEY BOULEVARD, SOUTH OF COLORADO STREET, EAST OF S. 4<sup>TH</sup> STREET, AND WEST OF S. 3<sup>RD</sup> STREET. (APPLICANTS /OWNERS: CITY OF MANHATTAN AND DIAL MANHATTAN LLC)**

Reynard moved that the Board approve the Consent Agenda. Kratochvil seconded the motion, which passed on a vote of 4-0.

**GENERAL AGENDA**

**A PUBLIC HEARING TO CONSIDER THE REZONING OF AN APPROXIMATE 9.3 ACRE TRACT OF LAND FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, GENERALLY LOCATED SOUTH OF WALGREENS AND SONIC RESTAURANT, EAST OF GARDEN WAY, NORTH OF WILDCAT CREEK, AND WEST OF THE WASHINGTON SQUARE ADDITION. THE PROPOSED DEVELOPMENT WILL CONSIST OF THREE (3) COMMERCIAL BUILDINGS ALONG THE EAST SIDE OF GARDEN WAY, SOUTH OF WALGREENS. THE BALANCE OF THE SITE WILL BE A FUTURE AMENDMENT OF THE PUD. THE PERMITTED USES OF THE PUD WILL CONSIST OF BUSINESS AND PROFESSIONAL OFFICES, AND RESTAURANTS, NO DRIVE-IN TYPE. (APPLICANT: GREEN APPLE**

**VENTURES LLC-DAVID SPEAKS/OWNER: WEST ANDERSON PARTNERS, LLC-RICH SEIDLER)**

Bunger presented the staff report, recommending approval with twelve (12) conditions.

Kratochvil asked for clarification that there were no pole lights proposed in the development to light the parking areas. Bunger responded that he is correct, no pole lights were proposed and that no lights were required by Code Services.

Reynard asked about the flood plain located in the south end of the development. Bunger explained which areas of the development were in the Floodway and 100-Year Flood Plain.

Morse asked for a description of how stormwater runoff would be handled. Bunger explained that a majority of the site would drain to an underground stormwater drainage structure on the site that would collect the stormwater runoff and convey it to the south to Wildcat Creek. The remainder of the site would drain to the west towards Garden Way and to the south over the ground to Wildcat Creek.

Morse asked how the drainage plan would impact the residential developments along Garden Way and in Washington Square. Bunger deferred the question to the applicant's consultant.

Morse asked where the buildable portions of Lot 4 were located. Bunger showed the buildable areas of the lot were those areas outside of the Floodway.

Meredith opened the public hearing.

Sam Malinowski, the engineering consultant for the applicant, explained the proposed drainage plan for the development. He stated that there was no detention of the stormwater runoff plan because the post-development rate of stormwater runoff was less than the pre-development conditions. He stated that a twenty-four (24) inch pipe would be used to convey the majority of the runoff to Wildcat Creek. The pipe would also be used to address water quality of the runoff.

Malinowski stated he was happy with the staff's recommendations, with the exception of the need for a sidewalk along Garden Way. He felt that a sidewalk at that location was not needed because no other sidewalk was in the immediate area. He showed an aerial photograph that showed a sidewalk on the west side of Garden Way to the south of the development.

Ott explained that the requirement of the sidewalk along Garden Way was because the development is an infill project.

Reynard asked about the development of Lot 4. Malinowski stated that the proposed development is only for Lots 1 -3, and that West Anderson Partners, LLC would be responsible for the development plan of Lot 4.

Robert Buel, 2916 Tatarax Drive, stated he was the owner of Brookside Apartments and had concerns with the proposed development. Mr. Buel felt that the proposed uses of the development were not compatible with the surrounding residential uses. He felt that the traffic and lack of parking on the site would impact his property and the use of Garden Way. Mr. Buel also felt that the proposed development would create flooding issues along Wildcat Creek, which would impact his property and the surrounding properties.

Rich Seidler, 2924 Karen Terrace, representing West Anderson Partners was the seller of the land to be developed by the applicant. Seidler explained that the area was always meant to be developed with commercial uses when it was purchased from Riley County. Seidler explain the involvement that his group has had with the surrounding neighborhoods and the neighborhood's desire to have a low density commercial development on the site. He explained the traffic from Garden Way has now begun using the traffic light at Westport South to make any needed left turns onto Anderson Avenue. He also explained that the flooding issues along Wildcat Creek were not from this site.

Sally Yahnke, 2627 Georgetown Place, said she supports what Rich Seidler had said. She will be involved in the public hearing process when Lot 4 is proposed to be developed.

Jeff Zacharakis, 2615 Georgetown Place, stated he appreciates the low density development. He also thought that Westport Place was an appropriate route for traffic on Garden Way to attempt to make a left turn onto Anderson Avenue.

With no one else speaking, Meredith closed the public hearing.

Kratochvil stated that he agreed with the applicant's consultant that a sidewalk on the property along Garden Way was not needed. He felt that if the City didn't required Walgreens to construct a sidewalk, the applicant should not be required to. He felt that the west side of Garden Way would be a more logical location for the sidewalk and that placing a sidewalk on the development would lead to nowhere.

Ott agreed with Kratochvil's assessment of the sidewalk, but felt that a sidewalk should be installed when and where able for an infill development project.

Cattell gave some history of the installation of sidewalks along Garden Way, particularly how the Planning Board required that a sidewalk be installed on the west leg of Garden Way as part of the development of the Garden Grove PUD, to connect the PUD to the sidewalk along Anderson Avenue.

Morse stated that she supports the requirement of the sidewalk. She did not have an issue of putting the sidewalk on the west side of Garden Way if the applicant was willing to pay for its construction. She felt that requiring the sidewalk was important since parking is allowed on both sides of Garden Way.

Reynard asked about the specifics of the proposed stormwater pipe along the west side of the development. Ott read aloud excerpts from his memo provided in the Board packet regarding the extension of the pipe towards Wildcat Creek and his recommendation to

conduct stream bank stabilization on Wildcat Creek.

Malinowski confirmed that they pipe will be extended to the edge of the floodway and that riprap will be added to minimize erosion caused by the stormwater drainage structure.

Meredith agreed that a sidewalk should be built along Garden Way. He trusted the drainage report that was provided and felt that the low density development was good.

Morse agreed that the low density commercial development was appropriate due to the drainage issues in the area. She thought maybe the stormwater runoff standards should be raised. She agreed with City Administration that not including the restaurant at this time was appropriate and that an amendment could be considered if more information is provided.

Reynard moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of New Boston Commons PUD from, R, Single-Family Residential District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the twelve (12) conditions recommended by City Administration, as follows:

1. Permitted uses shall be limited to Business and Professional Offices.
2. Prior to the development of Lot 4, an amendment of the PUD shall be submitted and approved, prior to issuance of any necessary permits.
3. 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.
4. The landscape bushes and grasses proposed for the buffer and screening of the parking lots on Lots 1 & 2 shall be planted at a minimum of thirty (30) inches in height and shall have a maximum separation distance of three (3) feet on center to provide adequate screening of the vehicle headlights.
5. All landscaping and irrigation shall be maintained in good condition.
6. Building lighting shall be provided as proposed and shall be full cutoff design and not cast direct light onto public or private streets or adjacent property.
7. Ground signs shall be permitted as proposed.
8. 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)(1)(2), of the Manhattan Zoning Regulations.
9. Sidewalks and pedestrian crossings shall conform to the requirements provided by the City Engineer.
10. The applicant's consultant shall verify that the 10 year storm water discharge does not exceed a depth of 0.35 feet in the gutter section on Westport Place as described by the City Engineer. Verification shall be provided at the time application for the PUD Final Development Plan.
11. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing construction and ongoing maintenance of drainage improvements within the drainage easement by the

property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed..

12. An Agreement Creating a Restrictive Covenant on Real Estate, shall be filed concurrently with the Final Plat, addressing the construction and ongoing maintenance of the travel easement by the property owner(s) and giving the City the ability to assess the owners if such construction and maintenance is not performed.

Morse seconded the motion, which passed on a vote of 4-0.

**A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE MANHATTAN ZONING REGULATIONS CONCERNING ARTICLE VI, SIGNS, REGARDING TIME FRAME RESTRICTIONS AND OTHER REQUIREMENTS FOR POLITICAL OR CAMPAIGN SIGNS. (APPLICANT: CITY OF MANHATTAN)**

Zilkie presented the Staff Report, indicating that the proposed amendment to remove time constraints on political and campaign signs was to bring the Zoning Regulations into conformance with case law.

Morse asked if there had been any public inquiries or comments on the amendment. Zilkie said there had not, other than wanting a copy the staff memorandum.

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

Morse indicated her support for the amendment and moved that the Planning Board recommend approval of the amendments to the Manhattan Zoning Regulations Article VI, Signs, Section 6-104, Exemptions, to delete Section 6-104 (A) (7), regarding Political or campaign signs, and adding Section 6-104 (B) (5), as described in the Staff Memorandum, based on the findings in the Staff Memorandum.

The motion was seconded by Kratochvil and passed on a vote of 4-0.

**REPORTS AND COMMENTS BY BOARD MEMBERS**

Kratochvil asked if the City could investigate the possibility of establishing a sidewalk fund to which a developer could make payment in lieu of building a sidewalk in cases where the topography to too limiting.

Kratochvil asked for an update on the status of getting Shuss Road paved adjacent to the Southwind Lofts PUD.

Respectfully submitted,  
Steve Zilkie, Senior Planner  
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