

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**October 18, 2010**  
**7:00 p.m.**

**MEMBERS PRESENT:** Nikki Miller, Chairperson; Jerry Reynard, Linda Morse; Mike Hill; Stephanie Rolley.

**MEMBERS ABSENT:** Bill Meredith, Vice-Chair; and Mike Kratochvil.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, 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 OCTOBER 4, 2010, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.**

**APPROVE THE FINAL PLAT OF THE SNOWBIRD ADDITION, UNIT 4, GENERALLY LOCATED TO THE NORTHEAST OF THE INTERSECTION OF TIANA TERRACE AND SNOWBIRD DRIVE. (APPLICANT: JEFFERY HANCOCK, SMH CONSULTANTS, INC./OWNER: RON CHENEY)**

**APPROVE THE FINAL PLAT OF MANHATTAN MARKETPLACE SHOPS ADDITION, UNIT THREE, PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED WEST OF 3<sup>RD</sup> PLACE, NORTH OF OSAGE STREET, EAST OF N. 4<sup>TH</sup> STREET, AND SOUTH OF BED, BATH & BEYOND. (APPLICANT/OWNER: DIAL MANHATTAN, LLC - RICHARD KIOLBASA, MANAGER)**

Reynard moved that the Board approve the Consent Agenda. Morse seconded the motion and asked that item 3, the Final Plat of Manhattan Marketplace be removed and put on the General Agenda for discussion. Reynard accepted the amended motion, which passed on a vote of 5-0.

**GENERAL AGENDA**

**A PUBLIC HEARING TO AMEND ORDINANCE NO. 6682 AND THE APPROVED FINAL DEVELOPMENT PLAN OF LOT 1, MANHATTAN MARKETPLACE SHOPS, UNIT ONE; AND, AN AMENDMENT OF**

**ORDINANCE NO. 6544 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 14, MANHATTAN MARKETPLACE UNIT TWO, GENERALLY WEST OF 3<sup>RD</sup> PLACE, NORTH OF OSAGE STREET, EAST OF N. 4<sup>TH</sup> STREET, AND SOUTH OF BED, BATH & BEYOND. THE PROPOSED AMENDMENTS GENERALLY INCLUDE MODIFICATIONS TO ALLOW AN INCREASE OF THE FLOOR AREA FOR A PROPOSED DICKS SPORTING GOODS ON LOT 1; AND, REPLACE A THREE STORY MIXED USE COMMERCIAL AND MULTIPLE-FAMILY RESIDENTIAL BUILDING ON LOT 14 WITH A TWO STORY MULTIPLE-FAMILY RESIDENTIAL BUILDING. OTHER AMENDMENTS INCLUDE MODIFICATIONS TO OFF-STREET PARKING, SIGNAGE, LANDSCAPING, AND OTHER IMPROVEMENTS. (APPLICANT/OWNER: DIAL MANHATTAN, LLC - RICHARD KIOLBASA, MANAGER)**

Zilkie presented the staff report and recommended approval with conditions.

Miller asked about the width of the pedestrian sidewalk at the entrance of Dick's Sporting Goods and how it compares to other sidewalks within Manhattan Marketplace. Zilkie said the sidewalk is tighter near the entrance to Dick's than other sidewalks within the development due to a column placed in the middle of the sidewalk at that point, which reduces the width on either side. Zilkie said there is approximately seven feet of sidewalk between the back of the curb and the column, with additional sidewalk space between the column and the building.

Rolley asked whether the plans have been revised to address the architect's review comments that the column entry feature intrudes into the pedestrian space. Zilkie said the plans have not been revised.

Morse asked about the parking being provided for residents of the apartment building and how it compares to the original plans for the mixed use building. Zilkie said there were originally 17 dedicated spaces behind Building Q for both the residential and commercial uses. Zilkie said the current proposal shows five spaces on the north side, four spaces behind the building, as well as "white zone" permitted parking along 4<sup>th</sup> Street.

Rolley asked about the travel path for truck traffic accessing the loading area. The applicant indicated they would be able to respond to that question.

Miller asked whether there are examples of other signs similar in nature and size to the wall sign proposed for Dick's. Zilkie explained how the square footage was calculated for the signs, including the billboard signs on the southern façade.

Rolley asked about the architect's review comments regarding the depiction of trees shown on the elevation drawings. Zilkie said what the architect pointed out is that the trees, as shown on the drawings, are out of scale to the species type listed and do not accurately depict their true size in relation to the building.

Miller opened the public hearing.

Bob Welstead, Dial Realty, discussed the issues involved in determining the placement and size of the building for Dick's Sporting Goods. He said the store is normally no smaller than 50,000 square feet, but that this store will be 45,000 square feet and they want 200 feet of frontage on 3<sup>rd</sup> Place. Addressing the width of the sidewalk, Welstead said that pedestrians will have the option of walking to the inside or outside of the column to be located near the entrance and said each option will provide adequate room for pedestrian movement. Welstead said the residential structure will be a continuation of the same type of housing as Strasser Landing.

Rich Seidler, McCullough Development, said they plan to continue their partnership with Ken Ebert, architect, and Schultz Construction in developing the residential component. Seidler said the housing acts as a buffer between the retail stores in Manhattan Marketplace and the residential neighborhood on the west side of 4<sup>th</sup> Street, by moving all the commercial activity to the east. He said McCullough Development would not be doing the project if it remained a mixed use building. He urged the Board to approve the PUD amendment.

Hill asked if enough parking is being provided for the residential building. Seidler said he is confident there is enough parking, and said there will be 19 parking spaces for 16 dwelling units. He said a survey of their tenants indicated that parking has not been a problem at Strasser Landing and the issuance of parking permits in the "white zone" appears to be working effectively. He said they like to have one stall per unit.

Morse said the Design Guidelines for Manhattan Marketplace recommend that one off-street parking space be provided for each bedroom. She asked whether there are still plans for a parking garage at the corner of 4<sup>th</sup> & Osage. Seidler said they only need one stall per dwelling unit and that the parking garage is no longer planned.

Tom Hittle, Hittle Landscape Architects, said the landscaping within the development is being redone in phases to include a healthier plant palette and a more efficient "smart" irrigation system. He said he had done soil testing and had reviewed the irrigation and maintenance contract so to determine what needed to be changed to get greater sustainability. One component of the landscaping will be the utilization of river gravel as opposed to mulch. He explained that there has been a problem with the wind-tunnel effect of the north-south orientation of the Marketplace project and that bark mulch has been blowing away. He said the City forester had reviewed and was in agreement with the planned changes to plant palette and the use of gravel instead of bark mulch. He explained that the whole development's landscaping was being upgraded with a better plant palette to provide more year-round color and to be more sustainable.

Rolley asked about the trees shown on the south side of Dick's Sporting Goods.

Hittle explained that what was depicted was not correct on the elevation drawing, and that a more columnar crabapple species was going to be used as shown on the landscaping plans.

Bret Tremblay, Alfred Benesch & Company, described how truck traffic will access the service areas for Dick's Sporting Goods and Bed, Bath & Beyond from 4<sup>th</sup> Street.

Miller asked about the "billboard signage" shown on the southern elevation of Dick's. Welstead said he had initially approached Dick's about adding a design feature to break up the façade and add visual interest on the west elevation. The addition of billboard signage was intended to address that request. Welstead indicated he was not opposed to that signage being removed.

Welstead addressed the other conditions of approval outlined in the Staff Report, saying he was agreeable to the conditions regarding building lights, outdoor seasonal sidewalk sales, the addition of a cornice on Building K, and the removal of the billboard signs. Welstead said they would add a cornice on Dick's Sporting Goods that would be similar to that for PETCO. Regarding the restriction on the size of the wall sign for Building J to 95-square feet, he asked whether that restriction could be split between potentially two tenants if more than one tenant occupies that space.

Melissa Eshelman, 400 Osage Street, said she is co-owner of a counseling center at the corner of 4<sup>th</sup> & Osage. She had concerns about there being adequate parking for clients visiting the center, particularly along 4<sup>th</sup> Street, once the proposed residential building is constructed.

Reynard asked how much parking they provide on the site.

Eshelman said they have four off-street parking spaces on their lot, including one ADA stall, and that clients also use the parking lot across the street at the Seniors Service Center, although that lot is sometimes full and she would prefer not to take away parking from guests of the Seniors Center.

Zilkie clarified that the parking lot next to the Seniors Service Center is a municipal parking lot, is not reserved specifically for the Seniors Center, and is open to the general public.

Rolley asked whether it was possible for the counseling office to obtain white zone parking permits.

Ott said the ordinance allows for two permits to be issued per dwelling, but would have to check into how many permits would be available for commercial businesses.

Miller closed the public hearing.

Hill moved that the Planning Board recommend approval of the proposed amendment of the Final Development Plan of Lot 1, Manhattan Marketplace Shops, Unit One and Ordinance No. 6682; and, an amendment of the Preliminary Development Plan of Lot 14, Manhattan Marketplace, Unit Two and Ordinance No. 6544, to be known as the Final Development Plan of Manhattan Marketplace Shops, Unit Three, Planned Unit

Development, based on the findings in the Staff Report, subject to the six conditions recommended by City Administration, except that Hill modified Condition No. 3 as follows:

1. Building lights shall be full cutoff and downcast.
2. Outdoor seasonal sidewalk sales in front of Dick's Sporting Goods shall be limited to an area under the canopy and conducted in a manner so as to remain ADA compliant, meet Building and Fire Code requirements, and shall not restrict pedestrian movements. Outdoor seasonal sidewalk sales display may occur once during each of the four seasons: winter, spring, summer, and fall, and shall be limited to a maximum of two weeks during each season, with a minimum of two weeks between each outdoor seasonal sidewalk display.
3. The wall sign on Building J shall be reduced to 95-square feet in area, or two signs totaling 95-square feet.
4. A cornice or ornamental cap shall be provided along all street facades on Building K, and shall be provided with the building permit plans and accepted by the City.
5. The billboard graphic signs on the south façade of Building K shall be eliminated.
6. All provisions of Ordinance No. 6544 and Ordinance No. 6682 that are not in conflict with this amendment shall remain in force.

Reynard seconded the motion.

Morse said she is disappointed in the minimal amount of parking being provided for the apartment building, which is less than recommended in the site design guidelines. Morse said she is hopeful that consideration be given to providing more residential parking in the next phase of development.

Morse asked for assurance from City staff that the proposal is meeting the site design guidelines overall. Zilkie said the project is meeting the design guidelines, overall, and noted that the architect of record has reviewed the proposal and provided comments for the Board's consideration.

Rolley addressed Ms. Eshelman's concerns about parking, saying that with the opportunity to obtain white zone parking permits and to take advantage of the parking available within the municipal lot, it seems there is just enough parking available. Rolley said the onus is on the last phase of development to provide additional parking.

Rolley said she is disappointed that the pedestrian way has not been addressed as indicated in the review by the architect of record. She said the proposal meets the standard of development that has occurred to date and that it seems appropriate to support.

On a vote, the motion passed 5-0.

**APPROVE THE FINAL PLAT OF MANHATTAN MARKETPLACE SHOPS ADDITION, UNIT THREE, PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED WEST OF 3<sup>RD</sup> PLACE, NORTH OF OSAGE STREET, EAST OF N. 4<sup>TH</sup> STREET, AND SOUTH OF BED, BATH & BEYOND. (APPLICANT/OWNER: DIAL MANHATTAN, LLC - RICHARD KIOLBASA, MANAGER)**

Morse indicated she had a question about the restrictive covenant for travel easements.

Zilkie said the purpose of the covenant is to assure the maintenance of the travel easements, which are public streets that are privately maintained. In the event that the owner does not maintain the travel easements, the City can repair the street and assess the owner for the cost of those repairs.

Morse moved that the Board approve the Final Plat of Manhattan Marketplace Shops Addition, Unit Three, Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the one condition recommended by city administration.

The amendment of Ordinance No. 6682 and the approved Final Development Plan of Lot 1, Manhattan Marketplace Shops, Unit One; and, an amendment of Ordinance No. 6544 and the approved Preliminary Development Plan of Lot 14, Manhattan Marketplace Unit Two, shall be approved.

Reynard seconded the motion, which passed on a vote of 5-0.

**A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED INDEPENDENCE PLACE RESIDENTIAL PLANNED UNIT DEVELOPMENT, FROM R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND AO, AIRPORT OVERLAY DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT AND AO, AIRPORT OVERLAY DISTRICT, FOR PROPERTY GENERALLY LOCATED 600 FEET NORTHEAST OF SCENIC DRIVE AND POWERCAT PLACE INTERSECTION. (APPLICANT: PLACE PROPERTIES MILITARY DEVELOPMENT SERVICES, LLC – MARIO SPINELLA, DEVELOPMENT MANAGER /OWNER: STONE CREST LAND CO., LLC – TIM SCHULTZ)**

Zilkie presented the staff report and recommended approval with conditions.

Miller asked Zilkie what determines when an erosion plan is necessary. Zilkie said the subdivision regulations require a grading plan for multiple-family uses when slopes equal or exceed 20%. When a plan is required, the Board approves it.

Rob Ott, City Engineer, provided an overview of Miller Parkway, which will be 37 feet in width for its entire length, and some intersection details of Scenic Drive and Miller

Parkway. He said that left turn lanes will be provided by the City from Scenic Drive to Miller Parkway and Powercat Place. He said that Miller Parkway will be designed as a collector street, so there is adequate sight distance and that multiuse paths will be added to accommodate bicycles to get them off Miller Parkway.

Morse asked if Miller Parkway will be realigned with Powercat Place and she mentioned sight distance concerns. Ott said the entrance to Powercat Place will have to be modified a bit, in order to align Miller Parkway with Powercat Place. He said the next step in the process is to field review the concept drawings.

Rolley asked several questions regarding cut and fill. She asked where the entrance to the apartments will be located, how much cut will be done to Miller Parkway, and where does the grade come back to the current grade after cut?

Ott said he didn't have that entrance cross section handy. He described minimum back slopes out to the right-of-way. He said he would find additional information and then get back to the Board.

Miller opened the public hearing.

David Spearman, representing the applicant Place-Properties, said his company is over 15 years old, has over 50 properties, and specializes in military and collegiate housing. The company is very excited about coming to the key market of Manhattan. Place Properties builds, develops, and manages all their properties for the long term. He said they are okay with all conditions for approval and would answer any questions.

Rolley asked about the erosion control plan.

Mark Bachamp, Schultz Construction, said his company feels very comfortable with Place Properties after checking out their quality of development. He feels the project location is a good one, but it has several positive and negative factors associated with it. He said the first negative is the airport overlay, thus grading is utilized to lower the site to meet the airport overlay. He also said that Miller Parkway has a 35 foot cut in some places to meet the overlay. He said that he thinks the project and Miller Parkway will be concurrent projects that will build momentum off each other. He said the design tries to preserve as much of the side slopes and natural prairie as possible. His one additional comment pertained to the archeological statement in the Staff Report, which is that it is a standard comment to say that if you encounter any archeological site within the project, all development will stop.

Reynard asked what direction the projected 600-700 cars will go, Fort Riley or Manhattan? Bachamp said he thinks approximately 75% will travel south and 25% travel north, with most traffic going west, not east once Miller Parkway is built out.

Reynard asked if Scenic Drive is wide enough to handle the increased traffic and that the City doesn't want to get stuck with roads that are not designed to hold the increased capacity. Ott said that projecting Scenic demand for five lanes is beyond the scope of

this project and is a much larger project for the community. He mentioned that BG Consultants' analysis of West Anderson for the next 20 years is a three lane road, which would be appropriate. Based on that analysis, the inference can be made about Scenic Drive from the West Anderson study, which suggests that Scenic Drive should be adequate.

Bachamp said the intersection of Scenic and Miller Parkway is being planned for a traffic signal. Ott said the City is planning for a future signal, especially if the road connects to K-18 or Fort Riley Boulevard, which would split trip distribution.

Kirk Hoke, Schwab-Eaton Engineers, said the traffic study indicates a level of service "B", which is very positive. He said the traffic engineers, who performed the study, were conservative with their analysis. Hoke said that that pertaining to the erosion control plan, when Miller Parkway is put in, there is a variation in cut at the site, but the cut to the north can be as much as 30 feet, so it will be carried out on that slope and follow the same course as Miller Parkway. He said Schwab-Eaton included the erosion control plan because they felt the Board would appreciate seeing all of the erosion control methods that will be utilized.

Leon Brown, Schwab-Eaton Engineers, said a supplemental study was done, in addition to the original drainage plan, to look at the broader area. He said Schwab-Eaton looked at the broader watersheds before any development occurred and then looked at the same area under the proposed conditions. The results showed a slight increase for the 2 year event, but for the 10 year and 100 year event, there was a reduction in runoff. He said Schwab Eaton was performing its due diligence with respect to the project.

Morse asked about the phasing of the larger area? Brown said they recommended adding another basin in the northwest section of the area near the commercial site.

Hill said he appreciated the master plan concept and had a small concern that it be implemented over the length of time the area is developed. Bachamp said timing of construction is important and that detention basins will need to be built with the grading.

Morse asked what the timeline for construction is or is it all at once. David Spearman said all detention pond development will be done at the same time and the vertical construction will be done based on timing of leasing.

Morse asked about the purpose of the 75 foot pedestrian easement. Hoke said the 75 foot easement is for trail, which may meander due to the steepness of the area. He said they would like to make it into a 75 foot temporary construction easement and then once the trail is constructed the easement would be defined around the trail.

Rolley asked who is responsible for constructing the trail. Hoke said it is his understanding that it is part of a City Master Plan and will be constructed by the City.

Rolley asked Ott about KDHE (Kansas Department of Health and Environment) regulations for timing of erosion controls. Ott said they are suppose to go in

simultaneously and are continuous; controls must evolve as more areas are disturbed. He said KDHE requires an overall plan and the City requires weekly inspections done by the contracting company. In addition, there are special City regulations, for example any time it rains over one-half an inch, city inspectors must go to sites and inspect using a special form.

Rolley said various projects around town are not doing a good job with erosion control and she does not feel comfortable with the response “you should try to have these in place” it needs to be in place when construction starts. Ott replied that is why he used the word simultaneously.

Rolley asked for clarification about un-irrigated turf. Hoke said KDHE accepts grass filtering runoff as a BMP (Best Management Practice). The plan is to do all they can to keep silt on the site, but if some does get through, it is filtered through the grass.

Bachamp explained how the native grasses on the north portion of the site are going to be maintained. He said green irrigated grass around the development will protect the built site from possible spread of fire from the nearby pastures that are burned. He said that for maintenance on a Schultz Construction site, it can't be burned, thus it is mowed and sprayed, which will most likely be the methods used in this case as well.

Rolley clarified the intent for the un-irrigated area includes prairie with the cedar trees removed. Bachamp said yes. David Spearman said one of the great things about the site is the views, thus any tree height would be a hindrance to the project.

Rolley asked if it would be acceptable to add a condition to the PUD that cedar trees will be removed and the prairie will be maintained? Bachamp said he is comfortable with removing the cedar trees, but maintenance of the prairie is difficult to define. Rolley said she is concerned with the prairie over time and wants to keep it in its current state and be sure that cedar trees are controlled. Bachamp said he agreed to language regarding removal of the cedar trees.

Rolley said the limits of construction are really going to be important. She suggested stating that the limits of construction are at the toe of the slope? Bachamp said the PUD plan shows all of the cuts, fills, and slopes. Rolley asked if that means no construction vehicles will be outside of the limits of grading? Bachamp said, not on those slopes, but there is sewer, water, and other things that will come up through the north face and they need to be able to build the project and there will also be some waste material that needs to be removed. He said some of the material will be deposited in ravines close to Miller Parkway.

Ott provided answers to questions that were asked earlier:

- 1) In 2015 the CIP has a project programmed for West Kimball, widening the street essentially from Hudson to Scenic and Anderson. Scenic Drive is programmed to be widened in 2017. He said it made no sense to widen Scenic Drive from Scenic and Anderson towards K18, if there are not adequate receiving lanes.

- 2) In regards to Rolley's question about cuts and fills, station 54 is the deepest cut, with a 4:1 back slope, which returns to the existing ground. He said the grading will create a vertical wall.
- 3) In regard to erosion control, there has been over 100 erosion control notices sent out this year and this year the City won its first court case against a contractor who would not comply with erosion control requirements. As City Staff and contractors become more educated about erosion control, improvements will be made.

Rolley said her concern is with the development community meeting erosion control standards and those standards will be important with the proposed PUD.

Hill asked Brown what the inflow and outflow of the two detention ponds will be on the site once the development is built. Brown explained the basins. He said water on the west side of the site will go to the proposed basin, which will discharge behind the Schultz townhomes that are under development to the north. He said that some of the water will go east into a detention pond that will be built concurrently with the Place Properties development. He mentioned that the west pond has a 157 CFS pre-development rate and after development the discharge is 47 CFS. He said the east pond has a 350 CFS pre-development rate and after development is 102 CFS. Brown said the calculations take into account all development of the site.

Morse thanked Brown for the mitigation plan and said it was really impressive.

Miller closed the public hearing.

Morse said there is more than one entrance into the PUD for emergency access purposes and she is also happy the project is reducing the level of drainage that goes into Wildcat Creek.

Miller concurred with Morse and said she liked the aggressive storm water mitigation.

Rolley moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Independence Place PUD from R-3, Multiple-Family Residential District and AO, Airport Overlay District to PUD, Residential Planned Unit Development District and AO, Airport Overlay District, based on the findings in the staff report, with the eight conditions recommended by City Administration, and condition nine recommended by the Board:

1. The Permitted Use shall be Multiple-Family Residential.
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. Prior to issuance of a building permit, a financing mechanism for the improvement of the intersection of Miller Parkway and Scenic Drive intersection and the improvement of Miller Parkway shall be approved by the City and Miller

- Parkway shall be constructed to the eastern edge of the PUD.
5. A covenant between the City and owner(s) concerning maintenance of drainage easements, improvements and detention facilities shall be reviewed and approved by the City and filed with the Final Plat.
  6. An updated drawing of the modified west detention/retention basin showing the existing and proposed grading limits for the existing basin, or the location of another detention basin/pond with size and grading limits shall be submitted with the Final Development Plan and shall be reviewed and accepted by the City Engineer.
  7. Signage shall be limited to signs proposed in the application consisting of ground and building addressing signs only.
  8. Exempt signage shall include signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(5), of the Manhattan Zoning Regulations, as may be amended related political or campaign signs.
  9. The area designated as un-irrigated open space will continue to be native prairie with cedar trees removed annually.

Reynard seconded the motion, which passed on a vote of 5-0.

**REPORTS AND COMMENTS BY BOARD MEMBERS**

No one spoke.

Miller adjourned the meeting.

Respectfully submitted,  
Cam Moeller, Planner II, and  
Ashley Myers, Planning Intern