

**REVISED MINUTES  
MANHATTAN URBAN AREA PLANNING BOARD  
City Commission Room, City Hall  
1101 Poyntz Avenue  
January 5, 2012  
7:00 p.m.**

**MEMBERS PRESENT:** Jerry Reynard, Chairperson; Linda Morse; Stephanie Rolley; and, Mike Kratochvil.

**MEMBERS ABSENT:** Mike Hill; Gary Stith; and, Phil Anderson.

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**GENERAL AGENDA**

**A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF ORDINANCE NO. 6804 AND THE APPROVED PRELIMINARY DEVELOPMENT PLAN OF LOT 9, DOWNTOWN ENTERTAINMENT DISTRICT COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT (PUD). THE AMENDMENT IS FOR SIX (6) PROPOSED LOTS CONSISTING OF LOT 1 FOR A CANDLEWOOD SUITES HOTEL, LOT 2 FOR A HOLIDAY INN EXPRESS, LOT 3 FOR A MIXED USE COMMERCIAL AND RESIDENTIAL BUILDING, AND LOTS 4, 5, AND 6 FOR PUBLIC PARKING LOTS. LOTS 1 AND 4 ARE IN THE FORM OF A FINAL DEVELOPMENT PLAN. THE AMENDMENT ALSO PROPOSES TO ADD DRIVE-IN RESTAURANTS AS A PERMITTED USE IN THE PUD. THE AMENDMENT IS FOR PROPERTY GENERALLY LOCATED NORTH OF FT. RILEY BOULEVARD, SOUTH OF THE DISCOVERY CENTER, WEST OF THE K-18 ON-RAMP, AND EAST OF S. 3<sup>RD</sup> STREET. (APPLICANT: FLINT HILLS SQUARE, LLC – GWYN E. RIFFEL, MANAGER, AND THE CITY OF MANHATTAN/OWNER: CITY OF MANHATTAN)**

**APPROVE THE FINAL PLAT OF DOWNTOWN ENTERTAINMENT DISTRICT ADDITION, UNIT THREE, A COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, GENERALLY LOCATED NORTH OF FT. RILEY BOULEVARD, SOUTH OF THE DISCOVERY CENTER, WEST OF THE K-18 ON-RAMP, AND EAST OF S. 3<sup>RD</sup> STREET. (APPLICANT: FLINT HILLS SQUARE, LLC – GWYN E. RIFFEL, MANAGER, AND THE CITY OF MANHATTAN/OWNER: CITY OF MANHATTAN)**

Zilkie presented the staff report for the amendment and final plat and recommended approval of both.

Kratochvil asked if we gave Hilton a benefit on their parking requirement. Zilkie said Hilton had sufficient land area to meet the parking requirement for a hotel.

Kratochvil asked if the Board would consider Final Development Plans for the Holiday Inn Express and mixed use building at a later date and all that the Board was considering tonight is the amendment and Final Development Plans for Lots 1 and 4. Zilkie said that was correct.

Reynard opened the public hearing.

Barry Schwartz, CFO HCW, owner of the Hilton Garden Inn, said the bookings for the hotel and conference center have been outstanding. He said he's made previous remarks to the City Commission about objections to the hotels and the affects of the proposed hotels on other hotels in the community. He said the Hilton Gardens had an immediate effect on another hotel whose occupancy dropped ten percent. He wondered what affects the two new hotels will have on other hotels and the investments in those hotels.

He said whatever is approved should be held to the same standards Hilton was held to. He questioned the meeting room in the Holiday Inn as contrary to the purpose of the conference center.

Gary Foltz, HCW-Manhattan, asked if based on the proposed drive-in restaurant, they could eventually put in a Taco Bell or Burger King? Zilkie said that was correct.

Foltz said that under the current wording, a future owner could put in a free standing restaurant across from the Hilton.

Brad Everett, General Manager Hilton Gardens Inn, said the community previously decided that there would be sizzle and pop with a mix of uses including the Discovery Center and the current proposal consists of hotels and a drive-in restaurant and assumed the original steering committee and City Commissioner's vision would be maintained and not dress down the development with a drive-in restaurant.

Reynard asked about the Hilton's occupancy. Everett said the first two weeks were good and they expect a six month rev up time for the hotel. Everett mentioned the Fairfield Inn has budgeted in a 15% decrease in occupancy with the new Hilton. He mentioned the Hampton's rate was significantly lower than before the Hilton and with all the new rooms there will be a draw down. He also said that Karen Hibbard, Director of the CVB, sent out information that occupancy is at 60%, although not all hotels report.

Everett said the parking garage is being leveraged for the new development and several times a year there will be a maximum of use in the area and the spirit and intent of the development should be maintained, at least for the multi-use building.

Reynard asked if the economic outlook is good for the city is Everett optimistic for the occupancy of the hotels. Everett said he was optimistic and cited problems in Junction City's six hotels and that they are having occupancy rate problems. He also commented on government rate affects on the hotel. He said more often than not the hotels will have

a negative effect on the Hilton.

Reynard asked if the applicant and Colin Noble wanted to speak and they did not want to speak.

Reynard closed the public hearing.

Kratochvil said he had a concern about parking and the 112 parking spaces not provided by the two hotels and mixed use building. He was also concerned that corners were being cut with respect to the Guidelines, primarily with the Holiday Inn Express. Third, he was concerned about the current site and how the balance of the site will be maintained after construction. He said those parts of the site that are future phases should be seeded until developed and it needs to be provided for in writing.

Jason Hilgers, Assistant City Manager, said Lots 1-6 will remain in the City's ownership until the lots are ready to be transferred. He said it is the City's intent to make the site look presentable with a good turf but there have been some problems that have delayed grading and seeding the site this past fall. He said there's a contract to remove the dirt pile but the site has been too muddy to remove the fill and MCM has been waiting for the site to freeze. He described the timing for development of the individual lots and the penalties if transfers or development do not occur under certain timelines.

Morse asked if the applicant would address the exceptions to the Guidelines. Zilkie noted there were five exceptions requested by Benesch. He described the site limitations and considered the exceptions as minor and the applicant can respond.

Kratochvil said he hadn't seen the Benesch page summarizing the exceptions and his concern about cutting corners was addressed.

Rolley said she agreed the trees were a minor point and was glad the City hired a well qualified architect to review the PUD for consistency with the Guidelines and said the issue was not just the site but the combination of the site and the use. She said she was troubled that staff's comments were that the exceptions were minor and was glad the architect took the Guidelines seriously. She thought aspects of the plan are laudatory and appreciates the mix of uses. She said the hotels were as good as you get with chain hotels and the mixed use building has promise but the drive-in is attached to it. She said she thought the proposal started as a plausible idea and was pushed it a little too far. She said the Holiday Inn is a difficult fit with the site to match our Downtown Guidelines which are referenced in the Comprehensive Plan and are adopted as a part of the way the Board does its business. The request for the drive-in does not address the quality of development that has been envisioned. She said the Hilton was held to higher standards after it left the Planning Board and was amazed that the request is held to lesser standards than the previous request.

She said she could support Lot 1 but the rest does not meet the standards set by the community.

Morse asked how firm the parking was for each combination of lots or is it open parking.

Zilkie said the parking is public parking and available to all of the uses in the area.

Rolley said the parking is a problem as it relates to a monoculture with three hotels. She said she was a believer in shared parking and the staff report could have referenced shared parking studies that show that shared parking works with the correct mix of uses. She suspected there was one hotel too many in the mix. She said she was an advocate for shared surface parking with the correct mix of uses.

Kratochvil said he was concerned with the parking and asked if the additional 112 parking spaces be provided. Zilkie said the Board could send that recommendation to the Commission but a building will have to be removed. Kratochvil thought the hotels should provide parking like the Hilton had provided.

Hilgers said the Hilton has 135 rooms and the potential for an additional 48 rooms. He said 236 parking spaces were approved and with the proposed amendment of Hilton's Lot 4 the parking is about 200 parking spaces. The amendment generally has 15,000 square feet of retail and 24 dwelling units on Lot 4. To the north is another 24 unit dwelling with retail on the first floor and no parking. Hilgers said parking is a premium throughout the entire area and it is known there will be events where there will not be adequate parking, which is expected five or six times per year and was planned for. He described the parking for the proposed hotels and the parking garage. Hilgers described the PUD as a mixed use plan, which will share the parking. He said the parking garage was built for and will serve the entire development. He thought the parking is adequate and hoped there will be times when the area is at capacity to achieve the vibrant development originally envisioned.

Reynard said he didn't like the drive-in and Kratochvil agreed and said the Hilton provided parking when they had to in order to serve their customers. He expressed concern that the 112 parking spaces were a problem even though staff indicates it is adequate.

Rolley moved that the Planning Board table and ask that the drive-in be removed and the siting for Holiday Inn Express related to the Design Guideline comments from Mr. Schaub be addressed, realizing that may take into account the use of that site, and that the Board be provided a parking analysis that will address Kratochvil's concern that there is enough parking, which means there is an analysis of the mix of uses and the parking requirements of those uses for the site and surrounding development that will use the parking garage and surface parking for the amendment site. She asked for staff and the applicant to determine a date to return to the Board.

The applicant requested the Board forward a recommendation of denial.

In response to the applicant's request, Rolley moved that the Board recommend denial of the proposed amendment of Ordinance No. 6804 and the approved Preliminary Development Plan of Lot 9 for Lots 2, 3, 5, and 6; and, approval of the Final Development Plan of Lots 1 and 4, in the Downtown Entertainment Commercial Planned Unit Development District, to be known as the Downtown Entertainment District, Unit Three, Commercial Planned Unit Development due to concerns related character and

function of the drive though restaurant in the plan, the difficulties with meeting the Downtown Development Guidelines as expressed in the review provided by the City's consultant BBN, and the lack of sufficient information related to parking requirements and the feasibility of shared use.

Morse seconded the motion.

Kratochvil asked if the parking issue could be resolved later with the Final Development Plans. Zilkie said the Board forwards a recommendation and the City Commission will decide if the PUD is approved as proposed. Kratochvil indicated he could not support the motion.

Morse said this is a situation where parking is a big player with the hotels. She said she can support the project if the parking is shared and understood there may be times when someone may have to walk a little further than normal. She said she has a concern about the impact on the surrounding area when large events occur. She expressed concern about the drive-in but restaurants will provide ambience to the area. She said the drive-in is not a deal breaker and the parking is acceptable. She said the Design Guideline issue is less defined for her and if the drive-in is a concern the condition can be recommended to be deleted. Morse said she can support the amendment.

Reynard said half of the project meets the requirements and not so sure about the other half.

Rolley said the applicant is requesting the Board recommend denial and if there is a different motion, and there is a motion that has some amendments to it that address the concerns that have been expressed, the Board members should not support the motion.

On a vote, the motion failed 0-4.

Kratochvil moved that the Planning Board recommend approval of the proposed amendment of Ordinance No. 6804 and the approved Preliminary Development Plan of Lot 9 for Lots 2, 3, 5, and 6; and, approval of the Final Development Plan of Lots 1 and 4, in the Downtown Entertainment Commercial Planned Unit Development District, to be known as the Downtown Entertainment District, Unit Three, Commercial Planned Unit Development, based on the findings in the Staff Report, subject to Condition 2:

2. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.

and recommend deleting Condition 1, which states "Drive-in Restaurants shall be a Permitted Use in the Downtown Entertainment District, Unit Three, Commercial Planned Unit Development."

Morse seconded the motion.

Kratochvil said the developer has spent a lot of time on the project and it was better to forward a recommendation to approve as it was beyond the ability of the Board to address its concerns.

Morse said the drive-in is not a deal breaker and will support the motion. She felt the Board was picking at the smaller issues because it cannot get at the larger issues.

Rolley said all of her previous comments stand.

On a vote, the motion passed 3-1, with Rolley opposed.

Kratochvil moved that the Manhattan Urban Area Planning Board approve the Final Plat of Downtown Entertainment District Addition, Unit Three, a Commercial Planned Unit Development, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the one condition of approval recommended by city administration:

1. The Manhattan City Commission shall approve an amendment of Ordinance No. 6804 and the approved Preliminary Development Plan of Lot 9, Downtown Entertainment District Commercial Planned Unit Development District (PUD), and the Final Development Plan of Lots 1 and 4, as proposed are in the form of a Final Development Plan.

Morse seconded the motion, which passed on a vote of 3-1, with Rolley opposed.

**A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF ORDINANCE NO. 6516 TO ADD GROUP DAY CARE CENTERS AS A PERMITTED USE IN THE GRAND MERE VILLAGE PLANNED UNIT DEVELOPMENT DISTRICT. THE AMENDMENT INCLUDES A FINAL DEVELOPMENT PLAN FOR A PROPOSED GROUP DAY CENTER ON LOT 12, GRAND MERE VILLAGE ADDITION. THIS AMENDMENT IS FOR PROPERTY GENERALLY LOCATED IN GRAND MERE VILLAGE PUD, WHICH IS NORTH OF THE INTERSECTION OF VANESTA DRIVE AND KIMBALL AVENUE. THE PROPOSED GROUP DAY CARE CENTER IS GENERALLY LOCATED 650 FEET WEST OF THE INTERSECTION OF VANESTA DRIVE AND VANESTA PLACE. (APPLICANT: WAR EAGLE LLC - ZAC BURTON/OWNER: GRAND MERE DEVELOPMENT INC. - MARY VANIER)**

Zilkie presented the staff report and recommended approval.

Rolley asked about the specifications for the play structures. Zilkie said the applicants will need to describe the details.

Reynard opened the public hearing.

Zac Burton, applicant, said the play structures will have a natural theme and the larger of the structures will be constructed of cedar and be custom designed. They are working with a landscaper that has related experience with child play areas. He said the structures and building have to meet KDHE standards.

She said one of the plants on the Final Landscape Plan was a thorn shrub and the other was poisonous and didn't think they were appropriate.

Burton said they will work with their landscaper and there are no plants in the play areas.

Morse asked Burton to describe the fence. He said the fence is six feet tall and will meet Grande Mere design and KDHE standards.

Kratochvil was surprised the building was not required to be sprinkled and Burton said the building complies with all requirements. Kratochvil also complimented the design which includes a storm shelter.

Reynard closed the public hearing.

Rolley moved that the Manhattan Urban Area Planning Board recommend approval of the proposed amendment of Ordinance No. 6516 and the Final Development Plan of Lot 12, Grand Mere Village Planned Unit Development for a Group Day Care Center, based on the findings in the Staff Report, subject to the two conditions of approval recommended by City Administration, and a third condition recommend by the Planning Board:

1. Group Day Care Centers shall be a Permitted Use in the Grand Mere Village PUD.
2. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5), of the Manhattan Zoning Regulations.
3. The Dwarf Burning Bush and Gnome Pyracantha be removed from the Landscape Plan and replaced with child safe plant material.

Morse seconded the motion and said there is a need for 100 additional child care spaces and was pleased with the quality of the plan.

On a vote, the motion passed 4-0.

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

Cattell said the next Wildcat Creek Working Group will be on January 12<sup>th</sup> beginning at 6 PM.

Respectfully submitted,

Steve Zilkie, Senior Planner