

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**April 15, 2013**  
**7:00 p.m.**

**MEMBERS PRESENT:** Gary Stith, Chairperson; Linda Morse, Vice-Chairperson; Phil Anderson; John Ball; Jerry Reynard; and, Ron Hageman.

**MEMBER ABSENT:** Mike Kratochvil.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; and, Kevin Credit, Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

**APPROVE THE MINUTES OF THE MARCH 4, 2013, AND APRIL 1, 2013, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.**

**EXTEND THE DATE OF APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN FOR LOTS 1, 3, AND 4, MCCALL LANDING COMMERCIAL PLANNED UNIT DEVELOPMENT. (APPLICANT/OWNER: DREILING REAL ESTATE, LLC)**

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

**GENERAL AGENDA**

**REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO AMEND ORDINANCE NO. 6544 AND THE PRELIMINARY DEVELOPMENT PLAN OF LOT 16, MANHATTAN MARKETPLACE UNIT TWO COMMERCIAL PLANNED UNIT DEVELOPMENT, IN ORDER TO ALLOW A SECOND BUILDING ON THE PROPERTY FOR A PROPOSED TACO JOHN'S DRIVE-IN RESTAURANT. THE PROPOSED AMENDMENT ALSO INCLUDES, BUT IS NOT LIMITED TO, CHANGES TO THE LANDSCAPING, SIGNAGE, AND OTHER IMPROVEMENTS. THE AMENDMENT IS IN THE FORM OF A FINAL DEVELOPMENT PLAN FOR PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LEAVENWORTH STREET AND N. 3<sup>RD</sup> STREET. (APPLICANTS: FLINTHILLS HOLDINGS, LLC – KIMBERLY JAGER; AND DIAL MANHATTAN LLC – RICK KIOLBASA /OWNER: DIAL MANHATTAN LLC)**

Ball moved that the Manhattan Urban Area Planning Board remove the public hearing from the table, and then conduct the public hearing to consider the amendment. Morse seconded the motion, which passed 6-0.

Zilkie presented the staff report and recommended approval with one condition.

Anderson asked if the Taco John's driveway and aisle would provide access to other stores and Best Buy. Zilkie said that was correct and described the access routes and aisles.

Brad Waller, Alfred Benesch and Co., representing the applicant, responded to Anderson's question and said they have done the civil design work for the PUD from the beginning and the access aisle behind Best Buy has been required since the original PUD was approved and is for truck access from Leavenworth. The reason for the route was that a truck movement down Leavenworth and N. 3<sup>rd</sup> Street to the four way stop and a turning movement between Anytime Fitness and Best Buy's driving aisle would have killed the idea of a tight downtown pedestrian and bike friendly corridor because of the large amount of paving that would have been required for a truck's turning movement between the buildings. He said Leavenworth is characterized more by truck traffic than N. 3<sup>rd</sup> Street and internal streets in the PUD. He said that using Leavenworth as the street access to truck route preserves the pedestrian and bike facilities in the PUD.

Anderson asked if the route should be signed because if people cut through and there are cars backing up in the restaurant's parking lot, it could be a problem. Waller explained the truck access has been part of the PUD from the beginning. Stith mentioned the original PUD did not include a drive-in restaurant, and Waller agreed.

Stith opened the public hearing.

No one spoke.

Stith closed the public hearing.

Zilkie commented that access for trucks was approved with Lot 16 and the proposed amendment is consistent with the original concept for truck access, and if Lot 16 was developed as originally approved, car traffic could cut through. Stith said the approved building on Lot 16 is not a drive-in restaurant. Stith said he frequents Westloop and there's a McDonald's at Westloop and many times the McDonald's drive-in is backed-up into the access drive off Anderson Avenue to Dillons. If the proposed restaurant does that kind of volume of business, at peak hours, he could see it making it very difficult to maneuver through the parking lot.

Stith said he had a problem with the whole idea of a drive-in restaurant being a part of the downtown, if you can call Marketplace part of the downtown. He said he thought the whole project was water under the bridge and he probably shouldn't raise design issues

because he thinks the whole thing is a missed opportunity.

Hageman asked if the commercial retail building creates any vision restrictions for traffic coming from the north problems down N. 3<sup>rd</sup> Street because the building is at the property lines. Zilkie clarified that the building is set back from the property lines. Hageman said the building doesn't encroach but there is landscaping and other things in the setback. Ott said because Leavenworth and N. 3<sup>rd</sup> are signalized, some of the sight triangles are not applied. A similar situation with landscaping happened at Leavenworth and N. 4<sup>th</sup> and as long as minimum distances for signal heads and other standards of the Manual of Uniform Traffic Control Device are met, buildings may be closer to the property line. If it was not a traffic signalized intersection, there would be concerns.

Morse said there is a note on the site plan that if the optional patio on the commercial building is not built then landscaping may be planted and she wanted to be sure it was short enough to not cause a vision problem. Zilkie said if a patio is not built, staff will insure there is no landscaping over 36 inches in height, if landscaping encroaches in a vision triangle.

Anderson said he was still concerned about the drive-in because at the Starbucks on Bluemont, at peak times on Saturday and Sunday morning, cars are backed up onto Bluemont and reduces traffic on Bluemont to one lane. He said there was a lot traffic on Leavenworth and was torn if the drive-in was a good idea.

Reynard said he thought there was a huge traffic difference between Bluemont and Leavenworth and mentioned the traffic reduction for the overall project noted in the applicant's documents. He asked Ott if there was room for a left turn lane on Leavenworth in front of the drive-in lane. Ott said it could be done but landscaping adjoining the mall would have to be removed and drive lanes on Leavenworth would have to be built to the sidewalk. Reynard said it appears truck traffic has adjusted delivery times at stores like Hy-Vee and assumed the same would happen for Best Buy.

Morse moved that the Manhattan Urban Area Planning Board recommend approval of the proposed amendment of Ordinance No. 6544 and the Preliminary Development Plan of Lot 16, Manhattan Marketplace PUD, Unit Two, to be known as the Final Development Plan of Lots 1 and 2, Manhattan Marketplace Shops, Unit Five, Planned Unit Development, based on the findings in the Staff Report, subject to the one condition of approval recommended by City Administration:

1. Exempt signage shall include signage described in the Manhattan Zoning Regulations, Article VI, Section 6-104 (A)(1),(2),(4),(5),and (7); and, Section 6-104 (B)(2) and B(5).

Ball seconded the motion.

Morse said Taco John's may not have been part of the plan from the beginning but it appears to be as good a plan as can be made given the space, and there is adequate

circulation. She compared it to Good Food Place where Wendy's and Taco Bell are located, with the understanding those businesses are at a different location, but the location is comparable. She also said it was important that the applicant cooperated and met the Design Guidelines.

Ball said it appears they have adequate queuing space for the drive-in lane and it should be monitored. Access to the north may help alleviate any exiting to the south. He also mentioned the additional sales tax the uses would contribute.

Anderson said the traffic issues concerned him.

Stith said he was opposed to the motion. The project has been a series of compromises and the amendment was another compromise. He didn't think the drive-in would contribute to the downtown. He compared the former Burger King drive-in at 3rd and Poyntz as a building that does not contribute to the downtown even though the business is beneficial.

Morse asked how the changes can be addressed. Stith said the site is different than the drive-in locations along Tuttle Creek Boulevard; that Leavenworth is a primary entrance; a the drive-in is out of character with the entrance; and, the change does not meet the Design Guidelines because the building should be at the property line and not set back from the property line along Leavenworth. Morse said the architect of record that prepared the Design Guidelines indicated the amendment conformed.

On a vote, the motion passed 4-2, with Stith and Anderson opposed.

**CONSIDER APPROVAL OF THE FINAL PLAT OF MANHATTAN MARKETPLACE SHOPS, UNIT FIVE, PLANNED UNIT DEVELOPMENT, A REPLAT OF 11, MANHATTAN MARKETPLACE SHOPS, UNIT ONE, PLANNED UNIT DEVELOPMENT, ALL GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF LEAVENWORTH STREET AND N. 3<sup>RD</sup> STREET. (APPLICANT/OWNER: DIAL MANHATTAN LLC)**

The Board discussed the Final Plat before voting.

Stith asked if there should be no access the entire length of Lot 1 along 3<sup>rd</sup> Street. Ott said the 75 feet of no access conforms to the requirements of the Manhattan Area Transportation Strategy because 3<sup>rd</sup> Street is a local street. Stith said if the building was not built someone could say there is an opportunity to add a curb cut to a parking lot for Taco John's. Zilkie said that combination, removal of the building and building a curb cut, would be a substantial change to the PUD and require an amendment.

Stith mentioned the width of the curb cut on the plat is 52 feet and there was a Design Guideline comment about the driveway limited to 30 feet. Zilkie said the driveway is 28 feet in width and the additional curb width in the right of way is to allow for truck turning movements off Leavenworth.

Stith expressed concern that the shared trash enclosure is on a separate lot from the commercial building and there is a truck route over Lot 2. In either case, if the lots are sold separately, access to trash or truck access could be prevented by a future owner.

Bret Tremblay, Alfred Benesch, said the applicant will own both lots and will control access to the trash area. In the event one of the lots is sold, the applicant will have an agreement that the trash area is used by both parties. For truck access, those agreements are being prepared and will be private. Stith asked staff to insure both agreements are in place. Zilkie said staff would insure the documents are addressed.

Ball moved that the Manhattan Urban Area Planning Board approve the Final Plat of Manhattan Marketplace Shops, Unit Five, Planned Unit Development, an Addition to the City of Manhattan, Riley County, Kansas, based on conformance with the Manhattan Urban Area Subdivision Regulations, with one condition of approval:

1. The final plat is subject to approval of the amendment of Lot 16, Manhattan Marketplace Unit Two, Commercial PUD.

Reynard seconded the motion.

Stith asked for an amendment of the motion to add a second condition regarding the trash enclosure. Ball agreed to the amendment.

2. The applicant shall secure an agreement to insure the sharing of the trash dumpster.

On a vote, the Final Plat was approved 6-0.

**A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT (PRELIMINARY PLAT AND FINAL PLAT) OF THE COX ADDITION, GENERALLY LOCATED AT 2205 BROWNING AVENUE, WHICH CURRENTLY FRONTS ON BROWNING AVENUE AND LAWRENCE ROAD. (APPLICANT/OWNER: COX HOMEBUILDERS LLC – JARAN COX)**

Zilkie presented the staff report and recommended approval of the Variation and Concurrent Plat of the Cox Addition.

Stith opened the public hearing.

No one spoke.

Stith closed the public hearing.

The Board indicated the pedestrian easement was a good idea given the block length. Ott said a sidewalk notice will probably be filed with the Register of Deeds as with any subdivision, which legally creates the construction in the future.

Morse moved that the Manhattan Urban Area Planning Board approve a Variation of Article X, Section 10-1001, (D), sidewalks and the Preliminary Plat and Final Plat of the Cox Addition, City of Manhattan, Riley County, Kansas, based on conformance with the Manhattan Urban Area Subdivision Regulations.

Reynard seconded the motion which passed 6-0.

**A PUBLIC HEARING TO CONSIDER THE REZONING OF LOT 4, MANHATTAN SERVICE PARK ADDITION, FROM C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO I-2, INDUSTRIAL PARK ADDITION, GENERALLY LOCATED AT THE EASTERN END OF SERVICE CIRCLE. (APPLICANT/OWNER: JSG PROPERTIES-GARY JONES)**

Zilkie presented the staff report and recommended approval.

Stith opened the public hearing.

No one spoke.

Stith closed the public hearing.

There was no discussion.

Morse moved that the Manhattan Urban Area Planning Board recommend approval of the proposed rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, based on the findings in the Staff Report.

Reynard seconded the motion which passed 6-0.

**CONSIDER APPROVAL OF THE FINAL PLAT OF MANKO ADDITION, UNIT III, A REPLAT OF LOT 4, MANHATTAN SERVICE PARK ADDITION, AND LOT A, MANKO II ADDITION, GENERALLY LOCATED EAST OF HAYES DRIVE AT THE EASTERN END THE SERVICE CIRCLE CUL-DE-SAC. (APPLICANT/OWNER: JSG PROPERTIES-GARY JONES)**

Zilkie described the Final Plat and recommended approval.

There was no discussion.

Ball moved that the Manhattan Urban Area Planning Board approve the Final Plat of Manko III Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations with the one (1) condition of approval, recommended by City Administration:

1. The rezoning of Lot 4, Manhattan Service Park Addition from C-5, Highway Service Commercial District, to I-2, Industrial Park District, shall be approved.

Anderson seconded the motion, which passed 6-0.

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

Cattell told the Board about a request from Public Works that is working with USD 383 to submit an application to KDOT for Safe Routes to School project, which will have a consultant focus on routes to each of the elementary schools. Ott said Phase One has to be completed before moving to Phase Two, which is implementing the plan such as filling in sidewalk gaps, educational plans and other improvements.

Ball asked about the signs indicating the City is a bicycle friendly town. Ott said there have been a variety projects and signage such as share the road, Hudson trail, Linear Trail and using infrastructure to create the bicycle friendly condition. Ott said the city has a Bronze level rating.

Morse said that the Manhattan Urban Area Planning Board strongly endorses the application and submittal of a letter signed by the Board's Chairperson to the Bicycle and Pedestrian Coordinator at KDOT in support of the Manhattan's Safe Routes to School application.

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

Stith asked Ott to bring the request to the MPO's TAC meeting this upcoming Wednesday.

Cattell reminded the Board of the Corps of Engineers' Open House on Wednesday at the Fire Station Headquarters building from 5 PM to 7 PM about the levee system.

Ott mentioned there will be a lot of orange barrel street projects coming on line this summer as well as a study at K-18 and Seth Child Road

The meeting was adjourned,

Respectfully submitted,

Steve Zilkie, Senior Planner