

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
March 3, 2014
7:00 p.m.

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

MEMBERS ABSENT: John Ball

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Chad Bungler, Senior Planner; Lance Evans, Senior Planner; Kevin Credit, Planner; Monty Wedel, Director Riley County Planning & Development; Bob Isaac, County Planner.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE JANUARY 23, 2014, AND THE FEBRUARY 20, 2014, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

Stith moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of (4-0-2) for the January 23rd Minutes, with Reynard and Kratochvil abstaining because they were not at that meeting; and (5-0-1) for the February 20 Minutes, with Reynard abstaining because he was not at that meeting.

GENERAL AGENDA

A PUBLIC HEARING TO CONSIDER THE REPLAT OF LOT 1 OF MURRAY ADDITION UNIT TWO AND LOT 1 OF WILDCAT WRECKER SUBDIVISION INTO ONE (1) LOT. (APPLICANT: BRIGGS)

Anderson moved to remove the public hearing from the table and conduct the public hearing. Stith seconded the motion, which passed on a vote of (6-0).

Isaac presented the staff report describing the history, location and physical characteristics of the subject property. He said the primary reason why it has taken so long to get the petition before the Board is the petitioner was in negotiations with KDOT to purchase back right-of-way that was not used as part of the K-18 realignment project.

Staff recommended approval of the Final Plat of the West Lot Addition, as it has been determined to be in compliance with the Manhattan Urban Area Subdivision Regulations, Riley County Zoning Regulations and Sanitary Code.

Morse opened the public hearing.

No one spoke.

Morse closed the public hearing.

Stith moved that the Planning Board approve the request to replat the subject property into one (1) lot as it has been determined to meet the requirements of the Manhattan Urban Area Subdivision Regulations as presented in the Staff Report.

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

Isaac announced that the Board of County Commissioners would hear the request on March 13, 2014, at 10:50 am, in the County Commission Chambers.

A PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTION 7 – D ZONES REGULATIONS, ZONE “D-1” (INDUSTRIAL PARK) DISTRICT, OF THE RILEY COUNTY ZONING REGULATIONS. (APPLICANT: BOARD OF COMMISSIONERS OF RILEY COUNTY)

Isaac presented the staff report. He stated that this action is in response to a property that was recently rezoned along K-18 from AG (Agricultural District) to D-1 (Industrial Park). He said while going through the rezoning process, there were some concerns that the language in the zoning district didn't adequately address screening for outdoor storage and wouldn't meet the goals and objectives of the Eureka Valley - K-18 Corridor Plan. Mr. Isaac reviewed the proposed language with the Board and recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as shown in the staff report.

Stith asked what impact the amendment will have on existing uses that are already in place that once it is adopted.

Isaac said there are situations which will be established prior to these amendments and in those case, grandfathering rules would apply.

Stith asked if outdoor storage is started after the amendment is adopted, would the outdoor screening apply.

Isaac replied yes.

Stith wanted to how it could be documented as to when the outdoor storage started.

Isaac replied with historical aerial photos could be used, but there will be times you have to give the benefit of the doubt.

Morse asked if there were any other questions and if Mr. Isaac could read the regulation amendment out loud for the public.

Isaac read the original language and explained the differences compared to the proposed language.

Mr. Isaac stated the proposed amendments are more reassuring that screening will be put into place that will meet the goals and objectives of the Eureka Valley – K-18 Corridor Plan.

Morse opened the public hearing.

No one spoke.

Morse closed the public hearing.

Kratochovil moved that the Planning Board recommend approval of the proposed regulation amendments to the Riley County Board of Commissioners based on the findings in the Staff Report.

Stith seconded the motion, which passed on a vote of (6-0).

Isaac announced that the Board of County Commissioners would hear the request on March 17, 2014, at 9:00 am, in the County Commission Chambers.

CONSIDER ANNEXATION OF THE PROPOSED OLYMPIC ADDITION, A 33.3-ACRE TRACT OF LAND GENERALLY LOCATED EAST OF THE COLBERT HILLS CLUBHOUSE OR 650 FEET EAST OF THE INTERSECTION OF COLBERT HILLS DRIVE AND COLBERT HILLS PLACE. (APPLICANT: FIELDHOUSE DEVELOPMENT – ZACH BURTON)

A PUBLIC HEARING TO CONSIDER REZONING TWO TRACTS OF LAND IN THE PROPOSED OLYMPIC ADDITION FROM COUNTY R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO TRACT 1: R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND TRACT 2: R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, GENERALLY LOCATED EAST OF THE COLBERT HILLS CLUBHOUSE OR 650 FEET EAST OF THE INTERSECTION OF COLBERT HILLS DRIVE AND COLBERT HILLS PLACE. (APPLICANT: SMH CONSULTANTS – JEFFREY HANCOCK; OWNER: FIELDHOUSE DEVELOPMENT INC. – ZACHARY J. BURTON)

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE OLYMPIC ADDITION, AN APPROXIMATE 33.3-ACRE TRACT OF LAND, GENERALLY LOCATED EAST OF THE COLBERT HILLS CLUBHOUSE OR 650 FEET EAST OF THE INTERSECTION OF COLBERT HILLS DRIVE AND COLBERT HILLS PLACE. (APPLICANT: SMH CONSULTANTS – JEFFREY HANCOCK; OWNER: FIELDHOUSE DEVELOPMENT INC. – ZACHARY J. BURTON)

Bunger presented the staff reports on the three items and recommended approval.

Stith asked about the drainage easement for the site and the private covenant mentioned in the staff report regarding tree preservation, suggesting that maybe they should be combined. Bunger explained the drainage and drainage easement on the site.

Anderson asked for clarification of the drainage easement. Bunger said that the easement

generally follows the natural channel and not property lines. Bunger then discussed the difficulties of enforcing conservation easements.

Anderson commented that the private covenants are very extensive in Grand Mere and that they should try to maintain the natural character of the area. He asked about the timing of the project, utilities for the site and who would be responsible for maintaining the travel easement connecting through the Clubhouse parking area. Bunger said that the public right-of-way would be maintained by the city and the travel easement would be maintained by the owner (Colbert Hills Golf). Bunger then said that he would let the applicant answer the question regarding utilities.

Morse asked about open space and pedestrian and bicycle connections for the proposal. Bunger said that he would let Grand Mere discuss the master plan and that there are sidewalks throughout the development.

Morse asked about on-street parking. Bunger said that there will be parking allowed on one side of the street due to the terrain and there have been developments with similar street layouts.

Morse opened the public hearing.

Jerry Petty, Director for Grand Mere Development, said that the conservation easement with the buyers is for the protection of specimen trees and not every tree in the development. He said that there is virtually no runoff from the current channel out of the lake which is used for irrigating the golf course and that the project will most likely move quickly and that 70% of the lots have been pre-sold. He then described the extensive preservation of open space identified on the master plan and discussed the connection of pedestrian sidewalks, trails and bikeways throughout the development. Petty said that the identified recreation/park space in the master plan has yet to be determined but it was intended to be a private recreation space.

Stith asked if residents in the area have access to the golf cart pathways. Petty said they are not supposed to use them.

Anderson asked about the native grasses located in the development as well as the design guidelines. Petty discussed the Grand Mere plans for preserving the native grasses in the less maintained portions of the development and that they have re-seeded natural areas with a custom seed blend specific to Grand Mere that has been successful. Petty said there is no model home design they just don't want something overly modern or out of character with the setting.

Hageman said that he is concerned about the preservation of trees in terms of development. He also asked where the school district boundary went through Grand Mere and what product type was planned for the homes.

Petty reiterated the preservation agreement is limited to specimen trees, and he pointed

out the location of the USD 383 boundary which is considerably west of this site. Petty said single family homes would be similar to those in the Heartland for the first three lots and the rest would be similar to those in Vanesta.

Stith asked if the preserved trees have been identified yet. Petty said no.

Amber Burton, 3720 Seth Child Road representing the applicant, said that she is present to answer any questions.

Morse asked for clarification about the pedestrian easement. Petty explained the details of the pedestrian easement and conceptual connection eastward to a future development area and that it would be more of a wild-land trail, due to the topography.

Morse asked for clarification of the size of the eyebrow cul-de-sac.

Amber Burton said that in addition to the neighborhood meeting, her husband had met with the owners in Founders Village and there was positive feedback from the neighborhood and no major issues identified with the proposal.

Ruth Ann Wefald, 5100 Founders Way, asked about the public hearing property notification and indicated appreciation in the assistance she received throughout the process. Bunger discussed the procedure for the notification and said that there is a 200 foot notification requirement, which is why not all the owners in Founders Village were notified for the public hearing.

Amber Burton indicated that they had notified all of Grand Mere for their neighborhood meeting.

Morse closed the public hearing.

Stith moved that the Planning Board recommend approval of the annexation of the Olympic Addition, an approximate 33.32-acre tract of land generally located east of the Colbert Hills Clubhouse, 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).

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

Stith moved that the Planning Board recommend approval of the rezoning of the proposed Olympic Addition, consisting of:

Tract 1: An approximate 25.4 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District, based on the findings in the Staff Report; and

Tract 2: An approximate 7.92 acre tract of land from County R-PUD, Residential Planned Unit Development District, to R-3, Multiple-Family Residential

District, based on the findings in the Staff Report.

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

Stith moved that the Planning Board approve the Variation of Article X, Subdivision Layout Standards, Section 10-208(A)(2)(b) Standards for Access to Arterials and Collectors for the proposed eyebrow cul-de-sac, based on the findings for the requested Variation in the Staff Memorandum; and approve the proposed Preliminary Plat of the Olympic Addition based on conformance with the Manhattan Urban Subdivision Regulations, subject to two (2) conditions of approval as presented by City Administration:

- 1) A restrictive covenant shall be filed with the Final Plat to ensure ongoing maintenance of the drainage easement for the engineered solutions for the natural ravine.
- 2) A travel easement over and across the Colbert Hills Clubhouse parking lot shall be filed with the Riley County Register of Deeds prior to the filing of the Final Plat of the Olympic Addition to connect the east and west sides of Colbert Hills Drive.

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

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE GRAND LUXE ADDTION, AN APPROIXIMATE 12.3-ACRE TRACT OF LAND GENERALLY LOCATED ONE-HUNDRED AND FIFTY (150) FEET WEST OF THE INTERSECTION OF GRAND RIDGE AND GRAND MERE PARKWAY, ALONG THE NORTHEAST SIDE OF GRAND MERE PARKWAY. (APPLICANT: SMH CONSULTANTS – JEFFREY HANCOCK; OWNER: THIERER CONSTRUCTION – LARRY THIERER)

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

Anderson asked about the edge of water marking on the plat. Bunger clarified that the label indicates a pond and said that there is a drainage easement that protects the area. Bunger then explained the sight issues that need to be corrected.

Stith asked about the tract of land east of the preliminary plat. Bunger said that it is a vacant tract and is a part of the open space plan for Grand Mere that will not be developed.

Stith then discussed the need for a restriction on access to Grand Mere Parkway for the abutting lots and asked if the Board can make it a condition. Bunger said that it can be added as a condition.

Morse opened the public hearing.

Morse closed the public hearing.

Stith moved that the Planning Board approve the Preliminary Plat of Grand Luxe Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the one (1) condition of approval recommended by City Administration and one (1) additional condition added by the Planning Board:

1. An engineering design for the intersection of Deano Way and Grand Mere Parkway shall be submitted with the Final Plat application for approval by the Engineering Division of the Public Works Department.
2. Restrict access onto Grand Mere Parkway for the lots adjacent to Grand Mere Parkway.

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

A PUBLIC HEARING TO CONSIDER REZONING LOT 28, MANHATTAN CORPORATE TECHNOLOGY PARK, UNIT 3, FROM I-5/CTPO/AO, BUSINESS PARK DISTRICT WITH CORPORATE TECHNOLOGY PARK OVERLAY DISTRICT AND AIRPORT OVERLAY DISTRICT, TO I-3/CTPO/AO, LIGHT INDUSTRIAL DISTRICT WITH CORPORATE TECHNOLOGY PARK OVERLAY DISTRICT AND AIRPORT OVERLAY DISTRICT, GENERALLY LOCATED AT THE FORMER WESTERN WIRELESS CALL CENTER AT 5960 TECHNOLOGY CIRCLE. (APPLICANT: THE NEENAN COMPANY – MATT BROOKSMITH ON BEHALF OF THEIR CLIENT, TALLGRASS BREWING COMPANY – JEFF GILL, PRESIDENT. OWNER: WESTERN WIRELESS CORPORATION, LLC)

Bunger presented the staff report and recommended approval.

Morse asked if the Board will see the item again after the current meeting. Bunger explained the process and said that it is straight zoning so the item will not come back to the Board.

Stith asked for clarification on the Corporate Technology Park Overlay. Bunger said that the overlay is an expansion of the uses allowed under the normal industrial zoning.

Cattell clarified the details of the CPTO and the I-3 districts.

Stith asked about the tourism element included in the application. Bunger said he would let the applicant answer the question.

Anderson asked about the modification of the current building. Bunger said he would let the applicant answer the question.

Matt Brooksmith, representative for the applicant, said that the building wouldn't be

modified other than for a new receiving and shipping area.

Anderson asked about the tasting element for the new site. Brooksmith said there would be tasting events and tours provided at the new brewery.

Morse opened the public hearing.

Morse closed the public hearing.

Stith asked if the city's economic development arm had any issues with the proposal.

Trent Armbrust, Manhattan Area Chamber of Commerce, said that the Chamber has been working with City Administration to rebrand the technology park.

Stith moved that the Planning Board recommend approval of the proposed rezoning of Lot 28, Manhattan Corporate Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District, based on the findings in the Staff Report.

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

A PUBLIC HEARING TO CONSIDER REZONING 1107 WATERS STREET FROM C-2, NEIGHBORHOOD SHOPPING DISTRICT TO C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT. (APPLICANT: SCHWAB-EATON, P.A. OWNER: CHARLES AND DEBRA SCHRAM)

Cattell present the staff report and recommended approval.

Anderson asked for clarification on where the access points are located on Anderson Avenue and Waters Street and where the screening fence would be placed.

Cattell clarified the access points and screening from the adjoining residential properties.

Stith asked if the applicant would have to plat to consolidate the site. Cattell indicated they were not required to plat if they declared the entire site as a single zoning lot; however they might plat at some point in the future.

Stith asked if there were requirements for on-site detention. Cattell indicated there are detention requirements in certain circumstances, however this site is so close to the receiving body, Wildcat Creek, that the City engineers did not want detention at this location. He said the applicant is looking at adding on-site area drains to collect runoff into an underground system that would connect to the storm drains along Anderson Avenue.

Kratochvil said he wasn't motivated to keep the entrance on Anderson Avenue and asked if there was a need to widen Anderson Avenue in the future and if more right-of-way is needed.

Cattell indicated that Anderson Avenue is planned to be widened west of Anneberg Park and that the Public Works Department did not identify a need for more right-of-way in this location. He said the City engineers were less concerned about the existing access on Anderson Avenue than they were about needing to close the southernmost opening on Waters Street.

Kratochvil said although the dealership had been there for years, he had some concern for the neighborhood and in a perfect world he would have preferred the applicant propose a Planned Unit Development (PUD) so the neighbors could see how the site would be redeveloped.

Morse opened the public hearing.

Tim Schultz, Schultz Construction representing the applicant, indicated that details of the proposed redevelopment had been presented during the required neighborhood meeting. He explained how the redevelopment would occur and that not much of the existing northern maintenance building would remain. Addressing the question of topography, Schultz said there is a four foot grade change within the building which would necessitate a ramp within the building. The new building would go about halfway into the footprint of the office building, which will be removed. He said the visual impact of the building is lessened because ten feet of the 16-foot northern wall will be below grade and only six feet will be above grade, due to the topography. All the roof drains will go into an underground collection system.

Kratochvil acknowledged the neighborhood meeting and that neighborhood questions had been addressed.

Schultz said the northern portion of the existing site, consisting of the back lot parking/storage area would likely not change much and that they were doing their best to integrate the whole site together.

Janice Reitz, 3009 Claflin Road, indicated she and her husband owned the two properties to the north and that she was at the neighborhood meeting. She said the traffic pattern wasn't discussed a lot regarding how the flow of cars would enter and exit the new maintenance building. Her concern was that the transport truck currently unloads on Waters Street, which has become more congested with cars going to the fast food restaurants. She asked if a sidewalk would be provided along Waters Street, if the utilities would be underground, and what was going to happen in the rear storage area regarding used tires and the dumpster.

Anderson asked what her property was.

Reitz indicated it was the former Big Lakes Child Care Center, that she converted into a residence and she also owns the duplex to the north on the corner.

Anderson asked if her concerns were lighting, screening and access drives.

Reitz said she assumes the lighting will be better and will meet requirements so it doesn't glare.

Schultz said the electrical service will be redone and placed underground coming from the north. He said the dealership needs the entrance off Anderson Avenue, as the service doors must face Anderson due to a dealership requirement. He said cars will enter the new building headed north at the southwest corner and go up the ramp into the service bay area. Carts will exit west bound into the northern storage lot area. He said the surface of the gravel storage lot will be improved, but that it will not become a sales lot area for the public. The dumpster will be moved down close to the new building. No lighting is necessary on the north side of the building. The northern drive onto Waters is a secondary exit if the shop is too full to exit into the storage area. He said the new building will be moved 15 farther to the west to maintain the required 25 foot front yard setback. He said the main customer entrance is from Anderson Avenue and the southern drive, with customer parking in on the south side of the new building. The building will be approximately 30 feet tall at the southern end but as you go north it is dug into the hillside. Depending upon the time of new car deliveries, it might be able to occur to the south or north of the new building off Waters and would be less likely off Anderson Avenue. He said a sidewalk would probably be placed along the west side of Waters.

Stith reminded the Board that this is a straight rezoning request, so while he has confidence in the applicant to do what they say, there is nothing in the process that would insure it. He said there are restrictions in the C-5 District to controlling lighting and there is a screening requirement. He asked for clarification on the screening.

Cattell said that any outdoor storage, with the exception of the new car display lot is required to be screened including the dumpster. He said the screening fence between the C-5 and Single-Family District would need to extend along the northern property line to the 25 foot front yard setback along Waters Street.

Morse closed the public hearing.

Stith asked Kratochvil if he was satisfied that it didn't need to be a PUD.

Kratochvil said yes and no. He recognized the history of the Schram dealership at that location and the good product that Schultz Construction will provide. His concern was trying to fit a round peg in a square hole and in a perfect world the dealership should maybe be located farther out on the east side of town. But relying on the staff analysis and Tim Schultz holding the neighborhood meeting that Mrs. Reitz was at, he can accept the rezoning.

Anderson said his hope is that based on the public hearing it will result in an improvement to the site, which is something that the Reitz's will be pleased with, but there are no guarantees.

Kratochvil said the Schrams will be investing a lot in the new facility and will do a good job of making it a state of the art facility and clean the corner up. The concerns from the neighbors were minimal and can be addressed and he has no problem supporting it.

Stith clarified his support for the C-5 zoning, based on the staff report that it's an appropriate zone and because the Zoning Regulations provide adequate protections to deal with the issues that need to be addressed. Not because the Schrams and Schultz Construction are good folks and will do a good quality project.

Reynard moved that the Planning Board recommend approval of the rezoning of a .64 acre tract of land generally located at 1107 Waters Street from C-2, Neighborhood Shopping District, to C-5, Highway Service Commercial District, based on the findings in the Staff Report.

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

REPORTS AND COMMENTS BY BOARD MEMBERS AND STAFF

Cattell provided updates on the Comprehensive Plan project indicating that the February meetings went well and the project is still in the early data collection and analysis phase. Stith asked if there would be some meetings held in Blue Township. Cattell said that meetings have been scheduled specifically to be held in Blue Township during the process. Stith asked about the KSU student focus session and

Cattell indicated that the weeks of March 10th and March 24th the Planning Division will be holding a series of focus group meetings on the draft signage provisions.

Anderson asked about a crosswalk on Anderson Avenue at Waters Street. Cattell said the problem is that the bank was built in direct line with where the Waters Street intersection should have continued south into Village Plaza.

Respectfully submitted,

Chase Johnson, Planner