

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
Thursday, January 19, 2006

7:00 p.m.

MEMBERS PRESENT: Loren Pepperd, Chairperson; George Ham; Mike Toy; Jerry Reynard; Mike Hill; Mike Kratochvil; and Harry Watts.

MEMBERS ABSENT: None.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Ockert Fourie, Senior Planner; Jeremy Frazzell, Planner; Cam Moeller, Planner; Jeff Hancock, Director of Public Works; Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

Pepperd opened and closed Public Comments, with no one speaking.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE DECEMBER 19, 2005, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF JENNIFER'S ADDITION, A REPLAT OF LOT 257 AND 258 OF WARD 4, WHICH ARE GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF LEAVENWORTH STREET AND WEST OF 9TH STREET. (APPLICANT/OWNER: BRUCE AND NANCY ARNOLD)**

Ham moved that the Board approve the Consent Agenda. Toy seconded the motion, which passed on a vote of 7-0.

GENERAL AGENDA

1. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE FINAL DEVELOPMENT PLAN OF THE FIRST NATIONAL BANK PLANNED UNIT DEVELOPMENT GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF CLAFLIN ROAD AND DENISON AVENUE FOR PROPOSED CHANGES TO THE DARA'S FAST LANE SIGN PLAN. (APPLICANT: CHRIS DARRAH /OWNER: SHIRLEY A. DARRAH TRUST)**

Frazzell presented the Staff Report, explaining that the amendment was to modify and expand the ground sign and add signage to the gasoline island canopy. City Administration recommended approval with two (2) conditions.

Chris Darrah (2816 Tatarrax), applicant, said the changes are the result of a national re-imaging program by Phillips 66. The Board had no questions.

Toy moved that the Manhattan Urban Area Planning Board recommend approval of the proposed amendment of the First National Bank Planned Unit Development and Ordinance No. 3974, as proposed, based on the findings in the Staff Report with the following conditions:

1. Signage changes shall be limited to a ground and canopy signage, as shown in the application documents.
2. Sign permits shall be obtained prior to installation of signage.

Ham seconded the motion, which passed on a vote of 7-0.

2. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE WILLIAMSBURG RESIDENTIAL PLANNED UNIT DEVELOPMENT GENERALLY LOCATED SOUTH OF DICKENS AVENUE, EAST OF BROWNING AVENUE, AND WEST OF AN EXTENSION OF PEMBROOK CIRCLE FOR PROPOSED MODIFICATIONS TO INCLUDE, BUT NOT LIMITED TO, CHANGES TO OPEN SPACE, LANDSCAPING, AND RESIDENTIAL BUILDING LOCATIONS. (APPLICANT: MITCHELL WALDEN DEVELOPMENT, LLC/LINDA CONDERMAN /OWNER: MITCHELL WALDEN DEVELOPMENT, LLC)**

Toy stepped down from participating on this item, to avoid a conflict of interest.

Zilkie presented the Staff Report, recommending approval with conditions.

Watts asked what sidewalks are required on Browning Avenue. Watts said he is concerned with there being a gap in the sidewalk close to an elementary school. Ott said sidewalks are normally required on both sides of collector streets. Ott said there are no plans to construct a sidewalk until Browning Avenue is improved to an urban standard. He said that even if a sidewalk was constructed at this time along the PUD, there would still be gaps in the sidewalk further to the south due to different ownership.

Watts asked if Browning Avenue was going to be rebuilt. Hancock indicated that there had once been a plan to realign Browning Avenue to connect to Westport Drive, however due to various complications with that concept, the plan has been dropped.

Pepperd asked if the developer could just do what was approved in 1983 when the original PUD was adopted, without coming before the Planning Board. Zilkie said that was true if the applicant had followed the original PUD, they could proceed with development.

Chris Bohm, Ruggles and Bohm PA and agent for the applicant, said they had

decided to modify the PUD, due to the current housing market and are now proposing 19 single-family homes, rather than 15 duplexes. He said they sacrificed the number of dwelling units to put in single family. He also indicated that there was a sanitary sewer in the way of the original layout that they did not want to move; that the City had adopted the Storm Water Management Master Plan since the original PUD had been approved; and that they had shifted the open space from the northern portion of the PUD to the southern portion. He indicated that the Corps of Engineers was requiring them to use a grass-lined drainage area instead of concrete lined. Bohm indicated his client would provide the sidewalk along Browning if necessary.

Ott indicated that if a sidewalk is installed along Browning without a curb and gutter, it will require a greater safety clear zone between the sidewalk and the street.

Tim Ryan (1547 Williamsburg Court) said he lives in one of the 8 duplexes to the east. Ryan requested that the application be tabled until the Corps of Engineers makes a decision regarding the drainage improvements.

Pepperd opened the public hearing.

Art Loub (1517 Williamsburg Drive) said he has many concerns about the proposal and the impact of the changes. He is concerned about the small size of the 6 lots on the northern end located directly behind Williamsburg Drive which are proposed to be only 5,300 to 7,300 square feet and questioned why they are so much smaller than the other lots. He said the six houses are out of character with the original concept that they bought into when they moved into the area. They would now be looking at the rear of houses which is not what had been originally proposed.

Loub read a letter from Dick and Beverly LaGree (1519 Williamsburg Drive) which suggested that the new plan changes the original concept for the area and is not in keeping with promises made by the developer.

Medo Morcos (1513 Williamsburg Drive) said that he bought his house from Linda Conderman and now the developers have changed their word from what they were told previously. He is worried that the changes will decrease their property's value. Morcos said the whole issue is unacceptable.

Sue Greig (1521 Williamsburg Drive) said that when they bought their home they understood that there would be green space behind them. The new plan now shows no green space behind their property and she is concerned that they will lose the value of their investment. She said all the other homes in the PUD would have green space behind them, except for hers. She said the drainage needs to be resolved before any development is approved.

Lee Ruggles (1515 Williamsburg Drive) said he feels betrayed by the new developers. Ruggles said the property owners in the PUD have helped to plant trees and pay for the maintenance of the green space with the promise that they would have green space as well. He said he would never have built here had he known that his property would be backed up against other houses. Ruggles said the original plan for

15 duplexes would be better and should stand, and that the proposed changes are a betrayal of those who bought their property in good faith.

Sharon Morcos (1513 Williamsburg Drive) said that when they bought their property 10 years ago they were assured about the area of green space remaining. Marcos said they have had numerous discussions over the years in which the developer told them there were no plans for houses in the area designated as green space in the original plan. She agreed with previous comments that no decision should be made, until the Corps of Engineers has their say on the drainage issue.

Bob Strawn (1551 Williamsburg Court) said they moved to this neighborhood one and a half years ago to retire. Strawn said that before they purchased their property the developer told them that this area would be developed just like the rest of Williamsburg. Strawn said the proposed change is completely out of character with Williamsburg. He referred to a "Declaration of Williamsburg" that they were given before they purchased their property that included the original PUD site plan. Strawn said the developer made the representation that this area would be developed according to the original plan. Strawn said he purchased his home, based on those conversations with the developer. He said six other owners will lose property value and it's not fair and it's not good government. He said he has told the developer that they would support the original development plan.

Delores Thomas (1523 Williamsburg Drive) said the property owners in Williamsburg were all misled and misinformed when they bought their property. The original development was designed so that no patio would look out onto another patio, but now it's all different. Thomas said she is concerned that the proposed changes would devalue her property.

Mavis Fletcher (1524 Williamsburg Drive) said that even though her own property will not back onto the proposed houses, she is still concerned about the loss of green space and with the drainage issues. Fletcher said she would like to wait until the Corps has approved the proposed drainage improvements.

Ron Cochran (1618 Delaney Drive) said he used to live in Williamsburg, but now lives just to the north across Dickens Avenue, because he didn't like the idea of realigning Browning Avenue and that McCullough never would say what was going to happen. Cochran said he came to talk about the water issue and that the existing concrete ditch backs up continually and silts in the culvert. Cochran said he has informed the City and been assured that it would be taken care of but it has not been resolved yet. He said if the Corps wants a grass lined drainage, it will never drain correctly and will continue to back up.

John Shimp (1614 Delaney Drive) said he would like to second some of the statements on the drainage issue. He referred to a drain that comes from the schoolyard and runs underneath Dickens Avenue into the stream within Williamsburg. He said part of the flooding problem starts back on the north side of the schoolyard. He supports delaying the decision until the Corps makes a decision on how to handle the drainage. He said he had no comment about single-family

homes or duplexes in the PUD.

Shurl Prawl (1504 Williamsburg Drive) said he was the fourth owner of property in Williamsburg and was one of the original members of the neighborhood association and is concerned about the drainage problems. He came to the hearing intending to support the applicant's project, but now cannot support the project due to the proposed realignment of the stream. He said the drainage issues that have been raised need to be resolved.

Bohm, agent for the applicant, addressed some of the issues raised. Bohm said all of the flows entering and exiting the site have been taken into consideration with their hydraulic study. Bohm said the Corps is involved in this under the Clean Water Act and is acting to ensure that whatever is done "provides for clean water". It is the Corps that has dictated that this be a grass channel. They had provided a couple solutions to the Corp and the Corps will be commenting on their design of the channel, but will not design it themselves and will not do anything related to volume or capacity.

Bohm said their proposed drainage improvements would all be contained within Williamsburg Unit 10 and will be paid for primarily by residents in Unit 10, even though others will benefit who are not paying to correct past problems. Bohm said the proposed drainage study takes into consideration the current situation and "solves it". Bohm said part of the drainage improvement involves putting in an additional culvert under Browning Avenue because the existing culvert by itself is undersized, and exacerbates the problem currently. The development's proposed density will be lower, not higher.

Bohm said he could not say anything about whether the property has been misrepresented in the past. His firm has been hired merely to best react to the single-family market and to come up with a design that would be practical for the market. Bohm said that in the eyes of the developer the use of single-family homes will enhance the value of the neighborhood. Bohm said that developers take great risks on their investment in these situations and have to consider the market. Bohm asked that the Planning Board approve the proposed amendment because it reduces density, maintains the character and solves the drainage problem.

Kratochvil asked about the improvements that would be needed to fix the backup of water under Browning Avenue. Ott discussed his memo which addressed this question. Ott said there had been a silt buildup problem during construction of the Dickens Office complex, due to lack of silt fences, which at the time were not required.

Lee Ruggles (1515 Williamsburg Drive) stated that the residents had worked with Blueville to maintain the open space area and that it was always wet and hard to get equipment into. He said it was unrealistic for the Corps to require a grass drainage channel.

Pepperd closed the Public Hearing.

Kratochvil said he is disappointed that the developers are not here to address the issues raised by the public. He does not have concerns with single-family homes being proposed, but has concerns with their placement backing up to the new drainage area. Kratochvil said he was concerned about the drainage and could not support the proposal. He agreed with the neighborhood association that the six homes need to be taken out and put back into open space, or the plan needs to be re-designed with larger lots so the homes are further away.

Reynard said he agreed with Kratochvil regarding the six homes and the drainage issues.

Ham said he also felt that changes would need to be made regarding placement of the homes and to address the drainage concerns before he could find the application acceptable.

Watts moved that the Planning Board deny the proposed amendment of the Williamsburg PUD, due to significant changes to the PUD that directly impact those residents who currently reside in the development due to the closeness of the homes; the safety issues related to the lack of a sidewalk on Browning Avenue; and the unresolved drainage situation within the development.

Pepperd said the sidewalk issue needs to be left up to the City Engineers.

Hancock indicated that the City advocates construction of sidewalks. However, a number of complications along Browning Avenue that have led the City to recommend postponing the construction of the sidewalk at this time, including other gaps in the sidewalk connectivity, safety clear zone problems and increased costs involved with its design and placement.

Hill asked the City Engineer if it is his estimation that the proposed drainage solution will improve drainage in the area, even if it is a grass channel.

Ott said his memo raises concerns about siltation and vegetation. Ott said it is the City's preference that the channel be concrete lined. The improvements, as proposed, will quadruple the capacity of the ditch on Browning Avenue, which is an improvement.

Ham seconded the Watts' motion.

Kratochvil said he could not support the motion, because he believes the drainage issues will work themselves out with the proposal and the need to protect the new residents as well.

On a vote of 2-3, the motion failed (Reynard, Hill and Kratochvil voting against the motion, and the Chair not voting).

Zilkie reminded the Board about its possible alternative actions on the item.

Watts moved that the Planning Board deny the proposed amendment of the Williamsburg PUD, due to significant changes to the original PUD that directly impact those residents who currently reside in the development.

Reynard seconded the motion.

Kratochvil asked City Staff whether “significant changes” is enough grounds to deny the proposal. Zilkie suggested that the Board elaborate on what is meant by significant impacts.

Watts said the way the homes have been lined up is not reflective of the original concept that the current residents bought into. Watts said there are some honesty and integrity issues involved with this development.

Pepperd said he would prefer to see the item tabled.

Reynard said he has a problem with the six homes being placed in a row close to the drainage ditch. Reynard said he believes there will be water problems. The City has learned the hard way in the past not to create these kinds of problems.

On a vote of 4-2, the motion passed (Kratochvil and Pepperd voting against).

3. **APPROVE THE FINAL PLAT OF WILLIAMSBURG ADDITION, UNIT TEN, GENERALLY LOCATED SOUTH OF DICKENS AVENUE, EAST OF BROWNING AVENUE, AND WEST OF AN EXTENSION OF PEMBROOK CIRCLE. (APPLICANT: MITCHELL WALDEN DEVELOPMENT, LLC/LINDA CONDERMAN /OWNER: MITCHELL WALDEN DEVELOPMENT, LLC)**

Zilkie suggested that the item be tabled, until a decision is made about the amendment.

Kratochvil moved to table the Final Plat of Williamsburg Addition, Unit Ten, until the applicant comes back to the Board with the PUD. Ham seconded the motion, which passed on a vote of 6-0.

Toy rejoined the Board.

4. **MUAPB TRAINING ACADEMY: THE PUBLIC WORKS/UTILITIES DEPARTMENT WILL PROVIDE AN OVERVIEW OF ITS PLANNING ACTIVITIES.**

Jeff Hancock, Director of Public Works, provided an overview of how the Public Works Department plans for various projects involving streets, sewer, water, storm drainage and water and waste water treatment. He also spoke about how the Public Works and Community Development Departments coordinate monitoring and planning for Capital Improvements Projects to insure that growth areas are being

planned for, as identified in the Comprehensive Plan.

5. 2007 – 2012 CAPITAL IMPROVEMENTS PROGRAM: PLANNING BOARD DISCUSSION REGARDING SUGGESTIONS FOR THE 2007 – 2012 CAPITAL IMPROVEMENTS PROGRAM.

Cattell gave an overview of the CIP and what the Board had recommended in the past. The Planning Board discussed suggestions for inclusion in the 2007 - 2012 Capital Improvements Program, and provided the following suggestions and comments:

Mike Hill suggested 3 or 4-laning Scenic Drive to address the growth issues at Fort Riley and the development in the western parts of the City. Scenic Drive will become a second major rout to the Fort.

Loren Pepperd suggested 4-laning Marlatt Avenue from Casement Road to Seth Child Road and possibly all the way to US 24.

George Ham suggested expediting projects to enhance traffic flows and regional growth.

The Board recommended keeping all the other Planning Board projects already listed in the current CIP, including:

1. Sidewalk Improvement Fund: This fund is listed under the Public Works Dept. in 2007-2011, at \$50,000 each year. *(Note: For the year 2006 the Sidewalk Improvement Fund and Multi-Modal Links were combined into a single project.)*
2. Multi-Modal Links (2007 - 2011): This project is intended to provide a range of improvements to broaden multi-modal links and begin to operationalize the bicycle master plan. (At \$50,000 per year)
3. City-KSU Parking Garage (2007): This project is intended to be located somewhere near Aggieville and the KSU campus to serve both needs, based on parking shortages identified in the Manhattan Area Transportation Strategy (MATS).
4. Linear Trail Acquisition, (2007 – 2011): Provide funding to purchase land for extensions of the Linear Trail system before development reaches those areas. (At \$50,000 per year)
5. Downtown Public Parking (2009): Provide for additional public parking in the downtown area in partnership with a major commercial redevelopment project. MUAPB suggests establishment of a public/private partnership to carry out this project. (MUAPB)

**6. SUMMARY - ANNUAL REVIEW OF COMPREHENSIVE PLAN:
PLANNING BOARD REVIEW AND DISCUSSION OF COMMENTS
RECEIVED DURING THE PUBLIC INPUT MEETING IN NOVEMBER 2005,
ON THE ANNUAL REVIEW OF THE COMPREHENSIVE PLAN.**

Fourie reviewed his memorandum summarizing the results of the annual review process. He indicated that the City and County had also received a request to consider amending the Comprehensive Plan at the northern edge of the Eureka Valley. While state statute does not envision property owners making applications to amend the Comprehensive Plan for their specific property, the proposed amendment suggests a significant policy shift for the Eureka Valley that would have broader implications than for just the property in question. Therefore City and County staff have scheduled a public hearing with the Manhattan Urban Area Planning Board to consider the request in February.

REPORTS AND COMMENTS BY BOARD MEMBERS

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II