

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Monday, February 6, 2006**  
**7:00 p.m.**

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

**MEMBERS ABSENT:** Harry Watts.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Jeremy Frazzell, Planner; Cam Moeller, Planner; Monty Wedel, Riley County Planning Director; Bob Isaac, Riley County Planner.

**YOUTH IN GOVERNMENT:** Lindsey Doan

**OPEN PUBLIC COMMENTS**

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

**CONSENT AGENDA**

**1. APPROVE THE MINUTES OF THE JANUARY 19, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

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

**GENERAL AGENDA**

**1. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE RILEY COUNTY ZONING REGULATIONS, SECTIONS 18, TO INCLUDE LANGUAGE REGARDING NONCONFORMITIES CAUSED BY A GOVERNMENTAL ACTION. (APPLICANT: BOARD OF COUNTY COMMISSIONERS OF RILEY COUNTY)**

Isaac presented the Staff Report, recommending approval.

Toy moved that the Board forward a recommendation of approval of the Amendment to the Riley County Zoning Regulations, Section 18, to include language regarding Nonconformities caused by governmental action.

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

2. **CONSIDER ANNEXATION OF THE PROPOSED EUREKA ADDITION, AN APPROXIMATE 53-ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH OF EUREKA DRIVE AND THE FLINT HILLS JOB CORPS CENTER. THE ANNEXATION SITE INCLUDES THE ADJOINING PORTION OF EUREKA DRIVE. (APPLICANT: SSF DEVELOPMENT LLC-ROGER SCHULTZ / OWNERS: SSF DEVELOPMENT LLC-ROGER SCHULTZ AND J.P. AND P.E. FRIGON TRUST)**
  
3. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THREE (3) TRACTS OF LAND GENERALLY LOCATED SOUTH OF EUREKA DRIVE AND THE FLINT HILLS JOB CORPS CENTER. (APPLICANT: SSF DEVELOPMENT LLC-ROGER SCHULTZ / OWNERS: SSF DEVELOPMENT LLC-ROGER SCHULTZ AND J.P. AND P.E. FRIGON TRUST)**

Zilkie presented the Staff Reports for Items # 2 and #3, recommending approval of each item.

Roger Schultz, the applicant, said the proposal is consistent with the Land Use Map of the Comprehensive Plan, which designates this area as appropriate for industrial. Schultz said they are trying to be good neighbors and are proposing to rezone the western side of the development, which is nearest to existing residential, for lower-intensity uses than the eastern side. Schultz said they will be adding some fill to the flood fringe area.

Pepperd opened the Public Hearing.

Clifford Thorburn (4905 Eureka Drive) said he has lived in the area for 35 years and is concerned the proposed change will bring about increased pollution and traffic. Thorburn also expressed concern about whether added fill will lead to increased flooding. He believes this is “spot zoning” outside of the City. Thorburn said he moved to this area for its rural character and suggested there are other areas that should be developed before this area is developed.

Nick Edvy (4813 Eureka Drive) said he is an immediate neighbor to the proposed development and will be affected directly. He has lived in the area for about 35 years. He knew the airport and the City would grow eventually and he said his main concern is drainage. He has witnessed flooding over the past 15 to 20 years. Edvy asked that water flow be given a serious consideration, if this proposal is to be approved. He said he wants to be a good neighbor, but also wants to make sure that his quality of life is protected.

Bryan Wood (5281 S. 24<sup>th</sup> Street) discussed the drainage ditch that runs south of the subject property. Wood said something needs to be done to address the water issue.

Jon Howe (5125 Eureka Drive) said he farms north and west of the Job Corps. Howe noted that Eureka Drive is due for an upgrade in 2007. Howe said he would like to see some coordination to create a wider roadbed and provide turn lanes. He said that when the Ady Addition was initially proposed, he recommended against including a

portion of the development because he knew the history of the Kansas River backing up in that area. He said the County had to buy out much of the area after the 1993 flood. Howe said that whatever happens, he would like to see everyone work together so that it works best for everyone.

Fred Gibbs, BG Consultants, addressed some of the drainage issues. He said that water would flow onto the proposed u-shaped road and be directed north to the drainage ditch along Eureka Drive and then be directed northward along the east side of the Flint Hills Job Corps to the oxbow area. Gibbs said the development will not add any impact.

Hill asked whether the drainage situation on the south side of the subject property would be improved. Gibbs said they would not be adding to the existing problem.

Paul Cassella (1211 Roevers Road) discussed drainage backing up in the area along Eureka Drive.

Pat Murphy (4100 Fort Riley Blvd) discussed the drainage path along K-18.

Howe said that from his discussions with the County, it is his understanding that drainage improvements are planned.

Thorburn further discussed drainage along Eureka Drive. He said the culverts are too small and have a history of backing up. He said water in the area doesn't seep into the ground like it used to.

Toy said there are many ills to be cured in the future, but said he is not certain that everything can be solved with this particular application. Toy said the Planning Board, in considering the application for annexation, is reviewing whether the proposal is in conformance with the Comprehensive Plan.

Joe Agnew (1300 Ady Drive) said he did not receive notice of the annexation, only the preliminary plat and the rezoning application. Zilkie explained the notice procedure and that annexations are not a public hearing.

Pepperd closed the Public Hearing.

Wedel responded to questions from Hill regarding the drainage ditch and the proposed K-18 realignment. Wedel said drainage has been an issue for years and said the County Engineer is examining the problem.

Hill said his philosophy is that while development can sometimes cause problems, development can also help to solve problems.

Pepperd discussed how his own property had been annexed by the City.

Kratochvil said he would like to table the two items, until February 23<sup>rd</sup> to give the applicant and the County Engineer time to answer some of the questions that had

been raised.

Reynard said he is in favor of the annexation and rezoning. Reynard said approval gives the City a “hammer to work with” to begin addressing some of these problems.

Pepperd said he agreed with Reynard. Pepperd discussed how Eureka Lake used to handle water in this area, but it is now silted in. He said the proposal is in conformance with the Comprehensive Plan.

Ham said he agreed with Reynard. Ham said the proposal is in conformance with the Comprehensive Plan and that the development will likely help to improve the drainage situation.

Toy moved that the Board recommend approval of the annexation of the proposed Eureka Addition, based on conformance with the Comprehensive Plan for the Manhattan Urban Area, the Growth Vision, and the Capital Improvements Program ; and approval of the proposed rezoning of the Eureka Addition from County G-1, General Agricultural District and N-1, Airport Noise Hazard District, to: Tract 1 rezone to: C-6, Heavy Commercial District, with AO, Airport Overlay District; Tract 2 rezone to: I-2, Industrial Park District, with AO, Airport Overlay District; and, Tract 3 rezone to: I-3, Light Industrial District, with AO, Airport Overlay District, based on the findings in the Staff Report.

Reynard seconded the motion, which passed on a vote of 5-1 (Kratochvil voting against).

4. **TABLE A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED EUREKA ADDITION, AN APPROXIMATE FIFTY THREE (53) ACRE TRACT GENERALLY LOCATED SOUTH OF EUREKA DRIVE AND THE FLINT HILLS JOB CORPS CENTER. THE PROPOSED SUBDIVISION WILL CREATE THIRTY TWO (32) HEAVY COMMERCIAL AND INDUSTRIAL LOTS. (APPLICANT: SSF DEVELOPMENT LLC-ROGER SCHULTZ / OWNERS: SSF DEVELOPMENT LLC-ROGER SCHULTZ AND J.P. AND P.E. FRIGON TRUST)**

Reynard moved that the Board table the Preliminary Plat of the Eureka Addition, to the Thursday, February 23, 2006, Manhattan Urban Area Planning Board, to allow the applicant additional time to address the requirements of the Subdivision Regulations.

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

5. **CONSIDER ANNEXATION OF A 0.2-ACRE TRACT OF LAND GENERALLY LOCATED ON THE NORTH CENTRAL BOUNDARY OF THE MEADOWLARK HILLS RESIDENTIAL PLANNED UNIT DEVELOPMENT. THE TRACT WILL BE INCLUDED AS A PART OF THE**

**PUD. (APPLICANT: MANHATTAN RETIREMENT FOUNDATION, INC / OWNERS: MANHATTAN RETIREMENT FOUNDATION, INC., AND THE CITY OF MANHATTAN)**

6. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE FINAL DEVELOPMENT PLAN OF MEADOWLARK HILLS RESIDENTIAL PLANNED UNIT DEVELOPMENT , GENERALLY LOCATED AT MEADOWLARK HILLS RETIREMENT COMMUNITY; AND, CONSIDER REZONING THREE (3) TRACTS OF LAND: TRACT 1 GENERALLY LOCATED ALONG THE WESTERN SIDE OF THE EXISTING MEADOWLARK HILLS DEVELOPMENT; TRACT 2 GENERALLY LOCATED NORTH OF THE EXISTING MEADOWLARK HILLS DEVELOPMENT; AND, TRACT 3 GENERALLY LOCATED WEST OF TUTTLE CREEK BOULEVARD AND NORTH OF THE DOLLAR GENERAL STORE. (APPLICANT: MANHATTAN RETIREMENT FOUNDATION, INC. / OWNERS: MANHATTAN RETIREMENT FOUNDATION, INC., AND THE CITY OF MANHATTAN)**

Zilkie presented the Staff Reports for Items # 5 and #6, recommending approval of each item.

Gail Urban, Chief Financial Officer of Meadowlark Hills, discussed how the proposal fits in with future phases of development.

Leon Brown, Schwab-Eaton, provided clarification regarding signage at the entrance.

Pepperd opened and closed the Public Hearing, with no one speaking.

Toy moved that the Board recommend approval of the annexation of the 0.2 acre tract of land as a part of Meadowlark Hills Addition, Unit Three, based on conformance with the Comprehensive Plan for the Manhattan Urban Area, the Growth Vision, and the Capital Improvements Program (CIP).

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

Kratochvil moved that the Board recommend approval of the proposed Amendment of the Final Development Plan of the Meadowlark Hills Residential Planned Unit Development; and, the rezoning of Tract 1: U, University District; Tract 2, County U, University Development District; and, Tract 3: C-3, Neighborhood Shopping District, to PUD, Meadowlark Hills Residential Planned Unit Development District, based on the findings in the Staff Report, with the following conditions:

1. An amendment of the Planned Unit Development shall be submitted and approved, prior to the development of areas that are shown as Future Development on the amended Final Development Plan.
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.

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

7. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN, IN THE EUREKA VALLEY SPECIAL PLANNING AREA. THE AREA PROPOSED TO BE AMENDED CONSISTS OF AN APPROXIMATE 115-ACRE TRACT OF LAND GENERALLY LOCATED AT THE NORTHERN EDGE OF THE EUREKA VALLEY, ON THE EAST SIDE OF SOUTH SCENIC DRIVE AND NORTH OF THE FAITH BAPTIST CHURCH, 1001 S. SCENIC DRIVE. THE TRACT IS CURRENTLY DESIGNATED AS AGRICULTURE, ENVIRONMENTALLY SENSITIVE AREAS, AND RESIDENTIAL LOW/MEDIUM. THE PROPOSED AMENDMENT DESIGNATES THE AREA FOR RESIDENTIAL LOW/MEDIUM DENSITY, NEIGHBORHOOD COMMERCIAL, ENVIRONMENTALLY SENSITIVE AREA, PARKS AND RECREATION, AND PRESERVED OPEN SPACE. (APPLICANTS: / FRANK TILLMAN OF TILLMAN PARTNERS, LP, AND SAX AND MARGARET STONE OWNER: SAX AND MARGARET STONE)**

Pepperd recused himself to avoid any appearance of a conflict of interest.

Cattell presented the Staff Memorandum, recommending denial.

Hill asked whether Staff's recommendation of denial was a question of the timing of this proposal. Cattell said that Staff does not anticipate that this tract of land will always remain vacant.

Frank Tillman, applicant, said he views the Comprehensive Plan as providing "guidelines". Tillman suggested there was not much time spent in studying the terrain in this area when it was classified as being Environmentally Sensitive in the Plan. Tillman said that residential development is very appropriate for this area. Tillman said the development will contribute to the community's tax base. If the development is not approved, Tillman said he will develop in Junction City or Wamego instead. Tillman said he has a personal stake in the community and is "not going to garbage it up". Tillman said he is sensitive to historic preservation and will preserve the military trail that crosses this property. Tillman said of the 114 acres within the tract, only 60 acres will be developed.

Leon Brown (Schwab-Eaton) responded to some of the concerns raised by City Administration. Brown said they are protecting the ridgelines by bringing development down off the ridgetop. Brown said that natural features will be well preserved. There will be some trees taken out but they recognize trees as an asset. Brown discussed mitigation for the wetlands. Referring to comments made by City Staff about there being adequate residential land designated in the Comprehensive

Plan, Brown questioned whether there are enough willing sellers in those areas designated as residential to meet the demand for new housing. Brown said the airport does need to be protected but that this development, as planned, would not encroach. Brown said there should be enough flexibility to allow for the consideration of other uses in Eureka Valley. Brown said this tract is a beautiful site and is a prime site for development.

Tillman said if the U.S. Constitution can be amended, then it should be possible to amend the Comprehensive Plan.

Hill asked whether the developer would pay the costs of the sewer extension. Tillman said he would be responsible for those costs.

Ham opened the Public Hearing.

Janet Throne (1525 Westwind Drive) said she served on the Project Advisory Committee for the Comprehensive Plan, which met between August 2001 and March 2003. Throne said she took issue with the assertion made by Mr. Tillman that the development of the Comprehensive Plan did not involve a high level of detail. Throne said the areas designated as “environmentally sensitive” have been shown that way since the 1991 Comprehensive Plan. Throne said the Committee spent a lot of time analyzing where residential development should be placed. Throne expressed concern about allowing development between the steep slopes and the oxbow. Throne said the agricultural land currently in-between serves as a natural sponge for floodwaters and that any development would have a negative impact on flooding. Throne said that a 20% slope is internationally recognized as being unstable for buildings and that new development would create major erosion problems. Throne said she was concerned about amending a Plan that involved such an extensive public process. Throne said it would defeat the whole purpose of inviting all of the public involvement in the first place if it could be overturned by one person.

Harry Baxter (HB Construction) said they would keep most trees. Baxter discussed the difficulty in finding willing sellers in other areas of the community designated as residential.

Dave MacFarland (2030 Hunting Ave) said he served on the Comprehensive Plan Project Advisory Committee. MacFarland said he did not agree with Mr. Tillman’s assertion that the process was merely broad-brushed. MacFarland said he went to every meeting and the Plan is truly a “consensus document”. MacFarland said the Committee worked with a responsive consultant and created a document that nobody loved, but all could be proud of. MacFarland said it would be a terrible price to pay if a short-term housing gain limited the long-term prospects for the airport. MacFarland said to overturn the Comprehensive Plan would be to overturn the best of the democratic process.

Ham closed the Public Hearing.

Reynard said he is not against this project as it stands by itself, but does not think the

timing is right. Reynard discussed unresolved issues with drainage in the area.

Toy expressed similar concerns as Reynard. Toy referred to unresolved issues related to the Airport, Scenic Drive, and the suitability for commercial along this corridor. Toy said he is concerned about isolated locations for City services. Toy said the proposal is a little ahead of time.

Hill said he has thoughts along the same line as Toy. Hill said his biggest concern is with the Airport. Hill noted that the updated noise impact study is due to be completed in March and is not comfortable making a decision until the results of that study are known. Hill said that he too was a member of the Project Advisory Committee for the Comprehensive Plan. Hill said he views the Plan as a "guide". Hill questioned where the appropriate place is to draw the line to prevent residential encroachment into industrial development in that area. Hill said it is difficult to make a decision without knowing more about some of these issues.

Ham said he likes the project and does not want to discourage the developer, but it is difficult to make a good decision tonight.

Reynard moved that the Board decline the requested amendment to the Manhattan Urban Area Comprehensive Plan.

Hill asked whether there were any thoughts on tabling. Hill suggested that the item could be tabled until a certain point in the future when factors could change.

Reynard said the Board cannot predict when those "lines will converge to that point" where these issues will be resolved.

The Board asked for feedback from the applicant.

Tillman said if the Board is going to table the item only to deny it later, he would rather not delay the inevitable. Tillman said if something cannot be decided in 60 days he would prefer just to forget it. Tillman expressed concern that the Comprehensive Plan has "globally zoned" the community and may be a taking of land.

MacFarland noted that it has been only 3 years since the adoption of a 20-year plan. MacFarland recommended against leaving the proposed amendment in limbo, suggesting that to do so would compromise the good will and good thoughts created through the Comprehensive Plan process.

Reynard said he does not want the public to think that the City is limited the use of their land. Reynard said it is just the wrong time for this proposal.

Kratochvil seconded the motion.

Toy said there are too many unknowns that cannot be answered in a short period of time.

Ham said he agreed with Toy. Ham said that in fairness to the developer, things need to move forward.

On a vote, the motion passed 4-1 (Hill voting against).

**8. REPORTS AND COMMENTS BY BOARD MEMBERS**

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II