

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
April 18, 2016
7:00 p.m.

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

MEMBERS ABSENT: Neil Parikh

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Chad Bunger, Senior Planner; Lance Evans, Senior Planner; and Brian Johnson, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

APPROVE THE MINUTES OF THE APRIL 4, 2016, MANHATTAN URBAN AREA PLANNING BOARD MEETING.

APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 2, GRAND MERE VILLAGE, COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED APPROXIMATELY 100 FEET NORTHEAST OF THE INTERSECTION OF KIMBALL AVENUE AND VANESTA DRIVE. (APPLICANT: SMH CONSULTANTS-BRETT LOUK OWNER: BANK OF THE FLINT HILLS, LANCE WHITE)

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

GENERAL AGENDA

REMOVE FROM THE TABLE AND CONDUCT A PUBLIC HEARING TO REZONE AN APPROXIMATE 2.57 ACRE TRACT OF LAND; AND AMEND ORDINANCE NO 6745 AND THE FINAL DEVELOPMENT PLAN LOT 2, MCCALL LANDING PUD, TO ALLOW A WAREHOUSE EXPANSION AND OTHER IMPROVEMENTS FOR MENARDS. (APPLICANT: MENARD, INC., SCOTT R. NUTTELMAN; REAL ESTATE REPRESENTATIVE OWNER: THE MCCALL PATTERN COMPANY, VINCE PLACEK, CFO).

A PUBLIC HEARING TO CONSIDER AND APPROVE THE FINAL PLAT OF THE MP ADDITION, UNIT TWO, GENERALLY LOCATED TO THE

NORTHWEST OF THE INTERSECTION OF KRETSCHMER DRIVE AND MCCALL ROAD (APPLICANT: MENARD, INC., SCOTT R. NUTTELMAN; REAL ESTATE REPRESENTATIVE OWNER: THE MCCALL PATTERN COMPANY, VINCE PLACEK, CFO).

Stith moved that the item be removed from the table for the public hearing. Reynard seconded the motion, which passed on a vote of 6-0.

Bunger presented the Staff Reports and recommended approval.

Stith asked if under the PUD the separate lot could be sold to someone else without an amendment to the PUD.

Bunger said that an amendment would be needed, or a complete rezoning to the site would have to occur.

Stith asked if parking and travel easements would be on the Final Plat for Lots 2, 3 and 4.

Bunger said this was a final plat and the travel easement would be from K-State Credit Union across McCall's front lot.

Stith said he was concerned about Lot 2 having a travel easement.

Bunger explained that lot gains direct access off of Kretschmer Drive.

Ball asked about the specials along McCall Road and if they would be assessed to the three new lots.

Bunger said he believed that was correct and they would be re-assessed and divided amongst the new lots.

Ball opened the public hearing.

Rich Seidler, Commercial Real Estate Services representing McCall Pattern, came forward for any questions. He said the rezoning was straight forward and was an anticipated transition of areas along McCall Road to more retail uses.

Scott Nuttelman, representing Menards, said this expansion allows them to make improvements to the store and move bulkier items to the expanded warehouse.

Ball closed the public hearing.

Stith moved that the Planning Board recommend approval of the proposed rezoning of the 2.56 acre tract from I-2, Industrial Park District to PUD, McCall Landing Commercial Planned Unit Development and the proposed amendment of Ordinance No. 6745 and the approved Final Development Plan of Lot 2, McCall Landing Commercial Planned Unit

Development, based on the findings in the Staff Report, subject to the 2 conditions of approval recommended by City Administration, as follows:

1. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-102 (A)(a), (b), (c), (e), (g), (h), (i), (j), (l), (m) of the Manhattan Zoning Regulations.
2. Amend Condition #12 of Ordinance No. 6745 to read: Underground liquid fuel storage tanks shall be prohibited, and storage of hazardous materials, chemicals and other pollutants, shall be prohibited in the east 415 feet of the completed warehouse.

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

Stith moved that the Planning Board approve the Final Plat of MP Addition, Unit Two, based on conformance with the Manhattan Urban Area Subdivision Regulations, with two conditions of approval, as follows:

1. A Variation of the requirement to have access to a public street or travel easement shall be approved for the proposed Lot 1.
2. The proposed rezoning of Lot 1 and the PUD Amendment of McCall Landing shall be approved.

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

A PUBLIC HEARING TO CONSIDER ANNEXATION OF THE PROPOSED LEGACY RIDGE ADDITION, A 17.89-ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF GRAND MERE PARKWAY AND MACKINTOSH COURT (APPLICANT/ OWNER: LARRY THIERER, THIERER CONSTRUCTION)

A PUBLIC HEARING TO CONSIDER THE REZONING OF THE LEGACY RIDGE ADDITION, A 17.89-ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF GRAND MERE PARKWAY AND MACKINTOSH COURT FROM COUNTY R-PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (APPLICANT/ OWNER: LARRY THIERER, THIERER CONSTRUCTION)

A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED LEGACY RIDGE ADDITION, A 17.89-ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF GRAND MERE PARKWAY AND MACKINTOSH COURT. THE SUBDIVISION IS PROPOSED TO CONSIST OF SEVENTEEN (17) SINGLE-FAMILY LOTS AND TWO (2) TRACTS (APPLICANT/ OWNER: LARRY THIERER, THIERER CONSTRUCTION)

Bunger presented the Staff Reports with the recommendation of approval.

Stith asked where the sidewalk would be located.

Bunger said it would be located along the east side of the cul-de-sac and there are existing sidewalks along both sides of Grand Mere.

Anderson asked what material the connecting path along the rear of the development would be made of.

Bunger answered that there were no current plans to construct the trail yet. TIs plat it was just setting aside the easement for potential future trail access to any development to the south.

Ball opened the public hearing for the annexation. No one spoke.

Ball closed the public hearing.

Stith made a motion that the Manhattan Urban Area Planning Board recommends approval of the annexation of the Legacy Ridge Addition, an approximate 17.89-acre tract of land generally located south of the intersection of Grand Mere Parkway and Mackintosh Court, 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.

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

Ball opened the public hearing for the rezoning of Legacy Ridge. No one spoke.

Ball closed the public hearing.

Stith made a motion that the Manhattan Urban Area Planning recommends approval of the proposed rezoning of the Legacy Ridge Addition, an approximate 17.89-acre tract of land, generally located south of the intersection of Grand Mere Parkway and Mackintosh Court from County R-PUD, Residential Planned Unit Development District, to R-1, Single-Family Residential District based on the findings in the Staff Report.

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

Ball opened the public hearing for the Preliminary Plat. No one spoke.

Ball closed the public hearing.

Stith made a motion that the Manhattan Urban Area Planning Board approves the Preliminary Plat of Legacy Ridge Addition based on conformance with the Manhattan Urban Area Subdivision Regulations with the one (1) condition of approval as follows:

1. The existing landscaping in the Grand Mere Parkway median shall be modified to improve the stop sight distance at the proposed intersection prior to building permits being issued in the subdivision.

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

A PUBLIC HEARING TO CONSIDER THE REZONING AND THE PROPOSED PRELIMINARY DEVELOP PLAN FOR THE NO STONE UNTURNED PUD, AN APPROXIMATE 11.55 ACRE TRACT OF LAND, GENERALLY LOCATED EAST OF THE KIMBALL AVENUE/GRAND MERE PARKWAY ROUNDABOUT FROM PUD, JENTRE COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT TO PUD, NO STONE UNTURNED COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. (APPLICANT: SMH CONSULTANTS, JEFF HANCOCK, P.E. OWNER: NO STONE UNTURNED FOUNDATION, DINA CLARK, EXECUTIVE DIRECTOR)

Bunger presented the Staff Report with the recommendation of approval.

Bunger explained there had been issues with the public notice sign remaining upright and visible due to the windy conditions and said that if the Board felt it had not been properly displayed, the item could be tabled.

Nuss asked how long the sign was displayed and how many times the applicant had to fix it.

Bunger indicated it was up for the required 20 days and he was aware that the applicant's consultant fixed it three times and was always very responsive. He reminded the Board that the public hearing was also advertised in the Manhattan Mercury, on the City's InTouch notifications, as well as through the mailed notices to property owners within 200 feet of the site.

Anderson asked about the proposed retaining walls on the property.

Bunger said there would be two tiers, primarily along the west, south and part of the eastern side of the property.

Hageman asked how close the retaining wall would be to Kimball Avenue and if a guard rail was needed.

Bunger said he was unsure; he thought it would be around 15 to 20 feet from the property line.

Hageman asked about the increased traffic at the roundabout.

Bunger said there are existing problems with the roundabout that are not a result of the proposed development.

Brian Johnson, City Engineer, said the issues at the roundabout are not a result of Grand Mere or the proposed PUD, rather a result of its small size and the community traffic along Kimball Avenue. He said a study of the Kimball Corridor, including the roundabout, is in the Capital Improvement Program (CIP) to look at traffic issues from Hudson Avenue to K-18.

Stith asked if future phases of the Hartford Hill development would require upgrades to the roundabout, is there enough right-of-way with the proposed PUD's Plat for expanding the roundabout.

Johnson said there is more room in the right-of-way area on the west side of the roundabout that would provide sufficient space to shift the roundabout towards the west. He said a temporary construction easement might be necessary on the proposed PUD.

Stith asked Bunger about parking and travel easements between the proposed lots and how they would be maintained.

Bunger said the City requires a covenant be filed with the Final Plat that requires the property owner to maintain the easements and if it is not the City will add the cost to the property taxes.

Stith asked if it a condition could be made to develop a trees preservation plan for the existing trees along the southern and eastern edges of the PUD to buffer the adjoining residential properties.

Bunger said the Board could add a condition, stipulating the applicant and consultant work with the City Forester and neighbors to develop that plan that would be part of the Final Development Plan.

Reynard asked about the timeline and phasing of the project, saying the roundabout is the only access point to the PUD. He asked at what point will there be significant traffic.

Bunger said it was a phased project, but that applicant would need to confirm the timeline.

Johnson clarified that since it was a phased development, he suggested that after phase 1 of the project, additional discussions would need to happen with an updated traffic analysis of impacts on the roundabout.

Ball opened the public hearing.

Keith Ratzloff, 3913 Barbara Lane, said that the concept plan shown at the neighborhood meeting was different from tonight's plan, which could have impacted the neighborhood's feelings. He said he had concerns about runoff and if the retention pond could handle the necessary amount of water; if the lights would be on all night; traffic at the roundabout which currently not adequate; pedestrian access considering the steepness of the site; and the proposed use of the property affecting the safety of the neighborhood with inpatient buildings being located on site. He said he used to work at the Menninger Clinic in Topeka and they had issues with kids wandering off into the neighborhood.

John Walters, President of the Westbank Townhomes Association, said their main concern was over the roundabout and asked if the traffic on Kimball Avenue could be addressed before the development occurs.

Jerry Petty, SMH Consultants, representing the applicants and owners, clarified some previous statements. Regarding Hageman's question about the distance from Kimball Avenue to the retaining walls on the west side of the site, the retaining walls would be 20 to 25 feet away from the right-of-way line. He said there was room to develop recoverable slopes for drivers along the edge of Kimball Avenue and therefore the area should not require a guard rail.

Petty said there were two main concerns that were raised by adjacent owners at the neighborhood meeting, which resulted in alteration of the proposed PUD site plan. The first was the sidewalk system that was originally shown to connect to an existing sidewalk system in Wyndham Heights at the southeast corner of the PUD, which has now been removed from the proposed plan and relocated along Kimball Avenue. The second was the 31 foot open space from the southern property line to the retaining wall, which was originally presented as 21 feet at the neighborhood meeting and has now been increased to 31 feet from the top of the wall to the property line. He said construction of the retaining walls will impact some of the trees in that area; however they will take efforts to retain as many of the existing trees as possible. The applicants are willing to work with the City forester to develop a tree preservation plan and plant additional trees if necessary.

Addressing the issue of phasing, Petty said the schedule of the other future buildings is unknown; the only one for certain at this point is phase 1 consisting of the proposed No Stone Unturned Foundation Building which could be started in late summer. The others are dependent upon funding.

Anderson asked about the concerns over storm water runoff.

Jeff Hancock, SMH Consultants, said that this PUD was comparable to the proposed PUD in 1999 as far as the amount of impervious area created by the project. Based on that study and the hydrology of the basin and the pond, there should not be a concern. He said the 100 year event was cut in half compared to before the detention ponds construction. Hancock said that from conversations with city staff, no one was aware of

events going through the emergency spillway; at least there were no issues of reoccurring problems. He said he did not study the stream below the detention basin.

Johnson said there was an event in 2007 that may have gone over the emergency spillway. However since the detention basin's construction that cut the flow in half, it is still a substantial amount of decreased runoff.

Petty clarified why the site plan presented now with the PUD application was different than the one at the neighborhood meeting. He said that at the neighborhood meeting it was only a concept plan; however many of the details are similar, including the land uses remaining the same. He said the primary change involved the buildings being moved more towards the middle of the site and opening up the green space area in the middle.

Hageman asked if the site would be cleared all at once and how much import and export of material there would be.

Petty said eventually there would be a mass grading plan which would balance the earthwork of the site. He was unsure of when that would occur. He said phase 1 grading will only be done to balance phase 1 construction and should not impact much of the site. Petty said there would not be much dirt and rock brought in or out of the site.

Nuss asked about the timeline for the project, especially with regard to the roundabout.

Jeff Mathis said the No Stone Unturned building will be constructed first. He was hopeful that the second and third phases would happen as soon as possible after the first phase but will be dependent upon getting financing. Addressing previous concerns about inpatient treatment, he clarified that he uses the term "crisis center" to mean the facility will provide short 2 to 3 day stays. The crisis center would not provide drug and alcohol rehabilitation as previously suggested by neighbors, and is not at all like long term inpatient stay facilities as Menninger. but 24 hour supervision for cases of anxiety and depression. Following the No Stone Unturned building, he hoped within a year and a half the outpatient counseling facility would be constructed and then a year later the inpatient short term stay crisis center would be added.

Johnson addressed Nuss' transportation concern, and acknowledged that there is an existing problem in the area, and mentioned instances where projects can help drive transportation improvements to move up in priority.

Reynard suggested doing phase 1 and then coming back.

Nuss suggested urging the City Commission to consider addressing the roundabout sooner.

Ball said he did not want the roundabout to be the limiting factor in providing the needed services for residents in the city.

Rich Seidler, Commercial Real Estate Services representing the property owner, said not to condemn the project over lack of infrastructure. He said this is more of a down-zoning of the intensity from the previous PUD which had included a restaurant. This is an opportunity to develop the project, as the site has sat vacant for awhile, and the development will occur over an extended period of time, three to seven years.

Bunger commented on phasing of the project citing the Planned Unit Development regulations. He said following adoption of the Preliminary Development Plan, the applicant has two years to submit the first Final Development Plan phase, and once approved, they have 18 months to start construction.

Stith said his concern is not that the PUD takes too long to develop; it's that it gets developed too quickly. He asked if there were interim fixes that could be done with the roundabout.

Johnson said there were some minor improvements involving approaches and exit angles that the city is looking at for the short term.

Anderson acknowledged that it was not this project causing the existing traffic problem, but rapid development in the whole area.

Johnson agreed it's the western growth in the community.

Paul Foltz, 4124 Berkshire Circle, said he had previously prepared a lot of information to present, but was given a stern talking to by Mr. Mathis who told him not to speak.

Ball responded to Mr. Foltz indicating that as a citizen of Manhattan, you have the right to come before the Board and say whatever you want to say. If you decline that right, you have that right also.

Foltz said the reason he is declining to speak is because part of his family is apparently related to Mr. Mathis and he was asked not to speak. He said the other speakers had covered most the issues already.

Mathis addressed the Board saying he wanted to commend Mr. Foltz. It wasn't that he didn't want Mr. Foltz to speak as much as asking, after knowing him for 29 years he wanted to sit down and have an opportunity to make sure everyone knows the facts and see if there is a way we can work with Mr. Foltz and the neighborhood to address their concerns. Rather than being in opposition, was there a way we can sit down and work together.

T.G. Nagaraja, 4112 Berkshire Circle, said he was concerned about the safety and privacy of their neighborhood and asked if a representative could address the inpatient facility services and what the proposed retaining walls are for.

Mathis clarified the inpatient facilities, indicating that it's a short term 2-3 day stay crisis center, a where the facility is locked with 24 hour supervision by two medical professionals. The facility will be licensed by the state. Patients will not be allowed to just walk in and out of the facility. The emphasis is on treating kids and young adults with anxiety and depression, by stabilizing and then treating.

Petty said the retaining walls on the west, south and east are to retain the existing soil and balance the grading to create a level site for development. He added that it is similar to retaining walls that exist in this part of the community.

Ball clarified that the walls are not for security but for grading.

Reynard asked about the proposed lighting shielding and height.

Petty said the light poles would be 12 feet in height and said the proposed fixtures are the same in Grand Mere Village, but will be on shorter poles, and should not affect the surrounding homes.

Foltz said there are 74 proposed light fixtures and said the area would still provide a glow.

Ball closed the public hearing.

Stith asked where the site plan includes screening.

Bunger said there are the retaining walls and that the grade separation will naturally be a screening factor along the west and south sides. There will be a stone or metal fence providing screening along the northern portion of the east side of the property, which would be about 60 feet from that east property line.

Hageman said more lights at a lower intensity as proposed is better than fewer more intense lights. He stated his support for the project, saying there are kids in the area that need help and holding back on the project because of the traffic on Kimball would be unfair. The city needs to address the roundabout issue.

Stith wanted to add a condition for a tree preservation plan. He said the proposed site plan presented tonight is much better than the one presented at the neighborhood meeting. He stated his support for the project and the needed to services to the community. He said the project is not causing the traffic issues and suggested that the City Commission look into some temporary solutions to the roundabout.

Anderson agreed and said he would support the project, based on the integrity of those involved believed they will address the neighborhoods issues.

Bunger suggested that another condition could be added that with future amendment phases to the PUD, the traffic issue be reanalyzed so the timing is addressed.

Ball said the Board isn't supportive of that as a constraint on the proposed project.

Hageman and Stith indicated the traffic is the City's problem to address, not the applicant's.

Stith made a motion that the Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of No Stone Unturned PUD from PUD, JenTre Commercial Planned Unit Development, to PUD, No Stone Unturned Commercial Planned Unit Development District, based on the findings in the staff report, with the seven (7) conditions recommended by City Administration, and with an additional condition as follows:

8. Prior to approval of Phase 2 and any subsequent phases of the development, a tree preservation plan shall be developed by the applicant with the assistance of the City Forester and adjacent properties, to preserve the existing trees along the south and east sides of the PUD to the extent feasible.

Reynard seconded the motion.

Nuss acknowledge Mathis' prior work with Katie's Way to serve the community needs and the continued support provided from the proposed plan.

Ball explained that the Board consists of volunteers that must balance the broader needs of the community. He said he also is on the Social Services Advisory Board which has been discussing the mental health service needs in the community. He agreed the City needs to look at the roundabout, which should not be the reason to limit the services in the community.

Ball called for the vote on the motion, which passed 6-0.

Stith made a motion that the Board also forward a statement to the City Commission encouraging that improvements to the roundabout need to be seriously considered as a high priority.

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

REPORTS AND COMMENTS BY BOARD MEMBERS

Cattell thanked Hageman for his service on the Planning Board, as tonight was his last meeting. Cattell said a local architect, Ken Ebert, would be replacing Hageman. A new vice chair will need to be elected for the board.

Lance Evans, Senior Planner said the Aggieville Community Survey was released today and will remain open until May 16 for the new Aggieville Plan. On April 28 there will be an open house at the City Commission Room from 5 pm to 7 pm for the plan.

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Respectfully submitted,

Amelia Lewis, Planning Intern