

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Monday, May 1, 2006**  
**7:00 p.m.**

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

**MEMBERS ABSENT:** Jerry Reynard; Harry Watts.

**STAFF PRESENT:** Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Ockert Fourie, Senior Planner; Jeremy Frazzell, Planner; Cam Moeller, Planner; Rob Ott, Assistant Director of Public Works; Monty Wedel, Riley County Planning Director; Bob Isaac, Riley County Planner.

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE APRIL 17, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**

Toy moved that the Board approve the Consent Agenda. Ham seconded the motion, which passed on a vote of 5-0.

**GENERAL AGENDA**

1. **TABLE A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE SCENIC MEADOWS SUBDIVISION, A 117-ACRE TRACT OF LAND, GENERALLY LOCATED ½ MILE NORTH OF EUREKA DRIVE, ON THE EAST SIDE OF SCENIC DRIVE. (TILLMAN)**
2. **TABLE A PUBLIC HEARING TO CONSIDER THE REZONING OF A 117-ACRE TRACT OF LAND FROM “G-1” (GENERAL AGRICULTURAL) TO “R-PUD” (RESIDENTIAL PLANNED UNIT DEVELOPMENT), GENERALLY LOCATED ½ MILE NORTH OF EUREKA DRIVE, ON THE EAST SIDE OF SCENIC DRIVE. (TILLMAN)**

Kratochvil moved to table the Preliminary Plat and Rezoning of Scenic Meadows Subdivision to the May 15, 2006 Manhattan Urban Area Planning Board meeting. Hill seconded the motion, which passed on a vote of 5-0.

3. **A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE LANDMARK ADDITION, A 15-ACRE PARCEL OF LAND, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF K-18 HIGHWAY AND SKYWAY DRIVE. (FRIGON)**
  
4. **A PUBLIC HEARING TO CONSIDER THE REZONING OF A 6.56-ACRE TRACT OF LAND FROM "G-1" (GENERAL AGRICULTURAL) TO "C-4" (HIGHWAY BUSINESS), GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF K-18 HIGHWAY AND SKYWAY DRIVE. (FRIGON)**

Isaac presented the Staff Reports for items #3 and #4, recommending approval of each item.

Hill asked about traffic issues at the intersection of Skyway Drive and the new connecting road. Isaac said the County Engineer had requested a traffic study to address whether any changes to signage are required.

Hill asked about the turning radius and stacking distance at that intersection. Monty Prescott, BG Consultants, said what is proposed will not make the conditions any worse.

Hill said, while it is not part of this project, the County needs to consider widening the road.

Pepperd opened the Public Hearing.

Mike Dungy, Wildcat Wrecker, said his business is located on the adjacent property to the west and expressed concern about the intersection becoming blocked with traffic.

Pepperd asked Dungy if he had raised the elevation on his properties. Dungy said the buildings have been raised. Dungy warned that if the berm is removed the property will flood.

Pepperd closed the Public Hearing.

Hill moved that the Board recommend approval to the Board of County Commissioners of the request to rezone the subject property from "G-1" (General Agricultural) to "C-4" (Highway Business) for the reasons stated in the Staff Report. Kratochvil seconded the motion, which passed on a vote of 5-0.

Toy moved that the Board approve the Concurrent Plat the subject property into one (1) lot, as it has been determined that the Concurrent Plat conforms to the requirements of the Manhattan Urban Area Subdivision Regulations. Ham seconded the motion, which passed on a vote of 5-0.

**5. PUBLIC HEARING TO CONSIDER THE REZONING OF MANHATTAN MARKETPLACE ADDITION, UNIT TWO, AN APPROXIMATE 22-ACRE TRACT OF LAND GENERALLY LOCATED WEST OF TUTTLE CREEK BOULEVARD, SOUTH OF BLUEMONT AVENUE, EAST OF NORTH 4<sup>TH</sup> STREET, AND NORTH OF LEAVENWORTH STREET FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT; R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT; C-2, NEIGHBORHOOD SHOPPING DISTRICT; C-4, CENTRAL BUSINESS DISTRICT; C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT; I-3, LIGHT INDUSTRIAL DISTRICT; AND, PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT, TO PUD, COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED PUD IS WITHIN THE NORTH PROJECT AREA OF THE DOWNTOWN REDEVELOPMENT PLAN. (APPLICANT: DIAL MANHATTAN LLC)**

Zilkie presented the Staff Report, recommending approval with four conditions.

Kratochvil asked about variations from the Subdivision Regulations for right-of-way width. Zilkie said that in order to maintain access to two properties that will not be rezoned (312 and 318 Fremont) the Fremont Street right-of-way width will be reduced from 60 feet to 30 feet in width. The 15 foot public alley will remain.

Kratochvil asked about the letter from Westar included in the packet, which states that it does not find the Preliminary Development Plan satisfactory. Zilkie said the applicant could speak to that.

Rick Kiolbasa, Dial Manhattan LLC, said there have been ongoing discussions with Westar Energy for the past two years. Kiolbasa said there has been discussion about moving Westar's equipment over to the mall property. Westar has provided Dial with a proposal that they are considering.

Kiolbasa said they are really pleased to be at this point in the process and they are excited to be moving forward. The elevations that have been submitted are based on their best guess as to the tenants that would be moving into those spots. Kiolbasa said they hope to announce some of the tenants fairly soon, and they should have things nailed down by the end of the year.

Kratochvil asked about the two properties that are not being rezoned and asked whether Dial will attempt to reach an agreement to purchase those properties down the road. Kiolbasa said they have already made offers on both properties for more than they are worth and the property owners were not interested in selling. Kiolbasa said, at this time, they are able to make the project work without those properties and they are prepared to move forward.

Pepperd said he had met recently with several members of the Kansas City Builders Association and they were very pleased with Dial's project in Independence.

Pepperd opened and closed the public hearing, with no one speaking.

Hill moved that the Board recommend approval of the proposed rezoning of Manhattan Marketplace Addition, Unit Two from R-2, Two-Family Residential District; R-3, Multiple-Family Residential District; C-2, Neighborhood Shopping District; C-4, Central Business District; C-5, Highway Service Commercial District; I-3, Light Industrial District; and, PUD, Commercial Planned Unit Development District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses of the C-4, Central Business District.
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.
4. Signs shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations, and temporary grand opening signs; and, menu boards for drive-up window restaurants.

Toy seconded the motion, which passed on a vote of 5-0.

6. **A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE STONE POINTE ADDITION GENERALLY LOCATED SOUTH AND WEST OF WILDCAT CREEK, ANNEBERG PARK AND PEBBLEBROOK APARTMENTS, AND EAST OF SCENIC DRIVE AND THE HIGHLAND MEADOWS SUBDIVISION. THE STONE POINTE ADDITION IS AN APPROXIMATE 78-ACRE TRACT OF LAND, WHICH IS PROPOSED TO CONSIST OF 64 LOTS FOR SINGLE-FAMILY RESIDENTIAL DWELLING UNITS, 35 LOTS FOR TWO-FAMILY RESIDENTIAL DWELLING UNITS, AND 11 LOTS FOR MULTIPLE FAMILY RESIDENTIAL DWELLING UNITS. (OWNERS: STONE CREST LAND COMPANY, LLC; G. REX STONE TRUST AND SHIRLEY L. STONE TRUST/APPLICANT: STONE CREST LAND COMPANY, LLC-ROGER SCHULTZ)**

Hill stepped down due to a conflict of interest.

Zilkie presented the Staff Report, recommending approval.

Kratochvil asked whether it was conceivable that the floodway area that is to be used as farmland could be developed down the road. Zilkie said it is conceivable, but it would require significant modification of Wildcat Creek and realignment and relocation of the floodway. Zilkie said it would also take a change in the regulations to allow structures in the floodway.

Kratochvil asked if the Corps of Engineers had identified any wetlands. Zilkie said they had not.

Kratochvil brought up conservation and drainage easements and suggested that homeowners be allowed some flexibility in how those areas are maintained. Zilkie noted that more flexibility has been provided with some recent subdivisions.

Pepperd asked whether the elevations of this development would push additional drainage towards Pebblebrook to the north. Zilkie said he did not anticipate that occurring.

Roger Schultz, applicant, said the development will be two to three feet above base flood elevations. He spoke about their intent to trade property with the City along the creek. Schultz explained that the reason for the dead-end street is to provide access for farm implements to maintain the flood plain area. Schultz spoke about erosion control for the lots next to Wildcat Creek and said they will take a look at bank stabilization.

Kratochvil asked whether they had a Plan B in mind if issues arise with the close proximity of certain portions of the development to Wildcat Creek. Schultz said it is a possibility they will be required to reconfigure some lots with the Final Plat.

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

Ham moved that the Board approve the Preliminary Plat of the Stone Pointe Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations

Toy seconded the motion, which passed on a vote of 4-0.

## **7. REPORTS AND COMMENTS BY BOARD MEMBERS**

There were no reports or comments.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II