

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
July 17, 2006
7:00 p.m.

MEMBERS PRESENT: George Ham, Acting Chairperson; Mike Toy; Jerry Reynard; Mike Hill; Stephanie Rolley.

MEMBERS ABSENT: Harry Watts; Mike Kratochvil.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner; Jeremy Frazzell, Planner; Rob Ott, City Engineer; Diane Stoddard, Deputy City Manager; Karen Davis, Director of Community Development; Jeff Hancock, Director of Public Works/Utilities; Terry DeWeese, Director of Parks and Recreation; Jerry Snyder, Director of Fire Services; Peter Van Kuren, Airport Director.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. **APPROVE THE MINUTES OF THE JUNE 19, 2006, AND JUNE 29, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.**
2. **APPROVE THE FINAL PLAT OF THE KAPPA KAPPA GAMMA ADDITION, GENERALLY LOCATED NORTH OF FAIRCHILD AVENUE AND WEST OF FAIRCHILD TERRACE. (OWNER/APPLICANT: KAPPA KAPPA GAMMA/GAMMA ALPHA HOUSE ASSOCIATION OF KAPPA KAPPA GAMMA FRATERNITY, A KANSAS CORPORATION)**
3. **APPROVE THE FINAL PLAT OF THE TOWNHOMES AT MILLER RANCH, UNIT FOUR, A RESIDENTIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTH OF THE INTERSECTION OF MILLER PARKWAY AND BRIANNA COURT. (OWNER/APPLICANT: PURPLE PRIDE DEVELOPERS, INC.)**
4. **APPROVE THE FINAL DEVELOPMENT PLAN OF LOT 2, MANHATTAN MARKETPLACE PUD, GENERALLY LOCATED WEST OF TUTTLE CREEK BOULEVARD, EAST OF N. 3RD STREET, AND NORTH OF LEAVENWORTH STREET. THE PLAN IS FOR LOT 2 IN THE PUD. (OWNER/APPLICANT: DIAL REALTY DEVELOPMENT CORP.)**

Hill moved that the Board approve the Consent Agenda. Reynard seconded the motion, which passed on a vote of 5-0 (except for Item #3 which passed on a vote of 4-0, with Ham abstaining).

GENERAL AGENDA

1. **TABLE A PUBLIC HEARING TO CONSIDER THE REZONING OF LIMEY POINTE AN APPROXIMATE 13-ACRE TRACT OF LAND GENERALLY LOCATED ALONG THE NORTH SIDE OF MCCALL ROAD, EAST OF TUTTLE CREEK BOULEVARD AND ON THE EAST AND WEST SIDES OF HOSTETLER DRIVE, FROM R-2, TWO-FAMILY RESIDENTIAL DISTRICT; I-2, INDUSTRIAL PARK DISTRICT; C-6, HEAVY COMMERCIAL DISTRICT; AND, C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. PROPOSED PERMITTED USES INCLUDE ALL OF THE PERMITTED AND CONDITIONAL USES OF THE C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT. (OWNERS/APPLICANT: CITY OF MANHATTAN AND DIAL REALTY DEVELOPMENT CORP. / DIAL REALTY DEVELOPMENT CORP.)**

Toy moved that the Board table the Public Hearing to the Monday, August 7, 2006 Manhattan Urban Area Planning Board meeting. Reynard seconded the motion, which passed on a vote of 5-0.

2. **REVIEW THE PROPOSED 2007-2012 CAPITAL IMPROVEMENTS PROGRAM (CIP) FOR CONFORMANCE WITH THE MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND REVIEW THE URBAN SERVICE AREA BOUNDARY.**

Cattell gave an overview of the agenda item and the action needed by the Board. City Administration recommended that the Planning Board find that the draft 2007 – 2012 Capital Improvements Program is in general conformance with the Comprehensive Plan. The Department Heads provided a brief overview of the proposed items for each department, which will be considered by the City Commission, and answered questions from the Board including estimating inflation on Fire equipment and maintenance of the Marlatt Ditch.

Hill asked about when more T hangers might be added to the airport and Rolley asked about the Part 150 Noise study. Van Kuren indicated as part of the 2007 Master Plan update locations for additional T hangers will be identified. He indicated that a Part 150 Noise study might be rolled into the Airport Master Plan update as well. Hill asked if the Aggieville Parking garage needed to remain in the CIP with the proposed K-State Union garage being done. Davis recommended leaving the Aggieville garage in the CIP.

Following the discussion, Hill moved that the Manhattan Urban Area Planning Board find that the proposed 2007-2012 Capital Improvements Program is in general conformance with the Comprehensive Plan. The motion was seconded by Reynard, which passed on a vote of 6-0.

3. **CONSIDER THE ANNEXATION REQUEST OF THE PROPOSED STONE POINTE ADDITION, UNIT TWO, AN APPROXIMATE 103-ACRE TRACT OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND POWERCAT PLACE, AND SOUTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND HIGHLAND RIDGE DRIVE, ALL ALONG THE EAST SIDE OF SCENIC DRIVE. (OWNER/APPLICANT: STONE CREST LAND COMPANY LLC-ROGER SCHULTZ)**

4. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED STONE POINTE ADDITION, UNIT TWO, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND POWERCAT PLACE, AND SOUTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND HIGHLAND RIDGE DRIVE, ALL ALONG THE EAST SIDE OF SCENIC DRIVE, FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT TO R, SINGLE-FAMILY RESIDENTIAL DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT; R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT; AND, C-2, NEIGHBORHOOD SHOPPING DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT. (OWNER/APPLICANT: STONE CREST LAND COMPANY LLC-ROGER SCHULTZ)**

Hill stepped down from the Board due to a probable conflict of interest.

Zilkie presented the Staff Reports for Items #3 and #4, recommending approval for each item.

Reynard expressed concern that a “racetrack” was being created on Scenic Drive.

Rolley said she shared Reynard’s traffic concerns.

Ham opened the Public Hearing.

Roger Schultz (4741 Tuttle Creek Blvd), the applicant, discussed the project and answered questions.

Rolley said she appreciated that the conceptual plat has some regard for the topography of the area. Rolley referred to the recent Planning Board Work Session where there had been a discussion of “Urban-Pedestrian Neighborhoods”. Rolley asked Schultz whether they had considered incorporating the concepts of Urban-Pedestrian Neighborhoods, including pedestrian connections. She noted that the area will be a highly visible entryway into the community.

Schultz said they will bring PUDs to the Planning Board as they proceed with the multi-family portions of the development, so there will be an opportunity for the Board to look at the different phases. Schultz noted that there will be a pedestrian bridge connection to Anneberg Park within Stone Pointe Unit 1.

Ham closed the Public Hearing with no one else speaking.

Toy moved that the Board recommend approval of the annexation of the proposed Stone Pointe Addition, Unit Two, based on conformance with the Comprehensive Plan for the Manhattan Urban Area, the Growth Vision, and the Capital Improvements Program (CIP).

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

Toy moved that the Board recommend approval of the rezoning of the proposed Stone Pointe Addition, Unit Two, from County G-1, General Agricultural District, to R, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District with AO, Airport Overlay District; and, C-2, Neighborhood Shopping District with AO, Airport Overlay District, based on the findings in the Staff Report.

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

5. **A PUBLIC HEARING TO CONSIDER REZONING AN APPROXIMATE FIVE (5) ACRE TRACT OF LAND FOR THE PROPOSED DAISY MEADOW ADDITION, GENERALLY LOCATED ON THE NORTHEAST CORNER OF HUDSON AVENUE AND DICKENS AVENUE, FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT. (OWNER/APPLICANT: DAVID AND LINDA WEISBENDER/ RUSSEL WEISBENDER)**

6. **A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE PROPOSED DAISY MEADOW ADDITION, AN APPROXIMATE FIVE (5) TRACT OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF HUDSON AVENUE AND DICKENS AVENUE. THE PRELIMINARY PLAT WILL CONSIST OF 18 SINGLE FAMILY RESIDENTIAL LOTS. (OWNER/APPLICANT: DAVID AND LINDA WEISBENDER / RUSSEL WEISBENDER)**

Hill rejoined the Board.

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

Rolley asked about the conservation and drainage easements. Zilkie said that, typically, conservation and drainage easements are natural drainage ravines. Zilkie said, in this case, the purpose of the easement is to ensure that the natural wooded conditions cited in the drainage report are maintained.

Rob Ott, City Engineer, said that while drainage report talks about maintaining portions of the site in a natural, wooded state, he is open to consider other options that still limit the amount of impervious surface.

Ham opened the Public Hearing.

Chris Bohm (924 N. Main, Wichita, KS 67203), Ruggles & Bohm, said they would prefer that natural conservation areas be addressed through private covenants rather than through easements. Bohm said they do not believe the sidewalk between lots 8 and 9 is necessary.

Don Watts (1900 Crescent Drive) asked whether fences could be placed in conservation easements.

Janelle Reichert (3509 Dickens Ave) said she lives directly across from the proposed cul-de-sac. Reichert advocates an additional entrance to the north to reduce the amount of traffic in front of her home.

Larry and Dena Leuci (1625 Denholm) spoke in support of the 25-foot conservation easement to reduce drainage and erosion onto their property. The Leucis said that if the area within the easement is kept natural it will help with runoff and also help maintain their privacy. The Leucis asked if the existing garage would be retained.

Zilkie said the existing garage will be removed and in its place will be a buildable lot for a single-family home.

Ham closed the Public Hearing.

Hill asked for City Staff's perspective on restrictive covenants versus conservation easements.

Zilkie stated that easements are administered and enforced by the City while covenants would have to be administered and enforced privately.

Zilkie said that fences could not be built along Hudson Avenue because the lots are considered through-lots according to the Zoning Regulations and have front yards along both the cul-de-sac and Hudson. Fences cannot be built in the required front yard unless relief is granted by the Board of Zoning Appeals; however, fences would not be allowed in the conservation easement.

Ham asked about the sidewalk between Lots 8 and 9. Zilkie said that City Administration recommended the pedestrian easement based on the requirements of the Subdivision Regulations. He added that the Regulations require that the Planning Board determine if the sidewalk is beneficial to the subdivision. He also commented that the sidewalk should be constructed at the same time as the street improvements.

Toy commented that the sidewalk would be beneficial to the subdivision.

Hill moved that the Board recommend approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential 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 5-0.

Rolley moved that the Board approve the Preliminary Plat of Daisy Meadow Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the four (4) conditions of approval recommended by City Administration. Rolley requested that the third condition include a definition of "appropriate natural state". The conditions of approval include:

1. The proposed rezoning to R-1, Single-Family Residential District shall be approved.
2. A 16 foot pedestrian easement shall be provided between Lot 8 and Lot 9 connecting the northern end of the cul-de-sac and Hudson Avenue.
3. A 25 foot Conservation and Drainage Easement shall be provided in the rear of all lots to include a definition of appropriate natural state.
4. The street name Privet shall be renamed such that the name shall not be so similar in sound and/or spelling to existing streets names as to cause confusion or misunderstanding.

Zilkie said City Administration would provide the conservation easement language based on language previously added to recent subdivisions such as Lee Mill Heights in the Miller Ranch area.

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

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

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II