

MINUTES
MANHATTAN URBAN AREA PLANNING BOARD
City Commission Room, City Hall
1101 Poyntz Avenue
August 21, 2006
7:00 p.m.

MEMBERS PRESENT: George Ham, Acting Chairperson; Jerry Reynard; Stephanie Rolley; Mike Kratochvil; Mike Hill (arrived late).

MEMBERS ABSENT: Harry Watts; Mike Toy.

STAFF PRESENT: Eric Cattell, Assistant Director for Planning; Steve Zilkie, Senior Planner; Cam Moeller, Planner; Rob Ott, City Engineer.

OPEN PUBLIC COMMENTS

No one spoke.

CONSENT AGENDA

1. APPROVE THE MINUTES OF THE AUGUST 7, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETINGS.

Kratochvil moved that the Board approve the minutes. Reynard seconded the motion, which passed on a vote of 4-0.

GENERAL AGENDA

1. TABLE CONSIDERATION OF ANNEXATION AND THE PUBLIC HEARINGS TO CONSIDER THE REZONING, A STATE OR MUNICIPALLY OWNED AND OPERATED PUBLIC UTILITY OR PUBLIC FACILITY AND THE CONCURRENT PLAT OF THE PROPOSED KANSAS VETERANS' CEMETERY, AN APPROXIMATE 90-ACRE TRACT OF LAND, GENERALLY LOCATED SOUTH AND WEST OF WILDCAT CREEK ROAD AND CORPORATE DRIVE INTERSECTION. (APPLICANT/OWNER: STATE OF KANSAS – KANSAS COMMISSION OF VETERAN'S AFFAIRS.)

Reynard moved that the Board table the Public Hearing to the Monday, September 18, 2006 Manhattan Urban Area Planning Board meeting. Rolley seconded the motion, which passed on a vote of 4-0.

2. A PUBLIC HEARING TO MODIFY THE APPROVED PRELIMINARY PLAT AND CONDITIONS OF APPROVAL OF THE SCENIC MEADOWS ADDITION, AN APPROXIMATE 117-ACRE TRACT OF LAND GENERALLY LOCATED 2,600 FEET NORTH OF THE INTERSECTION OF

EUREKA DRIVE AND SCENIC DRIVE ALONG THE EAST SIDE OF SCENIC DRIVE. PROPOSED CHANGES INCLUDE FLOOD PLAIN, DRAINAGE, TREE PRESERVATION AND OTHER PLAT RELATED ISSUES. THE PRELIMINARY PLAT WILL CONSIST OF 142 SINGLE FAMILY RESIDENTIAL LOTS AND COMMON AREAS. (OWNER/APPLICANT: FRANK A. TILLMAN, TILLMAN PARTNERS LLC.)

Zilkie presented the Staff Report, recommending approval of the modified Preliminary Plat, with the seven (7) conditions recommended by City Administration.

Ham opened the Public Hearing.

Leon Brown, Schwab-Eaton, representing the applicant, said he believes most stormwater issues can be resolved through the design process. He provided an overview of their restudy of the site including corrected topography based on a ground survey and reevaluation of the storm drainage, including the addition of several detention basins in the upper areas. He indicated that two to three lots may be impacted and removed due to the basins. He indicated additional hillside runoff management measures would be needed including swales and protection of vegetation. Brown said an attempt will be made to preserve as many trees as possible and described a tree preservation strategy. He indicated that HB Construction was in favor of tree preservation and will be the primary builder reviewing all builders' plans and oversee housing construction on the site. Brown indicated preservation areas would be flagged, delineating areas to conserve and stay out of. He said they may also try to survey specimen trees to preserve.

Rolley referred to a letter which provides a written description of the conservation easements. Rolley asked whether that description is included with the Preliminary Plat. Brown said the Preliminary Plat has not been modified yet but would be based on the Planning Board's comments. He said the Final Plat could also be put on the general agenda if there were other concerns.

Frank Tillman, applicant, said they have attempted to address the storm water issues discussed at previous meetings.

Jon Howe (5125 Eureka Drive) described for the Board the history of flooding in the area, including the floods of 1903, 1935, 1944, 1951, and 1993. Howe described the extent of those floods and other flooding that he had personally witnessed. He suggested it would be advisable to limit development to those areas located outside the 500-year floodplain. He suggested the site could be used for businesses, corporate offices, or apartments, on five to six safe pads that would allow water to pass between them, and working with the contours and the tree lines on the site. Howe explained how the County had permitted residential development in the Ady Addition against the advice of local residents. Howe said that area was flooded in 1993 and has since been bought out by FEMA.

Howe said the applicant does not have a good track record with tree preservation and referred to the clear-cutting of trees within the Four Winds Development as an example where the applicant had removed trees after making assurances that trees would be preserved. Howe also expressed concerns about sight distances along Scenic Drive with the proposed location of access points into the site.

Brown said a traffic analysis had been done with left turn lanes and deceleration lanes. He said there will always be catastrophic flood events; it is a question as to what is an acceptable level of risk. Brown noted that the 1951 flood occurred before flood control dams had been built.

Rob Ott, City Engineer, referred to his memorandum and discussed his comments related to traffic and drainage.

Howe indicated when the flood plain is filled, it diverts water onto someone else. The more you fill the worse it gets. He indicated both he and his neighbor are concerned about this.

Ham closed the Public Hearing.

The Board discussed setting a base flood elevation at 1036 versus 1033. Kratochvil said that based on his personal experience in 1993 and language in the Subdivision Regulations allowing the Board to increase requirements in flood prone areas, he is more comfortable setting the elevation at 1036.

Kratochvil asked what the base flood elevation is during a 100 year flood event. Brown said that elevation is 1033. Kratochvil asked Brown if he is comfortable with setting the base flood elevation at 1033. Brown said, based on FEMA guidelines, he is comfortable.

Kratochvil said he still was concerned about setting the elevation at 1033 for reasons of public safety and because there are so many unknowns such as the K-18 realignment. He could not accept 1033 feet.

Zilkie asked that the Board clarify what is meant by setting a Base Flood Elevation at 1036; whether that means 1036 plus one foot of freeboard for the lowest enclosed floor, including a basement.

Brown asked that the Board reconsider their recommendation to set the Base Flood Elevation at 1036. He said that Schwab-Eaton's restudy has established the true 1033 boundary line. Brown noted that streets would have to be constructed at 1033 and, in order for homes to drain to the street, homes would still have to be placed above 1033.

Kratochvil stated that when he refers to a 1036 Base Flood Elevation he is meaning 1036 plus the one foot of freeboard. Kratochvil said he doesn't want to hinder development, but he wants to "be able to sleep at night".

Howe presented U.S. Farm Service maps with aerial photos of the 1993 flood event. Howe said the 1993 flood did not reach the 100-year flood level but yet it reached further west than the mapped 1033 elevation. Howe said, based on his 30 years of experience living in the area, he does not believe there should be development below the tree line.

Ham and Reynard both said they could support setting the elevation at 1036.

Kratochvil moved that the Board approve the modified Preliminary Plat of the Scenic Meadows Addition, based on conformance with the Manhattan Urban Area Subdivision Regulations, with the following conditions including a modified condition 4:

1. Tracts C-G shall be designated as Conservation Easements with the Final Plat.
2. Street improvements shall conform to the design requirements noted in the City Engineer's memorandum dated June 14, 2006.
3. Storm water improvements shall conform to the requirements of the Stormwater Management Master Plan.
4. A modified Preliminary Plat shall be submitted showing a revised Base Flood Elevation (BFE) of 1,036 feet, and shall include a note which indicates that development shall be subject to the Flood Plain Regulations of the Manhattan Zoning Regulations, including the requirement that the lowest enclosed floor including basements shall be at least one (1) foot above the 1,036 BFE, and that streets shall be at or above 1,036 feet.
5. A modified Preliminary Plat shall be submitted showing the proposed additional storm water drainage improvements, which shall include the off-site improvements.
6. A modified Preliminary Plat shall be submitted, which shall include a note describing the Tree Preservation Plan, as described in the applicant's documents from Schwab-Eaton, P. A., dated July 31, 2006, in reference to Scenic Meadows Subdivision Preliminary Plat Modifications.
7. The modified Preliminary Plat shall be submitted, prior to submittal of the Final Plat.

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

3. **A PUBLIC HEARING TO CONSIDER THE REZONING AN APPROXIMATE ONE-HALF (1/2) ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF YUMA ST., BETWEEN SOUTH 5TH AND 6TH STREETS FROM R-M, FOUR-FAMILY RESIDENTIAL DISTRICT WITH TNO, TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT, TO MIXED USE PUD, PLANNED UNIT DEVELOPMENT DISTRICT.. THE PROPOSED DEVELOPMENT, TREASURES OF THE HEART, WILL ESTABLISH THREE (3) LOTS. PROPOSED PERMITTED USES INCLUDE SINGLE-FAMILY, TWO-FAMILY, AND MULTIPLE-FAMILY**

RESIDENTIAL; ANTIQUES AND COLLECTIBLES; AND A SELECTED NUMBER OF THE PERMITTED USES IN THE C-2, NEIGHBORHOOD SHOPPING DISTRICT. (APPLICANT/OWNER: JON AND MARIAN HENRY)

Mike Hill arrived at the meeting.

Zilkie presented the Staff Report, recommending denial based on the findings in the Staff Report. Zilkie handed out a list of potential conditions of approval if the Board was so inclined.

Ham opened the Public Hearing.

Tracy Anderson, architect representing the applicant, acknowledged that the Downtown Tomorrow Plan and Comprehensive Plan designate this area as residential, but said that master plans are constantly evolving and could be revisited. Anderson said that the area west of 5th Street would become desirable for mixed use commercial, due to downtown redevelopment. He noted that there are numerous zoning districts along Yuma Street and that it serves as a transitional zone that already has commercial traffic. Anderson said the owners are willing to reduce the list of permitted commercial uses that had been proposed.

Bonnie Lynn-Sherow (529 Pierre St) said she lives around the corner. She indicated she had no objections to the proposed rezoning and said she likes that this is a grass-roots development by someone local and she likes the idea of residential above commercial. She said it would bring more foot traffic to the area and fit in well.

David Kreller, Kreller-Schulte Land Company and owner of Document Resources to the east of the site, said he had no objections to the project and other owners in the neighborhood were in favor. He said his parking concerns had been addressed. He said this type of project can help revitalize the neighborhood and disagreed with city staff that Yuma is a residential street, as it has a history of being a major east-west thoroughfare. He said Yuma Street has become a major access point for businesses and that he plans for his document business to remain in its current location for the long term. He said there is an increasing demand for mixed-use properties in the downtown.

Ham closed the Public Hearing with no one else speaking.

Reynard said he had no problem with the proposed PUD.

Rolley said she sensed this is a project that should be allowed to move forward for the reasons stated during the Public Hearing, but was concerned about the list of uses. She said the original request was for an antique shop and she suggested limiting the list of permitted uses from what was proposed in the application.

Anderson said the owner is open to removing uses the Planning Board does not find

desirable.

Kratochvil indicated he wanted to reduce the list of permitted uses and based on the public input, moved that the Planning Board recommend approval of the proposed rezoning of Lots 541-543, Ward 1, from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to PUD, Mixed-Use Planned Unit Development District, with the following conditions:

1. Permitted uses shall be limited to the following:
 - a. Single-Family Residences
 - b. Two-Family Residences
 - c. Multiple-Family Residences
 - d. Antique shops
 - e. Apparel Stores
 - f. Barber Shops
 - g. Beauty Shops
 - h. Blueprinting, desktop publishing and photocopying establishments
 - i. Book stores
 - j. Business and Professional Offices
 - k. Camera and Photographic Supply Stores
 - l. China and Glassware Stores
 - m. Electronic Stores
 - n. Florists Shops
 - o. Furniture Shops
 - p. Furniture Upholstering
 - q. Furrier Shops
 - r. Garden Shops
 - s. Gift Shops
 - t. Hobby Shops
 - u. Interior Decorating Shops
 - v. Jewelry Shops
 - w. Leather Goods and Luggage Stores
 - x. Optical Sales
 - y. Photography and Art Studios
 - z. Shoe Repair Stores
 - aa. Sporting Goods Stores
 - bb. Tailors
2. Exterior Lighting shall be downcast and full cutoff design.
3. 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.
4. All landscaping and irrigation shall be maintained in good condition.
5. Signs shall include one (1) ground sign and two wall signs, as proposed, and 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.

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

4. A PUBLIC HEARING TO AMEND THE FINAL DEVELOPMENT PLAN OF THE TOWNHOMES AT MILLER RANCH RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD), AND, REZONING THE PUD. THE PRESENT ZONING DISTRICT CLASSIFICATION IS: PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED CHANGE IS TO: PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT. THE PROPOSED AMENDMENT TO THE FINAL DEVELOPMENT PLAN WOULD ALLOW ADDITIONAL DWELLING UNITS TO CONSIST OF ONE (1) TWO-FAMILY RESIDENTIAL DWELLING UNIT AND ONE (1) SINGLE-FAMILY RESIDENTIAL DWELLING UNIT. (APPLICANT/OWNER: PURPLE PRIDE DEVELOPERS)

Ham stepped down from the Board due to a potential conflict of interest. Kratochvil served as acting chairperson.

Zilkie presented the Staff report, recommending approval with four (4) conditions.

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

Reynard moved that the Planning Board recommend approval of the proposed amendment of the Final Development Plan of The Townhomes at Miller Ranch and Ordinance No. 6254, and, the rezoning of a part of The Townhomes at Miller Ranch from PUD, Residential Planned Unit Development, to PUD, Residential Planned Unit Development, with AO, Airport Overlay District, based on the findings in the Staff Report, with the following four (4) conditions:

1. Permitted uses shall include single-family dwelling unit and two-family dwelling units.
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 and shall include 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.

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

5. A PUBLIC HEARING TO CONSIDER THE REZONING THE UNIVERSITY

**TERRACE CONDOMINIUM (UNIVERSITY TERRACE APARTMENTS)
FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD,
RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE
PROPOSED PUD WILL CONSIST OF FIVE (5) EXISTING APARTMENT
BUILDINGS AND TWO (2) NEW APARTMENT BUILDINGS, OFF-STREET
PARKING, LANDSCAPED AREAS AND OTHER IMPROVEMENTS.
(APPLICANT/OWNER: ELSEY PARTNERS)**

Ham rejoined the Board and Rolley stepped down from the Board due to a potential conflict of interest.

Zilkie presented the Staff Report, recommending approval with eight (8) conditions.

Chris Elsey, applicant, spoke in support of the staff recommendation.

Ham opened the Public Hearing.

Fred Fox (1531 University Drive) said he lives directly east of the project. He said he had one concern, that being the potential for additional drainage with the new construction. He said the underground detention would concentrate runoff in an area where it is currently very diffused. He asked that consideration be given to this issue.

Rob Ott said the proposal will improve peak flows and that he can have the applicant's engineer look at incorporating energy dissipaters on the outflow of the pipes to control erosion.

Ham closed the Public Hearing.

Hill moved that the Board recommend approval of the proposed rezoning of the University Terrace Condominium PUD from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, based on the findings in the Staff Report, with the following conditions:

1. The Permitted Use shall be a multiple-family residential condominium development.
2. A total of seven (7) multiple-family residential buildings, a maximum of 76 dwelling units, and 184 bedrooms shall be allowed in the development.
3. A minimum of 192 off-street parking spaces shall be provided.
4. Lights shall be downcast and full cut-off design.
5. 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.
6. All landscaping and irrigation shall be maintained in good condition.
7. The twenty-six (26) existing parking spaces in the College Avenue right-of-way shall be subject to an Agreement for Use of City Right-of-Way.
8. Signs shall include one (1) ground sign, as proposed, and 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.

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

6. REPORTS AND COMMENTS BY BOARD MEMBERS.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II