

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**October 16, 2006**  
**7:00 p.m.**

**MEMBERS PRESENT:** Harry Watts, Chairperson; George Ham; Jerry Reynard; Stephanie Rolley; Mike Kratochvil; Mike Hill; Mike Toy.

**MEMBERS ABSENT:** None.

**YOUTH IN GOVERNMENT:** Lindsay Doan; Sushu Wang.

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE OCTOBER 2, 2006, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF LIMEY POINTE, A COMMERCIAL PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED NORTH OF MCCALL ROAD AND EAST OF TUTTLE CREEK BOULEVARD INTERSECTION. (APPLICANT: ROBERT WELSTEAD – DIAL REALTY DEVELOPMENT CORP./OWNERS: CITY OF MANHATTAN; DIAL-MCCALL ROAD, LLC, A NEBRASKA LIMITED LIABILITY COMPANY).**
3. **APPROVE THE FINAL PLAT OF WESTERN HILLS ADDITION, UNIT FOURTEEN, GENERALLY LOCATED NORTH OF LONDONDRY DRIVE AND WEST OF THE CICO WATER TANK. (APPLICANT: TOM ABBOTT/Owners: ABBOTT/ANDERSON DEVELOPMENT COMPANY, INC. AND WESTERN HILLS LLC.)**

Kratochvil moved that the Board approve the Consent Agenda. Ham seconded the motion, which passed on a vote of 7-0, with Rolley abstaining on voting on the Minutes, as she was not present during that meeting.

**GENERAL AGENDA**

1. **TABLE A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF STONE POINTE ADDITION, UNIT TWO, A 103-ACRE TRACT TO**

**CONSIST OF SINGLE-FAMILY AND MULTIPLE FAMILY LOTS, AND A NEIGHBORHOOD COMMERCIAL LOT, ALL GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND POWERCAT PLACE, AND SOUTHEAST OF THE INTERSECTION OF SCENIC DRIVE AND HIGHLAND RIDGE DRIVE. (APPLICANT/OWNER: STONECREST LAND CO., LLC-ROGER SCHULTZ)**

Ham moved that the Board table the Public Hearing to the Monday, November 6, 2006, Manhattan Urban Area Planning Board meeting. Toy seconded the motion, which passed on a vote of 6-0 (Hill abstained).

2. **CONSIDER THE ANNEXATION 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 ON VETERANS' AFFAIRS)**
3. **A PUBLIC HEARING FOR A STATE OR MUNICIPALLY OWNED AND OPERATED PUBLIC UTILITY OR PUBLIC FACILITY FOR THE PROPOSED KANSAS VETERANS' CEMETERY GENERALLY LOCATED SOUTH AND WEST OF WILDCAT CREEK ROAD AND CORPORATE DRIVE INTERSECTION. (APPLICANT/OWNER: STATE OF KANSAS – KANSAS COMMISSION ON VETERANS' AFFAIRS)**
4. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE KANSAS VETERANS' CEMETERY GENERALLY LOCATED SOUTH AND WEST OF WILDCAT CREEK ROAD AND CORPORATE DRIVE INTERSECTION. THERE IS NO PRESENT ZONING DISTRICT CLASSIFICATION BECAUSE THE SITE WAS PART OF THE FORT RILEY MILITARY RESERVATION. THE PROPOSED ZONING IS TO: C-1, RESTRICTED BUSINESS DISTRICT WITH AO, AIRPORT OVERLAY DISTRICT. (APPLICANT: STATE OF KANSAS – KANSAS COMMISSION ON VETERANS' AFFAIRS)**

Zilkie presented the Staff Report for items #2, #3, and #4, recommending approval of each item.

Toy asked about maintenance responsibility. Zilkie said the State would be responsible.

Ken Kallenbach, the applicant's consultant, said the same consulting team was involved with this proposal as with three other similar cemeteries in Kansas. Kallenbach said they have taken care of the neighbors' concerns regarding drainage, traffic, and water quality.

Watts opened the Public Hearing.

Mrs. Bob McWhorter (5226 Wildcat Creek Road) said her family is on their own private water well. McWhorter said she was looking for reassurance that the proposal would not affect their water supply. She asked if the zoning of her property would be affected.

Zilkie said the zoning of her property would not be affected.

Kallenbach said he was convinced that the proposal would not impact the water supply for Ms. McWhorter. He indicated they were aware of the private wells east of the cemetery site and they had done geologic studies of the ground water in the area, which indicated that the cemetery site has no ground water present to transfer nitrates from the cemetery to the private water wells located farther to the east. The lack of ground water is why they are asking for annexation and city serves for the site.

George Webb, Director of the Kansas Commission on Veterans' Affairs, the applicant, said they would be good neighbors to the area, as they are at their other sites around the state.

Lana Oleen provided background on the senate bill she had introduced regarding the funding of the Veterans' Cemetery. She indicated that it took two acts of Congress to secure the site and that the state would maintain the site once it is constructed.

Dick Jepson indicated he had worked on the Veterans' committee and said the site will be well taken care of.

Watts closed the Public Hearing.

Kratochvil moved that the Board recommend approval of the annexation of Kansas Veterans' Cemetery, based on conformance with the Manhattan Urban Area Comprehensive Plan, the Growth Vision, and the Capital Improvements Program (CIP). Reynard seconded the motion, which passed on a vote of 7-0.

Hill moved that the Board recommend approval of the proposed rezoning of the Kansas Veterans' Cemetery, to C-1, Restricted Business District with AO, Airport Overlay District, based on the findings in the Staff Report. Reynard seconded the motion, which passed on a vote of 7-0.

Kratochvil moved that the Board find that the public interests to be served by the proposed Municipal Facility outweigh the impacts upon the legitimate community interests and recommend approval of a proposed Kansas Veteran's Cemetery, based on the findings in the Staff Report, with the three conditions of approval recommended by City Administration. Reynard seconded the motion, which passed on a vote of 7-0.

5. **TABLE A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT (PRELIMINARY AND FINAL PLATS) OF THE KANSAS VETERANS' CEMETERY ADDITION, AN APPROXIMATE 90-ACRE TRACT OF LAND GENERALLY LOCATED SOUTH AND WEST OF WILDCAT CREEK ROAD AND CORPORATE DRIVE INTERSECTION. THE CONCURRENT PLAT WILL CONSIST OF ONE LOT FOR THE CEMETERY. (OWNER/APPLICANT: STATE OF KANSAS – KANSAS COMMISSION ON VETERANS' AFFAIRS)**

Zilkie indicated the plats needed to be tabled to allow time for completion of some minor corrections.

Ham moved that the Board table the Public Hearing for the Concurrent Plat to the Monday, November 6, 2006, Manhattan Urban Area Planning Board.

Rolley seconded the motion, which passed on a vote of 7-0.

6. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT OF THE K-MART PLANNED UNIT DEVELOPMENT (PUD), GENERALLY LOCATED AT 401 E. POYNTZ AVENUE, TO ADD ALL OF THE PERMITTED USES OF THE C-2, NEIGHBORHOOD SHOPPING DISTRICT, INCLUDING FARM AND RANCH SUPPLY STORES, FABRIC STORES, FINANCIAL SERVICES, AND OFFICE SUPPLY STORES; TO ALLOW PERMANENT AND TEMPORARY DISPLAY AND STORAGE OF MERCHANDISE AND GOODS IN THE PARKING LOT IN A SCREENED OUTDOOR STORAGE AREA, AND AT ANY OTHER OUTDOOR LOCATION, OTHER THAN THE PARKING LOT, ON A TEMPORARY OR SEASONAL BASIS; AND, TO MODIFY THE APPROVED OFF-STREET PARKING AND LANDSCAPING PLANS. (APPLICANT/OWNER: EAST MANHATTAN DEVELOPERS, L.C. – STEVEN R. STRUEBING).**

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

Zilkie presented the Staff Report, recommending approval. Zilkie noted that the applicant modified the plan earlier this afternoon and withdrew that part of the Amendment concerning the storage area associated with the vacant grocery store building.

Kratochvil questioned whether the applicant should resubmit after making the changes to the plan.

Kratochvil asked for clarification that the PUD was being amended to add C-2 uses. Zilkie said that was true, that it was not very common for a PUD to permit only two uses.

Steven Struebing, a principal with East Manhattan Developers, said the former Food-

4-Less space is not going to be a grocery store so they are proposing to add other compatible uses that could move into that space. Struebing apologized for the late plan changes related to the removal of the storage area.

Watts asked whether there was not enough room on the side of the K-Mart building for the storage area to avoid having storage in the parking lot.

Hill questioned whether there was some way to ensure that the building façade would be enhanced when new tenants move in. Struebing said the PUD would come back before the Board for significant façade improvements.

Reynard asked about shared parking and cross-parking easements with the adjacent shopping center.

Rolley suggested that the Board delay considering the list of uses, and only look at the proposed amendments regarding outdoor storage and parking.

Struebing asked if every use is specified within Seth Child Commons. Zilkie said Seth Child Commons permits all of the permitted and conditional uses of the C-2 District.

Watts opened the Public Hearing.

Chris Curtin (Overland Park, KS), managing partner of Town East Center, said he feels there are more questions than answers with the project. Curtin said the issue with cross easements needs to be resolved. Curtin said his engineering consultants, BG Consultants, determined there to be a 30% parking deficiency within the shopping center. Curtin said he has made a large investment based on the assurance that there would be a large discount store and a large grocery store in the center. Curtin suggested the item be tabled to allow more time to resolve these issues.

Struebing said Curtin should have understood there was a risk in making an investment dependent on there always being a discount and grocery store. Struebing said it was unrealistic to think the space would always be a grocery store. Struebing said they are merely requesting the same uses that are permitted within the Town East Center.

Kratochvil said he was in favor of having applicant come back when he has clients in hand before considering an amendment to the list of uses.

Ham said he agreed with Kratochvil.

Hill said he does not want to stifle development and wants to see some improvements made. Hill said he would prefer to have applicant come back with tenants and plans all at once.

Reynard said he wants to give the applicant the flexibility to attract clients. Reynard

said he wants to see parking access issues worked out.

The Board discussed tabling the item until the applicant had located tenants and resolved issues related to the travel easements and parking.

Rolley said tabling the item would create a holding pattern that is unnecessary. Rolley moved to deny the proposed Amendment of the K-Mart Planned Unit Development, and Ordinance No. 4635, based on questions related to off-street parking, circulation and the size of the outdoor storage areas.

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

**7. A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED HERITAGE SQUARE SOUTH COMMERCIAL DEVELOPMENT, AN APPROXIMATE 32.5-ACRE TRACT OF LAND GENERALLY LOCATED 3,600 FEET EAST OF THE MANHATTAN CITY LIMITS ON US HIGHWAY 24, FROM POTTAWATOMIE COUNTY CH, COMMERCIAL HIGHWAY ZONING DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT. THE ADJOINING PORTION OF US 24 HIGHWAY IS INCLUDED WITH THE PROPOSED REZONING. (APPLICANT/OWNER: HERITAGE SQUARE LAND CO. LLC - ROGER SCHULTZ)**

Toy rejoined the Board.

Zilkie presented the Staff Report, recommending approval with conditions as per the Staff Report.

Kratochvil asked why the City was considering an island annexation. Zilkie explained that the applicant has requested annexation for provision of utility services.

Rolley asked about the height of the pole signs, questioning is they would be seen. Zilkie discussed the challenge of providing signage on the rear lots and explained the signage limitations recommended by City Administration.

Roger Schultz, applicant, noted there had been some issues with signage. He said the pole signs would be 600-700 feet away from the highway and it is important to have pole signs for visibility. He said directory signs with business names are only proposed on Lot 9 for Heritage Commons.

Fred Gibbs, BG Consultants, said the proposed height and size of the pole signs is the maximum of what is permitted in the C-5 District.

Tom Arpin, BG Consultants, presented a slideshow of the Heritage Commons portion of the PUD, located on Lot 9, describing the materials and architecture of the building. He indicated this central retail building will be the showcase for the whole

development. He also presented a vision study of the proposed pole signs in relation to the highway and proposed buildings in front.

The Planning Board asked questions regarding wall signs; service areas and dumpster access; and traffic circulation. Schultz indicated they may allow logos with the walls signs and that service areas and employee parking were at the rear.

Kratochvil asked about the traffic coming into this project from Highway 24, and questioned whether there had been discussion with Pottawatomie County about extending the frontage road.

Robert Ott, City Engineer, indicated there has been discussion with the County and KDOT regarding the necessary traffic improvements along US 24 and that the County is planning to do a corridor study. He indicated there will be double left turn lanes with substantial stacking and that some of the existing median crossings will be eliminated to improve safety.

Schultz indicated the main entrance would be similar to the Seth Child Commons PUD entrance.

Watts opened the Public Hearing.

Dee R. Ross said city tax dollars are helping to support this project. Ross made accusations of the project being a “underhanded situation” with the “appearance of collusion and possible corruption”. Ross suggested that any decision be delayed until there is an investigation and until it was in Manhattan’s jurisdiction.

Schultz said he wished to address Mr. Ross’ “many misstatements”. Schultz said the project has gone through the appropriate channels for approval.

Kratochvil asked about the petition to incorporate Green Valley that will be considered by the Pottawatomie County Commissioners. Cattell said the incorporation is not an issue tonight and that the Planning Board is merely responding to a rezoning application from a property owner. The County Commission will need to address the incorporation issue.

Toy moved that the Board recommend approval of the proposed rezoning of Heritage Square South (which includes the adjoining portion of US 24 Highway right-of-way) from CH, Commercial Highway Zoning District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the following eleven (11) conditions recommended by City Administration:

1. Permitted uses shall include all of the Permitted Uses and Conditional Uses allowed in the C-5, Highway Service Commercial District, except for Adult Businesses and Commercial off-street parking lots as a Principal Use. Additional Permitted Uses include: Antique shops; Apparel stores; Blueprinting, desktop publishing, and photocopying establishments; Book stores; Camera and

- photographic supply stores; Carpet and rug stores; China and glassware stores; Department stores; Farm and ranch supply stores; Florist shops; Furrier shops; Governmental buildings; Hardware stores; Hobby shops; Motel; Medical clinic; Outdoor seating for restaurants; and Tavern.
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. Light poles shall be provided as described in the application documents. Exterior building lighting shall be provided as proposed and be of a cut-off design, so as to not cast direct light or glare onto streets or adjacent property.
  5. Ground Signs shall be permitted and constructed as proposed.
  6. Wall signs shall be permitted as proposed.
  7. One (1) pole sign shall be permitted per lot on Lots 6, 7, 8 and 10, and no pole signs shall be permitted on Lots 1, 2, 3, 4, 5 and 9. Pole signs shall have a maximum total height of 30 feet above the ground; shall not exceed a maximum total 120 square feet in area; and shall include skirting of the pole. The skirting and the base of pole signs shall include materials and architectural quality similar to those of the associated principal building such as brick, stone and/or stucco; and, pole signs shall include an enhanced landscaped area around the base.
  8. Exempt signage shall be permitted as 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. Temporary sales aids and portable signs, as described in Article VI, Signs, of the Manhattan Zoning Regulations, shall be prohibited.
  9. Traffic and drainage improvements to US 24 shall be provided as required by the Kansas Department of Transportation, and the applicant shall submit with the Final Plat either the approved access permit, or a letter from a KDOT representative authorizing the project based on the approved concept.
  10. Drainage improvements shall be provided as proposed in the application documents and as per the City Engineer's requirements.
  11. An amendment(s) of the PUD shall be submitted for review and approval, prior to issuance of any necessary permits for development on Lots 2, 3, 4, 5, 7, 8 and 10.

Ham seconded the motion.

Hill introduced a friendly amendment that Conditional #7 be modified to read that "pole signs shall have a maximum total height of 50 feet above the ground", rather than "...30 feet above the ground" suggested in the Staff Report.

Toy and Reynard accepted the friendly amendment.

Reynard said he did not see the need for tall pole signage because the site will have such a high degree of visibility as it is. He thought 30 foot poles would be better.

Hill asked about the size limits within Limey Pointe. Cattell said those signs have a maximum height of 30 feet and 200 square feet in area. He said the recommendation in the staff report for 120 square feet was based on what was shown in the PUD



application for Tractor Supply.

Schultz said 120 square feet would be acceptable to him.

Hill said while he generally prefers shorter pole signs, he would support the amended motion for this site.

Ham agreed with Hill, given the distance of the rear lots from the highway.

On a vote, the amended motion that modified Condition # 7, passed 7-0.

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

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II