

**MINUTES**  
**MANHATTAN URBAN AREA PLANNING BOARD**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**May 21, 2007**  
**7:00 p.m.**

**MEMBERS PRESENT:** Mike Kratochvil, Acting Chairperson; Stephanie Rolley; Jerry Reynard; Mike Hill; Bill Meredith.

**MEMBERS ABSENT:** George Ham.

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

**OPEN PUBLIC COMMENTS**

No one spoke.

**CONSENT AGENDA**

1. **APPROVE THE MINUTES OF THE MAY 7, 2007, MANHATTAN URBAN AREA PLANNING BOARD MEETING.**
2. **APPROVE THE FINAL PLAT OF THE VILLAS AT LIBERTY PARK, A REPLAT OF LOTS 147-181, AND TRACTS D AND E, MILLER RANCH ADDITION, UNIT THREE, GENERALLY LOCATED WEST OF THE INTERSECTION OF BRADFORD TERRACE AND AMHERST AVENUE, AND PEACHTREE CIRCLE AND AMHERST AVENUE. (OWNER/APPLICANT: WILDCAT LAND CO., LLC-SAM AND MALINDA ODLE)**

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

**GENERAL AGENDA**

1. **TABLE A PUBLIC HEARING TO CONSIDER THE CONCURRENT PLAT OF THE PURPLE WAVE ADDITION GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF US HIGHWAY 24 AND LEVEE DRIVE, 825 LEVEE DRIVE. THE CONCURRENT OF THE PROPOSED PURPLE WAVE ADDITION, A PRELIMINARY AND FINAL PLAT, WHICH WILL CONSIST OF PROPOSED LOT 1 FOR ONE (1) PROPOSED HIGHWAY COMMERCIAL LOT. THE FINAL PLAT ALSO INCLUDES LOT 2 OF MANHATTAN INDUSTRIAL PARK (OWNER/APPLICANT: PURPLE WAVE HOLDINGS, LLC-AARON MCKEE )**

Rolley moved that the Board table the Public Hearing to July 16, 2007, to allow the applicant time to submit revisions proposed by the applicant. Hill seconded the motion, which passed on a vote of 5-0.

2. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE 1125 WATERS STREET GENERALLY LOCATED FROM C-5, HIGHWAY SERVICE COMMERCIAL DISTRICT, TO R, SINGLE-FAMILY RESIDENTIAL DISTRICT. (OWNER/APPLICANT: JANICE AND LELAND REITZ)**

Zilkie presented the Staff Report, recommending approval.

Janice Reitz (3009 Claflin Road) said they had purchased the property when it was Big Lakes Pre-School. They had since rented it out to a church before the building ran into code issues due to not having enough restrooms. Reitz said they want to convert the structure into a single-family home. Reitz said they are responsible landlords and will keep up the property.

Kratochvil opened the Public Hearing.

Bill Loucks (3109 Shaffer Street) said he lives next door and strongly supports the proposal.

Therese Miller (1911 Bluehills Road) spoke representing the Ed Schram Trust, which owns the car lot directly to the west of the subject property. Miller said it is not in their best interest for the property to be down-zoned as it may lead to a conflict of uses. Miller said future homeowners will not likely be happy to live next door to a car lot.

Kratochvil closed the Public Hearing.

Rolley moved that the Board recommend approval of the proposed rezoning 1125 Waters Street from C-5, Highway Service Commercial District, to R, Single-Family Residential District, based on the findings in the Staff Report

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

3. **A PUBLIC HEARING TO CONSIDER THE REZONING OF COLLEGIATE MARKETING SERVICES PUD FROM C-4, CENTRAL BUSINESS DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, ON AN APPROXIMATE ONE (1)-ACRE TRACT OF LAND GENERALLY LOCATED AT 116 S. 4<sup>TH</sup> STREET, WHICH IS ON THE NORTHWEST CORNER OF S. 4<sup>TH</sup> STREET AND HOUSTON STREET. THE PROPOSED DEVELOPMENT WILL CONSIST OF INCLUDE ALL OF THE PERMITTED USES OF THE C-4, CENTRAL BUSINESS DISTRICT, AND THE MANUFACTURING, WAREHOUSING AND DISTRIBUTION OF TEXTILE APPARELS. AN EXISTING OFF-STREET PARKING AREA TO THE WEST OF THE BUILDING IS INCLUDED IN THE PROPOSED PUD. (OWNER: TILLMAN PARTNERS LP/APPLICANT: COLLEGIATE MARKETING SERVICES, INC. - STEVE BALLARD)**

Reynard moved that the item be removed from the table. Hill seconded the motion, which passed on a vote of 5-0.

Zilkie presented the Staff Report, recommending approval with conditions.

Meredith asked about required parking. Zilkie clarified how parking had been evaluated based on the proposed use.

Brent Bowman of Bowman, Bowman & Novick Inc. spoke as representative of the applicant. Bowman offered to answer questions.

Hill asked whether Bowman thought the light industrial use blended with the downtown and contributed towards keeping the downtown vital. Bowman said he would not want to see this type of use occupying surface space.

Kratochvil opened the Public Hearing.

Hill asked whether Collegiate Marketing Services would also have retail sales in the building. Steve Ballard, the applicant, said there would not be retail sales associated with this particular business but that other retailers would continue to occupy the sidewalk level space.

With no one else speaking, Kratochvil closed the Public Hearing.

Hill moved that the Board recommend approval of the proposed rezoning of the Collegiate Marketing Services PUD from C-4, Central Business District, to PUD, Planned Unit Development District, with the conditions:

1. Permitted Uses shall include all of the Permitted Uses of the C-4, Central Business District, and the Manufacturing, Warehousing and Distribution of Textile Apparels.

2. The first floor of the building shall be for the Permitted Uses of the C-4 District and a shipping/receiving area.
3. The Manufacturing, Warehousing and Distribution of Textile Apparels shall be limited to the basement.
4. A minimum of forty (40) off-street parking spaces shall be provided.
5. Signs shall conform to the requirements of Article VI of the Manhattan Zoning Regulations, Section 6-205, C-4, Central Business District.
6. The dumpster area shall be screened with a brick enclosure at least six (6) feet in height, with brick that matches or is compatible to brick on the existing building.
7. Landscaping shall be provided in traffic islands along Houston Street.
8. Landscaping shall be maintained in good condition.
9. A landscaping and irrigation plan shall be provided with the Final Development Plan.
10. 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.

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

4. **CONSIDER THE ANNEXATION OF A 152-ACRE TRACT OF LAND CONSISTING OF LEE MILL HEIGHTS ADDITION, UNIT FOUR GENERALLY LOCATED WEST OF AN EXTENSION OF MILLER PARKWAY, AND LEE MILL VILLAGE RESIDENTIAL PLANNED UNIT DEVELOPMENT GENERALLY LOCATED NORTH OF AN EXTENSION OF S. WREATH AVENUE. (OWNER/APPLICANT: SSF DEVELOPMENT, LLC-ROGER SCHULTZ)**
5. **A PUBLIC HEARING TO CONSIDER THE REZONING OF THE PROPOSED LEE MILL HEIGHTS ADDITION, UNIT FOUR, GENERALLY LOCATED, FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT TO R, SINGLE-FAMILY RESIDENTIAL DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT; AND R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT, WITH AO, AIRPORT OVERLAY DISTRICT. (OWNER/APPLICANT: SSF DEVELOPMENT, LLC-ROGER SCHULTZ)**
6. **A PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT OF THE LEE MILL HEIGHTS ADDITION, UNIT FOUR, AN APPROXIMATE 115-ACRE TRACT OF LAND GENERALLY LOCATED WEST OF AN EXTENSION OF MILLER PARKWAY. THE PRELIMINARY PLAT IS PROPOSED TO CONSIST OF APPROXIMATELY 187 LOTS, CONSISTING OF 185 SINGLE-FAMILY LOTS AND TWO (2) MULTIPLE-FAMILY LOTS. (OWNER/APPLICANT: SSF DEVELOPMENT, LLC-ROGER SCHULTZ)**

Rolley stepped down due to a conflict of interest.

Zilkie presented the Staff Reports for items #4, #5, and #6, recommending approval for each item.

Kirk Hoke, Schwab-Eaton, spoke representing the applicant. Hoke said the development would avoid wetlands. Hill asked Hoke about the extension of Miller Parkway.

Tim Schultz, SSF Development, described how they are mixing residential densities, including some multi-family buildings and smaller lots for smaller homes.

Kratochvil closed the Public Hearing.

Hill moved that the Board recommend approval of the annexation of the proposed Lee Mill Heights, Unit Four, and Lee Mill Village Residential Planned Unit Development, 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 (CIP).

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

Hill moved that the Board recommend approval of the rezoning of the proposed Lee Mill Heights Addition Unit Four from County G-1, General Agricultural District, to R-1, Single-Family Residential District, with AO, Airport Overlay District; R-3, Multiple-Family Residential District, with AO, Airport Overlay District; and, R-3, Multiple-Family Residential District, based on the findings in the Staff Report.

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

Hill moved that the Board recommend approval of the Preliminary Plat of Lee Mill Heights Addition, Unit Four, based on conformance with the Manhattan Urban Subdivision Regulations, and two Variations of the Subdivision Regulations, with the following conditions applicable to the Preliminary Plat:

1. Street names on the Final Plat shall not conflict with existing street names or street names, which have a similar sound, based on Section 10-204 (A) and (B).
2. Fire hydrant placement in proposed Christian Circle shall be provided subject to placement requirements of the Manhattan Fire Department based on Section 10-107.
3. Prior to submittal of the Final Plat, a determination shall be made by the Corp of Engineers regarding the proposed wetland on Lots 60 and 124 based on Section 10-107 (H).
4. Final design of the Travel Easement shall be subject to approval by the Public Works Department based on Section 10-206.

5. Maintenance responsibilities of the Travel Easement shall be subject to approval by the Public Works Department based on Section 10-206.
6. Prior to submission of the Final Plat, the applicant and Parks and Recreation Department shall determine if provision of a pedestrian easement is necessary along the southern portions of any of Lots 4, 5, 14 and 15, to accommodate the extension of the proposed Military Trail pedestrian route.

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

7. **A PUBLIC HEARING TO CONSIDER THE REZONING OF LEE MILL VILLAGE PUD FOR AN APPROXIMATE THIRTY ONE (31)-ACRE TRACT OF LAND GENERALLY LOCATED NORTH OF AN EXTENSION OF S. WREATH AVENUE FROM COUNTY G-1, GENERAL AGRICULTURAL DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT, AND AO, AIRPORT OVERLAY DISTRICT. THE PROPOSED PUD WILL CONSIST OF FIFTY-TWO (52), FOUR-FAMILY TOWNHOME DWELLING UNITS, OR TWO HUNDRED AND EIGHT (208) TOTAL DWELLING UNITS, COMMON AREAS, PLAY AREAS, POOL, OFF-STREET PARKING, LANDSCAPING, AND OTHER ACCESSORY STRUCTURES (OWNER/APPLICANT: LEE MILL LAND COMPANY - ROGER SCHULTZ)**

Zilkie presented the Staff Report, recommending approval.

Kirk Hoke, Schwab-Eaton, said he believes the parking provided will be adequate. Hoke said the townhomes will be marketed heavily towards Fort Riley and not towards KSU students. Hoke discussed the future connection between Wreath Avenue and the property to the west.

Hill asked when a decision would be made about the connection. Hoke said the decision would have to be made soon but not at this time.

Jud Gladin, Schwab-Eaton, described the landscaping.

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

Meredith moved that the Board recommend approval of the proposed rezoning of Lee Mill Village from County G-1, General Agricultural District, to PUD, Residential Planned Unit Development District, with the following conditions:

1. Permitted uses shall include two hundred and eight (208) townhouse 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. Two ground entry signs shall be permitted, as proposed. Support columns, base and caps shall be constructed of masonry and cultured stone. 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 shall also be permitted.
5. If patio areas are provided, the Final Development Plan shall show the patios, landscaping, and any fencing, along both sides of S. Wreath Avenue, to ensure effective buffering and/or screening is provided.
6. Lighting shall be a full cut-off design.

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

**8. A PUBLIC HEARING TO CONSIDER THE REZONING OF BARTON PLACE ADDITION PUD FROM R, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO PUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPOSED PUD WILL CONSIST OF EIGHT (8) SINGLE-FAMILY RESIDENTIAL LOTS AND COMMON AREA. (OWNER/APPLICANT: CEDAR HILLS DEVELOPMENT – FRANK TILLMAN)**

Zilkie presented the Staff Report, recommending approval.

Kratochvil asked about access to Lots 6, 7 and 8. Zilkie said there will be curb cuts off Wreath Avenue.

Kratochvil asked about individual house plans being reviewed. Zilkie said that is typically the procedure with Planned Unit Developments. Zilkie said the plans would be reviewed in terms of the restrictive covenants.

Kratochvil asked about maintenance of the long cul-de-sac. Zilkie said the road would be maintained by the homeowner's association.

Zilkie and Rob Ott explained the two options for road connections to the west.

Frank Tillman, applicant, discussed the high cost of putting in the road connection on his property due to the amount of rock that would have to be cut. Tillman said it would be ten times more expensive to put the road connection on his property than an alternative route.

Kratochvil opened the Public Hearing.

Rod Harms (3773 Anderson Avenue) said he lives on the 130 acre tract directly to the west of the subject property. Harms said he is not in the position to say which would be the better connection but that some east-west access is necessary. Harms said he considers the northern, Barton Place connection to be a more logical connection because it would provide access to more land. Harms said he does not have an

opinion as to when or how it would be paid for.

Tim Schultz, SSF Development, responded to some assertions made regarding the future road connection. Schultz said they did offer access across their property for the east-west connection, but only if no other alternatives were available. Schultz said it would not be ten times less expensive to put the road connection across their property, and that it would be expensive for them as well. Schultz said both routes are difficult, rocky areas but that it would probably be best to go with the route that hits the middle of the adjacent property.

Kratochvil closed the Public Hearing.

Hill asked what effect approving the PUD would have with respect to the future road connection. Zilkie said to approve the PUD as recommended by City Administration would create 60 feet of right-of-way for a potential future connection.

Hill moved that the Board recommend approval of the proposed rezoning of the Barton Place Addition from R, Single-Family Residential District, to PUD, Residential Planned Unit Development District, with the conditions:

1. Permitted Uses shall be limited to detached single-family residential dwelling units.
2. An Agreement Creating a Restrictive Covenant on Real Estate between the City and Cedar Hills Development Corporation concerning maintenance of Barton Lake and the dam shall be filed with the Final Plat.
3. An Agreement Creating a Restrictive Covenant on Real Estate between the City and Cedar Hills Development Corporation concerning maintenance of the force main shall be filed with the Final Plat.
4. The applicant's consultant shall complete all tasks as stated in the conclusion of the Barton Place Drainage Report, dated June 2006, that the lake will provide the necessary detention. Tasks shall be completed with the submittal of street and storm water plans, subject to approval by the Public Works Department.
5. A sixty (60) foot wide public right-of-way shall be provided to the western boundary of the PUD to ensure future abutting subdivisions are connected.
6. Prior to construction of the gate, all emergency service providers shall approve the design of the gate.
7. Wetlands associated with Barton Place Addition will be subject to the requirements of the Corps of Engineers.
8. 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.
9. All landscaping and irrigation shall be maintained in good condition.
10. Exempt signage shall be permitted as described in Article VI, Section 6-104 (A)(1),(2),(4), and (7), of the Manhattan Zoning Regulations.



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

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

There being no other business, the meeting was adjourned.

Respectfully submitted,

Cam Moeller, Planner II