



**MINUTES**  
**MANHATTAN BOARD OF ZONING APPEALS**  
**City Commission Room, City Hall**  
**1101 Poyntz Avenue**  
**Wednesday, March 14, 2018**  
**7:00 PM**

MEMBERS PRESENT: Harry Hardy, Chairperson; Connie Hamilton, Vice Chairperson; Brandi Nelson; and La Barbara Wigfall

MEMBERS ABSENT: Angie Danner

STAFF PRESENT: Carol Davidson, Senior Planner; Doug May, Planner, Shauna Laauwe, Planner II

**CONSIDER THE MINUTES OF THE FEBRUARY 14, 2018, BOARD OF ZONING APPEALS MEETING.**

Wigfall noted corrections to page 7 in the last line of Wigfall's discussion; model should be changed to remodel, and on page 11; Hamilton closed the public hearing, not Hardy.

Hamilton noted a correction on page 11 in the first line of Hamilton's discussion; descending should be changed to dissenting.

Wigfall moved to approve the February 14, 2018 minutes as corrected, which was seconded by Hamilton and passed with a vote of 4 – 0.

**CONSIDER A REQUEST FOR A 180-DAY EXTENSION OF AN APPROVED EXCEPTION TO ALLOW FOR A REDUCTION OF THE FRONT YARD SETBACK FROM TWENTY-FIVE (25) FEET TO ZERO (0) FEET FOR A PROPOSED PRIVACY FENCE ADJACENT TO AN UNDEVELOPED SIXTY (60)-FOOT PUBLIC RIGHT-OF-WAY; AND AN APPROVED EXCEPTION TO ALLOW FOR PARKING IN THE FRONT YARD SETBACK WITHIN A PROPOSED PARKING LOT ABUTTING AN UNDEVELOPED SIXTY (60)-FOOT PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE C-1, RESTRICTED BUSINESS DISTRICT, LOCATED AT 1133 COLLEGE AVENUE. (APPLICANT/OWNER: MANHATTAN MEDICAL CENTER, INC – BOB DIEBALL)**

**FILE NO. EXC-17-070**

Wigfall commented that based upon the information the board received about this request, it seemed reasonable.

Wigfall moved to approve the request, which was seconded by Hamilton and passed with a vote of 4 – 0.

**A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE UNDER THE TERMS OF THE MANHATTAN ZONING ORDINANCE OF THE CITY OF MANHATTAN, KANSAS, TO ALLOW FOR A SMALL TELECOMMUNICATIONS SUBSTATION, LOCATED WITHIN A C-2, NEIGHBORHOOD SHOPPING DISTRICT, LOCATED AT 1135 WESTPORT DRIVE. (APPLICANT: RODNEY M SACRIDER – WTC COMMUNICATIONS, OWNER: BBX, LLC)**

**FILE NO. CUP-18-003**

May presented the staff report, which recommended approval with two conditions of approval.

Wigfall asked if vehicular access to the facility is necessary in addition to the pedestrian path and surrounding parking lot.

May responded that the facility will be located so close to the existing parking lot and with the addition of the gravel path; any service vehicle could park there.

Hardy opened the public hearing.

There was no public input.

Hardy noted that the applicant was present for the hearing.

Hardy closed the public hearing.

Hamilton commented that the staff report was well done and made the application very clear. She stated that she can support this for the reasons stated in the staff report and does not have a problem with the request.

Hamilton made a motion to approve a CONDITIONAL USE under the terms of the Manhattan Zoning Ordinance of the City of Manhattan, Kansas, to allow for a small telecommunications substation, located within a C-2, Neighborhood Shopping District, located at 1135 Westport Drive, with the following conditions of approval:

1. All applicable permits shall be obtained.
2. The substation shall be constructed as proposed in the application documents.

Wigfall seconded the motion, which passed 4 – 0.

The Board made the following findings of fact for the CONDITIONAL USE at 1135 Westport Drive:

**PRESENT USE:** Office building

**COMPLIANCE WITH ALL APPLICABLE REGULATIONS:** The subject property is currently compliant with all applicable regulations.

**PROBABLE EFFECT ON ADJACENT PROPERTIES:** The proposed substation is not anticipated to have any adverse effects on adjacent properties. The proposed structure is small, roughly the size of a one-car garage. The substation will not emit any noise, smells, or vibrations. The structure will only contain electric telecommunications equipment that must be protected from the elements.

The subject property is zoned C-2, Neighborhood Shopping District, as are all directly adjacent properties. To the southwest of the subject property is the Westloop Shopping Center PUD, which contains the directly abutting businesses of Jo-Anns Fabrics and Crafts, Sun Tan City, Little Apple Brewing Company, and Bellus Academy. Other businesses in the neighborhood include The Fellow co-working space, Willie's Car Wash, Krispy Clean Laundromat, and a State Farm Insurance office. The surrounding neighborhood is entirely commercial. Most of the businesses along Westport sit at a much higher grade than the Westloop Shopping Center to the west.

The applicants held the neighborhood meeting, as required by the Conditional Use application process on January 24<sup>th</sup>, but no one attended.

**DOMINATION BY USE OVER NEIGHBORING PROPERTIES:**

**1. LOCATION, NATURE, AND HEIGHT OF PHYSICAL IMPROVEMENTS:**

The proposed structure will measure twelve (12) feet wide by twenty-five (25) feet long and approximately ten (10) feet tall, and will be built out of precast concrete. The structure will feature a door on the east side and a door on the south side and a gravel path around the perimeter. The west side will feature two windows. The proposed structure will be located in the southwest corner of the property, to the west of the existing parking lot. The structure will be setback seventeen (17) feet from the south (side) property line and setback approximately twenty-six (26) feet from the west (rear) property line.

- 2. LANDSCAPING AND SCREENING:** No new landscaping is proposed for this structure. The building itself is proposed to be built in the rear of the lot, and will not be visible from the street. Additionally, a fence is proposed around the north and south sides. There is thick vegetation consisting of cedar trees and shrubs along the rear lot line. The site slopes down to the southwest significantly, so it should not be clearly visible from the properties to the west of the subject property.

**ADEQUATE PROVISION OF PARKING AND LOADING:** The site contains an existing parking lot with thirty-five (35) parking spaces, which is adequate for the existing use of the building. However, because the proposed use will not be a manned facility, no additional parking is required.

**ADEQUATE PROVISION OF DRAINAGE, AND OTHER PUBLIC UTILITIES:** The site contains a twelve (12) foot wide utility easement across the rear (west) property line and the westernmost sixty (60) feet of the south property line. However, the proposed structure

will maintain five (5) feet of separation between the easement and the structure. Additionally, there is an existing telecom structure located just to the south of the subject property

**ADEQUATE PROVISION OF ACCESS:** The site is accessed from a driveway off of Westport Drive on the east side of the property. The driveway leads to a parking lot that surrounds the existing structure on the north and west sides. The substation itself will be accessed by a gravel pedestrian path from the southwestern corner of the parking lot.

Hardy adjourned the meeting at 7:13 p.m.

Respectfully submitted by,  
Lesley Frohberg, Planning Intern